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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

SENATE—*Friday, December 12, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Creator Spirit, renew us in the depth and fullness of our being, as we offer our service to Thee this day. Give us hearts to love Thee, minds to know Thee, voices to speak for Thee, hands to serve Thee. Work in and through us Thy will for this Nation. When the evening comes grant us a good conscience, the assurance of work well done, Thy grace in our hearts, and the sleep of those who are righteous in Thy sight.

In the name of Him for whose advent we make ready. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 11, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SERVICE OF SENATOR WILLIAMS OF DELAWARE AS A CONFEREE ON THE TAX BILL

Mr. SCOTT. Mr. President, in the colloquy at the end of debate on the tax bill yesterday, the distinguished senior Senator from Delaware (Mr. WILLIAMS), who had worked so very long, so very hard, and faithfully on the bill, requested release from service as a conferee.

There was a disposition among other Senators to object to the unanimous-consent request at the time. I discouraged that, because I felt it might be misunderstood as indicating some sort of opposition to the distinguished Senator's request. However, the purpose, of course, was obvious to us. It was an intention to express the desire of many Members of the Senate that Senator WILLIAMS indeed serve on the committee. His expertise is unquestioned. His commitment to a responsible fiscal policy is nationally recognized. His knowledge of the intricate details of the bill and his ability to follow the winding Indian trails of tax terminology are unparalleled in this body.

So I express what I strongly believe would be the view of most Members of the Senate on both sides of the aisle, and that is to urge the distinguished Senator from Delaware to reconsider, to give the Senate, Congress, and the country the benefit of his abilities. I am sure that we in the Senate know our own individual responsibilities so well that we would not expect him to be slavishly bound by every action of the Senate, but we will be the better off if he will serve and will exercise his own judgment on each and every item of the tax bill.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield.

Mr. MANSFIELD. Mr. President, I want to join with the distinguished Republican leader in a plea to the distinguished senior Senator from Delaware (Mr. WILLIAMS) to reconsider his request that he not be named a conferee, and that he undertake the responsibility which a conference would entail, if he would do so.

There is no man in whom I have greater confidence than the distinguished Senator from Delaware. I know that he has been consistent; and while consistency is not always a jewel, nevertheless, it is a virtue which stands up under duress and which marks a man for what he is—a man of dedication, a man of integrity, a man of great fiscal knowledge.

I believe that the Senator from Delaware was the only Member of the Senate during the 13 days of debate on the tax bill who did not vote for any amendment which was not mutually agreeable and acceptable and noncontroversial to both sides.

So I would hope that the Senator from Delaware (Mr. WILLIAMS) would reconsider and would agree to serve as a conferee. If he does, I think that the Senate, Congress, and the Nation will be better off.

Mr. SCOTT. I thank the distinguished majority leader for his joinder in this mutual expression.

I would think that the RECORD might show that only one other Senator, so far as I am aware, consistently voted against all amendments which would be in derogation of the Treasury position. If my memory is correct the junior Senator from Ohio (Mr. SAXBE) also was so recorded. But that is said only for the purpose of correcting the RECORD and not in any other connection.

Mr. MANSFIELD. I am delighted that the RECORD has been corrected to that extent.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare, the Subcommittee on Small Business of the Committee on Banking and Currency, and the Committee on Foreign Relations be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO SENATOR PROXMIRE AND OTHERS FOR YESTERDAY'S ACTION ON DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. MANSFIELD. Mr. President, yesterday, the Senate passed the appropriations measure for the District of Columbia, and I wish at this time to pay a well-deserved tribute to the senior Senator from Wisconsin (Mr. PROXMIRE).

As the new chairman of the Subcommittee on the District of Columbia of the Senate Appropriations Committee, Senator PROXMIRE has already achieved great distinction. His handling of the bill yesterday established beyond question that he is fully familiar with all of the many problems and the needs that face the Nation's Capital. The Senate voted unanimously to approve the bill. That vote speaks better than any words for the outstanding competence and capability Senator PROXMIRE has brought to his new task.

Commendation is also due the senior Senator from Kansas (Mr. PEARSON) for his splendid cooperation and support. As the ranking minority member on the District subcommittee, he joined to assure the swift, efficient, and thorough consideration of the measure. Notable, too, was the contribution of the Senator from Missouri (Mr. EAGLETON). He urged his own strong views on the proposal, offering an amendment and urging it successfully. He is to be commended, as is the Senator from Virginia (Mr. SPONG), who on behalf of himself and the Senator from Maryland (Mr. TYDINGS), successfully urged a very important amendment.

What should be highlighted also is

the fact that in voting on final passage of this measure yesterday, it was the 1,000th consecutive vote for Senator PROXMIRE in the Senate. I think it was only fitting that he achieved this magnificent record on a bill that he managed. It only serves to highlight the fact that Senator PROXMIRE's dedication and devotion, his careful diligence, and splendid efforts are not excelled in this body.

THE CALENDAR

Mr. MANSFIELD. Mr. President, before the distinguished Senator from Wisconsin calls up several conference reports, I ask unanimous consent that the Senate proceed to the consideration of the calendar, commencing with Calendar No. 589 and ending with Calendar No. 592.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HART MOUNTAIN NATIONAL ANTELOPE REFUGE, ETC.

The Senate proceeded to consider the bill (S. 3014) to designate certain lands as wilderness, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, after line 7, strike out:

(1) certain lands in the Hart Mountain National Antelope Refuge, Oregon, which comprise about forty-eight thousand acres and which are depicted on a map entitled "Hart Mountain National Antelope Refuge Wilderness Proposed", dated August 1967, which shall be known as the "Hart Mountain National Antelope Refuge Wilderness";

On page 2, at the beginning of line 4, strike out "(2)" and insert "1"; at the beginning of line 17, strike out "(3)" and insert "(2)"; on page 3, at the beginning of line 4, strike out "(4)" and insert "(3)"; and, after line 9, strike out:

(5) certain lands in the Malheur National Wildlife Refuge, Oregon, which comprise about fifty thousand six hundred acres and which are depicted on a map entitled "Malheur Wilderness Proposed", dated August 1967, which shall be known as the "Malheur National Wildlife Refuge Wilderness".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness, and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act:

(1) certain lands in the Bering Sea, Bogoslof, and Tuxedni National Wildlife Refuges, Alaska, as depicted on maps entitled "Bering Sea Wilderness—Proposed", "Bogoslof Wilderness—Proposed", and "Tuxedni Wilderness—Proposed", dated August 1967, and the lands comprising the St. Lazaria, Hazy Islands, and Forrester Island National Wildlife Refuges, Alaska, as depicted on maps entitled "Southeastern Alaska Proposed Wilderness Areas", dated August 1967, which shall be known as the "Bering Sea Wilderness", "Bogoslof Wilderness", "Tuxedni Wilderness", "St. Lazaria Wilderness," "Hazy Islands Wilderness," and "Forrester Island Wilderness."

(2) certain lands in the Three Arch Rocks and Oregon Islands National Wildlife Refuges, Oregon, as depicted on maps entitled "Three Arch Rocks Wilderness—Proposed", and "Oregon Islands Wilderness—Proposed", dated July 1967, and the lands comprising the Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges, Washington, as depicted on a map entitled "Washington Islands Wilderness—Proposed", dated August 1967, as revised January 1969, which shall be known as "Three-Arch Rocks Wilderness", "The Oregon Islands Wilderness", and "The Washington Islands Wilderness";

(3) certain lands in the Bitter Lake National Wildlife Refuge, New Mexico, which comprise about eight thousand five hundred acres and which are depicted on a map entitled "Salt Creek Wilderness—Proposed", and dated August 1967, which shall be known as the "Salt Creek Wilderness"; and

(b) Maps of these wilderness areas shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 2. Except as necessary to meet minimum requirements in connection with the purposes for which the foregoing areas are established and for the purposes of this Act (including measures required in emergencies involving the health and safety of persons within the areas), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within the areas designated as wilderness by this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–594), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill, S. 3014, as introduced would have designated as units of the National Wilderness Preservation System, the Hart Mountain National Antelope Refuge, the Malheur National Wildlife Refuge, the Three Arch Rocks and Oregon Islands National Wildlife Refuges, all in Oregon; the Bering Sea, Bogoslof, Tuxedni, St. Lazaria, Hazy Islands, and Forrester Island National Wildlife Refuges, all in Alaska; the Copalis, Flattery Rocks and Quillayute Needles National Wildlife Refuges in the State of Washington, and the Bitter Lake National Wildlife Refuge in New Mexico. All of the lands are presently within the National Wildlife Refuge System, and no land acquisition costs are involved. These wilderness proposals were sent to the Congress by the President in his message of January 23, 1969.

DESCRIPTION

The proposed Three Arch Rocks Wilderness area is located in Tillamook County near Oceanside, Oreg.

The area consists of 17 acres and was established as a wildlife refuge for sea birds, murres, cormorants, gulls, petrels, puffins and a few sea lions. Public use of the area is nil because of inaccessibility.

The Oregon Islands Wilderness proposal consists of 21 acres located in Curry County near Brookings, Oreg. The entire island which is proposed for wilderness classification originally established as a bird sanctuary for the Leach's petrel. With the exception of occasional scientific expenditions to the island, there is virtually no public use.

The proposed Bering Sea Wilderness contains 41,113 acres which encompasses the total acreage of Bering Sea National Wildlife Refuge. It is located 220 miles west of the Alaskan mainland and 250 miles east of the Asiatic coast. The area, which receives very little public use because of its isolation, was originally established to protect the breeding grounds of several species of native birds.

The Bogoslof Wilderness proposal contains 390 acres and is located in the Bogoslof National Wildlife Refuge. It is located 25 miles north of Umnak Island in the Aleutian Chain. The area, which receives very limited human visitation because of its isolation and poor weather conditions, was established as a sanctuary for sea birds.

The proposed Tuxedni Wilderness contains 6,402 acres and is a part of the Tuxedni National Wildlife Refuge. The area is located in Cook Inlet 60 miles southwest of Kenai, Alaska and receives very little public use because of its isolation and dense vegetation.

The St. Lazaria Wilderness proposal consists of an entire island of 62 acres. The area is located near the entrance to Sitka Sound, 15 miles southwest of Sitka, Alaska. The area is infrequently visited by humans, and it has as its chief utility the use by sea birds.

The proposed Hazy Island Wilderness consists of a 42 acre island which is 45 miles south of Sitka, Alaska. There is no public use of this island which serves as a breeding ground for native sea birds.

The last Alaskan area proposed for wilderness classification is Forrester Island located approximately 80 miles southwest of Ketchikan. The entire 2,630 acre island is included in the proposal. The area was established to protect sea birds and other birds and receive no public use.

The Washington Islands Wilderness proposal covers three different refuges, the Copalis National Wildlife Refuge, the Flattery Rocks National Refuge and the Quillayute National Wildlife Refuge. The proposal covers 247 acres and includes almost all offshore rocks and islands in a 100-mile stretch of Pacific Ocean off Clallam, Jefferson and Grays Harbor Counties, Wash. Altogether there are about 40 named islands and several hundred unnamed rocks, reefs and spires which range in size from less than 1 to 20 acres. The islands are extremely important as nesting areas for sea birds.

The proposed Salt Creek Wilderness area is located within the Bitter Lake National Wildlife Refuge in New Mexico approximately 150 miles northeast of Roswell. The proposal consists of 8,500 acres in the undeveloped north unit of the refuge. The refuge was established primarily for waterfowl, although very few waterfowl use the north unit.

HEARINGS

In accordance with the requirements of the Wilderness Act of September 3, 1964 (78 Stat. 890), public hearings were held at locations convenient to the areas affected. The results of these hearings are summarized in the synopsis accompanying the recommendations to the President, which follow later.

AMENDMENTS

The committee amended S. 3014 by striking subsection 1(a)(1) and 1(a)(5). These subsections included the Hart Mountain National Antelope Refuge Wilderness and the Malheur National Wildlife Refuge Wilderness. Both areas were recommended for wilderness classification in the "message from the President of the United States" in transmitting "The fifth annual report on the status of the National Wilderness Preservation System", dated January 23, 1969.

Opposition to the Malheur wilderness proposal arose from the Oregon Game Commission which indicated that if the area were declared wilderness it would inhibit future wildlife management. At the public hearing on the proposal, held in Burns, Oreg. on May 2, 1967, concern was expressed that economic

harm to Harney County might arise if the area was established as a wilderness area. These views, together with a classification of certain points by the Department of the Interior are summarized in the enclosed synopsis of the proposal.

At the Lakeview, Oregon hearings on April 21, 1967, the Oregon State Land Board offered no objection to the Hart Mountain Wilderness Proposal. Opposition was received, however, from representatives of organizations from Lake County, Oreg. The main concern was the continued multiple use for livestock, because Lakeview and Lake County are heavily dependent upon the livestock industry. A more elaborate explanation of points of opposition are summarized in the enclosed synopsis of the proposal.

During the Interior Committee hearings held on the Hart Mountain wilderness proposal, testimony was presented which indicated that overgrazing of this area altered the vegetative ecology from grasses to sagebrush. Because of the alteration of the environment, and a desire to reclaim the land to its former productive status, some question was raised as to whether the area fulfilled the definition of the wilderness. The Oregon Game Commission is desirous of combating the sagebrush which is diminishing the food supply for certain animals, but they would be prohibited from doing this if the area was classified wilderness.

Additional concern was expressed that if the area were declared wilderness the private inholdings within the wilderness boundaries might be removed from the tax rolls. No private land, however, can be condemned within the boundaries of a wilderness area without an act of Congress. Questions were also raised about the potential problem of providing access to inholdings which are enclosed within a wilderness area and which could conceivably be developed to the detriment of the surrounding wilderness.

Because of the questions raised regarding inclusion of these areas into the wilderness system, the committee adopted an amendment to exclude these lands at this time. The committee recommends that the other areas contained in S. 3014 be given wilderness status immediately.

COST

No additional budgetary expenditures are involved in enactment of S. 3014.

RECOMMENDATION

The Senate Committee on Interior and Insular Affairs reports favorably on S. 3014, with amendments, and recommends early enactment.

ALASKA OMNIBUS ACT AMENDMENTS

The bill (S. 778) to amend the 1964 amendments to the Alaska Omnibus Act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5 of the 1964 amendments to the Alaska Omnibus Act (78 Stat. 505) is amended by striking out the period and inserting in lieu there of the following: ", except that any sums so appropriated to carry out section 53 of the Alaska Omnibus Act shall be available after such date for obligation in connection with one or more of the following urban renewal projects authorized for execution prior to June 30, 1967: Alaska R–8, Westchester; Alaska R–19, Kodiak; Alaska R–20, downtown Anchorage; Alaska R–21, Steward; Alaska R–22, Valdez; Alaska R–25, Mineral Creek; Alaska R–26, Seldovia; Alaska R–28, Cordova."

SEC. 2. Section 6 of the 1964 amendments to the Alaska Omnibus Act is amended to read as follows:

"TERMINATION DATE

"SEC. 6. The authority contained in this Act shall expire on June 30, 1967, except that such expiration shall not affect—

"(1) the authority conferred by section 53 of the Alaska Omnibus Act until the completion of the following urban renewal projects authorized for execution prior to June 30, 1967: Alaska R–8, Westchester; Alaska R–19, Kodiak; Alaska R–20, downtown Anchorage; Alaska R–21, Seward; Alaska R–22, Valdez; Alaska R–25, Mineral Creek; Alaska R–26, Seldovia; Alaska R–28, Cordova; or

"(2) the payment of expenditures for any obligation or commitment entered into under this Act prior to June 30, 1967."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–595), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of S. 778 is to correct an inequity to the State of Alaska which has developed inadvertently in the use of funds appropriated under the 1964 Alaska Omnibus Act, Public Law 88–451 (78 Stat. 505). The bill would accomplish this purpose by extending the time in which these already appropriated funds can be utilized for urban rehabilitation and development from damages resulting from the disastrous "Good Friday" earthquake of 1964. The cutoff date in the law is June 30, 1967.

BACKGROUND OF LEGISLATION

Public Law 88–451 was a series of amendments to the Alaska Omnibus Act of 1959 (73 Stat. 145) which was the legislation that followed the Alaska Statehood Act, making certain laws applicable to the new State and repealing certain other laws that had been written for the former territory. The 1964 amendments to this act were specifically for the purpose of providing "assistance to the State of Alaska for reconstruction of areas damaged by the earthquake of March 1964 and subsequent seismic waves." This earthquake was perhaps the greatest natural disaster in Alaska's history; property damage and loss was extensive, and the need for Federal aid urgent.

Section 3 of these amendments added a section 53 to the Omnibus bill which provides:

URBAN RENEWAL

SEC. 53. The Housing and Home Finance Administrator is authorized to enter into contracts for grants not exceeding $25,000,000 for urban renewal projects in Alaska, including open land projects, under section 111 of the Housing Act of 1949, which he determines will aid the communities in which they are located in reconstruction and redevelopment made necessary by the 1964 earthquake and subsequent seismic waves. Such authorization shall be in addition to and separate from any grant authorization contained in section 103(b) of said Act.

The Administrator may increase the capital grant for a project assisted under this section to not more than 90 per centum of net project cost where he determines that a major portion of the project area has either been rendered unusable as a result of the 1964 earthquake and subsequent seismic waves or is needed in order adequately to provide, in accordance with the urban renewal plan for the project, new locations for persons, businesses, and facilities displaced by the earthquake.

Section 5 of the 1964 act authorized appropriation of $25 million to carry out its provisions, but set forth the cutoff date of June 30, 1967. Section 6, however, provides that "such expiration shall not affect the payment of expenditures for any obligation or commitment entered into under this act prior to June 30, 1967."

Projects for the full $25 million were initiated prior to that cutoff date, but not fully financed from the appropriation by that time. These projects, eight in number, are specified in S. 778. From the original $25 million appropriation, some $1.2 million remains available for these projects, but the Department of Housing and Urban Development has taken the position that it cannot use this balance because of the termination date.

S. 778, which was sponsored by Senator Stevens, the senior Senator from Alaska (a companion bill, S. 900, was sponsored by the junior Senator, Senator Gravel), would rectify this situation by striking the cutoff date with respect to funds for the eight named projects.

COST

No new authorizations nor appropriations of Federal funds are required or contemplated by the bill. It merely permits the use of money for the purpose for which it was appropriated.

COMMITTEE RECOMMENDATION

The Interior Committee unanimously recommends prompt approval of S. 778 in view of the Alaskan communities' urgent needs and the escalating costs of construction.

CEILING ON APPROPRIATIONS FOR ADMINISTRATIVE CONFERENCE

The bill (H.R. 4244) to raise the ceiling on appropriations of the Administrative Conference of the United States was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–596), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 4244 is to increase the authorized annual appropriations for the work of the Administrative Conference of the United States from the present ceiling of $250,000 per annum to a new ceiling of $450,000 per annum.

STATEMENT

At the request of the Administrative Conference of the United States, identical legislation (S. 1144 and H.R. 4244) was introduced in the Senate and House of Representatives to amend 5 U.S.C. 576 by removing entirely the limitations on appropriations for the Administrative Conference of $250,000, as now contained in that section.

A subcommittee hearing on S. 1144 was held on May 26, 1969, at which Jerre S. Williams, Chairman of the Conference, Prof. Walter Gellhorn of the Columbia Law School and member of the Council of the Conference, Mr. Ben Fisher, chairman of the section on administrative law, American Bar Association, and Mr. John F. Banzhaf, III, executive director, Action on Smoking and Health, all testified in support of the proposal. No witness appeared in opposition to the bill.

The Administrative Conference of the United States was established by Public Law 88–499, August 30, 1964, as a permanent agency of Government. Its purpose, as defined by the statute (5 U.S.C. 571), is "to provide suitable arrangements through which Federal agencies, assisted by outside experts, may cooperatively study mutual problems ex-

change information, and develop recommendations for action by proper authorities to the end that private rights may be fully protected and regulatory activities and other Federal responsibilities may be carried out expeditiously in the public interest." Its recommendations are reported to the President, the Congress, the Judicial Conference, and the Departments and Agencies concerned.

In the creation of the Administrative Conference in 1964, the Senate, acting first, imposed no limitation on appropriations. The present limitation of $250,000 was inserted by amendment by the House. The Conference advises that this limitation is too restrictive, having been based on estimates which did not include sufficient funds and which wholly failed to take into account the substantial increase in general costs which has taken place in the meantime. The Conference accordingly requested removal of the present ceiling.

In a memorandum, dated March 3, 1969, and which is a part of the record, the Conference compared the 1964 estimated operating costs with current operating costs, essential to accomplish the same congressional objectives. The conclusion, which is fully supported by that document is that it will today require approximately $400,000 to do what Congress then contemplated and could be done on a budget of not to exceed $250,000.[1]

Both the Senate and House hearings support the conclusion that the $250,000 limitation is outdated and so restrictive as to prevent the Conference from engaging in any meaningful research program. The committee is of the view that, properly funded, the Conference can achieve substantial economies in governmental procedures which will more than compensate for a modest increase in its budget.

A persuasive case was presented in support of S. 1144, as introduced, to eliminate the ceiling entirely and to leave to the Committees on Appropriations the question of justification of funds to carry on the work of this agency. However, this is a new agency. We do not write against a clean slate but have a statutory ceiling already contained in the basic statute. The Chairman of the Conference has advised that a ceiling of $450,000, as authorized by H.R. 4244 will provide adequate latitude for budget requirements for the "next 2 or 3 years." He has urged this committee, in the interest of obtaining legislation now to meet the immediate financial needs of the Conference, to recommend similar legislation.

Both the former administration and the present administration have indicated their support for this legislation. Appended is correspondence indicating the acceptance by the Council of the Administrative Conference of a bill containing a ceiling of $450,000. This committee is of the opinion that a ceiling of $450,000 is justified at this time and that H.R. 4244 should receive prompt consideration and Senate approval.

[1] The text of the memorandum is reproduced in full in the committee hearings, dated May 26, 1969, to accompany S. 1144, and in House Report No. 91–214, to accompany H.R. 4244.

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS—CONTINUATION THROUGH JANUARY 31, 1970

The Senate proceeded to consider the resolution (S. Res. 279) authorizing expenditures by the Select Committee on Nutrition and Human Needs for an additional period to study the food, medical, and other related basic needs among the people of the United States, which had been reported, without amendment, from the Committee on Rules and Administration, and from the Committee on Labor and Public Welfare with an amendment.

The amendment of the Committee on Labor and Public Welfare is as follows:

On page 1, line 1, after the word "Resolved," strike out:

The the Select Committee on Nutrition and Human Needs is authorized to expend from the contingent fund of the Senate, within the amounts, and for the same purposes, as specified in Senate Resolution 68, Ninety-first Congress, agreed to February 1969, to continue the Select Committee on Nutrition and Human Needs for the period ending January 31, 1970, and such committee shall terminate its activities not later than December 31, 1970.

And, in lieu thereof, insert:

That the Select Committee on Nutrition and Human Needs, continued by Senate Resolution 68, Ninety-first Congress, agreed to February 1, 1969, is (1) extended through January 31, 1970, and (2) authorized through January 31, 1970, to expend from the contingent fund of the Senate an amount not to exceed the unexpended balance of the amount, and for the same purposes, specified in said resolution.

So as to make the resolution read:

S. RES. 279

Resolved, That the Select Committee on Nutrition and Human Needs, continued by Senate Resolution 68, Ninety-first Congress, agreed to February 18, 1969, is (1) extended through January 31, 1970, and (2) authorized through January 31, 1970, to expend from the contingent fund of the Senate an amount not to exceed the unexpended balance of the amount, and for the same purposes, specified in said resolution.

SEC. 2. The President of the Senate shall appoint one additional minority Member of the Senate to the Select Committee on Nutrition and Human Needs selected from committees other than the Committee on Labor and Public Welfare and the Committee on Agriculture and Forestry.

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–597), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 279 as referred to the Committee on Rules and Administration would continue the Select Committee on Nutrition and Human needs for 1 month, through January 31, 1970. No additional funds would be authorized. The resolution would also provide for the appointment by the President of the Senate of one additional minority Member of the Senate to the select committee, to be selected from committees other than Labor and Public Welfare and Agriculture and Forestry.

The amendment to Senate Resolution 279 reported by the Committee on Labor and Public Welfare, concurred in by the Committee on Rules and Administration would extend the select committee only through January 31, 1970, rather than through December 31, 1970, as was specified in Senate Resolution 279 as submitted. This action is consonant with the customary Senate practice of restricting special inquiries to a fiscal year starting February 1 and ending January 31 of the following year.

The Select Committee on Nutrition and Human Needs was established during the second session of the 90th Congress by Senate Resolution 281, agreed to July 30, 1968, Senate Resolution 394 of that Congress, agreed to October 4, 1968, authorized the select committee to expend for its purposes not to exceed 25,000 through January 31, 1969.

Pursuant to Senate Resolution 68 of the Present Congress, agreed to February 18, 1969, the Select Committee on Nutrition and Human Needs was extended through December 31, 1969, and was authorized to expend not to exceed $250,000 through that date. The present proposal, Senate Resolution 279, would extend the select committee for 1 month—from January 1, 1970, through January 31, 1970—and authorized it to meet that month's expenses from the unexpended balance remaining from Senate Resolution 68.

HOUSING ACT OF 1969—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of December 10, 1969, pages 38179–38186, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PROXMIRE. Mr. President, in connection with this conference report I am standing in for the chairman of the committee and the chairman of the subcommittee, the Senator from Alabama (Mr. SPARKMAN).

Mr. President, I should like to make a statement on the conference report on the housing bill. I do not believe it necessary that my remarks be in great detail because the CONGRESSIONAL RECORD of yesterday contains the printed report of the agreed upon legislation and a statement of managers on the part of the House of Representatives. I believe this is available to all Members of the Senate.

Before I comment on the details, I want to say how pleased I am with the fine job done by the members of the conference committee of both Houses of Congress.

In resolving the differences, the conference committee worked together with speed, and a spirit of good will and cooperation. However, as conferees usually do, there were compromises between the two sides. On the part of the Senate, we remained adamant on several items, and the same thing was true with the House. All in all, the conferees were satisfied that the final product represented the best interests of all concerned, and I am pleased to report that every member of the conference committee signed the report.

The Senate conferees were quite satisfied with the results of the conference. Only three items of major significance, which were in the Senate bill, were not agreed to by the conference committee.

The first of these involved mortgage ceilings for Federal Housing Administration programs and for public housing. The Senate bill would have established a flexible ceiling, depending upon certain indices of housing costs. The House bill, on the other hand, would establish certain percentages increases on the ceilings over existing law. The House conferees were adamant in their position that ceilings should not be left subject to an automatic mathematical index but should be kept under the control of the Congress subject to the continuous review by the Members of Congress. The conferees agreed to the House provision.

The second item that was in the Senate bill, but which was not agreed to by the conference committee, involves the time coverage of the bill. The Senate bill would have authorized programs on a 2-year basis whereas the House bill would have limited the authorizations to 1 year. The conferees agreed to a 1-year bill. The basic reason given by the House conference members for the 1-year bill was that the administration is preparing a sizable comprehensive housing bill for 1970 and that many of the programs will be reconsidered and probably modified as a result of the Administration's proposal and thus it would be better to limit this year's bill to 1 year.

The third item to which the Senate conferees receded to the House conferees involved an amendment sponsored by Senator TOWER which would have given the Secretary of Housing the responsibility to assure to the extent feasible that all HUD programs be constructed without unreasonable restraint by contract or practice against the use of new technologies. The Senate provision would have applied this responsibility to all HUD programs. The House had a similar provision but limited the coverage only to the experimental program under section 1010 of the Housing Act of 1966. The House conferees remained adamant stating that such authority to the Secretary of Housing would be establishing a new precedent with unknown consequences and that it would be better to limit the coverage for the present time to the limited area stated in the House amendment.

In general, the 1969 Housing Act is an excellent bill, as approved by the conferees, and contains many fine features that will be most helpful to forwarding our progress in the housing field. Let me mention a few of these.

The bill would establish a new FHA insurance for mobile homes. The Nation today is facing an extreme housing shortage and the only segment of housing that is making any headway is in the mobile homes field. These mobile homes are being produced in record-breaking proportions. In fact, I believe over 400,000 are being produced this year—primarily because of the need for housing at a cost that most of our low- and moderate-income people can afford. By authorizing the FHA to participate in the financing of these homes, we believe that this will help to provide new standards of construction and new standards of onsite placement. In the past, as everyone knows, there has been a serious lack of standardization and we feel that by involving the Federal Government into this program, the results can be most salutary for all concerned. At this point in my remarks, I would like to congratulate the junior Senator from South Carolina (Mr. HOLLINGS) for his active leadership in sponsoring this new legislation.

The bill also contained a provision which would speed up the implementation of the existing flood insurance program. This program was authorized in the 1968 act but under that law certain time-consuming estimate and underwriting computations were necessary in order to develop an actuarial basis for establishing premiums. This work has been exceedingly slow to the extent that only two or three areas in the whole Nation are now taking advantage of the 1968 flood insurance program. The 1969 bill will postpone the date on the actuarial computation requirement and thus will make it possible for many areas to qualify soon under this insurance program.

Another provision on which the conferees agreed would extend the existing authority for the Secretary of Housing to establish administratively the FHA interest rate ceilings. It would also continue existing law which require the VA Administrator to limit VA interest rate ceilings to the FHA ceilings. This authority will expire on October 1, 1970, under the terms of the bill. In the meantime, our committee—Banking and Currency—has before it a report from the Mortgage Interest Rate Commission which would propose an alternative method for establishing FHA interest rate ceilings and we hope that consideration will be given to this proposal in time for final action to be taken before the October 1, 1970, deadline.

One of the most significant provisions in the bill involves new authorization for public housing. The public housing program which has been authorized since 1937, and which worked well for most of those 30 years, has recently run into serious financial difficulties. Although there are many reasons for this, two of the most important reasons are: First, the large number of welfare families who are now living in public housing and second, the sharp increase in operating and maintenance costs. The Congress has, over the last 6 or 7 years, authorized additional financial assistance to public housing projects but despite this aid, many of the projects were becoming financially insolvent. The 1969 bill authorizes new funds to be used to help the local housing authorities maintain improved services, remodel some of their old units and subsidize the rent for the very low income families who otherwise would be paying more than 25 percent of income for rent. In authorizing these new funds, the Congress believes that this may only be a temporary answer and that for a permanent solution, a new financing device may have to be developed for the program. The conferees agreed that a study should be made of the public housing program to be reported to Congress some time next year.

Another very significant provision of the 1969 act provides new aid to improve the Farmers Home Administration's rural housing program. New funds were authorized and wider authority given to the Secretary of Agriculture to expand this program to meet the great needs of families living in rural areas. One item in this package would transfer funds from the existing rural housing direct loan account to the Rural Housing Insurance Fund. I believe there was approximately $250 million transferred as a result of this provision. In making the transfer, the conferees wanted to make it clear that this in no way would deminish the use of these funds in the making of rural housing direct loans. In this connection the chairman of the committee, Mr. SPARKMAN received a letter from James V. Smith, Administrator of the Farmers Home Administration, who assured him that the transfer of this fund would in no way discontinue nor curtail the use of the existing rural housing direct loan authorization. I ask unanimous consent that this letter be introduced in the RECORD at this point of my remarks.

On the authorizations of the bill, as approved by the conferees, the total cost would be approximately $4.8 billion. This total is of questionable significance because it represents the sum of grants, and loans and interest subsidies which, as we all know, have entirely different impact on the taxpayers but which are treated identically for budgetary purposes.

This total may be compared to the $6.2 billion in the Senate bill and the $4.9 billion in the bill as passed by the House.

I ask unanimous consent to have placed in the RECORD a table on the program authorizations as passed by the Senate, by the House and as agreed to by the conference committee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,
Washington, D.C., October 2, 1969.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request, at the hearing on September 26, for our views regarding a proposal to merge the Rural Housing Direct Loan Account with the Rural Housing Insurance Fund. You asked particularly for information as to the effect such a merger, if enacted, would have upon the direct rural housing loan programs.

The proposal in question is set forth in section 411(e) of H.R. 13827, the "Housing and Urban Development Act of 1969," as recently approved by the Committee on Banking and Currency of the House of Representatives.

Under the pending amendment the assets and liabilities of the Rural Housing Direct Loan Account and the related authorizations would be transferred to the Rural Housing Insurance Fund and the Account would be discontinued. The authorizations applicable to direct rural housing loans under Title V of the Housing Act of 1949 would, however, remain applicable to the transferred assets.

If the proposed amendment is enacted, it would not reduce or impair the authority for making direct rural housing loans or the availability of loan funds for exercising that authority. You may rest assured that this agency has no intention of discontinuing or curtailing use of the existing rural housing direct loan authorizations in the event the proposed amendment should be passed by the Congress and approved by the President.

Sincerely,

JAMES V. SMITH,
Administrator.

AUTHORIZATIONS FOR 1969 HOUSING ACT

[In millions of dollars]

	Unused authority	Senate			House		Conference		
		1970	1971	1972	1970	1971	1970	1971	1972
Title I—FHA Insurance programs:									
Homeownership assistance (235)	15.0		—(1)	170	25	(1)	25	(1)	170
Rental housing assistance (236)	20.0		—(1)	170	25	(1)	25	(1)	170
Title II—Urban renewal and housing assistance programs:									
Urban renewal	587.5		1,300.0	1,700		2,000.0		1,700.0	
Public housing	—(2)	75	20.0	175		20.0	75	20.0	
Rent Supplement	68.0		—(3)	82		(3)		—(3)	
College housing debt service	8.0		1.5	9		4.2		4.2	
Housing for elderly (202)	45.0	80	80.0	80	150		150		
GNMA special assistance					1,500		1,500		
Title III—Urban and metropolitan development programs:									
Comprehensive planning (701)	105.0			40					
Open space land programs	94.9			88					
Model cities	812.5		287.5	1,500		750.0		600.0	
Neighborhood facilities grants	71.0			34					
Water and sewer grants						100.0		100.0	
Total		155	1,689.0	4,048	1,700	2,874.2	1,775	2,424.2	340
Mass Transit (contingency authority)			300.0			300.0		300.0	
Total			1,989.0			3,174.2		2,724.2	

[1] Existing authority for fiscal year 1971 is $125 million for sections 235 and 236.
[2] Existing law authorizes $150,000,000 for public housing assistance on July 1, 1969, and 1970.
[3] Existing law authorizes $100,000,000 for rent supplement assistance on July 1, 1970.

Mr. TOWER. Mr. President, I should like to join the senior Senator from Alabama in commending the members of the Conference Committee from both Houses of Congress; I feel that a great deal was accomplished in an expeditious manner. As has been stated, there was a spirit of cooperation which permeated every facet of our deliberations, and the results are a compromise which I feel goes somewhat beyond the proposals of the administration yet are within the bounds of the Senate and House passed versions of the bill.

We have created no new programs; however, there are several basic changes to those which are presently in existence. I am especially pleased that we have established FHA title I insurance for mobile homes. This industry has already made an important contribution toward achievement of our housing goals; the additional availability of loans up to $10,000 for 12 years for purchasers of mobile homes, when coupled with the raising of FHA insurance for the improvement of mobile home parks and sites will make a significant contribution to the supply of livable units in America.

One section of the bill which I feel to be innovative and which should serve to loosen money in the mortgage market, is the institution of a system called the "tandem plan". Under this plan, the Government National Mortgage Association buys FHA-insured mortgages at par, and immediately thereafter sells these mortgages to the Federal National Mortgage Association or other financial institutions at a market related price—presently less than par. What we are effectively doing in the operation of this plan is subsidizing the mortgage market, and hopefully we are creating a more rapid turnover and greater availability of funds. In general, this is a very good plan, even though there is never a recapture of the money expended.

There is one point, however, which should be closely scrutinized by the Secretary of HUD in the utilization of the "tandem plan." The statement of the managers on the part of the House indicated it to be congressional intent that these funds be used to support single-family home mortgages; this was not discussed in the conference and it is my belief that we should utilize this system but sparingly, if at all, for this purpose. In 236 and 221(d)(3) projects sponsored by nonprofit or co-op mortgagors, there is a requirement that the subsidy be passed along to the low and moderate income tenants; in the single-family programs, there is no requirement for this assurance. Therefore, during these initial stages, and until adequate laws can be provided, we should limit the utilization of the tandem plan to multifamily projects except in cases where we are assured that the low income family is receiving the benefit of the Federal funds.

The most significant concession which was made by the Senate in conference was the agreement to recede from our position of extending the utilization of new technologies to all Federal housing programs. Testimony before our subcommittee has indicated that if we are to meet our national housing goals of 27 million units over the next 10 years, we must avail ourselves of mass produced housing. Operation Breakthrough appears to be the program which is nearest fruition, and the amendment which was passed by the Senate would have assured that these new technologies in housing were made use of throughout the Nation.

By adopting the House provisions in this regard, we have limited ourselves to housing which is constructed under section 1010. It is my sincere desire that the Secretary of HUD interpret this legislation as a congressional endorsement of the overall utilization of these new technologies; and I further hope that he will make every effort to encourage their use whenever feasible.

Mr. President, I should once again like to thank my colleagues who were managers on the part of the Senate for their strong support throughout the conference.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Texas. I might say, Mr. President, the Senator from Texas is the ranking minority member of the Subcommittee on Housing and Urban Affairs.

Mr. McCLELLAN and Mr. JAVITS addressed the Chair.

Mr. PROXMIRE. Mr. President, I yield to the Senator from New York who has a question on this matter.

Mr. McCLELLAN. Mr. President, I have some remarks about the conference report. Is that what the Senate is still discussing?

Mr. PROXMIRE. That is correct. I think the Senator from New York asked that I yield for a question, and then I will be glad to yield to the distinguished Senator from Arkansas.

Mr. JAVITS. Mr. President, could the Senator tell us—and I am not going to press him because he may not be prepared—whether anything was done about the vexing problem of cost limit in connection with the special problems of low and moderate income housing?

Mr. PROXMIRE. Generally speaking, the cost ceilings for low income housing were raised either 15 percent or 20 percent depending on the program.

Mr. JAVITS. I thank the Senator.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. McCLELLAN. Mr. President, is the Senate now considering the conference report on S. 2864?

The ACTING PRESIDENT pro tempore. The conference report in connection with S. 2864 is now before the Senate.

Mr. McCLELLAN. I thank the Presiding Officer.

Mr. President, I am not going to oppose approval of the report. However, I do wish to call attention to section 414 (a) of the bill which deals with surplus property.

I want to suggest that in the enactment of this section the Committee on Banking and Currency, has, in my judgment, encroached upon the jurisdiction of the Committee on Government Operations. This matter did not come to my

attention until after the bill was passed by the Senate. I spoke to the chairman of that committee (Mr. SPARKMAN) about it. I understood from him this section had been taken out in conference. Now, I find it has only been modified to some extent in conference.

At any rate, this section deals with a subject matter, surplus property, that is under the jurisdiction of the Committee on Government Operations.

I am going to place a statement in the RECORD about this matter. I want the RECORD to show that while I am not going to oppose the approval of the conference report I want the RECORD to reflect this encroachment.

I wish to state that I propose to have the Committee on Government Operations request the General Services Administrator to submit such disposals which are left to his discretion, and submit a report thereon to the Committee on Government Operations before final action is taken. It does that in a number of cases with regard to surplus property, anyway.

But I feel dutybound. I have no objection to this property where, in many instances, it is found to be prudent and expedient and good administration of Government affairs to do it, to go into that problem, but I do feel there has been a bypassing of a committee of this body which has jurisdiction of subject matter insofar as section 414(a) is concerned.

Mr. PROXMIRE. Mr. President, this matter was discussed at considerable length in conference. We were very conscious of the possible encroachment on the jurisdiction of the Committee on Government Operations.

The way this was handled was, first, a suggestion was made by letter by Mr. BROOKS, who is the chairman of the subcommittee that deals with this matter for the Committee on Government Operations in the House, to change the term "excess" to "surplus." I understand the effect of this would mean that land made available for housing be made available on the same basis as all other land is available; Housing would not get any priority but have to stand in line, as in the case of other property which is disposed of. Second, a member of the conference was the distinguished Senator from Maine (Mr. MUSKIE), who is a member of the Committee on Government Operations.

He was concerned about the jurisdictional problem, too. He did approve this and said that in his view this was a desirable and appropriate action. However, some of us, including the Senator from Texas (Mr. TOWER) and me, were very much concerned about the jurisdiction of the Committee on Government Operations. I hope we can accommodate the Senator from Arkansas because I think he has every right to express this concern.

Mr. McCLELLAN. I have no objection, so far as I know, to what they are undertaking to do. But the very next time another committee might want to encroach on the Committee on Government Operations, and the Committee on Government Operations might well have to object to it. It is a matter of precedent and deference to the jurisdiction of another committee.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. TOWER. Mr. President, as pointed out by the Senator from Wisconsin, this matter was extensively discussed and debated by the conferees. The House conferees were of the opinion we had obviated any language in the bill that might suggest encroachment on the jurisdiction of the committee. They were pressing the point, and with the concurrence of the Senator from Maine who was on the committee, proffered the opinion that this would not be in conflict with the jurisdiction of the Committee on Government Operations if the provision were adopted. But I must say I had reservations. Precedent has already been set in connection with a bill from the Committee on Interior. But I would have no objection to the proposition.

Mr. McCLELLAN. Mr. President, I would like to have the RECORD show in this discussion that it is understood that this cannot be completely binding, but so that I am not standing alone here trying to protect the jurisdiction of one Senate committee, I would like to have it understood in this suggestion so far as those of us who are taking part in it, that the Committee on Government Operations will undertake to have the administrator report to it on the basis of any of these disposals before any action is taken.

Mr. TOWER. I wish to emphatically state there was no intent on the part of the conferees to encroach.

Mr. McCLELLAN. I appreciate that. I do not say there is any willful purpose to bypass a committee, but we have these problems arising from time to time, and I wanted to make this statement for the RECORD.

Mr. PROXMIRE. Mr. President, I think the procedure the Senator from Arkansas suggested makes sense. In talking with the staff director of the Subcommittee on Housing and Urban Affairs, he agrees; it is his view and my view, too; and we would agree wholeheartedly that the Senator's suggestion is desirable that the administrator report to the Committees on Government Operations of the House and Senate on any disposal before any action is taken.

Mr. McCLELLAN. Mr. President, I interpose no further objection to the approval of the conference report.

Mr. President, section 414(a) of the pending Housing Act of 1969 would permit the Secretary of Housing and Urban Development to request the transfer of surplus real property to HUD for sale or lease to public bodies or to private individuals for development of low-rent housing projects. The enactment of this proposal will establish another category of groups eligible to receive surplus Federal property in direct competition with those already eligible in the fields of health, education, park, and recreation.

I do not quarrel with the need for low-cost housing or the merits of the objective sought by this language, however, I do believe that the Committee on Government Operations, which has general legislative jurisdiction over the disposition of Federal surplus property, should have been given an opportunity to review this proposal, or at least had a chance to comment on it. It may well be that our committee would have come out with the same, or similar objective, but at least the proposal would have been compared with existing categories, needs, and priorities and, hopefully, would have been in keeping with existing laws and regulations.

For example, existing law requires that surplus real property be disposed of on the basis of the fair market value, as opposed to the fair value approach of section 414. Obviously what may be fair value to the Secretary of HUD in the context of low-cost housing, may or may not be comparable to the fair market value.

Existing law recognizes the public benefit to be derived from educational, health, or recreational uses and provides for an appropriately reduced price in some instances.

Recipients under existing law, however, must be public bodies as opposed to the public or private categories which would be established by section 414(a).

Even the so-called fair value approach of section 414(a) may be modified by subsequent language which states that "if the United States paid valuable consideration for any such land the Secretary shall not sell it for less than its cost to the United States at the time of acquisition." It is not clear whether this means that if the United States purchased the land for nominal cost then the fair value would be deemed to be that same nominal cost irrespective of current market value.

I am sure that a closer examination of section 414(a) would raise many more questions, however, this provision was not brought to my attention until the conferees were already meeting this week, thus, I have not had ample time to explore all of its ramifications.

As indicated, Mr. President, I am not necessarily opposed to the end objective sought by the provisions of section 414(a), however, I am concerned that the Committee on Government Operations was not consulted about this matter, nor afforded an opportunity to review it. I do not intend to belabor the issue or object to its enactment at this late date. On behalf of the Committee on Government Operations, I will reserve the right, of course, to explore the issue further during the next session of the Congress.

Mr. TOWER. Mr. President, I would like to add a further word of support for the adoption of the conference report.

I believe we did a pretty good job of compromising Senate-House differences on the bill. I think we have produced a bill which for the most part is agreeable to HUD. I think that in only a few instances did the position of the administration on the issues in conference fail to prevail so I think we have come up with a good bill.

I am disappointed we did not get a stronger breakthrough amendment. There was some pressure from organized labor to prevent us from making the

breakthrough amendment apply to all programs in HUD; as the bill emerges they are confined only to section 1010 of the bill.

I hope that ultimately we will be able to expand on the extent of that amendment.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I move adoption of the conference report.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

Mr. PROXMIRE. Mr. President, we have another conference report. Unfortunately, the staff has not been able to prepare it yet. However, I want to serve notice to the Senate at this time that we expect to be able to bring it up later this morning. It can be handled expeditiously.

STATE MATCHING FUNDS FOR POLLUTION GRANTS

Mr. SPONG. Mr. President, the appropriation of $800 million for Federal grants for construction of waste treatment facilities in fiscal 1970 should provide great impetus to the national effort to clean up our water resources.

We are all indebted to the chairman of the Subcommittee on Air and Water Pollution, Senator MUSKIE, and the chairman of the Appropriations Subcommittee on Public Works, Senator ELLENDER, for their successful efforts to increase the annual appropriation for this important program above the level of $214 million. Until this year, appropriations have been substantially less than half of the amounts authorized under the Clean Water Restoration Act of 1966.

What I wish to point out today, Mr. President, is that many States—including the Commonwealth of Virginia—do not presently participate financially in the cost of the waste treatment construction program. As a consequence, many localities may find it difficult to provide the funds necessary to match the increased Federal grants which will become available under the $800 million appropriation.

There has been a lack of State participation despite substantial incentives established in the Clean Water Restoration Act. Under that act, the local share of project costs is 70 percent, and the Federal share is 30 percent, when the States do not participate. But the Federal share can be increased to as much as 55 percent, and the local share reduced to as low as 20 percent, when the States provide 25 percent of the cost.

Mr. President, the advantages of State participation are readily seen from these figures. Yet, at last count, only 14 States, the District of Columbia, and three territories have established matching fund programs which fully qualify for Federal assistance. The States are Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin. The territories are Guam, Puerto Rico, and the Virgin Islands.

A second point to consider is that new water quality standards being adopted by the States will require substantial improvements in existing waste treatment facilities. The improvements, of course, will require greater capital investments. In my own State of Virginia, which only recently adopted new standards, the cost has been estimated at $100 million. I would anticipate that similar financial problems may exist in other States which have adopted, or are in the process of adopting, more stringent standards.

Third, Mr. President, the States which have no matching program should be cognizant of a provision in the act under which unobligated Federal funds allocated for use within a particular State may be redistributed to other States. The reallocation takes place 6 months after the close of each fiscal year. The risk of losing these Federal funds because of an inability to provide the requisite matching money, should provide an additional incentive for the establishment of State programs.

The Subcommittee on Air and Water Pollution, in its consideration of legislation to preserve and protect the quality of our environment, has adopted a policy of giving the States the primary responsibility for standard setting and enforcement. Senator MUSKIE, our distinguished chairman, has spoken eloquently on many occasions in support of the policy.

I subscribe to the principle, and have defended it in response to those who have advocated complete Federal jurisdiction over environmental problems. But it is only fair to add that if the States do not live up to their responsibility, then those who have advocated Federal control can say with justification that their approach was the proper one and should have been enacted by Congress.

Mr. President, I discussed most of these matters in communications dated December 3, 1969, to Mills E. Godwin, Jr., and Linwood Holton, Jr., the Governor and Governor-elect of Virginia. I expressed the hope that Virginia will seek to establish a State matching program as envisioned in the Clean Water Restoration Act of 1966.

Such a program, in my view, would represent a commitment to fulfill State responsibility for prevention and control of water pollution. As a practical matter, it would offer a measure of financial relief to localities already heavily burdened with bonded debt for various other capital projects.

The benefits of State financial assistance are ably discussed in editorials published Saturday, December 6, and Tuesday, December 9, in the Roanoke Times and the Virginian-Pilot. Because the situation in Virginia is applicable in other States, and in view of the interest of other Senators in the problem as it may exist in their States, I ask unanimous consent that these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Roanoke (Va.) Times, Dec. 6, 1969]

VIRGINIA SHOULD MOVE TO CLAIM FULL SHARE OF WATER QUALITY AID

The State Water Control Board still is totting up detailed estimates on what higher water quality standards, adopted under federal pressure, will cost. A. H. Paessler, board secretary, already has made a stab at the expense; more than $100 million to localities and industries over the state.

That is quite a lot of money, and under present arrangements the local governments—or local agencies that handle pollution control—would have to pay most of the tab themselves for added facilities to improve municipal waste control. That would mean, in many if not most cases, that bond issues would have to be floated at prevailing high interest rates, or local taxes would have to be increased, or both. Coming at a time when localities' tax resources already are strained, the financial blow could be hard.

There is a way out for the localities, however—one that could relieve them of direct responsibility for all but a fraction (as little as 20 per cent) of the cost for water pollution control projects that meet federal standards. It will require a healthy helping of aid from Richmond, where the state budget is tight, but the effort would be well worthwhile.

How does it work? Under the Federal Water Pollution Control Act, billions of dollars in federal aid have been authorized in the fiscal years 1968 through 1971 for local projects all over the nation to improve water quality. Congress voted piddling amounts in years past, but for fiscal 1970 $800 million has just been appropriated. Under the formula in the law, Virginia's share of that would be about $17.28 million. Actual allocation is subject to other cost-sharing formulas.

In the recent past, Virginia localities have not received anything like the full share available under the law. The reason is that the most generous federal aid goes to 18 states that have matching programs to help pay for local water quality projects; Virginia is not among them. So her local governments and local pollution control agencies have been able to get only from 30 to 33 per cent of their projects financed by federal funds. In fiscal 1969, in all of Virginia that aid amounted to $4.5 million.

The federal share for future project costs could go as high as 55 percent, however, if the state government instituted a matching program of funds. Under the federal law, Virginia would have to put into its own program an amount equal to 25 per cent of the federal money allotted to the state. Based on the $800 million nationwide appropriation, Virginia would need to contribute about $4.32 million to local projects in the next fiscal year in order to free the entire $17.28 million in federal aid.

The benefits can readily be seen. Take Roanoke, which by state estimate will have to put $1.5 million of improvements into its sewage treatment plant by mid-1972 to bring a 10-mile stretch of the Roanoke River up to the new standards. If all federal requirements for the construction project were met and the state put in its 25 per cent, the federal share of 55 per cent would leave the city to pay only $300,000. Under the present arrangement, without state aid, the city could do not better than about $1 million as its share.

This is not a panacea. It would not give any direct help to industry, and federal money after all is tax money too; the local taxpayer would, in the end, foot a share.

But the availability of added millions from which the U.S. Treasury—which has access to revenue sources of a kind and scope still largely denied to states and localities—would ease the tax impact on both individual and industry. It would allow more meaningful planning for the most needed projects, with better assurance that the funds would be there when the bills come due. And it would let all parties concerned get on more speedily with the necessary job of cleaning up the public waters we all depend on. Virginia should not pass up the advantages, both financial and practical, that this additional federal aid would offer.

[From the Virginian-Pilot, Dec. 9, 1969]

UNCLE SAM INSISTS: HIGHER STANDARDS FOR CLEANER WATER

The State Water Control Board has decided to adopt the stricter standards of the Federal Government for pollution control; and consequently, although virtue is its own reward, Virginia can look forward to a whopping bonus in Federal aid. Indeed, the wonder is that the Water Control Board, which has been struggling more than 20 years with insufficient power and funds, resisted so strenuously being thrown in the Federal briarpatch. Uncle Sam simply directed the State agency to do the job for which it had been created.

The Board voted last week to ask the 1970 General Assembly for amendments to strengthen the State regulations and more funds and staff to enforce them. The Board's executive secretary, A. H. Paessler, commented that complying with Federal standards will require "many more millions of dollars" from the treasuries of industries and cities.

But Virginia's rivers and streams are a legacy for the entire population; at long last the public is in a mood for demanding that industries purify the waters they use. And the municipalities will have a much larger reservoir of Federal funds on which to draw.

In the same week that the Water Control Board voted to cooperate with the Department of Health, Education, and Welfare. Congress appropriated $800 million for fiscal 1970 for local water projects across the Nation, a striking indication of aroused public sentiment against pollution. In fiscal 1969 Congress appropriated only $214 million.

In fiscal 1969 Virginia's local governments and agencies could finance only 30 to 33 per cent of their projects with Federal funds, which totaled $4.5 million. During fiscal 1970, if the State will match 25 per cent of a project's cost, the Federal Government will shoulder 55 per cent, and the localities will have to bear only 20 per cent. Based on the $800 million appropriation for the Nation, Virginia would need to contribute $4.32 million to local projects in the next fiscal year to obtain $17.28 million in Federal aid.

The 11 communities under the Hampton Roads Sanitation District—Virginia Beach, Chesapeake, Norfolk, Hampton, Williamsburg, Newport News, and part of Portsmouth, and the counties of York, James City, Nansemond and part of Isle of Wight—must help finance a control program costing $10 million in the next decade. Under the new Federal formula localities need furnish only $2 million, instead of $6.7 million. District officials have invited the region's 35 State legislators to a conference on December 18. Hampton Roads, veined with waters, stands to gain the most from higher purification standards; the area's legislators should give vigorous support to the District's proposals.

S. 3240—INTRODUCTION OF THE CONSUMER REPRESENTATION ACT OF 1969

Mr. JAVITS. Mr. President, on behalf of myself and Senators PERCY, STEVENS, GURNEY, and MATHIAS, I introduce for appropriate reference, the administration's consumer bill—the Consumer Representation Act of 1969.

This measure—which was described at length in the President's consumer message to the Congress on October 30 of this year, and again by letter to the Congress on November 12 from Virginia Knauer, the President's adviser on consumer affairs—would:

First, establish an Office of Consumer Affairs in the Executive Office of the President to advise the President with regard to all matters affecting consumer interests. This office would also coordinate Federal programs and activities affecting consumers and assure that the interests of consumers are considered by other Federal agencies;

Second, establish a Consumer Advisory Council to advise the Director of the Office of Consumer Affairs on matters relating to consumer interests; and,

Third, establish a Consumer Protection Division within the Department of Justice, to represent the interests of consumers in litigation under other Federal statutes, and to refer consumer cases to appropriate State agencies, where Federal jurisdiction is lacking.

This bill is one component of a broader spectrum of consumer protection bills recommended by the administration, some of which already have been introduced and referred to committee. This bill, however, is of particular interest to me and to the other Senators who have sponsored it, because we are all members of the Senate Committee on Government Operations, which will have the primary—though not exclusive—jurisdiction over the measure.

Mr. President, the introduction of this bill, jointly sponsored by all Republican members of the Government Operations Committee, except the Senator from South Dakota who is most regretfully absent from the Senate because of illness, represents in my judgment, a clear determination by the members of my party to accommodate their differences and to get effective consumer legislation on the books as soon as possible, As my colleagues know, I have previously introduced a consumer protection bill, S. 861, which would take a different but not inconsistent approach to this problem, by providing for Federal funding of State programs and other forms of assistance to the States for purposes of consumer protection. Senator PERCY likewise has introduced a bill, cosponsored by a number of other Senators, much along the lines of this administration bill. We are together, however, in introducing the administration's bill because we are determined to get things moving and because we have confidence that whatever differences there may be among us as to detail and emphasis can be resolved in the course of forthcoming hearings and committee consideration.

The new Office of Consumer Affairs, which this bill would establish, would have a broad charter, to include: encouraging and assisting in development and implementation of consumer programs; assuring that the interests of consumers are presented and considered in a timely manner by the appropriate levels of the Federal Government, and conducting investigations.

The new Consumer Advisory Council would assist and advise the Office of Consumer Affairs with respect to the foregoing. On the enforcement side, the new Consumer Protection Division of the Justice Department would be authorized, first, to intervene in pending actions before Federal agencies and Federal courts; second, to assert the interests of consumers generally, or of any class or group of consumers in any proceeding to review a Federal agency determination; and third, to conduct investigations concerning consumer matters.

Mr. President, it would appear to me that not all of the provisions of this bill are strictly and technically within the jurisdiction of the same committee. Title I, in my judgment, is clearly within the jurisdiction of the Committee on Government Operations; title II, except section 205, appears to be within the jurisdiction of the Judiciary Committee; and title III, as well as section 205, seem to be within the Commerce Committee's jurisdiction.

I, therefore, ask unanimous consent that the bill be referred to the Committee on Government Operations and, if and when the bill is reported by that committee, that it then be referred for not more than 45 days to the Committees on Commerce and the Judiciary for consideration of subject matters in the bill coming within their jurisdiction, if the chairmen of those committees desire such reference of the bill to them.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred to the committees as requested by the Senator from New York.

Mr. JAVITS. May I say to the majority leader that we have worked out this idea for the consumer bill with all the committees I have referred to, so that I am not asking unanimous consent for something that is not known.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 3240) to establish an Office of Consumer Affairs to advise the President with regard to all matters affecting the interests of consumers, to have central responsibility for coordinating all Federal programs and activities affecting consumers, and to assure that the interests of consumers are considered by Federal agencies; to establish a Consumer Advisory Council to advise the Director of the Office of Consumer Affairs on matters relating to the consumer interest; and to establish a Consumer Protection Division within the Department of Justice to represent the interests of consumers in administrative and judicial proceedings, introduced by Mr. JAVITS (for himself, Mr. PERCY, Mr. STEVENS, Mr. GURNEY, and Mr. MATHIAS), was received, read twice by its title, referred to the committees involved, as requested by the Senator from New York (Mr. JAVITS), and ordered to be printed in the RECORD, as follows:

S. 3240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Representation Act of 1969".

TITLE I

OFFICE OF CONSUMER AFFAIRS

SEC. 101. The Office of Consumer Affairs (referred to hereinafter within this title as the "Office") is hereby established in the Executive Office of the President. The Office shall be headed by a Director who shall be appointed by the President by and with the

advice and consent of the Senate and shall receive compensation at the rate prescribed by section 5314, title 5, United States Code, for executive officers of level III. There shall also be in the Office a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate prescribed by section 5315, title 5, United States Code, for executive officers of level IV. The Deputy Director shall perform such duties as the Director may designate, and in case of a vacancy in the Office of the Director or during the absence or incapacity of the Director, the Deputy Director shall act as Director.

POWERS AND DUTIES OF THE DIRECTOR

SEC. 102. (a) The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this title, the Director is authorized, in carrying out his functions under this title, to—

(1) appoint and fix the compensation of personnel of the Office;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code. While so serving away from their homes or regular place of business, such employees may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703, title 5, United States Code, for persons intermittently employed;

(3) appoint one or more advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act; and members of such committees (including the Consumer Advisory Council established in section 105 of this title) other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Director, shall be entitled to receive compensation and travel expenses as provided in paragraph (2) of this subsection with respect to experts and consultants;

(4) promulgate such rules, regulations, and procedures as may be necessary to carry out the functions vested in him or in the office, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement thereof;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(7) adopt an official seal, which shall be judicially noticed;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and convene meetings of the heads of those Federal agencies, or their designated representatives, on programs affecting consumers;

(9) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of his functions under this title and, as necessary or appropriate, delegate and authorize the redelegation of any of his powers under this title;

(10) make an annual report to the President on significant developments affecting the interests of consumers.

FUNCTIONS

SEC. 103. (a) The Office shall advise the President as to all matters affecting the interests of consumers;

(b) The Office shall—

(1) with respect to consumer interests in Federal policies and programs, encourage and assist in development and implementation of consumer programs; have central responsibility for coordinating and reviewing policies and programs; seek resolution of conflicts; advise and make recommendations to Federal agencies with respect to policy matters, the effectiveness and improvement of their programs and operations, and the elimination of duplications;

(2) assure that the interests of consumers are presented and considered in a timely manner by the appropriate levels of the Federal Government in the formulation of policies and in the operation of programs that may affect the consumer interest;

(3) conduct investigations, hearings, conferences, and surveys concerning the needs, interests and problems of consumers, except that it shall, where feasible, avoid duplicating activities conducted by other Federal agencies;

(4) submit recommendations to the President on how Federal programs and activities affecting consumers can be improved and assist in the legislative and administrative hearing process;

(5) receive, evaluate, and transmit complaints concerning actions or practices which may be detrimental to the consumer interest to the extent authorized by section 104 of this title;

(6) develop programs for disseminating after appropriate opportunity for comment by interested parties generic information concerning consumer items which the Government purchases for its own use and carry on further studies as to how the skill and knowledge of Government purchasers can be shared with the public in a fair and useful manner;

(7) encourage and coordinate the development of information of interest to consumers from Federal agencies; publish and distribute periodicals and other printed material which will inform consumers of matters of interest to them; and publish and distribute in a Consumer Register material which will include notices of hearings, proposed and final rules and orders, and other useful information, translated from its technical form into language which is readily understandable by the layman.

(8) encourage and coordinate research conducted by Federal agencies leading to improved consumer products, services, and consumer information;

(9) encourage, initiate, coordinate, evaluate, and participate in consumer education programs and consumer counseling programs;

(10) encourage, cooperate with and assist State and local governments in the promotion and protection of consumer interests;

(11) undertake a continuing evaluation of consumer product safety and make recommendations to the President;

(12) cooperate with and encourage private enterprise in the promotion and protection of consumer interests; and

(13) cooperate with and assist the Consumer Protection Division in the Department of Justice in carrying out its functions under this Act.

CONSUMER COMPLAINTS

SEC. 104. (a) Whenever the Office receives from any source complaints or other information disclosing a possible violation of (1) any law of the United States or (2) any rule or order of any Federal agency concerning consumer interests, the Office shall transmit promptly to the Federal agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action, such complaint or other information received or otherwise developed by the Office.

(b) Whenever the Office receives complaints or other information disclosing any commercial or trade practice which it deems detrimental to the interests of consumers within the United States, and which is not included within the category specified in subsection (a) of this section, the Office may transmit such complaint or other information promptly to the Federal, State, or local agency whose regulatory or other authority provides the most effective means to act upon them; the Office may in its discretion also refer such complaint or other information to private persons and industry.

CONSUMER ADVISORY COUNCIL

SEC. 105. (a) There is hereby established in the office a Consumer Advisory Council to be composed of twenty members appointed by the President. Members shall be appointed on the basis of their knowledge and experience in areas of interest to consumers and their demonstrated ability to exercise independent, informed, and critical judgment.

(b)(1) Members shall be appointed for two-year terms, except that of the members first appointed, ten shall be appointed for a term of one year and ten shall be appointed for a term of two years as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Council shall not affect its activities, and eleven members thereof shall constitute a quorum.

(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Director but not less often than four times a year. The Director shall be an ex-officio member of the Council and is to be its Executive Secretary.

(d) The Council shall advise the Director with respect to—

(1) policy matters relating to consumer interests; and

(2) the effectiveness of Federal consumer programs and operations, and make recommendations concerning (i) the improvement of such programs and operations, (ii) the elimination of duplication of effort, and (iii) the coordination of such programs and operations with other Federal, State, local and private programs related to the consumer interest.

TITLE II

CONSUMER PROTECTION DIVISION IN THE DEPARTMENT OF JUSTICE

SEC. 201. (a) There is hereby established within the Department of Justice, under the authority of the Attorney General, and subject to the provisions of section 509 and 510 of title 28 of the United States Code, a Consumer Protection Division (referred to hereinafter within this title as the "Division").

(b) The head of the Division shall be one of the Assistant Attorneys General appointed under the provisions of section 506 of title 28 of the United States Code.

(c) In addition to the authority conferred by other sections of this title, the Attorney General is authorized, in carrying out his functions under this title, to—

(1) promulgate such rules, regulations and procedures as may be necessary to carry on the functions vested in the Division; and

(2) arrange with and reimburse the heads of other Federal agencies for the performance of any of the functions authorized under this title.

FUNCTIONS

SEC. 202. The Division shall—

(a) represent the interests of consumers in proceedings before Federal agencies and in the Federal courts to the extent authorized by section 203 of this title;

(b) conduct conferences, surveys, and investigations in accordance with the provisions of section 204 of this title,

(c) have responsibility for the initiation of proceedings in cases concerning the consumer interest before Federal agencies and in the Federal courts. The foregoing activities shall be carried out in consultation with the Office of Consumer Affairs; and

(d) cooperate with and advise other Federal agencies and State and local agencies on legal matters pertaining to the consumer interest.

REPRESENTATION OF CONSUMER INTERESTS BEFORE FEDERAL AGENCIES AND IN FEDERAL COURTS

SEC. 203. (a) The Division may request or petition for the initiation of any proceeding within the responsibilities and authorities of Federal agencies concerning matters which affect the interests of consumers; however, its participation in such proceedings once initiated shall be as provided in subsections (b) and (c) of this section.

(b) Whenever there is pending before any Federal agency any matter or proceeding which does not solely involve an adjudication for the purpose of imposing a sanction for an alleged violation by any defendant or respondent therein of any statute of the United States or any rule, order, or decree promulgated thereunder, and the Division finds that the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Division shall be entitled as a matter of right to intervene, within the time limits specified in the agency's rules and regulations, in such matter or proceeding as a party to represent the interests of consumers. Upon any such intervention, the Division shall present to such Federal agency, in conformity with the rules of practice and procedure thereof, such evidence, briefs, and argument as it shall determine to be necessary for the effective protection of the interests of such consumers.

(c) Whenever—

(1) there is pending before any Federal agency any matter or proceeding which involves an adjudication for the sole purpose of imposing a sanction for an alleged violation, by any defendant or respondent therein, of any statute of the United States or any rule, order, or decree promulgated thereunder, or

(2) there is pending before any district or appellate court of the United States any matter or proceeding to which the United States or any Federal agency is a party, other than a proceeding to which subsection (d) is applicable, and the Division finds the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Division upon its own motion, or upon written request made by the officer or employee of the United States or such agency who is charged with the duty of presenting the case for the Federal agency in the matter or proceeding, may transmit to such officer or employee all evidence and information in the possession of the Division relevant to that matter or proceeding, and may, in the discretion of the agency or court, appear as amicus curiae and present written or oral argument to such agency or court.

(d) The Division is authorized to assert the interests of consumers generally or of any group or class of consumers in any proceeding in a court of the United States involving the review of an action of a Federal agency, to this end may institute such a proceeding, when a right of review is otherwise accorded by statute, upon a showing that such agency action has or may have a substantial adverse effect upon such consumer interests, and may, in the discretion of the court, intervene as plaintiff or defendant or appear as amicus curiae in any such judicial proceeding. Whenever in such a proceeding the Division takes a position in whole or in substantial part adverse to that of the agency, and the agency would otherwise be represented by the Attorney General, the agency shall be authorized to appear and defend by its own representatives.

(e) The head of the Division, or any other Federal employee designated by him for such purpose, shall be entitled to enter an appearance before any Federal agency for the purpose of representing the Division in any proceeding pursuant to the authority granted in this section without compliance with any requirement for admission to practice before such agency.

(f) Nothing contained in this title shall be construed to limit the rights of any person or group or class of persons, to initiate, intervene, or otherwise participate in any court or agency proceeding.

INVESTIGATIONS, CONFERENCES, SURVEYS, AND REPORTS

SEC. 204. (a) In order to obtain information for the purpose of representing the interests of consumers in proceedings before Federal agencies and in the Federal courts, as set forth in section 203 of this Act, the Division is authorized to—

(1) conduct investigations, conferences, and surveys concerning the needs, interests, and problems of consumers, except that it shall, where feasible, avoid duplicating in significant degree similar activities conducted by other Federal agencies;

(2) require any persons, by general or special order setting forth with particularity the consumer interest involved and the purposes for which the information is sought, to file with the Division reports, or answers in writing to specific questions, relevant to the Division's functions. Trade secrets included in relevant information acquired for the purpose of any proceeding authorized under this title shall not be revealed to any person other than an employee of the Department of Justice, except in a proceeding before a Federal agency or in Federal courts, after notice of such proposed disclosure has been given to the owner of any such trade secret. Any such reports or answers shall be made under oath, or otherwise as the Division may prescribe, and shall be filed with the Division within such reasonable period as the Division may prescribe, unless additional time be granted in any case by the Division; and

(3) in any Federal agency proceeding to which the Division is a party. request the Federal agency to issue on the Division's behalf such orders, as authorized by the Federal agency's statutory powers, for the copying of documents, papers, and records, summoning of witnesses, production of books and papers, and submission of information in writing as is relevant to the subject matter of the proceeding. The Federal agency to which such a request is made shall issue such discovery orders requested by the Division unless the Federal agency determines that the request for discovery is not relevant to the matter at issue, or is unnecessarily burdensome, or is not authorized by the agency's statutory powers.

(b) Whenever any person fails to comply with a request by the Division of Consumer Protection for a report or answers to specified questions, pursuant to subsection (a)(2) of this section, the Attorney General, through such officers or attorneys as he may designate, may petition, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, for a judicial order requiring such person to comply with the requirements of subsection (a)(2) of this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

TESTING

SEC. 205. (a) To the extent he deems it necessary for the purpose of representing the interests of consumers in proceedings before Federal agencies and in the Federal courts as set forth in section 203 of this Act, the head of the Division is authorized to request the head of any other Federal agency to test the performance, content, purity, safety, durability, and other characteristics of a product offered for sale or intended to be offered for sale by a manufacturer.

(b) Each Federal agency requested to perform testing under this section may charge for the services performed and such charges shall be based on both direct and indirect costs. If reimbursement is made, the appropriation or fund bearing the cost of the services shall be reimbursed and the head of the agency concerned may require advance payment subject to such adjustments on completion of the work as may be agreed upon.

(c) Each Federal agency requested to perform testing under this section is authorized to request any other Federal agency to supply (on a reimbursable basis if appropriate) such statistics, data, progress reports, and other information to the extent authorized by law as it deems necessary to carry out its functions under this section.

(d) Each Federal agency requested to perform testing under this section is authorized to the extent necessary, to acquire or establish additional facilities and to purchase additional equipment for the purpose of carrying out the purposes of this section.

(e) The results of such tests may be used or published only in proceedings specified in section 203 of this Act.

TITLE III

CONSIDERATION OF THE CONSUMER INTEREST IN FEDERAL AGENCY DETERMINATIONS

SEC. 301. Every Federal agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers of products and services, including but not limited to, (1) the promulgation of rules, regulations, or guidelines, (2) the formulation of written policy decisions, or (3) the issuance of orders, decrees, or standards, shall, in taking such action, give due consideration to the valid interests of consumers. When, in the normal course of its operations, the agency concerned makes public a statement its decision, findings, or action, it shall indicate in such public statement the manner of its consideration of consumer interests.

REPORTS

SEC. 302. The President shall submit to the Congress an annual report on consumer matters. Such report shall include information regarding the activities of the Office of Consumer Affairs and the Consumer Protection Division.

EFFECT UPON OTHER STATUTES

SEC. 303. Nothing in this Act shall be construed as relieving any Federal agency from its statutory duty to consider the public interest or the interests of consumers in discharging its responsibilities, or as affecting the duty of the Administrator of General Services to represent the Federal Government's interests as a consumer pursuant to section 201(a)(4) of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 481(a)(4)).

APPROPRIATIONS

SEC. 304. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

DEFINITIONS

SEC. 305. As used in this Act—

(a) "Federal agency" shall have the same meaning as that given to the word "agency" in section 551 of title 5, United States Code;

(b) "sanction" shall be interpreted as encompassing the imposition of a fine, penalty or forfeiture and the revocation of a right, benefit or privilege;

(c) "commerce" shall have the same meaning as is given to the word "commerce" in the Labor Management Relations Act of 1947, section 101(6); and

(d) "person" shall be interpreted to include natural persons, partnerships, corporations, and any other form of association.

Mr. JAVITS. Mr. President, I ask unanimous consent that the executive communication referred to be forwarded to all three committees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that the communication be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The communication is as follows:

THE WHITE HOUSE,
Washington, D.C., November 12, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft bill entitled the "Consumer Representation Act of 1969."

This proposal is submitted to implement in part the recommendations contained in the President's message on consumer affairs and protection, which was transmitted to the Congress on October 30, 1969.

The proposed bill would establish an Office of Consumer Affairs in the Executive Office of the President to advise the President with regard to all matters affecting the interests of consumers, to coordinate Federal programs and activities affecting consumers, and to assure that the interests of consumers are considered by Federal agencies.

The bill would also establish a Consumer Advisory Council to advise the Director of the Office of Consumer Affairs on matters relating to the consumer interest.

Finally, the bill would establish a Consumer Protection Division within the Department of Justice to represent the interests of consumers in administrative and judicial proceedings.

We recommend prompt and favorable consideration of this draft bill in order that the President's concern for the interests of consumers may be translated into meaningful action on their behalf.

The Bureau of the Budget has advised that the enactment of this legislative proposal would be in accord with the program of the President.

Sincerely yours,

VIRGINIA KNAUER.

U.S. POLICY IN THE MIDDLE EAST

Mr. JAVITS. Mr. President, Secretary Rogers' major address of December 9 reflects a clearly detectable shift in the tone and emphasis, if not the basic substance, of U.S. Middle East policy. He stressed the determination of the United States to pursue a "balanced" Middle East policy and declared:

> We will not shrink from advocating necessary compromises.

I have no doubt that the policy expressed by Secretary Rogers is motivated by traditional American high-mindedness. But, I seriously question whether it can achieve its stated objectives in the Middle East as it exists today.

The Soviet Union is all out for the Arab radicals—and makes no pretense to the contrary. Right on the heels of Secretary Rogers' declaration of sweet reasonableness, Prime Minister Kosygin promised additional military aid to Egypt and other radical Arab governments, reaffirmed full Soviet support for the radical Arab position and—most ominously—expressed overt Soviet support for the Arab guerrilla movement for the first time.

A major objective of radical Arab and Soviet policy in the Middle East, including constant cease-fire violations and guerrilla terrorist attacks, has been to create a crisis atmosphere in which the United States—motivated by a concern for peace—would press Israel to withdraw from the occupied territories without achieving a peace settlement.

In explaining U.S. policy, Secretary Rogers' statements that the Middle East "could easily again be the source of another serious conflagration" and that "a continuation of the unresolved conflict there would be extremely dangerous," indicate that the Soviets and radical Arab States have succeeded to some extent in their policy.

In my judgment, the Middle East is in a state of turmoil and flux that will continue for some time. Under present conditions there seems to be no realistic hope in the near term for a just and lasting peace settlement—although we hope it may not prove to be so. The next 2 or 3 years are likely to be rough, and the United States will need to have the nerve and the patience to sweat it out until it becomes clear to the radical Arab States that a policy of unrelenting belligerence toward Israel will not achieve their objectives nor advance their own aspirations for a better life and an escape from poverty. If the United States does not lose its nerve and not allow itself to be maneuvered into pressing Israel to accept measures which could compromise its security, current radical Arab and Soviet policy will fail, the bankruptcy and total negativism of its premises will be exposed, and a new era of opportunity and enlightenment can open in the Middle East.

In pursuing a balanced Middle East policy it is necessary for the United States to bear in mind that the Arabs may be able to fight a hundred wars and only have to win once; while if Israel loses only once, it will be obliterated from the map.

There is no doubt that pressures from guerrilla organizations, radical Arab governments, and Soviet machinations have weakened the hand of moderates in Lebanon, Jordan, and other Arab countries traditionally friendly to the United States. I appreciate that Secretary Rogers intended his speech to be a signal of friendship and rapprochement with moderate Arab leaders who have been our traditional friends in the Middle East and who have not pursued a policy of hatred and blood feud against Israel. But, in the present inflamed atmosphere, if we accept the premise that the United States should get into a competitive game with the Soviets of trying to surrender policy to please the radical Arab States, we are bound to fail—and to compromise vital United States and Israeli interests in the process.

To avoid this pitfall, I urge the Secretary of State not to try to wrap up the Middle East crisis by meeting Soviet terms—which are the radical Arab terms—and which are unjust. This is vital to the U.N. national interest. For, as Secretary of State John Foster Dulles long ago stated:

> The preservation of the State of Israel is . . . one of the essential goals of U.S. foreign policy.

In terms of our own national security considerations, we must not get ourselves painted into a diplomatic corner that would, in turn, put us in a position where we are directly or by implication bound to coerce or compel Israel to jeopardize its survival. Israel is one longstanding and devoted friend we have right now in the area, which is truly the crossroads of the world, and the maintenance of Israel's ability to defend herself and to survive is translatable directly into the furtherance of our own national interests and of the interest of peace in the world.

To move now in a way which can upset the delicate power balance existing in the Middle East will only serve to further whet the appetite for war and violence in the radical Arab States and to stiffen their resistance to any direct peace negotiations with Israel. It will make things worse not better. We must show fortitude and patience, remembering at all times that the danger in the Middle East is not to Arab survival—which is not in jeopardy at all—but to Israel's survival.

In my judgment, these are the real dangers in the new course set by Secretary Rogers in his speech of December 9. In our understandable desire to offer friendship to Arab moderates, certain basic realities of the situation are being passed over. Those realities are the fundamental intransigence of the Arab extremists to any peaceful settlement; the aiding and abetting of this stand by the U.S.S.R.; the growing menace of the Arab guerrilla organizations, not so much because of the military threat they pose to Israel, but because of their potential for inflaming the Arab peoples into another round of war with Israel; and the vital importance to Israel's future national integrity of the Golan Heights, the Latrun Salient, the Gaza Strip and the Sinai Peninsula, including Sharm El-Sheikh, in terms of keeping its borders secure against Arab attack.

The long-term objective in the Middle East—to which I am passionately dedicated as a man and as a Senator—is even more than peaceful coexistence alone between Israel and her Arab neighbors. Ultimately Israel can survive only as a Middle East nation fully involved in the normal commerce and politics of the region. And, despite the blackness of the clouds now, when the time comes in which the Arab peoples move away from sterile hatred and demand peace and economic development

from their leaders, Israel will prove to be the greatest resource the Arabs have in the Middle East. Israel's science and technology, its unique experience in developing the deserts it started with, its genius for trade and finance, its valor at arms, and its ancient faith and culture arising from the very heart of the Middle East—will make Israel a most important agency for peace and progress for the benefit of all peoples through the region.

If Israel loses her viability as a free state—either because we unwittingly encourage her enemies to think they have a chance to wage one last holy war against her or because our "balanced" policy forces Israel into bankruptcy to maintain her military defense against such a war—it would pose the gravest implications for the United States and for the peace of the world.

Mr. President, I summarize by saying, let us keep our shirts on right now as to our Middle East policy.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I think the distinguished Senator from New York certainly should be commended for bringing this very important matter before the Senate. I was in Israel just prior to the outbreak of the war, and I saw the Syrian and Jordanian boundaries. In my opinion, those boundaries were certainly not defensible.

I do not believe there will ever be peace in the Middle East until there are recognized political boundaries which are agreed upon and are acceptable to both them Arab nations and to the State of Israel.

I just wanted to ask my distinguished colleague from New York if his interpretation and understanding of Secretary of State Rogers' speech was that the Secretary did not support the establishment of defensible boundaries between Jordan and Syria and the State of Israel, and rather preferred to go back to the boundaries which existed prior to the war.

Mr. JAVITS. I would say that after Secretary Rogers' speech there is less assurance on that score than before. So much depends upon the interpretation of the Security Council's resolution of November 27, 1967—and what we emphasized and where we throw our influence in that regard. The U.S. interpretation has always been that strategic corrections need to be made in the armistice lines, which have been the de facto borders, to deal with the realistic strategic situation. The radical Arabs and the Soviets have contended that no such corrections are permissible. That is what Secretary Rogers was moving toward in his speech—in ruling out any significant adjustments. That is the real substantive yield he made, which is potentially dangerous and very worrisome. It does not maintain with our attitude that if there is going to be any border correction and giving up of occupied territory, they must be agreed upon contemporaneously.

I have no doubt that Israel is going to get out of most of the occupied territory—in return for a real peace settlement—but if we are going to twist her arm—and we can do it—and make her give up what is essential to her national survival, that is where the danger lies. That was foreshadowed in the tone of the speech of the Secretary of State, in an effort to make the Arabs feel that we are not against them. I agree that that was the effect.

Mr. BROOKE. I certainly agree that Israel must have permanently defensible borders, and I thank the Senator for his interpretation of the Secretary's speech.

STATE TAXATION OF NATIONAL BANKS—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7491) to clarify the liability of national banks for certain taxes. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The bill clerk read the report.

(For conference report, see House proceedings of December 9, 1969, page 37997, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PROXMIRE. Mr. President, the Senator from Utah (Mr. BENNETT) is unable to be present this morning and has asked that in his absence I make a statement for him on the conference report on this bill relating to State taxation of national banks. During the conference, the language which is now contained in the conference report was amended by adding two words, which were apparently inadvertently omitted from the report. The two words were to be added to the provision permanently amending section 5219 of the revised statutes.

The section in the report now reads:

> For purposes of any tax law enacted under authority of the United States or any state, a national bank shall be treated as a bank organized and existing under the laws of the State or other jurisdiction within which its principal office is located.

The words "the same" were accepted by the conference and should have been inserted between the words "treated" and "as" so that the section would read:

> For the purposes of any tax law enacted under authority of the United States or any State, a national bank shall be treated *the same* as a bank organized and existing under the laws of the State or other jurisdiction within which its principal office is located.

It is my understanding that the chairman, the Senator from Alabama (Mr. SPARKMAN), agrees with this conclusion.

Mr. President, Senator BENNETT asked that these two words be added to be sure that the meaning of the section is clear that the Congress is expressing no intent about the Federal instrumentality issue concerning national banks. The House report language says that the change from "deemed to be" a State bank which was included in the House bill and "shall be treated as" a State bank is totally without significance so far as the taxing ability of State is concerned. This is true. The report goes on to say that the only purpose of the change is an attempt to avoid any expression of congressional intent as to whether the Federal instrumentality doctrine still has any viability as applied to national banks. Senator BENNETT feels that the addition of the two words, mentioned before make it clear that not only is the change an attempt to avoid an expression of congressional intent, it clearly avoids the issue. Such an issue is now before the courts and should be decided by the courts.

Senator BENNETT also is concerned about the provision opening up the taxation completely before the study which is required by the bill by the Federal Reserve Board, is completed. There are some unanswered questions which should be answered before we take such a significant step. The fact that the conferees agreed that their respective Banking and Currency Committees would give prompt and serious consideration to any recommendations transmitted by the Federal Reserve Board as a result of the study is helpful, but we have still acted without proper knowledge.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Florida, who was the initiator and the instigator of this legislation. I am delighted to see he is present.

Mr. HOLLAND. Mr. President, I had understood that action on this conference report was to await the return of Senator SPARKMAN, and I was waiting in the cloakroom to be summoned to the floor.

Mr. PROXMIRE. I understand. This is a failure of communication on my part. I called the Senator's office, and did not understand that the Senator was waiting for Senator SPARKMAN. Senator SPARKMAN could not be present at this time.

Mr. HOLLAND. Well, Mr. President, I am delighted that the matter is being brought to a head.

I express my appreciation for the expeditious handling of this legislation by the chairman of the Banking and Currency Committee, Senator SPARKMAN, and the floor manager of the bill, Senator PROXMIRE, and the ranking Republican member of the committee, Senator BENNETT. I should like to ask the Senator from Wisconsin if it is his understanding of the conference report that the legislation will permit Florida to impose on a national bank any sales taxes or use taxes complementary thereto, any taxes on tangible personal property—not including cash or currency—any taxes, including documentary stamp taxes, on the execution, delivery, or recordation of documents without additional legislation. As you know, these taxes were enumerated in my bill, S. 2906. In addition, I enumerated in my bill license, registration, transfer, excise, or other fees or taxes imposed on the ownership, use, or transfer of motor vehicles, the latter be-

ing inserted in S. 2906, since it was my understanding that certain States, including California, currently impose such taxes. It is my understanding that all of these enumerated items are covered by the conference bill. Would the Senator from Wisconsin advise me if my understanding of the conference report is correct?

Mr. PROXMIRE. The Senator is correct in his understanding.

Let me say, first, that the bill did not, of itself, require any State legislature to take any action before the State may impose the taxes the Senator named. It may be that the legislatures of one or more States may be required by their own State law to enact some statute in order to take advantage of the act. However, there is nothing in the act itself which requires this action in regard to the named taxes.

I am unable to describe the precise effect this act will have on the mechanism of the tax laws of each State. Those laws are extremely complex, and require experts on the law of each State to determine what action, if any, will be required by each State in order to take advantage of the act.

Mr. HOLLAND. I thank the Senator. I appreciate the expeditious handling which has been given to this bill. It is my understanding also that no additional action by the Florida Legislature is required, since it has heretofore imposed taxes on the list of properties of national banks which I have just enumerated in my question.

Mr. PROXMIRE. That is my understanding, and I am sure the Senator is correct.

Mr. HOLLAND. I thank the Senator.

Mr. TOWER. Mr. President, I would like to comment on the unorthodox method used in this measure to enact legislation for 1972 now which is substantially based on a study that has not yet begun. I have opposed this unwise procedure from the start. However, the necessity for new sources of State revenue and the unpopularity of the presently unwarranted immunities of national banks militate for rapid action to clear national banks for new taxes such as sales taxes, documentary taxes, and motor vehicle taxes. The 1970 provision does this adequately, and hence I support the conference report in that respect.

But the provision opening the banks up completely to State taxation systems in 1972 seems clearly unwise at this time, before the Federal Reserve-Treasury study on the problems of intangible personal property taxes and interstate taxation of national banks is completed next year. We may well find that substantial revision of the 1972 provisions are needed when the study is completed, and yet in the meantime the banking industry and the State taxation authorities are going to be planning on the basis of the 1972 provision we are passing today.

I reluctantly vote for final passage of this measure in order to improve State revenue sources in the immediate future, but I will be most interested in seeing that any revisions that need to be made in the 1972 provision after the study is completed are taken up by the Senate Banking and Currency Committee with all due speed.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 46) authorizing the printing of a report entitled "Handbook for Small Business" as a Senate document.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H.R. 9163. An act to authorize the disposal of certain real property in the Chickamauga and Chattanooga National Military Park, Ga., under the Federal Property and Administrative Services Act of 1949;

H.R. 12964. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 13763. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes.

U.S. POLICY IN THE MIDDLE EAST

Mr. FULBRIGHT. Mr. President, in response to the comments made a few minutes ago by the distinguished Senator from New York, I ask unanimous consent to have printed in the RECORD the text of the speech of Secretary Rogers on U.S. policy in the Middle East, as a part of the remarks I am about to make.

Mr. JAVITS. Mr. President, will the Senator permit me to do that? Because I think that would be fair. Will the Senator let me do that?

Mr. FULBRIGHT. Well, I wanted it as a part of my remarks, too.

Mr. JAVITS. I yield to the Senator, then.

Mr. FULBRIGHT. I am happy to accept the Senator as a cosponsor, but I wish to refer to certain parts of the speech.

There being no objection, the text of the speech was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 11, 1969]

TEXT OF SPEECH BY SECRETARY ROGERS ON U.S. POLICY IN MIDDLE EAST

WASHINGTON.—I am very happy to be with you this evening and be a part of this impressive conference.

The Galaxy Conference represents one of the largest and most significant efforts in the nation's history to further the goals of all phases of adult and continuing education.

The State Department, as you know, has an active interest in this subject. It is our belief that foreign-policy issues should be more broadly understood and considered. As you know, we are making a good many efforts toward providing continuing education in the foreign-affairs field. I am happy tonight to join so many stanch allies in those endeavors!

In the hope that I may further that cause I want to talk to you tonight about a foreign-policy matter which is of great concern to our nation.

HOPES FOR UNDERSTANDING

I am going to speak tonight about the situation in the Middle East. I want to refer to the policy of the United States as it relates to that situation in the hope that there may be a better understanding of that policy and the reasons for it.

Following the third Arab-Israeli war in 20 years, there was an upsurge of hope that a lasting peace could be achieved. That hope has unfortunately not been realized. There is no area of the world today that is more important because it could easily again be the source of another serious conflagration.

When this Administration took office, one of our first actions in foreign affairs was to examine carefully the entire situation in the Middle East. It was obvious that a continuation of the unresolved conflict there would be extremely dangerous, that the parties to the conflict alone would not be able to overcome their legacy of suspicion to achieve a political settlement and that international efforts to help needed support.

The United States decided it had a responsibility to play a direct role in seeking a solution.

SUGGESTION ACCEPTED

Thus, we accepted a suggestion put forward both by the French Government and the Secretary General of the United Nations. We agreed that the major powers—the United States, the Soviet Union, the United Kingdom and French—should cooperate to assist the Secretary General's representative, Ambassador Jarring, in working out a settlement in accordance with the resolution of the Security Council of the United Nations of November, 1967. We also decided to consult directly with the Soviet Union, hoping to achieve as wide an area of agreement as possible between us.

The decisions were made in full recognition of the following important factors.

First, we knew that nations not directly involved could not make a durable peace for the peoples and governments involved. Peace rests with the parties to the conflict. The efforts of major powers can help; they can provide a catalyst; they can stimulate the parties to talk; they can encourage; they can help define a realistic framework or agreement; but an agreement among other powers cannot be a substitute for agreement among the parties themselves.

Second, we knew that a durable peace must meet the legitimate concerns of both sides.

Third, we were clear that the only framework for a negotiated settlement was one in accordance with the entire text of the U.N. Security Council resolution. That resolution was agreed upon after long and arduous negotiations; it is carefully balanced; it provides the basis for a just and lasting peace—a final settlement—not merely an interlude between wars.

Fourth, we believed that a protracted period of no war, no peace, recurrent violence, and spreading chaos would serve the interests of no nation, in or out of the Middle East.

EIGHT MONTHS OF CONSULTATION

For eight months we have pursued these consultations, in four-power talks at the United Nations, and in bilateral discussions with the Soviet Union.

In our talks with the Soviets, we have proceeded in the belief that the stakes are so high that we have a responsibility to determine whether we can achieve parallel views, which would encourage the parties to work out a stable and equitable solution.

We are under no illusions; we are fully

conscious of past difficulties and present realities. Our talks with the Soviets have brought a measure of understanding but very substantial differences remain. We regret that the Soviets have delayed in responding to new formulations submitted to them on Oct. 28. However, we will continue to discuss these problems with the Soviet Union as long as there is any realistic hope that such discussions might further the cause of peace.

The substance of the talks that we have had with the Soviet Union have been conveyed to the interested parties through diplomatic channels. This process has served to highlight the main roadblocks to the initiation of useful negotiations among the parties.

On the one hand, the Arab leaders fear that Israel is not in fact prepared to withdraw from Arab territory occupied in the 1967 war.

FEARS ARE SUPPORTED

On the other hand, Israeli leaders fear that the Arab states are not in fact prepared to live in peace with Israel.

Each side can cite from its viewpoint considerable evidence to support its fears. Each side has permitted its attention to be focused solidly and to some extent solely on these fears.

What can the United States do to help to overcome these roadblocks?

Our policy is and will continue to be a balanced one.

We have friendly ties with both Arabs and Israelis. To call for Israeli withdrawal as envisaged in the U.N. resolution without achieving agreement on peace would be partisan toward the Arabs.

To call on the Arabs to accept peace without Israeli withdrawal would be partisan toward Israel. Therefore, our policy is to encourage the Arabs to accept a permanent peace based on a binding agreement and to urge the Israelis to withdraw from occupied territory when their territorial integrity is assured as envisaged by the Security Council resolution.

In an effort to broaden the scope of discussion we have recently resumed four-power negotiations at the United Nations.

Let me outline our policy on various elements of the Security Council resolution. The basic and related issues might be described as peace, security, withdrawal and territory.

PEACE BETWEEN PARTIES

The resolution of the Security Council makes clear that the goal is the establishment of a state of peace between the parties instead of the state of belligerency, which has characterized relations for over 20 years. We believe the conditions and obligations of peace must be defined in specific terms. For example, navigation rights in the Suez Canal and in the Straits of Tiran should be spelled out. Respect for sovereignty and obligations of the parties to each other must be made specific.

But peace, of course, involves much more than this. It is also a matter of the attitudes and intentions of the parties. Are they ready to coexist with one another? Can a live-and-let-live attitude replace suspicion, mistrust and hate? A peace agreement between the parties must be based on clear and stated intentions and a willingness to bring about basic changes in the attitudes and conditions which are characteristic of the Middle East today.

SENSE OF SECURITY NEEDED

A lasting peace must be sustained by a sense of security on both sides. To this end, as envisaged in the Security Council resolution, there should be demilitarized zones and related security arrangements more reliable than those which existed in the area in the past. The parties themselves, with Ambassador Jarring's help, are in the best position to work out the nature and the details of such security arrangements. It is, after all, their interests which are at stake and their territory which is involved. They must live with the results.

The Security Council resolution endorses the principle of the nonacquisition of territory by war and calls for withdrawal of Israeli armed forces from territories occupied in the 1967 war. We support this part of the resolution, including withdrawal, just as we do its other elements.

The boundaries from which the 1967 war began were established in the 1949 armistice agreements and have defined the areas of national jurisdiction in the Middle East for 20 years. Those boundaries were armistice lines, not final political borders. The rights, claims and positions of the parties in an ultimate peaceful settlement were reserved by the armistice agreements.

The Security Council resolution neither endorses nor precludes these armistice lines as the definitive political boundaries. However, it calls for withdrawal from occupied territories, the non-acquisition of territory by war, and for the establishment of secure and recognized boundaries.

INSUBSTANTIAL CHANGES BACKED

We believe that while recognized political boundaries must be established, and agreed upon by the parties, any changes in the preexisting lines should not reflect the weight of conquest and should be confined to insubstantial alterations required for mutual security. We do not support expansionism. We believe troops must be withdrawn as the resolution provides. We support Israel's security and the security of the Arab states as well. We are for a lasting peace that requires security or both.

By emphasizing the key issues of peace, security, withdrawal and territory, I do not want to leave the impression that other issues are not equally important. Two in particular deserve special mention—the questions of refugees and of Jerusalem.

There can be no lasting peace without a just settlement of the problem of those Palestinians whom the wars of 1948 and 1967 have made homeless. This human dimension of the Arab-Israeli conflict has been of special concern to the United States for over 20 years. During this period the United States has contributed about $500-million for the support and education of the Palestine refugees. We are prepared to contribute generously along with others to solve this problem. We believe its just settlement must take into account the desires and aspirations of the refugees and the legitimate concerns of the governments in the area.

JUSTICE IS SOUGHT

The problem posed by the refugees will become increasingly serious if their future is not resolved. There is a new consciousness among the young Palestinians who have grown up since 1948 which needs to be channeled away from bitterness and frustration toward hope and justice.

The question of the future status of Jerusalem, because it touches deep emotional, historical and religious well-springs, is particularly complicated. We have made clear repeatedly in the past two-and-one-half years that we cannot accept unilateral actions by any party to decide the final status of the city. We believe its status can be determined only through the agreement of the parties concerned, which in practical terms means primarily the Governments of Israel and Jordan, taking into account the interests of other countries in the area and the international community. We do, however, support certain principles which we believe would provide an equitable framework for a Jerusalem settlement.

Specifically, we believe Jerusalem should be a unified city within which there would no longer be restrictions on the movement of persons and goods. There should be open access to the unified city for persons of all faiths and nationalities. Arrangements for the administration of the unified city should take into account the interests of all its inhabitants and of the Jewish, Islamic and Christian communities.

And there should be roles for both Israel and Jordan in the civic, economic and religious life of the city.

It is our hope that agreement on the key issues of peace, security, withdrawal and territory will create a climate in which these questions of refugees and of Jerusalem, as well as other aspects of the conflict, can be resolved as part of the overall settlement.

During the first weeks of the current United Nations General Assembly, the efforts to move matters toward a settlement entered a particularly intensive phase. Those efforts continue today.

I have already referred to our talks with the Soviet Union. In connection with those talks there have been allegations that we have been seeking to divide Arab states by urging the U.A.R. to make a separate peace. These allegations are false. It is a fact that we and the Soviets have been concentrating on the questions of a settlement between Israel and the United Arab Republic. We have been doing this in the full understanding on both our parts that, before there can be a settlement of the Arab-Israeli conflict, there must be agreement between the parties on other aspects of the settlement—not only those related to the United Arab Republic but also those related to Jordan and other states which accept the Security Council resolution of November, 1967.

MUST START SOMEWHERE

We started with the Israeli-United Arab Republic aspect because of its inherent importance for future stability in the area and because one must start somewhere.

We are also ready to pursue the Jordanian aspects of a settlement—in fact, the four powers in New York have begun such discussions. Let me make it perfectly clear that the United States position is that implementation of the over-all settlement would begin only after complete agreement had been reached on related aspects of the problem.

In our recent meetings with the Soviets, we have discussed some new formulas in an attempt to find common positions. They consist of three principal elements:

First, there should be a binding commitment by Israel and the United Arab Republic to peace with each other, with all the specific obligations of peace spelled out, including the obligation to prevent hostile acts originating from their respective territories.

Second, the detailed provisions of peace relating to security safeguards on the ground should be worked out between the parties, under Ambassador Jarring's auspices, utilizing the procedures followed in negotiating the armistice agreement under Ralph Bunche in 1949 at Rhodes. This formula has been previously used with success in negotiations between the parties on Middle Eastern problems. A principal objective of the four-power talks, we believe, should be to help Ambassador Jarring engage the parties in a negotiating process under the Rhodes formula.

So far as a settlement between Israel and the United Arab Republic goes, these safeguards relate primarily to the area of Sharm el Sheik controlling access to the Gulf of Aqaba, the need for demilitarized zones as foreseen in the Security Council resolution, and final arrangements in the Gaza Strip.

WITHDRAWAL REQUIRED

Third, in the context of peace and agreement on specific security safeguards, with-

drawal of Israeli forces from Egyptian territory would be required.

Such an approach directly addresses the principal national concerns of both Israel and the U.A.R. It would require the U.A.R. to agree to a binding and specific commitment to peace. It would require withdrawal of Israeli armed forces from U.A.R. territory to the international border between Israel and Egypt which has been in existence for over a half century. It would also require the parties themselves to negotiate the practical security arrangements to safeguard the peace.

We believe that this approach is balanced and fair.

We remain interested in good relations with all states in the area. Whenever and wherever Arab states which have broken off diplomatic relations with the United States are prepared to restore them, we shall respond in the same spirit.

Meanwhile, we will not be deterred from continuing to pursue the paths of patient diplomacy in our search for peace in the Middle East. We will not shrink from advocating necessary compromises, even though they may and probably will be unpalatable to both sides. We remain prepared to work with others—in the area and throughout the world—so long as they sincerely seek the end we seek: a just and lasting peace.

Mr. FULBRIGHT. Personally, I feel that this was an extremely well-balanced and thoughtful speech. I should like to read some very short excerpts, to show what I think is the attitude of the Secretary. He says:

Second, we knew that a durable peace must meet the legitimate concerns of both sides.

All through the speech, he emphasizes the necessity of meeting the legitimate needs of both sides. Later on he said:

Our policy is and will continue to be a balanced one.

We have friendly ties with both Arabs and Israelis. To call for Israeli withdrawal as envisioned in the U.N. resolution without achieving agreement on peace would be partisan toward the Arabs.

To call on the Arabs to accept peace without Israeli withdrawal would be partisan toward Israel. Therefore, our policy is to encourage the Arabs to accept a permanent peace based on a binding agreement and to urge the Israelis to withdraw from occupied territory when their territorial integrity is assured as envisaged by the Security Council resolution.

Later he says:

We believe the conditions and obligations of peace must be defined in specific terms. For example, navigation rights in the Suez Canal and in the Straits of Tiran should be spelled out.

He also says:

But peace, of course, involves much more than this. It is also a matter of the attitudes and intentions of the parties. Are they ready to coexist with one another? Can a live-and-let-live attitude replace suspicion, mistrust and hate?

He adds:

A lasting peace must be sustained by a sense of security on both sides.

And so on. He says:

The Security Council resolution neither endorses nor precludes these armistice lines as the definitive political boundaries. However, it calls for withdrawal from occupied territories, the nonacquisition of territory by war, and for the establishment of secure and recognized boundaries. . . .

We believe that this approach is balanced and fair.

We remain interested in good relations with all states in the area. Whenever and wherever Arab states which have broken off diplomatic relations with the United States are prepared to restore them, we shall respond in the same spirit.

Meanwhile, we will not be deterred from continuing to pursue the paths of patient diplomacy in our search for peace in the Middle East.

Mr. President, I think this speech was an outstanding example of a balanced and sensible approach, in the interests of the United States and in the interests of peace, and I regret that it has been attacked as being partisan, or as undermining peace and standing in the way of peace.

APPROPRIATE TIME FOR RELEASE OF AMERICAN PRISONERS BY NORTH VIETNAM

Mr. BROOKE. Mr. President, we are now approaching the Christmas season, the holiest time in the Western World. The occasion is celebrated differently in the many lands and by the many denominations which make up the Christian religion. But for all who honor and observe this occasion, it has two common features: First, it is a time of peace; and second, it is a time of celebration and reunion with loved ones.

On both these counts, the continuing conflict in Vietnam deeply mars the occasion for all Americans. Even as we think of peace, pray for peace, and work for peace, our thoughts are held by the images of the war which our best efforts have been powerless to end. Even as we look forward to the joy of reunion with our families and friends, our thoughts turn toward those who cannot anticipate such joys in the coming season.

Mr. President, in recent days we have seen the other side make a special effort to bring peace in this holiday season. The Saigon government initially proposed a 24-hour truce for Christmas and a similar truce for New Year's Day. The National Liberation Front has proposed a 3-day cessation of hostilities for each of the two Western holidays. I welcome these initiatives and hope that the two sides can work out an even more extended truce. If such a truce is accepted and observed, it could pave the way to the cease-fire which many of us have urged.

In keeping with the holiday spirit, however, I cannot help feeling that a second initiative would be even more welcome, to Americans at home and in the field. The NLF and the North Vietnamese presently are holding 419 known American prisoners of war. Except for an occasional report through unofficial channels, or the eyewitness accounts of the few who have escaped or been released, neither the American Government nor the families of these men have any knowledge of their whereabouts or welfare. Some have been missing, or presumed prisoners, for as long as 4 or 5 years. In the meantime, their wives and parents have been waiting; their children have grown up without them; for these families, time has not healed their wounds, nor has their patience as yet been rewarded.

This failure on the part of the NLF and the North Vietnamese to reveal information about their prisoners is one of the cruelest, most unnecessary, and least productive aspects of their entire war effort. The families of the prisoners of war have not put pressure on the U.S. Government to withdraw, as the enemy expected they would do. Rather they have, for the most part, bravely supported the efforts for which their loved ones gave so much. At the same time, the enemy has brought down upon itself the opprobrium of world public opinion for its refusal to observe one of the most basic codes of international behavior. What is more, in so doing, they have gone back upon their own word.

Mr. President, there was a time, just a year and a half ago, when this country was caught in the throes of a massive debate over the merits of a complete halt to the bombing of North Vietnam. At that time, we had already ceased bombing most areas of the North, and the two sides had agreed to talk in Paris. But the other side obviously wanted to encourage a further reduction in the American war effort. Consequently, in July of 1968, North Vietnam's spokesman in Paris indicated at a press conference that his government would be prepared to discuss any issue raised by the United States once the bombing had been halted.

The spokesman in question, Nguyen Than Le, did not say that his government would discuss "some issues" of the war. He did not say they would discuss "all issues" as part of an interrelated peace package. He said, clearly and unequivocally, any single issue which the United States might care to raise.

Since that time, our negotiators have tried unrelentingly to have the prisoner of war question considered and resolved on a plane apart from the question of troop withdrawal or the eventual political settlement. So far, their efforts have been in vain.

Mr. President, the stubborn refusal of the NFL and the North Vietnamese to release any information on American prisoners of war, their refusal to permit the exchange of communication between these prisoners and their families, their refusal to release the prisoners themselves, are self-defeating actions. No military advantage is gained, either in Vietnam or in regard to public pressure in the United States. No propaganda advantage accrues to them in terms of world opinion.

The release of American prisoners of war, or at a minimum the release of accurate information about them, would cost the Vietcong and North Vietnamese nothing. Yet it would be seen in this country and around the world as progress in an area which for too long has shown few gains. Such a step would strengthen the humanities which bring even adversaries together.

Now is the time for the other side to make a real contribution to peace. I call upon them to consider, in this holiday season, the significance of such a course of action. I call upon them to weigh the costs and the advantages involved. I call upon them to take that action which can, more than any other single step, indicate

a willingness on their part to seek a negotiated solution to the issues which presently divide us. The joy which release of American prisoners would bring in this holiday season would be unbounded. The larger significance of their action would also be heeded, and could lead to even larger steps toward a peace of reconciliation and reconstruction.

MYLAI—AN INCIDENT THAT STAINS OUR NATIONAL CONSCIENCE

Mr. YOUNG of Ohio. Mr. President, the Mylai massacre is something new in our national history and experience. Hiding this crime does not make it less black and criminal. Very definitely, Mylai was cold-blooded murder on the part of officers who gave the order to destroy the village and everyone in it and on the part of Captain Medina and First Lieutenant Calley who were in direct command.

Captain Medina's company gathered old men, women, children and babies in groups and then grenade launchers were fired into these groups. Soldiers on order of Captain Medina and First Lieutenant Calley killed civilians with rifle shots.

In the entire village there was no resistance. Only three weapons were found in the entire area. Orders given by those two officers were so astonishing and so terrifying that one GI shot himself in the foot to avoid participating. Some other GI's simply refused to obey the orders to shoot civilians. Then, later that day, these officers told soldiers not to discuss this with anyone. Hiding this hideous crime does not make it less black. It remains murder in cold blood.

This action in surrounding this small hamlet early in the morning before the old men and women had time to leave for the rice fields or for market, then for the company commander to tolerate and First Lieutenant Calley, commanding a platoon of soldiers, to order the killing in cold blood old men, women, children, and even little babies was an abominable atrocity and slaughter of innocent defenseless human beings. Such a despicable episode is not within our national experience.

When these civilians were lined up along the road and their shacks searched only three weapons were discovered in the entire area. Then, officers instructed the GI's to fire. Some refused the order to murder these civilians.

Mr. President, the Mylai massacre was reminiscent of the destruction of the village of Ben Tre shortly following the Tet offensive, which General Westmoreland in his self-delusion termed a victory for our forces. The VC invaded 37 provincial capitals, including Saigon. They invaded and held our Embassy for 7 hours. Ambassador Bunker escaped capture and probably that was another reason General Westmoreland claimed a victory. The VC in Saigon freed 15,000 prisoners from jail and in all capitals they went immediately to the jails freeing prisoners. They struck everywhere except where General Westmoreland claimed he had encircled the encirclers around the caisson. Ben Tre, a city of 35,000 inhabitants, was destroyed by our soldiers under orders of their officers. An American major explaining what happened at Ben Tre put our entire Vietnam involvement in a nutshell. He said, "It became necessary to destroy the city to save it." So, Ben Tre, a city of 35,000 population in the Mekong Delta, following the time that it has been occupied by the VC, was destroyed methodically by American fire power during 48 terrible hours. This little city was utterly demolished by American bombs, napalm, shells and rockets. More than 10,000 civilians—women, children, babies, and old men—were killed, including some thousands of refugees who had fled to the city for safety. Nobody knows how many thousands of civilians were killed because entire families were permanently buried in the rubble. "It became necessary to destroy the city to save it." This was a shameful episode in the history of the Armed Forces and of our country.

Now, next on the order of atrocities comes Mylai where hundreds of old men, women, children, and babies were shot to death. Shortly afterward, the Army investigated and, of course, came up with a whitewash job.

There must be real and thorough investigation. The corpses of those killed and buried should be exhumed in the course of such investigation. Medical men of friendly nations and medical men from civilian life in our own country should be among the experts to investigate the manner and cause of the deaths. This brutality is almost beyond comprehension. It cannot be defended nor explained. It must be thoroughly and impartially investigated.

For anyone to claim that the United States can now transform South Vietnam into a unified bastion of democracy friendly to Americans is sheer insanity. Peoples the world over heretofore friendly to us, not only in Asia but also in Europe, condemn and denounce this terrible terrorist atrocity. This atrocity has also had its grim effect on all Americans. None of us can evade a share of this shame.

Mr. President, I report that a fine young constituent of mine, Dr. David Crane, served in Vietnam as a psychiatrist for the 25th Infantry Division. From Vietnam he wrote his father:

> Dad, the Christian world can't comprehend the casual disregard for human life which typifies Asiatics. For example, our South Korean allies are probably the most respected by the Viet Cong of all our combined forces. One day a company of our American troops marched through a South Vietnam village followed by a company of our South Korean allies. Just as the South Koreans were leaving the village, a VC sniper shot one of them. The South Koreans immediately did a right about-face, and marched back to the center of town. Then they mowed down every man, woman, child and baby with their machine guns. After which, they wheeled and marched in the direction of the American soldiers they had been following.

American Army officers, the young man reported, were horrified over this incident. Yet regarding Mylai our officers within 30 days following ended their so-called investigation and whitewashed the deliberate premeditated murders committed in Mylai, not by tired soldiers who had been shot at by a sniper, but by planned deliberate premeditated orders "Destroy Mylai and everything in it." Later, they decided to do nothing about it. The same young man reported another incident demonstrating the casual disdain for human life held by some combat-hardened soldiers.

One of the 50,000 South Korean soldiers purchased and maintained for service in South Vietnam by our Government was hit and an unexploded bombhead was buried in his chest. American surgeons debated how to operate without detonating it. One suggested using sandbags as breast protectors at the operating table. Then, an officer mentioned calling the South Korean regiment stationed nearby to handle this wounded man. The South Korean chief surgeon notified by telephone sent a couple of orderlies and a jeep to pick up the wounded man. The orderlies herded him a few hundred yards then stood off and fired a bullet into his chest exploding the bomb and blowing their comrade to bits.

This illustrates what some call "the casual disdain for human life which Asiatics hold after 3,000 years of pagan thinking!"

Those American officers and soldiers—products of Western culture—who murdered in cold-blood women, children, babies and old men—all civilians at Mylai—demonstrated that same disdain and contempt for human life. They apparently did this deliberately and with premeditation on orders from Lieutenant Calley and other officers.

ABA GROUP URGES RATIFICATION OF HUMAN RIGHTS CONVENTION

Mr. PROXMIRE. Mr. President, for more than 20 years, we in the Senate have been waiting to ratify the Human Rights Convention on Genocide. This treaty was sent to us by President Truman, and the treaty has been pending in the Committee on Foreign Relations ever since.

One of the reasons why we have not acted is that the American Bar Association has opposed action for many years. I am delighted to report to the Senate this morning that a group in the American Bar Association which is particularly qualified in this area and has been studying this matter for some time is now recommending to the American Bar Association that it reverse its stand.

I might say that this can have very significant consequences, in view of the fact that the reason why we have not ratified the Political Rights of Women Treaty is that the only organization that opposed our ratifying that particular treaty, out of 23 that appeared before the Foreign Relations Committee, was the American Bar Association. And the ABA outnumbered 22 to 1 prevailed. If the ABA comes over to our side it will be good news.

Now that the association which all of us look to with respect for legal advice seems to be reconsidering its position, I would hope that this would persuade the Committee on Foreign Relations to take a look at it. Certainly, when every President we have had since President Truman first requested Senate action has agreed that the Senate should ratify this treaty—only the Senate has to act to secure its ratification—I am sure that

every Member of this body and virtually everyone in America is vehemently opposed to genocide and recognizes that it is a terrible international crime. I hope the Committee on Foreign Relations will reconsider this matter and will be able to recommend it to the Senate.

I ask unanimous consent that the article that appeared in the Washington Post on December 10, entitled "ABA Is Urged To Alter Stand on U.N. Pact," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ABA IS URGED TO ALTER STAND ON U.N. PACT

CHICAGO, December 9.—An American Bar Association group today urged the association to reverse a stand it took 20 years ago and support ratification of the United Nations Convention on the Prevention and Punishment of Crime of Genocide.

The United States is one of the few major powers that have not ratified the convention against genocide, which is an effort to destroy national ethnic, racial or religious groups.

ECONOMIC SANCTIONS AGAINST RHODESIA

Mr. BYRD of Virginia. Mr. President, on November 11, 1969, the peaceful country of Rhodesia celebrated 4 years of independence from Great Britain. For the last 3 years of those 4 years, that country has been forced to exist under partial, then total, economic sanctions.

These sanctions were invoked by the United Nations at the request of Great Britain, and actively supported by our Ambassador to the United Nations at that time.

When the initial partial boycott against certain strategic materials failed to bring Rhodesia to her knees, the United Nations voted a total embargo on trade with Rhodesia. The United States agreed to this move and President Johnson signed an Executive order designed to help close the economic noose on Rhodesia.

According to the United Nations Charter, if the total embargo fails, armed intervention would be the next step taken in the Rhodesian situation. Already the United Nations General Assembly has passed a resolution allowing Great Britain to use "armed force if necessary" to enforce the United Nations economic sanctions.

The reason given for our policy toward Rhodesia is that she has not constitutionally provided for an "orderly transition to majority rule." Yet recent figures show 37 member nations of the United Nations do not have a form of government based on majority rule, and the adherence to that principle is questionable in 25 others.

This is not only the element of folly in our Rhodesian policy. While we support an economic policy designed to strangle a peaceful country, at the request of Great Britain, ships flying the British flag continue to carry goods into North Vietnam—a country with which we are at war.

And this is not all. Prior to the United Nations sanctions, Rhodesia was our major source of chromium ore. Now we are in the strange position of having to purchase chrome from the Soviet Union who supplies the bulk of the raw materials for the North Vietnamese war effort.

Former Secretary of State Dean Acheson has long advocated a more reasonable U.S. policy toward Rhodesia. Mr. Acheson has called the United Nations economic sanctions "barefaced aggression, unprovoked, and unjustified by a single legal or moral principle."

I submit that both the question of Rhodesian independence, and the Rhodesian form of government are questions to be decided between the two countries involved. The American Government has no business interfering.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. ERVIN. I ask the Senator from Virginia if the Constitution of the United States does not provide that the power to regulate interstate and foreign commerce belongs to Congress and not to the President of the United States.

Mr. BYRD of Virginia. The Senator from North Carolina is exactly right.

The Senator from North Carolina is one of the ablest constitutional lawyers in the United States, and what he says is absolutely correct.

I think it is absolutely wrong for the executive branch of Government to invoke economic sanctions on its own, which was done under the previous administration—without submitting it to Congress—against a peaceful country, a country which is not at war with the United States, a country which is not bothering any other country.

The Senator from North Carolina has brought up a vitally important point in his statement this morning.

Mr. ERVIN. I thank the Senator from Virginia.

I also ask the Senator from Virginia whether he agrees with the Senator from North Carolina that President Johnson usurped and exercised a power he did not possess under the Constitution when he ordered an embargo on shipments to Rhodesia.

Mr. BYRD of Virginia. I agree 1,000 percent with the Senator from North Carolina.

Mr. President, just recently, Mr. Acheson has again spoken out on our Rhodesian policy. He testified before the African Subcommittee of the House Committee on Foreign Affairs.

I ask unanimous consent that the text of his remarks be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF DEAN G. ACHESON BEFORE THE SUBCOMMITTEE ON AFRICA, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, NOVEMBER 19, 1969

The question whether Britain should, and on what terms might, grant independence to Rhodesia misses the essential operational reality. Britain had no power, and has no power, to grant or withhold Rhodesian independence. Rhodesia's independence of Britain is an established fact.

The dispute between Rhodesia and Britain focused on procedure for amending certain items in the Rhodesian constitution. The British official mind became befuddled by the concept of Parliament's supremacy. That idea has operational reality for the United Kingdom itself, where the instruments of administration are subject to Parliament's control. In view of Parliament's lack of leverage concerning the civil service, the courts, the police, the armed forces, the budget, revenue, commerce, or what not in Rhodesia, the idea of parliamentary supremacy projected to that land was an empty abstraction.

Rhodesia moved in 1965 to bring technicalities into line with operational realities by assuming full custody of its own constitution. It employed a power manifestly at its disposal, irrespective of the London government's acquiescence or objection. The action did not create the fact. It only registered the fact.

The British government invoked a parliamentary enactment which purportedly conveyed to it plenary powers to deal with the situation. It issued an Order-in-Council. That document purportedly abolished the governing structure in Rhodesia, assigned absolute control to the government in London, reduced Rhodesia to the status of a Crown Colony (which it had never been), and made the British-appointed figurehead governor in Salisbury a surrogate overlord of the land.

The provisions were fictitious. A more bizarre instance of fantasy decked out in trappings of law can scarcely be imagined.

To determine the pattern of rulership in another country requires conquering it. The British had neither appetite nor capabilities for doing anything of the sort. Nothing was farther from Prime Minister Harold Wilson's resourceful imagination than the intention to invade, to subjugate, to pacify, and to run Rhodesia.

International sanctions were what the British counted on to bail their policy out of bankruptcy. Wholesale commercial restrictions were to be a substitute for the war which the British lacked heart and means to fight.

We live in curious times. The British found the United Nations Security Council in a mood to be gulled. Chorusing anti-colonial cliches, assorted governments vowed to help Britain reduce a self-governing territory to Crown Colony status. British misrepresentations of the background and British misinformation about the prospects were accepted without question. When it came to a matter of declaring Rhodesia to constitute a threat to the peace, so as to rationalize application of mandatory sanctions under Article 41 of the Charter, the step was taken without the adducing of a scintilla of corroboratory evidence.

The actions which have been taken are, of course, in derogation of the Charter itself. The powers authorized by Chapter VII have been invoked not for the proper purpose of preserving peace but for doing something expressly forbidden by paragraph 7 of Article 2 of the Charter, which states that the United Nations is to keep hands off matters essentially within the domestic jurisdiction of states.

The idea of using commercial restrictions as a substitute for war in getting control over somebody else's country is a persistent and mischievous superstition in the conduct of international affairs. As in other instances, it has proved delusory in the Rhodesian case.

The results, all contraproductive, have been to encourage the British in impeding a settlement with Rhodesia by insisting on untenable conditions, to solidify the Rhodesian electorate's support of the regime, to push Rhodesia sharply rightward in political outlook, to slow up economic progress for the Rhodesian blacks, and to make the United States improvidently dependent on the Soviet Union for chromite.

In view of the manifest failure of economic sanctions, the question for this government now concerns next steps.

One theoretic possibility is a resort to direct hostilities under Article 42 of the Char-

ter, as urged by some black African governments.

That course seems to me to be absolutely out of the question. Britain has no will or means for such a venture. I cannot imagine this government's letting itself get involved in hostilities certain to encompass all of Southern Africa—a multifarious, remote, difficult area equal to a dozen Californias in size. To blunder into war in Southern Africa would have a divisive effect on our society measurelessly greater than Viet Nam has had.

An alternate idea is to extend sanctions to all Southern Africa. That is a scheme for redeeming folly by compounding it. Even if our government were to take leave of its senses and go along in such an undertaking, the British, I am sure, could be counted on to veto it. They are not about to cut off their lucrative trade with South Africa. In this respect at least, they have not lost perspective about means and ends.

What else? A few souls, reflecting little familiarity and no competence regarding what they are talking about, have urged invocation of Section 5(b) of the Trading-With-the-Enemy Act, as amended, or some other and hypothetical Act of Congress, with undefined provisions, as a measure for what they paradoxically call disengagement from Southern Africa. The only sure calculable result would be to provide a golden opportunity for capital from other countries, including especially South Africa, to take over extensive American corporate properties, operations, and markets at distress prices.

I do not see any way, just as I do not see any reason, for pressing further into the bog to which British folly, abetted by our own improvidence, has brought us.

I have seen three sorts of arguments on behalf of continuing sanctions. None of them strikes me as having even a shadow of validity.

The first such argument rests on a concept germane to public relations rather than to foreign policy soundly considered. Its gist is that persistence will garner moral credits for us among black African governments.

I reject any argument for persisting in folly in hope of applause. In this instance I think the argument is downright patronizing. It rests on a premise that other governments can be fobbed off with *tokenism*. Some of the black African governments have discerned the sterility of sanctions all along and insisted that war would be necessary if the purpose of redesigning the government in Rhodesia were to be realized. If we are not willing to go down that avenue—and I am devoutly hopeful and substantially sure that we are not—then the dignified course is to tell the black African governments concerned that they saw the matter correctly at the outset; that for manifest good reasons we are not of a will to take the steps necessary to the purpose; that the folly of economic hostilities under a guise of preserving peace has proved folly enough; that we are not in a mood to go as far as the ultimate foolishness of making war in the name of avoiding it; that, in reason, we must abandon a purpose that is beyond our jurisdiction anyway.

The second sort of argument for persisting in sanctions is a hope that somehow, in some unascertainable future through developments not now foreseeable, sanctions may produce deterioration of conditions to a point where Rhodesia's blacks will be incited to rise up against the regime and thus ignite war in Southern Africa. In hope of inducing the tragedy of war, this argument would have us cling to a policy originated ostensibly for the purpose of avoiding war. A more corrupted logic is hard to imagine.

The third argument for going on and on with sanctions is one uttered by a British government spokesman at a meeting of the United Nations Trusteeship Committee two weeks ago. While sanctions have proved inefficacious for the purpose of forcing the Rhodesian government to submit to being redesigned by others, they have had, according to his version, very important side effects in other directions in that they have denied Rhodesia the degree of economic development and outside capital investment necessary to the territory's economy if it is not to stagnate. So long as sanctions are maintained, Rhodesia's economy will never attain buoyancy. Thus he argued.

The prediction is at variance with observable trends. As its worst aspect, however, the argument is based not on principle but on malice. Sanctions, ostensibly designed for preserving peace, become a method of waging a mean war on prosperity. Impoverishment becomes a goal for international collaboration. The ethic of vengeance takes charge. One feels a touch of pity for the abjectness to which an old ally's policy has come. If we cannot dissuade the British from so shabby a goal, at least we should not feel impelled to accompany them further.

The question is how to get out of sanctions. We can and should do so by unilateral action if necessary, as well it may be.

One trouble is that the Charter does not take into account the eventuality of sanctions' coming a cropper. Neither does the United Nations Participation Act. Back at the time of their origin, almost a quarter century ago, it simply was not foreseen that Chapter VII would ever be invoked with such disregard for principles and practicality as we see in the Rhodesian instance.

It would be unwise and unnecessary to hold that the United States can extricate itself from sanctions only by the procedure by which it entered—to wit, by a vote of the Security Council susceptible of veto by any one of the Permanent Members. (I can scarcely imagine that the Soviet Union would fail to veto an action designed to free us from the predicament which we are in with respect to the availability and pricing of chromite ore.) My own belief is that the residual power remains with the United States, and rests specifically with the President, to determine whether and when an action under Chapter VII has failed and thereupon to declare an end to our obligation to continue the action.

I understand that the continued presence of the U.S. consular establishement in Salisbury is a matter of concern to the Subcommittee in view of the prospective proclamation of a Rhodesian republic. The allegation is that failure to close the consulate might be construed as a weakening of resolve to maintain sanctions and even as a prefigurement of eventual diplomatic recognition.

I do not see either of these results as a necessary corrollary of keeping open the consulate. If the conclusion were otherwise, however, I would ask: So what?

It is high time to get the folly of sanctions over and done with.

As for the question of eventual recognition, I am content to leave the matter where the Constitution puts it—in the President's discretion, subject to coordination with the Senate serving as a sort of council of state.

On September 25, 1969, the Senate acted on Senate Resolution 205, introduced by Senators Cranston and Aiken. Its gist is: "That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not imply that the United States necessarily approves of the form, ideology, or policy of that government." The yeas were 77. The nays were 3. I call that an impressive majority.

At the Senate Foreign Relations Committee's hearing on June 17, 1969, on Senate Resolution 205, Mr. George H. Aldrich, Acting Legal Adviser of the Department of State, appearing in support of the resolution, said, "The proposed resolution reflects the established position of the United States that recognition of a foreign government does not imply approval of that government's domestic policies or the means by which it came to power."

Good! The Executive also goes along in what I regard as a sound approach.

The proper source of advice is the Senate, and it has spoken. The Executive branch appears to concur. Without venturing a specific prediction, I think I see signs of the end of an error.

INDUSTRIES SHOULD PAY FOR POLLUTING WATERS

Mr. YOUNG of Ohio. Mr. President, the Comptroller General recently issued an alarming report revealing that despite the expenditures of more than $5.4 billion between 1957 and 1969 to reduce water pollution, the rivers, lakes, and streams of our Nation are as foul and as polluted as they were before these expenditures had been made. The Comptroller General's report points out clearly that we are polluting our waters faster than we are cleaning them up.

The approach of making Federal grants for municipal waste treatment facilities on a first-come, first-serve basis, without regard to regional needs, much less anything resembling a national plan, has been entirely negated by the continued freedom of private industry to pour its waste into public waters with no effective penalty. This fact is confirmed in the GAO report. Our tolerance in permitting this continuing and, in fact, accelerated rate of pouring industrial wastes into the lakes and rivers of our Nation must no longer be tolerated.

I am happy to be a cosponsor of S. 3181 introduced by the distinguished senior Senator from Wisconsin (Mr. PROXMIRE). In brief, this proposed legislation would charge industries for the waste that they spill into waterways. Each polluter would be assessed and charged with penalties in substantial sums based on the quantity of the waste discharged, and also on its relative strength and toxicity.

Our rivers and lakes belong to all Americans. They were not meant to be the private dumping grounds for industrial concerns. Since they are in the public domain, the public has a right to charge those who despoil them and to spend the money collected on restoring the quality of the water. There is no reason why all Americans should be made to bear the cost of cleaning up water which industry has used without any charge or penalty in additional taxes to carry away its waste products.

Under the Proxmire bill half the funds raised through these effluent charges would be earmarked for municipal waste treatment systems to supplement Federal appropriations for that purpose. The other half would go into a trust fund for regional water improvement facilities managed by river basin associations.

Billions of dollars of taxpayers' money have been spent to maintain the purity of waters in our lakes, rivers, and streams. Three major legislative proposals have been enacted into law. Still, our waterways daily grow more filthy. As a result we suffer more slime on their surfaces, more dead fish along river banks, and more once beautiful sandy beaches closed.

The policy of assisting local governments to build waste treatment facilities has not and cannot by itself solve this pressing problem. Furthermore, Federal enforcement policy against individual

waste dischargers has been ineffective. Unfortunately, comparatively few enforcement actions have been brought against individual polluters. Frankly, I know of no effective action whatever taken by our Federal Government or State government to clean up Lake Erie, one of the most beautiful of our Great Lakes, with pure water and miles of white sandy beaches extending from Conneaut westerly to the border of Michigan beyond Toledo. Now Lake Erie is a dying lake—a huge cesspool. Many of the beaches are blackened and covered with scum. The fact is that many of them are great industrial enterprises with substantial economic and political power which their officers and directors do not hesitate to use.

The Government Accounting Office study indicated that approximately $7.7 million was spent on municipal sewage plants along one major American river. Nevertheless, pollution in the river decreased by only 3 percent. During the same period, the amount of industrial wastes dumped into the river rose by 350 percent. Study after study indicates that our present efforts have had almost no effect in controlling this source of pollution.

Unfortunately, under present laws it is cheaper in many cases for an industry to pay a fine and continue polluting the water than to develop adequate pollution control devices. The approach taken by S. 3181 is to make it unprofitable for industries to pollute water and profitable to install control measures. Through the imposition of a system of national effluent charges levied as a form of rent for the use of water to dispose of industrial wastes, industries would be encouraged from a profit motive to install adequate antipollution devices.

Waste disposal should be a legitimate cost of production. It should not be treated in a different manner from any other legitimate cost. This should be made national policy and our industrial leaders should accept this principle. They are not the only ones entitled to use our water resources. The public has a right to pure drinking water. Citizens have a right to recreational uses of waterways. Unfortunately, this concept has been lost over the years.

Lake Erie is a perfect example of what we have permitted to happen. The wastes from expanding cities and booming industries oozing into the once clear waters of Lake Erie, killing the life beneath its waves and soiling its shores with filth and scum, has made a cesspool of Lake Erie, a 250-mile long inland sea which is sick and dying. This, at a time when we need the lake as never before as an irreplacable supply of drinking water, as a recreational outlet, and as an indispensable resource for commerce and industry. Every day relentless flows of industrial wastes, inadequately treated sewage, and other obnoxious contaminants pour into our once crystal clear and beautiful lake to intensify the problem.

One of the most serious conditions is created by the large surplus of algae which fouls fishermen's nets and clogs intake filters to the extent that the taste of algae is present in the drinking water derived from the lake. More than 2,600 square miles of Lake Erie is already dead and unable to support desirable forms of animal life. Algae which cannot be seen without the aid of a microscope in healthy waters abounds throughout the lake in 50-foot lengths clogging municipal water intake valves. Much of it finds its way ashore to rot on the beaches, producing a most disagreeable odor. Public beaches near my home city, Cleveland, have, in fact, been declared unsafe for swimming since the 1940's.

Ohioans in my youth and young manhood were proud of the beautiful sandy beaches stretching for miles along the inviting waters of Lake Erie. Thousands would crowd to the beaches to find relief in Erie's waters from the summer's heat. Today, unsanitary swimming beaches stretch for miles along the Erie shoreline. The beaches remain beautiful, but the water is putrid.

No longer may fishing enthusiasts enjoy productive excursions to many favorite lake areas, for polluted waters have caused many species of fish to die and disappear entirely from the lake. Today, only one high-quality fish, the perch is abundant.

The commercial fishing industry on Lake Erie has been greatly curtailed by excessive contamination. Ten years ago, Erie, Pa, boasted a commercial fishing fleet of 30 ships. Today there is one. Ten years ago, a boat with a crew of five would usually catch 8,000 pounds of fish on one trip. Today, a two-man crew is fortunate if they catch 500 pounds of fish on one trip. During these few years, five species of fish have been completely eliminated from the lake. During the past decade, the total catch from the U.S waters of Lake Erie has declined 45 percent and the loss in terms of dollar value is staggering.

Industrial waste creates much of this pollution and Michigan cities are mostly responsible for it. For example, the Ford Motor Co. plants at Dearborn and Monroe, Mich., account for 19.7 percent of the total industrial waste into the lake. The Republic Steel plants at Cleveland, Lorain, and Buffalo rank second with a total percentage of 14.9 percent, and Bethlehem Steel in Lackawanna, N.Y., ranks third with 13 percent. Besides the phosphorous content of industrial waste, oil and chemicals poured in from factories and from ships also affect the water's taste and odor, and are responsible for killing the fish in the lake and making it unfit for public use.

Lake Erie is used as a source of supply by 27 municipal waterworks serving many communities. These systems serve millions of people and a large number of industrial concerns. In maney areas the supply of unpolluted water is rapidly disappearing. Some cities must place their intakes at excessive distances offshore and at staggering costs. Millions of people depend on Lake Erie for drinking water. In excess of 600 million gallons are drawn each day from the lake to fulfill the needs of these people.

Most of this filth in Lake Erie comes from the rivers that flow into it. It is estimated that of the 3 million tons of debris and filth pouring into Lake Erie every day, the Detroit River contributes more than half. Another major contributor is the Cuyahoga River. Debris-filled, oil slick, dirty-looking waterways defile the Cuyahoga at many places along its course. Some beaches are blocked competely by dead trees and stumps, while the banks are dotted with numerous small dumps. Trash ranging from tin cans to refrigerators is a common sight along the river. In the navigation channel, where the Cuyahoga flows through Cleveland, even more debris exists and the water surface is often black with oil from the industrial outfalls. The river is so saturated with oil that it sometimes catches fire. The lakefront in the Cleveland area is littered with debris consisting of discarded lumber, tree limbs, metal cans, paper products, dead fish, oil slicks, grease, and scum. The same is true in other metropolitan areas bordering the lake.

Mr. President, we are losing the battle to save our lakes and streams—losing it to pollution, which we have tolerated until it has grown to monstrous proportions.

We shall start to win that battle only when we stop tolerating pollution of our Nation's lakes, rivers, streams, and make it public policy to prevent it.

Ideally, all polluting should be flatly forbidden by law. Unfortunately, this is not feasible at this time. Meanwhile the need to reverse the trend toward contamination is desperate. The legislation introduced by Senator PROXMIRE is an effective change of strategy in the fight to protect our environment. It offers a reasonable transitional step on the road to a fully effective prohibition against all pollution.

Mr. President, it may be argued that some of the added costs that would incur as a result would be passed along to consumers. Unfortunately, this is probably so. However, Americans must resign themselves to paying a little more for the fruits of our industrial society if we are to enjoy those benefits in an environment tolerable enough to let us enjoy anything at all.

It is almost inconceivable that a Nation of supposedly civilized people would be so blind to its own self-interest and the welfare of its people to allow our Nation's greatest God-given natural resources to be contaminated and polluted beyond redemption and the use of fresh, clear water, and beautiful uncontaminated waterfronts denied to future generations. Now is the time for concerted, coordinated efforts to overcome once and for all this enormous problem. I am hopeful that immediately after the Congress convenes in January, S. 3181 will be approved in committee and passed by the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION—COMMUNICATION FROM THE PRESIDENT (S. Doc. No. 91–46)

A communication from the President of the United States, transmitting a proposed

supplemental appropriation for the fiscal year 1970 in the amount of $4,750,000 for the Treasury Department, which with an accompanying paper was referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED SUPPLEMENTAL APPROPRIATION—COMMUNICATION FROM THE PRESIDENT (S. DOC. NO. 91–47)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1970, in the amount of $159,000, for the United States Section of the United States-Mexico Commission for Border Development and Friendship (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED SUPPLEMENTAL APPROPRIATION—COMMUNICATION FROM THE PRESIDENT (S. DOC. NO. 91–48)

A communication from the President of the United States, transmitting a proposed supplemental appropriation in the amount of $9,698,591, to pay claims and judgments rendered against the United States (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

PROPOSED LEGISLATION ESTABLISHING AN OFFICE OF CONSUMER AFFAIRS

A letter from the Special Assistant to the President for Consumer Affairs, Executive Office of the President, transmitting a draft of proposed legislation to establish an Office of Consumer Affairs in the Executive Office of the President (with an accompanying paper); to the Committee on Government Operations, the Committee on the Judiciary, and the Committee on Commerce, by unanimous consent.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on questionable pricing of contracts negotiated for urgently needed bomb bodies, Department of the Navy, dated December 11, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which Jack H. Church will be authorized to continue to provide the rental of saddle and pack animals, and related facilities and services for the public within Zion, Bryce Canyon, and Grand Canyon (North Rim) National Parks, Utah and Arizona, for a 10-year period from January 1, 1970, through December 31, 1979 (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF POSTMASTER GENERAL

A letter from the the Postmaster General, transmitting, pursuant to law, a report covering claims presented in fiscal year 1969, showing for each claim the name of the claimant, the amount claimed, and the amount paid (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Board of Supervisors for the County of Allegan, Mich., relating to the role of county government in the Federal system; to the Committee on Government Operations.

Resolutions adopted by the Council of Jewish Federations and Welfare Funds, Inc., of New York, N.Y., relating to taxes, and so forth; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.R. 11711. An act to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba (Rept. No. 91–606).

By Mr. RUSSELL, from the Committee on Appropriations, with amendments:

H.R. 15090. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–607).

REPORT ENTITLED "CONSTITUTIONAL RIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 91–608)

Mr. ERVIN, from the Committee on the Judiciary, pursuant to Senate Resolution 236, as amended, 90th Congress, second session, submitted a report entitled "Constitutional Rights," which was ordered to be printed.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary to the Malagasy Republic; and

Michael Collins, of Texas, to be an Assistant Secretary of State.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS (for himself, Mr. PERCY, Mr. STEVENS, Mr. GURNEY, and Mr. MATHIAS):

S. 3240. A bill to establish an Office of Consumer Affairs to advise the President with regard to all matters affecting the interests of consumers, to have central responsibility for coordinating all Federal programs and activities affecting consumers, and to assure that the interests of consumers are considered by Federal agencies; to establish a Consumer Advisory Council to advise the Director of the Office of Consumer Affairs on matters relating to the consumer interest; and to establish a Consumer Protection Division within the Department of Justice to represent the interests of consumers in administrative and judicial proceedings; to the Committees on Government Operations, the Judiciary, and Commerce, by unanimous consent.

(The remarks of Mr. JAVITS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. SPARKMAN:

S. 3241. A bill for the relief of Dr. Benjamin Quejas Puzon; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 3242. A bill to create a special bridge replacement program in title 23, United States Code; to the Committee on Public Works.

ADDITIONAL COSPONSOR OF A BILL

S. 2004

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from South Carolina (Mr. HOLLINGS), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of S. 2004, to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 297—RESOLUTION SUBMITTED AUTHORIZING PRINTING OF ADDITIONAL COPIES OF THE 19TH ANNUAL REPORT OF THE ACTIVITIES OF THE JOINT COMMITTEE ON DEFENSE PRODUCTION

Mr. PROXMIRE (for himself and Mr. SPARKMAN) submitted the following resolution (S. Res. 297), which was referred to the Committee on Rules and Administration:

S. RES. 297

Resolved, That there be printed for the use of the Joint Committee on Defense Production one thousand additional copies of its nineteenth annual report.

SENATE RESOLUTION 298—RESOLUTION SUBMITTED AND AGREED TO EXPRESSING THE SENSE OF THE SENATE ON CONSTITUTIONAL GOVERNMENT IN GREECE

Mr. DODD submitted a resolution (S. Res. 298) to express the sense of the Senate on constitutional government in Greece, which, by unanimous consent, was considered and agreed to.

(The remarks of Mr. DODD when he submitted the resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL FEDERAL ASSISTANCE RELATING TO THE AIRWAYS SYSTEM—AMENDMENTS

AMENDMENT NO. 425

Mr. MOSS submitted amendments, intended to be proposed by him, to the bill (S. 3108) to provide additional Federal assistance in connection with the construction, alteration, or improvement of the airway system, air carrier and general-purpose airports, airport terminals, and related facilities, and for other purposes, which were ordered to lie on the table and to be printed.

EXTENSION OF PUBLIC HEALTH PROTECTION WITH RESPECT TO CIGARETTE SMOKING—AMENDMENT

AMENDMENT NO. 426

Mr. MONDALE submitted an amendment, intended to be proposed by him, to the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes, which was ordered to lie on the table and to be printed.

SENATOR RANDOLPH, CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS, DISCUSSES THE USE OF "SECONDARY BENEFITS," IN THE ECONOMIC EVALUATION OF WATER RESOURCE PROJECTS BY THE ARMY CORPS OF ENGINEERS

Mr. RANDOLPH. Mr. President, the Committee on Public Works, in its report on the River and Harbor and Flood Control Act of 1968 (S. Rept. No. 1342/90), expressed great concern for the possibility of an increase being made in the interest discount rate used in evaluating proposed water resources projects, without appropriate attention being given to consideration of all project benefits. The report stated that—

> If the benefit-to-cost ratio is to serve any meaningful purpose the uniform standards prescribed for project evaluation should be followed by all agencies, and the data furnished the Committees of Congress should accurately reflect all primary direct and indirect benefits as well as the secondary benefits as provided for in Senate Document 97.

The report went on to say that—

> Any increase in the discount interest rate should appropriately give attention to a reconsideration and restatement of principles, standards, and procedures for economic analyses of Federal water and related land resource projects.

The discount rate was subsequently increased to 4⅞ percent, an increase of 1⅝ percent over the rate previously in effect, to be used by the Corps of Engineers and other water resource agencies, in calculating the benefit-cost ratios of proposed projects. I am informed that the use of the higher interest rate has resulted in a number of proposed projects having benefit-cost ratios of less than unity. Many of these projects, if calculated at the lower interest rate, would have been economically justified.

While I do not disagree with the wisdom of raising the interest rate in light of present economic conditions, I do, however, feel that, if the method used to determine economic justification of projects is to be sound, all benefits as prescribed in Senate Document 97 should be considered. This, of course, is absolutely necessary if the procedure is to be equitable, since it has not been the practice of the Corps of Engineers to evaluate secondary benefits in its economic analysis of proposed river and harbor and flood control projects.

The economic analysis of a water resource project shows an increase in the interest rate has a double-barreled effect on the benefit-cost ratio. First, the cost side is affected. As the interest rate rises, the interest charge on the borrowed money increases and therefore the annual charge increases. It is a relatively minor effect compared to what happens on the benefit side. Benefits from water resource projects that occur during the life of the project are greatly diminished by even a small increase in the interest rate. Therefore, with an increase in the annual charges or annual cost of the project and a corresponding decrease in the annual benefits, the increased rate has a severe effect on both sides of the benefit-cost ledger.

I am, of course, gratified to learn that the Water Resources Council is presently giving consideration to a revision of Senate Document 97 as recommended in the committee's report on the 1968 River and Harbor Act. Knowing that a revision of these procedures will be time consuming, I wrote to the Chief of Engineers, Lt. Gen. Frederick J. Clarke, and asked that he give consideration to including evaluation of "secondary benefits" in the economic analysis of proposed water resources project being studied by that agency, as an interim measure pending issuance of detailed guidelines by the Water Resources Council. His response was most heartening. He has advised that he proposes to develop interim guidelines that would provide for the use of secondary benefits pending the issuance of definitive guidelines by the Water Resources Council. He indicates that, in those cases where the conventional ratio may be marginal, the Corps of Engineers would nonetheless consider a favorable recommendation based upon the significance and magnitude of employment effects arising first from the use of unemployed labor; and second, additional regional employment gains.

This action by the Chief of Engineers will relieve the inequity which resulted due to an increase in the discount rate without full consideration at the same time being given to all project benefits.

Mr. President, in view of the interest of the Members of this body in this matter, I ask unanimous consent that the committee's statement in Senate Report 1342/90, as well as my letter of October 3, 1969, to Lieutenant General Clarke, and his reply of November 17, 1969, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

UNIFORM STANDARDS FOR WATER RESOURCE DEVELOPMENT

On October 6, 1961, President Kennedy directed a memorandum to the Secretaries of the Army, Interior, Agriculture and Health, Education, and Welfare citing the need for an up-to-date set of uniform standards for the formulation and evaluation of water resource projects.

The memorandum from the Secretaries setting forth a statement of "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" was approved by President Kennedy on May 15, 1962 for use by all Federal agencies in the formulation of Federal projects for the development of land and water resources under their jurisdiction. That memorandum was printed as Senate Document 97 of the 87th Congress.

Today, 6 years later, we still do not have uniformity. Some agencies evaluate indirect and secondary benefits; others do not, although the inclusion of such benefits in project formulation has been recognized Federal policy for 6 years.

Even within an agency there is lack of uniformity. Some types of benefits are considered only if the project under study requires the inclusion of such benefits in order to show economic justification. In some districts of tthe Corps of Engineers, for instance, no attempt is made to fully evaluate all project benefits. Once economic justification is established further efforts to evaluate project benefits are abandoned.

If the benefit-to-cost ratio is to serve any meaningful purpose the uniform standards prescribed for project evaluation should be followed by all agencies, and the data furnished the committees of Congress should accurately reflect all primary direct and indirect benefits as well as the secondary benefits as provided for in Senate Document 97.

The committee is greatly concerned with this matter and feels that any increase in the discount interest rate should appropriately give attention to a reconsideration and restatement of principles, standards, and procedures for economic analyses of Federal water and related land resource projects.

OCTOBER 3, 1969.

Lt. Gen. FREDERICK J. CLARKE,
Chief of Engineers, Department of the Army, Washington, D.C.

DEAR GENERAL CLARKE: You will recall that the Water Resources Council, by publication in the Federal Register of December 24, 1968, promulgated a new Section 704.39 in Title 18 of the Code of Federal Regulations, containing a revised formula for determining the interest rate to be used each year by the U.S. Army Corps of Engineers and other Federal agencies in the formulation and evaluation of plans for the use and development of water and related land resources. Under the terms of Section 704.39, the interest rate was increased at that time from 3¼% to 4⅝%, effective after the close of the 2nd Session of the 90th Congress.

Subsection (a) of Section 704.39 stipulates in part as follows:

"(a) The interest rate to be used in plan formulation and evaluation for discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis, shall be based upon the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States, which, at the time the computation is made, have terms of 15 years or more remaining to maturity; *Provided, however,* That in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year."

Subsection (b) requires that the computation of the interest rate "shall be made as of July 1 each year, and the rate thus computed shall be used during the succeeding 12 months." In accordance with the foregoing provisions, the Water Resources Council by notice in the Federal Register of July 23, 1969, increased the interest rate from 4⅝% to 4⅞% from the period from July 1, 1969, to June 30, 1970.

Subsection (c) of Section 704.39 provides that the interest rate established as of July 1 each year, now 4⅞%, "shall apply to all Federal and federally-assisted water and related land resources project evaluation reports submitted to the Congress, or approved administratively, after the close of the second session of the 90th Congress."

It is my understanding that, as required by subsections (b) and (c) of Section 704.39, you have instructed the District and Division Engineers to use the higher interest rate of 4⅞% in the formulation and evaluation of all plans for use and development of water and related land resources, and recomputation of the favorable benefit-cost ratios in the reports referred to in subsection (c), for submittal to higher authority.

The application of the higher interest rate, as it is determined by the Water Resources Council on July 1 of each year, to the projects presently under study by the Corps of Engineers and other Federal agencies, and those referred to in subsection (c) of Section 704.39 might jeopardize the economic justification of certain of these projects unless secondary and intangible or indirect benefits that would result from such projects are evaluated at the same time. The analysis and evaluation of such secondary and intangible or indirect benefits is *definitely* required or contemplated by Paragraphs A.4 and 8, C.I. and 4, D.1, 3 and 5 of Section V of Senate Document No. 97, 87th Congress, entitled "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources".

The policies, procedures and criteria set

forth in Senate Document 97 relating to evaluation of secondary or indirect benefits as well as direct benefits are in the nature of directives which should be complied with now by the Corps of Engineers to the best of its ability, pending development and issuance of more definitive guidelines in this respect by the Water Resources Council. To my knowledge, there is no definite information as to when the Water Resources Council's guidelines will be issued in final form. It is most inequitable and unfair to evaluate or reevaluate waterway project costs on the basis of the higher interest rate and at the same time fail to evaluate secondary and intangible or indirect benefits as required by Senate Document 97, since this procedure might jeopardize the economic justification of certain projects.

Accordingly, as an interim measure pending issuance of detailed guidelines by the Water Resources Council, I would expect that any reports submitted to the Committee on Public Works would include the evaluation of secondary and intangible or indirect benefits in those cases where the application of the higher interest rate may have the effect of destroying the economic justification of the project. Please advise me of your plans to accomplish this. Your cooperation will be very much appreciated.

Truly,

JENNINGS RANDOLPH,
Chairman.

DEPARTMENT OF THE ARMY, OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., November 17,1969.

HON. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter concerning the use of secondary benefits for project evaluation and justification.

The policies, procedures, and criteria set forth in Senate Document No. 97, as you have pointed out, do provide for the consideration and use of secondary benefits. Secondary benefits are defined in Senate Document No. 97 as the "increase in the value of goods and services which indirectly result from the project under conditions expected with the project as compared to those without the project." In large measure they can be associated with employment resulting from the use of water projects. When they result in the employment of otherwise unemployed or underemployed labor they can be considered to accrue to the national (income) account. These national employment effects as well as additional employment that affects only regional income are generally considered secondary employment benefits occurring at the regional level. Secondary benefits also arise when capital and other resources can be used more efficiently, but these are extremely difficult to evaluate.

With the exception of the consideration of area redevelopment benefits (the benefits arising from the use of otherwise unemployed labor for project construction and operation), the Corps of Engineers generally has not evaluated secondary benefits for project justification primarily due to very difficult and complex identification and measurement problems. The major problems have been related to a demonstration that the secondary benefits which can be identified will in fact accrue to the national or regional amount and whether or not in the absence of a specific water project secondary benefits associated thereto would be forthcoming by using the project investment in an alternative use. The latter measurement problem is sometimes referred to as secondary costs or secondary benefits foregone. The inability to measure these has been put forth by most critics as the essential reason why the Corps of Engineers and other water agencies should defer any action on consideration of secondary benefits pending a reasonable resolution of this problem.

Within the past year as our Appalachian Study has been nearing completion and with the initial effort of the Water Resources Council on evaluation practices completed, we believe it will be possible to develop interim guidelines for the use of secondary benefits pending the issuance of definitive guidelines by the Water Resources Council. We feel that these efforts together with the results of recent and current research on this subject provide a basis such that we can reasonably bridge those measurement problems that have heretofore constrained our use of secondary benefits.

We propose to develop interim guidelines that would provide for the following:

1. An evaluation of total employment changes related to project development to include both the use of unemployed and underemployed labor resources for areas where there is a demonstrated and significant chronic or persistent unemployment problem and the total employment change at the regional level.

2. Where possible a categorization of the employment benefits so evaluated in terms of national and regional effects.

3. The formation of a regional employment benefit-to-cost ratio that would show total employment gains (both national and regional) to total project and associated costs. Total employment gain in income terms would include wages and salaries to otherwise unemployed labor as well as to all other labor resources that would benefit at the regional level. As such this ratio would reflect an index of a total regional employment effect as a result of a project. This would be in addition to the conventional ratio that would relate total primary and area redevelopment benefits to total project costs.

In those cases where the conventional ratio may be marginal, the Corps of Engineers would nonetheless consider a favorable recommendation based upon the significance and magnitude of employment effects arising (1) from the use of unemployed labor; and (2) additional regional employment gains.

It is considered that the proposed guidance is consistent with the intent of Senate Document No. 97 on the question of secondary benefits and with guidelines set forth in the initial statement of the Water Resources Council Special Task Force Report. It also reflects a reasonable approach in dealing with some of the measurement problems.

Guidance will be issued and be made applicable to all project studies where employment effects (national and regional) are considered to be significant. In special cases in the past and in some of our current investigations such as Appalachia the procedures set forth above have been and are being incorporated in the project evaluation.

We shall, of course, continue to work closely with the Water Resources Council in its efforts to cope more fully with the secondary benefits question along with the other evaluation concerns.

Sincerely yours,

F. J. CLARKE,
Lieutenant General, USA, Chief of Engineers.

THE SYSTEM OF MILITARY JUSTICE

Mr. INOUYE. Mr. President, the past several weeks have focused attention on one of the most important but least understood parts of our armed services—the system of military justice. On July 22, I introduced S. 2674 to provide for the procurement and retention of judge advocates and law specialists officers for the Armed Forces. The events that have occurred as a result of the disclosure of the alleged incident at Mylai, the "mutiny" at the Presidio, and "race" riots on several posts have confirmed my belief that we must act immediately to strengthen the system and to preserve and, if necessary, to improve the quality of the judge advocates serving with the armed services.

If military justice is to retain the confidence of members of the services, we must do our utmost to guarantee that the advice and representation they receive are the best that we can provide. Even the soldier accused of the most heinous crime ought to know that he will be accorded all his constitutional rights consistent with our Anglo-American legal traditions, and every defendant should be secure in the knowledge that his counsel is competent, experienced, and free from undue command influence.

I fear that this ideal is not sustained by reality. Indeed, there is the distinct danger that the quality of the legal services in the Armed Forces may decline under the combined impact of substantial financial rewards as a civilian lawyer and the frustrations of military life.

My bill is designed to insure the retention of adequate numbers of experienced lawyers in the uniformed services. Within the last few years, the problem of keeping competent, experienced judge advocates has become acute. Figures released in October 1968 indicate the seriousness of the military lawyer retention problem. It has been estimated that there is an existing shortage of approximately 737 experienced lawyers: 323 in the Army, 170 in the Navy, 112 in the Marine Corps, and 132 in the Air Force. The Department of Defense study containing these figures also revealed that the number of experienced lawyers relative to the total on board will be as follows: Army, 29 percent; Navy, 36 percent; Marine Corps, 16 percent; and Air Force, 42 percent. Defense Department witnesses testified that this is not a safe balance between experienced and inexperienced lawyers. The shortage of experienced lawyers is particularly severe in the 8–15 years service category.

Hitherto, the services have been able to meet their needs by utilizing young lawyers who prefer 4 years as a judge advocate to 2 years as an enlisted man. However, the problems noted above will be aggravated by the requirements posed by the new Military Justice Act of 1968 and as the dangers of the draft decrease. One factor that led many young men to join the Judge Advocate General's Corps was the pressure of the Selective Service. When this is removed, I have very little doubt that recruiting will become more difficult than it has in the past. Even if the total number of lawyers increased commensurate with the new demands for counsel, the dilemma posed by the deficiency in experienced lawyers would not decrease.

S. 2674 will meet this problem of retention by providing increased compensation for military lawyers. First, there will be special pay each month, ranging from $50 for a second lieutenant to captain to $200 for colonels and above. Second, the judge advocate who agrees to extend for at least 3 years will receive continuation pay at a rate equal to 2

months' basic pay per additional year he agrees to remain on active duty.

The Department of Defense has endorsed the need to take immediate steps to alleviate this deficiency in experienced lawyers. It was noted by the Acting General Counsel of the Department that "the lawyer retention problem is serious in each of the military services." He further noted that the Department "recognizes the chronic, critical nature of the military retention problem and the fact that incentives of the kind proposed in H.R. 4296 and H.R. 9567 have been effective in relieving other professional retention problems."

Opposition to the proposal has been based on the fear that enactment of this legislation would open the door to competing claims for special consideration. My retort to such fears is that there are already arrangements for additional compensation to enlisted men in some 484 designated skills. Moreover, physicians, dentists, and veterinarians currently receive additional pay as incentives. Additional compensation for needed skills has proved to be effective in retaining specialists, and there is no reason that it will not work in this instance. The number of alternatives is limited, and I believe that the time has come to recognize the critical dimensions of the problem by acting in a manner that has demonstrated its effectiveness.

I frankly cannot see any danger that other occupations will be given unjustified consideration if properly objective criteria are used to evaluate the claims in question. Finally, I should point out to Senators that this alleged tendency to open wide the door to other specialists is not substantiated by the action of the House, which resisted the efforts of representatives of other professions to add their vocations to that designated in the bill. I cannot believe that the Senate will be more susceptible to the claims of these special interest groups who cannot present a valid case.

Mr. President, again I call upon Senators to join me in my efforts to enact this badly needed legislation. The bill has already passed the House. Surely we can do no less in verifying our commitment to justice and law in our armed services.

CONSTRUCTION OF A DESALTING PLANT IN ISRAEL

Mr. NELSON. Mr. President, the conversion of brackish or salted water to water fit for human use and consumption is not a new idea. Nature has performed this process—with the sun causing sea water to evaporate and the water vapors being discharged as rain or snow for thousands of years.

But natural processes are no longer sufficient to meet our increasing water needs.

In 1950 President Truman, in his budget message, took note of the growing water-shortage problem when he said:

> Experience in recent years has been that it may not be possible to meet the shortages of water, which are a threat in some areas, through our extensive water resources program. I recommend, therefore, that the Congress enact legislation authorizing the initiation of research to find the means for transforming salt water into fresh water in large volume at economical costs.

President Eisenhower also recognized the dimensions of this critical problem and forecast that desalination would increase water supplies to relieve worldwide shortages and reduce international tensions. President Eisenhower worked out a detailed program for the construction of desalting plants in several of the Mideast countries. His plan envisaged plentiful water to enrich and aid the development of Mideast nations, believing that economic progress could lead the way to a lasting peace between Israel and her neighbors.

Shortly after President Kennedy took office in 1961, he pledged his administration would redouble its efforts in the saline water conversion field. President Kennedy recognized the attractiveness of desalting to other nations and said on June 29, 1961:

> Water—one of the most familiar and abundant compounds on the earth's surface is rapidly becoming a limiting factor on economic growth in many areas of this Nation and the world. As times goes on, more and more communities will be faced with the prospect of economic distress and stagnation unless alternative sources of suitable water are developed.
>
> It is essential therefore, that we make every effort at this time to search for low cost processes for converting sea and brackish water to meet our future water needs and those of our neighbors throughout the world. I know of no Federal activity that offers greater promise of making a major contribution to the ultimate economic well being of mankind than this program.

President Johnson on February 6, 1964, reiterated the views of two of his predecessors and said:

> . . . Our own water problems in this country are not yet solved. We, like Israel, need to find cheap ways of converting salt water to fresh water, so let's work together.

In signing the Anderson-Aspinall Act extending our desalting program, President Johnson stated:

> What we can—and must—do now is to free mankind from nature's tyranny by setting out to produce water when and where we need it at a price we can afford.
>
> Desalting is not a dream. We have only to learn to do these things at a price we can afford—and I am convinced we can learn before this decade ends.
>
> We can—and because we can, we must—develop the capacity to produce water when and where we need it at a price we can afford.

It is widely understood that ways must be devised to supplement our fresh water supply. The United States is using fresh water at the rate of approximately 360 billion gallons a day—almost three times the rate of 30 years ago. In 20 years our requirements are expected to triple. Right now, water use in this country is increasing at the rate of 25,000 gallons per minute. But while the demand grows, supply diminishes. However three-fourths of the earth's surface is covered with water, but this water is not at present fit for human use or consumption. We must now meet the challenge of making that water usable.

While our needs are great, the water problems are far more acute in other countries of the world where natural resources are more limited than ours. The problem exists in Israel to an alarming degree. Their water shortage problem is a real one, not an expectancy. It is estimated that the last of her natural water resources will have been fully utilized by the 1970's. Over 95 percent of the available water has been already tapped.

On August 13,1969 , I offered an amendment to the Foreign Assistance Act which was cosponsored by 22 other Senators: Senators CASE, EAGLETON, GOODELL, HARRIS, HART, HARTKE, HATFIELD, JAVITS, KENNEDY, MAGNUSON, MCGEE, MONDALE, MUSKIE, PELL, RIBICOFF, SAXBE, SCHWEIKER, SCOTT, TYDINGS, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of Ohio.

This proposal would provide U.S. assistance for the cooperative construction of a desalting plant in Israel. It would help Israel meet its needs for cheap water and would also give us first hand experience in the operation of a large scale desalting plant which will be of great benefit to us in the future.

I am pleased that the Committee on Foreign Relations recognized the need for a desalting plant in the Mideast—in Israel, and the important residual benefits domestically to the construction of such a project. However, the committee provided money for this project in the development loan section of the bill rather than authorizing a specific grant of $40 million as did the House of Representatives. Under the committee bill a grant would not be possible. But it seems to me that the economics of this venture requires a grant, not a loan.

In my view we ought to authorize a $40 million grant to the Israeli Government for this project. It is my hope that the Senate conferees will agree to the House language when the bill goes to conference and that the administration will carry out this legislative initiative.

A SEA LEVEL CANAL: A "HARDY PERENNIAL"

Mr. THURMOND. Mr. President, in the current drive to secure authorization for construction of a new Isthmian Canal of so-called sea level design, there has been much discussion of the use of nuclear power for massive excavation, for which, until recently, there was no adequate textbook on nuclear explosive engineering. To meet this need, there was published by McGraw-Hill the first such book, in 1968, prepared by Edward Teller, Wilson K. Talley, Gary H. Higgins, and Gerald W. Johnson, under the title of "The Constructive Uses of Nuclear Explosives." This volume makes easily available for independent engineers, geologists, and others concerned, indispensable information for the evaluation of nuclear excavation projects.

In a recent article by William B. Collier, a student of interoceanic canal problems with a background of business, engineering, and naval experience, he applies the principles set forth in the Teller and others book to the Isthmian question and concludes that the best solution is the major modernization of the existing Panama Canal in accordance with what is known as the Terminal Lake third locks plan. Identical measures for such authorization have been introduced in both House and Senate. I am the sponsor of

the Senate bill, S. 2228, and the distinguished junior Senator from Texas (Mr. TOWER), is cosponsor.

Mr. President, in this connection, I would point out that these bills have been supported by many qualified independent authorities and organizations, including engineers, geologists, physicists, biologists, navigators, the Canal Zone AFL–CIO labor unions, and the 1969 annual convention of the American Legion. Most importantly, the indicated measures do not require the negotiation of any new treaties with Panama, and the United States would continue its indispensable sovereign control unimpaired.

Aside from the prime strategic importance of the Panama Canal for interoceanic commerce, there are financial angles that must be considered and not ignored or disregarded. The U.S. investment in the Panama Canal enterprise, including defense, from 1904 through June 30, 1968, was $6,368,009,000. Recoveries during the same period were $1,359,931,421.66, making a net investment by the taxpayers of our country of over $5 billion. Included in this total are $76,357,405 expended on a third locks project for increased transit facilities, mostly on lock site excavations at Gatun and Miraflores, which are usable in modernizing the existing canal. The current enlargement of Gaillard Cut, scheduled for completion in 1970, is estimated to cost $81,257,097 and is another important step toward the major modernization of the existing high-level canal. Together, these two projects represent an expenditure of more than $157 million toward its major increase of transit capacity and operational improvement.

In addition, I would invite the attention of Congress to the fact that the negotiators of the proposed treaties which I had printed in the CONGRESSIONAL RECORD of July 17, 21 and 27, 1969, ignored or disregarded the important provision in article IV, section 3, clause 2, of the U.S. Constitution, which vests the power to dispose of territory and other property of the United States in the Congress—Senate and House—and not alone in the treatymaking power—President and Senate.

Mr. President, because the indicated article by Mr. Collier is most illuminating and convincing from both historical and technical points of view, I ask unanimous consent that it be printed in the RECORD, along with the text of S. 2228 and the 1969 resolution of the American Legion.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SEA-LEVEL CANAL A HARDY PERENNIAL

(By William B. Collier)

The persistence of advocates of a new sea-level canal in reopening negotiations with Panama recalls the confrontation between Viscount Kitchener and Theodore Roosevelt upon the occasion of the former President's visit to London as Special Ambassador to represent President William Howard Taft at the funeral of King Edward VII of England. Theodore Roosevelt's account of the incident follows in part:

"He suddenly attacked me on the subject of the Panama Canal, saying that it was a great mistake not to have made it a sea-level canal. I at first answered in a noncommital way, but he kept up on the subject and in a very loud voice repeated that it was a great mistake, that it was very foolish on our part, not to have had it a sea-level canal, and he could not understand why we did not build one. I said our engineers on the ground reported that there were altogether too many difficulties and too few advantages in a sea-level canal, to which he responded: "I never regard difficulties or pay heed to protests like that; all I would do in such a case would be to say 'I order that a sea-level canal be dug, and I wish to hear nothing more about it.'" I answered, "If you say so, I have no doubt you would have given such an order; but I wonder if you remember the conversation between Glendower and Hotspur, when Glendower says, 'I can call spirits from the vasty deep,' and Hotspur answers, 'So can I, and so can any man; but will they come?'"

The proposal in "The Constructive Uses of Nuclear Explosives" by Teller, Talley, Higgins, and Johnson to blast a sea-level canal from the Gulf of San Miguel to Caledonia Bay is of particular interest to students of American history. The Caledonia Bay (Sasardi-Morti) route is the first across the Isthmus of Panama discovered by the early Spanish explorers.

Vasco Nunez de Balboa sailed from his capital, Santa Maria de la Antigua de Darien on September 6, 1513, toward Caledonia Bay. Guided by Indians he climbed to the top of the continental divide and on September 25, 1513, became the first European to see the Pacific Ocean. On September 29th he waded into the Gulf of San Miguel and claimed all lands washed by the Pacific Ocean in the name of King Ferdinand of Spain.

Not long after Balboa discovered the Pacific, King Ferdinand ordered a road built across the Isthmus from Nombre de Dios on the Atlantic to Panama on the Pacific. This road became the highway for mule-pack shipments of gold and silver from Peru and for wool, indigo, dye woods and mahogany from other Spanish colonies en route to Spain.

Charles V ascended the throne in 1516 and ordered all governors of Spanish colonies in Central America to conduct careful surveys of all bays and rivers to find a passage from the Atlantic to the Pacific. In 1522 Gonzales de Avila sailed from Panama to the Gulf of Fonseca and discovered Lake Nicaragua.

The following year King Charles V directed Hernando Cortez to search "for the passage which would connect the eastern and western shores of the New World and shorten by two thirds the route from Cadiz to Cathay." Cortez established the transit route along the Coatzacoalcos River across the Isthmus of Tehuantepec in Mexico. The Tehuantepec route is 125 miles long with a summit elevation of 810 feet.

By 1525 the Spanish had discovered that Lake Nicaragua was connected to the Atlantic by the San Juan River but separated from the Pacific by a narrow strip of land only 153 feet above sea level. If the Spanish had been given more to enterprise and engineering than to conquest and shipping gold and silver back to Spain, they could have built a dam near the mouth of the San Juan River and a flight of locks to lift vessels to summit level of Lake Nicaragua, elevation 105 feet, cut across the narrow and low continental divide with a flight of locks and a ship channel through the valleys of Rio del Medio and Rio Grande to the Port of Brito on the Pacific Ocean. This route is 187 miles long but requires the minimum of digging.

In 1527 an expedition following the route of the present Panama Canal sailed up the Rio Grande from Panama, carried their canoes eight miles across the continental divide through Culebra Pass to Rio Obispo and down Rio Chagres to the Atlantic Ocean, a total distance of 40 miles. The following year, Spanish engineers proposed to their government that a waterway be constructed by digging across the continental divide from Cruces to connect Rio Obispo to the Rio Grande.

Within 25 years after arriving on the Central American Isthmus in 1502, the Spanish conquistadores had found the only two existing routes suitable for an Atlantic-Pacific ship canal. Because of lower continental divides, 153 feet at Nicaragua and 290 feet at Panama and great river valleys cutting across the Isthmus on both of these routes, these two became the great rivals for trans-isthmian commerce. They are rivals today. Even after the expenditure of more than 19 millions of dollars by President Johnson's Atlantic-Pacific Interoceanic Canal Study Commission for new surveys and various studies, the existing Panama Canal is the only route where a sea-level canal could be constructed, and the Nicaragua route is the best location for a second high-level lake and lock canal. A combination seaway and hydroelectric project is being considered by Colombia along the Atrato River flowing into the Atlantic and the San Juan River flowing into the Pacific.

The route from the Gulf of San Blas to the Bayano River flowing into the Pacific is only 30 miles across the narrowest part of the Isthmus, but the continental divide is 1100 feet high crossing this route. The distance from Caledonia Bay to the Gulf of San Miguel is 35 miles with a continental divide of 1080 feet above sea level.

Edward Teller and associates have selected the Caledonia route for detailed discussion of a sea-level canal not because it is feasible to dig a canal along this route but because the tropical jungle in this locality is so sparsely populated that fewer people will have to be relocated outside the danger area from air blast and ground shock incidental to the use of nuclear explosives. The Atrato-Truando route is also considered desirable from this point of view but is 93 miles long. The shorter San Blas route cannot be considered because of its too-close proximity to the Canal Zone and the population centers of Colon and Panama City. Both the Panama Canal and the Nicaragua route are out of the question for the same reason.

The old dream of a sea-level canal is a hardy perennial. When Ferdinand de Lesseps visited Panama in December 1879 to inaugurate his unsuccessful undertaking to dig a sea-level canal, he said: "There are only two great difficulties to be overcome, the Chagres River and the deep cutting at the summit. The first can be surmounted by turning the headwaters of the river into another channel, and the second will disappear before the wells which will be sunk and charged with explosives of sufficient force to remove vast quantities at each discharge."

Ferdinand de Lesseps came to Panama following his success in opening a ship channel through relatively level sand in the desert between the Gulf of Suez and the Mediterranean Sea. He was a successful promoter and a diplomat but not an engineer by education. He did not realize that a successful engineer must adapt his plan to the terrain on which he builds. Had he looked on the great river valleys of the Chagres and the Rio Grande with the eyes of an engineer, he would have seen them as suitable for the formation of lakes. Had he estimated his costs accurately and considered what he could expect to finance, he would have adopted the high-level lake and lock canal proposed by the distinguished French engineer, Adolphe Godin de Lepinay as the best possible plan for transiting ships across the Panamanian Mountains.

Edward Teller is not so presumptuous as to impose an impossible decision on the engineer. The nuclear scientists seek only to lay the scientific foundations and apply the information necessary for civil engineers and geologists, who may find it less expensive to use nuclear explosives in massive earth-moving projects.

Professor Teller seeks to beat his sword into a plowshare. With this purpose in mind, a small group of scientists met at the Lawrence Radiation Laboratory, Livermore, California, in the Fall of 1956. After President Eisenhower failed to support Anthony Eden when he went to the defense of the Suez Canal, this vital artery of commerce was lost to the free world. Professor Teller and his group met to discuss the possibility of cutting another canal through friendly territory with nuclear explosives. Although this plan was eventually dropped, the idea of constructing a sea-level canal across the Central American Isthmus has remained the focus of Plowshare.

De Lesseps' explosives shattered rock and loosened soil to be hauled away by railroad. Heavy tropical rainfall washed the mountain down into his ditch and buried the French excavating equipment. Perhaps it was impossible to dig a sea-level canal at Panama with the engineering equipment and techniques of the 19th century. In any event the French failure left the level near Cerro Culebra at elevation 193 feet, where it remained until President Theodore Roosevelt purchased the French diggings in 1904.

Although de Lesseps proposed a flood-control dam at Alhajuela, site of the present Madden Dam and Reservoir, the French never solved the problem of the torrential floodwaters of the Chagres River. It remained for the distinguished American engineer, John Frank Stevens, to make "the great decision" to build a dam at Gatun and "make the Chagres the servant instead of the master of the situation." Putting the flood waters of the Chagres River to beneficial use created the large, high-level (82'—87') Gatun Lake and the small, intermediate-level (54') Miraflores Lake. These two lakes, on opposite sides of the continental divide, provide safe navigating channels for more than half the distance across the Isthmus. Establishing a summit level of 85 feet reduced the magnitude of excavating a ship channel through the central mass to one of manageable proportions and enabled Col. George Washington Goethals to open the Panama Canal to the commerce of the world on August 15, 1914.

The authors of "The Constructive Uses of Nuclear Explosives" have produced calculations to show that a total of 35 megatons of nuclear energy will produce craters deep enough for a sea-level channel through the 1080-foot elevation. These calculations are based on experiments in the kiloton range carried out on the Nevada Test Site. They have not been tested in the megaton range. Because of the hazards from air blast and ground shock, a limit of 12 Mt has been placed on a single explosion. This means that to move a 1080-foot mountain will require three detonations set off a month apart and totaling 35 Mt. The entire sea-level canal will require a total explosive yield of 170 Megatons divided among 302 devices of various yields. Because of the high total yield, problems of blast and seismic shock preclude the excavation of the canal in a single explosion. With a maximum yield of 12 Mt. in a single detonation, 14 separate explosions will be required. The devices will cost 200 million dollars.

According to Soviet publications, 9,352 tons of chemical explosives were placed in 1,936 holes from 30 to 50 feet deep and fired simultaneously, excavating a nine-mile-long cut in one detonation. If the nuclear physicists could set off their whole row of explosives in a single detonation, they think they could excavate a canal with smooth banks. Since they cannot, conventional methods will be necessary to connect a row of nuclear craters. The greatest uncertainty is the practicality of achieving a stable cut through the 1080-foot elevation. Among the alternatives suggested by the authors are a realignment of the canal or the excavation of part of the cut by conventional earth-moving techniques, costing from two to four billion dollars!

In building the Panama Canal, the material removed from Culebra Cut was hauled away by the Panama Railroad and used to construct the earth-filled dams at Gatun and Miraflores, to extend a breakwater from the mainland to Naos Island, and to build other projects.

In nuclear cratering, half the material is thrown out and deposited around the rim of the crater, and the other half falls back into the excavation. The slope is one to one or 45 degrees. The material which slides back into the true crater is changed in character and is deposited in a loss state. The shocked material in the rupture zone has been fractured and displaced in various degrees. Since the geologic formation of the mountains is known to be unstable, these factors inherent in underground nuclear explosions add to and contribute to slopes which would be unstable in any case. Heavy tropical rainfall and flash floods will wash the material back into the canal in massive landslides which will make the Cucuracha slide of early Panama Canal days look like the mud slides of last winter in California, where the transgressions against the hills were committed with bulldozers—not with hydrogen bombs!

One of the steps to be taken in the development of techniques of using nuclear explosives as an engineering tool was the proposal for a harbor development in Australia. This project has been abandoned as not feasible, and the problem has been solved by conventional means. Until such time as nuclear excavating techniques prove feasible for some intermediate project, such as a harbor or highway cut within the territorial limits of the United States, the use of nuclear explosives for engineering purposes must remain where it is today, in the early experimental stage. The step from engineering estimates to engineering design for a sea-level canal across the Central American Isthmus cannot be taken at this time because of the Nuclear Test Ban Treaty, to which both Panama and the United States are committed.

Adding four billion dollars for conventional earth moving to Teller's estimated cost of 655 million dollars for nuclear excavation of a sea-level canal from the Gulf of San Miguel to Caledonia Bay plus still another five billion dollars for defense and supporting facilities, which are already paid for at the site of the existing Panama Canal, brings the total cost of a new canal to ten billion dollars.

There is no economic justification for such an unnecessary drain on an already bankrupt U.S. Treasury. The current traffic flow at the existing Panama Canal is caused partly by ships trading between Europe and the Far East which formerly used the slightly shorter Suez route. Following the voyage of the steamship *Manhattan* through the Northwest Passage to open a channel for the shipment of Alaskan oil to refineries at Atlantic ports, a new and much shorter route to the Far East will be available through the Bering Sea.

Before the development of the hydrogen bomb, some defense experts favored a sea-level canal because of its supposed immunity from enemy attack. In recent years, however, experts in nuclear warfare have established in Congressional debate that one nuclear weapon exploded in the slide area of the cut through the continental divide could produce massive landslides which would close any canal for a period of years before it could be cleared of radioactive debris. Thus, the security of the Panama Canal, like the defense of our principal cities, becomes a matter of the moral, the spiritual, and military strength of the American people.

What is needed at Panama is a two-way ship channel through the central mass and a third lane of larger locks to accommodate the larger ships now engaged in international trade. Work on widening the 300-foot channel through Culebra Pass to 500 feet bottom width was begun in 1960 and will be completed in 1970. The third lane of larger locks was authorized by Congress in 1939. Excavations for the new locks at Gatun and Miraflores were completed when work was suspended in 1942. The Panama Canal Modernization Act, a bill to complete the third lane of locks in accordance with the Terminal Lake Third Locks Plan, is being held up in the House of Representatives by the Chairman of the Committee on Merchant Marine and Fisheries at the request of Robert B. Anderson, Chairman of President Johnson's Atlantic-Pacific Interoceanic Canal Study Commission.

With faith in the future of moving mountains by means of nuclear explosives, President Johnson and his Ambassador Anderson negotiated three new treaties with the Robles Administration of Panama, one for the new sea-level canal, a new defense treaty, and one to cede the United States Territory of the Canal Zone to Panama and for joint administration of the Panama Canal. In so doing they acted without legislative authorization and ignored or disregarded Article IV, Section 3, Clause 2 of the Constitution of the United States, which vests authority to dispose of territory and other property of the United States in the Congress (House and Senate) and not in the treaty-making power (President and Senate).

President Theodore Roosevelt considered the 1903 purchase of the Canal Zone the most important achievement of his administration and equal in importance to the Louisiana Purchase of 1803. The 1903 treaty "grants to the United States in perpetuity" the Canal Zone and several islands in the Bay of Panama and "all the rights, power and authority . . . which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

The juridical basis for United States' operation of the Panama Canal is set down in specific detail in three treaties, the Hay-Pauncefote Treaty with Great Britain, the Hay-Bunau-Varilla Treaty with Panama, and the Thomson-Urrutia Treaty with Colombia. Under these three treaties the United States is bound to maintain the neutrality of the Panama Canal in perpetuity and to keep it open to the vessels of all nations on terms of entire equality and with tolls which are just and equitable. Colombia, as former sovereign of the Canal Zone, also has special rights and privileges set forth in the Thomson-Urrutia Treaty. When the secret Johnson-Robles treaties were exposed by the Chicago *Tribune* in 1967, both Great Britain and Colombia protested that their rights were jeopardized by the proposed new treaties.

William Howard Taft's theory of "Titular sovereignty" is based more on a rule of English grammar than on the intent of the high contracting parties. The words "leases to the United States in perpetuity" were taken out, and the words "grants to the United States in perpetuity" were written into the treaty at the insistence of the United States Secretary of State, John Hay, after conferring with prominent Republican leaders, including Elihu Root, and leading senators of both parties, including Senator John Tyler Morgan, Democrat from Alabama.

Before being submitted to the United States Senate for ratification, the treaty was ratified unanimously by the Provisional Government of Panama. This action resulted in rejoicing on the part of the Panamanian people, who did not want to lose the canal to Nicaragua, as provided by the Spooner

Act of 1902, as an alternative route. When the Republic of Panama adopted its first constitution in February, 1904, it expressly ratified all measures enacted by the Provisional Government, including the Hay-Bunau-Varilla Treaty. After ratification by the United States Senate and the payment of ten million dollars gold to the Republic of Panama, the Canal Zone became constitutionally acquired territory of the United States of America.

Following ratification of the 1903 treaty, Minister of Government Tomas Arias of Panama, a member of the independence movement which gave birth to the Republic of Panama, gave the following statement to George W. Davis, Governor of the Canal Zone on May 25, 1904:

"The Government of the Republic of Panama considers that upon the exchange of ratifications of the treaty for opening an interoceanic canal across the Isthmus of Panama its jurisdiction ceased over the Zone."

Secretary of War William Howard Taft, when testifying before the Senate Committee on Interoceanic Canals on April 18, 1906, characterized "titular sovereignty" as "a barren ideality." It remained for President Eisenhower to give it an unintended meaning by ordering the flag of Panama flown side by side with the flag of the United States of America in Shaler Triangle.

The Gross Amendment to the Department of Commerce and Related Agencies Appropriations Bill, 1961, prohibited the use of any funds appropriated in that Act for the display of the Panamanian flag in the Canal Zone. This Act, passed by both the House and Senate and signed into law by the President of the United States, clearly expressed the will of Congress. After Congress adjourned in 1960, President Eisenhower authorized the use of other funds to fly the flag of Panama in Shaler Triangle.

President Kennedy in 1963 extended this illegal display of the Panamanian flag in the United States Territory of the Canal Zone by agreeing to fly the flag of Panama side by side with the flag of the United States at 17 locations where the flag was flown by civilian authorities and not to fly the Stars and Stripes at other locations where the flag of Panama was not authorized to be flown.

When the students of Balboa High School returned to classes on January 2, 1964, following the Christmas recess, they found no flag flying in front of their school. On January 3, 1964, a petition to President Johnson to fly the U.S. flag outside Balboa High School was circulated and signed by nearly 500 students. On January 7 students raised the Stars and Stripes to its customary place at the top of the flag pole provided for that purpose outside Balboa High School. The following day a large number of students at Cristobal High School with substantial parental support raised the U.S. flag in front of their school.

Following the Castro-inspired Panamanian riots of January 9, 1964, President Johnson made the last correct statement of U.S. Canal policy issued by the Chief Executive.

"The United States cannot allow the security of the Panama Canal to be imperiled. We have a recognized obligation to operate the Canal efficiently and securely, and we intend to honor that obligation in the interest of all who depend on it."

In view of recent behavior of Castro-inspired students in Panama, any weakening of the juridical base of the Panama Canal, such as renegotiating the basic treaty of 1903, will lead to a repetition of the situation at Suez. If the United States is to continue to honor its treaty commitment to operate the Panama Canal as an international public utility open to the commerce of all nations on terms of entire equality and at tolls which are just and equitable, then Congress should proceed without further delay to provide the additional lockage capacity and operational improvement necessary to meet present and future needs of world trade.

S. 2228

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

"SEC. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the third locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the provisions of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

SEC. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer in the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The secretary and other personnel of the Board shall serve at the pleasure of the Board.

SEC. 4. (a) The Board is authorized and directed to study and review all plans and designs for the third locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the third locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the third locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the third locks projects and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

SEC. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of

the United States, including the Canal Zone.

SEC. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

SEC. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

SEC. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

SEC. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

SEC. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

SEC. 12. Any provision of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress). or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Any sum appropriated to carry out the provisions of section 2(a) shall remain available until expended.

[Adopted by the 51st Annual National Convention of the American Legion, Atlanta, Ga., Aug. 26, 27, 28, 1969]

PANAMA CANAL RESOLUTION 207

(To oppose abrogation of U.S. rights concerning operation and security of the Panama Canal)

Whereas, in 1903, the United States and the Republic of Panama entered into a treaty "to insure the construction of a ship canal across the Isthumus of Panama to connect the Atlantic and Pacific Oceans;" and

Whereas, by that treaty, the Republic of Panama (for a lump-sum payment of ten million dollars in gold, plus an annuity now amounting to nearly two million dollars) granted to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of the canal, and granted to the United States all the rights, power, and authority, within the zone mentioned, "which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority"; and

Whereas, the Panama Canal now represents a total United States investment of nearly five billion dollars, and is a vital strategic asset to the United States for hemispheric defense and our own national security; and

Whereas, the Panama Canal also is of great economic importance to the United States, inasmuch as 70 percent of traffic through the Canal either originates or terminates in U.S. ports, and Canal operations represent a net gain for U.S. balance-of-payments of more than 40 million dollars annually; and

Whereas, The American Legion has consistently expressed its strong opposition to any weakening of the United States sovereign rights, power, and authority over the Panama Canal and the Canal Zone; now, therefore, be it

Resolved: That The American Legion reaffirms its positions heretofore taken with regard to the Panama Canal and the Canal Zone, and opposes any new Canal treaties that would abrogate the essential provisions of the 1903 Treaty between the United States and the Republic of Panama; and

Further resolved, That The American Legion urges both the House of Representatives and the Senate of the United States Congress to adopt a Joint Resolution expressing it to be the sense of the Congress and the Nation that the Government of the United States shall maintain and protect its sovereign rights in the Panama Canal Zone and its jurisdiction over the Panama Canal, and that the United States shall in no way forfeit, cede, or transfer any of these rights of jurisdiction to any other administration, government, or international organization; and

Further resolved, That The American Legion urges the Congress of the United States also to adopt legislation to provide for an increase in the capacity and for operational improvements of the existing Panama Canal in accord with the principles of the so-called "Terminal Lakes—Third Locks Plan".

INYO-MONO COUNTIES LAND EXCHANGE PROPOSAL

Mr. CRANSTON. Mr. President, I was pleased to read the generally favorable editorial of the Los Angeles Times on S. 3191, a bill that my colleague from California (Mr. MURPHY) and I introduced to authorize a land exchange in the Owens Valley area of California.

At the same time, I endorse the Times recommendation that the proposal receive a meticulous analysis by the Public Lands Subcommittee of the Senate Committee on Interior and Insular Affairs. The bill is a lengthy and complex bill and has been developed through long negotiation by the parties involved. If there are hidden flaws within its intricacies, I want to see them discovered and corrected.

Mr. President, I ask unanimous consent that the Los Angeles Times editrial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Dec. 9, 1969]

PROTECTING THE CITY'S WATERSHED

Legislation which would permit an exchange of mountain acreage by the City Department of Water and Power and the Federal Government is under consideration in Congress.

Purpose of a bill, co-sponsored by California's two Senators, is to provide extra protection for the city's principal water supply and to open more federal land for public enjoyment.

Unlike many past land deals in the Owens Valley area, this proposed land swap has generated little, if any, opposition. D.W.P. officials, Inyo and Mono County supervisors and civic leaders are united in endorsement.

The legislation would authorize the City to turn over about 3,500 acres to be used for national recreation, camping and ski development and for the future use of four Owens Valley cities.

In exchange, the city would receive about 10,000 acres and, even more important, a firm federal pledge to keep 235,000 acres surrounding the city's Owens River and Mono Basin Watershed from harmful public uses as long as it is needed to protect our water supply.

Although the bill would prevent disposal of land still withdrawn to guard the vital watershed, it would give federal officials the right to permit recreation, stock grazing, mining and home development on the other acreage under federal jurisdiction.

On the surface the package deal appears to be in the best interests of Los Angeles, Inyo and Mono county residents and California's recreation-hungry millions.

We suggest, however, that the entire package be given close scrutiny at public hearings before the proper House and Senate committees. In addition to public testimony from city D.W.P. and federal forest authorities, California's vocal conservation group should be invited to have their say.

If the legislation is as constructive as it appears, it is worthy of enactment, but only after a word-by-word airing of all the fine print.

DR. LUTHER HOLCOMB—A DEDICATED PUBLIC SERVANT

Mr. DOLE. Mr. President, the Wichita Eagle-Beacon paid a high editorial tribute to Dr. Luther Holcomb in its issue of November 29, 1969.

Who is Luther Holcomb? He is a man President Nixon has reappointed Vice Chairman of the Equal Employment Opportunity Commission in recognition of his dedication to the problems confronting black men and for the calm and effective manner in which he has carried out his assignment.

I ask unanimous consent that the editorial, entitled "It's Reassuring," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wichita Eagle and the Beacon, Nov. 29, 1969]

IT'S REASSURING

Change is a way of life in Washington. But a graduate of the University of Oklahoma has compiled a record that has received little publicity while serving as vice chairman of the Equal Employment Opportunity Commission under four different EEOC chairmen. He is Dr. Luther Holcomb, a Dallas Democrat, who was reappointed by President Nixon.

Common sense and reasonableness are the two traits that this unobtrusive former minister brought to the work of the commission. His philosophy is that "where prejudice and discrimination exist, we must tear it out from its very roots." By tact and diplomacy he has successfully encouraged the maintenance of lines of communication with minority groups.

Dr. Holcomb's continued service on the commission demonstrates that capable service can be rewarded in political-conscious Washington. This is especially reassuring when it involves an agency with sensitive problems of human relations.

PROTECTION FOR THE U.S. PETROCHEMICAL INDUSTRY—ADDRESS BY SENATOR HOLLINGS

Mr. TALMADGE. Mr. President, on December 4, the distinguished Senator from South Carolina (Mr. HOLLINGS) delivered an excellent speech before the annual meeting of the Synthetic Organic Chemical Manufacturers Association.

I believe that Senator HOLLINGS has eloquently summarized the problem of protecting some of our domestic industries against unfair foreign competition. He has dealt with the administration's unfortunate action on the American selling price and has touched on a problem which is very much in the news at the present time—oil import controls. Certainly it will be necessary to make special provision for our petrochemical industry in any new arrangements to control oil imports. The petrochemical industry will lose its share of the world market if it is forced to pay the domestic price for crude oil.

Mr. President, I ask unanimous consent that the statement of the junior Senator from South Carolina be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ERNEST F. HOLLINGS

With mixed feelings I have accepted your invitation to speak to this impressive gathering, your Annual Meeting. Having ventured to communicate with the chemical industry on a similar but less auspicious occasion just six months ago, I am encouraged by this new invitation but not at all optimistic that I can sound the kind of cheerful, hopeful note which ought to characterize the message presented at an annual meeting. Your industry is too dynamic for me to believe that you are at all interested in a look backward. I shall therefore invite you to take a forward look at the probable foreign economic policy developments which will affect your industry.

Your Number One interest in this area is the defeat of that part of the Administration's trade bill which would repeal the American Selling Price. Doubtless you invited me to speak because a great part of my energy as a Senator has been devoted to the effort to secure a limitation on imports of textile articles. The two subjects are directly related.

Notwithstanding the commendable and entirely first-class effort which your industry has devoted to the attempted education of Government officials on the importance to the national interest of the retention of the American Selling Price value basis for imports of benzenoid chemicals, there is no evidence that such an understanding has in fact been created. Administration spokesmen use an incredible amount of humbug in attempting to dress up the diplomatic debacle which occurred when they surrendered to the insistent demands of your foreign competitors for the repeal of ASP.

The latest exhibit in this humbug charade is the address by the Special Representative for Trade Negotiations before the Manufacturing Chemists Association on November 25.

In the best tradition of the publican, he stood before the high priests of the chemical industry and proclaimed that the Administration rejects the pleas of those who would seek an abandonment of what he described as "the liberal trade philosophy that we as a Nation have steadfastly pursued for 35 years."

Thirty-five years would take us back to 1934, the year of the enactment of Cordell Hull's trade agreements legislation. That Act was emergency legislation and declared in its statement of purposes that it was adopted by the Congress as a means of assisting in the then-existing emergency of the depression in restoring the American standard of living. Like most emergency legislation enacted by the Congress, it lived on far beyond the life of the emergency which called it into being.

Cordell Hull declared in the Senate hearings that the Act was an "emergency remedy for emergency conditions." The Senate Finance Committee emphasized the emergency character of the bill by calling attention to an amendment which it adopted inserting the words "in the present emergency" in the policy section of the bill. Secretary Hull assured the Senate that the President's authority to reduce import duties through trade agreements was to be "special and temporary."

The giants in the Senate at that time—including Senators Walsh of Massachusetts, Robinson of Arkansas, and George of Georgia—all stressed the emergency nature of the legislation. Senator George stated during the debate in the Senate that the opponents of the bill could have confidence "in the integrity and courage of the legislative branch of the Government" to discontinue the delegation of tariff-cutting power to the President when "the extraordinary conditions which now seem to justify its use shall have ceased to exist."

Cordell Hull's concept was that the extreme tariff barriers which had been erected by all nations during the panic of the depression in an effort to protect their balance of payments position could be reduced selectively by a swap of tariff concessions which would mutually benefit the negotiating countries.

His idea was that there were many articles which would not impair or interfere with the economic strength of American agriculture, mining, or industry, and concessions on these products could be exchanged for concessions by other countries on products which the United States had the existing capacity to export which, in turn, would not impair or adversely affect agriculture, mining, or industry in the countries of destination.

In short, Cordell Hull's plan emphasized selective tariff concessions and the continued protection of import-sensitive sectors of American industry and agriculture.

During the successive renewals of the trade agreements legislation in 1945 and periodically down to the Kennedy Act of 1962, an emergency has always been dredged up as the basis for a renewal of the President's power to reduce duties.

Following World War II, the slogan which epitomized the new emergency justification was "trade, not aid" and the need to "close the dollar gap."

By the time the American people had become disenchanted with foreign aid and our once-strong balance of payments surplus had been converted into chronic deficits, a new emergency was christened as the Holy Grail in what had now become the perennial crusade against America's comparatively liberal system for regulating imports through the use of tariffs.

The new emergency was the specter of an inward-looking, protectionist, European Common Market, an international commercial cartel which the United States fostered but now chooses to use as the dragon which must be slain if George Ball's plan for a brave new world liberated from the commercial tyranny of U.S. import duties averaging 11 per cent was to be accomplished.

When the Special Representative for Trade Negotiations talks about a trade philosophy which has been "steadfastly pursued for 35 years," he overlooks the shifting sands of the crises which have been invoked by the high priests of free trade in the successful dismantling of our tariff system during that period.

A cardinal principle to which the Chief Executive and the Congress have paid allegiance in the enactment and successive renewal of the trade agreements legislation was that the President would be allowed to reduce only those import duties which were found by him to be "unduly burdening and restricting the foreign trade of the United States." This principle came to be honored more in the breach than in the observance, as the minions in the State Department to whom the use of the President's power was in fact delegated enthusiastically set about to demonstrate that Parkinson's law operates just as fully in the use of delegated authority as it does in the creation of bureaucratic establishments.

The ultimate expression of the contempt which our Nation's foreign trade bureaucrats have had for the carefully stated limitations on the President's power came in the Kennedy Round when the United States agreed in advance of the negotiations to the proposition that all import duties were to be reduced in an across-the-board fashion by 50 per cent subject only to a minimum number of exceptions—and these only following confrontation and justification on the grounds of overriding national interest.

I scarcely need to remind this audience that the evangelistic zeal of U.S. trade negotiators swept aside all of the criteria limiting the President's authority in the reduction of duties under the 1962 Act, enabling them to find not only that virtually all chemical duties should be reduced by the full amount of the President's authority—a 50 per cent cut—but also that they should dare to go beyond the outer limits of the Congressional delegation and negotiate an illegitimate agreement providing for the repeal of the American selling price.

The type of integrity and courage in the Legislative Branch of the Government to which Senator George referred in 1934 has rarely been exercised in the long history of the trade agreements legislation, as succeeding administrations have successfully created new emergencies to justify the perpetuation of the President's dominant power over the regulation of foreign commerce.

The world has grown more complex during this history. The trade agreement program has succeeded in virtually dismantling our tariff as an effective means for the regulation of imports. It has failed to promote our national interest as we have changed from a powerful trading nation with a commanding trade surplus to one which now, under honest accounting, has a persistent trade deficit.

During the five-year period preceding World War II, we had an average foreign trade surplus of 738 million dollars. During the five years immediately following World War II, when we were the supplier of manufactured goods to nations that were rebuilding their war-damaged economies, our foreign trade surplus was 5.2 billion dollars. This surplus increased to 6.3 billion dollars for the average of the five years 1961 to 1965.

From that point our foreign trade fortunes have been in a serious decline. By 1968, our surplus had dwindled to 1.3 billion dollars. There figures are based on our Government's method of foreign trade accounting, which differs from that of most other developed countries in the world.

Our real situation is disclosed when we recast our import statistics to a c.i.f. value basis, which includes ocean freight and insurance, and when we subtract from our export statistics the value of goods financed under the Foreign Assistance Act and Public Law 480.

In 1968, for example, instead of the 1.3 billion dollar surplus, we in fact incurred a 3.7 billion dollar deficit. Our imports c.i.f. were 35.5 billion dollars, and our exports net of Government-financed sales were 31.8 billion dollars. These data are as reported by the Department of Commerce.

Prior to the enactment of the Trade Agreements Act in 1934, United States exports accounted for 15.6 per cent of the world export trade during the period 1929 through 1933. In 1967, U.S. exports accounted for only 14.6 per cent of total world exports. After all of these years of tariff concessions under the trade agreements program, we are worse off than before we began the use of that means of promoting our exports!

Until the 1962 Act was enacted, it was the declared purpose of each of the American Presidents who sought the enactment and extension of the trade agreements legislation that the power to reduce tariffs would be used selectively and with great care in order to avoid injuring American industries.

One of President Roosevelt's Cabinet officers declared to the Ways and Means Committee that a man of the character of the President, in administering the trade agreements program, "would not be so inhuman as to retire in any barbarous way * * * inefficient industries."

Secretary Hull gave his assurance that the authority would not be used so as to result in injury or hurt, in responding to the statement of Congressman John McCormack, now the Speaker of the House, that the purpose of the legislation was "to assure adequate protection to American industry."

President Truman, after conferring with Senator Arthur Vandenberg, established the escape clause by executive order in 1948. The President stated that he had assured the Congress "that domestic producers would be safeguarded in the process of expanding trade." He declared that this commitment had been kept by him, and that it would continue to be kept.

Presidents Truman, Eisenhower, and Kennedy did not hesitate to use the escape clause to increase tariffs in order to protect American industries that had been found by the Tariff Commission to be seriously injured by imports.

Even though President Kennedy pressed hard for the enactment of the Trade Expansion Act of 1962, during his tragically brief days in office he forthrightly used his authority as President to protect American industries.

President Johnson's emphasis, under the guidance of his Special Representative for Trade Negotiations, was to expedite the dismantling of tariff protection, including escape clause rates of duty.

The significant thing about this Administration's trade message is that it seems, on the whole, to offer a continuation of President Johnson's policies rather than the selective approach taken by President Eisenhower and the willingness to use the escape clause to protect injured industries demonstrated by Presidents Truman, Eisenhower, and Kennedy.

There is nothing in the background of the current Special Representative for Trade Negotiations to promise anything other than an attempt to exceed the gross liberality of the Johnson Administration in resolving trade issues in favor of multinational corporations and foreign countries. The maintenance of sound protection for labor-intensive American industries will continue to suffer.

This brings us to the matter of the relationship between a program for the limitation of textile imports and a program to forestall the promised repeal of ASP.

In the beginning of your industry's tariff protection, the textile industry was your strongest advocate. Most of the witnesses in the Congressional hearings in 1916 testifying in support of the emergency tariff act which first established meaningful protection for your industry were textile mill owners and piece dyers. Almost without exception they asked for increased duties on dyes.

After World War I, representatives of the textile industry wired President Wilson that no conventional tariff could furnish protection for an independent American dye industry against the resources and competitive methods of the German dye cartel. The U.S. textile industry declared that "a domestic dye industry is essential to the independence of the American textile industry."

President Wilson got the message, and in a message to Congress asking for permanent protection for the dyestuff and related chemical industry, he declared that it would "be a policy of obvious prudence to make certain of the successful maintenance of many strong and well-equipped chemical plants. The German chemical industry, with which we will be brought into competition, was and well may be again be a thoroughly knit monopoly, capable of exercising a competition of a peculiarly insidious and dangerous kind."

I need not remind you gentlemen in this room that the German industry today is the keystone of a European dye cartel whose operations are so flagrant that only recently the Common Market itself felt obliged to declare its marketing activities unlawful. It is for the benefit of this international cartel that the Administration will attempt to honor President Johnson's commitment for the repeal of ASP.

The purpose of the ASP was to assist in the establishment and growth of a strong domestic synthetic organic chemical industry. The policy has been a success. The Administration itself acknowledges that the benzenoid chemical industry has enjoyed a strong growth rate.

Stepping aside from the contribution which ASP has made to this result, long a national policy objective, this Administration echoes the shallow thinking of the preceding Administration in illogically reasoning that the policy having been a success, it must now be terminated on the insistence of the Europeans, whose activities in the past, repeated in the present, required the policy to be established in the first instance.

The lame justification offered by the current Special Representative is that the United States "must counter the view that ASP is a major symbol of American protectionism."

It's difficult for me to understand the logic that an untruth can be countered by destroying the object to which the untruth has been directed.

In 1968, the amount of dyes imported directly as dyes or as the dye content of dyed or printed textiles was equivalent to 13.5 per cent of the domestic consumption of dyes used in textiles, calculated by quantity. The ratio would be even greater if calculated by values.

This ratio of 13.5 per cent in 1968 is higher than the 10.4 per cent import penetration ratio for cotton textile articles in that year, calculated on the basis of the square yard equivalent of fabric in imported articles.

When President Kennedy was inaugurated in January 1961, he carried into office a commitment, if elected, to take action on the textile import problem. He lost no time in setting about to honor this commitment. By October of that same year the Short-Term Cotton Textile Arrangement had been negotiated, to be replaced the following year by the Long-Term Cotton Textile Arrangement, still in effect. When President Kennedy acted, cotton textile imports were equivalent to 5.2 per cent of domestic consumption.

When President Nixon was inaugurated in January 1969, he carried into office a commitment to bring under control the burgeoning imports of textile articles, including man-made fiber and wool textiles. We are now in the twelfth month of his Administration and meaningful action for the limitation of man-made fiber and wool textile imports is not in sight.

The ratios, however, are important. When President Nixon made his commitment concerning man-made fiber textile articles, the ratio of imports to domestic consumption, as Mr. Nixon's advisers calculate it, was about equal to the import penetration ratio for cotton textiles when the LTA was negotiated. But my calculations show that, if one includes, as he should, imports of man-made fibers themselves, the import penetration ratio was about twice that calculated by Mr. Nixon's advisers.

The point, however, is that in the textile area the Administration is committed to seeking a solution through international agreement which would limit the future rate of growth of man-made fiber textile imports, and the import penetration ratio is lower than that which now exists for imported dyes.

Why is it protectionist for the dye industry to have ASP as the value basis for imports that are dutiable under the benefit of a 50 per cent tariff cut in the Kennedy Round, but not protectionist for an international agreement to be negotiated limiting the imports of textiles under these circumstances? In fact, ASP is allowing imports of dyes to increase at a rapid and sustained rate.

The ratio of imports to consumption of dyes for textile use has increased from 6.1 per cent in 1961, the year in which the cotton textile ratio was 5.2 per cent, to 13.5 per cent in 1968, the year in which cotton textile imports under regulation were at the level of 10.4 per cent.

These data indicate that the regulatory effect of ASP has been more liberal than the regulatory effect of the long-term cotton textile arrangement. If important regulation over this span of years, 1961 to 1968, is fair for cotton textiles, why is not the more liberal regulatory effect of ASP, permitting a deeper import penetration for imported dyes used in textile applications, also just?

How can an import-regulation system in cotton textiles, which achieved a 10.4 per cent market penetration ratio in 1968, be something which our trading partners accept by agreement, but a more liberal result accomplished in dyes through ASP is something which they vigorously attack?

How is it that the administration is able successfully in international negotiations to justify the import-regulation system in cotton textiles, but seems incapable of doing so in the case of the ASP?

There is more to the benzenoid chemical industry, of course, than the batch-processing sectors concerned with the production of dyes, lakes and toners, and other fine chemicals. The mandatory oil import program, which protects the petroleum industry, has made an unintended victim of the petrochemical industry. I am well aware of the fact that companies which include prominent members of this association have formed the so-called Petrochem and Chemco groups seeking the option of controlled access to petrochemical feedstocks or increased quota rights for petrochemical production.

According to Commerce Department data, the cost of materials accounts for 57 per cent of the value of shipments in the cyclic intermediates industry, with labor accounting for only 12.2 per cent. Obviously, the cost of materials is of decisive importance to the competitive position of the cyclic intermediates industry in the U.S. market and in world markets.

I understand that petrochemical crudes are an important raw material for this industry. The availability of low-cost foreign crude for plants able to use them, or compensating quota allocations for others, are, therefore, of crucial importance to the competitive position of the U.S. cyclic intermediates industry.

By contrast, materials costs account for a much smaller proportion, 31.5 per cent, of the value of shipments of synthetic organic dyes, pigments, and lakes and toners, whereas labor accounts for 27.6 per cent of the value of shipments in that industry. The dye in-

dustry, therefore, faces the double disadvantage of high wage costs and high raw material costs in competing with foreign-produced dyes in the U.S. market and in world trade.

To the extent that the cyclic intermediates industry would be provided either access to low-cost foreign petrochemical crudes or sufficient quota allocations to offset feedstock cost disadvantages, the price of cyclic intermediates used by the dye industry in its manufacturing operations should decline, and to this extent the competitive position of the dye industry would be strengthened.

But labor costs in dye manufacture represent virtually as large a proportion of the value of shipments as raw material costs, so the foregoing suggested modification of the mandatory oil import program is not a sufficient answer to the competitive disadvantage of the domestic dye industry, given the more labor-intensive nature of its batch-processing operations and the lower wages and longer working hours which are in effect in foreign countries.

Access to the low-cost foreign crudes or increased quota rights for companies unable to use foreign oil directly are needed if the position of the domestic industry in its own market and in world markets is to be protected. Similarly, because of the very different production economics applicable to batch-processing operations, the retention of ASP is required to maintain the economic strength and stability of the domestic producers of dyes, pigments, and other fine chemicals.

Of equal importance, SOCMA and the textile industry should work more closely together, each supporting the other's trade policy objectives. Obviously, the dye industry is dead if textile manufacturing moves offshore. Just as obviously, the textile industry will be seriously handicapped if dye manufacturing is moved offshore.

The textile industry needs a strong, viable, growing, and innovative dye industry located in the United States to provide close support for its dyeing and finishing operations. Adequate servicing of the rapid development of new textile fabrics and fabric applications in finished articles requires nothing less.

When President Kennedy went to work on the textile import problem, he did not dilly-dally waiting for the affected foreign countries to make up their minds on agreeing to limitations on their exports to the United States. He encouraged the domestic industry to file an application with the Office of Civil and Defense Mobilization for relief under the national security provision of the trade agreements legislation. He directed his Under Secretary of State to inform our trading partners on a no-nonsense basis that either there would be an agreement or the President would act unilaterally under the authority of the national security provision. Our foreign trading partners got the message, and the Short-Term and Long-Term Cotton Textile Arrangements were the answer.

President Kennedy was also committed to a solution of the man-made fiber and wool textile import problems. He accepted the advice of the State Department that these problems should be approached separately, a step at a time. His tragic death put an end to the necessary follow-through to secure a man-made fiber and wool textile agreement. President Johnson did not honor President Kennedy's commitments.

President Nixon, however, comes into office on the basis of a fresh commitment which he made to bring the man-made fiber and wool textile problems under control. In his way he moved promptly by discussing the problem on his European trip, and by sending his Secretary of Commerce to Europe and the Far East to attempt to achieve this objective through persuasion.

The President could have acted unilaterally, as President Kennedy threatened to do, utilizing either the still-pending textile case under the national security provision, or U.S. rights under Article XXVIII of GATT. For his own purposes, out of an abundance of consideration of the sensibilities of foreign countries, President Nixon has refrained from taking this approach.

It now appears that negotiations will commence in Geneva next Monday with Korea, presumably to be followed by discussions—and, hopefully, by negotiations—with Japan and perhaps other countries a week later.

Possibly in the context of the negotiations for the extension of the Long-Term Cotton Textile Arrangement, due to expire next year, this Administration can secure a negotiated solution on a multilateral basis of the U.S. textile import problem on an all-fiber basis.

If these efforts are not successful, then Congress should act, as Senator George said in 1934, with integrity and courage, to safeguard the welfare of the domestic textile industry.

If the Government secures limitations on imports of man-made fiber textile products but fails to include the man-made fibers themselves in the agreement, the effect inevitably will be to stimulate foreign exports of man-made fibers to compensate for the limitation on the consumption of man-made fibers in the production of the controlled articles.

The benzenoid chemical industry has a major stake in the health of the domestic man-made fiber industry. In the production of noncellulosic man-made fibers, the domestic industry purchases materials, largely intermediates, valued at nearly 1 billion dollars a year. This contrasts with the total value of shipments of cyclic intermediates of between 1½ and 2 billion dollars a year. When imports hurt domestic sales of man-made fibers, they obviously hurt the producers of intermediates. The battle of the man-made fiber producers and of the textile manufacturers using man-made fibers is clearly your battle as well.

The Administration and the Congress should be no less zealous in providing for the welfare of other industries as seriously affected by imports as the textile industry. This should be easy in the case of the benzenoid chemical industry; it merely requires stopping the effort to carry out an unwise and unauthorized commitment of the Johnson Administration to repeal the ASP.

In the case of the vital need of the intermediate manufacturers to secure low-cost petrochemical crudes, the Administration can successfully meet the problem by a modification of the oil import policy, making an exception for imports shown to be needed and in fact used in domestic chemical manufacturing operations. Such action would not destroy the value of the oil import program as an incentive to the independent petroleum industry to maintain the necessary pace of exploration and exploitation of domestic oil deposits.

If the chemical industry awakens from its traditional lethargy as a sleeping giant in the political arena, there is no reason why such a program cannot be successfully carried out. If the chemical and textile industries, so essential to each other's welfare, learn to cooperate in accomplishing their foreign trade policy objectives. I have no doubt that both can succeed and that an important beneficiary would be the Administration through the enactment of the essential substance of its trade program.

HANUKKAH—A GREAT MIRACLE HAPPENED THERE

Mr. WILLIAMS of New Jersey. Mr. President, last week, the Jewish people the world over began the celebration of Hanukkah. For 8 days, Jews have commemorated the victorious defense of Judaism against efforts to destroy their religion. Two thousand one hundred years ago, the Syrians attempted to force the Jews in Judea to give up their religion. Under the leadership of the Maccabees, the Jews succeeded in their defense of Monotheism.

Today, the Jews in Israel are again defending against efforts by the Syrians, as well as other Arab nations, to force the Jews to give up their homes and their lives. Under the leadership of a new generation of Maccabees, Israel must succeed in her defense of democracy in the Middle East.

We in Congress are as vulnerable to being misled by the world's daily events as are other Americans. We are vulnerable to being distracted, by the daily reports from the Middle East, from the real issues in that conflict. Let us remember, as our Jewish citizens conclude the celebration of Hanukkah, that the publicly proclaimed goal of Israel is to live in freedom on the shores of the Mediterranean, in the historical homeland of the Jewish people; and let us never forget that the publicly proclaimed goal of the Arab states is to destroy the State of Israel.

For the past 8 days, Jews have remembered that "Nes Gadol Hayah Sham"—a great miracle happened there—2,100 years ago. But they have also been remembering, as we all must do, that a great miracle is still happening there.

NATIONAL GUARD HOMECOMING

Mr. DOLE. Mr. President, today, in Kansas City, ceremonies are being held to honor national guardsmen of northeast Kansas who are returning to their hometowns and families after 18 months of active duty.

In May 1968, the 69th Infantry Brigade of the Kansas National Guard was summoned to active duty following the *Pueblo* crisis. Across the State members of the 69th responded, as Kansans have done whenever their country has needed them. They put aside their civilian jobs and private concerns to don the army green. They said goodbye to loved ones and friends and went away with their comrades to serve America. Duty called and these brave men answered.

Mr. President, the men of the 69th gave up 1½ years of their civilian lives and careers. The Nation owes a deep debt of gratitude to these men, not only for their sacrifice but for their contribution. The men of the 69th distinguished themselves and their units throughout this period of active duty by their performance and dedication to the Army's defense effort. Men who one day had been civil servants, businessmen, and laborers, the next day were first-rate full-time soldiers. They gave real meaning to the National Guard's tradition of readiness.

I regret that our business in the Senate prevents my attendance at the Kansas City ceremonies today. But I am also grateful that I may tell Senators of these returning soldiers.

I wish to express my congratulations and appreciation for the job the 69th

has done and to extend best wishes and warm regards as our men resume their civilian lives.

PROPOSED AMENDMENTS TO THE AGREEMENT FOR COOPERATION WITH VENEZUELA

Mr. GORE. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise the Senate that amendments to the Agreement for Cooperation with Venezuela have been placed before that committee in compliance with section 123(c) of the Atomic Energy Act of 1954, as amended. That act requires that such agreements lie before the Joint Committee for a period of 30 days while the Congress is in session before becoming effective.

The agreement is relative to both research and power applications of nuclear energy. The present agreement, which is due to expire on February 8, 1970, will be extended by the amendment for a period of 10 years.

Mr. President, in keeping with the practice of the Joint Committee of including such agreements for cooperation in the CONGRESSIONAL RECORD for the information of interested Members of Congress, I ask unanimous consent to have printed in the RECORD the text of the proposed Agreement for Cooperation with Venezuela together with supporting correspondence.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., November 14, 1969.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy,
Congress of the United States.

DEAR MR. HOLIFIELD: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter copies of the following:

a. a proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Venezuela Concerning the Civil Uses of Atomic Energy;"

b. a letter from the Commission to the President recommending approval of the amendment; and

c. a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the amendment and authorizing its execution.

The amendment has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. Inasmuch as the present research and power type of agreement with Venezuela is scheduled to expire on February 8, 1970, the main purpose of the amendment is to extend the period of cooperation for an additional ten years. The amendment also brings several provisions of the current agreement into conformity with corresponding ones in other recently modified Agreements for Cooperation. Significant provisions of the amendment are discussed below.

Article I updates the general provision for transfer of materials (other than fuel) and equipment and devices, as well as for use of research facilities, in conformity with the formulation in our current agreements. As has been the practice in recent years, the specific quantity limitation on small quantities of special nuclear material for research purposes will be discontinued, and transfers of material will be for defined applications under such terms and conditions as may be agreed.

Article II permits arrangements for the transfer of special nuclear material to be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party. Such transfers will be for uses specified in the agreement and will be subject to the quantity limitation on U–235 established in proposed Article III.

Article III amends the current "fuel" article, Article VII of the agreement, in order to update certain provisions and to adjust the quantity of U–235 which may be transferred for fueling purposes. Article III continues the present provision for transfer, on an agreed basis, of enriched uranium for use as fuel for research, experimental-power, demonstration-power, and power reactors. Inasmuch, however, as Venezuela has not initiated a power reactor program as envisaged under the current agreement and did not foresee a need for retention of the present ceiling of eight hundred kilograms of U–235 contained in enriched uranium which may be transferred to Venezuela for fueling purposes, a revised ceiling of twenty-five kilograms was agreed upon as appropriate for Venezuela's current research reactor program during the extended period of the agreement.

The new fuel article also incorporates the usual provision permitting fuel enrichment greater than twenty percent in the isotope U–235 if technically or economically justified. Further, as has been done under the recent Portuguese, Iranian, and Argentine agreements, the options granted to the United States under the present Venezuelan agreement to acquire special nuclear material produced in material obtained from the United States have been discontinued. However, transfers of such produced special nuclear material from Venezuela to any other nation or group of nations will be subject to approval of the United States.

Articles IV and V make editorial changes necessitated respectively by (a) consolidation of the provisions of Article VIII of the current agreement into proposed Article I of the amendment and (b) revision in the fuel article of the provision respecting the United States' option to acquire produced special nuclear material.

Article VI brings Venezuela's "peaceful uses" guarantee respecting material, equipment, and devices transferred under the agreement into conformity with current agreements.

Article VII reflects the fact that safeguards responsibilities have been transferred to the International Atomic Energy Agency pursuant to a trilateral safeguards agreement signed in 1968 and provides for continued application of safeguards by the Agency. As is presently the case, United States safeguards rights under the extended agreement will remain suspended during the time and to the extent Agency safeguards are in effect.

The amendment will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Cordially,

GLENN T. SEABORG,
Chairman.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., October 13, 1969.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Venezuela Concerning the Civil Uses of Atomic Energy," which has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. The Atomic Energy Commission recommends that you approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The current Agreement for Cooperation with Venezuela is a research and power type of agreement, which was signed in 1958 and is due to expire on February 8, 1970. The principal purpose of the proposed amendment is to extend the period of cooperation for an additional ten years. While continuing the existing cooperative framework for the additional ten-year period, the amendment would also bring several other provisions into accord with current practice as contained in other recently modified Agreements for Cooperation. Significant provisions of the amendment are discussed below.

Article I would update the general provision for transfer of materials (other than fuel) and equipment and devices, as well as for use of research facilities, in conformity with the formulation in our current agreements. As has been the practice in recent years, the specific quantity limitations on small quantities of special nuclear material for research purposes would be discontinued, and transfers of material would be for defined applications under such terms and conditions as may be agreed.

Article II would permit arrangements for the transfer of special nuclear material to be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party. Such transfers would be for uses specified in the agreement and would be subject to the quantity limitation on U–235 established in proposed Article III.

Article III would amend the current "fuel" article, Article VII of the agreement, in order to update certain provisions and to adjust the quantity of U–235 which may be transferred for fueling purposes. The proposed Article III would continue the present provision for transfer, or an agreed basis, of enriched uranium for use as fuel for research, experimental-power, demonstration-power and power reactors. Inasmuch, however, as Venezuela has not initiated a power reactor program as envisaged under the current agreement and did not foresee a need for retention of the present ceiling of eight hundred kilograms of U–235 contained in enriched uranium which may be transferred to Venezuela for fueling purposes, a revised ceiling of twenty-five kilograms was agreed upon as appropriate for Venezuela's current research reactor program during the extended period of the agreement.

The new fuel article would also incorporate the usual provision permitting fuel enrichment greater than twenty percent in the isotope U–235 if technically or economically justified. Further, as has been done under the recent Portuguese, Iranian, and Argentine agreements, the options granted to the United States under the present Venezuelan agreement to acquire special nuclear material produced in material obtained from the United States would be discontinued. However, transfers of such produced special nuclear material from Venezuela to any other nation or group of nations would be subject to approval of the United States.

Proposed articles IV and V would make editorial changes necessitated respectively by (a) consolidation of the provisions of Article VIII of the current agreement into proposed Article I of the amendment and (b)

revision in the fuel article of the provision respecting the United States' option to acquire produced special nuclear material.

Proposed Article VI would bring Venezuela's "peaceful uses" guarantees respecting material, equipment, and devices transferred under the agreement into conformity with current agreements.

Article VII would reflect the fact that safeguards responsibilities have been transferred to the International Atomic Energy Agency pursuant to a trilateral safeguards agreement signed in 1968 and would provide for continued application of safeguards by the Agency. As is presently the case, United States safeguards rights under the proposed agreement would remain suspended during the time and to the extent Agency safeguards are in effect.

Following your approval, determination, and authorization, the proposed agreement will be formally executed by appropriate authorities of the Governments of the United States of America and the Republic of Venezuela. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the agreement will be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

GLENN T. SEABORG,
Chairman.

THE WHITE HOUSE,
Washington, November 4, 1969.

Memorandum for the Chairman, Atomic Energy Commission.

I have reviewed the proposed Amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Venezuela Concerning the Civil Uses of Atomic Energy" which you submitted for my approval with your letter of October 13, 1969.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

1. Approve the proposed Amendment, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and

2. Authorize the execution of the proposed Amendment on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

RICHARD NIXON.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF VENEZUELA CONCERNING THE CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of the Republic of Venezuela,

Desiring to amend the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Venezuela Concerning the Civil Uses of Atomic Energy signed at Washington on October 8, 1958 (hereinafter referred to as the "Agreement for Cooperation"),

Agree as follows:

ARTICLE I

Article V of the Agreement for Cooperation is amended to read as follows:

"A. Materials of interest in connection with the subjects of agreed exchange of information, as provided in Article III and subject to the provisions of Article II, including source material, heavy water, byproduct material, other radioisotopes, stable isotopes, and special nuclear material for purposes other than fueling reactors and reactor experiments, may be transferred between the Parties for defined applications in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

"B. Subject to the provisions of Article II and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties may be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

"C. With respect to the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, equipment and devices may be transferred from one Party to the other under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortages of supplies or other circumstances existing at the time."

ARTICLE II

Article VI of the Agreement for Cooperation is amended to read as follows:

"A. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of equipment and devices and materials other than special nuclear material and for the performance of services with respect thereto.

"B. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of special nuclear material and for the performance of services with respect thereto for the uses specified in Articles V and VII and subject to the limitations of Article VII, paragraph B.

"C. The Parties agree that the activities referred to in paragraphs A and B of this Article shall be subject to the limitations in Article II and to the policies of the Parties with regard to transactions involving the authorized persons referred to in paragraphs A and B."

ARTICLE III

Article VII of the Agreement for Cooperation is amended to read as follows:

"A. As may be agreed, the United States Commission will transfer to the Government of the Republic of Venezuela or authorized persons under its jurisdiction, uranium enriched in the isotope U–235 for use as fuel in defined applications, including research, experimental power, demonstration power, and power reactors which the Government of the Republic of Venezuela decides to construct or operate or authorizes private persons to construct or operate in the Republic of Venezuela. Contracts setting forth the terms, conditions, and delivery schedule of each transfer shall be agreed upon in advance.

"B. The net amount of U–235 in enriched uranium transferred under this Article during the period of this Agreement shall not at any time exceed twenty-five (25) kilograms. This net amount shall be the gross quantity of such contained U–235 in uranium transferred during the period of this Agreement less the quantity of such contained U–235 in recoverable uranium which has been resold or otherwise returned to the United States of America during the period of this Agreement or transferred to any other nation or group of nations with the approval of the Government of the United States of America.

"C. Within the limitations contained in paragraph B of this Article, the quantity of uranium enriched in the isotope U–235 transferred under this Article and under the jurisdiction of the Government of the Republic of Venezuela for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity thereof necessary for loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the United States Commission, is necessary to permit the efficient and continuous operation of such reactors or reactor experiments.

"D. The enriched uranium supplied hereunder may contain up to twenty percent (20%) in the isotope U–235. All or a portion of the foregoing special nuclear material may be made available as uranium enriched to more than twenty percent (20%) by weight in the isotope U–235 when the United States Commission finds there is a technical or economic justification for such a transfer.

"E. When any special nuclear material received from the United States of America requires reprocessing, or any irradiated fuel elements containing fuel material received from the United States of America are to be removed from a reactor and are to be altered in form and content, such reprocessing or alteration shall be performed in facilities acceptable to both Parties upon a joint determination of the Parties that the provisions of Article IX may be effectively applied.

"F. Special nuclear material produced as a result of irradiation processes in any part of fuel leased by the United States Commission under this Agreement shall be for the account of the lessee and, after reprocessing as provided in paragraph E of this Article, shall be returned to the lessee, at which time title to such material shall be transferred to the lessee.

"G. No special nuclear material produced through the use of material transferred to the Government of the Republic of Venezuela or to authorized persons under its jurisdiction, pursuant to this Agreement, will be transferred to any other nation or group of nations, except as the United States Commission may agree to such a transfer.

"H. Some atomic energy materials which the United States Commission may be requested to provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials, the Government of the Republic of Venezuela shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any nuclear material or fuel elements which the United States Commission may, pursuant to this Agreement, lease to the Government of the Republic of Venezuela or to any person under its jurisdiction, the Government of the Republic of Venezuela shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear material or fuel elements after delivery by the United States Commission to the Government of the Republic of Venezuela or to any person under its jurisdiction."

ARTICLE IV

Article VIII of the Agreement for Cooperation is deleted in its entirety.

ARTICLE V

Subparagraph B3 of Article IX of the Agreement for Cooperation is amended to read as follows:

"3. To require the deposit in storage facilities designated by the United States Commission of any of the special nuclear material referred to in subparagraph B2 of this Article which is not currently utilized for civil purposes in the Republic of Venezuela and which is not transferred pursuant to

Article VII or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;".

ARTICLE VI

Article X of the Agreement for Cooperation is amended to read as follows:

"The Government of the Republic of Venezuela guarantees that:

"(a) Safeguards provided in Article IX shall be maintained.

"(b) No material, including equipment and devices, transferred to the Government of the Republic of Venezuela or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement and no special nuclear material produced through the use of such material, equipment or devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

"(c) No material, including equipment and devices, transferred to the Government of the Republic of Venezuela or authorized persons under its jurisdiction pursuant to this Agreement will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Republic of Venezuela, except as the United States Commission may agree to such a transfer to another nation or group of nations, and then only if, in the opinion of the United States Commission, the transfer of the material is within the scope of an Agreement for Cooperation between the Government of the United States of America and the other nation or group of nations."

ARTICLE VII

Article XI of the Agreement for Cooperation is amended to read as follows:

"A. The Government of the United States of America and the Government of the Republic of Venezuela note that, by an agreement signed by them and the International Atomic Energy Agency on March 27, 1968, the Agency has been applying safeguards to materials, equipment and facilities transferred to the Government of the Republic of Venezuela. The Parties agree that Agency safeguards, either as provided in the trilateral agreement, as it may be amended from time to time, or as provided in a new supplanting trilateral agreement, shall continue to apply to materials, equipment and facilities transferred under this Agreement, recognizing that the safeguards rights accorded to the Government of the United States of America by Article IX of this Agreement are suspended during the time and to the extent that Agency safeguards apply to such materials, equipment and facilities.

"B. In the event that the applicable trilateral agreement referred to in paragraph A of this Article should be terminated prior to the expiration of this Agreement and the Parties should fail to agree promptly upon a resumption of Agency safeguards, either Party may, by notification, terminate this agreement. In the event of termination by either Party, the Government of the Republic of Venezuela shall, at the request of the Government of the United States of America, return to the Government of the United States of America all special nuclear material received pursuant to this Agreement and still in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of the Republic of Venezuela or the persons under its jurisdiction for their interest in such material so returned at the United States Commission's schedule of prices then in effect in the United States of America."

ARTICLE VIII

The term of the Agreement for Cooperation, which is set forth in paragraph B of Article XII, is extended for a period of ten years from February 8, 1970.

ARTICLE IX

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation, as hereby amended.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, in the English and Spanish languages, both equally authentic, this fourteenth day of November, 1969.

For the Government of the United States of America:

CHARLES A. MEYER,
Assistant Secretary for Inter-American Affairs, Department of State.
GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

For the Government of the Republic of Venezuela:

JULIO SOSA-RODRIGUEZ,
Ambassador E. and P. Embassy of Venezuela.

Certified to be a true copy:

BARBARA H. THOMAS.

THE KANSAS ECONOMY

Mr. DOLE. Mr. President, my home State, Kansas, has long and justifiably been known as the "Wheat State." Each year Kansas farmers produce far and away more wheat than any other State, and they pride themselves not only on the quantity but the quality of their grain. There is no finer wheat in the country or in the world than that which comes from the prairies of Kansas.

However, changing times bring changing economies, and it may come as a surprise to some to know that wheat farming is not the No. 1 dollar producing element in the Kansas economy today. In fact, it is ninth in major income sources bringing in $321 million annually. The top dollar producer in Kansas is now cattle. When sales are counted together with packing and processing, almost $1.2 billion is contributed to the Kansas economy by the cattle industry, and that is big business.

To give Senators a clearer overall picture of our Kansas economy, I ask unanimous consent that an article published in the Kansas City Star of November 5, 1969, be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

BEEF TOP INCOME SOURCE IN KANSAS
(By Roderick Turnbull)

The No. 1 source of income in Kansas is beef cattle—by far.

When cattle sales are added to the income from meat packing and processing, the two gross more than twice as much as the third ranking source of income, petroleum and coal manufacturing.

Curiously, in the state which leads all others in the nation in wheat production, wheat ranks ninth in the list on gross income.

These figures and comparisons are contained in a new Kansas State University publication entitled, "Kansas's Investment Opportunities—Where the Economic Action is." It was written by Dr. Lowell Bradner, director of agricultural sciences at the university.

Cattle sales	$596,977,000
Meat packing and processing	590,639,000
Petroleum and coal manufacturing	580,388,000
Aerospace manufacturing	561,134,000
Crude oil and natural gas mining	441,761,000
Building construction	367,289,000
Special trade construction	344,804,000
Grain mill products manufacturing	333,728,000
Wheat farming	321,584,000
Pigs	100,852,000

NOTE.—This chart shows what industries and businesses seem to have a competitive advantage in the state. The first nine are in rank order as to annual income. Hogs are added 10th not only because they are an important source of farm income but because the university contends the competitive advantages available to cattle producers also are available to hog farmers.

The publication is an obvious pitch by the university for greater investment in research in Kansas. The main point is that, the research investment should go where the greatest opportunities lie and that is in agriculture. The principal example of the dividends from research mentioned is in the development of hybrid milo, which is the basis for the burgeoning-cattle industry in Kansas.

Hybrid milo has increased the yields of this feed grain crop to the extent that it gave Kansas a competitive advantage with the corn belt in cattle feeding. The first of the hybrid seeds were distributed in 1957. January 1, 1969, Kansas had nearly six times more cattle on feed than January 1, 1957.

The K-State publication contends emphatically that states and areas compete for business—including the farm business. No state, including Kansas, can prevent progress elsewhere.

"Funds for research and development of agriculture are more important in Kansas than in the nation and more in Kansas than in most states," the publication argues, "because Kansas depends more on agriculture, agribusiness and agriindustry than most other states do."

To fare best, the publication continues, states must have economic activities in areas where they have a natural competitive advantage. At present Kansas seems to have a natural competitive advantage with hybrid milo and meat production, petroleum and coal manufacturing, aerospace manufacturing, and crude oil and natural gas mining. The second and fourth are depletable and are facing possible loss of some national tax advantages. The second depends heavily on wars.

"That makes it appear," the publication contends, "that Kansas should have most success in increasing economic activity to pay for her schools, highways, and other projects and services Kansans need by investing in agricultural research and development."

It will take continuing research, the publication insists, to keep Kansas competitive in milo production and in beef output. It also insists that most of the economic activity caused by producing meat takes place in cities and towns rather than on farms. This activity includes that of the firms that sell tractors, combines and all other farm machinery, the producers of oil and gasoline, fertilizers and pesticides, firms that handle, store and transport grain and feed, packers, the bankers and everybody else that in one way or another supplies or services the many facets of agriculture.

It mentions Garden City as an example. Garden City, one of the new centers in cattle feeding, has seen a population growth of 25 per cent in nine years.

Much of the research on milo has been

done at Kansas State. To begin with, this was a tall forage crop, not a grain crop. Scientists at the university did the selecting and breeding to develop a shorter plant with a good grain head suitable for harvest with the combine. A Texas scientist succeeded in hybridizing milo.

Texas now is the No. 1 milo state, Kansas is second. Also, Texas has boomed as a cattle feeding state for the same reason as Kansas—it has the grain feed available. Both states used to send their feeder cattle to the Corn Belt for fattening.

The highest average yield of milo in Kansas prior to the introduction of hybrids was 23 bushels an acre in 1950. Each of the last four years the state has averaged at least 46 bushels. Before hybrids, Kansas had produced only two 50-million bushel crops in all history. By 1966, five counties produced more milo than all the 105 produced in 1956. The last five years, the state has averaged more than 140 million bushels and this year's crop is estimated at a record 182 million with an average of 57 bushels to the acre.

Kansas farmers have doubled hog production since 1957, the year of the advent of hybrid milo, but they still have a long way to go to reach their potential, the publication says. In fact, Kansas doesn't have as many hogs on its farms as it did back in 1909. But the state easily could double swine production with available grain supplies, the university maintains.

The publication states frankly that wheat is in trouble. Even though Kansas this year produced 304 million bushels compared with 204 million in North Dakota, the next in rank, the trouble persists.

Other states, and other nations, are getting higher yields to the acre. Hybrid wheats may put Kansas back into the running, but as of now, the publication admits, the state's farmers are looking for substitute crops and enterprises. Without the wheat subsidy, many Kansas farmers no longer could afford to grow wheat, even with yields as good as those this year. Per acre yields of milo and corn have risen far more than those on wheat. In fact, wheat yields less to the acre than any major crop grown in Kansas. Despite this, it still has some advantages in certain areas.

But to remain competitive in wheat, the university says through the new publication, Kansas has no choice but to invest in wheat research and development. This research should be in the fields of increasing per acre yield, in protein content and in the use of the crop for pasture. Losing its No. 1 crop without having developed a profitable alternative would tend to cripple the whole state, the publication asserts.

How much should Kansas invest in agricultural research? Kansas cash receipts from farming have been averaging 1.5 billion dollars annually. Two per cent of that would be 30 million dollars, the university notes. At present, Kansas is appropriating $3,333,000 for research and nearly 2 million for development (agricultural extension).

PRESIDENT NIXON'S PANEL ON OIL SPILLS

Mr. CRANSTON. Mr. President, on October 19, Dr. Lee A. DuBridge, President Nixon's science adviser and Director of the Office of Science and Technology, released two reports of great importance to California, the American people generally, and the Congress.

These reports by the President's special Panel on Oil Spills covered some of the problems of oil spills on the ocean and development of our offshore mineral resources.

They are the result of a special investigation initiated by the President after the oil well blowout on January 28 at Santa Barbara, Calif.

The President appointed a panel of 12 distinguished scientists and engineers from many parts of the country and from many universities and organizations to study the problems arising from the Santa Barbara disaster. He also sought advice and recommendation on preventing such oil disasters in the future, if possible, and for developing new policies for dealing with the complex problems of developing resources on the Outer Continental Shelf.

Although the reports arose from the incident at Santa Barbara, the findings and recommendations of the Panel have broad application to the entire question of coastal resources development and pollution of the ocean by oil wells or oil tankers. Every State in the Nation bordering on the Atlantic and Pacific Oceans and the gulf coast are concerned with the issues which these reports discuss.

There are numerous recommendations and findings but two important statements emerge from the reports which I would like to call to the attention of the Congress.

First, is the finding that, although the Nation has been alerted to the dangers of widespread pollution by such disasters as the sinking of the oil freighter the *Torrey Canyon* and the Santa Barbara blowout, the report states:

> The Nation still does not have an adequate oil spill technology and has not yet provided the means for bringing an adequate technology into being.

This means that we will again in the future experience oil disasters like the *Torrey Canyon* and Santa Barbara.

I well remember the sad spectacle at Santa Barbara of men in rowboats, armed with rakes and hay, trying to fight the tide of black oil that was sweeping on to the California beaches. Hay for soaking up the oil and rakes for collecting the hay is the extent of our oil spill technology for offshore oil spills. I find that both incredible and unacceptable in the face of warnings by the panel that future spills or blowouts are as certain as taxation and death.

The second major finding of the panel was that there is today no adequate legal or administrative machinery to involve local and State governments in the process of Federal offshore resources development.

At Santa Barbara we find a classic example of the Federal Government overriding local and State desires with respect to oil development and protection of the environment.

For 15 years the State and local governments had protected a 16-mile strip of coastal waters and beaches from oil development at Santa Barbara through creation by law of an oil-free sanctuary on the State tidelands.

With no public hearing, with little or no consultation with the local or State governments, and certainly with no concern for the special environment of Santa Barbara, with its beautiful beaches, harbor and recreational and fishing interests, the Federal Government opened up the Federal tidelands for oil leasing.

Both Secretary of the Interior Hickel and former Secretary Udall now agree that that decision was a tragic mistake.

Yet under existing national policy there is every reason to expect that such a mistake will be repeated.

Secretary Hickel only recently resumed the oil leasing program, apparently feeling that everything is all right and that new regulations will take care of the problem.

But that is not the finding of this special panel of engineers and scientists.

In fact, their finding is just the opposite.

We simply are not prepared for oil spill disasters, for hazards to marine navigation created by oil rigs and platforms, or for the effects of earthquakes on offshore oil fields.

I say these are questions of great magnitude and importance to our future. And they are questions linked to the future of our environment too. For while none of us question the need for resources development we are all concerned that such development does not destroy our environment or threaten our health.

I have introduced a bill—S. 3093—which, if enacted, would avoid the threat of oil spills from Federal areas seaward of marine sanctuaries created by the State of California. This proposal, I believe, is at best a minimum response for the Federal Government to make to efforts of the State and local communities to protect themselves from the black contamination of contemporary offshore oil production.

But beyond the California marine sanctuaries, there are thousands of miles of coastline around our 50 States where oil is being sought or produced or where oil prospecting can be anticipated. In some of these areas, offshore oil can be produced with little or no possibility of damage to a notable coastal resource. In other areas where the qualities and scenic beauties of the coastline rival the California areas which my State has set aside for protection or where there are unique historical values which should be preserved, our people need assurance that proposed oil production can proceed without endangering the quality of their resources.

Furthermore, if oil production in our coastal waters, given the present state of our skills, threatens in insidious ways yet unknown the environment which we must maintain as habitable if we and our descendants are to survive, then it must be our responsibility to accelerate our techniques, develop new safety procedures, and do a much better job of managing our total national oil development program.

In face of these concerns, the two-part report of the DuBridge Panel should receive thorough review by Congress. I am particularly interested in the panel's escrow concept of holding our offshore mineral resources in reserve until that future time when the skills and techniques of oil production have been made safe.

Mr. President, I commend the entire DuBridge report to Senators, and I ask unanimous consent that the summary of findings and recommendations of both

parts of the report be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE OIL SPILL PROBLEM: FIRST REPORT OF THE PRESIDENT'S PANEL ON OIL SPILLS

SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. Although oil spills cannot be eliminated entirely, steps can be taken to reduce the probability that they will occur. Steps can also be taken to prepare for oil spills so that the damage and deleterious effects are reduced. Despite the lessons learned from the Torrey Canyon, Santa Barbara and other spills, the nation is not doing enough in either of these areas.

2. The United States does not have at this time sufficient technical or operational capability to cope satisfactorily with a large scale oil spill in the marine environment. A research, development and deployment program to monitor and control massive spills should be implemented to advise the public of the probability and predictability of oil spills and of the existence and effectiveness of standby cleanup capabilities.

3. Responsibility for developing technology on oil spills should be vested in a single federal authority, with mandates to stimulate private industry involvement and to work coordinately with local governments. The authority responsible for developing an oil spill technology should also undertake the jobs of forecasting the probable incidences of oil spill events and arranging for deployment of emergency equipment accordingly.

4. Similarly, there is need to assign to a single agency the operational responsibility for dealing with an oil spill. The current contingency plan should be revised and implemented and it should provide for a fund upon which the commander of an oil spill team can draw for meeting the costs of operations to control an oil spill.

5. In all oil spill events, the contingency plan should also provide for assembling, separate from the operations team to combat the spill, a group of ecologists, environmental scientists, engineers, economists, and others with expertise in the area concerned, to advise the operations team and to recommend action for appropriate studies and analyses to assess the effects of the spill.

6. There is no clear policy for determining when the public interest in an oil spill should preempt private interests. Jurisdictional responsibilities and liability for damage are not clearly defined. A review of legislative and administrative practices in these areas is recommended.

7. There is need for a quasi-independent advisory group on oil pollution to provide an overview of this subject for the benefit of the President, the Congress, and the public at large. We recommend that an Advisory Board on Oil Pollution and Hazardous Fluids be established to advise the President and the National Interagency Committee with respect to policies, programs, and plans relative to the prevention or mitigation of pollution from the transportation, processing and utilization of oily substances and other hazardous fluids.

8. Coastal areas of potentially high environmental risks relative to oil tanker shipping lanes and terminals should be identified. Steps should be taken immediately to negotiate international agreements providing firm regulatory control of shipping lanes used for transportation of oil and hazardous materials.

9. Within the federal agencies an authority and responsibility should be clearly identified and delegated for:

(a) Design specification and inspections of ships, barges and port facilities with respect to overall size, compartments, loading equipment, navigational equipment and ship control, and pollution control equipment.

(b) Monitoring and regulating ship movement in the territorial waters of the United States.

(c) Design specification, construction and inspection of pipelines carrying oil and hazardous fluids.

(d) Monitoring major spillage incidents with chronological estimates of oil contamination, and informing the operational agency responsible for cleanup.

10. Along many coastal regions the production of oil and gas is one of the most valuable industrial activities for direct economic return. Nevertheless in certain areas of great population density and high recreation and aesthetic value it is essential that: oil well operations be conducted under stringent regulations and supervision using the most up-to-date technology in order to minimize the possibility of oil leakage; and any oil companies holding offshore leases be required to show their capability for control, containment and removal of spilled oil from the sea to the responsible agencies.

11. Because of variable oceanographic characteristics and differing beneficial uses of the ocean, the potential consequences or environmental degradation in case of well leakage are highly variable. Therefore, some situations require higher standards of operation and supervision than others. If special problems are encountered then special regulations and procedures may be required.

OFFSHORE MINERAL RESOURCES: SECOND REPORT OF THE PRESIDENT'S PANEL ON OIL SPILLS

SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. In keeping with the desire to make the wisest possible use of our public resources and to provide a source of independent advice for the Secretary of the Interior we recommend that a Resource Advisory Board be established to advise on all matters pertaining to the development of resources.

2. The occurrences of resources offshore and the multiple uses to which offshore areas are subjected are not respecters of political boundaries. Therefore we recommend that prompt and meaningful efforts be made to incorporate the opinions, advice and policies of state and local governments into the plans for development of the Federal offshore mineral resources.

3. Development of our offshore resources may have effects on the citizens of the area which are very difficult to measure in economic terms. While every effort should be made to assess these opportunity costs in planning, some will still remain vague and difficult. We recommended that well-publicized public hearings be held in the areas where offshore resource developments are contemplated and that opportunities be afforded to private citizens, commercial interests and others to present their views to the government.

4. At present, disputes about the development of new offshore mineral resource areas are usually between exploitation now and prohibition of development for all time. We suggest that there are potential offshore resources which fall into neither of these categories and that wise employment of our natural resources and preservation of our environment are ill served by the existence of only these two extreme positions. We therefore recommend that a class of escrow resources be recognized as a matter of policy. These resources would be placed in escrow for fixed periods of time instead of being extracted at present.

5. Common sense and the public interest demand that adequate information be available to those making decisions about offshore resources. We therefore recommend that, through negotiation, purchase or possibly regulation, data necessary for resource evaluation held by private companies, state and local governments and any other parties to exploration and development of offshore mineral resources be made available to those who must make decisions about their exploitation.

6. In view of the multiple uses of offshore areas and the environmental hazards associated with offshore mineral development careful management is needed to protect the marine environment and to make the wisest use of our offshore resources. Leasing and royalties of offshore resources bring substantial funds into the Treasury of the United States. (The yield to the Federal Government in 1968 was over one billion dollars.) It is our conclusion that the present size of the staff in the Department of the Interior is inadequate to manage this important resource and source of income. We therefore recommend that a careful review be conducted so that the appropriate level of management can be implemented and funded to guarantee more detailed supervision and planning of the employment of our offshore resources.

7. We recommend that the presently existing standards for construction of offshore structures be reviewed area by area to determine their appropriateness. We further recommend that the proposed plans of offshore lessees be at least spot checked in detail to be certain that the standards are being met.

8. We recommend that the Secretary of the Interior and his advisers seek out any advancements in technology which may tend to simplify the multiple use conflicts of offshore resources. In particular, we recommend that the Government move now toward a policy that within specified areas offshore oil and gas production be accomplished from structures totally beneath the surface of the sea unless application is made and granted for an exception that would permit erection of above water structures. We do not suggest that all the structures can or should be beneath the water but that many can.

9. The geological features in which offshore resources occur do not coincide with our political subdivisions. We therefore recommend that necessary steps be taken such that utilization of production from offshore oil structures and mineral deposits be practiced so that the wisest use of our offshore resources may be made, maximum safety may be obtained, and maximum yield may be obtained.

10. Recognizing that certain areas may require more stringent regulations and more careful supervision than other areas where the multiple-use conflicts are not so pressing, we recommend that the Secretary of the Interior and his advisers review offshore areas for which leasing or development is proposed to determine which areas may require more extensive supervision and more stringent regulations and to consider whether, for some of these areas, the resources should be placed in escrow or in ecological preserves.

11. The offshore resources belong to the public as a whole. The multiple uses, public and private, must be considered equally with the economic balance of profit and cost. There is every evidence that recreational, wildlife, and mineral resources may be in equally short supply in the not very distant future. We therefore recommend that the Secretary of the Interior strengthen those branches of the Department concerned with offshore resources and the total ecology in which the resources occur.

THE MYLAI INCIDENT

Mr. DOLE. Mr. President, a major news item of recent weeks has been the incident of Mylai in Vietnam. Many implications have been read into the events or alleged events in this village. They have been interpreted as having no significance to serving as evidence of an

overriding national decadence. One analysis which I have found persuasive comes from a newspaper in Kansas.

Mr. President, I ask unanimous consent that an editorial published in the Lawrence Daily Journal-World of December 5, 1969, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SUDDEN GUILT COMPLEX

Recent reports indicate people of the United States are suddenly discovering that war is a dirty, brutal, bloody and needless experience. This fact should have been recognized by most people centuries ago but because of some weakness in the human mind, the people of the world have followed along blindly as their leaders have led them into battle, massive death and destruction.

It seems strange that the public is rebelling all of a sudden. The triggering episode seems to be a belated report on the attack of a U.S. infantry unit on the hamlet of My Lai in Vietnam during March of 1968. During the attack numerous civilians were killed, including women and children, and 20 months later the action is being described as a "slaughter" and a "mass killing."

No one seems to know exactly how many Vietnamese were killed but one report suggests there were "between 25 and 28 civilian casualties." Other reports have higher figures. The U.S. commanding officer is quoted as saying the attack on the village was ordered "on information that it was full of Viet Cong."

It was a nasty shooting with women and children being killed but, where has there been a war when this has not happened? Everytime any national ruler orders troops into battle, innocent civilians, and some not so innocent, are going to be killed.

Military men are trained to kill. That is the primary purpose of war. That is why dictators, parliaments, premiers, bundestags, diets, the Congress and all other governing bodies spend staggering amounts of taxpayers' money on weapons that will kill quickly and ruthlessly.

Anyone who suddenly finds out that warfare is bad is someone who has been daydreaming. What happened in My Lai is minor compared to what has happened many times in other parts of the world.

Why has this current sense of national guilt erupted in such force because a comparatively few Vietnamese women and children died from bullets fired by U.S. soldiers? Why should we think the United States has been so innocent in comparison with our enemies of modern times: The Germans, the Japanese, the Koreans and the Viet Cong?

What about that atom bomb the U.S. Air Force dropped on Hiroshima August 6, 1945, almost obliterating a city of 350,000 people, which was more than half composed of women and children? And then the 250,000 city of Nagasaki which suffered the same fate three days later.

And then there were the millions of tons of bombs scattered indiscriminately over Berlin, Pforzheim, Dresden, Munich, Dusseldorf and dozens of other large cities during World War II which killed hundreds of thousands of civilians.

The nation cheered. The President who ordered the attacks was praised for his astuteness and courage. Bombardiers were treated as returning heroes.

Perhaps a part of the difference then was that we thought we were fighting a defensive war. We had chosen up sides with Great Britain and France but, even so, we were attacked by Japan and it was unanimous national opinion that we were fighting for our lives. Today there is no unanimous feeling on anything connected with the war in Vietnam except that the men who are fighting and suffering for the United States deserve the moral support of those back home who are living in safety and comfort.

War is terrible and it always has been terrible. Men of good minds and good will always have known this to be true and yet mankind collectively has been too weak to do the things which are necessary to avoid wanton killing and destruction.

My Lai could be a spark to arouse some deep soul searching among Americans but by itself it is but a minor episode in the needless bloodletting that has gone on for centuries.

ADDITIONAL NAMES OF CALIFORNIANS KILLED IN VIETNAM

Mr. CRANSTON. Mr. President, between Saturday, November 29, 1969, and Thursday, December 11, 1969, the Pentagon has notified 10 more California families of the death of a loved one in Vietnam.

Those killed were:

Sgt. Foster Cranmer, son of Mr. and Mrs. William C. Cranmer, of Palo Alto.

A1c. David M. Davison, son of Mrs. Joan Arellano, of San Jose.

CWO Jack D. Knepp, husband of Mrs. Catherine L. Knepp, of Big Bear City.

Sgt. Robert B. Kostich, Jr., son of Mr. and Mrs. Robert B. Kostich, of Oceanside.

Hospitalman Patrick L. Purdin, son of Mr. and Mrs. Owen Purdin, of Long Beach.

Sp4c. Stephen L. Ragsdale, husband of Mrs. Sally L. Ragsdale, of Wasco.

Sp4c. John W. Roles, son of Mrs. Louis A. Roles, of Costa Mesa.

Pfc. Francisco M. Trujillo, son of Mrs. Rachel Martinez, of Livingston.

Sp4c. Royce W. Trussell, Jr., husband of Mrs. Terry F. Trussell, of Pomona.

Hospital Corpsman Richard O. Wolfe, husband of Mrs. Carolyn A. Wolfe, of Imperial Beach.

They bring to 3,901 the total number of Californians killed in the Vietnam war.

RETURNING NATIONAL GUARDSMEN

Mr. DOLE. Mr. President, yesterday Wichita and Hiawatha, Kans., held ceremonies to honor Kansas National Guardsmen who returned to their hometowns and families after 18 months of active duty.

In May 1968, following the capture of the *Pueblo*, the 69th Infantry Brigade of the Kansas National Guard was summoned to active duty. As Kansans have done whenever their country has needed them, members of the 69th responded. They put aside their civilian jobs and private concerns to don the Army green. They said goodby to loved ones and friends and went away with their comrades to serve America.

Mr. President, the men of the 69th gave up 1½ years of their civilian lives and careers, but we owe a deep debt of gratitude not only for their sacrifice but for their contribution. The men of the 69th distinguished themselves and their units throughout this period of active duty by their performance and dedication to the Army's defense effort. Men who one day had been civil servants, businessmen, and laborers, the next day were first-rate full-time soldiers. They gave real meaning to the National Guard's tradition of readiness.

I regret our business in the Senate yesterday prevented my attendance at the welcoming ceremonies in Wichita and Hiawatha, but I am grateful that I may tell the Senate of these returning soldiers. I also wish to express my congratulations and appreciation for the job the 69th has done and to extend best wishes and warm regards as these Kansans resume their civilian lives.

HIGH INTEREST RATES

Mr. HARRIS. Mr. President, yesterday I addressed the Senate in connection with the Tax Reform Act, and in the process expressed my concern about this administration's policy in regard to tight money, a policy which has permitted interest rates to rise to their highest level in 100 years of this country's history.

Mr. Elliot Janeway, noted economist, appeared recently on the NBC "Today Show" and discussed the same subject, calling the present course "calamitous."

I ask unanimous consent that the portions of that interview dealing with high interest rates be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

ELLIOT JANEWAY ON "TODAY" SHOW, NBC–TV, DECEMBER 5, 1969

ANNOUNCER. 800 in the Dow Jones average was supposed to be the magic floor the number below which it would not drop prices of shares on the New York Stock Exchange . . . would not drop . . . but it fell below that figure this week and the market continues to slump and to discuss the significance of this decline and how alarming it might be, we've asked economist Elliot Janeway to be with us this morning and right off I'd like to ask you, Elliot, how serious this thing is for the economy as a whole?

JANEWAY. Calamitous! There are some people who say that what's bad for the stock market is good for the struggle against inflation. I don't think that's so. What's bad for the stock market is a signal that bad things are coming for the economy and are coming for the country.

ANNOUNCER. Well, do you see this as something getting a lot worse or . . .

JANEWAY. Oh, yes.

ANNOUNCER. It is going to get worse?

JANEWAY. Yes.

ANNOUNCER. Somebody pointed out that there's an anomaly there—that if there is a market slump and inflation at the same time, this is a paradox . . .

JANEWAY. Inflation has a backlash just like the war in Vietnam and I brought this out in my book "The Economics of Crisis" when I explained how it came about that this war was the first war in history to put a squeeze on the economy instead of enabling the economy to expand. Inflation's backlash, which started by helping the market and after a while became very profitable for the stock market, has now begun to choke the market. The worse it is for inflation . . .

ANNOUNCER. So, as inflation goes on, the stock market will be hurt?

JANEWAY. That's right. The worse it is for inflation, the worse it is for the stock market.

ANNOUNCER. What's going to turn it around?

JANEWAY. It won't turn around until the

price of money comes down. Here you see the finest corporations in the country being forced to pay insupportable and extortionate interest rates. You see this overbidding between corporations and governments—cities, state, and federal—for a supply of money which is being curtailed. Until this overcompetition is called off, which means credit control, the stock market is going to be caught in the middle.

ANNOUNCER. Will this happen normally?

JANEWAY. It won't happen normally.

ANNOUNCER. How will it have to be done?

JANEWAY. What is being done now is making inflation worse. Corporations will continue to bid for money no matter how high the interest rates go. Governments have no alternatives but to bid for money. The government is complaining about inflation but its own bids are topping the bids of business and driving commercial borrowers out of the money . . . out of the market. So long as this continues, until the prices of long term bonds come down, until the interest rates on long term bonds is brought down, the stock market will be on the toboggan.

ANNOUNCER. The interest rates some are getting paid now is 9¼%. Is that pretty accurate?

JANEWAY. TWA paid 10%. A first-class company . . . 10%.

ANNOUNCER. Where do you think it will have to get down to, to turn the market around?

JANEWAY. Well, I would think that if corporations . . . if corporate bonds came down to about 7 or 6½%, which used to be thought very high—or I think a more reliable index would be if municipal bonds, which are now going for 8% tax free, which for someone in the 77% tax bracket means a pre-tax equivalent yield of 30% so that you're right in the heart of Brazil. Is it any wonder the stock market is a shambles when you have rates like that? Money users have shown they are willing to pay any price to bid liquidity away from the stock market and money is following the magnetic lure of the rate.

* * * * *

ANNOUNCER. Now, Elliot, I take it something is wrong and something should be done about it. Now the ball is in whose court? Is it the government—the federal government?

JANEWAY. The Federal Reserve Board.

ANNOUNCER. What should they do?

JANEWAY. Well, I believe they should have gone to credit controls over a year ago. Here we have an income explosion. The banks are being permitted to give credit to some credit cards who haven't even asked for them. You've got give-away credit with no restriction on it to people who don't need it because their incomes are going up to beat the band whereas the employer isn't being allowed to borrow the payroll. No wonder you've got a profit squeeze. And the answer of the employer to the profit squeeze is to go out to get more money to invest in more automation. So the worse it is for the profit squeeze, again you have another fractured rule of thumb. The textbook which our superior officers in Washington are going by assumes that a profit squeeze chokes off the demand for new money. Instead, the new practice which is outmoding the old theory results in the corporations' reacting to the profit squeeze by going for more money.

VIETNAM VETERAN'S LETTER

Mr. DOLE. Mr. President, recently the Emporia Gazette named a young college student its "Man of the Week." James H. Deister was so honored not because of any actions associated with his collegiate career or for any deeds performed in his community. He was singled out for his thoughts, persuasively expressed in a letter.

James Deister is a veteran of Vietnam and wears the Purple Heart. His thoughts on protest and demonstrations on campuses and elsewhere deserve widespread and serious attention. I am sure that Senators will find them valuable and persuasive.

I ask unanimous consent that the letter, which was printed in the Emporia Gazette of November 14, 1969, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Emporia Gazette, Nov. 14, 1969]

As a soldier in Vietnam, he survived an experience that no man has a right to survive. He was a member of a security patrol on the perimeter of a fire base. The patrol was attacked by the Viet Cong. Mr. Diester was wounded and knocked unconscious by a piece of shrapnel from a mortar round. While he was unconscious, the patrol was overrun, and each member, including Mr. Deister, received a bullet through the head. He survived. Needless to say, he received the Purple Heart for his wounds. He recently was informed by the Army that he is to receive a Bronze Star for another action in which he participated.

Mr. Deister is The Gazette's Man of the Week, however, not for his bravery or his suffering, but for the following letter:

"Upon musing over 'the Wailing Place,' (The Gazette, Nov. 10th), and fearing that Emporians feel they are being taken over by dissenters from other towns and states, I have decided to submit this letter.

"I am a Kansas State Teachers College student from another Kansas town who feels that the war is legal as well as moral. Legal, because of the Southeast Asia Resolution, passed by Congress in 1964, and moral because of the commitment made by previous administrations. Sure, it sounded good back in 1962, when President Kennedy said, 'We shall pay any price, bear any burden, meet any hardships, to assure the survival of freedom and liberty!' But to live up to it is a different story.

"I realize my views are biased because I am a Vietnam veteran, but then, I feel more qualified to speak on the subject than my shaggy-haired friends, who have never seen Vietnam. But I am not a critic who condemns these people as traitors. I realize that some of them are as patriotic as I, but I do feel their aims are misguided.

"The dissenters are looking for a project. I have one. How about circulating a petition of moral support for the 'Forgotten Americans.' The 'Forgotten Americans' I am talking about hump in the rice paddies in the Delta, sleep in a rat-infested bunker along the DMZ, and face various other aspects of war in Southeast Asia. Critics will say, 'Why should I give support to the soldiers and sailors in Vietnam?' I'll tell you why; because they are over there fighting while you sit back here in the world behind your II–S, I–Y, IV–F or I–O deferments (if he wasn't there, you might be), and because they think that, other than their family and rare instances, nobody in America gives a damn whether they live, die, or burn with the wastes out behind the latrines!

"This does not have to be a confirmation of the war, just a lift to our men's morale. The petition could read: 'We, the undersigned, some opposed to the war, and some behind the war, have one thing in common; that is that we care about our men in Vietnam, and over the world, and wish them luck!" and then signed by everyone in Emporia.

"Respectfully,

"JAMES H. DIESTER."

SMALL BUSINESS AND EQUITY CAPITAL

Mr. SPARKMAN. Mr. President, as most Senators are aware, small business has been a matter of concern to me since I first began to serve as a Member of Congress in 1937. During all of those years, I have studied the problems affecting small business. As a former chairman of the Senate Select Committee on Small Business and currently chairman of the Committee on Banking and Currency, which legislates for small business, I think I know something about the difficulties facing the American small businessman during these times of high prices and tight money.

Foremost among today's many problems confronting the small shopowner and storekeeper is a shortage of capital.

I take this opportunity to mention an article entitled "Small Business Financing: Meeting the Need for Equity Capital," written by Tim Ford, chairman of the Federal Bar Association's Small Business Committee, and published in a recent edition of the Federal Bar Journal.

In the article, Mr. Ford discusses the various credit sources available to small businessmen in search of capital, ranging from banks and regular institutional lenders to the Small Business Administration. He also describes how small businessmen can seek equity capital through the securities markets under the Regulation A exemption.

I submit that the article should be required reading for anyone who considers himself a student of small business.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS FINANCING: MEETING THE NEED FOR EQUITY CAPITAL IN THE SMALL BUSINESS SECTOR

(By Tim C. Ford*)

SMALL BUSINESS A RELATIVE CONCEPT

In this age of giant corporations it is sometimes forgotten that small business still plays a highly significant role in the American economy. The small firm accounts for about one-third of the business-produced gross national product and meets about two-fifths of the payrolls of the gainfully employed. In terms of numbers, the small business firm dominates the economic scene, with over 5 million small businesses operating in the United States.

Any delimitation of the small business sector of the economy is of necessity arbitrary. Smallness is a relative concept and varies with the purpose of classification and the yardstick used. What is regarded as a very small firm in one industry may be considered to be a very large firm in another industry. Frequently used criteria of size are the number of employees, annual sales, and total assets. According to the U.S. Department of Commerce and the Small Business Administration, manufacturing firms are classified as small if they employ less than 250 people. These agencies classify as "small" wholesalers with yearly sales of less than $5 million and retailers with annual sales or receipts of less than $1 million.

VITALITY OF SECTOR AND THE NEED FOR FUNDS

For our purpose, the economic contribution made by small business does not rest on a

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quantitative determination of how many such firms there are, how many workers they employ, or how much they add to the gross national product. Suffice it to say that they make a genuine contribution to our economic life, that in many important branches of industry and trade the small firm is no less efficient than the larger one, and that economic progress has been advanced by the innovations of small enterprises. One need only recall the great strides in the postwar period made in the field of retailing by the supermarket, the discount store, and the shopping center, and in the field of manufacturing, by the electronics industry, to realize that the small business unit has a vital role to play in our society.

If the steady infusion of new firms and the growth of small firms are essential to the health of our competitive market economy, then the problem of financing small business is likely to engage the attention of the lawmaker as well as the businessman for some time to come. Small firms tend to believe that they operate under special handicaps in obtaining funds to carry out their plans. It frequently seems to them that the banking and financial machinery is stacked in favor of meeting the capital and credit needs of the large established firms, while they suffer from constraints imposed by lenders and investors who regard small business enterprises as "high risk" ventures. Whether this is true or not is debatable. What is true, however, is the fact that, as far as small business is concerned, a distinct equity "gap" does exist. This gap is somewhat flexible, varying with the available supply of investment capital. In today's money market, this gap is critically wide.

This equity hiatus can best be understood by briefly reviewing the sources of funds available to small business. These may be grouped as short-term, intermediate, and long-term funds.

SHORT-TERM CREDIT

The small firm procures short-term financing from three major sources: trade credit, bank loans, and commercial finance companies.

A. Trade and bank credit

The most widely used source of funds is the credit supplied by the seller of goods or services. Mercantile credit is of short duration, usually thirty days. According to a government report on the relative use of trade and bank credit by manufacturing firms, in small firms, *i.e.*, those with total assets of less than $250,000, trade credit amounted to a little over 20 percent of total assets. For the same size firm, bank credit amounted to less than 4 percent of total assets. On the other hand, firms with total assets of 1 million to 5 million dollars showed a use of trade credit which amounted to 10.6 percent of total assets and of bank credit which amounted to 6.4 percent. These percentages would seem to indicate that the small firm is relatively more dependent on trade credit than the larger firm and that bank credit plays a rather subordinate role in the credit picture of the small firm. It must be remembered, however, that the supplier of the small firm usually has to turn to the banks for short-term funds with which he finances the credit extended to his customers. Thus, it would be misleading to conclude that bank credit does not play a significant role in the over-all picture of business credit.

B. Commercial finance companies: Factoring

The third source of short-term funds is the commercial finance company. These companies fall into two categories. The first includes companies which make loans secured by a pledge of the firm's inventory or of its accounts receivable. The amount of the loan varies between 50 and 90 percent of the cost or market value of the inventory, and between 65 and 85 percent of the accounts receivable. The second consists of factoring companies that make outright purchases of accounts receivable on the basis of no recourse against the seller. Thus the collection problem and the entire risk is shifted directly to the factoring company.

INTERMEDIATE CREDIT

Intermediate type of loans, usually referred to as term loans, generally run for a period of from 4 to 6 years. The major sources of term loans are banks, insurance companies, and the Small Business Administration.

A. Commercial banks

Commercial banks, especially in smaller communities, hesitate to make loans with a maturity in excess of one year. During the past 10 to 15 years larger banks in the major urban centers have become an important source for long-term funds to finance capitol expenditures by industry. Term credit is granted in many instances to small businesses that do not have ready access to the capital market. If the funds are used for new equipment, the term loan will range between 2 and 4 years and will provide up to 75 percent of the cost of such equipment. In the case of the smaller firm, the company will be required not only to put up a portion of the purchase price out of its own funds, but also to assign title to the machinery to the lender.

Term loans are usually repaid in installments. When they are not secured, they are accompanied by other limiting conditions, such as, requiring the maintenance of a minimum level of working capital, keeping capital expenditures to an agreed level, limiting salaries and dividends paid owners.

B. Insurance, commercial finance, and leasing companies

In recent decades, life insurance companies have begun to make some term loans to small businesses but, in relation to the resources of the industry, the volume of such loans is very small. Term loans are also occasionally secured from commercial finance companies, but at rates that are often prohibitively high. In recent years there has been an increase in leasing companies which supply small business with the use of assets without committing equity capital.

C. Small Business Administration

The SBA is authorized to make term loans to small firms either for constructing new facilities, providing working capital, installing needed equipment, or for consolidating existing debts. These loans have an average maturity of about five years; the maximum permitted under the law is ten years. Public Law 90–104 authorized a maximum term of fifteen years for loans to construct, improve, or expand physical facilities. SBA loans to any one borrower may not exceed $350,000. If a bank participates in the loan, the total amount may exceed SBA's statutory limit by the amount the bank is prepared to lend in excess of the $350,000 SBA maximum.

VENTURE CAPITAL: THE SMALL BUSINESS INVESTMENT COMPANY

A. The gap in supply of long-term funds

Financial needs vary with the different categories of small concerns. The largest segment of small business—retail trade and service industries—requires mostly short-term credit which appears to be quite adequately met by business suppliers, commercial banks, and finance companies. Most of the unsatisfied demand of the smaller firm is for long-term loans, equity, or equity-type credit. The main business financing problem is usually in the manufacturing area. These firms may also need working capital, but their greatest need is for investment funds to meet plant and major equipment expenditures. It is the new firm or the innovating older firm, whether in manufacturing or nonmanufacturing industries, which justify attempts to close the gap between the need and supply of long-term funds.

B. The SBIC program

One such attempt to fill the financial gap by providing venture capital to small firms was started about eleven years ago, when Congress passed the Small Business Investment Act.[1] The Small Business Administration was authorized to license and regulate privately owned and operated investment companies to stimulate the flow of equity capital and long-term loan funds to small business concerns. The 1958 law, as amended, requires the small business investment company (SBIC) to have a minimum of $150,000 in capital and paid-in surplus in order to receive a license from the SBA. An SBIC can receive up to $10 million of fully subordinated 15-year bank loans from the SBA which can then be invested in small business concerns. A small business investment company is eligible to borrow two dollars from the SBA for every one dollar of private capital, up to a maximum loan of $7.5 million. If it has 65 percent or more of its total funds available invested in venture capital, the SBIC is eligible to borrow $2 for every dollar of private capital up to $1 million, and $3 for every dollar above $1 million up to the total loan maximum of $10 million.

During the first four years after the SBIC Act was passed, some 600 small business investment companies were established, and by mid-1966 a peak of 800 was reached. Since then the number has shrunk to less than half the 1966 peak, with the expectation that they may shrink in number to about 200.

C. Weaknesses of the program

The program has suffered from a number of weaknesses. While the intent of Congress was that the emphasis of the SBIC's should be to stimulate the flow of equity capital to small firms, the main emphasis was on long- and short-term loans. Moreover, the licensing standards for SBIC's were so nebulous that many abuses crept into the program. A number of companies found themselves in difficulty. According to the Administrator of the SBA, they suffered from lack of knowledgeable management, inexperience, and failure to adhere to law and regulations.[2] It became quite evident that they were too small in size to be able to cope adequately with the problems of risk involved in supplying venture capital to small business concerns.

D. Recent attempt to strengthen SBIC's

The 1967 amendments to the SBIC Act of 1958[3] offer several incentives for increasing the size of small investment companies. The SBA can now purchase SBIC's debentures in an amount equal to twice the company's private paid-in capital and surplus, provided the amount does not exceed $7.5 million—a figure which is far in excess of the total amount under earlier legislation. Moreover, formerly only SBIC's with capital of $700,000 or less, were entitled to a two-to-one leverage; now companies with private capital of $3.75 million, or less, can benefit from such leverage. Then there is the three-to-one leverage for companies with capital and surplus of at least $1 million, who invest about two-thirds of their total funds in venture capital.

The most successful SBIC's have been the bank-affiliated companies. The Bank of America, Morgan Guaranty Trust Company, the First National City Bank of New York, Citizens and Southern Bank of Atlanta, and the Union Bank of California have large SBIC subsidiaries.

E. Effect of tight money market: budgetary constraints

The SBIC's during the past year in particular have been hit by the tight money conditions which have prevailed in the financial markets. When money becomes scarce lenders and investors do not give most SBIC's anywhere near top priority in the list of possible recipients of funds. Moreover, the tightening

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of the Federal budget since July 1968 has greatly restricted the volume of SBA loan funds to small business investment companies. Then again, while the Federal Government has raised the permissible interest rate on guaranteed loans to 7 percent, market levels were moving to higher levels on many attractive debt instruments. Thus, insurance companies and other investors have not shown much interest in SBA's program of guaranteeing private capital investment in SBIC's.

The tight money market and the restrictive Federal budgetary situation have led to the proposal for legislation that would convert the program into a self-financing capital "bank" or revolving fund,[4] authorized to issue its own Government-guaranteed securities in the market and not subject to budgetary restrictions.

SECURITIES REGULATIONS AND EQUITY FINANCE

The securities market also serves as an avenue through which small business can secure equity capital. One of the objectives of floating a stock issue is to tap wider sources of capital needed to finance business expansion. An advantage of the small concern "going public" is that the proprietors do not lose control of their firms by a public distribution of their securities to a relatively large number of investors.

Issuers of securities making public offerings are confronted by existing machinery of government which regulates such issuance. How the small concern fits into the regulatory machinery of the Federal Government and whether it works for or against the attempt by small firms to raise equity capital, will be discussed in the remainder of this article.

A. Protection of investor through financial disclosure

In 1933 Congress passed the Federal Securities Act,[5] the purpose of which was to protect the investor through the disclosure of financial and other pertinent information. The Act requires a corporation proposing to offer its securities to the public to file a registration statement with the Securities and Exchange Commission setting forth material information about the company and its securities.[6] The Act further requires that investors be furnished with a prospectus containing the most significant information set forth in the regulation statement.[7]

The Securities and Exchange Commission has no authority to pass on the merits of the new security issue, but it has the responsibility of making sure that all relevant information concerning it is disclosed. To the extent that Federal disclosure contributes to public confidence in securities, the Act facilitates the raising of capital by all companies, large and small.

B. Registration statements: Processing and volume

The Act provides that the registration statement become effective 20 days after it is filed, or 20 days after filing an amendment thereto.[8] The period between filing and the effective date gives the investor an opportunity to become familiar with the proposed offering through the dissemination of the preliminary form of the prospectus.

Since most registration statements have to be amended, they may become effective a considerable time after the original filing. During the fiscal year 1968 the median number of calendar days which elapsed between the date of original filing and the effective date was 44.

During the fiscal year 1968, 2,906 registration statements were filed for offerings aggregating $54 billion. That the door appears to be open for additional companies to offer securities to the public is indicated by the fact that about 30 percent of the registrations were filed by companies that had not previously filed registration statements under the Securities Act.

C. Exemptions for small issues: maximum limitation of size

The SEC is authorized under Section 3(b) of the Securities Act to exempt any class of securities from registration, if it finds that the enforcement of the registration provisions of the Act with respect to such securities is not necessary in the public interest and for the protection of investors by reason of the small amount involved or the limited character of the public offering.[9]

At first the exemption from registration was granted only to issues up to $100,000. In 1945 the authority was modified to exempt offerings of a company up to $300,000 in any one year.[10] The maximum exemption of $300,000 on the size of issues has continued in force until the present time.

D. Regulation A

The SEC Regulation A implements Section 3(b) of the Securities Act of 1933. It requires the issuer to file a statement of notification supplying basic information about the company with the Regional Office of the Commission nearest to the issuer's place of business and an offering circular which must be used in offering securities. An offering circular need not be filed or used when the offering is not in excess of $50,000 by a company with earnings in one of the last two years. The notification statement requires less detail than the registration statement.

During the fiscal year 1968, 515 notifications were filed under Regulation A covering offerings of $112.3 million. Of these offerings, 102 were $100,000 or less; 97 were over $100,000, but not over $200,000; and 316 were over $200,000, but not over $300,000.

E. Other exemptions: intrastate offerings, private placements, SBIC's

Three other types of exemption which could be of importance to small business should be mentioned. First, is the exemption of intrastate offerings. A new issue sold only to residents of the State in which the issuer is incorporated and doing business is subject only to the regulations of that State. Smaller companies have made substantial use of this exemption. Since there is no requirement that the SEC be furnished with notice of such offerings, it is not possible to state exactly how many intrastate offerings are made each year. One indicator of the amount is the number of permits issued to corporations by States which do not exempt small issues from the permit requirements of their securities laws. One such state, California, issues about 15,000 permits a year.

Another type of exemption from registration is for transactions not involving the public offering of securities, *i.e.*, issues sold to a relatively small number of investors who may be expected to have access to the relevant information necessary to form an independent evaluation.[11]

Finally, the SEC is authorized to exempt securities issued by small business investment companies under the Small Business Investment Act.[12]

A PROPOSED CHANGE IN REGULATION A

A. Raising maximum exemption to $500,000

For nearly a quarter of a century securities publicly offered for sale by the use of the mails, or the instrumentalities of interstate commerce, have been exempted from registration, if the issue was not in excess of $300,000. Early in 1969, a number of Senators of both political parties sponsored a bill—S. 336[13]—which would amend Section 3(b) of the Securities Act of 1933. This would permit a maximum limitation of $500,000 upon the size of the issues which may be exempted from registration with the Securities and Exchange Commission.

B. Criticism of existing regulation

Those who seek liberalization of exemptions believe that the problem of getting equity capital by the small firm are difficult enough without being further hampered by the delays and costs of filing registration statements. Small concerns are faced with relatively higher public financing costs than larger and better known firms. Moreover, because of the risks involved, the investor's preference is for the securities of the established firm. The likelihood of there not being a ready market for an issue raises its cost of distribution. Then, too, the costs of preparing registration statements for submission to the SEC—expenses for lawyers, accountants, investment bankers, or broker-dealers—are proportionately higher for the small, as compared to the large firm.

Perhaps the strongest argument against the continuation of the $300,000 limitation is the fact that it would be inconsistent with the intent of Section 3(b) of the Federal Securities Act, namely, to ease the path to the security markets for the small concern desiring to acquire equity capital. Much has happened to the cost-price structure in the last 25 years, with the result that many firms which could qualify for meeting conditions of Regulation A in earlier periods cannot do so under the higher price level which prevails in recent years. In other words, inflationary developments alone would seem to call for reexamination of the adequacy, under present conditions, of the statutory maximum figure for exemptions from registration.

C. In defense of current regulation

Those who believe that the present statutory limitation on the size of issues to be exempted from registration should not be changed, argue that the proponents of change present a distorted picture of its impact on the small firm's ability to raise capital from the public. They point out that the facts do not support the claim that the small concern is unduly burdened by the expense of preparing a registration statement, and by SEC's delays in processing them.

With respect to the matter of expense, there is a good deal of misunderstanding on the subject. It may be true that small concerns frequently incur sizeable expenses in filing for approval of an issue. But much of this expense cannot be directly attributable to the preparation of a registration statement with the SEC. Even if there were no SEC involved and a concern decided to "go public," it would often have to review its operations and make a number of internal changes and incur additional costs before it could place itself in a favorable position for attracting the investing public. Certainly any responsible investment banker who is expected to distribute a new issue will require a good deal of information calling for legal, accounting, and other services, which are undoubtedly costly to the issuer.

To help in lessening the expense of filing and to expedite the processing, the SEC has published guides for the preparation of registration statements and the staff of its regional and branch offices is available for assistance in their preparation. The 1968 Annual Report of the Securities and Exchange Commission indicates that when allowance is made for differences in the yearly volume of registrations, the SEC has accelerated the processing of registrations in recent years.

The opponents of liberalization of exemptions point out that a regulatory agency like the SEC must not only be sensitive to the needs of small business in raising capital from the public but also to the fact that a minimum disclosure of information is necessary to maintain the confidence of the general investing public in the soundness of its securities markets. Only by contributing to such confidence can the regulation of securities facilitate the raising of equity capital by firms in all size categories.

In conclusion, it should be said that those who are content with maintaining the existing level of exemptions recognize that the

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Footnotes at end of article.

price structure has changed in recent years, but they emphasize the importance of safeguarding the principle of disclosure. Any reexamination of the question of the adequacy of Regulation A under present conditions must seek to maintain a balance between the needs of the small firm and the need for the maintenance of general confidence in the securities markets.

FOOTNOTES

*Chief Counsel, Subcommittee on Financing and Investment, U.S. Senate Select Committee on Small Business; Chairman, Federal Bar Association Small Business Committee; Member, Alabama Bar Association, American Bar Association.

This article was prepared by the author in his capacity as chairman of the FBA Small Business Committee. It should not be construed as representing the opinions or policies of the U.S. Senate Select Committee on Small Business.

[1] P.L. 85–699, as amended; 15 USC 661 *et seq.*

[2] Testimony of Bernard Boutin, Administrator of SBA, before the Permanent Subcommittee on Investigations, Senate Committee on Government Operations, August 2, 1966; 90th Congress, Senate Report 958.

[3] P.L. 90–104; 15 USC 681(c) *et seq.*

[4] S. 1213, introduced Feb. 28, 1969; Principal Sponsor, Senator John Sparkman (D-Ala.); other cosponsors, Senators Bennett, Bible, Brooke, Cranston, Hatfield, Hollings, Hughes, Javits, McIntyre, Mansfield, Metcalf, Mondale, Muskie, Percy, Proxmire, Tower, and Williams (of N.J.). See remarks of Senator Sparkman, Cong. Rec., Feb. 28, 1969, 4901–4908 *et seq.*

[5] Securities Act of 1933, 48 Stat. 74, 15 USC 77a *et seq.*

[6] 15 USC 77f.

[7] 15 USC 77j.

[8] 15 USC 77h.

[9] 15 USC 77c(b).

[10] Act May 15, 1945.

[11] 15 USC 77d.

[12] 15 USC 77c(c).

[13] S. 336, Principal Sponsor, Senator John Sparkman (D-Ala.); other sponsors, Senators Fulbright, Nelson, Williams (or N.J.), McIntyre, Mondale, Bennett, and Hatfield. See remarks of Senator Sparkman, Cong. Rec., Jan. 16, 1969, 1023–1030 upon introduction of S. 336.

THE TAX REFORM ACT OF 1969

Mr. DOLE. Mr. President, I regret that I found it necessary to vote against H.R. 13270, the Tax Reform Act of 1969.

The original purposes of this legislation were to remove the inflationary spiral of our economy without contributing to the inequities in our tax structure. The Committee on Finance sought to increase taxes for some and distribute these benefits to those who are presently paying more than their fair share.

However, after the Senate finished with with the committee bill, the $6 billion surplus the committee bill provided for fiscal 1970 was changed to a projected deficit of $10,650 billion, increasing to $12 billion by 1971.

While all Americans are interested in tax reduction, such a deficit will serve only to increase the inflationary pressures in our economy. On June 30, 1968, the national debt was $350.7 billion; by November 20 of this year, only 17 months later, it had increased to $369.5 billion. Because of this practice of fiscal insolvency, we have seen the cost of living rise at the rate of 6 percent last year with only initial indication that the economy may be cooling. Last year we had a 6-percent increase in the cost of living, and for each 1 percent increase, $5 billion is added to the cost of consumer goods.

The raise of $200 in personal exemption to $800, while attractive in the short run, would alone create a revenue loss of $3.4 billion in fiscal years 1970 and 1971. The effect of this increase in the personal exemption means that Senators who are at least in the 50-percent tax bracket will get $400 in tax benefits for every exemption they have, while individuals in the 15 percent tax bracket get only a $120 benefit.

Tying a 15-percent social security increase to tax reform was clearly motivated by political consideration. With the increase in living costs, it is apparent there must be an increase in social security benefits. But the country cannot afford a 15 percent jump plus an increase in the minimum payment from $55 to $100/$150 a month. President Nixon's proposed 10-percent increase in social security benefits coupled with an escalator provision for future increases in the cost of living and a greater allowance for outside earnings would be a much sounder approach.

Mr. President, inflation must be checked, and tax reform is long overdue. I am hopeful the House-Senate conferees will take the positive sections of the two bills and reach an agreement that will meet our original objective and not necessitate a Presidential veto. As the President stated in his news conference on Monday, he will not sign a bill which would reduce "taxes for some of the American people" but raise "the prices for all the American people."

CHARLESTON, S.C., PROGRAM TO ASSIST UNEMPLOYED AND UNEMPLOYABLE

Mr. HOLLINGS. Mr. President, in Charleston, S.C., a remarkable program is underway. It is designed to assist unemployed and unemployable people in Charleston County to locate and maintain permanent employment and to assist these people to attain updated mobility within their jobs. The Charleston Industrial Education Center, sponsored by the Charleston County Economic Opportunity Commission and managed by the U.S. R. & D. Corp. of New York City, has developed a curriculum which consists of an intensive 10-week programed basic education course and a human resource development curriculum. The program must have "self help"; in other words, the trainees are made aware from the beginning that they will only obtain from the program what they put into it. Most of the trainees, men and women, have minimal education and are regarded as unemployable.

The Citizens and Southern National Bank of Charleston, S.C., is one of the initial sponsors of this effective program and has published an achievement analysis of the program. Because of the remarkable results of this effort, I ask unanimous consent that the report be printed in the RECORD. In addition, I ask unanimous consent that an article entitled "Dealers in People," written by Wenda Wardell, and published in the December 1968, issue of Glamour also be printed in the RECORD. I commend these articles to the Senate. I feel they demonstrate a constructive effort in assisting the hard-core unemployed.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ACHIEVEMENT ANALYSIS OF THE PILOT TRAINING CYCLE OF THE CHARLESTON INDUSTRIAL EDUCATION CENTER, CHARLESTON, S.C.

(Prepared by the Citizens & Southern National Bank, Charleston, S.C., December 1968)

This report was prepared by the Urban Affairs Department of the Citizens and Southern National Bank of South Carolina in conjunction with the Charleston Industrial Education Center.

While certain information contained in this report was verified with industry in Charleston, no effort was made to check each and every statement as to correctness. However, all information was taken from sources which we believe to be reliable, and it is our firm belief that this report is an accurate summary of the results of the first pilot training cycle of this Center.

Unquestionably the results of the first training cycle, by any statistic, are highly favorable if not almost unbelievable. Stated simply the result is that: Tax Consumers Become Tax Producers.

INTRODUCTION

In July of 1968, 78 men and women graduated from the Charleston Industrial Education Center. Ten weeks previous, at the beginning of their training, 40 of them had been considered "hard core unemployed," and the other 38 were stuck in entry-level jobs or were underemployed.

Ninety days after graduation, only three of the 40 unemployed at the beginning of training were still unemployed, without extenuating circumstances (return to school, continuing training in another program, health problems, entered Armed Forces, etc.).

Of those employed at the beginning of training, 20 have received pay increases. Only one person is unemployed, and two have entered training programs at an increase in pay.

These are remarkable results, especially when viewed in regard to the educational levels of the 78 enrollees when they began training: the median educational level was fifth grade; 60% of the enrollees were tested at fifth grade or lower levels. At the conclusion of the ten-week training course, the median grade level was 6.5 and 68% tested at the sixth grade level or higher.

Equally important, the trainees were given Human Resource Development (HRD) courses to enable them to relate effectively to themselves, their fellow trainees (and employees) and their instructors, and to acquire the habits and life skills necessary to find and hold a job and advance within a company structure.

The Charleston Industrial Education Center is managed by the United States Research and Development Corporation, which has achieved similar results with IECs in Laurens, Aiken and Columbia, South Carolina; Columbus, Georgia; Antioch, California; Greensboro, North Carolina; Bridgeton, New Jersey; Jacksonville, Florida; and New York City.

The Citizens and Southern National Bank is proud to have been one of the initial sponsors of the CIEC, which is operated under a contract from the Office of Economic Opportunity, a federal agency. Other sponsors are listed below.*

*Airco Alloys & Carbide, American Sugar Co., American Tobacco Co., Avco-Lycoming Charleston Plant, Charleston Development

The facts and figures contained in this analysis of the results of the first training cycle of the CIEC would seem to prove the effectiveness of the USR&D approach to developing inexpensive and efficient training and educational programs which can be adapted for use by local industry.

SUMMARY

The Charleston Industrial Education Center, sponsored by the Charleston County Economic Opportunity Commission and managed by the U.S.R&D Corporation of New York City, was established to assist unemployed and unemployable people in Charleston County to find and maintain permanent employment, and to assist people locked into entry-level jobs for upward mobility within their jobs.

The curriculum at the CIEC consists of an intensive, ten-week programmed Basic Education course, and a Human Resource Development course. Emphasis throughout the program is on "self-help"—the trainees are aware from the beginning that they will only get out of the program what they put into it, and instruction is done through small groups of from ten to twelve people.

The Center accepts as trainees men and women with minimal education (from 3rd grade) who are regarded as unemployable, either because of lack of educational skills or a tendency to remain withdrawn from what they judge to be threatening situations.

They are given programmed instruction in Basic Education (reading, writing, arithmetic) and an equal amount of training in Human Resource Development. The latter includes an understanding of how the individual relates to the community, the importance of establishing good work habits, the meaning of responsibility and loyalty and the skills to communicate effectively. In addition, the Center tries to correct the major health defects of the trainees, and gives a course in medical self-help training.

Those already employed, who wish to upgrade their educational and life skills to qualify for advancement or promotion, are accepted into the night school program at the CIEC.

Eighty enrollees were accepted for training in the first ten-week cycle of the CIEC. These were selected from 700 applicants. The remaining 620 were encouraged to apply for future training cycles and/or referred to programs, services or agencies for which they were qualified. The criteria for selection are that the trainee must have no physical or mental defects that would disqualify him for employment, and must be trainable for employment.

Of the eighty accepted, 78 graduated and two terminated training; one to accept a job, the other due to illness.

Ages of the trainees ranged from 18 to 41. Fourteen were white, 66 non-white; 33 were male, 47 female.

Three of the trainees had been leading members of a street gang that had terrorized certain areas of Charleston, and had been unable to find employment because of extensive police records and generally poor attitudes toward employment. All three are now employed by Avco-Lycoming Corporation in Charleston. The December 1968 issue of Glamour Magazine, in an article entitled "Dealers In People," tells more about these three trainees, and about the CIEC.

Prior to graduation, the CIEC trainees wrote and edited a student yearbook. They also formed an Alumni Association which has referred new recruits to the center.

Tests administered trainees to determine their comparative grade level include Gray Oral Reading Test, Stanford Achievement Test, Lorge-Thorndike Intelligence Test, and others. Although USR&D obviously does not rely on grades achieved with the testing, the procedure is used for statistical purposes.

Seventy-eight of the trainees completed CIEC and were graduated July 20, 1968. The seventy-eight were divided by race, sex, age, and status as follows:

Composition of class

Number of trainees	80
Number of graduates	78
Number female	46
Number male	32
Number white female	7
Number Negro female	39
Number white male	6
Number Negro male	26
Number of Negro trainees	65
Number of white trainees	13
Percentage Negro	82
Percentage white	18
Percentage female	59
Percentage male	41

AVERAGE AGE

	Total	Male	Female	White	Negro
Under 21	23	16	7	3	20
21 to 35	48	15	33	9	39
Over 35	7	1	6	1	6
Total	78	32	46	13	65

Marital status

Number married	33
Number single	34
Number divorced	5
Number separated	5
Number widows	1
	78

Location of trainees

Number of trainees in city	61
Number of trainees in rural areas	17
	78

The Basic Education program used was originally developed for use within industry to upgrade the academic skills of industrial employees. Emphasis is on math, reading, and verbal skills, those academic skills most needed by an industrial employee. Trainees advance according to their individual abilities through programmed instruction on tapes and in workbooks. Occasionally they work as a group when they are confronted with problems relevant to all members of the group.

All trainees are given the Stanford Achievement Test prior to the first day of training. The test is also given at the end of the program to measure achievement. Based on the test, the trainees made the following academic gains.

Grade level before training

The basic grade level of the trainees varied from second grade through eleventh grade. These grade levels were:

	Total	Male	Female
2d grade	2	2	0
3d grade	4	2	2
4th grade	20	10	10
5th grade	21	6	15
6th grade	16	7	9
7th grade	7	3	4
8th grade	2	0	2
9th grade	5	2	3
11th grade	1	0	1
	78	32	46

Grade level after training course completed

Grade levels varied from fourth grade through twelfth grade after training. The class was in the following grade levels:

	Total	Male	Female
4th grade	7	5	2
5th grade	18	8	10
6th grade	17	5	12
7th grade	15	7	8
8th grade	10	4	6
9th grade	6	1	5
10th grade	2	1	1
11th grade	2	1	1
12th grade	1	0	1
Total	78	32	46

ADVANCEMENT OF TRAINEES

	Total	Male	Female
No advancement	7	3	4
1 year advancement	48	19	29
2 years advancement	21	9	12
3 years advancement	2	1	1
Total	78	32	46

Results of training

The Human Resource Development program was developed by the U.S. Research & Development Corporation to prepare poverty level persons, most of whom have never been exposed to the requirements of industrial employment to assume the responsibilities of an employee within today's modern industry.

Emphasis is placed on "communication skills" (on improving the trainees' ability to sell themselves to an employer through written application forms and verbal interviews), and on "employee-employer responsibilities" (on making the trainees aware of what is expected of them by an industrial or business employer, and of what they can realistically expect from their employer).

In addition to making the trainee not only a responsible employee but also a responsible citizen and family member, discussions are held in areas such as consumer education, civics, and home and community life.

The ultimate goal of the program is employment or upgrading. Ninety days after graduation, placement and upgrading broke down as follows: the seventy-eight graduates are separated into those who were employed at the beginning of the program at some kind of job (domestic to machine operator), and those who were unemployed at the beginning of the program.

Graduates employed at beginning of training—38

Changed to better jobs	10
Received pay raise or promotion	10
Quit or laid off from job	1
Went into training programs	2
Unable to locate	2
No change in job or upgrading as yet	13

Analysis of those now changed to better jobs—10

Prior training, post training, and salary:	
Waitress (weekly)	$30.00
Seamstress (weekly)	64.00
Saleslady: 20 percent commission	
Saleslady (hourly)	1.60
Nurses' aide (weekly)	47.00
Inspector (weekly)	64.00
Laundress (weekly)	35.00
Marker (weekly)	46.00
Food packer (hourly)	1.15
Tobacco packer (hourly)	1.70
Domestic (weekly)	25.00
Assorter (weekly)	68.00
Janiter (hourly)	1.40
Stockman (hourly)	1.60
Laborer (hourly)	1.78

Board, Charleston Rubber Co., Courtney Elementary School, Edwards 5–10–100 Stores, H.A. Docosta Construction Co., Livingston & Haven, Inc., Mobile Chemical Co., N.C. Mutual Life Insurance, School-Timer Frocks, Inc., South Carolina Electric & Gas Co., Southern Bell Tel & Tel Co., Stein Hall Southern, Inc., West Virginia Pulp & Paper Co.

Analysis of those now changed to better jobs—10—Continued

Prior training, post training, and salary—Continued	
Machine operator (hourly)	$2.25
Janitor (weekly)	22.50
Laborer (weekly)	64.00
Domestic (weekly)	20.00
Seamstress (weekly)	64.00

ANALYSIS OF THOSE RECEIVING PAY RAISES—10

	Training	
	Prior	Post
Male (per hour)	$1.84	$2.14
Do	2.90	3.25
Do	1.84	2.14
Do	1.60	1.90
Female (per week)	35.00	40.00
Female (per hour)	1.40	1.50
Female (per week)	30.00	33.00
Female (per month)	200.00	224.00
Female (per week)	50.00	56.00
Female (per hour)	1.20	1.40

Two other graduates who were employed at the beginning of CIEC training, enrolled in advanced training programs and realized increases in salary—from $43.00/month as a part-time secretary to $64.00/week and from $25.000/week as a domestic to $64.00/week.

Forty graduates were unemployed at the beginning of training. The Center evaluated their employment progress ninety days after graduation.

Graduates unemployed at beginning of training—40

Now employed	25
Were employed but lost job due to lay-off or termination	4
Unemployed as of yet	4
In training programs	4
In high school (dropouts who returned)	1
Unable to locate	1
In U.S. Army	1

Analysis of those graduates now employed—25

Male—Warehouseman (hour)	$2.35
Male—Janitor (hour)	1.15
Male—Materials handler (hour)	1.98
Male—Wrapper (week)	50.00
Male—Warehouseman (hour)	2.65
Male—Stockman (hour)	2.28
Male—Rug installer (hour)	1.68
Male—Technician (hour)	1.70
Male—Inspector (hour)	2.11
Male—Materials handler (hour)	1.98
Male—Materials handler (hour)	1.98
Female—Tobacco worker (hour)	1.70
Female—Record clerk (hour)	2.11
Female—Tobacco worker (hour)	1.70
Female—Domestic (week)	40.00
Female—Painter's helper (hour)	1.25
Female—Bench operator (hour)	2.11
Female—Bench operator (hour)	2.11
Female—Seamstress (hour)	1.60
Female—Clerk (hour)	1.44
Female—Stock clerk (hour)	1.60
Female—Cashier (hour)	1.60
Female—Floor helper (hour)	1.70
Female—Saleslady (hour)	1.60
Female—Bench operator (hour)	2.11

Of the remaining 15 graduates, four were placed and then lost their jobs due to industrial lay-off or termination; four others enrolled in advanced training; one entered the Armed Forces and one returned to high school. Only four of the forty trainees who were unemployed at the beginning of training were unable to find work.

NOTE.—We would like to mention the extreme difficulty in finding employment for women in Charleston. The South Carolina Employment Service has informed us that there are four to five thousand applications on file from women seeking work in Charleston.

Percentage figures on employment as of November 4, 1968

As set forth previously in this report, we divided CIEC graduates into two main groups before evaluating their progress: those who were employed at the time they began the training program and those who were not employed at that time. The following figures are broken down in relation to the two main groups for the sake of clarification and consistency.

GRADUATES EMPLOYED AT THE TIME THEY ENTERED TRAINING

Status	Number	Percent
Total graduates	38	
Unable to contact	2	
Statistical universe	36	100.0
Changed to better jobs	10	27.8
Received pay raises or promotions	10	27.8
In training programs [1]	2	5.6
Laid off, quit, or terminated	1	2.8
No change in job or upgrading	13	36.0

[1] It should be noted that the graduates attending training programs are being paid $1.60 per hour to do so.

GRADUATES NOT EMPLOYED AT THE TIME THEY ENTERED TRAINING

Status	Number	Percent
Total graduates	40	
Unable to contact	1	
Statistical universe	39	100
Employed	25	64
Employed but quit, laid off, or were terminated	4	10.3
Unemployed	4	10.3
In training programs	4	10.3
Returned to high school	1	2.6
Drafted	1	2.5

GENERAL CONCLUSION

Unquestionably the results of the first training cycle, by any statistic, are highly favorable if not almost unbelievable.

The fact that 40 unemployed people were developed into acceptable manpower is significant and worthwhile. This seems to substantiate a high potential in the Human Resource Development phase of the project.

The total funding for the project was $104,000. The graduates will have an approximate increase in annual income of $107,000 and will pay the state and federal governments an additional $16,000 per year in taxes, an approximate 15% return on investment.

Not included in these figures was the cost to the state, prior to training, of maintaining the unemployed people and their families—a further saving to the community.

The goal of the center was to move a person off relief rolls or from unemployment—through training—to being an active, employed citizen who pays his fair share of taxes or to upgrade underemployed people. It seems clear that this goal has been achieved.

Stated simply: *Tax Consumers Become Tax Producers.*

[From Glamour, December 1968]

DEALERS IN PEOPLE

(By Wenda Wardell)

Shedrick Hutchinson and Robert Wine are from Charleston, South Carolina. Shedrick is nineteen, tall, with an easy smile, close-clipped Afro hair, a tuft of beard under the curve of his chin. Robert, twenty, wears his hair longer, in a thick wiry brush. Everything about Robert looks narrow: narrow face, narrow body, narrow mild eyes, a spare controlled way of moving. Shedrick and Robert are leaders of the Jackson Street Panthers.

It is the end of July. Ten weeks ago, in May, Shedrick's Panthers ran their neighborhood with a tight hand. They could be counted on as a news item; at one point the gang was in the paper every day for a week straight. Rumor had it that the police didn't go into the neighborhood without permission.

Ten weeks ago Shedrick and Robert walked into the Charleston Industrial Education Center. They were in T-shirts and jeans; Shedrick bragged of carrying a gun and demanded to be called Boombam. Tomorrow, in sport jackets and ties, they will go to Avco Lycoming to apply for jobs.

The Charleston Industrial Education Center (CIEC) part of Charleston's Office of Economic Opportunity (OEO) program, is on the second floor of a mini shipping center—in a rundown section of Charleston. Every three and a half months the CIEC takes eighty of Charleston's hard-core unemployed and underemployed—people who because of no skills and no confidence cannot get or hold jobs or are locked into low-level jobs—and helps them make the same about-face that Shedrick and Robert have. Behind that turnabout are the new skills the students have learned. More than that—and this is where the CIEC program differs, successfully, from any others—CIEC changes, through planned group works, the expectancy of failure that their enrollees have. When the students are convinced that they are employable, businessmen can be convinced as well.

There are a few other centers across the country with the same philosophy that CIEC has. They are all run by one corporation, the United States Research and Development Corporation, always referred to by its employees by its railroadlike initials—USR&D. USR&D runs the Charleston center, hired by Charleston's OEO. The corporation is involved in what its president, Robert Clampitt, calls "a nutty variety of things": training centers like CIEC, Projects Headstart, hospital outreach programs, employment centers, schools. All the programs deal with what Mr. Clampitt calls "the central problem of the American poor: self-deprecation."

At the CIEC there is, first and last, George Anderson, director. His personality spills over into every part of it. He is a big broad-shouldered black man with a bigger stomach; he carries his weight with a kind of inexorable balance whether he is walking or teetering back in a chair or underlining points with controlled flat chops at the air. He is a dealer in people and he knows it and uses his personality like a weapon. He is intense; he meets you almost belligerently, eyes expressionless behind squares of yellow glass, pushes you skillfully, almost unconsciously, offguard, then pounces with determined warmth, leaving you disarmed, charmed, a little proud—of survival, of friendship.

Shedrick comes to the door of George's office, wearing twins to George's yellow sunglasses. George grins ferociously. "Hey man, you going to get that gig tomorrow?"

"Yeah, man," says Shedrick easily. He turns his back but stays at the door, pounding the frame gently; his voice comes not so easily. "I sure hope I get that gig."

"What do you mean 'hope'?" George pounces on the word and drawls it out nastily. "What do you mean 'hope' you get this gig? You have your application filled out?"

"Oh, yeah."

"Your resume? You know what you want to do? What you're going to wear? What you want to ask?" The questions come faster, the answers a suppliant choric response. "Well?"

A pause. Shedrick's face takes on the expression you felt moments before on your own. "Guess I'm going to *get* that gig." He grins and is gone.

In the hall outside George's office Alfred Wright and Margaret Jackson are talking.

Alfred is a staff member. Margaret graduated from the center last week with Shedrick and Robert. At the moment she is so excited she has to sit down before she can talk to Alfred properly; she has just come from an interview at a dry cleaner where she was offered a job. Margaret, a shy young woman in her twenties, has never held a job before. "So I guess I won't go on the interview at Avco tomorrow," she finishes, pleased and yet . . . Avco Lycoming is an important industry in Charleston; one of their executives has spoken several times at CIEC. It means something to work at Avco.

"Why not go there?" Alfred asks.

Margaret looks at him bewildered.

"Why not go there too? See what they offer you, take the best job you get."

Alfred is matter-of-fact, respectful of Margaret herself, who has earned a chance at two jobs. Margaret looks at him a long moment; then his respect catches on and she flushes a little, proudly, echoing him: "Why not? Why not try for two jobs?"

Alfred is about Shedrick's age. He was a bellboy at Charleston's Holiday Inn when he met George Anderson and the staff who were training here. "I figured they looked like big people, I wanted a piece of the action." When Alfred says something outrageous his voice is bland; he glances sideways and grins, choking it off when his listeners are onto the joke. When he is with the students at the center, most of whom are about ten years older, he does not seem to have an age—he is serious, straight-backed, commanding and respectful all at the same time. Robert Toporek is a Viet vet, a redheaded stockier version of Steve McQueen. Beverly Brown is a slender girl with enormous eyes, a beautiful unflappable serenity. John Mansager is an ex-Peace Corpsman with brilliant pale eyes, a sharply planed face, broad high cheekbones—an arresting, dramatic face; John once toyed with being an actor and still finds a trained voice useful "in outshouting your wife." He used the Peace Corps as a time-out, came back to find his college major of English lit, "not very relevant."

A mix of people, but it is their common qualities that come across: the unfrantic honesty with each other; the refusal to accept masks—your own or theirs. You can ask about or comment on anything a staff member does and expect the same of them before you have even mastered their names. John will say it incisively; Beverly in a gentle unworried voice; Robert will take two colorful paragraphs. But any of them will give you feedback.

George is pleased to have this quality of his staff picked up: he put it there. It is a specific training developed by Mr. Clampitt and USR&D's chairman, Bill Haddad. They both worked under Sargent Shriver in the Peace Corps; the USR&D training program is based on the one they developed there. Now, while Robert Wine and Shedrick are in John Mansager's office, helping to finish the class year-book, George and his staff are in another room, training the staffs of two other centers.

The room is small, with barely enough room for the chairs and couches wedged around it—in a circle, so that each person can see all the others. Behind one huge worn armchair is a Pepsi machine.

It begins quietly enough. There has been a block party in Shedrick's neighborhood and they all attended. Some of them may have been the first whites to have gone into Panther territory safely. Everyone wants to discuss it: how they felt, how the people there reacted, the shy warmth of the children, the way Shedrick and his Panthers maintained order when a few months before neither party nor order could have been attempted. Gradually the talk sifts into a silence that stretches until George says abruptly, "Billy, when are you going to stop trying to fool us?" Billy has been the holdout of the group—telling his own reactions to others quickly enough but sliding away from comments about himself. Now George has directed everybody's attention to him; the group takes a collective deep breath and begins the evening's work. They will spend the next six hours in this airless room; it will fill and over-fill with cigarette smoke until their eyes burn with it; the only breaks will be occasional mass raids on the Pepsi machine.

At first the session drags. Billy is asking each person in turn to tell his reactions to him—their feedback. The comments seem niggling, far from any point, and the silences between them are long. Then gradually a pattern begins to show: the silences are another weapon to bring against Billy, whose crime is the mask he has put up between himself and the others. To crack that mask George is frankly insulting, contemptuous, bored by turns. As soon as the silences begin to be a relief to Billy he lashes out again. Billy's defensiveness becomes panicky. He retreats like a snail. The pace quickens. The whole group begins to empty out their reactions: some specific incidents, some the instinctive likes and dislikes that would formerly have been too immediate, too subconscious, too impolite or impolitic to mention.

It is a motley circle of people: George's staff, another Viet vet, an ex-airline stewardess, other ex-Peace Corpsmen. There are people who worked in the Kennedy campaign, people from Vista, from the Job Corps, a young man who "went down to the ghetto to tell them how they were being put down, and man, they knew!" and began looking for a way to get them out, former schoolteachers, laundrymen. Now they are bent forward with identical concentration, learning, as George's staff has learned, that single-minded concern with how people work.

Billy breaks. It seems inevitable with the weight of all those wills focused upon him. He admits, he who had prided himself on his cool, that he has faked it all, that he is in fact afraid, that he needs the help of the group, help only to help himself—help that will come, he knows, in the form of wincing comments if ever he tries to fool these particular people again.

"Man, I see it all now!" Another young man jumps up, faces Billy. He is stuttering in his excitement. "Man, I'm just another one of you and I never saw it till this minute. I knew you were a slickster but you weren't going to slick me. Now I see why: I mean, I'm a jive dude, I know another jive dude when I see one. I mean birds of a feather and all that action."

George drawls nastily, "And that's the first honest thing I've heard you say."

"Well, I didn't see it till just now."

"Wouldn't see it."

"All right, wouldn't see it."

"And there's no point in trying to slick us anymore, is there? We knew you were a jive dude all along."

Catharsis is in the air and it is an exhilarating feeling—it reminds you of the compulsive confessions you've made, confessions followed mostly by embarrassment and avoidance. You hold back, fearing the same aftertaste.

Suddenly, Robert Toporek says it for you: "I keep wanting to get involved but in my mind—well, you just don't *think* about being involved with a job. I *feel* that I should. I guess that's half of it. When it gets up to 51 percent I'll be ready to accept it and put my change on it. But I do feel"—he turns to Billy—"at this moment I feel we are being straight with each other. I feel that we are being real."

Billy's eyes, which have focused on the floor all night, lift in nervous butterfly movements to meet Robert's. He doesn't say anything. No one says anything. The silence is heavy, fatigued, comfortable, unlike the restless ones which have gone before. It is three o'clock in the morning and the session is over.

When you mention your misgivings to George he is quick to point out the error. "We are not idealistic or hypothetical. Your reactions to people are real and you take them into account whether or not you mention them. Society is based on reactions. We are just recognizing that fact and making those reactions work for us. Attitudes are our business."

George Anderson is a USR&D executive. A USR&D executive going into a community to set up a training center has all the independent headaches and fun of anyone setting up a small business: finding clientele, setting up power bases, hiring and training employees, seeing results. But there are differences: he is part of a corporation, and his business is people. USR&D mixes public concern and private enterprise. Whatever the program, they send in some of their own people, hire other local people—all trained in the same way.

It is the training which George has been conducting, forcing the trainers-to-be to communicate with each other in order to teach them to communicate with their groups. With each other they will be brutally frank. With their groups there is little of this directness, but they have been put on the alert to what people hope to hide; they can now respond effectively to what has not been said. This trained summing up of the feelings of a group is important because CIEC does not impose training on its students; it helps the students change as they want to change. "We're just another member of the group," Beverly Brown explains. "We work from their values. They know some things, we know some things."

This one-two punch—assessment of the group's feelings and respect for them—creates pride and ambition in an amazingly swift time. Three weeks after he entered the CIEC building Robert Wine wrote, "Before I found out about the CIEC, I was laying around on the corners. I am proud of being a part of CIEC. . . . The Monitors, as they are called, are real down with people with this thing. I go for the way they treat [us]."

By that time Shedrick and Robert were completely involved in the work of the Center. They were waiting in the morning when the building opened; they stayed long after class to work on the class paper, to help John Mansager develop film, to talk in spare minutes to George. Neither missed a class. Robert won the Outstanding Student Award; Shedrick was nominated for president of the Alumni Association. But now they must find jobs—that was the point of CIEC, after all—and they are beginning to realize that their new pride is a yearling thing that has been founded and fed in this building. When George is in the room their eyes go to him often for reassurance. Shedrick writes in last-minute stage fright, "I think that CIEC means a whole lot to me, but sometimes I just want to be left alone, with no worry in the world. But I think I am being a fool . . . I have this feeling I can do a thing very well, but it is mostly when I am in class. . . ."

The big day begins at 7:15 in the morning in front of the CIEC building. Eight students—four girls, four men—will be going to Avco, a large industrial plant with many military contracts. Two teachers are driving them to the eight o'clock appointment at Avco, a half-hour drive from Charleston. If they get the jobs, of course, they will have to find their own way.

It is a beautiful drive, most of it outside the city, through thickly green summer country. A silent drive. Everybody has a lot on the line, and everybody is thinking about it. For some it will be their first interview, their first job. (Margaret Jackson went through that yesterday, she is the calm one today.) The teachers are nervous too: many of their students hear of CIEC by word of mouth; if the word is bad, their usefulness is gone.

Shedrick looks impressive in a deep mustard sport jacket, a pale yellow shirt, yellow sunglasses, like George's, a shadowy patterned gray silk tie and handkerchief like the set a teacher was wearing the day before. His way of moving suddenly looks jaunty instead of abrupt.

Herbert Herold, supervisor of training at Avco's Charleston plant, a benign bulldog of a man, greets the two cars of CIEC people. He has been to the Center to speak to them before, he knows them by name. He tries to put them at ease. (Avco has a great softball team, at the moment short of pitchers. Does anyone pitch?) It doesn't relieve the tension. They sit rigidly until he says, "Well, shall we get to it? Who wants to be first?" Then each of the eight leans back, looks from face to face, shuffles feet, returns to his rigid pose. Finally Shedrick gets up, follows him from the room.

It is a triumphant band of students that bursts into the CIEC building a few hours later. They all—would you believe *all!*—were hired, and Robert Wine starts the very next Monday! They are high on the same breathless excitement Margaret felt yesterday. (She is matter-of-fact: "Oh, I guess I'll take the Avco job. It pays better.") How was Shedrick's interview? He asked me to take off my shades" he said sheepishly. Anything else? "Asked me about the Panthers. I listed us under clubs. He asked me were we selective. I said no, just neighborhood." Robert Wine can now tell you the chain of command up past foreman to supervisor, qualifications at each level, possible on-the-job training. Congratulate him and he puts out his hand with pride and shakes yours firmly. Next Monday he becomes a taxpayer.

CRIME RISE IMPERILS COUNTRY—DISTRICT OF COLUMBIA RATE EXCEEDS NATIONAL AVERAGE—CRISIS PROBLEM MUST BE SOLVED

Mr. RANDOLPH. Mr. President, shocking information comes today with the reading of the front page of the Washington Daily News in its coverage of the Federal Bureau of Investigation crime statistics.

I ask unanimous consent to have the article by Wilson Morris printed at this point in my remarks.

There being no objection the article was ordered to be printed in the RECORD, as follows:

FBI: DISTRICT CRIME RATE WORSE THAN EVER

(By Wilson Morris)

The District tightened a fearful hold on its claim as the nation's per capita murder and robbery capital in the January–September FBI crime statistics released today.

The District recorded a murder for every 3,815 residents and a robbery for every 88 people. Among other major cities, New York had a murder for every 4,864 people and a robbery for every 172. Chicago had a murder for every 6,743 and a robbery for every 230. Detroit had a murder for every 5,363 people and a robbery for every 139.

Murder here jumped 56.2 per cent, from 128 in the first nine months of last year to 200 for the same period this year. Robbery rose 53.7 per cent, from 5,633 to 8,656 to give the city fifth rank nationally in both categories.

Only New York, population 7.7 million in the 1960 census; Chicago, 3.5 million; Los Angeles, 2.5 million; and Detroit, 1.7 million, had more murders and robberies, lot less when related to the total number of people in the community. Washington, with 763,000 people, were ahead of Philadelphia, 2 million; Baltimore, 939,000; Houston, 938,000; and Cleveland, 876,000.

Rapes, in which the District ranked 12th among cities over 100,000, rose 41.5 per cent, from 183 in the first nine months of 1968 to 259 in the same period this year. Aggravated assaults climbed 11.7 per cent, from 2,316 to 2,687; burglaries rose 22.6 per cent, from 13,350 to 16,367 and larceny over $50 leaped 51.6 per cent from 5,503 to 8,345. Auto thefts declined from 8,219 to 8,115.

Nationally, total crime was up 11 per cent with violent crime rising 12 per cent and property crimes going up 10 per cent. Murder was up 9 per cent, rape 17 per cent and robbery 15 per cent.

In cities in Washington's 500,000 to 1 million population class, total crime rose 15 per cent, violent crime 22 per cent and crimes against property 14 per cent. Murder rose 16 per cent, rape 39 per cent, robbery and aggravated assault 22 per cent each, burglary 10 per cent and larceny 19 per cent.

The Northeastern states had a crime increase of 8 per cent while the North Central states recorded 13 per cent, the South 11 per cent and the West 10 per cent.

FBI Director J. Edgar Hoover said firearms were used to commit 65 per cent of all murders and 23 per cent of the aggravated assaults. Serious assaults with firearms rose 11 per cent.

Street robberies, which make up more than half of all robberies, were up 18 per cent, home robberies, 22 per cent; chain store robberies 20 per cent; business houses 7 per cent and service stations 8 per cent. Bank robberies dropped 4 per cent.

Suburban crime rose 11 per cent, matching the total rise for the nation. Murder in suburbs was up 9 per cent, rape 14 per cent, robbery 12 per cent, assault 12 per cent, burglary 3 per cent and larceny 11 per cent.

In Alexandria, according to the report, murders decreased from 10 to six; rapes rose from 20 to 38, nearly 100 per cent; robbery dropped from 204 to 195; assault from 286 to 264, burglary from 964 to 829 and larceny from 995 to 918.

Arlington had the same number of murders in both periods, 5; rape dropped from 32 to 20; robbery from 105 to 77, assault from 106 to 59 and burglary from 1,210 to 1,007. Larceny rose from 1,255 to 1,565.

Mr. RANDOLPH. Mr. President, this crisis causes concern to millions of Americans. This tragic condition presents a mounting problem which must be solved. Members of the Congress, and the leaders of the administration cannot delay the remedies which must be instituted if we are to reverse the trend which makes America a nation of brutality, robbery, rape, and murder.

I commend the News for its continuing crusade in focusing attention on this critical—yes, this overriding challenge—for all those citizens who are determined to bring an end to the disastrous road to ruin on which we are now embarked.

SCHOLARSHIPS CREATED BY PFC. CHARLES FLOYD TYSON III, SOUTH BAY, FLA., KILLED IN ACTION IN VIETNAM

Mr. GURNEY. Mr. President, I invite the attention of Senators to an incident in the Vietnam war which deserves wider attention than it has received. In the overall picture, I suppose it is a small incident, but it has elements of tragedy and selflessness and generosity which make it unusual.

On June 21, 1969, Pfc. Charles Floyd Tyson III, of South Bay, Fla., was killed in action at a combat base called An Hoa, in Quang Nam Province, in Vietnam. Private Tyson was struck by enemy small-arm fire while his company was moving through heavy, rugged, mountainous terrain on a search and clear operation. Although medical attention was administered to him as quickly as possible, Private Tyson died of his wounds at approximately 3 p.m. on that day. He was 18 years old.

Shortly before his death, Charles had written home to his father, Leonard Tyson, that he had a premonition of death. He had executed a will which directed that his GI life insurance proceeds should be used to create two scholarships at the high school which he had attended, the Martin County High School. He directed that the scholarships, $1,000 each, be awarded to a boy and a girl from the 1970 graduating class for college expenses. He also left $500 for a plaque for the high school to be dedicated to the young men from the area who had died fighting for their country in Vietnam. The plaque will list the dead and will bear the famous words of Nathan Hale:

I only regret that I have but one life to lose for my country.

Last month, Charles' father, Leonard Tyson, a retired Army careerist, addressed more than a thousand pupils at the high school and read to them part of the young Marine's last letter home.

There is very little we can say to comfort Charles' parents over their great loss. Charles' last will, I think, is the measure of the boy and indicates his generosity, his decency, and his concern for others. Charles' parents can take great comfort from the knowledge that their son gave his life in the service of his country. His bequest of a scholarship fund reflects great credit on them as parents and they can be properly proud of him.

His life was too short: the circumstances of his death and his generous last testament indicate what a fine young man we lost when Charles died. As we mourn his tragic death and try to comfort his bereaved parents, we should remember his wonderful example. It should be reassuring for us to know that our country still produces men like Charles Tyson. Our country is richer because Charles Tyson lived here for 18 years.

PROTECTING THE RIGHT OF CITIZENS TO VOTE

Mr. BAYH. Mr. President, yesterday President Nixon proclaimed December 11 to be Human Rights Day, next Monday to be Bill of Rights Day and this week to be Human Rights Week. In doing so he called on America to provide an example "that will point the way in the struggle to promote respect for human rights throughout the world." He urged Americans to rededicate themselves to the task of "assuring to every person—regardless of his race, sex, creed, color, or place of national origin—the full enjoyment of his basic human rights."

It is ironic and shocking that at the very moment the President was proclaiming his concern for human rights, he was leading the administration forces on the floor of the House of Representa-

tives to strike a blow against one of the most basic rights of citizenship in a democracy—the right to vote.

Until 1965 millions of black Americans were consistently denied the right to participate in our democratic system by helping to choose those who represent them in local, State, and Federal Governments. Passage of the Voting Rights Act of 1965 has enabled more than 1 million black citizens to participate in our democracy for the first time.

Yesterday, by passing the administration-sponsored amendments to the Voting Rights Act, the House placed in jeopardy the rights of those who have voted since 1965 and raised substantial doubt as to further progress in extending the franchise to other citizens who are now denied the right to vote.

The administration bill passed by the House reopens the door to discrimination against our black citizens by those who would impede their efforts to register to vote.

The Voting Rights Act of 1965 required the States to clear any changes in voting laws or procedures with the Department of Justice. The burden was on the State to prove that the changes were not discriminatory. Under the administration-sponsored bill the burden of discovering and providing discrimination would be shifted to the Federal Government.

Moreover, the administration bill passed yesterday by the House would extend coverage of the act to all 50 States. Thus, for two reasons, the burden of the Justice Department will be significantly greater.

However, Assistant Attorney General Jerris Leonard, head of the Civil Rights Division of the Department of Justice, has stated on several occasions that his division is already overburdened and has difficulty coping with its current workload. In addition, Attorney General John Mitchell has said there will be no additional staff available to enforce voting rights provisions of the Voting Rights Act.

This would unquestionably dilute the ability of the present Justice Department staff to enforce its provisions.

Apparently the President has little understanding of the times in which we live. Increasing numbers of our citizens are concerned about the very foundation of our system of government and the ability of its institutions to respond to the demands of today. Because of a lack of faith some have opted out and sit on the sidelines, frustrated and unwilling to lend their talents and their efforts to working through the system to meet the challenges we face as a nation and as a people. Some have become so hostile they are bent on destroying the system because they believe it cannot be reformed.

Concerning this most basic of all rights in a democracy—the right to vote—there should be no controversy. If the Government can assure all of its citizens the right to vote and the free exercise of that right, then the citizens themselves have the opportunity to redress grievances. Without the right to vote they are arbitrarily excluded from the political process and we should not be surprised if they express their grievances in ways distasteful to us all.

The President is to be congratulated for his expression of concern for human rights in proclaiming yesterday Human Rights Day and this week as Human Rights Week. Unfortunately, his deeds and those of his administration do not match his words.

Earlier this year Attorney General Mitchell advised a civil rights group to "Watch what we do instead of listening to what we say."

The Attorney General's point is well taken. What the Nixon administration has done by sponsoring the amendment of the Voting Rights Act of 1965 passed by the House yesterday makes a mockery of the pious words of the President in proclaiming a special Human Rights Day.

We in public office, above all, the President, have the responsibility to prove that the injustices and failings of the system can be corrected. When asked if the system can respond, we must answer yes and proceed to make the necessary reforms. By weakening the Voting Rights Act of 1965, the President and the House of Representatives have answered no. There is no longer room for hypocrisy and no longer time for delay in making our Government and its institutions responsive to the people. Surely the least we must do is to see that every American has the right to vote.

WOLF NEARS EXTINCTION

Mr. NELSON. Mr. President, before man has a chance to know much about the wolf, that animal may join a growing list of species that have been doomed to extinction. Ranging throughout North America and numbering two million at one time, today the wolf numbers less than 6,000 in the United States, of which no more than 100 roam outside Alaska and Minnesota.

Because of these distressing figures, the Eastern timber wolf is considered by the Department of the Interior to be an endangered species. But an endangered species can only be protected on Federal refuge areas, and the wide range of the wolf precludes adequate protection for the wolf by that means alone. There is a pressing need for strengthening our endangered species laws, and I plan to introduce a bill in the near future to accomplish this. In addition, I introduced a bill on Wednesday that would prohibit the hunting of wildlife from aircraft on Federal lands.

Clearly, there also exists a need for public awareness of the value of the wolf and its importance for the survival of man. An excellently written article appeared recently in the Milwaukee Journal. It does a commendable job of educating the public as to the real nature of the wolf. The author, Waldon R. Porterfield, describes vividly the high degree of the social organization of the wolfpack, the intraspecies population control, and the remarkable sharing and caring for fellow members of the pack.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOLF CRY: THE VOICE OF THE WILDERNESS

(By Waldon R. Porterfield)

The wolf, dwindling in North America, is a victim not only of man's killing of him and encroachment on remaining wilderness areas but also the big gray's own breeding habits, which constitute a form of birth control.

For more than a decade the Nelchina basin in Alaska has been a protected place for wolves and caribou so the relationship between the animals could be studied. In that period the caribou population nearly doubled to 80,000. Wolves increased from only 12 in 1953 to about 450 in 1965. Then the predators declined. With reference to this, the National Parks magazine reported: "Among the interesting scientific discoveries was further evidence that wolves may exercise some form of intraspecies population control at such high levels."

Chicago's Brookfield zoo has a timber wolf pack whose social organization has been studied.

Of these wolves Jerome H. Woolpy wrote in Natural History magazine: "The separate roles within the pack consist of the dominant, or alpha, male, the alpha female, the subordinate males and females, the peripheral males and females, and the juveniles. At some time or other, the alpha male is deferred to by all the other members of the pack. . . . He is also the principal guard of the territory and patrols around the periphery of the pack. . . . The alpha female is dominant over all the other females and most of the males. She controls the relationships of the rest of the females of the pack. The subordinate males and females, together with the alpha male and female, form the effective nucleus of the pack. The peripheral males and females are kept out of the nucleus as a result of their manifest submissiveness and low rank in the social hierarchy."

ONLY ONE FEMALE HAD LITTERS

The pack determines which animals are allowed to mate. In five mating seasons, 1960–'64 there was only one litter in the pack each year, always whelped by the same female, the father presumably the same male.

When a "peripheral" male tries to mate, the other males charge and send him scampering with his tail tucked between his legs. After being attacked repeatedly, animals on a lower scale in the pack become so cowed that even a "piercing glance" from the others is enough to keep them away from a prospective mate.

Woolpy writes that the dominant male, often preferred by most of the females, is the least inclined to mate. He may like a peripheral female who seldom is allowed to breed.

An example of this ironic situation is given in "The World of the Wolf," by Russell J. Rutter and Douglist H. Pimlott, who studied the animals in Algonquin park, Ontario. They write that "wolves are quite choosy in selecting mating partners and mutual preference is not common."

The authors note: "It may work out something like this: Female A is interested in male B, but B rejects her in favor of female C, who is trying to win the favor of male D, who is the dominant wolf of the pack. D, however, is set on female E, a pretty little peripheral wolf with no social standing. D exercises his dominant position to prevent male B from courting female C, and at the same time his attention is divided further between his interest in female E and upholding his position as No. 1 wolf. Female C prevents female E from accepting D, but female A is dominant over female C and interferes with her advances to D.

"It can happen that while D is absorbed in maintaining his dominant position over everybody, some other male mates with E.

and she may be the only one that manages to have pups. In spite of this humiliating situation, D will likely maintain his No. 1 social position and when the pups arrive will take his place as the head of the family, a father in name only."

Woolpy comments on a pack's mating habits this way: "The social system, in sum, provides wolves with a means of controlling their mating and their population. It also produces a genetic mechanism that reduces the variability within the pack but, at the same time, increases the variability between packs; thus, through group selection, this mechanism has the potential to accelerate wolf evolution."

The breeding season of wolves is limited to some two months in the winter.

By about Apr. 1 the mating instinct is quiescent for another year.

PUPS WEIGH ONE POUND AT BIRTH

The gestation period averages about 63 days. The pups are born in a den, the burrow sometimes up to 30 feet long or only 7, but averaging about 12. As many as 14 pups in a litter have been reported, but the average is five to seven, sooty brown and weighing about a pound each. There is a nursery chamber at the end of the den, which is kept immaculately tidy.

When the pups are two months old and switching from their mother's milk to meat, they may weigh 15 pounds. Meat is carried to the den in the parents' jaws or may be disgorged for the litter.

Other members of a wolf pack may help care for the young if something happens to one or both parents. At a den in Ontario the mother wolf was killed by a bear. Other pack members moved the pups to a new burrow.

In "Arctic Wild," Lois Crisler tells of sexually immature, yearling male and female wolves caring for and feeding a litter of six.

One study of captive wolves disclosed that a 2 year old female helped care for her parents' new litter by assisting in transferring the pups from one den to another, bringing food to them and "often seemed to show more concern than the mother did for their welfare."

THE WOLVES HAD A "BUTCHER SHOP"

At the Brookfield Zoo the care of a weaned litter was assumed by an unmated female.

In the wild a large wolf can eat 18 pounds or more of fresh meat in one meal. Dens were once found in an area where a well padded trail led to a combined wolf "barn" and "butcher shop." Three live horses and the remains of eight others were found in a winter "yard" where the horses had been trapped by heavy snow. The wolves had killed the horses only as they required the meat.

"Documented accounts of evidence that wolves attack or threaten men in North America are extremely rare," according to the authors of "The World of the Wolf."

There is, however, much evidence that the wolf fears man—and with ample reason.

The wolf once ranged from central Mexico north over almost the entire United States, Alaska and Canada, his numbers estimated at probably more than two million.

However, man did not take kindly to raising livestock for wolf rations. Massachusetts declared a bounty on the animal as early as 1630. As the war against the wolf continued, the big gray almost vanished east of the Mississippi river. For example, the last recorded wolf kill in Connecticut was in 1839.

There are token wolf populations in Wisconsin and Michigan. Lobo now is protected in both states. There are an estimated 300 wolves in Minnesota and a few in remote areas of some other states.

WOLVES AND MOOSE ON ISLE ROYALE

On Isle Royale in Lake Superior there is a pack of 25 living off a herd of 900 moose. This has been called a "classic example of biological control."

A study started in 1959 showed there were 16 wolves on the island then and the same number when the survey ended in 1961, "although the wolves were completely protected and there was an abundant food supply."

Efforts of naturalists to save the swiftly vanishing species were described recently in an NBC–TV special, "The Wolf Men," seen here on channel 4.

There are an estimated 5,000 wolves in Alaska, where there is a $50 bounty and the animals are trapped, hunted with airplanes or poisoned.

Celia M. Hunter, writing in the Alaska Conservation Review last year, said, "We need widespread education as to the true nature of the wolf and its place in the scheme of things. To make the public aware that the wolf has a value of and for itself, that it is a highly intelligent social animal, with a structured family life and shared responsibilities for raising and educating the young, that its continued survival is of importance to man, we need factual knowledge, widely disseminated."

At the rate the wolf is disappearing from the wilds, there could come a day when the last free big gray lifts its head in eerie wail in a forest night, to be answered only by silence.

NEW ENGLAND OIL IMPORT PROGRAM

Mr. MUSKIE. Mr. President, it has been a year and a half since the port authority of the State of Maine applied for a foreign trade zone at Portland, Maine, with a subzone at Machiasport. That application has stirred up controversy because the port authority intends to operate the Machiasport subzone to encourage the construction of one or more oil refineries. The purpose of the Machiasport plan is to develop new domestic refining, capacity, particularly for home heating oil and residual fuel oil.

Residual fuel imports into the United State have increased from 800,000 barrels per day in 1964 to 1,220,000 barrels per day in 1968. The reasons for this rise can be attributed to a rapid increase in demand. At the same time, U.S. refineries have reduced their production of heavy fuel. Residual fuel is an unwanted product for U.S. refineries.

There is evidence that home heating oil is becoming an unwanted product. Refineries prefer to make diesel oil, jet fuel, and gasoline because these products are more profitable than home heating oil, and far more profitable than residual fuel. Foreign trade zone refineries specializing in the output of heavy fuel and home heating oil could thus serve to increase the domestic output of these fuels, as well as bring relief to hard-pressed New England consumers.

The controversy that flared over Machiasport started out as a controversy affecting New England. The oil industry fought our efforts to bring an oil refinery to New England. This fight eventually led to the creation of the Cabinet Task Force on Oil Import Policy. Secretary of Labor Shultz was appointed chairman of the task force, and he promptly engaged a staff of competent economists and lawyers.

As a result of the questions raised by the task force about the existing oil import program, the controversy surrounding Machiasport has spread across the Nation. More and more consumer States have come to realize the cost of the burden imposed by the oil import program.

Mr. President, this is no longer a New England fight. In recent weeks, 26 Senators representing 16 different States have spoken in opposition to the oil import quota system. Seventy-eight Members of the House of Representatives have added their opposition. Two weeks ago, a group of Governors and their representatives representing 16 States, met with Secretary Shultz to ask for relief from the high prices imposed by the present quota system. That delegation was led by the Honorable Kenneth M. Curtis, Governor of Maine.

In reviewing the events of recent weeks, it seems clear that the voice of the consumer has been heard. I would hope that those responsible for framing our new oil policy weigh very carefully any course of action which is not responsive to that clear voice.

Mr. BROOKE. Mr. President, on December 3, the junior Senator from Maine (Mr. MUSKIE) called to the attention of the Presidential task force on the mandatory oil import program a most incisive paper suggesting a solution to the inequities of our present quota system. This paper expands upon a proposal offered to the Secretary of Defense by several members of the Senate Armed Services Committee calling for a more aggressive use of foreign trade zones as part of our Nation's oil import program. I am hopeful that the members of this task force will carefully consider these points when they make their recommendations to the President.

It is absolutely clear that the present import quota system is no longer acceptable. It is, by one reasonable estimate, costing our Nation $5.4 billion annually. New Englanders are forced, through unreasonably high fuel oil prices, to pay $540 million of this total cost. We are paying 10 percent of the total cost of this program at a time when we have only 6 percent of the Nation's population. It is obvious that we are paying more than our fair share of the cost of the quota program. If, as its supporters claim, the basis for the program is national security, then the entire Nation should bear the burden equally.

The New England heating oil problem can be solved, but only through special action. Reliance on some adjustment in crude oil prices or crude oil tariffs on import levels will simply not do the job. The reason is simple: Regardless of the tariff or import level set for crude, continuing improvements in refining technology, such as hydrocracking, will enable U.S. refiners to make increasing quantities of gasoline, jet fuel, and other products at the expense of home heating oil. There simply will not be enough heating oil produced in our country over the next decade to meet demands; unless substantial new imports or substantial new supplies from domestic refiners in trade zones are made available, the price of home heating oil will continue to escalate as supply is reduced in the face of rising demand. It might be noted that industry projections show that there will be an absolute decline in the total production

of home heating oil in the next decade—not a percentage decline, rather a decline in the actual number of barrels produced. In brief, there is no other way to meet the heating oil problem than to provide more heating oil. The "trickle-down theory," advanced by some, will not work.

Further, the solution must result in lower prices to the consumer. Not only will a lower price for heating oil serve to equalize the burden of the import program, but it will be a major step forward in President Nixon's fight against inflation, which I strongly support.

The people of New England have waited a long time for relief. They have put their faith and confidence in the proceedings of this task force. The facts of our heating oil crisis have been presented clearly and forcefully by the New England Governors Council for Economic Development, and the Senators and Congressmen of our region. I feel confident that our case has been well made.

Knowing President Nixon's commitment to the fight against inflation, his commitment to the consumers of our Nation, and his desire to assure that the burden of any Federal action be borne equally by all parts of the Nation, I am very hopeful that he will recommend changes in the oil import program to meet the needs of New England.

I ask unanimous consent that a letter and the paper from the junior Senator from Maine, and an article published in the Oil and Gas Journal be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DECEMBER 3, 1969.

Hon. GEORGE P. SHULTZ,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that the President's Task Force on Oil Import Controls has under consideration a plan to replace the current oil import quota system with a tariff system.

I am concerned about the high costs of heating oil in New England. I am not sure that the tariff system that you are suggesting will result in a reduction in heating oil prices. We must assume that importers of foreign crude oil that pay a tariff on the oil will produce petroleum products that have the highest price return. Heating oil is not in this category. As a result, we will either have higher prices for heating oil or less heating oil.

In this regard, I have been given a paper that discusses this problem and offers a solution involving the use of foreign trade zones. The author points out that it would be possible to provide an incentive for companies to produce heating oil by combining an oil tariff system with refineries located in foreign trade zones.

I am sending this paper to you for your information and consideration.

With best wishes, I am

Sincerely,

EDMUND S. MUSKIE,
U.S. Senator.

HEATING OIL SUPPLY FORECAST THROUGH 1980

According to a comprehensive forecast of the oil industry's refining plans for the next decade published in the November 10, 1969, issue of the Oil & Gas Journal, the volume of home heating oil manufactured in U.S. refineries is due to decline over the next ten years. Specifically, the Oil & Gas Journal article (attached) shows that middle distillates (diesel oil and home heating oil) which now account for 21% of refinery runs in the U.S., will decline to 15% by 1980. At the same time, total refining capacity will grow from 12.1 million barrels per day to 18.5 million barrels per day. So that there will be a slight volume gain in middle distillates, despite the sharp reduction in percentage yield. It should be noted, however, that diesel oil, which accounts for about one-third of total middle distillates, has been growing at an annual rate of 4.5 to 5% per year for the last several years, and this trend is expected to continue.

Thus, if one projects diesel oil growth at a compound annual rate of 5% between 1970 and 1980, the volume of home heating oil left in the middle distillate pool in 1980 will be, in absolute terms, smaller than the volume of home heating oil produced today.

The reason for the decline in home heating oil production is economic. Refiners generally expect gasoline (which is due to grow from 48% to 52%) and jet fuel (which is due to grow from 8% to 13%) to be more profitable products than home heating oil.

There are only three ways to rectify this situation and insure that there will be adequate supplies of home heating oil for the wide band of consuming states stretching across the northern half of this nation:

1. If heating oil prices are increased sharply, domestic refiners will be induced to produce more heating oil, thus altering the industry's projections. This is an unpalatable alternative.

2. If the tariff level on foreign sources of home heating oil is set low enough, imports would be encouraged to fill the gap between demand and domestic home heating oil production.

This alternative is far more preferable than the first, since a low enough tariff now only will insure that adequate supplies will be available, but also will cause consumer prices to be reduced to more reasonable levels. It should be noted, however, that this alternative would encourage continuation of an already existing trend—the construction of additional refining capacity off-shore. We would be, in short, continuing to export our refining capacity.

3. Additional domestic home heating oil refining capacity could be encouraged through the use of Foreign Trade Zones. Zone refiners could be exempt from the new national security tariff on foreign products on the condition that such refineries specialize in the production of home heating oil and heavy fuel oil rather than gasoline and jet fuel. This alternative is clearly the most preferable because it guarantees adequate supplies of home heating oil at low prices and reduces the East Coast and Defense Department dependence of foreign sources of heavy fuel.

[From Oil & Gas Journal, Nov. 10, 1969]

FORECAST FOR THE SEVENTIES—REFINING

(By D. H. Stormont)

United States refineries will need to step up their construction activities if they are to keep pace with the big boost in demand foreseen in the next decade.

The 21 million b/d demand for petroleum products in 1980 requires a domestic refining capacity of about 18.5 million b/cd. This is some 6.4 million b/cd above the expected crude capacity at the close of this year. Keeping pace thus will require building at the rate of 610,000 bbl/year.

And this is just for the additional crude capacity that will be needed. To match output with changes in product demand, older plants will have to undergo modernization. Still other building will be carried out for the purpose of replacing two or more smaller plants with one big one in order to obtain the benefits of size.

All of this should add up to almost 3 million b/d of new refining capacity under construction at all times, based on the normal 3-year period between start of design and completion of the project.

The average refinery will thus be larger in 1980 than that of today, making it more difficult for smaller refiners to compete. But as long as local supplies of crude exist, or there are small markets too distant to justify pipeline shipments into the area, major companies will still be operating some relatively small plants. And independent refiners will still be around, in heavily populated areas as well as in rural areas.

The bulk of the building during the next decade will be on the Gulf Coast. The huge new oil reserves that will be developed on the North Slope will give greater impetus to building elsewhere, however. Both Atlantic Richfield and Humble already are talking about new plants on the East Coast, and these probably will be much farther south than Maine sites now under discussion.

New pipelines into the Great Lakes area, either directly from Alaskan fields or for transporting Canadian crude now moving in the Pacific Northwest, will assure a steady growth in refining capacity there. The continued shift in population to the West Coast also assures much additional capacity there.

Insofar as refining technology is concerned, no major innovations are anticipated. Catalytic cracking will continue to be the major tool for producing motor-fuel components, even though hydrocracking will take over some of the load. If limits are placed on the olefin content of motor fuels, cat reforming, hydrocracking, and the newer hydrorefining processes will come into greater prominence than will be reflected here.

Other features of 1980 refineries, other than their larger average size, will stem from the better catalysts available then, instrumentation that permits closer control, and still longer onstream periods. Use of improved metals which better withstand high temperatures and pressures will make the latter possible.

As to catalysts, much of the research today is directed toward developing materials which can be used more like a rifle and less like a shotgun. In processes involving cracking reactions, such new catalysts not only will make for higher yields but will give the refiner greater flexibility.

The improvements won't be limited to catalysts with cracking functions. Extensive research with zeolitic types will pay off in better desulfurizing, alkylation, and hydrogenation catalysts. The recent development in reforming catalysts, involving use of rhenium or a similar metal which has promoting and stabilizing effects on the platinum, likewise could extend to other applications.

In the overall downstream processing scheme, hyroprocessing will probably be used so extensively that processing gains will almost equal losses and fuel needs. In other words, distillate yields will approach 100% of the volume of crude charged to the refinery.

This big boost in hydro-processing, particularly for olefin and aromatics saturation, is anticipated despite little hope for hydrogen costs much lower than those of today. As more and more hydrogen finds its way into refinery waste-gas streams, however, cryogenic units will find wider use for recovering the hydrogen. Thus while methane reforming costs may show little decline, recovery of the hydrogen from offgases can help reduce overall costs.

The need to add new crude capacity in the next decade is apparent (see chart). U.S. demand will move up to 21 million b/d from the 14.4 million b/d level anticipated for next year. When allowance is made for imports, natural-gas liquids, the anticipated drop in residual yields, and for a processing gain of more than 500,000 b/d, supplying this de-

mand will require crude runs of about 17 million b/cd. In terms of refining capacity, about 18.5 million b/cd will be required in 1980 as compared to the 12.1 million b/cd estimated for the start of 1970.

There is little excess capacity today—and thus that new capacity will be needed at a rate of about 600,000 bbl/year.

In 1964, when refiners still felt the effects of their overbuilding spree some 4 years earlier, the average plant was operated at the rate of 87%. By 1966 it was operating at 91% of capacity, and for the past 2 years 91.7% has been used. Bureau of Mines figures for the first 7 months of 1969 show a slightly higher utilization than in 1968, thus the average for this year should be about 92%.

This level probably is close to the maximum desirable for a yearly average. For while 92% may seem on the low side, it results in a utilization of about 96% during cold months—as was the case last February. A fire, strike, hurricane, or other disaster at only a few larger refineries could readily result in shortages. The 18.5 million b/cd capacity projected for 1980 is based on 92% utilization.

New plants under way, and those to be built in the next 10 years will be designed for different product patterns than most of today's refineries. Residual and mid-barrel heating fuels are losing out to motor fuel and turbine fuel (see chart). Thus, older plants that have not already adjusted yields in pace with this trend will have to do so if they are to remain competitive.

Light fuels—motor fuel and turbine fuel—will be the big gainers in the next decade. On top of the gain registered in the past 5 years, they are expected to move up to about 65% in 1980. The 9% gain may not seem like much of a switch in yield patterns. But translated into barrels of gasoline and jet fuels it means an additional 1.5 million bbl of these fuels in 1980. Most new plants will be designed to convert some 70–180% of the crude charge into motor and jet fuels.

In terms of output, U.S. refineries will be turning out about 11 million b/d of these light fuels at that time. Demand estimates for jet fuels vary but a commercial demand of 1.6 million b/d—almost 1 million b/d above current levels—seems likely. Armed Services needs can't be fixed but they have been running more than 600,000 b/d. Of this amount about 380,000 was from U.S. plants. Thus jet-fuel needs could easily exceed 2.1 million b/d in 1980.

Motor fuels are projected to grow at about 4%/year. Output of these fuels, excluding that coming from natural-gas liquids, will be about 8.8 million b/d in 1980. As a percent of crude, this will represent a yield of 52%.

The growth in light-fuels yields will be at the expense of the middle and bottom of the barrel. The former will decline to about 15% from the present level of 21%. This will be principally due to increased pressure from natural gas in home heating. In terms of daily refinery output, this will represent a slight gain to about 2.5 million b/d.

The drive for cleaner air, plus the relative low-selling prices received for residual fuels, will result in yields declining to 3% from the present level of 6%. This will represent a slight decline in daily production.

Actually daily demand for residual fuel oil is expected to climb by several hundred thousand barrels—as oil takes over some of coal's demand. But this will be supplied by imported materials. U.S. refiners will continue to grind almost all their residual materials into lighter products.

The other category will probably account for about the same percentage yield as at this time. Growth in the importance of petrochemical feedstocks, which now account for about 5% of the crude barrel, will be largely responsible.

The new grass-roots refineries of Mobil at Joliet; Atlantic Richfield at Cherry Point, Wash.; Gulf near New Orleans; and Union at Chicago—all of which are to have crude capacities ranging from 100,000 to 160,000—will be of the fuels type. Details of their product slates are not available but it's not likely they will match the light-fuels capability of Humble's new Benicia, Calif., refinery. This 78,000 b/d plant is producing more than 90% yield of gasoline, jet fuel, and diesel fuel. The only other major product is coke.

While not emphasizing chemicals production to the extent of some newer European refineries, petrochemicals are receiving added attention at many U.S. plants. This particularly applies to olefins production.

The trend toward use of heavier feedstocks, as Shell will do at its Houston refinery and Commonwealth is to do at Puerto Rico, are steps toward the refiner supplying higher percentages of propylene and butylenes.

Increasingly large volumes of isobutane as a by-product of hydrocracking also make for more chemicals from refineries. A thermal cracker that uses isobutane as feed was recently completed by Coastal States at its Houston refinery.

Processing routes chosen for individual refineries are influenced by type of crude, likes and dislikes of the refiner as to processes, and what the refiner individually regards as the most promising markets. As to the latter the choice may be to use the olefins for chemicals instead of as an alkylate feed, or to put aromatics into motor fuels rather than to separate them out as chemical feeds.

Some generalization can be made, however, as to the process to be used.

Catalytic cracking, at least for the bulk of the '70's, will continue to be the favored tool for producing motor fuels. On a fresh-feed basis, it is now applied to about one-third of the total refinery feed. In 1970 refineries cat cracking will probably be equivalent to 40 to 50% of a plant's crude capacity. Thus some 2.5-3.1 million b/d of new cat-cracking capacity is likely.

Catalytic reforming now is applied to almost 21% of refinery capacity. Applying this ratio to the anticipated 6.4 million b/d of new refining capacity translates into 1.3 million b/d of new refining capacity.

Hydrocracking, because of its newness, can't be projected in the same manner. Opinions vary from company to company but it ultimately may be applied to some 15-20% of the crude charge. The amount of this new capacity probably will be in the range of 1 to 1.25 million b/d.

Other hydroprocessing steps now are applied to about one-third of the crude charge. The outlook is for at least 2.2 million b/d of new hydroprocessing to accompany the new crude capacity.

Alkylation and isomerization, both relatively high cost approaches to antiknock components, will likely become much more popular before the decade is over. Should the lead content of motor fuels be reduced, alkylation capacity built will be well above the approximately 400,000 b/d that would normally be expected.

Coking will continue to be the most favored of the thermal processing routes. It still must be looked upon as a low-cost means of disposing of residual oils, but there are some developments which may make it a more economic tool, too. Among these are new routes for converting coke into carbon black, for converting it into activated carbon, and the new demand for needle coke in the form of carbon shapes to be used in spacecraft and other applications.

Actually, all of the capacities quoted should prove to be on the low side. The main reason is that they fail to take into consideration current trends, as well as units that will be installed in conjunction with modernization projects.

Cat cracking, for example, has experienced little capacity gain for the past several years—while the benefits of the new zeolitic catalyst were being absorbed. These catalysts are now in use in almost all units where it is economically feasible to do so.

As is the cast in some newer refineries, and the goal in some modernization projects in older plants, cat cracking is to be applied to a wider portion of the crude barrel. Included are deep-cut vacuum gas oils, coker gas oils which have first undergone olefin and aromatics hydrogenation, and the bottoms fractions from hydrocrackers.

The new Rhenium catalysts may slow down growth of catalytic reforming for a couple of years, as refiners cash in on the longer life, higher antiknock values, increased hydrogen yields, and other advantages they offer. The long-range outlook, however, will be for catalytic reforming to become an even greater source of octanes.

There is little question as to the steps refiners will have to take insofar as residual fuels are concerned. Tightening air-pollution ordinances require either they produce a low-sulfur product or no residual fuel at all.

The ready availability of large quantities of low-sulfur resid from Caribbean and other foreign refineries will probably result in the U.S. becoming almost totally dependent upon imports. Low-sulfur North African resids are being blended with Venezuelan and other high-sulfur resids at delivered Eastern seaboard prices well below those domestic refineries can post. Unless some development in catalysts occurs that makes it economically feasible to directly hydrocrack high-metals resids, U.S. refiners will fill an increasingly small portion of what is expected to be a growing market.

The laws have yet to be written and passed, but the odds favor stricter limits on motor-fuel composition. Lead content readily could be lowered by the late '70's. It's also entirely possible for volatility to be lowered and for the olefin content to be reduced.

None of these pose a problem from the know-how viewpoint. But they do lead to much higher capital costs and more operating expenses.

The Role of Foreign Trade Zones in an Oil Tariff System

SUMMARY

Inherently, oil refineries in Foreign Trade Zones are not compatible with the oil import quota system since they require special exemptions from the normal rules of the game. Zone refineries are far more compatible with a tariff system and should be used in combination with the proposed new national security tariff system to achieve the following objectives:

1. Construction of heavy fuel oil refining capacity in the U.S. to end the East Coast's almost total reliance on foreign sources of residual fuel and the U.S. Navy's complete dependence on foreign heavy fuel sources.

2. To promote and expand home heating oil refining capacity on U.S. soil to assure adequate supplies at reasonable prices of this product.

Administratively, Zones could be established very simply by exempting them from the proposed new national security tariff on refined products and then allowing oil operations to take place in Zones under the already existing Foreign Trade Zones law and regulations. Rules governing oil refineries in Zones can and should apply on a non-discriminatory basis to all companies—there need be no special treatment. Each oil company can decide, depending upon its own product demand pattern, whether to build additional gasoline-oriented refining capacity outside a Zone under the new tariff system

or built a heavy fuel oil refinery inside a Zone. This nation needs both types of refineries and our new oil import policy should be structured so that both types are built here at home.

HISTORY OF TRADE ZONES UNDER QUOTA PROGRAM

Under a 1965 Presidential proclamation oil refining operations in Foreign Trade Zones were made subject to specific approval by the Secretary of Interior under rules and regulations to be issued by him. Official regulations were needed since oil imported into the U.S. customs territory were limited in volume by the Mandatory Oil Import Control Program.

Inherently, Zone refineries were not compatible to the import quota system since they required official exceptions from the normal rules of the game. During the last days of the Johnson administration, two alternative sets of regulations governing Zone refineries were issued by Secretary Udall for comment. Neither of these proposed sets of rules were ever issued as formal regulations. A regulation permitting imports of foreign crude oil into Zones was issued for District V—the West Coast area including Hawaii on January 20, 1968. Basically, that regulation permitted imports into the Zone but did not cover the question of exporting products from the Zone into the customs territory of the United States.

PROPOSED TARIFF SYSTEM

The proposed preferential tariff system now under study by the Task Force has many positive features. If the tariff levels are set low enough, there should be a decline in unnecessarily high oil prices which have severely penalized industrial and individual consumers. A preferential tariff system should also bring about a more rational refinery structure with many new plants located closer to markets rather than clustered around domestic producing centers. Similarly, a tariff system, if liberal enough, should weed out high cost inefficient domestic production yet leave enough incentive for exploration of promising structures both here at home, in Alaska, Canada, and Venezuela. In sum, a preferential tariff system is a step in the right direction.

SPECIFIC PROBLEM AREAS UNDER THE TARIFF SYSTEM

There are two specific problem areas, however, that will not automatically be improved under the proposed tariff system:

1. *Heavy fuel oil production.*—Refineries specializing in low sulfur fuel oil are currently being built offshore the U.S. resulting (1) in an outflow of capital detrimental to our balance of payments, and (2) creating a dangerous dependence on foreign supplies of heavy fuel oil by the U.S. military.

Clearly, if a U.S. refiner has to pay say $1 per barrel, to import crude oil under the proposed tariff system, that refiner will not want to make any residual fuel because such fuel will have to compete with foreign source residual fuel bearing a tariff of only $.05 per barrel.

2. *Home heating oil production.*—Adequate supplies of home heating oil at reasonable prices are an absolute necessity to the consuming public in the Northeast, yet under the existing import program shortages and threats of shortages have been persistent. The tight supply situation characteristic of the home heating oil market has been caused in large part by the development of sophisticated new refining techniques such as hydrocracking. These refining processes enable a refiner to produce a higher volume of gasoline and jet fuel from a given barrel of crude oil. Heating oil production, as a consequence, has declined as a percentage of refinery runs because it is less valuable to the refiner than the higher value alternative products. Only a sharp upward spiral in heating oil prices will induce a refiner to produce more home heating oil. And, of course, it has been just such a persistent upward trend in home heating oil prices which has characterized the market place over the last six years.

Nor is there any reason to suspect that this trend will change under the newly proposed tariff system. There is, and will continue to be, a structural disequilibrium in the refining sector of the industry reflecting the economic attractiveness of products like gasoline compared to lower value products such as home heating oil.

Under the tariff system a refiner paying a relatively high tariff, say, $1 per barrel, to import crude oil, is going to want to continue manufacturing as high as possible a percentage of gasoline and as low as possible percentage of home heating oil. Only further price increases in home heating oil will change this equation and that is not a palatable alternative.

It is understood that under the proposed tariff system product imports will be limited by subjecting them to a tariff equal to the sum of the new national security crude oil tariff plus the normal tariff currently applicable to refined product imports. In the case of home heating oil if the lower preferential tariff favoring Western Hemisphere crude oil were set at say $.70 per barrel, then the tariff to be applied to imports of Western Hemisphere home heating oil would be $.80 per barrel (the $.70 crude oil tariff plus the current $.10 refined home heating oil tariff).

Currently, a tariff level on home heating oil imports of about $.80 per barrel would encourage such imports and would result in considerable consumer savings as prices were reduced domestically to reflect this incremental supply source. We would expect prices to fall between $.50–$.60 per barrel generating a consumer savings of approximately $275 million to $340 million annually.

As beneficial as these results would be, if nothing else is done there will be a positive incentive created to build more refinery capacity offshore rather than here at home. In short, we shall be still exporting our refining capacity and the jobs and industrial development associated with such capacity.

FOREIGN TRADE ZONE IN A TARIFF SYSTEM

Refineries operating in Foreign Trade Zones could be useful vehicles to encourage production of heavy fuel oil and home heating oil here at home. Zones are basically far more compatible with a tariff system than with a quota system and it is believed that properly supervised Zone refineries within the general tariff system would contribute to our security objectives, encourage the production of low pollutant, low sulfur heavy fuel and home heating oil and assist in solving the economic problems of depressed areas in certain sections of the country, particularly in the Southeast, New England, the Pacific Far West and Hawaii.

HOW ZONES COULD WORK IN A TARIFF SYSTEM

The following relatively simple steps would be all that is necessary to encourage Zone refineries:

1. Foreign Trade Zones Board, the interdepartmental group responsible for approving Zone applications, could establish guide lines requiring Zone refineries to produce certain minimum quantities of heavy fuel oil and home heating oil, say 45% and 35% respectively. It could also require that gasoline output at least in East Coast Zone refineries should not exceed say 10–15% of refinery output.

2. The Foreign Trade Zones Board in line with the general thrust of new tariff proposals favoring the Western Hemisphere, could require that Zone refineries use, say 60% Western Hemisphere crude oil supplies.

3. Zones could be exempted from the new national security tariff on refined products. This could be done by making the new higher refined product tariffs applicable only to refineries physically located outside the U.S.

4. With the above guidelines in operation, all that has to be done to make Zone refineries attractive is to repeal the 1965 Proclamation which took oil operations out of Zones and made oil a special case. In other words, allow oil to be handled like any other product in a Zone. No new rules or regulations would be required. The present regulations governing all manufacturing operations except for oil, already provide that a Zone operator can import raw material free of duty. Any exports from the Zones to foreign countries similarly are free of duty. When an operator exports products into the U.S. customs territory, he has an option of paying either the applicable raw material tariff or the tariff on finished products. The current tariff level on home heating oil is 10.5¢ per barrel and on gasoline about 53¢ per barrel. Since both of these tariff levels are lower than the assumed new crude oil tariff, say $.70–$1.00 per barrel, the Zone operator would obviously opt to pay the product tariffs.

The tariff differential favoring zones would provide an incentive for some companies to undertake construction of the kind of refinery needed both from a defense standpoint and in areas such as New England where the oil demand pattern is heavy weighted toward heavy fuel and home heating oil rather than gasoline.

All of the above suggested rules can and should apply on a non-discriminatory basis to all refineries. There would be no need for special treatment. Each oil company may then decide, depending upon its own product demand pattern whether to pay the new crude oil tariff and build a gasoline oriented refinery oustide a Zone or pay the lower product tariff and build a heavy fuel oil refinery inside a Zone.

Mr. McINTYRE. Mr. President, 1 year ago this week, Secretary of Commerce C. R. Smith dealt a cruel blow to the hopes of all New Englanders for lower home heating oil costs. Smith, as Chairman of the Federal Trade Zones Board, announced on December 13, 1968, that Maine's application for a foreign trade zone at Machiasport was too important a matter for an outgoing administration to deal with, and that he planned, therefore, to take no action on it.

Smith's announcement was a real shock to me at the time. I had been assured repeatedly in the preceding month that a decision on Machiasport would be forthcoming before the year's end.

More important, and as I indicated at the time, Smith had no authority to make the decision he did. It was true, as he suggested, that Maine's application had important implications for the long-range future of the oil import control program. But this program—then as now—was under the direction of the Department of the Interior. The Foreign Trade Zones Board, on which Smith's authority rested, had no discretion to consider peripherally related matters. The Board's enabling legislation clearly states—and Federal court decisions have held—that a foreign trade zone "shall" be granted to any qualified applicant.

My response at the time was to convene hearings of my Small Business Subcommitee to investigate this roadblock in the way of Maine's application. These hearings were successful in getting consideration of the application under way once again. For a while it looked as though action might be taken before

the Johnson administration left office. Slowly, almost inexorably, time slipped away, however, without anything happening. I was then informed, some months after President Johnson left office, that he had given an order to kill the application.

In the months since, the Nixon administration has also continued to stall. It, too, has used the excuse that an overall review of the oil import program has to be completed before a decision on Machiasport can be made.

Last spring, President Nixon promised that this review would be completed and a decision on Machiasport made "before the snow flies in New England again." Judging by recent weather reports from New England, the President has failed to deliver on this promise.

Press reports in recent weeks, indicate, however, that a decision may yet be forthcoming before Christmas. It has been a long, hard and frustrating year, but these reports now indicate that it may still prove worthwhile. The administration, it seems, has tentatively decided to scrap the present quota system for a tariff arrangement which would greatly increase the amount of low-cost foreign oil available for import into the United States. It will indeed be a happy holiday season for all New Englanders if the hopes presaged by these press reports are in fact borne out.

They will be borne out only if a liberalization of the oil import program is accompanied by the increased use of foreign trade zones. As I pointed out in a recent letter to Secretary of Defense Laird:

> By their nature, refineries located in foreign trade zones require Federal approval. Thus the Federal government is in a position to impose the terms under which such zone refineries can operate. The Government could spell out conditions which would enable them to achieve national foreign policy, defense, and economic objectives.

The important role which foreign trade zones will have to play in any viable oil import program has been reinforced by information brought to my attention in recent days. An article in the November 10 issue of the Oil and Gas Journal discusses the likely trends in our domestic oil refining capacity. It points out that the economic incentives on which nonzone refineries operate are such that a decreasing percentage of this yield will be devoted in the future to petroleum products in the mid-distillate range. This is of great urgency to us in New England since home heating oil is the largest single product in that range. The implication is clear: if market forces are left to themselves, sufficient oil to heat our homes will be produced in the future only at increasingly higher prices.

Foreign trade zones may be the only viable solution to this problem. The Government can so regulate the refineries in these zones as to give them incentives to produce the required amount of home heating oil.

Thus, on this first anniversary of Commerce Secretary Smith's cruel blow to our hopes for Machiasport, I remain optimistic that something will be done. As the article to which I have referred indicated, the need, if anything, is even greater than it was then.

Mr. President, I have joined the Senator from Massachusetts (Mr. BROOKE) in asking unanimous consent that the article published in the Oil and Gas Journal be printed in the RECORD.

Mr. PASTORE. Mr. President, we are close to a decision on oil import policy. Soon President Nixon will act on the recommendations of his Cabinet task force on oil import control. The submissions, letters, and telegrams have been presented by the hundreds for the record, many meetings have been held with supporters and opponents of the present program, and thousands of words have been written on this complicated subject. In spite of all the complications and all the arguments back and forth, the issue that concerns my State, my region, and, in fact, the whole Nation remains clear. It is a simple one—whether the burden of this program is to be borne by all the people, whether it is to be borne equally by all citizens and all States and all regions.

For 10 years, this has not been true. We in New England have borne far and away the heaviest burden, the heaviest cost of this program. We, who consume so many petroleum products, and are the highest consumers of heating oil, have been forced, by this massive program of Government control, to pay the highest prices in the Nation. The Office of Emergency Preparedness confirmed this fact in a compelling study issued only a few weeks ago. But we have known it all along, and we have said it all along; and we now demand action, answers, and relief.

The facts are: the per capita cost of the oil import program—in higher prices for gasoline, heating oil, and other petroleum products—is more than $25 per person per year. That is the national average, and it means that every family of four has $100 taken out of his pocket each year to benefit the big oil companies.

But what is the story in New England. I should like to run down the list of annual per capita costs:

Rhode Island, $35; Connecticut, $31.79; Massachusetts, $37.50; Vermont, $48.98; New Hampshire, $42.09; and Maine, $44.23.

In every State in New England, we pay not just a little bit more, but a great deal more than the national average; and when this is multiplied by 4 to measure the burden on the average family, it can be seen what I am talking about.

The people of Rhode Island pay 40 percent more—I repeat, 40 percent more—for basic products such as gasoline and heating oil. This is wrong, and something must be done about it. And something can be done about it.

All we are asking for is simple justice and simple equity. All we are seeking is a simple solution that will provide us with more heating oil at lower prices.

The people of New England have waited too long for an answer to their problems. A year ago this week, we were, by unilateral decision of the Secretary of Commerce, denied our chance for quick approval of a proposal to build a refinery in a foreign trade zone at Machiasport, Maine.

We hope that our long wait is at an end and that our proposals for relief will be accepted and approved and put into effect as a result of the study of the Cabinet task force on oil import control. A simple and direct way of solving the heating oil problem would be to provide substantial, assured allocations for the importation of low-cost home heating oil to independent deepwater terminal operators. Such a solution would combat the continuing inflationary spiral in the price of home heating oil and strengthen the competitive position of independent deepwater terminal operators, who must compete with the powerful, entrenched major oil companies.

Mr. President, I ask unanimous consent that a telegram sent to the Cabinet task force this week, relating to the impact of a tariff system on independent deepwater terminal operators, be printed in the RECORD.

To repeat: The President can provide the answer. He can do so by providing substantial additional amounts of home heating oil at reasonable prices. There is nothing difficult about this answer, and I hope he will act soon.

I can assure the Senate that we have fought too long and fought too hard, and this battle is too important, to quit now. We are in this to win, and, Mr. President, I think we will.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DECEMBER 9, 1969.

HON. GEORGE P. SHULTZ,
Chairman, Cabinet Task Force on Oil Import Control, Washington, D.C.:

In your consideration of tariff system as substitute for present quotas, we urge recognition of the following facts:

(a) High tariffs on finished product imports (heating oil) would provide no relief for independent deepwater terminal operators or for consumers, as access to reasonably priced overseas supplies would be very limited or non-existent.

(b) A tariff system for crude, with no provision for additional imports of heating oil, would create even more serious situation than at present. Reasons: Regardless of tariff level set for crude, continuing improvement in refining technology will enable U.S. refiners to make increasing quantities of gasoline, jet fuel and other products, and smaller quantities of home heating oil. Refiners will make more heating oil only if its price rises to level of jet fuel and gasoline.

(c) In sum, if under new program, independents are denied regular access to overseas supplies of heating oil at reasonable prices, and U.S. refiners continue reduction in heating oil output, independent deepwater terminal operators will face the same problems of high prices and competitive inequity vis-a-vis majors set forth in our Submissions to Task Force of July 15 and August 15. And our chances for survival will be dim.

ARTHUR T. SOULE,
President, Independent Fuel Terminal Operators Association.

SUMMARY REPORT ON THE SMALL BUSINESS SUBCOMMITTEE HEARINGS ON MINORITY ENTERPRISE IN THE UNITED STATES

Mr. PERCY. Mr. President, we have heard during the course of this week's hearings before the Small Business Subcommittee of the Senate Banking and

Currency Committee the most hopeful, most productive, and probably the most effective alternative to "black power." It comes not as a replacement to that concept but as an extension. It is "green power"—money power. And our initial impression formed when we scheduled these hearings on minority enterprise has been reinforced: that the real needs and best interests of all minorities will be met when there exists a full integration of minority entrepreneurs into the marketplace.

The hearings this week have certainly been among the most extensive that have ever been conducted by this subcommittee in terms of probing the reaches of minority enterprise. We have heard from struggling entrepreneurs, from Government administrators, from representatives of the private sector who have, long before the Government prodded them, put so much of their time and money on the line to work out solutions to these problems. We have, in addition, heard from educators. I must say that I find great hope in the mere gathering of such a group of experts. The public should infer the importance of black capitalism and minority enterprise now if from no other fact than that these very busy, very knowledgeable people have devoted so much of their energies toward developing minority enterprise. The subcommittee is very grateful for their assistance, as should be all Americans.

If we were to seek a single conclusion to the testimony we have heard during these 4 days of hearings—and I think there are probably many more than a single conclusion—it would have to center down on the repeated call for a national commitment to the interests of minority enterprise.

And the call to a national commitment necessarily includes a plea for a comprehensive, realistic, and effective national strategy. It is my hope that as the subcommittee develops legislation from these hearings it will keep in mind the need for such a strategy, but that we will not have to wait for the lengthy legislative process to bear fruit before the country is moved to establish a national commitment to these areas.

There has been an underlying current running through the testimony of each witness, and the current has been a real sense of urgency. I would merely remind Congress that this current extends far beyond the walls of the hearing room; it goes into the communities and hearts of millions of America's best citizens. Congress likewise must assume a commitment toward minority enterprise, thereby setting the pace for the rest of the Nation.

I commend the chairman, Senator McINTYRE, for his leadership in these hearings and for his continued dedication to the interests of small business and minority enterprise. I have personally found the sessions to be most helpful to my understanding of the specific problems of minority entrepreneurs.

PRAISE FOR MR. PACKARD

Mr. BROOKE. Mr. President, a very important and complimentary article was published in the Wall Street Journal today, praising the insight and the administrative abilities of Deputy Secretary of Defense David Packard. This article, I believe, should be of interest to all Senators.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PENTAGON POWER: INDUSTRIALIST PACKARD LOOMS LARGE IN ROLE AS KEY DEFENSE AIDE—DEPUTY SECRETARY WINS OVER GENERALS EVEN AS HE CUTS THEIR SPENDING PROGRAMS—BUT A MEMO RAISES EYEBROWS

(By Robert Keatley)

WASHINGTON.—The track record of big business tycoons who take top Pentagon jobs is far from glorious.

As Secretary of Defense, Charles Wilson (General Motors) was considered abrupt and arbitrary, Neil McElroy (Procter & Gamble) was rated indecisive. Hindsight makes some Robert McNamara (Ford) decisions appear unwise as well as controversial.

But the string may have run out with David Packard, a rich and rugged electronics executive from California who, as Deputy Defense Secretary, has become the department's general manager and chief administrator. Called intelligent if short on intellectualizing, decisive but not dogmatic and accessible to those with contrary views, the No. 2 defense official under Secretary Melvin Laird is winning near-unanimous praise from Pentagon officials and outside observers. And the praise from subordinates, whatever it's worth, is not coming because they have found this hulking multimillionaire a pushover for their favorite schemes.

"To start with, he's bigger than anyone else in the room. And as he sits there with '$300 million' stamped on his forehead, even four-star generals don't talk back," says one insider.

As Deputy Secretary, he complements more than competes with Mr. Laird. Many call him a quiet Mr. Inside to the Secreary's more verbose Mr. Outside—administering 4.5 million employes and a $77 billion budget while boss Laird deals more with President Nixon, Congress and the public. Though the Secretary remains the senior policy-maker, David Packard is the one to see when a specific decision is needed.

"Packard is really the operating head; he's the man we want to talk to," says an industry official who prowls the Pentagon in search of contracts.

Many claim the relatively unknown Mr. Packard is emerging as a lucky find for the Nixon Administration. Senior military men praise him even as he slashes their budgets, cancels programs and makes them do more homework. The Pentagon's friends and foes in Congress both have kind words for the Deputy Secretary. And defense contractors compliment him even though he has revised buying methods so they must work harder and take greater risks to gain eventual profits.

It seems impossible, in fact, to find a harsh word about the man, though it's true the Pentagon is hardly a place where criticism of the boss runs rampant. One Defense Department civilian official believes Mr. Packard will emerge as one of the GOP's statesmen, on call for high-level national chores much as two predecessors (Paul Nitze and Cyrus Vance) have been for the Democrats.

"We're desperate for men like him," argues this Administration man who has a background in Republican politics.

RESTORING CONFIDENCE

Good men at the Pentagon are needed these days, for criticism of the military establishment has reached new heights. Public, press and Congress tend to view the services with distrust, and critics revel in accounts of military miscues. Many Pentagon leaders hope Mr. Laird's soothing ways with legislators, plus Mr. Packard's no-nonsense management, can restore lost confidence.

"As far as our relations with the outside go, they've taken over at the worst possible time," says a senior official who admires both men for even considering the jobs.

Mr. Packard shrugs off such praise. He says simply that he came east because "this country has been good to me and I owe it something in return." Intimates add that, though not exactly bored by his business success, he also felt a need for new challenges.

He certainly didn't make the move for the $42,500 salary he now draws. The electronics firm he co-founded, Hewlett-Packard Co., has made him immensely rich, as shown by his resolution of an apparent conflict-of-interest problem before taking the Government assignment (Hewlett-Packard gets about 33% of its business from the Pentagon and defense contractors). First he signed away an annual income of $1 million, most of it to be divided among 16 educational institutions and hospitals. He also sold about $2 million worth of stock in companies that do defense business. And he put his Hewlett-Packard shares, worth $300 million at the time, into a unique trust to insure that he won't benefit from any capital gain while in Government service; when he departs, the trustees will sell off any excess stock above the $300 million figure and give the proceeds to the 16 institutions. (At yesterday's closing price for the stock, the value of this potential gift stood at over a million.)

A TOUGH SIDE

Despite such power and wealth, Dave Packard remains an unusually modest man with an easygoing manner that contrasts sharply with the style of some rather brusque predecessors.

"He's a sheep dog of a man," says one admiring general and the term seems apt—if not one used wisely in his presence. At six feet, five inches tall and 245 pounds, Dave Packard still looks like the football lineman he once was; an outdoor Western life has kept him in good shape at age 57, at least until the Pentagon job curtailed horseback vacations on his California ranch and raised his weight a bit. Adjectives friends often use about him might well fit a sheep dog: Friendly, likeable and relaxed.

But sheep dogs can bite. "Packard can be devastating if he decides your ideas are foolish or parochial," says an Air Force general. Subordinates say he seldom loses his cool but firmly stops debate once he has heard enough. "You haven't made a case—and that's that," he may say.

Recently a Navy official decided a Packard ruling against his service was wrong. At a follow-up meeting, he tried to reopen the subject but was quickly told, "We're not here to decide what to do; we're here to decide how to do it." The Navy man quickly shifted mental gears and helped draft plans for executing the decision.

Getting a more detailed account of any Pentagon meeting is difficult at best but a not entirely hypothetical session in Mr. Packard's spacious office might go something like this:

Assume the subject is a proposal for adding a complex new fire-control radar to the F15, a new Air Force fighter in early development stages. As Mr. Packard sits quietly, twirling a pencil or tugging at his eyebrows, an advocate tells how the new system will improve F15 fighting capabilities. Then a dissenter chimes in with his theory of why the system might not work, or at least might prove too costly.

About then, Mr. Packard says he doesn't see why the plane needs the equipment at all, let alone an improved model. After all,

what does it do? This throws the Air Force briefers off balance for a bit, until they explain the radar is for shooting down an enemy when the F15 pilot can't see—something apparently never yet accomplished in any air battle. If that's the case, continues Mr. Packard, why not use an existing radar; do we really need all these different things? The Air Force answer, of course, is yes—the expensive new system is needed.

DECENTRALIZING DECISIONS

But what characteristics prevent an existing model from being used, the deputy boss asks. A lengthy discussion ensues about actual versus theoretical performances of electronic gear. The upshot: The F15 will have a simpler, less expensive radar than originally proposed.

Despite such decisiveness at the top, the underlying change in Pentagon decision-making under the Laird-Packard regime is toward decentralization, reversing a trend started by Secretary McNamara in 1961.

Under the impatient Mr. McNamara, the then-quarreling armed services surrendered power to the Secretary's office, where most decisions about weapons, budgets and operations were made. One result was increased military grumbling about alleged civilian mistakes, especially in the Office of Systems Analysis, where the so-called whiz kids drew up programs and passed them on for older generals to put into effect. The generals also complained this office studied to death any good ideas they originated—"paralysis by analysis," in the critics' view.

Nowadays, the three armed services have more freedom to decide their own needs and objectives, subject to stringent reviews by Mr. Packard. With this authority has come extra responsibility; if mistakes are made, heads will roll, promises the Deputy Secretary. This means the military must do careful planning and justifying rather than simply send along costly shopping lists for new equipment and then hope for the best; the hard decisions must now be made by the services themselves.

"Centralization of management at the top is not realistic," says Mr. Packard, reflecting on the huge bureaucracy he now oversees. "Once we agree a program is good, we'll let the services run with the ball—but hold them responsible."

A related change is something called fiscal guidance. This means each of the three services gets a firm spending limit at the start of the annual budget process; if the Army wants more tanks, it must buy fewer helicopters or arrange similar trade-offs.

A MORE REALISTIC FIGURE

The McNamara system was quite different. The service chiefs were told to ask anything they deemed necessary to meet an enemy threat. The Secretary's office would make the final cuts and eliminate overlap in requests. But the services often compiled their want lists without thinking through national priorities or really analyzing their own requirements. A year ago the Joint Chiefs of Staff asked former Secretary Clark Clifford for $109 billion, an amount he trimmed to $80 billion. Such wholesale cutting naturally irritated the generals.

Under the Laird-Packard approach, the defense budget now in final drafting stages reportedly allotted the three services a maximum of $78 billion, plus $6 billion for centralized research, supply intelligence and other activities. Thus the initial plan for the fiscal year starting next July was a more realistic $84 billion (compared to last year's $109 billion) even before Messrs. Packard and Laird began whacking away at it. The final figure, Mr. Packard indicates, will actually be below $75 billion, and spending will stay there for several years to come despite inflation.

Fiscal guidance brings needed realism to the budget process, the generals say, though it means they can't even hope for giant new spending programs. "At least it's candid," says one.

Still, Mr. Packard can make dubious moves. He recently signed a memo that tries to banish "cost overrun" from the Pentagon vocabulary, contending the phrase has an "imprecise meaning." He suggested alternative terms, none of which indicate that cost increases ever result from military or contractor mistakes—the old self-righteous Pentagon line.

Despite this, many in Congress and elsewhere agree that Mr. Packard is actually taking a get-tough approach to contracting. Rightly or wrongly, critics contend the weapons industry has been allowed to produce substandard equipment behind schedules and for exorbitant prices. To a point, Mr. Packard concurs. He talks about overly complex equipment, contract revisions that jack up prices and other evils of the trade. In a blunt speech to business executives last spring, he warned:

"Neither the Department of Defense nor the Congress will continue to tolerate large cost overruns which relate to unrealistic pricing at the time of award, or to inadequate management of the job during the contract." He promises the Pentagon will no longer bail out companies that get into financial trouble because something has gone wrong with their profit plans.

Whether he can eliminate all such problems is doubtful. But some innovations indicate his attempt is serious. Defense contractors will now get progress payments only after meeting specified production or technical "milestones," rather than according to the calendar. The rule is: No satisfactory work, no pay. More competition, either for whole weapons systems or components, is being planned; this is the "fly before you buy" approach, with mass-production contracts going to those who make the best test models.

The Pentagon will also hold back large orders for certain weapons until prototypes perform up to fixed standards. For example, Lockheed Aircraft Co. now has a contract to build six sub-hunting jets for the Navy but won't get approval to build 193 operational models until the service is satisfied with these prototypes. If not, the company will be cut off.

Mr. Packard's straight talk to contractors is typical of the man, long-time acquaintances say. He has little use for equivocation, philosophizing or political rhetoric. When asked what the Nixon Administration meant when it talked about a "sufficiency" of nuclear arms, he replied: "It meant that's a good word to use in a speech. Beyond that, it doesn't mean a damned thing." He is an avid reader but never of fiction; one favorite tome for part-time rancher Packard discusses the nutritional value of various grasses. His conversation is studded with business and scientific terms that Pentagon generals understand.

But Mr. Packard is much more than a single-minded businessman. His devotion to civic and racial problems has been long and extensive. "Unlike most, he backs his convictions with time and hard cash," concedes a liberal Democratic Congressman who has little regard for Mr. Packard's more conservative political views.

During his nine years on the Palo Alto, Calif., school board, he selected one problem—overcrowding—and concentrated on organizing building plans and financing for new classrooms. The result: Palo Alto, unlike neighboring towns, had enough space when the full impact of rapid population growth hit.

NO EXCUSES

He also promoted black capitalism before it became fashionable and was an active member of the Urban Coalition, which deals with racial matters. This concern apparently has been transferred to the Pentagon. When a well-known general repeated excuses offered by Southern textile mills (which make uniforms) for not hiring more Negroes, Mr. Packard cut him off. Defense contractors must make extra efforts to train unskilled minorities, he stressed, and weak excuses won't be tolerated.

Mr. Packard's contribution to national security policy remains less clear. Some staffers from other agencies worry he may become a mouthpiece for the Joint Chiefs of Staff regarding Vietnam, the Soviet threat or other controversial matters. On some minor Vietnam questions, say disappointed officials, he has argued the Joint Chiefs' position tenaciously. But they admit having no idea whether he is a force for speeding or slowing the U.S. withdrawal from the war zone. Close friends suggest he is biding his time while still learning the broad strategy issues.

Mr. Packard treated his recent Vietnam visit as part of this educational process, sitting politely through mind-numbing briefings by Army men. But associates deny he came away brainwashed. During private sessions with Ambassador Ellsworth Bunker and U.S. Commander General Creighton Abrams, he seriously questioned some of their planning. He said the South Vietnamese seem to be getting, thanks to U.S. eagerness, an air force, weaponry and communications equipment too costly and sophisticated for their future needs, and he suggested revisions. He also took a skeptical view of the vast American logistics complex in Vietnam that the Army views with pride.

If Dave Packard proves a success in his Pentagon post, few old friends will be surprised. They say his life story is basically a chronology of success.

SKIPPING THE PARTIES

As a Stanford University student, he earned two engineering degrees and emerged Phi Beta Kappa. He was a football end, a basketball center and might have been an Olympics hurdler but for an injury. As a businessman, he and long-time partner William Hewlett turned a $538 joint bank account into the electronics firm that made their fortunes. And he became the youngest trustee and later the youngest board chairman in Stanford's history.

Much success springs from a rather single-minded devotion to the job at hand. "He even gardens that way," says his attractive wife, Lucile. Nowadays he works from about eight until eight at the office, six days a week and relaxes on Sunday by tending the spacious yard of his Washington home. Opportunities for hunting or riding, favorite pastimes in California, are now rare, though the Packards managed to spend Thanksgiving weekend on their ranch.

The Pentagon's new deputy has never had much time for the more genteel social life. The Packards avoid the Washington cocktail circuit. Seemingly endless dinner parties for assorted dignitaries are nearly mandatory, but Dave Packard does his best to avoid other social gatherings. "After a while you find that no one really misses you," he says.

The Pentagon offer came as a surprise, he says. Last December Mr. Laird asked him to break off a duck-hunting trip and come east to offer advice on various appointments. After an evening of Scotch and conversation in a Washington hotel room, the Laird question became "what about you?" Somewhat to his own surprise, Mr. Packard took the job. Mrs. Packard and others say the offer came when he was feeling ready for bigger challenges.

The challenges are certainly there. In contrast to his business days, Mr. Packard can now be overruled by seniors. ("Fortunately, Mel and I haven't had any serious differences," he says.) Moreover, the Defense Department is such a sprawling, unresponsive bureaucracy that continual frustration can become a fact of life. "You can make a decision today and not learn for three years if it was the right one," he says ruefully.

CHEMICAL WARFARE TEST CENTER, DUGWAY, UTAH

Mr. HATFIELD. Mr. President, yesterday, 200 workers were evacuated from the chemical warfare test center at Dugway, Utah, where a leak of GB nerve gas has occurred. This was the same site where a previous accident involving nerve gas killed 6,400 sheep. Last July, an accident involving nerve gas was reported in Okinawa. As a result of that incident, 24 people were hospitalized briefly. These are only the publicized accidents that have occurred involving these lethal chemical weapons.

Last week I learned that the Army planned to transfer the chemical warfare agents stored on Okinawa to the Umatilla Ordinance Depot in Hermiston, Oreg. These recent incidents, combined with the knowledge of the terrifying capabilities of nerve gas—small drops of which can be lethal in seconds—understandably have contributed to the alarm and distress expressed by the citizens of Oregon over this proposed shipment of poison gas.

I fail to understand how this portion of poison gas relates in any way to our national security. I do see vividly how it is contributing to the insecurity of Oregonians.

On December 6 I wrote to President Nixon asking him to destroy this small portion of our chemical warfare capability. In my judgment, such a step would in no way jeopardize our security, and would contribute positively to our standing throughout the world.

The people of our country were greatly encouraged by the President's initiatives setting forth new policies for chemical and biological warfare. But the people of Oregon cannot understand how those new policies can be reconciled with this proposed massive shipment of nerve gas into our State.

It was an accident on Okinawa which motivated the transfer of these agents. But Oregonians fail to understand why they should be subject to dangers that we are removing from the Okinawans.

During the past year, we have often been told by the Defense Department that we must protect ourselves against various remote, obscure, and unproven threats to our security. This is a classic example, of such a threat. Oregonians, including myself, cannot visualize the threat against which these specific chemical warfare agents are to protect us. But we can visualize the threat that they pose to us.

Today, I have written to Secretary Laird, further emphasizing the advisability of destroying these particular chemical warfare agents.

Similarly, I have been in close contact with the Under Secretary of the Army, Thaddeus R. Beal, regarding these plans. Finally, I have written Secretary Finch urging him to fulfill all the prerogatives and responsibilities that are given to him under the legislation recently signed into law regarding our chemical and biological warfare arsenal.

Mr. President, other members of the congressional delegations from Oregon and Washington have joined in expressing the anxiety and opposition of citizens throughout the Northwest. We do not wish to be a bastion of chemical warfare agents, whose necessity we cannot understand, and whose deadly capabilities only increase our apprehension and dismay.

I ask unanimous consent that letters to Secretary Finch, Secretary Laird and the President be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 11, 1969.

Hon. ROBERT FINCH,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: You have been informed, according to law, of the Army's plans to transfer chemical warfare agents from Okinawa to the Umatilla Army Depot in Hermiston, Oregon. As you know, Public Law 91–121 grants you the prerogative of having the Surgeon General, the Public Health Service, and other qualified individuals study thoroughly any possible dangers posed by such a shipment and make recommendations.

The citizens of Oregon have expressed to me their strong alarm, distress, and concern regarding this proposed shipment of chemical warfare agents. I fully share their sentiments. We are not convinced of the necessity of this action, and are gravely troubled by its possible dangers and adverse ramifications.

Yesterday, another accident involving nerve gas occurred at the Dugway Testing Grounds in Utah. We are all well acquainted with the previous history of the accidents at this site. Last July, the first reported and confirmed accident occurred with the nerve gas scheduled to be shipped to Oregon. Naturally, these events have increased our apprehension.

In light of the intensified concern of citizens throughout the Northwest, I would urge you to take all possible steps to safeguard the health and welfare of our nation in this case.

I believe it would be in the true spirit of the recent legislation for you to conduct the most thorough, comprehensive study of this proposed transfer of chemical agents, taking whatever time is required. No shipment should be made until such a study is completed.

It was the intent of that legislation for the Secretary of Health, Education, and Welfare to assume broad power and authority over the safe transportation of chemical warfare agents. Since this is the first case after the enactment of this law, it is my firm hope that you will aggressively fulfill its spirit and intent to the fullest possible extent.

I cannot urge upon you strongly enough the depth of my personal concern and the distress of my constituents over this proposed transfer of chemical warfare agents.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

U.S. SENATE,
Washington, D.C., December 11, 1969.

Hon. MELVIN LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MEL: As you are aware, the Army has announced plans to ship the chemical warfare agents presently on Okinawa to the Umatilla Army Depot in Hermiston, Oregon. This has caused me the deepest concern, and citizens from throughout Oregon have expressed their deep opposition to this proposal. We fail to understand how the possession and shipment of these nerve gases is necessary to our security. Further, the accidental leak of nerve gas at Dugway Testing grounds in Utah yesterday, as well as the accident on Okinawa last July, only deepen our apprehension and alarm.

I have called upon the President to destroy the chemical agents stockpiled in Okinawa. It is my judgment that this would be far more in the spirit of the recent initiatives the Administration has taken in this area. It is my deep hope that you might recommend this course of action.

Enclosed is a copy of my letter to the President as well as my letter to Under Secretary of the Army, Thaddeus R. Beal, with whom I have spoken personally concerning this matter. They further indicate my convictions.

I am doing more than re-echoing the fervent and nearly universal feelings of the citizens in my state. This is a matter of my deepest personal concern. I am convinced that the possession of the nerve gas presently on Okinawa is not essential, and believe this proposed transfer to be a tragic mistake. Please review this decision and consider ordering the disposal of these chemical warfare agents.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

U.S. SENATE,
Washington, D.C., December 6, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On November 25 you set forth a policy of courage, sensibility and great historic merit regarding our chemical and biological defense programs. I strongly commended your position, stating on the floor of the Senate that same day, "I have for some time believed that our stockpiling efforts should be greatly reduced in both of these areas. . . . I praise this announcement as a giant step in the right direction." Your announcement, I believe, gave great hope to the citizens of our country, as well as to people throughout the world, who do not understand why these dangerous and inhumane weapons should be kept in such massive quantities by a nation possessing our ideals.

Recently I was informed of plans to transfer a large quantity of chemical warfare weapons from Okinawa to the Umatilla Army Depot in Hermiston, Oregon. The Undersecretary of the Army and other officials have briefed me concerning the need and arrangements for this transfer. I remain deeply concerned and distressed regarding these plans, however, and have voiced my opposition to the Secretary of the Army.

The dangers of transport, particularly by rail, of such materials have been noted by many in the past, including an advisory panel of the National Academy of Sciences appointed at the request of the Defense Department. More important, however, is that I fail to see how stockpiling of these weapons, particularly in such proposed amounts in Umatilla, is vital to our security and supportive of your Administration's new policies in this area.

Now that every major power and more than 60 nations have agreed to never initiate the use of chemicals and biological agents, and in view of the hopes raised by your new policies, I believe you could create deep confidence in your initiatives and build a position of true world leadership and respect by ordering the destruction of the chemical weapons stockpiled in Okinawa. Such a step would be applauded by the peoples of Asia, by our own citizens, and would be a firm demonstration of our hope to eliminate the need of such dire weapons whose only military use is the massive destruction of human life. All this could be initiated with the elimination of only a very small portion of our more than sufficient stockpiles of these materials.

My deep concern over this matter reflects the strong views of the citizens of the State of Oregon. We are proud to participate in

the defense of our Nation, but have little desire to become a bastion of chemical warfare weapons whose necessity we cannot understand and whose terrifying capabilities only increase our apprehension and distress.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

TAX REFORM—FEDERAL INTEREST SUDSIDY FOR STATE AND LOCAL GOVERNMENT BONDS

Mr. KENNEDY. Mr. President, one of the first actions by the Committee on Finance in its executive sessions on the tax reform bill was to eliminate the aspects of three major provisions in the House-passed bill that affected the tax-free status of State and local government bonds—that is, the minimum tax, the allocation of deductions, and the Federal interest subsidy provision for State and local governments willing to issue taxable bonds.

The committee's action was in response to the unanimous opposition to the House bill by virtually every Governor and mayor across the Nation. Because of that opposition, no effort at all was made to restore the House provisions during the debate on the Senate floor, and the bill reported by the Finance Committee passed the Senate unchanged with respect to these provisions.

Although there was considerable merit to the arguments raised against the minimum tax and allocation of deductions provisions as they affected State and local bonds, I believe that there was far less merit to the opposition to the Federal interest subsidy provision.

In the current issue of Tax Policy, which has just come to my attention, Prof. Stanley Surrey of the Harvard Law School analyzes in detail the arguments made against the Federal subsidy and shows that the merits of the subsidy were seriously misrepresented by its opponents. He concludes that, far from exacerbating the current fiscal crisis of State and local governments, the interest subsidy in the House bill would have very real advantages over the present system.

Mr. President, I believe that Professor Surrey's article will be of interest to all of us who are concerned with this problem. I ask unanimous consent that it be printed in the RECORD, and I am hopeful that the conferees of the Finance Committee and the Ways and Means Committee will give careful consideration to preserving this innovative part of the House bill.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TAX TREATMENT OF STATE AND LOCAL GOVERNMENT OBLIGATIONS—SOME FURTHER OBSERVATIONS*

(By Stanley S. Surrey)

I have been asked to provide some further observations on the tax treatment of state and local governmental obligations in light of Patrick Healy's discussion of this subject entitled "The Assault on Tax-Exempt Bonds." This discussion by Mr. Healy is mirrored in large part by the testimony recently presented by governors, mayors, county officials, investment bankers, and others before the Senate Committee on Finance in support of the status quo in this area.

THE PROBLEM

In a previous discussion I had indicated that the status quo—federal income tax exemption of the interest on state and local obligations—was inherently unstable because it presented problems for both the federal government and for state and local governments. I pointed out that the future would place great demands on state and local governments for funds to meet their needs. As a consequence, there could be a very large increase in the issuance of tax-exempt bonds to meet the demand for funds, and the increase estimated by the Joint Economic Committee in 1966 might be on the low side compared with a possible 10 per cent rate. I then pointed out that the tax exemption feature relied on by these governments to market their bonds could prove in the end self-defeating since its use automatically narrowed the market for the bonds. The exemption—and consequent lower interest rate—excluded as buyers the federally tax-exempt institutions, such as pension plans, educational institutions, and charitable organizations. Indeed, it also almost entirely prevented state and local pension plans and other such governmental holders of securities from buying these obligations. It also excluded pretty much most lower- and middle-bracket individuals, since the benefits of tax exemption would not for them offset the lower interest rates.

The consequent squeeze—large capital demands and a narrowed market—would, I suggested, force these governments to raise their interest rates to attract more buyers. This would, of course, increase their costs. It would also enlarge the present tax inequity inherent in these bonds when viewed from the perspective of the federal income tax. The increase in exempt interest rates would both constitute a further windfall to the upper-bracket individuals and the organizations, such as banks, who now buy these bonds, and bring in still more holders who would gain an advantage through tax exemption as the interest rates on the bonds rose.

This process would underline the wastage and inefficiency that now exists through using the mechanism of tax exemption to provide federal assistance to state and local governments. The revenue loss to the federal government is already far in excess of the interest savings to state and local governments. Using Treasury Department data, the revenue loss was estimated at $2.63 billion and the interest savings at $1.86 billion.[1] The present mechanism thus involves a wastage of about $800 million—a sort of special commission paid gratuitously to the intermediaries who enjoy the privilege of tax exemption. In the future if, as is quite likely, interest rates on these bonds are to rise relative to taxable bonds, this wastage would increase and the mechanism thus become more and more inefficient.

I suggested the solution lay in devising new financial techniques for the future. Among the techniques suggested was the optional use of state and local government *taxable* bonds with the federal government subsidizing a part of the interest cost. Another suggestion was for a central institution, such as a Development Bank, to issue its taxable bonds for funds which it could relend at subsidized interest rates to state and local governments. The treatment of existing bonds was discussed in terms of the windfall element that would be involved if in the future taxable bonds were to be issued by these governments. Possible solutions considered involved the minimum income tax and allocation of deductions proposals to cover this and other tax preferences and the suggestion by others that outstanding bonds be made fully taxable combined with an offer by the federal government to exchange its bonds for those outstanding bonds.

IS THERE AGREEMENT ON THE PROBLEM?

Mr. Healy chose to characterize this discussion of a serious problem and its possible solutions as "The Assault on Tax-Exempt Bonds." I regard this attempt at the dramatic to be wide of the mark and not descriptive of an effort to meet what many besides myself regard as a serious problem. Indeed, the Committee on Ways and Means of the House of Representatives took much the same view of the seriousness of the matter as I did, and included in its tax reform bill (H.R. 13270) a solution quite similar to that suggested in my discussion. I would prefer to think that they too saw themselves engaged in trying to solve a serious current problem combining aspects of state and local financial needs, intergovernmental relations, and the equity of the federal income tax, and that they did not consider themselves engaged in an assault on tax-exempt bonds.

Is it seriously being contended that the Committee was wrong and there is no problem? Indeed, half of Mr. Healy's discussion is devoted to picking at the edges of the problem, as posed by the Committee and in my discussion, in an effort to make the problem go away. But I doubt that his heart is really involved in the task.

As to *the future rate of growth of state and local issues,* he states that I may have overestimated the growth and says that actual issues, after subtracting industrial development bonds in 1967 and 1968, are increasing at about an 8.7 per cent rate, a little behind the Joint Economic Committee estimate. His figure may however overcompensate for the effect of industrial development bonds, which he subtracts in obtaining actual issues, since the flood of those bonds did cause some regular issues to be sidetracked and hence a full subtraction would seem to be too high. Also, the pace of the issuance of state and local bonds in the last few years has involved a lag due to the prevailing conditions in our money markets and the consequent high interest rates. Further, the JEC estimates could not take account of the serious inflationary aspects of the current period and beyond, with cost levels higher than anticipated—as Mr. Healy recognizes. Also, the Urban Institute has noted that a rate of growth consistent with the JEC projection would leave us short of the quality of public services we need.[2]

As I said earlier, I doubt that Mr. Healy believes this aspect of the problem can be wished away, for he hedges his quarrel by conceding there could well be a problem, in these words:

"What we need above all is the careful and painstaking approach manifested in the 1966 Joint Economic Committee study, certainly a landmark in the field. True, some of the assumptions underlying that pioneering study may need to be re-examined and possibly revised in the light of recent inflationary economic experience. A diversity of views exists among economists as to whether a substantial increase in state and local government financing in the period ending in 1975 will be experienced and whether adequate investment funds will be available to meet these needs. Certainly the potential market behavior of the commercial banks during this period is of the utmost importance, since they are the major buyers of state and local government securities. . . ."

As to the *probable rise in state and local interest rates* relative to corporate bonds of comparable quality, where I presented alternative projections using 70 per cent, 75 per cent, and 80 per cent (and a possible high of 87 per cent if the commercial bank market turns unfavorable), Mr. Healy hardly seems

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in basic disagreement. For he does note that while the ratio remained at 70 per cent for some time, it did go in recent years to 75 per cent—and even above 80 per cent very recently. The state and local governments, as does Mr. Healy, attribute this last dramatic rise to the presence of the tax reform bill. But rarely do they mention the fact that commercial banks have been net sellers of these bonds in this year. Mr. Healy does add his belief that if the inflationary situation cools the ratio should stabilize again at 70 per cent. But it is interesting to observe that the only witnesses before the Senate Finance Committee not associated with state and local governments and the investment banking fraternity, and hence not having a given institutional position on the matter, who commented on this point did conclude that a serious situation existed which could cause the ratio to rise:

1. The debt of state and local government is now in excess of $140 billion and has been projected to grow at a faster rate than the aggregate economy through 1975. The market for tax-exempt bonds is largely limited to commercial banks and a few wealthy individuals whose assets are not likely to grow as rapidly as the economy. Many states are now paying over six percent interest on new issues of municipal securities and at these historic rates are unable to find buyers for about half of the normal volume of new issues.

2. The current crisis is likely to continue owing to:

(a) A much slower growth in the money supply which will force banks to ration credit more carefully.

(b) A preference on the part of banks for business loans as opposed to investment in municipal bonds.

(c) Possible changes in our tax laws which will reduce the cash flow of corporations and financial institutions, and

(d) A tremendous pent up demand for credit to provide housing, automobiles and consumer durables, a maturing baby boom and the returning G.I.'s from Vietnam.[3]

The unaligned witnesses do recognize the extreme weaknesses in the present situation, with the state and local governments do dependent on the commercial banks. In recent years their purchases have ranged from 90 per cent to 90 per cent of new issues. When conditions cause these banks to reduce their purchases, where can the state and local governments really turn when their only selling point is tax exemption? As the Urban Institute has said:

It is desirable to broaden the market for state and local securities from two points of view:

(1) to develop new sources of financing beyond what present financial institutions can provide so as to allow a faster growth in the rate of public facility construction;

(2) to move away from the present heavy reliance on commercial bank resources which display a high volatility in response to changes in financial market conditions.[4]

As to the *tax equality question*, Mr. Healy also halfheartedly attempts to wish this aspect away by trying to ascertain just where the tax exemption ranks in the hierarchy of tax preferences for individuals—he would place it fourth or fifth and not second or third. The precise ranking is not the heart of the matter. No serious student of the subject has doubted the effect of tax exemption on tax equity. Efforts of witnesses from state and local governments also to wish the problem away, by saying that some of the present holders are in low brackets—and are even school teachers—and that upper-income taxpayers receive only a small percentage of their income from this source (only 18 percent of those over $315,000 derived as much as 10 per cent), simply disregard data showing that for individuals 57.5 per cent of the interest is received by those with adjusted gross incomes of $73,000 and above, and 82.6 per cent by those with incomes of $31,000 and above.[5]

I think it is fair to conclude that a problem does exist, both of a financial nature for state and local governments and of a tax equity nature for the federal government, and that the Ways and Means Committee did not invent the problem.

CONSEQUENCES OF FEDERAL TAXATION

Mr. Healy does warm to the task when he moves on to the consequences of a federal income tax on state and local bond interest. One point he urges relates to *the constitutional issue*, and he refers here to the briefs presented by adherents of state and local governments. He also refers to the Treasury Department's current comments before the congressional committees—shall I say melancholy comments—to the effect that constitutional issues are involved. Debate will not answer this question, for it must rest with the Supreme Court. But on the written record at the federal level there are outstanding detailed legal opinions of the Department of Justice and the Treasury Department that taxation of the interest on state and local obligations is constitutional. We have not been presented with any detailed legal opinion of these Departments affirmatively and officially holding a contrary view. On this state of the record, I think it is certainly proper to let the question be presented to the Supreme Court.

Let us move on to the other aspect of taxation of state and local bond interest, that of *increased interest costs* to state and local governments. It is here that Mr. Healy really starts, for his opening paragraphs portray the "alarming prospect" of increased state and local taxes to meet the higher interest costs. Indeed, practically all of the recent testimony before the Senate Finance Committee is a litany of the dire consequences of the rise in the interest costs. But in a very real sense all of this testimony was not responsive to the issue before the committee. It was as if one were to discuss a performance of Hamlet in which Hamlet never appeared.

If all that were involved in a solution to the problem we have been discussing were federal taxation of state and local bond interest, then of course these governments would have increased financial costs and they would need higher taxes to meet them. For we saw earlier that the present system of tax exemption involves annually about $1.86 billion in lower interest costs as a result of the exemption, and under a taxable approach this assistance would disappear. It is useless to debate in detail just how serious this added interest cost would be and which governor or mayor is the most objective in discussing the consequences. No one denies the serious effects of that step.

But that step is *not* the House bill. And that is *not* all that in involved.

The House bill did not even involve full taxation of the interest, but only subjected it to a minimum tax and an allocation of deductions. The governors and mayors said that investors would equate these steps to full taxation—since they would conjecture that the next step could be such full taxation—and that the rise in interest costs would thus approach a level consequent upon full taxation. Maybe yes, maybe no. But again that is not the issue.

ALTERNATIVE SUBSIDY SOLUTION OF HOUSE BILL

The House bill went on to provide an alternative solution under which the federal government would directly compensate the state and local governments for the rise in interest costs. Many witnesses before the Senate Finance Committee simply chose to overlook this alternative. Others simply mentioned it but then refused to say why it would not work. Those few who did recognize it was there and should be dealt with, generally chose to misread it or distort it.

But Mr. Healy knows the alternative solution is there. And, at this point, his discussion takes a different turn. Indeed, he comes very close to embracing the solution. He first sees the need for an alternative solution, and here acknowledges we do have "our problem" with us:

"Alternatives for capital financing should be viewed constructively, States and localities have utilized a relatively stable source of capital funds in the past and will continue to depend upon the tax-exempt bond market in the future for an adequate supply of capital funds. While evidence suggests that this source will continue to meet the foreseeable needs of states and localities, it is the only source of capital financing available aside from the luxurious pay-as-you-go method."

He then really finds no difficulty with the alternative solution, except that it may not mean a net revenue gain for the Treasury.

Just what is the solution in the House bill? Under that bill if a state or local government *elected* to issue a *taxable bond*, the Treasury is required to pay periodically to the issuing government, as interest payments fall due, from 30 per cent to 40 per cent of the interest payment (from 25 per cent to 40 per cent in years after 1974). The Secretary of the Treasury is to proclaim the percentage for each quarter. The percentage in effect when the bond is issued is applicable throughout its life. The federal share of the interest can be represented by a separate coupon—hence the term "dual coupon bonds" is often used to describe the situation. There would be a permanent legislative appropriation to cover the cost of the subsidy, of the same character as the appropriation applicable to interest on federal bonds.

This alternative would appear entirely to be federal aid with no detriment to the state and local governments and indeed it was so intended by the Ways and Means Committee. It would appear to meet the criteria Mr. Healy says are applicable to test any proposed alternative system:

1. First, it must preserve the present federal system and protect the state and local governments from federal domination.

2. The state and local governments must preserve their freedom to act, independent of federal control, on matters of purely state and local concern.

3. Any federal subsidy must be at least as generous as the present financing advantage which the states and municipalities enjoy by virtue of tax exemption.

4. The federal government's obligation to provide a subsidy in lieu of tax exemption must be automatic and irrevocable.

5. The states and municipalities must have unrestricted access, at their own option, to both tax-exempt and taxable markets.

6. Financing procedures must not be subject to delay by federal red tape which might make state and local governments miss their best markets or involve them in increased capital costs as construction costs keep rising.

This being so, on what ground can there be valid objection to the House alternative? A reading of Mr. Healy's article, and indeed of all the testimony submitted to the Senate Finance Committee, leaves one with the clear impression that Mr. Healy and those who attacked the House bill have yet to find a valid ground. Indeed, based on Mr. Healy's article, I am not at all clear that he really objects to the House alternative. Let us look at some of the points those witnesses and Mr. Healy raise:

There is the *argument of "control."* Thus Governor Rockefeller of New York told the Senate Finance Committee:

Such a subsidy scheme, however, would give to the Federal government a dangerous degree of control of state and local bond financing. For Federal approval of a bond issue

would be necessary in order for that issue to win a Federal subsidy.[6]

Yet there is no provision or authority for control in the House bill. The payment is to be automatic without regard to the purpose of the bond or the credit of the issuing government.[7] The House Committee Report makes the aspect clear:

"These provisions of the bill are entirely elective; if the issuer elects that the issue shall not be tax-exempt, the fixed percentage subsidy follows automatically. There is no review of the advisability of the local project or the issuer's ability to pay." (173.)

Others, who read the provision more closely, had to resort to the *"next step" argument*. As put by Mayor Davis of Kansas City, Missouri, that is:

"We are aware that a proposal has been made to temper this result by giving a subsidy by the federal government for the additional interest costs which would result from the taxation of municipal bond interest. This proposal does not appear to be sound. We feel that if the federal government starts paying some substantial share of the interest on municipal debt that the next step would be for the federal government to exercise control over the issuance of that debt. History tells us that the man who pays the fiddler calls the tune, and certainly it should not be unexpected for the federal government to step in and attempt to exercise some control over the amount, the purpose, and the type of debt instrument that might be issued by local government if the federal government were paying part of the interest cost." [8]

But again, the question is *this* legislation, not conjectured fears. Moreover, the argument overlooks that the federal government has been "paying the fiddler" all along—what else does tax exemption mean but loss of federal tax revenue?

There is the *argument of "termination."* Thus, Mayor Tate of Philadelphia stated:

"[The subsidy is completely at the mercy of Congress and may be curtailed and indeed eliminated at any time. The end result will be a debilitating loss of independence by state and local governments over their financial affairs, and ultimate fiscal subservience to the vagaries of an over-centralized federal bureaucracy concerned only incidentally with matters of vital local concern." [9]

Again, the question is *this* legislation and not some possible change in the future. And certainly under this legislation once a bond were issued, a contract would be involved and the subsidy would have to continue for that bond. As to unissued future bonds, it can be equally argued that tax exemption itself, as a legislative matter, can also be ended at any time. Indeed, it can be ended as to existing bonds if Congress so desires since here no contract of exemption exists. I wonder how many governors or mayors really believe the perpetuation of the present exemption is anything more than a legislative matter—how many would really settle for letting the Supreme Court decide the issue, winner take all? It is argued by others that if the House bill provision were ever to terminate, the issuing governments would not have a marketing structure at hand to again market their exempt bonds. But can it really be doubted that the investment community would quickly produce that structure?

There is the *argument of the "possible lower subsidy"* in that the Secretary could at some time use the lower range of the House bill and only authorize a 25 per cent subsidy which might not give enough assistance.[10] If this is a real concern, the constructive suggestion is to change the House provision to authorize a flat 40 per cent payment. Indeed, in the House debate on the bill, Congressman Ullman, the original sponsor of the provision, stated that he understood the Treasury would offer before the Senate Finance Committee an amendment to fix the percentage at 40 per cent and that he favored this step. He said:

"I would prefer a fixed percentage range for the Federal interest payment and I am pleased now with the decision of the Treasury—that was announced by Chairman Mills before the Rules Committee Tuesday—to recommend to the Senate that the permanent Federal contribution be a flat 40-percent differential.

"When there is a balance of demand and supply of money in the credit markets, the interest differential between tax-exempt and taxable bonds tends to be about 20 to 30 percent. A flat 40-percent rate will recognize the need to make funds available to the States and municipalities at reasonable rates of interest." [11]

There is the *argument of cost to the Treasury*. Mr. Healy seems to make this his sole argument—that at certain subsidy levels and certain assumed marginal income rates applicable to the taxable bonds, the federal government would be paying more in subsidy than it received in revenue from taxing the taxable bonds. Other witnesses have used this approach, and they find a loss to the Treasury by estimating a marginal tax rate on taxable bonds at 25 percent or less.[12]

The Treasury data and the Ways and Means Committee Report are to the contrary, for their estimates show, as stated earlier, a present wide gap between what would be the revenue if the outstanding bonds were taxable and the assistance presently being received by state and local governments—the difference between the $2.63 billion of revenue lost and the $1.86 billion of assistance to state and local governments.[13] The Treasury has been using an estimated average marginal tax rate of 45 per cent applicable to taxable state and local bonds. On this basis, the subsidy could go to 45 per cent of the interest without loss to the Treasury Department.[14]

But for the moment assume some loss—for the sake of argument since I would accept the Treasury data. Why does that loss mean the provision is inadvisable? The federal government is now paying $25 billion annually in grants to state and local governments. Those governments are seeking further federal funds through revenue sharing and other approaches. In this light, why is a "loss" to the federal government an argument against the House alternative—isn't revenue sharing, aren't grants, a "loss"? [15]

One witness put the answer this way:

"In recognition of the above result it is proposed to provide a subsidy of 25 percent to 40 percent of municipalities' interest cost through a dual coupon arrangement or through a federally sponsored "Urbank" or "Metro Bank." And, it is said, there shall be no federal review of the advisability of a project or the community's ability to repay the bonds.

"This is incredible. Congress has often deplored open end, back door, massive financing programs over which it has no control. Notwithstanding the language of the Bill, almost certainly some controls will be and should be imposed. For example, would Congress stand for federal financing of segregated schools, municipal liquor stores, ill advised medical facilities, a municipal or state *owned and operated* commercial enterprise? Would local government be able to finance projects not otherwise subject to the Davis-Bacon Act?

"Ultimately there would have to be some federal control. This would mean the destiny of local government would fall to a federal dependency, that local initiative, which has accomplished so much, will degenerate into a begging for federal handouts." [16]

In a similar vein, another witness said:

"If the House committee's assurance that 'there is no review of the advisability of the local project or of the issuer's ability to pay' really comes true, then the consequences will be that local governing bodies can and will commit the federal treasury to incur long-term debt service obligations, with a consequent increase in burdens on the federal taxpayer, without review or concurrence by Congress or by any federal executive agency. It is totally unsound to vest in local governments the power to appropriate federal money. Such is the effect of this proposal."

More likely, the House committee's assurance against federal review of the advisability of the local project or of the issuer's ability to pay will not last very long. A taxpayer's revolt would be a certainty, if billions were added each year to the long-term federal debt loan by non-reviewable decisions of local governments. The alternative would be a super P.W.A. of federal agencies to review the desirability of each of several thousand local projects each year, and the capacity of their sponsors to pay for them. Local decisions, now policed by the marketplace, would become national decisions, controlled by the policies and politics of distant federal administrators.[17]

These views are curious indeed, for the alleged characteristics of the House alternative are of course equally applicable to the present tax exemption. Hasn't any state or locality an open-ended, no-questions-asked, call on the Treasury Department today? Isn't tax exemption "an open end, back door, massive financing program over which it [Congress] has no control"? Do not "local governments" through tax exemption have "the power to appropriate federal money"? Isn't the only difference between the present situation and the alternative solution so far as this aspect is concerned that the present revenue loss does not directly appear in the federal budget but the subsidy would? Are the states and local governments arguing that the present hidden subsidy would not stand the light of day? I hope they are not saying this, for then they would indeed be taking a devious approach to federal-state relationships.

There is the *argument of transitional problems*. Thus, some states would have to authorize their municipalities to issue taxable bonds and perhaps authorize interest rates above current ceilings if the dual coupon system did not solve this latter aspect. But the obstacles pointed to by the witnesses seem to reflect the responses of technicians to the question, "Tell me why it won't work." Experience informs us that the same technicians would respond with innovation and imagination in quite a different way if the question were put, "Tell me the best and quickest way to put this solution into operation." For example, some have suggested, to meet the problem small communities might face in issuing taxable bonds, the formation of a state-wide development authority to issue its taxable bonds for the particular state and its municipalities, with funds then lent by the authority to those governments at subsidized rates, thus securing the marketing advantages of centralized borrowing.

A review of the arguments presented thus gives the appearance of much makeweight and searched-for debating points. In many respects the witnesses are criticizing not the House alternative but some other "strawman" plan they create for the purpose of criticism. All of the objections seem pale indeed alongside the real advantages inherent in the House alternative. These advantages do show through despite the monolithic institutional approach to the situation. Thus, witnesses before the Senate Finance Committee do say that at a 40 per cent subsidy level there would be very few tax-exempt bonds issued hereafter, which must mean that the

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House alternative of elective taxable bonds means lowered interest costs and hence a cheaper route for state and local governments.[18] Mr. Healy himself seems to believe this to be the likely result. Indeed, how could it be otherwise given the mathematics of the situation?

Interest rates on tax-exempt bonds are at an average ratio of 70–75 per cent of the interest obtaining on comparable corporate bonds. A federal subsidy at 40 per cent of the interest is a distinct monetary gain to state and local governments. In essence, the House alternative removes the inefficiency and wastage in the present system by paying to state and local governments most of the "commission" that now goes to the buyers of tax-exempt bonds—the difference between $2.63 billion of revenue lost and the $1.86 billion of interest assistance. There is no reason at all to have this excess go to the buyers of these bonds. The House alternative distributes most of it to state and local governments, thus increasing the assistance they are presently receiving.

Other witnesses have pointed to the new markets that would be opened for state and local securities once their interest rates were taxable and hence competitive with corporate bonds. For example, there would be the new market of state and local governments themselves through their pension and trust funds.[19] Today, quite wisely, these funds scarcely invest in state and local tax-exempt securities because of the lower interest rates.

The testimony of one witness, the Director of Finance for Honolulu, has the stamp of realism:

"In its general form, the proposed new bond contains some very attractive features. First, its use is optional on the part of the state or local government, and the governmental unit that issues it does so without giving up its right to issue also the traditional municipal bond.

"Second, since the bond is taxable, it will sell at interest yields comparable to other bonds and will thus give the state and local governments access to the investment funds held by institutions that do not now invest in municipal bonds.

"Finally, this bond would be marked in the usual way, utilizing the already-existing machinery of private financial services." [20]

There are thus real, positive advantages to state and local governments in the House alternative solution. This is not so strange since the essence of the House solution was really suggested by the governors themselves to the Ways and Means Committee.[21]

In sum, it is very difficult to see how the states and local governments could lose under the House alternative approach, and they have much to gain.[22]

EXISTING BONDS

Let us assume that the House alternative approach were to become law and the Secretary of the Treasury were to announce a 40 per cent subsidy. It is quite possible, as indicated above, that most future issues of state and local securities would be on a taxable basis after a short period of transition, because that course would mean genuine savings to state and local governments. As a consequence, the presently outstanding state and local securities would experience a rise in value, since they would become relatively scarce, with few new tax-exempt bonds being issued. Windfall gains would thus be received by existing holders, compared to what their position would be if all future issues were to continue on a tax-exempt basis. This has been the assumption in the past studies of this point.[23]

It would seem that subjecting tax-exempt interest, on existing and future issues, to a minimum tax and to allocation of deductions would not be an inappropriate offset to these windfall opportunities. Such treatment, moreover, could not adversely affect the issuing governments, since by hypothesis they would be issuing taxable bonds in the future and the rate on these bonds would be set by the market conditions affecting taxable bonds. The concerns expressed in the Senate testimony, that the subjection of existing bonds to the minimum tax and allocation of deductions proposals would raise the rate on future tax-exempt bonds, would thus really be unfounded. Any tax-exempt bonds issued in the future would face a ceiling rate that reflected the impact of the 40 per cent subsidy on taxable bonds.[24] The rate on any future bonds issued on a tax-exempt basis would thus be affected far more by the scarceness of tax-exempt bonds and the ceiling effect of the subsidy on taxable bonds than by the influence of the minimum tax and the allocation proposal.

Finally, if the state and local governments do worry about what would happen to their tax-exempt route if the subsidy arrangement were to be terminated at some future date, it could now be provided that tax-exempt bonds issued after such termination would not be subject to a minimum tax or allocation of deductions. Further, if the worry relates to the transitional period, it could now be provided that the minimum tax and allocation of deductions would not apply to tax-exempt bond interest until the Secretary were to certify that 50 percent of the new obligations were being issued on a taxable basis. And if the reply is that future Congresses could upset these arrangements, the answer is that future Congresses can end tax exemption also. But a better answer is that the Ways and Means Committee and the House are genuinely seeking a solution to an existing serious problem and are doing so in good faith. It seems really pointless to assume that the Congress, made up of elected representatives from the states, will act in bad faith to injure those states.

CONCLUSION

The alternative solution proposed by the House thus possesses genuine advantages to state and local governments. It recognizes that the present situation is inherently unstable, for it offers only future financing difficulties for state and local governments and future intensification of tax inequity for the federal government. If the solution can be improved, then the constructive course is to improve it. It is, therefore, to be hoped that sober second thoughts will take hold among the state and local officials and that they will approach the solution in a more reflective manner. I believe this is possible, for I prefer to consider that these officials are really desirous of a more stable and effective solution than the status quo.

FOOTNOTES

* EDITOR'S NOTE: The May-June issue of TAX POLICY contained an article on "Federal Income Taxation of State and Local Government Obligations" by Professor Stanley S. Surrey, Harvard Law School, and formerly Assistant Secretary of the Treasury. The July-August issue contained a reply. "The Assault on Tax-Exempt Bonds," by Patrick Healy, Executive Vice President, National League of Cities.

A reply by Mr. Healy to this article will appear in the next issue of TAX POLICY.

[1] The $2.63 billion is the amount of federal income tax that would be obtained on $124 billion of outstanding bonds, assuming that as taxable bonds they had an average interest rate of 4.72 per cent (instead of the actual average of about 3.22 per cent) and the average federal tax rate on that interest would be 45 per cent. The $1.86 billion is the result of the difference between the above average interest rates.

[2] See testimony of Mayor Louie Welch of Houston, Texas, before Senate Finance Committee, Attachment 2, September 23, 1969.

[3] Statement of Professors Edward Renshaw and Donald Reeb, Graduate School of Public Affairs and Department of Economics of State University of New York at Albany, September 23, 1969.

[4] See *op. cit.* footnote 2.

[5] See Exhibit 5 in Statement of Investment Bankers Association before Senate Finance Committee, September 24, 1969, using data from Benjamin A. Okner, *Income Distribution and the Federal Income Tax,* Ann Arbor: University of Michigan Institute of Public Administration, 1966, p. 83. See also American Bar Foundation, *Studies in Substantive Tax Reform,* Chicago, 1969, p. 35 (60 per cent of the interest is received by those with adjusted gross income of $50,000 and over).

[6] Statement of Governor Nelson A. Rockefeller, Senate Finance Committee, September 25, 1969.

[7] While industrial development and arbitrage bonds are not eligible, this classification does not involve "control" nor does it differ from present law which does not grant a tax-exempt status to such bonds.

[8] Statement of Mayor Ilus W. Davis, Kansas City, Missouri, Senate Finance Committee, September 23, 1969.

[9] Statement of Mayor James H. J. Tate of Philadelphia, Pennsylvania, Senate Finance Committee, September 23, 1969.

[10] Statement of C. Beverly Briley, Mayor of Nashville, Tennessee, President, National League of Cities, Senate Finance Committee, September 23, 1969.

[11] *Congressional Record,* August 7, 1969, p. 22745.

[12] See for examples, statements before the Senate Finance Committee of Governor Rockefeller of New York, September 25, 1969; of Mayor Welch of Houston, Texas, September 23, 1969; of Investment Bankers Association, September 24, 1969.

[13] Previous studies are to the same general effect, i.e., a substantial difference exists as between the revenue lost and the assistance to state and local government, e.g., David J. Ott and Allan A. Meltzer, *Federal Tax Treatment of State and Local Securities,* Washington: The Brookings Institute, 1963.

[14] See also position of the Urban Institute Attachment 3 to Statement of Mayor Welch, note 12 above.

[15] Some witnesses have said—Investment Bankers Association, note 12 above—that the House alternative might cause interest rates generally to rise. Maybe yes, maybe no, and in any event this is presumably an aspect of a possible increased flow to equities with which all issuers of fixed obligations will have to reckon. But why is this an obstacle to the solution? When the federal government made its own bonds taxable for reasons of tax equity, it was willing to accept an effect on its interest costs and presumably other rates.

[16] Statement of Ehlers and Associates, Inc., Financial Consultants, Minneapolis, Minnesota, Senate Finance Committee, September 23, 1969.

[17] Statement of Northcutt Ely, General Counsel, American Public Power Association, Senate Finance Committee, September 24, 1969.

[18] See Statement of Mayor Briley on behalf of National League of Cities, note 10 above.

[19] Statement of Professors Renshaw and Reeb, note 3 above; Urban Institute, Attachments 1 and 3 of Statement of Mayor Welch, note 12 above.

[20] Statement of William Summers Johnson, Director of Finance City and County of Honolulu, Hawaii, Senate Finance Committee, September 24, 1969.

[21] Statement of Governor Norbert T. Tierman of Nebraska, Senate Finance Committee, September 23, 1969, containing his statement before the Ways and Means Committee on behalf of the National Governors' Conference.

[22] This discussion is not intended to exclude the approach of an Urban Development Bank, or still other alternatives mentioned in my

earlier discusion. The present issue is the House alternative and this paper is concerned with its evaluation.

[23] See Ott and Meltzer, note 13 above, at p. 99.

[24] The rate on tax-exempt bonds issued in the future would perhaps stabilize close to the ceiling reflecting the 40 per cent subsidy. But the relative volume of such issues would presumably be lower than such interest level alone would indicate, since buyers would want the exempt interest rate to reflect other factors, such as the course of future tax rates and liquidity on resale, in addition to just a precise tax saving calculations based on the interest rates involved.

SENATE PASSES GRAB-BAG TAX BILL

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials criticizing the fiscal irresponsibility of the action of the Senate in its recent approval of the tax bill.

The first is entitled "Tax Bill or Goody Tree," published in the Washington Daily News of December 12, 1969.

The second, published in the Washington Post of December 12, is entitled "Tax Spree in the Senate."

I ask that both articles be printed in the RECORD under the headline of a similar article on the same bill, entitled "Senate Passes Grab-Bag Tax Bill," and published in the Wall Street Journal of today, December 12, 1969.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TAX BILL OR GOODY TREE?

When the tax bill just passed by the Senate came from the House of Representatives last summer it was reasonably well qualified for the title it carried, "Tax Reform Bill."

But as it emerged from the Senate, after the spirit of Santa Claus generally has prevailed, it looked more like a Christmas tree than a "tax reform" measure.

The Senate litered the bill with amendments, most of them giving somebody or other a tax break.

The bill now goes to a conference committee which will attempt to compromise the Senate's inflation-spurring, deficit-making version with the House version.

But Sen. Russell B. Long, chairman of the Finance Committee, said it will be "embarrassing" for him to take the bill to the House conferees "and tell them we've loaded $11 billion on their bill."

Others estimate that the loss of revenue from the Senate version could run as high as $14 billion.

The Senate raised Social Security benefits 15 per cent, instead of the 10 per cent proposed by President Nixon. It voted to raise the personal exemption of $600 to $700 next year and $800 in 1971. It would reduce the oil and gas depletion allowances from 27½ per cent to 23 per cent, 3 per cent higher than the House proposed. Repeal of the investment credit tax, voted by the House, was watered down in the Senate version to give special tax breaks to some corporations, such as the oil interests operating in Alaska.

The Senate added a $325 per student tax deduction for taxpayers with youngsters in college, and a host of other provisions for particular interests which only a Philadelphia lawyer can untangle.

The bill, of course, is not entirely without virtue. For instance, both houses agreed that private foundations must be more tightly regulated to deserve tax exemption. And while they differed on methods, both versions of the tax bill require foundations to spend their money and serve the purposes for which they were avowedly set up.

But by and large the Senate made a shambles of the bill passed by the House.

And if this measure should survive the compromise committee in susbtantially the form adopted by the Senate, President Nixon would have no logical choice except to carry out his threat to veto it. Because the bill, as it now stands, would seriously cripple Mr. Nixon's effort to slow down inflation and positively wreck any hope of getting the government budget in balance.

But meanwhile there is ground for hope that Rep. Wilbur D. Mills, chairman of the House Ways and Means Committee, and his House colleagues will be stout enough and persuasive enough in the compromise committee to strip the bill of much of its costly gingerbread.

The government, and the taxpayers themselves, simply cannot afford the Senate's Christmas tree in the present state of government finances and when inflation is still a long way from being effectively restrained.

TAX SPREE IN THE SENATE

The once-promising tax-reform bill came out of the Senate yesterday loaded with goodies in keeping with the Christmas season. Rushing heedlessly to attach more vote-catching baubles to the measure, the Senate almost lost sight of its original goal, which was to eliminate special favors and discrimination from the country's tax structure. In the face of this wallowing in irresponsibility even the strongest defenders of democracy are left with a hopeless feeling.

As a climax to its spree, the Senate even tried to use the bill as a vehicle for a new protectionist policy. Of course there was no time for the Senate itself to formulate and adopt a trade policy that would recognize the national interest in exports as well as imports. So it recklessly voted to let the President curtail the importation of any product which threatens to disrupt the American market if it comes from a county that discriminates against our exports. The proposal has no appropriate safeguards. It is in conflict with existing trade policy and wholly out of place in a tax-reform bill. Yet the Senate chalked up a 65–30 score in regard to it, apparently without a second thought as to what the effect on the national economy would be.

No doubt this brainstorm will be readily discarded by the conference committee, but the most costly of all the Senate amendments is another matter. We refer to the $6-billion social security bonanza attached to the bill. With the steady rise in living costs, Congress must of course raise social security payments. But the country simply cannot afford a 15 per cent jump at this time plus a boost in the minimum payment from $55 to $100 a month for single persons and $150 for couples. The only reason for attaching these plums to the tax-reform bill was to make it more difficult for the President to reject them. Even if the House insists on separating the social security benefits from the tax bill, the proposed addition of $6 billion to social security spending will continue to complicate the fiscal picture.

It is the combination of this costly gesture with the revenue-slashing Gore amendment which has put the Senate in the posture of throwing discretion to the winds. One estimate is to the effect that the combination will change the prospect of a $3-billion surplus in fiscal 1971 under the Finance Committee bill to a $7.5-billion deficit. In the face of continued inflationary pressures this amounts to an abdication of responsibility.

The Senate is entitled to a good deal of credit for some of its refining amendments. It voted to permit foundations to continue financing voter registration drives under proper restrictions and eliminated the Finance Committee's 40-year limitation on the life of foundations. No doubt some of its other changes in a highly complex bill will be found worth saving, but it has thrown an enormous burden on the conference committee to produce a bill that will be acceptable to the White House and to the country.

The major task of the House-Senate conferees will be to restore the bill to its original objective of screening out the inequities of the present law. This can be readily accomplished without siphoning off the revenue that is needed for expanded educational, social and environmental programs and without feeding the fires of inflation. The reckless nature of the Senate's spree has thrown an extraordinary burden on the conferees, who must still try to produce a respectable tax-reform bill.

THE WORKING POOR

Mr. DODD. Mr. President, in our deliberations over tax reform, we have looked at the plight of a number of groups in our society. Prominent among these were the so-called middle Americans.

Several weeks earlier, the economic opportunity amendments were passed to improve the conditions of the disadvantaged.

American society has been increasingly dominated by slogans and labels. A mere catchword, or phrase, conjures up an image of thousands of stereotyped figures, uniform in occupation, income, social attitude and political orientation. Then, predicated upon this image, the group's reaction to any set of circumstances is assumed.

Although our labels and slogans may be proliferating more rapidly than ever, this trend is not new, nor is it uniquely American.

I think, however, that such assumptions are unfortunate and, perhaps, dangerous in their oversimplification. For these labels serve little other purpose than to widen the divisions, and to intensify the conflicts, in American society.

One of the most harmful results of this trend is the misconceptions attached to poverty.

Many people regard the poor as only the unemployed individuals who live in the squalor of the urban slum.

Their livelihood comes, possibly, from exploiting the more sordid aspects of urban life, and from "government handouts."

Most often, they are members of a minority group.

Always, they are shiftless and irresponsible.

On the basis of this distorted view of poverty, many Americans deplore public assistance. They consider our welfare system to be both unnecessary and unjust.

Were the problem of poverty in this Nation that simple, we would have licked it long ago. Unfortunately, however, this view is far from realistic.

Certainly, poverty can be overcome, but our efforts cannot succeed without full support from the American people. And, as long as poverty continues to be identified with indigence, this support is going to be withheld.

In a recent issue of Social Service Outlook, a publication of the New York State Department of Social Services, columnist Sylvia Porter addresses herself to this situation. In a concise and forthright manner, she points out that such fallacy is "sickeningly inaccurate."

Because I believe that Miss Porter raises a long ignored and vital point, I ask unanimous consent that the text of her article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR WORKING POOR

(By Sylvia Porter)

If you were asked "what is the biggest single factor contributing to poverty in this country?" you almost surely would say "being without a job."

You would be wrong.

For the fact is the overwhelming majority of the nation's 25,400,000 poor live in households in which the father or mother or both parents work—and one in three of these works full-time year around. As former Labor Secretary Willard Wirtz put it, the majority who live in poverty "do so not because the head of the family is unemployed, but because he doesn't get a decent living for the work he does."

And as Dorothy Newman, a brilliant Labor Department economist, adds, "this is not the time of the 'discouraged' worker who cannot find a job, but of the 'discouraged' worker who is expected to work full-time at low wages and with little or no chance of advancement."

A popular "humorous" button today proclaims "I fight poverty—I work," but a look at the facts makes this far from humorous.

A recent Oregon survey of several thousand women heading their own households showed 91 percent holding full-time jobs but one-third still living below the official poverty line.

Another recent study in the Mississippi Delta region revealed four out of five Negro families living on incomes of less than $3,000 a year—although a majority of these families was headed by an employed worker. The average pay of U.S. farmworkers now is between $4 and $7 a day.

In major U.S. city slums, 15 percent of full-time workers earn less than $55 a week.

In Charleston, S.C., site of the recent bitter hospital workers' strike, $1.30 an hour was the going wage.

The median yearly earnings of a private household worker are now $1,061; of the laundry worker, $2,729; hotel worker, $2,496; restaurant worker, $2,147; health service worker, $3,156. (Median means half earn more; half earn less than these levels.)

The widespread notion that millions now on welfare are able-bodied men entirely capable of working and supporting their families—but just too lazy to do so—is sickeningly inaccurate.

Most of these "able-bodied men" actually are women with pre-school children. Most others are too old or too handicapped to work. In many cases, because of the "man in the house" rule for welfare recipients (a family may not receive benefits if there is an able-bodied man living at home), the men are forced to abandon their families so that the women and children can receive benefits.

The fundamental point is that the vast majority of the poor do work at bottom income jobs. A Labor Department survey of poor male family heads revealed that four out of five of them had worked sometime during the year.

Employment is not enough.

Job training for the hard core and other unemployed Americans to place them in unskilled or low skilled jobs is not enough.

Even President Nixon's recently proposed system of federal income supplements for poor workers as well as non-workers could turn out to be a superficial form of first aid, as demeaning and humiliating as today's paternalistic welfare system.

What is desperately needed is a profound change in our attitudes toward compensation of workers in our country—so that the individual willing and able to produce a thing or perform a service which our society considers necessary and valuable can count on earning a wage on which he can support himself and his family above the poverty line.

Decades ago we in the U.S. made a national commitment to support by direct subsidies those among us too sick, too old, too handicapped to work to provide for themselves. Now we must overhaul our attitudes and find new solutions for the plight of another group, the working poor.

THE GREAT U.S. FRANCHISING BOOM

Mr. WILLIAMS of New Jersey. Mr. President, on December 9, I announced hearings scheduled for January 20, 21, and 22 on "The Impact of Franchising on Small Business" before my Senate Small Business Subcommittee on Urban and Rural Economic Development.

At that time, I referred Senators to an article on franchising which was published in the December 8 issue of U.S. News & World Report that quite accurately described the phenomenal growth of this concept in recent years.

Because of franchising's explosive expansion, I believe an indepth study into all aspects of this concept would be beneficial to a better understanding of how it is affecting our economy, particularly our small business community.

Several of our national news magazines have already published articles on franchising. Their editors should be commended for selecting such a timely topic for public discussion. One such article appeared recently in Newsweek magazine. The article, entitled "The Great U.S. Franchising Boom," was excellently written by Newsweek's general editor, Rich Thomas, who provided us with some informative insights into the new world of franchising. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GREAT U.S. FRANCHISING BOOM

"We're dealing with an emotional second only to Hugh Hefner's—to own your own business," said Al Lapin Jr. in Los Angeles last week. "And if I can find out how to franchise sex, I'll really have it made."

Lapin would appear to have it made already. A decade ago he was peddling coffee to factory snack shops. Since then the dapper little head of International Industries, which now operates twenty different franchised businesses from the International House of Pancakes to the Sawyer Business Colleges, has risen to fame, fortune (he's worth at least $40 million on paper), and a listing of his stock on the New York Stock Exchange. In fact, the fabulous riches of Lapin and such entrepreneurs as Ray Kroc of McDonald's hamburgers (who is worth at least $100 million) and John Brown Jr. and Jack Massey of Kentucky Fried Chicken (who have cleared well over $50 million a piece) have drawn a feverish mob of imitators, promoters and fast-buck artists into the daffiest boom of the decade: The Great Franchising Game.

It is a game that everyone can play—from the biggest names in show business and the craftiest financiers of Wall Street to the man on the street. The latter has gotten in on the action either by buying a franchise or by buying one of the scores of stocks in franchise companies that have rushed to market in the last year.

GOLDEN NAMES

The celebrity phenomenon is a story all by itself. Eva Gabor (wig boutiques), Tony Bennett (spaghetti restaurants), Johnny Carson (Here's Johnny's restaurants), Ed McMahon (A to Z Rental Centers), Jerry Lewis (movie houses), Mickey Mantle (Country Cookin'), Mahalia Jackson (Glori-Fried Chicken), Joe Namath (Broadway Joe's restaurants), Trini Lopez (Mexican restaurants), Rowan and Martin (Laugh-In restaurants featuring, among other delicacies, "Fickle Finger frankfurters")—these and scores of others have discovered that their names can be worth millions when strategically placed in the franchise game.

The celebrities are concentrated in the hottest area of the franchising game—fast-food and limited-menu diners—but the variety is typical of the entire scene. The franchises include auto-transmission centers, mobile brake-repair services, nursery day-care centers, yard goods (a Hollywood, Fla., franchiser named "Uncle Sam" Shepett is franchising Betsy Ross fabric stores), ladies clothing and computer schools. In the last year, says the International Franchise Association, the number of franchisers has grown from 780 to 900.

In any boom as yeasty as franchising, there are bound to be excesses. Many "franchise rows" lining high-traffic blocks in such towns as Fort Lauderdale, Denver and Nashville have become so over-built with fast-food joints that sales of the franchisees are suffering. Then too, many hastily organized franchises, after collecting "front money"—down payments from franchisees for rights to a franchise name and system—have simply folded up. Teen Clubs International, which had sold dozens of franchises for Hullabaloo discothèques, recently died, and the franchisees may get back only about 10 cents on the dollar.

DEFLATION

In another area, the stock prices of many new franchises seemed wildly inflated and the shakiest have come plummeting down this summer. Broadway Joe's, for instance, had just one restaurant when it sold 200,000 shares to the public last spring at $10 a share. This meant that Joe Namath, who had received 145,000 additional shares for the use of his name, had an instant paper profit of almost $1.5 million. The stock reached a high of $17 before sinking but even at last week's close of $5 a share, Namath still held stock worth $725,000.

Franchise experts, indeed, scoff at the entire celebrity phenomenon. Many are organized on the flimsiest of bases by inexperienced people. Arthur Treacher's household cleaning service has already collapsed—though about 35 franchisees continue operating independently under the Treacher brand name. Undaunted, Treacher has moved on to a new fish-and-chips promotion. "The celebrity gimmick might bring the people in the first time around," says Ben Newman, an editor of Modern Franchising magazine, "but if the food is lousy, they're not going to come back even if you have God in the logo." "I couldn't hit a baseball as well as Mickey Mantle," said David B. Slater, a fourteen-year franchising veteran who is now launching the Sizzlebörd hot sandwich chain, "but I think I know more about franchising."

Outright fraud is a part of the franchise

scene, too. The Post Office's mail-fraud division, which handled 98 franchise cases—mostly front-money swindles—in fiscal 1968, closed 129 cases in the year ended last June. The problem has grown so great that the Federal Trade Commission is considering setting up a unit to screen franchise ads for fraud. "The shysters," said one government official, "have moved into this area fast."

EXPLODING CHICKEN

Franchising, of course, is really nothing new. Automobiles, tires, soft drinks and gasoline are sold largely or wholly through franchised local entrepreneurs and so are door-to-door cosmetics like Avon and household wares like Fuller. But the seeds of the current craze were planted by the enormous postwar successes of modern motel franchises (Holiday Inns now does more than $397 million in business annually) and highway restaurant chains (Howard Johnson's, $229 million). Then, when Kentucky Fried Chicken burst on the stock market in March of 1966, the franchise scene exploded.

John Brown, a lawyer with a background in sales, and Jack Massey, a Nashville businessman, had bought KFC from its founder, Col. Harland Sanders, for $2 million in cash in 1964 and had aggressively pushed its carry-out chicken stores into nearly every state in the union by the time of the 1966 public stock offering. The stock came out at the equivalent of $3 on the 9.8 million shares now outstanding and soared heavenward: it closed just a point below its all-time high at $52.50 last week. In addition to Brown and Massey, the dazzling rise has made millionaires of more than 30 Kentucky Fried employees, including Colonel Sanders's former secretary. What's more, something like 100 of Kentucky Fried's franchisees—many of whom operate whole strings of stores—have become millionaires, too.

This sort of thing does not go unnoticed in business. Franchise schemes, particularly chicken shops, proliferated—nowhere more rapidly than in Nashville, which was Kentucky Fried Chicken's home base until it moved this year to Louisville. As of last week, no fewer than 34 different franchise operations were headquartered in Nashville (there is hardly a hillbilly singer in town who doesn't have something going for him), and more operations are appearing. An extreme was achieved last month when two funeral directors launched a skyscraper-mausoleum franchise.

SAGA

For sheer color and complexity, however, none of Nashville's franchising stories equals the saga of Minnie Pearl's. Bedazzled by Kentucky Fried's success, John J. Hooker Jr., a young attorney who had just lost his bid to become Tennessee's governor, announced to his brother Henry that he intended to ride into the Statehouse "on the back of a chicken." Hooker persuaded "Grand Old Opry" star Minnie Pearl, the "howdee girl from Grinder's Switch," to lend her name to a franchise chicken operation.

The persuasive Hooker, proceeding on what he calls his "blitz theory," sold franchising rights in huge blocks to local investors everywhere and has long since sold out all territories—even in Europe. Even more quickly, Hooker offered his stock to the public—at $6.75 a share in May of 1968. The trouble, according to Wall Street analysts today, is that Minnie Pearl's stock price was based on the dazzling volume of "front money" Hooker was receiving while actual stores were slow to be built—there are only 275 today vs. Kentucky Fried's 2,600. This means that steady income from franchise royalties is paltry and the one-shot front-money potential is gone. What's more, many of Hooker's stores are being squeezed in chicken wars.

To keep Minnie Pearl's income up until more stores actually go on line and generate royalties, Hooker has maneuvered frantically. In one instance this year Hooker took $8 million he obtained from the sale of some of his own shares in Minnie Pearl and bought 200 franchises in a brand-new scheme—ice-cream parlors—that his company had just launched. This massive dose of front money will help hypo the earnings of Minnie Pearl's parent, which is now called Performance Systems, Inc. "If franchises are poison," says Hooker grandly, "then [I] took the biggest dose." But Hooker's sleight-of-hand is evidently not impressing a newly cautious Wall Street: Performance Systems stock slumped to close at an all-time low last week of $3 a share.

FAST RETREAT

Hooker's operations are not the only ones to be affected by saturated markets. Indeed, the shake-out is already under way. Five Wishbone Fried Chicken stores have closed in Memphis in the last year, Chicken Delight has seen at least 100 of its franchises fold, with the number of its stores shrinking from 660 in 1966 to 553 last week. Out in Anaheim, Calif., James Donovan, who dropped nearly $45,000 on a Burger Chef franchise ground up in the hamburger wars, tells what it is like on the firing line. "Oh gosh," said Donovan, "when they moved in, my business must have dropped 40 per cent."

Is the great franchise game, then, all over? The answer seems to be, probably not—at least not yet. For one thing, every business boom goes through a shake-out at some stage before resuming normal growth. Also, the best current studies indicate that the franchised restaurants and fast-food houses are killing off ordinary restaurants and shops far more often than each other. In addition, many giant corporations have decided that franchising is a wave of the 1970s. They are prepared to take whatever lumps are necessary to carve positions in the markets. The list of corporations already in the field or studying the possibility ranges from most of the biggest food packagers (Pillsbury, General Foods, et al.) to Humble Oil and City Investing. Finally, the smell of quick riches through franchising is still tempting.

The aroma can stimulate veterans as well as anyone else. Holiday Inns has installed 1,150 motels and hopes to build 2,000 more in the next decade. Yet only recently, the company began experimenting with something new: it has opened fast-sandwich restaurant called Johnny Holiday in Memphis. "There is still," said franchise-sales vice president W. Jefferies Mann, "plenty of room in the fast-food field."

SENATORS AND STAFFS URGED TO SEE MOVIE, "MANANA IS TODAY"

Mr. MURPHY. Mr. President, the Senator from Texas (Mr. YARBOROUGH) and I have arranged for a showing of the film "Manana is Today" on Tuesday, December 16, in the auditorium of the New Senate Office Building. The picture depicts the educational problems of the Mexican-American youngster and shows a most promising approach, the bilingual program, in helping to solve them.

We have arranged to have personnel from the Office of Education and the Interagency Committee on Meixcan-American Affairs to be present to answer any questions that Senators or staffs may have regarding the bilingual program. This film will be shown at 9:30 a.m. and again at 1:30 p.m.

I want to urge as many Senators and members of their staffs to attend this film, because in the next few days we will be considering the bilingual program in the Labor-HEW appropriation bill.

I ask unanimous consent that the letter I sent to all Senators be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 12, 1969.

Hon. ——— ———,
U.S. Senate,
Washington, D.C.

DEAR COLLEAGUE: In the next few days, the Senate will be considering the Labor-HEW Appropriations bill. As the sponsors of the Bilingual program, we are vitally interested in seeing that this program is fully funded in view of the great need that exists and the program's potential.

We know that Senators and their staffs, other than those who represent the Southwestern states, are probably not as familiar with these needs and the Bilingual program as we are. In the Southwestern states, there are five million Mexican-American children, three million of whom do not speak English. Educational statistics show that the average number of years of school completed by those with Spanish surnames is 7.4, for non-whites, 9, and 12.14 for whites. Of the 1.6 million Mexican-American children entering the first grade in the five Southwestern states, one million will drop out before they reach the eighth grade. I am sure you will agree that these statistics are shocking and intolerable.

If you are not fluent in Spanish, imagine what it would be like to enter a school where the instruction was given in Spanish. You would naturally have to master the new language as well as the subject contents. It should come as no surprise that many youngsters facing this same situation then become frustrated and fall behind, and become discouraged and drop out.

The Bilingual program has the potential of changing all this, and we have arranged for the showing of a film, "Mañana is Today," on Tuesday, December 16, at 9:30 A.M. and 1:30 P.M. in G–308, Auditorium in New Senate Office Building. We have also arranged for individuals from the agencies who administer and who are interested in the Bilingual program to be on hand to answer any questions about the program that you may have.

We hope that you and your staff will make a special effort to attend one of these showings and that you will agree that full funding is needed.

Sincerely,

RALPH YARBOROUGH.
GEORGE MURPHY.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legisative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RANDOLPH in the chair). Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 14580) to amend further the Foreign Assistant Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MUSKIE obtained the floor.

Mr. SCOTT. Mr. President, has the Senator from Maine been recognized?

The PRESIDING OFFICER. The Senator is correct.

Mr. SCOTT. Mr. President, I would hope that, while the Senator is explaining the amendment, perhaps we can come to an agreement on a limitation of time. I understand the distinguished chairman of the committee has no objection to a time limitation.

Mr. MUSKIE. An hour would be fine.

Mr. FULBRIGHT. Would 40 minutes be better?

Mr. MUSKIE. Since I have a new amendment, I will take a little time to explain it. I suggest an hour, and we may not need to use it.

UNANIMOUS-CONSENT AGREEMENT

Mr. SCOTT. Mr. President, I ask unanimous consent that all debate on the amendment offered by the Senator from Maine and all amendments thereto be limited to 1 hour, to be equally divided between the sponsor of the amendment (Mr. MUSKIE) and the chairman of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment has not been offered yet. Is it agreeable that the time limitation be effective when the amendment is offered? Is there objection? The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before the time limitation agreement I was called to a conference and I would like to speak for 1 or 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

SECRETARY OF STATE WILLIAM P. ROGERS

Mr. MANSFIELD. Mr. President, I have had the opportunity to read a newspaper article by one of the Nation's really good reporters, Mr. R. H. Shackford, which appeared in the Washington Daily News of Thursday, November 27, 1969. The article concerns the 10-month period William Pierce Rogers has served as Secretary of State, and is entitled, "The Most Relaxed VIP Since Cordell Hull."

The article mentions the fact that Secretary of State Rogers has adhered to the fullest to the President's inaugural suggestion that we lower our voices and abandon inflated rhetoric, angry rhetoric, and bombastic rhetoric. What this Secretary of State has done has been accomplished with distinction, dedication, and integrity. He has performed extremely well as Secretary of State. He has achieved a great degree of competence since taking control of that Department.

Mr. President, I ask unanimous consent that this article about this low profiled man, this man who does not lecture, this man who deals conscientiously and devotedly with problems despite their complexity and sometimes their confusion, be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S CABINET—WILLIAM ROGERS: THE MOST RELAXED VIP SINCE CORDELL HULL

(EDITOR'S NOTE.—Since President Nixon took office last January the 12 members of his official family, the Cabinet, have by now had occasion to test their mettle with Congress and in the fires of national debate. This is another in a series of profile-assessments of how each of these men has fared in his job.)

(By R. H. Shackford)

William Pierce Rogers, the most relaxed Secretary of State since Cordell Hull speaks rarely in public—either in speeches or press conferences. And when he does, he speaks softly.

"I think I have the right personality for our times," he says. "That doesn't mean I am not firm. You don't have to acquiesce in the demands of others to get along with them. But you don't have to be abrasive either."

The Secretary of State's name is not a "household word" and Mr. Rogers seems to hope it never will be.

This attitude makes Mr. Rogers a bit of an enigma. Even within the Administration, Mr. Rogers has acquired a unique reputation. Some say, half jokingly, that he seems to be the only high official who was listening when President Nixon appealed to Americans in his inaugural address to "lower your voices" and to abandon "inflated rhetoric . . . angry rhetoric . . . bombastic rhetoric."

At the end of 10 months as the President's chief adviser on foreign affairs, Mr. Rogers never has violated that Inaugural appeal—either in public or, his associates say, in private.

HE DOESN'T LECTURE

Another favorite Rogers dictum, which has made him popular with American and foreign diplomats, is: "I don't lecture." He is proud that he and Soviet Minister Andrei A. Gromyko got on a first-name basis at their meetings in New York in September.

Mr. Rogers' associates say he is an attentive listener and a sharp questioner.

He has started an unprecedented series of luncheons with groups of middle-echelon officers in the State Department to hear their views. In Hong Kong last summer he spent hours listening to America's top China watchers, who over the years had grown accustomed to listening to lectures about China by Mr. Rogers' predecessors.

Mr. Rogers says he tried to talk Mr. Nixon out of appointing him Secretary of State because the appointment would be criticized on grounds of his lack of foreign affairs experience and because his long friendship and association with Mr. Nixon would invite a charge of "cronyism."

But the President thought a Secretary of State without preconceived ideas and not bogged down with years of involvement in the little wheels of foreign policy would be an asset. Furthermore, Mr. Nixon has promised during the campaign that in foreign affairs he, the President, would call the tune.

FINDS IT A CHALLENGE

Mr. Rogers now likes the job and finds it a challenge. He thinks his training as a big-time lawyer has been invaluable.

"The problems of foreign policy demand that you get at the heart of the matter, as in the practice of law," he says. "The important thing for a secretary is to weigh the evidence carefully before deciding. That's what a lawyer has to do."

He has great respect for the expertise in the State Department. But he adds: "I accept nothing from anyone as gospel."

Mr. Rogers' associates are getting accustomed to his asking unorthodox and unexpected questions. During a recent discussion about U.S. policy toward a military dictatorship in Latin America, Mr. Rogers is said to have startled his experts into silence.

What is U.S. policy, he asked, when a military dictatorship that has acquired power by force starts doing for its own people what we have been unsuccessfully urging more democratic regimes to do?

A veteran diplomat replied: "No one has ever asked such a question before."

Mr. Rogers confirms that in contrast to his predecessors he is not an "ideological" animal. He points to "the mistakes (rigid ideology) has led us into." He cites the now disproven ideas about the non-viability of South Korea, mistaken estimates of Communist China, "Monolithic communism," fears of the early 1960's that such countries as Ghana and Indonesia had been "lost" to communism.

Today, he says, the United States must learn to work with other nations and avoid a domineering approach.

AFFABLE MANNER

Although all of the world's intractable problems cross his desk, Mr. Rogers maintains an affable, unflappable manner and a keen sense of humor. He loves to tell this story:

"Each morning I am briefed on overnight developments. They usually include coups, downfall of governments, assassinations, new attacks in the Middle East, etc. Almost always only bad news.

"One morning I asked the briefer if there were any good news.

"The briefer replied: 'No. But there is some bad news for which we are not responsible. The Aswan Dam is leaking!' "

The Aswan Dam was built by Russia for the United Arab Republic after the United States declined to finance it.

Mr. Rogers would be the first to admit it is much too early to tell what kind of a Secretary of State he will be. He has not yet been put to a crucial test. There have been no major crises since he took over in January.

A minor one occurred when an EC–121 military plane was shot down by North Korea, a nation President Nixon as a candidate had disdainfully tagged as fourth-rate.

The story goes that with the ill-fated Pueblo incident in mind, the President's initial reaction, with encouragement from others, was to strike back. Mr. Rogers recommended against, saying: "In international affairs the weak can be rash, the powerful must be restrained."

The conventional wisdom here is that when Mr. Nixon faces a major crunch in foreign affairs—his "seventh crisis"—he will turn to his old friend and legal and political counselor Rogers for key advice. In the meantime, White House adviser Dr. Henry A. Kissinger may seem to be more influential.

FRICTION IS DENIED

Mr. Rogers denies any friction between him and Dr. Kissinger. He laughs when reminded that former Secretary of State Dean Acheson recently said he would quit as Secretary of State rather than tolerate Dr. Kissinger's "little State Department" setup in the White House.

"If Dean Acheson were Secretary of State today," Mr. Rogers says, "he would have to have such a White House setup to coordinate foreign affairs and problems that come to the President from many directions."

"Mr. Rogers doesn't like to talk much about Vietnam. He vowed on becoming secretary to avoid getting bogged down in the minutiae of hour-to-hour Vietnamese problems.

For example, he does not clear every word that goes to the U.S. negotiators in Paris. "That's Bill Sullivan's job (William H. Sullivan, former Ambassador to Laos)," he says.

Mr. Rogers keeps track of the major Vietnam developments and, if and when there are major breaks, moves into the picture.

Among Mr. Rogers' long-range hopes is to better U.S. relations with China and to begin implementing the new Asian policy President Nixon enunciated at Guam—diminishing U.S. involvement in Asia. He thinks little movement toward disinvolvement can occur until the United States gets the Vietnam war off its back. Nor does he think there can be much change toward China until after Mao-Tse-tung dies. But he is determined to try to lay as much groundwork as possible before Mao dies to be in a better position to deal with Mao's heirs.

Before he took the oath as Secretary he started talking about the overpowering U.S. image abroad and the U.S. tendency to indulge in the "hard sell." He still subscribes to what he said in early January:

"When you have tremendous national strength, you don't have to be loud, you don't have to be everywhere or say everything there is to say. It might be better to be more relaxed and a little less obvious."

Some say this philosophy may explain why Mr. Rogers, sometimes seemingly alone, adheres to the almost forgotton presidential admonition "to lower your voices."

NO MORE ASIAN WARS

Mr. MANSFIELD. Mr. President, as long as this is "Being Kind to Republicans Day on the Part of Democrats," I note another story in the Washington Daily News of November 27, 1969, relating to the distinguished Secretary of State, William P. Rogers. The article comments on a television interview which the Secretary had with the National Education Television Network. In that interview, when asked about whether or not Laos would develop into another Vietnam type conflict he said:

The President won't let it happen.

Continuing, he said:

I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us.

Mr. President, it is my further understanding, and I have seen a copy of the interview, that the Secretary said in response to a question covering withdrawal of United States troops from Vietnam, that the trend is "irreversible."

I do not have the source of that statement at my disposal here but I am quite sure that it is a correct reference and I believe that it can be easily established.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ROGERS: NO MORE ASIAN WARS—"THE PRESIDENT WON'T LET IT HAPPEN"

Secretary of State William P. Rogers said last night the United States does not intend to fight any more wars on the Asian mainland or send U.S. troops there.

Asked in a TV interview whether U.S. aid to help Laos combat communist incursions might lead to U.S. involvement in another Vietnam-type conflict, Mr. Rogers said: "The President won't let it happen."

"I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us."

"But in any event we have no such plans," Mr. Rogers added. "We don't intend to."

Mr. Rogers was interviewed on a program broadcast nationally by the National Educational Television (NET) network last night, except for New York, Washington and Philadelphia where it will be telecast tonight.

He said President Nixon's policy for extricating the United States from Vietnam was proceeding "better than I would have anticipated."

The President's timetable for pulling out American troops may be "affected slightly" if the communists launch new offensives, Mr. Rogers said, but it cannot be seriously delayed "because we are quite convinced that the South Vietnamese are going to be able to take over the combat responsibilities."

The Secretary of State said he was encouraged by the positive attitude displayed by the Soviet Union at the strategic nuclear arms limitation talks which opened 10 days ago in Helsinki.

Mr. Rogers said American delegates at the talks reported that "the manner of dialogue is the best of any discussion they have had with the Soviet Union. They are serious, they are not polemical, and we are very encouraged by the general atmosphere."

But he discounted the possibility of early Soviet-American agreement on a mutual suspension of testing of multiple-headed nuclear missiles.

Mr. Rogers said neither side is certain as to how far the other has progressed in its testing, and "if we proposed too aggressively, they would think that we had completed our tests to a point where we didn't need any additional tests and they would be naturally suspicious. And vice versa."

MR. RUMSFELD AND THE OEO

Mr. MANSFIELD. Mr. President, there is another editorial in the same issue of the Washington Daily News entitled "Give Rumsfeld a Chance."

Donald Rumsfeld gave up his seat in the House of Representatives at the request of the President. I am afraid it took some arm twisting to get him to do so, to take over as Director of the OEO, a project which some call a boondoggle and others call a flop.

The antipoverty program, which deserves a better fate than it has received up to this time, and certainly a better chance under the directorship of Mr. Rumsfeld, is running into trouble, not so much from the Democrats in Congress but from his colleagues with whom he formerly served, who know the high type of man he is, and who knew his position questioning the OEO while he was a Representative. He is a man who, nevertheless, is trying to do a good and decent job at the request of the President of the United States.

Thus, I would hope—although I have no business, of course, discussing the affairs of the other body, but I think I do have some business saying a good word about Mr. Rumsfeld—that they would give Mr. Rumsfeld a chance and see if the potential for constructive change could not be developed by this outstanding former colleague of ours, to the end that he can bring about the necessary changes in the program which he desires. He has served as Director for only a few months and he is striving to make it a more workable program with less administrative overhead. He is striving to assure that the funds allocated by Congress to the OEO in large part will go to the deserving recipients and projects on a basis that affords more efficiency. I agree with the editorial. I hope we all give Mr. Rumsfeld a chance.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GIVE RUMSFELD A CHANCE

Call it a flop or call it a boondoggle, the nation's $2-billion-a-year antipoverty program deserves a better fate than the one being cooked up by some overzealous reformers in the other body.

If this group has its way, Federal funds to help the poor will be channeled thru state governments—some of which are likely to be apathetic or even hostile to community action programs in the cities and rural slums.

Donald Rumsfeld, the new director of the Office of Economic Opportunity (OEO), opposes the state-control concept. And with good reason.

The former Illinois congressman was brought into OEO by President Nixon to make reforms of his own.

"He (Rumsfeld) has pledged to reform the OEO, and I think he should be given the chance to reform it," Mr. Nixon commented the other night.

The irony is that efforts to turn over the antipoverty program to the states are being spearheaded to a great extent by members of the President's own party.

This puts Mr. Nixon in the odd position of defending an agency dreamed up by liberal Democrats in the Johnson Administration against critics who normally would be considered part of the Nixon team.

There is hope, however, that a "compromise" can be worked out between Mr. Rumsfeld and House members who say they will vote against the proposed two-year extension of the present OEO setup.

It should be pointed out that community action—the technique of mobilizing the poor to solve their own problems—is not going simply to evaporate at the whim of Congress.

The grass-roots approach, abrasive as it may be to the old-time power structure, is a new fact of life in urban America.

And—despite the waste and false starts—not all the OEO program has been a failure.

So let's give Mr. Rumsfeld his chance. The potential for constructive change is there. It just hasn't been realized yet.

FOREIGN ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. FULBRIGHT. We did agree upon a 1-hour limitation, did we not?

The PRESIDING OFFICER. Yes, on the amendment offered, there will be a 1-hour time limitation, with the time to be equally divided between the distinguished Senator from Maine (Mr. MUSKIE) who is offering the amendment, and the chairman of the committee, the Senator from Arkansas (Mr. FULBRIGHT).

Mr. FULBRIGHT. I thank the Chair.

Mr. MUSKIE. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

On page 87, line 9, strike "$420,000,000" and insert in lieu thereof "$390,000,000";

On page 87, between lines 9 and 10, insert the following new section:

"VIETNAMESE LAND REFORM

"SEC. 108. (a) The success of land reform programs in Vietnam is a material factor in the future political and economic stability of that nation, and the speed with which such programs are given effect may have consequences wiith regard to the termination of hostilities there. In order to support and encourage Vietnamese land reform programs, the President may make grants to the Government of Vietnam, out of funds appropriated pursuant to this section, for the purchase and shipment to Vietnam of goods and commodities, manufactured or produced in the United States, which, by their introduction into the Vietnamese economy, will contribute to sound economic development in Vietnam. Such goods and commodities (1) shall be of a type approved by the President for such programs; (2) shall include goods suitable for agricultural supplies and other business inventories in non-luxury enterprises; and (3) may be exchanged for bonds issued by the Government of Vietnam to compensate land owners whose lands are transferred to other persons under such programs, or used in such other way as the Government of Vietnam may determine, consistent with the purposes of this section.

"(b) In order to carry out the provisions of this section, there are authorized to be appropriated $80,000,000 for the fiscal year 1970."

On page 87, line 11 strike "108" and insert in lieu thereof "109".

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. MUSKIE. Mr. President, yesterday, I submitted an amendment, with the same cosponsorship, which I explained at some length and to which the distinguished Senator from Vermont (Mr. AIKEN) and the distinguished chairman of the committee, the Senator from Arkansas (Mr. FULBRIGHT), responded.

Because of the questions raised during that colloquy, the amendment just called up represents a substantial modification of that which I introduced yesterday.

Perhaps I can explain it best by reading it. It is not very long:

The success of land reform programs in Vietnam is a material factor in the future political and economic stability of that nation, and the speed with which such programs are given effect may have consequences with regard to the termination of hostilities there. In order to support and encourage Vietnamese land reform programs, the President may make grants to the Government of Vietnam, out of funds appropriated pursuant to this section, for the purchase and shipment to Vietnam of goods and commodities, manufactured or produced in the United States, which, by their introduction into the Vietnamese economy, will contribute to sound economic development in Vietnam. Such goods and commodities (1) shall be of a type approved by the President for such programs; (2) shall include goods suitable for agricultural supplies and other business inventories in non-luxury enterprises; and (3) may be exchanged for bonds issued by the Government of Vietnam to compensate land owners whose lands are transferred to other persons under such programs, or used in such other way as the Government of Vietnam may determine, consistent with the purposes of this section.

(b) In order to carry out the provisions of this section, there are authorized to be appropriated $80,000,000 for the fiscal year 1970.

Mr. President, with respect to the funds authorized, this amendment represents a substantial reduction from the amendment I introduced yesterday. What I have proposed in this new amendment is that $30 million be deducted from the supporting assistance program, thus reducing it from $420 million to $390 million, and that $80 million be appropriated for this program. This represents a net increase of $50 million.

The $30 million which I strike from the supporting assistance program is, as I understand it, now related to land reform programs in Vietnam.

Mr. President, as I indicated yesterday, in my judgment, land reform is an important key to the resolution of hostilities in South Vietnam.

May I, in support of that conclusion, quote from a paper prepared by Mr. R. L. Prosterman, who worked with the Stanford Research Institute in making a survey of land turnover in Vietnam undertaken for AID in 1967 to 1968. I ask unanimous consent that the full text of this paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

BRIEFING PAPER ON LAND REFORM IN VIETNAM, SEPTEMBER 25, 1969

(By R. L. Prosterman)

(The following paper, written after my third extended trip to Vietnam to review progress in the land-reform area, concludes (1) that President Thieu is strongly pushing for adoption of a massive, workable and immediate land-reform program, one that promises to supply major new leverage at the Paris talks and to broaden markedly the base of the Saigon government, but (2) that substantial U.S. financial support for the program—whose maximum cost of $400 million equals 5–6 days cost of the war, spread over eight years—is essential if the Vietnamese landlords are to be prevented from eviscerating Thieu's proposals out of fear that promises for compensation will not be met.)

The largest single group in South Vietnamese society—the bulk of the rural population—is the tenant farmers. If the South Vietnamese government carries out massive land reform, as planned, prior to this year's main harvest (December-February), it will strike a vital blow at Viet Cong support in the countryside:

Bringing about a spectrum shift towards Saigon in peasant political loyalties.

Cutting down the motivation which still leads 40,000 peasant recruits a year into the Viet Cong.

Sharply raising the fighting motivation of the peasant recruits in the Saigon army.

Striking at the villagers' motivation to support the Viet Cong and North Vietnamese in a variety of ways—not only joining as recruits, but planting mines, performing reconnaissance, acting as porters, withholding intelligence from our side—that, directly and indirectly, are responsible for the vast majority of U.S. casualties (mines and booby traps alone *directly* cause over half the U.S. deaths).[1]

Because of the highly credible threat that it *will* accomplish a marked shift in peasant support towards the Saigon government, land reform supplies a powerful lever to move the communist negotiators in Paris towards good faith negotiation and a resolution of the conflict broadly acceptable to the American people.

The communists have mobilized peasant discontent with an initial stage of land distribution to spark every single revolution they have carried out (among the largely landless peasants of Russia, China, Cuba and Vietnam), and then have defeated the peasants' expectations through a subsequent and bloody process of collectivization; but a society of landowning peasants has never supported a communist revolution, and the genuine, non-communist land reforms that have occurred in six countries during the last half century (Mexico, Japan, South Korea, Taiwan, Bolivia and Iran) have consistently led to political stability. In two of those countries—Bolivia and South Korea—land reform has supplied a bulwark against

[1] Moreover, as to "main force" unit operations, and wholly apart from the substantial proportion of southern recruits (at least 30–40 per cent) still in those units: Since the main force communist units cannot carry with them the food and ammunition they need to launch attacks, and depend *absolutely* on the advance burial of supply caches at approximately one-day intervals along the line of march, there could quite literally be no main force operations if the villagers did not supply labor and porter services to establish the supply dumps, or if they commonly gave intelligence to our side concerning where the supply dumps were located.

direct communist attempts to start guerrilla wars in the 1960's. Again, in Malaya, Colombia and Venezuela, "spot" land reform programs directed specifically to landless groups among whom the communists had built support have helped crucially in the containment of guerrilla threats; and a central reason why dire predictions about guerrilla warfare in Thailand have *not* come true is that the great bulk of Thai farmers own the lands they cultivate (in Bolivia, South Korea *and* Thailand, over 90 per cent of the peasants own the land they farm; in the Mekong Delta, only 30 to 40 per cent).

Owner-farmers, historically, have made the world's least likely revolutionaries. Such owner-farmers, with a stake in the society and equipped with guns in local militia units to defend that stake, can supply the most potent response to the Viet Cong at the village level in Vietnam, and the *only* long-term assurance of a politically viable non-communist government in that country.

The proportion of farmers who have no land of their own in the Mekong Delta is rivaled only in three places in the world (Hukbalahap country in Central Luzon; Java, where the PKI regularly won elections for a decade; and Northeastern Brazil), and equals or exceeds that in pre-revolutionary China, Russia and Cuba.

The absolutely essential nature of land-reform in Vietnam—where 60 per cent of the people are rural, and most rural people throughout the country are tenants living on two-to-three-acre tracts, paying a third to half their crop in rent and living from year to year without security from eviction—has been recognized by virtually every serious recent work on Vietnam: by Bernard Fall, Joseph Buttinger, Douglas Pike, Richard Critchfield, William Corson and many others.[2] Today its importance has been fully recognized by President Thieu and by President Nixon, figuring centrally in the Midway communique and the later statement in Saigon, and forming the basis for three major steps by President Thieu in the last year:

(1) He has decreed a temporary end to the regime of "negative land reform", by which landlords formerly returned on the jeeps with ARVN troops to newly-secured villages, making "pacification" a nightmare game of landlords-return for peasants who had thought the land was theirs (sometimes for up to 20 years, going back to the original Viet Minh reforms). The stiffening of peasant support for the Viet Cong that this process brought about over the years undoubtedly cost thousands of American lives.

(2) He has accelerated the distribution of choice former-French lands and other lands which were taken over by the government under Diem's purported land-reform program, and were then allowed to be rented out by local officials who simply stepped into the landlord's shoes. Again, the total identification of Saigon with the land-renting process was deadly.

But now, the eviction of occupants in newly-secured areas has been effectively stopped during 1969 and at least until February 1970, while the collection of rents (a more clandestine activity) has been stopped in law, partially stopped in fact, and close to 90,000 acres of choice lands have been distributed between January and August to 25,000 families, while another 90,000 will be distributed, given the July-August pace, by year's end.

[2] In hundreds of depth interviews of Mekong Delta peasants carried out by the Stanford Research Institute in the AID-sponsored land tenure study in 1967–68 (for which I acted as land law consultant) the peasants listed land ownership as a vitally important concern three times as frequently as physical security and listed credit twice as frequently as physical security.

(3) The *biggest* step by far was the drafting of the "Land to the Tiller" bill and its presentation, in early July, to the lower house. This bill would affect *all* of the 3,000,000 acres of land that are cultivated by tenants or non-owners, and would make *all* Vietnamese peasants the owners of the land they till, promising to end the regime of tenant-farming for a million families in a drastically simplified and rapid way:

All land not tilled by the owner would be affected (so there would be no need to apply a "retention limit" under which each owner would have to make a "declaration" of how much he owns, with the onus on the administrators to find out if he is lying).

The peasant tilling the land would receive it *free* (so there would be no occasion for corrupt administrators to dun the peasant for payments and the message would be the simplest possible: you don't pay anything to anybody).

The effect would be *nationwide* (so that peasants tilling land in insecure areas could nevermore be goaded to support the Viet Cong with the threat that landlords would otherwise return: "negative land reform" would be gone for good).

Confirmation of title would come via a highly simplified village-level application procedure, involving only a few days' delay (and requiring neither the shifting of families, the shifting of present boundaries, nor the resurveying of the land).

Landlords would be fully compensated (20 per cent in cash, 80 per cent in 8 year inflation-adjusting bonds). The total cost would be $400 million, equal to between 5 and 6 days' cost of the war.

The bill represents one of the great non-communist land reforms of the Twentieth Century, comparable, for example, to those of Japan and South Korea. *The "Land to the Tiller" program, however, is in deep political trouble, and unless it can be salvaged in the next 60 days, the opportunity will be lost of having the tenancy system ended before the main harvest that begins in December and ends in February; the impact, at best, will then be delayed by a full year, a year during which seven to ten thousand American men will die.*

The basic trouble is that the South Vietnamese landlords do not trust the bonds. Because of this, they used their influence in the lower house to eviscerate the bill, and even then added a provision boosting the cash portion of compensation from 20 per cent to 60–70 per cent.

Now the upper house is considering the bill, which President Thieu has asked to be amended back to its original strong version. Under Vietnamese law, the upper house amendments, if any, will prevail unless overridden by two-thirds of the total membership of the lower house; and even then President Thieu can amend, and will prevail unless his amendments are overridden by a majority of the joint membership of the two houses. But whether the upper house amends, and—if not—whether President Thieu amends and is not overridden, *depends crucially on the credibility of the compensation to the landlords.*

We are talking about a program that represents essentially the last new thing "in the pipeline" to change the negotiating leverage in Paris or dramatically broaden the base—with real *program,* not just by shuffling faces, nearly all of which are unknown to the peasants anyway—of the Thieu government. *But a clear signal of U.S. support for a substantial part of the $400 million cost is urgently needed if this program is to remain politically viable in South Vietnam.*

My recommendation is that we make clear, *now,* that we are willing to support the program with:

(1) $200 million worth of U.S. commodities, shipped over a four-year period, with preferences for shipment direct to ex-landowners against "payment" with the bonds, and for shipment of commodities that improve the agricultural sector (and get the ex-landowners actively involved in new commercial enterprises) such as fertilizer, insecticide, water pumps and building materials;

(2) a further $50 million in U.S. commodities over the first two years of the program (so the pattern of (1) and (2) combined would be Year 1—$75 million; Year 2—$75 million; Year 3—$50 million; Year 4—$50 million), except the bonds received for these commodities would not be cancelled as a subsidy but would be paid off by the GVN, with the counterpart funds thus generated used to support agricultral credit—direct loans or guarantees of loans—made to the small farmers, who today pay *average* interest rates of 60 per cent a year; and

(3) for those ex-landowners who wish to continue to hold the bonds, an underlying U.S. guarantee of payment of the principal and interest on the bond issue, except with the understanding between the U.S. and GVN that the latter remains liable to us for any outlays—commodities plus bond-guarantee payments—made in excess of an over-all $200 million subsidy level (in this way, the U.S., rather than the landowners personally, would bear the risk of a GVN political or financial collapse as it affects the bonds).

The maximum cost of the program to the U.S. under these proposals would be some $400 million, spread over an eight-year period; the expected cost would be $200–250 million, spread over four.

The late Bernard Fall wrote in 1967 that, in Vietnam, land reform is "as essential to success as ammunition for howitzers—in fact, more so." It costs a lot less than ammunition for howitzers; but it saves American lives just as surely, and it may shorten the war by many months.

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mr. MUSKIE. Mr. President, I yield myself 3 more minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 additional minutes.

Mr. MUSKIE. May I read these excerpts from the report:

The largest single group in South Vietnamese society—the bulk of the rural population—is the tenant farmers. If the South Vietnamese government carries out massive land reform, as planned, prior to this year's main harvest (December–February), it will strike a vital blow at Viet Cong support in the countryside:

Bringing about a spectrum shift towards Saigon in peasant political loyalties.

Cutting down the motivation which still leads 40,000 peasant recruits a year into the Viet Cong.

Sharply raising the fighting motivation of the peasant recruits in the Saigon army.

Striking at the villagers' motivation to support the Viet Cong and North Vietnamese in a variety of ways—not only joining as recruits, but planting mines, performing reconaissance, acting as porters, withholding intelligence from our side—that, directly and indirectly, are responsible for the vast majority of U.S. casualties (mines and booby traps alone *directly* cause over half the U.S. deaths).

Because of the highly credible threat that it *will* accomplish a marked shift in peasant support towards the Saigon government, land reform supplies a powerful lever to move the communist negotiators in Paris towards good faith negotiation and a resolution of the conflict broadly acceptable to the American people.

These excerpts from that report underline my motivation in offering this amendment.

May I read another excerpt from that report, which has to do with the bill now pending in the Saigon Assembly, dealing with the subject of land reform which is entitled, "The Land to the Tiller" program?

The bill to which I refer, and I quote now from the report: "represents one of the great non-Communist land reforms of the 20th century, comparable, for example, to those of Japan and South Korea. The 'Land to the Tiller' program, however, is in deep political trouble, and unless it can be salvaged in the next 60 days, the opportunity will be lost of having tenancy ended before the main harvest that begins in December and ends in February. The impact at best will then be delayed by a full year, a year during which 7,000 to 10,000 American men will die."

Mr. President, this is how important I regard the present effort at land reform in Saigon. I think we have a responsibility in this Congress to do what we responsibly can to give impetus to that land-reform program and to do it before the main harvest which will be conducted from December through February.

Mr. President, this is a small price, representing an additional $50 million to this foreign aid bill, to indicate our concern for this program and our desire to make it work.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. I yield myself 2 additional minutes.

Mr. President, what is involved is a resolution of the political difficulties in South Vietnam, the possibility of broadening the popular base of that government, the possibility of expediting an end to the war, the possibility of reducing the number of days and weeks during which American boys and Vietnamese boys will die.

This is how important I regard land reform. My opinion in this regard is supported by every knowledgeable person in South Vietnamese affairs.

Over the past quarter of a century, Bernard Fall, now gone, identified this as the root cause of the political unrest and instability in South Vietnam. He always regarded this objective as the indispensable resolution of the restlessness, the militancy, and the violence which is responsible for our presence there now, at a cost to our Treasury and at a cost of American lives.

An additional $50 million is a small and insignificant price to pay for whatever impetus it can give to the land reform program now pending before the legislature of South Vietnam, and I urge my colleagues' support for it.

I am happy at this time to yield to my distinguished colleague from Oregon (Mr. PACKWOOD).

How much time does the Senator desire?

Mr. PACKWOOD. May I have 10 minutes?

Mr. MUSKIE. I yield 10 minutes to the distinguished Senator from Oregon.

Mr. PACKWOOD. Mr. President, when we talk about a land-reform program, when we talk about Vietnam specifically, I think it is perhaps necessary, before we look at Vietnam, that we look back at some of the land reforms that have taken place in this century in some countries. Some of them have been bloody and revolutionary; some of them have been instituted by decree and by dictators; but in all instances, when they have finally been instituted and put in effect, that country has achieved a degree of stability—not necessarily richness, but a degree of stability—that other countries without land-reform programs do not have.

Mexico, by reovlutionary means, instituted a land reform program early in this century, and now has a degree of political stability that probably exceeds that of any other country in Latin America.

We need only look at the examples undertaken after World War II.

In Japan, a land reform program was instituted by General MacArthur by decree.

In Korea, it was instituted by Syngman Rhee, by decree, which was begun in 1947 and finished in 1949. So when the Communists invaded South Korea in 1950, the one thing the U.S. forces who were used in helping to fight that war did not have to contend with was a fifth column of South Korean personnel who were overtly or covertly supporting the North Koreans. They supported their government, basically because they owned land, and it was the only piece of action they were going to have in that country.

Then let us go to Formosa, where Chiang Kai-shek learned a lesson he had not learned on the mainland. When he undertook land reform on Formosa, it was a model land-reform program in Asia and transformed that island into a relatively peaceful and relatively stable country.

Or we can look at Iran, where the Shah, after perhaps a few years of contemplation and fiddling around, instituted land reform and undertook it almost with a vengeance, and again by decree—a land-reform program so sweeping that he sits on his throne without any fear of peasant revolt, because, again, the peasants in that country have the only piece of action they are likely to have in a relatively poor country, and that is land.

We come now to Vietnam, a country of 16 million, 10 million of them being farm families, and half of them, 5 million, living on tenant farms. They pay anywhere from 5 to 10 to 60 percent of their crop in land rental every year. The landlord provides no credit, no seed, no fertilizer, nothing, and the tenant has no tenure. He can be kicked off the land at any time—hardly a system to win the support of the peasant people for the central government.

As we fight up and down the hamlets and the towns of Vietnam, we find that the Communists move into an area, take it over, and theoretically grant land reform; they give land to the peasant. He pays a tax or collection on it, but he thinks it is his, and the Communists tell him he has the benefit of land reform. Mr. President, you and I know that it is not; that it is phony; that after the Communists have taken over the country, they will probably liquidate the peasants, as they have everywhere else. But the peasant does not realize that.

As U.S. forces move in and occupy the land that was under land reform, we make the peasants move over and make the tenants pay land rent to the landlord, as they did under the previous system—hardly a system calculated to win their support for our system.

So that is why in South Vietnam most of the tenant farm peasants covertly support the Vietcong. That is exactly what led to the massacre at Mylai. Our troops, day after day, were being bombed, were running into booby traps, fighting the men and women who were supporting the Vietcong. They were shot at simply because the peasants thought they were going to get a better deal from the Communists. It is easy to understand why they feel that way.

All we are asking by this amendment is a chance for the Thieu government to be able to understake what it has not been able to undertake to date; that is, adequate land reform. The reason the government cannot do it is that General Thieu does not quite fit into the dictatorial position or revolutionary position of leaders of other countries who have undertaken land reform in this century. He cannot by decree compel land reform. He has the opposition of the landlords, and they have one basic reluctance. They know they are not going to be in any kind of position if the Communists take over. They will get nothing. But the one reluctance they have to land reform is that they are afraid they are going to be paid in some kind of worthless government bonds that can never be negotiated or sold, and that their land is going to be confiscated.

All we seek to do by this amendment is, not to dictate the terms of land reform, not to dictate that they have to undertake it, but simply to tell President Thieu, so that he will have power in dealing with the assembly, that he has the financial leverage to be able to say to the landlords, "We are going to be able to guarantee compensation for the taking over of your land." With that carrot—and that is all he needs—we can see an adequate land reform program undertaken in South Vietnam.

I must agree with the distinguished Senator from Maine (Mr. MUSKIE) about the urgency and immediate necessity. The principal rice harvest is now going on. The land-reform program can be undertaken almost immediately.

Three years ago, in reference to the contract with the Stanford Research Institute survey in Vietnam, the Senator from Maine asked the question, "Can it be done? How much will it cost? How soon can it be done? How soon can it

be put into effect?" He referred to Prof. Roy L. Prosterman, who is the architect of that plan. The report said it can be done.

All the arable land in South Vietnam—all of it—can be purchased for $500 million, and the program can be put into effect immediately. The only reason why it has not been put into effect is not the reluctance of President Thieu, who is not a member of the old land-owning class—he has no allegiance to the landowners; he does not own any significant land himself—the only reason he does not put the program into effect is that the U.S. Government has not pushed it; has not said, "We will give you the support necessary to undertake it."

So I am pleased to join the Senator from Maine today in asking that the Senate undertake this relatively minor and relatively inexpensive step, in comparison with the billions of dollars we have put into that country in terms of military weapons, and that we undertake the one step and the only step likely to give the hapless peasantry in that country a feeling of solidarity and a willingness to support the government in Saigon. Without that feeling, we can stay there for 20 years, if we will, and will not be any further ahead than we are right now. The very least we can do, if we are going ahead with the Vietnamization program, is to give the government that remains the peasant support that it needs to keep itself in power.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. I yield myself 1 minute.

Mr. President, I should like to comment upon the statement of the distinguished Senator from Oregon, who, I think, has given a most articulate and clear explanation of what it is we are trying to do.

I find it difficult to understand the reluctance to commit $50 million of American money, after all of the billions of dollars that we have poured into that country, for this objective which, more than any other single objective, can contribute to a political settlement of the problems in South Vietnam. I, too, find it difficult to understand, for the reasons which the distinguished Senator has so well spelled out.

Mr. SAXBE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's minute has expired.

Mr. MUSKIE. I yield to the Senator from Ohio 1 minute.

Mr. SAXBE. Mr. President, I should like to support the amendment. I feel it is represents a beginning on a practical approach to our international problems.

We are the biggest supplier of military arms in the world, and we have taken an attitude that we can support governments—many times dictatorships—because they offer us some kind of friendship, and we support them by supplying them with vast amount of military arms.

This is a mistake. I believe that we can best support free governments in other countries—not just Vietnam, which we are talking about now, but many other countries in our own hemisphere—by providing some means whereby we can put the average peasant in control of his destiny to a little degree. I do not mean we should dictate to them how they do it, but I think we should help them where it is possible to help them.

It is reported that Che Guevara said that the biggest difficult he found in Bolivia was the stolid indifference of the peasants. Why? Because they had had a very small degree of land reform.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SAXBE. My time has expired.

Mr. MUSKIE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maine has 9 minutes remaining.

Mr. FULBRIGHT. I yield myself 1 minute.

Mr. SAXBE. Just a minute, and then I will yield to the Senator on his time.

Mr. MUSKIE. One minute.

Mr. SAXBE. The reason I feel we should do this is that we could avoid further situations similar to Vietnam by this practical approach. The President is provided with large discretion. This approach means that the bonds that are issued will be issued for goods, and not for water materials. I believe it is the a beginning on trying to help the countries where land reform is needed—the poor agricultural countries of the world.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, does not the Senator know there is $420 million for supporting assistance in this bill?

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. FULBRIGHT. I yield myself 2 minutes.

All we would be doing here would be adding $50 million in additional appropriations. There is nothing to restrict the use of the money already provided. As a matter of fact, $30 million of that money already provided is tentatively committed to this purpose, in the sense that if the people in Vietnam pass a satisfactory law in this area, we would supply the money.

All the Senator is doing is using this as an excuse to increase the appropriation for support and assistance. That is all his amendment does. If the amendment is not agreed to, that does not mean there is no money in the bill for that purpose. In either case, however, probably nothing will come about in the way of land reform in Vietnam.

As far back as the time of President Diem, in 1957, they were talking about land reform, and we supported it. This has been a boondoggle in the past. Everyone agrees this land-reform idea is good, just like stopping drinking and smoking; but they never do anything about it. Now all the Senator is doing is trying to put an increase of $50 million in the bill.

If land reform is as important to them as the Senator thinks it is, there is money in the bill to do it. I do not understand why it is necessary to add another $50 million. I do not see it that way. The money is available. If Senators want to put $50 million more in the bill—I do not think they will—that is what they will be doing.

Moreover, my impression is that a large part of the land in question belongs to the French. The French still own the great plantations.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHURCH. Mr. President, will the Senator yield to me?

Mr. FULBRIGHT. I yield the Senator from Idaho whatever time he wishes.

Mr. CHURCH. Mr. President, first of all, I wish to make clear that I wholeheartedly approve the objective of land reform in Vietnam. I think it would be exceedingly helpful if a land reform program were adopted by the Saigon government, and implemented in a forthright and determined way. I applaud the motive of the Senator from Maine in offering his amendment today.

However, as the chairman has stated, land reform is not a new idea for Vietnam. I can recall offering a resolution in the Senate back in 1963, calling upon the Saigon government to institute a program of land reform. That was during the regime of Ngo Dinh Diem. Now, these many years later, having invested an enormous fortune of blood and treasure in what has now become the longest foreign war in our history, we are still talking about the need for land reform in Vietnam.

We could have purchased Vietnam many times over—all of it—the entire country and everything that is in it—for the money we have spent on this war. Yet today we are still talking about the need for land reform.

The obstacle to land reform is not the lack of money supplied by the United States over the years. The obstacle to land reform is not in Washington. The obstacle is in Saigon. It is not for the lack of money that land reform has not been achieved; it is for the lack of resolution in Vietnam itself.

I must concur with the chairman when he says that, after years of fruitless effort to persuade Saigon to adopt meaningful land reform, and to provide the money for that purpose, all that this amendment will do is to add another $50 million to the aid program. Already the bill provides money for land reform. More money could easily be made available if and when the Saigon government ever overcomes indigenous opposition to the program.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. CHURCH. I shall yield in a moment.

Our experience with the Alliance for Progress in Latin America, our experience in Vietnam, and in other countries where we have attempted to induce foreign governments to undertake drastic internal reforms, make it plain that such reforms occur only in those cases where there is a disposition within the country to effect them. They cannot be purchased by American money furnished

from without, and they cannot be achieved through the insistence of the Government of the United States.

Therefore, I shall vote against the amendment.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. GRIFFIN. Mr. President, the Senator talks about the importance of achieving land reform, and says that there is a lack of resolution in South Vietnam to take these steps. As I understand it, the Government of South Vietnam, particularly its legislative body, is very close to taking a step in that direction.

The additional $50 million involved in this amendment will not be spent unless there is the resolution on the part of South Vietnam which the Senator from Idaho is talking about. If the South Vietnamese Legislature does not pass the legislation—if they do not take steps to achieve land reform—then we are doing nothing so far as this amendment is concerned. However, we would be indicating our support.

Such support would be absolutely necessary if any meaningful program of land reform is to take place. Will the Senator not agree?

Mr. CHURCH. There is already money in the bill for this very purpose. If, after so many years, the government in Saigon finally overcomes the vested interests within that country that have so long resisted land reform, if these obstacles are overcome, there is money in the bill. I am sure that we can find other money as well.

There simply is no need to add another $50 million when no program for land reform has even been enacted in South Vietnam.

I understand that we have reached a point in Vietnam where we are quite willing for the United States to pay for everything that happens there.

No one even suggests that the Vietnamese should pay for their own land reform program. Naturally, we must pay for it. That is the purpose of the amendment.

But there is already money enough in the bill.

The amendment is unnecessary.

Mr. FULBRIGHT. Mr. President, I yield 10 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, what I wish to say is not directly in connection with the amendment offered by the Senator from Maine, although it might be used as a good example for what I have in mind.

The PRESIDING OFFICER. Will the Senator suspend until the membership gives him an opportunity to be heard?

The Senator from Vermont has attempted to speak over the conferences that prevent even the Presiding Officer from hearing the Senator from Vermont.

Will the Senators please cooperate with the request of the Chair? The Senator from Vermont wishes to proceed.

The Senator may proceed.

THE DANGERS OF MORAL AGGRESSION

Mr. AIKEN. Mr. President, the role of the Senate to advise the President in the conduct of foreign policy and to grant or withhold its consent to treaties is one of the most precious powers of this body.

At a time when most parliaments in the world have either been suppressed or shorn of most of their real powers, we must cherish ours.

Democracy may not be an ideal form of government, but for us it is an absolute necessity.

I have never thought that this precious power gave to us the right or duty to use the legislative process to impose our moral view on other nations—to intervene in the political and legislative processes of other nations on behalf of this faction or that.

Yet increasingly under the umbrella of this legislation called foreign aid, we have tried to do just that.

What started out to be an important and a generous instrument to promote U.S. foreign policy has become a kind of diplomatic pork barrel and a subsidy to American industry.

This is a dangerous situation.

It amounts to interpreting "advise and consent" as "oppose and contend."

If the Senate were just a forum for discussion, we might be able to indulge our moral indignation much more freely than we can afford to do in this body now.

But here in the Senate, if our ideals are to be effective, they have to be rooted in real interests—real American interests.

We have real powers and also real responsibilities.

This is one of the lessons we should have learned from our unhappy experience in Vietnam.

I have said many times that our cardinal mistake in Vietnam was to fail to see that the weight of our military intervention was bound to prevent the very self-determination that we so loudly proclaimed we wanted to preserve.

The President's Vietnamization policy is an acknowledgment of that fundamental error.

But it is not only the weight of our military intervention that has prevented self-determination in that country.

We have compounded our error by succumbing time and time again to the temptation of trying to legislate the morality of the authorities in Saigon whose self-determination we have supposedly been trying to preserve.

When elections were held in South Vietnam in 1967, loud voices in this country were raised to discredit them even before they were held.

When the Paris peace talks began, other voices strongly urged that we use our influence to undermine those elected authorities in Saigon in the name of reaching some political accommodation.

And through the medium of this foreign aid bill we have time and time again attempted to use our powers to dictate the kind of government policies South Vietnam should adopt.

The fact that about one half of all the U.S. nationals employed by AID overseas are now working in South Vietnam or Laos makes a mockery, I fear, out of all the noble aims that originally inspired the ancestors of this tattered and tired bill.

It is no wonder that there is a revulsion in the country because of our intervention in the affairs of nations abroad.

We do not have to look for immoralities in Saigon to find the reason, plentiful though they may be. We have been our own worst enemy in that corner of the world.

Those who would intervene in the national politics of other countries must answer the question, "What rational American interest is being served?"

No ideal can be effective unless it is rooted in such an answer.

No amount of moral indignation can excuse us from determining what our real interests are.

When moral indignation alone is coupled with appropriations and legislative restrictions which amounts to giving other nations their marching orders—then we are practicing moral aggression.

And a government that believes its moral view of world affairs is the only true and valid view can only be a deterrent to world peace.

It is not just in Vietnam that we have been morally aggressive under the guise of providing foreign aid.

Much of the talk surrounding this subject and many amendments to the legislation reflect this view.

I maintain that we should approve this authorization bill for this year since it is our basic responsibility to continue appropriations through next July at least.

I hope that this will be the last time we will be asked to treat these vital and delicate international matters in the manner we have done this year.

We must restrain the temptation to use the foreign aid bill to commit moral aggression lest we end up in a country doomed to moral isolation.

In order to make our ideals effective in world affairs, we have to accent the rational dimension in foreign policy and curb our moral pretensions.

If we are to continue to help finance development projects in those countries deep in mass poverty—and I think we should in some appropriate form—then let us have legislation presented for that purpose and not intertwined with matters that have no real relationship with development finance.

If it is our real interests to give economic or military assistance to other governments—even governments that do not reflect our democratic ideas—then let us have legislation that makes those interests so plain that we will not be constantly tempted to pass judgment on the governments we are helping.

This legislation used to express the moral dimension in our foreign policy in ways consistent with our real interests.

It no longer does.

Instead it represents a combination of our frustrations and guilt feelings over past errors and the kind of cynicism so

apparent in the phrase "pork barrel legislation."

It is in our vital interests to lead in keeping the peace, but it is not in our interests to try to exert either a moral or a political domination over other governments.

No innocence can protect us from the consequences of our interventions, however good we feel our motives to be. For after we have finished telling other governments what they ought to do to meet our standards of morality or political wisdom, we are certain to end up finding these same governments telling us what we must do to save our face, if not the lives of thousands of young Americans.

Mr. President, as far as this amendment goes, what it does is to take $30 million from the fund which was used to enable us to get the troops out of Vietnam, and it adds $50 million to other parts of our program. Therefore, if one wants to use this money to help get the troops out of Vietnam, then it would not be wise to vote for this amendment. If one wants to keep the troops in Vietnam indefinitely, then he should vote for the amendment.

Mr. FULBRIGHT. I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

THE VICE PRESIDENT AND SENATOR GORE

Mr. GORE. Mr. President, on yesterday I wrote and had hand-delivered to the office of the distinguished Vice President of the United States a letter which I desire now to read:

DECEMBER 11, 1969.

Hon. SPIRO T. AGNEW,
Vice President of the United States,
Washington, D.C.

DEAR MR. VICE PRESIDENT: I tried to contact you in the Capitol yesterday before making some remarks in the Senate but was unable to do so. Your office door was closed so eventually I slipped under the door a copy of the text of my remarks for your attention. I hope it reached you.

In any event, I respectfully attach hereto a tear sheet from the Congressional Record of yesterday to which I call your attention.

Several TV stations and hookups have contacted me offering time for a discussion between us along the lines of the subject of my address yesterday and of your address to the American Farm Bureau Federation. My response to them has been as I said on the floor yesterday:

"Now, if the distinguished Vice President should find a mutual discussion agreeable, then I would respectfully leave entirely to him the choice of place, time, or forum, though I must say I would prefer Tennessee. Should Tennessee be favorably considered, the grass is usually green and the buttercups out about April 15; the foliage golden and beautiful in late October."

Your consideration and advice in these premises will be appreciated.

Respectfully yours,

ALBERT GORE.

Mr. President, the distinguished Vice President has demonstrated a remarkable penchant for debate, and one so talented with outspoken tendencies as he, I am sure, would prefer to conduct debate face to face instead of by long distance. I am sure, too, that the distinguished Vice President, loyal to his Chief as he is, would be willing to follow the admonition of President Richard M. Nixon, who only a few days ago eloquently referred to the right of the people to know. Indeed, he said that it was partly to the failure of the previous administration to "lay it on the line" that there had been so much public misunderstanding.

There too, Mr. President, as late as November 20, the distinguished Vice President, himself, said in a speech:

When their criticism becomes excessive or unjust, we shall invite them down from their ivory towers to enjoy the rough and tumble of the public debate.

Mr. President, the people do have a right to know. It is their country. It is their government. It is they who pay the taxes. They have a right to know the facts about the taxes they must pay, whether they are fairly levied according to ability to pay or by favor and preference.

The distinguished Vice President has three times referred critically and personally to the senior Senator from Tennessee—one time, in fact, making a pun upon my name. I honor my name, which I inherited. These tactics can be excused, but we cannot excuse the right of the people to know. The people have a right to know, and the Vice President factually misinformed the people about the Gore amendment.

So I would like to convey to the distinguished Vice President that I am not in an ivory tower—never have been. I am down in the arena, waiting, growing a little lonely.

So, Mr. President, in your own words, come down from your ivory tower and enjoy the rough and tumble of public debate. Let us let the people know.

FOREIGN ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the debate on all amendments, with the exception of the Javits amendment submitted on yesterday, be limited to 1 hour, the time to be equally divided and controlled by the proponent of the amendment and the manager of the bill, and that the debate on final passage be limited to 2 hours, the time to be equally divided between the leaders or whomever they may designate.

This has been cleared all the way around.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, will the Senator yield 2 minutes to me?

Mr. MUSKIE. I yield 2 minutes to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I rise today in support of the amendment offered by the distinguished Senator from Maine. I recently introduced, on behalf of myself and seven other Senators, Senate Resolution 290, urging the Government of South Vietnam to enact needed legislation for land reform. I am hopeful that the National Assembly of South Vietnam will act expeditiously to enact legislation providing for swift and immediate land reform so that the great mass of South Vietnamese tenant farmers may gain ownership of the lands they till. Such legislation has been introduced in the National Assembly and has not yet been given the force of law. It is my hope that such a land reform program, if enacted in time, will have its impact during the forthcoming grain harvest in the Mekong Delta which will begin in December and continue through February. A major land reform effort can be of substantial assistance in ending the Vietnam conflict at an early date and in saving the lives of those now subject to the perils of warfare.

If the National Assembly of South Vietnam enacts a broad-based land reform program, some 7 million South Vietnamese now dependent on tenant farming under almost medieval conditions for their livelihood could receive virtually immediately the ownership of the land upon which they now toil.

It is my conviction that the South Vietnamese Government must act without delay to implement broad-based land reform if they are to secure the support of their people and if the people are to have confidence in the Government of South Vietnam. This action, which I believe so necessary, can be effectuated only by the people of South Vietnam. The people of the United States have paid dearly in an attempt to secure a greater measure of political freedom for the people of South Vietnam. The Government of South Vietnam must be prepared to take the necessary steps to assure a degree of economic freedom for its citizens as well.

It is my belief that land reform will help speed the date at which all American combat troops can be ordered out of Vietnam. Hopefully, this effort will strengthen the desire of the South Vietnamese peasants to resist. Land reform will provide the vital link that will give young peasants a "part of the action" in their own country.

It is my hope that the Senate will adopt the amendment of the distinguished Senator from Maine, indicating the desire of this country to aid the land-reform effort if enacted by the National Assembly. We cannot wait, because each day more American boys are dying in that tragic war. We must explore all options and avenues in de-Americanizing this war.

I ask unanimous consent to have printed at this point in the RECORD the text of Senate Resolution 290, to which I have referred.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 290

Resolution relating to the support of the Senate for land reform in South Vietnam

Whereas most of the cropland in South Vietnam is presently vested in the hands of a privileged few; and

Whereas the South Vietnamese tenant farmer does not enjoy the privilege of land-ownership and the incentives and economic stability derived from such ownership; and

Whereas an effective program of land reform would enhance the economic and political security of the vast majority of South Vietnamese people; and

Whereas the Government of South Vietnam has not succeeded in implementing an effective land reform program; and

Whereas implementation of meaningful land reform in South Vietnam would substantially hasten the termination of armed conflict and the tragic loss of life being suffered by all parties in the conflict: Now, therefore, be it

Resolved, That the Senate recommends, urges, and supports the immediate formulation and implementation by the Government of South Vietnam of a broad-based, effective, and equitable land reform program for South Vietnam.

Mr. JACKSON. Mr. President, will the Senator yield me 2 minutes?

Mr. MUSKIE. I yield 2 minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, I rise to support the substitute amendment No. 422 to the Foreign Assistance Act of 1969, which is aimed at encouraging positive action by the Government of South Vietnam in enacting and applying a thorough, effective, and democratic land reform program.

As my colleagues know, a large proportion of the people of South Vietnam make their living by tilling the soil and, like farmers everywhere, desire to own the land on which they work. It has long been obvious that a program to make it possible for landless farmers to become landowners would be in the best interest of the people of South Vietnam and contribute to their economic and political welfare. Yet past and present efforts to carry out a thorough-going program of land reform have not been successful. At this point, President Thieu's start on such a program has been bottled up in the South Vietnamese Legislature.

It is my view that the people of the United States have a proper and legitimate interest in encouraging the Government of South Vietnam to make substantial and rapid progress in extending the benefits of landownership to all of the citizens of South Vietnam who make their living from the land as a means of strengthening the economic and political foundations of the country's independence.

In that spirit, I urge the adoption of the substitute amendment offered by the distinguished and able Senator from Maine.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. MAGNUSON. Mr. President, I think we should call the attention of the Senate to the fact that many of us, at least my colleague and I, are somewhat proud of the fact that some of the greatest theses on this subject have been presented by Dr. Roy L. Prosterman, of the University of Washington, who spent a great deal of time in Vietnam and made many objective reports. I think if this step is finally taken by the Saigon government, he deserves a lot of credit for starting this movement.

Mr. JACKSON. Mr. President, I join the Senator in that regard. I also wish to commend the work of Dr. Roy L. Prosterman on behalf of American support of land-reform efforts by the South Vietnamese people. The practical and dedicated contributions to land reform by Professor Prosterman, associate professor of law at the University of Washington School of Law, constitute a notable public service.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

Mr. President, the South Vietnamese have been promising land reform ever since we stepped in as the French left. After giving them $4.5 billion in economic aid over the last 15 years, we still have plenty of promises of reform but no results.

As long ago as 1957 in an official communique issued at Washington by the President of the United States there was this phrase:

Plans for agrarian reform have been launched, and a constructive program developed to meet long-range economic and social problems to promote higher living standards for the Vietnamese people.

Nearly every year since then we have had similar statements, always designed to elicit more money from the American Government.

It is true that there is a land-reform bill pending in the National Assembly. The United States, in fact, committed $10 million in fiscal 1969 and earmarked $30 million in fiscal year 1970 for it, contingent on a workable plan emerging. But with the landlords and moneyed classes controlling Saigon political life, I am no more optimistic that this bill's promises will ever be put into practice than I have been about those of the past.

The point is that the United States has already demonstrated its willingness to put up a large sum to carry out a land-reform program. The executive branch can allocate more from the $420 million in supporting assistance authorized in this bill, if it so chooses. The money is there. It is the will of the South Vietnamese that is lacking.

I suppose we could force land reform at least temporarily if we took over the Saigon government completely. But we have repeatedly been told by this, and the past, administration that self-determination is the U.S. goal in South Vietnam. We are already too deeply mired in Vietnam's internal wars—military and political—and to go the route the Senator from Maine suggested will only sink us in deeper.

I do not quarrel with the Senator's objective. I do not oppose land reform and think that it is a tragedy that the various Saigon regimes have not attached the importance to this as we—and the Vietcong—have. But, if there is one lesson we should have learned from Vietnam, it is that the Vietnamese must make their own decisions.

Mr. GRIFFIN. Mr. President, will the Senator from Maine yield to me for 1 minute?

Mr. MUSKIE. I yield.

Mr. GRIFFIN. Mr. President, from time to time we hear a great deal of criticism about the Government of South Vietnam and what it has, or has not, done. As a nation, it seems that we are constantly faced with a dilemma. If we seek to influence the Government of South Vietnam we are criticized by some; if we let them go their own way and do not assert ourselves, we are criticized.

I believe the amendment of the senior Senator from Maine, as it has been revised and as is now presented, takes a very reasonable approach. Under his amendment, we would not be dictating to the Government of South Vietnam but we would be making it clear that we support land reform in principle and that we are prepared to help achieve it.

I support the amendment of the Senator from Maine.

Mr. MUSKIE. Mr. President, I thank the distinguished Senator from Michigan.

I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I can generate as much cynicism about the situation in Vietnam and the failure of our efforts there over the years as any Member of this body, but applied to the arguments made against the amendment by the distinguished chairman of the committee and the distinguished Senator from Idaho (Mr. CHURCH). We cannot permit ourselves to be bogged down in our cynicism.

Anybody with an understanding of the problem in South Vietnam knows that land is at the heart of the future aspirations of the people and it has been the failure of Diem and succeeding governments there to deal with that problem that has prolonged the war.

Anyone who expresses the certainty that this amendment would prolong the war is completely without understanding of what we are dealing with there. We are dealing with a condition. We have in the South Vietnamese Assembly in Saigon a land reform bill. The question is whether now, after all the frustrations of the years, we use our efforts in the relatively piddling sum of $50 million to prod that bill loose, to move it toward the objective of achievement and realization.

There is a rice harvest in January and February. If we can accomplish this step before that harvest begins and if we could assure that this harvest would inure totally to the tenants and not the landlords, we would have taken a giant step toward ending the war.

We have poured billions of dollars into Vietnam. Here is an additional $50 million which this amendment would put completely in control of the President at his discretion. He need not spend it unless by spending it he can speed the enactment into law of the bill now pending in the Saigon Assembly.

Let us put our cynicism behind us. Let us put our doubts behind us, and let us take what little risk is involved in approving this $50 million. For years we have talked about taking risks for peace. Is this such an unconscionable risk to take toward that objective?

Mr. AIKEN. Mr. President, will the Senator from Arkansas yield to me for 1 minute?

Mr. FULBRIGHT. I yield 1 minute to the Senator from Vermont.

Mr. AIKEN. Mr. President, this appears to be an effort to take money away from the funds necessary to get our boys out of Vietnam and to divert it to American industry. I wish to read one line from the amendment which has been offered by the Senator from Maine:

> The President may make grants to the government of Vietnam, out of funds appropriated pursuant to this section, for the purchase and shipment to Vietnam of goods and commodities manufactured or produced in the United States, . . .

Mr. President, if that is not American industry getting its foot in the door again, I do not know what it is.

Mr. MUSKIE. Mr. President, I yield myself 1 minute.

Mr. President, I oppose the attack directed at the amendment by the Senator from Vermont. American industry had nothing to do with this amendment. We are undertaking to put together commodities which would appeal to South Vietnamese landlords as credible payment for their land. That is all that is behind the amendment. There is no intention to aggrandize American industry or the American commodities having appeal to landlords as payment for their land.

Mr. FULBRIGHT. Mr. President, I yield myself 1 minute.

The Senator speaks of our being bogged down in cynicism. It seems to me that could be applied the other way. The Senator really proposes to force those people to do what they promised to do years ago, by holding out more money when there is no reason to believe it will be any more effective now than it was under Diem.

The amendment would simply add more money to a bill which already has sufficient money to accomplish this purpose, assuming there is any reasonable ground to expect it will be used.

The bill already has $30 million in it but it is contingent upon the South Vietnamese Government enacting a bill that is reasonably designed to accomplish this purpose. It is that way because the administration obviously knows of the past disappointment. There is little likelihood the money would not be frittered away.

What they would really like are those goods, those imports which have the greatest appeal in the black market; it is the most active black market in the world.

The cynicism could be equally alleged to the Senator from Maine for thinking he could bribe a people in doing something new.

Mr. MUSKIE. Will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield to the Senator on his own time.

Mr. MUSKIE. I have no time remaining.

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Idaho (Mr. CHURCH).

Mr. MUSKIE. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. All time of the Senator from Maine has expired.

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 minute.

Mr. MUSKIE. I thank the Senator from Arkansas.

Mr. President, I do not see how the Senator from Arkansas can argue that the $30 million, which he says is provided under the bill for land reform, will be used any more irresponsibly than the $50 million my amendment provides. Where is the consistency in the Senator's observation?

Mr. FULBRIGHT. I did not put it in there for that purpose. I have no idea that it will be used any more effectively now than it was in the past. I am opposed to the proposed increase of $50 million. In fact, I am opposed to the authorization being as large as it is.

After all, the United States is having troubles of its own. In some areas we need reform as badly as it is needed in Vietnam. The Senator has made eloquent pleas for antipollution measures, and so forth, in this country, and then he comes in here and says that $50 million is a relatively piddling amount. I think that $50 million is a substantial amount in view of the dire necessities of this country. Yet, we seem to be so generous with our money when it comes to a foreign country.

Mr. MUSKIE. I meant with respect to the relative amount of money we have spent there.

Mr. FULBRIGHT. $4½ billion. It is high time we stopped doing that.

Mr. MUSKIE. The question is whether the Senator's position or my position is more likely to advance the end of the war.

Mr. FULBRIGHT. All the Senator is doing is adding $50 million to the bill. That is what the Senator is doing. He is not accomplishing anything else. There is nothing in the bill to prevent the $420 million in supporting assistance being used for land reform purposes. All the Senator is doing is using this as an excuse, because it has certain appeal to get votes, to increase the amount of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Iowa (Mr. MILLER), the Senator from Vermont (Mr. PROUTY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Iowa (Mr. MILLER) would each vote "nay."

The result was announced—yeas 33, nays 51, as follows:

[No. 224 Leg.]

YEAS—33

Bayh	Hart	Muskie
Cannon	Hollings	Packwood
Cranston	Hughes	Pastore
Dodd	Jackson	Pell
Dominick	Kennedy	Percy
Eagleton	Magnuson	Saxbe
Goodell	McGee	Schweiker
Gravel	McIntyre	Scott
Griffin	Metcalf	Stevens
Gurney	Mondale	Tower
Harris	Moss	Williams, N.J.

NAYS—51

Aiken	Ellender	Montoya
Allen	Ervin	Murphy
Allott	Fannin	Nelson
Baker	Fong	Pearson
Bible	Fulbright	Proxmire
Boggs	Gore	Randolph
Brooke	Hansen	Ribicoff
Burdick	Hartke	Russell
Byrd, Va.	Hatfield	Smith, Maine
Byrd, W. Va.	Holland	Sparkman
Case	Hruska	Spong
Church	Javits	Stennis
Cooper	Jordan, Idaho	Talmadge
Cotton	Mansfield	Thurmond
Curtis	Mathias	Williams, Del.
Dole	McClellan	Young, N. Dak.
Eastland	McGovern	Young, Ohio

NOT VOTING—16

Anderson	Jordan, N.C.	Smith, Ill.
Bellmon	Long	Symington
Bennett	McCarthy	Tydings
Cook	Miller	Yarborough
Goldwater	Mundt	
Inouye	Prouty	

So Mr. MUSKIE's amendment was rejected.

PROPOSED INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

Mr. CHURCH. Mr. President, I wish to make a brief statement about a proposal contained in part IV of the foreign assistance bill approved by the other body which calls for the establishment of an Inter-American Social Development Institute.

This proposal is a product of a lengthy review of U.S. aid operations in Latin America conducted earlier this year by the House Subcommittee on Inter-American Affairs under the direction of its able chairman, Mr. DANTE FASCELL.

That review, I may add, parallels in many respects the various studies undertaken during the past 2 years by the Senate subcommittee which I have the honor to chair.

While the full Committee on Foreign Relations, because of the lateness of the session, was unable to give consideration to the several new initiatives reflected in the legislation approved by the other body, three major characteristics of the proposed Institute warrant our attention:

First, the Institute would shift some of the emphasis of our current program away from the constant preoccupation with economic growth to the equally important area of social development. It would do so by concerning itself with local Latin American initiatives aimed at promoting desirable social change and affording the masses of the Latin people more opportunity to participate meaningfully in shaping the future of their societies.

Second, the Institute woulld operate outside the formal, government-to-government machinery, conducting its activities through private channels. The majority of its directors would come from the private sector and its programs would move on an institution-to-institution and people-to-people basis.

Third, by combining private, public and international resources the Institute would get away from our aid program's normal dependence on year-to-year appropriations and would be able to provide sustained support to long-term social development undertakings in Latin America.

The establishment of the Institute within the framework described above can provide a new, much needed thrust to U.S. activities in support of balanced development in Latin America.

Legislation authorizing the Institute was approved several weeks ago by the other body.

The initial funding of the Institute, which would not increase the appropriation for the current foreign aid program, has been approved by the House Appropriations Committee and by the full House. It would come from up to $50 million in funds that the Congress will provide for foreign economic assistance.

I find the objective and the approach embodied in the proposed Inter-American Social Development Institute to be timely and worthy of support.

I would hope, therefore, that early steps could be taken to implement this concept and to test it in practice.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

FOREIGN ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

AMENDMENT NO. 424

Mr. JAVITS. Mr. President, I call up my amendment No. 424.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS' amendment (No. 424) is to insert, after line 24 on page 85, the following new section 105, and renumber subsequent sections accordingly:

SEC. 105. Chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to development assistance is amended by deleting title III and title IV and substituting in lieu thereof the following new titles therefor:

"TITLE III—HOUSING GUARANTIES

"SEC. 221. HOUSING GUARANTIES.—In order to facilitate and increase the participation of private enterprise in furthering the development of the economic resources and productive capacities of less developed friendly countries and areas, and promote the development of thrift and credit institutions engaged in programs of mobilizing local savings for financing the construction of self-liquidating housing projects and related community facilities, the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible investors as defined in section 328(c), assuring against loss of loan investments for self-liquidating housing projects. The total face amount of guaranties issued hereunder, outstanding at any one time, shall not exceed $130,000,000. Such guaranties shall be issued under the conditions set forth in section 222(b).

"SEC. 222. HOUSING PROJECTS IN LATIN AMERICAN COUNTRIES.—(a) The President shall assist in the development in the American Republics of self-liquidating housing projects, the development of institutions engaged in Alliance for Progress programs, including cooperatives, free labor unions, savings and loan type institutions, and other private enterprise programs in Latin America engaged directly or indirectly in the financing of home mortgages, the construction of homes for lower income persons and families, the increased mobilization of savings and improvement of housing conditions in Latin America.

"(b) To carry out the purposes of subsection (a), the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible investors, as defined in section 238(c), assuring against loss of loan investment made by such investors in—

"(1) private housing projects in Latin America of types similar to those insured by the Department of Housing and Urban Development and suitable for conditions in Latin America;

"(2) credit institutions in Latin America engaged directly or indirectly in the financing of home mortgages, such as savings and loan institutions and other qualified investment enterprises;

"(3) housing projects in Latin America for lower income families and persons, which projects shall be constructed in accordance with maximum unit costs established by the President for families and persons whose incomes meet the limitations prescribed by the President;

"(4) housing projects in Latin America which will promote the development of institutions important to the success of the Alliance for Progress, such as free labor unions, cooperatives, and other private enterprise programs; or

"(5) housing projects in Latin America 25 per centum or more of the aggregate of the mortgage financing for which is made available from sources within Latin America and is not derived from sources outside Latin America, which projects shall, to the maximum extent practicable, have a unit cost of not more than $8,500.

"(c) The total face amount of guaranties issued hereunder or heretofore under Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969, outstanding at any one time, shall not exceed $550,000,000: *Provided*, That $325,000,000 of guaranties may be used only for the purposes of subsection (b)(1).

"SEC. 223. GENERAL PROVISIONS.—(a) A fee shall be charged for each guaranty issued under section 221 or section 222 in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

"(b) The amount of $50,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued hereunder, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of this title and of prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to section 221 or section 222 or heretofore pursuant to prior Latin American and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of subsection (b).

"(c) Any payments made to discharge liabilities under guaranties issued under section 221 or section 222 or heretofore under prior Latin American or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in subsection (b) (excluding amounts required for purposes other than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under such guaranties as long as funds are available, and finally out of funds hereafter made available pursuant to subsection (e).

"(d) All guaranties issued under section 221 or section 222 or heretofore under prior Latin American or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaran-

ties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(e) There is hereby authorized to be appropriated to the President such amounts, to remain available until expended, as may be necessary from time to time to carry out the purposes of this title.

"(f) In the case of any loan investment guaranteed under section 221 or section 222, the agency primarily responsible for administering part I shall prescribe the maximum rate of interest allowable to the eligible investor, which maximum rate shall not be less than one-half of 1 per centum above the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. In no event shall the agency prescribe a maximum allowable rate of interest which exceeds by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by such Department. The maximum allowable rate of interest under this subsection shall be prescribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of subsection (f).

"(g) Housing guaranties committed, authorized, or outstanding under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (b).

"(h) No payment may be made under any guaranty issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(i) The authority of section 221 and subsection 222 shall continue until June 30, 1972.

"TITLE IV—OVERSEAS PRIVATE INVESTMENT CORPORATION

"SEC. 231. CREATION, PURPOSE, AND POLICY.—To mobilize and facilitate the participation of United States private capital and skills in the economic and social progress of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment Corporation (hereinafter called the Corporation), which shall be an agency of the United States under the policy guidance of the Secretary of State.

"In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

"(a) to conduct its financing operations on a self-sustaining basis, taking into account the economic and financial soundness of projects and the availability of financing from other sources on appropriate terms;

"(b) to utilize private credit and investment institutions and the Corporation's guaranty authority as the principal means of mobilizing capital investment funds;

"(c) to broaden private participation and resolve its funds through selling its direct investments to private investors whenever it can appropriate do so on satisfactory terms;

"(d) to conduct its insurance operations with due regard to principles of risk management including, when appropriate, efforts to share its insurance risks;

"(e) to utilize, the maximum practicable extent consistent with the accomplishment of its objective, the resources and skills of small business and to provide facilities to encourage its full participation in the programs of the Corporation;

"(f) to encourage and support only those private investments in less developed friendly countries and areas which are sensitive and responsive to the special needs and requirements of their economics, and which contribute to the social and economic development of their people;

"(g) to consider in the conduct of its operations the extent to which less developed country governments are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

"(h) to foster private initiative and competition and discourage monopolistic practices;

"(i) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments objectives of the United States;

"(j) to conduct its activities in consonance with the activities of the agency primarily responsible for administering part I and the international trade, investment, and financial policies of the United States Government; and

"(k) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas.

"SEC. 232. CAPITAL OF THE CORPORATION.—The President is authorized to pay in as capital of the Corporation, out of dollar receipts made available through the appropriation process from loans made pursuant to this part or pursuant to predecessor authority contained in provisions repealed by the Foreign Assistance Act of 1969 and from loans made under the Mutual Security Act of 1954, as amended, for the fiscal year 1970, not to exceed $20,000,000 and for fiscal year 1971 not to exceed $20,000,000. Upon the payment of such capital by the President, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

"SEC. 233. ORGANIZATION AND MANAGEMENT.—(a) STRUCTURE OF THE CORPORATION.—The Corporation shall have a Board of Directors, a President, an Executive Vice President and such other officers and staff as the Board of Directors may determine.

"(b) BOARD OF DIRECTORS.—All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors ('the Board') which shall consist of eleven Directors, including the Chairman, with six Directors constituting a quorum for the transaction of business. The Administrator of the Agency for International Development shall be the Chairman of the Board, ex officio. Six Directors (other than the President of the Corporation, appointed pursuant to subsection (c) who shall also serve as a Director) shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall not be officials or employees of the Government of the United States. At least one of the six Directors appointed under the preceding sentence shall be experienced in small business, one in organized labor, and one in cooperatives. Each such Director shall be appointed for a term of no more than three years. The terms of no more than two such Directors shall expire in any one year. Such Directors shall serve until their successors are appointed and qualified and may be reappointed.

"The other Directors shall be officials of the Government of the United States, designated by and serving at the pleasure of the President of the United States.

"All Directors who are not officers of the Corporation or officials of the Government of the United States shall be compensated at a rate equivalent to that of level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the business of the Corporation and may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time, while away from their homes or usual places of business.

"(c) PRESIDENT OF THE CORPORATION.—The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In making such appointment, the President shall take into account private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

"(d) OFFICERS AND STAFF.—The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. Other officers, attorneys, employees, and agents shall be selected and appointed by the Corporation, and shall be vested with such powers and duties as the Corporation may determine. Of such persons employed by the Corporation, not to exceed twenty may be appointed, compensated, or removed without regard to the civil service laws and regulations: *Provided*, That under such regulations as the President of the United States may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those otherwise authorized by law, including those authorized by section 5108 of title 5 of the United States Code.

"SEC. 234. INVESTMENT INCENTIVE PROGRAMS.—The Corporation is hereby authorized to do the following:

"(a) INVESTMENT INSURANCE.—(1) To issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved—

"(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

"(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government; and

"(C) loss due to war, revolution, or insurrection.

"(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make such arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions thereof) or with multilateral organizations for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder: *Provided, however*, That liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this title and that the maximum share of liabilities so asumed shall not ex-

ceed the proportionate participation by eligible investors in the total project financing.

"(3) Not more than 10 per centum of the total face amount of investment insurance which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

"(b) INVESTMENT GUARANTIES.—To issue to eligible investors guaranties of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however,* That such guaranties on other than loan investments shall not exceed 75 per centum of such investment: *Provided further,* That except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project shall not exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty: *Provided further,* That not more than 25 per centum of the total face amount of investment guaranties which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

"(c) DIRECT INVESTMENT.—To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 1415 of the Supplemental Appropriation Act, 1953, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Director of the Bureau of the Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as reasonably feasible under the circumstances then pertaining.

"No loans shall be made under this section to finance operations for mining or other extraction of any deposit of ore, oil, gas, or other mineral.

"(d) INVESTMENT ENCOURAGEMENT.—To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private organizations or private investors: *Provided, however,* That the Corporation shall not finance surveys to ascertain the existence, location, extent or quality, or to determine the feasibility of undertaking operations for mining or other extraction, of any deposit of ore, oil, gas, or other mineral. In carrying out this authority, the Corporation shall coordinate with such investment promotion activities as are carried out by the Department of Commerce.

"(e) SPECIAL ACTIVITIES.—To administer and manage special projects and programs, including programs of financial and advisory support which provide private technical, professional, or managerial assistance in the development of human resources, skills, technology, capital savings and intermediate financial and investment institutions and cooperatives. The funds for these projects and programs may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 632 (a) or from other sources, public or private.

"SEC. 235. ISSUING AUTHORITY, DIRECT INVESTMENT FUND AND RESERVES.—(a) (1) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a) shall not exceed $7,500,000,000.

"(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 234(b) shall not exceed in the aggregate $750,000,000, of which guaranties of credit union investment shall not exceed $1,250,000: *Provided,* That the Corporation shall not make any commitment to issue any guaranty which would result in a fractional reserve less than 10 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 234(b) or similar predecessor guaranty authority.

"(3) The Congress, in considering the budget programs transmitted by the President for the Corporation, pursuant to section 104 of the Government Corporation Control Act, as amended, may limit the obligations and contingent liabilities to be undertaken under section 234(a) and (b), as well as the use of funds for operating and administrative expenses.

"(4) The authority of section 234(a) and (b) shall continue until June 30, 1974.

"(b) There shall be established a revolving fund, known as the Direct Investment Fund, to be held by the Corporation. Such fund shall consist initially of amounts made available under section 232, shall be available for the purposes authorized under section 234(c), shall be charged with realized losses and credited with realized gains and shall be credited with such additional sums as may be transferred to it under the provisions of section 236.

"(c) There shall be established in the Treasury of the United States an insurance and guaranty fund, which shall have separate accounts to be known as the Insurance Reserve and the Guaranty Reserve, which reserves shall be available for discharge of liabilities, as provided in section 235(d), until such time as all such liabilities have been discharged or have expired or until all such reserves have been expended in accordance with the provisions of this section. Such fund shall be funded by: (1) the funds heretofore available to discharge liabilities under predecessor guaranty authority (including housing guaranty authorities), less both the amount made available for housing guaranty programs pursuant to section 223 (b) and the amount made available to the Corporation pursuant to section 234(e); and (2) such sums as shall be appropriated pursuant to section 235(f) for such purpose. The allocation of such funds to each such reserve shall be determined by the board after consultation with the Secretary of the Treasury. Additional amounts may thereafter be transferred to such reserves pursuant to section 236.

"(d) Any payments made to discharge liabilities under investment insurance issued under section 234(a) or under similar predecessor guaranty authority shall be paid first out of the insurance reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to section 235(f). Any payments made to discharge liabilities under guaranties issued under section 234(b) or under similar predecessor guaranty authority shall be paid first out of the guaranty reserve as long as such reserve remains available, and thereafter out of funds made available pursuant to section 235(f).

"(e) There is hereby authorized to be transferred to the Corporation at its call, for the purposes specified in section 236, all fees and other revenues collected under predecessor guaranty authority from December 31, 1968, available as of the date of such transfer.

"(f) There is hereby authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the insurance and guaranty fund or to discharge the liabilities under insurance and guaranties issued by the Corporation or issued under predecessor guaranty authority.

"SEC. 236. INCOME AND REVENUES.—In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

"(a) payment of all expenses of the Corporation, including investment promotion expenses;

"(b) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 235 and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the board may determine; and

"(c) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers and additions under subsections (a) and (b) hereof.

"SEC. 237. GENERAL PROVISIONS RELATING TO INSURANCE AND GUARANTY PROGRAMS.—(a) Insurance and guaranties issued under this title shall cover investment made in connection with projects in any less developed friendly country or area with the government of which the President of the United States has agreed to institute a program for insurance or guaranties.

"(b) The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance or guaranty issued under this title, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance or guaranty is to be made, and any right, title, claim, or cause of action existing in connection therewith.

"(c) All guaranties issued prior to July 1, 1956, all guaranties issued under sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1969, and all insurance and guaranties issued pursuant to this title shall constitute obligations, in accordance with the terms of such insurance or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(d) Fees shall be charged for insurance and guaranty coverage in amounts to be determined by the Corporation. In the event fees to be charged for investment insurance or guaranties are reduced, fees to be paid under existing contracts for the same type of guaranties or insurance and for similar guaranties issued under predecessor guaranty authority may be reduced.

"(e) No insurance or guaranty of an equity investment shall extend beyond twenty years from the date of issuance.

"(f) No insurance or guaranty issued under this title shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the

extent provided by such insurance or guaranty.

"(g) No payment may be made under any guaranty issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(h) Insurance or guaranties of a loan or equity investment of an eligible investor in a foreign bank, finance company or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company or other credit institution.

"(i) Claims arising as a result of insurance or guaranty operations under this title or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

"(j) Each guaranty contract executed by such officer or officers as may be designated by the board shall be conclusively presumed to be issued in compliance with the requirements of this Act.

"(k) In making a determination to issue insurance or a guaranty under this title, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance or guaranty upon the balance of payments of the United States.

"SEC. 238. DEFINITIONS.—As used in this title—

"(a) the term 'investment' includes any contribution of funds, commodities, services, patents, processes, or techniques, in the form of (1) a loan or loans to an approved project (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of commodities or services pursuant to a lease or other contract;

"(b) the term 'expropriation' includes, but is not limited to, any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project;

"(c) the term 'eligible investor' means: (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States or any State or territory thereof and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, or other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided, however,* That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by other than the United States owners: *Provided further,* That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time of claim arises as well as the time the insurance or guaranty is issued; and

"(d) the term 'predecessor guaranty authority' means prior guaranty authorities (other than housing guaranty authorities) repealed by the Foreign Assistance Act of 1969, sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (exclusive of authority relating to informational media guaranties).

"SEC. 239. GENERAL PROVISIONS AND POWERS.—(a) The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purpose of venue in civil actions, to be a resident thereof.

"(b) The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to predecessor programs and authorities similar to those provided for in section 234(a), (b), and (d). Until such transfer, the agency, heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this title as may be determined by the President.

"(c) The Corporation shall be subject to the applicable provisions of the Government Corporation Control Act, except as otherwise provided in this title.

"(d) To carry out the purposes of this title, the Corporation is authorized: To adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to indemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; to require bonds of officers, employees, and agents and pay the premiums therefor; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 231(c)); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise the priority of the Government of the United States in collecting debts from bankrupt; insolvent or decedents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

"(e) The Auditor-General of the Agency for International Development (1) shall have the responsibility for planning and directing the execution of audits, reviews, investigations, and inspections of all phases of the Corporation's operations and activities and (2) shall conduct all security activities of the Corporation relating to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Auditor-General shall report to the Board of Directors of the Corporation. The agency primarily responsible for administering part I shall be reimbursed by the Corporation for all expenses incurred by the Auditor-General in connection with his responsibilities under this subsection.

"(f) In order to further the purposes of the Corporation there shall be established an Advisory Council to be composed of such representatives of the American business community as may be selected by the Chairman of the Board. The President and the Board of the Corporation shall, from time to time, consult with such Council concerning the objectives of the Corporation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 of the United States Code for travel and other expenses incurred by them in the performance of their functions under this section.

"SEC. 240. AGRICULTURAL CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROJECT.—(a) It is the sense of the Congress that in order to stimulate the participation of the private sector in the economic development of less developed countries in Latin America, the authority conferred by this section should be used to establish pilot programs in not more than five Latin American countries to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. Agricultural credit and assistance for self-help community development projects should include, but not be limited to, material and such projects as wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities and looms and other handicraft aids.

"(b) To carry out the purposes of subsection (a), the Corporation is authorized to issue guaranties, on such terms and conditions as it shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations in not more than five Latin American countries assuring against loss of not to exceed 25 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

"(c) The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $15,000,000. Not more than 10 per centum of such sum shall be provided for any one institution, cooperative, or organization.

"(d) The Inter-American Social Develop- Institute shall be consulted in developing criteria for making loans eligible for guaranty coverage under this section.

"(e) The guaranty reserve established under section 325(c) shall be available to make such payments as may be necessary to discharge liabilities under guaranties issued under this section.

"(f) Notwithstanding the limitation contained in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities incurred under this subsection. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.

"(g) The Corporation shall, on or before January 15, 1972, make a detailed report to the Congress on the results of the pilot pro-

gram established under this section, together with such recommendations as it may deem appropriate.

"(h) The authority of this section shall continue until June 30, 1972.

"SEC. 240A. REPORTS TO THE CONGRESS.—(a) After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year.

"(b) Not later than March 1, 1974, the Corporation shall submit to the Congress an analysis of the possibilities of transferring all or part of its activities to private United States citizens, corporations, or other associations.

SEC. 2. Chapter I of part II of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended in section 610, which relates to transfers between accounts, as follows:

(1) In paragraph (a) insert after the words "funds made available for any provision of this Act" the first time they appear the words "(except funds made available pursuant to title IV of chapter 2 of part I)".

SEC. 3. Section 101 of the Government Corporation Control Act, as amended (59 Stat. 597; 31 U.S.C. 846), is amended by deleting "Development Loan Fund;" and substituting therefor "Overseas Private Investment Corporation;".

SEC. 4. Chapter 53, subchapter II of title 5 of the United States Code is amended as follows:

(a) Section 5314, which relates to level II of the Executive Schedule, is amended by adding thereto the following:

"(54) President, Overseas Private Investment Corporation."

(b) Section 5315, which relates to level IV of the Executive Schedule, is amended by adding thereto the following:

"(92) Executive Vice President, Overseas Private Investment Corporation."

(c) Section 5316, which relates to level V of the Executive Schedule, is amended by adding thereto the following:

"(128) Auditor-General of the Agency for International Development; (129) Vice Presidents, Overseas Private Investment Corporation (3)."

Mr. JAVITS. I shall explain the amendment, of course, for the Senate.

The PRESIDING OFFICER. Very well. The Senate will be in order, so that we can hear the explanation.

Mr. JAVITS. Mr. President, if I may have the attention of Senators, I think I can explain this amendment without too much delay; and then perhaps we could arrive at some agreement as to when the vote should come on the amendment.

Mr. President, I propose this amendment for myself and 17 other Senators, whose names are printed on the amendment. I ask unanimous consent that their names be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cosponsors of the amendment No. 424 are as follows: Mr. ALLOTT, Mr. BENNETT, Mr. BROOKE, Mr. CRANSTON, Mr. DOLE, Mr. FONG, Mr. GOODELL, Mr. HART, Mr. MCGEE, Mr. MILLER, Mr. PELL, Mr. PERCY, Mr. SCHWEIKER, Mr. SCOTT, Mr. SMITH, Mr. STEVENS, and Mr. WILLIAMS of New Jersey.

Mr. JAVITS. Mr. President, the fundamental purpose of the amendment is to take the ongoing activities, as they relate to overseas private investment, of the AID Administration, and establish them in a Government corporation called the Overseas Private Investment Corporation, and to beef up its activities so that they really are actively supported and carried on, in order to do the best possible job for aid to development through private resources.

The participation of the United States is relatively minimal. I shall describe it. It is, however, to begin with—and I emphasize "to begin with"—a wholly owned Government corporation. But, Mr. President, the flexibility and the businesslike operation of the corporate form so extraordinarily demonstrated by the Export-Import Bank, for example, and by international banking organizations, will give to OPIC a quality that we believe will truly facilitate the flow of private foreign capital to the developing world and, therefore, materially forward the development effort which is supposed to be the business of foreign aid, and in that way help relieve the foreign aid burden.

It is, Mr. President, with all due respect, the OPIC's first really big initiative that has come along in the foreign aid field almost since it began, which goes back to 1948 and 1949.

This measure passed the House of Representatives after very extensive hearings. If anyone is interested in those hearings, they constitute a whole book.

In the Senate, Mr. President, the hearings were relatively limited. They will be found in the hearing record which is before us at pages 162 to 182, inclusive.

One of the points which was made in the Foreign Relations Committee with respect to the reason that this is not a part of the bill reported out by the committee—and I shall explain that momentarily—is that we had not had adequate hearings. But that is not my fault, or the fault of the proposition. It was the decision of the chairman of the committee, and the committee point of view, I assume, that that was all the hearings they wanted on this particular subject. This is no reason to kill this worthwhile proposition. This is the tactic of—if you do not like a proposition, do not hold hearings on it and in this way kill it. I do not think that is fair.

Mr. President, just to show that the idea has deep worth, and that it holds the favorable opinion of a very substantial part of the membership of the Committee on Foreign Relations, is borne out by the fact that in the vote of the Foreign Relations Committee on this question, there was a tie. The available members of the committee, aside, most regrettably, from the Senator from South Dakota (Mr. MUNDT), who was absent because of illness, evenly divided, 7 to 7, on the issue of whether to make this a part of the bill. It was defeated—that is, it could not go into the bill—only because of a tie vote; and it seems to me that is a very important item of evidence as to the substantiality and importance of the idea.

Mr. AIKEN. Mr. President, if the Senator will yield, may I say to the Senator from New York that I was one of those seven who voted for his measure in the committee. I expect to vote for it here.

As I stated, yesterday, we are in a very unhappy position, now, in the United States, in not being satisfied with what we have and not knowing what we want regarding our foreign aid program.

I am not sure that OPIC would be financed this year, since I believe the House of Representatives has already rejected it. I do not know what the Senate Appropriations Committee will do. However, it is something different from what we have had. I am not an expert in international financing, but I think it is an important business, whether I am an expert at it or not. For that reason, I am willing to give this proposition a tryout, and see what comes of it. We will undoubtedly review it next year, anyway, and I hope that it will work. I think probably it will work, if it has the right people administering it. The trouble with some of our programs is that we have incompetent and inexperienced people handling them.

So I am willing to give this proposition a tryout. We will review it from time to time, I am sure, and I certainly hope that this is at least a partial answer to the problems with which we are confronted in our foreign aid program.

Mr. JAVITS. I am very grateful to my colleague, who is the ranking member of the committee. I consider his support of this measure to be not only gratifying, but most important.

Mr. President, one point—and I hope the Senator from Vermont will give me his attention for a moment—is that the action taken on the appropriation in the House of Representatives would enable OPIC to start, if it gets the legislative authority, because they voted the $20 million first tranche of its capital. What they did not vote is the reserve fund for its guarantees of $75 million. That does not prevent the company from starting, because, by transfer of the existing reserve of the AID, it would receive $100 million.

Mr. AIKEN. Very well.

Mr. JAVITS. What it will not be able to do is to expand materially that guarantee authority, for the moment, until it gets more reserves.

Mr. AIKEN. I expect another reason may be that no part of the AID program has yet been authorized by Congress as a whole.

Mr. JAVITS. That is correct. But even the House of Representative's Appropriations Committee, hard as it has been on all and any matters dealing with foreign aid, did see some merit in the proposition, and gave it enough money to get started.

Mr. AIKEN. And it is perfectly obvious that our present foreign aid program is not working as it was intended by the people who promoted and inaugurated it after World War II.

Mr. JAVITS. Exactly right. I again express my gratitude to the ranking member of the committee for his support.

Mr. President, the reason why this is so important is that it opens up a totally new channel of action by the United States. The problem with amending the guarantee authority which is contained in the foreign aid law through a Government agency is that it disables the agency from having two things which are critically important. One is the innovative role in the development of overseas private investment which can bring additional companies into the situation. This is very a important problem for the United States, because only about 5 per-

cent of American business concerns are active in the foreign investment or export field. Ninety-five percent of the U.S. business complex is not active in foreign investment or foreign exports.

The reason, very largely, is because of mechanical and technical difficulties—the difficulty in lack of securing adequate representation in foreign areas, inability to securing financing, and lack of knowledge as to the technical aspects of handling an overseas investment.

The main asset which we would give the OPIC to induce it to do this important work of encouraging more U.S. firms to invest overseas is to give the OPIC the flexibility which a business corporation has. This corporation would be managed by a board of directors of 11 members, of whom six would be non-Government people appointed by the President, subject to confirmation by the Senate, just as the directors of Comsat are appointed subject to confirmation by the Senate. The other five would be high officials of the Government.

In addition, to the corporate organization, the OPIC will have the right to sue and be sued, the ability to have a corporate budget, and the ability to have income. The estimate of the income of this corporation is estimated at $30 million a year, Mr. President, as against the estimated cost for its operation of only $4 million a year.

It will receive its income from fees for guarantee and the insurance which it gets against war and other risks. That is very much the same thing which is done now by AID. However, in the hands of a corporation, it will be much more extensively used, and it will be used with a much more gifted approach to the situation—that is, with much more initiative than can be shown by a Government agency.

That means that it will pretty much of necessity be an agency which will occupy a creative role in seeking to develop propositions rather than just passively receiving propositions.

Mr. President, this proposal, which has already been enacted by the House of Representatives, comes to us under very eminent sponsorship and auspices. In the first place, it is an administrative proposal.

I have talked with the Secretary of State of the United States as recently as this morning. He has authorized me to represent to the Senate that it has his full support and the full support of his department, and that it is an administration measure. And the Secretary of State so testified in the hearings before the House of Representatives. The measure also has the backing and sponsorship of some of the most distinguished business organizations in the United States.

Mr. President, I shall give a record of those. The measure has also received endorsement in many reports which have been made as to how our whole foreign aid effort may be made more effective and beefed up.

The concept was essentially the creation of a committee which was congressionally chartered and which we authorized. It was called the International Private Investment Advisory Committee, IPIAC, which submitted its recommendations for the establishment of the OPIC last December.

Should any Senator be interested in the document, I have it here.

There was also the President's General Advisory Committee on foreign assistance programs, the so-called Perkins Commission.

There was also the National Planning Commission and the task force of the National Association of State Universities and Land-Grant Colleges.

Mr. President, other organizations in the general business field have similarly endorsed this concept.

When more Senators are present, I will go into that particular proposition. However, I take this time in the absence of more Senators to explain in detail the corporation.

A mimeographed document, entitled "Overseas Private Investment Corporation," has been distributed to all Members of the Senate. It gives a great deal of the detail on precisely what is to be done here.

Mr. President, as I stated a minute ago, this corporation would be organized as a Government corporation, with the U.S. Government owning all of the stock. It is structured to directly involve private sources of money and technology particularly new sources in a partnership, with the U.S. Government through the creative administration and management of the investment incentive programs. This is one of the best ways we know of in which to develop—which is our aim in respect of the whole foreign assistance program—the economies of the less-developed countries.

Mr. President, I point out, too, that although we do have a corporation like this, other countries do. France, Germany, and Great Britain have successfully used similar corporations to promote private investment in development. And very recently the Netherlands has been and is considering in its parliament the organization of a similar corporation.

Mr. President, this corporation will for the first time apply business methods and business accounting procedures to the business operations of project development, investment, insurance, and guarantees, and direct lending that is, to private activities which are sensitively and directly geared into the development of the less-developed areas which we propose to help in the foreign aid program.

Assistance will be rendered in this way, not in any direct way such as grants or loans. However, it will be accomplished through private foreign investment.

Assistance will be rendered only to new projects, so that existing investments will not have the benefit of the guarantee program.

The corporation will be subject to the policy direction of the Department of State, as well as of AID.

Represented on its board of directors will be the Departments of State, Treasury, and Commerce.

The corporation will be subject to the Government Corporation Control Act. Therefore, its administrative budget will be subject to the congressional appropriations process, though it is expected that the corporation will make money, and, indeed, pay dividends to the Treasury, rather than be a drain upon the United States.

After the initial cost of setting up the OPIC, its operating expenses will be paid from income earned by the corporation, and no further appropriations will be required for this purpose.

As I said before—and I think it is a very important point—the corporation will operate at a profit. Indeed, the investment guarantee program of the AID has already shown a profit—though the accounting is not set up that way.

The estimated revenues over the first 5 years of operation show an intake of $150 to $160 million as against the expense during the first 5 years of operation of $20 million, leaving a net of $130 to $140 million. The funds are available for allocation by the board of directors of the corporation to the reserve funds, to its direct investment fund, and for the payment of dividends to the Treasury which will hold its stock.

Mr. President, to get some concept of the guarantee program which will be turned over, I should like to lay before the Senate the fact that the insurance—that is the insurance which deals with war risk, inconvertibility, resurrection, and similar coverage which is now outstanding—is $6.8 billion. And the total fees collected from insurance and guarantee coverage is $79 million.

That shows that this is quite a thriving business. The guarantees authorized are $100 million.

Comparing those figures to consider the actuarial risk involved, we find that the total claims paid for insurance and guarantees in respect of this effort were only $11.1 million since the guarantee program began.

The fundamental concept of the Overseas Private Investment Corporation is in the investment field—that is in the field of overseas private investment—the OPIC will do the very same thing for the corporation involved in foreign investment as is now being done for the U.S. exporter by the Export-Import Bank. The Ex-Im Bank, gives the same kind of services, afford guarantees in selected situations, and afford direct loans to sustain the important export program of the United States. The overseas private investment corporation will endeavor to do the same thing with respect to the private investment activities of the United States—in short, the export of capital, rather than the export of goods.

But, Mr. President, one critical, important aspect of this matter is that, just like our AID program, investment will be tied to purchasing in the United States; so that we should suffer no loss in respect of the balance of payments in the operations of this corporation. So that the return in terms of the balance of payments would far exceed whatever dollars are put out in the way of the modest loan accounts which the corporation is authorized to carry. That is a very important point, because new business ventures will be made possible by the operation of this corporation which are not made possible now.

In addition, it is very important to note that one of the most productive

sources of what are called hidden exports for the United States is the return on our own investments abroad. We now have well over $100 billion invested abroad, and this produces a return far above what we pay out in the way of overseas private investment ourselves. Something in the area now of $5 or $6 billion a year comes in, and only about $4 billion goes out. So that this will accelerate that kind of balance and improve it, rather than work the other way.

Mr. PELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Rhode Island.

Mr. PELL. I thank the Senator from New York for yielding.

I should like again to express my support of this proposal, which, in my mind, is a better way of attempting to develop the resources of our neighbors than is the direct bilateral governmental approach we have today. I think many of us would prefer a complete multilateral approach, but that does not seem in the cards for the time being.

For this reason, I think this proposal is in many respects a better, a more efficient, a more economical, and probably—from the viewpoint of the Latin Americans—a less offensive way of achieving our objective of making the areas barren from the viewpoint of the development of communism or of creating what we would call more of a consumer economy.

Mr. JAVITS. I thank my colleague very much, especially for his observation about the Latin Americans.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SPARKMAN. The Senator will recall that when he first brought up a program somewhat similar to this, I did express sympathy with it. In fact, I think that in last year's bill—which I managed on the floor of the Senate—we wrote in what was pretty close to what this proposal provides. At least, we had that under consideration and wrote in a provision that the matter should be studied.

Mr. JAVITS. The Senator is correct.

Mr. SPARKMAN. From the very first, I had thought much could be accomplished by this kind of program, and I still believe so.

If the Senator was present when I questioned Governor Rockefeller on his report, he may recall that I did question him about this. As I recall, Governor Rockefeller said that much good could be accomplished by it.

I know that when the proposal was up last year, the AID agency looked with favor upon this part of it. The Senator will recall that he had a rather big amendment, with two parts. But they did look with favor upon the program, which was somewhat similar to the one now proposed.

I am glad that the Senator brought out a few minutes ago a very important fact, and that is that every one of these investments carries a guarantee for which the sponsor pays a premium.

Mr. JAVITS. The Senator is correct.

Mr. SPARKMAN. In other words, they pay a premium and in effect buy that guarantee.

A friend of mine, a Senator, made this remark, and I think we should clear it up for the record. He said, "The trouble with that is that the companies go in there and invest, and what profits are made they get, and we pay the losses."

I checked my friend at that time and I said, "No, that is not true. We have a guaranty program that has had a wonderful record in the past."

I believe the Senator from New York placed in the RECORD some figures showing just how it has operated in the past.

Mr. JAVITS. Yes.

Mr. SPARKMAN. I think we are protected. I think it is carrying out what we have been trying to have as a general policy for a good many years. I believe the Senator mentioned the similarity between it and the policy program of the Export-Import Bank. It is not exactly the same, but they certainly are similar in their aim, and that is to get American products sold abroad and to encourage American investment abroad.

If I understand correctly, this proposal is tied to purchases that would be required in the United States. Is my understanding correct?

Mr. JAVITS. The Senator's understanding is correct.

Mr. SPARKMAN. I must say to the Senator that I cannot find any weakness in it.

Mr. JAVITS. I am very grateful.

Mr. SPARKMAN. I think it is a good program, and I hope it succeeds. I am sure we will succeed sometime in the future, if not now, because I believe it will be a good day for us when we do it.

Mr. JAVITS. I am very grateful to my colleague, and I am hopeful that we can succeed now, as we are halfway up the hill, having passed this very measure in the other body, after considerable hearings and controversy.

To bear out what Senator SPARKMAN has said, I should like to give the schedule of fee rates on guarantees—that is, a business guarantee—for loss of investment, of which there is presently roughly $100 million outstanding under the extended risk guaranty provision.

The fee is one and three-quarter percent of the principal per annum. Where that risk is spread with other institutions, that rate might be reduced to as low as three-quarters of 1 percent.

Political risk insurance, which is the coverage for war, revolution, and insurrection, pays a premium of one-half of 1 percent per annum. Expropriation is an additional fee of one-half of 1 percent. Currency inconvertibility is an additional fee of one-quarter of 1 percent. So that a total fee with respect to complete insurance coverage for political risks is 1¼ percent.

This represents a very appreciable source of income for the guaranties and, therefore, for this corporation. It represents an income which is far more than its cost, far more than the actual record of claims paid, which up to date—of $11.1 million as of June 30, 1969. It is worth noting that this program has been in effect for roughly 20 years, though it has grown and has been changed in that time. I think that is a very important point in considering the actuarial soundness which is involved.

The question of policy involved in this whole matter is this: Do we wish to expand this kind of activity?

Mr. President, it seems to me that the whole record proves that this is very desirable. The corporations in the international field which have developed along this line are considered the most constructive and helpful in the world. Everyone speaks with the greatest pride of the World Bank, the International Finance Corporation, the Uniform Investment Bank and similar multilateral institutions.

Now, there have been private institutions, institutions which are nongovernmental entirely, which have been organized for the same purposes. The leading one is the so-called ADELA Investment Co., which owes its origin to an initiative of mine taken through the NATO parliamentarian organization, and which is a flourishing enterprise, international in character, doing a business of about $1 billion, although it has been in business for only 3 years and probably has a highly superior board of directors.

I was asked in committee by the Senator from Arkansas (Mr. FULBRIGHT), who likes ADELA and the international organizations but who does not feel he can go along with this, "Why don't you organize another multilateral organization?"

The difference is that the organization we are talking about endeavors to facilitate the kind of business which can be done with multilateral organizations through the guaranty process, which becomes an essential element of any proposition put together by these international organizations. To some extent this has been a function of the guaranty program which has been administered by AID, which made possible ADELA type operations. So we cannot terminate that program and we should not, and therefore let us make it as efficient as possible and that is the purpose of this corporation.

Mr. President, one of the most important powers of this corporation would be to enter into precisely that kind of multilateral enterprise, putting in U.S. funds which can get the benefit of this guarantee which would enable them to contribute in a very important way to the total financing of such an overseas enterprise.

In addition, there is a tremendous possibility of facilitation of joint ventures for investors in the developing countries; and that is the way to have overseas private investment. Many of those ventures are now being organized and because we are able to give a guarantee backed by the full faith and credit of the United States—although it would seldom be called on, as I have given the figures—we would give business concerns an opportunity to enter into these international operations with local people in a very advantageous way for the United States because it is all tied into exports—either of skill, money, or goods from the United States, or as most often is the case, all three.

This is really using the genius of

our country, which is a business genius, rather than the muscle of our country, which is just dollars and cents, and which has been found so objectionable in many aspects of present foreign aid operations. I repeat the OPIC would put investment guarantees on a business level where it does support itself. The OPIC would be able to initiate propositions and get small business into the act, inasmuch as it has this flexibility which a corporation enjoys and it would materially extend the openhanded effort of the United States by channeling the energies of the private sector.

Now, Mr. President, to go on with the details of the corporation, I have spoken of the structure of the corporation, that is, the management of the board of directors of whom six would be non-Government people, including its president and chief executive officer, who would be a business officer. Second, there would be the guaranty authority which would be taken over from the existing guaranty authority of AID in respect of insurance, essentially against political hazards, and the extended risk guaranty.

Mr. President, the financing of the company comes about as follows. With respect to reserves, there is a requirement for backing of these reserves. One hundred million dollars of cash reserves would be transferred from the existing program. But it is felt to really move out into the field and do an affirmative job there should be as much as a 25-percent reserve fund with respect to the business guaranty.

That does seem very large, but nevertheless that is the present contemplation. Therefore, an appropriation will be sought, and that is subject to the Committee on Appropriations, of $75 million as additional reserves to sustain the extended risk guaranty program. This does not mean money gone down the drain or being spent to fuel inflation. These are reserves the corporation will own, and the corporation is owned by the United States, so it is a backing up of the guaranty authority of the corporation.

The only real money involved is capital for the corporation so that it can engage in the very limited direct loan activity, to facilitate projects, and to get off the ground and get started as a corporate organization. That will take $20 million a year for the first 2 years, or $40 million. In that respect the House Appropriations Committee has already gone along with the proposal and provided $20 million, although they demurred to provide $75 million in reserves. We believe if the corporation is authorized, and that depends on the vote in the Senate, that $75 million or some appreciable part in the way of reserves, will be forthcoming.

Mr. President, those are the only items of capital involved. None of them involve any "expenditure" by the United States. It simply means taking the money from one pocket and putting it in another pocket so that it backs up the guaranty and the insurance which this corporation is allowed to write according to the amendment before us.

Organizations which back this concept are the U.S. Chamber of Commerce, the U.S. Association of Manufacturers, the U.S. Council of International Chambers of Commerce, the National Foreign Trade Council, the National Industrial Conference Board, the Committee for Economic Development, the Agri-Business Council, and the Council for Latin America. Also, it has the backing of farm cooperatives, savings and loan associations, citizens groups, national planning associations, and overseas development concerns.

Finally, so that Members do not get the idea that this is some idea of mine, it is the proposal of AID and the administration. It is fully supported by the Secretary of State, who authorized me as late as this morning to represent to the Senate. Secretary Rogers thought it was a very fine thing and he hoped the Senate would join the other body in voting for it. So that this is by no means a concoction of my own. The Senator from Alabama (Mr. SPARKMAN) referred to the fact that last year I had submitted an amendment, which I did not press, but accepted instead a study amendment, which has resulted in the proposal now before us. My amendment then related to the effort to mutualize the whole foreign aid program in effect, in the hands of American investors. I still think that is a great idea, but its time has not yet come.

The fact is, the Senator from Arkansas (Mr. FULBRIGHT), for whom I have great respect, even though he is not with me on this particular amendment, wants very much to be sure that if this does become law, there is a provision in it so that ultimately it could be privately owned by thousands and thousands of investors. I agree with him thoroughly. It does contain such a provision. It is possible that as this gets established and evolves, it will become mutualized.

One of the ways in which that is traditionally done is to require those who get a guaranty written for them, when they pay their fee for the guaranty, also to acquire some stock. Sometimes they are required to pay a subscription for the stock in addition to the fee over a period of time with ownership in the corporation.

It is also conceivable that securities may be sold by the corporation as set up in the amendment—it could sell part of its portfolio, thereby having a rollover of money like corporations or banks, and could also conceivably—not that it does have that precise authorization here—seek to issue its own bonds or securities, like the World Bank, in order to build up its financing. These are all possibilities when we are dealing not with a Government department but with a corporate form like this.

One of the really amazing and interesting aspects of the capitalist system is that we have this tremendous genius for using techniques of credit or promises to pay in the future, with guaranties, and so forth, in producing the goods and services. The faith of men in the capitalist system is such that give them a guaranty that they will get the money, and they will work for it and create for it, that is, work for a piece of paper with a guaranty which provides that at some time in the future they will get buying power for it.

This corporation, in a most efficient way, in accordance with the best American business practices, will utilize that power, that resource, for the same purposes essentially—to wit, development of the less developed areas for which the whole of the foreign aid program is directed but without the expenditure of appropriations.

The Senator from Arkansas (Mr. FULBRIGHT) is now in the Chamber and will soon speak for himself to the amendment but, in my judgment, the key problem we are facing is closing the gap between industrial nations such as ours and the less-developed nations, largely in the southern belt of the world. There is no genius or benefit to be found in grants or loans. That is the most primitive part of foreign aid. We should be seeking out ways without that kind of taxpayer's money. We can accomplish the result of development, of building up these countries, so that they may be better customers of ours and so that they may be better places in which to live for their peoples; hence, they would contribute to the peace and progress of all mankind instead of being constantly involved in a struggle for essential survival.

This is the concept which the other body felt could be materially advanced by the organization of this corporation. It is a concept which one-half of the Committee on Foreign Relations felt could do the same thing. It is the concept which is contained in this particular proposal now before the Senate.

Let me point out that the committee saw the basic philosophy which is here involved. In an eloquent passage from the committee report of the Committee on Foreign Relations, page 4, it states:

> All members of the committee are acutely aware that the richest Nation in the world has an obligation to help close the widening gap between the "haves" and the "have nots" of the world. The issue is not "Should we provide aid?" It is "How?" and "How much?" The first question must be answered before the second can be approached sensibly—and the old answers of the past to "How?" are outmoded and discredited. The future for foreign aid is bleak indeed until a new program can be developed which will command greater respect and support, both with the public and the Congress, than the current program commands.
>
> The committee regrets that it cannot recommend this bill to the Senate with greater enthusiasm.

Now, Mr. President, the Overseas Private Investment Corp. is the first, the only, resourceful new initiative that has come up on the horizon that will accomplish the results which the committee itself calls for.

Mr. President, I should like to deal with one other point before I close this presentation in chief, as it were, and then we will hear from the concepts of the opposition. I would like to answer the question which can properly be asked of me; namely, why not wait for the report of the so-called Peterson Task Force which was appointed to bring in recommendations as to what should be the future of the foreign aid program?

The whole point is that while we wait for that report and are prepared to consider and act upon it, there is no reason for standing still and not using the resources and the ideas which have been

around for a considerable time, and which have been digested and considered for the purpose of improving the program.

We are not sure when the committee will issue a report and recommendations on the Peterson Task Force study, and how long it will take to implement it. The report is expected in March 1970. It will probably be a minimum of two years before anything can really, in a practical way, come out of that report.

But, right now, we have a concept before us which has already gone through the other body, which picks up an established activity and seeks only to develop and make it infinitely more useful than it is today, a concept endorsed by leading organizations in this country. This concept was the creation of the eminent members of International Private Investment Advisory Council appointed pursuant to our own congressional direction.

The validity of the concept has been borne out by the report of the Rockefeller mission, which specifically recommends exactly this kind of corporation, it also has support in the report of Mr. Pearson submitted to the World Bank. It seems to me to be an idea whose time has come.

Therefore, we ought to begin to put the foreign aid program or a much more constructive part than we have heretofore followed, and this is a very big opportunity to do it.

The International Private Investment Advisory Council has as its members, the president of the National Association of Manufacturers, W. P. Callender; vice president and director of the Chamber of Commerce of the United States, Clinton Morrison; president of the Committee for Economic Development, Alfred Neal; president of the National Foreign Trade Council, Robert Norris, and the president of the International Council of Chambers of Commerce, Christopher Phillips, among other distinguished members.

I would say that if we were to select a group of business leaders, I do not see how we could make a better selection.

Also, I would like to point out that this particular proposal for the establishment of a Overseas Private Investment Corporation was strongly recommended by a panel specifically directing itself toward studying the particular subject of the guarantee aspects of the foreign aid program.

Its report is entitled "The Case for United States Overseas Private Enterprise Development Corporation," which is precisely the matter before us now in this amendment. The report is a complete endorsement. As a matter of fact, the measure which is before the Senate is nothing but the restatement, in legal language, of what has been put together based on experience and study of this business group, and which has now been passed by the other body.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. FULBRIGHT. Mr. President, I wonder if the Senator from New York is now prepared to come to an agreement on a limitation of time. Several Senators have asked me—they are all under pressure of time—when we could expect to vote.

Mr. JAVITS. Mr. President, I believe the Senator is absolutely right. I would like to come to an agreement on a limitation of debate. I think I shall need more time than the chairman. I only submit this suggestion to my chairman for approval. Perhaps we could agree to an hour and a half, with 1 hour for the proponents, as there are quite a number of sponsors to my amendment, and half an hour for the opposition. This is of course, unless the chairman wants to give himself the same amount of time.

Mr. FULBRIGHT. I was hoping we could have a total of one hour, 30 minutes to the side.

Mr. JAVITS. I leave it to the Senator from Arkansas. I want an hour. I may not use it all. The Senator from Arkansas can have an equal or lesser time.

Mr. FULBRIGHT. I suppose, in all fairness, the time ought to be equal. I do not think I will need more than 15 minutes. I can always yield back the time.

Mr. President, I ask unanimous consent that the time on the pending amendment be limited to 2 hours, to be equally divided.

Mr. JAVITS. Mr. President, reserving the right to object, I wish the unanimous-consent agreement to contain also the privilege of offering amendments to the amendment which need not necessarily be germane. I am perfectly willing to agree to the time, but I am not willing to yield on any other conditions except the time.

Mr. GRIFFIN. Mr. President, may I ask whether, if amendments are offered to the amendment, there would be any additional time?

Mr. JAVITS. No; I would have to yield time or the Senator from Arkansas would have to yield time.

The PRESIDING OFFICER. Does the Senator wish them to be germane to the amendment?

Mr. JAVITS. No; I want any amendment to be allowable to this amendment, without impinging upon the time, however.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. FULBRIGHT. Mr. President, I did not anticipate this. What did the Senator have in mind?

Mr. JAVITS. I do not have anything in mind except we have now learned the bitter lesson that these unanimous-consent agreements are very powerful. I voted to sustain one the other day, even though it was against the position I was taking. I think we had better know what we are doing so that when we make unanimous-consent agreements they encompass any contingency.

Mr. FULBRIGHT. I wondered if the Senator had in mind perhaps a proposed rule to the Senate, or something of that kind.

Mr. JAVITS. No, but we have been "burned" so often——

Mr. FULBRIGHT. It is all right with me—2 hours to be equally divided.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. THURMOND. Mr. President, reserving the right to object, I presume this would not contemplate constitutional amendments and that all amendments considered would be germane.

Mr. JAVITS. No. I want the RECORD to show and I want to assure my colleagues that I have no secret idea in mind, but I think if we are going to have unanimous consent agreements, we should make them in view of the classic agreement of the other day. I can assure Senators that I have in mind no amendment to my amendment, and I know of no Senator who wishes to propose one, and certainly not one that is not germane.

Mr. FULBRIGHT. This is a tribute to the Senator's resourcefulness.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I honestly believe that the Senator from New York, being concerned about having adequate time for amendments that might be raised, is creating the kind of situation in which, when the time has nearly elapsed, a Senator could propose a very unrelated and ungermane amendment, and there would be no time limitation. If the amendment were proposed as an amendment to the bill, we would have at least an hour each on the bill.

Mr. JAVITS. Then, let us consider it as applying only to germane amendments to the amendment, and have 1 hour each on that.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object in view of the last statement of the Senator from New York—I would never agree to setting a precedent for having unanimous-consent agreements with the express statement in them that nongermane amendments could be received.

Mr. JAVITS. I think the Senator is right.

Mr. HOLLAND. In view of the position the Senator has just taken, I have no objection.

Mr. JAVITS. I now see it from the Senator's point of view, and I think he is absolutely right.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and the agreement is entered.

Mr. FULBRIGHT. Mr. President, I yield myself 10 minutes.

Mr. JAVITS. Mr. President, may I respectfully suggest to my colleague that we ought to have a quorum call so Senators will know we have a limited time, and can we have the time for the quorum call without charging it to either side? I make that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Without objection, it is so ordered.

Mr. JAVITS. With the permission of the Senator from Arkansas (Mr. FULBRIGHT), I ask unanimous consent that the name of the Senator from Illinois (Mr. PERCY) be added a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, as the Senator from New York knows, the committee decided to limit the pending bill to programs authorized under existing law—with the exception of another project in which the Senator is deeply interested.

The proposal to establish an Overseas Private Investment Corp. is far reaching and should be considered only after very careful and deliberate study. The President has appointed a task force to reappraise the foreign aid program and, by law, the President must submit his recommendations to the Congress by March 31—only 4 months away. This proposal should be considered by the Senate either as a separate measure or in connection with an overall view of foreign aid next year.

Aside from the matter of poor timing, there are many unanswered policy questions about this issue. Is it a device to help American business or the developing countries? What are the political consequences abroad for the United States to assume greater control over the economies of developing countries?

As Senators know, within the last year or two there has been considerable complaint from such countries as France and Canada about the intrusion of vast amounts of capital from our private companies into their respective economies. It is a matter of degree. They welcome it up to a point, and then beyond that point, particularly in France, they thought we were tending to decimate some of their most important basic industries. This is uppermost in the minds of the Japanese. The Japanese have stringent laws and limitations upon all foreign investments, not just those of the United States, but all foreign investments in their country.

Should the United States give 100 percent, no-risk guarantees to American businessmen to invest abroad when similar programs are not available for stimulating economic growth in the ghettos and poverty areas here at home? Questions like these should be studied very carefully before the committee, or the Senate, can make an informed judgment on the basic proposition. I am not familiar with any 100 percent, no-risk guarantee offered to American businesses here at home.

Mr. JAVITS. Mr. President, will the Senator yield for a factual correction?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. The business guarantee is only 75 percent under this bill and under the guarantee program. That is, the investor must put up 25 percent.

Mr. FULBRIGHT. That is as to the total investment in the whole project; but I think individual investors can get up to 100 percent, can they not?

Mr. JAVITS. I believe the 75-percent limitation relates to the individual investor.

Mr. FULBRIGHT. The way it is now, I think that individual investors can get up to 100 percent.

Mr. JAVITS. Well, we will check it out.

Mr. FULBRIGHT. On page 15, line 45, the Senator's amendment reads:

Provided, however, That such guaranties on other than loan investments shall not exceed 75 per centum of such investment:

Mr. JAVITS. Right. On such investments.

Mr. FULBRIGHT. Other than loan investments.

Mr. JAVITS. Well, the loan investment is a direct loan. That is a very limited capital proposition. We are not dealing in big funds there.

Mr. FULBRIGHT. Then it says, farther on down:

Provided further, That except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project shall not exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporations authority to issue any such guaranty: *Provided further,* That not more than 25 per centum of the total face amount of investment guaranties which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

Single investors, I would think, under that kind of project, are not prohibited from having 100-percent guaranties.

Mr. JAVITS. I think they are, Mr. President. With all respect, we are dealing with a special category of credit unions, which is very small, and which we as a matter of policy favor. You can have a 75-percent guaranty to the extent of the total investment, and the American investor could conceivably, under that formula, have a 100-percent guaranteed investment; but other than that—and that is a pretty limited category—I think everybody will agree that the guaranty, other than on loans, shall not exceed, on an investment as such, three-quarters of the investment. I think that is the fundamental point passed by the other body.

I might say to the Senator from Arkansas, I have submitted his amendment word for word exactly as it passed the other body. There has been no change whatsoever.

Mr. FULBRIGHT. In the extended risk guarantees now outstanding there are examples of 100-percent guarantees; does the Senator agree with that?

Mr. JAVITS. I did not hear the Senator.

Mr. FULBRIGHT. In the extended risk guarantees now outstanding, there are examples of guarantees up to 100 percent.

Mr. JAVITS. Only on loans. Not on equity. That is what I have said; only on loans. A loan guarantee can be complete.

Mr. FULBRIGHT. That is right; and they are not that small. I understood the Senator to say they were very small. I call attention to some sizable ones.

For example, in the Dominican Republic, here is a $2,175,000 loan, with a complete 100-percent guarantee, to State Street Bank & Trust Co., for growing milo and other farm commodities. Then there is one for a first-class commercial hotel, valued at $1 million, in Nicaragua.

Mr. JAVITS. I do not want to take the Senator's time, but can the Senator give us the total of those indebtednesses which are guaranteed, as compared with the total of $100 million in extended risk guarantees which are outstanding?

Mr. FULBRIGHT. I have not totaled them.

Mr. JAVITS. We will get that before the debate closes.

Mr. FULBRIGHT. But as to 100-percent guarantee, there are quite a number.

Mr. JAVITS. Only for loans.

Mr. FULBRIGHT. On this list, there are at least 15 projects that are 100 percent guaranteed.

Mr. JAVITS. We will get the figures; but as I say, it is only for loans, not for equities.

Mr. FULBRIGHT. Under existing law, it is only 50 percent for equities.

Mr. JAVITS. I believe so; and the 75 percent provision is a vote to get this thing really moving, so it will mean something.

Mr. FULBRIGHT. There is a question, I think, as to whether this is designed primarily to benefit American business or the foreign country. I have nothing against benefiting American business; but if that is to be done, as I said in my opening comments, I think maybe the proposition ought to stand on its own bottom, in a separate bill. I have discussed this matter with the Senator from New York; and I understood he was not too adverse to that idea, in case his amendment is not accepted here. I do not mean to commit him to that, because he has every right to offer it on this amendment; but I submit that even if it is a good idea, it ought to be under different auspices, and not disguised as a part of the foreign aid bill.

The Senator's proposition is at least slightly ambivalent in that respect, and it is not just designed to help the foreign country. It is also to give opportunities for big business—and Senators will see, when I put this list in the RECORD with regard to those countries that have taken advantage of existing guarantee programs—they are nearly all big businesses. I have nothing against big business; all I am saying is, I do not think it is quite consistent with the concept of aid to the foreign country, although there is some element of it involved.

This proposal is similar in kind of the legislation that established the Export-Import Bank. The Export-Import Bank was not designed solely to help foreign countries; it was clearly designed to help American business, and I supported it. It has had a good effect on American business in financing sales abroad. Assuming, of course, that the products are worthy, and of good quality, and so on, there is some benefit to the foreign country, also. But that is not its main purpose. And it was not created as part of the foreign aid bill.

Members of the Committee on Foreign Relations have traditionally taken the

position that the free enterprise system is subverted when the Government, in effect, underwrites the risks in foreign investments. Two years ago the committee voted to cut the percentage of risk that could be covered under the extended risk program from 75 percent to 50 percent of the investment. The committee report in explaining the action said:

Many members of the committee believe that the high and broad coverage available under this program served to induce American businessmen to invest in marginal products abroad which normally might not be looked upon as sound investments, that it eliminated much of the risk taking element basic to the free enterprise system, and that it offered Government incentives to export capital while similar incentives are not available to encourage economic progress in needy areas of our own country.

Unfortunately, that limitation did not become law but the issues raised in that statement are quite pertinent to the proposed Overseas Investment Corporation.

Although it is said that the corporate device will insure that the guarantee and direct lending programs to be authorized would be run on a businesslike basis, it must be borne in mind that the guarantees issued by this Corporation will be backed by the full faith and credit of the Government. In other words, the taxpayers will foot the bills for any losses above the fees paid in. And with $6.8 billion in specific-risk guarantees already outstanding, and only $78,000,000 in fees collected, the potential for a major setback to the taxpayer is great—if only one country with sizable U.S. investments goes sour.

The potential trouble for the taxpayer is clear from what has already happened with the extended risk program. The sum of $1,130,000 in fees have been paid in and $6,826,500 paid out for losses. And $6,700,000 of that was for one project where, in the words of the General Accounting Office, AID consumed "almost all the risk of loss in a privately owned venture." The U.S. banks that put up three-fourths of the project cost were 100 percent safe—by virtue of AID guarantees. Of the 35 investors in extended risk projects on the books, as of September 30, 15 are 100 percent secured. I point this out, not so much in condemnation of the existing program—although it is certainly not without fault—but to illustrate the possible trouble in giving carte blanche authority to a corporate institution not under the close scrutiny of the Congress.

Bearing these conditions in mind, it is clear that OPIC is not the noncontroversial program which its supporters would have us accept on faith. Its primary purpose is to promote U.S. investment abroad—a subject which is deeply embroiled in controversy and disagreement. Here it might be well to point out that, although the administration has decided it is a good thing to aid our investors abroad, it has been unable to reach any decision on the virtues of the Hickenlooper amendment, which cuts off aid to countries which expropriate U.S. property without adequate compensation.

Mr. President, I wrote to the Department of State soliciting their recommendations on the Hickenlooper amendment. And the Department, in effect, politically declined to take a position on the Hickenlooper amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. Mr. President, does the Senator know whether there will be a yea and nay vote on the amendment? A good many of us have to leave to attend to other business.

Mr. FULBRIGHT. I understand that there will be a yea and nay vote.

Mr. JAVITS. There will be.

Mr. MANSFIELD. Mr. President, let us get it cleared up and put in a quorum call, the time to be charged to either one side or the other.

Mr. FULBRIGHT. Very well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, for the benefit of Senators present, although the unanimous consent would extend beyond 2:30, it is our best guess that the vote on the pending amendment will probably be taken about 2:30. That is not final. However, we hope that it will be at that time.

Mr. President, with regard to the last point I made, about the Hickenlooper amendment, I ask unanimous consent that a letter received on November 25, 1969, from the Secretary of State, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, November 25, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: As you will recall I stated I would send you a letter on the Administration's position on section 620(e) of the Foreign Assistance Act of 1961, as amended, known as the Hickenlooper Amendment. This amendment was enacted in 1962 as a means to protect private United States investment abroad. In recent months the question of whether this amendment serves the national interest has become increasingly debated within the Executive Branch.

It is my view that the Hickenlooper Amendment does not add to the President's authority to protect American business abroad, and in fact introduces certain elements of inflexibility that can make it difficult for the Executive Branch to shape a response that is appropriate to and likely to be effective in a particular case. For instance, the six-month time limit prescribed by the Amendment leads to public, time-specific confrontations that make it more difficult to carry out the delicate negotiations that are necessary to resolve these difficult problems. In effect, the Amendment tends to put all U.S. interests in a country at risk on a single issue, admittedly a very important issue.

On the other hand, this provision of law was intended to act as a deterrent to uncompensated expropriations and other actions against U.S. investors in violation of international law. This is an important purpose and a legitimate concern of the Congress. While questions can be raised as to whether the Amendment in its present form is an effective instrument for that purpose, there are different opinions on this matter that deserve careful consideration. In addition, we are faced with some current and potential expropriation situations which would affect both the substance and timing of any position the Department might take on possible adjustments in the Amendment.

I continue to believe in the importance of the role private investment can play in the development process. As the President noted in his address before the Inter-American Press Association on October 31, "constructive foreign investment has the special advantage of being a prime vehicle for the transfer of technology" to developing countries. Whether private investment is attracted to a particular country depends on many factors, particularly busines confidence in the foreign government and its readiness to abide by rules of international law. As the President states "a capital importing country [must] expect a serious impairment of its ability to attract investment funds when it acts against existing investments in a way which runs counter to commonly accepted norms of international law and behavior." I believe this is an important thought we should keep in mind in reviewing the Hickenlooper Amendment.

There is no easy answer to your inquiry, and we are not prepared to take a definite position on the matter under the present circumstances. It follows that we do not have any proposal to change the current law at present. We will continue to study these specific issues in light of the development of events. We shall be happy to share with you any further conclusions we may reach in the future, so that we may have the benefit of your thinking before we make any final decision or announcement of position.

Sincerely yours,

WILLIAM P. ROGERS.

Mr. FULBRIGHT. Mr. President, this certainly indicates that the administration does not have all the answers to this touchy issue of U.S. investment abroad.

In short, the OPIC proposal clearly requires in-depth study by the Senate. To act on it at this time would be to act without any fundamental understanding of what the consequences might be for U.S. citizens, or for the foreigners we are supposed to be trying to help.

I hope that the Senate will not agree to the proposal which contains quite extended consequences if enacted without further study.

Mr. President, as I have already said, I hope that if the measure is considered, it is considered apart from this or any other foreign aid bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the extended risk guarantees outstanding, which also indicates the type of business that is involved in the guarantees.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EXTENDED RISK GUARANTEES (OUTSTANDING)

Project	Amount of investment	Amount guaranteed (outstanding)	Project description
Argentina:			
PASA: Morgan Guaranty	$8,325,000	$7,749,500	Large petrochemical complex.
Fish International Constructors	8,325,000	575,500	
Total	16,650,000	8,325,000	
Brazil (total U.S. investment)	99,393,667		
Ultrafertil:			
New England Mutual Life	5,500,000	4,125,000	Fertilizer production and distribution plant.
Connecticut General Life	5,500,000	4,125,000	
Continental Assurance	4,400,000	3,300,000	
Bankers Life (Iowa)	3,300,000	2,475,000	
Northwestern National Life	2,750,000	2,062,500	
Southwestern Life	2,218,000	1,663,500	
Total	23,668,000	17,751,000	
Total U.S. investment	54,005,000		
olombia:			
Cabot Colombiana:			
Cabot Corp	825,000	600,000	Carbon black plant.
Total U.S. investment	2,425,000		
Dominican Republic:			
CODDEA, Inc.:			
Central Aguirre Sugar Co	[1] 900,000	522,000	Land development; growth of milo and other farm commodities.
State Street Bank & Trust	2,175,000	2,175,000	
Aetna Casualty/Surety Co	2,400,000	2,250,000	
Total	5,475,000	4,947,000	
Total U.S. investment	7,960,000		
Nicaragua:			
Nicaragua Hotel Co., Inc.:			
(B. C. Ziegler as agent for) Pan American Life Insurance Co	1,000,000	1,000,000	208-room 1st-class commercial hotel.
Farmers & Traders Life Insurance	100,000	100,000	
Board of Pension of Lutheran Church in America	300,000	300,000	
Sentry Life Insurance Co. of New York	100,000	100,000	
Total	1,500,000	1,500,000	
Total U.S. investment	2,300,000		
Ecuador (CUNA): Arizona Central Credit Union	7,000	7,000	Worldwide pilot program to make loans available to credit unions in developing countries.
Total L.A		33,130,000	
AID: PRR/PIC/FD (as of Sept. 30, 1969).			
Indonesia:			
P. T. Indonesian Satellite:			
Bank of America	1,960,000	845,000	Earth satellite communication facility to be installed near Djakarta.
Connecticut General Life Insurance	2,000,000	2,000,000	
National Shawmut Bank, as trustee	500,000	500,000	
North Atlantic Life Insurance Co. of America	500,000	500,000	
First National Bank of St. Paul, Minn	500,000	250,000	
Total	5,460,000	4,095,000	
Total, U.S. investment	7,205,000		
Korea:			
Yong-Nam Chemical:			
Skelly Oil Co	[1] $5,000,000	$2,500,000	Production of fertilizer at Ulsam.
Swift & Co	[1] 5,000,000	2,500,000	
Total	10,000,000	5,000,000	
Total, U.S. investment	34,200,000		
Purina Korea Co.:			
Ralston Purina Co	[1] 102,000	51,000	Poultry, livestock and feeds.
Chase Manhattan Bank	500,000	375,000	
Total	602,000	426,000	
Total, U.S. investment	762,000		
Thailand:			
Siam Kraft Paper Co.:			
Connecticut General Life Insurance	1,000,000	1,000,000	Production of and sale of pulp and kraft paper.
General Electric pension trust	2,300,000	2,300,000	
National Shawmut Bank (trustee)	500,000	500,000	
First National Bank of St. Paul	275,000	275,000	
Total	4,075,000	4,075,000	
Total, U.S. investment	22,545,000		
Total, FE		13,596,000	
ndia:			
Madras Fertilizers Ltd.:			
Chemical Bank N.Y. Trust Co. (as agent for lenders to be named)	17,250,000	17,250,000	Fertilizer production and distribution plant at Madras.
Total, U.S. investment	31,900,000		
Total NESA		17,250,000	
Africa General:			
Chanas Fund, Inc.: Chan Associates	[1] 500,000	250,000	Medium for small private investment opportunities.
Kenya:			
Union Carbide, Kenya, Ltd.: Bank of America	300,000	225,000	Manufacture and sale of all kinds of dry cells, batteries, and containers.
Total U.S. investment	1,000,000		
Ghana:			
Volta Aluminum Co., Ltd. (VALCO): Kaiser Aluminum & Chemical and Reynolds [2]	8,540,000	8,540,000	4th "potline" at existing alumina smelting facility at Tema.
Total U.S. investment approximate	105,000,000		
Congo:			
Grand Hotels Du Congo: Intercontinental Hotels, Inc	750,000	562,000	250-room high-rise hotel in Kinshasha.
Total U.S. investment	4,785,000		
Total Africa		9,577,000	
Total outstanding worldwide		73,553,000	

AUTHORIZED BUT NOT UNDER CONTRACT

Sponsor and country	Calendar year authorized	Amount authorized	Nature of project
Ramada Maroc, S.A., Morocco	1967	$390,000	Tourist motels.
Hospital de Especialidades, Honduras	1967	539,000	Private hospital.
Adela Investment Co., S.A., Latin America	1968	1,500,000	Agri-business and industries with multinational market potential.
Adela Investment Co., S.A., Latin America	1968	6,000,000	Development banking activities for above.
CUNA, worldwide ($7,000 under contract (Ecuador))	1968	993,000	Credit pilot program to make loans available to credit federations.
Barnard & Burk, Inc., Ecuador	1968	7,000,000	Construction of 6-mile channel, turning basin, piers, warehouses, packing plants, etc.
Interbiochem, Ghana	1969	590,000	Production and sale of variety of pharmaceutical products including tablets, solutions, etc.
Nicaragua Hotel Co., Inc. (increase) Nicaragua	1966	375,000	Commercial hotel.
Zuari Agro Chemicals, Ltd., India	1969	9,625,000	Construction of a fertilizer complex at Goa.
Union Oil Co., Korea	1969	41,000,000	Construction and operation of a 316 megawatt thermal powerplant.
Total		68,012,000	

[1] Eq.

[2] Contract follows prior DLF guarantee; although ERG funds were used here, it does not guarantee against commercial losses.

Mr. FULBRIGHT. I just draw attention to the fact that most of these involve very large financial institutions. It seems to me that most of them are quite capable of taking the risk associated with their investments both here and abroad.

I question that the Federal Government's credit should be put behind all of these, especially to the extent of 100 percent or, for that matter, even 75 percent. As I have said, the committee has already expressed itself as believing that 50 percent is sufficient.

I once more draw attention to the fact that when the programs were initially originated, conditions were quite different than they are today.

At the beginning of both the foreign assistance and guarantee programs, the United States was not in the very critical condition in which it finds itself today.

There has been a dramatic change in the financial and economic conditions in this country relevant to the rest of the world.

It was not too many years ago—it was just a little over 10 years ago—that we were reading daily of the dollar gap. This country had nearly $25 billion in gold and all other countries were suffering from a real lack of purchasing power. We were searching for ways to bring back a better balance between the economy of the United States and not only the underdeveloped world but even Western Europe. There has been a dramatic change. Our gold reserve, as we all know, is now in the neighborhood of $10 billion. We will have a deficit in our balance this year estimated at $10 billion, the largest of any year since World War II—a very disturbing element. The stock market in recent years, which is one of the best economic barometers, at least in the estimate of our best business people, has been recording new lows for 3 years or so.

Our economic and financial situation has changed considerably. Therefore, justification for the expansion of some of these assistance programs simply does not exist.

For that reason and for the reasons I have already outlined, I hope that the Senate will reject the OPIC amendment.

The PRESIDING OFFICER (Mr. COOK in the chair). Who yields time?

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, I have heard with deep interest and with great respect the observations of the chairman of our committee. I wish he were on my side, because I think that everything he wants, basically, in terms of a policy of the United States, will come much closer to realization if we do than if we do not.

I am, nonetheless, living in a practical world; and, not being able to implant my mind in his, I must deal with the arguments he makes.

The first and most important question is: Shall we put this proposal in the foreign aid bill? Of course, that question has been answered for us in two ways: one, since the foreign aid bill began, the guarantee of private investment has been a party of the foreign aid bill. I was one of those who began it back in my days in the other body, when I was on the Foreign Affairs Committee and when with Representative Voorhees, of Ohio, and we wrote the investment guarantee program. This is one part of the bill—this, it seems to me, is a very decisive fact—about which there has been no complaint. This is the one part of the foreign aid program of the United States in which there has not been controversy and attrition. We have been deeply embroiled in controversy abroad about many things in the foreign aid program, but not, so far as I know, about the guarantee program. On the contrary, that has operated, and seemingly has operated very well, to the satisfaction not alone of ourselves, but of the host countries as well, which is very important. This is borne out by a very high level meeting which has just been held in Amsterdam.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. Does the Senator say there has been no complaint among the American companies who benefit from the investment guarantee program, or is he saying there has been no complaint from foreigners about American investment in their countries.

Mr. JAVITS. I did not say either. All I said was that the guarantee program of the foreign aid setup has not come under controversy abroad, so far as I know. I am willing to be corrected. I am going to deal with the American investment, the Servant-Schreiber concept, and so forth. But the guarantee program as an element of the foreign aid program has been singularly free of controversy.

Mr. FULBRIGHT. Will the Senator admit that there has been some controversy about the Hickenlooper amendment?

Mr. JAVITS. Yes, but that has nothing whatever to do with the guarantee program. The Hickenlooper amendment is an effort to make the President of the United States do something about something he may think to be inimical to the interests of the United States. I voted against it—I do not know about the Senator from Arkansas, but I believe he may have voted against it, too—on policy grounds, not because it had anything to do with investment guarantees.

To continue, Mr. President, the next point made is that this may be a device to help American business rather than a means to help the less-developed countries. It seems to me that the less-developed countries are the best authority on that. It is very interesting to me that the Pearson report, entitled "Partners in Development," the great World Bank mandate on this subject, reads as follows, at page 105:

> We have received the definite impression that most low-income countries would welcome a larger flow of foreign investment, sharing our belief that such flows would contribute to their faster growth. How can that flow be stimulated?

That is the question asked by the committee.

I refer now to a panel which met in Amsterdam. The participants in that panel included some of the most eminent names in the economies of both the developed and the less developed countries, and of the international financial organizations of the world.

It concludes with the recommendation of the panel, and I beg the Members to look at its composition—really distinguished and high level people. The recommendations of this panel are as follows:

> If a satisfactory rate is to be achieved—

That is, a satisfactory rate of growth—

> there must be a massive increase in the rate at which capital is flowing into the developing nations from outside sources.

It seems to me that all the world is crying for precisely this, and because it is the best kind of business for the United States, it should commend itself to us, rather than discourage us from it.

If I and the others who support this concept have demonstrated that it represents intelligent business and it answers a demand of the whole underde-

veloped world, then it seems to me that it is certainly the kind of proposal to which we should give our support.

The other point made—and I yield to no one in my respect for Senator FULBRIGHT's standing and prestige and interest in the whole field—is that the taxpayers in some way will pay the bill for any losses. Of course, that is the whole function of an insurance company—the taxpayer pays the bill for losses.

Senator FULBRIGHT has used the figure of $6.8 billion in specific risk guarantees, as they call them, which are really risks against war, insurrection, inconvertibility, and so forth, as a big liability to worry us. But that is a liability in which there has been an extraordinary record of no requirement for payout, and that has been on the books for 20 years. That record is fantastic, as a matter of fact. There is more risk in the extended risk guarantee, but the premium can be adjusted to take account of that risk. At present it is 1¾ percent, and the investment guarantee program is still operating at a big profit in terms of even the losses it has had to pay out, which Senator FULBRIGHT said were roughly $6 billion.

But when we compare the $79 million take in premiums with the $11 million payout for all kinds of losses over an actuarial record of 20 years, this becomes a pretty safe proposition.

The final thing I should like to deal with, which I think is important in respect of Senator FULBRIGHT's position, is the financial condition of the United States, that we did have a dollar gap, and that now we are in difficulties on balance of payments and exports.

Mr. President, it is precisely because of this that this proposal is before the Senate now, because the whole world is changing; and, whereas, in a world which was beaten up by war, our merchandise exports produced a major surplus, now the whole world is catching up with us in competition. Japan and Germany are the outstanding examples in merchandise exports. There is no use knocking our head against a brick wall. Indeed, we are doing pretty well and still maintaining nearly a billion dollars in surplus exports over imports. We must find new ways, and one is increasing overseas private investment flows. It is the thing that is saving our balance of payments now, when we are realizing a surplus of interest and profits payments over what is going out in overseas private investments. It is the one way to buck up our exports.

Maurice Stans will tell you that the greatest way to improve American exports is by exports which go to American manufacturing plants abroad, because they have a relationship to their American counterparts, and so forth. In addition, exports, as the British have shown for three centuries, are not just hard or soft goods; exports are also in technology and in management. There are the things overseas private investment contributes to.

Mr. FULBRIGHT. Mr. President, will the Sentor yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. The Senator just reminded me of the ambivalent nature of this matter. I do not think the Senator can have it both ways; that is, primarily aid to foreign countries and, at the same time, primarily aid to American business. It is true there is a little of each involved, but I think from the Senator's remarks it is clearly a method to assist American business. I have no objection to that. But I do object to it being labeled as foreign aid. If OPIC is going to be primarily an aid to business, it is like the Export-Import Bank, and it should be financed separately from the foreign aid bill.

Mr. JAVITS. Mr. President, I most respectfully differ with the distinguished Senator from Arkansas, and state that I reject that idea. The fact that a particular enterprise may induce American business to go into areas and participate in multilateral ventures and with local individuals or business firms, is the thing we want to encourage in the American economic position. Big business is now going into developed countries because underdeveloped countries are not attractive. With the corporate set up there would be the ability to attract small businesses into a field in which they are not now engaged.

The total export in overseas investment business of the United States is now in the hands of only 5 percent of American business concerns. The other 95 percent are not interested or have not found the vehicle for the purpose. The effort here is to establish such a vehicle as we did with the Export-Import Bank, which was financed as we propose to finance the OPIC. Its basic capital was first put up by the United States. That is the only way it was able to get off the ground.

I share the Senator's hope—it has always been my dream—that a great AID corporation would be established in this Nation owned by investors. I think that was the dream of the father of the Senator from Massachusetts (Mr. KENNEDY); that that would be the ideal way in which the heart, brains, and skill of America could contribute to developing the world.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. McGEE. Mr. President, the Senator from New York has been the dynamo in triggering this rather imaginative approach to the AID program. I think it would be helpful for the RECORD if he would indicate the difference between the smaller businesses this would tend to inspire into the development aid field in contrast to the larger ones. What would be the dividing line?

Mr. JAVITS. The fundamental differences are three. First, the fact that a corporation is expressly set up to seek out opportunities which, with sensitivity and education, can be of interest to American investment as well as to the host country. This is essential. We are practical enough to know it is tough for a Government agency to do. A private agency can do that. Second, we now make possible through this corporation a mix of investment. You can get a consortium of small companies for which this kind of corporation can be the trigger. The Senator will remember the New York plan in World War II which enlisted small companies through a consortium. That is the only way they could have technology and other factors which were needed.

It must be enterprising or we will junk it. They can be linked up with indigenous investors, which is a new concept in international investment. That is the second point.

The third point is on the financial side. There is something of a better opportunity with respect to the 75-percent guarantee than the 50-percent guarantee of extended risk, even though the principal is higher. Also, this corporation gives a little capital, has the opportunity to add a little money as long as there is a guarantee to sweeten the situation. These are the ways in which they can at least double the operations now going on under the program. That is why we suggest taking the existing program and making it more ambitious.

The $20 million appropriated by the other body and the $20 million for the following year, making a total of $40 million, would come out of repaid loans. There is no new money. It does not go down the drain. The United States owns the corporation, for it owns the reserve. The only question would be if it would be called on.

The clinching fact is that in 20 years—that is how long this company has been operating—there is an extraordinary actuarial record.

Mr. McGEE. In 20 years what has been the record of loss?

Mr. JAVITS. They have losses of $11 million in 20 years. That is their accumulative payout in terms of collected premiums of $79 million. It is true most of those premiums were paid for the rather conservative guarantee insurance against no risk and so forth, but that is going to go on, and it will get bigger as the other program gets bigger. It is like casualty insurance. If you are going to have investment abroad, you might as well have it. That cannot be left out.

Mr. McGEE. Are any figures available over that period of time to show what this generates in terms of activity?

Mr. JAVITS. Yes, that is a very good question. I just had a note on that from the AID people. Incidentally, this is their program and not mine. Their program differs from mine. I had much more ambition.

I talked to the Secretary of State and he authorized me to tell the Senate this morning that he favors this.

Reloan guarantees, I am advised by AID people—that the business, the investment which was generated—by the $100 million of outstanding extended risk guarantee—that is the business guarantee—is $500 million, or 5 to 1.

That is $500 million in investments upon which they gave $100 million in extended risk guarantees. The Senator from Arkansas has argued against it. One can pick out that they got a 100-percent guaranty to take no risk but you have that in every business transaction and you cannot do business on that basis, and if you are going to try to, it is like denying you made $1.98.

Mr. FULBRIGHT. Mr. President, will the Senator yield so that I may ask this question?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. What would be the dollar cost of initiating this program?

Mr. JAVITS. The dollar cost is nothing. It is an investment of $20 million of capital this year, and an investment of $20 million next year, and a reserve fund if they appropriate for it, of $75 million, and that is all. That $40 million comes out of the unpaid loan on AID of $75 million, which still remains in the bank and belongs to the United States, except it is earmarked as a reserve for guarantees.

Mr. McGEE. Have more limited programs or an experimental approach to projects of this kind been returned already?

Mr. JAVITS. Of course. I have given the Senator the figures. There is no question about those; $11 million in losses and $80 million in fees. They figure that the fees will make now, in the next 5 years, $130 to $140 million. That is the forecast.

Mr. McGEE. It seems to me that the advocacy by the Senator from New York of OPIC is an updating of what many of us have hoped or dreamed about in the very darkest days, of the urgent need for an AID program many years ago, when the capability of countries to begin developing in the private sector with the operation for development would become close enough to risk-taking, so that the whole program could begin more completely to take care of its own needs. I would hope that the Senator will prevail in his petition to this body because I believe we are approximating that point in the history of AID to where we are bound to implement this long-term basis through programs such as OPIC. I think the comments made here establish its risk-taking qualities; namely, that there is almost no risk in it, that the only risk would be probably for those marginal and smaller financial groups who have another operation, at a more lucrative level, with less risk and, thus, do not go into the developing field in some of the developing areas of the world.

Inasmuch as this covers them in this regard, I would think that this would be the kind of topping on the long-term expectation of an AID program.

I suppose there is one blind spot in it which would be that it does not cost us anything. We become so accustomed to aid costing someone something that it is difficult to place it in that same context. But I intend to support the amendment, of which I am a cosponsor, and I would hope that the Senate would be willing to take a chance on it.

That word "chance" is straining the point because there is virtually no chance being taken. I think it might become a pilot effort in a very significant way which would help us to restructure other aspects of the economic assistance program that we have been undertaking and underwriting for a long period of time.

Mr. JAVITS. I am very grateful to my colleague for his very gifted intervention and I would express the hope with him that this could be a way in which we finally get out of the treadmill on which we have been standing for a long time. I now still propose to ask, if we do not act on the theory that, "Well, put it in a separate bill"—someone else's report, we complain about it, we do not like it, we will do something else—but when something comes along that does not seem, really, to have anything wrong with it, at least we fall back on the proposition, "Let us not do it right now. Let us wait. Let us do it in a separate bill."

Mr. McGEE. That is part of the key where we are at a very critical point in our whole approach to economic development, to technical assistance, and to development assistance in those needful parts of the world. We keep saying to each other in our dialogs that some day we must restructure this, that we have got to go off in another direction. Here is a very perceptive attempt to get off in that other direction.

I think, rather than set it aside separately, that it becomes, in effect, a kind of transitional effort from an old AID approach to the chance for a new approach which most of us agree is imperative, while we await the Peterson report, while we are waiting for other approaches that might be suggested by still other groups concerned in this field. At least we point in a direction. We take a step in the direction of regrouping, updating, modernizing, and supplying a new element of imaginativeness in this approach to economic assistance. We believe that it would be consistent, in fact imperative in the affairs of this country that we be the initiator of this endeavor.

Mr. JAVITS. I am very grateful to my colleague from Wyoming.

Mr. STEVENS. Mr. President, will the Senator from New York yield?

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. Mr. President, I congratulate the ranking Member of the minority on the select committee for having brought before the Senate this amendment to authorize the Overseas Private Investment Corporation.

Having been one of those fortunate enough to attend the Development Assistance Committee meeting in Paris this fall as cosponsor of the amendment, I want to say a few words in support of it.

I believe that the Senator's amendment has brought before us a new way to put our productive overseas investment of U.S. capital under a businesslike, financially self-sustaining program. Such a program should lead to the development of better relations with the countries where investments are made, and certainly should effect a reorganization of the private investment incentive programs that AID has been pioneering in the past.

It is particularly important to note that the way the Senator's amendment has programed the financing of this innovation is one which will not produce a staggering burden upon the Treasury.

Rather, the plan of taking the AID loan at the rate of $20 million each year for a 5-year period in addition to an initial appropriation of $75 million under the guarantee program, I think, is one that can be financed under current circumstances.

We have been hearing much about the Treasury and the ability of the Government to undertake new programs. Here is an enlightened and significant new program which can be financed without the burden falling upon the Treasury.

OPIC would improve the development assistance programs in at least three new ways.

First, through the corporate form of organization, it could provide the efficient structure which the AID program has lacked as a Government agency, and could provide a business management of overseas business investments through the Overseas Private Investment Corporation.

Second, through the joint public-private board of directors, OPIC would, for the first time, make full use of the private, managerial experience and broad business participation of development overseas. However, it would still function under the overall policy guidance of the Department of State and AID and, more significantly, under the annual review of Congress so far as the budget is concerned.

Third, OPIC legislative authorities would apply specific political guidelines to determine how incentives should be administered, under which kinds of investments, and under what circumstances, thus assuring maximum economic and social benefits from the private projects of overseas investments of U.S. private capital.

I think it is very important that we put OPIC into effect as soon as possible so that we can have the standby guarantee support of private project financing. Considering the direction that many of the countries of the world have taken, we know that similar projects have been successful in Great Britain, France, and West Germany, and that there is a similar project being formed in the Netherlands. Of course, the World Bank, the International Finance Corporation, the Export-Import Bank of the United States provide assistance to U.S. exports which OPIC would provide for U.S. investments.

I again want to congratulate the senior Senator from New York for his action in bringing the amendment before this body with bipartisan cosponsorship. I urge its adoption.

Mr. JAVITS. Mr. President, I am prepared to yield back the balance of my time, just reserving 30 seconds to say that I have just conferred with the Senator from Massachusetts (Mr. KENNEDY). The provisions for agricultural credit and self-help community development projects which are contained in the amendment which he submitted are contained in my amendment only because we have the whole OPIC provision as contained in the House package word for word. Is that correct?

Mr. KENNEDY. Yes. I do desire to be shown as a cosponsor of the amendment of the Senator from New York. The text of my intended amendment is included in the pending amendment, and its passage would make unnecessary the offering of the amendment I have introduced.

Mr. JAVITS. Mr. President, I ask

unanimous consent that the Senator from Massachusetts (Mr. KENNEDY) may be made a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I yield myself 1 minute.

In line with the well-established custom of the distinguished Senator from New York, I shall be very brief.

I think the proposal that the Senator from New York offers has much to commend it. I shall vote against the amendment, however, in line with the decision made by the committee to confine this bill to the old, existing program, and not to adopt any of the innovations that are now contained in the House version of the bill, for the purpose of expediting the Senate's passage of this measure.

However, it is my hope, if the amendment is rejected, that the Foreign Relations Committee will take the proposal up as a separate bill, hold hearings early next year, and proceed to the consideration of its merits.

I simply wanted to make that clear for the Senator from New York and for the record, because I think a very good case can be made for the establishment of OPIC.

Mr. RANDOLPH. Mr. President, my able colleague from Idaho (Mr. CHURCH) expresses a concern that is not rare in this Chamber, that we are asked to support measures without sufficient consideration having been given them. There are occasions when this is true, but we are not faced with one of them now.

The Senator from New York (Mr. JAVITS) has removed that possibility with his persuasive analysis of the Overseas Private Investment Corporation proposal. To my thinking, he eliminated all doubt about the merit of this measure by the compelling case he has presented in this Chamber today.

This is one of those ideas whose time has come, and I do not believe we should delay in providing the machinery to more effectively make American business acumen and capital available to those developing nations where it can be the most beneficial.

Mr. President, despite our efforts of the past quarter century, there still exists a great economic disparity between the rich nations and the poor nations. And it is all too true that there is a tendency for the gap to grow. It is, therefore, imperative that additional resources be committed to the worldwide struggle against poverty and deprivation that is accentuated by the slow economic growth of so many developing nations.

It has been a basic tenet of this Nation to help people improve their own situations. Our foreign aid programs have operated on this principle, and the Overseas Private Investment Corporation would commit the added muscle of the American private enterprise system in an organized and efficient manner.

The corporation proposed in this amendment, which I cosponsor, would not be involved in a Government spending program. It would, rather, assist in the channeling of American capital and expertise to those areas of the world where they could be most beneficial to both the investors and the host countries.

The American free enterprise system is known and envied for its skill and efficiency in organization and management. It would be incongruous if we failed to provide the means for bringing these qualities into the distribution of our economic resources to other nations.

The Overseas Private Investment Corporation would meet this need, and I urge adoption of the amendment.

Mr. FONG. Mr. President, I rise to support the amendment that is now under consideration. This amendment is designed to restore authority to establish the Overseas Private Investment Corporation—OPIC—as originally requested by President Nixon and approved by the House of Representatives in H.R. 14580.

Authority to create OPIC was excluded from the Senate Foreign Relations Committee authorization bill because it was felt that the only way to bring the bill to the floor for vote in the time available before recess was to eliminate all new authorities provided in the House-passed bill.

Mr. President, I do not agree with that line of reasoning and I hope the majority of Senators do not either. I sincerely hope that most of my colleagues will agree with me that OPIC is urgently needed now. We definitely need to find new ways to implement and supplement our foreign assistance program, and I am confident that OPIC will go a long way toward meeting those goals.

Before going any further, I want to assure my colleagues that through the creation of the Overseas Private Investment Corporation may be a new idea and tool in our foreign aid program, its major functions of providing investment insurance and investment financing are not new. OPIC would simply be taking over and building upon these functions which are currently under AID's Private Investment Center.

The political risk insurance program has been the largest and, I might add, profitable program that OPIC would be inheriting from AID. This program has grown sharply over the past 5 years and there is now outstanding nearly $7 billion of total insurance. If the projected insurance program level for OPIC is achieved, between $1.2 and $1.4 billion would be issued in each of fiscal years 1970–74. And as the size of the insurance portfolio continues to increase, it is only reasonable to expect claims activity to increase as well. The anticipated amount required to carry out this projected program is $80 million.

As of December 31, 1968, the reserves under our political risk insurance program and the extended risk guarantee program totaled approximately $120 million of which $62.6 million came from profits under these two programs and $57.4 million from appropriated funds. The political risk insurance program accounted for the lion's share of the $62.6 million that accumulated from earnings—after administrative expenses and claims—from our insurance and guaranty programs. And AID expects that an additional $15 million will be generated from net fee income by June 1970—the target date for the creation of OPIC. In other words, we will be profiting from the insurance and guarantee programs to the sum of $77.2 million by the time of incorporation.

At that time, it is anticipated that OPIC will have an outstanding extended risk guarantee portfolio that will approach $200 million of which 25 percent or $50 million must be held as reserves.

AID anticipates its program for 1971 to approach $150 million. Consequently, the guarantee reserve must be available in the amount of approximately $90 million by the end of fiscal year 1970 to back up the anticipated outstanding portfolio of $200 million and the new business expected to be concluded during fiscal year 1971 of $150 million; that is, 25 percent of $350 million or about $90 million in reserves.

In other words, Mr. President, the total amount that is needed to maintain the present and anticipated insurance and guarantee program will be approximately $170 million; that is about $80 million for the political risk insurance program and about $90 million for the extended risk guarantee program. To meet the projected reserve requirements of these programs, the following would be available to OPIC:

First, $120 million in present reserve program of which $62.6 has been earned and $57.4 appropriated—as passed by the House, section 204(d)(4)(B) a total of $35 million shall be made available from the above amount to AID as a separate reserve for the housing guarantee programs around the world; thus, leaving only $85 million from the present reserves for insurance and guarantee programs.

Second, $15 million in net fee income collected from premium payments from January 1, 1969, to the date of OPIC's incorporation.

Third, $75 million appropriation in new obligational authority as proposed. This makes a proposed total of $175 million in reserves for the insurance and guarantee programs.

DIRECT INVESTMENT

Mr. President, in addition to the political risk insurance programs, the third major program is the direct investment fund which will be established to finance dollar loans and other direct debt participation where it is judged necessary for high priority projects to go forward.

Total initial capital in the direct investment fund will be $100 million. It will be paid in on call of the Corporation at the rate of $20 million each year for 5 years, using the money received from principal and interest of prior loans.

These, then, are the three major programs that will be under the control and jurisdiction of the overseas private investment program.

Mr. President, in closing I would like to point out three practical and desirable reasons why it would be to our advantage to create OPIC:

First. For the businessman, OPIC will mean that his business questions, ideas, and plans will be handled in a business environment. His need for prompt, knowledgeable, and authoritative decisions can best be met by such an organization.

Second. For both the Congress and the

executive branch, the corporate structure and financial disciplines of the balance sheet, earnings statement, and annual operations report will result in a complete picture of costs and benefits of the programs as a basis for evaluation of performance and judgment as to future program development. The responsibility and accountability of these programs to Congress would certainly increase and improve.

Third. For OPIC itself, the corporate structure and business environment, together with the joint public-private nature of the Board of Directors, will enable it to attract the best available business talent to administer its programs.

Mr. President, I sincerely believe that OPIC represents, in the field of foreign assistance, an idea whose time has come. I, therefore, urge my colleagues to support this important amendment which is designed to create the Overseas Private Investment Corporation.

Mr. KENNEDY. Mr. President, I support the amendment offered by the distinguished senior Senator from New York. At this time, I would like to speak in favor of one provision in particular of the amendment—the proposed new section 240 of the Foreign Assistance Act. The purpose of this provision is to establish a pilot program of guarantees for community self-development loans for Latin America. I introduced those provisions as S. 3076 in the Senate last October, and similar legislation was introduced in the House of Representatives by Congressman JOHN E. Moss of California. If the amendment offered by Senator JAVITS fails, I intend to introduce this provision as a separate amendment which is now printed as amendment No. 423.

The primary purpose of the provision is to fund a $15 million program under which the United States would guarantee loans by private Latin American banks and other financial institutions to low-income groups who have no other reasonable source of credit to finance community self-development projects.

Mr. President, I wish to emphasize that the program established by the provision would be modest in scope, since it is intended to be a 3-year pilot program, to be carried out in no more than five Latin American countries.

Under the provision, guarantees of up to 25 percent would be available to encourage loans for a variety of urban and rural community self-development projects in Latin America. As illustrations of the types of projects that are intended to be encompassed by the program, the provision lists the following: wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities, and looms, and other handicraft aids. These examples, however, are only a small part of the immense variety of community development projects for which assistance might be available under the bill.

Section 240 is designed to help the millions of people in a thousand cities and villages throughout Latin America. It is for the campesinos on the farms and for the workers in the factories. It offers them a new message of hope. It offers them a better and more abundant life to accompany their love of human dignity and freedom.

The key feature of the provision is in its emphasis on Latin American financing for Latin American development. By encouraging private Latin American institutions to lend funds for community development projects in their own nations, the provision is designed to promote a system of joint participation by both the rich and the poor in Latin American development.

In recent years, we have witnessed the birth of a remarkable precedent for the program proposed in the bill. Since 1966, the Pan American Development Foundation—PADF—has sponsored a similar type of program in a number of Latin American countries. The PADF, a private development foundation, was established in 1963 upon the recommendation of the Organization of American States.

One of the primary goals of the PADF has been to encourage the private sector in Latin America to play a greater role in Latin American Community development. To achieve this goal, the PADF has sponsored the establishment of local Latin institutions known as "national development foundations." These local foundations—or NDF's—are entirely autonomous. They help to mobilize the personal energies and financial resources of all social and economic levels in Latin America in order to foster more extensive involvement in a broad spectrum of community self-help development projects. By stimulating the use of private nongovernmental resources, the foundations supplement official government efforts and accelerate the rate of local development.

The NDF program is a major new idea in Latin American economic development. The essence of the program—which is carried forward in section 240—is to provide credit in the form of small loans on reasonable terms to finance community projects in cases where conventional forms of bank credit are not available. Unlike the traditional U.S. foreign aid program, which provides grants to governments and loans and loan guarantees to wealthy American developers, the NDF program reaches out directly to all the people. It thereby helps low-income groups in Latin America to become partners in the development process, rather than merely waiting for the benefits of capital development to "trickle down" to the lowest social level.

For this reason, the NDF program has been widely acclaimed as the best new idea in foreign aid since the Marshall plan.

The NDF program has been a pioneering approach to development by the private sector in Latin America. Each national development foundation draws its board of directors and staff from within the country in which it is established, and determines its own policies and procedures. By relying on persons already active in each country to stimulate loan requests, such as agricultural extension agents, village priests, teachers, community development workers, Peace Corps volunteers or Government health workers, it has been possible for the foundations to function effectively on extremely low administrative budgets. This is why I believe that even the modest funding for the pilot program I have proposed can be enormously effective.

The first national development foundation was established in the Dominican Republic in July 1966. Since that time, similar foundations have been established in four other Latin American nations—Chile, Colombia, Ecuador, and Guatemala. In addition, national development foundations are now being organized in eight other nations—Argentina, Honduras, Mexico, Nicaragua, Panama, Peru, Uruguay, and Venezuela.

In the 3 years since this private program was instituted, the existing national development foundations have extended about $1 million in loans to approximately 1,000 community groups in Latin America. Perhaps the most remarkable aspect of the program is that repayment of the loans is averaging better than 95 percent—in spite of the fact that the loans are largely unsecured in the traditional sense and are made to the most marginal sectors of the economy. Obviously, as the extraordinarily high rate of repayment demonstrates, the loans have a higher security—in the sense of new responsibility, pride and integrity engendered in citizens who have become partners in development.

The flexibility of the NDF program has enabled it to operate at a level which neither commercial nor government banks can presently reach. The heart of the new approach is the flexibility of the loan repayments—they can be tailored realistically to the ability of the people to repay them.

For example, loans have been made to finance projects such as:

GUATEMALA

A typical loan of $4,000 for a water-pump and irrigation pipe, improved seed and fertilizer, and insecticide for an agricultural cooperative of 60 families is repaid at the rate of $1 a month per family over a period of 6 years.

A $65 loan to a 4–H club of 15 young men to purchase 100 chicks, necessary equipment, and medicines is repaid at a rate of 5 cents a week per club member in less than 2 years.

Loans to rent bulldozers to make roads through forest areas to take food to market.

Loans to Indian communities to help them obtain for the first time in their history a mortgage and title to the land they have been sharecropping.

Loans to purchase cement to seal off the dirt floor of a home, to put screens on doors and windows, to replace thatched roofs with tile or tin.

Loans to purchase a portable gasoline-powered generator to bring light and power to a community long isolated but desiring change so badly that it is repaying the $1,500 loan at the rate of 5 cents per family per week, so that the loan will be completely repaid in 4 years.

DOMINICAN REPUBLIC

Loans to increase agricultural productivity. Such loans have financed the purchase of oxen to replace hand labor, and the purchase of tractors to replace oxen.

Loans to purchase steel plows to turn the earth, where before sharp sticks merely scratched the surface.

CHILE

Loans to purchase sewing machines and materials for home improvement projects by rural youth leaders long frustrated by the lack of such equipment.

Loans to farming and fishing cooperatives, to enable the people to escape their dependence on middle men.

Loans to purchase building materials for storage facilities to escape the age-old system of "glut and famine" marketing.

ECUADOR

Loans for pumps to bring water from underground and river resources to irrigate fields of rice and pasture.

Loans for new village wells for clean drinking water.

Loans to purchase Coleman lanterns for health clinics, so that the visiting nurse can stay later in the evening to provide medicine and comfort to Indian communities located high in the Andes.

Loans for acetylene torches, shoe repair machinery, and weaving looms to stimulate new and more productive small business ventures.

Mr. President, the history of the national development foundations is far more than the mere history of loans to the poor to take the first steps toward realizing their expectations for a better life. It is also the history of changing attitudes and motivations among both the rich and the poor of Latin America. It is a recognition of the emerging truth that effective development programs are not the special prerogative of a particular economic or social class, but must be carried out with the shared participation of all citizens.

It is time for us to begin to build on the experience of these national development foundations, and to foster the creation of similar programs where the need exists in Latin America. The amendment I am introducing today is a step toward achieving this goal, and I am hopeful that it will be favorably received by the Senate.

Mr. DOLE. Mr. President, I am pleased to be a cosponsor of Senator JAVITS' amendment granting authority to establish the Overseas Private Investment Corporation.

OPIC holds great potential for the U.S. national and private interests, and it also promises to impart a new dimension and impact to the economies of developing nations throughout the world. OPIC's programs, while designed to stimulate domestic business enterprise, will be concentrated in areas which will produce benefits in the most crucial areas of developing foreign economies.

By building upon the beginnings already made in this field by the Agency for International Development's Private Investment Center, the Corporation will achieve valuable savings in program development and organization. By the nature of its separate and specialized corporate identity, it will avoid many of the obstacles inherent in traditional governmental structures and administration, while taking advantage of both public and private experience and personnel.

It is encouraging to note the wide range of support OPIC has received in Government, from the private sector, through foundation studies, and on both sides of the House and Senate.

Mr. President, I urge my colleagues to support this amendment, for at small cost, it will bring considerable benefits to the United States and to the people of developing nations around the world.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to amendment No. 424. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Tennessee (Mr. GORE), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Iowa (Mr. MILLER), the Senator from Vermont (Mr. PROUTY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. MILLER) would vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 53, nays 34, as follows:

[No. 225 Leg.]

YEAS—53

Aiken	Harris	Moss
Allott	Hart	Murphy
Baker	Hartke	Muskie
Bayh	Hatfield	Packwood
Bennett	Hollings	Pastore
Boggs	Hughes	Pearson
Brooke	Inouye	Pell
Cannon	Jackson	Percy
Case	Javits	Randolph
Cook	Jordan, Idaho	Schweiker
Cooper	Kennedy	Scott
Cranston	Magnuson	Sparkman
Dodd	Mathias	Spong
Dole	McGee	Stevens
Fong	McIntyre	Thurmond
Goodell	Metcalf	Tower
Gravel	Mondale	Williams, N.J.
Griffin	Montoya	

NAYS—34

Allen	Ervin	Proxmire
Bible	Fannin	Ribicoff
Burdick	Fulbright	Russell
Byrd, Va.	Gurney	Saxbe
Byrd, W. Va.	Hansen	Smith, Maine
Church	Holland	Stennis
Cotton	Hruska	Talmadge
Curtis	Mansfield	Williams, Del.
Dominick	McCarthy	Young, N. Dak.
Eagleton	McClellan	Young, Ohio
Eastland	McGovern	
Ellender	Nelson	

NOT VOTING—13

Anderson	Long	Symington
Bellmon	Miller	Tydings
Goldwater	Mundt	Yarborough
Gore	Prouty	
Jordan, N.C.	Smith, Ill.	

So Mr. JAVITS' amendment (No. 424) was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McGEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 13270) to reform the income tax laws; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. BOGGS, Mr. WATTS, Mr. ULLMAN, Mr. BYRNES of Wisconsin, Mr. UTT, and Mr. BETTS were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 44) to authorize printing of manuscript entitled "Separation of Powers and the Independent Agencies: Cases and Selected Readings," as a Senate document, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4249. An act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices; and

H.R. 15209. An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H.R. 2208. An act for the relief of James Hideaki Buck;

H.R. 4560. An act for the relief of Sa Cha Bae;

H.R. 5133. An act for the relief of Pagona Anomerianaki;

H.R. 6600. An act for the relief of Panagiotis, Georgia and Constantina Malliaras;

H.R. 7491. An act to clarify the liability of national banks for certain taxes;

H.R. 10156. An act for the relief of Lidia Mendola; and

H.R. 11503. An act for the relief of Wylo Pleasant, doing business as Pleasant Western Lumber Co. (now known as Pleasant's Logging and Milling, Inc.

FOREIGN ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

Mr. DODD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Connecticut (Mr. DODD) proposes an amendment as follows:

On page 88, strike lines 10 through 18.

(The language sought to be stricken is the following:)

RESTRICTIONS ON MILITARY AID TO GREECE

SEC. 203. Part II of such Act, relating to military assistance, is amended by inserting between sections 508 and 509 the following new section:

"SEC. 508A. RESTRICTIONS ON MILITARY AID TO GREECE.—Military assistance to Greece under this Act shall, until further action by the Congress, be limited to expenditure of funds obligated prior to the date of enactment of the Foreign Assistance Act of 1969."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on this amendment, to be equally divided between the Senator from Connecticut and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, the section which I propose to strike is an amendment offered in the Foreign Relations Committee, in the course of the discussion on the foreign aid bill. In essence, it prohibits further grants of military aid to Greece beyond that which is already in the pipeline.

As stated in the report:

The purpose of this prohibition is to demonstrate to the Greek government and to the world that the current military regime does not enjoy the backing and support of the U.S. Congress.

I know of no Member of the Senate or of the administration who does not share the desire to see the return of free constitutional government in Greece.

For that matter, there is good reason for believing that the administration has been using its influence, in every way open to it, to encourage the return to constitutional rule.

But I am strongly opposed to the proposal that we cut off military aid to Greece by way of indicating our displeasure over the restrictions on freedom which characterize the present government of that country.

Such an action would gravely weaken NATO and undercut our entire defensive posture in the critical Mediterranean area.

The peace of the area is gravely threatened not only by the Egyptian-Syrian-Iraqi armed forces with their billions of dollars' worth of Soviet equipment, but also by the massive and continuing buildup of Soviet naval strength in the Mediterranean.

The rising tide of Arab nationalism has already deprived us of access to the major naval base and air force installations we previously had in Morocco; and within the coming year we shall be out of the great Wheelus Air Force Base in Libya.

The efficiency of our air and naval operations in the Mediterranean has already been drastically affected by these restrictions, and we are therefore more than ever dependent on the few major bases we still have access to in Spain, in Italy, and in Greece.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. PASTORE. Mr. President, what is the association of the Greek administration or the military junta government to NATO?

Mr. DODD. It is a member of NATO.

Mr. PASTORE. I know. Are they cooperating?

Mr. DODD. The Senator is correct. The Greek Government cooperates with NATO and is a full member of NATO. It is a member base for NATO.

If we now lose access to the air and naval bases at Athens and in Crete and our anchorages in the Aegean Islands, it would completely unhinge our entire defensive position in the eastern Mediterranean.

And if we insist on treating the Greek Government as an enemy instead of an ally, the possibility cannot be excluded that we will drive them into the arms of Nasser.

That is why cutting off military aid to Greece at this juncture would be tantamount, in my judgment, to cutting off our nose to spite our face.

It would be an act of folly that might terminate by undoing all the good accomplished by the Truman doctrine, at great cost to the American people.

Not only would it pose a serious danger to the entire free world, but, in the long run, it would probably be a disadvantage to the people of Greece because it would reduce our ability to influence the course of internal events in that country.

Let us by all means use our influence in the interest of the expansion of freedom in those countries with which we are allied or to which we give aid.

But whether we enter into an alliance with another country or give aid to it are decisions that should be made in the final analysis on the basis of our national interests.

After all, we did not insist that the Soviet Government democratize itself as a condition of American aid in the fight against the Nazis during World War II.

We were fighting against a common enemy, and that was all that mattered.

Over the past two decades we gave some $2½ billion in military and economic assistance to the Communist government of Yugoslavia, on the basis of the assumption that the Tito government had become completely independent of Moscow and it was therefore to our advantage to assist it.

We also gave more than $1 billion worth of economic assistance to the Polish Communist government on the basis of a similar assumption.

In the case of Poland, Warsaw's essential subservience to Moscow was dramatically illustrated when the Polish Communist forces joined with the Red Army last year in the invasion of Czechoslovakia.

In the case of Tito, all the current indications are that his differences with Moscow have now been patched up and that Yugoslavia under his rule must today be considered part of the Soviet bloc in Europe.

I derive small consolation from the knowledge that I myself have consistently opposed aid to Communist countries because I believed that whatever differences they may have between themselves, they are united in their opposition to the United States and the free world.

But I consider it a trifle remarkable that many of the same people who today call upon us to cut off military aid to the Greek Government because we do not approve of the way it rules its people, were among the strongest proponents of aid to Communist Yugoslavia and Poland.

Nor can I recall a single one of them ever suggesting that we ask Tito and Gromulka that they restore democracy in their countries and stop persecuting their political opponents as a condition of receiving American assistance. On the contrary, they kept silent on the internal regimes in Poland and Yugoslavia, even though these regimes were a hundred times as repressive as the Greek regime at its worst.

After giving billions of dollars in aid, including military aid, to Communist countries, we now say that little Greece, which does not threaten any other country in the world, should be kicked out.

Mr. President, I wish that every country in the world were democratically governed. The world would be a far better and safer place if this were so.

But the fact is that the great majority of the governments that exist in the world today are not democracies.

Thirteen countries, including the Soviet Union and Red China, are governed by totalitarian Communist tyrannies that are fanatically committed to the subversion and conquest of the rest of the world.

More than 50 other countries are governed by military dictatorships or authoritarian regimes. Some of these military and authoritarian regimes are tolerably benevolent and efficient. Others are very repressive and inefficient.

The present Greek Government is very far from being the worst or most repressive of the numerous military regimes in existence today.

But even the worst of them are distinguished from the Communist regimes

in one very fundamental way: their tyranny is directed inward instead of outward. And they do not for this reason threaten the security and freedom of other nations of the world.

In this divided and imperfect world, our national interest dictates the need to enter into agreements and alliances with all those nations and governments that are prepared to cooperate in the common resistance to Communist expansionism, and which do not threaten the integrity and independence of their neighbors.

For these reasons I hope that the Senate will strike section 508A from the Foreign Assistance Act as reported by the Foreign Relations Committee.

We cannot afford to undermine NATO's Mediterranean defenses in order to indicate our displeasure with certain practices of the present Greek Government.

There are other and better ways of doing this.

Mr. President, I am as much for getting a freer government in Greece as is any other Senator. However, I do not think that cutting of military aid to Greece is the way to do this.

We can best influence developments in Greece by maintaining our contacts there, and not by cutting ourselves off.

These are the reasons why I have offered the amendment. I hope it will be agreed to.

Mr. FULBRIGHT. Mr. President, I yield 8 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. It is not the desire of the Chair to ask our staff personnel to leave. However, I wish they would understand and abide by the rules of the floor so that Senators may be heard.

The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I quite appreciate the desire of my colleague and neighbor, the Senator from Connecticut, in wishing to restore the provisions permitting military assistance to Greece. However, I think that before we vote, we should consider the entire picture.

The whole picture reveals that probably as much harm has been done to NATO by the achievement of the coup as could be done—both by the harm to the mission of NATO as a democratic alliance and by the erosion of military morale and fibre by the colonels' brutal actions and dismissals. In addition, we find that the general feeling in Greece has been and is until today that the American Government supports the junta and supports the colonels. There has been no demonstration by our Government of a positive nature to the contrary.

There has been no real gesture of disapproval. And we are talking about a regime that tolerates torture as a matter of official practice, as has been brought out in the Council of Europe. In fact, Greece would have been suspended from the councils of Europe today. However, to avoid this action, she withdrew herself a few hours ago.

From a military viewpoint, I think it can be seen that the effect of the amendment is very small.

There is almost 3 times as much military assistance backed up in the pipeline already obligated and ready for delivery to Greece as was intended to be authorized under this bill.

What the amendment does is to clearly demonstrate to the Greek people that even if our executive branch will not say that they object to the presence of the present totalitarian government in Greece and object to the use of torture as a means of political intimidation, at least Congress takes that position.

And if the future should indicate that the statements of the Senator from Connecticut are correct, that we need Greece back in NATO, all we need to do is to write a separate legislative act repealing the provision and permitting the authorization to go ahead. But to repeal the authorization now would have a deleterious effect because it could mean that Greece and its people would continue under its present illusion—which I trust is incorrect—that the American people and the American Government support the regime and support the practices of the regime, the practices that, while apparently acceptable to the executive branch of our Government, are abhorrent to almost every other democratic government in the world. In fact, nearly every other democratic government in the world has had the gumption to say so publicly.

Yet our Government has not had the gumption to do so.

One of my hopes was that at some point our administration would come out forthrightly and condemn the Greek junta for the use of torture as a matter of practice to intimidate the opposition, to come out and publicly condemn the junta for its abuse of democratic rights. Then Congress' action in this regard would not have been necessary. But this action is necessary by Congress in default of the lack of action by the executive branch of the Government.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Who yields time?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated December 2 from Athens, signed by 37 former members of the Greek Parliament. I read one paragraph:

> The undersigned, in particular, who reside in Athens and have been members of the last Parliament of Greece, believe that they voice the feelings of practically all their colleagues and of the Greek people in expressing their thanks to you, to the members of the Committee and to the statesmen and the Press of the United States, who have, on every occasion, manifested their solidarity to the Greek people and their interest in our efforts to get rid of the brutal military dictatorship.

I will not read it all, but the purport of this is that the Greek people, as opposed to the government, believe that our Government has been sympathetic to the imposition of the Greek military dictatorship.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ATHENS, DECEMBER 2, 1969.

TO THE U.S. SENATE,
Foreign Relations Committee,
Washington, D.C.

MR. CHAIRMAN: 1. It is with vivid interest and hopes that the people and the political personalities of Greece follow your personal efforts and the efforts of all the members of the U.S. Senate Foreign Relations Committee in favor of the restoration of Democracy and of free institutions in our country. The undersigned, in particular, who reside in Athens and have been members of the last Parliament of Greece, believe that they voice the feelings of practically all their colleagues and of the Greek people in expressing their thanks to you, to the members of the Committee and to the statesmen and the Press of the United States, who have, on every occasion, manifested their solidarity to the Greek people and their interest in our efforts to get rid of the brutal military dictatorship.

2. At this moment in which your Committee discusses the appointment of a new U.S. Ambassador to Greece and the NATO Council of Ministers of Foreign Affairs will be soon taking up the problems of the alliance, and the Council of Europe will decide on the Greek issue, it may be useful to provide to you some information on certain critical topics which affect the entire Greek problem.

3. *The Greek-American friendship.*—Our increased responsibilities render it necessary to speak to you in absolute frankness. It should be noted that most of us were members of the Parliament and some of us members of the Government which in 1952—acting in agreement with all Greek political parties—decided favorably on Greece's membership in NATO. We firmly believe in the value of Greek-American friendship and on several occasions we have strived for its strengthening and development. Furthermore, those who oppose the spirit and meaning of NATO have criticized us for our attachment to it and to the friendship between our two countries. For all these reasons we are seriously concerned about the crisis developing in Greek-American relations.

4. The true feelings and beliefs of the Greek people—Special U.S. responsibilities in supporting the dictatorship.

Our primary duty is to make clear to you that in spite of the traditional friendship of the Greek people for your people, it has become the common belief of all Greeks that the military dictatorship (which lacks even the slightest popular support in Greece and is openly opposed all over Europe) even if it were not imposed on us with the inducement of some of the U.S. agencies in Greece, it remains in power after two and a half years as a result of the tolerance, if not the positive support of the U.S. Government.

As a result, the longstanding pro-American feelings of the Greek people have been considerably weakened and tend to vanish completely if the U.S. policy is not to change and make clear that your country is truly and sincerely opposed to the dictatorial regime of Greece. What is required is the emphatic moral support of your Government to the Greek people in regaining its freedom and restoring Democracy in our land. This task—aside from the principles of Liberty to which the great American nation is devoted—derives also from the NATO agreement, which in its preamble emphasizes "the need to safeguard the freedom, common heritage and civilization of the peoples, founded on the principles of democracy, individual liberty and the rule of law.

5. *The Need to Accurately Inform the U.S. Government.*

If some of the U.S. Agencies in Greece provide opposite information as to the prevailing conditions and the true feelings of the Greek people, we, in full responsibility, declare that such information is inaccurate. It should be known to some of your country's agencies in Greece that, under a brutal dictatorship and a police state, it is hardly possible to detect the true feelings of the people through the methods familiar to democratic societies. They could, however, with some good will, make some positive dis-

coveries as to the state of affairs in Greece and the true feelings of its people. If this were the case, the leaders of your country would have been informed that the prolongation of dictatorship in Greece threatens to create the first break among pro-Western political forces, since all of them—from the King to the last citizen—are absolutely opposed to the rule of the colonels. The only possible exceptions are, perhaps, some big businessmen who being favored by the junta obtain scandalous concessions and privileges.

6. The Truth About the Policies and Intentions of the Colonels, Their Deceiving Tactics.

During the hearings of your Committee on the proposed appointment of Mr. Tasca, he has been reported to have stated that he aims in seeing the military dictatorial regime imposed on Greece developing toward "a more representative form of government." To us and to all living in Greece this could mean the perpetuation of the regime of military dictatorship. The experience of two and a half years shows that all pronouncements as to the gradual restoration of democracy have been false and misleading. The perpetuation of totalitarian regimes in various countries sets an example to those in power in Greece. The protagonists in such deceiving tactics are the one who acts as Prime Minister and the Minister of Foreign Affairs of the dictatorship. There are also, however, some other vociferous members of the regime who openly advocate the perpetuation of the dictatorship, dissolving the myth of future restoration of democracy. We note *in passim* the "naive" statement of the Deputy Prime Minister Brigadier Patilis, who, speaking in the town of Aigion, declared that "in our new Democracy there will be place *only* for those who believed and believe in the revolution and are willing to continue and complete its task." On the same topic there is also a series of contradictory statements by the Prime Minister and the Minister of Foreign Affairs.

(a) Mao's Thought in Greece.

More recently the Prime Minister of the military government proclaimed the need to somehow indefinitely "educate" the people, and he proceeded in publishing his "thoughts" in the example of Mao-Tse-Tung.

(b) Institutional Laws.

In spite of the fact that more than one year elapsed since the infamous referendum, which took place under conditions of marital law, intimidation and silencing of any voice of opposition—the "institutional" laws have not yet been drafted, and the complicated and time-consuming procedure established in this respect is being deliberately delayed. Even the ever so often announced softening of police and other oppressive measures aims only in deceiving international public opinion and the Allied Governments.

(c) Strangulation of Personal Freedom of Citizens.

The number of those in exile increases instead of being reduced. Court maritals are more active than ever in imposing draconian sentences. Former Deputies, distinguished scientists, outstanding officers and a host of good Greek citizens, irrespective of their political affiliations, are being persecuted and subjected to imprisonment, exile, and quite often, to torture.

A large number of them are being detained without any court warrant or sentence and under solitary confinement. The much advertised inviolability of the home proved also to be as false as the freedom of the press announced by the President of the military government on October 4, 1969.

(d) The Non-Existent Freedom of the Press.

Compared to preventive censorship, the continuation of martial law and the activities of the court martials in conjunction with the new drastic measures of restriction on newspapers-publications, constitute a more effective method of silencing the Press. The military government, under the pretext of forbidding all publications "aiming to rekindle political passions through references to the pre-April 21st, 1967 days", allows all kinds of insults and false accusations against Greek parliamentarians, without the latter having the means to answer and defend themselves.

With regard to the freedom of the press, a measure of the hypocrisy of those in power in Greece is given by the fact—that contrary to any concept of legality—the circulation of major Athenian dailies has been forbidden by the police in almost all areas outside the capital. These oppressive police measures have affected such major Athenian dailies as "Akropolis", "Apogevmatini", "Vima", "Ethnos" and "NEA." And it is such the present "freedom of the press" that these newspapers did not even dare to protest from their columns. We have, thus, in Greece an "improved" version of the totalitarian systems. And all these take place at a time in which those in power—in view of the meeting of the Council of Europe—give all kinds of misleading promises as to the step-by-step putting in force of the entire constitution within a pre-set but never revealed deadline.

(e) Abolition of the Autonomy of Institutions of Higher Learning.

The government of the colonels has openly abolished the autonomy of the institutions of higher learning, not only through legal measures but also through the intimidation and the downgrading of academic teachers. Furthermore, Commissaries of the dictatorship, with wide powers of intervention, have been appointed to all Greek Universities. Retired military people have been chosen to fill these positions.

(f) The Church.

The Church makes no exception to the disintegration caused in public life by the military dictatorship. It is in fact bitterly divided and in the process of decomposition. Following a series of illegal measures by the Archbishop of Athens, who acts as the dictatorship's overseer of the Church, the crisis within the Church erupted a few days ago. Those of the prelates who had the courage to denounce the violations of the laws of the Church are being persecuted and will be judged by special clerical courts established without the required legal procedures.

(g) The Judiciary.

The independent Greek judiciary has also received the blows of the dictatorship which aimed to render it subservient to its cause. The highly distinguished Chief Justices of both the civil-penal and administrative Supreme Courts have been fired in the most vituperate and unconstitutional manner. Other eminent judges and district attorneys received the same brutal and illegal treatment. In addition they have been forbidden to work as lawyers and not receiving—most of them—any pension, they find hard to provide to themselves and to their families the means of survival.

Even more important is the fact that the decision of the Supreme Administrative Court, which pronounced invalid the dismissals of senior judiciary personnel, was annulled by a single announcement of the Chairman of the military government, who at the same time issued an illegal decree accepting the resignation of the Chief Justice of the Supreme Administrative Court. Such resignation, however, has never been submitted.

(h) Administrative—Education.

The military dictatorship did not fail to produce a breakdown in the administrative branch as well. Highly experienced and distinguished public servants have been fired without adequate justification—and the administration has been left without leadership to speak of. Public servants in general, subjected to the intimidation of illegal firings and other measures, have seriously lost their efficiency and initiative. Nepotism tends to become the main characteristic of public life.

In Education there is complete chaos as to what should be taught—a spirit of darkness prevails throughout. Eminent teachers and administrators have been fired without reason, causing a practical breakdown in Education, highly detrimental to our people and our country. Among those who have been fired, there is a large number of University Professors, including some of the more distinguished ones. These professors, when offered later appointments in Western European Universities, were refused by the military government the necessary passports to leave the country.

It should also be noted that the pro-junta propaganda flourishes in all schools and the textbooks are full of nauseating praises of totalitarianism and of the junta members.

(i) Local government—Labor unions.

Local government institutions have been practically abolished and the mayors and other city officials are being appointed by the military government.

Labor and professional unions receive the same treatment.

(j) The Armed Forces.

The armed forces have been deprived of many distinguished officers having excellent combat records and overall training. Many of these officers are well known to the military leaders of NATO and some of them fought together with the U.S. armed forces in Korea against the Communist totalitarianism. These officers, who have also received high U.S. decorations, are now in prison or in exile.

(k) *The state of the economy.*

The economy of Greece approaches a state of collapse. This is the result of the irresponsible economic policy of the Government which, among other things, imposed an unbearable tax burden particularly on the middle-income groups and increased tremendously the security expenditures necessary to maintain the present regime.

7. The Dictatorship—Greece and Its People, the Members of the Atlantic Alliance and its Democratic Principles.

It is obvious that the deceitful tactics of the dictatorial government aim at misleading public opinion and particularly the allied Governments and the International Organizations which are in the process of a final examination of the Greek problem.

The recent statement by the British Minister of Foreign Affairs, Mr. Stewart, showing the U.K. turning against the Greek dictatorial regime has caused here grave concern to those in power. The military government, using the Athenian Press Agency, seeks to create the impression that the U.S. Government strives to stop the decision by the Council of Europe to expel Greece from its membership.

Furthermore, according to certain published information, the U.S. military aid will be fully resumed, to serve the goals of the Atlantic Alliance and more specifically for the sake of the security of the Mediterranean. But the goals of the Alliance are hardly served by keeping in chains and injustifiable turmoil an allied nation. These goals are served only by the full restoration of Democracy and of free institutions in Greece. It is only then that Greece can become a factor that the Alliance can count on.

The pro-NATO spirit of the Greek people will be properly strengthened only when it will become certain that military aid does not aim to prolong its enslavement but to safeguard "the freedom, common heritage and civilization founded on the principles of democracy, individual liberty and the rule of law.'"

Let us not forget that the successful struggle against the foreign-supported Communist rebellion in Greece (1946–1949) was waged by the Greek people with the valuable assistance of the U.S., under the leadership

of the Greek political world and in the context of democratic institutions.

The colonels, on the other hand, while they falsely claim that they undertook the April 21st, 1967 coup in order to avert the really non-existing communist danger, only recently gave the widest publicity to a routine meeting between the Foreign Minister of the dictatorship and the Soviet Ambassador in Greece.

It is necessary to prove that the statements made by U.S. officials are not paying only lip service to the cause of Democracy, as the dictators and their press claim. More specifically, it is necessary to show that the words spoken by the President of the U.S., Mr. Nixon, during the recent presentation of the credentials of the Greek Ambassador in Washington, regarding "the need to become operative as soon as possible the ideals of democracy in Greece," constitute the real and sincere will of the U.S. Government.

Finally, the Greek dictators and the press controlled by them with their usual hypocrisy accuse us that we, allegedly, seek the intervention of our allies and of the U.S. in particular, in our domestic affairs, in order to change our political life. But all the Greeks and their political leaders, who express their aspirations, are both proud and responsible enough, not to seek to transfer to others their duty to struggle for the restoration of democratic institutions. They feel justified, however, to ask in the name of the common ideals of the free world and of the principles of the Atlantic Alliance (which should sometime be proved that they constitute not a decorative facade but the immutable beliefs of its members) that the Governments of the member countries and primarily of the U.S., morally assist the Greek people in its struggle to regain its freedom.

The Greeks expect from allied governments to maintain the proper democratic attitude against the small group of military people, who acting against their oath to the Constitution and to the King, abolished democracy and enslaved the people using the arms given by our allies to protect the independence and the democratic free institutions of our land.

Mr. FULBRIGHT. Mr. President, I think the provision which the Senator from Rhode Island has sponsored and has discussed is designed simply to evidence our support for the restoration of democracy in Greece. It strikes me that in the long run this would be in the national interest of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. How much time do I have left, Mr. President?

The PRESIDING OFFICER. Four minutes.

Mr. DODD. I yield 3 minutes to the Senator from Wyoming.

Mr. McGEE. Mr. President, I respectfully disagree with my colleague on the Committee on Foreign Relations, the Senator from Rhode Island, for one reason: I do not condone the policies of the Government in Greece. I do not condone the suppression of dissent by force or imprisonment. I raise the very serious question of whether it is proper foreign policy to legislate this kind of action from the floor of the Senate.

As a leader in the world, as perhaps the most powerful Nation in the world, I think we ought to be very reluctant to appear to be dictating to or meddling in the internal affairs of other governments of the world. Our policy of recognition, our policy of maintaining relations with them, ought to be determined by whether they are indeed an identifiable, independent nation in their own right. Their internal affairs must remain their business; else, we acquire the posture of crusading through every nation in the world in an attempt to make them conform to our ideal or to our philosophy or to our format of representative government.

People are different, and the problems in countries are different.

I am afraid that we would be setting a very dangerous precedent here which, at the very least, could be meddlesome and which, at the very most, could become extremely troubling in the attempt to try to maintain the strongest possible relations around the world.

So I would hope that we would reject the amendment. As a great Nation, we should not be thrusting our idea or our concept into the internal politics of another area, much as I deplore those politics at the present time of the Government of Greece. The consequence could be to do the same with the Soviet Union, with Spain, with Yugoslavia, or with India. I simply think that we are venturing into an area that can only open up many more troublesome situations of a similar kind. Our posture in the world, our stature before other peoples, will remain much stronger and much more respectable if we resist the temptation to meddle within.

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. Mr. President, I rise in opposition to the amendment of my good friend and seatmate, the Senator from Connecticut.

I think we should disabuse ourselves of the myth that we adhere to a principle of nonintervention in the internal affairs of other countries. The bill before us is one that consists of massive intervention in the internal affairs of scores of countries throughout the world. The proponents of this amendment have argued that, even though they do not approve of the character of the Greek Government, we ought to continue to give it arms. Why? Is Greece a partner in the NATO alliance by virtue of the fact that we give arms to it? Does it really follow that if we withdrew further military assistance this year, Greece will desert NATO? I hardly think so. Greece is in NATO for purposes of her own defense, and the weapons we give Greece are not the real deterrent to Communist aggression in that part of the world. Rather, it is the pledge of the United States to defend Greece, along with other NATO allies, that forms that deterrent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Two minutes.

Mr. FULBRIGHT. I yield 1 additional minute to the Senator from Idaho and 1 minute to the Senator from Rhode Island (Mr. PELL).

Mr. CHURCH. Moreover, Mr. President, the weapons we are giving Greece are not to forge a shield against communism. They will be used for internal purposes, to keep that Government in power. This is the real question. Should it be the policy of the United States to keep this particular Greek Government in power? I think not.

I think the "crisis of the spirit" in America today, to which Mr. Nixon referred to in his inaugural address, arises, in part, from the fact that our foreign policy has come unhinged from our traditional values as a nation.

When young people ask why we give arms to keep a military dictatorship in power in Greece, or why our troops participate with Franco's in exercises designed to put down a simulated uprising of the Spanish people against the Franco dictatorship, what can be said? Everybody knows what we are against, but young people ask what are we for?

The Committee on Foreign Relations, with respect to Greece, tried to take an action that is consistent with our historic ideals as a nation, and I hope the Senate will support the committee.

Mr. PELL. Mr. President, we did not legislate this on the floor of the Senate. This motion came up in the committee last year and was defeated by one vote. We discussed it thoroughly in the committee. This year the committee supported it. Actually, what we are doing here is exactly what the Senator from Wyoming has suggested we should not do. If we knock it out, we are legislating from the floor; because, after mature consideration in the committee, we put it in.

Also, I think we should bear in mind if this provision is knocked out, it could be taken that we are voting as a body to condone the continuation of the present abhorrent practices of the Government of Greece and the regime there. By leaving the bill as is and by supporting the committee, we are not interfering. We are just saying that we are not sending any military assistance to a government which practices the policies and procedures that it does, and of which all of are aware.

I trust that the amendment will be rejected.

Mr. FULBRIGHT. I yield myself 30 seconds.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the foreign minister of Greece, Mr. P. Pipinelis, on August 26, made in Switzerland and a column by Rowland Evans and Robert Novak from the Washington Post for November 16.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH OF HIS EXCELLENCY THE MINISTER FOR FOREIGN AFFAIRS, MR. P. PIPINELIS, TO THE MEETING OF AMBASSADORS OF WEST EUROPE IN BAD SCHINANACH ON AUGUST 26, 1969

The object of the present meeting is to coordinate, in views of continually changing conditions, the line of our foreign policy, to make a provisional record of our effort and to exchange information about the events which have taken place during my unvoluntary retirement in the last two months. Before, however, entering into this examination, I should like to explain, in very general terms, the foreign policy, present and future, of the government to which I have the honour to belong—a policy which, in my opinion, has given important results and which we have therefore every reason to continue. In any case, a revision and reexamination of all the facts of foreign policy are inevitable from

time to time because this policy is a combination of many factors and therefore cannot be carried out without taking notice of time and place and because I am convinced that, especially now, we are at the threshold of a new phase in world politics.

The foreign policy of our country, in the last two years, that is since the revolution of April 21st, can be summed up as follows:

1. We aspire to the strengthening, by every means, of the country's defensive forces. It is clear that this is an indispensable factor of any foreign policy.

2. We want to bring back our foreign policy, which had, for various reasons, deviated in recent years, to the line dictated by Greece's special position. This has been the constant effort of the Greek government and I think that, as facts have shown, this effort has succeeded on many points—a fact which encourages us to believe that we must continue it in future.

3. I said that our foreign policy had deviated in recent years. What was the object of this policy during these years? In the course of the last decades the policy of the multi-party governments consisted, firstly, in the invariable declaration that Greece remain faithful to her alliances and NATO, ready to fulfill her obligations as an ally and, secondly, in the proclamation that she wants friendly relations with all, including the countries not belonging to NATO and even the countries of Eastern Europe. That was the official policy.

This declaration, however, was only formal, since all the elements on which such a policy could be based were absent or neglected. We were thus satisfied with this generality and thought that it was enough and gave up all the other supports of Greek policy, with the solo exception of NATO, which we did not succeed in destroying, for no other reason that that it did not want to be destroyed.

But this was not enough. It is not enough for Greece to rely only on the security given by NATO, nor on the guarantees of any other great power, either isolated or in connection with others. Whenever, in the past, Greece's foreign policy has been wise, studied and based on a concrete programme, it has consisted in this; Greece was in fact relying on one or more great powers, since it is indispensable for a small country to have the support of a friendly great power. Initially we had the friendship of Great Britain, then the friendship of the United States, France and other western powers. But we knew at that time—the politicians who followed this line, like E. Venizelos, J. Mataxas, P. Tsaldaris and others knew it—that the friendship and support of the great powers was not enough, that we also needed the support of other, smaller countries, which had common interests with Greece and which were living in the same region, leading the same kind of life as ours and being in a position, therefore, to share much more spontaneously and with greater persistence the dangers and commitments of the Greek policy. This is why our policy towards England, France and the U.S.A. was accompanied and completed by the policy of friendship towards Turkey, Yugoslavia and even with Italy, whenever it was possible. This was the group of treaties on which Greek foreign policy was based till the last war and which Greece tried to continue after the war. Unfortunately this policy was neglected and has finally collapsed, not only because objective reasons made it more difficult to keep, but also because of the very bad handling of the Cyprus problem, which made any real understanding with Turkey impossible, weakened Greece's position in relation to Yugoslavia (owing to the bad relations with Turkey and left Greece alone in the Balkans, this situation—that is the absence of any support of Greece by the Balkan countries—was extremely dangerous since, as I have said, the guarantee of the great powers and of NATO were not enough. NATO's guarantees are insufficient for the following reasons:

1. Because the NATO treaty itself does not include a full and unlimited commitment for all cases. It is based on the rule of absolute unanimity of votes.

2. The mechanization of NATO relies on the estimation of facts and situations according to the interests of the great powers. When these interests correspond with the interests of the smaller powers, it is natural that the great powers exercise all their influence, within the framework of NATO, so that the latter comes to their help. When the interests do not correspond, they are not willing to exercise their influence and there is no hope of help from NATO. If this was true formerly, it is much more true today because, owing to nuclear armaments, war can be extended to the territory of even the biggest NATO powers.

For these reasons, this help is not enough, and Greece knows it from past experience. For example, during the big adventure of 1915–22, encouraged by her allies, she undertook the expedition in Asia Minor, was involved in a desperate war alone against Turkey and was later left unhelped, while her great friends and allies gave Turkey their moral and material support against Greece. She experienced the same disappointment recently, as a member of NATO, during the Cyprus crisis. In October 1967, when we faced a Turkish ultimatum with unbelievable conditions—of which the recall of the Greek expeditionary force was the least serious—the first thing we did was to turn to our great allies, the Americans. During a Conference under the Presidency of the King, at which Mr. Vance, the personal representative of the President, and the American Ambassador were also present, we asked Mr. Vance whether the U.S.A. could permit the Turks to land in Cyprus—a move which could have resulted in a war with Greece. Mr. Vance replied, "We can do nothing. Absolutely nothing. The U.S.A. is involved at present in a war with Vietnam and it is impossible for it to undertake any other adventure in Europe or elsewhere. Do not count on much help." This was the categorical reply of Mr. Vance. Then the King asked him, "if, however, during the war with Turkey we are attacked by the northern neighbors, Bulgarians or Serbians, what are you going to do? You'll let them come down to the sea?" Mr. Vance replied, "We can't tell you anything. We want to have full liberty of movement, according to the circumstances." This was the situation. And we risk the same danger at any other time. This is why it is indispensable for us, as for all the smaller nations, to secure, apart from the commitments and help we are entitled to expect from the great allies, the help and support of small nations, whatever its use can be. Other peoples, notably the Vietnamese, are experiencing the same disappointment today, with the same intensity. In Vietnam one can already see the evolution of a great tragedy, like the one Greece experienced in 1922. I do not know what will be the course of events, but I fear, after the late developments, that things are taking this direction. Therefore, we have not the right to neglect the effort to secure the help of our neighbors. This help can be either positive or negative. The negative help consists in leaving us quiet, not attacking us, while we eventually are involved in another adventure. A friendship does not necessarily mean military cooperation in case of war. A friendship can mean tolerance or peaceful co-existence. And this is a matter of great importance, for military as well as political calculations.

Therefore, I think we can reach the conclusion that this line must be continued. Recently, the causes which make it indispensable have become more acute. During the last months the relations between NATO members have begun to weaken in a dangerous way. France's position, the attitude of the Scandinavian members of NATO, the discussions on mutual disarmament, while Russia, which invaded Czechoslovakia, is vigorously rearming—all these are symptoms of a troubling situation, which is becoming still worse because of the developments in the U.S.A. We all thought that, after the Republican victory, there would be greater stress on rearmament and on strengthening of the world's defences. But the real situation has proved quite different. Mr. Nixon went to the Far East without, as it seems, having decided any other concrete programme than a declaration to all Asians that America is returning to a policy of "calling back the legions to Rome." Lord Ismay, when he was NATO's General Secretary, repeatedly warned about the dangers of such a policy, the policy of disengagement of the American from Vietnam. Certainly, when Mr. Nixon arrived in Bangkok, he declared that "the U.S.A. will remain in Bangkok and will help its government against any danger, foreign or internal." This led to criticism in America and I do not know whether Mr. Nixon is going to give a convincing answer. In any case, 20,000 men have already been recalled from Vietnam and, although the news has been heard with disbelief, a more recent telegram informed the world that the recalled will be 50,000. And after this "good news", we learned last Thursday from Mr. Laird, the Defence Minister, that the American defence budget has been cut by 5 billion dollars—without taking into account the former cuts. Mr. Nixon has repeatedly given assurance that neither the budget cuts nor what he said about Vietnam will affect America's policy to Europe. He also affirmed that the U.S.A. will continue to be present in Asia, that its commitments have not in the lease been changed, etc.

We are obliged, however, to give serious attention to his declarations on Vietnam. Certainly we must not be discouraged, because it is likely that the American policy will be changed, but we must regard them as a very serious element of our policy, and as a very dangerous eventuality.

I was always of the opinion that Sino-Russian relations could change substantially the Russian policy in Europe. But these relations can be altered in a few moments if the Soviet Union does not succeed in establishing the relations it wants with the West or if other events take place in Russia. This danger always exists in totalitarian regimes. We saw it in Germany on the eve of the World War, and there are indications that the situation is the same today. For example, the recent negotiations between Russia and China on navigation on the Far Eastern rivers had been interrupted and the Chinese delegation had left. Then, next day, it was announced that a protocol had been signed between the two delegations, that several questions concerning navigation had been settled and that new negotiations would start next year. Another example: "The 'Izvestia' of August 2nd, wrote in an editorial that 'the declarations of Mr. Breshnev, which calls all Asian nations to cooperate in securing peace, did not exclude China' ". On the other hand, the Americans, who have every reason to want an agreement with Russia on the reduction of armaments, do not neglect to make approaches to China and, a few days before Mr. Nixon's trip to the Far East, the American government decided to permit the import of some Chinese products into the U.S.A. and the free travel of Americans in China. Therefore it is clear that neither country has decided to which side the balance is going to shift. If American policy had shifted towards Russia, Mr. Nixon would not have made his journey to Bucharest, which has been clear provocation of Russia. The final decision on the important question is going to have lasting effects on the American policy in Europe, and especially in Greece. *Therefore I should like to draw your attention to this point. It is the centre of all other questions.* It is not correct to say that

there are questions of higher policy and questions of lower policy. All are inter-related, and we must follow attentively where the U.S.A. is going, where the Soviet Union is going and, if possible, where China is going.

The conclusions for Greece's foreign policy are as follows: Our foreign policy must be one of sincere and full co-operation with NATO. Even if NATO's guarantee is not unreserved, we are obliged to do everything in our power to maintain the life of NATO. I have never ceased, as a minister and a politician, to underline the importance of this policy, according to which NATO is a vital need for the European nations, and *these nations commit a criminal stupidity by encouraging the U.S.A. to isolation.* These nations are playing with fire, if they think they can hold a dubious position between East and West, leaving the Americans to do the dirty work. It was therefore natural for the Americans to think it would be stupid for them to be involved in total war, if Europeans were doubting whether they should take part in such a war. I have said and written these things repeatedly, but without success. In any case, in spite of the disappointment provoked by the events, we shall insist on this line and shall try to strengthen NATO, without mentioning our doubts to anyone. On the other hand, we must continue our efforts to strengthen our own defense. I think that the government has done all it could on this point. Finally—and this is a sector in which we, as diplomats, can do a great deal—we must improve our relations with the Balkan countries so that we can hope for a common line in case of danger, or at least for friendly support or toleration.

These are our objectives, and I can say with great satisfaction that during the last two years, in which I have had the honour of leading the Ministry of Foreign Affairs, many things have been achieved in this direction. We have managed, first of all, to bring relations with Turkey to a state of normality. Confidence has been restored, at least between governments. The settlement of the Cyprus question has proved crucial in this respect, for it was natural that, without solving this problem, no improvement in relations between Greece and Turkey could be expected. Until November 1967, the Greek government was either appealing to the United Nations, declaring its rights and asking in vain for self-determination, or starting negotiations with Turkey, knowing from the beginning that they were doomed to failure, since Greece insisted on Enosis, while Turkey flatly refused it. No progress could be made by these methods. The Treaties of London and Zurich added new difficulties because, instead of creating an independent Cyprus, it has led to a regime of "con-dominion" of two heterogeneous elements, which hated each other and could not live together after what had taken place before. For every decision of the new state there should be common agreement between the Greek and Turkish sides—not only for defence, foreign policy and security, but for every single action, even for the records of the Council of Ministers, which ought to be signed by the President and the Vice-President. This situation has been kept secret from the Greek people.

In yet another sector, equally important for Greece, (that is the Yugoslav and Balkan sector), we have had good results in spite of the difficulties that had arisen in the past, through no fault of Greece.

The treaty which was signed in June 1969 in Salonika, about the common exploitation off the Axios basin, will, if it is applied, prove to be a milestone in Greek-Yugoslav relations. I think that nothing secures a friendship or alliance so much as real co-operation on a lasting work of common interest.

Our relations with Bulgaria have also improved, as far as this was possible. As Prime Minister in 1963, I had insisted on the need for negotiations with Bulgaria on war reparations. The opposition—even S. Venizeles—criticized me strongly for this decision, but I had made up my mind and, fortunately, our efforts were crowned with success.

It now remains to be seen what kind of relations we are keeping with our so-called democratic allies, relations which have been disturbed since the change of government in Greece, and after the propaganda which is going on in foreign countries. I say "so-called" democratic allies, because I am firmly convinced that these countries are only nominally democratic and that they are ruled by a regime of hypocritical and secret oligarchy, which is worse than any other oligarchy, since it is irresponsible. Instead of being the oligarchy of Mr. Bresniev and his comrades, or the oligarchy of Hitler and his company, which at least bore its historic responsibilities, since it was bad or good, the western countries have the oligarchy of different irresponsible profiteering journalists, who are like Mrs. Vlachou, Mr. Lambrekis and many others whom you know very well. These people, in order to make big fortunes, and to promote their business, are fomenting the passions existing in their countries, are trading with everything and everyone, are sacrificing right and wrong alike, are slaughtering the countries which oppose their interests—and all that in the name of Justice and Democracy, as they understand it. This parody of democracy, which we now meet in (?) in all the world, is marked with the sign of death. When a regime turns into a parody, it means that death is approaching. I do not think this is an exaggeration. I said it to a foreign journalist and he had no answer to give me. He agreed that I was right. "You say that the Government has imposed censorship," I told him. "Yes, the Government has the future of the country on its hands. And you (he was an American), you have no censorship?" "We haven't," he replied. "You are wrong," I said to him. "You also have censorship, with the difference that it is not the Government that imposes it with responsibility, but four or five editors of your big newspapers, who practice it irresponsibly in the name of the Liberty of the Press, they practice their own censorship. It is the irresponsible censorship of the editors, and of the interests who are hiding behind them." The parody, of which I have already spoken, is an unscrupulous lie, which is taking shape at this moment. That is why I said the "so-called" democracies. But in any case, "so-called" or not, these countries have an enormous strength and they happen to be our allies and friends. So we need them and we are obliged, as far as possible, to entertain good relations with them. It would be far more pleasant for Greece to follow a policy of full independence. But it is impossible. It would be naive and stupid to speak about such absolute independence, as the irresponsible and criminal opposition circles do. There is no such independence. Even Great Britain and France, when they attacked Egypt, were obliged to succumb to the ultimatum of Mr. Dulles. Even the United States yielded to the pressure of these irresponsible newspapers of which I spoke, if not to the pressure of western public opinion.

Certainly, I have always fought against the intervention of foreigners in our internal affairs. But, on the other hand, one cannot ignore what the others think. The public opinion of foreign countries, the distorted notion of democracy, of the liberties of the people, of peaceful co-existence with Communist countries, etc.—all these are a reality, expressed by the magnates of the Press, conveyed to the Governments, and obliging them to assume a certain position. If Greece heard the opinions of certain irresponsible people in Greece, and left the Council of Europe, protesting that "you are betraying the spirit of the agreements I don't accept any discussion with you, it is an internal question," the attack against Greece would become stronger, because Greece would appear as unwilling to fight. And the polemic would be transferred to other organizations, which Greece cannot possibly leave, like ECA and NATO. Mr. Cavalieratos and the others know very well, as I heard it with my own ears, how easily this discussion is transferred to other organizations. We therefore cannot accept intervention in our affairs, but we also cannot ignore the developments which are taking place out of Greece.

The Government has adopted the correct line. Firstly, it did not accept, and is never going to accept, nonintervention in Greece's affairs. It is not going to discuss with anybody what it is thinking of doing for the settlement of the internal situation. This was my decision, as well as the decision of the Prime Minister and of the other members of the Government. On the other hand, however, the Government has decided to settle its course, as far as internal policy is concerned, in a way that will weaken, if possible, the attacks on Greece. This is the policy on which I agreed with the President of the Government before leaving Greece and, since then, I have found myself in the pleasant position of implementing it. Perhaps, at first sight, this policy seems like difficult or impossible juggling. Now is it possible for me to say that I am not accepting any discussion of my internal affairs, and, on the other hand, to settle my internal affairs in a way that gives some satisfaction to others? The whole thing becomes easier if you pay some attention to the two specific questions which you must know, in order to understand what happened and what will still happen. Firstly, the obligations of Greece under the Rome Treaty to the Council of Europe are much lighter in comparison with those Greece has undertaken by its Constitution. In other words, the Greek Constitution is more liberal than the Rome Treaty. Therefore Greece, when adapting its internal laws to the Treaty of Rome, is not doing anything which exceeds the limits of the Greek Constitution. An attentive study of the Treaty of Rome can prove it, and I am in the pleasant position of stating that this has been understood by the competent authorities in Strasbourg. This is an element which permits an easing of the situation. Certainly, if the Government was obliged to do something which exceeded the Constitution, this would be impossible, because the Government is bound by the Constitution. The Constitution has been voted by the Greek people. And here I shall commit an indiscretion and tell you that, in any case, there will be no question of elections. This, anyhow, is beyond discussion, for many different reasons. On the other hand, we shall be ready to discuss an adaptation of the provisions about Human Rights, which is quite different. This is a reality, facilitating our efforts to align ourselves with the western world.

The other thing, which also facilitates this effort, is the Greek Government's general policy—its decision not to be a permanent totalitarian regime. It has definitely rejected this possibility. This is why the accusation against the Greek Government, that it constitutes a new kind of fascism, is unfair and totally unjustified. The Government has repeatedly underlined that it intends to bring back Greek public life to a new balance between Liberty and Public Power. Both these elements are indispensable for a normal political life. It is indispensable for a State to have liberty of action, the possibility of taking full decisions, full responsibility for everything. The State must not have unnecessary limitations of its actions. On the other hand, it is indispensable for the people to have a certain amount of liberty, so that

there is no danger of natural explosions from time to time. This balance did not exist before April 21, 1967. It had been upset and there was simply a regime of mob rule, that is of absolute predominance of the so-called "will of the people". And, since the parties were succeeding each other in power, the administration could not work properly. Justice was becoming an organ of party politics, corruption was extending to all classes and bribery was needed for the voting of the different laws. This regime is now being changed by the Government according to the will of the Nation, not by establishing a state of permanent arbitrariness, but by finding a balance between those two indispensable factors. The Constitution confirms this balance. This Constitution is a big step in Greece's History, because it contains provisions, which have not been duly studied by all, and which review the relations between Public Power and Liberty. Liberty is limited to proper proportions, to the degree to which it can produce useful situations for the nation. It makes the people an organ of the State, and not "sovereign", as they say. The theory of the sovereign people is contrary to democracy. Democracy is a lawful system. Whenever somebody other is sovereign—the King or the people—we have no more democracy. We have mob-rule and tyranny. The Government is applying these principles gradually. This is very correct, because such reforms are not realized in one day or two. There must be a series of laws to apply them and make them a reality. The Government is not going to be hurried by anybody, whether he is called America or the Council of Europe. It will publish them at the time and in the way it judges proper. And, finally, when it is convinced that the time has come to let the people take part in public life, it will permit it. This is the Government's policy. And any other political regime, such as those prescribed by foreigners, is excluded.

When we say that the Greek Government intends to settle public life on a healthy democratic basis, we mean it. Therefore it was wrong—and I repeatedly warned the Government about it—to present, in our foreign propaganda, the mission of the Government as purely anti-Communist. The Revolution of April 21st did not take place with the sole objective of checking Communism. It also wanted to check corruption, to put an end to the decay of political life, to the usurpation of the State by the so-called popular will, which was not the popular will, but the will of Mr. Lambrakis, Mrs. Vlachou and any other irresponsible people. It wanted to make Parliamentary life more serious and decent. That was the will of the Greek people, and that is why the Revolution has taken place. Certainly the Government has also the task of confronting Communism, but it should not present this task as the only one. It should declare that it comes as the representative of Greek History (not of the people, because the Nation is something larger than the people, since it includes past and future generations), and that it intends to make some reforms, one of them being the systematic eradication of Communism. This could permit us to settle our internal policy in a way that would facilitate the men of good will in the West to help us and show a better understanding. I know from my contacts with the representatives of two big powers, England and France, how much they would like such a course. Lately we have had a big surprise: Sweden's attitude against the notorious Mr. Papandreou, whom they threw out of the country, obliging him to emigrate to Canada. He said that he has settled everything in Sweden and that his party can work now without his presence. The truth is that they told him politely to leave Sweden. On the other hand, in Denmark Mr. Jacobsen, a Socialist M.P., has asked for a revision of the policy towards Greece. "I accuse," he said, "the Minister for Foreign Affairs and the Government for their policy, and I proclaim the need for a change on this basic issue." He succeeded in persuading 14 Socialist deputies to create a group in the Socialist Parliament and Mr. Crag may lose the Presidency of the party. This is the latest news. We can therefore conclude that a change is taking place and there is a hope that we can have a better settlement of things. We shall do our best in this direction because, as I said, Greece must take into account, whenever it is possible, the public opinion of the democratic countries and coordinate her policy without deviating from her programme and without yielding to the spirit prevailing there.

In this effort—and that is the reason I called you here—the Diplomatic Service can be of great use, because it is this service that fights the battle outside Greece. It is easy to say in Greece: Why has this not been done? How do you allow this man to say this and that? How do you allow, for example, this journalist to write that article? But the foreign journalists have no obligation to ask the Greek Ambassador about what they are going to write and, if the Greek Ambassador complains to the competent authorities, they will reply that the Press is free, that they cannot intervene, etc. In spite of all this, many things can be done. And let me tell you with sincerity that, unfortunately, these things have not been done. They have been neglected by the Ministry of Foreign Affairs. And, since I do not want to speak about the weaknesses, I prefer to praise some very conscious and successful efforts in this direction.

First of all I must mention the Vienna Embassy and the contribution of Mr. Triantaphyllakos who, during the last crisis in Strasbourg, took a very useful initiative and acted with eagerness and inventiveness. I must also say that I appreciate the attitude of our Ambassador in New Delhi, Mr. Panayotakos who, among many other things, wrote an article in the "Times of India", which is wonderful because it explains the Greek question with particular clearness and thoroughness. He did it spontaneously, without taking any directions.

I must also say that Mr. Petrou in Bonn, a particularly difficult post, and Mr. Velissaropoules, in Paris, have made great efforts to this end. There are others, too, for example, Mr. Himarios, but I praise the above-mentioned diplomats because of their specially fruitful contribution.

On the contrary, other Embassies have shown a kind of apathy, which was due to erroneous beliefs concerning the mission and duties of the diplomatic corps, or even to laziness. It is my fault, not theirs. I ought to have noticed their laziness and removed them in time from their posts. I noticed it and some have already been removed and things will improve in these posts. The diplomatic servant is not a mere observer of the internal events of his country, because these events are closely related to the international position of Greece. For example, those who did not support the Government of Netaxas in 1936–40 must feel sorry today because, if Greece was able to win the Albanian war and take an important place in the international scene, this was due to Netaxas, who had committed the "crime" of which we ourselves are accused today. Therefore the ambassador is not a simple observer. We must not forget that if, as a civil servant, he is independent of parties, he is not independent of the Government. And it is not possible for him to see the Government being slandered and confine himself to dispatching these slanders, as a kind of information, to his Government.

This is a scandal. I have always been a staunch supporter of the independence of the conscience of the civil servant. But I did not mean by independence indifference to what is happening in his country. I meant his obligation to abstain from party life. In all other cases he is obliged to participate, and to participate positively, to take the initiative. The change which has occurred in Greece is not a simple change of political parties. Today there are no party activities which diplomats are asked to cover. The present situation is something quite different and indifference and "objectivity" in facing it are pure cowardice and opportunism. Today we have a national insurrection, a national rebirth, a new 1909. We do not know whether it will succeed. This is a different question. History will be the judge. If we commit great mistakes, we shall fail. If we do not commit many mistakes, our work will succeed and future generations will thank us. We are striving to change the path of the Greek nation, along the lines I explained to you before. And I think we have not the right to remain indifferent and to invoke principles which prevailed at the time of Th. Beliyannis, P. Tsaldarie or P. Venizelos. Even then, the men who made diplomacy for the first time in Greek history did not view the situation with indifference. D. Caclassnos, N. Politis, Connadios and others, when confronted with slanders against their Government, intervened and wrote to the foreign newspapers, covering the Government on their own initiative. It is not permitted that Greece be slandered in England, France and other countries and that the Greek Ambassador does not come out and say, with his signature, that all those things are inaccurate, that they are lies, and explain the truth. That is why I ask you to pay particular attention to what I say. I shall be ruthless on this question. I shall not take into account any friendship or personal sympathy, because these are great issues. The success or the failure of the Government's efforts will bear heavily on Greek history. I have therefore no right to be lenient and I think that the purity of the purposes of the Government sanctify to any means. Even the * * * if you want it so, which is exercised over the diplomat's conscience is justified because we have not to do with a usual change of Government, but with great, historical things.

I would like to add that the neglect of these questions by some of your colleagues has had a bad effect: the underestimation of the contribution of the diplomatic service. This is not fair. The diplomatic service has helped the country greatly, even on the subjects I have just mentioned. The accusation is unfair. It is not right to say that all the officials of the Ministry of Foreign Affairs are incapable and are doing nothing except amusing and diverting themselves. But it is a fact that the weaknesses of some diplomats are helping the creation of such unfair accusations and are harming the diplomatic service. These slanders perhaps provoke hope and pleasure in those who are against the Government today. But to them I have only to say that, believing that they make the future secure, they are sacrificing both the present and the future.

[From the Washington Post, Nov. 16, 1969]

GREEK JUNTA CYNICISM

(By Rowland Evans and Robert Novak)

The true contempt of the Greek military dictatorship for the United States, and Western democracy generally is shown by a confidential Greek document.

This indiscreet document is a 16-page verbatim account of an official, top-secret foreign policy briefing by Panayiotis Pipinelis, the military regime's foreign minister, on Aug. 26 at Bad Schinznach, Switzerland, for Greek ambassadors to Western European nations.

Forgoing diplomatic niceties, Pipinelis referred to the United States as a "so-called democratic country" controlled by an "irresponsible" oligarchy worse than the rul-

ing cliques in Hitler's Germany or Brezhnev's Russia. But he unhappily concluded that Athens must try to do business with Washington, unreliable though the Americans are. Thus while the innocents in the U.S. State Department believes in the pro-American fervor of the Greek junta and hope for a return to democracy in Athens, the Greek regime thinks and talks privately in a framework of cynical power politics.

What is most remarkable is that this comes not from one of the junta's barracks-hewn colonels but from the regime's most polished figure. Pipinelis, who formerly had close connections with the royal court, is a diplomat of the old European school—sophisticated, conservative and cynical.

In the Bad Schinznach briefing, Pipinelis referred to "so-called democratic allies of ours"—headed by the United States—that "are led by secret oligarchies which are much worse than any other oligarchy because they are irresponsible."

He defended the Greek government's iron press censorship as responsible while in the United States, "censorship, instead of being exercised by the American government responsibly, is being irresponsibly exercised by four or five publishers . . . and the interests hidden behind them." This makes the American system "a lie without conscience."

But even if the United States is a democracy "in name only," Pipinelis continued, it is a country with "terrific power" and happens to be the ally of Greece "of which we have absolute need." The Metternician conclusion: "We are obliged to the extent possible to have normal relations with them."

Nevertheless, the foreign minister cautioned his diplomats not to place much confidence in either the United States or the North Atlantic Treaty Organization (NATO)—contrasting sharply with the Greek regime's public avowals of support for NATO.

Pipinelis quoted Cyrus Vance, President Johnson's emissary during the 1967 Cyprus crisis between Greece and Turkey, as telling a secret Athens meetings that if Turkish troops invaded Cyprus "we can do nothing—absolutely nothing."

When King Constantine asked what Washing would do if Communist Bulgaria and Yugoslavia invaded, according to Pipinelis, Vance replied: "We cannot tell you now. We want to have absolutely freedom of movement."

Mr. DODD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I must say that I am absolutely fascinated by the debate. It seems to me that I hear the echo of a debate that took place a few years ago, when we were discussing aid to Tito.

I was told it was silly to say, "Don't give aid to that dictator so he can repress his people." I guess it boils down to having one standard for Communist countries and another standard for non-Communist countries.

My essential point is that military aid to Greece is in our national interest.

I do not know how repressive that Government is. According to some reports, it is a government that is tolerably efficient and has a good deal of popular support. Some reports say that political prisoners have been tortured; other reports by neutral experts say that the stories about tortures have been fabricated or grossly exaggerated.

Certainly it would be better if the Greek Government restored constitutional rule, as they have promised to do. But they are on our side.

They provide bases for our ships and our planes, to help us resist Communist aggression. Anyone who has seen the Soviet vessels pouring through the Dardanelles, into the Mediterranean, as I have, cannot help but recall how we have lost base after base in the Mediterranean. And we are about to lose more.

We had better think twice before we throw Greece into the ashcan to appease the Communists.

That is why I offered my amendment.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. GRIFFIN. Mr. President, considering the character of the governments of some of the other countries which are covered by this bill, it would not be wise policy to single out Greece, as the Committee bill does. I shall support the amendment of the Senator from Connecticut.

Mr. SCOTT. Mr. President, I concur in the analysis just been made by my colleague from Michigan (Mr. GRIFFIN), and I intend to support the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Connecticut (Mr. DODD). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Iowa (Mr. MILLER), the Senator from Vermont (Mr. PROUTY), and the Senator from Illinois (Mr. SMITH), are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. SMITH), and the Senator from Iowa (Mr. MILLER) would each vote "yea."

The result was announced—yeas 45, nays 38, as follows:

[No. 226 Leg.]

YEAS—45

Aiken	Case	Ervin
Allen	Cotton	Fannin
Baker	Curtis	Griffin
Bennett	Dodd	Gurney
Bible	Dole	Hansen
Byrd, Va.	Dominick	Holland
Byrd, W. Va.	Eastland	Hollings
Hruska	Moss	Smith, Maine
Jordan, Idaho	Murphy	Sparkman
Mathias	Pastore	Spong
McClellan	Pearson	Stevens
McGee	Randolph	Talmadge
McIntyre	Russell	Thurmond
Metcalf	Schweiker	Tower
Montoya	Scott	Young, N. Dak.

NAYS—38

Allott	Goodell	Mondale
Bayh	Harris	Nelson
Boggs	Hart	Packwood
Brooke	Hartke	Pell
Burdick	Hatfield	Percy
Church	Hughes	Proxmire
Cook	Inouye	Ribicoff
Cooper	Jackson	Saxbe
Cranston	Javits	Stennis
Eagleton	Kennedy	Williams, N.J.
Ellender	Magnuson	Williams, Del.
Fong	Mansfield	Young, Ohio
Fulbright	McGovern	

NOT VOTING—17

Anderson	Jordan, N.C.	Prouty
Bellmon	Long	Smith, Ill.
Cannon	McCarthy	Symington
Goldwater	Miller	Tydings
Gore	Mundt	Yarborough
Gravel	Muskie	

So Mr. DODD's amendment was agreed to.

Mr. DODD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. HART. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Will the Senator withhold that?

Mr. HART. I withhold that request.

Mr. FULBRIGHT. Mr. President, the Senator from Idaho (Mr. CHURCH)——

Mr. GOODELL. Mr. President, I had prepared two amendments to the bill with reference to——

The PRESIDING OFFICER (Mr. COOK in the chair). How much time does the Senator from Arkansas yield to the Senator from New York?

Mr. FULBRIGHT. I yield 15 minutes on the bill.

The PRESIDING OFFICER. The Senator from New York (Mr. GOODELL) is recognized for 15 minutes.

EXTENDING THE VOTING RIGHTS ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate the message from the House, H.R. 4249.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 4249, which will be read a first time.

The ASSISTANT LEGISLATIVE CLERK. H.R. 4249, an act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. HART. Mr. President, I object to a second reading of the bill today.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Under rule XIV it will go over for 1 legislative day for a second reading.

Mr. ERVIN. Mr. President, under the rules, would it not be proper for the bill to lay over 1 day before being referred?

The PRESIDING OFFICER. The Chair would advise the Senate, with reference to the bill, under the rules of the Senate, that it would be in order, on tomorrow, to have a second reading of the bill and then objection could be heard to further consideration, which would place it on the calendar.

Mr. HART. Mr. President, at what point on tomorrow, or thereafter, would it be in order to refer the bill to committee with a time certain for a report back?

The PRESIDING OFFICER. The Chair has been advised by the Parliamentarian that the bill has to be before the Senate before the Senate can debate it for reference to a day certain.

Mr. HART. Assuming, for further parliamentary information, that a second reading occurs on the next parliamentary day, that having been concluded, would it be in order at that point to move to refer with a date certain to report back.

The PRESIDING OFFICER. A motion to refer would be in order but the request would be debatable.

Mr. HART. I thank the Chair.

SENATE RESOLUTION 298—RESOLUTION RELATING TO A RETURN TO CONSTITUTIONAL GOVERNMENT IN GREECE

Mr. DODD. Mr. President, I submit a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated for the information of the Senate.

The assistant legislative clerk read the resolution, as follows:

S. RES. 298

Resolved, That it is the sense of the Senate that the United States Government exert all possible effort to influence a speedy return to a constitutional government in Greece.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

FOREIGN ASSISTANCE ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

Mr. GOODELL. Mr. President, it had been my intention to offer two amendments with reference to aid to Nigeria. I found substantial sentiment in favor of the objective of these amendments, but I will withhold the two amendments at this time.

I would like to discuss for a moment the background and the reason for the amendments as they were to be offered. I believe perhaps we can accomplish a signal advance in terms of our relations with Nigeria and Biafra through a discussion and a consensus here in our debate today.

Mr. President, aid to Nigeria raises particular questions in view of the civil war which continues to ravage land, destroy life, and reduce the level of existence for millions of people to starvation and slow death.

What "policy approach" guides our foreign aid to Nigeria? Is it a "take sides" approach? Is our aid entrenching us in one-sided support of the Federal Military Government of Nigeria? Do we see any evidence of a "neutralist," even-handed approach to Nigeria and Biafra?

Given the facts of famine, is there program emphasis on relief? Does relief aid get to starving Biafrans as well as Nigerians?

Given the facts of war, has the Agency for International Development scrutinized development projects in terms of their possible military significance to Nigeria and Biafra?

What I fear is that while U.S. foreign policy is based on a consensus point of no military aid to Nigeria, we can find counterpoint in terms of backdoor military assistance via economic aid projects.

Mr. President, if foreign aid is to be extended to Nigeria, I think it should meet three basic criteria: First, a "neutral" policy approach; second, program emphasis on relief; and third, economic assistance that does not gain the added dimension of military significance.

When we give economic aid to a war-torn country, we cannot ignore the possibility that our aid will have military significance.

Let me illustrate how such aid can evolve.

In the Nigeria-Biafra civil war, it is well known that the battle over supply lines against a determined enemy has been a frustrating experience for Lagos.

Witness a description of the fighting as observed by a correspondent and published in a January 1968 issue of the Economist:

General Gowon's troops are finding it hard to advance beyond the positions they attained at mid-October. They moved some ten miles south of Enugu but were then halted by a demolished bridge over the Nyaba river. They have made very slow progress east of the one-time Biafran capital, fighting for the road from Nkalagu to Abakiliki. An unbroken silence shrouds the movements of the second federal division. After winning back the Mid-West region, this division failed at considerable cost to cross the Niger river at Onitsha. The troops are now believed to have crossed the river at a point farther north and to be making their way south towards their original target along a network of bush tracks and creeks.

The point of this illustration is clear.

It shows that economic aid, let us say, for road development, construction, repair, equipment, as well as bridge building, can in fact have military significance.

Such an evolution in development assistance in Nigeria should not come as shock.

We have been told of the war attitudes of the Nigerian officials.

According to Chief Awolowo, Vice Chairman, Federal Nigerian Executive Council:

All is fair in war, and starvation is one of the weapons of war. I don't see why we should feed our enemies fat, only to fight us harder.

According to another Nigerian official, Chief, Enaharo:

There are various ways of fighting a war. You might starve your enemy into submission, or you might kill him on the battlefield.

From the looks of things, it seems as if the Nigerians are aiming at doing both.

Our business is to be alerted to the fact if Nigerians see starvation as a weapon of war, there is not much to prevent them from seeing foreign aid as a weapon of war. Our business is to prevent perversion of development assistance.

If we fail to see that this can happen, we are deluding ourselves.

Mr. President, among the dominant themes expressed on the Senate floor this session is the concern to avoid U.S. progressive entanglements in foreign military operations.

In the war situation which is Nigeria and Biafra, I see development loan agreements as the most likely to lead us into involvement in on-going civil war operations.

The Calabar-Ikon Road is a development loan project. This road is now a focal point of concern in this country among those who want assurances that U.S. aid is conforming to a "neutralist" policy position and that economic assistance is without military significance.

To prevent misuse and abuse of development loan assistance, I had planned to offer an amendment to prevent new obligations of development loans to Nigeria. My amendment would not have affected obligated funds under present loan agreements.

I had planned to offer an amendment to prevent new obligations of development loans to Nigeria in absence of approval by the President that such loan was in the national interest.

Since 1963, AID has authorized about $66 million for development loan assistance to Nigeria. At the end of 1968, about $22 million had been disbursed for 11 projects, of which three are for road construction.

I would emphasize that I was in Nigeria and Biafra this last February. One of the major objectives in the fighting in Nigeria and Biafra is control of the roadway. When one power takes control of a roadway, or section of a roadway, temporarily, they will dig ditches in the roadway and otherwise destroy the road so that it cannot be used for military purposes.

In this kind of civil war, we have a combination of mid-20th century weapons and, in many ways, mid-19th century tactics and mid-19th century conditions for fighting. So it is very difficult to determine what is military use of the highway or what is of value, in a military sense, to the federal military government.

In many cases the presence of a highway in the right area can permit the transmission of small arms, ammunition, and other supplies to the front. In some instances it can prevent transmission of food to the soldiers at the front. All of this is of military significance.

It should be noted that my proposal, as I had planned, is not for a flat ban on all future development loans to Nigeria. Funds could be obligated if the President deemed it necessary in the national interest and reported such findings to Congress.

I have withheld my two amendments, although there is substantial support for this viewpoint in the U.S. Senate, because many who hold this vewpoint are concerned about legislating a specific prohibition in this legislation. They would prefer that we alert the AID officials, our State Department officials, and the President of our concern over AID policies in Nigeria; that we make known our desire that steps be taken to carefully evaluate every AID project to be sure that AID is meeting first priorities of relief, health, and food assistance to the people who are suffering, and, second, to see to it that no developmental assistance is going that could be of assistance to the Nigerian Government in a military sense.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. How much time does the Senator want?

Mr. GOODELL. Ten additional minutes.

Mr. FULBRIGHT. I yield the Senator 10 additional minutes on the bill.

Mr. GOODELL. Mr. President, a "neutral" policy in U.S. relations with Nigeria and Biafra has been announced by President Nixon. This is a welcome departure from the Johnson administration's one-Nigeria policy.

If we are to get involved in new capital assistance programs for Nigeria, I think this decision should come at the highest level of Government. In this way, we can be assured that any new long-range development project in Nigeria will conform to the neutrality principle. We will also safeguard against aid with military significance.

AN OVERALL LOOK AT AID TO NIGERIA, FISCAL YEAR 1970

Mr. President, the development loan fund is only one instrument of foreign aid.

It would do well here to look at other aspects of our assistance program to Nigeria. By applying the same three criteria I mentioned above, neutrality, relief, and aid without military significance, we can arrive at some worthwhile evaluations on the overall aid program to Nigeria.

For fiscal year 1970, the Agency for International Development—AID—has asked Congress to authorize a $33.7 million assistance program for Nigeria. This total includes: $2.5 million in development loans for the on-going Ibandan water supply project; $11.2 million in technical assistance; and $20 million in supporting assistance; $10 million of which is earmarked for contributions to the International Committee of the Red Cross and voluntary agencies for relief aid.

TECHNICAL ASSISTANCE

What proposals are made for technical assistance?

Project data reveal that out of 13 previously funded projects in agriculture and resources development, 12 are to be refinanced; one project for agriculture production assistance; and the only project in this category designated for eastern Nigeria was deobligated in fiscal year 1969. Resumption of this project is subject to AID's review of the situation in eastern Nigeria.

In education, out of four previously funded programs, two were deobligated in fiscal year 1969 with resumption subject to AID's review of the situation in eastern Nigeria. The two new education projects proposed for technical assistance in fiscal year 1970 are in northern Nigeria and at the University of Lagos.

SUPPORTING ASSISTANCE

What about supporting assistance?

Of the $10 million not earmarked for international relief aid, $5 million is to fund on-going projects. Out of 13 such projects, five are in the South Eastern State; two in the East Central State, which is the designation given to the geographic area of the Biafran enclave government; one in the Mid-West State; and another is the Port Harcourt Hospital project for the people of the Rivers State. Additional programs focus on assistance to Nigerian relief agencies.

In addition to on-going projects, AID has proposed that new funds go for a tuberculosis control project in the East Central State.

The remaining $5 million of supporting assistance requested for fiscal year 1970 is what I have come to call "floating assistance." As far as I can tell, AID can allocate this amount as the need arises.

DEVELOPMENT LOAN ASSISTANCE

We now come to development loan assistance.

Since 1963, about $66 million has been authorized by AID for development loan assistance to Nigeria. At the end of 1968, about $22 million has been disbursed for 11 projects.

Of the 11 projects authorized since 1963: the Niger Dam is nearly completed. In Biafra, funds are currently suspended for the Umudike Agricultural Center. Another project in Biafra, the Port Harcourt-Umuezeula Road has been partly deobligated as of June 1969. According to AID, this project was suspended as a penalty against Nigeria. Other development loan programs focus on water supply, communications, and road construction.

One of these road construction projects is the Calabar-Ikom Road.

Mr. President, from an overall country development program, it is clear that the Federal Military Government of Nigeria—FMG—reaps economic benefits with multimultiplier effects.

On the other hand, there is some evidence that AID is making some effort to reach both Biafra and Nigeria with relief assistance.

Program emphasis on relief, however, is disappointing. I am deeply disturbed to see that AID has proposed to cut its relief contribution from $24.3 million in fiscal year 1969 to $10 million in fiscal year 1970. Even though there are additional funds in supporting assistance for Nigerian relief agencies, the total relief effort planned by AID for next year is simply inadequate.

The Agency for International Development has furnished me with an AID memorandum on Nigeria/Biafra relief. The memorandum is dated October 30, 1969. It lists relief funding levels and includes AID commentary on relief efforts on Nigeria and Biafra.

I ask unanimous consent that the AID memorandum be inserted in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

A. U.S. CONTRIBUTIONS TO DATE[1] AND ESTIMATED FOR FISCAL YEAR 1970

[In millions of dollars]

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970	Total, Oct. 31, 1969
Public Law 480 donated foods (value)		16.3	5.9	22.2
Transport costs/food		[2] 3.9	2.7	[2] 6.6
Transport costs/private donations		2.2	.5	[3] 2.7
International Committee of the Red Cross (ICRC)	0.1	21.9	.....	22.0
USAID mission support or relief	.1	.2	.....	.3
Total, U.S. Government	.2	44.5	9.1	53.8
U.S. private donations	(4)	12.1	1.4	13.5
Grand total	.2	56.6	10.5	67.3

[1] Updated; November figures substituted for comparable figures in Oct. 30 memo.
[2] Commodity Credit Corporation funds, U.S. Department of Agriculture.
[3] Includes airlift costs.
[4] Unknown.

B. Total contributions from other nations: $78 million (April 1969).

C. AID FUNDING

[In millions of dollars]

	Fiscal years		
	1968	1969	1970
Africa area funds:			
Supporting assistance		20.9	10
Contingency funds		1.9	.....
Worldwide disaster relief: Contingency funds	0.2	1.5	.....
Total	.2	24.3	10

D. PEOPLE IN CONTINUING NEED

	Number
Biafra	3,500,000
Nigeria	[1] 500,000
Total	4,000,000

[1] Reduced from 1,000,000 in May.

E. *Background of Relief Effort.* In the summer of 1968 the conscience of the world was awakened to the tragic plight of the Biafran people who had been cut off from essential food and medicines by the economic blockade imposed as the result of the war by Nigeria against Biafra following its succession. A lesser known fact was that not only were the lives of millions within the enclave in jeopardy, but also over one million civilians were in the same dire condition on the Nigerian side as the battlelines moved back and forth.

Local organizations—the Nigerian Red Cross on the Federal side and the Biafra Red Cross within the enclave—were trying to cope with this problem and had started to build up the requisite institutional struc-

ture to do so. Their limited resources soon proved inadequate to the enormous task of obtaining, transporting, and distributing relief supplies to the multitudes requiring immediate help. Appeals were made for outside aid and finally both sides agreed to accept the assistance of an organization well known for its traditional role of neutrality in war situations, the International Committee of the Red Cross (ICRC). The ICRC quickly moved in with relief supplies (food, medicines, clothes), logistics support (trucks, coasters, planes) and key technical personnel, provided by private and public donors throughout the world.

At the same time, both foreign and American voluntary agencies were responding to this disaster by establishing their own mechanisms for distribution of relief supplies. Most private American assistance has been channeled through Joint Church Aid/USA, (JCA/USA), an association composed of the Catholic Relief Services, Church World Service, and the American Jewish Committee. Over 26 leading U.S. charitable organizations have contributed to the relief effort. As of October 1969, over $13.5 million in private American donations had been channeled through U.S. voluntary organizations to these war victims.

Both Joint Church Aid, an international association of church groups, and the ICRC, organized airlifts to carry relief supplies into the blockaded Biafran enclave.

F. *U.S. Government Role in Relief Effort.* The U.S. Government, considering this war basically a Nigerian problem to be solved within the African context, confined itself to the humanitarian role of furnishing relief assistance to civilian victims on both sides and to helping the Nigerian Government initiate rehabilitation programs to enable the war victims to return to as normal a livelihood as possible. The U.S. Government abstained from any direct action and channeled its assistance through those organizations already engaged in the relief and rehabilitation effort.

1. *ICRC.* AID donated to the ICRC $22 million in cash which covered about two thirds of that organization's budget. Half of those funds ultimately went to beneficiaries on the Nigerian side and half on the Biafran side.

2. *Food.* As of September 1969, the U.S. Government had turned over for distribution 82,000 metric tons (MT) of P.L. 480 food, valued at $17 million, to the ICRC, UNICEF and the U.S. voluntary agencies. An additional $5 million in food has been authorized for shipment as soon as called forward by the relief agencies.

In addition to food actually distributed, the U.S. and other nations donated sufficient food to build up a total stockpile, which presently stands at 38,000 MT's. Of this 21,300 MT, destined for Biafra, are presently stored in Sao Tome, Santa Isabel, and Cotonou, Dahomey. The remaining 16,500 MT's are stockpiled at various points in the federally-controlled areas affected by the war.

3. *Transportation Support.* The U.S. Government is reimbursing JCA/USA for ocean and airlift costs of transporting P.L. 480 food and privately donated goods to Nigeria and Biafra. An estimated $6 million was made available for these transportation charges in FY 1969.

4. *Planes.* To increase the capacity and efficiency of the airlift into Biafra, the U.S. Government has authorized the sale at a nominal price of eleven large capacity C–97g airplanes to the ICRC and to JCA/USA.

5. *Technical Personnel.*

(a) *American Red Cross.* Experts in logistics, management and administration were lent by the American Red Cross to the Nigerian Red Cross/ICRC to help in the conduct of the relief operations. AID participated in this arrangement by paying the cost of international travel and incidental expenses for those technicians.

(b) *U.S. Public Health Physicians.* Under a PASA, AID engaged a team of epidemiologists/nutritionists who have established within the federal territory systematic public health survey methods for determining the extent of need among large masses of people, the kinds of food required and the appropriate ration to be fed each individual.

6. *Medical.* In addition to the U.S. Public Health doctors mentioned above and the attack on the disease of famine by food contributions, AID has provided the following medical assistance.

(a) *Smallpox/Measles.* Last winter it was reported from Biafra that an onslaught of measles was taking a 50 percent toll among already weakened children. AID immediately responded with a cash contribution to ICRC which resulted in 800,000 children having been innoculated against measles and 2.2 million persons against smallpox by September 1969. The USAID regular measles/smallpox vaccination program was quickly extended to the war affected population on the federal side.

(b) *Tuberculosis.* Almost 100,000 persons in Biafra have now been innoculated against TB under a campaign partially financed by AID. At the same time, the Federal Military Government of Nigeria (FMG) is undertaking a medical evaluation to design the most appropriate anti-TB program for the federal side.

7. *Special Coordinator's Office.* To coordinate the various relief programs and to maximize the flow of relief supplies, the Secretary of State appointed a Special Coordinator for Nigerian Relief. His office has been provided almost $100,000 for administrative support by AID. AID has also supplied technical and financial assistance to implement special initiatives to the Coordinator.

8. *USAID Support Staff.* Consistent with its intent to assist others in doing the job, AID has no employees directly working in either the relief or the rehabilitation program in Nigeria. AID has only a small support staff of 16 people, whose principle function is to act as a catalyst in bringing together financial and human resources from different sources to achieve our humanitarian objectives.

G. ACCOMPLISHMENTS

1. *Biafra.* The airlift into Biafra is comparable in volume and circumstances only to the Berlin airlift.

Flights completed (October 1969), 5,843.

Tons delivered, 62,146.

As a result, the relief agencies within the enclave have been able to feed about three million people.

2. *Nigeria.* The combined relief efforts have provided food for about one million people within the federal territory. A good harvest last season, plus a rational approach to relief problems have now reduced this caseload of relief recipients to approximately 450,000 persons.

H. PROBLEMS

1. *General.* The ICRC had no previous experience in operating a relief program; thus, this organization underwent the inevitable difficulties entailed in creating the requisite administrative structure; coordinating a staff of diverse nationalities, customs and languages; and grappling with problems such as coastal charters, warehousing and storage practices, as well as vehicle maintenance.

Neither the ICRC nor the JCA had any prior experience in running an airlift; hiring and supervising pilots, as well as operating and maintaining sophisticated aircraft.

2. *Biafra:* Specific Problems.

(a) *Cumulative effect of debilitation on people and on economy.*

(b) *Break-down of marketing patterns.*

(c) *Lack of rationing and other controls* to asure equitable distribution of food and necessities.

(d) *Deterioration of internal logistics system;* lack of vehicle maintenance; shortage of fuel.

(e) *Inadequacy of airlift.* A generous world has produced ample relief supplies for Biafra; any lack of essential items within the enclave now is attributable not to a shortage in resources, but to difficulty of access caused by the unwillingness of the two sides to compromise political and military aims to permit improved airlift arrangements.

Because of the limited capacity of the airlift, sufficient food cannot now be delivered to meet the need.

	Per week
Estimated need for imported food	2,500 MT
Average amount being delivered	1,000 MT
Shortfall	1,500 MT

The capacity of the airlift is limited by numerous factors;

(i) Flights can be made only during the limited number of night time hours.

(ii) Relief flights can land at only one makeshift airport (Uli).

(iii) Uli can handle but a limited number of planes at one time.

(iv) The number of airports available to serve as take-off points for flights is severely restricted.

(v) The departure airports can handle only a few planes at a time.

Since one of its planes was downed in June by the Nigerian Air Force, the ICRC has discontinued flights into the enclave (except for a few service flights). JCA is trying to make up for this gap by increasing its number of flights.

3. *Nigeria:* Specific Problems.

(a) *Nigerian Red Cross (NRC).* As of September 30, 1969, the ICRC terminated its operations in Nigeria and the Nigerian Red Cross was returned to its former role of being fully in charge of the relief operation.

NRC's main problem at the moment is financial. The Nigerian Government's financial support for the relief effort has been somewhat sporadic and piecemeal. Although the NRC has appealed to the outside for help, little in the way of contributions has yet trickled in. The immediate need is for cash to cover current operating expenses. The NRC has requested $3,640,000 from the FMG for its expenses next year; but no action has yet been taken on this request.

(b) *Logistics.* Internal transportation problems create severe problems for the distribution of relief supplies. Rail transport from Lagos to the war affected areas takes a minimum of three weeks. The bridge over the Niger River has been destroyed. Coastal vessels can carry supplies to Port Harcourt and Calabar but inland transportation on from these ports is extremely difficult.

(c) *Temporary Interruption in Food Distribution.* Considerable concern was recently generated by reports that food distribution had been cut back in the forward areas because the forward shipments of food from Lagos and coastal ports had been halted.

In fact, this temporary reduction was in part due to difficulties of communications between the field personnel and the NRC coordinators in Lagos. Because of a good harvest and the desire to end dependency on relief feeding as soon as possible, there has been a definite intent to reduce relief feedings wherever local conditions so permitted. Likewise existing stockpiles were predicated on a contingency which has not happened, i.e. the need to feed three million people suddenly should an opening in the military front take place. Since this has not happened, it was decided to reduce the stockpiles to avoid spoilage.

Meanwhile, the food already in transit to the field has been delayed by poor transport conditions due to rains. By early November 800 MT of food in addition to the 2,200 MT's already there were en route to Enugu and another 500 MT's were on the way. Additional supplies are being forwarded on coastal vessels. Moreover, enough food still remains in the stockpiles to meet the needs for two months.

(d) *Access to the people.* The relief teams are unable to obtain access to numbers of people near the battlefront, many of whom are hiding out in the bush. The relief efforts are further hampered by the very real need of the military to maintain its own security.

I. FUTURE PROSPECTS

1. *Biafra.* The U.S. Government plans to continue to furnish P.L. 480 food as required and to provide financial support for the tuberculosis campaign. The transportation costs of the American voluntary agencies will also be reimbursed during FY 1970.

The ICRC is still attempting to persuade the belligerents to accept a daylight flight arrangement and to permit ICRC to start another airlift. The prospects are not hopeful.

2. *Nigeria.* The U.S. Government intends to assist the Nigerian Red Cross by continuing to provide needed P.L. 480 food; by financing travel costs and per diem of American Red Cross technicians lent the Nigerian Red Cross, and by providing American physicians as medical advisers.

(a) *Staff.* A $140,000 AID grant made in FY 1969 will be available to the Nigerian National Rehabilitation Commission and the Nigerian Red Cross to hire local personnel for their programs.

(b) *Transport.* AID is furnishing ten trucks and four small river craft to the National Rehabilitation Commission for distributing relief supplies.

(c) *Logistic support.* A $700,000 AID contract with the Vinnell Corporation is supplying a 15 man team to provide expertise in logistics and vehicle maintenance to the Nigerian relief and rehabilitation organizations.

(d) *Other.* AID inputs to the Nigerian Red Cross will be made as specific requirements arise. We are presently exploring possible channels for our assistance here as well as estimating amounts to be needed.

Mr. GOODELL. Mr. President, this memo tells a tragic story.

We start with a figure of 4 million people in continuing need of relief assistance.

For AID, the "future prospects" for starving Biafrans are briefly stated and "not hopeful."

For me, the cut in AID's contribution to relief assistance is totally unjustifiable.

For AID to cut funds for immediately needed food and medical relief, while increasing funds for a long-range development project like the Calabar-Ikom Road, is difficult for me to understand. I cannot understand these decisions and I shall speak out against them.

Mr. President, there is evidence of the taking-sides approach in our aid to Nigeria, even though AID is trying to comply with the principle of neutrality.

Indeed, AID's recommendation this summer to the Development Loan Committee and the committee's decision to agree to increase development loan funding for the Calabar-Ikom Road leads me to believe that the neutral policy orientation carries with it little weight when it comes to project approval.

There are several reasons why I am concerned about increasing the funding level of the Calabar-Ikom Road above the originally authorized and presently committed amount of $8.6 million.

It is not that I oppose this road on the grounds that it is an ill-conceived long-range development goal. It will be recalled that the Calabar-Ikom Road project was included in the Nigerian 6-year development plan—1962–68—which related to the former Eastern Region.

The intention, at the time the project was first developed, was to link the Eastern Cross River Basin, with its rich agricultural potential and sparse population, with the heavily populated central part of the former Eastern Region. The primary purposes were to facilitate population movement to the underdeveloped area and to permit agricultural produce to move out to the more populated west and to Port Harcourt. With the former Eastern Region capital located at Enugu it would also have served to better connect the areas administratively.

This summer AID agreed to revise the Calabar-Ikom Road project. Its justification is as follows:

After the reorganization of new states and the shift in transport patterns the need for the Ekuri bridge crossing lost its importance relative to a bridge at Ikom. The original project assumed that a ferry at Ikom would adequately serve the projected traffic moving down from the north. This was based on the fact that food and other agricultural products from the Ogoja area (in the north) would move west to Abakaliki and Enugu. It is now projected that food from the north will move down to markets in the southern part of the state, particular Calabar. With the planned expansion of the port of Calabar, agricultural export products will move through Calabar instead of Port Harcourt.

I do not seek to oppose this road on the basis that the project has progressed very slowly.

I would only note in passing that over a 6-year period—1963–69—approximately $8.6 million of development loans has been spent on this road with little more to show for it than feasibility studies.

I am concerned about increased funding of the Calabar-Ikom Road project because of my strong conviction that when the United States acts in Nigerian development projects, it must be as a "neutral" and because of my feeling that economic aid must be devoid of military significance.

Mr. President, I think there is reason to believe that to pursue the Calabar-Ikom Road, under the revised plans and increased funds agreed to this summer by the Development Loan Committee could violate the "neutrality" principle and lead to economic assistance with military significance.

The Calabar-Ikom Road project is located in the South Eastern State of Nigeria.

The total project, as revised this summer, consists of approximately 127 miles of paved road from the port of Calabar to Ikom.

As a result of the project addition—improvement of a 27-mile stretch of the Calabar Mile 5–35 Road at an estimated cost of about $5 million; and as a result of project deletions, including resiting of the bridge from Ekuri to Ikom; jettisoning the ferry crossing at Ikom; eliminating the provision for grass shoulders; and others—the project now consists of the following sections:

Segments of road	Miles	Target date for completion
(a) Calabar to mile 5–35	27	Summer 1970.
(b) Mile-35 (Dunlop Estate) to Orira.	12	Do.
(c) Orira to Ugep	30	Winter 1970.
(d) Ugep to Apiapum	26	1971.
(e) Apiapum to Ikom	32	1972.
(f) High level bridge at Ikom		1972.
Total length of revised project.	127	

FINANCING REQUIREMENTS OF THE PROJECT AS ESTIMATED BY AID THIS SUMMER ARE SUMMARIZED BELOW

	Original Loan Project (Col 1) as amended Dec. 30, 1966	Revised Project (Col 2)	Difference (Col 2 less Col 1), Upon which the amendment is based
Total Foreign Exchange	$11,982,001	$14,763,164	$2,781,163
Total local cost	6,130,131	6,987,704	857,573
Total project	18,112,132	21,750,868	3,638,736
AID Development Loan:			
Foreign exchange	11,982,001	14,763,164	2,781,163
Local cost	2,617,999	2,617,999	
Total loan	14,600,000	[1] 17,381,163	[2] 2,781,163
FMG contribution	3,512,132	4,639,705	857,573
AID plus FMG	21,112,132	21,750,868	3,638,736

[1] Say $17,400,000.
[2] Say $2,800,000.

It should be recalled that the South Eastern State of Nigeria borders on the East Central State, the Nigerian Government's designation for the area which geographically includes the Biafran enclave.

The Cross River is a natural dividing line between the two States.

The Cross River is also the eastern line of Biafran defense.

The Calabar-Ikom Road parallels the Cross River.

In view of the "no military advantage" argument which has been raised against the Calabar-Ikom Road, I think mile differences should be noted between points on the road and the Cross River.

[Distances from Cross River]

Towns to be connected by Calabar-Ikom Road:	*Miles*
Ugep	9½
Idom	9
Ndealichi	6
Iwuru No. 1	6½
Iwuru No. 2	9
Budena	8½
Mbarakom	15½

Mr. President, this summer, AID authorized $2.8 million more from the development loan fund to help finance the new addition to the Calabar-Ikom Road project; namely, the 27-mile segment of the road called Calabar Mile 5–35.

One reason given by AID to the Development Loan Committee for improving this segment was that it has deteriorated due to civil war damages and the use of large military vehicles.

Regardless of this point which was

made to justify an increase of funds for the road, AID has insisted, as it did in a press conference on December 10:

> The road has no value to Federal Government military operations.

Mr. President, I find it difficult to follow this reasoning.

Here it is necessary to understand the kind of warfare that is going on in the Nigeria-Biafra civil war.

As I have already pointed out, in this war, it is a fact that the battle over supply lines has played a major role in military operations.

Recall again the description of fighting as published in a January 1968 issue of the Economist:

> General Gowon's troops are finding it hard to advance beyond the positions they attained at mid-October. They moved some ten miles south of Enugu but were then halted by a demolished bridge over the Nyaba river. They have made very slow progress east of the one-time Biafran capital, fighting for the road from Nkalagu to Abakiliki. An unbroken silence shrouds the movements of the second federal division. After winning back the Mid-West region, this division failed at considerable cost to cross the Niger river at Onitsha. The troops are now believed to have crossed the river at a point farther north and to be making their way south towards their original target along a network of bush tracks and creeks.

According to the same 1968 article,

> Now there is every indication that more pressure is to be applied in the hope of achieving the kind of decisive confrontation and success that has so far escaped the federal strategists. A fourth planeload of military cargo came into Lagos on Sunday from England adding to the 30 tons of material delivered in December. The Nigerian navy is active again, steaming eastwards with cargo for Bonny and Calabar, including a susbtantial number of Land Rovers, Peugeots and other heavy-duty vehicles confiscated from their owners in recent weeks.

Mr. President, as I have indicated the first work to be done on the Calabar-Ikom Road is the 27-mile stretch of Calabar Mile 5–35. It is to be completed by the summer of 1970.

It should be recalled that this section of the road leads to the port of Calabar as well as to airport facilities.

Mr. President, if this section of the road is completed what is to prevent the Federal Military Government of Nigeria from using it for military advantage?

The road has been used in the past for military purposes.

I find it of some coincidental interest that the road will be constructed according to the design standards for a 9,000-pound wheel load. Along with heavy commercial transport, the road would easily withstand heavy traffic with large military vehicles.

In terms of military significance, I think it also relevant to point out that of the 12 bridges to be constructed along the road, five of them are on that lower section of the road in which construction work will be done over the next 12 months.

I have not yet been satisfied that these bridges will be simply links to the road north.

Mr. President, if we were Biafrans, how do you think we would react to road construction on the 27-mile strip of the Calabar Mile 5–35?

Would we interpret such road construction as a military threat?

Recall with me the now well-known "May incident" when a European oil company started road construction on the west side of the Niger River. Biafrans attacked by sending forces across the river.

Looking at the Calabar project, what if an attack should occur during construction on the Calabar Mile 5–35 Road? What if American engineers and construction managers were killed?

In proceeding with this road are we not taking unreasonable risks?

Risk lies in the possibility that the Nigerian Government will use this road for military operations.

Risk lies in putting American engineering and construction personnel in a potentially explosive military situation.

What can be lost in taking these risks? We can lose our "neutral" policy position toward Nigeria and Biafra. Our position of no military involvement can be undermined.

I should think we would want to eliminate these risks.

Some will say that we will also lose the benefits to be derived from the road's contribution to economic development of the South Eastern State.

Let me hasten to add that this position cannot withstand argument.

First, project emphasis is on the Calabar Mile 5–35 section of the road. The 27-mile strip is to be completed by next summer.

A significant point to keep in mind is that this is not a new road. Work on the 27-mile strip is merely to improve the existing road. By improvement, is meant, a two-lane surfaced highway with associated bridges and drainage structures.

Presently, 90 percent of the current traffic on the existing road has its origin and destination between Calabar Port and mile 35. Commercial traffic is primarily by the Dunlop Rubber Corp., located at mile 35.

There are conflicting reports as to the presence of military vehicle traffic.

ALTERNATIVE ROUTE FOR FOOD SHIPMENTS

Mr. President, on this question of economic development risks if project construction is halted, we must remember that Calabar-Ikom Road is not the only road from Calabar to the north.

Calabar is served directly by two roads, one of which is the AID project road and the other is the Calabar-Mamfe—Cameroon—Road. The latter has an untarred surface, and travel is severely restricted in the rainy season, but still the road is usable. The road terminates just over the border in the Cameroon on the road to Mamfe.

Let us recall that Calabar is connected to the western part of the southeastern State and hence to other parts of the former eastern region either through a long ferry crossing—1½ hours—from Calabar or Oron or through a ferry at Ikot Okpora on the Cross River and a connecting road to the project road. The Calabar-Ikom Road will thus become the primary artery linking the southern and eastern parts of the state with the north.

As I have pointed out the Calabar-Ikom Road parallels the Cross River which is the eastern line of Biafran defense.

Calabar-Mamfe Road however runs north to the Cameroon. This route would not present the possible military threat that the Calabar-Ikom Road does. I understand that road links to the Calabar-Mamfe Road are possible and could connect the road with the rich agricultural produce in the north.

Mr. President, why did not AID move to improve the Mamfe Road instead of moving to improve the Calabar Mile 5–35 Road section?

Again with the risks attendant to the Calabar-Ikom Road, it makes clear sense to me that the alternative Mamfe Road should have been selected for improvement.

Mr. President, in terms of food relief, it appears that the Mamfe Road could be used effectively with emergency improvements. On the other hand, if we hope that by work on the Calabar Mile 5–35 segment we can help transport food from the agriculturally rich land of the north, we are sadly mistaken, at least until 1972.

If new work starts on the project, it will be at the farthest possible point on the first 27 miles of the 127 miles leading to the agriculturally rich region of the north.

I fear we may live to see military use of the road by September 1970.

We would then witness our aid exploited.

Today, we must show a determination that economic aid must be real development assistance; it must not become an instrument for back door military assistance.

Mr. President, it is my strong feeling that AID should take a long look at our projects involving development loans in Nigeria. I believe that the decisions on allocation of funds for development loans in a country that is racked by civil war should be at very high policy levels. This belief is based on a concern that there is grave risk of involving ourselves in the conflict directly, with our personnel involved in hostilities, or indirectly by assisting in military advantage to one side or the other.

Mr. President, I have steadfastly taken the position that this country has no business trying to settle the civil war, or take sides in the civil war, between Nigeria and Biafra. I have strongly felt that we should do everything possible to minimize the starvation and to tackle the tremendous health problems that exist among the population. This is a war where civilian casualties have outnumbered military by more than 100 to 1. Civilian casualties have been largely innocent women and children not involved in the direct conflict.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. FULBRIGHT. I agree with what the Senator has been saying about our policy. One of the reasons why I have been so skeptical about the pilot foreign aid approach is that it seems to have a tendency to involve us in the internal affairs of so many countries. The Sena-

tor has picked out one very good example, and I agree with his attitude, which I had understood was the administration's attitude, of the desirability of neutrality in a situation such as exists in Nigeria.

I regret that the administration program departs from that policy. On the other hand, the policy of the committee and the Senate generally has been not to specify for or against particular countries. There have been some objections, over the objection of the committee and myself. Nevertheless, that is the general rule.

I would join the Senator in urging the administration to be very careful not be partisan nor to become involved in this struggle. It is a very difficult, savage, and complex one. It involves the tribal allegiances of these people.

I do not think that we have either the intelligence or the means with which to solve it for them. They will have to do it for themselves. And we should be neutral as between the two factions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I think the Senator from New York has done a service for us all in speaking on this subject.

Our country has been shocked in the last year or two to learn about the hunger and privation existing in Biafra. I remember the Senator's visit to Nigeria and Biafra and report to the Senate. He performed a useful service at that time to the Senate and the country, as he is doing today .

I am glad the administration is following a policy of neutrality. I believe that the Senator is right in pointing out that in the provision of indirect assistance, we may indirectly provide military aid to another country.

I hope that the Senator will continue to speak on this subject. I believe the greatest service our country could perform would be to find some way in which to aid these peoples, perhaps through the organization of African States, or directly to see that adequate food and medicine and supplies to the thousands and thousands of starving people.

Not long ago, a former administrator of the nongovernmental border program visited me.

He told me at the time that unless a great amount of food could be poured into Biafra, and Nigeria—but principally Biafra—within 2 or 3 months thousands would die, and chiefly the young, and the old.

Mr. GOODELL. Mr. President, I thank the Senator for his comments.

I witnessed this directly in Biafra and Nigeria. I took a team of experts, including Dr. Jean Mayer who subsequently became the President's designated pleader for the White House on hunger. He is a very prestigious expert on starvation.

We witnessed starvation in both Biafra and Nigeria and urged upon both Biafra and Nigeria that they take every measure to minimize the civilian suffering.

We indicated that our Government was ready to assist them, I was sure, in any way we could to minimize that suffering. We made it clear that we did not want to get involved directly in the issues of the civil war or in the civil war itself, and that I would certainly refrain from making any recommendations along those lines.

When I returned, I recommended to the President and the Secretary of State the appointment of a food administrator to go there and try to negotiate ways completely apart from the war itself to get aid to Biafra. Nigeria is generally accessible to our aid, and we are sending Nigeria a great deal of it.

Dr. Clyde Ferguson was appointed. He has done a very fine job. Our Government fortunately has moved away from a one-Nigeria approach toward a neutral approach.

The President has been striving to get more food there, and using our good offices to end this conflict.

My concern it that certainly in a complex, big government, administrators in different agencies will not understand the complications of a development loan in a war-torn country. I believe that sometimes this basic understanding is missing.

With reference to our aid program in Nigeria, I believe that the State Department and the White House must look very carefully and reassess these development loan programs for Nigeria, so as to be absolutely sure they have no military application.

I think the danger here is that our economic assistance could be misinterpreted.

I had intended to offer two amendments.

One of the reasons I withheld my amendments is that I have no desire to alienate this country from the Federal Military Government of Nigeria. I have no desire to increase the hostilities in this war.

Lord knows, hostilities are high enough now.

I did not want my amendments to be interpreted as anti-Nigeria and perhaps damage our relationship in that respect. I do feel that we should continue foreign aid to Nigeria. What is important in every aid project is that it is administered in a way to help the people; not to help the government gain military advantage in this civil war.

Mr. President, I appreciate the statements of the Senator.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I yield to the Senator 1 minute.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 minute.

Mr. CHURCH. Mr. President, I am sure that the Senator from New York is familiar with a column by Evans and Novak which was published in the Washington Post on the day before yesterday. It is entitled "AID Bureaucrats Going Full Speed Against U.S. Neutrality on Nigeria."

I think the article capsules the argument so ably presented by the Senator from New York. I wonder if he would have objection to having it printed in the RECORD?

Mr. GOODELL. Mr. President, I would have no objection. I would be delighted. I think the column performed a great service.

Mr. CHURCH. Mr. President, I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AID BUREAUCRATS GOING FULL SPEED AGAINST U.S. NEUTRALITY ON NIGERIA

(By Rowland Evans and Robert Novak)

Although top policymakers in the White House and State Department have ordained a new policy of neutrality toward Nigeria's civil war, a highway of great value to Nigerian federal forces—and potential military use against Biafran secessionists—is being built with U.S. foreign aid.

The decision to build the road with American tax dollars was taken quietly inside the Agency for International Development, with neither specific approval from the White House nor a single word of discussion in Congress.

This project, along with the over-all pro-federal tone of foreign aid to Nigeria, reflects the inability of top policymakers to execute their orders inside the bureaucracy. All the more remarkable, the Nigerian highway project directly contradicts overt congressional reluctance to get entangled in foreign internal disputes following the Vietnam experience.

Actually, the pro-federal bias by AID is a holdover from the official U.S. position of July, 1967, when leaders of the Ibo tribe seceded from the Nigerian federation to form the republic of Biafra. U.S. Foreign Service officers on the African desk, expecting the Biafran revolt to be quickly subdued, sided with their counterparts in the British Foreign Office against the secession. That became Johnson administration policy.

But with the Nixon administration came faint stirrings of change. The new National Security Council staff at the White House under Dr. Henry Kissinger prepared secret memoranda proposing strict neutrality.

Urged by Sen. Charles Goodell of New York and opposed by the AID bureaucracy, President Nixon appointed a special relief administrator to get food to starving Biafra. Finally, on Nov. 12, the switch to neutrality was made official—against the wishes of the State Department's African desk—when Secretary of State William P. Rogers called for a negotiated settlement without the customary pro-federal declaration.

But while the policymaking machinery of the U.S. government was ponderously changing direction, AID bureaucrats went full speed ahead. Unknown even to the NSC, construction started on a new U.S. foreign aid project: a road from the southern port of Calabar running 127 miles northward.

That road constitutes unauthorized intervention into a civil war that could lead to unintended U.S. involvement. About 40 miles of the highway come within 6 to 15 miles of the Cross River, dividing line between Nigerian and Biafran troops. That raises the danger that Biafran troops could kill or kidnap Americans working on the road in Nigerian-held territory—the fate met by European workmen in Nigeria.

Moreover, the highway could be of direct military aid. When it is only half completed north from Calabar, it will form a 200-mile link for the federals to their forward bastion

of Enugu. That would mean a major shortcut for the federals, who now send supply convoys some 500 miles east to Enugu from the western port of Lagos. In fact, some military traffic has already been seen on completed portions of the new road.

When AID officials testified before Congress last summer, nothing was said about the road. Its existence was discovered by a private citizen—Christopher Beal, a student at the Fletcher School of Law and Diplomacy—who passed the information on to amazed officials at the White House and on Capitol Hill.

Official assurances that the Calabar road means little have been less than candid. "The contractor working on the road reports only insignificant military traffic," asserts a State Department letter of Nov. 18 to Sen. Goodell. But a confidential AID memorandum for internal use, dated Oct. 28, is less categorical: "Some military and commercial vehicles have been reported using some of the roughly graded sections of the road."

Furthermore, the road reflects over-all AID policy. The agency's official justification for aid to Nigeria (which mentions Biafra only between quotes) is geared to rebuilding federal public works while the war continues.

But curiously, AID bureaucrats show no interest in getting food inside the landlocked Biafran enclave. Prof. C. C. Ferguson, named by Mr. Nixon as Nigerian relief administrator, has been deluged with legalistic nit-picking but very little help from AID. Accordingly, when the foreign aid bill reaches the Senate floor, Goodell will try to eliminate either the Calabar road or all aid to Nigeria.

What makes AID's persistent pro-federal policy peculiarly irrational is the fact that the U.S. cannot possibly compete with the Soviets and the British, currently bidding each other up for influence in Lagos by supplying arms to the federals. Rather, the Calabar road is one more example of the mindless devotion that some Foreign Service and AID officers have for their client countries, despite the risk of U.S. involvement. It is a syndrome that so far the Nixon administration is no more able to break than its predecessors.

Mr. BROOKE. Mr. President, one of the amendments which the junior Senator from New York had intended to offer would have prohibited the use of American AID funds for the "improvement, development, or construction" of a road between Calabar and Ikom in Nigeria. I understand my colleague's concern in this regard. He, and I, have long been urging that the United States refrain from direct involvement or support to either side in what has become Africa's bloodiest and most prolonged civil war. If American development assistance for this project would, in fact, constitute direct support for either the Nigerian or the Biafran war effort, then I would be the first to join him in proposing that we terminate the agreement in question.

But, Mr. President, let us look at the facts of this case. We are talking about an agreement signed between the United States and Nigeria in 1963 to construct a road through the eastern region of that country, from the port city of Calabar to the northern market center of Ikom. The road was to be 127 miles in length, and would link, for the first time, the food-producing areas north of the delta with the heavily populated coastal regions. A feasibility study was conducted by an American consulting firm, and a construction contract was signed between an American engineering firm and the Government of Nigeria in 1966. Work began early in 1967, but was interrupted by the outbreak of the Nigerian civil war in July of that year.

In the spring of 1968, the area in question was retaken by the Federal Government, and in August of 1968 the Nigerian Government requested that work on the project be resumed. Work was resumed in January of 1969, after certain changes in the original route of the road were agreed to.

The question at issue today revolves around the potential military usefulness of the Calabar-Ikom road. It has been charged that the Nigerian Government is anxious to improve and extend the road because of the military advantage it will provide for the Federal troops. It has been charged also that in proceeding on this project we are in fact lending indirect military assistance to the Nigerian war effort.

But, Mr. President, let us once again look at the facts of the case. Construction of this road will not be completed, even under the best of conditions, until 1972. The surface of the road at the present time cannot support heavy military traffic; such use would render it unsuitable even for the light lorries and wagons which are now able to wend their way over portions of its rutted and unpaved surface. Furthermore, the presence of construction workers on any highway is no asset to military transportation. In fact, if the Nigerians had any intention of using this road for military purposes, it is more than likely that they would not be encouraging construction at this time, but would rather use the road as it is for immediate military advantage, and bar all commercial transport.

If further proof of Nigeria's intentions is needed, however, it should be found in the fact that among the course changes recommended by the Nigerian Government and approved by AID and the contracting firm is a provision to relocate the Cross River Bridge from Ekuri to Ikom. Under the original plan, the bridge would have carried the highway across the Cross River at a point where traffic would be directed into the area of Enugu and south to Port Harcourt, both strategic and still contested areas in the prolonged civil war. Instead, however, the bridge will be constructed on a direct north-south route where its sole function will be to speed the flow of food and commercial goods from the northern regins to the coast.

Mr. President, for 2 years the Senator from New York and I have addressed this body and the American public on the need to provide additional assistance to feed the hungry victims of the Nigerian civil war. The construction of the Calabar-Ikom road will do just that—it will help to speed the flow of goods to refugees presently living in the areas under Nigerian control. And it can only be assumed that once peace is restored the road will serve a vital function in the reconstruction of the area's economy.

Objection to the Senator's proposal could be raised on the grounds that it would require the U.S. Government to renege on a commitment to a friendly state. Serious question could be raised by American companies operating abroad—where they are doing much to further the long-range policy interests of this Nation—as to the validity and security of American aid and investment guaranties. In my argument, however, I have chosen to focus on that issue in which I know the Senator from New York and I share a deep common concern: the issue of American assistance to feed hungry people and restore war-torn areas. I believe that our continued support for construction of the Calabar-Ikom road would help to accomplish the objective we both seek.

The Senator from New York has also suggested that our Government give no assistance to Nigeria until the President himself finds such assistance to be in the national interest and so informs the Senate Foreign Relations Committee and the Speaker of the House of Representatives.

It can only be assumed that our Government would be giving no aid to any government unless it were in our interest to do so. The fact is that the Department of State, and Agency for International Development, the Bureau of the Budget, the Office of the President, and the Senate Foreign Relations Committee all concur in the judgment that assistance to Nigeria at this time is desirable for us and beneficial to the people of that country. If, on the other hand, conditions should change drastically, the President already has all the authority he needs to defer the obligation of further funds.

I certainly concur in the judgment that we should not be aiding Nigeria militarily in the prosecution of its civil war effort. In fact, I would prefer to see a complete abstinence on the part of the major powers in the provision of arms to either side. But this is the course which our Government has consistently pursued, and none of the projects which have been approved to date or are likely to be approved in the future, have any military significance.

On the other hand, Mr. President, we must bear in mind that Nigeria is the largest nation in so-called black Africa. This huge territory, which became independent in 1960, encompasses an area as large as the entire eastern portion of the United States; it would barely fit into our States east of the Mississippi River. What is more, it has the largest population of any nation in Africa; an estimated 60 million people inhabit its various and diverse regions. Nigeria is a leader in all of Africa. It has enormous resources of men and commodities. Its people have begun to develop the country into a modern industrial giant, and are prepared to accelerate their efforts once peace has been restored.

Given the importance of this nation today, and its surely burgeoning influence in the world of tomorrow, I believe we should do all in our power to support Nigeria's constructive efforts and to encourage a peaceful settlement of the conflict which now divides its troubled people.

THE NECESSITY FOR THE ELIMINATION OF OFFICIAL SECRECY ON OUR ACTIVITIES IN LAOS

Mr. FULBRIGHT. Mr. President, the time has come for this administration to right a wrong policy it inherited from the Kennedy and Johnson administrations. This is also time for the Senate to stand up to its responsibilities to see to it that this correction is made.

The policy I speak of is the official secrecy that has cloaked our activities in Laos.

I know what we are doing in Laos in the Laotian—as against the Vietnam—war. The Symington subcommittee had 4 days of testimony on this subject going into details of our activities that had not heretofore been voluntarily brought to the attention of the Foreign Relations Committee.

I know the numbers involved and the rates at which they have grown.

What we are doing cannot realistically be characterized as anything short of supporting and participating in warfare—activities that to some seem to appear in low profile.

But I suggest this low profile only exists against the bloodied background of Vietnam. Without that war, the activities we have undertaken in Laos would stand out starkly themselves and could not be carried on behind the current cloak of official secrecy.

The policies we have undertaken in Laos should be discussed and debated openly on the Senate floor, and the American people who are being asked to contribute both money and the lives of their sons to this effort should be able to listen, perhaps participate, but at least understand that policy.

Only after the secrecy is dispensed with can we rationally discuss and debate what our role is or should be in that distant country. The secrecy, if permitted to continue, however, will cause increased public mistrust of the Government and its policies and could be used as a precedent to permit a future President to undertake military interventions without reference whatever to Congress or the people.

The distortion this secrecy creates and the problems it causes are best illustrated by President Nixon's response to a question on the subject during his Monday press conference.

Asked "what limits" have been put on what the people "ought to know about the war that is going on in Laos and the American involvement in it," the President, trying to adhere to the awkward secrecy doctrine, provided what must be characterized as a disjointed and therefore misleading response: "As far as I am concerned," the President said, "the people of the United States are entitled to know everything they possibly can with regard to any involvement of the United States abroad."

With that as a premise, however, the President went on, as he put it, to point "out what were the facts."

He began by saying "There are no American combat troops in Laos." Considering the official acknowledgment of "armed reconnaissance" and his own later statement about interdiction of the Ho Chi Minh Trail "as it runs through Laos," the President would have been well advised to say there are no American ground combat troops in Laos.

The President then stated that "our involvement in Laos" stemmed "from the Laos negotiation and accords that were arranged by Governor Harriman during the Kennedy administration. We are attempting to uphold those accords, and we are doing that despite the fact that North Vietnam has 50,000 troops in Laos."

The manner in which "we are attempting to uphold those accords" is in this country under our form of Government the question at issue—and the fact being wrapped in secrecy.

Does the public have the right to know if we are flying 20 missions a month, 20 missions a week, 20 missions a day, 20 missions an hour? Is there a point where the secrecy about the extent of our involvement make a mockery of the powers of Congress, not only to declare war but to control the spending of both money and lives?

President Nixon concluded his remarks on Laos, after acknowledging interdiction of the Ho Chi Minh Trail: "Beyond that, I don't think the public interest would be served by any further discussion."

Thus, the American people, promised they "are entitled to know everything they possibly can" were told only there were no American combat troops in Laos while the North Vietnamese had 50,000; were told our involvement came as a result of our attempt to uphold accords which—though the President did not mention it—call for all 13 signatories to guarantee the neutrality of Laos but contain no proviso for any country—including the United States—to take any military action in Laos in support of the Laotian Government. And to my knowledge, no President has ever sought nor the Congress granted that authority.

The taking of such military action on Presidential authority alone, be it in the air over Laos or on the ground—lacking any specific authorization—creates a situation that, if permitted to continue, could well come back in the future to haunt the Congress and the American people. For if this President—any President—can sustain such a secret policy in Laos, what is to prevent any President from doing the same in Thailand, Korea, or the Middle East?

We may be soothed by the slogan "no more Vietnams." But I say the principle of secrecy in Laos—the undertaking of military action without public acknowledgment and thus public discussion—presents a prospect for the future that should chill those who seek some positive lesson from the debacle that is Vietnam.

Though the President declared he did not think the public interest would be served by any further discussion beyond his minimal statement, I do not believe that should be the final word.

Next week the Senate will have before it the Defense appropriation bill. Within it are the funds that finance not only our aid to the Royal Laotian Government, but also the money for our own military activities in support of that government—activities not directly related to the war in Vietnam.

Will the administration or its supporters in this body be prepared to tell the Senate and the people represented here how much they are being asked to spend in the purely Laotian war during the coming year? Is there a financial limit on what we ourselves will do?

And what about the men who are being sent to fight there—to perform the "armed reconnaissance" and "interdiction" other than of the Ho Chi Minh Trail? What are the wives and mothers of those who never come back to be told?

Mr. President, if I may paraphrase the President's recent speech, the American people are being asked to support a policy in Laos which involves the overriding issues of war and peace, and they have not been given the details—the truth—about that policy.

President Nixon's November 3 words on Vietnam ring hollow on Laos, but I believe the time has come for change. The public interest would, I think, be served by further discussion on this matter—extended discussion if necessary—and with the very money bill before us that finances our Laotian operations, next week would appear to be the appropriate time for such a discussion.

I know my colleagues want to go home for Christmas. But there are issues that have been postponed too long, and we should not limit discussion—or delay a matter as important as this—for in the end we may be unknowingly creating a situation where hundreds of our young men may never get home for this holiday or any other from a war they never knew was occurring and we as their representatives had never authorized.

FOREIGN ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

Mr. CHURCH. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Idaho (Mr. CHURCH) proposes an amendment as follows:

On page 89, after line 12, insert the following:

"Notwithstanding any provision of this Act, the total amount authorized to be appropriated shall not exceed $1,760,700,000."

Mr. FULBRIGHT. Mr. President, will the Senator yield for the suggestion of an absence of a quorum just to have the bells ring?

Mr. CHURCH. I yield. Whose time will the quorum call be charged to?

Mr. FULBRIGHT. It will be charged to my time on the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the pending amendment, the time to be equally divided between the Senator from Idaho (Mr. CHURCH) and the Senator from Arkansas (Mr. FULBRIGHT) or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. CHURCH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, each Senator will find on his lesk a brief summary of the amendment I have offered and the reasons for which I have offered it.

I see no reason to detain the Senate at any length. The question presented by the amendment is clearcut. Last year, Congress appropriated $1,760,700,000 for economic and military assistance authorized by the Foreign Assistance Act of 1969. This amendment would reduce this year's authorization to the amount appropriated last year. In monetary terms, the amendment would reduce the amount authorized in the pending bill by $206 million.

The reasons for this proposal are as follows:

Congress should not authorize an increase in foreign aid funds this year, when most domestic programs are being cut back either by Congress or by Presidential refusal to spend above the level in his own domestic budget; when our adverse balance of payments will reach the vicinity of a staggering $10 billion; when the war in Vietnam continues at an immense cost; when a virulent inflation has set in which is far from being effectively checked; and when Congress has already asked the President to submit new aid proposals not later than March 31, 1970.

The proposed reduction of $206 million does not single out either economic or military assistance in particular. The reduction would be apportioned among the authorized funds as the President may determine.

The basic effect of this amendment is to put the AID Administration on notice that the program is not to be expanded this year and will be subjected to a thorough and far-reaching review next year.

I call the attention of the Senate to the fact that if this amendment is not adopted, we will reach the end of the legislative process next week with an AID program larger than that for the current year.

I think everyone on the Committee on Foreign Relations recognizes the need for a thoroughgoing reexamination of foreign aid. We expect to commence that investigation with a searching inquiry into the alternatives to the present program early next year. In view of the economic condition facing the country, and in light of the fact that the AID program itself is going to be thoroughly reappraised within the next 2 or 3 months, I think it would be very unwise for the Senate to pass this bill in its present form, with the likely effect of increasing the foreign aid program above the current level. That is the simple purpose of the amendment—to hold the line on foreign aid until we have had the opportunity to do the review that everyone recognizes is necessary.

For that reason, Mr. President, I would hope the Senate would adopt this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield myself 2 minutes.

If the Senator from Idaho had proposed this cut at the beginning of the fiscal year, it would have carried greater weight with me. But the AID program has been carried on under continuing resolution for what will be the first 6 months of the year. Therefore, any cut would have to be deducted from the last 6 months of operations, which would make it very severe.

The Senator is offering to make our authorization the same amount as the appropriations for last year. However, the House already has cut the appropriations some $200 million, and they have included in the appropriations $100 million to which the Senate objected. So if we should adopt the amendment of the Senator from Idaho, it appears to me that it would in all probability require a very heavy slash for the last 6 months of this fiscal year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. AIKEN. I yield myself 1 additional minute.

Inasmuch as we are continuing this program for only another 6 months, under the Senate authorization bill, I think we had better let them go through the rest of the year without a slash which would be large enough so that it would be quite embarrassing. I cannot conceive of the Senate Appropriations Committee granting the entire amount authorized by the Senate; and if they did, I certainly cannot see the House Appropriations Committee agreeing with it.

So I would like to see this bill go through as the Senate has already recommended for the remainder of this fiscal year, which soon will be here.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. AIKEN. I yield 1 minute to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I rise to oppose this amendment and urge the Senate to reject it.

The minimum request for this program made by the Nixon administration already has been reduced by some $600 million, as I understand it, and this proposal would cut it further.

I think we realize that Congress has been very critical of the foreign aid program, and rightfully so. Congress has been seeking to tighten up on it to make sure that the money is well spent, and I think most Members of Congress are in sympathy with that general purpose. But we can go too far—particularly, when we have a new administration and a new administrator of the AID program, who happens to be from my State, Dr. John Hanna, the very able and very competent former president of Michigan State University. He is very anxious and determined to do a good job. I do not think we want to start out by cutting the ground out from under him.

In my humble opinion, I believe that the committee already has cut back too far so far as this authorization bill is concerned, and I hope the Senate will not cut further by adopting the amendment of the Senator from Idaho.

Mr. AIKEN. I yield myself 2 minutes.

Mr. President, inasmuch as the Church amendment does not designate the parts of the program in which the cuts shall be made, I am very fearful that if the administration is required to cut the program, say, 25 percent for the last 6 months of the year, they could not cut supporting assistance, so they tell me, and get the troops out of Vietnam, which they hope to do. I am afraid they would cut out development loans, technical assistance, and those phases we can ill afford to lose. I do not know. That is just the fear I have, because I did not know the Senator from Idaho was going to offer this amendment, and therefore I had no time to contact anyone.

Mr. FULBRIGHT. I yield myself 5 minutes.

Mr. President, I wish to support the amendment of the Senator from Idaho. As a matter of fact, at the time the committee first considered the bill in executive session, I proposed about the same thing. Before going ahead, I consulted with the chairman of the Committee on Appropriations to see how one might proceed with a continuing resolution. I gave some of the reasons for such a resolution in my opening remarks and I shall not reiterate them now.

Such a resolution would have left the administration with the flexibility to apply the amounts as they saw fit, in deference to the remarks of the Senator from Michigan. He is an able man and I am sure we could trust him to use good judgment.

With regard to supporting assistance, I think the Department of Defense has ample funds to bring the troops home if the decision is made to bring them home. I do not see how it would affect that particular point.

The real issue, as I have tried to point out, is that this existing bilateral aid program is obsolete and has run its course. I am perfectly willing to support foreign aid if it is given on a nonpolitical and a multilateral basis.

We just heard a speech by the Senator from New York with regard to how our intervention through the bilateral aid program embarrasses us. We had that situation in the case of Greece and it has happened all over the world.

In the beginning with the Marshall plan, this was not a problem because the Europeans created their own multilateral board. The plan was drawn up to accommodate such a concept. It has been the only successful part of our entire foreign aid effort.

We have misled ourselves, because of the success of that effort, by trying to follow that course throughout the world but on a bilateral basis, and it has not been successful. It has helped to get us entangled in such places as Vietnam, Laos, and Thailand.

Former Secretary of State Rusk once told me that one of the reasons justifying our involvement in Vietnam was the aid program; that the aid bill indicated Congress approved of the climate of intervention in that country. That was one of the first times I realized how far out of line we were getting by permitting such a procedure.

I think the amendment of the Senator from Idaho is a good amendment. It simply holds the aid program in status quo, pending the development of a new program. With all the talk about the Peterson committee and the requirement of the President to report and make recommendations by the end of March, I am quite sure there will be a new program submitted to the Senate. I hope it will have a heavy emphasis on multilateral assistance and a very small bilateral aspect. I am sure there will be some bilateral program; but that should be kept to a minimum.

For these reasons, Mr. President, I support the amendment of the Senator from Idaho.

Mr. CHURCH. Mr. President, I yield 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Chair advises the Senator from Idaho that when these 2 minutes have expired, all of his time will have expired.

Mr. BYRD of Virginia. Mr. President, I concur in the sentiment expressed by the senior Senator from Idaho. I see no justification for increasing the foreign aid program this year. As a matter of fact, I think it should be reduced; but in any case it should not be increased.

I support the amendment offered by the senior Senator from Idaho.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, just to sum up, everyone familiar with the program knows that it needs a thoroughgoing overhaul. It may be we will have to develop other alternatives to the present program in the future. Soon we will be examining that question in a proper way. All this amendment seeks to do is hold the present program in status quo. If this amendment is not agreed to, I fear the program will be enlarged, because once the present level of spending authorized by the pending bill is compromised with the higher House authorization, we will have an enlarged program and the appropriations process is not likely to cut it beneath the present level.

However, if we agree to this amendment, we can be relatively assured that the present level will be maintained during the next few months, when the entire subject will be taken up and reviewed by Congress.

In view of the economic conditions facing the country today, this is a prudent amendment. In view of the status of the aid program and its need for revision, this is an amendment completely in line with the responsibility of the Senate in the field of foreign relations.

Mr. President, for these reasons I hope the amendment is agreed to.

Mr. AIKEN. Mr. President, I yield 3 minutes to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, when it was first suggested in our committee that we have a continuing resolution it seemed to me that was probably the easy way out. But then we did have objection. I think undoubtedly the attitude of the House would be against it. I think the Appropriations Committees of both the Senate and the House would be opposed to it.

Then the alternative plan was agreed to by our committee to go through the suggested appropriations, decide on that, and then send simply that part to the conference, and then everything would be in conference. I believe that to be the easier way and a more satisfactory way.

The Senator from Arkansas, my good friend who is the chairman of the committee, knows that I have always supported him in his multilateral propositions, and I will continue to support him. I agree also in the statement that we should review this matter carefully during the next session. I am not at all certain we can do that in the time this continuing resolution would operate. I believe we can come nearer getting a conclusion on the bill before we adjourn than we can hope to do if we decide on a continuing resolution. I think it is a practical thing to do as we reported it from the committee.

For that reason, while I have no great enthusiasm one way or the other, I shall vote against the amendment.

Mr. AIKEN. Mr. President, I yield 2 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I hope the Senate will not agree to the amendment. I do oppose it, and I oppose it for the simple reason that I believe that any President has to have a reasonably viable foreign assistance program if he is going to be successful in the development of a responsible program with other countries who need this kind of assistance.

What I am saying here is no different from what I have said on the floor of the Senate several times in support of President Kennedy, and later, in support of President Johnson.

It is unthinkable that we would cut this item at this particular time when we need all of this money to carry on these programs. For example, foreign assistance is needed to enable us to help the Vietnamese to get into a position where we can withdraw troops. For these reasons and because I have supported foreign aid programs in the past—not that I have not criticized them—and because this is 1 percent of our total budget, I urge that the amendment be defeated.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Idaho. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Iowa (Mr. MILLER), the Senator from Vermont (Mr. PROUTY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the senator from Iowa (Mr. MILLER). If present and voting, the Senator from Arizona would vote "yea" and the Senator from Iowa would vote "nay." If present and voting the Senator from Illinois (Mr. SMITH) would vote "nay."

The result was announced—yeas 41, nays 43, as follows:

[No. 227 Leg.]

YEAS—41

Allen	Fannin	Metcalf
Bayh	Fulbright	Montoya
Bible	Gravel	Murphy
Burdick	Gurney	Nelson
Byrd, Va.	Hollings	Pearson
Byrd, W. Va.	Hruska	Proxmire
Church	Hughes	Randolph
Cook	Inouye	Russell
Cranston	Jordan, Idaho	Spong
Curtis	Magnuson	Stennis
Dominick	Mansfield	Talmadge
Eastland	McClellan	Williams, Del.
Ellender	McGovern	Young, Ohio
Ervin	McIntyre	

NAYS—43

Aiken	Hansen	Pell
Allott	Harris	Percy
Baker	Hart	Ribicoff
Bennett	Hartke	Saxbe
Boggs	Hatfield	Schweiker
Brooke	Holland	Scott
Case	Jackson	Smith, Maine
Cooper	Javits	Sparkman
Cotton	Kennedy	Stevens
Dodd	McCarthy	Thurmond
Dole	McGee	Tower
Eagleton	Mondale	Williams, N.J.
Fong	Moss	Young, N. Dak.
Goodell	Packwood	
Griffin	Pastore	

NOT VOTING—16

Anderson	Long	Smith, Ill.
Bellmon	Mathias	Symington
Cannon	Miller	Tydings
Goldwater	Mundt	Yarborough
Gore	Muskie	
Jordan, N.C.	Prouty	

So Mr. CHURCH'S amendment was rejected.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD and Mr. GRIFFIN made a motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The question is on passage of the bill.

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to my colleague (Mr. MCCLELLAN).

Mr. MCCLELLAN. Mr. President, I shall be very brief. At the beginning of this program, in 1946, I believe it was, I enthusiastically supported it because I felt there was an obligation on the part of our Government—and, in fact, a great opportunity for us—to make a contribution to rehabilitating those nations that had suffered great devastation during World War II. I enthusiastically supported what was then called the Marshall plan.

I continued to support the program, somewhat reluctantly after 1950, until 1954.

Beginning in 1955, and since that time, I have voted against the authorization bills and the appropriations for this program. I have done so because I felt that the program was fast degenerating into nothing but a giveaway program and that much of the money was being spent in vain, in so far as our professed objectives were concerned, and that we were making a futile attempt to buy friends with the expenditures under this foreign aid program.

I still am of that same opinion. I have not changed my view. And, that purpose has failed. We have in fact lost friends. We have fewer now than we had when this program began.

In 1965, I spoke on the floor of the Senate against the foreign aid appropriation bill. At that time, I urged that this program be stopped and that we start anew, and if there was any merit for expenditures of this kind, that the whole program should be revised. In that address, I said:

Mr. President, I was disappointed that efforts to end the present foreign aid program did not prevail earlier this year when we considered the authorization bill. The American people have been saddled with this burdensome program long enough and it is regrettable that Congress failed to grasp the opportunity offered at that time to impose a deadline on this program and call for a re-examination of objectives that our national self-interest dictates we should pursue in this field.

Since that time many billions of dollars have been expended. If the figures that have been provided me are correct, we have spent a total of $135.5 billion in this program since 1946. Of that amount, $116.805 billion has not been recovered. We will never get this money back. It is gone. In other words, we are out that much money.

That amounts to more than $5.3 billion a year. We certainly have not gotten that much benefit from it. In fact, ever since 1950 we could have well dispensed with the entire program. We would have saved billions of dollars had we done so.

I want to take this occasion to express my appreciation to the Foreign Relations Committee and to express my encouragement in the contents of its report. I read from page 4 thereof:

When all is considered, it is remarkable that the committee has recommended a foreign aid bill at all this year.

I agree, Mr. President.

The fact that it did so is recognition by a majority of the committee members that the program is in the national interest and should be continued until a better alternative is found. However, a substantial minority believes that the program approved goes far beyond that justified, in view of our perilous economic situation, vast social needs, and overcommitment around the world.

I am in wholehearted accord with the minority views. I am encouraged that such a substantial proportion of the members of the Foreign Relations Committee now have that view; and it is my hope that that view, the next time we have before us an authorization bill for foreign aid, will prevail in the committee, and no bill will be reported.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCLELLAN. I ask for 1 additional minute.

Mr. FULBRIGHT. I yield the Senator 2 more minutes.

Mr. MCCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD, following my remarks, excerpts from my speech before the Senate on foreign aid appropriations in March of 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCLELLAN. Mr. President, the situation in this foreign aid program continues to worsen. It is worse now than it was in 1965. Foreign aid should have been stopped then. It should be stopped now. I hope this is the last time that there will be presented to this body a measure of this character.

There is still around $5 billion in the pipeline, aside from this authority and aside from what we will appropriate this year. That $5 billion, when expended, should be the end of this futile, giveaway, boondoggling, worldwide program. Mr. President, I shall once again vote against this unwarranted waste of public funds.

EXHIBIT 1

FOREIGN AID APPROPRIATIONS, (H.R. 10871)

(Remarks of Senator JOHN L. MCCLELLAN, in the U.S. Senate)

Mr. President, I shall vote against the pending foreign aid appropriation bill. It represents an extravagant waste of American tax dollars in furtherance of misguided or confused policies. The American people are increasingly opposed to this vast program of waste, and I have been opposed to it since shortly after the end of the Marshall Plan era.

I think most would agree that the aid and assistance furnished under the Marshall Plan to countries devastated by war was a graphic demonstration of America's humanitarian concern for the welfare of the peoples of the world, and certainly was in the best tradition of our concept of democracy in action. I supported it. But that program had guidelines, definite goals, and cooperation by the recipients. It served a worthy purpose and was successful.

Today, more than $100 billion later, we find an aimless foreign aid program floating about in a sea of bewilderment that is at odds with reality. The most tangible, realistic thing about the program is its excessive cost, while its intangible results have been increased involvement with more and more countries, growing resentment by the recipients of our aid, and deepening concern over the direction in which this drifting program is taking the United States.

Since fiscal year 1946, the United States has been engaged in an outpouring of American tax dollars at alarming proportions under the guise or foreign aid. Some 110 countries and territories of the world have been served by it. Today, anyone would be hard-pressed to demonstrate any concrete, constructive results achieved during the past few years as a consequence of this folly.

In the post-World War II period, the public debt of this Nation has risen by almost $50 billion. This means that we have been borrowing money to finance this foreign aid program.

The Russians have said that they will bury us. The only way we will be buried is to bury ourselves by the simple expedient of continuing deficit spending that will be followed by inflation and economic chaos.

The best hope for the free world in the long run is a strong America—strong both militarily and economically. All too often we rely only on our military might and tend to forget the vital importance of maintaining a strong economy and sound fiscal policies. In fact, it has become fashionable and sophisticated to think only in terms of deficit spending and larger indebtedness.

Many feel—and our Government is now proceeding on the theory—that in relation to the rise in the gross national product, an increase in the national debt of $4 or $5 billion annually is of no consequence; that this excessive spending is a healthy stimulant; that large annual deficits create no inflationary pressures.

Mr. President, with that premise, I do not agree. Heavy habitual deficit spending cannot possibly continue indefinitely without detrimental effects. This, coupled with the critical balance of payments deficit and related factors, could cause serious trouble, and I believe will do so, if not remedied.

The deficit for the fiscal year 1965 was $3.474 billion, and our debt limit now stands at $329 billion. I suggest that one means of reducing the deficit of $3.474 billion would have been to eliminate the foreign aid program—or at least a portion of it.

The pending bill seeks appropriations of $3.907 billion for foreign assistance but the agriculture appropriations request includes $1.658 billion for the food-for-peace program so we are dealing with total foreign aid expenditures of more than $5.5 billion. . . .

Mr. President, I was disappointed that efforts to end the present foreign aid program did not prevail earlier this year when we considered the authorization bill. The American people have been saddled with this burdensome program long enough and it is regrettable that Congress failed to grasp the op-

portunity offered at that time to impose a deadline on this program and call for a reexamination of objectives that our national self-interest dictates we should pursue in this field.

We have given repeated expressions of this Nation's humanitarian concern for the welfare of the peoples of the world, but in so doing, I wonder if we have not lost sight of the reason why we took the initiative in offering foreign aid following World War II. Was it not then our purpose to rebuild countries torn asunder by war—was it not to resurrect suffering economies—and was not this latter goal tied explicitly to our own self-interest in promoting world markets? But how is the interest of America served under today's program? Surely America's welfare and future destiny are not dependent upon our perpetuating this useless and fruitless policy of indiscriminate foreign aid spending.

If this Nation has something to contribute to mankind—as I am convinced that it does—then it must surely be something a bit grander than mere benevolence. The greatest gift that this country can ever hope to offer other nations of the world is the simple notion of self-government—the simple notion of individual freedom—and the simple principles of the free enterprise system. And, Mr. President, these are precious commodities that gold alone cannot buy. Nor are they exportable in instant form. For these simple notions to take root and flourish they must fall on receptive soils. Therein, I think, lies the fault with much of our previous efforts with foreign aid. We have sought to sow before the grounds were prepared—and in many instances before the fields were even cleared. We tend to forget, or overlook, that what this great country achieved in just a few short years has not been equaled by other countries boasting civilizations extending back centuries before America was discovered. The significant technological advances made in our space program are ample evidence of the fact that we are able on occasion to "leapfrog" as it were in attaining even more advanced and sophisticated levels. But I think we err when we think we can apply this leapfrogging technique to the developing nations of the world by simply giving them money.

And how will the future historians assay the role our foreign aid program played in the bitter struggle between India and Pakistan? Two neighboring nations have been locked in combat, using American supplied weapons and money furnished under the guise of foreign aid testify to the crying need for a reappraisal of this program. At the moment a cease-fire agreement is in effect, but at most it is fragile and insecure.

Billions of dollars and untold weapons of war have been poured into both countries. Almost $8 billion in economic aid alone has been dumped into these countries since World War II. [$5.2 billion for India and $2.6 billion for Pakistan]. And to what end? Certainly not so that they could afford to fight like spoiled children. A nation with the resources of America should exercise the greatest possible caution and prudence in any program to share its bounty with the less fortunate countries of the world.

The combatants in that struggle cannot afford the burdensome toll that war exacts. And, one wonders if that conflagration would have flared and spread without the aid furnished by us. But this much we can foresee, that regardless of the outcome, more raids will be made on America's treasury.

Americans seem increasingly to be geared to a credit-card way of life, but I seriously doubt America's capacity—great as it is—can long honor credit cards for all the nations of the world.

Mr. President, we have all read of the waste and inefficiency associated with the foreign aid program so much over the years that we tend to accept it—waste—as inevitable. However, this year, no less authority than the General Accounting Office, the auditing agency for the Congress, indicted the program by saying that there is more waste in the foreign aid agency than in any other civilian agency in the Government. Testifying before the Senate Foreign Relations Committee, the Comptroller General, Mr. Campbell, said: ". . . the aid program is in a class by itself with respect to waste."

And in this instance he wasn't referring to the shipment of TV sets for jungle villages with no electric power, or to shipment of "royal bee" sex rejuvenator for Nationalist China. The Comptroller General was speaking in terms of waste on a much larger scale. For example, the Comptroller pointed out that the Agency for International Development, the bureau handling the foreign aid program, unnecessarily spent almost $4 million to finance goods produced in one aid-receiving country for shipment to other aid-receiving countries, even though such purchases could have been made with U.C.-owned foreign currencies in those countries rather than with dollars.

Also, some $7 million in interest was lost in the Republic of China in a two-year period because someone neglected to get an agreement whereby the Chinese government should pay interest on the large holdings of U.S.-owned foreign currency in that country.

The Comptroller reported that the Turkish bituminous coal industry continued to suffer from inefficient operations despite U.S. dollar and foreign currency aid of at least $68 million. In addition, about $18 million had been provided to three enterprises for the procurement and erection of facilities (grain storage facilities, meat-packing plants, and a coal-drying plant) which were barely used, although they had been completed for 2 or more years.

The assistance furnished had contributed little toward improving operations of the enterprises.

Also, the General Accounting Office reported that about $54 million in grant-in-aid assistance for development projects in the Philippines had been furnished which substantially exceeded Philippine capabilities to effectively absorb, maintain, and utilize with the limited country funds allocated for this purpose. As a result, the projects, involving highways, dredges, piers and wells, had not achieved the economic development benefits that could have been reasonably expected had adequate levels of support been made available by the Philippine Government.

Added to these wasteful examples are, of course, the oft-repeated incidents of providing countries with equipment far too sophisticated for adaptation and use by the recipient, and the many failures to get firm commitments from recipient countries whereby proper maintenance and use will be made of equipment and/or facilities furnished with American dollars.

* * * * *

These problems are bad enough, but they reflect primarily on the administration of this program. Another area that to me is intolerable reflects primarily on the policy of the foreign aid program. And that intolerable situation is where American property has been attacked, burned and destroyed in the very countries receiving our aid. In Pakistan just this week a mob of several thousand attacked our embassy in Karachi and burned a U.S.I.S. library. And other anti-American demonstrations occurred in Lahore and Dacca. . . .

We seem to have engendered a widely held view that this country owes an obligation to aid every less developed country in the world and we certainly are not helping to dispel this misconception by tolerating continued abuses of our personnel and property abroad.

Earlier this year a tabulation of such incidents printed in the Congressional Record listed 51 occurrences of this nature between July 1962 and December 1964. We are all familiar with these insufferable abuses, Mr. President, and yet we continue to tolerate them. . . .

Consider the situation with Nasser of Egypt who says we can take our aid and jump in the lake, and yet we give him more. Or Sukarno of Indonesia who says he doesn't need our foreign aid and then he confiscates our rubber plantations and libraries. Each of these countries has received U.S. aid amounting to nearly $1 billion since World War II.

And what of France, a country owing us billions in war debts, while General de Gaulle seeks to embarrass the United States by making repeated calls on our gold reserves.

We provide no direct aid to France now, but it would appear that the unprecedented—nearly $10 billion—we have extended to France over the years since 1946 has gone for naught so far as General de Gaulle's gratitude is concerned. Perhaps we should require that France repay her World War I debts of $6.5 billion in gold. Certainly this would be in keeping with De Gaulle's principles, and his peculiar passion for gold.

Burned American libraries and smashed embassy windows stand as stark reminders that the billions of dollars this Nation has contributed are not enough to buy friendship. Indeed, they furnish ample evidence that dollar diplomacy has never and will never prove a successful substitute for establishing and maintaining, on the basis of justice and reciprocal respect, effective international relations.

This country—the wealthiest nation the world has ever known—is still not so abundantly rich that it can rely solely on the dollar to promote and protect our interests and position abroad.

Moreover, Mr. President, I am deeply concerned over the deleterious impact that the continuing foreign aid program has on our balance-of-payments deficit.

Members are well aware of this situation, and will recall that only a short time ago Congress was asked to enact the gold cover bill in order to afford time for the administration to take steps to reduce the continuing U.S. balance-of-payments deficit. I have long been a critic of policies which contributed greatly to the predicament this deficit has presented, particularly in the area of foreign aid. However, I supported the gold cover legislation on the basis of the President's assurances of taking affirmative action to reduce and eliminate this deficit by taking advantage of the opportunity afforded by that measure.

And the result today is not altogether reassuring in that regard, Mr. President. I realize that it is perhaps still too early to expect any significant or sustained reversal of the trend that gave rise to this problem, but it is a serious matter and we should not lose sight of the consequences it may bring. The United States has had 14 balance-of-payments deficits in the past 15 years, totaling $35 billion, and we cannot afford to relax our efforts to arrest and reverse this trend.

And I think it is clear, Mr. President, that foreign aid will continue to adversely affect our balance-of-payments position.

In this connection we might do well to heed the warnings recently issued by Federal Reserve Chairman William McC. Martin on the similarities of the conditions today with those of the 1920 era. At that time, just as now, he said, Britain and the United States were both in balance-of-payments difficulties and France decided to convert its payments' surplus into gold.

We need to bear this in mind as we consider the pending foreign aid bill, Mr. President. And we need improvement in the clarity and meaningfulness of our policies to the end that confusion will be eliminated and misunderstandings will be avoided. We should endeavor to provide a more positive leadership, defining our purpose and objec-

tives in language that will hardly permit misinterpretation and in terms that neither friend nor foe should misunderstand.

Mr. President, if we were to shut off any further assistance this very minute we would still find the foreign aid pipeline clogged with many unspent billions of American dollars—approximately $5,000,000,000 now. I think that it is time to turn off the spigot and clear the pipeline, and then chart a clear course before we dare set sail again on the expensive expanse of the foreign aid sea.

Let us not pave the road to economic chaos with ill-conceived programs contrived and peddled with the zeal of a missionary. If we are to remain in this foreign aid business—and this now seems as certain as death and taxes—then let's be a bit more hard-headed in our transactions and promote the formula that made America great . . . a formula of self-help, self-reliance and self-interest.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I yield the Senator from Virginia 5 minutes.

Mr. BYRD of Virginia. Mr. President, I shall vote against the foreign aid authorization bill.

I see no justification for increasing this program, as the proposed legislation would do. We should be reducing Federal expenditures for nonessential programs.

During the past 23 years, more than $122 billion has been spent on foreign aid; and in addition to that, $60 billion in interest has been paid by the American taxpayer.

It seems to me this foreign aid program is outmoded.

It needs to be modernized if it is to be continued. I agree with the senior Senator from Arkansas that the program should be stopped and, if we are to have a foreign aid program, it should be revised, revitalized, and modernized.

Therefore, Mr. President, I shall vote in the negative when the roll is called on the foreign aid authorization.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Idaho.

Mr. CHURCH. Mr. President, I speak this afternoon as one who has customarily supported the foreign aid program in the past. I believe in the principle of giving assistance to less fortunate peoples. I believe that the United States, within its means, has an obligation to make a contribution to the underdeveloped countries of the world. So it is with reluctance that I shall cast my vote against the foreign aid bill this year.

I do so because the bill has been so changed, with the passing years, that it no longer represents an aid program at all. Early next year, when I have an opportunity to address the Senate on this subject in a more detailed, considered, and contemplative way, I shall attempt to illustrate why this is no longer an aid program in any true sense of the word. Suffice it to say today that we have reached the point where, in the fiscal year last concluded, $193 million more came back into the United States, through the foreign aid program, than left the county in aid of foreign governments. When the program reaches that point, it is no longer an aid program to foreign countries; it is rather, if anything, an aid program to ourselves. By tying American loans to the purchase of American goods and services, this has become simply an elaborate Government subsidy to procure goods and services in this country for use abroad.

As such, it merely adds to the totality of public expenditures at a time when inflationary pressures really impose an obligation upon Congress to cut back on such spending.

As I say, Mr. President, I hope to make a detailed, factual, and carefully considered argument against the foreign aid program, as it is presently constituted and administered, when time permits, but until that time comes, this brief explanation will have to do. I shall vote against the bill on final passage.

Mr. PERCY. Mr. President, today there are 3½ billion people inhabiting this planet. This is half a billion more than there were only 10 years ago and only half the number there will be by the year 2000 if the current trend in population growth continues.

By the end of this century, then, there will be 7 billion people to share in the resources found here on earth. It is no wonder that in his message on population growth to the Congress the President said:

One of the most serious challenges to human destiny in the last third of this century will be the growth of the population.

While a growing population presents serious problems in already developed nations such as our own, it is a particularly grave challenge to those countries which are still underdeveloped. In these countries, the benefits of economic and social development can be greatly endangered or totally negated by too rapid a population growth. Agricultural progress will not meet the nutritional needs of the people. Industrial advancement will not raise the standard of living. Educational facilities will not meet the aspirations of their youth.

It is, therefore, imperative that adequate, effective family planning programs be initiated in these countries. The North Atlantic Assembly recognized this need when its members adopted a resolution I submitted on population growth. By unnanimously approving this resolution, the assembly recommended that "all countries give the highest priority to programmes of population control in order that per capita living standards can be raised and that developed nations assign a high priority to family planning within their own foreign aid programs to the developing nations."

The members of the Foreign Relations Committee have also recognized the importance of population planning programs for social development by increasing the authorization for such programs to $100 million. I had urged that this amount be allocated and commend the members for their action.

I feel that we can still do more to provide incentives to nations to undertake family planning programs. For example, we can provide that 5 percent of the total AID funds allocated to each country will be earmarked for the implementation of such programs. Any country not wishing to utilize the full 5 percent would receive only that proportion of the funds it felt could be expended. The remainder would be distributed through regional or international programs as additions to their funds.

Senators BROOKE, GRAVEL, MCGOVERN, MAGNUSON, METCALF, NELSON, and PACKWOOD have joined me in an amendment to the Foreign Aid Act which would make this provision. Because of considerations of time and policy, I will not call up this amendment this session. I would, however, hope that it would be given consideration during the next session.

Mr. BYRD of West Virginia. Mr. President, I shall vote against the foreign aid bill, H.R. 14580.

The amount approved by the committee is $21,750,000 more than it recommended last year and $195,200,000 more than the Congress appropriated for fiscal year 1969.

It is true that the total amount which the bill carries, $1,967,650,000, is less than the administration's request of $2,630,400,000. But the amount which the bill authorizes is still excessive, in my judgment.

Mr. President, I believe that we must be guided in this matter by what is best for the United States of America here at home, not by what may be thought merely desirable for some nation half way around the globe—a nation that may even hold us in contempt.

The realities of the world situation indicate to me that the principle of foreign aid—which may have been valid at one time—is increasingly becoming an exercise in futility.

It is becoming more and more difficult to produce tangible evidence that the best interests of our own country are, in fact, being served by these large expenditures which we have been making over the years.

Mr. President, a poll conducted by one of the leading radio news networks in the last few weeks shows that the greatest concern of the American people is for the money which the Federal Government spends unwisely or wastefully. I doubt very seriously that, if the question of foreign aid could be referred to the people themselves, a favorable vote could be obtained.

The primary duty of this Government is to its own people. The Federal taxes which it collects are too high. Inflation continues to take its toll. Where better can spending be cut and money saved than in this unnecessary largesse squandered upon those who do not have our interests at heart?

I have long opposed the questionable and inefficient programs which masquerade under the guise of foreign aid, and I oppose such programs ever more strongly now.

We have given money to too many countries, and we have given it for too many years. Instead of the proponents' familiar cry of "too little and too late," I believe that the United States has given too much for too long.

Mr. President, the committee report, No. 91–603, which accompanies H.R. 14580, acknowledges that disenchantment with the foreign aid program has grown, even among members of the com-

mittee, in recent years. Let me quote from page 3 of the report, verbatim, the portion under the heading "Committee Comments":

COMMITTEE COMMENTS

For the last several years, the dissatisfaction of most committee members with the foreign aid program has increased. Two years ago, the committee's report on the foreign aid bill stated:

"Many members felt that there was inadequate justification for continuing foreign aid at approximately the same level as the last fiscal year in view of mounting war costs and the Government's worsening fiscal situation. Others believed that drastic changes were needed in the foreign aid program, and that it had been oversold as a cure-all, both at home and abroad. Some viewed the aid program as tending to involve the United States unnecessarily in the political and social affairs of other countries, making it more likely that the United States would in the future find itself involved in more Vietnams. Perhaps the most common attitude among members was the feeling that foreign aid policy has not kept pace with a changing world and that all too often dollars were applied in an attempt to serve as a substitute for sound policies."

Since that time the committee's skepticism has deepened. The initial focus this year in the committee discussion of foreign aid was not on the size or makeup of an aid bill, but on whether there should be an aid bill at all.

I see no reason, Mr. President, to cling to a program that has become ineffective. There is no logic in throwing good money after bad.

If 2 years ago members of the committee felt that "all too often dollars were applied in an attempt to serve as a substitute for sound policies," it is little more than wishful thinking to imagine that this situation has improved of itself in the interim.

Sound government, Mr. President, realistic government, demands that we have the courage to discontinue programs which no longer do what they are supposed to do and which have long since outlived their usefulness.

Foreign aid falls in this class, in my judgment, and I shall vote against this bill. There are undoubtedly some countries which we, in our own interests, should aid, and if we would confine our aid only to those countries, I would vote for the bill, but we have promiscuously squandered too many dollars in too many countries for too long. So it is time to stop.

We are faced with having to vote for the bill in its entirety or against it. Consequently, I shall vote against the foreign aid bill today as I have for the past several years.

Mr. FULBRIGHT. Mr. President, I am prepared to yield back the remainder of my time.

Mr. AIKEN. I yield back the remainder of the time in opposition.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Vermont (Mr. PROUTY) and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Maryland (Mr. MATHIAS) would vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from Illinois would vote 'yea," and the Senator from Arizona would vote "nay."

The result was announced—yeas 52, nays 31, as follows:

[No. 228 Leg.]

YEAS—52

Aiken	Hart	Pastore
Allott	Hatfield	Pearson
Baker	Holland	Pell
Bayh	Hughes	Percy
Bennett	Inouye	Proxmire
Boggs	Jackson	Randolph
Brooke	Javits	Ribicoff
Case	Kennedy	Saxbe
Cooper	Magnuson	Schweiker
Cotton	McCarthy	Scott
Cranston	McGee	Smith, Maine
Dodd	McIntyre	Sparkman
Dominick	Metcalf	Spong
Eagleton	Miller	Tower
Fong	Mondale	Williams, N.J.
Goodell	Moss	Young, Ohio
Griffin	Nelson	
Harris	Packwood	

NAYS—31

Allen	Ervin	McClellan
Bible	Fannin	Montoya
Burdick	Fulbright	Murphy
Byrd, Va.	Gravel	Russell
Byrd, W. Va.	Gurney	Stennis
Church	Hansen	Stevens
Cook	Hartke	Talmadge
Curtis	Hollings	Thurmond
Dole	Hruska	Williams, Del.
Eastland	Jordan, Idaho	
Ellender	Mansfield	

NOT VOTING—17

Anderson	Long	Smith, Ill.
Bellmon	Mathias	Symington
Cannon	McGovern	Tydings
Goldwater	Mundt	Yarborough
Gore	Muskie	Young, N. Dak.
Jordan, N.C.	Prouty	

So the bill (H.R. 14580) was passed.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officed appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. CHURCH, Mr. AIKEN, and Mr. CASE conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendment to H.R. 14580.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senator from Arkansas (Mr. FULBRIGHT) is again to be commended for his highly capable handling of the foreign aid authorization measure. Both in committee and on the floor today, he applied the same high degree of ability and competence that have characterized all of his many years of public service. As always, the Senate welcomed his thorough and articulate explanation of all the many facets of our foreign aid program. He is to be commended.

Joining Senator FULBRIGHT in presenting this measure to the Senate was the able and distinguished senior Senator from Vermont (Mr. AIKEN), the ranking minority member of the Committee on Foreign Relations. His splendid cooperation and outstanding contribution assured the swift and efficient disposition of the measure.

Noteworthy also were the contributions of the Senator from Maine (Mr. MUSKIE), the Senator from Idaho (Mr. CHURCH), and the Senator from New York (Mr. JAVITS). Their views and the amendments they offered provided the impetus for a far-reaching and high-level discussion of this Nation's position in world affairs. To them, to the Senator from Connecticut (Mr. DODD), and to the many others who joined the debate, goes our deepest gratitude. I wish to thank the Senate as a whole for joining to assure the expeditious handling of this measure with full regard for the views of each Member.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 210) to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 10) authorizing the President to proclaim the second week of March 1970, as Volunteers of America Week.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14916) making appropriations for the government of the District of Columbia and

other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NATCHER, Mr. GIAIMO, Mr. PATTEN, Mr. PRYOR of Arkansas, Mr. MAHON, Mr. DAVIS of Wisconsin, Mr. RIEGLE, Mr. WYATT, and Mr. Bow were appointed managers on the part of the House at the conference.

AUTHORIZATION FOR PRINTING OF MANUSCRIPT AS A SENATE DOCUMENT

Mr. ERVIN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 44.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 44) to authorize printing of manuscript entitled "Separation of Powers and the Independent Agencies: Cases and Selected Readings," as a Senate document, which was to strike out lines 8 through 11, inclusive, and insert:

SEC. 2. There shall be printed six thousand additional copies of the document authorized by Section 1 of this concurrent resolution of which one thousand shall be for the use of the Senate Committee on the Judiciary, and five thousand shall be for the use of the House of Representatives.

Mr. ERVIN. Mr. President, the concurrent resolution was passed by the Senate some time ago. It permitted the printing of a certain document as a public document and provided that there be 1,000 copies for the Senate. The House amended the concurrent resolution so as to provide an additional 5,000 copies for the House.

Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 561, H.R. 6543.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with amendments, on page 3, line 19, after the word "Island." insert "The term 'State' includes any political division of any State."; on page 4, line 10, after the word "Warning:", strike out "The Surgeon General Has Determined That" and insert "Excessive"; in line 12, after the word "Health", strike out "and May Cause Lung Cancer or Other Diseases.'"; in line 22, after "(b)", strike out "No statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.", and insert "No other requirement or prohibition based on smoking and health shall be imposed by any State statute or regulation with respect to the advertising or promotion of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.".

On page 5, after line 4, strike out:

"(c) Except as is otherwise provided in subsections (a) and (b), nothing in this Act shall be construed to limit, restrict, expand, or otherwise affect, the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes, nor to affirm or deny the Federal Trade Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement.

"(d) (1) The Secretary of Health, Education, and Welfare shall transmit a report to the Congress not later than eighteen months after the effective date of this Act, and annually thereafter, concerning (A) current information on the health consequences of smoking and (B) such recommendations for legislation as he may deem appropriate.

"(2) The Federal Trade Commission shall transmit a report to the Congress not later than eighteen months after the effective date of this Act, and annually thereafter, concerning (A) the effectiveness of cigarette labeling (B) current practices and methods of cigarette advertising and promotion, and (C) such recommendations for legislation as it may deem appropriate.

On page 6, after line 2, insert a new section, as follows:

"UNLAWFUL ADVERTISEMENTS

"SEC. 6. It shall be unlawful to advertise cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission on or after January 1, 1971.

After line 7, insert a new section, as follows:

"FEDERAL TRADE COMMISSION

"SEC. 7. (a) The Federal Trade Commission, having notified the Congress of its intention to suspend its pending proposed trade regulation rule relating to cigarette advertising, shall continue such suspension in effect for eighteen months after the cessation of broadcast advertising of cigarettes, and the Commission shall thereafter notify the Congress of any proceeding to renew or to initiate any trade regulation rule it may hereafter determine upon relating to the advertising of cigarettes, and shall include a full statement of the reasons for any proposed action which the Federal Trade Commission desires to renew or to initiate.

"(b) Except as provided in subsection (a) nothing in this Act shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes, nor to affirm or deny the Federal Trade Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement, including the tar and nicotine content.

On page 7, after line 3, insert a new section, as follows:

"REPORTS

"SEC. 8. (a) The Secretary of Health, Education, and Welfare shall transmit a report to the Congress not later than January 1, 1971, and annually thereafter, concerning (A) current information in the health consequences of smoking, and (B) such recommendations for legislation as he may deem appropriate.

"(b) The Federal Trade Commission shall transmit a report to the Congress not later than January 1, 1971, and annually thereafter, concerning (A) the effectiveness of cigarette labeling, (B) current practices and methods of cigarette advertising and promotion, and (C) such recommendations for legislation as it may deem appropriate.

At the beginning of line 18, change the section number from "6" to "9"; at the beginning of line 22, change the section number from "7" to "10"; on page 8, at the beginning of line 4, change the section number from "8" to "11"; at the beginning of line 14, change the section number from "9" to "12"; after line 18, strike out:

"TERMINATION OF PROVISIONS AFFECTING REGULATIONS OF ADVERTISING

"SEC. 10. The provisions of this Act which affect the regulation of advertising shall terminate on July 1, 1975, but such termination shall not be construed as limiting, expending, or otherwise affecting the jurisdiction or authority which the Federal Trade Commission or any other Federal agency had prior to the date of enactment of this Act."

And on page 9, after line 2, strike out:

SEC. 3. The amendments made by this Act shall take effect on July 1, 1969.

And, in lieu thereof, insert:

EFFECTIVE DATE

SEC. 3. Section 5 of the amendment made by this Act shall take effect as of July 1, 1969. All other provisions of the amendment made by this Act shall take effect on January 1, 1970.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I had thought that the bill which I have just called up would take any great length of time, I would not have called it up. And if it does take any great length of time, it will be my intention to lay it aside.

The bill is of great importance. After having cleared the matter with all interested parties, I am about to propound a unanimous-consent request.

Mr. President, I ask unanimous consent that upon the conclusion of the opening remarks of the Senator from Utah (Mr. Moss)—which I understand will not exceed 15 minutes—there be a time limitation on each amendment of 40 minutes, equally divided between the Senator from Utah (Mr. Moss) and the Senator from New Hampshire (Mr. COTTON) or whomever they may designate, provided that there shall be an additional 30 minutes on any amendment to an amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Is there objection?

Mr. MOSS. Mr. President, reserving the right to object, I do not want to be——

The PRESIDING OFFICER. The Senate will be in order.

Mr. MOSS. I do not wish to mislead the Senate in any way. My opening remarks will take more than 15 minutes.

Mr. MANSFIELD. Could the Senator tell us how long it will take? If we would

be here too late, it would be my intention to go on to other business. This was done in good faith, and the information brought back to me was that the Senator was going to speak for not to exceed 15 minutes.

Mr. MOSS. I insisted 3 times that it would take longer than 15 minutes.

Mr. MANSFIELD. If it will take too long, I think we ought to put it off. It is getting a little late, and in that event it would be foolish to bring it up at this time.

Mr. MOSS. My remarks will take probably 40 minutes.

Mr. SCOTT. I would hope that other matters could be brought up, in that case.

Mr. MAGNUSON. If the Senator from Utah feels that he needs 40 minutes, he has done a great deal of hard work——

Mr. MANSFIELD. I know. I am thinking of the other Senators.

Mr. MAGNUSON. In view of that, I doubt that, with three amendments, we could finish this matter tonight, unless we stay until 8 or 9 o'clock.

Mr. MANSFIELD. That is a little too late, even for me.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MOSS. It is my estimate that two of those amendments will be very short. As a matter of fact, the discussion that has gone on leads me to believe that neither one will take very long. The third one might take the length of time that has been requested.

Mr. PASTORE. Mr. President, reserving the right to object, it is now 5 o'clock. If it is going to take 40 minutes, 40 minutes usually means almost an hour. Then we are going to have a prolonged amendment, and we have two other amendments.

We should make up our minds that we will be here until 9 o'clock to finish this matter; and if we are not going to stay here until 9 o'clock, there is no reason to start it. We will be held up from 5 until 8 o'clock without any result at all. I think we ought to resolve it now. If it is going to go beyond 8 o'clock and we are not going to stay to finish it, I think we ought to resolve it now.

Mr. MANSFIELD. I renew my request, because I think all those involved, who are aware of the circumstances, will react accordingly.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I hope we will finish long before 8 o'clock.

Mr. MOSS. I hope so, too.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, I ask unanimous consent that all committee amendments be agreed to en bloc and that the bill, as amended, be treated as original text for the purpose of further amendments.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, if the Senator will yield briefly, may I say that the purpose of bringing this matter up tonight is to avoid a meeting tomorrow.

Mr. BAKER. Mr. President, reserving the right to object—and I do not think I will object—I did not hear the unanimous consent request.

Mr. MOSS. It is a request that all the committee amendments be considered en bloc and be considered original text that may be amended then. In other words, this puts the committee bill before us as though it were the original text.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Reserving the right to object, Mr. President——

Mr. COTTON. Mr. President, the purpose of the request is not clear to me. A bill has been reported. We know that there are at least three amendments to be offered—probably four. What is the Senator's request? How does it change that?

Mr. MOSS. A bill came to the Senate from the House. The committee amended the House bill. I have asked unanimous consent that the bill, as we amended it in committee, be considered original text, and that we then may propose amendments to it as though it were original text.

Mr. COTTON. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. If this unanimous-consent request is agreed to, will it affect the standing of amendments that are subsequently offered, as to whether they are in the first or second degree, and whether substitutes can be offered?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that it would have some effect but the amendments that the Senator from New Hampshire is concerned with would be in order.

Mr. COTTON. I intend to offer my amendment (No. 419) as a substitute. It is likely that others will want to amend the substitute. If this unanimous-consent request is agreed to, would it preclude that?

The PRESIDING OFFICER. No; it would not. The Senator still could do it.

Mr. MOSS. As a matter of fact, it is to avoid that problem that I made the request.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. As I understand, if the unanimous-consent request made by the Senator from Utah is agreed to, it means that the bill as it came from the House and as it was amended by the Senate committee becomes the bill for the purpose of further amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. ERVIN. In other words, the unanimous-consent request, if agreed to, would be equivalent to the Senate adopting the committee amendments to the bill.

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. MOSS. Mr. President, we have before us a piece of proposed legislation which could have far-reaching effects on the health and well-being of the American people—the Public Health Cigarette Smoking Act of 1969. When I say this, I am not being a wild-eyed dreamer. I am looking at this problem from the most practical standpoint—the tremendous cost of a ridiculous and unnecessary habit in terms of dollars and cents, services lost to business and industry, lives lost forever.

Our Nation today is faced with soaring hospital costs; our medical care facilities are coming to the point where they will not be able to care for the growing number of chronically ill people; there are not enough funds to provide intensive care units for emphysema and heart disease patients; millions are being paid from social security funds to aid relatively young and still productive people who are unable to use those skills because they are disabled by chronic respiratory disease and heart conditions.

As we consider this legislation, I ask Senators to think of how much of this medical expense could be avoided, how many lives could be saved, how many careers extended by the very simplest act—giving up smoking.

It is easy for me, a nonsmoker, to stand here and say this. But I know many people cannot give up smoking easily. They have had the habit too long; and they are reinforced in this habit by a continuous barrage of slick advertising which depicts the cigarette as an innocuous partner in a charming social setting.

I say that we cannot stand by and do nothing for these people. We, as public representatives have an obligation to the 50 million people who now smoke cigarettes, the untold millions of potential smokers, and their families who will bear the grief and medical cost of death and disability resulting from smoking. We have an obligation to protect them from clever and appealing lures to adopt or continue this most serious health hazard.

The tobacco industry tries to tell us that the case against cigarette smoking has not been proved. Yet, four technical reports from the Public Health Service, based on reviews of tens of thousands of research studies, tell us the opposite. I am sure we can all remember vividly that day in January 1964 when Dr. Terry revealed the findings of the first smoking and health report. The Nation was momentarily shocked at the news: to wit, cigarette smokers, taken together, have a 70 percent higher death rate than nonsmokers; they have a 70 percent higher death rate from coronary heart disease; a 500 percent higher death rate from bronchitis and emphysema; and a 1,000 percent higher death rate from lung cancer. The three medical reports which have followed have produced evidence which strengthens the enormity of the indictment against cigarette smoking.

These are raw statistics. Let us take a moment to look at this picture from the human angle—what it means to the men and women of the country.

CHART 1—DEATH RATES—MALES 45–64

Men in their midde years—their most productive years—are most seriously affected by cigarette smoking. You can see from this chart most dramatically the extremely high toll that smoking takes. Not only are the death rates from the major causes—heart disease and cancer—higher, but the overall rate for smokers is almost twice as high as that of nonsmokers. One third of all deaths in the age group 35–59, which is even younger than depicted on this chart, are excess deaths which would not have occurred if it had not been for smoking.

Looking at this picture in still another way, these men, especially those who are heavy smokers, are cutting their lives short by as much as 8 years. Now this may not seem significant to the younger generation, but to those approaching their allotted three score years and ten, 8 years can be a considerable amount of time. Even the light smoker, one who perhaps smokes less than a pack a day, could lose about 5 years of his life expectancy.

I. Death rates of cigarette smokers versus nonsmokers by selected diseases related to smoking, males, age 45–64 (rates per 100,000 person-years)

Deaths from all causes:	
Never smoked regularly	708
Smoker	1,329
All cancer:	
Never smoked regularly	125
Smoker	267
Lung cancer:	
Never smoked regularly	11
Smoker	87
All heart and circulatory:	
Never smoked regularly	422
Smoker	802
Coronary heart disease:	
Never smoked regularly	304
Smoker	615
Violence, accidents, suicide:	
Never smoked regularly	60
Smoker	72

CHART 2—DEATH RATES—FEMALES 45–64

The various smoking reports indicate that the situation is substantially the same for women. There was a time when it was believed that women were somehow immune to the effects of smoking. This was probably due to the fact that fewer women smoked and those who indulged did not smoke as much as men. This picture has changed, as smoking has become socially acceptable for both sexes. As this chart shows, women who smoke do have higher death rates generally, and higher rates from lung cancer and heart disease than women who do not smoke. One out of 14 deaths among women in the highly important age span, 35 to 59 years, is associated with cigarette smoking.

II. Death rates of cigarette smokers versus nonsmokers by selected diseases related to smoking, females, age 45–64 (rates per 100,000 person-years)

Deaths from all causes:	
Never smoked regularly	453
Smoker	584
All cancer:	
Never smoked regularly	197
Smoker	201
Lung cancer:	
Never smoked regularly	7
Smoker	15
All heart and circulatory:	
Never smoked regularly	161
Smoker	256

II. Death rates of cigarette smokers versus nonsmokers by selected diseases related to smoking, males, age 45–64 (rates per 100,000 person-years)—Continued

Coronary heart disease:	
Never smoked regularly	83
Smoker	148
Violence, accidents, suicide:	
Never smoked regularly	23
Smoker	32

These charts are dramatic, but they do not tell the whole story of the effect of smoking on mortality. The link between cigarettes and lung cancer has been established for some time. In fact, it was well known even before the 1964 Surgeon General's report. And no evidence has been produced which refutes this fact.

The case of heart disease and the respiratory diseases—bronchitis and emphysema—is somewhat different. In 1964, it was merely established that male cigarette smokers have a higher death rate from coronary heart disease than nonsmokers. Today we know that smoking is actually a significant risk factor in the development of this disease. Smokers who have high blood pressure and high serum cholesterol have twice the risk of fatal heart attack as nonsmokers. Among male smokers between the ages of 45 and 54, this risk is more than three times that of nonsmokers.

Chronic bronchitis and emphysema are fast making their way to the top of the list of the leading causes of death and disability in this country. In 1964, smoking was described as the most important of all the causes of chronic bronchitis and a strong contributor to the risk of dying of emphysema.

Today we use much stronger language; cigarette smoking is the most important cause of bronchitis and may also play a role in the development of emphysema.

We emphasize these three diseases—lung cancer, heart disease, and the chronic respiratory diseases—because they pose the greatest threat. Yet cigarette smoking has also been associated with cancer of the larynx, and other areas of the month and throat, and with cancer of the bladder, kidneys, and pancreas.

One of my greatest concerns is the youth of this country, the source of our leadership of the future. I was most pleased when the Public Health Service reported last year that not as many young people are taking up smoking as did in the past. But there are still far too many who have succumbed to the "allure" of cigarettes. These kids are not going to quit because we tell them they might get sick when they are 50 or 60 years old. That kind of argument just turns them off.

What we must emphasize for young people, and older smokers as well, is that smoking can affect their health now.

CHART 3—WORK-LOSS DAYS, MALE

According to the National Health Survey, the cigarette habit is costing the smoker more days lost from work, more days of sickness in bed, and more days of restricted activity compared to the experience of the nonsmoker. Moreover, the more a person smokes, the more time he loses from work and personal activities.

III. Age-adjusted work-loss days, restricted-activity days, and bed-disability days, present smokers versus nonsmokers, by number of cigarettes per day, males

(Number of cigarettes smoked per day—present amount)

Days of work lost, days per person:	
Never smoked	4.6
Smoker:	
Under 11	5.5
11–20	6.1
21–40	6.5
41 up	7.6
Days of bed disability, days per person:	
Never smoked	5.1
Smoker:	
Under 11	6.8
11–20	5.6
21–40	5.0
41 up	8.8
Days of restricted activity, days per person:	
Never smoked	13.8
Smoker:	
Under 11	18.5
11–20	17.1
21–40	17.4
41 up	23.3

Data from Cigarette Smoking and Health Characteristics, United States, July 1964–June 1965.

CHART 4—WORK-LOSS DAYS, FEMALE

The picture is even more striking for women. Here you can see that the heavy smoker is sick and away from her job almost twice as often as her nonsmoking peer.

Smokers take more sick leave and must spend more time sick in bed because they suffer more acute and chronic illness than nonsmokers.

IV. Age-adjusted work-loss days, restricted-activity days, and bed-disability days, present smokers versus nonsmokers, by number of cigarettes per day, females

(Number of cigarettes smoked per day—present amount)

Days of work lost, days per person:	
Never smoked	4.7
Smoker:	
Under 11	5.8
11–20	7.7
21–40	8.2
Days of bed disability, days per person:	
Never smoked	7.5
Smoker:	
Under 11	8.5
11–20	8.3
21–40	11.0
41 up	17.4
Days of restricted activity, days per person:	
Never smoked	20.0
Smoker:	
Under 11	22.5
11–20	24.3
21–40	27.2
41 up	38.4

Data from Cigarette Smoking and Health Characteristics, United States, July 1964–June 1965.

CHART 5—MORBIDITY RATES, SELECTED DISEASES, MALE

Men seem to suffer more from several specific illnesses, shown on this chart; chronic bronchitis and/or emphysema, chronic sinusitis, peptic ulcer, and influenza. The health survey found that there are over 1 million more cases of chronic bronchitis and/or emphysema in the Nation than there would be if all people had the same rate as those who never smoked. Similarly, there are 1.8 million more cases of sinusitis and 1 million more cases of peptic ulcer than there would be if no one smoked. Bron-

chitis and emphysema have twice as many victims among male smokers than they do among nonsmokers.

V. Age-adjusted morbidity rates from selected diseases, male present smokers versus male nonsmokers

	Rate, per 100 persons
Chronic bronchitis and/or emphysema:	
Nonsmoker	1.0
Smoker	2.4
Chronic sinusitis:	
Nonsmoker	8.3
Smoker	10.8
Peptic ulcer:	
Nonsmoker	2.4
Smoker	4.7
Influenza:	
Nonsmoker	23.2
Smoker	28.4

Data from Cigarette Smoking and Health Characteristics, United States, July 1964–June 1965.

CHART 6—MORBIDITY RATES, FEMALES

Again, we can see that women who smoke have about the same sickness experience as men. Clearly, the effects of smoking are not discriminatory.

VI. Age-adjusted morbidity rates from selected diseases, female present smokers versus female nonsmokers

(Rate, per 100 persons)

Chronic bronchitis and/or emphysema:	
Nonsmoker	1.2
Smoker	3.8
Chronic sinusitis:	
Nonsmoker	11.1
Smoker	13.8
Peptic ulcer:	
Nonsmoker	1.6
Smoker	2.5
Influenza:	
Nonsmoker	31.8
Smoker	34.6

Data from Cigarette Smoking and Health Characteristics, United States, July 1964–June 1965.

Added to these already grim facts is the additional evidence presented in the most recent smoking report that smokers have more noncancerous disease of the mouth than nonsmokers. Those who both smoke and have poor oral hygiene are more likely to have periodontal disease and gingivitis. This habit may even lead to loss of teeth.

There is another tragic aspect and that is the effect smoking can have on the health of others. Women who smoke during pregnancy frequently have babies weighing less than normal at birth. Some studies indicate that an expectant mother's smoking habit may be related to spontaneous abortion, stillbirth, and neonatal death.

The reports are not all gloomy, for throughout the data on death and disability there is a hopeful note. Smokers can have a second chance, for many of the effects of cigarette smoking are reversible.

CHART 7—DEATH RATES, MALES, YEAR LAST SMOKED

The longer a person stays away from cigarettes, the better are his chances of good health. Indeed, if a smoker turns back early enough, his chances of dying from such disease as lung cancer, heart disease, emphysema, can be nearly on a par with those of the man who has never smoked at all.

VII. Overall death rates for former smokers versus nonsmokers by number years since last smoked and number previously smoked per day, males aged 55 to 64 (rates per 100,000 person-years)

SMOKED 20 OR MORE	
Former smoker:	
Under 1	2,962
1–4	2,613
5–9	1,880
10 up	1,563
Never smoked regularly	1,187
SMOKED 19 OR LESS	
Under 1	2,017
1–4	1,854
5–9	1,669
10 up	1,020
Never smoked regularly	1,187

Let us consider now, the bill itself. Its purpose is "to provide an adequate warning to the public of the hazards of cigarette smoking through strengthened cautionary labeling of all cigarette packages and to prohibit after January 1, 1971, all television and radio broadcasting of cigarette advertisements."

One provision of this bill would suspend the Federal Trade Commission's proposed trade regulation ruling which would require health warnings in cigarette advertising, for 18 months after broadcast advertising has ceased. The Chairman (Mr. MAGNUSON) and seven of my colleagues have expressed themselves in opposition to this provision of the bill, and I have indicated that I share this view. Indeed, I would go further, in that I believe that passage of the bill in its present form would be a giant step backward. If the FTC is barred from taking this action, the public stands to gain more from the defeat than from the passage of the bill as it now stands.

Historically, this is not the first time we have so tied the hands of the Federal Trade Commission. Let me refresh your memories. In mid-1964, the FTC issued a rule, to take effect on January 1, 1965, that would have required all cigarette packages and advertising to bear a warning that cigarette smoking causes death through lung cancer and other diseases. That rule died aborning. Instead, Congress forced the FTC to suspend its rule and in its place the Federal Cigarette Labeling and Advertising Act of 1965 was made the law.

This act was hailed by many, including our leading health authorities, as a significant step forward because it required a warning label to appear on all cigarette packs sold domestically. Actually, this act proved to be a tragic mistake. In exchange for a mild, innocuous warning on the cigarette package, Congress exempted the cigarette industry from the normal processes of Federal, State, and local regulations. Thus, while we could, theoretically at least, advise current smokers of the dangers of their habit, we closed the door on one of the most effective ways of reaching our youth—through warnings in TV advertising.

The time has come when we can redeem ourselves—if we have the courage to do so.

On January 31, I indicated to this body my fear that the cigarette industry would seek by legislation to continue this shackling of the FTC.

Regrettably, the Commerce Committee succumbed to industry's blandishments and voted to restrict this agency for at least the next two and a half years.

The force of this decision was only barely softened by the committee's accompanying action to bar, as of January 1, 1971, the broadcast of all cigarette advertising. Already there is strong evidence that the cigarette industry intends simply to divert the vast sums of money it has been spending for broadcast advertising into print and display advertising, coupon prizes, and other promotional sales devices.

A trade publication called Media Decisions, in its October 1969 edition, surveyed the advertising and promotion plans of the cigarette advertisers and concluded that the industry was about to embark on "the biggest switch of all times." The publication predicted:

Two-thirds of the ad dollars knocked out of broadcast will go into alternate national ad media.

I, for one, do not relish the thought of a $200 million advertising campaign in newspapers, magazines, billboards, and possibly even movie theaters, extolling the "pleasures" of smoking in artificially contrived social settings, without even a hint of the dangers of this habit. The promoters of good health will find it difficult to meet this kind of competition. I do not believe that any of the organizations involved in the health side of this controversy—be they Government or voluntary—would have enough money to combat this onslaught. From my own personal survey of newspapers and magazines, I have found that some will be happy to run antismoking announcements, but many would also expect to receive the going rate for such ads. There is no effective way we can command "equal time" or public service announcements from the press.

Since January 31, I have been on record as promising to filibuster rather than allow the bill to pass as it stands. I will withdraw this pledge—if the Senate accepts an amendment which will eliminate section 7(a), the section suspending the FTC Trade Regulation ruling.

I call your attention now to the new wording of the caution label. Instead of the words, "Caution: Cigarette Smoking May be Hazardous to Your Health." the bill proposes to substitute the following: "Warning: Excessive Cigarette Smoking Is Dangerous to Your Health."

Chairman MAGNUSON and my colleagues took exception to this change in wording and I concur in this view that use of the word "excessive" is grossly misleading and could well lead to an increase in cigarette consumption on the basis that "a few would not hurt you."

We know that this is not true. Cigarettes in moderate use are dangerous. Cigarettes in excessive use are even more dangerous. And this is a fact we must not let the public forget.

CHART 8—DEATH RATES, MALE, BY NUMBER SMOKED

Look at the picture in relation to the number of cigarettes smoked per day.

It is clearly evident that the death rates go up as this number increases. Yet even the moderate smoker have substantially higher death rates than nonsmokers. Among the younger men depicted here, those smoking half a pack to a pack a day have death rates twice as high as those who do not smoke.

VIII: Overall death rates of male cigarette smokers versus male nonsmokers by number of cigarettes per day (rates per 100,000 person-years)

(Current number of cigarettes per day)

AGE 45–54

Never smoked regularly	402
Smokers:	
1–9	741
10–19	910
20–39	970
40 up	1,109

AGE 55–64

Never smoked regularly	1,187
Smokers:	
1–9	1,815
10–19	2,280
20–39	2,437
40 up	2,680

AGE 65–74

Never smoked regularly	3,118
Smokers:	
1–9	4,683
10–19	5,145
20–39	5,325
40 up	5,635

CHART 9—DEATH RATES, MALE, INHALATION

Again we see a similar picture with regard to the depth of inhalation. The younger men who inhale slightly or moderately have death rates twice as high as nonsmokers. The ratios are somewhat less in the older age groups, but the picture is still the same—even moderate amounts of smoking are deleterious.

IX. Overall death rates of male cigarette smokers versus male nonsmokers by degree of inhalation (rates per 100,000 person-years)

AGE 45–54

Never smoked regularly	402
Smoker:	
None	824
Slight	859
Moderate	974
Deep	1,021

AGE 55–64

Never smoked regularly	1,187
Smoker:	
None	1,868
Slight	1,868
Moderate	2,331
Deep	2,689

AGE 65–74

Never smoked regularly	3,118
Smoker:	
None	3,994
Slight	5,029
Moderate	5,300
Deep	6,411

CHART 10—DEATH RATES, MALES, BY AGE BEGAN SMOKING

A very important point which should be made, especially with youngsters, is that the more years you spend tied to this habit, the greater the effect.

Those who have been smoking the longest have the highest death rates. But do not overlook the figures at the other end of the scale. Even the man who takes up smoking as a young adult has a higher death rate than the man who does not smoke at all.

X. Overall death rates of male cigarette smokers versus male nonsmokers by age smoking began (rates per 100,000 person-years)

AGE 45–54

Never smoked regularly	402
Smokers:	
30 up	562
25–29	726
20–24	857
15–19	999
Under 15	1,210

AGE 55–64

Never smoked regularly	1,187
Smokers:	
30 up	1,576
25–29	2,082
20–24	2,058
15–19	2,509
Under 15	2,682

AGE 65–74

Never smoked regularly	3,118
Smokers:	
30 up	3,846
25–29	3,902
20–24	4,728
15–19	5,728
Under 15	6,221

I will move that the word "excessive" will be deleted from this warning. The public must be educated to accept the fact that any smoking is excessive. No smoking is the best assurance of freedom from disease.

I would like to comment on one final aspect of the bill before us and that is the section relating to broadcast advertising. Section 6 of H.R. 6543, as reported by the majority of the committee, would by law flatly prohibit cigarette advertising by television or radio beginning on January 1, 1971.

On its face, that section reflects the view of the committee, and I would assume, a majority of the Senate—that it is not in the public interest that cigarettes any longer be advertised on the airways, a medium that is unique and one that has a tremendous impact, reaching as it does virtually every household in the land and viewed by young and old alike.

But this section of the bill as now written constitutes an abdication to the economic desires, indeed, if I may speak most bluntly, to the avarice of the broadcasting industry. Even more, it is a repudiation of a commendable and statesmanlike effort of the cigarette industry to achieve self-regulation, a principle which I am confident is in the best American tradition.

Traditionally, where the public interest requires restraint or even prohibition of any facet of commercial activity, it has always been considered far preferable to encourage self-regulation than the broadax application of a legislative ban.

In the light of this tradition, I cannot refrain from voicing my profound objection to the manner in which section 6 has been amended in committee, or to refrain from insisting that its basic objective is plainly to accommodate the asserted economic inconvenience to the broadcasting industry and to provide to broadcasters an opportunity to gain additional revenues at the expense of public health.

Let me go back and review the events leading to the development of this section in order that the positions taken by the two industries can be fully revealed.

On July 22, 1969, the Consumer Subcommittee of the Senate Committee on Commerce began hearings directed primarily to the question of cigarette advertising and labeling. Although those hearings were technically to consider H.R. 6543, the House-passed amendments to the Cigarette Advertising and Labeling Act of 1965, our subcommittee regarded questions of advertising as paramount.

At our hearings we had before us an announced proposal of the National Association of Broadcasters issued an anticipation of our hearings proposing a 4-year phase-out of cigarette television and radio advertising in progressive steps prolonging of that advertising until September 1, 1973. This general plan also had been evolved by the broadcasters in response to an announcement by the Federal Communications Commission on February 6, 1969, proposing an administrative ban on all cigarette advertising on television and radio in the event that responsive industry self-regulation to the same end could not be achieved.

Then at the July 22 hearing, the cigarette manufacturers of the country, through their chosen spokesman, informed the committee:

> Each company is prepared to agree to discontinue all advertising of cigarettes on television and radio in September 1970, when the major existing contractual arrangements will expire.

They, the cigarette manufacturers, further stated their willingness to agree to terminate all television and radio advertising at any time after December 31, 1969, if the broadcasters would afford simultaneous termination of the outstanding advertising contracts.

It is understandable, of course, considering the highly competitive character of the cigarette industry, that the only practical method of termination would be by collective action that might present problems under the antitrust laws. Therefore, the cigarette companies requested that Congress provide statutory immunity from antitrust actions to permit them to carry out the very narrow and one-time agreement to terminate electronic broadcast advertising. Since this would be an economic agreement to limit competition among competitors, action for treble damages might be filed under antitrust laws.

On January 31, 1969, I said on the floor of the Senate:

> The cigarette industry could, if it chose, take responsible charge of its own destiny by voluntarily abandoning broadcast advertising. If the industry, publicly and unequivocally, agreed to do this, then I would be the first to assist them to attain antitrust immunity. But nothing less is acceptable.

In my view, and so far as I can ascertain by the views expressed by every Senator at the hearing, the offer of the cigarette companies, made at my invitation, must be regarded as sincere.

In addition, the full Federal Trade Commission, appearing through its chairman, stated that agreements to discontinue broadcasting would not be challenged by the Commission, but that if Congress desired to afford specific antitrust exemption the Commission would "not object to a statutory exemption under these narrow circumstances." The chairman of the Federal Communications

Commission likewise commended the proposal of the cigarette industry and stated that if it were adopted he anticipated that the FCC proposal would become unnecessary.

Only the representative of the broadcasters objected. Despite the earlier phase-out plan announced unilaterally by the radio-TV industry, its witness found the cigarette companies' proposal "discriminatory." On July 31, 1969, I wrote to each of the major networks asking for a statement as to its willingness to terminate advertising after December 31, 1969, in accordance with the expressed offer of the cigarette manufacturers. Two of the networks replied that they were not in a position to do so. The third stated that, if Congress desired an earlier termination pursuant to the antitrust exemption plan asked by the cigarette industry, it would respect the congressional view.

In response to an inquiry by me, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice furnished me, On October 16, with a draft of a proposed legislative antitrust exemption which would achieve the desired result, and stated that the Department of Justice did not oppose such legislation to accomplish the desired ends.

Consequently, the committee had before it the expressed willingness of the cigarette industry promptly to discontinue television and radio advertising of cigarettes if an antitrust exemption could be provided, and the expressed statements of the Federal Trade and Communications Commissions that none of these agencies saw any objection to that course. Neither did the Department of Justice nor the President of the United States, expressed in a release to the press. And no member of the committee had publicly voiced any objection.

What, then, happened? The Senate and a vitally concerned American public are entitled to know why this course was rejected and why, instead, a statutory provision, accomplishing no different end, was adopted to extend the date of cessation of broadcast advertising to January 1, 1971.

The argument was made in committee that Congress ordinarily does not afford an antitrust exemption in order to accomplish social objectives. This is not persuasive. There are comparable, longstanding antitrust exemptions to permit cooperative agreements among farmers, to permit ratemaking by shipping conferences, by international airlines, and by railroads. Since 1914, agreements for joint action by labor, agricultural, and horticultural organizations have been accorded antitrust exemptions. An outstanding example can be found in the Agricultural Marketing Agreement Act of 1931 which granted a similar exemption to marketing agreements of producers or processors.

Another outstanding example is the Miller-Tydings amendment of 1937 to the basic Sherman antitrust law to legalize fair trade agreements where permitted by State law.

In 1958, Congress also exempted agreements among small business firms approved by the Small Business Administration.

As a more recent and striking example in the field of communications, on November 4, 1969, the Senate Committee on the Judiciary ordered reported S. 1520, the "Newspaper Preservation Act," which exempted from the antitrust laws certain joint newspaper operating arrangements involving a defined failing newspaper.

In light of these precedents, it is a shocking thing for a Senate committee to invoke a doctrine of nonuse of an antitrust exemption to permit the broadcasters, those honored trustees of the Nation's airways, to haggle for every possible year, month, and day of cigarette advertising revenues. In my view, that is indefensible.

By the same token, it is a repudiation of the very type of industrial self-regulation, particularly in the field of advertising, which I believe most Members of the Congress would prefer to foster.

Accordingly, I now offer, for your consideration, the amendment substantially as drafted by the Antitrust Division of the Department of Justice affording the antitrust exemption, honoring what I believe to be a forthright offer by the cigarette industry, and I trust, giving the American public what they are most entitled to have—the earliest possible date for the cessation of broadcast advertising of cigarettes.

Contrasted with the prohibition voted by the majority, this amendment will obviate, not cause, litigation which itself could delay the cessation we all seek. For there can be no doubt that grave constitutional questions arise from a Federal prohibition of advertising a lawful product—a step unprecedented in the acts of Congress, so far as I know. As I have already noted, the sole objector to the antitrust exemption at our July hearing was the broadcast industry itself, complaining of discrimination. For their trouble, they have earned from the Committee a most discriminatory prohibition and a precedent—if eventually found lawful—which can only lead to further selective deprival of their commercial opportunities.

A final merit to the antitrust exemption which I am proposing is its complete lack of new precedent or discrimination among any media. For those like myself who fear a massive transfer to other media of cigarette industry funds now being spent in radio and television, the amendment will afford the opportunity to the cigarette industry to further curb its competitive excesses.

For the past 5 years, the public has been exposed to one of the most intensive public health education campaigns ever undertaken in this country. In an almost unprecedented cooperative effort, health agencies, schools, youth organizations, and the Government have presented the story that cigarette smoking is harmful to health. This effort has been aided immeasurably by the number of health messages appearing on television as a result of the Federal Communications Commission decision to apply the "fairness doctrine" to cigarette advertising. As a result of this ruling broadcast stations which carry cigarette commercials are also presenting, to a significant degree, on a virtually daily basis—including hours of maximum listening—anti-cigarette messages prepared by the various health agencies.

What has been the effect? Has this educational program been successful? Judging from what we can see here, I would say that it has.

CHART 11—PER CAPITA CONSUMPTION OF CIGARETTES

This is a picture of the course of cigarette consumption from 1946 to the present. You will note several significant dips in the line. [Graph not printed in the RECORD.] The first came in 1954 after the first reports of a smoking-lung cancer link were made. When the Public Health Service report was released in 1964, there was another dip. Although the line does climb briefly from time to time, the general trend is downward. There has been a reduction in the amount of cigarette smoking in this country.

This is not to suggest that the job is done or that we have no further cause for alarm. There is still a need for continuing education at all grade levels in our schools; there is a need for continuing education of all the public through every media. In this respect, I am most pleased that there is an indication that broadcasters will continue to carry anti-smoking health messages on radio and television.

There is another area in which adjustment needs to be made—and one that is rarely talked about in these hearings. Many Americans are justifiably concerned about the fact that the Government, on the one hand, warns of the dangers of smoking, yet, on the other, continues agricultural supports for tobacco and continues to advertise tobacco products abroad. I have received many letters, questioning such policies, and I am sure many of you have as well.

I realize that the acreage-allotment programs for tobacco were established many years ago, long before the health hazard of smoking was known. But this does not justify their continuation. This kind of policy confuses the public and seriously hampers any educational efforts to encourage the cessation of smoking.

I have many times before offered my support for any agricultural programs or tax assistance which will aid tobacco farmers in switching to other crops or other forms of farming. I reiterate my stand on this point.

I do not want to see the line on this chart go up again. It must continue its downward course if we want to keep our Nation healthy.

So I appeal to my colleagues: While you are considering this legislation, do not think of the cigarette men and the broadcasters with their pleas of impoverishment; think of the enormous loss of human life to be weighed in the balance on the other side. Ask yourself which is more important—the profits of a single industry or the health and welfare of millions of Americans. And, if you cannot think in terms of millions, think of just one close friend or loved one, languishing in the final agony of lung cancer or emphysema, or stricken in the prime of life by a fatal heart attack.

Mr. MAGNUSON. Mr. President, the Public Health Cigarette Smoking Act of

1969, as the Commerce Committee has reported it, does take a forthright and responsible—even an historic—step in expressly terminating all broadcast advertising of cigarettes by January 1, 1971. The end of broadcast advertising is a goal that has been sought by major public health groups in this country for over a decade. That goal is now within reach.

As I indicated in my own separate views in the committee report however, the bill is marred by two provisions, to which many of my colleagues on the committee and I have taken strong objection.

PREEMPTION OF FTC REGULATION

There was little wisdom and less logic in the committee's decision to bar the Federal Trade Commission from requiring a warning in cigarette advertising before July 1, 1972. By this decision the committee has placed itself in the contradictory posture of moving firmly to terminate all broadcast advertising of cigarettes while simultaneously voting to free all nonbroadcast advertising from effective restraint.

The committee preempts all State and local health-related regulation of cigarette advertising, based upon the principle of national uniformity in regulating the marketing of nationally marketed products. We agree that there is a need for a uniform national policy, but not if that policy is anarchy—a grant of freedom to the cigarette industry to launch massive, unrestrained promotional campaigns in nonbroadcast media. Despite avowals by the industry of voluntary self-restraint, the past performance of the cigarette companies at self-regulation is hardly reassuring.

In appearing before this committee, the Federal Trade Commission itself took a responsible and restrained position with respect to the regulation of cigarette advertising. The Commission welcomed the voluntary termination of broadcast advertising of cigarettes and modified its position to reflect the benefits which can flow from the termination of such advertising, Chairman Paul Rand Dixon told the committee:

> If cigarette advertising should be removed from the broadcast media by the end of the year or shortly thereafter, the Commission would be disposed to suspend its now pending trade regulation rule proceeding until July 1971.

There is no doubt that cigarette advertising in the broadcast media has been by far the most offensive means of cigarette promotion to the public health community, particularly because of the defenselessness of young people against the impact of radio and television.

But if the FTC is barred by statute from requiring a warning in advertising the public will have no meaningful defense, even against a massive onslaught of print advertising employing themes designed to obscure the medical verdict against cigarette smoking and designed to make cigarette smoking appealing to young people. We cannot let this happen.

INSERTION OF THE WORD "EXCESSIVE" IN THE REQUIRED CAUTIONARY NOTICE

The committee, having first decided to strengthen the cautionary warning on the cigarette passage to read, "Danger: Cigarette smoking is dangerous to your health," proceeded—again by 10-to-9 vote—to render the warning at least as weak as the present caution notice by amending the language to read "Caution: Excessive cigarette smoking is dangerous to your health."

The hard evidence which prompted Congress and the regulatory agencies to confront smoking as a unique public health problem demonstrates that cigarette smoking is dangerous in normal use. It is dangerous to the two-pack-a-day smoker; it is dangerous to the one-pack-a-day smoker; it is dangerous to the half-pack-a-day smoker; and because of its habituating effect, it is dangerous even to the young man or woman who experiments with an occasional cigarette. The committee's warning would thus be adequate only if the public generally understood that all cigarette smoking is excessive. But because the public has not yet arrived at such a level of sophistication, the committee's warning will necessarily function as a misleading half-truth.

The danger of normal smoking is revealed clearly in the 1968 report of the Secretary of Health, Education, and Welfare. That report states:

> Life expectancy for a two-pack-a-day, or more, smoker at age 25 is 8.3 years less than that for the corresponding nonsmoker. Even "light" smokers, those who smoke less than 10 cigarettes per day, have from 2.8 to 4.6 fewer years of life expectancy than corresponding nonsmokers.

The danger of the habituating effect of cigarettes is also well established. Psychologists and physiologists disagree as to whether cigarette smoking is true physiological addiction or psychological habituation, but there is agreement that cigarette smoking is a tenacious habit which once started becomes, for many smokers, virtually impossible to quit. A cigarette warning which, buy its use of the word "excessive," appears to ignore these dangers is clearly inadequate to the public's needs.

Mr. President, I would like at this time to commend the junior Senator from Utah (Mr. Moss) for the outstanding job he has done in managing this bill in the Commerce Committee and here today on the Senate floor. His deep concern with improving the health of the American people, has been matched by his perseverance in securing adoption of a strong bill which will alert the public to the dangers of cigarette smoking and limit the appeal of cigarette advertising. The result of his outstanding effort will be measured in terms of persons spared from the ravages of such serious diseases as lung cancer, bronchitis, emphysema, and heart disease.

Mr. GOODELL. Mr. President, we are not here today to debate the health consequences of cigarette smoking. Scientific testimony to this effect is overwhelming. The Surgeon General's report in 1964 told us that "cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action." Congress did take action on July 27, 1965, with the passage of the Federal Cigarette Labeling and Advertising Act, and since that time we have consistently received statements from the Surgeon General which bear out his earlier findings. In 1967, 1968, and 1969, the Surgeon General, on the basis of careful examination by qualified scientists, has reported to Congress and the people of this country: Cigarette smoking is a present and proved hazard to human health. The record is impressive, to say the least. It would take many days for the Senate to fully hear all of the evidence which has been amassed for us.

The issue here is really quite simple: in view of these facts, have we adequately protected the public interest in the bill reported out by the Commerce Committee. My answer is "no, we have not."

We have not done so because there is a provision in H.R. 6543 now before us which would pre-empt the Federal Trade Commission from putting into effect its pending trade regulation requiring a warning in all cigarette advertising before July 1, 1972. I voted against this provision in committee.

The committee has moved to terminate all broadcast advertising while freeing nonbroadcast advertising from effective restraint. This is comparable to taking one step forward and one step backward at the same time. It leaves us in limbo, appearing to protect the interest of the people, while we snipe away at their only defense.

In 1968, according to the recent report of the FTC, $238.5 million was spent by the cigarette industry in television and radio advertising. In contrast, $44.6 million was spent for newspaper and magazine ads.

With the termination of broadcast advertising, the strong possibility exists that there will be a massive shift to other forms of advertising media, including billboards, coupons, and other promotional devices in addition to the newspapers and magazines. There are no real assurances that this will not happen. The past performance of voluntary self-regulation by the cigarette industry is certainly not reassuring in this regard.

To be sure, cigarette advertising in the print media can be qualitatively different from broadcast advertising if the information provided is objective and relevant. In particular, by revealing the tar and nicotine content, these ads can perform a socially useful function.

If we prevent the FTC from any action whatsoever until July 1, 1972, or beyond—which is the effect of section 7(a) of this bill—we will have abrogated our responsibility to protect the public interest. We will have gone on clear notice that more time must elapse before contemplating any stronger action to protect the public from a clearly recognized hazard. What we are in effect then saying is that no matter what the Surgeon General reports to us in the future about the health hazards of smoking, and no matter what the FTC reports to us about the effects of the termination of broadcast ads with respect to other media, we do not want any further action. I cannot believe that the U.S. Senate wants to affirm a go-slow policy when the health of this country, particularly that of our youth, is involved.

Mr. MONTOYA. Mr. President, I rise to compliment the Senator from Utah who has given of his time and dedication to bring about a vitally needed concern over the effects of tobacco use.

Because of his great efforts, the people

of this country and the tobacco industry have been inculcated with a firm resolve to do something legislatively and scientifically about the effects of tobacco use.

The Senator from Utah has spent many hours leading this great dialog and this fight to bring about a better understanding of the problem.

I salute him and commend him for his great service in this field.

Mr. MOSS. I thank the Senator.

Mr. HART. Mr. President, all of us who share a grave concern over the proven hazards of smoking, owe a great debt to the Senator from Utah (Mr. Moss). We have came a long way since the dark days of 1965 when the Senate failed to act responsibly or forthrightly. That we have come so far is due primarily to the persistent, unflinching efforts of the Senator from Utah. He alone sounded the alarm nearly a year ago alerting us to the potential for mischief in this legislation. He alone kept the pressure on the cigarette and broadcast industries so that however belatedly, they began to recognize their responsibility to the consuming public. And he alone shepherded the bill through hearings and to the committee with a strong record crying at for strong action.

AMENDMENTS NO. 410

Mr. MOSS. Mr. President, I call up my amendments at the desk, No. 410, and ask that they be stated.

The PRESIDING OFFICER. The amendments of the Senator from Utah will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. MOSS. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with. I think I can explain them very quickly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 410) are as follows:

On page 6, beginning with line 8, strike out down through line 3 on page 7.

On page 7, line 5, strike out "SEC. 8" and insert in lieu thereof "Sec. 7".

On page 7, line 18, strike out "SEC. 9" and insert in lieu thereof "SEC. 8"'.

On page 7, line 22, strike out "SEC. 10" and insert in lieu thereof "SEC. 9".

On page 8, line 4, strike out "SEC. 11" and insert in lieu thereof "SEC. 10".

On page 8, line 14, strike out "SEC. 12" and insert in lieu thereof "SEC. 11.".

Mr. MOSS. Mr. President, my amendment calls for striking out all of section 7 of the bill as it came from the committee. The remainder is simply a renumbering of the following sections if that should be accomplished. I have already had something to say on the amendment, so I shall be glad to have the other side make comments on it.

The PRESIDING OFFICER. The Chair will advise the Senator that the Senate is operating under a time limitation.

Mr. MOSS. I understand.

AMENDMENT NO. 419

Mr. COTTON. Mr. President, I yield myself 3 minutes and I call up my amendment No. 419, which I desire to offer as a substitute for amendment No. 410. I ask unanimous consent that the reading of the amendment be dispensed with, and I shall explain it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 419 is as follows:

On page 6 beginning with line 9, insert the following:

"SEC. 7. (a) The Federal Trade Commission, having notified the Congress of its intention to suspend its pending trade regulation rule proceeding relating to cigarette advertising until July 1, 1971, shall continue such suspension in effect until such date. If at any time after July 1, 1971, the Federal Trade Commission deems it necessary to renew or to initiate any rule making proceeding with respect to such pending trade regulation the Commission shall so notify the Congress of such intention. Such notification shall include a full statement of the reasons for any such action. Any resulting trade regulation rules relating to cigarette advertising shall not take effect until six months after the date of such notification to the Congress in order that the Congress may act if it so desires."

Mr. COTTON. Mr. President, I yield myself an additional 2 minutes.

I am in accord with the Senator from Utah that section 7 in the present bill defers too long the opportunity for action and regulation, if needed, by the Federal Trade Commission. And it is for this reason that I now offer my amendment No. 419 as a substitute.

All my amendment proposes to do is to provide by law the suspension on pending trade regulation rule proceedings relating to cigarette advertising until July 1, 1971, which in fact is the date indicated by the Chairman of the Federal Trade Commission as being reasonable and acceptable to that agency.

Subsection 7(a) of H.R. 6543, as reported by our committee, however, would provide for a mandatory suspension in such proceedings by the Federal Trade Commission to a period of 18 months following the cessation of broadcast advertising of cigarettes. The effect of this provision would be to carry such suspension until July 1972—1 year beyond that date suggested by the Chairman of the Federal Trade Commission.

As I have indicated in the individual views which I filed with the report accompanying this bill, I personally consider such a suspension period as being excessive and contrary to the public interest.

However, my amendment would further provide that if at any time after July 1, 1971, the Federal Trade Commission deems it necessary either to renew or to initiate such proceedings concerning cigarette advertising, then it, the Commission, shall tender notice of its intention in this regard to the Congress and that such notification shall include a full statement setting forth the reasons for such proposed action. Furthermore, any rules resulting from such a proceeding would not take effect until 6 months after notification to the Congress. The 6-month period should serve to afford the Congress an opportunity to act on this issue if it, the Congress, deems action in this connection necessary and proper.

Mr. BAKER. Mr. President, if the Senator will yield me about 2 minutes so I may express my position in this area——

Mr. COTTON. I yield.

Mr. BAKER. Mr. President, I am on the Commerce Committee, and in the full executive session the committee saw fit to adopt my version of this section, which is now sought to be amended by the Senator from Utah and the Senator from New Hampshire. I rise simply to say that the substitute offered by the Senator from New Hampshire is, in my opinion, a fair and equitable substitution and treatment of this subject. While I offered the original committee version, I wish to state that I am willing to now accept the substitute by the Senator from New Hampshire.

Mr. COTTON. I thank the Senator.

Mr. MOSS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Chair is informed that the Cotton amendment was not in order until all time had been used on the Moss amendment. When the Senator from New Hampshire proposed his amendment and it was accepted for consideration, the Senate began operating under the time limitation for the amendment of the Senator from New Hampshire. Unfortunately, the time limitation on the amendment of the Senator from Utah was not yielded. The Chair is not sure where it is. But the Chair would like to entertain a motion or request——

Mr. MOSS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MOSS. I had understood there was a time limitation on each amendment, and there was a provision that, in the event there was an amendment to the amendment, time would be extended to it. I assumed that that was the time we were operating under.

The PRESIDING OFFICER. The Senator is correct, but the Chair is informed that the time should be used on the first amendment, before the second amendment was offered. Since the Senator was not aware of that, it can be taken care of by a unanimous-consent request that the Senator has not lost any time on the original amendment.

Mr. MOSS. Mr. President, I ask unanimous consent that it be in order to consider the amendment of the Senator from New Hampshire (Mr. COTTON) and that I may utilize time on the amendment to the amendment at this point without jeopardizing the time on my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MOSS. Mr. President, the amendment offered by the Senator from New Hampshire is a definite improvement over the committee amendment.

Mr. COTTON. Is the Senator on my time now?

The PRESIDING OFFICER. Is the Senator addressing the Chair with a parliamentary inquiry?

Mr. COTTON. Yes.

The PRESIDING OFFICER. He is not using the Senator's time. He is using time in opposition to the Senator's amendment, in accordance with the unanimous consent agreement.

Mr. MOSS. Under the substitute of the Senator from New Hampshire, the FTC would not be forced to suspend its trade

regulation rule beyond the date which it itself has voluntarily agreed to. However, the amendment would not permit the Trade Commission to act sooner under any circumstances, even if the cigarette industry in its future advertising practices were to grossly abuse the nonbroadcast media. If, despite assurances of the cigarette industry to the contrary, there were to ensue, a massive transfer of advertising funds to the nonbroadcast media, the FTC would not be able to act. If the cigarette companies put up billboards every hundred yards throughout the country, the FTC would not be permitted to act. If family magazines were jammed from one end to the other with elegant couples hand-in-hand holding the cigarette "for the two of us," the FTC could not act. If we were to see a wave of coupon promotions such as we have begun to see signs of—cigarette coupons to be redeemed for Beatle records, for example—and other items dear to the hearts of teenagers, the FTC could not act.

I would therefore ask the senior Senator from New Hampshire whether he would consider amending his amendment so that the Trade Commission could terminate the suspension of its trade regulation rule prior to 1971 if it found that subsequent cigarette advertising practices constituted such a gross abuse of the nonbroadcast media that it was compelled to act.

I would suggest the following language: On line 5 of the Senator's amendment, following the word "date." strike the period and add the words ", unless the subsequent advertising practices of the cigarette industry constitute such a gross abuse of the nonbroadcast media that the commission finds it is compelled to act." Then, following the words "If at any time after July 1, 1971," add the words "or following a finding of such gross abuse,".

Mr. COTTON. Mr. President, I yield myself 2 minutes.

It is my understanding that the suggestion of the distinguished Senator from Utah is that, instead of the amendment providing that the Federal Trade Commission could not issue regulations until after July 1, 1971, he wishes to insert the qualifying words ", unless the subsequent advertising practices of the cigarette industry constitute such a gross abuse of the nonbroadcast media that the Commission finds it is compelled to act."

I presume this means that if the Commission finds there is gross abuse—whatever that may mean—it then can issue regulations earlier than July 1, 1971. The Senator also proposes to add following the words "If at any time after July 1, 1971," the words "or following a finding of such gross abuse,".

In other words, what the Senator wishes to do is not make it ironclad that they cannot issue regulations until after July 1, 1971, by providing that if the Commission finds gross abuse by reason of a substantial increase in the volume of advertising, or some other criteria, then it can issue regulations. However, the Commission will still have to notify Congress of its intention with a full statement of the reason for such action and any resulting rules will not become effective for 6 months. Is that correct?

Mr. MOSS. That is correct.

Mr. COTTON. I did not mean to interrupt the Senator, if he wishes to say something further on his own time.

Mr. MOSS. I yield myself 1 minute.

The Senator's interpretation is correct; they would still have to give Congress the 6-month notice before the action of the Federal Trade Commission could become effective.

Let me illustrate. Suppose the tobacco industry did, indeed, dump the whole $200 million it now spends on the broadcast media into some other kind of advertising program. That could be considered a gross abuse. The industry said they would not do it, and I do not expect them to do it, but I think the Federal Trade Commission ought to have the power, in the event they do, to say, "We find that is a gross abuse, and therefore we intend to make a rule, and notify Congress that in 6 months such a rule will become effective."

Mr. COTTON. Mr. President, am I to understand that if I accept the added language to my substitute amendment as suggested by the Senator from Utah, then he, the Senator from Utah, would be willing to accept my substitute amendment for his original amendment?

Mr. MOSS. I would accept the substitute if that perfecting language could be made a part of it.

Mr. COTTON. In order to establish some legislative history, I should like to have a brief colloquy with the Senator from Utah as to the matter of what would constitute "gross abuse." Would that determination be made by the Federal Trade Commission?

Mr. MOSS. Well, of course, the standard is not precise, because we do not have any history in the Commission on it. But, as I tried to indicate, I would think gross abuse would be a tremendous increase—say a sudden doubling or trebling of the number of billboards, for example.

Mr. COTTON. If the Senator from Utah, does not find the statement I am about to make to be accurate, I wish he would so indicate, because before I accept his proposed language I want to have a clearer understanding of its meaning.

If, for example, the Federal Trade Commission made a finding that the industry was grossly abusing the privilege of advertising in other media, such as newspapers, magazines, and billboards, then it could begin trade regulation proceedings. However, the Commission first would have to notify Congress that it was about to do so, and the reason for such proposed action. Then, Congress would still have 6 months after the notification to act, if Congress found that the Federal Trade Commission was arbitrary and unreasonable. Congress would have every opportunity and would be a final judge as to whether the advertising constituted a "gross abuse." Is that correct?

Mr. MOSS. The Senator is entirely correct, because the finding and notification would be required; it could not be effective for 6 months, and that is the period of time that Congress would have to intervene, if it sought to intervene.

Mr. COTTON. So, in a sense, Congress would still be the last judge of what constitutes "gross abuse," with opportunity to act?

Mr. MOSS. The Senator is quite correct.

Mr. ERVIN. Mr. President, I have no time, but I would like to ask a question, if someone will yield.

Mr. MOSS. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. Does this mean the only limitation on the Federal Trade Commission would be 6 months from the time of the passage of the bill?

Mr. MOSS. Well, the Federal Trade Commission, by the Cotton amendment as I read it, would be suspended from taking action until July 1, 1971, and would continue in such state of suspension. The only exception made is that if there is a finding of gross abuse, then the Federal Trade Commission may give notice of a trade regulation rule, and it cannot make such ruling effective for 6 months after Congress has been notified.

Mr. ERVIN. Would that not be equivalent to the Senator from New Hampshire adopting the amendment of the Senator from Utah?

Mr. MOSS. I think not.

Mr. ERVIN. I cannot see the difference.

Mr. MOSS. My amendment, of course, simply strikes out the whole section. It says there is no limitation on the power of the Federal Trade Commission.

The Senator's amendment does put a limitation on them, in two ways. First, it limits them to a time certain. Secondly, if they find gross abuse, they can act, but they still have to give 6 months' notice if they do that.

Mr. ERVIN. However, they can start to act when they give notice without waiting for the time limit. In other words, this would do away with the provision of the Cotton amendment that they are precluded from acting until July 1, 1971.

Mr. COTTON. It leaves active in the Cotton amendment and lays down the wish of Congress that: "The Federal Trade Commission, having notified the Congress of its intention to suspend its pending trade regulation rule proceeding relating to cigarette advertising until July 1, 1971, shall continue such suspension in effect until such date . . ."

There is the reiteration of what they themselves said.

Mr. MOSS. The Senator is correct.

Mr. COTTON. The Senator from Utah wants to provide a qualification in the event the Commission finds gross abuse. However, the Commission must make such a finding. Then the Congress has 6 months in which to act. Is that correct?

Mr. MOSS. That is a correct statement.

Mr. BAKER. Mr. President, will the Senator yield 2 minutes to me?

Mr. COTTON. Mr. President, I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I would like to establish one point. First of all, I recall that in many State legislatures, including my own, it is the habit, because the constitution requires it, to end each enactment by saying the public welfare requires it, because the bill does not go into effect and become law until after 30 days.

I would hate to have the situation where the Federal Trade Commission says at the end of each order that the abuse of the public media requires it.

I would like to inquire if the Senators can say that the present level of nonelectronic advertising is not a gross abuse by the tobacco industry, so that by this colloquy in the record we have made, we have notified the Federal Trade Commission that we are talking about something much greater than is going on today and that they could not, as pointed out by the distinguished Senator from North Carolina, decide in their wisdom that the advertising levels were a gross abuse and, therefore, issue a ruling immediately.

Would both the Senator from Utah and the Senator from New Hampshire agree that the advertising levels of the tobacco industry in the nonelectronic media are not the gross abuse contemplated by the suggested perfecting amendment of the Senator from Utah?

Mr. MOSS. Mr. President, if I may respond——

Mr. COTTON. The Senator from Utah can respond, and then I will respond.

Mr. MOSS. Mr. President, in my opinion, the present system is not considered to be gross abuse. At least, the Federal Trade Commission does not think so. I do not think so, either.

Mr. ELLENDER. Mr. President, gross abuse of what?

Mr. MOSS. Well, gross abuse of the advertising facilities, a flooding of the market.

When advertising goes out on television and radio, over $200 million a year is suddenly released. If that money were dumped into the type of advertising such as billboards, magazines, and newspapers, we would be up to our ears in it.

At that point the Federal Trade Commission may come forward and say that this constitutes such a saturation that it is an abuse and they are going to make a ruling about it.

If they should decide that, they have first to find gross abuse and then notify the Congress. And there is then 6 months before that ruling could become effective, in which time Congress might make its decision.

Mr. COTTON. Mr. President, I yield myself 1 minute to make my response to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, not only in my opinion is the present volume and manner of cigarette advertising in the printed media reasonable and not a gross abuse, but indeed if broadcast advertising ceases, then some margin of increase would seem to me to be both reasonable and not a gross abuse. It would require a flooding in my opinion.

Furthermore, conceding, as I do, that cigarette smoking is dangerous or may be dangerous to the health, I think it would be in the public interest if the tobacco companies concentrated more of their advertising perhaps on pipe smoking or cigar smoking and related products. It would increase the volume somewhat.

I ask the Senator from Utah if a reasonable person would not agree that some increase of volume for those purposes would not be a gross abuse.

Mr. MOSS. Mr. President, in trying to define what constitutes gross abuse, I point out that "gross" means "large" in my vocabulary. So I would say it was a "large" abuse.

Mr. COTTON. Mr. President, I thank the Senator. I think that is a very significant comment.

Mr. President, with that understanding, and bearing in mind that Congress still has the last word. I accept the added language of the Senator from Utah, if he will agree to my substitute amendment being accepted for his original amendment.

Mr. MOSS. Mr. President, with the perfecting language, I am satisfied with the substitute amendment. I am willing to accept the substitute amendment.

Mr. ERVIN. I am not. I would rather have the committee bill, because under the proposed amendment there is no restriction at all, except for a period of 6 months after the Federal Trade Commission gives the prescribed notice to Congress.

Mr. COTTON. If we continue along this line, we will have no bill.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Mr. President, do I have a right to a rollcall vote on the question of deciding whether to accept the words, and does the Senator from Utah have a right to accept my substitute?

The PRESIDING OFFICER. The Senator is right.

Mr. ERVIN. And I have a right to vote against the amendment.

Mr. COTTON. I was not criticizing the Senator from North Carolina.

Mr. MOSS. Mr. President, I yield to the Senator from Kentucky for a question.

Mr. COOPER. Mr. President, if the provision is agreed to and becomes a part of the bill, would it in any way restrict the right of a party to challenge in the courts the authority of the Federal Trade Commission to issue a rule or regulation on such advertising?

Mr. MOSS. If I may respond, this in no way confirms the right of the Federal Trade Commission. I suppose that anyone with appropriate legal action can still challenge the power of the Federal Trade Commission to issue any such orders they might issue.

Mr. COOPER. I want this point to be certain in the legislative interpretation. The question has been raised in the past. I raised it in the debate in 1965, that the Federal Trade Commission has no authority to regulate advertisement of tobacco, as a commodity and certainly unless such advertising were deceptive under section 5(a)(1) of the Federal Trade Commission Act.

A distinction was raised also in the case of *Banshaft* v. *Federal Communications Commission*, 405 F. 2d, 1082 decided in 1968. It distinguished between the power of the FCC to regulate advertising in television and radio, and power of the FCC to regulate advertising in the printed news media.

I frankly say it was not the point in issue. It was simply dictum. But it is persuasive that the rule of the case might not be applicable to advertising in regular news media. I could give the reasons, but we do not have the time. The decision speaks for itself. I want to be sure that there is nothing in this amendment or the section amended which would restrict the right of any party, by direct language or by implication, to assert a right, if he desires to do so, to challenge in the Federal Courts the authority of the FCC to regulate advertising in the printed news media.

Mr. MOSS. In my opinion, the Senator is correct. There is nothing in this act that restricts any person from challenging the powers of the Commission. Personally, I think they have the power, but it might be raised in the court. This does not restrict anybody at all.

Mr. COOPER. I thank the Senator.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. ELLENDER. Is there any language in the modified amendment that would ban advertising entirely by radio or television?

Mr. MOSS. Not in the amendment that we are considering, but it is in the bill as a whole.

Mr. ELLENDER. But we are talking about flooding advertising. That would mean the news media.

Mr. MOSS. Magazines, billboards.

Mr. ELLENDER. As I understand it, the fear is that if advertising by radio and television is totally abandoned, all the money spent for advertising in that way would then be spent for newspaper advertising or in magazines and things of that kind.

Mr. MOSS. That is true. It has been predicted by some publications that this will happen, and we are concerned that it might.

Mr. ELLENDER. As the bill reads now, it would ban advertising by radio and television?

Mr. MOSS. It will when it becomes effective, yes.

SEVERAL SENATORS. Vote! Vote!

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. ERVIN. I should like to ask for an explanation.

Would this amendment enlarge the powers of the Federal Trade Commission to ban advertising which is not deceptive?

The PRESIDING OFFICER. Will the Senator suspend, for a clarification?

Does the Senator from Utah accept the amendment of the Senator from New Hampshire as a modification to his amendment?

Mr. MOSS. Yes, as modified with the language that was discussed and given to the desk, I am willing to accept the amendment of the Senator from New Hampshire as modified.

The PRESIDING OFFICER. The amendment is so modified.

Mr. ERVIN. As I understand from the Senator from Utah and the Senator from New Hampshire, it is not the purpose of either amendment to enlarge the powers of the Federal Trade Commission beyond the present powers which allow

it to adopt regulations to prevent deceptive advertising.

Mr. MOSS. The Senator is correct. It does not enlarge the powers.

Mr. ERVIN. I thank the Senator.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. MOSS. I yield back the remainder of my time on the amendment.

Mr. COTTON. I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the Moss amendment (No. 410) as modified.

The amendment, as modified, was agreed to.

Mr. MOSS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COTTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 412

Mr. MOSS. Mr. President, I call up my amendment No. 412 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 4, line 11, strike out the word "Excessive".

Mr. MOSS. I yield myself 3 minutes.

Mr. President, in my opening remarks I addressed myself somewhat to this amendment, and therefore I think I can explain it very quickly.

The House bill that came over had a new warning to be put on the cigarette package. In the Committee on Commerce we initially rewrote it to reduce the warning to say simply: "Warning. Cigarette smoking is dangerous to health."

When we had a later session in the committee, the word "excessive" was added, so that it reads: "Warning. Excessive cigarette smoking is dangerous to health."

What I tried to point out when I talked about these charts is that it does not have to be excessive smoking. Any smoking has its deleterious effect. Heavier smoking has a greater effect. I admit that. I say that adding the word "excessive" defeats the warning that is on the package. In fact, any excessive use of any product would be deleterious to my health. If I eat too much candy, if I drink too much water, if I do anything excessively, it is going to be dangerous to my health. So the warning is nullified with the word "excessive" in there. My amendment would simply take the word "excessive" out, and the warning would read "Cigarette smoking is dangerous to health."

I reserve the remainder of my time.

Mr. BAKER. Mr. President, will the Senator yield me 5 minutes?

Mr. COTTON. I yield 5 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I have no disagreement with the distinguished Senator from Utah that the term "Excessive smoking is dangerous to health" is a statement of patent fact. I think that is also true of excessive drinking of alcohol or use of cyclamates or anything else. That is not the point.

The point is, as in most legislation with which we deal, that we are trying to accomplish a public purpose; but we are also dealing in a delicate matter of the establishment of responsibilities between parties. To simply state that excessive cigarette smoking is dangerous to health is a categorical statement of fact by statute which I am very much afraid might create a cause of action against the manufacturer of any cigarette for any purpose, regardless of the extent to which that cigarette was consumed.

I would suggest, Mr. President, that the Senate should address itself to one of two alternative propositions. We should accept either the committee language, which states, "Excessive cigarette smoking is dangerous," or the alternative "cigarette smoking may be dangerous." In each case there would be the subjective quality to be examined. In the first case, was or was not the smoking excessive? In the second case there would be the question whether or not cigarette smoking is dangerous to health left for the ultimate trier of fact.

So far as the junior Senator from Tennessee is concerned, I am perfectly willing to see the language of the bill changed so that it would read, "Cigarette smoking may be dangerous to your health," instead of "Cigarette smoking is dangerous to your health." As an alternative, I am perfectly willing to see the language "is dangerous to your health" retained so long as it is modified by "excessive smoking is dangerous to your health." Either one is agreeable to me, so long as we do not stand on the floor of the Senate and try to create a categorical statement of positive fact which I think we are in no position to do and by right should not do.

Mr. COOPER. Will the Senator yield me 2 minutes?

Mr. THURMOND. Mr. President, will the Senator yield me 2 minutes?

Mr. COTTON. I will yield to the Senator from Kentucky in 1 minute. I yield myself 1 minute at this time to interrogate the Senator from Utah.

Is either suggestion of the Senator from Tennessee acceptable to the Senator from Utah?

Mr. MOSS. I am afraid my attention was diverted during part of that time, and I did not hear all of the remarks of the Senator from Tennessee.

Mr. COTTON. His suggestions were that either "excessive" remain or, if "excessive" is taken out, the words "may be" be used instead of "is." Is either one of those acceptable?

Mr. MOSS. No, neither is acceptable.

Mr. COTTON. May I make a compromise suggestion between the two, and then I will yield time to other Senators.

The House bill provides the following as the label:

Warning. The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause lung cancer or other diseases.

The PRESIDING OFFICER (Mr. HART in the chair). The Senator's 1 minute has expired.

Mr. COTTON. I yield myself 1 additional minute.

Mr. President, this is a warning already in the House bill. If the Senate saw fit to adopt the same warning, it would take it out of conference, and the matter would be settled once and for all.

I should like to know how the Senator from Utah would feel about substituting the House-worded warning for the amendment he has just offered.

Mr. MOSS. Mr. President, I would be glad to respond. I have no strong objection to the House warning. As the Senator will recall, when we discussed this in committee it was said this was long and cumbersome because it had many words in it, so we tried to cut it down.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MOSS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. MOSS. Mr. President, what we finally came up with is taking just the words "Cigarette smoking is dangerous to your health" in the middle of the House warning. At a later date we got this additional wording.

If the Senator wishes to propose going back to the House warning, I would have no objection. A few Senators have expressed the opinion that maybe it would weaken it to see the Surgeon General determining it. But that does not bother me. I voted for the shorter one, but if the Senate wants to change I would not resist.

Mr. BAKER. Mr. President, will the Senator yield to me for 2 minutes so I may offer an amendment in the nature of a substitute?

The PRESIDING OFFICER (Mr. HART in the chair). The Chair is advised that until all time is consumed that would not be in order.

Mr. BAKER. Mr. President, I ask unanimous consent that I may be recognized for 1 minute to introduce an amendment in the nature of a substitute.

The PRESIDING OFFICER. The Chair is advised it is not a problem of obtaining time, but rather until the time on this amendment has been consumed or yielded back, it would not be in order to offer the substitute, except by unanimous consent.

Mr. BAKER. Then I withhold the offering of the substitute.

Mr. COTTON. Mr. President, does that consume all of our time?

The PRESIDING OFFICER. The time would be held en banc until action is concluded on the substitute.

Mr. MOSS. Mr. President, was the Senator from New Hampshire going to offer the House wording as a substitute for my amendment?

Mr. COTTON. No. The Senator from Tennessee wishes to offer a substitute on his part. I want to give him that opportunity. I hope we can agree on the House language. He wants to offer his substitute.

Mr. MOSS. I understand. I now have before me the wording which the Senator from Tennessee proposes to offer at the appropriate time. This would insert the words "may be." Mr. President, this reverts to the warning on the pack now. Yet the only thing we could say that the

House accomplished this year when it extended the bill was to get a better warning on the pack.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOSS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MOSS. For that reason first of all I would not expect the House to take it because they have already voted to have a more direct warning. Second, I think it would be a tremendous step backward if we were to now go back to where we were 5 years ago when we had this ill-starred warning on the package that is so weak and does not, in effect, give a real warning. It simply says it may be hazardous to health.

I took the time of the Senate to bring before it all these charts and statistics to show not that they "may be" but that they are dangerous. Nobody can deny it. There are four reports of the Surgeon General stacking up the evidence, that smoking need not be excessive to be hazardous. Any cigarette smoking is dangerous to health. How anyone can say "may be" escapes me.

I shall have to resist the substitute when it is offered.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. COTTON. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I wish to ask these questions for the record, I believe the questions are pertinent. I assume all of us want to assure a provision which clearly rests on the facts.

Am I correct in saying that the statement made by the Senator from Utah is based primarily on the report of the Advisory Committee of the Surgeon General on smoking and health in 1965.

Mr. MOSS. It is based on that in part, but this has been confirmed now by subsequent reports.

Mr. COOPER. My question is: On the report and subsequent reports, is that correct?

Mr. MOSS. Yes.

Mr. COOPER. But, for the record, is it not also correct that these reports are based on bibliographical information and studies and not research?

Mr. MOSS. No; indeed they are not all bibliographical. There are others that are medical studies.

Mr. COOPER. That is right; medical studies. But they are bibliographical reports and studies, from which they prepared the report. There has been no independent research by the Surgeon General's committee or any new research upon which they base their reports?

Mr. MOSS. To the contrary I think subsequent reports are based on research done; and every report that comes out supports the findings.

Mr. COOPER. The reports do so state, in my view. I ask the Senator if in the hearings he held, the Surgeon General, any pathologist, scientist, or any medical authority was heard?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, will the Senator yield 1 additional minute?

Mr. COTTON. I yield 1 minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COOPER. The index of the committee report does not show the Surgeon General testified.

Mr. MOSS. In the hearings we held this summer the Surgeon General was not heard.

Mr. COOPER. I wish to state a further fact. I believe the accepted methodology has three procedures: One, to determine correlation, and that is the basic of the Surgeon General's report; second, isolation of a suspected ingredient of mechanism—and I do not believe there has been any such establishment with respect to tobacco; and third, the reproduction of disease in laboratory experiments. It is correct that tar has produced skin cancer on mice, but not on human beings, and other substances have also produced skin cancer on mice.

Mr. President, I make this statement for the record, because it has bearings on this subject, and shows that there is much research yet to do.

Mr. COTTON. Mr. President, I yield 3 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, the sum total of the knowledge of this world on the causes of cancer is summed up in the first sentence of the article of the Encyclopedia Britannica on cancer. It says cancer is an autonomous new growth of new tissue without known basic cause.

Nobody knows the cause of cancer. There is plenty of testimony in the Senate Commerce Committee hearings of 4 years ago and the House Commerce Committee hearings of this year from multitudes of doctors to that effect that there is no proof of any causal relation between cigarette smoking and lung cancer. The National Institutes of Health conducted a study with respect to emphysema and reported that the cause of emphysema is unknown. There is a multitude of medical testimony in the Senate Committee hearings of 4 years ago and the House Committee hearings of this year to the effect that there is no proof of causal relation between cigarette smoking and bad health.

The truth is there is no clinical evidence of any causal relationship between cigarette smoking and disease. The contention to the contrary is based solely on certain statistics unreliably collected.

The truth is that the situation is very much like an old adage about the mountaineer who patronized the storekeeper in my county. The whole case against cigarette smoking is based on figures and not on clinical proof or research. The mountaineer had been buying his groceries on credit. He went in to pay his bill. He asked the amount. The storekeeper told him the amount. The mountaineer thought it was too much. The storekeeper laid out his books on the counter and said, "Here are the figures. Figures do not lie."

The mountaineer said, "I know that figures do not lie, but liars sure do figure."

Mr. President, not only do liars figure but honest men, when they get to be crusaders, figure, too.

Mr. President, there is no evidence of any clinical character, and no proof based on research of any causal relationship between smoking and lung cancer, or emphysema or heart disease. The whole case is based on statistics collected in unreliable ways. Qualified doctors testified before the Senate committee 4 years ago to this effect. Other expert doctors also testified before the House committee this year that there is no proof of any causal relationship between cigarette smoking and any of these diseases.

One further point. I ask unanimous consent to have printed in the RECORD a copy of a speech I made in the Senate on December 4, 1967, on the subject that lung cancer is a disease of unknown origin.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ERVIN REPLIES TO TOBACCO CHARGES, MAKES THREE-POINT PROPOSAL, DECEMBER 4, 1967

Today, I want to discuss an allegation which is becoming more and more frequent—that smoking is all that stands between men and immortality. This proposition is being paraded before the American people with all of the pomp and certitude of Madame Curie's discovery of radium.

When I hear these arguments, I am reminded of a prominent citizen who lived to be 96 years of age:

On his 96th birthday the newspapers sent their reporters out to interview him. One of them asked, "To what do you attribute your long life?"

The old man replied, "I attribute it to the fact that I have never taken a drink of an alcoholic beverage or smoked a cigarette in all my days."

At that moment they heard a noise in an adjoining room that sounded like a combined earthquake and cyclone. One of the newspaper reporters said, "Good Lord, what is that?"

The old man said, "That is my old daddy in there on one of his periodic drunks."

Most recently, all of the assertions in support of the argument that smoking causes cancer were collected in Senator Robert F. Kennedy's address to the World Conference on Smoking and Health. When asked for my reaction to that speech, I declined on the basis that any immediate statement by me without careful study could only be superficial and unfair. Since that time, I have studied carefully the charges made by the prohibitionists.

These charges should not stand unchallenged.

In all fairness to the American people, to the tobacco industry, to hundreds of thousands of farmers and tobacco workers and their families, and to the Members of Congress who must consider proposed legislation on this subject, the record should be set straight.

This is what I propose to do today.

I have always believed in freedom of information, whether the news be good or bad.

I believe the American people have a "right to know," and in this case, they have a right to know that there is no proof that smoking causes lung cancer and heart disease. By the same token, the Government has a duty to see that the people are supplied with all of the information about this vital subject.

Now, I have no pretense to expert knowledge of cancer and its causes. Indeed, I am as lacking in information as the medical profes-

sion whose knowledge of the subject is summarized in this quotation from the *Encyclopedia Britannica:*

"Cancer is an autonomous new growth of tissue of an unknown basic cause."

While I do not profess to have any more knowledge of this subject than is set forth in this statement, I do have considerable experience as a lawyer and a judge in weighing the probative value of medical and scientific evidence.

And I agree with the eminent chest disease specialist, Dr. Alvis Green, who told the Senate Commerce Committee:

My study of lung cancer over the past 50 years as an internist and diagnostician leads me to agree with Dr. Joseph Berkson of the Mayo Clinic that there is no proof of causal relationship between the smoking of cigarettes and lung cancer."

I would say, as he does—

"Without false modesty, and quite frankly, I do not know the cause of cancer. Moreover, I am going to say without the slightest fear of contradiction, that no one else does either."

I have discussed in the past and will discuss again in the future other relevant matters including the illegality of the so-called Fairness Doctrine regulations of the Federal Trade Commission; the absurdity of labeling cigarettes as harmful, but not, for example, alcohol; and the poverty which cigarette prohibition would bring to thousands of farmers and workers, while at the same time tax income sufficient to pay for the war on poverty would be cut off.

After studying the arguments of the prohibitionists, I am convinced that they contain little more than old platitudes, new hyperbole, and blatant *non sequiturs*—all based on statistics which are either erroneous, irrelevant or statistically meaningless. Nevertheless, these statistics are cited again and again to support the thesis that smoking causes cancer.

The truth of the matter is that these people are relying on statistics, not research. And they do not understand their own figures.

Actually it would be far easier to show statistically that smoking cigarettes prolongs life:

(1) Americans are living 16 years longer today than they did in 1920.

(2) Americans smoke more cigarettes than they did in 1920.

(3) Ergo, cigarettes prolong life.

Or to cite an example: Great Britain has a higher death rate from cancer than we do. Yet, the British smoke less.

Now, this is not to say tobacco is a health food the equivalent of yogurt. What I am saying is that, from such logic as this, no valid conclusions can be drawn.

It is correct that official statistics show a dramatic increase in lung cancer in recent years. But proponents of prohibition do not mention there has been a corresponding decline in stomach cancer. Are we to assume that tobacco has cleansed the stomach while fouling the lungs? Even more strange, incidence of cancer of the larynx has remained relatively constant over the last thirty years. Yet the smoker's larynx comes in contact with the smoke sooner and more often than the lungs.

The full weight of the prohibitionists' logic seems to rest on this one paragraph from Senator Kennedy's speech:

"Death from lung cancer [is] increasing almost geometrically—from 2,500 in 1930, shortly after smoking started becoming a national habit, to 50,000 now."

This information is, of course, not a figment of someone's imagination. It is derived from federal vital statistics. But they fail to take into account changes in reporting methods, improvement in diagnosis and the aging of the population. All these have influenced the increase in numbers of deaths reported from lung cancer.

More important, there is stronger evidence from equally reputable research scientists and statisticians who reject the hypothesis that any relation between cigarette smoking and any disease has been proven. I will place in the *Congressional Record* expert documentation of this at the conclusion of my statement.

(See exhibit 1.)

For the moment, let me highlight the following facts:

As a "national habit," cigarette smoking among the male population dates not from 1930, but from 1883 when Washington Duke and Sons began mass producing cigarettes near Durham, North Carolina. It is true, however, that it did not become popular for women to smoke until the 1920's; and the number of adult women who smoke has been increasing since that time.

But whether we use 1930 or some earlier date as a base year, it is still clear that a sizable but undeterminable number of cases of lung cancer used to be diagnosed as tuberculosis; and the increase in deaths from lung cancer parallels the decrease in deaths from respiratory tuberculosis and pneumonia. Since 1930 diagnostic techniques and the science of pathology have developed to the point where lung cancer can be easily identified.

Dr. Joseph Berkson of the Mayo Clinic explains the apparent rise in the lung cancer rate and fall in the tuberculosis rate in two ways. He cites the 1961 English study by Dr. Willis to the effect that ". . . so many cases of unrecognized lung cancer [were found] in early records as to warrant the conclusion that there was just as much lung cancer in the past, but it wasn't recognized." Also, according to Dr. Berkson, "persons who in former times would have died at an early age, say from tuberculosis, now live to ages at which they are exposed to death from lung cancer." Incidentally, Dr. Berkson, who the *Cancer Bulletin* calls the dean of American medical statisticians, has said, "Personally, all relevant available facts considered, I think it very doubtful that smoking causes lung cancer."

But even if we were to accept the validity of the claim of low lung cancer incidence in 1930, the argument of the anti-smoking forces seems self-contradictory on several points.

In the first place, increase in the life expectancy of Americans has gone hand in hand with the increase in cigarette consumption. In 1930 the life expectancy of Americans was 59.7 years; by 1965, it was 70.2 years.

Secondly, some people propose economic sanctions on the industry to force a larger share of the market to lower tar and nicotine cigarettes. These cigarettes already constitute a large proportion of those being sold today; however, back in that golden age of 1930 to which cigarette prohibitionists turn with such nostalgia, higher nicotine and tar content cigarettes composed almost 100% of the market, and filters were nothing more than a gleam in the eye of two of the smaller manufacturers.

In this connection, the Federal Trade Commission last week released even more statistics to confuse the public. For they have proceeded by sometimes rather dubious methods to grade cigarettes by their tar and nicotine content. Yet, there is no proof that these even affect health. Even in 1950, filter cigarettes composed only .06% of total production; ten years later over half the cigarettes manufactured had filters. Further, mention is seldom made of the fact that although cigars and pipe tobacco are held blameless by the prohibitionists, both contain considerably more tar and nicotine than the average cigarette.

Other facts which go unmentioned are far more relevant than the propaganda which is disseminated.

For instance, although the lung cancer rate among women during the past 40 years has increased slightly, it by no means has kept pace with the increase in the number of women who smoke. For reasons which no one can explain, lung cancer remains largely a disease of the male. And, according to Drs. Rosenblatt and Lisa, "If cigarette smoking is a potent carcinogenic agent it should have affected lung cancer mortality by this time, resulting in an equalization of the sex ratio which in 1964 was 6.4: 1."

It is interesting that the *Encyclopedia Britannica* (1966 edition) in its discussion of percentages of cancer deaths in the United States, reports that 11% of the male deaths were from lung cancer, while only 3.1% of the female cancer deaths were from lung cancer.

Also, Senator Kennedy emphasizes that people are beginning to smoke at an earlier age and are smoking more cigarettes per capita. Yet, the average age at which lung cancer occurs has remained the same. If cigarette smoking produced lung cancer, then a lowering of the age of occurrence would be expected.

It is also passing strange that, as Dr. Rheinhard has said, "The average age at which lung cancer occurs is the same for heavy smokers, light smokers and nonsmokers." And Drs. Rosenblatt and Lisa note that lung cancer occurs at approximately the same age "regardless of whether smoking had been started at 6 years or at 41 years of age. Equally significant was the finding that the number of cigarettes smoked daily did not affect the age at onset; in both the light smokers and the heavy smokers the disease had developed during the same decades of life."

These same doctors, whose paper will be placed in the *Record,* carefully illustrate that lung cancer is primarily a disease of older men, and that cigarettes are therefore not the cause:

"This distinctive age distribution was noted in the nineteenth century in the absence of cigarette smoking and also in recent decades in the era of widespread cigarette consumption. The relation between longevity of the population and the incidence of lung cancer is therefore very significant. . . .

"It is very evident that, regardless of any hypothetical etiologic considerations, the total number of potential subjects for lung cancer has increased by many millions during the past half century. The inherent biologic characteristic of the disease to develop in older age groups will therefore result in the occurrence of more cases in future years as proportionately more of the population reaches the later decades of life."

In other words, to reverse the increase in lung cancer, we must either reduce life expectancy or we must find the cause and cure. Cigarette prohibition is no answer.

I would add here that aging is also a primary factor in emphysema, heart disease and most of the other diseases which the prohibitionists cite as byproducts of smoking. In a most important study of male, identical twins, Dr. Lundman and his colleagues concluded that ". . . cigarette smoking is probably not associated with coronary heart disease."

A substantial number of deaths from lung cancer, especially among women, are the result of cancer spreading to the lung but originating elsewhere in the body. These deaths could not be blamed on cigarettes by the most ardent prohibitionist; yet they are counted in the statistics cited by them.

Most conspicuous of all by its absence from public speeches on this subject is any mention of air pollution or other possible factors being studied. Certainly increased pollution, both from industry and from vehicular traffic, has at least kept pace with, if not outstripped, increased cigarette consumption since 1930. In fact, it was shown that on Staten Island, in New York, lung

cancer is far more likely to occur in residents where air pollution is highest. And, according to a five-year study published in the *German Journal for Cancer Research*, "The frequency of lung cancer is not influenced by cigarette smoking but there is a significant correlation between the air pollution problem and the bronchial carcinoma rate."

These facts, I believe, are sufficient in themselves to effectively rebut the hypothesis that a causal relation between cigarette smoking and cancer has been proven. I do not feel I can conclude, however, without challenging certain other allegations about tobacco and the tobacco industry.

The first is from a recent speech on the Senate floor in which it was maintained: "Between 4,000 and 5,000 children start to smoke each day." For two months, I have searched for statistics to validate this assertion, and I have failed utterly. My only conclusion is that this number is an exaggeration of an equally dubious statement by the Surgean General to the effect that 4,000 children begin smoking each day. The Surgeon General's statement in turn rests on a limited survey conducted in 1961 in Newton, Massachusetts. With a control group so small, it is a statistically absurd assertion which never even attempts to define the ages of the children to which it refers.

The Surgeon General and others maintain that their conclusions are based on over 5,000 studies. They do not mention that many of the studies are but rehashes of the others in popular magazines and even letters to the editor. Nor do they mention that many of the studies reached opposite conclusions from those of the Public Health Service. And Senator Kennedy then said, "No responsible health organization which has examined the problem has disagreed with these important facts." For an editorial which clearly refutes this conclusion, I suggest "Etiology by Edict" from the March, 1966, edition of the *Journal of Thoracic and Cardiovascular Surgery*.

I take strong exception to charges that "Cigarettes would have been banned years ago were it not for the tremendous economic power of their producers. . . . Nearly $300 million a year is spent in the United States alone on . . . efforts to start young people smoking and continue others in the habit."

The cigarette industry is less powerful than the liquor interests were in 1918; and prohibition of tobacco would fail as miserably as it did with alcohol. The only effect would be a bonanza for bootleggers dealing in low quality leaf. As for the statement, explicit and implicit, that the industry spends hundreds of millions enticing children to smoke, the charge is patently false.

In the first place, the industry spends no money whatsoever on institutional advertising designed to enlarge its market, as does, for instance, the brewery industry. Yet, beer commercials are as prevalent as cigarette commercials on sports programs; and it is incontrovertible that beer in the hands of an automobile driver can be a killer of young people. Certainly, the cigarette industry has made important strides in self-regulation by voluntarily limiting its advertising during programs aimed at youngsters. In addition, they have voluntarily ended all advertising on college campuses and drafted a code to police its advertising. The truth is that all cigarette advertising is brand advertising and has as its purpose gaining a larger share of the market for the manufacturer; and increasingly this advertising leads to larger markets for the lower tar and nicotine cigarettes. It is clear that human nature being what it is, an absolute ban on advertising is not the answer. In England, television advertising of cigarettes was banned, with the idea that English youth would not be encouraged to smoke. A year after the ban went into effect, however, the percentage of boys 16 to 19 years old who smoke had increased from 51% to 57%. For girls the same age, the proportion of smokers increased from 39% to 47%.

In Italy, all cigarette advertising is banned. And since the ban, cigarette use has risen steadily.

As to a charge heard at the World Conference that "The cigarette companies have demonstrated a total inattention to public responsibility," the industry has contributed $22 million to independent scientific research on health and smoking, $10 million of which has gone to an American Medical Association research project. It has spent even more in its own research. This is not to say that the manufacturers, have completely altruistic motives. Indeed, it is in their own interest to discover the relationship, if any, between smoking and lung cancer so that they can eliminate that ingredient, if any, which is responsible for the disease.

In conclusion, I emphasize two points:

First, I make no claim that cigarettes are a wonder drug. I claim only that which K. A. Brownlee has said in his article in the *American Statistical Review*. That is, at this time the statistics do not show that cigarettes cause human disease. Or, in the language of the North Carolina South Mountains, "Figgers may not lie, but liars sure do figger." And honest men also figger when the crusading spirit burns in their hearts.

Second, it is not my position that Congress should stand idly by in the face of what appears to be mounting deaths from lung cancer. But I do object strenuously to the solutions offered by the prohibitionists. Senator Kennedy, for instance, advocates impossibly strict self-regulation of the industry. In effect, what he asks of the manufacturers is slow suicide until such time as Congress agrees to give the Federal government the tools to administer the final execution.

This course can only lead through a blind alley of economic tragedy; and I'm not talking about the several hundred executives of a few large manufacturers. I'm talking about the several hundred thousand small farmers and tobacco factory workers and their families. Where shall we send them? To the ghettos of New York where it has been estimated even by prohibitionist scientists that residents are breathing heavily-polluted air?

It baffles me that some scientists have taken up the crusade for cigarette prohibition with all the religious fervor of a Carrie Nation. How much further we might be today if all of that combined intelligence, dedication, and energy had gone into research rather than propaganda.

PROPOSALS

Which brings me to my three-point proposal for resolving this controversy.

First, I believe the Federal government should initiate, as soon as possible, a cooperative effort among industry, government, and private, nonprofit organizations to find the cause and cure for lung cancer. Dr. Salk has shown us that there is nothing which is medically impossible. If we can divert all of the financial and human resources now engaged in anti-cigarette propaganda into a coordinated effort, I am confident we could shorten greatly the time until we reach our goal.

Between now and the time Congress reconvenes in January, Representative Galifianakis and I will be discussing plans for a definite program with Senator Jordan and other members of our delegation. It has occurred to me that this may be an excellent opportunity to test Vice President Humphrey's plan to apply computer technology to medical research in order to avoid duplication of research by scientists scattered across the country. A data bank could be set up in the Research Triangle Park in North Carolina which would act as a nationwide storehouse for all lung cancer research. As support facilities, we already have the Environmental Health Center, an IBM research facility, and the U.S. Data Processing Laboratory of the National Center for Health Statistics located in the Park. There are nationally-recognized medical schools at Duke University and the University of North Carolina at Chapel Hill. And the computer experiments being conducted at these two schools and at North Carolina State University—the three institutions which form the angles of the Triangle—could make a great contribution to the program, as could the research affiliates of the tobacco companies located nearby. Work of this nature in its embryonic stages is already being done in the area, and expansion of it could take place more easily there than at any other place in the nation. I am certain the State of North Carolina would cooperate in every way possible. Our legislature has already appropriated money for a Bio-Dynamics Laboratory at North Carolina State University for agricultural research on tobacco. Much of this research is being devoted to producing better quality leaf with lower tar and nicotine content.

Action along this line is the type which Nick Galifianakis and I feel Congress and the Surgeon General should contemplate.

Second, I urge a renewed and larger assault on air pollution. The Administration is to be congratulated for its work in this area. The landmark Air Pollution Act recently signed into law offers great hope, both in terms of research and in terms of regulation. Still, as President Johnson and Secretary Gardner have recognized, there is more Congress can do. It is true that, as with cigarette smoking, there is no proof that air pollution causes lung cancer. Yet, to the extent it may constitute a health hazard, air pollution is a more insidious threat than smoking. The latter is a voluntary risk, while the former is imposed on everyone against the wishes of everyone. Further, there are esthetic reasons as well as health reasons for an intensified war on air pollution. Until that day when all Americans can once again be assured they can look up in the morning and see the sky and look up at night and see the stars, we need to fight to lift the sick cloud of pollution which hangs so heavy across the face of America. Here again, Representative Galifianakis and I hope to offer some new ideas.

Lastly, if it is ever proven that there is a causal relation between cigarette smoking and lung cancer, then government, industry, and medicine should be prepared to begin immediately a cooperative search for a safe cigarette—not, however, through the coercive economic sanctions which have been proposed to the Senate, but rather through a program of tax incentives and joint government and industry research. Today's scientists are capable of finding better solutions to problems than by shouting them out of existence.

I'll conclude now with an editorial from the Raleigh, North Carolina, *News and Observer*, which contains more wisdom than all the propaganda of those who would regulate the personal habits of the American people.

"HAZARDS APLENTY

"In connection with the dire and continuous warnings given us about the supposed dangers of cigarette smoking, a physician passed along a little verse from the *New England Journal of Medicine*. It goes:

" 'Cholesteral is poisonous, so never, never eat it.
" 'Sugar, too, may murder you, there's no way to beat it.
" 'Some foods were filled with vitamins till processing destroyed it.
" 'So let your life be ordered by each documented fact
" 'And die of malnutrition with your arteries intact.'

"And warily watch every sunny sky for bolts of lightning."

EXHIBIT 1

1. A list of the major points raised by Dr. Milton B. Rosenblatt, Professor of Medicine at New York Medical College, and Dr. James R. Lisa, Consultant Pathologist, in their paper entitled "Biology, Biometry and Bronchogenic Carcinoma" from the August, 1967, edition of *Medical Science*, followed by the text of that article.

2. An editorial entitled "Etiology by Edict," by Dr. Hiram T. Langston from the *Journal of Thoracic and Cardiovascular Surgery* of March, 1966.

3. Excerpts from the study entitled "Smoking in Relation to Coronary Heart Disease and Lung Function in Twins; A Co-twin Control Study, Serum Lipids, Smoking, and Heredity," from *Acta Medica Scandinavica*, 1966.

4. A news release by the National Research Council of October 26, 1967.

5. An article entitled "Surgeon General's Report is Inconclusive on Cigaret-Cancer Link, Statistician Says," from the December 13, 1965, edition of *Advertising Age*, and the article on which this news report is based.

6. An article, "The Influence of Cigarette Smoke on Lung Clearance," by Charles W. La Belle Ph. D.; Dorthea M. Bevilacqua, M.A.; and Heinrich Brieger, M.D., from the May, 1966, edition of *Arch Environ Health*.

7. A study, "Distribution of Mortality from Lung Cancer in the County of Los Angeles," from the June 15, 1967, edition of *The Bulletin*, published by the Los Angeles County Medical Association.

8. A news release entitled "Tobacco Institute Replies to RFK Charge of Industry 'Inattention to Responsibility,' of September 11, 1967.

9. An address to the Tobacco Growers Information Committee Annual Meeting of November 6, 1967, by Addison Y. Yeaman of the Brown & Williamson Tobacco Corporation.

10. An address to the Burley and Dark Leaf Tobacco Export Association Annual Convention on October 3, 1967, by Paul D. Smith of Philip Morris, Inc.

11. Two editorials from *Barron's;* the first entitled "The Witch Doctors—Pseudo Science Is a Menace to U.S. Health and Welfare," in the May 9, 1966, edition; and "Dangerous Lengths—The Federal Crusade Against Smoking Has Gone Too Far," in the October 2, 1967, edition.

12. A column by James J. Kilpatrick, entitled "Anti-Smoking Figures Look Flimsy," from *The Washington Evening Star* of September 28, 1967.

13. An article entitled "City Air Pollution Said to Cost $520 Million a Year in Damage," from the June 25, 1965, edition of the *New York Times*.

14. An article entitled "German Physician Denies Smoking Role in Lung Cancer; Blames Air Pollution," from the August 12, 1964, edition of the *Medical Tribune*.

15. An article entitled "Germans Dispute Cigaret-Cancer Link," from the March 24, 1964, edition of the *Chicago American*.

16. An article entitled "Smoking and Lung Cancer: An Untelivised Telecase," by Dr. Joseph Berkson of the Mayo Clinic and professor of Biometry at the University of Minnesota, from the *Cancer Bulletin*, May–June, 1963.

17. An article entitled "S. I. Deaths Linked to Air Pollution," by Peter Kihas, from the January 12, 1967, edition of the *New York Times*.

Mr. MOSS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Utah is recognized for 1 minute.

Mr. MOSS. Mr. President, no matter how vehemently or how loudly the Senator alleges that there is no connection between cigarette smoking, lung cancer, emphysema, and so forth, it does not erase the fact that studies made by the Surgeon General and the Public Health Service confirm the connection again and again. The figures are there on the chart. They show what happens to a person who smokes in comparison to one who does not; they demonstrate that there is a causal connection between cigarette smoking and lung cancer. It has certainly been accepted by the medical profession because in 1965, 80 percent of doctors smoked; today only 15 percent smoke. The doctors have got the message.

Mr. President, I now yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. MAGNUSON. Mr. President, I hope we do not become emotional about this. I suppose science cannot determine the causes of many diseases, from the common cold to cancer, the second biggest killer, next to heart disease, in the United States.

For many years I have listened to testimony on both side of the health detriment question. We do not have as many statistics as we should have, but I am convinced of the fact that people who smoke cigarettes have considerably more lung cancer than those who do not smoke cigarettes.

I have no way of knowing personally whether cigarette smoking causes cancer. Some scientists may know. But I do know that those who smoke cigarettes do have more lung cancer.

It is too bad that the word "cigarette" alone is in the bill, because what we are really talking about is inhaling. The fellow who smokes a pipe, or goes behind the barn and smokes corn tassels can have some trouble in his lungs if he inhales. It is inhaling that counts, and today most cigarette smokers inhale to get pleasure out of smoking.

I must frankly say that until recently I have been a long-time cigar smoker. Most cigar smokers do not inhale. I suppose that if one did inhale, he would get lung cancer 10 times faster than a person who did not inhale.

Mr. COTTON. Pipe smokers, too.

Mr. MAGNUSON. Yes; if a pipe smoker were to inhale he would be more susceptible to lung cancer.

There are people who chew tobacco. There is nothing wrong with that. It just looks bad. [Laughter.]

All statistics show that people who smoke cigarettes get lung cancer, in some cases three times more than those who do not and the latest statistics show five times more. It is as simple as that.

Like the Senator from North Carolina, I do not know what causes cancer, but pollution in the air may add to it. Perhaps we could make a study of a fellow who goes out into the wilderness where there is no pollution in the air and smokes cigarettes and have the results compared with one who smokes cigarettes in a crowded city. Perhaps there may be some difference in the statistics. That is what this is all about.

We are not trying to stop smoking by direct legislation, and I must say that the tobacco industry has been very cooperative in this advertising matter. But the tobacco industry has come to the conclusion that, generally, there is a problem here, and I will say this on their behalf, that there is more research going on today in the United States, six to 10 times over what it was in the past because the industry is trying to develop a safe cigarette. But that takes time. People's tastes are different. I suppose if we started to smoke some kind of ground up coffee bean when we were young, we would get the same habit as if we were smoking cigarettes.

All we are trying to do here is to provide more time to work this thing out and protect people from being bombarded by media advertising. I hope that we do work it out.

We are not denying our people the right to smoke if they want to. But, the Federal Government has the responsibility, when it finds such a health hazard to label it for what it is; a hazard.

All the statistics show there is no argument about that. We have been trying for 50 years to determine the cause and find a cure for cancer. We are getting closer to a breakthrough. We have made progress in curing some kinds of cancer, but lung cancer has been on the increase and emphysema, also.

Mr. President, I do not believe that we should argue about medical research. I do not believe we in the Senate are competent to do this. There are many differences of opinion about it. The bulk of opinion, however, shows that cigarette smoking causes cancer. But all I know is that those who smoke cigarettes and inhale get lung cancer two to five times more often than those who do not smoke cigarettes. It is as simple as that.

Mr. COTTON. Mr. President, I yield 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 1 minute.

Mr. BAKER. Mr. President, I have previously addressed the Chair regarding my amendment, and since then I have sent a copy of it to the Senator from Utah (Mr. Moss), and I understand that he is not agreeable to accepting it as a compromise to his amendment.

I rise merely to say, that being the case, I do not now intend to offer it.

My purpose was to have the version of the bill now before the Senate delete the word "excessive" from the intended labeling, "excessive smoking is dangerous to your health." I asked for a compromise, which the distinguished Senator from Utah has indicated he will not accept, to take out that word "excessive" and substitute the language "may be" for "is" so that the label would read, "Cigarette smoking may be dangerous to your health."

He is not agreeable to accepting that amendment. Therefore I wish to state that I do not intend to offer it at this point.

I shall vote against the proposed amendment of the Senator from Utah.

Mr. COTTON. Mr. President, I yield 2 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. THURMOND. Mr. President, testimony is to be found on both sides of this

question. Research has been conducted, and is still being conducted. What the Commerce Committee did would appear to be reasonable, fair, and proper, and it seems to me we would be wise to follow the action of the Commerce Committee. Furthermore, if we can avoid so much Federal regulation in matters, I think it is better for the country and for our citizens.

The tobacco industry made a statement before the Commerce Committee which I think shows a very cooperative attitude: that with respect to all other advertising, they would avoid advertising directed to young persons, and would continue to abstain from advertising in school and college publications, would continue not to distribute sample cigarettes or engage in promotional activities on school and college campuses, would continue not to use testimonials from athletes or other celebrities who might have special appeal to young people, would avoid advertising that represented cigarette smoking as essential to social prominence, success, or sexual attraction, and would refrain from depicting smokers engaged in sports or other activities requiring stamina or conditioning beyond that needed for normal recreation.

It seems to me that the tobacco industry is leaning over backward to try to cooperate with the Congress in this matter. Certainly, this appears to be a reasonable attitude until we have definite results from the research being undertaken.

I hope the action of the Commerce Committee will be sustained.

Mr. COTTON. Mr. President, I yield 2 minutes to the Senator from Kentucky (Mr. COOK).

THE HOUSE CIGARETTE HEARINGS—A NEW LOOK AT SMOKING AND HEALTH

Mr. COOK. Mr. President, after 13 days of hearings and 1,807 pages of testimony, the House Interstate and Foreign Commerce Committee has produced a record that casts more than reasonable doubt on the case against cigarette smoking. Indeed, the record reflects an erosion of confidence in the "facts" of the antismoking case.*

But, committee members need solid facts as a basis for decision. One member told of seeing a colleague become so frustrated that he lit up a cigarette; "and the fellow does not even smoke," he added. Another suggested that the committee "investigate the investigators" to resolve the contradictions. A third called for "reopening" the Surgeon General's 1964 study of smoking and health, the basic indictment by the antismoking forces.

What happened to cause this reaction?

Like most people, committee members were well aware of the charges made against cigarette smoking. A constant barrage of antismoking commercials, newspapers stories, and pamphlets buttressed by one-sided reports from the Surgeon General created a bandwagon effect. And like most people, including most physicians, unfamiliarity with the actual scientific evidence led them to accept the notion that where there is cigarette smoke there must also be fire.

However, committee members, unlike the general public, were exposed by experts to the other side of the smoking and health controversy during the hearings. And this evidence was revealing. They heard much testimony that flatly contradicted popular views. For example, they learned:

That medical scientists are not solidly lined up against smoking.

That there are honest and wide differences of opinion among medical scientists about the importance of the reported statistical associations between cigarette smoking and various diseases.

That, according to a number of highly qualified expert witnesses, many reporting on their own research, there is no scientific evidence that cigarette smoking causes cancer and other diseases.

Committee members also learned—and to men in the process of lawmaking the disclosure must have been disquieting—that some of the tactics used against tobacco were below the belt.

Following are some excerpts of the evidence, which casts serious doubt on the theory that cigarette smoking causes disease. To most Americans it would come as a great surprise that such evidence even exists:

DOES SMOKING CAUSE LUNG CANCER?

"A person of true scientific discipline would never make a final judgment on the type of evidence presented in favor of the hypothesis." (Thomas H. Bren, M.D., Professor and Chairman, Department of Medicine of Southern California School of Medicine.)

After at least 30 years of experimental work, and many smoke inhalation experiments in animals, lung cancers of the most common, squamous cell human type have not been produced. It is usually difficult to prove a negative, but if cigarette smoke were a cause of lung cancer, it is indeed surprising that no animal experiments have succeeded in its production. (Sheldon C. Sommers, M.D., Clinical Professor of Pathology, Columbia University Medical College.)

The cause of cancer in humans, including the cause of cancer of the lung is unknown. (Victor Buhler, M.D., Associate Clinical Professor of Pathology and Oncology at University of Kansas School of Medicine, and former president of the College of American Pathologists.)

As of the present date, the cause of lung cancer remains unknown. (Duane Carr, M.D., Professor of Surgery, University of Tennessee College of Medicine.)

The statistical association between smoking and lung cancer is not indicative of cause and effect, because the clinical behavior of the disease does not permit this conclusion. (Hiram T. Langston, M.D., Professor of Surgery, University of Illinois College of Medicine and President of the American Association for Thoracic Surgery.)

As of 1969, our knowledge of the cause or causes of lung cancer remains primitive . . . To date the only evidence supporting this [cigarette smoking] hypothesis is statistical, and there are statistics which fail to support it. (William B. Ober, M.D., Associate Professor of Pathology, New York Medical College.)

DOES SMOKING CAUSE HEART DISEASE?

The incrimination that smoking causes or accelerates heart disease from atherosclerosis of the coronary arteries is wholly unwarranted. (William Evans, M.D., Former consulting physician The Institute of Cardiology, London, England.)

It is very doubtful that such a relationship exists. If heavy smokers suffer coronary thrombosis in a significantly greater proportion than non-smokers, the cause of the phenomenon could be related to the stress that usually goes together with the smoking habit. (Walter S. Priest, M.D., Emeritus Professor of Medicine at Northwestern University Medical School.)

The evidence I feel is still not strong enough for me to say within the criteria of causality . . . that there is cause and effect. (Surgeon General William H. Stewart.)

There is no proof that cigarette smoking causes [diseases of] coronary arteries . . . let's be sure we understand the American Heart Association position. We do not say that we have the data which says cigarette smoking causes coronary artery [disease]. (Campbell Moses, M.D., Medical Director, American Heart Association.)

It would be regrettable, if the impact of the prestige of the U.S. Public Health Service led scientists and the public to believe in and accept as firmly established facts which, on the basis of current knowledge, are speculative and lacking in scientific validity. The situation demands not special pleading but scientific truth, namely, what is reasonably established. And, certainly, it has not been reasonably established that cigarette smoking causes coronary heart disease. (Carl C. Seltzer, Ph. D., Senior Research Associate Harvard University School of Public Health.)

DOES SMOKING CAUSE EMPHYSEMA?

The cause or causes of emphysema are not now known. ("Special Report on Emphysema," National Institute of Allergy and Infectious Diseases, N.I.H.)

They stated [the 1964 Surgeon General's Advisory Committee] . . . that a relationship exists between pulmonary emphysema and cigarettes but it has not been established that this relationship is causal (Surgeon General William H. Stewart.)

I cannot find any actual evidence that . . . cigarette smoke or anything else, has a causal relationship to the development of this disease. (Edwin Rayner Levine, M.D., Associate Professor of Clinical Medicine, Chicago Medical School.)

Most authorities agree that emphysema presents a complex problem which awaits scientific explanation. (John P. Wyatt, M.D., Professor and Chairman, Department of Pathology, University of Manitoba.)

The "protagonists of the anti-smoking campaign" have refused to face this paramount question: "If it is true that we do not know what emphysema is and whence it originates, how can they maintain the claim that it is linked to cigarette smoking? How can their position be reconciled with scientific principles?" (Israel Rappaport, M.D., Former Associate Clinical Professor, Columbia University Medical School.)

Testimony such as this, flatly contradictory to "accepted" views, seriously undermined the major conclusions of the antismoking witnesses—and the underlying premise for further punitive legislation. It was not lost on the committee that among the witnesses quoted above were some notable opponents of smoking.

But further doubt arose as expert witnesses also exploded many of the supporting dogmas of the antismoking forces. Under scientific attack, a number

*HEW Secretary Finch himself noted some gaps in the "facts" on April 25, 1969, during the hearings, when he announced in a news release,

"I believe that industry and government working together offer great promise of finding the answers we need. I am confident our joint effort will yield a cooperative research program which strongly promotes the public interest."

of subsidiary assertions, which had bolstered the main charges and lent force to antismoking commercials were weakened. In effect, they were now ended with a question mark instead of an exclamation point.

Following are some of the newly raised questions:

DOES SMOKING TURN THE LUNGS BLACK? OR CAN DOCTORS TELL SMOKERS' LUNGS FROM NONSMOKERS LUNGS?

The knowledge of what the black pigment represents, namely carbon particles or coal dust, is know to every well trained second-year medical student, and . . . it is not possible to equate blackening of the lung to exposure to tobacco products. (Sheldon C. Sommers, M.D., Clinical Professor of Pathology, Columbia University Medical College.)

The color of the lung has to do with the matter of carbon, and I am unable to recognize the difference between a smoker and a non-smoker . . . and I have never been able to correlate it with the use of tobacco. (Hiram T. Langston, M.D., Professor of Surgery, University of Illinois College of Medicine, and President of the American Association for Thoracic Surgery.)

I would estimate that of a thousand pathologists in this country, 998 would say, "I could not tell," and the other two would say, "I could tell" and those who could tell either had some infinite intuition or are not telling the truth. (Irving Zeidman, M.D., Professor of Pathology, University of Pennsylvania School of Medicine.)

I have examined thousands of lungs—and I cannot tell you from examining a lung whether or not its former host had smoked . . . I state flatly and unequivocably and emphatically that cigarette smoke will not turn the lung black. (Victor Buhler, M.D., Pathologist, St. Joseph Hospital, Kansas City, Missouri.)

IS NOT EVERY SMOKER DAMAGED BY HIS SMOKING?

Not everyone gets cancer or heart disease. And of course, non-smokers, as well as smokers, get both. Indeed, it would appear that, as observed in the first massive review of the smoking research literature, the British Report of the Royal College of Physicians, "most smokers suffer no serious impairment of health or shortening of life as a result of their habit" . . . I hope it is well understood that no medical practitioner can advise patients they can avoid lung cancer or heart disease by not smoking. (Bernice C. Sachs, M.D., Seattle Mental Health Institute.)

To experienced physicians who examined and observed so many heavy smokers, the most astonishing feature of the present issue over the effects of smoking must be the current trend to simply ignore the overwhelming evidence presented by the tens of millions of smoking men and women going through life without any signs or symptoms of damage to their lungs from many years of smoking—even heavy smoking. (Israel Rappaport, M.D., Former Associate Clinical Professor, Columbia University Medical School.)

If cigarettes were the cause of lung cancer, I believe we would have an incidence many times greater than we do now, and would not encounter the disease in nonsmokers. (H. Russell Fisher, M.D., Professor of Pathology, University of Southern California School of Medicine.)

IS THERE A LUNG CANCER EPIDEMIC?

The increase in the incidence of lung cancer in the United States . . . reflects the growing and aging population of this country. The apparent increase is also reflected in the increased expertise and improved diagnostic abilities of the medical profession. The increase in the number of members of my own specialty in medicine (Pathology) is directly responsible for some of the apparent increase. (H. Russell Fisher, M.D., Professor of Pathology, University of Southern California School of Medicine.)

Changes in classification of disease have contributed to much of the reported increase in diseases such as lung cancer. (Duane Carr, M.D., Professor of Surgery, University of Tennessee College of Medicine.)

In 1900, the combined crude death rate for respiratory diseases in the United States exceeded 450 per 100,000 but there were no death rates recorded for lung cancer. If only a small percentage of the death attributed to tuberculosis, pneumonia, bronchitis or influenza had been incorrectly diagnosed and were, in actuality, cases of lung cancer, there would be relatively little increase in the prevalence of this disease during the past half century.

The concept that cancer of the lung is a new disease and a byproduct of modern civilization is false and those who promulgate this thesis are misleading the public. The disease was a well known entity for a century before the era of widespread cigarette smoking. The only thing new is our ability to diagnose it before autopsy. (Milton B. Rosenblatt, M.D., President, Medical Board, Doctors Hospital, New York.)

An important aspect of present trends in this country, which is generally ignored, is the declining rate of increase. If this feature of the trend continues, the disease will reach its peak among the white male population in the foreseeable future (1983) and then start to decline. (A. G. Gilliam, M.D., of the National Cancer Institute.)

The observed decline in the rate of increase of lung cancer is exactly what one would expect, however, if the reported increase were due to constantly improving detection of this disease—or of any other for that matter. (Thomas H. Brem, M.D., University of Southern California.)

DOES NOT GIVING UP SMOKING MAKE ONE HEALTHIER?

Even if cigarette smokers, as a group, did not smoke, there still would be a higher proportion of persons with primary cancer of the lung, or coronary heart disease, if you wish, among them than among non-smokers, as a group, since constitutionally they are more disposed to the disease. (George L. Saiger, M.D., Former Associate Professor of Epidemiology, Columbia University.)

The same higher coronary rate was observed in former cigarette smokers as in all current moderate and heavy smokers . . . the incidence of symptomatic infarction was as great in former cigarette smokers as it was in current smokers and was as great in former cigarette smokers as in men smoking more than one pack daily. (Ray Rosenman, M.D., Director, Western Collaborative Study of Coronary Heart Disease.)

[From data in the HEW survey of smoking and illness] consistent pattern is quite obviously apparent. For all categories, present smokers have a much lower incidence [of disease and disability] than do former smokers. (Theodor D. Sterling, Ph.D., Professor of Applied Mathematics and Computer Science, Washington University.)

IS NOT CIGARETTE SMOKING ADDICTIVE?

We would disagree with the contention that cigarette smoking is "physiologically addictive." (Surgeon General William H. Stewart.)

In no sense, pharmacological sense, can one talk about smoking being addictive. (Arthur Furst, Ph.D., Director, Institute of Chemical Biology, University of San Francisco.)

Physical dependence does not develop either to nicotine or other constituents of tobacco. (Charles Hine, M.D., Ph.D., Clinical Professor of Pharmacology and Preventive Medicine, University of California School of Medicine.)

Some confusion arose through use of the word "addiction" in connection with tobacco use. By generally accepted World Health Organization criteria, smoking tobacco is not considered an addiction. (Sheldon C. Sommers, M.D., Director of Laboratories, Lenox Hill Hospital, New York.)

DOES NOT CIGARETTE SMOKING CAUSE EXCESS DEATHS, SHORTEN LIFE, AND INCREASE MORBIDITY?

I know of no such figures which show a higher mortality rate for smokers than nonsmokers, without ambiguity, without difficulties of interpretation, and without leaning very heavily upon a selected number of instances for presentation and hiding some of the others which are probably just as important or just as controversial. (Theodor D. Sterling, Ph.D., Professor of Applied Mathematics and Computer Science, Washington University.)

The widely publicized accusations of hundreds of thousands of deaths caused by cigarettes and of shortening of life expectancy a specific number of minutes per cigarette smoked are fanciful extrapolations and not factual data. (Milton B. Rosenblatt, M.D., President, Medical Board Doctors Hospital, New York.)

Many figures were cited concerning 30,000 or 50,000 or 260,000 persons per year having or dying from lung cancer or the other diseases being considered. Since it is not known what the causes of lung cancer, coronary heart disease, or bronchopulmonary disease are, the multiplication of numbers does not contribute to understanding them any better. (Sheldon C. Sommers, M.D., Director of Laboratories, Lenox Hill Hospital, New York, New York.)

Mr. Preyer: "So you can say there is no significant difference in the mortality rate of smoking and non-smoking twins."

Dr. Cederlof: "Yes . . ."

Mr. Preyer: "Then there is no evidence that non-smoking twins live longer than smoking twins?"

Dr. Cederlof: "No."

(Rune Cederlof, Ph. D., Associate Professor, National Institute of Public Health, Stockholm.)

The [Public Health Service] Morbidity Report expressly conceded that errors in some of the results were too large to permit meaningful conclusions; at the same time conclusions from these results were advanced. This type approach is not scientific, but shows bias and desire to reach predetermined conclusions . . .

[The Public Health Service] has gone even further in using portions of the Morbidity Report, often out of context, as the basis for a condensed propaganda pamphlet entitled "Smoking and Illness." This pamphlet boldly ignores even those inherent limitations acknowledged in the Morbidity Report. It flatly, and without qualification, asserts precisely how much illness and disease is due to smoking. Nowhere does the pamphlet disclose that the basic data included no medical diagnoses by doctors but only self and proxy diagnoses by lay men. In light of this Critique, the further use and compression of the Morbidity Report in this pamphlet can only be regarded as a dangerous and misleading deterrent to further scientific study. (John W. Sawyer, Ph. D., Professor of Mathematics, Wake Forest University.)

If the contradictory testimony of medical experts raised doubts among committee members, their puzzlement was increased by concessions coming, oddly enough, from the antismoking witnesses. For example:

Paul Rand Dixon, Chairman of the

Federal Trade Commission was told "it has never been proven medically, the causal connection between the inhalation of smoke and lung cancer. You know that, do you not?" and he said, "Yes, sir."

No witness disagreed that the type of lung cancer associated with smoking has never been induced in animal inhalation experiments, despite more than 30 years of efforts and many reams of publicity intimating otherwise.

Dr. William H. Stewart, of Public Health Service, testified:

I have never stated a cause and effect between (cigarette smoking) and heart disease.

Dr. Campbell Moses, of the Heart Association said:

There is no proof that cigarette smoking causes coronary artery disease.

His colleague, Dr. Lewis January, said:

There was no specific causal relationship.

Dr. Stewart quoted the National Institute of Allergies and Infectious Diseases as having "stated that a relationship exists between pulmonary emphysema and cigarettes but it has not been established that this relationship is causal."

Dr. John Gompertz, of the Tuberculosis and Respiratory Diseases Association, testified that—

The cause of emphysema is not clearly understood.

Asked if it was "not known," he said:

That is true.

Dr. Robert Browning, his colleague, said "we have not any valid statistics yet available" on emphysema.

Doubt, however, was not the only reaction among committee members. Many were understandably concerned that evidence marshaled against cigarette smoking appeared to be patently one sided. Some felt that they, along with the public, had been taken on a "bandwagon" ride. Expert witnesses agreed that both were indeed possibilities.

Some observations on one-sided reporting of research:

I have been disappointed in my failure to find in the Surgeon General's Report of 1964 and in the 1967 HEW Report to Congress, The Health Consequences of Smoking, a discussion of the published reports of those that disagree with their conclusions. (R. H. Rigdon, M.D., Professor of Pathology, University of Texas.)

Then I read the [Surgeon General's 1964] report and I realized what had happened. They had simply done a selective review of the literature. They had not investigated all aspects. The report simply didn't cover the entire field, in my opinion. It was a disappointment. (Sheldon C. Sommers, M.D., Director of Laboratories, Lenox Hill Hospital, New York.)

People who tell you that cigarette smoking causes lung cancer do not like to be reminded of [conflicting] data. In fact, they were not included in the last Surgeon General's report on "Smoking and Health."

I am sorry that the publication presented only one side of the picture. (William B. Ober, M.D., Director of Laboratories, Knickbocker Hospital, New York)

Doctors don't know any more about it than anybody else does. They pick up a headline in the newspapers and they know as much as any lay person. This is a highly specialized area . . . The Public Health Service I regret to say, uses misleading data. It is true, but it is not the whole truth. (Milton B. Rosenblatt, M.D., President, Medical Board, Doctors Hospital, New York.)

I think that the attitude of many of my associates in the medical profession is that there are so many things that they have to look into that I doubt if any great percentage have devoted the time and effort to investigating the actual background information, and have tended to . . . accept what is handed them. (Hiram T. Langston, M.D., Professor of Surgery, University of Illinois College of Medicine.)

[Scientists] absorb the general ideas about smoking that is going on in the world around them . . . just because you are a scientist or just because you are a doctor doesn't put you in much better position to know any better than anyone if you don't look at the facts. (Arthur Furst, Ph.D., Director Institute of Chemical Biology, University of San Francisco.)

[The majority of physicians] have to rely upon published reports and attach some significance . . . to reports of the Surgeon General . . . the number is rather small who have either the time or the inclination to cover the experimental literature. (Duane Carr, M.D., Professor of Surgery, University of Tennessee College of Medicine.)

I am perfectly sure that if you poll the doctors of this country you would get a very strong majority who believe what the Public Health Service Report says, and that there is substantial proof of the causality relationship. But I think there is only one in 10,000 doctors in this country who really has read the papers and evidence on the other side. (Thomas H. Brem, M.D., Professor and Chairman, Department of Medicine, University of Southern California.)

On the "bandwagon" effect:

Unfortunately, many supposedly well informed officials in the Public Health Service and certain voluntary health organizations have permitted their emotionalism and zeal to outdistance the actual scientific knowledge and proof. This has resulted in misleading the public into believing there is proof where none exists. A bandwagon effect has resulted even in the medical and scientific community where too many have accepted the pronouncements of dedicated zealots, lacking the time to examine the scientific basis, or lack of it, for such pronouncements. (Duane Carr, M.D., Professor of Surgery, University of Tennessee College of Medicine.)

There is such an emotion-laden question here, there is so much bias, that one is in danger of being ostracized by his colleagues in the scientific community if his data doesn't fall in step with preconceived notions.

Yet, I feel that because a stone started rolling down a hill, people have continued to take up this crusade—the word I chose to use—with really no evidence, but just the momentum of a stone rolling down a hill . . . . If one wants to be a crusader and remove a social habit from our environment which some people find distasteful they choose a very emotion-laden illness to pin it on to make it easier to get their job done. (Ronald Okun, M.D., Director of Clinical Pharmacology, Cedars-Sinai Medical Center, Los Angeles, California.)

By the time the hearings ended, committee members were inclined to agree with Representative RICHARDSON PREYER, of North Carolina, who observed:

I think it was Mark Twain who said, "It's not what we don't know that hurts us. It's what we know that isn't so."

When we talk about words to go on a package that no one ever reads, it is a rather amazing colloquy we hear on the floor of the Senate.

Mr. COTTON. Mr. President, I yield myself 1 minute.

I had hoped we could agree on this, both to save the time of the Senate so we could complete our business tonight, and because it would be a logical agreement. With respect to the warning provided by the House, if accepted, it would once and for all take it out of conference. But Senators who feel deeply on this want to vote it up or down on the amendment offered by the distinguished Senator from Utah. I think Senators should know that the vote in the committee was 10 to 9, I believe, on the adoption of the present language.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. I yield myself 1 minute.

The present language is "Excessive Cigarette Smoking Is Dangerous to Your Health."

Frankly, I think we are debating the difference between tweedle-dee and tweedle-dum. The people of this country know about the developments with respect to the dangers of cigarette smoking. We already have some kind of warning on every package of cigarettes. Whether it is that language or whether the words "May Be" or "Excessive" are used, it will all sink into the landscape. People will soon become accustomed to it. It, therefore, is not quite as vital as it would seem from the debate on the floor.

I think there is a real point in the suggestion of some of my colleagues that unless it is carefully drawn up, it might result in litigation.

I think we can vote on the question. I am willing to yield back my time.

Mr. MOSS. Mr. President, I yield myself 3 minutes.

Mr. President, the warning that the Commerce Committee first provided was taken right out of the warning that the House provided— the central four or five words. Then the Commerce Committee, at a later meeting, added the word "excessive," and it was put in there by a vote of 10 to 9. The Senator is correct in that.

I say to my colleagues that not even the House, which is characterized as being so sympathetic to the tobacco industry, thought of putting the word "excessive" in there. I have tried to show my colleagues that all cigarette smoking is dangerous. It does not have to be excessive. Every cigarette smoked has some dangerous effect. Therefore, the warning words that will be in the bill, if my amendment should carry, will be simply: "Warning: Cigarette Smoking Is Dangerous to Your Health."

Let me say one word about the matter the Senator from New Hampshire raised, whether there may be a question of liability flowing from this. It seems to me the tobacco industry would be better off with a direct warning on the package, because then there would be an assumption of risk. If a company sells a person a pack of cigarettes which says, "Cigarette Smoking Is Dangerous to Your Health," that person assumes the risk of going ahead, and I do not think there would be liability on the part of the industry. The chance of liability grows as the warning is decreased. Therefore, it would be in the interests of the tobacco

industry as well as the person who is smoking, to have the direct honest warning, "Cigarette Smoking Is Dangerous."

So I think it would be much more preferable to require direct warning, as the House did, and get away from the ambiguous wording that it "may be" dangerous to one's health.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MOSS. Mr. President, I yield 2 minutes to the Senator from Louisiana.

Mr. ELLENDER. I have a letter dated November 14, 1969, from Dr. Alton Ochsner, the great lung cancer surgeon, who states that he thinks the word "excessive" should be striken from the recommended language of the committee, "Excessive Cigarette Smoking Is Dangerous to Your Health."

I am wondering if there is any definition in the bill as to what "excessive" means.

Mr. MOSS. There is none at all. It is just a word standing alone.

Mr. ELLENDER. I asked a Senator awhile ago what "excessive" might mean. He related a definition from an old mountaineer who said "excessive smoking" might be defined as a person smoking two cigarettes at one time.

If the word "excessive" remains in the bill, I am wondering if we should not have a definition of "excessive," because the truth is that any smoking itself is bad. I am just wondering if the Senator does not believe there ought to be a definition of the word "excessive" if it remains in there. But it ought not remain in.

Mr. MOSS. I think what the Senator suggests is certainly rational and reasonable. I do not know what "excessive" is, but if the Senator will look at the chart, he will see that persons who smoke simply from one to nine cigarettes a day have a death rate twice as high as the nonsmokers. So if one to nine is excessive, I think he gets the warning; but if one to nine is not excessive, then he would not get the warning.

I think "excessive" should be dropped.

Mr. ELLENDER. Mr. President, will the Senator yield to me for a unanimous consent request?

Mr. MOSS. I am happy to yield for that purpose.

Mr. ELLENDER. I ask unanimous consent to have printed in the RECORD a letter to me from Dr. Alton Ochsner of the Ochsner Clinic in New Orleans, La., dated November 14, 1969, and my reply thereto.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCHSNER CLINIC,
New Orleans, La., November 14, 1969.

Hon. ALLEN J. ELLENDER,
Senate Office Building,
Washington, D.C.

DEAR ALLEN: I understand the Senate is going to consider the cigarette labeling act, which has been passed by Committee. I think the recommendation of the Committee is wrong in two respects, first, cigarette packages are to read: "Excessive cigarette smoking is dangerous to your health." I think the word "excessive" should be deleted because all cigarette smoking is dangerous to health. Then, too, I think the Federal Trade Commission should not be prohibited from requiring a health warning in cigarette advertisements before July 1, 1972. There should be no limitation placed on the Federal Trade Commission and rather than ban the broadcast advertising of cigarettes starting July 1, 1971, I should like to see a substitution of the anti-trust exemption for outright ban on broadcast advertising.

As you know, as a physician, I have been very much concerned about the health hazards of tobacco. The Surgeon General of the Public Health Service has stated that it is the greatest public health hazard we have, and I should like to see something done to control the sale of tobacco.

With kind personal regards.

Sincerely yours,

ALTON OCHSNER, M.D.

DECEMBER 9, 1969.

Dr. ALTON OCHSNER,
Ochsner Clinic,
New Orleans, La.

DEAR ALTON: I have received your recent letter, and as always, it was a pleasure hearing from you.

In reference to your concern over the cigarette labeling act, legislation covering this important matter was reported on Friday by the Senate Commerce Committee but has been re-referred to the Senate Finance Committee for further study.

Please be assured that I will study the matter further and bear your sensible suggestions in mind when this bill comes to the Senate floor for vote.

With kindest personal regards, and my warm wishes for a Merry Christmas season, I am

Sincerely yours,

ALLEN J. ELLENDER,
U.S. Senator.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOSS. Mr. President, I am ready to yield back the remainder of my time.

Mr. COTTON. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Utah (Mr. Moss). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RIBICOFF (when his name was called). Mr. President, on this vote I have a pair with the Senator from Missouri (Mr. SYMINGTON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. GRIFFIN (when his name was called). Mr. President, on this vote I have a pair with the Senator from Arizona (Mr. GOLDWATER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. PASTORE (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from North Carolina (Mr. JORDAN). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. METCALF (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Indiana (Mr. HARTKE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. RANDOLPH (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Illinois (Mr. SMITH). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nebraska (Mr. CANNON), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Vermont (Mr. PROUTY) and the Senator from Illinois (Mr. SMITH) are necessarily absent.

Also, the Senator from Oregon (Mr. HATFIELD), the Senator from Delaware (Mr. BOGGS), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Vermont (Mr. AIKEN) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The respective pairs of the Senator from Arizona (Mr. GOLDWATER) and that of the Senator from Illinois (Mr. SMITH) have been previously announced.

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from Oklahoma (Mr. BELLMON). If present and voting, the Senator from Delaware would vote "nay" and the Senator from Oklahoma would vote "yea."

The result was announced—yeas 38, nays 35, as follows:

[No. 229 Leg.]

YEAS—38

Bayh	Goodell	Moss
Bennett	Harris	Nelson
Brooke	Hart	Packwood
Burdick	Hughes	Pell
Byrd, W. Va.	Inouye	Percy
Case	Jackson	Proxmire
Church	Javits	Schweiker
Cranston	Kennedy	Smith, Maine
Dodd	Magnuson	Sparkman
Eagleton	Mansfield	Williams, N.J.
Ellender	McCarthy	Williams, Del.
Fong	McGee	Young, Ohio
Fulbright	Mondale	

NAYS—35

Allen	Cook	Dominick
Allott	Cooper	Eastland
Baker	Cotton	Ervin
Bible	Curtis	Fannin
Byrd, Va.	Dole	Gravel

Gurney	McIntyre	Spong
Hansen	Miller	Stennis
Holland	Montoya	Stevens
Hollings	Murphy	Talmadge
Hruska	Pearson	Thurmond
Jordan, Idaho	Russell	Tower
McClellan	Scott	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Griffin, for.
Metcalf, for.
Pastore, for.
Randolph, for.
Ribicoff, for.

NOT VOTING—22

Aiken	Hatfield	Saxbe
Anderson	Jordan, N.C.	Smith, Ill.
Bellmon	Long	Symington
Boggs	Mathias	Tydings
Cannon	McGovern	Yarborough
Goldwater	Mundt	Young, N. Dak.
Gore	Muskie	
Hartke	Prouty	

So Mr. Moss' amendment was agreed to.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, it is my understanding that there is one more amendment to be offered.

Would the distinguished Senator from Utah offer his amendment at this time?

AMENDMENT NO. 411

Mr. MOSS. Mr. President, I call up Amendment No. 411 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 6, strike out lines 3 through 7, and insert in lieu thereof the following:

"ANTITRUST EXEMPTION

"SEC. 6. The antitrust laws, as defined in the first section of the Act of October 15, 1914 (38 Stat. 730; 15 U.S.C. 12), and the Federal Trade Commission Act (38 Stat. 719; 15 U.S.C. 44), shall not apply to any joint agreement by or among persons engaged in the manufacture or sale of cigarettes to refrain from or to restrict the advertising of cigarettes: *Provided, however,* That any such joint agreement shall apply equally to all persons engaged in the medium of communications to which such agreement is applicable."

Mr. MANSFIELD. Mr. President, may I have the attention of the Senate.

It is to be hoped that Senators will remain on the floor, because there may or may not be a roll call vote on the pending amendment. There may not be a roll-call vote on final passage. I do not know.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending amendment there be a time limitation of 20 minutes, the time to be equally divided between the Senator from Utah (Mr. Moss) and the Senator from New Hampshire (Mr. COTTON).

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. PASTORE. Mr. President, since we are staying here until 8 o'clock, does the majority leader not think that we should have the yeas and nays on final passage?

I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MOSS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. MOSS. Mr. President, if the Senate will give me its time, I think I can explain the amendment very briefly.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator may proceed.

Mr. MOSS. Mr. President, my amendment would change section 6 in the bill. I think I can explain very briefly what the rationale behind the amendment is.

It does not make a great deal of difference as to the time when this ban on broadcast advertising becomes effective whether the amendment would carry or whether the language of the bill would prevail. Therefore, I do not present it on that basis at all.

As a matter of fact, I can say that I simply present it so that the Senate may decide which course it wants to follow in this circumstance. Either one is acceptable to me.

At the present time the bill provides that on January 1, 1971, it shall become unlawful to advertise cigarettes on television or radio. In other words, Congress by laying down the ban and enacting the law says that it becomes unlawful on that date.

My amendment would revert to the original subcommittee draft which took into account the offer made, first of all by the broadcasting companies when they offered to phase out advertising over a 3- or 4-year period of time and then by the cigarette companies when they appeared before the subcommittee saying, and pledged to voluntarily forego advertising cigarettes on TV and radio, upon one condition—the condition that they be given protection against antitrust suit, for having arrived at the agreement, in concert, to go off advertising. In effect they told us, "We are in a competitive business. Therefore, if we have the antitrust exemption, we will go off at the end of our next contract year, which will be September 1970."

That is why I say there is a difference of only 3 or 4 months.

Now, what is the distinction? I want the Senate to understand it. If we stay with the committee bill, we in Congress take it upon ourselves to say it is unlawful now to advertise a product that we have not outlawed or banned in any way. It is still a lawful product. It is lawful to raise it and to smoke it. We have just chosen to say it is unlawful to advertise it. I think it raises several questions.

The question might be litigated as to whether this can be done to a lawful product, unless we find it to be contraband in some way. I do not go into that in any depth.

I think it is a precedent that the broadcast companies would not like to see begun in this body. If we pick out cigarettes and say, "You cannot advertise them," then Congress might pick out something else we thought was dangerous and say, "You cannot advertise that," without ever making it contraband.

If we take the other route of giving antitrust immunity, we have allowed the industry to regulate itself. They came forward voluntarily. There has been a great deal of talk going on, but they came forth. First the broadcasters; and then the tobacco companies came forth and said, "We will voluntarily go off." The only thing the tobacco companies asked for was antitrust immunity on this one narrow facet, as to whether or not they might have to defend themselves against an antitrust action for having reached this agreement.

I believe that the voluntary way is the better way, and therefore I present that for the consideration of the Senate.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. MOSS. I yield myself 2 additional minutes.

If Senators believe that the voluntary way is a better way, that they are willing to extend this antitrust immunity for this one narrow purpose, they should vote "aye" on the amendment. If Senators believe the other way, that we should take the bit in our teeth and say, "We have made the decision and we will now declare it unlawful on a given date," then they should vote "no."

I would not consider it either a victory or a defeat no matter what happens, so long as the Senate knew what it was voting on.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. PASTORE. I understand that this immunity will expire on January 1, 1971.

Mr. MOSS. It does not have an expiration date.

Mr. PASTORE. But if it is unlawful after January 1, 1971, therefore it is compulsory after that date; so that voluntary element would only last up until then, would it not?

Mr. MOSS. No. It puts this language in place of the mandatory language.

Mr. PASTORE. On the determining date?

Mr. MOSS. That is correct. The cigarette companies said, "We want to go off in September 1970." In effect, the committee extended that date a little.

Mr. PASTORE. Suppose the cigarette companies do not agree to get together? This thing could go on and this bill would not mean a thing, would it?

Mr. MOSS. They have already agreed——

Mr. PASTORE. Either there is going to be a law or there is not. If it is made voluntary completely, it means that if they never agree, this bill will have no effect. Am I right or wrong?

Mr. MOSS. I think the Senator is wrong.

Mr. PASTORE. Will the Senator tell me how I am wrong?

Mr. MOSS. They have come in and represented before the committee, with authority to speak for every cigarette manufacturer, and have said, "On this condition, we will go off."

Mr. PASTORE. They can always change their minds. The date of January 1971 should be left in there, and they

should be given the immunity in between. In other words, if it is the desire to bring it to an end before then by agreement, all right; but if they do not agree, it has to terminate on January 1, 1971, or we have wasted 3 hours tonight.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MOSS. I yield myself 2 additional minutes.

As I have said, I think either one would accomplish the basic purpose of all the bill. The voluntary withdrawal of the tobacco companies is akin to the arrangement that has been made by the distillers who, by agreement, have withheld the advertising of distilled liquors on television. This has held up for years and years, and there never has been any problem with it. I do not think it can be said in any way that it would break down, that they would go back on their word. They are on the record as saying it.

Mr. President, rather than being an advocate for this, I simply would like to present it, because I would like the Senate to understand that there are two ways to go. I think one is better. I think both get us to the same destination.

Mr. COTTON. I yield myself 5 minutes.

Mr. President, if I can have the attention of the Senate, I think I can provide some useful background on this issue. I was the author of the amendment written into section 6 of the bill now before the Senate.

It is perfectly true that persons who represented a major part of the cigarette industry—or indicated that they did represent them—but who did not claim that they represented all of the industry, came before the committee. I give them credit. They very generously and graciously said that we did not need legislation, because they were willing to agree voluntarily, on behalf of the industry, to terminate broadcast advertising in September 1970. The reason why they were willing to do so on that date was that most contracts for radio and television time terminate in September.

Some of us on the Committee on Commerce—and I was one of them, because I gave my proxy on that earlier vote—extended the time too long 4 years ago, when we stayed the hands of the Federal Trade Commission for 4 years. We were criticized—not all the committee—those of us who were to blame for that. We were criticized, and I say frankly that we were justly criticized.

Now we come again to the same issue. It is my position that the time has come when the country expects Congress to assert itself. We can talk all we want about setting a precedent with respect to other products, be it liquor of whatever. But the fact remains that during those years the case had been made all over this country about the health hazard in connection with cigarette smoking. The time had come, so that the industry itself—and I want to give them credit for it—very generously and justly realized it and were willing to stop advertising on radio and television. It is particularly bad on television, which is watched by many young people—children and teenagers.

But it was my intention—and it turned out to be the opinion of the majority of the committee—that, first, we should not even take the same date that the industry offered, because then people would say the committee and Congress waited until the tobacco people came around of their own accord and said, "It's all right, boys; go ahead and legislate, and we'll fix the date. It will be September 1970."

I said in the committee that the Congress should assert itself and set the date. This was January 1, 1971, as set forth in my amendment adopted by the committee. Thus, Congress, not the industry or by anybody else, set the date.

Furthermore, it avoided the necessity of providing an exemption from the antitrust laws.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself 1 additional minute.

Representatives from the Department of Justice came up and expressed the view that it is a poor precedent to keep making exemptions to the antitrust laws. It should not be done unless it is absolutely necessary.

I have great respect for the Senator from Utah, but the time has come for Congress to assert itself. The time has come for Congress to say that it will fix the date stopping cigarette advertising on radio and television as we have on this floor tonight. The time also has come to examine and to consider the effect of other forms of advertising.

But however, even as we recognize the goodwill of the industry and its willingness to voluntarily stop broadcast advertising, let us put it in the law so that the American people will know that Congress set the date after which cigarette broadcast advertising is prohibited. Let it become law and put an end to this situation which has been so irritating and vexing for so long. I hope in the interest of clarity, in the interest of firmness of purpose, and in the interest of laying to rest this problem we will reject the amendment of the Senator from Utah and stand by the bill as reported by our Committee on Commerce on this issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, will the Senator yield to me for 5 minutes?

The PRESIDING OFFICER. The Senator from New Hampshire has 4 minutes remaining.

Mr. COTTON. Mr. President, I yield 3 minutes to the Senator from Tennessee and save 1 minute for myself.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 3 minutes.

Mr. BAKER. Mr. President, I intend to support the position of the committee and oppose the amendment by the distinguished Senator from Utah. I think it is imperative that we realize what we are doing.

As far as I know we are now proposing by statute to ban advertising of a lawful product on the electronic media, which may or may not be lawful under the first amendment, but in any event, I intend to support it because I agree with the Senator from New Hampshire that it is a straightforward approach to a matter of public policy.

I would point out that if we do not support the committee version we are going to run into a terrible thicket. It occurs to me that the original proposition for discontinuance of cigarette advertising on radio and television forthcoming from the broadcasting industry provided for the withdrawal of that advertising by September 1, 1973. Beyond that the networks indicated this would be binding only on those stations which were code stations. The tobacco industry indicated they were willing to stop September 1, 1970. Then, there was the discussion of 1971. Finally the proposal by the Senator from New Hampshire (Mr. COTTON) provides a mandatory cutoff January 1, 1971, a distinct independent date.

Mr. President, it is interesting to me that the testimony before the committee and the subsequent correspondence indicates that the tobacco industry is willing to discontinue cigarette advertising on radio and television on December 31, 1969, so there is no resistance here by the tobacco industry. That is a foregone conclusion.

The sooner we get at the business of enunciated public policy the better off we will be, bearing in mind we are doing what we have never done before, and that is prohibiting the advertising of a lawful product. I think that in this field we should give consideration and thought.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, will the Senator yield to me for 30 additional seconds?

Mr. COTTON. I yield.

Mr. BAKER. In this field we should continue to give consideration and thought to making helpful warnings and prohibitions for beer, sleeping tablets, and any number of other substances that are hazardous to the health and much more hazardous to the health in many respects than cigarette smoking.

Mr. COTTON. Mr. President, I yield myself the remaining 30 seconds.

I recognize all that the Senator from Tennessee has said concerning the possible consideration of other products. But, let us first dispose of the measure before us tonight.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. I have no time remaining.

Mr. MOSS. I yield 1 minute to the Senator.

Mr. PASTORE. Mr. President, so that the record is straight, there is no advertising on television or radio of whisky. I do not know where you got that idea. There is absolutely none. The minute it happens we will do the same thing as we are doing with cigarettes.

Mr. HART. The whisky people do not need antitrust exemptions.

Mr. PASTORE. I do not care about that.

Mr. HART. I do.

Mr. PASTORE. I say there is no advertising of whisky on television and if it happens PASTORE will be the first to stop it.

SEVERAL SENATORS. Vote! Vote! Vote!

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Utah.

Mr. MOSS. Mr. President, I ask unanimous consent that I may proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I wanted to present these thoughts to the Senate. No one spoke in favor of the amendment; there was only my explanation of it. As I said, I think we achieve our prime objectives either way.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MOSS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

On this vote, the Senator from Nevada (Mr. CANNON) is paired with the Senator from North Carolina (Mr. JORDAN). If present and voting, the Senator from Nevada would vote "yea" and the Senator from North Carolina would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. GOODELL), the Senator from Vermont (Mr. PROUTY) and the Senator from Illinois (Mr. SMITH) are necessarily absent.

Also, the Senator from Oregon (Mr. HATFIELD), the Senator from Delaware (Mr. BOGGS) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Vermont (Mr. AIKEN) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 70, nays 7, as follows:

[No. 230 Leg.]

YEAS—70

Allott	Griffin	Nelson
Baker	Gurney	Packwood
Bayh	Hansen	Pastore
Bennett	Harris	Pearson
Bible	Hart	Pell
Brooke	Hruska	Percy
Burdick	Hughes	Proxmire
Byrd, W. Va.	Inouye	Randolph
Case	Jackson	Ribicoff
Church	Javits	Russell
Cooper	Jordan, Idaho	Schweiker
Cotton	Kennedy	Scott
Cranston	Magnuson	Smith, Maine
Curtis	Mansfield	Sparkman
Dodd	McCarthy	Spong
Dole	McClellan	Stennis
Dominick	McGee	Stevens
Eagleton	McIntyre	Talmadge
Eastland	Metcalf	Tower
Ellender	Miller	Williams, N.J.
Fannin	Mondale	Williams, Del.
Fong	Montoya	Young, Ohio
Fulbright	Moss	
Gravel	Murphy	

NAYS—7

Allen	Ervin	Thurmond
Byrd, Va.	Holland	
Cook	Hollings	

NOT VOTING—23

Aiken	Hartke	Prouty
Anderson	Hatfield	Saxbe
Bellmon	Jordan, N.C.	Smith, Ill.
Boggs	Long	Symington
Cannon	Mathias	Tydings
Goldwater	McGovern	Yarborough
Goodell	Mundt	Young, N. Dak.
Gore	Muskie	

So the bill (H.R. 6543) was passed.

Mr. MOSS. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. INOUYE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the cigarette bill just adopted by the Senate will serve as a splendid monument to the hard work and devoted efforts of two outstanding Senators. I refer, of course, to the able and distinguished chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON) and to the distinguished Senator from Utah (Mr. Moss). Both of these Senators have played a vital role in assuring public awareness of the health implications of tobacco. Senator MAGNUSON has long been an advocate of consumer interests. Surely there is no interest more vital to the consumer than knowing about potential health hazards from cigarette smoking.

In similar fashion, the Senator from Utah has taken up the banner in behalf of a more aware public on the issue of cigarette smoking. His amendments on this measure—urged so persuasively—restores to the interested agencies of Government the power that is so necessary to bring this information properly to the people. In its final form, Senator Moss may be proud of this measure. His dedication and devotion have been amply rewarded.

Also to be commended for his strong efforts in behalf of this proposal is the senior Senator from New Hampshire (Mr. COTTON) the ranking minority member of the Committee on Commerce. His cooperation and support assured the prompt and efficient disposition of the proposal and we are grateful.

We are grateful also for the contributions of the Senator from Tennessee (Mr. BAKER), the Senators from Kentucky (Mr. COOPER and Mr. COOK), the Senator from North Carolina (Mr. ERVIN), and the Senator from Virginia (Mr. SPONG). Their views and cooperation were greatly appreciated.

I know the hour is late but the decision to remain this evening to finish this bill means that a Saturday session has been made unnecessary this week. I appreciate the cooperation of all Members in this endeavor.

Mr. KENNEDY. Mr. President, I commend the members of the Committee on Commerce, particularly the distinguished Senator from Utah (Mr. Moss) for his splendid achievement tonight, and his contributions over the years to the public understanding of the dangers of cigarette smoking. I think that among the most challenging problems facing the consuming public are the implications of cigarette smoking in connection with the control of public health hazards.

Senator Moss, I think, is entitled to great credit for what he has achieved and the attention that he has brought to this issue in his work in the Senate. Not only we in the Senate, but all Americans, are indebted to him for what he has achieved in this field over the period of the last 6 years. I do not intend to detract from the work that has been done by the other members of the Committee on Commerce, and most particularly by its distinguished Chairman, the Senator from Washington (Mr. MAGNUSON), who has performed signal service; but I do think it is appropriate for us, at this time, to recognize the great achievements of the distinguished Senator from Utah.

The action of the Senate tonight vindicates and rewards the Senator from Utah for his untiring and pioneering efforts to eliminate television advertising, which romanticizes cigarette smoking, and to protect the Federal Trade Commission's power to regulate tobacco advertising in other media. His knowledge of legislative processes has brought rewards and I congratulate him on his victory.

Mr. HARRIS. Mr. President, I join with the distinguished Senator from Massachusetts in what he has said concerning the work of the Committee on Commerce, and particularly that of the distinguished Senator from Utah. As a

Senator, as a citizen of this country, and as a father of small children, I think that the Senate and the country owe a great debt to the distinguished Senator from Utah, and that generations of young people for many years to come will be well served by the excellent efforts which he has put forth, here in the Senate, in trying to do something to curb cigarette smoking, which is indeed, as the Senate has acknowledged by its votes today, harmful to health.

I hope, Mr. President, that his efforts will be successful in the conference, because I think the work he has done is most admirable.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive business to consider two nominations now at the desk, which were reported earlier today, and have been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of Michael Collins, of Texas, to be an Assistant Secretary of State.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

AMBASSADOR TO THE MALAGASY REPUBLIC

The assistant legislative clerk read the nomination of Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL SALARY ACT OF 1969

Mr. MANSFIELD. Mr. President, if I may have the attention of all Senators, I am about to bring up what will perhaps be the last legislative act of the Senate, apart from appropriation bills, at this time.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 577, H.R. 13000, and that it be laid down and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 13000 to implement the Federal Employee Pay Comparability System, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Post Office and Civil Service with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Salary Act of 1969".

SEC. 2. (a) The General Schedule contained in section 5332(a) of title 5, United States Code, is amended to read as follows:

"GENERAL SCHEDULE

"Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
"GS-1	$4,04[illegible]	$4,180	$4,315	$4,450	$4,585	$4,720	$4,855	$4,990	$5,125	$5,260
GS-2	4,534	4,685	4,836	4,987	5,138	5,289	5,440	5,591	5,742	5,893
GS-3	5,115	5,285	5,455	5,625	5,795	5,965	6,135	6,305	6,475	6,645
GS-4	5,744	5,935	6,126	6,317	6,508	6,699	6,890	7,081	7,272	7,463
GS-5	6,424	6,638	6,852	7,066	7,280	7,494	7,708	7,922	8,136	8,350
GS-6	7,155	7,394	7,633	7,872	8,111	8,350	8,589	8,828	9,067	9,306
GS-7	7,945	8,201	8,475	8,740	9,005	9,270	9,535	9,800	10,065	10,330
GS-8	8,788	9,081	9,374	9,667	9,960	10,253	10,546	10,839	11,132	11,425
GS-9	9,694	10,017	10,340	10,663	10,986	11,309	11,632	11,955	12,278	12,601
GS-10	10,560	10,912	11,264	11,616	11,968	12,320	12,672	13,024	13,376	13,728
GS-11	11,568	11,954	12,340	12,726	13,112	13,498	13,884	14,270	14,656	15,042
GS-12	13,789	14,249	14,709	15,169	15,629	16,089	16,549	17,009	17,469	17,929
GS-13	16,127	16,665	17,203	17,741	18,279	18,817	19,355	19,893	20,431	20,969
GS-14	18,903	19,533	20,163	20,793	21,423	22,053	22,683	23,313	23,943	24,573
GS-15	21,805	22,532	23,259	23,986	24,713	25,440	26,167	26,894	27,621	28,348
GS-16	25,044	25,879	26,714	27,549	28,384	29,219	30,054	30,889	31,724	-------
GS-17	28,976	29,942	30,908	31,874	32,840	-------	-------	-------	-------	-------
GS-18	33,495	-------	-------	-------	-------	-------	-------	-------	-------	-------

".

(b) Except as provided in section 5303 of title 5, United States Code, the rates of basic pay of officers and employees to whom the General Schedule set forth in the amendment made by subsection (a) of this section applies shall be initially adjusted, as of the effective date of this section, as follows:

(1) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at one of the rates of a grade in the General Schedule, he shall receive a rate of basic pay at the corresponding rate in effect on and after such date.

(2) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate between two rates of a grade in the General Schedule, he shall receive a rate of basic pay at the higher of the two corresponding rates in effect on and after such date.

(3) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate in excess of the maximum rate for his grade, he shall receive his existing rate of basic pay increased by the amount of increase made by his section in the maximum rate for his grade.

(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of this section, plus the amount of increase made by this section in the maximum rate of his grade, until (A) he leaves his position, or (B) he is entitled to receive aggregate pay at a higher rate by reason of the operation of this Act or any other provision of law. When such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (A) and (B) of the immediately preceding sentence of this subparagraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

SEC. 3. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule for positions in the postal field service which shall be known as the Postal Field Service Schedule and for which the symbol shall be 'PFS'. Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedule.

"POSTAL FIELD SERVICE SCHEDULE

"PFS	1	2	3	4	5	6	7	8	9	10	11	12
"1	$4,703	$4,860	$5,017	$5,174	$5,331	$5,488	$5,645	$5,802	$5,959	$6,116	$6,273	$6,430
2	5,084	5,254	5,424	5,594	5,764	5,934	6,104	6,274	6,444	6,614	6,784	6,954
3	5,498	5,681	5,864	6,047	6,230	6,413	6,596	6,779	6,962	7,145	7,328	7,511
4	5,943	6,141	6,339	6,537	6,735	6,933	7,131	7,329	7,527	7,725	7,923	8,121
5	6,424	6,638	6,852	7,066	7,280	7,494	7,708	7,922	8,136	8,350	8,564	8,778
6	6,942	7,174	7,406	7,638	7,870	8,102	8,334	8,566	8,798	9,030	9,262	9,494
7	7,504	7,755	8,006	8,257	8,508	8,759	9,010	9,261	9,512	9,763	10,014	10,265
8	8,117	8,387	8,657	8,927	9,197	9,467	9,737	10,007	10,277	10,547	10,817	-------
9	8,773	9,065	9,357	9,649	9,941	10,233	10,525	10,817	11,109	11,401	-------	-------
10	9,466	9,781	10,096	10,411	10,726	11,041	11,356	11,671	11,986	12,301	-------	-------
11	10,414	10,761	11,108	11,455	11,802	12,149	12,496	12,843	13,190	13,537	-------	-------
12	11,568	11,954	12,340	12,726	13,112	13,498	13,884	14,270	14,656	15,042	-------	-------
13	12,856	13,284	13,712	14,140	14,568	14,996	15,424	15,852	16,280	16,708	-------	-------
14	14,279	14,755	15,231	15,707	16,183	16,659	17,135	17,611	18,087	18,563	-------	-------
15	15,714	16,237	16,760	17,283	17,806	18,329	18,852	19,375	19,898	20,421	-------	-------
16	17,459	18,040	18,621	19,202	19,783	20,364	20,945	21,526	22,107	22,688	-------	-------
17	19,391	20,038	20,685	21,332	21,979	22,626	23,273	23,920	24,567	25,214	-------	-------
18	21,333	22,044	22,755	23,466	24,177	24,888	25,599	26,310	27,021	27,732	-------	-------
19	23,467	24,249	25,031	25,813	26,595	27,377	28,159	28,941	29,723	30,505	-------	-------
20	26,071	26,940	27,809	28,678	29,547	30,416	31,285	32,154	-------	-------	-------	-------
21	28,976	29,942	30,908	31,874	32,840	-------	-------	-------	-------	-------	-------	-------

"

(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule which shall be known as the Rural Carrier Schedule and for which the symbol shall be 'RCS'. Compensation shall be paid to rural carriers in accordance with such schedule.

"RURAL CARRIER SCHEDULE

	"Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
"Fixed compensation	$2,914	$3,068	$3,222	$3,376	$3,350	$3,684	$3,838	$3,992	$4,146	$4,300	$4,454	$4,608
For each mile up to 30 miles of route	107	109	111	113	115	117	119	121	123	125	127	129
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25"

(c) The basic compensation of each officer and employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of this section shall be determined as follows:

(1) Each officer and employee subject to the Postal Field Service Schedule shall be assigned to the same numerical step for his position which he has attained immediately prior to such effective date.

(2) Each officer and employee subject to the Rural Carrier Schedule shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date.

(3) If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this Act, such changes shall be deemed to have occurred prior to conversion.

(4) If the officer or employee is receiving basic compensation immediately prior to such effective date at a rate between two steps of a grade in either such schedule, whichever is applicable, he shall receive a rate of basic compensation at the higher of the two corresponding steps in effect on and after such date.

(5) If the officer or employee is receiving basic compensation immediately prior to such effective date at a rate in excess of the maximum rate for his grade, he shall receive his existing rate of basic compensation increased by the amount of increase made by this section in the maximum rate for his grade.

SEC. 4. Section 4107 (a) and (b)(1) of title 38, United States Code, relating to grades and pay scales for certain positions within the Department of Medicine, and Surgery of the Veterans' Administration, is amended to read as follows:

"§ 4107. Grades and pay scale

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director, Deputy Chief Medical Director, and Associate Deputy Chief Medical Director, shall be as follows:

"SECTION 4103 SCHEDULE

"Assistant Chief Medical Director, $33,495.

"Medical Director, $28,976 minimum to $32,840 maximum.

"Director of Nursing Service, $21,805 minimum to $28,348 maximum.

"Director of Chaplain Service, $21,805 minimum to $28,348 maximum.

"Chief Pharmacist, $21,805 minimum to $28,348 maximum.

"Chief Dietitian, $21,805 minimum to $28,348 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Director grade, $25,044 minimum to $31,724 maximum.

"Executive grade, $23,273 minimum to $30,257 maximum.

"Chief grade, $21,805 minimum to $28,348 maximum.

"Senior grade, $18,903 minimum to $24,573 maximum.

"Intermediate grade, $16,127 minimum to $20,969 maximum.

"Full grade, $13,789 minimum to $17,929 maximum.

"Associate grade, $11,568 minimum to $15,042 maximum.

"Nurse Schedule

"Assistant Director grade, $18,903 minimum to $24,573 maximum.

"Chief grade, $16,127 minimum to $20,969 maximum.

"Senior grade, $13,789 minimum to $17,929 maximum.

"Intermediate grade, $11,568 minimum to $15,042 maximum.

"Full grade, $9,694 minimum to $12,601 maximum.

"Associate grade, $8,958 minimum to $10,869 maximum.

"Junior grade, $7,155 minimum to $9,306 maximum."

SEC. 5. (a) The fourth sentence of section 412 of the Foreign Service Act of 1946 (22 U.S.C. 867) is amended to read as follows: "The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

"Class 1	$31,705	$32,762	$33,495				
Class 2	24,867	25,696	26,525	$27,354	$28,183	$29,012	$29,841
Class 3	20,099	20,769	21,439	22,109	22,779	23,449	24,119
Class 4	16,127	16,665	17,203	17,741	18,279	18,817	19,355
Class 5	13,233	13,674	14,115	14,556	14,997	14,438	15,879
Class 6	10,928	11,292	11,656	12,020	12,384	12,748	13,112
Class 7	9,272	9,581	9,890	10,199	10,508	10,817	11,126
Class 8	7,945	8,210	8,475	8,740	9,005	9,270	9,535".

(b) The second sentence of subsection (a) of section 415 of such Act (22 U.S.C. 870(a)) is amended to read as follows: "The per annum salaries of such staff officers and employees within each class shall be as follows:

"Class 1	$20,099	$20,769	$21,439	$22,109	$22,779	$23,449	$24,119	$24,789	$25,459	$26,129
Class 2	16,127	16,665	17,203	17,741	18,279	18,817	19,355	19,893	20,431	20,969
Class 3	13,233	13,674	14,115	14,556	14,997	15,438	15,879	16,320	16,761	17,202
Class 4	10,928	11,292	11,656	12,020	12,384	12,748	13,112	13,476	13,840	14,204
Class 5	9,897	10,227	10,557	10,887	11,217	11,547	11,887	12,207	12,537	12,867
Class 6	8,876	9,172	9,468	9,764	10,060	10,356	10,652	10,948	11,244	11,540
Class 7	7,962	8,227	8,492	8,757	9,022	9,287	9,552	9,817	10,082	10,347
Class 8	7,140	7,378	7,616	7,854	8,092	8,330	8,568	8,806	9,044	9,282
Class 9	6,405	6,618	6,831	7,044	7,257	7,470	7,683	7,896	8,109	8,322
Class 10	5,744	5,935	6,126	6,317	6,508	6,699	6,890	7,081	7,272	7,463".

(c) Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section at one of the rates provided by section 412 or 415 of such Act shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State.

SEC. 6. The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as yearly as may be practicable, to the increases provided by section 2(a) of this Act for corresponding rates of basic pay.

SEC. 7. (a) The rates of basic pay of assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 2(a) of this Act for corresponding rates of basic pay.

(b) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this Act are hereby authorized to be increased, effective on the effective date of section 2 of this Act, by amounts not to exceed the increases provided by this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

(c) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

(d) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of pay may be fixed by administrative action.

SEC. 8. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, section 625(c), sections 671 through 675, and section 604(a)(5) of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amount reflecting the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

(b) The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

(c) Section 753(e) of title 28, United States Code (relating to the compensation of court reporters for district courts), is

amended by striking out the existing salary limitation contained therein and inserting a new limitation which reflects the respective applicable increases provided by section 2 (a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

SEC. 9. Section 5302 of title 5, United States Code, is amended—

(1) by striking out the word "and" after the semicolon in paragraph (1);

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) appoint 4 representatives of organizations of employees of the Government of the United States, including 2 representatives of organizations of employees in the postal field service of the Post Office Department, to participate directly in all phases of evaluating data relating to pay comparability, and in the preparation and presentation of the report to the President; and

"(3) present each year to the Congress a report on the comparison of Federal pay to private enterprise pay, and shall include in his report his recommendations for changes in the rates of pay or changes in salary structure, alinement, or other characteristics of Federal pay as he deems to be in compliance with the provisions of section 5301 of this title.".

SEC. 10 (a) In order to carry out the policy set forth in paragraph (2) of section 5301 of title 5, United States Code, the President shall, effective on the first day of the first pay period beginning on or after July 1, 1970, adjust the current rates of basic pay, basic compensation, or salary which were adjusted by the President under section 212(2) of the Federal Salary Act of 1967 (81 Stat. 634) by amounts equal, as nearly as may be practicable, to—

(1) the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1969 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code, as amended by section 9 of this Act; or

(2) 3 percent;

whichever is greater.

Adjustments made by the President under this section shall have the force and effect of law.

(b) The rates of pay of personnel subject to sections 210, 213 (except subsections (d) and (e), and 214 of the Federal Salary Act of 1967, and any minimum or maximum rate, limitation; or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period beginning on or after July 1, 1970, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions to the amounts of the adjustments made by the President under subsection (a) of this section, by the following authorities—

(1) the President pro tempore of the Senate, with respect to the United States Senate;

(2) the Speaker of the House of Representatives, with respect to the United States House of Representatives;

(3) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol;

(4) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

(5) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of law.

(c) The adjustments made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws and (2) in the Federal Register and included in the Code of Federal Regulations.

(d) An increase in pay which becomes effective under this section is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(e) The rates of basic pay for employees paid under the statutory pay systems referred to in subsection (a) shall be initially adjusted, as of the effective date of the adjustment, under conversion rules prescribed by the President or by such agency as the President may designate.

(f) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(g) Any officer or employee of the Government receiving pay, compensation, or salary which is equal to, or less than, the salary rate for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this section, to a rate in excess of the salary rate for such level V.

SEC. 11. (a) This section, the first section, and sections 9 and 10 of this Act shall become effective upon the date of enactment.

(b) Sections 2, 3, 4, 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after January 1, 1970.

Mr. MANSFIELD. Mr. President, this bill has been cleared all the way around, so far as I know.

Mr. ELLENDER. Mr. President, may we find who the employees are who are covered by this bill?

Mr. McGEE. Mr. President, the bill represents a kind of hard rock, common denominator, or compromise, which we have worked out with the administration, with the House, and with our colleagues in this body on both sides of the aisle.

It would apply to most employees, both classified and postal employees. The legislation that came from the House applied primarily as a pay increase to postal employees. The committee has sometimes been caught where the postal employees get an increase, and then the classified employees demand the same, or the classified employees get an increase, and then the postal employees demand the same.

Our committee felt it was better under the comparability law to get them on an even keel and treat them generally the same.

The bill, as it came from the House, would have paid the postal employees an increase of 5.4 percent retroactive to October 1. The committee bill would give all employees, both the classified and postal, at the level of GS–9 or PFS–10, a 4-percent adjustment, effective January 1. This will be graduated to a lower percentage at each $5,000 interval; that is, from $10,000 to $15,000, 3 percent; from $15,000 to $20,000, 2 percent; and grade 15 would receive 1 percent. The supergrades would receive none.

The effort to arrive at this figure was influenced heavily by the President's interest in holding down a very large jump at this time that might contribute adversely to some of the inflationary forces in this country.

I repeat: this was negotiated with great care, all around, and at both ends of Pennsylvania Avenue.

The measure further includes what was already a part of the comparability mechanism, and that is the comparability adjustment for Federal workers in the drive to bring the Federal scale into a relatively comparable position with the private sector. That adjustment, under the proposal, would occur on July 1, 1970.

What that means is this: The Bureau of Labor Statistics has just given us a reading, this week, reminding us that the adjustment in the private sector between 1968 and 1969 has been an increase of 5.8 percent.

In view of the fact that we are already 18 months behind that figure, it seemed to the committee rather more going from here? That is the reason for the 4-percent figure, as a holding action, on January 1, and the adjustment on July 1 would be comparability.

Stricken from the bill was a complex mechanism for arriving at new salary adjustments because of difficulties in getting an agreement on it. So again, I would, say this is a "bare-bones" bill.

The bill is calculated to cost $300 million-plus in fiscal 1970, this current fiscal year. The July 1 adjustment would fall into the following fiscal year.

Mr. President, H.R. 13000 is a bill to increase the salaries of Federal employees. Undoubtedly the Senate is very well aware of the controversy and complexity of the salary legislation during this session of Congress. The Post Office and Civil Service Committee in both the House and Senate have been holding hearings on pay legislation and postal modernization since Congress convened last January. After lengthy consideration, the House passed H.R. 13000 in mid-October. Since that time our committee has been deeply involved in an attempt to develop a pay bill which would resolve the pressing need of salary increases for Federal employees and also go as far as possible toward satisfying the requirements of the present administration, as well as the Congress, to hold the line on spending. The committee recommends a complete substitute for the House bill.

As passed by the House, this bill would do the following things: First of all, it provided a two-step promotion for all employees in the postal field service up through grade 11. That covers roughly 98 percent of the total postal work force. The increase amounted to 5.4 percent and would have cost about $300 million in the fiscal year 1970. Second, it established a permanent Federal Employee Salary Commission including seven members, four officers of the executive branch of the Government, and three representatives of employee unions. This Commission would decide what Federal pay would be on the basis of comparability with private enterprise. If they could not reach an agreement, a board of arbitration would make the final decision. Their first action would be taken early next year and would be made effective on

January 1, 1970. An amendment to the bill which was adopted on the floor of the House of Representatives required that the final decision be submitted to the Congress for affirmative action. And finally, the bill made changes in regard to pay benefits for certain employees who work at remote work sites or who are employed in floating plant operations.

A permanent provision for a salary commission is certainly deserving of very careful consideration. To eliminate annual enactment of pay legislation in my opinion, is a desirable goal. However, to create a commission which can recommend salary rates and thus increase the Federal payroll substantially without providing any authority for the President of the United States or the Congress to exercise control is, to say the least, an unusual approach. Certainly Federal employees must play a larger role in the determination of pay than they have heretofore. I say this because I am confident that the Post Office and Civil Service Committee will give further consideration to some proposal along this line. In place of the House bill, we recommend an across-the-board increase for the classified and postal employees of the Federal Government of 4 percent for most employees and then graduated downward in the higher paying grades to 1 percent at the GS–15 level, and no increase at all above that level. My nickname for this principle is "bare bones." I am convinced, and I believe that my colleagues on the Post Office and Civil Service Committee, including the distinguished, hard-working, and most cooperative ranking Republican member, Senator FONG, agree with me that Federal salaries, particularly in the lower levels, are in bad need of adjustment upward.

The salaries we are paying our employees today are based on comparability with private enterprise as of July 1968. Since that time the Consumer Price Index has risen by 7.4 percent, and salaries in the private sector of the economy have risen 5.8 percent. We cannot be fair to our employees and delay pay legislation any longer. At the same time, the committee has done everything it can to conform to the needs for fiscal restraint at this time. I might add that the Senate committee has shown prudence in the enactment of every pay bill that we have passed since the enactment of the salary reform bill back in 1962. Our record for treating employees fairly is matched by our record of holding the line on spending. We shall continue to do so.

The committee also recommends that rather than coming back in January and starting to work on another pay bill, the law be changed to authorize the President to adjust salaries next July on the basis of comparability as then known with private enterprise. In evaluating the data study for setting salary rates, we recommend that employees be given the right of representation in these deliberations. This would be accomplished by authorizing the President to designate employee union representatives to sit in on and directly participate in the preparation of the comparability report. They would not be appointed as employees; they would merely serve temporarily as advisers. We do recommend a 3-percent minimum for the July 1970 adjustment.

That is all our bill does and that is why we call it "bare bones." I am personally inclined to think that this legislation is as "veto proof" as we could possibly make any bill that deals fairly with our 3 million civilian employees in this Government. Let me cite just a couple of examples. I know that many employees are disappointed that we cannot do more at this time, but our aim has been, from the very beginning, to get a pay raise enacted, not to make a grandstand play on fourth down just to make noise while adding nothing to the paycheck. Instead of granting the two-step increase for some postal employees which would have increased the payroll by $300 million, we have given an across-the-board increase in the statutory rates applicable to all of the employees in the first nine grades of the general schedule of the Classification Act, and the first 10 grades of the postal salary schedule. The effect of that change is that, in the first place, it does not discriminate unfairly against classified employees who were left completely out of the House bill, and it does not artificially inflate the payroll at a high cost and with no regard for future pay adjustments. Our recommendation truly conforms to the principles of comparability by increasing pay schedules for the various kinds of jobs, rather than simply increasing the pay of employees on the payroll at the time the two-step increase is granted. This two-step jump for postal employees has been a critical point in our consideration of this legislation.

In fairness to postal employees, I must say that I personally believe salary comparability for postal employees has not been achieved and it will not be achieved until the criteria for private enterprise job comparisons are changed from the comparisons that are used today. It may be that we need a whole new look at postal pay and levels of jobs. It may be that postal letter carriers and clerks should be elevated to higher levels of pay or that the relationship between the postal field service levels and the grades of the classification act be eliminated entirely.

The committee, in its deliberation on careful attention to this problem. However, you do not solve the problem of proper classification and comparability by giving a two-step jump to employees on the payroll last October 1. That approach is not new; a one-step jump was included in the 1962 Salary Act. A notable result of that was a special pay raise for some employees, dissension and bitterness between employees who got the raise and those who did not, and a permanent increase in the cost of Government by several hundred million dollars without any regard to salary comparability.

If we are going to increase postal salaries in order to fulfill the policy of comparability, and to recruit and retain the best people available in the labor market, I think we should face the problem squarely and consider a bill that does just that. I do not think it is wise to attempt to placate the wishes of one or two groups of employees for a one-shot, under-the-table, unaccounted-for pay raise. There are better and more straightforward means of solving the problem.

Another feature of our approach is that by enacting a 4-percent pay increase in the statutory schedules, next January, we will have narrowed the gap between Federal pay today and private enterprise pay last July. That "narrowing" will again be recognized next July, when the Presidential adjustments in pay reflect comparability increases over the rates of pay established January 1 rather than the rates of pay established last July 1, 1969.

The effect of this adjustment in January will be that the very serious and severely criticized problem of the time lag between the comparability survey and the effective date of salary adjustments will in part be solved. We now know, in December 1969, that employees in private industry were making nearly 6 percent more last July than they were July a year ago. By taking that difference into account in changing the pay schedule, we are in effect cutting the time lag very substantially for all employees in all agencies of the Government. Much testimony has been presented to our committee suggesting the great need for catching up with comparability. It is significant, therefore, that we have in this bill eliminated some of that delay; and not for just some employees, but for most.

Some administration critics have expressed reservations about guaranteeing 3 percent next July. Their argument is that if comparability shows only a need for a 2-percent increase, only 2 percent should be given. The weakness in that argument is that the comparability survey, which will result in the President's decision next July, is based on June 1969. By establishing a basic 3-percent raise, we will again narrow the gap between Federal pay and private industry pay as those rates exist next July. To those who claim that next July's adjustment for postal workers should be only the difference between 4 percent and the suggested 5.8 percent comparability figure for July 1969, recently released by the Bureau of Labor Statistics, I suggest that it is unrealistic and unfair to propose a 1.8 percent salary increase for some 700,000 postal workers next summer.

Finally, the facts are that the Government's efforts, both in this Chamber and in the White House, to control inflation, to reduce the cost of money and to bring prices down have the greatest impact upon the average American who earns less than $10,000 a year and who suffers the most in a period of inflation. I just never have understood the economic sense of controlling inflation by denying the postal and classified workers a pay increase and making money virtually unavailable for them to borrow. Wages in private enterprise have gone up nearly 6 percent, as evidenced by our Bureau of Labor Statistics' evidence. Those cold Consumer Price Index has gone up 7½ percent, according to the same Bureau of Labor Statistics' evidence. Those cold realities compel the Congress to act for the people who need a pay raise the most.

Our recommendation departs temporarily from the principle of compara-

bility in that the percentage increase is inverted. In the grades of pay where disparity between the Government and private enterprise is the greatest is where, in this bill, we give the least. Our answer to those deserving employees who are called upon to sacrifice comparability in the higher grades is that just 6 months later, the pay adjustment will reflect private enterprise rates for all grades through GS–15. To those employees in grades above GS–15 who receive no January increase, our view is simple. These salary rates begin at $23,000 a year and the crunch of inflation is not so severe. Employees of the Congress are also overlooked, but our employees received a 10-percent pay increase last July and most employees on Capitol Hill can receive pay increases without the necessity for having a law enacting it, and that is not true of a postal worker or a lawyer in the executive branch.

The estimated cost resulting from the enactment of H.R. 13000 will be $363.5 million in fiscal year 1970—that is, from January through June. Beginning in fiscal year 1971, including the increases to become effective by Executive order July 1, 1970, the additional cost will be $1,433,500,000. Under the provisions of Public Law 90–207, there will be a comparable increase in the salaries of members of the Armed Forces equal to the average percentage increase in the general schedule of the Classification Act. It is my understanding that the additional cost for military salaries beginning in fiscal year 1971, will be $1,367,000. Thus the total cost of the bill when fully effective, military and civilian, will be $2,800,500,000—roughly $2.8 billion.

The cost of the committee bill is substantially less than the cost of the bill recommended by the House of Representatives. The House bill, when fully effective, would have resulted in an increase of $4 billion, $351 million in the Federal civilian and military payroll; so the Senate committee bill is almost half the cost of the House bill.

Time is of the essence. I ask the Senate's approval of this bill in the hope that is can be speeded through Congress and presented to the President as soon as possible.

I may ask my colleague the Senator from Hawaii (Mr. FONG) whether I have left something out of the basic reasons for the bill.

Mr. FONG. Mr. President, this is a very minimal bill. The bill which came from the House, and which passed that body by a very large vote, would have cost approximately $6 billion—$5.910 billion—for fiscal 1970 and 1971. This very minimal bill would cost only $3.5 billion. We have made a saving of over $2.4 billion here.

The cost for fiscal 1970, as far as civilian employees are concerned, is only $363 million. The cost for the military is $336 million. The total cost of the civilian payroll for 2 years would be $1.797 billion. The total cost of the military payroll would be $1.703 billion.

We have fought hard to keep this bill to a very low figure so that it would not meet with the veto of the President. We feel this bill is very minimal. It is making up for what is a real lag now.

If we followed the Bureau of Labor Statistics figures, employees would receive, under the comparability statute, as of July 1, 1969, a 5.8 increase, this December; and we are only giving employees under $10,000, 4 percent, graduated to 3 percent, 2 percent, and 1 percent.

So we feel this is a very fine bill.

I would like to congratulate the chairman of the committee for bringing up this very excellent bill.

Mr. McGEE. Mr. President, I have just been asked whether this bill applies to legislative personnel here on the hill. It does not on the January 1 figure. It does not apply to legislative personnel.

Mr. COOPER. Is this a $5 billion bill you are bringing up tonight?

Mr. McGEE. The projection was over a 2-year period. As of January 1, it will be $363 million.

Mr. COOPER. When does it become effective?

Mr. McGEE. It becomes effective January 1, with respect to the $363 million. The adjustment on July 1 would be somewhere in the neighborhood of 3 percent as a minimum.

Mr. COOPER. What will be the total cost next year?

Mr. McGEE. The $363 million would be a regular part of the salary.

Mr. COOPER. Would that be for fiscal 1970?

Mr. McGEE. That would be for fiscal 1970.

Mr. COOPER. How much would it be for 1971?

Mr. McGEE. Twice $363 million, plus whatever the executive would determine on July 1 was the rise in comparability figures.

Mr. COOPER. Then there would be a further rise the next fiscal year?

Mr. FONG. It is just for 2 years.

Mr. McGEE. This takes in the military.

Mr. COOPER. Mr. President, I do not know whether there is going to be a rollcall vote on this measure at this time of night, but I want to be recorded in opposition. It is too late to comprehend all its ramifications and total cost on this short notice.

Mr. McGEE. We brought out a bill after paring out everything that could be pared and still have a meaningful bill.

Mr. FONG. Mr. President, I strongly urge my colleagues to support H.R. 13000 the Federal pay bill now before us. The Members of this body will recall that in 1962 the grave problem of the loss of highly skilled Federal employees to private industry was presented to us. In addition, a severe lag of Federal civilian salaries behind those paid for comparable work in the private sector of our economy was obvious.

To counteract the loss of employees from the Federal Government for more lucrative positions in private industry and to insure that Federal employees were paid comparable salaries to their counterparts outside of government the Congress on September 27, 1962 approved by a vote of 72 to 3 what has been referred to as the comparability principle in the Federal classified and postal pay systems. This principle first adopted in 1962 and reaffirmed by the Congress and the President in 1964 and 1967 has helped tremendous in retaining employees in the Federal service who receive their training and great experience in the Federal Government. This principle has also been a significant factor in attracting highly competent personnel to the Government service. It has enabled Government to go to the college campuses and compete favorably with private industry recruiters for the best minds that the U.S. colleges and universities can produce.

There is no greater service which Americans can render at this time than to serve their Nation through Government employment. The success of our many Federal programs can be traced directly to the highly competent staffs in the departments and agencies of our Federal Government and comparable pay with private industry has enabled the Federal Government to be the leader that it is in all fields.

The pledge that the Congress and the President made in 1962, 1964, and 1967 to keep Federal salaries abreast of those in private industry demanded that the Senate Post Office and Civil Service Committee bring to this body the Federal salary bill we are now considering.

Under the system established in 1962 for bringing Federal salaries in line with those in private industry the Bureau of Labor Statistics was directed to make annual surveys of wages paid to the nongovernment employees of our country. I am advised by the Bureau of Labor Statistics that they begin collecting the information on private industry salaries in March and complete this work sometime in September. The average payroll reference period used by the BLS is June.

On December 8, 1969, the BLS issued its first public press release on the salary data it gathered. The raw average figure for the lag of Federal salaries behind those in private industry is 5.7 percent. It must be emphasized that this is an average figure and will vary with each individual Federal pay level.

The BLS press release means that as of 6 months ago Federal salaries were averaging 5.7 percent behind private industry.

The bill we are now considering provides for salary increases of 4 percent for all Federal employees now making below $10,000 per year; a 3-percent increase for those making above $10,000 but less than $15,000 a year; a 2-percent increase for those making above $15,000 but less than $20,000 a year; and a 1-percent increase for those in the GS–15 and PFS–18 pay levels. These increases would be effective January 1, 1970. All Federal employees over GS–15 and PFS–18 will not receive any increase on January 1.

The January 1 increase is only a stopgap measure to close the salary-lag gap for those in the lower levels of employment. From the BLS figures it is apparent that the maximum increase of 4 percent on January 1 is still at least 1.7 percent behind private industry. The committee felt that since the comparability figures were available it would be unfair to delay a salary increase of between 12 to 18 months.

The bill also calls for a second-step

increase to achieve comparability on July 1, 1970. The actual increase to become effective that date would be triggered by an Executive order issued by the President on the recommendations of the Civil Service Commission and the Bureau of the Budget.

The amount of the increase would be based on the refined Bureau of Labor Statistics figures for June 1996—or 12 months after they were gathered.

This 12-month lag was considered by the committee and we voted to set a floor of 3 percent for the July 1, 1970 increase. It is significant to this 3 percent that Federal Government salaries have always lagged at least 12 months behind private industry. Invariably the increases in private industry are way above those finally given Federal employees during the 12 intervening months between the gathering of information and the effective date of the Federal salary increases. The committee feels that it would like to be in a position for once of not playing catchup to the extent that it has had to every year since the comparability principle was adopted.

This measure affects approximately 2.2 million Federal employees. The cost of the bill has been estimated by the Bureau of the Budget to be approximately 3.37 percent of the total Federal payroll for fiscal year 1970 or $363,500,000. The estimated cost of the bill in fiscal year 1971 is 6.66 percent of payroll or $1,413,500,000 for a total of $1,777,000,000.

It must be explained that the committee attempted to hold off as much of the costs of this measure in fiscal year 1970 as possible and still do justice to the 2.2 million Federal employees who are entitled to this increase. We believe we have done the best job that can be done under present circumstances. By approving this measure the Senate will have kept its pledge to all Federal employees that they shall be paid salaries comparable to their counterparts in private industry.

I strongly urge my colleagues to vote approval of H.R. 13000 as amended by the Senate Post Office and Civil Service Committee.

The PRESIDING OFFICER. If there are no amendments to be offered to the committee amendment, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill was passed.

The title was amended, so as to read: "An act to adjust the salaries of Federal employees, and for other purposes."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I think the Senate ought to be aware of the strong efforts of Senator McGEE in behalf of this proposal. His splendid and outstanding work made possible an increase in pay for Federal classified and postal service workers. They are certainly in his debt. This outstanding service performed by the able and distinguished chairman of the Committee on the Post Office and Civil Service was truly commendable.

Mr. President, by necessity the senior Senator from Texas (Mr. YARBOROUGH) is away from the Senate today. In anticipation that the bill may have been called up in his absence, he prepared a statement in behalf of the proposal. As the Senate knows, he is the ranking majority member of the Committee on the Post Office and Civil Service and has long been a leader of efforts in behalf of all Federal employees. I commend his thoughtful statement to the Senate and ask unanimous consent that it be printed in the RECORD at this point.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RALPH W. YARBOROUGH

Mr. President, as the ranking majority member of the Post Office and Civil Service Committee, I rise in support of H.R. 13000. This bill would provide a four percent pay increase for the majority of our Federal Employees. This pay increase would become effective January 1, 1970.

The bill further provides for an extension of the authority given the President in 1967 to make pay increases on the basis of 1969 comparability with private industry effective July 1, 1970. The measure stipulates that the July increase may not be less than three percent.

The bill also creates a new Federal Employee Salary Commission which will be composed of representatives from both management and labor and will be for the purpose of evaluating data relating to pay rates in comparable industries.

Although this bill does represent a positive step forward toward bringing our Federal Employees into economic equality with individuals employed in private industry, in my opinion the bill does not go far enough. I supported an increase of 5.4% in pay for our Federal Employees. I feel that such an increase is both justified and necessary. However, the bill that is before us today is a step in the right direction. Therefore, I urge all my colleagues to give it their full support.

ORDER FOR ADJOURNMENT UNTIL MONDAY, DECEMBER 15, 1969, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous order for convening on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of business this evening, the Senate stand in adjournment until 10 o'clock Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, for the information of the Senate, the full Committee on Appropriations reported the Defense appropriation bill today. It will be the pending business at 10 o'clock Monday morning next.

I ask unanimous consent that H.R. 15090 be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO PANEL MEMBERSHIP AND REGULATORY MEASURES—REMOVAL OF INJUNCTION OF SECRECY

Mr. KENNEDY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive I, 91st Congress, first session, the protocol to the International Convention for the Northwest Atlantic Fisheries, transmitted to the Senate today by the President of the United States, and that the protocol, together with the President's message, be referred to the committee on foreign relations and ordered to be printed, and that the President's message be printed in the RECORD.

Mr. GRIFFIN. Mr. President, reserving the right to object, has that been cleared with the minority?

Mr. KENNEDY. Yes.

Mr. GRIFFIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Panel Membership and to Regulatory Measures. The Protocol is dated October 1, 1969, and was open for signature at Washington from October 1, 1969, through October 15, 1969, on behalf of the 14 Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949 (1 UST 477; TIAS 2089). During that period it was signed for all of those Governments, including the United States of America, except the governments of Iceland, Portugal, Romania and the Soviet Union. The latter governments may adhere to the Protocol.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the Protocol.

The Protocol would make two changes in the International Convention for the Northwest Atlantic Fisheries:

1. The Convention area of the Northwest Atlantic is divided into five subareas. Each of these subareas has a Panel composed of members of the Commission established thereunder which are concerned with the fisheries in that subarea, and which discharges certain responsibilities with respect to conservation of the fisheries in that subarea. The Convention provides that Panel membership shall be established on the basis of current substantial exploitation in the subarea concerned of fishes of the cod group (*Gadiformes*), of flatfishes (*Pleuronectiformes*), and of rosefish (*genus Sebastes*), except that each Contracting Government with coastline adjacent to a subarea shall have the right of representation on the Panel for the subarea. The Protocol would broaden this to establish membership on the basis of current substantial exploitation of all stocks of fish in the subarea concerned, with the same right retained for Contracting Governments with coastline adjacent to the subarea concerned. This change would reflect the fact that stocks of fish other than those specified in the present Convention support substantial fisheries in the Convention area of concern to the International Commission established by the Convention.

2. The Convention specifies five types of fisheries conservation regulatory measures which may be proposed to Governments by the Commission in order to keep the stocks of fish which support international fisheries in the Convention area at a level permitting the maximum sustained catch, on the basis of scientific investigations. The Protocol would permit the Commission to propose any appropriate fisheries regulations designed to achieve the optimum utilization of the stocks of fish which support international fisheries in the Convention area, taking into account economic and technical considerations as well as scientific investigations. This change would reflect the fact that the expansion of the fisheries in the Northwest Atlantic during the past 20 years coupled with developments in gear and vessels poses new and difficult problems of fisheries management, for which new techniques are necessary if the stocks are to be managed effectively on an international basis. It also reflects the current trend to manage international fisheries in terms of economic as well as biological maximum returns.

The latter proposal is the most significant. It was proposed by the United States, which noted that greater flexibility is necessary to achieve an adequate regime for the rational exploitation of the Northwest Atlantic fisheries than that which was thought necessary when the Convention was formulated in 1949. The changes which have taken place in the fisheries, improved gear and fish locating devices, numerous larger and more efficient vessels, and of particular note the consequent substantial increase in fishing intensity, has led to a situation in which the Commission finds itself increasingly inadequate to cope with today's problems. This situation resulted in a request from American interests concerned with the Northwest Atlantic fisheries to this Government to initiate changes which would transform the Commission into a modern tool of fisheries management, taking into account the economics which are becoming increasingly more important in regulatory activities. Action was initiated by this Government in 1968, which resulted in adoption of the Protocol by the Commission at its 1969 Annual Meeting. The Commission requested governments to give early consideration to this matter in order that the necessary powers might be conferred upon the Commission in an expeditious fashion.

Any proposal made by the Commission under this new authority would continue to be subject to approval by governments in the manner specified in the Convention.

The change relating to Panel membership would place such membership on a more realistic basis. At present a number of stocks of fish support intensive international fisheries, and yet are not reflected in Panel membership. Since such Panel memberships affect not only the adoption of regulatory measures but also the financial structure of the Commission, it will be beneficial to all concerned to establish a more adequate base for such membership.

No change in the number of Panel memberships held by the United States, three out of a possible six, nor in our financial obligations to the Commission, will result from the proposed changes.

The United States has urged all Governments parties to the Convention to act promptly on the Protocol in order that the Commission might consider necessary action thereunder at its June 1970 Annual Meeting.

I recommend that the Senate give early and favorable consideration to the Protocol submitted herewith and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *December 12, 1969.*

ORDER FOR REMOVAL FROM THE CALENDAR OF CALENDAR NO. 575 (S. 1148), A BILL TO AMEND THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS, AND ITS REFERRAL TO THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. ELLENDER. Mr. President, on December 8, the Committee on Interior and Insular Affairs reported the bill (S. 1148) to amend the Revised Organic Act of the Virgin Islands, which, among other things, provides that the College of the Virgin Islands and the University of Guam be treated as land-grant colleges eligible for Federal grants for extension work, experiment stations, and other matters.

I have discussed the contents of the bill with the distinguished Senator from Washington (Mr. JACKSON), who is chairman of the Committee on Interior and Insular Affairs, and he agrees that the bill should have been referred to the Committee on Agriculture and Forestry. I ask unanimous consent that S. 1148 be removed from the calendar and committed to the Committee on Agriculture and Forestry for further study.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE REPORTS DURING THE ADJOURNMENT OF THE SENATE

Mr. KENNEDY. Mr. President, I ask unanimous consent that, during the adjournment of the Senate from the close of business today until 10 a.m. on Monday next, all committees be authorized to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY AT 10 A.M.

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment, in accordance with the previous order, until 10 a.m. on Monday next.

The motion was agreed to; and (at 7 o'clock and 45 minutes p.m.) the Senate adjourned until Monday, December 15, 1969, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 12, 1969:

U.S. ATTORNEY

James L. Browning, Jr., of California, to be U.S. attorney for the northern district of California for the term of 4 years vice Cecil F. Poole.

IN THE ARMY

The following-named officer for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Chaplain (colonel) Gerhardt Wilfred Hyatt, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel

Nelson, William J., [redacted].

NURSE CORPS

To be lieutenant colonel

Rolph, Marion L., [redacted].

To be major

Ellis, Donald R., [redacted]
Graham, William A., Jr., [redacted]
Orlowski, Joseph, Jr., [redacted]
Richey, Wayne B., [redacted]
Schultz, Jerold D., [redacted]
Silvanic, George, [redacted]
Webb, Loren W., [redacted]

MEDICAL CORPS

To be major

Bowman, John A., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be major

Samuels, Alan, xxx-xx-xxxx.

To be captain

Bates, Thomas J., xxx-xx-xxxx.
Bays, Lee L., xxx-xx-xxxx.
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To be captain

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Endress, James R., xxx-xx-xxxx.

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To be captain

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DENTAL CORPS

To be captain

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Davila, Manuel A., xxx-xx-xxxx.
Gustincic, David J., xxx-xx-xxxx.
Murphy, Patrick W., xxx-xx-xxxx.
Sciubba, James J., xxx-xx-xxxx.

VETERINARY CORPS

To be captain

Cole, William C., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be captain

Cammarata, Frank A., xxx-xx-xxxx.
Waaks, Norman H., xxx-xx-xxxx.

ARMY NURSE CORPS

To be captain

Foree, Betty M., xxx-xx-xxxx.
Johnson, Richard S., xxx-xx-xxxx.
Morris, Wayne S., xxx-xx-xxxx.
Winnicki, Michael L., xxx-xx-xxxx.

To be first lieutenant

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Vail, Leslie B., Jr., xxx-xx-xxxx
Valdes, Victor M., xxx-xx-xxxx
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Walker, Conley E., xxx-xx-xxxx
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Walsh, James D., Jr., xxx-xx-xxxx
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Walters, John A., xxx-xx-xxxx
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Ward, Nathaniel P., xxx-xx-xxxx
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Wark, Richard W., xxx-xx-xxxx
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Washington, Curtis L., xxx-xx-xxxx
Watkins, John M., Jr., xxx-xx-xxxx
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Waylonis, Kenneth A., xxx-xx-xxxx
Webb, Stan L., xxx-xx-xxxx
Webster, George K., xxx-xx-xxxx
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Weinstein, Leonard, xxx-xx-xxxx
Weis, Gerhard W., xxx-xx-xxxx
Welch, Emmett A., II, xxx-xx-xxxx
Welch, Joseph L., xxx-xx-xxxx
Wells, John W. III, xxx-xx-xxxx
Wescott, Donald C., xxx-xx-xxxx
West, Oliver I., Jr., xxx-xx-xxxx
Wetmore, John F., xxx-xx-xxxx
Wheat, Paul A., Jr., xxx-xx-xxxx
Wheeler, John P. III, xxx-xx-xxxx
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Whicher, James A., xxx-xx-xxxx
Whitaker, Gary D., xxx-xx-xxxx
Whitaker, James P., xxx-xx-xxxx
White, James L., xxx-xx-xxxx
White, Jerry D., xxx-xx-xxxx
White, Jonathan W., xxx-xx-xxxx
White, Randolph C., xxx-xx-xxxx
Whitehair, Charles, xxx-xx-xxxx
Whiteside, Albert, xxx-xx-xxxx
Whitton, Robert W., xxx-xx-xxxx
Wight, William J., xxx-xx-xxxx
Wilcox, Duane W., xxx-xx-xxxx
Wiley, Howard L., xxx-xx-xxxx
Wilkinson, Robert A., xxx-xx-xxxx
Williams, Charles J., xxx-xx-xxxx
Williams, Duane E., xxx-xx-xxxx
Williams, James W., xxx-xx-xxxx
Williams, Marion G., xxx-xx-xxxx
Williams, Oler P., Jr., xxx-xx-xxxx
Williams, Robert B., xxx-xx-xxxx
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Williams, Stephen A., xxx-xx-xxxx
Williams, William R., xxx-xx-xxxx
Willison, Gary S., xxx-xx-xxxx
Wilson, Bruce M., xxx-xx-xxxx
Wilson, Daniel E., xxx-xx-xxxx
Wilson, David E., xxx-xx-xxxx
Wilson, Frank E., xxx-xx-xxxx
Wilson, Gerald R., Jr., xxx-xx-xxxx
Wilson, Haldon D., Jr., xxx-xx-xxxx

Wilson, John W., Jr., xxx-xx-xxxx
Wilson, Lynnford S., xxx-xx-xxxx
Wilson, Thomas W., xxx-xx-xxxx
Wilson, Torrence M., xxx-xx-xxxx
Wilson, Woodrow O., xxx-xx-xxxx
Winger, John H., xxx-xx-xxxx
Winterling, Grayson, xxx-xx-xxxx
Wisdom, Harry A., Jr., xxx-xx-xxxx
Wise, Harry E., xxx-xx-xxxx
Wise, Lawrence F., Jr., xxx-xx-xxxx
Wofford, Donald R., xxx-xx-xxxx
Wolak, Richard J., xxx-xx-xxxx
Wolfe, Hiram M., IV, xxx-xx-xxxx
Wolfgram, Steven W., xxx-xx-xxxx
Wood, Piers M., xxx-xx-xxxx
Woods, Alex, Jr., xxx-xx-xxxx
Woodward, Richard D., xxx-xx-xxxx
Work, Samuel C., xxx-xx-xxxx
Wright, Adrian R., xxx-xx-xxxx
Wright, Cooper L., xxx-xx-xxxx
Wright, Edgar, III, xxx-xx-xxxx
Wright, Robert W. G., xxx-xx-xxxx
Wright, Walter G. B., xxx-xx-xxxx
Wrightson, Samuel H., xxx-xx-xxxx
Wyatt, Lawayne A., xxx-xx-xxxx
Wylie, Gary D., xxx-xx-xxxx
Wysocki, Robert E., xxx-xx-xxxx
Yacovelli, Phillip, xxx-xx-xxxx
Yager, Charles S., Jr., xxx-xx-xxxx
Yamaura, Lawrence, xxx-xx-xxxx
Yoblonski, Leonard, xxx-xx-xxxx
Yolch, Andrew A., xxx-xx-xxxx
Youmans, Tommy B., xxx-xx-xxxx
Young, Earl W., Jr., xxx-xx-xxxx
Young, Eddie L., xxx-xx-xxxx
Youngquist, David E., xxx-xx-xxxx
Zaehringer, Theodore, xxx-xx-xxxx
Zahn, Sylvan A., Jr., xxx-xx-xxxx
Zakulak, Stephen C., xxx-xx-xxxx
Zehren, John V., xxx-xx-xxxx
Zeiler, Richard H., xxx-xx-xxxx
Zierdt, John G., Jr., xxx-xx-xxxx
Zimmerman, Leroy, xxx-xx-xxxx
Zipp, Kenneth A., xxx-xx-xxxx
Zurla. Thomas F., xxx-xx-xxxx

IN THE NAVY

The following named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy subject to the qualifications therefor as provided by law.

David G. Adams
Robert J. Abbott
Harold S. Adams, Jr.
Ronald E. Adams
William M. Agnew
Lawrence R. Ahern
Thomas J. Ahern, Jr.
Stephen S. Aichele
Gregory K. Akita
George E. Albright III
Michael A. Algiers
Michael A. Allen
Clare R. Allshouse
Ralph S. Allsopp, Jr.
Joseph R. Almony
David H. Altman
Raphael J. Altmann III
Richard Anastasi
David F. Andersen
Christopher E. Anderson
Craig G. Anderson
David C. Anderson
Don R. Anderson
Ferdinand August S. Anderson
Jay W. Anderson
James D. Anderson
Richard E. Anderson
Richard N. Anderson
Thomas E. Anderson, Jr.
William M. Anton
Michael R. Antonelli
Walter J. Apley, Jr.
John F. Arfman, Jr.
Andrew A. Armstrong III
Keith S. Armstrong
Robert A. Arthur
William V. Arvold III
Richard A. Ashton
Sullivan Augustine
Alan A. Autilio
Jeffrey B. Averill
Robert B. Avery
Richard F. Ayers
Robert F. Baarson
Edward E. Babyak
Charles T. J. Badenhop
Hurbert V. Bailey
Kenneth J. Baker
Larry A. Baker
John P. Barker
Laughlin M. Barker
Robert F. Barnes, Jr.
Kenneth P. Barnum
James M. Barrett
John M. Bartscher
Wayne W. Bastedo
David M. Baughan
William B. Baumgartner
Robert M. Baxter
Richard S. Beamgard
Richard A. Beck
Joseph T. Becker
Stephen A. Beckley
Dennis R. Beeson
Stephen L. Bekkedahl
Joseph P. Belotti, Jr.
Larry R. Bemis
Loren D. Bengtson
Donald R. Bensing
Barry L. Berke
Richard A. Berkseth
Robert S. Besser
Barron B. Bianco
Ralph D. Bianco
Reginald E. Biber
Robert M. Bickel
John A. Biola
Weller S. Bishopp
Philip A. Bjorlo
Michael J. Blaney
Robert M. Blankenship
Glen A. Blankenstein
William E. Blase
Robert L. Bleakley, Jr.
Frederick L. Bleier
Donald H. Bliss
Wade D. Bloom
William T. Bodie
Michael C. Boerner
Robert M. Boger
Samuel P. Boger
Donald C. Bohannon
Morris V. Boley, Jr.
Terry L. Bollman
Steven D. Bolt
Gary W. Bomkamp
Christopher C. Bonwit
Casimir J. Borowski, Jr.
Daniel J. Bowen
Melvin N. Bowers
Craig C. Bowland
Neil O. Bowman
Gregory B. Boyle
Gregory C. Bradford
Richard E. Bradley
William F. Bradley
Robert M. Brady
William D. Brasington
Donald C. Brewer, Jr.
Douglas B. Brewer, Jr.
Larry J. Bridges
William P. Bried
James F. Britt
James A. Broaddus
Steven S. Broadley
Carl R. Broberg
Jude T. Brock
Robert W. Bronson III
Michael C. Broome
Dennis R. Brons
Charles W. Broun
Donald C. Brown
Oliver C. Brown
Steven J. Brown
Thomas G. Brown
Wendell E. Brown
William N. Brudenell
Peter P. Bruderle
James S. Bunce
Robert E. Bruninga
Carroll L. Bryan
Michael R. Bryan
Wayne R. Brydon
Jack M. Buce III
William C. Buergey
Lawrence M. Bundschu
George E. Buntrock III
James R. Burdett
Andrew R. Burger
Robert J. Burger
Clifford M. Burke
Gerald T. Burns
William E. Burns
Steven G. Burtchell
Stephen A. Bush
Craig L. Butler
Richard S. Butryn
John H. Buxton
Michael C. Buzas
Bruce B. Byron
Charles J. Cadden
Patrick J. Cahill
Barry T. Caldwell
Dwight M. Callaway
Michael A. Callaway
George K. Cambron
Bruce A. Campbell
Thomas J. Campbell
Denis H. Campion
Benjamin K. Canty
Randolph S. Capri
Henry A. Cardinali, Jr.
Rodney W. Cardoza
Cary P. Carlson
James H. Carlson
Richard J. Carlson
Danny R. Carpenter
David M. Carter
John H. Carter
William J. Carter
Carl V. Cascone
Paul D. Cash
Barry L. Cassidy
Richard M. Cassidy, Jr.
Gary P. Caudill
George B. Cauthen
Edward L. Cattau, Jr.
Joseph M. Cerra
Edward C. Challberg
Michael J. Chamowitz
George J. Champagne
Thomas E. Chappell, Jr.
Pierre N. Charbonnet III
Robert E. Chatel
Ralph E. Chatham
Ricky D. Cheney
Frederick W. Cherota Jr.
Lehman F. Cheshire II
Rocco A. Chidoni
Thomas F. Chwastyk
Gerald A. Cioffi
David G. Clark, Jr.
James E. Clark
Terry L. Clark
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Christopher W. Cole
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Bruce A. Colvin
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Joseph T. Cowan
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Lyle A. Cox, Jr.
William L. Cox
Stephen J. Craig
Allan D. Crane
Robert T. Creighton, Jr.
Timothy G. Cronin
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Roger L. Crossland
Mark W. Crump
Gene Cubbison
John F. Cummings
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Robert E. Cyboron
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Thomas L. Daniels
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Edward P. Davis, Jr.
Norman F. Davis
Thomas Davis III
William B. Davis,
Glenn C. Davison
Fay Day, Jr.
Jeffrey J. Day
Robert A. Dean
William N. Deaver, Jr.
Geoffrey F. Decker
David A. Deese
Philip L. Defliese, Jr.
John Deluca, Jr.
Leonard J. Delunas
Steven A. Denning
Lloyd E. Depoy
Eric L. Derrickson
Leo J. Dete
John M. Devane III
Roger S. Dewey
Michael F. Dibello
William H. Dickinson
Robert M. Dickson
George F. Diehl, Jr.
Harry A. Diffendal
William E. Dill, Jr.
John P. Dinger
Richard S. Dipretoro
Wilbur J. Dobson
Raymond P. Dockrey
Gerald A. Dodd
Edward J. Donahue
Mark D. Donahue
Lawrence J. Dooley, Jr.
Robert E. Dorting, Jr.
Michael G. Doty
Gordon J. Douglas, Jr.
Michael M. Douglass
Roy E. Dove
Barry W. Doyle
Edward J. Doyle, Jr.
Donald O. Driskill
John L. Dryden
Eugene O. Duffy
Raymond A. Duffy
Daniel F. Duke III
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Franklin T. Dunn
Manuel Y. Durazo, Jr.
David A. Duval
James R. Dyer
Walter R. Dziokonski
James H. Eacott III
David C. Easton
Thomas F. Eberhardt
James M. Edson
Steven J. Edwards
George M. Egart
Philip H. Ehret
John M. Eisert
George W. Ekstrom
Franklin W. Ellis
William R. Ellis
James M. Ellis
Curtis J. Ellison
Gary G. Ellsworth
William T. Emery
Jeffrey P. Emrich
Robert G. Engelhardt
David F. English
Jerome R. English
Herbert C. Erbe, Jr.
Geoffrey D. Erickson
Fridtjof H. Eriksen
Troy J. Erwin
Joseph O. Estabrooks
Charles T. Esterl
Michael A. Evans
David P. Evansin
Brian R. Evdo
Michael E. Ewers
Michael D. Farrell
Paul D. Faubell
Ronald L. Fauquet
Mark R. Feichtinger
Jeffrey E. Ferguson
John O. Ferguson
John J. Ferry, Jr.
Walter C. Fidler
Jeffrey J. Fink
John K. Finnell
David A. T. Fish
William H. Fischer
Charles S. Fisher
Douglas F. Fisher
Kevin F. Fitch
Richard S. Fitzpatrick
Joseph J. Fitzsimmons
David N. Fleischer
Erick M. Flocken
Roberto Flores, Jr.
John M. Foerster
John C. Foland
David Folsomjones
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Randall E. Foote
Ray T. Forbes
Robert E. Ford
Michael E. Foster
William L. Fowler
John R. Fox
Bruce M. Fox
John W. Fox, Jr.
Mark Fox
William L. Fox, Jr.
Terrance C. Frame
Walter C. Frampton, Jr.
John W. Francis
David E. Frank
Charles D. Franklin
Marvin A. Franklin II
Ronald J. Franklin
Alfred R. Fratzke, Jr.
Kurt R. Fredland
Thomas O. Freeburger
Robert N. Freedman
Ronny W. French
Harald Freybe
Dennis R. Frisch
Paul S. Fromer, Jr.
Daniel S. Fulton
Robert F. Fye
Gabriel Gaal
Paul R. Gaddie
Myrick W. Gaffney
Alan W. Garey
Gary W. Garland
Dennis L. Garlington
Robert R. Gasink
Richard C. Garrison
David E. Garvin
Robert R. Gasnik
Terrence M. Gautreaux
Richard A. Gaw
Joseph W. Gawinowicz
Robert E. Gebhardt, Jr.
Thomas F. Gede
Gary Gelzer
Patrick L. Gengler
Anthony R. Getchey
James M. Geyton, Jr.
Peter W. Gibbons
Robert C. Giffen III
Dale A. Gilbert
Robert C. Gillette
William D. Gilligan
Charles R. Gimbel
Donald J. Glasser
Robert R. Gnerlich
John E. Goebel
Michael G. Goforth
Marc L. Goldschmitt

Stephen J. Golle
Daniel E. Gorman
George R. Goswick
William F. Gotha
Dexter V. Gould
Terry L. Grambsch
Patrick Grant, Jr.
Michael W. Grasham
Barry R. Green
Barton L. Green II
Thomas J. Green, Jr.
Alan R. Greene
Ronnie R. Gregory
William B. Gresham III
James D. Gribben
Russell L. Griffith
George K. Grimmer
David A. Gronewald
Jerome B. Gronfein
Jerome P. Grove
Bruce P. Gudenkauf
Kenneth W. Guest
John E. Gulas
Robert J. Gunn
Donald J. Guter
Frank A. Haas
Kent L. Habermeyer
John M. Hacker
Ronald S. Hagadone
Paul W. Hagen
Jon G. Hagerman
James T. Hagood
Randall P. Hahn
Frank D. Haines
Thomas P. Hall
William B. Hall, Jr.
Russel E. Hammond
James M. Haney
John T. Hanley
William R. Hansell, Jr.
John H. Hanson
Robert T. Hanson
Ryan L. Hanson
John N. Hansson
Robert R. Hare III
William Harleston, Jr.
John F. Harper III
Clinton P. Harris
James D. Harris
John K. Harris
Mark M. Harrison
Christopher R. Hartle
Jeffrey E. Hartman
Frederick W. Harvey II
John K. Hassenplug
Anthony J. Hussey, Jr.
Stephen G. Hawkins
Thomas E. Head
Joseph R. Headrick
John H. Heckmueller
Stephen G. Heinz
William E. Heitz
John M. Held
James F. Heleniak
James C. Helmkamp
Gary L. Helwig
Breck W. Henderson
Christopher C. Henderson
Harold A. Henderson
James R. Henley
Dean Henry
Douglas D. Henry
Ted A. Henry
William D. Henry
Garry L. Herbert
Alan K. Herbst
Robert B. Hereford
Paul I. Herman
Joel R. Hersh
James R. Higgins
Charles S. Hill
Robert L. Hill
Willam H. Hill III
Hugh A. Hilton
Terry D. Hobbs
Timothy A. Hoblitzell
Albert Hoefer III
Richard B. Hoffman
James W. Hogan, Jr.
Thomas J. Hogan
James H. Holbach
Edwin F. Holcombe, Jr.
John R. Hollcraft
Charles L. Hollingsworth
Dwight P. Holm
Raymond A. Holme II
Stanley O. Holmes
William P. Holsten
Marshall V. Holstrom
Charles C. Hooper
James E. Hooper
Gary Hopkins
Geoffrey V. Hopper
Jonathan M. Howard
Joseph W. Hrbek, Jr.
Van R. Hubbard
David L. Huber
Barry E. Hudspeth
David G. Hughes
Michael D. Hughes
Douglas E. Hurley
John W. Hussey
Stephen C. Hutchins
Robert L. Hyatt
Michael L. Hyjek
Daniel R. Ice
John L. Ilgen
Philip C. Imming
Jasper M. Infinger
Francis C. Inverso
Gordon C. Jackson
William A. Jackson
Ernest K. Jacquet
Walter W. Jenkins
John B. Jinks
Per Sven Johannessen
Donald W. Johanson
Eddie E. Johansson III
Christopher H. Johnson
Daniel J. Johnson
Earl W. Johnson, Jr.
Gary Q. Johnson
Geoffrey N. Johnson
Jerry R. Johnson
John C. Johnson
Michael R. Johnson
Phillip L. Johnson
Ralph P. Johnson
Robert A. Johnson
Terrence B. Johnson
Samuel L. Jones
Stanley L. Jones
William T. Jones
Thomas B. Kalish
James P. Kalkofen
Robert J. Kanaley, Jr.
John E. Kane II
Clarke K. Kawakami
William R. Keen
Thomas E. Kennedy
Robert H. Kent
Michael M. Kephart
Charles M. Kern
Thomas S. Key
Stephen A. Keyser
John D. Kidd
Jay K. Kidney
Robert C. King
Robert T. Kinne, Jr.
James E. Kirby
Frederick B. Kiremidjian
Robert J. Kissinger
Ronald M. Kissman
Jay R. Kistler, Jr.
Jerry M. Kitzman
Kenneth A. Klase
Thomas Kleehammer
David C. Klementik
Stephen P. Klotz
Patrick R. Kluever
David S. Kluxen, Jr.
Bernard T. Kneeland, Jr.
John H. Kniering, Jr.
Mark M. Knock
John C. Knoll
William H. Knull III
Frederick R. Koch
Paul F. Koffend, Jr.
Paul S. Koller
Michael C. Komelasky
Henry Kopicko
Thomas W. Koster
Michael Kovar
Thomas E. Kraemer
James E. Kraft
Kevin J. Kramer
Kenneth W. Kraska
Charles F. Krause
Russell W. Krey
Lewis E. Kronick
Kim Krummeck
Thomas M. Krupp
James D. Kuemmel
Henry F. Kuhlman
John A. Kuhlmann, Jr.
Thomson M. Kuhn
Daniel G. Kuttner
William S. Kwiatkowski
John W. Labreche
Norvel W. LaChance
Roger J. Lafauci
Peter M. Lagerman
James M. Lagrone
Bruce A. Lampert
William B. Land
Judson T. Landers
Charles E. Landry.
Walter L. Lang
James F. Langell
Ralph P. Larimer
Nicholas R. Laterza
Jeffrey E. Lawson
Thomas P. Lawton, Jr.
Frederick J. Leach
John J. Leary
Ronald W. Ledwith, Jr.
Kenneth A. Lee, Jr.
Harold Lehtonen II
William E. Leighty
Donald A. Lelonis
William D. Leopardi
John F. Letts, Jr.
Allan A. Lewandowski
Laird W. Lewis, Jr.
James J. Lia
Herbert E. Libbey
John B. Lindemood
Patrick C. Linnen
David M. Lipeles
Gerard F. Locke
James W. Locke, Jr.
Stephen A. Locke
John R. Lombardi
William C. Longa
Karl F. Loomis
Robert G. Love, Jr.
Raymond L. Love
Allan F. Lowe
Cary D. Lowe
John M. Lowe
John F. Lucas
Donald R. Ludwig
Roy A. Lundeen
Thomas H. Lundin
Robert F. Lundy
Hollis E. Lunsford
Michael W. Lummen
Stephen C. Lupton
Jerry E. Lusk
Jeffrey R. Lydiard
John F. Lynch
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Valentine D. Lynch, Jr.
James D. Lyness
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Preston V. Lyon
Ross E. McCandless
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Rex C. McCay
Erwin L. McClendon
David G. McClure
Ryan J. McCombie
Steven C. McConaugh
William K. McCord
Michael G. McCotter
Steven A. McCreary
Thomas W. McDermott
Oliver R. McElroy, Jr.
Terence P. McElwee
Randall J. McEwen
Clyde E. McFarland, Jr.
John R. McGaha, Jr.
William P. McGinnis
Francis D. McGrath
George J. McGuane, Jr.
Leonard F. McGugin, Jr.
Michael E. McGurk
Donald R. McKenzie, Jr.
Daniel T. McKessy
John H. McKim, Jr.
Michael T. McMurray
Brian J. McNamara
Donald H. McNamara
Paul T. McNaughton
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Douglas M. Mackay
Paul F. Madaio
Thomas W. Mader
Robert J. Madruga
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John S. Mahoney
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Anthony J. Mancini
John L. Mangan
Craig R. Mann
Robert J. Manning
Earle B. March, Jr.
Donald R. Marsh
Jeffrey R. Martell
Michael B. Martella
Elton J. Martin, Jr.
John D. Martin
David P. Maslen
Richard E. Mason
Robert J. Mastrangelo
Paul A. Mathew
James R. Matthews
Robert B. Matthews, Jr.
Michael J. Mayfield
Robert A. Meadowcroft
Gregory D. Meadows
Michael V. Mecca
Bruce M. Meilinggaard
Lawrence D. Mercer
Robert L. Merring
Thomas B. Merritt
Richard D. Metcalf
William T. Metcalf
Leonard A. Metildi
Verner E. Mettin, Jr.
Glenn W. Meyer
James V. Meyers
Stephen D. Meyer
Joseph A. Meyertholen
Timothy A. Michael
James R. Michaels
Joseph A. Mihalcik
David R. Miles
Donald J. Miles
Hubert J. Miller
Paul L. Miller
Richard S. Miller
Russell H. Miller
William G. Miller, Jr.
William H. Miller
Kenneth H. Miner, Jr.
James R. Minor
Larry J. Mitchell
William G. Moeller
William J. Mondoux III
Edward P. Moffett
Steven F. Monthey
Anthony J. Montoya
Raymond L. Moon
Harold M. Moore
Hollis A. Moore III
Thomas J. Moore III
Joseph J. Moran
Steven K. Moreno
David Morgan
William R. Morgan
Lee P. Morris
David I. Morrison
John P. Morse
John C. Mosher
Donald A. Motson
Alexander F. Motten
Edward D. Moulder
William M. Moye
Michael P. Muetzel
John J. Mulkeen, Jr.
Michael C. Mullen
David G. Muller, Jr.
David R. Mulvey
Gerald K. Mulvey
Donald C. Mumma
Gates S. Murchie
Brian C. Murphy
Michael J. Murphy
Robert E. Murphy
Michael T. Murray
Albert C. Myers
Roger A. Myers
William N. Myers
Rodney S. Nathan
David F. Neale
Robert T. Nelson
Charles D. Nesbitt
Richard D. Nettesheim
John G. Newberry
Christopher E. Newton
Willis G. Newton
Michael R. Nielsen
Christopher A. Nintzel
Peter A. Nisbet
Richard M. Norman
David A. Norris
Rick J. Norris
Thomas W. Northrop, Jr.
David J. Nowak
George W. Nowell
Mark M. Nunlist
Geoffrey R. Nye
Stephen C. Nyland
Steven L. Ochsner
Michael A. O'Connell
Ronald K. Ogletree
Charles G. O'Hara
Russell R. O'Hara
Baird D. Oldfield
Alan C. Olin
Joseph W. O'Loughlin
Charles C. Olsen
Eric A. Olson, Jr.
Larry S. Olson
Bernard P. O'Meara
John P. O'Neill
Jon C. Oplinger
John M. O'Sullivan
Sheldon C. Otto
Richard L. Owen
Ricky L. Owens
Thomas B. Owen, Jr.
Edward R. Pacheck, Jr.
Maurice T. Paine III
Daniel L. Palacheck
James L. Parham
Patrick J. Park
Ernest R. Parkin
Michael C. Parkin
Donald P. Paskewitz
John W. Patrick
Philip D. Patterson
Thomas G. Patterson, Jr.
Kent A. Paulsen
Louis G. Paulson
John F. Pearce
Jonathan C. Pearson
Robert T. Pearson
Robert W. Peck
John R. Pedrotty, Jr.
Daniel Pendarvis III
Richard L. Penman
Ernest J. Perez
Steven Perin
Kevin P. Perkins
Robert S. Peterman
John K. Peters
Jeffrey L. Peterson
Curtis E. Pew
David L. Pfahler
John E. Philcox
Frank H. Phillips
Richard F. Piech
Joseph M. Pilie, Jr.
William C. Pitcher
Kenneth J. Plante
Bruce A. Platt
William C. Pohl
Gary L. Pola
Nicholas A. Pope
Edward K. Poro
David G. Porter
Stephen E. Post
George A. Powell
William S. Pratt
Perry S. Preis
Noel G. Preston
Richard M. Price
Samuel R. D. Price
John A. Priester
John C. Pritchard, Jr.
David B. Puffer
Alexander W. Purdue, Jr.
Kenneth C. Purdy
Jeffrey D. Quint
John H. Quinn, Jr.
David W. Rackiewicz
Michael J. Ragnetti, Jr.
Richard K. Raines
Phillip G. Ramsey
Bruce W. Ranney
Michael S. Rathbun
Curtis S. Rathburn
Daniel M. Rau
Ronald E. Rautenberg
Terry A. Raymond
Thomas S. Read
Stephen T. Register
Peter A. Regnier
Steven A. Reisinger
Edward C. Reutemann, Jr.
Danny W. Reynolds
David V. Rhedin
Russel E. Rhoads
James W. Rice
John W. Richmond
Andrew S. Riddile
Donald E. Riebe
John A. Riedy
Robert R. Ries
William H. Rigby, Jr.
Daniel D. Riley
Steven L. Riley
John C. Rinaldo
Robert A. Riolo
William H. Roberson III
Frank L. Robilotto
Scott Robinson
John C. Roboski
Thomson W. Rockwood
Dennis P. Roderick
Richard M. Roderick

James G. Rogers III
Paul A. Rogers, Jr.
Karl O. Rohlich
Henry S. Romano, Jr.
Richard M. Romero
George W. Roope III
David C. Ross
Michael C. Ross
Michael F. Rosselle
Jeffrey I. Rosen
Philip R. Rossi
Bruce A. Roth
Ronald L. Rothrock
Robert L. Ruedisueli
Sanford L. Rugen
Robert G. Rupp II
John W. Russell
Richard W. Rutter
Marquis J. Ryan
Robert J. Ryan
Stephen E. Ryan
John R. Sanders
Thomas W. Sanders
Grant W. Sassen
Joal Savino
David R. Sawyer
Larry J. Saylor
Robert P. Schack
David A. Scheiwe
Charles W. Schellhorn
Dennis W. Schepman
John N. Schimmels
Donald R. Schmidt
George M. Schmidt
Joseph D. Schmidt, Jr.
Fredereick D. Schrader
Harley C. Schreck, Jr.
Willard C. J. Schreiber
Stephen R. Schmitt
Philip M. Schroeder
Thomas J. Schroeder
Stephen T. Schwab
Harold W. Schwartz
Douglas T. Scott, Jr.
Jeff C. Scott
William A. Scott
Robert M. Seeger
Gregory V. Segur
Karl W. Selden III
Robert L. Sellman
David S. Seltzer
Paul D. Semplicino
John E. Seski
James S. Sexton
Robert F. Shanks
David R. Shaw
Robert E. Shaw
James K. Shearer
Timothy O. Sheehan
Theodore C. Sheline II
Scott H. Shepard
Wilbur F. Shepherd
Bruce E. Sheppard
Walter T. Sheppard
John E. Sherbin
Gerald F. Sherm
Steven C. Shinn
Richard W. Shock
Ronald J. Shown
Michael D. Shutt
Walter W. Simmers
John W. Simmons II
William F. Sinclair, Jr.
Paul D. Skinner
Steven G. Slaton
James E. Smedberg
Carl M. Smith, Jr.
Emmett W. Smith
John H. Smith
John W. Smith
Kenneth W. Smith
Paul D. Smith
Richard C. Smith
Robert C. Smith
Robert E. Smith
Robert E. Smith, Jr.
Ronald C. Smith
Thomas H. Smith, Jr.
Thomas M. Smith
Arthur E. Smoot, Jr.
Paul T. Snapp
Dennis A. Snell
Frank W. Snell
Michael J. Snyder
Ronald J. Snyder
Donald L. Souter
Douglas K. Spaulding
Robert D. Specht
Perry E. Sprague
Richard S. Springer
Leonard D. Sprinkles
Robert H. Sproule
Leslie C. Standish
Jay D. Stanke
John G. Stanke
John G. Stanley, Jr.
James M. Stasiowski
John J. Statt
Mark A. Statuto
William M. Stecker
Ben F. Stephens, Jr.
Jan B. Stephens
Robert D. Sterusky
Mark T. Stewart
Michael M. Stewart
Robert T. Stites
Bruce A. Streeter
Christopher J. Stockwell
John T. Stone, Jr.
David V. Stokes
James R. Stokes
John R. Stolle
Stephen J. Strzemienski
Mark J. Stull
Martin D. Sullivan
Timothy F. Sullivan
William D. Sullivan
Jack M. Summers, Jr.
Melvin L. Sundin
Ellis D. Sutter III
John M. Svoboda
Robert D. Swartzell
Peter M. Synowiez
Mark D. Tabing
Richard W. Talipsky
Thomas J. Tallardy
Charles E. Talmadge
Lewis W. Tandy
Rodney M. Tappen
Charles G. Taylor III
Dean E. Taylor
Eugene W. Taylor
John M. Taylor
Thomas L. Teller
Thomas L. Tempero
Dennis J. Tente
Joseph A. Terrible
Kenneth W. Thomas
Michael Thomas
Nauman S. Thomas
Robert P. Thomas
Steven E. Thomas
Benny E. Thompson
Clayton H. Thompson, Jr.
Eric C. Thompson
George A. Thompson
James J. Thompson
Mark M. Thompson
Daniel B. Thornhill
John W. Thornton, Jr.
James H. Thorp III
Robert J. Tissier
Edgar A. Touchette, Jr.
William P. Tracey
John R. Treichler
Alex Tsaggaris
Anthony M. Turbeville
Richard S. Turk
Craig J. Turner
Prescott K. J. Turner
James A. G. Turpie
Howard K. Unruh, Jr.
David H. Uthe
Jon E. Vanamringe
Steven W. Vanderbosch
David J. Vaughn
Gregory J. Vechinski
David M. Vieira, Jr.
Timothy L. Vocke
John F. Vogt
Bruce R. Volkart
Richard D. Vonlintig
Richard L. Wade
Henry M. Wagoner
Charles R. Wallace
Paul L. Wallace
Kenneth J. Walkey
James M. Walley, Jr.
Charles C. Walls
Peter E. Walsh
Thomas D. Walsh
Douglas O. Walt
Charles G. Ward
Robert E. E. Ward
James C. Warrenfells
George C. Watkins, Jr.
John B. Watkins
Kenneth S. Watkins, Jr.
Lyle P. Watkinson
Gordon R. Wavle
Lloyd R. Weaver
James A. Webb III
Stephen E. Webb
Wayne P. Webb
Edward M. Webster
John L. Weeks III
Michael T. Webster
Paul B. Webster
Jay E. Weigel
Thomas E. Weil, Jr.
Jimmy L. Weirick
Michael J. Weiss
Richard B. Wellborn
John T. Wells
Gerald M. Westcott
John R. C. Wheeler
Charles H. Whitaker, Jr.
John T. White
John W. White, Jr.
Oakley F. White
Richard D. White
Stephen M. White
William S. White
Roy R. Whiteside
David R. Whitman
Dewey L. Whitmire
Russell T. Whitney
Richard H. Widak
Gregory Wierzbicki
Hubert B. Wilder III
Alan D. Will
Bruce W. Williams
Donald W. Williams
Elmer E. Williams
Thurman L. Willis
Charles H. Wilson
Philip G. Winger
Dennis M. Winslow
Willard J. Winterstein
Thomas M. Witte
William W. Wittmann
Peter T. Wolf
Daniel T. Wolfe
James A. Woodall IV
Jonathan H. Woodall
John H. Woodard
Brian E. Wright
David N. Wright
Gerrit L. Wright
Herbert R. Wright III
James C. Wright
John T. Wright
Jon R. Wright
David L. Wurzel
Martin R. Yerick
David R. Young
Gregory C. Young
Robert W. Young
William F. Young
Carl J. Zahner
Gary L. Zambito
John P. Zeola
Albert G. Zgolinski
Donald R. Ziebell
Paul L. Zimmerman
Zachary L. Zimmerman
David E. Zuber

The following named (Naval enlisted scientific education program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefore as provided by law.

Joseph H. Adkins
James C. Albright
Stephen A. Arndt
Dennis C. Arneson
Raymon D. Arnold
Jeffrey D. Babetz
Bruce E. Backlund
Roman R. Ballock
Richard D. Barrows
Richard E. Beason
Benjamin G. Belrose
William E. Beyatte
Garland A. Boyd
Ted M. Brandt
Patrick J. Braniff
Samuel H. Brennan, Jr.
Robert C. Brenner
Dural W. Browning
Frederick W. Burr
Thomas A. Butler
William F. Bush
John S. Cameron
David R. Carlson
William G. Carlson
Steven A. Carson
Gary D. Caster
George R. Cathcart
John B. Cavender III
Larry N. Church
Richard E. Clark
Robert A. Clark
Frederick W. Clayton
Paul R. Cochran
Hubert C. Connolly
Norman E. Cook
William E. Coons
Joseph H. Cornwell
Gary L. Cruzan
Clarence W. Culwell
Gregory J. Czech
Dennis M. Davidson
James M. Daniel
Kenneth H. Delano
Richard L. Densley
Kenneth W. Denton
James R. Denzien
Jay D. Dresner
Jerry R. Dumbauld
Charles T. Edwards
Jesse D. Edwards
Robert A. Erwin
James L. Estes
Robert B. Evans
Ronald H. Falstreau
Leigh R. Fenneman
Steven H. Fessenden
William R. Fitzgerald
Johnnie E. Ford
Donald F. Fortik
Benjamin N. Frith III
Michael D. Gaden
George B. Gilbert
Ronald T. Gross
John Haigis
Terry C. Hart
William L. Hatch
Bruce W. Hawkins
John W. Hedegor
Nathan M. Hess
Larry A. Hillerman
James E. Hodges
John E. Hogan
Wayne M. Hollinger
Richard L. Horner
Russell D. Horsley
Daniel W. Horton
William A. Houk
Thomas E. Hudgins
Stephen A. Hulsizer
Olin H. Jennings
James A. Jordan
Donald K. Kaider
Wayne G. Kaiser
Roy W. Kampen
Jerry A. Kane
John C. Kellas
Richard E. Kelly
Bruce R. Kemp
George V. Kerr
Everet V. Kincheloe
William C. Klein
Glenn K. Knechtel
William R. Lambert
Jerry J. Lampert
Bruce A. Langdon
James S. Lantz
Daniel F. Lashbrook
Lowell G. Lewis
John R. Lieurance
Robert E. Little
James L. Loynes
Lawrence J. Mack
Ezra E. Manes
Frederick C. Marcell
Clarke A. Maxwell
Michael J. McCulley
Willard B. McDougal
Tommy R. McFalls
James D. Melton, Jr.
Larry A. Meyer
James L. Middle
Donald D. Miller
Charles R. Morris
Fredricke M. Morris
Arthur R. Nation
Donnell J. Nickens
Shonnie J. Patterson
Robert H. Penhollow
Robert W. Perrin
James E. Perry
Philip E. Peterson
Gerald D. Petry
John B. Polwarth
Michael G. Riegel
Gary L. Rigg
Iver J. Rivenes
Jaime Rivera
Crichton C. Roberts
John D. Robinson, Jr.
Norman L. Rogers
David G. Rundall
Gary B. Samuel
Arthur M. Samuels
Marvin R. Scamihorn
Hubert F. Schmidt
Robert H. Schmidt
James E. Schneider
Milton D. Schroeder
Gregory A. Schwaller
Thomas A. Seitz
Robert R. Setzekorn
Merwyn R. Shonk
Dan A. Siegel
Alan J. Skille
Dean A. Snell
Jack A. Snelson
Gary G. Spangler
Carroll B. Sparks
Frank A. Stasi
Robert G. Stentz
Charles E. Stephens
Floyd S. Stevinson
John M. Stewart
William T. Subalusky
David V. Tanner
Arch E. Taylor
Paul L. Thayer
Arthur N. Thornhill
Ronald D. Townsend
Robert J. Tyler
Richard M. Uttich
Richard S. Valdivia
Paul F. Vantassel
John B. Vercher
William J. Vetsch
Larry P. Vines
James M. Waddle
Lynn L. Waite
Ronald W. Walters
William A. Watkins
William L. Weber
James C. West
Harold N. Wheeler
Darrell E. Whitney
Douglas H. Williams
John R. Wise
William L. Wolpert
Don A. Wood
Peter C. Zylkowski

Don S. Angelo (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

Victor A. G. Brochard (Naval Reserve officer) to be permanent lieutenant (junior grade) and temporary lieutenant in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

George MacLeod
Joseph J. Maiorana
Maxime J. Poirrier

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

Frank Grabarits
Charles T. Walter, Jr.

IN THE MARINE CORPS

The following-named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Antonelli, Michael R.
Bachiller, Rayfel M.
Ballard, John M.
Banta, Peter A.
Behel, Ivan M.
Bennett, Thomas D.
Bennight, Kenneth L.
Bergstrom, Dan T.
Biesemeier, Harold W., Jr.
Brock, Jude T.
Brons, Dennis R.
Brown, Shepard R.
Burak, Thaddeus H., Jr.
Burch, Joseph E.
Burfield, Timothy L.
Burton, Richard E.
Canada, Tommy D.
Carman, Edward L.
Carroll, William H., Jr.
Cassidy, Barry L.
Colton, Russel C.
Colyar, Henry J.
Cryder, Michael J.
Danin, Mark L.
Daugherty, James R.
Day, Joseph J.
Depass, Robert J.
Eichorn, Robert R.
Fassino, Michael C.
Fischer, Vincent L., Jr.
Fish, Ronald C.
Fogle, Homer W., Jr.
Forrester, Robert A.
Foster, Percy E.
French, Richard B.
Frisbie, James R.
Galloway, Francis O., Jr.
Garcia, Lawrence E.
Gerberding, Philip C.
Gordon, Gregory K.
Graham, Richard S.
Hardee, James C.
Hare, Robert R., III
Hart, Robert L.
Havrilla, Michael J.
Henderson, David H., Jr.
Hoemann, Kingsley E.
Huley, Jan C.
Johansson, Eddie E., III
Kane, Terry R.
Kephart, Michael M.
Kruse, Raymond M.
Leonardo, James F.
Livingston, Robert J.
Lyndes, Lee T.
Mahon, John F.
Mann, Edwin C.
Marshall, Gary W.
Maxie, Michael J.
May, Roy G.
McDonough, Ian D.
McLaughlin, James M.
Meade, Gene S.
Metcalf, Richard D.
Moon, Frederick J.
Mullane, John C., Jr.
Myers, William N.
Nadeau, Lawrence L., Jr.
Nance, Michael R.
Noll, Raymond K.
Polak, Raymond L.
Reardon, Edward J., Jr.
Roberts, Gregg
Robichaud, Robert S.
Rys, Robert A.
Sall, James E., Jr.
Scarlett, Ervin W., Jr.
Schlegel, Stanley C.
Seemeyer, William J.
Sherbin, John E.
Shintani, Richard Y.
Short, James J.
Solymossy, Leslie
Spaulding, Douglas K.
Sreboth, Michael J.
Stevens, Ronald L.
Stewart, Henri P.
Teague, William B., III
Tolle, Theodore K.
Tripp, Dennis E.
Turner, Craig J.
Tyler, Douglas D.
Varley, Robert J.
Vocke, Timothy L.
Walker, Richard W.
Williams, Hensley C.
Williamson, David L.
Wilson, Thomas E.
Wood, Joel O.
Zakielarz, George E.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 12, 1969:

DEPARTMENT OF STATE

Michael Collins, of Texas, to be an Assistant Secretary of State.

DIPLOMATIC AND FOREIGN SERVICE

Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic.

HOUSE OF REPRESENTATIVES—*Friday, December 12, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let Thy work appear unto Thy servants and Thy glory unto their children.—Psalm 90: 16.

Our Father in heaven and on earth, author of our being, sustainer of our lives, and the giver of every good gift, we lift our hearts unto Thee praying that Thy spirit may so possess us that it will crowd out all evil intentions and enable us to think great thoughts, to do generous deeds, and to live genuinely good lives. Thus may we hallow Thy presence this day and all through the Advent season.

We commend to Thy loving care the men and women in our Armed Forces. Keep them strong when tempted, steadfast when lonely, and steady in the performance of duty when in peril that they may serve Thee without stumbling and without stain. Bless their homes through these days of separation and keep them loyal to each other, to our country, and to Thee.

Crown with success, we pray Thee, the efforts of our conferences to end war and to mark the beginning of peace on this planet. To this end may we follow the leading of Thy spirit. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 4244. An act to raise the ceiling on appropriations of the Administrative Conference of the United States;

H. Con. Res. 345. Concurrent resolution providing for printing as a House document "A Guide to Student Assistance"; and

H. Con. Res. 407. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9233. An act to amend title 5, United States Code, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission, and for other purposes; and

H.R. 14916. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14916) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PROXMIRE, Mr. MONTOYA, Mr. EAGLETON, Mr. PEARSON, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 2102. An act for the relief of Percy Ispas Avram;

S. 1389. An act for the relief of Alex G. W. Miller;

S. 2523. An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes;

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel;

S. Con. Res. 47. Concurrent resolution authorizing the printing of the report of the proceedings of the 44th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document; and

S. Con. Res. 50. Concurrent resolution authorizing the printing of additional copies of the 1969 report of the Senate Special Subcommittee on Indian Education (Senate Report 91-501).

APPOINTMENT OF CONFEREES ON H.R. 14916, DISTRICT OF COLUMBIA APPROPRIATIONS, 1970

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14916) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. NATCHER, GIAIMO, PATTEN, PRYOR of Arkansas, MAHON, DAVIS of Wisconsin, RIEGLE, WYATT, and BOW.

AUTHORIZING THE PRESIDENT TO PROCLAIM THE SECOND WEEK OF MARCH 1970 AS VOLUNTEERS OF AMERICA WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 10) authorizing the President to proclaim the second week of March 1970 as Volunteers of America Week, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Page 1, lines 3 and 4, strike out "annually."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TO AUTHORIZE THE PRESIDENT TO PROCLAIM JANUARY 1970 AS "NATIONAL BLOOD DONOR MONTH"

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 154) to authorize and request the President to proclaim the month of January of each year as "National Blood Donor Month."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES 154

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the vital role of the voluntary blood donor in medical care, the President is authorized and requested to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month."

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 1, line 5, strike the word "annually", and on page 1, line 6, strike the words "of each year", and insert in lieu thereof "1970."

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize and request the President to proclaim the month of January 1970 as 'National Blood Donor Month.' "

A motion to reconsider was laid on the table.

PROPOSAL TO INCREASE INDIVIDUAL TAX EXEMPTION TO $800

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, much is being said and written about the debate over the tax reform measure. Let me first of all state that it is my opinion that we have few domestic issues facing the Congress which are more important to the American people.

We simply cannot justify some of the inequities in our present tax structure.

One area about which I feel very strongly is for raising the figure for individual exemptions on our income tax from $600 to $800. This would give immediate and meaningful relief to every household and would be a particularly fair tax break for the American people.

I recognize that there are many controversial provisions of the tax reform measure, but I would hope that we will find a large majority in favor of this particular proposal.

It is simple and easily understood by the American people. It would give them a tax break they can certainly use.

The present $600 figure is unrealistic to our times and an $800 exemption would give an immediate and easily understood break to the overburdened taxpayer.

CORONER'S INVESTIGATION OF THE DEATHS OF TWO LEADERS OF THE BLACK PANTHERS IN CHICAGO OFFERS US BEST HOPE FOR AN OPEN PROCEEDING TO GET ALL THE FACTS

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, since the bizzare shootout in Chicago last week in which two members and leaders of the Black Panthers were killed, there has been a great deal of discussion on this entire event all over the country and here in the Congress.

The senior Senator from Illinois has called for a Federal investigation.

The State's attorney has called for an investigation.

One of our own colleagues has called for the Commission on Violence to investigate this matter.

None of our Members have announced they plan to conduct their own investigation in Chicago.

I should like to assure the House that under Illinois law, the county coroner has the legal responsibility, through a coroner's jury, to ascertain the cause of death whenever a death of violence occurs.

Cook County coroner, Dr. Andrew Toman, a very distinguished physician, announced in Chicago this morning that he is impaneling a special blue-ribbon coroner's jury. I have suggested he invite the universities of our area to submit to him the name of their top criminologist to be placed in the coroner's jury which will investigate this matter. I believe these distinguished criminologists, operating in the open for all to see and judge, can place all the evidence before the public.

I am confident that when this jury has gone through its deliberations—and I should like to point out that the jury has the right to make a sweeping investigation, including placing witnesses under oath to testify as to the circumstances that led to the deaths of these two Black Panthers—this coroner's jury will give us all the facts. I would recommend that all other investigations, which provide nothing more than a side show and only add to the tensions, be suspended until this coroner's jury has an opportunity to operate in an orderly manner consistent with the laws of Illinois and the constitution of Illinois. If the coroner's jury fails to provide a complete record for all to make an impartial judgment, these other investigations can proceed to fill the gap.

Those who call for law and order ought to follow the legal procedures in conducting this kind of investigation, and I submit that the coroner of Cook County is indeed proposing this sort of an orderly legal procedure. I believe the coroner's inquest held out in the open for all to witness can help avoid the reckless speculation and irresponsible gossip and rumor which usually surrounds closed or secret investigations, Dr. Toman has assured me all parties involved in this matter will be supenaed and asked to testify under oath and all pathology reports will be made available to the jury. I might add, Mr. Speaker, that I am confident the Chicago police will be completely vindicated by any investigations. They have all offered to take lie tests to prove their conduct was in keeping with police procedures under the circumstances.

SOCIAL SECURITY AND ANOTHER $200 EXEMPTION

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, 25 million people in the United States today are drawing social security. These are largely our elderly senior citizens. Many drawing social security are the disabled, and widows with minor children. Those drawing social security are the ones hit hardest by rising prices, exorbitant interest rates, high rent, and the ever-spiraling cost of living. These are the real victims of inflation.

Mr. Speaker, I urge and plead with the House to insist upon the 15-percent increase in social security effective immediately—not later than January 1, 1970.

Mr. Speaker, I also rise today to plead for another group of people who have been forgotten in the past when tax benefits were passed around. They have no lush annuities, depletion allowances or tax breaks. They are not in the expense account group of favored taxpayers. I plead for those in the lower- and middle-income brackets with only the $600 exemption. This group of taxpayers should be given immediate relief in the form of at least another $200 personal exemption. This group of our fellow citizens have taxes taken from their paychecks virtually every week without ever seeing this part of their earnings. There is no way for them to employ the counsel to seek out the loopholes in expertly written tax legislation. We must give them relief to help meet the family budget, send the children to school and help provide proper medical care for the family.

Mr. Speaker, I am proud to be a member of the House Democratic steering committee. I voted for the following resolution when it was adopted last evening:

Resolved, That the House Democratic Steering Committee hereby endorses and recommends enactment of proposed legislation providing for a $200 increase in the personal income tax exemption, to the House Tax Reform Bill and a 15-percent increase in Social Security Insurance System benefits effective as of January 1, 1970.

I was proud to join in presenting the resolution to my warm friend and colleague, the Honorable WILBUR MILLS, chairman of the Ways and Means Committee.

If the social security increase and the $200 additional tax exemption are included in the final version of the tax bill, I do not believe it will be vetoed. If so, I believe the veto will be overridden by the two-thirds vote of both branches of the Congress.

WHO PAYS WHAT FOR WHOM?

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, last week I was defending the President's foreign policy, and I would just like to pass a little advice on to my friend from Ohio and other Republicans. Do not ask too many questions about who is picking up the check for what, because we might start asking the question about who picked up the check at San Clemente for the improvements there and who picked up the check for the refurbishing of the interior of Air Force One for $1 million. I have a lot more, but I shall not mention any more. I thought I would tip you off to a couple.

ELIMINATION OF REQUIREMENTS FOR DISCLOSURE OF CONSTRUCTION DETAILS ON PASSENGER VESSELS MEETING SAFETY STANDARDS

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 210) to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That section 4400 of the Revised Statutes, as amended (46 U.S.C. 362), is amended—

"(1) by inserting in the second sentence of subsection (b) between the words 'information' and 'as' the following: ', and shall specify the registry of any vessel named,', and

"(2) by inserting between the second and third sentences of subsection (b) thereof the following new sentence: "The passenger notification and promotional or advertising literature inclusions required by this subsection, except the inclusion of the country of registry of the vessel, do not apply to voyages by vessels meeting the safety standards prescribed in subsection (c) of this section.'."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman give us a few words of explanation on this conference report? I believe it is a conference report, or is it concurrence in a Senate amendment?

Mr. GARMATZ. Yes. It is a Senate amendment.

Mr. GROSS. It is a Senate amendment to a House bill. The Senate amendment is fully germane to the bill?

Mr. GARMATZ. Yes.

Mr. GROSS. It involves no nongermane material at all.

Mr. GARMATZ. No.

Mr. GROSS. This is a bill the House previously approved?

Mr. GARMATZ. Unanimously, yes.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

Mr. GARMATZ. Mr. Speaker, on October 6, 1969, the House passed H.R. 210 which would eliminate, where the vessels meet prescribed safety standards, the requirement that all passenger ship promotional literature and advertising should disclose compliance with safety standards. The bill provided, however, that the vessel registry should be specified in the promotional literature or advertising.

When H.R. 210 came before the Subcommittee on Merchant Marine of the Senate Commerce Committee for hearings, the Coast Guard pointed out that the bill as passed the House did not specify which agency would administer the requirement of disclosure of registry and did not provide any penalty for failure to specify the ship's registry. In order to answer this comment, the Senate committee amended the bill by inserting language in subsection (b) of the existing law—46 U.S.C. 362—similar to language in the House bill, which authorizes the Coast Guard to promulgate regulations with respect to disclosure of registry. In addition, the penalties existing in subsection (b) would now apply to the specification of registry requirement. I concur in the Senate amendment which is substantially the same as the House passed bill and asked that the House approve this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. CHARLES H. WILSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 319]

Abbitt	Clark	Findley
Addabbo	Clausen,	Fulton, Tenn.
Albert	Don H.	Gallagher
Anderson,	Conte	Goldwater
Tenn.	Conyers	Gray
Ashley	Dawson	Hagan
Bell, Calif.	Diggs	Hall
Cabell	Dowdy	Hébert
Cahill	Edmondson	Holifield
Cederberg	Fascell	Hosmer
Kirwan	Morse	Schneebeli
Kluczynski	Murphy, N.Y.	Teague, Calif.
Leggett	Pike	Udall
Lipscomb	Pollock	Utt
McEwen	Powell	Whalley
Meskill	Reifel	Winn
Mikva	Riegle	Wydler

The SPEAKER. On this rollcall 384 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL ANNOUNCEMENT

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, I would like to note that I was unavoidably absent during House consideration last night of H.R. 15209, a bill making supplemental appropriations for fiscal year 1970. Had I been present and voting, I would have voted against the motion by the gentleman from Iowa (Mr. GROSS) to recommit the bill with instructions to delete $7.5 million for the John F. Kennedy Center for the Performing Arts. I am pleased that motion was defeated by a substantial margin, and that the bill was approved.

CONFERENCE REPORT ON S. 2864, HOUSING AND URBAN DEVELOPMENT ACT OF 1969

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman be good enough to give us a brief explanation of what transpired in conference?

Mr. PATMAN. Yes. I expect to do that when I am recognized.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 10, 1969.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report on S. 2864, the Housing and Urban Development Act of 1969 which is now before the House includes authorizations essential to carrying out our programs in this field and makes a number of improvements in existing law. I do not believe that this is a controversial bill and the House version passed by a vote of 339 to 9. Naturally, on an omnibus bill like this, there were many issues in conference and I am pleased to report that the House position prevailed in two out of every three items and on those points where we could not reach agreement, the compromise generally fell halfway between the House and Senate positions.

Most importantly the House prevailed on the basic issues of whether this should be a 1-year or a 2-year bill. The conference report which was agreed to by all of the conferees on both sides maintains the House position for a 1-year bill. The Senate which had authorizations totaling a little over $4 billion for the 2-year bill fought hard for its position but in the end agreed to limit this measure to 1 year. The only exception was additional authorizations for fiscal year 1972 for the very popular programs of interest subsidies for homeownership and for rental housing. In this case, the House conferees finally accepted the Senate provision authorizing $170 million in new contract authority for each of the two interest subsidy programs. Also the programs administered by Farmers Home Administration were extended for 4 years though the conferees accepted the House dollar figures for the revolving loan and insurance fund.

Mr. Speaker, I would like to describe some of the major changes made in conference. The first item involved the per unit ceilings on FHA mortgage insurance. The House bill had raised these ceilings by 10 percent, whereas the Senate bill would have provided much larger increases and a built-in escalator based on index. The conference report retained the 10-percent increases for FHA programs for sales and rental housing for those programs which already have relatively high ceilings. It provides for an increase of 15 percent in the ceilings of multifamily programs aimed at low- and moderate-income families and 20 percent for homeownership programs which in existing law have relatively low ceilings. There are many section numbers involved but among the major programs the section 203(b) sales housing program is included in the 10-percent increase, the section 236 interest subsidy program for rental housing would have a 15-percent increase and the section 235 interest subsidy program for homeownership would be raised by 20 percent. There was a similar difference in the provision affecting public housing ceilings. Again, the House bill would have provided an increase of 10 percent while the Senate bill would have provided for substantially larger increases and an automatic escalator. The conferees agreed to drop the escalator clause and set figures within the range of the two differing versions.

The House version included a provision not in the Senate bill requiring a one-for-one replacement of any housing demolished by urban renewal. The conferees agreed on an administration proposal which keeps the essence of this provision but does not require that the replacement be limited to urban renewal project areas.

The House also prevailed on its provision authorizing the use of 10 percent of the funds appropriated for the model cities program in smaller communities without the further limitation that such grants cannot exceed four-fifths of the local share of the cost of other Federal programs being used in the model cities area. This had been done in the recognition of the fact that in many smaller communities, a wide range of other Federal programs could not be usefully employed. I believe that this proposal is a very valuable one and I was very glad that we were able to keep it in conference. The only change was to define smaller communities as cities or counties of less than 100,000 population.

The House conferees accepted a provision from the Senate bill with an amendment authorizing additional public housing annual contribution contract authority for the purpose of reducing the rents of very low income families and for the further purpose of meeting operating deficits of local authorities and to enable them to improve the management of projects.

The House also prevailed on its position making $150 million available immediately for the very important program of 3 percent direct loans for housing for the elderly. This has been one of our most successful programs in an area of urgent need and I hope that the Administration will have no reluctance in making use of this authority.

The committee has heard many complaints from sponsors of the housing for the elderly projects to convert to the section 236 interest subsidy program which still does not have adequate funding to meet the whole range of needs for low- and moderate-income families.

The House conferees also receded on its provision removing the 5,500 population limit on programs under the Farmers Home Administration. However, the conferees recognized that existing law creates problems in some areas and the statement of the managers directs HUD and the Department of Agriculture to study this question to which the committee will give further consideration next year.

Altogether the dollar authorizations in the bill total $4.8 billion which is slightly below the figure originally approved by the House.

The principal changes were modest reductions in the authorizations for urban renewal and for model cities. The House bill would have authorized the appropriation of $2 billion for urban renewal in the next fiscal year while the Senate bill had $1.3 billion for the first year and $1.7 billion for the second year. The conferees agreed on $1.7 billion for 1 year. In view of the carryover of existing authority of somewhat over $500 million, this should be adequate for the urban renewal program in fiscal year 1971. In the case of model cities, the House bill provided for the appropriation of $750 million for next year while the Senate bill had only $287 million for next year plus $1.5 million for the following year. The conference report authorizes $600 million which together with the carryover authority of $800 million should be adequate for this program for next year. The conference report also retains in full the $1.5 billion authorization for GNMA special assistance purchases of FHA and VA mortgages on low cost homes. It is most important that the administration make use of this authority as quickly as possible to help relieve the critical tightness in the mortgage market and to halt the decline in housing starts.

Mr. Speaker, I believe this covers the highlights of the action taken by the conference committee on the balance, the report before us today is essential in the House bill. It is a very sound 1-year bill which will keep our housing and urban development programs going at a high rate and the committee expects to have major legislation in the next session of this Congress.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, this is a housing bill in which we can all take pride and satisfaction. It is not a large bill on the scale of the acts of 1965, 1966, and 1968, but it is a very important bill which will carry our housing and urban development programs through the next fiscal year at the highest levels of authorization in our history. It also perfects existing programs with special attention to assist low- and moderate-income families.

It is highly regrettable that we have suffered a severe deficit over the past years in producing the homes necessary to meet the 10-year housing goal set forth in last year's act. The most important factor in this setback has been the administration's tight money policy which has hit so hard at the home-building industry and the home-buying public. The conference report before us includes the amendment authored by our distinguished colleague, the gentleman from Georgia (Mr. STEPHENS), which authorizes an additional $1.5 billion for GNMA special assistance purchases mortgages on low-cost housing at par. This, together with the use of the GNMA tandem plan included in the conference report, can stimulate housing production promptly while the Congress works on other measures to relieve the tight money problem.

Mr. Speaker, the $1.7 billion, which the conference report authorizes for urban renewal grants, together with more than $500 million carryover of existing authority, would permit the highest level of activity ever achieved under this program.

The conference report also reserves funds for the neighborhood development program to assure that this promising addition to the urban renewal program can continue at a high rate.

The conference report also contains several urgently needed provisions to provide adequate funding to local public housing authorities who, in a number of cases, are facing bankruptcy and at the same time make it possible to reduce rents for families of lowest income, particularly those on welfare.

Mr. Speaker, there are many other highly desirable provisions in this bill, such as the emergency flood program authored by our distinguished colleague, the gentleman from Rhode Island (Mr. ST GERMAIN), which will make the benefit of last year's Flood Insurance Act available immediately in many areas which would otherwise have to wait another year or two before the permanent program became available. There are also a number of special provisions for small towns, such as the earmarking of 10 percent of the model cities grant funds for smaller communities without all of the limitations which apply to the more complex problems of big cities. The rural housing programs under the Farmers Home Administration would be extended to 4 years and a number of technical changes are made to assure more adequate funding and more efficient use of these programs.

Mr. Speaker, this is a truly bipartisan bill which includes contributions from both sides of the aisle. It is essentially the bill which passed the House on October 23 by the overwhelming vote of 339 to 9. It is important that we agree to the conference report today to assure that our housing and urban development programs can maintain the high rate of activity needed to eliminate slums and meet our housing goals and clear the way for next year, when we expect to have under consideration additional extensive housing legislation.

(Mr. ALBERT (at the request of Mr. PATMAN) was granted permission to extend his remarks at this point in the RECORD.)

Mr. ALBERT. Mr. Speaker, my recent statement that the Congress, rather than the administration, is providing the leadership so badly needed by the Nation is borne out perfectly by today's enactment of the 1969 Housing Act. Through the outstanding efforts and leadership of our colleagues, the distinguished chairman of the Committee on Banking and Currency, Mr. PATMAN, and the chairman of the Subcommittee on Housing, Mr. BARRETT, a bare-bones administration bill has been turned into an important piece of legislation which is highly responsive to the needs of the people.

I commend these two distinguished gentlemen who have played such a critical role in the passage of so many important housing bills over the past 20 years. The 1969 act is another example of their legislative skills.

As many Members know, the administration's housing bill, introduced in early July, sought simply to extend our housing and urban development programs and to make perfecting changes in them. Through the efforts of the Subcommittee on Housing and the full Banking and Currency Committee, a major bill was developed, reported unanimously by the committee's members, and passed overwhelmingly by the entire House, 339 to 9.

As passed by the Congress today, the act has several extremely important provisions:

First, it authorizes a $1.5 billion special assistance program for the purchase at par of mortgages on low-cost homes, up to $17,500 generally and up to $20,000 in high-cost areas. We urge the administration to use these funds promptly. They will provide badly needed help to thousands of moderate-income families who are unable to buy homes without paying high discounts.

Second it directs the Secretary of Housing and Urban Development to carry out an emergency flood insurance program during the 2-year period ending December 31, 1971. Through this period, insurance could be provided while the long-term permanent program is made operational through completion of the rate studies now going on.

Third, it greatly increases the authorizations for the urban renewal and model cities programs. The $1.7 billion is authorized for urban renewal in fiscal year 1971, which together with unused authority will permit a funding level of nearly $2.3 billion. The $600 million is provided for the model cities program, bringing total authorization for fiscal year 1971 to $1.4 billion.

The act also provides that at least 35 percent of urban renewal funds available in the current fiscal year and fiscal year 1971 shall be used for the neighborhood development program. As many Members know, earlier this year, it appeared that the administration would sharply curtail this promising program.

The act also makes special provision for smaller cities and counties in receiving grants under the model cities program. It provides that in cities or counties with populations of less than 100,000, HUD may make supplemental grants without regard to the formula in present law restricting grants to 80 percent of the local share of grant-in-aid projects involved in the model city program.

Fourth, it makes important changes in the rural housing program in order to assure that our farm housing needs are not neglected. The act extends the farm housing program for 4 years and substantially increases the funds available to the Farmers Home Administration to carry on its programs.

Mr. Speaker, there are many other noteworthy provisions in this act. The point I would like to stress, however, is that these major provisions were added to the legislation by the Congress, and not proposed by the administration. Again, the Congress, not the administration, took the initiative and fashioned important legislation.

As important as this act is, however, our urban and rural housing needs continue to be critical. Mr. PATMAN and Mr. BARRETT have assured me that there will be a major housing bill in 1969 and, hopefully, the administration will present some major proposals at that time. In any event, I am certain that the Banking and Currency Committee and the Subcommittee on Housing will once again deal effectively with the Nation's housing problems.

Mr. PATMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. I thank the chairman. I do not believe I will take the 5 minutes.

Mr. Speaker, I rise in support of the conference report and urge its adoption. We had a lengthy conference and we ironed out a lot of differences. The position which the House took in its bill was retained in a majority of instances. I think we did protect in the conference the House position.

There is something I would like to call to the attention of the Members which is contained in the committee report under the "tandem plan" which appears on page 28 and goes over to page 29. There are two lines at the end of that section of the report which say:

> It is also Congress' intent that it be used to support single-family home mortgages under Section 517(a) in HUD's 235 program.

Mr. Speaker, on October 21 when this bill was before the House I, personally, took the position quite to the contrary, outlining why the tandem plan should be limited to multifamily housing only. I warned then of the possible grave consequences of any attempt to broaden this operation.

The use of the tandem plan to subsidize points in the multifamily housing program can be justified because costs are certified and a portion of the point subsidy can be passed on to the low-income tenants. This pass-through is not possible with single-family mortgages.

In the conference, to the very best of my recollection, we did not discuss or vote on the application of this section to housing under section 517(a). I regret very much that this erroneous statement is embodied in the committee report which is in the RECORD.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, I thoroughly endorse what the gentleman has said. The gentleman is entirely correct.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I thank the gentleman for yielding.

(Mr. BLACKBURN asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, today the House is considering the conference report on the Housing and Urban Development Act of 1969. When this measure was before the House, I proposed an amendment to section 109 of the bill which would amend section 236 of the Housing and Urban Development Act of 1968. Specifically, section 236 is the interest subsidization program.

The Members of this body are aware that the section 202 of the National Housing Act of 1956 provided for direct 3-percent loans from the Government to housing projects for the elderly and handicapped. Last year, the Department of Housing and Urban Development, through orders from the Bureau of the Budget began to phase out this program and force all 202 applicants to apply under the new 236 program. This has caused numerous problems. In order to attempt to cope with some of these problems, I introduced an amendment which was adopted by the full House. I will not go into a deep explanation of this amendment of the reasons behind it at this time.

The main purpose of my amendment was to make sure that certain provisions of the 236 program would not be applied to elderly housing projects. All applicants for elderly housing projects who apply under the 236 program must sign a regulatory agreement which contains the following language:

The owner covenant and agree that preference for occupancy shall be given to those (elderly or handicapped) families displaced from an urban renewal area, or as a result of governmental action or as a result of a disaster determined by the President to be a major disaster, and to those (elderly or handicapped) families whose incomes are within the lowest practicable limits for obtaining rental units in the project.

There are numerous other sections of this agreement which are highly disputable and I attempted to rectify them with my amendment. In today's mail, I received a letter from Neal H. Hardy, Acting Administrator of the Housing and Development Administration. In Mr. Hardy's letter, he supports my amendment and gives some sound reasons for his support. I hereby insert Mr. Hardy's letter in the RECORD:

HOUSING AND DEVELOPMENT ADMINISTRATION,
New York, N.Y., November 17, 1969.

Hon. BENJAMIN B. BLACKBURN,
New House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BLACKBURN: I understand that at the forthcoming Senate House conference on the 1969 Housing Bill a proposal of yours on the subject of housing for the elderly will be reviewed for adoption. I am referring to the recommendation that Section 236 of the Housing and Urban Development Act be amended to provide that housing for the elderly be defined and administered in the same fundamental terms as found under Section 202 of the Housing and Urban Development Act of 1959.

The experience of the N.Y.C. Housing and Development Administration leads me to believe that this is a very constructive step, and I am writing to express my vigorous support of its passage. It is clear that the unique requirements of housing for the elderly will be jeopardized if the processing procedure of Section 202 are standardized to the common denominator of general Section 236 housing. The simplified procedures under Section 202, involving a minimum of paperwork and delays, were especially well suited to the often inexperienced sponsors of housing for the elderly and I am convinced that the supply of housing for the elderly will in the long run suffer a setback through this change.

In view of the outstanding advantage of your proposal and the critical need for housing for the elderly, I strongly urge favorable action on your amendment. It will contribute to the furtherance of housing for the elderly and help achieve a sound and effective bill.

Sincerely yours,

NEAL J. HARDY,
Acting Administrator.

The 236 program contains some very difficult procedures which must be followed in order to obtain loans under this program, whereas the 202 program was very simply and easily handled by church groups which were not familiar with this program. I received several letters from church groups in my area which were concerned with this problem and for the information of my colleagues, I am hereby inserting them into the RECORD:

MARCH 13, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I am writing you with reference to our pending project for which we have made application under Section 202. It has come to our attention that there is some consideration being given to altering the Section 202 program to come under the F.H.A. Section 236.

We would like to strongly register our preference for the Section 202 program for housing the elderly over the F.H.A. approach. We are convinced beyond a shadow of a doubt that the conditions here in greater Atlanta would be far better served with the sponsoring organization left in full control rather than becoming an extension administrative agency for the F.H.A.

On the basis of our research we have formed the conviction that the Section 202 program for housing the elderly as it has been successfully enacted over the past several years is much more desirable than the costly builder-centered F.H.A. approach.

We respectfully request that you exert the influence of your office to insure the continuation of the 202 program.

Very respectfully yours,

ARCHIE B. CRENSHAW,
President, Decatur Church of Christ, Senior Housing, Inc.

MARCH 13, 1969.

Hon. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

MY DEAR MR. SECRETARY: I am writing you with reference to our pending project for which we have made application under Section 202. It has come to our attention that there is some consideration being given to altering the Section 202 program to come under the F.H.A. Section 236.

We would like to strongly register our preference for the Section 202 program for housing the elderly over the F.H.A. approach. We are convinced beyond a shadow of a doubt that the condition here in greater Atlanta would be far better served with the sponsoring organization left in full control rather than becoming an extension administrative agency for the F.H.A. On the basis of our research we have formed the conviction that the Section 202 program for housing the elderly as it has been successfully enacted over the past several years is much more desirable than the costly builder-center F.H.A. approach.

In this connection we would like to commend to you Mr. Richard L. Fullerton who has as much experience in this field of endeavor on any person in the United States as a genuine authority on this subject. He carries our full confidence. We request that you receive him as you would receive a specific delegation from the Decatur Church of Christ Senior Housing, Incorporated.

Sincerely yours,

ARCHIE B. CRENSHAW,
President, Decatur Church of Christ Senior Housing, Inc.

DECATUR PRESBYTERIAN CHURCH,
Decatur, Ga., September 11, 1969.

Hon. BEN B. BLACKBURN,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BLACKBURN: Thank you for your letter of September 8, in response to mine dealing with our Retirement Home project here.

The point of genuine concern for us is that the copy of the 236 Housing Program Regulations to which you refer does not in any way reflect the changes which were promised in our conversation with Secretary Romney. The 202 criteria on which we have based our application provides for the elderly. The 236 Housing Program only indirectly makes it possible for elderly people to be in such a home, but priority is given for those displaced by Urban Renewal and other needs. Therefore, it would be exceedingly important for us to have a revised copy which would show that the applications under Section 202 are to be funded under 236 but the criteria for occupancy would be the same.

You can see that if we came up to the time when the loan was closed and the low bid accepted and discovered that we have a Regulatory Agreement which follows the old Section 236 pattern, we would be in great difficulty.

The conditional commitment to which you refer was received by Atlanta Area Presbyterian Homes after my letter had been mailed to Secretary Romney last week. I regret that the two communications crossed.

We still need clarification concerning the nature of the Regulatory Agreement. We are proceeding, of course, with working drawings and will have them available shortly.

With all good wishes and appreciation, I am,

Cordially yours,

JAMES DAVISON PHILIPS.

FALENDER HOMES CORP.,
Indianapolis, Ind., June 4, 1969.

Hon. BENJAMIN B. BLACKBURN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BLACKBURN: It is most important that the 221(D)(3) housing program be continued so that below-market interest rates will be available for families who are not eligible for assistance under other programs. Many families who need housing assistance are not eligible under Sections 235 and 236.

The interest subsidy programs have lower income limits than the 221(D)(3) program. Moreover, they exclude many needy families from subsidies due to the requirement that the family spend such a large percentage of its income for housing. To meet the needs of these families and avoid creating a gap in the housing program, it is imperative that the 221(4)(3) program be continued. It will serve families of moderate income who are not eligible for interest subsidies but who urgently need help to obtain decent housing.

The 1968 Housing Act authorized $500-million of additional special assistance funds to become available on July 1, 1969. We strongly oppose the recommendation of the President that this authorization be canceled. These special assistance funds were authorized by Congress and they are needed. These funds should be permitted to become available on July 1 of this year in order to continue the 221(D)(3) program which has been so successful.

Knowing that the Congress has authorized the 221(D)(3) funds, many people have relied upon this legislation. Applications have been filed for financing under this proposal. Congress should keep faith with the people who prepared projects for the moderate income group to be served by the 221(D)(3) program. These projects will help to meet the critical problems in our communities.

We will appreciate your help in assuring that these 221(D)(3) funds will be available.

Sincerely,

FREDERICK J. FALENDER.

THE PATH ASSOCIATION,
Cleveland, Ohio, May 29, 1969.

Hon. BENJAMIN B. BLACKBURN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BLACKBURN: It is most important that the 221(d)(3) housing program be continued so that below-market interest rates will be available for loans to nonprofit housing organizations. Such organizations have been formed in many cities

for the purpose of providing housing for families of low and moderate incomes. The 221 (d) (3) program is necessary to serve families who are not eligible for assistance under other programs. Many families who need housing assistance are not eligible under Sections 235 and 236.

The 235 and 236 program have lower income limits than the 221(d)(3) program. They also exclude many moderate income families from interest subsidies because they require the family to spend a larger percentage of its income for housing. To meet the needs of these families and avoid creating a gap in the housing program, it is necessary that the 221(d)(3) program be continued. It will serve lower income families who are not eligible for interest subsidies but who need help so they can get adequate homes.

The 1968 Housing Act authorized $500 million of additional special assistance funds to become available on July 1, 1969. We strongly oppose the recommendation of the President that this authorization be repealed. These special assistance funds are needed. They should become available on July 1 of this year as authorized by Congress in order to continue the 221(d)(3) program which has been so successful.

After Congress authorized the 221(d)(3) funds, nonprofit organizations acted in reliance upon this legislation. They filed applications for financing under 221(d)(3). Congress should keep faith with these nonprofit organizations who prepared projects for the people of modest incomes who will be served by the 221(d)(3) program. These projects are needed to meet the urgent problems in our communities.

We will be grateful for your help in keeping these 221(d)(3) funds available.

Sincerely yours,

RICHARD E. STREETER,
President.

Also, I received a communication from the Community Council of Greater New York concerning my amendment with their endorsement. I hereby insert my letter into the RECORD:

COMMUNITY COUNCIL OF
GREATER NEW YORK,
New York, N.Y., November 21, 1969.

Hon. BENJAMIN B. BLACKBURN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BLACKBURN: Attached please find a copy of our letter to Representative Barrett about the Housing and Urban Development Act of 1969. We have also written to the other conferees.

We appreciate your support of the Section 202 program, as either a separate entity or as a separate processing procedure within Section 236. Please let us know if there is anything further we can do to support your efforts to provide for the elderly.

Very truly yours,

JAMES W. FOGARTY,
Executive Director.

NOVEMBER 19, 1969.

Hon. WILLIAM A. BARRETT,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BARRETT: We have studied carefully the provisions of both S. 2864 and H.R. 13827. We find that the provisions enumerated below most closely meet the current critical housing needs of the elderly, and we urge your consideration of these items in the Senate-House Conference.

(1) We are pleased that both the Senate and the House bills noted that the Section 202 program providing direct loans for housing for the elderly was effective and efficient, and had met with widespread popular approval. Both bills therefore support the retention of Section 202 separate from Section 236. We agree with this assessment and strongly urge either the retention of Section 202 as a separate program for senior citizens, or separate processing for housing for the elderly within Section 236. The Senate authorized $80 million per year for three years while the House provided $150 million for fiscal 1969. We urge the authorization of the largest possible allocation, for each of three years, to assure the smooth functioning of this crucial program.

(2) We favor Section 211 of the Senate bill, which authorizes subsidies in public low-rent housing projects for tenants whose incomes are too low to meet even these rents. The House bill has no such provision. Subsidies are imperative for many tenants in low-rent public housing. Many elderly, for example, now pay from 50% to 70% of their monthly income for rent in public housing. In his testimony before the House Subcommittee on Housing, Representative William F. Ryan pointed out that many families cannot afford to pay more than 20% of their income for rent. We, too, advocate changing Section 211 of S. 2864 to provide federal subsidy of that portion of the rent above 20% of the tenant's income. Should this change not be effected, we would reluctantly support the Senate's proposed 25% figure.

(3) We strongly support Section 116 of S. 2864 which raises the permissible percentage of subsidized apartments built under Section 236 from 20% to 40%. (The bill passed by the House contains no such provision.) This increase to 40% is without any question important to all sections of the population, but particularly to the elderly, as it increases their housing opportunities in existing buildings. It is one of the most valuable provisions of the 1969 Housing Act.

(4) We favor Section 208 of S. 2864, increasing the per-room construction cost ceiling in federally assisted housing according to a flexible scale. The parallel provision in H.R. 13827, Section 210, provides only for a 10% increases in room cost limits. The House proposal is not adequate. The spiraling nature of construction costs has already outdated the 10% figure, and would not cover current construction costs in New York City. We will continue to have a shortage of federally-assisted, moderate-rental housing unless the flexible scale of the Senate measure is enacted.

We urge retention of the amendment to H.R. 13827, which requires an urban renewal project to include at least as many units of low-and-middle-income housing as the area had before urban renewal.

New Yorkers particularly feel the national housing crisis, because of the high cost of living in this city. The programs and authorizations we support are aimed at alleviating some of the housing problems of poor elderly people, and are therefore worthy of the Congress' wholehearted commitment.

We count on you to press for their adoption in the Senate-House Conference.

Very truly yours,

JAMES W. FOGERTY,
Executive Director.

In conclusion, I feel very strongly that if the present situation is allowed to continue, we will find a significant decrease in housing projects for the elderly. I feel that my amendments were the only way in which we could preserve this vitally needed program. Unfortunately, HUD objects because they feel that we are "infringing upon administrative authority."

Several of the administrators of this program have come to me and told me that even though the 236 program does require that certain preferences be given to low-income families over church applicants, they were going to overlook this. However, when I discussed this matter with the general counsel's office of HUD, they informed me that the law would be enforced in its strictest terms. I would like to remind the House that the churches are the ones building these housing projects for their own members. Under my amendment this conflict would not exist since we would take the already existing 202 program and apply it, and there would not be any conflicts involved.

I am enclosing a copy of a letter which I sent to Senator JOHN SPARKMAN outlining my reasons for this amendment. I urge my colleagues to seriously consider this amendment and in the future I will again bring this matter before the House for its deliberation:

NOVEMBER 21, 1969.

Hon. JOHN SPARKMAN,
Chairman, Senate Committee on Banking and Currency, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As Chairman of the Senate Committee on Banking and Currency, you will soon be in a conference with the House conferees on the Housing and Urban Development Act of 1968. Section 109 of the bill as passed by the House contains a set of amendments which I introduced. These amendments would set up a new criteria to be applied for 236 interest subsidy loans when granted to projects for the elderly and handicapped.

Specifically, I am attempting to take as much of the criteria as found under the old 202 program and apply it to elderly housing under 236. The first part of my amendment would require that elderly housing projects shall be defined and administered in the same fundamental terms as found under Section 202 of the Housing and Urban Development Act of 1959. Specifically this amendment would take much of the administrative procedure as found under the old 202 program and apply it to 236. I have had the opportunity of helping groups in my area convert from 202 to 236 because of the mandate issued by the Department of Housing and Urban Development. The regulatory agreement which each group will be forced to sign contains the following provision:

"Section 7(d) Preference for occupancy shall be given to those elderly or handicapped families displaced from an urban renewal area or as a result of governmental action or as a result of disaster determined by the President to be a major disaster and to those elderly or handicapped families whose incomes are in the lowest practicable limits for obtaining units in the project."

This language has been a source of concern to many of the project planners in my area. They fear that, unlike the 202 program, when the project is completed persons who are not members of the church groups will be given preference to obtain housing in those projects. There is a great fear that the project will be turned into a low income housing unit which will be forced to take anyone meeting the standards established by the FHA. Under 202 the church groups were relatively well-assured that only their own members would be living in these apartments.

The second part of my amendment requires that the rents be established at a break-even level, and the requirement that 25% of a tenant's income would be used as rent would be waived. The reason behind this amendment is to guarantee that the project receives revenue adequate for its operation. However, under the 25% criteria any excess revenue would be transferred to the Department of Housing and Urban De-

velopment. I do not believe that HUD should be making money from our older citizens. These are the people who have been working for thirty or forty years and have usually been paying the bulk of the taxes. I believe that at least in their retirement years they should be able to receive a fair deal from their government.

Thirdly, my amendment would set income limits for tenents in a project. We would continue to use the criteria of 135% of that which is required under the public housing program. However, we would set up a second category which would state that the tenant's income shall not exceed $5500 for a single person and $6600 for a couple. I feel that this ceiling is adequate for the elderly and it guarantees that only those elderly persons who cannot provide for themselves are allowed to obtain housing in these projects.

Fourthly, there are no objections from any source concerning changing the income verification section from two years to every five years or at such other times as the Secretary shall determine.

I would appreciate your giving consideration to my amendments. I know that the Department is opposed but I feel that you might be sympathetic to my position in light of the fact that you are the author of the 202 section of the Housing and Urban Development Act of 1959. Also, I feel very strongly that my amendments are needed in light of the expenses of the different groups being forced to convert from the 202 to the 236 program.

Any assistance you could be to me in this matter would be sincerely appreciated.

Very truly yours,

BEN B. BLACKBURN,
Member of Congress, Fourth District, Georgia.

(Mrs. DWYER (at the request of Mr. WIDNALL) was granted permission to extend her remarks at this point in the RECORD.)

Mrs. DWYER. Mr. Speaker, this year's housing bill is a collection of various amendments to existing housing and urban development programs. The spending authority is in the billions, but in light of the pressing needs we face in our urban centers, it can be little else. It is a 1-year bill, as the House preferred. We intend to keep the administrative nose to the grindstone by coming back next year.

This year, we also have a housing bill which is mostly, and emphatically, amendments arising from within the Congress. There are the extensions of basic HUD programs and a few HUD amendments. But the real Romney program has yet to come. It will arrive shortly.

This year's bill, therefore, reflects the work of the Congress. And some of the changes we are making in ongoing programs are highly significant.

For instance, Senator BROOKE introduced an amendment substantially altering the character of the public housing program. Ten years ago, in 1959, when we revised that program in the name of local autonomy, we had no intention of allowing local public housing authorities to charge higher and higher rents to the poor people as a means of avoiding bankruptcy. Yet, the much higher costs of today are no longer able to be financed out of rental income and in many cases public housing rents now greatly exceed tenants' ability to pay.

The Brooke amendment assures that those who qualify for public housing need pay no more than 25 percent of their income for rent. And, I might add, this ceiling of 25 percent should not encourage housing authorities to begin raising rents to that level. Seventy-five percent of the tenants still pay less than 25 percent.

In connection with public housing, Mr. Speaker, we were especially concerned about the incidents of mismanagement in local housing authorities that have been reported. High operating costs, and deteriorating conditions due to inefficient or lax management cannot be tolerated.

On the other hand, there must be a greater degree of tenant responsibility as well. Irresponsible tenant behavior jeopardizes the future of this program and therefore must be corrected.

There are other amendments I would call to the Members' attention. In the urban renewal program, the provision extending the period of eligibility for noncash grants-in-aid by 1 year is an especially important one. It reflects the delays and problems encountered by HUD in connection with the neighborhood development program. It has taken about 1 year to understand the problems inherent in the program, and this amendment recognizes that fact, and attempts to deal with it so that local communities will not lose what they are entitled to.

Another amendment I am particularly happy to support, and strongly, is the one providing $150 million for the elderly housing program, section 202.

This 202 3-percent program has been highly successful, and popular, especially because it involves local nonprofit groups in sponsoring the housing. It is one with which I associated myself in the legislation of 1956 and to which I then, as now, gave strong support.

Last year, when we were passing the interest-subsidy program, section 236, we gave HUD authority to convert the 202 projects into 236 projects. We did so because this took a Government-loan program into private-loan program involving smaller amounts of the subsidy.

However, when we did so, we intended only for this authority to be used when and if the sponsors wished. HUD misinterpreted the conversion feature and began requiring all 202 sponsors to convert automatically, whether or not they wanted to.

We intended this authority to be purely voluntary. We insist on that position today, in the managers' statement, and I strongly support that position. We like the 202 program; we have authorized an additional $150 million for it, and we want the conversions to occur on a purely voluntary basis.

I urge our colleagues to approve the conference report.

Mrs. SULLIVAN. Mr. Speaker, first I want to express my appreciation to the chairman of the Subcommittee on Housing, Mr. BARRETT, and to the chairman of the full Committee on Banking and Currency, Mr. PATMAN, for the excellent leadership they have provided in working out the details of this very important and comprehensive housing bill. All of the House conferees, including Mr. WIDNALL and his colleagues on the minority side, worked hard and effectively on the legislation, too. As the ranking member of the Housing Subcommittee, I am delighted to join in recommending this conference report to the House and urge its adoption.

One of the most troublesome problems we confronted in the conference had to do with a Senate amendment dealing with public housing. The Senate had proposed adding $75 million to the annual subsidy for public housing to enable housing authorities with a high percentage of very low-income tenants to reduce rents to a level of 25 percent of income. The amendment was well-intentioned, because the poorest people in the projects were often required to pay the highest percentage of their income for housing—much more than welfare families in many jurisdictions could afford unless they received food stamps to enable them to eat a nearly adequate diet—and the food stamps are not yet available in every jurisdiction—these people had a "Hobson's choice" of either purchasing housing and very little else, or purchasing food and living in unimaginable slums.

It has been the policy of Congress for years that low-income tenants in public housing not be required to pay more than 20 percent of their income for shelter. But many housing authorities found it impossible to conform to this standard, particularly as more and more of their public housing families came from the lowest income levels—on welfare. Minimum rents in public housing in St. Louis and elsewhere eventually rose to a level of 50 percent or more of their total income. Even with food stamps, the welfare families in our public housing projects have found it impossible to approach a minimum standard of living for survival. Yet, despite the high rental levels which the housing authority had to impose in order to meet operating costs, the authority has been in serious financial jeopardy, heading toward bankruptcy. Finally, the authority acceded to community demands to reduce rents to the 25-percent level.

The House-passed bill had a provision in it intended to help ameliorate this problem authorizing additional subsidies to housing authorities to help meet part of their operating deficits. The Senate amendment, which went further by specifying a $75 million added subsidy, promised much but actually provided little, for, according to the information I obtained from the Department of Housing and Urban Development, none of the funds included in that Senate provision would have helped St. Louis or any other public housing authority which had already reduced rents to a maximum of 25 percent.

In conference, we worked out new language which will benefit all housing authorities unable to meet operating costs out of rental income. But this is not an automatic grant of funds merely because an authority is in fiscal trouble. The authority must take necessary steps to upgrade management policies to assure tenant responsibility, so that

the tragic specter of vandalized public housing units and of whole projects can be eliminated.

Mr. Speaker, the conference report is comprehensive and explicit on this point, and is of such importance to the future of public housing that this language deserves particular emphasis in connection with our consideration of the conference report. Therefore, I submit the appropriate paragraphs of the Statement of the managers on the part of the House, entitled "Additional Aid for Very Low-Income Tenants," as follows:

ADDITIONAL AID FOR VERY LOW-INCOME TENANTS

The Senate bill contained a proivsion not in the House amendment adding a new section 24 to the U.S. Housing Act of 1937 authorizing up to $75 million per year in contracts for annual rental assistance payments to public housing agencies to cover the amount by which rental charges allocated to a unit exceed 25 percent of the tenant's income and to provide improved operating and maintenance services.

Both the Senate (sec. 206(a)) and House (sec. 210(a)) bills also contained a provision making it clear that the Secretary of HUD has authority to fix the amount of annual contributions in excess of debt service requirements of the project so long as the fixed contribution does not exceed the statutory annual maximum.

The Conference substitute retains the basic concept of section 211 of the Senate bill by generally limiting rents that may be charged public housing tenants to no more than 25 percent of their income. It provides Federal funds to cover the amount by which the appropriate rental charges exceed 25 percent of the income of the tenant and to cover the cost of adequate operating and maintenance services.

The conferees were concerned, however, that in a number of jurisdictions the benefits of limiting the rent which may be charged a tenant of public housing would not inure to those tenants receiving public welfare assistance, but would be captured by the public agencies administering the programs of assistance to these families.

The conferees realize the impracticability of attempting to provide through additional public housing subsidies the funding needed to make adequate the welfare payments provided by the various States. The conferees, therefore, have made clear that the requirement that the rents fixed by public housing agencies may not exceed one-fourth of a tenant's income shall not apply in any case in which the Secretary of HUD determines that limiting the rent of any tenant, or class of tenants, will result in a reduction in the amount of welfare assistance which would otherwise be provided to such tenant, or class of tenants, by the public agency.

The conferees are disturbed by the growing practice of stretching an inadequate welfare budget by placing in public housing increasing numbers of families who cannot pay even the operating costs of the unit they occupy. The conferees are hopeful that within the context of the welfare program, some means can be found to provide as much support for a welfare family in public housing as would be provided for that family in private housing. Accordingly, the Secretaries of HEW and HUD are requested to study the feasibility of developing a uniform policy concerning the rents which shall be paid in public housing for families whose rents come from public assistance.

The conference substitute deletes the provisions on section 211 of the Senate bill which authorized $75 million in contracts for rental assistance payments under a new section 24, on the basis that assistance for this purpose can be provided within the existing annual contributions framework as clarified by the bill, and transfer the $75 million to the authorization for annual contributions contracts provided under section 10(e) of the U.S. Housing Act of 1937.

The conferees intend that the Secretary's authority to make annual contributions in excess of debt service requirements may be used, to the extent that the statutory annual maximum permits, for (1) payments to cover existing operating deficits of public housing agencies and enable them to maintain adequate operating and maintenance services and reserve funds, and (2) additional payments to make up the amount by which the proportionate share of operating and maintenance expenses attributable to a public housing tenant's dwelling unit exceeds 25 percent of the tenant's income. The additional payments which are contemplated in clause (2) above may not be made with respect to a dwelling unit unless the rent paid for the unit is one-fourth of the tenant's income and such payments shall not be provided to make up any reduction in the amount of welfare assistance which is provided to a tenant.

The committee is deeply concerned over cases of lax management in many public housing projects which have led to high operating costs, deterioration of property, and an intolerable environment for the families who live there. Among the reasons given to the committee to demonstrate the need for additional subsidies for existing housing projects, a sharp increase in vandalism was frequently mentioned together with a sharp increase in crime which has driven many occupants out of the projects. Much of the blame for these conditions lies with project managers and local government officials. Too frequently individual projects have filled up with problem families to the exclusion of others with resulting vacancy rates which have caused local budget deficits.

The low-rent public housing program has a fundamental role to play in meeting the needs of low income families and a special importance in making possible urban renewal and other programs which result in displacement. It would be disastrous if the small but growing number of cases of mismanagement undercut the program by giving rise to public reaction against them and by driving out responsible families of low income. HUD should undertake promptly a review of its own local management guides with a view toward tightening them where necessary. At the same time it should make its own inspection and review of local practices to assure that project managers know the standards expected of them and fully enforce their own regulations. Project managers who do not enforce these standards are not doing the job expected of them by the Congress.

The conferees wish to make it clear that the benefits of subsidized public housing, including those provided by this section, cannot be achieved without tenant responsibility, including responsibility for the protection and care of property. Irresponsible tenant behavior jeopardizes the future of this program and cannot be tolerated.

The conferees do not intend that all tenants in public housing should pay 25 percent of income for rent. Prior to the enactment of the Housing Act of 1959, giving local authorities autonomy over this and other tenant relationships, Federal law set as a rule that rents in public housing should be no more than one-fifth of income. Regrettably, upward pressures on local authority costs have forced cities to raise rents. The Congress has on several occasions provided special additional payments to maintain the low-income character of public housing projects to meet the basic financial needs of local authorities through provisions such as the supplementary $10 per month provided for the elderly and handicapped and for families of very low income and for large families. The conferees wish to make it clear that nothing in this or any other section of this bill is intended as a substitute for such existing authorized contributions. The additional $75 million authorized by section 211 of the Senate bill is being provided as additional annual contributions contract authorization specifically for the payments contemplated above.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of the conference report on the Housing and Urban Development Act of 1969. I commend the gentlemen of both Houses for their foresight by including insurance for losses from water-caused mudslides in the flood insurance program.

Mudslides, resulting from accumulations of water on or under the ground, have been particularly distressing to residents of California. The damages caused by mudslides have been great—creating personal hardships and economic distress to the victims of this unforeseen disaster.

Many factors have made it uneconomical for the private insurance industry alone to make flood insurance available on reasonable terms and conditions to those in need of such protection.

Under this act, the Federal Government, in cooperation with the private insurance industry, will provide a program of pooling risks, minimizing costs and distributing burdens equitably among those who will be protected by flood insurance and the general public.

I have long felt that the need for this program exists. With the lessons learned from the flood insurance program, I hope that the Congress would see fit to extend the program to include earthquake insurance, such as I have proposed in H.R. 14781.

Again, I commend the gentlemen of both Houses for recognizing the need of this program and for taking swift action in aiding in the alleviation of a portion of the distress caused by floods and mudslides.

Mr. RYAN. Mr. Speaker, if I may, I have several comments on the conference report on S. 2864, the Housing and Urban Development Act of 1969.

Included in the report is the amendment offered by Senator BROOKE, which provides public housing to tenants of very low income who would otherwise not be able to afford it.

Seventy-five million a year is authorized for annual rental assistance payments made by the Secretary to make up the difference between the tenant's rent and the amount of money necessary to operate the project—including better operating and maintenance services.

Unfortunately, the conferees did not include my amendment, which was adopted on October 22, 1969, when the bill was before the House to lower from 25 percent to 20 percent the part of the tenant's income that is spent for rent in the section 236 program and in the rent supplement program.

The section 235 program allows the owner of a private home to pay only 20 percent of his income, and he also receives a tax deduction on the interest payments he makes.

But the section 236 renter not only receives no tax benefit, but also he is forced to pay 25 percent of his income.

The same situation applies to the rent supplement program. Rents are high, and large families have to pay rents they cannot afford. My amendment would have lowered the part of the person's income to be paid from 25 percent to 20 percent.

It is inequitable to require city dwellers who rent their apartments under the section 236 program or the rent supplement program to pay more than they can afford. Like the section 235 homeowners, they are affected by the high cost of living.

I regret that the conference committee did not see fit to include this in their package. Unfortunately, the problem still exists. And sooner or later the Congress will have to correct it.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report on S. 2864.

The SPEAKER pro tempore (Mr. DAVIS of Georgia). Is there objection to the request of the gentleman from Texas?

There was no objection.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12321) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

The SPEAKER. The Chair designates the gentleman from New York (Mr. ROONEY) as Chairman of the Committee of the Whole, and requests that the gentleman from Illinois (Mr. ROSTENKOWSKI) temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12321, with Mr. ROSTENKOWSKI (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 1½ hours, and the gentleman from Ohio (Mr. AYRES) will be recognized for 1½ hours.

The Chairman recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 15 minutes.

Within the last few hours, opponents of H.R. 12321, the Economic Opportunity Amendments of 1969, have produced a second version of their substitute bill.

I might as well make it clear from the start: This second version is as odious as the first.

Neither can be accepted by those of us who believe that the effort upon which we embarked in 1964 is worthwhile.

Both versions strike at the heart of the economic opportunity programs. Both are calculated to destroy the concept of community action—the most creative and innovative development in American Government in our generation.

In its short life, the Office of Economic Opportunity has been the birthplace of a substantial number of programs which are now well established and accepted on both sides of the aisle of this House.

This is not to say, of course, that it has been without blemish. Twice, in 1966 and 1967, the Committee on Education and Labor and the Congress itself acted to rectify faults that became apparent as the new machinery settled into its work.

It had been my hope that, much earlier in the year, we could lay before this House a bill to extend the basic legislation, and to provide for such constructive amendments as were necessary to insure the orderly operation of the OEO programs.

But, Mr. Chairman, events have rendered that procedure both impossible and useless.

Today we are obliged to concentrate our efforts not so much on perfecting the operation of OEO, as simply on saving its life.

For there is no blinking at the fact that in carrying out the directives given to it by Congress, the Office of Economic Opportunity has made enemies. That is one measure of its success.

Those enemies have a goal toward which they have pushed since the day OEO's potential was first recognized. That goal has been and is the complete destruction of the agency and its major programs.

I do not say that it is the goal of those who support the substitute measure to be put before us. But I would caution my colleagues to look carefully at the probable consequences of a successful effort to pass the substitute. I place my confidence in the hundreds of community leaders across this country who have indicated their belief in the strongest possible terms that the substitute spells disaster for their local efforts.

If this effort to substitute succeeds, Members of this House may just as well say goodbye to a coordinated national effort to better the economic lot of the poor. We shall not have to waste more breath in talking about "community action" or "maximum feasible participation of the poor." We shall not have to say any more about "local determination" or "local initiative."

A vote for this substitute will have said it all. And, the Congress will have turned its back on the most innovative, constructive approach taken to date toward solution of the problems of the poor.

Five years is but a little time for an undertaking so broad. The remarkable thing is not that the goals we established are yet unreached. The marvel is that OEO has made any discernible progress at all—and it has certainly done that.

Let us look briefly at the record of accomplishment over the past 5 years.

OEO, in the first year of its existence was the initiator of the Headstart program. That program has now served more than 3.3 million of the country's neediest children, and has provided new employment and training opportunities for over 100,000 people. It is accepted everywhere as a great step forward in the handling of the problems of child development.

OEO was also the initiator of the legal services program. Under that program, nearly 2,000 lawyers are now providing legal assistance to over 800,000 poor people a year.

OEO also developed the Upward Bound program. That program has enabled 50,000 young men and women to prepare themselves to enter college—young men and women for whom college would not otherwise have been possible.

OEO began the Foster Grandparents program, under which 3,000 of the elderly poor have been given opportunities to earn money by helping institutionalized children.

OEO also developed comprehensive health centers. Today 49 of these centers are bringing comprehensive medical care to 300,000 poor.

OEO's programs for American Indians have begun to move us away from the patronizing paternalism which has so long characterized the Federal relationships with the Indian tribes.

OEO has funded some 2,800 neighborhood service centers. These centers bring needed social services, or reliable information on where to get them, to some 3,500,000 low-income persons.

And, OEO's income maintenance experiments, universally regarded as representing the best of experimentation in handling the problems of poverty, were the forerunner of President Nixon's proposals in the welfare area.

In the manpower area, as well, great strides have been made in the 5 years of the poverty program.

Two and one quarter million youths from low-income families have been enrolled in the Neighborhood Youth Corps.

Private industry has received support to train nearly 270,444 hard-core unemployed or underemployed adults in the JOBS program.

Approximately 70,000 people are enrolled in comprehensive employment programs.

Nearly 37,000 older persons from severally distressed rural areas have obtained jobs and training through Operation Mainstream.

And, 10,000 poor have found opportunities for advancement in the New Careers program.

Despite this record, some in this House would kill OEO outright, and have the courage to say so. Others would like to

see it wrecked, but would do the job by indirection.

Still others, would keep it alive and out in front, like a puppet mandarin, but with sharply reduced role and limited effectiveness.

Then there are others who would simply want the States to run the programs. But their uncertainty over just how the States are going to do this is evidenced by last-minute changes in the draft substitute which was first displayed last week.

Now, with a coalition of interests like that, there is little wonder that the substitute is a patchwork of compromise—painfully explicit in one version, foggy and indefinite in the next. The same variations in clarity occur from section to section within any given version.

Nor is it surprising, Mr. Chairman, that a plan like this was hatched up in the dark, kept secret from the committee that has oversight of the legislation, and announced—but not released—at a press conference less than 24 hours before it was scheduled to be considered by the House last week.

It is equally unremarkable that the revised version, too, was kept secret and out of sight while the Members of this House busied themselves for a week on version I.

This is a strange way to legislate, particularly on a program as broad and far reaching as this.

The action contemplated by the substitute—either version—is nothing less than a disavowal of the basic philosophy that has underlain the economic opportunity legislation from the start.

That philosophy has been simply stated in two words "community action."

It embodies a concerted effort to mashal local resources—both human and financial, private and governmental—to solve local problems. It assumes that local people are rational, intelligent beings, competent to work out their own problems if they have the necessary technical services available to them. This applies to the poor as well as the affluent.

All of this is tossed overboard by the Johnny-come-lately substitutes. This latest proposal makes a mockery of concepts such as "participation of the poor," "participation of locally elected officials," and "local control" of economic opportunity programs.

We delude ourselves if we think the substitute proposals are simply a "restructuring" of community action. They destroy community action.

In essence, the substitutes would turn the whole range of community action programs over to the Governors of the 50 States. It delivers into the hands of the State economic opportunity offices—that is, plainly speaking, the Governors—a stranglehold over local initiative, and local participation.

The State domination implicit in the substitutes is so broad and so loosely bridled that local agencies become captives of the Governors' every whim, bias, or caprice.

The 5-year experiment in local initiative, local decision, and local control would become a program of the Governors, by the Governors, and for the Governors.

Now, the argument is made by some sponsors of the substitutes that although the State offices have broad latitude in approving or disapproving applications sent in by local agencies, the OEO director may still override. But this override is based upon a finding by the Director that approval would strengthen the overall program plan of a local community action agency.

This appears to be a considerable departure from the version which we had the privilege of studying for the past week. Under that draft, the override would have been based on a finding by the Director that disapproval would seriously weaken the overall program plan.

Now, this new approach, in a more recent draft, appears to offer some measure of protection for local initiative and local control.

But in the context of the overall thrust of the substitute proposals, the new veto authority for States offices is clearly an effort to strengthen the State role. I say to my colleagues that this will be at the expense of the local communities.

Mr. Chairman, the implications of various sections of the substitute go far, far beyond the scope of community action programs, operating in some obscure county or town in some remote section of the land. Neighborhood Youth Corps, JOBS, all title I manpower programs—in fact, all programs funded under the Economic Opportunity Act—will be affected by this far-reaching proposal.

The proposed new section 251(b)(2) requires that the Director give each State office advance notice of the proposed approval or funding of any application for assistance under any title of the act, and that the State office be given an opportunity to comment upon such proposed approval or funding.

The proposed new section 251(b)(3) requires the Director to afford the State office other opportunities as may be required to play an affirmative role in all programs financed by the act. This, I need not remind you, includes title I manpower programs.

Considering these actions together, the Governors are given a vast and indefinitely bounded authority over all economic opportunity programs. It stops short of giving the Governors an absolute veto, but this House should be aware that it is a giant step in that direction.

In a sense, this whole substitute approach is a remarkable gesture because it assigns to the States a role which the States themselves have never shown great eagerness to accept.

Two years ago, we made substantial changes in the structure of community action programs in the Green amendment. But we took great care to see that the feature of local control was preserved. We made it possible for States to substantially increase their participation in the great program of grassroots action.

Even this did not result in any great rush on the part of the States to become heavily involved.

Daniel Yankelovich, Inc., a firm engaged to study implementation of the Green amendment, came to this conclusion after interviewing State officials:

Seventy-four per cent of the states never seriously considered designating a state agency as CAA. The commitment to local initiative was strong in these states. (Hearings, Vol. 2, P. 1324)

This fact was, interestingly enough, placed in the hearing record by a spokesman for the National Governors' Conference.

It seems to me that 74 percent of the States, apparently satisfied with the existing arrangement, is a rather healthy expression of opinion.

It fortifies my own feeling that the current effort to make the antipoverty program a State operation stems from a very narrow base.

Obviously, there was no great rush on the part of States or their Governors to come before either the House Committee on Education and Labor, or the Senate Committee on Labor and Public Welfare, pressing for an approach such as that envisioned by the substitute. I would have been happy to hear anyone who came.

The only Governor who asked to come was the Governor of my own State, who decided in November that he didn't like the President's bill. I was delighted to invite him, and even he told us:

I don't want control of the OEO programs.

If this substitute is adopted, we will be saying to the poor, to local officials, and to the country that we have lost faith in local democracy—that we no longer have confidence in the capacity of local people to formulate solutions to their own problems.

We have required in preivous OEO legislation that 20 percent of the total funding of CAP agencies come from local sources. The other 80 percent, of course, was Federal funds.

The substitute proposal sets up a remarkable situation whereby the State government not only could tell a local CAP agency how to spend the Federal money—but how to spend its own local money as well.

That does not square with the long-held theory that local people know how to spend their funds better than anyone else—be it the State government or the Federal Government.

From the inception of the Economic Opportunity Act of 1964, the philosophy has developed that the poor should have a voice in the decisions affecting programs for them.

We insisted that this not be a token voice, but a real and far-reaching influence in the development of programs and policies.

More than once this body has stood up for the principle of "maximum feasible participation of the poor." We have written into the law itself the requirement that at least one-third of the governing boards of community action agencies be of the poor.

Here, again, those who come forward with this substitute proposal—either version—have turned their backs on this broad principle. Some who have stood on this floor and successfully fought for it, now seem willing and eager to cast it aside.

The substitute establishes State boards or councils to advise and oversee "community action," if it can still be called that. There is no requirement that these

councils be structured on the old principle. Nothing says that one-third of the membership shall be poor. Nothing says that one-third shall be elected officials.

I am frankly surprised and saddened that the principle has been abandoned so lightly.

As I understand the most recent substitute proposal—at any rate one of the most recent—States which opt to carry out a developmental and coordinating program for rural and urban community action begin with a clean slate. Virtually everything that has gone before is wiped away.

If the State plan does not include a Headstart-type program, then Headstart may not exist as far as that State is concerned.

If the State—meaning the Governor—decides to omit neighborhood services centers or consumer education programs from its plan for one reason or another, then the possibility of a neighborhood service center or a consumer education program will not exist there.

So it goes all down the line. The views of the poor people in the community and the insights of elected local officials are severely limited by the content of the State plan.

The danger I see is that if a city decides it needs a Headstart program in a State that does not encompass Headstart in its plan, then the children of that city may be effectively foreclosed.

If the local elected officials of an impoverished area decide they want and need a consumer education program, they are obliged to do without it if it isn't in the State plan.

I happen to be a strong States rights advocate. I believe in the authority of States to act affirmatively in the public interest. But I do not want to give any Governor or any State office the authority to deprive little children of a Headstart program, when some other child just across the State line can enjoy it.

I do not believe that we ought to give any Governor the right to deprive the poor people of any area of his State of the benefits of a consumer education program simply out of pique and spite.

This is not what we mean by States rights.

I have heard that the new draft would allow the Director to reserve funds to support title II activities and projects which are not scheduled for under the State plan.

As it has been described to me, even if 90 percent of the local community action agencies of the State are dissatisfied with the direction and design of the State program, the Director still may reserve for independent funding no more than 25 percent of the State allotment for title II.

He may do this only upon a finding that failure to fund would result in a substantial disruption of the effort to eliminate poverty in the particular State, or upon a finding that such funding is necessary to assist special emphasis programs.

On the surface, this revised language appears to provide a broader basis for independent funding. But here again, when it is considered in the context of the entire thrust of the substitute toward wider and more effective involvement of the Governors, the new authority can only be interpreted as further limiting the prerogatives of the local communities.

The Director may fund independently a program or programs which have been determined at the Federal level to be important.

The Director may fund independently a program or programs which have implications for State efforts to eliminate poverty.

But the Director may not independently fund an individual community's locally conceived and locally designed program.

While this concerns and distresses me, it does not surprise me, for it is consistent with the philosophy of those who wish to eliminate the local community's involvement in the antipoverty program.

I submit that the substitutes are not a forward step, nor a conservative step. They are a move to junk the investment the Nation has already made and to deny the experience gained during the past 5 years.

The new administration has concluded that the existing statutory authority provides an adequate base for building on this record. Both the President and his OEO Director have indicated their determination to do so.

The administration bill provided for a 2-year extension of the Economic Opportunity Act, without amendments, with an authorization of $2.048 billion for the current year. The Committee on Education and Labor has reported that bill, with some amendments. The committee amendments add new provisions which would emphasize and strengthen Headstart and Follow Through, Operation Mainstream and New Careers, and the emergency food and medical services program. There are also three relatively minor amendments of a clarifying nature.

Under the committee amendments, Operation Mainstream and New Careers are removed from title I–B and given special, separate status in a new part E of title I. In addition, the committee specifically earmarked $110 million for these two programs. This represents an increase of $54.7 million over the administration request.

The New Careers program, which is expected to receive above $50 million of the $110 million under this new part, is designed to provide jobs for poor people in a manner that gives them an opportunity to advance and make careers in public service employment. It has had demonstrated success in helping poor people—many of them former welfare clients—to achieve economic self-sufficiency. We believe that experience under the program warrants its expansion.

Operation Mainstream is a program to provide work experience for chronically unemployed poor adults who have no reasonable prospects for other full-time employment and who are unable to secure employment or training assistance in other programs. It enables enrollees to obtain meaningful employment in socially useful projects, and experience shows that it is an excellent means for restoring self-respect. More than a third of the enrollees have found regular jobs as a result of the skills gained while working in the program, and this in spite of the fact that the program is designed for those older persons with very poor employment prospects. Again, we believe that expansion is warranted.

The committee's amendments also add $188.3 million to the administration request for Headstart and Follow Through programs. It is expected that $126 million of this addition would be used for Headstart, and the remaining $62 million for Follow Through.

The administration is committed to converting some of the summer Headstart programs to full-year programs, but the administration budget does not provide additional funds for this purpose. The result is that the administration proposes to serve 184,000 fewer children in the current fiscal year than the number served in fiscal 1969. The additional funds provided by the committee will not fully compensate for the additional cost of converting to a full-year program, but they will reduce the impact on the number of children who can be served. The number of children now served by the program is only a small fraction of the number who could profitably be enrolled.

Evaluation of the Headstart program suggests, however, that much of its benefit may be lost if there is not adequate followup in the early years of elementary education. With this in mind, the committee proposes to double the administration's budget for the Follow Through program.

The third major committee amendment adds a new title X to the Economic Opportunity Act, authorizing programs to eliminate hunger and malnutrition, as a substitute for the present emergency food and medical services program.

The committee bill adds $62 million to the $30 million which the administration has budgeted for emergency food and medical services. We are told that the Congress will not have an opportunity to act this year on the administration's proposals for reform of the food stamp system. In the absence of an opportunity to improve the operation of the food programs administered by the Department of Agriculture, we believe it is particularly important to make adequate funds available under the flexible authority contained in the Economic Opportunity Act.

The bill as reported by the committee does not make structural changes in the way that economic opportunity programs are administered. It is a bill that provides essentially for continuity of the legislative authority under which economic opportunity programs are carried out. That does not mean, however, that we do not anticipate important changes in the way these programs are administered. It means only that the majority of the committee believes that the deficiencies in the poverty program have not been caused by the absence of an adequate statutory base. We agree with the administration that needed changes

can be brought about under existing law. Moreover, we fear that substantial changes in the structure of these programs would be disruptive, and would not be conducive to an orderly program of improving their administration.

I mentioned earlier, Mr. Chairman, that 2 years ago, in December 1967, we did make very substantial changes in the structure of these programs. The major titles of the Economic Opportunity Act were completely rewritten at that time. We provided for a substantial expansion of work and training programs to include services for the adult poor, and we introduced the concept of a community work and training program under the sponsorship of a single local agency. We provided for a complete restructuring of community action agencies, and for increased roles for State and local governments.

We also provided for better evaluation of Economic Opportunity Act programs. We wrote a good bill in 1967, and it has proved its effectiveness.

If the contemplated reforms which we wrote into the Economic Opportunity Act in 1967 have not been fully implemented, there is no indication that we need more law.

We simply need more administration. And our former colleague, Mr. Rumsfeld, has committed himself to the task of making the present legislation work. It is my belief that we owe him the opportunity to fulfill the commitment.

During hearings on the OEO legislation last spring, Mr. James Martin, representing the National Governors' Conference, testified that what was needed was not new legislation, but adequate implementation of existing legislation.

Let me quote briefly from Mr. Martin's testimony, which appears on page 1379, volume 2, of the hearings on the antipoverty legislation:

> The recommendations of the States concerning the OEO programs are all positive. No State even suggests that the programs be abandoned, none suggests that the States "take over" the program and those States that desire to administer the program agree that Federal guidelines to protect the interests and participation of the poor, State financial assistance, and State planning and coordination machinery are prerequisites to State administration.

Another major criticism that has been made has been of the failure to provide for solid, unbiased evaluation of program results. We provided the statutory basis for such evaluation in the 1967 amendments, but the results are so far disappointing. Director Rumsfeld has left no room for doubt about his commitment to honest, searching, objective evaluations. Existing law provides all the authority that is needed. Let us give him the opportunity.

Finally, Mr. Chairman, I recognize that there is in this body an abiding concern that some of the poverty programs may be contributing to the divisive tendencies in our society rather than those that tend to unite us. For all the good that this program has done—and it unquestionably has done a great deal of good—this is a legitimate matter of concern. Once again, however, it is not the result of lack of adequate statutory authority. The Director has asked for no additional powers and needs no additional powers to deal with this problem. He has recognized the problem, and he has expressed his commitment to deal with it—to make this a program that builds bridges rather than one that alienates the poor from the rest of society. I should hope that my colleagues on the other side would find it in problem, and he has expressed his commitment by this administration could be taken at face value. Let us give him the opportunity.

Mr. Chairman, 5 years ago we set out upon a dynamic and fundamentally different approach to solving the problems of the poor in this country. It was different because we dared to say: "Let us let the poor people, the local communities, decide what they need to get out of poverty. And then let's use the resources of the Nation to help them."

That action was necessary because existing social and governmental agencies had not done the job previously. The agencies of the Federal Government had not done it, although the Federal programs had helped immeasurably. Certainly the States had not done anything of spectacular success in that field. The local communities and the poor themselves had not done it, because no one had ever before enlisted them in an overall, coordinated national policy effort.

It was a courageous action on the part of the Congress and on the incumbent administration 5 years ago. Although some progress has been achieved, much work remains to be done.

The administration has indicated that it has the courage to carry on the effort. I believe the same kind of courage resides in this House.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield briefly to the gentleman from New York.

Mr. FARBSTEIN. I am a little confused. I hope the gentleman can clarify a situation I am particularly and directly interested in, because I also would like to get clarification from the other side.

I am responsible for a program known as the family emergency loan program, which was inaugurated 4 years ago. It has been funded by the Office of Economic Opportunity and is in operation now and has proved highly successful.

I shall give the gentleman an idea, for a second, of what it has done.

I got a letter from a nurse in San Antonio, Tex., who could get a job in a hospital if she had $40 to buy a pair of space shoes. She went to the office of the family emergency loan program, borrowed $40, bought a pair of space shoes, got the job, and paid the money back.

I should like to know whether or not this program of which I speak—and there are other instances of similar loans made—will of necessity be referred to any State agency or any Governor before it can be continued or funded.

Mr. PERKINS. It certainly will. If there is a State plan submitted, your program may never see the light of day again. If the State plan does not incorporate your program, it will not be funded.

Mr. FARBSTEIN. I thank the gentleman very much.

The CHAIRMAN. The time yielded by the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Chairman, I yield myself an additional 5 minutes.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield briefly to the gentleman from New York.

Mr. REID of New York. As one member of the minority I would like to thank the chairman for supporting the position of the President of the United States, at least as initially submitted. As the chairman will recall, the President on four occasions said that he was for a straight 2-year extension, without crippling amendments.

Mr. PERKINS. That is right.

Mr. REID of New York. The Director of the Office of Economic Opportunity has informed the President that the substitute is a crippling amendment. I see no difference between the second substitute and the first substitute in substance. The Director of Office of Economic Opportunity is not for the first or second substitute.

I thank the chairman for his support of the President.

Mr. PERKINS. Let me compliment the distinguished gentleman from New York for his remarks. I am hopeful that later this afternoon we will have support for the President of the United States and the Director of Office of Economic Opportunity.

I wish to say again that we conducted the most comprehensive hearings that have ever been conducted on the poverty program. Every Member of Congress who wanted to bring witnesses before the committee had that opportunity up until we closed the hearings on June 9.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Briefly.

Mr. SCHERLE. Will my chairman tell me in regard to those five volumes of hearings as to who the parties were that testified?

Mr. PERKINS. All right. I invite the Members of this House to look through the index of the five volumes of hearings. That will reveal that the committee heard testimony from a great variety of witnesses.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Chairman, I yield myself 5 additional minutes.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 additional minutes.

Mr. PERKINS. As I have said, the entire thrust of the substitute is to increase the involvement of the Governors in all antipoverty program. The new authority can only be interpreted as further limiting the prerogatives of local communities.

That is what it does. Now listen to this.

Without regard to the State plan, the Director may fund special emphasis programs out of the one-fourth reservation of title II funds. Or, if the Direc-

tor finds that the failure to fund would result in a substantial disruption in the State to eliminate poverty, he may independently fund.

Now to me this particular provision indicates the greatest fallacy in the proposal. The Director may fund independently programs which are considered at the Federal level to have special significance. He may fund independently programs which have implications for the overall effort in the State to eliminate poverty.

But the Director may not independently fund individual community locally conceived and locally designed programs.

Let me ask the gentleman from Minnesota whether under this language there is any opting out provision so that a program of a local community may be independently funded?

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. QUIE. The provision of the substitute permits the State to assume administrative responsibility presently held in the regional offices. Since there is no opting out from the regional office, there would be no opting out from that administrative responsibility handled by the State which would only go to him if he asked for a director to approve.

So as far as the opting out in the present act, it only occurs when the State decides to become a community action agency.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Chairman, I yield myself 3 minutes.

Under existing law the Governor has a veto over all community action programs.

Under the substitute however when there is a State plan it may wipe out programs at the local level. Where there is a State plan which nothing down does not provide for neighborhood service centers there will be no funds for such centers. The State will control the program.

Mr. QUIE. The problem you raise is a problem that existed in the 1967 amendments that you supported which permits under the act, a State to become a community action agency. We do not give them additional authority.

Mr. PERKINS. We provided an opting-out provision in 1965.

Mr. QUIE. No.

Mr. PERKINS. Yes; we did.

Mr. QUIE. Will the gentleman yield further?

Mr. PERKINS. I yield to the gentleman.

Mr. QUIE. You gave them an opting-out provision and that opting-out provision still exists. If a State chooses to be a community action program or agency, it is not removed.

The OEO program in a State may become a CAP agency. That is why none did. Some wanted to be and the OEO provided that they can do it.

We have not changed that language in the 1967 act that you supported, but rather they permitted the States that would desire to assume administrative responsibility that presently resides in the regional offices.

That is the extent to which that part of the substitute that you referred to applies.

Mr. PERKINS. Let me answer by stating to my distinguished colleague that the substitute supersedes and it usurps the prerogatives of the local communities. Under the 67 amendments, they had the authority to opt out and make their applications even though the State had elected to become a CAP.

Any local community that so desired—we stressed local control—had the right to opt out. But that has been effectively precluded if a State plan is submitted. We have completely destroyed the opting-out provision. The local communities are placed at the mercy—lock, stock, and barrel—of the Governors of the States.

Now you may say there is one exception—special emphasis—yes. And another exception is where the Director finds a disruption in the overall State effort to eliminate poverty.

Again you play into the hands of the State. Remember also that the State disburses the money and many local communities may be forced to abandon programs which they think have a high priority.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Chairman, I yield myself 1 additional minute.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I wonder if the chairman could give us one single instance in the entire United States where any city or county or any local communiy action agency opted the power.

Mr. PERKINS. Let me say to my distinguished colleague, as she knows, there is no State that is now serving as a community action agency. According to the study which the representatives of the Governors presented to the committee, the States do not want to serve as community action agencies. We are trying to force something onto them. The right of the State to be a CAP has been in the law since 1967, as has been the Hawkins amendment that permitted local communities or local community action agencies to opt out in the event a State did take over.

Mrs. GREEN of Oregon. When you admit that no single community action agency in the entire United States during the last 2 years the law has been in effect has ever opted out, then you would also agree, would you not, that OEO acted outside the law when they issued a regulation that they would not recognize a State as a community action agency even though the 1967 law said that they could?

Mr. PERKINS. I will not agree that they have violated the law. I think the great majority of States in the country do not want to destroy local initiative, because they realize it would be a great mistake.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Is it not correct that we have been informed that since the adoption of the Hawkins amendment in 1967, in several States where they considered establishing a State plan they were informed in no uncertain terms that the major cities in those States would opt out of the program, and they would have opted out?

Mr. PERKINS. That is true.

Mr. WILLIAM D. FORD. Also Arizona and some other States. In fact, the threat to opt out was what caused the State to realize that if they opted out, there would be no program for them to administer.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. HAYS. I am not too keen about turning the program over to the Governor of my State, but I would rather deal with him, if I had to, than I would some arrogant bureaucrat in Chicago who is running the program now, who tells me it is none of my business, to keep my nose out of it, that he is running it. He was never elected by anybody. He is responsible to nobody. But he is telling the people in my constituency what they have got to do and what they cannot do. If I have to choose between the Governor and this fellow, I will take the devil I know, rather than the devil I do not know.

Mr. PERKINS. Let me say to my distinguished friend from Ohio that mistakes of that type have been made over the country. There is no question about it.

Mr. Chairman, I am hopeful that the Members in this Chamber will not because of the overly publicized instances of abuse, turn their backs on the progress that has been made under this program. Clearly we are eliminating a lot of the waste in the program. I hope that the Members will not say, "We are going to turn the clock back." Forward is the direction we need to go.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Missouri.

Mr. CLAY. Under the proposed bill, will the devil in Chicago be eliminated, or would we just substitute another devil?

Mr. PERKINS. I thank the gentleman for his contribution.

Mr. AYRES. Mr. Chairman, I yield myself as much time as I may consume.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Minnesota.

Mr. QUIE. I appreciate the gentleman's yielding, because I desire to point out to the Members that when the chairman says all the manpower programs under title I will have to go to the Governor for renewal, I should point out that is exactly what happens now under section 242. There is a necessity of the Governor's veto, and as far as the Job Corps is concerned, there are no overrides on the part of the Director.

Mr. AYRES. Mr. Chairman, we might turn back to the discussion of last Wednesday, December 3, when the gen-

tleman from Minnesota, the gentlewoman from Oregon, the gentleman speaking, and the gentleman from Wisconsin (Mr. STEIGER) took an hour each on special orders.

Members will find all that discussion in the RECORD for December 3. I do not see any reason, Mr. Chairman, for being repetitious today and going into all that which was stated at that time. If there are those of the committee who would like to refresh their memories, they can refer to the December 3 RECORD.

Mr. Chairman, I believe it behooves each and every one of us not to take his eyes off what was the original purpose of the poverty bill. I see present many members of the committee who were active in that discussion a little over 5 years ago.

At that time there were many of us who were somewhat doubtful as to whether $1 billion plus should be vested in a program without any plan as to how the money would be spent or what should be done to break the pockets of poverty in this country.

In my own personal opinion at that time—and it is still my opinion—the only way we are really going to break the pockets of poverty in the United States was to get a man a job.

Five years ago, as this program was started, it was supposed to be job oriented. That was the purpose, to help a man in poverty, unemployed, get a job.

It was argued on this floor at that time that the Job Corps was the proper way to do this. We experimented with the Job Corps for over 4 years. We found, in the final analysis, that it was not too practical to transfer young men and women from one section of the country to another in an effort to teach them something they could learn close to home.

We tried to make amendments to that.

Then in 1967, as Members will recall, there was considerable discussion as to what should be done with the Job Corps and also Headstart. The existing act was so drawn that by Executive order the Administrator could make great changes in the operation of the program.

During the course of the 1966 and 1968 campaigns a vast majority of the Members of the House, both Democrat and Republican, criticized the operation of the program.

In fact, on my side of the aisle we had a detailed publication as to just what had gone wrong with the war on poverty. And much of this criticism was aimed at what was not done, which in my judgment was the intent of the Congress after the 1967 amendments.

Mr. Chairman, my friend from Kentucky has just taken 44 minutes, and I enjoyed the discussion, because there have been so many differing opinions offered on this program. He stated the President's position and stated that he was supporting the President, and that the substitute was going to give the States complete authority over this program; and he implied by innuendo that he did not have confidence in the State governments or in the local governments.

But, Mr. Chairman, I know my friend will recall that he has reversed his position from 2 years ago, because in the debate found in the CONGRESSIONAL RECORD, volume 113, part 24, page 32637, this is what my able chairman said:

> Mr. Chairman, it is absolutely vital to the success of community action that duly-elected local officials play a leading role in the local programs. Such a role will be guaranteed under the provisions of the committee bill this amendment would delete.

And I see the charming gentlewoman from Oregon smiling as she should be.

Further reading the quote:

> We must reject this attempt to deny local and State officials their appropriate role in the war on poverty—

That is a very noble statement. That is exactly what we thought we were doing in 1967. But I can assure you by legislative action that will be done in the substitute bill which I hope will be adopted later this afternoon——

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Of course I yield to the gentleman who has changed his opinion.

Mr. PERKINS. First, let me state that I was a supporter from the beginning to the end of the Green amendment. In many sections of the country it has just commenced to go into effect. Your own Director of the Office of Economic Opportunity states he does not need any additional legislation to achieve better coordination with the States. We all believe in coordination, but we do not believe in letting States take over the functions and the innovative programs which properly belong at the local level. That was not contemplated in the Green amendment in 1967.

I am now taking the same position I took in 1967 in supporting the Hawkins amendment to permit any local government or community action agency to opt out of the State plan if the State did set up a State CAP. I want to clarify the record. Whether the mistake was made by the gentleman today or whether it was made when it was put in the RECORD, my stand is perfectly clear and if you will read the whole statement the gentleman cannot misunderstand it.

Mr. AYRES. The gentleman from Ohio has not misunderstood it. However, I shall be glad to accommodate the chairman, because it gets better:

> We must get the local governments more involved in this program. If we are going to have a constructive program and a program that is going to extend and survive the next 5 years and 10 years to serve the people in the ghettos and rural areas. To do so we must get the local governments involved more so than they have been in the past, for somewhere along the line we are going to have too much trouble in the enactment of this program in the future.

That is the position in which we find ourselves today.

Mr. PERKINS. That is a true statement and I stand by that statement.

Mr. AYRES. Now, you get a little better:

> In the language worked out in the committee for Sections 210 and 211 we simply provide that a Community Action agency shall be a State municipality or a local subdivision of that State or they may, if they wish, designate a private nonprofit agency or some other public agency to serve as the action agency. But in all instances we are going to help the poor.

I commend the gentleman on his sound stand and I am glad to inform him that the Council of State Governments in a special letter just released also agrees with him on his position in 1967.

This is what the Council of State Governments on December 5, 1969, had to say regarding poverty amendments:

> Debate has begun in the House on measures to extend the authorization for the Office of Economic Opportunity. Two measures are before the House: HR 12321, Committee on Education and Labor version for a simple two-year extension; and a bi-partisan substitute to provide states the *option* of greater participation in administering their poverty programs. Voting is expected to begin before December 12.

And, that is true. This is not a Republican position or a Democratic position. This is a position of those who felt changes had to be made if we were going to help the poor, and as the letter states:

> A bi-partisan group of Congressmen, led by Reps. Ayres (Ohio), Green (Oregon), Quie (Minn.) and Giaimo (Conn.) have introduced the Ayres substitute bill. (copy attached) It would give states the opportunity to establish a broadly-representative State Economic Opportunity Council. If the Director of OEO approves the Council, it could develop a long range coordinated anti-poverty program in the state. This agency's program would also be subject to approval by the OEO Director. Such state involvement would be completely optional with the individual states.
>
> S. 3016, the Senate companion of the House Committee version would give Governors a line item veto over legal services programs in their states. There is no similar provision in the Ayres substitute.
>
> Hasty, early observations on the Ayres substitute has led to considerable misunderstanding of its aims. A staff analysis is attached, describing the measure and indicating that it would not violate the objectives of the OEO program, but rather generally would move toward the positive partnership role for state and local government in the anti-poverty program that has been sought by state officials for several years.
>
> Your views on the specific proposals in the Ayres substitute would be very helpful to your congressional delegation as it considers this measure. Because voting will begin very shortly, your immediate response is urgently requested. A copy to this office would be appreciated.

Mr. Chairman, when we go back into the House I shall ask unanimous consent for permission to insert the staff analysis on the OEO substitute bill.

The material referred to follows:

STAFF ANALYSIS OF OEO SUBSTITUTE BILL

The substitute bill for the Committee-reported OEO authorization will make the following major changes in the existing Economic Opportunity Act:

(1) *The State Economic Opportunity Offices would be strengthened in the following ways:*

(A) The Director of OEO is required to assist these offices in carrying out their role under the Act;

(B) All applications for community action programs and VISTA programs in a State would first go to the State Office for review and recommendations;

(C) If a State Office disapproved of an application the Director could fund it only upon his finding that the failure to conduct the project would seriously weaken the

overall program plan of a community action agency. (In the existing law, the Director may override a Governor's veto upon the finding merely that the proposed project is consistent with the Act).

(D) The State Office would be given a more effective role in assisting local community action programs, in coordinating such programs in the State, and of auditing and program evaluation.

(2) *It provides for a positive, affirmative role for the State through the implementation of a "State Developmental and Coordination Program" designed to focus all the resources of State government upon finding solutions to problems of poverty. The key elements of this program are as follows:*

(A) Any State wishing to participate would establish a State Economic Opportunity Council, broadly representative of the State and of the anti-poverty resources and agencies, which would identify the causes of poverty and develop a long-range plan for overcoming problems of poverty in the State, and would approve a State Developmental and Coordination Program consistent with such plan;

(B) The State Economic Opportunity Office would submit this Program to the Director of OEO for his approval;

(C) Upon approval of the Program by the Director, the State Office would become responsible for approving community action and VISTA programs within the State, for coordination of all programs relating to poverty and the needs of the poor, for providing technical assistance to local community action agencies, for assuring that an adequate system of fund accounting is carried out, and for relating anti-poverty programs to the long-range plan of the State Economic Opportunity Council;

(D) The Director of OEO would retain authority to assure that all programs conducted conform to the Act, that all the provisions of the State program are carried out, that funds are fairly distributed within each State according to criteria approved by the Director, and to terminate any State program which fails to meet the requirements of the Act.

(3) *Changes would be made in a number of provisions of the existing Act to assure a more orderly and effective administrative procedure, to conform practices to the intent of Congress, as expressed in previous legislation, and to address situations of poverty ignored under existing programs. Chief among these changes are:*

(A) The role of elected public officials in community action boards would be clarified and strengthened to conform with the intent of the 1967 amendments to the Act;

(B) New programs would be authorized to (i) combat the disease of alcoholism, (ii) assist families of members of the Armed Forces when, due to exceptional circumstances, they live in poverty, and (iii) assist persons over 65 years of age who must live on an income below the poverty level;

(C) Prohibitions on political activity and participation in riots by paid poverty workers would be tightened up, and a new prohibition against nepotism would be added to the Act;

(D) Program evaluation at the Federal level would be greatly strengthened through a continuing role for the Comptroller General;

(E) Situations involving conflicts of interest on the part of former employees of OEO would be strictly regulated;

(F) VISTA would be restructured so that the recruiting, selection, training, and assignment of "volunteers" would be done by State and local agencies under grants from the Director;

(G) VISTA personnel acting as attorneys would do so as a part of the legal Services programs; and

(H) The Legal Services program would be encouraged to be more responsible through a provision that would permit a court to award legal fees and costs to the winner of a lawsuit initiated by the Legal Services program.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I note that our distinguished colleague has laid great stress on the opting out provisions that were written into the law for a State plan, in 1967.

Now, under your substitute, where a State plan is submitted to the Director, and it is an overall State plan, is there any opting out provision for any local community, or local community action agency?

Mr. AYRES. I will say to the gentleman that under the substitute we are going along with what the Council of State Governments asked for before and we are giving the Administrator legislative authority, giving him the tools, the tools that he had been given under the 1967 amendments that they did not choose to use.

I would like to say to the chairman that insofar as trying to assume that these proposals that are being offered in the substitute today have something wrong with them—that they are not the same or identically the same as was in the December 3 proposed——

Mr. PERKINS. That is right.

Mr. AYRES. When the gentleman decided that the Congress should not work its will that week.

Let me read to the chairman——

Mr. PERKINS. Mr. Chairman, let me ask one further question——

Mr. AYRES. Mr. Chairman, I refuse to yield further at this point. I want to finish my statement.

Mr. Chairman, I think it is very important for the Committee to realize that it was through the suggestion of the President of the United States when he stated, in answer to a question:

> I hope he is—
>
> Meaning his Administrator—
>
> able to work out with the leadership in the House—

And I might say that our minority leadership at that moment, of course, all of the leadership had signed the substitute on our side, and the President was aware of that, and he said:

> I hope he is able to work out with the leadership in the House, most of whom are Republicans in this instance who want the changes, and some Democrats, and be able to work out some kind of accommodation with them. But, of course, I support my Director that I have appointed.

The President certainly should support the Director whom he has appointed.

After his statement at his press conference, I immediately called together the members of the minority of our committee, and there was a difference of opinion—and they will speak later this afternoon—and we were able to come to an agreement on accommodations that the President had asked for. And that is what we are offering here today, the substitute bill with the accommodations that have been arrived at by the minority members of the Committee on Education and Labor.

I feel, Mr. Chairman, that we have a substitute that is long overdue; that we have a substitute that gives the Administrator the tools that he needs to work with to truly help the poor. I feel at the present time that he will do a good job, because he is a fine gentleman and he is an able gentleman, but I do not believe that the Administrator realized, any more than I would have realized, that in taking that job that he had a built-in constituency that would be very, very difficult to work with.

We are giving him the tools to change the program, to correct the program, and also change some of the constituency.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me briefly at that point?

Mr. AYRES. I have consumed all of my time.

The CHAIRMAN. The gentleman from Ohio has consumed 18 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield to the distinguished gentlewoman from Oregon (Mrs. GREEN) 15 minutes.

Mrs. GREEN of Oregon. Mr. Chairman, I have continuously supported the OEO programs and I am not one who favors doing away with the OEO offices or programs.

But if the administration of the OEO programs is not improved, and if abuses are not corrected, then I may well join those in 1971 who feel we have to take another course.

May I also say to the friends of the OEO programs that the best insurance in the world for the continuation of the OEO in 1971 and in 1972 and 1973 is the correction of abuses that now exist.

The bill which was brought out by the committee provided for a straight 2-year extension; without one single change in the law, in terms of administration, in terms of structure, in terms of the accountability of funds, in terms of abuses, in terms of violence and the training of revolutionaries, in terms of political activities—in all of these areas—not a single change.

The only change that was made was one which added additional funds to the administration request.

It seems to me that is not the way we are going to have a continuation of a healthy war on poverty in this country.

The chairman has made some statements. He has stated that Jim Martin—representing the Governors' conference—was opposed to this substitute and opposed to any legislative changes.

The distinguished ranking Member on the Republican side read a statement that was published by Jim Martin, giving his endorsement to the substitute. Moreover, let me insert just a few excerpts from Mr. Martin on behalf of the National Governors' Conference. The complaints made certainly indicate that strengthening legislation from this Congress is in order:

> Past experience reveals that the State Economic Opportunity Office (SEOO) has had little authority, little administrative control and no meaningful role in the financing and evaluation of local projects. The Governor's

veto, although better than total bypassing, is a negative role. The Governors much prefer a positive partnership role to help develop statewide programs, but with appropriate administrative authority. If the State's role is not expanded in a positive manner, then the Governor's veto should be extended to all sections of the act.

The States have had no say-so in the allocation of OEO funds within the State because OEO has preferred a project-by-project approach rather than a coordinated state program based on Federal guidelines and appropriate measures of need.

The States have made specific recommendations for more State participation in the planning, coordination and administration of the OEO programs. Most, if not all, of these expanded State responsibilities are now authorized in the OEO act. There are over 15 specific sections of the act that provide for a State role. The states feel that OEO personnel have never encouraged the implementation of these sections of the act.

Several states suggested that OEO programs become the social development arm of State designated multijurisdictional regional planning agencies.

The States seek a greater role with the Federal Government in administration of OEO. More funds should be allocated to the State agency for program development, especially for coordination, training, technical assistance, and special services such as health, legal aid, manpower development, housing and migrant programs.

The State should participate in the allocation and approval of funds distributed within the State. OEO should use State and local personnel to administer the program rather than building up OEO employees in the regional and field offices.

The recommendations of the States concerning the OEO programs are all positive. No state even suggests that the programs be abandoned, none suggests that the States "take over" the program and those States that desire to administer the program agree that Federal guidelines to protect the interests and participation of the poor, State financial assistance, and State planning and coordination machinery are prerequisites to State administration.

The testimony and the hearings were very enlightening in terms of the recommendations that the Governors' conference itself made for changes in the programs.

May I say in all good humor to my chairman, that I am intrigued by the argument that we must not make any changes in the program because the President and the Director of the OEO have recommended that none be made.

I am intrigued because the chairman will recall 2 years ago when he sat in my office, when he knew he did not have the votes on the floor of the House, and with other Members who are in this Chamber today—that he and I and others worked out amendments that were opposed by the President and by the Director of the OEO at that time.

So it is interesting that this is an argument against the substitute at this moment.

The chairman also said the substitute bill would completely destroy local community action agencies. After the 1967 amendments were passed which provided that a State or political subdivision of a State can be designated as a community action agency, the first thing OEO did, and the record will show it, was to say that they would not designate a State. Examples may be cited in the States of Arizona and Arkansas. There were nine States that were interested in being designated as CAP agencies.

The OEO in effect, said, "We do not care about the law. We have decided we will not designate a State. We will give preference to cities."

If the OEO had followed the law in 1967, 1968, 1969—then some of the reasons for this substitute would not be so urgent today.

The second thing they did was to say that they would not designate any city with a population under 250,000 people. Most of the cities in the United States are under 250,000 in population. By regulation—they rewrote the law. Certainly there was no population figure set when Congress passed that bill by majority vote.

That destroyed the possibility of any local control in most of the cities of the country. How could you be more effective in destroying off local control of the program? And today we hear shouted over and over: "If you give the State the right and opportunity to coordinate programs and help develop plans, all local control will be destroyed."

The third thing OEO said was they would not designate a county with a population of under 50,000 people—even though the law says:

> A state or a political subdivision of a state can be designated as a Community Action Agency.

It has also been said by the chairman, and I think the record should be clear on this, that the substitute bill would be disastrous because every manpower program would go under a State plan.

Mr. Chairman, if there is any virtue in not touching a single manpower program, then I heartily recommend the substitute bill because the fact is the substitute bill does not touch title 1(b) of the OEO program and it does not touch the manpower training on job programs. I challenge you. Look at the bill. See for yourself.

But the committee bill indeed does touch upon job training programs—Mainstream—and simply provides additional funds for it even though every member of the committee knows that all the manpower training programs are being reviewed with the hope of reorganizing and coordinating under the Department of Labor.

I also hope when the bill is being considered under the 5-minute rule that the question asked by the gentleman from New York could be clarified. I do not want to take the time now, but the instances that were cited are not touched by the substitute bill. There is absolutely no change.

Then it has also been said that if we have a State plan, it really would be sad for the cities and these local districts because people would have to go hundreds of miles to the State capital to get their plans approved.

The fact is that right now my city of Portland, Oreg., has to go 750 miles to San Francisco to see if they can get it approved. Whereas, if the substitute bill were in effect, they would only have to go 50 miles to the State capital.

The gentleman from Ohio was absolutely right. People today, who complain against the possibility of a State veto, are the very ones who defend, and who want the regional offices to have the absolute veto power and absolute control over the program. Why an appointed czar in a regional office is to have our unlimited love and trust and the Governors elected by a majority vote are to be slandered is beyond my comprehension. But today—the way the law is being administered officials in every city and every town must go with hat in hand to the regional offices. If the appointed official at the regional office does not like it, they can reject it, and they do not base their decision on the law. We have had them come to Portland from the regional office. As I said the other day, we had 50 problems before the regional czar came into Portland. But by the time he left we had 100 problems.

This kind of person comes in and does not even cite the law. He says, I "feel" that you really should do it in some other way. His word becomes law and local control is absolutely destroyed.

Mr. Chairman, there have been lots of complaints about OEO. Every single Member in this Chamber knows them—the high administrative costs, the poverty specialists that are taking the funds that were meant for the poor, the corruption that has occurred in the program, the freewheeling activities of the VISTA people in place after place. Many colleagues on my side of the aisle have complained about the way the OEO has operated. I do not know how many Members on the Democratic side of the aisle have come to me in the course of the last 2 years and complained about the administration of the CAP program. Many of you have pleaded: "Can't something be done?"

It has been argued that we have a new Director; therefore we should give him a chance and we should not change the law. I pay my respects to Mr. Rumsfeld. I think he has an extremely difficult job and I wish him well. I hope he is able to correct the wrongs in the program. But a few years ago a gentleman who was the majority leader in the Senate and who later became President of the United States—and I refer to President Johnson—said when he was in the Senate:

> Legislation should not be examined in the light of benefits it will convey if properly administered but by wrongs it would cause if improperly administered.

I suggest to my friends that the responsibility of this House is to draft legislation not in the light of what would happen if it is properly administered but in the light of what has happened during the last 5 years when it has been improperly administered.

I suggested that few would argue that there have not been more scandals, more waste of money in this program than any other, and the committee, in spite of all the wrongs, voted out this 2-year extension with no changes. That is the reason why we have the bipartisan substitute bill. It was not the intention, as I understood this legislation in its original form—and I was on the committee at that time—to create shadow governments, autonomous units with the luxury of millions to spend and none of the

responsibility of raising the money. It was not the original intent of this legislation to legislate a revolution in American politics by establishing another level of government not subject to the elective process.

May I quote one of the most liberal leaders in the OEO program, Mitchell Sveridoff of New York. In November 1967 he said—and he had been a great defender of OEO—

> It is a hell of a way to run a public program. It's unhealthy. What it does is to inform people that the way to get some money is to have a riot or threaten one.

Mr. Chairman, in 1967, when the distinguished chairman of our committee, the gentleman from Kentucky, and I, with other Members who are in this body, most of them not on the committee, when we developed those amendments, the opponents—and the chairman will remember this very well and every single person who is here today and who was here in 1967 remembers the argument—the opponents of any change in OEO at that time tried to defeat the amendment to title II, the amendment I offered, by crying, "This is a take-over by city hall. Do not trust city hall." Do you remember those arguments? "Do not trust city hall."

This year they are crying, "Do not trust Governors. Do not allow the Governor to take over a program. Do not allow the Governor to have any say in coordinating these multitudinous programs at the State level.

I can only say what a tragedy it will be if the war on poverty continues to be perverted to an attack on local government or State government as though they were the cause or even held the cure for the problem. But consistently the opponents of any change are willing to place absolute veto power, in the appointed officials at the regional office.

The Office of Economic Opportunity, by its actions against elected officials in our cities and States and by its creation of a network of regional czars not accountable to the votes of any body politic, has seriously damaged the perfecting nature of our own democracy. OEO has had its own scandals, OEO has had frauds, OEO has had waste and misbehavior, but it has not been held accountable for them. The Office of Economic Opportunity has moved against elected State governments on two major fronts, first the political and then the economic. In section 231 of the Economic Opportunity Act the Director of OEO is authorized to provide technical assistance to the States so that they can help the local community action agencies, but in the entire history of this Act the OEO has only given $36 million to all 50 States for technical assistance, even though the law directs them to do so. But to private corporations, the poverty specialists, the people who are looting the funds that were meant for the poor—to those people they have given $103 million in technical assistance alone.

In addition to that, Mr. Chairman, the record clearly shows that for evaluation programs $31 million has been spent, and for support contracts over a half billion dollars has been spent. I am not including operational expenses such as Job Corps.

Worst of all, the Office of Economic Opportunity has also continued the same cry we have heard by the opponents of change, the ones who will benefit most by the status quo. The OEO itself and the OEO employees are saying, "You cannot trust the State government. The elected officials cannot be trusted. The State cannot be trusted." They repeat this over and over to their constituents.

"But, somehow, these regional, appointed people are to be trusted." How interesting.

Mr. Chairman, I believe it would be very, very sad if the Members of this Congress, every one of us elected by popular vote, were to join this hue and cry that somehow we are not to trust elected officials, that somehow this year we are not to trust Governors, that somehow in 1967 we were not to trust city hall.

May I, Mr. Chairman, quote the very distinguished Speaker of this House, the gentleman from Massachusetts (Mr. McCormack). I thought he made an eloquent statement in 1967 when the bill was before us, and he was supporting the bill which the chairman and I both supported, which allowed a State to become a CAA.

The distinguished Speaker said:

> I might say that only the other day Governor Volpe, who is personal friend of mine and whom I like very much—I wish he were a Democrat—issued a proclamation. I call this to the attention of all the Members of the House.

Without reading it in full, the Speaker quoted Governor Volpe as follows:

> Government has a basic responsibility for the economic well-being of all citizens in this State and Nation, and the State has the unique potential to effect necessary changes through cooperation with and coordination and utilization of the resources of the Federal and local governments as well as the private sector.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

Mrs. GREEN of Oregon. May I have 5 additional minutes?

Mr. PERKINS. Mr. Chairman, let me say to the distinguished gentlewoman——

The CHAIRMAN. Does the gentleman from Kentucky yield time to the gentlewoman from Oregon?

Mr. PERKINS. I say this in all sincerity. I have made arrangements to try to borrow some time from our minority friends, because we have overpromised our time.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. RIVERS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am glad to yield to the gentleman from South Carolina.

Mr. RIVERS. Would it be possible that some of these militant organizations could have gotten OEO funds?

Mrs. GREEN of Oregon. I do not believe there is any doubt about it.

The record is clear that they financed the Blackstone Rangers in Chicago.

The gentleman from Cleveland complained last year, I believe, there was financing of a Black Panther group in Cleveland, and then following there was a shootout.

I believe there are many examples.

Mr. Chairman, if I may turn to one other point, today in this debate we are trying to say, "Do not trust the Governors. They will destroy the local unit. You must not have a State plan for OEO."

Mr. Chairman, I just want to list the number of bills that have come out of the House Committee on Education and Labor under the leadership of the distinguished chairman, the gentleman from Kentucky, that have State plans.

ESEA, title I; a State plan.

ESEA, title II; a State plan.

Title III; we made a State plan in the amendments of 1967.

The National Defense Education Act; a State plan.

NDEA; a State plan.

The National Foundation on the Arts and Humanities; a State plan.

The Higher Education Act, Community Services; a State plan.

The Higher Education Act, Financial Assistance for the Improvement of Undergraduate Instruction; a State plan.

I have three pages listing the bills that came out of this committee in which in every instance we had a State plan.

Why in all these cases do we trust the State government, do we say it would be better to have a State plan, but somehow today, on OEO, we would simply destroy everything if we have a State plan?

At this point let me insert an exact compilation of instances in which legislation designed by the Committee on Education and Labor has provided for State coordinated programs:

FEDERAL EDUCATION PROGRAMS WHICH REQUIRE STATE PLANS

Page 18, ESEA of 1965, Title I, Sec. 105.

Page 33, ESEA of 1965, Title II, Sec. 203.

Page 39, ESEA of 1965, Title III, Sec. 304—A grant under this section may be made to local educational agency either "pursuant to an approved State plan or by the Commissioner for a supplementary educational center or service program or project. . . ."

Page 49, ESEA of 1965, Title V, Sec. 503 (to strengthen State Departments of Education).

Page 92, School Construction in Areas Affected by Federal Activities (81–815, Sec. 6.

Page 115, National Defense Education Act, Title III—Part A—Financial Assistance for strengthening instruction in Science, Foreign Languages, etc., Sec. 303.

Page 120, NDEA, Title V—Guidance, Counseling & Testing, Sec. 503.

Page 129, National Foundation on the Arts & Humanities, Sec. 12.

Page 143, Higher Education Act, Title I—Community Service & Continuing Education Programs, Sec. 105.

Page 214, Higher Education Act, Financial Assistance for the Improvement of Undergraduate Instruction—Title VI, Sec. 603.

Page 239, Higher Education Facilities Act, Title I—Grants for Construction of Undergraduate Academic Facilities, Sec. 105.

Page 299, Higher Education Act, Title V–B—Teacher Corps, Sec. 513—for purposes of training and assignment, State education agency must be involved.

Page 304, Higher Education Act, Title V–B—Attracting & Qualifying Teachers to Meet Critical Teacher Shortages, Sec. 520.

Page 309, Higher Education Act, Title V–

D—Improving Training Opportunities for Personnel Serving in Programs of Education Other than Higher Education, Sec. 531—may make contracts or grants with higher ed, institution and State educational agency and local educational agency with approval of State educational agency.

Page 328, Vocational Education Act of 1963, Title I—Part B—State Grants, Sec. 122.

Page 337, Vocational Education Act of 1963, Title I—Part D—Exemplary Programs & Projects, Sec. 142.

Page 339, Vocational Education Act of 1963, Title I—Part E—Residential Vocational Education, Sec. 151—to "State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations or institutions. . . ."

Page 342, Vocational Education Act of 1963, Title I—Part F—Consumer and Homemaking Education, Sec. 161.

Page 344, Vocational Education Act of 1963, Title I—Part G—Cooperative Vocational Education Programs, Sec. 173.

Page 346, Vocational Education Act of 1963, Title I—Part H—Work-study Programs for Vocational Ed students, Sec. 181.

Page 348, Vocational Education Act of 1963, Curriculum Development in Vocational & Technical Education, Sec. 191—State agencies must be consulted in making grants or contracts to "colleges or universities, State boards, and other public or nonprofit private agencies and institutions . . ."

Page 377, Library Services & Construction Act, Public Library Services, Sec. 101.

Page 380, Library Services & Construction Act, Public Library Construction, Sec. 203.

Page 381, Library Services & Construction Act, Inter-Library Cooperation, Sec. 301.

Page 383, Library Services & Construction Act, Specialized State Library Service, Sec. 401.

Page 426, ESEA Amendments of 1966, Adult Education—Title III—Sec. 304–306.

Page 480, ESEA—Title VI—Handicapped Children, Sec. 603–604.

Page 515, Appalachian Regional Development Act, Statement of Purpose, "The States will be responsible for recommending local and State projects, within their borders, which will receive assistance under this Act."

Now, Members who serve on other committees do not steer away from a State plan.

Let me suggest that in the Omnibus Crime Control Act there is a State plan; the comprehensive health plan program is a State plan; the Water Pollution Control Act is a State plan; land and water conservation fund is a State plan; the Hill-Burton program is a State plan; the highway program is a State plan. And, incidentally, 26 States have created an office of community affairs and every Governor has appointed at least one person in a similar assignment.

Then, Mr. Chairman, in the extracts from the Water Pollution Control Act of 1966, "it is declared to be the policy of Congress to recognize, preserve, and protect the primary responsibility and rights of the States who have this type of program" and that is, a State plan.

We have State plans in all these programs, and I have never heard the cry on this floor that somehow you must not institute them because you cannot trust the elected Governors of the States.

Mr. Chairman, I think the substitute bill in terms of State coordination is the direction in which we should be moving. I hope we are moving to correct a lot of the abuses.

Now, Mr. Chairman, let me turn, if I may, to a couple of other things which I would like to call the attention of the members of the committee.

With reference to technical assistance, I have already referred to the fact that the OEO has refused to give the States more than $36 million while it has given private corporations $103 million.

Now, in terms of corporations that have sprung up all over the country, I think it might be interesting to the Members of the House who have received telegrams and letters as a result of the delay last week which was made in order to get this tremendous lobby pressure moving to cite some of the corporations which might have had something to do with the lobbying and with the letters and telegrams which you may have received. For example, I take the operations of Daniel Yankelovich, whose firm received $1,137,000 to conduct a study. We gave to Litton Industries during the past 5 years $54 million. A part of this was for Job Corps but a good part was for other purposes—expenses.

We gave to the National Student Association $444,822, and I am sure the gentleman from Pennsylvania (Mr. GOODLING) is going to discuss that later on.

We also gave Walt Disney $150,000, 20th Century Fox $100,000, another firm $100,000, and so on.

We have given to Lou Harris for the studies he has made $495,000. We have given to the National Education Association in contracts $3,102,000. There is included the AFL–CIO Appalachian Council almost $1 million, $998,000; the painters, decorators, and paperhanger organization, $179,000; the Council of Southern Mountains, $111,000; the Educational Association $2.5 million and $2 million for educational projects.

This is the reason we have an amendment to make some sense out of all the contracts. We have a provision that says that before any final contracts can be entered into they must be filed in the General Accounting Office. Thus I would hope this would bring some orderly procedure to what is now unexplainable.

May I say, Mr. Chairman, that in my opinion there has been a real conflict of interest. There is one Leo Kramer who was employed by OEO on a full-time consultant basis from February 1, 1965, to January 22, 1966, to the rate of $90 a day. Since then he has organized his own firm, Leo Kramer, Inc. From 1967 to 1969 Mr. Kramer obtained nine OEO contracts totalling nearly $2 million. Seven of the contracts were out of the VISTA program office where he was formerly employed. Six of the seven contracts were awarded on a sole-source basis without any competition. On the other contract OEO sent out six requests for proposals on April 26, 1968. By the deadline date May 6, 11 days later, two proposals were received, one from Leo Kramer for $600,664, and one from Policy Management Systems for $885,934.

However, Policy Management Systems, headed by Gary Price, also a former employee of OEO in the VISTA program, subsequently withdrew its proposal. Then we find that the contract to Leo Kramer for $600,664 was increased to $1,014,216 on May 20, which was interestingly enough, the same date that Policy Management Systems dropped out. It may be of further interest to my colleagues to note that Policy Management Systems received three sole-source contracts during the next 5 weeks that totaled 632,247.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Georgia.

Mr. LANDRUM. Mr. Chairman, I thank the gentlewoman for yielding, and I would say to the gentlewoman that it would be interesting to this Member, and I believe to other Members, to learn if the gentlewoman has information as to just what Mr. Leo Kramer Associates did with this money. Not only what they did with it, but what they were supposed to do with it when the contracts were entered into.

Could the gentlewoman inform the House as to that?

Mrs. GREEN of Oregon. I think that one of the most difficult things at the present time is to find out the results of the contracts, and the evaluations. There just simply is no way. I think most of the studies are gathering dust, are not being utilized, or are worthless.

In addition to this, the figures which I have cited do not contain an explanation of the contracts—made within the States—my local CAP's.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

Mr. AYRES. Mr. Chairman, I yield 2 additional minutes to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, in addition to this may I say that I will place in the RECORD information about contracts awarded to Policy Management Systems, Inc., headed by Gary Price, who was an official of VISTA's Office of Selection and Training at the time Leo Kramer was an Associate Director at that office.

Policy Management Systems has received five OEO contracts totaling $2,493,857. Of these, three are VISTA contracts and two are CAP contracts. It should be noted that VISTA contract B 89–4417 was initially awarded to Policy Management Systems on April 3, 1968, for the amount of $300,319. During the period May 7, 1968, to November 7, 1969, the contract was modified nine times increasing the amount by a total of $1,422,876—from $300,319 to $1,723,195.

Mr. LANDRUM. Mr. Chairman, if the gentlewoman will yield further:

In response to the question posed by the gentleman from Georgia, I would gather the gentlewoman is saying to the House in a nice sort of way that Leo Kramer Associates did nothing with the money insofar as reaching the poor people that this program is intended to reach?

Mrs. GREEN of Oregon. Well, none of the money went to the poor people. This is true time after time. We have spent millions and millions of dollars that go to the poverty specialists and brand new corporations as well as old who have a good thing going. Of course they do not want us to make any changes. But the money is not reaching the poor.

Mr. Chairman, there are other examples of contracts that have been given to people who were former OEO employees, people who were responsible for the administration of the program, who left the OEO to set up their own private corporations, and then received money to evaluate the programs that they formerly administered.

One of the most interesting is the case of Mr. Leveo Sanchez, OEO's Mid-Atlantic regional director from early in calendar year 1967 to September 6, 1968, at which time he resigned.

In July 1968, Leveo Sanchez formed a corporation named Hispanic-American Community Development Corp. The principal officers of Hispanic, which was a subsidiary of Cole, Sanchez & Associates, are Leveo Sanchez, president; David Trevino, vice president; J. Homer Garza, secretary; and Peter Davis, treasurer. All of Hispanic's officers had prior experience with OEO programs, either as direct OEO employees or as employees of OEO funded community action programs. Mr. Davis was an employee in the Mid-Atlantic region from 1966 until his resignation on September 13, 1968. During Mr. Davis' employment with OEO's Mid-Atlantic regional office, he held the positions of special assistant to the regional director and acting deputy CAP regional administrator. In this latter position, Mr. Davis was responsible for assisting in the development of the first regional CAA evaluation system. Following Mr. Davis' resignation, he was employed by Cole, Sanchez & Associates as project director for two contracts, both of which involved performing evaluation services for CAA's in OEO's Mid-Atlantic regional area.

Mr. Sanchez resigned from OEO, as I said, on September 6, 1968. In July he had formed the Hispanic-American Community Development Corp. He was also a partner in Cole, Sanchez & Associates. Although I do not have the date of incorporation for Cole, Sanchez & Associates, its application to be added to OEO's bidders list is dated October 3, 1968.

Both Cole, Sanchez & Associates and the Hispanic-American Community Development Corp. received OEO contracts for evaluation and technical assistance for planning and developing programs.

These instances are just some of the countless examples, Mr. Chairman, where the money has not gone to the people for whom it was intended.

The purposes of the program have been subverted. If we do not take action on the floor of this House today to correct some of these many, many abuses, I think we will deserve the criticism of the American people.

The CHAIRMAN. The time of the gentlewoman from Oregon has again expired.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of the legislation reported out by the committee, and requested by the President, and oppose any substitute that will be subsequently offered.

Mr. Chairman, I wish to include a statement made by a very distinguished mayor of this country, the most capable municipal administrator in America, Richard J. Daley, mayor of Chicago, who on December 9, 1969, made the following statement—and this is coming from a man who has, I think all in the House would agree, opposed many of the things that have gone on under OEO; one who has been the supporter of measures to improve the OEO, and who has himself frequently been the victim of many things that the gentlewoman from Oregon has just discussed here in her previous statement. And yet on December 9, the mayor of Chicago said as follows:

The proposed substitute bill, which would for all practical purposes turn the Economic Opportunity Program over to the states would adversely affect the program to help the disadvantaged for many reasons.

And, Mr. Chairman, I hope I can have the attention of the Members of the House because I think this statement by Mayor Daley is very important. This is important to those of you who honestly want to do something about the OEO. Mayor Daley states:

1. For the most part, the OEO programs are concerned with city residents, and the responsibilities and the judgments should be centered where the people live. To move this responsibility to the State Capitol, in many instances hundreds of miles away, where the problems may be remote and where there is no first-hand knowledge, would only cripple the programs. Even in the rural areas the responsibilities of the program should be centered in the community.

2. The substitute bill would defeat the highest priority that has been given to the principle that community groups should have direct access to decisionmaking and which permits their participation in such decisions.

3. The substitute bill would introduce another level of bureaucracy in an area where every attempt is being made to reduce red tape and to centralize action in the communities—

Mr. Chairman, this is very important. It addresses itself to the very things the gentlewoman from Oregon has just talked about—

4. Many of the poverty programs are extensions of city services—health, housing, sanitation and others. The substitute bill would bring outside intervention into regular services of municipalities.

5. The substitute bill envisions a substantial revamping in the administration of the OEO that certainly should have full public hearings and testimony.

Mr. Chairman, I need not apologize to anyone in this Chamber, having been perhaps one of the earliest critics of this program. This House ought to be made aware of the fact that in 1967 practically alone in my committee, I urged major changes in the OEO programs. I was one of those who persuaded the gentlewoman from Oregon to sponsor the 1967 amendments which are known as the Green amendments. I make no apology for my criticism of this program because it has helped strengthen the program. I have been time and again in the forefront in calling attention to the shortcomings of the program.

I have asked the General Accounting Office to make a number of investigations and the gentlewoman has access to the same investigations that I have.

Every Member of this Congress has the right to ask the General Accounting Office for a report and investigation of any program in the OEO now.

But I am concerned about what Mayor Daley said in his point 4 because I think this gets to the very heart of the issue.

Giving this program to the States, it means every single little community and every single city in this country will have to go hat in hand to the Governor to try to get the program going for his community.

My distinguished colleague, the gentleman from Minnesota, in an earlier colloquy that I had with him last week said that there is, in this bill, an opting out provision for the cities. I would like to say to the gentleman, if I may, and I will yield to the gentleman from Minnesota (Mr. QUIE), if the gentleman can show me where in this substitute there is an opt-out provision for the cities. The gentleman talks about 210(e) but that provides that if a city opts out it totally and completely abandons its programs. When it opts out under this section, there is no more antipoverty program in your city.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. PUCINSKI) has expired.

Mr. PERKINS. Mr. Chairman, I yield to the gentleman from Illinois (Mr. PUCINSKI) 1 additional minute, since we have so many other Members who need time.

Mr. PUCINSKI. Since I only have 1 additional minute, I honestly will not have the time to yield, but I hope the gentleman will answer this question on his own time.

I submit to the Members of this House that any suggestion that there is an opting out provision for any city in this country under the substitute bill is to torture the truth and make a stranger of the facts. There is no opt out—no matter how they twist it around. You cannot put every single city in your State under the control of the statehouse and then incorporate the city services into the State operation. As Mayor Daley said in his point 4, many of the poverty programs are an extension of city services such as health, housing, sanitation and otherwise, and if the State takes over the program, the State must pay for those services now being paid for on the cities from their own resources. Nobody has told us here what this will cost the States or the Federal Government.

If a State has to carry on these programs all within its resources, the gentlewoman has carefully avoided telling us how much it would cost. They have kept you completely in the dark on this program.

Finally, Mr. Chairman, I believe we should keep in mind that President Nixon and his OEO Director, Donald Rumsfeld, have both asked a straight continuance for 2 years.

I know Mr. Rumsfeld and I believe we should give him an opportunity to restructure the program. I'm willing to take my chances on Don Rumsfeld to make this war on poverty work.

I hope the substitute will be defeated. A vote for the substitute is a vote of no

confidence in President Nixon and his OEO Director Don Rumsfeld.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. REID), and if the gentleman from New York (Mr. REID) will yield to me, I will answer the gentleman from Illinois.

The CHAIRMAN. The gentleman from New York (Mr. REID) is recognized for 5 minutes.

Mr. REID of New York. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, if the gentleman from Illinois would look at his complication on page 549 which is section 210(e)— there is provision for opting out:

No political subdivision of a State shall be included in the community action program of a community action agency designated under section 210(a)—

Which is the provision for a State to become a community action agency—

if the elected or duly appointed governing officials of such political subdivision do not wish to be so included.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Illinois.

Mr. PUCINSKI. If what the gentleman has said is correct, then how do you reconcile the fact that in your substitute bill—and you persuade all the Membership, and the gentlelady just gave a big speech over here—how do you propose you are going to clean up this program, putting it in the States, if you say there is a continuing opt-out provision? How would you explain that?

Mr. QUIE. The opt out stands to be used if the State chooses to become a community action agency. I said that on December 3d. I say it now. That is in the law. The substitute provides that the State, if the provisions are acceptable to the Director, can assume many responsibilities presently assumed by the regional office. Since no State or local community can opt out of the regional office, naturally you will not be able to opt out of the State office.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the chairman of the committee.

Mr. PERKINS. The distinguished gentleman from Minnesota, I believe, would not undertake to mislead this House. Under the set of circumstances referred to, that section of the law applies to instances in which there is no State plan. But in the substitute, where you have a State plan, there is no opting out provision. I stand on that statement, and if I am not correct, show us in the bill where I am incorrect. We stand on the provision that where there is a State plan there is no opting out of that plan by a local community. If the program of a community is not a part of the State plan then there is no way to fund it.

Mr. QUIE. If the gentleman will yield further, I will say again to the chairman—and I hope he will listen at this time—in section 210(e) there is a provision for opting out. The substitute does not require the State to become a community action agency, and I say again the only thing the substitute does is to permit the State to assume some administrative responsibility presently in the hands of the regional office if the Director permits them to do so.

Mr. PERKINS. Let us clarify this. A community can opt out if the State has no plan. Is that correct?

Mr. QUIE. The community can opt out if the State becomes a community action agency.

Mr. PERKINS. Now, where the State has a plan and a community opts out, where are they going to get funds for their program?

Mr. QUIE. Mr. Chairman, will the gentleman yield further?

Mr. REID of New York. I yield to the gentleman from Minnesota.

Mr. QUIE. If the State becomes a community action agency, with or without a State plan, the community that wants to have a community action agency of its own can opt out under section 210(e) either way.

Mr. PUCINSKI. Mr. Chairman, will the gentleman from New York yield?

Mr. QUIE. In either case, if the State has a plan, which I call a developmental and coordination plan, they will have to go through the State for their money, just as now they must go to the regional office.

Mr. PERKINS. If they opt out of the plan, where does the money come from?

Mr. REID of New York. I have yielded to the gentleman from Minnesota. He has the time to answer at this point.

Mr. QUIE. Under the present situation, all the communities get their money through the regional office. Under the substitute provision, if the State assumes that administrative responsibility of the regional office, with the support of the Director, they will get their money from the State office.

Mr. GROSS. Mr. Chairman, will the gentleman yield at this point for an observation?

Mr. REID of New York. I yield briefly to the gentleman from Iowa.

Mr. GROSS. I have been intrigued by all this "opting out." I suggest that we "cop out" of the whole program.

Mr. REID of New York. Mr. Chairman, I think the gentleman from New York has never been more eloquent than when he did not open his mouth in the first 5 minutes. But I do crave the indulgence of the House for a few minutes to make a brief statement.

First, as all Members know, I have great respect for AL QUIE and BILL AYRES, the authors of this substitute. AL QUIE for a long time has favored a State plan approach. He has favored State control. This is not a new provision for AL. It is totally consistent with his position for some time.

In my judgment, however, the premise is incorrect. The premise is wrong. I think we have today a debate between the federalists and the antifederalists, between those who believe there is yet a role for the Federal Government in the poverty program and those who believe in turning it over almost lock, stock, and barrel to the States.

I should like first to point out the President's position as he initially enunciated it. He said, on October 11, and I quote, that he "favors a 2-year extension of the existing legislation without crippling amendments."

It is my understanding that the Director of OEO, Mr. Rumsfeld, has informed the White House that he considered the first substitute and the second substitute to be crippling amendments. I read from a statement of his today which says specifically:

I appreciate the intensive efforts that have been made by many friends of the agency to ameliorate the most objectionable features of the proposed substitute bill. Unfortunately, the end result of that effort has fallen short of what is necessary for an effective program.

While several changes have been made in the substitute bill, the fact remains, by the testimony of the principal author, that they do not "change the substance of the substitute." I agree with that assessment. For that reason it remains my hope that the substitute bill will be defeated.

In my judgment as well, the second substitute does not represent a significant change. It continues to be a crippling amendment and it continues to turn over the programs essentially to the States.

I would say to the Members that there are still States in this Union that are institutions in need of change. The States are frequently indifferent to poverty. They frequently have shown lack of commitment. They have shown lack of technical expertise. They have in the main failed to show a capacity to act.

I would quote very briefly to the Members from a report of the Washington research project of the Southern Center for Studies in Public Policy and the NAACP legal defense and educational fund which says that title I of ESEA is not helping poor children. On one point the report concludes that "millions of dollars appropriated by the Congress to help educationally deprived children have been wasted, diverted or otherwise misused by State and local school authorities."

This is a vote of lack of confidence in State and local authorities in the area of education, and I think that uncertainty can be extended to the general area of State concern for the poor and the disadvantaged.

Some of the specifics in the substitute I believe should be clearly understood.

First, as to procedure, under present procedure a community action agency submits a plan to the regional OEO and then to the Washington OEO and in turn it goes back to the Governor of the State. Under the proposed substitute, the original local plan would go first to the State capital, where it would be a part of the entire State plan and it would—if the State approves—be referred by the State to Washington. This is a very different concept in terms of procedure. I believe it would largely vitiate the Federal role. I believe it would deprive the poor in local communities and the cities of an opportunity for meaningful participation in their own futures.

As a second point, VISTA would no longer continue to exist in its present form. It would no longer be a Federal program. VISTA would be set up separately in each separate State, if indeed it could be set up.

I would remind the House of President Nixon's comments on VISTA in his August 11 statement. He said:

Some proven programs which are national in scope should, however, remain in OEO because they can help us develop new experiments and because of the agency's special identification with the problems of the poor. The VISTA program is one example; it will make a greater effort to attract people with specific technical and professional skills to its ranks.

Section 810(b) of existing law already prohibits the assignment of volunteers to a State without the consent of the Governor. Frankly, I cannot see how this proposal will contribute to the maximum utilization of the energies and skills of those Americans who seek to help those less fortunate than themselves—which is, after all, what VISTA intended to do.

Finally, point No. 3: A series of other programs, such as legal services, family planning, comprehensive health services, emergency food and medical services, senior opportunities and services. Indians, and perhaps Headstart, Follow-through, and other components, would all have to be part of a State plan or in some way go through the State before they could be approved.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. AYRES. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. REID of New York. I thank the gentleman.

The point, very simply, is that the State could disapprove a portion of a plan, of any community action plan. The cities, for example, might have no recourse when there was a fundamental difference with the State or the State legislature.

So the question, I believe, is the issue of Federal versus State control, of Federal innovation versus, in some instances, State incompetence, lack of commitment or indifference.

I believe the substitute could go a long way toward destroying local control.

I would point out to the Members that the League of Cities of the United States has sent a very strong telegram in opposition to this substitute and points out that they are "categorically opposed to the channeling of OEO programs through State governments."

For these reasons, I would urge strong support for a continuation of the bill in its present form. There are other compelling reasons for defeat of the substitute as well.

The purpose of OEO is to encourage innovation and the development of initiative. OEO exists to attack problems that are not being solved by established Federal agencies or by State governments. Surely turning the program over to the States and their attendant courthouse bureaucracies is subverting that purpose. OEO Director Rumsfeld called the first substitute "a bureaucratic mess" and said that it "ignores the special relationship" between the Federal Government and the constituent groups of America's poor.

The black poor in the South and ghetto dwellers in the urban North do not enjoy the most amicable of relations with State capitals, nor do they possess the political influence that regretably will be necessary to insure that they get a fair share under a State plan. Quite simply, a State plan will, in most cases, shortchange the cities where most of the poverty exists.

The OEO Director may fund an application disapproved by a State office only if he finds that "approval of such application would strengthen the overall program plan of a local community action agency, or with respect to applications submitted by other eligible applicants, that the approval of such application would be in furtherance of the purposes of this act." This really gives the Director very little power to protect the interests of localities, especially since if he does make a positive funding under this section, the State could take the matter to the U.S. Circuit Court of Appeals. The language of section 251(c)(1) does not provide the Director with a State bypass mechanism that will effectively protect the interests of cities shortchanged by States.

A case in point is the Bedford-Stuyvesant Restoration Corp. in Brooklyn, founded in 1967 by the late Senator Robert F. Kennedy to develop the 600-square-block Bed-Stuy area, of some 450,000 residents, into a viable economic community. Two-thirds of Bed-Stuy's budget comes from title 1–D, special impact funds. An application is pending for $13 million more over the next 2 years. It is highly unlikely at best that a State plan would or even could continue to provide this successful and innovative program with the level of support it now enjoys; a vital and important partnership between established business and financial interests and one of the most depressed ghetto communities in America may well have to come to a tragic halt.

Mr. Chairman, I would submit that the antipoverty program is making progress. The reason that it has not made more progress is not so much because of mistakes and mismanagement—although we must acknowledge that these have occurred—but because our effort to eliminate poverty is a weak attempt and not a wholehearted national commitment. We need only reread the report of the National Commission on Civil Disorders—the Kerner-Lindsay Commission—to discover that what the poverty program needs is vastly increased funding and some continuity. Instead, in this biennial travesty of the legislative process, we are again proposing to throw the entire poverty program to the States which, in the main, have shown little expertise and even less capacity to act.

We in the House tend to be concerned with the practical details to the neglect of what some of these programs mean in terms of those who participate and in terms of the needs of this Nation. We are always trying to run a tighter program; we are too rarely trying to structure a program that will meet the short- and long-term needs of this Nation and its citizens who live in poverty. We are always trying to save money; we are too rarely recognizing that it will take a very great deal of money to rid our cities of urban blight and make a better life for the rural poor. We seem to be wearing blinders; we are, in short, guilty of legislating by delusion.

The administration with the substitute bill proposes to spend $2.048 billion on antipoverty programs under OEO in the current fiscal year. This is $100 million more than last year. It is still too little. It is, for example, half of what we spend annually on highway construction. The committee bill proposes to spend $2.343 billion this year. That is an improvement but it is also too little. Some of our colleagues seem to think it is too much.

But let us look at what the Riot Commission report told us we had to do in March of 1968. First, it said, we must create 2 million new jobs—half in the public sector and half in the private sector—by 1971. But it seems that we have found slots in the JOBS program—the major private sector endeavor—for only 60,000 people this year. Other work-training programs under OEO will reach about 30,000 adults this year, and youth employment programs will assist some 45,000. Even if we add in other manpower programs, this is nowhere near the pace at which we should be proceeding.

In housing, the Kerner Commission said that we must construct and rehabilitate 6 million housing units for low- and moderate-income families in the next 5 years. The national housing goals, as reflected in legislation passed in 1968, has us reaching that goal in 10 years. But the actual rate of construction, even if there were full appropriations as there are not, means that we will only replace existing substandard units by 1982—not to speak of those which will decay in the intervening years. In short, we cannot even keep up with housing obsolescence, not to speak of making progress.

Housing development corporations, funded under OEO program grants, are a valuable tool in making ghetto residents aware of what they can do to help improve their housing situation—but they generated only 5,840 housing units last year. I point this out not to denigrate the importance of housing development corporations, but only to emphasize that one cannot make great strides on the $3.5 million spent on this program last year.

The Commission addressed itself, too, to the spirit of the Nation, to the attitude that is a vital part of implementing its specific recommendations. The alternative to polarization and destruction of our basic democratic values, it said, "will require a commitment to national action—compassionate, massive, and sustained, backed by the resources of the most powerful and the richest nation on this earth. From every American it will require new attitudes, new understanding, and above all, new will."

The Congress should be the leader in providing that new will, that massive commitment to national action. But I submit that we—and the administration—do not lead, we do not even follow. Instead, we stifle all attempts at meeting the Kerner Commission's goals by parceling out niggardly appropriations, by disregarding—or paying lipservice to—the needs of our cities, by our obsessive concern with the cost-benefit returns of particular programs, and by at-

tempts to vitiate the poverty program by turning it over to the States.

I had hoped that our debate today could signal a reversal of this trend, a commitment, instead, to greater funding and constructive amendments. There is no doubt that in New York City and elsewhere funds have been commingled and misused, sometimes with criminal intent. But the fact of the matter is that some of the OEO programs have been successful, especially for an agency that is working with Americans who have never managed anything before, who never had any conception that they could shape their own lives. OEO, I think we should bear in mind as President Nixon has stated on many occasions, is an innovative agency that is experimenting with new concepts in an effort to stabilize those programs which are found to be most effective in lifting Americans out of poverty.

Headstart, for example, served 695,000 children in fiscal year 1968 and 664,000 in fiscal year 1969. That is only a fraction of the large number of children who require Headstart-type services. But aside from providing youngsters with sources of enrichment too often denied them in their own disadvantaged homes, mothers have become aware of the importance of their own involvement in their children's early lives and of the role they can play in bettering their communities. As a nation, we have suddenly awakened to the fact that if we do not reach the child by age 5 or 6—in terms of nutrition, intellectual enrichment, physical progress—his whole development may well be retarded.

Equally, disadvantaged Americans are realizing that ailments they have had for years can be treated, even though their ability to pay may be severely limited. By the end of last year, 300,000 persons were being served in the 49 comprehensive neighborhood health centers funded by OEO, and several thousand other Americans were being cared for in the health service programs established with local initiative grants.

As the committee report points out, the emergency food and medical service program demonstrates "that slim sums of money administered transitority do not offer a satisfactory solution to the problem of hunger and malnutrition." EFMS operates 401 programs in 1,003 counties, serving over 1 million people. Approximately 37 percent of those assisted were able to buy food stamps for the first time, 58 percent were able to make food purchases from retail grocers, and 16 percent of EFMS families were given funds enabling their youngsters to participate in school lunch programs.

The administration has requested $30 million to continue EFMS this year, an increase of $6 million from the 1969 level. Yet this level of funding would prohibit the creation of any new programs and would force the curtailment of existing programs, to curb their natural growth rate. Clearly, the $90 million recommended by the committee is a much more realistic sum, especially in light of the recalcitrance of the Agriculture Committee to make progress on the food stamp bill already passed by the Senate.

We must spare no effort and waste no more time in feeding the 14½ million hungry Americans. There are 307 counties which participate in neither the food stamp program nor the commodity distribution program—involving over 470,000 families. The President's action at the conclusion of the White House Conference on Nutrition last week in ordering that the food stamp program be extended to these counties within the next 6 months is a step that is long overdue, but it is still a far cry from seeing that all hungry are fed.

Finally, one of the most encouraging OEO programs has been legal services. Its accomplishments in statistical terms are impressive: 1,850 lawyers in 265 programs handling 610,000 cases. Of those litigated, 75 percent were successful, and 60 percent of appeals taken were also successful. More importantly, legal services has won landmark decisions: the Supreme Court rulings on the unconstitutionality of welfare residency requirements and the "substitute father" regulation in welfare programs. Decisions in several States have set important precedents in the areas of housing and medical aid. A bill of rights for public housing tenants is being developed and work is being done to modify the proposed Uniform Consumer Credit Code on behalf of the poor.

These accomplishments and the work in progress are clear indications in their own right of why it would be disastrous and cruel for the Congress to approve the so-called Murphy amendment, giving Governors an absolute veto over legal services programs. Governors now have a veto over a community action program in its entirety. As I made plain in my remarks on the substitute, I do not believe they should be given an item veto over any portion of a local anti-poverty program, but to single out legal services as the whippingboy would be a gross disservice not only to the legally indigent but to all members of the bar.

President Nixon, Chief Justice Burger, OEO Director Rumsfeld, and virtually every national bar and legal association have spoken out against the Murphy amendment. It is the professional responsibility of a lawyer to represent any client or group of clients in regard to any cause no matter how unpopular, the resolution adopted at the annual meeting of the American Bar Association states. To discourage or interfere with the discharge of this obligation by the imposition of a Governor's veto is a very sad reflection on our political process and our regard for the canon of ethics.

Professional representation can provide substantial benefits in terms of overcoming the ghetto resident's alienation from the institutions of government by implicating him in its processes—

Stated the report of the Kerner Commission—

Although lawyers function in precisely this fashion for their middle-class clients, they are too often not available to the impoverished ghetto resident.

The report went on to say:

The Legal Services Program administered by the Office of Economic Opportunity has made a good beginning in providing legal assistance to the poor. Its present level of effort should be substantially expanded.

Mr. Chairman, I urge defeat of the substitute. It is a question of backing the President's request for a 2-year extension without crippling amendments or opposing his position and that of the OEO Director, Mr. Rumsfeld. It is a question of the federalists versus the antifederalists; the issue is between those who believe that the elimination of poverty in America yet requires a strong Federal role and those who are content to leave it entirely to each of the States, some of whom have shown a massive and tragic record of indifference, incompetence, and lack of commitment to abolish hunger and poverty.

Mr. AYRES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, the mayor of Chicago has not communicated with me, but I have received a communication from the Office of the Director of Economic Opportunity. I know about his position and that he wants an extension of this legislation without crippling amendments. He wants to have a chance to work out a better program than we have now. In my opinion, he deserves that chance. Mr. Rumsfeld served with great distinction in this House and he will do an outstanding job as Director of OEO if given an opportunity.

Mr. Chairman, when the President appointed our former colleague, Don Rumsfeld, the House lost one of its most able Members. While many of us may question the wisdom of his decision in leaving the House and accepting an appointment as Director of OEO, I want to state in my own behalf that I gained confidence in the poverty program which I did not have before.

I would not say that many changes are not required and desirable. Indeed, the substitute bill which is to be offered, may contain elements which would improve the existing program.

But what I say is this: the legislation creating the Office of Economic Opportunity was not thought out carefully and fully when it was first enacted. At this time, it seems to me, it should not be subjected to wholesale revision until a careful and thoughtful review of proposed changes is completed.

As I understand it, Director Rumsfeld wants a brief extension of the existing law without crippling amendments. He is supported in this by the President.

In my opinion, the program deserves this opportunity—and the new director is entitled to a chance to develop the changes which he deems necessary in order to make the attack on poverty more effective. An extension of the law for 2 years would give time for making these necessary changes.

Mr. Chairman, I prefer to support the new director and the President on the bill before us—in the hope that the war on poverty may be more successful in the future than it has been in the past.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I think my colleague would be interested to know that this gentleman appeared before our subcommittee and supported your position.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I rise in support of the substitute which the gentleman from Ohio (Mr. AYRES) and the gentlewoman from Oregon (Mrs. GREEN) will introduce later today.

I am intrigued by the gentleman from Illinois (Mr. PUCINSKI) quoting the great mayor of Chicago, Mayor Daley, whom I greatly admire. I can assure the gentleman that this is about the only instance in which the people of OEO agree with Mayor Daley.

Mr. Chairman, we have heard a great deal of discussion about whether or not OEO should be under State or local governmental control. It is interesting to compare the provisions of the committee bill with the provisions that were made several years ago when there was concern about the fact that city hall might grasp control of these programs or that the States might grasp control of these programs.

Mr. Chairman, I submit to you today that the history of OEO indicates that it does not want the control of this program in the hands of the people and city hall. It does not want control of this program to be in the hands of the State governments. It does not want control of this program by the people in the executive branch of the Federal Government and it does not want any control or interference by Congress itself.

This is very clearly in its history. It has circumvented the will of this Congress time and time again. It has circumvented the mandate of this Congress. It has no respect for certain governmental bodies, whether State, local, or Federal. OEO prefers to think of itself as something separate from government. I submit that it has failed miserably.

Mr. Chairman, I am not opposed to programs designed to help the poor. My record has been clear. I will say to my colleagues, particularly those from the North and from the industrial and urban States, that I have supported every program designed to help alleviate the problems of the poor. In the years I have been here, I have supported programs in education, housing, food, health care, vocational training, and the many other programs we have initiated in this Congress which now totals somewhere in the neighborhood of $25 billion a year.

The OEO is just a small aspect of the overall poverty program; an agency which spends approximately $2 billion out of that $25 billion.

I am not opposed to using this $2 billion to help the poor of our cities. I submit to you, however, that under this program with its miserable record of failure, with its record of corruption and, yes, with its record in quite a few instances of actively inciting disorder and violence, we have helped neither the poor nor ourselves in resolving our urban problems.

Mr. Chairman, it is necessary that this $2 billion be expended wisely so that it gets into the hands of the poor instead of the hands of these professional poverty brokers who have used this money too often for their own benefit.

As the gentlewoman from Oregon pointed out when she listed many of the areas of activity where funds have gone, we must restructure this program. We must listen to the complaints of the American people, those who are aware of the shortcomings of the poverty programs and community action programs and take action so that they will give us a vote of confidence. This program has not developed such a great record that it needs no change; that it can simply be continued as is.

The time for change is today. Indeed, the time for change is long past due. We have been derelict because we have not changed and restructured this program before now. We have to restructure this program.

I submit that these types of programs will not work if they are administered at the Federal level and through the regional offices. I submit that these programs——

The CHAIRMAN. The time of the gentleman has expired.

Mr. AYRES. Mr. Chairman, I yield 1 additional minute to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I thank the gentleman.

Mr. Chairman, these programs must be administered through the governments which are closest to the people. By that I mean by the State governments, and through them the local governments; elected governments; governments which are responsible, accountable, and capable in the way they expend the funds and utilize the authority which the program gives them.

OEO's record has been so poor since its very inception that the time has come to try a new approach in assisting the States with funds and allowing them to conduct these programs in order to see what they can do. I submit to my colleagues that the States can do no worse than we have done at the Federal level these past years. Indeed, they will do better.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I have not been known, I suppose, as one of the greater supporters of the poverty program over the years. As a matter of fact, I have been from time to time one of its critics. Most of my criticism has been leveled at two aspects of the poverty program, the Job Corps and community action.

Earlier this year the President responded to the requests and the desires of many Members of the Congress and other people in this country to do something about the Job Corps; to coordinate it with other manpower programs, and ordered a delegation of the Job Corps to the Department of Labor, which has now been concluded. Administration of the Job Corps program with other manpower elements of the Economic Opportunity Act is now in the Department of Labor where I believe it should be.

At the same time, the President ordered the delegation of the Headstart program from the OEO to the Department of Health, Education, and Welfare. This has been concluded and most of the Headstart functions are now under administrative control of the Secretary of Health, Education, and Welfare.

One major thing left in the OEO, which has been the most abrasive force in the OEO, is the community action program. I have felt that there should be more meaningful participation at the local level by elected officials in the community action programs to lessen the abrasive quality of these programs and the conflicts that have risen.

The gentleman from Minnesota and I, a couple of years ago, thought that the gentlewoman from Oregon went too far in her amendment providing that the cities, the counties, and the States themselves could be designated as community action agencies. I resisted that amendment which was adopted by this House, because I did not believe we should turn the day-by-day operations of the community action program over to only elected officials, even though they should have a more meaningful role in the community action programs.

This year the gentleman from Minnesota, the gentlewoman from Oregon, the gentleman from Ohio and others have joined together in presenting this substitute bill which will be offered as an amendment in the nature of a substitute later today.

This I think will give more participation at the State level, and does not go as far as the provisions we adopted a few years ago, which incidentally have not been implemented by any States, and by very few communities.

I was not willing to accept the substitute bill when it was first offered because I felt that it was deficient in several respects. I would like to go through a few of these that I believe have been remedied in the substitute that will be offered this afternoon. Together with some of my other Republican colleagues on the Committee on Education, I worked this week with the gentleman from Minnesota in trying to resolve those problems that we saw in the substitute.

The first that I will call your attention to is in 250(c)1 of the substitute, which has to do with the first phase of the operation of the substitute bill at the point when the State economic opportunity office will be a reviewing agent for applications under the community action provisions of the Economic Opportunity Act.

We have in our agreement brought the Governor into this process so that we would not have a duel review, one by the State economic opportunity office and one by the Governor, and an adverse comment by the office and then a veto by the Governor.

So we now provide that the State economic opportunity office and the Governor must concur in any adverse recommendation against the application for assistance under this program.

Then so that it would be clear that

single purpose agencies could be funded, even after an adverse recommendation, we have added language that allows other eligible applicants other than community action agencies, to be funded over an adverse recommendation.

Then in section 253(a)(6), many of us were concerned that this was giving a charter to the State economic opportunity agency to be the coordinating agency for all federally assisted programs within a State.

We have tightened this down so that they will be the coordinator for assistance under the community action section.

With reference to section 253(C)(1) we provided for a bypass around the State planning operation so that a qualified community agency or a single purpose unit such as legal assistance, which so many in this House were worried about in relation to the Murphy amendment, can be funded. We provide an opportunity to the Director to go around the State office of economic opportunity and fund legal services programs or community health service programs and emergency food and medical assistance programs.

One thing that we were not able to reach accommodation on, and I hope we will be able to remedy this by amendment, is the problem of Headstart.

As I said originally, Headstart is properly delegated to HEW.

But then the substitute, as now drafted, will put the State economic opportunity office right back in the Headstart business, instead of having that direct line from the local agency to HEW.

This substitute will put the State economic opportunity office in the act, so that the flow of applications would go from the community action agency to the State economic opportunity office, and then back to the HEW.

I hope that when the gentleman from Michigan (Mr. ESCH) offers an amendment to exempt Headstart from the operation of this substitute that he will be supported.

Mr. Chairman, with these several reservations, I do support the substitute and I hope that it will be adopted.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, I think it is important for us to recognize first of all that the legislative process will not end with the passage of the bill but will continue on in the conference committee.

The most important thing for this body to do is to extend the life of the OEO programs. We recognize that there have been serious abuses that have been made under past OEO. But, hopefully, these will be corrected in the future.

There are many of us who are concerned that the substitute bill does not even address itself to those abuses. However, with the understanding that it is essential that we pass the OEO bill on this floor today, many of us, as was indicated by the previous speaker, have worked diligently attempting to perfect major errors in the substitute as it was originally proposed.

Mr. Chairman, let us direct dialog to these improvements.

First of all, do we have a proper bypass vehicle in the substitute?

The answer is definitely yes. First of all, the so-called Murphy amendment will not be a part of the substitute as presented this afternoon. I think that is essential.

Second, the special emphasis programs may be utilized by the director in a unilateral relationship between the Director and the local agencies where he deems it necessary. This can be done by the Director using up to 25 percent of the funds. And the Director can fund these programs, such as food distribution and legal aid, without having to prove that the States are derelict.

Thus the special emphasis programs will continue without having a direct confrontation with the States. That, too, is essential.

The gentleman from Illinois (Mr. ERLENBORN), has alluded to the fact that there are one or two other major problems in the substitute.

Mr. Chairman, during the course of the committee deliberation which follows this general debate, it is my intention to offer an amendment to the substitute bill which would exempt all Headstart programs from the substitute.

I believe it is essential that we retain the present status of the Headstart program and not allow any action which would jeopardize the ongoing efficiency and effectiveness and the future direction of the program.

One of the major actions undertaken by President Nixon has been a gradual transfer of Headstart programs into the Department of Health, Education, and Welfare. This transfer has begun and is being pursued in a manner so as not to disrupt seriously the effectiveness of local Headstart groups. It has been done with a minimum of dislocation and difficulty. My amendment will allow continuation of this process.

At the present, under the delegation of authority afforded the Director of the Office of Economic Opportunity under section 602, the Secretary of Health, Education, and Welfare has been given responsibility for the maintenance of a quality Headstart program. Health, Education, and Welfare has been given authority to initiate contracts directly with public and private nonprofit organizations in local communities. If this amendment is not adopted then applications for existing and future Headstart programs will have to be funneled through State OEO boards and then forwarded to the Secretary of Health, Education, and Welfare, imposing an additional layer of bureaucracy, redtape and delay. Additionally, if a State board were to reject a Headstart application and the bypass provisions called into action, the present situation in the substitute would cause direct and unnecessary confrontation between Federal and State officials.

I have discussed this entire matter in some detail with Secretary Finch this morning. He expressed grave concern about the problems which would be caused by the inclusion of Headstart in the provisions of the substitute. The Secretary indicated that the orderly transfer of Headstart programs would be seriously impaired if we do not exempt these programs from the direction of the substitute bill.

Mr. Chairman, there has been no program in all of our war against poverty which has been more effective and has received wider public acceptance than Headstart. The Nation has made a commitment to aid the very young who are disadvantaged through no fault of their own. I call upon the Congress to consider carefully the broken hopes and lost opportunities for reaching these children if the Headstart program is seriously impaired. We simply cannot risk the future of these children for political purposes.

My colleague, the gentleman from Oregon (Mr. DELLENBACK), will offer another amendment which is equally, I believe, vital in the area of the VISTA programs, and we hope that we can have a continuation of the perfecting of the substitute as we continue the debate today.

It is important, I think, as we look ahead to realize that the final bill that passes and passes the Congress today may well not resemble what has passed the House here today. It may not anymore resemble what we pass today than that tax bill that finally comes out of the conference committee will resemble what we originally passed. The essential element is that we continue the OEO authorization.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, the situation in which the House finds itself today is not unique. It is the same type of situation in which the House found itself 2 years ago during consideration of this same bill.

I am one of those who has worked with the gentleman from Illinois (Mr. ERLENBORN), the gentleman from Michigan (Mr. ESCH), and the gentleman from Oregon (Mr. DELLENBACK), in an effort to perfect and improve the provisions of the substitute bill that will be offered here by the gentleman from Ohio (Mr. AYRES).

The gentleman from Illinois has outlined fully what I consider to be significant improvements in the substitute amendment so that the role of the States and the role of the Director are somewhat more clarified. There have been modifications in certain sections that were unrelated to the State plan, such as that section that would have required a VISTA legal service lawyer to have been a member of the State bar. That provision has been dropped. And that provision of the political activity amendment which would have proposed requirements far and away and above those which are applicable to any other Federal, State, or local employee and would have gone so far as to make the political activity prohibitions under the State act applicable to the private employee of the Westinghouse Learning Corp., or a university—those provisions have been modified as well.

The significant parts of the substitute which have been discussed do go to the substance of the substitute and have been

discussed in more detail by the gentleman from Illinois, and I would refer any who are interested to his remarks. I share them.

I also want to make clear that I do intend to offer further perfecting amendments in an effort to make the substitute an even better substitute, one that will do a more effective job of work with the agency and work on the problems of the poor of this country.

And let me suggest to my colleagues, whether they are for or against the substitute, that the rhetoric of the relationship between the States and the regional offices is not terribly relevant.

I must say that I am not one of those who is going to characterize the people in State government as being less responsible than those who serve in the OEO agency in the regional office. I just do not think that that is the case. But I think it would be unfair and unwise not to recognize the major changes in the agency that have been undertaken by the new Director, Mr. Rumsfeld, under the charter given to OFO by Mr. Nixon.

So I shall offer a series—not many—of perfecting amendments in an effort to do a better job with the substitute. I intend to support the amendment to be offered by the gentleman from Oregon (Mr. DELLENBACK) taking VISTA out completely. I intend to support the amendment to be offered by the gentleman from Michigan (Mr. ESCH) to exempt Headstart completely. I propose that we clarify the public members amendment that is contained in the substitute, which I think is not well drawn. I also intend to propose that the States share in the administrative costs of the State developmental and coordination plan, something that the substitute simply does not address itself to and which I do think is important.

I also want to make a comment about that section which has been agreed to in the substitute which was a part of an amendment offered by myself and agreed to by the authors in terms of the criteria to be developed by the Director of OEO under section 253(b).

The amendment which was offered by myself and agreed to by the authors of the substitute to the substitute requires that the Director establish criteria for the approval of State developmental and coordination programs and that he approve such programs when he finds that such criteria and other requirements for approval already contained in the bill, have been met.

The purpose of this section is to insure that the States will know in advance what they must do if their programs are to be approved by the Director. It also enables the Director to take necessary steps to insure that the State-run programs will fulfill the purposes specified for them in the act both with respect to their content and mode of operation.

Section 210 of the act provides, for example, that community action programs must "include a sufficient number of projects or components to provide, in sum, a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community." These are very general provisions, and the Director is authorized under this section to develop supplementary criteria concerning their content. This amendment affords the Director the opportunity to inform the States as to what their programs must contain to be approved. It also enables him to establish requirements concerning their operation which will assure that the purposes of the act will be promoted.

This section should help allay any fears that granting the States a larger role in the development and conduct of Economic Opportunity Act programs will result in the elimination of some valuable programs in hostile local environments. It should also reassure anyone who is apprehensive that programs such as legal services will be so inhibited in their operation as to curtail their potential for effecting orderly social change.

Lastly, Mr. Chairman, may I suggest to the Members of the House that with all the sound and fury that will take place in the debate here today on the substitute amendment and on the extension of the Office of Economic Opportunity, I want to make clear my own commitment to OEO and I want to make clear my own commitment to extending the life of OEO so that we will have a vehicle that can go to conference. I hope the substitute amendment is substantially changed in conference so that we can make further modifications that those agreed to by the authors of the substitute.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. Before I yield I will make this statement: One of the difficulties, even under the substitute, which does attack some of the problems inherent in the agency— given the way it was passed, the time in which it was passed, and the politics played with the agency—is that the substitute, let us face it, is not going to correct some of the basic defects inherent in the agency, the Office of Economic Opportunity. I shall support the substitute while saying in all candor that it is far from perfect. It nonetheless can serve to get this bill to conference and that is essential.

Mr. Chairman, I support a 2-year extension of the Economic Opportunity Act. I do so on the basis of my conviction that the problems of poverty in the Nation require priority attention, and my belief that the new thrust of the Office of Economic Opportunity, under the leadership of our former colleague, Donald Rumsfeld, promises effective action in this critical area.

None can doubt the commitment of this administration to the task of overcoming the blight of poverty and the human and material waste that it fosters. Nor can there be any doubt as to the central role assigned the Office of Economic Opportunity in that undertaking.

On four separate occasions, President Nixon has reaffirmed his determination to marshal the resources of the Federal Government to combat the scourge of poverty and to employ the unique skills of the Office of Economic Opportunity in that process.

On February 19, less than a month after his inauguration, the President announced his intention to seek continuation of the Office of Economic Opportunity as an innovative agency having special capabilities and experience in dealing with the poor. On June 2 he issued a statement requesting a 2-year extension of the Economic Opportunity Act.

The President stated:

> If we are to make lasting significant headway against poverty, there still is a great deal to be learned about what works and what does not. This Administration is committed to search for that knowledge, and to use it. We are committed to the continuation of an agency whose special concern is the poor; and we are determined to make the Nation's anti-poverty efforts function more efficiently and serve the poor more effectively.

On August 11, the President announced a major reorganization of OEO and assigned it the task of serving as "the R. & D. arm for Government's social programs." He stated:

> I believe that the goal of full economic opportunity for every American can be realized. I expect the Office of Economic Opportunity to play a central role in that achievement. With new organizational structures, new operating procedures, and a new sense of precision and direction, OEO can be one of the most creative and productive offices in the government. For here much of our social pioneering will be done. Here will begin many of our new adventures."

Again in his October 11 legislative message to Congress, the President reaffirmed his position. He stated:

> I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life.

Mr. Chairman, I support the President in seeking approval of this measure, and urge my colleagues to do the same. Our support is warranted, not only by the urgency of the problems to which this legislation is addressed, but also by the encouraging progress made by Donald Rumsfeld in strengthening the performance of OEO, and the promise which the agency shows for effective action.

Like many of the Members, I was dismayed by the aimless and unordered administration of our antipoverty program which formerly characterized the Office of Economic Opportunity. In part, this weakness stemmed from an inherent conflict in the roles which OEO was seeking to fill—a subject on which I shall have more to say in a moment. But it also stemmed from a failure to identify priorities and to employ the resources of State and local governments in cooperative enterprise.

In the short period of 6 months since he assumed direction of the agency, Donald Rumsfeld has acted to overcome these weaknesses and to establish a more orderly set of priorities. I believe the steps he is taking offer great promise that the Office of Economic Opportunity will at last realize its potential for providing the clear direction and sound administration that the poor of this Nation deserve.

Among the principal reforms which the Director has instituted is the establishment of a more meaningful role for State and local government in the administration of programs under the act—

a role which encourages rather than discourages participation by elected officials, but one which at the same time preserves the capacity of the agency to implement a national strategy for combating poverty.

The Director has established a new division of State and local government within the agency to facilitate greater participation by State and local officials in OEO activities. He has budgeted a 30-percent increase in the funding level of State economic opportunity offices. He has set aside funds to train employees of these State agencies and made planning grants to 13 States to help strengthen their planning capabilities. Further, administrative changes are under way to greatly expand and strengthen the role of State officials in the preparation of funding plans and the monitoring and evaluation of OEO projects.

This sweeping series of reforms will enable OEO to marshal the resources and capabilities of local and State governments in attacking the root causes of poverty. But at the same time, it recognizes, as did the President in his welfare reform message, that poverty and its consequences constitute a national problem—one that requires a coordinated national approach if realistic solutions are to be devised. Accordingly, while the Director's reorganization harnesses the support and talents of local and State government, it preserves the capacity of OEO to initiate and implement national strategy for attacking poverty, and it avoids the pitfall of diluting national emphasis. It creates a desirable balance between Federal and regional approaches to the problem, and thereby avoids the risk of "Balkanizing" the war on poverty.

I share the concern of many Members at the amendment adopted by the Senate which would extend the application of a Governor's veto over legal services programs. In my judgment, such a provision would do serious damage to the legal services program by limiting the access of low-income citizens to our legal institutions. As Mr. Rumsfeld has stated:

> We cannot expect respect for the rule of law if we, as public officials, do not assure access to the legal process. To fail to do so would break faith with those Americans—rich and poor alike—who have confidence in our legal institutions and the notion that disputes are better resolved in courtrooms than on street corners.

Such a limitation runs counter to the concept of equal justice and traditional lawyer independence in the service of a client and is opposed vigorously by the American Bar Association. In addition, the Judicial Conference has expressed its opposition to the veto amendment. Lawyers are very proud of their independence in representing the interests of their clients, whether they be public or private, and that sense of independence, we believe, must not suffer inhibition. Such inhibition would have a deleterious effect on not only the OEO legal services program, but also on all public legal programs.

Moreover, this limitation would be counter-productive for yet a more basic reason. Many Members—and I count myself among them—feel a deep concern about needless turmoil and unproductive controversy which has been associated with a number of antipoverty programs. While recognizing the inevitability, and in some cases the desirability of a certain amount of discord in times of social change, disruption for its own sake has no value. Yet at the same time we must recognize that discord and disruption reflect the existence of serious problems in our society.

The Office of Economic Opportunity is uniquely qualified to identify those problems for us and to serve as an advocate for those among the poor who seek constructively to change unfair and unequal conditions. Too often in the past, however, that advocacy function has found expression in abrasive and undisciplined conduct. It is far more constructive, in my judgment, for the problems which engender complaint to be expressed by legal services attorneys in courtrooms across the country.

As part of his reorganization, the Director elevated the Office of Legal Services to the status of a separate division reporting directly to him. Mr. Rumsfeld stated:

> The poor must have effective legal representation—the kind of advocacy on which our legal system rests—if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law. We cannot restrict lawyers from giving their clients that representation which the highest standards of the profession require without encouraging those denied to seek change outside the legal system.

The impact of the Senate amendment is directly contrary to this aspiration. By placing restrictions on the independence of legal services attorneys to represent the interests of their clients, this amendment would undercut the policy of the Office of Economic Opportunity which seeks to channel the problems of the poor out of the streets and into the courtrooms. It is no doubt true that some of the cases which these attorneys file are controversial and raise perplexing problems, but our legal system has been developed over a period of two centuries for the express purpose of settling disputes among citizens and resolving problems in our society.

One of the obstacles to full realization of the lofty goals set for OEO has been a inherent conflict in the functions which it has sought to perform. One of the most encouraging aspects of Donald Rumsfeld's administration of OEO has been a clear effort to resolve these conflicts.

My reference is the inherent conflict between the mission of expressing the legitimate concerns of the poor and advocating programs to alleviate those concerns on the one hand and, on the other hand, coordinating existing antipoverty efforts, some of which are responsible for creating those concerns in the first instance. It is difficult to resolve, within the same agency, the function of advocating change and the function of coordinating the efforts of public officials who may be resisting change.

Similarly, a conflict in roles results where the agency is charged, on the one hand, with devising innovative experimental programs to alleviate conditions of poverty, and expected on the other hand to continue the function of administering established operating programs.

The result of these conflicts has been inefficient administration and insufficient performance. But now the conflicts appear to have been resolved. The Office of Economic Opportunity is no longer responsible for coordinating the antipoverty efforts of other agencies. It is thus free to pursue single mindedly its unique role of advocating the kinds of change and accommodation needed to effectively root out the underlying cause of poverty. Similarly, except for a few programs which it is particularly well qualified to manage, it is no longer engaged in administering established antipoverty programs, but is free to pursue the experimental and innovative programs which are its primary mission under the new administration.

In closing, Mr. Chairman, let me quote the remarks of Director Rumsfeld, made before the Committee on Education and Labor in June of this year, which succinctly summarize the mission of the Office of Economic Opportunity under this administration.

> We must develop more systematic approaches to identifying the needs of the poverty population and to devising effective solutions to those needs. The people served by OEO deserve this. The people of the Nation require it.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

At this point in the proceedings each side has 25 minutes remaining.

Mr. PERKINS. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from California (Mr. HAWKINS).

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. Mr. Chairman, today we shall hear many Members urge us to vote in favor of the OEO amendment, an amendment which in my opinion would deal a fatal blow to this vital program. Let us be honest with ourselves, an amendment such as this will not eliminate a few minor bureaucratic problems that now exist but will escalate the problems in every State in the Union. The people whose needs are the greatest will be the most severely hurt by the amendment because the States in which they live will be the last to act on implementing the needed programs.

Many of the Members on the other side of the aisle are urging us to support this amendment. They say an amendment such as this would enable each State to institute its own program, which would be designed to meet its particular needs. They say it will increase efficiency and eliminate some of the administrative problems. Do not our distinguished Members who are in favor of this amendment realize that such an amendment would not only jeopardize the efficiency and administration of the program, but would hurt and demoralize all those who are honestly working to help their fellow man.

I want my colleagues who believe that the OEO programs are not fulfilling their function to discuss their drawbacks, and not skirt the issue by presenting a so-

called improving amendment. If the objective is to kill the OEO program, let them say so and not support an amendment that pretends to better the program while in fact it destroys it. If any proof is needed that the end of the antipoverty program is the goal of this amendment, I would just like to cite one example that proves my case.

VISTA is perhaps the most responsive program yet devised to grapple with the basic problems of poverty. It is not and cannot be a sovereign remedy to poverty but it has produced real results. Americans concerned with poverty, volunteers, work full time on the scene, to do something about the bad health, lack of education, the lack of jobs, the lack of opportunity—the problems that give us the length and breadth and depth of poverty. Since 1965, 20,000 Americans have volunteered to serve a year. Some 40 percent of them have served beyond the original year of their commitment. Increasingly in the last year or two they have been people with special professional skills—lawyers, business school graduates, health specialists, teachers. They have been sent into the slums, urban and rural, not to preach, not to carp, not to complain but to use the skills to change the fundamental facts that can doom a man, a family, to hunger and frustration, ill health and pointless lives.

They have helped. They have helped arrange for hungry children to be fed, for school dropouts to be taught, for poor men to become self-supporting business entrepreneurs, and for people in shacks to obtain decent homes of their own.

There are now some 5,000 VISTA volunteers in the field. Some have made mistakes, some have been harshly criticized. They have seldom been criticized by the poor. They have made, I would say, fewer mistakes than almost any other group working in this most difficult and frustrating field. They have achieved and are achieving real, significant results, and are changing the lives of some of the poor, permanently.

This amendment would destroy their work. It would replace the program with 50 separate programs, each run by a State. The amendment as offered is staggering, the prospect chaotic. The administrative costs would jump gigantically. The training and recruiting and selection machinery would not be merely duplicated—it could be multiplied by 50. VISTA now puts a full time lawyer or business graduate or architect in the service of poor communities for some $4,400 a year. With the fragmentation of the program into 50 parts the cost would necessarily skyrocket as the matching of skills with jobs declined.

In truth, this amendment would kill this organization of volunteers by substituting confusion for order and chaos for efficiency.

The antipoverty program has effectively and efficiently accomplished much of what it was designed to do—there is, however, more to be done.

I urge my colleagues, not to disappoint those people who still believe in America and our system of Government. The present OEO program has proven itself in the helping of others. Let us not destroy it by voting in favor of this amendment.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, the so-called substitute bill does not substitute, it destroys. What it would create is but a hollow sham. It is the death knell of an idea I helped foster and nurture, and, with great pride, saw realized in VISTA—Volunteers in Service to America.

VISTA has proven itself an effective opportunity for individual Americans—particularly young Americans—to participate personally and actively in the Nation's business. It has channeled more than 20,000 full-time volunteers and more than 100,000 part-time volunteers into constructive programs dealing with the Nation's most pressing social problems. It has flourished each year in an atmosphere of increasing popularity and demand for its services. As a matter of fact, in spite of every effort to discourage additional requests which cannot be filled, VISTA has requests from local communities for five times the number of volunteers its budget will support. Most of these come from communities that already have volunteers and know from their own experience the contribution they can make.

The dramatic public response to VISTA in just 4 years clearly illustrates the widespread acceptance and approval of a program that works. Each year has brought successes. Each year has brought management efficiencies that have reduced volunteer costs. Each year has brought changes and improvements that have strengthened the program and enabled it to grow. A little over a year ago, VISTA completed an exhaustive evaluation of its projects that resulted in significant advances. Today's VISTA has better volunteers, better projects, better supervision and better training than ever before. These improvements are the result of sweeping and constructive changes. Why change a system that works? Why kill an idea whose time has come?

This administration has proclaimed its commitment to voluntarism. And VISTA, the only full-time domestic volunteer service makes that commitment live. A recent Gallup poll demonstrated that 56 percent of all college students—more than 3 million of them—expressed interest in VISTA service. And, in another poll, 73 percent of all parents sampled wanted their sons to join VISTA. In fact, VISTA is now more popular on college campuses than even the Peace Corps. This is but one indicator of VISTA's potential as an outlet for the concern of our Nation's youth. VISTA's national recruitment is at an all time high. Not only are there more applications but the people applying are of significantly higher quality. VISTA has toughened its national recruitment and selection. Volunteers entering service now are older, more experienced, and more highly skilled. Nearly one out of two entering VISTA have professional skills: lawyers, business school graduates, urban planners, architects, and nutritionists. In fact, VISTA recruited one out of every 17 lawyers graduating from law schools this summer. More than one out of three volunteers entering are from minority groups or the ranks of the poor. Some 73 percent of all applicants selected are college graduates as compared to 49 percent a year ago.

These accomplishments cannot be credited to tougher criteria alone. They underscore the higher quality of men and women who now look to VISTA for an opportunity for service. They demonstrate the appeal of VISTA's national reputation, national emphasis, and national stature.

And yet, with the brightest of prospects, VISTA's future now lies in doubt. For the proposed bill on the floor carries within it a crippling substitute for the progress and promise of VISTA.

In response to urgings by the House Education and Labor Committee, VISTA has gone out and recruited thousands of nurses, lawyers, business specislists and other skilled volunteers. VISTA distributes its highly trained volunteers among all States according to need and regardless of where they are from. This efficient and equitable distribution of skills and talent, in response to requests from the States and local communities and approved by the States, reflects a nation's concern for all of its poor.

And the presence of skilled VISTA volunteers in local programs is having a profound impact on the problems of the poor. VISTA volunteers are providing scarce technical assistance. They are stimulating self-help housing; helping the poor to start credit unions, producer co-ops, buying clubs, and other institutions of economic self-help.

VISTA volunteers with graduate degrees in business and law are helping new entrepreneurs to solve the basic problems of starting and maintaining businesses. They are tackling the problems of capitalization, refinancing, and marketing. Their involvement is direct, constant, and productive.

Let me give you just one example. In the last year, four VISTA volunteers—all with degrees in business administration—have been providing technical assistance to poor people in the ghetto of San Francisco. They have helped 15 new businesses come into existence. They have given technical assistance to more than 100 ghetto entrepreneurs. The income accruing from the growth of each of the companies started with the help of the VISTA volunteers will average about $40,000 per year. For 15 companies, that comes to some $600,000 in new income. Their guidance to other businessmen helped to generate over $300,000 in public and private credit loans. They recruited senior employees of Kaiser, Price-Waterhouse, Arthur D. Little, Safeway, and other companies to serve as part-time volunteers in a new Technical Assistance Corps. These businessmen and lawyers contributed over 1,000 hours of their time free of charge. At the average market price of $50 an hour for professional consultation, these services were worth $50,000. The total benefits derived from the work of just four skilled

volunteers on one project totalled $950,000. The cost to VISTA for support of the volunteers: $14,000.

That is what the skilled volunteers now entering VISTA are doing. That is why they are so valuable and so keenly sought after. That is what VISTA is able to do under the present legislation. This year VISTA is planning to field some 2,500 volunteers with professional skills. Next year that number will grow even more. Those volunteers will definitely be worth their weight in gold.

The proposed bill would short-circuit this source of valuable talent. It will cause saturation of technical services in those few areas which produce the most skilled volunteers and starvation in the poorer, more rural areas where they are in short supply. This bill is no friend to rural states because it will penalize those areas that provide fewer volunteers and particularly fewer skilled volunteers.

I am told that the alleged purpose of the proposed substitute bill is to give States and local communities control of VISTA. Yet, the Governors of the various States already do control VISTA under present legislation. Indeed, VISTA's success is dependent upon local sponsorship and local supervision of volunteers. That concept is a firm philosophical and legislative requirement of the program. And it is not just rhetoric.

VISTA makes sure that every program has the full support of the Governor of the State involved. Current legislation requires that Governors must approve every VISTA project in writing before one volunteer can be assigned. Furthermore, if a Governor should change his mind at any time during the operation of an approved project, the volunteers would be withdrawn within 30 days. The existing legislation provides one additional assurance of complete and effective control of VISTA projects by States and local communities: A Governor's veto of a VISTA project is one that the Director of the Office of Economic Opportunity by legislation cannot override.

VISTA volunteers are already locally sponsored, locally supervised, and locally controlled. What is more, they are even locally trained. Through VISTA's regional training centers, volunteers are now trained in the community and on the very job where they will be assigned. After 2 weeks of general orientation, VISTA volunteers now get 4 weeks on-the-job training, which involves not only the training center staff but the staff of the local agency which the volunteers will serve. The process is efficient; the cost is about the lowest for training in the country. Yet in its place, the substitute bill would require creation of at least 50 training centers instead of seven and that can only skyrocket training costs and create a staggering overhead burden.

The bill will not increase the degree of local supervision and local control of VISTA volunteers. It will, however, require a mutiplicity of administrative structures where now one does the job effectively. Separate state and local recruiting, selection, and training operations will require more staff, more overhead dollars, and more bureaucrats. If States were to recruit only within their own boundaries for volunteers, the smaller—and frequently poorer and more rural States—would starve for service. Yet, if States had to recruit beyond their boundaries, there would be the expensive proliferation of visits to out-of-State colleges and universities. The cost of putting a volunteer in the field would be so great that I cannot fathom how the expenditure could be justified.

And where will the money go? Not to the poor, not to more volunteers, but to more high salaried bureaucrats. This bill seeks to create new and unnecessary administrative structures. It will decrease the number of dedicated, skilled volunteers serving the poor. Let us not be deceived: a bill which replaces volunteer workers with salaried bureaucrats does only a cruel disservice to the poor.

The American people have already expressed their support for VISTA as the single most constructive outlet for our dedicated and qualified Americans who are looking not for money but for an opportunity to serve. The Senate has already given its strong endorsement. If there are those who do not feel it necessary to assist the poor or necessary to provide this effective opportunity for those who want to serve, let them proclaim themselves now. But for those who would truly seek to help the poor, I urge you to reject a measure that would aid not the poor, but those who would profit. I urge you to reject a bill that substitutes waste and expense for positive and productive service. I urge you to consider carefully the full meaning of this substitute bill and reject it.

Following are some quotations supporting VISTA from leading national figures who have had experience with it:

Mayor John V. Lindsay of New York: "New York City needs 500 VISTA Volunteers today. Their greatest virtue is that they have been chosen to spend a year of their lives, 24 hours a day among the poor. New York needs more people with this kind of commitment."

John D. Rockefeller III: "VISTA is a very valuable program that channels the concern of the young into a constructive and meaningful service."

Jerome P. Cavanagh, former Mayor of Detroit: "One of the most important post-riot tasks was handled almost exclusively by the VISTA workers. The Volunteers were hard-working, energetic, dedicated and, without exception, they were a credit to their program."

Cyrus Vance, the President's personal representative in Detroit during the crisis, congratulating VISTA Volunteers on the outstanding job which they did: "They have won the respect and admiration of everyone."

William Gossett, former President of the A.B.A.: "VISTA lawyers are a new breed. They represent a tremendously valuable asset to the poor and to the nation. To be commended."

Earl Old Person, President of the National Congress of American Indians: "VISTA Volunteers have been active and personally dedicated in helping my people help our community. VISTA Volunteers have helped erase the image of the bare-chested Indian decorated with warpaint. VISTA is a great help to our people."

Calvin L. Rampton, Governor of Utah: "I urge the citizens of Utah to catch the idealism of these gifted and dedicated people, cooperate with them in their noble endeavors to serve the poor."

Senator Clifford Hansen, Wyoming: (Through VISTA) . . . "Wyoming people can carry their spirit and skill into the hollows of Appalachia, the villages of Alaska, and in rural and urban communities wherever poverty exists."

Louie Welch, Mayor of Houston: "VISTA is continuing its devoted service to people who live in poverty."

Tim Martinez, GOP County Chairman, Costilla County, Colorado: "We have found VISTA Volunteers now working in our communities are doing a terrific job in helping low income people eliminate poverty."

League of Women Voters, Boise, Idaho (spokesman, Maureen Darling): "Any amendments to the House Resolutions which would change the present concept of VISTA will reduce the effectiveness of this important corps of public servants. Urge support of administration bill with no amendments."

Roger D. Branigin, former Governor of Indiana: "I urge everyone who has a desire to take an active part in the War on Poverty to investigate the VISTA Program. For one year these Volunteers devote their time, energy and talents to assisting people who live in poverty areas."

Edward Breathitt, former Governor of Kentucky: "The Volunteers get no publicity and no salary. Their only concern has been to help people in communities that have asked for their assistance. We think they have done a tremendous job."

George C. Whitmer, former Mayor of Des Moines, Iowa: "VISTA Volunteers are fellow citizens who have chosen to devote one year of their lives to the noble cause of helping their fellow man. One of the most effective means of eradicating poverty is through the efforts of individual persons who live and work with the poor."

Hon. Lawrence Mana, San Francisco judge referring to the VISTA bail bond project: "I have served in the criminal courts since its (the VISTA bail bond project) initiation and feel its work has been the greatest advance in the equitable administration of justice that we have experienced in many years."

Mayor Ivan Allen of Atlanta: "Atlanta has been blessed with the help of hundreds of VISTA workers. The program is terrific—a great asset to our city. It should be continued and expanded."

Mr. HAWKINS. Mr. Chairman, no program has been more investigated, maligned, and abused than the "war against poverty" under the Economic Opportunity Act. Few are willing to defend it and the reason is clear: The poor are powerless and unorganized with limited voting power and no money to spend in politics.

Yet in fiscal year 1968, nearly 3 million Americans were lifted out of poverty with OEO playing a major role. Over 8 million persons participated in community action programs. VISTA recruited over 5,000 full-time volunteers whose services were worth tenfold the cost.

OEO established neighborhood health centers where the poor were not degraded to obtain needed medical care. Headstart gave almost 700,000 preschool age youngsters new attitudes, values, and habits in learning. Over 96,500 of the most disadvantaged persons obtained education, work experience, and vocational training.

These benefits together with legal services, emergency food and medical help, and senior citizens' programs, have created in the poor a new hope in life and a renewed faith in our system which if now destroyed by politically-motivated amendments to this act can precipitate the gravest crisis in our Nation since 1929.

For, in spite of the success of OEO despite criticism, weaknesses, and underfunding, or perhaps because of its success, there are those who are anxious to destroy the one agency in the Federal Government which has exclusive commitment to the problems of poor people.

It is the very nature of antipoverty programs to be abrasive and controversial. There is no other way of helping people out of poverty than by arousing in them a feeling of dignity and involving them in the resolution of their own problems. Defenders of the status quo are therefore necessarily challenged and the fears of those who represented special interests aroused.

The sponsors of the substitute profess to be helping the poor yet their very first amendment reduces the money authorized by $295 million in this fiscal year and twice this amount in 1971. At the same time, several new programs are authorized and a new set of bureaucrats added to further complicate administration and add at least $50 million to overhead costs before the poor get anything.

At the same time this boondoggle with antipoverty funds is authorized sponsors of the amendments propose to "help the poor" by cutting back by over 75,000 the number of children served by Headstart—which currently serves only about 10 percent of the preschool children in need.

The amendments also reduce the number of children in Follow Through by 62,000 thereby depriving this number of Headstart children of the gains obtained in the earlier program.

Further, the substitute reduces the authorized money to support training, career advancement, and jobs under the new careers and operation mainstream programs which the Congress itself created.

But perhaps the cruelest delusion of all about the Ayres substitute is its reduction in support for emergency food and medical aid for America's 15 million victims of hunger and malnutrition by $75 million to a pittance emergency program of only $17 million.

It appears some find it easier to send planes to China and spaceships to the moon than food and emergency attention to starving American children at home.

There is nothing more shocking to Americans and more sensitive to their conscience than the ugly fact of starvation and lack of the simplest form of emergency medical attention for millions of our citizens. It is a story of children born with damaged brains, of anemic bodies with sunken eyes and broomstick arms, of families eating from garbage cans, and without running water. It is a medical list generally not reportable to health authorities of rickets, hookworms, deformities, tooth decay, and simple malnutrition—what a price to pay for "political accommodation."

If the sponsors of these amendments are "helping the poor" it is about as helpful as assisting a blind person halfway across a crowded intersection, and there leaving him between the Mack truck and a Greyhound bus.

Are the States seeking control of this program? In testifying before the House Education and Labor Committee this year James Martin, representing the National Governors' Conference admitted that no new legislation was required to obtain the kind of participation desired by the States. He then cited 15 instances for an effective State role in the existing law. These 15 examples of State involvement in the existing law were then listed as follows:

ECONOMIC OPPORTUNITY AMENDMENTS OF 1967 AND SPECIFIC REFERENCES TO THE ROLE OF THE STATES

TITLE I—JOB CORPS AND WORK TRAINING

Part A—Job Corps ($295 million)

Section 107: States may establish and operate Job Corps Centers.

Section 113(b): Experimental, research or demonstration projects.—These projects developed only after "appropriate consultation with state agencies conducting similar or related programs or projects."

OEO Director may waive any provision of Title I (Job Corps) which he finds would prevent the carrying out the experimental, research or demonstration projects.

Section 113(c): Director may enter into agreements with state educational agencies to establish and operate model community vocational education schools and skill centers.

Section 115: Participation of the States.—Job Corps Director is required to facilitate state participation in all aspects of Job Corps Programs, including grants for state operated programs and approval by the Governor of all Job Corps Programs in his state.

Part B—Work and training programs ($476 million)

Section 129: Role of the States.—Grants to state agencies for the provision of technical assistance and training services, especially in rural areas. Grants for the coordination of related state activities and grants for the operation of state work and training programs where a community action agency does not exist.

Part D—Special impact programs ($60 million)

Section 151: Public agencies, including states, are eligible agencies.

TITLE II—URBAN AND RURAL COMMUNITY ACTION AGENCIES

Part A

Section 210—Community Action Agencies.—States and multi-jurisdictional substate regions are eligible agencies. However, agencies must have community based programs and provide for participation of the poor on the Community Action Board.

Section 222(4)—Comprehensive Health Services.—Director must consult with state health agencies in establishing this program.

Section 231—State Agency Assistance.—Broad range of grants to state agencies for the coordination of related state activities and the provision of technical assistance services to local community action agencies.

Section 233—Evaluation of Community Action Agencies.—Director shall consult with state agencies for jointly sponsored objective evaluation of community action agency programs.

Section 242—Conditional Governor's Veto.—All programs and projects under Title II must be submitted to the Governor for approval. Governors are given thirty days to disapprove of the project. An appeal may be made to the OEO Director.

TITLE III—RURAL AREA PROGRAMS

Part B—Migrants and other seasonally employed ($27 million)

Section 312.— Director may make grants to states for multi-purpose programs to assist migrants and seasonal farmworkers.

TITLE VI

Section 632—Economic Opportunity Council.—The Executive Director of the Council is required to carry out a continuing evaluation of all aspects of the Economic Opportunity Act, including consultation with state agencies especially with regard to the identification and solution of interagency and intergovernmental coordination problems.

Section 635—Information Center.—Director may make grants to the the states to establish information service centers and conduct research in cooperation with the states on information system development.

TITLE VIII—VISTA

Section 810.—Authorizes Governors to terminate VISTA assignments on thirty days notice.

Of even more significance are these conclusions drawn from interviews with State officials and included in testimony of Mr. Martin before a committee in the other House, especially numbers 5, 6, and 10.

YANKELOVICH REPORT

(Conclusions Drawn From Interviews With State Officials)

STUDY OF THE EFFCTS OF SECTIONS 210 AND 211 OF THE 1967 AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT AS REQUIRED UNDER SECTION 233(C) OF THE AMENDMENTS—VOLUME II: [1] DETAILED FINDINGS—FEBRUARY 1969

Conclusions

In summary, these conclusions may be drawn from the interviews with state officials:

1. States intially saw the possibility in the Green Amendment for designating state agencies as CAAs.

2. The interpretation which grew from OEO's implementation of the Green Amendment effectively diminished the opportunity for states to make such designations.

3. Much of the states' dissatisfaction with OEO resulted from seeing an apparent chance to expand their role foreclosed in what were often considered less than proper or straightforward ways.

4. One-quarter of the states wanted a state agency to take over and run OEO programs on a state-wide basis. They sought to expand the role of the state and improved the administration of the programs.

5. Seventy-four per cent of the states never seriously considered designating a state agency as CAA. The commitment to local initiative was strong in these states.

6. Most of the officials expressed a preference for a larger role for the states in OEO operations, particularly more consultation and cooperation with regional OEO offices. The state directors called for greater state authoritiy in allocating resources and supervising programs in the states. But no state felt it could assume greater responsibility for the support of antipoverty work.

7. Slightly over half the states found OEO's instructions, information, materials and assistance in conforming to the Amendment complete and helpful. The remaining states felt these qualities were lacking.

8. Most states felt either that the Green Amendment had had small effect or positive effects.

9. The states had not played a large or a vital role in OEO operations before the Green Amendment was passed; this is unlikely to change under OEO's interpretation of the Amendment.

10. While most states are satisfied with OEO's performance, dissatisfaction and resentment exists in a minority (¼) of the states. The differences in state and OEO interpretations of the Green Amendment heightened these feelings.

Whether or not they reflect accurately the

[1] Total report consists of three volumes.

facts of the case or the attitudes of OEO, these unhappy attitudes are quite real to the state officials who expressed them. An aura of bad feeling for OEO, and particularly for OEO regional offices, exists in at least a quarter of the state houses. Such attitudes may be sufficiently strong and widespread to challenge the long-range chances for the success of intergovernmental programs like OEO. The states expressed considerable jealousy for their prerogatives and were most offended by what they considered OEO's failure to observe the appropriate protocols and OEO's disinclination to include them as influential partners in the structure of OEO.

The power of the States or of local governments to deal with the problems of the poor is in no way involved. Certainly we cannot deny the States or their political subdivisions the right to have a plan of their own and no legislation is necessary to give them such right. Stripped of political trappings the issue is money. Should the Federal Government become a tax collector for the States? That is the issue created by the proposed amendments, which subordinate the welfare of the poor to this central question.

It would appear, therefore, that the Ayres amendments are not supported either by a majority of the States or any of the poor. The counties are not supporting them and the cities are definitely opposed. The Director of OEO, Donald Rumsfeld, supports a simple extension; and President Nixon supports the Director.

The other body of Congress has passed a simple extension bill and the committee of this House has recommended similar action. That leaves us with a proposal the authorship of which is in doubt, the provisions of which have never been considered in a committee hearing, and the purposes of which are based on unverified allegations and personal gripes. No substitute has ever been presented to this Congress with worse credentials, and if it had come from an outsider it might easily have been referred to the Internal Security Committee.

And there is where it might better rest.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman.

Mr. ESCH. I know that the gentleman and I share a deep concern over the areas mentioned in regard to the children and to the food assistance program. I hope the gentleman will during the course of the legislative debate offer amendments not only to the regular bill but to the substitute and I will state to the gentleman that I shall be very happy to support him in trying to increase those authorizations in the substitute.

Mr. HAWKINS. I appreciate the comments of the gentleman and I assure him that if he votes for the committee bill he will be voting to provide $75 million for this program and it would be unnecessary then to submit any additional amendments.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from California.

Mr. COHELAN. Mr. Chairman, I want to compliment the distinguished gentleman from California on the very fine statement which he has made and I should like to associate myself with his remarks.

Mr. Chairman, I rise in favor of the committee bill (H.R. 12321) in order to continue the war on poverty.

I favor the extension of the Office of Economic Opportunity Act that was requested by the administration and improved by the committee. I know that there are many Members who do not feel that OEO has effectively met the demands of our Nation's poor. Each of us, I suppose, can point out instances where the goals of OEO have been abused or poorly administered. But even these short falls do not overshadow the fact that OEO has become a rallying point for the Nation's efforts to combat poverty. It is for this reason that I support the extension of OEO for 2 years. We should be willing to give the new Director and our former colleague Donald Rumsfeld the time to get OEO functioning effectively. This is what H.R. 12321, as reported by the House Education and Labor Committee, does. It gives the Director the authority to move and correct the proclaimed defects of OEO. May I say, I am disappointed that President Nixon has not been more forceful in supporting his own legislation for a simple 2-year extension. The President seems more interested in working for a watered down Voting Rights Act.

The committee will be faced with an amendment that will be offered which will change the entire thrust of the OEO effort. The Ayers-Quie-Green amendment, as I view it, would make the entire OEO effort little more than bloc grants to States and thereby subject the entire program to State control. This I view with alarm because many States have not been very sensitive to the problems related to poverty. We all know who they are.

I realize the supporters of the Green-Quie amendments will argue that the creation of the new State economic opportunity councils, which are to approve all OEO applications, can be controlled by the Director of OEO. But this argument falls on its face when one realizes that the Director must approve or reject the State poverty program in toto. In addition, these new State economic opportunity offices will have the authority to reject OEO applications and are only checked with the limited provision that the Director can override a rejection if he finds "disapproval of such an application would seriously weaken the overall program of a community action agency." Even with this limited caveat, the OEO programs would become, in effect, a bloc grant to States.

This action would serve to subvert the goals for which OEO was established. OEO would no longer be a Federal program that would develop new approaches to combat poverty; instead it would become a State program. We all know that many States have not been very aggressive in moving against poverty, and now this amendment would give the State the authority to control the poverty effort.

The record of OEO has been to some extent experimental as I have stated, but this program has provided a focus on the major problems of poverty in our country. By accepting the Ayers-Green-Quie substitute, constructive attempts at local poor participation could be eliminated. Also by the institution of a bloc grant approach there is increased danger that OEO might become bound up in the bureaucratic detail that stiffles innovation and change that is the mission of OEO.

I should like to announce that I intend to vote against any limitation on the legal services agency. The Murphy amendment that will make the legal services subject to State control, or any other modification of the Murphy amendment, are not constructive means to alleviate the inequities in our political system. I feel that the use of available legal remedies and the passage and implementation of meaningful social legislation can contribute to the goal of the elimination of poverty in our Nation.

This country has the potential to eliminate poverty. I have moved in this direction, for example, by voting to limit many inflated Department of Defense programs. But the issue before us today is the existence of an agency that has been on the cutting edge of the war on poverty. I do not feel that this is the time to move back by emasculating OEO. I feel that we must extend OEO for 2 years, and continue to work to correct its defects.

Mr. Chairman, I urge passage of the committee bill and the rejection of the Ayres-Green-Quie substitute and the Murphy amendment.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, much of what should be said about this measure has already been said. I do not want to plow old ground over and over again, but I shall touch again upon some of the things which have been touched upon and say some additional things.

Mr. Chairman, in my opinion the substitute which was proposed on December 3 was completely unacceptable, the substitute which was offered by the ranking member of the House Committee on Education and Labor on our side of the aisle and the gentlewoman from Oregon (Mrs. GREEN), and I felt great dismay and deeply concerned about it. We sat down with the gentleman from Minnesota (Mr. QUIE) and the gentleman from Ohio (Mr. AYRES) in an attempt to improve it. I think we have been successful. The present substitute is far superior to the original proposal. The gentleman from Illinois (Mr. ERLENBORN) has gone over this new substitute and has touched upon some of its features. My colleague, the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Michigan (Mr. ESCH) have gone over it and have made some sound comments with reference thereto.

Research funds will be left in the control of the Director. Under section 251 the Director's control has been improved. Under section 253, the State plan section, the Director has been given authority to set the criteria for State plans. The scope of the State plan has been reduced. The potential uses of the retained 25 per-

cent of funds have been broadened so far as the control of the Director is concerned. Permitting the use of poverty funds to pay claims for attorneys has been drastically reduced.

Mr. Chairman, there are still serious faults in the substitute. Our present plans are to introduce amendments to correct at least two of these. I have reference, first, to the Headstart program and the gentleman from Michigan (Mr. ESCH) has covered this. Secondly, I have reference to the VISTA program. We must not permit this extremely valuable program to be killed by stretching one good program out into a possible 50 poor and inadequate programs. This is one program which should remain a national program. Any alternative will multiply costs and drastically reduce the benefits provided under the program.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I will yield briefly to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I agree specifically with respect to what the gentleman is saying about VISTA, it would indeed be tragic not to keep it as a national program. With respect to the others, I feel differently than the gentleman does, but at least insofar as he is correct in this regard, I certainly agree with the gentleman.

Mr. DELLENBACK. I appreciate the gentleman's support on the VISTA programs.

Mr. Chairman, and members of the committee, in my opinion it is vital that in stripped down and purged and improved form this program with its goal of aid to the needy be continued.

Of course examples can be placed in evidence of waste and error. In any program of this size this will inevitably follow, and wherever we find that waste and error has occurred it should be stopped, it should be cleaned up, and it should be kept from happening again. But there are also a great many examples which could be placed in evidence of the good that has come forth from this program, good to individuals and good to groups of individuals.

Mr. Chairman, when we finish today there are still going to be serious faults in this program, many of which have been left untouched and uncorrected. I hope that early next year the administration will have some further major improvements to offer to this program. I hope that early next year the chairman of our full committee will open hearings on these new proposals.

But when we finish today I earnestly hope that there will not only be these faults, but that we will also still have Headstart, the Job Corps and Special Impact, Followthrough and Upward Bound, Family Planning and Day Care, and the rest; these are in the law at the present time, and they have accomplished a great deal of good. This bill must pass today, and it must be put in condition where it will pass this body, so that that which is good in this poverty program can continue.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AYRES. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING.)

Mr. GOODLING. Mr. Chairman, I rise to comment on an Office of Economic Opportunity project that operated in my congressional district for a substantial period of time with what appears to be some very unsubstantial results.

I am referring to the so-called Pennsylvania project. Under this project, a grant was made to the U.S. National Student Association to provide for research, studies, analysis, and a final report on the "Development of Student Resources in the State of Pennsylvania for Full Utilization in the War Against Poverty." The effective date of the grant was April 15, 1968, and the effort was suspended on February 13, 1969.

For the benefit of my colleagues, I want to say that my interest centers very vividly on this project because, in the first instance, the Pennsylvania project headquarters were located at 415 South Albemarle Street, York, Pa., my congressional district. In the second instance, some of the activities of the pertinent project focused on a number of colleges in my congressional district, including Dickinson, Shippensburg, Gettysburg, and so forth.

I became interested in this project in the early part of this year when early in April, I communicated with the Office of Economic Opportunity, asking for a report on the Pennsylvania project, premising this request on the taxpayers' interest. Information was difficult to obtain, and the project's operation did not resolve itself into any clear picture until just recently. Through an assemblage of reports received from high-placed Federal offices, I have been able to assemble a picture, and it is not an assuring one. Some of these reports are of a preliminary nature, while others are final. I would like to say that the principal thrust of reporting emanates from the General Accounting Office, with the findings of that office being documented in an official report submitted at my request.

My interest in the Pennsylvania project had genesis through the investigative work of Mr. Harry J. McLaughlin, an accomplished and prominent reporter associated with the Sunday Patriot-News. This newspaper is located in Harrisburg, Pa., and is well-known throughout the State of Pennsylvania. It covers most areas of my congressional district. Mr. McLaughlin had written a number of penetrating articles on the Pennsylvania project which invoked my interest, and I want to take this opportunity to compliment him for his keen interest in the public welfare and for his expert reporting. It is through such thorough reporting that he demonstrated on the Pennsylvania project that a complex government like ours is kept on proper course.

Mr. McLaughlin has visited with our colleague EDITH GREEN, chairman of the House Subcommittee on Student Unrest on Campuses, presenting her with some of his findings and views with respect to the operations of the Pennsylvania project.

Mr. Chairman, I would like—at this point—to insert into the RECORD a series of newspaper articles written by Mr. McLaughlin, articles on the Pennsylvania project that bring the operations of this project out of the shadows and into the light.

[From the Harrisburg (Pa.) Patriot-News, Apr. 13, 1969]

UNITED STATES PROBES "SECRET" STUDENT PROJECT IN STATE, STOPS AID

(By Harry McLaughlin)

YORK.—A federal investigation is under way to determine whether a $150,000 grant to a state branch of the National Students Assn. has been used to finance unrest on Pennsylvania college campuses instead of to help the poor, it was learned yesterday.

Officials of the Office of Economic Opportunity (OEO) in Washington confirmed that payment has been suspended on the OEO-sponsored research grant in wake of complaints from numerous communities throughout the state.

The grant had been approved last April 30 to enable the NSA to sponsor a "Pennsylvania Project," described as an effort to stimulate college and university students to become active in community action programs to help the poor and disadvantaged.

Now the OEO audit division in Washington wants to know whether the grant might have been used as a dollar base for persons precipitating or participating in student demonstrations for causes having nothing to do with helping the deprived.

Largely unnoticed has been the fact that the "Pennsylvania Project" headquarters are situated at 415 S. Albermarle St., York. The building serves also as a two-apartment residence for an eight-member coed staff, none of them natives of Pennsylvania

NSA president Robert Powell and Kate Jackson, a program analyst in the OEO research division, confirmed that one of the complaints has been that persons allied with the Pennsylvania Project have been engaging in student demonstrations against college and university administrations about campus policy and curricula.

In York, a spokesman for the Pennsylvania Project said Patsy Parker, its director, was in the Midwest. But Robert Black, spokesman in absence of Miss Parker, denied that the staff has participated in campus demonstrations

The OEO audit division reported it had "entered the inquiry" into the Pennsylvania Project early in January.

Hugh Ennis, the division's director, said in Washington he had found "some exceptions in vouchers submitted by the NSA for the Pennsylvania program, which will need further evaluation and study."

According to Miss Jackson, the OEO's main reason for ordering suspension of the project was "because the money and project better developed the participating students than it helped the poor and disadvantaged."

The OEO audit division suspended payment on the Pennsylvania Project grant Feb. 12. Powell and Miss Jackson indicated more than $100,000 had been expended, with between $40,000 and $50,000 remaining when the federal brakes were applied.

Black said in York the amount mentioned by Powell and Miss Jackson was "approximately correct."

According to Gerson Green, chief of the OEO's research and demonstration division, the probe of the project headquartered in York was launched last fall.

Powell reported the project staff operated programs at most state universities and colleges, including Penn State, Dickinson, Franklin and Marshall, Bucknell, Shippensburg and Juniata, all in Central Pennsylvania.

Powell said the Pennsylvania Project also

was active in Erie, using Gannon College's campus as a base.

"For example," he said, "our staff established a newspaper in the Negro section of the city."

Miss Jackson said the inquiry into NSA's OEO-funded Pennsylvania Project so far as participation in college unrest and demonstrations are concerned "isn't new or a surprise to us."

Moreover, Powell and Miss Jackson said they doubted that the project's staff actually took part in campus demonstrations or that it had initiated them.

Miss Jackson raised a question, too, whether goals of a campus demonstration might have an ultimate bearing on the outcome.

She said she doubted OEO would look unfavorably upon OEO-funded student groups demonstrating against college administrations "if it would benefit poor and disadvantaged persons."

Miss Jackson added:

"I don't think we would approve of NSA-funded students participating in sit-ins or removing deans from offices just to change chemistry or biology courses.

"However, if it brought a change in program or policy for improving conditions for the poor, then I think we wouldn't object strenuously."

The NSA has been frequently in the headlines.

This was particularly true several years ago when its officials confirmed reports that the U.S. Central Intelligence Agency (CIA) was subsidizing the organization annually with as much as $200,000.

In return, the association admitted, it provided information about alleged Communist activities on college campuses and information collected at international congresses attended by student organizations from Communist countries.

The publicity almost wrecked the association at the time, according to Powell.

As to the Pennsylvania Project, Powell indicated the NSA is in "delicate negotiations with the OEO on retaining the unspent funds from the project grant." But the OEO research director said, "We are working with Mr. Powell in the phasing out of this project."

Sherry Thomas, of the York office, charged project staffers had their telephones "bugged" and were harassed by newspapers and critics.

She did not indicate where the "bugging" and "harassment" had occurred.

According to a project spokesman, the only York resident identified with the project program has been Bruce Martin, a York morning newspaper editor.

The spokesman described him as "a speaker who went to various campuses throughout the state to speak about antipoverty."

Martin is one of the speakers scheduled to address Penn State's student-sponsored "talk-in," along with former boxing champion Cassius Clay and others said to be identified with liberal, conservative and middle-of-the-road organizations.

In Harrisburg, Dr. Frederic Miller, deputy superintendent in the State Department of Public Instruction, said he had never heard of the Pennsylvania Project.

He directed his assistant, Dr. Donald Miller, to find out about it.

The superintendent serves as the department's commissioner of higher education.

The Millers were not alone in not knowing about the Pennsylvania Project.

Capt. Charles McCaffery, head of the York City Police Department's detective bureau, said the first he heard about it was last week when a man identifying himself as an "OEO inspector" inquired about the project's activities.

"Never heard of the project," responded McCaffery.

Local OEO staff officials and other community leaders in York expressed surprise that their city served as headquarters for the state program.

U.S. Rep. George A. Goodling, of York and the 19th District counties of York, Adams and Cumberland, said the first inquiry to him about the program came from the Sunday Patriot-News.

He said he wants to know more from the OEO about the project.

Commenting on the work of the project, Black said:

"We had our best success at Franklin and Marshall. In Shippensburg, the project staff initiated the 'Student Stress' program."

At Penn State, according to Black, the project accomplished little "because antipoverty programs were in effect, and we were anxious to locate only in areas where there was little or no action."

In another development, a Penn State organization known as "Young Americans for Freedom," last Friday petitioned the student government to withdraw its membership from NSA.

Approximately 300 colleges and universities are members of NSA.

Powell said in Washington that he feels the NSA has a right to oppose, and to demonstrate if necessary, for administration and curriculum changes.

"After all," he said, "we are a student organization, and we should voice our views on campus problems."

As to the Pennsylvania Project, Powell said, "it didn't get results."

"It was an experiment," he said. "We wanted to research the campuses to determine interest of students in helping the less fortunate. The response wasn't too great."

[From the York (Pa.) Dispatch, Apr. 16, 1969]

$154,000 Pilot OEO Task Here Tagged Failure

The National Student Association says its York-based "Pennsylvania Project" grew from the premise that college students really want to help the disadvantaged and underprivileged. Financed by a one-year, $154,000 research and demonstration grant from the federal Office of Economic Opportunity, the experimental project sought to tap that potential for community service by establishing a network of students on rural commonwealth campuses.

NSA admits now the project failed. Moreover, its basic premise might have been wrong. College students, it was found, seem rather to be interested largely in parochial matters centering on their own lives.

OEO, which administers antipoverty funds, also saw the project as a failure. However, after suspending the project in mid-February, OEO just agreed on Monday to a $6,000 extension grant allowing the project's youthful staffers to compile a final report by May 22. The original grant was awarded April 15, 1968.

CITED BY RESEARCH FIRM

Despite the bloom of failure, the project was described glowingly by the head of a research firm accorded a major role in it. Oddly, there seems to be ill will between the firm and NSA. The nationwide student organization claims the firm failed to live up to its commitment.

In York, few knew of the Pennsylvania Project. Headquartered at 415 S. Albemarle St., it did not, however, embrace any York campuses among the 21 locations for its activities. Listed at that address are Patsy Parker, whom NSA identified as the project director; Bob Taylor, Steve Finestein, Bob Black and Margaret Hershey, staffers. None has been further identified.

Daniel L. Hall, president of the local antipoverty Community Progress Council, said he knew nothing of the project until a few weeks ago. A trip to Washington Monday proved unenlightening, he said, since OEO regional officials with whom he conferred told him the Pennsylvania Project was funded by OEO's national office.

CPC staffers, however, learned of the project last fall. Executive Director Henry V. Harman said he and Mrs. Muriel Bessemer, assocate director, together with Barbara Haug, field representative for OEO's Mid-Atlantic Region, visited Pennsylvania Project headquarters at that time. However, since the project apparently could not be tied in with the local program, it was not mentioned in any CPC reports, Harman said.

Harman and Mrs. Bessemer said they were disappointed the project did not include cooperation with local community action agencies, such as CPC. They agreed the project had "good potential" in an "excellent basic idea," but they felt it was not as effective as it could have been.

FEDERAL INVESTIGATION

Harman confirmed reports the project was the subject of a federal investigation. He said a representative from OEO's office of inspection inquired of CPC about the project on March 27. The investigator, whom Harman chose not to identify, appeared interested only in whether the project was effective.

Questions of a different sort were posed about 10 days ago in a phone call to city Det. Capt. Charles L. McCaffery. The police official, also a CPC board member, recalls being asked if police might be conducting an investigation of activities at the South Albemarle Street address. McCaffery said he replied "no."

The caller, McCaffrey said, claimed he was calling from OEO in Washington, and explained the project had received a $150,000 grant, but that funds had been stopped as of Feb. 14. The caller, whose name McCaffery said he couldn't recall, said there were psychedelic murals all over the walls in the South Albermarle Street dwelling.

McCaffery said the phoned inquiry was his only link with any "investigation" or for that matter, with the project, itself. "But for all I know," the police official said of the caller, "he could have been Joe Doaks."

OEO, however, denies it had a probe underway at the time of the inquiries here. Richard Fullmer, chief of the investigative unit in OEO's office of inspection, suggested in a phone interview that the recent probe may be the work of "the McClellan committee." Fullmer said "We completed our investigation prior to Feb. 19," at which point the Pennsylvania Project was suspended.

TWO GROUPS AT ODDS

Sen. John L. McClellan (D-Ark.) heads the senate Committee on Government Operations.

NSA, saying it was unaware of any such legislative probe, reported there have been about half a dozen inquires by congressmen into its Pennsylvania Project. NSA says it considers the inquiries connected with the struggle between itself and another student group, Young Americans for Freedom.

While NSA admittedly professes leftist politics, YAF reportedly is a rightist group and claims support from several congressmen and senators. YAF, according to NSA, is out to strip NSA of college student government affiliates.

NSA describes itself as a confederation of about 385 student governments at colleges across the country. At this point, NSA says it does not consider the YAF threat a serious one.

OTHER GOVERNMENT CONTRACTS

Besides the Pennsylvania Project, NSA claims it has had several government contracts in recent years. That includes another OEO program, for a tutorial assistance center. Ever since its controversial financial link with the U.S. Central Intelligence Agency was exposed early in 1967, NSA says it has stayed out of international affairs, concen-

trating solely on its domestic projects. It maintains a staff of 40 in Washington, along with regional coordinators.

As described by OEO and NSA, the modification to extend the Pennsylvania Project provides for salaries and costs for a month for seven project staffers who will move to Washington, D.C., to compile the final report. At last count, NSA said it had eight persons on its Pennsylvania Project staff.

Meanwhile, NSA will turn back to OEO $40,000 in unexpended funds from the original grant, along with $10,000 it has withheld from the project's research firm, Urban Systems, Inc., of Washington. The firm says it has received only $40,000 of its $50,000 share of the original project grant.

At the same time, OEO took over dealings with Urban Systems, at the request of NSA, which said it wanted nothing more to do with the firm. Until now, Urban Systems was linked by contract only to NSA.

The extension, according to NSA, followed weeks of "delicate negotiations." But OEO said it was routine for a final report to be compiled when a project terminates.

CLAIM DIFFICULT ROLE

While NSA claims it has been left "holding the bag" for explaining to OEO what became of the money given to Urban Systems when the firm filled none of its commitments, Urban Systems President Jack Huffner countered that the play-by-ear-type rendered the research function a difficult role.

OEO's suspension of the project, Huffner said, interrupted a review by OEO of the operation, which, if completed, would have led to preparation by Urban Systems of a research plan. The OEO suspension, of course, ruled out a research plan, Huffner said.

He was reluctant, however, to reply specifically to NSA's charge. When interviewed by phone on Tuesday afternoon, Huffner said he was unaware of the month-long extension by OEO of the project.

Urban System's role in the Pennsylvania Project, Huffner explained, was to determine what data would be needed to evaluate the project, then to compile a plan to secure that data.

"We were never able to implement the research we wanted," Huffner said. "We were not able to identify specifically enough what they were going to do. Part of the reason was the very nature of the project, the difficulty of what they were trying to do—organize and develop a network of students on rural college campuses to direct their energies and efforts toward poverty problems; to get white, middle class kids involved in pursuing some of OEO's objectives.

FASCINATING PROJECT

"To their credit, they tried to innovate in this new organization area, but because of this, it became difficult to anticipate what they were going to do next.

"It was a very fascinating, interesting type of project that turned out to be very difficult to control. But that does not detract from the potential significance of it."

While the project failed to set up the network of students, Huffner continued, "I'm not sure there weren't any positive results. But they weren't systematic.

"It should have been a two-year program. They really were innovating—trying things that never were done before. But there were so many time pressures they never really got the operating program defined. If left alone, by now they might have."

Huffner said the project embodied some techniques that might be viewed with shock by uninitiated persons. He referred to "games" NASA had said were used to secure student interest and encourage their involvement.

Huffner used the term "hippies" in describing the project's possible impact on the average citizen.

"The uninitiated would ask 'Why spend money for that?' or, 'Why spend antipoverty money on middle class white kids?'," Huffner said.

Urban Systems was recommended for the research role by OEO, according to both NSA and the firm's president. Huffner added that several others also were suggested to NSA. The student sponsors selected Urban Systems, the only firm it interviewed, Huffner recalled.

[From the Harrisburg (Pa.) Patriot-News, Apr. 20, 1969]

GOODLING SEEKS "ACCOUNTING" OF YORK-BASED OEO PROJECT

(By Harry McLaughlin)

YORK.—The White House has been requested to provide a detailed accounting of $100,000 expended by the York-based staff of Pennsylvania Project, a state-wide antipoverty program sponsored by the National Students Assn. and financed by the U.S. Office of Economic Opportunity, it was learned yesterday.

U.S. Rep. George A. Goodling of the 19th District (York, Adams and Cumberland counties), said yesterday he wrote to Bryce Harlow, congressional liaison chief for President Nixon, for a full and complete report on the controversial project.

OEO officials, as reported first in last week's Sunday Patriot-News, confirmed they had suspended payment of a $150,000 research plan to NSA for the Pennsylvania Project because of complaints that the money might have been used to finance unrest on state college campuses. They reported an investigation was underway.

Approximately $40,000 has been returned by NSA to OEO.

The suspension came last February following an OEO audit division report and after some vouchers had been "red-tagged" for further evaluation and study.

Goodling said he wants to know "how every penny was spent."

The project spokesmen in York said the NSA had attempted to initiate antipoverty programs in campus communities with college students' assistance. He listed Penn State, Shippensburg, Dickinson, Bucknell, Juniata and Franklin and Marshall as among those campuses "worked" in Central Pennsylvania.

At Penn State, Donald Shall, one of three student government presidential candidates, said he met with "Pennsylvania Project" staffers last winter to discuss student reform.

"I especially wanted to hear the views of Miss Patsy Parker, director of the Pennsylvania Project, because she had been president of the student government at the University of Illinois.

"I am for student reform, and I believe Penn State's grading system is unfair and unjust," Shall said.

Miss Parker is among the 100 persons slated to speak at Penn State's "talk-in" on May 23, 24 and 25.

Shall, who represents the Organization for Student Interests, must wait until tomorrow night to learn if he has defeated two other candidates. Ted Thompson and Barry Stein, both independents, for the student government presidency. The election was held last Wednesday and Thursday.

In the meantime, Pennsylvania State University administrators have launched a quiet investigation into the "possible influence of Pennsylvania Project on campus activities," it was learned.

In another development, Dr. Ralph E. Heiges, Shippensburg State College president, reported that the Pennsylvania Project never participated in his college program, "Student Stress," as announced last Sunday by a project spokesman.

Dr. Heiges, in a prepared release, said in commenting on the Sunday Patriot-News article, "To the best of my knowledge the York office of the National Student Assn. has assisted in no project on this campus. It might be noted that the Student Senate took action on Jan. 28, withdrawing its membership from the NSA."

Dr. Allen Marshall, adviser to the college's Student Stress Committee, confirmed that the chairman of last year's committee, Robert Taylor, is now affiliated with the Pennsylvania Project in York.

The Shippensburg college newspaper, Slate, quoted William Padamonsky, the outgoing Student Stress Committee president, as saying he and others believed the Pennsylvania Project was a front organization for other activities.

Padamonsky added, "This became a factor which influenced Shippensburg State College's Student Senate decision to withdraw from the NSA recently."

In Washington, NSA officials now concede the project was a failure, and have directed York-based staffers, all in their early 20s, to return to Washington to complete "phasing out reports." The OEO granted NSA another $6,000 to pay salaries of the staffers. The deadline is May 22.

[From the Harrisburg (Pa.) Patriot-News, May 18, 1969]

RECORDS "UNAVAILABLE" ON OEO GRANTS TO STATE COLLEGES

(By Harry McLaughlin)

YORK.—Financial records dealing with how eight young employes of National Student Assn. (NSA) spent more than $100,000 in anti-poverty research funds on 21 Pennsylvania college campuses are unavailable to the public, it was learned yesterday.

Last February, the U.S. Office of Economic Opportunity (OEO) suspended its contract with NSA because the staff of "Pennsylvania Project," with headquarters in York, had failed to stimulate college students to participate in anti-poverty programs.

On Thursday the staff submitted a report of its activities from last May to February to the NSA president, Robert Powell, in Washington, for submission next Friday to OEO officials, including the auditing staff.

Ever since the Sunday Patriot-News exclusively unfolded the story of Pennsylvania Project's activities in the April 13 edition, U.S. Rep. George A. Goodling, of the 19th District of York, Adams and Cumberland counties, said he has been pressing the White House and OEO officials to reveal details of the operation, especially those dealing with expended funds.

The OEO grant to NSA amounted to $150,000, but the full amount never was paid.

NSA President Powell said his organization's contract mandates that OEO audit the records, but "we aren't obligated to open our books or show vouchers to the public, or news media, and we don't intend to do so."

The NSA had a contract several years ago with the U.S. Central Intelligence Agency (CIA) for its members to report on information secured at international student congresses, which included representatives from Communist nations.

The OEO and NSA confirmed last month that an investigation was underway to determine if the grant was used to finance unrest on the state campuses. They acknowledged receiving such complaints from numerous communities.

However, according to a letter dated May 2, Goodling was informed by Robert Perrin, acting deputy director of OEO, that "at the time the suspension action was initiated (on Feb. 12) a brief field inquiry revealed no information to indicate that campus disorders resulted from activities of the Pennsylvania Project."

Later inquiries were made by OEO field

investigating teams, it was learned, but these results have yet to be announced.

In spot-check telephone calls with OEO and college officials in Erie, Lancaster, Lewisburg, Shippensburg and York, none recalled ever hearing of the project.

At Shippensburg State College, Dr. Ralph E. Heiges, president, reported Pennsylvania Project never participated in his campus anti-poverty programs, but William Padamonsky, outgoing chairman of the college "Student Stress" committee, said the student government withdrew its membership from NSA because of the project activities.

Padamonsky said he and others believed Pennsylvania Project was a "front for other activities." He failed to elaborate.

In Washington, Goodling said he will demand to see the report of Pennsylvania Project expenditures.

"I believe the public should know how this student organization spent $100,000, who received the money, and in general, be given a thorough accounting of the expended funds, and also, whether it helped to finance campus unrest," Goodling said.

He said further, "I am personally attending to this matter, and if necessary, I will confront the incoming OEO director, my friend, Congressman Rumsfeld, for a full report."

In the meantime, the OEO office revealed the names of colleges and universities which were reportedly included in the project.

They are: Capitol Campus, Harrisburg; York College, Dickinson, Carlisle; Gettysburg, Susquehenna, Selinsgrove; Juniata, Huntingdon; Elizabethtown, Lewisburg; Franklin and Marshall, Lancaster; Shippensburg, Wilson, Chambersburg; Millersville, Gannon, Mercyhurst and Behrends Campus, Penn State University in Erie; Villa Maria, Erie; Edinboro State, Alliance College, Cambridge Springs; Allegheny, Meadville; University of Scranton, and Washington and Jefferson, Washington.

On April 12, Robert Black, a York spokesman for Pennsylvania Project, said his staff enjoyed its "best success at Franklin and Marshall College." He also said the staff was inactive in York. But worked Penn State University, at University Park, for a brief period. Penn State was not listed by the OEO.

"Never heard of the project," Richard Schneider, director of the F&M "Upward Bound" program, said yesterday. At Bucknell, James Soller, retiring president of the student faculty congress said, "they were never known to us." Bucknell campus was the site of a PP state conference.

York College's president, Dr. Ray Miller, said he learned of the project for the first time when he read the Sunday Patriot-News account last month.

"I'm surprised to know that OEO and NSA claim the Pennsylvania Project operated on our campus. I've checked with administration officials, and they are in the dark, too," Dr. Miller said. He added, "I'd like to find out from official sources what they did here."

OEO officials in York said the project staff "had nothing to do with our anti-poverty programs."

[From the Harrisburg (Pa.) Patriot-News, May 18, 1969]

PENNSYLVANIA PROJECT CREDITED FOR SWITCH IN ROTC AT GANNON

ERIE.—Pennsylvania Project staffers were credited here yesterday with directly influencing Gannon College officials to drop the compulsory Reserve Officer Training Corp (ROTC) program to a voluntary level.

Miss Sandra Hammer, 19-year-old sophomore at Gannon, said Robert Taylor and Steven Finestein, of the project staff, "deserve the credit for changing college policy relative to the ROTC program."

Miss Hammer, who said she was one of nearly 100 students from Gannon and other nearby colleges, Mercyhurst, Villa Maria and Behrends Campus of Penn State University, who assisted in helping the Pennsylvania Project.

"I was an active member in the project," Miss Hammer volunteered. She is also the secretary for Dr. Charles Lundy, a college administrator, and Fred Thompson, director of the college's "Upward Bound" program.

The Pennsylvania Project staffers made their initial contact at Gannon during Orientation Week last fall, Miss Hammer said, and they also helped with the formation of the college's student-sponsored "Colloquy."

"Taylor and Finestein later were joined by two other staffers, Miss Patsy Parker, the chairman, and Robert Black, in arranging for a 'Sensitivity Week' for development of a better understanding between blacks and whites. We had a 'Black Festival.' The staffers helped us secure speakers for the events," Miss Hammer said.

Also, Pennsylvania Project published a newspaper, "The Paper Bag," she said. "It was published at Juniata College and distributed to numerous campuses throughout the state."

At Gannon, she added, "we also published a newspaper called 'The Last Page' and distributed it throughout the campus and the community of Erie."

Miss Hammer said the Pennsylvania Project staffers either stayed at campus dormitories, the Student Union, or at local motels during their visits to Erie.

At the moment, the U.S. Office of Economic Opportunity (OEO) is preparing to audit the project financial records. The project came to a halt in February at the request of OEO, which had given a $150,000 research grant to the National Student Assn. (NSA) to have Pennsylvania Project staffers attempt to stimulate college campus students to participate in local anti-poverty programs.

When the program was suspended, the staffers already had expended $100,000, according to OEO officials.

[From the Harrisburg (Pa.) Patriot-News, May 18, 1969]

NADER WILL SPEAK AT PENN STATE UNIVERSITY "COLLOQUY"

(By Harry McLaughlin)

UNIVERSITY PARK.—A group of 15 to 20 Pennsylvania State University students believe that rational dialogue as opposed to physical violence is the solution for avoiding tensions on college campuses.

That point they hope to prove this week with "Colloquoy," an educational experiment openly endorsed by the university president, Dr. Eric A. Walker, and numerous campus organizations with divergent political ideas and philosophies.

So far, at least by comparison, the 20,000-student campus has been relatively quiet. It hasn't been entirely without incident, however.

Last week, students for a Democratic Society (SDS) and the rival conservative group, the Young Americans for Freedom (YAFF), took mild legal jibes at each other when U.S. Navy recruits sought campus prospects. There were two or three fistfights over the matter. Last February, a seven-hour sit-in ended quietly and without serious difficulties.

The "Colloquy" students have arranged an ambitious program which opens Tuesday with a speech by the safety promoter, Ralph Nader. Then on Friday, it will be Cassius Clay, the former heavyweight boxing champion and black activist, and on Saturday, Al Capp, the "Lil' Abner" cartoonist, at the podium.

Clay, who prefers to be known as Muhammad Ali, is to represent the liberals; Capp, the conservatives.

From Friday through Sunday, another 80 or more speakers will participate in panel discussions on subjects including sexual freedom, student use of narcotics, influence of the news media, black people, politics, the draft, student unrest, rightists and leftists, religion, higher education, the cold war, pollution and obscenity.

The panelists represent extreme liberal and conservative organizations, including such controversial organizations as the Ku Klux Klan, Muslim Student Assn., Young Socialist Alliance, All-American Conference to Combat Communism, the Philadelphia Draft Resistance Movement, National Student Assn., American Civil Liberties Union, the Environmental Defense group, and the Homosexual Law Reform Society.

Among government officials will be William Sennett, the state attorney general, and several state senators.

President Walker endorsed the "Colloquy" and said that "Students should try to add to their educational experiences at every opportunity on their own, through the interplay of various ideas, outside the classroom."

"It is a return to the great tradition" the president remarked, "of listening to various opinions, discussing with an open mind, and weighing the facts."

Larry Rubenstein, Jerry Jablonski and Donald Shall are the student leaders.

[From the Harrisburg (Pa.) Patriot-News, June 1, 1969]

GOODLING AFTER NSA TO RETURN $100,000

(By Harry McLaughlin)

The United States Dept. of Justice will be asked to investigate the National Students Assn. (NSA) anti-poverty program on Pennsylvania college and university campuses if the association doesn't return $100,000 in federal funds, U.S. Rep. George A. Goodling, of the 19th District of York, Adams and Cumberland counties, said last night.

The congressman said he is referring to the U.S. Office of Economic Opportunity's (OEO) grant of $150,000 to NSA for the purpose of encouraging college students to participate in off-campus anti-poverty projects. Last February, OEO suspended the program after NSA had spent $100,000 of the grant because it said the project staff failed to achieve its goals.

Goodling said he was concerned because the NSA activity, named "Pennsylvnia Project," was directed "more into the mind-molding and social stimulating areas rather than anti-poverty, and the activities had a heavy hippie flavor."

The congressman said he drew his conclusions after reading a copy of the "Pennsylvania Project" newspaper, "Paper Bag," which advertised that NSA could provide reliable draft counseling and said the OEO-sponsored staff is "a group of people that wants a revolution in people's heads," and is interested in white racism, social rules and regulations, education reform, community action and non-talking games.

In a by-lined article, entitled "The Real Inauguration," Sherry Thomas, of the "Pennsylvania Project" staff, wrote in "Paper Bag" about the experiences of "Yippies being beaten and arrested" at the presidential inauguration parade.

"Some, seeking purpose and a return to action, go to state their feelings to our new rulers, and to be beaten and arrested. Many of us don't see that as we drift back to borrowed homes," Miss Thomas wrote.

She also described the earlier Pentagon and Chicago riots, and then criticized the news media for their coverage of the inaugural parade disorders.

"The communion of the afternoon and night is unfelt by those who describe us to the world," Miss Thomas said in an article.

The names of Miss Thomas and 17 others are listed as salaried members of "Pennsylvania Project," according to a report of a preliminary audit of the project released Tuesday by OEO to Goodling. Six additional persons, the report said, received fees as consultants, including Michael Ross, of 104 W. Pomfret St., Carlisle, who got $85, for undescribed services.

Another area man, John Uhrich, of 827 Church St., Lebanon, was paid $1,731 as a salaried staff member.

Miss Thomas, who received $1,238, is one of four "Pensylvania Project" staffers listed in the masthead of "Paper Bag." The others and their salaries, are Miss Patsy Parker, project director, $4,305; Margaret Hershey, $4,305, and James Miller, Jr., $508.

The report showed that Misses Parker, Thomas and Hershey, along with Miller, Robert N. Black, Thomas Brackbank, Drucilla Hammell and Robert Taylor resided at 415 S. Albemarle St., York. The house also served as the project state headquarters.

Black was paid $2,100; Brackbank, $430; Miss Hammell, $1,008; and Taylor, $3,906.

Taylor is a graduate of Shippensburg State College and was chairman of the college's "Student Stress" committee two years ago.

Other staffers, and their salaries, the OEO said, are: Pamela Dickson, Washington, $430; Donald Diven, Sharon, $500; Stephen Finestein, Philadelphia, $3,226; Douglas Glasser, Fortuna, Calif., $1,154; Beverly Pettiford, Washington, $1,170; J. Walton Senterfitt, Washington, $2,154; Mary Tilton, Houston, Tex, $208; Michael Vozick, Washington, $310; and Richard Yoder, Sommerville, Mass., $1,250.

Yoder and Glass also collected another $250 and $180, respectively, as consultants.

Other consultants, and their fees, are: David Durand, Davis, Calif., $200; Richard Baker, Chapel Hill, $6 and Mickey Issacorff, Philadelphia, $180.

The report failed to explain what the consultants performed in services for the project.

Goodling noted that the preliminary audit showed that fees and salaries totaled slightly more than $30,000, but the accounting doesn't explain how the remaining $70,000-plus was spent.

He urged the OEO to make a "saturated audit" of the NSA vouchers and books rather than the routine spot-check audit.

The OEO grant to NSA was $150,996, but $100,000 was spent before OEO suspended the contract.

Among the complaints, according to OEO and NSA officials, filed against the project staffers and allied participants was that they encouraged student unrest on college campuses.

At Gannon College, Erie, the project staffers were credited by Sandy Hammers, an administration secretary and a sophomore, with successfully crusading against the college officials in a campaign to have the Reserve Officer Training Corps (ROTC) program reduced from a compulsory level to a voluntary one.

Officials both OEO and NSA said the "Pennsylvania Project" staff failed to get college and university students interested in anti-poverty programs and became active in unrelated programs as outlined in the OEO-NSA grant contract. So far, the unrelated programs haven't been described.

Goodling, in personal meetings and in correspondence, has pressed for a detailed report of the staff's activities and an accounting of the funds. The representative said he has been in contact with the White House, the OEO, and added, "if I am dissatisfied that the money was misspent, and NSA fails to return the $100,000 to the taxpayers, then I shall ask the Justice Dept. to intervene in the matter."

[From the Harrisburg (Pa.) Patriot-News, July 6, 1969]

PRINTER SAYS OEO OWES HIM $318

(By Harry McLaughlin)

The owner of a Lewisburg printing company is waiting for "Pennsylvania Project" (PP), the defunct college-student operated anti-poverty program financed by the U.S. Office of Economic Opportunity (OEO) to pay a bill of $318 for publication of the controversial newspaper, "The Paper Bag," it was learned last night.

Art Miller, owner of Focht Printing Co., confirmed that he had a contract with the PP staff for publication of two editions of "The Paper Bag," which had been distributed to most state college and university campuses.

In Washington, OEO officials reported that they understand the National Student Assn. (NSA) has assumed obligation for the printing bill although the printing work was contracted by the OEO-financed staffers.

The OEO last February suspended its program with NSA, which already had spent $100,000 of the allocated $150,000 federal funds for a research and development experiment to encourage state college students to participate in anti-poverty projects.

Some allegations, according to NSA, OEO, and more recently, U.S. Rep. Edith Green, of the House sub-committee investigating campus unrest, were filed that the "Pennsylvania Project" staffers and unpaid coworkers initiated or supported campus projects unrelated to the antipoverty program. The question also was raised whether federal funds indirectly were used to promote student unrest on campuses.

OEO officials reported that the federal government also had three other contracts with NSA in the "field of anti-poverty" work that totaled nearly one-half million dollars. NSA, which represents 400 college and university student governments, had contracts several years ago with the U.S. Central Intelligence Agency (CIA).

Also, U.S. Rep. George A. Goodling, representing York, Adams and Cumberland counties, asked OEO for a full report on the PP audit and an accounting of its work in the state. Approximately 15 young men and women, in their early twenties, received salaries ranging from $1,000 to $7,000.

They operated from a York headquarters.

The OEO allocated an additional $6,000 for NSA and the PP staffers to write a report of their activities and only yesterday a copy of the 100-page document was released to the news media. Goodling said he received a copy of the report, but was requested by OEO officials to withhold immediate disclosure.

In Washington, an OEO official said he was unable to determine immediately whether the Lewisburg printing bill appears with other expense vouchers undergoing a "saturated audit" by the U.S. Defense Contract Audit Agency.

Miller said he was told last February by a "Bob Black, of the Pennsylvania Project staff that his organization was in financial distress, and the bill would be paid by the National Student Assn." He said the work was contracted last year by a Fran Murray, another PP staffer.

"I was told to bill the two printing jobs to 'Pennsylvania Project,' and I was in contact several times by telephone with their staffers at their York headquarters. I haven't been paid, and I already paid the $18 sales tax, so I plan to contact my congressman, Herman Schneebeli, to ask the OEO to get my money. It was an OEO-financed project, let them pay the bill," Miller said.

The printer, who is a school board member in Lewisburg, said he received severe rebuffs from residents for printing the two newspapers because of the "critical articles appearing in them." The newspapers were distributed at the Lewisburg schools.

One article, by-lined by Martha Hershey, also a paid PP staffer, described how she and other demonstrators were ill-treated by Washington police during President Nixon's inaugural parade. The headline reads, "The Real Inauguration." At the time of publication, she was still in the employ of the OEO-NSA project and receiving federal funds.

Another article dealt with drugs and narcotics, and notes increased arrests in Pennsylvania cities for users. It suggested that students can secure advice on the matter from NSA headquarters in Washington or in York.

The newspaper is now published by the Pennsylvania Assn. of College Students (PAOCS).

The NSA report to OEO describes the "conception" of the project, and said that PP operated on 80 state campuses, although it lists activities only on approximately 20, including Penn State University and other South-Central Pennsylvania colleges and universities.

Although the PP staffers were credited by students at Gannon College, of Erie, with successfully demonstrating for reduction of the college's compulsory Reserve Officer Training Corps (ROTC) program to a voluntary elective, the report excludes this activity.

The report indicates that PP played major roles in the establishment of the "colloquies," a campus project to develop dialogue between students, administrators, and the public on key local, national and international problems.

The staffers take credit for helping to make arrangements for "colloquies" at Pennsylvania State University, Gannon College, and in cooperating with the "colloquy" originator, Edward Fitts, of Hanover, at Bucknell University.

Fitts also assisted the staffers in "writing 'The Paper Bag,'" according to the Lewisburg printer.

[From the Harrisburg (Pa.) Patriot-News, July 1969]

OEO REPORT DETAILS PROJECT'S ACTIVITIES

WASHINGTON.—The U.S. Office of Economic Opportunity (OEO) yesterday released a 100-page report of the activities of "Pennsylvania Project," (PP) a $150,000 program it contracted with the National Student Assn. for an anti-poverty experiment on the state's college campuses.

Last February, after the PP staffers expended $100,000 of the federal government-sponsored project, it was suspended because "the staff wasn't fulfilling the goals of the project." The PP books are being audited.

The report showed PP participated in or originated following programs on South-Central College and university campuses:

Elizabethtown—Initiated and developed a deprivation-discrimination conference at the college to sensitize the students to damaging effects of poverty and racial discriminations incurred by the poor and especially the black poor. Also, consulted with Thrust on way to make coffee house in Harrisburg relate effectively to the poor community, and worked with Afro-American Week committees.

Shippensburg—Initiated student and faculty participation in a community workshop on race relations, and initiated programs against job discrimination and also discrimination in law enforcement in the community surrounding the campus.

Juniata—Stimulated members of Mt. Union and Huntington tutorial projects to form an experimental college for development of communty-college relations, and developed program for inter-campus project relationships.

Penn State—Initiated and developed a curriculum plan for community organizing in the College of Human Development, and assisted in planning of its "Colloquy."

Capitol Campus (Middletown)—Consulted with directors of tutorial projects, simulated "new thinking" about role of tutorials in community action program and helped develop or expand programs.

Dickinson—Worked with Carlisle community action groups, initiated program for Dickinson students to participate in poor community, and helped with the educational enrichment program for poor children.

Bucknell—"Although hostility by some student leaders was encountered, "the staff assisted some students in developing and implementing a high risk program. It hosted several state-wide conferences.

Wilson—Consulted with members of "Sam's Gang," a big brother-sister program, and encountered apathy towards a tutorial set-up.

Gettysburg—Encouraged expansion of educational-recreation program for migrant workers.

Susquehanna—Secured participants for state-wide conferences, but also organized a draft counseling group.

F & M.—Initiated publication of a newspaper for Sunnyside poor persons, and assisted "Student War Against Poverty" committee.

[From the York (Pa.) Gazette & Daily, July 22, 1969]

"DRAMATIC" RESULTS CLAIMED BY GROUP FOR PENNSYLVANIA PROJECT TERMINATED BY OEO

A recently released "final report" on the York-based Pennsylvania Project claims "dramatic" results despite premature termination of the $150,996 grant by the Office of Economic Opportunity (OEO) because, a spokesman said, "we didn't have enough to show."

The report was submitted to OEO by the United States National Student association (NSA), which was granted a "small allocation" for its preparation last April, almost three months after the project itself was essentially halted by OEO.

The grant was made April 30, 1968, with the overall directive to explore possibilities and develop effective partnership between Pennsylvania college students and local community groups in the "War on Poverty."

It was terminated, Edward O'Hara, head of the community action program for OEO said in April, "because we didn't have enough to show—they spent plenty of time relating to other students, drumming up interest, but on an informal basis."

The funding included appropriation for data processing, contracted to a Washington, D.C., firm, amounting to about $50,000.

O'Hara estimated that the project, which had its headquarters on South Albemarle street, but did not carry out any of its campus or community work in York, spent about $7,000 or $8,000 a month.

The report, prepared by NSA and the project staff, states that despite vague directives and interfering actions by OEO, "given the fundamental resistance and apathy discovered by the project to exist in the communities and campuses involved, it is believed that the results of this effort have been dramatic."

"Apathy, hostility, suspicion and disinterest," the report summary continues, "have often been replaced by enthusiasm, concern and action."

Their experience, staff members claimed gives a "model providing visible, measurable examples of new means of organizing and stimulating potentially effective but presently inactive poverty workers from among rural or conservative area campus students, and involving them in community action with equally apathetic and resistant but potentially active contiguous poverty community groups."

Heretofore, the report says, most college students involved in fighting poverty have come from the "relatively sophisticated colleges clustered in urban areas."

The project efforts were primarily concentrated in rural communities and on "small, rural, private and relatively isolated campuses," where they found in their initial grant-directed period of survey work on existing attitudes and work in student and poverty communities in the state.

". . . the overwhelming and deeply engrained attitudes of both college students and the poor community toward student community action was either total apathy or open hostility and often was a combination of both."

"To the extent that students showed any interest outside their own personal problems, their grades, and their social life, this awareness was limited to vague dissatisfaction with dormitory hours, lack of coeducation and similar issues," the report says.

Similarly, the report contends, local poverty communities were generally unaware of the possibility of taking action to improve their lot "and were even less aware of the basic social and economic reasons underlying their status."

ACTIVISTS HOSTILE

"The few activists pressed in these communities demonstrated immediate and open hostility to any contact whatsoever with nearby campus communities, which they considered to be their enemy as representative of the white middle class establishment," the report continues.

The staff reportedly worked with student groups on over 80 campuses, with widely varying degrees and kinds of activity. Where they found contacts existing with the poor community, they said relationships were of "superficial" service-type, although approximately 20 projects were identified as "rather creative and action-oriented."

The staff reported making contact with five local community action agencies—the small number was one of the OEO's objections, O'Hara said—but found "local CAA's (Community action agencies) were frequently regarded as ineffective by leaders of the poor communities."

Furthermore, the staff claimed, "indigenous leadership in those communities did not even know that their county had a CAA."

The project reported that "more successful efforts in building working relationships came from the contacts with indigenous, private organizations in the community," which were "more receptive to the notion of college student involvement in their work than the CAA's contacted."

NEW TECHNIQUES NEEDED

The report contends:

"It is in this context that the organizational methods of the Pennsylvania Project and the progress made in achieving ultimate goals must be viewed. It was clear that new techniques would be necessary. . . . This necessity coincides with the basic concepts of OEO Research and development (R&D) projects," on which, the report quoted from a 1969 fiscal year plan, "purposes of R&D are clearly to experiment with new methods, structures and techniques which will further the poverty reduction efforts of OEO and other public and private institutions."

The report says the staff worked on the assumption that poverty in America "is the result of the structure and behavior of American institutions of power, and is not the result of the action or inactions of the poor themselves."

Therefore, they considered as "nearly fruitless" service-directed programs affording temporary relief services and focused, instead, on working for "significant institutional changes."

A second basic assumption for their work, the report said, was that students would be effectively and permanently committed to anti-poverty work only after "they themselves had developed an awareness of the kind of powerlessness and frustration felt by the poor in their efforts to change community institutions."

The staff felt that students and poor shared "a point of common interest" in recently developed "feelings of powerlessness and isolation from the centers of decision making."

A number of techniques were used to achieve the goals of education about poverty and involvement in its eradication. These included more or less formal projects, such as colloquies, stimulation of self-awareness by interview-type techniques, and nonverbal sensitivity exercises designed to build "personal and work relationships marked by a high degree of mutual trust and cooperation.

Other methods were simulation and gaming techniques, role playing and the stimulation of "free universities," in which students assume an active role in their own education.

The report details activities at a number of colleges, including Franklin and Marshall, Juniata, Huntingdon, Dickinson, Elizabethtown, Bucknell, Wilson, Susquehanna, Gettysburg, Gannon and Mercyhurst, among others.

The staff claims the project increased contact among students at the various institutions and, that throughout the project sought to transfer activity from staff to local group.

The report concluded that the "present level of commitment and enthusiasm evident in the communities and campuses with which the Project has worked" indicates the possibility of a statewide organization which could support "a continuing and expanding community action program involving college students and the poor."

[From the Harrisburg (Pa.) Sunday Patriot-News, Aug. 3, 1969]

REPRESENTATIVE GREEN HITS OEO ON FINANCING—U.S. HOUSE PANEL TO PROBE

(By Harry McLaughlin)

The U.S. House of Representatives subcommittee investigating student unrest on college campuses has entered the inquiry into the activities of the youthful staff of "Pennsylvania Project" (PP) a college campus program sponsored by National Students Assn. (NSA) and financed by the U.S. Office of Economic Opportunity (OEO), it was revealed yesterday.

The OEO suspended the NSA project in February after nearly 20 PP staffers had already expended $100,000 of an OEO research grant of $150,000 to promote interest among Pennsylvanians college and university students in off-campus anti-poverty programs.

On Tuesday, U.S. Representative Edith Green, an Oregon Democrat and chairman of the House subcommittee on student unrest on campuses, discussed the OEO–NSA project with U.S. Representative George A. Goodling, of Loganville, in the presence of this newsman, in her Washington office.

"I will do a thorough investigation of the project, although I had received preliminary reports from another congressional committee and other sources," Congresswoman Green said. She is a strong critic of the OEO, and recently complained that NSA president, Robert Powell, was less than cooperative in his appearance before her subcommittee to discuss his association's activities.

The veteran member of the House Education and Labor Committee described the anti-poverty organization "as the worst managed agency ever operated in Washington."

She told Goodling, a Republican, "the OEO, I'm afraid, is indirectly helping to finance some of the country's revolutionaries."

The congresswoman was informed by the York-Adams-Cumberland Counties representative that the OEO stopped the Pennsylvania College experiment because "it did an inadequate job, and failed miserably."

The OEO spokesman, Richard Peacock, wrote The Sunday Patriot-News in a recent letter that OEO disapproved of non-anti-poverty activities conducted by the Pennsylvania Project staffers, and would disapprove any other such project if the sponsors failed to meet requirements of their contract.

The PP staffers, in a report of their activities that cost $6,000 to prepare, told of confrontations with law enforcement officials in Shippensburg, of the publication of "Paper Bag," and of other programs related and unrelated to the poverty program.

At Gannon College in Erie, the PP staff is credited by Sandra Hammers, a student who doubles as a secretary for the college administration, with inaugurating and leading the campaign to have the college officials reduce the Reserve Officer Training Corps (ROTC) program from a compulsory subject to an elective.

The Gannon College president, Monsignor Nash, said he only recently learned of the PP participation in the ROTC movement and confirmed that the ROTC status was changed after protests from some faculty members and students.

In Lewisburg, the Union County Journal reported that the city school board and high school administrators were alarmed by the distribution of the "Paper Bag" in their schools, which nearly forced suspension of several students. The PP publication, the administration said, was derogatory to students and stirred dissension within the student body.

Two issues of "Paper Bag," described as an underground newspaper, were printed in Lewisburg by printer Art Miller, of Focht Printing Co.

Miller said he has complained to NSA, OEO, and his congressman, Herman Schneebli, that the Pennsylvania Project staffers never paid a printing bill of $318 for publication of "Paper Bag." And OEO officials said it won't pay the bill, and a PP spokesman, Robert Black, Miller said, told him earlier that NSA would pay it.

In one issue of "Paper Bag," dated early in February and a few days before OEO suspended PP activities, there appears a PP-staffers byline article criticizing the inauguration parade of President Nixon, and describing the efforts of Washington law enforcement officers to halt Yippie demonstrations.

The PP staff headquarters was at 415 S. Albemarle St., York, until the date of the program suspension.

The PP staff report of 100 pages states that it helped organize the student-sponsored "Colloquy" at Penn State University, and the one at Gannon College.

An audit of expenditures of the $100,000 project is nearing completion, Representative Goodling said Friday. It is being conducted by the U.S. Defense Dept.

Goodling again reiterated an earlier statement that he will ask for the U.S. Dept. of Justice to make an investigation of the project if OEO and NSA "fail to provide a satisfactory report."

In a preliminary report to Goodling, the OEO said approximately $37,000 was spent for salaries for the youthful staffers and for consultant fees.

His Oregon colleague said "Americans today face a threat of romantic anarchism which in political terms is best described as neo-fascism and it offers mob violence and intolerance in place of reasoned discourse and understanding." She added, "It must be defeated."

Representative Goodling said after his meeting with the student unrest investigating committee chairman that he wanted to determine whether federal funds were used in Pennsylvania to "stir up student unrest on our campuses, and if so, with what degree of success."

OEO reported that PP "worked" only 19 of the state's 119 colleges and universities.

NSA has received between $1 million and $1.5 million in federal and foundation grants for various projects since 1966.

[From the Harrisburg (Pa.) Sunday Patriot News, Oct. 26, 1969]

YORKER, 22, POSTS $7,000 BAIL—THIRD SUSPECT IN NARCOTICS CASE FACES HEARING IN CHAMBERSBURG

CHAMBERSBURG.—A preliminary hearing for Robert A. Taylor, 22, of York and McClean, Va., will be held in the week of Nov. 10 before Justice of the Peace Allen E. Jennings on a charge of possession of narcotics and dangerous drugs.

Taylor, who formerly resided at 415 S. Albemarle St. in York, surrendered Friday to Shippensburg Police and later was released from Franklin County Jail after posting $7,000 bail. He was arraigned before Justice of the Peace Virginia Barnhart on the drugs charge. She said yesterday the case was being transferred to JP Jennings.

Another Yorker, Paul J. Krsek, 21, and a Silver Spring, Md., youth, Kenneth Warner, 20, also were arrested after State Police, Shippensburg Police and state narcotics agents raided an apartment at 421 W. King St., Shippensburg, on Oct. 17.

Taylor was a former student at Shippensburg State College and a year ago joined the staff of Pennsylvania Project, an anti-poverty project sponsored by the National Student Assn. and financed with a $150,000 grant from the U.S. Office of Economic Opportunity.

Shippensburg Police reported that Taylor refused to give a home address at the time of his booking and that they took the Albemarle address from his vehicle operator's license. This was the same address as the headquarters and residence of the former staff of Pennsylvania Project, which was closed down last April by the OEO after the staff had expended $100,000.

The OEO began an investigation into the statewide activities of the staff on 27 college and university campuses. The findings of a seven-month audit of the project financial books has yet to be revealed.

U.S. Rep. George A. Goodling, R-19th District, said he has been in continuous contact with the OEO about the investigation and audit.

Taylor was a featured panelist at the Pennsylvania State University colloquy last spring, a dialogue between students and educators and public officials. He appeared on the "Drug Abuse" panel.

Krsek is president of the Student Government of Shippensburg State College, and a former student at Central High School in York.

Krsek was arrested at the apartment in Shippensburg at the time of the raid and later posted $7,000 bail, pending a preliminary hearing.

Warner, who surrendered to authorities Tuesday, was charged before Jennings and released on $3,000 bail, pending a preliminary hearing.

If one word were to characterize the operations of the Pennsylvania project, that word would be "mystery." So mysterious were its operations, in fact, that administrators—at colleges where Pennsylvania project activities were in process—were not remotely aware of the project's presence or its functions. In addition to this, the head of the Community Progress Council of York—the city where the headquarters of the Pennsylvania project were located—knew nothing about the existence or operation of this particular project.

It should also be called to your attention that fear had been evidence in some quarters that the mysterious operations of the Pennsylvania project had not been directed into the area of the poverty stricken but, instead, had been tailored to cause campus unrest.

To further highlight the mysterious nature of this project, I would like to refer to some of the points contained in the official report submitted to me by the General Accounting Office. I would also like to say that the Honorable Donald Rumsfeld, Director of the Office of Economic Opportunity will, in due course, have an opportunity to examine and to comment on this report, taking whatever action he deems necessary to correct the reported deficiencies—I have recommended that this report be directed to Mr. Rumsfeld, and the General Accounting Office has consented to transmitting it to his attention.

The following represent extracts from the GAO report:

The grant conditions required a non-Federal contribution of $7,400 from NSA as its share of the project cost. NSA personnel could not furnish a record to show whether any such contribution had been made.

None of the NSA salary payments were supported by signed and certified time and attendance cards, which are the records usually required by O.E.O. of grantee as a basis for preparing a payroll.

Of about $51,000 reported to have been expended for direct costs on this project by NSA, costs amounting to about $39,000—including $29,000 for salaries—lacked adequate documentation.

A number of charges to the project appeared questionable; for example, trips to Illinois, New York, California, and Florida were charged to the project although the scope of the project work was limited to schools in Pennsylvania.

Expenses identified with some individuals not officially associated with the project were charged against the grant.

NSA made an unauthorized purchase of a used Volkswagen bus, repaired it and purchased tires for it.

There were a number of questionable transactions involving the project director.

As of November 14, 1969, project expenses in the amount of $6,372—which were recorded in the books of NSA in May, 1969—remained unpaid. The sum of $5,370 was for consultant fees.

$2 was spent for repairs to the automobile purchased without authorization.

$38 was spent for an air flight to Raleigh, North Carolina, by one Richard Baker, whose name does not appear on the payroll register for the Pennsylvania Project.

The sum of $3,970 was charged to the Pennsylvania Project as consultant fees in May, 1969, and not paid as of November 14, 1969. Additionally, a cashier check was issued by NSA to cover a personal check in the amount of $760 from Patsy Parker to David Owens for consulting fees, which was subsequently deposited by Joan Brown, a holder in due course, but the check was not honored because of insufficient funds. No record was found of Patsy Parker having reimbursed NSA.

Mr. Chairman, these represent only some of the irregularities that permeate

the report that has been submitted to me officially by the General Accounting Office on the Pennsylvania project. They serve, however, to provide a perspective on how loosely the project was put together and operated.

The aspect of mystery also pervades the selection of personnel that appear on the roster of the NSA to receive money for various services.

For instance, it is revealed from official records that one David Owens was associated with NSA and received the sum of $4,730 for consultant fees and conference expenses, along with other sums to cover general expenses. Mr. Owens is listed on the NSA records as being an executive director and founder of the United Black Brotherhood, Inc. It is of further interest to note that one David Owens—reported by newspapers to be an executive director and founder of the United Black Brotherhood, Inc.—also has an interesting record in the intelligence division of the Pittsburgh, Pa., Police Department. This record on one David Owens shows as follows:

May 6, 1967: required, in Pittsburgh, Pennsylvania, to assume bond not to molest.

November 11, 1967: arrested in Pittsburgh, Pennsylvania, for inciting a riot, for assault and battery on a police officer, for resisting arrest, and for disorderly conduct. No trial was conducted on these charges.

October 9, 1968: charged in Pittsburgh, Pennsylvania, with assault with intent to kill, violation of State uniform firearms Act, carrying a deadly weapon, pointing a deadly weapon, resisting arrest, and conspiring to do an unlawful act. He was tried for these charges on November 24, 1968, and he was found guilty on all charges except assault with intent to kill. He has appealed for a new trial and is now out of jail on bond.

In addition to the above, it is reported by various news media that some years ago, David Owens was arrested in Cincinnati, Ohio, for being a.w.o.l., and he was being investigated at that time for other offenses. Furthermore, it is reported that he was on hand during a disorder that took place in Detroit, Mich., early this year, and it is also reported that he was picked up in London, England, by authorities for carrying a firearm.

The disturbing thing is that after this turbulent background, David Owens was selected to take part in a responsible capacity in the Pennsylvania project.

The name of Robert A. Taylor, RD No. 3, Crescent Drive, Shippensburg, Pa., is also listed as one receiving a salary of $3,906 on the staff of the National Students Association. The Sunday Patriot News—in its issue of October 26, 1969—carried the picture of a man being escorted off to jail by police of Shippensburg, Pa., after the man had turned himself in on a drug charge. The paper reported further that a preliminary hearing for Robert A. Taylor would be held in the week of November 10, 1969, on a charge of possession of narcotics and dangerous drugs, and it then went on to say:

Taylor was a former student of Shippensburg State College and a year ago joined the staff of Pennsylvania Project, an anti-poverty project sponsored by the National Student Association and financed with a $150,000 grant from the U.S. Office of Economic Opportunity.

It should be noted, however, that this occurrence developed after one Robert A. Taylor was no longer a part of the Pennsylvania project. But it is disturbing to realize that men like Mr. Taylor and Mr. Owens were acting to advise our college youths.

Mr. Chairman, I have mixed feelings on whether or not the Office of Economic Opportunity should be continued. My purpose in presenting these facts is to point out that if the Office of Economic Opportunity is extended in any form, every precaution must be taken to make the programs it sponsors responsible ones.

In the first instance, great care must be taken so that competent, reliable, and trustworthy personnel are selected. In the second instance, every effort should be made to see that programs sponsored by the Office of Economic Opportunity are efficiently administered and meticulously accounted for. In the final instance, everything must be done to assure that projects sponsored by the Office of Economic Opportunity specifically obtain the objectives certified in the implementing grant—unless this is done, we will be using hard-earned taxpayer money to promote soft-objective programs like the Pennsylvania project.

Mr. AYRES. Mr. Chairman, may I ask what the division of the remaining time is?

The CHAIRMAN. The Chair will state to the gentleman from Ohio that the gentleman from Ohio has 18 minutes remaining, and the gentleman from Kentucky has 17 minutes remaining.

Mr. AYRES. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield before he starts on his dissertation or would he rather yield later?

Mr. QUIE. Let me yield to the gentleman now because I know the gentleman has been waiting patiently to get into this colloquy.

Mr. FARBSTEIN. I thank the gentleman very much.

I will give you another example of one of the situations that has occurred. In a Southern State a kid cannot go to school unless he has shoes. One individual went into one of these family loan purchasing offices where they can borrow up to $300 without any security and borrowed $10 to buy shoes for his kid so he could go to school. While he was in the office, he learned of some of the other benefits that the Government affords in this poverty program.

I contend that this is a good program and I want to know whether or not under the amended program the Governor of this Southern State will have the right to declare that this program is undesirable; and if so what can be done about it?

Mr. QUIE. I would say to the gentleman, if the program is already in operation in this State, the Governor has already had that opportunity to declare it undesirable and, evidently, he did not—or else if he did, his veto has been overridden.

Therefore, under my language here that we are offering as a substitute, the Ayres substitute, it would not again come up to the Governor to decide this question whether it would be approved or not approved.

As the gentleman knows, when the money was put into this program, it stayed in it as a revolving fund. So there is nothing to go back to any State agency to continue that program.

Mr. FARBSTEIN. How about additional funds?

Mr. QUIE. The gentleman asked earlier about the additional funds.

It is my understanding that there is nothing budgeted for additional funds. But since the original funds came from section 232, the research and pilot programs, undoubtedly additional funds would also have to come from that section. That section is not covered under the State developmental and coordination program. Therefore, any additional funds would have to go the same as the previous request for funds directly from the Director of OEO, or to whoever handles it locally.

Mr. FARBSTEIN. Now I have convinced, I think, the head of the Committee on Appropriations that appropriates the funds of the validity of the program and he has promised me that he will do everything that he can to see that money is appropriated for that program.

Will he need enabling legislation or will he just be able to include in the appropriation bill sums to cover this particular program?

Mr. QUIE. I imagine he would still have to get the approval of the Director of the OEO to fund that through section 232, where he received the fund originally.

I think they will need the additional support of the Director of the OEO to receive the money which might be in the appropriation bill.

Mr. FARBSTEIN. But there would have to be no other authorizing legislation needed?

Mr. QUIE. No other authorizing legislation, you are quite right.

Mr. FARBSTEIN. I thank the gentleman very much.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. HOWARD. Under the substitute bill, will the Governor of Georgia, Lester Maddox, have the veto power over the poverty program in his State?

Mr. QUIE. He has the veto power now and he will continue to have the veto power.

Mr. HOWARD. I thank the gentleman.

Mr. QUIE. Mr. Chairman, I would like to make my statement now, and I will say to the gentleman—of course, I will yield to the gentleman from Illinois (Mr. RAILSBACK) and anybody else who may want me to yield—I shall yield when I have made my statement.

Let me just review a little bit about the substitute.

I imagine under the 5-minute rule there will be brought up all the differences of opinion that anyone might have to title III of the substitute. So I will only refer to that fact that most of the flack will come from title II, the new opportunity for the States to assume administrative responsibility. This is what I felt

in the very beginning that the Economic Opportunity Act has been sorely lacking.

Because in the observations that I have made and in the philosophy of government that I believe in, any domestic program functions best if the State stands between the local community and the Federal Government.

Because in the past political influences of the community on the Federal programs have been such that they have substantially changed them. They stay on target better when there is State administration.

When we are dealing with a program that helps the poor who have been left out of programs in the past, and evidently left out so that they are poor right now—I want to make absolutely certain that if a State assumes additional responsibility, it should be in such a way that it conforms with the act, and that certain individuals and certain categories of people who are poor will not be left out of the program.

I do feel very strongly that we have devised in this title II an opportunity for the State to assume a greater portion of the action in such a way that they must receive the approval of the director before they can set up a developmental and coordination program.

In many States they are ready to move to assume that additional responsibility. They have already indicated, and they have indicated to the Director of the OEO previous to the present Director.

Title II of the substitute lays out structurally the means by which a State can assume additional responsibility.

But, first, the State does not have to do anything different than they do presently if they do not want to. They can leave things the way they are.

But if they have a State economic opportunity office, they should be given some opportunity to work with local communities. The Director already has notified them with a draft of proposed changes and guidelines. He has already indicated that he wants to give 30 percent more money to the States to enable them to do it. So the substitute requires that all applications in that case would have to go through the State office for recommendation on their part to the Director rather than simultaneously, as it is at the present time.

However, one of the biggest handicaps to communities has been the fact that the regional office is so far away from them, and so in many cases without sensitivity to their needs, and they really should have the opportunity, if the State can devise it, to have an administrative unit which will be more sensitive to the needs of the communities of the State and the categories of the poor in the State and to work out such an administrative operation. This is what we have proposed. I am convinced that it will enable the Economic Opportunity Act to function much better than it has in the past. Many of the glaring faults that we have pointed out before we have been unable to do anything about because it is handled by a Federal agency not responsive to the people. I say you have a vehicle at least under the Federal system that many of us believe strongly in, that the people can actually get at some of these shortcomings and make changes. Therefore, I am convinced that this is the wise step to make at this time. I know many people have said that about the only way you can clean up the OEO is to get rid of it and start over again. We do not have that opportunity right now, because a complete new vehicle to operate under has not been developed. When the act comes up for extension again, perhaps at that time the vehicle will have been developed. At this time it has not been, and we believe we have provided the machinery to improve the administration of OEO with the substitute.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding.

I understand this will be my only opportunity to speak, and I wish to begin by saying—and I am sure the gentleman in the well agrees with me—that we should all commend the Director of the Office of Economic Opportunity, Director Rumsfeld, for the job he has done in providing many innovations, many internal changes designed really to help restructure the Office of Economic Opportunity.

Mr. QUIE. I will say to the gentleman that it has not been an easy task for him. I am aware of that. In my own State he is up against tremendous odds.

Mr. RAILSBACK. Because of my high regard for the Director, as the gentleman in the well knows, I am very reluctant to support his substitute despite the fact that I know he has given a great deal of time to it.

I would like to ask some questions in the hope that we can clarify some of the language that I believe will be offered in the gentleman's substitute. I am particularly concerned that all applications, whether under the proposed section 251 or under the proposed section 253, will in fact first go to a State office but then will be referred to the office of the Director of Economic Opportunity. Is that correct?

Mr. QUIE. I would say that under 251 that is true. All of them end up with the Director. In 253, if an application is approved by the State, then there will be no reason for it to go to the Director. However, every application that is disapproved under 253 would go on to the Director for him to make the determination whether he is going to fund it under the 25 percent that he can reserve.

Mr. RAILSBACK. In other words, if I understand the gentleman correctly, what he is saying is that even under section 253, if the State should disapprove of an application, it would then still be able to go to the Director for the Director's review and possibly an override, and then the Director would be permitted to fund it out of the 25 percent reserve funds provided in the gentleman's substitute?

Mr. QUIE. The gentleman is correct. Will the gentleman permit me to yield to his colleague from Illinois, who I believe is together with the gentleman?

Mr. RAILSBACK. Certainly.

Mr. ERLENBORN. I thank the gentleman for yielding.

First, to clarify this point, the gentleman on several other occasions has said that at the time the State developmental and coordination plan goes into effect the State economic opportunity office takes over the function of the regional office of OEO.

Mr. QUIE. That is correct.

Mr. ERLENBORN. Is that completely accurate in the light of your comment now that applications that are submitted to the State economic opportunity office and are approved do not go on to the Director of OEO? Does not the Director of OEO at the present time have the final authority to approve or disapprove applications rather than the regional office?

Mr. QUIE. He does have the final authority. It still remains with him. But under section 253 he then reviews and indicates whether he will permit the State to assume that, just as now in the regional office, if there is approval of the plan, there is not a necessity for the regional director to send it down to the Director before they give approval.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield further?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. ERLENBORN. But to the extent that the approved application does not go on to the Director for final approval but receives the final approval of the State office, there is some power of the Director to take it away and it is intended to be taken away by section 253.

Mr. QUIE. That is right. If the approval of the applications under section 253 is not according to the developmental and cordination program, the Director then can step in and bypass the State.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield for a last question?

Mr. QUIE. I yield.

Mr. ERLENBORN. At the present time it is the regional office and the Director who determine whether an applicant qualifies as a community action agency, which is a separate function from determining whether the function will be funded.

Mr. QUIE. That is correct.

Mr. ERLENBORN. Under section 253 will it be the State Economic Opportunity Office or the Director who determines who is a qualified recipient as a community action agency which conforms to the existing requirements of law?

Mr. QUIE. Section 253 does not change the present law in this regard. Section 253 applies only to the funds under sections 221 and 222.

Mr. ERLENBORN. So that the question of whether it is a qualified community action agency is left with the Director.

Mr. QUIE. Left with the Director; yes.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I have a number of questions.

I wonder if I am correct in assuming there is nothing in the substitute to prevent regional offices, although perhaps some of their personnel strength will be shifted to the State offices, from continuing to provide technical assistance

both to a State desiring to formulate a State plan and to a local community action applicant.

Mr. QUIE. The gentleman is correct. The authority under different sections, which the Director uses, he can utilize through a regional office, just as other departments of the Government which deal through State plans. They still have regional offices.

Mr. RAILSBACK. They will still have regional offices and these regional offices will still be permitted to monitor and evaluate?

Mr. QUIE. That is right.

Mr. RAILSBACK. That is true under both sections 251 and 253 of the proposed substitute?

Mr. QUIE. That is correct.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Chairman, I yield myself 2 additional minutes, and yield further to the gentleman from Illinois.

Mr. RAILSBACK. Under section 253 is it the gentleman's understanding that specific grantees that may comprise the State plan or the long-range plan, if they are known at the time the State plan is to be formulated, will be identified to the Director so that he can monitor, instead of just utilizing, say, information on paper? He can review, just as he now can?

Mr. QUIE. Yes.

Mr. RAILSBACK. I believe that answers most of my questions.

Mr. QUIE. Mr. Chairman, because I took time away from the gentleman from Iowa, I should like to yield my remaining time to the gentleman from Iowa.

Mr. AYRES. Mr. Chairman, how much time does remain?

The CHAIRMAN. Does the gentleman from Minnesota yield back the time remaining?

Mr. QUIE. I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Ohio has 2 minutes remaining.

Mr. AYRES. And how much time does the majority have, Mr. Chairman?

The CHAIRMAN. It is 17 minutes.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I rise in support of H.R. 12321, the Economic Opportunity Act Amendments of 1969. This is not the first time I have done so, and I hope it is not the last. I hope it is not the last because the problems of the less fortunate are still with us, although not so numerous as when we initiated this program 5 years ago.

Ardent program supporters realize that the gains may not be as great as originally anticipated, while pessimists look upon OEO gains as minimal. But, Mr. Chairman, I submit that the important thing is that there have been gains.

I think it clear we expected too much in the beginning. There were those of us who felt OEO would cure the pent-up domestic problems of our country in a decade. We were wrong. The problems of this country were not created in one decade and they will not be solved in one decade.

Early in our history, the problems of poverty were personal problems. They were dealt with by persons and families and were not considered matters of public concern. Later, kind-hearted individuals, religious and fraternal organizations attempted to alleviate the hardships and suffering of the impoverished.

Still later their plight became a matter of concern of the public. States began programs of providing subsistence for the hungry and shelter for the homeless. Programs for the aged were undertaken by States and counties. I can still recall when I was a very young boy hearing stories and feeling the sorrow of those who were at the county poor farm. During the 1930's the Social Security Act undertook to provide assistance for the very poor through the States.

Today we provide billions in public assistance programs to insure subsistence for the impoverished of this Nation. Periodically, Congress has revised the public assistance features of social security. In the House this legislation is always debated under a closed rule that does not allow us to offer amendments.

But, Mr. Chairman, all the programs, all the charity of which I have spoken is welfare—provision for subsistence. The Economic Opportunity Act does not provide charity; it does not provide a handout; rather it provides a helping hand so that the recipient is more able to help himself. Surprisingly, it is a relatively new concept. Regardless of our failure to recognize the validity of this approach, it is clearly effective and, in the long run, a less expensive program than simply providing subsistence.

If, by this legislation, we can provide the training, education, or motivation which moves one from the position of poverty to the position of a taxpaying productive citizen, the basic purpose of the act is fulfilled.

In our attempts to do this we have not always been successful. There have been some failures. Clearly the new concepts and programs have irritated established institutions and persons who generally oppose change. But if the shortcomings of our society are to be corrected, there must be change. The committee legislation for orderly change is an alternative to the revolution and violence of those in our society who contend we are incapable of peaceful and orderly transition.

The Office of Economic Opportunity has been a catalyst for the factors, factions, and demands of change. It has provided the impetus and funds for programs which seek to abolish the degradation and despair of poverty. While the goal of this agency should be to work itself out of a job, that goal has not yet been reached. We must allow this program to continue intact. Only one Government agency is concerned exclusively with measures to combat poverty—and this agency is the Office of Economic Opportunity.

And now, Mr. Chairman, I should like to direct my effort in behalf of three specific programs in this legislation: programs for the American Indians, for migrants, and for legal services.

INDIANS

The 600,000 American Indians are, as a class, perhaps the most impoverished group in our Nation. Average income is $1,500 per year, 75 percent below the national average. Unemployment is nearly 40 percent—10 times the national average. The dropout rate of Indian schoolchildren is twice the national average. Indian children have achievement levels 2 and 3 years below white children.

Why is this? No one knows exactly, but probably the reasons are almost as numerous as the theories. All of which serves to show that a diversified attack must be mounted if the problems are to be cured.

Last year approximately $23 million was utilized for different Indian programs under title II of this act. With grants from OEO, Indian tribes across this Nation funded economic development, education, housing, health services, and many other programs. The important thing is that these were programs which the Indians themselves have devised and implemented.

I suppose we all have our favorite theories as to the reasons for the Indians' present plight. Under my theory, benevolent paternalism is the culprit. Operating through the Bureau of Indian Affairs, we have for over a century been telling the Indians what their problems are, how to solve them, and when to solve them. Not so with Indian programs under OEO. For the first time they have had a chance to tell us their problems and suggest solutions, and we are watching with astonishment as they make their programs work.

A typical example is the aquaculture project carried on by the Lummi Indians in my own district. In some respects the Lummi aquaculture project is unique in its approach to the concept of helping a disadvantaged minority group break the "cycle of poverty." The Lummi Indian Tribe, numbering nearly 1,200 people, live on a small reservation immediately west of the city of Bellingham in Washington State. A 5,000-acre tideflat is part of the reservation. There, with the help of a number of Federal and private agencies, the tribe is developing an integrated seafood production facility.

They will grow, harvest, and merchandise seagoing trout, salmon, and oysters. The tideflat, useless in its present form, will produce an estimated $5 million per year gross income when developed fully. It will provide full- or part-time employment for a minimum of 650 people—the entire tribal work force.

All of this potential is possible within the framework of the Lummi Indians' history, culture, and tribal mores. It is an extension of their millennia-old tradition of extracting their livelihood from the sea. Descendants of the spear and net fishermen of old are now becoming college and laboratory-trained aquaculture technicians, marine biologists, business administrators, seafood merchandisers, and operators and proprietors of a tribally owned corporation. The Federal Government has invested more than one-half million dollars in the project.

It should start showing financial returns next spring and summer.

Equally impressive programs in economic development are taking place on other reservations in this Nation.

The belief has long been held by some that the Indian people are not interested in education. While the education system we have devised for them leaves much to be desired, it is interesting to see some of the education programs the Indians themselves have developed. The doubters ought to attend some of their Headstart and adult basic education programs.

Anyone who has visited many Indian reservations has noticed the sad state of housing. This, like most deep-rooted problems, will not be cured in one generation. Nevertheless, it is impressive to watch the changes taking place on many reservations, because of housing programs operated by the Indians under OEO grants. Married men with families are being enrolled in construction skills courses and are also provided funds for the repair and renovation of their own dwellings—a kind of self-help, on-the-job training. Younger Indians are being trained in the construction trades and then, working with tribally operated construction companies, are building complete, new houses for Indian families.

These are just a few examples of the fresh breezes stirring on the Indian reservations in America. There are many other success stories. There are some stories of failures. But with a long history of failure in our dealings with the Indians, I regard it significant that most all of the successes have occurred under OEO programs in the last 4 years. Perhaps we are learning at last what the Indians have known for years. Success will only come when they are involved in the solution of their own problems.

But there are three areas of great concern for me in this otherwise relatively optomistic picture:

First, is the problem of the "off-reservation" Indians. Away from their friends and relatives, poorly trained, often subject to discrimination, the "off-reservation" Indian faces adversity not known to others. The funds provided under title II of this act are almost entirely provided through tribal organization on reservations. Very little is being done through OEO for the "off-reservation" Indians and small nonreservation tribes. I am pleased to note the funding, for study purposes, in my own State of a small tribes council which could act as a CAP agency for such programs in the entire State. More needs to be done to serve such groups and individuals who are not on reservations.

Second, the funding for Indian programs under title II is not earmarked. Under the former Director of OEO, Indians, in proportion to their numbers and special problems, have received a fair share of the unearmarked funds of that title. I have been assured by the present Director that it is his intent that they continue to receive a proportionate share. For this reason, I shall not propose earmarking. But, in the event there is additional title II earmarking with additional funds, or the present proportion of title II funds for Indian programs is cut, I shall thereafter insist on statutory earmarking provisions.

Third, and perhaps most importantly, I am disturbed about efforts of some of my colleagues to require title II programs to be State operated. For the American Indians, State control would not serve their best interest. The special obligations of this Nation to Indian people exist by virtue of treaties with the Federal Government. These are national obligations. No single State should be called upon to represent this Nation in its dealings with the Indian people. In addition, some tribal boundaries cross into a number of States. The lines of communication have historically been from the tribes direct to the Federal Government. Placing another level of bureauracy between the Indians and the Federal Government would, in my judgment, be disastrous to the operation of these programs which now show such excellent potential for freeing the tribes of bureaucratic indecision and inaction.

MIGRANTS

Mr. Chairman, if there is any other group in this country which is beset by worse conditions than the American Indian, it is the migratory farmworker. In 1968 the average family income was $1,490 and the average education level was 8.6 years. These facts are deplorable enough when taken by themselves, but when one realizes that in 10 years the average migrant's annual income has increased by only $11, it becomes catastrophic. In 1959, the average migrant income was $911. Today it is $922. The story of migrant education is equally appalling. In 1940, the average migrant educational level was 7.6 years; in 1967, 8.6 years. While this Nation has experienced a fantastic acceleration of its educational achievement, the migrant has increased 1 year in the past 27.

We often hear the charge made that "this did not just happen." In this case it did just happen. It happened because no official needed to answer to the migrant. Following the crops, a migrant family often sees 10 to 15 States in a year and three times as many counties. Whose charge is he? What school should serve his children? How can he pay for health services? How can children 7 and 8 years old be in school when their help is needed in the fields?

That the migrant has been an orphan of our system is illustrated starkly by his exclusion from the Social Security Act, unemployment compensation, and the National Labor Relations Act.

And so the sad plight of the migrants today plagues us because we have done almost nothing about it. As a matter of fact, Mr. Chairman, prior to OEO migrant programs we in the Federal Government spent more on migratory waterfowl each year than we did on migrant laborers and their families.

But the Economic Opportunity Act changed that. Today, under title III of of this legislation, we seek authorization of $34 million.

Much of this will be utilized as transition money. With the migrant problem we face not only a great responsibility, but a golden opportunity. By 1980, 10 short years, 40 percent of the jobs now filled by migrants will be done by machines. Both our challenge and opportunity is to smooth the road. We must provide special education and job training so that these people can be brought into the permanent labor force.

One alternative is, 10 years from now, to scurry about, wringing our hands, decrying the fact that we have an additional 1 million people who are on public assistance because they are uneducated and untrained.

The other alternative it seems to me, is obvious. We must prevent this future problem. That is what OEO programs are attempting to do. We are providing schooling for the young people and skill training for their parents. We are providing special housing programs which will provide permanent residences for migrant families who are being removed from the migrant system with permanent jobs.

Young children of migrant parents are being taken from locked cars, tiny rooms, and the care of brothers and sisters barely their senior and placed in day-care centers. There they are acquiring the basic education which will later be used to acquire and hold permanent positions.

These programs, Mr. Chairman, are the proverbial ounce of prevention and they must be continued.

LEGAL SERVICES

I should like to present a few observations on the legal services program of the Office of Economic Opportunity, which is widely admired as one of the most effective OEO programs.

As many will recall, a legal services program was not included in the original Economic Opportunity Act of 1964. It was added in the 1966 amendments, along with Headstart and the comprehensive health services programs. Since that time, legal services has emerged as one of the most viable and visible manifestations of our national commitment to overcome the scourge of poverty.

The statutory mandate of the legal services program provides that it shall: "Further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and providing legal advice, legal representation, counseling, education, and other appropriate services. Projects involving legal advice and representation shall be carried on in a way that assured maintenance of a lawyer-client relationship consistent with the best standards of the legal profession."

I submit, Mr. Chairman, that it is useful to keep in mind the language of this mandate as we consider both the successes which legal services has enjoyed and the problems it has encouraged.

The initial obligation of the legal services program is to furnish legal advice and representation to poor people. This mission is being accomplished with striking success. During the last 2 fiscal years, legal services attorneys represented over 1,100,000 persons in 49 States, the District of Columbia, Puerto Rico, and the Virgin Islands. During the current fiscal year alone, the program expects to serve 800,000 poor people. It is currently fund-

ing 265 legal services projects employing nearly 1,900 full-time attorneys in over 850 neighborhood law offices.

These attorneys furnish representation only in civil matters; they are precluded by statute from representation in criminal matters, except in extraordinary circumstances Thus, the problems they encounter involve the practices of unscrupulous merchants, loan sharks, landlords, and employers who prey upon the poor. They also involve the conduct of public officials charged with administering the welfare, housing, medical care and related statutes which vitally affect the everday lives of poor people. For most of these low-income clients, a trip to the neighborhood law office represents their first visit to a lawyer and their first encounter with the law as an ally, not as an adversary, as a positive instrument for resolving their grievances.

The quality of services these clients receive is also striking. During the last year, legal services attorneys have won favorable verdicts for their clients in about 70 percent of their litigated cases and negotiated favorable settlements in another 15 percent. That kind of winning percentage is the clearest possible example of the vigor and competence which the program has displayed. In addition, it has increasingly attracted the brightest and best qualified graduates of the Nation's law schools—young men who not long ago would have gone to work for prestigious law firms and large corporations. Today, one out of every 17 law school graduates, is going to work at great financial sacrifice, in legal services programs around the country. The Congress can take great pride in a program which has directed the energies and talents of so many of our brightest young lawyers to attacking the problems of the Nation's poor.

The statutory mandate under which it operates directs that the legal services program be carried on in a manner consistent with the best traditions of the legal profession. This mandate, too, has been scrupulously implemented.

Each legal services program is locally initiated. Applications for funding are prepared by citizens located in the community to be served by the program. A not-for-profit corporation is established to receive and administer Federal funds. From its inception, the legal services program has required that the board of directors of each of these corporations must be comprised of a majority of licensed attorneys practicing in the community. In this way, the program has encouraged vigorous participation by the organized bar as well as individual citizens in the operation of each legal services project. This local board of directors operates the program establishing plans and priorities, hiring staff, and making financial decisions. The lawyers on the Board are encouraged to insure that the program operates in a thoroughly professional manner.

When the legal services program was first being considered by Congress, the fear was expressed by some members of the bar that it would threaten intrusion of the Federal Government into private practice of law, which has historically been independent of governmental interference.

However, the bar was persuaded to take the lead in establishment of the legal services program on the basis of firm assurances that it would be operated in the best traditions of the legal profession in this country. A 1967 letter from Jacob Fuchsberg, president of the Roscoe Pound-American Trial Lawyers Foundation, and at that time a member of the National Advisory Committee on Legal Services, expressed the policy of the organized bar at the inception of the program:

> If providing counsel were to be meaningful, such counsel must exercise the same high standards of integrity, the independence, dedication and skill in their advocacy of the causes of the poor as was required of them for all other clients. They had to fully reflect the unique professional disciplines that had been developed and are enforced by the organized bar and by our courts as a *sine qua non* of justice under our adversary system.
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> For such inviolable professional and public policy reasons, under the leadership of the American Bar Association, and with the active participation of the National Bar Association, the National Legal Aid and Defenders' Association and the American Trial Lawyers Association, as well as numerous state and local bar associations, the lawyers of America necessarily joined their offer for full cooperation with the Program with an undertaking of continued responsibility with regard to the standards and guidelines by which it would operate.

The organized bar continues to be an effective and articulate supporter of the legal services program, and has fulfilled its pledge to participate effectively in the formulation and implementation of legal services policy. For their part, the individual legal services attorneys have amply demonstrated their dedication to the professional obligations underlying the role of attorneys in this country. And they have been joined in their efforts by many thousands of private attorneys who have contributed their talents on a volunteer basis to assist legal services attorneys. Almost a half-million hours of volunteer time was recorded by private practitioners during the last fiscal year—the equivalent of about 1,400 full-time staff attorneys.

Consistent with the best traditions of the legal profession, and also pursuant to the broad statutory mandate to "further the cause of justice among persons living in poverty," legal services attorneys have broken much new ground in asserting the interests of their clients. They have taken seriously the admonition of the legal profession's canons of ethics that their clients are entitled to any and every remedy afforded by the laws of the land. They have advanced new arguments, overturned old precedent and challenged unproven assumptions—and as I mentioned, most of the time they have succeeded.

Occasionally they have brought cases against Government agencies and the public officials who administer them. This should not be surprising since hundreds of thousands of poor people rely upon the services furnished by public welfare and housing agencies, to name just two examples, and arbitrary or unfair conduct by these agencies may have a severe impact upon people who rely on their decisions for the very necessities of life.

Inevitably, some of the cases filed against public agencies are controversial, and provoke the claim from some quarters that Federal funds should not be provided for attorneys to bring suit against other tax-supported agencies. I reject this claim as it has been rejected by the American Bar Association, many responsible citizens, and by public officials too numerous to mention.

In the first place, there is nothing novel about one tax-supported group suing another. Airlines sue the Federal Aviation Administration, railroads sue the Interstate Commerce Commission, shipping companies sue the Federal Maritime Board, and farmers sue the Department of Agriculture. All of these litigants are subsidized by the Federal Government—and in sums far exceeding the budget of the legal services program. If we sanction litigation by these federally supported parties against the Government—and we unquestionably do sanction it—there can be no basis for refusing to extend the same rights to poor people to vindicate their rights and redress their grievances against Government agencies through the use of lawyers financed in part by Federal funds.

Moreover, it seems to me that taxpayers would be first to applaud suits to enjoin unlawful conduct by the public agencies they support, and the first to condemn those who would insulate that conduct from judicial scrutiny. I would venture that there is not a Member of Congress who has not at one time or another witnessed the arbitrary and unfair manner in which bureaucracy can stifle even the most meritorious claim. Can there be a Member who would insulate such bureaucracies from accountability for their errors? I would think not. And the fact that claims are brought by poor people should have no bearing upon this conclusion. Justice is the righting of wrongs; if there is no wrong, the courts will not respond.

The fact that some of these cases are controversial is no basis for criticizing them. I would suggest that courtrooms are clearly the most appropriate forum for such controversies to occupy. Our judicial system has been specifically designed over a period of nearly two centuries for the express purpose of resolving disputes among citizens and solving conflicts within our society. A recent report of the President's National Commission on the Causes and Prevention of Violence—the so-called Eisenhower Commission—reminds us, as if we needed reminding, that failure to provide access to courtrooms, where disputes can be resolved within the legitimate institutions of society, breeds despair and frustration which may ultimately find expression in antisocial and even violent behavior.

The strains and hostilities which poverty engenders are starting to be recognized by society. Often that recognition takes the form of consternation and distaste for those who bring their prob-

lems to our attention, for they do in fact represent the most perplexing dilemma facing our country today. But the problems in fact exist. Legal services did not create them; legal services is simply trying to grapple with them within the framework of our established institutions. So I say to the Members, let us welcome these controversies into the courtrooms and let us applaud the efforts of legal services in channeling conflicts into our judicial system and off our street corners.

A good example of legal services at work is the filing of suits challenging the practice by welfare departments of cutting off benefits without giving a prior hearing to the persons involved. Welfare recipients, by definition, depend upon their monthly welfare check for survival. Any interruption, no matter how short, imposes tremendous hardship on the individual and his family, and if the termination has been made improperly, the injustice is magnified.

A legal services attorney recently represented an 84-year-old woman who was notified by her State department of public assistance that her aid for the aged was being terminated at her request. But she told the agency that she had never requested that her benefits be terminated. She was reinstated 5 weeks later by court order pending the outcome of her suit challenging the constitutionality of cutting off aid without prior hearing.

Another suit involved poor persons on welfare who were forced to buy their food at high prices and at specified stores beyond walking distances from their homes. Evidence showed that the prices at these stores averaged 27 percent higher than at nearby supermarkets. The action was voluntarily dismissed when the city agreed to change its regulations.

Housing codes which legislative bodies around the country have deemed necessary for the protection of human beings, have been notoriously flouted by some unscrupulous landlords. Due to shortages in funds, the codes have been difficult to enforce. In suits brought through legal services programs, the courts have given the codes teeth, previously missing.

The confrontation with legal services, of which I spoke earlier, is the result of its success. Can it be, Mr. Chairman, that its very success will mean its downfall? If we provide no forum of justice for the poor, they will seek another forum—the street. And I think we have seen enough of that.

Some proposals are under consideration which interpose State Governors or agencies between the legal services lawyer and its client. I must oppose all efforts to prevent a legal services' attorney from following his client's case wherever it might lead. Mr. Chairman, if you or I were to hire a lawyer, he would pursue for us every remedy available at law. If limitations are placed on legal services, the poor man's lawyer may be forced to tell his client that the court's door has been closed.

These ill-conceived proposals only give credence to the shouts of dissident youth in our society who say that the system is so incapable of self-reform that it must be destroyed and built anew.

Are we so frail, so frightened, so unsure of ourselves that we will refuse the poor the means to challenge our institutions within one of the most respected of those institutions—the courts of this land?

Do we choose the streets and ghettos of this Nation as the place for confrontation, or will we decide upon the courts for our meeting place? Surely a mature, secure society will choose the courts.

Mr. Chairman, I hope that this discussion of several OEO programs has been helpful in our consideration of the pending bill. The amendments being offered to cripple the Office of Economic Opportunity represent nothing less than a crisis of understanding, a crisis of empathy. To abandon the good works of OEO would be to break a promise and to fertilize the seeds of cynicism and discord. Mr. Chairman, the President has pledged to "bring us together." We in the House can move toward this goal by continuing and strengthening the Office of Economic Opportunity.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, in its short history, the legal services program has had a significant impact not only in improving the lives of poor people but also in changing the outlook of the entire community. Legal services lawyers have brought the reality of full representation into more than 800 neighborhood offices around the country. Disadvantaged groups for the first time have been given effective help in bringing their legitimate grievances to the bar of justice. Access to the courts has long been available to economically privileged people. Now poor people, too, can share in this basic right.

A little noted effect of the legal services program has been its influence on the legal and business profession in this country. Through the program, the needs and concerns of poor people have been articulated and given stature in a way that they never before enjoyed. Merchants are more responsive to their clients, rich and poor alike. Laws for the protection of the consumer have been adopted all over the country, often at the suggestion of the business community.

Litigation by legal services attorneys has received wide publicity in recent years. The cases challenging the validity of unfair consumer practices, welfare regulations, housing codes have generated broad interest in the problems of the poor, especially among members of the legal profession. It is significant that the most vocal support for the legal services activities has come from organizations such as the American Bar Association and the National Legal Aid and Defender Association. Lawyers in private practice have recognized the need for insuring the professional independence of legal services lawyers; they fully realize that any attempt to allow political interference in the operation of the program is a threat to the right to counsel itself. They recognize the need of poor people to have effective advocates.

Law schools, too, have felt the impact of the legal services program. In recent years, many top-ranking law graduates have chosen to work in neighborhood offices serving poor communities rather than joining prestigious law firms which pay high salaries. Law school curriculums have reflected this change in focus; the number of courses on poverty law, welfare rights, housing development has increased substantially every year. The curriculum of Columbia Law School, my alma mater, is a refreshing breath of fresh air, compared to the curriculum of a generation ago when I was a student there. The law schools' concern with maintaining the integrity of the legal services program is demonstrated by the petitions opposing the Murphy amendment or other limiting legislation which poured in from over 11,000 law students and over 85 law schools all over the country. Such concern should not be treated lightly.

Mr. Chairman, OEO's legal services program is no panacea; but it is an effective program. It deserves our support.

Mr. PREYER of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from North Carolina.

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of the OEO program. I have been critical of a number of aspects of the administration of this program but am encouraged by the progress that has been made in eliminating some of the deficiencies in the past, and I think the President and his new Director, Donald Rumsfeld, should be given the opportunity to make good on this program, as the President has requested.

There are a number of OEO programs whose usefulness is widely appreciated—for example, Headstart, with its emphasis on the preschool, formative years, so that children are not so far behind in the first grade that they never catch up; the excellent family planning program; and JOBS—Job Opportunities in the Business Sector. The latter program involves private business in the recruiting, training, and hiring of unemployed and low-income persons and will place 60,000 hard-core unemployed in 1970. But the abuses in some other OEO programs areas spill over in the public's mind to all programs, and there is a risk that we will overact and throw out the baby with the bathwater.

I should like to comment on two areas of the program that have been most criticized in my State—the community action operations and the legal services program.

The most serious abuses in some of the community action programs are a matter of genuine concern. There has been needless turmoil and unproductive controversy. I could not support this aspect of OEO unless I was convinced that we have an understanding of why these abuses occurred and that they can and will be corrected. How did community action programs go wrong in so many instances? A principal reason is

that the original theory behind these programs was that there should be no control of any kind over these programs but that they should be entirely unfettered exercises in "participatory democracy." This may have worked had it not been that these CAP operations viewed the local government as an enemy to be confronted, rather than as a group with resources to be utilized by CAP. Confrontation is now being replaced by partnership, alienation is being replaced by alliances, and practical achievements are the result. Also, the lack of coordination of programs within a State has been helped by greater emphasis being placed on the participation of the States in the planning and supervision of the local programs. New administrative regulations are being drawn up to carry out these ideas.

I have had the opportunity to talk with Mr. Donald Rumsfeld, head of the OEO, on several occasions concerning the CAP and some of the disruptive personalities involved in it in my State and am convinced that he is aware of the shortcomings of CAP and is taking effective measures to correct them. President Nixon and Mr. Rumsfeld should have the chance to show that they can solve these problems and develop a workable program.

The legal services programs have received much unfair criticism—unfair, because it is not the legal services program or the manner in which it is administered, which causes trouble but the lawsuits themselves. It has always been the lawyer's lot to have the public confuse the lawyer with his case. It has been the crowning glory of the lawyer that he continues to represent unpopular causes out of a sense of duty and out of respect for the ethics of his profession. For example, a migrant worker's lawsuit charging a county government with poor sanitation conditions is not likely to be greeted with enthusiasm by the local county commissioners. It does not mean that the OEO is attacking sanitation conditions in the county. What OEO does is to provide an impartial lawyer for someone—a client—who wishes to attack these conditions. And the fact that this is possible gives the migrant worker the option of bringing his complaint through the judicial process. Otherwise, he might seek redress in other less orderly ways. The Eisenhower Commission on Violence has emphasized the importance of the legal services program in providing remedies through orderly judicial channels as an alternative to violent methods of complaint. The American Bar Association has recommended a substantial increase in funds for this program for the same reasons. We argue that violence is unnecessary in this country because there are orderly ways of redressing grievances. This program helps make this claim a reality for without it most of the poor have no legal services program. To tell the poor now that legal services are to be cut back and that their lawyers cannot entertain cases of broad social significance would destroy all the gains achieved by the program. The threat of restrictions will cause the poor to view the program as one more paternalistic handout, meant to deceive but not to help effectively. It will only make them more cynical.

Any amendment which would give the Governor of a State veto power over the program should be defeated as a totally unwarranted invasion of the judicial process. We do not allow a Governor to interfere in any other kind of lawsuit and to allow him a veto power of funding and refunding programs would allow him to influence the judicial process and permit him to destroy the program. The lawyer should be subject only to the ethical standards of the profession. These standards have a long and honorable tradition; I trust them to provide a fair result more than I do the political winds and vagaries of popular opinion that will be brought to bear on a Governor's veto. We should never sanction political interference with the attorney-client relationship, just as we should resist all efforts to politicize our courts. We are tampering here with the foundation upon which the rule of law rests.

The legal services program is a visible demonstration of equal justice to the poor, a demonstration that they have redress to their grievances through legal means rather than through illegal demonstrations. Let us remember that those who make peaceful revolutions impossible make violent revolutions inevitable.

All of the OEO programs are a visible demonstration of concern to the poor, and especially the black poor. They represent action rather than promises and so help bring about reconciliation between our people. Because there have been abuses, we must not lose sight of the main thrust of the program in attacking root causes of unrest in this country. Some of its programs are controversial but we must not lose sight of the forest fires because of the burning trees.

Unfortunately, OEO has been oversold in the past, leading to false expectations that it would end poverty. Of course, it will do no such thing. But its goal is a valid one: To find better ways to help the poor. None of this is to excuse the blunders that have been made in the program. But we must realize that such a program has never been attempted before, and we have had to make our own mistakes in the learning process. When we find that a part of the program is not working or is too expensive, then we should come up with a better way and continue to move forward.

The OEO, while far from perfect, is on the right track: For it seeks to make the poor productive and not make them wealthy. The Government has not enough money to make the poor wealthy but Government can make the poor productive, so that they can make themselves wealthy.

The OEO programs say to the poor and the black that there is a great reservoir of good will toward them, and that our country is making a great effort to improve their lot. Unemployment is especially acute among Negroes, already so alienated from society, and the young. One-fourth of all Negro boys and one-fifth of all Negro girls cannot find jobs. Such a young person is cut off from his chance. Fulfillment, the flower of freedom, is denied them. OEO programs will not eliminate poverty. It may be, as the Bible says, that "the poor shall never cease out of the land." But these programs have an important bearing on the personal morale of the young person—they help them make his own escape from poverty. We now know that poverty is self-perpetuating. We must do something to break the cycle. It is difficult to evaluate the achievements of the OEO in breaking the cycle. Some of the programs have promised too much and delivered too little. None has been perfect. But we must not let the best be the enemy of the good. We can and should make improvements, but we must not destroy the program. To do so is to crush hope and opportunity.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from California.

Mr. TUNNEY. Mr. Chairman, in May of 1966 California rural legal assistance was granted $1.3 million by the Office of Economic Opportunity to become the first legal services program in the Nation especially designed to assist rural poor people. It operates nine regional law offices spanning some 650 miles and serving a poverty population of 550,000 in 16 California counties.

Since its inception it has been generally regarded as one of the most highly skilled and successful legal service programs in the country. In 1968 CRLA was designated as the outstanding legal service program in the country by the National Advisory Committee for Legal Services and one of its lawyers was named the outstanding poverty attorney in the Nation.

I suppose it is inevitable that a successful organization of lawyers will kindle opposition from those who are on the losing end. In the case of CRLA, its high-quality work has resulted in a very high percentage of victories for its clients. During the last year, for instance, CRLA clients prevailed in 83 percent of its cases decided in court. Furthermore, CRLA clients won 90 percent of the 1,600 cases decided in administrative hearings. This does not take into account the 2,000 plus settlements CRLA attorneys won on behalf of their clients.

I would like to discuss some of the political attacks and other criticisms made of CRLA. The earliest criticism was that poor people should not be allowed to bring suits against State and Federal Government agencies. In fact, in 1967, Senator GEORGE MURPHY, of California, offered an amendment to the Economic Opportunity Act to prohibit legal service programs from suing governmental agencies.

The argument was, that since government funds are used to pay legal service salaries, government agencies should be immune from lawsuits. The fact that public defenders have long been hired by the government to represent indigent clients against government prosecution was seemingly overlooked. This criticism in 1967 came after CRLA attorneys had obtained a Federal court order and a

settlement from the U.S. Department of Labor protecting the jobs of American workers from importation of bracero labor, and after the California Supreme Court ruled in a case brought by CRLA attorneys that the State government had acted illegally in depriving poor people of medical benefits. The argument obviously was not that legal service attorneys were taking cases that had no merit, because in each of these two cases, CRLA clients prevailed. The American Bar Association strongly opposed the 1967 amendment on the ground that it would be in violation of the canons of legal ethics, preventing attorneys from raising all defenses and claims to which their clients were entitled. Congress then rejected the notion that State and Government agencies should be subject to having their actions reviewed only by those who can afford it.

A second criticism that has been leveled at CRLA is a claim that it handles too many law reform cases and too many class action cases. As with all legal service programs, the substantial majority of cases handled by CRLA have involved a single problem for an individual client. From July 1, 1968, through June 30, 1969, CRLA attorneys handled 15,423 legal problems. Of these, 13,820—or 89 percent—involved a single client. Most of the remaining 11 percent involved drafting of bylaws for organizations, negotiating leases on contracts, and in some cases, litigation. CRLA attorneys filed 63 class actions—less than one-half of 1 percent of the program's total caseload. It might be well to examine some of these more politically controversial cases.

In Hernandez against Hardin, suit was brought on behalf of hungry children in Hollister, Calif., to require the State and Federal Governments to institute a food program in San Benito County. The facts showed that under State law seeing eye dogs received a better diet than most poor children. Children residing in every county surrounding San Benito were provided with surplus food or food stamps, but solely on the basis of county of residence, those in San Benito were ineligible.

It is interesting to note that after the case was filed, the California attorney general and Max Rafferty, superintendent of public instruction in California, joined with CRLA in seeking a court order to change the situation. As a result of the action, food is now provided to the eligible in all 15 California counties which were not participating in a food program when this suit was filed.

A second case, Macias against Finch, was a class action filed on behalf of 22 low income children against the Federal-State "don't work rule." Welfare rules provide all needy children with welfare and medical assistance, including children whose fathers are unemployed or ill or who have deserted them; however, because of the "don't work rule," needy children of fully employed fathers get no medical or welfare assistance even where their fathers' paycheck is half what would be received if he didn't work and instead received welfare. The children represented by CRLA asked that their fathers' wage be supplemented to receive the same amount as children whose fathers do not work.

A third case, Munoz against California Department of Employment, involved enforcement of California field sanitation laws. The record included testimony from 107 witnesses documenting 1,869 growers violations of the law. The investigator for the California Division of Industrial Welfare testified that over 90 percent of all agricultural employees are in violation of the law, endangering consumers as well as farmworkers. The Sacramento superior court, in light of this evidence, ordered the department of employment to investigate agricultural employer field conditions before referring workers to farmwork.

Other recent CRLA cases involve, first, a claim of unfair competition by growers who knowingly, deliberately, and systematically employ illegal aliens costing U.S. farmworkers and taxpayers $131 million a year in wages and welfare support; second, a ruling by a Federal court in San Francisco that the welfare department may no longer require needy Catholic mothers to file for divorce in order to qualify for immediate aid for their children; third, suits to compel enforcement of State laws establishing the minimum wage for women and minors in agriculture. Again this suit was won; fourth, a case challenging the exclusion of farmworkers from unemployment compensation, pointing out an estimated annual savings in California welfare costs of over $7 million; and fifth, a petition to the Food and Drug Administration to eliminate the tolerance on DDT because scientific evidence shows that the chemical causes cancer in test animals. Less than 30 days after the petition was filed, HEW Secretary Finch announced plans to phase out uses of DDT.

The only other criticism which has sometimes been directed against CRLA is the claim that CRLA, in representing farmworkers, has become involved with the farmworker union in Delano. Of course, conditions in the CRLA grant prohibit its attorneys from bringing suits on behalf of any union. In November 1967 the General Accounting Office conducted an investigation to determine whether CRLA had violated the terms of its grant. A 12-man team of GAO investigators spent 3 months examining documents and interviewing those who made allegations against the program as well as CRLA staff. In May 1968 the GAO released a 50-page report which cleared CRLA of all charges brought against it.

Since the criticism of CRLA does not go to the quality of legal work CRLA attorneys provide to their clients, it is fair to say they are philosophical in nature and touch on the question of just what relationship a legal service attorney should have with his client. I think that the continued success of the OEO legal service programs depends upon the resolution of this question.

The American Bar Association, in opposing the placement of absolute veto power in the hands of a Governor, said that doing so is "highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of majority; and whereas, such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute appressive interference with the freedom of the lawyer and the citizen."

Because the side effcts of this amendment may be to eliminate or circumscribe vigorous and complete legal services for blacks and other minorities seeking to see that the law is enforced through the courts, the unfortunate effect may be to leave them the streets as their only available tribunal. If respect for the law is to have any meaning, it is of paramount importance to see that the poor are permitted full and effective use of the legal system.

As Chief Justice Burger stated to the 10th Circuit Judiciary Conference on July 1 of this year, legal services for the poor can only be effective if they are wholly removed from political conflicts and from executive control.

If grievances, frustrations and discontent are to be resolved in courts of law and not in sidewalk confrontations and if we are to achieve equal justice under the law, this amendment must not become law.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, finally, the time has come to test the wisdom of the House of Representatives. It is time to demonstrate that the Congress is fully aware of the unfortunate priorities which exist in this country. It is time for the Congress to show its concern for the domestic welfare of the Nation.

The trials and tribulations of even reporting a poverty bill to the floor of the House do not offer hope for the effort to reverse national priorities. The hearings and debates on this legislation have stretched over most of this current year. And here we are—yet without a united effort from a committee whose responsibility must be to effect the new priorities it knows are necessary.

Today, my hat comes off for the chairman of our committee, the gentleman from Kentucky, CARL PERKINS. His tireless though exhausting devotion to this legislation—to the truth about poverty and about the programs designed to bring some relief to poverty—are no less than noteworthy. I have observed a fearless legislator take on an uphill battle in stride. I feel privileged to serve on a committee chaired by such a distinguished and committed Member of Congress. May I assure him, the people of my congressional district—poor people throughout this Nation—shall not forget his efforts.

The leadership he has provided is, today, being challenged by those whose distorted and naive views of poverty in

this Nation threaten to kill all hope for addressing this tragic national problem with a realistic solution. The extensive hearings before the ad hoc task force on poverty on which I served left no doubt about the clear need which exists for a more complete and extensive commitment to the eradication of poverty and the conditions bred by persistent poverty. The programs of the Economic Opportunity Act were designed to cope with the problems we have lived with in the First Congressional District of Missouri. We have witnessed the positive results produced by the Headstart program in our neighborhoods. We have participated in the community action programs. We are aware of the pitfalls of the problems—and most of all, we can demonstrate some expertise in discussing the needs of inner-city citizens because we live with these needs daily.

It is in this legislation which we consider this week that the truth about our national priorities and commitments comes clearly to the surface. It is in and through the consideration of this legislation whereby the membership of the House makes its mark—when lipservice is translated into meaning—for alleviating the tragedies of a free Nation, or for resolving that there will always be slums and people to live in them.

It is disgraceful that this Government and this Congress can support the spending of $77 billion on defense—but only $3 billion on education. It is disgraceful that this Government has insisted upon and won a $5 billion expenditure for a G–5A airplane, while it spends less than $2 billion on the poverty program. It is a disgrace that we can spend $40 billion in space exploration but only $86 million to research a cure for cancer.

It is a shame that Americans sit back while we spend $20,000 just for the ammunition to kill each Vietcong and only $53 to educate each American child. Americans are spending more than $200 million just to get one rocket to the launching pad—but only $550 million for the entire school lunch program.

These are the things that should cause Americans to bow their heads in shame. The disgrace lies—not in the fact that hunger and poverty exists—but in the priorities which unfortunately now predominate in this Congress and Government.

When the Congress is told the military needs more guns and ammo for Vietnam, the Congress votes the money. But when the Congress is shown the evidence to prove that 22 million poor and 13 million near-poor Americans are desperately in need of food, the Congress debates, the Congress marks time, the Congress engages in political maneuvers, and finally, the Congress consents to approve only a fraction of the sum necessary.

If we are ever to claim the greatness of this Nation, the facts about our priorities must be brought to the surface. Americans cannot always keep their eyes toward the sky and their hopes on the moon—the future of the Nation lies here on the solid ground and our hopes must be found in the faces of all the people who live on this American earth.

To those who are banking on the silent majority, I would say that I believe it is because Americans have not gotten the facts, because they do not really know where the bulk of their tax money is going, that they are silent. It is this silence which some misinterpret as approval. I just do not believe that Americans—when they know the facts—will be silent.

Let us consider once more the extent of poverty in this country. According to official figures, there are 22 million poor people in the Nation, an additional 13 million near-poor and of this number 5.1 million people are classified as the very poor, since they have no cash income at all; and 9.3 million of these people are in the category of "hard-core poor," which means they live in families whose incomes are less than $2,400 per year for a family of four. The remaining poor are the 10.6 million people whose incomes are between $2,400 and $3,600 per year.

We are not reaching these people. Public assistance programs serve only 40 percent of the poor people. The assistance payments provided in some states are less than 50 percent of what the State itself considers a necessary standard.

In spite of the statistics of the fact of poverty stricken Americans, it is pretty hard to convince people, including Congressmen, that there are 22 million Americans who are living in destitute poverty and hunger. We do not want to believe it could have happened here. We certainly do not want the rest of the world to believe it.

Hunger and poverty have been hard to establish because the victims are hidden from view of the masses of our public. They are concentrated in slums we dare not drive through. They are in mountains we do not visit. They are in remote rural areas that we see only as beautiful green pastures as we fly over them.

Americans must learn that a man in rags is not always a drunkard or a junkie. Americans must learn that an unkept pregnant mother is not always carrying an illegitimate child—that she probably has no knowledge or access to birth control—that she probably will have no doctor's care in carrying and delivering her child—and that her child is probably already cursed by her own malnutrition.

Until Americans—until Members of the Congress—spend as much time trying to understand as they do trying to condemn poverty, we cannot become a great nation.

In this country, we cheer success and we boo the failures. We are all conditioned to the great American success stories of "rags to riches." If we see a man in rags, we wonder why he has not worked for riches. That, indeed, is the nature of most concern for him.

It is a distorted idea which has been planted in the minds of Americans—that poverty-stricken Americans are responsible for their poverty—that hungry Americans are lazy, dumb, undependable. The truth is that many poor Americans appear lazy, may be retarded and consequently undependable, because they suffer the effects of long-lived hunger and malnutrition. Untold numbers of these people are actually starving, without food for days at a time—subsisting on starch and Kool-Aid, dog food and tree bark. Severe malnutrition, which shortens life and limits physical and mental growth is evidenced throughout this land of plenty.

When former HEW Secretary Wilbur Cohen testified before our committee early this year, he pointed out that every retarded child produced in this country will cost between $100,000 and $150,000 to take care of during its lifetime. His conclusion is that spending a couple hundred dollars a year more on the food programs for a family—to raise the nutrition level—is more than warranted.

The answer so often given is that we cannot now afford to assist these hungry, poverty-stricken people. It has been said on the floor of this House that we should spend—but we cannot now afford to spend for the poverty programs. But I am here to tell you today that we cannot afford not to spend this money—that we cannot afford not to fund poverty programs, which are starting to have an impact upon their target areas.

Whether or not the lack of any commitment from this Government stems from a lack of understanding or mere political considerations is not important. Commissions and committees and councils have documented the facts on the nature of the effects of poverty. Information is readily available. The books have said what some of us know from experience to be true about ghettos, about hunger, about social, economic, and political deprivation. You do not have to be poor to understand it, if you are literate and willing to open your mind to the truth.

Mr. Chairman, I am accurately reflecting the views of many of my constituents. We have waited long years, we have looked for hope, we have prayed for a national understanding of government's responsibility to act on these problems. We want to act within the system, but you cannot expect us to do so if we are not given entrance into that system.

I want, now, to call attention to several programs which are of particular interest to the people of my district. We support the continuation of the comprehensive health services program initiated in 1965. In February of this year, such a project was funded in the city of St. Louis. In cooperation with other community efforts, some federally funded, we are hopeful that the health needs of poor people will be recognized and met.

Many of the poor who use their local neighborhood health center find themselves being treated by doctors for the first time in their lives. The otherwise often critical General Accounting Office report on the programs of OEO said of the comprehensive health services program:

> Many of those reached have been provided with their first affiliation with readily accessible medical care on an unfragmented basis.

The neighborhood health center has become the major element of the comprehensive health services program.

Through this program, service can be aimed also at the prevention and treatment of narcotics addiction, and the rehabilitation of narcotics addicts. This is one of the great problems in our urban poverty areas. It is only relatively recently that the country has begun to face the problem of drugs addiction in its proper perspective and to search for ways to deal with the situation as a whole. These programs are, however, so minimally funded that the intent of the law is only an intent—and not established through implementation. This program should be given the resources to move on drug addiction.

The need for increasing the funds for this program is clear. It is this program—particularly through the neighborhood health service element of it—which is showing hope for making a difference in the health care problems traditionally associated with the poor: infant mortality; the great likelihood of sustained, debilitating diseases; malnutrition-related health problems; mental retardation; and shorter life expectancy.

But there are only 49 comprehensive health programs in the Nation serving an approximate 300,000 people. The neighborhood health centers operate in only 23 of the 50 States. It is documented fact that the total poor population goes without necessary health services—and this program is reaching only a fraction of those numbers. There is hope that the program will be expanded to enable it to serve at least 1 million poor people, but these are cautious hopes which rest upon our action here today.

I am further concerned that title V, part B, of the OEO law has not been made a reality. This is the provision for day-care centers for children of families who need such assistance to remain—or to become self-sufficient. The need for day care is raised frequently in this body. There is much talk about providing it through this, that, or the other law—or a combination of several laws. But the fact is that other programs are not adequately serving the low-income population, and the need for these services goes unmet.

We are not so concerned about who provides the service, but no program is providing day-care services for the poor.

Through OEO, in 1967, the Emergency Food and Medical Service was initiated to serve a purpose not incorporated into any existing food program for poor people. It is shown that many people do not participate in the food programs simply because they are not identified, found, or put in touch with the food.

Of the 3,098 counties in the United States, 1,125 choose to participate in the commodity distribution food program. But fewer than 12 percent of those counties serve as many as 60 percent of the poor people in their areas who need the food. Some 1,139 counties participate in the food stamp program and only 20 of those counties manage to serve even 60 percent of the people who need stamps. On the average, food stamp counties reach fewer than 20 percent of the people eligible.

There are seven States in the country which refuse to participate in the food stamp program. And there are 413 counties in the United States which have no food program at all.

Our responses to the hunger needs of poor people are no less than disgraceful. Recently, the State of California Legislature passed a law to require that all counties in California participate in the food stamp program. But the good Governor of that State vetoed the bill. In light of this one example, it makes no sense to maintain that State and local communities should have the reins of control over programs for the poor.

The House Committee on Agriculture decided yesterday, I understand, that the McGovern Senate bill for a much-expanded food stamp effort is not worthy of Federal funds—one more slap to the hope of poor people. A family which is poor has only one chance in three of living in a county which has a food stamp program—and if it happens to live in such a county, it still has only one chance in six of participating in the program.

Through the special OEO program, EFMS, the participation of poor people in Federal food programs has been increased as much as 25 percent in many counties. Though this program—and only through this program—are outreach efforts made. The EFMS has demonstrated success and it deserves meaningful expansion with funds to accomplish its objectives. OEO budgeted only $30 million for this program in 1970—having spent $24 million in 1969. It would require $25 million just to keep the present programs operational. No new programs could be contemplated and existing programs could not, on these funds, be expanded. Our committee has given special emphasis to this program and is requesting an authorization of $92 million for EFMS. I hope the House will respect that emphasis.

I am particularly concerned that the special impact program, title I–D of the act now before us, be stressed by our action today. This title provides for comprehensive community and economic development programs in urban poverty areas and in rural areas having high rates of out-migration to urban ghettos. This program deserves and requires a concentration of funds if it is to have any appreciable effect on unemployment, dependency and community tensions within urban ghettos.

At the beginning of the program, in fiscal years 1967 and 1968, a number of models for special impact programs were tried. The Agriculture, Commerce, and Labor Departments and OEO all sponsored I–D programs in an attempt to test different approaches. Out of this experience emerged the model of a community development corporation, representing a partnership between inner-city residents and the business community. The purpose of the community corporation is to mobilize resources for the economic development of the inner-city and rural areas. The critical notion is that the people of a poverty area, given the aid and assistance of the local business community, can develop the business enterprises that blighted areas so desperately need.

Let me give you an example of how the recently funded special impact program in the Union Sarah area of St. Louis is working. Union Sarah is the center of St. Louis. The area has a population of about 40,000, 50 percent of whom fall below the poverty standards. Unemployment was almost 40 percent higher than the citywide average in 1960 and is much greater now. Most of the multifamily dwellings are between 50 and 75 years old. Blight is widespread as is poor health, inadequate education, and drug addiction.

In the course of a few months, the residents have organized for an effective special impact program. They have developed programs for several manufacturing plants, retail shops, a fund to help local struggling contractors with loans and technical assistance, and a credit union. They are also in the process of filing for the sale of stock to community residents to support their program.

I think that this program is one of the most promising that I have seen. It not only provides jobs and management opportunities in the ghetto areas, where the poor are, but it provides the incentive for people to develop their own energies and talents. It is self-help in the great traditions we talk about in this country.

Similar efforts are going on in other parts of the country. In Bedford-Stuyvesant, in Hough, in Chicago, in Washington, D.C., and in a number of rural areas where many of our problems begin—in eastern Kentucky, in Georgia, in southwest Virginia, and in North Carolina.

Mr. Chairman, the special impact program is an intelligent, responsible approach to urban problems.

Mr. Chairman, these are only a few programs of the total OEO effort which must, like the others, continue to operate without the inhibiting proposals for State control of poverty efforts which will be offered here today.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, the legal services program of the Office of Economic Opportunity is committed to providing equal justice for American citizens who happen to be poor. The legal services program does this by providing vigorous representation against what citizens of ordinary means would regard as outrageous persecution.

However, I am deeply concerned to see that the efforts of this program are being threatened by amendments which would provide an item veto over the legal services program and would eliminate the OEO Director's right to override a Governor's veto of a legal services program.

One of the main arguments for the adoption of this particular amendment is that legal services attorneys have been filing suits against Government agencies on behalf of the poor. Since, of course, all citizens are allowed to file suits against any Government agency, the problem cannot be merely the existence of such suits for the poor. Apparently, proponents of this amendment feel that Government-paid attorneys should not chal-

lenge the activities of other Government agencies.

I would like to point out that there is ample precedent for such activity. The Department of Justice, for example, often goes to court to insure State compliance with a Federal law. States and cities frequently oppose Federal decrees and orders in antitrust and other areas. The attorneys in these cases are Government paid.

I do not feel that it is unusual or harmful for the poor to turn to the legal services program for assistance against another government agency. After all, if legal assistance is unavailable to the poor, would we rather they turned to violence as a means of announcing their dissatisfaction with a Government agency?

In fiscal year 1969, legal services program attorneys, working from 850 law offices in poverty communnities throughout the country, assisted poor persons in 610,000 cases. Of cases which went to court, the lawyers won favorable decisions for their clients in around 70 percent and negotiated settlements in an additional 15 percent.

These are impressive statistics. They are so impressive that I would like to transfer them into more human, concrete terms.

These figures speak of poor families who were restored welfare benefits upon which they relied for their food, health care, clothing and shelter. They tell of aged citizens whose social security benefits were mistakenly cut off and later restored. They speak of job opportunities which could have been lost forever because of discriminatory hiring practices.

They reflect the resolution of intolerable family situations, of obtaining custody of a beloved child, of support funds secured from a deserting father. Hidden within these figures are the faces of wayward children who were given the opportunity to start again with an unblemished record before society, and the histories of youngsters able to complete their education after the threat of expulsion.

Then there are the numbers which stand for evictions and resultant family separations averted, for garnishments and inevitable job losses forestalled. And not least, there is also a long column for citizens who found protection against the fraudulent practices of unscrupulous lenders and merchants.

But among all these totals are victories in the long run perhaps even more significant than the many individual financial losses and other human suffering which were prevented. For these 610,000 cases have resulted in a new respect for law and our legal process among poor persons. They have fostered the growth of a sense of dignity, of a realization of being treated fairly by the "system." They reflect civil disturbances which were and will be prevented because the poor of this country know they can achieve a just resolution of their grievances in a peaceful, orderly fashion with a capable attorney at their side.

I am as impressed as anyone by numbers, and wish to give the program credit for their remarkable statistics. But in addition, I must also congratulate these dedicated attorneys for contributions which can never be reflected in numbers: the conferral of dignity and self-respect on our poor citizens, and progress toward a more just and stable society.

Any attempt to curtail this vital program should be defeated.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, poverty amid plenty is a paradox this Nation set out to resolve 5 years ago when we declared war on poverty. The struggle over these years has been intense, and while we are unable to report that final victory has been won, considerable progress has been made.

The most significant progress is that we have established a framework for a new assault on poverty. We have created and stimulated individual concern among the poor themselves. We have given them the opportunity to plan for their own betterment. We have abandoned the usual traditional route of Government spoon-feeding. Anytime such innovation is attempted it can be expected to raise a large howl within the establishment.

President Nixon, while withholding full and unconditional endorsement for this program, is at least on record in support of a 2-year extension of the Economic Opportunity Act of 1964. His Director of the Office of Economic Opportunity, our former colleague, Donald Rumsfeld, has indicated support of a straight 2-year extension so that he will have an opportunity to review and survey the program and offer his own recommendations for change. The President's spokesmen in this House instead want to emasculate the poverty program by converting it to a State-planned, State-administered, and State-initiated program for the poor. Obviously, there are many Governors who would like control over these Federal funds. Just as obviously it will be spent in the same old traditional way. The "breadline" handout of charity will be the custom of the day again. It is admitted that it has not worked. If we really want to abolish poverty, if we really want to give new hope to the children of the poor, we must not abandon them now. If this substitute amendment carries we will have retrogressed. We will have lost all the ground we turned over. We will be back at the very beginning—we will only have programs for the poor; none by the poor.

There is no room for compromise. Either we believe in human equality, in human dignity or we do not. Either we believe that the poor are entitled to plan their programs of self-help or we do not. Either we have the confidence in the people, all people, including the poor, to know what is best for themselves, or we do not. We cannot legislate a little bit of equality, a little bit of dignity. What this House does today is critical. If we defeat this substitute State control amendment, we will renew and fortify the belief we first expressed that the poor have the right to participate in, direct, initiate and implement local community programs for their own self improvement.

The overall effect of the State turnover amendment will be to mute the voices of the poor who have been striving to make themselves seen and heard by affluent America—for the greatest friend of poverty is public apathy, and its greatest enemy is disclosure. When our people know about the existence of poverty I am confident they are willing to do whatever is required to end it. But they will never know about it as long as the poor are kept suppressed and confined to a client in the ghetto far from the green acres of suburbia.

Our poverty program has sometimes been noisy and it has stirred discontent—but that is precisely what must be done if we are to succeed in our war against poverty. There must be change in a fundamental way if this effort is to succeed.

For the many poor we have already helped since the enactment of the Economic Opportunity Act in 1964 shall we roll back the hope we have offered them and crush their new confidence in themselves and in their Government? I hope not.

The measure of success of this program is in the hearts and lives of these whom it has helped. That is what the poverty program is all about, and I urge my colleagues to extend this law by voting for H.R. 12321 without any crippling amendments.

Mr. HOWARD. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. MINK. I yield to the gentleman from New Jersey.

Mr. HOWARD. In reply to a question which I asked a few moments ago of a Member in the well concerning the Governor's veto, he stated it is the same in both bills. Is that the entire story concerning the Governor's veto?

Mrs. MINK. No. Under the present law the Director of the Office of Economic Opportunity has the power to override the Governor's veto. However, the substitute amendment would leave the absolute authority in the hands of the Governor of the State.

Mr. HOWARD. I thank the distinguished gentlewoman.

Mr. AYRES. Mr. Chairman, I yield the balance of our time to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, the proposed substitute has been called a crippling amendment—this is not true and everyone knows it. OEO is crippled but the damage has been self-inflicted.

The "track record" of OEO makes it crystal clear that a thorough "shakeup" in the entire structure is needed sorely and long overdue. The bill reported out of the House committee recommends no substantial changes in the operation of the current scandal-ridden poverty program except to increase the amount of money that will be historically squandered.

Since its inception in 1964, the Office of Economic Opportunity has spent more than $7.5 billion—with a crumb of this immense sum reaching the poor but plenty lining the pockets of the self-ap-

pointed do-gooders appointed to administer the program. It would be the height of folly for Congress to vote additional billions for OEO without a full reorganization. I hope the professional poverty cats have had their day—now it is time for the poor.

The proposal for another study to pinpoint OEO shortcomings is futile and repetitious.

There have been studies galore. OEO itself has spent some $30 million on surveys and analyses of every conceivable kind—wholly to no avail. The General Accounting Office, on express congressional orders, made an exhaustive study at a cost of more than $1 million. Its 188-page report contained numerous constructive recommendations. Nothing has been done with these reports—except to gather "dust" in the offices of the OEO lounges.

To spend more money and time on more of this would be utterly ridiculous. What is urgently needed is a "top-to-bottom" housecleaning forthwith and implement basic changes in concept and administration.

For example, there is a particular county in Kentucky consisting of 42,000 people. They have a federally funded community health project. This single county has eight health clinics. The OEO appropriation for that county is $1,104,000. The county appropriation in that county for the county health program is $90,000. The doctor who oversees this program draws $18,000 a year as an employee of the county. He also draws, if he were to work full time, approximately $1,600 a month administering the OEO health program. But sadly enough, he spends only about 1 hour a day, perhaps 2 hours, maybe not even that. Almost $750,000 of the $1,104,000 is spent for administrative costs. That is totally reprehensible. It is unbelievable that this amount of money could be spent for administrative costs.

Another one. Some $20,000 in Federal funds were used to finance a fishing school on the British island of Bimini, a frequent watering spot for one of our colleagues. The Caribbean program was staffed by two British fishermen receiving $100 and $75 per week, the class consisted of one American student. Thousands were spent on this project.

In New Jersey an OEO project has been purchasing pornographic books to allegedly improve the reading skills of the trainees. Taxpayers picked up the $10,000 tab for such training literature as "The French Art of Love," "Orgy at Madam Dracula's," and "The Nude Wore Black." It appears the purchasing agent found "Wife Swappers" a hot item: the voucher listed a purchase of 25 copies. It would be possible to fill a room full of file cabinets concerning abuses in the present poverty program.

In my own State of Iowa, Mrs. Mary Thompson, office manager of the anti-poverty agency and a former inmate at the women's reformatory at Rockwell City, Iowa, was charged January 1968, with embezzlement of program funds estimated between $5,000 and $6,000. The director said Mrs. Thompson duped him into signing blank checks which she then made payable to herself.

A subsequent audit of the books indicated faulty bookkeeping and accounting that went beyond Mrs. Thompson's embezzlement. Questioned items of $1,606 in cash and $1,260 "in kind receipts" could not be supported by documents.

The present Iowa State director of OEO Bob Tyson was appointed by Gov. Bob Ray on January 16, 1969. Before the ink was dry on the press release of his appointment, he was thumbing through the technical assistance manuals trying to see what personal benefits were available to him. Mr. Robert Tyson was employed in the district office of an Iowa Congressman from June 1 through November 30, 1968. Tyson by his own admission stayed in Iowa on vacation for the next month and a half until his appointment as temporary director.

The OEO technical assistance manual states that moving expenses up to $1,000 for the State director may be paid by the regional office to move household goods if that director does not reside in the community where he is to be employed.

I asked the OEO Kansas City office how they could justify the expenditure to move Mr. Tyson's household goods from McLean, Va., to Des Moines, Iowa. The regional office's letter to me of December 5, 1969, conceded that Mr. Tyson was a resident of Davenport, Iowa, for almost 6 months prior to his employment as temporary State OEO director, but still justified the expenditure.

I have asked the General Accounting Office for an immediate investigation into whether this is proper.

The letter from the Kansas City office follows:

OFFICE OF ECONOMIC OPPORTUNITY,
KANSAS CITY, MO., *December 5, 1969.*

Hon. WILLIAM J. SCHERLE,
House of Representatives,
Washington, D.C.

DEAR BILL: We have received telephone communications from Mr. Pat Breheny of your office questioning the reimbursement for moving expenses in the amount of $216.68 to Mr. Robert F. Tyson when he accepted an appointment by Governor Ray of Iowa as the State Economic Opportunity Officer.

It was Mr. Breheny's contention that Mr. Tyson was not entitled to this reimbursement because he was not a resident of McLean, Virginia or Washington, D.C. at the time of his appointment. We contacted Mr. Tyson and asked him to send us a letter setting forth the chronology of his residency, with dates and conditions of employment. We asked Mr. Tyson as a matter of courtesy if he would furnish your office a copy of this letter, and he cheerfully agreed to do so. I am assuming this letter has reached you and you have had an opportunity to review it in light of the question raised.

A brief history of this request and its action by this office is in order. On February 6, 1969, we received a request from Mr. Al Lothrop, Fiscal Officer for the State of Iowa Office of Economic Opportunity, for permission to pay the actual moving costs of household goods to Mr. Tyson in accordance with CAP Memo 23A, Part B, Number 5. On February 14, 1969, Mr. Wayne Thomas, Regional Administrator for CAP in our office, wrote Mr. Lothrop granting permission to reimburse the actual moving expenses for Mr. Tyson. Enclosed are copies of this correspondence for your information.

No further inquiry was made concerning this matter until Mr. Breheny raised the questions verbally in telephone conservations with Mr. Wayne Thomas and with Mr. William Shovell, my Deputy Regional Director.

Mr. Breheny was informed by Mr. Thomas that we had considered this an authorized and justifiable expense, and that if any irregularities did in fact exist, they normally would come to light in an audit, regularly conducted by the State Auditors Office in Iowa shortly after the end of the program year in which the expenditure was incurred. The time for this audit is not yet upon us, but a request by your office gives us an opportunity to look into this matter at this time, prior to the period it normally would be subject to review.

We have reviewed the matter quite thoroughly, both under the provisions of CAP Memo 23A, and in light of the specific language of Technical Assistance Memo 26 dated October 31, 1966, Subject: Personnel Policies and Procedures. Mr. Breheny has a copy of this memo. This memo contains a specific reference in Part B, page 3, Item 5, which states:

"Moving Costs. A grantee may apply to the OEO Regional Office for permission to pay the actual costs of moving household goods up to a maximum of $1,000, for a person who is hired to be Staff Director or Deputy Staff Director and who resides outside the community where he is to work."

The language of this portion is fairly clear and specific. It should be kept in mind, however, that it is a general attempt to establish some fairly specific ground rules or guidelines that would prevent abuse of certain practices in the area of recuiting and hiring of personnel by grantees. As drafted, it generally meets the purpose for which it was written; however, I'm sure you realize that no guideline can be drawn which will cover every possible contingency that could arise. That this is anticipated is evidenced by the fact that Item 6 which follows this specific quotation provides for a waiver system for employees of state civil service systems or other merit systems that may exist in agencies receiving funding by OEO. Section 6 also contains waiver procedures so that a college or university may apply its customary personnel policies and procedures and may request a waiver of any specific requirement of Part B.

It is assumed by us that while the specific instances cited provide for waivers, they are not exclusive; and that other conditions might be considered by the waiver granting authority that are consistent with State, University or general prevailing business practices and procedures commonly used when recruiting executive personnel. Again, safeguards must be maintained to prevent abuse of this procedure. It is our feeling that the circumstances involving Mr. Tyson's reimbursement are not an abuse, but are perfectly within the framework and spirit for which Technical Assistance Memo 26 was written.

Mr. Tyson has informed us that he remained on Congressman Schwengel's payroll until December 25, 1968 and that he was appointed to his present position by Governor Ray on the day he took office, January 16, 1969. The longest period of residency while he was in the state of Iowa, prior to his resignation, was in Davenport and not in the community where he ultimately was to work. His residency in Davenport, and place of employment in the Congressman's Davenport office, was for the period starting June 1 through November 30, after which time he was on vacation in Iowa. It further appears only logical that the intent of Item 5 of Technical Assistance Memo 26 clearly was designed to make provisions for the household goods to be moved from where they are to a location where the staff person involved lives.

It is our feeling that the request for reimbursement was properly submitted and that reimbursement by the grantee was perfectly proper and within the purpose for

which these guiding procedures were written.

It is my sincere hope that this will meet the purposes of the inquiry verbally submitted to our office. If we can be of any further service to you, please feel free to call upon us at any time.

Thanking you for your consideration and wishing you warmest personal regards, I remain

Sincerely yours,

William L. Shouell
for
DON THOMASON,
Regional Director.

A VISTA volunteer in Iowa wrote and said that he felt many of the OEO programs in Iowa should be reevaluated.

The volunteer said:

Because I am sponsored by a community action program I can well understand what you mean by waste as I have unofficially seen many such exploitations of the poor in our area.

A newspaperman in Iowa informed me of high salaries still being paid to professional poverty workers.

It has been estimated nationally that approximately three-fourths of the money going to community action programs is burned up in administrative costs. This compares with an average administration cost in a State welfare agency of between 7 and 8 percent.

The Columbia, Ohio, Citizen Journal summed it up best in their editorial when they said:

Of course every time anyone challenges the OEO, its rabid backers accuse him of picking on the "poor." But a bureaucracy which fritters away much of its money on administrative costs cannot be of much help to the poor.

We hope Congress and the Nixon administration will straighten out this agency, or find a better way of doing something genuinely useful for the people who need help.

To continue this multibillion-dollar program without major constructive changes would be a fallacy and hoax—the greatest ever perpetrated against both the taxpayers and the poor of America. I urge the adoption of the substitute.

(Mr. WHALEN (at the request of Mr. AYRES) was granted permission to extend his remarks at this point in the RECORD.)

Mr. WHALEN. Mr. Chairman, my appraisal of the Office of Economic Opportunity, both in its concept and broad front of activities, convinces me that this is an agency the Government and the Nation need. I have been impressed by the significance of the added responsibilities allocated to the agency by the President and the progress made by its director in tooling up with improved staff and organizational structure to fulfill those responsibilities.

Community action—the localized implementation of OEO programs through community action agencies—continues to be one of the most significant and most valuable aspects of the Office of Economic Opportunity, regardless of errors and false starts made at the local level of activity in the past. I am pleased to report that Director Rumsfeld has acted to correct situations that gave rise to criticism previously.

OEO headquarters has refused to refund a number of community action agencies and local delegate agencies which failed to perform satisfactorily. Meanwhile, a review of all community action agencies has been instituted to evaluate their effectiveness. A special team of experts was put to work reviewing grants released from the Office of Economic Opportunity prior to the close of fiscal year 1969.

Incredible as it may seem to some people, not until Director Rumsfeld assumed his duties had regulations been issued to enforce the section of the Economic Opportunity Act which limits administrative costs of poverty programs to not more than 15 percent of total costs. Such regulations have now been issued. Regulations have also been issued prohibiting local agencies from using Federal funds to pay interest on borrowed money.

Mr. Chairman, I am one who believes that the greatness of America, the dynamism of this country and its unique sources of strength derive from the individuality of its regions and localities. I strongly feel that the peculiar, local attributes of each region, State and county or town should be preserved when those native characteristics can contribute to our total capability. For this reason, I approve the measures that build in to the control and direction of community action agencies the right of local people to make plans and exercise local authority. At the same time, since their operations stem from Federal funding, I also deem it appropriate for the Office of Economic Opportunity to maintain and exert rights of supervision over the CAA's. Therefore, I am pleased to learn that new regulations will tighten administrative controls. Improved personnel standards and practices among grantee organizations will likewise be established.

At the same time, plans have already been instituted for spending up the time for processing grants—in line with the overall efforts of the Office of Economic Opportunity to increase the responsiveness of institutions to the needs of the poor.

These are all indications of positive progress—progress which will be made much more significant when and as the bill before us is passed.

(Mr. WYATT (at the request of Mr. AYRES) was granted permission to extend his remarks at this point in the RECORD.)

Mr. WYATT. Mr. Chairman, I call upon the Members of the House to defeat the crippling amendment to OEO's legal services program adopted by the Senate. This amendment, condemned by the organized bar and the U.S. Judicial Conference, would permit line-item veto power by a Governor as a response to certain types of lawsuits, even though brought in furtherance of the purposes of the Economic Opportunity Act.

We cannot expect low-income citizens—or any American for that matter—to respect the rule of law if we, as public officials, sanction political interference with the legal process and encourage political retaliation for effective courtroom advocacy. Our most compelling task is to insure access to the legitimate institutions of the country for the perplexing problems of the poor. A Murphy-type amendment would have a chilling effect upon the efforts of legal services attorneys to provide this access. It should be soundly defeated.

The President's National Commission on the Causes and Prevention of Violence recently reminded us that poor people are regularly cheated, mistreated, and exploited by unscrupulous merchants, loan sharks, landlords, employers, unions—and, yes, even by some public agencies. The antagonism and frustration which this conduct engenders plagues every street in America today. Hence our choice: do we channel these grievances into the legal system we have developed over a period of two centuries for the express purpose of resolving conflicts without our society, or do we slam the courtroom door in the face of these citizens and invite them to seek a redress of grievances outside the existing legal process. In fact, of course, there is no real choice here; there is only a compelling obligation to make our legal system accessible to these pressing needs.

We cannot move toward this objective in the absence of a vigorous independent bar, able and willing to assert each client's right to the benefit of any and every remedy and defense that is authorized by the law of land. The pernicious effect of the Senate amendment is to divest legal service attorneys of this essential capability. It would subvert the historic independence of the bar and require poverty lawyers to practice law at the sufferance of a Governor. It would introduce a double standard of professional conduct for members of the bar, imposing political restrictions on attorneys representing poor people that are not applied to those with wealthier clients and less controversial issues. The President's National Commission specifically stated:

The independence of Government-supported programs providing legal services to the poor should be safeguarded against governmental intrusion into the selection of the types of cases Government-financed lawyers can bring on behalf of their indigent clients.

As Senator MURPHY indicated on the floor and in public statements, this is precisely what his amendment seeks to do.

It is ironic indeed that this frontal assault upon the legal services program should occur at a time when it has been proven to have a noticeable impact on the problems of the poor. During the last fiscal year, legal services attorneys handled about 610,000 cases. Of litigated cases, they won favorable decisions for their clients in approximately 70 percent and negotiated favorable settlements in an additional 15 percent.

This is a record that belies any claim that legal services are not needed or that they are wasteful. Arbitrary conduct by welfare agencies, unfair treatment by landlords, illegal interest rates by loan sharks, discrimination in municipal services, misrepresentation by merchants and a host of other inequities are the daily fare of many poor people in this country. We cannot any longer fail to respond to these conditions, or simply wish them away. A viable vigorous legal service program is an essential element in this ad-

ministration's response, and it must be protected against crippling amendments—not just the Murphy amendment, but any other proposal to temper or circumscribe the activities of legal services attorneys.

Murphy-type amendments represent a lamentable tendency to confuse the legal services attorneys who air problems of the poor in court, with the problems themselves. This is folly. Legal services attorneys did not, for example, create the desire of farmworkers for toilet facilities in the fields they work, or for sanitary conditions in the housing they occupy. Nor are legal services attorneys responsible for the fact that too many growers fail to provide these facilities—even though they are required by law. Are we to punish legal services for successfully pressing these and similar complaints brought by poor people which seek to require other citizens to obey the law? To do so would be cynical, and make a mockery of the claim that we seek to advance the rule of law in this country.

Fortunately, vast numbers of Americans have expressed to us their dismay at the prospect of amendments to limit legal services, and conveyed their strong support for the program. The Governor of my own State, the Honorable Tom McCall, has condemned the Murphy amendment, noting that even though Government officials may "be discomforted on occasion" by vexing suits, "it is a healthy thing for public officials to be required to face these tests, and it is an unhealthy attitude on their part to seek to prevent impecunious litigants from having their day in court." I am advised that five other Governors, from the States of Massachusetts, Maine, New Jersey, Rhode Island and Washington have also publicly announced their opposition to Murphy-type amendments.

They are in good company. The list of opponents to the Murphy amendment and supporters of legal services reads like a Who's Who. It includes the deans of 84 of the Nation's best law schools and more than 11,000 law students, the U.S. Civil Rights Commission, the American Bar Association, the National Council of Senior Citizens, the U.S. Judicial Conference, the National Council of Churches, the U.S. Conference of Mayors, the Federal Bar Association, over a dozen State bar associations and countless local and regional organizations.

Mr. Chairman, I urge the Members to consider the groundswell of support for legal services from all across the country, and to resist any effort to circumscribe the efforts of these lawyers to provide equal justice for the Nation's poor.

Mr. PERKINS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, it is highly enlightening to me, in the face of the proposed Republican substitute, to see various Members on the Republican side who support particular elements of the poverty program cross the center aisle and ask us on the Democratic side whether we would not support amendments excluding their cherished individual programs from the dead hand effect of the Republican alternative.

It makes me wonder, Mr. Chairman, whether our Republican colleagues have come here to praise Caesar or to bury him. If the substitute offered by the Republicans makes sense, if it provides some element of needed State initiative. Why is it not good for the particular program they happen to support? Why is not sauce for the goose also sauce for the gander? If the Republican substitute is good medicine for the poverty program as a whole, why is it apparently such poison for popular elements of the program, like Headstart, VISTA, family planning services, et cetera?

I suggest, Mr. Chairman, that the evidence is inescapable that our colleagues from both parties who support this alternative know perfectly well that the dead hand of the Governors and the rural-oriented State legislatures are going to be the coup de grace of the poverty program.

When the poverty program was passed 5 years ago the basic purpose was to provide new thrust, new initiatives, adventure, some new approaches to creating public service programs in education, health, welfare, job training, and employment that were more relevant, and more sensitive to the special needs of the poor.

If we are going to hand back to the rural-oriented Governors mansions and State legisatures total control over poverty, we might as well bite that bullet and wind it up now.

Mr. Chairman, we know what the effects will be. We have had in recent months statements by the American Municipal Association representing the mayors, by the U.S. Conference of Mayors, and by individual mayors protesting bitterly against the misapplication by the Governors' offices of funds that should have been made available to cities under the Safe Street Act.

It is in the cities of our Nation where violent personal crime has its most devastating effect, predatory crime that is terrorizing people and inspiring fear and desperation in urban neighborhoods across the country.

Yet mayors are coming down here by the hundreds, protesting, and their organizations have spoken out bitterly, that the Governors, instead of rifling in on the problem of crime where it is, in the cities, with a high-powered rifle and an 8-power scope—have preferred to use the shotgun approach, scatter these precious resources under the Safe Streets Act, all over the suburban and rural landscape where the problems of crime cannot be compared to the desperate urgency of crime in our cities.

If the Governors and the State legislators will not help the cities improve their law enforcement systems with available Federal funds, how in the world can we sit here and honestly tell the American people that the Governors and their rurally oriented legislators are going to deal more fairly with cities on the sensitive and controversial problems of urban poverty.

I would like to ask the chairman of the committee a question that has been of great concern to me in my district, and that is the harsh application of the means test to individual families living in a poverty area served by a community-based health service center. Let me explain.

The poverty legislation has made possible a fundamental change in the philosophy and organization of health services. Instead of "charity" of the poor, medical care would be theirs by right. Instead of the hospital clinic, the "neighborhood health center" would be the source of care. Instead of crisis medical care, continuous, high quality, comprehensive, and above all, dignified medical and social care would be provided.

These centers were to be in fact, as well as in theory, the neighborhood's health center. Each center would be located in, and limit its service to, a well-defined community. By limiting the number of potential patients in this way, comprehensive and preventive care could become a reality. To insure the center's responsiveness to the community, four things were to be done. First, community residents would be hired or trained to fill jobs in the center, both in the provision of care and in administration. Second, a community advisory board made up of elected community representatives would take an active part in setting the policies of the center. Third, besides medical care, other social services such as job training and legal assistance would be provided. And finally, and most importantly, the only requirement for free care at the center would be residence within the community. There were two reasons for this: first, it would remove an important barrier to care, and second, it would not divide the community along financial, and therefore class, lines.

The Dr. Martin Luther King, Jr., Health Center—MLK—is one of these OEO centers. It opened in 1966 to serve a low-income area in the south Bronx, the neighborhood I represent. While it is difficult to measure results after so short a period, some indications of success are available.

More than half of the families of the area, about 28,000 people, are registered at the center, making it the largest participant organization in its community.

More than 300 community residents have been trained at the center and placed in jobs in the center or in other health agencies. Many residents have also been hired directly into jobs in the center.

An advisory board made up of 21 elected community residents has been formed and is now taking an active part in setting the policies of the center.

The health advocacy department has provided advice and assistance in helping community residents secure their legal rights.

While research is still being done on how best to measure the center's effect on the health status of the community, one index, infant mortality, may be indicative. In 1967 the infant mortality rate of the community ranged from 19.4 to 41 per thousand, depending on the area of the community in which the mother lived. Now, among mothers who have received prenatal care at the center, the infant mortality rate is only 4 per thousand.

These successes are clear evidence of the soundness of the principles behind the original OEO program. After decades of failure in providing medical care as charity, the provision of care as a right has proven to be effective.

Mr. Chairman, these successes are now being threatened. In 1967 Congress amended the original OEO legislation. This amendment required all centers to make a determination of eligibility with their patients, but it did not explicitly require any particular form of eligibility test. The OEO general counsel, however, is now requiring all centers to implement a means test, and to charge a fee for service to all people with incomes above the State medicaid guidelines.

The implementation of a means test and fee schedule is a complete betrayal of the principles behind the intent of Congress in passing the OEO legislation, and a return to the charity concept of medical care. Once such a betrayal is implemented, the successes of the program will be lost.

All OEO centers have fought the implementation of a means test and fee schedule, however, one by one, they have all capitulated.

The primary objection of the center against the means test is that it forces the center to humiliate its patients. Any person forced to submit to a means test is well aware that the care he receives is not being provided to him as his right, but through the benevolence, the noblesse oblige, of more deserving citizens. It makes it explicitly clear that if he wants medical care he must prove, to the administrators' satisfaction, that he is poor enough, by the administrators' standards, to receive free medical care. No matter how carefully worded, no matter how conscientiously administered, a means test remains a means test, an affront to the dignity of the patient.

The second objection is to the effective abandonment of the "neighborhood health center" concept that all residents be treated equally. This principle would be violated by the introduction of a means test and fee schedule.

The introduction of a means test and fee schedule will force the center to divide the community arbitrarily into two groups, those who pay and those who do not. Once this is done the center will no longer provide equal care to all patients. The impossibility of separate but equal care has been documented time and time again. Once distinctions are made between classes of patients, separate classes of medical care arise. A "neighborhood health center" has no mystical aura that can prevent this. It can only be prevented by not making such distinctions.

The third objection of the center is related to recent changes in medicaid. When the center first began operation, the majority of community residents had incomes lower than the State medicaid poverty guidelines, and had the choice of receiving free medical care from the center or from other sources. These conditions have now changed. Many more community residents have incomes above the State guidelines. This, of course, is not because their incomes rose, but because the guidelines were lowered, and in no way does this indicate any increase in the buying power of the community for health services. The near poor, as well as the poor, still find adequate health services too expensive to buy on the open market. They would be forced to use the center, with its new fee schedule, as their primary source of care. Thus, the net effect would be to make medical care more expensive for the near-poor, without giving them any new services.

The fourth objection of the center is directed against the great inequities in the availability of care that would be caused by the introduction of a means test and fee schedule. For example, under the grant conditions the center has received from OEO, free medical care could still be provided to families living in the low-income housing projects within the area, even though their incomes are above the medicaid guidelines. However, the center could not provide free care to families with the same incomes and who are eligible to live in the projects, but who are not actually living in them. Most of these families live in the tenement section of the area which has a significantly higher infant mortality rate than the housing projects, and who pay much more rent for slum quarters than families in the housing projects pay for their far superior accomodations. These are the very families who most need free medical care.

The final objection stems from the lack of any substantial financial benefit that would come from the introduction of a fee schedule, as indicated by the experience of other local hospitals in the area, the OEO guidelines, and the center's own fee schedule proposal. The center has estimated that after the cost of collection, the center would only collect $22,500 per year toward an annual budget of $6.5 million. Such an insignificant revenue makes it clear that the basic effect of a means test, like the poor laws from which it sprang, is only to humiliate the recipient of care.

Should the means test and fee schedule be implemented, the effect on the operation of the center is easy to predict. The humiliation of the means test, the hostility engendered by the betrayal of the original promises, and the inequities in charges, will cause many to stay away from the center. Many of the near-poor residents of the community, who have often acted as important trend setters, will no longer come to the center; they will find the charges too expensive. The inevitable cycle which has caused "care for the poor" to become "poor care" will again be set in motion. The bright promise of medical care as a right for all will again be eclipsed by the return to the medieval concept of charity care for the poor.

I would like to state that the Senate has considered this problem, and has expressed itself unmistakably on the subject.

I would like to read from page 25 of the Senate Labor and Public Welfare Committee report on the OEO bill of October 10 and ask the gentleman from Kentucky, the distinguished chairman of the Education and Labor Committee, if its language is not in truth likewise the intent of the House?

> The Economic Opportunity Amendments of 1967 provided that health services funded by OEO grants are to be made readily accessible to low-income residents of poverty areas. That language should not be construed to exclude residents of the area who have need of such assistance even though their incomes are not below the poverty level. In determining the location of such services, primary concern must be given to providing ready access in such services for those who are poor, but individual eligibility for such services should not be restricted by a strict means test.

Mr. PERKINS. That was the intent in 1967, and in the future OEO administrators should follow that intent. We never intended that persons in need of health services who live in a poverty area be denied such services solely because their incomes exceed the poverty level.

Mr. SCHEUER. That is the intent, then, of Congress.

I thank the gentleman.

Mr. PERKINS. Mr. Chairman, I yield the 5 minutes remaining to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Chairman, I rise to urge passage of the bill in its present form. Like virtually every other Member of this body, there are changes I would like to have seen made. In fact, some time ago I introduced my own poverty bill—H.R. 14502—with 24 cosponsors which would have added over $250 million in earmarked authorizations for this fiscal year, over $700 million for fiscal year 1971, and would have provided for numerous substantive changes. Nevertheless, when substantial increases were added in committee for the New Careers, Headstart, and emergency food and medical services programs, I did not press further for my own legislation.

In regard to the committee action, I would like to add two points. First, I would like to commend in strongest possible terms the work of my distinguished chairman on this bill. Those of us vitally interested in a meaningful poverty program know the great lengths to which our chairman went in an attempt to preserve the basic integrity of this legislation. Whatever happens to this bill we should all be proud of the job he has done. Second, I would like to express my regret that some members of our committee saw fit to bypass the committee with their suggested amendments and bring them up directly on the floor. Those of us interested in strengthening the bill were willing to hear the comments and face the judgment of our distinguished colleagues in committee, and I only think it would have only been fair for those wishing to dilute the bill to have done likewise. While I in no way doubt that my committee colleagues on both sides of the aisle will be offering their amendments in what they perceive as the best interests of OEO, nevertheless, I cannot believe that their suggestions would not have benefited from committee consideration.

Now I would just like to comment on two programs at OEO in which I have a particular interest.

The first is the legal services program.

Within just 3 years, LSP has developed into one of the finest, if not the finest of OEO's programs. During the past fiscal year, over 1,800 legal services lawyers handled over 610,000 civil cases for those who otherwise would have been without legal redress. The money it has returned to the poor in winning 70 percent of those cases has exceeded the cost of the program manyfold. Moreover, LSP has captured the imagination of the young, socially conscious lawyers now emerging from our Nation's law schools. Their highly successful Reginald Heber Smith fellowship program has been virtually crushed with top-caliber applicants during the past 2 years.

This success has been possible chiefly because the lawyers in the 850 legal services offices have not only understood and sympathized with the legal problems of the poor, but because they have been afforded that flexibility of professional judgment in litigating their cases that is required by the American Bar Association canons of ethics. It is my understanding that several amendments will be offered to this bill which would result in limiting that flexibility.

I would implore my colleagues to heed the advice of the ABA, the National Commission on Violence, and the National Conference of Federal Court Judges, and reject these attempts, and remind them of the words of the late President Kennedy:

> Those who make peaceful change impossible, make violent change inevitable.

The other OEO program which I understand is to come under attack is the economic development section. Acceptance of any of these amendments would be equally unwise. President Nixon reflected his confidence in this program earlier in the year when he transferred administration of all title I–D development funds from the Labor, Commerce, and Agriculture Departments to OEO. He also recommended a substantial increase in funding. It is understandable why the President did this, for the OEO economic development program is probably the ultimate manifestation of the basic underlying philosophy of the poverty program—helping people help themselves.

The impact of the program is well known to me, since one of the first and largest economic development grants was made to the Hough Development Corp. in Cleveland. Since that grant was made in the spring of 1968, Hough Development has become a nationwide example of minority enterprise at its best, and serves as a model for the proliferating number of community development corporations throughout the Nation. More importantly, HDC and the multi-faceted businesses it is developing in Cleveland inner city is a symbol of hope to the many hundreds of residents of that area who had begun to lose faith in the American free enterprise system, and opportunity for the poor in our affluent society. This hope can be, and is being, replicated in urban areas all across the country. But it cannot be done if the kinds of crippling amendments I have heard discussed become law. They must be defeated—not to do so would be more than unfortunate, it would be a disgrace to this Nation.

Mr. HANNA. Mr. Chairman, in 1964 we committed our national resources to the fight against poverty. I doubt if anyone in this Chamber was naive enough to believe it could be accomplished quickly or without controversy. We perhaps have had too much of the latter. And for some I am certain the program has moved too quickly, while others will maintain it has hardly moved at all.

I personally believe that the program has made substantial progress. In my own area, and throughout the Nation, millions of disadvantaged Americans have been serviced, and have had a chance to participate in a system formerly cold and remote. Although some of the programs have been failures more have succeeded.

Headstart has had a demonstrated impact in almost every section of the country. Upward Bound has given opportunity and hope to thousands of disadvantaged youngsters. Operation Mainstream and New Careers have proven to be two of the most effective job training programs being offered. The emergency food and clothing programs have been of direct aid to literally hundreds of thousands. The community action program, often controversial, has nevertheless had a positive impact. Hundreds of imaginative and important programs are being run at CAP neighborhood centers. Language labs, teen centers, recreational facilities, baby care, budget planning are just a few of the positive efforts now being carried on.

The legal services provided through the OEO have written a new chapter in the American attempt to obtain "justice for all." For many Americans, the exercise of their legal rights, or even the protection of those rights, was little more than middle class rhetoric. To the poor, justice was a rare commodity that could only be purchased at premium prices. It was never available when they were being exploited, and seemed to always protect the perpetrators of the exploitation.

We all can be proud of the fact that this situation has started to change. The poor are learning that justice can be applied equally. The fact that the poor have rights and can now exercise them has angered some. This was to be expected. If it did not happen the program would be worthless.

Now, I certainly do not want to be characterized as looking at the war on poverty through rose-colored glasses. The program has serious difficulties. Some preconceived concepts were impossible to implement. There has been scandal misappropriations, and malfeasance. Unfortunately, human institutions cannot be perfectly insulated from human frailties.

The Office of Economic Opportunity has shown itself particularly vulnerable to these problems. Perhaps because so much was expected so quickly, and perhaps because there is so little real understanding of the nature of the undertaking, some projects easily fell prey to corrupt and highly questionable practices. No one should have to justify or defend this. It is indefensible and where perpetrated, must be stopped. But these instances should not be exploited and used as the handmaiden to dismantle and destroy an immensely valuable and successful program.

Born in fanfare and controversy, this program, almost more than any other Government effort, has operated in the public glare. Constant media exposure to every controversy has made the very image of OEO controversial. The controversy never abates, the heat never subsides, and as a result an accurate perspective of the program rarely if ever emerges.

This, perhaps, is the saddest fact of the war on poverty. Hardly anyone can discuss it dispassionately. For many, its image has been reduced to scandalous giveaway boondoggle. And for many others, it is the passionate savior of the downtrodden. For some it is a political instrument to obtain power or to keep others from obtaining it.

All who fall into those just mentioned categories are wrong. The Economic Opportunities Act is an honest commitment of our national resources to the challenge of overcoming the blight of poverty in the world's richest nation. Because we neglected this problem for so long, we are now groping with various methods to funnel those resources to where they will do the most good. "Groping" is the proper word. We are not entirely sure how to do it—but we are commited to eliminating poverty. And while some of our groping has been misdirected, most of our efforts have had a meaningful impact.

The program must be allowed to continue. There will be mistakes in the future as there have been in the past. There will continue to be controversy. But on the whole, the accomplishments will outweigh both the mistakes and the controversy. It is with these accomplishments and what is yet to be accomplished that we must concern ourselves.

Unfortunately, many in this Chamber are more concerned with the false images of the program than with its substance. And in an attempt to deal only with the image they will sacrifice the substance.

Two crippling amendments will be introduced. Both amendments dismantle the structure and essence of the EOA.

By far the most dangerous amendment will be the one offered by the gentlewoman from Oregon (Mrs. GREEN) and the gentleman from Minnesota (Mr. QUIE). Their amendment will effectively destroy the central thrust of the OEO and create 50 State programs of dubious value. Their amendment would guarantee that resources would not be funneled to where they are needed and insure that every State would only be able to do as little as possible.

If the amendment passes, there would no longer be a national program. About the only function left to the Director of OEO will be to defend himself in court against lawsuits filed by the various States if he dares disapprove of their programs.

One of the most important and vital elements of the present program is its ability to muster and concentrate national resources where they are critically

needed. When you have limited resources that must be applied to a massive problem, it is essential that a central authority have the ability to act. This ability to act will be crushed by the Green-Quie amendment.

We can look forward to the program moving in 50 different directions if the amendment passes. States that do not have sophisticated machinery to implement a program will require their poor to remain in limbo until they get around to establishing the necessary institutions. Programs will be completely subject to the ever-changing whims of 50 different administrations. National purpose, direction, and commitment will dwindle as each State program becomes increasingly embroiled in the vagaries of local politics.

What is so ironic about this amendment at this time is that the Director of OEO has specifically outlined 15 steps to strengthen the State role in the program. The President's Director offers a reasonable and working partnership with the States. The Green-Quie amendment destroys the partnership relation.

A second amendment, equally as onerous, is slated for introduction. The Murphy amendment would permit State Governors to veto any legal service program funded in his State. Every lawyer should realize the implication of this. It politicizes the lawyer-client relationship. It permits the Governor to decide whether certain suits should be undertaken or quashed. It completely distorts the principle of equal administration of the law. An arbitrary Governor could easily utilize this tool for his own political purposes.

Almost every legal expert with a conscience has voiced his opposition to this ill-conceived and dangerous amendment. Virtually every law school dean and professor in my area has written asking me to vote against this amendment. My mail has been filled with warnings from leading attorneys throughout the State of California about the very real dangers of the Murphy amendment. The House must reject this pitiful attempt to subject the legal rights of the poor to the whims of the politicians. It is unconscionable.

These two amendments, taken together, represent the most serious challenge to our commitment to eradicate poverty since the program was initiated in 1964. If they pass, there will no longer be a program. We will go through the motions, but the heart and substance will no longer exist.

It makes no sense to tear down the program when it is operating successfully. Such wasteful and callous destruction will not enhance one bit our ability to overcome poverty. But it will do tremendous damage. The very tenuous and delicate confidences created in these past 5 years between an affluent establishment and the alienated and discontented poor will be irreparably damaged. The waste in resources and successfully operating organizations will be far more costly than any promised economies resulting from such changes.

I have been terribly disappointed with the White House vacillating leadership on this issue. The President proposed a 2-year extension of the program as it is—but has yet to insist that his legislative leadership adopt his position. If anything, he has avoided supporting his administration's position.

There is no question about my stand. I support the President's request to extend the EOA for 2 years without major changes. I intend to vote for the bill as it was reported by the Committee on Education and Labor.

Mr. LUJAN. Mr. Chairman, we are asked here to choose between Federal control and State control of the Office of Economic Opportunity programs. As one who believes, in general, that the necessary functions of government are best kept as close as possible to the people, I would normally find no difficulty in making this choice. I would vote for State control.

There are some programs, however, that simply do not lend themselves to efficient and effective management by government at any level. I refer to programs like medicaid, which has been poorly administered by many State governments, and the Office of Economic Opportunity, which has been poorly administered by the Federal Government. Programs such as these require a large degree of involvement of the private sector, and their success is proportionate to the amount of that involvement.

I think the administrative and operational controls of OEO programs should be vested in a body outside the political structures of either the State or Federal governments. And for this reason I will vote against the amendment.

In so doing, I wish to call the attention of my colleagues and of the administration to an alternate method of structuring the Office of Economic Opportunity programs at the State level. It is a method that has proven workable, efficient, and productive in New Mexico, and I believe it provides a model answer to the OEO's problems in administration and control.

I refer to the home education livelihood program—HELP—which has been operating as the New Mexico "delivery system," if you will, of the special impact and migrant sections of the OEO Act for the past 2 years.

It is unique among all the programs funded by OEO in that it is sponsored in our State by the New Mexico Council of Churches. Its board of directors consists of 12 representatives appointed by the council and six farmworkers representing the rural areas served by the program.

In addition to the State board of directors, HELP programs are administered through 50 community centers throughout the State, with each center operated by a local community HELP council.

Basic funding of this program is a mixture of Federal and private money, with $1.7 million funded under sections I–D and III–B of the OEO Act and $800,000 provided from private sources. Control of the funds and administration of the programs is the responsibility of the board of directors, operating through a paid staff in Albuquerque.

The HELP programs center on three basic problems in New Mexico: Housing, adult education, and economic development. Its success in each of these fields has been outstanding. In housing alone, 150 families have been assisted in obtaining new homes which they built with the help of their neighbors and with money loaned by the HELP program. Each homeowner acquired a "sweat equity" in his house through his own labor, and repayment of the loans is geared to the family income.

In adult education, more than 4,000 seasonal and migrant workers have attended classes in the 50 community centers, and 1,200 children have been enrolled in the child care and development program. These workers are trained in mechanics, carpentry, welding, home economics, basic education, or general education development. It is significant that during the 2 years the program has operated, these migrant and seasonal workers formed six credit unions with $25,000 in assets. Further, they have conducted book drives and solicited donations for the establishment of community libraries in rural areas which have never had a library outside of the local schools. Six such libraries have been established without cost to the Federal Government.

The real showcase of the HELP program, however, is in its success in economic development in the rural areas it serves.

Mr. Chairman, this program has succeeded in helping rural people to help themselves far better than any such program in the Nation and at less per capita cost to the Government. Its record is unparalleled in helping seasonal and migrant workers first to learn a trade or skill and then to form a company among themselves to utilize those trades or skills in the production and marketing of salable items.

I have worked closely with this organization and have been personally involved with it in the development of many privately owned, privately operated, rural-oriented small industries in our State. Poor people have formed companies to produce hand-carved furniture which today commands top prices and is in great demand throughout the country. Other industries we have helped get started include weaving shops, a machine shop, a plant to manufacture doors, signs, toys, and other wood products, wearing apparel plants and numerous farm marketing co-ops, including a fruit marketing co-op that is breathing new life into the apple industry that has been dying for 20 years in New Mexico.

And on a larger scale, the HELP organization has been largely responsible for the establishment of a huge network of cattle feedlot operations in New Mexico which involve more than 3,000 small ranchers and will add more than $5 million to the State's economy.

My point, Mr. Chairman, is that this semipublic organization, working with a combination of Federal and private money, has succeeded fantastically where so many other OEO-funded programs have failed. It provides an example to the rest of the Nation—and the

Office of Economic Opportunity itself—of what can be done with this money under an administrative and operational structure that involves the people and the communities in programs to help themselves.

I strongly suggest that the Office of Economic Opportunity study this example and consider this form of organizational structure as the type of administrative vehicle through which to channel its funds and programs.

Mr. ANNUNZIO. Mr. Chairman, I am happy to add my voice to those of my colleagues who have risen in support of H.R. 12321, the amendments to the Economic Opportunity Act. I support this bill with enthusiasm and without reservations. H.R. 12321 extends the Office of Economic Opportunity for 2 years; it maintains those of its programs that have proved useful and strengthens those for which the greatest need has developed. By putting increased emphasis on programs which have proved their efficacy in lifting people out of the conditions that accompany low-income living, the bill has turned its back neither on the poor nor on those in the Government who have called for a judicious dispersal of poverty funds. It is altogether a reasonable and responsible piece of legislation which, in my opinion, holds out the best hope for continuing to help the poor in a meaningful way. In commending this bill, I salute the man most responsible for it, the wise and extraordinarily able chairman of the Education and Labor Committee, about whose wholehearted commitment to aid the poor there has never been any doubt.

H.R. 12321 extends the Office of Economic Opportunity for 2 years, in order to allow for long-range planning of programs and for an efficient allocation of funds. It also adds three new titles to the Act, two of which strengthen successful programs, and the third of which comes squarely to grips with the very serious problems of hunger and malnutrition in the United States.

The first of the new titles revises title I of the act by removing the New Careers and Operation Mainstream programs from part B and incorporating them into a new part E. These two programs have shown themselves to be unusually effective in achieving their job creation and work-training goals; the first in meeting the serious shortages of manpower in the area of services and the second in providing work-experience for chronically unemployed adults. The bill earmarks a total of $110 million for these two programs, an increase over the administration's request that is clearly justified by the fact that present economic trends indicate that the unemployment rate may well go even higher than its already unnacceptable level.

H.R. 12321 also adds a new title IX to the Economic Opportunity Act, in which the continuation of both Project Headstart and Follow Through is specifically authorized. In making this change, the committee has recognized that "the early years of childhood are the most critical in growth and development" and that support for these programs—which have so effectively promoted the early development of poor children—must be emphasized and increased. Accordingly, the new title IX authorizes $578 million for Headstart and Follow Through—$458 million for Headstart and $120 million for Follow Through—which would provide program services for up to twice as many low-income children as would the figures proposed by the administration. The language in the new title IX would allow both the refunding of existing Headstart and Follow Through projects as well as the funding of new ones, and the training, technical assistance, and research and evaluation activities in support of the programs are also continued by the proposed legislation.

Perhaps the most urgently needed section in the bill is that which creates the new intensive programs to eliminate hunger and malnutrition. During the past few years, we have all been shocked and dismayed to learn of the existence of poverty-related hunger and malnutrition in the richest, most agriculturally abundant Nation in the world. We have learned that millions of poor Americans do not have incomes adequate to obtain nutritious diets, and that our Federal food assistance efforts have fallen far short of the need. The Committee on Education and Labor, and its chairman, were determined to enable the Office of Economic Opportunity—with its unmatched network of local involvement agencies—to expand the fight against hunger and malnutrition-related disease begun in 1968 under the emergency food and medical services program. During the short time it has been in operation, the emergency food and medical services program has done an excellent job with the resources it has had available, but there can be no doubt that those resources have been much too limited to allow for a full-scale attack on hunger.

In recognition both of the value of the emergency food and medical services program experience and of the evident need for more consequential efforts in this area, H.R. 12321 adds a new title X to the Economic Opportunity Act which gives the Office of Economic Opportunity broad authority to provide financial assistance for medical supplies and services, nutritional foodstuffs, and related services to counteract conditions of starvation or malnutrition among the poor. Specific emphasis is placed by the bill on aiding the elderly and the very young—two groups from whom malnutrition and undernutrition exacts a heavy price. The authorization for these intensive programs to eliminate hunger and malnutrition is $92 million for fiscal 1970, which is an increase of $62 million over what was proposed in the administration budget. In my view there can be no question but that this money will be wisely spent in support of the programs of the new title X proposed in H.R. 12321.

In reviewing the bill as a whole—and noting that it authorizes a total of $2,343,000,000 for fiscal 1970, as compared to the administration's budget estimate of $2,048,000,000 for the same period of time—I can say once more with complete assurance that this would be money wisely spent. The program of the Office of Economic Opportunity have been in existence for a mere 5 years. Some of those programs have been universally acknowledged as beneficial; all of them have in some way become part of the lives—and a main ingredient in the hopes—of the poor. I believe that we must not only continue our 5-year-old commitment to the poor by extending the programs of the Office of Economic Opportunity, but that we must pledge ourselves anew to the elimination of poverty and its attendant inequalities. This we will help to do if we pass H.R. 12321.

Mr. HAMILTON. Mr. Chairman, one program funded by the OEO and administered by the U.S. Department of Labor is the Green Thumb program. This program is sponsored by the Farmers Union, and I wholeheartedly endorse it.

Green Thumb employs older, low-income rural men in public projects. These activities include conservation, beautification, and recreation. Their performance has been hailed by local and State officials as being one of the best projects ever undertaken by the Federal Government both in providing benefits to those who participate in the program and heretofore unobtainable services to our communities. In southern Indiana they have made it possible for small cities and communities to have their own parks and playgrounds. They have created baseball fields for little leaguers, erected fencing to keep children safe on the playground, built picnic and rest areas and have beautified our roadsides. These are just a few of the things they have been able to accomplish in our small communities.

I am especially impressed by how much the Green Thumb project has meant to those who have participated in it. Last year alone, 178 men were employed in my district, receiveing wages and benefits totaling nearly $160,000.

They make valuable contributions to their communities. I would like to quote from a letter written to me by Mr. Russell Thomas, park superintendent at North Vernon, Ind.:

> Their work has been as skillfull as any that could have been provided by our local building contractors. The men, while working only three days a week, worked diligently; they had a great spirit of comradeship; and they were justly proud of their accomplishments.

This is what Green Thumb is all about in southern Indiana—an income, pride, dignity, public service. It needs to be continued and expanded to accommodate the long list of eligible men who need this employment.

I strongly urge the allocation of sufficient funds to Operation Mainstream to make this possible. It is hoped an additional 36 jobs would be available to low-income elderly citizens in my district. This would mean around $57,000 in wages, so desperately needed by individuals whose annual income averages $860. But even more than that, it offers hope and a sense of belonging to these older citizens.

If I may, I would like to include, for the RECORD, an article from an Indianapolis paper, the News, dated October 31, 1969, for the perusal of the Members:

GREEN THUMB PROJECT HELPS PRIDE GROW

(By John Carpenter)

They come from families with an average yearly income of $860—the oldest a 90-year-old man from rural Deputy.

Indiana Green Thumb Project, a public service program for the elderly in rural America, gives aged people with low incomes an opportunity for rehabilitation and employment.

The state's Green Thumb program has had its headquarters in Seymour since it started in July, 1966. Indiana was one of five states in the initial plan.

Part of the Manpower Act with the Office of Economic Opportunity the program has expanded from an original 10-county area to 21 counties involving 282 elderly people in the state.

About $600,000 in funds was administered out of Washington for Indiana's part in the program this year.

A $1,500 TOP SALARY

Average age of the workers is 67, and they work three days a week, eight hours a day, for a Federal minimum wage of $1.60 an hour. Persons employed in Green Thumb are paid every two weeks and the most they can make in a year is $1,500.

Why the name Green Thumb?

The program grew out of the rural beautification program and includes all kinds of hand labor jobs.

Employees, all men, work for the state, city and county highway departments and park departments among other things, and build shelter houses and Little League dugouts, improve camping grounds, plant seedlings and transplant trees in parks and along highways, and paint guard rails.

The oldest employee in Green Thumb is Garrett Gibson, rural Deputy, He is working with a crew of six other men in Clifty Falls State Park.

"I am proud to be employed with Green Thumb and fortunate, too. I feel better working than just lying around, and the checks help me to buy medicine for my wife. I look forward to going to work and enjoy being with the other men," Gibson said in a letter sent to the Seymour headquarters.

HE DOES EVERYTHING

Wayne Vance, who has been project director of the program since it began in Indiana, said Gibson is typical of the type of persons employed by Green Thumb.

"He does everything the other employees do. He paints, helps build shelter houses and even uses an axe," Vance said.

A 63-year-old Greene County man employed in Green Thumb told a supervisor, "My family (which includes three children living at home) and I really appreciate what you are doing for us, and with the pay we are able to have three decent meals a day."

Vance, 30, said his staff consists of an assistant director, two supervisors, a secretary and an office staff bookkeeper.

He said the program has:

(1) Aided nearly 300 elderly men and their families who badly need jobs to help themselves financially.

(2) Proved to the people there are critical employment problems in rural areas.

(3) Proved senior citizens are not particularly happy or content to sit down and start drawing social security money.

(4) Brought out new skills in individuals.

(5) Proved many elderly people want to be gainfully employed.

(6) Helped give people the opportunity to live rather than just barely exist.

NEED AND HEALTH STUDIED

Older, retired low-income citizens are hired on the basis of need and physical condition. People are screened by an employment service and are interviewed by officials of the organization for the 21-county area.

Vance said there are more than 200 applications for jobs on file in his office.

He has asked for 350 job slots in 1970.

"The total objective of the program is to get people back to work and move some of them out to private enterprise—with some taking full-time jobs," Vance said.

Counties now included in the program are: Jennings, Posey, Jackson, Pike, Orange, Brown, Jefferson, Dubois, Floyd, Martin, Knox, Greene, Bartholomew, Gibson, Washington, Warrick, Scott, Clark, Lawrence, Daviess, Sullivan.

Mr. BRASCO. Mr. Chairman, I rise in support of the Economic Opportunity Act as reported by the committee.

While operating since last July under a continuing resolution, the Office of Economic Opportunity has been undergoing what seems to me to be a significant transition from what it was 1 or 2 years ago to what it is now and, more importantly, what it can be in the years ahead.

It is not necessary for me to catalog the shortcomings, the misdirected efforts, the noisy irritations, and the wasted money. Far more important, I submit, where the positive accomplishments of the Office of Economic Opportunity, the more than 950 local community action agencies, the 49 comprehensive health centers, the neighborhood legal assistance offices, the VISTA volunteers, the family planning centers, the support of cooperative business enterprises—all of which are built in to the on-going Office of Economic Opportunity program for the future.

Instead of dwelling on errors of the past, it is more useful to remind ourselves of positive accomplishments that have taken place as foundations for future progress. What are these achievements of the Office of Economic Opportunity? Let me mention a few:

It made the country aware of the scope, the depth, and severity of the blight of poverty.

It helped make clear how vast is the range of what we do not yet know, and how fragile are projections based on partial knowledge.

It taught lessons about what works and what does not work in combating poverty problems.

It demonstrated the value of having within the Federal Government an agency whose special concern is the victims of economic hardship.

It dramatized the need for flexibility, responsiveness, and continuing innovation in efforts to cope with the root causes of poverty.

It brought out the needs for management effectiveness.

It revealed that the Office of Economic Opportunity's greatest value and potential comes from its work as an initiating agency, devising new programs to help the poor help themselves, and serving as an incubator for those programs during their initial phases.

OEO Director Rumsfeld has now increased the dimensions of the Office of Economic Opportunity, adding new responsibilities to those that already exist in carrying forward its operational programs.

Through its new offices of Program Development and Planning, Research, and Evaluation, the OEO is now addressing itself to such unanswered and difficult questions as these: What determines an individual's capacity for growth and achievement? What can be done to awaken that capacity and develop it? How can we be sure that these capabilities, when they are available, will be fully used and properly rewarded?

Not until our Nation comes to grips with questions such as these, and comes up with workable answers, will real inroads be made on the ills of poverty. This is why the kind of research and study being undertaken by the Office of Economic Opportunity represents a vitally important investment of Federal funds.

Moreover, the Office of Economic Opportunity will concentrate emphasis on ways and means of similarly altering the attention and thrust of a broad range of public and private institutions, to revitalize their approaches to problems of poverty. For this reason the OEO office of Program Development will try out a wide variety of new ideas, test them fully in theory and practice, and then encourage other appropriate agencies and organizations to carry out the practical applications resulting from this experimental process.

Mr. Chairman, the Office of Economic Opportunity has established more precise standards for measuring performance than the agency has used in the past. Creation of the agency's Office of Planning, Research, and Evaluation gives the Government an exceedingly valuable capability to assess Office of Economic Opportunity programs and the efforts of other organizations as well—a capacity based on independent, scientific analysis, and one that has been needed for a long time.

I am convinced that the Office of Economic Opportunity is on the right track. It has a critically important job to do and is gearing up well to perform it. What is urgently required now, of course, is prompt action to approve a 2-year extension of the Office of Economic Opportunity without crippling amendments such as the Green-Quie substitute.

Mr. KYROS. Mr. Chairman, just as all of us can agree on the value of volunterism in working toward solution of our Nation's social problems, so we should all agree on the increasingly more important contributions being made by the Volunteers in Service to America, or VISTA, program.

One criterion as to the effectiveness of this program is the demand for it. In this regard, it should be pointed out that despite efforts to discourage requests which cannot be met, VISTA has requests from local communities for approximately five times the number of volunteers which the current budget will support.

A second criterion as to the value of this program is the extent to which it represents an opportunity for Americans to help each other. In this regard, it should be noted that a recent Gallup poll demonstrates that 56 percent of all university students—over 3 million young Americans—are interested in VISTA service. In another poll, three out of every four parents stated that they would like to have their son serve in

VISTA. Nearly 20,000 men and women have served, or are currently serving, in VISTA. The number of inquiries regarding VISTA service has increased by 19 percent this fiscal year, and more than 93,000 persons have now applied for this program.

A third criterion regarding VISTA should be the quality of its volunteers. During fiscal 1969, 49 percent of the volunteers selected were college graduates. During fiscal 1970, this figure jumped to 73 percent. Forty-four percent of all volunteers this fiscal year possess professional skills, and 30 percent of the volunteers will be using these skills as VISTA specialists. At the same time, VISTA has been increasingly successful in recruiting volunteers who are themselves from poor communities, and who have the potential to be highly effective in working with our citizens who are in similar circumstances.

The final, and most important criterion of VISTA's effectiveness must be the programs themselves. Since VISTA began its intensive evaluation in the spring of 1968, some 200 weak projects have been closed or restructured. Supervision activities have been greatly increased. Skilled volunteers are increasingly being teamed with volunteers from poverty communities. New VISTA projects have greater concentrations of volunteers for greater impact.

VISTA presently has over 6,000 volunteers in the field. If 50 separate State programs were created, administrative costs would be vastly increased. The skills of VISTA volunteers are not evenly distributed, and most of the potential volunteers are located in the larger and more populous States. If separate programs were created, the States would have to recruit either within their own boundaries, to the disadvantage of the smaller States, or there would be a proliferation of visits by recruiters from different States seeking volunteers from the same populous areas. Training costs would be vastly increased in a similar manner.

It should be pointed out that under present programs, volunteers may not be assigned to a State without the written consent of that State's Governor; moreover, the Governor has the additional right to have volunteers removed at any time. To place the VISTA program under State control is not only expensive, it is unnecessary.

Mr. CAHILL. Mr. Chairman, I wish to indicate my support for the 2-year extension of the Economic Opportunity Act, as recommended by the committee, and to state my opposition to the so-called Quie-Green-Ayres substitute proposal. In doing so I am supporting the Director of the Federal Office of Economic Opportunity, Donald Rumsfeld, who has today again reaffirmed his opposition to the substitute measure. Mr. Rumsfeld still has the support of the administration, and it is my hope that the House will defeat the substitute.

Admittedly, my position today with respect to the substitute amendment places me in a unique position—unique because I have long been on record as a strong proponent of the block grant concept, and have called for greater implementation of Federal-State revenue-sharing programs. My opposition to the substitute, which essentially employs a modified State plan approach, derives from what I regard to be serious overriding considerations which I hope every Member will carefully consider before voting today.

Certainly the "war on poverty" has, over the years, had its problems and shortcomings. I am not blind to that. But, on balance, I believe that the poverty programs have done a great deal of good. The 35 million poor Americans, and particularly the many young people among them, who are caught in the tragic grip of the city ghetto and its cycle of hopelessness deserve our best efforts on their behalf. I agree that we can, and must, do better. But I do not believe that the substitute amendment represents that best effort. I am convinced that for us to now abruptly convert an ongoing 5-year-old poverty program, which has given rise to such commendable and vital programs as legal services, Headstart, community action, and comprehensive health, among others, would create even greater problems than we are experiencing today, and would be a grave disservice to the poor people of this Nation.

There are a number of specific reasons why I urge my colleagues to join me in supporting the 2-year extension as reported by the Committee.

First, only 6 months ago our former colleague, Donald Rumsfeld, took over the direction of OEO. During that short period, I have been impressed by his vigorous leadership and by the many reorganization efforts that he has already undertaken both in his own Washington office and in the regional offices.

Mr. Rumsfeld has promised to give substantially more attention to the way in which OEO policies are carried out at the local, State, and regional levels. And to carry out this latter promise, he has set up a new Office of Program Operation.

Mr. Rumsfeld in addition has promised to greatly expand State responsibility and contribution to the poverty program. And he has done more than promise; he has already, via directives, spelled out a six-step plan to implement the promise of greater State involvement.

This is not mere rhetoric. This is constructive action.

In my judgment, this is the only manner in which we can responsibly bring about the kind of increased State involvement that we all would like to see, without disrupting the beneficial aspects of the poverty program. I concur on this score with the committee which stated:

> In view of the commitments made by Mr. Rumsfeld, a majority of the Committee decided it would be unwise to legislatively impose what might be better be accomplished administratively by the Director of the agency.

I strongly feel that Mr. Rumsfeld has earned the right, through his performance, to have a reasonable time to solve problems administratively before new legislative directions are considered.

But let me go on and tell you what else I believe to be seriously wrong with the proposed substitute measure.

The Office of Economic Opportunity was created in the first place because the States and the traditional Federal agencies, operating independently, were not solving the serious problems of poverty. To now encourage the setting up of "State offices of economic opportunity" and the expansion to these of substantial administrative functions would cause wholesale multiplicity of effort and unnecessary duplicate staffing throughout the country. This, I believe, would have the effect of bogging us down with an even greater administrative bureaucracy—something I thought we were trying to avoid—and at the expense of our ongoing substantive programs.

Let me give you a few examples. Legal Services, one of the most laudable Federal programs ever to have been created, is now funded at $54 million. It is administered on a national basis by a corps of 35 staff professionals. Not only would a great deal of the budgeted money necessarily be siphoned off from program and into administrative costs, were the substitute to be adopted, but also, in my judgment, we would risk jeopardizing the effectiveness of the program.

The same is true with the comprehensive health programs, and the Follow Through—extension of Headstart—programs. The comprehensive health program is funded at $74 million. It operates in 30 States and the District of Columbia, but yet it is administered nationally by a professional staff of 23. Follow Through is funded at $58 million, and is administered on a national basis by 19 professional staff members.

There are yet other problems which I believe the substitute would bring about.

Many of the poverty programs, notably the community action program, are built around the concept of maximum participation by the poor. It is unfortunately doubtful whether there could be substantial, let alone maximum, participation by the many poor people who reside in our Southern States. But this presumes that one of these States has had its State plan approved. And this brings me to the next problem.

In the event that a State's plan is rejected by the Federal Director, the substitute measure provides a remedy in Federal court whereby that State can appeal the decision. Thus, because of the tortoiselike pace of case-by-case litigation, a State could use this as a device to thwart the effectiveness of poverty programs within its own borders.

I would like to point out also that the substitute measure embraces the effect of the Murphy amendment, which has already passed the Senate, and to which I am also opposed. This latter amendment would give State Governors an absolute veto power over legal services programs. While I recognize that in many States, such as in my own, in many regions of our country, this would not be a harmful tool if exercised wisely. But there are some States, where there are many poor people, where there is regrettably no guarantee that such a veto would be used wisely.

The modifications made this week in the substitute, in an effort to effect a compromise, are not enough to make it

an acceptable program. As Director Rumsfeld said today:

The end result has fallen short of what is necessary for effective management. The substance of the substitute has not been altered.

I, therefore, again urge the defeat of the so-called Quie-Green-Ayers substitute amendment, and the passage of the committee-recommended 2-year extension of OEO.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in opposition to H.R. 12321. I find it amazing that any Member of this House can explain to his constituents, who only a few weeks ago were told we must continue the surtax until the President had been able to cut back on wasteful spending, why he will now cast a vote to add more billions to the $7.7 billion we have already wasted on this collection of obnoxious Federal programs. But we are not only being asked to continue the OEO today, we are being asked to enlarge what amounts to city-style jungle training in countless back alleys and church basements across the Nation.

No one can point to a significant number of successful programs under the OEO, unless, as our distinguished colleague, the gentlewoman from Oregon (Mrs. GREEN) so ably stated, the purpose of the war on poverty legislation was to foment discord in our cities and institutions.

The American people are demanding that Congress stop the wasteful spending which has forced this Nation to the brink of financial disaster. They want a good bargain for every dime we spend in their behalf.

So where do we cut, Mr. Chairman? The school lunch program? The highway construction program? No, we must cut where the waste really is—with the OEO.

The Office of Economic Opportunity is a bad bargain for America. It is a bad bargain for the poor and a bad bargain for the taxpayer.

The OEO and its web of agencies spinning off into every community in America has become a creature of black power and roistering radicalism that will hurt this Nation for generations to come unless we stamp it out.

You have difficulty in getting an Army commission with minor juvenile offenses on your record, but an arrest record as long as your right arm will qualify you for a top salary in an OEO agency. You may lose a Government job for a bad debt record, but you can work for an OEO project in a position of responsibility if you are a bad check artist or worse. You may lose a civil service pay raise unless your record is clean but you can get on the OEO dole and agitate for higher welfare payments and against "police brutality" even if you are a narcotics addict or a refugee from a criminal asylum.

The OEO community action agencies in this country have been in the hands of radicals almost from the beginning of the OEO. The neighborhood legal services attorneys have been busy taking State and local agencies into court—far too busy to take care of the legitimate legal needs of the poor. These are facts. The papers are full of them; the television livid with them.

Mr. Chairman, every evil and diseased mind put into a position of trust and leadership with OEO funds breeds and spawns a hundred more on the street corners of America. When we tolerate the handpicking of criminals, crooks, and radicals to fight the poverty war for decent Americans we are sowing the seeds of our own destruction.

In the District of Columbia an almost endless roll can be called of those who use OEO as a springboard for promoting radicalism and un-American standards to what they want to accomplish—not what needs to be accomplished to alleviate the plight of the poor.

They take antipoverty funds in one form or another, spend much of their time arranging demonstrations, participating in demonstrations, and goading on the demonstrators to violate the law. They are almost too numerous to mention. Collectively, they set a pattern for activity and favoritism of employment that is clear to anyone who will look into the backgrounds of those in the forefront of agitation in this area.

This is not accidental. It is the direct consequence of intent and dedication to disrupt and destroy the peaceful activities we are undertaking as a government to help the poor.

No government funds, Federal, State or local, should go to those dedicated to the destruction of this Nation, whether they are serious about the game they are playing or simply playing for kicks. The same rule should apply and be enforced against those whose activities reveal a pattern of law violations.

We face enough hazards in our efforts today, without risking those which are spawned by irrational minds or from criminal intentions.

Some of my colleagues hope somehow to revise this program so as not to be charged with killing it. But the residents of my district do not agree. They are alarmed and they want me to express that alarm.

Mr. Chairman, we can cure poverty. But we cannot cure the OEO by doctoring it, pampering it, or ignoring it. We can eliminate it. We can start anew without it. And we should do so with the same speed with which it was created.

The decent people of America are concerned about the problems of poverty and are willing to make whatever sacrifice necessary to solve them. So are the Members of this Congress and the Federal and State Governments.

But the job cannot be done with endless funding, endlessly wasted. It must be done by careful planning and consistent control of the funds allocated to the various programs. This would not include the use of funds either directly or indirectly to employ agitators and rioters and give them access to cash and prestige in laying out policies in direct contravention of the wishes of Congress or the good sense of the American people.

We must look at poverty and unemployment at the same time. We must look at the countless thousands of jobs going begging, then we must help the unemployed find employment and train those who are unemployable.

OEO is a creature of Congress, Mr. Chairman. So are its mistakes, its flaws, its dangers. The consequences of its risks will also be a creature of Congress. OEO has not, will not, and cannot cure poverty. When a Government agency creates more problems than it solves it is high time Congress take a long look at what is going on. Never has the need for that long look been more urgent than it is with OEO today.

Mr. FINDLEY. Mr. Chairman, one of the most effective of OEO's programs has been the emergency food and medical services program. Over a million people have been helped. More than 400 programs in more than 1,000 counties in 43 States have been developed. Fifty research or demonstrated programs have been funded. But these statistics are not enough. It is prudent to ask at this point what is happening in these programs and why they exist at all.

The programs were created to allow local people to identify local problems and to develop ways to solve them. Some of the local problems are simple and obvious. Some are subtle, complex and indistinct. For example, the simple process of hiring and training a handful of outreach workers may solve the problem of the poor who do not know about the food programs or of those who are frightened or illiterate or unable to speak English. Helping them through the certification process may enable them to overcome lifelong fear of local welfare officials.

Some of the CAA's have established simple transportation systems to get people to food or food to people. This helps to solve the problem of the isolated rural poor or of the urban mother with three children and a month's supply of commodities to bring home from a surplus distribution center. In addition, many of the programs are helping families with the cost of food stamps, and for those who cannot get certified, with outright purchases of food. They are helping with school lunches with either direct assistance to the families or through arrangements with local school lunch officials. They are established educational programs in nutrition, home care and consumer affairs. And they are developing other local programs of community self-help.

Special demonstration and research programs developing new ways of getting food assistance to migrant farm workers and looking at the problem of nutrition education, its usefulness and effectiveness. In addition, OEO is working with the development of totally new ways of approaching nutrition, education and training for schoolchildren as well as for adults. It is working with school lunch people to develop new ways of improving the school lunch system.

Many of these experimental OEO projects parallel suggestions which I proposed in my testimony earlier this year before the House Agriculture Committee. Programs which attempt to aid the poor in receiving food from widely scattered, infrequently open distribution centers will do much to alleviate the problem of hunger. Nutrition education is also vitally necessary. These measures can provide interim relief while the Department of Agriculture analyzes and re-

vamps its food-aid programs to deal with nutrition deficiencies and poverty induced hunger.

As I suggested to the committee, effective food-distribution programs may ultimately depend upon the successful implementation of one or more of the following:

First, a requirement that benefits be made available uniformly throughout each participating State;

Second, discontinuance of Government warehousing of surplus food items and Government-issue packaging and utilization of private food stores as points for the distribution of items on a surplus list;

Third, utilization of private food stores for the sale of food stamps and delivery of surplus food vouchers. Supplementing the distribution of stamps and vouchers at food stores, we should provide those who are in poverty and regularly receiving monthly Government or retirement checks—thus having a set income—with food stamps through the mail. This part of the system could thus be automated, reducing costs and allowing the concentration of our limited manpower on those whose incomes fluctuate monthly.

Fourth, a requirement that the local unit of government certify those eligible for food stamps and/or surplus distribution quarterly and in some cases at greater intervals, with vouchers or stamps issued more frequently to the poor than at present.

Fifth, permitting concurrent operation of both the food stamp and surplus distribution programs in counties. All poor people would be eligible to purchase food stamps, but those of extremely low income would also be made eligible for surplus food vouchers.

This would serve two important purposes: it would give extra free food to those who have the greatest need for it; it would create a highly flexible means of stimulating consumption of selected items that may from time to time become in heavy surplus.

Sixth, a requirement that each eligible family include at least one person with competence in food purchasing and preparation.

On October 30, the Director of OEO, Don Rumsfeld, assured me that these and other approaches to the problem of hunger and malnutrition were under active review by his office. The present emergency food and medical services program is effective, and under the new Director's guidance and innovation will become even more so. It maximizes its cost effectiveness by maximizing the utilization of other programs.

In my opinion, it deserves our continued support.

Mr. BOLAND. Mr. Chairman, on December 3 I intended to cast an enthusiastic vote for H.R. 12321, the Economic Opportunity Amendments as reported by the House Education and Labor Committee. I was unable to do so because of the precipitate introduction of a substitute bill, which few of my colleagues had heard about and even fewer had seen. We wanted time to study this bill, to see how it compared to H.R. 12321 in its effects on the Office of Economic Opportunity, and to determine what particular needs it answered. After having studied this substitute proposal, I announce that my vote for H.R. 12321 will be cast with an even greater awareness of its wisdom and generosity toward the poor. By voting for the Committee-reported bill, I will be reaffirming my personal commitment to promote the elimination of poverty in the world's wealthiest Nation.

H.R. 12321 would extend the legislative authority of the Economic Opportunity Act for 2 years—until the end of fiscal year 1972—just as the administration requested. This extension would allow for greater efficiency in the planning of programs and allocation of funds. It would also provide for a greater feeling of job security among those working for OEO, encouraging the employment of more workers. This bill authorizes $1.536 billion for all OEO programs for which there are no separate authorizations provided. When we total all of the separate authorizations that appear in H.R. 12321 and add to them the general authorization, we have a total authorization figure for fiscal year 1970 of $2.343 billion, which would be some 295 million well-spent dollars greater than the Nixon administration's fiscal budget request for the programs of OEO.

The first separate authorization in H.R. 12321 would provide $110 million in funds for the Operation Mainstream and the New Orleans programs. The bill makes the finding—echoed by Committee witnesses and by studies and reports—that these two programs have been extraordinarily effective in achieving the goals they were designed to attain. Operation Mainstream is a job-creating and work-training program whose principal objective is to provide work-experience for chronically unemployed adults—among them many older people—who have no reasonable hope of obtaining any unsubsidized full-time employment. The New Careers program is designed to accomplish the objectives of providing job opportunities for disadvantaged persons, helping to meet the growing shortages of manpower in the area of services, and providing more effective services to those who need them most. H.R. 12321 emphasizes the usefulness of and the need for these two programs by creating a new part of the Economic Opportunity Act under which they would be specifically authorized.

Two other programs that have proven their worth to all observers are Project Headstart and Follow Through, both of which now appear in the Economic Opportunity Act as special emphasis community action programs. H.R. 12321 would change and upgrade their status by incorporating them into a new title IX and providing specific authorizations for them amounting to $578 million—$458 million for Headstart and $120 million for Follow Through. H.R. 12321 acknowledges the worth of both of these programs for the development of preschool low-income children and gives OEO broad authority to continue, expand, and supplement them.

H.R. 12321 then turns its attention to the disturbing problem of hunger and malnutrition in America and provides broad authority for OEO to combat that problem. The existence of poverty—related hunger and malnutrition in this bountiful land is a reproach to every citizen—and most particularly to everyone in any way responsible for the very inadequate Federal food assistance programs. The recent White House Conference on Food, Nutrition, and Health acknowledged the seriousness of the problem by calling for emergency action. H.R. 12321 would add a new title X to the Economic Opportunity Act and would provide OEO with a wide range of possible weapons to use in the battle against poverty-related malnutrition and hunger. Funds under this section could be used to supplement and expand present Federal food assistance efforts, as well as to initiate new programs for the provision of food and medical supplies where needed to counteract serious conditions resulting from hunger and malnutrition. A total of $92 million would be authorized for these intensive programs to combat hunger and malnutrition in fiscal 1970, an increase of $62 million over what was proposed for the present OEO emergency food and medical services program by the administration for the same fiscal year.

I believe that H.R. 12321 offers the poor the best chance for continuing their climb out of the depths of poverty; it maintains those OEO programs that have become an integral part of the lives of many of the low-income citizens of this land and it emphasizes and increases and expands those programs that have shown their incalculable worth to everyone. We must not allow the Office of Economic Opportunity to be crippled by any proposal that pretends it is for the good of the poor, yet that threatens to take away from the poor what little they have, and we must guard against any attempts to give to the States veto power over programs in aid of the poor—such as the attempt to sabotage the neighborhood legal services program by establishing such State veto power. Let us reaffirm our 5-year-old promise to the poor—initiated when we passed the Economic Opportunity Act of 1964—by promptly passing the Economic Opportunity Amendments of 1969.

Mr. BLATNIK. Mr. Chairman, the minority report on the Economic Opportunity Act Amendments of 1969 claims that there is no real need to expand Operation Mainstream programs and that there was no testimony before the committee to justify the approach taken in the committee bill. The Bureau of the Budget's request is to continue the program at the current level of funding.

While I am sure the minority members recognize the excellence of the Green Thumb program which is to be the largest Mainstream program, they perhaps do not realize that there would be no chance to expand Green Thumb if these amendments should be approved. To the best of my knowledge, based on information available and the splendid record of achievement, Operation Mainstream is one program that has never had any serious problems whatsoever. The $86 million committed to this program since the outset is probably the best and soundest investment of the entire antipoverty program, along with Headstart.

I would like to submit for the record that there is a need to expand Operation Mainstream in Minnesota. Green Thumb has a waiting list of nearly 300 more than are currently employed in the program in the 18 approved Minnesota counties, and 19 additional counties have formally requested Green Thumb. We have had many requests for a senior aids program in St. Paul similar to that in Minneapolis.

I know that there are similar requests for Mainstream in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, Iowa, Wisconsin, Illinois, and Montana, to name only a few.

These are popular programs in northeastern Minnesota and have made invaluable contributions in nearly every community throughout the Mesabi Range and in the southern portion of my district. If we can spend money for the space program and for the SST, we surely can afford to spend a little more money to give our older people a chance to earn their way out of poverty and at the same time help improve their communities.

In conclusion, I want to commend my very good friend, the distinguished chairman of the Education and Labor Committee, CARL PERKINS, on the extraordinary effort he has made to report out the best bill possible and on the outstanding legislative job he has done in shaping the antipoverty program since its very inception.

Mr. EDWARDS of California. Mr. Chairman, we are engaged today in, I hope, an act of responsibility, but we will be faced with acts of irresponsibility.

In many respects today is another of the continuing trials of the American system, of whether the American system can and will meet the needs of all of its citizens, or whether in the long run by failing the minorities, it will fail totally. I support $2.43 billion funding for a 2-year extension of the Economic Opportunity Act. I do not support amendments which will cripple this program.

I believe this House and this Government must be responsive to the needs of all of its citizens, not to just a favored few, who may be of the right race, class or economic status. Today we are considering legislation to aid those of our citizens, who in the past have been ignored, the poor of all races, colors, and creeds. There are some who do not believe that these people have rights, or that the Government should be responsive to their needs.

One of the amendments proposed endangers the entire Economic Opportunity Act. It would make the poverty program a State-administered agency. I disagree with that concept. State governments vary in their attitudes toward the poor, they vary in the quality of their administrators, they vary in the responsibility and responsiveness of their Governors. When we at the Federal level allocate Federal funds, collected from all of the people, then we must insure that they are spent in a fair and equitable manner across the 50 States. The war on poverty is a Federal effort. It should remain a Federal effort.

I believe we all know the pitfalls in this particular amendment. We know why it is being offered. We must defeat it. Some of the arguments against this amendment hold equally true for another crippling amendment which I will discuss later.

We have made a national commitment to end poverty. Let us continue that commitment.

The bill as reported to this House has the specific support of President Nixon. It has the enthusiastic support of the Director of Office of Economic Opportunity, Donald Rumsfeld, a respected former Member of this House. We should pass it without amendment. The amendment proposed by Representatives GREEN, QUIE, AYRES, SHERLE, GIAIMO, and WAGGONNER, would defeat the purpose of the Economic Opportunity Act.

In addition Senator GEORGE MURPHY, of California, has proposed an amendment, an amendment that will be considered by this House, to cripple a part of the Economic Opportunity program. This amendment would in fact eliminate the right to legal counsel for the poor.

In California legal aid programs, financed through this act, such as the Legal Aid Society of Santa Clara County and the California Rural Legal Assistance have done more in a few short years to aid the poor than any other single program. Providing legal aid to the poor is controversial, and irresponsible attacks have resulted. But let us look at the accomplishments of these programs. These programs have required every county in California to provide a food stamp program for the poor. Is this irresponsible? These agencies have challenged unfair credit practices. Is this irresponsible? They have asked that the State obey its own laws. Is this irresponsible? And they have offered to the poor, the protection of the law, instead of reserving that protection for only the affluent. Is this irresponsible?

In fact that is what the Murphy amendment is all about. Should the protection of law be offered to all, or should it, as the Governor of the State of California wishes, be reserved for only the affluent? Mr. Reagan, and the men here who do his bidding, appear to believe that law and order should benefit but one class, instead of all. They are afraid that if the poor are represented and protected before the bar of justice, that their failures will be exposed.

The Murphy amendment gives Governors the right of veto over legal programs. Why should they want such a right? In the hands of the responsible Governors the right will not be exercised. In the hands of the irresponsible Governors, it will be used to eliminate any challenge to arbitrary and sometimes illegal actions.

The American system is supposed to guarantee "equal protection under the law." That guarantee does not include the words, "if the Governor agrees." Let us try to live up to our American ideals. Let us be responsible and responsive.

I believe that even the Governor of the State of California can survive, perhaps even do better, if the poor have legal representation. I urge passage of this program without crippling amendments. Only, if we meet the needs of all Americans, can our system live up to its constitutional promises, and survive.

Mr. HALPERN. Mr. Chairman, in considering the Office of Economic Opportunity in the past it has become a common practice to accent the shortcomings of the agency's activities. No doubt we will hear much of the same kind of criticism today. However, I feel OEO has made significant contributions in the battle against despair and deprivation that far transcend the daily headlines that have been unfortunately associated with the war on poverty.

In particular, OEO's constructive action in two areas which I am familiar with are significant and worthy of continued congressional support. I am referring to OEO's role in implementing the model cities program, and OEO's highly successful VISTA program—Volunteers in Service to America.

Since the inception of the model cities program, the Office of Economic Opportunity has been fully committed to its objectives and has devoted significant amounts of staff time and agency funds to that program. In addition to four full-time staff members in the headquarters office, OEO has placed specialists devoted to this program in each regional office. In fact, most regions quarters office, OEO has placed specialists.

OEO has also made program design and funding commitments to the model cities program. Some of these include:

First, earmarking: This year, OEO has agreed to earmark approximately $20 million specifically for the model cities program.

Funds will be used for a variety of programs, including Legal Services, Comprehensive Health Centers, research and demonstration projects, and technical assistance to model neighborhood residents.

Second, technical assistance funds: In addition to the funds committed for fiscal year 1970, last year OEO worked with the Department of Housing and Urban Development to fund a joint effort to provide technical assistance to model city neighborhood groups. In cooperation with HUD, the city demonstration agencies, and local government officials, OEO funded 65 cities for a total of $4 million. These projects will permit the neighborhood residents to work in partnership with city government and with the community action agency to establish broad support for the model cities program.

Third, participation in the approval of comprehensive model cities plans: OEO has devoted enormous time and effort at both the regional and headquarters levels while participating in the review and approval of the plans developed by the citizens and local officials of individual model cities. When appropriate, OEO personnel in legal service, comprehensive health, research and demonstration, manpower, and Headstart have carefully reviewed and counseled the Department of Housing and Urban Development on the quality of the proposals.

Fourth, involvement of community action agencies: In many cities, the community action agency actively assisted city government in establishing

the original framework of the local model cities program and in getting all elements of the community involved in model cities. This cooperation between community action agencies and model cities is continuing now that the program is completing its planning and moving into establishing and operating programs.

In the coming year, OEO plans not only to continue its close association with the model cities program but to make a major effort with the Department of Housing and Urban Development to insure that community action agencies work closely together to impact the problem of urban poverty.

This positive contribution to model cities is an indication of what OEO can do at its best. We should not seek to hinder the agency in its ability to continue doing such things. Clearly, it can operate successfully under the most unstable conditions. It could do much better if we finally gave it some breathing room.

Mr. Chairman, while I am discussing some positive accomplishments of OEO in the urban area, let me mention the VISTA program and its contribution to rural areas.

It is hard to believe the last-minute airing of the proposed amendment to turn VISTA over to the States is not a deliberate attempt to kill the volunteer program. Through waste, mindless multiplication of effort, and in many States, a lack of qualified volunteer applicants, this proposed reorganization would kill a program that has effectively and peacefully brought much needed social advance.

VISTA now has seven regional training centers. The cost of operating with Federal funds, 50 separate State organizations for recruitment, selection, training and assignment of volunteers would be enormous. The result would be much waste and few benefits.

VISTA is not perfect. It is and has been one of the most effective programs designed to change the conditions of poverty in the ghettos, barrios and rural poverty areas. Over 20,000 volunteers have served, or are serving for a year, working and living with the poor. They use their skills in education, business, medical techniques, and in other fields—to help give people in poverty a chance to advance, a chance to produce, and a stake in their own communities.

President Nixon has said that only Americans can disgrace America, and he is right. But Americans who have little money, bad health, too little food, and no effective training with which to advance, have little with which to preserve their pride in themselves and their country.

Skilled VISTA volunteers have helped poor people better their lives through their own efforts. Volunteers are of all ages, but mostly they are young. Increasingly, they are skilled—in law, business, medicine, education.

Seventy-three percent of volunteers are now college graduates. By next summer 2,000 of the 6,000 volunteers in the field will be persons with professional skills—lawyers, business specialists, planners, architects, nutritionists.

Under this amendment, States most needing skilled volunteers, the rural States, the poorer States, face an impossible job if confined to recruiting within their borders. Skills are not evenly distributed. The schools that produce lawyers, business graduates, health technicians, are not evenly distributed. Skilled volunteers tend to be recruited from the more populous States. The amendment would destroy the quality of VISTA's best projects. It would not enhance local control in any meaningful way.

VISTA has learned, since its inception in 1964, that State supervision is a vital requirement for a strong program. Supervisory personnel are recruited from the local agency sponsoring VISTA. The local supervisors are required to meet high common standards. Thus, there is meaningful local control already in the program.

VISTA AND THE STATES

The proposed "substitute bill" calls for a restructuring of VISTA giving States the power to recruit, select, train and assign VISTA volunteers under grants from the Director of OEO.

VISTA, in fact, has already taken major steps in this direction through close coordination with several State governments.

For instance, in Massachusetts, 88 VISTA volunteers are assigned to the State department of community affairs, working throughout the State in programs designed by and for Massachusetts. In Alaska, VISTA volunteers are assigned to remote villages supported directly by the State. And in Puerto Rico, VESPRA—the Commonwealth's Volunteer Corps—places and supervises its own volunteers.

The Governors of the various States presently have complete control over the VISTA programs in their States at two levels:

First, prior approval of projects: Every VISTA project by legislation, including regular and associate programs, must receive Governor's approval in writing before any project can start. Although it is not required by legislation, VISTA has traditionally requested Governor's approval for its research and demonstration programs.

Second, termination during course of project: Any Governor has the legal right and authority to request the removal of any volunteer and to order the termination of any VISTA project within his State at any time during the history of the project.

It is interesting to note that during VISTA's 5-year history, only the State of Mississippi has never allowed a VISTA program within its borders, and only the Governor of Texas has requested termination of certain volunteers. These project closings represent a total volunteer strength of only 25 of the more than 20,000 volunteers who served their Nation through VISTA. A Governor's prior and retroactive veto already insures his control over VISTA projects. And the fact that only 25 out of 20,000 volunteers have been removed over a 4-year period of time indicates that the present system is working.

The proposals of the substitute amendment would in fact weaken Governor's control by allowing the Director of OEO to overturn the Governor's veto of proposed VISTA placements.

Other important factors to consider:

First, equitable distribution of skilled volunteers: Only a few States produce significant numbers of highly specialized volunteers such as doctors, nurses, lawyers, architects, and planners, and graduate students. In order to insure that poor people everywhere are effectively served, VISTA must distribute this rare, highly trained resource among all States based on need regardless of that State's historical ability to produce.

Second, expressed preferences for location of service: The overwhelming majority of the more than 100,000 people who have applied to be VISTA volunteers have requested assignment to locations other than their homes where they have other obligations that would interfere with full-time service of living and working with the poor.

Third, national emphasis aspect: VISTA is unique in that it represents this country's only federally financed volunteer program. VISTA has a national emphasis and a national stature that underscore the administration's commitment to volunteerism and increase VISTA's ability to recruit the most capable men and women in the Nation for public service.

Fourth, increased cost of the program at the State level: It is estimated that the unit cost of fielding a volunteer would rise twofold as each of the 50 States would be required to establish individual program development units, recruiting offices, selection divisions, and volunteer logistics and support mechanisms. As it now stands, VISTA headquarters now provides these functions on a nationwide scale, while insuring local control of volunteers by local sponsors and supervisors.

What is the point of this amendment? The inevitable result would be that fewer skilled volunteers would be used less effectively at higher costs. The programs would reach fewer poor people.

I ask you to continue VISTA as it is a successful program that grapples directly and effectively with the enormous problem of bringing Americans out of poverty.

And I urge you, my colleagues, not tc emasculate the entire OEO organization. We must rise above our narrow grievances and not allow the underprivileged to lose faith in a democratic system which can truly provide solutions to their problems.

Mr. RARICK. Mr. Chairman, this is a bill providing for the further extension and funding of the Office of Economic Opportunity, the so-called war on poverty agency. Apparently the biggest controversy surrounding this disreputable agency is the control or lack of control by duly constituted authorities in the States and communities where its "legal aid" operations are to be conducted.

An interesting item in the local press—and one which will certainly not be carried nationally—addresses itself directly to the point raised by many responsible elected public officials. It is the height

of absurdity for the Federal Government to finance and dignify some of the irresponsible, unethical, and immoral conduct of this bevy of young lawyers. They seem to favor activities of a nature long classified as maintenance, champerty, or barratry; their lawsuits clutter the dockets of busy courts, and mislead unsuspecting people. Responsible officials rightly complain.

The District of Columbia, under a statute enacted by the Congress in 1901, has defined the crime of adultery and provided a punishment of fine and imprisonment for a year as the penalty for its commission. The criminal law of the District also provides for the prosecution of accessories as principals. Both of these criminal provisions are consonant with the generally accepted standards of good order in our society today—or at least I am unaware of any desire by any Member to repeal the law and legalize adultery.

Nevertheless, we are paying young lawyers, through the legal aid apparatus of the OEO, to advise, aid, and abet the commission of the crime of adultery in the District of Columbia. In the infamous Higgs case, both of the parties executed and filed in the district court affidavits which amount to complete confessions of having lived in open and notorious adultery for a period of years, living in such a state at the present time, and an intention to do so in the future. Their OEO-funded attorneys supervised the execution of these incriminating affidavits in the course of filing a lawsuit to require that this couple be provided public housing accommodations for their criminal liaison.

Members of the bar may be surprised to learn that a proceeding to aid the commission of a crime involving moral turpitude was brought in a court of equity.

The ultimate result is that poverty lawyers are paid by OEO with taxpayers' funds—the defendant's attorneys are the District of Columbia Corporation Counsel and Justice Department attorneys also paid by the taxpayers—the judge and all the court personnel are paid by taxpayers and since the petitioners are proceeding in forma pauperis every penny of the court cost is borne by the taxpayers.

Although the suit is still pending—prosecuted, defended, and tried at taxpayers' expense—under an OEO grant—a news item indicates that the National Capital Housing Authority has now totally capitulated to the demands for federally subsidized crime and immorality, by announcing that unmarried couples—living together in open and notorious adultery, in flagrant violation of the criminal laws of the District of Columbia—are now eligible for public housing.

For some peculiar reason, there does not appear to have been any prosecution of an open and shut criminal case against the adulterous couple, their advisers, or any question of review of the ethics of attorneys who have obviously both counseled and encouraged the commision of crime.

I insert title 22, section 301 of the District of Columbia Code and a related news clipping in my remarks:

DISTRICT OF COLUMBIA CODE

TITLE 22—CRIMINAL OFFENSES

Section 301. Adultery—Definition and penalty

Whoever commits adultery in the District shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both; and when the act is committed between a married woman and a man who is unmarried both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man only shall be deemed guilty of adultery. (Mar. 3, 1901, 31 Stat. 1332, ch. 854, § 874.)

[From the Washington Post, Dec. 11, 1969]

UNMARRIED COUPLES GET HOUSING RULE

Low-income couples who are not legally married or free to marry are now eligible for public housing here under a change in National Capital Housing Authority regulations.

Washington's housing authority formerly denied admission to couples who were not formally wed or living in valid common law marriages.

The change in NCHA regulations, effected in October but not previously made public, came after an Anacostia couple who had lived together for 13 years sued NCHA for denying their housing application.

James and Beulah Higgs, who live with their seven children in a two-bedroom apartment, said they were unable to afford a divorce for Mrs. Higgs, who is still legally wed to a man she married in 1947.

The amended NCHA regulation says unmarried persons are eligible for public housing if they "give evidence of a stable relationship that has existed over a period of time."

NCHA informed the Higgs family recently that their original public housing application, filed in October, 1968, had been accepted and placed on a priority list because of their overcrowded living conditions. The couple needs a five-bedroom apartment, NCHA said.

The Higgs' antipoverty lawyers plan to continue their lawsuit, saying the new provision is vague and discriminates in favor of married couples, who do not have to prove they have a stable relationship. The Neighborhood Legal Services Program lawyers will also seek a court order requiring NCHA to notify all unwed couples previously denied admission about the change.

Mr. BIAGGI. Mr. Chairman, as we take up the Economic Opportunity Act Amendments of 1969, I would like to rise in support of the special programs and Assistance Section of this act. I feel section 222(4) really provides the machinery and resources necessary to launch a comprehensive, concerted attack against the problems of narcotics addiction and alcoholism in areas of urban poverty.

It is already well known that addiction to opiate narcotics, dangerous drugs, and alcohol constitutes a significant and growing problem in America. However, few realize the disproportionately high incidence of addiction among the poor. Of the 190,000 narcotics addicts in this country, at least 150,000 of them are defined as "poor" under OEO guidelines.

The behavior pattern of this group of people is commonly referred to as "hard core," "antisocial," or "marginal." Repeated criminal offenses are associated with this group, and it is not surprising to find an ex-addict who turns to alcohol, a delinquent who begins taking drugs, an addict who turns to crime to support his drug habit, or a person who is dependent on both drugs and alcohol.

The life pattern of drug addicts and alcoholics in urban ghetto areas and among the rural poor is one of a progressive alienation from society, repetitious antisocial acts resulting in frequent jail terms, and a marked tendency to recidivism under our present rehabilitation programs.

Stolen property which directly relates to drug addiction or alcoholism costs this Nation several billion dollars yearly. In addition, the taxpayer on the Federal, State, and local level is faced with the incarceration costs of addicts who, by age 40, may have spent from 8 to 10 years in jail.

Mr. Chairman, it is apparent that too much emphasis has been placed on the "cure" rather than on finding ways to assimilate these people back into the mainstream of a productive life once they have been rehabilitated.

More emphasis needs to be placed on programs which would be designed specifically to provide specialized supportative services for employment opportunities for rehabilitated addicts. As it now stands employer resistance to these people is quite high and their job possibilities upon release from treatment are extremely difficult to find.

In my judgment, OEO is in a unique position to make a valuable contribution in the development of such a comprehensive rehabilitation program.

Section 222(4) of the act as amended provides the necessary facilities, personnel and resources to accomplish this goal, and I further understand that OEO intends to mobilize its energies and forces in this direction where narcotics addiction and alcoholism is concerned.

OEO can view the problems of poverty in perspective, as it already has widespread services and programs underway.

It has established an entree and credibility with the poor on a neighborhood level that is vital to the success of any rehabilitation effort.

I urge your support, Mr. Chairman, for the realization of this goal, and I urge all my fellow Members in the House to join with me in supporting this section of the act. Rehabilitation and assimilation is the key to the cure of these cancerous social ills. I look forward to the day when widespread addiction is no longer one of the skeletons in our closet of social ills.

Mr. DANIELS of New Jersey. Mr. Chairman, 5 years ago this distinguished body enacted the Economic Opportunity Act of 1964. Thereafter, in 1965, 1966, and again in 1967, we amended that act by adding to it provisions designed to strengthen the administration of the Office of Economic Opportunity so as to improve the efficacy of the program.

At the same time that we tightened the operating procedures of OEO, we also supported its programs by providing sufficient funds and legislative authority. And we are once again faced with the task of writing amendments to the Economic Opportunity Act. Once again, the Committee on Education and Labor has reported out a bill—H.R. 12321, the Economic Opportunity Amendments of 1969—which would amend the act by providing funds and continued legislative authority to pro-

grams which we in Congress labored long hours to produce since 1965.

This bill provides increased emphasis on and support for five programs, based, in four cases, on the proven success these programs have achieved during their span of operations and, in all cases, on their demonstrated need.

The committee bill, as requested by President Nixon and his OEO Director, would preserve the structure of OEO intact.

The bill would allow OEO to continue its self-imposed labor of putting its house in order and would at the same time enable the Congress to determine the success of the effort.

H.R. 12321 would also—again at the President's request—extend the legislative authority for OEO until the end of fiscal 1972. It would provide $1,536 billion in unearmarked authorizations for OEO programs. A sum which would be increased by the amounts separately authorized for four very effective programs and one program for which there is a most urgent need.

A new section E is added to the "Manpower" title of the present act. Two programs—Operation Mainstream and New Careers—would thus be given separate and special status among OEO's other manpower programs. Operation Mainstream, a job creation and work training program for chronically unemployed, low-income adults with hope for unsubsidized full-time employment, has been in existence some 2 years. During that time, it has provided nearly 20,000 enrollment opportunities at a cost to the Federal Government of $72 million. Participants can work in projects for the improvement or beautification of their local communities and in projects involving the management, conservation, or development of natural resources and recreational sites in rural areas or in towns. This program has a tremendous number of enrollees who are 45 or over, an age group that accounts for one-fourth of the total unemployed. The present unemployment situation, plus the enthusiastic endorsement by numerous witnesses before the committee, makes it evident that the continuation—and upgrading—of Operation Mainstream is a national necessity.

Similarly, New Careers has proven its worth in its 2 years of existence. This program provides meaningful job opportunities for low-income persons, particularly by means of opening up new entry routes into the service industries—an area where there is a serious and growing shortage of available workers. The committee found that New Careers, whose enrollees would be able to get off of welfare, has specifically demonstrated the potential for transfer from welfare to human service status, an achievement that is becoming increasingly important in the light of the special emphasis now being given to work alternatives for welfare recipients. H.R. 12321 would provide $110 million for these two worthwhile work and training programs—of which $60 million is intended for Operation Mainstream and $500 million for New Careers.

The 1969 amendments also make special provision for two early childhood development programs that have been particularly successful: Headstart and Follow Through. A new title IX would be added to the present act which would incorporate these two programs.

The committee—along with most independent observers—found that Headstart was "one of the most effective programs initiated under the authority of the economic opportunity act . . ." and that its importance must be emphasized in the total effort to eliminate poverty. Accordingly, $458 million would be earmarked for this program in order that more of the preschool children who need this program so desperately could be served by it. Follow Through, the follow-up program for low-income chidren in their early years of school, would also be given increased emphasis in this bill, and would also receive separately earmarked funds amounting to $120 million.

The purpose of Headstart is to develop the intellectual, emotional, social, and physical growth of poor preschool children and to focus community attention upon the needs of these children and their families. Acting on the knowledge that the early years of childhood are the most critical in the growth and development cycle. Headstart aims to provide the experience and opportunities for these children to fully develop and succeed in school. Since children of the poor in general have been demonstrably lacking in necessary early experiences available to their more advantaged peers, special help is provided for the disadvantaged child.

In addition to providing services, we must increase our knowledge of how to best intervene in the lives of poor preschool children, substantially integrated with Headstart follow through experimental programs.

Follow Through is a program of great promise in the early primary grades for graduates of Headstart and other quality preschool programs. Follow Through provides these children with special instruction, health and dental care, a nutritious lunch and often breakfast—for many children their only balanced meals—and other services that can make the difference between success and failure in school.

Follow Through is a small program, but it is a research and development program that should tell us a great deal in the next few years about how young children, especially poor children, actually learn and develop as individuals. Such research is vitally needed.

From its inception as a national program in 1967, Follow Through has worked closely and harmoniously with State educational agencies and State officials of the Office of Economic Opportunity. As a national program, this year it has projects in 49 States, the District of Columbia, and Puerto Rico. Every project was initially recommended for funding by the State concerned.

Finally, H.R. 12321 would add a new title X to the present act in which intensive programs to combat hunger and malnutrition would be authorized. The fact that poverty-related hunger and malnutrition exist in this land of plenty has been recorded and condemned by all observers, including President Nixon. The committee felt that OEO, with its unique system of local involvement and participation, would be the logical agency to initiate programs to supplement and support our present Federal food assistance programs, which are generally regarded as inadequate. Thus, the 1969 amendments would give OEO broad authority to develop programs to provide food and medical supplies to counteract conditions of starvation and malnutrition among the poor. These programs would supplant the present OEO anti-hunger efforts, the emergency food and medical services program, which has been relatively effective but which has been seriously underfunded. In its place, the new programs authorized by this bill would be provided $92 million in separately authorized funds.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that this bill before us, designed to extend and improve the Economic Opportunity Office programs over the next 2 years, will be substantially accepted and approved here this afternoon.

Back in 1964, this Congress and this Government through the adoption of the original Economic Opportunity Act, declared war upon the poverty of some 30 million American citizens in this affluent land of so much plenty and promise. Our high obligation here today, hopefully in an atmosphere of cooperative understanding and mutual concern, is simply to insure that this war is adequately carried forward, without any crippling amendments.

Many of our colleagues here have very earnest and sincere questions about various features of several different programs being projected by this legislation. Let us give them our most conscientious attention and action, but let us remind ourselves that in every great war, some weaknesses are bound to develop. I submit that a few mistakes and misuses do not constitute justification to entirely suffocate and abandon this crusade for the poor and despairing among us.

I am not suggesting the establishment of perpetual care programs, nor do I think that the great majority of those affected want such care. Our only intention here is that poverty-stricken people and their children, through no fault of their own, who need and will respond to help, will continue to be given such help in improving their own and their family's economic status, so that, gradually, the desperate need of assistance will diminish and the programs, themselves, can, accordingly be correspondingly restricted and eventually eliminated.

The investment proposed under this legislation is unquestionably reasonable and undoubtedly prudent. By all authoritative testimony and evidence, the alternatives, as measured in the costs to this country, direct and indirect, of crime, juvenile delinquency, and productive manpower losses, would vastly outweigh, far into the uncertain future, the expenditures to prevent the everlasting continuation of these national evils.

In the balance, by whatever judgment norm, it is very clear that the war on poverty has been a vitally important and very positive contribution toward the

continuing integrity and stability of our country.

It is a war that was declared by the Federal Government, mainly because the various States were unable to cope with the overall problems involved.

Let us, therefore, Mr. Chairman, continue to give reasonable help and hope and opportunity to those millions of our fellow Americans who are truly trying to help themselves and their children improve the quality of their lives, so that they can more fully contribute to our common and desperate efforts to achieve a more peaceful and progressive country and world.

Mr. RANDALL. Mr. Chairman, I regret that the parliamentary situation, which has been agreed to, limits time to 6 p.m. for amendments to the Ayres substitute which will prevent an explanation of my amendment.

Accordingly, for the RECORD, let me state my amendment should be entitled, "The Applicability of Canon's Ethics to Legal Services Programs." It is a very simple amendment. It assures the maintenance of a lawyer-client relationship consistent with the best standards of the legal profession. It does nothing more or less than spell out the requirements that the canons of professional ethics promulgated by the American Bar Association will be complied with.

There are widespread allegations that attorneys funded by the poverty program have engaged in solicitation of cases. There are even allegations that some of those under the legal services program are actually practicing law without a license. Certainly, all the attorneys rendering these legal services should be willing to demonstrate proper professional conduct.

My amendment would give an aggrieved citizen the right to register his complaint outside of the bureaucratic channels of the Office of Economic Opportunity. My amendment would have the overall objective of improving these legal services because it would enforce observance of legal ethics. Every attorney would know that complaints could be brought to the attention of the Administrative Office of the U.S. courts, meaning to the attention of someone outside of OEO. There is ample precedent for such a function being performed by the administrative officer of the U.S. courts because at the present time he is required to summarize allegations and complaints under the Safe Streets Act and to convey his summary to the Congress.

Under my amendment the Director of the Administrative Office of the U.S. Courts would be required to make an annual summary of complaints submitted to him by aggrieved citizens who complain against the legal services projects of OEO. He would simply make a report, objective in character, without evaluation or comment. It would be available upon request to the concerned committees of the Congress. My amendment should receive the support of all those who profess a real interest to improve the legal service section of the Office of Economic Opportunity.

The CHAIRMAN. All time has expired. Pursuant to the rule, the Clerk will now read by title the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. AYRES

Mr. AYRES. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. AYRES: Strike out everything following the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964, there is hereby authorized to be appropriated $2,048,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1968". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the two succeeding fiscal years".

TITLE II—STATE PARTICIPATION IN ANTI-POVERTY PROGRAMS

SEC. 201. Title II of the Economic Opportunity Act of 1964 is amended by striking out section 231 (relating to "State Agency Assistance") and by inserting at the end of the title a new part, as follows:

"PART E—PARTICIPATION OF STATES

"STATEMENT OF PURPOSE

"SEC. 250. It is the purpose of this part to provide an effective mechanism for the positive involvement of State officers, agencies, and administrative resources in the development, carrying out, and coordination of anti-poverty programs within each State, but only if and to the extent a State exercises the options set forth in this part. Accordingly, no State shall be required to establish a State Economic Opportunity Office described in section 251, or to take the further actions outlined in this part, as a condition for the support of programs under this Act in the State. In the event a State shall not choose to participate in the manner provided in this part, or is unable to satisfy the requirements for such participation set forth in this part, the Director shall continue to support eligible programs and projects in such State. However, the Director shall take every appropriate action to encourage effective State participation under this part in accordance with the finding of the Congress that such participation will strengthen the programs authorized by this Act.

"STATE AGENCY ASSISTANCE

"SEC. 251(a). The Director shall provide financial assistance to the State Economic Opportunity Office (hereinafter referred to as the 'State Office') designated in accordance with State law, to enable such agency—

"(1) to advise the Governor of the State with respect to the policies and programs of the Office of Economic Opportunity and other resources available to combat poverty within the State, and at the request of the Governor to advise and assist him in carrying out his responsibilities under this Act;

"(2) to assist in coordinating State activities related to this title and to title VIII;

"(3) to provide technical assistance to communities and local agencies in developing and carrying out programs under this title and under title VIII;

"(4) to evaluate programs assisted under this title and under title VIII with a view to improving the capacity of their sponsors to fulfill the purposes of this Act and to utilize with maximum efficiency the financial assistance provided;

"(5) to evaluate State poverty-related programs and State administrative procedures and to develop mechanisms for making them more responsive to the needs of the poor;

"(6) to conduct financial audits of programs within the State supported under this title or under title VIII, at such times and in such a manner as to promote responsible financial management of such programs;

"(7) to mobilize and develop available resources at the State level needed to assist anti-poverty measures within the State;

"(8) to encourage the development of career opportunities for the poor within agencies of State government;

"(9) to advise and assist the Director in developing procedures and programs to promote the participation of States and State agencies under this Act; and

"(10) to advise and assist the Director, the Economic Opportunity Council established by section 631 of this Act, and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede effective State involvement in or coordination of programs related to this title, and in developing methods or recommendations for overcoming those problems.

"(b) The Director shall take steps as will assure that:

"(1) all applications for assistance under this title and under title VIII within a State are submitted through the State Office, and that the Office is afforded a reasonable opportunity to (but not to exceed 30 days) review such applications before transmitting them to the Director (or to his delegate) with such comments and recommendations as the State may deem appropriate;

"(2) each State Office receives advance notice of the proposed approval of any application for assistance or of the proposed funding in the State of any program, project, or other activity under any other title in this Act, and is afforded a reasonable opportunity to comment upon such proposed approval or funding; and

"(3) each State Office receives such other information and technical assistance, and is afforded such other opportunities to play an affirmative role in the programs financed under this Act, as may be required to carry out effectively the functions specified in subsection (a).

"(c)(1) Whenever a State Office (with the concurrence of the Governor) shall recommend against the approval of an application submitted under subsection (b)(1), such application shall not be approved (or shall not be approved without changes suggested by the State Office) for funding under this title unless the Director shall have made a finding that approval of such application would strengthen the overall program plan of a local community action agency; or with respect to applications submitted by other eligible applicants, that the approval of such application would be in furtherance of the purposes of this Act.

"(2) The Director shall not delegate the responsibility for making the finding required in paragraph (1) except to the heads of other Federal agencies and he shall not make such finding without having first afforded the State Office notice and opportunity for a hearing.

"(d) In any grants to or contracts with State agencies, the Director shall give prefer-

ence to programs or activities which are administered or coordinated by the State Offices established under subsection (a), or which have been developed by and will be carried on with the assistance of those Offices.

"(e) In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies for purposes of providing financial assistance to community action agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this Act.

"STATE ECONOMIC OPPORTUNITY COUNCIL

"SEC. 252. (a) Any State which desires to participate in the development and carrying out of a State developmental and coordinating program for rural and urban community action, as provided by section 253, shall establish a State Economic Opportunity Council (hereinafter referred to as the 'State Council'), appointed by the Governor, which shall be broadly representative of the economic, educational, health, religious, and social services resources of the State and of the public, including persons representative of—

"(1) urban areas;

"(2) rural areas;

"(3) the poor (including representatives both of the urban and rural poor and of racial and ethnic groups in the State which experience a high incidence of poverty);

"(4) business, industry, and labor;

"(5) elected municipal officials;

"(6) elected county officials;

"(7) federally-assisted programs, such as Model Cities and manpower training, related to the problems of the poor; and

"(8) fields of professional competence (including both public and private education) in dealing with the problems of poverty.

"(b) The State Council shall advise the State Office on the development of and policy matters arising in the administration of the State developmental and coordinating programs submitted pursuant to section 253, and shall evaluate the programs, services, and activities assisted under this title and make a public report (at least annually) of the results of such evaluations.

"(c) The State Council shall prepare a long-range program plan (or, as may be appropriate from time to time, revisions of or supplements to such plan) for use of funds under sections 221 and 222 and title VIII of this Act which plan (1) is prepared in consultation with the State Office, (2) extends over a period of not less than five years and (3) taking into consideration available resources, sets forth a program of action which, in the judgment of the Council, would assure substantial progress toward achievement of the objectives of the plan.

"(d) From the sums appropriated under the authority of this Act for any fiscal year the Director shall (in accordance with regulations) pay to each State Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this part in such fiscal year, except that the amount available for such purpose shall not exceed $150,000 and shall not be less than $50,000.

"STATE DEVELOPMENTAL AND COORDINATION PROGRAMS

"SEC. 253. (a) State desiring to carry out a developmental and coordination program for urban and rural community action shall submit to the Director (at such time and in such detail as he may specify and containing such information as he may deem necessary) an outline for such a program which—

"(1) has been prepared by the State Office in consultation with the State Council of that State and has been approved by the State Council;

"(2) designates the State Office as the sole agency for administration of the State program, or for supervision of the administration thereof by local community action agencies;

"(3) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local community action agencies in the State and for the uses of such funds for the various programs and program components specified in sections 221 and 222, which policies and procedures assure that—

"(A) due consideration will be given to the relative needs of urban and rural areas within the State, and to the needs of various categories of persons living in poverty, in accordance with criteria supplied by the Director; and

"(B) due consideration will be given to periodic evaluation of programs, services, and activities assisted under this title;

"(4) describes how the activities and projects to be carried out under the program are related to the long-range program plan developed by the State Council pursuant to section 251(c) (except that such requirement may be waived during the first year the program is in operation);

"(5) sets forth policies and procedures satisfactory to the Director for approval of applications for assistance under sections 221 and 222 of this title and under title VIII submitted by local community action agencies and other qualified applicants, and for the review and monitoring of the program conducted by such applicants (including procedures to assure that such programs conform to the requirements of this Act);

"(6) sets forth procedures designed to improve the coordination of programs funded under this part with State-administered programs affecting the poor;

"(7) provides that any community action agency, or other public or private agency which is a qualified applicant for program assistance under this title, dissatisfied with a final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a public hearing by the State Office;

"(8) provides assurances that Federal funds made available under this part will be so used as to supplement, and to the extent possible increase the amount of State, local, and private funds that would in the absence of federal funds be made available for programs supported under this part, and in no case supplant such State, local, and private funds;

"(9) provides assurances satisfactory to the Director that all relevant requirements of this Act shall be complied with, and provides for making such reports in such form and containing such information and affording such access thereto as the Director may reasonably rquire to carry out his functions under this Act; and

"(10) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, federal funds paid to the State (including such funds paid by the State to qualified applicants) under this title.

"(b)(1) The Director shall by regulation establish criteria for approval of State developmental and coordination programs submitted pursuant to subsection (a), and when he finds that such a program complies with such criteria and the requirements of this part and when he is satisfied that adequate procedures are set forth to insure that the assurances and provisions of such program will be carried out, he shall approve such program, and the Director shall not finally disapprove any program submitted under subsection (a), or any modification thereof, without first affording the State Office reasonable notice and opportunity for a hearing.

"(2) The Director shall take such steps as he deems necessary to assure that in the formulation and carrying out of State programs there is close liaison between the State Offices and the Office of Economic Opportunity.

"(3) The Director shall take final action to approve or disapprove a State developmental and coordination program submitted under subsection (a) within ninety days after the date of its submission (or resubmission in the event it should have been withdrawn by the State), and he may not delegate the authority to approve or disapprove such programs to any other person.

"(c)(1) For any fiscal year in which any State has in operation a State developmental and coordination program approved in accordance with this part the Director shall make available to such State for carrying out the approved program the sums allotted to such State for such year under section 225 (a) and (b); *Provided, however,* That, until June 30, 1971, the Director may reserve not more than one-fourth such amount, to assist (in accordance with the provisions of this title) activities and projects in such State which are not funded under the State program, but only if the Director has determined that the failure to support such activities and projects during the period in which he may reserve funds would result in a substantial disruption of efforts directed toward the elimination of poverty in such State, or that it is necessary to assist programs authorized under section 222 of this Act.

"(2) The Director shall pay, from the amount available to the State for assistance under this part, to each State the amount required to pay the Federal share of carrying out activities and projects under the approved State program, and for administration of the State program (except that sums paid for State administration shall not exceed five per centum of the amount available to the State for assistance under this title in any fiscal year), and such payments may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(3) The term "State administration" in paragraph (2) means those costs attributable to the supervision, auditing, coordination, and servicing of activities carried out under this part or to the provision of technical services (including the training of personnel needed to provide such services), and similar costs related to carrying out an approved State program, but shall not include the costs of State operation of a substantive program authorized by this Act.

"(d)(1) Whenever the Director, after reasonable notice and opportunity for hearing to the State office administering a State program approved under subsection (a), finds that—

"(A) the State program has been so changed that it no longer complies with the provisions of subsection (a), or

"(B) in the administration of the program there is a failure to comply substantially with any such provision, the Director shall notify such State office that no further payments will be made to the State under the State program (or, in his discretion, that further payments to the State under the program will be limited to activities under or portions of such program not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Director shall support eligible community action and VISTA volunteer programs in such State in accordance with other provisions of this title (except that he may support those activities under or portions of the State program not affected by such failure).

"(2) A State office which is dissatisfied with a final action of the Director under this

subsection or subsection (b) may appeal to the United States Court of Appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director, or any officer designated by him for that purpose. The Director thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Director may modify or set aside his action. The findings of the Director as to the facts if supported by substantial evidence shall be conclusive, but the court, for good cause shown, may remand the case to the Director, to take further evidence, and the Director may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Director shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Director's action."

TITLE III—TECHNICAL AND PERFECTING AMENDMENTS

PART A—AMENDMENTS TO TITLE II ("COMMUNITY ACTION")

COMPOSITION OF COMMUNITY ACTION AGENCIES

SEC. 301. Section 211 of the Economic Opportunity Act of 1964 is amended as follows:

(1) Clause (3) of subsection (b) is amended to read—

"(3) the remainder of the members (which shall consist of not less than one-quarter of the total membership of such board) are appointed by the elected public officials who serve on or have representatives serving on the board, and are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community."; and

(2) the first sentence of subsection (c) is amended to read—

"Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such board, council, or agency shall be broadly representative of such area, and it shall be so constituted as to assure that at least one-third of the members are public officials, appointed by the elected public officials who serve (or appoint representatives to serve) on the board of the community action agency, unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the subsidiary board."

COSTS OF DEFENDING LAW SUITS

SEC. 302. Section 222(a) of such Act is amended by adding to paragraph (3) (relating to "Legal Services") the following:

"Whenever a lawsuit or other legal action is initiated by a plaintiff or plaintiffs with assistance under this program, and such action results in a verdict or other outcome favorable to the defendant in such lawsuit or other legal action, and the United States shall be liable for such costs (to be paid out of funds made available for the Legal Services program), as are ordered in accordance with the law of the jurisdiction, by the court or other board or agency which has juisdiction of the matter, the same as a private person."

AUTHORIZATION OF ALCOHOLIC RECOVERY PROGRAM

SEC. 303. Section 222(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8) An 'Alcoholic Recovery' program designed to discover and bring about treatment for the disease of alcoholism. Such a program shall be community based, serve the objective of maintaining the family structure as well as recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as program workers and emphasize the reentry of alcoholics into society rather than the institutionalization of alcoholics. Such a program shall also emphasize the coordination and full utilization of existing appropriate community services which pertain to the treatment of alcoholism and/or related disorders."

SPECIAL ASSISTANCE TO FAMILIES OF MEMBERS OF ARMED FORCES IN HARDSHIP CASES; PILOT PROJECTS OF ASSISTANCE FOR THE ELDERLY POOR

SEC. 304. Section 232 of such Act is amended by adding at the end thereof the following new subsections:

"(g) The Director shall conduct projects either directly or through grants or other arrangements, under which funds available under this section will be used to raise the income levels of families of members of the Armed Forces, when such families reside in the United States and through exceptional circumstances have an income level below the poverty level (as determined by the Director), and preference shall be given to cases of greatest hardship. Projects under this subsection shall be developed jointly by the Director and the Secretary of Defense.

"(h) The Director shall also conduct, either directly or through grants or other arrangements, pilot projects under which funds available under this section will be used to raise the income levels of persons over 65 years of age above the poverty level (as determined by the Director), with preference given to cases of exceptional hardship, in order to examine and evaluate systems of income maintenance for the elderly poor as an alternative to welfare assistance."

TECHNICAL AMENDMENT OF GOVERNOR'S VETO PROVISION

SEC. 305. Section 242 of such Act is amended by striking out the period at the end of the first sentence and inserting:

"; *Provided, however,* That this section shall not apply with respect to any application which the State Office has recommended not be approved under section 251(c)(1)."

AUTHORIZATION OF STATE AUDIT

SEC. 306. Section 243 of such Act is amended by adding a new subsection as follows:

"(e) The Director shall take such steps as may be necessary to insure that programs assisted under this title shall be subject to financial audit by appropriate State officials and agencies at the request of such officials and agencies, and he shall direct the governing board of each community action agency to cooperate in carrying out such audits."

PART B—AMENDMENTS TO TITLE VI (ADMINISTRATION)

PROHIBITION OF POLITICAL ACTIVITY STRENGTHENED

SEC. 321. Section 603(a) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(a) For purposes of chapter 15 of title 5 of the United States Code any overall community action agency which assumes responsibility for planning, developing, and coordinating community-wide antipoverty programs, or any agency assuming part or all of such responsibilities (including the administration of components of a community action program) under delegation from an overall community action agency, and receives assistance under this Act, shall be deemed to be a State or local agency."

ANTI-RIOT PROVISION STRENGTHENED

SEC. 322. Section 613 of such Act is amended to read as follows:

"SEC. 613. No individual employed or assigned by any community action agency or any other agency assisted under this Act shall (whether or not pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this Act) plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance, and the Director shall take such steps as may be necessary to assure that any individual who violates this provision is removed from his employment or assignment in programs conducted or assisted under this Act."

PROHIBITIONS ON UPWARD BOUND PROGRAMS

SEC. 323. Section 621 of such Act is amended by inserting "(a)" after "SEC. 621." and by adding at the end thereof the following new subsection:

"(b) The Director shall give full effect to the intent of Congress that 'Upward Bound' programs, however, described, shall be administered by the Commissioner of Education, and the Director shall not carry out or fund any program described in section 222(a)(5) (as in effect on June 30, 1969), or any comparable program, whether under the authority of that section or any other section of this Act, and whether or not carried on by or in a school, institution of higher education, penal or correctional institution, or any other agency or institution."

SEC. 324. Title VI of such Act is further amended by adding at the end of Part A the following new subsections:

"EVALUATION OF PROGRAMS OF THE OFFICE OF ECONOMIC OPPORTUNITY

"SEC. 622. (a) The Director shall: (1) at the time of entering into any contract or arrangement with non-governmental organizations or individuals for the evaluation of programs or projects administered by him under this Act, or entering into any substantial modification of any existing such contract or arrangement, furnish to the Comptroller General of the United States a copy of the contract or modification thereof or a description of the arrangement or modification thereof, together with a statement of the bases upon which he considers the evaluation work involved and the estimated cost thereof justified, and upon which he has determined that it was necessary to contract or arrange with a non-governmental organization or individual for its performance;

(2) require each community action agency designated under section 201 of this Act, to advise him of each contract or arrangement entered into by it with non-governmental organizations or individuals for the evaluation of programs or projects administered by it under this Act, including information regarding the purpose, cost, scope, evaluation methodology, and organizations or individuals involved in such contract or arrangement; and

(3) furnish to the Comptroller General of the United States at the end of each calendar quarter a listing of all contracts or arrangements reported to him in accordance with paragraph (2) of this subsection during such calendar quarter, including identification of the program or project, the organization or individual and the cost involved in each contract or arrangement.

"(b) The Comptroller General shall conduct evaluations of programs carried out under this Act, and upon request by a committee of the Congress, or to the extent personnel are available, by Members of Congress shall (1) conduct studies of existing statutes and regulations governing programs carried on under this Act, (2) review the policies and practices of Federal aegncies administering such programs, (3) review the evaluation procedures adopted by such agencies carrying out such programs, (4) initiate evaluation projects of particular programs, and (5) compile data necessary to carry out the preceding functions.

"(c) In carrying out the studies and evaluations herein authorized, the Comptroller General shall give particular attention to the practice of the Office of Economic Opportunity and of community action agencies designated under section 201 of the Act of contracting with private firms, organizations and individuals for the provision of a wide range of studies and services (such as personnel recruitment and training, program evaluation, and program administration), and shall report to the Director and to the Congress his findings with respect to the necessity for such contracts and their effectiveness, in achieving the objectives of this Act.

"(d) The Comptroller General or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this Act."

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of these sections.

"PREVENTION OF CONFLICTS OF INTEREST

"SEC. 623. The Director shall issue regulations and take such other steps as may be necessary to assure that the Office of Economic Opportunity (or any other agency utilizing funds appropriated under the authority of this Act) shall not contract with, make a grant to, or enter into any other type of financial arrangement with, any individual who has been an officer or employee of the Office of Economic Opportunity or any other agency of the executive branch of the United States Government which administers funds appropriated under the authority of this Act (or with a partner of such individual, or with a firm or business organization in which such individual holds a substantal financial interest or in which he serves as an officer), within one year after such employment, for any service or activity (other than reemployment as an officer or employee of a department or agency of the United States Government) in which such person participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise.

"PAYMENT OF DUES PROHIBITED

"SEC. 624. No funds appropriated under the authority of this Act shall be used for or on behalf of any person, organization, or agency to make any payment in the nature of dues or membership fees in any public or private organization or association.

"NEPOTISM PROHIBITED

"SEC. 625. No person shall be employed (or continue in employment) with funds appropriated under the authority of this Act in a position (1) over which a member of his immediate family exercises supervisory authority, or (2) while he or a member of his immediate family serves on a board or committee which has authority to order personnel actions affecting such position, or (3) while he or a member of his immediate family serves on a board or committee which, either by rule or practice, regularly nominates, recommends, or screens candidates for the agency or program in which such position is located. For the purposes of this section, a member of an immediate family shall include any of the following persons: husband, wife, father, mother, brother, sister, son, daughter, uncle, aunt, niece, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law."

PART C—AMENDMENTS TO TITLE VIII ("VISTA")

RESTRUCTURING ADMINISTRATION OF PROGRAM

SEC. 331. Section 810 (a) of the Economic Opportunity Act of 1964 is amended by striking out that part of the first sentence which precedes the numbered paragraphs and by inserting in lieu thereof the following:

"The Director is authorized to make grants to State and local public agencies to recruit, select, train and assign persons to serve in full-time volunteer programs. Such programs shall be those established by the grantee agency or (upon satisfactory assurance that the work of such volunteers will be supervised by competent individuals) by other public agencies or private nonprofit organizations, which involve the assignment of volunteers to work—"

ASSISTANCE IN LEGAL SERVICES PROGRAMS

SEC. 332. Section 834 of such Act is amended by inserting at the end thereof a new subsection, as follows:

"(f) Persons serving as volunteers under this title shall provide legal services or legal counsel only as a part of a legal services program (and at the request and under the supervision of the directors of such program) supported under section 222(a)(3) of this Act."

Mr. AYRES (interrupting the reading). Mr. Chairman, the amendment is printed in the RECORD as of yesterday, it is in today's RECORD, and in view of that and the 3 hours of discussion on the substitute, I ask unanimous consent that the substitute amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes in support of his substitute amendment.

Mr. AYRES. Mr. Chairman, I feel that the substitute amendment has been thoroughly discussed in general debate. I think it is understood by all why many of us, on both the minority side and majority side, feel that a substitute proposal is necessary. I repeat that this is not an Ayres substitute as such, it is not a Republican substitute as such, but it is an amendment that was worked out by the members of the Republican Party and members of the Democratic Party in a truly bipartisan manner.

However, it is my understanding, Mr. Chairman, that there are several amendments to be offered to the substitute, and I would hope that we can give serious consideration to the amendments, because after the President's press conference of Monday evening, we were advised, both publicly, through the press and over the television, that the President has suggested in very exacting terms that we work toward accommodations. That we have done.

I want to commend the gentlemen who have worked so hard to bring about a meeting of the minds in this very complicated and controversial field. This substitute is not a slap in any way at the Director of the Office of Economic Opportunity. Quite the contrary, it is a sincere attempt to give him the tools that we feel are necessary, having lived with this program for over 5 years, for him to do the job to help the poor, which we all know has not been done under the existing structure of the Office of Economic Opportunity.

I would hope today, Mr. Chairman, we can pass the substitute. We can go to conference with the other body with a vehicle which will make it possible for us to come back to this House with a proposal which is acceptable to the House and at the same time will give this program redirection, under new leadership, so that when we come back after this act expires, approximately a year and a half from now, we will be able to say to ourselves, "We did a good job. The Director has done a good job. The original purpose of this act, to help the poor people of this country, has been accomplished."

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, there are many reasons I rise in opposition to the amendment offered by the gentleman from Ohio. I only have 5 minutes, so I do not have enough time to go through all of them. Let me try to recite two or three.

In the first place, this proposal to turn the control of the efforts to fight poverty in our country over to the States is an antilocal control amendment if I ever saw one. We get a lot of speeches in this place about how deeply we care about assuring local control over important Federal programs, but I have here in front of me a letter which I take it all of us received today, signed by four outstanding mayors of our country. I really do not know the political views or the partisan affiliation of most of these mayors, except the one from my own State, the mayor of the city of Indianapolis, Mayor Richard G. Lugar, who has just been elected to an important position as the leader, I guess it is, of the National League of Cities.

All four of these mayors—of Philadelphia, Pa.; San Leandro, Calif.; San Diego, Calif.; and Indianapolis, Ind.—are mayors who are strongly opposed to the legislation proposed here today in the nature of the amendment offered by the gentleman from Ohio. They say:

> As the local elected officials closest to the individuals that these programs serve, we urge you to reject any attempt to remove the control of these programs from the local communities. The substitute would remove the control but leave the responsibility for the programs on the shoulders of the mayors of this land.

Mr. Chairman, the mayors sent along an editorial from the current issue of the magazine of the National League of Cities, Nation's Cities, which states:

> To sweep away the truly local character antipoverty programs would be most unfortunate. And to sweep them away under the guise of local control when the true meaning is state control would be a fraud on the public and particularly on the poor.

The mayors say, "A fraud on the public and particularly on the poor." That is not I speaking as a Democratic member of the committee. This is from a letter signed by four outstanding mayors of both parties, making very clear what the amendment offered by the gentleman from Ohio and those who support it represents.

I have here a letter I have received from my Republican friend from Indianapolis, Mayor Lugar, who says in his letter dated November 17:

I am hopeful that you will vote to defeat amendments offered to provide state governmental interference in the O.E.O. programs. I can assure you that I need to maintain control by the City of Indianapolis of any O.E.O. programs in our jurisdiction in order that the results will be reasonable and just. Relationships between Indianapolis and O.E.O., directly, are often complex. Interposing state government in the middle of these relationships would create an intolerable mess, in my judgment.

That is a second reason why this amendment seems to me to be most unfortunate, Mr. Chairman.

I believe that those who have observed State government in the United States are aware that historically our State governments have done almost nothing to make any serious contribution toward solving the great problem of enormous poverty in a very wealthy land.

I come from the State of Indiana, and I know whereof I speak when I refer to my own State. My own State does not even have a State economic opportunity office. My own State does not even allow, because of the position of our Governor, the people of the State of Indiana to participate in the programs afforded by the Older Americans Act.

My own State, only this year, within the last month, decided to join the union and permit the citizens of Indiana to have an opportunity to enjoy the benefits of the continuing education program under the Higher Education Act.

The fact of the matter is, and everybody here knows it, that State governments have been notoriously recalcitrant about responding to the needs of urban people generally, but of poor people in particular in both rural and urban America.

And for Congress to vote to take the Federal funds that President Nixon, when he urged that we extend for a period of 2 years the present poverty program, and turn these funds over to the States, would be an indication that Congress is not willing to give consideration to any serious and honorable means to help the poor people of our country.

Mr. Chairman, it is possible that the wealthiest nation that mankind has ever known will turn away from the ancient and serious problem of poverty?

As the mayors wrote, the substitute amendment and its results would be a fraud on the public and particularly on the poor. They know it. They just have a hard time getting their message through to their elected Representatives in Congress.

Mr. Chairman, I hope very much the substitute is defeated.

Mr. CLAY. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I strongly support the bill reported by our committee. I offer my support—not because the bill meets the needs of poor Americans—but because it is the only bill we have which incorporates the kinds of concerns translated into programs which can address the needs of poor Americans. I strongly oppose the substitute bill proposed by certain Members of this body who seek to turn OEO over to the States. And I submit that their effort would effectively destroy these programs for the poor—and would give a dose of overkill to the little hope left for rallying this Government to a solution for poverty.

Any Member who can seriously suggest that the States of Mississippi, Georgia, Alabama, and others—both North and South—will pick up the banner of social and economic reform and charge into the poverty areas in those States—is simply ignoring truth and fact. Any Member who seriously contemplates turning responsibility for alleviating poverty—to the machineries and mechanism which have rigidly served to perpetrate the conditions of poverty—is not committed to equal opportunity but to the status quo.

It was only recently that President Nixon unveiled to the American people the welfare mess which has resulted from the individual State administration of those social programs. We are aware of the gross discrepancies which exist among the States—in their unwillingness and inability to meet the needs of poor people. We know that the migration of the poor from many States into the urban ghettos comes about because they are trying to get away from the harsh climates of hatred and closed systems which exist in many States.

It has been said that we cannot change the way a person feels by legislation—but to some extent, we can alter his behavior. No one knows better at this time than the poor—the Federal administration of Federal programs is the only way they have received any benefits from social and economic reform efforts. We know the present dispositions of too many State administrations and they are not inclined toward the eradiction of poverty. In fact, many of them still maintain that poor people are responsible for their poverty. Anyone who holds such notions should not be given the reins of control over OEO programs. And yet this is what the Green-Quie substitute intends—that without regard for the documented and established records that many States have for "keeping poor people down"—we should give them the responsibility for "raising poor people up." State governments have not taken it upon themselves as their public duty to educate, to train, to feed, to employ, to meet the health needs, the legal services needs of the poor. We need innovative approaches to these problems—which we have seen through OEO federally administered. You cannot assign contemporary solution making to people who think only along traditional lines.

When you talk about transferring OEO programs to State administration, giving them the responsibility for approving all OEO program applications before they are sent to OEO for funding, giving State economic opportunity councils the sole authority to develop an antipoverty program for the State—you are in essence talking about writing off the poor, and turning the administration of a federally funded program aimed at the poor to State administrations which have shown little sensitivity for the poor.

If some Members have the notion that this substitute gives the responsibility for problem solving to the people closest to the problems, they are wrong. Look at the welfare food budgets in the States of Alabama and Mississippi. In Alabama, a poor person is allowed 6 cents a meal on which to eat—or $1.40 for an entire week. And in Mississippi, a poor person must get by on only 4 cents a meal—and only 80 cents a week. In my own State of Missouri, the allowance is only 11 cents for a meal or a total of $2.50 a week. These are a few examples of how close the State governments are to the problems of poverty—how sympathetically they review the needs. In Missouri there is one black highway patrolman. In the highway department—8,000 employees—less than 20 blacks. I know how our Governor will administer.

No, gentlemen, the substitute offered by Members of this body, GREEN and QUIE, cannot be made out to be anything but what it is—legislation to cripple the whole poverty effort. I, for one, know very well how the States would welcome this authority.

There is no way I can vote for tying any part of OEO to the States—whether it is legal services, VISTA, community action, and surely not when you are destroying the whole concept behind OEO and farming it all out. How can you expect those of us familiar with the problems of poverty to stand still while you work to get members of community action and neighborhood board appointed by elected officials? When we are talking about the participation of communities and individuals in their own programs, here comes a substitute legislative sham which would guarantee there would be no such representation.

Members of this body who share my concern and know the facts of State administration for poverty programs—could talk for hours giving illustrations which support this case.

Whether or not, and irrespective of how the positions supporting the substitute may be rationalized, such a vote will register the mark of a confused mind. Whatever any Member says about his vote for the substitute—or any legislation tied to State consideration and control—do not say it is in the interest of the poor.

To those who are supporting the substitute and who are using as a shield the fact that you have a glorious past of supporting the poor—I say that the commitment to justice and equality is a continuing one—if you were for the poor yesterday and against them today—then you were either hypocritical yesterday or you are hypocritical today.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Georgia.

Mr. LANDRUM. I am disturbed about the reference which the gentleman has made to the possibility of such a program of State planning failing in Georgia and in other States.

Mr. CLAY. Mississippi and Alabama.

Mr. LANDRUM. Let me say to the gentleman in response to that suggestion this: Today I was in a telephone conversation with a director of the Atlanta, Ga., Office of Economic Opportunity and was told by him—not in answer to a question, but voluntarily—that at no time in history has that office ever made a recommendation to Governor Maddox but that it was accepted by the Governor. The Governor has said that while he differed with reference to certain aspects of the program, and that he recognized there was a problem but as long as he was Governor he was going to do what he could to help those the original act was intended to help.

Mr. CLAY. Let me say to the gentleman from Georgia the question we are discussing today is the effort of the poor people in the State of Georgia to improve their condition. In the State of Georgia the record is quite clear that Georgia in its attitude has not carried forth the program as it was designed to be. For instance, in Alabama a poor person on State welfare is allowed 6 cents a meal on which to eat or $1.40 for an entire week. In Mississippi, a poor person on State welfare must get by on only 4 cents a meal and only 80 cents a week. In my own State of Missouri, the allowance is only 11 cents for a meal or a total of $2.50 a week.

In Mississippi today there is a program, the Headstart program, that is being held up by the Governor because he will not ratify the grant unless the people of Headstart agree to certain conditions that the Governor would like. Some of those conditions are as I understand them to be that the people of Headstart take on the responsibility of stopping boycotts by black people of white merchants in four counties of Mississippi. In three of those counties there are no Headstart programs. The Governor insists that before he approves the sum of $7 million for a Headstart program that they give him the exclusive right of firing anyone whom he charges is engaged in any kind of political activity. I say that the Southern States in this country represent one instance where there has been resistance to a program of this kind directed toward alleviating the conditions of poverty on the part of people who have been insensitive to this problem in this regard.

AMENDMENT TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. ESCH

Mr. ESCH. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. ESCH to the substitute amendment: At the end of title II of the substitute bill insert a new section as follows:

"EXEMPTION OF HEADSTART PROGRAMS

"SEC. 254. The Secretary of Health, Education, and Welfare (during any period in which he has been delegated responsibility for the administration of those programs authorized under section 222(a)(1) and 222(a)(2) of this Act) may exempt such programs from inclusion under the provisions of this part (either generally or with respect to inclusion in the program approved for a particular State)."

Mr. ESCH. Mr. Chairman, I believe we have explained the provisions of this amendment during the general debate, but I would like to review them for the Committee at this time.

Mr. Chairman, the purpose of this amendment is to exempt the Headstart and Follow Through programs which are already being delegated to the Department of Health, Education, and Welfare, from this substitute.

I think it is essential that we recognize that the President has begun to develop an orderly transfer and a gradual transfer of these programs into the Office of Health, Education, and Welfare, so that this transfer is being pursued not in a disruptive manner, but in an orderly process.

The amendment will continue this process.

I think that we should also recognize that Secretary Finch has indicated his desire that we adopt this amendment, which is a perfecting amendment, and one which I hope will have the support of the entire Committee. He has stated that the transfer of Headstart in an orderly way to the Office of Health, Education, and Welfare, would be seriously impaired, if the substitute is adopted without excluding Headstart.

So, Mr. Chairman, I hope that the amendment will be accepted by the Committee so that the transfer can continue to occur.

Mr. BRADEMAS. Mr. Chairman, would the gentleman yield?

Mr. ESCH. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I thank the gentleman for yielding, and I appreciate the thrust of the amendment offered by the gentleman from Michigan, but what I do not understand is this:

If the gentleman is not willing to trust little children to the tender mercies of the State governments, why is he willing to go along apparently with trusting adults?

Mr. ESCH. Mr. Chairman, I appreciate the question asked by the gentleman from Indiana. I think that the gentleman is well aware that the transfer is already in existence, and it is not a question of whether you trust or do not trust the States, or trust the Federal Government; the point is that there is in process an orderly transfer to HEW of these early child programs.

Surely the gentleman from Indiana would concur that any future legislation will have this direction rather than in the Office of Economic Opportunity.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Ohio, the ranking member on the committee.

Mr. AYRES. Mr. Chairman, I just noticed that the gentlewoman from Oregon was on her feet, and since the gentlewoman has been so active in this I wonder if she might comment.

Mrs. GREEN of Oregon. Mr. Chairman, would the gentleman yield?

Mr. ESCH. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I agree with the contention of the gentleman from Michigan that the Headstart and Follow Through programs are already over in the Office of Health, Education, and Welfare. I am one of those who urged such a transfer by legislative action last year.

It seems to me, Mr. Chairman, that the amendment offered by the gentleman from Michigan (Mr. ESCH) makes this transfer much easier, and also more certain.

So, Mr. Chairman, I would support the perfecting amendment that has been offered by the gentleman from Michigan, and I hope that it will be adopted by the House.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I would also say to the gentleman from Michigan that this is discretionary with the Secretary of Health, Education, and Welfare, and already they have gone through four seed programs to work out the situation, and in 19 States it has already been worked out.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Ohio.

Mr. AYRES. As the gentleman is aware, I conferred with the gentleman at some length prior to his offering the amendment, and after the gentleman spoke in general debate I had a chance to review it carefully, and we on the minority side accept the amendment offered by the gentleman from Michigan.

Mr. ESCH. Mr. Chairman, I appreciate the comment of the gentleman from Ohio, and I hope that the Committee will adopt the amendment.

Mr. BRADEMAS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall not take the 5 minutes. I only want to draw attention to the ludicrous nature of the situation in which we find ourselves in respect to the kind of amendment offered by our friend from the State of Michigan.

For his amendment, I think, really has nothing to do with whether or not Headstart has been transferred to the Department of Health, Education, and Welfare—a fact with which we are familiar.

The point is that the gentleman's amendment would in effect remove from the control of local communities and turn over to the States the Headstart programs which have proved to be so enormously popular and effective throughout the Nation for children of preschool age. Indeed, in my own subcommittee, as the gentleman knows, we are now considering legislation, H.R. 13520, the Comprehensive Preschool Education and Child Day Care Act, that will extend the benefits of Headstart-type programs to all children, regardless of income group.

But the harsh fact of the matter is,

and we ought to be very candid about it, that the effort is here being made by the proponents of differing antipoverty programs to exempt from the control of the States the particular programs in which they sympathize. This effort to exempt such programs is nothing but a confession of the unwisdom of giving control of these programs to the States and stripping the control away from the local communities that have heretofore operated them.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. ESCH. I think the intent of this amendment to clarify an action that is already onboard—and that is a delegation of responsibility for Headstart and Follow Through programs from the OEO to HEW. That is an orderly process that is now onboard. It is a recognition of a fact that already exists and hopefully they will continue to work both with State and local educational groups and local agencies.

Mr. BRADEMAS. The gentleman completely misses the point of what I am trying to say, and I am confident that he is aware that he is missing the point of what I am trying to say.

We are not talking about the impact of the transferability of the Headstart program from OEO to HEW. That is not the issue at all.

The point is rather this: Are Headstart programs going to be exempted from the tender mercies of those State governments which we are all aware have not been shown to be very generous about preschool programs for the poor and have shown not very much initiative at all about showing the slightest degree of concern about poor people until the Federal legislation authorizing an effort to fight poverty in the country came along?

I am sure the gentleman knows what we are talking about. I am not talking about the question of transferability to HEW.

If he wants to throw posies at Headstart, I certainly understand the thrust of his amendment. But I just wish he would be more candid in his explanation.

Mr. LANDRUM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think it is well that we pause just briefly at least and review what it was we were driving at when this legislation originally came to the House in 1964.

When economic opportunity legislation was introduced into the House in 1964, it was in the hope that the package of proposals being offered would provide services that would help millions of Americans become participants in our economy and our society—to become taxpayers rather than taxeaters.

It had been 25 years since Pearl Harbor ended the first war on poverty. International problems and apparent prosperity had dominated the attention of the majority of Americans during the 1940's and 1950's—but now there was an uneasiness that there were too many men, women, and children who were not sharing in America's growth.

Essentially an underdeveloped province, what little progress they made was vastly outstripped by the rapidly growing technology of the "haves."

Right here in America was a microcosm of the world problem of the haves and the have-nots—the developed and the underdeveloped. There were many of us who felt that the future for a nation so divided would be as uncertain as that Lincoln described as half slave and half free.

The problems of this Nation's poor, moreover, were so diverse and complicated, that it seemed that only a massive and multisided attack composed of many daring new programs—in addition to expanded older programs—could provide the impetus necessary to make progress. For coordination and maximum thrust, it seemed best to have those efforts focused by one agency—an agency able to reach directly into communities.

Neither congressional supporters nor administration backers expected instant success. We knew the job ahead would be very difficult. But apparently the public expected immediate progress and the poor allowed themselves to become hopeful long before administrative gears meshed.

The result was a rush for results before adequate planning. Procedures for evaluation were often nonexistent. Dr. Fred Crawford, director of the Center for Research in Social Change at Emory University, who studied the Atlanta OEO program for a 3-year period has reported that, and I quote:

> Services were started, people were involved, but no one was gathering evidence to use in determining what was happening. This is comparable, he says, to shooting a rocket at the moon with no means of tracking the rocket after launching, no means of correcting its course in flight, and no way to tell whether it landed or not.

As Dr. Crawford points out, such a procedure is not only expensive, but dangerous from a psychological and sociological point of view. He explains that:

> The ramifications of intrusive forces on human lives, as positive as these may be in intent, apparently create more problems than they resolve. . . . Prior testing and accurate projections of immediate and long-range effects seem totally necessary if we are not to damage individuals and the social system through the introduction of "good" program.

In addition to a dangerous lack of planning and anticipation of results, many local OEO programs have had difficulty in delivering the services they are supposed to deliver. There are strong indications that this has not just been the result of inadequate funding—but a result of the structure of the OEO program and its relationships with other local agencies.

A good example of a problem area is that of finding jobs for the poor. The study of the local OEO program in Atlanta indicates that 72 percent of the black clients and almost 57 percent of the white clients visiting neighborhood centers for the first time come seeking help in locating jobs—statistics which should certainly counter the arguments that most of the poor do not want to work.

So they come seeking employment. Unfortunately, however, not many find it. The usual procedure is to refer them to other employment agencies—and the usual result is not very good. Only one in three are placed. Furthermore, as many as three-fourths of these placements are for jobs classified as "menial"—jobs which will not take the recipients out of poverty.

For the young there are a few job training openings—but not nearly enough—and often not in the subjects applicants desired. For the middle aged and older, training and retraining are virtually nonexistent.

I have come to believe that one of the reasons local OEO agencies have not been able to deliver services is that they cannot or will not work closely enough with other local institutions. Supposed to be catalysts to community development, they are often viewed as foreign objects.

The structure of the Office of Economic Opportunity is admittedly an administrative experiment. Grants from Washington are made through regional offices to locally incorporated groups which are constituted according to national OEO guidelines.

In most instances, however, local OEO groups seem to be responsible to no one but themselves: not to Washington, not to regional offices, not to the communities in which they serve—or to the poor, and Washington headquarters of OEO assumes the attitude toward Congress. They look at us with contempt.

The result is that benefits have often been obscured by controversy. There has not been enough planning and coordination of activities with State and local officials. And there have been too many instances of poor administration and of self-dealing. By "self-dealing" I mean instances of profitmaking on contracted services and evaluations undertaken by former OEO employees.

One can only conclude that it is time to achieve more responsible and responsive administration. To establish planning systems that will assure coordination with other agencies. To establish evaluation systems that will give us a clear idea of what good and what harm we are doing the poor. We must harness OEO and other poverty-fighting forces for a protracted war. We cannot continue to dissipate our few resources in false starts, waste, and in-fighting. State planning seems to me to be the best solution to our aim and desire to reach the poor and to our desire to have the OEO in general respect the intent of the Congress.

Now I am not in disagreement at all with my distinguished young friend, the gentleman from Missouri (Mr. CLAY) when he talks about what we need to accomplish.

Our difference is in the way to approach it, and the way I am afraid he has his thinking oriented toward a welfare program here. This is not a welfare program—this is an education program. This is a program that is designed to take Americans out of welfare and make them become taxpayers rather than taxeaters. That is the purpose of this program. It is not being managed toward this goal.

Now, I yield to no Member of this body or no man in this land in my concern for the poor. Long before some of those here today were advocating continuation of the program as it is I was standing where the distinguished chairman is, fighting for the original program, and we have had some successes. The Headstart program is an example. But we have had some failures, and we ought to stand and recognize the fact that these failures are making the country criticize this program and are preventing it from having the success that it must have.

Therefore, I can come to only one conclusion.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(On request of Mr. WAGGONNER, by unanimous consent, Mr. LANDRUM was allowed to proceed for 3 additional minutes.)

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I would merely like to say, for those who have not been around here since the inception of the program, it is easy to recall that the gentleman in the well, Mr. LANDRUM of Georgia, stood, as he just recalled to us, in the well of the House initially handling this legislation, and he had exactly the same thing to say then that he has to say now about the hopes and the aspirations of this program. He described it then as a program to make taxpayers out of taxeaters. He made crystal clear that we were not talking about a welfare program. It was to be an educational process to improve the ability of our citizens to do something for themselves. He made a very good explanation of the bill then and its noble purposes, and I simply want to say he is only reiterating now what he had to say then.

Mr. LANDRUM. I thank the gentleman.

Let me say these final words. I have not used any time during the general debate. I am not now a member of this committee. I sometimes miss its activities.

But let me say that no one here is more concerned about the continuation of this program and having it do what it was originally intended to do than the Member speaking to you now. I believe, after a thorough examination and observation of all the activities of OEO, that unless we change direction in its administration, unless we make the change that is indicated in this substitute, we are dooming the program to failure. I do not believe it is dangerous to resort to the State capitals, the Governors, the mayors, and the leadership at home for, after all, from whence did we come? How are you going to question the sincerity of a Governor, of a mayor, of a State legislator, of a State superintendent of schools in formulating programs to meet these objectives when after all he comes from the same source from which we come and has the same aspirations and hopes that we have?

I want this program to continue. I want it to succeed. I want to see every man, woman, and child in this Nation participate. I want to see them made taxpayers instead of taxeaters. But I am telling you, as one who bled for the original passage of this act, that unless we change its direction today, the act is going to fail in its mission.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Chairman, I rise in opposition to the amendment.

You know, it is a beautiful thing to sit here this afternoon and to listen to so much debate and bleeding hearts concerned about this program. And yet many of us feel and realize that we would not have had to be on this floor today discussing this program if there was such a thing as equality in every State of this Nation.

The fact of the matter is this: Let us stop practicing a fraud. Let me tell you now about this substitute amendment.

The fact of the matter is that it is nothing more than political patronage that will be returned to the States. If the Members are so concerned about the utilization of the funds for the poor, and that these funds have not been administered correctly, I believe that we should have addressed ourselves to correcting the abuses or the negatives in the program.

For the first time we gave the disillusioned poor, black and white, in this country the feeling that some group or some agency was concerned.

How can Members explain to me that they are so concerned about the funds not going to the poor? The cost of this new layer of administration is being ignored. The substitute amendment allocates $50 million for State administration, all to be paid from title II funds allocated to each State. This means $50 million less than that which would have been available to serve the needs of the poor, about whom we are so concerned in the local areas.

Why, then, since we have utilized approximately 2.19 percent for administration of the title II program, the CAP program, over the past 4 years, must we now double that allowance under the substitute bill for the State administration? Who is kidding whom?

The present administrative cost would be about 5 percent of the funds of this new large layer of bureaucracy, this new large layer of pork barrel patronage.

How can we be so concerned about the money going to the poor? Once again we see the poor as the scapegoat.

How can we be so concerned about using money which is going to the poor, when under this new bill approximately 5 percent, as contrasted to 2.19 percent, would go for administrative cost of the title II program?

I have just spoken briefly about the title II program. I have been delving into this thing now for the past 8 weeks. It is so wonderful for us always to be using the children, the poor and every other kind of revolutionary group, and whatever you have for scapegoats.

If we are really concerned about the poor of this Nation, we should accept the positive aspects of the program and then take the negative aspects and seek to improve those parts of the program.

In this U.S. Congress we do not abolish the Congress or do away with it, in spite of the fact that we have deficiencies and scandals. We do not do that. What we attempt to do is to see if in some way, although it is very slow to succeed, we can bring about an amelioration of certain conditions.

It seems to me that we must not defraud. We must recognize that there are errors and that there are abuses in the OEO program. I am not going to stand here before you this afternoon and tell you that the program is perfect. But neither am I going to say that the return of these programs to the States is the answer, because precisely why the program was developed in this Nation was the fact that large numbers of the States in this Nation for a long time were not addressing themselves to the concern of the poor.

I know that some Members do not like what I am saying, but the fact is that we have to face reality.

I would be very glad to yield to someone on the committee, because perhaps I got wrong information, but I wish someone on the committee would explain to me, if we are so concerned about the fact that the money has not been going to the poor, why we now want the money to really get to the poor and at the same time, under the new program, approximately 5 percent of the money under title II will be going for administrative cost as compared to a 2.19 percent for the past 4 years under OEO?

In recent weeks I have heard a number of charges or contentions about the Office of Economic Opportunity that I consider either unsupported by available facts or that are essentially biased in nature.

Some of our esteemed colleagues introduced a substitute bill recently, the basis of which seemed to contain a number of misconceptions. At that time there were some statements made that I thought that I might do well to check. I have done so and would now like to make some counter statements.

One of the statements had to do with the growth of businesses, especially consultant firms, centering around the OEO in particular and the antipoverty effort in general. Accordingly, I asked my staff to try to determine how many firms were involved in consultant relationships and further how many of those firms were headed by ex-employees of the OEO.

I also asked them to take it one step further and secure the same information for the other major Federal agencies, the Departments of Labor, Housing and Urban Development, Health, Education, and Welfare, Department of Transportation, and the Department of Defense.

The first response was received from the Legislative Research Section of the Library of Congress and it was basically, first, that such information was not centralized, even in the agencies themselves; second, that given enough time, subpena power, and manhours, a questionnaire might be possible for development of an approximate list, but the cost for such firms could not be ascertained without consulting the agencies concerned.

Now to the best of my knowledge no committee in either body of this Con-

gress has ever attempted such an endeavor nor has any individual. Therefore, I must assume that the statement was a generalization not based on known facts.

And as a generalization, I or anyone else, would be hard put to contest the statement. In fact I would be inclined to concur and applaud if the statement is in fact true. It would then be at very least a minor indication that the priorities of some people in the country have indeed changed.

The Department of Defense and I daresay other Government agencies of similar nature have not only subsidized but have indeed created consultant firms and "think tanks" of the nature some are wont to castigate OEO for and they have done so with almost no criticism from certain quarters.

Correlated to that statement about the new antipoverty consultant corporations was the suggestion that the Department of Justice investigate all such corporations. That is a suggestion that I concur with—provided that the scope of such an investigation be broadened to include the agencies that I have previously mentioned as well as a separate investigation into the number of retired military personnel hired by corporations with Defense Department contracts.

Another statement that has been made is almost too general to respond to and that is precisely why one must undertake a response. The charge is that antipoverty funds have been used to support revolutionary groups. None of the groups were named specifically, perhaps because there have been no such instances in reality, but nevertheless since I know that our different biases make us see the object in different ways let me essay to respond to that one also.

The Office of Economic Opportunity, itself, was created with an eye toward change. It undoubtedly hired some people who worked for change in what some of us might consider the wrong ways; just as business sometimes hires as workers people who will not work or the electorate elects legislators who do not legislate. There is no conspiracy to do so in the two latter cases nor has there been in the first. In fact, in my opinion, OEO may have a better track record than business or the electorate.

My final comment on this point is simply this: If anyone has sufficient facts to prove the contention that there was—or is—an active concerted effort on the part of OEO to hire enemies of this country, please present them to me so that I may change my opinion.

Having finally reached the matter of the substitute bill itself permit me to preface the balance of my remarks.

I, also, do not feel that the Office of Economic Opportunity has been as generally effective as it might have been. But much of its problem has been the year to year—at the whim of Congress—manner in which it has existed.

The bally-hoo with which it was started might have led some to believe that poverty would be ended in a year but I doubt it. It has had to expend entirely too much staff time and energy on congressional relations and public relations.

Nevertheless, because of its experimental and innovative nature, it has created and will hopefully continue to create programs of a positive nature that will indeed go far toward solving the problems of the poor—and as a consequence many of the internal problems of the Nation.

Among those programs, the most important three to my way of thinking, have been the community action program, the legal services program, and the VISTA program. Unfortunately for OEO they are also the three that have been most controversial in nature and the three that seem least popular with Congressmen.

These are the three, it would seem, that have given impetus to the introduction of the substitute bill.

Let me examine if I may two of the statements made about this substitute bill. The first was that State and local governments have got to run the poverty program. Many of you gentlemen were no doubt sitting in the same seats when that same thing was said in 1967.

At that time an amendment was attached to the Economic Opportunity Act. It was popularly known as the Green amendment and provided State and local governments with the option of taking over the local community action programs.

There was a further condition to the act that year. It directed OEO to contract for an independent study of the results of the Green amendment. The results were quite clear—only 3.3 percent of the local entities chose to do so, and to my knowledge no States chose to designate themselves as the CAA within the State.

One contention was that OEO had so administered the amendment that it stifled and discouraged State governments from designating themselves. My feeling is that if it is true, then the OEO administrators were smarter than the State administrators and ought indeed be running our antipoverty program if we are to have a successful effort.

The final point that I would like to discuss is a point of inconsistency. The issue raised was that of Republican and Democratic Party officials, at the local level, being involved in the antipoverty effort.

First, it is inconsistent to require up to one-third representation on local antipoverty boards for public officials and then to criticize their involvement in the program.

Second, it is inconsistent to suggest that the State and local governments run the program in entirety, as the substitute bill suggests, and then say there is already overinvolvement by political figures.

Third, it is inconsistent with the previous Green amendment which was designed to provide the opportunity for overinvolvement.

Fourth and finally, it is inconsistent with the findings of the study pursuant with the Green amendment. One of which was that some representatives of the poor felt their influence actually increased when Government officials joined the board. There are many other elements that support my contention that OEO must be kept as an intact entity. Many of my colleagues have already or will in the coming days discuss them. For me I can only say that I felt it necessary to respond to these rather specious arguments I have heard that supposedly support dismantling the agency.

In summary may I say that all rational reasons point toward not only maintaining the Office of Economic Opportunity as the Federal antipoverty agency but expending its mandate to end poverty in this country.

The only thing that the present substitute bill would do is to fragment and diffuse the Nation's effort to end poverty. For us to pass this bill would be breaking faith with the poor; were we to do that, how long would it take us to break faith with the ideal of a democratic society itself?

Mrs. GREEN of Oregon. Mr. Chairman, will the gentlewoman yield?

Mrs. CHISHOLM. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. One of the reasons why we wrote in the provision that the administrative cost at the State level would be limited to 5 percent is because at the present time we find the administrative costs averaging 20 percent and—in some cases—much, much higher. This is one of the reasons why we say the money is not going to the poor and is not going to the people for whom it is intended.

In addition, as I pointed out earlier, over one-half billion dollars has gone to private corporations on supporting contracts, technical assistance, that could have been going for programs within the States to help those who really need it. This is an attempt to save money and to use it where needed.

Mr. AYRES. Mr. Chairman, I move to strike the requisite number of words.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Oregon.

Mr. DELLENBACK. I thank the gentleman for yielding.

Mr. Chairman, may I remind this body that the pending business is an amendment of the gentleman from Michigan (Mr. ESCH); namely, to move in the area of Headstart. I speak a word in strong support of this amendment. The Headstart program, developed under OEO, has proven to be an excellent experimental program. As an excellent operating program it has been moved over to and delegated to HEW.

The motion of the gentleman from Michigan (Mr. ESCH) is aimed at continuing that operation if the substitute is adopted.

I urge this committee now to vote in favor of the amendment of the gentleman from Michigan (Mr. ESCH).

Mr. AYRES. Mr. Chairman, would it be in order to ask for a vote on the Esch amendment?

The CHAIRMAN. It would.

The question is on the amendment offered by the gentleman from Michigan (Mr. ESCH) to the substitute amendment

offered by the gentleman from Ohio (Mr. AYRES).

The amendment to the substitute amendment was agreed to.

Mr. AYRES. Mr. Chairman, I ask unanimous consent that all debate on the substitute amendment and all amendments thereto close at 6 o'clock.

Mr. PERKINS. Mr. Chairman, reserving the right to object, will the gentleman agree to let the last 5 minutes be reserved to the committee?

Mr. AYRES. Yes, I would agree to that.

Mr. PERKINS. All right.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. RYAN. Mr. Chairman, I object.

Mr. AYRES. Mr. Chairman, I move that all debate on the substitute amendment and all amendments thereto close at 6 o'clock with the last 5 minutes reserved to the committee.

The CHAIRMAN. The matter of the last 5 minutes being reserved to the committee may not be included in the motion.

Mr. AYRES. Mr. Chairman, I withdraw that portion of the motion.

The CHAIRMAN. The question is on the motion of the gentleman from Ohio (Mr. AYRES).

The question was taken; and on a division (demanded by Mr. OTTINGER) there were—ayes 124, noes 35.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. AYRES

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin to the substitute amendment: Amend section 301(1) of the substitute to read as follows:

"(1) Clause (3) of subsection (b) is amended to read as follows:

"'(3) the remainder of the members (which shall comprise not less than one quarter of the total membership of such board) are officials or members of business, industry, labor, religious, welfare, education, or other major groups or interests in the community, and are chosen by such groups or interests.'"

In section 301(2) of the substitute, the proposed first sentence of subsection (c) of the section 211 of the Act is amended by striking "appointed by the elected public officials who serve (or appoint representatives to serve) on the board of the community action agency," and inserting in lieu thereof, "appointed by elected local officials whose constituencies include significant portions of such area,".

Mr. STEIGER of Wisconsin. Mr. Chairman, section 301(1) of the substitute does two things. First, it requires that those board members who serve as officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests, constitute at least one-fourth of the total membership of the board. Second, it requires that these private-sector representatives be appointed by the elected public officials who serve on, or have representatives serving on, the board.

The requirement that these private sector representatives be selected by public officials would represent a very substantial change in the composition of community action agency boards. It would give the public officials seven-twelfths of the board membership. It would deprive the private sector of any real representation, since the board members would not be chosen as representatives of private groups. They would merely be representatives of public officials who happen to be officials or members of private groups.

This amendment to the substitute retains the requirement that at least one-fourth of the board members be representatives of private groups. That is a constructive suggestion to strengthen private sector participation in the poverty program. The amendment would eliminate the requirement that the private sector members be selected by public officials, however, and introduce instead a requirement that they be chosen by the private groups or interests themselves.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. STEIGER) has expired.

Does any Member wish to address the Committee on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER)?

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will just say to my colleagues that with an amendment like this, if there is any real problem in the provisions of the substitute to which the gentleman from Wisconsin addressed himself, it can be worked out in the conference.

Mr. Chairman, I ask for a vote against the amendment.

The CHAIRMAN. For what purpose does the gentleman from New York (Mr. FISH) rise?

Mr. FISH. Mr. Chairman, I rise with reference to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The CHAIRMAN. The gentleman from New York (Mr. FISH) is recognized.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate my colleague's yielding.

AMENDMENT TO SECTION 301(2)

The substitute bill provides that area boards and councils to which community action agencies delegate significant powers must have a membership of which at least one-third are public officials. The substitute provides that these public officials are to be appointed by the elected public officials who serve on the board of the community action agency.

This amendment to the substitute would preserve the requirement that one-third of the membership of such a board be elected public officials, and would also preserve the requirement that they be chosen by elected public officials. However, it would change the method of selection to provide that the public officials who make the selections be elected officials representing the area served.

In the case of a multicounty community action agency which delegates significant powers to the countywide boards, the substitute provides that the officials sitting on the multicounty board would choose the officials to sit on the individual county boards. In the case of a major city such as Chicago or New York, the substitute provides that elected officials sitting on the central board would choose the public officials to sit on each neighborhood board. The result would be that the public representatives on a council for one part of the city would be chosen partly by officials representing other parts of the city. This kind of top-down selection system could easily result in having public officials on area councils who are entirely unrepresentative of the areas served by these councils. This amendment would cure that defect by providing that the public representatives on area boards and councils be selected by elected officials whose constituencies include significant portions of the area in question.

The CHAIRMAN. The time of the gentleman from New York (Mr. FISH) has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin), there were—ayes 26, noes 52.

So the amendment was rejected.

Mr. GIBBONS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and forty-seven Members are present, a quorum.

AMENDMENT OFFERED BY MR. BUSH TO THE SUBSTITUTE AMENDMENT

Mr. BUSH. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. BUSH to the substitute amendment offered by Mr. AYERS: In section 201 of the substitute, section 253 (c) (1) is amended by changing the period at the end thereof to a semicolon, and adding the following: *"Provided further,* That the Director shall reserve such sums as may be necessary to provide assistance for programs authorized under section 222(a) (6)."

Mr. BUSH. Mr. Chairman, this amendment would exempt the family planning programs from the State plan. President Nixon has named family planning as one of his national goals, and it is one that the Congress overwhelmingly supports. In my opinion, the best work that OEO does is in the area of family planning. They need all the funds that are earmarked. The funds they have used in the past have worked efficiently. They have worked without controversy. They have worked without disrupting anything. And I think it would be a shame to slow this national momentum.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PETTIS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, upon reading the study recently released by the Office of Economic Opportunity, "Need for Subsidized Family Planning Services: United

States, Each State and County, 1968," I was distressed to learn that of the 5.3 million women in need of subsidized family planning services only 773,000 are being served. This is a serious situation that requires immediate action. I believe the OEO family planning program is taking the right approach in attacking this problem and therefore I am a strong supporter of the program.

However, this study also points out a very shocking statistic in regard to young people in this country: the rate of illegitimacy among teenagers has increased 60 percent over the last 20 years. Adolescents between 10 and 19 now account for 40 percent out-of-wedlock births. It is imperative that action be taken to stem this flood of unwanted children and ruined young lives.

In the past, publicly supported programs have only tried to help and counsel teenage girls after they have become pregnant. It is now apparent that this is not enough. Something must be done to prevent these pregnancies.

The Office of Economic Opportunity is presently developing ways of providing guidance and appropriate medical and contraceptive services to these sexually active teenagers. An example of this is a project in North Carolina which holds weekly sex information and counseling sessions for an average of 40 ghetto adolescents. Nonprescription contraceptives are made available to those in need.

OEO Director Donald Rumsfeld is proposing an increase in his budget for family planning from $15 million to $22 million this next year. He is doing so to enable OEO to expand and increase family planning services throughout the country. I believe OEO's present activities in this field justify such an expansion.

I commend OEO on its fine efforts in this vital area of health care, and support an expansion of its programs. Therefore, to place this successful program, which is just beginning to find ways to deal with previously unsolved social dilemmas such as the plight of the pregnant unmarried teenager, under rigid State control would seriously impede this excellent OEO program. It would be impossible for all 50 States to engage experts in the family planning field to continue the innovative programs that the competent OEO central family planning staff is now designing and operating.

I commend OEO on its valiant efforts in this field and show my faith in its family planning program by supporting Representative BUSH'S amendment to the substitute bill.

Mr. BUSH. Mr. Chairman, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from Texas.

Mr. BUSH. I am grateful to my colleague for yielding.

Family planning is different in many ways from other programs. It requires specialized people, people who are not available at this time in all of the States and in the numbers that are needed. We have already had a 6-month delay reaching this national goal of serving 5 million people in 5 years. We cannot afford any more delay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOLD. Mr. Chairman, I rise in support of the Bush amendment.

Mr. Chairman, some weeks ago a report on a very important study came across my desk. It was entitled, "Need for Subsidized Family Planning Services: United States, Each State and County, 1968." This study showed that there were 4.6 million poor women in the United States who wanted and needed family planning information and services but were not getting them. Furthermore, this report showed that out of this group of 4.6 million women, there were 1.4 million who lived in smaller metropolitan and predominately rural areas in the United States.

As you all know, delivery of health care in this country has always been a difficult problem in rural areas. Because of transportation and communication problems, rural Americans have not always had the same opportunity to receive the benefits of our advanced medical technology. I am concerned therefore that 1.4 million poor women in rural areas of this country who need family planning services will be left out when programs are developed to meet family planning needs of other Americans.

It is for this reason therefore that I take this opportunity to commend OEO for its proposed new initiatives that take into account the necessity for bringing family planning to the rural poor.

OEO Director Donald Rumsfeld has indicated that he intends to expand the existing community action agency-administered family planning programs in rural as well as urban areas. Furthermore, he wants to initiate two new programs that will have as their focal point the 1.4 million rural women in the United States.

One program involves the introduction of family planning services into hospitals as a part of standard maternity care. Since over 97 percent of births in the United States take place in hospitals, it seems to me the natural place to introduce women to family planning. Furthermore, I understand that these postpartum programs, as they are called, are the most economic way of bringing family planning to potential acceptors. OEO is to be commended for adopting this approach, for it is indeed simple and practical.

The other new initiative of OEO's family planning program in rural areas is its effort to involve private and group practice physicians. In those rural counties where health resources are at a premium it seems only fitting that existing resources should be used maximally. OEO proposes to ask private and group practice physicians to give family planning information and services in their own offices on a fee-for-services basis. This again makes good sense to me because it shows a cost consciousness that unfortunately is not characteristic of many health programs today.

It will certainly not be an easy task to reach 1.4 million women in rural America. Therefore, I congratulate OEO for its imagination and initiative in developing logical approaches to bring family planning to this group. I am further impressed, as I am sure you will be, with the emphasis that OEO's family planning program is placing on program economy. The problem of reaching rural America and the problem of doing it economically are vital issues.

It is for these reasons that I am a strong supporter of OEO's family planning program, and why I am concerned about its future today. The necessity for involvement of new agencies and innovative techniques and the very short supply of family planning experts make "State programing" of family planning programs entirely unfeasible. Such a blow to the OEO family planning effort would long delay, if not actually prevent, the effective delivery of family planning education and services to those rural women who desire and so greatly need subsidized family planning services. For this reason I fully support Representative BUSH'S amendment to the substitute bill to exempt family planning programs from the State plan, I urge you to do the same.

Mr. Chairman, I yield whatever time I have remaining to the gentleman from Texas (Mr. BUSH).

Mr. HORTON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, on July 18, 1969, President Nixon sent a detailed message on population and family planning to the Congress. This is the first such message by an American President. It reflects a commendable effort to focus the attention of the Nation on these important issues.

In defining the role of the Office of Economic Opportunity the President has asked OEO to determine ways in which OEO can best structure and extend its program in order to help achieve our national goal of providing "adequate family planning services within the next 5 years to all those who want them but cannot afford them."

The way that individuals can determine the number and spacing of their children is an essential element in improving the health and economic well-being of the poor. OEO's family planning program seeks to provide an alternative for poor women burdened by unplanned and unwanted pregnancies that endanger their health and keep their families locked in the poverty cycle. Participation is entirely voluntary, and in keeping with the individual's religious and social beliefs. Emphasis is placed on providing a dignified and professional atmosphere as well as maintaining the confidence and trust of the participant.

The characteristics of each OEO project differ, depending upon the needs and resources present in the local community. In all cases, the highest medical standards are maintained and a complete spectrum of services is provided. Babysitting facilities, nighttime clinic sessions, transportation to and from clinic locations, and referrals to social agencies for other services are common features of OEO-supported projects.

Approximately 230 community action agency-administered projects have been funded by OEO regional offices to date, two-thirds in urban areas, one-third in rural areas.

Approximately 45 percent are operated directly by CAA's, 37 percent are delegated for operation to Planned Parenthood Affiliates, 15 percent to health departments, and the remainder to a variety of other local agencies. The average project budget is $70,000, 70 percent provided by OEO.

Excluding the projects in Puerto Rico, the total program was attracting 10,500 new "acceptors" per month, as of October, 1968.

The President asked that OEO strengthen its innovative programs and pilot projects in the delivery of family planning services to the needy. In this regard, technical assistance is being provided, under a contract, to the 230 OEO funded service projects. Family planning specialists are available to assist projects in such fields as project development, program analysis, medical services, and recordkeeping.

In addition, through a $1.9 million grant the Population Council will support and coordinate family planning projects at 14 medical schools. Each school has an in-hospital family planning program that will be expanded. Most schools will establish new satellite clinics. Other special projects include adolescent pregnancy programs in cooperation with local boards of education, premarital counseling services, and involvement of Neighborhood Youth Corps and family life centers in family planning. Total target population is 400,000; 75,000 women will be served in this first year of operation. In Los Angeles, an effort is being made to coordinate and add support to those agencies in the Los Angeles area that offer family planning services. It is the first time that joint planning and coordination of services has been attempted in an entire metropolitan area in this country.

The President directed that OEO work with HEW in coordinating all domestic family planning programs, in surveying efforts to attract people to work in population and family planning programs, and in training them properly.

To this end, representatives of OEO, Planned Parenthood/World Population, and the Department of Health, Education, and Welfare have designed a standard family planning patient data form that is to be used by service projects supported by all three agencies. OEO projects are already using this system and it is hoped that all HEW and PP/WP projects will also be participating by the end of the year. When this program becomes fully operational early next year, it will be the first time that comparable data will be available on family planning patients enrolled in programs sponsored by several different organizations and agencies.

In summary, OEO's family planning programs are preventive, needed, and well received. They have one of the most favorable cost benefit ratios of any federally sponsored health activity. In view of the high priority given to family planning by President Nixon, and the outstanding success of the OEO program in providing this vital service to thousands of poor people, I urge you to support Congressman BUSH's amendment concerning family planning programs. I believe this amendment will enable OEO to extend its efforts in this area as rapidly and efficiently as possible.

Mr. Chairman, I yield whatever time I have remaining to the gentleman from Texas (Mr. BUSH).

Mr. BUSH. Mr. Chairman, again, it is very difficult to continue under these restricted time requirements. There is a great sensitivity involved in this subject of family planning. The Congress, the Federal Government, and the OEO are ahead of most of the State governments in this area. I think it is a very different program, and I strongly urge that this exemption be granted and that full funding be granted through OEO of this program. We cannot afford delay.

The CHAIRMAN. Does any other Member wish to speak on the Bush amendment? If not, the question is on the amendment offered by the gentleman from Texas (Mr. BUSH).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 75, noes 26.

So the amendment to the substitute amendment was agreed to.

AMENDMENTS OFFERED BY MR. GUBSER TO THE SUBSTITUTE AMENDMENT

Mr. GUBSER. Mr. Chairman, I have two amendments at the desk which I offer, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. GUBSER to the substitute amendment: Immediately following section 302, insert the following:

"LIMITATION ON LEGAL SERVICES PROGRAMS

"SEC. 303. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out 'counseling, education, and other appropriate services' and inserting in lieu thereof 'legal counseling, education in legal matters, and other appropriate legal services.'"

And renumber the sections which follow accordingly.

Immediately following section 302, insert the following:

"LIMITATION ON CERTAIN ACTIVITIES RELATED TO LEGAL SERVICES PROGRAMS

"SEC. 303. The fourth sentence of section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by inserting '(A)' after 'this part) shall be utilized' and by inserting before the period at the end thereof the following: ', or (B) for any activity not directly related to the provision of services referred to in the first sentence of this paragraph and litigation on behalf of specific clients shall be conducted in accordance with the canons of professional ethics of the American Bar Association.'"

And renumber the sections which follow accordingly.

The CHAIRMAN. The gentleman from California is recognized in support of his amendments.

Mr. GUBSER. Mr. Chairman, I do not have time to thoroughly argue for the amendments, but I do take the 30 seconds to establish a legislative history.

There is a change in the second amendment from what appeared several days ago in the CONGRESSIONAL RECORD. My intent will be clearly spelled out as I revise and extend my remarks.

Second, for the purpose of establishing legislative history, I want it clearly known that it is not the intention of either of these amendments to outlaw so-called class lawsuits.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Ohio.

Mr. AYRES. The gentleman brought his amendments to us. Counsel has gone over them very carefully. We can accept the amendments of the gentleman from California.

Mr. GUBSER. I thank the gentleman.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, I do so for two reasons.

First, given the conditions of this debate, as the gentleman from California mentioned, it is rather difficult to know what in the world his amendments do. If I understood them correctly from the few seconds afforded this body to hear them, in effect they restrict the operation of the legal services program to enabling poor people to level suits against other poor people.

I hope the amendments will be rejected.

The CHAIRMAN. For what purpose does the gentleman from California (Mr. WIGGINS) rise?

Mr. WIGGINS. In support of the amendment, Mr. Chairman.

The CHAIRMAN. Is the gentleman's name on the list read by the Chair?

Mr. WIGGINS. I do not believe it is.

The CHAIRMAN. The gentleman cannot be recognized, then, under the time limitation.

The question is on the amendments offered by the gentleman from California (Mr. GUBSER), to the substitute amendment.

The question was taken; and on a division (demanded by Mr. AYRES) there were—ayes 65, noes 73.

So the amendments to the substitute amendment were rejected.

AMENDMENT TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEDS to the substitute amendment: In section 201 of the substitute, section 253(c)(1) is amended by changing the period at the end thereof to a semicolon, and adding the following: "*Provided further,* That the Director shall reserve such sums as may be necessary to provide assistance for programs to be conducted on Federal Indian reservations."

(By unanimous consent, Mr. MCCORMACK yielded his time to Mr. MEEDS.)

Mr. MEEDS. Mr. Chairman, the amendment I propose will exempt Indian community action programs from the effect of this substitute. I do so, and I think President Nixon will be happy to hear about this amendment because he said on September 27, 1968, when he was a candidate for the Presidency in Portland, Oreg.:

The special relationship between the Federal Government and the Indian people and the special responsibility of the Federal Government to the Indian people will be acknowledged.

Mr. Chairman, I would like to point out to the Members of this body that the best thing that has happened to the Indians now living on reservations during the past 5 years has been the Office of Economic Opportunity programs which they are running on their own reservations.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Chair recognizes the gentleman from Colorado (Mr. EVANS).

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I would like to read a portion of a letter which I have received from the National Congress of American Indians:

Turning administration of this program over to State governments would only probably mean its demise for most poverty groups. For Indians, the demise of the programs would be certain.

Mr. Chairman, I think there is no question about that.

I insert at this point in the RECORD the contents of the letter which I have received from the National Congress of American Indians.

The letter referred to follows:

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, D.C., December 12, 1969.

Re OEO-proposed Quie-Green amendment.

Hon. LLOYD MEEDS,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MEEDS: Knowing your interest in strengthening the OEO program for the benefit of the nation's impoverished, I am writing to express the vigorous opposition of the National Congress of American Indians (NCAI) to the proposed Quie-Green amendment to the OEO authorization act.

As you know, we are composed of 118 tribes representing nearly 400,000 American Indians, having a yearly average annual income of $1,500. The OEO programs serving American Indians have made a measurable impact in many Indian communities and have been among the most effective and least criticized of the OEO programs.

I have enclosed statistics setting forth the breakdown of funds expended to render various services to Indian communities, broken down by States. Separate and apart from these communities, OEO has programs operating in some areas on county-wide bases which also serve urban and some reservation Indians.

Turning administration of this program over to State governments would only probably mean its demise for most poverty groups. For Indians, the demise of the programs would be certain.

There is a long and well-established pattern of failure by State governments not only to provide to their Indian citizens the special services frequently needed, but even failing to provide those services which other citizens in the State take for granted.

When the crime control of 1968 was passed, providing money for law enforcement assistance, it routed money designated for Indian reservations thru State governments. In almost all instances, State governments have collected these funds from the Federal treasury, but have failed to provide services to reservations. Congress is presently considering amendments on both houses which would route funds for reservations directly to the tribal governments, a position we support. There can be no doubt that turning over the direction of OEO programs to the States can have no effect but to emasculate its effectiveness.

We strongly urge you to oppose the Quie-Green amendment, or, at the least, to exempt Indian program's from its effects.

We support a two-year extension of OEO, without amendment.

Thank you for your assistance.

Respectfully,

JOHN BELINDO,
Executive Director.

Mr. Chairman, I hope this amendment will be adopted.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

(By unanimous consent, Mr. GROSS yielded his time to Mrs. GREEN of Oregon.)

Mrs. GREEN of Oregon. Mr. Chairman, I would like to try to put in perspective the OEO program. The main purpose of this substitute amendment in relation to the total amount of Federal, State, and local funds being spent on the poor, the disadvantaged, is to try to bring about some coordination of multitudinous programs—to eliminate the scandalous waste of funds—to change this from an anti-Government program to an antipoverty program in fact. We do not do away with OEO—but we would try to have the poverty funds actually go to help the poor.

Today in America we are spending for fiscal year 1970, according to a study done for OEO, $27 billion.

Twenty-seven billion dollars in Federal funds and $14.9 billion in State and local funds for the poor and disadvantaged people and we have $2.4 billion in private funds earmarked for the poor.

In other words, we are spending in fiscal year 1970 over $40 billion for this purpose. OEO's $2 billion is only about 5 percent of the total effort. From the other programs, there are many similar efforts. Would not it be better to make it possible for the States to coordinate at that level what we cannot or will not do at the Federal level?

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

(By unanimous consent, Mr. GIAIMO was allowed to yield his time to Mrs. GREEN of Oregon.)

Mrs. GREEN of Oregon. So, Mr. Chairman, this effort on the part of those of us who offer the substitute is to try to make it possible for States to coordinate programs for the poor so that there will be more of the dollars actually going to them instead of duplicating our efforts and expending money on the high administrative costs, high salaries for poverty "specialists" who move from one program to another with the greatest of ease—and countless studies, reports, and evaluations.

The only argument I have heard today against the States—is that we cannot and must not trust the elected Governors, we must not trust the States, and some of these people who spoke so vehemently on this——

The CHAIRMAN. The time of the gentlewoman from Oregon has again expired.

(By unanimous consent, Mr. WAGGONNER was allowed to yield his time to Mrs. GREEN of Oregon.)

Mrs. GREEN of Oregon. Mr. Chairman, some of the people who have spoken so vehemently on this—do not trust your Governor; do not trust the States. The same people who said that today, in 1967 said that we must not trust city hall. The amendment then was to allow elected local officials to have a voice in the program. In 1967—"don't trust city hall." Today—"don't trust your Governor." These are strange words, strange advice from one branch of the Federal Government, contributing to the erosion of confidence in government as surely as the irresponsible militants who take to the streets to shout "no government can be trusted; no government is any good."

Rather, I would like to place my trust in those who have been elected by popular vote—than those who have been appointed and anointed as regional czars with absolute veto power in the regional office removed from the State and unfamiliar with its problems.

In the 1967 debate when it became the law—and still is—that a State could become a community action agency, the distinguished Speaker quoted and endorsed a proclamation by Governor Volpe which said in part:

Government has a basic responsibility for the economic well-being of all citizens in this State and Nation, and the State has the unique potential to effect necessary changes through cooperation with and coordination and utilization of the resources of the Federal and local governments as well as the private sector.

Let us not fear the elected representatives of the people—let us not continue to downgrade the chief officer of the State, the Governor. Let us start—from this day—to build a partnership that is responsive and responsible. The people cannot help but be the beneficiary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. MEEDS) to the substitute amendment.

The question was taken; and on a division (demanded by Mr. AYRES) there were—ayes 90, noes 41.

So the amendment to the substitute amendment was agreed to.

AMENDMENT OFFERED BY MR. TUNNEY TO THE SUBSTITUTE AMENDMENT

Mr. TUNNEY. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. TUNNEY to the substitute amendment offered by Mr. AYRES: Strike out subsection (c) (1) of section 253 of section 201 of the Ayers amendment and insert the following:

"(c) (1) For any fiscal year in which any State has had in operation a State developmental and coordination program approved in accordance with this part the Director shall make available to such State for carrying out the approved program the sums allotted to such States for such year under section 225(a) and (b) *Provided, however,* That the Director may reserve up to one half of such amount to initiate and carry out special programs and assistance in such

States pursuant to section 222, where the Director has determined that such projects and activities are necessary to strengthen efforts toward the elimination of poverty or otherwise to further the purposes of this Act."

At the end of section 253, insert the following:

"(e) Nothing in this section shall be construed to preclude the Director from developing and carrying on special programs and assistance pursuant to section 222 in States carrying out developmental and coordination programs."

Mr. TUNNEY. Mr. Chairman, my amendment is very simple. It would reserve one-half of the funds allotted to the States under sections 225(a) and (b) to the Director, rather than one-fourth of the funds as is contained in the substitute amendment offered by the gentleman from Ohio (Mr. AYRES) and it would allow the Director to initiate and carry out special programs in connection with efforts toward the elimination of poverty.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I ask unanimous consent that my time be allotted to the gentleman from California (Mr. TUNNEY).

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. TALCOTT. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from California.

Mr. TUNNEY. Mr. Chairman, the purpose of the amendment would be to allow those States that would like to have a legal services program, which legal services program is not contained in the State plan, to have such a program if the Director of the Office of Economic Opportunity thought it was important and necessary. I feel that this is very important because there are many States that are going to try to attack the legal assistance program.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I rise in support of the amendment, and I yield to the gentleman from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think that it is extremely important that this amendment be adopted, because I do feel that there are many States such as California where the Governor is opposed to the idea of a neighborhood legal service program. I think that this amendment would make it very clear that the Director of the Office of Economic Opportunity would have authority to assist local municipalities if they want a neighborhood legal service program.

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, since I was first elected to the House in 1962 I have directed my total effort at achieving a reallocation of this Nation's national priorities. In those 7 years we have made some very important basic steps toward this goal. A goal of providing a more meaningful and productive way of life for all of our citizens.

The establishment of the poverty program has been the primary foundation for providing the poor with the needed means to make them an active and productive segment of our society. It is only possible to have a healthy society if we are willing to continue the treatment until the illness is completely cured. I am confident that today we will continue to reaffirm our commitment to the eradication of the disease of poverty in this Nation.

There is a great deal which must be done to help the poor of this country now. It is not just a moral issue that is involved here. It is an economic issue as well. It is a question of how long this Nation can afford to continue with a substantial portion of our society deprived of a decent standard of living. And it is a question of how long our economy can continue to grow with such a large segment of the economy acting as a drag by its inability to become a productive part of the total system.

The poor are not just a burden to this country but are also a vast untapped resource of the Nation's potential wealth. However, as long as their potential contribution to our society remains a mere potential, the standard of decency for all our citizens will remain a mere potential.

Today we must decide the future course of this Nation's efforts to win the war against poverty. We must look to our past efforts as our guide to the future. Our past efforts have been greater than those of our predecessors, but then the problems have been greater also.

In many cases our efforts have not been as well directed as we would like to admit. At the same time, our efforts have been increasingly effective and the results of those efforts increasingly rewarding.

We who support the work of the Office of Economic Opportunity are willing to point to its past deficiencies just as readily as the program's most vehement critics. We realize the poverty program needs many changes to improve its performance record. That record has not been bad, but neither has it been as good as we would like to see it.

I do not propose that we today leave the Office of Economic Opportunity legislation untouched. This legislation definitely needs to be greatly strengthened. But it needs to be strengthened in such a way as to allow the program to become more effective, not less. Not more effective in terms of pacifying its critics, but more effective in terms of helping the poor, making the program more cost effective and making the program really work to eliminate poverty in this country.

The steps that we have taken so far are very basic. They are the foundation upon which we can build our future efforts. They are the only signs of hope that this country has in its fight against the disease of poverty that infests our country today.

I do not choose to stand by and watch as this foundation is attacked by those who do not seem overly anxious to eliminate poverty in this country. I do not wish to see the substitute bill enacted into law when it poses a most serious threat to the continuity of those efforts that we have just begun to make.

I realize that there are those who say that this substitute legislation will not destroy the poverty program. They say that it simply gives a larger role to the States in the antipoverty fight.

On the surface, this is what the substitute bill does. But, it is not necessary to look far beneath the surface to see that this bill will effectively cripple the OEO programs by increasing administrative costs, eliminating essential programs, and lessening the degree of local participation.

First let us look at the increased administrative costs.

The substitution bill will increase administrative costs substantially, perhaps as much as twofold. This State plan approach would result in a multiplicity of effort, duplicate staffing, and an unreasonable increase in administrative costs which would result in a decrease in the moneys actually available for program purposes.

It must be noted that the programs that would be turned over to the States by the substitute bill are not large operating programs. Their administration would be substantially less efficient if 50 State staffs were to replace the Federal staff now engaged in program administration. For example:

Legal services programs are budgeted at $54.9 million. They operate in almost all States. They are administered by a Washington staff of only 35 professionals.

Comprehensive health programs are budgeted at $74 million. Such programs will operate in 30 States and the District of Columbia, with only a single program in many of these States. These programs are administered by a Washington staff of only 23 professionals.

Programs for Indians are budgeted at $22 million. They operate in 20 States. They are administered by a Washington staff of only nine professionals.

Follow Through programs are budgeted at $58 million. They operate in almost all States. They are administered by a Washington staff of only 19 professionals.

If the States take over these programs as provided by the substitute bill, either the administrative costs will skyrocket or the program effectiveness will be greatly curtailed. I do not think the American public desire either of these alternatives.

It would be a travesty of justice if this Congress were to remove from the grasp of the poor the opportunity for them to help themselves escape from poverty. It would be equally unjust for this Congress to knowingly place an increased tax burden on the average citizen when such taxes already constitute an almost unbearable burden.

Second, let us look at an example of

programs that will be curtailed by institution of the substitute bill.

The substitute bill or State plan will in effect remove such programs as VISTA and VISTA lawyers from a great many States. It is not just administrative costs associated with recruiting, selection, training, support and supervision that would pose difficulties if separate programs were to be established in each State as provided by the substitute bill.

It is also the simple reality that applicants for VISTA are not evenly distributed. The colleges, from which VISTA receives most of its manpower, particularly skilled volunteers, tend to be centralized in the larger and more populous States. This is even more so of graduate schools, where VISTA is increasingly finding its volunteers—doctors, nurses, architects, lawyers, business school graduates, education specialists.

If States were to recruit only within their own boundaries for volunteers the smaller and frequently poorer and more rural States would be relatively starved for volunteers with technical skills.

VISTA now trains its volunteers in seven regional training centers. The cost of training now is low, the process is efficient. The proposal, however, would require creation of 50 training centers and the result would by the skyrocketing of training costs and the creation of a heavy overhead burden. Instead of efficiency the substitute bill promotes waste, new bureacracies, and higher costs.

The substitute bill also provides that VISTA lawyers may be assigned only to legal services programs funded by the OEO, and that they may serve only in States in which they have been admitted to the bar.

VISTA legal personnel are not practicing law but merely performing quasi-legal work for the community.

There is no sound reason for prohibiting the assignment of VISTA volunteers with legal skills to useful programs which do work outside the scope of the legal services program. The fact of the matter is the current recruitment and assignment of VISTA lawyers has the strong support of the Director of OEO, and the legal services program and the backing and involvement of the ABA, the NLADA, and law schools and bar associations all over the country.

The restrictions that lawyers be assigned only to States in which they are admitted to the bar is not a rule applied to lawyers in private practice. It is typically permissible for a lawyer who has not been admitted to work under the supervision of a lawyer who has been admitted. There is no reason why lawyers in VISTA should be treated differently.

Last, the substitute turns over major policy determination functions to the State economic opportunity offices. Although most critics and supporters of OEO programs have urged a larger degree of participation by local communities in conduct and administration, the substitute bill does not specifically provide for this.

In fact, this legislation would substantially reduce local involvement and replace it with a decisionmaking hierarchy at the State level. The community action programs are based upon the concept of participation by the poor in programs designed to assist them.

It is very questionable whether their active participation in these programs can be preserved in many States if the programs are turned over to the States.

It is significant that the Office of Economic Opportunity was established to fight poverty in the Nation at a time when the scope of the problem and the failure of the States to cope with it demanded action by the Federal Government.

I am afraid that much support for turning this program back to the States comes from those who do not necessarily want the States to carry out a program now being done by the Federal Government, but by those who do not want to see the program carried out at all.

The critics of the OEO program say that the program has not been as responsive to the States as it should have been in the past. The critics are right and there can be little doubt about it. But the answer is not to overrespond to such a degree that the program that we are trying to improve is in effect destroyed.

Since Mr. Rumsfeld has taken over as Director of the OEO, he has initiated many steps to bring the States more fully into the decisionmaking process in the establishment and operation of OEO programs within the various States. He has pledged to further increase these efforts.

The President in his recent news conference expressed his desire that the reforms pledged by Mr. Rumsfeld be given a chance to be carried out. I also urge this body to allow the OEO Director the flexibility to carry out his pledge.

The OEO program can and must be strengthened by passage of the enactment of substantial portions of the committee bill. This will continue the sound foundation upon which an efficient and responsive poverty program can expand.

I believe that the OEO, under the leadership of Mr. Rumsfeld has taken many steps to correct its past deficiencies and to expand the scope of its most effective programs.

The following list includes a number of major steps which have been taken in recent months by the Office of Economic Opportunity to heighten State involvement in antipoverty efforts:

A new Division of State and Local Government has been created and made directly responsible to the Assistant Director for Operations, who is a Presidential appointee. This office will help promote more effective relationships between State governments and field operations.

Within headquarters, the Associate Director for Congressional and Governmental Relations will have responsibility for maintaining effective liaison between the OEO Director and the 50 Governors and the National Governors Conference on matters affecting OEO and State relations generally.

An increase of nearly 30 percent in the basic funding level for State Economic Opportunity Offices has been included in the administration's budget request for fiscal year 1970.

A complete revision of the OEO directive on the "Role of State Economic Opportunity Offices" is being circulated to the Governors for review and comment. It provides for: Greater SEOO involvement in the preparation of the annual regional office funding plan for each State; SEOO participation in the monitoring and evaluation of OEO grantees; a strengthened checkpoint system to insure opportunity for the State to comment in the early stages of the grant application process; encouragement of State economic opportunity offices as potential grantees for demonstration or pilot programs; systematic consultation with the SEOO's in the training and technical assistance process; a requirement that regional offices shall work out a joint agreement with the SEOO's on the coordination of field personnel activities between the two offices; and, increased emphasis on the role of the SEOO as a mobilizer of State resources for use against poverty and as an advocate for the interests of the poor.

Preliminary discussions have been held with, and proposals have been received from a number of SEOO's with regard to innovative and experimental programs at the State level that they would like to undertake in a variety of areas. These include program evaluation and monitoring, analysis of State human resources programs from the point of view of their impact upon the poor, techniques of tapping private sector resources in the State for the poor, devices for coordinating State programs, economic development as a means to open up job opportunities for the rural areas, the need of the poor in State development district planning activities, and so forth. Plans are for at least 10 such demonstrations to get underway during fiscal year 1970.

A State special technical assistance program—STAP—has been initiated in three States. This program provides additional technical assistance staff capability to the SEOO's in such specialized areas as manpower, economic development, and management. Plans have been made to extend this program to an estimated total of 10 sites during fiscal year 1970.

A grant has been made to the Council of State Governments to provide technical assistance and other support to the State/STAP program. This is the first such grant that the council has accepted from any Federal agency.

Special planning grants have been made to 13 State economic opportunity offices for the purpose of strengthening their planning capabilities and maximizing the attention paid to the needs of the poor in statewide planning activities.

Funds have been set aside to bring the eight SEOO's whose present staffing authorization is below the level of five persons up to that number during fiscal year 1970.

Funds have been set aside for a training program for SEOO employees to enlarge both their technical skill level and their understanding of OEO structure and operations in particular and of the Federal Government in general. Concurrently, plans are being made to arrange for the training of OEO employees about

State government, perhaps with the assistance of an organization such as the Council of State Governments.

Planning is proceeding for a program of short-term exchanges of personnel between the SEOO's and the regional offices to improve personal relationships and to increase mutual awareness of systems, procedures and operating problems.

These steps which I believe will cure most of the OEO's past weaknesses are possible only by the adoption of a plan with the built in flexibility of the committee bill.

In the interests of a more meaningful way of life and the realization of an acceptable standard of living for all our citizens, I urge the rejection of this substitute bill and the speedy enactment of the committee bill.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this legislation will extend the Economic Opportunity Act, more commonly known as the poverty bill. If the Congress acts favorably it will extend the war on poverty for a period of 2 years. The Education and Labor Committee has given ample consideration to this legislation by hearings, investigations, meetings, and so forth, during this year.

During this 3-hour debate the members of the Commitee on Education and labor, who have had these extended hearings and investigations on the functions of this program have amply explained to the House the various sections for which this money will be expended. During its functioning the poverty program has not been perfect, like many other programs operated by Federal, State, or local governments, but nobody can expect a program as complex and complicated, and under so many departments and branches, caring for different functions of needy folks, to be 100 percent efficient. During the operation of the EOA relief and aid have been extended to millions. Under this bill the program has been extended to include specific work for career development programs; preschool and intensive follow-through education for primary school children and eliminating hunger and malnutrition. Areas which are affected by this legislation include work training and work study programs; urban and rural community action programs; special programs to combat poverty in rural areas; employment and investment incentives; work experience training and day care programs; and domestic volunteer service programs.

No doubt opponents who are endeavoring to curtail some of these necessary activities for the needy will set out different offices or localities where the program functioned poorly because of either mismanagement or inexperience of the directors.

These defects can and have been remedied in many cases were called to the attention of the top Federal directorship. Many Members of Congress opposing this program are aware that the $3½ billion farm subsidy program which was enacted this year by the Congress had many inexcusable segments of its operation which were defective and brought about waste of millions to large corporate farm operations who collect money fraudulently for vacant land by reason of mismanagement of the regional offices. Nevertheless, Members of Congress who enthusiastically supported that fabulous giveaway voted against limiting any one farm operation to $20,000 annually regardless of waste and inefficiency. Here is a bill which calls for the expenditure of money that will aid millions of low-paid and unemployed families throughout the Nation who are helpless through no fault of their own.

I do hope that the Congress will not curb the operation of this great charitable endeavor to aid millions of the needy within the next 2 years by transferring control to the governments of the various States.

The success of a program of this type depends on continuation of personnel in order to streamline and function the various offices at the least possible cost.

I think the Members of Congress should support the request of President Nixon that this program not be jeopardized and curtailed by transferring the operation authority to State governments. It will bring about added and unnecessary expense and when the main Federal office has to distribute money to 50 Governors who, in some States have a term of only 2 years, it will be an indirect way of terminating a mammoth operation that requires direct and regular supervisors withn experience and knowledge to carry out the work efficiently.

In President Nixon's TV newscast last Monday, he was asked the following question:

A move is under way in the House, and it's supported by the Republican leadership, to change the structure of the antipoverty program to give the Governors a veto over programs in their states. What is your position on that?

Senator HUGH SCOTT, minority leader of the Senate, placed the President's complete broadcast in the CONGRESSIONAL RECORD of Tuesday, December 9. It will hereby quote verbatim the President's answer:

I support the director of O.E.O. He has asked for a two-year extension. He has pledged to reform the O.E.O., and I think he should be given the chance to reform it. I hope he's able to work out with the leadership in the House, most of whom are Republicans in this instance who want the changes and some Democrats will be able to work out some kind of accommodation with them. But of course I support my director that I've appointed.

I do hope that the House will follow the leadership of the President of the United States and help our former colleague, Donald Rumsfeld, and pass this worthy program without amendments or change. I ask unanimous consent to include with my remarks an editorial from the Gary, Ind., Post-Tribune of October 22, 1969, concerning this major amendment of transferring power to the Governors of the States and particularly, the State of California.

[From the Gary (Ind.) Post-Tribune, Oct. 22, 1969]

A POOR PLOT

For once, California Sen. George Murphy is doing a song and dance routine that has a plot. The plot involves clamping a dangerous restriction on the Office of Economic Opportunity's power to help poor people get legal service they can't afford.

The script was apparently written by Gov. Ronald Reagan, another former Hollywood performer.

Murphy's amendment to a money bill, pushed through the Senate, would give governors the right to veto any legal service plan the OEO wants to start in their states.

Reagan hasn't fared well with OEO attorneys in his state, because the legal assistance they have given to migrant workers, especially, has frustrated some of his attempts to maintain the status quo.

The War on Poverty has touched more bases than those involving food, shelter and basic necessities. Protection of the law made available through expert legal help has also been denied poor people generally. They hunger for that too, and they deserve it.

The legal services plan has helped welfare mothers, slum tenants, even steelworkers, whose rights often have been brushed aside for lack of somebody to speak for them. Many landmark cases have hit the courts, a fact that some state and local officials view with varying degrees of irritation.

None has been troubled as much with the tide or progress as Reagan, who frankly doesn't like it.

Giving governors absolute veto over such programs would be a reactionary mistake. The House has a chance to correct the Senate's error, and we hope Northwest Indiana's representatives will get with it.

OEO Director Donald Rumsfeld is lobbying to get the amendment killed. He is enthusiastic about the legal services program. It has great promise, and should be allowed to flourish. Governors should have a say in federally-financed programs within their states, but they ought not have the power to block programs by whim.

California doesn't belong to Ronald Reagan alone, a fact he is finding out, and it irks him. But this case is bigger than California, for as California goes in this one, so goes the nation.

Sargent Shriver, former OEO boss, once said "Any program which enables the poor to do battle with the forces that oppress them at governmental expense has a high potential for conflict with the officials who make public policy affecting the poor. This is especially true where it is governmental action, often in programs designed to aid the poor, that is found to be oppressive."

What that means is that Murphy and Reagan have produced a bad show.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the Green-Quie substitute to the Economic Opportunity Act would effectively gut that program by giving the State governments a veto power over OEO activities. It is hard to contemplate a Ronald Reagan or a Lester Maddox permitting any activity which would benefit the poor or the black. I believe OEO should be extended without major changes.

The OEO program has done much to improve the life of our previously forgotten low-income and minority citizens. It has given them an opportunity to develop their talents, create better com-

munities, and has put them in a better position to compete with other sectors of our society. It is this that has scared many who advocate the Green-Quie substitute.

Through the concentrated employment programs, for example, the young are being trained and placed in jobs. Through Operation Mainstream, the talents of the elderly are being productively employed. Through the job opportunities in the business sector program, the talents of business firms are being used to train and employ the previously unemployed; and under the new careers program, the untrained are being trained to performed subprofessional jobs which have a chance for advancement.

One OEO program of which I am particularly proud is the emergency small loan program. I authored this program. Under this program, individuals may borrow up to $300 at 2-percent interest without collateral and with a minimum of investigation. The money is available to meet family emergencies. A woman in Texas, for example, obtained a loan with which to buy a special pair of shoes so that she could go to work as a nurse. She got the job and was able to pay back the loan. This program must be continued and I hope the amendment will not interfere with its continued funding.

The Green-Quie substitute would have the impact of making the antipoverty act into a State program in line with the administration's grand design to decentralize government. State Economic Opportunity Offices would receive all OEO applications before they are sent to OEO for funding. The State would have full authority to decide whether or not a program application should be approved. State economic opportunity councils would be created in each State with exclusive authority to develop an antipoverty program for the State. Once the council creates the program and passes it on to the OEO Director, he would have to approve or reject it in total.

In addition to these general provisions, the substitute would restrict the OEO legal services program by requiring all VISTA attorneys to be part of the legal services program and a member of the bar in the State in which they serve. Also a court would be authorized to award legal fees and costs to the loser of a lawsuit initiated by the legal services program.

These provisions would erode or eliminate local or community control by allowlowing State politics to interfere with a program presently isolated from politics and by discouraging maximum participation of the poor by requiring members of community action boards and agencies to be appointed by elected officials.

The Green-Quie substitute makes the poverty program operate the same as education programs and welfare categorical assistance programs under HEW now operate. These programs have been the victims of noticeable proliferation of bureaucracy, unresponsiveness, and an inability to reach those in need of help.

The legal services program would be particularly victimized under this amendment. It would introduce politics into a program which is now insulated from political pressures. This would present unsolvable conflicts of interest, as well as jeopardize the independence of the bar. It would punish legal services attorneys who lose a lawsuit by awarding legal fees and costs to losers of suits initiated by legal services. This provision which would discourage lawyers from initiating and fully pursuing cases is unnecessary since a present statute accomplishes the same thing without discriminating against legal services attorneys. It also multiplies the administrative costs of the program.

I shall vote against this substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHART).

Mr. ECKHARDT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, one of the most important elements of the poverty program has been the legal aid services. It would be unconscionable to permit a State to destroy legal aid in a community without any valid reason. Yet if a vigorous legal aid service offends the State authorities, who may be defendants in a case, the defendant may retaliate by dismantling the lawyer force which represented the plaintiff under the Ayres amendment. The amendment by the gentleman from California (Mr. TUNNEY) would prevent this. I would hope the Tunney amendment would pass, but I would still be against the substitute.

The substitute would permit States to dismantle the poverty program as it exists in each State involved. For instance, with respect to VISTA the substitute would only permit VISTA groups to be set up at all if they were established under grants to State or local public agencies. The State would effectively determine whether VISTA groups would come into being in the first place.

Under existing law VISTA groups come into being under the Office of Economic Opportunity. However, local control of VISTA groups is presently assured, and a VISTA group cannot be set up at a particular place without the written consent of the Governor. But the State may not prevent even the initial existence and recruitment of VISTA volunteers.

I think the program, even with present restrictions, has worked pretty well in Texas.

There are at present 272 VISTA volunteers working in Texas—more volunteers than in any other single State. They are assigned to 13 different projects, all sponsored by local community action agencies, churches, and local self-help organizations. Despite this relatively large number of volunteers VISTA, limited by budget, has not come close to filling requests. Sponsoring organizations in Texas have asked for 699 volunteers, to be used on 47 proposed projects.

Texas is not one of our richer States. It ranks 34th in income. There is severe poverty in both urban and rural areas. There are many separate poverty problems in Texas. The poor black in Houston, the Mexican American in the slums of Laredo, the migrant worker who lives in a shack in south Texas need different approaches, different kinds of help.

What is VISTA trying to accomplish in Texas? Four of the 13 current projects are in rural areas. Education, in the broadest sense of the word, is vital among the rural poor, most of whom are Mexican Americans whose only income comes from migrant work and seasonal farm labor. There are many rural areas where the average annual income of families is less than $3,000 a year. The median education level might be as low as 3.9 years. Functional illiteracy reaches as high as one-quarter of the population.

VISTA volunteers tutor schoolchildren, and school dropouts. They have organized adult basic education classes and literacy programs. They have set up day-care centers, freeing the mothers for work, and teaching preschoolers English so that they will be better able to function in the English language, Anglo-culture school system. Fifty-three VISTA's in Texas are working with thousands of poor people in a viable effort to expand their horizons—to help the poor help themselves. And they do. Poor people, with the initiative provided through VISTA programs, have continued the operation of day-care centers, set up food commodity programs, petitioned for sewage systems, obtained running water and gas lines to their homes, had streets paved and repaired houses, set up fumigation programs against rats and insects—in short, have come nearer to reaching a decent standard of living through their own efforts.

These are small projects, but they are far reaching. Ill-fed, ill-housed, undereducated people cannot make substantial changes all alone. Particularly in rural areas VISTA's deal with these basic problems. In the cities, problems are multiplied. There volunteers are involved in similar activities, attacking basic housing and education deficiencies. But they are also fulfilling the more complicated needs of the urban poor.

VISTA's, many of them lawyers, architects, business school graduates, are able to engender programs to help meet the needs of urban dwellers. In Austin, for example, half of the 16 volunteers assigned to that city are professional people.

VISTA volunteers, working with community groups, have been able to develop economic self-help projects—credit unions, food-buying clubs, and cooperatives. Directly through VISTA, thousands of poor have involved themselves in model cities decisions that affect their neighborhoods. Volunteers work with health clinics, community centers, day-care centers. They have organized teen clubs, recreational facilities, and programs for the elderly. Dozens of educational projects—preschool classes, tutoring, adult education courses, bilingual and literacy classes are set up and taught by VISTA's. The list is lengthy. These volunteers in Texas come from all over the United States. Some are professionals, some have a general college background, some are poor themselves and work in their own neighborhoods.

It was a group of these community VISTA volunteers in Del Rio, Tex., who were involved in the only project ever canceled by a Governor in any State during VISTA's 5 years of operation. Last March, the Val Verde County commissioners, where Del Rio is located, asked Gov. Preston Smith to cancel the VISTA program in Del Rio. He did, as he pointed out, because the county officials asked him to.

Another group of VISTA's were asked to leave Brownsville. They did. Their project was an interesting, complex, and obviously, controversial one.

Among other things the Brownsville VISTA's:

Taught citizenship classes in Brownsville, San Benito, and Raymondville, to over a hundred people who wanted to become American citizens but never knew how to.

Tutored and set up tutoring programs in Brownsville in several elementary schools for over 300 elementary school children.

Organized and put together a multipurpose center and clinic in Port Isabel.

Talked a local doctor into going to Port Isabel every other Wednesday and give medical help to the poor.

Publicized and brought people to three tuberculosis clinics throughout the country.

Assisted at the Settlement House in Brownsville 8 or more hours a day doing everything from janitor work to playing with the kids.

Worked with the new retarded children's school in Brownsville.

Built two youth centers in Raymondville.

Built a youth center in San Benito.

Organized a cooperative food buying club in the southmost area in Brownsville so that the poor could fight inflation.

Helped paint, fix plumbing and did electrical work on the several houses which the city had moved and dumped on the corner of 12th and Grant Street.

Organized a dance in Garden Park so that the proceeds could be used for the children of Garden Park to have a party.

Took the kids from the Maura Smith Day Care Center to see the planes at the Confederate Air Force and the Harlingen Airports.

Took a bunch of kids to see the Elks' Club "Calvacade of Stars" and bought their tickets out of their $90 a month salary.

Organized a small weekly newspaper in San Benito which had such controversial things as "Recipes to Fully Utilize Surplus Foods," "A Weekly Report of the Sullivan School's Principal," the announcement of meetings, citizenship classes, etc.

Organized car pools to bring poor people from Port Isabel to Brownsville to the county clinic, doctors, surplus foods' department.

Organized a carpool to take the poor from Brownsville to the mental health clinic in Harlingen.

Took a family of nine kids to Houston to visit their mother who eventually died of leukemia.

Drove a dying man in rush against death to the M. D. Anderson Hospital in Houston. He had asked help from the county, but the county said, "We are only allowed to pay for the transportation of dead bodies."

Organized a Girl Scout and Brownie troop in San Benito for poor kids.

Spent hours upon hours, days upon days, visiting homes, struggling with a language, trying to help where help is needed.

After this VISTA withdrawal the Reverend Jon Bourg, of Brownsville, wrote a letter of protest to Governor Smith. The Governor, in reply, expressed the hope that:

> The time will come when the local leadership, both public and private will have found the appropriate role for these volunteers and incorporated them again in their local system for both understanding and ministering to the problems of poverty in Cameron County.

The point here does not concern the merits of the case—whether the programs were good or bad—though there are many who will argue that they were excellent. The point is that here is a practical example of local and State control at work.

Under existing law a VISTA program exists in many localities in Texas. VISTA volunteers are ready and willing to work and are accepted gladly in most of the communities by all who deal with them. As the Governor has said, they will doubtless someday come back to Brownsville.

But under the Ayres substitute, the VISTA program might well not even exist in Texas. Had it been law from the beginning, there would have been no chance for VISTA to have proved itself. And I would hope that authority to detroy it altogether would not be given to the State of Texas. It is enough that State and local authorities may determine where it may be active.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. TUNNEY) to the substitute amendment offered by the gentleman from Ohio (Mr. AYRES).

The question was taken; and on a division (demanded by Mr. TUNNEY), there were—ayes 83, noes 101.

Mr. TUNNEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. TUNNEY and Mr. QUIE.

The Committee again divided, and the tellers reported that there were—ayes 125, noes 156.

So the amendment to the substitute amendment was rejected.

The CHAIRMAN. Are there any further amendments to the amendment offered by the gentleman from Ohio (Mr. AYRES) in the nature of a substitute?

AMENDMENT OFFERED BY MR. OTTINGER TO THE SUBSTITUTE AMENDMENT

Mr. OTTINGER. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER to the amendment offered by Mr. AYRES:

In section 201 of the substitute, section 253(c)(1) is amended by striking the proviso and inserting in lieu thereof the following: *Provided, however,* That the Director shall reserve such sums as may be necessary to provide assistance for programs in political subdivisions which, in accordance with section 210(e), have elected not to be included in the State developmental and coordination program."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER) to the substitute amendment.

The question was taken; and on a division (demanded by Mr. WILLIAM D. FORD) there were—ayes 114, noes 141.

So the amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. WHITE TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. AYRES

Mr. WHITE. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE to the substitute amendment offered by Mr. AYRES: After section 303 insert the following:

"SEC. 504. Section 222(a) of such Act is further amended by adding to the end thereof the following new paragraph:

"'(9) A "Narcotic Addict Recovery" program designed to discover and bring about post and/or pre-institutional treatment for narcotic addiction. Such a program shall be community based, with appropriate participation by parents, youth, educators and others in the community, serve the objective of maintaining the family structure as well as the recovery of the individual addict, encourage the use of neighborhood facilities and the services of former addicts as program workers and facilitate the re-entry of addicts into society. Such a program shall also emphasize the coordination and full utilization of existing community services which pertain to the treatment of addiction and/or related disorders.'"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE) to the substitute amendment offered by the gentleman from Ohio (Mr. AYRES).

The question was taken; and on a division (demanded by Mr. WHITE) there were—ayes 87, noes 98.

So the amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. RANDALL TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. AYRES

Mr. RANDALL. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. RANDALL to the substitute amendment offered by Mr. AYRES: Immediately following section 302, insert the following:

"APPLICABILITY OF CANONS OF ETHICS IN LEGAL SERVICES PROGRAMS

"SEC. 303. (a) The second sentence of section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by inserting '(A)' after 'assures' and by inserting before the period at the end thereof the following: ', and (B) that the Cannons of Professional Ethics promulgated by the American Bar Association will be complied with'.

"(b) Section 222(a)(3) of such Act is further amended by adding at the end thereof the following: 'The Director of the Administrative Office of the United States Courts shall receive any complaints or allegations

which may be made concerning the conduct of programs under the second sentence of this paragraph, insofar as they relate to matters involving subject matter cognizable by the courts of the United States. The Director of such Office shall make an annual summary of such complaints or allegations, which shall be objective in character and without evaluation or comment. Such summaries shall be available upon request to a committee of the Senate or House of Representatives, and shall, at least once each year, be submitted to the Senate and House of Representatives.'"

And renumber the sections which follow accordingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. RANDALL) to the substitute amendment.

The question was taken; and on a division (demanded by Mr. RANDALL) there were—ayes 124, noes 88.

So the amendment to the substitute amendment was agreed to.

Mr. SCHERLE. Mr. Chairman, the Murphy amendment, which was adopted by the Senate, would restore final responsibility for the OEO legal services to the Governors. It would authorize each Governor to determine how best to channel legal service programs in his State. In line with President Nixon's concept of the new federalism, the elected chief executive would exercise more control over the services in his State than the nonelected Washington official. At present, the decision as to whether a specific project is a proper function of the legal service now rests with an appointed bureaucrat. The Murphy amendment would shift that final determination to the chief elected State official.

The OEO legal service was set up to provide legal assistance on an individual basis for those too poor to afford a lawyer. It has instead expanded rapidly into the so-called law reform area at the expense of the individual legal aid services. In so doing it has far exceeded—one might even say, perverted its original purpose. Examples abound everywhere.

Suits financed by the war-on-poverty lawyers have sought to persuade the U.S. district courts in Newark, N.J. and Philadelphia, Pa., to appoint Federal receivers to run the local police department. The Philadelphia suit also asked to nullify State laws against carrying concealed deadly weapons, sedition, riot, conspiracy, loitering, and obstructing justice.

In Atlantic City, the legal service program is challenging the constitutionality of the New Jersey Narcotics Act and is contesting the State law requiring dope users to register with the police.

In Indianapolis, Ind., the local legal service program distributes several thousand cards in the city's low-income neighborhoods giving advice on the "art of noncooperation" with the police.

Students on OEO-financed fellowships in poverty law at the University of Pennsylvania held the national OEO legal service director captive in his sixth-floor office for 4½ hours. Later, these self-styled defenders of the law were arrested by the Washington, D.C., police.

In Washington, D.C., the OEO legal service was instrumental in changing the regulations of the National Capital Housing Authority so that low-income couples who are not legally married or free to marry are now eligible for public housing. Furthermore, the neighborhood legal services program will continue to press the suit on the grounds that the provision is still too vague and discriminates in favor of married couples.

Under the new regulation, the unmarried couple must prove that theirs is a stable relationship.

In Detroit, Mich., and virtually every other riot-torn city, legal service lawyers have devoted inordinate amounts of time and effort to defending alleged rioters. The Essex County, N.J., grand jury, after a thorough inquiry into the 1967 Newark riot, said that witnesses "denied in whole or in part having made statements attributed to them" by the local legal service program. A number of the statements taken and finally supplied to the jury by legal services were unsigned. The grand jury concluded:

During the excitement many of those taking statements from persons involved in the riots either deliberately or unconsciously distorted these statements and in many ways conducted themselves so as to create in the minds of the public a biased and inaccurate impression of many events connected with the disturbances.

The Dallas legal services project began organizing welfare mothers in Dallas to demonstrate and protest. On November 26, 1968, the demonstrators staged a sit-in. A court ordered them to leave the welfare office. They refused. Twenty-one of them, including Mrs. Ruth Jefferson, leader of the mothers, were given 3-day suspended jail sentences for contempt.

In July of 1969, the Dallas Housing Authority served a notice of eviction on Mrs. Jefferson at the request of 300 of her fellow tenants on the following grounds: First, she owed $415.28 in back rent on her $52-a-month apartment; second, she used the apartment as a meeting hall for militants; third, her presence in the project was a threat to other tenants who feared injury because of her activities; and fourth, she permitted persons other than herself and her children to reside in the apartment.

On November 3, 1969, Ruth Jefferson was taken onto the Federal poverty-war payroll at $5,400 a year plus "car expenses," as a community organizer in the west Dallas housing project from which she had been evicted. Robert Medrano, head of the West Dallas Poverty War Center, said Mrs. Jefferson was hired because of "her past performance as a community organizer."

The community lawyer fellowships, funded by the OEO through the University of Pennsylvania Law School, provide for 1-year assignments to work with local legal services throughout the country. Two of these fellows, assigned to Corpus Christi, Tex., were quoted as saying that they regret the lack of militance among the local poor people.

In California, a legal service attorney has appeared as counsel to challenge the right of a school district to set reasonable rules for the hair length of boys in high school. How ridiculous can you get?

At the Modesto, Calif., Junior College, a suit was filed in behalf of a Mexican-American club protesting a college requirement that all club members pay the student body fees of $8 per semester in order to be recognized by the school.

Mr. Roy G. Mikaken, president of the college, said:

Those six lawyers in the Modesto area seem to be more interested in "anti" movements against public agencies.

The California Legal Association has also filed a suit to compel Brawley's City Council and Board of Education to permit students to wear the berets and insignia of the Brown Berets in school.

Last year in Hartford, Conn., the OEO authorized a grant of $272,443 to a company which existed only on paper called the "Connecticut Law Reform." The request for the grant was drafted by Howard Orenstein, legal services consultant to the OEO, who made himself director of the organization at $20,000 a year. When this story broke, the ensuing public outcry and investigation resulted in a declaration by the GAO that the grant was illegal.

Although no publicly funded legal assistance service society is supposed to accept fee-producing cases, the California legal service has filed a number of such suits while refusing services to the truly eligible. It has on many occasions filed a number of suits involving the same or similar courses of action—in effect harassing individual citizens and agencies. The California program has moved so far down the road to legal reform that it, as a tax-financed agency, is suing other Federal-funded agencies as well as private citizens. At the same time it is closing down bona fide legal aid projects because, after the funds for legal reform are allotted, not enough is left for basic legal aid projects.

In Waterloo, Iowa, the OEO-funded legal service once intended to file suits against State colleges in Iowa which require students to pay parking fines as a condition of continuing as a student. They also said that they had intended to "instigate a grassroots organization of ADC mothers to develop political power which could be used to change community attitudes."

The St. Louis legal services has engaged in activities to suit their own sociological theories rather than to provide legal aid in civil cases for the poor. It has defended and counseled local militant groups which have participated in illegal demonstrations and disorders in that city. In some cases the militant defendants have incomes well above the level which would qualify them as poor.

The unlicensed director of legal services, Denison Ray, is currently receiving a $28,000 salary that is substantially higher than that now received by a member of the Missouri Supreme Court, the attorney general of Missouri, or the mayor of St. Louis. Mr. Ray, together with 20 percent of his staff of attorneys, has been refused permission to appear in Federal court because he is not a member of the State bar. The remaining three nonbar lawyers receive between $11,500 and $18,000 as staff attorneys.

T. Hartley Pollock, who did much to establish the legal aid program in St. Louis, called the present policy of the society "a complete departure from the basis on which the program was organized."

The Murphy amendment would make such unauthorized departures much more difficult. Although OEO programs would continue to function on a local level, their projects would be subject to the Governor's veto.

The responsibility for whether the taxpayers should subsidize suits which involve the right of a school board to set reasonable standards on hair length: or whether a State's narcotics laws are valid; or whether the Federal Government should take over a local police force; or whether a group of militants should be subsidized to attack churches, schools, store owners, or the Government must ultimately rest with some public official.

This amendment simply states that the elected chief executive responsible to the people should be allowed to exercise his obligation free from bureaucratic interference.

Public administration will soon come to a standstill in this country if every act of government is subject to a prolonged lawsuit brought by tax-paid lawyers are more often political than philanthropic.

On Saturday, November 29, an article appeared in the Des Moines Tribune quoting Iowa Gov. Robert D. Ray as being opposed to the Murphy legal aid amendment. Two days later his top legislative assistant, Elmer Vermeer, called my office requesting material concerning the amendment. He said:

> The Governor does not understand the Murphy amendment and he needs background material explaining its provisions.

No mention was made of the article in the Des Moines Tribune.

Later that same day, a constituent from my district called me regarding the stand that Governor Ray took on the Murphy amendment. I immediately called the Governor and asked him if he had read the amendment. He replied, "No, I have not."

This is typical of reaction throughout the country. Many who have not even read the amendment have voiced their opposition to it. The Governor of Iowa fits squarely in this category. He should take time to read an amendment before venturing to oppose it. It would be well for him to document his opposition as thoroughly as its advocates can support their position.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the Republican substitute to H.R. 12321. The proposed transfer of the antipoverty program to the States would effectively cripple the program and transform it into a hodgepodge of unrelated efforts. In effect, each State would have an effective veto over the program and the Office of Economic Opportunity would be an administrative eunuch with little or no purpose except to passively await State decisions.

This action on the part of the minority contradicts their own President who announced that OEO was to serve as the central research and development agency for Government poverty programs. Logic defies this possibility if OEO is transformed into a holding agency with little or no structure or content.

More importantly, the Republican substitute could effectively thwart whatever progress has been made toward developing local participation in the poverty programs. Rather than democratizing the program, as the supporters contend their substitute would achieve, the substitute would have the effect of eroding and eliminating local or community control by allowing State politics to interfere with the program and by discouraging maximum participation of the poor by requiring members of the community action boards and agencies to be appointed.

Additionally, the legal services program, one of the most successful components of the antipoverty program, would be adversely affected by the substitute. Administrative costs would multiply under the substitute, legal services attorneys would be intimidated by the provisions allowing a court to award legal fees and costs to the loser of a lawsuit initiated by the legal services program, and politics would be interjected into the program.

If there are problems with the poverty program, the substitute proposal is not the way to handle them by creating 50 separate approaches. This creates an administrative nightmare and does little to further the goals of a national commitment toward eliminating poverty and injustice.

Mr. ROSENTHAL. Mr. Chairman, at a time when this country must redouble its efforts to eradicate poverty, a threat has arisen to undermine the entire crusade. Sadly enough, this menace has originated in the Congress, so the very least we owe to the public is to choke off the threat at its roots.

There are many reasons for supporting the 2-year extension of OEO. OEO Director Donald Rumsfeld has recognized the poverty organization's weaknesses and deserves the time to attempt to correct these deficiencies. President Nixon has voiced his preference for such a course, although I note with dismay that he has not backed Mr. Rumsfeld vigorously during the crucial days immediately preceding our vote.

It is not so much OEO's strengths, although they are considerable, but the Green-Quie amendment's weaknesses which provide the most dramatic case for rejection of the substitute bill.

With the increasingly rapid decay of our cities, the shocking exposes of mass hunger, and the rising discontent among oppressed and disadvantaged minorities, there is a special sense of urgency to meet the poverty problem headon and in the most pragmatic fashion possible.

We need not ponder whether this substitute bill that shifts major decisionmaking power to the State governments is a cynical sabotage of the national drive to reduce poverty. It is enough to say that the proposal is unrealistic and unworkable.

If all the States were equipped with the necessary apparatus and personnel to administer successful antipoverty programs and were determined to do so, the amendment before us might not be so unpalletable. But again, there is great disparity among the States.

Indeed if the States showed this kind of commitment and ability, there would be no need for any Federal antipoverty programs.

Mr. Chairman, let us turn for a moment to the strengths of OEO. This Government unit was specifically created to bypass not only the State but also Federal bureaucracies. It was designed to apply innovative approaches to problems that Federal and State agencies were either unwilling or unable to solve.

The President's message on OEO recognized that this agency was set up outside of the bureaucratic morass of redtape in order to prod Federal and State governmental units into action.

Under the Quie-Green amendment, who would be the catalyst for States derelict in their responsibilities to the poor?

States rights are important and must be preserved, but not at the expense of individual rights; namely, those of our Nation's indigent. All governmental rights in our society must ultimately be based on the rights of citizens to equal opportunity, including economic opportunity.

Of particular concern to me is the amendment's emasculation of OEO's legal services division, which has been so important in defending the poor against inequitable treatment from both public and private sources.

The provisions in the amendment would inhibit VISTA attorneys in their work and in effect, deprive the poor of legal counsel which has proven a major tool in their uphill struggle to enter the mainstream of our society.

I urge defeat of the amendment.

Mr. ROGERS of Colorado. Mr. Chairman, alcoholism ranks as the third major health problem in the Nation, afflicting at least 5 million adults. In addition, the families of alcoholics involve an average of three to four other persons. Even at that, we may only be seeing a portion of the problem. A neighborhood survey by one community action agency showed that one family out of every three had a problem with alcohol.

Perhaps more than any other vicious disease, alcoholism afflicts the whole man and the whole society. It disrupts the family, the church, and the school. And, it seriously disables the economy.

Alcoholism has a particularly heavy impact on persons and families already burdened with the multiple conditions of poverty. As in most other instances, the poor have less access to community services and facilities for alcoholics.

The chronic alcoholic is not likely to complete a job-training program or to look after his family's food and health needs even when welfare help is available. Also, the alcoholic and his family have frequently been excluded from community services simply because of the fact of alcoholism; in effect, they are punished rather than treated for illnesses.

Of particular concern are the most common effects of alcoholism; first, disruption of family life, and second, loss of employment and decreased employability.

In these two areas, alcoholism has the most impact of perpetuating individuals and families in poverty. To meet these problems, the most effective interven-

tions are before the person has reached the bottom, that is, while there are still family ties and prospects for employment to provide incentive for achieving rehabilitation.

Multiservice centers operated by community action agencies and neighborhood health centers are key points of contact for the low-income alcoholic and his family. By virtue of their structure and orientation, these agencies are ideally suited to provide services for the alcoholic which are truly responsive to his and his family's needs. They are oriented toward alcoholism as a problem related to the conditions of poverty and contributing to the continuation of poverty. Further, they are peculiarly capable of dealing with alcoholism as a community problem and mobilizing needed community resources.

The primary purpose of an alcoholic counseling and recovery program is to develop services for alcoholics and their families, aimed at inducing and maintaining sobriety for the alcoholic, and providing comprehensive services to the alcoholic and his family through effective relationships with other ongoing programs such as health services, vocational rehabilitation, and employment, and welfare assistance.

The potential for using OEO funds and facilities to help individuals and families at the poverty level to gain relief from this dread disease already exists. However, in order to maximize this potential, a national focus is needed to establish standards and encourage the development of local activities. This effort has been initiated and will be expanded during the coming year.

Mr. POFF. Mr. Chairman, I am opposed to the Murphy amendment adopted in the other body.

I support the substitute for the committee bill.

This means that I am satisfied that there is nothing in the substitute which is either substantially or procedurally the equivalent of the Murphy amendment.

Categorically, I say that under the substitute, the Governor does not have an absolute veto over legal services. He does not have a case-by-case veto power over legal services. And he has no line-item veto of any kind.

The substitute gives the Governor the power to concur or not to concur with his own State economic opportunity office when it disapproves an application for a legal services program. His concurrence in the disapproval does not constitute a final veto. The Director of OEO can override the disapproval. In cases where the application originated with a local community action agency, all that is required to justify the override is a finding that approval of the application would strengthen the overall program of the local community action agency. In cases where the application originated with other eligible applicants, the Director can override the disapproval upon finding that approval of such application would be in furtherance of the purposes of the act.

This burden the Director must bear is scarcely greater than the burden the present override law puts upon him.

The language in section 251(c)(1) of the substitute is not the Murphy amendment, either in form or effect, and nowhere else in the substitute will such be found.

Let me explain why I am opposed to the Murphy amendment.

A Governor ought not have the power to frustrate the citizen's opportunity for counsel when a lawsuit is brought against him, either by another citizen or by the government. Neither should a Governor have the power to frustrate the citizen's opportunity for counsel when, except for his poverty, that citizen has cause and standing to bring a lawsuit against another citizen or against the government.

A Governor's power to veto a routine poverty war program is one thing. A Governor's power to veto a legal services program is another. The exercise of the former is purely administrative in both function and effect. The exercise of the latter is administrative in function but judicial in effect.

When a Governor vetoes a routine community action program, he has made a judgment that an executive program will not be administered. When a Governor vetoes a legal services program, he has made a judgment that the judicial process will not be permitted to function fully. Such a judgment fractures the system of division of powers.

The judicial process must be protected against trespass. This is because the judicial process is the only mechanism by which citizen wrongs can be redressed and citizen rights can be enforced. If the judicial process is not independent of executive restraint, the mechanism can fail, especially if the executive branch of government is involved in citizen wrongs or citizen rights.

The judicial process is a mechanism fashioned for all men. But it is not always fully available to all men. Too often, it is available only to those who can afford the lawyer's fee. True, the judicial process in most States furnishes counsel to the indigent accused in criminal cases, but in civil cases, there is seldom such provision. Yet, the wrongs and rights in civil cases may be as vital to the citizen as those involved in criminal cases.

It is a pity that a small minority of lawyers participating in the legal services program has been guilty of questionable conduct. Unfortunately and unfairly, such conduct has cast a shadow over the entire legal services complex. Such conduct should be rebuked, especially when it approaches so close to the definition of barratry. It is the responsibility of the judiciary to discipline lawyers, who are officers of the court and accountable to it, for unprofessional conduct. It is the responsibility of those who administer the legal services program and their superiors in the Office of Economic Opportunity to maintain continuing oversight and impose appropriate corrective and preventive measures wherever and whenever necessary. Prevention can most effectively be achieved by inviting the advice and cooperation of authorities at State and community levels in the planning, organization and functioning of the legal services apparatus.

Mr. FISHER. Mr. Chairman, the Office of Economic Opportunity has little to show for the $7 billion plus that it has expended during the past 5 years. An exorbitant price has been paid for any good that may have resulted.

A few months ago the General Accounting Office concluded a 1-year study of OEO and gave it very few plus marks. It found, for example, that the Job Corps, which has cost more than $1 billion thus far, had not accounted for "any substantial economic benefit thus far for youths who participated in the program." The average cost of each Job Corps trainee was placed at $8,300 per year.

The GAO said of the Neighborhood Youth Corps, designed to induce teenage students to remain in or return to classes:

> The great majority of youths who have been enrolled in the NYC program . . . would probably have remained in or dropped out of school irrespective of their enrollment in the NYC program.

It cost the taxpayers a billion dollars.

The Headstart program has been one of the more popular and successful of OEO's projects. But the cost of each enrollee averaged $1,100 a year, according to GAO, and that is considered to be exceedingly high.

The VISTA program has undoubtedly done more harm than good. It has used misfits and ill-prepared young people for jobs which required maturity and commonsense. In San Antonio, for example, the press reported that paid VISTA workers were active in organizing voter registration drives and in political activities. At the same place such workers participated in welfare demonstrations. The press has been replete with similar reports from all over the country. In Del Rio, Tex., they handed out hate literature and became so objectionable that city and county officials had to call on the Governor to help rid the city of their presence.

Many of the OEO programs have been absorbed by other Government agencies, where much or all of their work was duplicated anyhow. What is remaining, if continued, could undoubtedly be better administered by other agencies and by the States.

NEW RESTRICTIONS IMPERATIVE

Mr. Chairman, the law which created the Office of Economic Opportunity is so loosely drawn and so lacking in guidelines with respect to how the money is to be expended, that wholesale abuses have been reported. Perhaps never in American history has the Congress delegated so much authority to a government agency with respect to the spending of tax money. It has been a virtual blank-check operation, as everyone knows.

If the program is to be continued it is imperative that some controls and restrictions be written into the law. There is pending a proposed substitute which is designed to accomplish that objective. Under our federal system it is appropriate that the States have a voice in such expenditures. We know from experience that the job cannot be properly done at

the Washington level. Money is too hard to come by, taxes are too high, the burden of government is too great, for this program to be continued at its present excessive cost. The people are tired of seeing this display of waste and extravagance.

In a questionnaire I sent to all of my adult constituents 2 years ago I asked this question: "Do you believe the antipoverty program has been worth the money?" the result: 6 percent said "yes" and 87 percent said "no."

Adoption of the pending substitute would apply some meaningful supervision over how and for what purposes all this money is spent.

WASTE AND MISUSE OF OEO FUNDS

There is no point in listing the scores and scores of instances of waste and inefficiency in the expenditure of OEO funds. Much of it has been of scandalous proportions. Money in vast amounts has been thrown around for every conceivable purpose, much of it only remotely if at all related to any rational use for antipoverty purposes. Some of it remains unaccounted for.

Overhead and administrative costs of this program have been stupendous. In some instances exorbitant wages have been paid. In others the personnel load has been unbelievably excessive. In one Texas city, for example, the San Antonio Light reported:

> Community action program records on the various poverty proponent projects show some 250 men and women are drawing good paychecks from Uncle Sam, from the executive director to last neighborhood aide.

The article continued:

> CAP funds being paid directors, supervisors, coordinators, all sorts of assistants, counselors, bookkeepers, secretaries, clerks, aides and trainees run into the thousands of dollars.

That city had a population of some 60,000. I mention this as an example of what I mean when I speak of excessive overhead and administrative costs.

The U.S. News & World Report, after a survey, reported:

> The five-year record (of OEO) bristles with examples of force and violence. . . . Repeatedly, there have been official charges of mismanagement, inefficiency, waste, fraud, graft, extravagance and lack of proper accounting in anti-poverty projects. . . . Critics have alleged that public funds have been misused by poverty workers in political campaigns and voter-registration drives, for union organizing, and in connection with racial disorders.

These charges are based upon hundreds of reliable reports.

The U.S. Conference of Mayors once charged that OEO was "creating tensions" among the poor and "fostering class struggle." A former mayor of San Francisco objected to an OEO Community Action Handbook which advocated "organizing low-income residents for political effectiveness."

As evidence of how the program has been bogged down in paperwork, surveys, evaluations, and what-have-you, the Washington Evening Star in its March 31, 1969, issue reported that in the last 5 years OEO had contracted for 818 evaluations, reports, studies, and surveys of antipoverty activities, costing more than $30 million. Lou Harris, the pollster, got nearly a million dollars for appraising a series of "job efforts" by the Job Corps.

Listen to this one: OEO announced a grant of $272,443 to what was called Connecticut Law Reform, Inc., of Windsor, Conn., to "coordinate legal services to low-income families."

It turned out there was no such thing. The State commissioner, LeRoy Jones, whose department was supposed to know about all OEO grants there, had never heard of it. Finally, after a persistent search the mystery was solved. It turned out that the address of the newly created law reform corporation was the home address of an OEO legal services consultant. Apparently the lawyer who was to get the handout had dreamed up the "Law Reform, Inc.," title without bothering to incorporate.

This is by no means an isolated case of waste, if not corruption. It serves as an example of how vast amounts of tax money can be spent for anything the whims of the OEO might dictate. The present law is so loose and lacking in guidelines that it seems OEO can spend it for almost any purpose that suits their fancy. Many revolutionary movements have been benefited from OEO funds, including Pride in Washington, Rangers in Chicago, and Black Panthers in Cleveland and elsewhere.

There have been any number of instances where former OEO officials have resigned to join or create firms which then contracted with the OEO to perform one of the evaluations. What an invitation this program presents for favoritism and ill-considered and unnecessary surveys and studies of projects when in most instances Government agencies are already available to handle such assignments when they are necessary.

HOW MUCH POVERTY?

Mr. Chairman, every right-thinking American is sympathetic with those who are in need and who because of conditions beyond their control are unable to help themselves. That fact accounts for the interest in charity drives, support of the Red Cross, the Salvation Army, and the generosity of many church organizations. Americans are compassionate people and throughout our history the unfortunate and the disadvantaged have been helped when the need was demonstrated.

As the subject of charity is pursued it is interesting to note the progress that has been made to reduce the incidence of poverty—progress which was being made in this country long before the war on poverty was ever heard of. There was inserted in the CONGRESSIONAL RECORD on last December 3 some pertinent Department of Commerce data on this subject. There it was revealed that, using 1964 constant dollars, 31 percent of the families in 1947 had incomes of less than $3,000 and by 1964—when OEO was created—only 18 percent of the families fit into this category. This remarkable record was accomplished through normal economic growth which created new job opportunities, along with the cooperation of industry, Government, and private organizations.

From all the publicity given to the OEO one might think that this is about the only source of Federal aid designed to help the unfortunate. Nothing could be further from the truth. The Federal Government is now spending $27 billion a year for the poor. In addition, the States and local governments pay out $14 billion, and $2.4 billion is contributed by voluntary private agencies.

Actually, the OEO spends only about 5 percent of the total amount that is spent to help poor people.

On December 3 the distinguished gentlewoman from Oregon disclosed in the RECORD the results of a study conducted at her request by the Library of Congress. This referred to two hypothetical poor families, one being a mother and four children, and the other a mother and eight children—in each instance the children being placed in various school categories, believed to be in accord with averages.

In the first instance it was found that by taking advantage of all Government programs available, that family would be entitled to receive the equivalent of $11,513 per year.

In the second instance, that family would be entitled to receive annually the equivalent of $21,093.

Mr. Chairman, does this sound like the Federal Government is niggardly in dishing out welfare funds? Actually, such largess can, when excessive, tend to cause more people to prefer the good income and security offered by seeking a welfare-receiving status. In any event, such outlays should be restricted to the deserving and should not be made so readily available that it would help perpetuate dependence on Government as a way of life.

Some people seem to think you can cure any problem on the face of the earth if you spend enough Federal money. In fact, that concept has been predominant in recent years. But it does not work that way. Since jobs and birth control constitute the only real and meaningful answer to poverty, would it not be more desirable to dismantle the present grant programs, both in and out of OEO, and replace them with a voluntary and private enterprise plan which would encourage businesses to continue to train unemployed workers who are interested, and encourage more planned parenthood, particularly for the poor?

The fact is that poverty and hunger are being exploited by certain politicians and the poverty cult. The latter, who could be described as professional beggers, have been encouraged by all the ballyhoo to promote welfare as a way of life. They have organized in an effort to extract more from the earnings of the haves and give it to the have-nots. These people never talk of jobs; they talk only of welfare, and more of it.

Only recently at the White House Conference on Hunger, attended by more than 3,000, a resolution was adopted which called for a Government-guaranteed annual income of $5,500 for every American family of four—whether they work or not. The cost? Those people could not care less. President Nixon, who disapproved the request, estimated the cost at $75 billion a year.

While in certain circles it seems to be stylish these days to favor any expenditure if it is related to hunger and poverty, the time is long overdue to repudiate unreasonable and unrealistic demands. The pie-in-the-sky myth must be repulsed.

The least we can do in the House at this time is to adopt the pending substitute to the OEO bill. The next move should then be to screen all programs, transfer their functions to other agencies or to the States. In that way we would be better serving the best interests of American taxpayers and we would be pursuing the better course in the war on poverty.

Mr. RIEGLE. Mr. Chairman, I rise today in opposition to the substitute to the administration OEO bill.

It is true that the early years of the poverty program were marred by inefficiency, fiscal waste, ineffective programs, and overlapping effort. But in recent years, we have seen some important improvement although further improvements are needed. VISTA, for example, has cut the cost of training a recruit from $1,250 to $850. Some ineffective programs have been weeded out, others combined, and still more transferred to other departments.

When President Nixon took office, many important initiatives were taken to improve the operation of this needed agency. His new Director, our former colleague Mr. Rumsfeld, is off to an impressive start in improving OEO's operations and programs. I feel that he deserves congressional backing to put his proposals into effect and I strongly oppose any substitute bill that would undermine his efforts to do so. Therefore, I urge my colleagues to support the position taken by the administration and vote no on the OEO substitute bill.

Mr. GRAY. Mr. Chairman, to be poor is to die a little each day. I think those words would sum up succinctly the plight many Americans find themselves in today in this land of plenty. When former Presidents Kennedy and Johnson launched the broad sweeping program to eliminate poverty in America they wanted every community, every State and the Federal Government to participate in a joint effort. I am sorry to say that my State of Illinois, as an example, is spending very little money on the elimination of poverty per se; it is true that the State is building highways and some forms of public works that will have a lasting benefit on the poor. However, the State is doing very little if anything to provide financial assistance at the grassroots level where poverty does exist in our State. It is for this reason that we must continue to rely upon the Office of Economic Opportunity, a Federal program to provide the tools with which to help ourselves. It is for this reason and many others that I strongly oppose the substitute amendment that would take away from the Director of the Office of Economic Opportunity the authority to work with local communities in stamping out poverty. If this substitute amendment is adopted any Governor of any State could put a halt to local programs. The cry has been made here for States rights, but I would submit to you, Mr. Chairman, that we are now under the existing law going beyond States rights and giving this assistance to local communities. I think a local poverty director on the scene knows much more about what is needed than some Governor who may sit in a Governor's mansion 200 or 300 miles or more from the site of the poverty project. Let me give you a very good example of a case that just happened in my district last month. A young lady was abandoned by her husband, left with a 4-year-old child to care for with no income. The young mother was forced to place this child in a foster home with some distant relatives. After she secured employment she went to pick up the child and due to the attachment the distant relatives had built up for the child they would not let the natural mother have the child back. This young lady was forced to go to the local legal services bureau funded by the poverty program. The legal services lawyer immediately filed a writ in the court for the natural mother to obtain custody.

Now, Mr. Chairman, the reason this story is so pertinent to the debate today, it is ironic but true that just 2 days after this episode happened affecting the lives of these two poor people one of the high officials in that county announced that he was repudiating the entire poverty program in his county because he felt the program had not been of any value to the poor. It so happens that this official carries a lot of political weight and is a personal friend of the Governor. If the substitute amendment were in effect it is my sincere belief that the Governor more than 250 miles away from this incident would listen to this official and would eliminate that legal services, plus other poverty programs in the area that have worked and worked well.

Mr. Chairman, we cannot afford to run the risk of eliminating these poverty programs for political expediency. The case I have alluded to, and many others in similar circumstances both for legal services and other programs administered by OEO would certainly be in jeopardy.

Mr. Chairman, much of the antipoverty money goes to the city, and many Governors and State legislatures have displayed a lackadaisical attitude toward the problems of the city. One big city mayor for example concluded there is an almost total lack of interest, lack of help on the part of the State. The Federal Government has been much more oriented toward solving the real problems that exist in this country both in rural and urban areas.

Therefore, I cannot understand any urban area Congressman, Republican or Democrat, voting for the substitute amendment. President Nixon has said he supports our friend and former colleague, Donald Rumsfeld, head of OEO. If he does, Mr. Chairman, then why not ask his own Republican colleagues in the House to support his own program and his own administrator. Next November we will hear the cry from the President, "I need a Republican Congress." Here is a good example of how a majority of the Democrats are supporting Mr. Rumsfeld and the Office of Economic Opportunity and the Nixon program and where a majority of the Republicans in Congress are against the President and his own OEO program. Our distinguished friend and colleague, the very able chairman of the House Committee on Education and Labor, Mr. CARL PERKINS, of Kentucky, recently called the substitute plan a "fraud upon the American poor" and stated that the plan will pass unless President Nixon steps in. I am constrained to agree with my friend Mr. PERKINS and hope the President will step in and that we can save this program for the poor people of southern Illinois and the country. I certainly will be doing my part to support the President and his program administered by the Office of Economic Opportunity and I hope my colleagues will reject the substitute amendment and will support the committee and help extend OEO for 2 more years.

Mr. GILBERT. Mr. Chairman, I commend the Committee on Education and Labor for its fine work in extending the Economic Opportunity Act for 2 years, with an authorization of $2.343 billion. I heartily endorse the committee's decision to perpetuate and increase the funds for such important programs as Headstart and Follow Through, Mainstream and New Careers, and emergency food and medical services. I also support the solicitude that the committee has shown for the elderly in various provisions of this legislation.

I would be less than candid, however, if I did not also add that conditions in our country justify a much greater financing of this legislation. I say this not in criticism of the committee, for I understand the handicap under which it has operated. We are living in inflationary times, under an economy-minded administration. But we are also living in times of social distress, and in my view the programs operating under the Economic Opportunity Act have demonstrated their merit in the years since their inception.

For this reason, I am unhappy that some Members on my own side of the aisle want to compromise with expediency by turning over all of the poverty program to the control of the States. We have had enough experience to know that there is no surer way to do in the war on poverty, lock, stock, and barrel. This is a time for a renewal of effort, not a retrenchment.

In fact, we are still fighting a skirmish against poverty, not the war we were promised when President Johnson proposed this legislation. The war we are fighting is abroad, where it should not be. We are still assigning false priorities to the work which must be done to repair the breaches in our society. The Office of Economic Opportunity has shown its worth, and it should be supported with an increasing financial commitment by Congress.

Mr. Chairman, I am unalterably opposed to the Green-Quie amendment, and I will vote against it.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 12321, which would extend the Economic Opportunity Act for 2 years.

The Office of Economic Opportunity, established in 1964, has done much to bring the poor and less fortunate into the mainstream of American society. It has provided jobs, training, and most of all, hope, to the poverty population. It is not an illusory hope, as many claim; it is a hope based on the efforts and the commitment of the many Americans who feel that poverty is not a "fact of life," and that poverty can be eliminated.

Should the programs of the OEO be placed under State control, their truly local character would be swept away. I, too, favor the local character of the program and participation on a local level.

In the past, we have found that in some States, cities have met resistance at the State level in meeting problems which are totally unique to the urban area. For this reason, a great many city officials have requested direct grants from Washington almost totally bypassing the State government. Should we expect the State governments suddenly to be sympathetic to the problems of urban areas?

If we urge local control, let us leave the structure of OEO programs as they are. Let us keep the poverty programs above the political whims of the State government. Let us keep poverty from becoming a political football and direct our attentions toward aiding the poor with jobs, training, and education.

To those who advocate State control of the legal services program, I ask, should the poor resolve their conflicts in the street? Or should they use the courts? The answer is obvious. If a Governor is allowed to veto certain cases, the poor in our society will not have the access to the courts that all citizens in our society need.

I concur with the American Bar Association that a Governor's veto "will impair the ability of legal services programs to respond to the needs of the poor and constitute oppressive interference with the freedom of the lawyers and the citizen."

Mr. DADDARIO. Mr. Chairman, the VISTA volunteer has more to offer than just a willingness to help the poor. Over the past 2 years, VISTA has concentrated on recruiting men and women with professional skills. Today, three out of four applicants selected for VISTA service have college degrees. A significant number are graduate business students, architects, planners, health specialists, teachers, and lawyers. Presently, more than one out of every nine VISTA volunteers is an attorney.

Six hundred VISTA lawyers are now serving all over the country, most of them under the sponsorship of legal services programs. They are supervised by staff lawyers of neighborhood legal service offices and other practicing attorneys in their areas. VISTA lawyers act as house counsel for large community groups who cannot afford to pay for professional assistance. Their services are unique.

For example, a year ago last September, New York University Law School enrolled 27 young VISTA lawyers in a 20-month masters degree program in urban affairs and poverty law, funded by the Office of Economic Opportunity's legal services. The students combine academic studies with legal field work in the poverty areas of New York City. They spread out into Brooklyn, into Harlem, the Bronx, and poor neighborhoods in Manhattan—each specializing in specific areas of poverty law, landlord-tenant problems, employment and education problems, health protection, consumer protection—whatever problem is most pressing in the communities where the VISTA lawyers live and work.

Stan Kesselman is an example of a VISTA lawyer at work. A 26-year-old graduate of Fordham Law School, and a member of the New York bar, he works on complaints from low-income consumers in Harlem. He has taken care of many through direct action with the offending firm. He handled a freezer fraud case which was settled out of court on behalf of 10 victims.

Last spring, Kesselman helped organize the Harlem Consumer Protection Union to offer free legal advice, counsel, and education. He helped to develop a legal structure for the group, write proposals to foundations, and obtained financial aid from various funding sources. Then, a couple of months ago, he helped set up another consumer protection program in the Bronx.

VISTA lawyer Louis Lanier recently discovered that a plan for vest pocket housing in Brooklyn called for the razing of all the buildings in eight blocks at one time. There were no relocation plans for 900 low-income families living in the buildings. Lanier worked with city planners and an architect on another plan asking for staged construction. This meant that only 50 families would have to move out initially. The other 850 would move into new units as they were built. The VISTA lawyer wrote up the plan in a proposal presented by tenant leaders at a city planning commission hearing. The result: housing authorities were requested to conduct relocation studies in the area. The abrupt displacement of 900 families was stopped.

Another VISTA attorney, Arnold Bothbaum, helped prevent what might have been a major student revolt in a Brooklyn high school. By working with student leaders day after day he was able to direct their discontent into constructive action. The students settled many of their differences with teachers and school administrators in a conference instead of a confrontation.

Today there are 53 young law graduates enrolled in the VISTA-New York University Law School program. Double the number who started last year. Some are members of the New York bar. Those who are not, work closely under the supervision of practicing New York attorneys.

The substitute OEO bill would not only slow up and drastically impair the progress of this program in poverty law, it would virtually destroy VISTA legal projects in States with few law schools to recruit volunteers. More than 430 young men and women from my own State of Connecticut have served as VISTA volunteers of which 112 are currently serving in all parts of the country. Of this number approximately 50 are serving in Connecticut in 14 projects. This substitute OEO bill—Quie-Green amendment—requires that all VISTA volunteers be native to the State in which they serve. If this requirement were made law the Nation would lose the services of more than 60 Connecticut volunteers who are presently active where they are most needed in other parts of the country. Of the 14 attorneys to volunteer from Connecticut, only three have been retained in the State, thus providing 11 skilled professionals for employment in areas where the need for their services is greater proportionate to the number of volunteers so equipped. It was not the intent of the original VISTA act to force regions with the greatest need to draw upon their limited supply of professionally qualified people. This amendment would cause this situation to develop and in doing so would likely end the effectiveness of the entire volunteer lawyer program.

Mr. MONAGAN. Mr. Chairman, I oppose the substitute.

I do not take this position because of a belief that the administration of the poverty program has been flawless. From personal experience as well as from the studies of the Special Studies Subcommittee of the House Committee on Government Operations which I chair, I have become only too familiar with the deficiencies in this program.

The special study which our subcommittee made of the administration of the medical care program in Bellaire, Ohio, which was published in July constitutes a striking example of the managerial, fiscal, legal, and policy failures of one facet of this program in one particular town.

Needless to say, there have been other more glaring and more culpable examples of maladministration.

My objection to this motion, however, is based on the belief that no substantial benefit in administration would be gained by shifting the program to the States while the potential improvements of an effective national administration probably would be lost.

I see nothing to indicate that the programs which are covered by this legislation would have improved management in my own State and in fact the Administrator of the Department of Community Affairs who presumably would have charge of any State program has specifically requested that the substitute be defeated.

At the same time, there have been some administrative improvements in OEO in recent months and one can believe that further improvements could be effected under the pressure of congressional control and close scrutiny.

I do want to make clear that in criticizing the program I do not indicate that it has been entirely ineffective. There are many helpful and constructive programs included under OEO and these programs such as the foster grandparents program, Headstart, vocational training, and others should be continued.

In short, I believe that retaining Federal control with an improved policy of centralized administration would have

better results for the country than splitting it up and setting up 50 different organizations and 50 different policies of operation.

Mr. RYAN. Mr. Chairman, 5 years ago Congress heard the voice of another America—an America inhabited by 35 million poor, who lived without hope and without opportunity. In response, the House passed the Economic Opportunity Act of 1964. It offered no instant miracles, no easy remedies, not even any assurance of clear-cut success. But it did do one thing—it offered what its very name says—opportunity.

With poverty still a disgrace amidst this country's affluence, the Ayres substitute bill would retract even that offer. It would turn over to the States the antipoverty program, and thereby would begin an antipoor program.

No clear-cut victories have yet been won by that silent and powerless minority of 35 million. Nor have easy answers been found. Mistakes have been made and will continue to be made, whether OEO survives or whether the poverty program is turned over to the States. This must be so, for the problems of poverty and hopelessness and lack of opportunity have confounded America for 300 years; no indictment can be sustained against OEO for not solving them in 5.

But certainly one momentous, yet subtle, change has been wrought in the last 5 years. The poor have found their voice; and they have found that some, at least, are willing to hear it.

It is too late now to resurrect the past. And it is too easy now, should this House pass the substitute to imperil the future.

The Economic Opportunity Act sought to involve the poor in determining and shaping their own destiny. It created the Office of Economic Opportunity as the only agency in the Federal Government which speaks for the poor and with the poor. Central to the poverty program is the concept of community action—the idea that people of a community, working together, can together serve their common interests and solve their common problems.

Despite the 1967 amendment to the act, which enabled local political bodies to designate themselves or others as community action agencies and thus to bring local political pressure to the fore, participation of the poor has remained the integral and vital basic premise: at least one-third of the membership of a community action agency governing board must be representatives of the poor.

The substitute guts OEO. If it is enacted, the OEO Director will be a mere figurehead: a conduit for money to the States with little supervisory authority and very doubtful authority to override a State's denial of a funding request by a local agency.

The substitute stills the voice of the poor. It turns over the Federal antipoverty program to the statehouse. It denies the local community action agency an effective right if its application for funding is rejected. It strengthens the hands of local politicians, for section 301 amends the present act's section 211 to require that public officials not only make up one-third of the community action agency board, but in addition, they are to appoint at least 25 percent of the remainder of the board.

Thus the substitute bill stifles the emerging, and essential, power of the poor by surrendering the antipoverty program to State and local politics. The bill inhibits the advocates of the poor—the legal service lawyers. And the bill turns over control of the allies of the poor—VISTA volunteers—to the States.

Section 250 of the substitute bill seeks "positive involvement" of the States "in the development, carrying out, and coordination of antipoverty programs within each State." It has been suggested that a State may opt out, that it need not exercise its authority to become positively involved. Certainly the bald truth is clear. No State is going to forgo the chance to increase power and control over those who would challenge the conventional wisdom that political power follows economic power.

Make no mistake. "Positive involvement" of the States means an attack on the poor and the powerless, on the Harlem black, and the Appalachian miner, and the forgotten Indian.

Section 251(a) of the substitute directs the OEO Director to fund the State economic opportunity offices, which are to serve as the conduits for applications for assistance made under title II—community action—and title VIII—VISTA. It further requires that each State economic opportunity office may comment on any proposed program or activity under every title of the Economic Opportunity Act. For the State office is to play "an affirmative role" in the poverty program, and most particularly in the community action and VISTA programs.

Whose benefit does this "affirmative role" serve? Certainly the past is prolog to the future, and surely the past is grim. The black ghettos of Harlem attest to the failure of affirmative action by Alabama, Georgia, Mississippi, and other States. The slums of Chicago's uptown bear witness to the lack of affirmative action by the Appalachian States.

The "affirmative role" played by the States since passage of the Economic Opportunity Act also teaches us a lesson. The present act provides in section 242 that a Governor may veto a community action grant, contract, or loan, although his veto may be overridden by the OEO Director. In 5 years, 70 Governor's vetoes have been registered. Of these, two-thirds—47—have been registered by only one-seventh of the States. Of these seven states, six are Southern—Alabama, 13; Florida, three; Louisiana, four; Mississippi, nine; South Carolina, one; and Texas, two. And the seventh State, California, did not register its 15 vetoes until the administration of a strongly conservative Governor.

It has been said that the so-called progressive State should not be prevented from playing an affirmative role because of the failures of the so-called regressive State. The truth is that no State is progressive in fighting poverty. No State has not failed. Every State should do more—it must do more.

But the Federal Government also must do more. It cannot do less. Poverty is a national problem—the poor black farmer of Mississippi is our spiritual brother and our economic responsibility. And the duty to help is a national one, and must be met by a viable national program.

Section 251 of the Ayres substitute bill solidifies the power of the States to pursue their own ends by whittling the OEO Director's power to override a Governor's veto down to form without substance. Under the present act, the Director may override a Governor's disapproval of a community action grant if he finds the grant to be consistent with the act and in furtherance of title II's purposes. But under the substitute proposal the Director would have the onerous burden of establishing that the State office's rejection of a local agency's application for funding "would seriously weaken the overall program of a community action agency." Certainly, the Federal Government's voice under the substitute is to be a hollow one.

Section 253(a) of the substitute is the keystone of the surrender to the States, and the key to the stifling of the poor. The section authorizes the State economic opportunity officer to seek from the Director designation as the "sole agency for administration of the State program, or for supervision of the administration thereof by community action agencies." Thereby, the Mississippi State house becomes minister to the needs of the delta farmer. And thereby disappears this man's chance for change.

This same section takes no half measures; for it also deprives local agencies of an effective right to appeal the State office's rejection of their applications for funding. The substitute provides "that any community action agency, or other public or private agency which is a qualified applicant for program assistance under this title, dissatisfied with a final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a hearing by the State office." Thus, the same State office, which may be the "sole agency for administration of the State program," is the arbiter of the applicant it has already rejected.

What has happened to the override power of section 251? It is largely meaningless—it cripples the OEO Director's authority by giving him an override only when he finds that "disapproval of such application would seriously weaken the overall program plan of a community action agency." But even this, section 253 seems to take away: if a State becomes the sole administering agency, I interpret section 253(a)(7) as cutting off the local agency's right of appeal to OEO.

Nor does section 604 of the present act appear to redeem this right. Section 604 authorizes the OEO Director to hear appeals from delegate agencies which have been rejected by the prime sponsor or community action agency. But the substitute proposes to supplant the Director by making the State office "the sole agency for administration of the State program."

Mr. Chairman, the Ayres substitute bill not only stifles the voice of the poor, themselves, by surrendering OEO's authority to State politics, and by turning over control of community action agencies to local politicians. It also severely

inhibits the legal services attorneys who are their advocates.

The substitute bill places the legal services program under the control of the States: as with community action agencies, the State economic opportunity office will be empowered to reject an application for funding. Thus, every legal service lawyer will have to ask himself at every crucial juncture whether the political fallout from his actions will destroy his program.

By what double standard do we attack those who seek redress of their grievances in the streets and seek to stifle those who embrace the courts?

If some attack the legal services program, they do so because of its successes, not its failures. They attack because the Governor of California was barred by the courts from making cuts in the State's medicaid program as the result of a legal services suit, and because the poor have won the right to counsel in the municipal courts of Oregon.

But it is the courts which ruled. It is the courts which acted. Lawyers do not make law. They represent clients. It is the courts, then, which are really being indicted here. Let us be forthright about what we do. Let us not penalize the poor by stifling their advocates, just because we do not like what the courts have done.

And by what double standard does the substitute bill require VISTA lawyers to be admitted to the bar of the State to which they are assigned, while the attorneys of the affluent may appear throughout the land merely by obtaining the very superficial supervision of local counsel?

This bar admission requirement would probably not harm New York or Illinois or California, for these States produce many attorneys who join the VISTA program. But few, if any, VISTA attorneys would be members of the bar in some States. Nor is it easy to say that VISTA volunteers can readily gain admission to the local bar. In many States, they would have to pass the State bar examination, which requires months of preparation in learning the peculiarities of local law—peculiarities seldom, if ever, relevant to VISTA volunteers' practice. And following the examination are months in waiting for the results and more months until formal admission.

Perhaps even more egregious, attorneys who seek to advocate the rights of the poor and the disadvantaged would have to pass the scrutiny of State "character" committees, a task not easily accomplished if the "character" committee is composed of a group of middle-aged successful lawyers wedded to the status quo.

The substitute bill's scope is not limited only to VISTA attorneys. The bill brings the power of the State house to bear against all VISTA volunteers, for it turns the program over to the States by giving them the power to recruit, train, assign VISTA volunteers under grants from the OEO Director.

I ask, when a VISTA volunteer stands by the side of the poor, who are seeking to change the system so that they may take their rightful place within it, how can that VISTA volunteer owe his allegiance—his very assignment—to the State house, which has so seldom responded to the voice of the poor? It takes no strained imagination to foresee that few idealistic youths are going to volunteer for VISTA when they will be held responsible to Lester Maddox's State economic opportunity office.

And what has happened to the calls for economy which we usually hear from the sponsors of the substitute? To fragment a national program into 50 parts is to multiply expense and overhead. In fact, this entire bill calls for more money for administration and less for the people. Fifty States administering 50 separate programs means more staff, more paperwork, more confusion. And so the poor lose again.

Finally, the substitute bill would even stifle those who are in the most superficial way allied with the poor. The bill proposes to limit the political activities of any "person who, directly or indirectly, received from funds appropriated under the authority of this act an amount which exceeds one-quarter of the total amount such person regularly receives in salary payments, or in consultant fees."

Thereby, employees of Thiokol Corp., which operates the Clearfield Job Corps Center in Utah, are barred from seeking partisan political office and from partisan campaigning. So too is the janitor who sweeps the floors at the Martin Luther King Community Health Center in Chicago, and the doctor who serves the poor there.

Mr. Chairman, poverty is a disgrace in our land—a disgrace which festers in our national conscience and which taints our national dignity. It is the guilt of the affluent and the burden of the poor. Yet by some tragic contortion, the substitute bill would transmute the ills and hopelessness of our poor into their blame and their shame. It would perversely punish those who have believed us when we said to them: "Stay within the system; seek your rights within it; your stake is as big in it as is ours."

There is one portion of the substitute bill which I note with very special interest. The bill proposes that the OEO Director shall conduct projects to raise the income levels of Armed Forces families, when such families reside in the United States and through exceptional circumstances have an income level below the poverty line. Further, the director is to conduct pilot projects to raise the income levels of persons 65 and over above the poverty level.

There is no reason to limit this assistance to apply only if, "through exceptional circumstances," they have an income level below the poverty line. Nor is there much to be learned from more pilot projects. OEO is already funding a negative income tax experiment among the rural poor which includes within the experimental group aged persons.

The time for half steps and for more experiments and pilot projects is past. As I proposed in my Income Maintenance Act, which I first introduced in May of 1968, and which I reintroduced in the same form in the 91st Congress as H.R. 586 and in revised form as H.R. 14773, the time is now for the House to enact a minimum income guarantee for everyone.

The administration has requested a 2-year extension of the Economic Opportunity Act. The House committee has reported out a bill making few changes. It expands the new careers and mainstream program; it adds a title which provides special comprehensive preschool programs and programs to provide for intensive followthrough education for primary school children; and it adds a new title which provides assistance for intensive programs to eliminate hunger and malnutrition.

I support the bill reported out by the committee. I would like to see more. I am not happy when the House appropriates $70 billion for the military and only $2.34 billion to fight poverty. I was not happy about the closing of 59 Job Corps centers. Certainly we cannot allow the antipoverty program to be further undermined by adopting the Ayres substitute.

Mr. FEIGHAN. Mr. Chairman, I vigorously oppose the amendment to grant Governors the right to veto legal services projects.

Proponents of this amendment have a very restrictive view of the role of legal services. Legal aid societies have a responsibility to represent the interests of the poor in the same manner that lawyers traditionally represent the interests of free-generating clients.

Frequently, the poor have legal problems involving the Government. When wealthy clients are confronted with governmental action that they wish to challenge legally, there is no bar on instituting a case against the Government in the appropriate forum. Under the proposed amendment, the case filed by the lawyer for a poor client would be subject to veto based upon political consideration. The amendment would offer only an inferior grade of legal relief to the poor. Conscientious legal representation of the poor necessitates more than routine legal representation for persons who cannot afford to pay fees.

It is through conscientious legal representation of clients that neighborhood legal services has become a vital force in bettering the plight of the poor. Innovative legal services projects have resulted in development of poverty law. A clarification of judicial interpretation of a specific law can benefit thousands of persons. It is through the politically volatile cases that law is made.

Landmark cases filed by the Legal Aid Society of Cleveland on behalf of indigent clients could have been prevented under this amendment. For instance, Cleveland Legal Aid Society lawyers were successful in an action against the Ohio Department of Public Welfare challenging the Ohio 1-year residency requirement for receipt of public assistance. In another case, Cleveland legal aid lawyers were victorious in challenging the city's method of structuring the Cleveland model cities program. There are several cases presently pending before Federal courts in Ohio, which would first, test the discrepancy in payments between aid to families with dependent children and other categorical assistance programs; second, challenge the Ohio public welfare stepfather rule; third,

challenge Ohio's regulation regarding the use of social security benefits specifically designated for a particular child; and, fourth, challenge the method by which the board of education solicits united appeal funds from poor schoolchildren.

Each of those cases would be subject to the veto of the Governor under the proposed amendment. A favorable decree in the mentioned cases would improve the plight of the poor in Ohio.

If governmental officials are of the belief that a legal challenge of a particular law is unfounded, the appropriate forum to resolve the dispute is the courts, not the political arena. If the validity of a law cannot be substantiated in the crucible of the judicial process, the law is questionable. The poor must not be deprived of this opportunity to challenge a questionable law.

It would be a tragedy to limit the legal representation of the poor at a time when inroads into solving the problems of the poor have begun.

Mr. ANDERSON of Illinois. Mr. Chairman, over the past week there has been some confusion as to where the White House stood on the so-called State plan substitute to the poverty bill. Some have stated that the President is not opposed to the substitute bill despite the OEO Director's repeated assertions that the substitute was an unacceptable crippling amendment and that he spoke for the administration.

Monday night, President Nixon made known his position in response to a question at his press conference. The President said, and I quote:

> I support the director of OEO. He has asked for a two-year extension. He has pledged to reform the OEO, and I think he should be given the chance to reform it.

The President went on to express the hope that some accommodation could be reached between the OEO Director and those proposing amendments. Mr. Chairman, I want to echo that hope and indicate that I think there are some portions of the substitute that would be acceptable and noncrippling. But the President has made explicit his opposition to any crippling amendments. In his October 11 message to Congress, President Nixon said:

> I have provided the Office of Economic Opportunity with a new director, a new structure, and added responsibilities as the research and development arm of the nation's effort to deal with the problems of the poor. . . . I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life.

OEO Director Don Rumsfeld, our former colleague, has indicated that the heart of the substitute would clearly cripple the agency and "very likely would prove to be a nightmare to administer." It would radically alter the innovative research and development function of the agency by shifting the major program responsibilities to the States. I think the States should be given larger responsibilities in OEO planning, programing and evaluation. But I do not think the substitute bill offers a proper approach to this. Director Don Rumsfeld has pledged himself to implementing the provisions of the 1967 amendments which call for a wider State role; under the previous administration these amendments were ignored by the OEO. Don Rumsfeld has revised the OEO guidelines to provide for a stronger State voice in OEO programs. I think he is to be commended for this and I agree with the President that "he should be given the chance to reform it." To radically alter the agency at this time would be an unwarranted vote of no confidence in the new Director and the new directions he has charted for the agency. Let us give him a chance.

Mr. Chairman, at this point in the RECORD I wish to include a letter which I received from Don Rumsfeld in my capacity as chairman of the House Republican conference, and a transcript of the Director's recent appearance on the CBS television program, "Face the Nation," last Sunday, December 7.

The materials follow:

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D. C., December 2, 1969.

Hon. JOHN ANDERSON,
Chairman, Republican Conference, House of Representatives, Washington, D.C.

DEAR JOHN: The proposed substitute to the Economic Opportunity Act, to my knowledge, is still not available in final form. Unfortunately, this means that there has not been time for the Nixon Administration to study it and comment precisely on its potential impact. Also, it might be added that it will be equally difficult for Members of the House to study it and know with any precision what its effect might be. However, from what I know of the substitute, it seems clear that if passed it would substantially reduce the value of the reorganized and redirected Office of Economic Opportunity.

Some form of "state plan" approach is no doubt valid for certain kinds of federal programs. I have voted for some in the past. Also, the President has proposed a State approach in the Manpower Training Act for close to one-half of the Economic Opportunity Act funds. He specifically did not recommend this for the remaining activities of the Agency. The reason was that such an approach is not valid or sensible for many of the remaining activities to be conducted by this Agency.

I believe that in the past, the states have not been included in Office of Economic Opportunity planning and operations to the extent that they should have been. In the few months I have been Director several important and specific steps have been initiated to remedy this situation. Attached is a brief summary of those steps.

In my judgment, the proposed substitute would cripple the new role for the Office of Economic Opportunity. It would destroy the research, program development and evaluation function, be as damaging to the Legal Services program as the Senate-passed Amendment and very likely would prove to be a nightmare to administer.

On several occasions, the President has asked that the bill be extended without crippling amendments. This is clearly a crippling amendment. I have testified before the Congress opposing such a State plan. The President and I have both asked to be given a reasonable period of time to improve the activities of the Agency. I understand that this is a difficult vote for many members. However, a sufficient number of Republican votes are needed if we are to defeat the Waggonner-Giaimo-Green Amendment.

Sincerely,

DONALD RUMSFELD,
Director.

THE NEW OFFICE OF ECONOMIC OPPORTUNITY—OEO

Under the new Administration, OEO has a new focus and operates many different programs from those originally conceived in the 1964 legislation.

The Fiscal Year 1970 budget request for OEO is $2.048 billion. Of that amount $1.273 billion will be transferred to other agencies to fund delegated programs administered by those agencies; $775 million of the $2.048 will be used to fund programs administered by the Office of Economic Opportunity.

Office of Economic Opportunity Administered Programs

	Million
Community action operations (local initiative, training and technical assistance, State economic opportunity offices, program direction and Senior opportunity services)	$393.4
Legal programs	54.0
Health programs (comprehensive health services; emergency food and medical services; family planning)	127.0
Migrants	33.0
Research and pilot programs	114.6
VISTA	37.0
General direction	16.0
Total	775.0

Delegated Programs

	Million
Department of Labor (Job Corps; Neighborhood Youth Corps; concentrated employment program; job opportunities in the business sector; public service careers/new careers; Operation Mainstream)	$871.3
Department of Health, Education and Welfare (Headstart; Headstart Follow Through)	389.7
Department of Agriculture (Rural loans)	12.0
Total	1,273

REDIRECTION OF THE OFFICE OF ECONOMIC OPPORTUNITY

Organizational changes

Delegated Job Corps Program to the Department of Labor on July 1, 1969.

Delegated the Head Start Program to the Department of Health, Education and Welfare on July 1, 1969.

Transferred the Foster Grandparents Program to the Administration on Aging.

Executed this Administration's first complete reorganization of any major federal agency.

Establishing new regional offices in Boston, Denver, and Seattle.

Relationship with the States

Drafted new guidelines providing for a stronger state voice in OEO programs.

The Office of Economic Opportunity is strengthening the state economic opportunity offices so that they may:

Jointly develop with the Office of Economic Opportunity state funding plans for the expenditure of the Office of Economic Opportunity funds.

Better assist the Office of Economic Opportunity grantees in the planning and development of their applications for funding, and the Office of Economic Opportunity in its review of these applications.

Participate with the Office of Economic Opportunity in the evaluation of the Office of Economic Opportunity-funded programs within their state.

Community action operations

Refused to refund a number of Community Action Agencies and local delegate agencies because of poor performance.

Instituted a review of all Community Action Agencies to evaluate their effectiveness.

Prepared in draft form regulations which

prohibit the hiring, with federal funds, of persons with recent convictions of serious crimes for certain sensitive positions.

Issued regulations to speed up grant processing time.

Procurement practices and conflict of interest

Prepared in draft form regulations and policy instructions to tighten up procurement practices. These regulations would:

Place controls over contracting with organizations in which former OEO employees hold senior positions.

Limit procurements which are made without competition and increase the number of awards to small business.

PRESIDENT NIXON'S STATEMENTS ON THE OFFICE OF ECONOMIC OPPORTUNITY

On February 19th, President Nixon sent to Congress a message on the anti-poverty programs of the Office of Economic Opportunity in which he called for a one-year extension of the Economic Opportunity Act. The following are excerpts from that message:

"The blight of poverty requires priority attention. It engages our hearts and challenges our intelligence. It cannot and will not be treated lightly or indifferently, or without the most searching examination of how best to marshal the resources available to the Federal Government for combating it."

"In making these changes, I recognize that innovation costs money—and that if OEO is to continue its effectiveness as an innovating agency, adequate funds must be made available on a continuing basis. It is also my intent that the vital Community Action Programs will be pressed forward."

On June 2nd President Nixon issued a statement in which he requested a two-year extension of the Economic Opportunity Act:

"I will request an extension of the authorization for OEO appropriations from June 30, 1969 to June 30, 1971; and I will ask that the Economic Opportunity Act of 1964 be extended from June 30, 1970 to June 30, 1972."

"A two-year extension would provide a better framework within which the necessary improvements in the anti-poverty program can be made."

"If we are to make lasting significant headway against poverty, there still is a great deal to be learned about what works and what does not. This Administration is committed to search for that knowledge, and to use it. We are committed to the continuation of an agency whose special concern is the poor; and we are determined to make the Nation's anti-poverty efforts function more efficiently and serve the poor more effectively."

On August 11 the President issued a statement on the reorganization of the Office of Economic Opporunity:

"I believe that the goal of full economic opportunity for every American can be realized. I expect the Office of Economic Opportunity to play a central role in that achievement. With new organizational structures, new operating procedures, and a new sense of precision and direction, OEO can be one of the most creative and productive offices in the government. For here much of our social pioneering will be done. Here will begin many of our new adventures."

On October 11 President Nixon sent to the Congress a message on several legislative issues. One part of that message deals with reform of the Office of Economic Opportunity. Concerning OEO reform, the President stated:

"I have provided the Office of Economic Opportunity with a new director, a new structure, and added responsibilities as the research and development arm of the nation's effort to deal with the problems of the poor. . . . I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life."

FACE THE NATION

(As broadcast over the CBS television network and the CBS radio network, Dec. 7, 1969)

Guest: Donald R. Rumsfeld, Director, Office of Economic Opportunity.

Reporters: George Herman, CBS News; Martin Nolan, Boston Globe; David Schoumacher, CBS News.

Mr. HERMAN. Mr. Rumsfeld, House Republicans are backing an amendment which you have said would make your job an absolute nightmare, but Republican Leader Gerry Ford seems to feel that the President will settle for the amendments. Do you have any new word from the President that he plans new action to oppose them?

Mr. RUMSFELD. Well, I discussed the legislation at some length with the President on Friday, and there is no question in my mind but that the President supports my position. And it is my hope that we can have the House very quickly pass legislation dealing with the Office of Economic Opportunity so that we can get on with our job.

ANNOUNCER. From CBS Washington, in color, FACE THE NATION, a spontaneous and unrehearsed news interview with the Director of the Office of Economic Opportunity, Donald Rumsfeld. Mr. Rumsfeld will be questioned by CBS News Correspondent David Schoumacher, Martin Nolan, of the Washington Bureau of the Boston Globe, and CBS News Correspondent George Herman. We shall continue the interview with Mr. Rumsfeld in a moment.

Mr. HERMAN. Mr. Rumsfeld, I can understand that you want the extension of the OEO passed, but do you want it passed with these amendments? Is that what the President and you are favoring?

Mr. RUMSFELD. No, indeed. I have stated categorically that I think that the substitute that has been proposed within the last 48 hours is not desirable and it is my hope that the two-year extension will be passed without amendments of that nature. The reason for this—this is the President's position also—the reason for this is that we have an agency that has been designed to function in a way which would enable it to embark on research, evaluation, the development of new programs, and to force the activities of that agency into a mold that would very closely approximate a state plan or a normal governmental approach which I think is undesirable and unwise.

Mr. NOLAN. Mr. Rumsfeld, when you were in the House you were always identified with the liberal wing of the Republican Party. You are a very good friend of Senator Goodell, of New York, who has been critical of just about everything Mr. Nixon does, and now you find yourself being opposed by Congressman Ford, who is the Republican floor leader. Which way do you think the Republican Party is headed in domestic legislation? Is it toward Senator Goodell's idea of things or toward Congressman Ford's?

Mr. RUMSFELD. I would think that, trying to read motion of the Republican Party into any debate on the Economic Opportunity Act really wouldn't be a very good idea, for this reason: Historically, this agency has been a very controversial one in the Congress. You can recall that it was created amid a very partisan atmosphere, back in 1964, and it has been subject to a great deal of criticism over a period of five years. The Republicans in the House who, of course, I have served with and are good friends of mine, have had a position, a good many of them, of opposition to the agency as it was being operated. It is understandable to me that the members of the House would reflect some of the criticisms we've seen across the country. I understand that. The fact remains that I think that it is desirable for this country to have an agency that has as its concern the problems of the poor. I think it is desirable that that agency—which is not a big agency, it is not a massive war on poverty, as has been said over the years, it is a smal office in the Executive Office of the President. Its budget is $2 billion, out of a budget of $192 billion. All agencies of government are involved in the problems of the poor and so, too, the state and local government. But my point is that I think that this country is big enough and wise enough to allocate some $775 million, which is essentially what is involved in this amendment, for the purpose of seeing if we as a society can make our institutions function as better problem-solving mechanisms. I don't think it is desirable to impose a mold on the activities of this office that is similar to the mold that functions with respect to so many other government programs. I think that we need better ideas. We need better solutions than we have.

Mr. SCHOUMACHER. Mr. Rumsfeld, there are, of course, people on the Hill that would disagree with your view of what the substitute would do in the Economic Opportunity field, but before I go into that I have a sort of a political question: Throughout the campaign, the President, in fact, called OEO a failure, the poverty program. The newspapers have been full of abuses that have been committed in this program. Many Congressmen, Republican Congressmen as well as Democrats, campaigned against this program last time. I can't understand what made you think that, in view of this background, Congress was going to be willing to accept a program identical with what has gone on in the past. How could you come before the Congress and say "Give us two more years of the same thing, with a little extra money"?

Mr. RUMSFELD. Well, I didn't, as a practical matter. The point I made, when I testified before both the House and the Senate, and the point the President made while I was still in Congress, before I ever left the Congress to come to the Office of Economic Opportunity, was that there were a variety of changes that he, the President, had made before I came in, such as the delegation of Headstart, the delegation of the Job Corps. There were a variety of changes that I have made subsequent to my becoming Director. We have completely reorganized the agency. We have redrafted, rewritten a great many of the procedures and guidelines, its relationships with states and local governments. We are in the process of fulfilling the President's mandate, to see that this agency becomes the innovative arm of the federal government. So there have been a substantial number of changes. There is an additional change that has been put forward. Out of the $2 billion in the Office of Economic Opportunity legislation, the President has proposed the Manpower Training Act, which would take about $900 million, and place them in the Department of Labor, where they are presently administered, although funded in our Act, and then develop a better involvement of the states for those parts of the program. But he specifically said—and I have specifically said—that the remainder of the funds in the Economic Opportunity Act, roughly the $775 million I am referring to, should not be placed down to a different level of government or handled in a different way.

Mr. SCHOUMACHER. But most of these things you're saying are regulations that you yourself have instituted, that may or may not work under you or someone in the future.

Mr. RUMSFELD. No, some of——

Mr. SCHOUMACHER. I mean streamlining the efficiency. Wouldn't you, if you were on the Hill, insist that there be some changes in the law?

Mr. RUMSFELD. Well, that is what I was just saying. There have been changes. The President has proposed the Manpower Training Act. He has already delegated Headstart and the Job Corps, prior to my even coming into the agency. There have been changes involving about three—three substantial changes,

some legislative and some not—involving about three-quarters of the agency's activities, about $1.2 billion out of $2 billion.

Mr. SCHOUMACHER. The controversy, of course, involves the Community Action, I mean much of the controversy——

Mr. RUMSFELD. This is true.

Mr. SCHOUMACHER. Surrounds the Community Action Agencies, and in that area there is no change in the law that you have asked for.

Mr. RUMSFELD. That's correct.

Mr. SCHOUMACHER. Are you not now willing, in view of this, let's say, fairly substantial sentiment in the House to consider a substitute to try to rescue the bill?

Mr. RUMSFELD. Well, of course, under our Constitution, the Congress certainly has the prerogative to debate and make changes in legislation. It is my responsibility, as Director of the agency, I think, to indicate what I believe is in the best interests of this country and the best interests of this agency, and this is what I have been attempting to do. I think that there is no question but that it is understandable, that the Congress is refleeting a reaction in the country. My hope and my concern is that I don't want to see the Congress over-react. I don't want to see an over-reaction that would lead to a situation where this country would not be able to deal in an effective way and an aggressive way with the problems of the poor.

Mr. HERMAN. Well, in hardtacks now, Mr. Perkins has got this delayed for a week or two. You have your forces to muster, presumably your biggest gun and your artillery is the President of the United States. I come back to my opening two questions. Perhaps I worded them a little loosely, but my question really basically is this: You have a short time left. All the surveys seem to show that the Democrats are behind you but they need a certain number of Republican votes, and they don't have them. Can you, with the aid of the President—is he going to do something new—can you muster the Republican votes needed to pass the bill the way you want it?

Mr. RUMSFELD. I don't know. Right now, it is close, to be quite honest.

Mr. HERMAN. Is the President going to do something new?

Mr. RUMSFELD. The situation is that there are 435 members of the House. Only 189 of those are Republicans. The vast majority are Democrats and we need a substantial number of Democrats and a substantial number of Republicans to prevail. I have been working on the Hill trying to see as many members in both political parties and to persuade them of the opportunities that we have with this agency to be sure to correct some of the excesses of the past. Now, I have talked with the President about this. I imagine this question would come up on Monday evening. There is no question in my mind but that the President fully supports my position, and he has indicated this on four separate occasions. He has made four statements, and he and I are both excited about the prospects that we have in this administration to have in the Executive Office of the President an agency that can do the important work that he has set forth for us.

Mr. HERMAN. Sir, I know that and the Republicans know that. Now they are all in the past. They were before these amendments were brought up. At this point, as I understand it, you need a third of the House Republicans behind you. Do you think the President can get them for you or that you can get them for yourself?

Mr. RUMSFELD. As I say, I don't know. I think it will be close. We have, I think, something approximating a third of the House Republicans who will be supporting us. We have members of the Republican leadership who are going to be supporting the position we have put forward.

Mr. HERMAN. Which members of the leadership?

Mr. RUMSFELD. Congressman John Anderson, I believe—

Mr. HERMAN. Oh, yes.

Mr. RUMSFELD. —and I think Congressman Robert Taft. Both are members of the leadership and have indicated that they are in favor of the President's position. That is my understanding, at any rate.

Mr. NOLAN. In light of your own rhetoric about saying that this is not a massive war on poverty, and in light of the fact that two leading components of OEO, the Job Corps and Headstart, are now gone from your jurisdiction, could you project for us what do you think the future of OEO will be like, say, five or six years from now? What sort of things will you be doing?

Mr. RUMSFELD. Well, if we look at, I think, the country, at least through my eyes, I see a situation where we have massive federal, state and local expenditures to deal with the problems of the society—in the case of the federal government, close to $200 billion. We see a shifting of priorities in this country. We see a reduction of defense expenditures. We see a phasing down of the war in Vietnam, base closings, and we see an increase in domestic expenditures. I am concerned. I don't believe that, as we shift priorities—and, indeed, they are shifting—as this happens, I don't believe that it will be desirable for this country to simply put more money into the existing federal programs we have. I don't believe that those faucets are working perfectly. I think some of them are rusted, have barnacles. And I don't think the institutions of this country are functioning in a perfect problem-solving way. And the charter that the President gave the Office of Economic Opportunity and what, if we are successful, will be the case, is that we will see this office embarking on things that are difficult, that are experimental, that are of a research nature, of a program develop nature, to the extent they are successful. We will try to develop them and expand them; to the extent they are not successful, I hope we have the courage to say they are not successful and stop them. But, for example, take the—

Mr. HERMAN. Let me break in right here, Mr. Rumsfeld, for just a moment. We will interrupt at this point, and we will be back to you in a moment.

* * * * *

Mr. HERMAN. Mr. Rumsfeld, I interrupted you in mid-stream. I apologize for that. I would like you to go on. I would also like, if you will, for you to discuss the problem of legal services under OEO.

Mr. RUMSFELD. Yes, indeed. My thought was this, that we have an agency that is very little understood. What it is, essentially, is 49 health centers, neighborhood health centers that are providing the delivery of health services in a very different way; family planning services across the country; migrants, Indian activities, community action agencies, and also some 1,850 legal services lawyers, a worthy legal services program, for example, to be placed under a state plan approach. I think it is likely that we would have great portions of this country where the poor would not have access to the legal system, the kind of access that the support and counsel that legal services lawyers provide. And I believe that it is providing the poor of this country access to the legal system, is exceedingly important; certainly is the most legal, the most reasonable, the most peaceful way to redress grievances in this society that exists.

Mr. HERMAN. In view of the fact that you have said that these amendments, putting it under state control and so forth, would make administering of the program an absolute nightmare. If these amendments, the Quie and Green amendments, pass, will you stay on as Director of OEO?

Mr. RUMSFELD. Well, I would think that we have got the conference, we have got the House action before us, we have got the House-Senate conference, I can't believe the Senate would be agreeable to some of these changes—for example, with respect to the VISTA Program. The effect of these amendments, as I understand it—and I must say, it is difficult to speak precisely about the substitute, because it has only been very recently made available, there have been no hearings on it; there has not been an opportunity to study it in complete depth—but the effect on the VISTA Program would amount to abolishing it, for example. There are 6,000 VISTA volunteers around the country. If it were operated on a state plan, that would mean you would have about 120 per state. Well, there is obviously no state that could conduct national recruiting for VISTA or national training. It would be a very different operation.

Mr. HERMAN. Well, on a hypothetical basis, if this should come about, how do you feel about staying on?

Mr. RUMSFELD. I would think that what would be done, if something like this were passed and approved when finally finished through the Congress, if it proved to be impossible to administer, that the next course of action would be to come up in January with legislation that would correct the defects, because certainly that is the way our system works between the Executive and the Legislative Branch.

Mr. SCHOUMACHER. I cannot, after reading the Hill testimony back in June and the debate recently on the floor, understand why you feel that the provisions of the substitute are as destructive as you seem to think. According to their sponsors, it is now in the law that a state can declare itself the community action agency and take over the program, with the escape valve that local communities can opt out, that that isn't really changed, and they say that there are six separate controls under their substitute that you would have over the program which, if you were dissatisfied with the state program, you could either close it down or you could still take it over and administer it directly from Washington. It is really as destructive as you're saying?

Mr. RUMSFELD. Well, of course, what I have said is that insofar as I am able to assess the substitute at this point, I feel it would be very undesirable. The President made a speech called "new federalism," and he talked about four things. He talked about the new family assistance program, which would revamp the welfare system. He talked about manpower training. He talked about revenue sharing, and he talked about the reorganization and the new charter for the Office of Economic Opportunity. In two of those instances, revenue sharing and manpower, he said that we want to have shared responsibility with the states, and we're going to move the responsibility toward the state in those instances. In the other two, in the family assistance system and in the Office of Economic Opportunity, he said that there is an important federal role. For example, in family assistance, he said there is going to be a national minimum, and he said that the federal government would assume a greater part of the role of financing the welfare programs. And, with respect to the Office of Economic Opportunity, he said something essentially the same. He said there is a need in this country for an office, a federal office, that has as its role the development of better ways of delivering services to the people of this country, better ways of improving economic opportunity, better ways of helping individuals improve their capabilities to take advantage of economic opportunities. There is nothing wrong in the world with having the states involved in many of these programs, and they are in the manpower program, and a variety of others.

My point is that I don't think it is healthy for a society to take all of the activities of the society and put them into the same mold, and this is, in effect, what this approach would seem to me to do. Therefore, I must concede there are parts of that substitute that are perfectly acceptable. We are already doing administratively some of the things that are in that substitute.

Mr. SCHOUMACHER. Well, Mr. Rumsfeld, aren't you also concerned, as some members of the Congress are, about this so-called "poverty industry" that has grown up? Some of these things seem to be almost the cries of pain of bureaucracy rather than of an agency that just wants freedom to innovate and make test programs.

Mr. RUMSFELD. Well, I am concerned, and I have indicated publicly my concern about this problem. I indicated, as a member of the Space Committee, when I saw what was happening in the space field. I discussed it, when I was in the Congress, concerning the defense industry. And it is inevitable. It happens. And it is something that our society has to be very alert to avoid, to the extent that we are able. There is no question but that there are a limited number of people in this country who have experience in space, who have experience in activities the nature of which the Office of Economic Opportunity is involved in. I have been attempting to improve the situation, to rewrite the guidelines, and I think we have done a very effective job.

Mr. NOLAN. On May 26, when you were sworn in at the White House, Mr. Nixon said that your first role would be as an assistant to him in regards to the problems of poor people, and only secondarily as Director of OEO and as a member of the Cabinet. Yet, if you were a poor person in the ghetto somewhere, you would look at the television and you would see Gerry Ford coming out of the White House briefing every week and talking one way, and why should he believe you? I am asking particularly in light of the fact that the Catholic Bishops of New York read at every mass in New York State today a letter talking about the growing bitterness and resentment towards the poor, which they said was caused by some of this legislation. So why should any poor person believe you, when so many other figures are talking another way?

Mr. RUMSFELD. Well, I guess the—I don't know the letter you are referring to, the growing bitterness of the poor or toward the poor?

Mr. NOLAN. Bitterness and resentment of their presence among us is the way the letter reads.

Mr. RUMSFELD. Because it is a comment on the fact that society today——

Mr. NOLAN. Recent legislation that has increased the hardship of many poor people, this is both on the state level—and New York is regarded as a more liberal state than others——

Mr. RUMSFELD. Well, I don't know if you are referring to state or federal legislation, but the fact of the matter is that in the nine months this administration has been in office, it has put forward a host of proposals that are still pending before the Congress concerning the welfare system, food and hunger, manpower training, the Office of Economic Opportunity, and I think that it is regrettable that the Congress has not acted on this legislation.

Mr. NOLAN. Yet they are about to cripple the——

Mr. RUMSFELD. The cold hard fact is that this is December. The fiscal year started five and a half months ago. The Office of Economic Opportunity still doesn't have its funds for the fiscal year that began five and a half months ago. This is no way to run a government. Now, we have passed, I think, four appropriation bills in the Congress thus far. This means that not only can you not plan but it is half through the fiscal year before you even know what you will be getting.

Mr. HERMAN. But, Mr. Rumsfeld, wasn't it the supporters of OEO that, in fact, delayed this program to this point? That is, that they were looking for votes. They didn't have votes until now. Now, at the very end of the session they have tried to push this through, and they have been blocked. It happens all the time on the Hill.

Mr. RUMSFELD. Well, it shouldn't happen, and I don't know that what you are saying is exactly correct. The fact of the matter is that it has happened with a whole list of pieces of legislation that are still before the Congress, that have not been acted on.

Mr. HERMAN. Well, on poverty, let me take you beyond Congress. I don't think it is fair always to belabor Congress as the villain. Do you think that the American people really are willing to support a massive effort to help the poor? For example, at the recent White House Conference on Hunger, the resolution was passed to seek $5,500 a year minimum for a poor family of four. Now, the calculations I've seen mean that this would amount to anywhere from $70 to $100 billion a year. Now, do you think the American taxpayer, to say nothing of the Congress, do you think the American mediumly-wealthy the American taxpayer is willing to support this kind of increase?

Mr. RUMSFELD. Us.

Mr. HERMAN. Us, you, me, everybody, people who own television sets—the American taxpayer is willing to support, whether Congress will or not, that much of an increase?

Mr. RUMSFELD. Well, of course, that isn't the recommendation that the President has made. The President has made a recommendation of a family assistance system to increase the coverage to a vast number of individuals.

Mr. HERMAN. I understand, sir, but——

Mr. RUMSFELD. And my point—I have a lot of confidence in the American people, I really do. I think that, when a subject is intelligently discussed and they understand it—the Office of Economic Opportunity is not for the poor. The Office of Economic Opportunity is for this country, and to the extent that we are able to do a good job in dealing with the problems of the poor, we have made this a better society. And we can't have a country where there is a separation, a division between people, and people feel separated from society.

Mr. HERMAN. And yet the relief rolls climbed 10 percent in the last year.

Mr. RUMSFELD. And this, of course, is testimony to the present welfare system, which is clearly a disaster. Everyone agrees with this, and this is why the President of the United States said, "I am not going to walk one more step down that road." This is the reason he has put before the Congress a very new and exciting and very bold program to completely revamp the present system.

Mr. NOLAN. Your own budget preparations—now, you have to prepare a budget that involves the community action program, legal services, VISTA and the rest, is that going to be considerably higher or at the same level as last year, or—

Mr. RUMSFELD. Well, of course, we are operating in the blind. The fiscal year is half over. We have already started the '71 budget cycle, as President Nixon recently indicated. It may be that the administration will not be able to come forward with the '71 budget because we don't have the vaguest idea from the Congress what we're going to be operating on during the year that is now half over.

Mr. NOLAN. Well, you must have some guidance from people in the White House and the Budget Bureau.

Mr. RUMSFELD. As I say, we are going through the Budget Bureau process right now, and we have requested an increase.

Mr. NOLAN. Are they optimistic, generous? How do you——

Mr. RUMSFELD. Well, I think it is rather clear, that it is a very difficult thing to build a budget for a year to follow on when you have not really been given any idea of what you are going to be able to have during the preceding year. In just developing a budget proposal, it is practically impossible to do it

Mr. SCHOUMACHER. With the minute or so that we have left, could you put on your presidential counsel hat again and tell us what is the problem of getting a new draft director? Do we have one yet? And have people turned it down? What is going on?

Mr. RUMSFELD. Well, it is not an area that I have been personally directly involved in. I will say that, from my experience in Congress, having worked to try and bring about changes in the draft system, I am disappointed that the Congress has not moved further along the line that the President has proposed. I am pleased that we have been able to make some changes. I would guess that there would be a decision on a new director of the Selective Service in a very reasonable period of time.

Mr. NOLAN. You're still for the volunteer army, despite the huge costs?

Mr. RUMSFELD. I am, indeed, and the cost would not be huge. The money difference is what we are presently taxing people by their service in the military. I think that this country is perfectly capable of paying people what they would be able to make in the civilian competitive manpower market for military service.

Mr. HERMAN. Thank you very much, Mr. Rumsfeld, for being with us here today on Face the Nation. We will have a word about next week's guest in a moment.

ANNOUNCER. Today, on "Face the Nation," the Director of the Office of Economic Opportunity, Donald Rumsfeld, was interviewed by CBS News Correspondent David Schoumacher, Martin Nolan, of the Washington Bureau of the Boston Globe, and CBS News Correspondent George Herman.

Mr. RANDALL. Mr. Chairman, I walked through the teller line in the Committee of the Whole in favor of State participation in antipoverty programs. I have no apology because my philosophy has always been in support of States rights. I did not act in haste or without a study of our situation in the State of Missouri. I consulted with some of our State officials and with the Governor of our State. It was their conclusion the poverty program would be improved by greater State participation.

While I agreed there may be some improvement achieved through State developed programs I doubt that even such steps can result in enough improvement soon enough as to make this program acceptable by the majority of my constituents.

Mr. Chairman, I am afraid it may be heretic to criticize the so-called war on poverty. The reason is there are countless organizations and individuals who feel an honest compassion for the plight of the poor in this country. I share that compassion. But I also have a responsibility and obligation to see that the tax money of our constituents is expended in ways that promise reasonable returns from every expenditure. The facts are that due to the high ratio of cost in relation to benefits there is very little to recommend OEO as a vehicle through which want can be eliminated in this country.

Of course, I am not against the poor. I am against money supposedly directed to the poor never reaching the poor. I am against high administrative costs which eats up all the money before it gets to the poor. I suppose that is why I was in favor of further State participation because I believed money spent by the States would do the most good.

Time will not allow enumeration of but a few of the cases of mishandling of funds under the banner of fighting poverty. Yet everyone knows there have been a countless number of instances of personal enrichment of various individuals connected with the Office of Economic Opportunity. Only today the Washington Post reports the indictment of a minister in Richmond, Va., on a charge of embezzling community action program funds. This is not an isolated news report. It just happened to be one that appeared in the paper today.

Mr. Chairman, were I to support H.R. 12321, the people in my district would know that I support the antics of Pride, Inc., here in Washington, D.C., and its director, Marion Barry. These stories have gone out over the wire services from coast to coast. My people know the Blackstone Rangers in Chicago have been subsidized by so-called poverty funds.

Recently, our colleague, the gentleman from Kentucky (Mr. CARTER) reports that the General Accounting Office revealed that in one poverty program conducted in his State, involving $1,100,000, only $295,000, or less than one-third of the total, actually went in direct benefits to the poor. All the remainder was for administrative expenses, which included about $100,000 travel expenses. This same kind of situation has been duplicated over and over throughout the United States.

In former years one of the foremost reasons I have opposed the poverty program was because of the imbalance or inequitable distribution of funding between urban and rural areas. That imbalance still exists. Poverty is just as real in rural America as it is in urban America. But the heavy funding goes to the urban areas. Those in charge of the program argue this is necessary to cool off racial motivated violence. On the contrary, I am convinced that in some of the eastern cities the funding provided by OEO has actually contributed to finance unrest and increased racial disturbances.

As in former years, let me make it clear that there are a few oases in the OEO desert of poor management and maladministration. Once again, I wish to compliment and praise the work of the regional office of OEO in Kansas City, Mo., and its fine director, Don Thomason, as well as the members of his excellent staff. Whenever I have complaints about the operation of some of the projects in our congressional district, he always provides a prompt and complete report. Because of the so-called "city hall" amendment he cannot always right the wrongs complained about, but he has offered suggestions which reduce the repetition of complaints that reach our office.

Yes there are some good things going on within the overall poverty program. Let me take the time to mention a most pleasant experience on Saturday afternoon, November 1, when I had occasion to visit the Sac-Osage Craft Center in Osceola, Mo., in our district. This project funded by the West Central Missouri Rural Development Corp., operating under a very small appropriation in a distinctly rural area is a place where our older people are given a chance to create or produce handicraft objects. They produce wood carvings, make quilts and rugs. They refinish antique furniture and reupholster furniture. All of these items are offered for sale in the craft center to provide added income for the senior citizens of the area who participate in this center. It is a distinct privilege to pay special tribute to Mr. Charles Braithwait, the director and his small staff that have proceeded on a low budget to enrich the lives of the senior citizens of this county. If there were more instances of this sort of good administration OEO would not reap such widespread criticism, but would merit the support of every Member of Congress.

Mr. LOWENSTEIN. Mr. Chairman, I spoke earlier today on the merits of the proposed Quie-Green substitute to the committee bill. I can add little now to what I said then about the merits, other than to express my amazement that if the substitute would be such an improvement every one seems to want his pet program exempted from its provisions.

I also want to remind my colleagues, especially my Republican colleagues, of something that keeps running through my mind as I listen to the oratory today.

One of America's hardest working, most capable, and most promising public servants is the new Director of the OEO. He was elected repeatedly to this House by overwhelming majorities, and came to be respected as one of the brightest and most dedicated men to serve here during this decade.

Furthermore, he is a Republican. So is the President who appointed him and conferred Cabinet status on him, and who now urges support for him.

I know no one who knows Don Rumsfeld who does not admire his integrity and his dedication to the democratic process and to America.

In view of these facts, much of this discussion baffles me. Is Don Rumsfeld the arrogant "bureaucrat" that the minority leader says he would not accept dictation from? Or was that a reference to the President? Is it the contention of those who are pressing this substitute proposal that Don Rumsfeld is incapable of administering the antipoverty program? If that is the case, was the President misguided to appoint him? Or is the contention that when you appoint a capable administrator the best way to use him is to make sure he has as little as possible to administer?

Lest anyone be in any doubt about what the Director of the OEO feels about the vote that is approaching, I am now going to read a statement from him dated December 12, 1969, that is explicit and eloquent about the question now facing us.

STATEMENT OF DONALD RUMSFELD, DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY, DECEMBER 12, 1969

Since assuming the responsibilities of Director of the Office of Economic Opportunity several months ago, I have repeatedly expressed support for the President's request for an extension of the Act and opposition to a state plan approach. That was my best judgment. It remains my best judgment.

I appreciate the intensive efforts that have been made by many friends of the agency to ameliorate the most objectionable features of the proposed substitute bill. Unfortunately, the end result of that effort has fallen short of what is necessary for an effective program.

While several changes have been made in the substitute bill, the fact remains, by the testimony of the principal author, that they do "not change the substance of the substitute." I agree with that assessment. For that reason it remains my hope that the substitute bill will be defeated.

The Administration has set forth its recommendation. The Senate has supported that position by a vote of 72 to 3. In the event the House adopts a different position, it is my hope and that of the President that the final legislation will meet the requirements for an effective national effort to deal with the problems of the poor.

I believe that this Nation is wise enough and big enough to recognize that there is much work to be done if we are to meet the urgent problems which face society—for the benefit of the poor and the non-poor alike—and get on with the task.

GENERAL LEAVE

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all Members who may desire to do so and who have not had an opportunity to speak on this legislation, may be permitted to insert their remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The question now recurs on the substitute amendment offered by the gentleman from Ohio (Mr. AYRES), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. AYRES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. AYRES and Mr. PERKINS.

The Committee divided, and the tellers reported that there were—ayes 167, noes 183.

So the substitute amendment, as amended, was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 for which there are no separate authorizations of appropriations in——

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. GUBSER. Mr. Chairman, reserving the right to object, may I inquire of

the gentleman from Kentucky if he intends to close off debate and the opportunity to offer amendments?

Mr. PERKINS. Let me say to my distinguished friend, we want to close this thing out tonight.

Mr. GUBSER. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will continue to read.

The Clerk read as follows:

such Act, there are hereby authorized to be appropriated $1,563,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu there of "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title I of the Economic Opportunity Act of 1964 is amended redesignating part E as part F, by renumbering section 161 (as amended by section 102 of this Act) as section 171, and by inserting after part D, the following new part:

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Operation Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

"SPECIAL PROGRAMS

"SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

"(1) A special program to be known as 'Mainstream' which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

"(2) A special program to be known as 'New Careers' which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural conditions of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

"(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

"ADMINISTRATIVE REGULATIONS

"SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, education procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

"LIMITATIONS ON FEDERAL ASSISTANCE

"SEC. 167. Programs assisted under this part shall be subject to the provision of section 131 of this Act.

"AUTHORIZATIONS

"SEC. 168. For the purpose of carrying out programs under this part, there are hereby authorized to be appropriated $110,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

TITLE III—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

SEC. 301. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE IX—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

"FINDINGS AND PURPOSE

"SEC. 901. The Congress finds that children participating in Head Start projects and other preschool programs are afforded an increased opportunity for learning and healthy maturation, that more effective and maximum benefits accrue to children participating in preschool programs when special educational programs are provided for such children in the early primary grades immediately following their preschool participation, and that preschool and special educational programs and services provided in the early primary school years afford children with culturally deprived, educationally lacking, or economically distressed family background an essential opportunity to participate in the economic, social, and political mainstream activities of American life. It is the purpose of Congress in this title to afford broad authority to the Director, either acting directly or by delegation pursuant to the provisions of title VI of this Act, to broaden the opportunities of the children described in this paragraph for preschool and early primary education, including provisions for parental and home involvement, utilizing to the maximum extent possible existing agencies and organizations and resources to accomplish such purposes.

"AUTHORIZATIONS

"SEC. 902. For the purpose of carrying out the provisions of this title, the Director is authorized to make grants to community action agencies, local educational agencies, or other public or nonprofit agencies with the approval of the appropriate community action agency, or to a local educational agency or other public or nonprofit agency in an area where there is no community action agency. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $578,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

"SEC. 903. The sums which are appropriated or allocated for the purpose of making grants under this title shall be alloted pursuant to section 225 of this Act and such sums and project assistance shall be subject to the provisions of that section.

"USES OF FUNDS

"SEC. 904. (a) Grants made pursuant to this title may be used for (1) the continuation of programs authorized by sections 222(a) (1) and (2) of this Act prior to the enactment of the Economic Opportunity Act Amendments of 1969, and known as 'Project Head Start' and 'Follow Through', where consistent with the purposes of this title, (2) planning for and taking steps leading to the development of early childhood programs for the benefit of children with culturally deprived, educationally lacking or economically distressed family backgrounds, including appropriate arrangements with educational agencies for special educational programs and services for the further intensified provision of educational opportunities for such children during the early years of compulsory school attendance, (3) the provision within such programs of such comprehensive health, nutritional, social, and other services as the Director finds will assist such children in gaining their full potential, (4) providing for direct participation of the parents of such children in the development, conduct, and overall program direction at the project operating level, (5) the establishment, maintenance, and operation of preschool and early primary school programs for the children described in this section, including the lease or rental of necessary facilities and the acquisition of necessary equipment and supplies necessary to provide comprehensive programs as described in this section, (6) the provision of comprehensive physical and mental health services for children needing such assistance in order to profit from educational programs, (7) food and nutritional services, including family consultative and educational programs to improve nutrition in the home, (8) special social services to broaden the educational environment in the homes of the homes of the children participating in such programs, and (9) other social and educational activities, including summer, weekend, and vacation programs for such children which are deemed by the Director to further the purposes of this title."

SEC. 302. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraphs (1) and (2) thereof.

TITLE IV—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

SEC. 401. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE X—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

"STATEMENT OF PURPOSE

"SEC. 1001. Congress finds that existing programs aimed at providing surplus foods and free meals to needy children and families often are structured so as to have no or little impact on extremely economically disadvantaged children and families; that to reach the many victims of such impoverished circumstances, existing programs must be supplemented and broadened to produce effective results; that supplementary activities, requiring improved delivery services, increased family food subsidies, intensive family and child educational components, and emergency family medical services, are required frequently in the homes of the most economically disadvantaged; and that such conditions operate most severely on the elderly and the very young. It is the purpose of this title to provide broad authority to meet such needs expeditiously.

"AUTHORITY TO PROVIDE FOOD AND MEDICAL SERVICES AND SUPPLIES

"SEC. 1002. The Director is authorized to provide, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve extremely economically disadvantaged families with particular emphasis on the elderly and the extremely young where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this title. The Director is authorized to carry out the functions under this title through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such foodstuffs, medical services and supplies through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families.

"AREAS OF SPECIAL EMPHASIS

"SEC. 1003. The Director shall take steps to assure that programs under this title shall be designated to deal particularly with the incidence of malnutrition, hunger and serious medical needs among persons in economically disadvantaged circumstances who are fifty-five years of age and older and young children. In the conduct of such programs, the Director shall encourage the employment of such elderly persons as regular, part-time, and short-term staff in programs designed to carry out the provisions of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1004. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $92,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

SEC. 402. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraph (5) thereof.

TITLE V—MISCELLANEOUS

AMENDMENT OF RURAL LOAN PROGRAM

SEC. 501. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".

AVAILABILITY OF LEGAL SERVICES TO ARMED FORCES PERSONNEL

SEC. 502. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense). The costs of providing such services shall be reimbursed by the Secretary of Defense."

APPLICABILITY TO TRUST TERRITORY

SEC. 503. Section 609(1) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III–A, and title IV".

Mr. PERKINS. Mr. Chairman, I renew my request. I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, every Member realizes that we are considering a very important bill. It means a great deal to countless millions of human beings in America, human beings like ourselves. The Committee of the Whole has defeated the substitute amendment, an action which I strongly supported. I assume the amendment will be the subject of a motion to recommit. At that time we must keep in mind that the substitute essentially turns control of the entire poverty program over to the States and thereby interposes another level of government. This will slow down assistance to the poor. In so doing the substitute attacks the basic concept of the 1964 law that local communities should identify the causes of poverty in their areas, as the local people know their problems, and also the local communities should design and carry out such programs.

The committee bill calls for a 2-year extension, which President Nixon called for and requested; but it also provides additional funds, authorized funds for, one, Headstart; two, Headstart Follow Through; three, emergency food and medical services; four, Operation Mainstream and New Careers, which relates to manpower programs.

I am sure that everyone here recognizes the justification for these programs that I have just mentioned that are included in the committee bill and for which additional funds are requested.

Under the substitute the State is placed in charge of the Community Action moneys, substituting itself for the local government. The additional money for these programs is $295 million over the substitute.

Practically all church organizations testified in support of an extension of the program and for additional funds, especially in the hunger and medical programs, Operation Mainstream, and New Careers.

The substitute adds three more worthy programs, I will admit, but, the substitute will add, as I understand it, if offered as it was a little while ago, three more programs, but it does not provide additional funds to finance them, which means that programs already in opera-

tion would have to suffer a reduction in the allocation of funds and a reduction in the existing programs themselves, those programs being Headstart, emergency food and medical programs, consumer education programs and neighborhood service programs.

So I hope when a motion to recommit is offered, Members will realize what is included in the substitute. It will slow down the program.

Mistakes, yes. We make mistakes in connection with our duties as we look back. But a decided improvement has been made all along, through the time the antipoverty program has been in existence; it is doing a good job and is improving.

I hope that when the substitute is offered on a motion to recommit, the House at that time will defeat the motion to recommit.

AMENDMENT OFFERED BY MR. GUBSER

Mr. GUBSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUBSER: Immediately following section 502, insert the following:

"LIMITATION ON LEGAL SERVICES PROGRAMS

SEC. 303. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out 'counseling, education, and other appropriate services' and inserting in lieu thereof 'legal counseling, education in legal matters, and other appropriate legal services'."

And renumber the sections which follow accordingly.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I rise for the purpose of accepting the gentleman's amendment.

Mr. GUBSER. I thank the gentleman for his gracious consideration.

Mr. Chairman, I ask unanimous consent that the section number be renumbered so that I am amending the proper section of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. AYRES. Mr. Chairman, I move to strike the last word.

I realize that everyone is anxious to vote on the bill. I believe it would be proper for me to explain what the motion to recommit will be.

The motion to recommit will be the substitute which was previously offered, including the amendment by the gentleman from Michigan (Mr. ESCH), which was added to the substitute, and any other amendments which were adopted to the substitute.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Ohio yield?

Mr. AYRES. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. As I understand the situation, the motion to recommit will be the Ayres substitute, with the Esch amendment, and the Gubser amendment. In addition, it would include, as I understand it, the amendment offered by the gentleman from Missouri (Mr. RANDALL).

Let me add this, if I may, Mr. Chairman: If the substitute is not approved on a rollcall vote—and of course there will be one—then we will have a choice to vote for or against the committee version which, as I recollect, is the dollar recommendation of the Nixon administration plus $300 million extra.

I say to some of my friends on this side of the aisle, if you want to end up adding $300 million to the budget recommendation of the administration I hope you do it with your eyes wide open. It seems to me the better approach is to accept the substitute with the amendments that were included when the Committee of the Whole was working its will.

I therefore urge most strongly that the motion to recommit be approved, which is the dollar amount recommended by the President. In the final analysis, analyze where you are if the motion to recommit is disapproved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GUBSER).

The amendment was agreed to.

Mr. PERKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hope that we may be able to vote in a very few minutes. I am most hopeful that we will be able to vote down the motion to recommit.

The action taken here in the last hour displays that little thought had been given to this substitute. There is no protection in the substitute for a local community, for a municipality, for a local community action agency. They cannot opt out of a State plan. If they do there is no funding available for their program.

Now, if you will remember, under section 253 any State which has in operation a State development and coordination program the State plan covers all community action programs and most title II money will be disbursed in accordance with the State plan. In my judgment this will destroy initiative at the local level.

A local community action agency can be completely ignored. As I stated earlier there is much more sense in placing the cities in charge of this program than putting the States in charge under the pretense of coordination. The priorities of local officials and members of the community may be thrown in the waste paper basket at the State level if such priorities are in conflict with the State plan.

Mr. Chairman, this House should vote against this substitute because if we do not we may do terrific damage to the ghetto areas of the country. Poor rural areas will never have a voice. In other words, there is no meaningful opt out for a poor community in this substitute anywhere. There is no opting out, and I know the sponsors of the substitute will not contend that there is any opting out since most title II funds will only be available for programs in the State plan.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New York.

Mr. CAREY. Mr. Chairman, the gentleman from Kentucky is making a very important statement and I want him to confirm my judgment in regard to what was said by the distinguished minority leader with regard to the money contained in this bill and the Nixon program and the budget estimates of the Nixon administration.

I am sure that the distinguished minority leader did not intend to mislead this Committee by indicating there was $300 million in this bill in addition and that the substitute was in accordance with the Nixon budget estimates.

I know that the gentleman from Kentucky will agree with me that there are three new programs contained in the substitute, none of which have been priced out. There is the emergency food and medical services. Operation Mainstream, and New Careers as well as Headstart and Follow Through which involve millions and millions more. So, this could be a $1 billion additional authorization on an open-ended basis with no price tag and, therefore, we do not know what the ultimate cost will be.

Mr. PERKINS. That is correct. Let me say to the minority leader that we added $188 million for Headstart and Follow Through, because we are currently taking care of only 10 percent of the poor children in the Nation today. For the hunger and malnutrition and medical services program, we added $62 million. For New Careers and for Mainstream which provides jobs and training for the hard-core unemployed, we added $54 million.

If we vote for this motion to recommit, we are voting against the advice of the administration and we are voting against the hard-core unemployed and the little children who desperately need child-development services. We must vote down the motion to recommit.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished Speaker.

Mr. McCORMACK. I am very sorry to hear the argument made by my dear friend from Michigan, the distinguished minority leader, because it brought back many memories of great fights in this body in years gone by where the basic issue was money values versus human values.

The gentleman from New York (Mr. CAREY) has shown that the substitute actually reduces the authorization by establishing three more worthy programs, but not provided for is the financing which would have to be taken out of the existing programs.

So, the real basic issue here, regardless of what my friend from Michigan has said, is materialism versus idealism and money values against human values.

Mrs. GREEN or Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have felt very strongly that there are many, many things wrong with the present OEO—the so-called War on Poverty and I have fought for changes that I believe should be made in the program, not on the basis that I am against the poor, but rather that I am in favor of the money going

to the poor instead of to big corporations—to those who benefit financially—to those who benefit by retaining the status quo.

Mr. Chairman, I am not going to speak long tonight, but I do believe that the record ought to at least reflect what is accurate and what is truthful about the substitute bill.

First of all, under the present legislation a State can be a community action agency. That is the law at the present time. It has been violated by the Office of Economic Opportunity. If the law were enforced any State today that wanted to could be designated as a community action agency, and it would have total authority over all programs, over all policies, and over all funding, everything that could be done under the substitute bill. I cannot believe that the legislative branch charged with writing the laws is going to give a vote of confidence to an agency that repeals the law by guidelines and regulation. Even though you may have voted against the amendment and the bill in 1967—surely you do not give your blessing to an executive branch agency that refuses to follow the law. If so, we embark upon a new era in Government.

The statement has been made over and over that a city cannot opt out. That simply is not true. But those who repeat it must have taken their line from Alice in Wonderland: "What I tell you three times is so." If there is a State community action agency a city can opt out the same as they can at the present time. There was no change in that, and I think the record should present the true facts on it.

In terms of the new programs, I regret very much that these new programs were not included. I think it is actually disgraceful in the United States today that we have, according to the estimates—in writing to the 50 States—about 10,000 families of GI's who are living below the poverty level. We pay money—all kinds of money in the poverty program to finance people who are not half as deserving. We have paid money to people who have demonstrated in the streets, who have made threats, who have contributed to violence. I think the families of the GI's—GI's who are in Vietnam or other places, who do not have the rights of the veterans because they are not veterans, should be taken care of, and we make no provision for these families. In the substitute bill—we direct OEO to pay the difference between what that family now has and the amount to bring them up to the poverty level. The estimates are that there are about 10,000 families. This might cost $10 million. But if it were to cost $50 million, we could spend it better this way than the money that goes to private corporations, a half billion dollars. From this saving, we would certainly be able to pay for these cash amounts to families of veterans.

Then we have heard so much in the House in the last 2 days about the elderly—about the inadequate social security payments, and we simply said as a pilot project that we would take those elderly people over 65 who are below the poverty level that the Government itself sets, and we would give them the amount to bring them up to that poverty level. It would be given on the basis of their needs, not on the basis of every social security recipient.

The third program which we suggest was the amendment which is in the Senate bill which will go to conference anyhow, that was offered by Senator HUGHES of Iowa, that would provide for an alcoholic program. I do not know of any single thing that has impoverished more Americans today than the question of alcoholism.

These are the three programs that we felt needed the funds. That we could save money, that money which is going to the private profitmaking corporations, that was spent on the Blackstone Rangers in Chicago, the Black Panthers in Cleveland, and a lot of other groups who are able bodied and who could get out and work. If we are really concerned about poverty, if we mean what we say—these are three areas where poverty funds could and should be spent.

It is for these reasons, Mr. Chairman, that I rise, simply to set the record straight. The substitute is not an effort to dismantle the Office of Economic Opportunity, but it is rather an effort to coordinate the programs, to take all of the multitudinous programs that we have in the Federal and State Governments, and to give people at the State level a chance to coordinate those programs so that the money would go where it would do the most good.

The other amendments on preventing political activity by OEO employees, putting a stop to nepotism—putting a stop to paying dues to lobby organizations out of Federal funds—these you know are part of the substitute. The opportunity presents itself to make meaningful changes—stop the abuses or continue for 2 more years what has become a disgraceful program.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: On page 16, line 10, after the period insert:

"SEC. 504. Notwithstanding any other provision of this bill the total expenditures authorized for programs authorized in their bill shall not exceed $2,048,000,000."

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment is perhaps not what I would like to have offered.

I would prefer to offer an amendment striking all that was added by the committee.

What this amendment does and what its effect is intended to be is to reduce the level of expenditures authorized in the committee bill by $295 million.

The adoption of the amendment would put the bill back in the form recommended by the Nixon administration, and agreed to by the distinguished gentleman from Kentucky, the chairman of the committee who is a cosponsor of the bill, H.R. 12321, and myself, and the gentleman from Michigan (Mr. GERALD R. FORD), the Director of the OEO and others, at a level of $2,048,000,000.

I made it clear and I say again to the Committee, it is always difficult to justify going beyond the expenditure level recommended by the administration—and I opposed reporting this bill on that basis because of all the additional funds and new programs.

If this amendment is adopted, it seems to me we clear the air and we put the committee bill back in the posture that it was prior to the additions of $295 million. I think it would give a chance to the House to work its will in a way that will enable us to preserve the agency and its integrity, and to preserve the action of the House, the budget and the posture of the administration in this instance.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. What the gentleman is really doing is taking recognition of the facts that exist. There was no money in the HEW appropriation bill that passed the House. The Senate has marked up the bill. They put in $1.948 billion. Therefore, under the rules that is the most money that the conferees can agree upon for this year, anyway. So what you are really doing is recognizing the facts of life. We could put $5 billion into this authorization, but under our procedures here, we cannot appropriate that kind of money. You are just recognizing the facts.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's contribution.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I, too, wish to commend the gentleman who is in the well for offering an amendment that I think is in keeping with fiscal responsibility. We have heard over and over again that the brunt of inflation is always borne by the poor. I think even in this instance, where I support our Director and his program, in view of the fact that we are almost 6 months into the present fiscal year and due to an inflationary condition in the country, I would hope that Members on both sides of the aisle will join in supporting what I think is a highly responsible effort.

Mr. STEIGER of Wisconsin. I appreciate very much the gentleman's contribution and his support of the amendment.

Mr. HAWKINS. Mr. Chairman, I move to strike out the requisite number of words.

I hope it is realized what this amendment is doing. You may talk about inflation. But it seems to me that we should not ask the poor people of this Nation to pay for the prosperity of some of us. Since January of this year 350,000 persons have lost their jobs. Since June of last year more than 1 million cases have been added to the welfare rolls. What you are doing, if you do not accept the committee bill, you are then saying to the poor people of this country, "You alone should bear the cost of trying to maintain price stability." By this amendment you will say to 175,000 children in Headstart, "You will not have an opportunity in life to get a decent educa-

tion." And also to 62,000 Follow Through, "We are going to cut you off." You will reduce the amount of emergency food and medical attention by $75 million to merely $17 million. You will say then to 15 million starving Americans, "We do not care anything about you."

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I have great respect for the gentleman in the well, but I think it would be totally unfair and completely wrong to characterize an amendment of this kind, which reduces something which has not been available before, as a barrier to opportunity. As the gentleman from Iowa (Mr. SMITH) pointed out, the budget level will be even below the $2.048 billion provided. That is what Congress will appropriate. Let us not go through the charade of saying that we are taking things out of the mouths of children when they never had it in the first place.

Mr. HAWKINS. That is not true. In a change of policy adopted by this administration since the first of this year the Headstart project has been changed so that the summer programs are not now available, and the amount of money which will then be available will mean, unless extra money is appropriated, that this number, 175,000 children, will not have slots in that program. And to say, as you do, if we do not appropriate the money, then you have done no harm, but how in the world can you, in spite of the need, the demonstrated need, since the first of this year—and conditions are not as good this year as they were last year—how can you say then, with a greater need, that we should now authorize less than was authorized 2 years ago?

That is a fact, and that is what your amendment is doing. Now, if you want to do that, then I go back to what the Speaker has already said. You are voting not for human rights; you are voting for so-called price stability. I agree we should fight inflation, but I say at the time we fight inflation let us have some special programs to take care of those who will be injured by the economic policies that are now operating under this administration, and I say started under the past administration, so it is not a partisan issue. It is a fact that we are worse off today and that consequently we should vote more money and certainly not less money.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Florida.

Mr. GIBBONS. I think the gentleman well knows that there are 25 million poor people in this country. We are authorizing roughly $2 billion. That works out to a grand total of 21 cents a day for those people. I think we can afford to do a little better than that. Does not the gentleman think so?

Mr. HAWKINS. If we cannot, then we certainly should not be talking about sending planes to China.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin) there were—ayes 93, noes 111.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: On page 16 after line 10 insert the following:

"AUTHORIZATION OF NARCOTIC ADDICT RECOVERY PROGRAM

"SEC. 504. Section 222(a) of such Act is further amended by adding to the end thereof the following new paragraph:

"'(9) A "Narcotic Addict Recovery" program designed to discover and bring about post and/or preinstitutional treatment for narcotic addiction. Such a program shall be community based, with appropriate participation by parents, youth, educators and others in the community, serve the objective of maintaining the family structure as well as the recovery of the individual addict, encourage the use of neighborhood facilities and the services of former addicts as program workers and facilitate the re-entry of addicts into society. Such a program shall also emphasize the coordination and full utilization of existing community services which pertain to the treatment of addiction and/or related disorders.'"

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. WHITE. Mr. Chairman, this amendment would provide a narcotic addict recovery program on a community base and with community participation. Institutional treatment of narcotic addiction poses two problems:

First. Institutional treatment facilities are very overcrowded and cannot handle even the known addicts.

Second. Institutional addiction treatment facilities that are removed from the addict's community cannot adequately prepare the addict for the stresses he experiences upon return to his community.

The program would provide a variety of supportive services for the addict while he was awaiting assignment to a treatment facility and when he returns from one.

The utilization of community persons and former addicts will bring persons known and familiar to the addict in contact with him. This familiarity will inspire trust by the addict—a trust that officials from "downtown" have difficulty inspiring.

Involvement of community persons in the problems of addiction in their own community will serve as an educational and prevention program. In many low-income communities, narcotics addiction is a problem that affects almost every family. Involvement of the community in the treatment of addicts can alert them both to the dangers of narcotics—of which the adults, if not the youth, are aware—and, most important, that addiction can be prevented and that they can help. Families in low-income communities often feel helpless before the threat of narcotics addiction in their neighborhoods. This program would allow them to take effective action.

This program, since it is OEO, would be restricted largely to low-income neighborhoods, where the problem of "hard-core" narcotics is centered.

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman yield?

Mr. WHITE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Let me state to the distinguished gentleman from Texas that his amendment was accepted a few moments ago to the substitute, and I do not know of any objection from this side of the aisle to the gentleman's amendment, and it will be accepted.

Mr. WHITE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment was agreed to.

Mr. BOGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that we have concluded, or about concluded, the debate on this very important bill. It has been a splendid debate.

I must say, as the majority whip, I have been very proud to see the large attendance of Members on the floor on both sides of the aisle.

Soon we will be confronted with voting again on the substitute offered earlier here today and defeated in the Committee by a teller vote. That vote may be very close. I sincerely hope that the motion to recommit will be defeated in the full House as the substitute as defeated in the Committee a moment ago.

To change now a program which is only beginning to be felt and change its national impact would in my judgment be the height of folly.

Mr. Chairman, it is my contention that those who support the committee are actually lending support to the President in that he has come into this body and selected one of our most able younger Members on the Republican side of the aisle and asked him to head up the program. At the time of his appointment the President announced that he would have Cabinet status.

I cannot believe that a few months thereafter we will, in effect, turn back the clock and scuttle a program which, whether you believe it or not, has been tremendously helpful to the poor people of this country. I can only speak from experience. I have the great privilege of representing one of the large cities in the South, a city which has a very diversified population and a long history, but a city which also has the same problems that every other large city in this Nation is confronted with; namely, the tremendous increase, particularly in the inner city, of people who unfortunately are not skilled, not trained and in many instances with no education at all.

Now, since we have adopted this program, men and women have gone into the poor areas of my city with the Headstart program where we had children who could not articulate the simplest words in the English language at ages 5 and 6 but where we brought them in and taught them and in a matter of several years made them a part of the community where they could function.

The community action programs have been most successful in my city, a Southern city, and headed up by men and women of dedication and not people who are corrupt or scheming or graspy or greedy and who try to live as octopuses on the body politic. They are dedicated

people trying to do a job for their fellow citizens.

Mr. Chairman, I do not think we ought to make a mistake about what we do here today. I do not think we ought to sail under any false colors. If we vote to dismantle this program now we are saying to the millions and millions of disadvantaged citizens of our country of all types and backgrounds that we have indeed turned our backs on you and we have left you to do as best you can in this highly complex, violent, and complex society in which we live.

Mr. Chairman, I trust that the motion to recommit will be defeated.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12321) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, pursuant to House Resolution 734, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. AYRES

Mr. AYRES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. AYRES. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. AYERS moves to recommit the bill H.R. 12321 to the Committee on Education and Labor, with instructions that it be reported back forthwith, with all after the enacting clause struck out, and the following substitute inserted in lieu thereof:

That this Act may be cited as the "Economic Opportunity Act Amendments of 1969."

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964, there is hereby authorized to be appropriated $2,048,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—STATE PARTICIPATION IN ANTIPOVERTY PROGRAMS

SEC. 201. Title II of the Economic Opportunity Act of 1964 is amended by striking out section 231 (relating to "State Agency Assistance") and by inserting at the end of the title a new part, as follows:

"PART E—PARTICIPATION OF STATES

"STATEMENT OF PURPOSE

"SEC. 250. It is the purpose of this part to provide an effective mechanism for the positive involvement of State officers, agencies, and administrative resources in the development, carrying out, and coordination of antipoverty programs within each State, but only if and to the extent a State exercises the options set forth in this part. Accordingly, no State shall be required to establish a State Economic Opportunity Office described in section 251, or to take the further actions outlined in this part, as a condition for the support of programs under this Act in the State. In the event a State shall not choose to participate in the manner provided in this part, or is unable to satisfy the requirements for such participation set forth in this part, the Director shall continue to support eligible programs and projects in such State. However, the Director shall take every appropriate action to encourage effective State participation under this part in accordance with the finding of the Congress that such participation will strengthen the programs authorized by this Act.

"STATE AGENCY ASSISTANCE

"SEC. 251. (a) The Director shall provide financial assistance to the State Economic Opportunity Office (hereinafter referred to as the 'State Office') designated in accordance with State law, to enable such agency—

"(1) to advise the Governor of the State with respect to the policies and programs of the Office of Economic Opportunity and other resources available to combat poverty within the State, and at the request of the Governor to advise and assist him in carrying out his responsibilities under this Act;

"(2) to assist in coordinating State activities related to this title and to title VIII;

"(3) to provide technical assistance to communities and local agencies in developing and carrying out programs under this title and under title VIII;

"(4) to evaluate programs assisted under this title and under title VIII with a view to improving the capacity of their sponsors to fulfill the purposes of this Act and to utilize with maximum efficiency the financial assistance provided;

"(5) to evaluate State poverty-related programs and State administrative procedures and to develop mechanisms for making them more responsive to the needs of the poor;

"(6) to conduct financial audits of programs within the State supported under this title or under title VIII, at such times and in such a manner as to promote responsible financial management of such programs;

"(7) to mobilize and develop available resources at the State level needed to assist antipoverty measures within the State;

"(8) to encourage the development of career opportunities for the poor within agencies of State government;

"(9) to advise and assist the Director in developing procedures and programs to promote the participation of States and State agencies under this Act; and

"(10) to advise and assist the Director, the Economic Opportunity Council established by section 631 of this Act, and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede effective State involvement in or coordination of programs related to this title, and in developing methods or recommendations for overcoming those problems.

"(b) The Director shall take steps as will assure that:

"(1) all applications for assistance under this title and under title VIII within a State are submitted through the State Office, and that the Office is afforded a reasonable opportunity (but not to exceed 30 days) to review such applications before transmitting them to the Director (or to his delegate) with such comments and recommendations as the State may deem appropriate;

"(2) each State Office receives advance notice of the proposed approval of any application for assistance or of the proposed funding in the State of any program, project, or other activity under any other title in this Act, and is afforded a reasonable opportunity to comment upon such proposed approval or funding; and

"(3) each State Office receives such other information and technical assistance, and is afforded such other opportunities to play an affirmative role in the programs financed under this Act, as may be required to carry out effectively the functions specified in subsection (a).

"(c)(1) Whenever a State Office (with the concurrence of the Governor) shall recommend against the approval of an application submitted under subsection (b)(1), such application shall not be approved (or shall not be approved without changes suggested by the State Office (for funding under this title unless the Director shall have made a finding that approval of such application would strengthen the overall program plan of a local community action agency; or with respect to applications submitted by other eligible applicants, that the approval of such application would be in furtherance of the purposes of this Act.

"(2) The Director shall not delegate the responsibility for making the finding required in paragraph (1) except to the heads of other federal agencies, and he shall not make such finding without having first afforded the State Office notice and opportunity for a hearing.

"(d) In any grants to or contracts with State agencies, the Director shall give preference to programs or activities which are administered or coordinated by the State Offices established under subsection (a), or which have been developed by and will be carried on with the assistance of those Offices.

"(e) In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies for purposes of providing financial assistance to community action agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this Act.

"STATE ECONOMIC OPPORTUNITY COUNCIL

"SEC. 252. (a) Any State which desires to participate in the development and carrying out of a State developmental and coordinating program for rural and urban community action, as provided by section 253, shall establish a State Economic Opportunity Council (hereinafter referred to as the 'State Council'), appointed by the Governor, which shall be broadly representative of the economic, educational, health, religious, and social services resources of the State and of the public, including persons representative of—

"(1) urban areas;

"(2) rural areas;

"(3) the poor (including representatives both of the urban and rural poor and of racial and ethnic groups in the State which experience a high incidence of poverty);

"(4) business, industry, and labor;

"(5) elected municipal officials;

"(6) elected county officials;

"(7) federally-assisted programs, such as Model Cities and manpower training, related to the problems of the poor; and

"(8) fields of professional competence (including both public and private education) in dealing with the problems of poverty.

"(b) The State Council shall advise the State Office on the development of and policy matters arising in the administration of the State developmental and coordinating programs submitted pursuant to section 253, and shall evaluate the programs, services, and activities assisted under this title and make a public report (at least annually) of the results of such evaluations.

"(c) The State Council shall prepare a long-range program plan (or, as may be appropriate from time to time, revisions of or supplements to such plan) for use of funds under sections 221 and 222 and title VIII of this Act which plan (1) is prepared in consultation with the the State Office, (2) extends over a period of not less than five years and (3) taking into consideration available resources, sets forth a program of action which, in the judgment of the Council, would assure substantial progress toward achievement of the objectives of the plan.

"(d) From the sums appropriated under the authority of this Act for any fiscal year the Director shall (in accordance with regulations) pay to each State Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this part in such fiscal year, except that the amount available for such purpose shall not exceed $150,000 and shall not be less than $50,000.

"STATE DEVELOPMENTAL AND COORDINATION PROGRAMS

"SEC. 253. (a) Any State desiring to carry out a developmental and coordination program for urban and rural community action shall submit to the Director (at such time and in such detail as he may specify and containing such information as he may deem necessary) an outline for such a program which—

"(1) has been prepared by the State Office in consultation with the State Council of that State and has been approved by the State Council;

"(2) designates the State Office as the sole agency for administration of the State program, or for supervision of the administration thereof by local community action agencies;

"(3) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local community action agencies in the State and for the uses of such funds for the various programs and program components specified in sections 221 and 222, which policies and procedures assure that—

"(A) due consideration will be given to the relative needs of urban and rural areas within the State, and to the needs of various categories of persons living in poverty, in accordance with criteria supplied by the Director; and

"(B) due consideration will be given to periodic evaluations of programs, services, and activities assisted under this title;

"(4) describes how the activities and projects to be carried out under the program are related to the long-range program plan developed by the State Council pursuant to sction 251(c) (except that such requirement may be waived during the first year the program is in operation);

"(5) sets forth policies and procedures satisfactory to the Director for approval of applications for assistance under sections 221 and 222 of this title and under title VIII submitted by local community action agencies and other qualified applicants, and for the evaluation, review, and monitoring of the program conducted by such applicants (including procedures to assure that such programs conform to the requirements of this Act);

"(6) sets forth procedures designed to improve the coordination of programs funded under this part with State-administered programs affecting the poor;

"(7) provides that any community action agency, or other public or private agency which is a qualified applicant for program assistance under this title, dissatisfied with a final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a public hearing by the State Office;

"(8) provides assurances that federal funds made available under this part will be so used as to supplement, and to the extent possible increase the amount of State, local, and private funds that would in the absence of federal funds be made available for programs supported under this part, and in no case supplant such State, local, and private funds;

"(9) provides assurances satisfactory to the Director that all relevant requirements of this Act shall be complied with, and provides for making such reports in such form and containing such information and affording such access thereto as the Director may reasonably require to carry out his functions under this Act; and

"(10) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, federal funds paid to the State (including such funds paid by the State to qualified applicants) under this title.

"(b)(1) The Director shall by regulation establish criteria for approval of State developmental and coordination programs submitted pursuant to subsection (a), and when he finds that such a program complies with such criteria and the requirements of this part and when he is satisfied that adequate procedures are set forth to insure that the assurances and provisions of such program will be carried out, he shall approve such program, and the Director shall not finally disapprove any program submitted.

"(2) The Director shall take such steps as he deems necessary to assure that in the formulation and carrying out of State programs there is close liaison between the State offices and the Office of Economic Opportunity.

"(3) The Director shall take final action to approve or disapprove a State developmental and coordination program submitted under subsection (a) within ninety days after the date of its submission (or resubmission in the event it should have been withdrawn by the State), and he may not delegate the authority to approve or disapprove such programs to any other person.

"(c)(1) For any fiscal year in which any State has in operation a State developmental and coordination program approved in accordance with this part the Director shall make available to such State for carrying out the approved program the sums allotted to such State for such year under section 225(a) and (b); *Provided, however,* That, until June 30, 1971, the Director may reserve not more than one-fourth such amount, to assist (in accordance with the provisions of this title) activities and projects in such State which are not funded under the State program, but only if the Director has determined that the failure to support such activities and projects during the period in which he may reserve funds would result in a substantial disruption of efforts directed toward the elimination of poverty in such State, or that it is necessary to assist programs authorized under section 222 of this Act.

"(2) The Director shall pay, from the amount available to the State for assistance under this part, to each State the amount required to pay the Federal share of carrying out activities and projects under the approved State program, and for administration of the State program (except that sums paid for State administration shall not exceed five per centum of the amount available to the State for assistance under this title in any fiscal year), and such payments may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(3) The term "State administration" in paragraph (2) means those costs attributable to the supervision, auditing, coordination, and servicing of activities carried out under this part or to the provision of technical services (including the training of personnel needed to provide such services), and similar costs related to carrying out an approved State program, but shall not include the costs of State operation of a substantive program authorized by this Act.

"(d)(1) Whenever the Director, after reasonable notice and opportunity for hearing to the State Office administering a State program approved under subsection (a), finds that—

"(A) the State program has been so changed that it no longer complies with the provisions of subsection (a), or

"(B) in the administration of the program there is a failure to comply substantially with any such provision, the Director shall notify such State Office that no further payments will be made to the State under the State program (or, in his discretion, that further payments to the State under the program will be limited to activities under or portions of such program not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Director shall support eligible community action and VISTA volunteer programs in such State in accordance with other provisions of this title (except that he may support those activities under or portions of the State program not affected by such failure).

"(2) A State Office which is dissatisfied with a final action of the Director under this subsection or subsection (b) may appeal to the United State Court of Appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director, or any officer designated by him for that purpose. The Director thereupon shall file in the court the record of the proceedings on which he based his action, as provided in secton 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Director may modify or set aside his action. The findings of the Director as to the facts, if supported by substantive evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Director to take further evidence, and the Director may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Director shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Director's action.

"EXEMPTION OF HEADSTART PROGRAMS

"SEC. 254. The Secretary of Health, Education, and Welfare (during any period in which he has been delegated responsibility for the administration of those programs au-

thorized under section 222(a)(1) and 222(a)(2) of this Act) may exempt such programs from inclusion under the provisions of this part (either generally or with respect to inclusion in the program approved for a particular State)".

TITLE III—TECHNICAL AND PERFECTING AMENDMENTS

PART A—AMENDMENTS TO TITLE II ("COMMUNITY ACTION")

COMPOSITION OF COMMUNITY ACTION AGENCIES

SEC. 301. Section 211 of the Economic Opportunity Act of 1964 is amended as follows:

(1) Clause (3) of subsection (b) is amended to read—

"(3) the remainder of the members (which shall consist of not less than one-quarter of the total membership of such board) are appointed by the elected public officials who serve on or have representatives serving on the board, and are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the comunity."; and

(2) the first sentence of subsection (c) is amended to read—

"Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such boards, council, or agency shall be broadly representative of such area, and it shall be so constituted as to assure that at least one-third of the members are public officials, appointed by the elected public officials who serve (or appoint representatives to serve) on the board of the community action agency, unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the subsidiary board."

COSTS OF DEFENDING LAW SUITS

SEC. 302. Section 222(a) of such Act is amended by adding to paragraph (3) (relating to "Legal Services") the following:

"Whenever a lawsuit or other legal action is initiated by a plaintiff or plaintiffs with assistance under this program, and such action results in a verdict or other outcome favorable to the defendant in such lawsuit or other legal action, and the United States shall be liable for such costs (to be paid out of funds made available for the Legal Services program) as are ordered in accordance with the law of the jurisdiction, by the court or other board or agency which has jurisdiction of the matter, the same as a private person."

LIMITATION ON LEGAL SERVICES PROGRAMS

SEC. 303. (a) Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services".

(b) The fourth sentence of section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by inserting "(A)" after "this part) shall be utilized" and by inserting before the period at the end thereof the following: ", or (B) for any activity not directly related to the provision of services referred to in the first sentence of this paragraph and litigation on behalf of specific clients shall be conducted in accordance with the canons of professional ethics of the American Bar Association."

APPLICABILITY OF CANONS OF ETHICS IN LEGAL SERVICES PROGRAMS

(c) The second sentence of section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by inserting "(A)" after "assures" and by inserting before the period at the end thereof the following: ", and (B) that the Canons of Professional Ethics promulgated by the American Bar Association will be complied with".

(b) Section 222(a)(3) of such Act is further amended by adding at the end thereof the following: "The Director of the Administrative Office of the United States Courts shall receive any complaints or allegations which may be made concerning the conduct of programs under the second sentence of this paragraph, insofar as they relate to matters involving subject matter cognizable by the courts of the United States. The Director of such Office shall make an annual summary of such complaints or allegations, which shall be objective in character and without evaluation or comment. Such summaries shall be available upon request to a committee of the Senate or House of Representatives, and shall, at least once each year, be submitted to the Senate and House of Representatives."

AUTHORIZATION OF ALCOHOLIC RECOVERY PROGRAM

SEC. 304. Section 222(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8) An 'Alcoholic Recovery' program designed to discover and bring about treatment for the disease of alcoholism. Such a program shall be community based, serve the objective of maintaining the family structure as well as recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as program workers and emphasize the reentry of alcoholics into society rather than the institutionalization of alcoholics. Such a program shall also emphasize the coordination and full utilization of existing appropriate community services which pertain to the treatment of alcoholism and/or related disorders."

SPECIAL ASSISTANCE TO FAMILIES OF MEMBERS OF ARMED FORCES IN HARDSHIP CASES; PILOT PROJECTS OF ASSISTANCE FOR THE ELDERLY POOR

SEC. 305. Section 232 of such Act is amended by adding at the end thereof the following new subsections:

"(g) The Director shall conduct projects, either directly or through grants or other arrangements, under which funds available under this section will be used to raise the income levels of families of members of the Armed Forces, when such families reside in the United States and through exceptional circumstances have an income level below the poverty level (as determined by the Director), and preference shall be given to cases of greatest hardship. Projects under this subsection shall be developed jointly by the Director and the Secretary of Defense.

"(h) The Director shall also conduct, either directly or through grants or other arrangements, pilot projects under which funds available under this section will be used to raise the income levels of persons over 65 years of age above the poverty level (as determined by the Director), with preference given to cases of exceptional hardship, in order to examine and evaluate systems of income maintenance for the elderly poor as an alternative to welfare assistance."

TECHNICAL AMENDMENT OF GOVERNOR'S VETO PROVISION

SEC. 306. Section 242 of such Act is amended by striking out the period at the end of the first sentence and inserting: "; *Provided, however,* That this section shall not apply with respect to any application which the State Office has recommended not be approved under section 251(c)(1)."

AUTHORIZATION OF STATE AUDIT

SEC. 307. Section 243 of such Act is amended by adding a new subsection as follows:

"(e) The Director shall take such steps as may be necessary to insure that programs assisted under this title shall be subject to financial audit by appropriate State officials and agencies at the request of such officials and agencies, and he shall direct the governing board of such community action agency to cooperate in carrying out such audits."

PART B—AMENDMENTS TO TITLE VI (ADMINISTRATION)

PROHIBITION OF POLITICAL ACTIVITY STRENGTHENED

SEC. 321. Section 603(a) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(a) For purposes of chapter 15 of title 5 of the United States Code any overall community action agency which assumes responsibility for planning, developing, and coordinating communitywide antipoverty programs, or any agency assuming part or all of such responsibilities (including the administration of components of a community action program) under delegation from an overall community action agency, and receives assistance under this Act, shall be deemed to be a State or local agency."

ANTIRIOT PROVISION STRENGTHENED

SEC. 322. Section 613 of such Act is amended to read as follows:

"SEC. 613. No individual employed or assigned by any community action agency or any other agency assisted under this Act shall (whether or not pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this Act) plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance, and the Director shall take such steps as may be necessary to assure that any individual who violates this provision is removed from his employment or assignment in programs conducted or assisted under this Act."

PROHIBITIONS ON UPWARD BOUND PROGRAMS

SEC. 323. Section 621 of such Act is amended by inserting "(a) after "SEC. 621," and by adding at the end thereof the following new subsection:

"(b) The Director shall give full effect to the intent of Congress that 'Upward Bound' programs, however described, shall be administered by the Commissioner of Education, and the Director shall not carry out or fund any program described in section 222(a)(5) (as in effect on June 30, 1969), or any comparable program, whether under the authority of that section or any other section of this Act, and whether or not carried on by or in a school, institution of higher education, penal or correctional institution, or any other agency or institution."

SEC. 324. Title VI of such Act is further amended by adding at the end of Part A the following new subsections:

"EVALUATION OF PROGRAMS OF THE OFFICE OF ECONOMIC OPPORTUNITY

"SEC. 622. (a) The Director shall—

"(1) at the time of entering into any contract or arrangement with nongovernmental organizations or individuals for the evaluation of programs or projects administered by him under this Act, or entering into any substantial modification of any existing such contract or arrangement, furnish to the Comptroller General of the United States a copy of the contract or modification thereof or a description of the arrangement or modification thereof, together with a statement of the bases upon which he considers the evaluation work involved and the estimated cost thereof justified, and upon which he has determined that it was necessary to contract or arrange with a nongovernmental organization or individual for its performance;

"(2) require each community action agency designated under section 201 of this Act, to advise him of each contract or arrangement entered into by it with nongovernmental organizations or individuals for

the evaluation of programs or projects administered by it under this Act, including information regarding the purpose, cost, scope, evaluation methodology, and organizations or individuals involved in such contract or arrangement; and

"(3) furnish to the Comptroller General of the United States at the end of each calendar quarter a listing of all contracts or arrangements reported to him in accordance with paragraph (2) of this subsection during such calendar quarter, including identification of the program or project, the organization or individual, and the cost involved in each contract or arrangement.

"(b) The Comptroller General shall conduct evaluations of programs carried out under this Act, and upon request by a committee of the Congress, or to the extent personnel are available, by Members of Congress shall (1) conduct studies of existing statutes and regulations governing programs carried on under this Act, (2) review the policies and practices of Federal agencies administering such programs, (3) review the evaluation procedures adopted by such agencies carrying out such programs, (4) initiate evaluation projects of particular programs, and (5) compile data necessary to carry out the preceding functions.

"(c) In carrying out the studies and evaluations herein authorized, the Comptroller General shall give particular attention to the practice of the Office of Economic Opportunity and of community action agencies designated under Section 201 of this Act of contracting with private firms, organizations and individuals for the provision of a wide range of studies and services (such as personnel recruitment and training, program evaluation, and program administration), and shall report to the Director and to the Congress his findings with respect to the necessity for such contracts and their effectiveness in achieving the objectives of this Act.

"(d) The Comptroller General or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this Act.

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of these sections.

"PREVENTION OF CONFLICTS OF INTEREST

"SEC. 623. The Director shall issue regulations and take such other steps as may be necessary to assure that the Office of Economic Opportunity (or any other agency utilizing funds appropriated under the authority of this Act) shall not contract with, make a grant to, or enter into any other type of financial arrangement with, any individual who has been an officer or employee of the Office of Economic Opportunity or any other agency of the executive branch of the United States Government which administers funds appropriated under the authority of this Act (or with a partner of such individual, or with a firm or business organization in which such individual holds a substantial financial interest or in which he serves as an officer), within one year after such employment, for any service or activity (other than reemployment as an officer or employee of a department or agency of the United States Government) in which such person participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise.

"PAYMENT OF DUES PROHIBITED

"SEC. 624. No funds appropriated under the authority of this Act shall be used for or on behalf of any person, organization, or agency to make any payment in the nature of dues or membership fees in any public or private organization or association.

"NEPOTISM PROHIBITED

"SEC. 625. No person shall be employed (or continue in employment) with funds appropriated under the authority of this Act in a position (1) over which a member of his immediate family exercises supervisory authority, or (2) while he or a member of his immediate family serves on a board or committee which has authority to order personal actions affecting such position, or (3) while he or a member of his immediate family serves on a board or committee which, either by rule or practice, regularly nominates, recommends, or screens candidates for the agency or program in which such position is located. For the purposes of this section, a member of an immediate family shall include any of the following persons: husband, wife, father, mother, brother, sister, son, daughter, uncle, aunt, niece, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law."

PART C—AMENDMENTS TO TITLE VIII ("VISTA")

RESTRUCTURING ADMINISTRATION OF PROGRAM

SEC. 331. Section 810(a) of the Economic Opportunity Act of 1964 is amended by striking out that part of the first sentence which precedes the numbered paragraphs and by inserting in lieu thereof the following:

"The Director is authorized to make grants to State and local public agencies to recruit, select, train, and assign persons to serve in full-time volunteer programs. Such programs shall be those established by the grantee agency or (upon satisfactory assurance that the work of such volunteers will be supervised by competent individuals) by other public agencies or private nonprofit organizations, which involve the assignment of volunteers to work—"

ASSISTANCE IN LEGAL SERVICES PROGRAMS

SEC. 332. Section 834 of such Act is amended by inserting at the end thereof a new subsection, as follows:

"(f) Persons serving as volunteers under this title shall provide legal services or legal counsel only as a part of a legal services program (and at the request and under the supervision of the directors of such program) supported under section 222(a)(3) of this Act."

AUTHORIZATION OF NARCOTIC ADDICT RECOVERY PROGRAM

SEC. 504. Section 222(a) of such Act is further amended by adding to the end thereof the following new paragraph:

"(9) A 'Narcotic Addict Recovery' program designed to discover and bring about post and/or preinstitutional treatment for narcotic addiction. Such a program shall be community based, with appropriate participation by parents, youth, educators and others in the community, serve the objectives of maintaining the family structure as well as the recovery of the individual addict, encourage the use of neighborhood facilities and the services of former addicts as program workers and facilitate the re-entry of addicts into society. Such a program shall also emphasize the coordination and full utilization of existing community services which pertain to the treatment of addiction and/or related disorders."

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the motion to recommit be dispensed with, and that it be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 231, not voting 39, as follows:

[Roll No. 320]

YEAS—163

Abernethy	Erlenborn	Mayne
Adair	Eshleman	Meskill
Andrews, Ala.	Fisher	Michel
Arends	Flowers	Miller, Ohio
Ayres	Flynt	Mizell
Baring	Ford, Gerald R.	Montgomery
Beall, Md.	Foreman	Myers
Belcher	Fountain	Nelsen
Bennett	Frey	Nichols
Betts	Fuqua	O'Neal, Ga.
Bevill	Galifianakis	Passman
Blackburn	Gettys	Pettis
Blanton	Giaimo	Poage
Bow	Goldwater	Poff
Bray	Goodling	Price, Tex.
Brinkley	Green, Oreg.	Purcell
Brock	Griffin	Quie
Broomfield	Gross	Quillen
Brotzman	Grover	Randall
Broyhill, N.C.	Gubser	Rarick
Broyhill, Va.	Hagan	Reid, Ill.
Buchanan	Haley	Rhodes
Burke, Fla.	Hammer-schmidt	Rivers
Burleson, Tex.	Harsha	Roberts
Burton, Utah	Hastings	Rogers, Fla.
Bush	Henderson	Roth
Byrnes, Wis.	Hogan	Roudebush
Cabell	Hull	Ruth
Caffery	Hunt	Sandman
Camp	Hutchinson	Satterfield
Chamberlain	Ichord	Schadeberg
Chappell	Jarman	Scherle
Clancy	Johnson, Pa.	Scott
Clausen, Don H.	Jonas	Sikes
Clawson, Del	Jones, N.C.	Smith, Calif.
Cleveland	King	Springer
Collier	Kleppe	Steiger, Ariz.
Collins	Kuykendall	Stephens
Colmer	Kyl	Stuckey
Cramer	Landgrebe	Talcott
Crane	Landrum	Taylor
Cunningham	Langen	Teague, Calif.
Daniel, Va.	Latta	Teague, Tex.
Davis, Ga.	Lennon	Thompson, Ga.
Davis, Wis.	Lloyd	Thomson, Wis.
Denney	Long, La.	Ullman
Dennis	McClure	Waggonner
Derwinski	McEwen	Wampler
Dickinson	McMillan	Whitten
Dorn	Mann	Wiggins
Dowdy	Marsh	Williams
Downing	Martin	Wold
Duncan	Mathias	Wyman
Edwards, Ala.	May	Zion
		Zwach

NAYS—231

Adams	Cohelan	Fraser
Addabbo	Conable	Frelinghuysen
Albert	Conte	Friedel
Alexander	Conyers	Fulton, Pa.
Anderson, Calif.	Corbett	Gallagher
Anderson, Ill.	Corman	Garmatz
Andrews, N. Dak.	Coughlin	Gaydos
Annunzio	Culver	Gibbons
Ashley	Daddario	Gilbert
Aspinall	Daniels, N.J.	Gonzalez
Barrett	de la Garza	Gray
Biaggi	Delaney	Green, Pa.
Biester	Dellenback	Griffiths
Bingham	Dent	Gude
Boggs	Diggs	Halpern
Boland	Dingell	Hamilton
Bolling	Donohue	Hanley
Brademas	Dulski	Hanna
Brasco	Dwyer	Hansen, Idaho
Brooks	Eckhardt	Hansen, Wash.
Brown, Mich.	Edmondson	Harrington
Brown, Ohio	Edwards, Calif.	Harvey
Burke, Mass.	Edwards, La.	Hathaway
Burlison, Mo.	Eilberg	Hawkins
Burton, Calif.	Esch	Hays
Button	Evans, Colo.	Hechler, W. Va.
Byrne, Pa.	Evins, Tenn.	Heckler, Mass.
Carey	Fallon	Helstoski
Carter	Farbstein	Hicks
Casey	Feighan	Horton
Celler	Findley	Howard
Chisholm	Fish	Hungate
Clark	Flood	Jacobs
Clay	Foley	Johnson, Calif.
	Ford, William D.	Jones, Ala.
		Jones, Tenn.

Karth	Natcher	Shipley
Kastenmeier	Nedzi	Shriver
Kazen	Nix	Sisk
Kee	Obey	Skubitz
Keith	O'Hara	Slack
Koch	O'Konski	Smith, Iowa
Kyros	Olsen	Smith, N.Y.
Leggett	O'Neill, Mass.	Stafford
Long, Md.	Ottinger	Staggers
Lowenstein	Patman	Stanton
Lujan	Patten	Steed
Lukens	Pepper	Steiger, Wis.
McCarthy	Perkins	Stokes
McClory	Philbin	Stratton
McCloskey	Pickle	Stubblefield
McCulloch	Pike	Sullivan
McDade	Pirnie	Symington
McDonald, Mich.	Podell	Taft
McFall	Pollock	Thompson, N.J.
McKneally	Preyer, N.C.	Tiernan
Macdonald, Mass.	Price, Ill.	Tunney
MacGregor	Pryor, Ark.	Udall
Madden	Pucinski	Vander Jagt
Mailliard	Railsback	Vanik
Meeds	Rees	Vigorito
Melcher	Reid, N.Y.	Waldie
Mikva	Reuss	Watts
Miller, Calif.	Riegle	Weicker
Mills	Robison	Whalen
Minish	Rodino	White
Mink	Roe	Whitehurst
Mize	Rogers, Colo.	Widnall
Mollohan	Rooney, N.Y.	Wilson, Charles H.
Monagan	Rooney, Pa.	Wolff
Moorhead	Rosenthal	Wright
Morgan	Roybal	Wyatt
Morse	Ruppe	Wydler
Mosher	Ryan	Wylie
Moss	St Germain	Yates
Murphy, Ill.	St. Onge	Yatron
Murphy, N.Y.	Saylor	Young
	Scheuer	Zablocki
	Schwengel	

NOT VOTING—39

Abbitt	Fulton, Tenn.	Reifel
Anderson, Tenn.	Hall	Rostenkowski
Ashbrook	Hébert	Schneebeli
Bell, Calif.	Holifield	Sebelius
Berry	Hosmer	Snyder
Blatnik	Kirwan	Utt
Brown, Calif.	Kluczynski	Van Deerlin
Cahill	Lipscomb	Watkins
Cederberg	Mahon	Watson
Cowger	Matsunaga	Whalley
Dawson	Minshall	Wilson, Bob
Devine	Morton	Winn
Fascell	Pelly	
	Powell	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Holifield against.
Mr. Devine for, with Mr. Schneebeli against.
Mr. Watkins for, with Mr. Pelly against.
Mr. Sebelius for, with Mr. Cahill against.
Mr. Cederberg for, with Mr. Blatnik against.
Mr. Hall for, with Mr. Fascell against.
Mr. Bob Wilson for, with Mr. Rostenkowski against.
Mr. Snyder for, with Mr. Cowger against.
Mr. Watson for, with Mr. Brown of California against.
Mr. Lipscomb for, with Mr. Kluczynski against.
Mr. Hosmer for, with Mr. Kirwan against.
Mr. Utt for, with Mr. Anderson of Tennessee against.
Mr. Ashbrook for, with Mr. Fulton of Tennessee against.
Mr. Berry for, with Mr. Van Deerlin against.
Mr. Reifel for, with Mr. Dawson against.

Until further notice:

Mr. Abbitt with Mr. Bell of California.
Mr. Mahon with Mr. Minshall.
Mr. Morton with Mr. Whalley.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 276, nays 117, not voting 40, as follows:

[Roll No. 321]

YEAS—276

Adair	Frelinghuysen	Moss
Adams	Friedel	Murphy, Ill.
Addabbo	Fulton, Pa.	Murphy, N.Y.
Albert	Galifianakis	Natcher
Alexander	Gallagher	Nedzi
Anderson, Calif.	Garmatz	Nelsen
Anderson, Ill.	Gaydos	Nix
Andrews, N. Dak.	Gibbons	Obey
Annunzio	Gilbert	O'Hara
Ashley	Gonzalez	O'Konski
Aspinall	Gray	Olsen
Barrett	Green, Pa.	O'Neill, Mass.
Beall, Md.	Griffiths	Ottinger
Biaggi	Grover	Patman
Biester	Gude	Patten
Bingham	Halpern	Pepper
Blanton	Hamilton	Perkins
Boggs	Hammer-schmidt	Pettis
Boland	Hanley	Philbin
Bolling	Hanna	Pickle
Bow	Hansen, Idaho	Pike
Brademas	Hansen, Wash.	Pirnie
Brasco	Harrington	Poage
Brooks	Harvey	Podell
Broomfield	Hathaway	Pollock
Brotzman	Hawkins	Preyer, N.C.
Brown, Mich.	Hays	Price, Ill.
Brown, Ohio	Hechler, W. Va.	Pryor, Ark.
Burke, Mass.	Heckler, Mass.	Pucinski
Burlison, Mo.	Helstoski	Purcell
Burton, Calif.	Hicks	Railsback
Burton, Utah	Hogan	Rees
Button	Horton	Reid, N.Y.
Byrne, Pa.	Howard	Reuss
Cabell	Hungate	Riegle
Carey	Hunt	Roberts
Carter	Jacobs	Robison
Casey	Johnson, Calif.	Rodino
Celler	Johnson, Pa.	Roe
Chamberlain	Jones, Ala.	Rogers, Colo.
Chisholm	Jones, Tenn.	Rooney, N.Y.
Clark	Karth	Rooney, Pa.
Clausen, Don H.	Kastenmeier	Rosenthal
Clay	Kazen	Roth
Cleveland	Kee	Roybal
Cohelan	Keith	Ruppe
Conable	King	Ryan
Conte	Koch	St Germain
Conyers	Kyl	St. Onge
Corbett	Kyros	Sandman
Corman	Langen	Saylor
Coughlin	Leggett	Scheuer
Culver	Lloyd	Schwengel
Cunningham	Long, Md.	Shipley
Daddario	Lowenstein	Shriver
Daniels, N.J.	Lujan	Sisk
de la Garza	Lukens	Skubitz
Delaney	McCarthy	Slack
Dellenback	McClory	Smith, Iowa
Dent	McCloskey	Smith, N.Y.
Diggs	McCulloch	Springer
Dingell	McDade	Stafford
Donohue	McDonald, Mich.	Staggers
Dorn	McEwen	Stanton
Downing	McFall	Steed
Dulski	McKneally	Steiger, Wis.
Duncan	Macdonald, Mass.	Stephens
Dwyer	MacGregor	Stokes
Eckhardt	Madden	Stratton
Edmondson	Mailliard	Stubblefield
Edwards, Calif.	Mann	Sullivan
Edwards, La.	Mathias	Symington
Eilberg	May	Taft
Esch	Meeds	Talcott
Eshleman	Melcher	Taylor
Evans, Colo.	Meskill	Thompson, N.J.
Evins, Tenn.	Mikva	Tiernan
Fallon	Miller, Calif.	Tunney
Farbstein	Mills	Udall
Feighan	Minish	Ullman
Findley	Mink	Vander Jagt
Fish	Mollohan	Vanik
Flood	Monagan	Vigorito
Foley	Moorhead	Waldie
Ford, William D.	Morgan	Wampler
Fraser	Morse	Watts
	Mosher	Weicker
		Whalen
		White
		Whitehurst
		Widnall
		Wilson, Charles H.
		Wolff
		Wright
		Wyatt
		Wydler
		Wylie
		Wyman
		Yates
		Yatron
		Young
		Zablocki
		Zwach

NAYS—117

Abernethy	Erlenborn	Michel
Andrews, Ala.	Fisher	Miller, Ohio
Arends	Flowers	Mize
Ayres	Flynt	Mizell
Baring	Ford, Gerald R.	Montgomery
Belcher	Foreman	Myers
Bennett	Fountain	Nichols
Betts	Frey	O'Neal, Ga.
Bevill	Fuqua	Passman
Blackburn	Gettys	Poff
Bray	Giaimo	Price, Tex.
Brinkley	Goldwater	Quie
Brock	Goodling	Quillen
Broyhill, N.C.	Green, Oreg.	Randall
Broyhill, Va.	Griffin	Rarick
Buchanan	Gross	Reid, Ill.
Burke, Fla.	Gubser	Rhodes
Burleson, Tex.	Hagan	Rivers
Bush	Haley	Rogers, Fla.
Byrnes, Wis.	Harsha	Roudebush
Caffery	Henderson	Ruth
Camp	Hull	Satterfield
Chappell	Hutchinson	Schadeberg
Clancy	Ichord	Scherle
Clawson, Del	Jarman	Scott
Collier	Jonas	Sikes
Collins	Jones, N.C.	Smith, Calif.
Colmer	Kleppe	Steiger, Ariz.
Cramer	Kuykendall	Stuckey
Crane	Landgrebe	Teague, Calif.
Daniel, Va.	Landrum	Teague, Tex.
Davis, Ga.	Latta	Thompson, Ga.
Davis, Wis.	Lennon	Thomson, Wis.
Denney	Long, La.	Waggonner
Dennis	McClure	Whitten
Derwinski	McMillan	Wiggins
Dickinson	Marsh	Williams
Dowdy	Martin	Wold
Edwards, Ala.	Mayne	Zion

NOT VOTING—40

Abbitt	Fulton, Tenn.	Powell
Anderson, Tenn.	Hall	Reifel
Ashbrook	Hastings	Rostenkowski
Bell, Calif.	Hébert	Schneebeli
Berry	Holifield	Sebelius
Blatnik	Hosmer	Snyder
Brown, Calif.	Kirwan	Utt
Cahill	Kluczynski	Van Deerlin
Cederberg	Lipscomb	Watkins
Cowger	Mahon	Watson
Dawson	Matsunaga	Whalley
Devine	Minshall	Wilson, Bob
Fascell	Morton	Winn
	Pelly	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Holifield for, with Mr. Hébert against.
Mr. Cowger for, with Mr. Snyder against.
Mr. Watkins for, with Mr. Hall against.
Mr. Cederberg for, with Mr. Watson against.
Mr. Schneebeli for, with Mr. Devine against.
Mr. Pell for, with Mr. Utt against.
Mr. Rostenkowski for, with Mr. Lipscomb against.
Mr. Bob Wilson for, with Mr. Berry against.
Mr. Cahill for, with Mr. Reifel against.
Mr. Matsunaga for, with Mr. Ashbrook against.

Until further notice:

Mr. Abbitt with Mr. Whalley.
Mr. Anderson of Tennessee with Mr. Winn.
Mr. Blatnik with Mr. Sebelius.
Mr. Morton with Mr. Mahon.
Mr. Minshall with Mr. Hastings.
Mr. Brown of California with Mr. Dawson.
Mr. Van Deerlin with Mr. Powell.
Mr. Kirwan with Mr. Hosmer.
Mr. Kluczynski with Mr. Bell of California.
Mr. Fascell with Mr. Fulton of Tennessee.

Mr. DICKINSON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 734, the Committee on Education and Labor is discharged from further consideration of the bill S. 3016.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. PERKINS: Strike out all after the enacting clause of S. 3016 and insert in lieu thereof the provisions of H.R. 12321, as passed, as follows:

That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 for which there are no separate authorizations of appropriations in such Act, there are hereby authorized to be appropriated $1,563,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title 1 of the Economic Opportunity Act of 1964 is amended redesignating part E as part F, by renumbering section 161 (as amended by section 102 of this Act) as section 171, and by inserting after part D the followingg new part:

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Operation Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

"SPECIAL PROGRAMS

"SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

"(1) A special program to be known as 'Mainstream' which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

"(2) A special program to be known as 'New Careers' which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

"(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individual to achieve success in these programs and in employment.

"ADMINISTRATIVE REGULATIONS

"SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious workship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artifical barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

"LIMITATIONS ON FEDERAL ASSISTANCE

"SEC. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act.

"AUTHORIZATIONS

"SEC. 168. For the purpose of carrying out programs under this part, there are hereby authorized to be appropriated $110,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

TITLE III—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

SEC. 301. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE IX—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

"FINDINGS AND PURPOSE

"SEC. 901. The Congress finds that children participating in Headstart projects and other preschool programs are afforded an increased opportunity for learning and healthy maturation, that more effective and maximum benefits accrue to children participating in preschool programs when special educational programs are provided for such children in the early primary grades immediately following their preschool participation, and that preschool and special educational programs and services provided in the early primary school years afford children with culturally deprived, educationally lacking, or economically distressed family backgrounds an essential opportunity to participate in the economic, social, and political mainstream

activities of American life. It is the purpose of Congress in this title to afford broad authority to the Director, either acting directly or by delegation pursuant to the provisions of title VI of this Act, to broaden the opportunities of the children described in this paragraph for preschool and early primary education, including provisions for parental and home involvement, utilizing to the maximum extent possible existing agencies and organizations and resources to accomplish such purposes.

"AUTHORIZATIONS

"SEC. 902. For the purpose of carrying out the provisions of this title, the Director is authorized to make grants to community action agencies, local educational agencies, or other public or nonprofit agencies with the approval of the appropriate community action agency, or to a local educational agency or other public or nonprofit agency in an area where there is no community action agency. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $578,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

"SEC. 903. The sums which are appropriated or allocated for the purpose of making grants under this title shall be allotted pursuant to section 225 of this Act and such sums and project assistance shall be subject to the provisions of that section.

"USES OF FUNDS

"SEC. 904. (a) Grants made pursuant to this title may be used for (1) the continuation of programs authorized by sections 222 (a) (1) and (2) of this Act prior to the enactment of the Economic Opportunity Act Amendments of 1969, and known as 'Project Head Start' and 'Follow Through', where consistent with the purposes of this title, (2) planning for and taking steps leading to the development of early childhood programs for the benefit of children with culturally deprived, educationally lacking or economically distressed family backgrounds, including appropriate arrangements with educational agencies for special educational programs and services for the further intensified provision of educational opportunities for such children during the early years of compulsory school attendance, (3) the provision within such programs of such comprehensive health, nutritional, social, and other services as the Director finds will assist such children in gaining their full potential, (4) providing for direct participation of the parents of such children in the development, conduct, and overall program direction at the project operating level, (5) the establishment, maintenance, and operation of preschool and early primary school programs for the children described in this section, including the lease or rental of necessary facilities and the acquisition of necessary equipment and supplies necessary to provide comprehensive programs as described in this section, (6) the provision of comprehensive physical and mental health services for children needing such assistance in order to profit from educational programs, (7) food and nutritional services, including family consultative and educational programs to improve nutrition in the home, (8) special social services to broaden the educational environment in the homes of the children participating in such programs, and (9) other social and educational activities, including summer, weekend, and vacation programs for such children which are deemed by the Director to further the purposes of this title."

SEC. 302. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking and paragraphs (1) and (2), thereof.

TITLE IV—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

SEC. 401. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE X—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

"STATEMENT OF PURPOSE

"SEC. 1001. Congress finds that existing programs aimed at providing surplus foods and free meals to needy children and families often are structured so as to have no or little impact on extremely economically disadvantaged children and families; that to reach the many victims of such impoverished circumstances, existing programs must be supplemented and broadened to produce effective results; that supplementary activities, requiring improved delivery services, increased family food subsidies, intensive family and child educational components, and emergency family medical services are required frequently in the homes of the most economically disadvantaged; and that such conditions operate most severely on the elderly and the very young. It is the purpose of this title to provide broad authority to meet such needs expeditiously.

"AUTHORITY TO PROVIDE FOOD AND MEDICAL SERVICES AND SUPPLIES

"SEC. 1002. The Director is authorized to provide, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplemental to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve extremely economically disadvantaged families with particular emphasis on the elderly and the extremely young where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this title. The Director is authorized to carry out the functions under this title through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such foodstuffs, medical services and supplies through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families.

"AREAS OF SPECIAL EMPHASIS

"SEC. 1003. The Director shall take steps to assure that programs under this title shall be designed to deal particularly with the incidence of malnutrition, hunger and serious medical needs among persons in economically disadvantaged circumstances who are fifty-five years of age and older and young children. In the conduct of such programs, the Director shall encourage the employment of such elderly persons as regular, part-time, and short-terms staff in programs designed to carry out the provisions of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1004. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $92,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

SEC. 402. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraph (5) thereof.

TITLE V—MISCELLANEOUS

AMENDMENT OF RURAL LOAN PROGRAM

SEC. 501. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".

LIMITATION ON LEGAL SERVICES PROGRAM

SEC. 502. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services".

AVAILABILITY OF LEGAL SERVICES TO ARMED FORCES PERSONNEL

SEC. 503. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense). The costs of providing such services shall be reimbursed by the Secretary of Defense."

APPLICABILITY TO TRUST TERRITORY

SEC. 504. Section 609(1) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III–A, and title IV".

AUTHORIZATION OF NARCOTIC ADDICT RECOVERY PROGRAM

SEC. 505. Section 222(a) of such Act is further amended by adding to the end thereof the following new paragraph:

"(9) A 'Narcotic Addict Recovery' program designed to discover and bring about post and/or preinstitutional treatment for narcotic addiction. Such a program shall be community based, with appropriate participation by parents, youth, educators, and others in the community, serve the objective of maintaining the family structure as well as the recovery of the individual addict, encourage the use of neighborhood facilities and the services of former addicts as program workers and facilitate the re-entry of addicts into society. Such a program shall also emphasize the coordination and full utilization of existing community services which pertain to the treatment of addiction and/or related disorders."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12321) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3016, ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist upon its amendment to the bill (S. 3016) to provide for the continuation of pro-

grams authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, and request a conference with the Senate thereon.

The Clerk read the title of the Senate bill.

THE SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Mr. PERKINS, Mrs. GREEN of Oregon, Messrs. PUCINSKI, BRADEMAS, O'HARA, CAREY, HAWKINS, WILLIAM D. FORD, HATHAWAY, MEEDS, Mrs. MINK, Messrs. CLAY, AYRES, QUIE, REID of New York, ERLENBORN, SCHERLE, DELLENBACK, ESCH, and STEIGER of Wisconsin.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14580. An act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 14580) entitled "An act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. CHURCH, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 14580

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FASCELL, ADAIR, MAILLIARD, and FRELINGHUYSEN.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORTS ON S. 2910 AND H.R. 12795

Mr. DORN. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file reports on the bills S. 2910 and H.R. 12795.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished minority whip yield?

Mr. ARENDS. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority whip, we have finished the program for this week, and we will ask to go over until Monday upon the announcement of the program for next week.

Monday is Consent Calendar day. There are 22 suspensions, the first of which is H.R. 15095—Social Security Amendments of 1969.

Mr. Speaker, I ask unanimous consent that I may insert the remainder of the suspensions in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, would it be the plan of the distinguished majority leader to call these bills up in the order in which they are listed?

Mr. ALBERT. Mr. Speaker, I would say, in answer to the inquiry of the gentleman from Iowa that that would be up to the discretion of the Speaker. I would say generally, yes, but I would not want to bind either those calling up the bills or the Chair.

The SPEAKER. The Chair will state to the gentleman from Iowa that he does not intend to depart from the order on the list unless there is some extraordinary situation

Does that answer the question of the gentleman from Iowa?

Mr. GROSS. Yes, Mr. Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The suspensions are as follows:

1. H.R. 15095—Social Security Amendments of 1969;
2. H.R. 14646—To grant the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact;
3. H.R. 10124. To extend the time for filing tort actions by certain persons;
4. H. Res. 661—Commending the American serviceman and veteran of Vietnam for his efforts and sacrifices;
5. H. Con. Res. 454—Calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front;
6. H.R. 14789—Foreign Service Act Amendments of 1969;
7. S.J. Res. 90—To enable the U.S. to hold a conference to negotiate a Patent Cooperation Treaty;
8. H.R. 15166—River Basin Monetary Authorization Act of 1969;
9. H.R. 14464—To insure that certain facilities are accessible to the physically handicapped;
10. S. 3169—To amend the Atomic Energy Act of 1954;
11. S. 740—To establish the Cabinet Committee on Opportunities for Spanish-Speaking People;
12. H.J. Res. 757—To authorize appropriations for the Office of Intergovernmental Relations;
13. H.J. Res. 506—Consenting to an extension and renewal of the interstate compact to conserve oil and gas;
14. H.R. 14086—Community Mental Health Centers Amendments of 1969;
15. H.R. 14790—To extend the authority to make formula grants to schools of public health;
16. H.R. 14733—To extend the program of health services for domestic migrant agricultural workers;
17. H.R. 14289—To place the counties of El Paso and Hudspeth, Texas, in the mountain standard time zone;
18. H.R. 13448—To authorize the exchange of lands at New Orleans, La.;
19. H.R. 13630—To extend certain expiring provisions of law relating to vocational education;
20. H.R. 6971—Vessel Bridge-to-Bridge Radiotelephone Act;
21. H.R. 9366—To change the number of apprentices authorized to be employees of the Government Printing Office; and
22. H.R. 14213—To provide for additional Regents of the Smithsonian Institution.

Mr. ALBERT. Mr. Speaker, Tuesday is Private Calendar day, and the following bills may be called up by unanimous consent.

Mr. Speaker, these are all from the Committee on Armed Services, and I would ask unanimous consent that they may be inserted in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The bills referred to are as follows:

H.R. 8022—To authorize allowances to certain members of the uniformed services for dependents' schooling;

H.R. 8021—To authorize allowances under certain circumstances;

H.R. 386—To provide a family separation allowance in certain instances; and

H.R. 110—Relating to family separation allowances paid to members of the uniformed services.

Mr. ALBERT. Mr. Speaker, for Wednesday and the balance of the week:

H.R. 15091, to lower interest rates and fight inflation, to help housing, small

business, and employment, and for other purposes, subject to a rule being granted;

H.R. 9476, to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund, subject to a rule being granted; and

H.R. 14944, to authorize an adequate force for the protection of the Executive Mansion and foreign embassies and for other purposes, also subject to a rule being granted.

Mr. Speaker, this announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program may be announced later. Of course, we expect to have several conference reports—we hope to, anyway.

Mr. ARENDS. Mr. Speaker, does the distinguished gentleman from Oklahoma have any hope at all that the Senate might finish the appropriation bills next week, and we can act on the conference reports?

Mr. ALBERT. I certainly have hopes. I would hate to lose hope.

Mr. ARENDS. That would certainly be my hope.

I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJOURNMENT TO MONDAY, DECEMBER 15, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ACCOMPLISHMENTS OF THE HIGH INTEREST RATE, TIGHT MONEY POLICIES

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, so much has been said about how the high interest rate and tight money policies have failed in terms of meeting inflation, I believe a few words ought to be said about the positive performance of this high interest, tight money.

We are looking into 1970, and I believe we can see that the continuation of the performance of present policy will mean less money for schools all over the United States.

This policy is going to mean less money for States which have programs, like my own State, for developing water interests of the States.

It means less money for cities to do all the things cities must do to undergird the building of the cities. Projects depending upon bonds, such as roads, flood control, water and sewer lines, and government buildings are all now completely frustrated.

This policy also has brought selective unemployment; 17 percent for those who are in minority races, 22 percent for some of the young people.

This policy also has created almost a depression in the building industry.

This policy has put small businessmen out of business and bounced them completely off the borrowing benches of all the banks of America.

So when we say what the policy has not been able to accomplish, let us think of the things that have been accomplished by this policy.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HANNA. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Apparently it has been decided that we cannot spend billions on foreign aid and still have them to spend in this country. I do not know how the gentleman voted on the foreign giveaway bill, but somewhere cuts apparently have to be made.

Mr. HANNA. I am glad that the gentleman spoke about the foreign giveaway bill. I remember that one of his cohorts—and I believe he probably agreed with it—talked about a giveaway and how it affected the United States.

I remind the gentleman that when the foreign aid bill was carrying as much as $6 billion the United States never had it so good. We had the greatest growth of the United States after World War II until 1965 the country had ever seen. That is when we had the best foreign aid program we had ever seen.

Mr. GROSS. When we were in debt over our ears.

THE PLIGHT OF THE SHOE INDUSTRY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, yesterday I reported the closing down of the Victory Shoe Co. at Avon, Mass. Today I want to report another closing that is taking place in Massachusetts in the footwear industry. The B. F. Goodrich Plant at Watertown, which in 1964 employed up to 5,000 persons, expects to have the firm close down by December 19. My distinguished and esteemed colleague who represents that district, the Hon. PHILIP J. PHILBIN, charged the day before yesterday that cheap foreign imports were responsible for the scheduled closing of the B. F. Goodrich Plant at Watertown.

Mr. Speaker, the town of Watertown alone is losing $500,000 a year in real estate taxes from this firm. Five thousand people were employed by it in 1964 and at the end of this year it will be down to zero.

Mr. Speaker, what do we have to do in this country to wake the people up? Here is an industry that is being destroyed systematically in every section of the country. There are 253 Members of this House who have footwear firms located in their districts. Most of these firms are the economic backbone of small local communities.

Before this year is out I will have brought to the attention of this House several other footwear firms that will close their doors.

Mr. Speaker, I trust that the meeting which we had with President Nixon on September 23 will start to result in bringing forth results. So far all we have heard is the forked tongue of the administration. On one side one says he is going to resist cheap labor footwear imports, and on the other hand we have negotiators pushing for more free trade. They call these people "free traders." My assessment of them is that they are not free traders but they are freeloaders.

An article from the Boston Herald of Thursday, December 11, 1969, follows:

TOWN SEEKS BUYERS FOR GOODRICH

U.S. Rep. Philip J. Philbin charged yesterday that "cheap foreign imports" were responsible for the scheduled closing of the B. F. Goodrich plant in Watertown.

Earlier, plant officials announced that some 950 rubber products workers would be dropped by Dec. 19 in a near-final phasing out of the installation.

Some 150 office and warehouse employes will continue to work a few more months, officials said, while the plant is being totally shut down.

B. F. Goodrich manufactured waterproof rubber footwear and flooring at its Watertown facility and, in 1964, employed up to 5000 workers.

With payments of some $500,000 annually, it was Watertown's largest single source of tax revenue.

Town officials have been scouting possible buyers of the 64-acre site since Goodrich officials reported in 1966 they were starting to phase out operations at the plant.

UNDERMINING THE CIVIL RIGHTS DIVISION

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, yesterday a familiar coalition, a not so silent majority of the House, delivered a devastating blow to the cause of civil rights by rejecting a simple extension of the Civil Rights Act of 1965.

After a decade of progress in civil rights under President Kennedy and President Johnson, a decade in which the Congress met its responsibility by enacting the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the act of 1968, we have entered a period of retrogression. It started immediately when the Nixon administration took office. Defense contracts were awarded to contractors in violation of the Executive order on discrimination in employment. HEW guidelines on school desegregation were abandoned. The Attorney

General appeared before the Supreme Court in opposition to the NAACP on the question of implementing the desegregation decision of 1954. And the Attorney General said that, if the Supreme Court did order immediate desegregation in Mississippi, he would be unable to enforce the order.

The Supreme Court did order immediate action, and apparently the Attorney General is fulfilling his own prophecy.

The latest revelation of the administration's retreat on civil rights was reported in today's Washington Post. The Civil Rights Division of the Department of Justice is already demoralized, but now it is to be dismembered. The responsibility of the Civil Rights Division to enforce school desegregation cases is to be shifted to local U.S. attorneys. All of the work which has been done by Burke Marshall, John Doar, and Stephen Pollak will go down the drain if this is permitted. The fox will truly be in the chicken coop.

Mr. Speaker, if any agency of the Federal Government has been doing its part in preventing the polarization of our society, of which the President's Advisory Commission on Civil Disorders warned, it has been the Civil Rights Division of the Department of Justice.

Mr. Speaker, 1969 has been a year of retreat. I call upon the chairman of the Committee on the Judiciary of the House to begin an immediate investigation into the way in which the Civil Rights Division is being demoralized and undermined.

DANGEROUS EFFECT OF THE IMPORT FLOOD

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, we just heard a Member of this Congress talk about some results of the import damage. I might bring the Members up to date a little on something that might interest them.

We are taking up the Office of Economic Opportunity bill today, and I see where there has been a contract let to train 60 unemployed workers into skilled jobs, and the contract amounts to $2,243,000, which is something like $45,000 per man.

There are 650 workers who have just been let out of the glass plant in my community, and they are going to ask for training. Also there are 500 steel workers who have just been let out, and who have now been approved for training, with a payment of $2,232,000 under the import injury clause of the Kennedy round.

Further, we have found out through the figures received from the Department of Commerce that 51 percent of all ladies' handbags in this country are now imported, and that many of the New Jersey plants making handbags have been closed down because when they went out to secure their Christmas orders they found that all of the storerooms of the retail outlets were filled with imported handbags, and now they have a great number of handbags that were made during the off season to keep people working during the lean months.

Mr. Speaker, they say there is something like reciprocity. Maybe we can get some foreigners to buy our handbags.

Mr. Speaker, I advise the House right now, unless we do something quickly in the matter of the flooding of imports into this country from low-wage counties, we are going to face a crisis that all of the OEO bills you could put together will never be able to stave off the poverty in this Nation.

NORTH APOLOGIZES TO SOUTH; OTHER PAPERS PLEASE COPY

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, one of the few times in the history of mankind, a major newspaper has apologized to an entire section of the country for their former editorial policy and begged its forgiveness for having distorted and slanted the news and falsely lambasted the South.

It takes guts, Mr. Speaker, for an individual to do this. It takes infinitely more for a newspaper to publish its apology for the whole world to see and I take my hat off to the editor and take it upon myself, as a southerner, to accept the apology and say we forgive you for what you did to us.

The newspaper is the Chicago Tribune and I now believe it has earned the description WGN, "world's greatest newspaper" which has been its trademark over the years. The editorial in question was commented upon by the Shreveport Times in an editorial on December 9 and I take pleasure in inserting it here in the RECORD for my contemporaries and the historians who will follow after us all.

There are other papers far more guilty than the Trib, but I doubt if there is any now willing to make a similar apology. I offer them the opportunity by adding the customary line: "Northern newspapers please copy." If any do, I will be pleased to see that they, too, are printed in the RECORD.

The editorial follows:

AN APOLOGY TO THE SOUTH

The Chicago Tribune calls itself "the world's greatest newspaper" and uses the letters "WGN" as abbreviation for the designation. Years ago, by permission of the Federal Communications Commission, it was allowed to use the letters for its radio station and this permission was repeated later for its TV station.

As a publishing institution, the Tribune doubtless deserves the descriptive adjective "great" and some—perhaps partisans—would even sanction "greatest," but others would raise questions, rightfully. The Trib, as Chicagoans call it, owns newsprint plants and other interests. It will, it has been said, send a star reporter to Timbuktu to look into reports of invention of a new kind of match.

At the turn into the 1920s, The Trib sent its highest paid reporter, Philip Kinsley, to spend three months in Australia and to write articles about that nation—holding that Australia, little known to the world generally at that time, had a greater future than any piece of land its size on earth. It was two to three decades before the forecast began to come true, but The Trib was about right.

The late Capt. Joseph Medill Patterson, its editor at that time, said half the subscribers to The Trib read it to cuss it and half because they liked it. He once instituted a contest, paying $100 a day for the best letter condemning The Trib as the world's worst newspaper and $100 for the best letter contending it was the world's greatest—and published both letters daily for several weeks on page one.

And, for decades, The Trib lambasted the South, falsely—perhaps truthfully once in a while, but rarely. It seemed like The Trib felt its editorial page any day was a failure without an anti-South editorial.

But, now, The Trib apologizes to the South for The Trib's own past. It did so in the following editorial a few weeks ago:

"A SINCERE APOLOGY TO THE SOUTH

"DEAR DIXIE: Can you possibly find it in your heart to accept our sincere apology?

"When there was race rioting in Little Rock, Ark., we were convinced that the cause was callousness. Our public officials and our press in Chicago insisted that the only reasons for Negro restiveness were your segregated schools and your stubborn governor. We in Chicago with integrated schools and a very liberal governor are now writhing with agony of race rioting. And as we seek to set our house in order, we hope your headlines will be kinder to us than ours were to you.

"And when a Mississippi Negro boy was found drowning, we in Chicago called this the inevitable result of a white supremacy tradition. Now a Negro girl, 14 and pregnant, has been shot to death on the front porch of her own home in Chicago—and we are confused and ashamed—and frightened.

"What are we doing wrong that has made eight square miles of our city a battleground? Help us, if you can find it in your own heart to help.

"And Alabama, when your state police were photographed subduing rioters with night sticks, Chicago bold face front pages condemned you for indefensible brutality. Now Illinois state police have resorted to armored cars and cracking skulls and shooting to kill.

"Your governor has alleged that 'Communists are fomenting this strife.' We scoffed.

"Now 13 Negroes on Chicago's west side have been charged with plotting treason. We are sweeping admittedly Communist literature from our littered streets. Forgive us for not knowing what we are talking about.

"Georgia, when you were photographed in the act of turning back crowds of marching children—we could not control ourselves. The very idea, the Chicago press editorialized, that youngsters should be considered a menace sufficient to justify the use of tear gas.

"Now in our own asphalt jungle, we have seen Negro youngsters of 9, 10 and 11 years advance on police with drawn guns or broken bottles—screaming kill Whitey!

"And we used gas and clubs and dogs and guns and God forgive us, what else could we do? Can you, Georgia, forgive us, too?

"We tried the patience we had preached—honest we did. We tried so desperately that seven policemen were shot the other night, two of them through the back. So, in the end, we resorted to methods more brutal than yours. But, don't you see, we had to.

"Dear Dixie, perhaps we have not yet learned to appreciate what you have been trying to do to defeat revolution—but for whatever belated comfort it may be, from our glass house we will not be throwing any more stones.

ROGERS EXPRESSES CONCERN OVER CONTENTS OF ORAL CONTRACEPTIVES

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, the Committee on the Safety of Drugs in Great Britain, otherwise known as the Dunlop Committee, yesterday reported in London, that oral contraceptives containing relatively large amounts of the hormone "estrogen" increase the risk of dangerous blood clots among women taking them.

The Dunlop Committee urged manufacturers to withdraw 21 of 30 brands on the British market because they contain 75 micrograms or more of the hormone. The Committee recommended that oral contraceptive pills not contain more than 50 micrograms.

Mr. Speaker, while 1.5 million British women take the pill, there are 8.5 million American women who do.

Moreover, it is my understanding that at least four U.S. manufacturers of the pill are involved in the production of some of the 21 brands of which the Dunlop Committee urged removal from the market.

Furthermore, there are 37 different oral contraceptive products on the market in the United States and at least 30 of these contain more than 50 micrograms of either "mestranol" or "ethynil estradiol," the two principal estrogens used in the oral contraceptives.

In light of this report of the British committee, I urge the Food and Drug Administration to carefully review the oral contraceptive compounds on the market in the country to determine if the estrogen level is dangerous to the health of American women who are using the pill.

Along these lines, I will be most interested in finding out how FDA, under the new reorganization, plans to handle this matter and other scientific judgments on new drugs, pesticides and foods.

I think the reorganization announced by the Secretary should help greatly in increasing the efficiency of the FDA and that in turn will help protect the consumer.

This move to reorganize FDA is approximately along the lines of what I requested in October and I am pleased that the Secretary has taken such action.

The entire operation at FDA seemed shaky and the lines of communication were very limited. I hope giving FDA direct access to the Assistant Secretary for Health will open those lines of communication. Certainly, the MSG and cyclamate controversies have pointed out the need for communication.

I hope that we will see FDA take on a more aggressive character and will become, as I have said, the lead agency for consumer protection within the Federal Government.

POLITICS AS USUAL

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, last Tuesday the gentleman from Indiana (Mr. MADDEN) spoke briefly about President Nixon's "threat" to veto the tax reform bill if it contains both the Senate-adopted $800 exemption and the 15-percent social security increase.

Again yesterday Mr. MADDEN broadened his attack, apparently as a spokesman for what he called the Democrat steering committee, in an obviously political attempt to play on the emotions of our retired people and other voting taxpayers.

I cannot let these politically inspired groans of anguish go by without answering, although this is typical of the methods used by some of my liberal friends to garner votes. It is very easy to engage in a popularity contest by promising the people to give them more money and bigger tax exemptions—it is easy so long as you do not face up to the problem about who will pick up the check for these big spenders.

One of the reasons there is a demand today for bigger exemptions and larger social security payments is that my liberal colleagues, including Mr. MADDEN, have for years shown a total lack of capacity to resist demonstrating their great generosity with somebody else's money. It is their votes for deficit spending, it is their disregarding the basic laws of economics, it is their carrot-on-the-stick technique of attracting votes with big spending programs that have, in fact, eroded the value of the dollar to the point where everyone suffers, including those on social security.

Mr. Speaker, all of us recognize the need to care for those who are unable to care for themselves; all of us also recognize that the average workingman is overburdened with taxes imposed largely by liberals to pay for their liberal social welfare schemes. In the last 5 years $100 has become worth $75, and a $600 exemption is really only a $450 exemption. We can thank the gentleman from Indiana and those who share the sympathy of the Democrat steering committee for the situation.

Today we have a President who wants to restore a sound dollar in order that every American can enjoy the fruits of his labor, but the gentleman from Indiana says "No: we will give away more and more cheaper dollars, and if you disagree you are against the poor." This, obviously, is the old shell game, but the American people will not be hoodwinked by such gyrations. Certainly it makes no sense to the President, and fortunately, all the name calling by the gentleman from Indiana is not going to change his mind if the Congress does send such a package to the White House. President Nixon is determined to end inflation.

Testimony by Treasury officials before the Ways and Means Committee revealed that for each $100 the exemption to the taxpayer is raised, revenues are reduced nearly $3 billion. How in the world the gentleman from Indiana and his Democrat steering group expect to pay for all their excesses and deficits which they created by voting for every conceivable type of big spending program, escapes me and I dare say most thinking Members of this Congress. This country will never return to a sound dollar basis as long as the Congress, which incidentally has been controlled by Democrats for 34 out of the last 38 years, continues to spend more of the taxpayers' money without having the courage to enact appropriate measures to collect the money to pay for the programs. I trust the conferees on the tax reform bill will make a major effort to clean it up and resolve the over 150 differences, thus sending a tax reform bill to the President that is indeed a tax reform bill rather than a Christmas tree.

TRAVEL RESTRICTION LEGISLATION

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, I am informed that the first contingent of "volunteers" to assist the Cuban Government harvest its 1970 sugar crop has just left from Mexico. Reports state that 90 young Americans left the United States via Mexico on November 30. They are the first of seven groups totaling 600 which will spend 2 months in Cuba harvesting sugar for Castro's Communist government. They left without passports in order to avoid prosecution.

The Venceremos Brigade, as it is known, has, thus, passed the recruitment stage and is now actively engaged in undercutting American foreign policy. For those who doubt this proposition, a recent Cuban radio broadcast made the following observation on the expedition:

> They will come to cut cane with us here, as an expression of solidarity with the Cuban people. This is a friendly gesture which we appreciate very much, for this year's harvest is, historically, the largest of them all and it represents a decisive battle of our people in the general struggle against underdevelopment.

The Cuban Government made numerous other press releases and radio statements regarding the support being given to Castro.

Thus, the most self-defeating aspect of the SDS-sponsored expedition is its furnishing the Cuban and Latin American Communists with propaganda ammunition. The real purpose of the SDS in sending the young radicals to Cuba is not to cut cane, but to make Cuban propaganda hay. In fact, the SDS played down the cane-cutting aspect of the expedition when they explained its purpose last summer:

> We wish to educate people about the international revolution against imperialism, to gain practical understanding of communist principles, and to give support to the Cuban Government.

It is too bad that they are not going to cut cane in earnest as canecutting is hard work and the experience would, no doubt, be educational for many of them. Moreover, their so-called idealism will, no doubt, soon give way to despair when they get a firsthand view of "Communist principles in action." On December 1, Andrew Ferrell, a former Black Panther aide to Eldrige Cleaver who just left Cuba in disgust, stated in part, when he arrived in Paris:

> The Cubans were faking on the world, especially on the revolutionaries and progressive people in the States, to keep their

international support strong . . . We ran into all kinds of dissatisfied Cubans. You know, like people were saying "Hey man, you're crazy. What did you come down here for? Everybody is leaving here and going there (America)". This is insane.

With regard to the actual harvesting of the sugar crop, it should be noted that it is considered critical both for the economy of the country and for the survival of Castro's regime. Although it is doubtful that the canecutters will actually cut much cane, it is absurd to permit such a large group of Americans to lend assistance to the harvesting just when our embargo on trade with Cuba is beginning to achieve the desired result of placing such a burden on the Cuban economy that it is incapable of exporting Communist revolution elsewhere in Latin America.

On November 20, I introduced H.R. 14893 and 14894 which were cosponsored by 34 other Congressmen to prevent such flagrant violation of restrictions placed on travel abroad by the Secretary of State for foreign policy reasons. This legislation is designed to give the Secretary of State the statutory authority, which recent Supreme Court cases say he lacks, to impose and enforce area restrictions on travel. It gives the Secretary of State the power to restrict travel if he determines that the country or area is first, at war; second, one where insurrection or armed hostilities are in progress; third, one whose military forces are engaged in armed conflict with U.S. forces; and fourth, one to which travel must be restricted in the national interest because such travel would seriously impair the conduct of U.S. foreign policy.

If enacted, this legislation will effectively prohibit those who desire to travel to restricted areas and engage in activities that undercut this Nation's foreign policy objectives and, actually, encourage our adversaries. The cane-cutting expedition is a dramatic illustration of the need for this legislation. However, since the recent Supreme Court cases held that the Secretary of State lacked the authority to impose travel restrictions, there have been many other instances of American radicals engaging in activities in restricted countries which undermine the effective conduct of American foreign policy.

For example, Stokely Carmichael in August of 1967, shortly after the Laub decisions denying the enforceability of travel restrictions was handed down, while in Hanoi investigating "savage U.S. aggression" against North Vietnam, stated on Hanoi radio that he "pledged the support of American Negroes for Communist North Vietnam in the Vietnamese war." While in Havana the week before, he called for "total revolution" against the "imperialist, capitalist, and racialist structure of the United States." In August of this year an American antiwar delegation comprised of SDS's leaders, black antiwar leaders, and other militants toured North Vietnam and held a mass rally on August 4 at which time they made speeches condemning the United States, praising the North Vietnamese, and calling for solidarity between the antiwar factions in the United States and North Vietnam.

In September of this year, Elridge Cleaver, head of the Black Panthers, appeared with a delegation of Black Panthers in Pyongyang, capital of North Korea, at the World Conference of Journalists Against U.S. Imperialism and said in part:

U.S. imperialism seeks to turn the entire world into a huge prison under its bloody thumb and under the boots of its troops and puppets. The people of the world must unite and stage a massive, universal prison break against U.S. imperialism.

Most recently, Richard Barnett, who served in the U.S. Arms Control and Disarmament Agency during the Kennedy administration and who is now codirector of the Institute for Policy Studies with Marcus Raskin, and William Meyers, a director of the Lawyers Committee on American Policy Toward Vietnam, traveled to Hanoi to meet with Hanoi officials and called for support of massive American demonstrations against the U.S. aggression in Vietnam.

Many of these individuals and groups who have traveled to restricted countries have deliberately misrepresented American opinion and offered the assistance and cooperation of American organizations to promote the views of our adversaries. I am of the opinion that one of the most important reasons for the intransigence of the North Vietnamese in the Paris negotiations is the blurred picture of the American electorate which has been painted by the fringe minority who have traveled to Hanoi in deliberate violation of the restrictions imposed by the Secretary of State. The Governments of North Korea, North Vietnam, Cuba, and China have made much propaganda out of these visits and offers of assistance. A case in point is the recent buildup that was given to the release of a partial prisoner-of-war list to the antiwar group who met with the North Vietnamese in Paris without consultation with the U.S. Government and in complete disregard of the emissaries appointed by our elected officials. A recently returned POW, Lt. Robert F. Frishman, stated he did not want to be used for propaganda purposes and that the peace groups should not be permitted to travel to Hanoi.

In addition, some have actually engaged in sending supplies and economic aid to our adversaries. The Quaker ship, the *Phoenix*, has made numerous trips in defiance of travel restrictions to deliver medical and other needed supplies to North Vietnam to enable them to carry on their war of aggression against Americans in South Vietnam.

These are but a few of the many recent instances of Americans who have traveled to restricted countries which have been and are carrying on staunch anti-American and anti-free-world policies, including aggression, and have offered their support and confer with them as to how to gain more American support for their anti-American policies. The illogic and undermining character of this activity is readily apparent. Chairman CELLER of the Judiciary Committee has called for departmental reports on H.R. 14893. My colleagues, Congressman MCCULLOCH, the ranking Republican on the Judiciary Committee, and Congressman ZABLOCKI, the ranking Democrat on the Foreign Affairs Committee, have either cosponsored this bill or introduced their own. Consequently, I am hopeful that hearings can be held on this matter as soon as possible in order to return to the Secretary of State the power which he formerly had before the situation grows worse.

THE PROBLEMS OF DRUGS IN THE SIXTH DISTRICT OF MINNESOTA

(Mr. ZWACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZWACH. Mr. Speaker, throughout our Nation, the drug problem has increased rapidly. I am concerned with this situation; concerned enough to meet with the city and county law enforcement officials of my district to discuss this growing problem and the experiences and problems of the law enforcement officials in dealing with it.

On Friday, November 28, 1969, at the Kandiyohi County Courthouse in Willmar, Minn., I became aware of how serious the drug situation is in the Sixth District of Minnesota. Please understand, Mr. Speaker, my district is not a metropolitan district, but a rural one.

Mr. Speaker, I have come to the conclusion that there is a serious and growing drug problem in countryside America, and I think my colleagues should be aware of it.

The local law enforcement officials I met with are doing the best possible job they can to stop this growing problem. But they are hampered due to the lack of money, manpower, and enough education on the problem, to adequately handle the problem.

Youngsters 15 and 16 years old are now using marihuana, speed, and LSD. One 16-year-old has been selling marihuana. Students are selling LSD in high school. It is the same story with students in college. These are just a few examples of the problems confronting our society more rapidly than we care to admit.

For members of the law-enforcement agencies, the big problem, in addition to drug use itself, is manpower and funds. They just do not have enough of each to handle the job they want to do. Even though their resources are low, these law-enforcement officials are speaking before all groups regarding the problem of drugs. They are working with the schools in developing successful drug education programs. They are doing, in my estimation, the best job possible with few tools available.

Mr. Speaker, so that my colleagues may know the result of my meeting with law-enforcement officials on the problem of drugs, I conclude my remarks by giving a short consensus of the meeting.

There is a drug problem in the Sixth District of Minnesota and it is growing. There is a lack of money and manpower, at local, State, and Federal levels, to adequately handle a problem that is

growing rapidly. There is a need for better rehabilitation of addicts, as it is felt the present method is not doing the job. There is no question but that the laws regarding narcotics need a thorough study and revision—especially in regard to possession and pushers. Student and adult educational programs have been initiated in some areas with success—there is a need for more such programs. There is a need for more assistance to local law-enforcement officials, for more publications and films on drugs.

Most important, there is a need for all of us to become aware of a growing and dangerous problem.

IS PUBLIC OFFICE BECOMING UNTENABLE?

(Mr. MONAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, one of the privileges of the open society is the relative absence of control over individual conduct. This is a great privilege and one that should be highly prized.

In order to be most effective, however, this privilege must be exercised with restraint. Although the individual has the right of dissent, he has no obligation to do so. Unfortunately, today many of our fellow citizens feel that it is incumbent upon them to demonstrate and to create confrontations as a primary matter. Either they do not realize or they do not care that continued turmoil and strife may well result in curtailing or abolishing the very freedoms that they misuse.

One of the results of this irrational conduct is to drive effective public servants from their jobs, whether they be as chief executives of our municipalities or presidents of our universities.

How would you like to serve as mayor of New York or as president of MIT?

By a strange coincidence the distinguished columnist, Alan Olmstead, the Connecticut Yankee, and I became concerned about this problem at the same time. Mr. Olmstead's column in the Waterbury, Conn., Republican of December 6, 1969, discusses this serious problem in a very effective and understanding manner.

Interestingly and ironically, at the very time that I was making my talk, which excluded Danbury from this problem, unknown to me and outside the restaurant where I was speaking militants were struggling with police in their attempt to disrupt the gathering which had been organized to honor the mayor of Danbury.

Columnist Olmstead captioned his column "Public Office Is Becoming Untenable." I include the text of the column which generously quotes Dr. Homer Babbidge, the highly qualified president of the University of Connecticut, who incidentally was drafted to Connecticut from the U.S. Office of Education:

PUBLIC OFFICE IS BECOMING UNTENABLE

(By Alan Olmstead)

One of Connecticut's college presidents discussing the currently rapid turnover in college presidents recently broadened his theme to include the question of leadership in "the larger society" which includes the political and public as well as the academic world.

"What is happening on your campuses by way of testing an established order and by way of effecting change is only a precursor of what is in store for the larger society" said Homer D. Babbidge, of the University of Connecticut, down at the fall convocation of the Yale Alumni Board.

"What is at stake," said Pres. Babbidge, "is not the incumbents. They are obviously expendable. The real question is, who will be willing to succeed them?

"And if I am right, the far greater question is, who will be willing to accede to any position of leadership in a society that on the one hand expects George to do it, and on the other is bent on spilling George's blood?"

We quote Pres. Babbidge's philosophical realism not to help him defend the academic bailiwick, which he does well enough by himself, but to share his concern for the brutality—our word, not his—with which present day society seems to try to make offices of public responsibility "untenable"—Babbidge's word.

Connecticut public life is currently being compelled to focus its attention on one such example of a post—that of Commissioner of Public Welfare—being made "untenable" with the result that one commissioner, who might be regarded as "expendable," has moved out of it, moving the attention of the governor and the people up to the next question, that of "who will be willing to succeed." The temporary trouble seems to be that there is nobody particularly willing to move himself into the meatgrinder a rather, a rather berserk and violent and irresponsible legislative sadism has made of this particular office.

Gov. Dempsey obviously has some sympathetic understanding of what has just happened to a welfare commissioner and what frightens off potential successor commissioners because the governor himself has just been passing through a phase of his career in which he himself was subjected to senseless abuse, as if neither he nor his office were considered entitled to the respect and civil tongue of even his own political party.

But Pres. Babbidge's concern obviously did not halt with such potential Connecticut examples of the rough treatment given leadership. The public and its whip go seeking their boy in the White House, or on the Supreme Court bench, until it is indeed something of a miracle that some are tough enough to survive, others tough enough to want to move forward into the hot spots.

To be a successful and durable public official these days it is not enough to be tough, and it is not enough to be right, either, and not enough to be both tough and right together. An added ingredient is needed, which we would call something in the category of style—some quality of roundness, perhaps, which baffles enemies looking for some kind of grip or leverage.

While Mr. Olmstead's column was being distributed I was discussing exactly the same problem in Danbury, in part as follows:

First let me say that the demands made upon local administration, mayors and first selectmen, of our cities and towns are staggering. In too many cases in this decade of demonstration and dissent, our people take the attitude that mayors are expendable, that they are put up to knock down, and it is certainly significant and worthy of pondering that in many instances mayors of major cities—there are five recently—have seen fit to retire from the arena—even though they undoubtedly would have been reelected—because they could no longer stand the miseries of office in today's climate.

The decade of dissent has seen demonstrations over Vietnam, the draft, taxes, environmental control, law and order, voting rights, civil rights, crime in the streets, and inflation—and yet at the same time, it has been a decade of accomplishment—a decade of full employment and of social progress, of expansion of employment opportunities and civil rights. It has also been a decade of riots and strife on college campuses. A review of the problems of the past decade makes it painfully clear that this is not a time for wishful thinking or appeasement. I suggest, however, that it is a time for restraint in every area of public action, and, particularly, with reference to our fiscal programs.

It is a reason for questioning, as we face up to our major problems, that elected officials are too often automatically looked upon as culprits or loaded with abuse while they not only are faced with the problems of carrying their difficult daily tasks, but also of coping with the continuing and the frustrating techniques of confrontations and discord.

It is indeed unfortunate that captious criticism is not only perpetrated but encouraged. To those who stimulate this criticism, I ask just how much criticism and how many attacks can any individual stand, and will the system continue to function without the public support of elected officials of integrity and ability. This by no means excludes legitimate criticism and prompt and adequate punishment of malefactors.

Our young people especially need to be given perspective, both in the framework of the history of government and through the comparison of the different political systems of the world today so they can judge our system on sound information.

There is need for us to appreciate the values of our own system as well as to understand and remedy its shortcomings. And while we should and do work to bring about remedy and improvement we would do ourselves and the system a great disservice if we emphasized only defects.

MONEY COULD BE AVAILABLE FOR THE POVERTY PROGRAM

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I was much interested in the remarks of my good friend Congressman DEVINE to the effect that I did not really have much concern about where the money would come from if we would raise social security payments and if we would enact a $200 Federal income tax exemption. The gentleman should never have asked that question, because I have been here in the well of this House each year when the tax bill is debated explaining where $7 billion or $8 billion dollars would be collected by the Federal Government if we could repeal tax loopholes and compel the large oil companies, real estate foundations, and so forth, pay some taxes. If we could get more help from the Republican side and also more Members on the Democratic side the Government would have plenty of money to take care of all our local problems in-

cluding poverty. Most of these tax dodgers are in about the same tax-exempt status they were before the Senate or the House went to work trying to enact a tax reform bill.

Furthermore, I have spent a great deal of time in the well of the House trying to get some Republican support to cut down the $3.5 billion farm bonanza. I do not know how Congressman DEVINE, my good friend, voted on that, but I and other Members have tried to knock some of the billions off the farm bonanza, but we just cannot succeed. The House limited the annual amount to $23,000 for any one farm operation. There are six farm operations that are getting over $1 million a year just for idle land out in the desert country. And there are about 300 farms getting between $200,000 and $1 million every year for idle land. I have tried to get my Republican friends over here to come along and cut that down. If we did so, we would have plenty of money for the relief of poverty. We would have billions for poverty and other necessary domestic programs if we could repeal only 50 percent of the fabulous loopholes. Some of the Republicans go along on it, but most of them do not. If we could make oil pay a just share of taxes; if we could cut down the farm giveaway bonanza, we would have no trouble on the poverty or other domestic programs.

WHERE DOES THE MONEY GO?

(Mr. KYL asked and was given permission to address the House for 1 minute.)

Mr. KYL. Mr. Speaker, a moment ago the gentleman from Indiana referred to what he called the fraudulent agricultural appropriations.

There is something fraudulent about those appropriations, but only in that they do not accurately reflect how the money is spent.

The gentleman from Indiana must remember there is a billion dollars in the Agriculture Department appropriation for food stamps, for school milk, and for school lunches.

There are other millions of dollars in that budget for foreign aid through Public Law 480.

There is a vast amount of money in the Agriculture Department appropriation to maintain and manage our national forests.

There is other money, millions of dollars, in the Agriculture Department budget for flood control and for soil conservation.

There is other money in that Agriculture Department budget to take care of the needs of other people not living on farms; for instance, for the inspection of foods, meats, and agricultural products.

Let it not be said by anyone on this floor that the $3.5 billion, or whatever it is as an appropriation for the Agriculture Department, is a bonanza for the farmers of the United States. That it certainly is not.

CEMENTING UNITED STATES-JAPANESE RELATIONS

(Mr. WYATT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYATT. Mr. Speaker, as one of the original members of the informal United States-Japan Parliamentary Conference, I have developed a considerable interest in the relations of our countries. During the past few years, I have become acquainted with the Japan-American Cultural Society in Tokyo. Mr. Jiuji G. Kasai, president of the society, has just been in Washington, in the interests of founding the Abraham Lincoln Cultural Center in Japan.

David Lawrence wrote a revealing article on this subject, which I herewith commend to my colleagues:

[From the Washington Star, Dec. 8, 1969]

JAPAN-U.S. CULTURE CENTER SOUGHT

(By David Lawrence)

How many people know that the United States furnished large amounts of economic assistance for the reconstruction of Japan after World War II—in the occupation period between September 1945 and April 1952? How many people know that the government of Japan agreed in 1962 to pay back $490 million and has already done so? It was agreed also that about $25 million of that sum would be set aside for cultural exchange programs between the two countries.

An organization in Tokyo known as the Japan-American Cultural Society now would like to see at least $12 million of the money used for the founding of an Abraham Lincoln Cultural Center in Japan.

Juiji G. Kasai, president of the Japanese organization, visited this correspondent a few days ago to tell of the new venture to honor Abraham Lincoln. Kasai graduated from the University of Chicago, and has always been friendly to America.

Incidentally, Kasai, who in 1941 was chairman of an important committee of the Japanese parliament, made an earnest attempt in August of that year to prevent war between this country and Japan. At that time, he came to Washington and told this writer that war might break out, that anti-American feeling was building up because of the embargo placed on strategic materials by President Roosevelt, and that reckless militarists in the Tokyo government were pursuing a dangerous course.

Kasai and this correspondent discussed the problem with the Japanese ambassador in Washington for two hours. A conference was arranged for Kasai with State Department officials. Communication in those days with the Japanese military government, however, was not very fruitful, and the attack on Pearl Harbor came 28 years ago yesterday. Ever since that time, Kasai has been constantly seeking to develop friendly relations between the United States and Japan.

Congress has not yet appropriated for the Abraham Lincoln center any portion of the residue of Japanese repayments set aside for cultural exchange. The project has the sympathetic support of the State Department, and the matter will be presented to Congress some time during the January session.

The proposed activities of the Japan-American Cultural Society include the acquisition and maintenance of a comprehensive public library featuring books and articles about Lincoln, and the sponsoring of lectures and seminars in the field of American studies. Special courses would be offered for young Japanese in comparative studies of the history of the United States and Japan, and they would be designed "to inspire them to emulate Abraham Lincoln's ideals, character and achievements." Scholarships would be furnished to enable Japanese students to attend American colleges and universities.

Kasai, in his proposal for the establishment of the Abraham Lincoln Center, says:

"Japan owes her present prosperity to post-war American economic assistance, and our people are enjoying unprecedented peace and security, thanks to the U.S.-Japan security treaty. It is universally recognized, however, that in the immediate future Japan will encounter major issues of paramount importance to the very future of the nation as well as to prospects for world peace.

"Communist infiltration of many segments of the Japanese society, especially the educational system, has produced social and political disturbances which clearly threaten the viability of the democratic form of government in our country. Meanwhile, in the arena of international affairs, questions such as Okinawa and trade liberalization are severely testing the durability of our present friendly and mutually beneficial relations with the United States of America.

"It goes without saying that in Japan the times urgently demand, on the one hand, a vigorous campaign to propagate the principles of liberty, justice and democracy, and on the other hand, a major effort to promote better understanding between the people of the United States and Japan through effective educational exchange, information, and cultural activities."

There is no doubt that Japan can exert a big influence toward the maintenance of peace in the Far East. The recent visit to Washington by Prime Minister Sato resulted in a promise by the United States to return Okinawa. This agreement, it is expected, will placate many of the critics inside Japan.

AMENDMENT TO THE CLEAN AIR ACT

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, it is generally agreed upon that air pollution is one of the most pressing problems that we face today. To solve this problem, we need a coordinated effort by local, State, and Federal officials, as well as the active support of every private citizen in this country.

Under the present Clean Air Act, this effort is being hampered. Public Law 90–148 provides that the Federal Government would give two-thirds budgetary grants to approved air pollution enforcement agencies. In an effort to acquire greater regional control, the National Air Pollution Control Administration will give a three-fourths grant if two or more municipalities or communities join to form a regional district, or if two or more States coordinate their efforts under a single agency.

The Clean Air Act adversely affects three States in this country: Arkansas, Louisiana, and my own State of Rhode Island. In each of these areas, the authority for air pollution control enforcement is vested in the State itself, with no enforcement subdivisions, such as regional, municipal, or county control agencies. These three States, while carrying out the Federal philosophy of combating pollution on a broad and coordinated scale, are denied the opportunity to receive anything above a two-thirds grant.

Today Congressmen CAFFERY, HAMMERSCHMIDT, PASSMAN, PRYOR, ST GERMAIN, and WAGGONNER have joined me in introducing legislation which would amend the Clean Air Act to allow single State agencies to receive three-fourths grants. In Rhode Island alone,

the adoption of this bill would have made the State eligible to receive an additional $17,000 in 1969.

Mr. Speaker, it is hard for me to understand the justification behind the present limitation put on single State agencies. Air pollution is a major problem for all sections of each of the 50 States. Certainly, the pollution is heavier and more readily seen over cities than in rural areas. But let us not deceive ourselves, the pollution is there—it is everywhere.

Americans annually spew 150 million tons of pollutants into the atmosphere, and 90 percent of this consists of largely invisible but potentially lethal gas. Moreover, these contaminants are boundless in their effects. The air carries pollution far beyond city or county limits, as do automobiles and out-of-city factories.

In introducing this legislation, I am not implying that the additional money which would be made available to these three States—and any future States which might decide to coordinate their efforts under one State agency—will solve the air pollution problem. Certainly $17,000 additional funds for Rhode Island will not by itself save us from these pollutants, but it is a step in the right direction.

The Government estimates that air pollution damage to animals, crops, paper, cloth, rubber, leather, and stone costs each man, woman, and child in this country $65 a year, and this is excluding damage to human life. Presently the National Air Pollution Control Administration is providing an average of 35 cents per person to fight air pollution. With the gravity of the problem so extreme, this paltry amount is inexcusable.

The burden of proof must also lie with the Congress, for we are the ones who appropriate the funds to NAPCA. We hear the American Cancer Society advertising about matters of life and death. Certainly, air pollution is one of these matters, and it is a blot on the record, and hopefully on the conscience, of the whole Congress that more money is not provided to fight pollution.

Mr. Speaker, above us there is a narrow band of usable atmosphere, no more than 7 miles high, with no "new" air available. Individual States that wish to consolidate their efforts to preserve this atmosphere must not be punished. They should be eligible to obtain three-fourths grants, just as counties or States who coordinate their efforts receive.

I hope that my colleagues will see the need for rectifying this unjust situation immediately.

PROBLEM OF PORNOGRAPHIC MATERIAL

(Mr. HAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAGAN. Mr. Speaker, in connection with the current study being made by the Supreme Court on the constitutionality of a law under which a person can prevent obscene mail from being mailed to his home simply by asking the Post Office to stop it, I wish to comment on the very serious problem we are facing today regarding the widespread distribution of this pornographic material in our Nation.

In homes across the country our people are receiving a tremendous amount of obscene material that is not only unsolicited and unwelcome but shocking in content. I have received a great deal of mail from my own district complaining of this literature and enclosing samples of the material received. There is no doubt that this is hard-core pornography and extremely objectionable. The realization that this smut is being sent through the U.S. mail to minors, some as young as 10 and 12 years old, makes me wonder if this is not carrying freedom of expression just a little too far. It is time we all stop and remember that some standards of decency—a sometimes forgotten word these days—must prevail, particularly where our young folks are concerned.

When Public Law 90–206, dealing with the prohibition of pandering advertisements in the mails was enacted by the 90th Congress, we believed we had taken a big step forward in preventing this kind of obscenity from getting into homes where it was unwanted. And, I believe it is beginning to have some impact. I sincerely hope the Supreme Court will not see fit to weaken this law. If anything, we need to do more in this area.

Several months ago, out of my concern over this situation, I introduced a bill to amend title 18 of the United States Code, to prohibit the dissemination through interstate commerce or the mails of obscene materials to persons under the age of 18 years, to restrict the exhibition of movies or other obscene matter to such persons and to prohibit the sale of mailing lists used to disseminate by mail obscene materials to such persons.

This bill will make it a Federal crime for whoever knowingly uses the mails for the mailing of any material defined in this act to be nonmailable with a fine of not more than $5,000 or imprisonment for not more than 5 years or both for the first offense and a fine of $10,000 or imprisonment for not more than 10 years or both for each offense thereafter. I do not think smut peddlers should be permitted to use mail privileges to make profits on this objectionable material. The American people should not have to subsidize pornographers.

In connection with the mails, a section is included in the bill stating that it shall be unlawful for any person to sell or offer for sale any mailing list knowing that such list will be used to sell, offer for sale, loan or deliver, through the mails to any minor photographs, films, books, pamphlets, magazines, recordings, or similar matter deemed obscene according to the definitions of this measure. Pornography mailers pay high prices for the names and addresses of young people below the age of 18. This must be curtailed.

Because of the direction our courts have been taking lately, a section has been added to the bill stating that the Supreme Court and courts of appeals shall not have jurisdiction under certain specified sections of the United States Code to review any determination made that any material described, in certain sections of title 18, is designed primarily to appeal to a minor's prurient interests. There has been far too much leniency on the side of what constitutes decency. Too many Supreme Court decisions have judged obvious and flagrantly obscene material to be deserving of the constitutional protection of freedom of speech and press. I believe an individual's right to privacy must also be considered. I do not claim to be an expert on pornography but as a parent, a citizen, and a legislator, I claim the right to protect our children from the smut peddler and unwholesome influence of his wares.

I defend the right of parents to protect their children from this pornographic material. They have spent years educating their children in the moral values of our society and now, we here in Congress, have the opportunity and obligation to help them by enacting responsible and reasonable laws to keep this highly undesirable material from reaching their children through the mails.

I believe that the immediate need for such legislation will become more and more evident as the current hearings on obscenity progress. I urge careful consideration of the many similar bills that have been introduced on this subject, and that we, as a body, do everything we can to stop this traffic in filth that is so destructive to the moral fiber of our Nation.

GERMAN MEASLES VACCINATIONS UNDER THE PARTNERSHIP IN HEALTH PROGRAM

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. SMITH of Iowa. Mr. Speaker, the partnership for health program is not working adequately as a vehicle for executing a rubella vaccination program.

There seems to be some misinformation and a considerable lack of complete information concerning the rubella—german measles—control program. As a member of the Subcommittee on Appropriations which recommended appropriations for research on rubella and for this vaccination program, I have been very much interested in this subject matter and believe that a summary of the facts might be helpful.

Rubella, which is commonly called german measles, is one of those communicable diseases which is mild for children. The fact that it is not serious to children reduces the incentive for parents of small children to rush to the doctor's office and pay $6 for a shot for the child and the fact it is not serious to the child makes the possibility of children having a rash for 2 or 3 days seems preferable. However, children carry the disease to adults and the consequences can be very serious to the unborn child of a pregnant woman because the incidence of retardation in such children is greatly increased. Retardation is a very, very serious problem both because it is so exceedingly difficult to even partially overcome but also because it is one of the most costly. It is so much in the interest

of all citizens both financially and socially that any action whatever should be taken which might reduce the number of retarded children.

Outbreaks of german measles seem to go somewhat in cycles and next year is expected to be one of the years when there is an epidemic. Therefore, it is even more important that any control program be executed as soon as possible.

In early February of this year, the National Communicable Disease Center in Atlanta, Ga., which is financed through the National Institutes of Health, reported to our House Appropriations Subcommittee on Health that they were virtually certain that a breakthrough had finally been obtained and that a vaccine for rubella could be licensed. They asked for an emergency appropriation so that they could launch a nationwide vaccination program when and if the vaccine is licensed. The Congress immediately gave them all the funds they had asked for and told them that if more money is needed to come back. I do not believe there was a single dissent in Congress and this is one of the few programs that the administration's Budget Bureau did not reduce.

There are, however, certain problems and limitations upon launching an immediate nationwide vaccination program for rubella. The vaccine, which was finally licensed in June for one company and for another company this past week, is a live virus and it is not advisable that it be given to females who may possibly be pregnant because this would increase rather than reduce the risk of bearing retarded children. Since it is an injected vaccine, rather than an oral vaccine like polio, there are certain problems and it must be given under medical supervision. This is different than the polio pills which were given orally and it did not even hurt if persons received more than one dose of those pills. They could be and were distributed to various groups and handed out almost indiscriminately through schools; but rubella vaccine must be distributed under a supervised program. Due to these limitations it was felt that the limited quantities of vaccine first available should be injected primarily into young school-age children who are the most susceptible and most apt to carry the disease to their mothers who might be pregnant.

Following the polio vaccination episode, it was strongly felt that some kind of a national program was needed in order to distribute on a wide basis the great benefits of health research when a new vaccine is discovered. The Partnership for Health Act was passed. The medical profession and most involved felt that under this new program State health departments and county health departments could be developed and that it would provide the best way to supervise a program such as the German measles vaccination program that is now underway. In my opinion, confidence in such a program meeting the test was not warranted and a much better program must be developed. The so-called Partnership for Health Act provides an allotment of money to the States on a population basis to encourage them to set up State and county health organizations. There are also grants on a population basis for specific projects like rubella vaccination. Some States have responded by more than meeting the Federal grants while other States do not even meet the Federal grants overall—let alone for specific projects like that for rubella. Iowa has been in the latter category along with many other States.

It seems to me that it is almost an impossibility to have a mass immunization program where we depend not only upon 50 individual States but where those States, in turn, also must depend upon about 100 independent county health departments. In Virginia, for example, one county has a good immunization program well underway while the neighboring county medical society or health department said they were not even interested. With the shifting population and mobility of our people, women in the county with the immunization program can be exposed to the disease by children from the neighboring county as they go to the shopping center and as children and families move from one county to the other. In my opinion, the Partnership for Health Act does not provide adequate machinery but it is all we have to work with as of today.

Let us use Iowa as an example and I hasten to say that while many States have a far better record of supporting health programs, there are also some with worse records; $245,000 was allocated to Iowa by the Federal Government for a rubella vaccination program. Iowa, in its application for the money, could indicate that all of it would be used for vaccine or they could divide as they saw fit. Iowa chose to apply most of the Federal money to operating costs and supporting personnel. There is no requirement in the Partnership for Health Act that the money be used for vaccine or that it be shown that the money specifically be spent for additional personnel and cost; therefore, some of the States merely use the money to pay part of the salaries of personnel already on the payroll.

We really have no assurance that allocating additional Federal dollars to the project will secure additional results. In its application, Iowa said they would put up $47,700. But, most or some of this was in "in kind" and other services and might even include services that had already been paid for partly by the Federal Government. Actually more than 50 percent of the cost of operating the Iowa State Health Department, as a whole, comes from Federal funds.

When the rubella program was launched, some States immediately put up more State money than they received Federal money and launched an effective program but many, if not most, were in the category, like Iowa, where they simply did not put up State and local money to complete the Partnership in Health Act and execute this rubella project with the promptness or on the level needed.

Since I have had grave doubts that the partnership for health program would adequately meet the test, I have kept a close eye on this rubella program and the Assistant Surgeon General in charge of the National Communicable Disease Center in Atlanta, Ga., Dr. David J. Sencer, came to Washington for a conference concerning the progress of the program. He personally assured me that he had received from the Congress all of the funds that they feel can be appropriately utilized at the present time. I am not going to dispute him on this and I greatly fear that allocation of additional Federal funds for rubella projects might very well result only in an offsetting reduction in State and local efforts. However, I think the overall program is so important that we should not take any chances and I am going to seek an additional $20 million over what the administration says they need. That will just about double the funds distributed for these project grants. If this merely results in State and local governments having to put up less money, it will not be money lost but rather a shift in the cost of funding State and local health departments.

Meanwhile, I think it is imperative that Congress thoroughly examine the Partnership for Health Act and try to develop some kind of a program where State and local governments become genuine partners rather than the mere recipients of funds based upon population and that we develop the machinery whereby the great benefits of research and the breakthroughs that we expect in the next few years can be distributed nationwide much more rapidly and effectively than they can be under the present setup which so completely depends upon State and county health departments, many of which are so lethargic or so underfunded by their State legislature that they cannot possible meet the needs in a way that will eradicate the communicable diseases.

TELEVISION OPERATION

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, it has recently come to my attention that Rev. Everett Parker of the United Church of Christ appeared before the Senate Committee on Commerce, Subcommittee on Communications, concerning S. 2004, a bill that would require the FCC to determine whether a television station was operating in the public interest before reviewing petitions for a competing license.

The first two paragraphs of Dr. Parker's article were extremely interesting in light of the fact that he states that the Internal Revenue Service has threatened his group with the loss of their tax exemption because of their engaging in political activities. I believe that Dr. Parker in his comments did not understand the thrust of the letter which the Internal Revenue Service sent to him.

All churches are exempt from taxation under section 501 C3 of the Internal Revenue Code of 1954. As stated in the code, no group, such as churches, foundations, and charitable organizations, can devote a substantial amount of their

funds toward influencing legislation or issuing propaganda regarding legislation. The basic reason for this is that all groups within the political arena should work under the same set of handicaps. To allow churches involved in political propaganda a special tax-exempt status is to subsidize political activities by these groups. Tax-exempt status for churches was never intended to serve political purposes.

Last June when reviewing Congressional Quarterly, I noticed that certain tax-exempt church organizations had formed a Coalition on National Priorities and Military Policy. This coalition was violently opposed to President Nixon's ABM program. The coalition was financed by funds derived from tax-exempt church organizations. Their activities were in violation of the law. Among the groups that were financing the coalition was the United Church of Christ and the National Council of Churches. I sent a list of these groups to the Internal Revenue Commissioner, Randolph Thrower, requesting that he remove their tax-exempt status. Below is a copy of the letter I sent to Commissioner Thrower and a copy of his response to me. Apparently the Commissioner investigated this matter and requested his district offices to send warning letters to the different church groups informing them of the law. After reviewing these letters, which I will insert into the RECORD, you will see that the IRS' purpose was simply to inform the church groups of their obligation to observe the law.

The coalition began a new propaganda effort after they had been defeated on the ABM issue on September 24 by urging all Members of Congress to vote against the Department of Defense authorization bill. For the information of my colleagues, I am hereby inserting a copy of this letter into the RECORD. Again, I feel that this activity was of the nature prohibited by the Internal Revenue Code. One more fact I would like to bring to the attention of my colleagues is that Dr. Parker stated in his testimony before the Subcommittee on Communications that his group, the United Church of Christ, had not appeared before the Congress since 1952. However, I will be charitable in commenting upon his veracity by observing that he is mistaken. In the Atlanta Journal of June 9, 1969, an article appears stating that Jackie Robinson appeared before the House Appropriations Committee as a representative for the United Church of Christ urging that no funds be appropriated for the ABM project. For the information of my colleagues, I am hereby inserting this article into the RECORD.

On December 9, 1969, I received a letter from Mr. Tilford E. Dudley, director of the Washington office, United Church of Christ, Council for Christian Social Action, regarding the Tax Reform Act of 1969. It is clear that this letter is of a political nature and is an attempt to lobby among Congressmen for certain forms of social action.

One sentence from the letter states: "You will note the comment that 'America needs to spend more' for domestic social service." Also, attached to this letter was a booklet entitled, "Social Action" and it was devoted completely to "Tax Revolt and Tax Reform." I would like to invite your attention to a few of the titles of articles appearing in this booklet: "Tax Revolt and Tax Reform—Editorial," "Tax Exemption of Churches: A Policy Statement of the National Council of the Churches of Christ in the U.S.A.", "The Battle in Congress," and "Tax Restrictions of Foundation."

This group is delving into highly controversial areas of tax reform and I do not believe that this can be considered relevant to the religious functions of a church group. This book is pure propaganda in its approach; it presents only one side of each issue and does this in highly biased and inflammatory terms. Today, I am forwarding a copy of this booklet to the Commissioner of Internal Revenue for his edification since I am sure that he will be interested in knowing of the activities of the United Church of Christ.

I applaud the actions of the Internal Revenue Service in this area. I feel that for far too many years tax-exempt groups have been lobbying for and against legislation which is not directly related to their tax-exempt status. Recently I introduced a bill which would allow these groups to continue their tax-exempt status only if they promote or oppose legislation in direct relation to their tax-exempt status. However, my legislation specifically prohibits them from using tax-exempt funds for lobbying against nonrelated proposals and mounting massive propaganda campaigns in order to influence public thinking.

I feel very strongly that revisions need to be made in the income tax law with regard to tax-exempt organizations and I believe that the recent actions of the Internal Revenue Service point this out most vividly.

The material follows:

COALITION ON NATIONAL PRIORITIES AND MILITARY POLICY,
Washington, D.C., September 24, 1969.

DEAR CONGRESSMAN: We understand that the Department of Defense Authorization bill will be reported by the House Armed Services Committee on Thursday and may come to the floor next week.

We appeal to you to participate in that most vital debate. If you are not already convinced of the need for major cuts, we urge you to give serious consideration to the broad cross section of amendments that will be offered. We ask this because we are deeply uneasy over the fact that last year a comparable bill passed the House in one day with only two hours allocated to general debate.

Surely the House would lay itself open to the charge of irresponsibility if a similar timetable were adhered to now when so many questions are being raised about U.S. priorities and the size and direction of the U.S. military establishment—so many questions, in fact, that the Senate spent two months discussing the bill. Couldn't the 435 Members of the House spend at least two weeks discussing these basic issues which affect so many aspects of their constituents' lives?

The American people are discouraged over the conflicts racking our society. Many are turning away from the legislative process. They need reassurance that their representatives in Congress are willing to come to grips with major problems—including the problems of the ever expanding arms race and the U.S. propensity toward unilateral military involvements. Some of our membership look forward to coming to the gallery and hearing you deliberate over the Department of Defense Authorization bill. Please do not disappoint them.

Most sincerely,

JOSEPH S. CLARK,
Chairman.

COUNCIL FOR CHRISTIAN SOCIAL ACTION,
December 5, 1969.

Re: Tax reform.

To the Members of Congress:

Enclosed is a complimentary copy of our current Social Action magazine. You will see there a comprehensive article by Professors Byron L. Johnson and William S. Vickrey on the "Moral Issues in United States Tax Policy."

The major points of this article were embodied in a Pronouncement adopted last July by the Synod of the United Church, after seven years of study and the circulation of several proposals on tax reform among the local churches. The United Church of Christ is a major Protestant denomination with over 2 million members in over 7,000 local churches.

In terms of the issues now before Congress, the highlights of the article and the pronouncement probably are: a) taxation of interest from State-local government bonds; b) ending the preferential treatment for capital gains; c) replacing the depletion loopholes for oil-gas investors with the usual depreciation provisions; d) normal taxes for church properties and businesses not related to religious pursuits.

The emphasis in the magazine is on *sharing the cost of government fairly* rather than on a reduction in taxes, except for the poor. You will note the comment that "America needs to spend more" for domestic social services.

We hope this magazine will be of use to you.

Respectfully yours,

TILFORD E. DUDLEY,
Director, Washington Office.

U.S. TREASURY DEPARTMENT COMMISSIONER, INTERNAL REVENUE SERVICE,
Washington, D.C., June 30, 1969.

Hon. BEN B. BLACKBURN,
House of Representatives,
Washington, D.C.

DEAR BEN: Thank you for your letter of June 12, 1969, commenting on the activities of certain religious organizations and requesting that the Service investigate these activities.

The Service has been very concerned about the kinds of activities to which you refer. As you may know, we have recently undertaken an expanded program to review the operations of exempt organizations and to take action where we think their activities have gone beyond the appropriate bounds. I am certain you can appreciate that we can only work on these matters in depth where there is a reasonable prospect of a violation of the statute and where we have manpower available for the task at hand. In any event, I am forwarding the information you furnished to the appropriate District Directors for their consideration.

With regard to your reference to the Sierra Club, we did find that a substantial portion of its activities was directed at influencing legislation. Obviously, in each case we can only make a determination after a close audit examination. However, given the principal purpose of the Sierra Club, to promote conservation—which generally requires involvement in legislation, as contrasted with the

principal purposes of the religious organizations, we are not as apt to find in the case of the latter that a "substantial" amount of activity is directed toward influencing legislation.

I appreciate your having brought this matter to my attention.

With best personal regards,

Sincerely,

RANDOLPH,
Commissioner.

U.S. TREASURY DEPARTMENT, DISTRICT DIRECTOR, INTERNAL REVENUE SERVICE,
New York, N.Y., August 8, 1969.

UNITED CHURCH OF CHRIST IN THE U.S.A.,
New York, N.Y.

GENTLEMEN: It has been brought to the attention of this office that various religious organizations have been engaged in lobbying activities or are conducting propaganda in political or legislative areas.

Please note that the Federal income tax exemption granted to a religious organization described in Section 501(c)(3) of the Internal Revenue Code is authorized on the condition that no substantial part of its activities shall be the carrying on of propaganda or otherwise attempting to influence legislation. Such activities are specifically defined in Regulations 1.501(c)(3)–1(c)(3) and include contacting or urging the public to contact members of a legislative body to propose, support or oppose legislation and the advocacy of adoption or rejection of legislation. Any organization carrying on substantial activities of this nature is regarded as not being operated exclusively for exempt purposes and is not qualified for income tax exemption under the requirements of Section 501(c)(3) of the Code.

The foregoing is provided for your information and guidance.

Sincerely yours,

———— ————,
Acting District Director.

HON. RANDOLPH THROWER,
Commissioner, Internal Revenue Service
Washington, D.C.

DEAR MR. COMMISSIONER: Several times in the past few weeks I have discussed with you the need to revise the Internal Revenue Code, Section 501(C), with regard to political activities by tax-exempt organizations.

I am very much aware of the fact that the Ways and Means Committee has taken steps to control political activities by foundations but other groups will not be affected by current recommendations of the Ways and Means Committee.

You are no doubt aware that there is a great deal of debate in the Congress over President Nixon's proposed ABM system. During the past few weeks, a number or organizations which are exempt for purposes other than promoting "social welfare" are engaged in lobbying and other political activities with regard to this proposed legislation. For your information, I am below listing the names of these organizations. They are as follows:

United Methodist Church, Division of World Peace, The National Council of Churches of Christ in the USA, The United Presbyterian Churches in the U.S.A., The United Church of Christ in the U.S., Union of American Hebrew Congregations, Church of the Brethren General Board, The Lutheran Council in the U.S., The United States Catholic Conference, Anti-Pollution League Association of Monterey, California, The Executive Council of the Episcopal Protestants Churches.

As you see, many of these organizations are exempt as church or religious organizations. Therefore, I request that you investigate the actions of the above mentioned organizations and inform them, if you find that they might be violating the law, that their exempt status might be jeopardized by this activity.

Furthermore, when investigating this case, I would appreciate it if you would keep in mind the famous Sierra Club case in which the Internal Revenue Service took away the Sierra Club's C(3) status because it published several ads in the *New York Times* and the *Washington Post* opposing an Administration proposal to build dams near the Grand Canyon.

I would appreciate it greatly if you would inform me of the Internal Revenue Service's position on this matter.

Very sincerely yours,

BEN B. BLACKBURN,
Member of Congress.

STRIKE OUT ABM, SPORT GREAT URGES

WASHINGTON.—Former baseball great Jackie Robinson Monday urged Congress not to appropriate funds for President Nixon's proposed Safeguard antimissile system.

In testimony prepared for a hearing by the House Appropriations Committee, the Negro athlete argued that "an overpreoccupation with a possible future external threat on which we are preparing to spend billions of dollars has blinded us to human misery at home."

He said deployment of the Safeguard would distort national priorities, lead to an escalation of the arms race and ruin any potential arms control agreements with other nations.

Robinson represented the Council for Christian Social Action of the United Church of Christ.

A vice president of the NAACP, Robinson was a Republican and a former aide to New York Gov. Nelson Rockefeller, but last year he endorsed Democratic candidate Hubert H. Humphrey for president.

His testimony comes as the major showdown on the antiballistic missile—ABM—issue is nearing in the Senate.

While some GOP senators have been talking about a compromise delay in ABM deployment, the Senate's Republican leader says he hasn't seen any indication, President Nixon would accept any such proposal.

Sen. Everett M. Dirksen of Illinois termed the compromise proposals "a little flight in semantics."

One of the compromises is expected to be put before the Senate Armed Services Committee which starts Tuesday on its job of working over a $25 billion military procurement authorization bill—including an $800 million administration request for Safeguard.

Dirksen's comments seemed to shoot down proposals being made by the assistant GOP leader, Sen. Hugh Scott of Pennsylvania, and Sen. Edward W. Brooke, R-Mass., that would provide for delays of ABM deployment.

Scott indicated he was sending up a trial balloon when he suggested the Pentagon might hold off ABM development for several months to allow time for arms-control talks with the Soviet Union. Brooke is pushing a proposal to delay actual deployment, using the next year for ABM research and development.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

The SPEAKER. Under a previous order of the House, the gentleman from Arizona (Mr. RHODES) is recognized for 5 minutes.

Mr. RHODES. Mr. Speaker, those of us from the Southwest are particularly proud of our Mexican-American heritage. In my State of Arizona, these ties are particularly strong due to our close proximity to the Republic of Mexico.

Today, throughout the five Southwestern States, Mexican Americans account for over 12 percent of the total population and their contributions to the character and development of our part of the country have been far in excess of that percentage.

Nevertheless, the unfortunate fact remains that many of the opportunities afforded by our society have not been extended effectively to large segments of our Mexican-American population. Their problems like those of the American Indian in the Western United States, are often unique and must be addressed as such.

Much of this problem, in my opinion, results from a lack of communication between the government and the people involved—first, in identifying the particular task and second, in delivering an appropriate response. In the area of Mexican-American affairs this communications problem is intensified due to a combination of economic, linguistic, and cultural factors.

With the object of narrowing this informational gap, I joined with a number of my colleagues last March in introducing a bill to establish the Interagency Committee on Mexican Affairs on a statutory basis. In the language of H.R. 9330, the purpose of the bill was "to assure that Federal programs are reaching all Spanish Americans and providing the assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to the Spanish-American community."

I am glad that the House Committee on Government Operations has favorably reported this bill—now renamed the "Cabinet Committee on Opportunities of Spanish-Speaking People"—and hope that the full House will act favorably upon it. While this legislation does not answer all of the problems of Mexican Americans, it is certainly a step in the right direction.

RESULTS OF POLL

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. MACGREGOR) is recognized for 5 minutes.

Mr. MACGREGOR. Mr. Speaker, in October I sent to my constituents in Minnesota's Third Congressional District a questionnaire soliciting their views on 14 important issues now under consideration by the Congress. The response was immediate and enthusiastic, and I would like to thank the more than 21,000 citizens who took the time to complete and return this poll.

The results indicate that the great majority of Minnesotans living in Anoka and suburban and rural Hennepin Counties favor President Nixon's major proposals in the field of welfare reform, revenue sharing, direct popular election of the President, and postal reform. Given four possible policy alternatives on Vietnam, more than half of my constituents support the President's efforts to achieve peace through Vietnamization.

The almost even division on the question of deploying an anti-ballistic-missile system parallels the close vote on this issue in the U.S. Senate. This result plus the overwhelming response in favor of increased spending to help cure all as-

pects of our environmental pollution problems reflects the growing desire to apply an increasing proportion of our financial resources to meet our pressing domestic problems.

Knowing that my colleagues in Congress will be interested in the response of thousands of Minnesotans to these vital questions, I include here the tabulated results of this poll:

Results of Clark MacGregor's 1969 constituent questionnaire

(In percent)

1. Should President Nixon's Family Assistance and Workfare Program be set up in place of the existing welfare system?

Yes	74.8
No	11.7
Undecided	13.5

2. Should a percentage of Federal income tax money be shared with the cities and states for use as they see fit?

Yes	70.4
No	25.5
Undecided	4.1

3. Should Federal aid be cut off from colleges and universities who do not discipline rioting students to the satisfaction of Washington officials?

Yes	63.4
No	34.5
Undecided	2.1

4. Should we elect the President by direct nationwide vote of the people?

Yes	87.9
No	10.5
Undecided	1.6

5. Should we amend the U.S. Constitution to give 19-year olds the vote?

Yes	46.7
No	51.8
Undecided	1.5

6. Should we create a self-supporting U.S. postal corporation in place of the present postal system?

Yes	74.8
No	20.6
Undecided	4.6

7. Should we pick draftees from among eligible 19-year olds by random selection (lottery)?

Yes	69.0
No	23.8
Undecided	7.2

8. Should we step up space spending with the goal of putting a man on Mars in the 1980's?

Yes	20.4
No	76.7
Undecided	2.9

9. Do you favor President Nixon's Safeguard anti-ballistic-missile system (ABM)?

Yes	45.5
No	45.2
Undecided	9.3

10. Which course should we take in Vietnam?

(a) Maintain current U.S. force levels and operations while pursuing peace in the Paris talks	10.3
(b) Continue Paris negotiations, but accelerate withdrawal of U.S. troops and their replacement by South Vietnamese forces	52.4
(c) Resume and expand air and sea attacks on North Vietnam	16.9
(d) Withdraw all U.S. forces immediately	13.9
No answer	6.5

11. Should we step-up Federal spending on programs to combat water, air, and noise pollution?

Yes	92.1
No	6.5
Undecided	1.4

12. Should Congress authorize the funds necessary to establish Voyageurs National Park at Kabetogama?

Yes	64.2
No	29.0
Undecided	6.8

13. Should the Federal Government do more than it is now doing to control inflation?

Yes	65.8
No	27.8
Undecided	6.4

14. Should the Congress vote to spend additional money to build the civil Supersonic Transport Airplane?

Yes	21.6
No	75.0
Undecided	3.4

REPEAL OF THE VOTING RIGHTS ACT: A GIANT STEP BACKWARD FOR DEMOCRACY

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. CORMAN) is recognized for 15 minutes.

Mr. CORMAN. Mr. Speaker, yesterday, a coalition of southern Democrats, reactionary Republicans, and the Attorney General worked their will in the House. For the first time since the Congress began passing civil rights legislation in 1957, a giant step backward was taken in guaranteeing constitutional rights to all its citizens.

No one is fooled by the sanctimoniousness of the Attorney General's stated objectives in his substitute bill—to assure the right to vote to all persons in every State of the Union. The essence of the Attorney General's approach to voters rights for all citizens is easily equated with the administration's political "southern strategy."

The right to vote for black Americans who live in the South has been a hard-fought battle against every conceivable obstruction put in their path by a highly developed, skilled "southern strategy" long before the present administration decided where to look for future votes.

This country has just begun—and I repeat—has just begun to see real progress in race relations. The Voting Rights Act of 1965 was fundamental to this progress. Almost 1 million southern Negro citizens, for the first time, were permitted under its provisions to register and to vote in local, State, and National elections. The guarantee of the right to vote is the most basic protection every American—black and white—must have if we are to remain a democracy. But, yesterday, erosion of this progress began here on the floor of the House.

The Southern States should not be permitted to engage in their old tactics of denying the right to vote to their Negro citizens—and this is what is being permitted by the acceptance in the House yesterday of the Attorney General's substitute bill.

One wonders how the Attorney General of the United States, with the power and the responsibility of his high office, can justify an action that would in effect destroy one of the most fundamental rights the Constitution has guaranteed to all Americans because of his desire to strengthen his party's political base in the South.

The most succinct and clear interpretation of the Attorney General's substitute bill was stated yesterday by the ranking Republican on the Judiciary Committee, the gentleman from Ohio (Mr. MCCULLOCH) when he said that the Attorney General's bill "creates a remedy for which there is no wrong and leaves grievous wrongs without adequate remedy." And he then asked, as he did of the Attorney General when he testified before the committee, "What kind of civil rights bill is that?"

Mr. Speaker, the New York Times this morning commented editorially on the "sham substitute" to the simple extension of the Voting Rights Act of 1965, which was reported out of the House Judiciary Committee. I call it to the attention of my colleagues, and ask that it be printed below. Perhaps it will help those Democrats and moderate Republicans who voted against the Attorney General's substitute bill to know—before the Vice President of the United States cites this editorial as another comment of the "Eastern Establishment"—that our efforts are being supported.

The editorial follows:

A DEFEAT FOR VOTING RIGHTS . . .

The Administration's "Southern strategy" has scored another victory in the House by defeating the extension of the Voting Rights Act of 1965. After hectic, last-minute lobbying by White House and Justice Department aides, the Administration's substitute, which has the endorsement of Southern segregationists, won by a narrow 208-to-203 margin.

Although touted by the Republican leadership as "more comprehensive and equitable," the substitute bill is a sham. It is more comprehensive in that it indiscriminately squanders the efforts and the personnel required for the law's enforcement. It is more equitable in that it assumes that those who are not violating the law need as much policing as those who do. The answer to the segregationists who complained that the 1965 act was "regional" because it aimed at those seven states where fewer than 50 per cent of the eligible population went to the polls, clearly should be that the wrong needed righting where it did in fact exist.

Instead of requiring that the states submit voting law changes to the Federal Government for prior approval, the substituted (Administration) bill would put the burden of proof on the Federal Government. Thus, the Justice Department would first have to keep up with all state voting law changes and then initiate suits against any discriminatory ones after they had been made. At best—assuming that the department could keep up with an impossible task—this would often lead to court rulings long after the election; at worst, the courts could tie up or frustrate the law's enforcement.

Since the Senate has not yet voted for extension of the act, there is fortunately still a good chance to prevent a move that could wipe out the substantial gains already achieved in Negro voting rights. The addition of 800,000 Southern Negroes to the voting rolls since 1965 proves the effectiveness of the present law; the Administration's substitute bill represents an erosion of that law and of the rights it protects.

HOW IT LOOKS FROM INSIDE THE MAILBAG

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, for some time now there has been quite a bit of commotion about the alleged deficiencies in the U.S. postal system. I, for one, have assumed a "show me" attitude because I have always marveled at the system that transmits over 81 billion pieces of mail a year and does it, in my opinion, fairly efficiently, given the fact that Congress has not, and is not now, appropriating the necessary moneys for decent pay for the workhorses of the postal system and does not—and has not—generally appropriated the sufficient moneys for modernization, acquisition of up-to-date equipment, and so forth.

Oh, I am sure that within the intricacies of such a vast and sprawling system there are things that need improvement, but this is true of most everything, including Congress.

The trouble is we take the postal system for granted and overlook the dramatic fact that the U.S. postal system transmits more mail than all the industrialized nations put together.

But when we look up a little history, then we can gain a better perspective.

In 1789, the beginning of our present Government, there were only 75 postmasters in the country. It was estimated that the total receipts of the postal system then were $25,000.

Well, within 11 years there were 903 post offices. The postage on a single letter weighing one-quarter of an ounce was 10 cents from New York to Philadelphia. Newspapers were carried 100 miles for 1 cent. Magazines and printed matter of all kind were not privileged. According to the law prevailing in 1792, they were not received at all, and in 1794 the act was amended to give postmasters discretion as to whether they would take them or not.

So, here on November 28, 1969, Life magazine had a big spread about the U.S. mails, presumably to show that they were beyond hope. However, on page 27 the article gave the most eloquent and gratifying testimonial to the remarkable efficiency of the system. In an article entitled "How It Looks From Inside the Mailbag" the magazine narrated the journey of a letter traveling across the country—all of this for 10 cents in 22 hours—remember that is what it cost in 1800 to send a letter from New York to Philadelphia—that is a one-quarter of an ounce letter. Unwittingly, Life magazine has paid the U.S. system a high tribute, and I place into the RECORD at this point this Life magazine article.

HOW IT LOOKS FROM INSIDE THE MAILBAG

"You've got to try to see things from the letter's point of view."—Postal worker.

In an attempt to do so, a Life reporter recently accompanied an airmail letter on its 22-hour coast-to-coast journey from Boston to San Anselmo, Calif. Here is a letter's-eye view of that trip, with elapsed time in hours and minutes posted at each step.

0:00—Dropped into mailbox in front of John F. Kennedy Federal Building in downtown Boston.

0:14—One minute ahead of schedule, mailman Leonard Sansone opens box, scrapes contents into a dirty canvas bag and tosses it into his truck. He makes 17 stops. In the collection boxes, he remarks, he has on occasion found wallets, bottles, tin cans, sand, snow and obscene postcards.

1:14—Arrive at South Postal Annex, where most of Boston's mail is sorted. Heaved aboard a hand cart and wheeled to a 10-yard-long conveyor belt.

1:30—Dumped onto the belt. Men wearing open plaid shirts over T-shirts sift us with their hands like washerwomen, toss us and cullout the large manilas.

1:31—Ride a steeply inclined belt to the floor above. Then onto a third belt where men search through us for airmail.

1:40—Thrown aboard a higher belt which soon drops me down a chute into a canvas-walled cart against which a fellow named Angelo Itri is leaning while he waits for it to fill. He says that he has been wheeling the same cart for three years.

1:45—Freight elevator takes me down to the airmail section.

1:47—Tossed onto a table in front of a man with busy fingers named Donald Burns. He feeds me into a machine that separates us longs from the shorts. Then through the canceling machine, which thumps letters at the rate of 10,000 an hour. Mr. Burns, who has been at this for four years, says that a good operator can hear the difference in the thump when two of us slip through the machine together. He hears the difference and calls a cheater back. "The little ones go through better than the big ones," he says. "I don't know why."

1:57—My stamp, which has a picture of an old airplane on it, is inked over by a cartoon of a bear in a scout's hat and the legend: "Remember, only you can prevent Forest Fires."

2:02—Pigeonholes. No pigeon alive has been in as many pigeonholes as the average letter. The label reads: "California, 900–961." The numbers include the first three digits of my ZIP Code. In I go.

2:25—Letters from our pigeonhole are hand-carried to another stool where Lawrence Campbell slips me into a hole marked "SCF San Rafael 949." Mail to San Anselmo, a town of 13,000 people, is included in the San Rafael load. "The longer you're at it the better you are," he says. His field of holes numbers 63, but he doesn't know that. "I don't count the holes," he says. "I just throw the letters in and tie 'em out."

3:35—We are bound with rubber bands from top to bottom and side to side, and so become a little bundle bound for San Rafael. We are handed to John LaCorcia, who throws bundles into sacks that hang from metal frames in tightly packed rows. Some of the sacks are yards away, but he doesn't miss. Just before dispatching me into a yellow nylon sack marked "AMF San Francisco" (AMF stands for Airmail Facility), he mentions that he has been throwing mail for maybe 15 years. "You get so you can hit the corner pouch just like a basketball player."

4:12—"Bag off," somebody hollers, and bags are slipped off the frame, tied up, locked and thrown onto the scales. Airmail, flown by various commercial airlines, is paid for by the pound. My bag weighs 14 pounds.

4:20—Slung aboard a cart, wheeled to the loading ramp and dumped into a van for the trip to Logan International Airport.

4:50—We are all loaded into pods—big, silvery metal containers shaped to fit the belly of the plane.

5:35—Airborne for the first time, part of 7,000 to 8,000 pounds aboard American Flight No. 651.

6:50—Land at JFK Airport in New York for transfer to a San Francisco flight. No pods on this trip—bags will be stuffed loose, 15,000 pounds of them, into every cranny.

7:05—A lot of mail goes not to the baggage compartment but to the tourist-class section of the cabin. Because not many people take this night flight—and also because mail pays better than people—30 seats are used for mailbags. But I go into the plane's belly.

7:40—Airborne again. There are canaries in here with the mail, hopping and peeping.

13:30—We land at San Francisco in the rain. The belly pops open. We whir down a mobile conveyor belt and are tossed into a blue baggage cart behind a tractor that pulls us to the airmail department.

13:50—*Hippies handling the U.S. mail!* With a couple of unavoidable exceptions, a Post Office public relations man discourages long-haired workers from handling me while the camera lens is blinking. My bag, dropped down a chute, arrives quickly at a row of men who have before them a conveyor belt and electronic keyboards. They examine our labels and then push buttons that magically direct the belt to dump each bag off at an appropriate chute.

14:20—Dumped out on a shelf manned by a row of girls. Girls don't throw as well as boys, use a somewhat hitchy motion. Our little San Rafael bundle is accurately hurled into a hanging pounch marked "CALF.SCF."

14.30—Our bundle is repouched in "SCF SN RAFAEL 959."

15:25—Thrown into a 2½-ton truck bound for San Rafael.

16:30—Arrive at San Rafael post office, where the bundle is sundered. I am repouched with the label "San Anselmo."

16:40—Slung into another truck bound for San Anselmo.

16:55—Arrive at San Anselmo in pouring rain. I go back to pigeonholes, slipped into one marked "ROUTE 2."

17:50—Route 2 mail is given to mailman Riley Brown. He handles mail for Crescent Road and looks me over. He says I am addressed to the wrong place, because the people have recently moved. I am given to John Cannedy, the mailman on the route where my addressee lives now. He pigeonholes me in 40 Park Way.

20:10—Bound with others by a leather strap, I am taken by truck to a relay station where Mr. Cannedy, who walks his route, will pick me up. Left in locked mail sack in a roofed outdoor hallway.

21:30—Mr. Cannedy, swishing along in gray rain gear, stuffs me into his leather pouch.

22:00—I am placed in a yellow mailbox with flowers pasted on it. I have been handled about 30 separate times and traveled 2,800 miles in 22 hours.

HANRAHAN, POLICE TELL PANTHER STORY

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, much has been said about the State's attorney police raid on the Black Panthers headquarters on the night of December 4, 1969. I am enclosing an article from the Friday, December 12, edition of the Chicago Tribune which is a detailed account of the police position. Furthermore it might be noted that State's Attorney Edward V. Hanrahan in another article in the same paper is quoted as welcoming "an investigation by the Department of Justice because it is a reliable, objective agency."

The article follows:

HANRAHAN, POLICE TELL PANTHER STORY

(By Edward Lee and Robert Wiedrich)

The first eye-witness accounts of state's attorney's policemen who took part in a gun

battle last Thursday with a band of Black Panthers were obtained exclusively Wednesday night by The Tribune.

State's Atty. Edward V. Hanrahan made the policemen available for interviews to refute what he termed an orgy of sensationalism in the press and on television since Black Panther leaders Fred Hampton and Mark Clark were slain in an exchange of gunfire with detectives in a West side apartment building.

Hanrahan and his top aids, Richard Jalovec, chief of the special prosecutions division, and Robert Boyle, criminal division chief, also made available official police photographs which they said conclusively proved the Panthers opened the battle by firing a shotgun blast thru the apartment door.

REASON FOR NO GAS

Hanrahan insisted that his man could not have fired tear gas shells into the flat first since, under the law, they were required to knock at the door in an attempt to serve a search warrant. The warrant was issued on the basis of information that the apartment was a clandestine cache for weapons.

Further, Hanrahan and his men declared that they had no prior knowledge that Hampton and Clark would be found in the flat. In fact, the identities of the two men were not learned until after they had been killed in the gun battle, the prosecutor said.

Sgt. Daniel Groth, who led the raiding party of 14 detectives, furnished the most dramatic description of the battle in which he described how he and his men fought it out with the Panthers in the darkened apartment which later was found to have been filled with shotguns, rifles, hand guns, and ample stores of ammunition for the various weapons.

Groth and Jalovec both said the foray on the Panther arsenal had its beginning Dec. 2, when informants who had previously furnished the prosecutor's office with reliable information reported the cache of guns in the first floor flat at 2337 Monroe st.

Jalovec had received his information earlier in the day, and Sgt. Groth received his from an informant who telephoned his home at 10:30 p. m. The following morning the men met at the state's attorney's office and compared notes.

According to the informants, at least three shotguns had been observed in the flat. Neither, however, made any mention of Hampton's or Clark's frequenting the apartment, Sgt. Groth said.

At noon, Sgt. Groth and Detectives James Davis and Bill Kelly discussed plans for the raid on the flat. This session was held after Sgt. Groth had personally surveyed the building and neighborhood and then dispatched Kelly and Davis to do the same.

REJECT EARLY NIGHT RAID

"At first I thought we'd hit the place at 8 o'clock that night," Sgt. Groth said. "But after talking it over, we decided that would be a bad time, both for our safety and that of residents of the area.

"It's a heavily populated neighborhood, so we feared first for the safety of people on the streets at that hour and secondly we feared such a raid might create an incident in the area, which we knew was the heart of Panther territory. Our object was to avoid an incident."

On this basis, Groth and the other detectives decided to stage the raid shortly before 5 o'clock the next morning, Thursday, Dec. 4.

"This wasn't the first time our squads had gone after dangerous individuals," Sgt. Groth said. "And on the basis of the information we had, it was clear that we might be running up again dangerous individuals."

JUDGE ISSUES WARRANT

At 4:45 p.m. that day, Jalovec obtained a search warrant from Judge Robert Collins of Criminal court, citing the facts obtained from the informants. Then Groth drew a lengthy series of orders for the 13 detectives who would accompany him, spelling out in detail each of their assignments in covering and entering the apartment's front and rear doors. Equipment drawn for the raid included a submachine gun, three shotguns, and walkie talkie radios.

"We didn't take tear gas because of the specific nature of our mission and the fact that we figured we'd have the element of surprise on our side," Groth said. "Under the law, we had to enter that flat and serve the warrant for a search. We couldn't just lob tear gas in there and charge."

Late that afternoon, the other detectives were told to report for duty at 4 a.m., but none other than Kelly and Davis were told what the mission would be.

At 4 o'clock the next morning, Sgt. Groth doled out the assignments which called for five men to enter the front door of the apartment, four to enter the rear, three to stay outside and cover the front exit, and two to perform similar duties at the rear.

The men stationed outside were assigned there not only to prevent anyone escaping thru windows, but to also serve as protection in the event of sniper fire from nearby buildings, Groth said. Included in the party of 14 policemen were five Negroes. The men arrived at the apartment at 4:45 a.m.

Sgt. Groth took Detectives Joseph Gorman, George Jones, Robert Hughes, and Davis to the front door. Meanwhile, Detectives Edward Carmody, John Ciczewski, Philip Joseph, and William Kelly approached the rear door while Detectives John Marusich, Fred Howard, and Lynwood Harris covered the front yard. Detectives William Corbett and Ray Broderick covered the back yard.

EXTRA SQUADS REQUESTED

Just shortly before he arrived at the building, Sgt. Groth said that he radioed from the Chicago police department undercover squad car he was driving, asking that the squad operator dispatch marked cars from the Wood street district to the front and rear exits of the building.

"I told them we were about to attempt to serve a warrant," Groth said.

Once at the building, Groth ascended the front staircase on the exterior with Davis on his left. Behind them were Gorman, Jones, and Hughes. The men entered a small hallway containing two doors, one leading to the 2d floor and the other to the Panther apartment.

Positioning themselves to either side of the apartment door, Sgt. Groth said he reached over and first rapped firmly with his left hand. When there was no response, he pounded again, but this time with his revolver butt.

"I heard a voice inside—a male voice—call out, 'Who's there?'," Groth said. "I replied 'This is the police. I have a warrant to search the premises.' "

Again, there was no response, but Groth said he could hear movement inside. Again he said he pounded on the door, shouting, "Police! Open Up!"

"Just a minute," Groth said the male voice replied.

Suspicious of the delay, Groth said he ordered Davis to kick the door open. Davis kicked and the door slammed open to reveal a small ante-room with another door leading to the apartment's living room. That was shut.

Then suddenly, as the two policemen entered the ante-room, they said a shotgun blast was fired thru the closed living room door, a charge which later proved to have been a solid rifle load deer slug fired from a 12 gauge shotgun.

The slug pierced the door, ripping splinters from the outside of the door as it exited, and narrowly missed the two policemen. Photographs of this door were furnished The Tribune by Hanrahan as evidenced that the Panthers inside the flat fired the opening shot at his men.

PLUNGES THRU DOORWAY

Davis, who at this moment was just ahead of Sgt. Groth, plunged toward the door, smashing it open with his shoulders as he dived into the living room and landed on a mattress just to the left of the center of the room.

"I saw a woman half lying and half sitting upright on a bed in a far corner of the room trying to pump another shell into a shotgun she held jammed against her groin," Davis said. "She was about eight feet away."

"In that moment, the woman fired again, the flash of her weapon illuminating her face for Sgt. Groth who was still at the doorway of the room.

"I figured Davis had been hit when I saw him go down," Groth said. "That second shotgun round went right past me and I hugged the door jamb and narrowly missed hitting Hughes who was behind me. I fired two shots at her."

Almost simultaneously, Groth said he ordered Hughes to summon additional city police on the police radio. He also told him to notify the men at the rear of the building via walkie talkie radio that "these people are shooting in here!"

FIRES AT ARMED WOMAN

Davis said he rolled off the mattress and fired one shot from a carbine at the woman who later was identified as Miss Brenda Harris, 18, of 1848 S. Hamlin av.

"She slumped back against the wall with that shotgun still in her hands and I spun away and half turned, just in time to spot a guy sitting in a chair with a shotgun in his hands," Davis said. "He was directly behind me, hidden behind the door I'd just broken open. Thank God, Groth fired those shots at the woman. The flash of his revolver spotted the guy for me.

"I don't know for sure if he ever got a shot in at me or not. I fired twice and hit him. He stood up and I jumped up, too, struggling with him until he fell. Then I fell across his body."

This gunman was identified after the battle as Clark, 22, a Panther leader from Peoria.

Meanwhile, Detectives Jones and Gorman plunged into the darkened room which was lighted only by the dim glow of a gas space heater in a far corner, opposite of the bed on which Miss Harris was lying. Gorman crouched near the door and threw his flashlight momentarily on Miss Harris, then charged for the bed. The light had shown that she was wounded in her right thigh, altho she still held the shotgun in her hands.

DISCOVERS 3 MORE GUNS

"I yanked the gun from her hands and hurled it behind me toward the door," Gorman said. "In that moment, I also kicked aside a round hassock near the bed on which there were lying three hand guns. The guns spilled onto the floor.

Davis, who by this time had risen to a crouch, looked down the long hallway toward the rear of the flat just in time, he said, to see a man duck in and out of the rear bedroom nearest the kitchen. He had a shotgun.

"By then, the guys had broken down the kitchen door," Davis said. "I saw Ciszewski in the kitchen behind the gunman and hollered for him to duck as the man fired at least one round into the kitchen. Ciszewski ducked and the shot missed.

"Hold you fire," Sgt. Groth said he ordered his men at this point. "Give them a chance to come out!" This was the first of five such orders Groth said he gave during the fierce fire fight.

RESPONSE FROM FLAT

"I had men in both the front and rear of the apartment," he said. "I didn't want anyone getting hit in crossfire. But the words were barely out of my mouth before there was the whomp of a shotgun blast from the front bedroom, directly down the hall from the living room.

"They were firing blind because they didn't know where we were, so the charge slammed into a bathroom door almost directly across the hall."

Hanrahan also produced photographs of the inside of the bathroom door, showing how shotgun pellets had slammed through the wood. The prosecutor said that ballistics experts would testify during any court proceedings against the seven Panthers who survived the battle that the shotgun blast he claims opened the battle had in fact been fired from inside the apartment thru the door at police in the outer hallway.

As the shotgun blast was fired from the front bedroom, Detective Jones was crouching between two wooden dressers along one wall at the mouth of the long hall that stretches the length of the apartment. He said he saw a hand reach out from the rear bedroom and fire a shot with a revolver or automatic pistol at the kitchen where other detectives were crouching.

"SHOOT IT OUT!

"It was just about then," Sgt. Groth said, "That I heard a voice call out from the front bedroom, 'Shoot it out!' This was followed by two flashes from the same room I believe were from a shotgun."

At this point, police resumed firing and then minutes later, or perhaps only seconds, Groth said, he again ordered his men to cease fire and again called out to the Panthers, "Come out with your hands up!"

At the rear of the apartment, Detective Carmody jumped over a wooden door that formed a barricade between the kitchen and dining room as the Panther fire continued. Gorman covered him with submachine gun fire from the living room which he fired thru the connecting wall of the living room and front bedroom and down the hallway.

Carmody fired one round from his .38 caliber revolver as he plunged past the rear bedroom doorway to shelter against a far wall of the dining room.

CEASE-FIRE AGAIN CALLED

Again, Sgt. Groth called out for surrender and a cease-fire and this time, from the rear bedroom, Harold Bell, 23, of Rockford, emerged with his hands in the air. Broderick and Ciszewski, who by then had also jumped over the barricade into the dining room, grabbed Bell and took him to the kitchen where other detectives held him.

But again, gunfire directed at police from the front bedroom broke out and Broderick and Ciszewski fired into both bedrooms from their vantage point in the dining room.

Sgt. Groth called another cease fire and ordered the Panthers to surrender, he said. This time, a voice called from the rear bedroom, "We're coming out. Don't shoot. We've got an injured man back here."

Then Louis Truelock, 39, of 1900 Jackson blvd., walked out with his hands up, accompanied by Miss Deborah Johnson, 18, of 2337 Monroe St. They, too, were hustled into the kitchen.

DETECTIVE FINDS HAMPTON

Carmody ran into the rear bedroom to find a man, later identified as Hampton, lying face down on the bed with his head facing the bedroom door thru which repeated gunfire had been directed at police in the kitchen.

"He was lying with his arms hanging over the foot of the bed," Carmody said. "On the floor at his righ hand was a .45 caliber automatic and at his left a shotgun. I could see he'd been hit, but I didn't know if he was alive or dead. All I knew was that that room was full of shotguns and rifles and ammo.

"So I grabbed him by a wrist and dragged him into the dining room, away from all those guns."

A moment later, as Ciszewski was throwing various weapons out of the back bedroom, he was wounded in his left calf, presumably by a slug fired thru the wall from the front bedroom directly adjacent. He dived for safety in the kitchen.

Meanwhile, while those in the rear of the flat were surrendering, Sgt. Groth again ordered a cease fire.

"I was virtually pleading with those in the front bedroom to come out," he said. "But again they fired so Broderick fired a shotgun five time into that room from the rear of the hallway. And I kept yelling for them to come out, but there was no response."

Gorman approached the front bedroom door with his submachine gun in his hand.

"I slammed thru that doorway, firing a burst into an open closet I spotted out of the corner of my eye directly to the right inside the door," Gorman said. "I saw two beds with the forms of two people rising between them. One had what looked like a shotgun in his hands he was trying to raise clear of the bed.

"As he started to aim, I fired and the gun fell as he did. The second form kept rising in those few seconds and I fired again after I saw something that looked like a hand gun in the person's hand."

The first person wounded by Gorman proved to be Blair Anderson, 18, of 6943 Justine st. The shotgun he was holding was identified as one stolen from a Chicago police department squad last April 6 in the Chicago avenue police district.

BULLET LODGES IN SHOTGUN

Examination of the weapon showed that a .45 caliber police bullet during the gun battle had penetrated the barrel of the shotgun just a few inches above the breach, jamming it with a live round in the chamber.

The second person wounded by Gorman was Miss Verlina Brewer, 17, of 125 W. 107th st.

As Carmody plunged into the room to join Gorman, Miss Brewer and Anderson cried out, "We give up!"

Then police spotted a third Panther member in the room, Ronald Satchel, 19, of 2337 Monroe st., who also surrendered. He also had been wounded.

In both bedrooms, police found large stores of arms and ammunition. In Hampton's back bedroom, four boxes of shotgun shells were found as well as shotguns, a rifle, and hand guns. Similar caches were in the front bedroom, some of it in a flight bag.

THE BATTLE IS ENDED

With the surrender of the last three Panthers, the battle ended.

Hanrahan said he was making public the detectives' eyewitness accounts because of what he labeled the broad publicity given irresponsible statements by people he said had not been present during the battle.

Charges made by such out-of-state persons as Gary's Mayor Richard G. Hatcher were based on similar charges leveled by such Panther leaders as Bobby Rush, deputy defense minister of the Illinois Panthers, a man who didn't witness the battle either, Hanrahan said.

Hanrahan singled out NBC–TV's Channel 5 in Chicago for having furnished what he charged was a platform for Rush to make irresponsible charges not substantiated by any of the evidence.

"They put Rush on the air before he'd even had time to talk with any of the Panthers present during the battle," Hanrahan said.

"There has been an orgy of sensationalism in the press and on TV that has severely damaged law enforcement and the administration of justice."

THE POSSIBILITIES AND IMPLICATIONS OF A FUTURES MARKET FOR STOCKS

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, on December 5, the Wall Street Journal carried a lengthy article about plans of the Chicago Board of Trade for the establishment of what, in effect, is a futures market for stocks. The story in the Journal discusses at some length the possibilities and implications of such a market. This matter has been gone into most thoroughly by the board and the well known Washington consulting firm of Robert R. Nathan Associates studied the proposal closely and gave it a favorable report. Since the newspaper article is a most interesting one, I include it in the RECORD at the end of my remarks.

However, my purpose in calling attention to the plans of the board is not primarily that it may establish a securities market. What I have in mind is to emphasize that this is only one step in a series for revitalization and expansion of the board's activities.

Most of the credit for what I regard as a far seeing and constructive program, goes to the board's president, Henry Hall Wilson. He is a former White House assistant to both President Kennedy and President Johnson, and became the board's head in 1967. Let me briefly outline some of the action which the board has taken since that time. Prior to that time the board offered a futures market for trading in grains and oils and, as I have stated, was the largest commodities exchange in the world. It would have been an easy matter for Mr. Wilson to have proceeded along traditional lines, but instead he has gone outside the field of agriculture. Within the past 18 months, the board has begun trading in three new commodities and two of them, plywood and silver are nonagricultural. The other is iced broiler futures.

I think this venture into commodities outside agriculture is extremely important and shows both imagination and vision. Trading in the grains and to some extent other farm commodities has been hampered on occasion by the operations of the Federal farm programs and the nonrecourse loans which accompany them. At times, the surpluses of wheat, corn and other grains have been so great that the Federal loan actually fixed the price, which then hovered near the loan level. Under such circumstances, the necessity of using the futures market for hedging, a form of price insurance, was greatly lessened.

I do not doubt that there will always be a futures market and a vital one for the agricultural commodities traded in on the board but there is no reason whatever not to diversify and increase the scope of operations. Furthermore, the decline in stock prices has drawn the attention of many investors to the possibilities of the commodities futures market and the results are apparent in increased trading on the board and on other commodity exchanges. One byproduct of this situation is seen in the fact that seats on the board now are selling at around $40,000 the highest price since the alltime high of $62,500 in 1929.

Under Henry Hall Wilson the board has taken other significant steps toward modernizing and improving operations.

A special commission of board members has authorized a major study of the economics of transacting and handling business on the exchange.

A complete review of all grain contracts traded in on the exchange with a view to bringing terms and provisions in line with modern economic requirements is in progress.

Board rules have been changed to permit women to become members and several have done so.

The board has created a new department to undertake long-range planning and market development for the exchange.

The board named Dr. Milton S. Eisenhower, educator and head of the President's Commission on Violence, Joseph L. Block, industrialists, and Charles L. Schultze, former Director of the Budget, as public directors to help advise on the Exchange's assumption of wider responsibilities for agricultural and trade problems outside the scope of futures trading.

The city of Chicago is proud of the board of trade, which has long been an asset to the entire Midwest, and, in fact, the whole country. In 1967, futures trading on the exchange reached the tremendous volume of slightly more than $50 billion, or more than two-thirds of all futures trading in the United States.

I have come in contact with Mr. Wilson on quite a few occasions since he became president of the board. I regard him as a dynamic and progressive leader. I feel that under his direction the board will become an increasingly important factor, not only in futures trading, but in leadership which will help deal with many nation's important economic problems.

CHICAGO BOARD OF TRADE PUSHES PLANS FOR CENTRAL FUTURES MARKET IN STOCKS

(By Jonathan R. Laing)

CHICAGO.—The Board of Trade is pushing ahead with plans to establish a central marketplace for stock options, those estoric trading devices known to practitioners as puts and calls.

The board, the world's largest mart for trading commodity futures, is formally asking the Securities and Exchange Commission for permission to establish what would amount to a futures market for stocks. The board announced last February that it was contemplating such a move.

The SEC consideration is likely to be lengthy. The Board of Trade, itself, has yet to work out some of the fine details that would have to be submitted for approval. It's unlikely, therefore, that any central option market could be established for at least a year.

Should it come, though, it could open a broad new market for institutional investors eagerly casting about for ways to improve their stock-market performance and hedge their massive portfolios. And it could entice more small traders to the intricacies of option trading, which has been growing in recent years but which still ranks as a gnat when matched against the giant volume of the New York Stock Exchange.

Among institutions that have been attracted to option trading are American General Insurance Co., Houston, and Lincoln Consolidated Inc., the Houston-based holding company for Lincoln Liberty Life Insurance Co., First National Bank of Chicago and Connecticut General Life Insurance Co., Hartford, Conn., have let it be known they, too, are planning to begin option trading next year.

Other institutions may follow if the Board of Trade establishes its exchange. The treasurer of one large Midwestern university ventures that a market sanctioned by the board "will make options respectable enough for me to go before my trustees and propose that we use endowment money for both writing and buying options."

Still other tax-free institutions say they are holding back only until they can win tax-exempt treatment for profit reaped on options trading.

The profit, or loss, result from speculating which way the price of a stock is likely to head over a stated period of time.

With a call option, a trader acquires the right to buy 100 shares of a stock within a specific period at an agreed "striking price," which usually is at, or near, the market price at the time of the option purchase. For that right he pays a "premium," usually 5% to 20% of the value of the underlying stock.

If the market price of the stock rises above the striking price and the premium paid for the option, the holder profits by buying the shares at the lower striking price and promptly reselling them at the higher market price.

If the market performance fails to meet expectations, however, the option buyer need only allow his rights to expire. His maximum loss is the premium he paid to acquire the option.

PUT OPTION REVERSE

A put option works the other way. Again for a premium ranging from 5% to 20%, the buyer of a put option has the right to sell, or put, 100 shares of a stock within a specific period at an agreed price. He profits when the market price drops enough below the striking price to cover his investment in the option premium. He buys the stock at the cheaper market quote and then resells at the higher option price.

According to one study conducted by the SEC in 1961, the typical option buyer paid a 14% premium to enter the option market. The typical option period, to qualify for treatment as long-term capital gains, was six months and 10 days.

Option sellers customarily have been wealthy individuals, or large securities holders, including, of late, insurance companies and other institutions. They profit on the premiums they receive from the options they sell. And they can profit handsomely if the market's performance discourages option holders from exercising their rights. Such returns can run as high as 40% annually if the option sellers can write a number of options successively on the same shares.

There are hedge advantages, too, in option selling. Because the seller receives a 5% to 20% premium for the option right, be it a put or call, he's protected by that amount whichever way the market turns. If the value of his shares declines, his loss is the decline in paper value of his securities minus the premium received for the option. If the value rises, the option seller has profited at least by the premium received.

Despite the appeal to some speculators, however, turnover in such options has been comparatively light. According to the Put and Call Brokers and Dealers Association, a dealer group, put and call options were written on a total of 30.3 million shares last year. That's up from 23.8 million shares the year before. But the New York Stock Exchange, by contrast, last year traded almost 13 million shares on an average day.

Currently, about 70% of these puts and calls traded in the U.S. are handled by about 20 broker-dealer concerns that deal exclusively in such options. These include Thomas, Haab & Botts, Filer Schmidt & Co., and Godnick & Son Inc. Most are in New York.

TWO STUDIES MADE

The rest of the option volume is handled by such New York Stock Exchange member firms as Goodbody & Co. and Donaldson Luf-Kin & Jenrette Inc.

Henry W. Wilson, the Board of Trade's president, first disclosed the exchange's interest at the mart's annual membership meeting last February.

A Washington consulting firm, Robert R. Nathan Associates, gave the proposal a close scrutiny and issued a favorable report. An 11-member independent advisory committee, comprising representatives of the investing and academic worlds, also took a look at the idea and it, too, declared the contemplated market showed a "high promise for improving upon the relatively inefficient market that exists today."

Understandably, many put and call dealers have a different view. "They won't get enough traffic on the few stocks they will list to survive," says Bert Godnick of Godnick & Sons. "Besides, I don't think you can standardize option contracts like the board plans to do."

Lawrence Kotkin of Kotkin Associates, the only publicly held options dealer, predicts that the board's market "will fall flat on its face." He scoffs that "puts and calls are too sophisticated for a bunch of grain traders in Chicago."

SOME 20 STOCKS AT FIRST

As currently envisioned by Board of Trade planners, initially about 20 stocks will be listed on the board. "Our stocks will be high-quality issues which have large share floats outstanding, active trading volume, and price volatility," a board official says.

The contract unit for each option will be 100 shares. For each stock there will be five maturity dates open at all times, with the most distant maturity 15 months away. Options will expire on the fifth from the last business day in January, April, July and October.

There are also a host of market mechanics, rules and surveillance procedures that have to be worked out by the board in conjunction with the SEC. "Our market involves a form of trading that wasn't even contemplated in the 1934 Securities Exchange Act so, no doubt, we have a long road ahead of us with the SEC," a board spokesman says.

One question could be especially delicate: Should options traded on an exchange be individually registered as securities? Board officials are concerned that a ruling requiring registration could hopelessly snarl an options exchange.

The study by Nathan Associates, in advancing the market proposal, contend that a central market for options would remedy a number of defects of the existing market. According to the report, a competitive, auction market would expedite options transactions and would cut costs.

In addition, a central market would result in tighter regulation of options trading and public reporting of transaction prices. Also, the report asserts that a centralized market would have "greater depth and continuity," thus enabling the options market to better accommodate large-block transactions.

Finally, according to the report, the board's proposed market would include a secondary market in which the buyer or seller of an option could liquidate his position at any time prior to the expiration of the option, thus making options more liquid and flexible as investment instruments.

According to the Nathan Associates report, transaction costs would be reduced because of the lower costs of originating and liquidating options. Instead of a dealer spending as long as a week matching up option buyers and sellers, and charging a dealer spread, the central auction market would allow single-step transactions to be struck on the exchange floor.

In addition, the secondary market would allow holders of puts and calls to liquidate option positions without incurring the additional costs of buying or selling the underlying stock.

For the Board of Trade, a market in stock options would recall a day long since past. The board was certified as a stock exchange in 1934 and trading in securities continued, albeit slowly, until the 1950s.

A return to securities dealings also would represent for the board another step in a continuing diversification program. In the past 18 months, the 121-year-old grain-future market has started futures trading in iced broiler chickens, silver and plywood as trading volume slumped in the exchange's primary commodities of corn, wheat and soybeans.

CULTURAL EXPLOSION

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I wish to bring to the attention of my colleagues some of the interesting and exciting events taking place in my home district, and the man responsible for these "happenings."

On an earlier occasion it was my pleasure to report about Allen Parkinson and his imaginative Movieland Wax Museum in Buena Park, Calif. Most men would be content with one outstanding and successful creative expression. Allen Parkinson is a different breed. Mr. Parkinson views his past success as merely a challenge for future endeavors.

His efforts have produced a cultural explosion in southern California. The many hundreds of thousands who have already had the opportunity to see and appreciate Mr. Parkinson's efforts I am sure will agree with me when I say they are both an enriching and entertaining experience.

Some of Mr. Parkinson's more recent endeavors include giving southern Californians a chance to see the Grand Champion Andulsian horse from Spain. He has also added an excellent sea circus to his already creative and exciting Japanese Deer Park.

I am sure I speak for all those who have already enjoyed, and those who will enjoy, Allen Parkinson's Wax Museum, Palace of Living Art, and Japanese Deer Park, when I extend my gratitude to him for making our daily routine a little brighter and a little richer. We are looking forward to the fulfillment of Allen Parkinson's future plans and wish him well in all his efforts.

At this point in the RECORD, I would like to add an interesting biographical sketch of Mr. Parkinson. I commend it to all my colleagues in the House.

BIOGRAPHY OF ALLEN PARKINSON

Allen Parkinson is a man who has accomplished what millions of people only dream of doing—he's a man who has achieved phenomenal success by doing something he enjoys personally. What's more, by fulfilling his own dreams and ambitions, he has contributed to the enjoyment and recreation of millions of others.

Parkinson, an entrepreneur of leisure time activity, is the Founder and Director of Movieland Wax Museum, Palace of Living Art and Japanese Village and Deer Park, three of the fastest-growing entertainment attractions in Southern California. All are located in Beuna Park and are part of the famous Orange County entertainment belt, which also includes Disneyland and Knott's Berry Farm.

Parkinson was born in Rexburg, Idaho, on January 26, 1919, and was raised in Salt Lake City. He attended high school there and for a short time was enrolled at Utah Agricultural College at Logan. During his school days he became captivated by movies and spent every spare dime to watch films.

Like many people, he became so engrossed in the movie that he almost literally took part in them—he rode wild Arabian stallions with Rudolph Valentino and teetered on skyscraper parapets with Harold Lloyd. But unlike others, who forgot the films shortly after they saw them, he relived them over and over again in his mind.

His favorites were Laurel and Hardy, and he would watch their movies as often and as many times as possible. Beyond that, he liked them all; all the stars of the screen were his friends in his dream world.

After leaving school he was a sample case carrier for a jewelry salesman, then became a full-fledged salesman when his merchandising ideas resulted in orders and continued up the ladder.

In 1939 he joined the U.S. Merchant Marine and served five years, spending much of the time transporting war materials to the Far East.

After the war he took a job as salesman for Mercury Records and worked his way to International Sales Director for the U.S., Canada and Mexico, a position that took him to New York. Disenchanted with New York, he resigned from Mercury and returned to Southern California and a job with Piuma Wines as sales manager.

Parkinson was an insomniac and realized there probably were millions of others who also had sleepless nights. He searched for a formula and developed a product called "Sleep-Eze." He produced it, marketed it and turned it into one of the most successful companies in the pharmaceutical industry. In 1959 he sold it and retired temporarily.

He had experienced travel in his earlier years and now wanted to do so again. He began a series of leisurely trips; and during one of his visits to London, he toured Madame Tussaud's wax museum. It was then that the idea that developed into Movieland Wax Museum struck him. A wax museum would be a welcome attraction in Southern California; but instead of including all kinds of famous people, he would limit it to only movie stars, the ones who had given him so much pleasure during his youth.

He launched a search for wax sculptors. The first one he found in Hong Kong was commissioned to do Laurel and Hardy. Parkinson's own personal favorites. Parkinson supervised the work himself to make certain it was exactly what he wanted.

In 1962, with kleig lights and fireworks, the Movieland Wax Museum was opened in ceremonies not unlike those of the world premiere of the motion picture industry's highest-budgeted films. A star-studded list of celebrities, headed by Mary Pickford, attended the dedication; and the museum was an instant success.

Parkinson then turned toward other endeavors. He had long been an admirer of fine art and had spent many hours touring the great museums of the world. Standing in the Louvre one day, he wondered whether he could create the art he was seeing in dimension to show exactly what the artist must have seen as he was painting or sculpturing his masterpiece.

He immediately envisioned the technique used in his Movieland Wax Museum, and the idea for the Palace of Living Art was born. A building was erected adjacent to Movieland, and 40 of the world's greatest paintings and sculptures were duplicated in authentic replica. Alongside each is sculpted in wax the figure of the model wearing the exact same costume and facial expression that the original model wore.

To see such works of art as the "Mona Lisa," "Blue Boy," "The Last Supper," "Venus" and Van Gogh's self-portrait almost breathe with life gives one a new understanding of what the creator of each work was attempting to say or show. Palace of Living Art creates a greater appreciation for art in general; and many who have had only a superficial interest in art prior to their visit have kindled a new interest in finding out more about what they have just seen.

Parkinson had just enjoyed success with the Palace of Living Art when his interests turned in other directions.

He had visited Japan several times and was captivated by the Deer Park in Nara. He returned several times to feed the deer that nuzzled against him and to experience the peace and tranquility of the Deer Park.

He talked with officials of Nara and concluded arrangements whereby Nara would make a gift of deer to him if he would duplicate the Deer Park in California. Parkinson found a 29-acre site near the Movieland Wax Museum, started construction on a Deer Park and immediately found the concept growing into an entire Japanese Village.

Today it is the largest Japanese cultural and recreational center in the Western Hemisphere; it is still growing. A 2,500-seat aqua-theater was recently completed surrounding a 2 million gallon sea waterway; and a complete sea circus with dolphins, sea lions and water clowns perform regularly.

Thirteen bears were a gift of the Nabori Betsu Bear Gardens in Hokkaido, the northernmost island in Japan; and two of them play basketball. They pick the ball up between their paws, take careful aim and toss a shot at the rim. They hit an unusually high percentage of shots, too.

A pool of seals, gifts from Sapporo, also on Hokkaido, greets visitors as they enter the Village; and black swans and golden carp from the City of Ube glide through the many lagoons within the Village. Japanese architecture prevails. All employees wear traditional and authentic Japanese costumes. A tea house serves Japanese and American food, and Japanese music plays throughout the Village.

The Village now has more than 200 deer, and visitors to the Deer Park take delight in feeding them as they stroll through the sunken deer compound. White dove in a special walk-through pavilion also eat out of guests' hands.

What's next for Parkinson? He plans to continue expanding the Japanese Village. There are many more aspects of Japanese culture he wants to bring to this country, and his long-range plans call for full utilization of the 29 acres.

Not everyone can visit the Orient personally, he says; and if the Japanese Village can give its visitors the feeling of having actually been in Japan, even if for only a few hours, its purpose will have been fulfilled.

As long as Allen Parkinson keeps finding things that he enjoys, the American public will continue to benefit.

STATEMENT OF POSITION OF THE NATIONAL SKEET SHOOTING ASSOCIATION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the National Skeet Shooting Association has rendered valuable service to law-abiding sportsmen's groups and to legitimate anticrime proposals. This organization has been a leader in the efforts to provide sound programs by heping to make needed facts on these important subjects available to the public. Recently, the organization has prepared a statement of posi-

tion which I am pleased indeed to submit for reprinting in the CONGRESSIONAL RECORD for the benefit of the Members of the Congress:

STATEMENT OF POSITION OF THE NATIONAL SKEET SHOOTING ASSOCIATION

Few domestic problems are causing such great concern as the skyrocketing incidence of lawlessness and armed crime in this Nation. While the impact of increasing crime is primarily felt in the major urban areas, it is not confined to any one State or locality. And, whenever armed crime is discussed, the subject of "gun controls" as a solution to it almost invariably arises.

At the outset this Association submits that the term and concept of "gun controls" is a misplaced one. What we should be talking about is "crime control," for it is the misuse of firearms in crime, by persons who have no regard for the rights of others, not the lawful ownership of firearms for self-defense or lawful sporting purposes, which is causing the concern to this Nation. It is the criminal and socially irresponsible element, not the law abiding—which should be curtailed.

In this regard, our Association wishes to make crystal clear one point: Virtually, every law-abiding citizen owning a firearm, including those in this Association, shares an overriding desire to reduce armed crime and senseless death from dangerous instruments. No dollar cost is too high; human suffering and lives cannot be measured in dollars. Those who legitimately own and use firearms are outraged over their misuse by the irresponsible and criminal element; it is unfair to represent them as callous to crime or interested only in their inconvenience. If this association believed that the currently advertised panacea of "gun controls"—that is, the registration of all firearms and the licensing of their owners—was a reasonable and effective crime deterrent, it would then support them. It does not. It believes there are far better ways to curtail armed crime and senseless death from dangerous instruments, such as firearms. It is in this vein that this association offers its recommendations for the control of armed crime:

First: Stiff minimum mandatory penalties should be imposed (by the States as well as the Federal Government) for crimes committed with deadly weapons, including firearms. For the first conviction, there should be a minimum sentence of not less than one year nor more than fifteen years, with right of parole and judicial discretion to suspend the sentence (for here we may be dealing with someone other than a habitual criminal), for the second conviction there should be a minimum sentence from fifteen years to thirty years without right of parole or suspension or probation of sentence; for the third conviction a minimum of thirty years to maximum of life, without right of parole or suspension or probation of sentence. These sentences should be *in addition* to, and *not concurrent* with, any sentence imposed for the crime. And, most importantly, our judicial and prosecutorial machinery should be expedited to bring about the swift administration of justice.

Studies reveal that a large percentage of armed crime is committed by habitual criminals and repeaters. A prime deterrent to the habitual criminal is the fear of spending actual time in prison or subject to correctional authorities. With a minimum sentence law on the books of our States and Federal Government the habitual criminal will think twice before he engages in armed crime. At the very minimum, we can remove him from lawful society.

Second: Bail should be automatically revoked for any criminal who has in his possession a deadly weapon while awaiting trial for a serious felony. Similarly parole should be revoked where the parolee is transporting or carrying a weapon. Studies have shown there is a relatively high incidence of the commission of armed crime by a criminal while he is out on bail awaiting trial, or while he is on parole after having been convicted and serving a part of his jail term for earlier crimes.

Third: A substantial bail should be required in all felonies involving the carrying or use of a dangerous weapon. Our present bail system has been too soft with criminals accused of committing armed crimes. Again we should have a sliding scale which makes it progressively more expensive for repeat offenders to make bail. Those who habitually commit crimes with deadly weapons are dangerous to society—they should not be allowed to roam freely about upon nominal bail or personal recognizance.

Fourth: We should pass laws, patterned after the *Federal Firearms Act of 1933* which make it illegal, *per se*, for drug addicts, lunatics and convicted felons to transport or carry about firearms or other similar dangerous weapons. A disproportionately high incidence of crimes with deadly weapons is committed either by (1) persons addicted to or under the influence of drugs, or (2) persons who have been previously convicted of felonies. Certainly this element, which is unstable at best, and criminally vicious at worst, should not be allowed to transport or carry about dangerous weapons.

Instead of trying to achieve this goal in an indirect way by licensing the law-abiding and registering the firearm of the law-abiding, the burden should be placed squarely where it belongs—on the lawless and unstable. Provision should be made, however, for permission to be granted by an appropriate public official to allow a truly reformed felon, a cured addict or a person recovered from a mental disease, who has demonstrated his reliability and usefulness to society, to own and use sporting weapons.

Fifth: Firearms safety and hunting safety courses for our population should be encouraged. The States requiring completion of hunter safety courses have shown a marked decrease in hunting accidents. There is no reason why firearms accidents in the home cannot also be curtailed by such programs.

Sixth: We oppose the registration of firearms and the licensing of their owners—(sometimes referred to as an identification card system). At last estimate there were some 200 million firearms in this Nation, mostly rifles and shotguns. The overwhelming majority of these are lawfully owned and responsibly used. Some 50 million sales or exchanges of firearms occur each year—again virtually all between honorable citizens. Neither these people nor their firearms constitute any danger to society and they should not be regulated as if they were potential criminals.

On the other hand, it is just plain foolishness to expect that the felons, assassins, paranoids and other social misfits who should not own guns will step forward to turn in their weapons or incriminate themselves under any such registration and licensing laws. If this class of miscreants believed in law and order, we would not have a crime problem. Indeed, the Supreme Court has ruled that such undesirables cannot be compelled to come forward to incriminate themselves.

The evidence from the jurisdictions having both registration laws and licensing laws (Washington, D.C.; Chicago, Ill., and San Francisco, Calif.) has revealed no significant reduction of crime has occurred. To the contrary, armed crime has increased in those jurisdictions. Similarly, the majority of the jurisdictions having either an I.D. card law (e.g. Massachusetts, Illinois and New Jersey) or pure gun registration laws have experienced no reduction in crime. In short, these programs have been costly failures (for the criminals simply ignored them) as anti-crime measures. There have been, however, numerous reports of unjustified oppression of law-abiding citizens by over zealous governmental authorities administering such laws.

Moreover, the cost of registering the lawful firearms and licensing their owners, and monitoring the lawful transactions is staggering. It would run into billions, and would force the creation of another huge governmental bureaucracy. We would far prefer these billions spent on slum clearance, job programs for the underprivileged, more and better police, better jail systems and similar projects which have a proven history as a deterrent to crime.

In conclusion, we stress that we, in this Association, are not afraid of identifying ourselves, we are not ashamed of our sport or of our love of the outdoors. Since our sport began we have stressed the importance of safety and individual responsibility in the ownership and use of firearms. We, too, are deeply concerned over rising armed crime. But, on the evidence thus far presented, we simply do not believe that a multi-billion dollar anti-gun registration-licensing program aimed at the law-abiding will have any real impact in deterring armed crime or reducing violent deaths. Our Association believes there are far more effective ways to curtail armed crime and armed violence without resorting to regulation of the law-abiding. As the French proverb says: "If poverty is the mother of crime, then want of sense is its father" (Jean de la Bruyere, 1688).

OMEGA PSI PHI OUTSTANDING CITIZEN OF THE YEAR—THE HONORABLE SHIRLEY CHISHOLM

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I would like to congratulate Omega Psi Phi fraternity for its annual sponsorship of National Achievement Week, which was observed by chapters throughout the Nation from November 2 to November 9.

The purpose of National Achievement Week, during which the presentation of Omega Psi Phi Outstanding Citizen of the Year Award is made, is to give recognition to outstanding persons in public life whose outstanding achievement and service to the country have been exemplary to others.

Also during National Achievement Week, awards are made to high school seniors who have written the best essays in a contest which tests their creative writing ability on contemporary problems. This year's topic was "Student Protest And Revolt—Helpful or Harmful?" The authors of the two most thoughtful and best written entries will receive scholarships to the colleges of their choice; and there is a $500 first prize and a $200 second prize.

The Outstanding Citizen of the Year Award is made to nationally prominent persons in private and public life. The award has been given in the past to such leading citizens as the late Reverend Dr. Martin Luther King, Jr.; Senator EDWARD BROOKE; Chief Judge William Hastie, the first black judge to sit on the Federal bench; Robert Weaver, the former Secretary of Housing and Urban Development; Benjamin Mays, president of Morehouse College; George Weaver, Assistant Secretary of Labor for International Affairs; Dr. James Nabrit, president of Howard University.

This year, the award was presented to Congresswoman SHIRLEY CHISHOLM, who represents the 12th District of New York. Mrs. CHISHOLM is the first black woman

to serve in the U.S. Congress, and her service in the House of Representatives has been characterized by the same devotion and determination as her previous work in public service.

Her concern for the problems of the people of her district and of all disadvantaged Americans is untiring. She has brought to the House the qualities of courage, hard work, and dedication which bring credit to the House, her constituents, and to the Nation.

Her choice as Omega Psi Phi's outstanding citizen of the year is certainly deserved. Her contributions to public service should inspire young Americans from all walks of life to serve their fellow citizens through civic responsibility.

JOHN P. COLLINS, NATIONAL CHAIRMAN OF THE AMERICAN IRISH NATIONAL IMMIGRATION COMMITTEE, URGES FAIR IMMIGRATION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on December 10, John P. Collins, national chairman of the American Irish National Immigration Committee, appeared before the Subcommittee on Immigration and Nationality of the Judiciary Committee to testify on experience under the Immigration and Nationality Act of 1965. He was accompanied by representatives of chapters of the American Irish National Immigration Committee from all across the Nation—from New York to San Francisco, including Chicago and Dayton in the heartland of America, all of which have urged Congress to act to overcome unanticipated and inequitable effects of the Immigration and Nationality Act of 1965.

John Collins is no stranger to the subcommittee for he made an equally eloquent statement before it on July 3, 1968—3 days after the 1965 act went fully into effect.

Almost 2 years ago, I introduced legislation in the 90th Congress to make additional visas available to nationals of those countries where the average immigration had sharply declined as a result of the 1965 Immigration and Nationality Act.

This year, on the opening day of Congress, I again introduced this legislation as H.R. 165. Seventy-seven Members of the House are either cosponsors of the bill, or its companion bills, or have introduced identical bills. A list of sponsors will be appended at the conclusion of my remarks.

H.R. 165 makes sure that no nation would suffer a severe reduction in its level of immigration to the United States as a result of the provisions of the Immigration and Nationality Act of 1965. The bill provides that a "floor" would be established for every nation, based on its average level of immigration to the United States during the decade prior to the enactment of the 1965 act; that is, during the years 1956 through 1965. The floor would in no way be based on the former quota, but only on the actual numbers which came in during these years. The bill provides a floor equivalent to 75 percent of the annual average level of immigration during the 1956–65 base period, or 10,000 individuals, whichever is less. To the extent that immigration falls below the floor for a given fiscal year, extra numbers of visa spaces—above and independent of the worldwide quota—would be provided the following year, so that total immigration reaches the established floor.

I wish to emphasize again that H.R. 165 is not in any way a return to the old national origins quota system—which quite properly was abolished in 1965.

Under the 1965 act, however, the immigration preferences are drawn in such a way that much of the potential immigration from Western European countries cannot meet the qualifications of various categories, particularly those involving labor certification. This is no more equitable than the national origins quota system, which screened out people from sections of the world such as Africa and Asia.

In the case of Ireland, which sent an average of 7,000 immigrants during the base period 1956–65, about 5,300 places, or 75 percent of the base period average, would be established as the floor for Irish immigration. No country whose immigration levels had improved as a result of the 1965 act would be adversely affected.

As predicted, Irish immigration has continued to decline. In fiscal year 1969, only 538 preference and nonpreference visas were issued in Dublin to immigrants born in Ireland. Yet, in 1965, when the new Immigration and Nationality Act was being considered in the Congress, the Department of State assured Congress that under its provisions Ireland would be able to qualify for approximately 5,200 places per year. If the State Department projections had been accurate, it would not be necessary to take remedial action.

The need for corrective action is apparent. H.R. 165 would effectively achieve that corrective action. The widespread support for this legislation evidenced by the fact that there are 77 cosponsors makes it also apparent that many Members of Congress are concerned that remedial action be taken. H.R. 165, by correcting the deficiencies in the present law, would insure continuance of new seed immigration, not only from Ireland, but from every other nation which has suffered a decline as a result of the 1965 act. It would equalize our immigration policy, the imbalances of which have produced the precipitous decline.

So that my colleagues will understand the need for prompt congressional action, I include at this point in the RECORD the very persuasive, and ably presented, testimony of John P. Collins, national chairman of the American Irish National Immigration Committee:

STATEMENT BY JOHN P. COLLINS

Mr. Chairman, Distinguished Members of the Congress,

One year ago we appeared before this Committee to offer testimony on Irish experience under the 1965 U.S. Immigration and Nationality Act. If we were to briefly sum up what that experience has been, we would have to say it has been a tale of shock and sadness.

On October 3, 1965, the new U.S. Immigration and Nationality Act was signed into law by the President of the United States. It was signed in New York Harbor on Liberty Island beneath the Statue of Liberty. The Emma Lazarus inscription on the base of the statue reads partially—

"Give us your tired, your poor, your huddled masses yearning to breathe free. . . ."

This inscription seems very odd indeed today, when we realize that for the first time in U.S. history, the doors of this nation have been effectively shut to the Irish. This is sad indeed when we contemplate all that Ireland has contributed to our nation in the arts sciences, religion, government, business, labor and sports.

In a little known speech delivered by George Washington's adopted son, Custis, at the city hall, Washington, D.C., on June 20, 1826, he declared: "When our friendless standard was first unfurled for resistance, who were the strangers that first mustered round its staff, and when it reeled in the fight, who more bravely sustained it than Erin's generous sons? . . . I cap the climax of their worth, when I say, Washington loved them, for they were the companions of his toils, his glories, in the deliverance of his country."

The part the Irish played in the American Revolution was told in the Irish House of Comomns on April 2, 1784, by Luke Gardner, when he said: "America was lost to England by Irish emigrants."

The major part of George Washington's army was composed of Irish, and the Irish language was as commonly spoken in the American ranks as English. It was their valor determined the conquest.

Well might Lord Mountjoy have declared in the British Parliament: "You have lost America by the Irish." We all know of the magnificent work done on sea by Commodore John Barry, Father of the American Navy. That brilliant Irishman, Richard Montgomery, was the first American General to fall.

Matthew Thornton, James Smith, and George Taylor—all Irish born—signed the Declaration of Independence and five other signers were of Irish blood, namely Edward Rutledge, Thomas Lynch, Thomas McKean, George Reed and Charles Carroll of Carrollton.

Andrew Jackson, "Old Hickory," the first American President who rose from the rank and file was the son of an Irish exile. Another typical Irishman, "equally great in peace and war," was General James Shields. He was the hero of two wars—the Mexican War and the Civil War—a Judge of the Illinois Supreme Court, a Governor of Oregon and Senator from three States. The terrible famine in Ireland in 1846–47 sent hosts of Irishmen to this country, and it is not too much to say that had they not come our Union would have been rent in twain by the Civil War. They and their sons fought heroically to save the Union in the thickest of the wilderness, at the bloody battle of Gettysburg, on the crimsoned field of Chancellorsville and elsewhere. Who can tell the services to America of Sheridan, O'Brien, Meagher, Corcoran, Mulligan, Ford, Meade, Coppinger, and Trilley.

In the battle of Antietam the bloodiest one battle of the Civil War, the Sixty-ninth Regiment, New York Volunteers, Meagher's Irish Brigade lost in killed and wounded 61.8 percent. For more than two hundred years the Irish have been among the pathfinders and builders of the American Nation.

If the handiwork of the Irish were painted green, the average American city would be splashed in all sides with emerald hues. Yet

there are few who are aware of this. A New Yorker for example, may rise in the morning, bathe in water that comes from Croton Dam, built by James Coleman, then take the subway, built by John B. McDonald, pass the College of the City of New York, built by Thomas Dwyer and then Cable to Alaska over a line laid by David Lynch.

It is safe to say that all that the Irish have done for America has never been fully told. As Americans of Irish blood, we are proud of our ancestors and proud too that it was through their efforts that this country became the most prosperous country in the world, but despite these facts we now find that the restrictive new immigration law has drastically reduced the issuance of immigration visas to Irishmen. I ask the committee as a newspaper in New York recently asked, "Are their deeds forgotten?"

Certainly the 1965 U.S. Immigration and Nationality Act in its effect on Ireland does not demonstrate the thanks of a grateful nation. In its effect the present 1965 U.S. Immigration Law is neither fair nor just to Ireland but is beggarly and miserly.

IS THERE A PROBLEM

We were told in 1966, that no problem existed. Then in 1967, we were told by the Labor Department, that the problem laid with the Congress and by the Congress that it laid with the Labor Department. Finally, the State Department admitted that there was a problem and so informed the Congress. The Congress replied that it would solve itself within the three year adjustment period. Of course Ireland did not adjust. Now we are told by some, wait another year—Ireland will adjust and by others that there is no problem at all. Well we've come the full circle, haven't we. We reply that Ireland will not adjust because it cannot adjust under the terms of a law which prevents adjustment. One year ago we made the projection before this very committee that less than 500 Irish would receive preference and non-preference visas in Dublin during fiscal year 1969. We were not very far from wrong. 538 received such visas.

ONE YEAR LATER

Before 1965, 5,000 to 7,000 Irish came here each year. In fiscal year 1969, under the new law only 1,407 Irish entered the U.S. As best we could, we explained the problem to you last year and our testimony is a matter of record. We come here today at your invitiation not only to affirm what we have already said but also to offer the firm hand of cooperation.

We now know that the Irish immigration situation is far from better one year later, And I can assure you that if these invitations to testify continue to be on a yearly basis, no year will come when the Irish immigration situation will be solved if no legislation is forthcoming.

THE PROBLEM OF DISCRIMINATION

No one can deny that many nationalities were the victims of discrimination as a result of past U.S. Immigration policy. We know that many nationalities had no quotas or small quotas which were consistently oversubscribed while Ireland had a large quota which for the most part went unused. However, neither Ireland nor the American Irish asked for the quota.

The law was changed in 1965 to provide equality for all. On its face the law does this and I'm sure we all remember those famous State Department statistics of 1965 which assured you that the law would be fair to Ireland in allowing in over 5,000 persons to enter each year. But we also know now that the law, however, well intentioned it was, is far from fair in its effect on Ireland and some other nations.

THE REASONS

The new immigration law eliminated the national origins quotas, promoted the reuniting of families and protected American labor with a few strokes of the pen. Each of these aims is good and is worthy of our support.

Ireland, England and Germany enjoyed a privileged position in U.S. immigration prior to 1965 partially because of the number of immigrants contributed by them in earlier years. Now all nations will have to compete equally for U.S. immigration numbers. This is good, except that the terms for competition are fairer to some nations than they are to others.

It is now evident that when the new law was drafted, there was a failure to anticipate the effect that the new law would have on the formerly so called "privileged countries" and in particular Ireland. Overlooked was the sociological pattern of immigration in these countries and the history of the country's immigration.

THE FAMILIAL PREFERENCES

The new law provides for a system of preferences based on family relationship and skills. These are of little help to Ireland, while they are of much help, particularly the family relationship preferences to other nations.

Ireland's immigrants to the U.S. have traditionally been of the non-preference unskilled variety. Had the present law been in effect some years ago, many of the members of the Congress would not be present in the U.S. today. Analyzing Irish families, one finds that a few brothers and sisters from the family emigrate while others remain at home. The mother and father remain at home. The Irish emigrant is generally young, unmarried and hence brings no spouse or children. It is the rare case in recent times when a whole Irish family emigrates to the U.S. Thus Ireland's sociological pattern of immigration does not permit it to compete equally with some other nationalities for family preferences.

THE PROFESSIONAL PREFERENCES

In fiscal year 1969 under the new law only 122 Irishmen qualified for a visa preference as a professional or a needed skilled worker.

This is in part due to training and to economy of the country. In this area Ireland is the hardest hit of the three formerly "privileged countries".

Thus these two preferences, the third and the sixth, are of little help to Ireland. Of course, it may well be better that professionals and skilled workers remain at home in Ireland as in *any* technologically developing nation.

SECTION 212(A) (14)

The majority of Ireland's contribution of immigrants has always been in the unskilled labor area and will continue to be. They came here to better their lives economically and in turn hopefully they bettered the nation. We know that they contributed heavily to the independence and security of this nation down to this very day in Vietnam.

Until December 1965, the Irish unskilled immigrant had little trouble in entering the U.S. He or she could enter unless the Secretary of Labor said no. Now under the revised Section 212(a) (14) the immigrant can't enter unless the Secretary of Labor says yes. American Irish long active in labor unions as well as all Americans are desirous of protecting American labor and want to see no American worker put out of a job as the result of any immigrant coming into the U.S. But is Section 212(a) (14) necessary in its present form and is it accomplishing its intended purpose? We think not.

Immigrants add but a tiny fraction to the total U.S. labor force, so our government officials tell us. In fiscal year 1968, 58,954 of the total U.S. immigrants were of the non-preference variety. This is certainly a small number considering that close on 34,000 American born workers enter the labor force every four days. At the same time up to 158,000 immigrants in the preference categories can come into the U.S. each year and are free of any labor restrictions. They can take any job they want and put any American worker out of a job. The law seems overconcerned with the small remainder. This small remainder must comply with Section 212(a) (14). New seed immigration is being eliminated and the U.S. will be the loser.

SCHEDULES A, B, AND C

The jobs that the Irish traditionally took when they came here are on Schedule B, the prohibited entry list. One can seriously question whether there is an actual nationwide oversupply of workers of all jobs listed on Schedule B. One can also question the method and procedure by which such jobs come to be listed on this schedule. Certainly supply and demand for jobs may vary from locality to locality and from time to time. It can now be clearly demonstrated that the jobs listed on Schedules A and C are not by any means the sole ones for which there is a demand for workers.

THE DEFINITE JOB OFFER REQUIREMENT

The obvious truth is that employers do not want to hire workers sight unseen. Our country was built with new seed immigration—individuals who had no close relatives here but who were willing to come here and work hard for a better life. If an applicant desires to come here and work in a job category which has no oversupply of workers, then he should not be required to do the impossible to find an employer who will hire him sight unseen.

Three out of the five reasons given by the U.S. Embassy, Dublin for the decline in immigrant visas issued, dealt with the definite job offer requirement, labor schedules and labor certification. ". . . there is no doubt that Section 212(a) (14) of the Act has caused a decrease in Irish immigration to the United States. As many Irish visa applicants are unskilled or semi-skilled workers, they are unable to qualify under Section 212(a) (14) as amended."

Over two years ago we demonstrated to the staff of this Subcommittee and to the various government agencies that the bulk of prospective Irish immigrants were of the non-preference variety and would always be so. We were told at the time that the reason for this was that under the quota system the Irish never had need to use the preferences but that that would all change in due time. Mr. Chairman, in fiscal year 1968 out of 3,561 Irish visas issued 2,730 were still of the non-preference variety. In fiscal year 1969 out of 538 visas issued in Ireland, 220 were of the non-preference variety. There has been no change. Those are the government's statistics not ours.

How many more Irish want to come but cannot? They have few relatives here, they have no special skills, they have some education. They are similar to my father and mother and to the fathers and mothers of many members of my committee and of this Congress. They're the kind of people that helped found this nation and they're the kind of people that were once allowed into the U.S.

Irish men and women want to come here but they can't. Instead to England, Canada and Australia they are going. We say they should have the right to come here the same as any other nationality. Evidence that they want to come won't be found by making a short visit to Ireland or by sitting in the American Embassy in Dublin, the Consul's office in Belfast, a government minister's office or on the streets of Dublin. But if you want demonstration of the fact that the Irish want to come, I'll be glad to accompany any of you to parts of County Mayo, Galway, Cork, Kerry, Leitrim, Donegal and parts of occupied Ireland where you will get that evidence.

Something must be done, Mr. Chairman Action must be taken.

THE CHALLENGE

I believe that every one of you agrees that a solution must be found. Over two years ago Congressman William Ryan came forward with a solution now embodied in H.R. 165.

Simply explained, it places a "floor" on immigration from each country. This "floor" would be equal to 75 per cent of a country's annual average immigration during the 10 year period 1955 to 1965 with a maximum floor limit of 10,000 for any country. In the case of Ireland, this number would be 5,390; for example, if in 1969, 1,000 Irish immigrated under the present—under the new formula an additional 4,390 Irishmen could immigrate to the United States in 1970 and they would not be subject to the present labor restrictions.

Seventy-eight Congressmen have co-sponsored this bill. They came from both political parties and many different political persuasions. They regard it as do a number of labor unions as a fair solution and so do we. If enacted it would provide a fair U.S. immigration law for the nation.

Our problem is one that requires a permanent solution. Those many other bills pending which provide only a temporary answer are of no merit. Stopgap legislation is no answer. One other bill H.R. 13999 must be considered, that offered by yourself, Mr. Chairman. In that it offers a permanent solution, it has merit. However this modest proposal offers questionable and at most minimal benefits in comparison to the Ryan bill which we prefer.

OUR COMMITTEE

From Boston to San Francisco, from New York to Los Angeles, from Cleveland to Hartford, our committee exists. It is composed of representatives of every major Irish organization in the United States. It consists of Irish born and American born men and women, Protestant, Catholic and Jew, government leaders, clergymen, businessmen, union leaders and ordinary individuals who have been the backbone of this country. They are present here today and available for testimony should you desire to hear them.

Our committee is in existence for one purpose only, to right a wrong, to preserve the right of the Irish to enter the U.S. not to encourage Irish immigration and certainly not to deny other nations the right to come here. To the chagrin of many it is still in existence and I assure all it will be until justice is achieved.

Our heritage tells us that we're children of a fighting race that's never yet known disgrace and we represent that heritage and the interests of generations of Irishmen, some yet unborn. The claim of these Irishmen on the U.S. was once spelled out by John Boyle O'Reilly, a great civil liberatarian, a great American, a great Irishman when he said:

"No treason do we bring from Erin
Nor bring we shame nor guilt
The sword we hold may be broken
But we haven't dropped the hilt.

"The wreath we offer to Columbia
is fastened of thorns not bought
And the hearts we bring are saddened
by the thoughts of sorrowful days.
But the hearts we bring for freedom
are washed in a people's faith
outliving a thousand years."

Mr. Chairman, Members of the Congress, we believe we're entitled to a better day and a better law. We regard each of you distinguished members of the Congress as being sympathetic to the plight of the prospective Irish immigrant. We beg you now to channel that sympathy into an effective solution.

CHART NO. 1—IRISH IMMIGRANT VISAS ISSUED

(By fiscal year, July to June)

	Total	Portion of that total issued in Dublin
Old law 1962	5,345	4,076
Old law 1963	6,237	4,618
Old law 1964	6,328	4,914
Old law 1965	5,378	4,232
Old law 1966 (July to November)	2,375	[1] 1,979
New law 1966 (December to June)	696	[1] 585
Total 1966	3,071	2,564 [2] 2044
New law 1967	2,665	[1] 2,120 [2] 2,203
New law 1968	3,619	2,764
New law 1969	1,407	795

[1] U.S. Embassy.
[2] Visa Office.

NOTE.—A discrepancy exists between the figures issued by U.S. Embassy and Visa Office.

Source: Statistics provided by Visa Office, U.S. State Department and U.S. Embassy, Dublin.

CHART NO. 2.—IMMIGRANT VISAS ISSUED AT DUBLIN TO ALIENS BORN IN IRELAND FISCAL YEAR 1969

1st preference	6
2d preference	58
3d preference	----
4th preference	11
5th preference	188
6th preference	55
7th preference	----
Nonpreference	220
Total	538
Immediate relatives	130
Special immigrants	127
Special legislation	----
Grand total	795

CHART NO. 3—VISAS ISSUED, CONDITIONAL ENTRIES AND ADJUSTMENT OF STATUS GRANTED IMMIGRANTS BORN IN IRELAND, FISCAL YEAR 1969

	Visas issued	Conditional entries and adjustment of status	Total
1st preference	18	2	20
2dpreference	74	23	97
3d preference	2	----	2
4th preference	15	----	15
5th preference	314	102	416
6th preference	75	45	120
7th preference	----	----	----
Nonpreference	297	27	324
Total	795	199	994
Immediate relatives	245	----	245
Special immigrants	168	----	168
Special legislation	----	----	----
Grand total	1,208	199	1,407

I include at this point in the RECORD the list of the sponsors of H.R. 165 or identical bills in the 91st Congress:

SPONSORS OF H.R. 165

Joseph P. Addabbo of New York.
Frank Annunzio of Illinois.
William A. Barrett of Pennsylvania.
Mario Biaggi of New York.
Jonathan Bingham of New York.
Edward P. Boland of Massachusetts.
Frank T. Bow of Ohio.
Frank J. Brasco of New York.
James A. Burke of Massachusetts.
Phillip Burton of California.
Daniel E. Button of New York.
James A. Byrne of Pennsylvania.
Hugh L. Carey of New York.
Jeffery Cohelan of California.
Harold R. Collier of Illinois.
Dominick V. Daniels of New Jersey.
James J. Delaney of New York.
John H. Dent of Pennsylvania
Edward Derwinski of Illinois.
Harold Donohue of Massachusetts.
Thaddeus Dulski of New York.
Leonard Farbstein of New York.
Peter H. B. Frelinghuysen of New Jersey.
Samuel N. Friedel of Maryland.
James G. Fulton of Pennsylvania.
Cornelius E. Gallagher of New Jersey.
Robert N. Giaimo of Connecticut.
Jacob Gilbert of New York.
Henry Gonzalez of Texas.
William Green of Pennsylvania.
James R. Grover of New York.
Seymour Halpern of New York.
Margaret M. Heckler of Massachusetts.
Henry Helstoski of New Jersey.
Charles S. Joelson of New Jersey.
John C. Kluczynski of Illinois.
Edward I. Koch of New York.
Clarence D. Long of Maryland.
Allard K. Lowenstein of New York.
Torbert Macdonald of Massachusetts.
Richard McCarthy of New York.
Joseph McDade of Pennsylvania.
Martin B. McKneally of New York.
Ray J. Madden of Indiana.
Thomas J. Meskill of Connecticut.
Abner Mikva of Illinois.
Joseph G. Minish of New Jersey.
John S. Monagan of Connecticut.
John M. Murphy of New York.
William T. Murphy of Illinois.
Robert N. C. Nix of Pennsylvania.
Thomas P. O'Neill of Massachusetts.
Richard L. Ottinger of New York.
Edward J. Patten of New Jersey.
Philip J. Philbin of Massachusetts.
Otis Pike of New York.
Bertram Podell of New York.
Adam C. Powell of New York.
Roman Pucinski of Illinois.
Henry S. Reuss of Wisconsin.
Ogden Reid of New York.
Daniel J. Ronan of Illinois.
Benjamin S. Rosenthal of New York.
William F. Ryan of New York.
Fernand St Germain of Rhode Island.
William St. Onge of Connecticut.
Charles W. Sandman, Jr., of New Jersey.
William Stanton of Ohio.
Robert Taft of Ohio.
Frank Thompson, Jr., of New Jersey.
Robert O. Tiernan of Rhode Island.
Joseph Vigorito of Pennsylvania.
Lowell P. Weicker of Connecticut.
Charles W. Whalen, Jr., of Ohio.
Lester L. Wolff of New York.
John W. Wydler of New York.
Gus Yatron of Pennsylvania.

I also include in the RECORD certain statistical tables which were submitted to me by the Department of State:

VISAS ISSUED AT DUBLIN FISCAL YEAR 1969

	Ireland born	Born elsewhere	Total
1st preference	6	----	6
2d preference	58	67	125
3d preference	----	1	1
4th preference	11	5	16
5th preference	188	19	207
6th preference	55	67	122
7th preference	----	----	----
Nonpreference	220	23	243
Total	538	182	720
Immediate relatives	130	114	244
Special immigrants	127	21	148
Grand total	795	317	1,112

IMMIGRANT VISAS ISSUED AT DUBLIN TO APPLICANTS BORN OUTSIDE IRELAND, FISCAL YEAR 1969

Immediate relatives:	
Australia	1
Bulgaria	1
China	15
Great Britain	17
Greece	61
Hungary	1
Indonesia	1
Italy	10
Malaysia	1
Norway	1
Portugal	2
South Africa	1
Spain	2
Total	114
Special immigrants:	
Argentina	1
Canada	3
Ceylon	1
Great Britain	9
Greece	2
Malta	1
New Zealand	2
Portugal	1
Spain	1
Total	21
Preference and nonpreference:	
China	70
Germany	1
Great Britain	35
Greece	35
Hungary	1
India	6
Italy	7
Malaysia	1
Poland	1
Portugal	1
South Africa	1
Tanzania	2
United Arab Republic	1
Yugoslavia	20
Total	182

VISAS ISSUED AND ADJUSTMENT OF STATUS GRANTED IMMIGRANTS BORN IN IRELAND, FISCAL YEAR 1969

	Visas issued	Adjustment of status	Total
1st preference	6	2	8
2d preference	86	23	109
3d preference	2		2
4th preference	15		15
5th preference	314	102	416
6th preference	75	45	120
7th preference			
Nonpreference	297	27	324
Total	795	199	994
Immediate relatives	245	(1)	245
Special immigrants	168	(1)	168
Special legislation			
Grand total	1,208	199	1,407

[1] Since adjustments of such applicants are not subject to the numerical controls exercised by the Department of State, the figures are available only from the Immigration and Naturalization Service.

PRESIDENT NIXON'S MESSAGE TO CONGRESS ON THE ARTS AND HUMANITIES

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I take this time to congratulate President Nixon on the splendid message he sent to Congress December 10, "expressing the American spirit," concerning the role of the arts and humanities in the life of our country.

I believe that the President's statement represents a most constructive and encouraging response to the Nation's need for greater support of our cultural resources.

As chairman of the Select Education Subcommittee of the House Committee on Education and Labor, with jurisdiction over the legislation which authorizes the Arts and Humanities Foundation, I was particularly pleased to see that President Nixon has called for approval by Congress of $40 million in new funds for the National Foundation in fiscal year 1971, virtually double the level of funding for the current year.

The President's message reflects an awareness of the crucial role that the arts and humanities play in American life, and I share the President's conviction that, in his words, "the attention and support we give arts and the humanities—especially as they affect our young people—represent a vital part of our commitment to enhancing the quality of life for all Americans."

I am particularly gratified, Mr. Speaker, that the President in his message has drawn attention to the grave financial plight of museums and symphony orchestras, and that he has also expressed his concern about the need to redress the imbalance between the sciences and the humanities.

I would like as well, Mr. Speaker, to observe that State arts councils are becoming much more active as a result of the Federal arts program and to note that for each Federal dollar, States have come up with $3 from local, State, and private contributions to arts programs.

I was pleased today to join the distinguished ranking minority member of the Committee on Education and Labor, the gentleman from Ohio (Mr. AYRES), in cosponsoring the bill recommended by the President, which extends the life of the National Arts and Humanities Foundation over 3 years beyond the present expiration date of June 30, 1970. I have consulted with the distinguished ranking minority member of the subcommittee, the gentleman from New York (Mr. REID), who has been a most effective champion of the arts and humanities programs, and we intend to begin hearings on the bill shortly after the start of the session of Congress.

Mr. Speaker, at this point in the RECORD, I insert the text of President Nixon's message to Congress on the arts and humanities:

EXPRESSING THE AMERICAN SPIRIT

Americans have long given their first concerns to the protection and enhancement of Life and Liberty; we have reached the point in our history when we should give equal concern to "the Pursuit of Happiness."

This phrase of Jefferson's, enshrined in our Declaration of Independence, is defined today as "the quality of life." It encompasses a fresh dedication to protect and improve our environment, to give added meaning to our leisure and to make it possible for each individual to express himself freely and fully.

The attention and support we give the arts and the humanities—especially as they affect our young people—represent a vital part of our commitment to enchancing the quality of life for all Americans. The full richness of this nation's cultural life need not be the province of relatively few citizens centered in a few cities; on the contrary, the trend toward a wider appreciation of the arts and a greater interest in the humanities should be strongly encouraged, and the diverse culture of every region and community should be explored.

America's cultural life has been developed by private persons of genius and talent and supported by private funds from audiences, generous individuals, corporations and foundations. The Federal government cannot and should not seek to substitute public money for these essential sources of continuing support.

However, there is a growing need for Federal stimulus and assistance—growing because of the acute financial crisis in which many of our privately-supported cultural institutions now find themselves, and growing also because of the expanding opportunity that derives from higher educational levels, increased leisure and greater awareness of the cultural life. We are able now to use the nation's cultural resources in new ways—ways that can enrich the lives of more people in more communities than has ever before been possible.

Need and opportunity combine, therefore, to present the Federal government with an obligation to help broaden the base of our cultural legacy—not to make it fit some common denominator of official sanction, but rather to make its diversity and insight more readily accessible to millions of people everywhere.

Therefore, I ask the Congress to extend the legislation creating the National Foundation on the Arts and Humanities beyond its termination date of June 30, 1970, for an additional three years.

Further, I propose that the Congress approve $40,000,000 in new funds for the National Foundation in fiscal 1971 to be available from public and private sources. This will virtually double the current year's level.

Through the National Foundation's two agencies—the National Endowment for the Arts and the National Endowment for the Humanities—the increased appropriation would make possible a variety of activities:

We would be able to bring more productions in music, theatre, literature readings and dance to millions of citizens eager to have the opportunity for such experiences.

We would be able to bring many more young writers and poets into our school system, to help teachers motivate youngsters to master the mechanics of self-expression.

We would be able to provide some measure of support to hard-pressed cultural institutions, such as museums and symphony orchestras, to meet the demands of new and expanding audiences.

We would begin to redress the imbalance between the sciences and the humanities in colleges and universities, to provide more opportunity for students to become discerning as well as knowledgeable.

We would be able to broaden and deepen humanistic research into the basic causes of the divisions between races and generations, learning ways to improve communication within American society and bringing the lessons of our history to bear on the problems of our future.

In the past five years, as museums increasingly have transformed themselves from warehouses of objects into exciting centers of educational experience, attendance has almost doubled; in these five years, the investment in professional performing arts has risen from 60 million dollars to 207 million dollars and attendance has tripled. State Arts agencies are now active in 55 States and territories; the total of State appropriations made to these agencies has grown from $3.6 million in 1967 to $7.6 million this year. These State agencies, which share in Federal-State partnership grants, represent one of the best means for the National Endowment to protect our cultural diversity and to encourage local participation in the arts.

In this way, Federal funds are used properly to generate other funds from State, local and private sources. In the past history of the Arts Endowment, every dollar of Federal money has generated three dollars from other sources.

THE FEDERAL ROLE

At a time of severe budget stringency, a doubling of the appropriation for the arts and humanities might seem extravagant. However, I believe that the need for a new impetus to the understanding and expression of the American idea has a compelling claim on our resources. The dollar amounts involved are comparatively small. The Federal role would remain supportive, rather than primary. And two considerations mark this as a time for such action:

Studies in the humanities will expand the range of our current knowledge about the social conditions underlying the most difficult and far-reaching of the nation's domestic problems. We need these tools of insight and understanding to target our larger resources more effectively on the soltuion of the larger problems.

The arts have attained a prominence in our life as a nation and in our consciousness as individuals, that renders their health and growth vital to our national well-being. America has moved to the forefront as a place of creative expression. The excellence of the American product in the arts has won worldwide recognition. The arts have the rare capacity to help heal divisions among our own people and to vault some of the barriers that divide the world.

Our scholars in the humanities help us explore our society, revealing insights in our history and in other disciplines that will be of positive long-range benefit.

Our creative and performing artists give free and full expression to the American spirit as they illuminate, criticize and celebrate our civilization. Like our teachers, they are an invaluable national resource.

Too many Americans have been too long denied the inspiration and the uplift of our cultural heritage. Now is the time to enrich the life and the mind and to evoke the splendid qualities of the American spirit.

Therefore, I urge the Congress to extend the authorization and increase substantially the funds available to the National Foundation for the Arts and Humanities. Few investments we could make would give us so great a return in terms of human understanding, human satisfaction and the intangible but essential qualities of grace, beauty and spiritual fulfillment.

RICHARD NIXON.

CHARITY NEWSIES

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, for over 20 years, I have been a member of a charitable organization in my community made up of businessmen that were formerly newspaper carriers in their youth. This is known as the "Charity Newsies."

The second Saturday in December of each year is set aside for the Charity Newsies to conduct their annual paper sale, and the approximately 200 Newsies are on the street corners of the Greater Columbus, Ohio, area from 6 a.m. to 6 p.m.

The 1969 sale has been scheduled months ago for Saturday, December 13. In order to keep faith with the needy children of my community, I intend to be on my corner tomorrow.

Incidentally, the proceeds of the sales are used 100 percent for the needy children. Accordingly, Mr. Speaker, if debate is not concluded on the current OEO legislation at a reasonable time this Friday, I will by necessity be required to miss the vote in the interest of providing funds for this very worthwhile and longstanding local charity. My current intention, subject to persuasion in the debates, would be to support the substitute under the presidential concept of new federalism, as set forth in the remarks of the gentleman from Ohio (Mr. AYRES) yesterday and the substitute bill which is set forth on page 38547 of the CONGRESSIONAL RECORD of December 11.

THE HYPOCRISY OF DISSENT

(Mr. BELCHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BELCHER. Mr. Speaker, under leave granted, I wish to insert in the RECORD the following editorial entitled "The Hypocrisy of Dissent" which appeared in the Tulsa Tribune of December 1, 1969:

THE HYPOCRISY OF DISSENT

If a few soldiers in Vietnam don black armbands on Moratorium Day, that's dissent, American-style. If students, spurred on by professional agitators, picket the Pentagon and shriek epithets at police, that's just constitutionally-protected dissent.

Comes now Major James Rowe, a Special Forces officer who escaped after five years as a prisoner of the Viet Cong. He has been telling members of Congress that the spirit of American prisoners of war was adversely affected when their Red captors began quoting anti-war statements by U.S. senators and by various publications in the United States.

You might say he's dissenting with the dissenters. But it's not so, according to Sen. Stephen Young, D-Ohio.

It's all a plot by public relations men in the Pentagon, he tells us. And he declares, "Major Rowe should be silenced or assigned to some other post of duty outside Washington. A tour in the Aleutian Islands or some post in remote Turkey might cause his mouthings to be silenced."

The logic becomes clear. If you speak out against the war, you're a patriot looking out for America's best interests. If you speak for the other side, you're in trouble.

The Senator Youngs can't have it both ways. Dissent is dissent and you don't have to get prior approval of opinions.

To smear those who hold opposing views is an old tactic. But there's real danger implicit in Sen. Young's inexcusable attack.

On the assumption that Major Rowe is a professional, career soldier in whom the United States has a sizable investment in training and experience, there's a real chance that his career could be ruined. If generals and admirals can get in trouble with Congress, a major is even more vulnerable.

This cannot be permitted to happen. If someone is to be sent to "remote Turkey" to silence "mouthings," we could come up with a rather lengthy list of other people.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, there are 126,445,110 church members in the United States comprising 63.2 percent of our population. Our 321,076 churches are staffed by 360,092 clergymen.

TRIBUTE TO FORMER KANSAS CONGRESSMAN BY WINT SMITH

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, a beautiful and eloquent tribute has been penned by a distinguished former Kansas Congressman, Wint Smith, of Mankato, honoring the memory of the late Edward H. Rees, a Member of the House of Representatives from Kansas who died on October 25, 1969.

Wint Smith, who served the people of Kansas in this House from 1946 to 1961, was privileged to work with Ed Rees and to know him both as a friend and colleague. Like Ed Rees, Wint Smith was one of Kansas' finest Members of Congress and is a Christian gentleman.

Ed Rees was my predecessor in Congress. He represented the Fourth Congressional District of Kansas with honor and distinction for 24 years. He retired from the House in 1960 to return to his native home in Emporia.

Under the leave to extend my remarks in the RECORD, I include the moving eulogy written by Wint Smith following the funeral of Ed Rees in Emporia on October 27, 1969:

A TRIBUTE

Emporia, Kansas, has long been known as one of the "show places" of Kansas, from early pioneer days to the present. It is a city of colleges, beautiful tree-lined streets, and has borne a general air of respectability in all of life's aspects and endeavors. For a peroid of 40 years, William Allen White put Emporia, Kansas, on the map with his short, terse prose on the issues of the day.

Then Emporia furnished another nationally known man by the name of Edward H. Rees, whose name was a household word when thinking of post offices and Government Civil Service, because for over 20 years he served as leading member of the Post Office and Civil Service committees in the U.S. House of Representatives.

For several weeks prior to October 27th the weather had been dismal, dreary and rainy. But on October 27th, 1969, the day was ideal, bright, sunny and warm. As one drove around the residential area with its shady streets, one noted that the street trees as well as trees along the Cottonwood and Neosho River Valleys were beginning to show their bright, varied colors of the autumn season. Just nature's preparation for the dark, drab winter season that was sure to follow.

One also observed that the Stars and Stripes were being flown in front of and on the porches of several well kept homes. The occasion, of course, was in honor of Teddy Roosevelt's birthday.

Toward 2 o'clock, one saw many people from all walks of life slowly entering a church. Many of these people had lost their youthful step. But their faces showed very plainly that these elderly people were performing a duty they owed to the memory of someone they deeply respected.

Many, many years ago—many people

came from the distant, far-off, hilly, brush-clad hills of Wales—the home of the sturdy Welsh men. These settlers of hardy strength and resolute moral fiber settled as early pioneers in these valley and hills along the Neosha and Cottonwood. Today many of the descendants of these early pioneers, along with ex-governors, ex-congressmen, ex-supreme court justices and many present day state of Kansas officials came to the church in Emporia, Kansas, on this 27th day of October to pay tribute and their last respects to Edward H. Rees, who, in over 40 years of Public Service, achieved a reputation for honest, hard and efficient work for the ideals of his Welsh ancestors and his Kansas kinfolk.

If there ever lived a man who typified and qualified for the teaching of this age old quotation, it was Ed Rees.

"The vision you glorify in your mind, the ideals you enthrone in your heart, this you will build your life by, that you will become."

Someone has said that a good public office holder should have five qualities—ability, clean hands, patience, impartiality and ability to work. Ed Rees had all of these—and one more—loyalty to the belief that honest work is the foundation of all organized society.

Ed Rees gained fame in his own County, in his own State and in the Congress of the U.S. for 24 years as an office holder. He was always humble with grace and quiet dignity; he full well knew to be humble was just a duty; and to be courteous to his inferiors was dignity. Many preach humility, but Ed Rees practiced it throughout his life. True humility, he full well knew, was not an abject grovling, self-depriving spirit, but simply the right estimate of ourselves as God sees us. Humility to Ed Rees was proof of Christian character—the root—mother, nurse, foundation, and bond of all true virtue.

Throughout his life he never sought the grandeur or the handclapping praise so often associated with high public office.

Few people knew that Ed Rees was a close, personal friend of President Herbert Hoover and often spent hours with him—after his term of the Presidency had expired.

I am sure at the end of his earthly journey, he simply wanted his friends, acquaintances and supporters to say, "Your work has been quietly well done. You are a distinct honor to your forebearers in Wales, to your ancestoral settlers in Kansas, and above all else, to your own immediate family.

To the oncoming descendants of Ed Rees, his picture on the wall or table will only tell some physical details, but inwardly each should know that Edward H. Rees, to the men of his own time, was a saintly, humble, capable man, who grappled with his day's problems with a humble spirit and a Mona Lisa smile.

And as hundreds of cane-bearing oldsters and friends came to pay their last respects as the casket was laid beneath the golden-leafed maples, the colorful oaks and the ever protective elms from summer's heat and winter's snows, all present knew that the virtues and kindly endeavors of Edward H. Rees would long be praised and remembered in the Valleys of the Cottonwood and Neosha—also to hundreds of his acquaintances, both high and low, throughout Kansas and even to the distant halls of the Congress in Washington, D.C., because Edward H. Rees kept his poise and good sense while lawless powers and brainless mops stormed at the citadels of the virtues he cherished, respected and obeyed. Congressman Rees had inserted in the Congressional Record these lines, "When a Celtic missionary in Wales was asked by the Druid King, 'what would he gain by being a Christian', the reply was not he should be happier or richer or more contented, but rather 'when you become a Christian man you will behold wonder upon wonder and every wonder true'."

We honor the name of Edward H. Rees, one of Kansas' finest members of Congress, and above all else a Christian gentleman.

Long live his memory.

TOY SAFETY

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'HARA. Mr. Speaker, I have just received from the National Commission on Product Safety a letter endorsing the purposes of House Joint Resolution 1010, one of a number of identical resolutions introduced in the House about 2 weeks ago, and designed to make the Toy Safety Act effective immediately.

When the Toy Safety Act originally passed the House, there was a general feeling that it would be a wonderful step forward to clean unsafe toys off the shelves before the big toy season at Christmas. It would be a splendid thing to be able to go through one Christmas season feeling that there might be a few less stories about children being electrocuted or burned or poisoned or accidentally stabbed to death with the Christmas toys we buy and put under the trees as expressions of our love for our children.

But, Mr. Speaker, the calendar moved inexorably on, and by the time this bill became law, the effective date fell after the Christmas season.

I do not believe it is too late to act. I think if the joint resolution to which I refer is considered at once by the parent committee, it should be brought to the House floor and passed on the Consent Calendar. It would not be as effective as we had hoped much earlier when we passed the bill, but it would save a few lives. One life saved would be worth the cost.

The National Commission on Product Safety, created by act of Congress, agrees with this intention. I am today sending a copy of the Commission's letter to the members of the Commerce Committee, with the hope that they will act on House Joint Resolution 1010 or one of its companion resolutions.

The letter follows:

NATIONAL COMMISSION ON
PRODUCT SAFETY,
Washington, D.C., December 11, 1969.

Hon. JAMES G. O'HARA,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE O'HARA: I am in receipt of your letter of December 8, 1969, requesting our comments on the availability of unsafe toys this Christmas season.

The Commission has found that many toys which were referred to as unsafe at our hearings, toys with similar characteristics, and toys which were referred to in an interim report recommending enactment of the Toy Safety Act are still available in stores this Christmas season. Unfortunately, because of staff limitations, we were unable to conduct a detailed investigation.

You included with your letter a copy of H.J. Res. 1010 which would give immediate effect to the provisions of the Toy Safety Act. Since the Commission favors the greatest possible protection for consumers from unsafe household products, we endorse the purposes of the Joint Resolution.

Yours very truly,

ARNOLD B. ELKIND,
Chairman.

THE LEE FAMILY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the unusual situation of four generations of a family living together in one household in Newtown, Conn., a town in my congressional district, has recently been publicized in the daily press. The story of this heartwarming establishment in the family of Mr. and Mrs. Harry G. Lee appeared in the New York Times on November 27. With the current tendency toward the breakup of family units the existence of this group is particularly noteworthy and their unique arrangement is worthy of being passed on to a wider audience. It follows:

WHERE FOUR GENERATIONS OF A FAMILY BRIDGE THE GAP TOGETHER

(By Lisa Hammel)

NEWTOWN, CONN.—Nestled under a wooded hill in the outer reaches of Fairfield County is a simple brick and shingle house. Inside the house is an interesting atavism: four generations of a family living together in comparative amity.

"Elasticity—from both ends. I guess that's the answer to the whole thing," said Mrs. Harry G. Lee.

Living in the house with Mr. and Mrs. Lee are their daughter, 16-year-old Cynthia, whom everyone calls Cindy, and Mrs. Lee's mother, Mrs. Edna Swinden, who is 75, and grandmother, Mrs. Hattie Myers, who will be 93 next month.

The Lee's 20-year-old son, Gregory, is away working and auditing courses at a community college in Middletown, N.Y.

This old-fashioned hierarchical family had not always been this way. As a matter of fact, they got together under the same roof only a year ago, after several households had been broken up because of deaths in the family.

COMFORTABLE HOMES

"My mother and grandmother," said Mrs. Lee, who is 40 and teaches grade school in Newtown, "have always been homemakers, with warm, comfortable homes. It would have been a strange thing for them to go into some kind of public facility. And we are just not the kind of people who can turn our backs and say, 'Let someone else do it,' or let them go into an old age home."

"But I don't think it can be done comfortably in a little tiny house," she continued. "There is a time when everyone needs to be alone. I think generations can get together when you have enough room. Of course, it gets rough at times. But it's bound to when you have all these different personalities living together."

While the Lee's shiny new "raised ranch" ("It's really just a plain two-story house," Mr. Lee said) is not huge, it is divided well for the members of the family.

SPECIFIC DUTIES

Everyone in the household has specific duties. Mr. Lee's is mostly to earn a living, which he does weekdays as an executive at a commercial printing plant in Stamford and on weekends doing free-lance advertising.

"Cindy and I take care of the upstairs completely," Mrs. Lee said, "while mother takes care of the downstairs and I do heavy cleaning there periodically.

"I put the wash in the washing machine every morning; mother takes it out and puts it in the dryer and does all the ironing. Cindy and I do all the shopping. Mother generally starts dinner, but I plan it."

"And I bake cookies," Mrs. Swinden added. "Loads of 'em. Truckloads of 'em."

Mrs. Myers makes her own bed every morning and takes care of her own personal needs.

She is also, along with her 75-year-old daughter, the family's official crocheter. The two women estimate they have crocheted several dozen afghans in the last few years and Mrs. Swinden complains that she is now running out of people to give them away to.

EXQUISITE LACE

"But grandmother can't do the really fine work any more," Mrs. Lee said. "Like this tablecloth she made two years ago." Mrs. Lee pointed down to the exquisitely worked white cotton lace cloth that covered the large dining room table.

While the arrangement works well now, Mrs. Lee doubts it would have 10 or 15 years ago.

She explained that she was so concerned about the needs of her husband and her two small children then that she could not have paid as much attention to the needs of other relatives in the house.

She added that she would probably also have worried about "having the children's affections weaned away" by doting grandparents or great-aunts who had more time to indulge the children, or would have been concerned that the children were being spoiled by them.

The Lees maintain that even if the four generations had all started out together under the same roof, it would not have been the same as 100 years or so ago, when "each person had a place in the household and everybody had to do their part in order to survive."

Technology, mobility, increasing affluence and an emphasis on individuality, they pointed out, have made crucial inroads on the viability of the multigeneration family.

With the generations isolated from one another, Mr. Lee said, the older people "sit around all day watching to see who's in the next hearse," while the youngsters think "there's no existence except today's."

He believes that the sense of history and continuity that is provided by having under one's roof "a woman who was born not too long after Lincoln was shot" is an enlarging thing for young people.

And Mrs. Lee sees a reassurance and strengthening both for herself and her grandchildren in learning from grandmother or great-grandmother that "things keep happening in cycles and that "the world isn't going to blow up" because something has gone awry. As for Cindy, she feels sorry for people who "only have their parents." Grandmothers and great-grandmothers, she indicated, have wonderful ways with stories and in providing comfort when that is necessary.

"But nothing against you guys," she said, flipping back her long blond hair and smiling at her parents.

THE TRUTH AT LAST ON VOTING RIGHTS—THE RADICAL LEFT TIPS ITS HAND

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, during the course of the debate yesterday on the extension of the Voting Rights Act of 1965, I had occasion to comment that the measure was nothing more or less than a political retribution, designed to destroy the sovereignty of the southern people and return them to the infamous "conquered province" status of the radical Republicans of a century ago during the Reconstruction.

A revealing letter to the editor of the local Washington Post, published this morning, speaks with remarkable candor of the political expediency and utterly shameless demagoguery involved in the initial enactment of the measure and in the desperate attempts to keep it operative and unaltered this year.

The simple truth is that the radical left of the North manipulated the national concern of the decent people of the entire Nation over the assassination of their President, into a despotic and totalitarian power play. Calculations were made of the number of puppet voters necessary to capture the governments and the electoral votes of the Southern States, and emergency measures were undertaken to procure the prompt registration of the required number of robots. To a very small extent this power play bore fruit for there are in public office today several individuals who would not have been elected by an "unpolluted" electorate.

But the conspiracy did not totally succeed, as is evidenced by the presidential election of 1968. On the contrary, people throughout the country have awakened to the truth, and have reacted in typical American fashion, at polls, by removing from public office some of the loudest exponents of this chicanery.

So now the radical left is in trouble. And this is the desperate cry of the conspirators—that above all, the power base which they have attempted to build on the bones of a destroyed freedom in the unyielding South must be finished, because the people of the North, seeing their true purposes, are about to throw the rest of them out of office.

Without federally financed radical puppeteers to pull the strings, the nonwhite vote in the South will be about what it was last month here in Washington, D.C.—about 2 percent of the potential. See my remarks, page 38511 of the CONGRESSIONAL RECORD, December 11.

I include the letter to the editor as part of my remarks as best evidence of the overall plan.

[From the Washington Post, Dec. 12, 1969]

VOTING RIGHTS PROBLEM

The Voting Rights Act of 1965, the Magna Charta of Negro enfranchisement in the South, is due to expire in a few months. The justice and need of its extension, from the point of view of the Southern Negro, are obvious enough.

In a time, however, when interest tends to center on the Northern urban ghettos, it ought to be pointed out with all possible vigor that the extension of this act is of the most vital concern, not only to Southern Negroes, but to Northern people as well. The chain of reasons leading to this conclusion is both short and unbreakable.

The so-called Southern Strategy for the election of the President is a *white* Southern Strategy. The great mass of Southern Negro votes will be votes telling against the success of this Southern Strategy. Since it is sure that at least some attempt would be made to re-disenfranchise many Southern Negroes if the act should expire, and that some of such attempted re-disenfranchisement would succeed, it is as safe as anything can be to predict that the expiration of the act will make success of the Southern Strategy more likely, and that it will, therefore, make more likely the election of the Presidents of the sort at whose election the Southern Strategy aims. All this is absolutely certain.

It is equally certain that the election of Presidents of that sort is one of the worst possible things that could happen to Northern black people.

To sum up, it is quite clear that Northern blacks and their friends should be just as interested as Southern blacks and their friends in the extension of this act. In the past, Southern Negroes have needed the votes of Northern Negroes and Northern antiracists. By a paradoxical but quite predictable shift, Northern Negroes and Northern antiracists now need the votes of Southern Negroes, in order to prevent the success of a presidential election strategy, the success of which will be highly deleterious in the North.

To this, of course, it may be added that redisenfranchisement of Negroes in the South would result in a deterioration of the quality of congressmen and senators coming from the South, with the expectable effect on racial affairs in the North.

It is the plain consequence of all the foregoing that extension of this act is a *national* problem, prime and immediate, and that all people who are interested in the destruction of racism, North as well as South, ought forcefully to oppose the allowing of this act to expire.

CHARLES L. BLACK, JR.,
Luce Professor of Jurisprudence, Yale University.
NEW HAVEN.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MATSUNAGA (at the request of Mr. ALBERT), for today and Saturday, December 13, on account of official business.

Mr. HALL, for 12 days, on account of official business in Seventh Congressional District of Missouri.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLER of Ohio); to revise and extend their remarks and include extraneous matter:)

Mr. RHODES, for 5 minutes, today.

Mr. LUKENS, for 1 hour, December 17.

Mr. CONTE, for 60 minutes, December 16.

Mr. MACGREGOR, for 5 minutes, today.

(The following Members (at the request of Mr. ALEXANDER) to address the House and to include extraneous matter:)

Mr. CORMAN, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. LEGGETT, for 60 minutes, on December 17.

Mr. MCCARTHY, for 60 minutes, on December 17.

Mr. ECKHARDT, for 60 minutes, on December 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances and to include extraneous matter.

Mr. ADAIR.

Mr. EDMONDSON in three instances.

Mr. HAGAN in two instances.

(The following Members (at the request of Mr. MILLER of Ohio) and to include extraneous matter:)

Mr. ZION.
Mr. BROYHILL of Virginia in two instances.
Mr. SCHWENGEL in three instances.
Mr. MORSE in two instances.
Mr. CARTER.
Mr. CONTE.
Mr. MCKNEALLY.
Mr. DUNCAN in two instances.
Mr. WOLD.
Mr. WYMAN in two instances.
Mr. LUJAN.
Mr. MCCLORY.
Mr. NELSEN.
Mrs. HECKLER of Massachusetts.
Mr. DERWINSKI in three instances.
Mr. LANDGREBE.
Mr. CRAMER.
Mr. BROCK.
Mr. BLACKBURN.
Mr. MICHEL.

(The following Members (at the request of Mr. ALEXANDER) and to include extraneous matter:)

Mr. POWELL.
Mr. OTTINGER.
Mr. FRIEDEL in two instances.
Mr. DADDARIO in five instances.
Mr. KYROS in five instances.
Mrs. HANSEN of Washington in two instances.
Mr. BURLISON of Missouri.
Mr. WRIGHT in two instances.
Mr. EDWARDS of California in two instances.
Mr. HUNGATE in two instances.
Mr. FEIGHAN in four instances.
Mr. CULVER.
Mr. O'HARA in two instances.
Mr. RODINO in two instances.
Mr. BINGHAM in five instances.
Mr. MAHON.
Mrs. CHISHOLM in two instances.
Mr. ALEXANDER.
Mr. BOLAND.
Mr. BLATNIK.
Mr. BIAGGI.
Mr. ADDABBO in two instances.
Mr. DENT in two instances.
Mr. DORN in two instances.
Mr. TIERNAN in two instances.
Mr. GONZALEZ in two instances.
Mr. SCHEUER.
Mr. STUBBLEFIELD.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2102. An act for the relief of Percy Ispas Avram; to the Committee on the Judiciary.

S. 1389. An act for the relief of Alex G. W. Miller, to the Committee on the Judiciary.

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel; to the Committee on Interstate and Foreign Commerce.

S. Con. Res. 47. Concurrent resolution authorizing the printing of the report of the proceedings of the forty-fourth biennial meeting of the Convention of American Instructors of the Deaf as a Senate document; to the Committee on House Administration.

S. Con. Res. 50. Concurrent resolution authorizing the printing of additional copies of the 1969 report of the Senate Special Subcommittee on Indian Education (Senate Report 91–501).

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2208. An act for the relief of James Hideaki Buck;

H.R. 4560 An act for the relief of Sa Cha Bae;

H.R. 5133. An act for the relief of Pagona Anomerianaki;

H.R. 6600. An act for the relief of Panagiotis, Georgia, and Constantina Malliaras;

H.R. 7491. An act to clarify the liability of national banks for certain taxes;

H.R. 9163. An act to authorize the disposal of certain real property in the Chickamauga and Chattanooga National Military Park, Ga., under the Federal Property and Administrative Services Act of 1949;

H.R. 10156. An act for the relief of Lidia Mendola;

H.R. 11503. An act for the relief of Wylo Pleasant, doing business as Pleasant Western Lumber Co. (now known as Pleasant's Logging and Milling, Inc.);

H.R. 12964. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 13763. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2208. An act for the relief of James Hideaki Buck;

H.R. 2238. An act to provide for the relief of certain civilian employees paid by the Air Force at Tachikawa Air Base, Japan;

H.R. 4560. An act for the relief of Sa Cha Bae;

H.R. 5133. An act for the relief of Pagona Anomerianaki;

H.R. 6600. An act for the relief of Panagiotis, Georgia, and Constantina Malliaras;

H.R. 7491. An act to clarify the liability of national banks for certain taxes;

H.R. 9163. An act to authorize the disposal of certain real property in the Chickamauga and Chattanooga National Military Park, Ga., under the Federal Property and Administrative Services Act of 1949;

H.R. 10156. An act for the relief of Lidia Mendola;

H.R. 11503. An act for the relief of Wylo Pleasant, doing business as Pleasant Western Lumber Co. (now known as Pleasant's Logging and Milling, Inc.);

H.R. 12964. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 13763. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until Monday, December 15, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[*Omitted from the Record of Dec. 11, 1969*]

1407. A letter from the Comptroller General of the United States, transmitting a report on questionable pricing of contract negotiated for urgently needed bomb bodies, Department of the Navy; to the Committee on Government Operations.

1408. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract providing for the rental of saddle and pack animals, and related facilities and services for the public within Zion, Bryce Canyon, and Grand Canyon (North Rim) National Parks, Utah and Ariz., for a 10-year period beginning January 1, 1970, pursuant to the provisions of 67 Stat. 271, as amended (70 Stat. 543); to the Committee on Interior and Insular Affairs.

[*Submitted Dec. 12, 1969*]

1409. A letter from the Secretary of Commerce, transmitting the 89th quarterly report on export control, covering the third quarter, 1969, pursuant to the provisions of the Export Control Act of 1949; to the Committee on Banking and Currency.

1410. A letter from the Comptroller General of the United States, transmitting a report on improvements suggested in accounting methods used in establishing fees for reimbursable testing and related services, Food and Drug Administration, Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

1411. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract under which the Cavern Supply Co., Inc., will provide facilities and services for the public within Carlsbad Caverns National Park, N. Mex., from January 1, 1970, through December 31, 1989, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1412. A letter from the Chairman, Federal Power Commission, transmitting copies of regional maps entitled "Principal Electric Facilities, 1968"; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. U.S. AID Operation in Indonesia (Rept. No. 91–749). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 14464. A bill to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped; without amendment (Rept. No. 91–750). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 9476. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income

of the national service life insurance fund; with an amendment (Rept. No. 91–751). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 12795. A bill to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amount authorized to be expended, and for other purposes; with an amendment (Rept. No. 91–752). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 15223. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN:

H.R. 15224. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

By Mr. FEIGHAN:

H.R. 15225. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. McCLOSKEY:

H.R. 15226. A bill to encourage the development of novel varieties of sexually reproduced plants and making them available to the public, by making protection available to those who breed, develop, or discover them, thereby promoting progress in the useful art of agriculture; to the Committee on Agriculture.

By Mr. MELCHER:

H.R. 15227. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PHILBIN:

H.R. 15228. A bill to encourage the growth of internationl trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 15229. A bill to assist consumers in evaluating products by promoting development of adequate and reliable methods for testing characteristics of consumer products; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN (for himself, Mr. CAFFERY, Mr. HAMMERSCHMIDT, Mr. PASSMAN, Mr. PRYOR of Arkansas, Mr. St GERMAIN, and Mr. WAGGONNER):

H.R. 15230. A bill to amend section 105 of the Clean Air Act to authorize increased grants to be made to certain air pollution control agencies not now eligible therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO:

H.R. 15231. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 15232. A bill to amend title 37, United States Code, to provide for the payment of special pay to certain officers of the Medical Service Corps, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 15233. A bill to amend the Marine Resources and Engineering Development Act of 1966 to establish, with the Department of the Interior, a comprehensive and long-range national program of research, development, technical services, exploration and utilization with respect to our marine and atmospheric environment; to the Committee on Merchant Marine and Fisheries.

By Mr. FRASER:

H.R. 15234. A bill to amend the Defense Production Act of 1950 to prevent dislocation of normal distribution of scare and critical materials; to the Committee on Banking and Currency.

H.R. 15235. A bill to authorize the sale of metal purchased by the Secretary of the Treasury for coinage under the Coinage Act of 1965; to the Committee on Banking and Currency.

By Mr. FUQUA:

H.R. 15236. A bill to create a national commission to study quality controls and manufacturing procedures of medical devices, surgical instruments, artificial organs and limbs, therapeutic instruments and devices, and other medical and hospital equpiment; to determine the need for and the extent of Federal regulation of such medical devices; to determine the need for clarification of the definition of medical devices in Federal laws; and to recommend to the President and to the Congress methods for determining constructive minimum performance standards and feasible methods for Federal regulation; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of Ohio:

H.R. 15237. A bill to amend the act of August 1, 1958, to authorize restrictions and prohibitions on the use of insecticides, herbicides, fungicides, and pesticides which pollute the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. MORSE:

H.R. 15238. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. OLSEN:

H.R. 15239. A bill to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS of Florida (by request):

H.R. 15240. A bill to require the posting of performance and payment bonds by persons contracting with the United States for the dismantling, demolition, or removal of any public building, public work, or abandoned vessel; to the Committee on the Judiciary.

By Mr. ADAMS:

H.R. 15241. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. BIAGGI:

H.R. 15242. A bill to establish a Joint Committee on Enivronmental Quality; to the Committee on Rules.

By Mr. CORMAN:

H.R. 15243. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. DOWNING:

H.R. 15244. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. ECKHARDT:

H.R. 15245. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. EVINS of Tennessee:

H.R. 15246. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mrs. GRIFFITHS:

H.R. 15247. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. HANNA:

H.R. 15248. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mrs. HANSEN of Washington:

H.R. 15249. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. KARTH:

H.R. 15250. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. LENNON:

H.R. 15251. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. McCLOSKEY:

H.R. 15252. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. MOSS:

H.R. 15253. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. OTTINGER:

H.R. 15254. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. PICKLE:

H.R. 15255. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. REES:

H.R. 15256. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. REUSS:

H.R.15257. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. SAYLOR (for himself and Mr. GOODLING):

H.R. 15258. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. SCHEUER:

H.R. 15259. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. O'KONSKI:

H.J. Res. 1032. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FRASER:

H. Con. Res. 468. Concurrent resolution expressing the approval of the Congress for the loan of 10,000 tons of nickel held under the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

H. Con. Res. 469. Concurrent resolution expressing the approval of the Congress for the disposal of 10,000 tons of nickel in accordance with section 3 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

By Mr. KEE:

H. Con. Res. 470. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. SPRINGER:

H. Con. Res. 471. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself and Mr. DINGELL):

H. Res. 751. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HAMILTON introduced a bill (H.R. 15260) for the relief of Dr. Ester T. Hizon, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

355. The SPEAKER presented a petition of George B. Maus, Binghampton, N.Y., et al., relative to pensions for veterans of World War I, which was referred to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. REID of New York. Mr. Speaker, I am pleased to be able to join in the introduction of President Nixon's legislation to extend the National Foundation on the Arts and Humanities for 3 years and to make certain technical changes.

I share President Nixon's conviction that—

> The attention and support we give the arts and the humanities . . . represent a vital part of our commitments to enhancing the quality of life for all Americans.

In my view, the President's request for $35 million in public funds and $5 million in matching money for the arts and humanities in fiscal year 1971 is a most significant development. By doubling the amount we are spending on the arts this year, we are, at long last, giving meaningful recognition at the highest levels of government to the important role of the arts in determining the quality of our life.

President Nixon made a number of cogent observations about the role of the arts and humanities in America in the message that he sent to the Congress yesterday. He said:

> The full richness of this nation's cultural life need not be the province of relatively few citizens centered in a few cities; on the contrary, the trend toward a wider appreciation of the arts and a greater interest in the humanities should be strongly encouraged, and the diverse culture of every region and community should be explored.

Indeed, participation in cultural activities by as many Americans as possible at the local level is the ultimate aim of the arts and humanities legislation. The President's commitment and the greater funding should make it increasingly possible for State and local arts groups to have the support they deserve and to become economically viable.

Over the past several years, State arts councils have become much more active, principally as a result of the Federal program. For each Federal dollar, States have come up with $3 from local, State, and private contributions for arts programs.

This, I believe, is what President Nixon meant when he said in his message:

> The Federal Government cannot and should not seek to substitute public money for these essential sources of continuing support. . . . The Federal role would remain supportive, rather than primary.

For example, in fiscal year 1968, the National Endowment for the Arts made grants totaling $8.6 million; but this $8.6 million generated $27 million from other sources.

The principal reason for Federal support of the arts, so that all citizens may benefit from the enrichment they offer, is that virtually every major symphony, opera, dance, and ballet company is running at a deficit. Theaters, large and small—on Broadway and in cities around the country—have to face annual cost increases that threaten their continued operation.

President Nixon recognized this crisis in his message:

> There is a growing need for Federal stimulus and assistance—growing because of the acute financial crisis in which many of our privately-supported cultural institutions now find themselves, and growing also because of the expanding opportunity that derives from higher educational levels, increased leisure and greater awareness of the cultural life.

What are the dimensions of this crisis? Overall, in the performing arts, there is a deficit of about 30 percent; of perhaps 60 percent in the ballet; and perhaps 40 percent in symphonies. Of our major symphony orchestras, only about 12 have a reasonable hope of remaining alive financially. Similarly, there are only five or six major opera companies in the country today, and about an equal number of significant dance groups. Of all the existing performing arts groups, it is quite clear that only a handful can take their survival for granted.

One of the goals of President Nixon's extension of the National Foundation on the Arts and Humanities, and of the increased funds to be available, is "to bring more productions in music, theater, literature readings and dance to millions of citizens eager to have the opportunity for such experiences." I am hopeful that our commitment to preventing financial disaster from overtaking some of these organizations will help reach that goal.

I agree, as well, with the other aims of the President in supporting this vital program:

> We would be able to bring many more young writers and poets into our school system, to help teachers motivate youngsters to master the mechanics of self-expression.
>
> We would be able to provide some measure of support to hard-pressed cultural institutions, such as museums and symphony orchestras, to meet the demands of new and expanding audiences.
>
> We would begin to redress the imbalance between the sciences and the humanities in colleges and universities, to provide more opportunity for students to become discerning as well as knowledgeable.

The bill I am introducing today would extend the life of the National Foundation on the Arts and Humanities for 3 years, through fiscal year 1973, authorizing such sums as may be necessary. It would also make a number of technical changes, including: First, provision for an executive committee in each council in order to facilitate the work of the council between meetings; second, provision for continuity in leadership between expiration of the terms of the two Chairmen and announcement of new appointments; third, authority for the National Foundation on the Humanities to make contracts, as well as award grants; and fourth, adjustments in the per diem of council members to the level given other citizens in similar positions.

Mr. Speaker, the gentleman from Indiana (Mr. BRADEMAS) the chairman of the Select Subcommittee on Education which has jurisdiction over this legislation, has indicated his intention of holding hearings in late January. I am hopeful that we will be able to act thoughtfully and expeditiously on this important measure.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Danville, Va., Register, the Richmond Times-Dispatch, and the Virginian-Pilot, in the State of Virginia. The editorials follow:

[From the Danville (Va.) Register, Sept. 25, 1969]

NEVER UNDERESTIMATE

The Trucking Industry may rue the remark of one of its spokesmen who told a national publication that if the women of the nation want their new hats on time "they'll just have to live with trucks."

And by living with trucks, he meant those 80,000-pound 70-ft. behemoths which the truckers are asking the Congress and some of the state legislatures to make legal.

The Virginia General Assembly at its 1968 session was about to turn down—something rarely done in Virginia—the truck lobby on the highway freight trains it wants legalized. Rather than face defeat, the truckers turned to the authorized study alternative, and this body will recommend authorization of twin-trailers behind a single tractor on multilane highways, which means on the arterial and interstate and throughways or toll roads. That is where they will start. But just as soon as they are accepted on any Virginia roads, the truckers will want to use all roads.

The current drive for highway motor freight trains already has run into the opposition of the General Federation of Women's

Clubs. At the national convention of the GFWC at the Greenbrier in White Sulphur Springs, Mrs. Walter Varney Magee, president of the federation, declared that "no statistics can allay our concern that our fears would be intensified if even vehicles of 70 feet, and particularly double-bottomed ones, were permitted on our highways and streets." She urged the clubwomen to oppose legalization of such vehicles on public highways.

And as for those hats, Mrs. Magee said, "We don't need trucks 70-feet long carrying 80,000 pounds to get our hats. It is not possible to get them by balloon," as the trucker spokesman implied.

Now the truckers really are in trouble. When the women are aroused legislators listen, if they are wise.

[From the Richmond (Va.) Times-Dispatch, Aug. 31, 1969]

NO HEAVIER TRUCKS

Legislation to permit wider and heavier trucks on the interstate highways was approved by the U.S. Senate last year, but it ran into a roadblock of adverse publicity in the House and failed to pass.

The trucking and transit industries, or segments of those industries, are trying again this year. A House committee has been holding hearings on proposals similar to those defeated in 1968.

The 1968 bill would have permitted the States to raise the present 32,000-pound tandem weight limit to 34,000, the single axle weight from 18,000 pounds to 20,000, and the gross weight from 73,280 pounds to a sliding scale which would have permitted considerably heavier vehicles. And the maximum vehicle width would have increased from 96 to 102 inches.

Virginia law permits the present maximums listed above, except that the gross weight limit is 70,000 pounds. If the 1968 federal bill had passed, state laws would still have prevailed, but the pressure on states to go up to the federal limits would have been tremendous, especially after one or more states had changed to those limits.

One of the witnesses who has appeared before the committee this year in opposition to the proposed weight and width hikes was Virginia's Highway Commissioner, Douglas B. Fugate.

Appearing in his capacity of first vice president of the American Association of State Highway Officials, Fugate said, among other things, that an increase in load from 18,000 pounds to 20,000 pounds per axle could result in a loss of pavement life of 25 to 40 per cent.

The increased safety hazard from heavier and wider vehicles was cited by spokesmen for the American Automobile Association and the General Federation of Women's Clubs.

(The weight and width changes being considered by the House committee are not related to the twin-trailer proposal now under study in Virginia. A Virginia commission is considering whether or not to recommend that the permitted length of vehicles on certain state roads be increased from 55 to 65 feet. The twin-trailer proposal does not involve any weight or width increases.)

The preponderance of the evidence appears to be against changing the federal law. From the standpoints of safety and road maintenance, the present limits should be retained.

[From the Norfolk (Va.) Virginian-Pilot, Aug. 12, 1969]

THE TROUBLE WITH DOUBLE RIGS

Three surveys released recently on the advisability of permitting twin-trailer trucks on Virginia highways should themselves be subjects of questions at the public hearings in Roanoke tomorrow and Richmond Friday.

A cooperative study by the Virginia Highway Safety Division, the Highway Research Council, State Police, and the Highway Department indicated that highway safety would not be imperiled by twin trailers. More than 93 per cent of all motorists observed passing an experimental double rig said "there was nothing different nor unusual about the passing maneuver."

But the report neglected to note that in the experiments a truck never exceeded 55 miles an hour, whereas tractor trailers cruise along interstate highways at 65 to 70 miles. J. T. Timmons, executive director of the Tidewater Automobile Association, has commented that the report also failed to consider the hazard when the double rig is doing the passing.

"They come barreling down on you, horns blowing, and that scares you, and after they go by, the wind and suction are unnerving," observed Mr. Timmons.

The Virginia commission studying the impact of twin trailers should review testimony of the American Automobile Association before the Roads Subcommittee of the U.S. House of Representatives Public Works Committee, which is considering a bill to permit longer, heavier trucks.

The AAA found that half the accidents of carriers reporting to the Bureau of Motor Carrier Safety involve collision with passenger cars. Such collisions account for 66 per cent of the fatalities and 64.5 per cent of the injuries. Of the 993 persons who died in the accidents, 22, or about 2 per cent, were drivers of heavy trucks. The other 98 per cent were, for the most part, passenger-car drivers and occupants.

A study for the Automobile Manufacturers Association disclosed that the fatality rate in accidents rises with truck size. There are 0.3 fatal injuries per 100 persons in collisions between passenger cars and pickup trucks. The rate jumps to 7.1 per 100 when the collision is between a passenger car and a tractor-trailer combination. When the collision is between a passenger car and a tractor-two-trailer combination, the rate increases drastically to 13.3.

In estimating the wear and tear of the twin rigs on the roads, the State Highway Department said that as long as there were no change on present load limits (18,000 pounds for single axles, 32,000 pounds for tandem axles, 70,000 pounds in gross weights), pavement strength would not have to be increased for twin trailers. But the Department overlooks the frequent violations of the load limits. Its own spot check of 1,516 vehicles with five or more axles in July-August 1967 found more than 17 per cent overweight.

The Highway Department also should consult testimony of Virginia Highway Commissioner Douglas B. Fugate before Congressional committees. Last year, testifying before the Senate Roads Committee, Mr. Fugate said that a bill to increase the axle weight of trucks to 20,000 pounds single and 36,000 double would require the replacement of 1,430 bridges on the State's primary system at a cost of $151 million. He has said that the bill now before the House subcommittee is slightly less objectionable in proposing an axle weight of 34,000 pounds tandem and a length limit of 70 feet, rather than none at all, but the gross weight formula would still produce loads that would overstress most bridges off the interstate system. He stands by his estimate of $151 million for bridges on the primary system and adds that the cost of strengthening 10,000 bridges on secondary roads would be astronomical.

The Congressional bills are germane to the State study, because in 1968, when the General Assembly killed a bill that would have permitted twin trailers on the State's roads, it also had to dispose of a companion measure providing that Virginia weight limits and lengths would automatically increase to the levels of new Federal regulations. Pressures by the trucking industry are being applied to State and national legislatures—and ought to be rejected in both quarters.

LET HIM EAT THE TRUTH

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. SCHERLE. Mr. Speaker, Mr. Nick Kotz of Cowles Publications and the Des Moines Register Washington News Bureau has recently written a book charging that the U.S. Congress has been delinquent and insensitive in assisting the poor and disadvantaged. He alleges that there is widespread "hunger" throughout the United States and places the blame for this "condition" at the doorstep of this legislative body.

The facts dispel the fallacies of these charges. I call my colleagues' attention to the following book review of Mr. Kotz' "work of art":

LET HIM EAT THE TRUTH

During the past few years there has been a dedicated effort by some political writers to influence Federal legislation by writing articles and books appealing to cheap emotionalism and inflammatory demagoguery.

A forerunner in this field of "twisted facts and misleading innuendos" has been Nick Kotz of Cowles Publications and the Des Moines Register Washington News Bureau. His "exposé" on allegedly unwholesome meat in this country was sharply criticized and exposed by the respected "National Observer" newspaper.

Kotz has recently written a book implying that "hunger" is rampant throughout the United States. He charges that Congress has been delinquent and insensitive in assisting the poor and disadvantaged. This is not true.

For years the Congress has provided free food for hungry people both at home and abroad. The House Agriculture Committee developed the first food stamp program, the first school lunch program, the school milk program and school breakfasts. Within the last month, the Agriculture Committee almost doubled the authorization for the operation of the food stamp program.

After charges were levied that there were hundreds of counties arbitrarily classified as "hunger counties," the Agriculture Committee sent a letter to Health officers in each of these counties and received almost unanimous responses that the charges were grossly exaggerated.

Representative Edith Green, a liberal Democrat from Oregon, cited a hypothetical situation where a family of four could draw up to $11,513 a year in Federal grants and services while a family of eight could collect a maximum potential of $21,093 a year.

Kotz bases his conclusions in part on the testimony of a Dr. Donald Gatch of Bluffton, South Carolina, whom he describes as "an outspoken rebel physician who has challenged the medical establishment of the Nation to view the wretched poor and help them."

However, the public should be aware of the fact that the "rebel physician" is presently being charged with major narcotics violations. Law enforcement authorities have charged Doctor Gatch with using drugs for personal use, failing to keep proper records of drugs received and dispensing drugs without proper prescriptions.

What this country needs is less sensationalism and hypocritical pontifications from certain members of the Fourth Estate and

more calm evaluation of how our present programs may effectively operate to insure that all Americans have an opportunity to fulfill their potential.

UNITED STATES SOVIET INTERDEPENDENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. RARICK. Mr. Speaker, submission to UNO policies proves exceedingly perilous to the United States.

As a result of UNO directives and policies our country is now dependent on Russian imports for critical materials essential to our national defense.

I include Willard Edwards' column from the December 11, 1969, and a report from Ordnance magazine for November–December 1969, at this point:

[From the Chicago (Ill.) Tribune, Dec. 11, 1969]

UNITED STATES IS DEPENDENT ON RULES IMPORTS

(By Willard Edwards)

WASHINGTON.—It will come as a shock to most Americans to learn that the United States has permitted itself to become increasingly dependent upon Russia for imports of critical war materials.

The misgivings accompanying this disclosure will be intensified by the discovery that Russia planned it that way, taking advantage of the "bridge-building" policy which became popular in the mid-'60s under the Johnson administration.

All the evidence suggests that the United States has fallen into a trap prepared by Russian strategists and given the label of the "weak link principle" in an analysis by Maj. Gen. A. N. Lagovskiy of the Red army, a leading soviet specialist in economic warfare.

A translation of Lagovskiy's text for study in the soviet armed forces has been made the basis for a perceptive study by A. C. Sutton of the Hoover Institution on War, Revolution, and Peace at Stanford university. It appeared in the December issue of Ordnance, a journal devoted to industrial preparedness for national defense.

Discussing foreign trade as a weak link in the economy during a war, Gen. Lagovskiy noted the great dependence of modern warfare on certain war materials—such as chrome and platinum—and the lack of major deposits of such materials in the United States and other capitalist countries.

He advocated the encouragement of a potential adversary, such as the United States, to accept imports of such "weak link" strategic minerals from the Soviet Union.

A United States military jet airplane, he emphasized, cannot be produced in the United States by utilizing only domestic raw materials. He gave these startling figures: the United States must import 92 per cent of the chrome, 97 per cent of the nickel, 76 per cent of the raw aluminum, and 88 per cent of the cobalt needed for such an aircraft.

Russia's success in exploiting this strategy must have amazed its sponsors. In a recent typical 6-month period, 84 per cent of United State imports from Russia have been in materials related to the "weak link" strategy—not only chrome ore but industrial diamonds, platinum, palladium, rhodium, nickel, and titanium.

How and why did the United States get itself into this fix?

First, it voluntarily cut itself off from supplies of chrome ore from Rhodesia by joining in United Nations sanctions against that small nation. This political decision gave Russia, the only other major source of the ore, a virtual monopoly.

Second, it began to rely on Russia for other critical metals under the "bridge-building" programs of the Johnson administration. The idea was that Russia would respond to trade benefits by reducing supplies to North Viet Nam and the middle east conflict.

Russia happily accepted the profits of trade but the "reciprocity" expected never materialized. It even stepped up its logistic supply of world revolution.

The psychological effect on Soviet planners contains a degree of danger, Sutton noted. From their viewpoint, the situation means United States weakness and as such can be considered a sufficient invitation to initiate aggression.

It makes little sense, he concluded, to spend vast sums on a defense against Soviet missiles without, at the same time, taking steps, at little cost, to remove the nation from the "potentially dangerous corner" into which it has maneuvered itself.

[From Ordnance magazine, November–December issue]

SOVIET EXPORT STRATEGY

(By A. C. Sutton)

NOTE.—A. N. Lagovskiy, "Strategiya i Ekonomika" (Moscow: 1957) first Russian edition. A translated version of a second edition (1961) is "Strategy and Economics" (JPRS: No. 19,700 of June 17, 1963). There is significant difference between the two editions, and the material used here was largely added by Lagovskiy to the second (1961) edition. References are then to the second (translated) edition.

Maj. Gen. A. N. Lagovskiy of the Red Army, a doctor of military science and a leading Soviet specialist in economic warfare, is also author of "Strategiya i Ekonomika"—a text on economic warfare recommended for study in the Soviet armed forces. Given Lagovskiy's considerable status and wide influence, it is conceivable that the strategies outlined in "Strategiya i Ekonomika" constitute, at least in part, the basis for the operational directives of Soviet foreign economic policies.

The purpose of this article is to relate one Lagovskiy principle—the "weak-link principle"—to the pattern of recent U.S. trade with the Soviet Union and thus to test a stated Soviet strategic principle against empirical observations.

In a section discussing foreign trade as a weak link in the economy during a war, Lagovskiy notes the great dependences of modern warfare on certain raw materials—such as chrome and platinum—and, simultaneously, notes the lack of major deposits of such raw materials in the United States and other capitalist countries.

As a consequence, he suggests, "the strategic material situation continues to be an urgent problem in war production for the U.S.A."

TABLE I—*Critical materials in a U.S. military jet airplane (from Lagovskiy)*

[Percentages of material imported]

Material:	
Chrome (3,659 pounds)	92
Nickel (2,117 pounds)	97
Alumina (bauxite) (46,831)	76
Cobalt (436)	88

A clear distinction in drawing by Lagovskiy between such "weak-link" strategic minerals and machinery with a technological component. Application of Lagovskiy's principle would require the Soviet Union to avoid import of weak-link mineral commodities—while simultaneously encouraging a potential adversary, such as the United States, to accept such exports from the Soviet Union.

On the other hand, the Soviet Union would deny exports of its own technology embodied in machinery and equipment, while maximizing imports to a potential adversary's technology.

As for the technological side of U.S.-Soviet trade, there is no question that export of worth-while Soviet technology to the West (or even to fellow socialist countries) is virtually nil, while Western and East European export of technology to the Soviet Union is not only both historically and currently of immense proportions but also of critical importance to Soviet economic and military development. Therefore, it is only the "weak-link"-import aspect which is now of interest.

Except for synethetic rubber, the Soviets do not import such mineral commodities from the United States; i.e., they have avoided any strategic dependence on their own part. In distinct contrast, the U.S. is a remarkably heavy importer of "weak-link" commodities from the U.S.S.R.

Let us first review the argument in detail.

Lagovskiy takes an American jet plane as his principal example and lists the amount of critical materials required in construction of a single aircraft (see Table I).

It is therefore clear, says Lagovskiy, that a jet aircraft cannot be produced in the United States by utilizing only domestic raw materials, "since domestic production of the most important types of raw materials for it amounts to only 3 to 24 per cent of requirements." This example of dependence on imported materials for military aircraft is followed by a listing of United States imports of these materials (see Table II).

Many, but not all, of these raw materials, do have imperfect substitutes; synthetic rubber, for example, rather than natural rubber, is more important to industry in the United States, and butyl synthetics are equal in physical properties to natural rubber. It is rather the Soviet Union that is dependent on natural rubber, as its own development of synthetics (it has no natural rubber) is backward.

Percentage imported by United States

Natural rubber	100
Tin	100
Industrial diamonds	100
Chrome ore	99
Platinum	99
Manganese	95
Cobalt	80
Tungsten	72
Bauxite	70
Mercury	66

On the other hand, although substitution is possible for materials like chrome, manganese, and tungsten, such substitution is not complete and would be difficult to undertake on short notice. It is in U.S. imports of these minerals that Lagovskiy's argument has some force.

It is interesting that Lagovskiy avoids any further discussion of rubber but devotes a full page of discussion to U.S. dependence on imported chrome and emphasizes that "the U.S.A. has almost no chrome in its own country."

Chrome is required for production of alloys for jet engines, gas turbines, guns, and armor-piercing projectiles; it is used in both aircraft and motor vehicle manufacture. The United States accounts for about two-thirds of the entire Western-world consumption. Lagovskiy points up as a "weak link" the "enormous geographic disparity" between world production and consumption regions:

"The imperialist countries, considering the enormous significance of chrome in war production and the lack of deposits of it in places where it is consumed, do not spare funds for the development of chrome re-

serves. However, this does not free them from the necessity of importing chrome ore in wartime as well."

Amount of U.S. imports from U.S.S.R.

Weak-link commodity:	
Chrome ore	$3,433,000
Diamonds, cut but unset	5,681,000
Platinum	518,000
Palladium	15,540,000
Rhodium	2,348,000
Nickel	1,092,000
Titanium	899,000
Lagovskiy's "weak links"	29,501,000
Total U.S. imports from U.S.S.R.	35,359,000

Source: U.S. Department of Commerce, *Export Control,* 85th Quarterly Report, p. 19.

Clearly, then, Lagovskiy lays great faith in his "weak-link" theory, and he might be expected to recommend its use in Soviet economic relations with the United States.

Although we have no direct way of knowing whether the Soviets have indeed made use of the principle, we can examine the structure of U.S. imports from the Soviet Union to determine if the structure conforms, or does not conform, to Lagovskiy's theory.

If it does not, then either the Soviets have made no attempt to utilize the principle, or—conversely—they have attempted to do so, but the United States, aware of its potential weaknesses, has avoided dependence by diverting its purchases elsewhere. This is possible, as there are free-world as well as Soviet sources.

Table III contains U.S. imports of Lagovskiy's "weak links." While Lagovskiy lists "platinum," the table includes "platinum group" metals. Nickel and titanium are not in Lagovskiys listing, but fulfill the Lagovskiy criteria.

This table contains data for the first half of 1969 (latest available in the Quarterly Reports on Export Control). U.S. imports of weak-link commodities constituted no less than $29 million out of a total import from the Soviet Union of $35 million of all goods. *A remarkably high percentage—84 per cent—of our total imports from the U.S.S.R. fall within the very narrow range of commodities covered by the Lagovskiy weak-link principle.*

If the comparison is extended to cover the previous full year (1967), 65 per cent of our imports from the U.S.S.R. fall into the category.

In brief, our import structure is almost unbelievably consistent with a principle of economic warfare that is advanced by a general of the Red Army.

The next relevant question concerns the proportion these imports from the U.S.S.R. constitute of U.S. *total* imports from *all* sources for specific commodities. In 1966 about one-third of U.S. chrome ore imports came from the Soviet Union.

In the same year, about one-half of palladium imports and just less than one-third of the rhodium imports came from the U.S.S.R.; in the case of other platinum-group metals, the Soviet proportion was somewhat less. However, it cannot be argued that the relative dependence is in any way a minor matter.

In general, it may seem improbable that the dependence is critical. Alternate sources of supply are available, stockpiles presumably are adequate, substitution is possible—and in time of war there would be diversion from considerable civilian end uses to military end uses.

But the Soviets, in case of war, also could divert these Russian deposits (developed with the aid of Western equipment and peacetime purchases) to their own military use. Such diversion would be relatively more important to them, as civilian uses in the U.S.S.R. are much smaller and they do not have the same range of substitution options. Further, free-world sources are in areas earmarked for "liberation" by the Soviets—Rhodesia, for example.

It cannot be argued that this coincidence between a Soviet strategic principle and its implementation is accidental. The Soviets have a foreign trade monopoly and can bring about, by manipulation of price and quantities marketed, a militarily desirable pattern of trade.

Any trade pattern therefore must reflect a conscious objective on the part of the Soviet Union. It has not resulted from the free play of market forces in international commerce.

The evidence suggests that the Soviets adopted the weak-link theory and have endeavored to put it into practice. Private American firms then responded (as they have every right to do) to the lower Soviet prices and more favorable offers. This pattern was encouraged by the Johnson Administration when Rhodesia was cut off as a source of supply for chrome.

The United States therefore is becoming increasingly dependent on Soviet raw materials of a critical nature. The only valid conclusion is that this was a conscious effort on the part of the Soviet Union as part of a wider scheme. If not, the pattern of U.S. imports from the U.S.S.R. would be distributed far more widely.

This also explains why the Soviet Union continued to ship chrome and manganese to the U.S. after the 1948 embargo and during the current Vietnamese war—*i.e.,* as a long-range effort to increase U.S. dependence. A few U.S. observers have noted the continuing import of Soviet chrome and concluded it is a sign of Soviet benevolence—a completely mistaken interpretation, inconsistent not only with Soviet strategy but also with our own defense posture

For example, J. M. Chambers, testifying before the U.S. Senate Subcommittee on Banking and Currency (May 1969), argued: "The metallurgical-grade chrome consumed in the United States normally comes from two main sources; Rhodesia furnishes one-third, Russia one-third, and the balance from the rest of the world. With Rhodesia under sanction we cannot rely on them for any chrome and therefore the . . . availability of chrome ore from Russia is essential . . .

"Since the importance of these materials to our industries is well known to the Russians, I think that some of those who worry about our 'national interest' should take heart that Russia has continued to supply us . . ."

There are indeed two ways of looking at dependence on the Soviet Union for strategic materials. One way—put forward in the early 1960's in the Rock report—is to accept a strategy of interdependence as leading to peace.

Unfortunately, it has never been explained how interdependence between two countries leads to absence of conflict. Indeed, the argument is refuted by Soviet actions and their reasons for these actions in Vietnam.

Examination of the trade history of the past decade suggests certain firm conclusions. As the "bridge-building" policy took hold in the mid-1960's, the Soviets had an opportunity to make a reciprocal response according to the prevailing theory of "graduated reciprocation in tension reduction." How did they respond?

If Soviet actions had been guided by responsive reciprocity, they would have increased neither their trade in weak-link commodities nor their logistic supply of world revolution. They would have made a determined and conscious effort to deemphasize any action capable of misinterpretation, and so have marked their intentions to reciprocate.

Given the monopoly of foreign trade in the Soviet Union, such a policy could have been effected very readily, and it would have shown up long before 1966–1967.

The facts presented complement the evidence provided by Soviet logistic support of the Vietnamese war and the Middle East conflict—that the Soviets not only made no effort at reciprocity, but also seized the opportunity to further an over-all offensive strategy, an *economic* strategy with *military* objectives.

It appears that the United States, under the illusion that it was making an initial invitation for reciprocal disarmament and trading for peace, actually may have traded and reciprocated itself into a potentially dangerous corner.

The coincidence between Soviet strategic objectives and our imports from the Soviet Union is too great and has continued for too long a period of time to be dismissed as accidental. There is little question that Soviet offers have been attractive enough to U.S. firms to induce such a dependence.

In "Strategiya i Economika," Lagovskiy makes explicit reference to this question: "Our strategy is a strategy of bold daring, always realistically considering the material, moral, and political capabilities of its accomplishment. In the Soviet Union, where economics and strategy are developed in an indissoluable dialectical unity under the leadership of the Communist Party, where the planned system of economy dominates, there is no expenditure of resources without plan, and never can be . . ."

It is the psychological effect on Soviet planners that contains a degree of danger. Although given to great realism, Soviet planners cannot help but observe the significant fulfillment of a strategic objective. If this be so, then it must weigh in the scale in consideration of future hostilities with the United States.

From the viewpoint of a Soviet planner it is a distinct signal of United States weakness, and as such is generally considered a sufficient invitation to initiate aggression. It makes little sense, then, to defend ourselves at a cost of $X billions against Soviet missiles, without accompanying this move by the logical action—taken at the almost negligible cost of shifting supply sources—to remove a potential source of Soviet miscalculation.

THE CONCEPT OF ATLANTIC PARTNERSHIP AND THE GEORGETOWN CONFERENCE OF THE AMERICAN INSTITUTE ON PROBLEMS OF EUROPEAN UNITY BETWEEN OCTOBER 17–19, 1969

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. PATTEN. Mr. Speaker, as a member of the board of trustees of the American Institute on Problems of European Unity, it gives me pleasure to join my distinguished colleagues ably led by the gentleman from Illinois in analyzing the concept of Atlantic partnership in the light of the recent conference of our institute at Georgetown University which was attended by 44 American and European scholars and research experts.

The institute was founded in the summer of 1968 mainly at the behest of my good friend, Dr. Z. Michael Szaz, at that time associate professor of political science at Seton Hall University, South Orange, N.J., who has since assumed the executive directorship of the organization and devoting his full time to it.

One of the most interesting panels at

this conference has been the one devoted to Germany and the concept of Atlantic partnership, both in view of the geopolitical situation of that divided nation and the past experiences which that nation and Europe underwent during the totalitarian Hitler period. The institute has assembled a distinguished panel, though two German representatives could not come in the last minute, due to the fact that the election of the new Chancellor took place a day after the close of the conference.

Those attending the panel included the professor who has been dubbed as the "German Gallup" for his wide and successful research work on German public opinion and polling procedures and who holds a chair in political sociology at the University of Mannheim, Rudolf Wildenmann. Another internationally known scholar in attendance was Prof. Wolfram Hanrieder from the University of California at Santa Barbara who is teaching this year under a NATO faculty fellowship at the University of Brunswick in West Germany and who has written the best English-language study on West German foreign policy. Other distinguished professors included were Franz Gross, P.M.C. Colleges, the chairman of the political science department at George Washington University, Wolfgang Kraus, the former American Military Government official and author Kurt Glaser from Southern Illinois University, the head of the Conference Group on German Politics of the American Political Science Association, Dr. Charles Foster from the U.S. Office of Education. The Institute for Defense Analyses provided the able chairman, Walter F. Hahn and the analyst on German strategy, the able László Hadik. Professor Maurice Czikann-Zichy provided his special knowledge of German economics, and James H. Wolfe from the University of Maryland the expertise on German-Czech relations.

Mr. Speaker, at this point I would like to insert the report of this distinguished panel, especially as it deals with the coming trends in Germany under the new regime of Chancellor Brandt:

AMERICAN INSTITUTE ON PROBLEMS OF EUROPEAN UNITY

CONFERENCE ON THE CONCEPT OF ATLANTIC PARTNERSHIP

German panel chairman's report

Panel Members: Walter Hahn, Institute for Defenses Analyses (Chairman); Professor Maurice Czikann-Zichy, Immaculata College; Dr. Charles R. Foster, U.S. Office of Education; Professor Kurt Glaser, Southern Illinois University; Professor Franz B. Gross, P.M.C. Colleges; Laszlo Hadik, Institute for Defense Analyses; Professor Wolfram Hanrieder, University of California (Santa Barbara); Professor Wolfgang Krauss, George Washington University; Professor Rudolf Wildenmann, *Universität Mannheim,* and Professor James H. Wolfe, University of Maryland.

The discussions of the Panel were overshadowed by the change of government in the Federal Republic of Germany. As a result of the September elections, for the first time since the birth of the Federal Republic, West Germany is to be ruled by a predominantly Socialist government. The questions which dominated the sessions of the Panel were thus urgently speculative ones. Given the basic options open to West German foreign policy, as well as the likely opportunities and constraints bearing upon that policy, in which direction is the new government likely to move? Specifically, what will be the likely priorities as between the Federal Republic's continued engagement in Western Europe and the Atlantic Community on the one hand, and Bonn's growing ambitions in the east on the other?

West German shift as a gradual and progressive phenomenon

There seemed to be agreement in the Panel that the eastern emphasis in West German policy is not a new phenomenon, nor can it be attributed exclusively to the predilections of the Social Democratic Party which now has assumed power. Rather, the change began gradually in the waning years of the Adenauer Administration, became more conspicuous in the policies of Chancellor Erhard and Foreign Minister Schroeder, and gathered momentum under the Grand Coalition of Kiesinger and Brandt. A variety of the interrelated causes were adduced for this shift:

(1) The sobering recognition in Bonn that basic U.S. national interests did not necessarily coincide with West German or Western European interests. This recognition, more than anything else, triggered the incipient change of West German policies under Adenauer, beginning in 1962, and has underlain the quickening search in the FRG for fundamental policy alternatives since that time. The recognition has been fueled by such developments as the deepening U.S. preoccupation with Asia, linked with an apparently declining U.S. interest in the affairs of Europe, and perhaps more significantly by the rising priority assigned by the United States to the objective of stabilizing the U.S.-U.S.S.R. relationship.

(2) The corollary trend of a progressive liberation of the foreign policies of the Federal Republic from the previously overwhelming domination of the United States. This sense of emancipation from U.S. tutelage in the FRG has been abetted by a new form of materialistic nationalism in West Germany, which draws from West Germany's economic successes and momentum.

(3) The dimming of the Adenauer Conception of West Germany's integration into a politically unified Europe as a result of stark setbacks in the movement toward unification and de Gaulle's reinjection of nationalism into the West European political arena.

(4) The gradual undermining of the Adenauer Conception, also, at the hands of interest groups within the Federal Republic which, although they paid homage to the Adenauer idea, nevertheless cast longing eyes toward the East (particularly toward Eastern markets).

(5) Security and economic considerations, which will be touched upon below.

The likely dimensions of the new Ostpolitik

Professor Wildenmann presented to the Panel the results of opinion polls and sociological investigations in West Germany, which suggest that the new government under Willy Brandt enjoys an unprecedented level of potential popular (and particularly elite) support, and can translate this support into a broad range of freedom of action in domestic and foreign policies. This finding is notwithstanding the results of the September elections, in which the Christian Democratic Union garnered the largest percentage of national votes. A plurality of West German voters favored the CDU in terms of personalities represented in the Party (epitomized by the respected image of Kiesinger). Yet, a majority of West Germans considers the SPD as the more capable party in a collective sense. This confidence attaches particularly to domestic policies—Brandt prevailed primarily because of his proffered program of domestic reform—but extends also to foreign policy.

There was agreement in the Panel that *Ostpolitik* would probably loom more prominently in the policy priorities of the new government than comparable efforts in the arenas of Western European unification and Atlantic Partnership. This emphasis by the new government on policies toward the east is not likely to clash with popular and elite predilections. According to Professor Wildenmann's findings, a large majority of West Germany's elite continues to assign highest priority to the task of Western European integration and unification. But almost an equal priority, or implicit desire, is attached by elite opinion to progress in effecting a West German detente with the east.

The targets and tactics of the *Ostpolitik* of the new Administration are not likely to be the same ones that flavored the policies of the Kiesinger-Brandt coalition. The traumatic lesson of Czechoslovakia for the Federal Republic was that any effort to fish in the Kremlin's troubled waters (e.g., Rumania and Czechoslovakia) tends to be counterproductive and dangerous. In the light of this lesson, the main thrust of *Ostpolitik* will henceforth be directed at Moscow, with the objective of engendering a broad detente with the Soviet Union. In pursuit of this objective, the new government will probably sign the Nonproliferation Treaty.

In this quest, also, the Brandt government will probably aim at a comprehensive modus vivendi with the German Democratic Republic. The modus vivendi will in all likelihood stop short of full, internationally legal recognition of Pankow by Bonn (full recognition is still opposed by an overwhelming majority of West German popular, if not elite, opinion). The rationale of a normalization of relations with the Ulbricht Regime will not be to advance the cause of German reunification; indeed, it is generally recognized in West Germany that an upgrading of the state-to-state relations between Bonn and East Berlin will probably set back the goal of reunification. Rather, the policy toward the GDR is likely to be couched in the more modest aims of overcoming the "Pankow hurdle" obstructing Bonn's approach to the U.S.S.R. and East Central Europe, as well as that of casting some human and cultural links over Ulbricht's wall. The policy of the new government toward the remainder of East Central Europe will probably be characterized by small and relatively inconspicuous steps, contrasting with the somewhat "louder" initiatives of West German *Ostpolitik* prior to Czechoslovakia. The West German perspective of East Central Europe continues to be animated by the hope that tides of reform in the Communist countries will in time bring in their wake a transformation of the Socialist camp and a meaningful East-West confluence in Europe.

The question was raised and debated as to how long the honeymoon between the new West German government and popular opinion would last with respect to *Ostpolitik*—whether setbacks in the East might not quickly crumble the popular base of support. There was no clear answer to this question beyond the recognition that, depending upon the degree of expectations and commitment which the new government will vest in *Ostpolitik*, the Soviet Union and the East Central European countries, notably Pankow, could play a carefully manipulative "hot-and-cold" game vis-a-vis Bonn.

West German engagement in West European Unification and Atlantic Partnership

The question was raised: Given *Ostpolitik* as the dominant impulse in the new West governmental constellation, how will this reflect upon the Federal Republic's role and efforts in the Western arena?

The notion was advanced that, West German ambitions in the East notwithstanding, the continued participation of the Federal Republic in Western institutional arrangements is almost predetermined by the legacy of the past 20 years and by the institutions

created by this legacy. The integrative features of the Common Market are a fact, and at least in the realm of economics West Germany is enmeshed to the point where the Federal Republic could not severe its Western links in favor of a categorical embrace with the Soviet Union and the East. Powerful commercial circles in West Germany, at the very least, have too much at stake in the EEC. The task remains to translate economic links into political bonds.

It was pointed out, also, that leading personailties in the new government—e.g., Willy Brandt himself and Defense Minister Helmut Schmidt—are essentially pro-Western in basic orientation. Moreover, at least in terms of its fundamental philosophical outlines and basic objectives, the new *Ostpolitik* contemplated by the new Administration in Bonn should not clash intrinsically with the objectives of Western European unification and Atlantic Partnership, and of West Germany's participation in these processes. The avowed effort in the East, after all, will be aimed not at the restoration of the pre-war German nation or other territorial and political ambitions, but rather at a general conciliation with the East based roughly upon the current status quo. To the extent that a successful *Ostpolitik* might thus rid the Federal Republic of the stigma of irredentism, Bonn's credibility in the Western unification project might also be strengthened commensurately.

It was pointed out, however, that while there may be no inherent conflict between the objectives of *Ostpolitik* and *Westpolitik* in the abstract, the means and tactics invoked by Bonn in support of these policies might very well clash. In short, there is a potential conflict of policy instrumentalities which may harm West Germany's engagement in the West European and Atlantic arenas.

In its West European policies, moreover, West Germany continues to face obstacles both in the objective environment of Western Europe and in its inherent freedom of movement. Thus, the opportunities for meaningful Franco-German cooperation have not risen perceptibly in the wake of de Gaulle's departure from the scene. Moreover, West Germany is chronically reluctant to take the initiative in Western Europe because of the "fear of triggering fear"—the anxiety that any display of German political muscle will heighten apprehensions elsewhere in Western Europe that Bonn is out to dominate the European scene. If anything, West Germany's demonstrated economic strength has exacerbated the dilemma.

The optimism was expressed, nevertheless, that a number of factors may push the new government toward a more effective West German role in Western Europe. One is the imperative of continued economic momentum, which represents the principal mandate to be met by the Brandt government if it wants to remain in power. Another is the prospect of an effective CDU opposition in the Bundestag once the ousted party recovers from its shock and settles into an as yet unfamiliar role.

The security factor

It was brought out in the Panel that a paradox pervades West German perceptions of military security. On the one hand, the estimate of direct military threats to West Germany's security is relatively low (Czechoslovakia notwithstanding), and on a popular level at least there is implicit belief in American protection. At the same time, however, there are fears for the future. To a large extent, Ostpolitik is animated by the desire to find alternatives (and supplements) to the current security arrangements.

It was suggested, also, that the continuing debate in NATO on security issues is to some extent a dishonest one. This is so because a fairly profound sense of security in NATO generally permits the luxury of contending strategic arguments. This tendency is encouraged by the fact that the principal organized forum of the Atlantic Alliance is a military one, and the dialogue tends perforce to be couched in military and strategic terms. In reality, military arguments and different strategic perceptions reflect more complex political and national concerns.

There was agreement, nevertheless, that, whether or not the security debate is reflective of deeper political meanings, some security interests divide Europe, and particularly Germany, on the one hand, and the United States on the other. Briefly, they are the following:

The United States in its own interest of ultimate survival, has endeavored to contrive as broad as possible a range of options for the defense of Europe; therefore, the American emphasis on such concepts as conventional defense and flexible response. The Europeans, and particularly the Germans, on the other hand, have endeavored to narrow U.S. options in order to tie the United States nuclear guarantee integrally and credibly to the defense of Europe.

The United States, in the same national interest, has been endeavoring to defuse and stabilize its relationship with the Soviet Union—in the case of Europe, on the basis of the status quo. Europeans, and particularly Germans, view the growing U.S.-Soviet bilateral relationship—reflected in the Nonproliferation Treaty, SALT talks, etc.—as a freezing of the status quo in Europe by superpower fiat (the ultimate expression of Yalta), thus barring political change and confluence on the continent.

Largely because of these trepidations, plus underlying political factors, the key problem of the Alliance—and one that must be resolved before a meaningful U.S.-West European partnership can be cast—is that of nuclear decision-making in the Alliance. This problem weighs particularly heavily upon West Germany, which recognizes that it can never muster its own national resources requisite to its defense. On the one hand, an effective West German conventional defense is not a feasible alternative: there are already pressures for reducing the Bundeswehr, which is bedevilled by growing hostility and disrespect from the German populace and is uninspired by any real sense of mission. On the other hand, a national nuclear option is impossible for the Federal Republic.

In short, some solution to the nuclear decision-making problem was deemed by the Panel a key not only to U.S.-German relations, but to the broader problem of U.S.-Western European partnership. In this context, there was some discussion regarding the alternative of an independent European nuclear deterrent. It was suggested that, if politically feasible and militarily effective (and doubt was expressed on both scores), such a European nuclear deterrent force might offer, in the longer run, a more credible deterrent against deliberate aggression from the East—and perhaps a politically more comfortable alternative for the Europeans—than the present arrangement, which is keyed to American decision-making power. It was recognized, at the same time, that the creation of such a deterrent force would not necessarily cater to the requirements of U.S.-Western European partnership—that, indeed, the emergence of Europe as an independent nuclear power might render the United States even more reluctant to link its destiny with that of the continent.

Economic factors

The discussion in the Panel of the important topic of economic factors bearing upon West Germany's potential role in Atlantic Partnership was unfortunately limited by time. The following basic points were discussed:

The Federal Republic's Ostpolitik is fueled also by powerful economic motives. West Germany suffers today from the malaise of prosperity in the form of a capital surplus which, by being denied outlets, feeds inflationary pressures in the domestic economy.

One short-term solution to West Germany's dilemma might be domestic reinvestment in the neglected realms of German infrastructure and education. It was recognized, however, that eventually such reinvestment (assuming that it can be effectively channeled) will feed back once again indirectly into the producing engines of the economy.

The Federal Republic must find outlets for investment capital abroad. The flow of such capital westward continues to be impeded by institutional barriers—in the United States by anti-trust laws, and in Western European countries by legal constraints bearing upon investment imports and licensing of foreign corporations. At the same time, the opportunities for German investment capital in developing countries have turned out to be relatively unattractive.

East Central Europe and the Soviet Union thus beckon all the more alluringly as fertile areas for West German investment. The agreement, currently being negotiated, between Siemens and the Soviet Union for joint construction of an oil pipeline leading from the Soviet Union to Western Europe epitomizes the opportunities which West German investors discern in the East. It was suggested in the Panel that, given such rising expectations in the West German business community and government circles, the Soviet Union could add some powerful economic bait to a cat-and-mouse game with West Germany.

In any event, the question was raised as to how West German economic potential can be turned more meaningfully westward. A number of suggestions were made in this respect, including the creation of a common West European currency. There was agreement, however, that the fundamental solution to the problem resides in the elimination of institutional and legal barriers, and the encouragement of free flow of capital within the Atlantic Community.

BENJAMIN COHEN: ROOSEVELT BRAIN TRUSTER

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. BLATNIK. Mr. Speaker, If ever the title "Architect of the New Deal" could be conferred upon one person, Benjamin Cohen would stand high on most everyone's list for that honor.

"Isaiah in Modern Dress" he was called in a recent Washington Post editorial when the American Jewish Committee selected him to receive its highest honor, the Isaiah Award, "for his search for justice and efforts on behalf of the oppressed."

Others have recognized him as one of the early prophets who foresaw tragic consequences from our involvement in Vietnam and who voiced his opposition on philosophical and moral grounds long before our commitment in that tragic land grew to the massive proportions we see today.

A revealing article in Thursday's Washington Star treats us to another view of Benjamin Cohen: the warm, decent, brilliant, but unassuming human being who is both loved and respected by

those who know him well. Perhaps it is from this very font of humility and humanity that he draws the inspiration for his penetrating commentary on the great issues of our times. The article follows:

ROOSEVELT BRAIN TRUSTER: BENJAMIN COHEN STILL ISSUE-ORIENTED

(By Duncan Spencer)

When Benjamin V. Cohen was President Roosevelt's top brain during the New Deal, keeping abreast of the currents of the world was for him a manageable task. Now he finds it hard to keep up—there are too many problems that engage his attention, he says.

Cohen, one of the most important policy-makers of the Roosevelt era, still at 75, devours information at an enormous rate. The easy chair in his apartment is flanked by clipped newspapers and the kind of periodicals that don't use girls on the cover. The room is lined with books.

Cohen, slightly stoop shouldered and somberly dressed, took on a recent interview with a warning: "I don't know what you want to know, exactly . . . I'm not too interested in going over the past."

That might be called a typical comment from the lawyer who was once called the most modest man that ever came to Washington. He lives on Massachusetts Ave. NW with his dog, Mr. Tweed, and struggles with ideas, an occupation that has keep him quiet and retiring amid politicians little known for those qualities.

But Cohen's career with Roosevelt and before, when he served in a succession of important but obscurely named government posts, made the public limelight shine on his sad and scholarly face. He made an indelible impression because his powers seemed mysterious.

It was Cohen who was the intellectual partner of the legislative and persuasive team of Corcoran and Cohen, the best-known of Roosevelt's "brain trust." He became the President's trusted adviser, but he now wonders about his real influence. "As the years go along, people tend to ascribe to you more power and influence than you actually had," he says.

He was responsible for shaping much of the New Deal's legislation—such legal landmarks as the Tennessee Valley Authority, the Federal Housing Administration, and the Wage and Hour Law, provisions that limited stock market operations, and the lend-lease policy at the beginning of World War II.

Thomas G. (Tommy the Cork) Corcoran was Cohen's partner in these activities, as unlikely a match as can be imagined. The free-wheeling, party-going pressure politician Corcoran and the gentle, meticulous shy Cohen shared the same brick house on R Street NE and were known as the "gold dust twins" after a popular soap powder advertising slogan of the time.

Now his thoughts focus on the Vietnam war, and he is one of the few who can honestly say that he was against America's involvement from the beginning. He says it over and over with notes of sadness.

"It was a war we had no business to enter into under our UN commitments, without first at least in good faith trying to see what could be done to heal the situation through the UN," he says. He feels the government dishonestly kept the situation secret and allowed the Pentagon to gradually insinuate itself into policy and budget decisions.

He estimates that scholars will be hashing over now-secret documents 50 years hence and finding little comfort in them. "We hire others to do the fighting, and then we do become involved, and we find it difficult to explain," he says.

Cohen is not all gloom over Vietnam. He finds a ludicrous irony in young draft protestors who flee the country, "a country to which their forefathers came themselves to avoid the draft." And he sees a new and healthy questioning attitude toward the Pentagon.

Cohen's quiet life is rounded out with a little speechmaking and walks around Dupont Circle with Mr. Tweed, a miniature schnauzer. He dines infrequently with friends and cooks for himself in his small quarters.

But he is not yet out of the business of making large plans for his country. He is working, for instance, on a scheme to make the vice presidency a popularly elected post (he takes it as an article of faith that the presidency will soon be so), but it is not something he has been able to move people about.

"I think it would have a most wholesome effect on the parties in selecting a vice president," Cohen says, shortly after explaining that it was an idea no one was interested in. "Too frequently they select a vice president merely to have the opposite wing of the party represented, so that the man who succeeds in the event of death is not the man most likely to carry out the same policy.

"Also, if there is a real question about the ability of the vice president, the people should have a right to choose who they want . . . I don't mean to cast aspersions on Mr. Agnew, but I think in light of reservations expressed by members of his own party at the time, many people had the feeling they would have preferred someone else for vice president, and it might have been a healthy thing if they could vote that way."

Cohen's quiet voice makes it easy to conjure him explaining things to bemused legislative aides. As he talks, an idea becomes clear and necessary, nothing that reasonable men could not accept readily.

A feeling of frustration emanates from the old insider, though, and it is not all connected with his long years out of official power.

"I don't say I don't miss it and sometimes don't feel the futility of having views on things when you're not in a position to do much about it," he says. Comparing the role he and Concoran once had with the present, he says: "We were given credit for a lot of things we didn't do and were blamed for a lot of things we didn't do. It so happens that we differ now, for example, on the Vietnam war. If he happened to agree, he would have been able to move mountains, and though I can only refer to the fact I was against it from the beginning, that's evidence of my impotence more than anything else."

The feeling of impotence is joined by thoughts of the waste of the war. The war, he says, is stalling practically everything, domestic policy, foreign relations, business progress.

One gets the worrisome feeling that Cohen sees some coming disaster, but hesitates to mention it. "We express our dedication to those other things but we are unable to do much about them. Because of the inflationary pressures and the demands of the Vietnam war, we haven't the resources to do anything about them."

But Cohen seems able to put the world aside; he may have a strong faith in its durability, even on a dying winter day, and on the downward slope of his own long, self-directed life. He offers no cosmic knowledge. "I find it always easier to talk about specific issues," he says.

"Mr. Tweed was spending the day at the dentist," Cohen explains suddenly. "I'm sorry he's not here to greet you." He has the respect of the whole neighborhood; he has an aristocratic air that I don't have.

"When I walk down the street everyone admires him. He's a very handsome dog; lovely—young ladies stop and pet him—it's too bad I can't run him for President."

LAMEST EXCUSE OF THE YEAR—NOMINATION IS SECONDED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. DULSKI. Mr. Speaker, a Washington columnist and satirist has put into words my exact feelings on the incredible turnabout by the Nixon administration on legislation to control mailing of unsolicited credit cards.

This recent practice, which has become so prevalent, has caused considerable inconvenience—and, in some cases, unnecessary embarrassment—to many of our citizens because of the loss or theft of credit cards which the listed individual never sought or wanted in the first place.

Credit cards are an accepted feature of today's economy and no one is arguing against this means of doing business where both parties—the merchant and the customer—are voluntary participants.

However, increasing numbers of businesses have been making the practice of picking names from mailing lists and even telephone books, then sending out credit cards without first ascertaining if the individuals want them.

LEGISLATION IS IN ORDER

Our Subcommittee on Postal Operations has held hearings on this problem and has accumulated evidence of the evils of these unsolicited mailings. Legislative action clearly is in order to impose Federal controls.

The administration first gave its basic support to control legislation. Then administration spokesmen did a sudden turnabout. The logic of their new position is incredible:

That it would give an unfair advantage to companies which already have flooded the mails with unsolicited—and usually unwanted—credit cards.

Bill Gold, columnist in the Washington, D.C., Post, today nominates the new administration for the 1969 award for the "Lamest Excuse of the Year." I second the nomination.

Mr. Speaker, following is the text of Mr. Gold's remarks in "District Line":

WHITE HOUSE "REASON" WINS AWARD

(By Bill Gold)

Congress has been attempting to write legislation that would put a stop to unwanted credit cards flooding the mails and falling into the wrong hands.

At first, the White House said it favored a prohibition against mass mailing of credit cards. But that stirred the credit cards lobbyists into action, and now the White House has done an abrupt about-face.

A White House spokesman explained this week that to ban the practice now would leave the firms that have already engaged in it with an unfair advantage. He wants to let everybody else do it before we consider prohibiting it.

If we accept his "reason" for the administration's change of heart, then no doubt we ought to rescind the SEC regulations that guard against shady stock deals. There may be a few swindlers left who would like to make their fortunes at the public's expense, just as the manipulators did in the old days.

LOGICAL FOLLOW-ON

Similarly, the White House would no doubt be opposed to banning the mass mailing of razor blade samples to millions of unsuspecting "Occupants" and their children. Some razor blade companies haven't used this technique yet; to prohibit it now leaves their competitors with an advantage. If a few children get cut up, meantime, that's too bad. We have to be fair.

One of the worst things we've done recently is forbid trick installment contracts and loans that hide the true rate of interest. That law ought to be repealed. There are many honest lenders who haven't taken advantage of the gimmick yet.

The truth-in-packaging laws were a terrible mistake. They work to the disadvantages of companies that never tried to cheat. The prohibition of dangerous drugs and additives left some companies without their share of the loot. Let's bring back thalidomide until everybody gets a fair crack at the profits.

THEN ANOTHER STUDY

After every enterprising entrepreneur has had his fair chance to make a buck, we can have a committee study the question in depth. If the committee finds that the practices in question are widespread, it will be obvious that nothing can be done about them.

I like your thinking, Mr. White House Spokesman. You can tell your boss for me that whatever he's paying you, it's not enough. Any man who has to defend this kind of "reason" for continuing what is acknowledged to be an unwholesome practice is being underpaid.

Meantime, this column awards to you, sir, its hand-knitted bathtub, symbolic of your having won our 1969 award for the Lamest Excuse of the Year.

MY COLLEAGUE, HON. GUS HAWKINS, REPORTS TO HIS DISTRICT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. CLAY. Mr. Speaker, the report of my colleague, the Honorable AUGUSTUS F. HAWKINS, to his congressional district in California, has just come to my attention. In his report, Congressman HAWKINS has pointed up the urgent concerns of the Nation. His feeling for the needs of the people and his pursuit in Congress of programs to meet those needs make GUS HAWKINS a most respected and highly valued Member of this body. I am proud to serve with him on the House Education and Labor Committee—and I know why the people of the 21st District of California are proud to have him represent them in Congress. He serves them well as a conscientious legislator and a courageous spokesman for human rights.

I commend the January 1970 report of our colleague, Congressman HAWKINS, to the attention of the Congress:

YOUR CONGRESSMAN, AUGUSTUS F. (GUS) HAWKINS, REPORTS FROM WASHINGTON

PROGRAMS TO MEET THE GOALS OF THE 1970'S

More jobs, higher incomes, better schools and health care—these are the basic goals we must achieve in our community as we enter the new year, 1970.

These goals must be achieved in opposition to the "hard time" policies of the Nixon administration which are increasing unemployment and welfare rolls, and creating racial strife and urban disorders.

Frankly speaking, we are disgusted with Nixon's statements that minorities and the hard-core unemployed are going to find jobs in private industry at some future but unspecified date.

Again, menial, low-paying, and dead-end jobs are not the answer. If the private sector is willing to hire the unemployed even if it means providing the necessary training and other supportive services so that the cycle of poverty can be broken and persons can truly become self-supporting with dignity, we are most anxious to cooperate, and in recent letters to the National Alliance of Businessmen, the Chamber of Commerce, and, the Los Angeles Merit Employment Council, I have so indicated my willingness to work with them on a factual survey of the actual hardship conditions and creation of special programs to get people on payrolls and into meaningful training programs.

But beyond that we cannot wait. The hard-core unemployed need good jobs now. Adult males need adequate wages to support their families in decency and to keep them together. Nor should mothers who head families be forced into jobs which require them to neglect their children.

What is badly needed then is a combination of programs to provide employment, training, basic education . . . and all the supportive services needed to get people into good paying full-time jobs. And if private industry cannot fully accomplish this, it is the responsibility of the Federal government, our State, and cities to meet the need.

This they can do by employing thousands in our schools, hospitals, in social service, recreation, and with law-enforcement agencies. Also, they can expand skill centers, employ local residents in anti-poverty programs, and qualify more minorities for civil service jobs.

We must break the vicious cycle of poverty. We must end the bitter rivalry between our black and brown brothers fighting each other over poverty "crumbs." We must meet the crisis of our cities plagued with poverty, deteriorating schools, and disunity. And finally, we must end the war in Viet Nam so that we can regain our moral balance and make available to domestic programs and worthy purposes the billions of dollars now being wasted.

To these goals this newsletter is dedicated.

More Eyoa funds will be made available if final approval is given to the Hawkins amendments to the O.E.O. (Anti-Poverty) bill in Congress. These amendments, added in the House Education and Labor Committee, will provide $295 million for jobs, Headstart, and other community action programs . . . and will allow more money to be used for such programs as Teen Posts and NAPP. These local groups, whose marching support for more local program funds won the initial victory, deserve high praise. Final approval must await House and Senate action.

WELFARE AID NEEDS CHANGING

Everyone—recipients, taxpayers, and officials—seems to agree our present welfare system is inadequate, degrading, and keeps people in poverty.

Two recent proposals to change the system have been advanced.

President Nixon advocates an annual cash payment of $1600 for a family of four. Food stamps, however, would be continued. Individuals and childless couples would not be covered.

The other proposal ("The Heineman Report") advocates a minimum of $2,400 annually. Unlike the Nixon proposal, this benefit would not be limited to families.

Both proposals recommend that part of additional earned income be retained (50 cents for each dollar earned) so that families will be removed from aid altogether when incomes reach a certain total amount ($4800 under the Heineman plan and $3920 under Nixon's.)

The major difference in the two plans is the Nixon's requirement that family heads accept training and job offers. This can mean any job refusal will result in the cash aid being cut off, even if it be for good reason such as a low-paying, dead-end job or the unavailability of child care or even transportation.

The Heineman report says it like it is, that until jobs are actually available and training what it should be, such "work incentives" are meaningless.

Personally, I am opposed to this so-called work incentive feature for this and other reasons. It smacks, in my view, of becoming a slave-labor gimmick used to cut people off of aid altogether. Likewise, I believe the cash payment, even at $2400, is too low for a family of four. The amount should not be any lower than enough to keep a family in health and decency.

In this regard, my views are similar to those of the National Welfare Rights Organization whose chairman is Mrs. Johnnie Tillmon, a resident of our Congressional District and a great fighter for civil rights.

ACTION PLANS—NEEDED NOW

Two recent government reports on economic and educational deficiencies in the South-Central Los Angeles area showed severe unemployment and critical school problems at a crisis stage.

Unemployment, the Bureau of the Census reports, has risen from 13.2 percent in 1965 to 16.2 percent now. The jobless rate for Negro teenagers is 42.9 percent.

In a national survey of the schools, the children in our area scored well below the average in reading. Actually our schools were among the worst, not because the children can't learn but for some unexplained reasons were not achieving their capability.

Alarming as these reports are they should not panic us into disunity or misdirected community response. They do deserve, however, our immediate attention and concerted action.

Since 1963, millions of dollars have been spent on anti-poverty programs and compensatory education in our areas. Federally-assisted manpower training, skill centers, vocational and adult education are available to disadvantaged persons, as well as multi-purpose service centers and such unique programs as Teen Posts and the Neighborhood Adult Participation Project (NAPP).

Great claims of success have been made by the National Alliance of Businessmen that jobs in private industry have been found for the hard-core unemployed—both with and without federally-subsidized training.

In addition we have succeeded in obtaining Federal money for numerous projects, the construction of which as well as the operation, involves the employment of substantial numbers and the delivery of special benefits and services. These include:

1. The Martin Luther King Hospital
2. Wrigley Field Development
3. UJIMA Housing and Community Village at El Segundo and Avalon
4. A $40 million postal facility to be located in the UJIMA Complex
5. A new Postal Station "K" for Vernon and Central
6. The Comprehensive Community Health Center in Watts
7. Imperial Industrial Park near the Willowbrook-Enterprise-Compton Area.

Why, then, despite all this activity should high rates of unemployment and what appears to be deteriorating schools prevail? Did the benefits go to persons other than local residents? Do those who get the jobs move away? Is local administration faulty? Are community people adequately involved? Why do we have so many school dropouts, unem-

ployed adult males, and families headed by women?

No longer can we tolerate excuses and explanations, more studies, and promises that lack substance and implementation. We need now both factual answers and action programs.

This month I will be meeting with the various Federally-supported groups in Los Angeles to get definitive answers and to promote action programs—those that will actually employ and serve local residents—and which will train, educate, and meet the various needs of our people. I will report on this activity through the local press and broadcasting stations, and more fully in my next newsletter.

ADEQUATE COMPENSATION FOR DISPLACED HOMEOWNERS

While our many urban renewal, highway building, and other federally financed construction projects have been of great benefit to our nation, they have inadvertently created the American equivalent of the "displaced person." These citizens are homeowners and small businessmen who are displaced to prepare for a project that promises to bring the "good life" a little closer to reality. But for those citizens who are forced to move—usually the elderly or the poor—the good life seem ever so remote.

The trauma of the relocation is sometimes personal but in many instances it is compounded or even caused by inadequate relocation payments that are far below what is necessary to purchase a comparable home or business.

A number of proposals to provide relocation assistance to displaced persons have been introduced, but they have not been accurately focused on the central problem of relocation—the inadequacy of the relocation payment. These existing relocation payments do not allow the uprooted citizens to finance a comparable home or business.

We are proposing a measure entitled the Comprehensive Relocation Assistance Act, that will attempt to solve this problem. This measure will base the relocation allowance on a formula which is the difference between the acquisition payment for federally acquired property and the cost of acquiring a house comparable in size and convenience to the one taken. We feel that this is the only equitable method of computing the true cost to a person whose home is taken.

BLACK EDUCATION COMMISSION

At the request of my office a varied group of citizens concerned about the educational outcome of black youth by the Los Angeles City School System commenced on October 18, 1969, exploration of ideas for improving school services in their schools.

After several grueling weekly meetings a proposal for a Black Education Commission was organized. Its purpose is to focus on school problems e.g. attribution rate, low-motivation, student disenchantment, school drop-out, suspensions, under-achieving, etc.

It is proposed that the Commission will be comprised of twenty-four representatives of the Black community with the following distribution:

Three educators.
Three businessmen.
Two clergymen.
Five parents.
Five students.
Three professionals.
Three from the community at large.

The Commission proposes to assist the Los Angeles School System in various ways as follows:

1. Assume responsibility for the implementation and success of programs which it recommends to the Board.

2. Define the scope of its work and utilize whatever resources necessary to successfully facilitate the services of the Los Angeles School System.

3. Monitor the performance of the programs in the target schools.

4. Develop progress reports for submission to the Board of Education and the Black community at large.

WHO SPEAKS FOR THE SILENT MINORITY IN VIETNAM?

Many speak for what they want to believe is the Silent Majority but few speak for the very real Silent Minority, our Black fighting men in Vietnam.

They bleed, they die, and hunger for home but their voices are not really heard. They ask such questions as these: How fair was the draft board that tapped me on the shoulder and sent me away?

Am I in Vietnam only because I am Black and poor?

Is there no sound of my voice in high places where policy is made and destiny determined, in the President's Cabinet or at the Pentagon?

He hardly had an opportunity to raise such questions in unfamiliar and often unfriendly induction centers nor would the answers have satisfied him.

The statistics, had he known them, would have revealed: Had he come from Mississippi, the odds he would face a Negro member on his draft board was one in three hundred. In any one of three other states (Alabama, Arkansas, and Louisiana) not a single black face would have participated in the judgment to draft him . . . although in these states, Negroes constitute almost a third of the total population.

And the same 100 percent exclusion of blacks from draft boards would have been true in twenty other states. As a matter of fact, in only three states would the percentage of Negroes on draft boards have been higher than 3 percent. Even in California it adds up to a mere 1.6 percent.

What of the Pentagon where policy is made and the military conducts the war?

Only three Negroes are included in the 523 supergrade positions and this silent black trio is like prisoners "inside the walls" but not a part of "the establishment."

So the black fighting silent minority serviceman in Vietnam fights on . . . a little weary perhaps but with still other unanswered questions on his mind.

Why doesn't the President speak out against the injustice against him?

When will the Congress get around to real draft reform and making things better back home? And if he is really fighting for self-determination for others in far away places, why not for himself?

And so our brave fighting man goes on without the answers, in jungles whose names he never heard in the all-black schools he attended . . . silently fighting for a freedom he himself never enjoyed.

IMPAC

The South Central Improvement Council, Inc., is a nonprofit organization founded for the specific purpose of engaging in activities designed to strengthen the social, physical, and economic fabric of South Central Los Angeles. IMPAC convened this meeting of the Banking Committee, Board of Education, officials from various schools, and the Economic Development Administration. The purpose of the meeting was to initiate a training program for the Small Business Administration.

CONCENTRATION CAMPS FOR BLACK AMERICANS?

Concentration camps for Black Americans who fight for their constitutional rights may seem unbelievable . . . as far away as Hitler's Germany or America during World War II when Japanese-Americans from our neighborhoods were swiftly trucked away "for their safety."

The bitter cold fact is there is a Federal law, the Internal Security Act of 1950, which says (under Title II) the Attorney General (in times of emergency declared by the President) may hold in "detention centers" persons whom he believes "probably will engage in . . . acts of espionage or sabotage."

But just what is sabotage, for example? And what set of circumstances suggests the "probability" one will engage in it?

Some Federal officials believe any who fight militantly for civil rights, or who engage in open dissent and protest, are not only "dangerous agitators" but "probably" will engage in acts they define as against the government, meaning of course anti-law and order as enforced by racists.

Our fate conceivably could rest in the hands of two unfriendly persons who happen to be in office at a certain time—a President and his Attorney General.

It is highly possible, for example, these could be a Spiro Agnew and a Strom Thurmond whose lack of compassion for and understanding of race relations and the civil rights movement are generally recognized.

This law, the Internal Security Act, is a vicious law because it vests in certain persons the supreme authority to round up people and jail them without a trial. I have pending in the Congress a bill to repeal it. (H.R. 13452).

Ramsey Clark, former Attorney General under President Johnson, assailed preventive detention in a recent speech before members of the Southwest chapter of the American Civil Liberties Union.

To thousands of young blacks and still more thousands of the nation's poor, preventive detention is a promise of concentration camps, he said.

To endorse preventive detention is to own up to the fact that our present system of justice has failed.

The whole question of preventive detention, he noted, brings to light the essential need for judicial reform in this country.

The country should address itself to move toward rehabilitation if "we are serious about (ending) crimes," he said.

The present system of making subjective judgments about an individual's future, he noted, could be alleviated by scientific supervision of the individual until he can live in the community.

Preventive detention, Clark said, diverts from the need for speedy trials and jail reform.

To the poor, bail has always been "a tax on freedom" to which only those with money were entitled, he said.

Through effective jail and judicial reform, he said, the problem of the repeating offender would be alleviated.

Certain ironies exist in the move toward preventive detention. For instance, he said, the bill does not apply to juveniles who commit proportionately more crimes than any other age group.

There are 26 capital crimes for which bail cannot be set—so there is no need for pretrial detention, Clark noted.

In the meantime, it is well that we begin to oppose what is already happening in this administration, especially in the Justice Department. The Attorney General is on record as opposing effective enforcement of court orders pertaining to civil rights in education, and recently his Deputy (Richard Kliendienst) was charged with saying: "If people demonstrate in a manner to interfere with others, they should be rounded up and put in a detention group."

It seems the so-called "law and order" boys are not opposed to violating the constitutional rights of minorities when it helps to pay their political debts to southern politicians.

It all adds up to this: They are opposed to dissent, protest, and civil rights demonstrations; meaningful action and self-determination; citizen involvement in community affairs; and legal services for the poor.

NEEDED: BETTER RURAL AIRLINE SERVICE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. NELSEN. Mr. Speaker, the problems that progressive rural cities are having in obtaining adequate airline service are clearly revealed in an editorial by Ray Stougaard, which appeared in the December 2 issue of the Fairmont Sentinel, Fairmont, Minn.

Mr. Stougaard describes the great difficulties that have been encountered by three of the major cities in my congressional district: Fairmont, Worthington, and Mankato. He suggests:

The CAB, through encouragement of Congress if necessary, needs to re-examine its policy towards communities our size and come up with a program that both the airlines and our communities can live with.

I agree thoroughly with this assessment. The Congress has authorized the expenditure of millions of dollars to build up airport facilities in the countryside to meet existing needs and to encourage industrial growth. This effort is a key to relieving urban congestion. But new jet plane designs have contributed to making our existing rural airfields increasingly obsolete. So there is a great need to reexamine our policies and programs to assure that adequate airline service can be provided to the rural sections of our country.

I include Mr. Stougaard's thoughtful commentary at this point in the CONGRESSIONAL RECORD:

OUR FEARS COME TRUE

(By Ray Stougaard)

One year and 19 days after Fairmont and Worthington were told that Fleet Airlines would be good for our communities, Fleet Airlines folded.

The air taxi company announced last Wednesday it was "terminating its operations immediately." No explanation was offered. But really none is needed.

What happened is what our communities were concerned about. Fleet couldn't make it financially.

It was Nov. 7, 1968 that Central Airlines and Fleet officials came here with the proposition that Fleet take over North Central's two daily round trip flights to the Twin Cities. North Central said it was losing money but that Fleet, a third level airline, with its lower operating costs could give us better service and make money.

Alarmed Fairmont and Worthington people said no, and North Central gave up its plans, temporarily at least.

Meanwhile, Mankato whose airport wasn't big enough to accept the North Central Convair, agreed to the Fleet substitution at least while its new airport was being completed.

That new airport will be in service probably in January and it will now be interesting to see how North Central follows through in resuming service to that community.

North Central in its pitch to Fairmont and Worthington said it would immediately come in and resume service if Fleet was inadequate or pulled out.

Fleet has pulled out and when Mankato's new airport opens, North Central will have no reason for not resuming service. However, the comments of a North Central airlines official sound less than encouraging.

Saying his airline has offered its help, the spokesman went on to say it is "possible" but not definite that it will resume service to Mankato. That sounds quite a bit different from the positive "we'll resume service" statements made to the Fairmont and Worthington groups.

However, the long range solution of the problem facing North Central and communities of our size lies with the Civil Aeronautics Board.

The CAB in past years decided that communities our size deserved good commercial air service just as much as the large cities. And it encouraged local airline carriers such as North Central to seek such routes. Part of the encouragement was subsidy money. However, in recent years, the CAB has decided it wants airlines to be self-supporting and has been cutting down the subsidy. This plus the ambitions of North Central to become a trunk carrier has prompted its attempt to abandon such routes as ours.

The CAB, through encouragement of Congress if necessary, needs to re-examine its policy towards communities our size and come up with a program that both the airlines and our communities can live with.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Yakima, Wash., Herald Republic; the Seattle, Post-Intelligencer; and the Seattle Daily Times, in the State of Washington. The editorials follow:

[From the Yakima (Wash.) Herald Republic, Aug. 6, 1969]

ONE HUNDRED-FOOT TRUCKS?

We suspect the Washington State Highway Commission has not yet heard the full voice of opposition to a plan to allow 100-foot-long truck rigs on the state's highways.

In a 90-day test begun on June 30, the commission is allowing the big rigs—30 feet longer than the previous 70-foot-maximum—on Interstate 5, the north-south highway through the Puget Sound metropolitan area.

The 120,000-member Automobile Club of Washington, an AAA member group, has launched organized opposition to permanent approval of the longer rigs. Nine of the rigs are in operation, some of them triple-trailer outfits and others with two elongated trailers.

Last year, when the AAA and the Scripps-Howard newspaper chain launched a publicity campaign against federal legislation allowing the larger trucks, an American Trucking Associations spokesman scoffed at the charges of "triple-trailer trucks." Jack N. Neal, the spokesman, said the newspaper chain distorted the states' part of the picture, and that there was no "guarantee" that such multiple-unit rigs would be given permission to operate.

After the measure—S. 2658—passed easily through the Senate, the opposition campaign brought quick stoppage in the House.

Truckers, through the ATA, and bus operators argued vehemently for the larger size units, especially for a width of 102 inches compared to present width limits of 96 inches. Their argument about greater economy, greater safety and better distribution of weight may be based on hard facts. But in our view, greater length is an entirely different set of hazards, even on the multiple-lane interstate highways.

It seems to us it is frightening enough, under present limits, to meet or pass one of those overpowering, roaring, highway freight trains. Even 70 feet is a forbidding challenge for a motorist either to pass or to speed along in front of, when a trucker is pouring on the fuel. But 100 feet—and a triple-trailer?

Supposedly the federal law would restrict the big rigs' operation to interstate highways. Yet it seems to us Sen. John Sherman Cooper of Kentucky put it wisely when he said it "is impractical to think that these heavier trucks will just travel on the Interstate System."

It is no secret that the trucking lobby is a powerful organization. Its weight in Olympia during a legislative session is obvious. Opposition to allowing any federally-approved truck rigs on secondary state highways would be hard to generate in the State Legislature. That is not supposition; it is a political fact of life.

Even so, it seems to us the common ordinary motorist has a lobby of his own, and may turn its full power on the Highway Commission when those ordinary drivers find themselves confronted by a 100-foot, triple trailer outfit. Time will tell.

[From the Seattle (Wash.) Post-Intelligencer, Aug. 5, 1969]

AUTO CLUBS PUSH BATTLE AGAINST 100-FOOT TRUCKS

Organized automobile clubs yesterday shifted into high gear in their battle against having longer trucks on the state's highways.

The Post-Intelligencer last Friday revealed that the State Highway Commission has approved a 90-day test period in which 100-foot-long truck rigs are traveling on Interstate 5.

Some of the rigs are triple-trailer outfits; others have two elongated trailers. Present length limit for trucks in the state is 70 feet.

Russell W. Van Roohy, executive vice president of the 120,000 member AAA Automobile Club of Washington, said his group will oppose permanent approval of the longer rigs.

The 30,000 member AAA Inland Auto Association of Spokane will join in the fight against the longer trucks, William Merry, director of public affairs for the ACW, told The P-I.

Merry declared:

"These tests make guinea pigs of motorists. If the Highways Commission wants to test public opinion, they ought to ask for it. They didn't in this case.

"The problem of trucks in traffic is the second most common complaint we get from motorists. We're watching the 90-day test (which began June 30) and will vigorously oppose permanent approval of the longer rigs on the highways."

Merry said the AAA here already has received a number of complaints against the test vehicles and has relayed its concern about the situation to the Highways Commission. Some of the complaints are from truck drivers, who, he said, consider the longer rigs unsafe on the highways.

The group's board of trustees will map an opposition campaign at a meeting here Thursday noon, Merry added. AAA officials here met for two hours on Sunday to formulate opposition strategy.

Nine of the rigs, operated by eight truck companies, now are using Interstate 5 during the test. Merry contended this highway doesn't provide a true test—that the longer rigs should be tested on mountain roads, where they would be more likely to affect traffic.

[From the Seattle (Wash.) Daily Times, July 25, 1969]

THE TRUCKERS TRY AGAIN

(Issue: Larger trucks could transport more goods at lower cost, but are the economic factors cited in favor of proposed trucking legislation worth the safety risks involved?)

Trucking interests are trying to find a detour around a roadblock of public opinion that was erected last year against federal legislation to allow bigger and heavier trucks on the nation's highways.

Provisions of two measures now before Congress are nearly identical to a bill that nearly slipped through in 1968 before it fell under attack by highway-safety groups and the general public.

The truckers seek increases in the allowable width and weight of their highway behemoths—six inches wider and 35 per cent heavier—to make their motor-freight operations more profitable. They are supported by the passenger-transport industry, which wants to put wider busses on the road.

As in last year's bill, the effect would not be an automatic increase in truck size on interstate routes, but individual states could raise their limits to new federal maximums.

Once the federal measure were approved, however, the influential trucking lobby soon would be applying its pressures upon the various state legislatures.

Fortunately, the motoring public is gradually becoming aware of the fresh campaign in Congress. Spokesmen for the American Automobile Association have reminded a House public-roads subcommittee that while super-sized trucks might be accommodated on the modern interstate system, it is obvious that truck trips do not begin or end on interstate highways.

The giant rigs share the whole network of highways, roads and bridges with the millions of motorists who have paid the bulk of the system's cost. Along with greater safety hazards, the average motorist knows that increased axle loadings would reduce the life of pavements now in use and require huge new expenditures to repair old road surfaces and construct new ones.

Trucking-industry spokesmen say the new bill is more palatable than last year's proposal because it contains a "limit" on truck length. But the suggested 70-foot limit is beyond what now is allowed in most states. To pass a truck-trailer combination of that length would be equivalent to getting around two passenger cars and a compact traveling bumper-to-bumper.

In essence, the 1969 bill is just as objectionable as its unsuccessful predecessor and the roadblock established last year must be kept intact.

RABBI PHILIP SIGAL'S HANUKAH MESSAGE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. RODINO. Mr. Speaker, last Sunday I was privileged to join with the congregation in services commemorating the 50th anniversary of Temple B'nai Zion in Bloomfield, N.J. The temple's rabbi, Philip Sigal, has long been a progressive and dedicated leader in our civil as well as religious community, and I would like to call to the attention of my colleagues the following article on "The Relevance of Hanukah in our Troubled Times," which appeared in the Bloomfield Independent Press. We would do well to take the rabbi's message to heart. It follows:

THE RELEVANCE OF HANUKAH IN OUR TROUBLED TIMES

(By Rabbi Philip Sigal)

Matthew Arnold, the great English essayist once wrote, that western civilization is basically composed of two systems of thought and society, Hellenism and Hebraism, the products of ancient Greece and Judea. Were it not for Hanukah, however, Hellenism, as the culture of the majority, protected by power and wealth, would have submerged Judaism.

Antiochus Epiphanes, the Seleucid Emperor of Syria and the East attempted to bring homogeneity to his Empire by establishing uniform cultural and religious forms through his Empire. When Antiochus sought to establish his paganism over Jerusalem by edict and physical force, the Jews were confronted with no choice but to resist. It was then that the famous Maccabees arose and conducted what was without doubt the first struggle for the freedom of religion in human history.

The victory of the Maccabees saved Judaism and out of this preserved faith arose Christianity and the Western democratic tradition which we hold so dear. Hanukah therefore, has valid universal significance. It can be commemorated by anyone, anywhere, who believes in the freedom of religion and in the consequences of that struggle—the preservation of the values we hold sacred in our Bill of Rights, all of which may be traced to the Bible.

In our days, however, there are many who question our traditional Biblical-Democratic traditions. Our society is often accused by the young of being hypocritical. There can be no question that we are often guilty of sham and of pretense. Confession would be good for our souls. Penitence could take the form of greater social concern. Synagogues and Churches ought to declare a moratorium on luxury-spending with the vast millions thereby saved being applied to significant projects among the poor and the elderly. The deepest relevance that Hanukah—or Christmas—can have in the 1970's can come from applying the traditions of the faith of the needs of the hour, by utilizing the spirit that undergird the occasions for the expansion of freedom, the deepening of peace and goodwill.

Hanukah was won by a determined group of people who believed the future of civilization depends upon the preservation of Judaism. We must be as determined to save our western democratic values today, which are rooted in that same tradition. America in the 1960's has been caught in a quagmire of racial conflict and the ugliness engendered by our activity in Vietnam. It is past the time for recriminations. It is past the time for pinpointing blame. The time has come for a comprehensive effort at surmounting our serious problems, for confronting our future with seriousness and for dedicating ourselves to the salvation of our society.

For when all is said and done there is another side to the American coin. We are a free people who can protest our government's policy, a land where even the president cannot impose a Supreme Court Justice. We are a compassionate people who distribute billions of dollars throughout the world for nonmilitary purposes. We are a humane nation concerned for the well-being of the world community. We are a moral people shocked and abhorred by the possibility of immorality perpetrated under our flag. There is much good to preserve.

The agony and the nightmare of the 1960's will depart. We need the statesmanship displayed by Thomas Jefferson when he was inaugurated on March 4, 1801. The country was so filled with animosity and militancy between 1797 and 1800 that the people could not even elect a President. The election was thrown into the House of Representatives. It took thirty-six attempts before Thomas Jefferson was elected. Animosity, despair and turmoil was the mood of Inauguration Day. But Thomas Jefferson rose to noble heights and he pleaded for confidence in American principles. "Let us, then, fellow-citizens unite with one heart and one mind . . . and should we wander from them (American principles) in moments of error or of alarm, let us hasten to retrace our steps and regain the road which alone leads to peace, liberty and safety".

As we gaze at the lights of Hanukah we ought to see reflected therein the radiant message of the worthwhileness of our western democratic values rooted in the Judeo-Christian religious tradition. These Hanukah candles symobilze what the late President Eisenhower meant when, in his famous "Atoms For Peace" speech before the United Nations in 1953, he said, ". . . my country's purpose is to help us move out of the dark chamber of horrors into the light, to find a way by which the minds of men, the hopes of men, the souls of men everywhere, can move forward toward peace and happiness and well-being".

AND ROME FELL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. PUCINSKI. Mr. Speaker, the following words were spoken by Captain Diodorus in a speech to the Roman Senate during the fall of the Roman Empire:

AND ROME FELL

He rested his hands on the lecturn and looked at the Senators. He smiled, not pleasantly but with rage. "You, Romans, friends, countrymen, have heard me before. I shall speak today in the name of Rome for the last time. Then I shall be silent." He drew a deep breath and his breast filled with passion and strength. "I come not to honor Rome but to bury her."

A voice shouted, "Treason!"

Diodorus smiled again and bent his head. "It is always treason to speak the truth."

"In this very senate, not many years ago, a Senator was done to death because he spoke the truth. Not by knife or sword or spear was he murdered, and not by honest stones. No honorable hand struck him down, for there was no honest hand here. He spoke of Rome. He cried out that Rome was no longer a Republic, and that she had become a bloodthirsty empire, ruled not by men of wisdom and not by law, but by Caesar and his legions, and his generals and his rapacious freedmen and his palace politicians. The Senator stood on this very podium and he wept for the Republic. He wept that emperors were not elected by the people, but by infamous legions and the idle and the ravenous mobs who wished only to devour the fruits of the granaries and the treasuries and be amused by charlatans and mountebanks, and singers and gladiators and pugilists . . . at public expense."

The Senators fell into a hard but intent silence, but some of the older men bent their heads, remembering their shame, and were enraged against the tribune that recalled their shame to them. The soldiers paced slowly at the doorway and listened, and turned their faces toward Diodorus, and some were young and patriotic and their hearts beat faster.

"For greed, that young Senator cried to you, the mobs in this city supported evil Caesars, who lusted only for power, because those Caesars promised them loot from the public treasuries. Venal Senators supported those Caesars, for profit and power. The lying Caesars spoke to the mobs and told them that our country could not defend itself against the barbarians without allies, who must endlessly be bought, cajoled, and flattered. And traitorous Caesars plotted against their nation, mad with the lust to be gilded like gods by the whole world, and to be acclaimed by millions of thieves and beggars and wrestlers and freedmen and the pusillanimous who never felt a pulse of patriotism in their vultures' hearts."

"Those are not my words, though I have said them before to you. They are the words of the Senator you did to death in this very chamber."

"Rome was conceived in faith and justice, and in the worship of God, and in the name of the manhood of man. Return our country to the rule of law and strike down the rule by men. Restore the treasuries. Withdraw our legions from foreign lands which hate us, and will destroy us at a moment's notice when it serves their purpose. Repeal the taxes which crush those who work hard and industriously. Tell your multitudes that they must work or they shall starve. Drive from the Palatine the puny freedmen who say 'yes, yes' to Caesar, and bow before him as though he were a god and not human flesh! Cleanse this chamber of rascals and mountebanks and demagogues who declaim in rounded phrases that the welfare of the people is close to their hearts, but who really mean that they will do the will of the mob in exchange for vile plaudits and power and bribery!"

Diodorus lifted his hands in an attitude of importunity, and his fierce eyes filled with tears as he surveyed the motionless Senators.

"Romans! In the name of God, in the name of Cincinnatus, the father of his country, in the name of heroism and peace, of manliness and freedom and justice, I beg of you to restore yourselves as the guardians of Rome, to cast out the usurper of the powers which rightfully belong to you, to impeach and punish those who seized those powers in order to pervert the laws of our fathers! Let your Roman hearts speak and your Roman spirits cry out against the expedient and the corrupt, against the vainglorious and the traitors, against Caesars who anoint themselves as gods and hold court for the depraved and ambitious and those who would dissipate the strength of our people, our constitution, and our traditions! If you turn from your country, then she will die, and a thousand legions shall not save her, and a thousand bloody Caesars will vainly shout to the wind!"

NLRB NEEDS A TRANSFUSION

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. FISHER. Mr. Speaker, if there is any agency in the Government that is in need of new blood it is the National Labor Relations Board. It is believed that no openminded person can study the decisions that have been made by that Board without coming to that conclusion.

The present administration will soon fill a vacancy on the NLRB, a position now held by Sam Zagoria. The President will also determine the next Chairman of the Board. Let us hope that before making a decision in this instance the President will strive to pick an appointee who will give the NLRB a better balance. The President is pursuing that objective in filling vacancies on the Supreme Court. The power of the NLRB is awesome and many of its actions are in reality hardly subject to meaningful review.

Everyone knows that the present members of that agency are predominantly prounion. Indeed the present Board has been referred to as an adjunct to the AFL–CIO. And scores of decisions seem to warrant that criticism. If a balance with respect to ideology on that agency is desired, it would seem imperative that the President fill Mr. Zagoria's place with an objective-minded appointee.

NLRB AND J. P. STEVENS CO.

A glaring example of prolabor bias on the part of the NLRB is found in the repeated actions by that agency as applied to efforts to unionize the J. P. Stevens Co. As is well known, from the very beginning that company has insisted on fair, supervised elections by employees to decide whether they wanted to be represented by a union. The Textile Workers Union has left no stones unturned in its determination to organize Stevens' 50,000 workers. In pursuing this course the union has time and again been aided and abetted by the NLRB. It has been a sad, lopsided treatment of an issue.

Recently newspaper stories appeared which referred to a denunciation of J. P. Stevens Co. by Judge John R. Brown, chief judge of the Fifth Federal Circuit, in holding the firm guilty of an unfair labor practice. The case grew out of an attempt to unionize Stevens employees and involved the discharge of three or four employees, allegedly for union activities.

Judge Brown referred to the tenacity with which the employer—Stevens—persists in deep-seated antiunion activities. He referred to four other similar cases which Stevens had lost in the courts.

The judge's gratuitous remarks, however, did not affect the fact that the Stevens case glaringly illustrates the persistent and startling bias repeatedly shown by the NLRB in favor of attempts to unionize employees—with or without their approval.

The fact that Stevens lost seven cases before the NLRB and five in the Federal courts since 1963 as a result of the controversy has been widely reported. But other facts have not. The truth is that the Textile Workers Union has lost a whole series of elections where Stevens employees voted on whether to organize.

Moreover, the unions had all the advantages in these elections. They could, in effect, choose the time and place. The NLRB ruled—and was upheld by the courts—that Stevens had to furnish a list of workers, with addresses, who were eligible to vote. The union had tremendous resources at its command, including millions in the AFL–CIO treasury, in addition to its own resources. And it had professional organizers and skilled propagandists.

In addition, the NLRB at one time ordered Stevens officials to convene the workers and to read what amounted to a confession of guilt at one of its plants. To sum up, the NLRB used every weapon and resource at its command to force Stevens to surrender. It is a tribute to the courage of J. P. Stevens and other Stevens officials, that they stood their ground. It will be recalled that Mr. Stevens as a former Secretary of the Army made a distinguished record in that capacity.

STEVENS HAS FOUGHT FOR RIGHTS OF EMPLOYEES

The propaganda war unleashed against Stevens has been sustained and successful to an extent. It has probably led some to think of Stevens as defiantly antiunion when in fact the main thrust of his policy from the beginning has been to protect the employees in the exercise of freedom of choice. It is true the firm has on occasions informed its employees that the advantage of joining the union was questionable. It has the right to so state, although the NLRB takes a dim view of the rights of management to present its side of the case. Time and again those employees have voted against unionization.

It will be recalled that during the Johnson administration the AFL–CIO put tremendous pressure on the President to cancel defense contracts held by the Stevens Co. on unfounded grounds Stevens was in violation of the law. This effort failed.

The present administration surely owes no political debt to the extremists in the labor movement. It must be assumed, therefore, that President Nixon being committed to a concept of "balance" in the composition of such tribunals will act accordingly in filling the vacancies which arise on the NLRB. The terms of four of the five NLRB members expire prior to 1972. This presents a great opportunity for President Nixon to select replacements who can be counted on to exercise impartiality in dealing with the important issues that arise in labor-management relations.

I repeat, Mr. Speaker, that the record is replete with instances where the NLRB has gone to extreme lengths in pursuing the vendetta against Stevens. In case after case that board has accepted the flimsiest evidence to sustain the union and has rejected the most convincing evidence in favor of the company. The Board, and its trial examiners, have indulged in the most fantastic reasoning to justify this practice.

In one instance a trial examiner, Boyd Leedom, when confronted with testimony of several hundred reputable citizens whose reputation for veracity was unassailable, used this strange doctrine to justify his decision to discount and ignore such testimony:

> And so either believing or rationalizing that their position is just, they (the witnesses) engage in the common error of fighting real or pretended "evil" with evil. A dual standard of conduct—that is, one standard for the individual and another for an organized effort—has been recognized and applied throughout the history of mankind. War, out of which national heroes are born and are greatly honored by us all, is the prize example.

This explanation is simply weird. Here Mr. Leedom portrays the witnesses for J. P. Stevens as a fanatical group of people who are so convinced that their cause is just—whatever that means—that they, apparently, were impelled by group hypnosis to lie in unison. This is, of course, preposterous. One could just as easily conclude that the witnesses for the union, convinced that their cause was just also lied in concert. That is, if the same reasoning is applied.

Yet, it is on the basis of just such findings that Stevens has been ruled guilty in five court cases growing out of the alleged unfair labor practices, one of the cases leading to the castigation by Judge Brown.

Unfortunately, the courts seem to defer to the so-called expertise of the NLRB and its staff in so many of their decisions. They are not disposed to go behind NLRB actions to find out what the real facts are. Bearing on that point, let me quote from a recent exchange between Senator ERVIN and Judge Haynsworth:

Senator ERVIN. I would like to make one thing plain. That is, the way in which factual decisions are made in the courts and the way in which factual decisions are made by the National Labor Relations Board are based upon different legal principles; are they not?

Judge HAYNSWORTH. Yes. The fact as found by the Board the court must accept if there is support in the record for them.

Senator ERVIN. In other words, courts in making factual decisions are required by law to base those decisions on what we lawyers ordinarily call the greater weight of the evidence?

Judge HAYNSWORTH. Yes, sir.

Senator ERVIN. However, the National Labor Relations Board is the sole judge of the evidence and any decision which it makes on a question of fact cannot be reviewed by the courts except upon the allegation that it is not supported by substantial evidence?

Judge HAYNSWORTH. That is correct, sir.

Senator ERVIN. *Often I, as a lawyer, have wondered what is substantial evidence—whether it is 5 or 10 percent or what of the evidence. But whatever it may be, if it be, say, 5 percent and the National Labor Relations Board bases a finding of fact on that 5 percent of the evidence and the finding of fact is inconsistent with 95 percent of the evidence, the courts are bound by it; are they not?*

Judge HAYNSWORTH. *They are.* (Italic supplied.)

Senator ERVIN. So when the court approves the finding of the NLRB, it doesn't necessarily do so on the basis that it is the proper finding on the evidence but because the court is bound by the statute giving the National Labor Relations Board the power to find the facts?

Judge HAYNSWORTH. Well, we would accept the findings of the Board whether we think we would have found the facts the same way or not.

Senator ERVIN. Yes. In other words, courts in many cases do actually support and uphold and implement the findings of the National Labor Relations Board notwithstanding the fact that the court itself believes those facts as found by the National Labor Relations Board were erroneously found?

Judge HAYNSWORTH. Oh, yes.

With all due regard to Judge Haynsworth, I am of the opinion that the NLRB and the courts also have emasculated all attempts by Congress to restore and maintain balance in labor legislation. In 1947, with the passage of the Taft-Hartley Act, Congress tried to take away some of the awesome power given the unions by the Wagner Act. Again, in 1959, with the passage of the Landrum-Griffith Act, Congress tried to do the same thing. The NLRB is contemptuous of the law and Congress, in my judgment. Deliberately and cynically, the agency ignored the statutes in order to side with the union officials, for oftentimes union officials give the workers very poor representation indeed.

The NLRB and the courts have muzzled employers, while giving union spokesmen the right to speak as they please. The secret ballot to decide union representations has been altered until the card system, in which workers generally sign cards given them by union organizers, has been substituted in many instances. How a card system can be substituted for the secret ballot provided by law is beyond me. Many of the rulings by the NLRB in favor of unionization are so one sided that they are incredible, and, if language means anything, contemptuous of the provisions in the law. Some of the rulings by the Supreme Court itself genuflect before union officials and seem to regard the workers as subject completely to the orders of the labor bosses. Some decisions have been widely criticized, even by the liberal press and liberal judges.

One notable instance was the NLRB against Allis-Chalmers Manufacturing Co. a couple of years back. In a 5-to-4 opinion, delivered by Justice Brennan, the Supreme Court held that a union could fine a member who continued to work during a strike called by the union. This was too much for Justice Black, who indignantly said that the effect of the decision was to put the rights of the union to control its members ahead of the rights of the individual worker. The Washington Post denounced the decision and, in effect, called for remedial legislation.

Later, the Supreme Court went even further and decided that a union had the right to fine a member who exceeded the productivity quota set by the union. It is strange that a court which has had so much regard for the individual rights of criminals and Communists over the years has had so little regard for the rights of workers.

Now, another reference to the Stevens case. The NLRB decided recently that the Textile Workers Union of America, AFL–CIO, had been elected bargaining agent for workers at the Black Hawk Warehouse unit of J. P. Stevens at Greenville, S.C.

This is a smelly ruling and followed 2 years of litigation. To reach the desired result, the NLRB counted 17 challenged ballots. The agency decided that 14 of those ballots were for the union and three were against, bringing the total vote to 36 for the union and 27 against. But listen to what a Stevens spokesman had to say about the NLRB action:

The Board concedes that a majority of employees working in the warehouse voted against the union. Now it has counted ballots of persons not working at the warehouse when the election was held. And upon such additional ballots the Board declares that a majority has voted for the union.

The Board has done this while the very question of the voting eligibility of these additional individuals is still pending before the U.S. Fourth Circuit Court of Appeals. While the court still has before it the question of whether these votes are valid, the Board goes ahead and counts them and declares that the union represents all the warehouse.

The Board's approach is to take action while it is still arguing before the court as to the validity of such action. The fact is that the labor board has little regard for anything except to put the union in.

Let me give you another example of the ruthlessness and high-handedness of the NLRB in its dealing with Stevens. At the company's Statesboro, Ga., plant, the agency this year ordered Stevens to bargain with the union on the basis of authorization cards signed by the workers and presented by the union in early 1968. Yet, afterwards, the Board conducted an election which the union lost by a sizable majority. Despite this result, the NLRB fell back on the cards previously presented. This is what a Stevens spokesman said of this action, and let me say I heartily concur in his sentiments:

The Labor Board was set up for the purpose of protecting the rights of employees. At the request of the union, the Board conducted an election to determine whether the employees of the Statesboro plant wanted a union or not. The employees voted decisively against the union. Now the Board reverses its own election and rules that the union shall come in, regardless of how the employees voted.

It seems to us that the Labor Board has completely lost sight of its duty and is violating the very law which it is supposed to be carrying out.

IT IS TIME FOR A CHANGE

Mr. Speaker, the President has an opportunity to make court appointments and other appointments which will affect our entire system for years to come. The American people undoubtedly want these changes made, the courts and the agencies put in proper balance, and a return to sanity in the administration and interpretation of our laws. Already we know, from the encounter in the Haynsworth nomination, that attempts to change the pattern is not an easy course to follow. But let us hope that the President will persevere, because democracy cannot endure if power resides largely in the hands of a few powerful groups. We can be assured of one thing: the American people want a change.

And as I have said, no agency of the Government is in more urgent need of a change than is true of the NLRB. As one man put it: Any employer today who is charged with an unfair labor practice by a union goes before the NLRB in the unenviable position of a man charged with horse theft before a vigilante committee in the Old West.

I repeat that we must assume that in pursuance of the President's policy of achieving balance in decisionmaking tribunals, he will fill Mr. Zagoria's vacancy with a man the American people can trust to be impartial—neither prounion nor promanagement—in the discharge of his duties. That will be a significant step the effect of which will be strengthened by replacing other members of the NLRB as their terms expire. A transfusion in that agency is imperative.

NEW CAREERS, 1968–69

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. SCHEUER. Mr. Speaker, there are numerous ways in which we can fill the unmet needs of our community for education, health, welfare, and law enforcement and at the same time find job opportunities for the underemployed and unemployed.

One of the most imaginative and successful job-training programs has been the New Careers programs. Since its inception in 1966 as an amendment I sponsored to the Economic Opportunity Act, it has provided thousands of citizens with an excellent chance to gain both economic security and job satisfaction.

For the benefit of my colleagues, I would like to insert a recently published report on the purposes and progress of the new careers programs written for the Ford Foundation by Mr. Alan Gartner. I wish also to place in the RECORD a more specific report by Mr. Sumner Rosen, a study of a Labor Department-funded program for establishing an upgrading program for nurses aides in New York City. This training program has achieved a noteworthy success in little more than a year.

The reports follow:

NEW CAREERS, 1968–1969—A REPORT TO THE FORD FOUNDATION

(From New Careers Development Center, New York University; Frank Riessman, director; Alan Gartner, associate director)

WHAT IS THE STATE OF NEW CAREERS

Are there jobs for new people?

Large numbers of community people have been hired by schools, anti-poverty agencies, and increasingly health and welfare programs.

Are jobs restructured, careers available?

The "Scheuer" program has moved several thousand people ahead, and the new Office of Education Career Opportunities Program promises to do the same. But most paraprofessionals are still in dead-end jobs.

Are new careerists organizing?

A National Association has been established, and local groups are developing, but a clear national movement has yet to evolve.

Is there acceptance within the Government?

An Office of New Careers has been established in HEW; upgrading expanded into the entire Public Service Careers Program of the Labor Department; Headstart now requires career development in all programs.

Is there acceptance by agencies?

The use of paraprofessionals has quite clearly been established; their upgrading is less firmly so, and the development of new work even less. Agencies have not been reorganized, and professional work remains largely unchanged.

Is there acceptance by employee associations?

Some unions—AFSCME District Council 37, Local 1199 of the Hospital Workers, AFT—and some professional groups—NEA, NASW, APHA—have begun to give significant attention to paraprofessionals.

What about credentials, licensure, and civil service?

These all continue to be impediments. Some states—Massachusetts, California, New York, New Jersey, Minnesota—have made changes in each of these areas but no sharp changes anywhere.

What has been the legislative impact?

Most proposed manpower programs contain significant new careers language and components, *viz.* the O'Hara Manpower Act, Carl Perkins' new education bill. Presently, some 100 grant-in-aid programs require or allow the implementation of some or all of the new careers system components.

What are colleges and universities doing?

Many of them are admitting people whom they had not previously, some are giving credit for new activities such as work experience, a few are restructuring entire courses of study, a handful are engaging community and agency people as faculty.

What are new directions for New Careers?

Increasingly programs are addressing themselves to the relationship between new careers and such efforts as community control and new systems of accountability.

Where is it at?

There is, as yet, no fully developed new careers system. Components are being implemented, new concepts developed, new constituencies enlisted. Perhaps, one can say that new careers is at the "take-off" stage.

This has been a decisive year for new careers—a year of new actions, new programs, new institutions, and, indeed, of new definitions.

It is, perhaps, these new definitions which are of the most fundamental and far-reaching consequence. The change—or more exactly shift—in the definition of new careers has come to add two dimensions, implicit in earlier conceptualizations but not fundamental. *The two new foci are concerned with service delivery and relationship with community control issues.*

NEW DEFINITIONS

The original new careers design of meeting the human service agency manpower shortages by looking to the large numbers of people in poverty had an underlying concern with the quality and character of the agency's service—health, education, community development, etc. But it is in the past year that these issues have come to the fore. Increasingly not only is it asked whether an agency's personnel vacancy is filled or a career made available to a poor person, but *what does the hiring of a person as a paraprofessional contribute to the work of the agency, and to the services received by its consumers.*

Questions of accountability have been joined with issues of community control where new careers programs are seen as part of a community participation process. Not simply that community people are hired as paraprofessionals, but they come increasingly to play community leadership roles and the movement of community people up a career ladder may become one of the ways to bring the human service agency into closer harmony and rapport with the community it is to serve.

Illustrative of these two developments are the draft guidelines of the new Career Opportunities Program of the Office of Education. Essentially a new careers in education program, and although authorized under a training act (the Education Professions Development Act), it nonetheless lists as its first objective the improvement of the learning of low-income children, and prescribes as its primary evaluation issue the effect of the program upon the children's learning.

New careers is construed within the context of community control with the incorporation of the demand for such programs in Harlem's I.S. 201, Brooklyn's Ocean Hill-Brownsville district, Boston's Roxbury, Detroit's Miller District, and East Palo Alto's Community School.

OFFICE OF NEW CAREERS

Major new developments have taken place at the federal level. On July 10, 1969, the establishment of the Office of New Careers, within the Department of Health, Education and Welfare, was announced by the White House. The establishment of such an office within the federal department most concerned with the delivery of human services and within the office of Assistant Secretary James Farmer is illustrative of the two new definitional areas noted above—service system delivery and community control. Within the DHEW, three major program activities are also getting underway: the previously noted Career Opportunities Program; concentration by Assistant Secretary Egeberg upon returning servicemen, especially paramedics, to meet the health manpower shortage; and programs of new careers within HEW for that Department's more than 100,000 employees.

The Labor Department has expanded new careers concepts in the most recent cycle (MA5) of the JOBS private sector program, as well as in the new *Public Services Careers Program.* Both of these programs incorporate the concepts of job first, training built in; career advancement; use of indigenous persons as support personnel; and the packaging in a single comprehensive program the full array of services needed.

The Office of Economic Opportunity has played a leading role in the new careers programs through the employment, training and upgrading of paraprofessionals employed in community action programs.[1]

Among the activities undertaken by OEO have been:

Implementation of the Career Development Program in Headstart with special and additional funds set aside for upgrading.

CAP's attention to career advancement with two major national technical assistance contracts, and a pending revision of community action agency personnel requirements which will require career advancement programs in all CAP agencies.

The Comprehensive Health Services Program grants to develop new staffing models, along with Legal Services' funding a study of new uses for paraprofessionals.[2]

LEGISLATION

Pending legislation carries forth the thrust already underway. The current situation is highlighted by the examination of all existing federal legislation and the issuance of a compendium[3] of the more than 100 different grant-in-aid programs administered by eight departments and agencies which require or permit new careers activities.

The "Manpower Act" proposed by over 100 Congressmen explicitly incorporates new careers ideas in terms of upgrading the role of the government as an employer, and career opportunities.

The President's special manpower message states that jobs alone are not enough, and that careers are necessary.[4]

The "Nationwide Education Excellence Act," introduced by Congressman Perkins at the behest of the American Federation of Teachers and based upon a study by Leon Keyserling proposes one aide for every two teachers—a nearly ten-fold proposed leap from the present 188,000 aides in schools to some 1.5 million by 1973.

MOVEMENT

New Careerists and their supporters have come together in a variety of groups, to forward the program and counter efforts to dilute or subvert the program's designs.

The National Association of New Careerists was established, as was the National Council for New Careers; both organizations co-sponsored a Washington Action Conference in September to focus attention on new careers issues.

Groups of new careerists are coming together—on a statewide basis in California and North Carolina, in community chapters in New York City, across two counties on Long Island, as the Association of New Professionals in Pittsburgh, in some 30 cities.

Dramatic action was taken by new careerist groups in Topeka, Kansas, and at Lincoln

Footnotes at end of article.

Hospital in the South Bronx, to put forth their demands for real careers and meaningful services from the agencies where they work.

Unions are recognizing the opportunities and challenges presented by these new workers—District Council 37 (AFSCME) and UFT Local No. 1 have vied for the right to represent the aides in New York City's public schools; Chicago's Teachers Union demanded and won an additional 1,800 aides as part of its most recent contract; and Local 1199B brought national attention to Charleston with its organizing of nonprofessional hospital workers there.

Professional groups have undertaken a variety of supportive activities. These include the American Bar Association, the American Public Health Association, the National Education Association, the National Association of Social Workers, the American Medical Association, the Council on Social Work Education, the Joint Commission on Correctional Manpower, and the National Academy of Sciences.

RESEARCH

Research activities are beginning to look at new careers programs, their results, and consequences.

A national survey of the "Scheuer Amendment" new careers program gave evidence of the program's holding power, commitment of agencies to career ladders, and ability of the programs to recruit, hold and provide salary increases for disadvantaged people.[5] This finding of program holding power, increased income, useful work is corroborated by an in-depth follow-up study of over 100 persons trained by the National Committee on Employment of Youth. Similarly, this study affirms the absence of major breakthroughs in the credentials barrier.

The University of Minnesota has produced a series of reports on the new careers program in Minneapolis addressing such issues as recruitment, dropouts, the work done, the effect of professionals upon the paraprofessional, college admissions, curricula, and supportive services, etc. Particularly striking is the finding that the new careers participants, rather than losing their ties to the community as some feared, have in fact come to identify more closely with the community during the course of their participants in the program.[6]

The New Careers Training Laboratory has conducted a survey of OEO funded community action agencies throughout the country. The most significant findings include the report that over 90% of the CAA's have some professional positions occupied by persons who first came into the agency's employ as a non-professional; nearly one-fifth of the professional positions are occupied by persons who had been non-professionals; and some 66% of the CAP agency employees had been poor when hired.

The New Careers Development Center issued a broad ranging report, "Do Paraprofessionals Improve Human Services: A First Critical Appraisal of the Data," examining reports of paraprofessional workers in education, health, mental health, social services, research, legal services, and senior citizen programs.

CREDENTIALING

Changes have been made in credentialing and civil service programs. Civil service agencies at the federal, state and local levels have developed new classes, while state boards of education have established procedures for the use of paraprofessionals in instructional as well as supportive activities.

New York State and California have passed new laws authorizing the performance of classroom instructional activities by paraprofessionals.

In several states, including Colorado, Minnesota and New York, state departments of education have issued new regulations encouraging the employment and upgrading of paraprofessionals in a career ladder program.

In Massachusetts and Washington procedures are underway to establish new systems of teacher certification of all levels. In both states primary emphasis is to be placed upon performance in the classroom as opposed to sole reliance on courses taken.

In California, Massachusetts, Minnesota and New York civil service system changes have been instituted. In Massachusetts a new civil service classification, special service assistant, has been established. In California, a statewide Career Opportunities Program was established by order of the Governor.

And in the new Career Opportunities Program (USOE), state departments of education are committed to endorsing not only the use of paraprofessionals but also the establishment of career lattice programs.

COLLEGES

College and universities are admitting new students, granting credit for new activities, establishing new courses, engaging new people in a faculty role, and giving courses at new sites.

Over 200 colleges—most involved in "Scheuer Amendment" programs and Headstart Supplementary Training Programs—are admitting persons without normal preparation, including many who lack a high school diploma.

A recent study[7] reports that at least 60 colleges now grant credit for work activities. For example, in a new degree program at the University of New Mexico, two-thirds of the required credits are granted for work experience.

And at the University of Minnesota, persons who came to the General College as students as part of the new careers program are, while continuing their own undergraduate work, acting as co-teachers in a series of graduate courses on urban affairs.

NEW ADVANCEMENT PROGRAMS

While employment of paraprofessionals is widespread—an estimated 400,000 in various human agencies—career advancement is less broad. However, career development programs in OEO's CAP and Headstart programs, as well as the Office of Education's Career Opportunities Program, are all designed to advance those presently in paraprofessional positions.

Nearly one-fifth of the professional positions in community action agencies are held by those who had been non-professionals.[8]

In New York City's hospitals a model has been set up so that persons can move from aide or orderly to LPN to RN, as a built-in part of the job.

A nationwide survey of "Scheuer Amendment" programs indicates that participants had average incomes over $4,300, compared with the average annual income prior to entering the program of $2,100 for the 11% who were employed, while the remaining 89% were either unemployed (61%) or on welfare (28%).

In Oakland, the entire New Careers Program is administered by those who had been new careerists themselves, and nationally the Career Opportunities Program plans to upgrade some 8,000 persons in its first year.

NEW SERVICE ROLES

New careers programs have often in fact meant old careers for new people. However, new service roles are beginning to appear, in health, social service and educational programs.

The Hunts Point (Bronx, N.Y.) Health Center now engages a person as a "Health Advocate," while the role of Physician's Assistant and Nurse Practitioner is gaining attention. A survey conducted by HEW has identified some 30 such programs.

The thrust to separate income transfer from social services in welfare programs has led to new paraprofessional roles in both areas.

At the Highland Park Free School (Roxbury, Mass.), a "Community Teacher" operates as a partner of the traditional teacher. Reports from a nationwide study,[9] indicate that not only are new roles developing for aides, but their introduction into the school leads to new roles for teachers. As a report from Greenburgh, New York, indicates,[10] the teacher must become a "diagnostician." And the guideline for OE's Career Opportunities Program, calls for new professional roles including diagnostician, manager, or orchestrator of learning, resource teacher, etc.

THE CENTER'S WORK: AN OVERVIEW

The New Careers Development Center has been an initiator of as well as reflected and responded to these new developments. Its technical assistance, reports, papers, newsletters, conceptualizations have all been part of these developments.

Technical assistance is the most extensive way in which NCDC affects new careers developments. This technical assistance has occurred at the federal, state and local levels, in education, health, social service, community development and anti-poverty activities, to unions and professional and paraprofessional associations, colleges and private industry.

At the federal level, assistance has been provided to the Office of the Secretary, DHEW, in the establishment of the Office of New Careers; to the Office of Education in the Career Opportunities Program and in Vocational Education; to the Public Health Service; to the Labor Department re. the Public Service Careers Program; to OEO's CAP, Headstart, Legal and Health Services programs.

At the state and local level, assistance has been given to New York and California, Philadelphia and Cleveland, Nassau County and San Francisco.

In health, help has been provided to New York City's Hunts Point, Washington Heights-Inwood and NENA comprehensive Health Centers, the California State Department of Health. The American Hospital Association, unions such as Local 1199 and District Council 37, the Johns Hopkins University Health Study Group, the UCLA Allied Health Professions Curriculum Project Mound Bayou (Mississippi) Health Center, the NYU Institute of Rehabilitative Medicine, National Planned Parenthood-World Population, the Yale School of Nursing, the New York City Health Department on a dental careers program.

In education, work has been done with the Gary (Indiana) public schools, OEO's Career Opportunities Program, Detroit's Miller School District Parent's Council, New York City's IS 201 and Ocean Hill-Brownsville District, the Highland Park Free School (Roxbury, Massachusetts), the White Plains (New York), New York City, Philadelphia and Bristol (Pennsylvania) school districts, the New York State University, and the Nassau County (New York) vocational education programs.

In social services with the National Association of Social Workers, the Cleveland, Detroit, Westchester and Nassau County Health and Welfare councils, the Jacksonville (Florida) Neighborhood Service Project, the New York Social Work Recruitment Center, the State of Washington New Careers Program, the National Day Care Council and its New York City affiliate, the Institute on Gerontology (Gainesville, Florida), the Child Study Association, the American Public Welfare Association, and the United Fund.

In housing, there has been a study of new career opportunities in planning and community development work, and a project to demonstrate new career opportunities for poor people to build homes for other poor families.

Among colleges work has been done with Cleveland College, Columbia University and

Footnotes at end of article.

Lehman College, the Cornell School of Labor, Purdue and Indiana Universities, the University of Miami, NYU's Center for the Study of the Unemployed, the University of Minnesota, and Kent State University.

There has been work with civil service departments in Philadelphia and New York City, and the states of California and New Jersey.

Special attention has been given to Nassau County working with the County Executive, the Health and Welfare Council, the OEO, and the public schools, relating to establishing a county Manpower Development Office, conducting the planning for a demonstration Guaranteed Employment Program, proposing new designs for vocational education programs; and to Cleveland working with the Mayor's Office, the Health and Welfare Council, the CEP, and Cleveland College.

Assistance has been provided to paraprofessional groups in Syracuse, Philadelphia, Topeka, Cleveland, Pittsburgh, New York, Detroit, Nassau and Suffolk Counties, and on a statewide basis in North Carolina and California.

Other technical assistance activities have included TVA, the Meat Cutters Union, the 4–H, the Midas Corporation, the McGraw-Hill Company, the New England Trade Union Training Program.

A score of different papers has been issued on education, health, gerontology, manpower, social welfare, model cities, adult education, colleges, training, funding resources—all told exceeding 100,000 copies, as well as the "New Careers Newsletter," which now has a press run of over 15,000.

Key papers have included the "New Careers Funding Manual," a paper "Do Paraprofessionals Improve Human Services: A First Critical Appraisal," two papers reviewing the prospects in the health field, "New Careers in the Hospital" and "New Careers Beyond the Hospital"; a review of the status of new careers programs in education, "The Instructional Aide: Current Developments."

Papers by staff persons have been published or republished in a dozen professional journals.

The "Newsletter" has been expanded in terms of distribution and scope of coverage, and its format sharpened. An evaluation study, including a canvass of readers, assisted in these developments.

Testimony was presented before various federal and state legislative bodies including the Senate Committee on Labor and Welfare, the Senate Special Committee on the Aging, the House Education and Labor Committee, and the New York State Joint Legislative Committee on Employment.

SELECTED PUBLICATIONS

Beal, Carr, Hannah, Paniagua, "A New Careers Guide for Trainers of Education Auxiliaries, $3.50.

Gould, "Guide to Funding New Careers Programs," Revised Edition, $3.50.

Gartner, "Do Paraprofessionals Improve Human Services: A First Critical Appraisal of the Data," $1.50.

Jackson & Paniagua, "The Audio-Visual Film Discussion Stimulator," $1.50.

Paniagua & Gould, "Instrumented Training: A Tool for Developing Teamwork in New Careers Agencies," $1.50.

Paniagua & Jackson, "Role Play in New Careers Training," $1.50.

Acosta & Gartner, "Lincoln Hospital Mental Health Services: The Politics of Mental Health," 25c.

Gartner, "New Patterns for Young and Old," 25c.

Gartner, "The Use of the Paraprofessional and New Directions for the Social Service Agency," 25c.

Gartner & Jones, "A New Career Development Plan for Community Action Agencies," 25c.

Gartner & Riessman, "Law and Order, A New Approach," 25c.

Lynton, "New Careers Potentials: In The Hospital," 25c.

Lynton, "New Careers Potentials: Beyond the Hospital," 25c.

Riessman, "New Struggle for the Paraprofessional," 25c.

Riessman, "Some Basics About Group Process for Trainers," 25c.

Riessman & Gartner, "The Instructional Aide: New Developments," 25c.

Riessman & Gartner, "Do Paraprofessionals Improve the Learning of Children?" 25c.

Rosen, "Credentials: Two Strategies," 25c.

Rosen, "Better Mousetraps: Reflections on Economic Development in the Ghetto," 25c.

FOOTNOTES

[1] See below for a report on the study conducted by the New Careers Training Laboratory re. upgrading of paraprofessionals in community action programs.

[2] "Professionals in Legal Service Programs: A Feasibility Study," Institute for Justice and Law Enforcement, Washington, D.C., 1969.

[3] Richard Gould, *Manual of New Careers Programs*, Revised Edition, New Careers Development Center, New York University, 1969.

[4] The first two paragraphs state. "A job is one rung on the ladder of a lifelong career of work." "That is why we must look at manpower training with new eyes: as a continuing process to help people to get started in a job and to get ahead in a career." August 12, 1969.

[5] Testimony presented before the Committee on Labor and Education, House of Representatives, May 21, 1969, by Dr. Jacob Fishman, University Research Corporation, Washington, D.C.

[6] Margaret A. Thompson, "Contamination of New Careerists by Professionalization: Fact or Fancy," New Careers Research Program, University of Minnesota, June, 1969.

[7] "Community Action Curriculum Compendium," National Student Association, Washington, D.C., 1969.

[8] Based on a survey conducted by the New Careers Training Laboratory, New York University.

[9] Garda Bowman and Gordon Klopf, *New Careers and Roles in the American School*, Bank Street College of Education, New York City, 1969.

[10] Cited in material distributed at the "National Conference on Paraprofessionals, Career Advancement, and Pupil Learning," cosponsored by TEPS-NEA and the New Careers Development Center, New York University, Washington, D.C., January, 1969.

Upgrading Nurses' Aides—A Career Development Success Story

(By Sumner M. Rosen)

Results to date indicate that the upgrading program for nurses' aides in the New York City municipal hospitals will end up a smashing success. Under a grant from the U.S. Department of Labor, 422 nurses' aides completed a 14-month training program to enable them to become licensed practical nurses. The program combined work and study; students worked 20 hours per week at their regular jobs, and attended classes and clinical training sessions for 25 hours per week. To make this work-study combination possible, the full-time LPN curriculum, which normally is completed in one year, was stretched to 14 months.

Most LPN training is for young high school graduates. This program was designed to provide an opportunity for upward mobility to those already at work, including persons who did not possess high school diplomas or equivalency certificates. Trainees ranged in age up to 61, with up to 21 years of service as a nurses' aide. They were trained in three groups, each cycle spaced at three-month intervals. The first cycle began in September 1967; the third group graduated two years later. The total group included by design 94 trainees chosen despite the fact that their academic credentials and test scores fell well below the standard normally required for LPN training in New York.

The results to date are impressive:

Of a total of 463 enrolled, 422—91 percent—successfully completed training. Some who had to leave training re-enrolled in later cycles. Of the 41 who withdrew and did not finish, 24 did so for personal or job-related reasons. Only 17 of the 463—17 percent—were academic failures.

In the special group of 94, 75 successfully completed training, or 80 percent. With more remedial and tutoring help, this percentage would have been higher. Among those who passed the course, success in the state licensure examination has been equal to that achieved by the larger group.

In the first cycle, 85.6 percent passed the state licensure examination the first time; of the remainder, 18 of 21 passed on their second try. This means a licensure rate for the group as a whole of *97.9 percent*; the second cycle achieved a licensure rate the first time of 89.2 percent, so one can expect at least as high a success rate for the entire group.

The program was enormously attractive to workers; for 450 funded slots, there were over 3,000 applicants. If this program is refunded on a continuing basis—as it should be—significant numbers of the working poor will find a new opportunity to upgrade their skills, status, earnings, and contribution to patient care. It is in this direction that new strategies must be developed to deal with the problem of serious shortages in professional help in health, hospitals and the other areas of human service need.

The program stimulated the City of New York, through the Health Services Administration, to develop a companion program, now under way, which will enable LPN's to be trained to become registered nurses. Some graduates of the original program will be included in this new phase, thus demonstrating the possibility of a career ladder which stretches from the unskilled, entry-level job up to the fully professional-level.

Originally highly skeptical that this program could succeed, the top officials of the municipal hospital system have now adopted career development as a major program priority for the future. They recognize not only the direct effects of dealing with shortages, but the larger effects on morale and motivation which the existence of career opportunities exerts on all workers.

The program demonstrated the positive results which can be achieved when union and management agree to cooperate in the resolution of common problems. The initiative in this program was originally taken and energetically pursued by the union—District Council 37, American Federation of State, County and Municipal Employees (AFL–CIO)—and accepted, with considerable ambivalence at the outset, by management. The difficulties, which have been detailed elsewhere,[1] stemmed from two basic factors:

(1) union officials who made the proposal were seen by management and the nursing professionals as unqualified to deal with matters which they considered their special areas of competence and responsibility;

(2) a union-sponsored program, in which the two parties would share responsibility, was seen as a threat to the integrity of managerial prerogatives.[2] This resistance was successfully overcome.

The program has spread beyond the municipal system; it impressed union and man-

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[1] Richard A. Bumstead, "LPN Training: It's Worth the Struggle," *Training in Business and Industry*, April 1968.

[2] Sumner M. Rosen, "Building Career Ladders in Health Occupations—Opportunities and Obstacles," and "Union-Management Cooperation—Is There an Agenda for Tomorrow?"

agement in the voluntary hospitals sufficiently that in their 1968 collective bargaining agreement they agreed to establish a jointly-operated training and career development program, funded by employer contributions, to provide a wide range of career advancement programs for employees in the New York voluntary hospitals.

Training was done by an accredited school of practical nursing. In the interests of a fully developed career system, future programs should utilize the resources of two-year and four-year colleges, so that training will include the acquisition of credentials needed for further advance up the career ladder.

The program has proven that working adults, normally excluded or neglected from many manpower programs, offer first-class potential if the training program is integrated with their work, permits them to preserve their income and support their families, and leads *directly* to higher status and income. Trainees in this program persisted because the city had *guaranteed* them jobs as LPN's if they successfully passed the state licensure examination. Their pride in their achievement and in their having proved their ability to move up the career ladder was what most impressed their teachers, union representatives, supervisors, coworkers, project staff, and anyone else who came in contact with them. By enabling entry-level workers to move up, such programs make room for new entrants who will find themselves not in the traditional dead-end job but at the first step in a career system which has been shown to work for people like themselves.

Support for programs of this sort badly needs expansion. Despite diligent effort, the Department of Hospitals and District Council 37 have not yet been able to secure assurances of continued funding of programs of this sort. It is of the utmost importance to the future effectiveness of the nation's manpower effort that this kind of support be provided.

RECOMMENDATIONS FOR GENERAL FARM LEGISLATION

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. PURCELL. Mr. Speaker, I would like to take this opportunity to present the following list of recommendations for general farm legislation which was submitted to me and the other members of the House Agriculture Committee when we were on a tour of the farms and ranches in the 13th Congressional District of Texas.

Our committee has been studying problems faced by the agricultural industry for a long time, and I have found that this list of recommendations has been an invaluable aid, not only to myself, but to the entire committee in coming up with some good, sound improvements in farm legislation. I have been deeply impressed by the similarity between this list and the voices raised by farmers and ranchers from all over the country. I must commend this group for providing an accurate summary of what is on the minds of rural Americans.

I am presenting the list to share with my colleagues the sincere efforts of the members of the farm industry to come up with sound, creative, and positive solutions to the problems of rural areas. It is encouraging, and certainly a milestone in the history of farm legislation, to see farmers, farm groups, and businessmen in the agricultural industry working diligently with each other and with those of us in Congress as we all strive to strengthen and support what we consider to be the very backbone of our economy.

The recommendations follow:

GENERAL RECOMMENDATIONS

Reinstate the Agriculture Act of 1965 with modifications and additions.

Modifications to the Act by commodity are:

1. Cotton:

A. Maintain competitive one-price cotton with flexible supplemental programs that would increase the offtake and eventually achieve full utilization of the U.S. capacity to produce.

B. Provide for a loan level of 90% of the world price with the determination of such price being made in a manner which will accurately reflect market conditions for the immediately preceding year or years.

C. Provide for dependable supplies of American cotton which are fully adequate to meet the requirements of modern competition at home and abroad.

D. Provide that an anniversary type loan be adopted and that the release of government stocks may occur only at price levels, clearly defined by legislation, which will allow the marketing system to function effectively in adjusting supply-demand relationships between the different qualities of cotton, and which will permit farmers to make maximum use of normal trade channels in selling their current crop.

E. Establish an acreage allotment system aimed at providing the production actually needed each season for domestic consumption, some form of "open end" production plan for exports, and a carry-over adequate for an expanding offtake.

F. Facilitate the sale and lease of allotments by urging: a. that no limit be placed on the acreage allotment which may be transferred from farm to farm within a county; b. that the period during which transfers are permitted be as long as practicable.

G. Recognize that the industry's most urgent problem is to reduce production and marketing costs; and place maximum possible emphasis on a crash program of research and education to overcome that problem and permit the industry, within a reasonable time, to achieve self-sufficiency in meeting price competition.

H. Recognize that in the immediately foreseeable future some form of cost adjustment must be provided in order for producers to sell at a competitive price and receive a reasonable return for labor, management and investment.

I. Provide that such cost adjustment be made to the commodity rather than to the producer.

J. Strengthen the crop insurance program to provide adequate protection for high cost, high risk crops such as cotton.

K. Strengthen to the greatest extent possible industry advice and participation in the administrative decisions made with respect to the cotton program.

L. Small acreage allotments should not be penalized for failure to plant their allotments.

M. Subsidy payments should be based on actual production without a dollar ceiling, rather than projected production.

N. Loan or support prices should be designed to prevent disaster rather than to operate as a market for crops thus building surpluses that depress market prices as long as they exist or at times are dumped by the USDA.

O. Agricultural products should be marketed through established trade channels and not bartered or dumped by less well qualified Federal agencies.

P. In our national accounting Federal donations of food and fiber should not be charged to agriculture; instead it should be charged to the many forms of relief or anti-poverty programs.

Q. Acreage should be controlled on soybeans.

2. Wheat:

A. Congress should terminate the International Wheat Trade Agreement.

B. Put production of wheat back in the hands of the commercial wheat farmers where it belongs with a mandatory clause or amendment.

C. Require that the miller pay the certificate in full.

D. Repeal the rule of use of U.S. ships to export wheat.

E. Endorse the sale, lease or exchange of wheat allotments similar to the cotton program.

F. Allow for some kind of return on diverted acres to be made. At present the care and cost of this acreage is even more expensive to maintain in a proper way than it would be to harvest a crop.

3. Feed Grain and Wheat: In the sale and leasing of feed grain base acreage, allow full substitution of wheat allotment acres and feed grain acres and vice versa.

4. Alternate Crops: Castor beans, flax, guar, safflower, sesame and sunflowers.

A. Permit crops in short supply to be harvested from (a) Long term retired acreage, (b) Conserving base acreage, (c) Base crop diverted acreage (mandatory and voluntary).

5. Dairy: The import system is fine as is but should only be increased in proportion to population increase.

6. Cattle: Limit all cattle and meat product imports to protect U.S. producers but allow a provision for increase commensurate with population increase.

ADDITIONAL GENERAL RECOMMENDATIONS

1. The group was opposed to any land retirement program.

2. Continue present ACP and SCS programs including the Great Plains program.

3. The U.S. Agriculture Department should support and conduct an all out research program of mesquite eradication.

4. We are opposed in principle to limitations of payments on any farmers benefits under government farm programs.

5. Farmers should be compensated for compulsory diversion of land, or in lieu of payment, should be allowed to harvest alternate crops.

ATLANTIC PARTNERSHIP

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 10, 1969

Mr. LUKENS. Mr. Speaker, my distinguished colleague from Illinois and many others participating in this special order have ably analyzed many of the findings of the conference on the concept of Atlantic partnership of the American Institute on Problems of European Unity, Inc., which was held between October 17 and 19, 1969 at Georgetown University.

At this point, as a member of the board of trustees of this scholastic organization I would like to add a few words about the organization and its work for the past 15 months. Besides the conference on the concept of Atlantic part-

nership which has seen the assemblage of many first-class academic and research experts on both sides of the Atlantic at Georgetown University, the institute also conducted other studies and projects. In July 1969 it finished a 110-page study on "American Policy Alternatives Toward East Central Europe," a project on which eight professors and one U.S. Representative cooperated; they are Profs. James D. Atkinson, Georgetown University; Brutus Coste, Fairleigh Dickinson University; L. A. D. Dellin, University of Vermont; Jerzy Hauptmann, Park College; Vladimir Reisky de Dubnic, University of Virginia; William H. Roberts, Catholic University of America; James H. Wolfe, University of Maryland; and Z. Michael Szaz, now the executive director of the institute, and also the distinguished gentleman from Illinois. The findings of the report which have not yet been published in print were at that time circulated among the interested Government agencies and departments.

Two other studies of the institute are just about completed. They are a 400-page manuscript on the "Strategy and Tactics of the Hungarian Communist Party, 1918–48," planned as volume 1 of a two-volume study of the Hungarian Communist Party, written by Prof. Z. Michael Szaz and Prof. Maurice Czikann-Zichy from St. Joseph's College in Philadelphia, Pa. The manuscript is being submitted to the Johns Hopkins University Press for publication purposes this month. The second is a 10-article symposium on "Hungary and Central Europe," including both professors and researchers from U.S. universities, some of them Hungarian, others of non-Hungarian origin, including the senior fellow of the Council on Foreign Relations and former member of the State Department planning staff, Dr. John C. Campbell. This manuscript, which also includes a contribution by my distinguished colleague from New York (Mr. HALPERN), is being submitted to St. Martin's Press in New York for publication in paperback form.

In addition, the institute sponsored luncheons and panels on important issues in European politics and strategic affairs. Some of my colleagues attended the luncheons held at the Rayburn dining room in June which featured Prof. Edward Teller on European security and the American ABM decision on June 17 and the February 26 luncheon featuring the French counselor Jean-Pierre Cabouat on French policy toward European integration. In New York, the institute sponsored a panel with the founder of the European integration movement, Count Richard Coudenhove-Kalergi as the main Speaker, and Profs. O. Carlos Stoetzer, Z. Michael Szaz, Edward Lilly, and the dozen of Hungarian politicians-in-exile, Dr. Tibor Eckhardt, former vice president of the Pan-American Union, as members.

Ambassador Kenneth B. Keating, a close friend of the institute though not officially connected with it because his judicial functions before his assumption of ambassadorship, was given a very successful farewell reception by the institute on May 13 at the Madison Hotel where 160 friends of the Ambassador and the institute met the departing Ambassadors, including dozens of House and Senate Members.

The institute has further research and conference plans for 1970. A second conference on the concept of Atlantic partnership to be held in Paris with the cosponsorship of the Centre d'Etude de Politique Étrangere is now under consideration for June, and active plans are being made for a major research project on East Germany with the help of outstanding American and West German professors.

May I at this time congratulate the leadership of the institute, Mr. John Chamberlain, syndicated columnist; and Dr. Z. Michael Szaz, the executive director whose initiative led to the establishment of the institute and who helped to coordinate the activities of the research advisory board and hope that the institute which has only a short past, will continue to grow and provide us with studies not only of academic, but also policymaking interest.

BIAFRA MAKES GREAT NATIONS LOOK SICK

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. McDONALD of Michigan. Mr. Speaker, on February 5, I joined with a number of my colleagues in cosponsoring House Concurrent Resolution 127 urging an immediate ceasefire in Biafra. Unfortunately, the killing and starvation continues with no end in sight. I am appalled and embarrassed by the lack of concern that is expressed over this deplorable situation.

In the December 8 issue of the Detroit News, columnist John Chamberlain made some dramatic and poignant observations about the Biafra conflict. I wholeheartedly commend his article to my colleagues for their consideration.

The article follows:

BIAFRA MAKES GREAT NATIONS LOOK SICK

(By John Chamberlain)

The late Senator Robert Taft was critical of the Nuremberg trials, arguing that the prosecutor should not also be the judge. One can see why Taft was concerned. No nation ever emerges from a war with clean hands.

If the Allies had lost World War II, they surely would have had trouble in court trying to justify the bombing of Dresden. The Soviet could have been hung for the massacre of the Polish officers in the Katyn Forest. Pearl Harbor was a moral blot on the Japanese but Hiroshima stains our own record.

And now, if the prejudgment stands up, there is My Lai to put against Hue.

The great powers, seeking political advantage from the moral lapses of others, turn to a diplomacy of hypocrisy. The case of Biafra makes all the great nations look sick. It is almost too much to comprehend. Maybe one has to be touched by personal tragedy to have feelings about it.

At any rate, the strongest voice speaking out in the U.S. Senate on the Biafra tragedy is that of Senator Edward Kennedy. The Russians and the British have supported the central Nigerian government in its efforts to end the secession of Biafra. The United States, not wishing to offend either London or Moscow, has followed a hands-off policy.

The UN, as Kennedy has said, "chooses silence over leadership." Hypocrites, all of us.

Before the hand-wringing began over My Lai, Kennedy tried valiantly to spark some senatorial action on Biafra. For months, he reminded his colleagues, the survival of three million persons, mainly women and children, in Biafra had depended on mercy airlifts operated by the International Red Cross and Joint Church Aid.

But since last June the Red Cross has not been able to get into Biafra. Joint Church Aid sticks at it but can't do much. The combatants can't arrive at a mercy agreement.

So, as Kennedy says, the death rate "stands at nearly 2,000 a day, according to some reports." The "2,000 a day" have to be added to the 1,500,000 persons who have died from starvation since 1968 in this totally unnecessary struggle.

Kennedy says he is "distressed to learn that what we are prepared to do is apparently measured more by what the federal Nigerian government is willing to tolerate than by the maximum capabilities of Joint Church Aid in delivering food and medicine into the Biafran enclave."

It is hard to know why the British and the Russians care whether Nigeria is one country or two countries. If the Biafrans want to live by themselves, or to work out a federated arrangement with neighboring African states, why not let them?

Can oil diplomacy be behind the British engagement on the Nigerian side of the struggle? Recently there were reports of Biafran attacks on the Shell-British Petroleum consortium that has been extracting most of Nigeria's oil.

Do the Soviets need Nigerian docks to service the ships they send around the Cape of Good Hope to help sustain the North Vietnamese in their fight to end the freedom of South Vietnam?

If oil and naval rights explained the British-Soviet united front against independence for Biafra, what explains the U.S. refusal to speak out in the United Nations?

Kennedy is specially concerned about some of the projects in our AID requests for Nigeria. The AID requests for fiscal 1970 include "the rebuilding of key road sections" as part of "short-term rehabilitation assistance to federal Nigeria."

The road repair would enable the Nigerian government to move troops more easily against the Biafran enclave. Is this our business? Must we help prolong one war while we are so desperately trying to terminate another?

ARTS AND HUMANITIES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. ESCH. Mr. Speaker, I am pleased to join my distinguished colleague (Mr. AYRES) in introducing the administration's proposal to extend the life of the National Foundation on the Arts and the Humanities for an additional 3 years. I consider it a privilege to associate myself with Mr. AYRES' remarks and to call attention, once more, to the President's fine message to the Congress on this matter today.

One passage from the President's message seems particularly significant to me:

Too many Americans have been too long denied the inspiration and the uplift of our cultural heritage. Now is the time to enrich the life of the mind and to evoke the splendid qualities of the American spirit.

I believe that an appreciation of the arts, participation in the creative process, and an understanding of the humanities are fundamental requirements in our effort to improve the quality of life for all Americans. The President's commitment to this effort is an indication that this administration is determined to encourage the arts and humanistic studies in every area of our country.

The work of the two endowments which make up the National Foundation on the Arts and the Humanities has had an impact in every State of the Union. I note with considerable pride the projects undertaken by the two endowments in my own State.

In Michigan, for example, the National Endowment for the Arts has made special grants to a large number of programs which can have a lasting effect on the lives of the people, not only in my district but throughout the State.

This year, for example, three major modern dance companies—Alwin Nikolais, Alvin Ailey, and Jose Limon—made a number of appearances in Michigan under the auspices of the coordinated residency touring dance program of the national endowment. The program, administered by State arts councils in the region, involves not only public appearances by the companies but also a concentrated program of workshops and seminars with dance teachers and students. Among the communities in which the companies appeared were Ann Arbor and Ypsilanti and reports from sources there indicate that their appearance was highly successful and productive.

The Arts Endowment has provided assistance, also, for experimental theater through the professional theater program at the University of Michigan, a training ground for new playwrights, directors, and actors which can be a creative investment in the future of the theater in our country.

The Goldovsky Opera Co. has toured in our State with its production of Bizet's "Carmen" and the Detroit Symphony Orchestra, a major cultural resource for our State, has been given a recent grant for the development of a special project.

In the field of the humanities, several grants for special studies and fellowships have been made to teachers and students at the University of Michigan. Grants in this area have totaled $81,813 since the beginning of the National Foundation on the Arts and Humanities 4 years ago. Most recently a grant of $9,878 was given by the Humanities Endowment in support of a conference series for the Center for Comparative Ancient and Modern Studies at the University of Michigan.

Perhaps most significantly, from Michigan's standpoint, has been the highly effective growth of the Michigan State Council on the Arts. The council's programs, supported in part by annual grants from the National Endowment for the Arts through section 5(h) of the act, have brought projects in every arts field to more than 300,000 Michigan residents during the past year—fiscal year 1969. Total support by the National Endowment to the Michigan Arts Council during the past 4 years has exceeded $110,000.

Included in the endowment's grants was one for $6,700 which enabled the Michigan State Arts Council to fund an "artrain"—converted railroad cars which have been turned into a traveling museum. The indications are at present that the "artrain" will reach every community in our State where railroad tracks and siding are still usable. The project has been hailed by professional artists, museum directors, and critics as one of the most innovative and imaginative in recent times.

Quite clearly, the Endowment for the Arts and the Endowment for the Humanities have used small amounts of money to encourage and initiate creative, imaginative programs.

It is equally obvious that, in the case of either endowment, these small amounts of money have been used to stimulate private and non-Federal support in a variety of ways.

In the case of the Endowment for the Arts, for example, each dollar provided from Federal funds has produced an estimated $3 from private, business, State, and local government sources.

As "seed money," the National Foundation on the Arts and the Humanities' appropriations have been productive and profitable. I commend the President for his message on this small but highly important agency.

I urge my colleagues in the House to study the message sent by the President. It is a compelling indication that the Nixon administration intends to work closely with private sources, State governments, and communities in a concerted effort to make possible a better way of life for all Americans.

JOE KEENAN'S PRIDE

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. BLATNIK. Mr. Speaker, I wish to share with my colleagues a tribute paid to Joe Keenan, a true statesman of organized labor, which appears in today's Washington Evening Star. Joe's distinguished career epitomizes the very best ideals and aspirations to be found in the labor movement, and his interest in the well-being of all workingmen is properly acknowledged in this exceptionally well-written article:

KEENAN'S PRIDE

(By John Herling)

Joe Keenan's pride is trade unionism. Just like that. He does not lend himself to fancy talk, doesn't pretend to be a labor statesman, is often bemused by the complicated language wheeled into action in labor-management relations. But, in or out of government, people want Joe Keenan to be on their side.

What shines thru in this veteran trade union leader is dedication to his cause, loyalty to his associates and integrity of personality. An electrician by trade, he became a local union officer about 47 years ago, then was elevated to the secretaryship of the Chicago Federation of Labor, historically one of the great and stormy labor movements.

He has played a significant role at various stages in the development of the labor movement in the past thirty years. He carries so much strong but gentle muscle that when a tough job needs to be done, the call goes out for Joe Keenan. The certainty is that he will never turn down a difficult assignment, the kind of task that many of his associates might consider suspect because it requires a re-examination of their own ideas and practices.

This has happened in the field of civil rights where Joe Keenan has been able thru his earnestness, his sympathy, his identity with fellow trade unionists, to win them around to a steady abandonment of anti-minority practices. The fact is that Joe Keenan relieves the memory of the struggles which his own people have had to endure to reach a place in the community, recognized and comparatively secure. He has felt the wet thru his shoes, remembers the scorn of the complacent and he'll simply be damned if he ever gives up on people, of any color or creed, white or black.

In 1940 he came to Washington as the AFL representative on the National Defense Council, where he served with the late Sidney Hillman, and then became associate director of the War Production Board. By this time it had become known that Joe Keenan was the man who could—if anybody could—build bridges to CIO unions and in his labor advocacy would excite admiration rather than hostility.

It was logical therefore for Joe Keenan to be sent to post-war Germany as General Lucius Clay's labor advisor. For nearly three years Joe Keenan helped educate some of his associates in aims of the labor movement, and he became a sensitive comrade and guide to the German trade unionists who were remaking their trade unions, one of the earliest casualties of the Hitler regime.

When the American Federation of Labor decided to move into the political arena in an organized way in 1948, Mr. Keenan became the director of Labor's League for Political Action. Then he was chosen secretary of the Building and Construction Trades Department and is now the secretary of the prestigious, 900,000-member International Brotherhood of Electrical Workers. As a member of the AFL–CIO Executive Council, Vice President Keenan becomes the man President Meany inevitably taps for service. He is on President Nixon's Task Force on Low Income Housing, he works with John W. Gardner on the Urban Coalition Committee, and when the strike fund was established for the General Electric strikers, Joe Keenan became a rock on which to build.

I've never met a man in whom religious faith operates so uninterruptedly. He projects kindness as well as purpose. When Joe Keenan is in motion, people want to move along with him.

WELFARE EXPLOITATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. RARICK. Mr. Speaker, there have been despicable movements—but undoubtedly the National Welfare Rights Organization is the most contemptible of all. The NWRO, an activist organization of welfare recipients, admittedly is organized to extort larger welfare checks, coerce charity, and make more provisions for its members and potential re-

cruits. It is not certain that the membership is limited to welfare recipients, although it does appear that the officers of the organization live elegantly off the welfare rights movement.

The head welfare righter is a Dr. George Wiley—holder of a Ph. D. degree and an able-bodied young male. There would seem no reason physically or mentally for this person to be in need of welfare relief, so one must assume that he has other reasons and motives for his organizational activities.

Presenting himself as a helper of the poor he exploits the poor to further other purposes—his own or his superiors. Knowing that most people of good will cannot refuse help to those in need, Dr. Wiley is able to use his little army—wrapping himself in the sympathy accorded the unfortunate—to shake down foundations, businesses, and even politicians. His army is very mobile, thanks to the beneficent Supreme Court's guarantees of instant housing, instant welfare, and soon instant voting.

During the November 15 Washington moratorium, Wiley's welfare rights women manned the mobile field kitchens to feed Hanoi's fifth column friends who marched in the Nation's Capital. Feeding marchers is apparently one assignment for Dr. Wiley's units. It is not clear where the welfare children were, or who was feeding them.

Last Friday, at a gala convention by a splinter segment of the Democratic Party, Dr. Wiley is reported to have crashed the party, commandeered the microphone, and pressed his demands for the $5,000 annual minimum wage and distribution of free food stamps to all. It was not clear whether he was making his pitch for his "poor" or for Hanoi's street marchers.

The politicians present were shaken down to defray the travel expenses of Dr. Wiley and 30 organized welfare mothers. It was not clear who was doing the babysitting while the mothers were politicking.

Conventional armies advance behind artillery, supported by tanks—this guerrilla band and its recruiters advance behind the camouflage of poverty supported by psychological weapons.

Several related clippings follow:

[From the Washington Evening Star, Nov. 16, 1969]

CROWD AT MONUMENT SWAYS TO SONGS

(By Christopher Wright)

THE REVOLUTIONARY DIET

At half a dozen places amid the crowd the National Welfare Rights Organization set up metal horse tubs full of water on cinder blocks with fires underneath. Manned by heavy women, they supplied an endless number of soft drinks, hot dogs and rolls, apples and potato chips, the staples of the revolutionary diet.

[From the Washington Post, Dec. 5, 1969]

HAPPENING GREETS DEMOCRATIC STUDY GROUP

(By Mary Wiegers)

The liberal Democratic Study Group had all kinds of entertainment plans for its "glorious" 10th anniversary fund-raising dinner last night at the Sheraton-Park Hotel. And it also got all kinds of unplanned entertainment.

The Democratic Study Group is composed of liberal members of the House of Representatives. It was formally organized in September, 1959, but its origins date back to January, 1957, when House members organized the group to "counterbalance the conservative coalition" in Congress.

Last night the 1969 members of the DSG held a $100-a-plate 10th anniversary banquet. They had asked Mayor Charles Evers of Fayette, Miss., to be the main speaker before the crowd of 700 persons.

This, together with the appearance of Democratic presidential hopefuls, they hoped would provide an entertaining evening for all.

But the DSG got more than it bargained for.

As the dinner-goers drove up to the door of the Sheraton-Park, they were met by pickets from the Emergency Committee on the Transportation Crisis, who described themselves as fighting against freeways and for rapid transit. The committee was mad because at least one member of the DSG, had voted for the combined Three Sister Bridge and subway proposal.

The pickets held signs reading "DSG—damn silent group." And "stronger than dirt but can't stop pollution."

When the 700 guests filed into dinner, they were serenaded during their lobster and crabmeat cocktail by the pickets who sang their own version of "America the Beautiful."

"Oh beautiful for spacious roads,
That spread from slum to slum.
The smog is gray, the homes decay,
But see the profits come.
Suburbia, suburbia, there is profit there to glean.
Pollute the air but they don't care,
They're selling gasoline."

After scattered applause for that rendition, the guests were addressed by Dr. George Wiley of the National Welfare Rights Organization, who had just spent the week attending the White House Conference on Food and Nutrition. He was introduced by the chairman of DSG who allowed him to take the podium to make a brief statement.

Wiley told the guests that it was 30 organized welfare mothers who turned the conference around and "made Richard Nixon's conference relevant."

"Can you do less than support the position that Richard Nixon's finky conference did," Wiley challenged the DSG.

He was talking about the NWRO's demand for a $5,000 yearly annual minimum wage and distribution of free food stamps to all.

——— asked the DSG diners to contribute cash to "defray the expenses of delegates" from the NWRO who came to the conference.

After that it was time for the regular entertainment.

[From the Evening Star, Dec. 8, 1969]

ONE HUNDRED DISTRICT OF COLUMBIA POOR TO GET CREDIT FROM WARDS

About 100 of Washington's poorer residents will receive credit from Montgomery Ward under a national agreement between the firm and the National Welfare Rights Organization.

Each will receive up to $100 in credit during the next year for purchases in the stores and through the catalog.

The 100 local residents are among 3,000 NWRO members who will take part. Welfare recipients and other poor people are included in the welfare rights organization.

WILL STAMP OUT CROOKS

Mrs. Etta B. Horn, chairman of the NWRO Credit and Ways and Means Committee, today hailed the agreement as a "great thing. This is something we have been fighting for. We feel like it's going to work."

Mrs. Horn, who also is chairman of the Citywide Welfare Alliance, said credit with a firm like Montgomery Ward "will stamp out the credit crook."

Edward S. Donnell, president of Montgomery Ward, said that "a pilot program to provide credit to responsible welfare recipients is a worthwhile step to make Ward's services uniformly available to all financially responsible consumers. We believe that our mutual efforts in this pilot program will demonstrate that large numbers of welfare recipients will be able to enjoy the same credit account benefits as other customers."

One Washington department store is carrying out an experiment in credit for poor people in cooperation with the United Planning Organization, the local antipoverty agency.

Ashley D. DeShazon, credit vice president of Montgomery Ward, said the program will be inaugurated as fast as Ward's and NWRO chapters are able to clear credit applications. NWRO members in Baltimore, Detroit, Cleveland, Chicago, Kansas City, Los Angeles, Fort Worth, Dallas and Oakland also are taking part. Several additional locations may be added early in 1970.

Those taking part will be issued a Ward's credit card that will be honored at all stores, with a revolving credit limit of $100. The usual Ward procedures for billing and repayment schedules for credit accounts will be used.

CHILDREN'S PRAYERS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. ROUDEBUSH. Mr. Speaker, each week I am inserting five children's prayers into the CONGRESSIONAL RECORD for the benefit of the Nation's public schools.

The Supreme Court has outlawed all prayer and Bible reading in our public schools and this incredible decision is strongly opposed by the vast majority of Americans.

Our Nation's schools can recite these prayers inserted in the RECORD at their morning devotionals without interference from the Supreme Court because prayer has not been banned in the Congress.

Until a constitutional amendment is passed reversing these damaging decisions, our children must be allowed to offer a prayer if they so desire.

The children's prayers follow:

1.

Lord, let us learn from the experience of today the lessons which Thou meanest today to teach.

2.

He who directs the sparrow's tender flight,
And sees him safely reach the heartless ground,
Guide thee in all thy passages aright,
And grant thy course be sure, thy resting ground.

3.

My Lord, I am ready on the threshold of this new day to go forth armed with Thy power, seeking adventure on the high road, to right wrong, to overcome evil, to serve Thee bravely, faithfully, joyously.

4.

Bless all who worship Thee, from the rising of the sun unto the going down of the same.
Of Thy goodness, give us;
With Thy love, inspire us;
By Thy spirit, guide us;
By Thy power, protect us;
In Thy mercy, receive us now and always.

5.

Thine is the day, O Lord, and Thine is the night, grant that the Sun of Righteousness may abide in our hearts to drive away the darkness of evil thoughts.

ATLANTIC UNITY STRESSED

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 10, 1969

Mr. HORTON. Mr. Speaker, today I am joining my colleagues ably led by the distinguished gentleman from Illinois in discussing the concept of Atlantic partnership and the work done by the American Institute on Problems of European Unity at its October conference at Georgetown University.

The institute is a recent development, it was founded only in the summer of 1968. Its research advisory board consists of 21 well-known professors and research experts from various universities, one of them even from my area, Prof. William G. Andrews, who also served as the chairman of the French panel at the conference. The work of the institute is divided between research studies and conferences on Western Europe and east central Europe and its research board includes experts in both fields.

The conference was devoted to trends in Atlantic partnership and European integration for the next 5 years assuming that some progress would be reached enabling the Western European nations more and more to speak with a united voice on global politics and regional security. The underlying assumption of the panels was that Europe forms a cultural and historical unit which transcends the present partition of the continent and that no true integration in Western Europe is possible without some reattachment of the countries of east central Europe.

In this regard past work of the institute has been very informative. Mid-July a report was written up with the participation of eight professors and the distinguished gentleman from Illinois which was sent to interested governmental departments entitled "American Policy Alternatives Toward East Central Europe."

The present report deals with Atlantic partnership. This is an area in which Congressman FINDLEY and I have shared a deep interest by cosponsoring a resolution aimed at convening an Atlantic conference to discuss future economic, political and cultural integration of the Atlantic community.

Thus, I join Mr. FINDLEY in welcoming the interest and the work of this institute in the fields of Atlantic partnership.

A SERIOUSLY SICK SOCIETY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. RODINO. Mr. Speaker, last week two bright young gentlemen, one from Riga and one from Moscow, were in Washington as guests of my good friend FRANK BRASCO. These gentlemen had indeed been quite lucky since they were allowed to immigrate to Israel. They, however, left thousands and thousands of Jewish comrades who remain locked in the Soviet Union persecuted because of their culture and religion and unable to leave. This unbelievably inhumane situation appears to be worsening as Soviet society tends to take on more and more the coloration of Stalinist days.

In this regard, Mr. Speaker, Jewish News of Newark, N.J., published the following hard-hitting and forthright editorial:

[From the Jewish News, Dec. 5, 1969]

A "SERIOUSLY SICK SOCIETY"

Because of our preoccupation with Soviet anti-Semitism and the Kremlin's venomous policies in the Middle East we sometimes tend to pay scant attention to other aspects of life in the USSR which reveal the nature of that harsh, totalitarian society. This is unfortunate, because if we fail to understand, for example, what is currently happening to the writer, Aleksandr I. Solzhenitsyn, and other intellectuals who are regarded as intolerably dangerous by the regime, we will lack essential perspective.

Harassment of cultural and political dissidents testifies to the fact that the Soviet Union is indeed a "seriously sick society," to use Solzhenitsyn's phrase. And he should know. His works have not been printed in Russia for four years because the Kremlin obviously fears the impact of his novels. Thus, two of his books, "The Cancer Ward" and "The First Circle," are best-sellers in western countries but are unavailable to Russian readers. The reason? They sharply criticize Stalinist practices such as the confining of millions of political prisoners in slave labor camps and other brutal aspects of life in the USSR.

The Russian Writers Union, a complete tool of the regime, is presently defaming Solzhenitsyn in the same general terms as those employed against Kuznetzov and others who strive to write and speak honestly. They are variously accused of being traitors, of slandering their country, of selling out to the imperialists, of being mentally incompetent—in which case they are clapped into lunatic asylums rather than prison camps.

The awful tragedy of it all lies in the fact that there is really nothing strange about the foregoing, at least not in Russia. Abuse of Jews, writers and intellectuals who are brave enough to speak out is part of a tradition that goes back to the days of the Czars. Similarly, Czarist imperialism in its present-day guise under the Red Banner has swallowed up much of Eastern Europe and has resumed its historic thrust and probings into the Middle East, Asia and Africa.

The Bolshevik Revolution, culminating in the triumph of the paranoiac, Stalin, whose evil policies have been perpetuated since his death, changed relatively little in Russian life. As a matter of fact, many reputable scholars believe that Russian progress in certain areas such as space technology and science would have been achieved even if there had been no Revolution. As always, the people of that unhappy land are the principal victims of tyranny and repression.

It is in the above context and in this perspective that realism compels us to analyze and understand Soviet aims and techniques which appall us with their utter cynicism and bizarre cruelty.

KENT H. SMITH IS HONORED

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. MINSHALL. Mr. Speaker, as far as Kent R. Smith is concerned there is no substitute for excellence. He brings that quality to every task he undertakes. It is a hallmark of his character, his personality, his tireless endeavors for the Cleveland community in which he lives. He is a rare and wonderful human being, deserving of the many honors he wears so modestly and well.

The latest tribute came last Sunday evening, December 7, when he was presented by the Jewish Community Federation of Cleveland with its highest honor, the Charles Eisenman Award. As the Plain Dealer put it editorially, Kent Smith "properly fits the Eisenman Award pattern: The unostentatious community leader who quietly volunteers and does a tenacious and excellent job for his town."

All of us who hold Kent Smith in warm regard are very proud of his newest recognition as an outstanding American.

The material follows:

[From the Cleveland Press, Dec. 8, 1969]

KENT H. SMITH WINS EISENMAN AWARD

(By Julian Krawcheck)

Lifelong involvement in community affairs as both general and foot soldier has won Kent H. Smith one of Cleveland's most coveted awards.

Smith, retired founder of the Lubrizol Corp. and former head of the Greater Cleveland Associated Foundation, was presented the Charles Eisenman Award at the Jewish Community Federation's 66th annual meeting in Park Synagogue last night.

In presenting the award, Fred N. Hauserman paid tribute to Smith as "a quiet, scholarly man who shuns publicity but whose life has been dedicated to his community and his fellow man."

Hauserman, president of the Cleveland Community Fund, was head of the award committee also comprised of Tom Boardman, editor of The Press; Robert M. Ginn, president of the Welfare Federation; Mrs. Alex Miller, a trustee, and Lloyd S. Schwenger, president of the Jewish Federation.

The formal citation presented to Smith, together with a check for $1000, called attention to his "extraordinary creative involvement in the affairs of this community" and noted that "achievement is his way of life."

In a brief acceptance talk, Smith paid tribute to the Jewish Federation as a symbol of "the real strength of Cleveland" and returned the check to that group to be used in one of its programs.

The 1969 Eisenman Award winner is a native Clevelander who attended East High School and earned science degrees at Dartmouth and Case Tech. He served two years as acting president of Case and is or was a trustee of Holden Arboretum, Cleveland Institute of Art, Euclid-Glenville Hospital and the Museum of Art.

Last night's principal speaker, Sol M. Linowitz, said an antidote must be found "to the poisons of dissension, distrust and dis-

respect that strain relations between races and generations."

Linowitz, head of the American Education Council's Committee on Campus Tensions and former U.S. ambassador to the Organization of American States, called for "a thoughtful analysis of our social ills . . . which have led people to American Education Council * * * transform the quest for individual freedom into ugly outbursts of mob violence."

Silver medallion awards were presented to Alfred A. Benesch, M. E. Glass, Samuel Goldhamer, L. W. Neumark, Rabbi Israel Porath, Leonard Ratner and William C. Treuhaft.

[From the Plain Dealer, Dec. 8, 1969]

JCF HONORS KENT SMITH OF LUBRIZOL

The Jewish Community Federation of Cleveland last night presented its highest honor, the Charles Eisenman award, to Kent H. Smith, founder of the Lubrizol Corp. The award came at the federation's 66th annual meeting.

Before a crowd of about 500 at Park Synagogue, the federation's awards-committee chairman Fred N. Hauserman cited Smith for his "extraordinary creative involvement in the affairs of his community."

The award was established in 1923 in memory of the federation's first president. The winner is selected by a panel of federation and community leaders.

Smith, 75, of Woodstock Road, Gates Mills, founded Lubrizol in 1928. He was an acting president of Case Institute of Technology and a trustee or director of numerous educational and cultural institutions in Greater Cleveland.

The keynote speaker of the meeting, former industrialist and past U.S. ambassador to the Organization of American States, Sol. M. Linowitz, told federation members America has had enough of violence—on and off the campus.

Linowitz, chairman of the American Council on Education's Special Committee on Campus Tensions and former board president of Xerox Corp. said, "It is time to find an antidote to the poisons of dissension, distrust and disrespect that strain relations between races and generations."

Federation President Lloyd S. Schwenger, in the annual president's report, called on members "to bring to bear timeless Jewish principles on the timely concerns that press upon us."

He praised young American Jews, saying their elders must take note of their demands for more social action by Jewish institutions.

Schwenger called for continued and increased efforts by the federation to aid the inner city. "Suburbs exist only if the central city remains alive and vital," he said. "Rot and decay cannot be limited within corporate limits."

Six women were among 54 nominees to the federation's board of trustees. Schwenger said that is the largest number of women accorded the honor in the federation's history.

Receiving silver medalions, a special award in recognition for service to the organization, were Alfred A. Benesch, Myron E. Glass, Samuel Goldhammer, L. W. Neumark, Rabbi Israel Porath, Leonard Ratner and William C. Treuhaft. All are life trustees of the federation.

EISENMAN WINNER

Kent H. Smith, tireless worker in the vineyard of civic improvement, has won the Charles Eisenman Award, given yearly by the Jewish Community Federation.

Smith, 75, founder of the Lubrizol Corp., has poured his energy as well as other resources into philanthropy, the arts, museums and natural history and botanical and educational institutions of Cleveland over a long stretch of years.

One of his alma maters, Case Institute of Technology, chose him at one important juncture to be its acting president. The other, Dartmouth, has conferred on him an honorary doctor's degree.

Smith properly fits the Eisenman Award pattern: The unostentatious community leader who quietly volunteers and does a tenacious and excellent job for his town.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Burlington, Vermont Free Press, in the State of Vermont. The editorial which was published July 22, 1969, follows:

AUTO ASSOCIATION POINTS OUT HAZARDS OF HEAVIER TRUCKS

WASHINGTON.—Bigger, heavier trucks on the highways would result in premature damage to pavement and bridges and would constitute a major hazard to others using the traffic lanes, the American Automobile Association told Congress.

In testimony to the House roads subcommittee, George F. Kachlein Jr., AAA executive vice president, said this was an "anti-safety bill" almost identical with the big-truck bill which failed of passage last year.

Basic research into the accident hazards posed by larger, wider trucks is lacking, Kachlein charged. "It does not seem logical to us," he said, "that Congress should be called upon to make a decision on this important matter without the factual information enabling it to estimate the safety effects of that decision. The lives and property of more than 100 million drivers are involved in such a decision and we cannot ask them to be guinea pigs by increasing the sizes and weights and then researching the effects. The research should be done first."

Public opinion as reflected in the news media, was strongly against last year's bill, he said. A review of editorial comment, he told the subcommittee, leads to the "inescapable conclusion that Americans were not last year, and are not this year, ready to accept the proposition that bigger trucks are good for them."

Kachlein quoted trucking industry statistics showing heavy trucks account for only 1.54 percent of vehicle registrations and 5.33 percent of total mileage, but are involved in 11.6 per cent of fatal accidents.

"When a truck collides with a passenger car, it is the operator and passengers in the smaller vehicle who are most likely to be killed," the AAA official said.

He reported there are 0.3 fatal injuries per 100 persons in collisions between passenger cars and a tractor-trailer combination, but "When the collision is between a passenger car and a tractor-two-trailer combination—a vehicle encouraged by the 70-foot length limit in this bill—the rate increases drastically to 13.3."

On the basis of extensive studies of the effect of heavier loads and axle weights on pavements and bridges, the AAA official said: "Men who have been charged with the responsibility of constructing and maintaining our highway plant at both the state and federal level have made it known that the increases in axle loadings permitted by the legislation will not only reduce the life of pavements in use, but will also necessitate the expenditure of billions of dollars for reconstruction of older pavements, and additional costs in highways yet to be constructed."

CHICAGO POLICE DEPARTMENT—THE FINEST IN AMERICA

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. PUCINSKI. Mr. Speaker, recently it has become popular in our country to declare open season on the policemen of America. One gets the feeling that all over this Nation there is a concerted effort to discredit the police departments and I confess I am unable to suggest any valid reason for this phenomenon. But I do say that if those who discredit the police institutions of this country should succeed, the very survival of our Republic as an institution of freedom will be jeopardized as never before.

Right now there is widespread discussion about a tragic shootout which took place in Chicago last week when two members of the Black Panthers' organization were killed by police as an attempt was made to search their apartment. The police had search warrants and in the exchange of shots fired, the two individuals were killed.

We shall leave to subsequent investigation the determination of all the facts involving this shooting, but I fear that with the growing tensions under which our police departments operate, such shootings may very well substantially increase.

Our list of policemen killed in the line of duty is constantly growing and all over this Nation policemen are beginning to realize that under certain hazardous circumstances, if they stop long enough to ask a question, they are dead before they can hear the answer.

Society must try to find a better way to protect both our policemen and the citizens they serve.

We can find no comfort for an easy solution to this problem in the recent report on the causes of violence issued by the National Commission appointed by President Johnson. The Commission warned that America faces anarchy if selective disobedience of law is tolerated.

It is for this reason that I am today placing in the RECORD an excellent series which recently appeared in the Chicago Tribune and was written after exhaustive research by Mr. Casey Banas, one of the Tribune's outstanding writers.

Perhaps in better understanding the problems of the policeman and the methods he is using to cope with his day-to-day problems of mounting crime and social unrest, we can start a dialog on how better all of us can help in improving the situation. Chicago has developed the finest police force in America and it would be a gross mistake to judge the police on the basis of one or two heavily publicized incidents. It is the day-to-day effort of our police to curb lawlessness that makes Chicago's police force the best in the Nation.

Mr. Banas and the Chicago Tribune have performed a notable service in bringing this in-depth study to our attention.

The Chicago Tribune series follows:

CITY POLICEMAN: IS HE A FRIEND OR FOE FOR YOU?

(By Casey Banas)

Just around the corner may be a disturbance requiring a Chicago policeman to make a split second or hair-splitting decision which may have a profound effect on the lives of citizens he is charged to serve and protect.

His response to the disturbance confronting him may result in the saving—or the ending—of a human life. Or his initial reaction to a volatile situation may spell the difference between peace on the street or an outbreak of violence and pillage.

The experts disagree on how well he is performing. But they do agree that his task is one of the most difficult in society, and that it is becoming tougher day by day.

KERNER COMMISSION COMMENTS

Of today's urban policeman, the Kerner commission said:

"He must deal daily with a range of problems and people that test his patience, ingenuity, character, and courage in ways that few of us are ever tested. Without positive leadership, goals, operational guidance, and public support, the individual policeman can only feel victimized."

One of society's myths is that the policeman only enforces the law and does not sit in judgment of his fellow man. That supposedly is solely left to the courts.

But the Presidential Crime commission observed:

"Law enforcement policy is made by the policeman, for policemen cannot and do not arrest all offenders they encounter. It is doubtful that they arrest most of them. A criminal code, in practice, is not a set of specific instructions to policemen but a more or less rough map of the territory in which policemen work. How an individual policeman moves around that territory depends largely on his personal discretion."

QUESTIONS TO BE ANSWERED

If it is shocking to read that policemen do not arrest all the offenders they encounter, ask yourself these questions from the commission's report:

When does "noise" become "disorderly conduct?"

At what point does a "quarrel" become a "criminal assault?" When one man pushes another? Or when he punches him in the nose?

Every policeman, however complete or sketchy his education is an interpreter of the law, the commission said. And often, his judgment requires the wisdom of a Solomon, as in this theoretical case outlined by the commission:

A boy hurling a rock through a school window obviously is committing the crime of vandalism. But it is not quite clear whether the community will be served better if the boy is arrested or if he is taken home to his parents.

Will his parents properly chastise him? Can they control him? Has the boy, unbeknown to the policeman, broken many windows?

But the policeman catching the boy in the act—at say 10:16 p.m.—must make his decision on the spot.

Lawyers take months to contemplate what a policeman must decide in a split second, observed Capt. Richard Lionhood, commander of the police department's task force.

And now the policeman finds himself in a relatively new crossfire described by the Kerner commission:

"One side, disturbed and perplexed by sharp rises in crime and urban violence, exerts extreme pressure on police for tougher law enforcement. Another group, inflamed against police as agents of repression, tends toward defiance of what is regarded as order maintained at the expense of justice."

Spokesmen for the latter group will often charge that the police is "an army of occupation in the ghetto."

COMMUNITY SUPPORT NEEDED

Underscoring this idea, the Kerner commission said:

"It is axiomatic that effective law enforcement requires the support of the community. Such support will not be present when a substantial segment of the community feels threatened by the police and regards the police as an occupying force."

Further complicating the law enforcement process is the seemingly growing public practice of winking at crime and injustice. The Presidential Crime commission observed:

"Each time a citizen fails to report an offense, declines to take the common sense precautions against crime his police department tells him to, is disrespectful to an officer of the law, shirks his duty as a juror or performs it with a biased mind or a hate-filled heart, or refuses to hire a qualified man because he is an ex-convict, he contributes his mite to crime."

The law enforcement task for Chicago's 12,174 policemen is becoming increasingly difficult because of what Police Supt. James B. Conlisk calls "the permissiveness of society." Veteran police watchers, such as Virgil W. Peterson, executive director of the Chicago Crime commission, agrees with Conlisk that lack of respect for police is on the upswing, particularly among young people.

ANTAGONISM, DERISION COMMON

"The minute police are required to perform a proper police function," Peterson said, "they often meet with antagonism, derision, or even violence. Whenever a confrontation involves police, the immediate tendency is to place the blame on the policeman. People start out with the premise that the police must be wrong."

In some ghetto areas, the police and some elements of the community are at war with each other.

In one example of less than three weeks ago, three policemen were trapped in a burning elevator in a near north side housing project while investigating a report of a rape. Someone short-circuited the elevator, trapping the men, police said.

The officers said that when they tried to escape by climbing out of the top, residents pelted them with bottles, garbage, and finally, flammable liquid which started the fire. The policemen said their attackers fled when reinforcements arrived.

PHYSICAL FORCE SUPPORTED

Some policemen will even argue that physical force is necessary when ghetto residents heap verbal abuse upon them. Four policemen, three white and one black, told a reporter they do use force to repulse some taunts. If they did not, they contended, the same antagonist might come at another policeman the next time with a knife or a gun instead of with his words.

Jay A. Miller, executive director of the Illinois division of the American Civil Liberties union, said citizens "are at the mercy of the policeman's best or worst judgment. He has no restraints."

Police officials quickly dispute Miller's charge. They point to the internal investigations division which orders a probe of every complaint brought against a policeman. But they do not give details on the number of police brutality charges.

Miller does not blame the individual policeman for his plight. The policeman—who reflects "the establishment"—is left frustrated because "society is unwilling to deal with the causes of crime and disorder," he said. "If society dealt with the causes of crime, we would only have left a few professional criminals."

The Presidential Crime commission offered this analysis on why crime is highest in the slums:

"The conditions of life there, economic and social, conspire to make crime not only easy to engage in but easy to invent justifications for. A man who lives in the country or in a small town is likely to be conspicuous, under surveillance by his community so to speak, and therefore, under its control.

"A city man is often almost invisible, socially isolated from his neighborhood and therefore incapable of being controlled by it. He has more opportunities for crime. At the same time in a city, much more than in a small community, he rubs constantly, abrasively, and impersonally against other people; he is likely to live his life unnoticed and unrespected, his hopes unfulfilled."

Today, a new type of policeman is needed for Chicago, Miller said. "He needs a tremendous amount of sensitivity and must be a social anthropologist as well as knowing techniques of police action," he emphasized.

"The police officer must have a greater background in social philosophy," agreed Conlisk.

POLICE TRAINING INCREASED

In the view of many, Chicago's police department took its biggest leap forward in training at the beginning of 1969. It increased its academy program from 14 to 31 weeks. Much of the new training is college-level instruction in the behavioral sciences.

The new recruits will need the added training to cope with a society in turmoil because their profession is growing increasingly dangerous. In 1968, 41 Chicago policemen were wounded in the line of duty. This year, that mark was passed during August.

Altho the new training program places an unprecedented emphasis on the value of college-type education, top Chicago police officials oppose any suggestion to start a management training program to attract college graduates into law enforcement careers.

Regardless of educational qualifications, the new policeman begins at the lowest rung of the ladder of a patrolman. There is no entry part way up the ladder as in business.

Top officials interviewed were unanimous in contending that a management training program would have a devastating effect on morale. They all reached the top by starting from the bottom. And of the 70 top policemen, less than half have college degrees, Conlisk said. He is among the "less than half" group.

TECHNOLOGICAL REVOLUTION

Like other metropolitan police departments, Chicago has not fully tapped technological resources to fight crime.

The National Commission on the Causes and Prevention of Violence said: "The technological revolution which has affected nearly every aspect of our life has largely bypassed law enforcement; the principal reason is the low priority we as a people have placed on crime prevention research compared in other technological goals."

And the Presidential Crime commission observed: "More than 200,000 scientists and engineers are helping to solve military problems, but only a handful are helping to control the crimes that injure or frighten millions of Americans every year."

UPDATED TRAINING TURNS OUT A NEW BREED OF POLICEMAN

(By Casey Banas)

Chicago's police recruits study in a 112-year-old building, but the training program is an up-to-date effort to develop a new breed of policeman that is psychologically equipped to deal with a society in turmoil.

The Chicago Police academy, 720 O'Brien st., one block from the fading Maxwell street market, is housed in a building once branded unfit for school children. But the program is undergoing rapid change as the police department continues its philosophical shift

about training from just vocational instruction to vocational instruction plus liberal arts education.

Last January, training of police recruits was increased from 14 to 31 weeks, or from 490 to 1,085 class hours. For several years, Capt. Robert McCann, academy director, has been trying to gain approval for more emphasis on what he calls the "real people" subjects. He finally has succeeded.

MOSTLY SERVICE CALLS

Only 26 per cent of citizens' requests for police are for criminal-type calls. The other 74 per cent are service calls—such as family spats—where the handling of people may be the key ingredient for restoring peace. Until this year, the academy had given little training in instructing Chicago's future policemen on understanding the people and cultures that will confront them.

"When I became a policeman 23 years ago, I had only two weeks of training," recalled Lt. Stephen Flaherty, academy training director.

"Most recruits expect to learn how to write tickets, use handcuffs, shoot a revolver, and direct traffic," explained Lt. Gerald J. Pierce, another academy officer. That's just a very, very small part of their training.

When a recruit in Chicago completes the nation's longest police training course, he will be instructed in 146 subject areas. In addition to the traditional types of police vocational training, he will have had a variety of experiences ranging from how to deliver a baby to a philosophical discussion of the Kerner Commission report.

FIVE-WEEK FIELD TRAINING

Five weeks is devoted to field training with the recruit spending two weeks with the patrol division, and one each with the detective and traffic divisions and in a district station. The recruit will work side-by-side with a beat patrolman, lockup keeper, desk officer, and detective.

For many, the experience is an eye-opener, like the recruit who recalled answering a disturbance call with a veteran patrolman. Some in the crowd threatened the recruit, who blurted out: "What are you doing? I'm a policeman!"

Recruits spend 35 hours in the driver simulator trailer, sharpening their skills behind the wheel. The academy does not assume that a recruit is a good driver, and trains him thru the technique of driving in a mock-up car while viewing films of traveling along streets.

"Look at how slow they are on the brake," grumbled Patrolman Gus Banakis, the instructor, as a class of recruits failed to respond fast enough when a car cut in front of their "auto" on the screen. "What will happen when they get in a patrol car?" he asked.

Other innovative training sessions are the all-day crime scene and mock trial. In the crime scene exercise, recruits watch as an outdoor armed robbery is staged. Two detectives chase and catch two suspects, cornering them after shooting at the suspects [blank cartridges, of course) The scene is moved indoors for interrogation.

At the mock trial, recruits observe actual attorneys and judge to learn, then analyze in detail, what happens in court.

But the most intriguing part of the intensified program is in the social science unit, increased from 37 to 287 class hours. Now, recruits study the equivalent of 12 semester hours of college-level courses, including two in law enforcement and two in behavior science. They also are in an experimental course in applied psychology totaling 70 class hours.

The key move in the new training came last year when McCann and Oscar Shabat, City college chancellor, worked out a program for 12 City college instructors to teach 25 per cent of the 31-week course. Recruits study at length the role of the policemen in urban society, current social problems, and the philosophical and historical background of contemporary law enforcement.

KERNER REPORT DISCUSSED

Robert Stout, assistant professor of political science at City college's Loop branch, said the hottest discussion in this behavioral science class developed the day recruits took up the Kerner report. For discussion purposes, he asked the recruits to assume as true the Kerner report charge that white racism is the root of the nation's social problems.

"Then," Stout suggested, "shouldn't only black policemen be in the ghetto?" Most recruits vigorously disagreed.

"When you hear police lament, 'We're not appreciated,' what they're really saying is that they want more respect and status in society," Stout said at another session. He exposed the recruits to a generous portion of anti-establishment views.

"In the police subculture," Stout continued, "the police tend to enforce laws that the dominant part of society wants enforced. Policemen tend to be instruments of those benefitting from the status quo.

CRIME STATISTICS QUESTION

"There's a tendency on the part of police to negate all criticisms. It is said that part of the police's role is to produce statistics to show they are doing their job. There's a big battle about the significance of crime statistics. There is suspicion that statistics are controlled. . . ."

During the class, one recruit was visibly upset with the textbook, a paperback on the sociology of a policeman. Finally, he rose and charged the author was anti-police, then added, "Some of this stuff implies that police aren't much more than morons." Stout disagreed, and the pair had an animated discussion.

In a class on law enforcement, Capt. John Ascher, retired chief of detectives, lectured on police history. The recruits were told that for years the ward committeeman had control of half the detectives in his area. They heard how the spoils system affected police department appointments until the civil service system of competitive examinations brought change.

McCann's most innovative project is to refine a New York police training experimental course on family crisis intervention to meet Chicago's needs.

PILOT PROGRAM DEVELOPED

A sociologist found that 22 per cent of policemen killed in the line of duty were answering disturbance calls. So New York developed a pilot program to train policemen in a Harlem district on what to do when answering a call involving a family fight. The result has been no police fatalities from such disturbances in that district.

This is the academy's applied psychology course, but McCann has expanded the content to include what a policeman should do in other disturbances, such as barroom brawls and fights between motorists at accident scenes. Over the years, policemen have learned that combatants may suddenly join forces to turn against them upon arriving on the scene.

McCann is even considering inviting black militants and gang members as guest speakers at academy classes to help the recruit understand what's in store. But he emphasized such a move would need to be handled "pretty gingerly."

That would mean discussions on militancy and gangs before and after the speaker's appearance. These subjects are topics in other areas of the training program now.

COP TRAINING COMPARED

Here's how the curriculum of the police academy has changed since the switch from a 14- to 31-week program:

	Hours
Instructional area, old:	
Administration	39
Criminal law unit	91
Firearms and drill unit	50
Physical training unit	36
Police operations unit:	
Department standards	13
Field procedures	138
General and special studies	26
Investigation	73
Staff services	23
Social science unit	37
Total	490
Instructional area, new:	
Administration	85
Criminal law unit	120
Firearms and drill unit	92
Physical training unit	62
Police operations unit:	
Department standards	28
Field procedures	305
General and special studies	32
Investigation	46
Staff services	28
Social science unit	287
Total	1,085

MORE SENSITIVE POLICEMEN?

Will this new type of training produce a more sensitive policeman attuned to current urban needs?

McCann emphasized the difficulty of the academy to change a human being in 31 weeks that society has been molding for 20 or more years. But he added that the younger the recruit is, the more likely the training will make him sensitive.

"It's quite difficult to change a man's attitude after 26," he explained.

"We try to tell recruits, 'Don't act according to how you feel, act according to what the law says.' But in a pressure situation on the street, they may forget what they learned here."

Who are the men who become policemen and what measures are taken to insure they are fit to wear their badges!

RECRUITS MOSTLY WHITE

Police officials made available results of questionnaires completed by six classes of recruits. Average age: 23.3 years. Of 183 recruits, 150, or 81.9 per cent, were white, and 27, or 14.2 per cent, were black. Six were from other races.

Officials said the number of Negroes applying is declining, ostensibly because of the growing view in black communities that black policemen are "Uncle Toms" and traitors to their race. Five years ago, the department made specific efforts to recruit Negroes, but is not doing so now. The reason given is a huge backlog of applications.

Of the 183 recruits, only nine are college graduates, altho 97 did attend college at some time. In most cases, this was one or two years in a junior college. In a class of 35 recruits, usually one, or at best two, is a college graduate. Academy officials eagerly pointed to one class with six college graduates, a rare exception.

Previous jobs of recruits included truck drivers, machinists, stock clerks, construction workers, bank tellers, bartenders, office managers, salesmen, police cadets, and Chicago transit authority policemen.

PASSING SCORE OF 70

Of every 100 men who apply to take the civil service examination for policemen, only eight will enter the academy. Candidates must receive a passing score of 70 on the test.

"We try to get policemen with an intelligence quotient of 105," explained John C. Bucher, police department personnel director. "This insures, we hope, they will have the intelligence to take the training."

Along with the civil service test, candidates

take three psychological exams. Results are evaluated by a psychological consultant firm, then are forwarded to detectives to help in background checks. Candidates, meanwhile, will have been given medical examinations, and 50 per cent fail.

The background check results in elimination of another 40 per cent of remaining candidates. Detectives interview former employers, teachers, and neighbors to determine if the candidate has personality and character flaws that might make him unfit to be a policeman.

Even after a candidate is accepted for training, academy instructors look for psychological problems. They have held sessions with a psychiatrist to learn how to spot signs of mental and emotional problems.

If an instructor suspects a recruit has such a problem—and this does happen—he tells the academy director. The recruit is ordered to report for an interview with a three-member psychiatric board, and he might be dismissed after the session.

But 92 per cent of recruits beginning training graduate from the course. In 1968, 1,163 recruits successfully completed training from the 80 instructors.

The physical setting for the classes can be most charitably described as deplorable. When asked about the building's age, officials quickly point to the concrete slab over a second-floor window which proclaims, "Foster School 1857."

JOKE ABOUT CONDITIONS

"You can still hear the wailing of the suffering from Camp Douglas," wryly noted Capt. Ascher. Camp Douglas was a Civil war camp on the south side, and the academy building was used as a hospital for its wounded.

The roar of the trucks from the adjacent Dan Ryan expressway often drowns out lecturer and recruit during classes. And the smoke wafting into classrooms from the Vienna sausage factory across the street is a standing joke among recruits and academy officials.

And one recruit, asked what part of the training he disliked the most, replied: "The day we went to the fire academy to see their modern, air conditioned facilities."

RADIO DISPATCHERS CALL THE SIGNALS FOR POLICEMEN ON PATROL

(By Casey Banas)

The unsung hero—and the quarterback—of the Chicago police department is the radio dispatcher.

He is the link between the citizen calling POlice 5–1313 for help and the patrolman on the street in the squad car. During peak week-end evening hours, he will talk nonstop until relieved, attempting to keep up with the citizen calls.

But the dispatcher is frustrated because of the mounting number of noncrime calls for which he must, by department directive, assign a patrolman.

In 1966, citizens dialed POlice 5–1313 a total of 2,817,804 times. The figure for 1967 was 3,105,292 and in 1968 there were 3,261,738 calls. And statistics show that the increase for the first eight months of 1969 exceeds the increase for all of 1968.

INSTANTANEOUS INFORMATION

With computerized services at their fingertips, the dispatchers can provide near instantaneous information to the policeman on the beat. Three examples:

A policeman detaining a suspect wants to know if the man is wanted for any other offenses. At the dispatcher's side is a "computer inquiry terminal" with a screen and keyboard. Information about the suspect is typed out, and the computer will flash back information on the suspect's background.

A motorist stopped for a traffic violation cannot prove he owns the car. The patrolman calls the dispatcher, who calls the "hot desk" in an adjoining room. The "hot desk" clerk has four by five inch microfilm cards, each with information on 1,000 automobiles. By projecting the card on a screen, the clerk can find the license plate number, owner's name and address, serial number, and make, year, and model of the car. If the car is not listed on the microfilm card, the clerk has a direct teletype link to the secertary of state's office.

A suspect arrested says he just came to Chicago from Florida. The "hot desk" has a teletype link to the National Crime Information center in Washington.

A clerk typing the suspect's name and description receives a reply within seconds that he is wanted in Florida. The computerized answer even confirms the suspect has tatoos of two panthers and a girl on his back. Information on all persons arrested is routinely checked with N. C. I. C. Nearly every day, the computer finds someone wanted out of state.

But overshadowing the technological abilities of the communications center is the issue of whether the police should respond to all calls of citizens. During times of normal loads, a police car will be sent when a citizen calls—regardless of how trivial the request is.

Noisy ball games in streets, injured squirrels, and family quarrels are among the types of noncrime calls that police must answer.

Dispatchers interviewed were unanimous in urging that the police department institute a policy of screening calls. "People constantly call on stuff that doesn't amount to a hill of beans," said one supervising sergeant in the communications center.

PLAGUE OF FALSE ALARMS

Just as the fire department is plagued with false alarms, so is the police department the target of phony calls. While a reporter was monitoring calls from the public, a citizen called to say a policeman was being beaten at a south side corner. The dispatcher immediately issued a "policeman needs help" call. Three cars responded, but there was no activity at the corner.

Two separate high level studies on improving police operations will recommend that the police department screen calls to determine whether a policeman really is needed. But screening faces an uphill struggle.

Police Supt. James B. Conlisk is dead set against it.

"I think it would be a mistake to do this," Conlisk said. "I think we are responding to the most important thing in the mind of the caller."

PUBLIC RELATIONS CITED

Conlisk candidly admitted that a second reason for his stand is the public relations aspect to answering calls for service. He noted that "too frequently, the contact with a policeman is unpleasant." So getting that cat out of the tree or chasing the noisy teenagers off the corner helps the police image with the citizenry.

The close attention to the service function of the police became department policy after O. W. Wilson became police superintendent in 1960. Conlisk has intensified the policy. During the Wilson era, a squad car would not be dispatched unless the caller gave his name.

Now the caller is asked, "Would you like to give your name?" If he declines, a squad car still is dispatched to check out the complaint.

"Compare this to a little snowball," one dispatcher said "When it gets to the bottom of the hill, it's monstrous. We can't handle all the calls. It's beautiful to have public relations, but this is ridiculous."

A WEST SIDE SHOOTING

During one hour, only one call handled by the dispatcher involved a crime. A man was shot on the west side. The others were a variety of domestic and teen-age disturbances.

The policy of providing service often backfires when no cars are available to answer bonafide emergencies. One high police official revealed that on an August week-end, 240 emergency calls went unanswered because policemen were too busy.

The communications center keeps a log of times when districts have no cars available because of the flood of calls. The "no cars available" report for the 4 p.m. to midnight watch on Aug. 18 showed 26 entries, including periods of up to one hour, 34 minutes when a district had no squad cars free for assignment.

Activity is so hectic on a Friday or Saturday evening that overworked dispatchers will assign calls to squad cars in pairs. A policeman will be told to check on teen-agers in an alley, then a domestic disturbance. When he's finished, there's a backlog of other calls to answer.

COMPLAINT MAY BE FILED

If a dispatcher fails to send a police car to answer a citizen's call, the citizen may file a complaint. The internal investigations division must initiate an investigation. The dispatcher, his supervising sergeant, the watch commander and the communications center director all must answer to the complaint of why the squad car was not sent out.

Last July 4 during an eight-hour period the communications center answered 8,186 calls on POlice 5–1313. Most were complaints about open fire hydrants and fireworks.

When disturbances erupted in the wake of the assassination of Dr. Martin Luther King Jr. in April, 1968, Mayor Daley announced a 7 p.m. curfew for people under 21 years of age. The police received 19,000 calls about the curfew. People asked whether the curfew applied to them. Among the callers was a young man who said, "I'm big for my age."

Several dispatchers asked a reporter: "Have you heard about Detroit?"

DETROIT PROGRAM DESCRIBED

In 1965, the Detroit police department formed a communications committee. A prime objective was to recommend some action to insure vital police service was available when needed. Calls for service had been increasing 50,000 a year.

The committee recommended that calls be screened. In the first year of operation, the number of times a police car was dispatched decreased from 765,095 to 658,617. Detroit has specific guidelines on when a policeman should not answer a citizen's call.

"Family trouble is basically a civil matter," the order said. "It is not a police function to arbitrate or undertake negotiations in marital difficulties." So the Detroit dispatcher has the names and telephone numbers of agencies to refer the caller. In Chicago, a policeman will be sent to the scene.

FIVE-YEAR PLAN CONSIDERED

The Detroit guidelines include instructions on where to refer citizens calling about injured or dead animals, minor traffic accidents, misdemeanor assaults, destruction of property, larcenies, landlord-tenant troubles, and sick or injury calls. A Detroit policeman is not sent to the scene except in specified unusual circumstances.

The Chicago police department has formed a communications committee to develop a five-year plan to improve operations. The key recommendation for the first phase under consideration is to equip all beat patrolmen in squad cars with portable radios next year so they can call for help if emergencies arise while answering calls. An experiment of the portable radio concept is undergoing testing in the Town Hall district.

The tentative recommendation for the second phase—for 1971—is a policy of screening calls. A program similar to Detroit is envisioned by some police communications officials.

But high police officials said the only way a screening policy will be accepted by the

public is if top city officials work diligently to show the public it will be served better if more policemen are available to respond in emergency situations. Only the concerted efforts of the mayor and the police superintendent could persuade citizens that screening is in their best interest, policemen said.

ANTIQUATED SYSTEM UNTIL 1961

In seven inner city police districts and in the communications center, the department has a "power shift." Extra men and extra cars are on the street in the peak hours from 6 p.m. to 2:30 a.m. But still the need far outstrips the manpower.

Police communications have made giant leaps forward in the last decade. Before the present communications center went into operation in 1961, the ability of police to respond to any call—much less an emergency—was severely limited by an antiquated system.

If you called a decade ago, here's what would have happened:

The person answering the call would have written the necessary information on a card. The card would be routed on a conveyor belt into another room to one of three dispatchers.

Perhaps 30 minutes later, the dispatcher would assign a squad car to respond to your plea.

CRIME "LOST" ON FLOOR

Even worse, police officials admitted, the card might have fallen off the conveyor, and a crime would have been "lost" on the floor. Periodically, someone would look on the floor for lost cards.

Asked how rapidly a citizen can now expect the police in an emergency, Conlisk replied: "We aim for two minutes." The routine call may take an hour or more to answer, but priority is given to the emergency call.

If your call is not answered within 12 seconds, it goes to an auxiliary desk. If it's not answered within 30 seconds, the call is automatically switched to a third position. More than half the calls are answered within 12 seconds, and only 8 per cent result in waits of more than 30 seconds.

In the communications center, the city is divided into eight zones. These correspond to eight groupings of telephone exchanges so a citizen's call is automatically routed to a console serving his zone.

EIGHT ZONES IN CITY

Calls are routed directly to dispatchers at three-man consoles. Two take the citizens' calls and the third assigns cars to answer those calls. When a citizen starts talking, the dispatcher will write the information on a card.

An illuminated map above the console shows the boundaries and numbers of all patrol car beats. If the car is patroling the beat, the light is on; if the policeman has been assigned to answer a call, the light is off. At a glance, the dispatcher can see what cars are available for assignment.

Each assignment card is stamped three times in a time clock: when the person calls, when a car is assigned, and when the policeman reports he has completed the call. All conversations between citizen and dispatcher and policeman and dispatcher are recorded. Tapes are kept for 30 days.

The police department thus has both a written and oral record of all calls for service and what has been done about them.

Fighting Crime Is Just Part of Policeman's Job

(By Casey Banas)

What is your first mental impression when the word "policeman" is spoken?

A callous, tough-looking man ready to swing a club? Two men in blue with revolvers drawn chasing two fleeing robbers down the street? Someone writing out a ticket for that red light which you obviously did not run? Or that of a dedicated public servant?

A Chicago policeman devotes only 26 per cent of his time to crime-related activities. The remainder is spent providing services to citizens.

The policeman patroling the streets in his squad car, said Capt. Robert Woodburn, 16th district commander, becomes much more than a policeman. He's a priest, a judge, and a social worker.

"Take a family quarrel. He wants her arrested, she wants him arrested. The policeman must be a Solomon to know which way to go. If at all possible, he doesn't arrest either."

ON PATROL IN 2 AREAS

On successive Fridays, this reporter rode the 4 p. m. to midnight watch in two contrasting areas—the beats covering the Addison-Harlem area on the far northwest side and the Madison-Kedzie neighborhood on the west side.

Tomorrow's editions will include an account of an evening in Fillmore, the police district with the highest crime rate. Today's story is about a ride with a policeman in the Jefferson park district, which has the least amount of crime in Chicago. This is how it went:

Patrolman Howard Hagen, 25, is the relief driver for beat 1610, the squad car patroling the 2.5 square mile area bounded by Central, Belmont, and Oriole avenues and Irving Park road.

Hagen scans the district's crime report for the last 24 hours. It has only six items—two stolen cars, three thefts of various articles from autos, and a burlgary of a radio and record player from the educational building at Chicago State hospital.

ASSIGNED TO CITIZEN'S CALL

"I'll start with a cup of coffee," Hagen says leaving the station for what is expected to be a leisurely pace. But after eight minutes on the street, he is assigned by a radio dispatcher to answer a citizen's call about "a theft from auto."

Six minutes later, a business man is telling Hagen that a stereo tape recorder had been taken several hours earlier from a convertible with its top down. He interviews the citizen, looks over the car, then leaves.

While sipping a cup of coffee, Hagen fills out the first report of the watch, only to discover he failed to get the license plate number of the convertible. Returning to the scene, he finds the car is gone, but the reporter notices 150 feet away what appears to be an abandoned auto.

All tires on the 1957 model car are flat, the windshield is smashed, and the interior is slashed. The squad car's appearance creates the biggest crowd of the watch for Beat 1610—six adults and seven children.

A state driver's license examiner comes out of his house to complain that the car has been there for six weeks. A tow sticker was put on the window several weeks ago, but nothing was done. The owner of a nearby cleaning establishment says that one of his workers is sore because the car has occupied his usual parking space. Others tell how teen-agers sleep in the car at night and use it for necking sessions.

Hagen checks with his dispatcher to determine if the car is stolen [it isn't], places another tow sticker on the window, and fills out an abandoned auto report. The process takes 28 minutes.

Back on patrol, Hagen waits for a light to change at Addison street and Laramie avenue. "There goes a car thru a red light," he exclaims, and gives chase eastbound on Addison. Two blocks away, at Lavergne avenue, the car is curbed.

The motorist has a Texas driver's license, which cannot be used as bond on a ticket. So Hagen instructs him to follow the squad car to the station. He is not permitted to tell the driver the amount of cash bond he must post at the station [it is $25, and the man won't find out until more than 30 minutes later.]

On the way to the station, Hagen observes another driver running a red light, but ignores the offense. He can't pursue him because "one person is my primary responsibility," and that person must not be abandoned.

Once at the station, Hagen calls the "hot desk"—the records and inquiry section—at police headquarters to find out if the driver has any other warrants outstanding against him. But the "hot desk" computer has broken down, and it takes 26 minutes for someone to check manually and report to Hagen that the man has no record.

Meanwhile, the man, his wife, and fidgety 3-year-old daughter stand and wait. At last, the policeman at the desk, Sgt. George Murphy, asks the driver: "Do you have $25 United States currency with you?" The man finally learns the amount of his bond, posts it, and leaves the station. Hagen urges him to tell his side to the judge at his court appearance.

"Most cases going to Traffic court are dismissed," Hagen said, "It bugs me, but sometimes that piece of paper [the traffic citation] makes a better driver."

AUTO CURBED BY POLICEMAN

Driving on Central avenue near Giddings avenue, Hagen sees gas spilling out a tank of the auto ahead. He curbs the car, is told by the driver that the gas tank cap has been stolen, then instructs the man to buy a new cap promptly.

Twenty minutes later, Hagen is directed by radio to answer a "damage to property" call. On the way, four children in an adjoining car wave and offer a cherry, "Hi, policeman." The squad arrives on the scene nine minutes after receiving the call. That will turn out to be the longest elapsed time of the seven calls of the watch.

A woman takes Hagen to her rear porch and points to a ripped screen. She says she spotted a young man reaching inside the screen to open the back door. Upon confronting the intruder, she quoted him as asking, "Is Bob here?" Then he ran into the alley and disappeared.

After six minutes of talking with the woman, Hagen writes the report. It takes 17 minutes.

"What's that crowd doing here?" Hagen asks, as his squad car approaches Hutchinson street at Daramie avenue. Moments later, he sees one car smashed against an apartment building and another wrapped around a tree. Bystanders say that a woman and two children were seriously injured, but were taken away by ambulance.

Back on patrol, Hagen recalls a burglary two days before when a diamond ring was taken from a bedroom while a woman was mowing her front lawn. He wonders if the young man asking for Bob and the ring thief are the same person.

Then comes another call: "Ball game in street at 4100 Parkside avenue."

Who called? "Probably some older people who want peace and quiet," Hagen answers.

BALL GAME NOT FOUND

There was no ball game at 4100 Parkside av. "Would you believe a 2 E-Edward?" Hagen asked the radio dispatcher. [In police code, "2" stands for "disturbance, teen-age" and "E-Edward" for "perpetrator gone on police arrival."]

Four hours of patrol have gone by and Hagen pulls into a restaurant at Addison and Harlem for dinner. But he spots three teenagers frantically trying to smother with a blanket a carburetor fire in a car parked in the alley.

Hagen reaches for his fire extinguisher and motions the boys away. But the fire extinguisher doesn't work. A teen-ager races across

the street, comes back with another fire extinguisher, and quickly puts out the blaze. Fifteen teen-agers gather, and most express dismay that the fire is out.

Back on patrol 37 minutes later, Hagen is directed by radio to assist Car 1611 on a call about "a vicious man in a store." For the first time, he switches on his blue bubble light and flashes his spotlight to and fro to warn cars ahead to the curb. In five minutes, he drives 3½ miles to the scene.

But there's no disturbance. The patrolman driving Car 1611 is being told by a supermarket manager that a man was "lurking around the safe for 10 minutes at closing time." He called the police because he wanted to be "safe rather than sorry." The man left by car moments before Car 1611 arrived.

Only eight minutes elapsed after leaving the scene before the next assignment, "theft of bicycle." A mother told how her son won an $80 bicycle by selling 300 boxes of candy in a Boy Scout contest. Usually the bike was stored in the garage, but it was left out that night for a special reason.

The mother, clutching a pack of party invitations, explained her son was going to deliver them to notify her daughter's friends of a surprise birthday party. But somebody stole the bicycle from the back yard. The bike had been registered with the police department. Hagen explained that the police recover hundreds of bicycles but are unable to find the owners. So the bikes are auctioned periodically.

"That's four paper jobs already," Hagen said, sitting in the squad car to write a theft of bicycle report. "We're above average." "Average" for him is two or three.

LOOKING FOR A BICYCLE

"I'd like to find that bike," Hagen said. He drives thru nearby Merrimac park and past two schools on the outside chance the thief might be there. The three areas are deserted.

Hagen hears the district's vice car report on the radio it has arrests at Irving Park road and Linder avenue. "Probably teens drinking," he says, heading for the scene.

An unmarked police car is parked at the curb at Portage park, and two detectives have in custody five youngsters—all about 13 years old. One boy denies drinking. "Suppose I take you to your father and let him decide," the detective offers. There is no reply. A squadron comes and takes the five away to the station where they will be released to their parents.

"Now let's take care of the special attentions," Hagen says.

A "special attention" is a specific request by a citizen for service. Hagen has three orders: The first to check a house on Nora avenue because the family is on vacation, the second to watch a vacant house on Plainfield avenue because a neighbor has reported that teen-agers have broken in and have damaged property, and a third from a business owner on Belmont avenue who said teen-agers wander on his roof at night and park in the rear parking lot to drink.

Hagen checks the Belmont avenue store. No one is there. The two other "special attentions" went unchecked during Hagen's watch.

On the radio, he heard that his supervisor, a sergeant, was meeting another patrolman at a closed gas station at Irving Park and Central. Patrolmen in the district normally have their reports checked by their sergeant during the watch, so Hagen heads for the gas station.

The next call came at 10:57 p.m.: "Dogbite at Northwest hospital." A hospital must call the police on any dogbite case because of the threat of rabies. A 4-year-old girl was bitten on the upper lip by a neighbor's dog and needed three stitches.

The dog's owner, a mother with two young daughters, was petrified as Hagen filled out the report and told her she must take the dog to her veterinarian or the city pound for a 10-day rabies check. The woman chose her veterinarian, but didn't know his name. She said she had it at home.

Hagen went to her home, and asked to see tags for rabies shot and dog license. The woman had only 1968 tags and was informed she would receive a nontraffic summons and be required to appear in court.

ADVICE TO A DOG OWNER

Only the supervising sergeant has the nontraffic summons book, and Hagen phoned him and waited. "Will I be fined?" the woman asked. Hagen said probably not, provided she showed the judge proof of a current rabies shot and a dog license.

At 11:55 p.m., 58 minutes after receiving the dogbite call, Hagen left the owner's home.

Since Hagen started patrol at 4:30 p.m. [roll call was 4 p.m.], he was to be on the street until 12:30 a.m. There was yet one more call, "a suspicious man in an auto."

For the second time, Hagen switched on the blue light and drove at speeds up to 50 miles an hour to reach the scene 2½ miles away in three minutes. There was no suspicious man, but a woman came out of a tavern to say the man had just left.

She said the man was her ex-husband, who was tampering with her car as part of a continual pattern of harassment. Hagen told her to start the ignition, and the engine ran normally. The policeman explained that she could go to court to get a warrant for his arrest. The judge may order him to stay away from the woman and her property for six months, he said. If the order is violated, he could be sentenced to jail and fined for contempt of court.

Finally, Hagen drove back to the station, ending his watch. He had made no arrests, fired no shots, and seen no crimes committed. As usual, his primary role was in providing service to the people.

FILLMORE IS PRIME BATTLEGROUND FOR CHICAGO'S POLICE

(By Casey Banas)

Patrolmen Gerald Gregg, 24, and Tyrone Foster, 26, cover beat 113, a six-square-block area in the vicinity of Fifth and Central Park avenues. Their Fillmore district, which has the city's highest crime rate among 21 police districts, includes the west side areas leveled by fires and plagued by rioting in April, 1968.

Fillmore has two men in most, but not all, squad cars. It is a district where the beat policeman considers himself in danger at all times. Foster, a Negro, drives home that point in his first comment.

One rear door of the squad car is stuck, so the Tribune reporter and photographer team use the other rear door to climb in. Foster takes pity on the reporter sitting next to the jammed door.

JAMMED DOOR MAY BE TROUBLE

"You might have to get out of the car in a hurry," he explains. "The car may come under fire, or bricks may be thrown at it."

Fillmore's crime report for the preceding 24 hours includes 30 items. Among these are one murder, 12 burglaries, a variety of stolen autos and attempted thefts, and one attempted rape.

Within one minute after leaving the station, the first call is received over the police radio: "Disturbance with teens." In six minutes, Gregg and Foster are on the scene, a three-story dilapidated tenement on Fifth avenue. A group of blacks standing on the sidewalk eye the policemen with suspicion.

The caller is supposed to live in a third floor apartment, but the woman who opens the door insists she did not call. "Somebody probably changed his mind after calling," Gregg notes.

HEAT, HUMIDITY, CLUSTERS OF PEOPLE

The temperature is in the 80s, the humidity is high, and clusters of people are on the streets to escape the heat of the apartments. "On a day like this, we wish for rain or a hailstorm," Foster says.

"When it's hot like this, a lot of people are milling around," Gregg adds.

"They stay up later and drink more," Foster continues.

"What time is your lunch break?" the reporter asks. The question hits a tender nerve. The two policemen explain that department regulations forbid two patrolmen from taking the 30-minute lunch period together.

"Send him to lunch and I get killed," Foster said, pointing to Gregg. "Send me to lunch and he gets killed."

The thinking at headquarters, Greggs theorizes, is that top police officials want a squad car in a high crime area on the street thruout the entire eight-hour watch. He explains that instead of following the only-one-policeman-can-eat-at-a-time policy, they quickly grab a hamburger in the car together, than resume patrol.

Their next assignment is a burglary call. As the squad car pulls in front of a house, a dozen teenagers are chatting on the front porch. "There's 12 suspects right there," Foster says.

Inside, a husband and wife tell the policemen that a burglar has stolen a $300 stereo set, a diamond ring, four pairs of tailored pants, a collection of pennies, and 20 record albums out of a collection of 100.

"I'm getting tired of this," the wife says, explaining it's the second burglary in two weeks in their home.

BURGLARS COULD BE NEARBY

Foster takes the husband aside and says: "Man, they're right out there." He tries to convince the man that the burglar probably is right on his front porch, but he refuses to believe it.

As Gregg writes the burglary report, Foster explains how the Fillmore policeman—under constant pressure is dealing with the seamy side of life—must find comical aspects in his job to help ease the strain.

He told an anecdote about the time he and a new partner just out of the police academy answered a disturbance call. Foster was attacked by a man.

"We started in the apartment and wrestled all the way down the stairs," he recalled. "Man, we did the whole thing.

"My partner was just standing there. Finally he said, 'You're doing a terrific job.'"

CLEARS WIFE IN STABBING, DIES

There was the case, Foster continued, of the man who was stabbed and claimed he rolled over a knife while peeling apples. He said the victim was stabbed by his wife. "He cleared her, then died three days later," he said.

Foster's story telling was interrupted by a "man with a gun" call. Gregg turned on his blue light and raced to the scene in four minutes. Three young boys approached the squad. "We're ones that called," one said. They said a man pulled a gun on them while they were playing in a vacant lot. The boys pointed out the house where the man lived and described the gun.

The man said he had a gun, but denied threatening the boys. He said he owned the vacant lot and didn't want the boys on it. The gun he produced did not match the description the boys gave of the gun.

Continuing on patrol, Foster said one problem in Fillmore was the possibility that someone might shoot a policeman without any notice.

Gregg told how his regular partner answered a disturbance call, and a man pulled a

knife and threw bleach in his face. The policeman immediately shot and killed him. "When somebody comes at you with knife and throws bleach in your face, you have no recourse," Gregg contended.

"Write about the fire hydrant at this corner," Gregg suggested.

"Why should I write about the fire hydrant?" the reporter asked.

EXTORTION OF UNWARY DRIVERS

Gregg and Foster related how boys often opened the fire hydrant to flood a railroad viaduct a few feet away. An unsuspecting motorist starts thru the viaduct and gets stuck in several feet of water. A crowd of boys descends on him, each demanding 50 cents to push the car out. If the motorist refuses, the boys pelt the car with rocks.

Almost always, the motorist quickly pays. Why can't the police stop it?

"When we come, they scatter," Gregg explains. The answer, Foster suggests, is for the city to develop a new hydrant cover that could not be easily opened by teen-agers.

Open fire hydrants in ghettos on hot days is a recurring call for policemen. "Isn't the water department supposed to shut off hydrants?" the reporter asked.

"I'll show you the hydrant key in the trunk," Gregg offered.

"We're the water guys," Foster added.

"There should be no one-man cars here," Foster asserts, passing a squad car with one white policeman. This is a bitter point with patrolmen in the inner city.

The lull is broken by a "disturbance at door" call at 3451 Monroe st. Foster and Gregg find there is no disturbance at the door. In fact, there is no door because there is no such address.

"Police officer needs assist" is the next call 10 minutes later. Within two minutes, Foster and Gregg are on the scene—along with six other squad cars. A policeman has two people in custody. Fifty young people are in the street, with another 100 persons leaning out of apartment windows.

Two young men were quarreling over a girl. When a patrolman moved in, the girl and the young men threatened him. He called for help.

DISTURBANCE THAT CAN BE SPARK

It is this type of disturbance that police officials fear could develop into something serious on a hot summer day. But this time it did not.

The two patrolmen then stopped at a snack restaurant for their dinner: hamburgers and soft drinks. Altho they are allotted 30 minutes for the meal, they were back on patrol in 13 minutes.

Gregg was asked to resume his discussion on Fillmore policemen.

"We only have one set of car keys between two guys," he explained. "We need two keys."

Why? "We're supposed to lock the squad car when answering a call," Foster explains. "Suppose a policeman is scuffling with someone, has the keys in his pocket, and needs help. The car door is locked."

The squad car continued to crisscross on the west side. Foster and Gregg pointed out two places where policemen were shot in the last month.

"These are known spots for ambushing policemen," Foster said, as the car headed west on Taylor street parallel to elevated railroad tracks. "People can stand on the track and either shoot or throw rocks at the squad, and make a getaway by running down the south side of the elevated tracks," he added.

The car turns down Madison street west from Pulaski road. "See that red window in that store," Foster says. It's a window between two doors. Foster explains that until recently, the window was clear glass and was often broken. Looters could enter at will at night without the patrolmen in the squad car realizing the window was broken. Store officials installed red glass. Now, they have gone one step farther by placing a large steel post directly in front of the window.

CALL FOR "DOMESTIC DISTURBANCE"

Next came a call for a "domestic disturbance" in a basement apartment. The man at the door says he wants police help to stop his brother-in-law from making advances to his wife.

"Do you let him in your place?' Gregg asked.

"Yes," the man replies.

The two policemen suggest that he call while his brother-in-law is in the apartment. The man explains he tries, but since the phone is upstairs, the brother-in-law leaves as soon as he is suspicious. Foster and Gregg suggest that the man keep the brother-in-law out of the apartment.

Only one minute after leaving the apartment there is a "disturbance in house" call. On the way to the scene, Foster spots a man, obviously out of gas, pouring gas into his tank from a one-gallon can. "If we were up north in some district, we would stop and help," Foster admits. "But not here. We're too busy."

Foster and Gregg reach the address, and a man comes to the squad car. "He stole my two garbage cans and sold them," he says. "And he owes me $58." The complainant says the alleged thief lives only two doors away.

"Maybe he's trying to get money to pay you," Gregg wryly replies.

Foster volunteers to mediate the dispute between the pair. "Both say the cans are theirs," he reports back, "but the guy says he's got a suit against him."

The reporter suggested that perhaps another agency should be created to answer calls such as the garbage can dispute, thereby freeing police to devote more time to fighting crime. "They'd get their heads blown off," Gregg replies.

The evening shadows lengthen at 7:25 p.m. and activity for policemen is expected to increase as more people start standing on street corners and the taverns are filling with patrons.

Two minutes later comes the call, "suspicious person in basement."

That call kept the two patrolmen occupied for 3 hours and 4 minutes.

"I think there's a dead man in there," says a man who has been waiting for the police. He is right.

A man is lying face down on the blood-covered floor next to a bed. "Possibly murder," is the initial comment of another policeman called to the scene. Detectives later said no foul play was involved.

Gregg and Foster determine from interviewing residents that four alcoholics were living in the basement. One had died. Perhaps hemorrhaging was the cause. Or maybe in a drunken stupor, he fell out of bed, hit his head on the concrete floor, and died. These were among their theories.

Because they were the first policemen on the scene, Foster and Gregg had the responsibility of "securing the crime scene" so that nothing in the room would be disrupted. They also had to call their sergeant, homicide, the crime laboratory, and a deputy superintendent.

Gregg interviewed several residents in the building, but none offered much help. "I went upstairs to talk to the woman on the first floor," he said. "She said she didn't want to get involved."

Much later, Gregg returned to the Fillmore station to fill out a "hospitalization case report" on the dead man. Completing the report took 29 minutes in a drab interrogation room.

INTERRUPTED BY SCUFFLING

His efforts were interrupted several times by scuffling in an adjoining interrogation room where a man was being questioned. "Mr. ———, would you like to take a sobriety test?" a policeman was overheard asking.

The response was the sound of bodies banging against walls coupled with an abundance of profanity directed at the policeman. Gregg and a half dozen policemen immediately charged into the room to help rescue their colleague.

With the report completed, Gregg and Foster returned to patrol with only 29 minutes of their watch left. Calls over the police radio continued without abatement.

"It's just starting to roll," Foster says. He expresses sympathy for policemen on the midnight to 8 a.m. watch who "come right out of roll call into the middle of this stuff."

Then came the final call of the watch: "Policeman needs help." In three minutes, the patrolmen reached the Madison street address, but there was no activity. The squad car turned the corner, and a crowd milled in front of a tavern on Pulaski road. A man had pulled a gun on a policeman on Madison, then fled for the sanctuary of the tavern. Police had found him.

Foster and Gregg left the scene and returned to the station to turn over the squad car to the next watch.

Even tho the activity for Beat 1113 was less than usual, one impression was left. What sociologists term as the "we-they mentality" between the police and the community seemed to permeate Fillmore.

The "we-they mentality" simply means that police and some segments of the community view each other as the enemy.

FIVE HUNDRED SPECIAL POLICE WORK TO KEEP YOUNG FROM LIFE OF CRIME

(By Casey Banas)

The curly-haired 14-year-old boy sat sobbing in a corner, rivulets of tears streaming down his face.

He had just been arrested for the 19th time in four years.

Across the drab youth officers' room in the Englewood police station sat a second white 14-year-old. It was his first arrest.

JUVENILE ARRESTS RISING

Police picked up the pair after a citizen reported that a burglary was in progress in a southwest side tavern. They were found on the tavern roof beside a skylight where three windows had been broken. Apparently they were out to steal liquor.

Arrests of juveniles, such as these two young men, are on the upswing in Chicago. In 1965, police made 38,521 juvenile arrests. By last year, the figure had soared to 46,372, a 20 per cent increase in three years.

Responsibility for handling juvenile offenders—and for attempting to prevent juvenile delinquency—rests with the police department's youth division, 500 specially-trained policemen and policewomen. They work closely with a myriad of community agencies and churches in a seemingly ever-uphill battle.

"America's best hope for reducing crime is to reduce juvenile delinquency and youth crime," emphasized the Presidential Crime Commission.

COMMUNITY HAS FAILED

"Once a juvenile is apprehended by the police and referred to the juvenile court," the commission continued, "the community already has failed."

The community seemingly has failed 19 times with the diminutive, sobbing 14-year-old boy described by one youth officer as "cute as a button." Tho cute and tho small for his age, the boy has shocking credentials. His record showed a variety of shoplifting and burglary charges.

Because of his size, older boys have used him to go into small places to pave the way for burglaries of television sets, radios, and clothes. He has crawled thru air vents in

the Ford City shopping center to gain entrance into stores, then opened the doors for the older boys who carried out the merchandise.

ASKS FOR MERCY

"Give me a break, give me a break," the boy cried repeatedly after being told he was again headed for Family court. "I've given you two breaks in the last month," replied Edward Earl, the youth officer.

"What about his parents?" a reporter asked.

"They don't give a damn," answered James Mulligan, another youth officer. He could have given the same answer to countless cases of juvenile arrests.

On the far side of the room, the father of the other boy was discussing the attempted burglary with Richard Siles, another youth officer. "We will refer your son to a neighborhood agency for counseling," Siles explained. "This is not punishment."

THREE THINGS POSSIBLE

When a juvenile [boy under 17 years of age, girl under 18] is brought to a police station, one of three things will happen. The juvenile is always turned over to a youth officer who will fill out a juvenile information report, a community adjustment report, or a referral to Juvenile court.

If a juvenile information report is made, the youth officer records the incident and the child is released.

In a community adjustment report, the youth is referred to a neighborhood agency for a follow-up counseling session to determine what went wrong. This is designed to be a preventive measure against future delinquent behavior.

If the youth is referred to the court, he has a hearing before a judge.

The ideal community adjustment system, said Youth Officer Joseph Haughy, would be a "big brother" system providing a one-to-one relationship between counselor and offender. Because the need far outstrips the availability of services for the delinquent, a counselor may have a caseload of 40.

"Our objective is to try to provide a vehicle whereby the individual headed toward a life of crime is directed toward a path where appropriate counseling can be provided," explained Capt. Thomas M. Frost, youth division director. But Frost and his youth division needs much more help from the community, and especially from parents.

Why is youth crime on the increase?

"I can give you four reasons," Frost answered. "The general tenor and attitude of young people is contrary to the traditional concept of discipline and law and order. Young people are participating in more recreation outside the home. They have more opportunities for crime.

"Then there's the shifting role of the family with its attitude of more permissiveness. Finally, modernization of police techniques such as the communications center result in more youths getting caught."

Youth Officer Mulligan: "The need to belong is becoming more important. Coupled with this is that kids have so much unsupervised time and have money. This is the reason juvenile crime is up."

His analysis was backed by the Presidential Crime commission which said:

"The typical delinquent operates in the company of his peers, and delinquency thrives on group support. It has been estimated that between 60 and 90 per cent of all delinquent acts are committed with companions."

Police department officials believe this estimate would hold true for Chicago.

WATCH NEW GROUPS

Part of implementing the youth division's philosophy of preventing juvenile crime rests with surveillance of emerging groups. In recent days, Mulligan has kept close watch over a group of 15 youth on the southwest side who have started using chains and baseball bats in neighborhood fights.

Mulligan was planning to call a meeting of parents to enlist their cooperation to break up the group. "In many cases," he explained, "denial of use of the family automobile will knock them out of the box. A car is just used for joyrides, but the kids pick up bad habits."

Youth officers get mixed reactions from parents whose children are in trouble with the law. Sometimes an irate parent, called to the station when a son or daughter has been arrested, will offer this opening shot at the youth officer: "Why don't you go catch burglars instead of chasing kids?"

BURGLARS ARE YOUNGSTERS

Sometimes the burglars are little kids.

Asked the age of the youngest child he saw arrested, Mulligan told about the 6-year-old who crawled thru a transom in a burglary attempt. And he recalled the case of a 7-year-old arsonist who set a school and several apartment buildings on fire.

"This kid loved to set fires," Mulligan said. "He would wake up in the middle of the night from a dream about setting a fire."

The parents were shocked to learn their child was an arsonist, but they cooperated in permitting the boy to be sent to the Institute for Juvenile Research for extensive psychiatric study.

COURT OF LAST RESORT

The youth division often serves as a court of last resort for the parent unable to control the son or daughter. From time to time, parents walk into the police station to admit their offspring are stealing cars or are on narcotics. A father bringing in a daughter using harmful pills helped the youth division uncover a ring of teen-agers staging pill parties in a southwest area forest preserve.

And parents still come to police stations to ask that their children be given what Mulligan calls the "boogieman routine." They want the policeman to instill fear into the young child so he will obey the law. Affluent families as well as those from a lower economic status still make this request which policemen always refuse.

In seeking to find youthful suspects, police have discovered that their nicknames may provide the only clue.

SUSPECT IS LOCATED

Last August, a 14-year-old boy hurled a rock from a Chicago transit authority bus at 55th street and Kedzie avenue. It struck a passer-by, severely lacerating his head. The boy fled from the bus.

Other teen-agers on the bus were questioned. They didn't know either his first or last name, but knew his nickname was "Baby." Police checked the nickname file on "Baby," came up with one living in the area, and tracked him down. He was the same boy.

A sex offender known only as "Animal" and a murderer called "Dracula," were also apprehended because of their nicknames.

ONLY SECONDARY GOAL

But apprehension remains as a secondary goal for the youth division.

"Our job is to keep kids out of jail," Mulligan asserted.

The new youth officers must take a special one-month course. In this year's training, 31 university professors, psychologists, attorneys, and judges taught without receiving any compensation.

THE POLICE TASK FORCE: TOUGH, OFTEN A TARGET OF CRITICISM

(By Casey Banas)

The Chicago police department has a unit that literally is "on the land, on the sea, in the air, and in the hole."

This is a description of the 837-member task force offered by its commander, Capt. Richard Lionhood. Its members can be found in boats patroling Lake Michigan, up in the two police helicopters keeping a watchful eye over a demonstration, on the street faking drunkenness to trap a would-be robber, and under ground patroling the subway stations.

The primary mission of the task force, Lionhood explained, is "to combat specific crime a district is unable to cover because it doesn't have enough manpower." Its men are deployed over and above any policemen assigned to a specific district or police division.

UNORTHODOX METHODS USED

The task force often uses highly unorthodox methods to combat tough crime situations. Its men are deployed in an area for no more than five days, then are shifted elsewhere. The idea is to keep the criminal from being able to trace a task force pattern so he can strike where they aren't.

But among some elements of the black community, the task force is under severe criticism as a hostile force that should be barred from Negro neighborhoods. Sociologists who have studied police departments say one liability of the task force concept is that ever-shifting policemen never do get to know the people in any area.

CRIME PATTERNS WATCHED

Altho the task force has a myriad of special assignments, such as providing bodyguards to VIPs and patroling beaches, its main force is a tactical unit assigned to take on the biggest street crime challenges in the city.

Tactical unit members are assigned specific missions in a given area. The detective division's operations analysis office develops reports on crime patterns. These are used to chart most task force missions. Or a district commander, unable to assign enough of his own men to fight a crime pattern, may ask the task force for help.

When one neighborhood was plagued by a rash of robberies in cleaning stores, the task force sent in units to stake out several stores. Tactical unit members hid in back rooms waiting for a robber to strike.

When a pattern of robberies of truck drivers became evident, the task force swung into action. Cartage companies were asked to lend trucks to the task force. Members posed as truck drivers, and in playing the role, made four arrests of potential robbers.

OFTEN IN PLAIN CLOTHES

The task force member may or may not be in uniform.

Among the most unusual—and certainly the most dangerous—assignments for any Chicago policeman is being a member of the TUF squad [for tactical undercover force]. Periodically, the TUF squad takes to the streets with the assignment of trapping would-be strong armed robbers. Its latest assignment was on west Madison street.

One squad member deliberately sacrifices himself as the "pigeon." He may pretend he is drunk, setting himself up as a potential robbery victim. The "pigeon" is covered by five other squad members. Several may be lurking in darkened doorways and others may be in a disguised truck.

TASK FORCE OPPOSED

The "pigeon" is wired for sound. When he is attacked, he yells, "Hit! hit! hit!" His colleagues race to the scene to help him fight off his attacker. Injuries to the "pigeon" are not uncommon.

Opposition to the task force by some in the black community has developed because of its tactics. One example: handling traffic violators.

A regular patrolman confronting a traffic violator will issue a ticket and the motorist will be on his way. Not necessarily so with a task force member.

In high crime areas, Lionhood explained, most criminals use autos and may carry

weapons in their cars. A task force member may stop a car for a traffic violation, then search the car for weapons or narcotics.

The law-abiding black citizen understandably may consider the tactics as harassment. If this happens several times, he may readily develop a contemptuous view of the Chicago police department.

DEFENDS UNIT'S TACTICS

"We're just trying to do our job," Lionhood replied when asked to justify the tactics. Police officials maintain citizens should not be upset at the inconvenience because it is done for their own protection to reduce crime in their neighborhoods. "We stop people in white areas, too," Lionhood emphasized.

But the task force does deploy its men primarily in black areas. "Our operation is where crime is heavy," Lionhood explained. "According to the statistics, it's in the inner city. But we have worked in every district in the city."

Asked for an example of a task force mission in a white neighborhood, Lionhood referred to disturbances at Kennedy High school, 6325 56th st. For two weeks, 20 task force members were deployed at or near the school.

WATCH FOR TRUANTS

One of Lionhood's current concerns is daytime burglary. "Most daytime burglary is done by truants," he explained. So an ongoing mission is for some task force members to patrol the streets during school hours and stop every school-age child and ask him what he's doing. If the child is a truant, the task force men immediately take him to his school.

Adding to the constant controversy swirling about the task force is the presence of its 46 extra members—the canine unit. The use of dogs in the police patrol has led to criticism. When blacks in some neighborhoods assailed the deployment of canine units in the areas, they were removed.

But the task force and the department's planning division have made a study to determine what effect, if any, canine units have on crime. In 1967, five areas were selected for study: Canine units were assigned. In 1968, they were replaced by regular police patrols. This year, the dogs are back for another test.

Use of the canine units, Lionhood said, has resulted in a decline in crime in the five areas.

JOB OF CROWD CONTROL

Another task force assignment is crowd control, including, of course, demonstrations and riots. Task force members were among the Chicago policemen involved in handling demonstrations during the 1968 Democratic national convention.

When a peace march was held a few weeks after the convention, task force members were assigned to patrol. But they all were subjected to a special psychiatric examination, Lionhood said, to find if they had the "emotional stability to face a provoking situation without going overboard."

In the last year, the task force by default has inherited yet another assignment—patroling the city's subways. For years, subway duty was considered "a penalty post" within the department. If some commander wanted to punish a patrolman, he arranged to have him relegated to patroling a subway station.

PATROL IS INCREASED

When the Tribune and other newspapers began to bring to public attention increasing crime in the subways and elevated trains and stations, the number of policemen assigned to Chicago transit authority installations was increased.

The task force was given this responsibility and it formed a CTA unit. In recent months, Lionhood said, concerted effort has been made to shake off the "penalty post" image of subway patrol. Captains give "pep talks" to emphasize how vital to public safety the patrol is.

Emphasis on neat appearance is stressed so much, Lionhood said, that the unkempt policeman faces action by his superiors. One example of such action is making the policeman work on one of his days off.

The task force, which prides itself on a marine-type esprit de corps, explained exmarine sergeant Lionhood, is seeking to develop this same spirit within the CTA units. "And I think we are succeeding," he said.

"AGGRESSIVE PATROLS" USED IN CRIME WAR

(By Casey Banas)

"Aggressive preventive patrol" is what the Chicago police department uses to deter crime on the streets.

This concept means that policemen stop citizens on the street for questioning and even searching if their behavior supposedly is suspicious. Policemen justify these stops on grounds they are looking for weapons and narcotics.

The beat men in the squad cars usually have little opportunity for aggressive preventive patrol because most of their time is devoted to answering citizens' calls for service and help. Each police district does have men assigned to its own tactical unit which may spend time in aggressive preventive patrol.

But primarily, this type of patrol is left to the task force, which answers no calls for service but patrols areas of "high crime." These areas, according to the police, are the black ghettos.

Sometimes questioning of citizens and searching cars brings charges by Negroes that their civil rights are violated.

A reporter rode from 6 p.m. to 1:30 a.m. with a task force unit patroling an inner city area and observed more than a dozen instances of stops and searches And because the task force is the department's most versatile unit, the unexpected happened.

This is how the evening went:

Patrolmen Edward Czekala, 29, and Al Grefsheim, 31, are aggressive, but tactful. They were assigned to a task force car patroling the south side. Their assignment is changed every five days.

HEADS DOWN EXPRESSWAY

The squad car headed south on the Dan Ryan expressway toward the assigned area for the evening—bounded by 103d, State, 115th, and Halsted streets. This was supposed to be a "high crime" mission, but Czekala and Grefsheim both questioned whether the area, in the beginning stages of racial change, qualified under the "high crime" criterion.

After only 37 minutes patroling the area, their assignment would be abruptly changed by an incident developing in the shadow of the Robert Taylor homes public housing project.

On the Ryan expressway near 51st street, the patrolmen stopped a motorist driving on the shoulder to gain ground on the heavy rush hour traffic. The motorist was the only white man stopped during the shift. No ticket was issued.

"He said his wife's going to have a baby," Czekala explained. "He looks like a distraught father," Grefsheim added.

Minutes later, the squad car had threaded its way south and Czekala spotted a car with a cracked windshield at State street near 97th street. The driver was motioned to the curb. The black motorist explained the car was in an accident a few days before and he hadn't had an opportunity to get it fixed.

HUNTS FOR WEAPONS

As Grefsheim continued to question the driver, Czekala thoroly searched the automobile, even lying prone on the front seat to search underneath for narcotics or weapons. Grefsheim recorded the man's name, address, and license plate number on a task force mission report.

Before the shift would be over, the 11 spaces on the sheet would be filled as evidence the task force team was indeed stopping people on the streets. But no ticket would be issued to any offender and no arrests would be made.

"They look like youthful pot smokers," Czekala said, as he flagged down two teenagers in a car at 103d street and Green avenue. Grefsheim told the driver he did not have a city vehicle sticker.

Then he patted the teen-ager, frisking him for weapons. The surprised black youth said, "Man, what did I do?" But he offered no resistance. Czekala, meanwhile, searched the car.

The dispatcher on the police radio had issued two "10–1" [policeman needs help] at a supermarket at 5225 State st. Supposedly, shots were fired at a policeman. Czekala and Grefsheim suggested that the incident could trigger a volatile situation.

Moments later, Car 6217 and other task force units were ordered to 5225 State st. "We'll have to get our helmets out," Grefsheim said. "There might be some *rock* throwing."

Tension filled the air in front of the supermarket. A dozen policemen stood with rifles pointed skyward. The street was filled with other policemen and police vehicles.

A hundred or more black spectators milled about. The supermarket's front windows were smashed. The tall buildings of Robert Taylor homes stood in the background, and policemen were concerned that snipers would be shooting.

The task force deputy commander told Czekala and Grefsheim to assemble with other task force units in front of Du Sable High School on Wabash avenue near 50th street, three blocks away. It is standard procedure that the task force stays in the background at potential disturbance. District cars are on the scene, but the task force is ready on the periphery to move into action if needed.

For the next 54 minutes, 20 task force policemen just waited.

STORE'S WINDOWS SMASHED

One sergeant said the disturbance was triggered when the supermarket wanted to close for inventory, but the people wanted it opened. The front windows were smashed, and police moved in with force—just in case.

A reporter asked whether the police responded with an undue show of force and whether their presence in large number might only inflame the incident.

"But what if it broke out and we weren't here?" Grefsheim countered.

The two policemen told how an incident quickly can lead to a major problem. Policemen, they said, stopped a youth who kicked over a mailbox the previous week at 69th and Throop streets. The youth's girl friend leapt at a policeman and bit him, and she was arrested. The policeman had difficulty restraining her.

But a crowd went to the Englewood police station demanding that the policeman be arrested. They charged brutality. The girl, police said, was a sister of a leader of the Disciples gang. "The worst thing about it," Grefsheim said, "is that the policeman might get suspended for brutality."

Grefsheim told how a computer error resulted in a Negro minister filing charges against him.

The license plate of the minister's car was on the hot sheet, so he stopped him for questioning. Grefsheim said the minister told him he had no right to stop him and began to walk away. The task force officer grasped him by the arm.

The minister was taken to a police station where he produced the paper from the auto pound saying his car was stolen, recovered, and returned to him.

REPORT TAKES TIME

After the minister filed a complaint, Grefsheim was required by the internal investigations divisions to report his side and it took two hours to type out the report. It was later determined that the computer failed to remove the minister's car license number from the daily hot sheet after it was recovered.

The task force unit began patrolling the Wabash district which has lost its dubious longstanding distinction as the district with the most reported crime to the Fillmore district on the west side.

While driving in the 4600 block of Prairie avenue, the reporter asked: "If I walked down this street now alone, would I get robbed?"

Back came the answer: "You couldn't walk down this street without getting robbed."

A white man dressed in a suit, the policemen said, would be on this block only for one reason: Seeking a Negro prostitute. Someone on the block would spot the man, assume he had money, and rob him, the officers said. And if the man did get by unmolested, chances were excellent that the prostitute or an accomplice would roll him.

A pair of peddlers were selling fruits and vegetables at 47th street and Calumet avenue. Some of their boxes were out in the street. The two officers acknowledged the law was being broken, but they did nothing.

They said they overlook certain laws so incidents are not created. "You can't stop a car anywhere around here without attracting a crowd," Grefsheim said. Attracting a crowd, always hostile to police, could lead to a major disturbance.

Sociologists who study police operations contend the law is not enforced with equal vigor in white and black neighborhoods.

BRIBE OFFERED, SPURNED

A speeding auto on Evans avenue was pursued by the task force team and stopped at 44th street. It led to the first of two bribe attempts of the evening. "Come back here and let me talk to you," the black motorist said to Czekala, motioning him to the rear of the squad car. "I don't talk that kind of language," the policeman answered. The motorist was not ticketed, nor arrested.

That was the first of 10 stops of black citizens over a period of 3 hours, 26 minutes, broken only for a stop for a bowl of chili in a 47th street restaurant. In none of these instances was a citizen given a traffic citation or arrested.

The squad car continued to patrol back and forth along a one-mile stretch of Garfield boulevard.

"Shall we stop these intellectuals?" Grefsheim asked his partner, pointing to a car ahead with two studious-looking blacks.

The "intellectuals" were stopped and they identified themselves. They were Africans enrolled at the University of Illinois. It was one of only three stops of black citizens during the evening that Czekala and Grefsheim did not conduct a thoro search of an auto.

Driving on Prairie avenue near 61st street, Grefsheim said, "Let's see what that car is up to." The two occupants were wearing uniforms of a private police security firm and were driving an auto that the task force officer said looked like an unmarked police car.

He wondered if they were posing as policemen. He explained that sometimes a citizen will pose as a policeman to commit a crime.

AUTO NOT SEARCHED

The two occupants of the car identified themselves to the satisfaction of the policemen. Their car was not searched. During the questioning, the haunting sounds of "Oink! oink! oink! oink!" came thru the night air from the upper floor of a nearby apartment building.

"Look at how far he's leaning out the window," Czekala pointed upward. "I hope he doesn't fall out."

At Prairie avenue near Garfield boulevard a man was driving on the wrong side of the street and was quickly curbed by the task force team. "You don't carry a weapon, do you, sir?" Grefsheim asked, as the Negro dug a driver's license out of his wallet.

"No, sir," he replied. After producing the driver's license, he came up with some paper money and prominently displayed a five dollar bill. Grefsheim, ignoring the apparent bribe attempt, told the motorist his driver's license had expired. Czekala, in another thoro search of glove compartment, underside of visors, and underneath of front side, found on the seat a notice from the secretary of state's office that the driver's license was to expire. The driver insisted he had never seen it. He was let go.

The next Garfield boulevard stop was a motorist without a city sticker. A group of black teen-agers chatting in the street looked on with disfavor as the young black and his car were searched. A broken cuestick in the back seat was left there. "The cuestick is just there to protect him from the elements," Grefsheim said later. The "elements," he said, are other youths who would want to fight.

"What do you have up there in your sky?" Czekala said, pointing to the black's wide-brimmed hat. But Grefsheim already had searched inside the brim for narcotics. A package of paper used to roll marijuana cigarets was found in the front seat, but the youth denied using drugs. He was allowed to continue on his way.

Back in the squad car, Grefsheim called out at some youths lurking in the shadow of a building and said: "How are things tonight in the ghetto?"

A teen-ager shot back: "Things are never right in the ghetto."

At Garfield and Stony Island avenue, the task force team spotted a car without a city vehicle sticker. When the squad car's blue light went on, the driver quickly pulled into a gas station. The policemen followed and pulled up behind at the gas pumps. They waited until the gas tank was filled, the motorist drove back onto Garfield, and then curbed him.

A well-dressed black man explained he bought the car only last week. "You don't have a holster under that suit coat, do you?" Czekala asked. The Negro opened his suit coat wide. There was no gun. A search of the auto turned up nothing.

"If you stopped me for a violation and searched my car, I would object," the reporter told the task force men. "Why hasn't even one of these people objected?"

"They know they could be arrested for a traffic violation," Czekala replied.

STOPS AT HOSPITAL

The squad car stopped at Provident hospital, 426 E 51st st. Its emergency room is the scene of intense activity on week-ends because of the neighborhood violence. Grefsheim went inside for a minute, then came out and reported that three current emergency cases included a youth shot in the leg, another with stab wounds all over his chest, and a third with a turban-bandage covering his head.

On the radio a policeman was telling the dispatcher that a youth shot in a skirmish refused police help. It was no surprise to Grefsheim and Czekala. They said gang members with minor gunshot wounds often will "walk off" their injury and refuse to be taken to a hospital.

Back on patrol, the task force officers spotted a double parked car on Wabash just north of Garfield. A Negro was sitting at the wheel.

"There's a good chance he has no driver's license," Czekala said.

"There's a fair chance he has a gun," Grefsheim countered.

The youth explained he was waiting for two friends, who momentarily returned from a gas station. Czekala conducted his usual thoro search of the car.

Pointing to one of the black youths, he told his partner, "Does this guy have our number. He says we won't find a reefer in there." They didn't.

After several minutes of amiable conversation, the policemen and the black youths parted company.

And the aggressive, incessant patrol of Garfield boulevard continued.

"Why Garfield?" the reported asked.

"It's not so crowded and you can pull people over without blocking traffic," Czekala replied.

"What's your biggest frustration?" the reporter asked.

"When you know someone is guilty and he's not convicted," Czekala replied. Grefsheim cited the case of a 16-year-old rapist they caught in the act. "He's back on the street," he said.

As the patrol continued, Grefsheim was studying license plate numbers and faces in cars to see if they would match with numbers on the hot sheets or sketches in the Daily Bulletin. "I'm getting the first four numbers, but that's all," he said.

Then he noticed the driver of an auto was similar to a sketch of a man wanted for robbery. The color and make of the car fitted the Daily Bulletin description. "Let's see what he has to say for himself," Grefsheim said.

SHOWS PICTURE TO DRIVER

The motorist, nattily dressed in electric blue suit, identified himself as a bartender. His car was searched. Then, in a display of police-community relations, Grefsheim brought out the Daily Bulletin.

Pointing to the sketch, he asked the black motorist, "Now, doesn't that look like you. You even have the same type of processed hair. That's why we stopped you."

The two joked about the resemblance to the sketch, and how the description of the car coincided with the motorist's auto.

Back in the squad car, Grefsheim said, "Let's go to 47th street. Maybe we'll see an on-view cutting." That's his phrase for seeing someone getting stabbed.

At 47th and Calumet, the policemen spotted a driver wearing earphones, "I've got to find out why he's wearing earphones," said Czekala, who pursued the motorist. He was stopped a block away.

The black man showed the policemen how the tape recorder on the front seat worked with its stereo cartridges. He was listening to "soul music" while driving. The policement suggested that was not a good idea.

A car with only one headlight was spotted and Czekala gave chase. The motorist turned two corners quickly. "It appears he has eluded us," Czekala said. "A sidestreet sneaker," Grefsheim joked.

The policeman drove past "the filthiest corner in North America"—45th street and St. Lawrence avenue, and "the worst building in the city"—744 E Bowen st, "where people kicked out of the projects come to live."

Then at 42d and St. Lawrence, three black children ran frantically up to the squad car and cried out, "Somebody is shooting down the street." The officers questioned other people on the street, but failed to locate the alleged shooting.

The dispatcher on the police radio gave a call of "shot fired" in a building on 36th street. The call is assigned to a district's squad car, but the task force men were only three blocks away so they speed to the scene.

Their presence a block from the supposed shooting abruptly broke up a crap game, with one youth quickly scooping up the money. "He's probably the one who called," Grefsheim said.

At the address of the alleged shooting, there was no activity. Two youths questioned in a parking lot said they heard nothing. Phony calls are as much a plague to policemen as the false alarm is to firemen.

THRIVE IN DARK

"We're members of the mushroom club," Czekala said. "We thrive in the dark and are fed a lot of manure."

The officers answered "a man with a gun" call at 51st and State. But there was no man with a gun in view, so they drove to the parking lot of the supermarket where the disturbance occurred earlier in the evening.

A squadrol was stationed in the parking lot. A policeman came up to the squad car and grumbled that the worst thing the sergeant could have done was to order the squadrol in the parking lot where it would make a prime target for snipers in Robert Taylor homes.

He told how a policeman was shot in the shoulder only minutes earlier just outside his squad car in the parking lot of the Wabash avenue police station.

Then a shot rang out from Robert Taylor homes.

The policeman ran for cover. Czekala rapidly exited the parking lot. Apparently we were the targets of a sniper's bullet, but no one was injured.

Two more stops of citizens, and the shift was over.

Left in doubt was whether the task force methods did any good or violated citizens' rights.

Earlier, Czekala conceded, "We do abuse people, but we get guns off the street and prevent a lot of potential grief." And Gretsheim suggested that "some people have to suffer" in the fight against crime.

WHAT KERNER REPORT SAID

This is what the Kerner report said about "aggressive preventive patrol:"

"Although police administrators may take steps to attempt to eliminate misconduct by individual police officers, many departments have adopted patrol practices which in the words of one commentator, have '. . . replaced harassment by individual patrolmen with harassment by entire departments.'

"These practices, sometimes known as 'aggressive preventive patrol,' take a number of forms, but invariably they involve a large number of police-citizen contacts initiated by police rather than in response to a call for help or service. One such practice utilizes a roving task force which moves into high crime districts without prior notice, and conducts intensive, often indiscriminate, street stops and searches.

"A number of persons who might legitimately be described as suspicious are stopped. But so also are persons whom the beat patrolman would know are respected members of the community. Such task forces are often deliberately moved from place to place making it impossible for its members to know the people with whom they come in contact."

COMMUNITY PROGRAM STRESSED BY POLICE

(By Casey Banas)

Police Sgt. Arthur Ferando went fishing instead of reporting to the Austin district station and his superiors approved.

Ferando took 35 neighborhood children fishing at a suburban Bridgeview lagoon. The previous evening, he had worked behind the scenes to insure that the district's monthly police-community workshop ran smoothly.

These are among the duties of Ferando, who is community services sergeant for the Austin district. One such sergeant was appointed in each police district in March, 1967, as part of a new effort to improve police relations with the community.

SOME POLICE OBJECT

The program is viewed with mixed feelings within the department. If asked about the need for community relations, many policemen—including some in upper echelons—would angrily answer: "We're not social workers."

But the thinking of those who have closely studied police operations thruout the nation is the opposite.

The Presidential Crime commission emphasized: "The commission believes that a police-community relations program is one of the most important functions of any police department in a community with a substantial minority population."

The commission said that it is "not a public relations program to 'sell the police image' to the community," but is "a long-range, full-scale effort to acquaint the police and the community with each other's problems and to stimulate action aimed at solving those problems."

DENOUNCES CLICHE METHODS

The Kerner commission said it believes that "community relations is an integral part of all law enforcement," but warned "it cannot be made so by part-time effort, peripheral status, or cliche methods."

The commission added that "improving community relations is a full-time assignment for every commander and every officer—an assignment that must include the development of an attitude, a tone, throughout the force that conforms with the ultimate responsibility of every policeman: public service."

Five months after the community services sergeant concept was implemented, the police department formed a community services division to coordinate all programs.

Deputy Chief Samuel M. Nolan, the department's highest ranking black policeman, is the director. "We have now detoured from the traditional role of law enforcement," he said, "and some policemen don't like it."

Years ago, the policeman walking the beat was a one-man community relations program as he personally knew scores of business men, residents, and children. But the motorization of the police force coupled with increased calls for services has created a wall between the policeman and the community.

"All you can do is to ride around and answer calls," Ferando lamented. "We have lost that personal touch."

Often, the only contact an average citizen has now with a policeman is under unpleasant circumstances—like being curbed by a squad car and given a ticket for running a red light. But the chances are increasing for the citizen to meet a policeman without the heavy arm of law enforcement resting upon his shoulder.

A child's first contact with a policeman is likely to be when an "Officer Friendly" visits his classroom. The "Officer Friendly" program was started in March, 1966, to help teach youngsters respect for authority and to show them the policeman is their friend.

FORTY-TWO "OFFICERS FRIENDLY"

There are now 42 full-time "Officers Friendly" who will speak to 750,000 pupils in Chicago elementary schools—public, parochial, and private—during the current school year. Every child will be visited nine times by an "Officer Friendly" between kindergarten and 8th grade.

This fall, an experimental program is under way in which 10 policemen will be teaching a three-week course on law enforcement and social problems for juniors in six south side high schools.

Key elements of a district's community relations programs are a variety of police-sponsored youth activities—such as Sgt. Ferando's fishing trip—and the monthly police-community workshop.

District commanders are required to preside at these meetings. Citizens have a monthly opportunity for questions and debate.

Sgt. Ferando's August program, for example, included 21 outings for Austin youngsters ranging from a trip to a Negro history museum to a White Sox ball game. When he spread the word that children who register their bicycles and tack on reflector tape would receive a certificate for a free hamburger, 500 youths showed up. A McDonald's drive-in restaurant indeed did give out 500 hamburgers.

In mid-summer, the police department sponsored a physical fitness pentathlon where youths from 6 thru 18 years old competed against national standards. A rainy day did not scare away the 800 youths who came to Hanson park stadium for the event.

There is one fact of life about a community relations program that can be devastating. "One guy in a beat car can ruin the program," Ferando admitted. A new police department film on the community services program illustrates this.

MUST FULFILL ROLE

Sgt. William Howe, community services sergeant for the Shakespeare district, is shown at a roll call reading a letter from a child submitting his resignation as a Junior Patrolman. The youth wrote that he walked up to a squad car and offered a cheery, "Hi, I'm a Junior Patrolman." The policeman replied, "Get off the corner and go home."

Altho the police-community workshop may be an ideal forum for citizens to air their grievances, it may not be fulfilling the community relations role envisioned by the Presidential Crime commission.

Less than one hour before an Austin district police-community workshop, Ferando was wondering if even 20 people would show up. But 137 people occupied every available chair in the meeting room of the Central Masonic Temple, 5352 Chicago av.

Very few were under 40 years of age. Even tho Austin has rapidly increasing Negro population, only two black people were present, altho two others came 15 minutes before the two-hour session ended.

PEOPLE BACK COMMANDER

It was strictly a love-in between Capt. Mark Thanasouras, Austin district commander, and the citizens. The people were solidly behind Thanasouras, and did not ask any penetrating questions. Before the meeting, several registered complaints about abandoned autos and rowdy teen-agers with Ferando.

Had more teen-agers and blacks attended, this is what they would have seen and heard:

Thanasouras presented a Jaycee award to Patrolman Eugene Manion, father of 11 children, who pretended to accept a $3,000 bribe from two narcotics sellers so he could infiltrate their operation. The sellers threatened to kill him, his wife, and children if he did not cooperate by killing a fellow gang member and helping to rob a dairy.

Guided by Manion, police moved in and broke up a $500,000 heroin ring.

The guest speaker, Joseph DiNatale, an assistant state's attorney, pleaded for increased citizen cooperation in reporting crimes and showing up for court appearances. He said that in a two-week period in Violence court, only 30 per cent of the citizens signing complaints appeared compared with 100 per cent of the arresting officers.

DiNatale told about an old man confined to a wheelchair who was beaten by youths near Lincoln and Belmont avenues until he relinquished the keys to his car. A crowd of spectators, including four lifelong friends of the man, failed to intrude or seek any help from police.

The youths drove away with the man, eventually throwing him on a pile of rocks at Fullerton avenue at Lake Michigan. His auto was smashed beyond repair.

GIVES OTHER EXAMPLES

DiNatale told other stories to demonstrate how law enforcement is hampered by lack of citizen participation.

"Law enforcement isn't the police, the state's attorney, the judge, the penologist, or even the executioner," Thanasouras empha-

sized. "It's all of us. Any community will get the quality and quantity of law enforcement it demands and will take."

"Do you think the time will come again when we can walk the streets without fear?" asked a woman in her fifties.

"That's why we've got violence," Thanasouras replied. "No one cares about what happens to the next guy."

After the meeting, a reporter commented that the workshop would have been more effective had large numbers of young people been present.

"But how do you reach them?" Ferando asked.

"How about a rock 'n' roll band as a side attraction?"

"That would be asking for trouble," intruded an eavesdropping citizen.

POLICE FILM OFFERED TO HELP RELATIONS

A new 27-minute film depicting the work of three community services sergeants is available without charge for showing to any group. The film, "Let's Work Together," is designed to combat antagonism between police and young people.

It includes a scene of a black youth charging police harassment. "Who you going to go to?" he asked. "They've got power to do anything." A black teen-ager challenges a white community services sergeant, William Howe, to answer frankly whether he is prejudiced. "I am prejudiced, and I don't like it," Howe admits. "My parents told me black people live in slums and are bad." Howe explains he came in contact only with criminal elements in six years patroling in an inner city area. But he says he is attempting to rid himself of racial prejudice.

"A policeman can be nice," one teen-ager tells another. "He's not there just to rap you on the head with a stick."

I.I.D. Keeps Watch Over the Police Department

(By Casey Banas)

Suppose a policeman solicits a bribe after stopping you for a traffic violation and you report the incident to the police department.

What are the chances the policeman will be disciplined?

When such a case occurred a few weeks ago, police investigators were at the patrolman's district station within an hour after the complaint was made. The accusing citizen was asked to confront the policeman at the station. He did. He said the policeman sought a $20 bribe.

The policeman denied taking any money. Investigators searched him and his locker, but did not find the money. A subsequent investigation showed there was sufficient basis for disciplinary action. The policeman was suspended for 30 days without pay.

PROBLEM FOR I.I.D.

Policing the police department and investigating complaints such as this is the responsibility of the internal investigations division.

Often, the I.I.D. comes under attack from both inside and outside the department. Citizens may believe complaints against policemen are whitewashed. Policemen may charge the I.I.D. with using sneaky methods to gather evidence against them.

"Our effectiveness really depends on the cooperation of the people," emphasized Capt. Raymond Clark, who was director of the I.I.D. until several weeks ago.

THE $1,000 BRIBE CASE

The citizen may be reluctant to bring charges against a policeman because he, too, may be guilty of an offense. But that didn't deter a citizen in this case:

A motorist left the scene of an accident. He was later found by a policeman in the hit-and-run unit. According to an I.I.D. investigation, the policeman said that for a $1,000 bribe, he would arrange that the motorist not be charged. The citizen agreed to leave the $1,000 in the policeman's desk drawer.

I. I. D. investigators were on the scene, and after receiving a prearranged signal from the citizen, they recovered the $1,000 from the desk. The policeman was prosecuted and fined $500. The department recommended his dismissal from the force. The police board has taken the case under advisement.

If you called POlice 5–1313 to register a complaint against a policeman, here's what the department says would happen:

The policeman answering your call would refer you to the I. I. D. complaint desk manned by a sergeant. He would write down the pertinent information. Within the hour, some action must be taken on your complaint. You might be asked to come to the policeman's district station immediately to confront him. Or more often, the complaint would be referred to the policeman's immediate supervisor for investigation.

In another recent case, a woman charged that a policeman was abusive in knocking at her door at 3 a.m. with a warrant for the arrest of her 17-year-old son. The report included 13 interviews with parties involved during a two month investigation.

The I. I. D. report said the abusiveness charge was unfounded and that the policeman has the legal prerogative to serve the warrant even at 3 a.m. But when it was found the policeman was given the warrant at noon the preceeding day, the I. I. D. recommended a five-day suspension for failure to execute duties promptly.

HOW FAIR IS PROBE?

Is it realistic for a citizen to expect a fair and thorough investigation under a system where the police department polices itself?

"They should be able to expect fairness," Clark contended, "but sometimes this is a hard product to sell." Citizens often question the system when they find out that more often than not, the immediate superiors of the policeman conduct the investigation, he said.

The I. I. D. does not have the manpower to investigate all complaints, nor should it have, Clark said. It handles the most serious and most complicated cases, and those involving more than one police district or division. Or if the identity of a policeman charged with misconduct is unknown, the I. I. D. tries to determine who he is. Once this is done, the investigation is turned over to the policeman's unit.

When former Police Supt. O. W. Wilson formed the I.I.D. in 1960, it was assigned to investigate all complaints. Later Wilson became convinced that discipline is an essential function of police commanders and supervisors and said they should assume the major share of the cleansing process.

So a citizen bringing a charge against a policeman may be contacted by his immediate supervisor, a sergeant. "Any attempts to minimize guilt will be detected, at any one of a number of levels," Clark insisted.

TWO SERGEANTS SUSPENDED

After the sergeant completes his report, it is reviewed by the watch commander, the district commander, the deputy superintendent, then by the I.I.D. Both the recommendations and thoroness of the investigation come under close scrutiny, Clark said.

"We have disciplined supervisors whose investigations are not in keeping with the evidence," he explained. "Word gets around quickly that the investigation had better be in keeping with the evidence." In 1968, two sergeants were suspended for failure to make a proper investigation.

Disciplinary action against the policemen ranges from an oral reprimand to a written reprimand to suspensions ranging from 1 to 30 days to firing.

A policeman is given a choice of accepting or rejecting the disciplinary action recommended. If he is unhappy, he can ask for a hearing by a three-member review panel. In the case of a patrolman, the panel must include three lieutenants. With a sergeant or officer of higher rank, the panel must include three officers who are captains or higher ranks.

REVIEWS ALL CASES

Police Supt. James B. Conlisk reviews all recommendations of disciplinary actions, and his decision is final in cases up to 30-day suspensions. But only the five-member citizens police board can fire a policeman. This is done after a trial in which the policeman has the right to legal counsel. Witnesses for both sides are heard.

Currently, the police department has 18 cases pending where it is seeking to fire policemen.

Three policemen are accused of accepting bribes from traffic violators. One allegedly used excessive force against a citizen. An off-duty policeman in uniform is charged with being drunk in a tavern.

Another policeman was convicted in court of a battery charge committed while off duty. Another allegedly fired a gun in a traffic dispute with a citizen. A policeman is charged with insubordination and striking a superior officer.

DIDN'T REGISTER WEAPON

Another is charged with failure to register a private weapon with the police department and also having fired it. An I. I. D. investigation reported that the policeman spent a night with a prostitute, became angry at her the next morning, and fired the weapon. During a police board hearing, the city dropped a third charge that the policeman committed sexual acts with a prostitute.

One of the biggest problems in investigating charges of police misconduct is that in many cases, it is the word of the complainant against the policeman. Often, there are no witnesses or evidence sustaining the charge. So no disciplinary action is taken. Asked to explain this procedure, Clark emphasized that no court would convict a man solely on the basis of one man's word without witnesses or evidence.

Sometimes, lie detector tests are given in an attempt to find out who is telling the truth. First, the complainant is asked to take a polygraph test. Why not the policeman first? "It's the citizen who brings the charge," Clark answered.

TYPES OF QUESTIONS

The complainant will be asked questions such as: "Were you resisting arrest?" If the citizen passes the test, the policeman is asked to take the polygraph. If he refuses, he faces disciplinary action. One case is pending against a policeman who refused an order of a superior officer to take a lie detector test in a bribery charge.

Sometimes the I. I. D. is thwarted by refusal of complainants to cooperate with police investigators, Clark said, altho they readily tell their stories to newspaper and television reporters. He referred to the case of a business man seen on television news programs charging police brutality and displaying physical marks of a beating. But the same man, Clark contended, refused to discuss the case with the I. I. D.

In some instances, Clark said, the citizen's refusal to cooperate stems from his lack of confidence that the police will take any disciplinary action. In other cases, an attorney has advised the citizen not to talk. Often, this is done because the citizen will have a suit pending against the policeman.

SOME PROBES HAMPERED

One top police official suggested that the department sometimes is hampered in making an investigation because of the feeling that "monetary aspects outweigh justice."

A chief critic of the police department's job of policing itself is Jay A. Miller, executive director of the Illinois division of the American Civil Liberties union. He argues that the department unduly justifies the

conduct of its members when they are clearly in the wrong.

Miller cited the case of a white attorney who paused alongside his home to peer into his basement window and was arrested as a "peeping Tom." He added that the man's explanation and identification by his family and friends were to no avail.

ATTORNEY SUES CITY

The attorney sued and was awarded a $5,000 out-of-court settlement, Miller said. No disciplinary action was taken against the policemen involved in the arrest, he said.

Some months later, Miller said he cited this case while speaking at a University of Illinois seminar to Chicago's top police officers. "They said I didn't tell the whole story," he recalled. "They alleged the attorney was creating a commission." Instead of admitting that perhaps the policemen were wrong, the top police officials came to their defense, even tho the incident cost taxpayers $5,000, Miller said.

"When you take that attitude into the ghetto," he continued, "you're in serious trouble. Citizens can only depend on the self-restraint of the policeman."

FILES KEPT CLOSED

Conlisk refused a reporter's request to study several I. I. D. reports altho the superintendent was assured no names or identifications would be published. He justified his decision on the grounds that policemen have been assured that only the superintendent, deputy superintendent, and I. I. D. will see any file.

But Conlisk did authorize release of statistics on the department's disciplinary action. Out of 5,323 completed investigations of citizens' complaints last year, 1,128 were sustained by the police department. Thru Aug. 20 of this year 606 of 3,372 complaints were upheld.

TOO SOON FOR VERDICT

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. FISH. Mr. Speaker, Americans were shocked at the allegations of atrocities at Mylai. This does not mean, however, that we abandon our concept of justice and prejudged American military officers charged with responsibility for the alleged massacre of civilians in South Vietnam. The facts will be brought out and the Congress has the power to assure a complete airing of the facts. Only then should a verdict be rendered.

It has been said that the right of freedom of the press and the right to a free trial are on a collision course. It is my opinion that this collision is not necessary. I commend to my colleagues' attention a most thoughtful and responsible editorial on the subject from the December 1, 1969, edition of the Kingston (N.Y.) Daily Freeman:

TOO SOON FOR VERDICT

David Lawrence in an adjoining column states that throughout the world public opinion apparently has made up its mind that American officers were responsible for whatever did happen in a South Vietnamese hamlet in March, 1968.

Americans have recoiled in horror as details of the alleged massacre have unfolded in recent days. There is, to be sure, no incontrovertible proof that GIs deliberately gunned down civilians. Pictures of piled-up bones do not show how or by whose hand they were killed.

But the charges are too grave and too horrible and corroboration is coming from too many sources to be swept aside. The Army has brought charges of murder against 1st Lieut. William Calley Jr. alleging that he murdered 109 civilians of various ages and of both sexes. The officer must be given every chance to try to prove his innocence, but all the witnesses that can be rounded up also should be heard. If others beside this lieutenant are implicated, they too, should be court-martialed. Members of the South Vietnamese Senate and Assembly also are to conduct an investigation. A week ago Defense Minister General Nguyen Van Vy branded the reports as "totally untrue."

As it now stands, none of the charges has been proved, but Americans are disturbed just the same. However, as the columnist points out, it is just as illogical for a verdict to be rendered by the press or TV as it would be when a jury has heard only one side of a case in a trial where someone is accused of murder.

If it is established that our armed forces massacred innocent civilians, the guilty should be punished. But before jumping to conclusions, we should wait until a full investigation is completed. It is too soon to render a verdict.

AMERICAN INDIAN COURT JUDGES ASK FOR BASIC CHANGES IN U.S. GOVERNMENT AGENCY STRUCTURE

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. BERRY. Mr. Speaker, Mr. Tom Colosimo, secretary of Arrow, Inc. who maintains the Arrow headquarters here in Washington, has recently written an editorial for their publication entitled "American Indian Court Judges Ask for Basic Changes in U.S. Government Agency Structure." The article is well done and I think deserves the studious consideration of each Member of Congress. The article follows:

AMERICAN INDIAN COURT JUDGES ASK FOR BASIC CHANGES IN U.S. GOVERNMENT AGENCY STRUCTURE

The American Indian Tribal Court system, as it is known today, has its origin in the Wheeler-Howard Act of 1934, more commonly known as the Indian Reorganization Act. The intent of this legislation was to give each recognized Tribal entity an opportunity to provide the total range of governmental services for members of the Indian community while operating under a Tribal constitution and charter. This legislation stipulated that each Tribal government would be organized so as to provide for the maximum social and economic welfare of its members. This concept of self-government involved all aspects of community services, including the police and judicial function.

The Tribal court system at first operated under the U.S. Code of Federal Regulations, Title 25. Each Tribal organization that reorganized under the Act was later encouraged to adopt its own law and order codes which would provide for the safety of its Tribal members under laws applicable to the reservation on which it was operating. The reservation resident was thereby to be provided with laws which were consistent with the surrounding environment.

However, as the surrounding environment has become increasingly complex and difficult to cope with, the Indian court system has been held back by a number of factors. In the fore among these factors are the present Federal government regulations and controls of many judicial functions, a lack of provision for training Indian judges, and a lack of funding to the Tribal courts.

Existing Regulations include two provisions limiting the function of the Tribal Court System. First, the present codes relate generally to misdemeanor offenses. The Federal government retains exclusive jurisdiction over all other offenses under the Eleven Major Crimes Act. Second, the Code provides that only members of the Tribe under the jurisdiction of a particular Tribal court shall be eligible to sit as judges on that court.

At first, Tribal judges were capable of coping with misdemeanors and simple civil cases which came to the attention of their courts. With the passing of time and the extension of jurisdiction to Tribal courts by decisions of state and Federal courts, criminal and civil actions became more complex, and many of the Indian judges found *themselves* lacking training in law and legal procedures.

The men and women who now serve as Indian court judges hold a vital position within the reservation community. As in any community, the judges are responsible, in large part, for upholding the individual rights of the citizens who appear before their courts. The importance of the court system to the fabric of the entire community it serves is obvious.

The sad fact is that the American Indian Tribal court system is understaffed, underequipped, and underfunded. The judges who serve the system, in most cases, have a minimum of formal legal training and no access to up-to-date information on legislation and legal process. While Indian policemen receive training, and police functions on the reservation are augmented by the Federal government (the Bureau of Indian Affairs Branch of Law and Order and the F.B.I.), the judiciary and its personnel are sadly neglected.

American Indian Tribal court judges, if their communities' needs are to be served, must be given the training and dignity commensurate with the important positions that they hold. Many Indian judges, including the Chief Justices of some reservations, must serve in a number of capacities not directly related to their positions as judges if important court services are to be provided for their people at all. They perform some of the duties that secretarial staff, counselors, and probation and parole officers should perform. Several Indian judges have commented recently that their jobs could easily take twenty hours of each working day. The exceptional responsibility that these men and women are assuming becomes clearer when one realizes that most Indian judges must rely on sources of income other than their judge's salary. This salary is in many cases as low as $20.00 per day, this being in a court which does not convene daily.

The Indian courts themselves are neglected. Many of the Tribal systems in the nation do not have so much as a real courtroom in which trials may be conducted. Not only do many of the Tribal judges have a minimum of formal background in law, but also they have little, if any, access to such basic resources as law codes, due to lack of funds to purchase these volumes. The lack of funding and training also prohibits the employment of other court officials—clerks, bailiffs, and probation and parole officers.

Despite the grave needs that Tribal courts now face, funds for those courts, which are handled through the Bureau of Indian Affairs Branch of Law and Order, have been given annual increases by the Congress

which account only for annual cost increase. In other words, the Indian courts are funded so that they can maintain the starvation level at which they now operate, and are provided no funding for expansion or improvement. This is the case despite the fact that Indian courts share the steadily increasing load of Anglo courts throughout the nation. The number of criminal cases processed by Indian courts rose 7% in fiscal year 1968 as compared with fiscal year 1967. With no possibilities for decent probation and parole programs on the horizon, it is worrisome to note that about 69% of the Indian court convictions during fiscal year 1968 were of repeat offenders, and in over 76% of the cases placed on probation or parole during that time, no supervision was intended.

American Indian Tribal court judges are fully aware of the deficiencies of their court system. They want to obtain the training that they now lack; they want to obtain the facilities their courts now lack so they may function at top efficiency and be concerned only with the *administration of justice* on the reservation.

In June, 1968, a series of conversations was initiated among a number of Indian court judges, Bureau of Indian Affairs officials and Arrow, Inc., a non-profit corporation based in Washington, D.C., and devoted exclusively to American Indian programs. After many preliminary meetings, these judges formed their own professional society, the National American Indian Court Judges Association (NAICJA), to combat the problems cited above. The overall purpose of NAICJA, as stated in its Articles of Incorporation, is to upgrade the Tribal court system through professional advancement and continuing education. Its emphases are on research, education, and communication. With some assistance from Arrow, Inc., NAICJA has already sponsored two management training institutes for Indian court judges and court clerks, and is now planning a third.

The institutes were held in Albuquerque, New Mexico and Custer, South Dakota, June 16–19 and September 12–14, respectively, and were attended by approximately 100 Indian court judges, court clerks, Tribal officials, and judicial officials of the states in which they were held. The institutes provided sessions on such topics as: jurisdictional problems, the effectiveness of volunteer probation and parole officers on reservations, implications on the reservation of the 1968 Civil Rights Act, and the importance of an independent judiciary in Tribal government. The judges attending the institutes all expressed an interest in and a desire to work with NAICJA in its future efforts. While the judges recognize that each Tribal court has its own particular strengths and needs, they recognize a commonality of problems—isolation of reservation areas, lack of training possibilities for reservation court officials, lack of funding to courts, and more emphasis on police functions on the reservation than on the judiciary.

NAICJA, then, is providing two much-needed services. It is a society within which Indian judges throughout the nation will undertake research and education programs and can openly discuss their individual needs and ideas, and it is a forum from which these judges can speak in a unified voice.

One extremely important note to come from NAICJA in recent weeks is a recommendation by Judge Virgil L. Kirk, Sr., Tribal Court Judge for the Navajo Tribe and President of the Board of Directors of NAICJA. Judge Kirk is advocating the replacement of the Branch of Law and Order in the Bureau of Indian Affairs with a *Department of the Judiciary and Law Enforcement*, also within the Bureau. This request will be one of the main topics for discussion at the next NAICJA management training institute, which will be held in January.

The thinking behind Judge Kirk's recommendation involves much more than a simple name change. He and other members of NAICJA are looking toward a reorganization in the Bureau of Indian Affairs that will provide ample recognition for the Tribal court system. The Indian judges are presently researching their ideas to find the most practicable ways of bringing about that recognition. They are in touch with government agencies in Washington and throughout the country, and they have enlisted the aid of a number of experts in the field of Indian law. The formation of NAICJA in itself is a significant step in the right direction for Indian judges. NAICJA's action to shift emphasis on the reservation so that the court system will have the funds and the expertise it needs is highly noteworthy. Although the name change is significant, the thinking behind it is of much greater importance. A BIA Department of Justice that will eventually help these judges establish a court system that will truly administer justice to American Indians is one of the most important contributions to be made in the field of Indian affairs today. For without a meaningful and successful law and order *and* justice program for individual American Indians living on Reservation lands how can there be a meaningful and successful education program, economic development program and improvement in all categories of Indian community life?

BERNARD BOUTIN, PRESIDENT, ST. MICHAEL'S COLLEGE

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. STAFFORD. Mr. Speaker, I recently had the pleasure of attending the inauguration ceremonies at which Mr. Bernard Boutin was installed as president of St. Michael's College, in Vermont.

This was a historic occasion at St. Michael's, which has become one of our Nation's finest liberal arts colleges. Mr. Boutin became the first layman to become president, following his 10 predecessors who were assigned to the office of president of the Society of St. Edmunds.

Because of Mr. Boutin's long and outstanding service here in Washington, I know that he has many friends here who are interested in his new endeavor. I, therefore, would like to bring to their attention the address given by President Boutin following his inauguration, as well as an account of the ceremony which appeared in the Vermont Catholic Tribune:

INAUGURATION ADDRESS OF BERNARD BOUTIN, PRESIDENT OF ST. MICHAEL'S COLLEGE

Your Excellency Bishop Joyce, Lt. Governor Hayes, Congressman Stafford, distinguished presidents and representatives of colleges and universities, very reverend and reverend fathers, reverend sisters and brothers, Rabbi Wall, Reverend Dr. Garrett, civic leaders, trustees, associate trustees, alumni, my colleagues on the faculty and in administration, students and friends:

Today formally marks a time of new adventure at St. Michael's College. It had its beginning last March when the trustees elected for the first time in the 65-year history of the college, its first lay president. Typically, on an occasion such as this, I suppose a new president should express his feelings in terms of trepidation. Rather, I have accepted these responsibilities with gladness of heart, tranquility of spirit and eagerness for the future. I undertake these challenges with a single obligation: the obligation to devote every effort of mind, body and spirit to lead this college to still greater achievement as we seek to develop great men.

To my predecessors, outstanding priests and educators of the Society of St. Edmund, I express our collective gratitude for their vision and their leadership. The problems of today pale by comparison with those of the small band of priests, newly arrived from France, who in 1904 founded this college armed only with faith in Almighty God and the "princely sum" of $1300. We are both proud and pleased to have still with us at the college one of those early pioneers, Father Eugene Alliot, fifth president of the college, who has been a part of the building of a greater St. Michael's from the very beginning to the present day. His youthfulness of mind and spirit, his confidence in the future, is an example to all of us. This November sixteenth, feast day of St. Edmund of Canterbury, is a fitting occasion to assure Father Alliot and his Edmundite confreres that we shall continue to nurture with care the seeds planted sixty-five years ago.

So while we speak of new beginnings we also speak of building on the proud traditions and accomplishments of the past. But this past which serves as a prologue to the present must not become shackles for the future. The times are too grave, the problems too apparent, the challenges too urgent, the stakes too high for any college or university to be bound by the status quo. It is clear that some of the old concepts, many of the old ways, will no longer do. Confident in the belief that our institutions of higher learning offer the greatest hope and promise of a better, safer, more just world, we at St. Michael's welcome the emerging changes and the new opportunities they carry with them.

Just as Vatican II opened the doors of the Catholic Church, not to a surrender of principle, but to a search for better ways to accomplish its apostolic mission, so too have the doors of this college been opened wide to new ideas. Since early summer, literally our entire college community—trustees, faculty, students, alumni and administration—has been joined in a common effort to plan our future. We work together not as adversaries but with the common good as our goal. Nor do we concern ourselves with who is right but rather seek together to determine what is right—uniquely right for St. Michael's.

I foresee, as a result of the research and work being done by a committee chaired by Dr. Earl McGrath, former U.S. Commissioner of Education, a St. Michael's college whose educational objectives and purposes are more clearly stated than ever before. Objectives and purposes which, to be accomplished, will demand a high degree of excellence by each who wishes to participate.

Simultaneously, a committee on curriculum, under the able leadership of Dean Pfeifer, is seeking new and better ways to enhance the educational experience, to expand academic opportunities, and to assure at St. Michael's a faculty-student relationship of close rapport and mutual respect contributing to effective teaching and deep learning. Recognizing that each student possesses his own knowledge, forms his own opinions, makes his own inferences, is endowed with his own gifts, possesses his own character and has his own individual aspirations, we endeavor to design a unique system for the transmission and acquisition of knowledge which will motivate each student to be all that he can be, and to search for a greatness of his own.

A college of liberal arts and science we have been and such will we continue to be, not in terms of antiquated definition and obsolete restriction, but rather in a climate

where experimentation and innovation are a way of life.

I think even the doubters who were ready to embalm the body of each small college only a few years ago have now detected new signs of life, vigor and virtue in the very smallness they once thought was dead. And it is because we seek at St. Michael's to achieve the most perfect development of each student as an individual rather than as a statistic, that we will measure our growth in qualitative rather than quantitative terms. Translated to specific objectives, this will mean a further gradual raising of our admissions standards, an increasing demand for academic achievement by our students and a faculty noted without exception for its excellence of preparation and ability to teach.

If small, private colleges have an achilles' heel, it surely relates to equating academic excellence and solvency. It seems very clear to me that even with near perfect management of the business affairs of a college, there still must be a reasonable amount of financial support from government if we are to avoid fiscal disaster. Of top priority are financial assistance programs for students and aid in the form of grants and low interest loans to enable colleges to provide needed buildings and modern equipment. Each time that the high promise of legislation goes unmatched by appropriations, the potential of higher education to serve the public interest is diminished.

But we are not dependent upon government alone for assistance. During the past five months, we have been busily engaged in the business of identifying our future needs. They consist of endowments for scholarships and faculty salaries, a new fine arts center, an academic building and a sports center. Translated into financial terms, to meet these needs will require ten million dollars with only about one and one-half million to come from the college's own resources. For the balance of eight and one-half millions, we will need the assistance of our trustees, associate trustees, alumni, friends of the college, business, industry, foundations, government, student and alumni parents, and each and every one of us at the college to meet this ambitious goal over the next five years.

St. Michael's, having from its very beginning an edmundite affiliation, is first and foremost a catholic college. In the ecumenical spirit, we regard this term with both a small and a capital "C". Defining catholic with a small "C" as being all embracive, we wish to make it crystal clear that students of all religious faiths are most welcome at this college. The values we seek to inculcate are those identified with the judeo-christian traditions of western civilization and surely these are of critical importance in contemporary society regardless of religious beliefs. For the catholic student, we endeavor to provide, through both the physical presence on campus of learned priests and laymen and through strong, comprehensive programs in philosophy and theology, the means to better understand, to build upon and to live his faith.

A problem, not unique to this college, troubling educators all over the land who have responsibility for schools now either exclusively male or female, concerns the advisability of coeducation. I believe that there is much to be said in its favor and because we are fortunate enough to have nearby an outstanding women's college of liberal arts, an unusual opportunity for cooperation appears feasible. We have, therefore, entered into serious discussions with our counterparts at Trinity College in Burlington, which we hope, at an early date, will lead not to a merger but rather to a working together for the purpose of enriching the educational experience of the students on both campuses.

There may be those who expect on a college campus to hear harsh rhetoric about student apathy. Too many tend to identify today's student with a scene from the *Graduate*, a film in which the main character is concerned about his future. When he is asked in anger by his father, "what did I send you to college for?" The graduate responds, "You got me, dad." I'll quickly concede that probably every college in the country, St. Michael's included, has more of this type student than it wishes. In the final analyses, however, we have only ourselves to blame for it points up a weakness in admissions policy and a lack of stimulation in the classroom. For many restless and indifferent students today, college deals too exclusively with abstractions, theories, and precise facts to be memorized almost by Rote, and too little with morality, and action and the direct confrontation of man with his society and his environment. As an integral part of education at St. Michael's, we must be sensitive to the burning issues of our time and prepare our students to tackle them when they go out in society. We must increasingly seek and attract students whose alert and probing minds mark them as natural participants in the life of the mind. We must and will remain dedicated to the pursuit of truth and the diffusion of both knowledge and culture.

Our days, therefore, are filled with intense activity and high hopes for the future of this college. Each day is a new adventure as one step at a time we progress toward the realization of the high standards we have set as our goal. To those at the college, I ask your help. To all, I ask your prayers.

[From the Vermont Catholic Tribune]

MANY FIRSTS FOR ST. MICHAEL'S COLLEGE LAY PREXY

(By John D. Donoghue)

WINOOSKI PARK.—In a ceremony rich with symbolism and color, Bernard L. Boutin was inaugurated Sunday as the 11th president of St. Michael's College. About 100 colleges and universities sent delegates.

There were many "firsts." Mr. Boutin is the first layman to become president of the liberal arts college. It was the first time a president was formally inaugurated in the 65-year history of St. Michael's.

One of St. Michael's most distinguished alumni—he had served Presidents Kennedy and Johnson in Washington—Mr. Boutin became the first president to receive the medallion of office. Bearing the seal of St. Michael's College as its main ornament, the newly created presidential medallion also carries on its small, bronze oval disks the names and dates of all 11 presidents.

The oldest living former president, the Very Rev. Eugene Alliot, S.S.E. (1931–1934) a founder of the college in 1904, was there to see a former student accept the medallion and mace from the Very Rev. Eymard P. Galgan, superior general of the Society of St. Edmund and chairman of the board of trustees.

Mr. Boutin's 10 predecessors, some of whom were in attendance, took office without the formal turning over on Sunday of presidential leadership from religious to lay hands. His predecessors had taken office as an assignment from their Edmundite colleague who constituted the board of trustees. The ceremony took place on the feast of St. Edmund.

Mr. Boutin was chosen president on March 14, 1969 by a board that now includes seven other laymen, following a search in which trustees, faculty, administrators and students participated.

Dr. Henry G. Fairbanks, chairman of the inauguration committee, was marshal for the colorful procession into the chapel. From Harvard University, founded in 1636, to Franklin Pierce College, founded in 1962, the delegates and representatives of civic, learned and professional societies brightened the chapel with their hoods of every color. TV and still cameramen kept their bright lights focused on the area in front of the altar.

After the national anthem, the invocation was delivered by the most Rev. Robert F. Joyce, bishop of Burlington.

Then followed a series of greetings: for the students. Francis M. Corbishley, president of the Student Association; for the faculty, Dr. Edward J. Pfeifer, academic dean; for the administration, Rev. Francis E. Moriarty, S.S.E., assistant to the president and himself a former president; for the alumni, Alfred A. Scaia, president of the Alumni Association; for the trustees, Father Galligan; for the state, Thomas L. Hayes, lieutenant governor; and for the diocese, Bishop Joyce.

After a choral interlude, "Exultate Justi" by the choir under the direction of Paul Dorsam, the formal investiture was followed by President Boutin's inauguration address.

For the occasion, the trustees had also voted to confer three honorary degrees: To Ernest W. Gibson; Bernard J. Leddy; and the Rev. William A. Donaghy, S.J.

Because Judge Gibson, chief judge for the U.S. District Court, District of Vermont, died since the vote of the trustees, the honorary doctor of laws degree was received by his son, Ernest W. Gibson, III, from the Rev. Daniel P. Lyons, S.S.E., trustee and former president.

Judge Leddy also received an honorary doctorate of laws. It was presented by Trustee Thomas J. Kenney.

Father Donaghy, poet and former president of Holy Cross College where he is again teaching, received his honorary doctorate of humane letters from Rt. Rev. Msgr. Charles J. Marcoux, trustee.

The Benediction was offered antiphonally in Hebrew and English by two members of the faculty, Rabbi Max B. Wall of Ohavi Zedek Synagogue in Burlington, and Dr. William R. Garrett, a Baptist minister.

Among those attending was Congressman Robert T. Stafford.

The Vermont State Department of Education was represented by Deputy Commissioner Daniel G. O'Connor and the Diocesan Board of Education by its chairman, the Rev. Raymond A. Adams.

The New Hampshire Board of Education which Boutin served as chairman before his call to St. Michael's was represented by Deputy Commissioner Robert L. Brunelle and members Gerard F. Cullerot and John J. McNabb.

FOSTER GRANDPARENTS

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. QUIE. Mr. Speaker, Miss Genevieve M. Thompson, supervisor of special services for the Ramsey County Welfare Department, gave an excellent speech on the workings of the Foster Grandparent program in Minnesota in May 1968. This speech has just been published in the November issue of Child Welfare.

I commend it to my colleagues as it portrays how the Foster Grandparent program can bring tremendous benefits to both the young and the old.

The speech follows:

FOSTER GRANDPARENTS

(By Genevieve M. Thompson)

(NOTE.—Genevieve M. Thompson is Supervisor, Special Services, Ramsey County Welfare Department, St. Paul, Minnesota. She set up the foster grandparent project described in this paper, which was presented at the CWLA Midwest Region Conference, 1968.)

Discussing the potential of older citizens, Esther E. Twente, then at the University of

Kansas School of Social Work, wrote in 1965: "In a youth-oriented culture, with much emphasis placed on production and money income, the period of life between retirement and death may become quite meaningless for older people. Frustrations, undefined roles, and the lowered economic status often accompanying retirement may make for irascibility, loneliness, and a feeling of worthlessness. Yet this can also be a time of usefulness and productivity. It may also be a period during which courage, strength, and a capacity for creativity may be demonstrated."

In the same year, the Administration of Aging, U. S. Department of Health, Education, and Welfare, was negotiating a contract with the newly established Office of Economic Opportunity to initiate a most fascinating, productive, and rewarding way of life for senior citizens—the Foster Grandparent Program. Basic to the project were two facts: America has hundreds of children existing in institutions without the opportunity of experiencing a close personal relationship; America also has thousands of persons 60 years old or older whose lives have become essentially meaningless because they no longer have a close personal relationship.

About 100 directors of children's institutions throughout the country, convening in Washington, expressed their concern about the institutionalized children's unmet need for individual relationships, and were told of the Administration on Aging's concern about elderly persons lacking personal relationships. It was obvious that the children needed the older persons, and the older persons needed the children—and the Foster Grandparent Program was born.

Applications for projects were received from about 70 children's institutions represented at the conference. These included proposals to use foster grandparents in hospitals, schools, day care centers, and sheltered workshops, and in the family homes of children who were crippled, blind, retarded emotionaly ill, physically ill, or culturally deprived. I was involved in setting up a project, sponsored by the Minnesota Association for Retarded Children, that authorized use of 120 foster grandparents divided among the three state hospitals for retarded children, at Brainerd, Cambridge, and Faribault, Minnesota.

The contract between the OEO and the Administration on Aging made the administration responsible for technical development and supervision of projects initiated under the program, and for determining the best procedure for conducting future programs. The OEO made nationwide expansion of the program possible by providing financial support. Children accepted for the program were to be less than 16 years old, and elderly persons accepted were to be 60 or older, and have an income below that established by OEO as the poverty level. Initially this level was $1500 for a single person and below $2000 for a married person; in December 1968 these amounts were increased to $1600 and $2100. The basic unit of service was 2 hours a day of individual contact with a child, and the basic objective, of course, was to employ older persons to give personal attention to individual children. The program was conceived as an added dimension of agency services, and the foster grandparents were not to be used to relieve staff of routine duties. There were to be no maintenance or custodial responsibilities unless such activities were a natural part of giving attention to an assigned child. A maximum of 20 hours a week was established for each foster grandparent. Although pay for most projects has been increased to $1.60 an hour, with a transportation allowance, for the Minnesota Association project the initial pay was $1.50 an hour, plus a transportation allowance not to exceed $1 a day.

Foster grandparents were expected to work from 10 a.m. to noon with one assigned child, and from 1 p.m. to 3 p.m. with a second. A 40-hour training program was required for identifying and developing foster grandparent abilities in the senior citizens employed. Supervision and continuing in-service training were required in each project. Advisory committees composed of one-third lay community members, one-third professional community members, and one-third foster grandparents were organized to meet the "maximum feasible participation" goal of antipoverty programs. Quarterly narrative reports were required, covering three areas: general operating description of the project, community relations, and observable benefits.

COMMUNICATION LEVELS

Although I am a professionally trained social worker with 30 years' experience, my communication experience had been primarily in a one-to-one relationship, and secondarily in group relationships—in short, it had been meager compared with the intensive and extensive experiences in communication involved in the foster grandparent project. From the beginning and at all levels of involvement, each facet of the programs was observed, reported on, and scrutinized openly. Foster grandparents kept diaries that were shared with staff, in newsletters, and in the quarterly reports. The diaries recording activities of the foster grandparents and children (activities observable by institution staff, the children's own family, the community, etc.) contained a wealth of "inner" comments and feelings, as well as foster grandparents' own instructions to themselves. Many recorded the foster grandparents' need to "listen carefully," to "speak clearly," to "report such and such," to "experiment with this," together with their evaluations of their own activities, such as "that was sure a flop," or "I finally got through to him." To give an example: A foster grandmother had tried repeatedly, and in various ways, to keep a child from biting whoever came near him. One day her diary recorded: "I'm going to try a pepper bag." She made a bag, filled it with pepper, and tucket it into her apron pocket for use the next day. When the child bit, she applied the pepper bag to the tip of his tongue. That stopped him. On a few other occasions, when the child indicated readiness to bite, she said, "Pepper bag," and he found some other way to express himself.

This kind of procedure will not be found in a book on disciplining children, but it made one little boy a more welcome member of society.

The foster grandparent programs have gained much by this kind of open reporting on experiences. We have much to learn from older citizens, who disclose more of themselves and their living than younger people ordinarily do. In state-level advisory committees we struggled with the concept of "maximum feasible participation" in relation to an expressed view that problems of helping foster grandparents should not be discussed at meetings where they are present.

The quarterly narrative reports kept Washington apprised of developments and problems, and this sustained a sense of creativity and growth in all the projects. Each quarterly narrative report reflects the individuality of each project. Preparing them takes time, but as a way of evaluating experience, they are invaluable.

THE PERSONAL EQUATION

I have sketched the background of the foster grandparent-foster grandchild experience, and now will describe how I saw the human beings involved. I viewed the people over 60 as having long human, living experience, and as using themselves freely in the foster grandparent relationship. This relation included the foster grandparent's feelings of love, his desire to be wanted and needed, his sense of self-importance, all expressed in the 2 hours a day, 5 days a week he spent with the child. There can be no other commitment such as teaching, accomplishing, and socializing. I saw no role for the older person as teacher, nurse, or social worker; no secondary aim, no task-oriented focus. The only objective was establishing a deep feeling connecting him and the child.

The 240 children involved in our project—in all three hospitals for the retarded—were experiencing "herd-type care" and were acknowledged to be "substandard." The children selected for the assignment of foster grandparents were the most limited, the most deprived in the institution population, and had the least family or other personal contact. Most were not involved in any of the hospital programs; generally they spent days as well as nights in cribs or on the floor, often withdrawn, often engaging in behavior destructive to themselves and to other children. Many were totally dependent, needing to be bathed, fed, dressed, and toileted.

These children, as infants, lacked the loving relationship of the baby and the mother whose unconditional response is an affirmation of the child and his needs. Besides being fed, bathed, changed, and held, he needs an affectionate relationship to enable him to grow emotionally, intellectually, and socially. Lacking these elements, the child develops patterns of behavior that limit, block, and distort his growth processes. This calls for remedial relationship.

In the training program for foster grandparents we oriented them to the hospital settings, but emphasized the primary value of the relationship of foster grandparent and grandchild. We urged the foster grandparents to be natural in their relationship with the children, to be creative, spontaneous, responsive to the children's feelings and wishes, in whatever way both enjoyed. After the training period one grandmother wrote: "It's gratifying to me that an elderly person can get in contact with a young person. It is quite rewarding when a child recognizes you, wants to come and talk with you, smiles when he sees you. It does something for the foster grandparents as well as for the child." Another wrote: "She took my hand the other day, led me to the rocker, then waited for me to sit down so she could climb onto my lap and be rocked."

CHANGES IN THE CHILDREN

At the end of the first 3 months almost every grandparent had experienced the thrill of watching the child perform "for the first time" some simple operation such as turning over, sitting up, holding a glass, putting a spoon in his mouth, walking up stairs, or uttering words. It was rewarding for the foster grandparents when their children gave up such behavior as biting, hitting, screaming, throwing toys, and wetting and soiling themselves.

The nursing staff reported that at least 75 percent of the children had shown improvement. They said the children were less destructive, less hyperactive, seemed to have more respect for each other's belongings, were more secure, more responsive, more aware, more like little individuals. With such evidences of growth, it was disappointing that an initial study early in the program indicated no significant difference between children who had foster grandparents and a control group that did not have them. One explanation for this finding seemed to be the lack of refined ways to measure emotional and relationship growth. For example, in the study ambulation categories were defined as "bedfast," "sits if propped," "sits unaided," "crawls," "walks with support,"

"walks unsteadily," "walks normally," and "has problem in climbing stairs." These categories could not describe the change in one child who, at the beginning of the Foster Grandparent Program, was bedfast but could stand with sprawling legs and feet, had limited movements of his arms, and was a quiet child. At the end of a month he was hugging his grandparent, laughing out loud, kicking, and using a scooter upright. Before the end of the second month he was playing on and off a walker; at the end of 6 weeks he took six steps free of the walker.

A second study evaluating some of the children after 6 months showed some significant gains.[1] In this survey 56 children from 5 to 15 years old, ambulatory and nonambulatory, with little or no parental contact, who had been tested before their introduction to the Foster Grandparent Program were tested again after the 6 months of the program. In social quotient scores, there were 46 positive changes, seven negative changes, and three cases of no change. Statistically, there were significant changes in six catgories: self-help general, self-help in eating, communication, socialization, locomotion, and occupation. In only two categories were there no significant changes, those of self-help in dressing, and self-direction.

A NEW ATMOSPHERE

At about this time a new atmosphere began to develop for the children. The hospital campuses were filled with purposeful activity; playground equipment was in constant use. There were many tanned faces. One could observe a foster grandfather wrestling with his foster grandson on the grass; a second foster grandson was learning to roll down a grassy bank; another foster grandfather was playing hide and seek around a hedge with his child. Other grandparents briskly walking their nonambulatory children in wheelchairs. There was an increased sense of interdependence, trust, and loving between the foster grandparents and the foster grandchildren. It was as though by working and searching together they were coming to a realization of themselves in relation to each other.

The relationship brought many benefits to the foster grandparents. The importance of the financial benefits depended, of course, on the initial level of income. One foster grandmother converted her wood furnace to an oil burner. Another installed indoor plumbing. Many used the income to meet current expenses, to purchase hospital or life insurance, to buy clothing, cosmetics, books, or to help a son or a daughter.

Social benefits were reflected in comments such as: "I enjoy people and I feel more content after being out among them," "I find that I can now get along with anyone and everyone," "I have met lots of nice people, made good friends, look forward to being with the group." Health improvements were obvious to hospital staff, family members, and the foster grandparents themselves: "My friends say I look younger and better"; "I go to bed early and really sleep." Many grandparents expressed their pleasure at being involved in something meaningful, instead of "just waiting around to die" or living out their lives "feeling useless." They enjoyed helping the children.

After several years of operation, the question of who benefits more from the program—the foster grandparents or the foster grandchildren—remains unanswered. An older citizen wrote: "The foster grandparent project gives me the ability to earn my living rather than receive aid to the disabled it gives me a feeling of usefulness, since I think I can do the children some good; it has opened up a whole new life for me and my grandchildren; and, finally, I feel needed again." On the other hand, a staff member in a hospital for retarded children told me of a blind, self-abusive, emotionally disturbed 13-year-old girl who kept both arms twisted in her blouse, would not let herself be touched, and almost never spoke. After a few weeks with her foster grandmother, her arms came out of her blouse, she became affectionate and less withdrawn, and began to communicate verbally.

Benefits to the institution were slower in evolving and were more generalized. Staff members had more time for the children left in the wards during the foster grandparents' working hours. Many of the gains in behavior made by the foster grandchildren were maintained by the staff. Wards were quieter, there was more related activity, and less destructive action. Staff members established a close, friendly relationship with the foster grandparents. Parents of the children also expressed pleasure because their children showed improvement.

UNDERSTANDING THE RETARDED

Finally, the program has given some of us a better understanding of retardation. It is a painful experience to see children and adults in a state hospital for the retarded, living out their lives in a setting that accepts the absence of learning and growth. Most of us block out this picture once we leave the hospital grounds; the foster grandparents set about relating to their assigned children in such a way that we could no longer avoid a realization of the tragic waste—human and economic—that the traditional care for the retarded involves. Out of the foster grandparent experience thousands of persons are becoming aware that even profoundly retarded intellectual development does not eliminate the possibility of a child's relating in a close, loving way, of his learning to feed himself, to dress himself, to play with peers, to share and respect individual belongings, to take care of toilet and bathing needs—in short, of learning appropriate social behavior.

Foster grandparents offer a vital remedial relationship for needy children, providing a special relationship conducive to emotional, physical, social, and educational growth in the child. Their contribution is essentially the use of their own personality and life experience within a defined area, and not activity as subprofessionals, paraprofessionals, aides, or assistants to the professional worker. They need a minimum of training to understand the general principles of their roles, and to prepare themselves to make a deep commitment in this new kind of work.

Foster grandparents should be made available to children who need a one-to-one relationship—those who are retarded, emotionally disturbed, delinquent, physically handicapped, culturally and economically deprived, or living with troubled families.[2] Such services should be provided in residential care facilities, day care centers, nursery schools, special education classes and training centers, religious education programs, recreation facilities, foster homes, and the child's own home.

[1] Elizabeth Moore, Margaret Raedeke, and L. Kenneth Stinson, "An Evaluation of the Foster Grandparent Project at Cambridge State Hospital: The Effect of Social Stimulation on the Profoundly Retarded Child," unpublished thesis as part of requirement for M.S.W., University of Minnesota, June 1968.

[2] The 1967 Social Security Amendments require each state public assistance plan to "use subprofessional staff and volunteers in providing services to individuals applying for and receiving assistance." These plans should utilize foster grandparents in providing remedial relationship experience for children and parents.

CONFERENCE ON THE CONCEPT OF ATLANTIC PARTNERSHIP

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, it is my privilege to introduce into the RECORD today the report of the British panel of the very fruitful and productive conference on the concept of Atlantic partnership, sponsored by the Institute on Problems of European Unity.

The strategic arms limitation talks in Helsinki raise some very basic questions about the future of Europe and the forms which American-European relations will take. It is therefore particularly timely that this comprehensive report be brought to the attention of the Congress, as follows:

CONFERENCE ON THE CONCEPT OF ATLANTIC PARTNERSHIP—BRITISH PANEL CHAIRMAN'S REPORT

Panel Members: David Calleo (chairman), SAIS, Johns Hopkins University; Professor Carl H. Cerny, Georgetown University; Mr. Peter Jay, London *Times* Washington editor; Mr. Andrew Knight, *The Economist* Washington editor; Professor Robert Skidelsky, Nuffield College; Professor Henry Steck, State University of New York (Cortland).

Discussion focused on the tension in British policy between an Atlanticist orientation built around an American special relation, and a European orientation—aimed towards a cohesive European political grouping. The discussion was organized into three sessions, the first dealing with broad political aspects, the second with economic and the third with military.

Amid a wide variety of arguments and points of view, certain general conclusions appeared to be shared among most members. It was clear that the issue of Britain's future orientation was extremely complex. For many people in Britain, there seemed strong tension between the European and Atlanticist poles, between the ideal of a new European grouping and the ideal of a developing unity within the Atlantic world, a perception which, in turn, generated considerable ambivalence and diffidence in Britain's commitment to European integration. Although Britain's bid for membership in the Common Market might suggest a shift towards the European ideal, the Atlantic vision continued to exercise a strong hold on the British imagination. Unlike many continentals concerned with European unity, many British were not seriously dissatisfied with the prospect of a Russian-American world condominium, an arrangement which many people in Britain instinctively found safer than the rise of a new European colossus.

The ideal of a wide and relatively loose Atlantic world, embracing Japan and much of the Commonwealth as well, appealed to the still strong free-trade perspectives of the British, while, for many, the Common Market still seemed the creation of incurably mercantilist, "inward-looking" continentals.

The notion of a special partnership with America in peace-keeping throughout the world still appealed to the perspectives of a nation conditioned to imperial responsibilities in maintaining a world-wide system of order. By comparison, a European bloc, less enthusiastic about international peacekeeping, and preoccupied with internal consolidation, seemed relatively limited in its hori-

zons, as well as essentially revisionist and hence disruptive towards a postwar world system which most British supported. For many in Britain, General de Gaulle's challenge to the status quo simply made articulate the tendencies which were inherent from the beginning in the whole notion of a European bloc.

On the other hand, in spite of their fundamental sympathies with the Atlantic ideal, the British have found their present position increasingly unsatisfying, both economically and politically. Britain's continuing economic decline has made junior partnership with America seem less and less meaningful and isolation from the relatively dynamic continent more and more costly. For some, however, there still remains the hope that Britain's draconian measures to strengthen the pound will finally turn round the economy and again allow Britain to assume a satisfactory role in Atlantic partnership with America. Hence, some speculated, the seeming decline in interest in the Common Market after the recent signs of strong improvement in the balance of payments.

In any event, there remains a strong and deep division in the British mind between Atlantic and European ideals and a strong sense of the tension between them. Much of this feeling has never been clearly articulated in the public debate over the issue of Market membership. The British tactic, instead, has been to seek entry into the European bloc on terms which would compromise Atlantic ties as little as possible. Most panelists agreed that General de Gaulle's veto was, therefore, not surprising. There had not yet been a public debate in England which showed much awareness of the real issues. The profound shift in British perspectives required to make Britain enthusiastically "European" had not taken place, in spite of an undoubted evolution of public opinion in that direction.

One development might hasten a British evolution towards Europe. The Americans themselves might begin convincingly to disengage from their world duopoly and, in particular, from their heavy role in European affairs. American policy, on such a course, might actively promote, or at least cease to resist, the gathering of a European bloc dedicated to building a "Third Force."

Such a development would leave Britain supporting an American policy no longer supported by the Americans and might provoke an active commitment to building a European bloc. Many in Britain, however, clearly prefer the present Atlanticist military and financial arrangements and, in general, America's continuing a leading role in European affairs.

FIRST SESSION: POLITICAL ASPECTS

The meeting heard remarks by Mr. Jay and later Mr. Skidelsky, with the other members joining in discussion. The British, some panelists argued, saw the tension between the ideals of European unity and Atlantic partnership far more clearly than the Americans. Many Americans seemed to assume that a revived and cohesive Europe would automatically become a partner in preserving the status quo and world order generally. Other Americans, unenthusiastic or unconcerned about the status quo, or disenchanted with peacekeeping, were essentially indifferent about whether a new Europe would be a "partner." Almost any self-sustaining grouping was acceptable which could allow America to return home the stream of resources presently expended in European defense. To many British these American views seemed naive. Throughout their history, the British had lived in fear of a cohesive power bloc on the continent. Previous attempts to create such a bloc had invariably released illiberal and aggressive forces which had been a threat to British independence and world peace. Furthermore, many British, with their lingering imperial and elitist perspectives, believed more than most Americans in great power intervention to preserve an international system of order. Thus, while many might disapprove of the conduct of the war in Viet Nam, they nevertheless firmly supported an interventionist role for the U.S. generally and were highly sensitive to signs of any American swing towards disengagement, which they regarded as a return to unrealistic isolationist perspectives.

These combined British attitudes—fear of a European union and acceptance of great power peacekeeping—made them sympathetic to world duopoly and an Atlantic status quo. The United States was, in fact, fulfilling the British role of the last century—preventing the amalgamation of a European bloc, run from either the West or the East, and keeping peace throughout the Third World.

One of the great goals of a European bloc would be the breaking of Russo-American duopoly and the creation of a new Third Force. While the present condominium had obvious costs, especially to the captive states of Eastern Europe, nevertheless, condominium seemed safer and more stable than the European alternative. There was, of course, the danger that European nationalist restiveness would grow to an explosive point, or that European morale would degenerate in its gilded cage and lead to violent social revolution, or that American isolation would reassert itself or the Russian system explode, but there was, nevertheless, no decisive evidence that the present arrangements would break down.

Indeed, with intelligent leadership, the present Western bloc could evolve into a new political structure, a kind of new medieval system in which nationalist sovereignty became meaningless. Government would become increasingly internationalized into cooperative multinational structures with limited powers over limited areas. Institutions like the Group of Ten, the OECD, the IMF and NATO could be the precursors of a new world political system. Such an "Atlantic" system was far more in keeping with the nature of the modern economy, to which the nation-state was increasingly irrelevent. The OECD represented the relevant context for modern technology and industrial development. The transposing of power to such international bodies would rid the world of the terrible curse of the nationalist state.

By contrast, the creation of a new united Europe would only be the nationalist state writ large and would result in a vigorous revival of nationalist perspectives. It was not, incidentally, the general public of Europe that resented the present state of affairs, but the traditional diplomatic, military and political elites, who missed their traditional grand role in the world. But their interests, though understandable, were not in harmony with the economic and social welfare of their own people and there was no reason, therefore, while they should prevail.

Members of the panel argued among themselves as to how realistic or desirable this vision of the future might be. The psychological costs of Europe's subordination were heavy. Dissatisfied elites would inevitably generate popular support for their positions. Indeed, the greater the prosperity of a society, the more likely it was to become assertive and resent continuing political subordination. Indeed, the increasing restiveness of Western European society resulted, in large part, from the decline in prestige of traditional political structures, robbed of their political manhood by comfortable American hegemony.

It was inaccurate, however, to look for the origins of revisionism among the present elites. Quite the contrary. The present order was increasingly a world run by cosmopolitan mandarins, insulated from popular democratic politics. It was primarily the desire of these elites to insulate themselves further from popular control which explained their attack on "nationalism." The nation-state was the only political formula around in which it had been possible to organize democratic participation in government. While it might be necessary to modify traditional national structures by participation in some higher European formula, nevertheless, the fundamental nationalist principle of modern politics would still remain valid. Democratic participation was only possible within the consensus formed by a relatively cohesive national culture. While there might be created some new European "nation," replacing the European ideal by Atlanticism was merely a cover for insulating politics from popular participation. It was a device for continuing and extending the present primacy of commercial values over all other human and political considerations. If the national states could be denatured, then elitist technocracy could reign supreme. To advocate such a course was to overlook the gathering revolt, throughout both West and East, against the primacy of technocracy and for the reassertion of humane and democratic values.

In short, some argued, the status quo was neither desirable nor was it stable. Those who worked against the rennaissance of a new European political spirit were not only opposing the vital forces of modern society, but also undermining the only ideals and structures which could contain and channel these new forces and prevent their exploding in far more radical ways.

In any event, most participants agreed that the Atlanticist ideal had a strong pull on the British and did seriously stand in the way of their wholehearted commitment to a European program.

The discussion turned to the actual role which Britain had played towards European unity. Some members contested the common view that Britain had ignored Europe in the fifties and then shifted belatedly to join it in the sixties. On the contrary, Britain had followed a consistent European policy since the war. The policy consisted of unyielding opposition to European integration into a Third force. The decision to apply for E.E.C. membership was only another tactic in the same fundamental strategy.

British fears about the likelihood of such a development, to be sure, had been greatly exaggerated. Divisions among the Europeans and American pressures had been more than enough to prevent agreement on common policies, although the divisive effect of Britain's various bids for membership also played a considerable part in frustrating Europeanist ambitions. As a consequence, some felt, Britain would bear a heavy responsibility should the frustration of the relatively benign Europe of the Six lead to the rise of a truly assertive European nationalism.

In summary, the discussion amply illustrated the strong underlying reservations about European integration among many Englishmen, their consequent diffidence towards European political integration and their continuing susceptibility to the Atlanticist alternative.

THE SECOND SESSION: THE ECONOMIC ASPECTS

The meeting consisted of opening remarks by Mr. Knight and Mr. Calleo, with other members joining in general discussion. The discussion centered around two topics, a North Atlantic Free Trade Area, the likely future relations between American and European economies and the possibilities for closer British incorporation into the latter.

Some found the U.S. an unsuitable trading partner for Britain in any sort of association which left out the E.E.C. The disproportion in size and resources was too great.

Partners did not have to be equal, but the smaller must be at least large enough to contain penetration by the larger, which England could not do. Others strongly contested this whole view. The actual ownership and management of industry was, for the most part, irrelevant to real concerns of national growth and prosperity. National governments, moreover, had ample means to prevent abuses and regulate development.

Wide disagreement arose in the discussion of the likely future relations between the American and European economies. Some expected the Americans to become more predominant and in an increasingly unified Atlantic economy. Others saw the U.S. beginning a serious decline as a trading nation. In recent years, the U.S. trade balance had declined steadily from a surplus of $4 billion to rough equality. Close examination of the content of trade revealed that American exports were increasingly those of an underdeveloped nation—raw materials and food rather than machinery. In any number of basic manufacturing industries, automobiles and steel, for example, American products were increasingly noncompetitive. Foreign industries were gradually erasing the American advantages in productivity per man hour, and thus lower foreign labor costs, with their consequences for all other prices, were becoming increasingly decisive. The United States, of course, still had a great lead in some advanced industries. Nevertheless, overall, the American position was declining.

The decline was perhaps owing to three broad developments. With its vast and relatively inaccessible mid-Western industrial heartland, American had always been a fortress economy, relatively impenetrable to foreign competition. Air transport and cheap water routes were opening the fortress and ending American industry's privileged sanctuary. Hence the United States would, in the normal course of things, import more and more. Secondly, America was ceasing to be a relatively cheap producer of raw materials. American coal and iron were depleted and oil was no longer competitive with imported oil from the Middle East. Thirdly, the speed with which information was now transmitted and the increasingly supply of trained technological manpower in all advanced countries was bound to erode America's technological leads. In short, America's relative trading position was likely to decline if the present rapid advance of European and Japanese industry continued.

The United States would obviously remain the world's leading producer, but if Europe continued the advances made possible by consolidation within a broad market, the menace of American domination would recede. So, incidentally, would the pace of American direct investment. The disappearance of the trade surplus over the past eighteen months had been covered, in the balance of payments, by a masssive return of capital. It appeared that nearly $20 billion, probably half of the overseas short-term dollars, had been repatriated. The investment activities of American corporations were bound to be cut as the Eurodollar market dried up.

Members discussed the possibility that relative American decline, if it occurred, might reduce the pressure for European integration. For European greed might not be as powerful a prod as fear. Others noted that the U.S. and Japan would remain sufficiently formidable to spur Europe forward. The apparent decline in European political will towards integration, on the other hand, could mean that the great difficulties inherent in integrating a general European economy could finally overcome the will to do so.

The panel then turned to Britain's prospects for joining more closely in a European economic bloc. Assuming that the continent's economic consolidation continued, Britain would be increasingly drawn towards it. Britain, of course, had rather special difficulties fitting in the E.E.C., especially with its Common Agricultural Policy. Joining in the present agricultural arrangements would cost the British balance of payments some 200 million annually. What about association which would leave out agriculture? While such an arrangement might be useful for the short run, the fact was that Britain, as she began integration into the continental economy, might come to favor increasing centralization and direction. Like France at the beginning, Britain, with special disabilities, had an interest in a central authority working to harmonize the conditions of competition throughout the whole Market. Free trade was for the strong and centralized planning was the recourse of the weak and disadvantaged who needed a compensatory direction of resources. Association, moreover, might not give industry the necessary leverage to break the inefficient tax structures and labor practices which could not, in any case, be overcome within the domestic political context alone.

Were there any alternatives to association? Could a way be found for Britain to participate fully without abandoning the Common Agricultural Policy. The problem was not Britain's agriculture, which was relatively efficient, but for her balance-of-payments which, as noted would be adversely affected by at least some 200 million annually. What were the prospects for some form of intimate European monetary agreement that could strengthen sterling and give the British economy time to adjust? An intimate monetary arrangement would be difficult to reach among the Six. Britain, with her huge overhang of old and new debts, would greatly complicate the problem.

Various proposals for such cooperation had been floated, mostly notably the Barre Memorandum. All envisaged some form of limited short-term lending and recycling as well as medium-term loans and consultation. In effect, the Six, to sustain the fixed exchange rates which many people believed essential for a common economy would move towards pooling their reserves and coordinating their planning. But were the economies sufficiently in phase with each other to work within a common system without unbearable strain on exchange rates and reserves? Britain, with her heavy debts, trading currency and unimpressive productivity, would certainly increase the strains on the system. There might be compensations for the Europeans. Conceivably, the City of London might offer facilities badly needed in developing a European capital market. On the other hand, much of the City's financial expertise and machinery was presumably already available to continental clients and Britain was unlikely, for the short run, to have much capital to contribute to European development. The advantages of having their own capital channeled back to them through London might seem a doubtful advantage to continentals, especially those who themselves aspired to be the financial centers of a new European market.

In any event, there was, moreover, still no great interest among English bankers and economists in a European monetary bloc. In this aspect, as in others. British institutions and perspectives were oriented towards close partnership with America in a wider Atlantic context. The discussion seemed to suggest that Britain's membership would both greatly increase the need and difficulties for any European monetary union. In this respect, of course, as in others, it was possible that the difficulties posed by British entry might work towards a greater degree of coordinated planning among the members.

THIRD SESSION: THE MILITARY ASPECT

Mr. Calleo began with a general statement and discussion followed. The panel focussed on Britain's military "special relation" with the U.S., a relation most concretely institutionalized in their nuclear collaboration, but also running through their military activities in many parts of the world.

To some panelists, the advantage of this military tie seemed dubious for Britain. While close support of the United States in the Far East had involved the British in alien and damaging quarrels, the United States had not shown a corresponding concern for Britain's external interests, as Suez had so dramatically demonstrated. Why did the British cling so tenaciously to their special relation? Some panelists agreed that the British nowadays seemed more enthusiastic about the American imperial role than the Americans themselves. It seemed far easier to find a serious defense of the Vietnamese intervention in England than in the U.S.

British support for America's world role stemmed, it was argued, from Britain's lingering imperialist perspective. It seemed axiomatic to many people in England that a great power had a vocation for order, a special responsibility for preserving a world system of peace by interventions in the affairs of weak and unstable states. Without such attention, any system of world order would soon break down in war and revolution.

This view, it was argued, tended to alienate Britain from the continent where both Gaullists and Leftists saw the age of interventionist imperialism finished, advanced the view that most countries should be left to sort out their own political affairs and that national self-determination was the only proper basis for a world order. Some members thus saw the American military ties as one of the principal obstacles to Britain's entering a European bloc.

Most notably, Macmillan's desire to maintain the nuclear special relation at Nassau had, some believed, ensured the defeat of his European policy. Britain's choice for dependence on the United States in place of sharing with France confirmed De Gaulle's views about England's essential political orientation.

What were the possibilities for a British shift to Europe? Heath, after all, had several times suggested nuclear collaboration with France. The problems and prospects of a European defense coalition, including nuclear weapons, were discussed at some length. That controversial argument was advanced that even without the Americans, Western Europe now had adequate conventional forces to counterbalance Russian military power. NATO's failings stemmed from lack of resources but the Europeans' unwillingness to take their own defense seriously. But such lethargy was inevitable given the prolonged and comfortable American hegemony which pre-empted all European initiative and responsibility. If European military elites were thrown the primary responsibility for their own defense, they would be forced to cooperate and to organize their own resources more competently. America could and should abdicate this primary responsibility for organizing Europe's defense. The alliance could remain, along with some American troops, but primary leadership and responsibility should return to Europe.

Some doubted that the European democracies would rise to the occasion, any more than they had in the 1930's, although others contested the analogy, by arguing that the present situation called for no increase in budgetary or manpower resources. What was needed was a return of responsibility to Europe. The professional military, once endowed with their proper responsibilities, were unlikely to discount the dangers of a military vacuum on the Western side of the Iron Curtain. Western European industries were as likely to safeguard their budgetary patronage as their American counterparts.

If Europeans were to take proper responsibility for their own defense, however, some believed they would need nuclear weapons of their own. The notion of a division of responsibility between nuclear and conven-

tional defense was unrealistic. Defense against a nuclear adversary had to contemplate the full range of options. The Americans, moreover, would never be able to yield direction of European defense as long as they manned Europe's first and only line of nuclear defense.

Some kind of effective European nuclear force might be built around the present British and French deterrents. There was no reason, it was argued, why such a deterrent was technologically impossible. The chief problems were political. The arrangements would doubtless be confederal although there might eventually be some kind of multilateral force alongside the national forces. Coordination would be the task of some European planning group.

What of the Germans? As Germany's strong conventional army was essential to any collective defense, and her financial contributions doubtless much desired, the FRG would be in a strong position to insist upon an adequate role for herself. If the Germans were not expected to have nuclear weapons of their own, they would have to be given satisfactory status in nuclear planning. They would, no doubt, also insist on close coordination with the American deterrent.

Panelists speculated on whether a European nuclear force was opposed to America's own national interest. The inexorable pressure for disengagement presented a dilemma for America's advocacy of non proliferation. If Americans were to retain the responsibilities for the immediate and exclusive nuclear defense of other countries, they were unlikely to entrust control over conventional defense to alien hands. Hence disengagement and proliferation could be seen as two sides of the same coin. It was unrealistic and unsound to expect one without the other. America's interest in nonproliferation was obvious. But American policymakers might come to have second thoughts about extending clear guarantees as China moved towards a full-scale intercontinental deterrent. American cities could not credibly become hostages for an Asian status quo as they had for the European. American policy, therefore, should be moving towards the creation of regional nuclear balances which would permit at least a partial American disengagement. Europe, it was argued, offered a relatively safe opportunity to create the prototype. National nuclear forces existed anyway and the vulnerable Europeans were unlikely to be reckless. Thus Americans were unlikely to resist a serious effort to create a shared European nuclear deterrent. All this provided Britain, with her thermonuclear weapons the opportunity to take a leading role, along with France, in building a European military bloc. So far, however, British governments had shown little initiative in these matters, but instead had become even more steadfast champions of a "moribund" NATO than the Americans themselves. In this, as in other fields, Britain's perspectives, rightly or wrongly, remained essentially Atlanticists, tied to a real or imagined special relation with America. Many panelists concluded that nothing short of a clear indication of imminent American withdrawal would jolt the British—and indeed Europeans generally—into more activist responsibility for their own defense. As many believed America would and should withdraw in the end, they believed it would be prudent for American policy to see the occasion for precipitating the desired reaction among the Europeans. Otherwise, British commitment to Europe would remain too ambivalent to permit a leading role. Some panelists protested against their whole line of reasoning. European conventional defense could not be organized without American leadership. Proliferation was dangerous and ineffective. Atlantic military institutions were preferable to European ones.

Nearly all panelists agreed that most people in Britain would prefer the present NATO military arrangements, as long as they believed the Americans were willing to sustain them.

VICE PRESIDENT AGNEW DISCUSSES AMERICAN EDUCATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. PUCINSKI. Mr. Speaker, last night at an impressive dinner sponsored by Worthington Chapter No. 30 of the Order of AHEPA, the Vice President of the United States was honored and delivered an impressive speech on the status of American education. It was my pleasure to attend the dinner with a group of my Chicago constituents.

As a member of the Education Committee, I believe the Vice President has placed into proper perspective some of the problems being discussed by parents, teachers, and students throughout our Nation as to the role of American education in the development of our society.

I was particularly pleased to see that the Vice President found inspiration for his remarks in the teachings of Greek philosophers who had given meaning to the entire concept of education in a free society.

My subcommittee is currently studying America's educational needs for the 1970's and I believe the address presented by Vice President AGNEW at the AHEPA banquet ought to be included in the dialog of these needs.

It is for this reason that I include Vice President AGNEW's entire speech in the RECORD at this point.

His remarks provide an excellent basis for a discussion of new concepts in education which will meet the educational needs of young people in the decade of the 1970's and thereafter.

The Vice President's speech follows:

I am grateful for your presence tonight. More than an honor to me, it is a profound tribute to the memory of my father. Many of you knew him, knew the kind of man he was and knew that such men are rare in any community—at any time.

I am proud to say that I grew up in the light of my father. My beliefs are his and my father believed deeply in America. My father was deeply involved in the life of the Greek community, for this, to him, was part of being an American.

"My Brother Ahephans" he said eight years ago, "Who better understands the true value of freedom and dignity than *we* . . . . who are the the direct descendants of the authors of those principles—the Ancient Hellenes? Who better understands the true value of freedom and dignity than *we* who have matured and prospered in the workshop of democracy, the United States of America?"

This Ahepa-conceived Scholarship Fund is particularly appropriate to honor my father's memory, for he cherished education as the key to a better life. That belief is Greek as much as it is American.

Pericles, the father of the first democratic state, said in the fifth century before Christ, "Athens is the school of Hellas." The Athenian ideal was that of the free citizen in the free state. But a state of freedom was never a state of ignorance. Education was, and always will be, integral to civilization.

As Pericles said, "The great impediment to action is . . . . not discussion, but the want of that knowledge which is gained by discussion preparatory to action." Courage from conviction distinguishes the free and civilized citizen.

To Socrates, to Plato, to Aristotle, all education served the soul. The Golden Age of Greece gave birth to the concept that public education was prerequisite to intelligent citizenship. Twenty centuries before Thomas Jefferson, Aristotle connected the public and private interest with cultivation of the mind as a free society's ultimate aim.

Never was there a separation of individual and collective good nor was there a distinction between a life of pleasure and a life of civic fulfillment. The Athenian spirit was not only to live but to live well. Civic duty was an honor, and a life balancing work and comfort was the goal. Neither property nor prosperity were vices, only their misuse or a misunderstanding of their value was deplored.

This is our Greek heritage—deeply philosophical and political—and while the world has grown in technical prowess, it has never surpassed the Anthenian ideal of free citizenship. Ancient Athens remains the school of civilized nations. And from ancient Athens we can draw lessons of good and evil applicable today.

The rise and fall of all free nations mirrors the rise and fall of Athens. The overall lesson is that freedom and the good life are demanding possessions. To use them well and possess them permanently, discipline and education are required.

If I am known to raise my voice in criticism, it is because I see danger in our nation's course. Because America, like ancient Athens, can become foolish and corrupt; because a life of ease is not synonymous with a life of fulfillment; and because no generation can confer wisdom upon its children. Each generation must work to earn its own.

Heraclitus, one of Greece's earliest philosophers, perceived that all is flux. Change is the only constant. Arcesilaus, the skeptic, said, "Nothing is certain, not even that." Is this not true of today? Power is ephemeral and no excuse for conceit. Freedom, prosperity, moral and military strength are evanescent, not eternal. They cannot be secured once and then forgotten but must be carefully and continuously cultivated.

Education is the source to replenish a free society. America understands renewal and reform. We labor to renew our cities and reform our government. Yet we have left education—the source—relatively untouched. Of course, we have expanded and multiplied educational opportunities. We have had added pre-school programs, community colleges, and enlarged universities to multiversities. But we have not sufficiently probed to the essence of the pure institution, and this explains much of our present problem.

By inclination, Americans think quantitatively. We are appreciators of the bigger. The danger in this lies in possible error in the original assumption. If what we are doing is not right to begin with, quantitative adjustments compound the wrong.

We have sometimes failed to perceive that as times change, we must not only change our programs but our premises governing education. Albert Einstein once defined education as "that which remains after you have forgotten everything you learned in school." Yet the American public continues to think of education as a terminal process limited to the youthful years of life. In a society where skilled laborers must learn new techniques six times before retirement, where 50 per cent of technical engineering knowledge becomes obsolete within a decade, where 70 per cent of all knowledge that will serve our present student generation during their lives is as yet unknown and undiscovered . . . it is time to stop regarding educa-

tion as circumscribed by a particular period of a lifetime.

We must stop developing educational programs for twelve years, or sixteen, or twenty years and start creating programs that gear themselves to useful, satisfying lives.

In the first place, the penchant for clustering higher education in the post adolescent decade adversely affects the human spirit. We are consigning a huge group of our young citizens to an academic limbo totally alien to their human instincts. Whether we realize it or not, whether we intend it or not, we have created a disenfrancised social class called youth.

How? Although our young population—between the ages of eleven and twenty-five—has not grown disproportionately, the proportion of young people in school has increased dramatically. High school attendance has doubled in two decades; 94 per cent of our young people attend high school; 75 per cent graduate from high school; and in higher education, the growth is even greater. College enrollment has tripled in twenty years; 40 per cent of all young people attend college for at least a year. Including advanced technical training, the figure approaches 50 per cent.

By pricing teen-age labor out of the market and expanding secondary and higher education, we have stretched post-adolescent dependency a full ten years. While the age of physical maturity has declined, we have confined a generation on campuses at a point in life when their fathers and grandfathers were supporting households. We have subsidized youths' education at the expense of many of their human rights. And society, in many cases, has forced its youth into an academic mold alien to their aptitudes or inclinations. The distinguished psychologist, Dr. Bruno Bettelheim, writes of higher education's debilitating effect:

"What makes for adolescent revolt is the fact that a society keeps the next generation too long dependent in terms of mature responsibility and a striving for independence . . . all too many who now go to college have little interest, ability, and use for what constitutes a college education. They would be better off with a high level vocational education which is closely linked to a work program which gives scope to their needs for physical activity and visible, tangible achievement. The complaint of many of these students is that nobody needs them. They feel parasites of society, and hence, come to hate a society which they think makes them feel this way."

In our reverence for education and our desire to do right by our children, we have inadvertently denied this generation's right to participate as mature citizens. The damage it does to the individual is no greater than the damage it does to the university. Denied political participation in the real community, the youth seeks to politicize the only community he has, the academic one. This defeats the purpose of the university which journalist William Shannon notes:

"Is to transmit knowledge and wisdom and to enhance them by research and study. The university is not a forum for political action. It is not a training ground for revolutionaries. It is not a residential facility for the psychiatrically maladjusted. It is not a theater for the acting out of racial fears and phantasies."

As we demean, we pervert. Consider the single problem of these black students, trapped by the the best intentions into a situation where he cannot compete. The demands for black studies, black dormitories, special black grading systems, are often smoke-screen evading the basic failure in black primary and secondary education. Brandeis professor and former Presidential Aide, John P. Roche, sees black separatism on the campus as a last ditch attempt for survival by culturally deprived students who have been admitted to college just because they came from inner city ghettos. They are bright, but unprepared to compete with their highly articulate classmates. Without swimming lessons, they have been dumped in the mainstream and they are not going to drown without a struggle.

Bayard Rustin, pioneer in civil rights and Executive Director of the Philip Randolph Institute, takes a harder line:

"Everyone knows that education for the Negro is inferior. Bring them to the University with the understanding that they must have (the) remedial work they require. The easy way out is to let them have black courses and their own dormitories and give them degrees . . . What in hell are soul courses worth in the real world? No one gives a damn if you've taken soul courses. They want to know if you can do mathematics and write a correct sentence . . . an element in that society."

The point remains that we have neglected the real problem of compensatory education for the shallow solution of sympathy. And there are other equally compelling areas of neglect.

We have neglected vocational and technical education for the elegant ornament of liberal arts. Certainly, the social sciences are important but they are not sacrosanct. And in our society, which needs skilled labor, we must restore the manual arts to their rightful place of esteem. We have done a grave disservice to the working man by neglecting his central importance to our society. We have failed his appetite for the arts, his preparation for leisure, and, in many cases, his need to renew his skills.

If we are not going to have revolution within our educational community, we will be wise to take a revolutionary look at our institutions of education. We should not be reluctant to ask daring questions or consider bold solutions. Is the four year college necessary in all cases? Are there better ways to combine secondary and undergraduate programs? To accelerate graduate work? Or to space it out over the years? Should we invest more in adult education and enrichment? Are present primary and secondary school programs creating enough outstanding citizens—citizens with an appetite for learning and an aptitude for service to others?

The answers require courage and cooperation from every sector of our society. There is little point in questioning the value of graduate degrees in the soft sciences if businessmen continue to treat these degrees as keys to open the inner doors to better jobs. There is no point in discussing black studies without an objective ordering of educational priorities by the black community. There is no hope for major academic reform without the support of America's academicians.

There is no chance for change if parents revere the college degree as a symbol of their parental success. Until every interest group reappraises its attachments to existing institutional forms, we cannot achieve a new structure.

Today's students have an obligation, too, to question radicalism and demands for relevance as satisfactory answers. Revolution is ridiculous and revelance often an excuse for more amusing and less arduous involvement. Where is this drive for reality in the demand for non-graded courses? The real world distinguishes between excellent and mediocre effort. Is doing one's own thing ennobling or selfish; profound or simply vacant?

Finally, I think government has an obligation to review its many programs affecting youth and ask itself whether it is doing a good job or even what it intends to do? Right now, this Administration is taking a hard look at youth policies. We are looking at the ways we have prolonged the period of dependency . . . disenfranchised our young adults . . . discriminated against non-college youth and directed others, in disregard of their desires, into higher education.

We are saying that many young people have cause to complain. They are alienated—not by our hypocrisy, or racism, or the war in Vietnam—but by our best intentions and inappropriate institutions. Their claims of hypocrisy, racism or immoral wars are not borne out by the facts. Their frustration at being held apart from responsibility and reality is understandable.

The educational community should ask whether encouraging ever increasing numbers of young people to attend college—when 40 per cent already do—benefits the lower half of the intelligence scale. We should question whether society's demand for college attendance compounds social antagonisms between those who go and those who do not. For if everyone is expected to attend college, life will only be harder on those who simply cannot achieve in an academic setting.

The Federal government should reevaluate those policies which protract dependence . . . civil service age requirements, restrictive apprenticeship programs, present age limits on voting and public candidacy.

We should question whether some programs do, in effect, discriminate against the working young . . . such as the Peace Corps and Vista which could benefit greatly from their marketable skills.

All of these questions should be asked not in the fear that we are out to destroy popular education, but as a positive search to broaden educational opportunities and to make our educational institutions fit the public rather than make the public fit the institutions. The threat to education does not lie in asking these questions, but in not asking them.

The challenge of American education from the cradle to the doctoral degree is our most important work. Our nation's future depends upon it, for as the Greek maxim goes, in the face of youth we find the future. America need not falter like ancient Athens if we learn from ancient Athens. We can retain our vigor and replenish our power by renewing our institutions.

Hope brought my father to America, and in honor of his limitless hope, the Theodore Spiro Agnew Scholarships will be bestowed. Because he was a child of Greece, they will go to youths of Greek descent. And because he was a citizen of America, their recipients will study here.

For as my father revered his Greek heritage and, like Pericles, saw Athens as the school of Hellas, so he would want . . . as we want . . America to be the school of free men everywhere.

Above all, this scholarship is established in the spirit of my father's legacy to me—his painfully accumulated knowledge that—the principles of freedom need and deserve our constant protection—that we must work to make democracy live.

TIME TO EXAMINE THE RHODESIAN BOYCOTT

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. BERRY. Mr. Speaker, on the theory that too many Members do not have an opportunity to read Metals Week, I insert in the RECORD an article entitled "Time To Examine the Rhodesian Boycott," which is interesting and thought provoking.

The article is as follow:

TIME TO EXAMINE THE RHODESIAN BOYCOTT

The price of Russian chrome ore is up another $10 for 1970. Turkish ore is going up a like amount. The reason for the increase, and the increases of 1968 and 1969, is, quite simply, the Rhodesian boycott.

Since the boycott went into effect in Jan. 1967, and US ferroalloy producers were cut off from their prime source of chrome ore, Russian prices have increased by over $25 a ton, or 81%. Russia is now our major supplier of metallurgical grade chrome ore and is in a position to dictate the market. Of the total of 486,000 tons of metallurgical grade chromite imported in 1968, Russia supplied 335,000.

These are simple, straightforward facts. This has been but one result of the Rhodesian boycott. Perhaps it is time to examine what some other results of this boycott have been.

In the first place, Union Carbide and Foote Mineral have lost their valuable Rhodesian mines. And second, they must buy Russian ore at much higher prices to keep up their ferrochrome production. This translates into higher costs for the US steel industry.

And while US ferrochrome producers have to buy Russian ore, South African ferrochrome producers take in cheaper Rhodesian ore, and then turn around and undersell US producers in the US market. In 1968, some 45% of all ferrochrome imported into the US came from South Africa. It might be added that over 50% of US chemical grade chrome ore (below 46% Cr_2O_5) also comes from South Africa.

So, who has benefited? Russia and South Africa—not exactly two of our closest allies. And who has lost? US ferrochrome producers, the US steel industry, and, ultimately through inflation, the US consumer. And Rhodesia? By all accounts her economy is humming and any inconvenience caused by the boycott is minimal.

It is not an economic issue, but rather a moral issue, supporters of the boycott maintain. If so, is what Rhodesia is doing to her blacks any worse than what Russia did to the Czechs? And is South Africa's apartheid policy any less severe than Rhodesia's limited representation? If we do not intend to boycott Russian or South African products because we disapprove of the way these nations behave, what right do we have to impose sanctions on Rhodesia?

And moral considerations aside, the boycott just plain isn't working.

THE TAXMAN COMETH

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. PUCINSKI. Mr. Speaker, on December 8, I warned in a speech in this House that the U.S. Treasury may lose as much as $20 billion in anticipated revenue because of the continuing decline in values of the stock market.

So far this year the total decline of stock market values has reached a staggering $100 billion. This loss of market value can create about a $20 billion loss to the Treasury, assuming a 20-percent tax rate for those stockholders who will deduct their losses for income tax purposes.

I do not believe that those in responsible positions are aware of the gravity of this possibility.

At the time that the administration had anticipated that a $197½ billion income for 1969 and a budget of $192½ billion would produce a $5½ billion surplus, no one had expected the decline of the stock market to continue nor did anyone really expect the stock market to suffer $100 billion loss in value.

I said the other day, and I submit that the possibility continues, that this administration could wind up its first year with a $15 billion deficit and if this happens I do not think anyone can deny the inflationary pressures which we had hoped would be abated instead will continue.

We know only too well what happens to interest rates when the Federal Government has to go into the money market to borrow money.

I know that no President wants to have a deficit in his budget. I am sure this was true of President Eisenhower when he had a $12 billion deficit in 1959; it was true of President Johnson when he had a deficit of $25 billion in 1968, and I am sure it is true of President Nixon.

I submit, Mr. Speaker, this administration ought to take note of the possibility which I have outlined here today and perhaps it can suggest some voluntary program to avoid a huge "tax selling" drive in the remaining weeks of this year.

I am placing in the RECORD today a full page ad which appeared in the New York Times on Tuesday, October 28, 1969, titled "The Taxman Cometh" and which states that Merrill Lynch suggests three legitimate ways to cut your 1969 taxes.

This full-page ad openly urges investors in the stock market to review their portfolios before December 31, for possible tax savings.

As legitimate as this ad is, and I do not question in any manner or form the right of Merrill Lynch to advise its clients how they can save money, the fact remains that this ad is an open invitation to compound the Government's already uncontrollable problems.

I include this ad in the RECORD today not as a criticism of Merrill Lynch but rather to illustrate my point that we are faced with a crisis in fiscal financing to which I do not believe the administration has addressed itself.

We have 3 weeks in which to try to discourage a massive "tax-selling" stampede which could have disastrous effects on our entire economy.

The Merrill Lynch ad follows:

THE TAXMAN COMETH

MERRILL LYNCH SUGGESTS 3 LEGITIMATE WAYS TO CUT YOUR 1969 TAXES

Thousands of stockholders put off "tax-selling" till the very last minute. Merrill Lynch believes this can be *shortsighted.*

Five minutes scanning this page will show you why you may benefit by taking action *before* others get around to doing so. You'll also see why you may need to *buy* stock before December first—to establish a *loss* by December thirty-first.

Consider these three ways sophisticated investors save money on taxes. Then clip coupon for Merrill Lynch Research's list of "Tax Exchanges"—352 matched buy and sell suggestions that may improve your tax position now, and might also improve your overall investment situation next year.

Note: In its present form, the new tax bill will not affect the savings you might make by following these suggestions—for 1969 taxes. But the bill does propose important changes for the years after 1969. Check with your Merrill Lynch Account Executive if new tax legislation is passed.

Review your portfolio now

If you read the financial columns, you know how talk of "tax-selling" becomes more and more frequent as the end of the year approaches.

Naturally. Many stockholders put off establishing their losses till the very last days of December.

Results: 1. Concentrated selling of some stocks tends to depress prices. 2. Some investors may establish losses at *unnecessarily* low levels. 3. Others may be able to pick up attractive *buys.*

Merrill Lynch does not suggest that *all* the following considerations apply to *all* stockholders. Or that stockholders generally should either buy or sell.

But we do suggest that all stockholders should now *review* their portfolios for possible tax savings.

If you'd like a second opinion, ours is yours for the asking. No charge or obligation, of course.

Tax-exchanging: Some plain talk on a subject that sometimes sounds complicated

Few sophisticated stockholders need reminding that capital losses can be money in the bank. If you have capital gains, you can use capital losses to *offset them.* If you still have capital losses "left over," you can deduct up to $1,000 of them from your ordinary taxable income.

If you are married, with a joint taxable income of $16,000, and *no* capital gains, a deduction of $1,000 means a Federal tax saving this year of $275.

What's more—though many investors are unaware of it—the current tax law allows you to carry forward your losses *indefinitely.*

How does tax-exchanging help?

It allows you to realize losses, reduce your taxes, and still maintain your investment in a particular industry group.

Suppose you favor the oil industry. You hold oil stock "A." It has gone down since you bought it, but you still think the outlook is bright for the *industry.* So you sell oil stock "B" to maintain your interest in oils.

Simple, so far. The problem is, which oil stock to sell, and which to buy.

How Merrill Lynch can help:

Our analysts have listed matched buy and sell ideas involving a total 352 stocks. This list constitutes a comprehensive summary of Merrill Lynch's opinion on what to sell to establish a loss, and what to exchange it for in the hope of a gain.

Our list also covers 104 stocks you may want to consider selling *anyway,* to cut potentially larger losses as well as to establish them for tax purposes. If you'd like a copy, just clip the coupon.

How the tax law can let you have your cake—And eat it, too

That stock you had high hopes for has faded away.

You could establish a handy loss by selling it now, but you think it might come back next year—so you'd like to hold on.

By "doubling up" on your holding, you can do *both.*

If you hold 100 shares of a stock, you buy an additional 100 shares. You sell the *first* 100 shares to establish your loss, and—in the expectation that the stock will "come back"—you keep the *second* 100.

Important: To establish a loss by "doubling up," the tax law requires that you wait 30 days after your purchase of your second 100 shares, before you sell your first 100 shares. This means that, if you want to reduce your taxes by purchasing and selling the

same stock, you must *act* on or before November 28.

Selling stock you own—Even though you hold it

While most investors understand "short selling," a surprisingly large number find "selling short against the box" almost incomprehensible.

When you go short against the box, you simply sell stock you *borrow* from your broker, while *retaining* your own shares.

Here is how you can use this sophisticated investor's tool to defer—and perhaps reduce—your tax bite.

Suppose you bought 100 shares of XYZ stock at 50, and it is now 60. You believe XYZ may go down again, but you'd prefer not to sell immediately, because you do not want to pay the resulting capital gains tax with your 1969 returns. You go short against the box by borrowing 100 shares of XYZ from your broker, and selling *them* short now. You cover your debt (the 100 shares you "owe") by repaying him with your original 100 shares—*at the beginning of next year.*

What's the *point* of this complicated maneuver? Why not just sell the shares you owned all along?

If you sell *your own* 100 shares now, you will have to report your gain on April 15th, 1970.

If you sell the shares you *borrowed,* your gain will not be "recognized" for tax purposes until you *cover*—by paying back the stock you borrowed to your broker.

Suppose, on December 10, you sell at 60 the XYZ shares you borrowed. Suppose you pay back your broker, with your original shares, on January 12.

Your gain is "frozen" at 60—the price you got on December 10. But for tax purposes, your gain is not "recognized" until January 12, 1970—so you have the use of your gain right up till April 15th, 1971.*

Three points to bear in mind: 1. Make sure your broker *does have* the stock to lend you. Merrill Lynch, with $3,549,690,260 in margined securities available for loans on August 15, 1969, is in a particularly good position to help here. 2. It's especially important to defer taking gains this year because surtax rates are scheduled to go down—whether or not the new bill is passed. 3. Selling short against the box is not always possible. Check with your Merrill Lynch Account Executive.

Free Research opinions and tax information

If you'd like our ideas on your holdings, our suggestions about tax-selling or about stocks we consider attractive for purchase, just phone or write us. Or stop by your nearest Merrill Lynch office.

If you'd like our Research Department's list of "Tax Exchanges," and our 12-page "Investor's Tax Kit" (packed with basic information about taxes and your stockholdings), just clip the coupon.

*If you pay taxes on the basis of *forward estimates,* you would have the use of your gain till April, 1971 only if you estimate 1970 taxes on the basis of your 1969 taxable income.

CENTENNIAL OF ST. JOHN'S UNIVERSITY, NEW YORK

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. CAREY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement concerning the centennial of St. John's University:

ST. JOHN'S UNIVERSITY, NEW YORK, MARKS THE BEGINNING OF ITS SECOND HUNDRED YEARS OF DISTINGUISHED SERVICE IN EDUCATION

A new chapter in the story of higher education in urban United States is about to be recorded.

The year 1970 will mark the beginning of a second century for an institution founded in 1870 to help provide higher education for the young people of Brooklyn and New York City—and eventually for those in nearby areas of Nassau and Suffolk Counties, New Jersey and Connecticut. That institution is the St. John's University of today.

Significant events are scheduled for 1970 when a year-long program of observances will herald the Centennial of this truly notable educational center.

Simultaneously, the University will launch a $30 million development program and a Centennial appeal for funds to attain the academic and physical objectives whereby St. John's can strengthen its learning environment for its second one hundred years of dedicated service.

At its founding as St. John's College, the Most Reverend John D. Loughlin, the first Bishop of Brooklyn, emphasized that St. John's was to be "a day college where the youth of the City might find the advantages of a solid education."

At the laying of the cornerstone for the first building, at Lewis and Willoughby Avenues in Brooklyn, St. John's mission was set forth by Governor Enoch Louis Lowe of Maryland as "a college for the education of the youth of Brooklyn, without distinction of religious belief, political opinion or social condition."

The mission of St. John's University is the same today—except that it has broadened its area of service to embrace the entire Greater New York City area. The fundamental purpose of the University is to offer men and women, in a Christian atmosphere, the opportunity to achieve for themselves a higher education in the liberal arts and sciences and to prepare for certain professions.

Chartered by the State of New York in 1871, St. John's has been operated continuously by the Congregation of the Mission, known as the Vincentian Fathers because of their founder, St. Vincent de Paul.

During its first 35 years the achievements of the small college were so impressive that in 1906 an amended charter granted the privileges and title of a *university,* with the power to establish professional departments. Included among such departments have been the School of Education, the Graduate School of Arts and Sciences, the School of Law, the College of Liberal Arts and Sciences, the College of Business Administration, and the College of Pharmacy.

Continued growth saw expansion in 1929 by the building of the present Brooklyn Center in the Downtown Borough Hall section, and, in 1955, by the creation of a campus at Jamaica in the Borough of Queens.

OPPORTUNITIES FOR A SOUND EDUCATION

St. John's University in the last 100 years has given more than 75,000 youths of the Metropolitan New York City area an opportunity to attain the advantages of a sound education.

St. John's has broadened its original educational horizons to provide programs relevant to the growing needs of New York and its young people.

As a "commuter college," St. John's has done for New York youth what the land-grant universities of the mid-west have done for the farm youth—given them a college they could afford to attend, provided basically sound education they could assimilate and use, and offered them an opportunity for full participation in American life.

The vast majority of men and women who graduate from St. John's elect to live and work in the New York City area where they become a vital part of its active citizenry. Their decision has increasing significance because New York City today is confronted with urban problems that are critical in scope and depth.

One of the necessary solutions to these problems is *education,* including education for the disadvantaged—the young people who *must* be given their chance in the life of the metropolis if progress and growth are to continue, not only in New York but in the nation. This, St. John's can provide and will provide, as it has been doing for 100 years.

The problem is not new. When St. John's opened its doors in 1870, a large part of its student body could be considered among the less advantaged. Many students were children of immigrants, the first and second generations of those who came to the New World to seek a new life. Their parents either found what they were searching for in New York, or became locked in by circumstances and were forced to stay. Many had to live in substandard housing and worked at only the most difficult and low-paying jobs. They vowed that their children would have things better. Education then, as now, was the way up and out—and many have found that way at St. John's.

If that way is to continue to be a productive one, St. John's knows that it must constantly seek to provide a higher quality of education. This means maintaining high faculty standards, adequate physical facilities, new academic programs (particularly those relevant to the problems of metropolitan New York), attracting better qualified students, and offering even greater educational opportunities to all who wish to attend. All this St. John's seeks to accomplish in the years immediately ahead, working within the framework of an educational concept that has proved to be basically sound.

DUAL CAMPUS IN TWO BOROUGHS

As it enters its Centennial Year, St. John's is a dual-campus educational complex with buildings in two boroughs of New York City—at Jamaica in Queens and in Downtown Brooklyn. Co-educational, and offering courses in both day and evening sessions, the University's Schools and Colleges are:

Jamaica campus

College of Liberal Arts and Sciences (St. John's College), School of Education, College of Business Administration, College of Pharmacy, Graduate School of Arts and Sciences, School of General Studies.

Brooklyn center

School of Law, College of Liberal Arts and Sciences (University College), College of Business Administration (Division), School of Education (Division), School of General Studies (Division).

These Schools and Colleges are St. John's physical reflection. The essence of the University, however, lies in its "family"—its students, faculty, trustees, council, administrators, alumni, parents, and friends.

STUDENT INVOLVEMENT

Currently, approximately 13,000 young men and women are enrolled in the University's day and evening sessions. Since the University has no facilities for student residence, its students reach the campuses by car, subway and bus.

"Involvement" is a word in wide use today, and the St. John's student is involved in all the processes of University activities. With the faculty and administration, students have participated in and do serve on such important committees as:

The University's Senate Committee on Student Activities, the Campus Center Planning Committee, the University Long-range Plan-

ning Committee, the Committee on Honorary Degrees, the Centennial Committee, the Committee on Programs for the Disadvantaged, the Committee on Curriculum Revision of the Liberal Arts College.

In addition, eight students serve on the University Senate, the highest legislative body in the University, second only to the Board of Trustees to which it reports directly.

Student involvement is also evident in the 130 student organizations that serve the varied cultural, scientific, political, economic, social, religious, and pre-professional interests of their members.

STUDENT ACHIEVEMENT

Student involvement and activity at St. John's lead to achievement. During the past two years approximately fifty percent of all seniors went on to leading graduate schools, many with fellowships or assistantships.

Achievement is also reflected in intercollegiate competition by the University's athletic teams—the "Redmen"—and by its debating teams. Year in and year out, they have brought national recognition and prestige to St. John's University. With a student body of this calibre the University can, and does, hold its head very high.

DISTINGUISHED FACULTY

An educational institution can only be as good as its faculty. This is the team that sets the tone and pace for the University and today's team is regarded as the strongest in St. John's history on the basis of educational qualifications and experience.

Compelling evidence of faculty strength is the fact that 53 percent of the men and women who teach at St. John's have earned the Ph. D. or other terminal degrees in their particular disciplines. The national average is 40 percent.

Faculty strength is also evident in the many research projects being conducted at the University—in science, education, theology, business, and the humanities. In addition to strong financial support given these projects by the University, grants of funds are also received from government and private agencies. Faculty members are active in professional societies and several serve in leadership positions in their local, state, or national organizations.

CAPABLE LAY LEADERSHIP

The Board of Trustees, the ultimate governing body of St. John's University, was reconstituted in 1965, and in November, 1968, laymen assumed numerical control. Presently, there are fourteen laymen and seven clergy. These laymen, who are involved responsibly in the policies and plans of the University and are instrumental in helping to chart the course for its second century of service, include:

Joseph F. Adams, president of United States Trucking Corporation; Robert J. Dixson, vice chairman of Johnson & Johnson International; Hon. Dorothea E. Donaldson of the Court of Claims of New York; Col. Saul Fromkes, president of City Title Insurance Company of New York; E. Burke Giblin, president of Warner-Lambert Pharmaceutical Company; John J. Lynch, honorary chairman of Kings County Lafayette Trust Company; Hugh P. McFadden, Esq. of McFadden & Riskin, Bethlehem, Pa.; James F. Murphy, Sr., vice chairman of George A. Fuller Company of New York.

Also Hon. Joseph H. Murphy, former Commissioner of Taxation and Finance of the State of New York; Charles P. Ryan, owner of Real Estate Investment Company of New York; James R. Schule, executive vice president of Batten, Barton, Durstine & Osborn, Inc.; William P. Tavoulareas, president of Mobil Oil Corporation; Hon. Robert F. Wagner, former U.S. Ambassador to Spain; Thomas J. Welsh, president, Welsh Associates, Inc., New Canaan, Conn.

Supplementing the capable guidance provided by the trustees is the valuable assistance of the University Council. This organization numbers more than forty business and industrial leaders, professional men, and executives who give freely of their time and abilities in assisting and counseling the University's administration.

EXPERIENCED ADMINISTRATORS

The restructuring of St. John's administration in the past few years has been described by authorities in the field of education as "an outstanding effort." The man who has guided the University through these years of progress is its President, the Very Reverend Joseph T. Cahill, C.M., who assumed office in July, 1965.

Key administrative changes at St. John's are also reflected at the vice-presidential level, where the University secured the services of three outstanding and experienced laymen: Dr. Henry C. Mills, Vice President and Provost, and for 19 years a teacher and administrator at the University of Rochester, is primarily responsible for all of St. John's academic programs; Charles E. McCarthy, Vice President for Business Affairs and Treasurer, formerly President and Vice Chairman of the Board of Allied Stores Corporation, is a nationally-known authority on retailing and marketing; and Dr. Blaise J. Opulente, whose appointment followed a long and distinguished career as a faculty member on both undergraduate and graduate levels at St. John's, serves as Administrative Vice President and Secretary of the University.

These administrators and other men of prominence who are Deans of the various Schools and Colleges of the University bring dynamic leadership and inpiration to the administrative team. They also have both the desire and the capacity to pursue the University's long-range goals of tomorrow.

ALUMNI ACHIEVEMENT

St. John's alumni, and alumnae, can point with pride to a century of accomplishment. Many are the chief executive officers of their own corporations. Others hold key executive and managerial posts in the companies with which they are associated.

The University's School of Law provides an example of alumni achievement. Today there are more than 200 judges, legislators and commissioners who graduated from St. John's and who serve government on all levels—Federal, state, city and county.

The School of Education has provided some 4,000 teachers in the New York City, Nassau County and Suffolk County school systems.

The College of Pharmacy, the College of Business Administration, and, indeed, all of the other Schools and Colleges of St. John's University, can claim impressive records of achievement on the part of their alumni.

Approximately 38,000 graduates remain and work today in New York City, Nassau and Suffolk Counties, and the adjacent areas of New Jersey and Connecticut. They, together with their families and relatives, constitute a sizeable consumer force in the economy of the Greater Metropolitan New York area.

Last, but by no means least in the University's "family" are the parents of its present students. In the spring of 1968, a Parents Association was formed at St. John's by a group of interested fathers and mothers. More than 8,500 parents are presently members of the organization and are encouraged to serve on its various committees and to attend functions sponsored by the University and by the Association.

COMMUNITY SERVICE

Community service has been a basic precept at St. John's University during its entire one-hundred-year history. A current example of this service has been student participation in CAUSE (Community and University Services in Education), an action project in which volunteer students give two hours of their time each week to teach English and Mathematics classes for children and adults in the deprived areas near each campus. For the past three years, CAUSE has also sponsored a highly successful summer program on the Jamaica campus which helps to meet the educational and recreational needs of hundreds of disadvantaged youngsters.

Also, at an Experimental College established at the University's Brooklyn Center, more than 200 students and faculty members participate in special study and research projects involving pertinent social, economic, and political issues in their community and beyond. Because of its location close to deprived areas, the Experimental College has the potential to become a meaningful factor in the study of today's urban problems and their resolution.

RELEVANT CURRICULUM

The University's continuing policy of adapting its curriculum to meet current needs is reflected in such recent developments as:

A new 4-year program of primary and advanced training in Computer Science, leading to a B.S. degree.

A 4-year Bachelor of Science degree program in Communication Arts, leading to careers in modern mass communication media.

Establishment at the College of Pharmacy of a Master's degree program in Toxicology. St. John's was the first to offer this program and only six other educational institutions in the nation offer such a program.

A Master's degree program in Taxation for accountants and attorneys at the College of Business Administration, in a field of increasing importance today.

A Ph.D. program in pharmaceutical sciences.

A series of courses in Black Area Studies has been instituted and these will eventually be incorporated as parts of curricula leading to the Associate and Baccalaureate degrees.

A truly comprehensive and impressive record of service has marked the first 100 years of St. John's University. In commemoration, a University Centennial Committee, headed by the Reverend Joseph I. Dirvin, C.M., Assistant to the President, is planning appropriate observances which will include a number of symposia, convocations, significant academic functions and special events, including a Concert Series at Philharmonic Hall in Lincoln Center, the first such series ever to be sponsored by a university.

THE CENTENNIAL DEVELOPMENT PROGRAM—THE "POSSIBLE DREAM"

Looking to the future, the University has charted a purposeful course. A long and intensive study by trustees, faculty, administration, and representatives of the student body, together with qualified educational consultants has determined the University's needs, both academic and physical, immediate and long-range.

From this study has come *The Centennial Development Program*—a project designed to expand and strengthen St. John's role as a vitally involved member of the Greater Metropolitan New York community.

The cost to attain the academic and physical objectives of the Centennial Development Program is estimated at $30,500,000. Success in reaching these goals will give the University the resources it needs to take advantage of new opportunities and to meet new and demanding challenges in the future.

ACADEMIC NEEDS

The primary purpose of the Centennial Development Program is the further strengthening of the University's *academic* structure. Specific academic needs are in three categories:

1. Endowed Faculty Chairs to attract to the University distinguished scholars whose re-

search, publications and ability as teachers will complement the efforts of the present faculty and provide a new stimulus for students. The estimated cost of creating these Chairs is $10,500,000.

2. Increased endowment for financial aid to students to supplement the income derived from its present modest $11,000,000 endowment. If St. John's is to meet fully the needs of the city, it must have funds to make educational opportunity a reality for students who have the potential but not the means for a college education. Estimated minimum requirement is $2,500,000.

3. Endowment for special projects and innovative programs in response to community requests to assist in elevating the general level of literacy and education, particularly among disadvantaged adults and under-privileged children of pre-school age in the ghetto areas. These projects are designed to train men and women who will assume responsibility for planning and conducting these programs. Estimated minimum requirement is $2,500,000.

The total amount required to meet the academic needs as outlined above is $15,500,000.

PHYSICAL NEEDS

St. John's *physical* needs represent new construction, renovation and remodeling, and additional equipment that will be required to achieve the University's academic objectives and to make possible the University's goal of providing greater service to its students, faculty, alumni, staff and the community at large.

St. John's physical needs are:

1. A University Campus Center at the Jamaica campus. This structure would be a unifying force in campus life, provide adequate food services, together with social, cultural and recreational facilities to meet the needs of a growing enrollment. The estimated cost of construction, fixed equipment, fixtures and furnishings is $7,800,000.

2. A new Law School Building on the Jamaica campus to replace the present inadequate quarters on four floors at the Brooklyn Center. Because of current physical limitations, the School has had to turn away many qualified students. The new building will enable the School of Law not only to provide adequate instructional facilities but to offer additional and urgently needed courses. The estimated cost of construction, fixed equipment, fixtures and furnishings is $4,500,000.

3. Library Development. The University's holdings now total more than 500,000 volumes. The number of books is increasing each year, and the further development of the University library at both campuses is essential. This development, together with extensive remodeling to provide additional stacks space is estimated to cost $1,500,000.

4. The Science-Pharmacy Building also requires extensive renovation and additional laboratories so that its facilities and equipment can be better adapted not only to meet contemporary educational requirements, but to meet the community's business, industrial and professional manpower needs of the future. Estimated cost is $700,000.

5. Extensive remodeling and renovation of the Brooklyn Center. With the relocation of the School of Law at the Jamaica campus, the space vacated at Brooklyn will be remodeled to meet pressing enrollment needs of the University's Schools and Colleges there. Estimated cost is $500,000.

TO MEET THE NEEDS OF A NEW CENTURY

The total amount needed to meet the physical needs as outlined is $15,000,000—bringing to a minimum of $30,500,000 the overall financial objectives of the Centennial Development Program. The campaign for funds toward this goal will seek the support of all who believe in St. John's and who wish to join in enabling it to strengthen and expand its position in the vitally important field of higher education in America.

St. John's University, at the beginning of its second century of service is on the move—educationally upward for its students, and outward for the community. As a Catholic University committed to a Christian vision of reality, St. John's hopes to further in its students a deep appreciation of Christian ideals of living and a true sense of Christian responsbility to self and to others.

The Centennial Development Program is both a challenge and an inspiration. The achievements of this great urban university over the past one hundred years have demonstrated its capacity for action and its ability to cope with demanding and complex problems. It is with confidence and faith that St. John's University approaches the opportunities, the problems, and the challenges of the future.

SLEPA AIDS FOR LOCAL LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. HELSTOSKI. Mr. Speaker, we have, in New Jersey, a most excellent executive director of the State law enforcement planning agency. He is Mr. James A. Spady.

Just recently Mr. Spady delivered an important address in Atlantic City, N.J., on our criminal justice system and its many facets before the special session on law enforcement assistance of the New Jersey State League of Municipalities. In it Mr. Spady explains the use of Federal grants for local enforcement agencies and I believe all of us should be interested in his report for it was Congress which created the program. Thus, I will place in the RECORD the text of Mr. Spady's address.

Before doing so, I would like to dwell briefly on Mr. Spady's background and qualifications. Mr. Spady is a native of New Jersey. He is married and has two sons.

Mr. Spady was graduated in 1955 from Stevens Institute of Technology with a degree in engineering. He was employed for 2 years in research and development work with national corporations, and is familiar with data processing and communications equipment employed in law enforcement. He is a full member of the Institute of Electrical and Electronic Engineers and a life member of the American Association for the Advancement of Science.

In 1960 Mr. Spady received the juris doctor degree from the Columbia University School of Law. He is a member of the New York bar. From 1960 to 1968, he practiced law in New York City, interrupted by a 2-year period during which he was a department head for a national corporation based in New Jersey.

Prior to entering government service on a full-time basis, Mr. Spady served in several part-time capacities while he practiced law. Chief among these were his positions as a legislative assistant to a New York City councilman, as counsel for the New Jersey State Senate assistant majority leader, and as a member of the Bergen County Planning Board.

On February 1, 1968, he joined the staff of Gov. Richard J. Hughes of New Jersey as administrative assistant to the Governor. Then on August 14, 1968, Governor Hughes appointed him executive director of the State law-enforcement planning agency, which the Governor created by executive order the day before. It became Mr. Spady's responsibility to organize the agency and to develop and administer New Jersey's first comprehensive crime control plan.

In June of 1969, the U.S. Department of Justice called the crime control plan prepared under Mr. Spady's staff direction, "unusually good," and added that it showed "high quality in-house competence."

Mr. Spady also is president of the American Society of Criminal Justice Planners, the professional association comprising 47 of the State executive directors of the omnibus crime control program, and just recently he was named a Littauer Fellow in Public Administration at Harvard University's John F. Kennedy School of Government.

This is the text of Mr. Spady's address:

SLEPA AIDS FOR LOCAL LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE

INTRODUCTION

One hundred and forty years ago Daniel Webster said these now amazing words:

"Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of a people. And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself, in name, and fame and character, with that which is and must be as durable as the frame of human society itself."

What went wrong in the ensuing 140 years? Why has the criminal justice system been so neglected that Professor Jameson Doig of Princeton could call it, without fear of contradiction, the "dark continent of American political science?"

And a related question: how can we *change* the system, so as to regain its former grandeur?

How it got that way—a large topic; too large for here and now.

But there *are* some threads that can be quickly unraveled.

Somehow the public has come to think of the criminal justice system—and especially law enforcement—as somehow "different" from other governmental activities. Not *really* government, in the sense of budgets and desks and typewriters and personnel problems—and a need for research, development, and change. It's a Dick Tracy world to most people.

Also, there is no tradition of press *analysis* in the field of criminal justice. In education, for example, we see "Education Editors," who are expected not to turn up a news story on the latest disciplinary problem or on the teacher who put a hand in the till—but on the *issues* of education, the contending *methods* and *programs*, the *institutional* factors. In criminal justice, it's a comic strip world of cops and robbers. The press attitude and the public attitude rein-

force one another—and make support for the hard work of change, very difficult.

I promise to return to this theme—change—at the end of my remarks. But in the meanwhile I will follow the theme of this conference—State aid programs to local law enforcement. I will set out the ways in which SLEPA has decided to *work* for change—notice that I did not say *achieve* change. *That*, I am afraid, is a very large problem indeed, and the forces at work—of the order of magnitude of the two examples set forth above—are certainly far beyond what any small agency can hope to cope with.

But there *are* things we *can* do, and I will now discuss them.

AID OFFERED BY SLEPA

The aid to local criminal justice offered by SLEPA that is either in the field or in the works *right now*, numbers ten categories. We will, of course, pick up new responsibilities as time goes on.

FIRST CATEGORY—ACTION GRANTS

The first category, not in terms of *sequence* over these past months, but in terms of *importance*, is financial aid to the local criminal justice agencies—the so-called "action grants."

Obviously, this is the most important category because it is what the program is about. But, as I will explain later, it cannot succeed without the support of the nine other categories of aid that we offer.

In fiscal 1969, SLEPA received a block grant of $866,000 from the federal government to administer "action grants" to local governments.

This money could *not* be receivel by SLEPA from Washington until *after* the first statewide plan had been approved in Washington.

For fiscal 1969, the plans of the 50 States were not approved until the very last month—June—of the fiscal year. New Jersey's plan was approved and the grant award made on June 23, and the first installment of action funds was received on August 26, 1969.

As soon as the block of action money was received, SLEPA mailed out, to 3000 criminal justice and general government officials across the State, a document—our so-called Dissemination Document No. 2—setting forth what program categories of action aid had been approved in Washington, and what local officials had to do to apply for sub-grants within those categories. A deadline of October 15 was set, and 47 applications were received from local units. In a minute, I will say a word about what happens next with those applications, but first I want to state very clearly an important fact about "block" grants.

A "block grant" is a single sum of money granted by the federal government for use within a State, such as New Jersey. *The amount of money is fixed*, and depends only on how much the Congress appropriates for the whole country, and the percentage population of the whole country that a State has.

New Jersey's plan in fact was singled out by the Justice Department, and called "unusually good." It was the only one of the 50 State plans approved without a single condition attached to it; that is, without a single fault found in it. California, on the other hand, received 30 pages of single spaced conditions on the use of their action money.

But no matter how good or bad your plan is (as long as it gets a "passing" grade) you get your population percentage share. Thus, New Jersey's population is 3½% of the National population, and New Jersey's block grant for fiscal 1969 was therefore 3½% of the National *action* appropriation of $29,000,000, or $866,000.

I spell this out in some detail, because it is important to understand that action funds under a "block grant" approach are *predictable*. And if we are going to improve criminal justice step by step, the money *has* to be predictable.

It is therefore perfectly predictable that New Jersey will again, late next spring, after the second State plan is approved in Washington, receive 3½% of the fiscal 1970 National appropriation. It looks like the National appropriation for the 50 States will be $185,000,000, so it is perfectly predictable that on about May 15, 1970, New Jersey will receive its 3½%, or $6.5 million.

I say it is *good* that it is this predictable, because then we can *count on* the money, we can *plan on* it, and all of you know how important that is.

But I promised that I would return to the subject of the current action monies.

$151,000 was granted to 25 cities throughout the State in 1968 under a special "early bird" clause in the Act, restricted only to civil disorder purposes. The money was used for portable communications equipment; we call it Project Alert, and I will touch on it again later.

$95,000 was very recently granted to the State Police to conduct a training session in organized crime, and to purchase special anti-organized crime equipment. This training session was praised by the Justice Department as "an exciting training program."

This, by the way, was the *only* State level grant made or to be made with fiscal 1969 "action" funds. In fact, in providing 89% earmarked for local use only, New Jersey is one of the top five States in regard to emphasis upon local needs.

Those 47 applications from local units of government—and I imagine there are 47 of you out there interested in this—have been reviewed by the SLEPA staff, and are awaiting decision by special committees of the SLEPA Governing Board. This decision should be forthcoming quite soon, and we will then announce the awards of action assistance.

These action grant applications and awards will of course become a regular thing once the "big" money starts to become available next spring. In fact, SLEPA will be administering at least $1 million a month from there on.

Money in *that* kind of magnitude can begin to be an important factor in assisting local criminal justice agencies in their fight to control crime—the prevention agencies, the apprehension agencies, the adjudication agencies, and the rehabilitation agencies.

But only, of course, if the money is spent wisely—and that brings me to the next subject.

I will now describe, much more briefly, the second through the tenth categories of aid that SLEPA offers to local law enforcement.

All of *these* nine categories have *one* thing in common: *They are intended to set the framework for the action grants*. Each of *these* aids in some way helps ensure that we—SLEPA and you—know exactly *what* to spend action money on, *where* to spend it, *when* to spend it, and *how much* to spend—all in terms of wringing the most benefit out of the limited action dollars we will have each year.

I will now describe these nine additional categories of aid.

SECOND CATEGORY—STATEWIDE PLANNING

The second category of aid which we provide, is the initial creation, and the annual revision and resubmittal, of the comprehensive Statewide Crime Control Plan.

At first glance you might not see this as aid to *you*, but let me assure you that it is. If *you*, as municipal officials have a *good* statewide plan, you have one leg up on the problem of knowing *what* should be done locally, and *what* you can expect from SLEPA. If you had seen some of the confused, contradictory, and unimaginative plans of some other States that *I* have seen, you would know what I mean. You would know how difficult it must be for local officials in *those* States to decide just what *is* available under the plan, just what *has* to be done to get it, and just *where* is the whole thing headed.

A good Statewide Plan—one that clearly and accurately defines the problems, the proposed program solutions, and the procedures—is the single most helpful thing a local official can have as a guide to what he can and should do himself.

As you know from reviewing our Plan—which was sent to all of you as Dissemination Document No. 1—it is very complete, yet very clear. It represents many, many thousands of hours of work. But we at SLEPA are perfectly satisfied that the extra effort was worth it because you now have to work with as you begin to pick up *your* end of the responsibilities under this Crime Control Act program, the use of the clearest and most complete effort of which we were capable.

THIRD CATEGORY—PLANNING GRANTS

The third category of aid that SLEPA offers to local governments, is that of *"planning"* grants.

The purpose of a planning grant to a local unit is of course, to assist that unit to *define* its problems clearly, completely, and accurately; to *develop* solutions to the problems; and to create a local plan for attacking those problems—a plan setting forth programs, priorities, costs, time sequence of the programs, and so on.

All businesses plan, and modern "blue-chip" businesses plan with great sophistication and with all the assistance that systems analysis, compueter simulation, and decision analysis can offer. They have found that planning pays off.

Obviously we do not imagine that local law enforcement can do *that* kind of planning. But as John F. Kennedy said in his inaugural address, "the longest journey starts with a single step—let us begin".

And it is worthwhile even just to "begin" because the institution (in even a modest degree) of planning, or the planning viewpoint, will have immediate beneficial effects upon a local unit. It will help clarify current assets, problems, and goals; and it will save money through better coordination of existing assets, and better choice among possible future changes and improvements.

Many of the programs developed in local planning will require local funds for implementation. In many cases, however, SLEPA action funds will become available to implement portions of these local plans—the good portions, I might add, and therein lies the incentive to do the local planning well.

Now I'm very well aware that "planning" has a bad name among many people. And it ought to, if it leads nowhere. That's not the kind of planning the Crime Control Act contemplates. It wants *action* planning from local governments.

Our planning grant monies are quite limited. The Congress, and properly so, appropriates many times more "action" money than "planning" money. Still, we have already begun to make a local impact with our planning grants.

In fiscal 1969, we had $253,000 for local planning grants. (Incidentally, 10% of that was donated by the State). We reviewed the crime statistics for local units in New Jersey, and offered planning grants to 17 cities spaced around the State; cities that had very high crime rates. In each of the 13 counties where there were no such cities, we made a planning award to the county so *it* could begin to assess the problems of the region.

With fiscal 1970 monies, we will expand this program of planning grants. It is our hope to be able to extend some kind of tangible planning aid to a large number of New Jersey cities, and all counties, by the second year of the program.

FOURTH CATEGORY—TRAINING LOCAL PLANNERS

The fourth category of aid, is the *training* of local planners.

We are very well aware that there is very little planning tradition in the criminal justice system. We therefore know that providing planning mones is not enough. We must train local planners. It is not money as such that effects change and improvement, it is people and skills.

We have scheduled a monthly series of training classes at the SLEPA offices in Trenton. The first class is scheduled for December 17, 18, and 19. The format will be that of a workshop: lectures about the Statewide Plan and about methods of local planning; discussion of local problems; and small group work on actual planning problem.

There will be between 15 and 25 attendees in each training class. We have invited to the first class a majority of the local project directors of the 1969 planning grant cities and counties. They were invited to the first class because they have an immediate need to learn the principles of planning, so that they can use their current grant to the fullest advantage.

However, we will in succeeding monthly classes, include representatives from the remaining eight counties, and from as many cities as want to attend.

In the second and third monthly classes, we will give preference to representatives from the balance of the 50 crime cities, but we will be pleased even then to include others if they so desire. From the fourth month on, we will have no preferences whatever, and will train representatives from as many cities as will come.

* * * * *

There are three elements to successful planning, and therefore to successful action: planning *money, trained* planners, and *information* upon which to base plans. I have described, in the preceding two categories of aid, how we are moving to handle the money, and the training, for planning locally. I now turn to the third prerequisite: the *information* needed by the local planner.

Lest you downgrade the importance of information, let me illustrate. Some time ago a potential applicant from a city south of Trenton submitted an action grant application to us, dealing with education against narcotics abuse. In discussing their approach with them, it developed that they had never heard of pioneering work in that area done in a county north of Trenton. Yet that approach was really the kind of thing they were trying to devise themselves. As small as New Jersey is, it's very difficult to not "reinvent the wheel" over and over again. Information *is* vital, and SLEPA means to do something about it.

Therefore, the remaining six categories of aid that SLEPA offers to local units, all have one thing in common: they provide *information* upon which local planners can make recommendations, and upon which local officials can make decisions.

FIFTH CATEGORY—DISSEMINATION DOCUMENTS

The fifth category of aid to local units is therefore an *umbrella* category, overlapping each of the succeeding five. It is the aid represented by dissemination documents, i.e. documents sent to local officials to give them information they need or can use.

There are four kinds of Dissemination Documents that SLEPA has programmed for the period commencing last June. Each has its own information transmission purpose.

The first, and most obvious, are Dissemination Documents that relate to the fundamental processes of the Crime Control Act program—each annual plan, each action fund procedures guide, and planning guides and explanations. You have already begun to receive these; by their very nature they come first.

The second class of Dissemination Documents are those that summarize a great many program ideas. Less than a page is devoted to each idea, and each is an abstract of a full program, the details of which will be made available to interested parties. The source of these abstracts are (1) the programs submitted by applicants to SLEPA, (2) programs submitted in other States (as President of the American Society of Criminal Justice Planners, the association to which 47 of the State Directors of this program belong, I have instituted the sharing of abstracts among States), (3) *existing* criminal justice programs in New Jersey that have innovative content, and (4) such *existing* programs in other States.

Obviously, this kind of document is put out only infrequently—we plan it once a year.

The third class of Dissemination Documents are those that trace the outline of where we at SLEPA think criminal justice ought to go in New Jersey, as regards a specific subject. It is helpful to you, to have materials that go beyond the plan—materials that are *binding* on no one, but that help *clarify* where we might be going. Some topics that are high on this agenda are: (1) narcotics control, (2) State-wide police communication and information retrieval, (3) juvenile delinquency prevention and control, (4) criminal justice education, and (5) the corrections and rehabilitation system. These are obviously large undertakings, but we have each of them under study right now.

The fourth and final class of Dissemination Documents are those that report the results of action grants. Obviously the biggest advantage derived from a successful action grant project, is that others can learn from it—again, they don't have to reinvent the wheel over again. It is our responsibility—SLEPA's—to see that whatever is learned with action monies, is made available to all. If, to go back to the earlier illustration, a good narcotics program is mounted in a North Jersey County, we don't want a South Jersey City—or any city or county for that matter—not to know about it.

I mentioned before "Project Alert", our first action project, which was funded a year ago to 25 riot prone cities. After a year's experience, we are now ready to report the results so that others might join the Alert system. This first report of its kind will be set out in Dissemination Document No. 4, to be mailed in late December.

The remaining five categories of aid are less major, and operate by feeding information into Dissemination Document process, or directly to the local official.

SIXTH CATEGORY—TECHNICAL ASSISTANCE

The sixth category of aid is technical assistance to local units. The SLEPA Staff includes a former Model Cities senior researcher; a former senior FBI Agent; a veteran State Police planner; a veteran corrections planner; police training people, financial people, and so on. I mentioned before that the Justice Department called our Plan "unusually good" in approving it. They also said the quality of the plan indicated that we had "high quality in-house competence." That competence is there for *you*. Use it. We want to help.

SEVENTH CATEGORY—LEEP PROGRAM

The seventh category of aid is the Law Enforcement Education Program.

While the funds are awarded directly to colleges and universities in New Jersey for the provision of loans and scholarships to criminal justice people pursuing college credits, we have assumed the task of coordinating the awards. The direct nature of the awards has made coordination difficult; however it is our hope that a master plan for criminal justice education will bring some order, and therefore more coordination, into the process.

In the past academic year $142,200 was awarded to New Jersey colleges, resulting in the full or partial support of 658 law enforcement related students.

EIGHTH CATEGORY—ANNUAL CONFERENCES

Our eighth category of aid, is the calling of annual criminal justice conferences, to bring together once a year, people from all branches of the system and all parts of the State, to get to know each others viewpoints and problems and suggestions.

At the first such conferences, which were held in six locations in the State, there were nearly 1500 attendees. Many people far wiser than I, hold to the opinion that the isolation of the various branches of the criminal, justice system is one of its greatest problems—we hope the conferences in some small way will begin to alleviate that situation.

NINTH CATEGORY—COLLOQUIA

The ninth category of aid is closely related to the eighth. We intend to sponsor discussions among leaders of the various branches of the criminal justice system in New Jersey, of the problems cutting across two or more of the branches. The problems between the police and prosecution for example. Or the delay in the branches of the adjudication system.

We will experiment with methods for bringing out the best, most-informed operating viewpoints. At present, we believe that colloquia among four or five leaders holds the greatest promise. We will of course disseminate the results.

TENTH CATEGORY—RESEARCH

The tenth and final category of aid is research.

It is not practical to attempt to do really basic research, or even *much* research of any kind, on the State level. For that reason, Congress set up a national research effort in the Justice Department.

However, we do perform research. We have conducted systems analysis studies on the operations of a number of New Jersey criminal justice agencies, including two courts, one prosecutor's office, and four police departments. Our research director is currently doing literature and field studies on the narcotics control problem, and on the design of urban streets and buildings to render them safer from crime. These research efforts will, of course, be disseminated in due course.

CONCLUSION

I come now to the end of my report to you.

I have made only three points:

(1) Change in the criminal justice system is very difficult to achieve. Large-scale change in basic institutions is always difficult, but there are special problems with criminal justice. Criminal justice is not treated like education. It is, as a system, not taken seriously. We have a Dick Tracy view of criminal justice. We see it as cops and robbers; not as a vast, sprawling system of agencies that are in deep *institutional* trouble. We don't treat it like an administrative branch of government; it is "different". These attitudes, wherever they come from originally, are not helped by the treatment that criminal justice gets in the media: all transitory sensationalism, and no analysis. *A change in attitude must precede a change in the criminal justice system.*

(2) Rational planning will work in criminal justice, just as it does in every other endeavor; and it is *necessary* if there is to be change under conditions of scarce resources for change. We can't afford to waste this opportunity.

(3) *Information* is needed, about *how* to change, and *what* to change to. When Professor Jameson Doig of Princeton called law enforcement "the dark continent of American political science", he at once put his finger on two truths: there is very little known in the criminal justice branch of government; and that fact cannot be an accident.

In conclusion, I must confess that I do

not myself know what went wrong in the hundred and forty years since Webster was moved to praise, in the quotation with which I opened these remarks, not only *justice*, but also those who *"labor* on this edifice".

But whatever happened, only people—that's us too—can reverse it. And so I conclude on that note by citing the final words of the Report of the President's Crime Commission, "if America is to meet the challenge of crime it must do more, far more, than it is doing now. It must welcome new ideas and risk new actions. It must spend time and money. It must resist those who point to scapegoats, who use facile slogans about crime by habit or for selfish ends. It must recognize that the government of a free society is obliged to act not only effectively but fairly. It must seek knowledge and admit mistakes.

"Controlling crime in America is an endeavor that will be *slow* and *hard* and *costly*. But America can control crime *if it will."*

THE SELLING OF THE PRESIDENT IN 1863

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 11, 1969

Mr. PUCINSKI. Mr. Speaker, I should like today to call to the attention of my colleagues a fascinating article written by Mr. Hank Lindsey, for the Chicago Tribune, which in a most eloquent manner speculates on how the network pundits—the glamor boys of the big tube—would have covered the campaign of President Abraham Lincoln.

It is only by interposing today's network commentators on a known vignette of American history that we can fully appreciate what is happening to Americans today.

Mr. Lindsey has performed a notable public service by putting today's electronic journalism into proper perspective.

His excellent article, which appeared in the Chicago Tribune on December 1, follows:

THE SELLING OF THE PRESIDENT: 1863

(By Hank Lindsey)

Today, we in the United States are very fortunate. For every major public utterance by a political figure, we have at least a hundred journalists who interpret what was said.

I understand that, actually, there was a time when a President would make a speech and the average citizen had to figure out what the man in the White House said without any help from learned commentators.

Of course, everyone realizes why we need professional interpreters of the news. Politicians otherwise defy understanding.

Of all the news media, television seems to be making the greatest strides toward a comprehensive program of interpreting the news. The real beauty of the television method of instant analysis is that we don't have to wait to learn what we should think about a policy statement by the President or one of his ranking administrators.

Just imagine how different things might have been a hundred or so years ago had we had network television covering Lincoln's Gettysburg Address.

". . . that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people shall not perish from the earth."

"This is Walter Conkle reporting directly from Gettysburg. Mr. Lincoln has just finished his remarks and is retiring from the platform. He is the stovepipe moving just to the left of the screen. The derby just in front of the President is the Pinkerton man clearing a path thru the crowd so Mr. Lincoln can get to his horse.

"We have a crew located by the station in Gettsyburg standing by the Presidential train waiting to wisk Mr. Lincoln off to Washington for another round of top level conferences on war strategy.

"While we wait for the President to travel from here to the station, we'll switch back to our studios where Chet Hinkley has a panel of our distinguished newsmen waiting to share a few of their reactions to the just completed address by Mr. Lincoln. Take it way Chet."

"Thank you, Walter, and good day. Here at the studio we have followed the President's remarks closely to glean, if possible, any hints of changes in current administration policies.

"Around the table here in the studio, we have Frank Sagee, who has been covering the congressional scene for ABS; Sandy Vancouver, who traveled with the President during the last campaign and has been close to the current administration since Mr. Lincoln's election; and Herb Kalow, who has just returned from a tour of the front for ABS.

"Let me kick this discussion off by saying that I thought that the President tried to keep his remarks on a high plane as evidenced by his opening reference about four score and seven years. I'm sure the old Lincoln would probably said '87.'

"Sandy, you've witnessed both the old and the new Lincoln. Do you think that we saw the new version today and if so, does the President's new polish give any indication as to a shifting of administration policy?"

"Well, Chet, I have to agree that the old Lincoln wouldn't have said four score and seven, but I don't see any basic changes in the man or his policies. As you rightly noted, the President is seemingly more polished these days, but from my vantage point I can see where he is tending to let Andy Johnson take the low road while he remains above the conflict."

"I see. Then you'd say that the old Lincoln is still with us?"

"Yes, very much with us, but I'd like to hear what Frank has to say about how he feels Congress will react to today's statement."

"Well, Sandy, in my conversations with several of the leaders in the Senate, they indicated that they'd be watching today's speech by the President very closely for any signs of softening in the administration policy of complete victory or nothing. Several expressed a hope that Mr. Lincoln would outline some definite program for bringing the conflict to a quick end.

"Frankly, I don't think that the senators will be able to read any indication of a softening attitude from today's statement. For example, Mr. Lincoln's calling for people to be 'dedicated to the great task before us,' seemed to me to be an affirmation that the administration plans to continue its total victory strategy.

"Thank you, gentlemen. I have word that Mr. Lincoln is about to board the train in Gettysburg, so we have to switch back to Walter Conkle at the scene. Take it away, Walter."

"Thank you, Chet, and thank you gentlemen for your candid comments on President Lincoln's remarks.

"I might add for the benefit of our viewers that if today's audience is any indication of the national mood, the President is in deep trouble, politically. There was almost no reaction to the President's address. The crowd now in the process of dispersing is silent and solemn indicating, I fear, a deep distrust for Mr. Lincoln and the current administration policies.

"And now, to the station for Mr. Lincoln's departure. Take it away, David."

BALTIMOREANS JAMES, COOK ARE KILLED IN VIETNAM ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. LONG of Maryland. Mr. Speaker, 2d Lt. Franklin T. James and Pvt. David R. Cook, two fine young men from Maryland were killed recently in Vietnam. I wish to honor their memories by including the following article in the RECORD:

BALTIMOREANS JAMES, COOK ARE KILLED IN VIETNAM ACTION

The Korean-born wife of an Army second lieutenant stood in the rain yesterday as the coffin bearing her husband's body was gently lowered into a grave at Baltimore National Cemetery.

Not far away in West Baltimore, the mother of a 19-year-old Army private who dropped out of high school to enlist at the age of 17, wept silently because her son will not be returning from Vietnam next week.

Second Lt. Franklin T. James, whose wife lives at 1518 North Collington avenue, was killed in Vietnam November 3 when he stepped on a land mine while out on patrol. He was 26.

Private David R. Cook, the son of Mr. and Mrs. Samuel F. Cook, of 1702 Moreland avenue, was killed November 7 in hostile action. His mother said he was scheduled to return to the United States next week.

Lieutenant James, who enlisted in the Army two months after graduating from Poly in 1961, was graduated from Officers Candidate School at Fort Benning, Ga., in February, and sent to Vietnam August 31.

Born in Wilmington, N.C., Lieutenant James was brought to Baltimore by an aunt when he was 3, and, after the aunt died, he was adopted by Mr. and Mrs. Samuel Jones, who also live at the Collington avenue address.

After joining the Army, Lieutenant James served in Turkey and later Korea, where he met and married his wife. His wife is the former Yong Cha Lee.

Besides his wife and stepparents, he is survived by a stepsister, Mrs. Nancy Crosby; and four stepbrothers, Samuel, Bert, Evell, and Thomas Jones, all of Baltimore.

Private Cook attended Carver Vocational-Technical Senior High School through his junior year, and quit to join the Army with his parents' approval.

Private Cook completed high school in the Army, and had planned to go to college to learn skills necessary to open his own business, a dry-cleaning establishment, his mother said.

HIGH SCHOOL QUARTERBACK

While at Carver, Private Cook was a quarterback for the school's football team, and was a member of the track team.

After completing his tour of duty in Vietnam, Private Cook was to be stationed at Fort Bragg, N.C., after a leave in Baltimore.

Besides his parents, he is survived by four brothers, Otis, Samuel, James, and John Cook, all of Baltimore; five sisters, Mary, Helena, Christine, Shirley, and Alice Cook, all of Baltimore; and his maternal grandmother, Mrs. Lena Lockley, of Gloucester, Va.

JOSEPH P. KENNEDY

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, December 12, 1969

Mr. CHURCH. Mr. President, the late Joseph P. Kennedy was a singular individual in the annals of our national life. His own career in both public service and private life was distinguished by the contributions he made to his fellow man.

But historians will remember him primarily as a father—as a man who bequeathed to his children that love of life which encompassed courage of leadership and compassion toward others.

In a family seared by the pain of recurring tragedy, Joseph Kennedy was allowed the blessing of a peaceful death. Bill Hall, the editorial page editor of the Lewiston Tribune, in Idaho, said it well in his eulogy:

Against all the others, it is almost the happy parting from cares of life that the theologians tell us death should be.

Mr. President, I commend Mr. Hall's editorial to the Senate and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Lewiston (Idaho) Morning Tribune, Nov. 19, 1969]

AN ODD EVENT FOR THE KENNEDYS

A most extraordinary thing happened yesterday: There was a natural death in the Kennedy family.

After 30 years of plane crashes and assassinations, Joseph P. Kennedy, father and catalyst to one of the most remarkable political dynasties in American history, died as old men do, peacefully in a coma.

It will be the first family funeral the Kennedys will have attended in years that will not include the overriding tragedy of premature, unexpected and cruel termination. Against all the others, it is almost the happy parting from cares of life that the theologians tell us death should be.

There are few Americans who cannot recite from memory the toll that preceded it: a son killed in a World War II airplane crash, a daughter killed in an airplane crash in 1948, a son killed in the presidency and another cut down while striving for that office.

Few men have suffered so much pain—or shared in so much triumph—during the lives of their children.

Political men at the beginning of their careers and in the back of their minds have thoughts of reaching for the top, all the way to the top in their wildest dreams. But when the realization dawns, as it does quite early with most, that they will never make it, a substitute dream—equally sweet in its way—emerges: There is always the son who can have the advantage of picking up where the father left off and perhaps reach the goal. The stage mothers of politics are all frustrated actors themselves.

Joseph Kennedy was the most successful stage mother of all time. He molded the ideals, talents and ambition of his sons, focusing their lives toward a single goal and succeeding more than any other man because he had the acumen to leave them with their individuality when the process was finished.

The first son, Joe, was to be the first to try for president—a wish many fathers share, but which in retrospect was no delusion of grandeur in this particular family.

Joe never came back from the war.

Jack did, though barely, and his well launched career took him to the White House in 14 short years where he became the youngest man ever elected president of the United States. He died there. Brother Robert was next to try and next to die.

The last remaining son, Teddy, has already collided twice with the curse—a broken back in an airplane crash and a traffic accident in which a companion died under bizarre circumstances. The office may now be beyond his reach.

The price was high, and sons are not a commodity to be squandered heedlessly on a father's ambition, but the record is astonishing: of four sons, three became U.S. senators, one became president, and two became serious presidential contenders. All four were victims of their time. And the father, proud and sad, died in his sleep, where dreams are made.

TRIBUTE TO POISON PREVENTION PIONEER

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. BURLISON of Missouri. Mr. Speaker, some men's lives are monuments enough and their accomplishments need not be engraved in stone that they be remembered. So it was with my friend, a fellow Missourian, Homer George. The man is gone but his life was rich and his friends were many. Many more who never were fortunate enough to know him owe him a great debt. A pharmacist by profession, he knew firsthand how children were often poisoned because their parents were not aware of the danger. He was not the kind of man to wring his hands and shake his head; he set out to do something. Through his untiring efforts and the active assistance of former Congressman Paul C. Jones, he finally succeeded. On February 9, 1962, at 2:26 in the afternoon, President John F. Kennedy issued a proclamation designating the third week in March as National Poison Prevention Week. None worked harder for this project than Homer George, and none deserved greater credit for it.

No one can even estimate how many children's lives have been saved because Homer George cared about them and tried to help. We do know that before the inauguration of Poison Prevention Week hundreds of thousands of children were accidentally poisoned every year. The text of the President's proclamation reads in part as follows:

Whereas accidental poisoning consistently takes a substantial toll of lives each year, especially among very young children; and

Whereas prevention of accidental poisoning can best be promoted through a vigorous program designed to alert parents and others against this hazard. Now, therefore, I, John F. Kennedy, President of the United States of America, do hereby proclaim this week beginning March 18, 1962, as National Poison Prevention Week.

This then is Homer George's monument; the thousands of children whose lives have been saved and the thousands more whose lives will be saved in the years to come.

Mr. Speaker, may I add that the departure of this fine man has been a personal loss to me. For 5 years my law office was located in his building and adjacent to the prescription shop. Our business and personal relationships were always close and friendly.

SOLDIER SCORNS "PUNKS WALLOWING IN SELF-PITY"

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. BROCK. Mr. Speaker, I want to share with my colleagues a recent letter to the editor of the Nashville Banner, Capt. Jerry L. Edwards, a native of McKenzie, Tenn., has written from Vietnam expressing his disdain for those Americans who would destroy rather than build our great Nation. Although Captain Edwards is speaking only for himself, I believe he expresses the views of a great many Americans. His letter follows:

"PUNKS WALLOWING IN SELF-PITY" DRAW A SOLDIER'S SCORN

To the EDITOR OF THE BANNER:

I have had it with people trying to tear my country apart, and it's much too late to throw the over-used adage about being a "Flag Waver" at me. You're right, I'm a Flag waver! I have a right to be one, I've earned my privilege.

I have had it with punks wallowing in self pity, who make a display of deploring their birth into a rugged world, to use their sissy expression, "they didn't make!"

Well I didn't make the world into which I was born either, and neither did the men I know who are worthy of American respect. They are out trying to do something about it, not out wearing a beard and causing confusion and destruction in our wonderful country. There is a reason our Hippies wear beards and don't shave. When you shave you have to take a good look at yourself and most Hippies don't have enough self respect and courage to take that look.

Don't give me your whining, whimpering, self-pitying claptrap about how this country is letting you down. I've had it with Hippies, brainless intellectuals, writers who can't write, painters who can't paint, teachers who can't teach, administrators who can't administrate, entertainers who fancy themselves sociologists, and Negroes who castigate as "Uncle-Toms," the men who have demonstrated to all the most important quality in America, "Individual Enterprise and Responsibility," Dr. George Washington Carver, Booker T. Washington, Roy Wilkins, Justice Thurgood Marshall, Duke Ellington, Count Basie, the Mills Brothers and many more.

I've had it with those cerebral giants who think it's appropriate to invite advocates of drug use to lecture in their classrooms or to invite a Black Power spokesman to deliver a lecture on Flag-burning as was the case in the Mercer Island school district.

There are 500,000 American men in Vietnam who endure tremendous hardships and of whom many give their lives each week to keep our country free and our Flag flying.

Yet there are people in American who defile and burn our Flag. Are these people really Americans?

I've had it with people who set out deliberately to crush mankind's most noble experiment in decency.

Let me tell you one thing, if you are going to attempt to strip my country of its pride and destroy those institutions my friends and my family have fought and died for, you have to climb over me first! In order to do that you will have to get up awfully early in the morning.

Capt. JERRY L. EDWARDS,
101st Airborne Division, Vietnam.

PROCLAMATION OF THE STATE OF CONNECTICUT

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. DADDARIO. Mr. Speaker, the late Martin Luther King was one of the most charismatic and influential leaders of our generation. As the focus of a nonviolent quest for equal rights for all Americans, he had a significant impact on our history.

His assassination was a terrible blow to America. I traveled with many others to mourn at his funeral in Atlanta when he was laid to rest, and I believe the increasing recognition of a desirable action sought by our people is well stated in a proclamation issued by Gov. John Dempsey, of Connecticut, with the cooperation of the general assembly. The text of which I submit for the RECORD now so that it may be available to all our Members:

PROCLAMATION OF THE STATE OF CONNECTICUT

(By His Excellency John Dempsey, Governor)

"Abused and scorned though we may be," Martin Luther King once said in speaking of his people, "our destiny is tied up with America's destiny. Before the Pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched the majestic words of the Declaration of Independence across the pages of history, we were here.

"For more than two centuries our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation—and yet out of a bottomless vitality they continued to thrive and develop.

"If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands."

Dr. King's words reflect his unswerving dedication to the cause he embraced—true freedom and equality of opportunity for our black citizens.

An eloquent spokesman and a determined advocate, Dr. King won the respect and admiration of his fellow citizens. His accomplishments, and his record of service in behalf of brotherhood, will long be remembered.

The General Assembly has directed that a day be set aside each year to honor Martin Luther King "for his selfless devotion to the advancement of equality and the preservation of human rights." Accordingly, I proclaim January 15, the anniversary of the birth of this eminent leader, to be Martin Luther King Day in the State of Connecticut.

I urge that flags be flown on public buildings and private homes and that there be suitable observance of this occasion in the schools of this state and in our communities.

Given under my hand and seal of the State at the Capitol, in Hartford, this fifth day of January, in the year of our Lord one thousand nine hundred and seventy and of the independence of the United States the one hundred and ninety-fourth.

JOHN DEMPSEY.

By His Excellency's Command:

ELLA T. GRASSO,
Secretary of the State.

EMERGENCY DETENTION ACT SHOULD BE REPEALED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. RODINO. Mr. Speaker, I was very pleased to note the recent recommendation of the Department of Justice that the Emergency Detention Act—title II of the Internal Security Act—should be repealed. It is dismaying to realize that this ill-advised statute—passed over the veto of President Truman—is still in effect. Its implications are readily apparent when we recall the disgraceful record of the detention of American citizens of Japanese ancestry during World War II. Although it can easily be said "It can't happen here," it remains an insidious threat to justice and the constitutional rights of all Americans, and I welcome the Justice Department's action. As a cosponsor of H.R. 13455, to repeal this act, I urge speedy consideration of this legislation to eliminate an unneeded and dangerous law which does violence to the basic principles of our democracy. In this connection, the December 13 issue of the New Jersey Afro-American contains an excellent editorial on the question and I am including it in the RECORD. As it cogently points out, the act is an "unnecessary shadow over the democratic process" and should be removed. The editorial follows:

CONGRESS SHOULD AGREE

The Justice Department took a commendable step Wednesday in asking Congress to withdraw the department's authority to set up detention camps.

Deputy Atty. Gen. Richard G. Kleindienst was giving the Congress a concise picture of the situation when he advised that the mere threat that the authority might someday be used is "extremely offensive to many Americans."

A statement Mr. Kleindienst has denied making, which suggested anyone who demonstrated in a way as to interfere with others might be subjected to such detention, has increased concern about the six camps still in existence.

One of the most un-American aspects of the detention camp authority is that it permits people to be rounded up and detained without proper legal safeguards and recourse.

In these tense days when many viewpoints are being pressed and attacked by people in and out of government, no citizen, or groups of citizens, should have to fear oppression by whim.

The government has said on more than one occasion that it never intends to use the Emergency Detention Act authority.

The AFRO consistently has said, as did Mr. Kleindienst last week, that the benefit of repealing the act "outweighs any potential advantage which the act may provide in a time of internal security emergency."

The Congress should remove this unnecessary shadow over the democratic process.

VIEWPOINT OF A SOLDIER IN VIETNAM

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. McKNEALLY. Mr. Speaker, the national dialog on the pros and cons of President Nixon's Vietnam policy continues unabated. I have long been greatly interested—but not in the least mystified by them—in the sources of the theme of dissent against the Vietnam war. I am interested as well in the relatively small number of individuals who tenaciously and—I must sadly admit—successfully promote this theme throughout the length and breadth of our Nation.

I would like to bring to the attention of my colleagues in the House, a letter written by a soldier in Vietnam to the editor of the Journal-News in Nyack, N.Y. This young soldier is a resident of Monsey, N.Y., in the 27th Congressional District, which I have the honor to serve.

I harbor no doubt that the great majority of Americans support the President. I believe a letter from a soldier in Vietnam is particularly significant and it is unfortunate they do not write more often; but then, they are rather preoccupied with the business of defending the free world against Communist aggression. When the letters do come, however, they are like a breath of fresh air in a room full of stale smoke. The letter follows:

To the EDITOR, JOURNAL-NEWS:

I'm one of many soldiers in Vietnam doing my thing for the people over here. Perhaps you think I'm having a groovy time. Well, I'm not, and the good people of the world know that I'm not. This is a stinking, rotten war and I hate it. I wish I were back in my own world in Monsey.

That's maybe what you want to hear. Well, it is rotten and I would like to be home but I am glad I am here to help these people who respect us more than the people at home. You people talk about a war you know nothing about yet you think you know all the answers. It's not that simple.

Wouldn't you like some help if some big bully came in and took your home and land away? Would you like to wear clothes salvaged from a dump that weren't fit for a hippie? You run around with signs saying war is hell. You're darn right war is hell but these people need our help and most of us are willing to give it. These people are sick of war, too, but they are willing to go on fighting until they are free of the Vietcong and I am willing to help them.

If you want to help, you can come on over and give a hand or you can shut up and let us do our job. We do a pretty darn good job, too, because we are in a hurry to come back home.

If you say killing is wrong, why are you killing something that it took more than a hundred years to build—our American democracy? Stop it now so we may have a

place of peace to come back to when this is over.

It is really more quiet over here where the people are together. If you would like to know who are the big mouths over here, look in the papers at the pictures of the servicemen shouting war is hell but peace without honor is a tragedy.

Pfc. JAMES L. SIMPSON,
101st Airborne Division, Vietnam.

AFTERMATH—22 YEARS AFTER BATTLE OF SAIPAN

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. STUBBLEFIELD. Mr. Speaker, in these critically trying times for both Members of Congress and the Nation at large, I wish to insert in the RECORD, for the benefit of all our colleagues, a portion of a narrative poem which was serialized in the Madisonville Messenger, Madisonville, Ky., a daily newspaper in my district. This poem was written by a man who 22 years before was involved in the Battle of Saipan. The author, Mr. Ben Rash of Mortons Gap, Ky., in prefacing his own poem stated:

It is not the purpose of this narrative poem to glorify any person, group or unit, but rather to set down for any interested reader the actual events as they were known to me and to try to convey the feelings of a combat survivor after enough years have passed that those same events should have long passed into oblivion.

Parts VI and VII of Mr. Rash's poem follow:

PART VI—THE RETURN

Left that grim, forbidding Island,
Two years later war was won,
Came back to my cherished country,
Left behind the pack and gun.

Journey on to Ole Kentucky,
Arrived again at my home town,
There I met my Love and wooed her,
"Married up!" and settled down.

Lived in peace all through these bright years,
But the dream I dreamed last night
Brought back horror of the conflict
Of the terrible Island fight.

Saw a spectral group come marching,
Each one proud and stiff and straight,
None no longer prone and lifeless,
All had met and known his fate.

Ranks of four they stepped out smartly,
Around each head a halo light,
Saw with growing consternation
Garments that they wore were white.

Couldn't believe this thing approaching,
Suddenly filled with awful dread,
Realized now this ghostly column
Was the Legion of the Dead.

Now the marching column halted,
Leader turned and raised his arm,
Beckoned for my presence nearer,
Plain for now they meant no harm.

Summoned last reserve of courage,
Tried to overcome my fear,
Stopped in horrified amazement
When I saw their faces clear.

Leader was the Sergeant Nichols
Dead and gone these twenty-two years,
Heading up the first squad column
Was the Corporal Charlie Spears.

Searched each shining face so peaceful,
Tried to stifle back a sob,
There stood Gates and Hart and Kovak
Lynch, Sims, Price and Cobb.

Many, many other comrades
Helped make up this silent Crew,
Stood there like a cold stone statue
Fearful apprehension grew.

Nichols eyes so kind and gentle
Fixed mine with a level gaze,
Voice came so unexpected,
Stirred me from my frozen daze.

"Now you answer up these questions,"
Said he in unyielding tone.
"Why are you among these mortals?"
"Why has not your spirit flown?"

"Wondered where you've been this long time,
Wondered why you didn't fall."
I answered quick, "The Lord so willed it,
Supreme Commander of us all."

"Don't know why the Blessed Savior
Didn't have me join your band,
Left my life so precious to me,
Brought me safe back to this land."

But I'm sure He had a purpose,
Knew I wasn't fit to die,
Left me here to get me ready,
Gave me one more chance to try."

A COUNTY MAN REMEMBERS: "AFTERMATH"—22 YEARS AFTER BATTLE OF SAIPAN

PART VII—THE MESSAGE

Nichols thought the Answer over,
Said,"I'll tell you something more
Stand fast now and listen closely,
You have drawn a sacred chore."

"Another reason that HE spared you
On the path of life to tread,
Was that you might take a message
To the living from the dead."

"Long have we celestial dwellers
Watched events on earth with gloom,
Listened while men plotted ever
Mankind's fast approaching doom."

Seems as though the hell first started
When the atom bomb was born,
Since that day the moral fiber
Of the Nations weak was shorn.

I speak here of draft card burners
And the ones who cry aloud
Of their false religious feeling
Masking cowardice with this shroud.

Also, there are those scared authors,
Writers of the "Protest Song"
Those who shout the foreign policy
Of the Government is wrong.

Remember, too, the "slogan mongers"
Who attempt their rot to spread,
Shameful whispers to each other
Such as, "better red than dead."

I include the politician
He who utters reckless words,
He who shouts his partisan speeches.
While the foe of freedom girds.

And the pampered, misled students,
Those who enter school to learn,
Then profess to such great knowledge,
Military duty they must spurn.

There are other spineless creatures
Who enjoy this land so great,
Yet, they aid the foreign menace
Preaching communistic hate.

Nichols voice now rose in anger,
Bitter tongue and words of scorn,
Directed to the "semi traitors"
Who were all in freedom born.

Before the fighting in Korea,
"Eighteen" proud free nations fell
Existing now in subjugation
Behind the "Iron Curtain" hell.

South Korea, only Cuba
Has fallen to the communist horde,
Because America is committed
As a shield against the sword.

Don't those fools now demonstrating
For our military retreat
Know the path of world desertion
Leads to freedom's sure defeat?

Can't they see their silly antics
Aid the evil communist flow?
Bring a wealth of aid and comfort
To the free world's wily foe.

Nichols gazed up in the darkness,
Arms outstretched and head thrown back
Shrieked up to the unseen dwellers
Of the heavens' traceless, track.

Come down here my honored brethren!
You who died in freedom's name,
You who perished for your country,
You of everlasting fame.

Descend and give your sure approval
Of this message I now give
To the mortal man before you,
He whose life was spared to live.

Then before my startled vision
Appeared a host of wraithlike ones,
Each had written American history,
Each had faced the enemy guns.

First, there came an apparition
Of the "General" Washington,
Then an endless line of spirits,
Each a lost American son.

Recognized a score of others
As they came fast flitting by,
All looked straight into my being,
All looked deep into my eye.

One thing now I know for certain
Each one backed the Sergeant's word,
And I know they cried in anguish
That his message must be heard.

Came the ghost of Andrew Jackson,
Tall and stately, passing by,
Heard the voice of Colonel Travis
Venting forth his battle cry.

John Paul Jones appeared before me
As did General Nathaniel Greene,
Attired as those gone on before them
Lighted by their halo sheen.

Next, I saw the face of Custer,
Knew him by his yellow hair,
Passed the great incomparable Patton
Possessing still his showman flair.

John J. Pershing paused a moment
Linked the arm of Les McNair,
General McArthur followed closely
Just behind that dauntless pair.

Saw the form of Bolivar Buckner
Adding to the marchers flow,
Colonel Bowie and Davy Crockett
Defenders of the Alamo.

Admirals Dewey, Nimitz and Halsey
Entered in my vision clear.
Sergeant York with Colin Kelley
Flanked the horseman, Paul Revere.

Countless names and countless faces
Now had answered Nichols call,
Every one enshrined in history,
Brave, strong fighters, heroes all.

Then I fell back, shamed and shaken
Turned to Nick and cried his name,
Promised to absorb his message,
Promised to deliver same.

Receive it then my mortal cohort
Spoke Nick now, his voice clear,
Tell the loyal of the nation
That they need not live in fear.

Two great problems of the future
Men must face upon this Earth,
First containment of the Marxists,
And the Chinese missile birth.

Declare to all that world enslavement
Is the communistic prize,
With the leaders of this movement
There can be no compromise.

Say unto all civilized people
Unite! They must in year's to come
Before the Oriental war lords
Perfect delivery of their bomb.

Think, my friend, of what must happen
From a nuclear holocaust,
Untold millions sure to perish,
Civilization will be lost.

Speak to those brave men in Asia
Bearing freedom's torch on high,
We commend their noble effort
From our home up in the sky.

Say unto the nations chieftain
He who shoulders such a weight,
We the Patriots of the ages
Believe He carries mankinds fate.

Assure Him that He is supported
By America's honored dead,
History shall record the rightness
Of the fight which He has led.

To the malcontented marchers,
Those who cry and lie and moan,
They shall surely reap the whirlwind
Of the evil they have sown.

Inform the shameless draft card burners
Hell will write their pedigree,
They now share the full contempt
Of those who died for liberty.

Tell the crummy, craven cowards,
Their subversion will emerge,
And the anger of all free men
Will compose their funeral dirge.

Americans everywhere must safeguard
Freedom's precious holy right,
United firmly as one people,
Carry on the free world fight.

Now my thoughts were whirling madly,
Smashing, crashing through my head,
Felt the weight of that great mission
Entrusted to me by the dead.

Thought how each had died in battle,
Some in horror, some in pain,
Knew from all my years of freedom,
Not a one had died in vain.

Mutely nodded my agreement,
Stood there chastized, shook, forlorn,
Saddened by the specters anguish,
Humbled by their whiplash scorn.

Satisfied, Nick turned to go now,
Commanded that the troops "Fall in,"
Forward, March! On in to glory,
Leave this wretched place of men.

Glanced at my bowed head and nodded,
Gesture seemed to clearly say,
Deliver that which you are charged with,
And we'll meet another day.

PUBLIC POLICY AND HIGHER EDUCATION IN MISSOURI

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. HUNGATE. Mr. Speaker, I call your attention to a statement by Dr. John Anthony Brown, president, Lindenwood College in St. Charles, Mo., at the fall meeting of the independent colleges and universities of Missouri. Dr. Brown points out the contributions private education has made to Missouri and the apparent lack of recognition for these contributions.

PUBLIC POLICY AND HIGHER EDUCATION IN MISSOURI

The 34 private colleges and universities that comprise the Independent Colleges and Universities of Missouri offer a great diversity of educational opportunity to the people of our state.

This private sector of higher education in Missouri represents an educational, economic and social asset that the state can neither afford to lose nor afford to replace. These institutions attract students from every state in the union, and from several dozen foreign countries. They enroll 28.3% of the students in higher education in Missouri; they award over 34% of the bachelor's degrees, more than 38% of all graduate degrees, and almost 47% of the Ph.D's. These independent colleges and universities educate more than 43% of the dentists, almost 46% of the lawyers, more than 65% of the pharmacists, and almost 69% of the physicians.

Our private colleges and universities employ some 16,000 people and have an annual payroll of close to $100,000,000. In 1968–69 these colleges and universities had operating budgets which totaled in excess of $160,000,000, and spent another $25,000,000 to $30,000,000 on capital expenditures. They represent assets of close to one-half a billion dollars (replacement cost) in buildings, grounds, and equipment, and well over $200,000,000 in market value endowment.

This is an impressive recitation. The trouble with it as a recitation is that no one seems to have heard it before. Neither our students nor our faculties are aware of our present role; neither our employees nor our alumni are fully conscious of the impact we have and have had on this state and nation; neither the foundations nor the corporations are alert to the great resources we have put together; neither the people of the state nor their political leaders have looked carefully at the independent sector of higher education in Missouri.

DR. LUTHER HOLCOMB

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. MAHON. Mr. Speaker, one of the able public servants of our time is Dr. Luther Holcomb, of Dallas, Tex., Vice Chairman of the Equal Employment Opportunity Commission. The attached editorial taking note of the outstanding services of Dr. Holcomb appeared in the Wichita Eagle and the Beacon, Wichita, Kans., and I submit it for inclusion in the RECORD:

IT'S REASSURING

Change is a way of life in Washington. But a graduate of the University of Oklahoma has compiled a record that has received little publicity while serving as vice chairman of the Equal Employment Opportunity Commission under four different EEOC chair men. He is Dr. Luther Holcomb, a Dallas Democrat, who was reappointed by President Nixon.

Common sense and reasonableness are the two traits that this unobtrusive former minister brought to the work of the commission. His philosophy is that "where prejudice and discrimination exist, we must tear it out from its very roots." By tact and diplomacy he has successfully encouraged the maintenance of lines of communication with minority groups.

Dr. Holcomb's continued service on the commission demonstrates that capable service can be rewarded in political-conscious Washington. This is especially reassuring when it involves an agency with sensitive problems of human relations.

STUDENT INVOLVEMENT IN ENVIRONMENTAL PROBLEMS

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, December 12, 1969

Mr. SPONG. Mr. President, students from five States in the mid-Atlantic region and the District of Columbia will meet in Richmond on Tuesday, December 30 to focus public attention and awareness upon environmental problems.

The conference will be held under the auspices of the Student Council on Pollution in the Environment—SCOPE—and the Federal Water Pollution Control Administration. The cochairmen of mid-Atlantic SCOPE are Miss Patti Collins of Westhampton College, Richmond, and Randall Simons of the University of Virginia at Charlottesville.

Generating constructive interest in the need to move forward with pollution prevention and control is a highly commendable objective, and I hope SCOPE has a successful and well-attended meeting in Richmond.

Mr. President, the background of SCOPE and its objectives is set forth in an article published on December 9, 1969, in the Richmond News Leader. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Richmond Newsleader, Dec. 9, 1969]

YOUTHS VERSUS POLLUTION—SCOPE UNIT FORMED

(By Hugh Robertson)

If college students can rally around such causes as "Vote 18" and "End the War," why not water pollution control?

Thus was created today, Mid-Altantic SCOPE—Student Council on Pollution in the Environment—with a pledge to "try and educate the public" on problems of pollution.

Its co-chairman, Patti Collins, a 20-year-old coed from Westhampton College, and Randall Simmons, 21, a University of Virginia graduate student, also held a press conference at the Sheraton Motor Inn.

Both voiced their concern about the polluted environment, which their elders are passing on to them, and announced a get-together to see how many college students are interested in the subject.

The get-together, billed as "The Great Grey Ice Gathering," is scheduled Dec. 30 at the Arena, from 1 p.m. until, according to a press release, "the music and words no longer stir the gathering."

Leaders hope the session will draw college students from throughout the Mid-Atlantic region—Virginia, North and South Carolina, District of Columbia, Maryland and Pennsylvania.

If all goes well, Mid-Atlantic SCOPE will become a youth advisory council to the Middle-Atlantic Region of the Federal Water Pollution Control Administration.

Mid-Atlantic SCOPE and other regional units throughout the United States also will be expected to advise U.S. Secretary of the Interior Walter J. Hickel.

Presumably, it was Hickel's idea to involve college students in water pollution—as well as air and land pollution—control.

College councils began forming this month, with the assistance, technical and financial, of the federal water control agency, a component of the Interior Department.

To match Richmond's "Great Grey Ice," a reference to the grayish color of frozen polluted water, there will be Dec. 29 "happenings" in Kansas City and Portland, Ore., and Dec. 30 "happenings" in Boston, Cincinnati, Chicago, Atlanta, Dallas and San Francisco, the press release said.

In Richmond, the program calls for "hard rock music, movies, speeches, young people and Federal Water Pollution Control Administration Officials."

For this initial organization, the federal agency's Middle-Atlantic Region headquarters in Charlottesville will be paying the bills—the Sheraton press conference, student travel expenses, renting the area—Eugene Jensen, regional director, explained.

But the students are expected to chart an independent, advisory course, Jensen said.

Miss Collins said in the press release the Dec. 30 gathering would "provide students with the kind of information they need to react intelligently to the apathy of government officials and business and industrial leaders to the awesome environmental crises now blooming in the United States."

Earlier, Miss Collins was instrumental in gathering 672 student signatures on a petition protesting Richmond's original plan to discharge raw sewage into the James River this winter.

Other than Miss Collins and Simmons, the council, which will be expanded later, includes:

Dorland Humphries of Richmond Bland College; Linwood Creekmore, Lee Bates and Leo Fields of Virginia State College; Marshall Davenson and Jay Managan of Virginia Commonwealth University, and Carl Jerome, William C. Brown and Haywood Blakemore of Randolph-Macon College.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Charleston Mail, in the State of West Virginia. The editorial follows:

[From the Charleston (W. Va.) Mail, July 19, 1969]

SCANT ECONOMY IN DESTRUCTION

For the average American motorist, the giant vans and trailers that roar along the highways are quite big enough. Even when they are carefully driven, which is most of the time, they are overawing and forbidding.

For the trucking industry, these behemoths of transport are too small to be economical, and the industry wants permission to build them wider, heavier and longer. A bill to that effect is pending in Congress, and it sets up a nice conflict of interest.

On one side is the American Trucking Association, speaking for the industry, of course. And on the other is the American Automobile Association, broadly representative of the motorist.

It should be an easy one to settle, and the Iowa director of highways sets forth the criterion. Iowa has about 110,000 miles of highway in its system. Outside of its Interstate mileage, little of its was built to carry the heavier loads. Much of West Virginia's highway system is in the same shape.

Considerations of safety aside, this should do it. What might be economical for the trucking industry would not be economical in the maintenance of a highway system never built for the burden.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. SCHEUER. Mr. Speaker, as a Congressman representing a large number of Spanish-speaking Americans of Puerto Rican descent, I rise on behalf of House Report 91–699 of the Government Operations Committee which urges the adoption of a bill, known as S. 740 to establish a Cabinet Committee on Opportunities for Spanish-Speaking People.

Mexican Americans, Puerto Ricans, and others need a stronger voice in the administrative branch of Government. They need ombudsman services and a broader representation in decisions. S. 740 would seek to increase representation of Spanish-speaking citizens in the governmental process. With greater representation in administration, dividends should increase for the Spanish speaking.

I must agree with Horicio Ulibarri and others when they write in "Administration of Bilingual Education":

At present there is a dearth of materials for bilingual, bicultural education programs. The materials that are in existence today tend to be translations from English originals . . . and while some of the translated materials are indeed very good . . . some do not fit into the sociocultural context of the Spanish language.

I was an author of the Bilingual Education Act and I hope that the Cabinet Committee on Opportunities for Spanish-Speaking People will serve to strengthen that legislation and bring greater emphasis to its unique function. I hope the proposed Cabinet Committee can push to provide materials which "fit into the sociocultural context of the Spanish language." Similarly, the new Committee can potentially help bring housing programs to barrios, employment counseling to Cuban refugees, and job stabilization to Chicanos. The Committee can emphasize throughout government that the Spanish-speaking citizen should share in Federal programs.

Let the voice of the Spanish-speaking peoples be heard.

Lt. GEN. SAMUEL C. PHILLIPS—A MAN TO MAKE AMERICA PROUD

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. WOLD. Mr. Speaker, the names, Neil Armstrong, Edwin Aldrin, and Michael Collins, will surely be emblazoned in bold for history students of a thousand generations. Only slightly less space will be given to Alan Bean, Eugene Cernan, and Charles Conrad.

It is justly so—especially in this day when heroes are mostly unsung. There are men behind the scenes who are deserving of the billing that is reserved for the stars.

Such a man is the 1969 Kappa Sigma Man of the Year.

He is a man who in his modest fashion deserves much of the credit for man's greatest adventure—the moon flight of Apollo 11.

We live in a time where undertakings and tasks are so vast that they are national in scope. Such was the Apollo program. Its scale was matched by its complexity.

America is blessed with men and women of stature, and such a man directed the Apollo lunar landing program.

His heritage fitted him for the task. Reared on the vast plains of Wyoming, he acquired the straightforward manner and methodical and painstaking approach to problem solving which was so important to the Apollo program.

An assessment of his capability was revealed during the investigation which followed the 1967 Apollo tragedy.

General Phillips appointment as Apollo director came only after he had proved himself elsewhere. In 1959 he was appointed director of the faltering Minuteman ICBM program. By 1963 it stood as one of our brightest defense efforts.

It gives me great pleasure to extend to a personal friend, Lt. Gen. Samuel C. Phillips, U.S. Air Force, my warmest congratulations on his being named 1969 Kappa Sigma Man of the Year. I am sure the other Members of this body join with me.

Fittingly, the award was presented in the city he calls his hometown—the capital of Wyoming, Cheyenne.

Mr. Speaker, a biographical sketch of General Phillips and a comprehensive account of the Kappa Sigma Man of the Year dinner in Cheyenne, December 7, follows:

MAN-OF-THE-YEAR PREDICTS: "SPACE EXPLORATION WILL SOLVE WORLD PROBLEMS"

(By Kirk Knox)

Space developments and exploration over the next few years will contribute "more than most of us are smart enough to anticipate today," Lt. Gen. Samuel C. Phillips told a Kappa Sigma fraternity dinner in his honor last night at Little America here.

Phillips, who was reared in Cheyenne and was graduated from the University of Wyoming in 1942, was honored at the banquet as Kappa Sigma fraternity's "Man of the year."

He currently is commander of Air Force's

Space and Missile System with headquarters in Los Angeles, but it was as director of the Apollo Moon landing program that he gained international renown.

Phillips predicted the U.S. space program would contribute to solution of earth's problems with environment, need for communication and transportation, make possible "a better job in human affairs and solve many of the problems that face people in general."

He said it will be necessary for people "to tackle more seriously" the matter of an expanding earth population which it is estimated will reach four billion by the year 2000.

"I am tremendously impressed with what we can do when we make up our mind to do something," said the general, "and back up the people . . . assigned to a job . . ."

Phillips alluded to himself several times as "a very fortunate guy," because of his family, being a citizen "of this great country," and having the opportunity "to lead the U.S. Apollo team to its national objective of landing a man on the moon and returning (him) to earth."

In his acknowledgment of the honor conferred by his fraternity, Phillips recalled he "probably wouldn't have gotten through the university had it not been for the (Kappa Sigma) student loan program."

His heritage, he acknowledged, "began with my father and mother and my years in Wyoming and my upbringing in the great West."

He felt especially fortunate, he said, "to have this tremendous group of friends and fraternity brothers. This fraternity, Kappa Sigma, has meant a lot to me."

Phillips said, "I stand in awe at what has happened in three decades. Not many years ago you couldn't gather a group like this because of the travel they would have to endure.

"I am in awe, also, at what has happened with our standard of living and in our science and technology."

He noted it was just 12 years ago last October that mankind put the first projectile into space orbit.

Phillips said, "As I think back, I also am looking ahead to the challenge and opportunities I think I see ahead.

"More than that, I see these challenges and opportunities as pretty damned exciting and interesting."

The general saw each generation on "a new threshold from which things proceed."

He added, "You hear a lot today about the youth of America which is not all flattering. From my contacts, I think they are great."

Phillips asserted, "I think with the threshold from which they are starting I am going to be much more awestruck in 30 years."

Thus far, he pointed out, the U.S. space program's work has brought about "some new industries and tremendous increases in technology and science."

In the face of space exploration, the general said, "the world is smaller."

He added spacemen see the earth as a "bright oasis in space," that "this earth is a pretty good place and we could do a lot better in learning now to take care of it and conduct affairs in a way that will contribute to its longevity."

"We are starting to see some ways through space exploration to help tackle some of our problems such as an expanding population," Phillips asserted.

He said we are beginning to understand more about the way in which air, atmosphere, sun and other things affect earth and "to see some of the ways in which we can tackle the problems."

The general forecast the space program will lead "to a large space station orbiting the earth; more economical ways of getting into and out of space; and space vehicles which will begin to look much more like airplanes and which will be used hundreds of times."

He added, "We are going to understand much more than we do today about how to use our resources and to manage earth."

Noting that he is called upon often to prove benefits from the space program, Phillips said "It is always a hard thing to prove."

He said he was "certainly humble" that his name was placed in honor by his fraternity among those of Lowell Thomas, Edward R. Murrow and Hoagy Carmichael.

"I pledge to you I will do my best to live up to your evaluation of how I have handled the opportunities I have had."

The general's mother, Mrs. Mabel Phillips of Cheyenne, watched as her noted son accepted his honor.

W. F. Rockwell, Jr., himself man of the year in 1958 and a former worthy grand master noted that Kappa Sigma has "many successful graduates," and our alumni have done well in a diversity of fields as the list of notables indicates."

Fraternities, he said, recently have become targets for "some snipping by non-fraternity people who profess that we're stereotypes—straight off of 'central casting'—who think alike and act alike and really have very little individuality."

This line of thinking, he said, "might make good conversation at a campus sit-in but it has no roots in fact."

Kappa Sigma he asserted, always has fostered "the pursuit by individuals of their own particular interests. In fact, we're thrived on the interchange of varying ideas, opinions and interests."

He found evidence of that in a list of successful members he had cited to the dinner audience.

"If there's a sameness that we try to encourage in Kappa Sigma," Rockell asserted, "It's leadership—leadership in whatever field a man chooses."

T. V. (Tom) Jones, of Cheyenne, Kappa Sigma alumni president for Wyoming, served as toastmaster.

Fraternity members and officials from other states, including Colorado and Nebraska, attended.

BIOGRAPHICAL SKETCH

Lieutenant General Samuel C. Phillips.

Currently commander of the Space and Missile Systems Organization, and until September, 1969, director of the U.S. Apollo Lunar Landing Program under which Americans went to the moon earlier this year, Lt. Gen. Samuel C. Phillips, U.S.A.F., is the 1969 Kappa Sigma Man of the Year. This man of distinction has spent more than half of his military career in the research and development field.

A native of Arizona, Phillips considers Cheyenne, Wyoming, his permanent home. He is a 1942 electrical engineering graduate of the University of Wyoming. His alma mater honored him in 1963 with an honorary doctor of laws degree.

After receiving his bachelor of science from UW, Phillips received a presidential appointment to second lieutenant of infantry in the U.S. Army. Upon graduation, he was transferred to the Air Corps and earned his pilot's wings in 1943. His World War II duties included two combat tours in England with the 364th Fighter Group of the 8th Air Force. During the war, Phillips earned the Distinguished Flying Cross and Oak Leak Cluster, Air Medal with seven Oak Leaf Clusters and the Croix de Guerre.

After the war, General Phillips—then a major—was assigned to theater headquarters in Frankfurt, Germany, until 1947. He received the Army Commendation Ribbon for his meritorious service during this assignment.

General Phillips was next assigned to be director of operations, 1st AACS wing, Langley Air Force Base, Virginia. This assignment was shortened by Phillips' selection for graduate study at the University of Michigan where he studied from 1948 to 1950 and received his master of science degree in electrical engineering, specializing in electronics.

General Phillips then joined the engineering division of the Air Materiel Command at Wright-Patterson AFB, Ohio. He remained in this research and development post for six years, with the exception of six months in 1951—three months in Eniwetok as an electronics officer on Operation Greenhouse and three months at the Air Command and Staff School, Maxwell AFB, Alabama.

While at Wright-Patterson AFB, General Phillips served as director of operations in the armament laboratory, as B–52 project officer and as chief of the air defense missiles division, working on such missiles as Falcon and Bomarc.

In June, 1956, General Phillips returned to England as chief of logistics for Strategic Air Command's 7th air division. On this assignment he participated in writing the international agreement with Great Britain on the use of the Thor IR BM. Later, as 7th air division director of materiel, his duties included assisting in the completion of Thor IR BM installations for turn-over to the Royal Air Force. He was awarded the Legion of Merit for this service.

General Phillips returned to the U.S. in 1959 as director of the Minuteman Program in the ballistic missiles division of the air research and development command in Los Angeles. During the two-year period Phillips was director, U.S. Air Force reorganizations resulted in the Minuteman Program Office being combined with the ballistic systems division of the Air Force Systems Command. While at his Los Angeles post, Phillips was nominated in April, 1961, for promotion to brigadier general.

In January, 1964, Gen. Phillips moved to Washington to become deputy director of the Apollo Program. In February of the same year he was nominated for promotion to major general. In October, 1964, he was appointed director of the Apollo Program and in May, 1968, he was nominated for promotion to lieutenant general.

During 1969, General Phillips has received several awards and honors including the National Aeronautics & Space Administration's Distinguished Service Medal, the Astronautics Engineer Award, Air Force Association's Citation of Honor, Arnold Air Society's Eugene M. Zuckert Award and the Hap Arnold Award from AFA's H.H. Arnold Chapter.

General Phillips and his wife, Betty, have three daughters—Kathleen Phillips, 14; Mrs. Janie Phillips Culpepper whose husband is a captain in the U.S. Air Force; and Dana, who lives in Marina del Rey, Calif. The Phillips have one grandchild—one-year-old John Patrick.

PUBLIC HOUSING TO RECEIVE INCREASED FEDERAL ASSISTANCE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. BOLAND. Mr. Speaker, conferees on the 1969 Housing Act have agreed to maintain intact a Senate amendment that offers welcome relief to people living in public housing projects. Designed to help clear away the burdensome financial difficulties the poor encounter when living in public housing, the amendment would limit to 25 percent of a person's income the amount he pays for rent. Any slack in a public project's income would be taken up by increased Federal assistance. Such legislation is long overdue.

Indeed, it meets a need so pressing and so apparent that virtually no one acquainted with public housing could object to it.

Minimum rents for public housing apartments are inching upward at an alarming pace—up to as much as $70 or $80 in many cities. Granted, such rents appear almost preposterously low to the average middle-class citizen. Yet, to the poor for whom such public projects were built, such rents are startlingly high. Living on meager welfare payments or social security checks, the poor and elderly simply cannot afford the kind of rents now demanded in public housing. A significant percentage of public housing tenants, as a result, must approach the top of the public housing income scale. And many poor people—the people who desperately need adequate housing at modest rents—are simply left out.

The Senate amendment I have outlined here will help put a stop to this trend.

Senator EDWARD W. BROOKE is to be commended for his work in drafting this amendment and shepherding it through the Senate.

I am sure it will be one of the most heartening provisions of this year's Housing Act.

YAF FIGHTS FOR JUST PEACE, OPPOSES SURRENDER

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. FISHER. Mr. Speaker, the Young Americans for Freedom is presently engaged in a lofty objective. On December 12 and 13 it is conducting a massive counteroffensive to continue moratoriums on 600 major college campuses.

These young people, 50,000 strong, deserve the plaudits of all Americans who seek a just peace in Vietnam. They very properly oppose unilateral, unconditional withdrawal of our troops—which means surrender. They have the maturity and commonsense to know such a course would be a great tragedy. Their "Tell it to Hanoi" should reverberate throughout the Nation.

The YAF is fast becoming recognized as a vital voice in behalf of sound principles of good government. Believers in law and order, they have led the fight against the lunatic fringe and the hooligans who have degraded and disgraced the dignity of education on college campuses. They have sounded the alarm against unnecessary and unwarranted trade with the Communist enemy. Their record is one of patriotic devotion to the highest ideals of American democracy.

Mr. Speaker, I am delighted to express my appreciation for these activities. The YAF deserves the support and admiration of every American who shares these views and these sound principles. I salute the YAF for its great demonstration of Americanism and the preservation of our cherished heritage.

AN UNUSUAL LETTER

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, December 12, 1969

Mr. FANNIN. Mr. President, many Senators have frequently noted that they hear often from those who are dissatisfied with progress in America, but seldom from people who like what they observe.

It has been my happy privilege to share in a letter of commendation from two Arizonans addressed to their elected Senators and Representatives. These folks, Mr. and Mrs. Lester Arie, of Phoenix, have taken the time to express appreciation for being Americans, and I appreciate their thoughtfulness and good wishes in sharing their thoughts with us.

Mr. President, I ask unanimous consent that a letter from Mr. and Mrs. Lester Arie, dated November 27, 1969, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. PAUL J. FANNIN,
Senator, Arizona.
Hon. BARRY GOLDWATER,
Senator, Arizona.
Hon. JOHN J. RHODES,
Representative, Arizona.
Hon. SAM STEIGER,
Representative, Arizona.

DEAR SENATORS AND CONGRESSMEN: We are doing today what too few of us do: taking time to express an opinion; also making sure that it reaches our elected representatives in Washington. We of the "Silent Majority" have too long been silent, taking things for granted, neglecting our civic duties, failing to get involved in the democratic process. We now realize that the time is here to break that silence, speak out, stand up and be counted. This being Thanksgiving we believe it is appropriate to first count our blessings. So we shall enumerate some of the things for which we are thankful.

1. We give thanks to God that by His Grace and the circumstance of birth we are Americans.

2. We give thanks that we are privileged to live under a government that is the best yet devised by the inspired, composite mind of man. On this point we are adamant—after visiting and breaking bread with the peoples of 67 nations during the past half dozen years. Many of these people would realize their fondest dream if they and their children could live in the United States.

3. We give thanks that though Americans first and Arizonans second, we call Arizona "Home". We are thankful that we live among people imbued with traditional concepts and values of Americanism.

4. We give thanks for abundant good health and good friends; sufficient worldly goods to live graciously (but not extravagantly) and the knowledge that the latter was earned by the sweat of our brow under a "system" that grants the same privilege and opportunity to others.

5. We give thanks for the high moral character, the ethical and spiritual stature, the clear, unmuddled, unbefuddled thinking of the men we have elected to represent us on a national and state level; men of integrity who dare speak their minds. For these and many other blessings we give both humble and proud thanks.

Now, to the true purpose of this letter. We fervently believe that President Nixon's conduct of the Vietnam war which he inherited is the right course to pursue. It is not only the *right* but the *only* course to achieve a just and honorable peace. We know that you support the President. We want you to know that we support *you* and the *President*. And also, the *Vice President*.

We believe that Vice President Agnew rendered an inestimable and historic service to his fellow Americans in voicing what most of us of the "Silent Majority" have been thinking and saying privately. We are tired, nauseated, even sick, seeing and hearing self-appointed or corporation-boss-appointed omnipotents play God. An internationally known commentator who reports that the November 15 marchers constituted less than one half of one per cent of our population and in the next breath comments (quote) "Of course there is no way of knowing if this constitutes a majority" (unquote) is the kind of slanted reporting and comment we reference. Certainly this commentator needs to examine his arithmetic. And while he is examining his arithmetic, his background and that of his bosses should be investigated.

When we elect a President by the will of the majority, then a very few, but a very powerful and dangerous few, by virtue of controlling the news media, with particular emphasis on television, subvert or try to subvert the will of the majority, something should be done. If this is not done from the inside, most assuredly it will be done from the outside. John Q. American will take just about so much and he has just about had it. The "silent majority" is beginning to reach the boiling-over point. Uncle Sam (that composite of John Q. citizen), the benign, sleeping giant, is wakening. While he slept the lilliputians (intentionally spelled with a small "L") were getting in their subtle licks and dirty work. Aided and abetted by mini-mini-lilliput politicos, at least some of whom thought they saw political advantage in aligning with the lilliputs, they staged their marches which gave the enemy encouragement. Does anyone doubt that the war would be settled if the lilliputs had first been settled? Now the mini-mini-lilliput politicos are scampering for cover; trying to disassociate themselves from a bad dream. They have realized that they made a bad guess. They have seen the handwriting on the wall. And it is inevitable that the rest of the motley crew will wither away in front of a united America. When Sam starts swinging the lilliputs disappear. Only when he sleeps do they try to bind and enslave him.

It is the eleventh or twenty-third hour and the fifty-ninth minute. It is high time for those who are not *against* America to be *for* her—and evidence it by cutting their hair, chopping their whiskers, taking a bath, sweeping the cobwebs out of their attic, rolling up their sleeves and going to work. I see more work that needs to be done than at any time in history. And there are too few ready, willing and competent to pitch in and do it.

We are very, very tired of seeing 15 year olds interviewed on television and asked about their views on the Vietnam war. Americans as a nation have the least sense of history, the least perspective on the past of any nation on earth—any modern nation. This comparative lack of perspective on history came as a shock in my exchange of ideas with people in West Germany, Poland, Czechoslovakia, Hungary, Rumania, Yugoslavia, Finland, Turkey, Greece, Japan and the Soviet Union. Many of these people told me things about my own country that I did not know. So, what deep, sophisticated, mature knowledge is such a youngster supposed to dispense? All of us deplore war. All of us would like to live in a world that is all sweetness and light; milk and honey; all play and no work; all good and no bad. But

I have sad news: there just ain't no such animal. There never was and there never will be such a world. And the lilliputs are not bettering the world they and we live in by vulgarity of every sort, degrading themselves and the human race and attempting to destroy the best of everything we have.

It is so easy for lilliputs to berate and tear down, with nothing in mind to replace what is destroyed. It is difficult to build for the present and future generations and requires sacrifice now. If you want to see a really confused lilliput just ask him (or her) "What is your alternative? What do you suggest? What do you have to offer to replace what you would destroy? What is the other side of the coin?" While the lilliput imitates a guppie and gasps for words which don't seem to be available, is a good time to supply the answer yourself. "The worst, the most horrible, the most complete and total, the most controlled, the most brutal and abject slavery the world has ever seen—enslavement not only of body, but of mind and spirit".

Why, under the guise of Freedom of the Press, Freedom of Speech, Freedom of Assembly and "Academic" Freedom are a small handful of misguided (or guided) sick-of-the-world, prophets-of-doom permitted to destroy all freedom? By virtue of what do they possess esoteric and God-like knowledge? And how did they acquire a license to play God? To project their cob-web thinking just one notch further means freedom (license) to riot, freedom to burn, destroy, steal, rape, plunder and kill. The ultimate freedom the lilliputs are bellowing and clamoring for is "Freedom of the Law of the Jungle"—anarchy and chaos. When a university hires an avowed communist to teach and invites a rapist to lecture, something should be done about it. And, it better be soon. The "hirers" should be given a lesson in ditch-digging freedom, under competent supervision.

Why has not more coverage been given to the established-beyond-a-doubt, thousands of heads severed by the VC from peaceable South Vietnamese, impaled on stakes and exhibited in isolated South Vietnamese villages? I asked an Air Force Colonel that question in Saigon on Easter Sunday, 1966. This was the morning after a good South Vietnamese, by day, was shot during the night while attempting to blow up military aircraft—with enough explosives on his person to do a bang-up job. He had been employed at the airport for some time. The Colonel's mouth tightened to a straight line and he shook his head negatively. "How the devil do you know who is and who isn't a VC?" I asked. He shook his head again and replied "Buddy, from here in, whoever sticks his head up out there is a VC. It is that kind of war".

Herein may lie the cause of the alleged massacre by American soldiers of South Vietnamese civilians—by a company that had lost half its men to snipers. Remember, those boys' lives were at stake. But why does the news media latch on to hearsay by someone that was not there, take the word of communists and pictures provided from communist sources as the Gospel truth, try, condemn and hang the Americans without a trial and before the world? Again, why not publicize the fact that the VC and Hanoi's invaders killed thousands and thousands of South Vietnamese in cold blood and inflicted worse than death on thousands more. It is a sad commentary that but for the fact that this horrible, messy war is undeclared, many of our omniscients, including university professors, columnists, commentators and corporate bosses, misguided politicians and others would be behind bars charged with such crimes as sedition, subversion, giving aid and comfort to the enemy, yes, even treason. The marchers would be marching to the sound of other drums and Moscow, Hanoi and Peking would be looking elsewhere for their belly-laughs.

We, the silent majority, do not want censored news. We merely want ALL the news; unbiased, fair reporting. All the news—not just one side. The worst possible censorship is to just ignore; to be given the silent treatment of ostracism. Give us the news and spare the comment and interpretation—comment and interpretation that insults the intelligence of a ten year old child! Comment that exposes the commentator's inexperience, lack of maturity, knowledge of the world and more particularly knowledge of America as well as lack of judgment and good taste; comment that by the manner and inflections and nuances of speech in which it is delivered, belittles America and degrades her institutions and traditions. We deplore and resent this sneaky, sneering pomposity being carried over and projected into network shows—propagandizing entertainment.

Give us the news and we'll take ours straight. No chasers, please. And no embellished Hors d'oeuvres. If we are so stupid we can't add 2 and 2, we'll ask somebody. No network boss nor all combined has a license to try to brainwash John Q.

In conclusion, no person or entity, corporate or otherwise, is bigger that the United States government and should not be permitted to operate on the assumption that he or it is. In the end, *if* news *is* controlled, you can bet that it will not be by somebody or a handful of somebodies, elected to nothing by nobody, but rather by Uncle Sam, the embodiment of the majority American Will; that composite of John Q. Citizen, U.S.A. That is the American Spirit and the American Way.

Just two voices from the great silent majority of your constituency.

Respectfully yours,

LESTER R. ARIE,
SALLY E. ARIE.

Copies to: Hon. Richard M. Nixon, President of the United States; Hon. Spiro T. Agnew, Vice President of the United States; and Hon. Richard G. Kleindienst, Assistant Attorney General of the United States.

REMEMBER PEARL HARBOR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. DERWINSKI. Mr. Speaker, December 7, Pearl Harbor Day passed without much attention apparently lost in the passage of time and the present-day controversies. However, I was impressed with the succinct editorial commentary in the Calumet Index on Sunday, December 7, which I insert into the RECORD at this point:

YES, WE REMEMBER

With our many agonies in Vietnam, problems of local and national import, it is only a different agony to remember Pearl Harbor—Dec. 7, 1941—a day that was to "live in infamy." But 28 years have passed and the surge of troubled tides has all but washed away the heavy footprints on the sands of another time—of a war that Americans fought with pride in many parts of the world. May we pause today to recognize the pride and the courage in a cause that took the lives of thousands of our youth, and left thousands more all but lifeless due to the wounds they suffered. We have not and could not forget Pearl Harbor.

THE VICTUAL REVOLUTION

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. WRIGHT. Mr. Speaker, this great Nation of ours is experiencing a new revolution. Not demonstrations, mobilizations or student unrest on campus, but a quietly forceful, positive, and constructive type of revolution. It is gradually assuming national proportions. It is innovative and interesting. It is changing our habits and our landscape.

In the December 1969 issue of Nation's Business, there appears an article entitled "Here Come the Girls." It deals with the growth of womanpower in industry and the increasing number of women entering the labor force. It declares that a major factor enabling more women to seek business employment is the development of homemaking devices, particularly those associated with the preparation of family meals, which give women greater freedom and more time out of the kitchen.

The author of the article, Mr. Walter Wingo, an associate editor of Nation's Business and a manpower specialist, rightfully describes this development as a "victual revolution." He cites as an example the new restaurant complex of Bonanza International which recently opened in Fort Worth under the name "1849 Village."

At this point in my remarks, I wish to insert a few brief paragraphs from Mr. Wingo's article where reference is made to the victual revolution and 1849 Village. These paragraphs read as follows:

THE VICTUAL REVOLUTION

Improvements and innovations in homemaking devices are freeing the housewife from most of her time-consuming chores. For example, a revolution is under way in American family meals, pulling women out of the kitchen.

Mercedes Bates, who directs General Mills' Betty Crocker Kitchens and is president-elect of the American Home Economics Association, says families are relying increasingly on having food catered to their homes and on eating out at fast-service franchised restaurants.

Taking advantage of this trend is Bonanza International, Inc., which recently started an "1849 Village" in Fort Worth, Texas. Here seven different franchised restaurants are bunched around a modern theater and a bandstand. The entire family can drive to the area and each member can walk to his own favorite type of eatery. Bonanza plans more such projects in other parts of the country, because "housewives eat it up."

The restaurant complex described in these few lines is much more than meets the eye. It is a new concept in restaurant planning, a pilot project which eventually may revolutionize our dining-out habits. It consists of seven different restaurants, a movie theater, a beautiful public area with a bandstand, a landscaped lake, and other features. In short, it is a place for the whole family, with an appeal to the eye, the taste and the pocketbook. This is what makes it dif-

ferent. And this is where the victual revolution is beginning.

Fort Worth, Tex., is paving the way for this quiet revolution. It constitutes a great innovation in American life, a spirit of creative enterprise, and continued economic growth and well-being. As such, it is a source of great pride to all of us. I want to congratulate those associated with 1849 Village and extend my very best wishes for its success.

PASSENGER TRAIN SERVICE NEEDS CONGRESSIONAL SUPPORT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. McCLORY. Mr. Speaker, the passage of the Department of Transportation appropriation bill, H.R. 14794, gives assurance that many of the transportation needs of the future will be met by appropriate Federal, State, and local action—including a contribution of substantial Federal funds. However, there has not been developed an adequate program of legislation for improved passenger rail transportation. This omission appears to result from the belief that persons seeking ground transportation will turn to private automobiles or buses. There is the further belief that those individuals who desire greater speed will travel by air.

However, our increasingly crowded highways, as well as the overcrowded airways around many urban centers, suggest the need to carry more people by means of high-speed rail transportation.

In a recent article by Louis Dombrowski in the Chicago Tribune issue of Wednesday, November 5, 1969, a most convincing argument is made for Federal support of expanding high-speed railroad passenger service. I am pleased to include this article at the conclusion of my remarks and to direct my colleagues in the House and the Senate to the need for giving serious attention to this subject at the earliest possible time. Mr. Dombrowski's article follows:

CONGRESS RATED KEY TO SURVIVAL OF COUNTRY'S PASSENGER TRAINS

(By Louis Dombrowski)

WASHINGTON, November 4.—The ultimate future of railroad passenger service will depend almost entirely on how determined Congress is to save it from extinction. Within the next few months, the lawmakers will have probably their last opportunity to do something about the rapidly disappearing passenger train.

The Senate already has held hearings on the future of rail passenger service. The House commerce committee meets Thursday on the same question.

URGES SENSIBLE ADVICE

Donald E. Deuster, a former aid to Rep. Robert McClory (R., Ill.) and now with the office of congressional relations of the transportation department, feels this way:

"I am thoroughly convinced that the Congress would like to help the rail industry provided that sensible suggestions are set forth. It is up to all of us to provide such suggestions for congressional consideration."

The department of transportation, with the full support of the Interstate Commerce Commission, is in the final stages of a study that will recommend the adoption by Congress of some form of limited financial assistance to subsidize unprofitable passenger trains whose continued operation is deemed in the public interest.

QUESTION TO BE ANSWERED

Only the question of how much money will be needed each year and the amount that will be available due to the extreme demands of the federal budget and the Nixon administration's anti-inflation policies remains to be answered.

Appearing before the Senate commerce subcommittee on surface transportation, Stuart T. Saunders, chairman of Penn Central company, said that the economic justification for most railroad passenger service no longer exists in nonurban areas and over long distances.

"Under the dictates of the marketplace, such unprofitable passenger service should be discontinued," he testified. "If, however, the regulatory agencies will not permit this, it is only fair that the railroads be reimbursed for losses."

WARNS OF DISAPPEARANCE

Louis W. Menk, president of the Northern Pacific railway, went still further. Unless Congress authorizes reimbursement of passenger train deficits, he said, "The nation's passenger trains will disappear or the railroad industry will be pushed to the verge of financial disaster and [be] unable to provide essential freight service."

Neither Menk nor Saunders can be called prophets of doom and gloom. Menk, particularly, is a hard headed business executive who operates a profitable railroad.

He said that despite its profitability the N.P. cannot endure losses that, for last year alone, ranged from 16.8 million dollars on the ICC full deficit accounting basis to 10.2 million on a "solely related" basis from its passenger operations.

"It is essential that our limited resources be concentrated in upgrading and improving our freight service so that we can serve the growing west rather than employed in sustaining these huge passenger losses," Menk testified.

MEDIUM DISTANCE ONLY

There is no question that people will ride trains provided the equipment is clean and comfortable and the service is fast and frequent, but only for the medium distance intercity trains where downtown-to-downtown service is roughly comparable to air travel.

Rep. Jake Pickle [D., Tex.] put it this way, "The Penn Central Metroliner [operating between Washington and New York City] is a good example of what can be accomplished when the government joins hands with railroads in an effort to find another solution to our mass transportation problems."

Seconding the congressman's statement, Deuster said, "There is not the slightest doubt in my mind that notwithstanding the extreme demands on the federal budget at this time in history, the means is going to be found by the congress to support rail passenger service."

OPERATION NOEL

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. ADDABBO. Mr. Speaker, this week the secretaries of Capitol Hill distinguished themselves by sponsoring Operation Noel together with USO. This part of the Christmas in Vietnam activities included music, food and companionship for over 300 servicemen wounded in Vietnam.

Specail credit should be given to Mrs. Kathy Pierpan, secretary to the Honorable OTIS G. PIKE, our colleague from New York, and to Mrs. Fran Westner, secretary to the Honorable THOMAS S. KLEPPE, our colleague from North Dakota. Their tireless efforts and the help of hundreds of other secretaries who devoted time and donated money to this worthy cause made the evening a success.

The servicemen came from the six military hospitals in the Washington area and they were entertained by three bands and by Jim Evans, of radio station WMAL, who served as emcee. Guests of honor included the Secretary of Defense, the Honorable Melvin Laird, Mrs. Mamie Eisenhower, Army Chief of Staff Gen. William C. Westmoreland, and many Members of Congress. Those of us who were in attendance were struck by the enthusiasm of the volunteers who helped make the party a success and by the appreciation and genuine enjoyment which appeared on the faces of the servicemen.

The purpose of Operation Noel was expressed in its name—No One Ever Lonely—and it was a success. Our thanks to our secretaries who worked so hard to assure that success.

WHY NOT FAIR PRESS AND FREE TRIAL?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. HUNGATE. Mr. Speaker, in the December 1969 edition of the Illinois Bar Journal Henry L. Pitts, president of the Illinois State Bar Association, has commented on problems of the news media and fair trials. I think his statement which follows will be of interest:

WHY NOT FAIR PRESS AND FREE TRIAL?

The advent of the Reardon Report has brought some light and much heat to the difficult and sensitive problem of balancing the rights protected by the First and Sixth Amendments of the Constitution. In the news media the problem is described as "Free Press—Fair Trial"; bar publications are wont to refer to it as "Fair Trial—Free Press." The Board of Governors has taken the position that there is no irreconcilable conflict between the two amendments.

While the Association has not endorsed the recommendations of the Reardon Report, the proposed new Code of Professional Responsibility which will soon be presented to the Board contains many of the recommendations of the Report relating to the conduct of lawyers in criminal cases. Our first responsibility is to improve and clarify the standards of our own profession, so as to preserve a fair and common sense interpretation of both Amendments.

Events in recent months suggest that the news media might well do the same within their own ranks. Any such suggestion is offered with considerable trepidation, because of the awesome retaliatory power of those who control the news media. But that power

should be matched by a responsibility to tell the truth and the whole truth in a reasonably objective and fair manner.

The overwhelming majority of news agencies and individual newsmen are as dedicated to fully and fairly reporting events as it is possible for any of us to be. There are notable, if not increasing, exceptions to the rule, however. The conduct of some radio and television interviewers during the Special Commission hearings last July is a case in point. The constant prodding and wheedling of a few publicity-seekers into making often totally unfounded accusations against judges without any apparent effort to check the truth or falsity of charges before they went out over the air waves was a disheartening spectacle.

The reporting of the Bobby Seale case is another instance which should cause some critical self-examination by organizations of the news media. It may sell a television program, but does it assist in the administration of justice to have a defendant on trial repeatedly use the TV and radio facilities as a soap box during court recesses and as an afternoon wrap-up at the conclusion of the day's proceedings? What about the fairness of this from the standpoint of the witnesses whose integrity, morality or intelligence is being impugned before millions of viewers? And the implications it has regarding their willingness to testify in the future?

The current and quite legitimate concern about the financial interests of judges and judicial candidates also offer an example of the widespread reporting of totally false charges. The bench and bar are at work on clarifying reasonable rules of conduct in this area. But we would do well to remember that "appearance of impropriety" and "conflict of interest" can be used as code terms for nihilism, leading to irreparable damage to the institutions—imperfect though they may be—by which we hope to maintain a free society. Witness the outrages perpetrated in the name of peace, with revolutionists who say they are part of the Peace Movement urging their followers, and others duped into joining them, to "Kill the Pigs."

If no restraints whatever are recognized or observed by some segments of the media, a fair trial will be virtually impossible in many cases. The breathless search for a "story", for the bizarre, and for violence or controversy, in the fiercely competitive world of reporters and commentators, may even make it impossible to hold a trial at all in some cases.

HENRY L. CITTI,
President.

STATE CHAMPIONS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. DUNCAN. Mr. Speaker, it is quite a thrill for a football team to come from behind in the last 4 minutes of a game to win a State championship. That is just what Morristown, Tenn., East High School did as they won over Memphis South Side and took the Tennessee State Class AAA championship with a 15–12 score.

I am proud to represent these fine young athletes in the Congress. Head Coach Rex Dockery, Assistant Coach Buddy Fisher, other staff members, and above all, the winning team are deserving of all the congratulations they have been receiving.

SOCIAL SECURITY INCREASES

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. PHILBIN. Mr. Speaker, over a period of time, I have given a great deal of effort to the question of raising social security benefits.

Time and again I have urged the appropriate leaders of the House to give this matter attention, because it is of greatest urgency to many worthy, loyal Americans in advanced years, who, notwithstanding lifetimes of hard work, because of current inadequate social security benefits are, in all too many instances, living under substandard conditions.

In our great country, where at the present time, we are enjoying the greatest period of prosperity that any nation in the world has ever enjoyed, it is a sad and sorry contradiction, as well as a great injustice, that this older group should not be given adequate consideration.

I will not outline my own efforts in detail, but I have made many persistent attempts to try to get early hearings on the pending bills, of which I have one that would raise the current benefits by 15 percent, and would permit, according to my actuarial information, social security payments to be raised to levels, relatively and hopefully, commensurate with current, high prices and living costs, although that is difficult to envision.

The 15-percent increase provided in my bill was based, in part, on certain reports that I have received from informed government officials. At the same time, I recognize that 15 percent would not be fully adequate to make the adjustment that is required by the low income of many people, and current very high, inflated, unjust, price levels and living costs.

I also have in mind that the President is said to favor a 10-percent increase. It is my impression, however, that if the Congress were to enact a bill providing for a 15-percent increase, that the President would accept it, and sign the bill, in fact, I believe the President would definitely sign such a bill.

In any event, it is up to the House, and our great Ways and Means Committee in the first instance, to discharge its obligation to the millions of Americans who depend upon social security payments to meet their living costs, and pay their bills, and I again urge, as I have done so many times before, that the current proceedings be expedited, so that this crucial legislation may be passed by the Congress now. Moreover, I urge that this bill, or one like it, be given highest priority on the legislative program.

Mr. Speaker, this is one of our greatest human problems, and it affects the needs of worthy veterans of industry, agriculture, and the professions and practically every employment activity in this country. The great needs of these people in these trying days cannot be underestimated, nor can they be swept aside, nor can their consideration by the Congress be further delayed.

Now that the House Ways and Means Committee with its great expertise, based on long experience, is bringing a bill similar to the one I introduced, to the floor for final passage, I am confident that its able, distinguished chairman and members can now turn their attention to developing some legislation that will coordinate and consolidate our various social security and social purpose statutes so that programs that belong together can be kept together, and be appropriately coordinated with the needs across the board for social security, hospitalization, medicare, and other social needs of great import that must be given immediate consideration and prompt action.

I believe that this situation and the opportunity presented by the social security increase bill is urgent. The time is now. This matter should be considered and acted upon on an emergency basis, and I am sure the social security bill will pass the House by hardly a dissenting vote.

INCOME TAX REFORM

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. ADAIR. Mr. Speaker, Mr. T. E. Haberkorn, Jr., editor and publisher of the St. Joe News, St. Joe, Ind., recently had an editorial on income tax reform. It is well worth reading, and I include it herewith:

INCOME TAX REFORM

Reading the headlines in the last few months, as discussion and debate go on in our Congress about tax reform, can give John Q. Public a bad case of the ups and downs. One day it sounds as if our elected representatives are really getting down to common sense ideas as they approach the problem of tax reform; the next day it sounds as if they have forgotten what the word "reform" means.

Most of us are not "expert" at this matter of taxes, except to know that there are too many and they are too high! We don't understand the concessions made to one group of taxpayers and the lack of concessions to others. This debate on the oil depletion allowance is Greek to me. I am certain that it is difficult to understand why an extra-heavy allowance or deduction or whatever it is can be given to the oil industry, with all the millions it is making. I have read explanations about the number of unproductive drillings made on the average before a strike is made. But I also see the ridiculous program of building more service stations than are needed, all over the country. These "four-corner" gas station intersections within blocks of one another are ridiculous.

I also see the periodic price wars or "seasonal" drops in gasoline prices. I also know the major oil companies are spending a terrific amount of money in promoting their rash of "contests."

The oil companies are not the only ones who have gotten what seems to be unfair consideration in the tax program. Another group is that containing the low income individuals. Except for the most extreme cases of poverty, every person who has an

income owes something to this country to keep it going, even if it is only a "drop in the bucket" as far as their tax contribution. There is talk at the present time of increasing the personal exemption from $600 per dependent to somewhere around $1,000. This sounds great at first glance; I would benefit from it. But it would also take a certain percentage of taxpayers off the tax rolls. This is NOT good.

Those who support increased exemptions, knowing that some families will no longer have to pay federal income taxes, are missing the target. We ought to be aiming for FAIR distribution of the tax burden, not the reduction in numbers of those who bear the burden of the cost of government.

What tax reform ought to do is set up a tax program which involves as many people as possible as simply as possible. Special exemptions and allowances ought to be removed and the tax rate adjusted downward accordingly. There ought to be real relief in tax reform for the middle income group. There ought to be a tax program which considers income from any source of investment, salary, wages, interest, etc., as taxable income, so that the rich cannot escape federal taxes by manipulation of money. Income is income and it ought to be treated as such.

The idea that corporations, businesses big and little, have some kind of special reserves into which they can dip to pay higher taxes than anyone else ought to be eliminated. Too many citizens think that high corporation taxes are being paid by the corporations; they are not. High corporation taxes are paid by John Q. Public who buys the products and pays for the services of the corporation and the corporation sets its prices according to what it needs to pay for materials, wages of employees, expansion—and taxes, people pay ALL taxes; there is no such thing as "corporation" taxes in the literal sense.

There ought to be an adjustment in the rate structure, too, to prevent the penalty which everyone faces in higher taxes when selling property. The graduated income tax as it now stands has no logic. Any fair tax program is one which does not penalize increased income, one which can be easily understood and complied with, one which does not favor the person who has the means to find and use loopholes, legal as they may be, to save tax dollars.

I hope the tax reform which everyone knows is needed can be accomplished. But the manner in which reform is being approached suggests that our Congressmen in both houses are hedging, and the average taxpayer is going to come out short again.

13,000 QUEENS CITIZENS SIGN AJC PEACE PETITION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. ROSENTHAL. Mr. Speaker, each Member of this House is proud of his constituents but I have a special pride that my district, and particularly the women of Queens,, have worked so hard and so long for peace in Vietnam.

When the final history is written of our involvement in the tragic war in Vietnam, an important chapter will be devoted to these citizens who put aside their already great responsibilities as housewives, mothers, and workers to lead our community in the inspiring October and November peace moratoriums.

Among the most dedicated workers for peace are the members of the Queens women's division of the American Jewish Congress who recently presented me with petitions bearing the names of over 13,000 Queens citizens. The petitions read:

STOP THE WAR

We, the undersigned, support the Vietnam Moratorium on October 15. There must be an immediate end to this senseless killing and destruction. We call upon the President to end the war in Vietnam *now!*

At street corner tables and on the sidewalks of Queens these women worked tirelessly in the past 2 months for peace. The Queens women's division of the AJC constitute, in my opinion, one of the most devoted and diligent groups working for peace in the entire New York City area.

The petitions were presented to me by Mrs. Bertha Adler, president, Queens women's division, AJC; Mrs. Judith Tuller, executive vice president, and Mrs. Dorothy Gerhskoff, president of the business and professional chapter of the Queen's women's division, AJC.

INDEPENDENCE DAY OF KENYA

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. POWELL. Mr. Speaker, on this national day, the sixth anniversary of their independence, Kenyans may look back at this last year with some sadness. In the last 12 months one of their brightest young leaders, Tom Mboya, was assassinated and the country has been wrought with divisive tribal strife. Yet, the friends of Kenya maintain their confidence in that nation and their belief that Kenya will be able to overcome the unrest which seems to be part of the growing pains of nationhood.

Kenya not only is a land of great beauty and abundant wildlife, but is the site of some of the earliest European contact with Africa. As early as 1498, Portuguese mariners landed in Kenya. Following the rise of German activity in East Africa in the mid-19th century, Great Britain began exploring Kenya. Today, Kenya is one of the more developed nations of Africa. Its capital Nairobi is a great commercial center. In contrast to the modernity of Nairobi some of Africa's most primitive tribesmen, the Elmolo, live on the shores of Lake Rudolf which lies in northern Kenya. Thus, Kenya is a land of great interest for the naturalist, anthropologist, and businessman alike.

Though the years preceding Kenya's independence and the years of nation-building have not been without strife, Kenya has made great economic progress and has strived to resolve its political conflicts. Thus, I call upon my colleagues to join with me in extending to Kenya on the sixth anniversary of its independence our congratulations and our best wishes for its success in the future.

GENERATION GAP

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. ALEXANDER. Mr. Speaker, I recently received from a young Arkansan one of the most thoughtful letters since becoming a Member of Congress. Miss Kitty Sloan, of Jonesboro, Ark., who is now a college freshman, has asked some questions and made some statements that deserve the attention of each of my colleagues. Under leave to extend my remarks, I would like to include the letter I received from Miss Sloan as well as my reply to her:

DECEMBER 12, 1969.

DEAR MR. ALEXANDER: I am grossly ignorant of what has been going on in Washington, if anything, this fall. I know that several committees are looking into the problems of air pollution, gun re-sales, poverty, hunger, civil rights, antitrusts, etc., and I hope some constructive action comes from their investigations. But congressional committees seem to be forever researching problems and never implementing the findings of their research. This prompts me to ask: What specific action is being taken to relieve the vast problems that confront the United States?

As Congressman for the first district, I know you are concerned with the lives of your constituents, but what are you and your congressional colleagues doing to assure that these lives will exist in ten years? Approving ABM? Cyclamate drinks have been removed from the market—good, the sugar industry liked that. But what about cigarettes which cause lung cancer, some dangerous birth control pills which produce various side effects, unsafe automobiles which cause high traffic accident rates, all gasoline-operated automobiles which drastically add to air pollution, factories which continuously pollute streams, rivers, lakes, and oceans? "America" flaunts its advanced technology, but has "America" done anything—enough to solve the problems this technology has created, such as pollution, noise, unemployment, etc.

Of all these self-created problems, the worst seems to be the technological dehumanization of mankind and the denaturalization of nature. Technology and capitalism have turned men into statistics, judged by their finances and position in our class society rather than by their individualism. Men are *usually* judged on their contribution to economy rather than on their service to humanity (but *usually* does show that there is hope . . .). Man's technology is upsetting the balance of nature by destroying plants and animals and perpetuating man beyond his natural limit. Men are living longer but actually living less; they are merely going through the function of breathing, performing the routine that society has set for them, and eventually retiring to sulk over the past. Overpopulation has been caused by man's eradication of disease, famines, and other natural checks, and so man must also work to eradicate this self-made problem of overpopulation. But who has the answers to these ever-increasing problems? You, the Congress, are supposed to. Can you live up to the faith, the hope that the American people have placed in you? Can you save our "sick" society?

Yes, I believe that categorically our society is sick.

When placing two men on the moon is given higher priority than feeding millions of starving people, something is definitely sick in our society.

When the majority of U.S. citizens are silent on or actively support the killing of 1,500,000 human lives in a senseless war in Southeast Asia, something is definitely sick within our society.

When the national army is sent across the Pacific to "liberate" the Vietnamese while the red-Americans, black-Americans, yellow-Americans, brown-Americans, and some white-Americans are still enslaved in an oppressive system, then that society is definitely sick.

When Congress emphasizes the possibility of nuclear war over the reality of poverty, hunger, and racism, then the society which condones such action is definitely sick.

When the federal government first attacks the flow of marijuana into the country rather than concentrating on stopping the flow of deadly heroin, something is definitely sick in our society.

When civil rights advocates are still struggling for a decent education for *all* American kids fifteen years after the U.S. Supreme Court struck down the separate-but-equal clause, something is definitely sick in our society.

When a person must obtain a prescription to buy a bottle of medicine, a license for a pet dog, and a registration certificate for an automobile, yet can buy a gun without any stipulation, something is deadly sick in our society.

Yes . . . . sick! And many politicians, voters, and apathetic citizens refuse to note its sickness and, therefore, perpetuate it. However, I do not, cannot believe that there is a hopeless chance of recovery . . . . YET!

Together, we must work to implement the basics of our Declaration of Independence, our Constitution, our democracy. This may entail changing the present system or reworking what we have . . . . but it MUST be done. If you, our elected officials cannot do it, then we, the people must and will find a way. The way is not to tear down the United States but to tear down the myth that an American Dream actually exists . . . . not to destroy tradition but to implement the radical ideas which were written down 250 years ago:

"We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable *rights;* that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these needs, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness . . . ."

Perhaps the fact that I just turned 18 and still cannot vote, yet am very concerned with the politics of the country, forces me to resort to letters, demonstrations, and anger—anger at those who do not use their vote or who manipulate the power given to them through the vote. Many people are angry. I pray that Congress can change the system which causes this intense anger—for frustrated anger is certain to develop if something is not done. And the frustration and anger of millions of Americans will certainly change the system if you fail to do so.

Good Luck.

I welcome your response.

Sincerely,

KITTY SLOAN.

JONESBORO, ARK.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 12, 1969.

Miss KITTY SLOAN,
Atlanta, Ga.,

DEAR KITTY: Your most thoughtful and thought-provoking letter concerning America and the "American Dream" was sincerely appreciated. I apologize for the delay in answering your letter, but I have wanted to have the time to devote at least as much thought to my response as you obviously did to your letter.

I cannot, and would not, try to dispute your contention that there are serious problems existent in our society. These problems, which you thoroughly and capably discussed, are pressing problems which need to be attacked, solved, and eliminated.

Along this line, I would like to dispute one statement that you made in your letter. You stated, "But who has the answers to these ever-increasing problems? You, the Congress, are supposed to. Can you live up to the faith, the hope that the American people have placed in you? Can you save our 'sick' society?"

These problems face and involve all of us and, as such, it is the responsibility of all of us to seek solutions to these problems. I am aware that average citizens, and young people in particular, often feel helpless to contribute to the solutions to these problems. I have the power to cast one vote in the House of Representatives, but under our system of government the Congress basically reflects and mirrors the wishes and desires of the American people. Major efforts to solve many of these problems will, realistically, not be made until a majority of the citizens of this country share your concern and urge such actions. If a majority of the people do not share our views, then it is our responsibility to work to become the majority.

It is my feeling that one of the reasons for any "communication gap" or "generation gap" which might exist evolves from a difference of viewpoint. Members of the generations ahead of you view America from the standpoint of comparison with other nations and other ideologies that they have personally witnessed and fought. For Americans who sacrificed in wars against German Nazism or Russian Communism, America is truly "the land of the free and the home of the brave." Young people, on the other hand, measure our country against its claims of freedom, equality and democracy. According to these standards, we still have a long way to go, I am afraid.

In short, I fully understand and am in sympathy with the frustration you feel over our seeming inability to deal with the problems facing our society. I can only assure you of my interest and concern and of the concern of many of my colleagues over these problems. Efforts are being made to solve many of these problems and some progress can be shown, although it is not fast enough for either you or me.

I would suggest, however, that the ultimate answers to these problems lie not with me or with the Congress, but with you and the members of your generation. All problems cannot be solved by Federal legislation without sacrificing personal freedom and identity that you and I both cherish. Increasing Federal programs inevitably mean a vastly increased Federal Government with more control and less personal interest in the citizens. This is a situation which neither I nor the members of your generation can find tolerable. So, in the long run, many of these problems are going to have to be solved not by the threat of a club from the Federal Government, but by the powers of persuasion in which you have proven yourself to be proficient.

Thank you for your letter, and particularly, for your closing wish of "Good Luck." Let me now turn that around and wish you and the members of your generation "Good Luck" as you accept the responsibility that will increasingly be yours for finding the long-range solutions to these problems in the hearts and minds of your fellow citizens.

With kindest personal regards, I am

Sincerely,

BILL ALEXANDER

NAVY LEAGUE RESOLUTIONS

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. KYROS. Mr. Speaker, I was pleased to learn that the 67th annual convention of the Navy League has taken careful notice of the continuing and increased importance of maritime affairs in our national considerations. The resolutions approved by this convention bear eloquent testimony to the importance of this subject, and to the work which congressional committees are doing in this area. I believe it would be helpful to bring these resolutions to the attention of my colleagues:

NATIONAL OCEANIC POLICY

Whereas a progressive and competitive posture for a modern U.S. Merchant Fleet would provide an essential element of total oceanic preeminence for the Nation and enhance the potential of the United States Navy, Marine Corps and Coast Guard serving as key instruments of national policy; and

Whereas the United States must have an oceanic policy if it is to remain as a world maritime leader; and

Whereas the President of the United States has proclaimed that "A strong and viable Merchant Marine is essential in this quest for economic vitality;" and

Whereas history records that the nations which have built the ships, carried the cargo and collected the revenues have generally been powerful and well off in an economic sense; and

Whereas if U.S. flag shipping carried a preponderant portion of our exports and imports, the nation's deficit in international balance of payments would be reversed and a chief stimulator of the economy would be provided; and

Whereas heretofore U.S. flag shipping has not received national emphasis commensurate in scope with other national programs necessary to enable the U.S. merchant fleet to develop a strong, competitive posture;

Now, therefore, be it resolved That the Government of the United States, as a matter of highest priority, formulate and execute a progressive and dynamic oceanic policy encompassing the totality of endeavor on the oceans in furtherance of the national interest.

NATIONAL OCEANIC STRATEGY

Whereas the Commander-in-Chief in personal pronouncements has highlighted the sound economics of a national oceanic strategy; and

Whereas American oceanic leadership is being increasingly challenged by the burgeoning Soviet maritime and missile threat; and

Whereas the common concern of all citizens and government agencies is the preservation of the United States nuclear attack; and

Whereas the United States must optimize the allocation of resources on the basis of what contributes most to the preservation of the Republic; and

Whereas the United States Navy can make a greater contribution toward securing the Republic from nuclear and surprise attack by more utilization of the seas of the world; and

Whereas the survivability of sea-based systems greatly deters the will to strike; and

Whereas the Secretary of Defense has made his decision known to form "a blue ribbon" panel to conduct a thorough, independent and objective overall review and analysis of

the Department of Defense from its mission to its performance;

Now, therefore, be it resolved that the United States accelerate the implementation of an oceanic strategy, allocating national resources as required for the fullest utilization of oceanic power in all its aspects, to gain greater security from attack and to support foreign policy, thereby enhancing its posture as the leading world power.

LONG RANGE SHIP CONSTRUCTION PROGRAM

Whereas the implementation of a national oceanic strategy, deriving its incentive through national oceanic policy, is dependent on an availability of modern high speed ships; and

Whereas the American ship construction program requires appreciable expansion through an implementation of a long-range comprehensive program, including provision for men-of-war, merchantmen, oceanic research ships and a modern fishing fleet, powered by the most modern means, in numbers and capabilities to maintain world leadership; and

Whereas, to date, the lack of a long-range adequate shipbuilding program has resulted in the block obsolescence of the U.S. Fleet and has left major segments of the Merchant Marine in a deplorable condition; and

Whereas the same considerations have markedly circumscribed opportunities for expansion and full utilization of U.S. shipbuilding facilities and the expansion of new technologies and techniques; and

Whereas national programs which rectify these critical maritime deficiencies are a prerequisite for gaining a competitive posture leading to a dominant American position on the seas; and

Whereas, similarly, the lack of a resolute Marine Research Program has resulted in a failure to attain the modernity of the fleets essential to the maintenance of a decisive American superiority at sea, capable, if need be, of controlling the sea in war;

Now, therefore, be it resolved that our nation undertake, as a matter of urgency, a long-term, major, modern ship construction program which appreciably increases the balanced naval and merchant fleet strength to, in fact, fulfill our rapidly expanding national requirements.

OCEANIC EDUCATION

Whereas a primary mission of the Navy League is to encourage and support oceanic education; and

Whereas ever-broadening oceanic interest and exceptional maritime activity should serve to create a climate favorable for the advancement of maritime thinking; and

Whereas unfolding oceanic opportunities and the potential for contributing to the economic and intellectual wealth and prosperity of the nation loom in almost limitless perspective; and

Whereas the Marine Engineering and Resources Development Act and the Sea Grant College program, launched in 1966, have provided impetus for ever-expanding attention and educational measures related to the oceans in their total perspective, including the strategic aspects; and

Whereas the leadership of the League has initiated an expanding scale of educational activity nationally; and

Whereas the Navy League through the encouragement of an establishment of centers of maritime study and oceanic educational foundations will accelerate the recognition of the frontiers of oceanic opportunity;

Now, therefore, be it resolved that the Navy League of the United States, as a matter of primary policy, continue to foster the broad spectrum of oceanic education and research in universities, colleges and institutions of learning throughout the country to attain a national intellectual foundation for gaining the fullest oceanic advancement in furtherance of the long-term security and prosperity of the Republic.

PEOPLE—"THE SEA BREED"

Whereas the leadership of the military is a critical factor in the provision of the strength and security of the Republic; and

Whereas the recognition and prestige which accrue from devoted service to their nation are of significant importance to the military; and

Whereas the most critical problem facing the Department of Defense today is the problem of personnel, their motivation and their attraction to satisfying careers in the Armed Services; and

Whereas the compensations provided to the military that are in keeping with their service and sacrifices, and in a manner serving to foster the respect of the citizenry of the Nation are of major importance to their morale; and

Whereas more progressive policies and definitive actions are required to meet the needs of the people of the Armed Services;

Now, therefore, be it resolved that the concerned committees of the Congress, together with the Administration, be encouraged to maintain a constant review and upgrading of the incentives, opportunities and compensations affecting the status, prestige, morale, welfare and performance of our military personnel as a primary element of national strength.

NATIONAL OCEANIC RESEARCH

Whereas the capability to exploit the resources of the oceans may be the decisive factor in determining world leadership in future decades; and

Whereas the Navy is responsible for safeguarding the United States and its possessions from attack through the oceans; and

Whereas oceanic research, including oceanographic and hydrographic marine research is essential to acquiring knowledge vital to exercising all phases of control of the seas, particularly to insure optimum performance by the POLARIS-POSEIDON offensive seabased system as well as strategic defensive systems, and to improve our submarine and anti-submarine warfare capabilities, the latter a vital element of the Navy's mission to protect shipping; and

Whereas the seabeds in the future will become as important militarily to U.S. security as is the surface of the ocean; and

Whereas the Navy is responsible for the protection of U.S. flag shipping on the high seas, and conversely the U.S. Merchant Fleet provides sea transport to the armed forces in time of war or emergency; and

Whereas the U.S. Coast Guard becomes part of the operating force for the Navy in the event of war or other emergency and the Coast Guard activities in oceanic research activity are complementary and fully support Navy goals; and

Whereas research, development, test and evaluation efforts historically have been greatly out of balance to the extreme detriment of programs leading to advanced ship hull and propulsion systems, and that ocean oriented programs generally have been inadequately funded; and

Whereas there are currently tremendous opportunities to improve technical capabilities in the fields of shipbuilding, cargo handling, ship hull and propulsion, and exploitation of ocean resources; and

Whereas the Navy is and will be the principal user of knowledge acquired from the oceans, and is the best equipped among government agencies to plan and execute ocean oriented research and operations; and

Whereas the report of the Commission on Marine Science Engineering and Resources has provided a plan for national action relating to resources of the oceans in which the establishing of a National Oceanic and Atmospheric Agency (NOAA) is proposed;

Be it, therefore, resolved that the Navy provide the leadership in oceanographic and hydrographic research and development programs; and

Be it further resolved that adequate funds be provided all ocean-oriented research, development, test and evaluation programs; and

Be it further resolved that all national, Defense and Navy, RDT&E programs be brought into balance to provide drastically increased emphasis on shipbuilding modernization, improved ship loading and unloading (including helicopters) and improved ship hull and propulsion (including catamarans, water jet propulsion, surface effect ships, regenerative gas turbines and im proved nuclear power plants); and

Be it further resolved that in the interest of a strong national defense, the Navy League urges that the United States retain control of all necessary military seabed installations and resist all actions of internationalization of the oceans that relate directly to the strategic interest and to the provision of security for the Republic.

HOUSE ARMED SERVICES COMMITTEE

Whereas the Sea Power Subcommittee convened by the Chairman of the House Armed Services Committee, with the full support of its investigation and interim report, has factually and dramatically provided the American public with an awareness of the "shocking" material condition of the U.S. Fleet; and

Whereas this material decline in the fleet has resulted from the government's neglect of modern ship construction and failure to provide a long-range phased program to meet the mounting problem of block obsolescence; and

Whereas the recently published interim report of the Sea Power Subcommittee has highlighted a serious decline in the oceanic posture of the nation; and

Whereas the report accentuates the importance of our government giving immediate and urgent attention to the measures to restore American maritime posture; and

Whereas this Subcommittee has performed an outstanding public service in relating the deteriorating American oceanic posture to the burgeoning threat confronting it on the oceans of the world; and

Whereas positive constructive measures can be anticipated to rectify the critical condition of the fleet as a result of the Sea Power Subcommittee findings; and

Whereas the Chairman of the House Armed Services Committee has already introduced legislation for a long-range ship building program to provide for the modern ships essential to our nation;

Therefore be it resolved that the Navy League commend Chairman L. Mendel Rivers, ranking minority member William H. Bates and Representative Charles S. Bennett, Chairman of the Sea Power Subcommittee of the House Armed Services Committee, together with the other members and the staff of the committee for their outstanding action on behalf of the Nation.

Be it further resolved that the Navy League fully support the rectifying action initiated by the Chairman, particularly his leadership in requesting a major modern ship construction program to regain requisite maritime posture.

Be it further resolved that Chairman L. Mendel Rivers be commended for his alert and discerning leadership in initiating a full-scale investigation of the national sea power that has revealed to the American people the critical condition of the nation's posture at sea; and for his dedication to oceanic strength in proposing the legislative program to meet the threat and restore the United

States to a position of leadership on the oceans; and

Be it further resolved that the chairman be encouraged to initiate appropriate action to maintain the Sea Power Subcommittee on a continuing basis as a means of insuring adequate and continuous congressional and public attention on the totality of the Nation's sea power.

HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE SENATE COMMITTEE ON COMMERCE

Whereas the Merchant Marine and Fisheries Committee of the House of Representatives and the Committee on Commerce of the United States Senate have contributed greatly to rekindling public awareness of the nation's need for a stronger American Merchant Marine; and

Whereas the leadership and members of the committees have given generously of their time to stress our country's dependence upon sea power to foster our essential foreign trade and commerce as well as to ensure our security; and

Whereas these committees have spent untold hours in study and debate in an effort to have an American Merchant Marine, American-built and American manned which would ensure our competitive posture in the market places of the world; and

Whereas these committees have encouraged and supported essential research projects to add to the capability of our maritime establishments; and

Whereas they have implemented a new and promising system of authorizing maritime appropriations in order to put the needed emphasis on appropriate support of our Merchant Marine; and

Whereas the committees have encouraged the training of a Merchant Marine Officer Corps learned in the sciences of Marine management and navigation and trained in the essentials of naval warfare; and

Whereas these committees have accordingly laid the foundation for a national maritime policy which will soon be formulated by the President and his Administration;

Therefore, be it resolved that the leadership, membership and staff of these Committees of Congress be commended for the vigor and guidance they have provided in the endeavor to define and achieve our national maritime goals.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Wisconsin State Journal; the Capital Times, Madison, Wis.; the Fond Du Lac, Wis., Commonwealth Reporter; the Oshkosh, Wis., Paper; and the Milwaukee Journal. The editorials follow:

[From the Wisconsin State Journal, Madison, Wis., Aug. 27, 1969]

LONGER TRUCK HAZARDS: STATISTICS ON DOUBLE BOTTOMS

Truckers, pushing for permission to roll longer trucks on Wisconsin roads, argue vehemently that 65-foot vehicles will not increase road hazards.

And while they seek 65-foot trucks in Wisconsin, 70-foot lengths are being sought through federal legislation. Such trucks are often called "truck trains," tandem trailers, or double bottoms.

Information recently provided for congressional consideration by Rep. Richard McCarthy (D–N.Y.), an opponent of longer trucks, supports the safety position of groups like the American Automobile Assn.

Citing a survey of the Buffalo Courier-Express, McCarthy said, "Tandem tractor-trailer accidents on the New York Thruway have increased faster than the mileage logged by commercial vehicles on the vast superhighway.

"The thruway authority revealed that the number of accidents involving tandem trucks almost tripled between 1964 and 1968. During the same period of time the total number of miles traveled by commercial vehicles on the 559-mile thruway system doubled over the 5-year stretch."

Such statistics deserve sober consideration the next time—and it will surely come up again when lawmakers return—truck lobbyists urge legislation for longer trucks.

[From the Madison (Wis.) Capital Times, Sept. 4, 1969]

SAFETY ISSUE DISREGARDED—NIXON BACKS MONSTER TRUCKS

WASHINGTON.—It didn't plan it this way, but the Nixon administration found itself today accused of siding "with the giant trailer truck barreling down the thruway and against the terrorized motorist nearly blown off the road by the resulting blast of air."

A Republican congressman, a Democratic congressman and consumer champion Ralph Nader mounted the opposition to the administration stand.

The administration unveiled its long-awaited position Wednesday on legislation that would permit heavier, wider and longer trucks and buses on the nation's interstate highway system.

The administration stand was outlined in a day of testimony before a House public works subcommittee by Federal Highway Administrator Francis C. Turner. He said the bill would benefit the economy and that the government didn't have "sufficiently reliable data" to say whether the bigger trucks would pose additional safety hazards.

The three disagreed.

"Mr. Nixon's Transportation Department does and the Federal Highway Administration should immediately disclose all the secret studies it has conducted regarding the hazards of giant trucks," Nader said in alleging Turner was suppressing the studies.

"We're not safety experts," was the response of Rep. Richard D. McCarthy (D-N.Y.) to Turner's proposal that Congress decide the safety question. "You have them. But you take a Pontius Pilate attitude of washing your hands of the whole affair."

"I am convinced as I can be," said Rep. Fred Schwengel (R-Iowa), "that people are going to end up in hospitals and the graveyard unless we have more controls (over truck traffic)."

Schwengel, who led the battle last year to kill a similar bill, said he had a feeling Nixon had not gotten the full story and that he intended to see that he did.

The subcommittee, which heard trucking testimony earlier in the year is about ready to wind up hearings and act on a bill.

"The way I look at it," McCarthy told a newsman, "the administration, from the position it took Wednesday, is siding with the giant trailer truck barreling down the thruway and against the terrorized motorist nearly blown off the road by the resulting blast of air."

During the hearing, Schwengel said the blast problem should be studied before larger trucks are permitted on expressways. He told of his own experiences passing trucks while driving on the Indiana turnpike during the August congressional vacation.

Turner said the bill would be "acceptable" only if Congress adopted all of his agency's proposed amendments, including one that would apply size restrictions to all federally financed highways, not only the interstate system.

The bill, supported by the trucking industry and opposed by the American Automobile Association, would increase from 8 to 8½ feet the maximum allowable width of trucks and buses using the interstate highway system.

The limit on weight would be raised from 73,280 pounds to 108,500 pounds. The length, which is not limited now, would be set at 70 feet. Turner recommended a maximum length of 65 feet.

The trucking industry says bigger vehicles would permit more economical movement of freight and more comfortable bus travel. The bill's opponents say the larger vehicles would increase the risk of traffic accidents and cost the government millions of dollars each year in repairs caused by added wear and tear on the highways.

Turner acknowledged large trucks affect "the mental and emotional attitude of the general motoring public." But he said government studies presented no evidence such trucks are involved in more accidents than smaller ones. He did say that when a car is struck by a truck 15 or 20 times its size, "the truck tends to demolish the smaller vehicle."

[From the Fond du Lac (Wis.) Commonwealth Reporter, Aug. 2, 1969]

BIGGER TRUCKS ON THE ROAD?

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's roads, has lately come up with a new agreement to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead an axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

[From the Oshkosh (Wis.) Paper, Aug. 9, 1969]

TRUCKS ARE BIG ENOUGH NOW

The American trucking industry has mounted a well-financed campaign to increase the size of trucks using interstate highways.

It is a campaign that goes against the best interests and safety of everyone who drives an automobile.

But there is a possibility the truck lobby will succeed because it contributes many thousands of dollars each year to the campaign funds of key Congressmen.

The bill now before Congress would allow states to approve trucks that are wider by six inches—to 8½ feet. Side mirrors and other fixtures of course extend that width.

Also, the maximum loaded weight of a truck could jump from 73,280 to 109,500 pounds (over 54 tons).

Expert testimony before a Congressional committee has emphasized the safety hazards and higher costs of allowing larger trucks.

For instance: when passenger cars and pickup trucks collide, there are 0.3 fatalities per 100 persons involved. But 7.1 fatalities per 100 occur in crashes of cars and tractor-trailers. When collisions involve cars and two-trailer rigs the fatality rate jumps to 13.3 per 100.

The Federal Highway Administration reports that heavier commercial vehicles (over 30 tons) are implicated in 19 per cent of all highway fatalities. Yet these trucks constitute only 7 per cent of registered motor vehicles.

Rep. John Moss, chairman of a House subcommittee which has studied auto safety, noted, "passenger and light truck drivers often experience acute anxiety and even fear when passing, being passed by, or accompanying larger vehicles on the road."

"This anxiety is certainly justified," he said. "The motorist's visibility is lessened, passing is more difficult and the force of the combined weight and speed of the larger trucks often causes rocking or jolting of his vehicle."

With present truck limits, two trucks passing on an average two-lane road with 12-foot lanes have four feet of clearance. Under the proposed limits, with allowances for side mirrors and other outcroppings, this gap would be less than two feet.

In addition, there is the cost factor. The Bureau of Public Roads estimates that the wear and tear of an estimated 300,000 bigger trucks would add $5.8 billion in repair and construction costs to the Interstate highway system in the first 10 years.

Trucks are big enough now; good sense dictates that they be no larger.

[From the Milwaukee Journal, June 21, 1969]

KEEP TRUCK LIMITS

If Wisconsin again rejects proposals to lengthen truck limits to 65 feet—as it should—it will be in good company.

Of nine states with such bills before them, five have rejected them—Iowa, Maine, Minnesota, South Carolina and Tennessee. Only North Dakota among the group approved. The rest haven't acted yet.

The trucking industry claims that 34 states now allow 65 foot twin trailers or "double bottoms," although in many they are limited to special permits or routings. Wisconsin's maximum is 55 feet in length, with some exceptions.

Wisconsin is one of the important "bridge" states in the double bottom controversy. Relaxation here, along with Minnesota and Iowa, would provide clear sailing for the truckers to western states, which have the greater lengths.

The western situation, incidentally, has an interesting explanation. Several of those states were caught with lower axle weight laws when interim truck limits were set for interstate highways in 1956. To achieve the maximum weight of 73,280 pounds, trucks were allowed to lengthen.

While it minds its own legislative ramparts, Wisconsin also should keep an eye on new federal proposals. A recently introduced bill, applying to interstate roads, would allow states to go to 70 foot lengths. It also would set up a new weight formula, granting an extra ton on the 18,000 pounds now permitted for single axles and ranging up to 108,500 pounds for nine axle rigs. Widths could go to 102 inches. A separate bill would increase bus widths to 102 inches.

The 1956 federal standards applied where states did not have higher limits. The new rules would allow states to increase those limits.

Federal maximums tend to become state minimums. As each state relaxed its requirements, the truckers' push on the remaining states would increase—a sort of double bottom domino effect.

LEGAL EDUCATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. BINGHAM. Mr. Speaker, a most impressive series of editorials was recently aired by radio station WINS in New York. They are entitled "Ignorance and the Law," and they make a very persuasive case for an educational program at elementary and secondary levels designed to teach young people the basics of law. They argue, quite convincingly I think, that in a complex society like ours, "if you want people to obey the rules, you first have to tell them what the rules are." But while 50 million youngsters now in our Nation's public schools will have used 6 billion textbooks in their 12-year schooling, they will never see a single textbook on the fundamentals of law because "none has ever been published."

I think the conclusions contained in these editorials make good sense, and I intend to explore possible Federal legislation to help stimulate legal education for youngsters at all grade levels.

It is about time we stop treating the law as material only for study by lawyers and law students. The law relates intimately to the life of every citizen, and both the citizen and society as a whole will benefit from a more widespread and detailed appreciation of it. That can best be achieved, as these excellent editorials suggest, by a good law education program in the schools.

I want to commend WINS for this series, and urge my colleagues and other readers of the RECORD to reflect on them.

The editorials follow:

IGNORANCE AND THE LAW—1

(By Peter E. Schruth)

We Americans like to think we're a nation of laws, not mere men. We also accept the idea that ignorance of the law is no excuse. Yet that's just about all the law most people ever learn unless they study to become lawyers.

Our schools are supposed to prepare young people for life. The academic process sharpens their minds. A number of specific subjects and topics are in the curriculum by law. Physical education is required to build bodies and physical education teaches students the rules of the sports they play. But, nowhere, be it California, Massachusetts, New York, New Jersey or Connecticut is there a requirement that they learn the rules they must live by for the rest of their lives. We're talking statute law which covers citizen rights and citizen responsibilities beyond those spelled out in the Constitution—such things as contracts, tax and labor law, civil and criminal law.

We spend millions of tax dollars to put our children through 12 years of public school, during which they go through scores of courses and more than 100 textbooks. But none of these courses and books really deals with basic law. Few of our teachers have any training in the subject themselves, and there has been little text material for them to use, even if they are interested.

We teach our students the laws of grammar, but the laws of the land are learned only by trial and error—or trial and conviction. WINS believes that we can and must develop a more positive approach to the teaching of basic law to our youngsters. We'll talk more about ignorance and the law tomorrow.

IGNORANCE AND THE LAW—2

We say that ignorance of the laws is no excuse for lawlessness. But could ignorance be a reason? Do we actually promote that ignorance when we fail to teach the fundamentals of law in our Tri-state area schools? This is no attack on education or on educators. The specific study of the fundamentals of law is not and has never been a major subject in the education system in our country . . . or in any other; not in the way we teach language or history.

The only peoples that ever carefully schooled their children in the rules by which they had to live were the ones we now refer to as "savages". The ancients who lived in tribes carefully schooled their children in tribal laws. Their reason: survival. The alternative: death.

In 1765, Sir William Blackstone sorted and codified the laws of England for the first time. He wrote an essay on the natural rights of man. From Blackstone came the basis of our American law. From Blackstone we copied almost word-for-word The Bill of Rights. But Sir William was in fact, *not* a great justice. He was a school teacher. As early as 1690, in our land, the American people decided that the teaching of the law of the land was better left to the home. And so it remained . . . by tradition.

The "law" a child learns in New York, New Jersey and Connecticut schools today, is the Constitution; the mechanics of courts and legislature . . . the size and shape of government. But these are problems of American democracy, civics and social science; not law. In his real world, he faces the law of installment credit, contracts, mortgages, public property, citizen rights and legal responsibilities, equity, tax laws, labor law, civil and criminal law: *statute law.*

The 50 million youngsters now in our nation's public schools will have used six *billion* textbooks in their 12 year schooling. Yet, they will never see a single textbook on the fundamentals of law. None has ever been published. More about this tomorrow.

IGNORANCE AND THE LAW—3

Americans will spend tens of billions of dollars this year to catch, punish and correct people who violate the laws of the land. Most violators will know little or nothing about the law they broke. But ignorance is no excuse. Sharpshooting sales bunco artists will steal another six billion dollars from consumers. Victims will scream in anger. But in the end, they will examine the law . . . and pay the bill because ignorance is no defense.

We will hear lawlessness blamed on white people, black people, law enforcement, the courts, unemployment and overwork. We'll blame it on inhibitions, free love, Dr. Spock and the weather . . . communists, militants, peaceniks, parents and pot. Nobody seems to blame it on plain old ignorance. That is: a simple lack of knowledge.

And we will continue to propagate and promote ignorance by teaching children *nothing* of fundamental or statute law in our homes, or in our Tri-state area schools. At home, we don't have time.

So Tri-state area parents spend millions of tax dollars to put children through twelve years of schooling. During that time our children go through scores of classes and

more than 100 textbooks. But not one will be on the laws of the land, under which they must live from the cradle to the grave. Nowhere is a single textbook published on law for grade school students.

Law is the backbone of our society. And without it, we could not survive as a nation. Yet, we have no books, no classes and no teachers to teach it. What it tells us is this: Junior may graduate with honors, a bright young man in the eyes of society. But in the eyes of a judge, he is inarticulate, uniformed and possibly incoherent because he knows nothing of the most important rules in our land. And *that*, is ignorance of the law. More about that, tomorrow.

IGNORANCE AND THE LAW—4

There are five things that make us, or any people, a nation. We need *territory* to call our own; and a *defense* force to protect it. We need *work* on which to base our economy; *taxes* to support the organizations, and *laws* to regulate our behavior and maintain order. If one dies, they all die.

What's bothering many New York, New Jersey and Connecticut residents right now is that we have sufficient law, but our order seems to be breaking down or is at least being threatened, especially among our young people in the 15-to-25-year age group. For the past few years, more and more young people have been refusing to recognize and respect the rules of the game—the laws of the land. We hold that ignorance of the law is no excuse for breaking it. We also know there is a generation gap. But where does it start?

We know that children form their basic attitudes in their kindergarten years. That includes their ideas of fair play, responsibility, law and order . . . Tribal Law. It used to be that they learned it in their homes, mostly from their mothers. Not any more. Or at least not as much, any more. In World War II, Mom was forced to get a job, and the word "babysitter" became part of our language. Now, 25 years later, women hold 40 percent of the jobs. More than half of the employable women, some 28 million, are wage earners, and a vital part of our economy. And now we have our new term: "generation gap".

It is generally recognized that children now learn far less about the law at home than in years past. Add to this the fact that it has never been part of our public education system, here in the Tri-state area, or anywhere for that matter, to teach children the law of the land the way we teach them the laws of mathematics, or grammar, or football. We don't teach law at home. We don't teach law in the schools. So is it really so strange that some of our youngsters are trying to make their own law or tear down what there is?

WINS asks: How good is a law system when nobody knows very much about it except the judges who administer it; the lawyers who practice it, and the policemen who enforce it? We'll talk more about this, tomorrow.

IGNORANCE AND THE LAW—5

If there is anything more typically American than our respect for wealth and material possessions, it's our national love affair with equality and justice. In other words, Americans beef a lot about *other* people who don't play fair. We tell our children that crime doesn't pay . . . that cheaters never prosper . . . that it isn't whether you win or lose, but how you play the game. The small child's universal phrase for a violation is: "No fair". Grownups boo the referee and yell, "Kill the umpire", for the same reason.

Indeed, good sportsmanship and playing the game according to a "Queensbury Rules" concept is so important to us that we wrote it into our state education laws. Connecticut, New Jersey and New York laws require that every child have 12 years of physical education as part of his public schooling. But what of the "Queensbury Rules" of society . . . the rules by which we must play the game of citizen from the cradle to the grave? Those rules are the law of the land: the Federal Code; the New York, New Jersey and Connecticut statutes; city ordinances. The "Queensbury Rules" for being an American are the principles of contract law, of taxes, of equity, of civil law, private law—common law and criminal law. Citizen rights are one phase; citizen responsibilities, another.

America was founded by people seeking justice under the law. And we have been working toward that end for nearly 200 years. It is paradoxical that after 200 years, we carefully teach our children all of the rules of language, athletics, mathematics, personal health and safety, and law for the operation of a motor vehicle. Yet nowhere, except by hearsay, guesswork, intellectual osmosis, or trial and error do we even try to teach children the most important rules of all—the ones by which society demands that they live.

Among youth who are *not* taught law, crime rates are increasing by 15 to 30 percent a year. In the one area where they are taught the law, crime rates are dropping by three to ten percent a year. More about that, tomorrow.

IGNORANCE AND THE LAW—6

Our American system has always held that ignorance of the law is no excuse—no defense, for breaking the law. At no time in American history, have we been more threatened by the problem of people who do break the law. At no time have we tried harder and achieved less to find a solution to our dilemma than right now.

Law enforcement analysts noted a sharp increase in juvenile delinquency 20 years ago. When little action we took was obviously ineffective. Since 1950, crime rates have been climbing between 15 and 30 percent a year—*seven times faster than population*. Most of it is among young people who know little or nothing about the laws under which they, and we, are required to live. They don't know because we have neither the books nor the teachers to teach them.

The only area in which young people are required to learn the specific rules and penalties is in the military service, and the military says their crime rates are *not increasing*, but *decreasing*. Every military recruit is given a full course on the Uniform Code of Military Justice. He learns the rules of behavior the way he learned the rules of football. The Navy says its crime rate has dropped 30 percent in ten years. The Air Force says its crime rate is dropping by ten percent a year. The Army supplies no figures, but says its crime rate is in a steady decline.

Military people are hard-headed. They believe that if you want people to obey the rules, you first have to tell them what the rules are. We civilians don't subscribe to that. At least, we haven't, yet. So the graduating student from New York, New Jersey and Connecticut schools this year will know all the major rules in his academic subjects, and will then set out to play the game of being an American citizen, an American adult. But the rules of that game are called statute law. And on that subject, he is mute, blind, illiterate. What could we teach our youngsters? We'll talk about that tomorrow.

IGNORANCE AND THE LAW—7

It is one of the great paradoxes of America that when it comes to teaching the law to our children, we stand right now where we did 70 years ago, when we first decided to teach them about health and personal hygiene. Health and hygiene education are now required in our schools. And thanks to America's school teachers, as well as its physicians, we have a fantastically healthy society. Our children are bright and vigorous and strong. They are so bright and so strong, in fact, that there is virtually nothing our kids can't wreck, if they really put their minds to it. And their demonstration of that fact is part of our national agony.

Until now, it has not been "The American Way" to teach our children the laws of the land, the rules of being an American. And even if we should decide to teach them, it would be a gigantic task. Our educators would have to prepare material, lesson plans, curriculum guides, teaching guides and workbooks, because there are none now. They would have to prepare special materials to teach how to teach law, because we lack trained teachers and materials now.

And what could our children learn in that study? They could learn about public law, which covers taxes and crimes against the people; private law which includes disputes between persons. They could learn about contracts. They could learn common law—the prerogatives of proprietorship—private property—damages. They could learn equity, which says: No wrong shall be without adequate remedy. They could learn statute law, the specific rules under which we must live for our entire lives.

Our children could learn that the first law on personal liberties was passed, not by an American, but by a Greek named Solon, 2,000 years before Columbus even discovered America. We don't teach it, but men had laws long before we even had written language or doctors. And all we had before that was teachers. More about that tomorrow.

IGNORANCE AND THE LAW—8

Our people and our nation are deeply troubled by gross violations of our social guidelines: the law of our land. We say ignorance of the law is no excuse for breaking the law, but crime rates are climbing seven times faster than population. Our order is breaking down.

We demand that people live by the law. But we do not teach them what law is. WINS believes that if we, as a people, are obligated to abide by the rules, we must also be obligated to teach our people what the rules are. In law, those rules are called, "statutes". We have have neither books nor teacher expertise on this. But we *do* have the means to acquire the books and expertise.

WINS does not propose a specific curriculum. This station is an observer, a reporter, and in this case, an advocate. Designing the course to be taught is the job of the educators, and only they can do it.

We believe that in the study of *fundamental* law, our children will find reflected every major social advancement in recorded history of mankind. In *statute* law they will find the day-to-day rules that govern the money we earn, the land we own, the disputes we have, the agreement we make—even the purity of the food we eat.

We believe that having a legally informed citizenry is at least as important to the future of our social order as having a politically-informed electorate. We believe that teaching our children the specific laws under which they are required to live, is at least as important as their knowledge of our language. New York, New Jersey and Connecticut laws require that they be taught 12 years of language arts in our public schools, but no law.

WINS believes that ignorance of the law is a major element of social disorder. And the only antidote for ignorance of any kind is education. In sum: we expect our young people to abide by the rules. To aid and abet this we should first teach them specifically what the rules are, and the early schooling years are an excellent place to begin. It's as simple as that.

BROTHER JOE'S PLAN LACKS FUNDS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, I should like to call the attention of our colleagues to a program in Washington, D.C., known as "the K Street Project" under the direction of Brother Joseph Zambon.

The K Street project implements precisely the wishes of Congress as expressed in the Economic Opportunity Act of 1964, "to mobilize the material and human resources to combat poverty." However, it differs from other poverty programs, and particularly the community action programs formulated through the United Planning Organization in Washington, in two respects. First, it has received no Government funds. Second, in spite of limited resources it is achieving promising results.

I include at this point in the RECORD a copy of a letter from former OEO Director Sargent Shriver denying him funds; a news article concerning the program; a letter dated February 3, 1969, from Mrs. Agnes T. Marks, Coordinator, Legion of Mothers, expressing support for it; a letter to Mrs. Marks from Presidential Assistant Daniel P. Moynihan expressing approval of it; and finally, another letter from Mrs. Marks, dated September 22, 1969, urging termination of the community action programs under OEO:

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., June 20, 1966.

Brother JOSEPH ZAMBON,
K Street Project Material Assistance,
Washington, D.C.

DEAR BROTHER JOE: I want to thank you for the information you sent me on the K Street Project and the wonderful things you are doing for poor children and their families in Washington, D.C. I'm glad that you have had the chance to talk with some of our people here. They have certainly been impressed by what you are doing.

I'm so sorry that we are unable to find a way in the guidelines under which our program must operate to help you directly. I know that Chris Weeks and Joe English have explained some of the difficulties we have had in doing this.

I would certainly hope that you would be able to continue to obtain private support for such a worthwhile effort. The possibility of Catholic charities being able to give you some assistance is something I certainly hope you will explore.

I am very sorry that I was unable to see you this week but the pressures here, as we prepare for our Congressional Presentations, have made my schedule very tight. Please accept my best wishes for the continued success of your program.

Sincerely,

SARGENT SHRIVER,
Director.

IT'S POVERTY AT ROCK BOTTOM: BROTHER JOE'S PLAN LACKS FUNDS

(By Michael J. Woods)

Brother Joseph Zambon, a native of Chadwicks, now lives in the hearts of 6,400 impoverished Negroes in a ghetto under the shadows of the nation's capitol. He is the son of Mrs. Irene Zambon, 31 Elm St., Chadwicks.

During a recent visit to his home town, Brother Joe spoke with concern of his project's inability to gain federal aid through the Office of Economic Opportunity (OEO).

This is a letter he received last month from Sargeant Shriver, OEO director.

"Dear Brother Joe: . . .

"I want to thank you for the information you sent me on the K Street Project and the wonderful things you are doing for poor children and their families . . . I'm glad that you have had the chance to talk with some of our people here. They have certainly been impressed by what you are doing.

"I'm sorry that we are unable to find a way in the guidelines under which our program must operate to help you directly . . .

"I would certainly hope that you would be able to continue to obtain private support for such a worthwhile effort . . ."

Just what is Project K, and why can't it receive federal support? Brother Joe answers the first part of the question with ease and enthusiasm.

The project gets its name from K Street, the heart of a five-block Negro ghetto within walking distance of the nation's capitol. Two years ago, Sister Mary Leo of the Sisters of Notre Dame began gathering children from poor tenements into her convent at night so they could have a clean, lighted place to do their homework.

But she discovered they couldn't study on empty stomachs. And the ones without shoes were ashamed to even come.

Then Brother Joe stepped in with what he called material assistance. He set up a shop in an abandoned hardware store on K Street and began collecting from labor, church and other groups and dispensing food, clothes, beds and shoes.

He organized a corps of women volunteers from the suburbs who came in to visit the homes of the children who came to the center hungry or shoeless.

Now numbering more than 200, the recruits come from Lions Clubs, church sodalities, Jewish Clubs, Kiwi Clubs (a group of ex-airline hostesses from the area), and many other organizations.

They advised hard-pressed mothers on the expenditure of their relief checks and intervened with negligent landlords.

Through a program termed by Brother Joe "suburban surplus for the poor" beds, tables, clothing, chairs, silverware, dishes, surplus foods, shoes were soon pouring into the project center.

The surplus came in rented trucks, by car, in the shopping bags of surburban mothers who came downtown by bus, any way they could carry what they had to offer.

"Yet," said Brother Joe, "their charity wasn't of the strict and cold variety. It was based on continuing interest. Contact was maintained with poor families and with their needs to give them that necessary base of minimum physical standards from which they could go on to self-sufficiency and human dignity."

This summer a program was begun to bus poor children from the slums to suburban parks where women volunteers waited with picnic lunches—"a short reprieve from daily squalor."

Just how bad is the situation on K Street? "It's poverty at rock bottom," said Brother Joe. He explained many of the families lack beds enough to sleep in. Children can't go to school because they actually don't have shoes. Families sometimes live on potato chips for two or three days at a time.

Walls of crumbling plaster in many tenements are wet with the dripping of faulty plumbing. The average family-man, according to his employers, is fortunate to earn a dollar an hour, Brother Joe said.

When Brother Joe thinks about the government's refusal to finance Project K, he becomes philosophic. It is not the average poor man who starts to riot says Brother Joe. He at least has something. It is the man at rock bottom who cannot hope, because he cannot think for hunger, which cries out madly for justice in the end.

Before a man can better himself, he must first be a man, he said sadly. "Through our work, many of these poor shelters have been made into homes. The breakdown of family life has been arrested simply by giving the essentials of family living which these people never had—food, clothing, beds, the first stirrings of dignity."

"But," said Brother Joe, "what began as charity on a shoestring now is at the breaking point. The project has barely sustained itself with donations and contributions. A fine thread of stability, of hope has been strung through the ghetto where three years ago a white man dared not walk. Children smile."

Now, Brother Joe said, the project can barely meet its operational expenses. Surplus waits in the suburbs with no way of being carried downtown. Volunteers can no longer meet the demands of a growing awareness of poverty and of the slender thread of stability that exists.

With all its apparent need, why is Project K ineligible for federal money? Brother Joe quoted the words of many letters and personal contacts with OEO personnel:

"Your project cannot be funded in its present form, primarily because of its emphasis on emergency services rather than more far-reaching community development services."

Brother Joe said he can understand that "the war on poverty is necessarily a long-range affair, that its scope is as broad as its good will. But there seems to be a vital gap in the battle lines," he added.

"Through this gap human dignity slips away and dissention, chaos and riot enter. What price to fill this one small gap? To bring a pair of shoes from the suburbs to K Street so a boy can know he is a human being?" Brother Joe asked.

In trying to find the answer to this question, Brother Joe recalled the words uttered by Congress in passing the OEO Act of 1964: ". . . to mobilize the human and material resources of the nation, to combat poverty in the United States. . . ."

"Our job is not very sophisticated," said Brother Joe, "but we get the job done. We feed, we clothe, we love. We strengthen the family unit which is the heart of our great country."

FEBRUARY 3, 1969.

SIR: We would like to express our appreciation to those who responded to our correspondence.

The Legion of Mothers has been actively supporting a pilot project dealing with the poor living here in the District of Columbia over the past four years. It is known as the "K" Street Project and is under the direction of Brother Joseph Zambon. This project was executed eight blocks from the Capitol in North West Urban Renewal No. 1. Approximately 6,500 people in this ten block area were living in abject poverty.

The primary purpose of the pilot project was to reestablish the family unit, to strengthen and to stabilize it. This was achieved by first administering to the material needs of the families and at the same time instilling discipline, personal and social. As a result mothers were able to maintain their homes—properly administer to their children—who in turn, when properly fed and clothed, were able to attend school regularly and to function in society.

As a result of the "K" Street Pilot Project the following conclusions were drawn:

1. The family unit—the basic stucture of society—must be reestablished, reinforced and protected. A discipline must be instilled and fostered—based on pride—which is achieved through the administration of the material and other needs of the family. In the pilot project this was achieved by working with the mother in the home and with the children in the home and in the neighborhood.

The pilot project confirms the basic concepts purported by Daniel Moynihan, assistant to the President on Urban Affairs who recognized the family unit as the unique structure of society. Through the pilot project we have been able to realistically carry into practice a program placing the emphasis on the family unit. The lack of continuity in the home has substantially contributed to the problem of crime.

2. Grass root political representation of the poor is not a prerequisite to solving poverty. This representation will develop as the families and the community are stabilized. At that point the community will assert itself in bringing about desired change.

3. The O.E.O. Act of 1964 expresses implicitly the wishes of Congress and properly implemented would solve many of the problems of poverty. Proper implementation however, cannot be achieved under the existing Community Action Program, because the program does not realistically carry into practice the desires of Congress. We would hope that Congress in its devotion to the poor of our nation, would see that its wishes are carried out as stated in the Act.

We feel that using the "K" Street Project as a guideline, the principles purported by Mr. Moynihan could be realistically placed into action under the existing Act. With your support a successful poverty program could be executed.

Very truly yours,

Mrs. AGNES T. MARKS,
Coordinator, Legion of Mothers.

THE WHITE HOUSE,
Washington, March 17, 1969.

DEAR MRS. MARKS: Thank you for your letter regarding the "K" Street Project which you have initiated in North West Urban Renewal No. 1. Having driven through this area recently by car, I know firsthand the problem conditions you describe in your letter.

I will be most interested in the results of this very important experiment, dealing with the all-important tasks of strengthening the family.

Sincerely,

DANIEL P. MOYNIHAN,
Assistant to the President.

WASHINGTON, D.C., *September 22, 1969.*

SIR: The Legion of Mothers are in agreement with the termination of the Community Action Programs under OEO. It has been our experience in working with the poor in the "K" Street Project, that these programs have been ineffective in reaching the poor.

We have been impressed with the philosophy of Mr. Daniel P. Moynihan (Presidential Assistant on Urban Affairs), in regard to the reestablishment and strengthening of the Family Unit. We feel that the existing Community Action Programs do not fulfill these needs. These programs are unable to reach down into the neighborhood and into the homes, which is most necessary as demonstrated in the "K" Street Project.

The proposal by the new Administration to give monetary grants in the way of subsidies will be as equally ineffective because this method, is not in accord with Mr. Moynihan's original philosophy. It is necessary, to go directly into the homes to assist and advise these families. They are unable to function without proper guidance and overall interest concerning their welfare.

We would hope that in the wisdom of this August Body, that you would explore the need for a technique that will not fail to produce the results desired. The "K" Street Project is completely in accord with Mr. Moynihan's previous philosophy and realize if properly implemented would bring about these desired results.

Very truly yours,

Mrs. AGNES T. MARKS,
Coordinator, Legion of Mothers.

PROGRESS ON U.N. CONSIDERATION OF SOVIET JEWRY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. BINGHAM. Mr. Speaker, 58 Members of the House, on November 21, joined me in urging the State Department to take several steps to lend support to a request by Israel that the United Nations take up the consideration of the case of 18 Jewish families in the Soviet State of Georgia. These families, with great bravery, wrote to Israeli Premier Golda Meir to let her and the outside world know their petitions to Soviet officials for permission to leave the Soviet Union for Israel have been ignored for years. In effect, they are being held captive by the Soviet Union's refusal to allow them to emigrate to Israel.

The specific steps the signers of the appeal urged on the State Department, and a copy of the letter the 18 Soviet Jewish families, appeared in the November 21 issue of the RECORD.

According to status reports on the matter I have received from the Department of State and from Ambassador Yost, the documents concerning the case of the 18 Jewish families have been officially circulated by the Secretary General to all member delegations, and the United States has announced its concern over this case, and treatment of Soviet Jews in general, in the course of recent General Assembly debate. Both of these steps were among those suggested in our appeal.

The remarks before the General Assembly made by the U.S. delegate, Ambassador Rita E. Hauser, seem to me to be among the most outspoken and detailed that have been made by the U.S. delegation, and I feel that our representatives are to be commended for their forthrightness on this most important humanitarian issue.

Finally, on the matter of the Human Rights Commission taking up this matter, which was the purpose of one of our requests. I am informed that an item has been placed on the agenda of the next meeting of the Commission concerning violations of human rights and fundamental freedoms, and that it will be possible under this item to take up the treatment of Soviet Jews and the case of the 18 families in particular. In the past, the United States has supported requests by Israel to take up such matters, and I am hopeful the United States will again do so vigorously when the Commission meets in February.

The replies I have received from Ambassador Yost and the State Department, and the recent remarks on Soviet Jewry by Ambassador Hauser, appear below:

DECEMBER 10, 1969.

Hon. JONATHAN B. BINGHAM,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: The Secretary has asked me to reply to your letter of November 21, 1969 referring to the request submitted to the Secretary-General of the United Nations by the Israeli Ambassador concerning the treatment of Soviet Jewry.

You expressed the feeling of those Members of Congress for whom you have written that the United States should join and support the effort of the Government of Israel to focus international attention and opinion within the framework of the United Nations on the problem of Soviet Anti-Semitism.

You listed three specific actions which the United States Delegation should take in achieving United Nations action on this matter. Two of the actions which you have proposed have in fact taken place.

The request submitted by Israel concerning the treatment of Soviet Jewry has been officially recognized in the United Nations. The letter of November 10, 1969 from the Permanent Representative of Israel which was addressed to the Secretary-General and which transmitted a copy of a letter from a group of eighteen Jewish families in the USSR has been circulated as an official document of the United Nations General Assembly to all the Member States. A copy of this letter as it appeared in document A/7762 of November 13, 1969 is enclosed.

The subject of the treatment of Soviet Jewry was discussed in Committee III of the General Assembly on November 25, 1969. The matter was first raised in the Committee by the Representative of Israel. Following upon his intervention, the United States Representative in Committee III, Mrs. Rita E. Hauser, delivered a statement on behalf of the United States Delegation expressing our concern over the situation of Soviet Jewry. A copy of this statement is enclosed.

Concerning referral of the matter to the Human Rights Commission, it would not be necessary as you suggest that the Chairman of the Commission act to request referral by the Secretary-General. The matter can be proposed for the Commission's provisional agenda in advance of a session of the Commission on Human Rights by any member of the United Nations. Or the matter can be raised during a session of the Commission by any member of the Commission speaking under an appropriate item already on the agenda. For example, the Commission on Human Rights at its 23rd session held in 1967 decided to give annual consideration to an item dealing with violations of human rights and fundamental freedoms in all countries. Pursuant to this decision there will appear on the agenda of the next session of the Human Rights Commission a general item with this title. It would consequently be possible for the question of Soviet Jewry to be raised under this item. At the last session of the Commission on Human Rights the subject of the treatment of Soviet Jews was raised by the Delegation of Israel and supported by the United States Representative under the item dealing with the report of the Subcommission on the Prevention of Discrimination and the Protection of Minorities. At the next session of the Commission on Human Rights the annual report of the Subcommission will again be an item on its agenda; the question of the treatment of Soviet Jewry might therefore be raised under this item as well.

The next session of the Commission on Human Rights is scheduled for February 23 to March 27, 1970. The U.S. Delegation to the Commission, will, as in the past, consult with the Delegation of Israel, which is also a member of the Commission, in order to determine the best course of action to follow on this matter at that meeting.

We appreciate having your views and those of your colleagues on this important matter.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

U.S. REPRESENTATIVE TO THE
UNITED NATIONS,
December 4, 1969.

HON. JONATHAN B. BINGHAM,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: Thank you for the copy of your letter, dated November 21, to Secretary Rogers containing suggestions for United Nations consideration of treatment of Jews in the Soviet Union.

I am pleased to inform you that action has been taken on your first and third suggestions. The Secretary-General circulated the request of the Government of Israel as document A/7762 (copy attached).

Regarding the third suggestion, Mrs. Rita E. Hauser, United States Representative to the United Nations Commission on Human Rights, made a statement on November 25 on the treatment of Soviet Jews during consideration of human rights questions in the Third Committee of the General Assembly. This statement, which was interrupted several times by delegates from the USSR and the Ukraine, supported a prior intervention by Israel. Copies of the Israeli and United States statements are enclosed.

We are pleased with the outcome of the Committee consideration of this subject. The Soviets demonstrated exceptional sensitivity during the debate, and we feel that our efforts resulted in worthwhile publicity and a good measure of sympathy among other delegations, several of which also spoke out.

We will be giving careful consideration to our position on the question in the Commission on Human Rights, as we prepare for the next session in February.

Sincerely,

CHARLES W. YOST.

STATEMENT BY MRS. RITA E. HAUSER, UNITED STATES REPRESENTATIVE, IN COMMITTEE III, ON SOVIET JEWRY, NOVEMBER 25, 1969

For many years my Delegation has manifested a continued interest in the protection of minority groups. We have shown this interest through statements in the General Assembly and in other relevant bodies of the United Nations, such as the Human Rights Commission, and through our participation in the work of the Sub-Commission for the Prevention of Discrimination and the Protection of Minorities.

Our interest in this important matter is not limited to any one country or region. It stretches the world over, and is based on general humanitarian principles. Needless to say, it would be somewhat anomalous if the United States were indifferent to the problem of protection of minorities, considering the sizeable ethnic and racial minorities which comprise the population of the United States.

For some time, it was a common theory in my country that the special qualities of the diverse ethnic and racial groups would disappear with time as generations succeeded the original immigrants to our shores. This was widely known as the "melting pot" theory. We now appreciate that while a certain melting into the American prototype does take place, many ethnic and racial groups have kept their separate identities and flavor—all the while Americans—and that this distinctness contributes so much to the dynamism and innovativeness of my country. It is best illustrated by the multitude of non-English words which enter our vocabulary, and in the changing culinary and artistic tastes of America. Distinctiveness is most cherished by us when it produces the diversity of outlook which we believe to be the essential ingredient of sustained progress in all domains of life.

It is in this spirit that many Americans remain deeply concerned over the fate of minorities close to them whose life and existence may be impaired elsewhere. Who could fault the interest Irish-Americans recently held in events taking place in Londonderry, or the continued and deep involvement of Black Americans, in particular, in the problems of *apartheid* and in the civil strife now raging in one part of Africa. These are natural and abiding bonds felt with others of the same ethnic or racial group. While millions of Americans are interested in the welfare of others elsewhere in the world, and have manifested this interest with great generosity in times of distress such as war, famine or earthquake, we appreciate that those closest to the minorities in question feel even the more involved in the welfare of these minorities.

It is in this light that my Delegation has repeatedly spoken out on the matter of protection of the substantial Jewish minority in the Soviet Union—more than three million people.

We wish to note that we read with consuming interest the literature distributed here by the Soviet delegation on this subject. It appears to us, on considered reflection and upon review of material available from many other sources, that the situation, in actual fact, of the Jewish minority in the Soviet Union does not correspond to their legal situation or to the situation described in the distributed literature.

We do not doubt that the Constitution and laws of the Soviet Union place Jews on an equal level with all other Soviet citizens. In fact, however, they appear to suffer from discrimination in employment and opportunities; disabilities in public life; and, most important of all, the Jews are being deprived of the cultural ingredients needed to preserve their separate identity: schooling, training centers for religious leaders and other cultural tools. We have serious doubts as to their ability freely to exercise their religion. May I say in this regard that it is not uncommon for equal protection of the law to exist on paper without a corresponding situation in fact. This discrepancy plagued my country for some time as to its Black minority, and we are still struggling to accomplish an identify of fact and law.

My Delegation was distressed by the contents of the recent petitions to the United Nations Human Rights Commission from Georgian Jewish families. These petitioners are brave people who, we feel, are compelled to cry out for help by the negative circumstances surrounding their life as Soviet Jews. In these last few days, my Delegation was presented with a copy of another petition, which we have every reason to believe is authentic, and which will shortly be delivered by private interested persons to the U.N. Secretariat. I should like to read parts of this petition, which I believe best illustrates the nature of life today for a Soviet Jew.

"It is already two years since my son—a writer—has been expelled from his society and deprived of all means of earning a livelihood. My son and I are forced to exist on my pension, which is 49 rubles. In this letter I shall try to explain for what sins we have been punished so severely.

"My son had never been particularly nationalistic. On the contrary, he had received a true internationalist education. But he found it impossible to overlook the insulting attitude toward his people. He could not ignore the injustices and cruelties, and could not reconcile himself to the degradation of man. He always considered national enmity as the greatest of ills.

"In 1966 my son decided to write a book dealing with the history of the Jewish people, so as to attain mutual understanding between peoples and nations. He was, however, denied the possibility of carrying out this work. Still, my son could not reconcile himself to a situation where one nation is exalted in every way and all its actions are proclaimed to be holy, while another, a small people, is debased in every way.

"Therefore, in 1967 he applied to the Government of Israel with a request that he be admitted as a repatriate. In answer to this request he received an invitation to come to Israel. The Soviet authorities agreed to consider my son's application for an exit permit only on condition that he give up his Soviet citizenship. He was thus forced to apply to the Presidium of the Supreme Soviet of the USSR, stating that he was giving up his Soviet citizenship. He sent this statement on May 31, 1967, but until this day he has received no official written reply—although he has been told orally that his request to give up Soviet citizenship has been denied. At the same time, because he made this statement, he was expelled from the Writers' Committee of the Literary Fund of the USSR and from his trade union—which has deprived him of the possibility of working and of earning a living.

"In answer to his request for employment, the demand was put to him to 'repent'. But what should he repent of? Is devotion to one's own people a crime? Are feelings of human and national dignity forbidden feelings? Has a man no right to defend himself and his people from insults? My son has drunk to the full his cup of suffering and degradation. Around him for many years there existed an atmosphere of anti-Semitism, as a result of which his family disintegrated. Even in his early youth he was expelled from school because he refused to consider his father 'an enemy of the people'. Later, he was prosecuted by the organs of State Security, was prevented from working, and it was demanded of him that he should 'frankly confess' that he had allegedly written an 'anti-Communist Manifesto'.

"In April 1969, my son again received from the Israel Foreign Ministry an invitation for permanent residence. The Soviet authorities, however, on various pretexts, refuse to let him go. I cannot understand why they need him. For two years already, he has been shunted aside from participating in the life of society; he knows no state secrets, he has no intention and no possibility of harming the Soviet State in any way".

We note with interest the Jewish Congress held in Bogota, Colombia, in early September, 1969, attended by delegates from many Latin countries. That Congress decided, after examining all the documentation available, that discrimination against the Jewish minority existed in the Soviet Union. The Congress prepared a petition to the Soviet Government which urged the following:

(a) That the Jewish minority be permitted to develop a free cultural life;

(b) That acts which directly or indirectly express hate or Anti-semitic prejudice should be impeded and punished;

(c) Guarantee Jews the free exercise of their religion in the same manner that is permitted to other religious groups; and

(d) Recognize that, as provided in the Universal Declaration of Human Rights, every person has the right to leave any country and the right to leave or return to his own country.

Other Jewish Congresses recently held in France and Sweden, among others, reached the same result.

We subscribe fully to this call made upon the Soviet Government. We hope that immediate steps will be taken to ameliorate the life of Soviet Jews and that their situation, in fact, will soon correspond to their situation in law. We believe this matter to be of consummate interest to the United Nations.

RAILROAD PASSENGER SERVICE

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. FRIEDEL. Mr. Speaker, recently the House Interstate and Foreign Commerce Committee's Transportation and

Aeronautics Subcommittee, of which I am chairman, was privileged to hear the testimony of Mr. Edward D. Unger, president of Federated Consultants, Inc., and Maj. Gen. John J. Lane, retired, of Consultants International, Inc. Their testimony summarized a report they prepared which deals with intercity rail passenger service in the United States. Following 3 consecutive years of hearings on this topic, their testimony was the first which provided substantial, concrete evidence on costs and minimum rail networks, which the subcommittee could use in considering the many bills before Congress. Their analysis and recommendations came at a time when rail passenger service is on the verge of extinction.

This careful study provides a solid framework within which the committee can consider the serious problems facing passenger service. Their estimates put in factual terms what needs to be done to provide a basic network of necessary passenger service serving the Nation's major metropolitan areas. I think the conclusions of General Lane's and Mr. Unger's study will be helpful to my colleagues in considering pending passenger train legislation, and I include them in the RECORD at this point:

RAILROAD PASSENGER SERVICE

(Statement of John J. Lane, Major General U.S. Army (ret.), November 13, 1969)

I am John J. Lane, Maj. Gen. U.S. Army (retired). I have been in the transportation business for twenty years. Before I retired in March of this year, I was the commander, military traffic management and terminal service for four years, an organization which influenced transportation expenditures of over two billion dollars a year. One of my responsibilities was that of supervising the movement of all Department of Defense military personnel in the United States. In 1968 this accounted for about six and one half million passengers of which about 1½ million were moved in groups of ten or more directly by my office. All were moved commercially. Currently, I am working as a transportation management consultant with Consultants International, Inc.

With me is Mr. Edward Unger, economic consultant of Federated Consultants, Inc. We want to thank the chairman of the committee for giving us the opportunity of presenting to you a summary of the results of a study we have made on intercity rail passenger problems. The study was made for the rail foundation, a group of private citizens dedicated to improving rail passenger service and the creation of a modern rail passenger network as part of a balanced passenger system. The comments made by Mr. Unger and by me today are personal and based on our research and experience in the transportation business. They do not reflect the thinking or position of the rail foundation or any other organization.

We recognize that a complete study to resolve all problems relating to rail passenger traffic including operating deficits, condition of service, condition of cars, condition of roadbeds, taxes, labor and regulations, and to form a balanced transportation system could not be accomplished in the time frame available to us if this Congress is to reverse the current trend of rail passenger discontinuances. Accordingly, we have looked at the overall passenger requirements problem, and we have concentrated on those areas which we feel could help reverse the current trend of discontinuances and poor service by providing Congress with a basis for action this year. An action which will still be within any scope of action which may be required at a future date.

Our research indicates that the Government can be faced with a major passenger movement crisis within the next five years. Commenting on a bill which would upgrade the Nation's airports and airways, Mr. Volpe of the Department of Transportation, said in September: "We are on the verge of a real emergency situation calling for prompt remedial action."

An Air Transport Association (ATA) study forecasts that passenger volumes by air alone will increase four fold by 1985. The 1968 figure of 146 million passengers will reach 266 million in 1975 and 669 million by 1985. To the forecast add airport flight requirements for air freight that will increase from 14 million tons enplaned last year to 25.2 in 1985. How such requirements for flights can be handled is not quite clear to anyone at this time.

The cost of providing transportation facilities is not small. It should be kept in mind that a new jet port for New York will cost in the order of $400 million. Expressways cost around $10 million per mile in urban areas. Railroad bed rehabilitation costs start at about $20,000 per mile. In addition, there is strong public reaction developing in this and other cities to converting desirable real estate in and around urban areas to layers of concrete.

What is needed, obviously, is a national transportation policy which requires consideration of all transportation resources in solving the problems of the future. It is a basic mistake to attempt to solve the transportation passenger problems of this country by any single mode. Dr. Nelson, formerly of DOT, has said, "There cannot be effective coordination of transportation at the Federal level so long as the Bureau of Public Roads counts up benefits and costs of highway systems only, and allocates funds for highway construction on that basis; so long as the Federal Aviation Administration reckons benefits and costs of air systems only, and grants funds for airport construction on that basis; so long as the Federal Railroad Administration considers rail systems only and acts on that basis, and so long as the Corps of Engineers totes up benefits and costs of waterway systems only, and expends waterway construction funds on that basis. . . ."

Obviously, development of a national policy is a long range requirement for passenger problems that face us today. Conditions encouraging air and highway travel over the past 20 years have changed considerably in the recent past. Expanding requirements for individual travel have caused a saturation of many of our larger airports and clogged highway access to larger cities during critical periods. Highway accidents and aircraft near misses have caused concern across the country. Real estate in and around our expanding larger cities is either astronomically expensive or not available to meet requirements for future air and highway travel. In the meantime, rail passenger capacity has been drastically curtailed in the past 2 years.

An objective look at all modes of passenger transportation is required as soon as possible so that this nation can meet its requirements for transporting people by establishing a total system which includes all modes and in which each mode complements each other mode without duplication effort. Such a system would provide for meeting all passenger requirements at least cost to the government. It would require an objective reallocation of governmental transportation funds to support the capacity required of each mode. Without the long range objectives of a national policy, problems are handled only on a piecemeal basis and on the basis of solving the problems of each mode separately. This is not to say that all action should be suspended by the government pending an ideal solution to the problem. Some constructive emergency treatment is needed now.

Passenger movement problems are not static. At a point in time where highways and air terminals are facing saturation with projections of increased passenger traffic in the years ahead, we stand at a threshold where rail passenger service is about to be phased out as a future capability if not supported by the government. We should not wait for the ultimate solution of the long range studies which must be made if we are to have any rail passenger service left. Virginia Mae Brown, chairman of the ICC, stated in a letter to Senator Magnuson on 16 July 1969, "The past year has only substantiated our opinion that significant segments of the remaining intercity passenger service, except for service in high density population corridors such as the northeast corridor will not survive the next few years without a major change in Federal or carrier policies."

The causes of deterioration of rail passenger service have been many:

1. Government support of airports and highways with very little to the railroads encouraged movement by air and highway.

2. Declining revenues caused many railroads to lose interest in carrying passengers and resulted in a deterioration of service.

3. The high cost of acquisition of new equipment and the cost of improvement of roadbeds resulted in declining expenditures for capital improvements.

4. Lack of planning by many railroads and lack of a national transportation policy for the movement of people caused deterioration in rail service and diversions to other modes.

5. Approval of discontinuances in isolation without an assessment of the impact of each discontinuance on other rail schedules on a national basis resulted in poor service.

As a result of our three month study, we believe it is the consensus of knowledgeable people in and out of the railroad business that if rail passenger traffic in this country is to continue at all with a level of service acceptable to the public, some kind of public support is required now. An excellent study made by the ICC "investigation of costs of intercity rail passenger service" published on 16 July 1969 indicates the seriousness of current passenger losses to the railroad industry. Of eight railroads studied, carrying 40 percent of the passenger load, the average loss was fourteen and three-quarter million dollars in 1968. The highest loss for a single railroad was almost 22 million dollars. As a result, railroads cannot be expected to make large capital investments in passenger operations at this time.

Unless our Government embarks on a realistic and immediate solution to the current intercity passenger movement problem, the movement of people will soon become the bottleneck of our expanding economy. Air and road traffic will be super-saturated; rail traffic will be non-existent.

Realistically, the rail mode appears to provide the most promising immediate solution to intercity passenger movement. The railroads do not need more real estate. Their rights of way already provide access to the centers of most cities. Improvement to roadbeds provide freight as well as passenger advantages. They can move masses of people. Resulting air pollution is minimal. The Metroliners already have shown that the public will patronize trains with decent cars and service rather than be subject to the increasingly frequent delays of air traffic on short runs.

If intercity rail passenger traffic is to survive at all, action by this Congress is highly desirable. The rail passenger system needs an immediate transfusion of support if complete collapse is to be circumvented. It is essential that Congress reverse the current trend of discontinuances by providing guidance to the Interstate Commerce Commission, Department of Transportation and the railroads this year and by setting up within

the DOT initial funds and an implementing organization which can carry out the desires of the Congress now and in the future.

To that end and to provide a yardstick for your decisions, our study proposes for the first time we believe a basic intercity network which can be used for development of equipment costs now and for an expanded system as needs arise. Historically, each railroad is an island and operates accordingly. We recommend considering all rail passenger traffic as part of a balanced national system. To that end, we hope that our suggestions will provide the Congress with a basis for concrete action this year which will be well within the parameters which long range studies may develop for future action. Any action by you would be a first step in rescuing this important national asset from further deterioration. A national asset for which I am certain there will be increasing demands in the future.

TESTIMONY OF EDWARD D. UNGER, PRESIDENT, FEDERATED CONSULTANTS, INC., WASHINGTON, D.C.

We would like to summarize the results of the study we recently performed for the RAIL Foundation of Washington, D.C.—*A Preliminary Plan for Up-grading the U.S. Inter-City Rail Passenger Fleet.* The study generally concerned with the current and future status of inter-city rail passenger service in the United States. Specifically, we directed our attention to determining the amount of money that would be required to *begin* rehabilitating and/or replacing the existing fleet, as the basis of a longer-range program of up-grading the entire fleet.

In view of the many bills before this Congress dealing with inter-city rail passenger service, we would like to direct pertinent parts of our findings to the possibility that there may be public investment in the industry. Such public investment should be approached with the fullest knowledge available and in consideration of all alternatives. To this objective we directed our efforts at examining the major historical mistakes which helped create the present situation, how, if those mistakes are rectified it would set the stage for rejuvenating competitive inter-city service, and the number and cost of equipment for an alternative five-year program to begin up-grading the passenger car fleet.

The decline of inter-city service has taken some twenty years to reach its present low level. Virtually all of the data reflecting this period indicates declines in inter-city service. There are, though, a number of identifiable reasons for the decline; some were induced internally within the industry and some were created externally; it all took place, however, in lieu of a national transportation policy.

The basic cause for the current situation is that inter-city passenger service was not responsive to a shift in demand for it. For some seventy-five years trains were the dominant force of public transportation in this country. Its function varied from trans-continental runs to shorter-haul inter-city runs. Regardless of distance most trains developed as extended, continuous path transport modes, beginning at one point and continuing through a number of other points until it arrived at the end of its journey. Each train was a journey by itself, a process that worked well in the absence of competition.

Over-all, the growth of air and highway travel caused a change in the demand for rail travel. Geographical factors in the West and population in the East combined with competing technologies to precipitate the change. At a time when piston planes then jets were providing trans-continental transportation in hours, trains were still operating every day over six routes to the West Coast. Rigid adherence to daily service in face of declining demand resulted in polarized ridership patterns. Transcontinental routes to the West Coast, for instance, now are most heavily travelled in the summer months, showing 75% capacity utilization for three or four months and 30–40% capacity for the remaining months.

Inter-city service in the more densely populated eastern part of the country declined for more complex reasons. Population became concentrated into metropolitan groupings in all regional subsections of the eastern half of the country. Not only did air and highway travel between these metropolitan areas provide competitively substitutable modes in speed and technology but most importantly did they compete in concept and function. Daily trains still left one city, stopped at numerous others and terminated at another city hundreds of miles away. In the meantime demographic activity was generating a demand for transportation between large metropolitan areas. An increasing volume of travel developed back and forth between the population centers.

At the same time the nation was criss-crossed with standard-gauge tracks. The total number of railroads operating over these tracks, however, was substantial. Railroad passengers, while physically being able to travel virtually anywhere by rail, were faced with a number of different management philosophies.

Even today, there are some twenty-eight individual railroads which provide some type of inter-city service. While this is a dramatically fewer number of railroads than existed previously, it still represents the regional characteristic of our railroads. Each railroad, as you can see from these examples, has its own parameters of track. The whole network is a total of its components—in this case not something efficient by itself. A through-train run by more than one railroad is subject to the individual vagaries of each management. So basic a process as check-through baggage, for instance, may be challenged by a carrier more interested in commuter service. Furthermore, equipment procurement loses economics of scale when each road purchases a small lot with widely varying specifications. Even two or three discontinuance proceedings involved in individual sections of one train reflect the highly regionalized nature of the inter-city system.

Historically the highmark in rail passenger service came just after World War II, with the decline beginning in the 1950's. It was during that period that the competitive effects from other modes began to be reflected in fewer number of passengers and lower revenues. As losses attributable to inter-city trains increased, the common reaction was to reduce those losses by reducing costs. This was accomplished by the singularly narrow method of eliminating one train at a time. Each whole train discontinued under Section 13–A was a reduction in total costs equal to the cost of that train.

Of course, the ancillary result was a rapid decline in the number of trains and level of service. It also precipitated a more than proportionate decline in the volume of equipment ordered and delivered, and provided the impetus for a trend to the repair of equipment aimed at preserving safety often to the abandonment of comfort. A continually deteriorating financial situation simply inhibited continued investment in passenger equipment.

The twenty year decline in inter-city service developed in lieu of a national transportation policy. Each competing mode developed in response to many demands, especially in relation to public activity in its behalf. The highway trust fund bolstered the Interstate Highway System and the Federal Government has the responsibility for building and operating commercial airports. Rail passenger service, throughout, remain independent of the changing factors which affected its position.

The decline in intercity equipment has more than proportionately reflected the decline in the service itself. The fleet is old and generally tends to be deteriorating at least from the viewpoint of comfort. The last significant orders were delivered in 1956—fourteen years ago. This creates the situation where, even if there is a surplus of equipment for current operations, its age and condition is questionable. Obviously, a public investment program would require a census of equipment using a standard classification schedule.

Our basic objective was to create a desirable level of service, while correcting existing mistakes. We then determined the minimal number of cars which would be needed for this basic system. For the purpose of determining the costs of a program for rehabilitating and replacing the inter-city fleet, we super-imposed existing equipment on the equipment which would be necessary for a basic, desirable level of service. Because it would take up to ten years to completely replace the existing fleet, we assumed a phased five-year program in which to begin rejuvenating inter-city service.

The difficulty in measuring inter-city passengers is carried through in attempting to determine which equipment is used for inter-city travel. Our research, for example, showed a 5% to 15% difference in the number of inter-city cars derived from two reliable sources—AAR Statistics and the Official Rail Equipment Register. Regardless of the overlapping in counting, it was determined that a sufficient volume of equipment exists to begin a rehabilitation/replacement program.

We assumed that the present level of service, including existing equipment, would be the beginning of a comprehensive upgrading program over an extended period of time. On this basis we established two distinct types of service, depending on the unique demand for each.

Conceptually, short-haul service is based on a deviation from existing inter-city service. The key factor was to avoid extended transportation services connecting a series of cities over long distances. It is based on the concept that rail transportation is more competitive in providing frequent service between two discrete points. Such intensive short-haul services involves creation of city-pair links or routes. It creates a shuttle-type effect, with at least one daily-pair of trains between each city pair.

In order to determine economic demand for the high level of investment required, we assumed a short-haul network based on population concentrations, or Standard Metropolitan Statistical Areas with populations in excess of 500,000. Axiomatically, a large proportion of the demand for inter-city travel will come from these areas.

Of approximately fifty-five population centers, excluding intra-Northeast Corridors, there are some 75 pairs of cities generally 300 miles or less from each other which form the basic passenger network which can be expected to generate competitive demand for train service.

This short-haul intensive service will require at least one daily pair of trains between each city grouping. Since this is the beginning of a rejuvenated network, it may be anticipated that other city-pairs will generate demand for additional daily trains.

The long-haul network is primarily designed for those routes for which there is a unique demand. The New York to Florida route, for instance, can operate daily at a profit. Some of the Western routes, which are operated at higher capacity during the summer months, may require only three-times-a-week service during the winter.

The smallest number of cars required for the basic intensive service networks is 700

coaches, 100 lounges, 300 foodservice and 100 sleepers; totaling 1,200.

(Throughout, we were concerned with main line coaches, diners, lounges, and sleepers. It was assumed there were enough locomotives available and declining mail and baggage uses obviates the need for more headend cars. We also excluded the Northeast corridor because of the existing level of investment.)

Regardless of the source of information, it is obvious there are sufficient numbers of cars in existence—between 4,500 and 5,000 coaches, diners, lounges, and sleepers. Their usable condition, however, is one of the most speculative questions to be asked.

We arbitrarily determined that to be serviceable, some would require light rehabilitation and the majority medium to heavy rehabilitation.

Absolute cost data for inter-city equipment is extremely ambiguous. Existing equipment is anywhere from 15 to 60 years old. Even the newest equipment would likely require $10,000 to $70,000 each to rehabilitate. While these costs are low relative to new car costs, after rebuilding it would still be aging equipment. An accelerated applied research program may provide significant improvements in design and facilities for new equipment. Further, it is widely assumed that most equipment physically lasts less than the 25–30 years depreciation allowed for accounting purposes.

With the 1,200 cars needed, and cost of light rehabilitation and medium to heavy rehabilitation, it would require $50.2 million to rehabilitate only 1,200 cars in the existing fleet.

However, if there is an alternative investment possibility, and there was only total replacement required, assuming 1,200 cars to begin rehabilitating the network, it would take $345 million to build the new equipment, and we have estimated somewhere approximately $4 million for a one-year research program.

New equipment costs can only be estimated on the basis of the few coaches built in the last ten years and by comparison with commuter cars now being built. While new cars would be expensive, they would be new and incorporate new configurations developed during the applied research program. In addition, it may be assumed that new equipment would reduce maintenance costs.

We should like to emphasize the perspective both of these cost charts are to be put in. In the first case, they are to form the nucleus of a rejuvenated system and do not represent the total of all passenger equipment which will be necessary over a long-range program.

They are designed for a five year period and are constructed to be alternative, as either individually or in an evolving program where some cars are rehabilitated while new cars are ordered and delivered. This will give the government the option of phasing programs as events develop. Because short-haul intensive service is a departure from existing concepts, we assume the need for departure from complementary components of inter-city service. Short trains incorporating new technologies will probably reduce manpower demands per individual train.

New technologies will also be required if the system is to be rejuvenated. The most current events point to a change in railroad research and development methods. The preponderance of thought in this country has been towards such exotic developments as the tracked air cushion vehicle. A consortium of three North American companies, conversely, recently acquired the rights to a British process which would permit speeds up to 150 m.p.h. on existing track. The important aspect is that it allows high speeds with existing basic configurations.

For these same reasons we suggest an intense one year, $4 million applied research program.

TEN CONGRESSMEN JOIN IN STATEMENT ON GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. EDWARDS of California. Mr. Speaker, the military dictatorship of Greece stands convicted today before the world by its own action in withdrawing from the Council of Europe. The leaders of that dictatorship, minutes before it faced a verdict by 17 European nations on its acts of torture and oppression, pleaded guilty to those charges by fleeing the scene and the council. Let there be no mistake, the dictatorship recognized it could not afford a verdict from honest men and honest nations.

It is becoming increasingly obvious that the days of this dictatorship are numbered. The earlier worldwide condemnation of its oppressive rule by the European Commission on Human Rights, as well as by the resolution of the NATO Assembly, had isolated the Greek dictatorship. Within Greece, political leaders of all tendencies have defied the dictatorship's threats of prison and exile to demand the restoration of free elections, democratic rights, and the rule of law. Even that small part of the population which once supported the junta has been alienated by its cruelties and its pervasive corruption, which surfaced so blatantly in the maneuvers surrounding the Onassis-Niarchos competition for an oil refinery. At the same time the incompetence of the dictatorship has undermined the foundations of the Greek economy. Commerce and industry have stagnated, while the country has gone deeper and deeper into debt. The balance-of-payments deficit for the first 7 months of 1969 exceeds that for any previous full year.

The claims of the dictatorship that anarchy and a Communist takeover led it to overthrow the legal government of Greece has been disproven before the nations of the world. But now, through the actions, corruption, oppression, and torture of that dictatorship, anarchy does threaten.

The question today is not whether the dictatorship will fall, but when and how, and what will happen after its departure. For if the fall of the present dictatorship is significantly delayed, and if the dictatorship, by bribes and promises, should still retain enough support in the armed forces to conduct a last ditch resistance, the results could be tragic. Despite the best efforts of Greek democratic leaders to assure the reestablishment of full legal guarantees for all, the pent-up anger of the Greek people at the dictatorship's atrocities might overflow the channels of legality. At the same time, military resistance by the dictatorship would produce large-scale bloodshed as well as horrible destruction to Greece.

To assure a swift and bloodless restoration of democracy and legality, constructive U.S. action at this point is necessary. Above all, it is essential that the United States take steps that will leave no doubt in the minds either of the Greek people or the dictatorship of where this country stands.

In order to convince even those military elements who still back the dictatorship because of the favors they have received and expect from it, the United States should stop immediately the shipment of all military aid, and join with other countries to bar the dictatorship's acquisition of weapons through commercial channels. The United States should recognize the stand of the Council of Europe and should support efforts to suspend Greek membership in NATO until Greece restores the democratic rites which NATO was founded to defend. The suspension of arms deliveries and rapid action by the United States also are necessary because of Papadopoulos' threat to apply for admission to the Warsaw Pact.

The friendship of the Greek people for the United States has been traditional. Today the United States should act because of its friendship and kinship to the Greek people, act by denying the oppressors of Greece arms and and support.

In addition to making it clear in these ways that we are the allies of the Greek people and not of their oppressors, the United States could help to effect a peaceful transition from dictatorship to democracy by offering to arrange for the removal to exile of members of the present dictatorship. Such an offer would make it possible for the dictatorship to leave without widespread bloodshed and without facing the penalties it deserves for its crimes. Such an offer should remain open only for a short period of time, for if the transition is to be peaceful it must also be swift. A continuation of the dictatorship can only lead to further bloodshed. The safe removal of the leaders of the dictatorship should be arranged only if it is to avoid bloodshed.

The nightmare in Greece may be coming to an end. The decision on whether it is going to end lies both in Greece and in the United States. Firm action by the United States can help now.

Joining me in this statement are GEORGE BROWN, JR., PHILLIP BURTON, JOHN CONYERS, JR., BOB ECKHARDT, DONALD M. FRASER, ROBERT W. KASTENMEIER, ABNER J. MIKVA, BENJAMIN S. ROSENTHAL, and WILLIAM F. RYAN.

EFFECTS OF WATERSHED PROJECTS ON WILDLIFE

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. BLACKBURN. Mr. Speaker, a few days ago all Members of the House received a letter from me concerning the channelization of the Alcovy River in the State of Georgia. At that time, I presented the Members of this House with an article which I wrote for Field & Stream magazine showing the adverse effects that channelization has upon wildlife.

Since that time a number of Members

have requested additional information concerning the adverse effects of watershed projects upon wildlife. For the information of my colleagues, I am hereby inserting several articles which have come to my attention which I believe will answer any questions on this subject:

STATEMENT ON SMALL WATERSHED PROJECTS BEFORE THE GEORGIA GAME AND FISH COMMISSION, ATLANTA, GA., MARCH 20, 1969

(By C. Edward Carlsen, regional director, Bureau of Sport Fisheries and Wildlife, Atlanta, Ga.)

Gentlemen, I am honored to sit with you today to discuss a matter of mutual concern, the continuing despoilation of fish and wildlife habitat. This is but one example of environmental degradation which is going on at an ever-accelerating pace all around us. Air pollution, water pollution, estuarine destruction, urban sprawl are the prices we pay for the cultural developments accompanying our burgeoning human population.

Some are inclined to condone all our abuses of the planet as the cost of *Progress*. I disagree with that philosophy and so does everyone who has taken time to analyze the situation. An awakening public is beginning to appreciate that a check-rein on racehorse exploitation and growth is both a good and a necessary thing, for we have come to realize that conservative management of our environment is essential to the survival of the human race.

Conservation of the fish and wildlife resource is a significant element of the whole. Fish and wildlife are part of the web of life. They are indicators of a healthy environment which grows a healthy people. That, gentlemen, pinpoints our role and responsibility in the scheme of things.

I remember with fondness the waterfowl and squirrel hunting the Alcovy supplied 10 and more years ago, but in the year and a half I have been back in Georgia I have not had the opportunity to become reacquainted with the area. Therefore, I am not going to talk about the Alcovy project per se. I am not adequately familiar with it. I do, however, wish to support Director Bagby's statement concerning the time schedule as it relates to the project. My record shows that we received the watershed data sheets on July 12, 1968. And I do desire to apprise the honorable Representative Sorrels that streambottom hardwoods are indeed choice waterfowl habitat. There are two broad groups of ducks, diving ducks and puddle ducks. The diving ducks are the ones he was referring to which require a "runway" for take-off. The puddle ducks take off like quail and I am sure you are familiar with them.

I wish to spend the few available minutes in talking about stream manipulation projects, and in particular channelization and drainage features which destroy or set the stage for the destruction of fish and wildlife habitat.

Stream modification projects have destroyed between three and four million acres of bottomland hardwoods of significance to waterfowl in the last 20 years in the Southeast alone. In contrast, gentlemen, we have acquired only 158,751 acres of wintering ground habitat for waterfowl from 1948 to 1968 in Region 4 and it has cost $12,043,325 from our Duck Stamp Funds in the process.

Let me say immediately that not all of these losses have been caused by P.L. 566 projects. Public Works activities authorized by the Congress have also been involved. In some cases these and P.L. 566 projects have been intermeshed on the same stream, one complementing the other. However, the net result has been the same, alteration of fish and wildlife habitat.

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SETTLEMENT CONTROL BEATS FLOOD CONTROL

(Presented before the Association of American Geographers at Cleveland, March 31, 1953, by Walter M. Kollmorgen, chairman of the Department of Geography, University of Kansas)

In the Kansas River Basin, as well as in many other river basins, there is an urgent need for alternative plans dealing with flood problems. Such plans should be submitted to the public for acceptance or rejection, and they should be submitted with revealing price tags. Under present procedure, the public is confronted with a one-or-nothing program and the proposed program is likely to be extravagant in financial cost as well as in land cost, *i.e.*, land destroyed by permanent flooding. Geographers and other technicians could be very helpful to engineers with a dam-building complex by exploring alternative arrangements to reduce flood losses and translating these various arrangements into plans for public consideration.

FLOODPLAIN CANNIBALISM

Present programs for bringing some measure of flood protection to the Kansas River Basin—and also certain other basins—by the construction of a multiplicity of dams represent an interesting form of floodplain cannibalism. This cannibalism results in part from the common misconception that flood control means control of floods. Since no scheme yet devised will control floods in the Midwest, the tantalizing mirage of "flood control" must lead to a multiplication of dam structures until major portions of our prized alluvial valleys lie buried under a stair-step series of lakes.

Equally interesting is the fact that irreplaceable farm land is being cannibalized by replaceable sites for urban developments. During the 1951 flood, according to the Corps of Engineers, about 90 per cent ($479,000,000) of the damages experienced along the main stem of the Kansas River occurred in urban areas. It is this large urban loss which is now cited to justify the greatly expanded dam-building program in the Kansas River Basin. To bring a greater measure of protection to these urban areas it is proposed to flood permanently from 150,000 to 200,000 acres of the best agricultural lands in eastern Kansas or in lowlands adjacent to the Kansas River. Flooding these large tracts of lowlands will also blight the economy of many miles of adjacent uplands which are or should be in grass. These lowlands supply large amounts of concentrated feeds to supplement the forage of the uplands. It follows that the present plan of controlling floods is nothing less than a Rube Goldberg dream and one with a frightful price tag.

Let us try to gauge the nature of the appetite of the carnivore many propose to liberate in our floodplains. In 1944 the Pick Plan recommended an expenditure of somewhat less than one billion dollars to bring a reasonable measure of flood protection to to the entire Missouri Basin (House Document No. 475). Since then and particularly since 1951 the flood control plans for the Kansas River Basin alone have been so extended and elaborated that in extent, with the result that much of the hill land and slope land has a thin veneer of soil. The Flint Hills of Kansas extending north-south of Topeka and Manhattan are an extreme example of this kind of land. Here lie thousands of acres of land with only a few inches of soil and soil material on a very shallow bedrock. Much of the ramaining land has a hardpan within a foot of the surface and bedrock at a depth of two to three feet. This land already presents a serious problem in management because of the tendency to overplow and overgraze. Flooding a third of the floodplain lying in this area will create an almost insoluble problem in soil conservation. Many hundreds of upland grazing units within the area will lose a dependable supply of concentrated feeds. In combination, these changes mean more overgrazing, more overplowing, more small, uneconomic farming units, and, most of all, more devastating erosion. These geographic changes seem to be completely ignored by the Army Engineers and also big city pressure groups, who seem to be totally ignorant of where their food comes from and what gives them employment. It is urgent and even imperative that in the problem we face, structural engineering become the handmaiden of geographic engineering if we are to go forward rather than backward in a resource conservation effort. The tragedy of the Pick-Sloan Plan is that it destroys more wealth than it creates, and it achieves this by squandering several billions of dollars of public money.

COST-BENEFIT CLARIFICATION AND RECTIFICATION

It is submitted that geographers and other technicans can make a basic contribution to all water-control and water-management programs by scrutinizing and rectifying a weird structure of fairyland economics generally referred to as cost-benefits ratios. This structure has become particularly complicated with the advent of the multiple benefits concept. By magnifying one or several real or imagined benefits, almost any kind of engineering monuments can now be justified. This is particularly true of non-reimbursable benefits because beneficiaries make no special payments for projects developed and so no account can go into the red. If beneficiaries would be required to reimburse the federal Treasury for many of or most of the benefits listed on water-control programs, the entire program would shrink to size and sense overnight.

From the standpoint of landforms and soils, floods have a constructive as well as a destructive side. This should be, but is not, reflected in flood-loss estimates. Consider, for example, the major and unusual flood in the Kansas River Basin in 1951. Some alluvium deposits improved terrain and drainage; other deposits made for an improved soil structure after shallow or deep plowing. Still other deposits of proper texture will prove of value in that they increase the inventory of certain plant foods. Let us briefly consider some of these constructive processes.

Prior to the flood, some floodplain farmland was uneven in elevation, possibly with pockets of water, wet spots or seepage spots. Drainage problems may have made for some waste land or land marginal for farming. The fill or deposits left by the flood obliterated some of the uneven terrain and greatly improved the drainage. Examples of this are not difficult to find. A friend of mine remarked that before the flood he valued his land at $300 per acre, but after the flood he valued it at $400 per acre because fill of proper textured material had solved all drainage problems and removed all waste land. Here is an example of where an inventory of flood losses should also include an inventory of flood gain.

Another flood gain that was not uncommon was the deposit of sandy material of limited depth over fine-textured gumbo land. Gumbo land presents problems in management, drainage, and crop production. Several inches of sand deposits can readily be plowed into a gumbo soil, and in combination this mixture greatly improves the working qualities and productivity of the soil. Even deposits of sandy material from 12 to about 24 inches deep were mixed with formerly exposed soil material by deep plowing, that is, plowing three to four feet deep. Plowing at a depth of about three feet cost about $30 per acre. This expense was associated with the flood loss and was therefore largely paid for by the government. Now it develops that these

deep-plowed fields yielded about 20 bushels more corn per acre than the shallow-plowed fields which had little or no fill or deposits. The result is that plans are now underway to deep-plow other fields with little or no deposits to rejuvenate them or to increase their productivity. In other words, increased yields from many deep-plowed fields in one year paid for this special operation and there are those who believe that deep plowing may become a standard practice in the floodplain to increase soil productivity. Here is another benefit that was not listed to partly offset the flood losses.

It is not necessary here to dwell on the value of new alluvium of proper texture. For several thousands of years these new deposits made a garden spot of the Nile Valley. Now that dams are regulating more and more the flow of that stream and the silt remains behind the dams, Egypt is rapidly approaching productivity and fertilizer problems. Cotton also yields a shorter staple and a more brittle fiber. Closer to home we have the example of the Missouri River floodplain between St. Joseph, Mo., and Sioux City, Iowa. In 1952 farmers in that floodplain boasted some of the best corn and soybean yields they ever experienced—early in the year their lands were flooded and new alluvium was deposited. The flood losses were given wide publicity; the high yields that followed have hardly been noted. Here again, only the losses are stressed and magnified, partly to justify big engineering works.

That too much stress has been given to land destruction is well indicated in news releases by agricultural specialists at Kansas State College, Manhattan. Under the date of Sept. 11, 1951, Manhattan, Kansas, comes this news item:

"Flood a Soil Aid—K-State Scientist Says Most of the Kaw Valley Will Produce Better as a Result—Can Build Up the Sand—Only Loamy Earth Is Damaged by Deposits—Some Drainage Problems Erased.

"A Kansas State College soil scientist says a large part of the land flooded by the Kansas river in July will produce better crops in the future because of the flood.

"Describing the popular conception of soil damage as 'grossly exaggerated,' Harry C. Atkinson, associate professor of soils, said the sandy soil many persons think is ruined will be the best sweet potato and watermelon land in the valley within a short time.

"Atkinson and W. A. Badgley, USDA soil scientist, have been surveying the north side of the Kansas river from Wamego to Lawrence since April. They have run a spot survey of the north valley from Wamego to Lawrence, but will not complete their detailed survey until 1952.

"Atkinson said it is too early to give figures, but he estimated that only 10 to 20 per cent of the severely flooded land on which all crops were lost has been damaged by the flood.

"The other 80 to 90 per cent, he said, eventually will yield better crops.

"Pictures the college has of sand deposits after the 1903 flood show they now are part of land that is selling for $400 to $600 an acre, Atkinson said.

"Once the sandy soil is built up with organic material it will produce alfalfa, sweet potatoes, corn and other crops—the same as the 1903 sandbars have been doing consistently, he said.

"Sand deposits on loam soil are detrimental, he continued, but sand on sand makes no change in the ability of the soil to produce. Sand on clay is beneficial so far as workability of the land is concerned.

" 'We've heard nothing but bad news from the flood,' he said. 'Besides enriching a large part of the river valley land, it filled in some low spots that were formerly drainage problems. Now they will drain off.'

"Where raging water scoured and cut away top soil, it definitely lowered the productivity and the value of the soil, he said, but those washed away spots are not completely sterile and will produce lighter crops.

"Atkinson's survey shows much of the flooded land is richer with elements needed for crop production than it was before the flood. There is little or no need for fertilizers except on land with heavy sand deposits, he said, and they need nitrogen added." (Kansas City Times, Sept. 12, 1951.)

The foregoing estimate, it should be noted, comes from a soil scientist who was in the process of studying the flooded lands.

Present methods of figuring cost benefits also do not make allowances for the disturbed hydrological conditions which follow the impounding of large bodies of water in floodplains. Suppose a dam about 100 feet high is thrown across a floodplain and impounds a lake with a depth somewhat less than 100 feet. Ground-water conditions will be disturbed for many miles above the upper part of the lake and deterioration of land will follow. Moreover, the stream debauching into the lake will have its gradient disturbed, will drop part of its sediment before it reaches the lake, and will experience a rapid process of aggradation. Before long it will meander frequently and widely over the floodplain, leaving stranded bridges, causing road problems of many kinds, and also bringing many losses to farmers. A realistic method of cost-benefits computation would have to provide for much land deterioration and loss above impounded lakes, particularly in wide floodplains with gradual slopes.

Many other peculiar cost-benefit manipulations serve to justify a clutter of dams in the wide floodplains of the Midwest. Multiple benefits are usually mixed into this fruitcake which is then wrapped as a gift package. Although flood mitigation may be the main purpose in building a dam, other benefits may be assigned to irrigation, power development, and river navigation. However, these multiple benefits usually create a conflict in purpose. For example, for irrigation, navigation, and hydro-electric power, water needs to be stored in large quantity, but for flood control reservoirs should be empty when a flood season threatens. To serve these partly conflicting purposes, a great reservoir is built, at tremendous cost in money and irreplaceable land, which can be kept partly filled and partly empty.

Particularly the benefits assigned to navigation have no basis in fact or in promise. Expenditures on the Missouri River to bring water navigation to Sioux City are rapidly reaching the half-billion dollar mark. This program was inaugurated in the 30's in terms of a 6-foot channel and this was largely achieved by the early 40's. The traffic at that time, however, needed to be nearly 1000 per cent greater than it was to justify the development costs. Subsequently a 9-foot channel became the objective, and this has largely been achieved. Even with this channel depth, the recent traffic on the river is but an insignificant proportion of the tonnage projected to justify development costs. It is still correct to say that the real cargo hauled on the river needs to be increased by over 1000 per cent to justify the money thrown into the muddy Missouri to make it navigable. Compounding this nonsense, the government has even placed its own barges on the river and thereby increased the waste of the taxpayer's money, for during most years these barges have lost money for the government although they are not required to pay one cent for the use of this expensive waterway. To flood even one acre of good farm land to achieve this sort of waterway is a social, economic, and political iniquity.

GEOGRAPHIC ENGINEERING WILL MITIGATE FLOOD LOSSES

In the lower Kansas River Basin as much as one-half of the best floodplains may be destroyed by present and proposed dams. Justification for the destruction of so much good land is based on flood losses, particularly losses which occurred in 1951. These losses, however, are largely the result of unwise encroachment on the floodplain, particularly city developments. Losses of personal property and permanent improvements were far greater than land and crop losses. Proper geographic engineering with a limited amount of structural engineering could have reduced the latter losses to a small percent of the actual losses, and these limited losses in turn would not have justified the expensive clutter of dams now proposed.

Farmers farm floodplains by necessity but urban and industrial developments in the Missouri Basin encroach on floodplains by choice and not by necessity. No basic resource is lost by zoning enough floodplain land against improvements to allow a stream several stream widths between dikes in urban and industrial areas. If such a program of set-back dikes had been developed in urban areas prior to recent floods, there would have been no big urban losses, basin-wide losses would have been much smaller, and no justification in terms of cost-benefits would have sanctioned the extravagant program of development now underway. Under present plans we will flood many hundreds of acres of the finest agricultural land in the state to protect one acre of urban floodplain land which has only limited site value for improvements that could readily be shifted to secure upland locations.

Farm losses could also be greatly reduced by geographic engineering. Again we refer to the floodplain of the Kansas River for an example. This floodplain has an average width of somewhat more than two miles. At least up to the great flood of 1951, farmers always considered it their privilege to build farmsteads within a stone's throw of the stream. It was this indiscriminate location of farmsteads on the floodplain that contributed to heavy farm losses. Yet, within sight of all these farmsteads, and usually within a distance of less than one mile, there are extensive high and dry uplands ample to accommodate all these misplaced farmsteads. Many of these farmers already negotiate distances of one or several miles to scattered tracts of farmland. Geographic engineering could serve to zone all the flood-threatened areas against farmsteads, and government aid could be extended to relocate improvements now in danger areas. In combination with this program, flood danger could be mitigated by building small wet and dry dams in V-shaped tributary valleys rather than on floodplains several miles wide. Instead of considering this arrangement, which would cost but a fraction of the present big dam program, we are in the process of extinguishing up to 50 per cent of our floodplain in eastern Kansas, which, among other things, will drive more farmers onto the thin erosive soils of the hills.

Summarizing the above observations gives these interesting results:

1. Urban and industrial losses would be largely obviated by set-back levees and zoning and thus cancel the biggest share of the assessed benefits which now justify big dams.

2. Farm improvements in valleys several miles or less in width would be zoned to flood-free elevations and therefore cancel the second highest assessed benefits which now largely justify the big dams.

3. Crop losses on wide floodplains would be mitigated by damming narrow tributary valleys—largely V-shaped valleys—but occasionally losses would be accepted on this usually highly productive land.

4. Land and soil destruction by flooding is largely a myth and therefore does not justify flooding out one set of farmers behind dams to save another set of farmers below the dams.

5. Water navigation on the Missouri as a cheap mode of transportation is a total myth and justifies no expenditures whatsoever.

In combination, the above observations and facts suggest very clearly that flood-control planning and execution is not a task that should be entrusted alone to military technicians. Flooded floodplains are in no way to be compared to an enemy, although our attack on flood problems suggests the lavish expenditures of money and resources thrown into a military campaign. Geographic engineering directed at settlement control can resolve many of the flood-loss problems. Only a secondary role in this effort should be assigned to structural engineers to impound waters in narrow V-shaped valleys and to erect set-back dikes in metropolitan areas. In this way our collective wealth and welfare will be enhanced and not lie buried under vast inland lakes.

STATEMENT ON CHANNELIZATION

(By Georgia Conservancy, Inc., 1025 Candler Building, Atlanta, Ga.)

To the Honorable Clifford Hardin, Secretary, U.S. Department of Agriculture.

Mr. Secretary: The public is becoming increasingly aware of the aesthetic, recreational, and scientific values of free-flowing rivers and streams. Consequently, stream channelization as practiced by the Soil Conservation Service is no longer viewed as being in the public interest, but it is now regarded as willful destruction of valuable outdoor resources. We note that channelization is often used to artifically adjust benefit-cost ratios to make the construction of dams appear economically attractive.

The public's objection to stream channelization is further compounded when it is realized that the Soil Conservation Service would spend millions of tax dollars to work in direct opposition to two other publicly financed federal programs. These programs are improvement of wildlife habitat and outdoor recreational opportunities administered by the Department of the Interior, and the Soil Bank program administered by the Department of Agriculture.

Channelization is an evil in itself: The flagrant destruction of our natural outdoor resources. But, to force the public to finance it during times of high taxation, in direct opposition to other tax supported programs, is an outrage.

We say that if dams are needed to provide people with water and genuine outdoor recreational opportunities, then let the dams be built and justified on their own merits. We do not oppose the construction of reservoirs for valid public benefit, but we strongly oppose the needless sacrifice of our remaining natural streams, and the callous waste of tax dollars by the Soil Conservation Service through its channelization policies.

THE EFFECTS OF CHANNELIZATION UPON THE FISH POPULATIONS OF LOTIC WATERS IN EASTERN NORTH CAROLINA

(By Jack Bayless and William B. Smith, North Carolina Wildlife Resources Commission, Raleigh)

ABSTRACT

This paper concerns an evaluation of the effects of habitat alteration associated with stream channelization in eastern North Carolina. The evaluation was based upon a comparison of fish populations found in 23 channeled streams, and 36 proximate natural streams within the Chowan, Neuse, Northeast Cape Fear, Pamlico, Perquimans, and Tar River Watersheds.

These comparisons indicated that reductions in the magnitude of 90 percent occurred both in weight of game fish per acre, and in number of game fish exceeding six inches total length per acre, following channelization.

The data further revealed that no significant return towards the natural stream population occurred within a 40-year period following channelization.

For some time, fishery workers have realized that alteration of habitat caused by a formal program of channelization of natural stream beds to obtain better drainage and to reduce flooding of surrounding croplands was detrimental to indigenous fish populations. Until now, however, the extent of damages to fishery resources have not been fully evaluated, but the increasing number of channelization projects and particularly their encroachment upon larger and better fishing streams demand that a careful estimate of the fishery losses be made and mitigation of demonstrable damages be sought on behalf of the fishermen.

In North Carolina alone, for example, 235 watersheds have been deemed feasible for assistance under Public Law 566. A total of 62 watershed improvement project applications involving some 2,900,000 acres have already been authorized for planning and 400 miles of streams have been altered or are under construction as of this writing. In addition P.L. 566 projects, many miles of streams have been altered by other agencies. Unfortunately, accurate estimates of the total mileage of streams affected in North Carolina are not available.

When these channelization projects are considered individually, the losses to the fishery resources often appear insignificant because they usually affect small streams. This concept is very misleading in light of a recently completed survey and classification of streams in North Carolina which demonstrated that the small, black-water streams of eastern North Carolina produce some of the best game fish populations to be found in the State. Even if these streams were not so valuable individually, collectively they represent a sizable portion of the public fishing waters. The detrimental effects of excessive siltation and more rapid water-level fluctuations in the receiving waters downstream also must be considered when channelization of the magnitude described above is encountered.

In view of detrimental aspects of stream channelization, data were compiled from various sources to indicate impact of stream channeling upon resident fish populations and more specifically the effects upon game fishes. Correlation of past effects with project types should yield: some gross means for assessing the probable damages that could be anticipated from future projects; possible means for avoiding losses to sport-fishery resources; and mitigation measures for losses which are absolutely unavoidable.

Data used were principally those contained in Survey and Classification Reports upon the Chowan, Neuse, Northeast Cape Fear, Pamlico, Perquimans, and Tar River Watersheds issued by the North Carolina Wildlife Resources Commission. From these data, plus intensive field observations, a total of 23 channeled streams, and 36 proximate natural counterpart streams, were selected (See Figures 1, 2, and 3).

Comparisons between fish populations found in natural streams and channeled streams definitely revealed that stream channelization has serious detrimental effects upon total carrying capacity, number of game fish exceeding six inches in total length, and weight of game fish per surface acre. There is also a significant reduction in average size of the fishes. No appreciable alteration in the ratio between game and nongame species was found.

The channeled streams used in this study were separated into three distinct ecological classifications according to a slight modification of those proposed by Van Deusen (See Figures 1, 2, and 3).[1] Often channelization disrupted physical characteristics and altered fish populations so drastically that it was difficult to determine what the ecological classification of a stream might have been prior to alteration. In such a case, the stream was assigned the same ecological classification as applied to adjacent natural streams of the same approximate size.

With the exception of a greater reduction in the average size of game fishes in the Largemouth-Pickerel streams, there was no appreciable variation in effects of channelization upon fish populations in the three ecological stream types studied (Figure 4). Average reduction per acre for each stream type in the number of game fishes exceeding six inches in total length was generally in the magnitude of 90 percent. Reduction in standing crop approximated 80 percent, and loss in weight of game fishes was approximately 85 percent.

Although percentage loss in the stream types was similar, there was a much greater numerical loss of game fishes exceeding six inches in length, as well as in average weight of game fishes, from the Redfin-Warmouth streams because this stream type invariably contained a much larger standing crop.

When averages from all of the channeled streams used in this report are compared with averages from all of the natural streams, each of the eleven major species of game fishes evidences a significant loss in average number per acre, average weight per acre, and average number exceeding six inches in total length. Alteration of habitat apparently has a more serious adverse effect upon the redfin pickerel, chain pickerel, redbreast sunfish, and largemouth bass; while the bluegill, pumpkinseed, and warmouth appear to be somewhat less seriously affected.

Estimates of the original fish populations found in a stream prior to dredging were predicated upon the assumption that they were equivalent to those currently found in comparable adjacent natural streams. A quantitative estimate of the effects of dredging upon any single species, therefore, is strongly influenced by the number of that species found in the counterpart natural stream. For example, the numerical loss of yellow perch from Largemouth-Pickerel streams is far greater than from Robin-Warmouth streams because the former type of stream naturally contains many more yellow perch in the original standing crop (Figure 4).

Wherever possible, the elapsed time between channelization and population sampling was established. Average weight of game fisheries per surface acre, and number of game fish exceeding six inches in total length per acre, were grouped according to the period of time that had elapsed since construction of channels. From these data, it is apparent that recovery toward a natural game-fish population is very slow, and presumably the population will never recover, if the channels are properly maintained in the interest of flood prevention.

RECOMMENDATIONS

In North Carolina, the Wildlife Resources Commission, U.S. Fish and Wildlife Service, Soil Conservation Service, and the local sponsors of Public Law 566 projects, are cooperatively seeking means for accomplishing a mutually satisfactory program. Progressing toward this end, several proposals for alleviating unavoidable losses have been developed. Although the relative efficacy of individual proposals has not been fully evaluated and may not be applicable in every situation, nevertheless, they are listed below in hope they will be of value to other agencies facing similar problems.

1. Block off oxbows with spoil from stream channels to provide permanent ponds.

2. Replace fish producing waters lost during channelization with impounded water on an acre-for-acre basis.

3. Construct small, deep ponds adjacent to

[1] Van Deusen, R. D., A simplified technique for classifying streams useful in fishery and related resources management. The Progressive Fish-Culturist, Vol. 15, No. 1, pp. 14–19.

channels to serve as sanctuaries for fishes during periods of low water.

4. Off-set the dredged channel from the natural channel to maintain water in the natural stream bed.

5. When a natural stream parallels the main river for an appreciable distance above the confluence, cut the channel directly into the main river.

6. At every opportunity, use flood-water retarding structures or clearing and snagging instead of channelization.

FIGURE 1.—*Location of study areas in eastern North Carolina: Site locations for dredged and natural stream comparisons*

ROBIN-WARMOUTH, CLASS 2

Width: 0–30.
Depth: Mod., abundant pools.
Flow: 0–50.
Summer temp.: Warm.
Turb.: Varies.
Bottom: Sand, muck, silt.
Alk. pH: Varies.
Fauna: Robin, other Centrarchids, Creek Chubs.
Other: Typical medium size Piedmont stream.

Name of stream	Average game fish per acre 6 inches and greater in total length	Game fish: Average total pounds per acre	Game fish: Average weight (pounds) per acre	Game fish: Average number per pound	Average number of nongame fish per pound
Group 1:					
Burgaw creek [1]	8.0	11.5	5.7	11.2	221.6
Long Creek	520.0	207.8	174.6	4.2	75.0
Rileys Creek	182.3	239.8	145.1	1.9	4.8
Group 2:					
Middle Swamp [1]	91.8	76.6	35.8	9.8	53.5
Slough Creek [1]	24.9	13.8	10.7	9.9	379.0
Aycock Swamp	133.4	65.0	40.0	27.5	59.8
Group 2—Continued					
Little Contentnea Creek	40.0	96.6	21.4	4.6	19.3
Nahunta Swamp	94.5	62.3	[1] 46.2	6.3	93.5
Sandy Run	470.0	277.0	166.0	9.2	29.6
Total average:					
Dredged	41.6	34.0	17.4	10.3	218.0
Natural	240.0	158.1	98.9	8.9	47.0

[1] Dredged stream.

FIGURE 2.—*Location of Study Areas in Eastern North Carolina: Site locations for dredged and natural stream comparisons*

LARGEMOUTH-PICKEREL, CLASS 4

Width: Over 10'.
Depth: Mod., deep pools.
Flow: Over 5.
Summer temp.: Cool.
Turb.: Clear.
Bottom Predominantly sand.
Alk. pH.: Low.
Fauna: L.M.B., Chain Pickerel, Robin.
Other: Blackwater upper Coastal Plain streams. Highly stained.

Name of stream	Average game fish per acre 6 inches and greater in total length	Game fish: Average total pounds per acre	Game fish: Average weight (pounds) per acre	Game fish: Average number per pound	Average number of nongame fish per pound
Group 1:					
Broad Creek [1]	36.0	30.5	6.1	31.8	52.2
Pantego Creek [1]	0 0	13.5	1.0	45.0	180.5
Bath Creek	688.6	615.3	251.0	7.7	7.6
Lower Dowry Creek	525.0	197.7	192.0	4.3	253.5
Pungo Creek	100.0	139.2	63.6	5.5	97.5
Group 2:					
Grindle Creek [1]	10.3	25.8	3.2	40.7	345.0
Swift Creek [1]	4.3	111.9	1.4	37.2	51.5
Group 2—Continued					
Batchelders Creek	119.8	87.6	61.2	6.8	50.7
Chicod Creek	85.8	79.8	36.4	14.6	27.4
Town Creek	164.6	597.7	71.2	5.3	2.7
Tranters Creek	255.0	270.3	73.8	16.0	11.1
Total average:					
Dredged	12.7	45.4	2.9	38.7	157.3
Natural	277.0	283.9	107.0	8.6	65.1

[1] Dredged stream.

FIGURE 3.—*Location of study areas in eastern North Carolina: Site locations for dredged and natural stream comparisons*

REDFIN-WARMOUTH, CLASS 11

(Dredged and comparator streams by ecological classification)

Width: 0–30'.
Depth: No pool or riffle.
Flow: 0–20 cfs Imp.
Summer temp.: Warm.
Turb.: Clear.
Bottom: Sand, muck, detritus.
Alk. pH.: Low.
Fauna: Redfin pickerel, Warmouth, Flier.
Other: Swamp drainage stream of Coastal Plains.

Stream name	Average game fish 6 inches plus length average number per acre	Average total pounds per acre	Game fish: Average number of fish per pound	Game fish: Average weight (pounds) per acre	Nongame fish average number of fish per pound
Group 1:					
Eagle Swamp [1]	11.1	14.2	40.2	10.5	231.0
Quinerly Creek [1]	81.9	45.2	9.6	39.7	240.0
Briery Run	60.0	68.0	17.3	40.0	46.5
Core Creek	374.7	147.9	10.2	70.4	43.3
Moselys Creek	41.2	52.7	7.6	25.5	4.1
Group 2:					
Cannon Swamp [1]	0.0	7.5	0.0	0.0	463.0
Clayroot Swamp [1]	60.0	30.1	9.9	14.1	31.2
Fork Swamp [1]	117.8	74.1	10.7	39.1	14.8
Johnsons Mill Run [1]	18.1	4.4	8.3	3.3	321.5
Cow Swamp	650.0	189.3	12.5	131.1	102.6
Creeping Swamp	150.0	39.0	7.9	28.0	37.3
Hardee Creek	100.0	67.7	11.4	31.5	168.5
Juniper Branch	400.0	295.9	11.1	106.4	78.5
Palmetto Swamp	455.2	176.2	9.2	86.2	28.4
Group 3:					
Black Swamp [1]	125.0	132.5	23.9	57.5	44.4
Conetoe Creek [1]	6.4	17.9	17.8	2.7	129.6
Bynum Mill Creek	625.0	364.9	11.0	182.4	86.3
Cokey Swamp	203.1	167.7	7.8	73.8	13.6
Kitten Creek	866.6	199.2	11.7	93.8	104.2
Otter Creek	1,550.0	658.1	7.7	343.1	23.5
Tyson Creek	433.3	324.2	19.7	210.7	101.5
Group 4:					
Bear Grass Swamp [1]	25.0	31.6	11.9	16.9	37.4
Flat Swamp [1]	14.3	76.9	26.4	3.2	60.8
Turkey Swamp [1]	40.0	27.2	23.8	10.9	157.0
Briery Swamp	1,266.0	544.0	10.6	209.0	27.1
Collie Swamp	2,666.0	1,264.0	10.5	594.0	10.2
Group 5:					
Burnt Mill Creek [1]	28.6	41.4	31.9	30.0	386.5
Yeopim River	317.0	210.2	8.9	148.5	158.0
Group 6:					
Ahoskie Creek [1]	55.5	16.3	6.4	15.6	301.6
Cutawhiskie Creek [1]	0.0	239.7	59.7	6.7	31.2
Flat Swamp [1]	0.0	39.9	35.7	5.7	585.0
Horse Swamp [1]	14.3	25.7	38.3	12.7	105.5
Chinkapin Creek	60.0	47.0	13.2	21.5	95.3
Deep Creek	0.0	108.3	37.1	28.3	41.8
Potecasi Creek	100.0	80.1	24.6	43.4	23.6
Stoney Creek	88.3	65.3	9.4	20.0	161.5
Urahaw Swamp	200.0	306.3	35.6	173.0	21.8
Urahaw Swamp	650.0	287.5	18.3	170.0	19.6
Whiteoak Swamp	1,500.0	1,000.0	18.0	250.0	59.5
Total average:					
Dredged	37.4	51.6	23.6	16.8	196.0
Natural	555.0	289.5	14.4	134.0	63.3

[1] Dredged stream.

COMPARATIVE PRODUCTION DATA FOR DREDGED AND NATURAL STREAMS

Game species	Averages for class 2—"Robin-Warmouth" streams						Averages for class 4—"Largemouth-Pickerel" streams					
	Average number per acre		Average weight (pounds) per acre		Game fish per acre greater than 6 inches total length		Average number per acre		Average weight (pounds) per acre		Game fish per acre greater than 6 inches total length	
	N[1]	D[2]	N[1]	D[2]	N[1]	D[2]	N[1]	D[2]	N[1]	D[2]	N[1]	D[2]
Redfin Pickerel	118.4	11.1	11.9	1.3	70.7	5.2	5.6	18.9	0.2	0.4	1.4	3.8
Chain Pickerel	12.4	9.0	20.0	3.4	12.4	6.2	92.1	1.0	24.1	Tr	63.9	----
Mud Sunfish	6.9	----	.9	----	----	----	----	----	----	----	----	----
Flier	40.1	9.6	4.3	.4	13.0	----	13.2	1.1	.7	Tr.	1.0	----
Warmouth	59.9	70.6	3.3	4.9	9.0	10.4	114.9	9.3	9.1	.5	32.4	1.0
Redbreast Sunfish	206.8	3.4	37.1	.5	105.9	1.3	46.6	----	7.7	----	19.3	----
Pumpkinseed	35.9	22.9	1.7	1.7	----	4.1	171.4	48.2	10.6	.8	21.8	6.0
Bluegill	152.9	34.7	2.9	3.0	7.9	8.3	150.2	20.6	12.3	1.0	28.8	2.0
Largemouth Bass	19.5	5.6	12.7	1.8	14.6	5.6	46.0	2.4	13.2	Tr.	13.0	----
Black Crappie	10.0	3.0	1.6	Tr.	5.5	----	11.8	3.1	2.1	Tr.	6.7	----
Yellow Perch	1.9	----	.6	----	1.0	----	114.1	----	23.3	----	88.2	----
Total	664.7	169.9	97.0	17.0	240.0	41.1	765.9	104.6	103.3	2.7	276.5	12.8

Game species	Averages for class 11—"Redfin-Warmouth" streams						Averages for all ecological classifications—2, 4, and 11					
	Average number per acre		Average weight (pounds) per acre		Game fish per acre greater than 6 inches total length		Average number per acre		Average weight (pounds) per acre		Game fish per acre greater than 6 inches total length	
	N[1]	D[2]	N[1]	D[2]	N[1]	D[2]	N[1]	D[2]	N[1]	D[2]	N[1]	D
Redfin Pickerel	953.0	53.7	72.7	4.7	533.0	19.1	633.0	41.1	48.5	3.5	344.0	14.7
Chain Pickerel	83.0	4.3	17.9	1.2	40.7	3.5	74.1	4.3	14.6	1.1	34.2	3.3
Mud Sunfish	73.4	9.5	5.4	0.9	2.2	1.1	62.0	6.6	3.6	0.6	3.2	0.8
Flier	102.8	33.1	6.4	0.5	6.6	----	75.1	24.5	5.0	0.5	7.2	----
Warmouth	141.0	103.3	9.2	3.3	11.5	7.6	122.5	81.9	7.9	3.9	13.7	6.9
Redbreast Sunfish	108.5	7.6	20.6	0.4	47.5	1.0	115.5	5.8	19.2	0.3	51.8	0.8
Pumpkinseed	157.5	59.2	5.5	1.6	----	0.3	140.5	47.2	5.5	1.4	4.2	0.7
Bluegill	193.5	142.5	3.5	1.5	3.0	0.9	179.5	114.6	5.4	1.6	8.2	2.1
Largemouth Bass	12.3	2.9	2.1	0.3	3.5	1.0	20.5	3.2	6.1	0.4	8.4	1.5
Black Crappie	5.3	6.8	0.5	0.1	2.0	----	7.4	5.8	1.0	Tr.	3.5	----
Yellow Perch	26.6	19.5	1.3	0.8	4.5	2.8	41.3	13.6	4.0	0.6	21.5	1.9
Total	1,856.9	442.4	145.1	15.3	654.5	37.3	1,471.4	348.6	120.8	13.9	499.9	32.7

[1] Natural streams.
[2] Dredged streams.

REPORT ON THE EFFECTS OF CHANNELIZATION AND DRAINING BY THE U.S. SOIL CONSERVATION SERVICE IN WATERSHEDS IN GEORGIA

(By George T. Bagby, director, State game and fish commission)

The President's Council on Recreation and Natural Beauty made up of the Vice President, Secretary of Interior, Secretary of Commerce, T.V.A., Secretary of Agriculture, under whom is the Soil Conservation Service, and other department heads had this to say about water resource projects in their book "From Sea to Shining Sea." I quote:

"The Council proposes that Federal flood control and other water resource development programs and projects seek to retain or restore natural channels, vegetation, and fish and wildlife habitats on rivers, streams, and creeks and apply the same policy to federally assisted public and private projects affecting rivers, streams, and creeks."

Under the provisions of Public Law 566, the U.S. Soil Conservation Service is authorized to plan and construct with Federal money projects to prevent flood damage and erosion, and to store flood water for municipal and industrial water supplies, irrigation, and recreation.

Public Law 566 does not give veto power over these projects to state game and fish commissions. It does require the U.S. Soil Conservation Service to submit copies of plans to the state game and fish commissions and the U.S. Fish and Wildlife Service.

These two agencies are required by the law to make comments to the Soil Conservation Service on what effects the proposed project plans would have on fish and wildlife. This advice is not binding on the SCS in any way, and that agency can completely disregard the comments of wildlife agencies if they choose.

This has frequently been the case in the last decade since the 566 law was passed. Today, the game and fish agencies of most of our sister states are embroiled in constant conflict with the SCS because of the extensive and widespread damage these projects do to fish and wildlife habitat, primarily from dredging of stream beds and draining of wildlife wetlands, especially riverbottom hardwoods.

Such destructive projects are a national conservation issue. Only last October, the Southern Division of the American Fisheries Society adopted a resolution calling on the SCS, TVA, and the Corps of Engineers to halt any further watershed projects until an economic evaluation can be made of the value of fishing, hunting, boating, and other recreational values of the small streams affects.

Our sister wildlife agencies in the states of North Carolina, Tennessee, Alabama, and Louisiana, to name only a few, have strenuously protested this destruction. The position has been supported fully by the Southeastern Association of Game and Fish Commissioners, and by many state and national conservation organizations. In this connection, I would like to quote a statement by Mr. Charles Kelley, Director of the State of Alabama's wildlife agency, made in his report as president of the Southeastern Association of Game and Fish Commissioners at their 1967 conference in New Orleans:

"A major problem existing in my state at this time concerns watershed projects. The original concept was to design, through federal assistance, watershed projects in such a manner as to improve the renewable natural resources within the watersheds. From the very beginning, public monies have often been used to develop agricultural resources which directly benefit the individual landowner at the sacrifice of such public resources as fish and wildlife: the loss of which is felt by many people. From the trout streams in North Carolina to the shores of the gulf coast, channelization has played havoc with our valuable fish and wildlife habitat."

"Fish and wildlife losses, as a result of channelization of one watershed stream when examined alone, may appear to be insignificant. Not only will stream channelization destroy the fishery resource of the watershed stream itself, but channelization destroys the spawning habitat for such species as walleyed pike, sauger, and white bass. Without adequate stream spawning habitat, these species will ultimately disappear or be greatly reduced."

"Not only is channelization detrimental to the fishery resources, but it destroys feeding and occupational habitat for a number of game and furbearing animals and the wood duck."

". . . If fish and wildlife losses were given proper consideration as a factor in arriving at the cost benefit ratio of the watershed, I am sure that in many cases impoundments would replace channelization in order to arrive at a cost benefit ratio figure which would assure federal funds for the project."

"Fish and wildlife organizations can no longer stand still and watch our natural stream areas turned into man-made ditches devoid of fish and wildlife. We must continue our efforts to gain greater appreciation of our fish and wildlife resources, or most surely we will suffer to an even greater extent in the future."

The destructive effect of channelization and drainage of fish and wildlife is well documented. A study by the North Carolina Wildlife Resources Commission of 23 streams that have been channeled shows that 90 percent of the game fish were lost, both by weight and number. It is important to note that 40 years after channelization there was no significant improvement in the fish population. A Mississippi study before and after a stream was channeled showed drastic reductions of the game fish. In a stream that once had an average of 240 pounds of game fish per acre before channelization, afterward this was reduced to only five pounds of tiny game fish.

We all know that drainage of wetlands means the annihilation of ducks and other waterfowl. Such areas serve as refuges for deer, rabbits, squirrel, raccoon, and many species of furbearing animals.

There are 164 of these watershed projects planned on every major fishing stream or lake in Georgia or just upstream from it. Each one of them includes plans for dredging streams and draining wetlands that are essential for wildlife. Forty-six of these projects have already been approved for construction, and 14 have been completed. A list of these projects is attached to this report.

We have seen these projects and the destruction that they have already caused to wildlife and fishing in Georgia. We are going to show you some pictures of some of these projects in a few minutes so that you can judge for yourself the destruction that they do. After that, we will give the other concerned persons present today a chance to be heard.

But first, I want to clarify for this commission and the public the position which our department has taken on the watershed project proposed on the Alcovy River above Lake Jackson in Gwinnett, Walton, and Newton counties.

The false statement has been deliberately and maliciously made that the State Game and Fish Commission and its director have opposed the approval of the Alcovy River Watershed Project. This is a barefaced lie. We are not trying to kill this project. We don't have that authority. We are not trying to keep these three counties from having seven large lakes for recreation and municipal and industrial water supplies. We are in favor of them, and have publicly stated that we would stock these lakes free of charge and that our fish biologists would help to manage them to produce the best possible fishing. We have not opposed planting cover crops and wildlife food patches. We would favor opening up boat passageways through the Alcovy for fishermen, hunters, and boaters.

We have objected to one portion and one portion only of the proposed watershed plans, and that is the channelization and drainage of the Alcovy River above Lake Jackson.

Under the provisions of Public Law 566, we are required to make comments on the effects of the Alcovy Watershed Project of fish and wildlife habitat. We did not ask to make these comments. We were invited to make them at the recent meeting in Monroe by a letter on February 7, 1969, from Mr. Cecil Chapman, State Conservationist of the U.S. Soil Conservation Service. Previously, in our letter of August 23, 1968, we concurred with a report by the U.S. Fish and Wildlife Service that the Alcovy Project as presently designed by the U.S. Soil Conservation Service would adversely affect fish and wildlife habitat. We have never approved the Alcovy Project from the day when we were first officially notified of it, years after it has been sold to the local landowners by the Soil Conservation Service. We have never changed our position on the Alcovy Project or any other destructive dredging or draining proposals. Our files are filled with letters this department has written the SCS for years and years objecting to such practices. We have held many meetings with the SCS to register our complaints, but they have gone virtually unheeded.

We were asked to comment on the Alcovy Project, as well as required by public law. We have made public our biological comments on the adverse effects that the channeling and drainage portions of the project plan will have as it is now drawn. We have no other step to take. Our department cannot veto the project. It is the responsibility of the Soil Conservation Service and the watershed group to weigh the testimony that we have given them to the best of their ability, and then take whatever action in regard to the project that they wish. The matter is out of our hands.

While we do approve of the reservoirs in this project, we don't believe that it is necessary to destroy the streams and swamps below them in order to build the lakes. There is no doubt that draining the 4,000 acres of swamps will destroy the wildlife that depends on them for their existence. Channelization of miles of streams on the Alcovy and its tributaries will destroy the fishing in them. Even the biologists of the SCS admit this. We believe that this destruction will also adversely affect fishing in Lake Jackson as well. The watershed plans could be changed to prevent this damage. Enlarging the reservoirs instead of channeling the river is the obvious answer.

The engineers of the SCS tell us that the channel they will dredge in the Alcovy won't fill up with silt, because of the swift, shallow water flow that will be created. If the silt from this seven-year construction project won't fill up the Alcovy River channel above Lake Jackson, then where will it go?

What will happen when the swamps are drained where the silt from flood waters once settled out, before it reached Lake Jackson.

The Alcovy River section of Lake Jackson is never the red mud color of the Yellow River and South River sections, even in the winter. In the spring, it is the first section of the lake to clear, producing good largemouth bass and crappie fishing for thousands of Georgians and hundreds of lake cabin owners and their families. In three months in 1966 alone, more than 300,000 crappie were caught in Jackson. With its clear water in the Alcovy arm, Lake Jackson is more fertile than any other reservoir in Georgia, with a rich green plankton bloom just like a well-fertilized farm pond. But with muddy water, it would be no more productive than any muddy pothole spurned by fishermen. Muddy water prevents plankton bloom in the water that is so important in feeding fish. It interferes with their reproduction and it makes them harder to catch.

Our department is spending thousands of dollars attempting to stock white bass in Lake Jackson. These fish will spawn in the Alcovy, unless it is channeled. Their success would give thousands of fishermen a new species to fish for. In addition, the U.S. Fish and Wildlife Service only recently approved our request for 23,000 striped bass to stock in Lake Jackson this fall. These fish will congregate in the Alcovy in the spring attempting to spawn, producing good fishing. This fishery may be wasted if the Alcovy is made into a shallow but swift muddy water ditch.

The Soil Conservation Service would have us believe that there will be no additionaal silt in the Alcovy as a result of this project. We aren't so sure. They don't mention the silt that will be flushed downstream while the bulldozers, the draglines, and the dynamiters are working, let alone the ditches and gullies that will form at every rain.

But the Acovy project is not the most frightening aspect of the small watershed program of the SCS. What disturbs me even more is the list of fine little fishing streams marked for destruction, running into every major lake and river in Georgia. We know that these channeled streams and these swamps are gone during our lifetime, if not forever.

When projects like the Alcovy threaten our irreplaceable wildlife resources, it is the duty and the obligation of the State Game and Fish Commission to inform the people what the effects of these projects will be, without being accused of irresponsible criticism, without being called liars, without being threatened with political reprisals. When the people have been fully informed of all the facts, we believe they will make the right decision, and that is the only right that we ask from the public.

In one of Robert Frost's poems he poses a question which is basic to the future of man on earth. He says:

"Nature within her inmost self divides
To trouble men with having to take sides."

I do not think he means that man must decide to be for nature and against development; but nature itself compels man to decide whether other life is to be allowed to survive along with man, or if all is to be subordinated to the human species. I believe that the Georgia Game and Fish Commission has a vital role in Georgia in taking the side of nature's creatures, in ensuring that we share our world with other species and in this sharing, I am convinced man becomes a better being.

Once man has laid his hand upon a natural environment, change begins to take place.

Unless he considers other species, this change will continue to destroy the conditions necessary for others until, eventually, man finds himself alone in his landscape and he cannot live for himself alone.

The Georgia Game and Fish Commission and the Soil Conservation Service has responsibilities in preservation and conservation of the environment required by wildlife. Together we can provide a measure of balance which we must have if we are to avoid being swallowed up by a complex, technological age in which man can too easily forget that he is but one part of a system of nature, the temporary custodian of a life that has been lived for centuries before and which must go on for centuries to come.

A hundred years ago there was room on earth for all the creatures of field and forest and enough left for man to reap his required harvest. Today man's needs have multiplied, his numbers have increased beyond the wildest dreams of earlier days and we must face the fact that this increase in numbers, this increase in needs for the resources will grow in geometrical measure.

We have little time left and we have much to do, yet we *are* considerably better placed now than once we were. Many Georgians *now* recognize that steps must be taken and taken soon and fortunately there are things happening. It has been said that the best time to plant a tree was thirty years ago, the second best time is today. The same is true for conservation. The best time to conserve the habitat necessary for our wildlife would have been fifty or a hundred years ago. The second best time is now. As Director of the Game and Fish Commission, I am committed to pursuing the ideal of conservation, of creating a balanced environment. I am convinced that our mechanisms for conserving the quality of our natural environment are incomplete and inadequate. Unless we direct ourselves *now* to improving these mechanisms and coping with this question, we will have to pay the price tomorrow, and we might not be able to meet the bill.

Man must learn to control his appetite for immediate benefits if his long term needs are to be met.

WATERSHED PROGRESS DECEMBER 31, 1968

COOSA RIVER FLOOD CONTROL PROJECT—SUBWATERS

1. Settingdown Creek.*
2. Noonday Creek.
3. Sharp Mountain Creek.
4. Pumpkinvine Creek.
5. Etowah River Reach.
6. Little River.*
7. Amicalola Creek.*
8. Raccoon Creek.
9. Cartecay River.
10. Mountaintown Creek.*
11. Talking Rock Creek.
12. Stamp-Shoal Creeks.*
13. Mill-Canton Creeks.
14. Ellijay River.
15. Long Swamp Creek.
16. Allatoona Creek.*

* Completed project.

PILOT WATERSHED

17. North Fork of Broad River—Completed.

PUBLIC LAW 566 WATERSHED PROJECTS—CONSTRUCTION COMPLETED OR ALL CONTRACTS AWARDED

18. Bear Creek.
19. Rocky Creek.
20. Sautee Creek.
21. Barber Creek.
22. Rooty Creek.
23. Hazel Creek.
24. Mill Creek.
25. Hightower Creek.
26. Palmetto Creek.
27. North Broad River.
28. Marbury Creek.
29. Sandy Creek.
30. Little Tallapoosa River.
31. Haynes Creek—Brushy Fork Creek.
32. Tobesofkee Creek.[1]

PUBLIC LAW 566 WATERSHED PROTECTION PROJECTS—APPROVED FOR COSTRUCTION

33. Sallacoa Creek Area.
34. Head of Little Tennessee River.
35. Little River.
36. Potato Creek.
37. Lower Little Tallapoosa River.
38. Pine Log Tributary.
39. Bull Creek.
40. South River.
41. Little Satilla Creek.
42. Bishop Creek.
43. South Fork Broad River.
44. Middle Fork Broad River.
45. Rocky Comfort Creek.
46. Fishing Creek.
47. Middle Oconee-Walnut Creek.
48. Cane Creek.
49. Dry Creek.
50. Hiawassee River.
51. Mill Creek.
52. Turtle River.
53. Pennahatchee Creek.
54. Beaverdam Creek.
55. South Fork Little River.
56. Bridge Creek-Ochlocknee River.
57. Grove River.
58. Euharlee Creek.
59. Little Sandy Creek and Trail Creek.
60. Big Cedar Creek.
61. Fort Lawton-Little Buckhead Creek.
62. Eli Whitney.
63. Ebenezer Creek.

PUBLIC LAW 566 WATERSHED PROTECTION PROJECTS—APPLICATIONS RECEIVED

64. Big Slough.
65. Walkerville Branch.
66. Mill Branch.
67. Ten Mile-Briar Creek.
68. Little Creek.
69. Big Creek.
70. Johns Creek.
71. Jacks Creek.
72. Bay Branch-Mill Branch.
73. Long Creek.
74. Calls Creek.
75. Pudding Creek.
76. Lookout Creek.
77. Rose Creek.
78. Dryden Creek.
79. Cox Creek.
80. Hog Creek.
81. Newbern Creek.
82. Chickasaw Creek.
83. Wahoo-Little River.
84. Breastworks-Dry Creek.
85. Wildcat Creek.
86. Holly Creek.
87. Hill Creek Area.
88. Sweetwater Creek.
89. Crooked Creek.
90. Alligator Creek-Camp Branch.
91. Aycocks Creek.
92. North Oconee River.
93. Snapping Shoals Creek.
94. Young Cane Creek.
95. Phillema Creek.
96. Hopeful.
97. Lake Lanier.
98. Whitewater Creek.
99. Hemptown Creek.
100. Lost Creek.
101. Tesnatee Creek.
102. Cat Creek.
103. Black Creek.
104. Centralhatchee Creek.
105. Hillabahatchee Creek.
106. Cabin Creek.
107. Fish Pond Drain.
108. Yellow Water Creek.
109. Arkaquah-Butternut Creek.
110. Coahulla Creek.
111. North Tattnall.
112. Pettit Creek.
113. Falling Creek.
114. Hard Labor-Big Sandy Creek.
115. Headwaters of the Chattooga River.
116. Coldwater Creek.
117. Peavine Creek.
118. Soque.
119. Brasstown Creek.
120. South Tattnall.
121. Clark Creek.
122. Fishing Creek.
123. Echeconnee Creek.
124. Alcovy River.
125. Little River-Indian Creek.
126. Willacoochee Creek.
127. Tri-Creek.
128. Hudson River.
129. Soap and Lloyds Creek.
130. Upper Mulberry River.
131. Elkins Creek.
132. Middle River.
133. Germany Creek.
134. Briar Creek.
135. Jones-Tatum Creeks.
136. Kiokee Creek.
137. Yellowjacket Creek.
138. Millstone & Long Creek.
139. Woodbine Area.
140. Little Kiokee Creek.
141. Uchee Creek.
142. Fighting Town Creek.
143. Swift-Tobler Creek.
144. Curry Creek.
145. Sumac Creek.
146. Mills Creek.
147. Suwanee Creek.
148. Richland-Beaverdam.
149. Chattooga River.
150. Newport-Jericho Area.
151. Ten Mile Creek.
152. Sandy Run Creek.
153. Little River.
154. Little Ogeechee.
155. Frank's Creek.
156. Mill Creek and Bay Gall.
157. Evans County.
158. Mulberry Creek.
159. Fifteen Mile Creek.
160. Big Mortar-Snuff Box Swamp.
161. Cedar Creek.
162. Upper Apalachee River.
163. Riverbend-Baconton.
164. Walnut Creek.
165. Bluestone Creek.
166. Buckhead.

[1] Except recreation facilities contract.

EFFECTS OF UNRESTRICTED SWAMP DRAINAGE

(By Walter M. Keller, extension forester)

The broad classification termed "wetland forests" includes many kinds of woodland, and about all some of them have in common is a profuse supply of water. These wetland forests—about 20 million acres in all—stretch more than a thousand miles along the lower coastal plain from the James River in Virginia to southern Florida. The vegetation of these forests, the soils, the wildlife, and even their uses reflect the hydrology of this vast watery domain. The wetlands are the headwaters for countless streams and lakes, as well as the recharge areas for huge groundwater reserves which provide a fresh-water buffer against the intrusion of salt water into coastal plain water supplies. Moreover, they serve as water storage sites for impoundments serving irrigation, fish and waterfowl management, hydropower production, and sundry other human activities.

The lower, wetter sites where running or standing water is present—at least on a seasonal basis—appear to be consistently associated with tupelo-blackgum-cypress production. The effect of drainage to date has been to thoroughly remove the possibility of retaining this water, thus paving the way for replacement by dryland vegetation associations. In any event, changing water relations through drainage, impoundment, or other means will surely modify the whole wetland environment. The Southeastern Forest Experiment Station in their 1962 Annual Report, and McKnight, Furnival and Putnam in Agricultural Handbook No. 181 in discussing tupelo-swamp blackgum stands, states that: "Artificial drainage will decelerate growth or kill older trees if it permanently lowers the water table. Prolonged droughts cause mortality and induce insect attack."

In deep swamps, both tupelo and cypress seed regularly and copiously. They regenerate well only where seedbeds are moist, where competitors are unable to cope with flooding, and where ground cover is limited to anual herbs. Seeds will germinate even if water subsides as late as midsummer, but seedlings and saplings are fairly intolerant and are not aggressive against other competition. When drainage removes the surface water and dries the site, tupelo and cypress regeneration is eliminated by other competition—most often the less valuable maple-ash-button-bush association.

Tupelo produces high-quality veneers and lumber, and is the basic raw materials for a sizeable segment of the eastern North Carolina wood industry. Tupelo is also a high stumpage value species, and provides considerable income to farmers and woodland owners. The latest (1962–63) Forest Survey of North Carolina shows 4,230,000,000 board feet of tupelo-blackgum and 1,200,000,000 board feet of cypress in standing timber in the coastal plain area of North Carolina. It is not surprising that commercial users of lowland timber who depend on wetland trees such as tupelo and cypress are seriously concerned as a result of the reduction in swamp areas where these trees thrive.

More than a million acres (Southwide) of wetland forest have already been altered by drainage since 1950, and the end is nowhere in sight. Much of this drainage work has been done by wood-using industries as a by-product of dredging operations to get spoil for building roads into wetland areas. Recently, however, Public Law 566 (PL 566) entitled the Small Watersheds Act has become increasingly important as a factor affecting wetlands forests.

Individuals and public agencies advocating drainage of tupelo, cypress, ash, and similar bottomland swamp types are proceeding on very tenuous grounds unless they recognize that they may be doing violence to forest production, and wish to proceed despite this result. Tupelo, green ash, swamp blackgum and similar species appear to thrive under regimes of continuous saturation. These are valuable species, capable of continually supplying raw material industry wants and needs, provided the types are managed properly. We do not yet know everything that is needed for optimum production of these species, but with our present state of knowledge, *we cannot endorse drainage of hardwood swamps*, and we know of no one who has the facts in hand to form a basis for recommending the practice. For the present we side with those who hold the view that at least for tupelo, swamp blackgum, green ash and cypress, a saturated habitat comes closer to the right environment than the unrestricted water removal that apparently takes place where drainage is applied with unrestrained vigor.

There is plenty of operational experience and engineering know-how on designing ditch systems and draining wetlands. We would suggest that this know-how be applied in all drainage projects to modify procedures so as to preclude or minimize damages to tupelo-cypress swamps. Rates of flow can be manipulated by wing control structures in the ditches. Variations in pattern and spacing of ditches, use of shallower ditches, and use of peripheral ditches may offer some possibilities in preserving these wetland forest conditions.

There is, however, virtually nothing available on how drainage modifies soil and hydrology for timber production and other purposes. Systematic observations on cause-and-effect relationships are few and far between. It is imperative, therefore, that some early answers be sought to guide new programs and help wetland managers avoid costly enterprises which could be highly damaging to the Southeast's water resources, timber sites, and game habitat.

STATEMENT REGARDING ADVERSE EFFECT OF PUBLIC LAW 566 PROJECTS ON WILDLIFE RESOURCES IN EASTERN NORTH CAROLINA AND SUGGESTIONS FOR PREVENTION

(By Frank B. Barick, chief, Division of Game, North Carolina Wildlife Resources Commission, at meeting in Asheville, N.C., Oct. 21, 1965)

While the situation at hand appears to be a conflict between the North Carolina Wildlife Resources Commission and the United States Soil Conservation Service we should acknowledge at the outset that the Soil Conservation Service has long been recognized as one of the champions of wildlife conservation. Furthermore, the history of the Soil Conservation Service in North Carolina includes a close and harmonious working relationship with the Wildlife Resources Commission. We are proud of this relationship and wish to preserve it.

Our remarks are directed not at an agency but rather at a law—Public Law 566—implementation of which is serious threatening important wildlife resources in some parts of our state. Those of us in the Commission's Division of Game are particularly concerned about the destruction of hardwood swamp habitats in the eastern part of our State.

In opposing this phase of the PL 566 we wish to make it clear that we are not opposing the philosophy of federal help to private landowners, nor are we opposing the right of the landowner to manage his land as he sees fit so long as he is spending his own money to do it. But we *are opposing* the destruction of publicly-owned natural resources through the expnditure of public funds. This is what PL 566 has been doing in some parts of North Carolina. We are here to show you where and how this destruction has been done and to request your assistance in preventing future damage.

By working with our good friends in the Soil Conservation Service we have made some progress, within current limits of the law, in exploring methods of preventing damage. But as of this date we must report that:

(1) Of three completed projects in eastern North Carolina we can point to none which has not been highly destructive to wetland wildlife.

(2) Of several projects currently in the planning or active stage we can point to none for which the final approved plans include adequate provision for the protection of wetland wildlife resources.

(3) If the same pattern of operation continues in the future. PL 566 projects scheduled for eastern North Carolina threaten extensive and serious damage to several species of wildlife that are important in the recreational potential and economy of this region.

(4) We are also advised that destruction of these hardwood swamp habitats has had, and will continue to have unless altered, a seriously adverse effect upon other natural resources such as timber and water.

(5) We find it difficult to reconcile conversion of hardwood swamps to cropland following PL 566 drainage, with agricultural reports indicating a surplus of croplands not only today but for the next 40 years.

For the next few minutes we shall present evidence in support of these contentions and then we shall offer suggested guidelines for solution of the problem. Since we are some four hundred miles removed from the scene of the problem we have arranged to bring the scene to you in a series of color slides which show hardwood swamps before and after drainage.

1. Cashie Swamp north of Windsor in Bertie County, North Carolina. This is a typical hardwood swamp full of water after a period of heavy rainfall in mid-winter (February, 1965). The swamp is bisected by the road on the right, swamp flow is from left to right through the high bridge. Note that the road is high enough and the bridge wide enough so that they are never under water. We are advised by forestry experts that winter flooding such as this is essential to production of the high quality fast growing tupelo gum and the slower growing cypress shown. Swamps such as these serve as resting, roosting and feeding places for mallards and black ducks as well as woodies. They are escape areas for deer and wild turkey and raccoon. There is enough water to provide good fishing (jack, robbin, bass) and trappers catch many mink and otter along these runs.

2. Goshen Swamp near Kenansville in Duplin County, North Carolina. Another typical hardwood swamp showing natural winter water level (December, 1964). This site is near the edge of the swamp and the two large trees are water oaks which produce acorns highly prized by practically all wildlife. Winter flooding of swamps into the zone containing oak trees is essential if waterfowl are to make use of this food. One trapper reported catching 30 otters in this one swamp run. Other trappers used the area also.

3. Stubbs Veneer Mill, Windsor, North Carolina. This mill, and several others like it in eastern North Carolina are dependent upon the high quality tupelo gum which grows in southeastern hardwood swamps. The veneer made at these mills is used in the furniture factories in the central and western parts of the state. North Carolina leads the nation in manufacture of furniture and hardwood plywood. Veneer manufacturers tell us that loss of locally produced raw materials through swamp drainage would be a serious blow to these important segments of the state's economy.

4. Ahoskie Creek drainage ditch in Hertford County, North Carolina. This and the next several pictures were taken in February, 1965, after a period of heavy precipitation which measured 2.3 inches on a local rain gauge. Note that while the ditch in this picture is full, subsequent pictures will show that the swamp through which it runs is dry. Prior to ditching, this swamp looked like the ones shown in pictures one and two. Note the excellent stands of tupelo gum on both sides of the ditch. Some of these already show signs of incipient die-back in the tops during the first year after drainage. Note also that all trees have been removed from the right-of-way which is about 150 feet wide.

5. Same ditch. Culverts placed through the spoil at swamp floor level effectively remove all the water in the swamp since the ditch was dug through the lowest portion. Note that the water level in the ditch even after heavy rain is about four feet *below* swamp floor level. Prior to ditching the water would lie about four feet deep *above* the swamp floor.

This is the other end of the culvert shown in the previous picture, on the swamp side of the spoil. Note that the rapid flow of water from the swamp into the culvert pipe after a period of heavy rainfall has been so effective that the culvert is less than one-fourth full.

7. At another location in the same swamp drainage project, water has eroded through the spoil and cut a channel from the swamp into the main ditch. These natural breaks in the spoil further accelerate swamp drainage and drying.

8. This photo was made behind the spoil and ditch shown in the previous pictures. Immediately after a period of heavy rain in January, 1965, there is no water in the swamp. Similar rains in previous years, prior to ditching, would have resulted in water depths to the top of the butt swell on the large tree in the foreground. Prevention of water accumulation will, within a few years, result in the development of a dense understory of shrubs and vines and a change in forest type which will make it unuseable by waterfowl. Removal of standing water also eliminates the sanctuary effect for deer, bear and wild turkey.

9. This picture shows the swamp edge of the same watershed where ingrowth of briars and honeysuckle has been accelerated by swamp drainage. Even if it were temporarily flooded, waterfowl would be disinclined to use such locations because of the dense tangle of vines and shrubs.

10. Public Law 566 and the administrative directives under which these drainage ditches are dug specify that they shall not be for the purpose of creating additional farm land. This several-acre field of tobacco in the Ahoskie Creek project was planted in 1964 after ditch construction, much of it on "new land" made available by accelerated drainage.

11. In this last picture, note the contrast with the previous few pictures. This is a typical tupelo-cypress swamp showing normal winter water level prior to drainage. Swamps such as these are important wintering grounds for migratory waterfowl as well as production areas for wood ducks. They serve as escape areas for deer being pursued by dogs and constitute the primary reason for the large deer herds in eastern North Carolina. These swamps also serve as hunting season sanctuary for wild turkey and important feeding areas for them during the dry seasons of the year. Excellent stands of valuable high quality fast growing timber are produced in swamps, especially where they are under proper management. These swamps in their natural state serve as detention reservoirs to prevent downstream flooding, and by slowing down runoff help replenish underground water supplies. After the Ahoskie drainage project was completed groundwater monitors of the U.S. Geological Survey reported a drop of four feet in the local groundwater level. Industry and population planners tell us that water shortage constitutes the next major threat to our expanding human populations. Hardwood swamp drainage is hastening the day of confrontation with this problem.

As of July 1, 1965, three Coastal Plain PL 566 projects were listed as having been completed.[1] They covered 24,170 acres and contained 41.9 miles of channel improvement similar to that shown in the above pictures. No provision that we know of was made in any of them to preserve wildlife resources associated with swamp habitats. The completion of these projects and initiation of others similarly designed is what originally aroused the concern of wildlife interests in North Carolina.

[1] U.S.D.A., S.C.S.—Status of PL 566 Watershed Projects in North Carolina, July 1, 1965.

In response to concern expressed by wildlife interests procedures were developed to increase consideration of wildlife values. As a result of coordination efforts several of the 23 Coastal Plain PL 566 projects currently in the planning or active stage were investigated by field biologists of the Wildlife Resources Commission and their reports suggested methods of preventing or mitigating damage. Many conferences were held with personnel of the Soil Conservation Service and with landowners and sponsors.

It may help explain our concern if we were to back up at this point and briefly trace the history of disposal of information provided regarding wildlife resources. In at least one early case [2] the project application contained information contrary to that reported by the state biologist. In some subsequent cases the work plan acknowledged that investigations regarding wildlife resources had been made and that these reports had been filed.[3] In one later case [4] the local sponsors refused to provide recommended mitigation costing them about three cents per acre (as compared with $3.50 per acre for drainage). On more recent projects,[5] sponsors have indicated a more favorable attitude toward wildlife but in considering specific mitigation proposals we are advised that several landowners have refused to accept them. However, work plans on these projects are not yet complete and so we are not in a position to report on the adequacy of consideration given wildlife values.

Now as for the future. The North Carolina Soil and Water Conservation Needs Inventory of 1962 indicates a total of 211 watersheds in North Carolina, and need for conducting works of improvement in 208 of them. Of these, nearly half, or 101, are located in the Coastal Plain. Approximately 5.18% of Coastal Plain watersheds, or 778,389 acres, are classified as wetlands. These make up 53.8% of the state's total wetland types I and VII [6] which are classified as being of highest value to waterfowl, deer and wild turkey. Thus, if no change is made in method of operation. North Carolina stands to lose over half of all her hardwood swamp wildlife habitat to PL 566.

Gentleman, we consider the projected destruction of 54% of a state's timbered wetland game habitat by a federal program to be a serious matter. We earnestly solicit your assistance in preventing it.

Various proposals have been made to prevent this damage—some obviously impossible and others basically unsound. It has been proposed, for example, that the Commission's biologists make recommendations regarding engineering design which would accomplish the drainage of cropland without damaging the swamps. It soon became obvious that lack of an engineering background ill-qualifies a biologist to solve engineering problems.

It was also proposed that after a project had been initiated, the state biologist contact the landowners and convince them that they should participate in underwriting the cost of project modification to provide for wildlife. This approach is basically unsound since it is inconsistent with established principles delineating areas of federal and state responsibilities. It first assumes that it is proper for the federal government to sponsor projects which have the effect of destroying a state's natural resources, then it places the burden of rectification on the State. For the State to suggest that the landowner be assessed for rectification of damage to "state-owned" wildlife resources caused by a federal project is ridiculous. Furthermore, if the landowner needs public assistance to improve production of his privately-owned crops, how can he be expected to finance production of a crop that belongs to the public and over the harvest of which he has little or no control?

When viewed from this perspective it becomes clear that—

(1) Any project established by federal subsidy should include federal funds for the protection of the State's wildlife resources endangered by the project.

(2) Identification of potentially significant damage to a State's wildlife resources is the responsibility of the state agency having jurisdiction over these resources.

(3) Development of project design to provide for protection of the State's wildlife resources is the responsibility of the sponsoring federal agency. The State may help guide this project design by describing the physical conditions necessary to sustain the wildlife values threatened.

(4) Review of projects to determine adequacy of design for protection of wildlife values is the responsibility of the state agency having jurisdiction over wildlife resources.

Gentlemen, we propose these as the basic guidelines within which PL 566 projects operate, in so far as wildlife values are concerned.

[2] Sunbury-Hobbsville, Gates County.
[3] Dunn Swamp, Columbus County.
[4] Caw Caw, Brunswick County.
[5] Little Contentnea, Edgecombe, Pitt, Greene and Wilson counties; Chicod, Pitt and Beaufort counties.
[6] As classified in "Wetlands of the United States," Circular 39, U.S. Fish and Wildlife Service, 1956.

LABOR DEPARTMENT APPROVAL OF ALIEN DOMESTICS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. OTTINGER. Mr. Speaker, earlier this year the Department of Labor amended its regulations on the approval of labor certification for alien live-in domestics. Although I certainly favor protecting the American labor force to the greatest extent possible, these new regulations were just simply too rigid and worked a considerable hardship on many American families—particularly working mothers—who were unable to obtain suitable household help.

I raised this matter with the Secretary of Labor and urged that the Department review and reconsider its policy. In a letter to me last month, Secretary Shultz indicated that important changes were being made.

In view of the importance of this issue, I am inserting herewith, for inclusion in the RECORD, my exchange of correspondence with Secretary Schultz as well as pertinent newspaper articles:

SEPTEMBER 17, 1969.

Hon. GEORGE P. SHULTZ,
Secretary of Labor,
Department of Labor, Washington, D.C.

DEAR MR. SECRETARY: I have recently been informed by one of my constituents that the Department of Labor is approving applications for labor certification for live-in domestics only in those instances where there is either a pre-school child in a motherless home or where there is a pre-school child in a home in which both parents work.

I would appreciate your advising me as to whether this is, in fact, the basis for approving ES-575's. If so, I would be most interested in knowing why this change in policy has been made, whether it is being applied on a nationwide basis or just in New York and how the Labor Department intends to administer it.

Thank you very much for your cooperation and assistance. I will look forward to receiving your report.

Sincerely,

RICHARD L. OTTINGER,
Member of Congress.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., October 6, 1969.

Hon. RICHARD L. OTTINGER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN OTTINGER: Thank you for your September 17, 1969 letter in which you requested clarification of the circumstances under which an alien household domestic service worker may be certified for employment in the New York City area. As you may be aware, certification for alien employment may only be made in those cases where it has been determined that U.S. workers are not available for a job offered an alien and if the wages and working conditions offered will not adversely affect U.S. workers similarly employed.

Labor Department policy provides for the certification of household domestic service workers wherever circumstances warrant under existing labor market conditions. There has not been any departure from this policy in the New York area or any other area.

Normal job offers to alien household workers require routine household duties such as cleaning, laundry, ironing, cooking, and serving meals, requiring little or no experience. The work week is 40 to 44 hours. In the absence of extenuating circumstances such as an invalid in the household, unreasonable commuting distances, a motherless household with preschool-age children, or a household where both parents work and there are preschool-age children, the duties listed above may be performed by dayworkers, live-out maids, caterers, and babysitters.

This position is based on the fact that workers are available to perform specified duties rather than on any finding that there is a shortage of workers willing to live at their prospective places of employment. In those areas where it can be determined that there is no availability of live-in workers, live-out workers or dayworkers, certification may be made.

In those cases where applicants have limited their availability to jobs requiring unusual duties to be performed, certification may be granted provided all other conditions of employment meet Labor Department regulations and standards.

Within the above framework, applications for alien domestic workers may be approved.

I hope this information clarifies your points in question and will be helpful in replying to your constituents.

Sincerely,

GEORGE P. SHULTZ,
Secretary of Labor.

OCTOBER 7, 1969.

Hon. GEORGE P. SHULTZ,
Secretary of Labor, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your October 6 report concerning the certification of alien live-in domestics in the New York City area.

I read your report with interest and appreciate your furnishing me with this information. I cannot, however, disagree more strongly with your findings.

The market really is not the same for day workers and live-in domestics. Many working mothers need sleep-in help and simply cannot depend on three or four different employees, as you recommend. As a lifelong resident of Westchester County, New York,

I know there is a critical shortage of day workers. Even assuming day workers would be available, local intra-county transportation leaves a great deal to be desired and it would be very difficult, if not impossible in some cases, for one to reach his place of employment by public transportation. Finally, I find that many of my constituents require domestic assistance on the weekends, as well as during the week, and day workers are not suitable.

The criteria presently being employed by the Labor Department has little, if any, bearing or relation to reality in many sections of the New York City area—especially my constituency—and I very strongly believe that both prospective employer and employee are being unjustly penalized.

I would be grateful if you and your staff would promptly and thoroughly review the Labor Department's current policy and take immediate corrective action. I will appreciate being kept informed of your progress.

Sincerely,

RICHARD L. OTTINGER,
Member of Congress.

[From the New York Times, November 3, 1969]

LIVE-IN MAIDS FACE TIGHTER VISA RULES ON ENTERING UNITED STATES

(By Paul Delaney)

WASHINGTON.—The Labor Department has moved to tighten its requirements for work visas to make sure that women do not enter the country in the guise of live-in maids only to increase competition with Americans for higher-paying jobs and husbands.

Under a new set of guidelines, to be announced by Secretary of Labor George P. Shultz tomorrow, women applying for visas to work as live-in maids will have to show proof of experience and the promise of a job. They also must be single, and must be able to convince the authorities that they are not planning to enter the country primarily to look for a husband.

The 10 regional manpower administrators will keep track of the women more closely than they have been watched in the past, under the new guidelines that will become effective Dec. 1.

Most of the women affected by the new regulations come from the West Indies or Mexico. Current rules require them to stay single and stick to domestic work, but the controls have been loosely applied.

A department spokesman said 40,457 women received work visas as live-in maids in the fiscal year ending June 30, 1968.

"It's anybody's guess where most of them are now," he said. "They come here as maids and then they shoot off into other jobs for more money, to the detriment of the American worker."

The spokesman said it should be no more difficult for Americans to get live-in help under the new regulations. But he added that prospective maids would not be admitted to work in areas where domestic help was already adequate.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., November 12, 1969.

HON. RICHARD L. OTTINGER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN OTTINGER: This is to reply further to your September 17 and October 7, 1969 letters concerning the circumstances under which an alien household domestic service worker may be certified for employment in the New York City area and your obligations to the Department's current policies.

I am in complete agreement with you that many working mothers need live-in domestic help and simply cannot depend on three or four different employees through the course of a week. There are situations where live-out workers limit their availability to normal hours of work such as 8 to 5 o'clock or 9 to 6 o'clock. Where there is limited or no availability of live-in workers, I believe applications for alien household domestic service workers should be approved provided there is appropriate justification. Since your September 17 letter, the Labor Department has amended its guidelines on October 10 to amplify and clarify previous guidelines. Accordingly, please note the following criteria applicable to live-in maids.

If there is availability of live-in maid workers, applications must be disapproved in accordance with the law. However, if there is no availability of live-in workers, and the combination of job duties and hours of work are not usual for live-out workers, the application may be approved provided all other conditions meet standards.

If the duties required are such that the job cannot be restructured and an employer demonstrates that he requires the services of a household domestic beyond 5 or 6 o'clock for duties such as cooking, serving meals, occasional child care, and serving at parties, his application may be approved.

When the hours of work and the duties to be performed are customary for live-out household workers, and if these workers are available, applications for alien employment must be disapproved.

I believe that you will agree that this policy is reasonable and serves to meet the the law.

I hope this information meets with your satisfaction and will enable you to reply to your constitutents.

Sincerely,

GEORGE P. SHULTZ,
Secretary of Labor.

[From the New York Times, December 2, 1969]

GOVERNMENT EASING ENTRY OF FOREIGN DOMESTICS—YIELDS TO COMPLAINTS OVER THE DEARTH OF HELP

(By Peter Millones)

The United States Department of Labor, badgered for many months by irate women unable to obtain satisfactory domestic help, has decided to ease its restrictions on the entry of available foreign labor.

"We are not opening the floodgates, but we have changed the emphasis," Frank Busbee, chief of the Division of Immigration Certification, said in an interview.

He and other top Labor Department officials are convinced that they do not have the solution to complaints from women in New York and elsewhere about the rapidly dwindling supply of live-in, child-care women, maids, cooks and daytime household workers.

But they are prepared now to be "more realistic" before denying applications from American families for foreign domestics.

The policy shift comes at a time when some employment agencies, unhappy over fee losses, have been threatening to organize protest marches on the Labor Department, and some immigration lawyers have started suits challenging some of the department's actions on alien domestic applications.

A study of the domestic-help situation has shown the following:

The Labor Department approved 15,500 applications in the last fiscal year—62 per cent of those it received—despite complaints from some agencies, some lawyers and others that few domestics have been allowed to enter the United States in the last year.

The number of American domestics is diminishing each year, in large measure because of low wages, the stigma attached to domestic work, and racial tension between whites and blacks, while rising affluence has made more families seek household help.

Some women, such as teachers, nurses and other professional workers, have remained at home rather than return to work because of their inability to obtain satisfactory live-in help.

The domestics shortage and tight entry restrictions have encouraged many aliens—believed to be in the thousands—to enter the United States on tourist visas, "disappear" throughout the country and take jobs illegally, risking apprehension and deportation.

By and large, the source of domestic help for Americans has come from two areas—low-income Americans, mostly Negroes, and immigrants.

The trend away from domestic work among Americans has been evident for some time. For example, the Bureau of Labor Statistics reports that in 1965, 29.2 per cent of the nonwhite females employed were working in private households. This year, only 18.6 per cent are in private households.

The obvious reason for the decline, aside from the stigma, is the traditionally low pay for domestics, even now $1 an hour in some cases, although many employers meet or exceed the Labor Department's requirement that aliens be paid $1.75 an hour plus room and board.

The other source—immigrants—has been sharply curtailed by the rising prosperity of European countries which has discouraged emigration and more importantly by changes in 1965 in the United States immigration laws.

Those changes are only now having their full effect, namely, making domestics who are reliable highly prized workers.

Even with the Labor Department's "change of emphasis," officials in Washington do not see any short-term answer to the shortage of domestic help.

Dr. Arnold Weber, Assistant Secretary for Manpower, says: "What you have is an industry that is in a state of chronic disequilibrium and you solve it by changing the whole character of the work in terms of the wages and the capital-labor mix, not by relying on a supply that comes in and doesn't last."

WAGES A KEY FACTOR

The Labor Department does not actually acknowledge that there is a shortage of domestics. It contends that those employers who offer prevailing wages, decent working conditions and actively seek help can find it.

Yet the department is financing training programs for domestics in New York and several other major cities.

Mr. Weber notes: "If you tell a housewife that she can't have a live-in (alien) maid, somehow she thinks you're intruding on the sanctity of the home, although she's really an employer. She doesn't distinguish between her roles, but we have to distinguish."

The women he refers to contend that a high percentage of the limited supply of American domestics are unreliable or unavailable when needed.

To Jackson G. Cook, a long-time immigration lawyer and others, the Labor Department's policies and regulations have been "telling the American people they can't have maids or any kind of help."

He adds: "The Labor Department is trying to better the status of workers here to the point where there's nobody to do the menial tasks."

AMBIGUITY IS CHARGED

The Labor Department has been the focal point of public resentment over the domestic shortage primarily because it has left ambiguous—even to its own officials—just who can and who cannot obtain help.

In 1965, changes in the immigration law required that those aliens who wanted to enter the country to work as domestics (and in some other occupations) receive clearance from the Labor Department.

This clearance was to be given only if Americans were not available to do the same

work and only if alien workers would not adversely affect the wages and working conditions of Americans.

On these two grounds, the Labor Department has denied many applications, and as a result discouraged people who would otherwise file applications for alien help from doing so.

The department's reasoning has been that Americans are available when paid reasonable wages, and also that aliens brought into the country usually leave their employer in less than a year and find different work, thus competing with American workers they were not intended to compete with.

The latest survey of the department has found that "74 per cent of the aliens who left their sponsoring employers for other jobs were working in occupations that the Department of Labor would not have certified—clerk, factory laborer, charwoman and food server."

The central problem has been with families that want maids or nursemaids or cooks available at night. Even the Labor Department acknowledges that these live-in workers are in short supply, presumably because many domestics now prefer to have their own family life.

The department's policy on this was characterized privately by one Labor Department official as "tortured logic." Some families needing day and nighttime help were told to hire one day worker and then a babysitter or a caterer or any one else who would be available at night, rather than bring in an alien.

Stanley Mailman, chairman of the New York Chapter of the Association of Immigration and Nationality Lawyers, believes that this view, and some of the department's requirements, encouraged fraud. Many employers, he said, frustrated at obtaining domestic legally hired aliens who were in the country illegally.

SHULTZ EXPLAINS SHIFT

This policy has now been reversed, according to officials. Secretary of Labor George P. Shultz outlined the new policy in a letter to Representative Richard L. Ottinger, Democrat of New York, who has questioned the department's procedures.

In a letter dated Nov. 12, Mr. Shultz said: "If the duties required are such that the job cannot be restructed and an employer demonstrates that he requires the services of a household domestic beyond 5 or 6 o'clock for duties such as cooking, serving meals, occasional child care and serving at parties, his application may be approved."

Although the change will undoubtedly assist many families heretofore unable to obtain live-in help, and thus ease somewhat the over-all demand for domestics, aliens will still have to wait at least several months to enter the country.

This is because of the 1965 immigration law changes, which set a limit of 120,000 entries, including domestics, from the entire Western Hemisphere.

More people apply for entry than there are visas available and domestics, even with Labor Department approval, must wait in line. The Immigration Department and the State Department handle this step.

LIMIT FOR EUROPE, TOO

Entries from the Eastern Hemisphere (Europe) are also limited, under a complicated formula, to a total of 170,000 immigrants a year. How long or short a period a domestic waits for entry depends on the number of other immigrants from his country.

"If we let in the entire quota," Mr. Weber says, "we still wouldn't satisfy the demand. The traditional response is to improve the conditions economic and non-economic, to attract a larger supply of labor."

THE INADEQUACIES OF THE POST OFFICE POLICIES

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. CARTER. Mr. Speaker, for months now my colleagues and I have labored to understand the new policies and operations of the Post Office Department. I have exhausted every effort to reach a cooperative atmosphere in which cooperation can be effected.

The new policies were introduced to us as the answer to increased efficiency and as a method for better service in postal deliveries. It is my conclusion, after studying these policies in operation for several months now, that they have been an obvious failure.

I am going to make three indictments against the Post Office Department that illustrate a few problems that Postmaster General Blount must correct. The first point that I would like to bring up is that by reserving new appointments to persons who have experience in the post office, they are perpetuating the political party which now controls the local post offices. In the rural areas where there are large numbers of second- and third-class post offices, these post offices are operating out of commercial stores. The postmaster is practically always the owner of this commercial enterprise. When the postmaster decides to retire, he will take in a person as his next replacement and give this person experience only if he agrees to purchase his store when he becomes postmaster. The post office, therefore, is becoming a part of the commercial enterprise. This is a practice which should be ended immediately, but as long as the new policies exist, this practice will continue.

The second matter that I would like to bring to your attention is the complete lack of public explanation of the new policies now being followed by Postmaster Blount. In my experience, I have never confronted a more ineffective means of explaining policies being followed by a Government agency. It seems as if those in the post office are perfectly content to enforce new policies but to accept none of the public responsibility for the effects it is having on the persons concerned with the operations of local post offices. I will go even further and state that agents in the post office still place the blame of changes in local post offices on their U.S. Representatives and not on Postmaster General Blount.

The third and final subject that I wish to bring to your attention is the policy now being followed to disregard the legal requirement of confirmation of postmasters. Until new legislation is passed concerning the post office, it is the law that all postmasters must be confirmed by the Senate. In order to bypass this confirmation, Postmaster Blount has decided upon the course of creating permanent temporary postmasters in charge. There has not been one confirmation of a postmaster since January 20, 1969, although thousands of temporary postmasters in charge have been installed. By following such action, the Post Office Department is showing it's complete disrespect for the law and is illustrating a disrespect for the Senate.

Unless their policies are changed, I feel that it will be my duty to introduce legislation that will limit the designation of any person as temporary postmaster in charge for 1 year. If such a position cannot be filled by a permanent postmaster who deserves confirmation from the Senate, the post office should look for a new postmaster.

ATLANTIC PARTNERSHIP

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 10, 1969

Mr. CONTE. Mr. Speaker, I am joining with my colleagues ably led by the distinguished gentleman from Illinois (Mr. FINDLEY) in discussing the concept of Atlantic partnership and European integration which formed the main topic of the recent conference of the American Institute on Problems of European Unity at Georgetown University between October 17–19, 1969.

One of the areas on which discussion was focused was Great Britain and the choice for that country between orientation toward the United States—the "special relationship"—or joining an exclusively European grouping.

The panelists, led by Prof. David Calleo from the School of Advanced International Studies of Johns Hopkins University, generally felt that Britain has made a bona fide move to become a member of the European Economic Community, but that British thinking is still permeated with what is often called "Atlanticism." Another idea expressed by some of the panelists was that Britain would still prefer a Soviet-American condominium of world power to the emergence of Europe as a third force.

The panelists proceeded to analyze the reasons for this ambiguity in British thinking and tried to decipher how the two concepts could be practically reconciled enabling Britain to join the EEC without turning isolationist toward the United States.

It was pointed out that British entry into the EEC would enable the latter to augment its military strength by a merger of the French and English nuclear establishments to which would be added the financial strength and technical know-how of Germany. The panelists generally thought that this would be advantageous to U.S. interests as it would strengthen European defenses against the Soviet Union while certainly it would not be a challenge to our nuclear arsenal.

The panel closed on the note that the concept of Atlantic partnership is in reality much broader than the Anglo-American "special relationship," and it could be well expanded to encompass our relations with all of the Western European countries in EEC and thereby pave the way for British entry into EEC.

ORGANIZED CRIME AND CREDIT CARDS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. HALPERN. Mr. Speaker, organized crime often seems so distant from the lives of most of us. We hear of narcotics traffic, gangland slayings and so forth, but it never seems to touch our lives. We forget about it.

But recent developments suggest that those of us with this complacent amnesia may have reason to pay a bit more attention to our latter day, button-down Al Capones. Like the rest of the business world, the Mafia has discovered the credit card. And now every one of us with a batch of nifty little plastic charge-whatever things in our wallet cannot rest quite so easily in the belief that our lives will not become involved in the underworld. Organized gangsters have been making a mint through numerous schemes to make fraudulent use of credit cards.

The Washington Post on December 7, 1969, carried a story on one of the more sophisticated techniques employed and I wish to insert the article in the RECORD at this point:

FIGHTING CREDIT CARD FRAUD

(By Robert E. Dallos)

NEW YORK.—To Alphonse Confessore it seemed like a foolproof scheme. As repairman on the machine that embossed the names and numbers of Diners Club credit cards, he was easily able to make about 1,000 cards for himself.

What followed turned into a nightmare for the Diners Club. While members got their renewed cards as usual, the duplicates were sold to the underworld where, as one club official puts it, "they funded criminal specialties."

Diners Club says such cards provided air transportation and luxurious hotel accommodations for narcotics traffickers, stacks of airline tickets for subsequent sale on the black market or to transport highpriced postitutes between cities and rented cars for use in robberies.

DINERS CLUB TAKEN

Before it was over, more than 400 of Confessore's cards had been used and the Diners Club had been taken for $719,887.23.

But Confessore did not figure on a computer. It helped crack the case when it showed the suddenly abnormal spending patterns of the card holders. Confessore recently was found guilty of fraud in federal court with five co-defendants. Early Sunday, while out on bail awaiting sentence, he was found on a New York street with five bullets in his head and neck, an apparent victim of a Mafia execution.

The Confessore case points up both the growing sophistication of credit card crime and the intensified efforts of credit card issuers to come up with a better method to combat it. Their biggest new weapon is the computer.

As the number of credit cards in the United States has proliferated—there are more than 300 million currently in consumer wallets and they are used to charge between $40 billion and $60 billion annually—so has their illegal use.

FRAUD LOSSES SECRET

Exact fraud loss figures are kept secret. But the American mutual insurance companies that pay some of the losses, estimates that more than 1.5 million cards are stolen or lost each year and that fraud losses have jumped from $20 million annually in 1966 to more than $100 million a year today.

With so many cards in circulation it is not surprising that many find their way into the wrong hands. They have, in fact, become an important tool of the underworld.

The 37-year-old son of Joseph (Joe Bananas) Bonanno, the deposed Mafia boss, was found guilty recently in federal court of having fraudulently used another man's Diner's Club card to run up $2,400 in bills on a coast-to-coast tour.

"The major factor in credit card fraud losses is the professional crook," says Milton Lipson, a former FBI agent who now heads the American Express Co.'s 300-man investigative force. "The industry could live with the amateur."

"You can no sooner end the fraudulent use of credit cards than you can end sin," says John J. O'Toole, head of the Diners Club security force. "But the computer can help retard abuses and lower the percentage of fraud losses to sales."

About a year ago American Express—it has 3 million card holders who put $1.3 billion on the cuff last year—put into operation its antifraud computer. It has been programmed to remember the details of all credit accounts, including the numbers of lost, stolen or canceled cards and the purchasing habits of its members.

When an American card is presented to an airline, hotel, restaurant or other of the 250,000 American Express establishment, credit authorization is normally required if the transaction exceeds a fixed amount. (This amount is usually $100 but can be lowered to as little as $10 in areas swamped with stolen cards.)

When credit authorization is required, the establishment contacts the computer in New York by telephone.

When no negative information on a card is uncovered in the computer's memory bank, it will answer verbally (it has a 60-word vocabulary) within seconds that the transaction is authorized.

Where negative information is found, the computer tells the caller to hold the wire and the call it automatically transferred to human authorizer seated in front of a television screen onto which the entire history of the credit card in question is flashed.

RUSSIA REKINDLES SPACE RACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the San Diego Union of October 15, 1969, examined the current status of our national space program in writing of the aggressive and continuing effort of the Soviets to develop and use space. As this editorial so aptly points out as we are dismantling our space effort, the Soviet Union continues to press on with the development of their space capability. It is important that we look ahead and strive for a balanced space program which will not only serve to support the economic well-being of our Nation and the world but also to support our national security.

The item follows:

RUSSIA REKINDLES SPACE RACE

Again the thoughts and concerns of the United States of America turn to space as seven Soviet cosmonauts and three Russian vehicles orbit the earth.

The Apollo program which landed Americans on the moon is convincing evidence that the United States still is well ahead in manned space exploration.

But the Soviet attempt to construct a station above the earth dramatically calls our attention to the fact that planetary conquest and satellite development are but one aspect of space applications.

Soyuz 6, 7 and 8 reveal emphatically that Russia was concentrating its space program on manned stations above the earth even as we were reaching for the moon.

We must ask ourselves why.

A space station can be used for cosmic research. It can be a way station for deeper or more thorough planetary exploration. Or a space platform can serve as military high ground from which an enemy could destroy our satellites and perhaps dominate the earth. This is not a comforting thought, but it is one which we must contemplate despite the treaty which supposedly bans weapons of mass destruction from space.

Because of the closed Soviet society and its record of past treaty violations, we may not know the intent of the Soyux program until we see its full application.

To be secure and for peace of mind, we should press forward to prepare ourselves for any possible Soviet space use. Unfortunately, the outlook for progress is not optimistic.

The vast manpower, brainpower and technology that gave the United States its lead in space is being slowly dismantled. For budgetary reasons, the United States has cancelled the Air Force program for a manned orbiting laboratory. A basic National Aeronautics and Space Administration manned space laboratory cannot be sent aloft until 1972 with present financing. Congress has yet to consider a $9 million appropriation for rudimentary research into a more sophisticated civilian laboratory to follow that.

All this is food for thought.

The United States, with a gross national product of $900 billion, is systematically weakening its own national security and space programs. The Soviet Union with a gross national product of less than $400 billion, has a defense budget nearly as large as ours when the Vietnam War is excluded.

It is maintaining a high troop level on two fronts, filling the oceans with its navy, spending millions to assist Cuba, North Korea, North Vietnam and the Arab nations.

And now Moscow is showing the world that it intends to continue the space race with enterprise and vigor.

Soyuz illuminates the value the Soviet Union places on the domination of the area beyond the earth.

It should bring home to us the folly of false economy.

TRANS-ALASKA PIPELINE

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mrs. HANSEN of Washington. Mr. Speaker, during the very limited time that the House, sitting as a Committee of the Whole, discussed the supplemental appropriations bill, I did not have the opportunity nor did I wish to take the time of the House unnecessarily to present all the most interesting facets of the trans-Alaska pipeline. However, I do not think it fair to elected Representatives of this Nation that no statement

be presented to them for their ready reference and information. Therefore, I take the opportunity of now summarizing for this House the report in chapter III, Department of the Interior:

SUMMARY OF REPORT

Testimony developed during the hearings created grave concern on the part of the Committee with regard to the approach being taken by Departmental officials in connection with their responsibilities relative to the construction of the proposed Trans-Alaskan Pipeline. The Committee is of the opinion that in many respects the submission of the supplemental fund request for the Bureau of Land Management, the Geological Survey, and the Bureau of Sport Fisheries and Wildlife totaling $2,405,000 was premature.

First of all, the very serious and involved problem of native land claims which has been under consideration by the Congress for several months has not been resolved. None of the testimony given during the hearing reflected the interrelation and probable influence which the granting of the pipeline right-of-way might have in the final settlement of native land claims.

In this same connection, no definite action has been taken by the Congress or the Secretary to date with regard to Secretary Hickel's official notification of his intention to exempt the pipeline right-of-way acreage from Public Land Order 4582 issued January 17, 1969. By law, if this exemption is not obtained, the necessary permit for the right-of-way cannot be issued.

The Committee was surprised and disappointed to learn during the course of the hearings that little, if any serious consideration had been given by Departmental officials to assessing private oil companies who will build the pipeline for additional costs to be incurred by the Department of the Interior directly as a result of the pipeline construction. To repeated questions propounded by the Committee in this connection the answer was "The solicitor has the legality of such action under consideration". No assurance was given the Committee as to when the Solicitor might eventually reach a decision. It should be pointed out that when Departmental officials appeared before the House Committee on Merchant Marine and Fisheries on October 31, 1969, the Under Secretary of the Interior in a direct response to a question by a member of that committee agreed to give further consideration to the matter. (See pp. 656–657 of printed hearings on this bill.)

The Committee strongly feels that any costs incurred by the Department of the Interior for inspection and protection of American natural resources in Alaska are properly chargeable to those oil companies constructing the pipeline, and the Committee directs that in negotiations for issuance of rights-of-way permits, adequate fees and/or reimbursement be charged for recovery of expenses incurred by the Department which are directly attributable to its immediate and continuing supervision of the pipeline.

The Committee was impressed by the myriad of possibilities, both known and unknown, that the ecology of this area could be imperiled as a result of the pipeline construction. The Committee therefore looks to the responsible officials in the Department of the Interior to enforce every reasonable precaution to protect all natural resources of this area from destruction.

Because of the above-described circumstances the Committee was reluctant to recommend funds for this purpose at this time. However, in view of the overall situation, and the urgent necessity for safekeeping the fragile ecology of this region, it was deemed advisable to make funds available in order that there would be no reason from an appropriation standpoint for the best interest of the Federal government not being adequately protected.

The Committee has recommended appropriations in the order of priority. It is first necessary for the Geological Survey to determine the geological feasibility and precise location of the pipeline; after which the Bureau of Sport Fisheries and Wildlife will be responsible for the placement of the pipeline from the standpoint of wildlife and sport fish. The third priority is for the issuance of the rights-of-way permits by the Bureau of Land Management after the previous determinations have been made.

In spite of the fact that Alaska has been heavily dependent upon commercial fisheries as an economical resource, and that the international boundaries of several nations are also related to the well-being of this resource management, the Committee was appalled and surprised that representatives of the Bureau of Commercial Fisheries did not attend the hearings to present the information necessary for total evaluation of the effects construction of the pipeline will have on this natural resource.

I also feel that Members are entitled to some of the facts regarding rights-of-way, the length of line, total cost, et cetera. I herewith list them below:

ALASKA PIPELINE

1. Width of right-of-way: 54 ft.—pipeline; 46 ft.—maintenance, 100 ft.—total.

Additional 100 ft. for access road requested.

2. Size of pipe: 48'' diameter.

3. Length of line: 772 miles, (686—BLM) (54—State) (28—military) (4—private).

4. Total cost: $1 billion—oil companies (est); $9.7 million—BLM, $2.9 million—Sport and commercial fish, $4.0 million—Geo. Survey.

5. Roads built by oil companies: Livengood to Yukon—53 miles, 200 ft. wide—all weather gravel. Will turn over to Alaska upon completion.

In response to the committee hearings, Acting Secretary of the Interior Russell E. Train courteously and immediately forwarded to me the following letter dated December 9:

DEAR MRS. HANSEN: I understand that in connection with that portion of this Department's request for a supplemental appropriation pertaining to the Trans-Alaska Pipeline System right-of-way application, you have asked whether there is adequate statutory authority for us to charge TAPS for certain extraordinary costs necessitated by the pipeline. The problems presented by the TAPS application are unique and are greater than those presented by any land use application previously presented to this Department. Such problems result both from the magnitude of the project and from the nature of the Alaskan terrain and environment through which the pipeline is proposed to pass.

To meet the peculiar problems of the TAPS application, we have developed a series of stipulations which we propose to make a part of the right-of-way permit, if and when that permit issues. These stipulations are unique and contain comprehensive and detailed provisions; they will require extensive supervisory activities by personnel of the Department during construction and operation of the pipeline.

The Solicitor has advised me that, to the extent this Department reasonably incurs supervisory and other associated costs which are necessitated by the unique problems presented by the TAPS project and which are not expenses which this Department otherwise would incur in the normal operations, there is adequate statutory authority for us to charge such reasonable costs to TAPS. These costs, of course, would be charged in addition to the fair market value use and occupancy charges we normally require for pipeline rights-of-way permit is issued TAPS, the Department intends to charge TAPS for these extraordinary costs . . .

Sincerely yours,

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

I also append a memorandum to the Secretary of the Department of the Interior from the Solicitor of the Department of Interior dated December 10:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., December 10, 1969.

To: The Secretary.
From: The Solicitor.
Subject: Charges to Trans-Alaska Pipeline System for extraordinary Departmental costs.

In connection with that portion of this Department's supplemental appropriation request pertaining to the pipeline right-of-way sought by the Trans-Alaska Pipeline System, Chairman Julia Butler Hansen of the House Interior Appropriation Subcommittee has asked whether there is adequate statutory authority for us to charge TAPS for supervision and other extraordinary costs necessitated by the Pipeline. It is my opinion that you have the discretionary authority, under the appropriate circumstances, to impose on a pipeline right-of-way applicant reasonable charges to reimburse the Department for expenses necessarily incurred by it in connection with the application and the subject matter thereof.

This discretionary authority stems from several statutory sources. The first of these is that section under which any pipeline right-of-way will be issued TAPS, Section 28 of the Mineral Leasing Act, 30 U.S.C. sec. 185. That section provides in part that

"Rights-of-way . . . may be granted by the Secretary of the Interior for pipeline purposes . . . under such regulations and conditions as to survey, location, application, and use as may be prescribed by the Secretary of the Interior. . . .

The broad language of this section grants the Secretary discretionary authority to condition the granting of a right-of-way permit upon the payment by the applicant of reasonable charges; this section does not limit those charges to the fair market value use and occupancy charges we now make under 43 CFR 2234.1–6.

The authority includes the extraordinary costs incurred by the Department resulting from the TAPS application. Section 35 of the Act (30 U.S.C. sec. 191) reinforces this conclusion. That section, by providing for the disposition of monies which are received under section 28 but which do not result from sales, bonuses, royalties or rentals, recognizes that there may be receipts, and hence charges, under section 28 which are not for the use or occupancy of the right-of-way. The nature and amount of those charges, of course, would be set under the discretionary authority contained in section 28.

Section 201 of the Public Land Administration Act, 43 U.S.C. sec. 1371, also is directly in point. That Section provides in part that:

"The Secretary of the Interior may establish reasonable filing fees, service fees and charges, and commissions with respect to applications and other documents relating to public lands and their resources under his jurisdiction, and may change and abolish such fees, charges, and commissions."

(The only restriction made by this section relates to Federal Register publication prior to taking action thereunder.) The Senate report on this act noted that:

"The charges made for various administrative services need to be brought into line with present-day costs . . . Sections 201–204 authorize the Secretary to establish, modify, and abolish fees required to be paid as

service charges with respect to applications and other documents pertaining to the public lands. . . . This authority relates only to such items as filing fees, service fees, and commissions. It does not cover payments for the use, or purchase, of lands or their resources and it will not, therefore, effect schedules of charges for such items as rentals for . . . rights-of-way.

Senate Rep. No. 1755, 86th Congress, 2nd Sess.

The Senate report reproduces in full the Interior Department's report on the House bill. The Department stated therein that:

"Title II would authorize the Secretary to modernize provisions for the payment of fees required as service charges. The Congress has urged charging self-sustaining fees to the fullest extent possible. See act August 31, 1951 (5 U.S.C. sec. 140). . . . In some cases no specific statutory provision has been made for the payment of service charges by those who are the primary beneficiaries of such charges. Examples of such services are the handling and recording of papers . . . and the making of surveys and field examinations."

The peculiar expenses which the Department will incur by virtue of the TAPS application and the right-of-way permit, if granted, are within the ambit of 43 U.S.C. section 1371. I understand that these expenses will consist primarily of on-site inspections and investigations (i.e. "field examinations") and the processing in various ways of the application and subsequent numerous technical and other documents which TAPS will be filing frequently during the construction and operation of the pipeline, if the permit is granted.

Further, these sections of the Mineral Leasing Act and Public Lands Administration Act should be construed in light of the following Congressional pronouncement:

"It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility, performed, furnished, provided, granted, prepared or issued by any Federal agency . . . to or for any person . . . shall be self-sustaining to the full extent possible. . . ."

65 Stat. 290, 31 U.S.C. sec. 483a

Based on all of the foregoing, it is my opinion that you have the discretionary authority to charge a pipeline right-of-way applicant for the extraordinary costs incurred by the Department. The peculiar circumstances of the proposed Trans-Alaska Pipeline would warrant the exercise of this discretion and the imposition of such charges.

The problems presented by the TAPS application are unique and greater than those involved in any land use application previously presented to this Department. Such problems result both from the magnitude of the project and from the nature of the Alaskan terrain and environment through which the pipeline will pass if a permit is issued. The stipulations to be made a part of any right-of-way permit that may issue are unique and contain comprehensive and detailed provisions; they will require extensive supervisory activities by personnel of this Department during construction and operation of the pipeline.

The TAPS application and project require the Department to incur extraordinary expenses; these are necessitated by the unique problems presented by the TAPS application and, except for that application, would not be incurred by the Department in its normal program activities. Therefore, under these circumstances, it would be proper for you to exercise the authority granted the Secretary, as set forth above, and to assess such extraordinary charges to TAPS if a permit issues to them.

MITCHELL MELICH,
Solicitor.

Mr. Speaker, I wish to express my appreciation to the Secretary and to the solicitor for their responses and I commend to the Members of the House the hearings on this entire subject. The Geological Survey hearing will be found on page 474 through page 502, the Bureau of Sport Fisheries and Wildlife hearing record will be found on page 503 through page 542, and the Bureau of Land Management hearing record will be found from page 581 through page 672.

I trust that all Members will take the opportunity to thoroughly understand all facets of this immeasurably important problem.

BEN SELVIN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. WOLFF. Mr. Speaker, for the past 15 years, Roslyn, N.Y., which is part of the Third Congressional District which I am proud to represent in Congress has been the home of a most amazing gentleman. The talents and the accomplishments of Mr. Ben Selvin, of whom I speak, were recently brought to my attention by a friend of mine, Allen C. Miller, receiver of taxes in Manhasset, N.Y.

Since the article he brought to my attention tells the story of a most interesting member of my district, I would like to take this opportunity to include an excerpt from the community newspaper's article in the RECORD:

RECORDS FLOWED FROM HIS BATON: BEN SELVIN: MUSICIAN, FARMER, BUSINESSMAN

(By Diane Bennett)

"Have stop watch; will travel," is what he said after he reached the compulsory retirement age at the company where he was engaged in the third major career job of his life, and he meant it. He's now embarked on a new job—in the music field, of course.

Music is his destiny and his hobby, his love. But in his 71 years, he has owned an alfalfa farm in the California desert, a potato farm on long Island, business property in Philadelphia and a gas station in Queens.

He has recorded the greatest number of song titles in the history of American music, contended with the labor giant of the music industry, James Petrillo, once worked with Rudolph Valentino when the star of "The Sheik" was still a waiter, and was artist and repertoire director for such singers as Bing Crosby, Dinah Shore, Doris Day, Frank Sinatra and Nelson Eddy.

Remember "Dardanella"? If you do recall that song, which was the first million-record seller, you remember Ben Selvin, entrepreneur, businessman and music man extraordinaire. A resident of Roslyn for the past 15 years, Selvin was the originator of one of the big name bands during the era of dance bands, who recorded under nine different names before he left the performing side of show business to enter the recording world.

His various careers defy compression into a story of newspaper feature size. His musical interests have led him from the concert halls, where he made his debut as a violinist at the age of eight, to the beer saloons of Harlem, where he played lugubrious tunes (also on the violin), moving the prostitutes to maudlin tears. He went on to band-leading at elite Broadway clubs and traveled on to the executive suites at RCA Victor and the 3-M Music Co., where he worked on present day institution known as Muzak—the recorded, piped-in music was Selvin's baby.

At 71, Selvin is light years away from the days when he sang as a boy soprano in a New York synagogue, and where he almost headed into a career as a female impersonator. That would-be career folded before it budded. The Broadway impresario who promoted the deal had ordered gowns, bras and other necessary items of feminine apparel for the dimpled, curly-headed youth; at that precise juncture, his voice cracked. The incident bounced him into another show business arena—the movie houses, where he improvised melodies on the piano to synchronize with the silent films that unfolded on the screens.

Today, in his eighth decade, Selvin is still making music pay and having a great time doing so. His new career, just under way, is that of selecting classical music to be recorded to lyrics, to help teach youngsters to remember themes of important musical works.

Selvin is a very canny, friendly man, direct and charming, whose careers though most often show business-oriented, were boosted by sidelines that were seized where offered as the main road away from poverty.

The son of immigrant parents who lived on New York's East Side, Selvin explains his gas-farm investments. "I was raised in poverty; I didn't want that for my kids."

After he had been with Muzak for many years, Selvin was offered a job as president of a record company, in partnership with New York's bon vivant mayor, Jimmy Walker. He had been promised a piece of the Muzak business; it didn't materialize. So the man who early in his career as a bandleader bought a gas station "not because I like to pump gas but because I wanted security," became the mayor's partner.

During a stint with another record company, Columbia, he was an artist and repertoire director, selecting the songs for Crosby et al. He persuaded a reluctant Doris Day to record a song she didn't like and the resulting hit was "It's Magic." He is credited with being the originator of the famed Crosby whistle. That trademark began when Crosby, a singer with the Paul Whiteman Orchestra, recorded his first song with Columbia. "They only gave me a four-piece band to work with. I suggested he whistle during the second chorus to make up for the lack of instruments," Selvin recalled.

His career as an entrepreneur began almost as early as his show business performing—from his first job on Broadway at 15, he graduated to become a member of Charlie Strickland's dance band and supplemented the then somewhat meager salary of a musician by persuading conservative New Englander Strickland, who wouldn't accept tips, to let him be the "financial adjuster" for the band. During a job in Sea Girt, N.J., he topped that, accepting Strickland's bid on the condition that he get the coatroom, auto parking, cigarettes and men's room concessions. "That put me in business," he says in a classic understatement,

He opened at the Moulin Rouge in 1917 with the Ben Selvin Orchestra making its first appearance. He was 19. The club date lasted for seven long years. It was a time of firsts for Selvin; he also recorded his and the industry's first million-selling record—waxed in a manner that seems prehistoric in this age of computers: the band was enclosed in a small room and each instrument was placed in front of a tin horn. All the horns led into one large one, where the music was impregnated onto hot wax. There were no tapes, no amplifiers, no mikes.

Selvin went on to record a total of 9,000 titles, more than any other performers in recording history. The only other person who came even close to that record is Bing Crosby, with a total of 2,600 records.

UNITED STATES IS DEPENDENT ON RUSSIAN IMPORTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. DERWINSKI. Mr. Speaker, despite growing evidence of the problem facing the United States in trading for certain commodities with the Soviet Union, this matter unfortunately has escaped public attention and has not been adequately or objectively studied by the administration.

Willard Edwards, the veteran Chicago Tribune correspondent, has studied the subject and in his column of Thursday, December 11, he very effectively discusses the complications facing us in certain critical commodities obtained in trade from the Soviet Union:

UNITED STATES IS DEPENDENT ON RUSSIAN IMPORTS

(By Willard Edwards)

WASHINGTON, December 10.—It will come as a shock to most Americans to learn that the United States has permitted itself to become increasingly dependent upon Russia for imports of critical war materials.

The misgivings accompanying this disclosure will be intensified by the discovery that Russia planned it that way, taking advantage of the "bridge-building" policy which became popular in the mid-'60s under the Johnson administration.

All the evidence suggests that the United States has fallen into a trap prepared by Russian strategists and given the label of the "weak link principle" in an analysis by Maj. Gen. A. N. Lagovskiy of the Red army, a leading soviet specialist in economic warfare.

A translation of Lagovskiy's text for study in the soviet armed forces has been made the basis for a perceptive study by A. C. Sutton of the Hoover Institution on War, Revolution, and Peace at Stanford university. It appeared in the December issue of Ordnance, a journal devoted to industrial preparedness for national defense.

Discussing foreign trade as a weak link in the economy during a war, Gen. Lagovskiy noted the great dependence of modern warfare on certain war materials—such as chrome and platinum—and the lack of major deposits of such materials in the United States and other capitalist countries.

He advocated the encouragement of a potential adversary, such as the United States, to accept imports of such "weak link" strategic minerals from the Soviet Union.

A United States military jet airplane, he emphasized, cannot be produced in the United States by utilizing only domestic raw materials. He gave these startling figures: The United States must import 92 per cent of the chrome, 97 per cent of the nickel, 76 per cent of the raw aluminum, and 88 per cent of the cobalt needed for such an aircraft.

Russia's success in exploiting this strategy must have amazed its sponsors. In a recent typical 6-month period, 84 per cent of United States imports from Russia have been in materials related to the "weak link" strategy—not only chrome ore but industrial diamonds, platinum, palladium, rhodium, nickel, and titanium.

How and why did the United States get itself into this fix?

First, it voluntarily cut itself off from supplies of chrome ore from Rhodesia by joining in United Nations sanctions against that small nation. This political decision gave Russia, the only other major source of the ore, a virtual monopoly.

Second, it began to rely on Russia for other critical metals under the "bridge-building" programs of the Johnson administration. The idea was that Russia would respond to trade benefits by reducing supplies to North Viet Nam and the middle east conflict.

Russia happily accepted the profits of trade but the "reciprocity" expected never materialized. It even stepped up its logistic supply of world revolution.

The psychological effect on soviet planners contains a degree of danger, Sutton noted. From their viewpoint, the situation means United States weakness and as such can be considered a sufficient invitation to initiate aggression.

It makes little sense, he conclude, to spend vast sums on a defense against soviet missiles without, at the same time, taking steps, at little cost, to remove the nation from the "potentially dangerous corner" into which it has maneuvered itself.

THE PANTHERS NEED HELP

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. MICHEL. Mr. Speaker, the Black Panther movement has been in the news quite frequently and, to say the least, the picture is rather grim. Some black leaders who have no sympathy for the tactics and policies of the Black Panthers have expressed concern over the recent clashes between the Panthers and police departments in some of our larger cities—and rightly so.

An editorial appearing in the December 10, 1969, edition of the Peoria Journal Star makes the point that the Panthers can be equated with the Ku Klux Klan. I insert the editorial in the RECORD at this point:

THE PANTHERS NEED HELP

The killing of Peorian Mark Clark and the Black Panther leader last week in Chicago may serve to bring to a head the new boil which the Panthers have imbedded under the skin of human relations in America.

Some real questions have been raised by responsible people, both black and white, about the "shootout" in Chicago.

John Kifner of the New York Times reported Sunday that "an inspection of the first floor apartment did not seem to square with the police accounts of a torrid gun battle." The Chicago Daily News, in calling for Chicagoans to "cool it", editorialized Monday that "The nature and order of events inside the apartment remains to be determined," a strong indication of disbelief of the police story.

Since the Chicago incident, other violent confrontations between police and Black Panthers have occurred in Kansas City and Los Angeles and many black leaders who have no sympathy at all with the Black Panther's violent "political" program are deeply concerned about what is happening.

There is no question that a pattern of violence involving the Panthers and the police has evolved across the nation, but the pattern was not made during the past week. It began to take shape with the "ghetto riots" which spawned small groups of violent conspirators in several cities. And it was finally put together under the Panther label by a coterie of articulate ex-convicts and jobless civil rights activists who duped a few young men who were not overly bright to sell their newspapers and play the cannonfodder roles of tough-guy revolutionaries.

The Black Panthers leaders—now mostly safe in jail or self-exile excelled in their ability to express hatred—hatred for white bigots, hatred for black "Uncle Toms", hatred for the American system of law and enterprise which is flawed by racial discrimination. Hate coupled with intimidation and demogoguery made the Panthers into a sort of a black Ku Klux Klan. The white sheet was replaced with the black beret and jacket. And the police, who the Panthers think hold American society together, became the Panthers' Enemy No. 1.

In the past two years, we are told by the Panthers, 27 of their members have been killed by police. We do not know how many policemen—or "pigs" in Panther terminology—have been killed by the Panthers.

After all of the killings the Panthers have consistently argued that the police were assassins, conveniently forgetting that it was the Panthers themselves who declared war on the police.

In most of the cases, the Panther stories of police atrocities have been disbelieved, but in last week's "shoot out" in Chicago at 4:40 a.m. the fight was so one-sided that the Panthers found sympathy if not support.

We doubt very much that anything resembling a murderous police conspiracy against the Panthers exists, but there is no doubt that a violent Panther conspiracy is aimed at police. The Panthers themselves have made no secret of this. They publish self-incriminating statements regularly in their newspapers and urge others at public meetings to join them in their war against the police. The only mystery is why the government has not taken more legal action than it already has against these advocates of violence and revolution.

It would not be a surprise if a policeman, facing a group of armed Panthers, fired the first shot. And it would not be hard to believe that a policeman might fire more shots than necessary to subdue such men. The Panthers have simply invited this to happen by stock-piling guns and threatening the police repeatedly.

It seems plain enough that our society can not tolerate the Panthers any more than it could tolerate the Klan. It seems plain enough that the way to stop the Panther movement is the same way which was used to stop the Klan.

Just as intelligent whites refused to have anything to do with the Klan, intelligent blacks must refuse to tolerate or associate with the Panthers.

The real sympathy that the Panthers need from black leaders of the day is the kind which attempts to protect these young men not from the police but from the idiotic Panther leadership which should not be allowed to continue to drive young men like Mark Clark to early graves.

The idea that the Panthers sell that no black man should speak out against "a brother" no matter what he does must give way to the higher intelligence which recognizes that killers, demagogues, and foolish people come in all skin colors. The Panthers, like the Klan, are proof of that.

LETTERS FROM A MOTHER

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. ZION. Mr. Speaker, last year a young Evansville soldier died in Vietnam. He was one of many fine young men from

my own community and State who gave their lives that the citizens of another land might determine their own destiny. This particular young man's mother has written me about her son and his life and ideals and I would take this occasion to pass portions of her letters along to my colleagues in the House.

When I asked this lady if I might use portions of her letters in the RECORD, she replied in the affirmative but emphasized that she wished no personal publicity from their use. She stressed that she had no political ax to grind or cause to champion. This mother's letter was, as she wrote:

The anguished cry of an old mother who is broken hearted over the loss of one of her most prized possessions or, "Gifts of God."

One of this lady's letters is a copy of one she wrote to a Vietnam moratorium organizer, Jerome Grossman of Boston, Mass., and I also include portions of this letter to Mr. Grossman. As she wrote to me:

Today, just two years ago, we took our fine young son on his last journey. This was the last time we were to ever see him alive. We took him to the St. Louis airport to get a plane to California and then on to Vietnam. He was killed near Hue during the Tet offensive of Hanoi. He was a medic with the 1st Air Cavlary. My heartfelt sympathy goes out to the parents of these young men being tried for war crimes. I do not condone the crime, but they were trained to kill, yet when they do they are condemned. My son was killed in battle as he tried to move injured soldiers. He had patched up and moved a number of them and was trying to move yet another one when he was killed. He did not carry a gun but only medicine in his back pack and in his hand, and a Bible in his pocket. I'm sure he also had a prayer on his lips. Was not this just as cold-blooded a murder as what these soldiers are accused of? Why aren't the Viet Cong murders given equal time with the American ones? The Viet Cong are killing their own people.

Another thing that bothers me are all these young people demonstrating. They are bringing on an American defeat and are condemning what my young son died for. I thought it was called treason to raise an enemy flag and to help the enemy in time of war. What happened to punishment for this?

To Mr. Jerome Grossman, an organizer of the moratorium effort in October:

Our fine young man was killed in Vietnam last year. He had received a B.A. from Wabash College and had a year and a half in seminary finished. He felt compelled to serve his country so he dropped out of seminary and enlisted. He was trained as a medic and he was a good medic. He has been given 11 medals for his brave deeds. While in college and seminary he worked hard. During the summers and at Christmas holidays he worked for a milling company, cut grass for our church and sold pots and pans to help pay his way. He had also been given a scholarship. Please tell me how all those long-haired "girl figures" are paying their way? Is it men like you who are giving them money? My boy could never have taken time off to demonstrate. He was too busy paying his own way through college. I believe if a lot of these characters who call themselves man but look like ill-groomed girls would see a little of what my boy did they would become better Americans. My boy never had so much as a traffic ticket. He was always clean-shaven with his hair cut and very neat. It makes my blood boil to see these young people in college today. Tell me how they can have the money to spend on these music orgies. Someone is paying the bill.

My boy did not believe in killing but he wrote home and said "After seeing all of the destruction that the Viet Cong have done to these poor small people, I am glad to help wherever I can."

Why is it that these followers of Mao and Hanoi are praised while our good boys come home from the fighting and are looked down on and have a hard time getting a job? You have said that you would not be able to stand it if you lost a son in this war. Well, we have and I'll tell you how you stand it. When the officer comes to your door and tells you he is sorry to tell you your son has been killed, the world seems to fall down on you. You go to bed each night and cry yourself to sleep. You look at his bed and his clothes, especially his shoes, and know that your once fine young man will never fill them again. Then the letters and packages that you sent him, but that he never received because he was in the front lines trying to save all that he could, start coming back and a knife turns in your heart. You go to the cemetery and put flowers on his grave thinking at least you can do that much. He was not a "flower child" but he loved flowers and all living and growing things. You remember the time he gave up a date on New Year's Eve with a girl he was fond of just to sit with his grandmother who had just lost her husband and was lonely. You remember the morning you were ready to take him to the airport for his last journey and he put his arm around you and said "Mom and Pop, no matter what happens I want you to know that I love you."

Surely a man of your wealth and prestige could do more. We should never have gotten into this war in the first place but we ARE in it. Are you just willing to hand over to the enemy everything that my fine young boy stood for?

And, finally, she writes to me:

It hurts me to see my son's name read at these so-called "peace" rallys, when he had nothing in common with these long-haired, bead-wearing, so-called young "men".

My son was a small young man in body, but he had a big, beautiful love of God, country, family, his fellow Americans and also the Vietnamese. In one letter, he wrote that he had a wonderful experience. A Viet Cong prisoner was brought to him seemingly dead. He gave him mouth-to-mouth resuscitation and patched him up and, at the last report, this person was going to make it.

All of these fine young men have given the last ounce of devotion to their country and went to Vietnam thinking they were aiding the U.S., not the Viet Cong. It hurts me so to see these "peace" marchers carrying Viet Cong flags and praising the Viet Cong.

We have a beautiful, vast, productive country—truly a Gift of God to use in the right way. All of these young people have a golden opportunity to get their education and do something worthwhile for their country and their fellow man.

Where has the bravery and love of country and hard work to achieve a goal of our forefathers vanished to? I feel that my son and all of the thousands of other fine young men who died in the service of their country, accepting the harshness of basic training and all the other hurts of war, are true Americans.

Mr. Speaker, there is very little that I would add. These letters from the heart of a mother who loved and lost her son speak for themselves. As was her son, she, too, is a patriot of the highest order. We need more of her kind.

JOHN J. RHODES REPORTS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. RHODES. Mr. Speaker, from time to time I send a newsletter to my constituents reviewing matters which may be of widespread interest. This week my newsletter centers on some of the major proposals contained in "The Nixon Legislative Program," and I include it at this point in the RECORD for the benefit of those who may be interested:

[From the newsletter of John J. Rhodes, Dec. 10, 1969]

THE NIXON LEGISLATIVE PROGRAM

When President Nixon took office last January, there was a growing sense of frustration with government among Americans. The Federal government continued to spend billions upon billions of dollars while the individual taxpayer saw fewer and fewer results from such massive spending, except for the fact that the purchasing power of his dollar was being drastically eroded.

In addition to a skyrocketing inflation fed by fiscal irresponsibility on the part of the previous Administration, Nixon was confronted by an unprecedented increase in crime in the streets, riots on our campuses, and a welfare system that seemed to reward those who would not work, but failed to provide adequately for those who could not work. We had a draft system that fostered needless uncertainty for our youth and, most tragically, a long and confusing war having no apparent policy direction whatsoever.

President Nixon was summoned to provide new leadership to the nation and offer new approaches to these and other problems. The President responded by setting forth a comprehensive and well thought-out set of legislative proposals designed to speak directly to the needs of our nation. They promise real solutions to our problems and not merely band-aids to cover our wounds.

Specifically, the President has sent some fifty messages to Congress recommending the enactment of needed legislation in almost every area of concern. He has confronted inflation head-on by committing this Administration to a set of policies designed to curb the causes of the dollar's erosion. He has recommended wholesale reform of the Post Office, the draft system, the Electoral College, and the Internal Revenue Code.

At the same time, the President has called for specific changes to deal more adequately with the scourge of organized crime, obscene mail, hunger and malnutrition, narcotics and dangerous drugs. He has become the first Chief Executive to recognize and put forth concrete proposals to cope with the awesome population explosion, the crisis in urban and air transportation and the dismally unsuccessful hand-out programs now passing for welfare.

Let's take a closer look at some of the major proposals contained in "The Nixon Legislative Program" and then turn to the action they have received at the hands of the 91st Congress:

CONTROL OF INFLATION

One of the most serious problems inherited by the Nixon Administration was an intolerably high increase in the cost of living. Everyone seemed to be against inflation, but very few were willing to take the steps needed to bring it under control. President Nixon

rejected the artificial tactics of imposing wage and price controls or ineffectual guidelines, in favor of attacking the root causes of the problem.

The hard fact of the matter is that the government can add force to the steamroller of inflation simply by continuing to spend more money than it takes in. For the eight years preceding 1969, the Federal government had run an uninterrupted string of budget deficits culminating in a deficit of over $25 billion in 1968! Today, the chickens have come home to roost and we are all paying for that spending spree in the form of the cruelest tax of all—inflation.

The President has taken action on his pledge to put this nation's economic house in order. He has proposed a cut in Federal spending of over $7 billion this year. He has asked the Congress to phase out the tax surcharge over one year rather than six months, and to eliminate the 7% investment tax credit.

This is tough medicine. These measures aren't the kind that buy instant votes nor give instant relief. Belt tightening is slow and painful, but a President taking steps to fight inflation must make difficult decisions based on reality and not on artificial popularity.

The prospect of inflation run rampant is a very real one. Over the last two years, the prices of meat, poultry and fish have gone up 13.6%; men's clothing up 12.8%; new homes up 18.2%. This Congress, like the Administration, must match its words with its deeds to restore fiscal integrity to the Federal government and economic stability to the economy.

TAX REFORM

A part of the Administration's economic program is to return equity to the Federal tax system. Back in April, President Nixon initiated these changes by recommending to Congress a sound set of tax reforms that were the most comprehensive since 1954. Last August, the House passed a so-called Tax Reform Act which ran to 368 pages in length. While some changes made by the bill were desirable, many were ill-conceived and potentially harmful. Moreover, real tax reform, in my opinion, requires making the present system more streamlined rather than more complicated. While Americans don't mind paying their fair share, the uncertainty and unintelligibility which are the hallmarks of the present Internal Revenue Code, are not acceptable.

This bill is now before the Senate, where many of us had hoped that the defects in the House measure could be remedied. Unfortunately, action on the bill has turned into a competitive fiasco to see who can tax less through the Internal Revenue Service and more through inflation. As the Senate version of the bill now stands, its tax-reducing provisions would exceed its tax-raising provisions by $5 billion in the next fiscal year! While I would be the last person to oppose tax cuts, I believe that this must be done responsibly, which means that spending must first be cut. A tax "handout" without an accompanying reduction in expenditures could cost more in terms of inflation than would direct taxes, in the long run.

One consolation is the fact that if the tax bill that finally reaches the President makes excessive pie-in-the sky handouts and thereby threatens to cost the nation more than its "reforms" are worth, the President will exercise his veto power. Nevertheless, it will be tragic indeed if Members of Congress lose the opportunity for meaningful tax reform in an exercise of partisan politics.

CONTROL OF CRIME

Many of today's criminal problems result from our failure to enforce laws already on the books. Largely, this responsibility rests with the States. For this reason, a massive program designed to modernize local law enforcement agencies across the country is part of the anti-crime package which the Nixon Administration has recommended to Congress. This package also includes measures to strengthen the attack against organized crime, to stem the tide against pornography and obscene mail within present Supreme Court decisions, and to deal more effectively with the serious problem of narcotics and dangerous drugs. While no single legislative program has a higher priority within this Administration, not a single one of the more than 20 bills on the subject has been passed by the Congress. Again, the Administration has taken the lead in an area of utmost concern to all Americans, but the Democratic leadership of the Congress has not yet acted.

NEW FEDERALISM

In a nationwide address last summer, President Nixon set forth a comprehensive plan designed to revamp a good share of this country's social legislation. The three-pronged approach which the President detailed was referred to as "The New Federalism" emphasizing the fact that power was to be returned to the States rather than continue to become concentrated in Washington.

In the area of welfare, everyone agrees that the present system is a colossal failure. Besides failing to meet the needs of the poor, the cost of welfare has more than tripled since 1960, and continues its upward climb. President Nixon has proposed that the present welfare system be scrapped entirely and be replaced by a Family Assistance Plan having the same qualifications and benefits across the nation, combined with a requirement that those who accept benefits must also accept suitable work or job training. In connection with welfare reform, the President recommended a new Manpower Training Act that would consolidate the maze of confusing and overlapping Federal job training programs. Both of these measures are part of a long-range program designed to get people off the welfare rolls and on to the payrolls, thus reducing the need for welfare and its cost to the nation.

The Administration has also proposed a Revenue Sharing Act whereby a set portion of revenues from the Federal income tax would be returned directly to State and local governments on a "no-strings-attached" basis. While it was an accepted tenet of previous Administrations that centralized Federal planning was necessary in order to meet public needs effectively, the President has advocated decentralization as a means of better dealing with a large number of our problems. There is no doubt that all three of these proposals would bring about unprecedented changes in existing programs that must be fully and carefully analyzed. On the other hand, it is clear that the present programs are leading us toward disaster, and that Congress should address itself to the positive proposals put forward by the President.

POSTAL REFORM

The Post Office is in a race with catastrophe and, as President Nixon stated in his message to Congress last May, "Total reform of the nation's postal system is absolutely essential." This year the postal service is expected to run a budget deficit of more than $1.2 billion and this red ink is being underwritten by the taxpayers, rather than by the users of the postal service who should rightly bear this cost. The Post Office Department is badly in need of modernization and improved management techniques. After a careful analysis of the problems besetting the postal service, the Administraton proposed a comprehensive reorganization of the Department aimed at removing it from 18th century politics and establishing a government-owned corporation to provide prompt and efficient mail service to all Americans. Despite the broad support that this measure has, the Democratic Congress has not acted favorably upon it and has indicated that it does not intend to do so.

DRAFT REFORM

President Nixon recognized that the draft law presented an intolerable situation which imposed a needless uncertainty on the lives of young Americans. Last May he forwarded a message to the Congress calling for authority to institute a lottery and change to the "youngest first" method of selection. After the House had passed the measure the Senate Democratic Leadership declared that no action would be taken on it this year. Fortunately, the full impact of this callous disregard for the interests of young Americans for political considerations was brought to bear, with the result that the draft reform law is one of the few pieces of major legislation to have passed the Congress this year.

CONGRESSIONAL ACTION

There are, of course, a number of other important proposals comprising "The Nixon Legislative Program." The Administration is sponsoring or endorsing around 120 bills supporting its position in such diverse areas as the merchant marine, hunger and malnutrition, the population explosion, and unemployment insurance reforms. The unfortunate fact is that of all the measures submitted to it, the 91st Congress has completed action on only two major bills—draft reform and an increase in the limit on the national debt (the interest on which is now running in excess of $45 million a day!).

With regard to money bills, we are almost at the half-way point in the current fiscal year and the Congress has completed action on only 4 of some 13 regular appropriations bills. Since last July 1, the Congress has kept the Federal government in business by passing emergency resolutions providing temporary funds to the various government agencies to continue their day-to-day operations. If it were not for these so-called "continuing resolutions" the government would simply not be able to pay its bills. Needless to say, it is both bad business and bad government when Congress abandons its function of closely regulating government expenditures by simply providing funds to the government at last year's levels.

At this writing, Congress has yet to pass appropriations for Defense; the District of Columbia; Foreign Aid; Labor, Health, Education and Welfare; Military Construction; the Legislative Branch; Public Works; State, Justice and Commerce Departments and Transportation. The delay is so serious that President Nixon warned Democratic leaders last week that he may have to call Congress back into special session on December 26 unless it acts on all the appropriations measures before adjourning.

The simple fact remains that while the President can propose legislation, the Congress must enact it into law. Many persons do not realize the importance of the Leadership of the Congress. The majority party controls the flow of legislation to the Congress and determines what legislation will be acted upon. Its members chair all of the standing committees and subcommittees in the House and the Senate and hold hearings on subjects of their choosing. To date, the Democrat-controlled Congress has been quite remiss in bringing important measures to the floor so that the House and Senate may work their will upon them. The fact is clear that if the 91st Congress is to rid itself of the "do-nothing" label, it must stop dragging its feet in the next session beginning in January.

CHANGE OF ADDRESS

In a large mailing such as this, it is sometimes difficult to correctly indicate everyone's name and address. If there are any changes that should be made in your mailing address, I would appreciate it if you would tear off the address on the brown envelope and return it to me with the applicable changes indicated thereon. (2312 Rayburn House Office Building, Washington, D.C. 20515)

BIG-TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Casper Star-Tribune, in the State of Wyoming. The editorial follows:

CONTROVERSY OVER TRUCK LEGISLATION

(By James J. Kilpatrick)

WASHINGTON.—At one time or another, every motorist has known the miserable experience—sometimes the terrifying experience—of trying to pass a tractor-trailer truck in foul weather conditions. The boxcar profile blocks the road ahead. One gropes through rain and flying spume, hands gripping the wheel. Just a couple of feet to the side, 35 tons of steel are rolling along at 60 miles an hour. At last you get around; and behold: Another truck ahead.

A House subcommittee resumes hearings this week on a bill that brings these recollections vividly to mind. The bill would set new permissible maximum width, weight, and length limits for the interstate highway system. Truck and bus companies are ardently supporting the bill; the American Automobile Association, representing passenger car drivers, is just as dead set against it. For my own part, I wish there were some way to find a compromise down a middle lane.

Proponents of the bill make an excellent case—up to a point. The present interstate width and load limits were fixed 13 years ago, according to standards laid down in 1946. Since then, the interstate highways have come into being. It is a plausible contention that these magnificent freeways are capable of handling wider and heavier loads than the old primary highways could take.

The bill would permit the States to authorize an increase in single-axle loads from 18,000 to 20,000 pounds; an increase in tandem-axle loads from 32,000 to 34,000 pounds; and an increase in the gross load limit from 73,280 pounds to a higher figure obtained from a length and axle formula. The maximum permissible width would be increased from 96 to 102 inches.

These changes are recommended by the U.S. Bureau of Public Roads. They are not opposed by the American Association of State Highway Officials (AASHO). The point is made that roughly half the States already permit these higher load limits, under a grandfather clause inserted in the basic Federal act of 1956. The proposed increase in maximum width would make it possible for trucks to carry cargoes (such as plyboard) that come in multiples of eight feet; the extra six inches, it is said, also would contribute to greater stability and to greater safety.

So far, so good. The ordinary motorist may wince at the greater width, but it is hard to object to the proposed new limits on weight. At about this point in the debate, however, the proponents run out of gas; the remainder of their case is much less impressive.

The bill proposes a Federal length limit of 70 feet. It's too much. Oregon now allows up to 75 feet on designated highways, and Nevada has a 70-foot limit, but 27 States hold to 65 feet, Iowa limits length to 60 feet, and 20 States have a 55-foot limit. Both the Bureau of Public Roads and AASHO recommend 65 feet. In asking for this added length, the truckers are getting grabby.

Proponents of the bill emphasize that the bill is "only permissive"—no State would have to approve the higher limits; and they point out that the new dimensions would apply to the interstate highways only. The answer to this is, unh-hunh, or who's kidding whom? Once the higher limits were authorized, the truckers' lobby would roll into high gear; few legislatures would resist. And as spokesmen for counties and cities have observed, the new behemoth trucks would have to get on and come off the interstate system by way of old highways and bridges not meant for the mastodon size.

The truckers say that larger trucks will produce economies in freight expenses, which economies in turn will be passed along to consumers. It seems doubtful. Consumers have not seen many such economies lately. The truth is that this bill would benefit truck and bus companies. Okay, but let's leave it at that.

Substantially this same bill passed the Senate last year, but died in the House when the 90th Congress ran out of time. On balance, the better arguments still lie against the bill. Unless a reasonable compromise can be found, the resurrected measure ought to be interred again.

TRIBUTE TO DR. ROBERT LEE JACKSON

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. FRIEDEL. Mr. Speaker, I recently came across a copy of the December 1968 edition of the Journal of the Kappa Alpha Psi Fraternity, which contains a biographical sketch of Dr. Robert Lee Jackson of Baltimore, Md.

Dr. Jackson is one of Baltimore's distinguished citizens, and a man whom I have been proud to call my friend for many years. Throughout his career, both as a physician and as a public servant, Dr. Jackson has made a habit of overcoming obstacles, which I am sure would have discouraged a lesser man. His refusal to accept anything less than the best has motivated him through a lifetime, which has brought him personal success and prestige, and during which he has made a long series of significant contributions to the health and welfare of his community and his fellow citizens.

I believe my colleagues will be interested in and encouraged by this heartwarming story of one Negro American who stayed with the fight when the going was tough and who by his efforts, has enriched the lives of thousands of people.

I include the article on Dr. Robert Lee Jackson at this point in the RECORD:

DR. ROBERT LEE JACKSON, BELOVED VETERAN MEDIC

(By G. James Fleming)

He was there when Kappa Chapter was founded at Meharry Medical College in 1919. He was a co-founder of Baltimore Alumni Chapter. He has been active in both the fraternity and in medicine most of his life, and—at age 74—he still practices medicine. He is Robert Lee Jackson.

With due respect, he is "The Grand Old Man of Medicine" in Baltimore.

Brother Jackson was born in Birmingham in 1894; was graduated from Walden University in 1917, and received the M.D. degree from Meharry in 1921. After a postgraduate year at Meharry and the taking of a bride (Clara V. Cleveland), he headed for Baltimore ("up North") where he set himself up in the practice of medicine.

But he did more.

At once he began trying to establish Kappa Alpha Psi in Baltimore; at once he started trying to secure more professional opportunities for Negro physicians; at once he began trying to enlarge and upgrade Provident Hospital.

Before long, Brother Jackson found three Lincoln (Pa.) Kappamen—Drs. Newman, Scott and Harris (their first names escape him) and, in 1923, the Baltimore Alumni Chapter was chartered, when George F. David was Grand Polemarch and C. Leon Wilson was Grand Keeper of Records.

The chapter met in members' homes, but Kappa was also much alive at Provident Hospital, since most of the Kappa physicians were also on the hospital's staff. The chapter observed the fraternity's programs but, according to Brother Jackson, "it also became noted for grand social affairs with finely printed invitations. This was the period when there was great competition among the Greek-letter societies."

"The chapter brought the first Grand Chapter to Baltimore in 1920 or 1921 and we also were the leading spirits in establishing Alpha Iota Chapter at Morgan State College," according to Brother Jackson.

Brother Jackson received the 18th Distinguished Medal, highest award of the National Medical Association, at its 68th annual convention in Los Angeles, in 1963. The award was in recognition of Brother Jackson's contributions to the founding and maintenance of Provident Hospital in Baltimore, as a recognized and accredited training institution, his efforts in the actions which resulted in the acceptance of Negro physicians into membership by the Baltimore City Medical Society and the Medical and Chirurgical Faculty of the State of Maryland, and his role in securing the admission of Negro surgeons as Fellows in the American College of Surgeons. The award acknowledged also the wider influence he had exerted through the men trained at Provident and his activities in stimulating others to make contributions to medical literature.

He was honored for becoming the first Negro physician to serve in the chest clinics of the Maryland Tuberculosis Association. In those early days, when the walls of segregation were thick and high, the established hospitals of the city were closed to Negro physicians. The dream of a hospital where Negro physicians could practice and train continually inspired Brother Jackson. He succeeded in interesting Dr. J. M. T. Finney, Sr., Dr. Richard TeLinde and many other leading Baltimore surgeons and physicians from the Johns Hopkins and the University of Maryland Hospitals and Medical Schools to begin a campaign to remodel the Union Protestant Infirmary on Division Street to accommodate the Provident Hospital, which was then located in small, inadequate quarters on Biddle Street.

In 1925 these men recommended his appointment as the first resident in surgery at the Provident Hospital. They served as consultants and continued to support the effort to transfer the hospital to the building on Division Street. This was accomplished in 1928 and Brother Jackson was named medical director.

In these relatively early days of postgraduate training in medicine, when racial barriers seemed immovable, the new Provident assumed important significance as an institution in which Negro doctors might practice and take supervised training in the specialties of surgery, medicine, and obstetrics and gynecology. A new resource for the training of Negro nurses was also provided.

Brother Jackson completed his residency training in 1930 and was appointed junior consultant in surgery at Provident in 1931. In 1935, he was made associate chief of surgery with Dr. George G. Finney, son of the late Dr. J. M. T. Finney. When Dr. George Finney entered the armed forces in 1941, Brother Jackson remained associate chief of surgery with Dr. Samuel McLanahan.

In 1940, Brother Jackson became chief of

staff at Provident. Under his leadership, the hospital developed a training program in the major services, particularly general surgery, which attracted many young Negro men and women of medicine. Through the years they have gone on to become certified in their specialties, Fellows in the respective national and international clinical colleges, heads of departments, teachers, and contributors to medical literature and research. These physicians, too numerous to mention, may be found in almost every state in the Union, and some foreign countries. In 1950 Brother Jackson, appointed chief of surgical service, Provident Hospital, continued to carry on a service recognized by the American Board of Surgery for resident training.

In 1957, many of the Jackson-trained doctors returned to Baltimore when the former House Officers of Provident Hospital paid tribute to him at the hospital's annual banquet, which was specifically designated as in his honor. Here they joined with the Governor of Maryland, the Mayor of Baltimore, prominent civic leaders, patients and friends in hailing the contributions "Dr. Jackson" had made to the advancement of medical care and training under difficult circumstances.

In semi-retirement now, Brother Jackson still continues his interest in Provident Hospital, is helping to make possible the new ($12,000,000) Provident now being built.

Brother Jackson has served as a member of the Baltimore City Relief Commission, the Department of Public Welfare, the Baltimore City Criminal Justice Commission, the Baltimore City Planning Commission, and the Selective Service Board.

Brother Jackson has pursued many postgraduate courses. These include: Intestinal surgery at the Cook County Graduate School of Medicine, 1930; rectal surgery at Cook County, 1935; general surgery, Presbyterian, and Mount Sinai hospitals, New York, 1937; blood banks, New York University Postgraduate School of Medicine, 1944; female urology, New York University Postgraduate School of Medicine, 1946; male urology, Cook County, 1947; gall bladder surgery, Cook County, 1949; general surgery, George Washington Postgraduate School of Medicine, 1952. He has attended all the clinical congresses of the American College of Surgeons since his inclusion in 1948.

Brother Jackson has been a member of the National Medical Association since 1924. He also belongs to the Monumental City Medical Society, Maryland Medical Society, Baltimore City Medical Society, Medical and Chirurgical Faculty of the State of Maryland, and is a Fellow of the American College of Surgeons He also belongs to the Masons, the Elks, and the Presbyterian Church.

Certainly Robert Lee Jackson is Kappaman of the month; certainly, too, a Kappaman of the Year; and—by his life—Kappaman of two centuries.

GLASS TARIFFS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. DENT. Mr. Speaker, the following is the text of a letter I sent to the president of the Kiwanis Club, of New Kensington, Pa., located in my congressional district. He expressed his vital concern over the lowering of glass tariffs, and their effect on our community. I think my letter to him should be read by all Members of Congress so they may be further alerted to the danger of lowering glass tariffs.

KARL P. KARSTEN,
President, Kiwanis Club,
New Kensington, Pa.

DEAR MR. KARSTEN: I have been receiving a number of letters from Arnold, Lower Burrell, and New Kensington concerning the very serious problem of glass imports. Since many of the letters have been coming in from Kiwanis members please feel free to make my letter public by publishing it in your newsletter.

The glass industry has suffered for a long time from increasing pressure from low-wage produced glass from almost every country in the world, especially Europe, Japan, and the Red Curtain countries.

The problem has become so serious that the American-St. Gobain Company has closed their Arnold plant, and reduced its production in its remaining plants. Unless relief is forthcoming they may well close one or all of its remaining facilities. This fact was brought to the attention of the Tariff Commission by industry, the worker's union, and your Congressman acting for and in behalf of Arnold, Lower Burrell, New Kensington, and surrounding areas that are seriously affected by the closing of this facility.

The mayors of these three cities have been very co-operative and helpful. The citizens were, also, helpful, and rendered substance by sending me thousands of petitions which were signed and presented to the Commission.

For the first time since President Kennedy gave some relief to the Industry, by ruling back tariffs to the pre-Smoot-Hawley days, the Tariff Commission has called a halt to any further decreases in glass tariff.

The Chairman of the Commission, in his opinion on the matter of glass, states that excessive damage is being done in the glass industry. This puts the matter on the shoulders of the President of the United States. His hand is fortified with the Tariff Commission's report on exactly the action taken by President Kennedy. We can be assured that, if the President does put the tariff back to the Kennedy level, we at least will be able to hold off complete destruction of the industry.

I believe more should be done. We cannot sustain our economy if we are going to allow nations, where their highest wage is only 10–50% of our minimum wage, to use this country as a dumping ground.

As you know my hearings start soon on a new wage bill under the F.L.S.A., which may further depreciate American manufacturer's opportunity to hold on to their own market. Many of us intend to fight, as we have in the past, but it can not be done unless the local communities, and citizens finally realize buying foreign products is not always the most economical way to live. Consumers are only fighting themselves when they buy foreign products made by low-wage workers in foreign countries. In most instances consumers who buy foreign products are the producers of American goods competing with the foreign countries' low-waged producers.

I want you to stress the following information: While it is known, of course, to the companies and workers' representatives, there are many citizens who do not know of a certain feature in the trade agreements. It was put in as a sop to Labor, but may well be the greatest single item of relief expenditures in the Federal Government. Under the Foreign Trade law any worker who can show that his job has been taken by imports is entitled to 65% of his weekly wage for a period of one year, or if he is in training for another job—an additional 6 months, or if he is 60 years of age—an additional 3 months of entitlement.

They have not yet decided what to do after this period is over, but it is pretty easy to see that these private workers will end up in dire economic straits.

Here is the most important part of this information. After many attempts by Labor to seek to have this relief granted, the Tariff Commission and the Labor Department have agreed to pay these damages to approximately 500 steelworkers in two Armco plants.

While this may be of some relief to the workers it must not be accepted in lieu of jobs when jobs would be available if the imports were not glutting the American market. It has been estimated that this very small award to less than 500 men will cost $2,232,000 the first year, and this is without counting the loss to local tax authorities, Social Security, and other charges against a worker's payroll.

In face of this situation it is recommended that the 650 workers who have lost their jobs at the Arnold plant make a claim for the import damages which caused the loss of their jobs. That would at least give them a breathing spell during the transition period when they are seeking new employment.

In a very rough calculation I have figured the loss of jobs in the difference between exports and imports of steel, textile products, shoes and leather goods, etc., and find that, giving the imports every benefit of the doubt, there are at least a *minimum* of 400,000 jobs lost by the exchange of goods in exports and imports. This number of jobs would cost the taxpayers in damage relief, if awarded as the law prescribes, better than 2 billion dollars a year. This does not take into consideration the thousands of jobs that have been lost in mushrooms, men and women clothing, cast iron pipes, radios, T.V., automobiles, and every other consumer commodity that has a serious share of the shelves in the American market.

I have given you this information to show that some of us have been aware of this problem and have been like voices in the wilderness in trying to arouse the Congress of the United States to the dangers of this economy.

I do not believe in isolationism, a closed door policy, or a high tariff wall economy. I believe that all goods should flow according to the needs of all nations and not at the cost of our jobs and economy.

The serious thing we have to face is that nations, and oft-times American enterprises, situated in foreign countries, are producing goods solely to export to the U.S. at prices that do not even meet the cost of our labor at the minimum wage level. I believe that nations must work inward for their salvation economically. I do not believe that every nation can sell more than it buys. In a free trade economy, this is the only way a nation can stay solvent in the exchange of money.

No nation should deprive its workers of an opportunity to earn a living simply to make multi-millionaires out of the export-import fraternity, which is international in concept and practice.

Recently, the Sanitary Water Authority of Allegheny County wrote specifications which gave orders for compressors to a foreign producer with one of the finest compressor manufacturers in the Pittsburgh area placing number two on the list of bidders. I have new legislation for the next session dealing with this phase of government financed purchases.

This is just another instance of contracts being given to foreign bidders when our own companies can and should have had the bid. Here is another example of why we should be "buying American".

The only way we can hope to survive and to salvage jobs of our workers, and the welfare of our industries is for the American people to buy their own products.

THE LATE HONORABLE JOHN JANAS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. MORSE. Mr. Speaker, last week in Lowell, Mass., an outstanding citizen and public servant, State Representative John Janas, succumbed to a heart attack and died. He was 59 and still a vigorous and energetic man who had made a career out of giving of himself to his community and to his State.

I was privileged to know John Janas well. He began his public service when he was elected to the Lowell school committee in 1945. Following that he was elected to the city council in 1947 and subsequently was reelected for eight terms. In 1954, demonstrating the high esteem in which he was held by his colleagues on the city council, he was elected by them to serve as mayor of Lowell—the first Polish American to hold that post.

In 1962, John Janas was elected to the Massachusetts State Legislature from the 15th Middlesex District—the first Republican to be sent from that district in its history. He served with distinction in the State House from that time until his death last week. His dedicated work will surely be missed by his colleagues there.

Throughout his life, John Janas lent his efforts to helping others—through his membership in the Benefit Society of the Polish National Catholic Church, the American National Red Cross, and numerous other groups. In recognition of that service, he was named the "Man of the Year" in 1961, by the Greater Lowell Civic Committee.

Mrs. Morse joins me in extending our deepest sympathy to Nellie Janas and their three sons.

A recent article in the Lowell Sun detailed Representative Janas' many accomplishments and contributions and I insert it at this point in the RECORD:

REPRESENTATIVE JOHN JANAS SUCCUMBS AT 59

LOWELL—State Rep. John Janas, 59, of 4 Viles Ave. was dead on arrival yesterday at St. Joseph's Hospital.

Born in Lowell he was the son of the late Frank and the late Bridget Janas.

He was a graduate of Lowell High School and was a Carney Medal winner. He also was a graduate of the Lowell Technological Institute.

"He, at one time, served as safety director for the American Hide & Leather Co.

For many years he was active in many civic and social affairs throughout the city and state.

In the year 1945 he was elected to the school committee in Lowell for a two-year term. He was elected to the city council in 1947 and was re-elected for eight terms. Out of the eight terms he was elected he was the highest voted candidate for five times. In 1954 Councilor Janas was honored by his colleagues when they elected him mayor, the first Polish American mayor of Lowell.

In April of 1962 a special state election for the 15th Middlesex representative district was held to fill a vacancy which was created when Rep. Cornelius Desmond Jr. was elected City Manager, the then Councilor John Janas was elected to represent the district, the first Republican to ever be elected from that district.

In 1963 he was re-elected to the General Court also in 1966. In 1963 he was also reelected but this time, because of the redistricting, he represented the 29th Middlesex District, consisting of Ward 9 in Lowell and all of Dracut.

In the State House Legislature, he served on three committees, taxation, payroll and banking.

Rep. Janas was a parishoner of St. Casimir's Polish National Catholic Church and held membership in St. Casimir's Benefit society, also the East End Social Club, board member of the American National Red Cross, Greater Lowell Chapter, the B.P.O.E. Lodge 87 of Elks, the Passe Temps club of Lowell, C.C.A. club of Lowell, Pawtucketville Social Club, the Polish National Home Association, (Dom Polski) an Honorary member of the Polish American Veterans of Lowell Inc., the Pulaski Club, Polish National Alliance Group 944, ZNP. Honorary member of the National Army Navy Union, Lowell Heart Association, Lowell Diabetes Association, United Fund, Centralville-Social Club.

He received the "Man of the Year" award in 1961 from Greater-Lowell Civic Committee.

He is survived by his wife, Nellie (Cuipa) Janas; three sons, Dr. John J. Janas Jr. on the staff of St. Joseph's Hospital; Frank Janas, loan officer at the National Shaumut Bank of Boston; and Edward Janas, student at the Mass. College of Pharmacy in Boston; a sister, Mrs. James (Mary) Joyce of Lowell; also six grandchildren.

ALL AMERICAN SOLDIERS ARE NOT TRIGGER-HAPPY KILLERS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. Frank H. Taylor, 318 Grove Avenue, Falls Church, Va., has forwarded to me a copy of a letter written by his son, a lieutenant in Vietnam, to the editor of the Northern Virginia Sun.

This letter was written and published before the release of the alleged massacre of Vietnamese civilians in the village of Mylai 4, and because of this fact it has a bearing on the conduct of our soldiers in the most vexing war ever fought by Americans. I insert the letter from Second Lieutenant Taylor at this point in the RECORD:

[From the Northern Virginia Sun, Nov. 18, 1969]

YOUNG OFFICER DOES WHAT HE MUST

Editor, the Sun:

I have been in recent contact by mail during my tour in Vietnam with my grandfather, a veteran of World War I. Perhaps we don't share the "same" combat experiences for this is a different kind of war. My father and uncle are veterans of a more recent struggle, World War II. Now I am doing my part and my duty to my country in Vietnam. I accepted the responsibilities of a commission as a second lieutenant before I volunteered for duty in Vietnam.

This is a different kind of war than anything my grandfather or father have ever seen. It's a war for hearts and minds, not for a military victory. We can't just attack an enemy; we've got to convince him logically that our way is correct and offers more opportunity. Our goals aren't as clear-cut as "take that objective." They are so complex that they are almost unimaginable. We're here to build a strong vibrant nation that can stand on its own two feet and say "here I am in spite of you." It's a crazy war of inactivity and positive action. A war not of destruction, but of instruction, a war to build as fast as the VC (Viet Cong) destroy. For example, Charlie blew a bridge on a main roadway, and two days later we were using it again—people on their way to the market and town, soldiers on the move.

It is a very different type of war but we're winning, that's for sure. ARVN (South Vietnamese) troops are doing a fine job. They wouldn't stand up to a German army of 1918 or 1939, but they can hold their own against NVA and VC forces here in IV Corps.

But where we're winning is with the people. Many women died as a result of childbirth, but that number is constantly decreasing. It's a war against ignorance, disease and stupidity. We MENEVAC see more people suffering from disease or injury than we do from gunshot wounds. But I'm not a medic, yet I help as a medical advisor.

Not only are we medics, but engineers, repairmen, mechanics and teachers. It takes a diversified person to win this kind of war. And thank God, Americans are that. We deliver babies, build bridges, or fire a weapon with the same hands.

Many people, especially of my generation, want to protest this war. That's fine with me; I respect their right to do so, but I'm afraid they don't know what it is really like over here. They're afraid to do something positive. They are content to criticize, yet not to react positively. They don't realize it takes more to fight this kind of war than just the ability to pull a trigger or kill. It takes people who care about people to win. It takes a person willing to work 24 hours a day, seven days a week for what he believe in.

I can't complain; I enjoy myself here. But I enjoy it because I love people. I'm beginning to understand them as persons, what makes them react. I guess you call it insight. Understanding people are people no matter what the color of their skin or the shape of their eyes.

This is a war we can win with the youth and energy of America. It's the chance of America to prove to the rest of the world the quality of leadership that we have and that the rest of the other generation feels we lack. If you want to protest, protest positively.

Involvement is something that too few people in our country want to do. We don't want to "get involved" but it doesn't work that way in life. I do what I must; I stand for what I believe in.

2d Lt. PETER TAYLOR,
ADV Team 85.

APO SF 96215.

WHITHER THE PASSENGER TRAIN?

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mr. TIERNAN. Mr. Speaker, on Tuesday of this week the Providence Journal carried an article by Sylvia Porter entitled, "Whither the Passenger Train?" The article is notable in that it underscores the dire straits in which U.S. passenger train service finds itself today. Miss Porter ends her article on the note:

As congestion on our highways and airways intensifies, top-notch trains could have a real appeal to millions of us, even if they take considerably longer. Let's find out how this service can be integrated into our future transportation network.

I concur with Miss Porter's views. It is up to us to find the solutions and put them into practice. At this point I place Miss Porter's timely comments in the RECORD:

[From the Providence Journal, Dec. 9, 1969]

WHITHER THE PASSENGER TRAIN?

(By Sylvia Porter)

Young parents I know living in San Francisco are planning to bring their three children East for a visit next summer. They want to come by Pullman train (do you remember Pullman trains?) because this might be the last chance the children have for a long-distance overnight train ride.

Even so, my friends cannot go directly from California to New York without changing trains in Chicago or flying the last leg of their trip. The last through California-New York sleeping car, in fact, was discontinued back in 1958.

Today you cannot get a direct train between such major cities as Pittsburgh and Cleveland, Memphis and Nashville, Tulsa and Oklahoma City, Boston and Portland, Maine.

The blunt fact is that you and I are abandoning the passenger train in 1969:

We cut our long-haul train travel 20 per cent—the biggest drop in passenger miles for any post-War War II year.

The number of passengers carried by the long distance lines dropped to 296 million—one third the number carried in 1944.

Railroad passenger revenue on long-haul lines dropped to $291 million, against $1.7 billion a quarter century before.

The number of sleeping cars dwindled to 1,037 vs. 6,223 in 1948 and the number of dining cars to 627 from 1,730.

In 1929 there were 20,000 passenger trains. There are now fewer than 500.

Enough of the figures: so complete is our abandonment of the railroad that today only 1 per cent of long-distance travelers in the U.S. go via trains. In contrast, the number of miles we travel on car trips each year has soared past one trillion and the number of miles we travel by plane each year is over 100 billion.

A major factor in this, to be sure, has been the railroads' utter contempt for our convenience and comfort. Frequently, the dirt and discomfort, lack of dining cars, filthy bathrooms, etc. are enough to turn even the most sympathetic into a train hater.

But whatever the causes, the big long-haul trains are losing huge amounts today on passenger service—at a time when mail revenues, which for years have helped subsidize passenger trains, have also been dropping sharply.

Congress is now grappling with a half dozen different proposals for saving long-distance railroad passenger service. The key bill, introduced by Sen. Vance Hartke, D-Ind., would require the federal government to cover the deficits on any long-haul passenger service it requires the railroads to continue for the public good. In addition, it would authorize the Federal Transportation Department to invest in modern, new equipment which would then be rented to the railroads for long-haul runs. The precedents are: Washington already has invested billions in highways for automobiles and now wants to invest more billions in airports.

The Transportation Department wants to set up a Comsat-type private corporation which would try to run good, profitable, high-speed trains in high density corridors such as San Francisco-Los Angeles, Chicago-Cleveland, Houston-New Orleans, Chicago-Indianapolis-Cincinnati, Milwaukee-Chicago.

But, despite the instant success of the fast trains running between New York and Washington and New York and Boston, an astonishing point is that neither government officials nor the railroads have undertaken a definitive nationwide market survey to find out what kind of service you really want.

As congestion on our highways and airways intensifies top-notch trains could have a real appeal to millions of us, even if they take considerably longer. Let's find out how this service can be integrated into our future transportation network.

EVENTS IN THE 10TH DISTRICT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 12, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, as I look back over the months of a very active fall season in the 10th Congressional District, there are many outstanding events which it is indeed pleasant to recall. One of the foremost among these is the 275th Anniversary Celebration of the City of Attleboro, Mass. The weeklong observance began on Saturday, October 4, and featured many exciting and unusual events. There were numerous historical displays, a historic tour of the city was conducted, and a gala parade concluded the week of festivities in a climactic way.

A wonderful historical pageant given by the townspeople served to emphasize the historical meaning of the anniversary celebration. The four phases of the community's development were stressed. The pageant was not only an enjoyable form of entertainment for all, but it was a vivid means of educating citizens to their distinguished local heritage.

A most outstanding feature of the anniversary week was an educational exhibition entitled "Expo 275." The people of Attleboro were rightfully proud of this comprehensive presentation of more than 40 different industrial displays. The production required long planning and patience as well as concerted community and individual effort. A special debt of gratitud.. is owed the Attleboro Chamber of Commerce, the organization underwriting Expo 275.

In developing a focus for the 275th anniversary celebration, the people of Attleboro took advantage of the wealth of skill and artistic workmanship which forms the economic lifetime of the city. But Expo 275 was more than the usual exhibition of industrial arts and handiwork; it was a living demonstration of craftsmen at their work. Seeing the creative process evolve—and in a festive but noncommercial atmosphere—was not only educational but also an effective means of inspiring youth to become interested in the work of their neighbors, interested in industrial processes, and interested in developing their own abilities.

The individual artisan, it is said, is fading away from the American scene. But in Attleboro, Mass., Expo 275 provided living evidence of man's importance in an industrial economy. Through exhibitions of this kind, the dignity of man and the beauty of craftsmanship are upheld in the finest traditions of the past.

Mr. Speaker, I take this opportunity to congratulate Attleboro for a most inventive way of commemorating the 275th anniversary and to compliment the many persons who contributed time and effort to develop the events of the celebration. A special salute goes to the anniversary committee chairman, Robert F. Collins, Jr., who was responsible for the comprehensive planning and execution of the celebration and to Mayor Thomas Piggott, who contributed endless enthusiasm and energy toward the realization of the 275th anniversary observance week.

It will be of further interest to my colleagues to note that the celebration was financed by the sale of a most attractive commemorative coin, struck by a local firm, the Robbins Co., to enable sponsorship of most of the week's events free of charge. The 275th Anniversary Celebration Week of Attleboro, Mass., was truly a wholehearted community effort in every sense. The local newspaper, the Attleboro Daily Sun, which provided comprehensive coverage of the week's festivities as well as a most enlightening special historical edition, quoted Chairman Collins as describing Attleboro participation, support, and enthusiasm as "phenomenal." I should like to add, Mr. Speaker, that I was there to enjoy this wonderful community-oriented celebration; and I, too, found it an absolutely "phenomenal" success.

HOUSE OF REPRESENTATIVES—*Monday, December 15, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Fear not: for, behold, I bring you good tidings of great joy, which shall be to all people.—Luke 2: 10.

O Thou who art the source of light and life, whose glory is in all the world, without whom no one is good, no one is wise: we remember with joy that the universe is Thy creation, life is Thy gift, and Thy love is offered to all the children of men. Lift our thoughts from the littleness of our own works to the greatness and the goodness of Thine and help us so to behold Thy glory that we may grow into the likeness of Christ. Help us to worthily celebrate His nativity this Advent season with hearts of compassion, deeds of kindly service, and the spirit of good will toward all mankind. In the name of Him who gives life to men, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, December 12, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments

in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6543. An act to extend public health protection with respect to cigarette smoking, and for other purposes; and

H.R. 13000. An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 44. A concurrent resolution to authorize printing of manuscript entitled "Separation of Powers and the Independent Agencies: Cases and Selected Readings," as a Senate document.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 778. An act to amend the 1964 amendments to the Alaska Omnibus Act; and

S. 3014. An act to designate certain lands as wilderness.

PERSONAL EXPLANATION

Mr. BEVILL. Mr. Speaker, on November 13, 1969, on rollcall No. 271, on H.R. 14751, I was on my way to my district on official business and missed the vote. Had I been present, I would have voted "yea."

Mr. Speaker, on November 13, 1969, on rollcall No. 272, on H.R. 14705, I was on my way to my district on official business and missed the vote. Had I been present, I would have voted "yea."

Mr. Speaker, on November 18, 1969, I was out on official business, and on rollcall No. 277, on H.R. 14794, I would have voted for the passage of the bill, had I been present.

Mr. Speaker, on November 20, 1969, on rollcall No. 284, on the Sikes amendment to H.R. 14580, I was in my district on official business and missed the vote. Had I been present, I would have voted "yea."

Mr. Speaker, on November 20, 1969, on rollcall No. 286, on H.R. 14580, the foreign aid authorization bill, I was in my district on official business and missed the vote. Had I been present, I would have voted "no."

STATUS OF THE APPROPRIATION BILLS

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, seven of the annual appropriation bills have now been enacted. They are: Interior, Agriculture, Treasury-Post Office, independent offices-HUD, public works-AEC, State-Justice-Commerce, judiciary, and legislative.

Two bills are under active consideration in conferences between the House and Senate: Military construction and District of Columbia.

Five bills await action in the Senate, as follows:

Defense, authorization signed by the President on November 19.

Labor-HEW, passed the House on July 31.

Transportation, passed the House on November 18; authorization of mass transportation and highway safety programs not yet enacted but these items were included in the House-passed appropriation bill under a rule waiving points of order.

Foreign assistance, passed the House on December 9; authorization passed House on November 20, passed Senate December 12; now pending in conference.

Supplemental, requests received from the President on November 24; approved by House on December 11.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON H.R. 15091, TO LOWER INTEREST RATES AND FIGHT INFLATION

Mr. PATMAN. Mr. Speaker, this request has been cleared by the ranking minority member on the Banking and Currency Committee and by the minority leader.

Mr. Speaker, I ask unanimous consent that the House Committee on Banking and Currency may have until midnight tonight, December 15, to file its report on H.R. 15091, a bill to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TRIBUTE TO THE HONORABLE MARIO BIAGGI

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, I rise on behalf of the entire New York City delegation in recognition of the outstanding work of our distinguished colleague, MARIO BIAGGI, who has been looking into conditions at some of our military bases.

It is our belief that pioneering efforts of the gentleman from New York (Mr. BIAGGI) to improve conditions for our enlisted men deserve the strongest support from all Members of this Congress.

Singlehandedly, he undertook a very difficult and challenging task a few months ago. He has indeed aroused the conscience, the interest, the support, and the admiration of the New York delegation.

In spite of a normally heavy workload, he has made the time to travel to military bases to get a firsthand view of some of the difficulties confronting so many of our enlisted men. He has listened patiently to their problems, has checked and rechecked the information given to him and at his own expense has done everything within his power to improve their lot.

In one instance alone, he was instrumental in getting a contingent of some 500 marine reservists from New York City moved to safer quarters at Camp Lejeune, N.C., after racial violence erupted there last July 20, claiming the life of one regular marine.

At the Third Naval District brig in Brooklyn, N.Y., the commanding officer curtailed the use of "disciplinary chow" after the gentleman from New York (Mr. BIAGGI) had described the diet as "inadequate and primitive." Happily the House Armed Services Committee has undertaken an investigation at some of our military bases.

The gentleman from New York (Mr. BIAGGI) is extremely well-equipped to handle the task he has chosen for himself. He had a very distinguished career as a member of the New York City Police Department for 23 years. It was a career that is almost legendary. He was a detective-lieutenant when he retired and probably received more decorations for heroism than any police officer in the United States.

It is our intention to give him all of the assistance that he might require to accomplish the very worthy objective of improving conditions for the enlisted man.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 3016, ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Speaker be allowed to appoint two additional conferees on S. 3016, the Economic Opportunity Act Amendments of 1969.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, how many conferees do we now have?

Mr. PERKINS. I am adding the name of Mr. ASHBROOK here. I have discussed the subject matter with the minority leader on the committee.

Mr. GROSS. The gentleman is not answering my question. How many conferees are there now?

Mr. PERKINS. I believe this makes 13 and nine.

Mr. GROSS. I thought perhaps the entire committee was going to conference, on the announcement the other day.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following additional conferees: Messrs. STOKES and ASHBROOK.

The Clerk will notify the Senate of the action of the House.

SOCIAL SECURITY AMENDMENTS

(Mr. BURTON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of California. Mr. Speaker, I am taking this time to note that the social security bill is going to be brought up under a suspension of the rules procedure, therefore precluding any possibility of subjecting the legislation to a motion to recommit with instructions.

I think it is very lamentable that once again this year we find that about 3 million of the poorest aged, crippled, and blind in our country have been over-

looked by this legislation. The Senate adopted a provision by Senator HARRIS that I was privileged to assist him with—that guaranteed all elderly blind and disabled people on public assistance—receive at least a $7.50 per month increase. The House bill this year, just as 2 years ago, paid no heed to nor did it solve the dilemma of the elderly poor whose social security benefits are so low that they also receive some State public assistance. In this legislation, if the House conferees do not recede to the Senate amendment, we will find so many of our constituents, some 3 million or so throughout the country, will get the social security increase—but suffer a dollar-for-dollar public assistance reduction and will end up again this year with not a single dime in their pockets as a result of the action of this Congress. I think that is outrageous as well as lamentable. I plead that the limitation that the rules impose on us be recognized and that the conferees proceed to pay some heed to these people who are victimized just as much as or more than any others in our country by the increase in the cost of living.

The following tables show the number of people in each of the States that are "forgotten" in the House version.

PUBLIC ASSISTANCE STATISTICS, JULY 1969

State	Old-age assistance, number of recipients	Aid to the permanently and totally disabled	Aid to the blind
Total	2,041,000	763,000	80,100
Alabama	114,000	17,000	1,900
Alaska	1,500	620	93
Arizona	11,900	6,300	550
Arkansas	60,600	11,300	1,800
California	310,000	151,000	13,000
Colorado	38,100	7,700	200
Connecticut	7,700	6,000	240
Delaware	1,900	1,300	360
District of Columbia	2,400	4,900	200
Florida	69,600	20,500	2,300
Georgia	91,500	31,500	3,200
Guam	300	49	7
Hawaii	2,000	1,700	67
Idaho	3,200	2,800	110
Illinois	37,500	37,100	1,700
Indiana	16,800	4,500	1,400
Iowa	23,600	2,700	1,000
Kansas	14,300	5,700	370
Kentucky	64,500	15,100	2,100
Louisiana	120,000	21,900	2,400
Maine	10,800	3,400	220
Maryland	8,300	14,900	340
Massachusetts	49,600	15,500	2,600
Michigan	37,400	23,300	1,400
Minnesota	22,200	9,100	800
Mississippi	72,400	21,600	2,200
Missouri	90,200	18,000	3,900
Montana	3,600	1,900	170
Nebraska	8,000	3,800	340
Nevada	3,100	760	180
New Hampshire	4,200	11,400	240
New Jersey	14,800	7,200	910
New Mexico	9,200	62,700	370
New York	86,700	25,300	3,400
North Carolina	38,100	2,000	4,700
North Dakota	3,900	29,100	84
Ohio	58,600	19,800	2,700
Oklahoma	75,500	4,700	1,400
Oregon	7,300	26,500	470
Pennsylvania	45,300	13,800	8,900
Puerto Rico	21,300	3,600	750
Rhode Island	3,700	9,700	120
South Carolina	18,900	1,400	1,900
South Dakota	4,500	21,200	110
Tennessee	49,900	20,600	1,800
Texas	228,000	5,300	4,100
Utah	4,300	1,700	160
Vermont	4,300	69	100
Virgin Islands	360	7,200	7
Virginia	11,100	13,000	1,000
Washington	23,000	6,900	460
West Virginia	11,200	6,600	570
Wisconsin	18,200	780	650
Wyoming	1,800	----------	38

Source: U.S. Department of Health, Education, and Welfare—Social and Rehabilitation Service—National Center for Social Statistics (NCSS, rept. A-2, July 1969).

PRESIDENT NIXON'S SPEECH OF NOVEMBER 3 TO SILENT MAJORITY HAS RECEIVED OVERWHELMING BACKING

(Mr. MIZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZE. Mr. Speaker, for the record, I should like to point out that the President's speech of November 3 to the silent majority has received overwhelming backing.

At last count, the White House informs me, the President received more than 450,000 messages. Of these, 425,000 were favorable.

This, of course, does not include the literally millions of petitions, wires, letters, and other messages that have been sent to such organizations backing the President's Vietnam policies, such as "United We Stand."

Mr. Speaker, among the messages, the editorial comment and the polls, it has become obvious that Americans, when they know the facts, will rally to a just cause and support a just peace.

That is what the President seeks. This is obviously what most Americans want.

YOUNG DEMOCRATS SWITCHING OVER TO REPUBLICAN PARTY

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, I have noticed with some interest a news article published in the Evening Star of December 12, 1969, relating to the convention of Young Democrats.

In this news article it was reported that the delegations from the States of New York and Georgia had been asked to leave the convention.

What particularly interested me was the reason for the failure to seat the Georgia delegation. The leader of the Georgia delegation said it was not his fault that they had not had a State convention. The leader called for one and no one came.

Mr. Speaker, I think this is symbolic of the trend of the times—the young people of America are switching over to the Republican Party and I commend them for this action.

The article referred to follows:

YOUNG DEMOCRATS TELL TWO DELEGATIONS TO PACK, GO HOME

LAS VEGAS, NEV.—The national convention of Young Democrats of America has told the New York and Georgia delegations to pack their bags and go home.

The New Yorkers want their money—charter membership and registration fees—back, and the Georgians say it isn't their fault they haven't lately had a state convention as required. Their leader called for one and nobody came.

Both delegations' credentials were rejected on a floor vote last night after vigorous debate.

The credentials committee had recommended against seating asserting neither had the blessing of the regular Democratic party.

The floor vote against seating the 86-member New York delegation, about 10 percent of the convention's total, was 470.7 against and 352.3 for, with 52 abstaining. The vote was 514.25 against 352 for and 32.75 absentions in Georgia's case.

TELEVISION SHOWS SHOULD EXEMPLIFY LOVE OF FAMILY, COURAGE, AND SACRIFICE

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, last night it was a rare privilege to see the play "Hans Brinker" on channel 4, NBC. It is so seldom that we see shows which exemplify love of family, courage, sacrifice, that I wish to compliment NBC on this production and ask for more.

What our children think is determined by what they see, hear, and read. Then it behooves us to see that they have at least an opportunity to see the beautiful, read words of meaning, and hear music of enduring charm.

For years the prurient and pornographic have been in ascendency. Surely, there is some way we can afford our youngsters and our citizenry the opportunity to see and hear television and read literature with greater moral purpose.

THE SO-CALLED BLACK PANTHER PARTY

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, in the last 2 years, 28 members of the so-called Black Panther Party have been killed in run-ins with the police.

And now we hear talk by the Panthers and their sympathizers that there is a conspiracy by the police to wipe them out.

What nonsense.

There is a conspiracy by the police, of course, and one that most of us support—a conspiracy to wipe out crime and put criminals behind bars.

Mr. Speaker, when Panthers have been killed by police, it is because they have been engaged in illegal activities. They have been killed in the course of robberies, assaults, and attempted murders.

They have been killed resisting arrest.

Wherever they go they go armed.

In 1967, a group of armed Black Panthers invaded the State Legislature of California while the legislature was in session.

David Hilliard, who heads the Los Angeles Black Panthers, is under indictment for threatening to kill the President.

Panther literature threatens the life of the President.

In Los Angeles, where police raided Panther headquarters, the Panthers had turned a building into a fort and had stocked it with rifles, shotguns, submachineguns, and Molotov cocktails.

Mr. Speaker, the Panthers are not a peaceful, lawful organization. They are racists and revolutionaries and criminals. In my opinion, they have been given kid-glove treatment. I hope we put a stop to that.

CHANGE OF CONFEREE ON S. 3016, ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, when I consulted with the minority concerning the appointment of conferees last Friday night on the bill, S. 3016, the Economic Opportunity Act Amendments of 1969, I definitely understood at that time that if senior members elected to be conferees that I would like to cooperate in obtaining a revision of the conferees.

Mr. Speaker, I now ask unanimous consent that the gentleman from Wisconsin (Mr. STEIGER) be removed from the list that was handed to me last week and that the Speaker be empowered to appoint another conferee.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The Chair appoints as a conferee the gentleman from California (Mr. BELL).

The Clerk will notify the Senate of the action of the House.

H.R. 14646

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, we are told that the bill to set up a New York-Connecticut passenger transportation compact is an enabling act; that it is just a simple bill; in effect this bill will overturn the ruling of the Interstate Commerce Commission and reverse the decision of the Supreme Court which permitted the merger of the Pennsylvania and Central Railroads with the proviso that they continue operations of the New Haven Railroad and provide improved service to the commuters.

The committee says this pact involves a principle—just the ability of the States to get together. It is not the principle that is at stake, it is the interest—the public interest in preventing a giveaway to the Penn Central of $23,000,000 and a $1,000,000-a-year subsidy for an operating deficit—not to mention that the cause of all of this is the failure of the Penn Central to provide adequate service. In a talk with the Transit Authority of New York State they will have to rehabilitate the entire line, new cars, new equipment, another $56,000,000. If you have to replace this equipment, what you are paying $23,000,000 for, why pay for this outmoded equipment? Who is getting what? Is it $23,000,000 for nothing? Why, that is just the big train robbery revisited.

Now if that was not enough, this commuter railroad—the New Haven—was bankrupt. Both the Pennsylvania and New York Central wanted to merge. The ICC objected for they feared the new giant would force the New York-New Haven service to be discontinued. The case was brought before the Supreme Court for judicial review. What did they say? No merger—nothing—unless the new company, the Penn Central, which would affect savings of $80 million annually, to quote the ICC "irrevocably stipulate the inclusion of the New Haven."

The ICC stated further:

> The Penn Central merger would not be in the public interest without the complete inclusion of the New Haven.

According to the decision the Court has designated the New Haven a "protected" line. And to quote the Court decision:

> The ICC has itself stated the Penn Central merger would not be in the public interest without the complete inclusion of the New Haven.

Why then do the taxpayers have to pick up the tab for what is the responsibility of a private giant, the Penn Central?

The Court report on page 2 specifically states that they are "hopeful additional Federal funds will be granted." On page 4:

> Large sums of money are involved.

All States today are crying for more State aid. Why then fritter away any available money. The States have or can obtain in Federal funding to pay off private interest debts.

Add to this fact no hearings were held by the committee. I have taken this time because I have been refused time by the committee to oppose this legislation. This gravy train must be stopped in its tracks.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

CONNECTICUT-NEW YORK RAILROAD PASSENGER TRANSPORTATION COMPACT

The Clerk called the bill (H.R. 14646) granting the consent of Congress to the Connecticut-New York railroad passenger transportation compact.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURKE of Massachusetts, Mr. WOLFF, and Mr. TIERNAN objected; and, under the rule, the bill was stricken from the Consent Calendar.

AMENDING SECTION 2401 OF TITLE 28, UNITED STATES CODE, TO EXTEND THE TIME FOR FILING TORT ACTIONS BY CERTAIN PERSONS

The Clerk called the bill (H.R. 10124) to amend section 2401 of title 28, United States Code, to extend the time for filing tort actions by persons under the age of 21, or insane or mentally ill, or imprisoned on a criminal charge.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR ADMISSION TO THE UNITED STATES OF CERTAIN INHABITANTS OF THE BONIN ISLANDS

The Clerk called the bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ASPINALL. Mr. Speaker, reserving the right to object, I asked for some additional information concerning this legislation. I have not yet received that information. I have been told that there is some information that apparently does indicate some answer, but my question has to go to the question of whether or not we have requests from residents of Chichi Jima or Iwo Jima, either one, to ask for the privileges which this legislation grants. If there is anyone who can answer this question, I would be glad to yield for that purpose.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. Yes; I yield to my colleague from Colorado.

Mr. ROGERS of Colorado. The proposed legislation merely exempts the Bonin Islands from certain kinds of exclusion, to make it easier for the people on those islands to apply for entry into the United States as defined by section 101(a)(38) of the Immigration and Nationality Act, which means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States and the outlying possessions defined in section 101(a)(29) means American Samoa and Swains Island. Does that answer your question?

Mr. ASPINALL. No; that does not answer fully my question at the present time. I am one of the few Members who have been on these islands, who have ever been on Chichi Jima. I want to know whether or not there is any information in the record of the committee, which handled this legislation, from any of the citizens of the Bonin Islands to the effect that they want to come to some area of the United States. That is the information I would like to have.

Mr. MESKILL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Connecticut.

Mr. MESKILL. I would answer the gentleman by saying that the Navy took a survey of the residents of the Bonin Islands and learned that between 25 and 30 families of some 200 families involved indicated that they would want to take advantage of the option. The other families indicated that they would want to stay where they are.

Mr. ASPINALL. May I ask my colleague this question: Do you have in your possession or does the committee have in its possession this information which you have given to the House, or is this just hearsay information which has come from some member of the Department of the Navy?

Mr. MESKILL. I believe the gentleman's colleague from Colorado has the information, if the gentleman would yield to him.

Mr. ASPINALL. I yield to my colleague from Colorado.

Mr. ROGERS of Colorado. There is information set forth in the report that is based upon an informal poll taken in December 1967. It is believed a sizable number of this group would desire to emigrate to the United States. The committee has a letter addressed to it from Bruce G. Karolle wherein it is stated that at least students on the island had petitioned the Government regarding their residency status.

Mr. ASPINALL. I regret to report to my colleague from Colorado that I did not get that information. Is there any request from any resident of Iwo Jima or from Chichi Jima?

Mr. ROGERS of Colorado. What I am trying to point out is that the letter I have in my hand states that there are at least two who are interested in petitioning.

Mr. ASPINALL. Would my colleague be willing to place that letter in the RECORD?

Mr. ROGERS of Colorado. Yes; I will.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the letter referred to be made part of the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The letter is as follows:

UNIVERSITY OF GUAM,
December 12, 1968.

Congressman EMANUEL CELLER,
10th Congressional District,
Brooklyn, N.Y.

DEAR MR. CELLER: Congratulations on your recent election victory. Being a registered voter of the 30th District (Rep. Carleton King), it does our minds and hearts good to have progressive candidates like yourself win public office.

As a member of the teaching faculty here at the University of Guam, may I urge you to reintroduce Bill H.R. 16803 in the next congressional session? This legislation, although limited in scope, does in some way implement the theories of American democracy, and makes possible rectification of inaction which can lead to frustration and disillusionment for many people.

Two of my students, Irene (Savory) Bonewitz and Miles Washington, both from Chichijima Island, the largest of the Beechey Group (Chichishima-Rettō) of Bonin Islands (Ogasawara-guntō), have petitioned our government for consideration regarding residency status. Both are excellent students, skilled in professional education, which is especially needed here in Guam.

There are others, mainly young people who have been educated in U.S. schools, taught American values and tastes, who now wish the chance of deciding between Japanese and American cultures.

Please feel free to call upon me for anything that might enhance the passage of this legislation.

Sincerely yours,

BRUCE G. KAROLLE.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I was handed a statement this morning, apparently from the Judiciary Committee, concerning this matter, in which the Navy is reported to have said this would not be a precedent. I want assurance from some high level source other than the Navy, as much as I respect that branch of the service, that this legislation will not be a precedent for unloading refugees from Okinawa into U.S. territory.

We have made the bad mistake, in my opinion, of turning back the Bonin Island to Japan, and now this administration has compounded that mistake of returning Okinawa to Japan under the circumstances that exist in the Far East. I want to know whether we are going to be compelled to accept from Okinawa as in the Bonin Islands, those who do not want to go back under Japanese dominion. I have not had the information I feel I can rely on, and until I do, Mr. Speaker, as long as this bill comes up under unanimous consent, I will object to passage.

Therefore, Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMENDING THE AMERICAN SERVICEMAN AND VETERAN OF VIETNAM FOR HIS EFFORTS AND SACRIFICES

The Clerk called House Resolution 661, commending the American Serviceman and Veteran of Vietnam for his efforts and sacrifices.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone who sponsored or cosponsored this resolution what is meant by the final resolution on page 2, which reads as follows:

Resolved, That the House of Representatives will do all in its power to lift from his shoulders the heavy burden he has carried for so long.

Mr. Speaker, what is meant by this language? How is it proposed to go about lifting this burden?

Mr. RIVERS. If the gentleman will yield, I will explain the entire resolution and then I will answer his question specifically.

The purpose of this resolution is to express the highest tribute of the House of Representatives to American servicemen who have given their lives or been wounded in Vietnam and to express also the House's commendation to the individual serviceman and veteran who serves or has served in Vietnam for his bravery, sacrifice, dedication, initiative, and devotion to duty.

The resolution also expresses the will of the House to do all in its power to lift from the shoulders of the American serviceman in Vietnam the heavy burden he has carried for so long.

The man who serves his country in combat always carries a special share of the burden of service to his country. Such service is difficult enough even when the purpose is etched in stark black and white, the national policy it supports is unequivocal and there is no question of full support from the people back home.

The present emotional debate over our future course in Vietnam has overshadowed the efforts and the sacrifices of the individual American serviceman in this tragic conflict. The American serviceman in Vietnam, in addition to the trials of combat, has seen shifts in national policy, has seen demonstrations and protests against the war to an extent never known to American servicemen in combat before. In such a situation, it is of special importance that the serviceman be made aware that the statements and actions of citizens opposed to the war, those in Government as well as those out, are not to be taken as a reflection on the quality of his individual service; and that regardless of their opinions of the overall conflict, the American people and the Congress recognize the bravery and the dedication which he has exhibited.

The American servicemen in Vietnam perform on an alien battlefield largely unrelated to our past military experience either in terms of physical combat conditions or psychological conditions. All of the testimony and evidence available to the Committee on Armed Services has repeatedly indicated that the American servicemen in Vietnam are performing with a military professionalism unexcelled by any servicemen in our history. This resolution would let these brave men know that the House of Representatives honors their sacrifices and their devotion to duty as much as that of any generation of young Americans who have served their country.

House Resolution 661 and identical or similar resolutions were cosponsored by more than 140 Members of the House.

Stated very simply, therefore, we are reflecting the determination of this body to do all in its power to lift from the shoulders of our men in uniform the heavy burden they have carried for so long.

Among other things, we hope to accomplish this by assisting the President in every way possible, to Vietnamize the war.

We know our military has been fighting a war, the objective of which is not final victory on the battlefield. This is one generation of Americans who have been called upon to face something that no generation of my acquaintance has been faced with save, possibly in Korea, where the GI has been called upon to do so much while operating under political restraints.

Mr. GROSS. Mr. Speaker, then the

answer of the gentleman is that he feels the South Vietnamese are now capable of taking over this war; is that correct?

Mr RIVERS. I believe they have the capability of eventually taking it over if we give them the proper time, training and equipment.

Mr. GROSS. If we give them what?

Mr. RIVERS. If we give them the proper time in which to do it. They just cannot do it today; they require further training and equipment.

Mr. GROSS. So that is what is meant rather than that the President of the United States should set aside the politically motivated order by former President Johnson that stopped the bombing of North Vietnam and other military activities?

The gentleman thinks that removing the burden can be accomplished by Vietnamizing the war?

Mr. RIVERS. I think the stopping of the bombing laid an additional burden on the shoulders of the GI's, regardless of how that decision was arrived at.

Mr. GROSS. I am glad to hear the gentleman say that, and I agree with him completely.

This resolution does in no way and perhaps should not be expected to go to that issue.

Mr. RIVERS. This resolution, sponsored by more than 140 Members of the House, just tries to tell the GI, "Thank you for carrying the burden, the like of which no group of Americans ever has undertaken."

Mr. GROSS. But I would also like to say to the serviceman in Vietnam that he is not going to be there for the next 10 or 20 years, unable to fight, as he is capable of fighting, because of certain political considerations in the United States.

Mr. RIVERS. Positively.

Mr. GROSS. This is what I would like to say to him. I think we ought to apologize to him for the way in which he has been shackled, the way in which he has been prohibited from fighting this war to a conclusion long ago.

I am in favor of the resolution, do not misunderstand me, but I think it falls far short of what we ought to long ago have said to our fighting men over there, that they should go ahead and do the job. If we are going to get into these wars, the military ought to be able to fight them and not be handcuffed by political considerations in the United States.

Mr. Speaker, I withdraw my reservation of objection.

Mr. BINGHAM. Mr. Speaker, I am glad to join in supporting a resolution which pays tribute to American servicemen in Vietnam, which recognizes the "efforts and sacrifices" they have been called upon to make, which particularly pays tribute to those who have given their lives or been wounded, and which asserts that the House of Representatives "will do all in its power" to bring an end to the war, so as to lift from the servicemen's shoulders "the heavy burdens" they have carried for so long.

Had the resolution been subject to amendment, I would have proposed a change in the language of the second "resolved" clause. I know that the intention of those who drafted the resolution was to commend, collectively, those who are now serving or who have served in Vietnam for their "sacrifices, bravery, dedication, initiative, and devotion to duty." However, the word "each" was used, and this was unfortunate, especially at the present time when we are so concerned about the apparent massacre at Mylai. Obviously, some of our servicemen in Vietnam have not conducted themselves properly; some have been convicted of crimes against Vietnamese.

Passage of House Resolution 661 should not be construed as condoning any such crimes, nor should it be construed as supporting in any way the policies we have been following in Vietnam, both strategic and tactical.

Mr. McCLORY. Mr. Speaker, it is with pride and deep compassion that I raise my voice in behalf of House Resolution 661 to commend our American servicemen and veterans of Vietnam for their efforts and sacrifices.

Mr. Speaker, most of us have contributed to help brighten the Christmas of our men in Vietnam, as well as those who have returned from that bloody conflict, including those with broken minds and bodies in our military hospitals. But, Mr. Speaker, it is fitting also that we should pause today and pay public tribute to these dedicated young men who, in the highest tradition of our Nation, have risked their lives that our free Nation may fulfill its destiny.

Mr. Speaker, I have not favored the deployment of large American ground forces in the Vietnamese conflict, and I am in full support of the President's decision to withdraw our men at the earliest date practicable. Sitll, I do not underestimate the sacrifice or the consecration of those who are fighting there, or who have fought there and are now returning home.

Mr. Speaker, I salute every one of them, and by my vote in favor of this resolution I wish to communicate my gratitude and my respect. Truly, the fighting men and veterans of Vietnam and, may I say, those who have lost their lieves there, are as heroic as any Americans in our history who have defended our Nation.

Mr. Speaker, it is thus that I want my vote on this resolution—House Resolution 611—to be interpreted, and I vote proudly for its adoption.

Mr. GIAIMO. Mr. Speaker, it is obvious that few wars in this Nation's history have created such a difference of opinion among the American people as has the conflict in Vietnam. The events of Veterans Day and the November moratorium show clearly the deep division which exists over our future course in that war-torn land. Yet in our haste to condemn or support our policy, we have too often ignored the effort and sacrifice of the individual who has fought and died in Vietnam.

I speak today not as an advocate or opponent of our Vietnam policy, but as an American who wishes to recognize this individual sacrifice, an American who wishes to let this serviceman know that I am aware of the awful price which he has had to pay.

This man does not make American policy. We should not involve him in our ideological debates and partisan politics. We must instead recognize his effort and commend him for his sacrifice, not as a justification of our overall Vietnam policy but as a proper, heartfelt gesture of gratitude and respect.

Is the American serviceman less brave because he is fighting a war which many people do not fully understand? Is his effort less difficult because the American people are not 100 percent behind him? Is his sacrifice less meaningful because many people disagree with the policy which caused him to make that sacrifice?

I asked these questions when I introduced this resolution last month. I ask them again today because they must be answered by us and by the American people. Considering what these men have had to face, considering what they have lost, it is the least we can do.

No, Mr. Speaker, we cannot allow criticism of this war, regardless of its merit, to detract from the overall conduct of our servicemen. Whatever our feelings about the war, we must remember that each man, in one way or another, has been forced to make a sacrifice; he has been involved in a dangerous and difficult conflict. In almost every case, each serviceman has shown his courage, intelligence, and compassion. This outstanding conduct by some of America's finest young men cannot and must not be ignored.

More than 140 of our colleagues, Democrats and Republicans, liberals and conservatives, hawks and doves, have joined with me to pay the highest tribute to those who have given their lives or who have been wounded in Vietnam, to commend each serviceman and veteran for his individual sacrifice, and to pledge to do all in our power "to lift from his shoulders the heavy burden he has carried for so long."

I am truly gratified that so many of my colleagues with diverse and deep convictions about this war have joined to pay tribute to our American servicemen. I am pleased that the members of the Committee on Armed Services unanimously recommended that this resolution be enacted. I am confident that this House will let our young men know that we honor their sacrifices as much as those of any other generation of men who have served our country.

There comes a time, Mr. Speaker, when we must transcend politics, when we must rise above ideology, when we must recognize what is as well as what should be. Now is the time. Let us show these brave men that we know of their performance. Let us show them that our statements and actions for or against the war itself do not detract from the overall excellence of their conduct or from the degree of their sacrifice.

Above all, let us show them we are pledged to do all we can to bring them home and that we pray that neither they nor their sons will ever again be exposed to the horror of war.

For their sake, I urge the adoption of House Resolution 661.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in enthusiastic support of House Resolution 661, to express the highest tribute this House can pay to American servicemen who have given their lives or been wounded in Vietnam, and to express commendation to those who serve or have served there for their bravery, sacrifice, dedication, initiative, and devotion to duty.

In the past few months we have witnessed trial, denunciation, and conviction by press of a small number of American servicemen who may or may not have participated in what is described in vivid and gory detail as the "Pinkville Massacre." While we have acknowledged, however belatedly, that no massacre has yet been proven, and that if one did occur, only a small number of men, more than a year and a half ago, committed it, the truth will be known only after all the facts are in.

Meantime, Mr. Speaker, public preoccupation with trying to establish the truth in this isolated incident has almost obliterated from the minds of many the knowledge that Medals of Honor, Silver Stars, and Purple Hearts are being awarded and won and earned every single day by brave Americans—Americans who think not just of themselves but of their fellow man—Vietnamese or American.

Our servicemen today carry an especially heavy burden as they fight for us. The war they fight is declared "immoral" in some quarters from pulpits and soapboxes, and they know it. Thousands of protesters have run through our city streets carrying the flag of the enemy and burning our own, and they know it. But even though they may not fully understand or even agree with our reason for fighting, they know they owe loyalty to the greatest Nation on earth, the United States of America, their Nation and ours, and they fight on.

Mr. Speaker, we must make these loyal Americans know that no word they have received in opposition to the war they fight has lessened the intense pride the American people and the Congress feel for their bravery and dedication. I urge our colleagues to make them hear a public expression of our pride, Mr. Speaker. And may the enthusiasm with which we express it be heard around the world.

Mr. BIAGGI. Mr. Speaker, as a means of recognizing the efforts and sacrifices of American servicemen and veterans of Vietnam, I eagerly support House Resolution 661. Regardless of our opinions about the war in Vietnam, these Americans are worthy of the highest tribute.

The present emotional debate over the future course in Vietnam has overshadowed the great sacrifices of American servicemen in this tragic conflict. So many of these fine Americans have carried a heavy burden for too long.

In addition to the trials of combat, American servicemen have seen shifts in national policy and demonstrations and protests against the war to an extent never before known in our Nation. It is most important, therefore, that our servicemen be made aware that the statements and actions of those opposed to the war should not be taken as a reflection on their efforts and sacrifices.

All of the evidence and testimony that is available to this Congress shows clearly that American servicemen in Vietnam are performing with a military professionalism unexcelled in our history.

I am deeply grateful for this opportunity to recognize those American servicemen for their bravery, sacrifice, dedication, initiative, and devotion to duty.

While I hope and pray for the safe return of the American servicemen who are still in Vietnam, I am proud to be able to say that they are upholding the traditions of America in the finest manner.

Mr. MATSUNAGA. Mr. Speaker, as a cosponsor of an identical resolution, I rise in support of House Resolution 661, which would express the highest tribute of the House of Representatives to American servicemen who are serving or have served in Vietnam.

It is entirely fitting and proper for this body, in behalf of the American people, to commend our servicemen who have carried the heavy burden of serving their country in combat.

Mr. Speaker, it is tragic that in the emotional debate over our future course in Vietnam, the heroic efforts and sacrifices of American servicemen may have been overshadowed.

This House resolution, if adopted, would, in a significant way show our appreciation to American servicemen in Vietnam for their bravery, sacrifice, dedication, initiative, and devotion to duty. In truth, American servicemen in Vietnam are performing their duties with a military professionalism that is unexcelled by servicemen of any other period in our history. These brave and unselfish Americans ought to be reassured that their sacrifices have not gone unnoticed or unappreciated.

Mr. Speaker, for these reasons, I urge a favorable vote on this worthy resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the Clerk read the resolution, as follows:

Whereas the efforts and sacrifices of the American serviceman in Vietnam has been overshadowed by the emotional debate over our future course in Vietnam; and

Whereas he is involved in a dangerous and bloody conflict being fought under the worst possible conditions; and

Whereas the American people, regardless of their opinions about the overall conflict, should take note of the bravery and dedication which he has exhibited and the sacrifices which he has made: Now, therefore, be it

Resolved, That the House of Representatives pays the highest tribute to the American serviceman who has given his life or has been wounded in the Vietnam conflict; and be it further

Resolved, That the House of Representatives commends each serviceman and veteran of Vietnam for his individual sacrifice, bravery, dedication, initiative, devotion to duty; and be it further

Resolved, That the House of Representatives will do all in its power to lift from his shoulders the heavy burden he has carried for so long.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members have 3 legislative days to extend their remarks on House Resolution 661, just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AUTHORIZING SUBSISTENCE, WITHOUT CHARGE, TO CERTAIN AIR EVACUATION PATIENTS

The Clerk called the bill (H.R. 9654) to authorize subsistence, without charge, to certain air evacuation patients.

There being no objection, the Clerk read the bill, as follows:

H.R. 9654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter I of chapter 57 of title 5, United States Code, is amended as follows:

(1) By adding the following new section:

"§ 5709. Air evacuation patients; furnished subsistence

"Notwithstanding any other provision of law, and under regulations prescribed under section 5707 of this title, an employee and his dependents may be furnished subsistence without charge while being evacuated as a patient by military aircraft of the United States."

(2) By adding the following new item at the end of the analysis:

"5709. Air evacuation patients; furnished subsistence."

SEC. 2. Chapter 55 of title 10, United States Code, is amended as follows:

(1) By adding the following new section:

"§ 1088. Air evacuation patients: furnished subsistence

"Notwithstanding any other provision of law, and under regulations to be prescribed by the Secretary concerned, a person entitled to medical and dental care under this chapter may be furnished subsistence without charge while being evacuated as a patient by military aircraft of the United States."

(2) By adding the following new item at the end of the analysis:

"1088. Air evacuation patients: furnished subsistence."

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Illinois. Mr. Speaker, H.R. 9654 authorizes subsistence without charge to certain air evacuation patients; namely, to officers of the uni-

formed services, to civilian Government employees, and to the dependents of these two groups.

At the present time military officers, civilian Government personnel, and their dependents who travel in the air evacuation system as patients are required to pay for meals furnished them while they are in the air evacuation chain. Enlisted personnel are entitled to subsistence in kind and thus are not charged. On the other hand an officer, a civilian, or one of their dependents is charged for meals consumed while aboard the evacuation aircraft and further, while he is hospitalized at the casualty staging unit, he is required to pay the hospitalization subsistence charge whether or not the meals are consumed.

These subsistence charges may not be waived. The annual DOD appropriation acts, such as section 409 of Public Law 90–580, provide that officers and civilians in a travel status who receive a per diem allowance for subsistence must be charged for Government-furnished meals at a rate of not less than $2.50 per day. In the case of hospitalized patients who are not receiving per diem—including aeromedical evacuation patients while at a casualty staging unit—a hospitalization subsistence charge is required by 10 U.S.C. 1075. Under the Claims Collection Act of 1966, sections 951–53 of title 31, United States Code, there is an affirmative statutory duty to collect these charges.

The annual cost of this legislation is estimated to be $175,000 which would be partially offset by an estimated administrative savings of $124,000 per year. In fiscal year 1968 a total of 170,000 patients were transported in the air evacuation system, and out of this number 39,000 were required to pay for their meals.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSENTING TO AMENDMENT OF PACIFIC MARINE FISHERIES COMPACT

The Clerk called the bill (H.R. 13407) to consent to the amendment of the Pacific Marine Fisheries Compact.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, may we have assurance that this extension or amendment of this compact will not result in any expenditure from the Federal Treasury?

Mr. DOWNING. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Virginia.

Mr. DOWNING. I can assure the gentleman from Iowa that the enactment of this legislation will not cost the Government anything. In fact, on page 4 of the report it is stated:

> Since all of the expenses of the Commission are paid by the compacting States, there would be no cost to the Federal Government in the event this legislation is enacted.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 13407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress is hereby given to the amendments to articles I, II, IV, and X of the Pacific Marine Fisheries Compact, as amended.

SEC. 2. Article I of the Pacific Marine Fisheries Compact, as amended, would read substantially as follows:

"ARTICLE I

"The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean and adjacent water over which the compacting States jointly or separately now have or may hereafter acquire jurisdiction.

"Nothing herein contained shall be construed so as to authorize the compacting States or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly."

SEC. 3. Article II of the Pacific Marine Fisheries Compact, as amended, would substantially read as follows:

"ARTICLE II

"This agreement shall become operative immediately as to those States executing it whenever two or more of the compacting States have executed it in the form that is in accordance with the laws of the executing States and the Congress has given its consent."

SEC. 4 Article IV of the Pacific Marine Fisheries Compact, as amended, would read substantially as follows:

"ARTICLE IV

"The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, in all of those areas of the Pacific Ocean over which the States signatory to this compact jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against over-fishing, waste, depletion, or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

"To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the Governors and legislative branches of the various signatory States hereto legislation dealing with the conservation of the marine, shell and anadromous fisheries in all of those areas of the Pacific Ocean over which the signatory States jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any State signatory hereto, present to the Governors of such State its recommendations relating to enactment by the legislative branch of that State in furthering the intents and purposes of this compact.

"The commission shall consult with and advise the pertinent administrative agencies in the signatory States with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

"The commission shall have power to recommend to the States signatory hereto the stocking of the waters of such States with marine, shell, or anadromous fish and fish eggs or joint stocking by some or all of such States, and when two or more of the said States shall jointly stock waters, the commission shall act as the coordinating agency for such stocking."

SEC. 5. Article X of the Pacific Marine Fisheries Compact, as amended, would read substantially as follows:

"ARTICLE X

"The States agree to make available annual funds for the support of the Commission on the following basis:

"Eighty percent (80%) of the annual budget shall be shared equally by those member States having as a boundary the Pacific Ocean; and five percent (5%) of the annual budget shall be contributed by any other member State; the balance of the annual budget shall be shared by those member States, having as a boundary the Pacific Ocean, in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five-year catch records.

"The annual contribution of each member State shall be figured to the nearest one hundred dollars.

"This amended article shall become effective upon its enactment by the States of Alaska, California, Idaho, Oregon, and Washington and upon ratification by Congress by virtue of the authority vested in it under Article I, section 10, of the Constitution of the United States."

SEC. 6. The right to alter, amend, or repeal this Act is expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

JOSE ANTONIO NAVARRO MEDAL

The Clerk called the bill (H.R. 13959) to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I correctly understand that certain of these medals may be made of gold or silver or both?

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. We do not specify what metals are to be used. Most of them will be bronze. But the sponsoring organizations at times want to make a few medals of gold or silver. If they do, they must go out on the market and buy the gold or silver at the market prices. None

of the Treasury's gold is used; they must buy the gold commercially. The silver must also be procured at the market price.

Mr. GROSS. Does the gentlewoman mean there is no prohibition in this legislation against the use of gold or silver?

Mrs. SULLIVAN. No, there is not. The legislation is written in such a way that it is up to the Secretary to decide what metals may be used. I believe, in a few instances we have had recently, that sponsors of commemorative medals have had several hundred or more silver medals, and, in a few instances, one or two gold medals. The Secretary of the Treasury must review any such request and decide if it can be approved.

Mr. GROSS. The gentlewoman is well aware that the use of gold in this country, certainly as a supporting metal for our currency, has been called an anachronism and even barbaric.

Would the gentlewoman or the Committee on Banking and Currency want to sully the name of Jose Antonio Navarro by permitting the use of a barbaric metal in a medal? Would she or would the committee, having used this argument to debase and debauch the currency of this country, want to do that? Surely the Banking and Currency Committee would not want to sully the name of a patriot of the character of Navarro by using even silver. That has also been banned from our coins, you know.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I am glad to yield further.

Mrs. SULLIVAN. These commemorative medals are not coins of course; they are keepsakes, remembrances, a sort of jewelry, or something of that sort. It would be much, much too expensive for them to go out on the market and buy silver at the market price for any large quantity of these medals because that would make them too expensive for most collectors.

However, a small number of people who are deeply interested in this particular medal may wish to buy silver ones, and the sponsors may want to order a few gold medals made for presentation to certain officials of the organization, or to the historic society or something of that nature. Otherwise only bronze will be used. That is the pattern usually followed on commemorative medals.

Mr. GROSS. Mr. Speaker, I find it hard to believe that the committee would permit the use of gold and silver for the making of medals, having branded gold as a barbaric metal and having so little regard for silver that they have taken it out of our coins and given us scrap metal currency instead in this country. I find it hard to believe that the committee would now turn around and try to honor any one with a gold or silver medal.

Mr. Speaker, I withdraw my reservation of objection.

(Mrs. SULLIVAN asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. SULLIVAN. Mr. Speaker, this bill involves no cost whatsoever to the Federal Government. It is similar to numerous such bills we have unanimously approved in the Committee on Banking and Currency to authorize the striking of commemorative medals for nonprofit organizations in connection with anniversaries of events of national significance or in the honoring of outstanding individuals whose contributions to the United States have been of national importance.

Every cent of cost associated with the striking of these medals must be paid by the sponsoring organizations. Before the Bureau of the Mint takes any steps whatsoever toward the design or manufacture of these medals, security must be provided to indemnify the Treasury for all expenses.

The sponsor of this bill, Mr. GONZALEZ of Texas, has introduced it in behalf of the San Antonio Conservation Society, which is, I understand, a representative group of San Antonio citizens interested in the preservation of physical reminders of Texas history. This organization purchased and restored the home of the Texas patriot who these medals would honor, Jose Antonio Navarro.

As to the possible use of gold or silver in these medals, the policy of the Treasury Department is to require a sponsoring organization which may want some presentation medals made in gold, or which may want a certain number of the medals made in silver, to obtain the gold or silver at the market price so that none of the Treasury's gold or silver is diverted for these purposes.

Hence there need be no fear that in authorizing the striking of any of these medals in gold or silver, or any other precious metal, that the organization would be charged only the Government's cost price for the materials. On silver, for instance, the average price paid by the Government for its current supply of silver was far below the current market value of silver. If the organization were charged only what the Government itself had paid years ago for silver, this would, in effect, be a substantial subsidy to the sponsoring organization. That is not involved in this instance. If the price of silver on the open market is $1.77 an ounce, or whatever it might be at the time the silver is obtained, that is what the organization would have to pay for any silver used in these medals.

Essentially, however, these would be bronze medals and any which are manufactured from any different alloys or metals could be obtained only upon the express approval of the Secretary of the Treasury. He would have control over the use of any materials used in the medals, just as he would have control over the designs, sizes, and so on.

One final word: It has been the policy of the Treasury and of the Committee on Banking and Currency to encourage the manufacture of commemorative medals honoring events, or achievements of individuals, of national historic importance whenever this can be done without interference with regular coinage operations. The commemorative medals originated as a substitute for the minting of commemorative coins. The subcommittee of which I am chairman, which handles this kind of legislation in the Committee on Banking and Currency, has not approved a single bill, since the subcommittee was formed in 1963, which would authorize the minting of a commemorative coin. There is growing interest among numismatists in commemorative medals and we have been glad to encourage this interest by approving bills of this nature.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 13959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

MEDALS AUTHORIZED

SECTION 1. In commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro (a signer of the Texas Declaration of Independence, a representative to the Texas Congress, a senator before and after the annexation of Texas, a participant of the constitutional convention of 1845, and in the highest sense, a noble man, one of the few Mexican patriots who stood by Texas in her struggle for liberty), the Secretary of the Treasury (referred to in this Act as the Secretary) shall furnish medals in accordance with this Act to the San Antonio Conservation Society (referred to in this Act as the society). The medals authorized under this Act are national medals within the meaning of section 3351 of the Revised Statute (31 U.S.C. 368).

DESIGN AND MATERIALS

SEC. 2. The medals shall bear such emblems, devices, and inscriptions, shall be of such size or sizes, and shall be made of such materials as the society may determine with the approval of the Secretary.

MINIMUM QUANTITIES

SEC. 3. Except for such quantities, if any, of gold or silver medals as may be approved by the Secretary, the medals may not be made in quantities of less than two thousand nor in an aggregate quantity greater than one hundred thousand. They shall be made and delivered at such times as may be required by the society.

DETERMINATION OF COST; SECURITY FOR PAYMENT

SEC. 4. The medals shall be furnished at a price or prices equal to the costs of manufacture as estimated by the Secretary, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be made unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

With the following committee amendment:

Page 2, line 21, immediately before the period insert, "but no medals shall be made after December 31, 1970".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAIVING ACREAGE LIMITATIONS WITH RESPECT TO CONVEYANCE OF LANDS TO STATE OF NEVADA

The Clerk called the bill (S. 1108) to waive the acreage limitations of section 1(b) of the act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I inquire, is this bill eligible for consideration on the calendar?

The SPEAKER. All the Chair can say is, it is on the calendar. Since it is, in the absence of evidence to the contrary, the presumption is that it is. The Chair will inquire as to whether it is. Does the gentleman mean in relation to the three legislative days?

Mr. GROSS. That is right, Mr. Speaker.

The SPEAKER. The Chair is informed that the bill is eligible for consideration.

Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

S. 1108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the acreage limitations on conveyances in any one calendar year set forth in section 1(b) of the Act of June 14, 1926, as amended (43 U.S.C. 869(b)) shall not apply to or be affected by any conveyances of lands for inclusion in the Valley of Fire State Park made under that Act to the State of Nevada.

Mr. ASPINALL. Mr. Speaker, S. 1108 waives the acreage limitation in the Recreation and Public Purposes Act, as amended, to permit the State of Nevada to acquire a tract of public land in Clark County, Nev., for the Valley of Fire State Park.

The Recreation and Public Purposes Act limits the amount of public land that can be conveyed to a State for recreational purposes to 6,400 acres per year except that it permits States to acquire additional acreages for small roadside parks and rest sites of not more than 10 acres each. The present proposal would waive this 6,400-acre limitation in the act as it appears to the conveyance of lands to the State of Nevada for public lands to be included in the Valley of Fire State Park. This would permit the State of Nevada to acquire 26,160 acres of public lands at one time rather than over a period of several years.

The State has already acquired some 26,000 acres for this park, most of it coming from the public domain. The existing plan calls for a State park of some 52,500 acres and the passage of S. 1108 will permit the State to make very substantial progress in rounding out a much needed State park in southern Nevada.

The land is not suitable for agriculture use; it has only marginal grazing value and its minerals, including gypsum, silica sand and some uranium, have not been developed because of economic disadvantage due to location and grade. All minerals, under the terms of the Recreation and Public Purposes Act, are reserved to the United States.

Development of this park unit has been in progress by the State for about 11 years. Several sites have already been developed on lands previously acquired by the State. Money and plans are available for development of the remaining 26,160 acres, subject of this proposal, and there is every reason to believe the State will develop the lands into a logical and efficient park unit.

It seems logical the State should assume jurisdiction of these lands for recreation development.

I recommend passage of S. 1108.

The bill was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

COAST GUARD OMNIBUS

The Clerk called the bill (H.R. 13816) to improve and clarify certain laws affecting the Coast Guard.

The SPEAKER. Is there objection to the present consideration of the bill?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, are we considering H.R. 13716?

The SPEAKER. H.R. 13816, a bill to improve and clarify certain laws affecting the Coast Guard.

Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 13816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) Section 2 is amended—

(A) by deleting the word "upon" and substituting therefor the words "on and under", in the clause preceding the first semicolon;

(B) by inserting "and under" after the phrase "life and property on" and deleting the word "on" after the phrase "the high seas and" in the clause preceding the second semicolon; and

(C) by correctly spelling icebreaking as an unhyphenated word and inserting ", under," after the phrase "promotion of safety on" in the clause preceding the third semicolon.

(2) Section 41a(a) is amended by deleting the comma after the word "components" in the last sentence and inserting the words "or assigned to the Selective Service System," in lieu thereof.

(3) The beginning of the first sentence of subsection (a) of section 88 is amended to read as follows:

"(a) In order to render aid to distressed persons, vessels, and aircraft on and under the high seas and on and under the waters over which the United States has jurisdiction and in order to render aid to persons and property imperiled by flood, the Coast Guard may:"

(4) Section 182 is amended—

(A) by striking the word "four" and inserting the word "six" in lieu thereof in the first sentence;

(B) by inserting the words "to complete the course of instruction at the Coast Guard Academy and" after the word "prescribe," in the penultimate sentence;

(C) by designating the amended section as subsection (a); and

(D) by adding a new subsection (b) as follows:

"(b) A cadet who does not fulfill his obligation to complete the course of instruction or refuses to accept an appointment as an officer in the Coast Guard may be transferred by the Secretary to the Coast Guard Reserve in an appropriate enlisted grade or rating, and, notwithstanding section 651 of title 10, United States Code, may be ordered to active duty to serve in that grade or rating for such period of time as the Secretary prescribes, but not for more than four years."

(5) The first sentence of section 190 is amended by inserting at the end thereof, the words, ", nor shall they be required to retire at age sixty-two but may be permitted to serve until age sixty-four at which time unless earlier retired or separated they shall be retired".

(6) Chapter 9 is amended by adding at the end thereof a new section 195 as follows:

"§ 195. Admission of foreigners for instruction; restrictions; conditions

"(a) The Secretary may permit not to exceed four persons at a time from the Republic of the Philippines designated by the President to receive instuction at the Academy.

"(b) A person receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriations, as cadets at the Academy.

"(c) Except as the Secretary determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet; however, a person receiving instruction under this section is not entitled to an appointment in the Coast Guard by reason of his graduation from the Academy."

(7) The analysis of chapter 9 is amended by inserting at the end thereof:

"Sec. 195. Admission of foreigners for instruction: restrictions; conditions."

(8) Section 271 is amended by striking the word "eighteen" and inserting the word "twelve" in lieu thereof in the first sentence of subsection (c).

(9) Subsection 332(a) is amended by striking all after the word "perform" and inserting a period at that point.

(10) Subsection (g) of section 432 is amended by striking out the figures "5,100" and inserting in lieu thereof the figures "7,500".

(11) Section 475 is amended—

(A) by amending the catchline to read as follows:

"Leasing and hiring of quarters; rental of inadequate housing";

(B) by designating the existing paragraph as subsection (d); and

(C) by adding new subsections (a), (b), and (c) as follows:

"(a) The Secretary is authorized to lease housing facilities at or near Coast Guard installations, wherever located, for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secre-

tary, or his designee, that there is a lack of adequate housing facilities at or near such Coast Guard installations. Such public housing facilities may be leased on an individual or multiple-unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year.

"(b) Notwithstanding the provisions of any other law, members of the Coast Guard, with dependents, may occupy on a rental basis, without loss of basic allowance for quarters, inadequate quarters under the jurisdiction of the Coast Guard notwithstanding that such quarters may have been constructed or converted for assignment as public quarters. The net difference between the basic allowance for quarters and the fair rental value of such quarters shall be paid from otherwise available appropriations; however, no rental charge for such quarters shall be made against the basic allowance for quarters of a member of the Coast Guard in excess of 75 per centum of such allowance except that in no event shall the net rental value charged to the member's basic allowance for quarters be less than the cost of maintaining and operating the housing.

"(c) The Secretary is authorized, subject to regulations approved by the President—

"(1) to designate as rental housing such housing as he may determine to be inadequate as public quarters; and

"(2) to lease inadequate housing to members of the Coast Guard for occupancy by them and their dependents."

(12) The analysis of chapter 13 is amended by striking out—

"475. Hiring of quarters for personnel."

and inserting in lieu thereof

"475. Leasing and hiring of quarters; rental of inadequate housing."

(13) Section 650 is amended—

(A) by designating the existing paragraph as subsection (a); and

(B) by adding a new subsection (b) as follows:

"(b) Obligations may, without regard to fiscal year limitations, be incurred against anticipated reimbursement to the Coast Guard Supply Fund in such amount and for such period, as the Secretary, with approval of the Director of the Bureau of the Budget, may determine to be necessary to maintain stock levels consistently with planned operations for the next year."

(14) By adding the following new section after section 656:

"§ 657. Dependent school children; transportation of

"Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility."

(15) The analysis of chapter 17 is amended by adding the following new item:

"657. Dependent school children; transportation of."

SEC. 2. Title 10, United States Code, is amended as follows:

(1) The catchline of section 2002 is amended to read as follows:

"§ 2002. Dependents of members of armed forces: language training"

(2) Subsection (a) of section 2002 is amended—

(A) by deleting the comma after the phrase "Secretary of Defense" and inserting "or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation," in lieu thereof; and

(B) by deleting "Army, Navy, Air Force, or Marine Corps" and inserting "armed forces" in lieu thereof in subparagraph (3).

(3) The analysis of chapter 101 is amended by striking out—

"2002. Dependents of members of Army, Navy, Air Force, or Marine Corps: language training."

and inserting in lieu thereof

"2002. Dependents of members of armed forces: language training."

SEC. 3. Title 37, United States Code, is amended as follows:

(1) Subsection (e) of section 201 is amended by striking the word "or" before "Marine Corps" and by inserting the words ", or Coast Guard" after "Marine Corps".

(2) The first sentence of subsection (b) of section 203 is amended by adding the words "or as a member of the permanent commissioned teaching staff at the United States Coast Guard Academy" after the words "United States Air Force Academy".

(3) Subsection (e) of section 415 is amended by inserting the words "or a warrant officer under section 213 of title 14," after the words "section 214 of title 14,".

With the following committee amendments:

On page 4, line 10, delete "Subsection" and insert in lieu thereof "Section".

On page 5, line 9, delete the period and insert in lieu thereof "except where the Secretary of the Department in which the Coast Guard is operating finds that the average is so low as to prevent rental of necessary housing facilities in which event he is authorized to exceed the authorized average."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the able.

TO IMPROVE AND CLARIFY CERTAIN LAWS AFFECTING THE COAST GUARD RESERVE

The Clerk called the bill (H.R. 13716) to improve and clarify certain laws affecting the Coast Guard Reserve.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall object on this bill—as late as noon Saturday, I tried to obtain a report on this bill by personally appearing at the House Document Room and found that there was no report available.

Therefore, Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. This concludes the call of the Consent Calendar.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 322]

Abbitt	Dent	Leggett
Anderson, Tenn.	Dingell	Lipscomb
Blatnik	Dorn	Long, La.
Bolling	Eilberg	Lukens
Brooks	Esch	McFall
Button	Gallagher	Mollohan
Cahill	Gettys	Ottinger
Carey	Giaimo	Pelly
Carter	Goldwater	Pollock
Casey	Gray	Powell
Chisholm	Hall	Ryan
Clay	Halpern	Sisk
Conyers	Hébert	Tunney
Cowger	Hunt	Van Deerlin
Cunningham	Ichord	Whalley
Dawson	Jacobs	
	Kirwan	

The SPEAKER pro tempore (Mr. OLSEN). On this rollcall 385 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 14916, DISTRICT OF COLUMBIA APPROPRIATIONS, 1970

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 14916) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

SOCIAL SECURITY AMENDMENTS OF 1969

Mr. MILLS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15095) to amend the Social Security Act to provide a 15-percent across-the-board increase in benefits under the old-age, survivors, and disability insurance program.

The Clerk read as follows:

H.R. 15095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1969".

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 2. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$16.20	$55.40 or less	----------	$76	$64.00	$96.00
$16.21	16.84	56.50	$77	78	65.00	97.50
$16.85	17.60	57.70	79	80	66.40	99.60
$17.61	18.40	58.80	81	81	67.70	101.60
$18.41	19.24	59.90	82	83	68.90	103.40
$19.25	20.00	61.10	84	85	70.30	105.50
$20.01	20.64	62.20	86	87	71.60	107.40
$20.65	21.28	63.30	88	89	72.80	109.20
$21.29	21.88	64.50	90	90	74.20	111.30
$21.89	22.28	65.60	91	92	75.50	113.30
$22.29	22.68	66.70	93	94	76.80	115.26
$22.69	23.08	67.80	95	96	78.00	117.00
$23.09	23.44	69.00	97	97	79.40	119.10
$23.45	23.76	70.20	98	99	80.80	121.20
$23.77	24.20	71.50	100	101	82.30	123.50
$24.21	24.60	72.60	102	102	83.50	125.30
$24.61	25.00	73.80	103	104	84.90	127.40
$25.01	25.48	75.10	105	106	86.40	129.60
$25.49	25.92	76.30	107	107	87.80	131.70
$25.93	26.40	77.50	108	109	89.20	133.80
$26.41	26.94	78.70	110	113	90.60	135.90
$26.95	27.46	79.90	114	118	91.90	137.90
$27.47	28.00	81.10	119	122	93.30	140.00
$28.01	28.68	82.30	123	127	94.70	142.10
$28.69	29.25	83.60	128	132	96.20	144.30
$29.26	29.68	84.70	133	136	97.50	146.30
$29.69	30.36	85.90	137	141	98.80	148.20
$30.37	30.92	87.20	142	146	100.30	150.50
$30.93	31.36	88.40	147	150	101.70	152.60
$31.37	32.00	89.50	151	155	103.00	154.50
$32.01	32.60	90.80	156	160	104.50	156.80
$32.61	33.20	92.00	161	164	105.80	158.70
$33.21	33.88	93.20	165	169	107.20	160.80
$33.89	34.50	94.40	170	174	108.60	162.90
$34.51	35.00	95.60	175	178	110.00	165.00
$35.01	35.80	96.80	179	183	111.40	167.10
$35.81	36.40	98.00	184	188	112.70	169.10
$36.41	37.08	99.30	189	193	114.20	171.30
$37.09	37.60	100.50	194	197	115.60	173.40
$37.61	38.20	101.60	198	202	116.90	175.40
$38.21	39.12	102.90	203	207	118.40	177.60
$39.13	39.68	104.10	208	211	119.80	179.70
$39.69	40.33	105.20	212	216	121.00	181.50
$40.34	41.12	106.50	217	221	122.50	183.80
$41.13	41.76	107.70	222	225	123.90	185.90
$41.77	42.44	108.90	226	230	125.30	188.00
$42.45	43.20	110.10	231	235	126.70	190.10
$43.21	43.76	111.40	236	239	128.20	192.30
$43.77	44.44	112.60	240	244	129.50	195.20
$44.45	44.88	133.70	245	249	130.80	199.20
$44.89	45.60	115.00	250	253	132.30	202.40
		116.20	254	258	133.70	206.40
		117.30	259	263	134.90	210.40
		118.60	264	267	136.40	213.60
		119.80	268	272	137.80	217.60
		121.00	273	277	139.20	221.60
		122.20	278	281	140.60	224.80
		123.40	282	286	142.00	228.80
		124.70	287	291	143.50	232.80
		125.80	292	295	144.70	236.00
		127.10	296	300	146.20	240.00
		128.30	301	305	147.60	244.00
		129.40	306	309	148.90	247.20
		130.70	310	314	150.40	251.20
		131.90	315	319	151.70	255.20
		133.00	320	323	153.00	258.40
		134.30	324	328	154.50	262.40
		135.50	329	333	155.90	266.40
		136.80	334	337	157.40	269.60
		137.90	338	342	158.60	273.60
		139.10	343	347	160.00	277.60
		140.40	348	351	161.50	280.80
		141.50	352	356	162.80	284.80
		142.80	357	361	164.30	288.80
		144.00	362	365	165.60	292.00
		145.10	366	370	166.90	296.00
		146.40	371	375	168.40	300.00
		147.60	376	379	169.80	303.20
		148.90	380	384	171.30	307.20
		150.00	385	389	173.50	311.20
		151.20	390	393	173.90	314.40
		152.50	394	398	175.40	318.40
		153.60	399	403	176.70	322.40
		154.90	404	407	178.20	325.60
		156.00	408	412	179.40	329.60
		157.10	413	417	180.70	333.60
		158.20	418	421	183.00	336.80
		159.40	422	426	183.40	340.80
		160.59	427	431	184.60	344.80
		161.60	432	436	185.90	348.80
		162.80	437	440	187.30	350.40
		163.90	441	445	188.50	352.40
		165.00	446	450	189.80	354.40
		166.20	451	454	191.20	356.00
		167.30	455	459	192.40	358.00
		168.40	460	464	193.70	360.00
		169.50	465	468	195.00	316.60
		170.70	469	473	196.40	363.60
		171.80	474	478	197.60	365.60
		172.90	479	482	198.90	367.20
		174.10	483	487	200.30	369.20
		175.20	488	492	201.50	371.20
		176.30	493	496	202.80	372.80
		177.50	497	501	204.20	374.80
		178.60	502	506	205.40	376.80
		179.70	507	510	206.70	378.40
		180.80	511	515	208.00	380.40
		182.00	516	520	209.30	382.40
		183.10	521	524	210.60	384.00
		184.20	525	529	211.90	386.00
		185.40	530	534	213.30	388.00
		186.50	535	538	214.50	389.60
		187.60	539	543	215.80	391.60
		188.80	544	548	217.20	393.60
		189.90	549	553	218.40	395.60
		191.00	554	556	219.70	396.80
		192.00	557	560	220.80	398.40
		193.00	561	563	222.00	399.60
		194.00	564	567	223.10	401.20
		195.00	568	570	224.30	402.40
		196.00	571	574	225.40	404.00
		197.00	575	577	226.60	405.20
		198.00	578	581	227.70	406.80
		199.00	582	584	228.90	408.00
		200.00	585	588	230.00	409.60
		201.00	589	591	231.20	410.80
		202.00	592	595	232.30	412.40
		203.00	596	598	233.50	413.60
		204.00	599	602	234.60	415.20
		205.00	603	605	235.80	416.40
		206.00	606	609	236.90	418.00
		207.00	610	612	238.10	419.20
		208.00	613	616	239.20	420.80
		209.00	617	620	240.40	422.40
		210.00	621	623	241.50	423.60
		211.00	624	627	242.70	425.20
		212.00	628	630	243.80	426.40
		213.00	531	634	245.00	428.00
		214.00	635	637	246.10	420.20
		215.00	638	641	247.30	430.80
		216.00	642	644	248.40	432.00
		217.00	645	648	249.60	433.60
		218.00	649	650	250.70	434.40".

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1970 on the basis of the wages and self-employment income of such insured individual and at least one such person was so entitled for December 1969 on the basis of such wages and self-employment income, such total of benefits for January 1970 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to January 1970, for each such person for such month, by 115 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for January 1970, and ceases to apply

after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1970, or".

(c) Section 215(b)(4) of such Act is amended by striking out "January 1968" each time it appears and inserting in lieu thereof "December 1969".

(d) Section 215(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under 1967 Act

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1969.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefit under section 202(a) or section 223 before January 1970, or who died before such month."

(e) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1969.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1969 and became entitled to old-age insurance benefits under section 202(a) of such Act for January 1970, or he died in such month, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable), the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

INCREASE IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 AND OVER

SEC. 3. (a)(1) Section 227(a) of the Social Security Act is amended by striking out "$40" and inserting in lieu thereof "$46," and by striking out "$20" and inserting in lieu thereof "$23".

(2) Section 227(b) of such Act is amended by striking out in the second sentence "$40" and inserting in lieu thereof "$46".

(b)(1) Section 228(b)(1) of such Act is amended by striking out "$40" and inserting in lieu thereof "$46".

(2) Section 228(b)(2) of such Act is amended by striking out "$40" and inserting in lieu thereof "$46", and by striking out "$20"and inserting in lieu thereof "$23".

(3) Section 228(c)(2) of such Act is amended by striking out "$20" and inserting in lieu thereof "$23".

(4) Section 228(c)(3)(A) of such Act is amended by striking out "$40" and inserting in lieu thereof "$46".

(5) Section 228(c)(3)(B) of such Act is amended by striking out "$20" and inserting in lieu thereof "$23".

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969.

MAXIMUM AMOUNT OF A WIFE'S OR HUSBAND'S INSURANCE BENEFITS

SEC. 4. (a) Section 202(b)(2) of the Social Security Act is amended to read as follows:

"(2) Except as provided in subsection (q), such wife's insurance benefit for each month shall be equal to one-half of the primary insurance amount of her husband (or, in the case of a divorced wife, her former husband) for such month."

(b) Section 202(c)(3) of such Act is amended to read as follows:

"(3) Except as provided in subsection (q), such husband's insurance benefit for each month shall be equal to one-half of the primary insurance amount of his wife for such month."

(c) Sections 202(e)(4) and 202(f)(5) of such Act are each amended by striking out "whichever of the following is the smaller: (A) one-half of the primary insurance amount of the deceased individual on whose wages and self-employment income such benefit is based, or (B) $105" and inserting in lieu thereof "one-half of the primary insurance amount of the deceased individual on whose wages and self-employment income such benefit is based".

(d) The amendments made by subsections (a), (b), and (c) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 5. (a) Section 201(b)(1) of the Social Security Act is amended by—

(1) striking out "and" at the end of clause (B);

(2) striking out "1967, and so reported," and inserting in lieu thereof the following: "1967, and before January 1, 1970, and so reported, and (D) 1.10 per centum of the wages (as so defined) paid after December 31, 1969, and so reported,".

(b) Section 201(b)(2) of such Act is amended by—

(1) striking out "and" at the end of clause (B);

(2) striking out "1967," and inserting in lieu thereof the following: "1967, and before January 1, 1970, and (D) 0.825 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1969,".

The SPEAKER pro tempore. Is a second demanded?

Mr. BYRNES of Wisconsin. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. MILLS) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the legislation before us, H.R. 15095, would increase all social security benefits by 15 percent effective with respect to benefits payable for January 1970 and thereafter. This is extraordinary social security legislation, in my opinion, in that it is unique to present a bill increasing benefits while withholding action on other needed improvements in the social security program. The situation, however, is such that the Committee on Ways and Means unanimously recommended this course of action. Many, if not all, of the members of the committee were reluctant to take this step, but in the light of a 9.1-percent rise in the cost of living since the last benefit increase in February 1968, we felt that the need for a significant increase in social security benefits was pressing and that such an increase should be provided as quickly as possible. Moreover, we were informed even if we acted now, the earliest the increased amounts could be reflected would be in benefit checks mailed next April. Of course, those checks would be for benefits for the month of March.

One thing which I want to make clear is that this is not our final recomendation for changes in social security and welfare programs. The pending business of the committee, the business which we will take up immediately on our return in the next session, is further consideration of the entire Social Security Act, old-age and survivors insurance, disability insurance, hospital insurance, supplementary medical insurance, and all of the welfare programs, including medicaid and aid to dependent children. It is my firm intention, as far as I am concerned, to report a comprehensive social security bill dealing with these programs by next March.

The action we have taken in presenting H.R. 15095 in no way prejudges any of the recommendations made to the committee by the President, by Members of Congress, or by private organizations and individuals. All of these recommendations are still on the agenda of the committee. In the course of the executive sessions in which we considered the present legislation, we attempted to choose from among the many worthwhile recommendations made to the committee those improvements in the program which were important enough to be included as emergency legislation along with the proposed 15-percent increase. However, it is our judgment—and this judgment was not made lightly—that none of the other changes proposed was in the same class as the benefit increase, so far as the matter of time was concerned.

As worthwhile as some of these other proposals were, we could not bring them up as an emergency measure this late in the session, in our opinion.

Mr. Speaker, as the bill now stands, it is a simple bill. It would provide nothing more than a 15-percent across-the-board increase in social security benefits to everyone who is entitled to social security benefits next January or any month thereafter.

An important factor in arriving at the decision to recommend a 15-percent increase at this time was the recent review of the long-range cost estimates made by the Chief Actuary of the Social Security Administration. These estimates show at the present time the cash benefits part of the social security program has an actuarial surplus of 1.16 percent of taxable payroll. This is sufficient, entirely sufficient, to meet the cost of a 15-percent benefit increase. Accordingly, it would not seem reasonable to withhold the benefit increase—a benefit increase that witness after witness testified was very badly needed—until all the other problems connected with amending the social security law are solved.

The SPEAKER pro tempore (Mr. OLSEN). The time of the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Speaker, I yield myself 5 additional minutes.

The SPEAKER pro tempore. The gentleman from Arkansas is recognized for 5 additional minutes.

Mr. MILLS. Mr. Speaker, I am sure that the Members would be interested in some examples of the effect of the bill on social security payments. I am informed that under the bill the following increases would take place:

First, the average benefit paid to a retired worker would be increased from around $100 to $116 a month.

Second, the average benefit paid to an aged couple would go from approximately $170 to $196 a month.

Third, the average benefit paid to an aged widow would go from $88 a month to $100 a month.

Fourth, the average benefit paid to a widow with two children would be increased from $254 a month to $292 a month.

Fifth, the average benefit paid to a disabled worker would be increased from $113 to $130.

Sixth, the average benefit paid to a disabled worker with a wife and children would go up from $237 to $273 a month.

Seventh, in addition to special benefits paid to certain people aged 72 and over would be increased from the present $40 for an individual and $60 for a couple to $46 and $69, respectively.

Mr. Speaker, altogether about 25 million social security beneficiaries, nearly 1 out of every 8 people in the country, would be benefited from the increases provided for in this bill.

As I mentioned earlier, the long-range surplus of 1.16 percent of taxable payroll is sufficient to meet the costs of the bill.

The cost of H.R. 15095 is 1.24 percent of taxable payroll, leaving an actuarial balance of minus 0.08 percent of taxable payroll after enactment of the bill. That still enables us to say that the fund is actuarially in balance, because the actuary for HEW has said that any amount not in excess of a minus 0.10 is an acceptable margin.

Actually, levels of earnings go up and have been for years at not less than about 3 percent a year. So, when you look to the 1970 figures in place of the 1969 figures, as this does, you may find that based upon 1970 wages, there would be a positive act and balance rather than a negative balance.

In dollar terms, enactment of the bill will mean higher benefit payments of $1.7 billion in fiscal year 1970. This compares to the program submitted by the President of some $600 million in fiscal year 1970, and is explained by two factors.

First of all, there would be 5 monthly payments under the committee bill, the bill before you. if it is enacted. Whereas under the President's program there would have been only 3 monthly payments. Second, his recommendation was for a 10-percent benefit increase while the bill provides for a 15-percent increase.

Before concluding, I would like to point out that there are two typographical errors in the committee report. On page 2 of the report there is a statement to the effect that the benefit increase will be reflected in the checks issued on April 13, 1970. This date should be April 3, 1970, since the third day of the month is the day when checks are normally sent out. On page 3 there is a table showing some illustrative benefit increases under the bill. The first figure in the last column of that table is H. 84. It should be $64.

It will be recalled that on Friday a week ago the Senate included the language of this bill as an amendment to the Tax Reform Act. After the House passes this bill it would be my desire to ask the House conferees to accept the language of the Senate amendment that is identical with the language of this bill as a part of the Tax Reform Act. I say that because I think it is much better for us to include it on that basis than to send another bill to the Senate, where the season of the year might well affect the number of amendments that would be offered to it.

Mr. Speaker, I would urge that the Members vote for the bill, and let us then take it to conference.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Speaker, I yield myself 1 additional minute.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. MILLER. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, in order to make the record clear, did the House Committee on Ways and Means report the bill that the able gentleman from Arkansas is now presenting prior to the time that the other body acted?

Mr. MILLS. The answer is yes; we sent them a copy of the bill on the day we ordered it reported so that they could adopt it as we had written it.

Mr. PEPPER. I thank the gentleman.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Speaker, if I understood the distinguished chairman of the Committee on Ways and Means, the gentleman stated that it would be his position to urge only that the language in the House bill be that approved by the House conferees.

Mr. MILLS. What I am talking about, if the gentleman will permit me to attempt to clarify it quickly, is this: I would not be in a position, and I would urge the conferees not to accept all of the amendments that were adopted to the Social Security Act, particularly the amendment that has to do with the $100 minimum.

We can handle that later.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield further?

Mr. MILLS. I will be glad to yield further to the gentleman from California.

Mr. BURTON of California. Mr. Speaker, in light of the lateness of the year I would urge that all of our distinguished conferees on both sides view objectively the very difficult problem posed to the concurrent recipients of public assistance and social security, because they really will not get anything under the bill.

I would seek no assurances in that regard, but I would urge that you look at this matter, particularly as contained in the Harris amendment.

As the distinguished ranking minority member of the Committee on Ways and Means and the distinguished chairman know, there is another procedural difficulty in the bill that will cost the State and Federal Governments from $30 to $50 million in grant computation changes unless the retroactive increases be required to be disregarded by the States.

It is somewhat a technicality, but there is $30 to $50 million that should not be wasted in bureaucratic grant changes, if we have got that kind of money we really ought to see to it that all the elderly people get some measure of increase under this bill. I am not advocating at this time the entire Senate social security package, obviously some of that can wait for further hearings by the committees on our side.

Mr. MILLS. Mr. Speaker, I would state to the gentleman that he may be assured that the matter is in the mind at least of the chairman of the Committee on Ways and Means for future consideration.

Furthermore, the Department of Health, Education, and Welfare has assured me that it has no intention of requiring the States to take this retroactive payment into account in determining the needs of welfare receipents. The States will be free to treat this payment as they choose, just as under present law and practice they are free to ignore as unconsequential a $25 or casual income as inconsequential or casual income a $25 Christmas gift in determining a recipient's needs. The States will, therefore, not be forced to undertake any unnecessary paperwork to redetermine recipients' needs on account of the retroactive payment.

Mr. BURTON of California. I thank the gentleman.

GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I would ask unanimous consent that all Members may be permitted to extend their remarks just prior to the vote on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, I strongly support H.R. 15095, which provides an across-the-board 15-percent increase in social security benefits. The benefit increase is effective January 1 and will first be reflected in the check received on April 3 for March benefits. An additional check will be mailed in April to cover the increase attributable to the months of January and February. The increase will benefit 25 million individuals, including those who receive the special benefit payable to uninsured individuals age 72 and over.

Our citizens living on fixed incomes are hardest hit by the ravages of inflation. Those who have studied problems of the elderly agree that one of their greatest needs is an adequate income to meet their daily living expenses. Inflation is the greatest threat to an adequate income for our elderly citizens.

The inflation we have been experiencing in recent years has severely eroded the purchasing power of social security benefits. Since social security beneficiaries are the aged, the disabled, and widows who often have small children to care for, they comprise the segment of the population least able through their own efforts to protect themselves against inflation. Although the wages of those currently working have been increasing, often faster than increases in the general cost of living, the income of these individuals has remained constant. Since benefits were last increased in February 1968, the Consumer Price Index has risen by 9 percent. The Consumer Price Index increased 0.5 percent during September, paralleling the nearly 6-percent annual increase we have experienced in the last year.

Runaway inflation was a part of the fiscal mess the new administration inherited when it took office earlier this year. The highest priority has been assigned to economic policies that will put the Nation's fiscal house in order and control inflation consistent with avoiding intolerable levels of unemployment and other economic dislocations. The economists agree that this delicate task necessarily involves some delay between the period during which the new policies are implemented and when they become fully effective, particularly in view of the full head of steam inflation was permitted to build up. In view of the inflation that we have been experiencing and will probably experience in the next few months, it is important that Congress enact an increase in social security benefits before adjourning this year.

In view of the urgency of action and the lateness of the hour in the current legislative session, the committee's bill is limited to restoring and protecting the purchasing power of social security benefits. This should not be interpreted as a lack of support for other needed improvements in our social security law.

The President has recommended and I have introduced comprehensive legislation for improving social security which includes not only an across-the-board benefit increase, but provisions automatically adjusting benefits in the future to cost-of-living increases, increasing the amount of income that can be earned without losing benefits, increasing a widow's benefit from 82½ percent to 100 percent of her husband's benefit, providing more equity in benefit computations for men, and making many other changes that will improve the equity, administration, and financial soundness of the social security program.

In my judgment, we must also develop amendments that provide greater equity for working women and for individuals who continue to work after attaining retirement age. The retirement test should be simplified, particularly as it affects the self-employed. I have developed proposals in these areas that will make substantial improvements in existing law. It is my hope that these proposals will be favorably considered by the committee when we consider further social security amendments early next year.

All of these structural improvements are important, Mr. Speaker, and should be assigned a high priority. Automatic adjustments in benefits commensurate with cost-of-living increases should be enacted to provide social security beneficiaries with the same protection against inflation that civil service and military retirees have long enjoyed—as the platforms of both major political parties recognized last year. Simple justice requires providing widows with the same level of benefits their husbands would receive as a widower. Increasing the amount an individual can earn without losing benefits must also have a high priority. But the appropriate means of achieving these goals may be the subject of disagreements, and technical details of these provisions require time to work out. Also, these amendments will require additional financing—either through a rate increase, an increase in the wage base, or a combination of the two. Financing decisions involve controversy and again, the technical details take time to work out.

Mr. Speaker, it would simply not be fair to social security recipients to delay an across-the-board increase for several months while these details are being worked out. However, I do want to assure the Members that all of these improvements in the social security program will be on the first order of business when the new Congress convenes, and must be given a high priority.

I want to be equally emphatic in also pointing out that the committee's action does not indicate a lack of determination to act on the President's recommendation for comprehensive reform of our welfare laws, and to reexamine and enact needed amendments to our medicare and medicaid programs. Although the comprehensive hearings the Ways and Means Committee recently conducted encompassed welfare, medicare, and medicaid, as well as social security, the time available simply did not permit action in all of those important and difficult areas. These issues will, along with structural improvements in the social security law, be the first order of business for the Ways and Means Committee in the new Congress. I share the hope of the chairman that the committee will be able to recommend some very fundamental improvement in these programs by at least the end of next March. But we should not delay action on the urgently needed increase in social security benefits until that time.

The Ways and Means Committee has carefully reviewed the financing of the present program and exercised the same solicitude for its actuarial soundness that has characterized our efforts in the past. The Chief Actuary of Social Security has assured the committee that on the basis of his latest estimates, the existing tax schedule is adequate to finance an across-the-board 15-percent benefit increase.

The hospital insurance fund, which finances a service benefit and is a separate trust fund from the trust funds associated with the cash benefits program, is currently running an actuarial deficit. The committee will have to correct this situation when it considers amendments to the medicare program next year—including the Health Cost Effectiveness Act recommended by the President—that are designed to reduce costs and improve the efficiency of the program. In this connection, it should be noted that the President's recommendation for automatic adjustments in the earnings base, which will be considered next year, will also have a favorable impact on the actuarial imbalance in the hospital insurance trust fund.

Mr. Speaker, this is urgent legislation. It is noncontroversial. It is required by simple justice. It simply cannot be deferred until next year. I share the sentiment expressed by the chairman that passage of this legislation by an overwhelming vote may facilitate acceptance by the House conferees of the basic 15-percent increase in benefits voted by the Senate. This might expedite action on this increase which has already been delayed too long. I hope that all of my colleagues will join me in supporting this bill to provide prompt relief to our social security beneficiaries.

Mr. MILLS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, the effort to raise social security benefits began early this year when Members of this body recognized the dire circumstances imposed upon millions of senior citizens as a result of the spiraling cost of living under runaway inflation. An overwhelming majority of the Members of this body introduced bills to increase benefits.

On May 8, over 100 Members of this body cosponsored a bill which I introduced providing for an across-the-board increase of 15 percent. At that time, the President was requesting a 7-percent increase in benefits, effective in January 1970. He stated that any increase beyond this amount would be inflationary.

On September 18, I served notice that I would seek a Democratic caucus action on a resolution increasing benefits to 15 percent across the board effective this year. On September 25, the President sent up a message recommending only a 10 percent increase with checks to be mailed in April.

On October 7, the Democratic caucus unanimously adopted the resolution which I offered to increase social security benefits across the board by 15 percent.

Thereafter, the administration continued to press for its inadequate and meager 10-percent increase despite the overwhelming evidence that a 15-percent increase was justified and fiscally sound.

While the administration was challenging the inflationary impact of a 15-percent increase to the elderly, it was also sponsoring proposals to divert billions of dollars out of the social security fund by recommending a stretchout in already enacted provisions of the law which would reduce contributions by $22.7 billion in the next 4 years and by $160 billion in the next 20 years. The administration was in the incredible position of denying a 15-percent increase in social security benefits while at the same time the administration was proposing a stretchout in the law which would re-

duce the income of the social security fund. The inflation argument was a cruel hoax on the elderly.

These policies of the administration seemed determined to fight inflation at the peril of driving our senior citizens into poverty.

Although the 15-percent increase in social security benefits will soon be a reality, it did not come easily. The action of the Democratic caucus—in the creation of this essential national policy—was the decisive factor.

The senior citizens of America have been the most patient of Americans. This increase in benefits will make it possible for millions to remain self-sufficient with dignity. A further delay or a lesser distribution would have been a cruel setback to those who exist with no other supplemental income. For many, our action is already too late. Less and later would have been a crushing blow.

For our senior citizens, for the young, and for those in between, we owe a paramount duty to contain the inflation which threatens to overwhelm the retreating standard of American life. Unless we can reverse the inflationary thrust—what we do today may be in vain.

It is my further hope that our first order of business next year will be to resume where we leave off today in updating the social security program. It is my hope that we can develop a meaningful program of improvements in social security and needed reforms in the medicare program.

The minimum payment must be made realistic. Provisions must be adopted to insure that those on old-age pensions, the disabled, and the blind actually receive the increased benefits we provide today. It would be tragic if their benefits under State programs were reduced to provide a windfall for the States instead of better standards for these needy groups. Widows and survivor's benefits must be increased. The retirement test must be increased to realistic levels. The income base for benefits should reflect a worker's best years of contributions and not penalize those who must retire early because of industry practices. Medicare must be extended to the disabled.

Our work on social security and medicare has only begun.

The 15-percent increase in social security benefits will have the following effect on benefit payments:

Average monthly earnings	Worker [1]		Man and wife [1 2]		Widow, widower, or parent, age 62	
	Present law	Bill	Present law	Bill	Present law	Bill
Minimum [3]	$55.00	$64.00	$82.50	$96.00	$55.00	$84.00
$150	88.40	101.70	132.60	152.60	73.00	83.90
$250	115.00	132.30	172.50	198.50	94.90	109.20
$350	140.40	161.50	210.60	242.30	115.90	133.30
$450	165.00	189.80	247.50	284.70	136.20	156.60
$550	189.90	218.40	284.90	327.60	156.70	180.20
$650	218.00	250.70	323.00	[4] 376.10	179.90	206.09

[1] For a worker who is disabled or who is age 65 or older at the time of retirement and a wife age 65 or older at the time when she comes on the rolls.
[2] Survivor benefit amounts for a widow and 1 child or for 2 parents would be the same as the benefits for a man and wife, except that the total benefits would always equal 150 percent of the worker's primary insurance amount; it would not be limited to $323 as it is under the present law.
[3] Average monthly earnings of $74 or less under the present law, and of $76 or less under the bill.
[4] $105 limit on wife's benefit is removed.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I support this legislation. I urge my colleagues to do the same. I think most of them will want to join me in voting this needed increase.

While doing so, I think there are several points that must be made if we are to face up to the economic implications of this legislation.

First of all, there is no question that it is inflationary. That does not mean we should oppose it. Despite the rampant inflation in this country, it is necessary to compensate for the effects of inflation, on those most vulnerable, even though, inflation being a spiral, the compensation itself will inevitably have an inflationary impact.

I think, therefore, the point must be made that we still have a basic obligation to continue to move against the inflation that is damaging our economy, even though we are providing this symptomatic relief to those most vulnerable to inflation.

Why do I consider this inflationary? First of all, it is pumping $4.2 billion in a calendar year into the hands of people who by their unfortunate circumstances and because of their age are not likely to save much of it. They are going to spend it and spend it quickly. Inflation has made certain that most of them need to spend it. Inevitably, therefore, it has more cumulative inflationary impact than if we were giving the money to people in a position to save.

Second, I think we must face up to the fact that this bill is going to have a serious impact on our hoped-for surplus. Under the unified budget concept, we would have run our trust fund accumulation in the social security trust fund up by $1.7 billion more than we will, having passed this bill. In other words, in the remaining part of the fiscal year, $1.7 billion will be paid out that otherwise would have gone into the trust fund, and been counted as part of our surplus.

Once again, I am not complaining about this so much as I am pointing out to my colleagues that this bill will be a major factor in dissipating a hoped-for budget surplus which we deemed fiscally necessary at the beginning of the year.

I hope, Mr. Speaker, that these two points I have made about this bill will indicate to the Members of this body an increased need for fiscal restraint. We have a class of people in this country, those who are elderly and those who are disabled and those who are widows, who need the protection of this added spendable income, but we must understand the additional obligations imposed on us by the economic implications of our efforts to protect them with this compensatory piece of legislation.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr CONABLE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today in support of the legislation now before us to increase benefits to this country's millions of social security recipients.

It is absolutely essential, in my judgment, that this Congress act immediately, before irreparable harm is done to the senior citizens of our country. As we are well aware, present benefits are lagging far behind and remedial legislation is long overdue because of the effects of the present inflationary trends on the elderly.

Those living on fixed incomes are being forced to pay the price of inflation and, combined with the present "tight money" situation, it is virtually impossible for these people to borrow money to meet current expenses or obtain suitable housing.

This situation is totally unrealistic and unacceptable, and we can and must act now to relieve this intolerable condition. An immediate increase in benefits to the millions of elderly citizens now on social security will make it possible for them to, partially, take care of escalating costs of living. But, regrettably, this increase will offer only temporary relief at best.

In addition to this increase in benefits, I am firm in the conviction that the most realistic approach to this problem is to enact legislation whereby social security increases in the future will be tied into and automatically governed by the cost-of-living index and I have introduced legislation in this session to bring this about. And, I shall continue my efforts in this regard.

The increase we are considering today will soon be obsolete and totally negated, if the spiraling cost of living continues to outdistance social security and other retirement benefits for our elderly. The inflationary trends must be checked. Certainly, this Nation must be more responsive to its senior citizens on social security and more responsible in fiscal matters, than it has been in recent years. This business of legislating "too little, too late" for those in their "golden years" has gone on far too long, and a solution is within our reach.

In this regard, I also hope the committee will give early consideration to the concept of permitting social security recipients to earn more than the current ceiling. This would help relieve the serious financial bind that many social security recipients find themselves in, due to inflation and/or their limited income and contributions to the social securiy system.

Mr. MILLS. Mr. Speaker, I yield to

the gentleman from Massachusetts (Mr. BURKE) such time as he may consume.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise to endorse the 15-percent benefit increase provided by H.R. 15095, the bill which the distinguished chairman and ranking minority member on the Committee on Ways and Means have introduced. I would rather that the bill provided a more generous increase than 15 percent and I offered a motion to provide a greater increase in committee before the bill was reported out.

Social security was enacted some 35 years ago to help assure a decent, dignified retirement to our Nation's older citizens. Since 1935, we have relied on this system of contributory insurance to provide a measure of economic protection against the income loss that accompanies retirement. And since that time the program has been expanded to provide protection for widows and orphans and the disabled. Today some 25 million, or about one out of every eight Americans, are getting monthly social security benefits.

Social security is virtually the sole source of income for about half of these beneficiaries and the major source for just about all. The importance of maintaining the purchasing power of social security benefits is obvious and cannot be overemphasized.

Since 1968, when we last increased benefits, inflation has eroded the value of social security benefits. We cannot turn our backs on the elderly or the widows and orphans or the disabled who rely on their social security benefits. To fail to increase social security benefits now would be doing just that. That is why I urge that this bill, which reflects the wisdom and experience of our Committee on Ways and Means, be enacted as quickly as possible.

Mr. Speaker, I would also like to reiterate what the chairman of the Ways and Means Committee himself has stressed in his statement. That is that the Committee on Ways and Means has already put on its agenda, as its first order of business when Congress reconvenes in January, the resumption of consideration of social security legislation, including welfare reform, medicare and medicaid operations, and the need for further increases in social security benefits.

Mr. MILLS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILBERT).

Mr. GILBERT. Mr. Speaker, may I extend congratulations to the distinguished chairman of the Ways and Means Committee, to the distinguished ranking minority member of the committee, and to my fellow members of the committee for having the foresight to vote out a social security bill at this particular point in the legislative session.

We all know that inflation is one of the main problems of our elderly citizens, and, in fact, the President came out for an increase of 10 percent. Recognizing that 10 percent would be totally inadequate, and in order to give a quick and almost emergency-type increase to our senior citizens, our committee voted out a 15-percent increase.

Mr. Speaker, this 15-percent increase has my support, of course, and I am going to vote for it. But I consider this a stopgap measure. It must be a simple prelude to the consideration of genuine and meaningful social security reforms next year.

Separating an immediate increase from other social security legislation permits Congress to offer the fastest possible relief to social security beneficiaries beset by rapidly rising living costs. This approach will allow my committee the time necessary to give major social security reform the comprehensive review such complex proposals require without penalizing social security beneficiaries by delay.

Simple justice requires that our social security beneficiaries receive an immediate increase in benefits in order to maintain the buying power of their benefits in these times of rapid inflation. Since the last increase in social security benefits, prices have risen by almost 10 percent. If one takes the position that benefits were adequate then, there might be some justification for just a 15-percent increase now. Ten percent would catch beneficiaries up to where they were before—and the additional 5 percent would help them pay for what inflation has cost them in recent years. But I do not agree that benefits were adequate then. And certainly we must do more than provide the 15-percent increase in the bill before us today.

My bill, H.R. 14430, which is pending before the committee, would provide additional benefit increases, a two-step increase in the minimum benefit to $120 a month by January 1, 1972, and would abolish the premium for medicare part B—now $4 monthly—and make other much needed improvements in the social security and medicare programs. I am sure that in the coming months the committee will consider the proposals under my bill, H.R. 14430, and other pending social security legislation.

Mr. Speaker, I urge my colleagues to vote today for H.R. 15095, to provide a 15-percent increase in social security benefits. I urge my colleagues to vote for this humane measure, but with the recognition of its inadequacy and the determination to have benefits raised to a livable level next year.

Mr. MILLS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I rise in support of this bill.

Mr. Speaker, in passing a 15-percent across-the-board increase in social security benefits, this House has only taken a stopgap step. It has not finished its work in this important area.

We could not, in the time available, attack such matters as increasing the earnings allowed to retirees without reduction of payments, possible inclusion of out-of-hospital drugs under medicare and other overall revampments of both the social security law and the medicare and medicaid sections of it.

We had to act, in an emergency fashion, to rescue many of our elderly from a strangling economic grip in which near runaway inflation has placed them. They were far behind the rocketing cost of living and painfully so.

This interim increase will help to ease that economic burden which our inability to control our economy has placed on them. It will increase the pension incomes of some 25 million beneficiaries by about $1.7 billion in fiscal 1970.

Though the first actual increase will not reach them until April 1, 1970, it will be retroactive to January 1. Better a little late than never.

I am sure that a majority of this House is aware that we still must adopt a social security system which is realistically in tune with our current economic situation. To accomplish this, fundamental facts must be reviewed and the House Ways and Means Committee plans to do this when we return next year.

I feel confident that we will come up with a revision of the social security law which will be both progressive and economically possible to carry.

Mr. CLANCY. Mr. Speaker, I rise in support of H.R. 15095, Social Security Amendments of 1969. As we all know too well, the cost of living has been steadily increasing at an alarming rate. The spiraling inflation we are experiencing today has a particularly harmful effect on those older persons living on fixed incomes, such as those whose chief or only income is derived from social security benefits. As prices go up for necessary goods and services, and the purchasing power of the dollar declines, those dependent upon social security are placed in an increasingly difficult position.

The legislation before us today, which has been favorably reported by the committee without amendment and with the recommendation that the bill pass, will provide a measure of relief. This 15 percent across-the-board increase will aid the 25 million elderly people, disabled persons and their dependents, widows and orphans who presently receive monthly benefits under this program. The increase also applies to those persons coming on the benefit rolls in the future.

It is my understanding that under this bill, both the minimum and maximum benefits will be increased for retired workers entering the benefit rolls at or after age 65 and for disabled workers.

Another important section provides for special payments for certain persons aged 72 and older who have either not worked long enough to qualify for regular cash benefits or have not worked at all under social security. Their benefits will also be raised by 15 percent.

Justice requires that our social security beneficiaries receive this increase immediately to enable them to maintain the buying power of their benefits in this time of rapid inflation. I had hoped however, that the provisions of this legislation would have been retroactive.

This legislation should pass unanimously.

Mr. ZABLOCKI. Mr. Speaker, I would like to take this opportunity to commend the distinguished chairman, the gentleman from Arkansas (Mr. MILLS), for expediting House action on H.R. 15095. A 15-percent increase in social security

benefits will indeed be a welcome Christmas present for the more than 25 million beneficiaries who will be affected.

The inflation which has hit us all has struck particularly hard at retired Americans who are trying to make ends meet in the face of alarming increases in prices and taxes. Their fixed incomes and often scant retirement resources have literally been stretched to the breaking point by inflation.

In view of the seriousness of this situation I am especially pleased that the House has today taken an important step toward improving these conditions by approving H.R. 15095. This bill will increase regular and special social security payments by 15 percent. In addition, it will increase minimum social security payments from $55 to $64 a month.

Nonetheless, none of us suffers from the illusion that these increases will in themselves eliminate the hardship which is the lot of so many of our senior citizens. In this regard, the chairman of the Ways and Means Committee is again to be commended for promising early committee action on other needed amendments to the Social Security Act, including welfare reform.

We welcomed the opportunity to present our views on this important subject at the committee's recent extensive hearings. We welcome the prospect that the committee will report comprehensive revisions in the social security, medicare and welfare programs to the House for action early in the next session of Congress.

Mr. FEIGHAN. Mr. Speaker, the need to increase social security payments has been apparent to me for some time. On May 21 I cosponsored a bill to provide a 15-percent across-the-board increase for the 25 million elderly people, disabled people and their dependents and widows and orphans presently receiving social security benefits. The bill also provided for annual cost-of-living increases and a minimum primary benefit of $80.

It is very gratifying to me, therefore, that the House of Representatives today has an opportunity to endorse at least one of these high-priority items. H.R. 15095 provides a 15-percent across-the-board increase for social security recipients, increase the minimum monthly payments from $55 to $64 for a retired or disabled worker. The bill becomes effective in January 1970 and the increases will be reflected in the March check, payable in April. A separate check covering the retroactive increase for the January and February payments would be paid in April.

These increases are long overdue and although this legislation encompasses only one aspect of the social security program, the distinguished membership of the Committee on Ways and Means has assured this body that it intends to consider the many issues affecting the various programs under the Social Security Act as its first order of business when Congress convenes next year. The committee's plans to study the social security program in depth and to act on its inadequacies will be a great relief to the millions of people presently enrolled in the program, many of whom have written to me this year to express their dissatisfaction with the social security program. These people feel that they have been treated as second-class citizens by the Federal Government; that the Government has neglected them and ignored their needs.

This bill is only the initial activity we plan in behalf of our senior citizens. While it will be helpful, nothing will suffice but a program that responds fully to the deficiencies of the present system. I look forward to enacting such legislation next year.

Mr. MILLER of Ohio. Mr. Speaker, the House action in passing legislation providing for a 15-percent across-the-board increase in social security benefits effective January 1 is to be lauded.

This measure is long overdue. For many, many months now, retired Americans have watched helplessly as the purchasing power of their savings and pensions has eroded away under the pressure of the mounting costs of living. For those who must support themselves on their earned social security benefits, it has become increasingly more difficult. Rapidly rising costs have meant lower living standards and increased efforts to obtain the essentials of a decent existence.

I strongly supported and voted for this immediate 15-percent increase in benefits, and I will continue to work for even more comprehensive reforms in the social security system.

There are two major reforms that deserve special mention: It is imperative that an automatic cost of living escalation clause be written into the social security statutes. This would eliminate the serious time lag that is now present between the fact of increased costs, and the compensating increases in benefits. I have introduced legislation to accomplish this and I believe its enactment would markedly improve the faith of our older people in the fairness of the system. Future cost-of-living benefit increases should not depend on the political process but rather should be guaranteed by law.

In addition, a substantial increase in the outside earnings limitation for social security recipients is necessary. I am likewise sponsoring legislation to achieve this. Those who wish to continue their productive years should be permitted to do so without losing benefits to which they are entitled after a career of hard work and contributions to the social security system.

We should not be satisfied with less than genuine security and dignity for America's retired citizens.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of H.R. 15095, a bill which, appropriately at this season, assures our elderly citizens and our other social security recipients who generally are on a fixed income that Congress cares. It would be cruel indeed to watch the continued erosion of fixed incomes through inflation, and fail to do something about it.

The 15-percent across-the-board increase, effective January 1, of social security payments will put the social security recipients only about 5 percent ahead of the cost-of-living increase for the period since the last social security rate increase.

I wholeheartedly support this action to grant this increase at this time, ahead of the full consideration of many other needed improvements to be made to the social security and welfare program. This increase is actuarially sound without any increase in the tax rate or the wage base.

When the Ways and Means Committee resumes its study after the first of the year of the comprehensive welfare reform program and the social security system, there are a number of improvements that I will support.

Among these improvements are provisions for an escalator clause that will provide automatic increases in benefits in step with the cost of living, an increase in widows' benefits from 82½ percent to 100 percent of their husbands' benefits, and liberalization of the retirement test to permit those who continue in full- or part-time employment to supplement their social security benefits.

Other improvements I will urge include the extension of medicare to active and retired Federal employees 65 years of age and over. I also believe that we should update the retirement income credit to recognize a level that reflects inflationary consequences.

Presently, Federal employees covered for the basic hospital plan under medicare include only those who retired before February 16, 1965, and who did not have coverage under the Federal Employees Health Benefit Act—FEHBA—on that date, and those who have the requisite number of quarters of social security coverage for their age group.

Hospital insurance benefits should be made available to Federal employees who do not have such benefits.

All Federal employees age 65 and over are eligible to participate in the voluntary supplemental medical insurance plan. Since the voluntary supplemental plan does not provide basic hospital benefits, it is inadvisable for the Federal employee to elect to participate in the voluntary supplemental plan and drop his coverage under FEHBA. The voluntary supplemental plan alone is inadequate. It is exactly what its name implies—"supplemental" to a basic hospital plan.

Thus, the Federal employee who is not eligible for the basic hospital plan will want to retain his FEHBA coverage. There is a general prohibition in the FEHBA plans against paying duplicate benefits. Under certain circumstances the voluntary supplemental plan would pay the deductible applicable to nonhospital treatment under the FEHBA plan and also the coinsurance factor of 20 to 25 percent that the insured individual pays for certain services under these plans.

The cost for a man and his wife under supplemental medical insurance is $4 per month, and is to be increased soon. Since part of the premiums will be attributable to the duplicate coverage, many individuals will feel they are unlikely to derive benefits commensurate with their contributions. In any event, coverage is an individual decision.

A Cabinet Committee on Federal Staff

Retirement System on February 15, 1966, recommended that Federal employees covered by a staff retirement system should have health insurance protection under social security health insurance provisions, after age 62 on the same basis as other workers.

The Social Security Administration in January 1969, filed a report requested by the Ways and Means Committee and the Senate Finance Committee recommending medicare coverage for Federal employees or retirees and their spouses, not insured under social security, with the cost of part A protection borne by the Government, as employer. New health insurance designed to complement medicare would be available under the FEHB program to Federal retirees and employees who would become entitled to part A protection. This complementary insurance, together with part A and part B of medicare, would provide health insurance protection approximately at the level of the Government-wide high option FEHBA plans.

This will correct an inequity where Federal civilian employees, who are also citizens, are not given certain health benefits provided by the Government to its citizens who have not been employees of the Federal Government. The cost of hospital insurance benefits should be borne by the Federal Government for the nearly half of such persons involved and not now so insured.

The additional cost to the Federal Government can be justified because under the present financing of FEHBA, the Government share as an employer is unduly low, especially when compared with what is done in private industry plans.

The retirement income credit provisions were designed to give those persons, such as our retired teachers, whose retirement income is taxable, a tax exemption approximately the same as that received by beneficiaries of tax-exempt social security payments. An individual who is 65 years of age is granted a credit against the tax liability on his retirement income—which includes annuities, interest, dividends, and rents—up to $1,524.

This limitation no longer is fair or realistic, and should give heed to cost-of-living increases. Congress has failed to adjust the retirement income credit provisions of the Internal Revenue Code to reflect either the Social Security Amendments of 1965 or those of 1967—and, of course, the 15-percent increase in benefits in the bill before us now.

There has been no increase in the retirement income base since 1962 despite the 7-percent social security increase in 1965 and the 13-percent increase in 1967. Therefore, the intent to give fair treatment to those who do not have tax-exempt social security benefits has been neglected.

Mr. ADDABBO. Mr. Speaker, I rise in support of H.R. 15095, to provide a 15-percent across-the-board increase in social security benefits. In addition to the general across-the-board increase, the legislation increases the minimum benefit from $55 to $64 for single persons and $82.50 to $96 for couples and increases special payments to persons over 72 years of age as well as maximum payments.

One of our colleagues on the Committee on Ways and Means has called this legislation a "stopgap" measure to enable the committee to devote more time to the social security amendments and major reform items pending at this time. I share that view and it is my hope that the Ways and Means Committee will approve a far-reaching overhaul of the social security laws early in the second session of the 91st Congress. My bill, H.R. 14431, provides for major reform, including two increases of 20 percent each in benefits in 1970 and 1972 and would more than double the minimum benefit, increasing the amount from $55 to $120 a month by January 1972.

Mr. Speaker, our goal must be to see to it that the social security system provides real economic security to the elderly. That is not the goal of H.R. 15095 but as a stopgap measure it is clearly more realistic than the meager 10-percent increase proposed by the administration. Let us commit ourselves to major social security reform today by approving this increase and immediately turning our attention to the real needs of our elderly citizens who have been caught in the inflationary spirals which have wiped out previous social security benefit increases.

Mr. MYERS. Mr. Speaker, I speak in favor of H.R. 15095. In our country today there are more than 25 million Americans age 65 and over who have become what could easily be called our "slighted society." These are the people who during good times and bad strived to put a little something aside for their retirement years, paid taxes, sent their children to school, went to war, and who in the main were all-around good citizens who came through World War I, the depression years of the 1930's, World War II, and Korea. These are the Americans who made this country great, but they are also near the bottom of our list of legislative priorities.

I am glad that we have finally realized that these Americans desperately need an increase in social security benefits to meet today's spiraling inflation. The last benefit increase was 2 years ago. Taking into account the rate of inflation the last 2 years plus the price rise expected this year, the 15-percent increase contained in this bill will barely cover past shortfalls and our "slighted society" will again fall back a step or two on the cost-of-living escalator. This increase does not make up for the fact that the retired have had to scrimp these past 2 years, nor will it offset any of the increase in the cost of living that may occur in the next 2 years.

Historically, social security has never done more than barely keep up with the cost of living. It certainly has not kept pace with the rising standard of living.

Let us not linger any longer on this legislation. Let us pass this bill and then immediately upon our return next year take up the other provisions of the social security law that desperately need improvement. Let us, among other things, make certain that future increases will be given when the cost of living goes up, raise the income limitation from $1,680 to $3,000 per year, raise the minimum payment from $55 to $100 per month for single persons and $150 for couples, and not reduce the social security income into a household when the primary recipient dies.

I realize that social security was originally intended to be a supplement to a person's retirement income, yet we know that changing times, rampant inflation, and circumstances beyond control have wiped away their precious savings. It seems to me that those who have been tax contributors all of their lives, not tax eaters, have a right to bitterly complain when they see welfare recipients receive more monthly assistance than they do along with surplus food, food stamps, and medical treatment, the latter of which social security recipients pay for.

Our elderly citizens are entitled to the guarantee of a brighter day, not because they, like some, demand it, but because they have earned their right to a better future.

Mr. REID of New York. Mr. Speaker, I rise in strong support of H.R. 15095, the Social Security Amendments of 1969.

I am delighted that the Ways and Means Committee and the House and the Senate are finally taking action to compensate the 25 million beneficiaries of the social security program for recent increases in the cost of living, which has been rising at a rapid rate. The inflationary spiral curtails the spending power of all consumers, as my colleagues are well aware, but it most seriously penalizes those who live on fixed incomes. It is high time we took this action to increase social security benefits by 15 percent, effective January 1, 1970, and thus to provide our retired citizens with a more reasonable income.

There are, of course, other changes which must be made in the social security law if it is to be equitable to all. Specifically, the $1,680 limit on annual earned income should be removed or, at the very least, increased. Increases should be made in the benefits provided under the program of aid to families with dependent children, and we should do more for the 3 million poorest aged, blind, and disabled persons in this country, as the gentleman from California (Mr. BURTON) pointed out last week.

I hope Congress will act early in the next session to make additional needed changes in the social security law. In the meantime, I strongly urge the passage of the measure before us today.

Mr. CHAPPELL. Mr. Speaker, we have relegated many of our most valuable citizens to a position of pauperism in this country. I say "most valuable citizens," Mr. Speaker, because this is an era for calling on the experience and knowledge of our older citizens, for it is from the storehouse of their souls that we can chart our destiny clear of the shoals of self-destruction. The very preservation of our way of life in this country depends on our putting daily into practice the principles tested and secured by the generation which preceded us.

Yet this wonderful generation of people have been hurt so deeply by the inflationary situation we are in that their

contributions to our society are strongly limited. Goods and services that cost them $10 in 1959 now cost over $12.50. What an unfair and shameful situation.

These citizens paid hard-earned dollars into the social security program when a dollar was worth a dollar. We cannot—and must not—ask our people to try to keep living on the same number of dollars which have so diminished in value.

We must not let the elderly people of our country become political whipping boys. Congress has the duty to do what is right for the people. I know we will.

We can afford to do more for our senior citizens, Mr. Speaker, and I, therefore, urge the passage of H.R. 15095 to give them these increased benefits.

We need the advice, the wisdom, and the knowledge of our older citizens, but we can ask very little of them unless we can also respond to their needs. Our bill is threatened by a Presidential veto, Mr. Speaker, but I hope that the Members of Congress can unanimously—and in a nonpartistan spirit, grant these increased and very much deserved benefits.

Mr. ROSENTHAL. Mr. Speaker, I support the limited social security bill which we consider today but only as an immediate and temporary solution to the long-range problems of the social security system.

This bill provides for a 15-percent increase in social security benefits, effective January 1, 1970. It also increases the minimum benefit from $55 to $64 for single persons and from $82.50 to $96 for couples.

This bill raises the special benefits for persons over age 72 from $40 to $46 for single persons and from $60 to $69 for couples.

Finally, this bill would provide for eventual maximum benefits of $250.70, instead of the present limit of $218 for single persons, and for a new maximum of $376 for couples, instead of $323.

But the bigger problems of social security reform are not included in this bill. And the benefit increases, while important, are clearly not adequate. I urge Congress to consider early next year the comprehensive reforms which our older citizens need and deserve.

I have proposed, in my comprehensive social security bill—H.R. 14487—a 35-percent flat increase in benefits and an automatic cost-of-living increase regularly to eliminate the effects of inflation. Under my bill average benefits would rise to $133 for individuals and to $220 for couples, with minimum benefits of $100 and $150 respectively.

My bill also provides:

Full benefits to both men and women who retire at age 60 and restore to full benefits those who are already retired on reduced annuities;

Full benefits at age 55 for women who retire with 120 quarters of coverage;

Prescription drug coverage, for an optional $1 a month;

An increase in ceilings on earned income for persons over 65;

Full benefits to widows and dependent widowers at age 50 and to disabled widows and widowers regardless of age;

Reducing to age 60 the eligibility date for medicare benefits;

Identical benefit rights for single persons who support brothers and sisters as those given married couples;

Giving Federal employees the right to elect social security coverage; and

Financing the social security system through whatever general revenues are needed to keep it actuarily solvent.

Mr. FARBSTEIN. Mr. Speaker, H.R. 15095, the Social Security Amendments of 1969, has been presented to us as emergency legislation to provide a badly needed benefit increase to approximately 25 million people. I am happy to support this legislation and regret that it is not more. I am heartened, however, by the statement in the report of the Committee on Ways and Means that its first order of business for the next session will be a continued study of comprehensive changes in the social security and welfare programs.

The reports from my district bear out the statement in the committee's report that there is a "pressing and urgent need for an across-the-board increase in social security benefits."

The last time we considered a social security benefit increase we provided a 13-percent benefit increase effective for February 1968. In February 1968 the Consumer Price Index was 119. The latest index is for October when it was 129.8, a rise of more than 9 percent in 20 months. If the index continues to rise at this rate—average of 0.45 percent a month—the rise will be more than 11 percent by next April when the benefit increase will actually be cash in the beneficiaries pockets.

Although, I would prefer a bill making more comprehensive changes in the social security program, I can understand the reasons why the committee did not want to delay the benefit increase. Funds are available to provide an immediate 15-percent increase in social security benefits.

I want to commend the Committee on Ways and Means for its responsible action in bringing a 15-percent social security benefit increase to the floor. And, I appreciate the forthright way in which the committee states in its report that it is "necessary to consider without unnecessary delay" other changes in the social security and welfare programs. I would hope that the changes which the committee will take up next session will include a significant increase in the minimum benefit. When one considers today's prices and the studies of the Social Security Administration which show that social security benefits are the major source of income for most beneficiaries, I do not see how we can justify the minimum benefit of $55 a month provided under present law or even the minimum benefit of $64 a month which would be provided by H.R. 15095.

I, myself, have introduced legislation to increase social security benefits an average of 35 percent and provide a minimum benefit of $100 a month for an individual and $150 for a couple as well as to expand the scope of medicare coverage. This is the type of social security reform we need, and I am confident that the Ways and Means Committee will act favorably to bring it about.

Mr. FULTON of Tennessee. Mr. Speaker, passage of this bill to increase social security benefits by 15 percent is a legislative must for this session of the 91st Congress.

Fifteen percent—this sounds like a very generous figure. In normal times and under normal economic conditions it would be. But these are not normal times nor are we operating under normal economic conditions.

Actually, this 15-percent benefit will barely enable the average social security recipient to keep pace with the inflation which has eroded his benefit check since the last increase in March of 1968.

At that time the Consumer Price Index, according to the Department of Labor, stood at 119.50. As of October of this year, the latest figures available, it had climbed 10.30 to 129.80. This represents an actual percentage increase in the cost of living of about 8.6 percent over the last 20 months. At this rate we are assured of a cost-of-living increase of 1.5 to 2 percent before this increase is actually forwarded to the social security beneficiary. Thus, the actual increase in real income is 5 percent or less which will do little other than make up for purchasing power eroded by intervening inflation.

Unfortunately, a cost-of-living increase feature is not a part of this bill. I very much favor this approach as it has been found successful in other Government retirement systems. This can be taken up, however, when the Ways and Means Committee considers additional changes in the social security law early next year.

At this time I would like to commend all my colleagues on the Ways and Means Committee for their expeditious handling of this benefit increase.

To have waited until other problems dealing with the social security law, including welfare reform, had been disposed of before bringing this legislation to the floor would have been unfair and an injustice to the social security recipients who, month by discouraging month, see their benefit checks eroded by inflation.

Fifteen percent seems like a very generous increase. But, as we have seen, it is not. It is barely adequate and it is my hope that we must further increase benefits in the year to come.

Mr. SCHERLE. Mr. Speaker, no group of Americans is more entitled to adequate financial assistance than our senior citizens. For years working people have paid sound dollars into the Federal fund to provide for a dignified retirement. Now as they reach the time of rest and relaxation, they face the horrible realization that the "sound" dollar they paid into this program no longer exists and the social security payment they once relied upon has diminished in value. Inflation and extravagant Government spending have deflated the purchasing power of the dollar.

The law prevents social security recipients from earning incomes above a prescribed level without losing their annuity. Some are disabled and cannot seek

employment; others are unable to find work to supplement their meager incomes. These unfortunate people are victims of circumstance—captives of a situation beyond their control. These people I am determined to help now. Inflation caused by prolific Government spending will not be arrested overnight. An immediate solution is to increase the social security benefits, and this I will support.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of H.R. 15095, a bill to increase social security benefits for the eldery, the disabled, and for widows and orphans. This bill calls for a 15-percent across-the-board increase in benefits for the 25 million people covered by the Social Security Act. I support this increase because I think it is long overdue. Those covered under the act have been the most severely victimized by inflation; the value of their social security checks has been steadily decreasing as the cost of living has soared to new heights. As President Nixon said in his September 25 message to Congress:

> This nation must not break faith with those Americans who have a right to expect that Social Security payments will protect them and their families.

Mr. Speaker, while I support this legislation before us today, I do want to indicate that I consider it little more than a stopgap measure. This Congress must still face up to the need for a comprehensive overhaul of our social security system along the lines proposed by the President in his message to Congress. This should include a provision for an automatic adjustment in benefits that would reflect increases in the cost of living. I have introduced a bill to that effect, and I am pleased that this approach is also a part of the President's proposal.

The President has also called for an increase in the amounts beneficiaries can earn annually without a reduction in their benefits; a revision in the one-dollar-for-one-dollar reduction in benefits for income earned in excess of $2,880 to a reduction of $1 in benefits for every $2 earned; an increase in the contribution and benefit base from $7,800 to $9,000, beginning in 1972; and a series of additional reforms, in the President's words, "to insure more equitable treatment for widows, recipients above age 72, veterans, for persons disabled from childhood, and for the dependent parents of disabled and retired workers."

I strongly urge the passage of the bill before us today, and I also urge the continued efforts of the Congress to work for more comprehensive social security reform aimed at equitable and more realistic protection of our citizens.

Mr. MINISH. Mr. Speaker, I rise in support of H.R. 15095, the Social Security Amendments of 1969. The 15-percent across-the-board increase in benefits contained in this legislation is the best Christmas present our senior citizens could possibly receive.

Improvement and strengthening of the Social Security Act should be accorded top priority in the second session of the 91st Congress. In a recent statement to the Ways and Means Committee, I outlined some of the major issues which must be dealt with during consideration of social security next year. I include the statement at this point in the RECORD:

STATEMENT OF CONGRESSMAN JOSEPH G. MINISH TO COMMITTEE ON WAYS AND MEANS ON SOCIAL SECURITY

Mr. Chairman and members of the Committee, first, let me thank you for the opportunity to submit this statement on pending social security legislation. I am grateful that the Ways and Means Committee has seen fit to schedule consideration of this vital subject so soon after completion of its exhaustive work on tax reform and tax relief.

The Tax Reform Act, as passed by the House, provides relief which will be most beneficial to our poor and middle income families for whom the high cost of living, coupled with heavy taxes at all levels, has caused deep anxiety and resentment. However, there is one group whose financial plight will not be eased by lower taxes since their incomes fall far below the poverty level where in most cases they are not required to pay taxes. I refer, of course, to social security beneficiaries—the most poverty stricken group in our society. It is a sad fact that 40 percent of persons 65 years of age or older are classified as poor or near-poor.

On May 21, 1969, I introduced H.R. 11554 to provide a 15 percent across-the-board increase in social security benefits effective July 1, 1969. My bill would increase the minimum monthly benefit from $55 to $80 and raise maximum benefits from $218 to $250.70. Under this legislation, the level of benefits would be reviewed every three months and the benefit schedule adjusted upward when the cost of living increases 3 percent or more above the previous base period. This periodic cost-of-living mechanism is necessary to insure that social security benefits will not be eroded by rising prices as they have so often in the past. By this means we will combat the shameful situation which permits our senior citizens to fall deeper and deeper into poverty while the majority of Americans enjoy relative prosperity.

Naturally, I was disappointed when President Nixon recommended that social security benefits be increased by only 10 percent and that this meager increase be deferred until next April. The President, in his message to Congress, noted an increase was necessary in order to enable older Americans to keep pace with the inflationary spiral and the rising cost-of-living. Yet inflation, which strikes retirees and older persons hardest, has driven the cost-of-living up more than 13 percent since Congress last enacted a social security increase in February, 1968. Prices, no doubt, will rise even further by April of 1970. The Administration request, in short, is too little and too late.

Mr. Chairman, an increase in social security benefits of at least 15 percent retroactive to this past July is imperative this year if our senior citizens are to hold their own in a time of greatly increasing prices. If we do not act promptly on a significant social security increase, this country's retirees will find themselves in a terrible financial bind. Social Security is a misnomer—a cruel hoax—if it does not enable its beneficiaries to at least keep pace with the cost-of-living.

Among other improvements I believe should be made in the Social Security Act are the following: an increase in the earnings limitation, the equalization of treatment for wives working under the social securiy system, and increased benefits for blind citizens.

Mr. Chairman, persons reaching the age of 65 today can look forward, thanks to improved health care, to a longer life span and the ability to continue to contribute to their society. We ought, therefore, to encourage our senior citizens to employ their talents, knowledge, and experience in worthwhile and gainful endeavors. One means of achieving this goal is to increase substantially the annual earnings limitation for social security recipients.

Under present law, couples working under social security do not receive a fair return on their contributions to the fund. To remedy this situation I would call the Committee's attention to H.R. 9064, which I introduced on March 17, 1969. The purpose of this legislation is to treat a working husband and wife as a unit and to increase the "earnings base" used in the computation of their benefits. The result would be a more equitable level of benefits for both husband and wife.

Mr. Chairman, I also urge the Committee to approve a liberalization of the conditions governing eligibility of blind persons to receive disability insurance benefits under the Social Security Act. My bill, H.R. 10252, would provide a partial solution to the financial catastrophe which engulfs many persons as a result of blindness. It would permit a blind person, who has worked in social security work for six quarters, to qualify for disability insurance payments and to continue qualified so long as he remains blind regardless of his earnings.

Moving to Medicare, Mr. Chairman, I believe the Committee should include a section in its legislation which would extend medicare coverage to the cost of drugs purchased by the elderly. Constantly soaring drug prices constitute a major element in the severe economic problems of the elderly. Today drug items account for a significant proportion of the budgets of aged citizens. By 1975 drug costs are expected to rise by 65% for our population as a whole and the increase for senior citizens will be significantly greater—already, in fact, drug costs for the aged are twice as high as for the young and four out of five persons 65 or older have a disability or chronic condition requiring the purchase of drugs.

I believe our elderly citizens ought to enjoy the right to choose the type of health care they believe best suited to their needs. Therefore, I urge approval of my bill, H.R. 14343, which would extend medicare coverage to chiropractic.

Another area of importance to medicare beneficiaries is the issue of home maintenance care. On July 17 I introduced H.R. 12924 to authorize payment under the medicare program for services furnished by a home maintenance worker as part of a home health services plan. Presently only personal care, such as feeding, bathing, transfer in and out of a wheelchair, etc., is afforded to a medicare recipient in his home. We should recognize that many patients are able to care for their personal needs, but are not capable of performing household tasks, shopping, and cooking without assistance. By providing these services, we will allow convalescent or ill older citizens to remain in the familiar surroundings of their home in their own community. Moreover, this legislation would save both medicare recipients and the public the cost of more expensive types of institutional care.

Mr. Chairman, the improvements I have covered, together with other areas I am sure will be developed by the Committee, provide the basis for expanding the horizons of our nation's senior citizens. Each year a larger proportion of our population joins their ranks. Presently there are close to 20 million Americans over the age of 65. We should not consider the increasing number of senior citizens as a burden for our nation, but as an opportunity to enrich their lives and, through them, the lives of all of us.

Mr. KASTENMEIER. Mr. Speaker, while I am somewhat relieved that the Ways and Means Committee has acted on the financial crisis our elderly citi-

zens are facing by reporting a social security increase bill now, I feel a 15-percent raise is actually too little. Although I will vote for this bill, I am disappointed that the committee did not approve a larger increase. I frankly believe that the 25-percent across-the-board hike in benefits and doubling of the minimum payments—to $110 a month for individuals and $165 for couples—which I recommended in my bill, is essential to meet the needs of our elderly.

Many of our senior citizens simply do not have enough income to meet the most basic living expenses and yet they now are told they must wait three and a half more months before they actually receive a modest increase in benefits although the raise would be retroactive to January 1970. I am particularly concerned about those who receive a small amount of monthly benefits since this 15-percent across-the-board increase will mean only $9 to $11 more a month for them.

Consequently, I would like to express my support for the social security increase provision the Senate has approved since they would at least provide a substantial hike for those with lower payments—to a minimum of $100 a month for an individual and $150 for a couple—as well as authorizing persons to take a reduced level of retirement benefits at age 60.

It seems certain the House will approve this bill, in an effort to provide a benefit increase as soon as administratively possible. However, the passage of this bill will not bring to an end the effort to make needed improvements in our social security and medicare programs and I hope the committee will consider additional legislation, including certain other benefit increases, at an early date.

Mr. EDMONDSON. Mr. Speaker, I support H.R. 15095 and commend the Committee on Ways and Means for bringing it to the floor.

Social security payments cannot be allowed to lag far behind increases in the cost of living without real hardship for the elderly Americans who depend upon this income for life itself.

The 15-percent increase in payments provided by this bill is the minimum required to keep pace with cost-of-living increases, and must be approved. I cannot conceive of a veto of this measure, and feel confident the President will give it his approval.

Mr. Speaker, I urge and predict overwhelming approval of this bill.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 15095, the Social Security Amendments of 1969, but I do so with reservation. I commend the Committee on Ways and Means for rejecting the President's proposed 7-percent increase—later revised to a 10-percent increase—in benefits. Neither the 7-percent nor the 10-percent increase is enough as neither would keep up with the cost of living. I also realize that pressure from the administration, with the threat of a veto, has kept the committee from enacting a truly comprehensive measure designed to benefit those who really need the legislation—the elderly, the disabled, and their dependents, widows and orphans. I commend the committee for recognizing that this bill is only a stopgap measure and I, therefore, urge early consideration of a measure that would make major benefit increases and other improvements in social security.

Under H.R. 15095, the minimum benefit for a retired worker coming on the benefit rolls at or after age 65, and for a disabled worker, would be increased from $55 to $64 per month. This is not enough. Social Security Administration studies have shown that most retired beneficiaries have little or no income in addition to their social security benefits.

H.R. 15095 does not provide for automatic cost-of-living increases in benefits. The last time Congress considered a social security benefit increase—December 1967—the Consumer Price Index was 118.2. In October 1969, the Consumer Price Index was up to 129.8. The 15-percent increase in benefits now barely keeps pace with the cost of living.

For these reasons, I supported a 20-percent increase in benefits with an automatic cost of living increase in benefits whenever the Consumer Price Index rises more than 3 percent.

Many States have an old-age benefit plan which makes payments to complement the social security payments. In the past, as social security benefits increased, some State payments decreased, resulting in a benefactor receiving the same sum of money—only less comes out of the State treasury. Thus, social security increases in these cases did nothing for the aged, disabled, widowed, or orphaned. I believe that Congress intends for social security benefit increases to go to those eligible to receive payments. Thus, I believe we must provide legislation to make certain that an increase in social security is meaningful.

I support H.R. 15095 because I believe that action must be taken immediately to increase the inadequate retirement income of the elderly. But I urge the Committee on Ways and Means to promptly consider the suggestions I have outlined above.

Mr. SIKES. Mr. Speaker, I consider this one of the most important and necessary actions taken during the entire session. Congress should complete action without fail on the 15-percent increase in social security benefits prior to the Christmas recess. I can think of no finer Christmas present to those who have been subsisting on a bare minimum for so long. The increase is needed and it should be very helpful to those who are affected. Actually the action now in prospect is long overdue. The economic plight of retirees has been aggravated by steadily advancing costs of living. Their retirement dollars just will not go far enough, and there is actual hardship in some instances.

I applaud the proposal advanced by Congressman WILBUR MILLS and the House Ways and Means Committee to provide a 15-percent increase. Anything less would be totally inadequate to meet the advance of living costs since the last increase in benefits.

I hope that our work for those of inadequate income, particularly among the aged, will not stop with this action. A great deal of concern is expressed for people of inadequate income in America. In this, the aged and the disabled too often are neglected. It is seldom that Americans of 65 or over are even mentioned in this connection. Yet they are among those whose plight is the most serious. There are 20 million Americans who are over 65, and many of these are existing on inadequate incomes. Few of them are able to earn an adequate income. The others are dependent upon social security or welfare benefits. There are still others who are not yet 65 who are unable to earn a livelihood because of poor health or lack of training for today's competitive job market, and who are in dire straits.

It is obvious that insufficient attention has been given to the problem of inadequate income among the Nation's elderly. Discussions now in progress by congressional committees on aging are moving so slowly that realistic improvement cannot be anticipated at any early date. The grave problem of these people, many of them ill and most of them living on less than minimum income, is sufficiently acute that immediate action should be initiated by the administration and by the responsible committees of Congress.

There is now discussion which I trust will very soon be supported by positive action by the administration and by Congress, an increase in the amount a retired person can earn without losing benefits, and higher payments to recipients of old-age assistance. These along with the current increase in social security payments are sorely needed. Living costs have escalated beyond reason. Frequently overlooked but an area of tragic need is that of the old-age assistance group who are presently held to a bare subsistence level. People in this group should be receiving twice as much as they now get.

There is equal need for major reforms in the Nation's welfare system. New emphasis on training programs to enable people to find and hold jobs is a must. Present welfare programs place no incentive on earnings. In fact, efforts to be self-supporting are discouraged in the operation of the program. As a result, the welfare rolls get bigger and bigger, despite the growing prosperity of the Nation. Improvement in the welfare program which will result in great benefit to the Nation can be achieved with little cost to the taxpayer.

All these attest to a job before Congress which is still to be completed, I urge action. These are problems which will not wait indefinitely for solutions.

Mr. GAYDOS. Mr. Speaker, I would like to compliment the distinguished chairman of the Committee on Ways and Means and other members of this committee for recognizing the critical need for an immediate increase in social security benefits and bringing H.R. 15095 to the floor as expeditiously as possible. We must remember, however, that this bill must not be viewed as a panacea for all social security ills, but merely a stopgap measure until a complete reevaluation of the Social Security Act can be undertaken.

I, along with other Members of this body have been besieged with mail from

our senior citizens, all carrying the same message. Inflation has eroded their social security dollar to the point where it has become a daily battle of survival.

H.R. 15095 will raise the minimum benefit from $55 to $64 for single persons and raise the benefit from $82.50 to $96 for married couples. A $6 increase of special payments for single people over 72 years of age will raise their benefits from $40 to $46 with a $9 increase from $60 to $69 for married couples. Maximum benefits will eventually go from $218 to $250.70 for single persons and from $323 to $376 for married couples.

This is a start. The forgotten American is getting some recognition. We must continue to recognize his needs. If present trends continue, the insatiable appetite of inflation will have already begun gnawing away at the modest increase provided in this bill.

It is heartening to note that the distinguished chairman of the Committee on Ways and Means has addressed himself to the problem and has promised a "full dress review' of the Social Security Act. I give my unqualified support to the bill before us today and hope that the next session will produce a bill which will not only provide social security recipients with a decent standard of living, but also protect them from the merciless bite of inflation.

Mr. MATSUNAGA. Mr. Speaker, as a cosponsor of a similar bill, I rise in support of H.R. 15095, which would provide for a 15 percent across-the-board increase in social security benefits effective in January 1970.

I commend our Committee on Ways and Means, chaired by our distinguished colleague, the gentleman from Arkansas (Mr. MILLS), for recognizing the urgency of providing this increase and acting promptly to bring this legislation before this body.

Social security payments are the major source of income today for some 25 million Americans—the elderly, the disabled and their dependents, and widows and orphans. The number of recipients seems to be growing yearly as the average lifespan of man is lengthened and more of our workers join the ranks of the retired. Those who depend solely on their social security check to defray current living expenses have found the benefits to be totally inadequate to meet even the minimum needs of life. The Department of Labor has pegged a "moderate" living standard at $4,200 a year for a retired couple. An estimated 10 million retirees are reportedly kept above the poverty line by their social security benefits. However, it takes very little imagination to picture the plight of the millions of other elderly Americans who, even with their social security payments, are forced to live in want and despair after completing their working years. Surely, our senior citizens and other social security beneficiaries deserve better.

To meet this clearly demonstrated need, Congress must provide dramatic and significant increases in benefits under the old-age, survivors, and disability insurance program of the Social Security Act. Anything less could fall far short of our goal of elevating our elderly Americans to the desired level of self-respect and dignity.

Mr. Speaker, there should be no difficulty in voting for this bill, for to meet the demonstrated need the federal system is in a position to pay. We have been informed that there is an actuarial surplus of 1.16 percent of taxable payroll—an amount sufficient to pay the cost of the proposed 15-percent benefit increase.

This bill deserves our support, and I, accordingly, urge a unanimous vote in favor of the measure.

Mr. BROTZMAN. Mr. Speaker, I support the bill which is today being considered by the House to raise social security benefits by 15 percent. The senior citizens of America have worked hard all of their lives. They have saved and they have paid their social security taxes. They would probably have enough on which to live were it not for the cruel tax of inflation which has eroded the purchasing power of their savings and their social security checks.

While the across-the-board increase we are considering today is necessary to restore the inflationary losses already suffered by social security recipients, it is only a stopgap measure. I feel strongly that the time has come to provide for automatic cost-of-living increases in benefits. Enactment of such a provision would do away with the necessity of senior citizens having to come to Congress with an outstretched hand every time their Government pursues a policy of inflation.

Mr. Speaker, it is my sincere hope that when the remainder of the social security bill is reported during the next session, it will contain a provision for automatic cost-of-living increases.

Mr. SPRINGER. Mr. Speaker, the 25 million people who receive monthly social security benefits have been hit harder by inflation than anybody else. They have had to pay the rapidly rising living costs but they have not shared the higher incomes that inflation has brought to most segments of the economy. Now it is their fair turn to receive in the form of a 15-percent across-the-board increase in social security benefits effective January 1.

We call this an inflation bonus because we are able to pay increased benefits without any boost in the social security tax rate due to a large actuarial surplus that has built up in the social security trust fund. The surplus derives from the fact that higher wages and salaries mean a bigger intake in social security taxes by the Government even while the tax rate itself remains unchanged. It is simple justice that we distribute some of this surplus promptly among all the retired and disabled persons, their dependents and widows and orphans, who are eligible for social security benefits.

I congratulate our Committee on Ways and Means for recognizing the pressing and urgent need for increasing the income of people on social security. I share the committee's judgment that the 15-percent benefit increase should not be delayed by consideration of more complicated legislative proposals for the improvement of the social security system. The committee has promised to make these issues its first order of business when Congress reconvenes in January. Meantime, it has gone ahead to assure a much-needed income boost for all social security recipients without getting it involved in arguments about other changes which may be more controversial.

As it is, the increase we are approving today will not actually be paid until next April because of the time it will take the Social Security Administration to make the change effective. The first checks reflecting the new rates will be for March. They will go out in early April along with a separate check covering the retroactive increase for the months of January and February.

Mr. Speaker, this bill has my wholehearted support. These increases in social security benefits are long overdue. In the future we should see to it that social security beneficiaries should not have to wait so long to be compensated for their losses of income resulting from inflation. President Nixon has proposed tying future social security increases to rises in the cost of living on an annual basis. That is the best way to handle the problem and I hope Congress will give serious consideration to it in the next session.

Mr. McCLORY. Mr. Speaker, in my opinion the House is acting responsibly today in the passage of amendments to the social security law—increasing benefits across the board at the rate of 15 percent.

While this increase exceeds the amount requested by the President, it should be pointed out that the President had requested an additional cost-of-living provision so that benefits could be automatically adjusted to reflect the rising prices of food, lodging, and other essentials.

There is a tendency to play politics with the welfare of our older citizens—and to depart from the philosophy upon which social security was established—of a self-sustaining program—by asking to dole out benefits for which no corresponding revenue is provided.

By acting on the present needs of existing beneficiaries, the committee has recommended increases which do not require an immediate increase in rates or total of social security taxes.

It is heartening to know that other subjects related to those which we are acting upon today will be reviewed carefully by the Ways and Means Committee early next year, with the production of a supplemental bill scheduled by March 1.

Mr. Speaker, I am pleased to indicate my support of the bill, H.R. 15095, and in this way to communicate with the 25 million persons benefiting from social security that the Members of the Congress are conscious of their problems and their needs, and are endeavoring by this legislation to act responsively as well as responsibly consistent with our roles as lawmakers.

Mr. TUNNEY. Mr. Speaker, we can all take heart in the prompt, decisive action of Congress to increase social security benefits by 15 percent, and to raise minimum monthly payments, effective in January. I was unable to be present for the vote on this bill because of previously

scheduled meetings with local officials in my district. Had I been present, I would have joined in the unanimous expression of approval, and voted in favor of the bill.

These increases represent a significant first step enabling more than 25 million Americans to share more equitably in the prosperity which they helped to create. For those who must rely almost exclusively on social security benefits, however, the increases barely compensate for the accumulated burdens of inflation since the last increase in benefits. I have cosponsored legislation which would have resulted in greater improvement in benefit levels. I feel that we must move further ahead than we have today, before our laws do full justice to the aged and disabled.

Mr. PELLY. Mr. Speaker, the 25 million elderly people, disabled people and their dependents, and widows and orphans who now get monthly social security benefits need help badly. The effect of inflation is seriously striking at those living on a fixed income, and I support the Social Security Amendments of 1969 which would raise the benefits by 15 percent.

Not only is the increase necessary, it should be passed with no unnecessary delay. I only wish it could be seen in the checks sooner than next April, but I realize that with the effective date of January 1970, the time required to make the necessary changes in records and procedures that are needed to pay the new, higher amounts, keep it from appearing in benefit checks until April. In addition, I am told, a separate check covering the retroactive increase for the January and February payments would be paid in April if this legislation passes.

Mr. Speaker, I have long supported increasing benefits along with any increase in the cost of living, and I hope this someday will become law. But, in the meantime, I strongly support increasing the social security benefits 15 percent, and I urge my colleagues to vote for this very necessary increase.

Mr. BOLAND. Mr. Speaker, I want to express my support for H.R. 15095—the Social Security Amendments of 1969. I believe Congress must act now to increase social security benefits. Today, 25 million Americans—elderly people, disabled people, widows, and orphans—depend upon these benefits as their primary source of income. It is essential, quite obviously, that their payments must increase as the cost of living rises.

This legislation, providing an across-the-board increase in benefits of 15 percent, will demonstrate to the people of the United States that Congress is concerned about the welfare of those persons who, by reasons of advanced age or unfortunate circumstance, are no longer able to provide fully for themselves and their dependents. H.R. 15095 is legislation that, I feel, demands immediate action, so that the benefit increases can go into effect at the earliest possible date. According to the report of the Committee on Ways and Means, the first social security checks which could reflect the new rates would be for next March, payable in April, with a separate check retroactively covering the increased payment for January and February. This check will also be paid in April. Under this bill, the minimum benefit for a disabled worker, or a retired worker coming on the rolls at the age of 65 would increase from $55 to $64 per month. There would also be an increase in the special payments for those people, who, at age 72 and older, may not have worked long enough to qualify for regular benefits. These payments would be increased from $40 to $46 for an individual, from $60 to $69 for a couple. These increases would help relieve the immediate problems that people on social security face in coping with the rising cost of living.

The last social security increase was for February 1968. Since then, the cost of living has soared 9.1 percent. This increase alone demands that we pass this legislation, and the fact that the cost of living will be up, probably more than 10 percent, by the time the increased benefit checks can be mailed in April, should reemphasize the need for passage of this bill. This is a time of rapid inflation, and H.R. 15095 is a necessary measure if we are to help our older and disabled citizens to maintain the purchasing power of their social security benefits.

Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 15095, to amend the Social Security Act to provide a 15-percent, across-the-board increase under the old-age, survivors insurance program.

Any of us familiar with the increases in the cost of living fully recognizes the problems which people on a limited fixed income face in meeting our day-to-day living expenses. Those people forced to exist on fixed incomes, and especially limited fixed incomes such as social security, find their resources grow smaller and smaller from day to day.

During the 2 years since Congress authorized its last increase in social security benefits, consumer prices for all commodities and services have increased from 116.3 points, based on a 1957–59 mean, to 129.3 points. You can see that what we are proposing to extend to social security beneficiaries reflects little more than that required to break even, assuming that what we voted in 1967 was adequate.

The 15-percent increase in no way reflects any gain in the net income of our social security beneficiaries, nor does it make any provisions for the future when even the most optimistic predictions express the hope that inflation will increase the cost of living by no more than 5 percent a year.

Accordingly, Mr. Speaker, I am firmly convinced that the 15-percent increase is an absolute minimum which the Congress can consider at this time. As the Representative of the largest congressional district in the State of California, both geographically and in population, I urge my colleagues to support the bill reported from the Committee on Ways and Means.

Mr. Speaker, in supporting this minimal increase in our social security benefits, I would like to make one additional comment. As you know, social security benefits are modest at best and many people receiving them also are receiving other sources of income by which they augment their meager incomes. While most of these other sources of income are from private retirement plans, those with the most limited resources are receiving welfare assistance by reason of being blind, aged, or disabled.

It has been our sad experience in the past that whenever the social security benefits are increased, the net result for these, probably the most deserving of social security recipients, has been no increase at all. The reason for this is that the States have reduced the welfare assistance by an amount equal to the increase in social security benefits which the States contend is income.

If we are going to provide increased incomes in order to meet the rising cost of living for these people, we should do just that and insure that the benefits are given to those elderly blind and disabled welfare recipients who deserve it. This 15-percent increase we are voting here today should in no way be a windfall for the State welfare department and provisions must be made in the final analysis, that the increase we vote be passed on to the beneficiary.

Mr. Speaker, I rise to mention this specifically because the provisions to insure this are contained in the Senate bill and hope that in the final analysis, the Senate bill will prevail as far as this aspect is concerned. I am sure that if H.R. 15095 came to us in a manner in which it could be subject to an amendment, that this language would be incorporated into the bill by the House of Representatives.

With this comment, Mr. Speaker, I would like to conclude with a strong endorsement for H.R. 15095.

Mr. DINGELL. Mr. Speaker, the Committee on Ways and Means is to be commended for coming forward in an expeditious fashion with H.R. 15095, the proposed Social Security Amendments of 1969. The 15-percent across-the-board increase in social security benefits provided in this measure is sorely needed by recipients to meet substantially increased living costs.

The legislation properly makes adjustments in minimum and maximum benefit levels which reflect the 15-percent general increase.

I also am pleased that the legislation provides that the general increase in benefit payments shall become effective on January 1, 1970. Unfortunately, the time required for bookkeeping changes is such that the increases will not show up in beneficiaries' checks until April 1970. However, it is my understanding that the Social Security Administration will include a retroactive payment in the checks mailed on April 1, 1970, so that beneficiaries will in due course receive the additional payments.

The legislation recommended by the committee goes well beyond that administration's proposal for a 10-percent across-the-board increase both in terms of the size of the increase and its due date. I feel that the committee's recommendation is very much more equitable than is that of the administration. In fact, I believe that to be fully equitable the legislation should be more generous than that proposed by the committee.

However, in view of President Nixon's veto threat the committee's proposal is probably the best that can be hoped for at this time.

This being the case I want to voice my support of H.R. 15095.

However, I look upon H.R. 15095 as essentially a stopgap measure. The Committee on Ways and Means has promised to proceed with its full scale review of the social security program. I am confident that the committee will report out an omnibus reform measure early next year which I hope will include, among other things, provisions for cost-of-living benefit increases, substantial liberalization of disability provisions, improvements in the medicare program, and necessary financing revisions.

Mr. COHELAN. Mr. Speaker, I rise to support H.R. 15095, to provide a 15-percent across-the-board increase in social security benefits.

The need for this change cannot, in my mind, be overemphasized. According to the Census Bureau, there are today 19,530,000 persons, nearly 10 percent of our country's population, who are 65 years old or older. Of this group nearly 18 million receive social security benefits and, for the most part, these 18 million persons rely on their social security benefits to live.

A few older people work. Many, however, are forced to retire; many justifiably wish to retire, many cannot work because of poor health, and many are widows who lack training and work experience.

In earlier times the problems of old age, disability and unemployment did not constitute major potential problems. In those times a higher death rate at younger ages, the need for farm labor, and the family farm usually provided social care for the aged and disabled. Today, however, the social, cultural and economic forces have changed. We have a large, and growing group of older citizens. We are faced with an economy that is causing untold hardship on people with fixed incomes.

In our industrialized society, there is a premium placed on youth. What this means is that many of our older citizens are forced to retire at a designated age and they are unable to find jobs to supplement their retirement pensions. The increasing urbanization of our society has resulted in a shortage of space in young families to provide even room for older relations. In addition, the cost of maintenance of an older relative can be crushing and burdensome to younger families whose limited resources are already stretched.

It was the promotion of these conditions, exacerbated by the depression, that led to the adoption of the Social Security Act of 1935. The basic premises of the Social Security Act of 1935 have been accepted throughout this country. What has not been fully recognized is that once we accept the social security system, inter alia, we must make sure that it provides adequate coverage for people who rely on it. I know from firsthand experience the hardships faced by our retired citizens. When I am home in the district, I hold neighborhood meetings in which my constituents discuss problems that require legislation. It is heart-rending to see justifiably proud retired people asking for congressional relief from the low and inadequate social security benefits. I do not have to tell the Members of this body the difficulty people over 65 have trying to live on a minimum social security payment of $55 per month.

According to the Social Security Administration, the average payment to persons over 65 is a mere $98 a month. Is it any wonder then that in this period of galloping inflation, this pittance is insufficient to cover the bare necessities of life? I realize that many older citizens have additional sources of income, but there are literally millions who rely solely on their social security benefits.

Elderly persons on fixed income cannot continue to exist in their present circumstances. This bill will provide a 15-percent across-the-board increase in social security benefits, effective January 1, 1970. It also allows for the following additional benefits: First, increase in the minimum benefit from $55 to $64 for single persons and $82.50 to $96 for couples; second, increase the special payments for persons 72 and over from $40 to $46 for single persons and $60 to $69 for couples; and third, provide maximum benefit increases of $218 to $250 for single persons and from $323 to $476 for couple.

My colleague, the gentleman from Ohio (Mr. VANIK) has recently said on the floor of the House that Mr. Robert Myers, respected actuary for the social security system, concluded that a 15-percent across-the-board increase could be made in social security benefits without increasing the taxable base or the taxable rate.

In addition, Mr. William Hayward, district manager of the Social Security Administration in my home district of Oakland, has informed me that a 15-percent increase falls in line with actuarial estiates of the elderly's needs.

Mr. Hayward stated that a 15-percent increase would cover past increases in the cost of living and also bring the minimum benefits to a liveable standard.

Mr. Speaker, this is a matter of urgent importance. We can no longer afford to ignore and bypass those of our people who live on fixed incomes and who rely on social security as their main means of existence. For all practical purposes, it is these people who, in large measure, bear the cruel and unfair burden of inflation. This bill represents a marked improvement in our social security system—an improvement long overdue. I urge the support of my colleagues for this important bill.

In conclusion, Mr. Speaker, I hope that the committee will act quickly next session, as I am informed they will, to further modify the social security laws.

Mr. NELSEN. Mr. Speaker, I wish to place myself firmly on record in support of the proposal on which we will be voting today which increases social security benefits by 15 percent across the board. These increases would become effective this coming January.

Because of devastating rises in the cost of living over the last few years, many of the elderly simply cannot get by any longer without an upward adjustment in benefits. Inflation has been ruinous to the small, fixed incomes upon which they must rely.

Furthermore, because of an existing surplus in the old age and survivors fund, this increase in benefits will not necessitate any increase in withholding tax rates among employees and employers, who are also suffering from the sharp pinch of inflation.

It is to be hoped, therefore, that the House will speedily approve the recommendations of our Ways and Means Committee, so that final action can be completed before Congress adjourns.

Mr. FASCELL. Mr. Speaker, since monthly social security benefits were first paid in 1940, there have been increases from time to time to take into account rises in the cost of living as well as to improve the economic position of social security beneficiaries. The most recent increase was provided by the Social Security Amendments of 1967 and was effective with the benefits payable for February 1968.

Between February 1968 and October of this year, the Consumer Price Index rose approximately 9.1 percent from 119.0 to 129.8. Moreover, it can be expected to rise an additional 2 percent or so before the increased social security benefits are received next April.

The need for a social security benefit increase at this time is obvious. As the report of the Ways and Means Committee points out, recent revisions in the cost estimates for the social security program show that a 15 percent benefit increase is possible at this time with no increase in social security taxes. In addition, the evidence presented to the committee showed a positive need for an immediate across-the-board increase in benefits.

I wish to congratulate the chairman of the Ways and Means Committee for bringing this matter to the floor as quickly as he did and to urge swift passage of this proposal.

Mr. DONOHUE. Mr. Speaker, as a sponsor of similar legislation, I most earnestly urge and hope that this House will speedily approve this bill, H.R. 15095, to provide at least a 15-percent across-the-board increase in benefits under the old-age, survivors, and disability insurance program, an increase that is desperately needed by millions of older people in this country today.

It is an established but unfortunate fact that an insufficient income is still the major problem deeply distressing over one-third of the some 25 million Americans, now over 65 years of age.

Mr. Speaker, it is a further harsh reality that insufficient income will continue to be the major problem of most all of our senior citizens if we do not promptly approve social security benefit increases.

It is inconceivable to expect some 25 million Americans, all nearly totally dependent upon social security benefits, to exist on income that is at or very near the poverty level.

Today, one out of every eight Americans count on their monthly social security check for the mere essentials of a decent life and the stark economic fact

is that their present check is not large enough to provide these essentials.

Therefore, Mr. Speaker, the imperative need of these social security recipients, in the face of continuous inflationary advances, in the costs of every service, food staple and medicine necessary to minimal living in this affluent land is an immediate and substantial increase in their social security benefits and allowances.

Let us, then, in simple justice, enact and approve this proposed increase before us, without delay, while we look forward to further and essential improvements in our social security system in the near future, such as automatic cost-of-living increases, reduction of the retirement eligibility age, income ceiling elimination, liberalization of the definition of disability, and many other strengthening changes that I and others have proposed to bring this social security system into more realistic accord with the demands of our modern economy and to enable our older citizens to improve the quality of their lives in this country, for which and to which they have sacrificed and contributed so much, in the past.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 15095 to provide urgently needed increases in social security benefits.

The some 25 million now receiving benefits under this program are the elderly, disabled and their dependents, and widows and orphans. This group is the least able to bear the cruel brunt of inflation. The impact of the spiral in living costs has undermined the value of every social security check—three-quarters of the recipients are older Americans to whom the check generally represents the greater part of total income. Millions of younger people receive benefits under the disability or survivor provisions. Again, I say, these groups can ill afford these losses.

Our older citizens have had some $3 billion in purchasing power taken away by inflation since 1965. Even with the 7-percent increase in 1965 and the 13 percent last February, the benefits are worth less than they were in 1958 and the 15-percent increase will compensate for the erosion that has taken place and allow them to live in some degree of dignity.

We must act now to protect the needy, the elderly, and less fortunate—those who have a very modest means of livelihood. We can defer consideration of time-consuming reforms needed in the overall program but we cannot defer any longer the worsening economic conditions of the millions who benefit by the program. We must remedy the real losses suffered by those who now receive social security benefits by increasing payments to meet today's prices.

Mr. Speaker, I urge and support immediate action to alleviate the hardships of those who must depend on these benefits to live.

Mr. MONAGAN. Mr. Speaker, I rise in support of H.R. 15095, a bill which provides an across-the-board increase of 15 percent in social security benefits.

The need for this legislation is clear and pressing. Many of our elderly and disabled citizens rely upon their social security payments as their sole source of income, and in these times of skyrocketing prices it is no wonder that people such as they who are on fixed incomes have a difficult time making ends meet. The cost of living has risen 9.7 percent since February 1968 when the last social security increase was voted. It is incumbent upon Congress to raise payments as much as we can within the limits of fiscal responsibility. On September 9, I joined with a number of my colleagues in calling upon the Ways and Means Committee to open hearings on social security legislation and I then maintained that an increase of at least 15 percent was in order. At that time I stated my belief that such an increase could be granted without a tax increase and I am pleased to know that the committee report on this bill bears out my belief. The rise in payrolls also provides a rise in payroll taxes.

I congratulate Chairman WILBUR D. MILLS and the Ways and Means Committee for recognizing the need for increased payments and for speedily reporting out this bill, and also for making the consideration of other social security reform proposals the first order of business when the Congress reconvenes next year.

Twenty-five million elderly or disabled people, widows, and orphans who now receive monthly social security payments will directly benefit from this measure, and I urge my colleagues to suspend the rules and pass the bill.

Mr. CRAMER. Mr. Speaker, I am delighted to have this opportunity to lend my wholehearted and unqualified support to the action of the House today in approving a 15-percent benefit increase for all recipients of social security payments. I have over the years strongly supported across-the-board increases in benefits to enable our senior citizens to at least partially cope with the ever spiraling cost of living. Earlier this year I specifically recommended a 15-percent increase, retroactive to January 1 of this year. While I am disappointed that the increase was not made retroactive, I am nevertheless gratified that the House has acted expeditiously to grant desperately needed relief to the millions of social security beneficiaries across the Nation. The House bill proposes that the 15-percent increase become effective with the benefits payable for January 1970 and I hope the Senate will agree to prompt approval of the House bill so that the legislation will be enacted before the first of the year. The President has pledged his support of the proposed increase if it is sent to him as a separate bill and, since the House has now passed such a bill, I would hope the Senate will cooperate in speeding the bill to the White House for signature.

As a longtime supporter of legislation for the benefit of our senior citizens living on limited social security payments, I can see no more urgent business before us than the immediate enactment of the proposed increase. As the representative of a district where a large number of senior citizens reside, I can personally attest to the undeniable need of our retirees for immediate economic relief to help them to afford the most basic necessities of life, and to thus live with dignity.

I have also in the past strongly recommended the enactment of legislation to provide for automatic increases in social security benefits as the cost of living increases. As living costs rise, those presently employed receive increased wages to help them meet this rise. Further, certain groups of retirees already enjoy automatic cost-of-living increases. I believe it is only equitable that social security recipients should be entitled to automatic increases as well and I want to again recommend, in future legislation, that a provision for such automatic increases be included, along with certain other proposals I have suggested, including increases in the amount of outside earnings permitted without loss of benefits, and the inclusion of prescription drugs under medicare coverage.

Again, I am pleased to join my colleagues today in supporting passage of the current 15-percent increase bill and I respectfully urge its immediate approval by the Senate.

Mr. CHAMBERLAIN. Mr. Speaker, I rise in support of H.R. 15095, providing for an across-the-board increase in social security benefits of 15 percent effective January 1, 1970.

This action is imperative in view of the inflation that has occurred since the last cost-of-living adjustment some 2 years ago. It is obvious that if we do not act now we are requiring 25 million Americans—the elderly, the disabled, the widows, and orphans—to take further benefit reductions in terms of real income.

The bill before us today does not include all of the reforms that are needed in our social security system. While I had hoped that the committee's study of these other areas would have been completed by now, it is apparent that more review and deliberation is necessary. At the earliest possible date I believe the Ways and Means Committee must, and I have every reason to believe that it will, resume consideration of these areas. I am encouraged by the assurances given by Chairman MILLS in this regard. I would particularly hope that favorable consideration would be given to the Administration's request for automatic cost-of-living benefit increases in order to eliminate the problem of these benefits lagging behind the rest of the economy. I also want to urge that changes be made in the retirement test to minimize as much as possible the present limitations which stifle the incentive to work. Too many of our people in their later years are having a difficult enough time as it is without being penalized for wanting to supplement their modest incomes. I further agree with the President's recommendation that the level of permissible outside earnings be tied automatically to the cost of living to insure continued fairness. The administration proposal that would permit a widow at age 65 to receive the full benefits of the amount her husband would have received at age 65, rather than the 82½ percent as under present law, should also be adopted.

These are just some of the areas that need action. By what we do today, we are making a good start but we must make these other concerns the first order of business next year and finish the job.

Mr. GRAY. Mr. Speaker, this day is long overdue for 25 million Americans

who draw social security. H.R. 15095, granting a 15 percent across-the-board increase in all forms of social security benefits, will mean much to the disabled, the elderly, widows, orphans, and retirees. In the 21st Congressional District of Illinois we now have approximately 69,000 persons drawing social security benefits with total annual payments of over $74 million. When this bill becomes, law it will mean an additional $11,800,000 per year to my people.

Mr. Speaker, I am concerned that some beneficiaries will not get the 15-percent increase effective January 1 because they are drawing public aid, veterans pensions, miners pensions, and other supplementary income, because the States or other agencies will merely reduce the other pensions or public aid by the 15-percent increase we are allowing here. I am happy that my distinguished friend, the gentleman from Arkansas (Mr. MILLS), has given us assurance that this matter will be considered by his committee on Ways and Means in January. These people are entitled to both pensions and I certainly want to see them get both. I want to commend the gentleman from Arkansas (Mr. MILLS) and his entire committee for reporting out the social security bill for passage. I am happy to be a cosponsor of this needed legislation.

Mr. MADDEN. Mr. Speaker, the passage of H.R. 15095, legislation providing for a 15-percent increase in social security for over 25 million social security recipients throughout the Nation will, indeed, be welcome news for millions of our citizens who are struggling to meet the unreasonable high cost of living burdens which exist today.

I wish to commend the Ways and Means Committee of the House for reporting favorably on this legislation and also for the committee's long and arduous work in this session to enact a general tax reform bill for the first time in almost 25 years.

When the members of the Ways and Means Committee come before our Rules Committee each year with tax legislation, I have been urging them to present the Congress with an effective tax reform bill for the last 8 or 10 years. In this session the Ways and Means Committee started in January and held over 4 months of hearings and reported out a tax reform bill which was passed by the House several months ago and was acted on by the Senate last week. The conference committee, composed of five members of the Senate Finance Committee and five members of the Ways and Means Committee, began deliberations today to iron out and compromise on the differences between the tax reform bill passed by the House and the bill passed by the Senate last week. If the conferees will only keep in mind the necessity to aid the millions of salary and wage earners, and elderly and retired folks over the Nation, to help in meeting the high cost of living, it will not only contribute considerably to restoring unemployment but relieve the threat of a possible depression over the Nation.

Older folks will remember that the greatest depression in the history of the country took place in the early 1930's and was caused by millions of unemployed, low wages, and lack of buying power. In those days, industry, manufacturers, banks, and real estate operators were making big profits but when the public buying power became low, factories and business slackened or closed—over 14 million were out of work and the financial pillars of our Government were shattered. Our system of Government was on the verge of collapse. Communist agitators were active in the major cities of our Nation creating more discontent and consternation among the unemployed and the millions who were on relief rolls. It took over 10 years during the middle 1930's to rebuild the foundation of our economic system and establish prosperity and buying power for our citizens.

I do hope the conference committee, when they return their verdict on the tax reform bill, will not disregard the fact that this social security increase legislation, the $200 increase in Federal tax exemption to millions of families, will be a major stroke in building a barrier against the threat of another depression. The theory expounded that increasing the buying power of millions will create inflation is a fallacy. High interest rates, high profits, and high prices created by profiteers is the basic foundation that creates inflation which was demonstrated in the 1920's and brought on the great depression of the early 1930's.

If the Congress could only resist the powerful lobbies that infest Washington and eliminate the fabulous, and in most cases, fraudulent loopholes so that the billions of dollars which are now enjoyed by tax-dodging industries and corporations, it would aid in relieving the tax burden on the salary and wage earners who constitute the buying power of the country and prosperity and full employment could be restored.

I do hope that the Ways and Means Committee in the next session of Congress will continue the good work that it has only started in this first session of the 91st Congress and equalize the tax burden and relieve the burden on wage and salary and low-income citizens who pay almost two-thirds of the Federal taxes of the Nation.

I congratulate the Ways and Means Committee and the Congress for making a good start on tax reform in this the first session of the 91st Congress.

Mr. PEPPER. Mr. Speaker, we are all deeply gratified that the able chairman of the Ways and Means Committee brings before the House this afternoon H.R. 15095 providing for a 15-percent across-the-board increase for all benficiaries of the social security program. While a 15-percent increase for all social security beneficiaries is very much better than the 10 percent the President recommended it little more than makes up for the cost-of-living increase which social security beneficiaries have had to bear. We all recognize that a 15-percent increase in social security benefits however desirable as an emergency measure is grossly inadequate to meet the needs of our citizens who are social security beneficiaries—many of whom wholly or largely are dependent for their livelihood upon their social security benefits. I have introduced and presented to the Ways and Means Committee H.R. 14745 which increases all social security benefits 25 percent for the present, provides a minimum of $100 a month and in many respects expands our social security program in a way I deemed to be very much needed. My able friend from New York (Mr. GILBERT) has pending before the Ways and Means Committee, H.R. 14430, providing for a 20-percent increase in social security benefits and in many other commendable ways expanding our present social security law. I would support Mr. GILBERT's bill as well as mine if it appears that that bill has the best chance of future passage. I will support the best bill we can get to meet the tragic need of the social security beneficiaries of this country, so many of whom either wholly or largely are dependent for their living upon what they derive under social security legislation.

But the pending bill providing for an increase of 15 percent in social security benefits across the board effective January 1 is a very excellent beginning by this House in the adoption of an enlarged and expanded social security program consistent with the needs of the people of this country. I am hoping that we shall be able very much to expand this program and increase the benefits of it during 1970 and I hope early in the year.

Mr. PHILBIN. Mr. Speaker, I am delighted that at long last this fine bill, increasing social security benefits across the board by 15 percent has come before the House for action. Of course, it will be unanimously passed in this body.

I compliment the able, distinguished chairman and the committee members for bringing it to the floor. While I was hoping that it would be here before, I am, nevertheless, very happy and grateful that it has come to be passed by our eager membership before Christmas. I know that the committee has worked laboriously and very ably to produce this bill.

Sometime ago, I introduced my own bill, H.R. 11603 also providing for a 15-percent increase in social security benefits across the board. I did this, even though I felt that the plight of social security recipients in these days of high inflation, exorbitant prices and living costs warranted a much higher increase than the one authorized by the bill.

There were those who hesitated to accept the 15-percent increase proposal because they said the President would not sign such a bill.

With this conclusion, I did not agree, because I believed the President, notwithstanding his reservations because of the high budget, would, nevertheless, sign the bill, and because he will be convinced, as we are, that it is just, right, proper and urgently needed.

I also found out some time ago from the actuaries handling the social security funds that a 15-percent raise would be possible this year, because present funds in the pool would justify that kind of withdrawal, and this is another very strong argument; namely, that the bill is not going to cost the Treasury anything from the national revenues.

While I am greatly delighted and en-

thused that Congress is passing this bill, I still remain very much concerned about skyrocketing costs, and the inadequacy of current, social programs.

I think one of the most critical questions pending in the country today is the rapid development of poverty conditions affecting social security and old age assistance recipients and victims of hunger and privation in this country.

It must be obvious to anyone who understands current benefit allowances that these fine people—veterans of industry, agriculture, the professions, and other callings in American life—who worked hard during their active, gainful years to sustain and educate their families and now in their declining years find themselves without the means to support themselves in common decency must be helped now.

I have been a longtime supporter of social security. Before I came to Congress in my early youth and later, when I worked at different times, during college vacations, under the great late Senator David I. Walsh of Massachusetts, on the Senate side, I played an active role in helping to shape up the original social security bill and related legislation.

I was never satisfied, however, with the benefits, nor with the particular overall plan, that was set up then as the basis of the original bill presented to the Congress.

I had other thoughts about the way the social security problems should be handled but they entailed a merger of various concepts relating to social security and survivor benefits, sickness, health, and unemployment compensation, which would provide adequate, annual income to cover the needs of our older people, adjusted to economic indexes and price levels, so that these benefits would fall and rise with the general prosperity and price levels in the country, and thus do justice to many ordinary people in their advanced years.

While labor, industry, and the Congress, to some considerable extent have sought to implement these principles, I am sorry to state that the Federal Government has not as yet done so fittingly, nor is it moving fast enough, by any means, to correct the shortcomings, inadequacies and maladjustments that exist in social security, medicare, and medicaid, hospitalization and other basic, urgently needed, social programs.

However, I will not elaborate on this subject at this time, because I merely want to get across this idea—that social security benefits and medical benefits programs, across the board, and other related programs to help the aged and retired people and the disabled, are not functioning properly, adequately or efficiently in our society at the present time. I blame no one for this, but urge corrective action to come to grips with these programs.

Let me insist that these benefits are woefully inadequate in this modern age of skyrocketing prices, hospital costs, and medical fees, drugs, medicines, rents, and about everything else we use in this economy necessary for comfort and decency in sustaining tolerable conditions in the home, and providing proper care and treatment in event of disability and sickness.

It is obvious that current funds and administrative mechanisms cannot do this job, as they are presently constituted.

Congress should and must, as I have urged many times, move in these areas without further delay, not just with a design to do patchwork, but with a major purpose and plan to reorganize, revamp, reshape, reconstitute and, if necessary, consolidate, all the agencies that are involved, above all, to find a way to meet the mandatory demands and needs of the aged, the disabled, elderly people, and retirees in this country, who cannot possibly get along as they are at present, but must have much larger incomes to keep body and soul together, to pay for necessary food, clothing, medical care, and other needs, to make these people as comfortable, and happy as possible in their advanced years.

This cannot be a casual, short-time, stopgap program. It must be a concentrated, broad, long-time, accelerated drive featuring recodification, restructure, and new alinements of the contributions, grants, entitlements, services, and fund benefits to make this great, social legislation what it should be, to do the big job that has to be done, to rescue our older people from dire poverty, and speedily give them a place of comfort, decency, and adequate care and services of many kinds that they need to live as decent human beings. Speed, scope, simplification, efficiency, system, and sense must prevail in such a massive, corrective, and renovative effort.

I hope that the leadership of the Congress will give this matter top priority as a great national program, which cannot be subordinated, downgraded or deferred, but must be restructured on a crash basis to meet current contingencies and urgent social needs of countless fellow citizens and residents of our country now and in the future.

Mr. Speaker, I intend to continue my labors to press for early consideration and action on such a program. Few things have higher priority in our contemporary society than prompt justice for social security recipients and other people in advanced years.

I urge our appropriate committees to plan and carry out a crash basis program in this field.

Congress must act now.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I am happy to vote for an increase in social security benefits. I do not consider this an ideal reform of the social security law nor a sufficient increase in benefits. But I know that more comprehensive and substantial changes in the social security law will be forthcoming in the second session of this Congress, and I certainly hope it will be in the early part of the second session.

At the beginning of the 91st Congress, I supported as a minimum 15-percent across-the-board increase in social security benefits with automatic cost-of-living increases. I still believe that this is the absolute minimum increase that must be enacted. I have supported and will continue to fight for legislation that will contain these improvements in the social security system:

First, two 20-percent across-the-board benefit increases—the first on January 1, 1970, and the second on January 1, 1972, and a two-step boost in the minimum benefit bringing it to $120 a month by the beginning of 1972.

Second, base a worker's social security benefit on his highest 10 years' earnings out of any 15 consecutive years after 1950.

Third, at age 65, provide a widow's benefit amounting to 100 percent of the deceased spouse's benefit—the present law limits it to 81½ percent at age 65.

Fourth, for beneficiaries who continue working, increase the income a person can earn and still get full social security benefits.

Fifth, raise the lump sum death benefit to $500.

Sixth, reduce the disability benefit waiting period from 6 months to 3 months and liberalize the definition of disability.

Seventh, eliminate the age-50 limitation for disabled widows and increase the benefit for them to that of regular widows' benefits.

Eighth, do away with the requirement that men who retire at age 62 must comput their average earnings by including years up to age 65, thus lowering their retirement benefits excessively.

It is difficult for me to imagine that anyone could be opposed to these necessary and minimum increases in social security benefits. It is impossible, absolutely impossible, for any senior citizen to live a healthy life in a decent environment on present social security benefit levels. I would not ask anyone to try to live on anything near $100 a month. With that type of income, one can have no recreation, only a half decent diet, poor housing facilities and no new clothing, even infrequently.

Adequate social security benefits are the right of those people who have contributed to the social security system or have worked during their earlier years. Every man who has worked in the United States has contributed to the growth and productivity of this Nation. He deserves to share in the wealth of that nation and to partake in the bountiful goods he has helped make available. It is our duty in the Congress to provide those retired persons with sufficient funds to have a decent and happy retirement. They must not be plagued with thoughts of where the next meal will come from, they must not be forced to deny themselves a movie because it would mean less food on the table.

There are those few who say that this increase or any further increases will be inflationary. Perhaps this added increase, which will surely go for staples and very minor pleasure, will be inflationary. I am not so sure it will be. But even if it is, I am somewhat bemused by those stalwart opponents of inflation that are quite willing to fight the artificial expansion of our economy with unemployment, decreases in homebuilding, and the inadequate income of our senior citizens. I do not know why recipients of social security, the working man, and postal workers

always have to bear the brunt of anti-inflation measures, particularly the senior citizens. Those people on fixed incomes suffer the most from inflation. They get the same number of dollars, but each dollar is worth less. Why must they be asked to hold the line to resist the inflation caused by others? Why must those who suffer the most be asked to suffer some more to benefit the whole? I would rather see cuts in nonessential defense spending and our space program than to deny an increase in social security or funds for medical research, or providing food for the hungry. For the elderly and the poor can least afford inflation and most critically need added income during inflationary periods.

The senior citizens of this Nation helped to build it. Most of them contributed to social security in the belief that it would provide for them in their old age. We must keep that promise and massive increments in social security benefits are necessary to do so. This increase is the right, not a privilege, but the right of every senior citizen, and if there is anyone here who thinks this 15 percent increase is sufficient, I would like him to read the following acticle from the Boston Record American of Tuesday, December 9. At the present time in the United States there are 2.1 million people receiving the minimum social security payment of $55 a month and 53,000 disability workers who receive the minimum allotment. In many States, including the Commonwealth of Massachusetts, these people will not benefit from the social security increase we passed today. Every additional dollar they get from social security is counted as increased income against old age assistance. After the social security amendments of 1967, I, along with many of my colleagues, sponsored legislation that would not allow increases in social security to be counted against old age assistance. I have spoken with the chairman of the Ways and Means Committee about a need for a change in the law so that legislation passed by the Congress to increase the income of our neediest citizens will not be thwarted and these people will get the gains and benefits they so rightly deserve.

I submit the following article:

FIFTEEN PERCENT INCREASE WON'T BE HELP TO SS NEEDIEST

Nearly 52,000 of the neediest Social Security pensioners in Massachusetts and 1.81 million in the nation won't receive a penny more when and if Congress approves the 15 percent increase in SS payments.

Involved in that group are the people whose income is so low that it is supplemented by Old Age Assistance.

Under present laws, persons receiving state welfare payments—called Old Age Assistance in Massachusetts—are allowed a fixed amount of income.

That total includes any income from Social Security.

If the SS allotment is increased the increase must be deducted from the state welfare figure set for the recipient.

Presently, the average monthly payment for Old Age Assistance recipients in Massachusetts is $155.26.

It is expected the cost of living increase will push that figure to $156.70.

And there are expected to be nearly 55,000 OAA recipients in the state next year.

If the 15 percent Social Security increase comes through as expected, they will actually get the Social Security increase but that amount will be deducted from their OAA payments, so that, in effect, they will not receive any more money.

The state Dept. of Public Welfare has a budget of $101,700,000 for the fiscal year, 1970, and a 15 percent Social Security increase will actually benefit the department as it will be able to slice its OAA payments.

The House Ways and Means Committee was aware that the needy would not benefit by the 15 percent increase when the legislation was drafted.

However, it was felt it could not get involved in the intricacies of welfare legislation and still produce a Social Security increase bill in time for enactment this year.

It is expected the problem will be considered early next year when the committee undertakes extensive overhaul of both the Social Security system and the welfare program.

In Massachusetts, Sen. Sam Harmon (D-Mattapan) has already filed a bill for consideration next year to make any Social Security increases non-deductible from monthly checks of Old Age Assistance recipients.

One way to ease the situation would be for the states to re-estimate minimum living budgets, thus giving all welfare recipients an increase.

There are more than 25 million Social Security beneficiaries in the nation. Included are 12.4 million retired workers, including 2.1 million receiving the minimum payment of $55 monthly, and 1.3 million disabled workers, among whom 53,000 receive the minimum.

Mr. FLOWERS. Mr. Speaker, I wholeheartedly join in support of H.R. 15095 to provide an across-the-board increase in social security benefits of 15 percent for the 25 million elderly people, disabled people, and their dependents, and widows and orphans who now get monthly social security benefits. Were it not for the terrible effect of inflation on our citizens with fixed income, one might be led to believe that 15 percent as provided by the bill was a very sizable increase in benefits. However, Mr. Speaker, inflation has taken care long ago of this increase, and the bill that is before us now is absolutely necessary and even long past due to take care of the mounting needs of our citizens now on social security and those soon to be included.

Therefore, Mr. Speaker, I rise in support of the social security amendments of 1969 as included in H.R. 15095 and urge the adoption of the committee bill.

Mr. OBEY. Mr. Speaker, to start at the beginning, I should like to state the plight of older Americans in a simple, nonstatistical way, using the words of one of my constituents. With straightforward declarative eloquence, this farmer explained:

My machinery is getting old like I am.

Then, after discussing the hardships ahead, this 62-year-old man—a farmer for 40 years—wrote:

I hope you see fit to pass some kind of bill to retire gracefully and still keep our farm.

His statements are worth repeating because of the axion that no one ever really believes he will grow old. When an older American speaks for his generation so poignantly, even the youngest Member of this House can appreciate what it is like to realize that the past is outdistancing the future.

Mr. Speaker, I support this legislation to increase social security benefits by 15 percent, effective January 1. It will mean a timely boost for the 25 million people—the elderly, the disabled, the widows and orphans—who now receive monthly social security payments.

As the Ways and Means Committee acknowledges in its report on this bill, there was—and is—"a pressing and urgent need for an increase in social security payments." Just as significantly, the committee has promised to make social security programs its first order of business when the Congress reconvenes next month. I commend the committee for delivering this 15-percent benefit increase, but I hope we can go further before dropping social security considerations.

Areas where additional action is needed include:

First. A greater increase in the minimum payment than is contained in the bill. A flat 15-percent increase is not as fair as it should be to those who receive the minimum social security benefit.

Second. Provision for automatic cost-of-living adjustments in social security payments.

Third. Provisions assuring pensioners that increases in social security will not result in a disproportionate decrease in veterans or other types of pension benefits.

In the 90th Congress, for example, when social security benefits were increased, over 173,000 persons consequently lost veteran's pension benefits. This produced a significant hardship on many of our older persons.

The Ways and Means Committee's bill would increase social security payouts by $1.7 billion through the middle of 1970, for the worthy purpose of helping Americans face old age or disability with dignity.

When the Congress can provide money for supersonic transports and extra moon shots, we ought to be able to provide that dignified retirement for elderly Americans.

Mr. Speaker, as you know, the Senate's social security reform includes raising the minimum benefit from $55 to $100 per month. I would hope the House conferees on the tax reform bill would give strong consideration to accepting this Senate provision so that we can pass much more adequate social security legislation.

Mr. RANDALL. Mr. Speaker, the passage of H.R. 15095 is the vehicle by which 25,000,000 recipients of social security benefits can start the new year with some reassurance that they have not been forgotten by the Congress of the United States. It is a privilege to support H.R. 15095 and, yet it is with a sense of some guilt that this increase has not been acted upon much earlier and that we delayed our action until so late in the year.

On May 15, 1969, H.R. 11348 was introduced by a member of the Ways and Means Committee, the gentleman from Ohio (Mr. VANIK) for himself and on behalf of 24 others including myself. Then 5 days later, I introduced by own

bill, H.R. 11495, which was substantially similar to H.R. 11348. Both bills called for a 15-percent increase long before committee consideration. This was at a time when the administration was suggesting a 7 percent social security increase. Much later the present administration came up to 10-percent increase in social security payments but not to be effective until April 1, 1970.

Relying on my conversations with several friends on the House Committee on Ways and Means, I was assured the 15-percent increase would be actuarily sound and now today in the well of the House Chairman MILLS proved that point by saying there was an actuarial surplus of 1.16 percent of taxable payroll which would be an amount sufficient to meet the cost of a 15-percent benefit increase.

It is discouraging to hear minority Members on the other side of the aisle say the passage of this increase will be a symptomatic relief of one of the facts of inflation and proceed to be concerned that this increase will contribute toward inflation. We all want to fight inflation but do we want to fight it at the peril of driving our senior citizens into poverty?

Last week the House passed the so-called poverty bill. Some few of its provisions may be meritorious. Many others are not. But if we go ahead today and approve this 15-percent across-the-board increase in social security payments, and the other body acts promptly we will be taking a step in the right direction to fight poverty. This bill will go further to combat poverty than all the programs of the Office of Economic Opportunity put together because there is a built-in method, ready made by these increases going into the hands of people who desperately need these funds and who will spend these increases quickly to satisfy their needs and thus prevent our senior citizens from being driven below the poverty line.

This is an important piece of legislation. It is estimated that it will affect one out of every eight persons in the country. Ordinarily I would voice strong protest against consideration of such an important measure under the suspension of the rules, but in this instance there may be sufficient justification to warrant a parliamentary situation which allows no amendment and provides only a limited amount of time to each side of the aisle.

The bill provides for a 15-percent across-the-board increase effective January 1, 1970, but of course it will take some time to make the necessary changes in the social security records and procedures, and the experts tell us that the first check which could reflect the new rates will be for March, payable in April. But then there should be a separate check covering the retroactive increase for January and February also to be payable in April.

Now, Mr. Speaker, late last winter after the House was so overly generous to grant itself a raise of unprecedented proportions, I commented on the floor that because of this ill-advised and unwarranted congressional pay increase we had all literally thrown our guns out the window, and lost all of our weapons to fight inflation. We could no longer say we had set a good example. How could we accept a 40-percent increase and then shake our heads when the classified Federal employees and our faithful postal workers asked for a reasonable increase in pay? Worst of all, how could we delay as long as we have the consideration for our senior citizens dependent upon social security who are hurt the worst by the cruelty of inflation?

In recognition of this situation which the Members of Congress let themselves in for, on last May 15, 1969, under the 1-minute rule I took the floor of the House upon the occasion of the introduction of my own bill—companion to several others—calling for a 15 percent increase in social security payments. At that time my verbatim comments were as follows:

I admonish and warn the Members of the House that if we adjourn this Session and go home with large salary increases for ourselves without approving an increase in Social Security benefits we deserve the wrath that will come down on our heads.

With only a few days left before the Christmas recess we have allowed ourselves to be placed in the unseemly situation of enacting cliff-hanger legislation. Notwithstanding that we are in these waning days of the first session of the 91st Congress, we at least and at last have a chance to say to those forgotten recipients of social security who have been hurt most due to fixed and limited income that we are determined not to adjourn this first session without in some degree redeeming ourselves. We will have to admit we are late. We have been slow. But today we have the opportunity to demonstrate affirmative action by a positive move to quickly improve the income for our senior citizens dependent upon social security. Let us call the roll.

Mr. RYAN. Mr. Speaker, the plight of approximately 25 million people—older people, disabled people and their dependents, widows and orphans—evidences the urgent need for an immediate increase in social security benefits.

The bill before us today, H.R. 15095, provides for an across-the-board increase of 15 percent, effective January 1, 1970.

Lest any of my colleagues be deluded by thinking that this increase will be a cure-all for the dire situation which exists among those attempting to live on social security benefits amidst the spiraling cost of living, I would like to call attention to the fact that the last time benefits were increased was February of 1968. President Johnson had signed into law the social security amendments of 1967, which called for an increase of 13 percent.

However, that bill—as the one before us today—was long overdue. While it did provide for an increase of 13 percent, it fell short of bringing the benefits in line with the rising cost of living.

When that bill was signed into law, it was based on calculations for early 1967.

In January of 1968, the Consumer Price Index was at 119.0. The CPI reading for the month of October 1969 was 129.8—an increase of 9.1 percent alone.

Similarly, when this bill is finally signed into law, it will reflect the needs of a year earlier and the 25 million social security beneficiaries will still be without adequate income. Remember, that this increase is not an increase of 15 percent on incomes of $10,000, $15,000, or $20,000 a year. Rather, it is an increase of 15 percent on a $55 a month minimum benefit—or $660 a year. It is an increase of $8.25 a month, or $99 a year.

While I support H.R. 15095, I recognize that it is only a stopgap measure. The House Ways and Means Committee has pledged in its report that its first order of business for the coming session of Congress will be to continue its work on comprehensive social security and welfare legislation.

H.R. 15095, falls far short of the recommendations which I made in introducing legislation to increase benefits—H.R. 14521—and in my testimony before the committee on November 13. However, as I said to the committee, a 15-percent increase is the minimum which Congress should provide this year.

The daily conditions under which the aged, the poor, and the infirm live are growing constantly more acute.

Too many social security beneficiaries, who worked hard and contributed part of their earnings for their old age, now find that they must choose between living on social security benefits in near poverty level conditions, or going on the welfare rolls.

As a matter of human dignity, we cannot continue to expend $70 billion per year on the military, subsidize a commercial supersonic airplane, and lavish unnecessary fighter planes on other nations, while the aged lack basic necessities of life, including an adequate diet and proper health care.

H.R. 15095 is only another block on the crazy quilt mosaic known as the Social Security Act. Instead of odd-shaped-varied-colored patches on that quilt, there must be comprehensive reform of social security legislation so that the needs of our citizens are fully met.

Mr. Speaker, I include at this point in the RECORD my testimony of November 13 before the House Ways and Means Committee at which time I outlined a number of needed revisions in social security legislation:

STATEMENT OF CONGRESSMAN WILLIAM F. RYAN BEFORE THE HOUSE WAYS AND MEANS COMMITTEE IN SUPPORT OF SOCIAL SECURITY AMENDMENTS, NOVEMBER 13, 1969

There must be a multiple strategy for providing a living income, and realistic social security benefits for retired and disabled workers, widows, and dependent wives, husbands, children and parents are essential.

We have an obligation to insure adequate benefits for the 25 million social security beneficiaries, and an increase of 7 percent, 10 percent, or even 15 percent—the least Congress should do this year—will not be sufficient.

Some beneficiaries are able to augment to some degree their benefits by earning supplemental incomes. However, for the vast majority the only means of income is a monthly social security check. Sometimes we lose sight of one very important fact, and that is that at one time they were gainfully employed and set aside a little of their earnings each month to provide for their old age, and the care of their loved ones, under social security.

All the information I have received points out the fact that a benefit increase of 10 percent, effective in March of 1970, as proposed by the Administration will not be adequate to meet the needs of Social Security beneficiaries. Since the last increase in social security benefits in February of 1968, the cost-of-living has risen by 9.1 percent. If the present trend continues, and there is little or no indication that it will not, then the rise in the cost-of-living from February of 1967 to March of 1970 will be more than 10 percent.

H.R. 11349 AND H.R. 14521

I have cosponsored two bills which would increase benefits. The first is H.R. 11349 (the Vanik Bill), which calls for a 15 percent across-the-board increase, with a minimum retirement benefit of $80 payable to those who qualify for benefits at age 65 or older, and also provides for cost-of-living increases. To me, this is the minimum increase this Committee should report out this year. Anything less would be totally inadequate.

The second bill I have cosponsored is H.R. 14521 (the Gilbert Bill). This bill is a comprehensive proposal which provides for a realistic program geared to meet today's needs.

There are many outstanding features contained in H.R. 14521, the most significant of which are: its staged 20 percent across-the-board increases in the monthly benefits—20 percent in 1970 and 20 percent in January of 1972; cost-of-living increases; raising the monthly minimum benefit to $90 in January, 1970 and to $120 in January, 1972; increasing the lump sum death payment to $500 by January of 1970—which doubles the existing ceiling which has been in effect since 1952; and the coverage of legend drugs and some non-legend drugs—such as insulin—under the medicare program.

It also calls for the coverage of disabled workers under the medicare program. But the most notable provision is that which gradually increases the Government contribution to approximately one-third the total cost of the program.

This is a bold program which deserves support.

H.R. 610

Under present law a social security beneficiary who is under age 72, is permitted to earn as much as $1680 a year and still receive all of his benefits. When a beneficiary earns more than the stipulated $1680 a year, his benefits are reduced $1 for every $2 he earns, up to $2880 per year. Over $2880, his benefits are reduced $1 for every $1 he earns. And, no benefits are withheld for any month which he earns less than $140, regardless of his total earnings in the year.

I have introduced H.R. 610, which would amend the Social Security Act so that a beneficiary would be permitted to earn as much as $3600 a year and still receive all of his benefits. If he earns more than $3600 a year, his benefits would then be reduced $1 for every $2 earned, up to $4800 a year. Over $4800, his benefits would be then reduced $1 for every $1 earned. Benefits would not be withheld in any month in which the beneficiary earns less than $300, regardless of his total year's earnings.

Under our present economic condition, the existing retirement test is far too severe. It prevents a beneficiary from supplementing his benefits in a substantial manner. For the average retired worker, who now gets a monthly benefit of $100, and which Congress may raise to about $115 a month, this amendment would mean that he could have an annual income of $6180 a year before suffering any reduction in his social security benefits. In light of present wage scales it would seem reasonable to permit beneficiaries to work, and earn, as much as $3600 a year.

H.R. 616

I would further amend the retirement test by permitting a beneficiary to deduct his out-of-pocket medical expenses from his earned income prior to the determination of his yearly earnings. I have introduced H.R. 616, which contains this provision. These expenses would be allowed only if not compensated by insurance.

Although, medicare takes care of a great part of the medical expenses of people age 65 and over, it does not provide anything for beneficiaries who are under 65, widowed mothers and children, for example. Also many people 65 and over have medical expenses which are not reimbursable under medicare. In many cases, social security recipients must go to work in order to help pay regular or extra-ordinary medical expenses. When they do go to work their social security benefits are reduced by an amount that is determined on the basis of their gross earnings. This reduction in income may make the effort of working self-defeating. In order to alleviate this situation, it would be appropriate to provide that in applying the retirement test, earned income would be reduced by the amount of a beneficiaries' out-of-pocket medical expenses.

H.R. 612

I am encouraged to find that the Administration's bill, H.R. 14080, contains a similar provision as that which is provided in my bill, H.R. 612. This bill would provide benefits for dependent parents of retired or disabled workers.

Under the present law, benefits are provided for dependent parents of a deceased worker, but it does not provide benefits for a dependent parent if the worker is retired or disabled.

A parent who is dependent on a worker who retires, or who has become disabled, is just as dependent on the worker as his wife or children. The parent, as well as the wife and children, loses a source of support when the worker retires, or becomes disabled. My bill provides that the parent would have to be age 62, and to have received one-half of his support from the worker at the time the worker is retired, or becomes disabled, to qualify for such benefits.

H.R. 613

I have also introduced H.R. 613, which would provide benefits for additional dependents. The present law provides monthly benefits for a worker's dependent children, his wife, his widow, and for his dependent parent (if the worker is deceased).

One of the purposes of the social security program is to provide the dependents of a worker with a continuing income when the worker's income stops. It would therefore be in keeping with this purpose to provide benefits to every person who is dependent on a worker for his support. However, practical considerations preclude this, and the law presently provides a limit on the total amount that may be paid to any one worker's account.

On the other hand, it does not seem reasonable to deny benefits to other people who may also be dependent on a worker, particularly in cases where paying benefits to these people would not reduce the payments to the worker's wife and children, or when the worker has no wife or child.

Recognizing that a worker's wife and children have first claims to the fruits of his labor, H.R. 613 would provide that benefits would be paid to a wife or widow, to a child and to a parent, including those of retired and disabled workers, before benefits would be payable to any other dependent. Benefits to other dependents would be paid in the following priority: first to a grandchild, second to a brother or sister, and third to a niece or nephew. In order to qualify for these benefits the dependent would have to be under age 18 or over age 62, and to have been receiving one-half of his support from the worker at the time the worker retired, became disabled, or died.

H.R. 11104

Under the present law a blind person can qualify for disability benefits if he is unable to do any substantial work, or, if he is age 55 or over, and unable to do his regular kind of work. In order to qualify for these benefits, he must have worked in 5 out of the last 10 years, and he can not be presently employed.

I have introduced H.R. 11104, which would provide for the payment of monthly disability benefits to any blind person who, regardless of his age had worked in employment covered by the social security program in any 6 calendar quarters. Once a person became entitled to benefits, he would receive these benefits regardless of how much he worked or how much he earned.

The case for a change such as this proposal suggests, was presented to this Committee by Mr. John F. Nagle, of the National Federation of the Blind on October 27. In his statement, he said,

"Blindness is not a worse disability than any other, but it is different. . . .

"A man may lose both legs, secure artificial limbs and after learning their use, function as he functioned before. The blind person, however, never reaches the point where he is freed from a dependence upon sight. . . .

"The fact is, that whatever level of earnings a blind man may achieve, whatever position he may attain, he functions at an economic disadvantage for he must function without sight in competition with sighted men, he must compete without sight in an economy based on sight."

H.R. 615

At the present time social security laws exempt from coverage Federal civilian employees of the United States. My bill, H.R. 615, would extend such coverage to all employees of the United States on the same terms and conditions which apply to other covered employees.

Federal employees are the only major group not eligible for coverage. Members of the Armed Forces have been covered since January of 1957.

Although Federal civilian workers have a staff retirement program, the present situation is unsatisfactory in a number of ways. Many people work for the Federal government for too short a period of time to qualify for benefits under the staff retirement program. Moreover, if these people eventually get protection under the social security program, they receive no credit at all under the social security program for the time they worked for the Federal government. Therefore, it seems reasonable to extend the social security coverage to Federal employees thereby giving them the opportunity to receive sufficient quarters by their Federal employment to qualify for social security benefits when they retire.

The social security program is the universal income maintenance program in this country and it does not seem equitable to exclude Federal employees—some of whom even administer the program—from its protection.

H.R. 611

H.R. 611, would eliminate the provision in the Social Security Amendments of 1965 which was intended to deny hospital insurance benefits to uninsured individuals who are members of certain organizations or have been convicted of certain offenses, and also eliminates the provision which denies supplementary medical insurance benefits to persons who have been convicted of certain offenses.

Since I first introduced legislation to repeal these provisions, a Federal court has found

them to be contrary to the Constitution and they are not being enforced by the Department of Health, Education, and Welfare. Now these unconstitutional restrictions should be stricken from the statute.

H.R. 614

H.R. 614, would amend the public assistance provisions of the Social Security Act to prohibit the imposition of any durational residence requirement as a condition of eligibility for public assistance. The Supreme Court having declared durational residency laws to be unconstitutional, the Social Security laws should reflect the findings of the Court.

H.R. 620

I believe the limitations on the payment of benefits to aliens which were added by the Social Security Amendments of 1967 are unfair; and I have introduced H.R. 620 to remove them.

H.R. 644

Although it does not pertain directly to the social security program, I should like to again call the attention of the Committee to the plight of handicapped and disabled workers who are unable to use, without undue hardship or danger, public transportation to travel to and from work. I was keenly disappointed that the recent tax bill did not deal with this problem. For many years I have introduced legislation (H.R. 644 in this Congress) to provide a deduction for income tax purposes for expenses paid for transportation to and from work.

In addition, H.R. 644, provides an additional exemption for income tax purposes for a taxpayer or spouse who is physically or mentally incapable of caring for himself.

I urge the Committee to act promptly on this matter.

Mr. DULSKI. Mr. Speaker, I am in full support of the pending legislation, H.R. 15095, to increase all social security benefits by 15 percent effective next month.

I commend the Committee on Ways and Means and particularly its chairman, the gentleman from Arkansas (Mr. MILLS) for bringing this measure before the House at this time.

Obviously, there are other adjustments which should also be made in the social security law. But the current need for an across-the-board increase in benefits cannot wait for the necessary deliberations of the committee on those details.

Our senior citizens, with their fixed incomes, are feeling the effects of inflation more than anyone else. For example, there is no provision in their benefits for escalation in line with the steady increase in the cost of living.

Incidentally, because of the timelag necessary to adjust the payment schedules of all of the individual beneficiaries, the first monthly check to show the proposed increase will not be received until the first week in April. But shortly thereafter an additional check will be sent to each beneficiary to cover the monthly increases for January through March.

Since January, I have sponsored a number of bills calling for changes in the social security law. One provided for the across-the-board 15-percent increase—the same amount called for in the pending bill—but it also provided for an automatic system to cover increases in the cost of living.

I remain convinced that we must install a semiautomatic system tied to the cost of living. However, I recognize the problem of the Ways and Means Committee in trying to deal with anything beyond the across-the-board increase at this point in the legislative session.

In this connection, I appreciate the assurance from the chairman that his committee will consider the other social security law changes when Congress reconvenes next month. There are a number of glaring inequities which must be acted upon.

Mr. Speaker, I hope that the pending bill, H.R. 15095, will have the unanimous support of the House and thus give assurance to our senior citizens in particular and to all Americans in general, that we recognize the inadequacy of the present system of benefits.

Mr. CLAY. Mr. Speaker, I support H.R. 15095, to provide for a 15-percent across-the-board increase in social security payments. One of my first acts in Congress was to introduce similar legislation—providing for a 15-percent benefit increase, and for cost-of-living adjustments in benefits. Since social security payments were increased, a year and a half ago, the cost of living has increased 10 percent. And the meager increase at that time still left the majority of social security recipients living on incomes below the subsistence level.

Inflation has had its most harsh effect upon older Americans. They have no way to fight it—no way out of the cycle. Sources of income for older Americans are limited. Full-time employment for the elderly is exceedingly difficult to find. Due to the restriction on the outside earnings imposed by social security regulations, the senior citizen suffers another squeeze.

Many of these citizens were not so fortunate as to participate in pension plans which would guarantee them sufficient retirement income. Many who felt they had saved and invested for their later years have seen their dollars washed away by inflation until their plans for self-sufficiency have become lost dreams.

These citizens cannot be blamed for their plight and they should not be required to suffer as they now do. There are 1.2 million social security recipients who must rely on old age assistance to supplement their meager social security payments. Many have lost their dignity through public assistance and others have humbly called upon offspring and other relatives to supplement their inadequate incomes.

At a time when all middle- and low-income Americans must pinch pennies, a father of three finds it difficult, if not impossible, to support parents and/or grandparents in addition to his immediate family.

It is shameful that we have delegated our older citizens to such an existence. Today, the average social security benefit is less than one-third the $3,900 which the Bureau of Labor Statistics says is necessary for a modest standard of living. The 2.5 million widows drawing survivor's benefits are living on average payments of $87 a month—or only $1,044 a year. For 80 percent of the older Americans dependent upon social security, the basic necessities of life must be compromised. They go without sufficient food, or clothing, or heat or lights, or housing.

These Americans have been robbed of their dignity—dignity and respect which should be a reward for the toil and tribulations of having lived and worked in this society.

Poverty knows no age limits. It hits the old and the young with equal strength, and equal cruelty. The young must cling to some hope for relief—that things will get better. The old who have had hard times in youth, the old who have worked but who could not anticipate the nature of the present economy, the old who are disabled, widowed, and those who have no families—none of these senior citizens deserve the hardships of old age which they now reap.

The 15-percent increase in social security benefits to be effective January 1, 1970—is the very least we can do for senior citizens now.

Mr. CULVER. Mr. Speaker, I am pleased that the House of Representatives has approved an across-the-board increase in social security benefits, at the full 15-percent rate contained in the legislation which I joined in sponsoring earlier this year.

To do less would have been to ignore the serious plight of more than 25 million Americans who depend upon social security as their primary, if not sole, source of income.

All of us in this House are concerned about inflation. But we cannot fight it at the expense of those same people who are already suffering most from it—senior citizens and persons on fixed income.

Three out of 10 older Americans live in poverty today, and another 20 percent are just above the poverty line. Nearly all of their income is spent on those items whose prices rise most in inflationary periods—food, medicine, and housing. Yet they have been receiving the same social security benefits during a period when living costs have risen by more than 9 percent, and the costs of many of these essential items even more.

We cannot allow this shocking situation to continue. It is our senior citizens who, through a lifetime of work and service in a less technologically advanced period, have provided the foundation for the present economic prosperity and well-being which most Americans enjoy today. It is our responsibility now to assure them a dignified and secure retirement in this society which they helped create.

The 15-percent increase, applicable to benefits payable for January 1970, is the very minimum we can do. Enactment of this bill is not the end, but only the beginning of the action of the 91st Congress in this whole area.

We must also look to such questions as the adequacy of the minimum payment, an automatic cost-of-living increase, increased benefits for the disabled and the blind, more realistic payments for widows and survivors, a new retirement test and income base for benefits, and revision and extension of medicare.

The distinguished chairman of the Ways and Means Committee has already indicated that his committee will continue its examination of these issues, and

will report a comprehensive social security and medicare bill to this House by next March.

I hope that the Members of the House will continue the support of our senior citizens which they have shown in their vote for the 15-percent increase, and that we will set a new standard for the seventies, by enacting the most meaningful and comprehensive social security legislation in the new year.

Mr. MESKILL. Mr. Speaker, I rise to state my strong endorsement of H.R. 15095, the Social Security Amendments of 1969.

The intent of this bill is very simple. It is designed to give a 15-percent across-the-board increase in social security benefits to those in our society who have been the most hard pressed by the rampant inflation that besets our economy at the present time.

Mr. Speaker, our senior citizens, those 65 and over; our disabled; and our widows and orphans; these individuals must be provided with an adequate income to meet their daily living expenses. These are not, for the most part, people who wish to live off the Government. These are people who have worked hard to accumulate their savings only to see them eaten up by rapidly escalating prices and a rising cost of living that has persisted stubbornly in the face of inflationary controls.

The rising cost of living, coupled with the fact that these individuals are largely forced to live on fixed incomes which do not adjust to the rising cost of living, has left these individuals in a desperate situation.

For most of these people, the major source of their income is their social security check each month, their savings having been gobbled up by rising prices. Now, inflation has even decimated the purchasing power of their social security dollars.

Since the last social security benefit increase in February of 1968, the cost of living has risen 9.1 percent. This year alone we have experienced nearly a 6-percent increase in the Consumer Price Index.

Inflation, combined with the administration's tough anti-inflation policy of tight fiscal and monetary control, has left those least able to cope with the situation, caught in the middle.

Justice demands that the Congress take immediate action to grant relief from inflation to 25 million Americans who will be on the social security rolls as of January 1, 1970.

The 15-percent increase in benefits is more generous than the 13-percent increase called for in a bill that I introduced at the beginning of the session. However, since the time I introduced my bill, the cost of living has continued to spiral upward, making the 15-percent increase necessary.

While I fully support this 15-percent increase, I wish to emphasize that this is only a temporary solution to a problem that promises to be with us in the future. Looking at the trend in the cost of living, it seems obvious to me that we must tie future increases in social security benefits to the cost of living index. As the cost of living increases, there should be automatic increases in social security benefits to accurately compensate the decreasing purchasing power of the dollar. Since coming to Congress, I have sponsored legislation to tie future benefit increases to the cost of living. I am disappointed that this proposal was not included in the legislation under consideration by the House. However, I realize that the chairman of the Ways and Means Committee has brought a simple benefit increase bill before the House because of the urgent need for speedy action on this measure. I would hope, however, that the Ways and Means Committee will make consideration of this proposal one of the first orders of business next year.

I would also like to see the committee recommend the abolition of the limitation on the amount an individual may earn and still remain eligible for social security benefits. I hope the committee will give favorable consideration to H.R. 6252, a bill I introduced to remove the earnings limitation.

The Social Security Act is in need of other reforms as well. The Ways and Means Committee has announced its intention to tackle the entire social security and welfare program when it returns to work after the first of the year. This is encouraging. I look forward to their recommendations.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield back my remaining time.

Mr. MILLS. Mr. Speaker, I yield back the remaining time on this side.

The SPEAKER pro tempore. All time has expired.

The question is on the motion of the gentleman from Arkansas that the House suspend the rules and pass the bill H.R. 15095.

The question was taken.

Mr. MILLS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 323]

YEAS—400

Abernethy	Biester	Byrnes, Wis.
Adair	Bingham	Cabell
Adams	Blackburn	Caffery
Addabbo	Blanton	Camp
Albert	Boggs	Carey
Alexander	Boland	Carter
Anderson, Calif.	Bow	Casey
Anderson, Ill.	Brademas	Cederberg
Andrews, Ala.	Brasco	Celler
Andrews, N. Dak.	Bray	Chamberlain
Annunzio	Brinkley	Chappell
Arends	Brock	Clancy
Ashbrook	Broomfield	Clark
Ashley	Brotzman	Clausen, Don H.
Aspinall	Brown, Calif.	Clawson, Del
Ayres	Brown, Mich.	Cleveland
Baring	Brown, Ohio	Cohelan
Barrett	Broyhill, N.C.	Collier
Beall, Md.	Broyhill, Va.	Collins
Belcher	Buchanan	Colmer
Bell, Calif.	Burke, Fla.	Conable
Bennett	Burke, Mass.	Conte
Berry	Burleson, Tex.	Corbett
Betts	Burlison, Mo.	Corman
Bevill	Burton, Calif.	Coughlin
Biaggi	Burton, Utah	Cramer
	Bush	Crane
	Byrne, Pa.	
Culver	Johnson, Pa.	Quie
Daddario	Jonas	Quillen
Daniel, Va.	Jones, Ala.	Railsback
Daniels, N.J.	Jones, N.C.	Randall
Davis, Ga.	Jones, Tenn.	Rarick
Davis, Wis.	Karth	Rees
de la Garza	Kastenmeier	Reid, Ill.
Delaney	Kazen	Reid, N.Y.
Dellenback	Kee	Reifel
Denney	Keith	Reuss
Dennis	King	Rhodes
Dent	Kleppe	Riegle
Derwinski	Kluczynski	Rivers
Devine	Koch	Roberts
Dickinson	Kuykendall	Robison
Diggs	Kyl	Rodino
Donohue	Kyros	Roe
Dorn	Landgrebe	Rogers, Colo.
Dowdy	Landrum	Rogers, Fla.
Downing	Langen	Rooney, N.Y.
Dulski	Latta	Rooney, Pa.
Duncan	Lennon	Rosenthal
Dwyer	Lloyd	Rostenkowski
Eckhardt	Long, La.	Roth
Edmondson	Long, Md.	Roudebush
Edwards, Ala.	Lowenstein	Roybal
Edwards, Calif.	Lujan	Ruppe
Edwards, La.	McCarthy	Ruth
Eilberg	McClory	Ryan
Erlenborn	McCloskey	St Germain
Esch	McClure	St. Onge
Eshleman	McCulloch	Sandman
Evans, Colo.	McDade	Satterfield
Evins, Tenn.	McDonald, Mich.	Saylor
Fallon	McEwen	Schadeberg
Farbstein	McKneally	Scherle
Fascell	McMillan	Scheuer
Feighan	Macdonald, Mass.	Schneebeli
Findley	MacGregor	Schwengel
Fish	Madden	Scott
Fisher	Mahon	Sebelius
Flood	Mailliard	Shipley
Flowers	Marsh	Shriver
Flynt	Martin	Sikes
Foley	Mathias	Sisk
Ford, Gerald R.	Matsunaga	Skubitz
Ford, William D.	May	Slack
Foreman	Mayne	Smith, Calif.
Fountain	Meeds	Smith, Iowa
Fraser	Melcher	Smith, N.Y.
Frelinghuysen	Meskill	Snyder
Frey	Michel	Springer
Friedel	Mikva	Stafford
Fulton, Pa.	Miller, Calif.	Staggers
Fulton, Tenn.	Miller, Ohio	Stanton
Fuqua	Mills	Steed
Galifianakis	Minish	Steiger, Ariz.
Garmatz	Mink	Steiger, Wis.
Gaydos	Minshall	Stephens
Gettys	Mize	Stokes
Gibbons	Mizell	Stratton
Gilbert	Mollohan	Stubblefield
Gonzalez	Monagan	Stuckey
Goodling	Montgomery	Sullivan
Gray	Moorhead	Symington
Green, Oreg.	Morgan	Taft
Green, Pa.	Morse	Talcott
Griffin	Morton	Taylor
Griffiths	Mosher	Teague, Calif.
Gross	Moss	Teague, Tex.
Grover	Murphy, Ill.	Thompson, Ga.
Gubser	Murphy, N.Y.	Thompson, N.J.
Gude	Myers	Thomson, Wis.
Hagan	Natcher	Tiernan
Haley	Nedzi	Udall
Hamilton	Nelsen	Ullman
Hammer-schmidt	Nix	Utt
Hanley	Obey	Vander Jagt
Hansen, Idaho	O'Hara	Vanik
Hansen, Wash.	O'Konski	Vigorito
Harrington	Olsen	Waggonner
Harsha	O'Neal, Ga.	Waldie
Harvey	O'Neill, Mass.	Wampler
Hastings	Ottinger	Watkins
Hathaway	Passman	Watson
Hawkins	Patman	Watts
Hays	Patten	Weicker
Hechler, W. Va.	Pepper	Whalen
Heckler, Mass.	Perkins	Whalley
Helstoski	Pettis	White
Henderson	Philbin	Whitehurst
Hicks	Pickle	Whitten
Holifield	Pike	Widnall
Horton	Pirnie	Wiggins
Hosmer	Poage	Williams
Howard	Podell	Wilson, Bob
Hull	Poff	Wilson, Charles H.
Hungate	Pollock	Winn
Hunt	Preyer, N.C.	Wold
Hutchinson	Price, Ill.	Wolff
Ichord	Price, Tex.	Wright
Jacobs	Pryor, Ark.	Wyatt
Jarman	Pucinski	Wydler
Johnson, Calif.	Purcell	Wylie
		Wyman

Yates	Young	Zion
Yatron	Zablocki	Zwach

NAYS—0

NOT VOTING—33

Abbitt	Cunningham	Leggett
Anderson, Tenn.	Dawson	Lipscomb
Blatnik	Dingell	Lukens
Bolling	Gallagher	McFall
Brooks	Giaimo	Mann
Button	Goldwater	Nichols
Cahill	Hall	Pelly
Chisholm	Halpern	Powell
Clay	Hanna	Tunney
Conyers	Hébert	Van Deerlin
Cowger	Hogan	
	Kirwan	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hall.
Mr. Brooks with Mr. Goldwater.
Mr. Abbitt with Mr. Lukens.
Mr. McFall with Mr. Pelly.
Mr. Dingell with Mr. Cahill.
Mr. Hanna with Mr. Lipscomb.
Mr. Button with Nichols.
Mr. Cowger with Mr. Tunney.
Mr. Van Deerlin with Mr. Conyers.
Mr. Dawson with Mr. Clay.
Mr. Kirwan with Mrs. Chisholm.
Mr. Leggett with Mr. Powell.
Mr. Cunningham with Mr. Anderson of Tennessee.
Mr. Giaimo with Mr. Halpern.
Mr. Hogan with Mr. Gallagher.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

House Resolution 740 was laid on the table.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed (H.R. 15095), Social Security Amendments of 1969.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONNECTICUT-NEW YORK RAILROAD PASSENGER TRANSPORTATION COMPACT

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14646) granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact.

The Clerk read as follows:

H.R. 14646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Connecticut-New York Railroad Passenger Tranportation Compact in substantially the following form:

"ARTICLE I

"For the purpose of continuing and improving the railroad passenger service of the New York, New Haven and Hartford Railroad (and its successors) between the city of New Haven in the State of Connecticut and the city of New York in the State of New York, including branch lines which are tributary to the main line of that railroad between the said cities; Metropolitan Transportation Authority, a governmental corporation of the State of New York and Connecticut Transportation Authority, an agency of the State of Connecticut, acting individually, but in cooperation with each other, or as co-venturers where they deem it advisable and practical, are hereby authorized to do the following where permissible under the enabling laws of their respective States:

"(a) To acquire through eminent domain proceedings, or by gift, purchase, lease or otherwise, the ownership interest in or the right to the use of all those assets of the said railroad (or of any successor in interest to such assets), be they real property, personal property or a combination of the two (including rights arising out of contract, franchise or otherwise), which are or may reasonably be expected to become necessary, convenient or desirable for the continuation or improvement of such service;

"(b) to repair and rehabilitate such assets, or to acquire by gift, purchase, lease or otherwise, such new or additional assets and rights as they deem necessary, convenient or desirable for such continuation or improvement;

"(c) to dispose of any such assets, new and additional assets and rights, or of the right to the use of the same, by conveyance, lease or otherwise (including without limitation, the grant of trackage rights) when and to the extent that they are not needed for such service by the said agencies; and to abandon or discontinue portions of such service when advisable; and/or

"(d) to operate such service, or to contract for the operation of the whole or any part of such service by others.

"To accomplish the foregoing objectives, the said agencies are authorized, individually and jointly, to apply for aid, federal, state or local, to supplement those funds appropriated or otherwise made available to them under the laws of the party states.

"ARTICLE II

"The provisions of this compact shall be construed liberally to effectuate the purposes thereof. Amendments and supplements to this compact to implement the purposes thereof may be adopted by concurrent legislation of the party states.

"ARTICLE III

"This compact shall be of no force and effect unless and until the congress of the United States of America, on or before December thirty-first, nineteen hundred sixty-nine, has consented thereto."

SEC. 2. The consent herein granted does not constitute consent in advance for any amendments or supplements to the compact which may be adopted by concurrent legislation of the party States pursuant to article II of the compact.

SEC. 3. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning the Metropolitan Transportation Authority and the Connecticut Transportation Authority in their operation under the compact as is deemed appropriate by the Congress or such committee.

SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

The SPEAKER. Is a second demanded?

Mr. TALCOTT. Mr. Speaker, I demand a second.

PARLIAMENTARY INQUIRY

Mr. WOLFF. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOLFF. Mr. Speaker, is the gentleman from California opposed to the bill?

Mr. TALCOTT. Mr. Speaker, I am.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 20 minutes.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the legislation before the House is very simple in purpose and effect. It would grant the consent of Congress to a compact between Connecticut and New York. The compact authorizes joint action, as coadventurers, by an instrumentality of Connecticut, called Connecticut Transportation Authority, and an instrumentality of New York called Metropolitan Transportation Authority, in the operation of the passenger service of the New York, New Haven & Hartford Railroad and its successors between Hartford, Conn., and New York City. The purpose of the compact is to enable the two States to continue and improve the railroad passenger service between these cities.

This is a routine legislative measure. It does not appropriate or authorize the appropriation of any money. It is made necessary by the provision of article I, section 10 of the Constitution of the United States that—

> No State shall, without the consent of Congress . . . enter into any agreement or compact with another State.

In other words, congressional consent is needed in order to give full and unquestioned legal status to the bistate operation of passenger service over the lines of the former New Haven Railroad. Those lines form a vital passenger artery used by thousands of commuters daily. The service is now at the 50,000 passengers-per-day level. Unfortunately, at present these commuters must suffer gross discomfort and inconvenience caused by worn out and dilapidated equipment and undermaintained trackage. The two States want to be in a position jointly to improve this critical situation and restore vitality to the commuter service. The compact consent provided in H.R. 14646 will help them to do this.

The legislatures of the two States have enacted the subject compact in identical statutes, namely, section 1 of chapter 824 of the Laws of New York for 1968, approved June 1, 1968, and section 1 of Public Act 46 of the Laws of Connecticut for 1969, approved April 21, 1969. Certified copies of this legislation is in our files.

The compact by its terms provides that the cooperating State agencies may—

First, acquire assets of the New York, New Haven & Hartford Railroad where needed for the continuation or improvement of the railroad passenger service of that railroad;

Second, repair and rehabilitate such assets;

Third, dispose of such assets where not needed; and

Fourth, operate or contract for the operation of the service.

The cooperating State agencies are

also authorized to apply—I stress the word "apply"—for aid, Federal, State, or local. By its terms the compact legislation lapses if Congress fails to consent to the compact by December 31, 1969.

It should be emphasized that in giving the State agencies the authority to apply for aid, the compact merely expresses the commitment of the two States. It has no effect whatever upon the Federal Government except to vouch for the authority of the two agencies as applicants.

There has been comment on the fact that Federal aid has already been sought and has, to some extent, been approved for the modernization project which is the subject of the compact. I would like to repeat what I have already on occasion stated with regard to this, namely, that the grant or grants of funds were not authorized by compact approval legislation and that compact approval legislation does not authorize the grant of funds.

As regards the financial details of the project under discussion, a very able analysis by the gentleman from Connecticut (Mr. MESKILL) indicates that a matching grant of $28.4 million has been approved by the Department of Transportation. That Department's letter approving the subject legislation reads in part:

> The basic purpose of the bill is to give full and unquestioned legal status to the bi-state operation of rail commuter service over the . . . lines of the former New Haven Railroad . . . The Department recognizes the need for the explicit, legal base the compact provides . . . This Department strongly supports the bills.

Attention of the Members is also directed to sections 2, 3, and 4 of H.R. 14646. Section 2 makes clear that consent of Congress to the compact will not constitute consent in advance for amendments or supplements to the compact which may hereafter be adopted pursuant to article II of the compact. In other words, changes would have to be brought back for congressional approval. Section 3 reserves the right of Congress and its committees to require information from the State agencies in their operation under the compact. Section 4 contains the customary reservation of the right to alter, amend, or repeal.

While the present legislation was pending on the Consent Calendar the other body, on November 19, 1969, enacted identical legislation without dissenting voice, as S. 2734. I urge prompt enactment of H.R. 14646. When it is passed I shall ask unanimous consent to take S. 2734 from the Speaker's table for immediate consideration.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Washington.

Mr. ADAMS. According to the letter from the Governor of the State of New York, which is in the report, there is going to be about $56 million at one point, and hopefully $80 million, of Federal funds.

In the Committee on Interstate and Foreign Commerce we have spent 3 weeks of hearings trying to put together a national rail program. This bill means taking it piecemeal.

I want to know if the gentleman has studied the merits of the administration proposals, from DOT and ICC, for the establishment of a national passenger rail net, as a part of the legislative history on this legislation?

Mr. KASTENMEIER. I can state to the gentleman that we have the report of the Department of Transportation approving the legislation.

I realize the Committee on Interstate and Foreign Commerce has been undertaking a study of American railroads.

Mr. ADAMS. It is not just a study. We have executive sessions scheduled on the bills for the middle of January.

The SPEAKER. The gentleman from Wisconsin has consumed 15 minutes.

Mr. KASTENMEIER. Mr. Speaker, I reserve the remainder of my time.

Mr. TALCOTT. Mr. Speaker, I yield 10 minutes to the gentleman from Connecticut (Mr. MESKILL).

(Mr. MESKILL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. MESKILL. Mr. Speaker, first, I wish to reiterate the purpose of this legislation. The sole purpose of H.R. 14646 is to meet a constitutional requirement that all interstate compacts be approved by the Congress of the United States. If I may, I would like to read from the U.S. Constitution. Article I, section 10 states:

> No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in Time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Compliance with the Constitution, then, is the single reason for this body to take action on this legislation. By acting favorably on H.R. 14646, we are merely giving authority to two legal entities, the Connecticut Transportation Authority—CTA—and the Metropolitan Transportation Authority of the State of New York—MTA—to enter into an agreement to act jointly to improve and modernize railroad passenger transportation services between the two States.

Mr. Speaker, unless we give congressional consent to this interstate compact, the States of Connecticut and New York will not be able to act in concert to improve railroad service between their two borders.

I cannot reiterate strongly enough that favorable action on this bill will only confirm an agreement which has been entered into between the respective transportation authorities of the two States.

Enactment of this legislation in no way commits the Federal Government to the expenditure of any funds.

If we pass this bill, all we are doing is granting legal authority to two legal entities to act together for a specified purpose.

The funding aspect of improving and modernizing the New York, New Haven & Hartford Railroad is an entirely separate issue. Funding is a part of the appropriations process. The time for Congress to question the advisability of spending Federal money for improving transportation is when it is considering the appropriation's bill for the Department of Transportation.

Let me emphasize again, Mr. Speaker, that this legislation does not authorize or appropriate any Federal money for any purpose. I hope that this clears up any confusion or misunderstanding there may have been on this issue.

In December of 1967, President Johnson approved a grant of $28.4 million—the priority program request—to go to the States of New York and Connecticut to assist the States in carrying out the proposed bistate modernization of the bankrupt New York, New Haven & Hartford Railroad. The grant is a 50 percent matching grant. The remainder of the funds for the program is to be made up by the two States.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from New York.

Mr. WOLFF. I thank the gentleman for yielding.

One point that has not been brought up here is the decision of the Supreme Court that permitted the Pennsylvania and the New York Central to merge. Under the opinion of the Court, the Court stated that the ICC emphasized:

> The merger will enable the unified company to accelerate investments in transportation properties and continually modernize plant and equipment and provide for a more adequate and better service.

It also required the Pennsylvania and New York Central in their merger to continue to provide service for the New York, New Haven & Hartford. What we are doing in this case is giving the Penn Central the opportunity of divesting itself of a responsibility that was mandated to it by the Court.

Mr. MESKILL. I would answer the gentleman by saying that the gentleman is not correct. I have read the portion of the opinion that the gentleman refers to. The Court was referring to the Pennsylvania Railroad and the New York Central Railroad. The New Haven Railroad was bankrupt. The New Haven Railroad was not an asset. The New Haven Railroad's freight service was the only thing the Penn Central wanted to take over. Let me tell you what happened.

When the ICC conditioned its approval of the Penn Central merger on the inclusion of the New Haven Railroad, it thereby compelled Penn Central to continue the operation of the service but it made no effort to compel the purchase of new equipment by the railroad. Indeed, the Commission stated that if the two States, Connecticut and New York, did not provide financial assistance to the service, it would entertain a "train-off" application.

Now, the gentleman knows I am sure that the ICC under a train-off application could entertain an application from the railroad to discontinue service. They have said that they would entertain such an application unless the States put in some money of their own. This is what the States are doing, but they cannot do it in concert unless we approve this compact.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from Massachusetts.

(Mr. BURKE of Massachusetts asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, in order to establish congressional intent with reference to H.R. 14646 may I ask those in charge of this bill to answer the following questions:

Does this legislation in any way relieve the Penn Central Railroad from any of the provisions that were included in the merger of the Penn Central and the New Haven Railroad with respect to through railroad passenger and freight service from Boston to New York or from New York to Boston?

Mr. MESKILL. It certainly does not, and I would go further by saying that I have a letter here—and I shall only read from a part of it and then ask unanimous consent to insert the entire letter in the RECORD. This letter is from Mr. Stuart T. Saunders, chairman of the board of Penn Central. He says:

I understand some question has been raised as to how the remaining passenger service on the former New Haven Railroad, that is, east of the City of New Haven, might be affected. In my opinion, that service can only benefit as a result of relieving the total operation of the present burden of commutation service. As I have pledged before, where there is a public need for passenger transportation, it is our intention to provide safe, dependable, and comfortable service to the best of our capabilities. The prompt approval of H.R. 14646 by the House of Representatives will expand Penn Central capability to meet that pledge.

Mr. Speaker, I ask unanimous consent to insert the contents of the entire letter at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The letter referred to follows:

PENN CENTRAL,
December 12, 1969.

Hon. THOMAS J. MESKILL,
House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: I am grateful for your leadership in seeking passage through the House of Representatives of H.R. 14646, a bill approving an interstate compact between the States of New York and Connecticut. This compact is the basis of the bistate plan which will permit the rehabilitation of the West End suburban service of the former New Haven Railroad in those two States.

I understand some question has been raised as to how the remaining passenger service on the former New Haven Railroad, that is, east of the City of New Haven, might be affected. In my opinion, that service can only benefit as a result of relieving the total operation of the present burden of commutation service. As I have pledged before, where there is a public need for passenger transportation, it is our intention to provide safe, dependable, and comfortable service to the best of our capabilities. The prompt approval of H.R. 14646 by the House of Representatives will expand Penn Central capability to meet that pledge.

Respectfully,

STUART T. SAUNDERS.

Mr. BURKE of Massachusetts. Mr. Speaker, if the gentleman will yield further, is there anything in this legislation that would allow the Penn Central Railroad to escape from their obligations to the New Haven Railroad as spelled out by the ICC and the U.S. Supreme Court's decision to permit the merger of the Pennsylvania Railroad and the New York Central Railroad?

Mr. MESKILL. In my opinion there is absolutely nothing.

Mr. BURKE of Massachusetts. Mr. Speaker, if the gentleman will yield further, Governor Sargent of Massachusetts sent a telegram to my office last week and I would like to read it and ask the gentleman from Connecticut to comment upon it.

Governor Sargent points out as follows:

While I have no objection to the Connecticut-New York Railroad Passenger Transportation Compact, I would urge that H.R. 14646 require that Pennsylvania Central continue passenger service in the northeast corridor at reasonable rates and that an effort be made to provide Federal financial assistance.

May I now ask in order to establish the intent of H.R. 14646, is there any provision in this legislation which would be considered to be in contradiction to views expressed by the Governor in the Governor's letter?

Mr. MESKILL. I do not believe there is, sir, and I give as my authority both my understanding of the legislation, fortified by the letter of the chairman of the board of Penn Central.

Mr. BURKE of Massachusetts. Mr. Speaker, if the gentleman will yield further, I ask unanimous consent to insert at this point in the RECORD the full text of the Governor's telegram.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BOSTON, MASS.

Hon. JAMES A. BURKE,
House Office Building,
Washington, D.C.:

While I have no objection to the Connecticut-New York Railroad Passenger Transportation Compact, I would urge that H.R. 14646 require that Pennsylvania Central continue passenger service in the Northeast Corridor at reasonable rates and that an effort be made to provide Federal financial assistance.

GOV. FRANCIS W. SARGENT.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from New York.

Mr. REID of New York. I compliment the gentleman on the statement he is making. As to his comments on the $28.4 million, he is quite correct that this amount is from a grant in the previous administration in 1967 and it is, as the gentleman knows, fully budgeted by the present administration.

Lastly, I would say it is clear that Penn Central has a serious responsibility to fully live up to the provisions of the merger agreement and they must do much more in terms of standards of safety and service.

Further, this matter has dragged for years and years, and the time for action has come.

I think we must approve this compact, which must be passed by the House by December 31 if it is to go into effect and which is all we are voting on today. The States involved must be permitted to maintain and modernize a service which is essential to the public interest and to which many thousands of commuters in New York and Connecticut are entitled.

Mr. KASTENMEIER. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Speaker and Members of the House, I rise in opposition to this bill because, frankly, I think we are undertaking a piecemeal approach to the problems of railroad transportation, not only in the East, but in the country as a whole. I do this with great reluctance because I realize the problems of New York and Connecticut with regard to their commuter service.

However, I think it has already been indicated to us today that the Committee on Interstate and Foreign Commerce has had before it numerous bills relating to the problems of passenger transportation in our country, and has had the testimony of the people from the Department of Transportation and others who are interested in this transportation problem as a whole. I really think that we should not make or allow a compact which is clearly set up to earmark $56.8 million to the States of Connecticut and New York, and possibly $80 million in the future. I do not say that from a selfish standpoint, because it probably is in the interest of the State of Rhode Island as well if this compact is approved, because eventually I think the improvement of that service certainly could flow and be of benefit to the State of Rhode Island, but I have become concerned about what the effect overall would be, not only on Rhode Island, but on the country as a whole. I think another fact is that we have experienced in the past, petitions to curtail passenger service by the New Haven Railroad, and the fact that the ICC recognized the problem very clearly when as a condition precedent to allowing the merger of the Pennsylvania Railroad and the New York Central Railroad they provided that all of the services would be continued by the railroad.

Mr. PIKE. Mr. Speaker, will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman from New York.

Mr. PIKE. Mr. Speaker, I would like very much to suggest to the gentleman that the total expenses to the Federal Government might reach a great deal higher than that, because if the Metropolitan Transportation Authority does to the State of Connecticut what they have done for Long Island in running the Long Island Railroad, the entire State may well qualify as a disaster area.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Speaker, I thank the gentleman for yielding, and I concur in the statements of my colleague from Long Island, the gentleman from New York (Mr. PIKE). If the L.I.R.R. is any indication of the ability of the MTA committee to run a railroad then the commuters on the New Haven had better be concerned. I also wish to point out to

the gentleman the point that he raised earlier, the fact that the court in talking about the continuation of service stated "that only by permitting the merger would it be possible for the Commission to compel the Penn Central to come to the rescue of the New Haven.

In addition, there were no hearings by the Judiciary Committee held on this bill, and it is going to cost the city of New York $700,000 a year to make up the deficit that the Penn Central Railroad is now required to provide.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. TIERNAN. Mr. Speaker, I have only 1 minute left of my time, but I will yield to the gentleman.

Mr. ADAMS. Mr. Speaker, I thank the gentleman for yielding, and I want to point out to the gentleman from Connecticut that there are two steps that can be immediately taken to protect the service; the ICC can deny the discontinuance; and, second, we have bills pending to require adequate service, these are being heard, and we hope that they will be passed in the middle of January.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, when this matter was first presented to the House on November 17, I asked this question of the gentleman from Connecticut. I said:

> I want to ask the gentleman from Connecticut if it is contemplated that you will ask the Federal Government for funds for the operation of this compact.

And the gentleman from Connecticut (Mr. MESKILL) said:

> Yes. The answer to the gentleman would be in the affirmative. It is contemplated that one-half of the $56 million would be applied for from the DOT.

So it is clearly indicated that these funds will be asked for.

Mr. Speaker, we have 15 bills relating to assistance of the Federal Government to the railroad industry before our Subcommittee on Transportation now, and we ought to be able to pursue those bills before we get into this matter. The bill before us is premature. And I fear it is a means to evade the appropriation process.

The SPEAKER. The time of the gentleman has expired.

Mr. KASTENMEIER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CELLER), the distinguished chairman of the Committee on the Judiciary.

Mr. CELLER. Mr. Speaker, this is a simple bill which under the constitutional requirement provides for the consent of the Congress to a compact made between two States, namely, Connecticut and New York.

The New York, New Haven & Hartford Railroad is in bankruptcy and it has been limping along and giving hardly any service of any consequence to some 50,000 to 60,000 daily commuters who go into New York City from various parts of Connecticut. Without this transportation both New York and Connecticut would suffer immeasurably.

The Pennsylvania Railroad and the New York Central merged, and it was agreed that the combined or merged railroad would operate the New York, New Haven & Hartford Railroad. But there was no provision in that merger agreement whereby new equipment would not be purchased or supplied by the merged railroad. It is difficult to operate a railroad without any new equipment that is constantly required.

The States of New York and Connecticut entered into a compact whereby the two transportation agencies in those States were willing to operate the new railroad because the Penn Central now is in great difficulties and facing almost all kinds and manners of financial troubles. It cannot operate adequately.

Therefore, the States must come in and operate for the sake of these commuters, some 60,000 daily commuters going into New York. They cannot be left high and dry.

Without this compact, I do not know what is going to happen to the continued operation of the New York, New Haven & Hartford Railroad. This compact simply provides that in the operation of these two transportation agencies of the two sovereign States that they shall be permitted to borrow various funds from the States of New York and Connecticut and the Federal Government so as to purchase new equipment.

The arrangement between the two States expires at the end of this very month and unless this compact is entered into, I do not know what is going to happen to the operation of the New York, New Haven & Hartford Railroad and these commuters can then go hang.

You can see the serious consequences that would flow from this. The answer lies in approval of this compact.

There has been a lot of confusion developed here, and for no reason whatsoever. The gentleman from New York (Mr. WOLFF) makes the absurd statement that to the extent that New York puts money into this operation, money is taken away from another railroad—the Long Island Railroad. The Long Island Railroad has naught to do with this arrangement between New York and Connecticut.

I want to tell the gentleman that the New York authorities have already pumped into the Long Island Railroad Company $263 million whereas the request that very likely will be made for purposes of the New York, New Haven & Hartford Railroad by the combined transportation agencies of both States will be only $23 million.

So I do not understand what the gentleman from New York (Mr. WOLFF) is bewailing about. There is no merit whatsoever in his argument. His argument will yield nothing for the Long Island Railroad. I am just as anxious for continued and adequate operation—as is the gentleman from New York (Mr. WOLFF) of the Long Island Railroad but his attack is not well directed and is ill timed. Let him train his guns upon the Metropolitan Transportation Authority, the U.S. Office of Transportation, the Governor of the State of New York and the New York State Legislature. He is indeed in the wrong forum.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. TALCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. WEICKER).

Mr. WEICKER. Mr. Speaker, I would like to come back to the main point that has been missed as to this compact—why the compact?

In the early sixties, it became very obvious that transportation in the Northeast was a mess. At that time we were not coming to the Congress with any interstate compacts—most States did not even have transportation authorities set up whereby they could deal with the issues and study the problem of transportation.

Then Connecticut and New York formed transportation authorities and started to get together to try to resolve what was their common problem.

It is absolutely necessary to engage in interstate cooperation. Some 30,000 commuters from the State of Connecticut go to the city of New York and will somebody tell me please, how one goes from Stamford, Conn., into New York City without going across a State line.

Mr. Speaker, I think it clearly is an interstate problem and breaks down in the following way: population patterns and commercial and commuting patterns will determine as to what entities of government have to come together.

It could very well be that on long-haul passenger service, the States of New York, Connecticut, Rhode Island, and Massachusetts will have to get together.

This compact relates to the West End commuter service. This is the problem of Connecticut and New York. It could well be that there are problems that exist between New Jersey and New York. It could very well be that on the Boston run, or the eastern end of the service, Connecticut, Rhode Island, and Massachusetts will have to get together.

Commuting patterns determine which entries of government have to get together in order to coordinate their efforts. The West End commuting service, the West End service of the New Haven Division of Penn Central Railroad, is what we are referring to here today. There is only one form of transportation that can take large numbers of people over a limited area and that is the railroad. So this is not just the problem of Connecticut and New York or Massachusetts. Some day it will be the problem of our sister States. Maybe they do not have the population now, but they will, and unless they want to see their land decimated by highway after highway and airport after airport, they had better put their efforts to providing this kind of coordination, and superior rail service.

This is the attempt of a part of the Northeast to bring some order out of chaos and supply such transportation.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. WEICKER. I yield to the gentleman from New York.

Mr. REID of New York. I thank the

gentleman for yielding. The point he is making is eminently correct. The health of the New Haven Division in the merged Penn Central system is central to the health of New England.

If this compact permitting takeover by the States of operation of the New Haven Division is not approved by the Congress by December 31, the compact will lapse. There would then be no remedy except renewed legislative action by the State and Federal Governments, and the effect of the resulting delay could be extremely serious.

The West End service is vital to communities in New York and Connecticut, both in terms of their economic health and in terms of the relief of traffic congestion and air pollution from automobiles which the railroad system provides.

We are not voting today to appropriate any funds, but are merely showing congressional approval of and respect for the initiative shown by the States of New York and Connecticut in meeting a critical problem. The Federal funds for the modernization program on the New Haven have already been appropriated and budgeted during a previous administration. The discussion by members of the Interstate and Foreign Commerce Committee of the need for legislation to meet national needs does not face up to the immediate emergency in the New England States. Certainly I will support legislation to meet national needs at such time as it is reported to the House, but the condition of the Penn Central's passenger service is, as the gentleman well knows, an emergency situation. It is not a matter where we can traipse along at a very leisurely pace.

Lastly, I would ask the gentleman, is it not true that the Governors of the several States involved and the Governors of Massachusetts and Rhode Island all strongly support this compact?

Mr. WEICKER. That is true. It is true and has been true for a period of years. As the gentleman aided congressionally, I served in the State of Connecticut on the Connecticut Transporation Authority, working with Rhode Island, Massachusetts, and New York in an effort to resolve this problem. There is no question in my mind that these States, working together, can supply a solution to the problem that confronts us. But we cannot even work together unless we have this kind of legislation. This is not an appropriation bill. It allocates nothing. We are subject to Congress whenever we got to the various departments for assistance. This is the authority to work together, and no more than that. I do not know any other way to conquer a problem which is regional in scope.

Mr. KASTENMEIER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, our primary interest is in maintaining railroad passenger service between Boston, Providence, New Haven, and New York City. Since the Penn Central Railroad has taken over, they have filed several applications before the ICC for the abandonment of passenger trains running from Springfield and Boston to New York. They have also several applications pending right now for the abandonment of freight service. There are no trains running north of Boston. The Boston & Maine Railroad has been practically dismantled. The Boston & Albany and the Boston & Providence Railroad are practically nonexistent. The Old Colony Railroad, serving the southeastern part of Massachusetts, has gone out of business.

We are faced here with a real problem. I do not want to oppose this legislation, but the answers given to me here today do not seem to solve our problem. Our problem is a continuation of rail service from New York to Boston. They have already proven here from Washington to New York that they can lay a new roadbed to speed up service, and it is now oversubscribed. They could do the same thing from Boston to New York.

But there is no evidence that we can see that the Penn Central or anything in this legislation would lead to that.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from West Virginia, the chairman of the Interstate and Foreign Commerce Committee.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding.

I rise with great reluctance to oppose this bill, because of the great committee and the distinguished gentlemen who are proposing it for consideration but our Committee on Interstate and Foreign Commerce has held extensive hearings on this problem for the United States. Several bills have been considered. We have had one executive session, and the first order of business when the Congress reconvenes after the first of the year will be further executive sessions to mark up a bill.

Mr. TALCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Speaker, I support this legislation. It is important for Connecticut that it pass. It is a matter, of course, of the two State authorities seeking permission to get together to do a specific job. It may be as has been claimed, that there are great plans for something that is going to happen in national planning throughout the country on a broad scale, at some time in the future but the local plight exists at the present time and the proposals to permit this crisis situation to be taken care of by the voluntary action of these two States.

Mr. Speaker, what they are doing is asking permission to go ahead and do a job. It seems to me this is unique enough in itself to grant authority so that they can proceed to take care of these commuters who are moving between the two States in this very critical situation.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Speaker, I thank the gentleman for yielding.

I would like to comment that though the remarks have been made here today that we should wait for a countrywide solution to the railroad problem, the situation facing our railroads generally is enormous, and that action is needed now, and the case has been clearly made for such action by the gentleman from Connecticut, (Mr. MESKILL, Mr. WEICKER, and Mr. MONAGAN). It has been apparent for many years that we have a problem in Connecticut and New York in providing suitable commuter passenger service. Great sacrifices have been made; for example tax rebates have been granted by both states over a long period of time to keep the service going, and now we must have this compact to do more in this regard.

Mr. Speaker, all we are asking is that a problem that is obvious to us all be faced squarely and fairly and that we allow the two States to meet this particular challenge together.

I do believe the House will be making a great mistake if it does not recognize that this problem is a real one and allow the two States to do what is being asked today, to face reality, and to give us support in this very serious matter. What we do today affects thousands upon thousands of commuters and is of fundamental importance to the economic and business life of Connecticut and New York.

Mr. MONAGAN. Mr. Speaker, I thank the gentleman from Connecticut for his observation.

I would say also that these two States are not trying to exclude anyone. It may very well be that there are other problems in other States which need attention but simply preventing this contract from being ratified, simply preventing these two States from getting together, is not going to provide one single foot of trackage or one bit of service for any other State.

Mr. KASTENMEIER. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. ST. ONGE).

Mr. ST. ONGE. Mr. Speaker, at this stage of the debate, I think it might be well to put this matter into its proper perspective.

The House today is not being asked for Federal help for the Penn Central or the old New York, New Haven & Hartford Railroad. We are simply asking for ratification of a compact between the States of New York and Connecticut, a compact that has already been approved by the State legislatures of the two States. This compact was passed by the Senate unanimously, with the support of the four Senators involved. It allows these two States to go to the Federal Government if necessary for help, but at least to take the initiative and to spend their own funds to keep the commuter service going into New York City.

The purpose of this legislation is not to infringe on the work of the House Interstate and Foreign Commerce Committee. We know that railroad service is a national problem and that a national solution must be found, but on at least two occasions before the New York, New Haven & Hartford Railroad was taken over by the Penn Central we were faced with imminent and complete cessation of the commuter service into New York City from the east.

This would have meant absolute panic in the business community in New York City.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. ST. ONGE. I yield to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. I have just one question for the gentleman. I do not want to take either a narrow parochial point of view or a selfish point of view. My question is this: If this legislation is defeated could I anticipate more money might be made available for the New York City subway system or the Long Island Railway system?

Mr. ST. ONGE. Not one red cent, in answer to the gentleman's question.

Mr. MESKILL. Mr. Speaker, will the gentleman yield?

Mr. ST. ONGE. I yield to the gentleman from Connecticut.

Mr. MESKILL. I thank the gentleman for yielding.

Is it not true there is nothing in this legislation which would prevent another State or two other States from entering into a compact, subject to coming back to the Congress for ratification?

Mr. ST. ONGE. There is absolutely nothing in this legislation to prevent that.

Further, this type of legislation would encourage other States. Certainly, I would encourage the State of Connecticut to enter into a compact with the State of Rhode Island and the State of Massachusetts, to continue and improve rapidly deteriorating rail service.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. ST. ONGE. I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. I am delighted to hear the response of the gentleman from Connecticut in reply to his colleague on the question of whether or not it would be possible for other States to go into this kind of compact. It is my concern, and I am sure the concern of others here from Massachusetts and Rhode Island, as to whether or not, in establishing the compact, it will be possible for New York and Connecticut to enter into agreements with other States to assure that passenger service will be protected over the lines of the New York, New Haven & Hartford outside of the States of New York and Connecticut.

The SPEAKER. The time of the gentleman from Connecticut has expired.

The gentleman from California has 2 minutes remaining, and the gentleman from Wisconsin has 1 minute remaining.

Mr. TALCOTT. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Speaker, I just want to assure my colleagues from Connecticut and Westchester that there is a Congressman here today from Long Island who sides with them. The commuters of Long Island need help. So do the commuters on the New Haven Railroad.

This much is clear: they are going to get help. If we do not allow the two States to give them that help, they will end up coming back to the Congress of the United States and we will have to solve this problem. I believe we would be well advised today to allow the States of New York and Connecticut to solve this problem, and not throw it back on the Congress of the United States in the future.

I am fully in support of this proposal. I believe we should keep as our first responsibility the interest of the commuters, who have the right to good railroad service and to the hope for better service in the future. The L.I.R.R. provides hope that railroad service will get better in the future. The commuters of Westchester are entitled to share that hope.

We should make common cause here today for our interests are the same.

The SPEAKER. Each gentleman in charge of time has 1 minute remaining.

Mr. WOLFF. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOLFF. The gentleman from California (Mr. TALCOTT) when he was asked whether or not he opposed the legislation, said that he did. However, he has not yielded any time whatsoever to any opponents of the bill.

The SPEAKER. That is not within the province of the Chair.

Mr. KASTENMEIER. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, when Congress considers interstate compact consent legislation, it normally grants consent to compacts whose effectuation will not be injurious to the Federal interests. It does and should do this, even if the consent may serve the interests of the compacting States by enabling them to take joint action.

In H.R. 14646 we have a very simple proposal. It is to consent to a compact between two adjoining States. The States want to restore a dilapidated commuter railroad within their borders. It is difficult to believe that such a project can be adverse to the Federal interest. On the contrary, it could provide a very useful purpose—that of relieving commuter pressure.

As I have said, the legislation does not appropriate or authorize appropriations. It would merely enable the two States to put their joint plans into effect. We need not and should not be concerned with issues as to how these projects are to be financed. The details of financing are wholly apart from the proposal of the two States that they be permitted to go forward as coventurers.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

The Chair recognizes the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Speaker, I am opposed to the bill.

I just wish to say that I have tried to allot time to anyone who requested it.

I now yield the 1 minute remaining to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Speaker, I rise in support of this legislation.

I yield to the gentleman from Connecticut (Mr. WEICKER).

Mr. WEICKER. Mr. Speaker, I thank the gentleman from New York for yielding to me.

In quick summation, this problem is interstate—it is unique in that regard—for the simple reason that most commuting exists within a State. Probably the States of New York, New Jersey, and Connecticut provide this unique type of transportation problem. We are getting at that today. We are not making an appropriation but are giving the States the power to create good transportation for the millions living in that section of the country. I request of this House, Mr. Speaker, that regional considerations be thrown aside and you give your favorable consideration to a bill that will improve transportation in the northeast corridor.

The SPEAKER. All time has expired. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the bill H.R. 14646.

The question was taken; and on a division (demanded by Mr. PIKE) there were—ayes 87, noes 22.

Mr. WOLFF. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 352, nays 49, not voting 32, as follows:

[Roll No. 324]

YEAS—352

Abernethy	Clark	Fulton, Pa.
Adair	Clausen, Don H.	Fulton, Tenn.
Addabbo	Clawson, Del	Fuqua
Albert	Cleveland	Galifianakis
Anderson, Calif.	Cohelan	Gallagher
Anderson, Ill.	Collier	Garmatz
Andrews, Ala.	Collins	Gaydos
Andrews, N. Dak.	Conable	Gettys
Annunzio	Conte	Gilbert
Arends	Corbett	Gonzalez
Ashbrook	Corman	Goodling
Ashley	Coughlin	Gray
Aspinall	Cramer	Green, Oreg.
Ayres	Crane	Green, Pa.
Barrett	Culver	Griffin
Beall, Md.	Daddario	Griffiths
Belcher	Daniels, N.J.	Gross
Bell, Calif.	Davis, Ga.	Grover
Bennett	Davis, Wis.	Gubser
Berry	de la Garza	Gude
Betts	Delaney	Hagan
Bevill	Dellenback	Haley
Biaggi	Denney	Hamilton
Biester	Dennis	Hammer-schmidt
Bingham	Dent	Hanley
Blackburn	Dickinson	Hansen, Idaho
Blanton	Diggs	Hansen, Wash.
Boggs	Donohue	Harrington
Boland	Dorn	Harsha
Bow	Dowdy	Harvey
Brademas	Downing	Hastings
Brasco	Dulski	Hawkins
Bray	Duncan	Hays
Brinkley	Dwyer	Helstoski
Brock	Edmondson	Henderson
Broomfield	Edwards, Ala.	Hicks
Brotzman	Edwards, Calif.	Hogan
Brown, Calif.	Edwards, La.	Holifield
Brown, Mich.	Eilberg	Horton
Broyhill, N.C.	Erlenborn	Hosmer
Broyhill, Va.	Esch	Hull
Buchanan	Eshleman	Hungate
Burke, Fla.	Evans, Colo.	Hunt
Burlison, Mo.	Fallon	Hutchinson
Burton, Calif.	Farbstein	Ichord
Burton, Utah	Fascell	Jacobs
Bush	Feighan	Jarman
Button	Findley	Johnson, Calif.
Byrne, Pa.	Fish	Johnson, Pa.
Byrnes, Wis.	Flood	Jonas
Cabell	Flowers	Jones, Ala.
Caffery	Flynt	Jones, N.C.
Camp	Ford, Gerald R.	Karth
Carey	Ford, William D.	Kastenmeier
Cederberg	Foreman	Kazen
Celler	Fountain	Kee
Chamberlain	Fraser	Keith
Chappell	Frelinghuysen	King
Clancy	Frey	Kluczynski
		Koch

Kuykendall	Nichols	Shriver
Kyl	Nix	Sikes
Landgrebe	Obey	Sisk
Landrum	O'Hara	Skubitz
Langen	O'Konski	Slack
Latta	Olsen	Smith, Calif.
Leggett	O'Neal, Ga.	Smith, N.Y.
Lennon	O'Neill, Mass.	Snyder
Lloyd	Ottinger	Stafford
Long, La.	Passman	Stanton
Long, Md.	Patten	Steiger, Ariz.
Lujan	Pepper	Steiger, Wis.
Lukens	Perkins	Stephens
McCarthy	Pettis	Stokes
McClory	Philbin	Stubblefield
McCloskey	Pirnie	Stuckey
McClure	Podell	Sullivan
McCulloch	Poff	Symington
McDade	Pollock	Taft
McDonald, Mich.	Price, Ill.	Taylor
	Pryor, Ark.	Teague, Calif.
McEwen	Pucinski	Teague, Tex.
McKneally	Purcell	Thompson, Ga.
McMillan	Quie	Thompson, N.J.
MacGregor	Quillen	Thomson, Wis.
Madden	Railsback	Udall
Mailliard	Rees	Ullman
Marsh	Reid, Ill.	Utt
Martin	Reid, N.Y.	Vander Jagt
Mathias	Reifel	Vanik
Matsunaga	Reuss	Vigorito
May	Rhodes	Waggonner
Mayne	Riegle	Wampler
Meeds	Rivers	Watkins
Melcher	Roberts	Watson
Meskill	Robison	Watts
Michel	Rodino	Weicker
Mikva	Roe	Whalen
Miller, Calif.	Rogers, Colo.	Whalley
Miller, Ohio	Rooney, N.Y.	White
Mills	Rooney, Pa.	Whitehurst
Minish	Rosenthal	Whitten
Minshall	Rostenkowski	Widnall
Mize	Roth	Wiggins
Mizell	Roudebush	Williams
Mollohan	Roybal	Wilson, Bob
Monagan	Ruth	Winn
Montgomery	Ryan	Wold
Moorhead	St. Onge	Wright
Morgan	Sandman	Wyatt
Morse	Saylor	Wydler
Morton	Schadeberg	Wyman
Mosher	Scherle	Yates
Murphy, Ill.	Scheuer	Yatron
Murphy, N.Y.	Schneebeli	Zablocki
Myers	Schwengel	Zion
Natcher	Scott	Zwach
Nedzi	Sebelius	
Nelsen	Shipley	

NAYS—49

Adams	Hathaway	Preyer, N.C.
Alexander	Hechler, W. Va.	Price, Tex.
Brown, Ohio	Heckler, Mass.	Randall
Burke, Mass.	Howard	Rarick
Burleson, Tex.	Jones, Tenn.	Rogers, Fla.
Carter	Kleppe	St Germain
Casey	Kyros	Satterfield
Colmer	Lowenstein	Smith, Iowa
Daniel, Va.	Macdonald, Mass.	Springer
Derwinski		Staggers
Devine	Mahon	Stratton
Eckhardt	Mann	Talcott
Evins, Tenn.	Mink	Tiernan
Fisher	Moss	Waldie
Foley	Pickle	Wolff
Friedel	Pike	Wylie
Gibbons	Poage	

NOT VOTING—32

Abbitt	Cunningham	Patman
Anderson, Tenn.	Dawson	Pelly
	Dingell	Powell
Baring	Giaimo	Ruppe
Blatnik	Goldwater	Steed
Bolling	Hall	Tunney
Brooks	Halpern	Van Deerlin
Cahill	Hanna	Wilson, Charles H.
Chisholm	Hébert	
Clay	Kirwan	Young
Conyers	Lipscomb	
Cowger	McFall	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Giaimo with Mr. Lipscomb.
Mr. Hébert with Mr. Hall.
Mr. Brooks with Mr. Cunningham.
Mr. Baring with Mr. Cowger.
Mr. Tunney with Mr. Goldwater.
Mr. Hanna with Mr. Cahill.
Mr. Blatnik with Mr. Pelly.
Mr. Patman with Mr. Halpern.
Mr. Young with Mr. Ruppe.
Mr. Abbitt with Mr. McFall.
Mr. Kirwan with Mr. Dawson.
Mr. Van Deerlin with Mr. Clay.
Mr. Steed with Mr. Anderson of Tennessee.
Mr. Charles H. Wilson with Mr. Conyers.
Mr. Dingell with Mrs. Chisholm.

Mr. TEAGUE of Texas changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration S. 2734, granting the consent of Congress to the Connecticut-New York railroad passenger transportation compact, a Senate bill identical to H.R. 14646, just passed.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Connecticut-New York Railroad Passenger Transportation Compact in substantially the following form:

"CONNECTICUT–NEW YORK RAILROAD PASSENGER TRANSPORTATION COMPACT

"ARTICLE I

"For the purpose of continuing and improving the railroad passenger service of the New York, New Haven and Hartford Railroad (and its successors) between the city of New Haven in the state of Connecticut and the city of New York in the state of New York, including branch lines which are tributary to the main line of that railroad between the said cities; Metropolitan Transportation Authority, a governmental corporation of the state of New York, and Connecticut Transportation Authority, an agency of the state of Connecticut, acting individually, but in cooperation with each other, or as co-venturers where they deem it advisable and practical, are hereby authorized to do the following where permissible under the enabling laws of their respective states:

"(a) to acquire through eminent domain proceedings or by gift, purchase, lease or otherwise, the ownership interest in or the right to use all of those assets of the said railroad (or of any successor in interest to such assets), be they real property, personal property or a combination of the two (including rights arising out of contract, franchise or otherwise), which are or may reasonably be expected to become necessary, convenient or desirable for the continuation or improvement of such service;

"(b) to repair and rehabilitate such assets, or to acquire by gift, purchase, lease, or otherwise, such new or additional assets and rights as they deem necessary, convenient or desirable for such continuation or improvement;

"(c) to dispose of any such assets, new and additional assets and rights, or of the right to the use of the same, by conveyance, lease or otherwise (including, without limitation, the grant of trackage rights) when and to the extent that they are not needed for such service by the said agencies; and to abandon or discontinue portions of such service when advisable; and/or

"(d) to operate such service, or to contract for the operation of the whole or any part of such service by others.

"To accomplish the foregoing objectives, the said agencies are authorized, individually and jointly, to apply for aid, federal, state or local, to supplement those funds appropriated or otherwise made available to them under the laws of the party states.

"ARTICLE II

"The provisions of this compact shall be construed liberally to effectuate the purposes thereof. Amendments and supplements to this compact to implement the purposes thereof may be adopted by concurrent legislation of the party states.

"ARTICLE III

"This compact shall be of no force and effect unless and until the congress of the United States of America, on or before December thirty-first, nineteen hundred sixty-nine, has consented thereto."

SEC. 2. The consent herein granted does not constitute consent in advance for any amendments or supplements to the compact which may be adopted by concurrent legislation of the party States pursuant to article II of the compact.

SEC. 3. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning the Metropolitan Transportation Authority and the Connecticut Transportation Authority in their operation under the compact as is deemed appropriate by the Congress or such committee.

SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14646) was laid on the table.

PERSONAL STATEMENT

Mr. HOGAN. Mr. Speaker, on rollcall No. 323 I was unavoidably detained. Had I been present, I would have voted "yea."

AMENDING TITLE 28, UNITED STATES CODE, TO EXTEND THE TIME FOR FILING TORT ACTIONS BY CERTAIN PERSONS

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10124) to amend section 2401 of title 28, United States Code, to extend the time for filing tort actions by persons under the age of 21, or insane or mentally ill, or imprisoned on a criminal charge, as amended.

The Clerk read as follows:

H.R. 10124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2401 of title 28, United States Code, is amended to read as follows:

"§ 2401. Time for commencing action against United States

"(a) Every civil action, other than a tort action, commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability or beyond the seas at the

time the claim accrues may be commenced within three years after the disability ceases.

"(b) Except as hereinafter provided, a tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented: *Provided,* however, that if a person entitled to assert a tort claim under this title is under legal disability at the time the claim accrues, he or she may present the claim within two years after the disability ceases."

The SPEAKER. Is a second demanded?

Mr. RAILSBACK. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DONOHUE. Mr. Speaker, the principal amendment which the bill would make to section 2401 of tile 28, is the addition of a new proviso at the end of subsection (b). Section 2401 now provides as follows:

§ 2401. Time for commencing action against United States.

(a) Every civil action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability or beyond the seas at the time the claim accrues may be commenced within three years after the disability ceases.

(b) a tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.

As amended by the committee, the bill would amend section 2401 to read:

§ 2401. Time for commencing action against United States

(a) Every civil action, *other than a tort action,* commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability or beyond the seas at the time the claim accrues may be commenced within three years after the disability ceases.

(b) *Except as hereinafter provided,* a tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented: *Provided, however, that if a person entitled to assert a tort claim under this title is under legal disability at the time the claim accrues, he or she may present the claim within two years after the disability ceases.*

This new language would modify existing law by providing that the 2 year statute of limitations applicable to tort actions against the Government will not run against persons under legal disability at the time the action accrues, and that, such individuals may present the claim within 2 years after the disability ceases. The term "legal disability" was substituted in the committee amendment to the bill in the place of an enumeration of specific categories of disabilities or conditions which would have the effect of suspending the statute of limitations as provided in the amended bill.

Subsection (a) of section 2401, it will be noted has for years provided a similar exception for persons "under legal disability." In the opinion of the committee, this provides a well-established precedent for a parallel provision applicable to tort actions. It is felt that the application and the meaning of the term "under legal disability" has been established in the application of that term in connection with the statute of limitations for actions covered by subsection (a) of the same section. The use of this term in subsection (a) dates from its inclusion in the subsection when title 28 was enacted as a codified title by Public Law 773 of the 80th Congress on June 25, 1948 (ch. 646, 62 Stat. 869, 971).

An examination of the legislative history of the Federal Tort Claims Act does not clearly disclose the reason for the failure to include an exception for persons under a legal disability. The laws of almost all of the State jurisdictions and including Puerto Rico and the District of Columbia do provide for this type of exception to the running of the statute of limitations as to action between private and individuals. Section 1346(b) of title 28 provides jurisdiction for tort actions against the United States based upon the negligent wrongful act or omission of an employee of the Government acting within the scope of his office or employment; "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." State law therefore governs the determination of whether the act or omission are negligent or wrongful and whether an action accrues against the United States. However, as has been noted, section 2401(b) fixes the time within which the action must be presented against the United States and Federal law governs the interpretation of the section concerning the limitation period.

The time is overdue for the recognition of the fact that persons suffering from legal disabilities and particularly those who are under age are actually being deprived of their rights because of the presently overstrict limitation provision now found in subsection (b) of section 2401. The unfairness of these strictures has been demonstrated to the committee in cases which have resulted in the introduction of private bills for minors whose rights to assert their actions have been lost because of the failure of someone to present the claim within the 2-year period fixed in the subsection. An example of such a bill was H.R. 4141 of the 88th Congress which concerned a small boy who was mauled by a grizzly bear in a national park while being led on a nature walk by two park rangers. This bill was enacted into law as Private Law 88–137 of that Congress which made it possible for an action to be filed in behalf of the minor in a Federal court under the tort claims provisions of title 28. Clearly, an amendment to section 2401(b) would provide a fair opportunity for all persons suffering under legal disability to assert their claims after the legal disability ceases.

The committee has carefully considered the objections raised by the Department of Justice to this bill and to a companion bill H.R. 4155, proposing a similar amendment to section 2401(b). That report notes that the laws of most of the States suspends the statute of limitations from running for specified legal disabilities in tort litigation involving private persons. However, the Department questions a similar tolling provision as to actions against the United States. As has been noted the Federal Tort Claims Act expressly provides that the United States is to in effect stand in the same position as a private individual for purposes of tort liability. The Department of Justice has urged that a similar approach should not be followed as regards the tolling of the statute of limitations for legal disability and grounds its opposition on the fact that the particular nature of Government operations is such that such a tolling would serve to prejudice the ability of the Government to defend such suits. This objection must be considered in the light of the detriment suffered by persons under legal disability by reason of the strict application of the statute. The more just determination would require a tolling of the statue for the individual.

In view of the precedent for such a tolling of the statute of limitations in subsection (a) of 2401 and the demonstrated need for such a provision, it is recommended that the amended bill be considered favorably.

Mr. GILBERT. Mr. Speaker, I support H.R. 10124, offered by the gentleman from Massachusetts (Mr. DONOHUE), to extend the time for filing tort actions by persons under the age of 21, or insane or mentally ill, or imprisoned on a criminal charge.

I have sponsored a similar bill in past Congresses and in this Congress—H.R. 4155, 91st Congress. The bill will modify existing law by providing that the 2-year statue of limitations applicable to tort actions against the Government will not run against persons under legal disability at the time the action accrues, and that, such individuals may present the claim within 2 years after the disability ceases. We should recognize the fact that persons suffering from legal disabilities and particularly those who are under age are actually being deprived of their rights because of the presently overstrict limitation provision in subsection (b) of section 2401, title 28 of the United States Code.

There is a demonstrated need for this legislation. I support H.R. 10124 and I commend my distinguished colleague (Mr. DONOHUE) for the action of his subcommittee in bringing this bill to the House floor.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House suspend the rules and pass the bill H.R. 10124, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The title was amended so as to read:

"A bill to amend section 2401 of title 28, United States Code, to extend the time for presenting tort claims accruing to persons under legal disability."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALLING FOR HUMANE TREATMENT AND RELEASE OF AMERICAN PRISONERS OF WAR HELD BY NORTH VIETNAM AND THE NATIONAL LIBERATION FRONT

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the concurrent resolution (H. Con. Res. 454) calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front, as amended.

The Clerk read as follows:

H. CON. RES. 454

Whereas more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to ensure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, this resolution—House Concurrent Resolution 454—and similar resolutions attest to the tremendous congressional interest in, and concern for, the well-being of our American servicemen held captive by North Vietnam and the National Liberation Front of South Vietnam.

More than 275 Members of Congress have sponsored or cosponsored resolutions relating to the problem of American prisoners of war. Their names may be found on pages 2, 3, and 4 of the report.

In introducing and supporting these resolutions, the Members of this body are reflecting the genuine, heartfelt concern of the American people for the men who are missing in action or captured in Vietnam.

That concern is well justified, for North Vietnam and the National Liberation Front have violated virtually every provision of the 1949 Geneva Convention on the humane treatment of prisoners of war in their handling of American prisoners.

Both North Vietnam and the NLF are bound by that convention. Hanoi signed the Geneva Convention on prisoners of war in 1957. The NLF is likewise bound as an arm of Hanoi.

Despite these international legal obligations, North Vietnam and the National Liberation Front have refused to meet their responsibilities under the convention.

They have failed to release information about the prisoners they hold.

They have refused to allow prisoners to exchange letters with their loved ones or to receive gift packages.

They have not permitted the seriously sick or wounded to be repatriated.

And they have not been willing to agree to arrangement for the early release of all prisoners of war, despite the efforts of the United States and its allies in Vietnam.

In addition to these violations, we have direct evidence that the Communists, despite their public claims, have been actively mistreating our men.

In the propaganda films and photographs that North Vietnam has chosen to release, American officials have seen evidence of isolation, physical abuse, and serious loss of weight.

From men released from captivity, we have heard of even graver violations of the humanitarian standards embodied in the Geneva Convention, including severe mental and physical torture.

Mr. Speaker, the magnitude of the American prisoner of war problem can hardly be overemphasized. As of the end of November, there were 1,359 members of the U.S. Armed Forces missing in action in Southeast Asia. Of these, some 420 are believed captured. Some of them have been in captivity for 5 years.

The prospects of their being released in the near future, despite the requirements of the Geneva Convention, are not encouraging. Hanoi has refused even to discuss the matter at the Paris peace talks.

If, as many people now believe possible, the Vietnam war comes to a conclusion without any progress on this issue at the negotiating table, American prisoners of war might be doomed to spend years in captivity.

In that regard, the United States has learned a bitter lesson from the Korean conflict. Because the North Koreans refused to provide information and negotiate the status of Americans in their possession, all prisoners have not been repatriated from that war.

The U.S. Government has made many efforts to obtain Hanoi's compliance with the Geneva Convention of 1949, to no avail.

Initially, these efforts were undertaken discreetly, using normal diplomatic channels, and enlisting the good offices of third parties, such as the International Red Cross, the Vatican, and third countries with contacts in Hanoi.

Earlier this year, however, frustrated and disappointed by the failure of those efforts, the U.S. Government decided to bring this issue squarely out into the open in an effort to make the public in the United States and abroad fully aware of Hanoi's intransigence in this matter.

Statements have been made by the Secretaries of State and Defense, and by our former representative to the Paris peace talks, Ambassador Henry Cabot Lodge. More recently, the United States raised the issue of the denial of basic human rights to our prisoners before the 24th General Assembly of the United Nations.

The American National Red Cross also has been active. Last September it presented to the International Conference of Red Cross Societies a resolution calling on parties to armed conflicts to insure humane treatment of prisoners of war and to prevent violations of the Geneva Convention of 1949.

Clearly aimed at North Vietnam, the resolution passed by a vote of 114 to 0.

More recently, the American National Red Cross has initiated a nationwide campaign, aided by the news media, to urge all Americans to write to the Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam, urging North Vietnamese leaders to change their policies.

Further the junior chamber of commerce, the Jaycees and other organizations are asking Americans to send Christmas cards to Xuan Thuy, the chief negotiator for North Vietnam in Paris, asking for better treatment of American prisoners.

By passing the resolution before us today, the House will make its position clear on this important issue.

The resolution approved by the House Foreign Affairs Committee was drafted by the Subcommittee on National Security Policy and Scientific Developments following a careful study of the many resolutions which had been introduced by the Members. Those resolutions, while united in purpose, differed in their phrasing.

The subcommittee, using information developed in 2 days of hearings and with the assistance of representatives of the Departments of State and Defense, prepared the language contained in House Concurrent Resolution 454. It expresses the same concern that prior resolutions did.

This resolution, it is my understanding, has the endorsement of all the sponsors and Members of Congress who have taken a particularly active interest in the prisoner of war problem.

Mr. Speaker, I urge unanimous approval of House Concurrent Resolution 454. Its adoption by the House will encourage and assist other efforts by our Government and agencies such as the Red Cross and Jaycees to alert people at home and abroad to the issue. It will help turn the spotlight of world attention on the outrageous and illegal acts of the North Vietnamese and the NLF in the treatment of American prisoners of war.

Further, passage of this resolution will express to the sorrowing families of men missing or captured our sympathy as we share in their anguish. Particularly at this Christmas season, these families may find some small measure of solace and relief knowing of our deep concern for their loved ones.

Finally and most importantly, adoption of the resolution may help convince North Vietnam and the National Liberation Front that they have made a grave blunder in violating the Geneva Convention on prisoners of war and that a policy change is necessary immediately.

While the fate of perhaps 1,300 Americans is hanging in the balance, we must continue to work toward the release of our servicemen held prisoners of war by North Vietnam and the National Liberation Front.

Mr. ADAIR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of this proposal, especially as it now reflects recent action on the part of the Red Cross.

Mr. Speaker, I am pleased to be a cosponsor of House Concurrent Resolution 454, a resolution calling on North Vietnam and the National Liberation Front to give humane treatment and ultimate release to American prisoners of war.

I strongly urge support of this resolution today.

Many of you will recall that on November 6, after consultation with Red Cross officials, I offered House Concurrent Resolution 442 calling upon the House of Representatives to approve and endorse the declaration adopted in Istanbul at the 21st International Conference of the Red Cross, to ensure humane treatment of prisoners of war, such as those held by the Government of North Vietnam.

The action of the Red Cross has been made a part of the resolution before us today, House Concurrent Resolution 454, which was approved by the Committee on Foreign Affairs, is a strong resolution. It spells out in specific terms the inhumanity of North Vietnam and the National Liberation Front to the Americans who have been taken prisoner. It notes the continued refusal of the Communists to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners.

This resolution deals with a great human tragedy. It deals with the matter of several hundred U.S. servicemen and their families—families who do not know whether their loved ones are dead or alive because Hanoi has refused to identify all of the prisoners it holds.

This action by the Committee on Foreign Affairs should be supported unanimously by the House of Representatives as a clear signal to Hanoi that on this issue we stand united. All Americans—regardless of their views on the Vietnam war—should support this resolution in the name of humanity to man.

Mr. ADAIR. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Speaker, I urge my colleagues to give their full support to the proposal before the House. I do this as the sponsor of a similar resolution regarding the treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front.

Having served in combat as a member of our Armed Forces in Korea, I know that the risk of capture by the enemy is a fact of military life. Combat soldiers in armies thoughout the world know this as well as I do. Civilized nation's of the world have also recognized this fundamental fact; and for this reason, have agreed upon certain guidelines to be observed regarding the treatment of prisoners of war. These agreements, known as the Geneva Convention of 1957, reflect the beliefs of the signatory nations that prisoners of war must be treated in accordance with basic principles of humanity and decency.

Regrettably, North Vietnam, an endorser of the convention, and its puppet organization the National Liberation Front, have chosen to dishonor their commitments by their inhumane treatment of American POW's. Almost daily, the evidence mounts that American prisoners are undernourished, denied adequate medical care, kept in solitary confinement for long periods, refused communication with their families, and often used as guinea pigs for trumped up propaganda charges.

On numerous occasions, the United States has unsuccessfully appealed to the enemy to respect the terms of the 1957 Geneva Convention; however, North Vietnam and the Vietcong have consistently refused to release even the names of the U.S. prisoners they hold. In fact, the chief North Vietnamese negotiator to the Paris peace talks has declared that he would never release a list of American prisoners, "as long as the United States continues its aggression and does not withdraw its troops from Vietnam."

In addition to inhumanely treating our captured countrymen, North Vietnam, by its steadfast position, is also creating great hardships for the families of the missing servicemen. Thousands of families throughout the Nation live in daily torment and anxiety for the information they receive regarding the captured is skimpy at best and nonexistent at worst. In the past 5 years, approximately 100 captured servicemen have been allowed to write to their families; however, letters have only trickled in at the average rate of two letters each year per prisoner. If these few writers had been allowed to write the number of letters and cards permitted under the Geneva Convention, their families would have received 18,000 pieces of correspondence, as opposed to the less than 800 they actually received from their captured husbands and fathers.

Mr. Speaker, I submit that the Congress has the clear duty to our servicemen and their families to assert, in the strongest terms, our national feelings on this matter. The resolution before the House accomplishes this in clear and uncompromising terms. I urge my colleagues to vote for its adoption.

Mr. ADAIR. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I certainly support this resolution. However, I regret the reference to the United Nations in the last resolvement of the resolution. I know of nothing the United Nations has done except to give lipservice in protest to the inhumane treatment of our prisoners of war.

Mr. ADAIR. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. I want to compliment my distinguished colleague from Indiana (Mr. ADAIR) for bringing up this resolution. House Concurrent Resolution 454 calls for the humane treatment and release of American POW's held by Hanoi and the NLF. I strongly endorse this resolution and cast my vote for it in the hopes that this body can thereby effect a change in the inhumane policy being followed now by the other side.

Earlier this year, I joined 87 of my colleagues in protesting the treatment of U.S. prisoners by Hanoi. Our statement was sent to both Secretary Rogers and Secretary Laird for forwarding to the North Vietnamese negotiators in Paris.

The statement asked Hanoi to name the men in captivity; to repatriate the sick and wounded; to permit impartial inspection of prison facilities; to assure proper treatment of all prisoners; to make possible a regular flow of mail; and to undertake serious negotiations for the prompt release of all American prisoners of war.

I call upon Hanoi and the NLF again to observe the Geneva Convention. According to Defense Department figures, there were 1,359 U.S. servicemen missing or captured as of November 29. Many of these POW's have been in captivity for more than 5 years.

The evidence of how they are being treated is not good. In the films and photographs that North Vietnam has chosen to release, there have been examples of isolation, physical abuse, and serious loss of weight. The story told by released prisoners is even worse, including forms of mental and physical torture.

The committee report indicates there is clear evidence that the North Vietnamese, despite their ratification of the 1949 Geneva Convention on prisoners of war, have violated virtually every provision of that agreement.

I join my colleagues in calling for an

immediate end to this inhumane treatment of our brave soldiers being held by the other side. I cannot state my appeal too strongly, and I know my colleagues feel the same way.

Mr. ADAIR. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I rise in support of this concurrent resolution.

Mr. Speaker, House Concurrent Resolution 454 represents a statement of sincere concern by Members of this body and the American people for the fate of more than 1,300 U.S. servicemen held prisoner by the North Vietnamese and the National Liberation Front. As has been often observed, it represents, perhaps, the single aspect of this tragic war on which all Americans can agree.

It is not a political question, but a humanitarian question—one which transcends our consideration of all of the other specific issues involved in Vietnam.

The simple fact is that each of the parties to the conflict—the U.S. Government, the Republic of Vietnam, and North Vietnam—are all signers of a solemn convention, legally binding on all parties—the Convention on Protection of Prisoners of War, concluded at Geneva in 1949.

Two of those parties—the United States, which ratified it in 1955, and the South Vietnamese, which approved it in 1953—are abiding by its principles. The third, North Vietnam, which acceding in 1957, is not.

The thrust of this resolution is to call this open violation of an international agreement to the attention of the world community. It is an obligation which the President has undertaken and one to which I believe this body must lend its unanimous support.

The convention, to which 125 nations are parties, contains provisions which, if implemented, would tell wives and children whether their husbands and fathers were alive. It would, at minimum, tell parents if their sons are healthy and well treated.

The convention requires that—

> Immediately upon capture, or not more than 1 week after arrival in camp, even if it is a transit camp, likewise in the case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write directly to his family.

Those brave young women, wives of captive American servicemen, who met with President Nixon last week, testified to the extent to which North Vietnam has failed to live up to this provision of the convention.

The convention assures prisoners of the right to remain in communication with their loved ones and with an international or state organization which has assumed the obligation of safeguarding his rights.

In addition to the right to receive mail and packages, and to send a minimum of two letters and four cards each month, the Geneva Convention specifies minimum humane standards of detention, of hygiene, diet, recreation, and employment. It requires that seriously ill or wounded prisoners be repatriated as soon as they are able to travel.

It specifies that the detaining power shall accept a neutral party to the conflict or a respected international organization, such as the International Committee of the Red Cross, as a protecting power of prisoners. It requires that the detaining power provide the names of the prisoners it holds to their families, as well as to the protecting power, or to the International Committee of the Red Cross, to pass on to their country of origin. It requires the detaining party to permit on the scene inspection of its detention facilities.

These are fundamental humanitarian standards to which all civilized nations adhere. Yet, North Vietnam and the National Liberation Front continue to violate them. We have, as a nation, delayed too long in focusing world opinion on this violation. I call on my colleagues to demonstrate their sincere concern for these principles by providing unanimous support for this resolution.

Mr. ADAIR. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TAFT).

Mr. TAFT. Mr. Speaker, I rise in favor of House Concurrent Resolution 454, of which I am pleased to be a cosponsor. This resolution calls attention to the intolerable and inexcusable treatment which the Communist North Vietnamese have given American prisoners of war.

At this time of conflict, the attention of most of the world is focused upon Vietnam. The object of that attention is the war in Vietnam, and the desire of all is that the conflict can be honorably settled. With this wealth of attention being centered upon the actual conflict, another equally tragic phase of the war has apparently been lost sight of in the sphere of world opinion. I am referring, of course, to the inhuman treatment and utter disrespect which the North Vietnamese have shown our prisoners of war.

Mr. Speaker, there are certain basic requirements relative to treatment of prisoners of war which, in the spirit of humanity, are contained in the Geneva Convention, an international agreement which has been subscribed to by over 120 nations.

The first requirement of the convention which the North Vietnamese have disregarded is the prompt release of names of those who have been captured, and who are prisoners of war. I ask, Mr. Chairman, what can be more inhumane than to make the families of our servicemen go through the agony of not knowing whether their son or husband is dead or alive, a prisoner of war or a war casualty? There have been instances of prisoners being held for over 3 years without their names being released. This is unconscionable treatment, and it cannot be condoned by any honorable government.

The next requirement which has been abused is the allowance of a regular flow of mail to and from prisoners. If mail is cut off, once again the doubt of a prisoner's safety arises in the minds of his family, as they are uncertain as to the prisoner's status. Further, can you imagine the agony which a mistreated and underfed American prisoner of war experiences when he is denied the right and privilege to hear from his family and friends? This is a barbarous way to treat prisoners of war and I deplore it.

The Geneva Convention also calls for the immediate release of all seriously sick and wounded prisoners of war. The testimony of those prisoners who have been fortunate enough to have been released by the North Vietnamese has indicated that this provision is also ignored by the enemy, and that sick and wounded Americans are not even properly treated, let alone immediately released.

NORTH VIETNAM FORBIDS IMPARTIAL INSPECTION

Finally, the Convention calls for an impartial inspection of all prisoner of war facilities. From what I have pointed out in my testimony, it is not surprising that the North Vietnamese have forbidden such inspection, as it would only reveal the inhumane treatment which is afforded prisoners of war by the North Vietnamese.

Our Government has protested to the North Vietnamese concerning this garish treatment, and Ambassador Lodge has complained vigorously at the Paris peace talks. The unresponsive, irrelevant and irresponsible reply of the North Vietnamese has been that "the question of captured American military personnel will be settled at the same time as all other elements of the overall 10-point solution, and it cannot be separated."

Mr. Speaker, all of us may not be in agreement as to the future conduct of the war, but we can all unite in protesting the cruel and inhumane treatment afforded U.S. prisoners of war, and we can call upon the peace-loving peoples of the world to appeal with us to the North Vietnamese to allow our prisoners of war to be treated in a humane and honorable manner.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Speaker, I rise with great satisfaction and pride to support House Concurrent Resolution 454. Our prisoners of war in North Vietnam are truly the forgotten men of this war.

Mr. Speaker, several months ago our distinguished colleague, the gentleman from Alabama (Mr. DICKINSON) held a reception in Washington for many of the wives and other relatives of Vietnam prisoners of war and servicemen missing in action. That was a moving experience to see and talk to these people. Their lives are filled with uncertainty, apprehension, and fear. The President should launch a separate set of negotiations with the North Vietnamese for the release or exchange of our prisoners. The least we should do is to negotiate the release of the information concerning the names and condition of the men being held. This is a minimum.

I want to commend my friend from Wisconsin (Mr. ZABLOCKI) and his committee for bringing out House Concurrent Resolution No. 454 for passage. I know it will pass without a dissenting vote. I hope it will be of great help.

Mr. ADAIR. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. DICKINSON), who has been so active in this field.

Mr. DICKINSON. Mr. Speaker, it is very gratifying to me and, I thank the gentleman from Wisconsin (Mr. ZABLOCKI), chairman of the Subcommittee on National Security Policy and Scien-

tific Developments, the members of this subcommittee, and the members of the full Committee on Foreign Affairs for conducting hearings and reporting a favorable resolution on POW's and MIA's with such deliberate speed.

I rise in support of House Concurrent Resolution 454. I urge my colleagues of the House of Representatives to unanimously join in the passage of this resolution. I am a cosponsor of this resolution which is an amended form of the resolution I earlier introduced which had 193 cosponsors. Similar resolutions introduced by the gentleman from Tennessee (Mr. BLANTON), had 99 cosponsors and over 275 Members of the House have sponsored or cosponsored resolutions of this nature.

Mr. Speaker, and Members of the House, I have always been proud to be a Member of this great deliberative body, but I have never been more proud than when we had the special orders recently on the subject of our prisoners of war. We must have set a record when over 200 Members either introduced a resolution or participated in the resolution calling the attention of the world to the deplorable state in which our prisoners of war are held, and to the inhumane treatment that they are receiving and have been accorded by the North Vietnamese and the Vietcong.

Mr. Speaker, we hear a lot about resolutions. We sometimes wonder if they are effective and worthwhile or are they just meaningless gestures:

Mr. Speaker, I am very pleased to say that they are not meaningless gestures. Beginning with the special order that was participated in by so many Members of this House, there followed a statement from the White House and constant negotiations in behalf of our POW's and MIA's have been going on between our Government and Hanoi, all as a result of the special orders taken here.

Also because of that, I hold in my hand a printed copy of over 80 pages taken from the CONGRESSIONAL RECORD, copies of which have been sent to each of the families of those who are missing in action or who are prisoners of war. I hope this helped to show the families of POW's and MIA's that the Members of Congress are not unconcerned, that we are concerned, and that we are very diligently dedicated to the release of those who are being held hostage.

Additionally, just recently it was announced that the International Longshoremen's Association has come forward and has offered by letter to the President, to start for the first time in 18 years, to lift their boycott of Soviet ships and to start unloading them if the Soviet Union would bring its influence and pressure to bear on Hanoi to have our prisoners of war released. At this point, I would like to enter into the RECORD, an article from the Birmingham News:

[From the Birmingham News, Dec. 3, 1969]

BLUNT LETTER ON PWS

(By Victor Riesel)

NEW YORK.—There is on President Nixon's desk a blunt letter from a longshoremen's leader, who is of woven steel, soft voice, lots of heart, lots of gut—and who believes that the womenfolk of some 1,300 American prisoners of war should have their one grim question answered: Are they wives or are they widows?

To cover the waterfront is to cover that dockworkers leader, Johnny Bowers, the International Longshoremen's Association's executive vice president. His missive is not just a "Dear Mr. President:" letter. Johnny Bowers wants to make a deal. In fact, he wants President Nixon to make it.

His "quid pro quo," as he puts it, to Mr. Nixon is crystal clear, as the President is wont to say: The American longshoremen are ready to end their 18-year-old boycott of Soviet cargo and passenger ships if Moscow will convince its ally, Hanoi, to release five prisoners in return for each Red vessel serviced in an American, Atlantic, or Gulf port.

This letter was dispatched to the White House on Nov. 18. If it's presumptuous, it is presumption wrung from the gut of waterfront workers whose sons are fighting or have been cut to death in Vietnam. In this note, Johnny Bowers tells the President that the longshoremen are not specialists in international affairs. But the communication does say that "very recently International (ILA) President Thomas W. Gleason and I were asked by a spokesman for the State Department to consider working some Soviet ships if they entered New York Harbor. At that time we told him our answer was still no . . ."

The State Department men, in their fashion, were blunt with Johnny and Teddy (they'd rather you did not call them mister). It would be good diplomacy, said the American diplomats some weeks ago, if the American longshoremen serviced a Soviet passenger ship or two now that there is a reciprocal flight arrangement between Aeroflot Soviet Airlines and Pan American Airways. Why not handle Red craft in U.S. ports.

Johnny and I discussed the ILA's rejection of this request. He was bitter.

"The Soviets must believe we're fools," said he. "They pressure the State Department into pressuring us on the theory that free entry of Soviet ships into American ports would speed amity between America and Russia. Then on Nov. 13 Nikolai Tarassov, the Soviet delegate to the U.N. Social, Humanitarian and Cultural Committee, says loudly and publicly that our boys, who are prisoners of the North Vietnamese Communists, are criminals and pirates not covered by international agreements and should not be given any mercy. But they ask for amity and the State Department asks us to help their shipping trust. It's ridiculous."

But five days later Johnny Bowers wrote to President Nixon offering the exchange deal. The longshoremen's leader had before him truly tear-stained letters from prisoners' wives who had read this column's earlier report on the union's discussion of the prisoners-for-ships strategy.

One telegram from a young woman in South Carolina said: "Thank you for the concern over the prisoners of war. My husband has been a prisoner for four and a half years and during this time haven't received a word from him . . ." Another communication says "Thank God for men like you. I am an Air Force wife whose husband Lt. Col. Bobby R. Bazley was shot down in North Vietnam Sept. 16, 1967.

"His status remains missing in action although he was seen to eject from his aircraft and they got a beeper on his parachute. But as you know the North Vietnamese won't give out a list of the prisoners' names. Anyway it makes me so proud to know there are still men like you in our country who care, who are concerned over 1,300 downed, forgotten, suffering men in North and South Vietnam. . . ."

There are scores of such letters. If Johnny Bowers had no heart, only the steel which toughens a dockwalloper on the West Side piers, he could not stand mute.

Now, Mr. Speaker, and Members of the House, this is not an empty gesture. This is not some futile gesture on the part of anyone. This is as a direct result of what we are doing here, and of the growing interest of the public on behalf of our prisoners of war, and those who are missing in action.

I have had the opportunity to discuss at great length with several former prisoners and numerous wives and other relatives what the impact of a unified Congress will have on the North Vietnamese and the Vietcong. They agree that a unified Congress can be a real plus in forcing Hanoi to divulge the names of those prisoners which she holds. Hanoi is sensitive to world opinion. Why else would she go to such great lengths to publicize and propagandize that Americans are receiving humane treatment? Why would she parade prisoners in the streets if in actuality they are not aware of the value of propaganda and they are not sensitive to world opinion?

Yes, Hanoi is sensitive to world opinion and the Congress of these United States must dramatically express its disgust at the inhumane treatment and the violations of the tenets of the Geneva Convention which Hanoi so flagrantly abuses.

Why do the NLF and the North Vietnamese refuse to comply with the simplest of requests—identify the prisoners they hold. Maj. James Rowe, a prisoner for 5 years and 2 months, who escaped last year, believes as I do, that the reason they will not identify the prisoners is that anyone whose name they divulge or whom they admit holding prisoner must be cared for. If they do not admit having them, they do not have to be responsible for them. When they admit they have them as prisoners, then they have to assume the responsibility for them, and this is one of the reasons it is so important that we push this effort and at least get them to list the people that they have. In this way, they then will be held accountable—not only to us—but to world opinion.

Mr. Speaker, you can imagine the anguish at the uncertainty faced by the wives and relatives who do not know whether their loved ones are living or dead. We must not let this issue go unnoticed.

Just recently, Mr. Speaker, last week, in fact, I had the distinct pleasure of having luncheon here in the House with two of the wives—and that same afternoon they were joined by other wives—whose husbands are missing in action or prisoners of war. They met in the White House and were assured in person by the President of the United States that he was concerned, and he was keeping pressure to bear to bring about the release of those who are being held captive behind the Bamboo Curtain, plus, Mr. Speaker, the release of the names of those who are being held, and to see that they are accorded humane treatment.

Under the terms of the Geneva Convention, which North Vietnam ratified in 1957, our men held prisoner are entitled

to certain rights. Those rights to which they are entitled are:

First, identify the prisoners they hold; second, allow partial inspection of camps; third, permit free exchange of mail between prisoners and their families; fourth, release seriously sick or injured prisoners; and fifth, negotiate seriously for the release of all prisoners.

Mr. Speaker, all of these rights have been violated time and time again by the North Vietnamese and the Vietcong. The United States has continuously observed all requirements of the Geneva Convention in the treatment of POW's.

I appeal for unanimous passage of this resolution before us. Regardless of the moral or political stand one takes on the war and our involvement, we cannot allow the inhumane treatment to continue. President Nixon has vowed efforts to win humane treatment of our POW's. Our efforts can be a great boost in that direction.

Mr. ZABLOCKI. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, as one of the cosponsors of this concurrent resolution, House Concurrent Resolution 454, I want to associate myself with those who have spoken in support of it. It may not accomplish the results we all desire, but it is the least we can do for our fighting men who are prisoners of the enemy. It will also let the world know again how we stand.

Mr. McCLORY. Mr. Speaker, I am proud to express my support of House Concurrent Resolution 454 calling for the humane treatment and release of the American prisoners of war held by the North Vietnamese and the National Liberation Front. The subject of this resolution reaches into many American homes and affects the families of those who have served our Nation valiantly in the tragic struggle in Vietnam. We ask today where are those loved ones who have been taken prisoner by the forces of North Vietnam or by the Vietcong? What has been the ultimate fate of those who have fallen into enemy hands by accident, by downed planes and helicopters, or have otherwise disappeared into areas held by our enemies in Southeast Asia.

The Geneva Convention of 1949, which the Government of North Vietnam ratified in 1957, binds the forces directed from Hanoi to identify all prisoners whom they hold, to permit inspection of prison camps, to negotiate for the release of prisoners and to comply with other humane requirements. The resolution of the International Red Cross as well as many unwritten and written practices of international law and custom, articulate the obligations which civilization imposes upon the Governments of North Vietnam and the shadow government of the Vietcong.

Mr. Speaker, Maj. Crosley J. Fitton, Jr., who is the brother of one of my constituents—Mrs. George W. Stone, Jr., of Libertyville—was lost behind enemy lines. No word has been received from or about Major Fitton since he was shot down and seen parachuting into an area of North Vietnam in February 1968. I find no justifiable reason or excuse for a failure to report on this brave American, or any other American fighting man who has fallen into enemy hands.

Mr. Speaker, in the hope that adoption of this concurrent resolution may help in bringing world public pressure to bear on the Governments of North Vietnam and the National Liberation Front of South Vietnam, I join in strong support of the adoption today of House Concurrent Resolution 454.

Mr. PELLY. Mr. Speaker, I fully support this resolution concerning American prisoners of war in Vietnam. No stone should remain unturned in aiding U.S. efforts to turn world attention to Hanoi's inhumane treatment of American prisoners of war, and this resolution is another step in this concern.

There is no protest strong enough regarding the treatment of U.S. servicemen held by the North Vietnamese. The treatment suffered by so many of our returned men at the hands of the Communists is unconscionable.

The requirement that North Vietnam and the National Liberation Front of South Vietnam comply with the Geneva Convention on Prisoners of War is a reasonable one. The United States has continuously observed the requirements of the Geneva Convention and has repeatedly appealed to North Vietnam to comply as well. This has been to no avail.

I firmly support the provisions of this resolution, Mr. Speaker, and endorse the efforts by the U.S. Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

At this holiday season, a traditional time of family gatherings in America, may our prayers go to these men and their families here in the United States who are being kept so far apart both physically and mentally.

Mr. Speaker, I endorse this resolution and urge its passage.

Mr. FARBSTEIN. Mr. Speaker, I support House Concurrent Resolution 454.

It is intolerable that there are now over 1,300 Americans unaccounted for as a result of the Vietnam war. Some of these young Americans have been prisoners of the North Vietnamese for over 5 years. How many we are not quite certain.

To the government in Hanoi these prisoners are not human beings, they are instruments of propaganda. The North Vietnamese do not treat our prisoners humanely. In the propaganda films and pictures that we see there have been examples of isolation, physical abuse, and serious loss of weight. From those pitifully few who have been released we have heard of even greater violations of the rights of prisoners of war as outlined in the Geneva Convention on Prisoners of War.

In spite of the fact that Hanoi has signed the Geneva Convention of 1949, they refuse to abide by its provisions. They even refuse to release the names of those American soldiers who are being held. This is cruelty to the extreme. Think of the anguish and heartache this causes among the wives and mothers, fathers, children and other loved ones of these unfortunate Americans.

Despite efforts by the U.S. Government, the American Red Cross, the 21st International Conference of Red Cross Societies, and the United Nations to bring about a change in Hanoi's policy, they refuse. The question is, How can the Government of North Vietnam be prevailed upon to ameliorate this situation?

The only way that I can think of is to bring this matter before every international forum in the world. People from around the world should be encouraged to write to the Government of North Vietnam demanding that they begin to obey the legal requirements of the Geneva Convention.

The governments of the world, regardless of social systems or attitudes toward the Vietnam war, must make it plain to Hanoi that they do not approve of their treatment of the American prisoners of war. They must make it clear that there is no justification to inflict upon individuals animosities that they feel toward the Government of the United States. This is what the Geneva Convention is all about—to protect the human and civil rights of those individuals who fall into the hands of a belligerent nation, and to preclude their becoming pawns in an international chess game.

If we do this, if the world reacts, then perhaps the leadership in Hanoi will realize that there is more to lose by their present policy than there is to gain.

Mr. Speaker, I move the adoption of this resolution.

Mr. DONOHUE. Mr. Speaker, as the author of identical legislation, I most earnestly urge and hope that House Concurrent Resolution 454, now before us, expressing our combined sentiments, in condemnation and appeal of the inhumane treatment of American prisoners of war by the North Vietnamese, will be speedily and unanimously approved by this House.

We may trust that by our unanimous approval, we will graphically demonstrate here that, whatever other differences may exist among us, the Congress of the United States and the American people are completely united in their conviction and appeal that the North Vietnamese Government, in accord with international agreement, will promptly provide full information about the names condition, and whereabouts of all American prisoners of war and furnish all other knowledge they may have about American servicemen who have been reported missing in action.

It is a matter of the most grievous dismay and disappointment to the U.S. Congress and the American people that North Vietnamese officials have thus far shown an utter disregard for the provisions of the Geneva Convention covering the control and treatment of war prisoners and particularly so in their refusal to permit them to correspond with their families.

It is nearly impossible to conceive that there are any people on this earth who are so removed from ordinary human experience, conscience, understanding, and motivation that they will not respond to the anguish and grief of fellow human beings who suffer continuing uncertainty as to whether their beloved serviceman

husband, father, son, or brother is dead or alive.

Global history reveals that, with all its admitted evils, there is still the highest individual honor and courage in war and a mutual respect and esteem for the bravery and loyalty of the opposition. To engage in war differences cannot and will not justify any suspension or departure from the commonly accepted rules and procedures of the civilized world.

We have reason to believe that the North Vietnamese and their allies are especially interested and impressed by the weight of congressional and American public opinion. We would hope they may be equally and rightfully concerned about world judgment.

If this is so, and we pray that it is, we trust that the North Vietnamese Government will promptly respond to this united and universal appeal for them to provide complete information about and to insure the most complete medical and humane treatment of the hundreds of American prisoners of war they are now holding. It is only by this humane action that they can yet, and I hope they will, historically escape condemnatory judgment before the bar of united American and world opinion.

Mr. CRAMER. Mr. Speaker, as the sponsor of the first resolution introduced in the current Congress calling for the extension of the rights under the Geneva Convention to U.S. military personnel held captive in North Vietnam, I feel privileged to support the resolution before us today, House Concurrent Resolution 454, calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front.

I indicated my grave concern over the treatment of our American prisoners when I first introduced a resolution on the matter in April of 1967, and later, following my sponsorship of House Concurrent Resolution 7 on January 3, 1969, the opening day of the 91st Congress, I then joined a number of my colleagues in cosponsoring a further resolution with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention.

In a related action, I also cosponsored a House resolution authorizing and directing the Committee on Internal Security to conduct a full and complete study and investigation of the New Mobilization Committee To End the War in Vietnam. This self-styled liberation committee, as we know, has had a demoralizing effect upon our American soldiers in Vietnam, and an even more tragic impact on those courageous Americans held as prisoners by the North Vietnamese.

Following up my persistent efforts in behalf of these brave Americans, and their loved ones here at home whose constant grief is further deepened by the uncertainty of the identification, the condition and the care of the prisoners, I recently called for an exchange of United States and North Vietnamese prisoners on Christmas Eve. I have urged American officials to extend such a proposal to the North Vietnamese negotiators in Paris at the earliest possible date.

The Defense Department reports that slightly more than 6,000 North Vietnamese prisoners are being held in South Vietnam, while 346 Americans are known to be prisoners in North Vietnam. In addition, 914 Americans are listed as missing, their fate unknown. It was with great personal sadness that I recently learned that one of those missing is James White, son of Gen. Ed White of my district, and brother of Ed White, the astronaut killed on a space mission at Cape Kennedy. Jimmy White had also been one of my Air Force academy appointments and a young man in whom all of us who know him take great personal pride in his bravery and his patriotism.

In letters addressed to President Nixon, to Secretary of State Rogers, and to Secretary of Defense Laird, I have urged a Yuletide exchange of prisoners as the most blessed gift to the prisoners' loved ones and hopefully, as a forward step to understanding and eventual peace with honor in Vietnam and lasting peace throughout the world.

Mr. FEIGHAN. Mr. Speaker, the unknown status of American prisoners in enemy hands is one of the saddest stories of the Vietnam war. We have no information regarding their state of health, and no information telling us at this stage how many may still be alive or dead. Some of these prisoners were captured as far back as 6 years ago. Many have been subjected to solitary confinement, and a considerable number are known to be suffering from malnutrition and tropical diseases. Because of this thousands of relatives in this country are living in daily suspense and anguish.

Knowing the enemy's behavior in this situation, and recalling their tactics in Korea, I have on several occasions insisted that we give the welfare of our prisoners in Vietnam the highest priority in our negotiations with Hanoi. During the Korean armistice discussions we left the prisoner of war issue to the last item of the agenda which extended the negotiations another 2 years, while the enemy improved its military fortunes, and many of our boys in the meantime died in captivity. On this subject Adm. Turner Joy, our chief negotiator at Panmungjom has stated that his opposition across the conference table there resorted to every conceivable tactic to consume time and misrepresent the issue at hand.

This subject is now a matter of national conscience. If the Paris talks resume we must insist that Hanoi's representatives discuss the prisoner of war issue at the very outset. Also, we must prevail upon the United Nations to intervene in this humanitarian cause, and we must determine for ourselves whether or not it would be advisable for us to use our present communications with the Chinese Communists in Warsaw to resolve this issue.

Mr. GRIFFIN. Mr. Speaker, it is most gratifying that the House is taking up today House Concurrent Resolution 454 and I hope the vote for it will be unanimous. The resolution clearly expresses the feeling of Congress that American prisoners should be treated humanely while captives and released soon.

This resolution is an obvious showing that the American people are united in this effort and that an affirmative response is expected from Hanoi. Additionally, the North Vietnamese should take note that world opinion demands that American prisoners be given a proper diet, environment, and medical attention.

Mr. Speaker, I take this opportunity to commend the U.S. Junior Chamber of Commerce in its efforts to deliver Christmas cards to Xuan Thuy, chief North Vietnam negotiator in Paris with written message calling for compliance with the Geneva Convention. I think a million cards would be of immense help and have sent one myself. Cards can be mailed to Project Xuan Thuy, Box 2600, Washington, D.C. 20013.

Also, I wish to commend Fairchild Hiller Corp. for its recent full-page advertisement in many metropolitan newspapers urging participation by the public in writing international figures and requesting an end to prisoner abuse. The names and addresses of these are listed below:

PERSONS WHOSE ASSISTANCE COULD BE HELPFUL IN CAUSING NORTH VIETNAM TO PROVIDE HUMANE TREATMENT FOR WAR PRISONERS

UNITED NATIONS

Secretary General U Thant, United Nations Headquarters, New York, New York.

USSR

The Honorable Andrei Gromyko, Minister of Foreign Affairs, Moscow, USSR.

His excellency Anatoliy F. Dobrynin, Embassy of the Union of Soviet Socialist Republics, 1125 16th Street, N.W., Washington, D.C. 22236.

SWEDEN

The Honorable Torsten Nilsson, Minister of Foreign Affairs, Stockholm, Sweden.

His excellency Hubert de Besche, Embassy of Sweden, 2249 R Street, N.W., Washington, D.C. 20008.

ROMANIA

The Honorable Corneliu Manescu, Minister of Foreign Affairs, Bucharest, Romania.

His Excellency Corneliu Bogdan, Embassy of the Socialist Republic of Romania, 1607 23rd Street, N.W., Washington, D.C. 20008.

POLAND

The Honorable Stefan Jedrychowski, Minister of Foreign Affairs, Warsaw, Poland.

His Excellency Jerzy Michalowski, Embassy of the Polish Peoples Republic, 2640 16th Street, N.W., Washington, D.C. 20009.

Mr. BINGHAM. Mr. Speaker, I rise in support of House Concurrent Resolution 454. I was a cosponsor of an almost identical resolution—House Concurrent Resolution 366—and I am enthusiastically in support of the main thrust of House Concurrent Resolution 454, and particularly of the resolved or action paragraph.

However, I do not want my support of this resolution to be construed as approval of the way the United States has handled the problem of Vietcong and North Vietnamese prisoners taken in South Vietnam. We have tended to leave the problem entirely in the hands of the Saigon government and to turn our backs on any mistreatment of prisoners by that government.

When I was in Vietnam in December

1966, I discovered that only a small fraction of those whom we claimed to have captured during that year were being held in prisoner of war camps by the Government of South Vietnam. Upon inquiry, it developed that a very high proportion of those who had been claimed as captured were actually being treated as criminals, for whom protections of the Geneva Convention do not apply.

Since that time, it has become difficult, if not impossible, to get the figures for those captured by U.S. forces in South Vietnam. I am afraid that the reason for this is the continuation of the practice by the Government of South Vietnam of denying prisoner of war status to many in this category.

The fourth whereas clause of House Concurrent Resolution 454 reads:

Whereas the United States has continually observed the requirements of the Geneva Convention in treatment of prisoners of war.

This statement is probably, by and large, technically correct. However, it could not be said with any accuracy that the United States has made all possible efforts to insist on compliance with the Geneva Convention by the Saigon government.

Mr. MAYNE. Mr. Speaker, for the anxious families of more than 1,300 American prisoners of war detained by the Hanoi government, today's activities by this House will rank in importance just behind that glorious day itself when their loved ones are actually returned.

Waiting is torturous in any circumstance. It is especially agonizing when one must wait helplessly, incapable of action, and virtually powerless to induce action by those with higher authority to act.

This has been the desolating fate so far of those afflicted families with men in Hanoi's custody.

A concurrent resolution merely states the sense of Congress on an issue, and for the most part is regarded as meaningless, having no effect. But in this instance, I think an expression of strong protest about the behavior of the North Vietnamese in violation of the Geneva Convention is bound to have some beneficial force. In the forum of world opinion, which we have reason to believe Hanoi respects, this effort, plus the concerted efforts of other organized Americans, may very well induce Hanoi to honor the terms of an accord to which North Vietnam became a signatory as long ago as 1957.

I was pleased to see that the First Family invited more than two dozen wives and mothers of missing servicemen to the White House last Friday. Last month President Nixon proclaimed November 9 as a National Day of Prayer.

I applaud all these efforts to bring to public notice this continuing criminal violation by Hanoi of one of the fundamental precepts of humane treatment. Not only have we evidence that they have abused the men we know they have, they are failing to confirm the identities of some 70 percent of the men presumed to be captive.

An eloquent plea for recognition of this problem at the highest level has been made by the wife of an American officer shot down over North Vietnam in May of 1967. Mrs. Peggy Naughton of Sheldon, Iowa, has singlehandedly tried to inspire action toward relief of American prisoners, by making appearances before schools and civic groups, writing letters to editors and public officials, and being interviewed on the electronic media. Mr. Speaker, I include a copy of the comments she has made on such occasions at this point in the RECORD.

STATEMENT OF MRS. ROBERT NAUGHTON

The plight of the American prisoner of war is tragically familiar to me. Two and one-half years ago my husband, Lt. Robert Naughton, USN, while on a mission over North Vietnam ejected from his disabled aircraft. After parachuting safely to the ground, he radioed his wingman, "I'm okay, I'm not hurt." For the next 15 minutes attempts were made to fly air cover over him to provide protection for him until a helicopter could be brought in to pick him up. The enemy gradually moved closer. My husband carried out his final order, destroying his radio just minutes before capture. One last pass by his mates showed him seated on the ground surrounded by the enemy. From that day on no one has seen or heard about or from my husband.

On that sad day in May 1967 I joined the ranks of the some 1300 families who lived silently, prayerfully, hopefully in desperate uncertainty. Just over 400 families now know that their loved one is held captive, but they know little about their health or safety. We other 900 families cannot even learn if our loved one is alive or dead.

On June 28, 1957 North Vietnam adhered to the Geneva Convention of 1949 relative to the treatment of prisoners of war. It requires that the names of the prisoners held be made available, that the sick and wounded be released immediately, that camps be inspected, and that mail be allowed to flow regularly. The North Vietnamese have violated this convention on each point.

Hanoi charges that these fine young men who have answered the call of their country are "war criminals" and therefore the Geneva convention does not apply. We know this is untrue. We know that these are simply men who served their country loyally as directed. We also recognize that these men who are held are helpless, that they pose no threat to the enemy, and that they have no means of defending themselves.

Regardless of one's private view of the war, no one can condone Hanoi's treatment of these prisoners.

Until May 1969, the U.S. Government's policy was to avoid publicity about the prisoner situation. Little was said publicly, but privately many avenues were pursued. Nothing was effective. Consequently, our government's policy changed in May, 1969, and the prisoner issue was placed in the public arena.

Secretary of Defense Laird began the activity by calling a news conference and calling upon Hanoi to change its policy. Secretary of State Rogers followed closely behind. In August, 1969, the biggest revelation was made when 3 men recently returned from prison camps in North Vietnam called a news conference at which time they blew the whistle on North Vietnam. They charged that the treatment was not humane. Men were tortured. Statements were forced. But possibly the most difficult of all to tolerate was the isolation. The average day was summarized as rising at 5 or 5:30, eating at ten, one trip to empty a waste bucket, another meal at four in the afternoon. Some days they heard radio Hanoi twice daily. On occasion they were allowed to sweep leaves. But for the most part they were left in isolation; left in single cells that had no windows and little ventilation. Most of the day they simply sat with nothing to do.

Let your imagination place you in those circumstances for one day, then a week, then a month, then several months, and then years. No one needs to tell you it would be terrible. These are energetic, active, well-educated men who are not allowed to do anything.

As the wife of a man who has been held more than 900 days, I am coming forward to tell our story in attempt to add force to the administration policy. I am in favor of telling the world about the plight of the prisoner. I am in agreement that if we call out loudly enough we can sway world opinion and awaken Hanoi to its responsibilities. But even in this torture of Hanoi is extended to me, for we must bare our hearts and souls in order to create enough interest for action.

I am one person alone whose cry is without weight. I am joining forces with wives, parents, friends all over the country to ask people to join in our campaign and cry out for the American prisoners of war. We are asking that you write letters to our own officials in Washington and to the Embassies of Sweden, England and France, asking them to help the American prisoners of war receive humane treatment.

These men responded when their country called upon them. Misfortune struck them, and they can no longer cry out. It is time for each American to respond to the silent cry of these men.

Mr. MANN. Mr. Speaker, I would like to take this opportunity to thank the House Committee on Foreign Affairs and the Subcommittee on National Security Policy and Scientific Developments for bringing House Concurrent Resolution 454 before the House. I feel that this resolution is an important contribution to the efforts of the Departments of State and Defense toward securing humane treatment for American prisoners of war.

Earlier in this session, I was privileged to cosponsor House Concurrent Resolution 334, a resolution that called on Hanoi to identify prisoners whom they hold, release seriously sick or injured prisoners, permit impartial inspections of all prisoner-of-war facilities, and permit the free exchange of mail between families and prisoners. I am happy to see that House Concurrent Resolution 454 is essentially the same as the one I cosponsored.

Mr. Speaker, I do not think the gravity of the situation can be overemphasized. The bitter lessons we learned regarding prisoners of war during the Korean conflict must not be wasted. The passage of this resolution is important, and we must seek to rally public opinion in this country so that the American people demand, not merely ask, humane treatment of prisoners.

In testimony before the Committee on Foreign Relations, Defense Department witnesses listed the number of U.S. servicemen missing or captured in Southeast Asia at 1,359. Since North Vietnam and the National Liberation Front refuse to release the names of those held captive, it is impossible to get an accurate count. I think the suffering caused to the wives, children, and parents of servicemen by this refusal to list prisoners is the most diabolical aspect of all.

To me, the fate of those held captive represents a paramount point in any settlement of the Vietnam conflict. We owe an obligation to the families of the

POW's and, for that matter, to all our fighting men who have taken the soldier's oath when they were sworn into uniform. Our evidence indicates that our men held captive by the Vietnamese Communists have kept the faith traditional with our military forces. This resolution seeks to dramatize their plight, and we must diligently pursue this matter and see that these servicemen are not forgotten in our quest for a settlement to the Vietnam war.

Mr. Speaker, among the many editorials appearing recently on this subject, I have found the following to be of particular interest. The editorial was written by Mr. George Chaplin, a native of Greenville, S.C., now serving as editor of the Honolulu Advertiser. At this point, I would like to insert the editorial into the RECORD:

WORTHY PROTEST

The Vietnam moratorium will be renewed in a couple of weeks and that is all right but there is another protest under way that merits attention.

The American Red Cross has called for a nationwide protest to North Vietnam against the inhumane treatment of American prisoners of war.

Although North Vietnam is a signatory to the Geneva conventions it has completely ignored them.

In Congress recently, Rep. James R. Mann, D.-South Carolina, noted that Defense Secretary Melvin R. Laird's request for information about the prisoners brought no response.

"It is possible," said Representative Mann, "that an expression of outrage on the part of the American public over the treatment given our servicemen held captive would cause the Communists to improve conditions."

Specifically, North Vietnam has consistently refused to release the names of captives. It has continued to hold seriously ill and wounded prisoners. It has declined to permit inspection of prisoner camps by a neutral party. And it has declined to permit exchange of mail between prisoners and their families.

The U.S. government knows that a minimum of 413 prisoners are being held and believes another 918 who are missing may be prisoners.

In Hawaii, Red Cross Chapter Chairman Nelson Prather urges Island residents to join in the nationwide protest by writing the government of North Vietnam "to express concern about Hanoi's failure to give captured military personnel the benefits of the Geneva convention."

Culturally, humane treatment of prisoners is not a characteristic of the North Vietnamese and an official appeal does not move them. But public opinion sometimes does and it is worth a try.

Mr. Chaplin points out that public opinion may have an effect on the North Vietnamese, and I agree that it is "worth a try." I think that a program sponsored by the U.S. Junior Chamber of Commerce is a good example of what the individual citizen can contribute in an effort to secure humane treatment for POW's. The Jaycees are sponsoring a project calling on citizens to send a type of Christmas card to Mr. Xuan Thuy, head of the North Vietnamese delegation to the Paris peace talks. The Jaycees are asking that cards call for the release of prisoners' names and for humane treatment in accordance with the Geneva Convention standards. I understand that a 707 jetliner will be chartered to fly the cards from Washington to Paris where they will be delivered to the North Vietnamese delegation. I hope this project will be successful and I urge all Americans to join in this effort to bring direct pressure on North Vietnam. Interested parties should send cards to: Project Xuan Thuy, Box 2600, Washington, D.C. 20013.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of House Concurrent Resolution 454, as a cosponsor of two companion bills.

At the end of November, 1,359 American servicemen were missing or captured in Southeast Asia. Today the number is greater. From the reports of the few prisoners who have been freed, we have learned of atrocities more unthinkable than any ever committed against Americans throughout our history.

As I have said before in this House, I was once a prisoner of the Nazis during World War II, and I have personal knowledge and disturbing memories of the disease, the isolation, the dirt, starvation, and fear. Yet even as we were being bombed, and in some cases wounded and killed, by allied planes, my fellow prisoners and I were proud of the bombers and of the men still fighting for us and our country.

We were sustained then by the inner conviction that this country is worth fighting for. But I wonder how many American soldiers being jabbed by Communist bayonets, jeered and ridiculed in street parades, and subjected to inhuman forms of physical and mental torture, believe that it is worth fighting for. What have they to sustain hope. Where is the pressure for decency from our allies; the unity and purpose, and united pursuit of peace at home?

Mr. Speaker, war is very personal when you are fighting; even more personal when you are its prisoner. The hours of loneliness and misery dissolve hope unless you are certain always that you are not forgotten; that you are not the victim of some grand strategy that leads to half victories and uncontrollable stalemates. As an American I would be ashamed if we could not offer the men in the darkness of Communist cells hope for relief of their suffering; for return to their homes.

The time to remain silent is long past. The Congress of the United States must officially protest inhumane treatment of American prisoners by the Communists. If they have no standards of decency, we must teach them some. If they have no qualities of mercy, then they should not be dealt with as equals among humankind. We must serve notice that we have had enough, and that we can and will use every means to insure fair and humane treatment for our American servicemen. And we must insist that the leaders of all other civilized nations join in our efforts, and demand that the tenets of fair and humane treatment, as expressed in the Geneva Convention of 1949, and signed by the Government of North Vietnam, are accorded all American prisoners of war.

Mr. Speaker, I urge unanimous approval of House Concurrent Resolution 454.

Mr. FLOWERS. Mr. Speaker, it was a great privilege for me to participate in cosponsoring legislation similar to the resolution before the House today. I feel certain that the broad support by Members of this House is an indication of the deep feeling of concern of all Americans for the terrible suffering by American servicemen and their families at the hands of the government of North Vietnam and the Vietcong.

To date, more than 1,300 U.S. servicemen have been classified as either prisoners of war or missing in action, some of these dating back as far as 1964. Of the total, nearly 800 are pilots or other aircrew members who were downed over North Vietnam, and until convincing evidence is produced to the contrary, I must believe that a substantial percentage are in fact now prisoners of the Communist government there. The families of these hundreds of servicemen have lived for months and years under the anxiety and pressure of uncertainty as to the status of their loved ones. Continuing attempts by the U.S. Government and neutral organizations such as the International Red Cross and individual efforts to obtain information on the prisoners and men missing in action have all gone for naught. The North Vietnamese and the Vietcong have not seen fit to release even the names of those prisoners they hold. The magnitude of this unnecessary inhumanity by man to his fellow man increases with each passing day.

Therefore, Mr. Speaker, it is certainly fitting that the House of Representatives of the U.S. Congress, where the people of our great Nation are represented, adopt House Concurrent Resolution 454. In so doing, we can all be certain that we are clearly giving effect to the will of the vast majority of our great Nation in calling the world's attention to this matter.

Mr. BIAGGI. Mr. Speaker, as we observe another Christmas season with heavy hearts over the war in Vietnam, my thoughts and my prayers are especially concentrated on American servicemen who are prisoners of war.

If the spirit of the holiday would cause the Government of North Vietnam to make just one concession with regard to prisoners of war, how grateful and happy so many of us would be this Christmas season. It is a concession that would require only the release of the names of the 1,339 Americans who are prisoners of war.

It would be a relatively small concession, but what consolation and peace-of-mind it would bring to those American families who are now forced to say that they do not know whether a loved one is dead or alive. I am sure that their anxiety, uncertainty, and sorrow is especially difficult to bear during this time of the year.

If only the spirit of Christmas would manifest itself in this manner, it would also contribute so much to a better understanding of our fellow man. The message would be heard loudly and clearly—not only in America, but throughout the world.

Therefore, with renewed hope this Christmas season, I wholeheartedly support House Concurrent Resolution 454

which expresses the concern of this Congress in respect to the treatment of American servicemen held as prisoners of war and calls for a humanitarian response from Hanoi.

In addition, I urge that we and all Americans participate in a very humane and worthy project that has been undertaken by the U.S. Jaycees, one of America's great service organizations. The Jaycees are asking Americans to send Christmas cards for peace to: Project Xuan Thuy, Box 2600, Washington, D.C. 20013.

The Jaycees have promised to deliver the Christmas cards for peace to the chief negotiator for North Vietnam in Paris on December 29. To convey American opinion effectively, I believe it is important for the vast majority of Americans to participate in this worthwhile project.

Above all, let us hope that the Government of North Vietnam will respond in the spirit that we have spoken this Christmas season.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of House Concurrent Resolution 454, calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front.

As a cosponsor of this resolution, I would like to add my voice to the rising tide of outraged world opinion against the Government of North Vietnam as the result of its inhumane treatment of American prisoners of war. I firmly believe that there is a clear need for the Congress of the United States to help crystallize world opinion and force Hanoi to honor the basic codes of human decency.

In 1957, North Vietnam became a signatory to the Geneva convention. In essence, the Geneva covenants provide that each of the contracting parties, even in a state of undeclared war, would, as to prisoners in its custody:

First, identify the prisoners it holds;

Second, release the sick and wounded;

Third, allow neutral inspections of its prisons; and

Fourth, permit the free exchange of mail between the prisoners and their families.

The resolution we are considering merely calls upon the Government of North Vietnam and its allies to observe these basic tenets of the Geneva Convention. These provisions are not special or unusual. They merely represent a code of decent and civilized behavior by a warring nation with respect to the prisoners of war it detains.

The Defense Department has reported that as of the end of November 1969, there were 1,359 U.S. servicemen who were missing or captured in Southeast Asia. Many of these prisoners have been in captivity for as long as 5 years. There is mounting evidence that these American prisoners are not being treated humanely. We know that our men are placed on a starvation diet of pumpkin soup and pig fat through months of solitary confinement. We have received reports from released prisoners of pilots being beaten, burned, and hung by their feet. The North Vietnamese have failed to release information about American prisoners, causing untold grief and anxiety on the part of the families of these men. Wives and parents keep a seemingly interminable vigil for a missing husband or son from whom or about whom there is absolutely no word. Children wonder whether their missing fathers will ever return to them.

All efforts by the U.S. Government even with the assistance of the International Red Cross, the Vatican, and other third parties have been to no avail. The North Vietnamese Government and the National Liberation Front have repeatedly rejected their good offices.

Americans may differ on the conduct of the war in Vietnam, but they are strongly united in their concern for the safety of U.S. servicemen who are prisoners of war. This resolution would dramatize this body's support of the decision by the Department of State and the Department of Defense to bring this issue to worldwide attention. The adoption of House Concurrent Resolution 454 would further express our sympathy to the sorrowing families of men missing or captured. Finally, this resolution, if adopted, may help to convince the North Vietnamese and the National Liberation Front that it is now time to honor the tenets of the Geneva Convention and desist in the inhumane and illegal treatment of our captive servicemen.

Mr. Speaker, for these reasons I urge a favorable vote on House Concurrent Resolution 454.

Mr. CULVER. Mr. Speaker, I support House Resolution 454 as an expression of the deep concern of this Congress and the American people for the humane treatment and early release of our servicemen who are being held prisoners of war in Vietnam.

At the end of November, 1,359 members of the U.S. Armed Forces were missing in action in Southeast Asia. At least 420 of them are believed captured, and some of them have been held as long as 5 years.

Like other Members of this body, I have constituents who are among those prisoners of war, and I know and share the anguish and concern of their families and friends.

Although Hanoi signed the Geneva Convention on humane treatment of prisoners in 1957, North Vietnam and the National Liberation Front have violated every provision of it. In doing so, they have rejected their international legal obligations—

To release information about the prisoners they hold;

To allow prisoners to exchange letters with their families and to receive packages;

To permit the seriously sick or wounded to be repatriated;

To allow impartial inspection to assure compliance with the humanitarian standards of the Geneva Convention; and

To agree on arrangements for the early release of all prisoners.

The United States has made repeated and consistent efforts for the humane treatment and safe return of prisoners of war on both sides. We tried first through diplomatic channels, and when that failed, brought the issue squarely into the open, with statements from the Secretaries of State and Defense and from our negotiators in Paris, and now—with this resolution—from the Congress.

In addition, third parties have been operating, especially through the Red Cross, in an effort to provide for the health and welfare of these heroic men.

But Hanoi has remained intransigent.

By strongly protesting the treatment of our servicemen, by demanding that Hanoi and the NLF comply with the Geneva Convention, and by supporting our Government and third parties in their efforts to obtain humane treatment and early release, the House of Representatives is extending its support and sympathies to the families of these servicemen.

Much beyond that, we may help to turn the body of world attention on the outrageous and illegal acts of Hanoi and the National Liberation Front, and will give added weight to the negotiating efforts of our own Government and of international agencies like the Red Cross.

The unanimous vote in support of House Resolution 454 demonstrates that, regardless of differences which may exist about the war itself, this Congress and the American people are united in their concern for the men who are being held prisoner in the North.

I include the text of that resolution at this point in the RECORD:

H. CON. RES. 454

Whereas more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to ensure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

Mr. ZABLOCKI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the concurrent resolution, as amended.

The question was taken.

Mr. ADAIR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 325]

YEAS—405

Abernethy	Collier	Goodling
Adair	Collins	Gray
Adams	Colmer	Green, Oreg.
Addabbo	Conable	Green, Pa.
Albert	Conte	Griffin
Alexander	Corbett	Griffiths
Anderson, Calif.	Corman	Gross
	Coughlin	Grover
Anderson, Ill.	Cowger	Gubser
Andrews, Ala.	Cramer	Gude
Andrews, N. Dak.	Crane	Hagan
	Culver	Haley
Annunzio	Daddario	Hamilton
Arends	Daniel, Va.	Hammer-schmidt
Ashbrook	Daniels, N.J.	
Ashley	Davis, Ga.	Hanley
Aspinall	Davis, Wis.	Hanna
Ayres	de la Garza	Hansen, Idaho
Baring	Delaney	Hansen, Wash.
Barrett	Dellenback	Harrington
Beall, Md.	Denney	Harsha
Belcher	Dennis	Harvey
Bell, Calif.	Dent	Hastings
Bennett	Derwinski	Hathaway
Berry	Devine	Hawkins
Betts	Dickinson	Hays
Bevill	Diggs	Hechler, W. Va.
Biaggi	Donohue	Heckler, Mass.
Biester	Dorn	Helstoski
Bingham	Dowdy	Henderson
Blackburn	Downing	Hicks
Blanton	Dulski	Hogan
Boggs	Duncan	Holifield
Boland	Dwyer	Horton
Bow	Eckhardt	Hosmer
Brademas	Edmondson	Howard
Brasco	Edwards, Ala.	Hull
Bray	Edwards, Calif.	Hungate
Brinkley	Edwards, La.	Hunt
Brock	Eilberg	Hutchinson
Broomfield	Erlenborn	Jacobs
Brotzman	Esch	Jarman
Brown, Calif.	Eshleman	Johnson, Calif.
Brown, Mich.	Evans, Colo.	Johnson, Pa.
Brown, Ohio	Evins, Tenn.	Jonas
Broyhill, N.C.	Fallon	Jones, Ala.
Broyhill, Va.	Farbstein	Jones, N.C.
Buchanan	Fascell	Jones, Tenn.
Burke, Fla.	Feighan	Karth
Burke, Mass.	Findley	Kastenmeier
Burleson, Tex.	Fish	Kazen
Burlison, Mo.	Fisher	Kee
Burton, Calif.	Flood	Keith
Burton, Utah	Flowers	King
Bush	Flynt	Kleppe
Button	Foley	Kluczynski
Byrne, Pa.	Ford, Gerald R.	Koch
Byrnes, Wis.	Ford, William D.	Kuykendall
Cabell		Kyl
Caffery	Foreman	Kyros
Camp	Fountain	Landgrebe
Carey	Fraser	Landrum
Carter	Frelinghuysen	Langen
Casey	Frey	Latta
Cederberg	Friedel	Leggett
Celler	Fulton, Pa.	Lennon
Chamberlain	Fulton, Tenn.	Lloyd
Chappell	Fuqua	Long, La.
Clancy	Galifianakis	Long, Md.
Clark	Gallagher	Lowenstein
Clausen, Don H.	Garmatz	Lujan
	Gaydos	Lukens
Clawson, Del	Gettys	McCarthy
Clay	Gibbons	McClory
Cleveland	Gilbert	McCloskey
Cohelan	Gonzalez	McClure
McCulloch	Pickle	Springer
McDade	Pike	Stafford
McDonald, Mich.	Pirnie	Staggers
	Poage	Stanton
McEwen	Podell	Steed
McKneally	Poff	Steiger, Ariz.
McMillan	Pollock	Steiger, Wis.
MacGregor	Preyer, N.C.	Stephens
Macdonald, Mass.	Price, Ill.	Stokes
	Price, Tex.	Stratton
Mahon	Pryor, Ark.	Stubblefield
Mailliard	Pucinski	Stuckey
Mann	Purcell	Sullivan
Marsh	Quie	Symington
Martin	Quillen	Taft
Mathias	Railsback	Talcott
Matsunaga	Randall	Taylor
May	Rarick	Teague, Calif.
Mayne	Rees	Teague, Tex.
Meeds	Reid, Ill.	Thompson, Ga.
Melcher	Reid, N.Y.	Thompson, N.J.
Meskill	Reifel	Thomson, Wis.
Michel	Reuss	Tiernan
Mikva	Rhodes	Udall
Miller, Calif.	Riegle	Ullman
Miller, Ohio	Rivers	Utt
Mills	Roberts	Vander Jagt
Minish	Robison	Vanik
Mink	Rodino	Vigorito
Mize	Roe	Waggonner
Mizell	Rogers, Colo.	Waldie
Mollohan	Rogers, Fla.	Wampler
Monagan	Rooney, N.Y.	Watkins
Montgomery	Rooney, Pa.	Watson
Moorhead	Rosenthal	Watts
Morgan	Rostenkowski	Weicker
Morse	Roth	Whalen
Morton	Roudebush	Whalley
Mosher	Roybal	White
Moss	Ruth	Whitehurst
Murphy, Ill.	Ryan	Whitten
Murphy, N.Y.	St Germain	Widnall
Myers	St. Onge	Wiggins
Natcher	Sandman	Williams
Nedzi	Satterfield	Wilson, Bob
Nelsen	Saylor	Wilson, Charles H.
Nichols	Schadeberg	
Nix	Scherle	Winn
Obey	Scheuer	Wold
O'Hara	Schneebeli	Wolff
O'Konski	Schwengel	Wright
Olsen	Scott	Wyatt
O'Neal, Ga.	Sebelius	Wydler
O'Neill, Mass.	Shipley	Wylie
Ottinger	Shriver	Wyman
Passman	Sikes	Yates
Patman	Sisk	Yatron
Patten	Skubitz	Young
Pepper	Slack	Zablocki
Perkins	Smith, Calif.	Zion
Pettis	Smith, Iowa	Zwach
Philbin	Snyder	

NAYS—0

NOT VOTING—28

Abbitt	Dawson	McFall
Anderson, Tenn.	Dingell	Madden
	Giaimo	Minshall
Blatnik	Goldwater	Pelly
Bolling	Hall	Powell
Brooks	Halpern	Ruppe
Cahill	Hébert	Smith, N.Y.
Chisholm	Ichord	Tunney
Conyers	Kirwan	Van Deerlin
Cunningham	Lipscomb	

So [two-thirds having voted in favor thereof] the rules were suspended and the concurrent resolution, as amended, was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Lipscomb.
Mr. Anderson of Tennessee, with Mr. Minshall.
Mr. Dingell with Mr. Cunningham.
Mr. Blatnik with Mr. Cahill.
Mr. Giaimo with Mr. Smith of New York.
Mr. Ichord with Mr. Pelly.
Mr. McFall with Mr. Goldwater.
Mr. Brooks with Mr. Hall.
Mr. Tunney with Mr. Halpern.
Mr. Madden with Mr. Ruppe.
Mrs. Chisholm with Mr. Conyers.
Mr. Kirwan with Mr. Powell.
Mr. Abbitt with Mr. Van Deerlin.

The results of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days during which to extend their remarks prior to the vote on House Concurrent Resolution 454.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PROVIDING FOR AUTHORITY FOR SPEAKER TO RECOGNIZE FOR MOTIONS TO SUSPEND THE RULES ON TUESDAY, DECEMBER 16, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday, December 16, 1969—that is tomorrow—for the Speaker to recognize motions to suspend the rules and pass the bills beginning with No. 11 listed on the whip notice of December 12, 1969.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand that there would be no additions of any nature to the list of suspensions?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, the gentleman is correct; it means No. 11 through No. 22 printed on the whip's notice.

Mr. GROSS. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FOREIGN SERVICE ACT ANNUITIES ADJUSTMENT

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14789) to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes.

The Clerk read as follows:

H.R. 14789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Service Act Amendments of 1969".

TITLE I—FOREIGN SERVICE RETIREMENT FINANCING

SEC. 101. Section 804(b) of the Foreign Service Act of 1946 (22 U.S.C. 1064(b)) is amended by adding at the end thereof the following new paragraphs:

"(4) 'Fund balance' means the sum of—

"(A) the investments of the Fund calculated at par value; and

"(B) the cash balance of the Fund on the books of the Treasury.

"(5) 'Unfunded liability' means the estimated excess of the present value of all benefits payable from the Fund over the sum of—

"(A) the present value of deductions to be withheld from the future basic salary of

participants and of future agency contributions to be made in their behalf; plus

"(B) the present value of Government payments to the Fund under section 865 of this title; plus

"(C) the Fund balance as of the date the unfunded liability is determined."

SEC. 102. (a) Section 811(a) of such Act (22 U.S.C. 1071(a)) is amended by striking out "Six and one-half" and inserting in lieu thereof "Seven".

(b) The amendment made by subsection (a) of this section shall become effective on the first day of the first pay period beginning after the date of enactment of this Act or after December 31, 1969, whichever is later.

SEC. 103. Section 852(b) of such Act (22 U.S.C. 1091(b)) is amended by striking out "subsequent to July 1, 1924, and prior to the effective date of the Foreign Service Act Amendments of 1960, and at 6½" and inserting in lieu thereof "from July 1, 1924, to October 16, 1960, and at 6½ per centum from October 17, 1960, to December 31, 1969, and at 7".

SEC. 104. (a) Part G of title VIII of such Act (22 U.S.C. 1101–1104) is amended by adding at the end thereof the following new sections:

"PAYMENTS FOR FUTURE BENEFITS

"SEC. 865. Any statute which authorizes—

"(1) new or liberalized benefits payable from the Fund, including annuity increases other than under section 882;

"(2) extension of the benefits of the System to new groups of employees; or

"(3) increases in salary on which benefits are computed;

is deemed to authorize appropriations to the Fund to finance the unfunded liability created by that statute, in thirty equal annual installments with interest computed at the rate used in the then most recent valuation of the System and with the first payment therof due as of the end of the fiscal year in which each new or liberalized benefit, extension of benefits, or increase in salary is effective.

"UNFUNDED LIABILITY OBLIGATIONS

"SEC. 866. At the end of each fiscal year, the Secretary shall notify the Secretary of the Treasury of the amount equivalent to (1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the System, and (2) that portion of disbursement for annuities for that year which the Secretary estimates is attributable to credit allowed for military service. Before closing the accounts for each fiscal year, the Secretary of the Treasury shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the following percentages of such amounts: 10 per centum for 1971; 20 per centum for 1972; 30 per centum for 1973; 40 per centum for 1974; 50 per centum for 1975; 60 per centum for 1976; 70 per centum for 1977; 80 per centum for 1978; 90 per centum for 1979; and 100 per centum for 1980 and for each fiscal year thereafter. The Secretary shall report to the President and to the Congress the sums credited to the Fund under this section."

(b) The provisions of section 866 of the Foreign Service Act of 1946, as contained in the amendment made by subsection (a) of this section, shall become effective at the beginning of the fiscal year which ends on June 30, 1971.

TITLE II—FOREIGN SERVICE RETIREMENT BENEFITS

SEC. 201. Section 804(b) of the Foreign Service Act of 1946 (22 U.S.C. 1064(b)) is amended by adding at the end thereof the following new paragraph:

"(6) 'Price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics."

SEC. 202. (a) Section 821(a) of such Act (22 U.S.C. 1076(a)) is amended by striking out "five" each place it appears and inserting in lieu thereof at each such place "three".

(b) Section 821(c) of such Act (22 U.S.C. 1076(c)) is amended as follows:

(1) Paragraph (1) of such section is amended by striking out all after "(1)" and inserting in lieu thereof "$900; or (ii) $2,700 divided by the number of children."

(2) Paragraph (2) of such section is amended by striking out all after "(1)" and inserting in lieu thereof "$1,080; or (ii) $3,240 divided by the number of children."

SEC. 203. (a) Section 832(b) of such Act (22 U.S.C. 1082 (b)) is amended—

(1) by striking out "five years" and inserting in lieu thereof "eighteen months"; and

(2) by inserting immediately before the semicolon following "section 821(a)" the following: "and if the participant had less than three years creditable civilian service at the time of death, the survivor annuity shall be computed on the basis of the average salary for the entire period of such service.

(b) Subsections (c) and (d) of such section 832 are each amended by striking out "five years" and inserting in lieu thereof "eighteen months".

SEC. 204. (a) Section 851 of such Act (22 U.S.C. 1091) is amended (1) by inserting "(a)" immediately after "SEC. 851.", and (2) by striking out "the Federal Employees' Compensation Act of September 7, 1916, as amended" and inserting in lieu thereof "subchapter 1 of chapter 81 of title 5, United States Code".

(b) Section 851 of such Act is further amended by adding at the end thereof the following new subsection:

"(b) In computing any annuity under this title, the total service of a participant who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes, without regard to the thirty-five-year limitation imposed by section 821(a), the days of unused sick leave to his credit except that these days will not be counted in determining average basic salary or annuity eligibility under this title. A contribution to the Fund shall not be required from a participant for this service credit."

SEC. 205. Section 882 of such Act (22 U.S.C. 1121) is amended to read as follows:

"SEC. 882. (a) Effective the first day of the third month which begins after the date of enactment of the Foreign Service Act Amendments of 1969 (hereafter in this section referred to as 'this amendment'), each annuity payable from the Fund which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum, determined by the Secretary on the basis of the increase in the price index for the month latest published on the date of enactment of this amendment over the average price index for the calendar year forming the basis for the last increase under this section prior to this amendment.

"(b) Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the month last used to establish an increase, each annuity payable from the Fund which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(c) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the Fund as of the effective date of an increase except as follows:

"(1) Effective from its commencing date, an annuity payable from the Fund to a surviving wife, husband, or designated beneficiary of an annuitant shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(2) For purposes of computing an annuity which commences on or after November 1, 1969, to a child under section 821(c) or 832 (c) or (d), the items $900, $1,080, $2,700, and $3,240 appearing in section 821 (c) shall be increased by the total per centum increases allowed and in force under this section subsequent to November 1, 1969.

"(d) To increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(e) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar, except such installment shall after adjustment reflect an increase of at least $1."

SEC. 206. (a) The amendments made by sections 202(a), 203, and 204 shall become effective as of October 20, 1969. Such amendments shall not apply to persons retired or otherwise separated prior to such date, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been amended by this Act.

(b) Any lump sum payment of contributions and interest made pursuant to section 832(a) of such Act because of the death of a participant shall be repaid to the Fund, or arrangements satisfactory to the Secretary of State made for such repayment, before any annuity authorized by the amendments made by section 203 shall be paid to any survivor of such participant.

(c) The amendments made by section 202 (b) shall become effective as of November 1, 1969.

(d) The annuity of each child entitled to receive an annuity under sections 821(c) and 832 (c) and (d) of such Act, as amended by this Act, shall be recomputed, effective as of November 1, 1969, in accordance with section 821 of such Act as amended by this Act. No increase allowed and in force prior to November 1, 1969, shall be included in the recomputation of any such annuity, and this subsection shall not operate to reduce any annuity.

(e) Section 882(c)(1) of such Act as amended by this Act shall not apply with respect to survivor annuities in effect on the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HAYS. Mr. Speaker, this bill, H.R. 14789, has very limited objectives. It seeks to grant to Foreign Service personnel of the Department of State and of USIA the improved retirement benefits recently voted by Congress for those in the civil service retirement system.

Since 1924, the Foreign Service has had its own retirement fund and system. By comparison with the civil service retirement fund it is miniscule. Some 2,700,000 Government employees are covered by the latter fund while only 5,800 are under the Foreign Service retirement system. Some 910,000 individuals are now drawing annuities from the civil service fund compared with less than 2,000 from the Foreign Service fund. Thus we are not dealing with huge numbers of Government employees.

The fact that we are dealing with a much smaller number of individuals in this bill does not mean that the Foreign Service retirement fund is in better shape than the civil service retirement fund. It is not; in fact, it is in relatively worse shape. That is why the committee, before it decided to recommend improvements in retirement benefits, adopted the financing arrangements for the Foreign Service fund that Congress recently voted in Public Law 91–93 or the civil service fund. Those arrangements were carefully considered by the Post Office and Civil Service Committees of both bodies. They are sound and reasonable and will go a long way to improve the solvency of the civil service retirement fund. Our committee incorporated them into this bill as title I in order to improve the financial condition of the Foreign Service retirement fund.

This bill requires increased contributions to the Foreign Service fund by employees and by the Government; it directs the Treasury to pay interest on the unfunded liability of the fund; it requires reimbursement to the fund for credit for military service; and finally, it authorizes appropriations to cover any increase in the unfunded liability that may arise from improved benefits voted to Foreign Service personnel in the future.

The improved retired benefits recommended by the committee parallel those recently voted for civil service personnel; namely, computation of annuities on the basis of the high 3 years of service in place of the present high 5 years; increases in children's annuities; and the use of unused sick leave for retirement credit.

Finally, this bill puts into law the cost-of-living adjustment formula now used by the civil service system. Foreign Service personnel receive such adjustments on the basis of the original formula used by the civil service and which Congress improved in 1965.

Mr. Speaker. The morale of any group of employees depends upon fair and equitable treatment of all. Any discrimination in favor of some can only have an adverse effect on those who do not receive these benefits. The committee does not seek for Foreign Service personnel any benefits not already accorded those in the civil service. As the report points out time and again, we have not gone beyond any provisions granted to civil service personnel in the recently enacted law, Public Law 91–93.

I believe the approach we have taken in this bill is both just and reasonable. I urge the House to act favorably on H.R. 14789.

Mr. ADAIR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I rise in support of H.R. 14789. This legislation has been long and carefully considered by the Committee on Foreign Affairs and its Subcommittee on State Department Organization and Foreign Operations, of which the gentleman from Ohio (Mr. HAYS) is the chairman.

I supported this bill in committee and I support it here today. There are several reasons why it merits our support, one of the most important being that it corrects certain obvious inequities between the Foreign Service retirement benefits and benefits available to those covered by the civil service retirement program. We should support this legislation in fairness to the Foreign Service employee of whom so much is expected in the course of his assignments to various foreign posts during his career.

Mr. HAYS has already explained the provisions of the bill, and the committee report, which is available to you, has reviewed these provisions in detail.

In addition to placing the Foreign Service retirement program on a par with that for civil service employees, this bill will provide a much needed improvement in the financial condition of the Foreign Service retirement fund. As noted on page 3 of the report, these improvements include an increase from 6½ to 7 percent in the empolyee contribution rate and the matching Government contribution.

These and the other improvements enumerated are urgently needed to improve the financial condition of the retirement fund.

I urge your support of H.R. 14789.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, let us see what the cost of this legislation is, if the gentleman will be kind enough to inform us of the additional cost.

Mr. HAYS. It will add about $1,000,000 to the unfunded liability.

Mr. GROSS. That is to the unfunded liability?

Mr. HAYS. That is correct.

Mr. GROSS. But there is, if I understand the report correctly, a liability of the U.S. Treasury; is that correct?

Mr. HAYS. There is a liability on the Treasury, as there is in the civil service retirement system, and every other fund, because as I am sure the gentleman is aware that over the years—over a period of years, let me put it that way, mainly because the Government did not contribute its share.

Mr. GROSS. This legislation does not go beyond—or does not give Foreign Service personnel advantages that regular civil servants have in the matter of retirement over, above or beyond the present law?

Mr. HAYS. The gentleman is exactly correct.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the motion of the gentleman from Ohio that the House suspend the rules and pass the bill H.R. 14789.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on this bill at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DIPLOMATIC CONFERENCE IN THE UNITED STATES IN 1970 TO NEGOTIATE A PATENT COOPERATION TREATY

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the Senate Joint Resolution (S.J. Res. 90) to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor.

The Clerk read as follows:

S.J. RES. 90

Whereas all countries issuing patents, and especially countries such as the United States having an examination system, deal with large and constantly growing numbers of patent applications of increasing complexity; and

Whereas in any one country a considerable number of patent applications duplicate or substantially duplicate applications relating to the same inventions in other countries, thereby increasing further the volume of applications to be processed; and

Whereas a resolution of the difficulties attendant upon duplications in filings and examination would result in more economical, quicker, and more effective protection for inventions throughout the world thus benefiting inventors, the general public, and government; and

Whereas a treaty for international patent cooperation providing a central filing, search, and examination system should provide a practicable means of resolving the difficulties arising out of the duplications in the filing and examination of patent applications; and

Whereas governments concerned with international patent problems have spent a number of years in consultation and in the development of a draft treaty for international patent cooperation to alleviate these problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State and the Secretary of Commerce, in consultation with other concerned departments and agencies, are authorized to take all necessary steps to organize and hold a diplomatic conference to negotiate a Patent Cooperation Treaty in Washington, District of Columbia, in fiscal year 1970.

SEC. 2. There is authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $175,000 for the purpose of defraying the expenses incident to organizing and holding such an international conference. Funds appropriated pursuant to this authorization shall be available for expenses incurred on behalf of the United States as host government, including without limitation personal services without regard to civil service and classification laws, except that no salary rate shall exceed the maximum rate payable under section 5332 of title 5, United States Code; employment of aliens, printing and binding without regard to the provisions of any other law; travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under section 5707 of title 5, United States Code; rent or lease of facilities in the District of Columbia or elsewhere by contract or otherwise; hire of passenger motor vehicles; and official functions and courtesies.

SEC. 3. The Secretary of State and the Secretary of Commerce, or either of them, are authorized to accept and use contributions of funds, property, services, and facilities for the purpose of organizing and holding such

an international conference. For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Secretary of State or the Secretary of Commerce under authority of this Act shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

SEC. 4. The head of any department, agency, or estabishment of the United States is authorized on request, to assist with or without reimbursement the Department of State and the Department of Commerce in carrying out the functions herein authorized, including the furnishing of personnel and facilities.

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HAYS. Mr. Speaker, this measure, Senate Joint Resolution 90, authorizes an appropriation of $175,000 to permit the United States to host a diplomatic conference that will negotiate a Patent Cooperation Treaty.

Protection is accorded investors not only by the patent laws of their own countries but by the terms of a Convention for the Protection of Industrial Property dating back to 1884. This convention covers not only patents but also trademarks, commercial names, and industrial designs. The United States has participated since 1887.

American citizens are probably the most prolific inventors of the modern world. Last year they filed about 68,000 applications in this country alone and another 100,000 in foreign countries. It is estimated that about 700,000 applications are filed annually including those of our own citizens. It is clear that our people have an intense interest in anything that can be done to simplify procedures and at the same time assure them adequate protection of their inventions.

The purpose of this bill is to enable the United States to be the host next year for a conference that will hopefully draft a treaty that will do just that. Seventy-nine states are parties to the 1884 convention; it is expected that about 40 to 45 will attend the negotiating sessions that will last about a month.

The U.S. Government through the Department of State and the Patent Office has been soliciting the views of interested individuals, groups, and professional associations. The Department is now in the process of working out the details of this country's position.

It is not within the jurisdiction of the Committee on Foreign Affairs to deal with patent matters. Moreover, no treaty has been agreed upon and hence no implementing legislation is before the Congress.

The concern of the Committee on Foreign Affairs was to determine whether our Government should be host to the negotiations. If our Government were to host the meetings for a month, how would the $175,000 be spent? With delegates from about 45 countries attending it is readily apparent that translaters and interpreters will be needed. Almost two-thirds of the requested sum will be spent for that purpose. Rent, communications facilities, printing, reproduction of documentation, and other services related to a successful conference will take the balance. Against this outlay will be expenditures by the delegates during their month stay. The result is that the outlay by our Government will be more than balanced by what the delegates spend.

Normally diplomatic meetings are funded from the regular Department of State appropriation which contains money for that purpose. But in the case of large and long conferences it has been the practice in the past to request special authorization and appropriations. I should add the supplemental appropriations bill contains the sum of $175,000 contingent upon the enactment of this resolution.

Mr. Speaker. I urge the Members of this House to vote favorably upon Senate Joint Resolution 90.

Mr. ADAIR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I rise in support of Senate Joint Resolution 90.

This resolution would authorize the convening of an international conference to negotiate a Patent Cooperation Treaty. It would also authorize the very modest sum of $175,000 for this purpose.

As is noted in the committee report, U.S. nationals file more patent applications abroad than the nationals of any other country.

There is wide support by American industry for this resolution and the Committee on Foreign Affairs received strong endorsements from several trade associations and companies.

Our Government has taken the initiative in the effort to find means of simplifying the issuance of patents for any given invention in other countries. This effort was begun in 1966 and work on the draft of a Patent Cooperation Treaty started in 1967.

It is now time to move toward the successful conclusion of this work by convening an international conference to negotiate a Patent Cooperation Treaty.

Such a treaty is obviously in our own self-interest. I urge your support of this resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I see no report with respect to this legislation either from the Department of State or any other agency of the Government. This calls for an expenditure, as I understand it, of $175,000 or more; is this correct?

Mr. HAYS. The gentleman is correct, insofar as understanding that it authorizes the expenditure of $175,000. I know of no more than that.

I can say to the gentleman that this resolution was submitted by the Department of State to the House on January 16, 1969, executive communication 304, and was referred to the Committee on Foreign Affairs. The Senate passed the resolution some months ago, and we had a hearing on it. There were witnesses and communciations urging favorable action. One witness said he was not against it as a matter of fact, but would like some delay in order to assure a full consideration of viewpoints. But all the other witnesses thought enough of it that it should go on.

This is something that it seemed to the subcommittee was necessary and the full committee passed unanimously.

Mr. GROSS. Would this be the first such conference held?

Mr. HAYS. It would be the first plenary conference, may I say to the gentleman. There have been numerous preliminary conferences among interested governments in which a great many fundamental points have already been ironed out and agreed upon. This would be hopefully the final conference to wrap the package up and present it to the various countries that would then sign it and agree to it.

Mr. GROSS. This would be the first international conference on patents; is that correct?

Mr. HAYS. It would be the first one held in this country, of which we will be the host. There have been other conferences in other countries.

Mr. GROSS. There have been others in other countries?

Mr. HAYS. Yes.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the motion of the gentleman from Ohio that the House suspend the rules and pass the Senate joint resolution (S.J. Res. 90).

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

RIVER BASIN MONETARY AUTHORIZATION ACT OF 1969

Mr. JONES of Alabama. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15166) authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

The Clerk read as follows:

H.R. 15166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	Act of Congress	Amount
Alabama-Coosa River	Mar. 2, 1945	$45,000,000
Arkansas River	June 28, 1938	89,000,000
Brazos River	Sept. 3, 1954	5,000,000
Central and southern Florida	June 30, 1948	20,000,000
Columbia River	June 28, 1938	263,000,000
Lower Mississippi River	May 15, 1928	167,000,000
Missouri River	June 28, 1938	109,000,000
Ohio River	June 22, 1936	69,000,000
Ouachita River	May 17, 1950	18,000,000
San Joaquin River	Dec. 22, 1944	18,000,000
South Platte River	May 17, 1950	21,000,000
Upper Mississippi River	June 28, 1938	2,000,000
White River	June 28, 1938	4,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed $830,000,000.

SEC. 2. In addition to the previous authorization, the completion of the Chesapeake Bay Basin Comprehensive Study, Maryland, Virginia, and Pennsylvania, authorized by the River and Harbor Act of 1965 is hereby authorized at an estimated cost of $9,000,000.

SEC. 3. The flood control project for the Scioto River, Ohio, authorized in section 203 of the Flood Control Act of 1962 and modified by section 205 of the Flood Control Act of 1965 is hereby further modified (1) to authorize the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Big Darby Reservoir, and (2) to permit the plan for such works to be revised by the Chief of Engineers so as to provide a degree of protection substantially equivalent to that provided by the project as originally authorized.

SEC. 4. (a) The project for comprehensive development of the Delaware River Basin, as authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 522, 87th Congress, by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is hereby modified to permit use of the head and water releases of Tocks Island Reservoir as an incident to a pumped storage hydroelectric power development project by applicant presently seeking approval to undertake such development before the Delaware River Basin Commission, subject to the provisions of this section and the pertinent provisions of the Delaware River Basin Compact and the Federal Power Act, including section 10(e) (16 U.S.C. 803(e)) providing for payment of annual charges to the United States: *Provided*, That annual charges payable by applicant for use of the Tocks Island project by the aforesaid pumped storage development, including use of project head and water releases, shall be not less than $1,000,000.

(b) The Secretary of the Interior shall insure that the planning and construction of the aforesaid pumped-storage project shall be undertaken in accordance with the conditions and requirements relating to Sunfish Pond and Kittatinny Mountain set forth in paragraph numbered (3)(A) of Resolution Numbered 68–12 adopted October 28, 1968, by the Delaware River Basin Commission: *Provided*, That the Federal Power Commission shall adopt, as part of any license to construct, operate, or maintain the aforesaid pumped-storage project, those requirements and conditions determined by the Secretary of the Interior to be necessary to insure conformance with the provisions of paragraph (3)(A) of such resolution: *Provided further*, That in no event shall the upper pool of the applicant's proposed pumped-storage project be located on land other than that owned by applicant on April 15, 1969.

(c) Any license issued by the Federal Power Commission subject to the provisions of this section shall be conditioned upon the licensee delivering power and energy in an amount not less than, and at a cost not greater than that which would have been delivered from installation of power facilities heretofore authorized, to all preference customers eligible to purchase power from such heretofore authorized facilities: *Provided*, That, for the purposes of this section, the Delaware River Basin Commission will be considered a preference customer, and the Secretary of the Interior is hereby authorized to allocate such power as may be available under this subsection not taken from the licensee by such Commission for pumping of water, for pumping, collecting, and treating sewage, and for purposes associated with the Delaware Water Gap National Recreation Area on an equitable basis among such other preference customers.

(d) Power and energy shall be made available by any licenses to the United States free of cost for operation and maintenance of Tocks Island Dam.

(e) The Tocks Island project and the aforesaid pumped-storage development shall be constructed in such a manner as not to preclude installation at any time of power facilities heretofore authorized at Tocks Island Dam and use of its head and water releases for power purposes by the United States.

(f) In carrying out the purposes of this section, the Secretary of the Army and the applicant shall enter into an agreement providing for the payment by the applicant to the United States of such economic costs as may be incurred by the United States in the design, construction, and operation of the Tocks Island Dam necessary to preserve its suitability for the aforesaid pumped-storage development by applicant and power facilities heretofore authorized. In the event a license is not issued for the aforesaid pumped-storage development and the United States constructs the heretofore authorized power facilities, the costs incurred by the United States to preserve the suitability of the project for the installation of such authorized power facilities will be borne by the United States. In the event of failure to reach timely agreement, the Secretary of the Army shall determine the payment to be made to the United States, and the applicant shall be liable therefor: *Provided*, That such such determination shall be subject to review by the Federal Power Commission.

SEC. 5. This Act may be cited as the "River Basin Monetary Authorization Act of 1969".

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Alabama is recognized.

Mr. JONES of Alabama. Mr. Speaker, I urge support of H.R. 15166 as an essential continuation for development of this Nation's water resources to benefit all the people.

H.R. 15166 provides increased authorizations for the prosecution of river basin plans for flood control and related purposes by the Secretary of the Army and the Chief of Engineers. This bill provides additional monetary authorizations for projects which have been authorized over the years with monetary limitations. I wish to stress that no new projects are authorized by this bill.

Monetary authorizations were first put into effect by the Flood Control Acts of 1936 and 1938. They limit authority to appropriate and expend funds within specified basins or specified major projects, to levels below the total costs of the authorized basin or project developments. In this way they give the Congress opportunity to review and control the rate of accomplishment of the basin plans and major projects to which they apply.

In these plans, the Congress has approved an entire plan for development of a river basin in the interest of flood control, navigation, power, and allied water uses, but limited the amounts of funds to anticipated appropriations for a specified period of years, allowing accomplishment of only part of the plan.

Subsequently, the Congress has augmented some of the previously approved plans, by authorizing additional projects, or modifications of projects, and increased the monetary authorization to provide for additional appropriations. When the monetary authorization limit of a plan is approached, legislation is required to provide additional authorization so that appropriations can be made to permit the plan to continue. If such legislation is not forthcoming when needed, construction of projects in the basin plan cannot proceed, even if funds have been appropriated for this purpose.

At the present time there are 22 basin development plans which are subject to monetary authorization limitations. The authorization provided to date, including that provided last year in passage of Public Law 90–483 is, in most instances, adequate for work to be performed through the 1969 construction season, but it is not sufficient to cover the work to be performed during the 1970 construction session.

Deficiencies in monetary authorization will exist in 12 basins, totaling around $365 million through the end of calendar year 1970. Based on projection by the Corps of Engineers for calendar year 1971, the deficiencies for the 2 years would involve 13 basins and the total deficit would amount to approximately $830 million.

H.R. 15166 contains a table giving a list of the basins, the dates of original authorization, and the amount of increased authorizations needed for the work to be performed through calendar year 1971. The table contains 13 basins, as listed in section 1 of the bill. The total amount of increased authorization needed for work to be performed through calendar year 1971 is approximately $830 million.

A description of the basins and the status of the monetary authorizations involved in H.R. 15166, as well as the specific projects on which these increased authorizations are intended to be used are shown in the report on H.R. 15166, House Report No. 91–748.

Section 2 of H.R. 15166 would authorize to completion the present ongoing Chesapeake Bay Basin Comprehensive Study. This very important study was authorized by the River and Harbor Act of 1965 in the amount of $6 million. Section 2 would permit its completion by authorizing an additional $9 million.

Section 3 modified the flood control project for the Scioto River, Ohio, originally authorized in the Flood Control Act of 1962, and modified by the Flood Control Act of 1965, so as to change the order of construction and permit the construction of urgently needed local protection works at Chilicothe to proceed prior to initiation of work at the Big Darby Reservoir.

Section 4 modified the authorization for the Tocks Island Dam and Reservoir, to be located on the Delaware River, between Pennsylvania and New Jersey, to clarify the authority of appropriate Government agencies to consider an application providing for the use of Tocks Island project water releases as part of a proposed comprehensive pumped storage hydroelectric power development by certain New Jersey electric companies.

The existing Tocks Island authoriza-

tion provides for the use of those releases by a conventional Federal power plant. The modification clarifies the authority of the licensing agencies to consider a proposal that such releases be used by New Jersey companies, instead, as part of a comprehensive pumped storage development.

It has been estimated that this modification will result in a direct construction savings to the United States of $26 million. In addition payments are to be made by the companies for use of the Government dam in an amount not less than $1 million annually for at least 50 years.

Finally, section 5 would cite H.R. 15166 as the "River Basin Monetary Authorization Act of 1969."

Mr. Speaker, this legislation is urgently needed to carry out the highly important water resource development program of this Nation. This legislation was unanimously reported out by the committee.

At this time I would like to express appreciation for the leadership given by the gentleman from Maryland (Mr. FALLON), and the gentleman from Texas Mr. WRIGHT), splendid cooperation given by the ranking minority Members, the gentleman from Florida (Mr. CRAMER), and the gentleman from California (Mr. CLAUSEN), and for the participation of Members from both sides on the Flood Control Subcommittee and the Committee on Public Works.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. The report states that this is "River Basin Monetary Authorizations—1969." You just barely got under the wire on this one. When are the appropriations to be made? When is the money to be made available for this authorization for 1969?

Mr. JONES of Alabama. The authorizations are stated to the calendar year 1971. As the gentleman recalls, under the basic authorization, individual projects are authorized every other year in Omnibus River and Harbor and Flood Control Acts. In addition we have river basin monetary authorization acts, such as H.R. 15166, wherein we allow additional authorizations for the prosecution of river basin plans. There is need for additional authorizations and that is cured by this bill.

Mr. GROSS. Do I correctly understand that this authorization calls for about $830 million?

Mr. JONES of Alabama. $839 million.

Mr. GROSS. Is it $839 million?

Mr. JONES of Alabama. And they are projects all of which have heretofore been authorized. These are continuing authorizations on river basin projects. None are for new projects. In addition to the 13 basins, we have two or three additions which are modifications and are not new authorizations in the sense of being new projects.

Mr. GROSS. If the gentleman will yield further, when is the money to be appropriated? Next year?

Mr. JONES of Alabama. In the years 1970 and 1971.

Mr. GROSS. In the years 1970 and 1971. Then this is a 2-year authorization.

Mr. JONES of Alabama. Yes, it is for 2 years, and in the year 1970, next year, we will bring in an authorization for individual projects.

Mr. GROSS. Is this $839 million for each of the next 2 fiscal years?

Mr. JONES of Alabama. No, it is a total authorization for the year 1970 and the year 1971. It is a 2-year authorization, not a 1-year authorization.

Mr. GROSS. I thank the gentleman.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Idaho.

Mr. McCLURE. I do not desire to ask the gentleman a question, but I would like to make what is perhaps an unusual statement on the floor of the House. There is included in the State of Idaho a project which is really not desired by the people at this time, but we do not wish necessarily to deauthorize a program. We would like to go on record as indicating that there has been a change of local feeling concerning the Asotin River project in the Columbia River Basin.

Mr. JONES of Alabama. I would suggest that the gentleman lodge his complaint next year when we take up the matter of authorizations for individual projects. That would be the proper forum to consider the matter.

Mr. McCLURE. I thank the gentleman for yielding. I just wanted to make certain that the legislative history of this project was complete and that notice was given at this time.

Mr. JONES of Alabama. I assure the gentleman that consideration will be given to the matter then.

Mr. FALLON. Mr. Speaker, it is a distinct privilege to present to the House today the River Basin Monetary Authorization Act of 1969, H.R. 15166, and to recommend its enactment.

Beginning with the 1936 and 1938 Flood Control Acts, Congress has approved a number of basin and project plans but provided limited authority for appropriations. This limitation on authority has been increased by the Congress periodically to permit proceeding on schedule with the construction of the projects in the authorized plan.

There are 22 basin development plans presently subject to monetary authorization limitations. The authorization provided to date, although adequate for work to be performed through the 1969 construction season, is not sufficient in all the basins to cover the work to be performed during the 1970 construction season.

There will be a deficiency in monetary authorization in 12 basins, totaling around $365 million during calendar year 1970, and the deficiencies through calendar year 1971 would involve 13 basins and would amount to about $830 million.

H.R. 15166 would authorize the needed additional appropriations for the prosecution of the 13 river basin plans, through calendar year 1971.

Section 2 of the bill is of utmost importance to my home State of Maryland and to the other States bordering on the Chesapeake Bay. This section authorizes to completion by the Corps of Engineers the Chesapeake Bay Basin Comprehensive Study in an estimated additional amount of $9 million.

I had the privilege of introducing the original study authorization which was included in the River and Harbor Act of 1965. This study consists of a complete investigation and study of water utilization control of the Chesapeake Bay Basin, including the waters of the Baltimore Harbor and including but not limited to navigation, fisheries, flood control, control of noxious weeds, water pollution control, water quality control, beach erosion and recreation.

A hydraulic model of the Chesapeake Bay Basin and associated technical center was authorized to be constructed, operated, and maintained in the State of Maryland for this purpose. The model and center are to be utilized by any department, agency, or instrumentality of the Federal Government, as well as the States of Maryland, Virginia, and Pennsylvania in connection with any research, investigation, or study to be carried on by them of any aspect of the Chesapeake Bay Basin.

This study is a comprehensive estuarine study, multidisciplinary in scope, encompassing engineering and the physical, chemical, biological and social sciences. The first year of the study, fiscal year 1967, was used in developing broad concepts and constraints for this study for unprecedented scope and magnitude.

The second year was used for a more detailed evaluation of procedures for accomplishing the study, for interagency coordination, and for a public hearing at which the views of affected local interests were obtained. The analysis was reevaluated by the Corps of Engineers in fiscal year 1969 in response to a request by the House Appropriations Committee with the objective of reducing the cost, including the model, the Corps of Engineers analysis response to that request included consideration of reducing the physical size of the model, substituting a mathematical model for a hydraulic model, and reducing the scope of the resource study.

It was found by the Corps that any of the less costly programs considered would fail to comply with the intent of the original authorization and would not insure success of the study. The Corps also further found that the total cost for the study would be $15 million and not the $6 million originally authorized and estimated. Thus, the Corps has estimated it will need an additional $9 million to complete the study.

There are many urgent problems which challenge the environment of Chesapeake Bay which makes it necessary that this study be accelerated and completed as early as possible. Waste disposal is a pressing problem. The Baltimore-Washington urban complex had a population of approximately 3.8 million people in 1960, a number which is expected to double in 25 years. Little study has been done concerning the intricate relationship between exploding urbanization and the estuarine environment.

The Washington area places 8 million pounds of phosphorous and 25 million pounds of nitrogen in the Potomac River annually. These quantities are estimated to double in 25 years. The Patuxent River receives the wastes of 78,000 people and has lost 10 species of fish. The rapidly expanding rate of urbanization provides the additional threats of increased thermal loads and other very hard to manage compounds. There are numerous other inflows, the invasion of noxious weeds, land and shore erosion, and silt inflows as a function of increased urban development, agricultural activity, and navigation projects.

This comprehensive study, when completed, will project economic development within the bay area and the consequent resource demands. It will serve as a viable management guide to maintaining the environmental integrity of the Chesapeake Bay while encouraging beneficial resource use and enjoyment.

Mr. Speaker, I wish to express my appreciation for the excellent work on this bill by the Chairman of the Subcommittee on Flood Control, the gentleman from Alabama (Mr. JONES), the gentleman from Florida (Mr. CRAMER) and all the members of the full committee and the subcommittee who, in spite of so much other pressing business, devoted so much time and effort to the consideration of this bill.

Mr. CRAMER. Mr. Speaker, H.R. 15166 authorizes funds for the further development of a comprehensive plan for the St. Johns River Basin, the Kissimmee River Basin and other areas of Florida. These are all included in the central and southern Florida flood control project authorized by act of Congress on June 30, 1948, and which would result in benefits in excess of $74 million per year.

This bill, providing $20 million authorization for calendar year 1971, is yet another legislative step toward the completion of this great and important flood control project which will serve to benefit Floridians in particular and the Nation as a whole.

With regard to this project whose objectives are so worth while, I wish to reemphasize something I have said in the past: That the Corps of Engineers must consider a realistic protection of the environment, with particular emphasis on the wilderness environment, in planning and developing this project.

In the past, I have led the fight to provide more funds to the project to be used for the purpose of protection of the environment. I wish to assure the people of Florida and of the Nation that I have remained vigilant to assure that the Corps of Engineers will also protect the environment while developing and operating this project.

To this end, I may say that it is my understanding, resulting from many conferences I have had with the Corps, that each consideration is being given by the Corps in their planning, and, when this project proceeds, it will not only provide the manmade benefits that the mind and sinew of man can produce but will protect those God-given benefits which it is our duty to preserve as custodians of the earth.

An analysis of the project to date and the impact of this authorization follows:

CENTRAL AND SOUTHERN FLORIDA

The project lies generally within 18 counties of Florida covering an area of about 16,341 square miles. It is comprised of the upper St. Johns River Basin in the northeastern section of the project; the Kissimmee River Basin in the central section above Lake Okeechobee; the Lake Okeechobee-Everglades area in the central and southwestern section; and the East Coast-Everglades area in the southeastern section.

This project provides for modification and expansion of works in an area embracing Lake Okeechobee, a large portion of the Everglades, the upper St. Johns and Kissimmee Rivers Basins, and the lower east coast of Florida. The project was authorized in the Flood Control Act of June 30, 1948, which also authorized the appropriation of $16,300,000 for partial accomplishment of the first phase of the plan. Subsequent legislation has increased the monetary authorization and expanded the project to include additional improvements. The monetary authorization provided to date totals $186 million.

Central and Southern Florida

Total estimated cost of projects in plan	$330,000,000
Present monetary authorization	186,000,000
Appropriations thru June 30, 1969	170,000,000
Remaining monetary authorization	16,000,000
Additional scheduled obligations thorugh calendar year 1970	23,000,000
Deficit monetary authorization through calendar year 1970	$7,000,000
Additional scheduled obligations thorugh calendar year 1971	13,000,000
Deficit monetary authorization through calendar year 1971	20,000,000

Project and amounts on which requested authorization is planned to be used:

Project	*Amount through calendar year 1971*
Central and southern Florida	$20,000,000
Total requested authorization	20,000,000

Mr. DON H. CLAUSEN. Mr. Speaker, the basin authorization bill before us, as presented by Chairman JONES, does provide for the continuing authorization for the 13 river basins historically considered and reviewed by our Public Works Committee. I support its passage.

As most of the Members know, the committee, its members and very able staff carry on a continuing surveillance of all Corps of Engineers projects. The hearings revealed essentially the same pattern of testimony as has been the case heretofore.

Sections 2 and 3 are modifications of existing projects and/or projects at various stages of planning or construction.

The comprehensive study of the Chesapeake Bay, as presented by our chairman and Congressman MORTON, of Maryland, should prove to be an effective vehicle for considering the total environment in water resource and estuary projects.

Section 4 relates to the Tocks Island multipurpose project. There is widespread interest in advancing the project and it is our understanding that anything associated with the controversial power projects involved has been satisfactorily ironed out and agreed upon by the parties concerned.

It provides needed authority for the appropriation of additional funds required for continued construction of water resource projects in 13 river basins throughout the country.

It also provides—at section 4—that the power potential of Tocks Island multipurpose project may be developed by three New Jersey electric companies, as part of their extension of their existing Kittatinny Ridge pumped storage project situated on the New Jersey side of Tocks Island damsite.

A separate Tocks Island bill has already passed the Senate, last July, S. 2678. Except for a minor perfecting clause, section 4 is identical to the Senate-passed bill.

Section 4 is unanimously supported by all Government agencies, including conservation agencies; by each of the Governors of the four Delaware River Basin States—Delaware, New Jersey, New York, Pennsylvania—by statewide labor and industry organizations of the project State of New Jersey; and by others. In addition to providing for urgently needed electric power capacity, section 4 also provides for a substantial contribution to the eroding economics of the needed Tocks Island project and its national recreation area. It also makes special provision for the critical power requirements of the Delaware River Basin Commission—DRBC.

Development of Tocks Island's limited power potential by a separate Federal powerplant was authorized in 1962, but the economics of constructing it are approaching "marginal status," according to the Corps of Engineers.

MORE EFFICIENT, MORE ECONOMIC POWER DEVELOPMENT

All interested Government agencies—Corps, Interior, Federal Power Commission, Delaware River Basin Commission—have concluded that Tocks Island's power could be developed more efficiently and economically as part of the New Jersey companies'—extension of their existing, adjacent Kittatinny Ridge project—as proposed in their Kittatinny project extension license application pending before the DRBC.

Section 4 provides authority for this purpose. It authorizes the Government licensing agencies to permit the New Jersey companies to undertake this combined power development, subject to several extraordinary conservation requirements designed to preserve Sunfish Pond and its surrounding area atop Kittatinny Ridge, and subject to other extraordinary requirements.

CONSERVATION PROTECTION AND ENHANCEMENT

Section 4(c) provides that Sunfish Pond shall not be used as the upper pool for pumped storage purposes, that its recreation values not be impaired, that an alternate upper pool be created with minimum disruption of the natural environment, that the pumped storage

projects facilities and transmission lines be placed underground, and that the area be restored and landscaped to a primitive setting.

Last July the companies donated Sunfish Pond and its surrounding 68 acres of woodlands to the State of New Jersey, free of charge, for park purposes. They will provide a single additional pumped storage upper pool, instead, contiguous to the existing Kittatinny pumped storage upper pool.

PROJECT ECONOMIC CONTRIBUTION

Apart from saving Government the cost of the separate power facilities, about $30 million including interest, section 4 also requires the companies to pay Government, in addition to annual project taxes, a minimum Tocks Island use charge of $1 million a year, throughout the 50-year license period. It also requires them to furnish, free of cost, all the power required for the operation and maintenance of Tocks Island Dam.

DRBC PREFERENCE POWER REQUIREMENTS

The Delaware River Basin area is the most urbanized, industrialized, populous section of the country. Its most critical water resource requirements are water supply, water pollution abatement, and outdoor recreation.—See the Presidential disaster declaration required by the unprecedented 1961–67 Delaware River Basin drought.

To this end, section 4(c) requires the companies deliver to a preference customer, the DRBC—for water supply, pollution abatement the Tocks Island National Recreation Area purposes—the same amount of power at not more than the price DRBC would have paid if Government installed the originally-authorized, conventional power facilities at Tocks Island. Section 4(c) further requires the companies to deliver the equivalent of the conventional plant's additional output to other preference customers, also at a price not greater than they would have paid if the Government had installed the conventional plant.

The perfecting clause added by the House committee is designed to insure that the DRBC will receive its power requirements for critical basin water supply, pollution abatement, and Tocks Island National Recreational Area purposes.

Mr. EDMONDSON. Mr. Speaker, I support this bill and feel sure it will be overwhelmingly adopted. The basin authorization bill is needed to keep the Nation's great water development programs on schedule and assure that we have provided for future generations. The Congress has always met this responsibility and I feel sure it will meet it by approving the 1969 act.

The bill before us will provide the legislative authorization vital to completion of the great Arkansas River Basin program, which will bring navigation to Oklahoma during 1970. It has been a great privilege to serve in the Congress during the years that this great dream has neared fulfillment, and I am grateful to my colleagues on the Committee on Public Works and in this House for the consistent support they have given this historic program. They are making possible a new day for the people of the Arkansas Valley and its tributaries—a new day of opportunity for future generations who will live in this valley—and the people of Oklahoma and their representatives are deeply appreciative.

Mr. Speaker, I urge approval of H.R. 15166.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House suspend the rules and pass the bill H.R. 15166.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on H.R. 15166, River Basin Monetary Authorization Act of 1969, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ACCESSIBILITY TO PHYSICALLY HANDICAPPED OF CERTAIN PUBLIC FACILITIES

Mr. GRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14464) to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped.

The Clerk read as follows:

H.R. 14464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to insure that certain buildings financed with Federal funds and so designed and constructed as to be accessible to the physically handicapped", approved August 12, 1968 (42 U.S.C. 4151), is amended—

(1) by striking out "and (B)" and inserting in lieu thereof: "(B)";

(2) by striking out "personnel)" and inserting in lieu thereof: "personnel and (C) a bus, subway car, train, or similar type of rolling stock)";

(3) by striking out "or" at the end of paragraph (2);

(4) by striking out the period at the end of paragraph (3) and inserting in lieu thereof: "; or"; and

(5) by adding at the end thereof the following:

"(4) to be constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact."

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to my distinguished friend, the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I was unable to obtain a report on this bill as late as noon of last Saturday. When were the reports made available?

Mr. GRAY. Mr. Speaker, I would say to my distinguished friend, the gentleman from Iowa, that the report was available on this bill only this morning. I am sorry for the delay at the printer. However, it is a minor report inasmuch as it affects only the Metro subway system in Washington. Congress passed a law on August 12, 1968, stating that all public buildings financed in whole or in part with Federal funds would be accessible to the physically handicapped. We found the Metro system was not covered, and all this does is say that they shall design and construct these facilities to be accessible to the physically handicapped. I am sure everyone would want this, and this is all this bill does. There are more than 20 million physically handicapped persons in this country; 168,000 in the Washington area alone.

Mr. GROSS. Will this be effective in keeping hoodlums out of the subway stations?

Mr. GRAY. We do not cover policing in this amendment, which is an amendment to the original act. The bill before us merely insures that the escalators and other conveyances will be wide enough to accommodate wheelchairs, for example, or others who are ambulatory and able to get on the facilities, and who are physically handicapped. We do not handle the policing of the subways. That is under another committee, the House Committee on the District of Columbia.

Mr. GROSS. These escalators would be available to me even though I am not handicapped?

Mr. GRAY. If the gentleman is here when the subway is finished and is as physically able as he is today, there will be no question. He could get on while it is moving.

Mr. GROSS. Mr. Speaker, I hope in the future the reports will be made available when the bills are made available Mr. GRAY. I share your concern.

Mr. GRAY. Mr. Speaker, I yield to the distinguished chairman of the Committee on Public Works (Mr. FALLON).

Mr. FALLON. Mr. Speaker, in the second session of the 90th Congress, the Committee on Public Works reported out legislation which eventually became Public Law 90–480. The basic purpose of this legislation was to insure that the Federal Government construct or where necessary alter all its buildings so that they would be accessible to all people. If people who are physically handicapped are to rehabilitate themselves and seek gainful employment, it is vitally necessary that they have access to and are able to use buildings in which they work, visit and reside in carrying on a normal life. This legislation passed the Congress unanimously and the Committee on Public Works is proud of the role it played in providing this opportunity to our less fortunate citizens.

H.R. 14464, the bill pending before us today, makes a further amendment to the basic act to provide that in the develop-

ment and construction of the subway system for the Washington area known as the Metro that this same access be available to all our handicapped citizens. The bill makes it quite clear that the Congress intends that in the development of this program to eliminate architectural barriers and to provide access for our handicapped citizens that programs such as the Metro system in Washington are included.

If in the future the Congress should discover that still further changes are needed in this most important law the Committee on Public Works will continue hearings on any such points and determine whether or not still further amendments may be required to the basic act. I believe there is nothing finer we can do in this life to help those less fortunate than ourselves, and this legislation before us today, and the basic act it amends, is a meaningful step in that direction.

I cannot close my remarks without commending most highly the distinguished chairman of the Subcommittee on Public Buildings and Grounds, who has reported this bill and who has worked long and hard in this field, the gentleman from Illinois, the Honorable KENNETH J. GRAY, and to pay equal tribute for his fine work to the ranking minority member, the gentleman from New York, the Honorable JAMES GROVER.

Mr. GROVER. Mr. Speaker, just a few days ago, the District of Columbia formally embarked upon the construction of a billion dollar rapid transit system. The aim is to provide the people of the Washington metropolitan area with yet another link in a balanced and integrated transportation network.

But, balance implies more than simply building alternative methods of getting to and from particular places for only a portion—admittedly a major portion—of our population. It requires that the system be constructed so as to meet the transportation needs of all our citizens—the handicapped as well as the healthy.

I do not know how many disabled persons live in the Washington area. If, as has been suggested, over 20 million Americans are physically handicapped, I suspect that quite a few of them reside in and around the Nation's Capital.

Undoubtedly, included in their number are many veterans who became disabled in the service of their country. Clearly, we cannot plan for the future without planning for them. Besides owing them a debt of gratitude for their sacrifices, we owe them a debt of support to help them to overcome, as much as we can, their disabilities in order that they may realize, to a maximum degree, their potential as human beings.

The handicapped represent a tremendous potential resource for the Nation. We can only tap it, however, by insuring that all facilities constructed with public funds are as accessible to them as design and engineering ingenuity can make them. This is true whether the facilities in question are designed for work, recreation or residence.

Last year, the Congress passed legislation which we believed would accomplish this aim. But it contained an oversight. The proposed National Capital Transit program was not specifically covered by its provisions.

This oversight should be corrected, for we do no good to require that public buildings be acceptable if we do not also require that transportation facilities for getting the handicapped to and from them likewise be built with accessibility in mind. Let us face it "Hire the Handicapped" becomes a rather empty slogan if they cannot get to their jobs.

In 1968, the National Commission on Architectural Barriers to Rehabilitation of the Handicapped published a report. In reviewing it, I was struck by a statement which appears on page 12. Under the heading "Transportation Problems Neglected" it declares:

> Although lack of usable transportation is the most serious problem encountered by the aged and handicapped, it has received almost no attention. There are no standard specifications that apply to it. This Commission was not asked to make recommendations relating to it. There are no Federal, State, or local requirements for accessibility that public transportation systems must meet.
>
> The result can readily be seen in the transportation system of any community. The steps from street curbs to bus or streetcar entrance are often so high that children as well as the aged have difficulty and the disabled usually cannot cope with them at all. The aisles are too narrow for a person on crutches, let along a wheelchair passenger, to navigate. Subway entrances lead to long flights of stairs with turnstiles barring the way to the trains. Sudden stops and starts—common to all types of public transportation—are hazardous for everyone but most seriously so for the disabled.

Approval of H.R. 14464 will not remedy all of the deficiencies the Commission's report complains of. But it will constitute a small step forward in one city in our land.

And, who knows, it may constitute the first of many steps which will ultimately be taken to make all forms of public transportation accessible and available to all Americans burdened with a handicap or disability.

If it does, one small step by us today will have produced giant results nationwide from which we are all sure to benefit.

I urge your support for this much needed measure.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 14464, a bill to amend the act of August 12, 1968, to insure that the subway system for the Washington area be designed and constructed to be accessible to the physically handicapped.

Legislation was enacted in the 90th Congress which requires that the Federal Government insure that all public buildings constructed with Federal funds or constructed on behalf of the Federal Government be constructed in such a way that they are accessible to our handicapped citizens. As a cosponsor of the 1968 legislation, I commend the efforts of our Committee on Public Works to extend the requirements of that act to include the Metro subway system in Washington.

In the intervening years since World War II, we have encouraged the millions of Americans who have some form of physical handicap to earn their own livelihood. We have provided vocational training programs. We have devised helpful orthopedic appliances. We have enlightened prospective employers. However, this three-sided emphasis on handicapped persons, job training, and willing employer has overlooked a very important consideration—mobility.

Vocational independence to the handicapped person means little if we either give no thought to this freedom of movement or merely assume that he would at all times have someone to assist him in the numerous trips that an employed person finds it necessary to make daily. A carefully planned vocational career for the person with a physical handicap would be meaningless if transportation to the job site is an impossibility.

The 1968 legislation enacted by this body, went a long way in recognizing the special needs of the physically handicapped by insuring that all public buildings would be accessible to them. The bill which we are now considering would extend the requirement of accessibility to all public buildings for the handicapped to the new Washington subway system. I believe this is the next step forward that we ought to take to add to the mobility of these special Americans.

Mr. Speaker, I strongly urge a favorable vote for this legislation.

Mr. FEIGHAN. Mr. Speaker, the last Congress enacted legislation providing that all public buildings constructed with Federal funds or constructed on behalf of the Federal Government be accessible to the physically handicapped. The legislation we are considering today was designed specifically to clarify the applicability of this law to the new subway system for the Washington and the metropolitan area authorized by Congress. This bill recognizes the needs of the handicapped and insures that the construction of the subway stations, entrances, exits, and all other related facilities necessary for the Metro system will be subject to the requirements of the law.

A subway system for the District of Columbia was advocated as far back as 1909, and ground for the system was broken last week. Anyone who lives in Washington or surrounding Maryland and Virginia can appreciate the significance of this fact, for the new transportation network will be nothing less than a tremendous improvement over the present situation for all area residents. That the enhanced transportation services should also include the physically handicapped is unquestionable. This legislation will provide without a doubt that the new system be accessible to those people who cannot walk or see normally.

I applaud this bill and anxiously await its enactment into law.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House suspend the rules and pass the bill H.R. 14464.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill, H.R. 14464, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDING THE ATOMIC ENERGY ACT OF 1954

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3169) to amend the Atomic Energy Act of 1954, as amended, and for other purposes.

The Clerk read as follows:

S. 3169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection 153h. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"h. The provisions of this section shall apply to any patent the application for which shall have been filed before September 1, 1974."

SEC. 2. Section 222 of the Atomic Energy Act of 1954, as amended, is amended by striking out "imprisonment for not more than five years" and inserting in lieu thereof "imprisonment for not more than ten years".

SEC. 3. (a) Section 222 of the Atomic Energy Act of 1954, as amended, is amended by striking out "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than $20,000 or by imprisonment for not more than twenty years, or both" and inserting in lieu thereof "imprisonment for life, or by imprisonment for any term of years or a fine of not more than $20,000 or both".

(b) Sections 224, 225, and 226 of the Atomic Energy Act of 1954, as amended, are each amended by striking out "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than $20,000 or imprisonment for not more than twenty years, or both" and inserting in lieu thereof "imprisonment for life, or by imprisonment for any term of years or a fine of not more than $20,000 or both".

SEC. 4. Chapter 18 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new section:

"SEC. 234. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF LICENSING REQUIREMENTS.—

"a. Any person who (1) violates any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 or any rule, regulation, or order issued thereunder or any term, condition, or limitation of any license issued thereunder, or (2) commits any violation for which a license may be revoked under section 186, shall be subject to a civil penalty, to be imposed by the Commission, of not to exceed $5,000 for each such violation: *Provided,* That in no event shall the total penalty payable by any person exceed $25,000 for all violations by such person occurring within any period of thirty consecutive days. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. The Commission shall have the power to compromise, mitigate, or remit such penalties.

"b. Whenever the Commission has reason to believe that a person has become subject to the imposition of a civil penalty under the provisions of this section, it shall notify such person in writing (1) setting forth the date, facts, and nature of each act or omission with which the person is charged, (2) specifically identifying the particular provision or provisions of the section, rule, regulation, order, or license involved in the violation, and (3) advising of each penalty which the Commission proposes to impose and its amount. Such written notice shall be sent by registered or certified mail by the Commission to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by regulation prescribe, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Commission, if any, the penalty may be collected by civil action.

"c. On the request of the Commission, the Attorney General is authorized to institute a civil action to collect a penalty imposed pursuant to this section. The Attorney General shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred to him for collection."

SEC. 5. Subsection 221c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. No action shall be brought against any individual or person for any violation under this Act unless and until the Attorney General of the United States has advised the Commission with respect to such action and no such action shall be commenced except by the Attorney General of the United States: *Provided, however,* That no action shall be brought under section 222, 223, 224, 225, or 226 except by the express direction of the Attorney General: *And provided further,* That nothing in this subsection shall be construed as applying to administrative action taken by the Commission."

SEC. 6. Section 223 of the Atomic Energy Act of 1954, as amended, is amended by adding the word "criminal" before the word "penalty".

SEC. 7. The amendments contained in sections 2 and 3 of this Act shall apply only to offenses under sections 222, 224, 225, and 226 which are committed on or after the date of enactment of this Act. Nothing in section 2 or 3 of this Act shall affect penalties authorized under existing law for offenses under section 222, 224, 225, or 226 of the Atomic Energy Act of 1954, as amended, committed prior to the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, the bill before the House at this time is referred to as the 1969 atomic energy omnibus bill in keeping with the periodic practice of the Joint Committee on Atomic Energy of consolidating varied amendments to the Atomic Energy Act of 1954, as amended, into an overall omnibus measure to facilitate consideration by the Congress.

The bill before us, S. 3169, proposes four principal amendments to the Atomic Energy Act. It also contains two proposed technical changes in the act and a so-called savings clause for certain existing penal provisions. Essentially the bill would effectuate necessary clarifying or corrective amendments to the act and revise or add certain provisions to maintain a current statutory framework for a rapidly evolving program. This legislation was reported by the House and Senate sections of the joint committee without any dissent among their respective members. Further, the bill was passed by the other body on December 1 without objection.

Of the substantive amendments recommended by the committee, perhaps the most significant are reflected in sections 1 and 3. Section 1 would extend the authority of the Atomic Energy Commission under section 153 of the Atomic Energy Act to compel the holder of an atomic energy patent deemed "affected with the public interest" to license the use of the patented matter in return for a reasonable royalty. This provision of the act was enacted in 1954 on the recommendation of President Eisenhower. Its original term was for 5 years, and it has been extended at 5-year intervals ever since. Section 1 of the bill provides for another 5-year extension, from September 1, 1969, to September 1, 1974.

While this provision of the law has never been invoked by the AEC, and could be employed only in comparatively rare and compelling cases because the conditions and procedures surrounding its exercise are quite restricted, an application under that section is presently pending before the Commission. Moreover, the mere existence of such authority has served the development of the nuclear industry well, as evidenced by the fact that voluntary license agreements are common. The Joint Committee believes this is an absolute necessity for timely growth on a broad basis in such a highly technical field. In the absence of such licensing arrangements, and the authority to compel them in rare cases, a relatively few companies, many of which developed their skills largely at Government expense, might be in a position to acquire a monopolistic control over the technology. Experience has shown that such a tendency is being successfully avoided in the atomic energy field, due, at least in part I suspect, to the provision which the Joint Committee recommends be extended for an additional 5-year period.

The second significant amendment is set forth in section 3 which provides for the abolition of the death penalty for criminal offenses under the Atomic Energy Act. The Atomic Energy Commission favors this amendment, and the Department of Justice voiced no objection to its enactment.

In my opinion this amendment reflects the continuing improvement of traditional criminal law sanctions. We have long since discarded the practice of cutting off ears and splitting noses employed by our puritan forefathers to protect the social mores of their time. Our times, too, demand a method to assure adherence to those rules of society which insure the rights of the people, and indeed a livable civilization, as opposed to anarchy and chaos. But it is becoming more and more apparent that threatening the forfeiture of human life does not add substantially to compliance with the law. Emotional instability and fanata-

cism do not respond with rational logic to the risk of death.

This truism has been recognized by competent Federal and State authorities as reflected by the statistics of executions in this country. There have been only four Federal executions since 1956—none since 1963. The States had only one execution in 1968, two in 1967, and one in 1966 as opposed to 64 in 1956. Some States have legislatively abolished capital punishment, either entirely or substantially, from their penal codes.

One thing is clear to all—execution is an irreversible act. There is no opportunity to correct an error. There is no rehabilitative quality involved. It is purely and simply an act of revenge and retribution which casts upon the shoulders of those who impose and carry it out an enormous burden which they bear forever.

In the consideration of the bill before us, it should be recognized that the death penalty has never been imposed for a violation of the Atomic Energy Act. Indeed, as matters now stand, the act's provisions for capital punishment are quite likely unconstitutional because they can be imposed only upon the recommendation of a jury. The Supreme Court has struck down similar provisions in the Federal Kidnaping Act and the Federal Bank Robbery Act, because they impose an impermissible burden on the exercise of the constitutional right to trial by jury. Imposition of the penalty of life imprisonment under the Atomic Energy Act is also subject to the precondition of a jury recommendation, and this punishment too is probably unconstitutional at this time. There is, therefore, a need for dispatch in correcting the relevant sections of the act.

The proposed amendments, while they would delete capital punishment, hardly coddle the criminal. Provision is made for imposition of any term of years in prison, up to and including life imprisonment. The present law, due to its constitutional infirmity, in effect provides for a maximum prison sentence of only 20 years. This change will provide the courts with the authority and flexibility needed to tailor the sentence to the particular offense and offender involved.

As to the other two substantive amendments, one to increase available criminal penalties for unlawful diversion of special nuclear materials and related crimes, the other to authorize the AEC to impose civil monetary penalties in enforcing its regulatory program, I would simply say that these provisions improve the legal framework for assuring public health and safety as well as the common defense and security. These amendments are set forth in sections 2 and 4 of the bill. The purport of these amendments and the Joint Committee's rationale for recommending them are more fully explained in the committee report. If my colleagues have any questions on these or other sections of the bill I shall be happy to attempt to answer them.

Mr. Speaker, I commend S. 3169 to my colleagues and recommend that the bill do pass.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, in the absence of a report on this bill, I wonder if the gentleman from California would give us a brief explanation?

Mr. HOLIFIELD. I will be glad to, but the report has been available since November 24, and it has been on the floor, behind us here, all day. In fact, the hearings are there too.

Mr. GROSS. But the report was not available in the document room on Saturday last, as late as noon. It is pretty hard to read reports during the consideration of other bills as rapidly as they have come up today.

Mr. HOLIFIELD. I will say the document room or someone must have been in error, because we have had these reports on hand since November 24. But I would be glad to explain the bill.

Mr. GROSS. If the gentleman would do so briefly, I would appreciate it.

Mr. HOLIFIELD. I certainly will.

Mr. Speaker, this bill is what we call an omnibus bill because it takes up several miscellaneous amendments to the Atomic Energy Act which we believe are necessary.

Section 1 of the bill extends the compulsory patent licensing authority. This previously has been extended twice, for periods of 5 years. Under the Eisenhower administration it was passed two times. The 5-year period is up, and it is ready to be extended again.

This means that, for any person getting a patent which is of "primary importance" to effectuate the policies and purposes of the act, the Government can require that he cross-license, that is, make this patent available under royalty arrangements to anyone who wants to use it for authorized purposes. That is No. 1. As I say, it has been extended twice before.

Section 2 increases criminal penalties for unauthorized diversion of special nuclear material and related offenses. That is, if anyone diverts such materials to unauthorized purposes, the penalty therefor would be increased, from 5 years to 10 years, if the person is caught diverting this material.

Section 3 is a modification of criminal provision relating to capital punishment and life imprisonment. This change is necessary as a result of the Supreme Court decision in United States against Jackson. It was there held that the death penalty of the Federal Kidnaping Act was unconstitutional, because it permitted the imposition of the death penalty only upon defendants who asserted their right to be tried by jury. In other words, it discourages the assertion of that right. Therefore, in effect, an individual is discouraged from exercising his right to ask for a jury trial because, if he did, he would put himself in jeopardy of a death penalty, whereas if the case were handled by a judge the judge could not impose the death penalty.

Removal of this requirement will bring the Atomic Energy Act in line with the Supreme Court decisions relative to the Federal Kidnaping Act and the Federal Bank Robbery Act. It is merely to adjust the law to make it constitutional in this respect. The amendment would also provide for life imprisonment as the maximum penalty, and authorize the courts to impose any prison term short of life imprisonment.

Section 4, the fourth point in the measure, authorizes monetary penalties for violating the licensing provisions of the act or any rule, regulation, order, or license issued thereunder. The act presently allows the AEC to exercise its regulatory responsibilities to suspend, modify, or revoke licenses and to issue "cease and desist" orders, when they find anyone violating the rules and regulations in a way that might be dangerous to the workers in the plants or to people. This new authority would complement the AGC's existing regulating powers.

The other three amendments are in the nature of technical amendments. I will be glad to explain them if any of my colleagues desire.

The bill was unanimously reported. The gentleman from California (Mr. HOSMER) is present to speak for his side of the aisle. There is no objection so far as I know.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for his explanation and I commend him for not bringing in a bill today in connection with atomic energy that requires additional money.

Mr. HOLIFIELD. I thank the gentleman for his statement.

Mr. HOSMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3169.

I should like to compliment my good friend, the distinguished chairman of the Joint Committee on Atomic Energy, on his fine statement and his leadership in bringing this bill to fruition.

I might comment that, initially at least, there was some debate within the committee on the matter of abolishing the death penalty. While I admit I had some reservations on the subject, I voted in favor of reporting the legislation because I feel confident that the penal sanctions embodied in the amendments will provide an effective deterrent to criminal activity. At the same time the change would bring the law more into tune with the generally prevailing philosophy of our present-day society. Not the least important consideration in my mind was the fact that the sections of the act involved are quite clearly constitutionally defective in the view of the Supreme Court, and it is therefore important to move now to correct them lest a serious violation occur during this hiatus.

The distinguished chairman of the committee has ably summarized the provisions of the bill. There is no need for me to cover the same ground. However, I think it would be helpful to expand somewhat on section 4 of the bill.

That section would add a new section 234 to the Atomic Energy Act authorizing the AEC to impose civil monetary penalties as an additional means of enforcing its regulatory requirements for

the protection of public health and safety. Similar authority is vested in other Federal regulatory agencies, including the Federal Aviation Administration, the Federal Trade Commission, and the Federal Communications Commission. This authority will provide the AEC with an additional tool to make regulatory enforcement procedures flexible and responsive to any particular need which arises. Present AEC authority to revoke, suspend or modify licenses may far exceed the appropriate sanction under all the relevant circumstances. Also, in some instances exercise of this authority could deprive the public of necessary services or penalize a licensee's blameless employees through loss of income without having any significant impact on the licensee itself. The power of the AEC to issue "cease and desist" orders or to apply to the courts for injunctive relief may well be of less than the desired effect in some cases, and criminal sanctions may be all out of proportion to the violation.

Therefore, the committee has recommended that authority to impose civil monetary penalties be conferred on the AEC to complement its existing enforcement authority. The rationale which led to the making of this recommendation is explained in greater detail in the committee report beginning at page 9. I believe my colleagues will agree that this authority will make for both a more effective and a more equitable regulatory enforcement procedure to the benefit of the public and the industry as well. As noted in the report, it is not intended that serious violations of the act or of rules, regulations, orders or licenses issued thereunder are to be penalized by a mere civil penalty. The measure is primarily intended for application in circumstances where utilization of the other, and generally stronger, regulatory tools available to the commission would be tantamount to swatting a fly with a sledge hammer.

Mr. Speaker, I endorse this measure and recommend its enactment.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that any Member who wishes to do so may revise and extend his remarks at this point in the RECORD, before the vote on the bill.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California that the House suspend the rules and pass the bill S. 3169.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 14925) was laid on the table.

PERSONAL STATEMENT

Mr. BUTTON. Mr. Speaker, on roll-call No. 323 I was unavoidably detained, and therefore was not recorded. Had I been present, I would have voted "yea."

COMMENDATION OF CONGRESSMAN REUSS—GOLD PRICE SUPPORT

(Mr. HANNA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANNA. Mr. Speaker, not all of the important accomplishments of this body and its Members are accorded recognition or appreciation. The recent conclusion of efforts to release international trade from the cloying cutch of gold is one such event. The Joint Economic Committee in general and our colleague, HENRY REUSS, of Wisconsin, in particular are deserving of our special note and commendation.

Through the disastrous decision of Treasury for the gold pool down to the present refusal to officially undergird the marketing posture of South Africa the committee under the guidance of Mr. REUSS has held firm. The two tier gold pricing and the creation of special drawing rights were successfully urged. The agreement of governments to deal honorably with each other in regards to settlement of trade accounts was wisely implored with equal success.

We stand now at the opening of the 1970's with new dynamics in our financial structure to match the exciting potentials for greatly growing international trade and investment. It is not unlikely that at the end of the next decade will find the United States as well as the rest of the world blessing the efforts of the gentleman from Wisconsin and the many other wise and courageous leaders who delivered us from the thrall of the "golden calf."

We would be remiss if we did not at this point indicate that we understand the work of our colleague in this regard.

An article entitled "Committee Rejects Gold Price Support," by Hobart Rowen, published in a recent issue of the Washington Post, is as follows:

COMMITTEE REJECTS GOLD PRICE SUPPORT

(By Hobart Rowen)

Having lost a "test of wills" with the United States, the government of South Africa is no longer "able to withhold gold from the private market," a Congressional subcommittee declared yesterday.

Hence, the group said, there is no purpose in supporting the price to prevent a dip below $35 an ounce for private sales, or in other ways to "make a market" either for the South Africans or for "speculators whose expectations have turned sour."

But as a sop to central banks (mostly in Europe) who worry that their own hoards of gold might plunge in value, the committee suggested an ingenious procedure by which recognized official stocks of monetary gold would have a guaranteed fixed price of $35.

The report was issued by the House subcommittee on international exchange and payments, a unit of the Joint Economic Committee. The subcommittee, chaired by Rep. Henry S. Reuss (D-Wisc.) has been influential in helping shape U.S. foreign economic policies.

An analysis of the South African balance of payments shows, the report says, that the major gold-producing country needs the benefit of gold exports to sustain even a small payments surplus over any length of time. To suspend gold sales permanently could be accomplished "only at the expense of massive deflation and domestic (South African) industrial dislocation."

According to the Reuss committee data, the South Africans sold more gold in the third quarter of this year than in all of 1968. It is this large flow that helped bring the price down sharply (from nearly $44 this past spring) to the vicinity of $35 on private markets last week, and even slightly below it. The closing price in London yesterday was $35.30, up 10 cents.

Committee members are known to feel that the fractional recovery in prices in the past few days is due entirely to reported talks between the U.S. and South Africa on some plan that would prevent the private market price falling below $35. To this, the report raised strenuous objections.

In addition to retaining the two-tier gold system, introduced in March 1968, which produced the "test of wills" between the U.S. and South Africa, the committee suggestion to prevent central bank losses was as follows:

Member nations of the international monetary system would guarantee "collectively" that the value of all gold held in "legitimate monetary reserves on March 31, 1968," would be $35 an ounce.

The Committee had two other proposals:

If necessary to meet enlarged IMF quotas, the U.S. should allocate gold from its own stock rather than agree to official purchases from South Africa.

Ultimately, because gold over time will become less important as a monetary asset, the IMF Articles of Agreement should be amended to permit the gold tranche (25 per cent) to be paid as well in Special Drawing Rights (SDRs) or in currencies specified by the IMF.

THANKS FROM VIETNAM

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, at a time when national sentiments are deeply divided on our Nation's role in Vietnam it is especially gratifying to learn of positive and meaningful accomplishments being made to assist the war-torn peoples of South Vietnam.

Recently I received a letter from a Tennessee serviceman, a young man whom I have known since his childhood, who has successfully undertaken the task of assisting these deserving people.

He is Sp5c. Robert Geiger of 123 Fairways Drive, Hendersonville, Tenn. Specialist Geiger is now working with the 71st Evacuation Hospital at Pleiku, South Vietnam. Much of his time is spent with the local Montagnard tribesmen. Part of his time is spent working with and helping people in a nearby leper colony. Upon arrival at Pleiku Specialist Geiger saw immediately a need by these people for some of the most rudimentary items of day-to-day living such as clothing and soap to cover and cleanse the body. For help Specialist Geiger appealed to his church, East End Methodist of Nashville, Tenn. The necessary items were gathered and forwarded by the church to Vietnam.

Through his letter of thanks we were able to discover how badly these items were needed, how they were immediately put to use and how, in their own small

way, they have contributed to our effort in Vietnam.

In his letter Specialist Geiger made a comment which should be given serious consideration by each of us. He said:

This country (South Vietnam) is now locked in a conflict that will take more than arms to end. It will take much patience and educating the Vietnamese.

There are those who in good faith may disagree with our military presence and policies in Vietnam. There are, however, none who, in good faith, can disagree with the humanitarian work and efforts by such Americans as Bob Geiger.

Mr. Speaker, these efforts and accomplishments are worthy of note and commendation. At this point I include Specialist Geiger's letter in the RECORD and recommend it to the consideration of my colleagues.

THANKS FROM VIETNAM

PLEIKU, VIETNAM,
October 7, 1969.

DEAR FRIENDS AT EAST END: I would like to thank you very much for your help in obtaining clothing for the people of the villages here. They have all been distributed and the people were very glad and grateful for them.

Since I sent out my call for help I've been working in a leprosy colony. There was a great need for clothing here so most of the adult clothing went there. I only go there a couple of afternoons a week but I've seen the items put to use and now see them on the backs of the patients. They're very grateful and send their thanks.

The remaining clothes and all that beautiful soap went to the Montagnard villages. They had the biggest bath I've ever seen. The whole village lathered up. The soap is a tremendous help to us in keeping disease and infection down. The childrens clothes help keep down the number of colds. Here in the mountains it gets quite cool at night and there is a lot of pneumonia in the children.

I'm now working in a civilian hospital as an advisor. I've had an opportunity to see a side of Vietnam very few get to see. This country is now locked in a conflict that will take more than arms to end. It will take much patience and educating the Vietnamese. It can not be done without the help and backing of people like you.

Let me thank you from the bottom of my heart for your help.

May God bless and keep you all.

Always,

BOB GEIGER.

ANNIVERSARY OF THE FIRST SUCCESSFUL AIRPLANE FLIGHT

(Mr. JONAS asked and was given permission to address the House for 1 minute.)

Mr. JONAS. Mr. Speaker, 66 years ago this coming Wednesday on December 17, 1903, Wilbur and Orville Wright completed the first successful airplane flight at Kitty Hawk, N.C. They thereby transformed a long held dream of man into reality, thus symbolizing American pioneering leadership in aviation.

President Nixon has issued a proclamation designating December 17, 1969, as Wright Brothers Day in which he calls upon the people of the Nation, local and national officials, to observe this day with appropriate ceremonies and activities.

Mr. Speaker, I ask unanimous consent to include this proclamation as part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The proclamation referred to follows:

WRIGHT BROTHERS DAY, 1969

Proclamation by the President of the United States of America

Over the centuries, man dreamed a great dream—to break his bondage to the earth and fly through the sky. The Greeks told of Icarus who almost succeeded, but who paid for failure with his life. The dream took shape in the mind of the Renaissance Man, da Vinci, who drew designs for a flying machine, but who never flew. But the dream was always there, and always man worked to make the dream a reality.

On December 17, 1903, Orville and Wilbur Wright made the dream a hard scientific fact. Orville stepped from a homemade contraption onto an ocean beach in the State of North Carolina, after completing the first successful airplane flight.

Almost sixty-six years later, another man stepped from another craft onto another plain. This plain was the waterless Sea of Tranquility on the Moon. Man had not only removed his bondage to the earth, but had expanded his horizons to outer space.

During these sixty-six years since the Wright brothers made man's first powered flight, aviation has revolutionized our way of life. Today, aviation is the servant of man, bringing the world closer together and making its parts more accessible. Tomorrow, aviation promises greater service, greater contributions, and new vistas for each of us.

The names of Orville Wright and Wilbur Wright symbolize America's pioneering leadership in aviation. With countless other men of all nations, they represent mankind's ceaseless effort to make dreams reality.

It is fitting that we should commemorate the achievements of the Wright brothers. The Congress, by Public Law 88-209 (77 Stat. 402), has designated the seventeenth day of December of each year as Wright Brothers Day and has requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby call upon the people of this nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1969, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers, and to provide a stimulus to aviation in this country and throughout the world.

In witness whereof, I have hereunto set my hand this eleventh day of December, in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-fourth.

RICHARD NIXON.

THE NEW SILVER MEMORIAL BRIDGE

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, shortly before 5 p.m., exactly 2 years ago today, December 15, 1967, the Silver Bridge over the Ohio River between Point Pleasant, W. Va., and Kanauga, Ohio, collapsed in one of the worst bridge disasters in U.S. history.

When the bridge fell it was loaded with Christmas shoppers and homeward bound working people. Forty-six died in the tragedy while nine were saved after falling almost 100 feet into the river below. Federal, State, and local officials aided by many volunteers cooperated in a courageous rescue and recovery effort

Even as the search for victims of the disaster continued, Federal and State agencies recognized the need for a replacement span and began the work on a new bridge project. Redtape was cut, a special provision of law was passed by the Congress authorizing the funding, and engineering plans were rushed to completion in record time. The coordination and cooperation of the people concerned stands as a splendid example of just what can be accomplished within the capacity of our Federal legislative and administrative system.

At 11 a.m. today the dedication ceremonies began for the replacement span to be named—appropriately enough—the Silver Memorial Bridge. The $14.5 million, four-lane span will once again provide a major commercial artery between two great States—Ohio and West Virginia.

The great human tragedy of 2 years ago can never be forgotten; but those who planned and constructed the new Silver Memorial Bridge deserve the highest tribute for their superb achievement in restoring this vital link over the Ohio River.

I offer for inclusion in the RECORD at this point an editorial and an article describing the great effort that went into the building of the new bridge:

COOPERATION PRODUCED NEW BRIDGE

(By Hobart Wilson, Jr. and Chester Tannehill)

We have one ability above all others that makes us better than beasts. We can look back to tick off our errors and forward to plan how not to repeat them. In these years of the establishment being questioned, the ways of government suffering criticism for alleged under achievement, it is good that we in the Tri-County Area have The New Bridge.

Shortly before 5 p.m. two years ago, on Dec. 15, 1969, the Silver Bridge at Point Pleasant and Kanauga collapsed, carrying 46 to their deaths. Two victims are still missing. Nine survived.

Just 24 months later a new bridge costing $14.5 million stands completed, ready to be opened officially to traffic on the second anniversary of the tragedy that held the attention of the world.

This is an example of what can result from area, interstate and federal cooperation.

When President Lyndon B. Johnson, within hours after the Silver Bridge fell, declared the tragedy an emergency he opened many doors. As a result, the vitally important new bridge re-linking Ohio and West Virginia near the Silver Bridge site was completed faster than most such projects are even planned.

Ohio and West Virginia have cooperated, dozens of federal agencies cut through red tape and found the money, plans were adopted from a bridge in Vicksburg, Miss., with some modifications, to eliminate months of engineering design time, and public hearings were expedited.

Although everybody manifestly was not happy with the site selected for the new bridge, all sides quickly settled differences. There have been no delaying court suits. West Virginia obtained rights-of-way and

immediately began its work; Ohio found the money to build a new approach from the Rt. 35 by-pass at Kanauga (money that later was refunded to Ohio by the federal government).

All this cooperation resulted in building at miracle speed the new bridge. This cooperation started the night Silver Bridge fell and has never ceased.

On that fateful night two years ago all differences were forgotten. City, county and state police worked side by side taking orders from designated civil defense authorities.

The Coast Guard, U.S. Engineers, the Dept. of Transportation and local agencies worked together. In rescue and recovery work, fire and police units from all tri-county towns as well as Huntington and Charleston came to Pt. Pleasant and Kanauga to help in the massive search for victims. Later, rescue teams from Kentucky, Virginia, Tennessee and other states participated.

Thus, as we reflect upon one of the major regional tragedies of our history, we suggest that if nothing else the new bridge shows what can be accomplished for the good of the community through a spirit of cooperation.

State, county and municipal "lines" cut and slash through our homogeneously knitted Tri-County Area. The Silver Bridge was one of its vital links of intercourse. Many of us failed to realize how important it was to our economic and social comfort until it was gone.

The New Bridge, the Silver Memorial Bridge, that will be dedicated Monday reunites us.

Let us mark this day as one beginning a new era of cooperation for the general improvement of our several communities. Building The New Bridge demonstrated what is possible. It remains to us to show The New Bridge is only the beginning of what people can do together.

TEAMWORK WAS CODE NAME

(By Jack Cowie, director of public relations, Ohio Department of Highways)

GALLIPOLIS, OHIO.—Construction of The Silver Memorial Bridge already may be a legend among bridge builders of the world.

Probably at no other time, except perhaps midst the urgencies of all-out war for survival, before or in years to come, will an all-purpose bridge across a major waterway have been proposed, planned, financed, contracted, built, and opened in two years.

For such an achievement, teamwork was the prime necessity. The teams were the Federal Government and the Ohio and West Virginia Governments. The Federal team set the basic "game plan," providing $14.5 million to cover the total cost of the bridge and its approaches.

The Ohio Department of Highways and the West Virginia Road Commission in cooperation with the U.S. Department of Transportation did the rest.

The new span is at Henderson, south of Point Pleasant, Mason County, W. Va., and extends to Kanauga in Gallia County, Ohio. It is approximately one mile downstream from the location of the former Silver Bridge at Point Pleasant and is about one mile north of Gallipolis. The new span is about 1,850 feet south of the point where the Kanawha River empties into the Ohio.

The Silver Bridge collapsed December 15, 1967, with the loss of 46 lives. Forty-four of the bodies were recovered as were the 32 vehicles which fell into the river. The Silver Bridge was constructed in 1927–28 and was opened to traffic on Memorial Day, 1928. Its name was derived from the silver aluminum paint similar to the paint being applied on the new span.

The Silver Bridge was a 1,750-foot long, two-lane eyebar suspension with a 700-foot main span and two 380-foot anchor spans. Erected by a private firm, it was purchased by the State of West Virginia in 1941 and the tolls were removed in 1951.

On February 7, 1968, President Lyndon B. Johnson ordered a federal-state program for the "immediate reconstruction" of the bridge. He added, "Our objective is to build this bridge in half the normal time. The extra costs of this crash program are justified and outweighed by the daily economic losses caused by the lack of this important traffic link." The estimated economic loss due to the lack of a span in the area was about $1 million monthly he said.

Four possible sites, all in the immediate vicinity of Point Pleasant-Gallipolis, were considered in a location for the span. A site just south of the Kanawha River was agreed upon by the States of Ohio and West Virginia. and the U.S. Department of Transportation.

DESIGN AND ENGINEERING

The substructure was designed by Howard, Needles, Tammen and Bergendoff, consulting engineers with main offices in New York City and Kansas City, Mo.

The superstructure was designed by E. Lionel Pavlo of New York City.

The approaches on both the Ohio and West Virginia sides were designed by E. S. Preston & Associates, Ltd., Columbus, Ohio.

In designing the superstructure, Pavlo utilized preliminary drawings that had previously been prepared for an Interstate 20 bridge across the Mississippi River at Vicksburg, Mississippi. This design was altered to fit the topography of the Ohio River area and this procedure greatly aided in the completion of design and engineering work for the new span.

As to design, it is a four-lane, three span cantilevered through truss facility. In addition to the superstructure, it consists of two river piers, two land piers and two abutments.

The bridge itself is 1,800 feet in length, one of the longest on the Ohio River. At each end are 75-foot I-beam approaches. Thus, the total length of the span and its approaches, exclusive of the roadways, is 1,950 feet.

The distance between the two river piers is 900 feet center to center. This provides maximum clearance for river traffic. The distance between the piers makes the span one of the widest of any cantilevered bridges on the Ohio River.

CONTRACTS AND CONTRACTORS

The initial contracts for construction were awarded by the State Road Commission of West Virginia on June 11, 1968. These contracts were as follows:

Approaches: S. J. Groves & Sons, Inc., Minneapolis, Minn., West Virginia side, 0.1 mile connection with W. Va. 2, $2,095,985.

Ohio abutment and land pier: Allied Structural Steel Co., Hammond, Ind., $112,192.

W. Va. abutment and land pier: Allied Structural Steel Co., Hammond, Ind., $124,328.

River pier near Ohio shore: Al Johnson Construction Co., Minneapolis, Minn., $665,105.

River pier near West Virginia shore: Al Johnson Construction Co., Minneapolis, Minn., $667,055.

Superstructure: Allied Structural Steel Co., Hammond, Ind., $5,226,450.

In October, 1968, the Ohio Department of Highways let a $1,399,985 contract to Bates & Rogers Construction Co., Chicago, Ill., for the Ohio approaches and the U.S. Rt. 35 Bypass.

The final contract for the decking and lighting was awarded by the SRC on November 29, 1968, to Melbourne Brothers Construction Co., North Canton, Ohio, in the amount of $648,483.

Normally, the design, engineering and construction of a major bridge takes from three to five years from start to completion. Thus, the time involved with respect to the new span was approximately one-half the normal schedule.

A major factor in the accelerated construction was the performance by Allied Steel in erecting the superstructure. Allied Steel completed the work in 53 days. This was almost less than half of the original time estimate of 100 days.

In his February 7, 1968 directive, President Johnson said the Appalachia Regional Commission will allocate $2 million from access road funds. He directed that the remainder of the costs would come from regular highway funds administered by the U.S. Department of Transportation. As proposed originally, the Department of Transportation, the Appalachian Regional Commission and the two states were to share in the cost of the new span. The ARC later released the $2 million to the two states—$1.3 million going to West Virginia and about $665,000 to Ohio.

However, this method of financing was altered by an amendment to the Federal Highway Bill that was enacted by Congress in August, 1968.

This amendment provided the Department of Transportation with $50 million in emergency funds. Of this amount, $14.3 million was earmarked for the new bridge with West Virginia to receive $9.4 million and Ohio $4.9 million. It also authorized that $2 million be refunded to the ARC. Thus, the construction of the span and its approaches was made possible by 100 per cent federal funds.

CORRECTING THE PRESS

(Mr. GUBSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUBSER. Mr. Speaker, I have no desire to engage in a quarrel with the press corps. I recognize that members of the fourth estate have a necessary function to perform in a free country and that oftentimes it is difficult for members of the press to perform that function. By and large I believe our free press is one of our greatest strenghts and I respect it as an institution.

But on occasions it is necessary that we set the record straight when we believe a mistake has been made by the press. Today is one of those occasions for me. I believe my objectivity and sense of fairness has been impugned.

In one recent press report I am referred to as a strong hawk for my support of our Vietnam policy and the military.

I do wish the author of this article had seen fit to check with me in advance of writing such a statement. I could have referred him to a speech I made in the House of Representatives on September 30, 1968, in which I advocated a program of planned withdrawal of U.S. forces from Vietnam.

I submit that this is not the position of a strong hawk. I submit further that my position was taken far in advance of the highly publicized position so recently taken by the "Johnny come lately" junior Senator from New York.

In an editorial this morning, the Washington Post suggests that my approach to the Mylai incident will be dominated by Chairman RIVERS and implies strongly that I will not act impartially and objectively in investigating the Mylai incident.

This implication ignores the fact that within the last week as reported by the Washington Post I took a position in opposition to the Army regarding the Tow missile and that my chairman on the teller vote which was concerned with this amendment voted exactly opposite to me.

No one has bought my objectivity nor my sense of fairness nor attempted to buy it. I can assure the House that for my part, I want to investigate the Mylai incident honestly and let the chips fall where they may.

MYLAI INVESTIGATING COMMITTEE

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I would like to join with the remarks that have just been made by the gentleman from California (Mr. GUBSER).

I have recently been appointed to the special investigating committee on the Mylai incident and according to the recent reports in the Washington Post, my position also has been prejudged.

I would like to call the attention of the Post to former positions taken by myself as well as the other three members of this committee. I submit that we are as independent as any that they could find on this committee and we would reflect no one's opinions except our own.

I would like to commend the Post for one of the few times in keeping the editorial opinon on the editorial page rather than with the hard news itself.

TWO RESOLUTIONS IN SUPPORT OF AMERICA'S FIGHTING MEN

(Mr. WOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLD. Mr. Speaker, today this body is considering two proposals that are most important to the spirit of the United States. I feel House Concurrent Resolution 454 and House Resolution 661 embody the feelings of a great majority of the citizens of the United States. Furthermore, I feel their passage by a substantial majority of this body would indicate to the world the unity of our thought and so, make our policies and actions more credible—both to friend and foe.

For some time now the Nation has been divided over the issue of Vietnam. The debate over the matter is so emotional, so violent at times, that many of the men fighting the war doubt the faith of the Nation. Equally important are the attitudes of those who arm and support those who fight our men. Their perception that our support for American fighting men is less than unanimous only lends them sustenance.

But the purpose of House Resolution 661 is not to debate the merits of the U.S. involvement in Vietnam. Rather, its purpose is to show the world that Americans stand united behind those Americans fighting and shedding their blood on the far-off battlefields of Vietnam.

The resolution will pay highest tribute to the American serviceman who has given his life or has been wounded in the Vietnam conflict. It will also commend each serviceman and veteran of Vietnam for his individual sacrifice, bravery, dedication, initiative and devotion to duty.

Let there be no doubt anywhere where we stand on this.

These men have participated in what has been perhaps the most difficult war in our history. With few exceptions they have shown a spotless record of seflessness and devotion to duty and the ideals of America.

But our commitment to honor them must be more than rhetoric. Our support for them must be based on action.

This body is also considering House Concurrent Resolution 454. It urges that the North Vietnamese and the Vietcong comply with the Geneva accords in their treatment of American war captives.

We have had rather vivid accounts of the inhumane manner in which the North Vietnamese and Vietcong treat Americans. Many Members of this body have personally witnessed the plight of the wives and other relatives of our men who have suffered the misfortune of being listed as missing.

I believe passage of this resolution will alleviate the plight of American POW's by mobilizing public opinion across the United States to pressure Hanoi into giving our men better treatment. It is especially important that they abide by the provisions of the accord which require that the names of POW's be released.

The rulers of North Vietnam have hardened their hearts. However, we know even they are strongly influenced by American public opinion. It is possible that if American public opinion is strongly enough presented, then improvements will be made in the treatment of our men.

There is no single gesture we can make to show our support for American servicemen in Vietnam than to lead the American public in a condemnation of the Communist treatment of American POW's.

Mr. Speaker, in light of the reasons given in support of these resolutions, I urge this body to give unanimous consent to the proposals.

A BALANCED TRANSPORTATION SYSTEM IS ESSENTIAL FOR THE WASHINGTON AREA

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, the opponents of a balanced transportation system for our metropolitan area are doing a great disservice to all citizens, whether they live in the inner city or the suburbs. Their position not only thwarts the achievement of the best transportation system, but also involves air pollution.

The opponents of a balanced transportation system would have us believe that mass transit is somehow the total answer. They ignore the fact that the Metro is coordinated with regional bus and auto transportation. The Metro plans call for the planned freeway network which is now under construction; a region-wide feeder bus system; more than 30,000 parking spaces; and transit stations specifically designed to accommodate auto and bus traffic. These facts reveal the fallacy of arguing that we curb auto exhaust pollution by opposing parking facilities and the construction of streets and freeways in the center city. Such opposition ignores the regional nature of our transportation system and the regional nature of our air pollution problem.

Those who honestly express concern about exhaust pollution should look to Detroit for solutions. In a recent speech, one auto company spokesman suggested that the industry has done the job; what is left of auto-caused air pollution is not worth worrying about; and eliminating all pollutants will cost car owners billions of dollars.

Fortunately, there is more conscience in other companies. The head of one of the big three manufacturers announced that his company has developed an air pollution control system which will greatly reduce harmful emissions, and that his company will continue to spend millions of dollars on research to lick the problem of pollution.

At least some elements of the industry are waking up to the fact that Americans are growing increasingly impatient with compromises; increasingly impatient with traveling in first-class cars which create a second-class environment. Looking at the ads for 1970 cars, we are led to believe that they are the last word in engineering, styling, and technical achievement, but nothing is said about the poisons these marvels are pumping into the air we breathe.

Some manufacturers are moving in the right direction in research. It may be that workable pollution control devices can be developed, or that the industry will turn to other propellants as are being tested now, such as steam and propane. What we really need is as much enthusiasm for reducing exhaust fumes as there is for increasing horsepower and making useless styling changes.

I believe American engineering can, must and will produce reasonably priced cars which will not pollute our air, and that with the joint concern of citizens, Congress and the manufacturers, we will see some substantial developments in the near future.

OBSCENE LITERATURE

(Mr. ROTH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROTH. Mr. Speaker, today I am introducing a bill which would provide additional protection for the youth of our country from mail peddlers of obscene literature. My legislation would mandate that any material of a questionable nature be sent by registered

mail, and that a recipient, showing proof of age, would sign for the delivery.

It is unfortunate, I believe, that we cannot simply cut off obscene mailings at their source. The privacy of a man's home should be sacred, and should not be subject to violations by purveyors of smut through the mail. Supreme Court decisions, however, have made it impossible to clamp down on those who would make a dollar at the expense of the moral fiber of our young people. The Court has upheld a New York law making it illegal to distribute pornographic literature to a minor, but this is only one small part of the problem. I am hopeful that in time the Supreme Court will permit more stringent measures to stop the flow of smut mail completely.

In the meantime, the new legislation I am introducing, I believe, would be helpful in controlling the traffic flow of pornography within the present restrictions laid down by the Court. I would like to include the text of my bill at this point in the RECORD:

A bill to amend title 39, United States Code, to provide that sexually provocative mail otherwise legally acceptable in the mails shall be sent by registered mail

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4001 of title 39, United States Code, is amended by adding at the end thereof the following subsection:

"(d) Matter otherwise legally acceptable in the mails which constitutes—

"(1) a picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body, which depicts nudity, sexual conduct, or sadomasochistic abuse, in a manner designed to primarily appeal to the viewer's prurient interests; or

"(2) a book, magazine, or other printed matter however reproduced or sound recording, which depicts nudity, sexual conduct, or sadomasochistic abuse or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse, and which is designed to primarily appeal to the listener's or reader's prurient interests; shall be carried and delivered by mail only if transmitted as registered mail to a person over 21 years of age. The Postmaster General shall prescribe regulations for the operation of this subsection. Such regulations shall provide that each person to whom any such matter is transmitted under this subsection shall provide documentary proof of his age, signed by him and satisfactory to the Postmaster General.".

TRIBUTE TO JUDGE CURTIS L. WALLER

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on December 2 the Court of Appeals of the Fifth Circuit assembled in its courtroom in Jacksonville, Fla., to receive portraits to be hung in the courtroom, of Judge Curtis L. Waller, and Judge Louie W. Strum, both distinguished former members of the court and Judge Warren Jones, distinguished present member of the court. On this occasion the court and members of the bench, bar, and the public in attendance heard addresses of tribute to the judges whose portraits were being received.

I had the honor and privilege to pay tribute to former Judge Curtis L. Waller, who for 6 years prior to my entering the Senate was my devoted and able law partner in Tallahassee, Fla. I should like to submit following my remarks here my address on that occasion in tribute to this great and noble jurist, friend and citizen, Judge Waller:

ADDRESS OF HON. CLAUDE PEPPER

On July 11, 1950, a judicial sun, in the full lustre and glow of noonday brilliance, after a brief flicker and pause, dropped suddenly behind the horizon of life into eternity and immortality. For on that day, Curtis Longino Waller, of the United States Court of Appeals for the Fifth Circuit, Florida's ranking member of the federal judiciary, died, after a brief illness, at 63. Into the grave with him went the hearts of a countless host who admired him for the virile strength of his mind and loved him for the grandeur of his character and the noble beauty of his spirit.

Appointed as United States District Judge for the Northern and Southern Districts of Florida in 1940, he was elevated to the circuit court in 1943. His judicial career climaxed a rich and full life which began in Silver Creek, Mississippi, where his family was rooted and revered, and an uncle was governor. He took his literary work at Mississippi College and his law degree at Millsaps College. He was a high school teacher, secretary to the gifted Pat Harrison in the House of Representatives in Congress; an aviator in World War I. Returned from the war, he immediately gained distinction at the Bar of Mississippi. He served in the Mississippi House of Representatives. In 1924 he moved to Tallahassee, Florida, and at once assumed leadership in an eminent Leon County Bar.

His counsel was sagacious, his thinking astute and profound. His character, against which all of his life no man ever dared to whisper, won profound respect for every utterance he made to client or court. He was thorough, and when his preparation was finished, sure of his case. He had the genius as a lawyer of catching phrase and homely or humorous rhetoric which endeared him alike to court and jury. His standing at the bar and in the community caused him to be drafted against his will to serve Leon County in the House of Representatives, and to accept appointment as State Attorney for the Second Judicial Circuit of Florida for a brief period.

He had an enviable aptitude for the bench, for he had that balance of judgment, that innate sense of justice, that coverage of conviction, as well as that saturation in legal principle and precedent, which makes the judge. To a judicial mind he brought a gentleman's code and a warm heart. His happy diversion from labor was fishing, and he wrote intriguing fishing stories for national sportsmen's magazines. In the camp or in the friendly circle which he so much loved, he had no superior as a storyteller.

He was too faithful a disciple of the law not to follow it, but he was too just a judge not to rebel at wrong—even what he thought was wrong law. He believed in social justice and progress, and as a citizen he supported liberal men and liberal movements; but when he sat as a judge he was the shield of the individual, and woe to those, pressing down upon the citizen, who fell upon the poniard of his pen. As a district judge he had the faculty to grasp the issues, to rule promptly and forcibly, and to dispatch the court's business both quickly and well. As an appellate judge he spurned verbosity; he scorned empty rhetoric and cut through the confusion of fact and word with the lance of a penetrating mind and what Mr. Justice Glenn Terrell called "incisive, pointed and direct statement."

In one of his dissenting opinions, Judge Waller said: "I hesitate to ascribe to Congress the absurd design to tax a gift to a babe in arms because his estate must be managed by someone sui juris, exercising the powers of a guardian or parent, while a gift to an adult, requiring no managing third party, is tax free. Congress likes adult voters, but surely not that well." Fondren v. Commissioner, 141 F.2d 419, 422 (1944).

But he could put a romantic shaft upon his arrow; in Crews v. United States, 160 F.2d 746, 747 (1947), he began the opinion of the court: "The beautiful Suwanne River—the mention of which calls to memory a plaintive melody of strumming banjos, humming bees, childhood's playful hours, a hut among the bushes, and a longing to go back to the place where the old folks stay—was the scene of the cruel and revolting crime that provoked the gesture of dealing out justice that is this case."

His judicial reputation was rising all over the country. The law he loved has lost one of its finest and best.

We became friends shortly after 1925 and, until he went away, our lives, like our hearts, were close together. When he was lowered beneath the gentle pine which is his sentinel in Tallahassee, there came back to my mind the noble words of Antony over the body of Brutus at Philippi:

"His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world 'This was a man!' "

And if we add "and a great and just judge," there is a fitting epitaph for Curtis L. Waller,

May it please the court:

I am grateful for the privilege of participating in this meaningful occasion and particularly to have the honor to pay tribute to a man whom I respected as a judge, admired as a lawyer, esteemed as a gentleman and loved as a law partner and friend, Curtis L. Waller.

RIGHTS OF MINORITIES MUST BE PROTECTED

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, the recent series of police actions directed against members of the Black Panther organization around the country—in particular the killing by Chicago police of Panther leaders under circumstances that have not been fully explained—should cause concern to citizens of all political views. Most of us—including myself—condemn out of hand the goals and the methods espoused by the Black Panthers. However, our constitutional system, which protects us all, extends inalienable guarantees to every citizen and to all unpopular political minorities. Indeed, those guarantees only become important when tested in support of dissenters.

It should go without saying that crimes allegedly committed by members of the Black Panther organization should be investigated thoroughly, and the full force of the law invoked where sufficient evidence discloses that the law has been violated. But too much is at stake to permit such investigations to turn into—or even appear to turn into—a political and possibly racial vendetta operation against this or any other controversial group. Already the suspicion that such a policy on

the part of police authorities exists has caused consternation, concern, and fear in many communities.

I welcome the announcement that the Justice Department is investigating the Chicago incident. The Justice Department's investigatory force is the FBI, which is itself under attack for allegedly encouraging harassment of the Black Panthers. Also, alas, the Justice Department under Attorney General Mitchell has lost much of the reputation for independence and evenhandedness which it once had.

For these reasons I welcome the announcement that a group of distinguished lawyers including former Supreme Court Justice Arthur Goldberg is preparing to look into this matter. Their investigation, while helpful, being without subpena power, will not suffice. I believe we must go further. The U.S. Commission on Civil Rights, an independent bipartisan group with a deep commitment to the rights of minorities and a real understanding of the problems that beset our Nation whose report would receive wide acceptance should undertake this investigation and I have written to Theodore M. Hesburgh, chairman of the commission, as have others of our colleagues, requesting such an investigation. My letter to the commission follows:

Hon. THEODORE M. HESBURGH,
Chairman, U.S. Commission on Civil Rights, Washington, D.C.

DEAR FATHER HESBURGH: I would like to join with my colleagues who have written to you requesting that the United States Commission on Civil Rights undertake an investigation into the Chicago incident involving the Black Panthers and the Chicago police which resulted in the deaths of two leaders of the Illinois Black Panthers. There are serious questions surrounding the shootings which are very disturbing to people, black and white, across the country. It would be unfair to prejudge the actions of the police but it also would be manifestly unfair to permit this situation to go uninvestigated. Therefore, it is most important that an investigation, if its findings are to have wide acceptance, be conducted by those whose credibility is unimpeachable. Your Commission has such a reputation. I urge you to pursue this matter.

Sincerely,

EDWARD I. KOCH.

COMMENDATION TO CONGRESSMAN PERKINS

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADEMAS. Mr. Speaker, I wish to take just a moment here this morning, as a member of the Committee on Education and Labor, to voice my respect and admiration for the distinguished chairman of our committee, the gentleman from Kentucky (Mr. PERKINS) for the magnificent leadership that he gave last week when the House was considering the bill to extend the life of the Office of Economic Opportunity and the effort to combat poverty in the United States. The zeal, the tenacity, the courage, the hard work that Mr. PERKINS brought to this effort I think are the central reasons—coupled with the widespread support that the war on poverty obviously commands across the country—for the strong bipartisan vote in the House to extend the program. Mr. Perkins' splendid leadership is, I am confident, in large measure responsible for the victory on Friday last by some 68 votes.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to my colleague, the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I would like to associate myself with the remarks of my distinguished colleague from Indiana. He is absolutely right. CARL PERKINS literally accomplished a miracle here and it demonstrates the high regard this House has for his leadership. It also proves that the poverty program is like a cat with nine lives. Some thought that it was dead, but it has literally sprung back to life again, thanks to CARL PERKINS's leadership.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, in 1968 the United States produced 131,462,000 tons of steel, 27 percent of the total world production. This represents about 1,300 pounds of steel for every person in the country.

FIFTEEN-PERCENT BENEFIT BOOST FOR ELDERLY COMMENDABLE STOP-GAP MEASURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, unavoidable cricumstances made it impossible for me to arrive at today's session of the House in time for me to vote for H.R. 15095. I am delighted the measure won overwhelming approval and I hope it is only the first important step toward further liberalization of our social security benefits.

The 15-percent across-the-board rise in social security that the House considered today is a commendable step forward, and I support it. But, it falls far short of the reality of today's needs and should be brought up to a 50-percent boost in the next 3 years.

I am a cosponsor of legislation calling for sweeping social security reforms, including a 3-year progression increase to 50 percent, starting with an immediate 15-percent raise in benefits which I think the Nation's retirees need and deserve. Thousands of retired citizens are desperately in need and the 50-percent increase is vital if they are to achieve a life of dignity and security.

I understand that the added benefits under the bill being considered today would increase the minimum from $55 to $64 for single persons and $82.50 to $96 for couples; and provide eventual maximum benefit increases of $218 to $250.70 for single persons and from $323 to $376 for couples. I advocate bringing these up to a minimum of $120 monthly for individuals and $180 for couples, and the maximum monthly benefit for individuals would be $314 and for couples, $471 in the next 3 years.

The average monthly individuals benefits under today's bill would rise from $100 to $116, and the average for a retired couple would rise from $170 to $196. This is far from enough, and should be at least brought up to the realistic figures of $144 monthly for individuals and $242 for retired couples.

These new average rises, commendable as they may be, are still much less than the $355 a month the U.S. Labor Department says a retired couple needs to live modestly in New York.

In New York City today, there are a million men and women age 65 or over, the great majority of whom must make do on fixed incomes that are being steadily reduced by the inexorable rise in prices every month.

Two years ago when Congress raised social security benefits by 13 percent, the Consumer Price Index stood at 119. Last month the CPI had risen to 129.8, a rise of 9.1 percent. We can assume that by the time the proposed 15-percent increase is actually paid, in 1970, the rise will be about 10 percent or more.

Social security has fallen pitifully short of its original intent, which was to replace income loss due to retirement, disability, or death. As a result, millions of elderly are impoverished social castoffs, in an era of unprecedented prosperity for the great majority of Americans.

Out of 24.7 million retired people receiving social security, 8.2 million are classified as poor. This includes 5.8 million out of 16.8 million age 65 or over. If the 15-percent increase is approved, perhaps 1.8 million would rise out of poverty, but millions of retirees would still be impoverished.

It is my fervent hope that the Ways and Means Committee will give priority to the dire need for realistic revisions of social security early in 1970.

The committee should increase benefits another 35 percent by 1972, to bring it to $120 a month by that time, to abolish the monthly premium payment for medicare part B—doctor—insurance, and to extend medicare coverage to out-of-hospital drugs, among other needed liberalizations. And in particular, let me stress the need to lift the outside earnings limit for senior citizens. The present limitation is ridiculous. How can we expect people to work with dignity and pride for such a pittance. And, how can we encourage productivity and usefulness among our senior citizens when our laws say they cannot work for above poverty wages?

MINORITY GROUP DESIGNATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 15 minutes.

Mr. PUCINSKI. Mr. Speaker, there is being circulated throughout the Federal Government a memorandum on minority group designation which I think should be of more than just passing interest to all of us here in Congress.

This memorandum instructs supervisors to designate the minority status of certain Federal employees.

The memorandum points out that a minority group designation of an individual employee is that which he apparently considers himself to be, or which he apparently is regarded to be by others in the work environment or the community.

The memorandum further provides that a supervisor should not seek confirmation of the minority group designations he makes from the individuals involved.

The memorandum acknowledges that minority group designations of race and national origin used in the report are necessarily broad and are therefore not anthropologically precise.

I submit that this whole practice of designating Federal employees by race and national origin was rejected by the Congress when we passed the Civil Rights Act of 1964 and by subsequent actions. It occurs to me that this is a shocking invasion of a Federal employee's personal rights for that employee to be given a designation as to his race and national origin without seeking confirmation of the minority group designation he makes from the individual involved.

This whole practice of designating or identifying Federal employees obviously is a forerunner to setting up a quota system in the Federal Government. I would think that my liberal colleagues who are always so quick to defend the rights of individuals would be outraged with this new practice and would voice their objections in much stronger terms than I might use.

I recall only too vividly how several years ago there was consternation in the Department of Labor because an Assistant Secretary of Labor, in order to have some idea on the racial distribution of Labor Department employees, placed a simple little symbol of "W" to designate white workers and "N" to designate Negro workers on their personnel cards. Secretary Arthur Goldberg summarily fired the Assistant Secretary because Mr. Goldberg was so outraged at this practice of designating Federal employees by racial origin.

There has been, from time to time, other protest about this practice and so it occurs to me that those who have been so incensed in the past ought to raise their voices against this practice, unless they are willing to admit that indeed they have a double standard.

I submit, Mr. Speaker, that if this practice is to prevail, then I must insist that we carry minority group designation to its fullest extent.

If we are going to keep an inventory on the origin of Federal employees by race and national origin, then I submit we must also add to this dimension ethnic identity.

I must insist that any inventory of Federal employees must apply to all employees and their personnel records must reflect their race and their ethnic origin.

I must insist that Americans of Italian descent, of Polish descent, or any of the other Slavic groups, of Irish descent, of English descent, of German descent, or of any other ethnic origin must be identified in personnel records with the same thoroughness that the so-called minority groups are identified.

Indeed, Mr. Speaker, when we reduce all of this to its lowest common denominator, we discover that all Americans are members of some minority group and I submit it is contrary to the highest interests of equality in this country to arbitrarily select any one group of Americans for identification in their personnel records.

I think that when we bring all of this talk to its final conclusion, we will find how unwise it is for the Federal Government to try to establish or ascertain employment qualifications on any other standard than the ability of the individual worker to perform the job better than anyone else.

But so long as the Federal Government wants to get into the business of designating Federal employees by race and national origin, Mr. Speaker, than this principle must be applied to every employee in the Federal Establishment.

The memorandum being circulated throughout the Federal Government follows:

MINORITY GROUP DESIGNATION

The minority group designations of race and national origin used in this report are necessarily broad and are therefore not anthropologically precise. Moreover identification of members of minority groups by visual observation has limitations with respect to accuracy. However, the minority groupings used and the method of identifying minority group status are considered to be adequate for meeting present needs.

The minority group designation of an individual employee is that which he apparently considers himself to be, or which he apparently is regarded to be by others in the work environment or the community. A supervisor *should not seek* confirmation of the minority group designations he makes from the individuals involved.

The following are guidelines for *group designations:*

Negro—Persons having visual characteristics of this group and who are so regarded in the establishment where they work or in the community where they live.

Spanish American—This group includes persons of Latin-American, Mexican, Puerto Rican, or Spanish origin or ancestry.

American Indian—Persons who are regarded in the establishment or community as members of this group.

Oriental—Empolyees who are regarded in the establishment or in the community as members of this group, which includes persons of several national origins: e.g., Japanese, Chinese, Filipino, Korean, Polynesians, Indonesians, etc.

Aleut and Eskimo Employment in Alaska—Employees who are regarded as members of these groups in the establishment or community.

LEGISLATION TO PROVIDE FOR FEDERAL FACTORY INSPECTION FOR NEW CARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 15262, legislation to provide for Federal factory inspection for safety defects in new cars.

The National Highway Safety Bureau recently announced an 11-percent defect rate among new cars it tested. The California Highway Patrol found that 50 percent of the new car equipment it tested was defective. During the first 9 months of 1969, the auto manufacturers themselves recalled 7.7 million cars. And since September, one major auto company has already recalled half of one of its 1970 lines.

When so large a number of new cars are found with defects, it is obvious the current procedure for policing auto safety standards is grossly defective. Whether it is willful negligence or simple neglect makes little difference to the driver whose car brakes have just failed because of a loose screw or substandard cable.

Under current practices, the National Highway Safety Bureau polices the auto safety standards it establishes by inspecting new cars it has purchased from dealers. For the 1970 model year, the Bureau has purchased a total of 23 cars. There are approximately 150 make-models on the road today. Furthermore, these 23 cars were purchased in November, a full 2 months after the new models were made available to the public.

For the 1969 model year, 20 vehicles were purchased for inspection. This was in the spring of 1969, more than 6 months after the beginning of the new model year. For the 1968 model year, the first year the program was in operation, 72 cars were purchased. This, however, did not take place until June of 1968, just as the major automakers were beginning to phase out their old models to begin manufacture of the new model.

The safety bureau's findings to date, beyond the publicity they have generated, have had little effect on automobile production and quality. The bureau's procedure's are both expensive and ineffective.

My bill would provide for assembly-line inspection of new cars. Through such a procedure, defects can be detected and corrected before the car ever reached its potential owner. The Federal Aviation Agency has had the analogous power in the aircraft field since 1923. And last year the Congress gave the Department of Agriculture a similar power with respect to meat and other food products. Assembly line inspection is nothing new for the Federal Government. The auto industry may be adverse to it, but that is only because such a procedure might be effective.

Despite current safety laws, the auto manufacturers continue to demonstrate a willful disregard for public health as they continue to pursue the profit motive apparently unhampered by concern for the quality or safety of their product.

Token Federal inspections for industry compliance are apparently not enough. And similarly the limited size of the fine that can be imposed upon an auto company for a safety violation is also inadequate. Section 109(a) of the national Traffic and Motor Vehicle Safety Act of 1966 sets a limit of $1,000 on the fine that can be imposed for any single violation and a maximum fine of $400,000 for "any related series of violations."

This level of fines encourages viola-

tions. It is cheaper in many cases for the auto company to produce substandard autos and pay an occasional fine rather than invest in a safe car. Unfortunately, the cost to the driver in terms of death and injury is increased when a manufacturer pursues such a course.

To remedy this, my legislation would increase the limit on penalties for single violations to $10,000 and remove the ceiling on fines payable in connection with "any related series of violations."

The text of H.R. 15262 and related material follows:

H.R. 15262

A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to increase the civil penalties for violation thereof and to require Federal inspection of motor vehicles and items of motor vehicle equipment for conformance with Federal safety standards

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 109(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1398) is amended by striking out in the first sentence thereof "$1,000" and inserting in lieu thereof "$10,000" and in the second sentence thereof by inserting a period following "thereby" and striking out all that follows down through and including the period at the end thereof.

SEC. 2. The first sentence of subsection (a) of section 112 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401) is amended to read as follows: "The Secretary shall conduct such inspections and investigations as may be necessary to enforce Federal motor vehicle safety standard established under this title, including, but not limited to, the inspection (continuously or periodically) of motor vehicles and items of motor vehicle equipment at the time and place of manufacture (including the assembly of parts of such vehicles or items of equipment)."

[Excerpt from column by Jack Anderson in the Washington Post, Nov. 19, 1969]

The motorist's protection from violations of the Federal Auto Safety Standards in 1969 and 1970 cars is about a flimsy as a Detroit fender.

While Transportation Secretary John Volpe ballyhoos the job he is doing for the American driver, an unsettling document with supporting data prepared by his safety experts tells a different story. The unpublished material shows:

Although 1970 cars came out months ago, it was only in early November that 23 cars were bought by Volpe's department for tests to see whether they comply with his safety standards.

In fact, only 21 government-owned cars altogether are being tested from the 1969 Detroit lines. It will be months before his tiny sampling is tested and the results released to the nation's drivers.

And it will be well into 1970 before the buyer of a 1970 car will know whether he's getting the safety he pays for or is driving a motorized time bomb. The report gloomily concludes that some models will never be tested while on others, the driver will have to wait two years to know whether his car was safe when he bought it.

CALIFORNIA HIGHWAY PATROL,
August 20, 1969.

To: Vehicle and automotive equipment manufacturers

Subject: California conformity testing program

GENTLEMEN: At the end of 1968 we notified you that this Department as a result of new legislation would begin purchasing and testing devices requiring approval to ensure their compliance with the requirements of applicable Federal standards and State regulations. We also advised you that the results of the laboratory tests would be furnished both to the manufacturer and to the National Highway Safety Bureau.

Since November 1968, a total of 260 devices have been tested under this program. The attached table shows that 51 percent of the aftermarket devices and 51 percent of the original equipment type devices failed to meet the specifications applicable to the particular unit.

We are quite concerned that such a high percentage of devices being sold do not have performance equal to the sample submitted for approval. We were particularly surprised because most of the devices seemed to be identical to those used as original equipment on trucks and trailers manufactured after January 1, 1968 and passenger cars manufactured after January 1, 1969. It is obvious that whatever effort the National Highway Safety Bureau has exerted in enforcing compliance with new vehicle standards has not spilled over into the identical units sold as replacements for damaged original equipment.

You may be interested in the following example of frequent causes of deficiencies found in the purchased samples:

1. Deterioration of lens molds causing inadequate reflex reflector and motorcycle headlamp performance.

2. Substitution of bulbs which are not the correct rated candlepower or filament configuration.

In taking enforcement action, we merely alert the manufacturer to a possible production problem in cases where the deficient photometric values are within our previous tolerance. If the failures are outside the tolerance, we require the manufacturer to submit representative present production samples to an approved laboratory within 30 days in accordance with the California Vehicle Code provisions. If the manufacturer fails to submit samples and does not have laboratory tests initiated by the end of the thirty day period, or if the laboratory tests show that the devices are not in compliance with the standards, the certificate of approval for the device is cancelled and units may no longer be offered for sale in this State. So far in this program we have had excellent cooperation from the manufacturers and have cancelled only a few certificates.

In order to ensure that unapproved devices are not being illegally sold, we maintain a program of retail outlet inspections where California Highway Patrol personnel throughout the State make on-the-spot inspections of devices being offered for sale over the counter at automotive parts outlets. Approximately 300 outlets per month are being inspected with a number of items of illegal equipment being removed from sale. The enclosed summary of the activities for June 1969 illustrates the extent of this program.

We are bringing this information to your attention in the hope that knowledge of the extent of the problem will result in greatly improved compliance with Federal and State regulations. In the meantime we will continue to take action in individual cases where laboratory tests show evidence of noncompliance.

Very truly yours,

WARREN M. HEATH,
Commander, Engineering Section.

CALIFORNIA HIGHWAY PATROL STANDARDS CONFORMITY PROGRAM, NOVEMBER 1968 TO JUNE 1969

The following data shows the results of the first seven months operation of the California program of purchasing samples of automotive equipment offered for sale at automotive parts outlets and testing them for compliance with Federal and State standards. The numbers shown as failures include devices where possibly only one point in a photometric test did not meet the specifications. Although 51 percent of the devices had insufficient performance under these requirements, approximately 40 percent were actually failures for which the devices would have been rejected for approval prior to the time the California approval testing program was discontinued.

	Aftermarket—209 devices, 107 failures (51 percent)			Original equipment—51 devices, 26 failures (51 percent)		
	Number of tests	Failures		Number of tests	Failures	
		Number	Percent		Number	Percent
Photometric tests:						
Signal lamp	132	69	52	39	15	38
Tail lamp	75	20	27	19	4	21
License plate lamp	18	7	39	5	4	80
Reflex reflector	17	7	41	16	4	25
Clearance, sidemarker	51	3	6	2	0	0
Parking lamp ratio	0			4	1	25
Fog lamp	8	6	75	5	5	100
Driving lamp	1	0	0	0		
Cycle headlamp	0			4	3	75
Turn signal and hazard switch	5	3	60	0		
Turn signal flasher	6	3	60	0		
Mechanical tests:						
Dust	193	0	0	48	0	0
Moisture	193	3	2	48	0	0
Lens warpage	185	0	0	45	0	0
Corrosion	198	8	4	51	2	4
Vibration	198	3	1	51	0	0

For the purposes of this study aftermarket devices are those sold in automotive parts outlets for general use on any vehicle, even though many of the models might at one time or another have been used as original equipment on a specific truck or trailer. The original equipment devices are those used only as factory-installed equipment on specific vehicles and are not sold for general use. These samples were purchased from the vehicle dealers and are representative of the devices they sell for replacement of original factory-installed units that may have been damaged.

[From the Washington (D.C.) Post, Nov. 11, 1969]

SAFETY FLAWS FOUND IN ONE CAR OUT OF NINE

(By Morton Mintz)

The Department of Transportation, making its first public disclosure of auto industry compliance with safety standards, said that 11.5 per cent of the 1968 and 1969 vehicles tested failed to meet one or more requirements.

In 800 reports on tests conducted between May 15, 1968, and Sept. 30, 1969, private contractors told the National Highway Safety

Bureau that 25 of a cross-section of 218 vehicles and 746 of 7,426 items of equipment—10 per cent—failed.

Acting Bureau Director Robert Brenner emphasized repeatedly at a news conference that the agency regards compliance test reports as a basis for investigation, not as "definitive" evidence of a violation.

With the exception of 91 reports on five 1968 cars and 86 tires that failed safety tests, only a summary of the 800 reports was made available yesterday. It showed vehicle failures as follows:

Service or parking brake system, 10 of 73 vehicles; adequacy of tires for the vehicle, 7 of 57; anchorage of passenger car seats, 2 of 37; seat belt assembly anchorages in passenger cars, 4 of 37; fuel tanks, filler pipes and connections in passenger cars, 2 of 7; and displacement of car steering columns toward the driver, none of 7.

The separate reports on equipment showed failures at the following rates: hydraulic brake hoses, 9.3 per cent; tires, 6.1 to 22.7 per cent; brake fluid, 11.8 per cent, and seat belt assemblies, 13.8 per cent.

The 91 reports made public yesterday—the others will follow in batches on the four Mondays starting Nov. 24—involved one each of the following 1968 cars:

A Mercury Cyclone two-door hardtop in which the restraint locks on the front bucket seat failed, causing the seat backs to collapse forward, and in which the right front seat slid forward and broke a floor mounting.

A Mercury Colony Park four-door station wagon in which seat belt assembly anchorages failed—an upper torso restraint at 2,820 pounds rather than the required 3,000, a pelvic restraint at 4,630 pounds rather than the required 5,000, and a common pelvis and torso restraint mounting at 2,770 pounds instead of the required 3,000.

A 1968 Mustang hardtop in which one upper torso restraint failed at 2,550 pounds and another at 2,610,, with the standard set at 3,000 pounds.

A Chevy II Nova two-door sedan in which, in three separate tests, a rear seat belt assembly anchorage gave way under force less than the required minimum of 5,000 pounds.

A Checker Marathon sedan which, when crashed into a barrier, lost more fuel than is allowed because of a separation of the filler pipe from the gasoline tank.

Ford Motor Co. and General Motors Corp. said their tests showed the seat belts on the models mentioned by Brenner exceeded safety standards.

Both American Motors Corp. and Chrysler Corp. declined immediate comment on the report.

The 86 specific equipment reports made public yesterday involved certain tires previously found to be unsafe. Recently, to settle the cases, one of the manufacturers, General Tire & Rubber Co., paid a $50,000 penalty—said to be the second largest ever made to a federal agency. The other firm, Mohawk Rubber Co., paid $25,000.

Yesterday, David Wells, chief counsel of the Federal Highway Administration, disclosed that Uniroyal, Inc., has been asked to show cause why action should not be taken against it because of the following tire safety failures:

Tiger Paw, size 8.55–14: nine endurance failures, two high-speed failures, Laredo, 7.35–14 and 6.50–13, 47 failures to meet dimension requirements, one high-speed failure; and Bonanza 8.55–14, certain failures that were not immediately made clear.

[From the New York Times, Nov. 11, 1969]

PARTS FOR CARS FAILED 10 PERCENT OF FEDERAL SAFETY TESTS

(By John D. Morris)

WASHINGTON, November 10.—One of every 10 automobile parts tested for compliance with Federal safety standards has failed, the National Safety Bureau reported today. The bureau released its first compilation of 7,644 test results in carrying out a new policy of disclosing both the over-all figures and texts of individual test reports.

The tests, resulting in 771 reported failures, or 10.1 percent, were conducted between May 15, 1968, and Sept. 30, 1969, by eight private testing companies under contract with the bureau. The bureau does no testing itself.

"I don't think anyone is happy with that kind of a failure rate," Dr. Robert Brenner, the bureau's acting director, said at a news conference.

COMPLIANCE UNDETERMINED

Mr. Brenner emphasized, however, that test results did not conclusively establish compliance or noncompliance with safety standards. Rather, he explained, unfavorable test reports provided the basis for bureau investigations and, if necessary, further testing.

So far, he reported, manufacturers have called in products in only four cases of test failures. These involved Jet and Safety Jet tires of the General Tire and Rubber Company. Airflo tires of the Mohawk Rubber Company and rear-view mirrors of the Fiat Company. These had been previously announced. The highest rate of failure in the first 7,644 tests involved passenger car fuel tanks and their fittings—28.6 percent. The fuel tank standard covers the tanks' integrity and security against spillage that could result in fire in collisions.

Other tests in which high failure rates were reported involved seat-belt assemblies, 13.8 percent; brakes, 13.7 percent; tire selection and rims, 12.3 percent, and brake fluid, 11.8 percent. (The tire selection and rim standard covers tire sizes in relation to vehicle weight and rim construction.)

TIRES AND BRAKE HOSES

Other failures included seat-belt anchorages, 10.8 percent; hydraulic brake hoses, 9.3 percent; tires, 6.1 percent in one series of 1,470 tests and 22.7 percent in a special test of 1,785 tires; seat anchorages, 5.4 percent, and glazing materials, less than 1 percent.

No failures were reported in tests involving collapsible steering columns, lamps and door latches and hinges.

The bureau's compilation did not designate the failures by make or model. That information is contained, however, in individual test reports to be made available for public examination over the next few weeks.

Dr. Brenner said batches of test reports would be made available each week until the backlog had been cleared up. After that, reports will be published as they are received.

The first batch of texts, made available today, involved five automobiles and the tires already recalled by General Tire and Mohawk.

FAILURES SPECIFIED

The texts showed that a 1968 Mercury Colony Park, a 1968 Ford Mustang two-door hardtop and a 1968 Chevy II Nova had failed compliance tests for seat belt anchorages, a 1968 Mercury Cyclone two-door hardtop had failed a seat anchorage test and a 1968 Checker Marathon sedan had failed a fuel tank test.

Dr. Brenner said the Mercury Cyclone, Mercury Colony Park and Chevy II cases were currently "under investigation" by the bureau.

The Ford Mustang, he said, passed tests conducted by the Ford Motor Company in conformance with the bureau's testing standards, which he described as "ambiguous." The bureau's contractor conducted stricter tests, also in accordance with the standards, he said. The case was closed without a finding of noncompliance.

The case involving the Checker Marathon was closed after investigation showed the test collision had been conducted at a speed 1.6 miles an hour above the 30-mile-an-hour level specified by the Bureau. Frank Armstrong, the bureau's compliance chief, said the manufacturer had nevertheless taken "corrective action."

TIRE MAKER CITED

David Wells, chief counsel of the Federal Highway Administration, disclosed at the news conference that he had formally called on Uniroyal, Inc., to show cause why proceedings should not be instituted for noncompliance with tire safety standards. He said the notice resulted from the failure of samples of three Uniroyal lines—Bonanza, Laredo and Tiger Paw—to pass compliance tests.

The General Motors Corporation said in a statement that it had given the safety bureau data showing that its seat belt anchorages exceeded the bureau's safety requirements.

"A production body built one week after the alleged noncompliance body was built exceeded minimum seat belt anchorage strength by approximately 15 per cent," the company said.

The Ford Motor Company said its own tests and other data "demonstrate that our vehicles fully conform" to all applicable Federal safety standards.

RESULTS OF AUTO COMPONENT TESTS

WASHINGTON, November 10.—Following is the National Highway Safety Bureau's compilation of the first 7,644 tests for compliance with Federal auto safety standards:

VEHICLE STANDARDS

Standard	Failures	Vehicles tested	Percent of failures
Hydraulic service brake, emergency brake and parking brake systems—passenger cars	10	73	13.7
Tire selection and rims	7	57	12.3
Steering control rearward displacement—passenger cars	0	7	0
Anchorage of seats—passenger cars	2	37	5.4
Seat belt assembly anchorages—passenger cars	4	37	10.8
Fuel tanks, fuel tank filler pipes and fuel tank connections—passenger cars	2	7	28.6
Total	25	218	11.5

EQUIPMENT STANDARDS

Standard	Test failures	Test totals	Percent of failures	Compliance tests
Hydraulic brake hoses	109	1,160	9.3	120
Lamps	0	13	0	130
Tires—to standard	90	1,470	6.1	500
Tires—special test [1]	405	1,785	22.7	
Hydraulic brake fluid	17	144	11.8	12
Impact protection	0	20	0	10
Glazing materials	1	520	(2)	60
Door latches—hinges	0	342	0	84
Seat belt assemblies	529	3,757	13.8	221
Total	746	7,426	10	1,137

[1] Not included in totals.
[2] Less than 1 percent.

SUMMARY TABULATIONS

MOTOR VEHICLE SAFETY DEFECT RECALL CAMPAIGNS
JULY 1, 1969 TO SEPT. 30, 1969

[From motor vehicle safety defect recall campaigns, reported to the National Highway Safety Bureau by domestic and foreign vehicle manufacturers (for period specified)]

Manufacturers reporting	Number of recall campaigns	Number of vehicles
I. Domestic:		
Blue Bird Body Co	1	202
Chrysler Motors Corp	8	15,446
Comet Corp	1	125
Flexible Co	1	104
Ford Motor Co	4	210,192
Freightliner Corp	1	19
Fruehauf Corp	1	1,300
General Motors Corp	3	24,420
Harley Davidson Motor, Inc	1	5,000
Highway Trailer Industries, Inc	1	10
International Harvester Co	4	3,247
Kaiser Jeep Corp	1	1,431
Mack Trucks, Inc	2	104
Pacific Car & Foundry Co	2	435
Shelby Automotive Co., Inc	1	1,300
White Motor Corp	1	7,111
Domestic total	33	270,446
II. Foreign:		
American Honda Motor Co., Inc	1	2,095
British Leyland Motors, Inc	2	4,888
Buss & Car Supply Co	1	155
General Motors Corp.—Buick Division—Opel	1	39,856
General Motors Corp.—Vauxhall Viva	1	500
Mercedes-Benz of North America, Inc	1	350
Saab U.S.A., Inc	2	4,500
Toyota Motor Sales, Inc	1	55,000
Volvo, Inc	3	19,194
Foreign total	13	126,538
Grand total	46	396,984

APR. 1, 1969 TO JUNE 30, 1969

I. Domestic:		
American Motors Corp	3	56,464
Boise Cascade Recreational Products	1	400
Checker Motors Corp	1	192
Chrysler Motors Corp	4	28,753
Clark Equipment Co	3	139
Ford Motor Co	5	454,803
Freightliner Corp	1	842
Gar Wood Industries, Inc	1	49
General Motors Corp	8	1,011,096
International Harvester Co	4	24,520
Kaiser Jeep Corp	3	475
Mack Trucks, Inc	2	4,368
Motor Coach Industries, Inc	2	210
Pacific Car and Foundry Co	2	194
Shelby Automotive Co., Inc	1	1,277
Strick Corp	1	6,700
SS Automobiles, Inc	1	65
Wayne Corp	1	12
White Motor Corp	2	3,064
Domestic total	46	1,593,623
II. Foreign:		
Alfa Romeo, Inc	1	124
Algar Enterprises, Inc	1	3
Fiat Motor Co., Inc	1	3,598
Nissan Motor Corp. in U.S.A	1	3,158
Porsche of America Corp	1	350
Toyota Motor Sales, U.S.A., Inc	1	39,000
Volvo, Inc	2	7,031
Foreign total	8	53,264
Grand total	54	1,646,887

JAN. 1, 1969 TO MAR. 31, 1969

I. Domestic:		
Avanti Motor Corp	1	35
Checker Motor Corp	1	131
Chrysler Motors Corp	3	20,347
Flexible Co	2	859
Ford Motor Co	1	287
Freightliner Corp	1	16,400
General Motors Corp	6	5,544,971
Highway Trailer Industries, Inc	1	35
International Harvester Co	4	2,902

SUMMARY TABULATIONS—Continued

MOTOR VEHICLE SAFETY DEFECT RECALL CAMPAIGNS
JAN. 1, 1969 TO MAR. 31, 1969

[From motor vehicle safety defect recall campaigns, reported to the National Highway Safety Bureau by domestic and foreign vehicle manufacturers (for period specified)]

Manufacturers reporting	Number of recall campaigns	Number of vehicles
I. Domestic—Continued		
Kaiser Jeep Corp	2	5,000
Superior Coach Corp	1	357
White Motor Corp	2	801
Domestic totals	25	5,592,125
II. Foreign:		
British Leyland Motors, Inc	1	5,450
Fiat Motor Co., Inc	1	25,413
General Motors Corp.—Buick Division, Opel	1	20,978
Nissan Motor Corp. in the United States of America	1	39,426
Porsche of America Corp	2	1,912
Renault, Inc	1	2,900
Rolls-Royce, Inc	1	1,350
Toyota Motor Sales U.S.A., Inc	2	18,658
Foreign totals	10	116,087
Grand total	35	5,708,212

JAN. 1, 1968 TO DEC. 31,1968

I. Domestic:		
American Motors Corp	4	30,276
Blue Bird Body Co	1	176
Chrysler Motors Corp	23	145,331
Clark Equipment Co	4	191
Flexible Co	1	127
Ford Motor Co	10	268,038
Freightliner Corp	3	150
Fruehauf Corp	1	350
Gar Wood Industries, Inc	1	49
General Motors Corp	18	453,129
Harley-Davidson Motor Co	5	12,051
International Harvester Co	8	4,582
Kaiser Jeep Corp	6	23,486
Mack Trucks, Inc	9	6,454
Motor Coach Industries, Inc	1	1,725
Pacific Car & Foundry Co	4	499
Superior Coach Corp	1	96
Travco Corp	1	23
Ultra, Inc	1	58
White Motor Corp	7	8,693
Domestic totals	109	955,484
II. Foreign:		
Alfa-Romeo, Inc	2	4,895
American Honda Motor Co., Inc	3	8,196
Bayerische Motoren Werke (BMW)	2	3,965
British Leyland Motors, Inc	4	9,114
First Motor Co., Inc	1	5,378
Mercedes-Benz of North America, Inc	2	6,699
Nissan Motor Corp., in United States of America	3	7,613
Saab U.S.A., Inc	1	1,350
Simca-Rootes Division of Chrysler Motors	1	685
Toyota Motor Sales, U.S.A., Inc	1	39,014
Volkswagen of America, Inc	6	464,942
Volvo, Inc	2	546
Foreign totals	28	552,397
Grand total	137	1,507,881

SEPT 9, 1966, TO DEC. 31, 1967

I. Domestic:		
American Motors Corp	9	187,924
Chrysler Motors Corp	46	457,524
Clark Equipment Co	6	1,404
Ford Motor Co	24	1,346,751
Freightliner Corp	2	42
General Motors Corp	44	2,194,493
Harley-Davidson Motor Co	1	3,988
International Harvester Co	19	217,769
Kaiser Jeep Corp	5	43,243
Mack Trucks, Inc	2	330
Shelby American, Inc	1	1,385
Superior Coach Corp	1	44
White Motor Corp	3	137
Domestic total	163	4,455,034

SUMMARY TABULATIONS—Continued

MOTOR VEHICLE SAFETY DEFECT RECALL CAMPAIGNS
SEPT. 9, 1966 TO DEC. 31, 1967

[From motor vehicle safety defect recall campaigns, reported to the National Highway Safety Bureau by domestic and foreign vehicle manufacturers (for period specified)]

Manufacturers reporting	Number of recall campaigns	Number of vehicles
II. Foreign:		
American Honda Motor Co., Inc	2	32,401
Bayerische Motoren Werke (BMW)	1	17
British Motor Holdings (U.S.A.), Inc	1	8,386
Foreign Distributors Division (General Motors Corp.)	2	539
Jaguar Cars, Inc	1	745
Leland Motor Corp. of North America	2	2,530
Mercedes-Benz of North America, Inc	3	2,905
Nissan Motor Corp., in U.S.A	1	1,525
Porsche of America Corp	1	2,226
Renault, Inc	2	1,623
Rolls-Royce, Inc	7	1,435
Saab U.S.A., Inc	1	17,000
Simca-Rootes Division (Chrysler Motors Corp.)	1	957
Toyota Motor Sales, U.S.A., Inc	1	12,500
Volkswagen of America, Inc	11	158,220
Foreign total	37	243,009
Grand total	200	4,698,043

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, NATIONAL HIGHWAY SAFETY BUREAU,

Washington, D.C.

The attached information has been extracted from tests conducted by independent contractors as part of the National Highway Safety Bureau compliance testing program to determine whether or not motor vehicles and items of motor vehicle equipment comply with applicable Federal Motor Vehicle Safety Standards.

The test results do not reflect the National Highway Safety Bureau's position on the matter. Favorable test results should not be interpreted as necessarily establishing that the vehicle or item of equipment is in conformity with any of the relevant Federal Safety Standards; similarly, unfavorable test results should not be interpreted as establishing nonconformance with the Federal Standards.

It is the policy of the National Highway Safety Bureau to initiate an investigation into any matter where unfavorable test results are produced. Once the investigation is completed, the public will be duly informed of the Bureau's disposition of the matter.

[From Nov 24, 1969 Release]

STANDARD 105—BRAKES

Manufacturer and model	Comments	PB
American Motors Corp : 1968 Rambler Rebel 550	Passed [1]	186-607
Checker Motors Corp : 1968 Checker Marathon	do	186-590
Chrysler Corp (1968):		
Chrysler Imperial	do [1]	186-600
Plymouth Suburban	Failed [2]	186-606
Plymouth Belvedere	Passed [1]	186-604
Plymouth Road Runner	do [1]	186-605
Plymouth Valiant	do	186-591
Dodge Polara	do [1]	186-597
Dodge Dart	do	186-566
Ford Motor Co. (1968):		
Mercury Cyclone	do [1]	186-599
Mercury Colony Park	Failed [1 3]	186-603
Ford Ltd	Passed	186-565
Ford Mustang	do [1]	186-602
Lincoln Continental	do [1]	186-589
General Motors Corp. (1968):		
Pontiac Tempest Safari	Failed [4]	186-596
Pontiac Grand Prix	Passed [1]	186-601

[From Nov. 24, 1969 release]

STANDARD 105—BRAKES—Continued

Manufacturer and model	Comments	PB
General Motors Corp. (1968)—Continued		
Buick Skylark	Passed	186-564
Buick Special—2-door sedan	do	186-563
Buick Riviera	Failed [5]	186-588
Oldsmobile Vista Cruiser	Passed	186-562
Chevrolet Biscayne	Failed	186-560
The Rover Co., Ltd.: Rover 2000 TC	Passed	186-589

[1] This report also includes test for FMVSS-110 (Tire Selection and Rims) which the vehicle passed.

[2] Parking brake would not hold vehicle to the limit of traction of the braked wheels with the front-end up or down, on a 30% grade. Rear axle oil seals failed, leaking lubricant on the brake shoes. Replacement of parts and retest were satisfactory. Seal problem referred to Defects Review. Case closed.

[3] Pedal forces exceeded allowable limits during water recovery tests. Pedal force data was questionable. Case has been closed.

[4] Parking brake would not hold vehicle to the limit of traction of the braked wheels, with the front-end up, on a 30% grade. Laboratory tests limited pedal force to 180 pounds and were conducted on a tilt pad. Manufacturer's data exceed this force which is not defined in the standard. Case closed after technical meeting.

[5] Parking brake would not hold vehicle to the limit of traction of the braked wheels, with the front-end up or down, on a 30% grade. Laboratory tests limited pedal forces to 180 pounds and were conducted on a tilt pad. Manufacturer's data exceeded this force which is not defined in the standard. Case closed after technical meeting.

[From Dec. 1, 1969 release]

STANDARD 105—BRAKES

Manufacturer and model	Comments	PB
American Motors Corp: 1968 Rebel 770.	Failed [1]	187-321
Ford Motor Co: 1968 Thunderbird	Passed	187-323
General Motors Corp:		
1968 Oldsmobile Cutlass	Passed	187-322
1968 Chevelle Malibu	Failed [2]	187-325
AB Volvo Ltd: 1968 Volvo 144 S	Passed	187-324

[1] Parking brake would not hold vehicle to the limit of traction of the braked wheels, with the front end up, on a 30-percent grade. Pedal force limit not included in standard. Laboratory tests limited pedal forces to 160 pounds and were conducted on a tilt pad. Review of manufacturer's data indicates compliance. Test techniques used by the laboratory are subject to question. Case closed.

[2] Parking brake would not hold vehicle to the limit of traction of the braked wheels, with the front end up, on a 30-percent grade. Laboratory tests limited pedal forces to 160 pounds and were conducted on a tilt pad. Manufacturer's data exceeded this force which is not defined in the standard. Case closed after technical meeting.

WILLIAM HICKEY, JR., AN EXAMPLE FOR CITIZENS OF OUR DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 20 minutes.

Mr. CULVER. Mr. Speaker, I would like to call to the attention of the House of Representatives a recent statement by Mr. Jorge L. Córdova, Jr., on the occasion of the dedication of a football field at Cranwell School in memory of William Hickey, Jr.

Mr. Córdova is the son of our colleague from Puerto Rico, the Honorable Jorge L. Córdova.

Bill Hickey, who was my college roommate at Harvard for 4 years, died in service to his country, in a Marine Corps air training accident in 1956.

Although his life was short, it was an inspiration to all who had the opportunity to know him and benefit from his friendship.

As Mr. Córdova points out in his speech, his was a life of self-discipline and purpose—an example for young people today, and Americans of any generation, who see the problems of our time and the inadequacies of old methods of dealing with them.

Bill Hickey understood that an individual can have an impact on the people he touches in the normal course of events, and on society.

Pointing to our present social problems, Mr. Córdova emphasizes that Americans must "take our stand for a truly meaningful, a truly disciplined, a truly purposeful republic."

Turning again to Bill Hickey's example, he stresses that—

We will never value, never acquire or reacquire discipline and purpose as individuals or as a nation, unless we see these ideals as a living force, unless we see them work, unless we see them in an atmosphere of excellence and joy.

It is a privilege to bring to this House the life of Bill Hickey and the message it holds for all of us:

ADDRESS BY JORGE L. CÓRDOVA, JR., ON THE DEDICATION OF THE WILLIAM HICKEY, JR. FOOTBALL FIELD AT CRANWELL SCHOOL

After dinner speakers usually start out by saying that they will be brief—and then do everything within their power to prevent it. I hope you will forgive me if I extend my remarks. Let us all hope that I will be brief.

While listening to Father Mackin, I was remembering a commencement speech more years back than I care to recall, and a statement then made concerning the New Testament. It seems that Modern Biblical Scholarship has uncovered the fact that St. Paul was probably referring to the giving of after dinner speeches when he reminded us of the words of the Lord to the effect that it is much more blessed to give than to receive. Tonight I feel very generous.

We are gathered here for a number of reasons—but primarily to pay honor to the memory of an outstanding young man, to his mother and father, and to Father Hubert Cunniff, a man long concerned with matters of education and of discipline.

When I think back on my days at Cranwell with Father Cunniff and my relationship with the Hickeys, there are certain key words, key ideas, that I think of. *Discipline* is one (that should not be surprising). *Purpose* is another.

These ideas—or these ideals, if you will—were discernible realities in Bill Hickey's life, as instilled in him by the example of his parents and of men like Father Cunniff. I say *instilled* because I believe that the only real discipline is internal discipline, self discipline, the kind that is brought about by example and leadership and not by force—at least not by force alone. The same thing applies to purpose—the only real purpose is that which is lived, as opposed to that which is merely mouthed. Bill's faith and his faith in his country were at the roots of his character. Discipline and Purpose put together produced—as they usually will—a sense of joy which Bill spread to others by his example.

I once told his mother that Bill had lived a full life. I meant it in the sense that, even though he died young, the lives of those of us who were close to him were deeply affected by this contact, affected for the better, and that this is the true measure of the fullness of a man's life.

And I say the same thing—that they have lived a full life—of Bill's mother and of his father, and of Father Cunniff. They have, all of them, given much more than they have received. They have instilled discipline and purpose and joy in others, and they have done so primarily by their example.

Over the past few years I have been doing a lot of work in admissions to Princeton, where I went to college, and to Harvard, where I studied Law. I have enjoyed the relationships this has created and the chance to work with outstanding schools and outstanding young men and young women. I am not entirely unsympathetic to the typical attitude of open distrust, not to say disgust or even open rebellion, towards what many young people view as the stifling, alien, unfriendly and even enemy structures of what is proclaimed as a mature and free society. We have all sensed and felt in the young a massive lack of faith in the normal channels and procedures of every aspect of life:

In the field of politics, a lack of faith in the electoral process and in the ordinary structures of Government.

In the field of law, which is my daily work, a lack of faith in the courts.

In religion, a lack of faith in the authority of the hierarchy.

In education, a lack of faith in the traditional purpose of the schools.

And in society in general, a lack of faith in marriage and the family as fundamental elements.

This lack of faith can be gauged by two graffiti I saw only last year on the walls of a lavatory at Princeton. They are funny, in the sense that all humor inverts the natural values, but they also give you pause.

The first one is "Life Is a Hereditary Disease."

And the second: "The Lord giveth and the Lord taketh away. The Lord is an Indian Giver."

This lack of faith in organized procedures drives many people to bitterness and despair, and it even makes violence seem like a desirable course of action.

I know of no easy answers to the really hard questions—so I will simply ask a few questions and let them hang, for us to think about at our leisure.

Isn't the real problem rooted in each one of us. Are we not, not just as a nation but also as individuals, missing a sense of discipline? Are we not missing a sense of individual and of national purpose? Are we not giving and receiving a very poor example?

When Prime Minister Chamberlain returned to London in September of 1938 from his last meeting with the German Chancellor at Munich, a 3-day debate took place in the House of Commons. In the course of this debate Winston Churchill delivered one of his greatest speeches. Some of you may remember it. His first words were:

"We have sustained a total and unmitigated defeat."

His last words were:

"And do not suppose that this is the end. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of a bitter cup which will be proferred to us year by year unless, by a supreme recovery of moral health and martial vigour, we arise again and take our stand for freedom as in the olden time."

Those of us who, like myself, consider ourselves liberals but do not feel that order is out of place in a liberal society, have sustained severe defeats in the last few years. We have had several sips of that bitter cup. The assassination of a brilliant young President, the murder of his brother in open candidacy, the killing of a great negro leader, open warfare on our city streets and even in our schools, and above all the endless, senseless slaughter of an Asian war which we seem to have been sentenced to fight by the Courts of history, which find it hard to

permit appeals—(When I was in college, the war was known as Korea. Today we call it Vietnam. God knows what its name will be tomorrow)—all these have been characterized by murky and irresponsible deeds by people both in high and in low places, and these deeds have both been caused by and have also themselves loosened mysterious and destructive forces in our communities.

And we will taste the bitter cup again and again, unless by a supreme recovery of moral health and manly vigour, we arise again and take our stand for a truly meaningful, a truly disciplined, a truly purposeful republic.

Some of you must be wondering what the devil all this has to do with the Hickeys and with Father Cunniff. The connection I see is simply this: we will never value, never acquire or reacquire discipline and purpose as individuals or as a nation, unless we see these ideals as a living force, unless we see them work, unless we see them in an atmosphere of excellence and joy. It is just because of that that we need more people like the Hickeys, and more priests like Father Cunniff: because these ideals have been living forces in their lives.

I would like to close on a personal note. These past few days, many images have been driving deep into my memory. When Father Burke spoke at mass this morning, twenty years went by on the big clock, and I might as fell have been sitting there as a high school boy again. And the key words are not just discipline and purpose, but also love.

The example that men and women like the Hickeys and priests like Father Cunniff can give—and can inspire others to give—is based on a capacity for giving and receiving love. This shines through their daily actions, and unless you are deaf, dumb and blind, you respond. I responded.

Because of Father Cunniff and his companions, men like Father Tobin, Father Moriarty, Father Weeks, Father Drohan. Father Burke, Mr. Grey, Mr. McCormick, Mr. Shea and others too numerous to mention, Cranwell was a home to me. And as for Bill and Lucy Hickey—they know that I love them as a son would love his parents, and that I loved Bill as my own brother.

I am no mystic. I have never seen the Lord face to face. If my faith has not betrayed me, someday I will. The sacraments are supposed to be our contact for the time being—but the greatest sacrament of all in my own experience has been the tangible presence of God in the life and character and personality of people like my parents, of the Hickeys, of their son and of the manly priests of Cranwell like Hubert Cunniff. This was the solid base to Bill's discipline, to his purpose—to the fullness of his life and that of his parents and that of Father Cunniff's.

I can say no more, but that I will try to live by their example. **So help me God.**

PAKISTAN SETS AN EXAMPLE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the attention of a busy and troubled world is so frequently directed at conflagrations, demonstrations, and the like, that steady and fruitful progress may be overlooked. Such progress is being made in Pakistan, where a new regime under the leadership of President Agha Mohammad Yahya Khan is providing an encouraging example which other nations should observe and appreciate. His quiet but effective policies are steadily moving democratic processes forward in Pakistan. I submit for the information of my colleagues an editorial from the New York Times of Tuesday, December 2, followed by President Yahya's address to his nation on November 28, 1969:

PAKISTAN SETS AN EXAMPLE

Pakistan's President Agha Mohammad Yahya Khan has set a prudent example for other military rulers with his move to restore democratic civilian rule in his country.

Faced with a resurgence of the political unrest that earlier this year toppled the 10-year-old military dictatorship of his predecessor, Field Marshal Ayub Khan, President Yahya has called for the direct election next October of a National Assembly to frame a new constitution. In doing so, he has sketched a "provisional legal framework" that appears to meet the principal demands voiced by opposition leaders. These include:

Resumption of full political activity;

Dissolution of West Pakistan as an administrative unit and creation of four provinces of Sind, the Punjab, the Northwest Frontier and Baluchistan. This action will reduce the dominant position of the Punjab as long demanded by minority groups in the western region of the nation;

The principle of "one man, one vote." This will give the restive Bengalis of East Pakistan majority representation in the Assembly consistent with their numerical strength.

* * * * *

It is by no means certain that the disparate elements that make up the divided Pakistani nation can work together for the common good under the new federal parliamentary system President Yahya proposes. If democracy is to succeed in Pakistan, the politicians will have to do better in the future than they did in the past in reconciling conflicting regional interests, in controlling corruption, and in promoting the economic development programs that have been impressively advanced under military auspices.

But it has become clear that the popular participation Pakistan requires for progress cannot be achieved under a system based on military repression. It is to General Yahya's credit that he has recognized this reality, as some military rulers in other parts of the world have not.

ADDRESS TO THE NATION

(By Pakistan President A. M. Yahya Khan)

My Dear Countrymen, I addressed you last on 28 July. Since then a number of developments have taken place in the country in various sectors, and certain specific actions have been taken by my Government to lead the country forward toward the main objectives that I had outlined in that address.

The country is facing some serious problems today, and the concerned department of the Central, as well as the Provincial governments have been taking steps to resolve them.

Apart from the political and constitutional problems, the most disturbing one to my mind and the one that affects the lower income groups in particular is the rise in the cost of certain essential commodities. The rise in cost, I may add, is the result of the economic situation inherited by this regime. My government has, however, carried out a very careful examination of this matter, and I would like to state briefly some of the measures taken by us to improve the position.

The price situation has remained under severe pressure, particularly in the matter of food grains in East Pakistan. The food gap in East Pakistan to the tune of 1.7 million tons has had its inevitable effect on prices. Nevertheless, we have taken all steps to cover the entire gap. Half a million tons of wheat and rice are being shipped from West Pakistan and nearly 1 million tons of wheat have been programmed under Public Law 480 from the United States, with shipments starting immediately.

In addition, 350,000 tons of wheat and rice have been arranged under various programs from Burma, Japan, West Germany, Canada, Australia, and France. These arrangements have already resulted in a certain amount of reduction in prices of food grains in East Pakistan.

Steps are also being taken to increase the availability of edible oils in both wings. We will keep the price situation under constant review.

The economic problems today are inherent, and the difficult challenge we face of abolishing poverty and ignorance from the country. My government is going in every direction. Our population is increasing each year by about 4 million. Our urban areas are expanding fast. Our public facilities and social services are under constant strain.

As events of this year showed, more has to be done in every field despite the limitation of our resources. We must provide a meaningful life to our people. We must have the prospect of visible improvements in their living conditions. This can be done only through a planned and disciplined national effort. The economic strains created by political disturbances early this year have not yet fully disappeared. Economic activity has not gathered its full momentum. Fresh investment is slacker than usual, and the growth of exports is less than expected.

My government is reviewing the entire situation and will take all necessary measures to restore the health of the economy, but this a task that the government alone cannot accomplish. Businessmen, Industrialists, Labor Exporters and Agriculturists all have to work jointly with the government to make their full contribution to the country's economic progress.

The next subject which I would like to mention is the problem of corruption amongst government servants. Investigations carried out by the government during the past few months have resulted in the identification of certain very serious cases of corruption, of misuse of office, and of misconduct amongst class one gazetted (Upper Grade—ED) officers. After due deliberations and careful examination of such cases, I have decided to take action against a number of officials under Martial Law. I hope this will be a lesson to all concerned. The rest of the Class One Gazetted officers should devote themselves wholeheartedly to the performance of their duties in their various fields and be public servants in the true sense.

I would like to make just one more point in respect of the services. I had indicated to you earlier that I would set up a high-powered committee for reorganization of the structure of services in the country. This has now been done, details in respect of this committee, including its terms of reference, have appeared in the press. It is my hope that the committee's recommendations will show the way toward giving this country a clean and efficient administration.

As you all know, with the appointment of the Council of Ministers at the Center and (OF—ED) the Governors in the Provinces, Martial Law does not now deal with the normal day-to-day civil administration. It is, however, very much in support of the administration and is used whenever it is considered necessary.

To some of you, the withdrawal of Martial Law in the Background has been a disappointment, but since one of my objectives has been the return of normal civil government, I consider it necessary and proper to take this step.

A word about Labor, Education, and Agriculture Reforms: In the field of Labour-Management relations, a new ordinance has been promugated which allows collective bargaining and which, I hope, will be used both by labour and management in the best inter-

ests of production. I would urge both sides to exercise a sense of responsibility and to insure that this is used for mutual benefit and for the benefit of the nation as a whole. I have directed the Governors and Maritial Law Administrators of the two provinces and zones to pay particular attention to this matter and to insure that anyone trying to be taking the Law in his own hands is severely dealt with. Law-abiding workers, as well as management, will receive full protection from the forces of law and order.

As regards the educational reforms, I may mention that these are very shortly coming up before the Council of Ministers for a final decision.

With regard to the proposals for improving the lot of our peasantry, you are aware that a committee is already busy with formulating its recommendations, and in keeping with my policy, in all sectors this committee would also consult progressive farmers and people who have practical experience in the field.

Now I come to the political and constitutional problems facing this country. In my last address, I had expressed the hope that political leaders of the country would come up with a consensus on certain major issues relating to our future constitution. It is regrettable that they have not been able to do so. But one can understand and appreciate the difficulties. I have, however, continued with my discussions with individual political leaders and others concerned with these problems since I spoke to you last, and while no formal consensus has been produced, I am now fully aware of the views that various people hold on these important matters.

Ever since the responsibility for the administration of this country revolved on me, one of the most important problems which has been agitating my mind is the mode of the transfer of power to people's representatives. My aim is to transfer power to the elected representatives of the people but this aim cannot be achieved without a legal framework. This as you know is not available to us today.

It is therefore necessary for me, in my capacity as the President and Chief Martial Law Administrator of this country, to take the invitative in this matter. I have naturally given deep thought to this problem and could think of four possible alternatives whereby a legal framework for the holding of elections could be evolved.

One method could be to have an elected constitutional convention whose task would be to produce a new constitution and then dissolve itself. This would have been a unique arrangement. But then it had certain disadvantages. The main one being that it would have involved two elections—one election to the convention and the other to the national assembly based on the constitution made by such a convention. The other and more serious disadvantage of this procedure would have been that it would cause unnecessary delay in the transfer of power.

The next alternative was to revive the 1956 constitution. But there is widespread opposition to adopting such a method in both wings of the country because certain features of that constitution such as one unit and parity are not at all acceptable to the people.

The third alternative was to frame a constitution and have a referendum on it in the country. This alternative too had certain practical difficulties as a simple yes or no by way of an answer cannot possibly be given by the people to such a comprehensive document as a constitution.

The fourth alternative was for me to evolve a legal framework for general elections on the basis of consultations with various groups and political leaders as well as the study of past constitutions of Pakistan and the general consensus in the country. This proposal from me would only be in the nature of provisional legal framework. After careful thought I have decided to adopt this fourth alternative, namely, to evolve a legal framework for holding elections to the national assembly.

As I had mentioned in my July address it became evident to me that the three main issues that face us as a nation in the constitutional field are first the question of one unit; secondly, the issue of one man one vote versus party (between the two wings—ED); and thirdly, the relationship between the center and the federating provinces.

As discussions on constitution matter went on in the country during the past few months, I could see that the first two of these issues would have to be resolved before elections are held because they are connected with the basis for elections and with the setting up of the national assembly. As regards other constitutional issues such as the parliamentary central form of government, direct adult franchise, fundamental rights of citizens and their enforcement by the law courts, independence of the Judiciary and its role as the custodian of the constitution, and the islamic character of the constitution which would preserve the ideology on which Pakistan was created, there is no disagreement and these can be considered as settled.

With regard to the three main issues referred to by me, opinions are divided and I have made it clear in my last address that these must not become election issues.

I am glad to find that differences on these issues have now begun to narrow down. This is a good sign. Although no formal all-party meeting has taken place, political parties have now come quite close in their thinking on these issues. Also during my tours in various parts of the country, it became quite clear to me that there is hardly any difference amongst different sections and groups of people on these questions.

This has lent further strength to my initial reaction that these matters should not become election issues because by a natural proccess of discussion and sober thinking, we seem to have come closer to solving these issues and great harm would be caused if we are pushed back in the election arena as there is danger of these issues creating unnecessary bitterness on emotional grounds and thereby causing delay in the peaceful transfer of power.

I would like to summarize what I consider to be the generally accepted views on these important questions. On the question of one unit there appears to be a general desire to revert to the system of separate provinces instead of the present arrangement of one unit for the whole of West Pakistan.

On the question of one man one vote also, it has by and large been recognized in the country that this is a basic requirement of any democratic form of government and therefore, not only in the East wing but also in West wing, it is now generally accepted that we should base our representation on this form of voting.

As stated by me the question of one unit and the system of representation has to be decided before elections can be held and the machinery can be set up to finalize the country's constitution. I therefore have decided to resolve these two issues on the following lines: one unit will be dissolved and separate provinces will come into being. I may add here that one unit was created by executive orders which, however, were subsequently approved by the provincial legislatures and by the second constituent assembly.

In 1957 the West Pakistan legislature had voted in favor of the dissolution of one unit. If martial law was not imposed in 1958, one unit might have been dissolved long ago.

I would also like to remind you that when Pakistan was created it was not on the basis of one unit, but it was on the basis of various provinces in the Western wing. The people of both East and West Pakistan are almost unanimous in demanding the breakup of one unit. My decision is therefore based on popular wish.

Similarly, in essence to the wishes of the people I have accepted the principle of one man one vote and this democratic principle will be the basis of elections for the future national assembly.

As regards the relations between the center and the princinces you will recall that in my July broadcast I had pointed out that the people of East Pakistan did not have their full share in the decisionmaking process on vital national issues. I also said that they were fully justified in being dissatisfied with this state of affairs. We shall therefore have to put an end to this position. The requirement would appear to be maximum autonomy to the two wings of Pakistan as long as this does not impair national integrity and the solidarity of the country.

One of the main aspects of the whole relationship between the center and the provinces in Pakistan today lies in the financial and economic spheres. Federation implies not only a division of legislative powers, but also that of financial powers. This matter will have to be dealt with in such a manner as would satisfy the legitimate requirements and demands of the nation as a whole. People of the two regions of Pakistan should have control over their economic resources and development as long as it does not adversely affect the working of a national government at the center.

The people of East and West Pakistan are bound together by common historical, cultural, and spiritual heritage. There is therefore, no reason why we should not be able to work out a satisfactory relationship between the center and the provinces in Pakistan where people in both wings shall live together as equal and honorable partners.

I would like now to give you the details of the timetable which we should work for changeover of power to the elected representatives of the people. First, the provisional legal framework for the holding of elections should be ready by the 31st of March 1970. Next, as already announced by the chief election commissioner, electoral rolls will be ready by June, 1970.

With the completion of the electoral rolls, the election commissioner will be engaged in delimiting various constituencies both for central and provincial elections and in accordance with the provisions which will be made in the legal framework.

As you are aware, delimitation is finalized after hearing objections, if any, from the people. Therefore, some time has to be given to this task. Further, there are climatic difficulties for holding elections both in East and West Pakistan from the first of June to the end of September. I have therefore decided to hold elections in the country on the 5th of October 1970.

The provincial elections will be held after the National Assembly completes its task of constitutionmaking. The assembly will be required to complete this work within a period of 120 days from its first sitting. I would be happy if they can finalize it even before the expiry of this period. If, however, they are unable to complete the task by the end of the stipulated period, the assembly would stand dissolved and the nation will have to go to the polls again. I hope and pray that this does not happen and I would therefore urge the future elected representatives to undertake this task with a full sense of responsibility and patriotism.

As regards the voting procedure in this National Assembly, it is important to appreciate that the assembly will be deciding upon basic constitution issues. The Constitution is a sacred document. It is an agreement to live together. It cannot be compared to any ordinary law. It is therefore essential that the voting procedure to be evolved by the Assembly for itself should be just and fair to representatives of all the regions of Pakistan.

After the Assembly has completed its task and the Constitution made by it has been duly authenticated, it will assume the character of Pakistan's constitution. The stage would then be set for the formation of the new government. Throughout these activities martial law will remain supreme in order to give support to the program of peaceful transfer of power to the elected representatives of the people.

My dear countrymen, I would once again like to stress upon you that we are passing through the most critical stage of our national life. There is need for every single one of us to realize the effect and act in a sober, objective and patriotic manner. Let us all eschew parochial interest and cast aside personal or local considerations. Let each one of us say to himself that he will contribute everything in his power to make this nation strong and prosperous. On my part, I have placed before you a program which I consider in all sincerity and honesty to be the most acceptable to the general mass of our people and to be entirely in the interest of Pakistan. I have full faith and confidence in our people. I have also full faith in the destiny of our country which was created on the basis of our ideology amidst the sacrifice of the lives of one million moslems. Democracy was a driving force during the movement for Pakistan and I sincerely wish to adhere to democratic principles.

Finally, I would like to say that in view of the program outlined by me, full political activity will be allowed in the country with effect from the first of January 1970. The martial law regulation prohibiting such activity will be duly canceled. I may, however, add that I am not prepared to tolerate any obstruction in the way of restoration of democracy. Any individual or any group which creates law and order problems and indulges in acts of violence will be severely dealt with because democracy implies tolerance and refutation of the use of force. All political activity must, therefore accord a certain norm of behavior. In this behalf, I propose to issue certain guidelines in the near future.

Let us now all go forward together and achieve this transfer of power in a peaceful and civilized manner. God bless you all. Pakistan paindabad. (Long live ED)

CONGRESSMAN ANNUNZIO SUPPORTS S. 740 TO ESTABLISH A CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, the story of America is the story of our steady extension of the promise of the American dream to all our people—the vision and the actuality of a nation founded in justice, liberty, and equality of opportunity for all. To this end I am especially pleased to support S. 740 in behalf of those "forgotten Americans," the over 10 million of our citizens who bear Spanish surnames and who share the great Hispanic culture heritage which enriches the life of every American. Spanish-speaking and Spanish-surnamed Americans represent many origins: Mexico, Cuba, the South American nations, Puerto Rico, and the Philippines. Together they constitute our second largest national minority, a people whose roots run deep into American history.

Long beset by patterns of segregation, discrimination, and prejudice, it is only in recent years that our Spanish-surnamed citizens have begun to make themselves heard, finding new strength in a deeper awareness of and pride in their heritage, vigorously participating in the movement for the securing of their civil rights.

In 1967, President Johnson, recognizing the need for strong Federal leadership in this area, responded with the creation of the Inter-Agency Committee on Mexican-American Affairs. In pursuit of the presidential mandate, the committee has made notable contributions toward an effective liaison between the Federal Government, the private sector, and the people, nurturing in the words of the committee's distinguished first chairman, Vincent T. Ximenes, an atmosphere of "permanent trust," an essential ingredient in a free society.

Today the time has come to establish the work of the committee on a permanent basis and at Cabinet level, and to extend its outreach to the whole Spanish-surnamed community. We have an obligation to provide effective leadership, to focus governmental attention on genuine needs, and to reassure this great body of citizens that their aspirations will be heard and heeded.

In considering S. 740, which would establish a Cabinet Committee on Opportunities for Spanish-Speaking People, we can demonstrate as a Nation our concern for equal opportunity, justice, and community development, the foundations of a healthy, stable democracy. Here is no special interest issue, but rather the deepest, broadest concern of all Americans.

Our Spanish-speaking and Spanish-surnamed citizens have given much to America for many centuries: their story is a part of our national life. In supporting S. 740 we have the opportunity of acknowledging their rightful place in American life, a place marked by equal dignity and equal freedom.

It is a special pleasure and privilege for me, as an earlier cosponsor of H.R. 8416 and similar legislation, to give my unqualified support to this proposal, confident that it serves the best interests of America as a whole, while meeting the special needs of those of our people whose cultural tradition immeasurably strengthens understanding and fellowship with our Latin American neighbor states in this hemisphere.

CONGRESSMAN ANNUNZIO SUPPORTS EMERGENCY SOCIAL SECURITY LEGISLATION

(Mr. ANNUNZIO asked and was gvien permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I rise in support of H.R. 15095—the social security amendments of 1969. This legislation was conceived as an emergency measure to meet the most pressing needs of 25 million people, nearly one-eighth of the Nation, who depend on social security benefits for their major source of income.

Although this bill comes before us as an emergency measure which requires immediate action, I am assured by the report of the Committee on Ways and Means that it was not a hasty measure. Rather it grew out of the evidence presented to the committee at public hearings and executive sessions which were held beginning last October 15. This evidence showed, as the committee report states, "a pressing and urgent need" for a social security benefit increase "as quickly as possible."

As we consider H.R. 15095, I want to emphasize that it is not the definitive social security legislation for the 91st Congress. Rather, it is a stop-gap. It is an immediate answer to a pressing need. The cost of living is up 9.1 percent from February 1968, the date of the last social security increase. And, it will be up 10 or more percent by the time the increased checks are actually received by social security beneficiaries in April.

The Committee on Ways and Means has assured us that when we reconvene for the second session of the 91st Congress that it will continue its consideration of further changes in the social security and welfare programs. I understand this to mean that next spring we can expect another social security bill, a comprehensive bill which will cover all aspects of the program, including, I would hope a second round of benefit increases. Since we can expect comprehensive social security and welfare legislation as soon as it is humanly possible for the committee to report it, I urge, in the meantime, enactment of H.R. 15095 as a stopgap but highly important measure.

WASHINGTON: THE FORGOTTEN REPUBLICANS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, Mr. James Reston, the distinguished journalist of the New York Times, wrote a column yesterday, December 14, 1969, concerning statements last week by two highly respected leaders in our national life, both, as it happens, Republicans.

The first Republican, whom Mr. Reston wrote was Milton Eisenhower, president emeritus of Johns Hopkins University and the chairman of the National Commission of the Causes and Prevention of Violence, and the second was John W. Gardner, former Secretary of Health, Education, and Welfare and now chairman of the Urban Coalition Action Council.

Mr. Reston referred both to the final report of the Commission on Violence and Mr. Eisenhower's comments on it and to an address delivered at the National Press Club by Mr. Gardner.

Mr. Speaker, my only quarrel with Mr. Reston's thoughtful commentary on

the statements of these two outstanding Americans is that he described them as "The Forgotten Republicans."

Mr. Speaker, perhaps the Republicans may have forgotten John Gardner and Milton Eisenhower. Last week's House vote in which Republicans in Congress helped kill the Voting Rights Act and thereby abandoned any pretense of concern about protecting the right to vote for millions of minority Americans surely would indicate that this is the case.

But Mr. Speaker, many of us Democrats are deeply grateful to both these gifted Republicans for what they have been saying. We can only hope that both President Nixon and the Republican leaders of Congress will begin to pay attention to them, too.

The text of Mr. Reston's column follows:

WASHINGTON: THE FORGOTTEN REPUBLICANS

(By James Reston)

WASHINGTON, December 13.—In the last few days, two distinguished Republicans have spoken out on the state of the nation. They are Milton Eisenhower, president emeritus of Johns Hopkins University, and John W. Gardner, former Secretary of H.E.W. and now head of the Urban Coalition—and both have said about the same thing.

The major threat to the security of the nation, they insist, is internal and not external; it is the present conflicts within our own society and not the menace of foreign aggression. They agree, too, on the remedy: end the war as soon as possible, and redirect the nation's priorities, finances, energies and leadership to the problems of the homefront.

EISENHOWER'S THEME

In his final report to President Nixon as chairman of the National Commission on the Causes and Prevention of Violence, Mr. Eisenhower said: "While serious external dangers remain, the graver threats today are internal: haphazard urbanization, racial discrimination, disfiguring of the environment, unprecedented interdependence, the dislocation of human identity and motivation created by an affluent society—all resulting in a rising tide of individual and group violence."

"We are anxious but immobilized," Mr. Gardner told the members of the Washington National Press Club. "We know what our problems are, but seem incapable of summoning our will and our resources to act . . . The place to begin is with our national leadership, both in the executive branch and the Congress. With a few notable exceptions there has been a failure of leadership. More than any other factor it is the missing ingredient in our situation today."

The Eisenhower commission does not minimize the problem of reordering priorities. It points directly to "middle-class America, to the 'forgotten American' and his concern over some consequences of racial integration, his rebellion against rising taxes, his distrust of dissent on the campus and protest movements in the capital. How realistic is it, they will ask, to think that the majority of Americans will support a reallocation of our national resources to deal with social problems?"

THE POLITICAL DILEMMA

Of course, this is precisely what is puzzling and dividing the Administration and the opposition in Washington. Everybody sees the problems of the races and the cities but they also see the backlash of the white majority and there is clearly a political dilemma in both parties about whether to deal with the social problems or concentrate on the politics of those problems.

Mr. Eisenhower and his colleagues are conscious of this dilemma. They observe that there are some who predict that majority indifference to injustice will result in "a violent revolution of some kind," and others who actually advocate this course as the only remedy. The Eisenhower commission's conclusion, however, is that "the majority of Americans have always responded constructively to national crises when they have been fully informed and responsibly led."

GARDNER'S COMPLAINT

But are they? Mr. Gardner's complaint is that the people are neither fully informed nor "responsibly led." His press club speech criticizing the President and the Congress was not published textually, so far as one can discover, in a single newspaper in America, and this is interesting.

He is probably the most articulate Republican analyst of our society in America today. He quit the Johnson Cabinet because he didn't believe in Mr. Johnson's priorities, and felt that we could not solve our problems in America by Presidential leadership but had to rely mainly on the natural leaders of all the states and communities of the nation. This is why he took on the chairmanship of the Urban Coalition.

His experience in this job, however, has convinced him that local leadership, without a clear, strong, persistent definition of priorities from the White House, will not work. This is why he overcame his natural tendency to avoid personal criticism, and spoke out publicly against the President and the elderly and dictatorial committee chairmen of the Congress.

The President, he said, "must do more to set a tone of urgency to which we can all respond, and more to exemplify in his own actions a determination to solve our pressing problems. . . . Only the President's clearly expressed concern and clearly stated priorities can mobilize the Federal apparatus, encourage the Congress to shake off its lethargy, and enable leaders in other sectors of American life to move decisively. . . ."

THE BASIC QUESTION

The meaning of the Eisenhower and Gardner reports—which are available at the White House and the Urban Coalition—is fairly clear. The debate about how to defend the nation is not only or even primarily a debate about Vietnam—that is only part of it. It is not primarily a partisan debate or an argument between the Vice President and the press. It is a fundamental and sincere difference of opinion about how best to defend the security of the country—and the testimony of these two distinguished Republicans, while not conclusive, helps bring these central questions of priorities and leadership into focus.

ADDRESS BY JOHN W. GARDNER, CHAIRMAN, URBAN COALITION ACTION COUNCIL, NATIONAL PRESS CLUB, WASHINGTON, D.C., DECEMBER 9, 1969

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, one of the most significant analyses of the present crisis of leadership facing our country was delivered last week by John W. Gardner, the distinguished former Secretary of Health, Education, and Welfare, and presently the chairman of the Urban Coalition Action Council.

I have read few statements more perceptive in their understanding of the nature of the problems facing the people of our country and of the great need for effective and intelligent leadership at every level, but especially from the President of the United States and Congress, than the eloquent address Mr. Gardner delivered at the National Press Club in Washington, D.C., on December 9, 1969.

I, therefore, include at this point in the RECORD the text of Mr. Gardner's address and hope that it will be read by every Member of the House and Senate:

As we enter the 1970s there are many curious aspects of our situation, but none more strange than our state of mind. We are anxious but immobilized. We know what our problems are, but seem incapable of summoning our will and resources to act.

We see the brooding threat of nuclear warfare. We know our lakes are dying, our rivers growing filthier daily, our atmosphere increasingly polluted. We are aware of racial tensions that could tear the nation apart. We understand that oppressive poverty in the midst of affluence is intolerable. We see that our cities are sliding toward disaster.

And these are not problems that stop at our borders. The problems of nuclear warfare, of population, of the environment are impending planetary disasters. We are in trouble as a species.

But we are seized by a kind of paralysis of the will. It is like a waking nightmare.

A FAILURE OF LEADERSHIP

I propose that as we enter the new decade we make a heroic ecort to alter both our mood and our state of inactivity. Let 1970 be a year of renewal, and during that year let us give our institutions and ourselves a jolting reappraisal and overhaul.

The place to begin is with our national leadership in both the Executive branch and the Congress. With a few notable exceptions, there has been a failure of leadership. More than any other factor, it is the missing ingredient in our situation today.

We have had failures of leadership before. But rarely before have we had the widespread distrust of our own institutions that we see today. And that distrust is not limited to radicals. Ask shopkeepers, housewives, young executives or insurance salesmen what concerns them. If you travel around the country as I do more less continuously, you will find that there is a deep and pervasive feeling among all segments of the populace that "things aren't working"—and Washington is given a major share of the blame. When the great majority of Americans share that uneasiness, when a growing number are losing all confidence in our society, when the problems themselves are terrifyingly real, then it is immoral for our national leaders—in the Congress and the Executive branch—to temporize. It is indecent for them to let us imagine that we can solve our problems without money or that we cannot afford to tackle them. It is criminal for either Republicans or Democrats to put politics before the nation's future.

PRESIDENTIAL LEADERSHIP

Now let me speak specifically of the President. Any judgment on the President's leadership must take into account that he came into office at a difficult time, must deal with a Congress of the opposing party, and finds his options limited by inflation and the war.

But given all that, he must do more to set a tone of urgency to which we can all respond, and more to exemplify in his own actions a determination to solve our pressing problems.

We are not—and should not become—blind

followers of the leader. But only the President's clearly expressed concern and clearly stated priorities can mobilize the federal apparatus, encourage Congress to shake off its lethargy, and enable leaders in other sectors of American life to move decisively.

His greatest test is on the international front. His first task—and one cannot exaggerate its urgency—is to end the war. Even more important in the long run will be steps that must be taken to cope with the threat of nuclear warfare. His recent action with respect to biological warfare was encouraging.

On the domestic front the President must say more explicitly—and with greater urgency—what he conceives to be an appropriate strategy for dealing with the dilemmas of the cities, with equality of opportunity, with the environment and with other problems that are wracking the nation.

Not only must he propose social programs adequate to our need, but when the legislation goes to Congress he must fight as hard for it as he fought for the ABM and Judge Haynsworth.

NEED FOR CONGRESSIONAL REFORM

Now let's talk about the Congress. This Congress, which has acquired a reputation for lethargy, could dispel that reputation not only by passing needed legislation but by enacting genuinely meaningful Congressional reform. Few institutions in our national life are as gravely in need of renewal as is the Congress of the United States. Renewal requires first of all measures to abolish the seniority system and to curb the abuse of power by entrenched committee chairmen.

In 1958, Congress enacted a law requiring the chief judges of federal circuit and district courts to give up their administrative duties when they reach age 70. I propose that Congress impose the same rule on its own members. The Speaker of the House is 78. Thirteen Senate and House committee chairmen are over 70, six of them over 75, two over 80. They are full of years and honors. They can serve their country best by stepping aside. That would be patriotism at its highest.

Congress must also put an end to the hypocrisy of tolerating grave conflicts of interest among its own members while attacking the same fault in others. It should pass a conflict of interest statute with teeth in it.

These flaws in Congress have been debated for years. What is new is not the weakness in the institution but the mood of questioning in the nation. If there were ever a time when it is essential that our institutions merit our respect, this is it.

A CHALLENGE TO INDUSTRY

And what about industry? I would propose that as we enter the 1970s industry address itself to three central issues.

First, it should make an unqualified commitment to equality of opportunity for minority groups. Some firms have performed nobly in this respect. But the majority are still dabbling with the problem and many are engaged in outright fakery—giving lip service, preserving a public image and doing as little as possible.

Second, industry should commit itself to end pollution. Again, some farsighted business leaders have already done so, but the record of industry as a whole has been deplorable. It has lied to the public and to itself about the seriousness of the problem. We are just beginning to grasp the immense complexity—and danger—of environmental pollution. It is not wholly an industrial problem, but industry has a crucial role in it and could contribute enormously to its solution—if only by foreswearing its practice of emasculating pollution control legislation as it moves through Congress. Public anger over pollution is rising, and the time for effective action has come.

Third, industry should meet the rising tide of consumerism with constructive measures. Leaders in each industry should set standards of regard for the consumer and should be tough in demanding that the rest of their industry follow suit. If they don't they will be brought under increasingly savage criticism by a bilked and frustrated public.

AN END TO LABOR UNION DISCRIMINATION

Labor unions too have their tasks to accomplish—and the one that overshadows all others at the moment is to root out racial discrimination, to eliminate restrictive membership practices that deny the opportunity to work or to advance beyond menial work. I know all the arguments pro and con. I know the difficulties. But it must be done. For more than thirty years the unions have benefited enormously from the fact that America's conscience has been basically on their side. In many of the battles that had to be settled in the public forum, that fact was decisive. Today that advantage is leaking away very rapidly.

CONSTRUCTIVE CHANGE BY THE PROFESSIONS

The possibilities of constructive change by the professions are enormous. Shaw said that every profession is a conspiracy against the public. Certainly every profession is deeply implicated in the institutional rigidities of the society.

The health professions must act at once to redesign the system of health services in this country. It is outworn, expensive and outrageously inefficient. Health professionals could modernize it. If they don't pressures from outside, particularly from governmental initiatives, will increase enormously. Our best hope here is the ferment among young health professionals. They are eager to move.

Professionals in education must answer to much the same indictment. They preside all too complacently over a system that isn't working. They could change it, but often—as in the case of health professionals—they are obstacles to change rather than promoters of it. As for the colleges and universities, they have been jolted out of their complacency and are in an excellent position to accomplish the long-delayed overhaul of their institutions.

PRIVATE NONPROFIT ORGANIZATIONAL DECAY

Let me say a word about private non-profit activities in general—cultural, civic, social service, religious, scientific and charitable organizations. Some of the worst known examples of organizational decay are in this category. And one of the gravest agents of decay is the sense of moral superiority that afflicts such institutions. Sad to say, people who believe that they are doing a noble thing are rarely good critics of their own efforts.

As we enter the 1970s, all such high-minded organizations should re-examine their performance with unsparing honesty (not excluding the Urban Coalition). Let them ask whether they have spent too much time congratulating themselves. Let them ask what possible difference it would make if their organization went out of existence. Let them ask whether they are dabbling with a problem that calls for a massive assault. Let this be the year in which they ask toughminded outside critics to work with them in a no-holds-barred reappraisal of what they are doing.

BUREAUCRATIC HONESTY

Government agencies should not be exempted from such self-appraisal. They too are hampered in constructive change by the narcotic of self-congratulation. Somehow it is believed that one doesn't have to apply toughminded criticism to noble and dedicated effort. Let each government agency honestly appraise the extent to which it has built an empire rather than served the public. And let it ask how much risk it has taken in fighting for good causes. The natural state of the bureaucracy is to be unbloody but bowed. It would look better with some honorable scars.

A ROLE FOR CITIZENS

Now let's have a look at the person whom practically no one ever attacks, the person who holds the highest title a free society can award: citizen. What has he done to give one confidence in self-government? Not as much as one would like. Too many take a free ride as far as any distinctive effort to serve the common good. Too many are apathetic, self-absorbed and self-serving.

In a vital society the citizen has a role that goes far beyond duties at the ballot box. He must man the party machinery, support social and civic reform, provide adequate funds, criticize, demand, expose corruption and honor leaders who lead.

One thing the citizen can do—must do—is to reject fiercely and consistently all politicians who exploit fear and anger and hatred for their own purposes. He cannot rid himself entirely of those emotions. But he can rid himself of politicians who live by manipulating them. Such leaders will not move him toward a better future.

For example, pitting white ethnic minorities against black and brown minorities can only bring sorrow to both; and the politician who pursues that strategy should be rejected by both.

Polls have repeatedly shown that when all is said and done, most Americans do want to see our problems solved, including the problems of poverty, race and the quality of life. They do want to see justice done.

Another thing the citizens can do is to throw the weight of public opinion against those in the private sector who are unwilling to work toward the solution of our common problems. They should find out what major firms in their area are equal opprtunity employers. Which firms are shirking on that front? Let those firms know that their failure is recognized. What firms are contributing most to pollution? Let them feel the weight of public disapproval.

A WORD ABOUT THE URBAN CRISIS

Now let me say a word about the nature of the urban crisis. Too many Americans have come to equate the crisis in the cities with racial tensions—and they are tired of the race problem and wish it would go away.

It won't go away, but if it did, the urban crisis would remain. Discrimination, in some measure, touches most urban issues in this country. But such critically important issues as housing, manpower and income for the poor deeply involve white as well as black. Most of the poor are white. And one cannot blame racial tensions for our monumental traffic jams, for the inexorable advance of air and water pollution, for the breakdown in administration of the courts, for the shocking inefficiency and often corruption of municipal government.

It is true that when urban systems malfunction, minorities and the poor are hit first and hardest, but the problem is deeper and broader and ultimately affects us all.

Make no mistake about it, the urban problem is a deep-running crisis in the management of complexity and change.

SYSTEMIC INERTIA

In closing, let me remind you of an important thing to understand about any institution or social system, whether it is a nation or a city, a corporation or a federal agency: it doesn't move unless you give it a solid push. Not a mild push—a solid jolt. If the

push is not administered by vigorous and purposeful leaders, it will be administered eventually by an aroused citizenry or by a crisis. Systemic inertia is characteristic of every human institution, but overwhelmingly true of this nation as a whole. Our system of checks and balances dilutes the thrust of positive action. The competition of interests inherent in our pluralism acts as a brake on concerted action. The system grinds to a halt between crises. Madison designed it in such a way that it simply won't move without vigorous leadership. I've often wondered why he didn't say so. Perhaps, having in mind his brilliant contemporaries, it just never occurred to him that the day might come when leadership would be lacking.

MONEY, GUTS, AND LEADERSHIP

One final word—I said earlier that we perceive the dangers confronting us but are seized with a paralyzing passivity. I believe that passivity is curable. I believe that we can recover our power to act decisively—as individual citizens and as a nation. All it takes is money, guts and leadership.

"THE WATER CRISIS," A SERIES OF ARTICLES BY DALE COTTER OF THE SOUTH BEND, IND., TRIBUNE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, more and more Americans are becoming conscious of the urgent need to develop sound and effective policies—at Federal, State, and local levels—to cope with the increasingly alarming problem of the pollution of the air and water and the destruction of the best qualities of our natural environment.

Recent congressional action to establish a National Council on Environmental Quality and the vote of Congress a few days ago to appropriate $800 million this fiscal year for water pollution control grants rather than the $214 million requested by President Nixon in his budget, are important examples of the reaction of Congress to the problem of pollution.

Indeed, it is this concern about the need to maintain a balanced ecology and protect the environment of this country that motivated my distinguished colleagues, the gentlemen from New York (Mr. SCHEUER and Mr. REID) and the gentleman from Idaho (Mr. HANSEN) and me, on November 12, 1969, to introduce H.R. 14753, the Environmental Quality Education Act, which would authorize support for developing and providing programs of enviromental education in our elementary and secondary schools and in local communities.

But, Mr. Speaker, in addition to formal education programs in our schools and citizens' conferences in our communities, there is a significant role for the media of newspapers, television, and radio to play in the struggle to inform the people of our country about the challenge to our environment. I am particularly pleased, therefore, to see the publication in the South Bend Tribune, in my own congressional district, of a series of splendid articles by Dale Cotter concerning the problem of water pollution. Because I think these articles will be of interest beyond my own district and State, I insert this outstanding series, entitled, "The Water Crisis," at this point in the CONGRESSIONAL RECORD:

[From the South Bend (Ind.) Tribune, Nov. 2, 1969]

THE WATER CRISIS: POLLUTION'S EFFECT IS UPON US

(By Dale Cotter)

(NOTE.—The ugly and ever-increasing problem of water pollution has been called one of the most lethal threats ever faced by mankind. In a series of articles by Tribune staff writer Dale Cotter, the first of which is published today, the depths and breadth of the problem are probed nationally, regionally and locally, together with some of the proposed cures.)

Water, water everywhere,
But from it people shrink!
Water, water everywhere,
But so little fit to drink!

Samuel Taylor Coleridge didn't write it just that way. But then his "Ancient Mariner" didn't have to sail in the Hudson River of 1969. Or the Potomac. Or even the St. Joseph.

In fact, a more "Modern Mariner," born a century or two later, might have considered the salty water of the ocean better suited to his taste than those fresh water sources.

If he got far enough away from any land, he'd probably find it cleaner, even if no more drinkable—untreated—than the majority of surface water supplies in the United States.

The obvious villain in all of this is pollution.

Indeed, during the last few years, the problem of water pollution has appeared with increasing frequency in stories on the pages of newspapers and magazines, and as the subject of countless television documentaries.

The message that is being preached is a hard one.

And, as has been demonstrated in so many ways, in the case of water pollution, man is his own worst enemy, as well as the worst enemy of nature, and its balance.

Not too many years ago, Lake Erie served as the richest of the Great Lakes, as far as commercial fishermen were concerned. Cities built along the lake had a tremendous natural asset in ready water supplies for municipal and industrial uses and for recreational facilities.

Today, most beaches along the lake are closed. The water which previously came from the lake for municipal use, tasting sweet and pure, is now tainted by algae growth and the heavy dose of chemicals needed to make it safe for drinking. The nature of the fishing industry has changed drastically, with scavenger fish replacing desirable game fish.

LAKE LABELED "DEAD"

Some scientists have labeled the lake as virtually "dead," on the geologic scale for lakes, and believe that it is in the final stages of becoming a gigantic swamp.

New York's great Hudson River is almost an open sewer, leading to a filthy harbor. Other rivers, especially in the eastern part of the United States are similarly branded, including the historic Potomac.

Who would dare to take a drink directly from the mighty Mississippi?

The Ohio River, despite concentrated efforts in recent years, is rapidly becoming recognized as a major pollution problem.

A few years ago, residents along the southern rim of Lake Michigan delighted in the crystal clarity of the water in that beautiful lake.

No more!

Water has served man since he began inhabiting the earth a relatively short time ago—from a geological point of view.

At first, it was merely a means to qench his thirst, and he settled where there was an abundance of surface water.

Later, water holes and rivers became his stalking grounds, as he hunted for his food.

Eventually, water became more and more important, in a variety of ways. It was a cheap and easy method of transportation. Water was used to irrigate crops, and finally it served to carry away man's waste products.

It was in this last stage that he began to upset the balance of nature.

Rivers were handy as a means of washing away waste products. Out of sight, out of mind. That was his philosophy.

Water, water everywhere. He had discovered that two-thirds of the earth's surface is water. And that's a lot of surface.

WATER NEEDS OXYGEN

There is no doubt that water has an amazing ability to cleanse itself. But to do it, water needs the aid of oxygen. And the materials it contains must be of the proper type—what chemists refer to as biodegradable.

In his ceaseless endeavor to make a better life, man began to introduce substances which do not break down in the usual manner.

These run all the way from the detergents to the so-called "hard" pesticides.

Such materials dissolve, but they refuse to break down into the basic elements which can in turn be combined with something else to form a removable compound.

A century ago, there were few such items, and as with the municipal waste products, they were swept under the proverbial rug.

They were sent to the rivers, where the waters diluted them, and swept them away.

EARLY WARNINGS APPEAR

Such materials were out of sight, and thus became out of mind. Unfortunately, the receiving bodies of water didn't fare so well.

Little by little, early warnings appeared, to which man, in his race to improve his own lot, paid little or no attention.

What were a few dead fish? The sea is full of live ones. The increase in algae certainly wasn't significant. What was a little bit of bad smell compared to the economic livelihood of a whole section of the country? Similarly, bad tasting water was only that, an insult to the palate, and since chlorination would kill the majority of germs, the water was not unsafe.

Oh yes, even in the early days, a few fanatical conservationists appeared concerned, and sought to have their voices heard. But the biggest factor was one of economics, and man deserved the right to seek and to build that better life.

It was, and still is, and likely will remain a question of economics and politics, and the economics of politics and the politics of economics.

"FUTURE" IS UPON US

The question of pure fresh water could be put off for a little while. Certainly, two generations ago the matter was a problem of the future.

Unfortunately, that "future" is upon us. It has come in a span of time which would have been scoffed at by the economists and politicians of 60 years ago.

The "crisis" is just around the corner. It is now a matter which must be faced, not for the benefit of our posterity, but because of what it means to you and to me.

No longer can we afford the luxury of mulling the question over in our collective minds for lengthy periods of time.

We have swept the filth and dirt under the rug of our waters for too long a time.

Now, someone must devise a means of carting it away. We are ruining our rug, and the new generation—ours—must be ready to pay for cleaning up the problem.

Economists, politicians and other leaders must, to a man, recognize the problem for what it is, and must act immediately.

If they don't, we're going to foul so much of our water, and foul it within the next few years, so badly, that we will have created an irreversible crisis, from which we will be unable to recover.

[From the South Bend (Ind.) Tribune, Nov. 3, 1969]

THE WATER CRISIS: ABUNDANCE BENEFITS MICHIANA

(By Dale Cotter)

Everybody's Fair Lady knows that the rain in Spain falls mainly on the plain.

And, proverbially, the rain falls equally on the just and the unjust.

Unfortunately, the rest of Spain also has great need of water. And the proverb takes no consideration of the unequal needs for rain of the just or the unjust.

But fortunately, the Michiana area is virtually a floating island in the middle of one of the world's major underground water reservoirs.

As you read this, beneath your feet a huge underground river is winding its way toward Lake Michigan—or the Gulf of Mexico—depending upon the exact geography.

For this reason, the Michiana sector of the country has not found itself face-to-face with the acute water problem which is prompting more and more concern on a national scale.

WATER IN ABUNDANCE

Rather, the pollution problem in the Michiana area is one of comfort and convenience. It is a matter of aesthetics and recreation. It is not—yet—the difference of life and death.

Purely by accident, this section of the country has water in abundance. And the water supply here is likely to be among the last which will ever be affected by major pollution.

Nearly every community in the Michiana area is supplied municipally by that great underground river which was developed eons ago, some of it before man appeared on the face of the earth.

As the glaciers moved, they brought with them huge supplies of earth, scraped from the northern reaches of the continent. Over a period of thousands of years, the glaciers edged southward, forced in this direction by their own accumulating weight, which was increased by ice, the cause of which scientists have not determined.

Still, the ice sheets came, and stopped and receded briefly, and then advanced some more. Where the ice sheets halted, depressions were formed. When they receded, earth settled to fill the depressions.

CLIMATE FORCES RETREAT

Then, climatic conditions changed for the warmer, and began the work of melting the glaciers and forcing them to retreat toward the direction in which they had originated.

During this centuries-long retreat, as the ice melted, the earth which had been carried along was deposited to form hills, or the soil was washed away by the tremendous rivers which formed to carry away the huge volume of water of which the glaciers were composed.

These rivers formed huge valleys and gorges, cut in many cases down to the earth's crust.

In this area, the major river which was formed during that period was the Kankakee, which flowed from the area of the Saginaw Bay in Michigan on Lake Huron. The water could not escape then, as it does now, down the St. Lawrence River, which was then blocked by the very glacier from which the rivers fed.

Most area experts have accepted a theory that the Kankakee flowed, at its height, in a river up to six miles wide and 150 feet in depth. It was joined at South Bend by the Dowagiac River, which in itself was a mighty river three miles wide as it emptied into the Kankakee. Other major tributaries were the Elkhart River and the Yellow River.

The entire flow was bound for the Mississippi valley and the Gulf of Mexico.

AQUIFERS FORMED

As the glacier moved back in its long retreat northward, sapped of its strength by the warmth, the rivers became more sluggish, and silt and sand settled in the beds.

Much of this material, however, differed from that which was the native soil and formed what geologists call aquifers.

It is these aquifers in which the underground water supply exists, and which we tap daily, whether our home be in South Bend, Mishawaka, Elkhart, Niles or any other sector of this area.

The aquifers perform a tremendous service. Not only is there space between the sand and gravel particles for the storage of untold amounts of water, but the action of water filtering through the aquifer cleanses it.

For this reason, the water which flows from the faucet in the kitchen of your home has undergone a minimum of treatment. There are few chemicals added to it. Few are needed.

The bottom of the wells which serve the area are seated in the aquifer occupied by the huge Kankakee River valley and flood plain.

MAPS SHOW WELLS OF AREA

Officials of the Layne-Northern Co. in Mishawaka, a ground water supply firm, have many maps on which are shown locations of existing wells in this area, many of them installed by that same company, either in South Bend, Mishawaka, Elkhart or other communities, or for nearby industries.

It had been discovered through long years of experience, that bedrock in this sector is generally about 120–150 feet beneath the surface of the soil on which we walk.

Thus, when a new well was to be drilled, engineers simply worked down to that level, and upon hitting aquifying material, simply halted in that general depth.

But in 1951, when Layne was in the process of drilling a new well for the City of Mishawaka, for some reason which is unclear, a well in the city's main field beneath a corner of the Eberhart-Petro Municipal Golf Course was drilled much deeper than would normally have been done.

Instead of stopping before reaching bedrock, it was decided to continue deeper. The drillers were surprised when the depth reached 150 feet without striking bedrock. The drilling went on to 200 feet. Then 250, and was by then the deepest well in this area.

BEDROCK AT 329 FEET

Still, the drilling went on, past 300 feet, and finally, at 329 feet, bedrock was struck, and the drills could not profitably go any further.

When the equipment was removed, and the casing cleared, water began flowing from the top of the well. It was flowing of its own accord.

And the water which appeared, rather than showing the signs of dissolved iron, which is so common in this section, was virtually pure.

Since that time, other wells have been sunk equally deep in this area, and all of them apparently have reached the same vein of pure, sweet water.

The result is a supply which most experts believe will prove virtually inexhaustible. Municipalities in the St. Joseph Valley area will never have to be concerned about a source of clean water, regardless of what might happen anywhere else.

That is, they will not have to worry under normal circumstances.

As a result, people in this area have come to take for granted their heritage of water resources.

But circumstances are not always normal.

CITY HIT BY HEPATITIS

A few years ago, the people of Riverside, Calif., also believed that they possessed a limitless supply of fresh, pure water.

Their supply was so fresh and pure that only a minimum of treatment was given. Until an epidemic of hepatitis broke out. The cause eventually was traced to the municipal water supply, and finally to the deep wells beneath the city.

That inexhaustible supply had been contaminated by seepage from the surface through layer upon layer of aquifer.

Residents of areas in which such magnificent supplies are available, who currently believe that their own supplies are equally inexhaustible, may take some sort of warning from that incident.

[From the South Bend (Ind.) Tribune, Nov. 4, 1969]

THE WATER CRISIS: ERIE IS NEARLY DEAD AND ALL THE GREAT LAKES FACE DANGER

(By Dale Cotter)

Water pollution has turned into one of the mightiest problems to beset modern man, and before it is solved, it likely will become the number one problem.

First, water is an absolute necessity to mankind's existence. It is one of the few things on earth that he cannot live without.

And pollution is self-generating.

This is the heart of the problem's growth for modern man. He has set in motion a series of events over which he may find he has little or no control.

Pollution breeds pollution.

A dying lake strangles itself, if man provides the impetus by which it can start the process.

Man has advanced the tide, perhaps too far, in Lake Erie. He has made a start in Lake Michigan.

SUPERIOR NOT IMMUNE

Even the mighty Gitche Gumee, Hiawatha's Shining Big Sea Water—Lake Superior—is not immune to man's polluting influence.

The entire Great Lakes system, largest container of fresh water in the world, is in danger of becoming something of which none of us can be proud.

As explained by Drs. Mark W. Tenney and Wayne F. Echelberger, both associate professors of environmental health engineering at the University of Notre Dame, pollution can become an irreversible cycle.

Many fear that this is what has happened to Lake Erie already. They believe that the quality of the lake cannot be recovered. They believe that man has taken a wonderful gift and transformed it into a huge garbage pit, from which state there is no recovery.

The cycle is clear in its action.

PROCESS DESCRIBED

Moving water—or any other kind—is capable of handling certain amounts of waste materials. The materials are oxidized and become other chemical materials which are not harmful to the environment.

If there is an excess of material dumped into a stream, the river carries it on to another receiving body of water where oxidation takes place.

Huge amounts of trash and sewage thus

can be handled. If there is too much sewage, weeds and algae are spawned in huge amounts.

Wastes settle to the bottom of the receiving body of water. The bottom becomes overenriched, and more plants and algae grow. These in turn decay and settle to the bottom, which almost imperceptibly begins to rise.

GROWTH INCREASES

The temperature of the lake becomes warmer, and the growth of weeds and algae increases.

There is a point at which the growth of weeds and algae becomes self-sustaining. There is no longer a need for the introduction of sewage wastes for the process to be speeded.

This is eutrophication.

Every lake, from its birth, is growing old, and the process is the same if nature is allowed to take its course.

When a lake is born, it is moving toward an eventual point in time when it will become a swamp, and then, dryland. This is natural.

Scientists have given names to the various stages through which lakes pass, depending upon the size of the body of water, the depth, the speed with which water passes through it, the warmth and a variety of other factors.

The first stage is oligotrophic (youth), followed by mesotrophic (maturity) and finally, eutrophic (old age).

Any lake will undergo all of these stages, but without the introduction of wastes by man, the time required for a lake the size of Erie to vanish is almost immeasurably long.

COMPRESSING LIFE OF LAKE

According to the Lake Erie Report issued by the U.S. Department of the Interior's Water Pollution Control Administration, man has compressed the equivalent of 15,000 years of life into Lake Erie during the last half century.

He is continuing that compression, and even increasing it today.

In that compression, man has forced Lake Erie to advance virtually through the stage of maturity, when a lake should be the most desirable, from a fishing point of view, and led it to the point where desirable fish are almost non-existent.

During the span of 60 years or so, the lake has reached a point in which it is in danger of being destroyed and stands as a major warning that the same thing can, and is happening, to the other Great Lakes.

The Great Lakes area forms two distinct drainage basins and covers 128,000 square miles. Affecting Lake Michigan are the states of Michigan, the eastern half of Wisconsin, the northwestern portion of Indiana and the northeastern corner of Illinois.

The Lake Superior runoff is from Wisconsin, Minnesota and Michigan in the United States and Canada. Only Michigan and Canada drain into Lake Huron, while Michigan, a corner of Indiana, the northern portion of Ohio, part of Pennsylvania and New York's northernmost portion drain into Lake Erie.

DAILY RUNOFF IN BILLIONS

The combined total water runoff for this section is estimated at 82 billion gallons daily.

This area lies in almost the crossroads of three drainage basins. While the St. Joseph River winds northwest to Lake Michigan, lowlands southwest of the city are the headwaters of the Kankakee River, which is part of the Upper Mississippi River basin. And just to the south of that arm is that section drained by the Wabash, which finds its way into the Ohio River Basin. Both of these drainage areas, however, are part of the huge flow which enters the Gulf of Mexico.

Many of the 21 drainage basins cover many times the square mileage of the Great Lakes sector, and carry correspondingly larger volumes of water.

But few have the size and volume of industrial complexes and large cities which are situated on and around the Great Lakes.

The cities are readily identified. The largest ones are Chicago, Detroit, Cleveland, Buffalo, Toledo, Milwaukee, Flint, Gary-Hammond, Duluth, Grand Rapids and many others which might not be as readily identified.

But the major problem is not only in the cities. It also lies with the industrial complexes.

SENATOR MUSKIE'S VIEW

As Sen. Edmund Muskie, chairman of the Senate Public Works subcommittee on air and water pollution has pointed out, the industries built in this section of the country were geared to the use of huge volumes of water, without having to clean the water after usage.

These industries, says the Maine Democrat, are not easily adapted to cleansing systems, and herein lies the problem as it exists today.

Some of the filthiest rivers in the world are in this section, winding their ways toward the Great Lakes.

The Cuyahoga River, which empties into Lake Erie at Cleveland, has been called the only river in the world rated as a fire hazard.

And it really is just that. There is absolutely no life in that river. It carries industrial oil and slime toward the lake, and actually has burst into flames.

While this is the most spectacular example, it not a great deal worse than the Maumee River, which finds its origin in northeastern Indiana near Fort Wayne, or the Detroit River, which carries forth filth from Detroit and other municipalities to the north, which have dumped into the St. Clair River.

The Calumet River in northwestern Indiana carries waste which is industrially made, as does the Chicago Canal. Wisconsin is not without its polluting rivers and streams, the major one of which is the Milwaukee River.

[From the South Bend (Ind.) Tribune, Nov. 5, 1969]

THE WATER CRISIS: CAN LAKE MICHIGAN ESCAPE FATE OF ERIE?

(By Dale Cotter)

When Lake Erie dies, can Lake Michigan be far behind?

The question may be academic. Not everyone is agreed that Lake Erie's case is a lost cause.

But the prognosis is that without immediate remedial action on every front, the patient will indeed die. And if Lake Erie cannot be saved, is there any hope for Lake Michigan?

The specter of pollution is like a cancer which grows and builds upon itself, destroying good, clear water and all that such water produces in recreational value, drinking water and fish life.

The best-known cure for cancer is surgery.

And this is the case for Lake Erie. The pollutants which have been pouring into the lake for the last century must be halted.

ERIE IS SHALLOWEST

Erie is the shallowest of the five Great Lakes, and thereby has proven to be more prone to the problems of pollution, since there is neither the cold temperature nor the dilution volume of the other lakes.

Although the eastern portion of the lake is fairly deep, reaching a maximum of 216 feet, most is in the range of 60 to 80 feet deep, which is extremely shallow, when compared with depths of the other Great Lakes which are many times the average in Erie.

Thus, in the acre-feet by which lakes are measured for water volume, Erie is the smallest of the five.

This means that an identical amount of nutrients, such as phosphate or nitrate, is likely to have a greater effect on the ecology of the lake.

Nutrients are fertilizers for plant life in a lake, and the more plant life, the dirtier the water, from a variety of standpoints.

POPULATION GROWING

In addition, the same amount of bacterial or other pollutants has a similarly damaging effect, in comparison with the other lakes in the system.

The population within the Lake Erie Basin is about 11.5 million persons in this country, with another 1.5 million on the Canadian side. Projections show that this will increase to 18 million by 1990, and surpass 20 million before the start of the next century.

Most of the municipalities and industries in this basin dump waste materials into streams feeding into the lake. Even though most of the municipal waste is treated, a considerable amount is not, and this is the major problem.

Some of the problems in untreated sewage from municipalities is from combination storm and sanitary sewers, which overflow during rains, and dump diluted raw wastes into receiving streams which eventually make their way to Lake Erie.

More of the problem is that even the conventionally treated wastes contain large concentrations of the nutrients which fertilize the growth of algae and other weeds.

PARTICLES RELEASED

In the case of raw sewage, large amounts of particles which use up oxygen (Biological Oxygen Demand—BOD) are released into the lake.

By removing the oxygen, two things are accomplished. There is not enough of the element to purify wastes which enter the water, and there is nothing to support the fish life in the body of water.

Lake Erie is currently used as a silt dump, mainly from erosion along the banks. In the area of harbors, dredging is frequently undertaken to add to the depth removed.

According to a report compiled by the U.S. Department of the Interior, 15 harbors are dredged periodically along the U.S. shore of the Lake Erie Basin by the Army Corps of Engineers.

In most harbors, the removed material is a combination of silt and municipal and industrial wastes accounting for 9 million tons annually—more than one-fourth of the total silt load entering the lake.

DUMPED NEAR HARBORS

In many cases, the wastes harm lake water quality by the addition of BOD materials, as well as nutrients. Despite this, the dredged up material frequently is dumped into the lake itself only a few miles from the dredging sites.

This was one of the major complaints heard during the House of Representatives' Public Works subcommittee on water pollution hearings in Washington last winter.

In the same report by the Interior Department, it is noted that the equivalent of BOD materials discharged into the lake from combination sewers to equal a city with a population of more than 600,000. Industrial waste discharged into the lake is equivalent to a city with a population of 3 million. More than half of the 360 industrial concerns which discharge directly into water leading to the lake have inadequate waste treatment, the report states.

While this depicts the problems of Lake Erie, national leaders hold out some hope that the eutrophication (aging) acceleration in the lake can be halted because of the rapid turnover of water in the basin.

BLESSING AND CURSE

Lake Erie's lack of depth is thus both a blessing and a curse.

Because it is not extremely deep, it is estimated that the complete turnover of all water in the lake occurs in less than 10 years. With such a rapid flushing process, the polluted water, and many of the pollutants are washed out quickly.

This is not the total solution, however, since many of the pollutants settle out before being carried to the Atlantic Ocean.

In Lake Michigan, ecologists have estimated that the lake's water would be replaced in something like 75 to 100 years, so that pollutants there are much longer lasting, even though the same amount of pollution would pose less of an immediate problem.

[From the South Bend (Ind.) Tribune, Nov. 6, 1969]

THE WATER CRISIS: LAKE MICHIGAN'S HUGE VOLUME OFFERS RESISTANCE TO CHANGE

(By Dale Cotter)

If Lake Erie can be placed on the crisis list as far as pollution in the Great Lakes Basin area is concerned, the next logical step in chalking up blunders to man must be Lake Michigan.

But in order to put that magnificent body of water in the same condition as Lake Erie it's going to require much more effort on the part of the polluters.

Lake Michigan is bigger.

But from all appearances, unless positive action is taken during the next few years, the lake may be well on its way to a huge stepup in the eutrophication process.

Or, what could be even worse, it might be turned into a slimy, chemical mess which would be fit for not even the uses to which Erie can now be placed.

And, if man allows Lake Michigan to arrive at that state, it will take much longer to correct the problem than it will with the smaller Lake Erie.

REFILLING MEASURED IN TIME

The reasoning here is simple. Lake Erie is shallow, and the amount of water pouring through its bed is much larger than that running through Lake Michigan.

While the replacement time for refilling Lake Erie, were it to be drained tomorrow, would be measured in less than a decade at the present inflow, for Lake Michigan, the timetable would be several times that, perhaps as long as a century, scientists believe.

Thus, if correcting measures are taken immediately in Lake Erie, we may expect to reap the benefit of changes in our lifetime.

If all pollutants entering Lake Michigan were to be stopped tomorrow, it would take the lake a century to divest itself of the materials which have gathered there.

While man has the power to pollute the lake beyond use in this generation, he has not the power to clean it up, even with nature's powerful aid, during our lifetime, or even in the lifetime of our children.

PROBLEMS MUCH DIFFERENT

Because of its size and location, the pollution problems of Lake Michigan are much different from those of Lake Erie, and what is worse, because of its vast size, and depth, it is difficult to alarm municipalities and industries to the danger.

The attitude is that the lake is too big to worry about what one little source of pollution would be able to do to the entire body of water.

But mighty oaks aren't the only things which find their source in small things. Speeding up of the eutrophication process shares the same small beginning.

While the municipalities of Detroit, Cleveland, Toledo, Fort Wayne, and a few dozen major industries are the major sources of Lake Erie pollution; in Lake Michigan, the problem is different.

Wastes for Lake Michigan come from municipal complexes as large or larger than those on Erie. And because of its size there are other major factors.

The biggest of these others is agriculture and the fruit-growing industry.

PHOSPHATES POSE PROBLEM

Phosphates, one of two major ingredients known to spur the development of algae and other water plant life, are also among the most used commercial fertilizers by farmers, and also by fruit growers.

Phosphates are added on top of the soil in every increasing tonnage each year. Much of the fertilizer is obviously absorbed in the soil for use by the desired plants.

But too much is washed away, over the surface of the land to the waiting ditches, streams and rivers, and eventually into the lake.

And Lake Michigan is already threatened by another source of pollution, insecticides, which is a problem unto itself because of its uniqueness.

Each of the four states bordering Lake Michigan, Illinois, Indiana, Wisconsin and Michigan, disclaims the lion's share of the blame in polluting the lake.

All four have co-operated in various conferences dealing with problems shared in pollution of the lake, but though each has adopted standards of water quality as established by the U.S. Department of the Interior under the Water Quality Act of 1965, there has been no major breakthrough in clearing up the matter.

STILL IN TALKING STAGE

The question of cleaning up Lake Michigan is, unfortunately, still in the talking stage.

The problem is one of money.

As Carl L. Klein, assistant secretary for water quality and research of the U.S. Department of the Interior, told a recent conference on Lake Michigan cleaning. "The cost will be high—both in money and in effort. But, the costs of environmental pollution are even higher.

"Unchecked pollution is certainly short-term economy. Other communities that install some pollution controls make a mistake, too, when they fail to consider their long-range needs.

"Too many myopic decisionmakers in cities, industries and farming geared just to meet current problems, soon find their town or plant has outgrown the solutions.

"Then, escalating costs and piecemeal engineering combine to make the total bill for waste management substantially more in just a few years than it would have been to do the job right from the start."

Someone has estimated that the United States will have to spend, as a nation, in the vicinity of $300 billion for waste disposal controls, just to catch up.

That does not take into account what must be spent for the construction of new facilities to take care of the booming economy of the present and future.

"CAN'T AFFORD NOT TO"

Can we afford this tremendous cost, as a nation?

John T. Barnhill, deputy commissioner of the Federal Water Pollution Control Administration of the U.S. Department of the Interior, fielded the question neatly by refusing to answer with the obvious, "We can't afford not to."

Rather, Barnhill said that we now possess the technology to go ahead with the type of treatment which would allow our country's surface waters to return, of their own accord, to somewhere near the state in which we found them a generation ago.

And, he said this can be accomplished without overtaxing our economy, even leaving out the dangers which are apparent from not taking such a step.

Waste treatment, said Barnhill, is a utility. And as such, he said that it is the cheapest utility the nation possesses.

The estimated cost to clean up the mess being made by Cleveland is $100 million in capital outlay. While that sounds like a great deal of money, Barnhill said that it breaks down to a matter of a few cents a day for each household.

"Show me a housewife anywhere in the country who would give up her ability to flush away the day's wastes for a few cents a day," he continued. "Such a woman simply doesn't exist. We can indeed afford the cost of waste treatment, and we must pay that price."

[From the South Bend (Ind.) Tribune, Nov. 7, 1969]

THE WATER CRISIS: ST. JOSEPH RIVER FIGURES IN POLLUTION

(By Dale Cotter)

In comparison with some rivers in the United States, the St. Joseph River is a mere trickle. But ranked among the rivers of Indiana, it carries a huge volume of water, and it is one of the major flows into Lake Michigan.

As one of the hundreds of rivers across the country which flow between states, the St. Joseph River is subject to the Water Quality Act of 1965—one of the first bona fide efforts on the part of the U.S. Congress to do something about the growing pollution problem in this country.

Under the act, states have been required to establish standards of quality in various areas for rivers which flow beyond that state's borders.

REASONING BEHIND ACT

The U.S. Department of the Interior set up the minimum standards which could be adopted, and then reviewed the criteria proposed by each state for each individually affected river.

Reasoning behind the Water Quality Act is clear. Rivers must be cleaned up. Municipalities and industries which use river waters for the disposal of sewage plant effluents or other activities, such as cleaning and cooling, have cried that this would force them into bankruptcy.

Industries, in fact, held the most potent club. They control the economy of any given area, and the mere threat of being forced to move operations elsewhere was enough to frighten local and state governmental units into inaction, even in gross violations of waste cleanup procedures.

For instance an industry would merely point out that the needed treatment facilities, which might be required under that state's or city's laws, would be so costly as to force a virtual rebuilding of the entire plant.

OFF-REPEATED THREAT

If this became necessary, the off-repeated threat—implied or direct—was that it would be erected elsewhere.

That elsewhere would presumably be in an area where public officials would exchange economic gains for the moment in their community for less stringent water pollution controls.

But with the enactment of Water Quality Act, no state, presumably, will have an advantage over another in regard to water pollution.

The St. Joseph River has its beginnings in Hillsdale County, Michigan, almost 100 miles to the east and north of South Bend. Along its meandering route first to the south and finally to the north before dumping into Lake Michigan, the flow is swelled by 32 identified rivers and streams and countless unnamed creeks and ditches.

The basin includes virtually all of Branch, St. Joseph, Cass and Berrien Counties in Michigan, and parts of Van Buren, Kalamazoo, Calhoun and Hillsdale Counties in that state.

In Indiana, the basin drains parts of St. Joseph, Elkart, Noble, Lagrange and Steuben Counties.

MOST DEPENDABLE RIVER

The St. Joseph River is the most dependable major river in Indiana, as far as the daily flow is concerned.

According to the cubic feet per second flow of the river as measured by the Indiana State Health Department at various points, low flow of the St. Joseph River in two different years, 1966 and 1958, was higher than any other river in the state except for the Ohio, which actually is not within the state's borders, and the Wabash, at New Harmony.

But in those same two years, the hignest flow recorded by the department was only about 4.5 times as great as the low flow, for the St. Joseph.

No other stream in the state, as recorded by the state board, has such a stable flow. Each of the others increases by 10 times and up to 100 times the amount between low flow and high flow.

For instance, at South Bend, in 1966, the low flow, as measured by the state board, was 1,440 cubic feet per second (cfs.). The high flow that year was 6,110 cubic feet per second. Since the flow is not measured daily, there is no guarantee that either represents the limit of flow for that particular year.

The Kankakee River, measured at Shelbyville, had a low flow of 565 cfs, with a high flow of 4,040 cfs. The Ohio, measured at Aurora, fluctuated from 37,500 to 329,000. The St. Joseph River of Fort Wayne fluctuated from 63 cfs to 5,990, and the St. Mary River near the same city, showed a fluctuation of 14 cfs to 4,730.

WABASH FLOW FLUCTUATES

The Wabash River, which is measured at nine different points in the state, all the way from Huntington to New Harmony, varied from a low of 221 cfs to 15,800 at Logansport, and from 3,180 cfs to 90,200 at New Harmony. At Vincennes and Terre Haute, the fluctuation is from just over 1,000 cfs to nearly 50,000.

The important White River which is the major source of water for numerous Indiana cities, fluctuates as much. At Spencer, the volume in 1966 went from a low point of 284 cfs to a high of 25,800. At Noblesville, the low to high differential is 81 to 2,770. The gauge at Seymour showed a differential of 232 cfs to 30,800.

Obviously, the tremendous difference in flow for most of Indiana's rivers results in a "flood or drought" effect.

The Michiana area is protected against this by being located in the Lake Michigan Basin, and seldom is there a problem of more water than the natural drainage system can handle.

Thus, the problem of flooding is intricately tied in with the question of water pollution.

FLOODING SPEEDS POLLUTION

Flooding results in the washing of many materials into otherwise clean streams. During times of floods, materials which would have been protected against washing away are indeed a part of the polluting process.

Sewer plants are overloaded with extra waters in municipalities, and are forced to exude effluents before they have been fully processed.

Dumps, or sanitary landfills, are affected, and material from there is washed over, and carried to receiving streams.

Fertilizers from farms are washed to the rivers and swollen ditches and streams.

And, finally silt is washed to receiving bodies, such as Lake Michigan, and there becomes a new problem, by reducing the depth of the lake. This has been especially a problem in Lake Erie, the banks of which are composed of materials most susceptible to erosion.

[From the South Bend (Ind.) Tribune, Nov. 9, 1969]

WATER CRISIS: ATTITUDES TOWARD POLLUTION VARY IN WASHINGTON

(By Dale Cotter)

WASHINGTON.—In this city where the majority of residents is concerned with economics and politics, not necessarily in that order, the problem of water pollution receives the same treatment as any other question.

That means that there are those who consider pollution to be the burning issue of our times. And there are lobbyists who have a major interest in seeing to it that stringent controls on pollution are delayed and watered down.

In both houses of Congress, subcommittees on air and water pollution, from the public works committees, have been formed, and the chairmen of each has become an outspoken proponent of change in the national policy on the control of such pollution.

NOW OF NATIONAL SCOPE

Although some persons disagree in individual cases, it is most generally assumed that the question of water pollution has become a matter of national scope which can be best dealt with on a federal scale.

One of the earliest proponents of this approach to the matter was Rep. John A. Blatnik, D-Minn., chairman of the House Subcommittee on Air and Water Pollution.

Blatnik noted that although Congress has been authorizing major sums to be used locally for water pollution control methods, only fractions of those funds are finally appropriated.

As an example, he said that the Clean Water Restoration Act authorized outlays of $700 million for 1969, but only $214 million was appropriated. The authorization for 1970 is $1 billion, but the appropriation request remains at $214 million, he continued.

"With funding at these levels," Blatnik said, "it is obvious that the mounting drive against water pollution which had been anticipated with the approval of the act in 1966 will never become a reality."

ACTUALLY LOSING GROUND

Rather, said Blatnik, we are not gaining on the problem, but actually losing ground.

Since the inception of the federal program, appropriations have fallen $1.3 billion short, and although many cities are now prepared to proceed with work on specific programs, they do not have the federal backing needed to undertake the massive programs which are necessary, Blatnik said.

With every day that slips by without positive action being taken, he said, we are losing the fight to preserve clean water for every use, from drinking to recreation to industrial. We are continuing to degrade our water to the point that it may become impossible to ever catch up.

Blatnik was critical of the administration of former President Johnson, and is becoming more critical of President Nixon for inaction in making federal aid available to communities which are willing to go into debt to clean up the water problem.

CRITICIZES ADMINISTRATIONS

Although he criticized both the Johnson and the Nixon administrations for what he says is their failure to meet the problems of water pollution controls, Blatnik was most critical of the Eisenhower administration, which he said dismissed the question as one of local ramifications.

It was during the 1950s that the nation should have begun really moving in the matter of water pollution controls, said Blatnik, but the administration was not interested at that time.

Now, he says, we are forced to fight against the continuing "slippage" which we have encountered in the problem of controls.

At one point, said Blatnik, the main problem he and others devoted to fighting pollution found themselves facing was one of an apathetic public. Now, the public is aroused, but the federal government, including both the administration and Congress, is lagging.

George Gettinger, executive for the National Rivers and Harbors Congress here, a former Hoosier, also criticized the national program, or the lack of one.

KEEP FOOLING AROUND

He summed up the problem by noting, "We fool around with the really important things in life. We fool around with education. We fool around with water. And we fool around with land.

"And then, we initiate a crash program to make up for the ground we lost by fooling around."

That was the view of Blatnik, who said we must leap beyond merely attempting to clean up the problems we have created during the last few decades.

Rather, said the veteran congressman, we must seek out preventive measures, which will ward off a deepening of the problem in the future.

He said there are 8,000 communities across the nation which need help in controlling pollution from municipal wastes.

This aid must be forthcoming from the federal government, since there is no other source available to the overtaxed local governments, continued Blatnik.

While there may be many methods which could be pursued in individual cases, there is no question about the course which must be followed for the country as a whole, and that is to clean up our rivers and streams, and by so doing, to clean up our lakes, so that we, and our children may enjoy some of the benefits of good water, before it all becomes fouled, concluded Blatnik.

[From the South Bend (Ind.) Tribune, Nov. 10, 1969]

THE WATER CRISIS: VIET WAR AFFECTS ANTI-POLLUTION FUND

(By Dale Cotter)

WASHINGTON.—Does an event occurring halfway around the world have any bearing on the ability of communities along the St. Joseph River in Indiana to clean up polluting effluents in the waste treatment process?

Sen. Edmund S. Muskie, D-Me., chairman of the U.S. Senate subcommittee on air and water pollution, believes that there is a most definite connection, if that event is the war in Vietnam.

If the federal government would place one-tenth of the emphasis on water pollution control that it has on the conflict in Asia, we would quickly see an end to any question of the polluting of water in this country, Sen. Muskie believes.

But even if the war were to end tomorrow, Sen. Muskie believes that the funds which are being expended there—something like $78 billion last year—would be turned to some other use by the military and the Department of Defense.

MAJOR PROBLEM OF OUR TIME

The 1968 Democratic vice-presidential nominee said that a solution to the water pollution question must rank as one of the major problems of our time, along with other domestic issues which affect huge segments of our population.

Ranking along with the question of pollu-

tion, said Sen. Muskie, are the matters of housing and other factors for the lower and low-middle income families of the nation.

He noted that since Congress first passed the funding act to accompany the Water Quality Control Act, the congressional recommendation has not been met by the administration in power.

Of $400 million authorized in 1968, he said only $203 million was actually appropriated. In fiscal 1969, $700 million was authorized, with $214 million appropriated. For fiscal 1970, the authorization is for $1 billion, but the budget request is for the same $214 million.

At this rate, he said there is no possibility that individual communities or sanitary districts around the nation will be able to receive the type of aid which is mandatory, if they are to construct waste treatment plants which are adequate for the needs of today, and the demand of tomorrow.

MUST SPEND FOR RESEARCH

There are too many areas in water pollution which still represent an unknown quantity in the overall picture, said Sen. Muskie, and money must continue to be spent in the area of research.

But at the same time, we cannot stand still while awaiting the results of that research, he emphasized.

Technology is now available to solve many problems, and the costs are growing each year.

The total estimated capital outlays needed to obtain adequate municipal waste treatment for the U.S. urban population alone are in excess of $10.5 billion, according to a report from the federal Water Pollution Control Administration.

This does not include the costs which would be needed for industry, agriculture and private homes to comply with the basic waste treatment requirements to clear up the water pollution problem.

As might be anticipated, the greatest need is in New York state, where the estimated needed capital outlay is more than $2 billion. In Indiana, the estimate is $176 million, and Michigan's need is considered the fourth highest in the country, more than $592 million.

VIEW ON STATE ESTIMATES

However, the WPCA emphasized that the report was mainly a reflection of the estimates of each individual state, and added that "experience has indicated that state estimates are constrained by the amount of federal funds anticipated to be available."

Thus, said Sen. Muskie, the actual total can be expected to be considerably higher than the estimates would indicate.

He also emphasized that he has not given up hope that the administration will seek to provide funds above the $214 million tentatively requested in the 1970 fiscal year budget.

That total would provide only about 8 per cent of the total dollars which would be eligible for disbursement under the program.

Full funding of $1 billion would provide 37 per cent of the funds which have been requested from individual states, but Sen. Muskie said that even a $600 million allocation would mean a 22 per cent availability factor.

The total in partial reimbursable funds for individual states on sewage works construction, along with pending applications during the current fiscal year, is more than $2.6 billion.

Indiana alone has more than $28.5 million worth of projects awaiting federal funds, but the state, under the distribution formula with the current request available, would receive just over $5 million.

AMOUNTS STATE COULD GET

However, the WPCA has noted that if the funding is increased overall to $600 million, Indiana would receive $14.9 million of its requests, while the full funding would mean the state would have in excess of $25.1 million.

In Michigan, the picture is even more bleak. The state has $186.4 million worth of grant requests on pending application, but stands to receive less than $8 million under the current allocation. Even with full funding, the state would receive only $41.6 million, which represents 22 per cent of the needed total.

It is this lack of funding which has prevented Elkhart, for the last several years, from receiving federal aid for the construction of long overdue improvements to its sewage treatment facilities.

This is the reason that South Bend and Mishawaka governmental leaders have decided to press ahead with the improvements needed in those communities, with or without federal aid.

Both cities applied for federal aid, but soon read the handwriting on the wall, and made a decision to go ahead. In Mishawaka, it was estimated by several leaders that the chlorination unit, which was installed in 1965, might well receive federal aid on a percentage basis, but that by the time such aid was forthcoming, spiraling construction costs would have eaten up the savings which might have been realized for the city.

FALLING FURTHER BEHIND

Although many communities have sought to go ahead with the construction of waste treatment or sewage collection facilities on their own, others either will not, or can not follow this course, Sen. Muskie believes.

In too many instances, the result has been that the work is simply not being done, and we are falling farther behind in the race to save our natural water resources.

[From the South Bend (Ind.) Tribune, Nov. 11, 1969]

THE WATER CRISIS: MAN "HAS ABILITY TO CURB POLLUTION"

(By Dale Cotter)

WASHINGTON.—After generations of producing uncontrolled and uncontrollable pollutants and dumping them into our national water supply, technology seems to be catching up with the problems, and we are now capable of introducing enough controls to handle the situation. That is the opinion of John T. Barnhill, deputy commissioner of the federal Water Pollution Control Administration of the U.S. Department of the Interior.

But as advanced as is our technology in this field, Barnhill said that much work still must be done in research, both in new areas of pollution, and in older ones, in which all of the dangers have not yet been determined.

MAY BE CATCHING UP

"There are limits in the achievement of technological capabilities," said Barnhill. "But we may be catching up. We are beginning to find a means of coping with the new pollutants which are caused by our advancing society, in its search for even greater affluence.

"But one thing which we must keep in mind is that it is not, and cannot be our intent to make every stream a trout stream. This is not economically feasible, nor is it even desirable."

Some streams, said Barnhill, must be set aside for this purpose, but others are best established for other uses, in carrying away treated sewage effluents—albeit carefully treated effluents.

MANY AREAS OF POLLUTION

The deputy commissioner, who served in the same position in the Johnson administration, pointed out that there are many areas of pollution, and as a result, many needs in the control of the problem.

He emphasized that not all needs in the area of abatement are the same for all sections, all municipalities or industries.

But in almost every area of pollution, both as to type and geography, there is a crying need for control. And that need will continue to grow.

Examples of thermal pollution, pesticides and silt were mentioned to point out the varying problems which confront the man who performs research in the area of controls.

Each of these problems is different from the others and must be handled as such, continued Barnhill.

But the technology is there, now, to treat waters, in most forms, in the extent that the water immediately would be reusable after it is discharged as effluent into a receiving stream or other body of water.

It is only left to man to determine the extent to which he is willing to pay for water and how clean that needs a decision at this stage, continued Barnhill.

SOME BENEFITS HELD LIKELY

In addition, Barnhill said that there may be benefits from the products of some forms of pollution.

He cited experiments which are now being conducted to determine whether the potential ills of thermal pollution—the changing of the temperature of water so that the ecology of life is affected—might be beneficial in the lobster and clam industry.

The danger of thermal pollution is that certain types of fish, or other life, are actually driven from the area in question.

The temperature also can alter the oxygen content of the water involved, and the balance of nature can be upset.

Thermal pollution is caused by the transfer of heat from some man-made use to a receiving body of water by drawing water from a stream or lake, and returning it, after cooling is effected.

Whereas certain types of animal life are most readily supported in cold water, they disappear if the water is warmed. An increase in heat also alters the type of plant life which can be supported by the receiving body of water.

RELATIVELY NEW PROBLEM

Barnhill said that in the matter of other forms of pollution control, it may very well be possible that the products which are recovered may be useful in several areas.

But the so-called thermal pollution is a relatively new problem, as far as recognition is concerned. Its very identification as a problem is a sign that many of the "conventional" pollutants can now be removed from waste water, if we are willing to make the effort and spend the necessary money to accomplish it.

Barnhill said that Secretary of the Interior Walter J. Hickel has asked the current administration to appropriate $600 million during this fiscal year for distribution to local communities, through state programs, for remedial action on water pollution.

Although the administration has reduced this to $214 million, he said that alternate methods of aiding local communities in the program will be sought and pursued.

But Barnhill refused to classify the pollution problem as a "crisis" at this time.

EXPRESSES CONFIDENCE

Rather, he said, we are moving toward solving the problem, and with the technology available, we can arrive at total treatment, if we must go that way.

In addition, he noted that many remedial actions have been taken in the last 10 years, both by industries and by municipalities.

Without such actions, he emphasized, we would indeed be in the midst of a "crisis." But the fact is, he continued, that many programs are going on, and independent action is being taken.

This does not mean, he continued, that there are not "crises" in some areas of the country, but the total impact is not that grave.

He also predicted that more is going to be done.

"Water pollution," said Barnhill, "is becoming uppermost in the minds of the American public. And what the American public wants, it generally gets.

As for the Nixon administration, Barnhill said that the administration is "responsible," and will seek cost sharing projects. But he said that the administration also will look at responsibility in specific cases, and will look closely into alternative methods of encouraging projects, rather than outright grants.

[From the South Bend, (Ind.) Tribune, Nov. 12, 1969]

THE WATER CRISIS: MICHIGAN IS ONE OF LEADING STATES IN FIGHT AGAINST POLLUTION OF LAKES AND STREAMS

(By Dale Cotter)

LANSING.—America's "Water Wonderland" definitely is in trouble.

In several billions of dollars worth of trouble, in fact, and the water which is the state's wonderland is in danger of turning into a "pollution land" if steps are not taken immediately to reverse the process.

But Michigan's leaders have not been sitting idly aside while the problem has been racing pell-mell across the nation. Plans now call for the state to spend $1.25 billion before 1980 to combat the problems of pollution.

When the program is completed, leaders are confident that the state will have eliminated most of the major sources of pollutants from their state to Lakes Michigan and Erie.

MOST ACTIVE WITH CONTROLS

The state has been among the most active in the area of effecting controls for the elimination of water pollution for more than three decades, even before most of the nation's leaders recognized that a major problem was developing.

But the controls were effected in self defense by leaders in the state, since Michigan, by its very claim to fame, was in danger of losing that claim or at least of seeing it diminished.

Michigan's Department of Natural Resources has been granted the authority to act in cases of pollution, and as a result the state has been able to conduct a concerted effort in a single direction, even if the program is so vast as to take decades to materialize.

Without any question, Michigan's major concern is the Metropolitan Detroit area, which contributes immensely to the huge problem which is Lake Erie.

PROGRESS BEING MADE

F. B. Frost, chief engineer in the department, and a veteran in the long battle against pollution which the state has been waging for more than 40 years, believes that major progress is being made.

And Maurice S. Richmond, a planning engineer in the Michigan Department of Public Health, says that the reason that the battle is being won is total co-operation of the state agencies involved.

Although almost every state sets up requirements for municipalities in disposing of waste materials, and has for years. Michigan is one of the few states which enforces the rulings handed down by the state agency involved.

Richmond recounted the first instance of a city's failure to comply with a state order to cease and desist in pollution. That was Port Huron, which was dumping into the St. Clair River, which eventually leads to Lake Erie.

The city eventually was ordered to sell bonds to finance a sewage treatment plant and supporting facilities. The order was upheld by the courts in 1940, and that case established the procedure which has been followed since.

BUCHANAN CASE CITED

It is the same procedure which is being followed this year in the case against Buchanan, where the city has been ordered to remove most of the phosphorous from its sewage plant effluent, as well as to put in secondary treatment facilities.

That procedure calls for the court, at the request of the state agency, to order the city to sell bonds for the project in question and to proceed immediately with the elected officials held responsible. Failure to comply with such an order would result in a contempt of court finding against the individual involved.

Frost said that since 1940, many communities' leaders have elected to "defy" the order, and would then receive a highly favorable interest rate on bonds which would subsequently be sold, since in a court ordered sale, those bonds would be as good as gold.

Richmond said that the program to improve the treatment of sewage from municipalities has raced forward in the last few years, with groundwork laid during the last two decades since the end of World War II.

120 HAVE PRIMARY TREATMENT

Currently, said the health official, there are 120 communities in the state, out of 290 which have public sewer systems, which still have merely primary treatment of sewage.

Under the plans which are now under way, within five years, that number will be reduced to just three or four.

Primary treatment of sewage is the removal, by simple settling, of as many suspended solids as possible. This is only a small part of the overall problem, although it is the most unpleasant portion.

In most instances, more than 30 per cent of the suspended solids are left in the effluent which is poured into a receiving stream.

The immediate answer is secondary treatment, in which the BOD (biological oxygen demand) content is reduced by more than 90 per cent, as are the suspended solids.

Removal of more than this amount, or the removal of other materials, such as phosphorous, which is now being required in most cases in Michigan, is some form of tertiary treatment.

FIRST REMOVAL INEXPENSIVE

As Frost explained, it is fairly simple, and comparatively inexpensive to remove 95 per cent of the suspended solids and the same percentage of the BOD materials. But the last 5 per cent comes much harder, and is highly expensive.

But without moving in this direction to take out these additional materials, he said, the state and the nation will lose the battle against pollution of our waters.

Frost emphasized, however, that it is mainly the comparative cost of phosphorous removal which is frightening to some segments of the nation's leadership.

He said that present methods allow for the removal of 80 to 90 per cent of the phosphorous from sewage plant effluent at a cost of three to five cents per 1,000 gallons.

But the veteran engineer said that many communities will never be faced with this problem, since they have gone to a relatively new method of disposing of sewage plant effluent. That is the lagoon method, in which sewage is simply allowed to settle in ponds.

METHOD LIMITED BY SPACE

Actually, the sewage is sprayed onto the ground, and only space limitations prevents this method from being the most popular sewage disposal method of all.

Frost noted that engineering requirements are for about one acre of land for each 100 persons to be served through this system. In a tiny community of 1,000 persons, only 10 acres would be required. But in a city the size of South Bend, the total land which would be tied up would be staggering, 1,300 acres.

With land priced as it is in the urban areas, simple economics precludes the system is gaining in general popularity.

[From The South Bend (Ind.) Tribune, Nov. 13, 1969]

THE WATER CRISIS: MOST OF INDIANA'S CITIES FACE PROBLEM

(By Dale Cotter)

INDIANAPOLIS.—Leave the Michiana area and travel south in Indiana, and you can tell the difference immediately when you take a drink of water.

Virtually all of Indiana has a water problem, with the possible exception of the northern portion of the state. And the problem is not always one of supply. Frequently, the problem is too much water. There is little bona fide flooding in the Michiana area.

But the water supply problem for industry and municipalities is of major concern, as well as the disposal of effluents from the sewage treatment plants which serve those same businesses and communities.

The majority of the cities to the south must take their water from rivers and streams. And most of the communities—like South Bend, Mishawaka and Elkhart—use a stream to carry away the sewage effluent.

WATER USED AND REUSED

This means that before water arrives in a community, it has been used, and then replaced with effluent, at least in part.

Indianapolis obtains its water from the White River. The White River, before reaching the state's capital, flows through many communities, according to Oral H. Hert, director of the Division of Water Pollution Control of the Indiana State Board of Health.

A few of those communities are Muncie, Anderson and Noblesville, explained Hert, and each of them do two things to the water.

Each uses the water from the river, and each uses the river to carry away the sewage effluent.

In fact, Muncie, Hert said, diverts one half of the entire flow above the city limits, and then returns that same amount below the city as sewage effluent.

Similar pictures are shown for Anderson and Noblesville, though neither is quite the size of Muncie.

CAPITAL CITY'S SYSTEM

Indianapolis utilizes the water for its supply of drinking water for the entire city, and virtually sidetracks the entire flow of the stream, which is not nearly the size of the St. Joseph River, at least in that area.

It is this more immediate need which has meant the concentration of efforts on the part of several state agencies to effect major improvements south of the Michiana area, Hert indicated.

"It's not that we don't understand and appreciate the problems of the St. Joseph River," said Hert. "But they are greater in other parts of the state, and the most serious ones are receiving the first attention."

The most notable case of what some in the Michiana area consider to be neglect on the part of state agencies is the failure to certify Elkhart's problem on a priority bases for federal aid in the construction of at least secondary treatment facilities.

TWO CITIES GO AHEAD

South Bend and Mishawaka also sought federal aid in making improvements to their sewage plants, but each has since gone ahead, abandoning hope that the federal govern-

ment would make the necessary funds available in time.

Hert noted that it would cost in the neighborhood of $100 million to finance all of the backlog of sewer work in the state for which federal funds have been sought on a matching basis. The state has agreed to help local communities in footing the bill where federal grants are forthcoming.

"Construction of treatment facilities is not the only answer to water pollution control," said Hert. "Very few of our municipal sewage works are operated at maximum efficiency."

The water pollution control director pointed out that this must be extended over an entire sewer system, since some plants simply do not receive all of the sewage.

This may be because they are inadequate in size, and thus allow overflow sewers to dump sewage directly into a receiving stream.

Hert said that generally, municipalities across the state are not meeting the timetables for making necessary improvements, but he laid much of the blame for this directly on the lack of federal funds.

FEDERAL AID FAR SHORT

In Indiana, he noted that although the requests for 1969 and 1970 federal funds for water pollution control exceed $56 million, indications are that only about $9 million will be made available.

Despite the numerous problems, Hert has indicated that he is confident that the state is in a position to move ahead with controls over water pollutants, and is capable of meeting the future.

He said that the situation is not critical at this time but could become so if the indicated work is not undertaken at a rate approaching the timetable.

In compliance with the federal Water Pollution Control Act of 1965, Indiana has established 18 areas and designated them as drainage basins.

Water quality criteria have been established for each of these basins, although the federal law governs only the streams which flow across state lines.

The basins designated by the board are Lake Michigan direct, and the rivers of St. Joseph, Kankakee, Maumee, Tippecanoe, Upper, Middle and Lower Wabash, Upper and Lower White, Upper White—East Fork, Lower White—East Fork, Muscatuck, Patoka, Whitewater, and Upper, Middle, and Lower Ohio.

SURFACE WATER BASIC SUPPLY

Indiana has a much greater problem in maintaining the quality of surface water than does a state such as Michigan, since that surface water is the basic supply for the vast majority of municipal uses.

South Bend is the only city in the state with a population greater than 44,000 which utilizes ground water rather than surface water as a source of supply.

Statistics from the State Board of Health, quoted by Hert, show that 1.2 million persons in the state are served through 397 systems utilizing, all or in part, ground water sources, pumping an average of 181 million gallons a day.

The 78 surface water suppliers for municipalities supply a population of 912,000, but the pumpage is 272 million gallons a day.

[From the South Bend (Ind.) Tribune, Nov. 14, 1969]

THE WATER CRISIS: DDT IS TOXIC TO ALMOST ALL ANIMALS

(By Dale Cotter)

How many starving persons could be fed by a million Coho salmon?

That is the number of fish which the Michigan Conservation Department has found "probably" were killed last year in Lake Michigan by DDT.

This is one of the principal reasons why Michigan last spring became the first state in the nation virtually to ban the sale and use of that and other chlorinated hydrocarbons used as insecticides.

Since Michigan's Commission action, several other states have moved similarly, and now 19 states either have banned, or are considering banning the persistent insecticides.

PERSISTENT BEST DESCRIPTION

Persistent is the term used by most laymen in describing the chlorinated hydrocarbon-base pesticides, because the chemicals making them up do not decompose readily into innocuous elements. The lifespan for DDT and its close relatives is uncertain, but appears to be at least a decade and longer.

But persistence is only one of four major properties which renders DDT as a real danger to our entire environment.

First, of all, DDT is toxic to almost all animal life, rather than simply to the insect pest.

The insecticide is also mobile in that it does not remain where it is applied initially but is carried by movements of water and air. This has been shown by the presence of minute bits found in penguin eggs near the South Pole.

And finally, DDT has solubility properties that cause it to be accumulated by organisms, rather becoming lost in the oceans, in soils or in other inorganic parts of the environment.

CASE FOR DEFENDERS

But defenders of the use of DDT have pointed out that there is no evidence which proves the chemical responsible for harming a human being in cases where it has been used as a pesticide.

On the contrary, they pointed out that it has saved millions of lives and prevented serious diseases and is a food production safeguard.

DDT first became well known during World War II, when the Allied armies of liberation used it to dust survivors of Nazi concentration camps to destroy body lice which carried typhus germs.

Malaria-bearing mosquitoes were first found to be susceptible to the chemical in World War II, and the Allies in Italy applied it to the buildings in the Tiber Delta region. Malaria all but disappeared from the region, and in 1945, it was reported that the health of the populace was better than it had been since before the time of Christ.

As for the danger of humans, the greatest amount of DDT which has been found in fish in Lake Michigan was 19 parts per million, in a few coho salmon.

But men have had an intake of 18 milligrams of DDT per day for up to 19 years without detectable effects. This would amount to eating two pounds of that infected salmon daily.

Many experiments have been carried out on volunteers who have taken the chemical. A single dose of about 700 milligrams for an adult is the border line at which symptoms start to occur. About 20,000 mg. two thirds of an ounce, has been eaten without a fatal result.

U.S. Public Health Service researchers have examined 5 men who have worked continuously in the Montrose Chemical Co. plant in Los Angeles, where DDT has been produced since 1947.

There were no cases of either cancer or blood abnormality among any of those, even though their continuous record of employment and heavy exposure was from 9 to 19 years. In fact, the report said that none showed any chemical findings that were significantly different from what might be expected from a similar unexposed group.

The list of benefits which are attributed to DDT is almost endless.

One of the properties which is cited as being one of the problems for the chemical is also one of its great values. That is that it lasts. This makes it comparatively inexpensive to use, since repeated dosages are not needed. The first one lasts for a considerable length of time, until it is literally washed or blown away.

SUSPENDED IN SOLUTION

But by the same token, the place to which that washing or blowing away action takes the DDT is not prepared to either receive it, or to put up with it.

And, in the case of Lake Michigan, it remains suspended in solution, until it is absorbed by a living thing.

Eventually, though, the DDT which is now in Lake Michigan or just about anywhere else, is going to find its way into the oceans of the world. And it is from the oceans that all life began.

Biologists have found that DDT has resulted in the contamination of earthworms, flying insects and other smaller insects and worms. They in turn are eaten by birds which receive a lethal dose and die with tremors, a classic symptom of DDT poisoning.

In 1954, Canada's Miramichi River in New Brunswick was sprayed with a dosage of a half pound of DDT per acre, and not a single salmon was reported hatched that year.

Researchers have pointed out that other aquatic life, including crabs, shrimps, frogs and reptiles, is also susceptible to poisoning by DDT. Though their disappearance may not be spectacular, we wake up and suddenly find that they no longer exist in an area.

One of the major dangers of DDT is that it is absorbed by many organisms from the environment and later is eaten by lesser animals, which in turn are devoured by larger and more complex organisms, until the predator at the top of the life scale is found with a major concentration of the chemical.

DDT is described as a hepatic enzyme inducer. It causes the liver to produce certain enzymes which change the biological action of the organism on which it acts.

In birds, it can mean the laying of thin-shelled eggs. As as result, the eggs break in the nest, or too much water evaporates directly through the shell, resulting in dehydration and death for the embryo.

For fish, the problem has been that they absorb the accumulated DDT and pass it on into the oil globules of the yolk of eggs they lay. The embryo develops normally, but when yolk absorption occurs after hatching, the fish are killed by DDT poisoning.

And, experts in the field point out that the synergism of pesticides, meaning on chemical bolstering another, has not been sufficiently observed, to know whether they may combine to become even more deadly.

GRANGER MAN'S VIEWS

On the local scene, Paul Richardson, a Granger nursery operator for many years, has pointed out that he has not used DDT or the other "hard" pesticides for many years.

"There are many other chemicals to do the work, and they do a specific job, without endangering anything else, except for a brief time," pointed out Richardson.

"I have not advised using DDT for many years, and have tried to discourage others from using it, simply because all of the side effects are unknown."

The Lake Michigan Enforcement Conference Pesticides Committee has noted that Lake Michigan probably has one of the biggest problems of any of the Great Lakes, as far as pollution by insecticides is concerned.

This is because the areas of Wisconsin and Michigan which are in the lake's drainage basin are heavy producers of fruits, on which a major share of the insecticides are utilized.

But some experts believe that it is not only

the fruit growers and other farmers who use insecticides who have contributed to such chemicals finding their way into Lake Michigan.

HOMEOWNERS ALSO GUILTY

In Lansing, a study by a Michigan State University researcher showed that huge amounts of DDT and other insecticides apparently enter the Grand and Cedar Rivers at the point where the city's sewage effluent is received.

Thus it appears that the city homeowner and probably the park departments are responsible for much of the pollution.

This would stand to reason, since excesses of insecticides would be washed away onto streets and would be carried by storm sewers, following rains, directly into the river, in an even shorter time than would be the case on a farm.

In addition, homeowners would tend to use more of the chemical than would a farmer, on a per acre basis.

The Pesticides Committee has recommended that limits be established for the concentration of DDT and other chlorinated hydrocarbon (hard) pesticides found in fish caught in the lake.

But even though such limits may be established, they may be extremely difficult to enforce and even more difficult to alter.

As knowledgeable researchers have pointed out, Lake Michigan is extremely deep. It is very long, and quite wide. In short, it contains a tremendous amount of water.

A refill value of about 75 years, or perhaps longer, has been placed on its capacity.

This means that if all of the water were to be drained from the lake tomorrow, and the lake then allowed to refill from its present sources, at the current rate, it would take 75 years to accomplish.

And this means too, that it does not flush itself rapidly. The pesticides now in it, and those on the ground or in the air which are making their way to the lake would not disappear for several generations unless they break down into harmless substances of their own accord.

Scientists are also concerned that the concentration of insecticides in the lake may increase during the next few years, unless other states follow the example established by Michigan, and force off the market those chemicals which are not "biodegradable."

[From the South Bend (Ind.) Tribune, Nov. 16, 1969]

THE WATER CRISIS: NATION FACES THERMAL POLLUTION FROM USES OF THE PEACEFUL ATOM

(By Dale Cotter)

This country faces a very real thermonuclear danger in the years just ahead.

This is not in reference to any foreign nation, but to the "peaceful" atom which we hope will one day supply us with power for most of our everyday needs.

The enemy here is more insidious than any of the others which have been discussed in the fouling of our water supplies. It is thermal pollution.

By definition, thermal pollution is the altering of a basic factor in water by the addition of heat.

AMONG CHIEF PROBLEMS

Thermal pollution has rapidly became one of the chief problems in the matter of despoiling our existing surface supplies of water. If it is allowed to go unchecked, solutions to other problems will be meaningless.

But most observers believe that there is no reason for the problem to go unabated. Means to control it now exist.

The basic culprit in the problem of thermal pollution is the production of electric power.

Steam generator plants utilize huge amounts of water for cooling and condensing processes and generally return the water to the receiving body with little or no artificial cooling.

SPRING UP RAPIDLY

Nuclear plants which are springing up rapidly around the nation and, of more importance here, along the shores of Lake Michigan, are the worst offenders.

These plants are less efficient—as far as waste heat is concerned—than are fossil fuel fired plants. Their waste heat is returned to the receiving body of water.

The obvious implication is that we have got along pretty well in the last few years without an apparently serious thermal pollution problem and should not worry about it in the future.

But a report issued early this year by the White House and former President Johnson states:

"Every 10 years, this nation's need for electric power doubles. Within two decades, we estimate that we will have to build 250 new power plants across the country."

LARGER PLANTS SEEN

The power plants referred to are not the tiny producers which exist here and there in the St. Joseph Valley Basin.

These plants are ones which must be capable of producing enough electricity to quadruple the entire output of the country at the present time.

Thermal pollution is unlike any other despoiler of our water. It does not make the water unsafe for swimming. Indeed, it can extend a swimming season by making a beach warmer for a longer period of time.

And it does not render it unfit for drinking purposes, at least not directly.

But it can, has and does upset the ecological balance of a body of water. And that must eventually affect everyone.

CHANGES OCCUR

When the temperature of water is raised, it causes many things to occur. Some fish are tremendously affected by only a slight change in the temperature. It may also make some sterile, may kill others directly, and affect the growth of some.

As the temperature of water increases, its ability to release oxygen is decreased, and a variety of problems develop from this, including actual suffocation of fish in some cases. This also lowers the water's ability to handle other pollutants.

The Indiana and Michigan Electric Co. is in the process of building a nuclear powerplant on Lake Michigan near Bridgman. Other companies are similarly considering such construction, and the lake is not without eixsting nuclear plants.

Engineers from the I&M have assured us that their new plant will have no effect on the overall temperature. Indeed, it likely will not.

Company spokesman say that they have investigated this problem, and the design calls for the plant to draw its cooling water from the depths of the lake, where the temperature hovers continuously around 40 degrees. The discharge will be on the surface, where the heat can dissipate into the air.

WARM WATER FLOATS

The natural phenomena of water stratification will occur, with the warm water actually floating on the cold water, and the two layers will not mix. This is the plan.

There is no doubt that the water of the lake is stratified. And two professors from the University of Notre Dame, who have also been working in the area of water pollution, have suggested that changing the overall temperature of the lake from this source would be a little like trying to heat a bath tub full of water with a candle.

But they are not prepared to say what may happen if a dozen candles are utilized. Or what may occur if the water is stirred slightly.

There is not even any experience to show the result of a long period of warming water in a small portion of a large body of water. But the action surely would affect the aquatic life within that area, and could conceivably touch off a reaction which would affect the oxygen content of a larger area.

A much safer method would be to require such plants to construct some type of cooling system. Even the most expensive method of building such cooling towers to treat the water before returning it to the lake would mean a cost of only about one to three per cent of the consumer's electrical bill, studies have shown.

BETTER METHOD

An even better method would be to somehow make use of the heat, which efficiency would actually cut the cost of the overall operation, and could save the consumer money.

Former Secretary of the Interior Stewart Udall, in testimony given before the Senate subcommittee on air and water pollution, said:

"The warming of water accelerates most of the biological and chemical processes that occur, sometimes to an extent that affects the kind, as well as the degree of water quality modifications.

"These effects of warming are significantly aggravated by the fact that the capacity of the water to dissolve and hold oxygen is decreased as the water is warmed.

"Thus, the more rapid decomposition of organic material that occurs in warmed water can result in oxygen depletion. Attainment of threshold temperature levels may bring about reactions that cause otherwise tolerable concentrations, such as the sulfides of wood pulping, to become toxic to aquatic life.

FEW STREAMS AFFECTED

"Few major interstate streams have not been affected by heated discharges. Some like the Mahoning River in Ohio, have been permanently affected by heat loads and reservoirs so that the 'normal' temperature is well above that which existed before man made his impact."

U.S. Sen. Edmund Muskie, chairman of that subcommittee, has indicated that the responsibility for controlling thermal pollution, as with every other type of water despoiler, must lie in a combination of the individual, industry or municipality involved, with the local government, state government and the federal government.

John T. Barnhill, deputy commissioner of the federal Water Pollution Control Administration, pointed out that one of the problems in controlling new nuclear power plants is that there is no single agency which is responsible for granting permits to operate such plants.

While the Federal Power Commission holds the final say in the granting of a license to operate such a plant, that is not the agency which is most concerned with the side effects which might be created.

Those agencies which are concerned, the Department of the Interior and the Agricultural Department, can make recommendations, and do make such notes. But the right to grant or deny the permit to operate is still with the FPC, with the acquiescence of the Atomic Energy Commission.

STATES REJECT CONTROL

And the states in which such facilities would be located have chosen not to exercise control over whether such a plant is or is not feasible on any given site.

They have indicated that once a license has been granted by the FPC, such authority supercedes any action which they may take to prevent such a move.

However, the latter problem may be removed with the enactment of legislation

which would give the states the power to approve or deny any contract for a plant before it is erected.

In any case, however, Barnhill said that the real problem is one of the industry itself regulating the waste heat before it resolves itself into a crisis situation.

To take any other approach would be foolhardy, from both a financial and a moral point of view.

[From the South Bend (Ind.) Tribune, Nov. 17, 1969]

THE WATER CRISIS: COMBINATION SEWERS ADD TO POLLUTION

(By Dale Cotter)

If Elkhart, Mishawaka and South Bend, or any other cities in the area were to put in proper sewage treatment plants which would handle all the flow which comes to them, every major rain would still mean that each of those communities would contribute substantial pollution to the St. Joseph River.

The problem is more than the question of each plant's capacity to handle the raw sewage.

It lies in the basic construction of sewers which were installed decades ago some much more recently and were designed to carry both rain water runoff and sanitary sewage.

These combination sewers are so constructed that when the flow reaches a certain level, it passes over the tops of dams which are constructed in underground diversion chambers and runs directly into the river.

SEWAGE DILUTED

Although the sewage which reaches the river in such a manner is highly diluted, it is nonetheless raw sewage, and is a major problem in many sectors of the country.

Until a few years ago—as recently as 1960—such sewers had the apparent stamp of approval of the federal government, and were commonly constructed around the country in federally financed urban renewal projects.

The reasoning behind combination sewers is clear. It was expedient, both from a time and monetary point of view. Two sewer lines beneath the same street would be highly expensive and would appear to be a duplication of efforts.

But more foreward looking communities, including South Bend and Mishawaka, have been making all recent installations on the basis of separate sewer lines for storm and sanitary flows.

Still, the existing lines pose a real problem. The work entailed in separating them at this time is highly expensive, and almost as costly as the original separation system would have been.

STORM WATER DIRTY

But there are those who believe that the eventual answer will be to run all water through the sewage treatment plant of each community, since storm water picks up considerable debris in traversing city streets, or in running through country barnyards.

These materials—including oil, gasoline, rubber and other automotive spawned debris—are no less pollutants than is the sanitary sewage which is expected to be run through the sewage treatment plant, it is reasoned.

But there is hardly a sewage plant in the country set up to handle the tremendous loads which would be required in treating both storm and sanitary sewage flows.

While the storm flow needs treatment, some experts in the field point out that it does not need the extensive treatment accorded to raw sewage.

Thus, some other type of treatment, presumably less expensive, since it would not be as extensive, would appear to be in order, if it can be developed.

FINDING BASIC PROBLEM

Here, the basic problem appears to be in the area of funding. Local communities simply have not the resources needed to carry out any extensive program which would be required to separate sewers, or to enlarge the treatment facilities now in existence.

It would also seem that they would not have the money needed to construct new facilities, unless such treatment measures would be much less expensive than the conventional means.

Most cities find they currently have inadequate drainage systems, especially in the area of storm sewers. Correcting existing systems would only add that much more to the burden they must bear.

Another problem in the construction of sewers is that they lack glamour.

DON'T CAUSE POPULARITY

Whether it is fair or not, there is no doubt that the construction of sewers is not the type of project which makes a politican popular.

Such programs mean a basic inconvenience to local residents, in closed roads and other factors. This the voters remember, but they forget the sewers, which are hidden below several feet of dirt and pavement.

And finally, there is no place for a handsome plaque to be seen, with a sewer line project. As a result, the instigators of such a program are quickly forgotten. It is not like a grandiose high rise building, where such a plaque inscribes permanently the names of the city's leaders at the time the work was undertaken.

Thus, politics and economics rank as the prime problems in the construction of proper and adequate sewer lines.

And there is little hope for any major change in the foreseeable future, until the general public by its own pressure forces the issues. The voter and the taxpayer must let the politician know that he expects the work to be undertaken, and is willing both to foot the bill and to put up the temporary inconveniences that are caused.

[From the South Bend (Ind.) Tribune, Nov. 18, 1969]

THE WATER CRISIS: FIND AIR POLLUTANT MAKES WATER CLEAR

(By Dale Cotter)

Some observers believe that it is just a matter of time until man poisons himself into extinction.

Whether he does it with air pollutants or water pollutants they believe is academic, man's demise seems only to rest on a race for one or the other.

But two research engineers at the University of Notre Dame believe it is possible for the bane of one to become the blessing of mankind, with one pollutant actually set against the other.

The two, Mark W. Tenney and Wayne F. Echelberger Jr., both associate professors of environmental health engineering have shown both in the laboratory and in the field, that fly ash, a major air pollutant, is an aid in cleaning polluted water—and in keeping it clean.

RECEIVE FEDERAL GRANT

They are doing their work in this experimental program under a grant from the federal Water Pollution Control Administration and are currently in the fourth year of the project.

Although much of the work obviously must be done in the laboratory, the two men also have an ideal field laboratory at Stone Lake, near Cassopolis, just a few miles northeast of the university.

Tenney explained that the lake served for 30 years—until 1965—as the recipient of the effluent from the Cassopolis sewage treatment plant.

Although the village's sewage was treated, including the conventional secondary treatment which is utilized in South Bend and Mishawaka, the lake became polluted, largely because of the stimulated growth of algae.

The problem, observed Tenney, was apparently a matter of something other than mere sewage pollution.

LAKE LACKS OUTLET

Since the lake has no outlet all of the effluent which was received by the lake remained there.

Although the effluent's entrance to the lake was cut off beginning in 1965, there appeared to be no change in the makeup. Echelberger indicated that it was another case of irreversible cycle of pollution.

The initial experiment was to determine what effect the halt of all man-made pollutants would have on the water, whether the pollution problem would abate. It has not. It has grown.

Then, inspired in part by experimentation done about the same time by Fred W. Moehle and the Mishawaka Uniroyal, Inc., plant, the two engineers at Notre Dame began to experiment with fly ash.

Moehle had to devise a means of obtaining a drier end-product from the industrial waste at the Uniroyal plant, and utilized the fly ash, which was available in abundance from the plant's steam generating section, which utilized at that time only coal as a fuel.

Taking water from the lake to the laboratory, Tenney and Echelberger observed that by dumping the fly ash into a tube of the polluted liquid, the result was clear water, with the fly ash carrying the undesirable matter to the bottom.

Carrying their experiment to the field, they placed a three-foot plastic tube into the water, all the way to the 50-foot deep bottom of the lake, and repeated the experiment.

The result was the same. The water became virtually clear.

And as a bonus, they discovered that the fly ash acted as a sealer for the bottom, so that pollutants could not re-enter the protected water from the overly rich bottom soil.

This was a highly significant factor, since even if water in a polluted lake can somehow be cleansed, the pollutants stored in the bottom soil will again allow algae to grow in abundance, and the self destruction of the water's value will again occur in a limited time.

WATER CLEANSES ITSELF

For it is an axiom that water will cleanse itself, if it can obtain enough oxygen, and is not overloaded with pollutants.

But once the pollutants have reached a certain saturation point, the action is irreversible in nature alone.

For some, the experiments with Stone Lake have given rise to hope that larger bodies of water eventually may be cured of their polluted state, by the addition of large amounts of fly ash over the entire surface, thus sealing the bottom.

If this is the case, it will aid not only in the control and even the reversing of the water pollution cycle, but will be a major step toward encouraging industry to clean up the air.

Currently there is no particular reason—economically—for industries to remove air pollutants from the emissions sent forth by the smokestacks which dot every city.

Removing the fly ash and the gases which escape is a major expense and one from which the industry can realize little or no return in most cases.

But if fly ash becomes a valuable by-product to be used in the control of water pollution, both problems can be aided.

Tenney and Echelberger both cautioned that the testing is not conclusive at this stage, but both are certain that the use of fly ash will be of major import in the near future.

But the real problem is one of controlling the growth of algae.

Algae growth is the reason that water pollution eventually becomes self-generating and is irreversible.

HARVEST STUDIED

Echelberger and Tenney have also noted that another possibility in controlling the growth of algae would be to harvest it as some sort of crop.

Tenney said it is entirely possible that it eventually will prove of some value, perhaps in the feeding of cattle, or as a fertilizer, or in some other area of conventional agriculture.

This would also serve a dual purpose, in cutting down on the spread of the growth and lessening the continuing cycle of water pollution, besides its direct use on the farm.

When algae dies and decays, it becomes a contributor to, as well as a result of pollution.

But the two researchers are most intent upon the potential use of fly ash as a control of the pollution problem.

WEIGH SEVERAL METHODS

They already have discussed several possible methods of spreading the material over an entire lake.

One of the most interesting systems, which might be used on Stone Lake, would be to spread the fly ash over the surface of the ice, during the winter season. This would mean that in the spring, as the ice melts, the fly ash would drift to the bottom, carrying with it, the pollutants.

But the problem in clearing a lake in such a fashion is one of sheer magnitude. To cover the entire bottom of Stone Lake, which covers only about 150 acres would be a huge task.

[From the South Bend (Ind.) Tribune, Nov. 19, 1969]

THE WATER CRISIS: ALGAE, SPURRED BY PHOSPHATES AND NITROGEN HELP CAUSE WATER POLLUTION

(By Dale Cotter)

Although it is obvious that the immediate concern in the battle against the suddenly alarming problem of water pollution is the removal of solids which use up the dissolved oxygen and thus the value of the liquid there are more subtle pollutants which are neither toxic nor demanding of oxygen.

Those subtle pollutants are the nutrients, especially phosphates and nitrates, which spur the growth of algae.

And even algae, in the initial state, are not considered especially harmful.

But algae, like any land plants, die and decay, and the decaying parts become the same type of biological oxygen demanding (BOD) material as the suspended solids of raw sewage.

For this reason, more and more attention is being paid to curbing such nutrients in our water. And the only available means is to remove them from the effluent of sewage disposal plants and from industrial wastewater.

PILOT PLANT SETUP

At the South Bend sewage treatment plant, two research engineers from the environmental health department at the University of Notre Dame have set up a pilot plant for the removal of those nutrients, seeking the most economical means.

The work is being done through the resources of a grant from the U.S. Public Health Service.

Although the basic interest is in the removal of phosphates, the two men, Wayne F. Echelberger Jr. and Mark W. Tenney, both associate professors, are seeking basic changes in the whole process of sewage treatment, which has gone on, virtually unaltered, from the methods employed a century ago.

Mechanics in the operation have improved, but the means have not. The capital outlay both in terms of land and of construction, as well as the daily operation of sewage plants in quite high. Sewage disposal is one of the major expenses for most cities, as well as for most industries.

John T. Barnhill, deputy commissioner for the federal Water Pollution Control Administration, says that man now has the needed technology to remove any chemical he desires in sewage and industrial wastewater effluent.

FIRM PERFORMS STUDY

And Barnhill says we can indeed afford the mighty cost of such removal.

But a study performed two years ago by an Indiana firm in connection with experimental work on "tertiary" (total) treatment for municipal sewage showed that the cost for operating a plant the size of the one in Mishawaka would be nearly $1.5 million a year.

This includes the day-to-day expense and would provide nothing in the way of allowing repayment of anticipated bonds which would be needed to finance the construction of the plant.

The mere operating expenses of the plant described, which adds numerous steps to the treatment process, would be three times the total income which Mishawaka now realizes from its monthly and quarterly sewage bills.

Assumptions by Barnhill that the average person would be willing to pay the sewage treatment cost increases is likely optimistic, since the system described in the confidential tertiary treatment pilot plant report would bring an increase in sewage costs to about four times the current figures.

COSTS DOUBLE

In addition to the operational costs of such a plant, the engineering reports indicated that the costs of construction would be about double those for a conventional plant.

However, the report also emphasized that Barnhill was right in stating that current technology does allow for man to clean up the mess he makes. The effluent which left the pilot plant, which was in operation on a mini-scale for several months, was not only pure and devoid of the algae-encouraging phosphates, but was virtually soft, and almost of distilled quality.

All of the figures which were shown in the private report are virtually duplicated in a report made public earlier this year by David G. Stephan, in the research and development section of the FWPCA.

He said that the capital investment total of an advanced waste treatment plant, when computed at a normal interest rate over 20 years—the anticipated life of such a plant—would come to about $2 per year per person, over and above the total which would be required for conventional primary and secondary treatment.

However, this would be for the construction of a much larger plant than would be needed in South Bend or Mishawaka. Construction costs, and even operational costs of such a plant would be considerably less than for a plant to serve this community.

FIGURES APPLY

Despite this, the figures cited by Stephan would apply.

Using the private study figures, the cost per person for each day under the tertiary system would be about 8.3 cents a day more than the cost of conventional treatment.

If this is added to the estimated amortization cost of the capital investment for the plant itself ,the total would be in the neighborhood of 10 cents a day per person.

Stephan compared this with an average per capita expenditure of 13 cents a day for gas service, almost 22 cents for telephone service, 26 cents for electricity, 80 cents for food and even 12–15 cents a day for cigarettes.

His figures were based on the costs for such equipment in Washington, D.C., Stephan said, "I cannot judge what is an acceptable cost to make the Potomac truly a model stream for the nation. I do, however, submit that treatment technology now exists to effectively eliminate the sewered municipal waste load to that stream, and the cost to do so is about (two-thirds) of what we now spend for cigarettes."

[From the South Bend (Ind.) Tribune, Nov. 20, 1969]

THE WATER CRISIS: POLLUTION ADDS TO EXPENSE

(By Dale Cotter)

WASHINGTON.—There is another economic reason for the elimination of water pollution in this country.

This is the fact that we are rapidly raising the costs to the consumer for high quality water and are eliminating some recreational uses (and businesses) by making the liquid unsafe for swimming, and unusable for fishing purposes through killing of aquatic life.

Officials of the U.S. Department of Health, Education and Welfare are more than a little concerned with increases in recent years of water-borne diseases, caused by pollutants.

Charles C. Johnson Jr., administrator of the Consumer Protection and Environmental Health Service of HEW, says a 1967 report indicated that one-third of the public water supplies in this country did not then meet Public Health Service water standards for drinking.

In addition, he said that in the last five years outbreaks of water-borne diseases have averaged one per month, affecting hundreds of persons each, and he warned that the unreported cases may be "100 times more than the reported cases."

FIFTY MILLION AFFECTED

Johnson says that the report indicated 50 million persons are affected by inferior drinking water system, which for the most part are a result of age and overextension of their designed capacities.

"Most community water supply systems in this nation were constructed more than 30 years ago," said Johnson. "Since then urban populations have increased from 20 to 40 per cent."

The relation of water pollution to water distribution in communities is obvious, since the vast majorities of cities across the nation obtain their prime sources of supplies from surface waters.

When surface water becomes contaminated, the problems of making it safe to drink become greater—and more expensive—as well as more complex and more prone to human error, as extra steps in the treatment are added.

Thus, when sewage is dumped into a moving stream, or a lake, from which the offending community or one downstream draws its water supply, the dangers increase.

CHEMICAL SCOURGE WORST

Johnson pointed out that more than sewage, chemical contamination of water has become a matter for major concern.

"Wastes from synthetics, adhesives, surface coatings, solvents and pesticides have reached surface waters in increasing quantities during the last 20 years," he said.

"Many of these are extremely complex and are unaffected by present water and waste water treatment procedures. Some, such as pesticides and oil refinery wastes, have been shown to be toxic and even carcinogenic (cancer-causing.) We know little about the identifications and measurement of these compounds in drinking water, and we have little knowledge of their long-range health effects."

One of the efforts of HEW to solve the problem of what is dangerous has been a program of the Environmental Control Administration to survey local water supplies in nine cities around the nation, each posing a different problem in water supplies for the communities involved.

The surveys already have been completed in the metropolitan areas of Cincinnati, Ohio; Charleston, W. Va., and Charleston, S.C. Other cities included in the survey are Kansas City, Mo.; Pueblo, Colo.; New Orleans, La., New York City, and the New Haven-Meriden-Waterbury area of Connecticut.

Johnson said that during the period of 1946–60, there were 228 reported outbreaks of water-borne disease, resulting in 26,000 substantiated cases of illness. But he emphasized that this likely represents only one percent of the total number which went unreported.

CITES TWO OUTBREAKS

He cited two substantial outbreaks of disease, involving 2,500 and 18,000 persons. In addition, instances of hepatitis have been attributed to contaminated water supplies during the last few years.

It also was noted that some of those outbreaks were in communities which do not depend upon surface water for the municipal supplies, but which like South Bend, Mishawaka, Elkhart and virtually every other city in the St. Joseph Valley area, obtained water from deep wells.

This meant that the veil provided by nature to purify water, ages old, had been broken down, or at least penetrated by the new found danger of man's handiwork.

Johnson said that HEW examines municipal water supplies as a means of determining whether they are safe for use by interstate carriers, such as airplanes and trains.

As of last Jan. 15, the U.S. Public Health Service was checking 707 municipal water supplies. Of that total, 80 per cent, 567, were classified as approved for such use.

REMAINING 140 ARE PROVISIONAL

But the remaining 140 systems were classified as only "provisionally approved" because of important defects in their supplies, or in their operations.

One of the cities which is rated as provisional is New York City, which came close to losing its certification recently because of such defects.

Certainly, when the nation s largest city has a major problem of its water supply, man must take a much closer look at his polluting effects.

With this sort of problem staring modern man in the face, the question of water pollution becomes more than a conservation fanatic's plea to make the world a naturalist's dream, or of the fisherman to give him back his trout stream.

It becomes a matter of good economic sense. And it becomes a matter of life and death.

[From the South Bend (Ind.) Tribune, Nov. 21, 1969]

THE WATER CRISIS: POLLUTION CONTROL METHOD PROPOSED

(By Dale Cotter)

WASHINGTON.—The national water pollution control effort is at the brink of disaster, according to Sen. Gaylord Nelson, D-Wis., but U.S. Rep. Wendell Wyatt, R-Ore., has what he believes is a solution for the problem.

A host of experts share Nelson's opinion on the crisis in attempting to control water pollution.

Unfortunately, there are not so many experts who believe that there is any end in sight.

Wyatt claims that technology exists, developed in his home state, which should prove a major benefit in the war on pollution.

URGES NEW POLICY

But in order to make the most of it, he said that a dramatic new national policy must be adopted, with the goal of immediate high-yield abatement which he said is possible. This can be done, he continued, through techniques used in Oregon to increase the capacity and performance of existing primary and secondary sewage clarifiers, without the added expense of new construction.

"Plastic modules of high-rate sedimentation devices can be installed in existing clarifier (sewage treatment) structures to greatly increase their capacity and efficiency," explained Wyatt. "This concept has already been proved in plants as large as 45 million gallons a day.

"Pollution caused by overloaded primary and secondary clarifiers can be greatly reduced by use of this concept until new plant construction can take place.

"Incorporation of this settling concept in new plant design will reduce the cost of new facilities when they are built."

COULD CUT OUTLAY

In this way, he said, the capital outlay for industrial waste treatment systems can be reduced greatly, and thus another segment of the overall problem can be attended to in a manner which should please the business world.

Another benefit which he foresaw is the possibility of treating storm water overflows from combination storm and sanitary sewer systems.

"A preliminary design of a storm water treatment system utilizing this settling concept has been laid out in which the treatment could be accomplished beneath city streets within existing city rights-of-way," continued Wyatt.

The Oregon congressman has lambasted the entire water pollution control system for being penny foolish, as well as pound foolish in attempting to look 20 years into the future without making a real effort to exercise some major control programs now.

He said that our efforts are based on technology 40 years old, and designed to serve for 20 to 30 years in the future.

IGNORE PRESENT PROBLEMS

Wyatt believes that we are designing facilities that are sized for the distant future, which are taking too big a financial bite, on which we are choking, and thus are taking too little action to alleviate the problems of today.

"An overall master plan for meeting our needs in the year 2000 is fine," said Wyatt. "But it does not meet today's needs, and it does not give us pollution abatement today.

"Even more, planning and building plants for that far in the future is almost impossible to finance today. Trying to meet the waste treatment needs of the next generation with today's dollars is a very heavy burden, so in many cases, only half measures are undertaken, and pollution continues to grow."

Wyatt's beliefs coincide with those of many experts who say that we are not even marking time in the total abatement situation, but are losing more ground.

As one observer put it, "We have to run just to stay in the same place."

CAN'T KEEP UP

And we aren't even able to do that at present.

Wyatt said that millions of dollars have been spent in the pollution control and abatement programs through the 15 federal agencies and 50 states.

He asserted that the millions of dollars we have spent have been in a scattershot approach to the problem, with reliance upon outmoded methods.

"I suggest," he said, "we use our limited funds in the most effective possible way to fight the filth of our lakes and rivers, so that we will begin to harvest the results today, instead of hoping for results in the far future."

To do this, he said we must utilize the available advanced technology. "We must invest, not in old-fashioned plants that are already outmoded, but in the newest and most productive areas of waste treatment," said Wyatt.

COULD BOOST VOLUME

The plastic modules described by Wyatt would presumably allow existing plants to handle more wastes because the time it would take to have the pollutants settle out could be reduced greatly.

This would allow a plant to handle a larger volume in the same period of time.

Most of the sewage plants—including those in South Bend and Mishawaka—have extended periods during which they are overtaxed, and wind up dumping sewage not fully treated into the river.

Wyatt said this is one of the major problems in the fight to control pollution. He said most of the statistical studies assume that the plants operate at top efficiency.

This is not true, and it should be the aim of our national program to make it a reality, rather than attempting to wait for the overall plan development before taking action, he concluded.

[From the South Bend (Ind.) Tribune, Nov. 23, 1969]

THE WATER CRISIS: BIPARTISAN COALITION SEEKS CONTROL OF NATIONAL WAR ON WATER POLLUTION

(By Dale Cotter)

WASHINGTON.—A Republican congressman from Oregon says that we need a dramatic new national policy on water pollution.

A Democratic senator from Wisconsin says that the national water pollution control effort is on the brink of disaster.

And it is this bipartisan coalition of members in both the U.S. House of Representatives and the U.S. Senate that is threatening to wrest control from the Old Guard in the suddenly critical theater of the water pollution war and to force action with the additional appropriation of funds.

A move which began in the House last August, and this month failed by just four votes to overturn a committee recommendation and the wishes of the administration in the amount to be spent by the federal government for water pollution controls was passed last week, 88–2, by the Senate.

That move is aimed at insisting, by congressional amendment to the public works appropriation bill, that a full $1 billion be made available for pollution control.

WOULD LOOSEN STRINGS

Presumably, the move would loosen the purse strings of the federal government, and, according to the scheme, touch off a beehive of activity in the construction of critically needed basic sewage treatment plants and other plants to remove nutrients from the waste water effluent.

If the plan succeeds, the footdragging on the part of local governments across the country should suddenly become a rather painful thing for politicians.

There may even be a light at the end of the tunnel in the drab and thus far losing battle to control pollution.

Once cities and towns are forced to clean up their own back yards it is unlikely that the community leaders will do much winking at industries and other non-governmental groups which continue to ignore pollution abatement orders.

And the general public will be able to, without question, trace the sources of pollution.

PRESSURE MOUNTS

There is little doubt that the congressional action has come about because of the mounting pressure from the general public on the matter of pollution controls.

In a Gallup Poll taken earlier this year, more than half of the persons interviewed said they are "deeply concerned" about the problem of water and air pollution. And an astounding three-quarters indicated a willingness to spend some of their own hard-earned cash, in the form of tax hikes, to pay for controls.

U.S. Rep. John D. Dingell, D-Mich., started the ball rolling for the amazing congressional move last August, speaking for a group of seven members of the House from both sides of the political aisle.

The drive was to secure "full funding" in the fiscal 1970 budget for construction grants under the Clean Water Restoration Act.

In addition to Dingell, the original seven are U.S. Reps. John A. Blatnik, D-Minn.; Michael A. Feighan, D-Ohio; Paul N. McCloskey, R-Calif.; Henry S. Reuss, D-Wis.; John P. Saylor, R-Pa., and Jim Wright, D-Tex.

BRADEMAS AMONG FIRST

One of the earliest to endorse the effort and to indicate a willingness to vote for such a bill was Rep. John Brademas, D–South Bend.

In explaining the overall move, Dingell said, "The billion dollars is the amount which Congress promised states and cities when it passed the Clean Water Restoration Act in 1966.

"All across the country, state governments and local governments have relied on that congressional promise.

"They have invested millions of local dollars and have made themselves legally liable to carry out the work of cleaning up America's rivers and lakes. Unless they get the promised federal aid, they won't be able to do it."

Congress in 1966 adopted a formula for sharing the cost of building water treatment facilities and authorized yearly grants in increasing amounts to finance a federal-state-local construction program estimated to cost $20 billion.

APPROPRIATIONS LAG

In three years, the total cost has increased to an estimated $29 billion, while in the same period, congressional appropriations have fallen $726 million behind schedule.

For fiscal 1970, the administration is recommending an appropriation of only $214 million, said Dingell. This, he explained, would put the federal share of the joint program $1.5 billion behind the schedule which was proposed earlier.

Under the original 1966 act, Congress promised to furnish up to 55 per cent of the cost of construction in new or expanded sewage treatment facilities.

Currently there is a backlog of more than $2.6 billion in the amount which is reimbursable by the federal government to the local communities and states.

The $214 million which was tentatively allocated would be only 8 per cent of that total, and even the full $1 billion amounts to slightly more than a third.

CERTAIN TO GROW

The total in requested federal grants is certain to grow this year and in each succeeding year.

Proponents of the full $1 billion appropriation emphasize that there is no need to fall even farther behind, and that the move must be made now to attempt to catch up.

The appropriation which was approved by the House was for $600 million, still considerably above the total proposed by the administration of President Nixon.

The bill now goes to a joint conference committee to work out the differences between the two versions, with the primary variation in the dollar amount.

Insiders believe that with the overwhelming vote in the Senate, and the increasing strength of the "Young Turk" coalition in the House, the full $1 billion will be adopted.

[From the South Bend (Ind.) Tribune, Nov. 24, 1969]

THE WATER CRISIS: INDIANA GETS WORD TOO LATE ON FUNDS

(By Dale Cotter)

INDIANAPOLIS.—While the U.S. Congress may be ready to make good on its promise to make funds available to local communities for the construction of sewage treatment facilities, the word was not passed on quickly enough to Indiana so that this state could match those funds, according to Orrell H. Hert, director of the Division of Water Pollution Control in the State Board of Health.

Under the Indiana program, the federal government is to supply 30 per cent of a local project and the state 25 per cent, so that the final figure to be borne by the local users is 45 per cent.

But the 1969 state legislature appropriated only enough money to meet the original $214 million which had been anticipated by the federal government for the current fiscal year.

And what's more, the biennial budget calls for an identical amount for next fiscal year.

"We can't be sure of how to proceed," said Hert. "We don't know what the Federal Water Pollution Control Administration will have to say about our predicament, or whether we will have to go ahead on the basis of the $214 million."

Hert said that there is a possibility that the state can go ahead and spend the funds available for this year and next year in a single year, and then approach the 1971 legislature for an emergency appropriation.

But even that total wouldn't finance a single year of full funding by the federal government. As of last May 31, Indiana had pending before the federal government requests for $28,515,100.

The original $214 million national allocation would have allowed payment of slightly more than $5 million in Indiana. Even with the full $1 billion funding by Congress, the share for Indiana would be only slightly more than $25 million.

But one thing is certain. Hert said that when the funds are forthcoming from the federal government for communities to move ahead with waste treatment facilities, his department will crack down on those that do not make that move.

A lack of federal funds has been the reason listed by several communities in Indiana for failure to comply with the cease and desist pollution orders issued by the State Health Department.

If all of the problems are ironed out, it would likely mean that within a two-year period, all of the existing orders for pollution abatement efforts in cities across the state would be able to receive a share of the federal funds.

But looking ahead, there is no guarantee that the state share of the 55 per cent of the total cost to local sanitary districts for sewage treatment facilities would be forthcoming, even though the groundwork has been laid in the last two legislative sessions.

There are such things as austerity programs at the state level as well as the national level, and it may be that a future administration would not see fit to maintain such a program.

Even so, the local communities would receive the 30 per cent aid from the federal government. But this might not be enough to provide funds to hard pressed property owners who must bear the burden for local bond issues.

A good many communities across the state are delaying work not only because of a lack of federal funds, but in hopes that some sort of technical or scientific breakthrough may be forthcoming which would substantially lower the overall cost of sewage treatment plant construction, and even in the eventual operation of such new plants.

Many observers believe that such delays are only going to prove more expensive to the communities making them, since the costs of construction are rising even more rapidly than other aspects, and soon would more than consume any local savings which might be realized through federal assistance.

South Bend and Mishawaka leaders made this determination within the last five years, as each installed chlorination units to destroy bacteria in sewage plant effluents, even though it had been anticipated that federal aid might have been available by waiting long enough.

[From the South Bend (Ind.) Tribune, Nov. 25, 1969]

THE WATER CRISIS: SEWAGE SYSTEMS VERSUS LAKES

(By Dale Cotter)

America's Great Lakes may be the most spectacular example of what water pollution is doing in this section of the country, but it is certainly not the most advanced example, with the possible exception of Lake Erie.

Nearly every small lake in the Michiana area is being developed beyond its capacity to handle the increasing number and volume of private sewage systems.

The problem is complex, and basically one in which the culprits are not even aware of what is going on and possibly are the type of people who might be your next-door neighbors.

With the increasing number of year-around homes being erected and occupied on the lakes in the water-rich St. Joseph River Basin, private septic tank and dry well systems are numerous and growing older, and thus less efficient.

The result is that the ground water is rapidly becoming polluted, which in turn means that the water which supplies those lakes from springs is also at least enriched with phosphates and nitrates, those chemicals which influence the growth of algae.

Small sewage disposal fields are fine, if they are not overcrowded in any area. Nature acts as a marvelous cleansing agent for the effluent which is screened after running into a dry well.

SATURATION POINT

But there is a saturation point, from which the normal means of filtering out the polluting materials cannot recover in an easy manner.

When sandy soil beneath a dry well becomes saturated, it no longer filters out the phosphates, which invade the ground water supply.

The evidence is obvious.

Where small lakes, such as Diamond Lake in Michigan, or Heaton Lake in Elkhart County were once pure and clear, algae growth now annually is a major problem. And the problem is growing worse.

In some cases, the pollution is not so innocent. Some homeowners, seeking to preserve the life of the private systems of septic tanks and dry wells, have taken to running some waste water onto the top of the ground, where it finds its way directly into lakes.

They justify such actions by noting that

this is only a small amount of water, and is not really sewage, but usually the remains of water from washing clothes.

ACTIONS DEFY LAWS

It certainly is sewage. And such actions are against every technical and moral law on the books and in nature.

The same sort of problem exists along the St. Joseph River and its tributaries. But the matter is not nearly so pronounced, since the volume of water flowing by tends to dilute such sewage.

Still, there is no question that the river, and in turn Lake Michigan, are being affected.

Normally, pollution problems tend to be thought of in connection with municipal sewage plants or mighty industries.

But when a receiving body of water is small, or when the problem has neared the critical stage, every bit of pollution becomes a major incident.

NOTED FOR LAKES

The southern tier of Lower Michigan has long been noted for the dozens of marvelous lakes which dot the entire sector, all the way from Detroit to Benton Harbor.

All too rapidly, those lakes are becoming turbid and muddy, as sewage is poured into them, either through the over-the-ground method or from long overextended sewage systems of private homes on their boundaries.

The Michigan area is not the only section of the country suffering from this malady.

Wondrous Lake Tahoe, on the border of California and Nevada, is also showing signs of becoming overenriched with the pollutants which have laid waste to other bodies of water across the country.

The recreational paradise, located high in the mountains, has drawn the attention of the federal government, and experimental sewage treatment plants have been erected there in an attempt to maintain the clarity of the water.

COSTS INFLATED

But problems of distance inflate the costs in the construction of sewer lines to collect the wastes of the business and residential buildings there. This is the case in virtually every lake which is similarly threatened.

When there are industries as well as homes located near lakes or other small bodies of water, the problems becomes even more acute, from sheer volume.

Three centuries ago, when LaSalle made his first trip down the St. Joseph River and later portaged across to the Kankakee River, he found the water in both streams clear and bright.

Today, a fisherman, tying his boat to the bank of the river, finds scum and oily filth quickly accumulating in the breakwater he has so created.

While the water is moving, it appears that the strength of the current is simply kicking up mud, which gives the river its turbid appearance.

NOT FROM SOIL

But a closer examination shows that the discoloration has little to do with the natural soils of the stream bed and banks.

And the problem is not necessarily created by the biggest cities or the most populous areas through which the river travels.

The problems are all too painfully visible at points well before the river reaches Indiana in its ceaseless flow toward Lake Michigan.

Michigan residents, who have been pointing an accusing finger at Hoosiers for many years, must share in the blame and the responsibility.

But the fixing of the responsibility is not nearly so important a goal as finding a solution. The means of the pollution, anywhere, is not nearly so important as an end to it.

[From the South Bend (Ind.) Tribune, Nov. 26, 1969]

THE WATER CRISIS: PROGRESS IS NOTED IN ST. JOSEPH BASIN

(By Dale Cotter)

The St. Joseph River Basin, one of the least offensive and least critical areas in Indiana as far as water pollution is concerned is also numbered among the more progressive in the search for remedies of problems.

Two years ago, the Indiana Stream Pollution Control Board issued orders for several improvements and installations for the treatment of waste water both by industries and municipalities.

One of those orders is for the elimination of 80 per cent of the phosphates in sewage effluents by 1972, for any discharges in the Lake Michigan and Lake Erie Basins.

This is designed to slow down, and eventually to halt the growth of pollution in the Great Lakes.

OTHER PROBLEMS

But there will be more than one problem in the removal of phosphates, which are credited with spurring the growth of algae in the Great Lakes and in other receiving waters.

Engineers point out that with the current methods of removing phosphates, the disposal of the additional sludge which is created becomes a monumental task.

And since some researchers disagree with the general consensus that the phosphates are the real root of the algae problem, they are not entirely in favor of the construction of expensive-to-operate facilities for the removal of such chemicals.

Phosphates are dissolved in the sewage effluent and are not removed through the normal treatment methods. To get them out of the liquid usually requires a chemical precipitation process, which entails the addition of other solids to the waste water.

LIME USUALLY ADDED

The usual chemical to be added is lime, although some plants utilize aluminum and other use iron.

Although the method works, the sludge which is left poses an added problem, besides the normal disposal of sludge from the conventional treatment.

Orel H. Hert, director of the water pollution control effort for the control board, has acknowledged that the disposal problem exists, but emphasized that the removal must be accomplished in any case because of what is happening to the Great Lakes.

In the two years since the state issued its report on the water quality criteria and the plan for implementation in the area, two communities have begun construction of needed sewage treatment facilities, and four industries which were cited as needing improvements in the same area have made efforts to comply.

The two towns which are building sewage treatment plants for the first time are Albion and Wakarusa.

FOUR INDUSTRIES ACT

Four industries which are moving to control waste water are the Continental Can Co., Elkhart; Middlebury Co-operative Creamery Co.; New Paris Creamery Co., and the Gentner Packing Co., South Bend.

Hert said that Continental began its control process a year ago, and is currently submitting monthly reports to determine the effectiveness of the program.

He indicated that the Middlebury firm is working on its disposal method, and the New Paris company has completed its treatment process facilities. The Gentner firm has improved its facilities, said Hert, who indicated that additional measures will be necessary.

Besides Albion and Wakarusa, communities which have municipal sewers, but no disposal plants are Cromwell, Milford Junction and Topeka. In addition, the report emphasizes that Elkhart and Ligonier must provide secondary treatment of sewage from plants which currently have only primary facilities.

The report had called for Elkhart to provide secondary treatment by the end of this year, but the city has failed to comply, begging off on the grounds that federal funds are not available because of the small federal appropriations in the last three years.

DEADLINE IN 1972

Ligonier is being called upon to construct its secondary treatment facilities by the end of 1972, and for both of these communities, chlorination and phosphate removal will also be required, as with every other community in the basin.

Both South Bend and Mishawaka, the only large communities in the basin with proper facilities, have outgrown the capacities of their sewage plants, with most of the blame laid on combination storm and sanitary sewers, which send huge volumes of rainwater to the plants for treatment.

The report calls for those two cities to expand their facilities during the next two years. South Bend already has drawn preliminary plans for such an expansion, including the phosphate removing equipment.

However, Mishawaka and South Bend are not the only cities in the basin whose sewage plants are overextended in the treatment program.

Of the 10 cities in the area with secondary treatment facilities, five are at or above the rated capacity in the amount of sewage handled. The others are Angola, Kendallville and Syracuse.

LACK SEWER SYSTEMS

In addition, the board has also taken note of the fact that Middlebury, Millersburg and Wolcottville have public water supplies, but no sewer systems. The law will require that they provide municipal sewer systems "in the near future".

Although the Indiana portion of the St. Joseph River Basin frequently is pointed to in disgust by Michigan residents, the fact is that there are numerous small communities in Michigan, where sewage is dumped into the river without adequate treatment, or with no treatment at all.

As a result, Michigan's Department of Natural Resources has not been idle, and both Buchanan and Niles, though located downstream from South Bend and Mishawaka, have been ordered to make improvements to their systems.

Basically, though, that is the story of pollution controls. The facilities which are installed by a given community are of no value to that municipality, but makes a difference to the cities located downstream.

Each must depend upon the communities in the opposite direction to abide by the rules, and to prevent pollutants from moving anywhere in a stream designated for a degree of cleanliness.

[From the South Bend (Ind.) Tribune, Nov. 28, 1969]

THE WATER CRISIS: PLATTE RIVER JOY TO BEHOLD

(By Dale Cotter)

Prophets of doom, for the last few years have been issuing sporadic warnings that man will soon run out of water or at least enough clean water. They tell us that we have insulted Mother Nature for too long, and that there is no recovery.

There is little doubt that we have it in our power to strangle the earth by polluting beyond recovery her life blood, water.

But it is also true that it is not too late

to begin putting into practice the controls which are mandatory if we are not to make the prophets of doom look like real seers.

The United States is filled with examples of what can happen when a geographic area puts forth a concerted effort to clean up a mess it has created.

Probably one of the most spectacular cases of water being returned to normal—or near normal—is that of the North Platte River in its 600-mile course through Wyoming.

JOY TO BEHOLD

Today, the river is a joy to behold and is an attraction for fishing, swimming, water skiing and even as municipal water supplies for some cities along its banks.

But as recently as 10 years ago, the river was a turbid, fetid mess which smelled and was a graveyard for any fish which ventured into its current from tributaries.

The Platte is no tiny mill stream, but one of the major feeder rivers for the huge Mississippi-Missouri River drainage basin, and its pollution extended through many years of indifference and of inaction on the part of industry, municipalities and homeowners.

But when an entire state took action, the mess was cleaned up.

Several major oil companies along the course of the stream instituted important changes. Every city that used the river as its private sewer began work on disposal plants. Private homes located along the banks had to find other means of setting up private sewer systems.

RECREATION RESTORED

Within a few years, the river again had become a major source of recreation.

And what is most surprising about the whole program involving the concentrated effort on the Platte is that the bulk of the industries which finally complied with the orders to clean up or move out, chose to clean up, and then found that their waste products could be utilized in other ways, and are earning profits for their investments.

The Platte is not the only river in the nation which has been cleaned up by citizen effort. But the example is the most spectacular to date.

Even the St. Joseph River has undergone some major changes in recent years, as the hue and cry for clean water grows stronger.

John Phelan, a long-time official at the Indiana and Michigan Electric Co.'s Twin Branch power plant at Mishawaka's east end says that he can see the difference in the water today from its condition of 15 to 20 years ago, when the liquid was at its worst.

"We've come a long way during that time," said Phelan.

He said the answer is apparently the construction of sewage treatment plants which are going into operation for communities all along the river upstream from Mishawaka.

At times in the past, when the dam's gates would be opened to allow residents between Mishawaka and Elkhart to work on their docks, the flow of water would be a putrid mess, he explained.

While it is still not the most desirable, he said that today's action does not raise the problems which existed at one time, when raw sewage was visible in bulk form.

But he said that the real test of the river's cleanliness is in the fishing. And during the last few years, the kind of fish being caught in this area of the river has improved tremendously.

COST NOT MENTIONED

John Barnhill, deputy commissioner in the Federal Water Pollution Control Administration, said in an interview, "When the American people want something badly enough, they'll get it. When the time comes that they want clean water, we'll stop polluting."

But Barnhill declined to talk about the cost of cleaning up our water. He has declared that with the means available, and with the resources of our affluent society, we can pay for anything we deem necessary and desirable.

In any case, the prophets of doom are wrong. Their predictions regarding man's poisoning of himself through water pollution will not come to pass.

Robert J. Williams, vice-president of Layne-Northern Co., says that the problem may see man inconvenienced somewhat, and even with shortages in some areas, but to actually perish because of his own foulness is more than improbable.

"There's always fresh water under your feet, in virtually any place in the world," said Williams. "It is frequently a problem to find it, and some times it isn't everything you'd like it to be, or in the quantities which may be desirable, but it is there."

SHORTAGES IN DESERT

He pointed to the areas where crises occur periodically, such as the great Southwest United States, or Southern California. Most other water shortages are synthetic, dealing in distribution, rather than supply.

These areas, says Williams, are almost deserts. To expect there to be no water shortage from time to time in a place as arid as those areas is ridiculous. He said it is not a water shortage, but simply a matter of being unable to supply an area which nature has allowed to become a desert, "and deserts are notably dry," he observed.

Distribution may become a major problem, even as it is now a problem, said Williams. But there is water available for every basic human need.

He also scoffed at mathematicians who figure that with the water consumption and population increasing rapidly, we will soon be using more water than annually falls in this country.

Certainly the use will surpass the annual rainfall, concedes Williams.

RETURNED TO RIVER

But water for industrial purposes is used, and put back in the river from which it came, to be used again, further downstream, by another industry, and the process is repeated over and over.

Water is one commodity which is almost indestructible, even if it can be fouled by poor use and reuse, he explained.

"There is virtually the same amount of water today on this earth as there was tens of thousands of years ago," said Williams. "And there will be virtually the same amount tens of thousands of years from now.

"The only question may be whether the water will be all as usable in the future as it is now, or has been in the past. This is up to man."

It is indeed, and man, who is creating his own crisis, must find his own solution to the problem.

[From the South Bend (Ind.) Tribune, Dec. 1, 1969]

THE WATER CRISIS: COSTS AND POLITICS HOLD KEYS

(By Dale Cotter)

Economics and politics.

Two areas in which the American public holds the controls, if it will exercise them, are the keys to the curbing of water pollution in this country.

Where controls are to be put into effect, money will be required, and in no small amounts. Various estimates of the costs for instituting the needed controls range from $80 billion upward.

If the problem goes beyond public economics to vested interests, politics becomes involved, and it is here again that the public must make its demands felt, heard and acted upon.

ASSUMES MANY FACES

Water pollution has assumed as many faces as a Medusa, and though looking upon it will not turn us to stone, failure to cut off the head of the monster will as surely be the end of us, at least as we exist now.

And the beginning of the end may be already at hand.

When such things as the "hard" pesticides can be found in as remote a spot as the South Pole.

When a mighty river can be declared a "fire hazard".

DISEASE INCREASES

When outbreaks of waterborne diseases crop up with increasing frequency, even when the water comes from deep wells, water pollution is more than a problem.

It is a crisis.

But just as the problems of economics and politics have wrought this crisis, so they must be turned on the monster.

And it can only be done by a firm and concerted effort, and not by the breast-beating of fanatics.

To surmount the crisis, we must have a steady effort which combines the qualities of the crash program's activity with the long-range plan's goals.

MIRACLE NOT NEEDED

A miracle is not needed. But the foot-draggers must go, or must push with the rest.

We need the same type of basic research as is now being performed at the University of Michigan in Ann Arbor by a pair of scientists who are searching out the effects of thermal pollution on the Great Lakes.

There two men, Dr. John Ayres and Dr. G. Hoyt Whipple, are preparing a report which next September should lead to a better than random guess as to the number of nuclear power plants which can be located safely on Lake Michigan.

They are the same men who performed the research which led the determination that the Cook Plant of the Indiana & Michigan Electric Co. will not be detrimental to the lake.

Both are convinced that the heating of the lake water by cooling plant condensers will have no overall effect on the lake temperature, as matters now stand. But Dr. Whipple also emphasized that it is not known how many more such plants can be so supported.

PLANNING GOES ON

Not even an educated guess is available.

Still, the planning goes on for the eventual construction of more plants, none of which would be equipped with any type of cooling other than direct exchange and returning the water to the lake.

We must have electric power to maintain our society, and the need is mushrooming at a fantastic rate. But we must also preserve our aquatic ecology, which is the basis for all life on the planet.

Since Nov. 1, the water pollution picture has changed substantially.

An order has been issued that will ban DDT and similar "hard" or "persistent" pesticides within the next few years.

MORE FUNDS SEEN

It appears that Congress will appropriate additional funds to aid in the economic portion of the battle.

And more and more areas are becoming politically aware of the crisis as it exists.

No longer can we afford to talk in sweeping generalities.

The sewage plant in South Bend is far overextended, and the load it is required to carry is beyond its capacity. Plans are being drawn for its enlargement. They must be speeded.

Mishawaka's sewage plant, during the rainy

weather, is equally overextended, and remedial action must be taken there.

In Elkhart, there is no secondary treatment of sewage, which means that raw sewage loses only a portion of its offensive properties, robs fish of supporting oxygen from the water and promotes the growth of algae.

No longer can we afford to flush our wastes down the river. They are not out of sight for long.

Michigan must push ahead with its program for enforcing pollution controls, and additional treatment must be provided in Berrien Springs, Buchanan, Constantine, Dowagiac, Niles and Three Rivers, all of which drain into the St. Joseph River, and each of which is now equipped for only primary treatment.

None must be allowed to prevail in the attitude that it is not the responsibility of his community to follow through in cleaning up the problem.

The water crisis is national in scope. It must be considered personal in nature, and must be dealt with as would any affront to a man and his family.

RESOLUTION ADOPTED BY BOARD OF COUNTY COMMISSIONERS, DADE COUNTY, FLA., DEFINING "LOCAL GOVERNMENT TAXES"

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I have introduced H.R. 9457 defining the phrase "local government taxes" as set forth in the Internal Revenue Code of the United States to include all charges made by local taxing authorities, including but not limited to service charges for collection of garbage and trash dipsosal thereof, sewage collection and treatment charges, special assessment taxes for public improvements financed by linear foot assessments against abutting property or square foot assessments against all property in the assessment district.

The Board of County Commissioners of Dade County, Fla. (my District lies in Dade County) has adopted a resolution endorsing and recommending passage of my bill H.R. 9457. I think this resolution of the Board of County Commissioners of Dade County, Fla., is, I believe, representative of the sentiment of other local governing boards over the country in support of my bill H.R. 9457.

I include the resolution of the board of county commissioners:

RESOLUTION ENDORSING AND RECOMMENDING HOUSE OF REPRESENTATIVES BILL 9457 AS INTRODUCED BY CONGRESSMAN CLAUDE PEPPER, DEFINING "LOCAL GOVERNMENT TAXES" IN THE INTERNAL REVENUE ACT TO INCLUDE ALL CHARGES MADE BY LOCAL TAXING AUTHORITIES

Be it resolved by the Board of County Commissioners of Dade County, Florida:

Section 1.—The Board of County Commissioners of Dade County, Florida, does hereby declare its support and advocacy of House of Representatives Bill 9457, introduced by Congressman Claude Pepper, defining the phrase, "local government taxes" as set forth in the Internal Revenue Code of the United States to include all charges made by local taxing authorities, including but not limited to service charges for collection of garbage and trash disposal thereof, sewage collection and treatment charges, special assessment taxes for public improvements financed by linear foot assessments against abutting property or square foot assessments against all property in the assessment district.

Section 2.—That the Internal Revenue Code of the United States be amended by said House of Representatives Bill 9457, so as to provide that all of the said defined "local government taxes" be considered as deductible items for individuals, partnerships, or corporations.

Section 3.—The Clerk of this Board is hereby authorized and directed to send copies of this resolution to all municipal governments of Dade County, to all members of Congress from Florida and all members of the Ways and Means Committee of the United States Congress and all members of the Finance Committee of the United States Senate.

The foregoing Resolution was offered by Commissioner Alexander S. Gordon, who moved its adoption. The motion was seconded by Commissioner Harold A. Greene, and upon being put to a vote, the vote was as follows:

Earl J. Carroll, Aye; Alexander S. Gordon, Aye; Harold A. Greene, Aye; R. Hardy Matheson, Aye; Thomas D. O'Malley, Aye; Arthur H. Patten, Jr., Aye; Ben Shepard, Aye; Earl M. Starnes, Aye; and Chuck Hall, Aye.

The Mayor thereupon declared the Resolution duly passed and adopted this 3rd day of December, 1969.

Dade County, Florida, by its Board of County Commissioners.

E. B. LEATHERMAN,
Clerk.

By EDWARD D. PHELAN,
Deputy Clerk.

ARBITRARY FREIGHT RATE INCREASE FOR NEW ENGLAND RAILROADS

(Mr. KEITH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KEITH. Mr. Speaker, early last week it was reported that the New England railroads would soon seek a freight rate increase of 50 cents a ton on virtually all shipments carried by rail to, from, and within the six-State region. Thursday, the reported rate increase proposal became a matter of public record as the carriers announced to the Traffic Executive Association of the Eastern Railroads that the adjustments would be sought.

The railroad people call these increases "arbitraries." In light of circumstances in which the rate boosts are being sought that seems a perfectly appropriate title for them. Just a few weeks ago the rail carriers were granted a nationwide freight rate increase of 6 percent. That is not inflationary enough for the New England carriers though—an additional 50-cent surcharge per ton is more to their liking. New England's competitive problems are not difficult enough under existing shipment rates. The railroads feel that our products should cost even more to other parts of the country. And of course the poor consumer will foot the higher bill for the goods shipped into our region.

Mr. Speaker, the rate increases are still in the proposal stage, awaiting the action of the Traffic Executives Association. I hope that the gentlemen of that organization will take note of sentiment which exists among those of us in the New England congressional delegation and that they will trim their sails accordingly. Should they go ahead and file this discriminatory rate proposal with the ICC, I will protest this move vigorously. I hope my colleagues will likewise act to stop this inflationary proposal.

Mr. Speaker, under request of unanimous consent I include a report from this morning's Wall Street Journal, describing the railroads' proposal at this point in the RECORD:

NEW ENGLAND ROADS ASK FREIGHT FEE RISE; RATES ON COAL, MAINE POTATOES EXCLUDED

NEW YORK.—Railroads operating in New England plan to seek an additional freight charge to improve their profits and to pay for needed improvements in their equipment and trackage.

They have outlined the plans to the Traffic Executive Association-Eastern Railroads—the regional group that sets freight rates. The adjustments would be subject to approval of the Interstate Commerce Commission.

Rates on commodities would be lifted 2½ cents per hundredweight or 50 cents a ton. The only exceptions would be soft coal shipped into New England utilities and potatoes shipped out of Maine.

The special extra charges—called "arbitraries" in the trade—would be $20 if the freight car is under 52-feet-eight-inches in length and $25 when the car exceeds that length. These would be the extra tariffs tacked on when the rates are expressed in terms of cars rather than by commodities.

The special added-on rate for piggyback traffic would be $12.50 a trailer or $25 a flatcar. Usually, piggyback flatcars haul two highway trailers each.

These special rates would apply to rail traffic moving within as well as to and from the New England states—Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine. Leading railroads serving the area are Penn Central, Boston & Maine, Maine Central and the Bangor & Aroostook.

The higher charges would be in addition to the recent national freight rate boost of 6%. C. S. Baxter, chairman of the Traffic Executive Associations, Eastern Railroads, said: "General freight rate increases effective nationwide . . . have not been sufficient to maintain a satisfactory level of earnings for the New England carriers. In addition, excessive terminal costs have contributed to the high cost of operations in New England."

PRESIDENT'S COMMITTEE ON WHOSE INTERESTS?

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, during the last few years, we have seen an amazing spectacle emerge on the American economic scene. Before our very eyes hundreds of thousands of unsolicited credit cards have flooded the U.S. mails bearing with them messages of the easy life and visions of sugar plums.

But the picture has not been completely rosy, Mr. Speaker, for alongside all the dreams have come the harsh realities of credit card thievery rings, the corruption of some postal employees, untold embarrassment on the part of unsuspecting credit card addressees who never received their unsolicited cards, but whose credit ratings were severely damaged by the thievery and subsequent charging of bills in their names, and last but not least, the pathetic situation of

bankruptcy brought on by credit cards that were not solicited and could not be handled discretely.

This was the situation which confronted the Congress and the Nation earlier this year when I introduced a stringent measure aimed at eliminating or at least substantially reducing the problem.

My purpose here this afternoon, however, Mr. Speaker, is not to belabor the history of the credit card menace or to relate to my colleagues the need for reforms in this area. This afternoon, I would prefer to address myself rather to what I consider a stab in the back by the administration.

For months now, we have been led to believe that the administration was behind us in the battle against unsolicited credit cards. For months we believed they were genuinely interested in the consuming public. Suddenly, this week, if you will pardon the expression, the worm turned. In an abrupt about face, the administration decided that the question of unsolicited credit cards was so complicated that another study ought to be ordered. And this after the FTC has just completed a study of the matter.

Mr. Speaker, I should like to include at this point in my remarks an editorial which appeared in the Washington Post dealing eloquently with the problem at hand. I commend it to my colleagues.

THE PRESIDENT'S COMMITTEE ON WHOSE INTERESTS?

Back in September, we had some harsh words to say about the people who send out unsolicited credit cards and we thought that the President's Committee on Consumer Interests was with us. It had urged the Federal Trade Commission, as we did, to adopt a proposed regulation barring companies under its jurisdiction from sending these cards to you without finding out first if you want them. It had also asked Congress, as we had done, to bar these unsolicited mailings by companies not within the FTC's jurisdiction, notably banks and transportation companies.

Now we find out that for some reason not exactly clear these White House guardians of consumer interests have had a change of heart. The problem had better be studied some more, the committee's legislative director testified the other day. An outright ban on such mailings, he said, might give the banks and companies and stores that have already sent them out an unfair advantage over those who haven't done it yet.

That argument may have some appeal to those who look at credit cards only from the corporate viewpoint. It is exactly the argument made to Congress in recent weeks by the business interests. But one hopes for better from the President's Committee which is, after all, supposed to be concerned with *consumer* interests. Consumers who have already had to bend, fold, spindle, mutlitate and destroy far too many unwanted credit cards are likely, we think, to regard it as a pretty sleazy argument. It is a little like a farmer refusing to lock his chicken coop after the first raid by the foxes for fear of being unfair to the rest of the foxes.

The case against the mailing of unsolicited credit cards is simple. The price on a stolen credit card is $100 in the underworld and postal officials say these mass mailings have caused a seven-fold increase in mail fraud cases in recent years. That, alone, is sufficient cause for Congress to act. When you add the inconvenience these mailings cause consumers, the possible liability to which they are exposed, and the invasion of their privacy, the case for congressional action becomes overwhelming. The advice of the White House guardians of consumer interests is of no help on this issue, and won't be until the guardians discover that the word consumer means one who uses, not one who sells.

Mr. Speaker, the evidence of the menace created by flooding the mails with unwanted and unsolicited credit cards is all too clear. It is my hope that the administration will reverse itself on this issue. No one wants to impede banking houses or other business enterprises in their legitimate quest for customers. This is what the free market is all about. But reasonable restrictions on those quests for the benefit of the consuming public are equally imporant.

LT. LOUIS J. NICHOLS

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, in periods of international crises such as our Nation's present involvement in Southeast Asia, we are given every reason to become aware of the courage and dedication to duty by so many of our gallant military service personnel, as evidenced by their heroic acts.

Today, I single out a friend who, as a parish priest, served as a spiritual adviser to me, and who is presently serving as a chaplain with the U.S. Naval Reserve on active duty in Vietnam, Lt. Louis J. Nichols.

Lieutenant Nichols was recently awarded the Navy Commendation Medal by the Secretary of the Navy for his devotion to duty, as described in the citation associated with the award. I recommend its reading to my colleagues:

LT. LOUIS J. NICHOLS

The Secretary of the Navy takes pleasure in presenting the Navy Commendation Medal to Lieutenant Louis J. Nichols, Chaplain Corps, United States Naval Reserve, for service as set forth in the following citation:

"For meritorious service while serving as Chaplain of the Third Military Police Battalion, Force Logistic Command in connection with operations against the enemy in the Republic of Vietnam from 17 November 1967 to 1 October 1968. Tireless in his efforts to enhance the spiritual and moral welfare of the Marines in his command, he traveled extensively throughout his area of responsibility to provide worship services, religious counsel and guidance for the men in combat. With complete disregard for his own safety, he traveled over roads which were frequently mined and through areas subjected to hostile fire to serve the spiritual needs of Marines serving at isolated combat bases. In addition, he reorganized and served a Vietnamese parish so effectively that he greatly enhanced the battalion's Civic Action Program. His selfless concern for the local population during the 1968 Tet Offensive were clearly demonstrated in the manner in which he boldly ignored the numerous hazards from terrorist activities to assist wounded villagers, obtain medical aid, and administer the rites of his church for the dead. As a result, he contributed significantly to the improvement of Vietnamese-American relations. By his dedicated leadership, superior professionalism and unwavering devotion to duty, Lieutenant Nichols upheld the finest traditions of the Marine Corps and of the United States Naval Service."

The Combat Distinguishing Device is authorized.

For the Secretary of the Navy.

H. A. BUSE, Jr.,
Lieutenant General, U.S. Marine Corps, Commanding General, Fleet Marine Force, Pacific.

Colonel R. J. Schriver, USMC, Commanding Officer, Marine Corps Air Station, presented medal to Chaplain Nichols on 20 November 1969 at 1000.

CONSIDER FAMILIES EDUCATING THEIR CHILDREN

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, there are many things Congress can do, providing the Committee on Ways and Means will report some of the many bills pending before it that would provide additional social security benefits, grant appropriate, reasonable exemptions to families who are educating their children, and provide a revised tax bill that will collect needed revenue, conveniently and justly, and place a just, proportionate share of taxes upon those best able to pay without destroying incentives of any individual or group.

It would be futile and frustrating to delay just, equitable, tax relief, increased social security benefits and educational incentives to families with education problems.

It is truly incredible that any humane, understanding person should make a practice of putting hard, cynical pressures on Congress to pass up and defer fair dealing and just considerations for parents of children, with families and students, seeking tax relief to lighten their heavy burdens of educating their children.

Congress must move without delay to correct injustices and inequities in these areas, and I urge the House to continue its vigorous efforts and work to provide adequate generous social security increases and tax relief benefits to the people who need more funds to meet current inflated prices and costs and educate their children.

ELKS BILL OF RIGHTS DAY, CONCORD, MASS.

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, I thought it would be appropriate to present some views to the House, which I expressed in my remarks before the great Lodge of the Benevolent and Protective Order of Elks in the armory at Concord, Mass., in my district on Sunday.

The meeting was held in honor of the Bill of Rights, and very interesting exhibits illustrating these great documents were arranged in the hall.

Mr. Kenneth L. Sullivan, able and distinguished exalted ruler of Concord Lodge No. 1479, B.P.O.E., presided over the exercises.

I had the great honor of being introduced by the very distinguished, learned

jurist, the Honorable David B. Williams, presiding justice, First District Court of North Middlesex, one of the most highly qualified and dedicated judges in our State and Nation, a public leader of wide renown, who is destined to be called to higher judicial office.

My views dealt with some of the burning questions pending before the country and the world.

Several dignitaries of Elkdom were on the stage, including my esteemed friend and neighbor and widely known leader of the Elks, Mr. Henry Flaherty of Clinton.

This is an occasion I will always gratefully remember and I am grateful to my brother Elks for inviting me to be present.

My remarks were heartfelt and inspired by the stirring gathering. My remarks follow:

ADDRESS BY MR. PHILBIN

I am greatly honored, privileged and gratified to join you today at this very impressive celebration of the Bill of Rights, which you have arranged in this historic community of Concord.

First, I extend your great Lodge, and all associated with you, my heartiest congratulations and sincere commendation upon arranging this impressive, patriotic meeting and demonstration of your Americanism, which is so much in keeping with the long-continued practice of Elkdom throughout this great country of ours.

I think we can all agree that we need Americanism today more than ever, and we need to celebrate and thank the good Lord for the priceless blessings of freedom which we enjoy, thanks to the wisdom, the vision and the courage of those like the men who fought, and spilled their blood, at the rude bridge that arches the flood not so very far away from where we gather today, and others like them.

We have become the richest, the most powerful and the greatest nation the world has ever known. Our free way of life, our magnificent, free, productive system, which has been responsible for our prosperity, our high standards and the blessings too numerous to mention, of personal liberty, material benefits, all the advantages of modern science and technology, and the highest standards of wages, living, comfort and convenience, yes and luxury, for ordinary men and women that this world has ever experienced in its long history of struggle to lift up men and women to their present position. These blessings must and will be shared by all.

All of us Elks have reason to be very proud of the part our great organization has played to enrich the American nation and life, to sanctify its freedom, to promote its interests, to preserve its greatness, and we may be understandably pardoned, if we take the time today to remind our friends and neighbors, yes, and the nation, of our loyalty to this country, and its free institutions that has stood out like the Washington Monument, and that is second to none.

I may say that we express this pride, this satisfaction and this evidence of our dedicated citizenship with all modesty and with deference and gratitude, to the many throughout the life of this great nation who have set an example of loyalty and sacrifice that would simply defy description.

Today, as we meet in the season of the Prince of Peace, in an environment and a township which harbors one of the great, patriotic shrines in this nation and the world, that it is appropriate for us to turn our minds back to those gallant patriots who fought here to establish this country, our Constitution and our great Bill of Rights, and to set up this great, free government in a place and area so close to the hall where we so prayerfully gather.

Is it any wonder that such a great poet, forever to be world famous, should honor these men, and the women who stood with them, for firing "the shot that was heard round the world."

There was nothing that these brave, intrepid people would not do for their country, even to give life itself, so that others might be encouraged, never to quit, but to be inspired to go on with the battle until it was won, and until the foundations could be laid for the greatest system of government, the greatest nation and the greatest civilization ever conceived in the minds of men.

These men and women did not think of themselves, they thought of their cause, they thought of human freedom and personal liberty, and the great blessings these things would bring to them, and the world, and joining with their fellows here in Concord and all over this country, they prevailed over the armed forces representing a great Empire on whose domains the sun never sets.

Yes, my friends, the Minute Men took their positions behind stone walls, they locked themselves in houses and kneeling on the floors, fired on the enemy from windows.

They ran from one tree to another, hiding themselves from enemy gunfire and assailing and belaboring their opponents, so that their solid phalanxes of trained manpower were helpless before the determined, courageous, fearless attacks of the Minute Men, no match for these brave, patriots fighting to liberate themselves from dictatorship, and the Red Coats were forced to break their lines, and flee from the fury of those who were determined to live as free men and women, to wear no man's collar, and to fear only the good Lord himself, to whom they were devoted with unswerving devotion.

My friends, this was not only the "shot heard round the world." It was the voice of the common man and the common woman demanding their political, economic and human rights. It was the shot that put down futile tyranny, Colonialism, and all the trappings of tyranny and injustice upon human beings striving to be free.

This was not all that these great patriots did.

Steeped in the religious and patriotic dedication of this wonderful town and area, resolute, God-fearing liberty-loving people took inspiration and hope all over the nation, determined to live under conditions of liberty, freedom and peace, to free themselves as subjects of the King, and become citizens of a nation destined to be free, and destined to become as we are today, the one remaining, great, powerful bastion, where men and women can enjoy the blessings of freedom and opportunity as communicants of the greatest civilization ever wrought by man under the guidance and protection of the living God.

From hilltop and hilltop, majestically rose their Meeting Houses, the center of their community lives, the habitat of their profound, religious spirit and their fierce determination to establish places of worship, law and order and free, democratic government for all men of every race, creed and class.

The powerful, spiritual strength, the incredible faith and courage, the amazing resourcefulness and determination and the bitter sacrifices of these Founders, their persistency, their never-say-die spirit, which in time triumphed over all the forces of oppression, can well be an example for us to note and exemplify today, as we see our nation torn by division, threatened by revolution and the dismemberment of our society, by those whose do not believe in the principles of freedom and democracy, but who seek to tear them down and substitute the slavery and the tyranny of the radical, police-state and those who are doing everything in their power to blot out the Bill of Rights, to defile, debase and destroy the American Constitution, yes, and even to trample the flag of this country under their feet, or burn it in heretical effigy.

But I say to you today, my friends, and my beloved fellow Elks, these people can never prevail. There is no one, no power on earth that is going to destroy the freedoms and opportunities of this country and replace them with any monolithic system of government, debasing and degrading manmind and womankind, and bringing this nation and the free world under the heel of ruthless oppression and tyranny. This free nation will endure. It cannot be destroyed.

Today, as we celebrate our unparalleled Bill of Rights that has done so much to protect the status, the rights, the privileges and immunities of the ordinary man, and to maintain here the greatest, orderly, democratic, representative government in history, and a great, free economic system that is the envy of the whole world, and that has lifted the people up to unprecedented heights of plenty and success, we must draw inspiration from this great charter of liberty.

Even as we recognize that we can never turn back the clock, that the nation and the world must and will vigorously move forward, must hopefully and courageously move upward to broader and higher goals of achievement for mankind, for the things of the spirit, as well as the things of the body, the things of the soul as well as the things of the substance, let us adapt ourselves, as we have always done in this nation, as our great Constitution permits us to do, and as the laws of every community and state in this nation allows us to do, to adapt to revolutionary changes that are taking place all around us, necessitated by the demands and the needs of the new space age and the times in which we live.

And we must continue efforts which I began long ago in the Congress, and in which you joined, and will continue to join, which the people of this nation want and demand, to bring total peace to this country and to this world, in Vietnam, from which our troops are already withdrawing in large numbers, and will continue to withdraw, and peace all over this world, where notwithstanding the fires of insurrection and the contrived revolutionary movements that have literally set large areas of the world on fire, we will nevertheless move forward with determination, courage and high purpose to renounce and abolish war among nations and among men, and to stop the waste and slaughter of humankind that is a disgrace to any civilization, and that can be tolerated and continued only by mad men who do not have the eyes to see, or the ears to hear, the pleas of all humanity for peace and order throughout all of this world, and on all of this earth, and upon the streets and highways and byways of this nation, and hopefully every other nation.

This great organization of Elks and the people of this unequaled nation of ours is pledged to peace among men and the exhaltation of the things of the spirit, and we are pledged to freedom and to equality and peace among all, and to justice, and to a world organized on the rule of law where all men and women can enjoy the Bill of Rights, and where people can live, free of poverty and prejudice as brothers and sisters, where love will banish hate, where brotherhood will replace enmity, where understanding will drive out fear and suspicion, and where all people can live, work, strive and enjoy the benefits of freedom and enlightened civilization on a basis of equality.

I know that the great leaders of the Elks will continue to dedicate themselves to be inspired and to activate themselves by the

example of selfless devotion and creative accomplishment that has come down to us in every generation through the years, to make up our minds that we of this generation propose to leave nothing undone to uphold security and safety, our gleaming heritage of liberty and faith, that we must and will overcome every obstacle that confronts us along the way with all the power, the might of this nation, as well as with the quality and endowments of understanding, brotherhood and compassion that come from the spiritual truths and the moral precepts of our way of life, to guard, develop, protect and enrich our free institutions. When this is done as it will be by an aroused, determined and loyal people and leadership, we shall know that we, and those who follow us, can enjoy the freedoms of this great land, and that enduring peace in the nation and the world that will come to us, God willing, if we give of ourselves in every way we can in behalf of our fellowman, strive to the best of our ability and strength to make this nation and this world a better place in which to live for ourselves and for all the people.

Heartiest congratulations and all hail to the Benevolent and Protective Order of Elks. May their loyalty to our country, their superb faith and good works long continue.

Thank you all.

H.R. 14646

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, I support this bill, because I think it is absolutely necessary to provide railroad service for a great many commuters and people in the New York and Connecticut area.

However, I want to suggest and insist that it is high time the Congress moved to help rehabilitate the sorely waning railroad transportation industry all over the country, and particularly New England, where congested urban centers, and collapsed transportation agencies are producing hardships and crisis for thousands of daily travelers.

Our railroad system once was one of the greatest in the world. It is still a great, colorful industry. It must be modernized and revamped. It performed prodigious, unprecedented service to the American people.

We may well lament its rundown condition in many parts of our country, even as we applaud the railroad units that are still surviving and providing fine service.

I think, however, that Congress must do much more than we have been doing to rehabilitate our railroad transportation units.

They are unique in themselves in the character and quality of service they are capable of rendering, and in too many instances, we are letting these valuable services go down the drain.

It is the duty of Congress to rescue them from this fate and restore them to some respectable semblance of their former greatness, which equips them better to serve the public in ways that will be extremely helpful to very many people, communities, and areas in and near urban centers and also in long-trip areas.

For many people, a modernized railroad service would be a fine, comfortable, fast, satisfactory, and scenic mode of transportation, bringing back the color, adventure, and atmosphere of days when the railroads were dominant in American life.

Mr. Speaker, I urge with all my heart that Congress, as soon as possible, put more emphasis upon the rehabilitation, reconstruction, and refining of our railroad industry.

HICKEL'S ORDER LAUDED

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, I take this opportunity to congratulate Secretary of the Interior Hickel and his subordinates for the order prohibiting any new contracts with the Rand Development Corp., of Cleveland, Ohio.

Through its subsidiary, the Universal Fiberglass Corp., of Two Harbors, Minn., this outfit has taken the taxpayers of the country for $2.1 million and is also under Federal indictment for stock manipulation and mail fraud.

Universal Fiberglass, it will be remembered, obtained a $13.3 million contract to build three-wheel mail delivery trucks for the Post Office Department. It got the contract solely because it had highly placed political friends in Washington—among them former Vice President Hubert H. Humphrey and a former head of the Small Business Administration, Eugene P. Foley.

Humphrey and Foley went to the aid of this company after experts in both the General Services Administration and the SBA had rejected the company because of its inability to fulfill the mail-truck contract. As a result, the taxpayers were bilked.

Mr. Speaker, Hubert Humphrey has a history of this sort of thing. Incidentally, one of the top officials of the Rand Development Corp. was one of his most ardent supporters and fundraisers.

In another notorious case, Humphrey took an active part in obtaining a $4 million loan from the Agency for International Development so that Napco Industries, Inc., of Minneapolis, Minn., could unload a worn out and obsolete gear manufacturing plant in India.

He got into this fraudulent deal because one of his closest political cronies was president of Napco Industries and another, his former legislative assistant, was its Washington representative. As a result the taxpayers were bilked.

I again commend the Interior Department for its action in suspending future contracts with the Rand Development Corp. and I strongly urge Defense Secretary Melvin Laird—if he has not already done so—to take similar action with regard to Napco Industries.

I include for insertion in the RECORD at this point a letter from the Interior Department to the General Accounting Office which spells out the actions taken by the Department with respect to the Rand Development Corp.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 4, 1969.

Mr. ALLEN R. VOSS,
Associate Director, Civil Division,
General Accounting Office,
Washington, D.C.

DEAR MR. VOSS: The Department has reviewed the draft report "Report on Review of Contracts Awarded to the Rand Development Corporation, Federal Water Pollution Control Administration, and Office of Coal Research, Department of the Interior."

We concur with the GAO draft findings and recommendations. The draft sustains a report issued by our Office August 31, 1967, on the same subject. We believe it should be recognized that due to the judgment factor involved that classification of indirect expense items may not coincide in all instances with either our report or your report suggestions. However, the contracting officers were advised orally of the required improvement in documentation of the claimed overhead and grant and administrative expenses.

The Rand Corporation Comptroller was informed by our auditors that for FY 1968 and 1969 substantial amounts of indirect costs were considered inappropriate for allocation to OCR contracts. They were:

	Fiscal year ended—	
	Mar. 31, 1968	Mar. 31, 1969
Costs applicable to offsite operations	$42,562	$15,340
Inadequately supported costs (mainly travel and professional fees)	72,164	71,069
Direct costs improperly classified as indirect costs	30,090	0
Insurance premiums on life of officers	9,927	10,964
Loss from uncollectible accounts	5,251	0
Costs incurred from entertainment or social purposes	4,132	2,221
Advertising costs	284	385
Total	164,410	99,979

The Director of Coal Research was informed that Rand Development Corporation actual overhead and general and administrative expense rates might not exceed 103.21 percent and 6.42 percent, respectively, for FY 1968, and 117.72 percent and 8.55 percent, respectively, for FY 1969. These rates were based on exclusion of questioned costs cited above and are subject to change pending resolution of the questioned costs and final audit report review.

Discussions of the on-site audit of the Corporation will be held with their officials on September 11, 1969, and the final audit report issued shortly thereafter.

The FWPCA will utilize, with minor necessary adjustments, the suggested overhead and general administrative expense rates when the determination is made. In principle, the FWPCA agrees to the exceptions taken to items of indirect costs identified by our auditors and the GAO and, as noted in the report, has notified the Corporation to the effect that they would not be considered in the FY 1968 or 1969 contract payment settlement.

Further, on June 30, 1969, as the result of information coming to the attention of the Department indicating alleged irregularities on the part of the Rand Corporation and James Henry Rand, III, a suspension order was issued or contractual relations with the contract or contractual relations with the cited corporation or individual. Also, the existing contracts and work and performance thereunder will be subject to pre-audit procedures since the contracting agency has determined it is in the best interest of the Government to continue existing contractual relationship.

We appreciate the opportunity to have reviewed the report in draft.

Sincerely yours,

J. T. HALL, Jr.
Director of Survey and Review.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT

Mr. NATCHER submitted the following conference report and statement on the bill (H.R. 14916) making appropriations for the District of Columbia government and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–754)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14916) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6 and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 8, 15, and 16, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$140,386,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 4, 5, 7, 10, 11, 13, and 14.

WILLIAM H. NATCHER,
ROBERT N. GIAIMO,
EDWARD J. PATTEN,
DAVID PRYOR,
GEORGE MAHON,
GLENN R. DAVIS,
DONALD W. RIEGLE, Jr.,
WENDELL WYATT,
FRANK T. BOW,
Managers on the Part of the House.

WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
THOMAS F. EAGLETON,
JAMES B. PEARSON,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14916) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to appropriate $104,169,000 to the general fund instead of $107,000,000 as proposed by the House and $109,206,000 as proposed by the Senate.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

Amendments Nos. 2 and 3: Appropriate $60,263,000 as proposed by the Senate instead of $77,763,000 as proposed by the House, of which $57,235,000 shall be payable to the general fund as proposed by the Senate instead of $74,735,000 as proposed by the House.

THE COMMISSION ON REVISION OF CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate $150,000 as proposed by the Senate.

GENERAL OPERATING EXPENSES

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to appropriate $38,769,000 instead of $39,209,000 as proposed by the House and $40,471,000 as proposed by the Senate. The sum of $50,000 is included for the Fuson stamp program for fiscal year 1970 only on a trial basis. The conferees are agreed that in the future the amount shall at no time exceed $50,000 annually.

Amendment No. 6: Deletes proposal of the Senate that $500,000 shall be available for Neighborhood Service Centers.

PUBLIC SAFETY

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to appropriate $129,556,000 instead of $130,324,000 as proposed by the House and $130,801,000 as proposed by the Senate.

Amendment No. 8: Provides $623,000 for the Legal Aid Agency of the District of Columbia as proposed by the Senate instead of $620,000 as proposed by the House.

EDUCATION

Amendment No. 9: Appropriates $140,386,000 instead of $140,077,000 as proposed by the House and $141,250,000 as proposed by the Senate.

PARKS AND RECREATION

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to appropriate $17,406,000 instead of $18,337,000 as proposed by the House and $17,419,000 as proposed by the Senate.

HEALTH AND WELFARE

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $136,234,000 instead of $137,382,000 as proposed by the House and $137,297,000 as proposed by the Senate.

HIGHWAYS AND TRAFFIC

Amendment No. 12: Appropriates $18,450,000 as proposed by the House instead of $18,206,000 as proposed by the Senate. The conferees are agreed that the 310 positions for the Department of Highways and Traffic, which the Senate proposed be eliminated are restored to the 1970 base and shall be available for the purposes for which they were established.

SANITARY ENGINEERING

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $32,707,000 instead of $33,340,000 as proposed by the House and $33,101,000 as proposed by the Senate.

CAPITAL OUTLAY

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $120,682,300 instead of $149,928,000 as proposed by the House and $122,460,300 as proposed by the Senate. The following projects, proposed by the Senate, were deleted: Education parks, $410,000; air conditioning remaining buildings, D.C. General Hospital, $1,118,000; feasibility study, building systems, $50,000; community street program, $100,000; and new District Court building, $100,000. The conferees approve the reprogramming of $300,000 for preliminary survey for a new District Court building from previously appropriated funds for this project.

Amendment No. 15: Provides that $5,250,000 shall be available for capital outlay for the Department of Corrections as proposed by the Senate.

Amendment No. 16: Provides that $15,024,000 shall not be available for expenditure until July 1, 1970 as proposed by the Senate instead of $65,170,000 as proposed by the House.

WILLIAM H. NATCHER,
ROBERT N. GIAIMO,
EDWARD J. PATTEN,
DAVID PRYOR,
GEORGE MAHON,
GLENN R. DAVIS,
DONALD W. RIEGLE, JR.,
WENDELL WYATT,
FRANK T. BOW,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BLATNIK (at the request of Mr. FASCELL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PUCINSKI, for 15 minutes, today.

(The following Members (at the request of Mr. LUJAN); to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. DANIEL of Virginia); to revise and extend their remarks and to include extraneous matter:)

Mr. FARBSTEIN, for 20 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. CULVER, for 20 minutes, today.

Mr. MCCARTHY, for 15 minutes, today.

Mr. MCCARTHY, for 60 minutes on December 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN in two instances.

Mr. HAYS, for all Members to extend

their remarks on Senate Joint Resolution 90 immediately prior to passage.

(The following Members (at the request of Mr. LUJAN) and to include extraneous matter:)

Mr. CONTE in two instances.
Mr. BLACKBURN.
Mr. QUILLEN in four instances.
Mr. QUIE.
Mr. ZWACH.
Mr. BROTZMAN.
Mr. GOODLING.
Mr. BURKE of Florida.
Mr. WYMAN in two instances.
Mr. BOB WILSON.
Mr. FINDLEY.
Mr. SCOTT.
Mr. NELSEN.
Mr. LANDGREBE.
Mr. DERWINSKI.

(The following Members (at the request of Mr. DANIEL of Virginia), and to include extraneous matter:)

Mr. SCHEUER.
Mr. HELSTOSKI in two instances.
Mr. GONZALEZ in two instances.
Mr. OTTINGER.
Mr. RARICK in three instances.
Mr. DINGELL in two instances.
Mr. BURKE of Massachusetts in two instances.
Mr. HOWARD.
Mr. OBEY in six instances.
Mr. HUNGATE.
Mr. ST. ONGE in two instances.
Mr. BIAGGI in three instances.
Mr. SHIPLEY.
Mr. EDWARDS of California.
Mr. MOORHEAD in three instances.
Mr. ANDERSON of California in two instances.
Mr. JONES of Alabama in two instances.
Mr. FOUNTAIN.
Mr. BENNETT in two instances.
Mr. OLSEN in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 778. An act to amend the 1964 amendments to the Alaska Omnibus Act; to the Committee on Interior and Insular Affairs.

S. 3014. An act to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes;

H.R. 4244. An act to raise the ceiling on appropriations of the Administrative Conference of the United States; and

H.J. Res. 10. Joint resolution authorizing the President to proclaim the second week of March 1970, as Volunteers of America Week.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2864. An act to amend and extend laws relating to housing and urban development, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p.m.) the House adjourned until tomorrow, Tuesday, December 16, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1413. A letter from the National Quartermaster-Adjutant, Veterans of World War I of the U.S.A., Inc., transmitting the audit of the association as of September 30, 1969, pursuant to the provisions of Public Law 85–530; to the Committee on Armed Services.

1414. A letter from the Assistant Secretary of the Interior, transmitting determinations relating to the construction payments due the United States on February 1 and August 1, 1970, from the Middle Rio Grande Conservancy District, Middle Rio Grande project, N. Mex., pursuant to the provisions of Public Law 86–308; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. U.S. AID operations in Indonesia (pt. II) (Rept. No. 91–753). Referred to the Committee of the Whole House on the State of the Union.

Mr. NATCHER: Committee of conference report on H.R. 14916 (Rept. No. 91–754). Ordered to be printed.

Mr. PATMAN: Committee on Banking and Currency. H.R. 15091. A bill to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes; with amendments (Rept. No. 91–755). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 15261. A bill to prohibit the movement in interstate or foreign commerce of horses which are "sored", and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN:

H.R. 15262. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to increase the civil penalties for violation thereof and to require Federal inspection of motor vehicles and items of motor vehicle equipment for conformance with Federal safety standards; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:

H.R. 15263. A bill to amend the Marine Resources and Engineering Development Act of 1966 to establish a comprehensive and long-range national program of research, development, technical services, exploration and utilization with respect to our marine and atmospheric environment; to the Committee on Merchant Marine and Fisheries.

By Mr. HARSHA:

H.R. 15264. A bill to create a special bridge replacement program in title 23, United States Code; to the Committee on Public Works.

By Mr. MATSUNAGA:

H.R. 15265. A bill to direct the Secretary of the Army to provide memorial plots in national cemeteries for certain former members of the Armed Forces and to permit the adjacent burial of certain family members of such former members; to the Committee on Veterans' Affairs.

By Mr. SIKES:

H.R. 15266. A bill to provide for the establishment of a national cemetery in Florida; to the Committee on Veterans' Affairs.

By Mr. STEED (for himself and Mr. EDMONDSON):

H.R. 15267. A bill to prohibit certain uses of the names of members of the Armed Forces who have died as a result of combat actions, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 15268. A bill to amend title 5, United States Code, to provide for the temporary or intermittent employment of experts, consultants or stenographic reporters, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GRIFFIN:

H.J. Res. 1033. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. McCLORY:

H. Con. Res. 472. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 15269. A bill for the relief of Francesco Chimienti; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 15270. A bill for the relief of Thaddeus J. Pawlak; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 15271. A bill for the relief of Cynthia Paris Trinidad; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 15272. A bill for the relief of David L. Kennison; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

356. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to the House of Representatives; to the Committee on the Judiciary.

357. Also, petition of the advisory committee to the Cook County Department of Public Aid on President Nixon's welfare proposals, Chicago, Ill., relative to welfare reform; to the Committee on Ways and Means.

SENATE—*Monday, December 15, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who hast brought us to the beginning of a new week, strengthen us in all our endeavors in this place to the end that this Nation and the world may be well served. Bless the Members of this body with the higher insights which come from an awareness of Thy pervading presence. As they draw near to Thee may they be drawn nearer to one another in a firm spiritual alliance for service to their fellow citizens. Keep them strong and steadfast in all that is just and righteous. And finally, O Lord, grant to all that inner assurance that having labored here they have been fellow laborers with Thee in the kingdom whose builder and maker is God. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 12, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLARIFICATION OF THE FOOD STAMP PROGRAM

Mr. AIKEN. Mr. President, I am glad that the President has committed his administration to end hunger and malnutrition.

In his speech to the White House Conference on Food and Nutrition, the President urged enactment of his $1,600 cash assistance program, the food stamp bill now in the House Agriculture Committee, and his proposals for improved family planning services.

These are good goals, but we would do well to consider the details of the food stamp bill, for the plan the President has embraced goes much further than is generally supposed.

When the bill was passed by the Senate, an entirely new measure had been substituted for the genuine food stamp bill reported by the Agriculture Committee and which provided for a 400-percent increase in the food stamp program over the next 2 fiscal years.

The substitute bill approved by the Senate would actually make persons of wealth eligible to receive benefits, and the food stamp proposal would not be a food bill but a broadly based welfare program providing Government scrip for the purchase of countless nonfood items.

The President said that he wants this so-called food stamp program expanded until $2.5 billion in additional purchasing power is made available to persons in need.

Actually, the bill passed by the Senate is so broad in its coverage that $2.5 billion would not begin to do the job.

Twenty-five billion dollars annually would be a more realistic estimate.

The substitute, as passed by the Senate and now in the House committee, calls for almost immediate expansion of the program into every county in the Nation, without regard for how the stamps are distributed, or what they can buy.

During the debate, the Senate was fully advised that by including the terms "sanitation" and "personal cleanliness," the stamps could be used to purchase kitchen equipment, refrigerators, bathrooms, and septic tanks, and a wide variety of toiletries.

I do not believe it was generally understood that food stamps could also be used for housing, clothing, and medicines.

I asked the staff counsel of the Senate Agriculture Committee to prepare a detailed analysis of the substitute bill which I submit for the record so that one can see exactly how far-reaching this so-called food stamp bill actually is.

Most disturbing is the extension of use I have just described—namely, that the term "hygiene" as used in the bill would permit stamps to be used to provide adequate levels of shelter, clothing, water, medicines, and other items necessary to health.

Mr. President, if the substitute, as passed by the Senate, is enacted into law, food stamps will in practice become scrip, supplanting currency in the purchase of literally thousands of items.

In fact, there seems to be little or no limit at all on just what you could buy with food stamps if the substitute becomes law.

While I doubt that one could take up horseback riding or buy a pleasure boat under the substitute, yet if it could be shown that these are necessary to health, even these luxury items might be acceptable under the law.

There are other points equally important that are spelled out in detail by the staff counsel.

For example, the rights of the States to control the program are severely circumscribed.

If the coupon allotment increases, the program would become attractive to households with higher incomes which do not need this kind of a subsidy but will be entitled to it, even families with net incomes after taxes of up to $6,000.

This could include wealthy persons with large holdings of tax-exempt securities.

Net worth would not be taken into consideration in determining the eligibility of an applicant.

Even a millionaire could be eligible for food stamps, for, as the staff counsel points out, "section 1(8) would appear to prevent disqualification of a household which had unlimited resources in cash, land, or other assets not currently producing any income."

The substitute also contains a loosely drawn requirement of an affidavit for eligibility that could open the door to widespread abuse and corruption.

I concur in the President's desire to use a genuine food stamp bill in the war to end hunger and malnutrition, but the so-called food stamp bill could divert billions of dollars from food purchases to other nonfood uses.

As I have said, I approve of the President's efforts to end hunger and poverty; but if this requires a program which includes many other items besides food, it should be dealt with as a Federal welfare program and not as a food stamp program.

The changeover would mean that jurisdiction should be transferred from the Department of Agriculture, which has done a fine job in administering the food stamp program, to some other agency of Government; and most certainly the costs should not be charged to Agriculture, which is already loaded down with costs of many programs which are primarily for the benefit of nonfarm people.

Mr. President, I ask that this analysis by the staff counsel, Mr. Harker Stanton, be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

MEMORANDUM FOR SENATOR AIKEN

This responds to your inquiry concerning S. 2547. As passed by the Senate, it would—

(1) permit use of food stamps to purchase products necessary for personal cleanliness, hygiene and home sanitation;

(2) permit issuance of food stamps to persons over 65 (without cooking facilities but otherwise eligible) for use in obtaining meals from nonprofit organizations engaged in serving or bringing meals to such persons;

(3) extend the Act to Puerto Rico, the Virgin Islands, Guam, and the Trust Territory of the Pacific;

(4) limit the authority for concurrent commodity distribution in disaster situations to temporary emergencies where commercial food distribution facilities have been disrupted;

(5) require concurrent commodity distribution to continue in areas changing to food stamps until the number of persons receiving food stamps exceeds the monthly average receiving commodities during the 3 months preceding initiation of the food stamp program;

(6) permit concurrent distribution at any time at State cost;

(7) make any household with an income of $4,000 or less per annum (for a family of four) eligible to participate in the program;

(8) prohibit consideration of applicant's assets (except to the extent they produce income) in determining eligibility;

(9) require the coupon allotment to be "not less" than the cost of an adequate diet as determined by the Secretary (which must be not less than the cost of the low-cost food plan established by the Agricultural Research Service);

(10) provide for free coupon allotments to households whose income is less than one half such cost of an adequate diet, with other families paying a reasonable investment or 25 percent of income, whichever is lower;

(11) provide for nutrition, program and home economics counseling;

(12) point to post offices, banks, credit unions and participating stores as possible coupon issuing facilities;

(13) provide for certification of eligibility solely by execution of affidavit and continued validity of such certification for 60 days after the household's removal to another food stamp area;

(14) permit any household to purchase any part of its allotment with a proportionate reduction in price;

(15) require coupons to be issued at least weekly and to be issued with any federally aided public assistance payment if the household elects to have the coupon charge deducted from such payment;

(16) provide for administration by the Secretary through any private nonprofit or Federal, State, or county agency in certain cases;

(17) absolve participants of responsibility for statements in their affidavits, except in the case of fraud;

(18) require the Secretary to pay the State's costs of issuing coupons and collecting payment therefor;

(19) authorize appropriation of $1.25 billion for fiscal 1970, $2 billion for fiscal 1971 and $2.5 billion for fiscal 1972, appropriations to remain available until expended;

(20) authorize obligation 15 percent in excess of appropriation;

(21) repeal the requirement that States reduce coupon issuance when necessary to keep within available funds; and

(22) repeal the provision prohibiting use of section 32 or other funds not appropriated specifically for the purpose of the Act.

You inquired specifically with respect to the following sections:

Sections 1(12) and (17) certification.—Section 1(12) provides that households shall be certified for eligibility "solely by execution of an affidavit". The law does not require an affidavit, so this would impose an additional requirement that the applicant's statement be sworn before a notary or other magistrate.

The affidavit would be "in such form as the Secretary may prescribe", and therefore would be as detailed as is necessary to show eligibility. Since certification would be "solely" by affidavit, this provision would preclude the State agency from considering additional evidence obtained from the applicant or others or information known to it or in its files, or otherwise looking behind the affidavit. Subsequent affidavits might be required as necessary to show changes in eligibility, but as of any particular point in time we believe this provision requires that eligibility be determined solely on the basis of the applicant's affidavit.

Section 1(17) provides that no person shall be charged with a violation of any Act, regulation, or State plan "on the basis of any statements or information contained in an affidavit filed pursuant to section 6(d) of this Act, except for fraud." The reference to section 6(d) is erroneous, since there is no such section. Presumably the reference should be to section 10(c), as amended by section 1(12) of the bill as just discussed. It is difficult to conceive of a prosecution under section 14(c) of the Food Stamp Act of 1964, 18 U.S.C. 1001, or 18 U.S.C. 287 which deal with knowing misuse of food stamps; false, fictitious, or fraudulent statements knowingly and willfully made; and false, fictitious, or fraudulent claims, which would be prohibited by this provision since it excepts prosecution for fraud. The use of the words "or information" might indicate that information as to illegal gains, income tax evasion, or other crimes contained in an affidavit could not form the basis for prosecution for such crimes; but nothing in the legislative history of this provision would indicate that such is its purpose.

It is questionable whether this provision could in any way prevent prosecutions for perjury under State laws.

The net effect of sections 1(12) and 1(17) may be that applications will have to be sworn to, false statements may subject the affiant to State perjury laws (as well as applicable Federal fraud laws), and the State agency will be prohibited from looking behind the affidavit in determining eligibility.

Secton 1(8) Eligibility. Section 5(a) of the Act, as amended by section 1(8) of S. 2547, makes every household whose income is insufficient to permit it to purchase an adequate diet absolutely eligible to participate in the program. Existing law limits participation to such families, but does not make them absolutely eligible. Section 5(b) of the Act, as amended by section 1(8) of the bill requires a limitation on resources, but provides "such limitation shall apply to the income, if any, realized from such resources and not to any income which might be realized through liquidation of such resources." Since the language quoted reduces the resource limitation to an actual income limitation, section 1(8) would appear to prevent disqualification of a household which had unlimited resources in cash, land, or other assets not currently producing any income.

Section 1(15) local administration by the Secretary.—This section authorizes the Secretary to administer the program in any political subdivision of a State if—

(1) the State agency fails to administer the program in compliance with the law;

(2) the State agency does not request a program after the Secretary has made an offer of Federal payments as authorized by this section;

(3) on or after January 1, 1971, a program is not in operation;

(4) the ratio of participants to persons classified by O.E.O. as low income is not adequate to effectuate the Act.

Item (2) appears to be meaningless, since the section does not authorize "an offer of Federal payments."

Section 2(9) value of coupon allotment.—Section 1(9) provides that the face value of the coupon allotment issued to any eligible household shall be "not less" than the amount necessary to purchase an adequate diet. This would be the minimum value that could be issued. There is no maximum specified. Section 1(2) provides that coupons may be used for "such products as the Secretary may determine to be necessary for personal cleanliness, hygiene, and home sanitation." Webster's New International Dictionary, Second Edition, defines "hygiene" as "a system of principles or rules designed for the promotion of health". It might be difficult for the Secretary to determine that shelter, clothing, water, medicine, and other items generally considered as necessities are not necessary to health. Section 1(1) of the bill makes provision of "adequate levels of food consumption . . . among low-income households" a purpose of the Act. Since section 1(2) defines food to include items necessary for hygiene, this makes it the purpose of the Act to provide for adequate levels of shelter, clothing, water, medicines, and other items necessary to health. Section 1(9) authorizes the Secretary to make the coupon allotment large enough to carry out this purpose of the Act.

To the extent that the charge for a coupon allotment is based on household income, an increase in the coupon allotment to cover health items would not result in an increase in the charge made to the participant.

As the coupon allotment is increased the program would become attractive to households with higher incomes. Section 1(8) of the bill provides for imposition of a maximum income on eligibility, but sets forth no criteria. Based on the Secretary's statements that the limit would have been $4,000 per year under S. 2547, as reported to the Senate ($1,200 coupon value divided by 30 percent maximum charge) the limit under S. 2547 as passed by the Senate would probably be $6,000 per year on the basis of coupons for food alone (not including health items), a low-cost diet of $125 per month ($1,500 per annum), and a maximum charge of 25 percent. As the value of the coupon allotment is increased above $1,500 to include health items it would seem likely that the maximum income would be increased above $6,000.

Respectfully,

HARKER T. STANTON,
Counsel.

SECRETARY OF STATE ROGERS DISCUSSES THE MIDDLE EAST SITUATION

Mr. FULBRIGHT. Mr. President, on December 9, before the 1969 Galaxy Conference on Adult Education, in Washington, D.C., Secretary of State Rogers delivered a statesmanlike address which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE WILLIAM P. ROGERS, SECRETARY OF STATE, BEFORE THE 1969 GALAXY CONFERENCE ON ADULT EDUCATION, SHERATON PARK HOTEL, WASHINGTON, D.C., TUESDAY, DECEMBER 9, 1969

Dr. and Mrs. Charters, Members of the Central Planning Committee, and ladies and gentlemen of the 1969 Galaxy Conference on Adult Education.

I am very happy to be with you this evening and be a part of this impressive conference.

The Galaxy Conference represents one of the largest and most significant efforts in the nation's history to further the goals of all phases of adult and continuing education.

The State Department, as you know, has an active interest in this subject. It is our belief that foreign policy issues should be more broadly understood and considered. As you know we are making a good many efforts toward providing continuing education in the foreign affairs field. I am happy tonight to join so many staunch allies in those endeavors!

In the hope that I may further that cause I want to talk to you tonight about a foreign

policy matter which is of great concern to our nation.

I am going to speak tonight about the situation in the Middle East. I want to refer to the policy of the United States as it relates to that situation in the hope that there may be a better understanding of that policy and the reasons for it.

Following the third Arab-Israeli war in twenty years, there was an upsurge of hope that a lasting peace could be achieved. That hope has unfortunately not been realized. There is no area of the world today that is more important because it could easily again be the source of another serious conflagration.

When this Administration took office, one of our first actions in foreign affairs was to examine carefully the entire situation in the Middle East. It was obvious that a continuation of the unresolved conflict there would be extremely dangerous; that the parties to the conflict alone would not be able to overcome their legacy of suspicion to achieve a political settlement; and that international efforts to help needed support.

The United States decided it had a responsibility to play a direct role in seeking a solution.

Thus, we accepted a suggestion put forward both by the French Government and the Secretary General of the United Nations. We agreed that the major powers—the United States, the Soviet Union, the United Kingdom, and France—should cooperate to assist the Secretary General's representative, Ambassador Jarring, in working out a settlement in accordance with the resolution of the Security Council of the United Nations of November 1967. We also decided to consult directly with the Soviet Union, hoping to achieve as wide an area of agreement as possible between us.

These decisions were made in full recognition of the following important factors.

First, we knew that nations not directly involved could not make a durable peace for the peoples and governments involved. Peace rests with the parties to the conflict. The efforts of major powers can help; they can provide a catalyst; they can stimulate the parties to talk; they can encourage; they can help define a realistic framework for agreement; but an agreement among other powers cannot be a substitute for agreement among the parties themselves.

Second, we knew that a durable peace must meet the legitimate concerns of both sides.

Third, we were clear that the only frame work for a negotiated settlement was one in accordance with the entire text of the UN Security Council resolution. That resolution was agreed upon after long and ardous negotiations; it is carefully balanced; it provides the basis for a just and lasting peace—a final settlement—not merely an interlude between wars.

Fourth, we believed that a protracted period of no war, no peace, recurrent violence, and spreading chaos would serve the interests of no nation, in or out of the Middle East.

For eight months we have pursued these consultations, in Four Power talks at the United Nations, and in bilateral discussions with the Soviet Union.

In our talks with the Soviets, we have proceeded in the belief that the stakes are so high that we have a responsibility to determine whether we can achieve parallel views which would encourage the parties to work out a stable and equitable solution. We are under no illusions; we are fully conscious of past difficulties and present realities. Our talks with the Soviets have brought a measure of understanding but very substantial differences remain. We regret that the Soviets have delayed in responding to new formulations submitted to them on October 28. However, we will continue to discuss these problems with the Soviet Union as long as there is any realistic hope that such discussions might further the cause of peace.

The substance of the talks that we have had with the Soviet Union have been conveyed to the interested parties through diplomatic channels. This process has served to highlight the main roadblocks to the initiation of useful negotiations among the parties.

On one hand, the Arab leaders fear that Israel is not in fact prepared to withdraw from Arab territory occupied in the 1967 war.

On the other hand, Israeli leaders fear that the Arab states are not in fact prepared to live in peace with Israel.

Each side can cite from its viewpoint considerable evidence to support its fears. Each side has permitted its attention to be focused solidly and to some extent solely on these fears.

What can the United States do to help to overcome these roadblocks?

Our policy is and will continue to be a *balanced* one.

We have friendly ties with both Arabs and Israelis. To call for Israeli withdrawal as envisaged in the UN resolution without achieving agreement on peace would be partisan toward the Arabs. To call on the Arabs to accept peace without Israeli withdrawal would be partisan toward Israel. Therefore, our policy is to encourage the Arabs to accept a permanent peace based on a binding agreement and to urge the Israelis to withdraw from occupied territory when their territorial integrity is assured as envisaged by the Security Council resolution.

In an effort to broaden the scope of discussion we have recently resumed Four Power negotiations at the United Nations.

Let me outline our policy on various elements of the Security Council Resolution. The basic and related issues might be described as peace, security, withdrawal and territory.

PEACE BETWEEN THE PARTIES

The Resolution of the Security Council makes clear that the goal is the establishment of a state of peace between the parties instead of the state of belligerency which has characterized relations for over 20 years. We believe the conditions and obligations of peace must be defined in specific terms. For example, navigation rights in the Suez Canal and in the Straits of Tiran should be spelled out. Respect for sovereignty and obligations of the parties to each other must be made specific.

But peace, of course, involves much more than this. It is also a matter of the attitudes and intentions of the parties. Are they ready to coexist with one another? Can a live-and-let-live attitude replace suspicion, mistrust and hate? A peace agreement between the parties must be based on clear and stated intentions and a willingness to bring about basic changes in the attitudes and conditions which are characteristic of the Middle East today.

SECURITY

A lasting peace must be sustained by a sense of security on both sides. To this end, as envisaged in the Security Council resolution, there should be demilitarized zones and related security arrangements more reliable than those which existed in the area in the past. The parties themselves, with Ambassador Jarring's help, are in the best position to work out the nature and the details of such security arrangements. It is, after all, their interests which are at stake and their territory which is involved. They must live with the results.

WITHDRAWAL AND TERRITORY

The Security Council Resolution endorses the principle of the nonacquisition of territory by war and calls for withdrawal of Israeli armed forces from territories occupied in the 1967 war. We support this part of the Resolution, including withdrawal, just as we do its other elements.

The boundaries from which the 1967 war began were established in the 1949 Armistice Agreements and have defined the areas of national jurisdiction in the Middle East for 20 years. Those boundaries were armistice lines, not final political borders. The rights, claims and positions of the parties in an ultimate peaceful settlement were reserved by the Armistice Agreement.

The Security Council Resolution neither endorses nor precludes these armistice lines as the definitive political boundaries. However, it calls for withdrawal from occupied territories, the non-acquisition of territory by war, and for the establishment of secure and recognized boundaries.

We believe that while recognized political boundaries must be established, and agreed upon by the parties, any changes in the preexisting lines should not reflect the weight of conquest and should be confined to insubstantial alterations required for mutual security. We do not support expansionism. We believe troops must be withdrawn as the Resolution provides. We support Israel's security and the security of the Arab states as well. We are for a lasting peace that requires security for both.

By emphasizing the key issues of peace, security, withdrawal and territory, I do not want to leave the impression that other issues are not equally important. Two in particular deserve special mention—the questions of refugees and of Jerusalem.

There can be no lasting peace without a just settlement of the problem of those Palestinians fhom the wars of 1948 and 1967 have made homeless. The human dimension of the Arab-Israeli conflict has been of special concern to the United States for over twenty years. During this period the United States has contributed about $500 million for the support and education of the Palestine refugees. We are prepared to contribute generously along with others to solve this problem. We believe its just settlement must take into account the desires and aspirations of the refugees and the legitimate concerns of the governments in the area.

The problem posed by the refugees will become increasingly serious if their future is not resolved. There is a new consciousness among the young Palestinians who have grown up since 1948 which needs to be channeled away from bitterness and frustration towards hope and justice.

The question of the future status of Jerusalem, because it touches deep emotional, historical and religious well-springs, is particularly complicated. We have made clear repeatedly in the past two and one-half years that we cannot accept unilateral actions by any party to decide the final status of the city. We believe its status can be determined only through the agreement of the parties concerned, which in practical terms means primarily the Governments of Israel and Jordan, taking into account the interests of other countries in the area and the international community. We do, however, support certain principles which we believe would provide an equitable framework for a Jerusalem settlement.

Specifically, we believe Jerusalem should be a unified city within which there would no longer be restrictions on the movement of persons and goods. There should be open access to the unified city for persons of all faiths and nationalities. Arrangements for the administration of the unified city should take into account the interests of all its inhabitants and of the Jewish, Islamic and Christian communities. And there should be roles for both Israel and Jordan in the civic, economic and religious life of the city.

It is our hope that agreement on the key issues of peace, security, withdrawal and territory will create a climate in which these

questions of refugees and of Jerusalem, as well as other aspects of the conflict, can be resolved as part of the overall settlement.

During the first weeks of the current United Nations General Assembly the efforts to move matters toward a settlement entered a particularly intensive phase. Those efforts continue today.

I have already referred to our talks with the Soviet Union. In connection with those talks there have been allegations that we have been seeking to divide the Arab states by urging the UAR to make a separate peace. These allegations are false. It is a fact that we and the Soviets have been concentrating on the questions of a settlement between Israel and the United Arab Republic. We have been doing this in the full understanding on both our parts that, before there can be a settlement of the Arab-Israeli conflict, there must be agreement between the parties on other aspects of the settlement—not only those related to the United Arab Republic but also those related to Jordan and other states which accept the Security Council Resolution of November 1967.

We started with the Israeli-United Arab Republic aspect because of its inherent importance for future stability in the area and because one must start somewhere.

We are also ready to pursue the Jordanian aspects of a settlement—in fact the Four Powers in New York have begun such discussions. Let me make it perfectly clear that the U.S. position is that implementation of the overall settlement would begin only after complete agreement had been reached on related aspects of the problem.

In our recent meetings with the Soviets, we have discussed some new formulas in an attempt to find common positions. They consist of three principal elements:

First, there should be a binding commitment by Israel and the United Arab Republic to peace with each other, with all the specific obligations of peace spelled out, including the obligation to prevent hostile acts originating from their respective territories.

Second, the detailed provisions of peace relating to security safeguards on the ground should be worked out between the parties, under Ambassador Jarring's auspices, utilizing the procedures followed in negotiating the Armistice Agreements under Ralph Bunche in 1949 at Rhodes. This formula has been previously used with success in negotiations between the parties on Middle Eastern problems. A principal objective of the Four Power talks, we believe, should be to help Ambassador Jarring engage the parties in a negotiating process under the Rhodes formula.

So far as a settlement between Israel and the United Arab Republic goes, these safeguards relate primarily to the area of Sharm al-Shaykh controlling access to the Gulf of Aqaba, the need for demilitarized zones as foreseen in the Security Council Resolution, and final arrangements in the Gaza Strip.

Third, in the context of peace and agreement on specific security safeguards, withdrawal of Israeli forces from Egyptian territory would be required.

Such an approach directly addresses the principal national concerns of both Israel and the UAR. It would require the UAR to agree to a binding and specific commitment to peace. It would require withdrawal of Israeli armed forces from UAR territory to the international border between Israel and Egypt which has been in existence for over a half century. It would also require the parties themselves to negotiate the practical security arrangements to safeguard the peace.

We believe that this approach is *balanced* and fair.

We remain interested in good relations with all States in the area. Whenever and wherever Arab States which have broken off diplomatic relations with the United States are prepared to restore them, we shall respond in the same spirit.

Meanwhile, we will not be deterred from continuing to pursue the paths of patient diplomacy in our search for peace in the Middle East. We will not shrink from advocating necessary compromises, even though they may and probably will be unpalatable to both sides. We remain prepared to work with others—in the area and throughout the world—so long as they sincerely seek the end we seek: a just and lasting peace.

Mr. FULBRIGHT. The Prime Minister of Israel, on the following day, I believe, or on Friday, as reported by Mr. James Feron in the New York Times, took Mr. Rogers to task, and alleged, as the headline says, that the United States is "moralizing." I ask unanimous consent that this article, and those immediately related thereto, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. MEIR, REPLYING TO ROGERS, SAYS THAT UNITED STATES IS "MORALIZING"

(By James Feron)

JERUSALEM, December 12.—Premier Golda Meir accused the United States today of "moralizing" on the subject of Middle East peace.

Replying to the speech Tuesday by Secretary of State William P. Rogers, Mrs. Meir warned of the dangers of trying to equate Arab and Israeli intentions.

Mr. Rogers had said that United States policy was "to encourage the Arabs to accept a permanent peace based on a binding agreement and to urge the Israelis to withdraw from occupied territory when their territorial integrity is assured."

Mrs. Meir, addressing a convention of Histradrut, the Israeli labor federation, said of the Americans: "They put us both on the scales of justice so that, God forbid, they shouldn't appear to be favoring one nation over another."

She commented caustically as to what she saw as the problem facing the Nixon Administration.

"On the one hand, our neighbors do not want peace and are preparing for war," she said. "On the other hand, peace is precisely what Israel wants. Because of these two factors there is no peace. So then the two sides are equal and one must treat both sides with the same friendship."

"In these days when people preach to us," the Premier said, alluding to Mr. Rogers, "it might be worthwhile recalling that Israel did not rise up one clear day and decide she must go out and conquer."

She reviewed the "real, physical dangers" that faced Israel in the weeks before the Arab-Israeli war of June, 1967. "Now they are moralizing that expansion is not nice," she said.

ARAB LEADERS' ROLE CITED

Major powers such as the United States "cannot make peace on behalf of the Arabs," Mrs. Meir continued. "It was the Arab leaders who took their people to war and they must now declare their willingness for peace. It will not help if the big powers say it for them," she declared.

The Israeli Cabinet met in emergency session Wednesday night and issued a post-midnight statement sharply critical of "extrenal efforts and influences." Mr. Rogers, mindful that "peace rests with the parties to the conflict," had said the major powers could serve as a catalyst, "stimulating the parties to talk."

Israeli leaders contend that such efforts only encourage the Arabs to believe that peace can be imposed on the area. The Israeli position is that only when the Arabs are prepared to negotiate directly, and therefore recognize Israel's sovereignty, will resultant agreements have any meaning.

Mrs. Meir said that Israel would not accept any proposals "that fall short of real peace." Nor, she added, would Israel "agree to borders that make the nation vulnerable."

"All we want is what dozens and dozens and dozens of other nations have: peace with borders that are defendable," the Premier added.

Mrs. Meir, alluding again to the United States, said: "We don't want anybody to come and fight our battles, either, but we have the right to demand that we not stand emptyhanded against better and better tanks, planes and cannons."

Mr. Rogers, in his speech in Washington before a conference on adult education, had indicated that the United States favored almost complete Israeli withdrawal, from occupied areas, with "roles for both Israel and Jordan in the civic, economic and religious life" of Jerusalem.

Israel has absorbed the former Jordanian sector of Jerusalem and has said that she would accede only to a Jordanian role in the city's Moslem religious shrines. Israel has also effectively absorbed the occupied Golan heights of Syria and has indicated that she will also retain the Gaza Strip.

U.S. POSITION EXPLAINED

WASHINGTON, December 12.—A State Department spokesman said today that Mrs. Meir's criticism of the United States for "moralizing" over peace prospects in the Middle East missed the point of American policy.

"When we talk of an Israeli withdrawal from occupied territory," he said, "we talk in terms of a binding Arab commitment to a permanent peace and acceptance of recognized political boundaries by all parties."

"On matters of basic security—on the prime, but issues—we leave the matters entirely to negotiations between the Israelis and the Egyptians," he added.

EBAN BARS OUTSIDE DICTATION

The Israeli Foreign Minister, Abba Eban, emphasized in New York yesterday that "we shall not allow our future to be written from the outside."

Mr. Eban, addressing a luncheon audience at the Overseas Press Club, 54 West 40th Street, stressed that neither friendly nor unfriendly powers could dictate a course of action for Israel that would infringe on her sovereignty.

Mr. FULBRIGHT. At this point, I ask unanimous consent to have printed in the RECORD an article by Mr. Irving Spiegel, entitled "$500 Million Drive Is Set by U.J.A."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

$500-MILLION DRIVE IS SET BY U.J.A.

(By Irving Spiegel)

The executive head of the United Jewish Appeal reported yesterday that more than $500-million would be needed next year in philanthropic funds to cope with the humanitarian needs of Jews the world over, with special emphasis on Israel.

Rabbi Herbert A. Friedman, executive chairman of the appeal, told Jewish leaders attending the appeal's annual national conference at the New York Hilton Hotel that most of the money must be raised in this country.

While the appeal did not fix a goal, it was explained that next year's requirement was based on the budgetary needs set forth by the appeal's constituent agencies, of which the Jewish Agency for Israel is the major beneficiary.

At Thursday night's session, Louis A. Pincus, chairman of the Jewish Agency, said that American Jewish support was needed "to help meet the humanitarian needs of the people of Israel." He was inaccurately reported to have said that the support was needed to help meet Israel's defense expenditures.

The Jewish Agency carries out resettlement and rehabilitation programs and other projects among those who have arrived in Israel from various counties and who are recent arrivals.

FIGURES DETAILED

In pointing out that 60,000 immigrants were expected to arrive in Israel next year, Rabbi Friedman said it "was the obligation of their fellow Jews to make their arrival part of a fruitful renaissance of Jewish life in a war-harassed state."

In a breakdown of financial requirements, Rabbi Friedman said that $135-million would be needed in Israel for social welfare services, immigration and absorption, $60-million for health services, $75-million for education, with various other large sums needed for youth care and training, and immigrant housing.

The Joint Distribution Committee, the major American agency aiding needy Jews overseas, has adopted a budget of $24.1-million for next year to provide a broad range of health and welfare services for more than 300,000 needy Jews in 27 countries. Part of this money is earmarked for special projects among the elderly and ill immigrants in Israel.

Mr. FULBRIGHT. Mr. President, the purpose of this is to illustrate what seems to me a rather unseemly attack by the Prime Minister of Israel upon the Secretary of State while, at the same time, the U.J.A. is promoting a program to raise $500 million in this country, which, as everyone knows, is tax deductible and which adds to the foreign exchange of Israel, for the purchase of anything, including arms.

NOTICE OF OBJECTION TO LIMITATION OF DEBATE ON DEFENSE APPROPRIATION BILL

Mr. FULBRIGHT. Mr. President, I wish to give notice to the leadership that I have a conference with the House on the foreign aid bill, but I do not wish an agreement on limitation of time to be entered into without my being here. I will be nearby. I want an understanding with the leadership that there be no agreement on limitation on time, because I wish to make some remarks on the Defense appropriation bill after the debate begins.

Mr. President, I want it very clearly understood that I be notified before any agreement on limitation of time is entered into on the Defense appropriation bill, which I understand is the pending business. I am in a conference downstairs with the House. I can be reached, and I can be here in a few minutes if any proposal for a limitation of time is made.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE VOTING RIGHTS ACT OF 1965

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate for second reading H.R. 4249, which the clerk will state.

The LEGISLATIVE CLERK. H.R. 4249, an act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. HART. Mr. President, it is my intention to object to further proceedings, involving rule XIV, and I make this announcement now in order to protect my rights under the actions prescribed under rule XIV, but withhold that objection to permit any colloquy with respect to disposition of the bill.

First, Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Michigan will state it.

Mr. HART. Having noted this intention to object, are my rights under rule XIV now protected?

The ACTING PRESIDENT pro tempore. The Chair will protect all rights of the Senator under rule XIV. It is the understanding under rule XIV and other precedents that if objection is heard, the bill will be placed on the calendar.

Mr. HART. Any subsequent motion under the conditions now established, with objection under rule XIV, will send the bill to the calendar; is that correct?

The ACTING PRESIDENT pro tempore. The Chair is not sure about any subsequent motion. The precedent, as the Chair understands it, is that if objection is made before any action is taken after a bill is received from the House of Representatives and after receiving second reading, it shall then be placed on the calendar.

Mr. HART. Another parliamentary inquiry, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Michigan will state it.

Mr. HART. Specifically, if, hereafter, a motion is made to refer that bill to committee, with or without instructions, and the Senator from Michigan having given this notice of objection to further proceedings under rule XIV, the bill then would go to the calendar; is that correct?

The ACTING PRESIDENT pro tempore. The Parliamentarian informs the Chair that the Senate does not have any exact or precise precedent on that specific point, and until the point is raised, the Chair will not resolve the question in advance on a parliamentary inquiry.

Mr. HART. The Senator from Michigan is anxious not to foreclose discussion but is anxious equally that at no stage shall he now, having announced his intention to object under rule XIV, lose the protection of that rule.

The ACTING PRESIDENT pro tempore. The Chair will protect the Senator by submitting any stated unanimous-consent request to the Senate, but preliminary announcement of intention has no parliamentary standing.

Mr. HART. Could I ask unanimous consent that my right under rule XIV continue to be available, notwithstanding the fact that I do not now raise objection under rule XIV, withholding it only for purposes of discussion?

Mr. ERVIN. Mr. President, reserving the right to object——

The ACTING PRESIDENT pro tempore. May the Chair first make a statement before the question is propounded. The Chair is going to protect the rights of the Senator from Michigan or any other Senator under rule XIV. Before any action is taken, there will be an inquiry if there is objection to further consideration of the bill, and if objection is heard it is the Chair's understanding, under previous precedent, that the bill will then immediately go to the calendar.

Now, if the Senator from Michigan wants to nail it down by unanimous consent, the Chair will propound the unanimous-consent request, but it would seem that it is unnecessary.

Mr. ERVIN. Mr. President, I should like to ask the Senator from Michigan, who has the floor, that he make a parliamentary inquiry as to whether it is obligatory under Senate rules to undertake the bill on second reading today.

The ACTING PRESIDENT pro tempore. The Chair has already placed the bill before the Senate for second reading, and second reading has been had.

Mr. ERVIN. The point I am trying to make is this: Of course, the objection, as I understand it, to the bill at the present time, would place it automatically on the calendar; is that not correct?

The ACTING PRESIDENT pro tempore. That is the understanding of the present occupant of the Chair.

Mr. ERVIN. Thus, an objection places it upon the calendar so that it would be subject, then, after the passage of 1 legislative day, to a motion to commit either, with or without instructions, after, of course, the bill has been called up before the Senate.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ERVIN. After the Senate—that is, a majority of the Senate—votes to call the bill up, a motion to commit the bill to the committee, either with or without instructions, would be in order.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. ERVIN. The motion to commit could be made at any time after the motion to take up has been adopted.

The ACTING PRESIDENT pro tempore. The motion is debatable.

Mr. ERVIN. And that could be at any time before final passage of the bill.

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator has properly stated the parliamentary situation.

Mr. ERVIN. Mr. President, I should like to make one further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina will state it.

Mr. ERVIN. Is it obligatory at this time for the Senator from Michigan to

make his objection? Can he not make that at a later time?

The ACTING PRESIDENT pro tempore. The Chair has called up the bill for a second reading. Until action is taken on the bill, the Senator from Michigan has time to interpose his objection. If he does interpose such an objection, it will go on the calendar.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Michigan has the floor, despite the fact that the Chair has indulged the Senator from North Carolina in parliamentary inquiries.

Mr. MANSFIELD. Mr. President, I think we are wasting a lot of words and a lot of time, and if no other Senator is going to object to bring this matter to a head, I will object. What is the Senator's intention?

Mr. HART. Mr. President, the Senator from Michigan had hoped his rights under rule XIV could be protected. That having been established, other Senators could have an opportunity to make suggestions or raise inquiries. It was only in the hope that, having assured rule XIV protection would remain available, I indicated an intention to object, but did not in fact object.

As I understand it, if objection is not made today, the bill, having been laid down, will then be referred to committee.

The ACTING PRESIDENT pro tempore. If objection is not heard; the Senator from Michigan is correct. The Chair would refer the bill to the appropriate committee. Until such action is taken, the Senator from Michigan has the right, under rule XIV, clause 4, to interpose an objection.

It is the intention of the Chair to permit the Senator from Michigan, or any Senator, by asking if there is an objection, and if objection is offered, to place the bill on the calendar.

Mr. HART. Mr. President, perhaps we can accommodate the interests of all here by my making this inquiry. The Senator from Michigan having given notice, as he has, if discussion develops and a motion then is made to refer to committee, either with or without instructions, will the Senator from Michigan have the opportunity, before action is taken on that motion, to make objection under rule XIV?

The ACTING PRESIDENT pro tempore. The Chair is informed, as the Chair has stated before, that there is no precise and exact precedent for the situation that has been hypothetically stated by the Senator from Michigan. And if objection is not heard at the present time, and if during the course of colloquy or discussion a motion is made, that is a hypothetical situation that the Chair is not at the present time ready to rule on.

Mr. HART. It is that hypothetical and unanswered question that would compel the Senator from Michigan to object under rule XIV.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under rule XIV, clause 4.

Mr. MANSFIELD. Mr. President, at the request of a Senator, I ask unanimous consent that H.R. 4249 be referred to the Committee on the Judiciary with instructions to report back not later than March 1, 1970, and that on that date, or the first date the Senate is in session following March 1, 1970, H.R. 4249 be made the pending business immediately upon the completion of the morning hour on that day.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HART. Mr. President, reserving the right to object, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HART. Is the motion in order today?

The ACTING PRESIDENT pro tempore. The bill has been placed on the calendar, and a motion would be in order tomorrow. After the bill has been referred to the Senate Calendar, unanimous consent is in order today, but a motion is not in order.

Is there objection to the request of the Senator from Montana?

Mr. HART. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Michigan has reserved the right to object.

Mr. HART. Is the answer to my parliamentary inquiry that a motion at this time is not in order?

The ACTING PRESIDENT pro tempore. The Senator is correct. A motion at this time is not in order.

Mr. HART. A unanimous-consent request, then, is made because of the fact that a motion itself is not in order?

The ACTING PRESIDENT pro tempore. The Chair has no way of knowing the motive for putting the unanimous-consent request.

Mr. MANSFIELD. The motive is a promise made to a fellow Senator, and it is being entered at his request.

The ACTING PRESIDENT pro tempore. The Senator has a right to propound a unanimous-consent request.

Is there objection?

Mr. HART. Mr. President, reserving the right to object, is this motion not in order today——

The ACTING PRESIDENT pro tempore. Which motion?

Mr. HART. The motion that was first made by the Senator from Montana.

The ACTING PRESIDENT pro tempore. The Senator from Montana has made a unanimous-consent request.

Mr. HART. I apologize. I thought it was in the form of a motion.

If this unanimous-consent request were phrased as a motion at the next or any subsequent legislative day, it would then be in order, after the bill had been taken off the calender?

The ACTING PRESIDENT pro tempore. The Senator is correct, after the bill is before the Senate.

Mr. HART. Reserving the right to object, I think it is due the Senate that Senators who are reluctant to grant the unanimous consent make brief explanation of the reason. The track record of bills that are denominated civil rights bills in the Judiciary Committee makes us understand clearly that having the votes to report a bill, having the votes to adopt an amendment or a substitute, is no guarantee that we shall have the right to vote. And to refer a bill to a committee of this character, but without instruction that inside the committee each member shall have the right to have a decision made, to have a vote taken on any amendment or substitute—unless that explicit protection and assurance is given, it compels those of us who have a concern in this area to be unwilling, until opportunity at least has been had here in the course of a few days to develop an agreement that would give assurance inside the committee, to object.

With that explanation; namely, that we would hope that in the course of a few days an agreement might be developed, whether on the floor of the Senate or internally in the committee, to insure that votes be had in the committee, objection is made to the unanimous-consent request.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

Mr. ERVIN. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Michigan objects.

Mr. HART. Mr. President, the Senator from Michigan will withhold it momentarily in order that the Senator from Montana or other Senators may make a comment.

Mr. MANSFIELD. No.

Mr. HART. I object.

The ACTING PRESIDENT pro tempore. The Senator from Michigan objects.

Mr. MANSFIELD. We can make comments without reservations, because the matter in question is now on the calendar.

I would think that the suggestion made by the distinguished Senator from Michigan would be a matter which would call for the whole Senate to decide, because what he is suggesting is, in effect, that the Senate tell a proper committee of this body what its members should do within a certain length of time within the committee on the matter of votes.

In that regard, Mr. President, it is hoped—and I am speaking for myself this time—that the Senators primarily charged with responsibility for the merits of H.R. 4249 will be able to work out an accommodation with respect to referral of the bill to the Committee on the Judiciary. The bill is now on the calendar under rule XIV, awaiting that agreement, and when it is worked out, if it is worked out, the bill can be taken off the calendar and referred at that time, with the instructions agreed upon. Otherwise, the bill will remain on the Senate Calendar.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I am delighted to have the recognition here which might have been more difficult to obtain in the Committee on the Judiciary.

I think there is something very definitely and favorably to be said about the competing bills which are both actually before the Senate. One of them, the simple extension of the Voting Rights Act, is in the committee already, and I believe in the subcommittee of the Sena-

tor from North Carolina; and no action has been taken on it of which I am aware. The other bill has come over from the House of Representatives, and is subject to objection. The President of the United States, in a letter sent to the House of Representatives before the other bill was acted upon, indicated that he had in mind two major and overriding concerns about this bill, both of which I can accept: The provision for voting in national elections where a citizen has moved to another State more than 60 days before the election, and the national ban on illiteracy tests.

There are other things in the House bill which this Senator, for one, could not accept. I was hopeful that we could either get action within the committee, which we have not had, on the committee bill, or that we could have an agreement to refer this bill—as to which I would be glad to support the administration on those points I have mentioned, together with the extension of the Voting Rights Act, as a package or compromise solution.

But it seems to me that the way to arrive at a solution on which reasonable men could agree, in due process and in keeping with the rules of the Senate, is to permit the bill to be referred to the committee, under instructions that it be reported back on a day certain, in February or March, for example, and with further instructions to the committee to extend to each member of the Judiciary Committee the right to vote on the bill, or amendments or a substitute, or if that seems too much, perhaps only the right to vote for a single substitute for the bill.

It seems to me, first, that the denial of that right could only be interposed for the purpose of preventing a vote; and second, that the instruction does not violate the rules of the Senate, since it is in keeping with the prerogatives of the committee, and does not instruct the committee how anyone shall vote, or even when they shall vote, except that it shall occur prior to the agreed upon reference back to the Senate.

I am stating this fully because I shall not be moved by any appeal which would argue that somebody's rights are being violated under this proposal. The proposal extends to Senators in committee the right to consider, to debate, to vote, and to report out. There is nothing unusual about that; we do it every day. And it retains in the Senate its right to act after full and free debate, every Senator being protected in his rights therein.

But to uphold the right to vote in a committee is illustrative of the very thing I have been fighting for, for 27 years, and that is to uphold the right of any man or woman anywhere in America, otherwise qualified, to exercise the franchise. To me the right to vote in the Senate is important, the right to vote in the committee is important, and the right to vote in the Nation is important; and I lay that down as the precept that I shall follow.

I hope, therefore, that Senators can find a way to agree on a procedure whereby after full discussion, this bill or the other one can be reported out of the committee on a day certain, after the extension of the purest and simplest right which a man can have, which is the right to vote.

Mr. ERVIN. Mr. President——

The ACTING PRESIDENT pro tempore. Let the Chair make a statement first. To be sure that the parliamentary situation is clear to all Senators, the Senator from Montana propounded a unanimous-consent request, it was objected to by the Senator from Michigan, the bill having previously been placed on the calendar. That is the present parliamentary situation.

The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, some 108 years ago the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana attempted to secede from the Union. The country was plunged into a bloody fratricidal war, which lasted 4 years, and which was fought by the Union on the ground that those States did not have the right to secede from the Union, because they were perpetually members of the Union.

Since the war ended in 1865, those States have been waiting for the privilege of being allowed to be full-fledged members of the Union, and I have hoped that in the year of our Lord 1969, those Senators who profess to fight for equal rights for all the American people would be willing to admit Virginia, and North Carolina, and South Carolina, and Georgia, and Alabama, and Mississippi, and Louisiana back into the Union as full-fledged members, and would be willing to give the Senators from those seven States equality of rights under the rules of the Senate with all other Members of the U.S. Senate.

I think everyone who is familiar with the workings of the Senate, at least since I came here and was sworn in as a Member on June 11, 1954, knows that no bill has ever been held on the calendar by the invocation of this procedure except so-called civil rights bills.

The House-passed administration bill, in my judgment, is unconstitutional, because the Constitution, in section 2 of article I, in the first section of article II, in the ninth and 10th amendments, and in the 17th amendment, says the right to prescribe qualifications for voting belongs to the States, and not to Congress; and any Supreme Court that is willing to give the words of the Constitution their obvious and plainly intended meaning would hold both of these bills unconstitutional.

The administration bill, though unconstitutional, is at least a fairer bill than the other, because it applies to all of the Union. It puts all of the States on an equality with each other, and I have more respect for an unconstitutional law that applies in like manner to everyone in like circumstances than I do for a bill which proposes to deny seven States, or parts of those States, rights that belong to every other State similarly situated.

I hope that my friends who advocate equal rights for all men will have a moment of repentence, and agree to allow Senators of the United States, even those who come from these seven conquered provinces, an equality of rights under the Senate rules, and let the bill go to the committee, and thus permit the committee to hold hearings on the bill and all amendments which may be proposed to it and study whether they be constitutional or unconstitutional or whether they be wise or unwise.

Mr. President, there are only four southerners on the 17-man Judiciary Committee. I happen to be one of them. We could not obstruct Senators from exercising any of their rights to offer and vote on amendments even if we wished to do so. As chairman of the Subcommittee on Constitutional Rights to which the bill would go first, I will secure to all Senators their rights in these respects. I believe in due process for all men. I even believe in due process for those who profess to believe in equal rights for all men, but are unwilling to give equal rights to other Senators under Senate rules.

I guarantee them a hearing and opportunity to vote, as far as my power as chairman of the subcommittee is concerned, I shall do this because I believe in equal rights for all men and in equality of Senate procedures for all men. I believe in due process for all men. And I believe in legislative fairness for all men.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. Mr. President, the Senator, I believe, has gone about as far as he can reasonably go.

I would hope that it would be possible to work out some arrangement by means of which the bills that are now sitting on the calendar could be referred to the Judiciary Committee under certain instructions.

It appears to me that the blocking point is the fact that those who are objecting to a referral to the committee are doing so because they have the idea that the subcommittee and the full committee may not allow votes to be taken on substitutes or amendments thereto.

On that basis, of course, the Senator is able only to give his own personal assurances. He cannot give any assurances that the other members of the subcommittee or that the members of the committee as a whole will not in some way or other stall, delay, postpone, and thereby achieve nothing in the way of votes as far as the members of the subcommittee or full committee are concerned.

That, we think, is the stumbling block. I hope that something can be worked out.

If that point can be met and overcome, then I daresay that possibility for referral to the Judiciary Committee would be enhanced considerably.

Mr. ERVIN. Mr. President, I agree with the distinguished majority leader. I take this occasion to commend him on his unfailing fairness to all Members of the Senate and for his faithful observance of the rules of the Senate.

I do not think that in the absence of a faithful observance of the rules of the Senate, the Senate can function properly

or in a manner consistent with the welfare of the Nation.

I thank the distinguished majority leader for his absolute fairness to all Senators under all circumstances.

Mr. MANSFIELD. Mr. President, I thank the Senator. That is part of my job. It is a part of every Senator's job. I think that every Senator is, to the best of his ability, trying to carry out that duty.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Washington (Mr. JACKSON) be given official leave of absence from the Senate for Monday and Tuesday because of a death in the family.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations and the Subcommittee on National Security and International Operations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROPOSED RESTUDY OF FOREIGN POLICY COMMITMENTS

Mr. MANSFIELD. Mr. President, the other day our distinguished colleague, the Senator from Maryland (Mr. MATHIAS), submitted a resolution which I found very appealing and which indicates to me a way to a reorientation and reassessment of the relationships that should exist under the Constitution between the executive and legislative branches.

The resolution calls for a reconsideration of the Gulf of Tonkin joint resolution, the Formosa resolution, and others. And it also calls for a reconsideration of the extraordinary powers which now rest in the hands of the President because of action taken by Congress in recent years.

The resolution calls for a study which is long overdue and which I think we should face up to, especially as far as the Gulf of Tonkin joint resolution is concerned.

I think that some have outlived their usefulness. Some have been misinterpreted. The best way of facing up to the situation is to hold hearings and, on the basis of improved understanding, bring about a better relationship between the executive and legislative branches of the Government.

Mr. President, I ask unanimous consent that an article entitled "A Change of Heart on Tonkin Gulf Vote," written by Merlo J. Pusey, and published in the Washington Post of yesterday, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CHANGE OF HEART ON TONKIN GULF VOTE

(By Merlo J. Pusey)

(NOTE.—The writer is a member of the editorial page staff of The Washington Post.)

Senator Mathias's bid for repeal of the Tonkin Gulf resolution has found warm support in the Senate for two good reasons. First, a substantial number of legislators would like to bind President Nixon to his present policy of withdrawing American troops from Vietnam as rapidly as feasible. The Mathias resolution would serve this purpose. Second, members of Congress are eager to wipe out the chagrin they feel from having abdicated their power in the Tonkin Gulf document.

Repeal of the Tonkin Gulf resolution even a year ago would have seemed unthinkable. Critics of that resolution, which cleared the way for large-scale war in Vietnam, were frequently reminded by the Johnson administration that they could ask Congress to repeal it. But this was only another way of saying they could bump their heads against a stone wall. Now the climate has changed. Probably a majority in Congress as well as in the country recognizes the Tonkin Gulf resolution as a blunder of the first magnitude.

The basic reason for this change of sentiment is the spreading disillusionment in regard to the war. The fact that the United States is having to pull back from South Vietnam after its vast expenditure of lives and money there is causing millions to ask how we got into the mess in the first place.

Members of Congress are well aware of the fact that LBJ rushed the resolution to Capitol Hill after two encounters between American destroyers and North Vietnamese patrol boats in the Tonkin Gulf in August, 1964. Although the Americans involved suffered no injuries and the destroyers sustained no appreciable damage, the President ordered a severe bombing raid against North Vietnam by way of reprisal before seeking the support of Congress. His resolution was generally interpreted at the time as a bid for national unity designed to discourage Hanoi from further aggression against South Vietnam.

Secretaries Rusk and McNamara went to Congress with reports of the Tonkin Gulf encounter that were at best half truths and distorted interpretations. There was almost no attempt on the part of the congressional committees involved to elicit the facts or to consider the momentous step they were taking. Nor was there any meaningful debate on the floors of the House and Senate.

The exchanges which did take place seemed designed largely to reassure skeptical legislators who feared that they might be giving a green light for war. Senator Brewster wanted to know whether "there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China."

Chairman Fulbright of the Foreign Relations Committee responded:

There is nothing in the resolution, as I read it, that contemplates it. I agree with the senator that that is the last thing we would want to do. However, the language of the resolution would not prevent it. It would authorize what the commander-in-chief feels is necessary.

A similar reply was given to Senator Nelson when he sought to amend the resolution so that it would allow the President to continue aiding South Vietnam while attempting to avoid "any direct military involvement" in the Southeast Asian conflict. Senator Fulbright thought that the proposed amendment expressed about what was intended, but he rejected the amendment itself because it might mean delay and embarrassment for the President. It was widely assumed and expressly stated at the time that the President would go back to Congress if any need for direct and large-scale participation in the war should arise.

When these soothing words are matched against five years of war in Vietnam, escalated in accord with the President's discretion, many members of Congress now conclude that they were deceived and euchered of their right to the last word in war-making. They want at last to set the record straight.

Beyond this is an extra dividend in the Mathias resolution. He would also nullify the Formosa, Middle East and Cuba resolutions acquiescing in the use of American forces abroad at the President's discretion. Likewise he would terminate President Truman's proclamation declaring a state of national emergency at the beginning of the Korean war in 1950. The Korean war was initiated and carried on for three years by the White House without any authorization from Congress. When the current murmuring about this and other examples of presidential war-making was recently brought to Mr. Truman's attention by C. L. Sulzberger of the New York Times, the gist of the former President's reply was: "Someone has to make decisions—and that someone is the President."

Well, there is a growing sentiment in Congress that the President will not again be allowed to commit the country to war by executive decree. The great significance of the Mathias resolution is that it may give Congress precisely the formula it needs to wipe out the evidence of its previous abdications and to inject itself into the withdrawal from Vietnam. It would approve the President's existing policy and, having withdrawn its blank check (Tonkin Gulf), would put Congress on record for "accelerated withdrawal."

As sentiment for the resolution mounts will not President Nixon also be inclined to support it? He would earn great credit by disassociating himself from the theory that the White House has authority to commit the country to war whenever the President may think that a full-scale declaration of war is not necessary. The President has shown himself very sensitive to public opinion in his Vietnamization-of-the-war policy and in his renunciation of germ warfare. Will he not also lead the way back to the constitutional formula in war-making?

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, the "89th Quarterly Report on Export Control" covering the third quarter of 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements suggested in accounting methods used in establishing fees for reimbursable testing and related services, Food and Drug Administration, Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, dated December 12, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 2543. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes (Rept. No. 91-609).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. RIBICOFF:

S. 3243. A bill to be cited as the "Federal Pesticide Control Act of 1969"; to the Committee on Agriculture and Forestry.

(The remarks of Mr. RIBICOFF when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HARRIS:

S. 3244. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes; and

S. 3245. A bill to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribe of Oklahoma in Indian Claims Commission docket No. 220, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. HARRIS when he introduced the bills appear later in the RECORD under the appropriate heading.)

S. 3243—INTRODUCTION OF FEDERAL PESTICIDE CONTROL ACT OF 1969

Mr. RIBICOFF. Mr. President, the phaseout of all but essential uses of DDT removes from the marketplace a major hazard to man and his environment. But this must not be the last chapter in the struggle to regulate pesticide production and use.

Pesticides have been a mixed blessing to man. They help to produce the abundant food supply which we enjoy and are instrumental in controlling harmful insects and plants. But pesticides are also a threat to man. In Florida, seven children in one family died from contact with parathion, a virulent poison. When this substance contaminated the bread supply in Mexico, 17 people were killed.

Pesticides have taken an even greater toll of nature. Dr. Ralph Mac Mullan, director of the Michigan Department of Conservation, says it is likely that pesticides are responsible for the alarming decline of many species of birds, such as the bald eagle, osprey, and sparrow hawk.

Pesticide use has grown rapidly in recent years. Americans spent nearly $1 billion on them in 1965. This year we will spend $1.7 billion for these products. Today, we use 800 million pounds of economic poisons to control plant and insect life. This is the equivalent of 220 pounds for every square mile of soil and water in the country. There are more than 300 organic pesticides in thousands of different formulations.

All of this makes it evident that pesticide manufacture and use must be closely regulated. Every reasonable precaution must be taken to guard the public safety and preserve nature.

The bill I introduce today will significantly strengthen pesticide regulation. It was developed from the hearings and report of the Subcommittee on Executive Reorganization. It carries out the recommendation of the report, "Pesticides and Public Policy."

The bill contains six major provisions.

First, it requires that every establishment engaged in the manufacture or processing of an economic poison be registered with the Secretary of Agriculture.

Second, it permits the inspection of any establishment in which economic poison or devices are manufactured, or any means of conveyance of economic poisons.

Third, it provides that an economic poison shall be deemed misbranded if it is manufactured in an establishment which is not duly registered.

Fourth, it states that an economic poison shall be considered adulterated if the manufacturing methods do not conform to good manufacturing practice.

Fifth, it empowers the Federal courts to issue injunctions to restrain violations of the act.

And sixth, it adds civil remedies to the existing criminal sanctions.

These new tools will improve the regulatory efforts of the Department of Agriculture.

This legislation is identical to the bill I have introduced twice before, with administration support. I regret it has not been acted upon. I believe the time is now ripe for action. The growing public concern over pesticides indicates this is an idea whose time has come. I hope the Congress will meet its responsibilities and move quickly.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3243) to be cited as the "Federal Pesticide Control Act of 1969," introduced by Mr. RIBICOFF, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 3244 AND S. 3245—INTRODUCTION OF BILLS RELATING TO JUDGMENTS IN FAVOR OF THE SAC AND FOX TRIBE OF INDIANS

Mr. HARRIS. Mr. President, I send to the desk, for appropriate reference, two bills relating to judgments in favor of the Sac and Fox Tribes.

The first bill provides for the payment to the Sac and Fox Tribes of the Mississippi in Iowa and the Sac and Fox Tribe of Oklahoma, of judgments by the Indian Claims Commission in docket No. 219.

The second bill provides for the payment to the Sac and Fox Tribes of Oklahoma of a judgment by the Indian Claims Commission in docket No. 220.

These funds are urgently needed by the Sac and Fox Tribes, and I request that prompt action be taken to pass this legislation.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills, introduced by Mr. HARRIS, were received, read twice by their titles and referred to the Committee on the Judiciary, as follows:

S. 3244. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes; and

S. 3245. A bill to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribe of Oklahoma in Indian Claims Commission docket No. 220, and for other purposes.

ADDITIONAL COSPONSORS

S. 3234

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. NELSON) I ask unanimous consent that at the next printing, the name of the Senator from California (Mr. CRANSTON) be added as a cosponsor of S. 3234 to amend the Fish and Wildlife Act of 1956, to provide a criminal penalty for shooting at certain birds, fish, and other animals from an airplane.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ESTABLISHMENT OF A DEPARTMENT OF NATURAL RESOURCES—AMENDMENTS

AMENDMENT NO. 427

Mr. MOSS. Mr. President, I am today submitting an amendment in the nature of a substitute for my bill, S. 1446, to establish a Department of Natural Resources. The amendment would expand the title to "Department of Natural Resources and Environment."

The cosponsors of S. 1446—Senators CASE, DODD, HART, METCALF, YARBOROUGH, and KENNEDY—support this change, and cosponsor the substitute.

I first introduced a bill to create a Department of Natural Resources in 1965—in the 89th Congress—and I have sponsored a bill in each Congress since that time. The bill has been refined and improved many times, but inherent in each version has been the assumption that the new department would deal with total management of the environment—that it would coordinate and direct a rational use of all of our natural resources.

There is no need to repeat in any detail what is happening in this country because Members of this body know all too well. We are ruthlessly exploiting our environment. The magnitude of our ecological blunders becomes more evident each day. The debasement of the air we breathe and the water we drink continues almost unabated. Rubbish is burying the affluent society which produced it. We are not reconciling the needs of man with the preservation of our environment.

In the past 10 years we have enacted a number of Federal laws, we have expanded our technology, and we have spent some money in an effort to save what is left of our life-support system. We have not done nearly enough. We fall further behind each year.

There are many things which we must do—many enlightened and expensive steps which we must take—but one of the most important is to reorganize the Federal structure which deals with our resources and our environment. Overlapping, waste and duplication must be eliminated. We must stop spinning our

wheels. Policy on all programs must be pointed in a single direction. There must be overall coordinated thinking, planning, and execution of all programs which serve the environmental needs of man.

After 5 years of advocating such a reorganization of our governmental structure—part of the time feeling I was almost a single voice speaking in a wilderness of apathy and often outright opposition—I am now delighted to learn that Secretary of the Interior Hickel has embraced the concept and that he has won over the President to his point of view. I understand that the State of the Union message will contain a recommendation for a Department of Natural Resources and Environment—or perhaps it will be simply called a Department of the Environment—which will include all resource and environmental problems in one department which could rival the Department of Defense in size.

In other words, like many other proposals developed by an individual Member of the House and Senate, and pursued for many years often without too much support, the single department combining all of the resource activities of the Federal Government in one organizational unit is an idea whose time has come.

I naturally hail this indication of support in the Department of the Interior and at the White House for this vitally needed reorganization of the Federal structure. I would hope that the bill which has been before Congress for 5 years, and which has been updated and improved each session, might provide the framework upon which the administration proposals can be built, and that its contribution to increasing dialog and growing awareness of the need for such reorganization will be recognized.

Some hearings have already been held on the Moss bill—in the 90th Congress, the distinguished Senator from Connecticut (Mr. RIBICOFF) chaired hearings on the bill in the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations—and the bill has been studied by many individuals and groups interested in establishing a Government organization adequate to do the work necessary to protect and enhance the human environment.

I look forward to a much wider discussion next session of how to use our environment wisely and safely—a discussion which will be broadened to include population control and how our environment is threatened by the sheer numbers and mobility of our people and the impact of their technology on our surroundings. And I am more hopeful than ever before, that we are now moving toward reorganization of our governmental machinery so that it can efficiently manage man's environmental relationships.

Perhaps we can follow the "Great Society" with a "Clean Society."

I ask unanimous consent that my substitute amendment be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 427) was referred to the Committee on Government Operations, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"SHORT TITLE; FINDINGS

"SECTION 1. (a) This Act may be cited as the "Department of Natural Resources and Environment Act."

"(b) The Congress hereby finds that—

"(1) expanding population and a rising standard of living combine to place unprecedented demands on the natural resources of the United States;

"(2) the natural environment is suffering a progressive deterioration which affects the air we breathe, the water we drink, the soil which nourishes our food, the areas in which we take our recreation, and the natural beauty of our homeland;

"(3) such deterioration demonstrates a failure in the larger sense of our conservation efforts, even though many successful conservation programs have been undertaken during the past many years by Federal, State, and local governments and by private groups;

"(4) safeguarding the environment—air, water, and land—is a necessity to maintain conditions under which man and wildlife may continue to exist, to provide the raw materials essential to an expanding standard of living, and to maintain the beauty and usefulness for all purposes of our land;

"(5) the responsibility of the Federal Government includes the exercise of leadership in water resource development, land management, ocean resource development, and air pollution abatement, as well as the operation of many programs and cooperation with State and local government and private groups in the carrying out of their resource management responsibilities; and

"(6) the Federal agency structure which deals with natural resources grew up during a less demanding period of our history, and must be coordinated and reorganized if today's tasks are to be performed effectively.

"DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

"SEC. 2. (a) There is hereby established at the seat of government, as an executive department of the United States Government, the Department of Natural Resources and Environment.

"(b) The Secretary of Natural Resources and Environment may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

"PERSONNEL OF THE DEPARTMENT

"SEC. 3. (a) There shall be at the head of the Department of Natural Resources and Environment a Secretary of Natural Resources and Environment (hereinafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) There shall be in the Department of Natural Resources and Environment a Deputy Secretary of Natural Resources and Environment, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary of Natural Resources and Environment (or, during the absence or disability of the Deputy Secretary, or in the event of a vacancy in the office of Deputy Secretary, an Under Secretary or the General Counsel of the Department, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the Office of Secretary. The Deputy Secretary shall perform such functions as the Secretary shall prescribe from time to time.

"(c) There shall be in the Department of Natural Resources and Environment an Under Secretary of Natural Resources for Water, and an Under Secretary of Natural Resources for Lands, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(d) There shall be in the Department of Natural Resources and Environment a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall perform such functions as the Secretary shall prescribe from time to time.

"(e) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

"(f) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"TRANSFER OF FUNCTIONS TO DEPARTMENT

"SEC. 4. (a) Except to the extent otherwise specifically provided by this Act, there are hereby transferred to the Secretary of Natural Resources and Environment all functions which were carried out immediately before the effective date of this Act by the Secretary of the Interior, including all functions of the Secretary of the Interior being administered by him through any agency, service, bureau, office, or other entity of the Deparmtent of the Interior.

"(b) The functions of the Secretary of Health, Education, and Welfare under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Solid Waste Disposal Act (42 U.S.C. 3251), and all other air pollution control functions of such Secretary are transferred to the Secretary of Natural Resources.

"(c) There are hereby transferred to the Secretary of Natural Resources and Environment all functions which were carried out immediately before the effective date of this Act—

"(1)(A) by the Forest Service, Department of Agriculture; or

"(B) by the Secretary of Agriculture, insofar as the functions relate to functions transferred under this paragraph from such Service;

"(2)(A) by the Soil Conservation Service, Department of Agriculture; or

"(B) by the Secretary of Agriculture, insofar as the functions relate to functions transferred under this paragraph from such Service;

"(3)(A) by the Corps of Engineers, Department of the Army, relating to civil works; or

"(B) by the Secretary of the Army, insofar as the functions relate to functions transferred under this paragraph from such Corps of Engineers;

"(4)(A) by the National Oceanographic Data Center, Department of the Navy; or

"(B) by the Secretary of the Navy, insofar as the functions relate to functions transferred under this paragraph from such Center;

"(5) by the National Science Foundation under title II of the Marine Resources and Engineering Development Act of 1966 (80 Stat. 998) relating to sea-grant programs.

(d) In time of war or such other national emergency as the President determines, he may transfer—

"(1) the functions transferred under paragraph (3) of subsection (c) of this section to the Secretary of the Army, and

"(2) such personnel, assets, liabilities, con-

tracts, property, and records as he determines are used with respect to such functions to the Department of the Army. At the end of the war or the period of national emergency the President shall transfer such functions back to the Secretary of National Resources and Environment together with such personnel, assets, liabilities, contracts, property, and records.

"TRANSFERS FROM THE DEPARTMENT OF THE INTERIOR

"SEC. 5. (a) All functions of the Bureau of Indian Affairs in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Bureau of Indian Affairs, are transferred to the Secretary of Health, Education, and Welfare.

"(b) All functions of the Office of Territories in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Office of Territories, are transferred to the Secretary of Health, Education, and Welfare.

"SAVINGS PROVISIONS; MATTERS RELATING TO TRANSFER OF AGENCIES AND OFFICES

"SEC. 6. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

"(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any Federal instrumentality, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

"(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the appropriate officer to whom such functions are so transferred, by any court of competent jurisdiction, or by operation of law.

"(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any Federal instrumentality, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before such instrumentality. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the instrumentality before which they were pending at the time of such transfer. In either case, orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the appropriate officer to whom such functions are so transferred, by a court of competent jurisdiction, or by operation of law.

"(c)(1) Except as provided in paragraph (2)—

"(A) the provisions of this Act shall not affect suits, commenced prior to the date this section takes effect, and

"(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

"No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any Federal instrumentality, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any Federal instrumentality, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of any such instrumentality as may be appropriate; and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

"(2) If before the date on which this Act takes effect, any Federal instrumentality, or officer thereof in his official capacity, is a party to a suit, and under this Act—

"(A) such instrumentality is transferred, or

"(B) any function of such instrumentality or officer is transferred,

"then such suit shall be continued by the appropriate instrumentality (except in the case of a suit not involving functions transferred by this Act, in which case the suit shall be continued by the instrumentality or officer which was a party to the suit prior to the effective date of this Act).

"(d) With respect, to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any Federal instrumentality or officer so transferred or functions of which are so transferred shall be deemed to mean the instrumentality or officer in which such function is vested pursuant to this Act.

"(e) Orders and actions of any Federal instrumentality or officer thereof, in the exercise of functions transferred under this Act, shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the instrumentality or officer, exercising such functions, immediately preceeding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by any other officer of the United States pursuant to this Act.

"(f) In the exercise of the functions transferred under this Act, the appropriate officer of the Federal instrumentality to which such functions were so transferred shall have the same authority as that vested in the officer exercising such functions immediately preceeding their transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such offcer having such functions prior to their transfer pursuant to this Act.

"TRANSFER OF AGENCIES AND OFFICES

"SEC. 7. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferrred to the appropriate Secretary of the executive department to whom such function is transferred by this Act. Except as provided in subsection (b), personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

"(b) In any case where all of the functions of any Federal instrumentality are transferred pursuant to this title, such instrumentality shall lapse.

"TECHNICAL AMENDMENTS

"SEC. 8(a). Section 19(d)(1) of title 3, United States Code, is amended by deleting 'Secretary of the Interior' and inserting in lieu thereof 'Secretary of Natural Resources and Environment'.

"(b) Section 101 of title 5, United States Code, is amended by deleting 'The Department of the Interior' and inserting in lieu thereof 'The Department of Natural Resources and Environment'.

"(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

"(1) Section 5312 is amended by deleting '(6) Secretary of the Interior' and inserting in lieu thereof '(6) Secretary of Natural Resources and Environment'.

"(2) Section 5313 is amended by adding at the end thereof the following:

"'(20) Deputy Secretary of Natural Resources and Environment.'

"(3) Section 5314 is amended by deleting "(8) Under Secretary of the Interior." and inserting in lieu thereof the following:

"'(8) Under Secretary of Natural Resources for Water.'

"'(8A) Under Secretary of Natural Resources for Land.'

"(4) Section 5315 is amended (1) by deleting '(18) Assistant Secretaries of the Interior (5).', and (2) by deleting '(42) Solicitor of the Department of the Interior.' and inserting in lieu thereof '(42) General Counsel, Department of Natural Resources and Environment.'.

"(d) The first sentence of section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by (1) striking out 'the Chief of Engineers and the Secretary of the Army', and inserting in lieu thereof 'the Secretary of Natural Resources and Environment', and (2) inserting immediately before the period a colon and the following: '*Provided further*, That no license affecting the comprehensive plan of any river basin commission developed pursuant to the Water Resources Planning Act shall be issued until the plans of the dam or other structures affecting any such comprehensive plan have been approved by the Secretary of Natural Resources and Environment'.

"REPORT

"SEC. 9. The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for submission to the Congress on the activities of the Department during the preceding calendar year.

"DEFINITION

"SEC. 10. As used in this Act, the term—

"(1) 'function' or 'functions' includes power and duties; and

"(2) 'Federal instrumentality' means any executive department of the United States or any agency, bureau, office, service, or other entity therein.

"DELEGATION OF FUNCTIONS

"SEC. 11. Any officer of the United States to whom functions are transferred pursuant to this Act may delegate such functions, or part thereof, to such of his officers and employees as he may designate, may authorize such successive redelegations of such functions to his officers and employees as he may deem desirable, and may make such rules and regulations as he may determine necessary to carry out such functions.

"EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

"SEC. 12. (a) This Act shall take effect ninety days after the date of its enactment.

"(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 3 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred pursuant to this Act."

ANNOUNCEMENT OF HEARINGS ON "EMPLOYMENT ASPECTS OF THE ECONOMICS OF AGING"

Mr. RANDOLPH. Mr. President, as chairman of the Subcommitteee on Employment and Retirement Incomes, Special Committee on Aging, I announce

that hearings on "Employment Aspects of the Economics of Aging" will be held at 10 a.m., on Thursday and Friday, December 18 and 19, in room 4200, by our subcommittee.

These hearings are a continuation of the study by the full committee, and by individual subcommittees, on aspects of the "Economics of Aging: Toward a Full Share in Abundance."

PUBLIC HEALTH CIGARETTE SMOKING ACT

Mr. MUSKIE. Mr. President, it was necessary for me to leave Washington on Friday before the vote on the Public Health Cigarette Smoking Act. Had it not been necessary for me to leave to keep a longstanding commitment. I would have cast my vote for the Moss bill. In my view, it is imperative that action be taken to curb and decrease cigarette smoking in the interest of public health, especially among our young people.

The Senator from Utah (Mr. Moss), with uncommon and steadfast devotion for years, has kept at the battle to bar cigarette advertising on broadcast media, to warn smokers young and old of the dangers of smoking, and to spread the word of the medical findings of the results of cigarette smoking. I salute him for his originally lonely battle that has now ended so wonderfully with the overwhelming Senate vote. I congratulate Senator Moss and commend him for his devotion and persistance in this great cause.

I ask unanimous consent that an editorial on the cigarette bill published in the Washington Post, and a letter from the Secretary of Health, Education, and Welfare, thanking Senator Moss for his efforts in bringing about the termination of cigarette advertising on radio and television, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SAVE-THE-CIGARETTE BILL

When the House passed its save-the-cigarette bill some months ago, it gave us the impression of a great legislative body jumping through a smoke ring blown by the tobacco industry. The Senate Commerce Committee has not exactly duplicated that feat but it seems to have plunged the issue into a billowing column of smoke as dense as a heavy fog.

Although the committee has reported out a modified version of the save-the-cigarette bill, 10 of its 19 members are opposed to the key provision in that bill. This smudgy situation results from the fact that the committee voted 10 to 9 for a provision that would forbid the Federal Trade Commission to require warnings of the potentially lethal character of cigarettes in newspaper and magazine advertising. But Senator Cotton's doubts about the wisdom of that action, which he expressed at the time, drove him to switch sides and file a statement of opposition. So the Commerce Committee is left in the position of sponsoring a bill which a majority of its own members oppose, so far as its key provision is concerned.

Passage of a better version of the bill would be desirable, for one section would forbid advertising of cigarettes on television and radio by Jan. 1, 1971. But there is no excuse for tying the hands of the FTC so that it could not require the manufacturers of cigarettes to tell the truth about them in newspaper and magazine ads for at least two and a half years. We think the Senate as a whole should knock out this provision. If it should fail to do so, Senator Moss intends to filibuster against the bill.

Certainly no bill at all would be better than the Janus-faced product which the committee has sent to the floor. The Federal Communications Commission could then ban TV and radio cigarette ads as it has indicated an intention of doing, and the FTC would be free to insist that the linkage of cigarettes with cancer and death be given as much prominence in any other ads as their linkage with manhood and springtime customarily gets. Since the issue before it is literally a matter of life and death on a large scale, the Senate's attempt to escape from the smudge the committee has created will be watched with intense interest.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C.

Hon FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: Our Department was indeed gratified at the decision of the cigarette industry to withdraw its advertising from radio and television. You and your Committee played a large part in helping bring this about, and you deserve the thanks of the medical and health community for your success.

For some five years, our Department has carried on a smoking education program and so, for an even longer period, have the American Cancer Society, the American Heart Association, and the National Tuberculosis and Respiratory Disease Association. If newspapers and magazines are now ready to give greater support to our programs, we obviously have the responsibility to make our materials available to them, in whatever is the most effective way. If this appears to call for an Advertising Council campaign, we will ask the Council for this help.

As a beginning, I am asking staff of the National Clearinghouse for Smoking and Health to meet with the voluntary agencies and later with the Advertising Council to explore how an effective campaign in the print media can best be mounted. We will keep you informed of our progress. In the meantime, I would once again express my thanks to you for your continuing support of our smoking and health programs.

Sincerely,

ROBERT FINCH,
Secretary.

TOY SAFETY AND CHILD PROTECTION ACT

Mr. MOSS. Mr. President, in spite of the usual reminders to shop early because Christmas is quickly approaching, I am sure that most Americans are still in the process of purchasing Christmas presents. And since Christmas is primarily for children, many toys are still being purchased for the younger set.

Congress has passed and the President has signed the Toy Safety and Child Protection Act which I introduced and on which I held hearings as chairman of the Subcommittee for Consumers. I am concerned, however, that some parents may not realize that the bill is not yet in effect. In fact, it will not become effective until January 6, 1970.

This means that parents and others buying Christmas toys for children must still exercise caution during this busy shopping season.

While the great majority of toys are safe, and most toy manufacturers take care to build nonhazardous toys, our hearings on the bill showed that a number of hazards are built into some playthings.

The areas where parents should be especially careful include electrical and heat-producing toys; toys that come apart easily, exposing sharp internal objects; and projectiles, especially sharp-pointed ones.

Our hearings disclosed such electrical hazards as a toy oven which heated to 500 degrees, more than most regular ovens in the home. There was a noninsulating wiring connection on a toy and another where water could seep and cause a shock or shortage.

We also saw cute, cuddly stuffed animals, the ears of which could be pulled off, exposing long sharp pins. Little dolls were shown to have long straight pins holding hair ribbons to the head.

Parents should be aware of rattles and other toys which easily break apart, uncovering large, sharp spikes. Many projectiles, such as arrows, have protective rubber coverings, but the coverings easily come off, leaving exposed very sharp points. Some do not even have the coverings.

I urge parents and all stand-in Santa Clauses to examine each toy closely, to see how well it is manufactured, how easily it might come apart, and if it does come apart, what is then exposed to the young child.

HOUSING IN CALIFORNIA

Mr. MURPHY. Mr. President, Mr. Preston Martin, Chairman of the Federal Home Loan Bank Board, recently authored an article that was published on the business and finance page of the Pasadena Star-News regarding the housing situation in the State of California. In this article, he points out that California will have to build a second California by the year 2000 based on population projections in the State, and discusses some of the obstacles to the achievement of the housing needs of the State and the Nation. I was also interested in his remarks regarding legislation enacted by the California Legislature last year which permits people living in certain renewal areas to initiate, plan, and implement their own programs of rebuilding and rehabilitation by voluntary efforts. He calls this legislation a "significant step" toward helping the State to solve its housing needs. To encourage this creative California effort, I have introduced S. 2774, authorizing the Federal Government to guarantee obligations issued by State agencies to finance low- and moderate-income housing as authorized by this new California program.

Chairman Martin is well qualified not only to speak of national housing goals and problems but also intimately familiar with the situation in California. Prior to his present appointment to the Federal Home Loan Bank Board by President Nixon, he so ably served as the commis-

sioner of savings and loan for the State of California. Also, Chairman Martin, on December 10, spoke at the Graduate School of Business at the University of Southern California on the subject of "The Bureaucrat as Innovator." I ask unanimous consent that Chairman Martin's article, from the Pasadena Star-News, the speech at University of Southern California, a biographical note on Chairman Martin, and a résumé on the Federal Home Loan Bank Board be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Pasadena (Calif.) Star-News, Nov. 30, 1969]

STATE LAGS ON HOUSING GOAL—FINANCING SEEN AS STUMBLING BLOCK

(By Preston Martin, Chairman, Federal Home Loan Bank Board)

It is easier to finance a color television set, a trip to Paris, or the purchase of an automobile than it is to finance the purchase or construction of a home.

This has particular relevance today for California where current and anticipated shortages have approached the critical stage.

The archenemy in the housing shortage is inflation. Inflation sucks the money out of housing and puts it into almost every other line of activity. Until we get inflation under people are not going to be willing to save enough to provide adequate housing.

Fortunately, there are some indications that interest rates will be levelling off or beginning to fall off next year some time. These indications tie in with signs that inflation is beginning to cool off. Nevertheless, the basic problem remains.

Some 500,000 new housing units and the rehabilitation of several hundred thousand existing structures are needed now to ensure that every California family is provided with housing of at least minimum standards. For the future, the statistics are even more dramatic.

Based on a population increase from an estimated 20.6 million people in 1970 to 38.5 million persons in 2000, California housing must nearly double during the same period to meet these demands. The state's Department of Housing and Community Development predicts that "a second California" will have to be built in the next 30 years.

This means that from 6,815,000 housing units available in the state at the beginning of this year, the California total of available housing units must reach 13,398,000—or nearly double—by the end of the century.

Merely to keep up with this population expansion would require a minimum of 225,000 new houses a year.

But homebuilding in California has reached a rate of only 150,000 units a year—75,000 less than is needed to meet the population rise, to say nothing of meeting the existing backlog of 500,000 needed new homes and several hundred thousand needed rehabilitations.

The present housing problem in California, as well as the country as a whole, has two main aspects: The first is the current residential construction crisis caused by the high costs of land, labor, and material coupled with high financing costs and a shortage of mortgage funds. The second is the accumulated need for housing—especially for lower and moderate-income families—that has developed over the past several years.

To combat the problem of mortgage credit, the Federal Home Loan Bank of San Francisco, in the 12 months ended last Sept. 1, put into mortgage credit in California a net of $880 million by going to the money market, selling its obligations jointly with the 11 other banks in our Federal Home Loan Bank System, and relending those funds to member savings and loan associations in the state.

The current rate of such loans in California, on an annual basis, is about $1 billion. This is $1 billion which is being taken from the money and capital markets of this country and pumped directly into the California housing market.

The average loan per mortgage of a savings and loan association is $25,000. Therefore, providing one billion dollars by the Federal Home Loan Bank System in California has furnished funds to savings and loan associations in an amount equal to 40,000 average-size S&L loans for residential purposes. Washington has not forgotten housing and housing goals. It is not a reflex action, it is not a simple carrying out of a statute. It is part of the policy of the Nixon Administration within the over-all financial exigencies of our time. It is a policy to support housing credit.

For example, the FHLBB has tripled the amount of 1966 advances to the savings and loan industry nationally to meet the country's housing shortage. The total will soon reach $4 billion or 160,000 housing loans which would not have been available otherwise.

As a housing credit agency, the FHLBB believes strongly that housing and housing credit be given its proper place in our national priorities, so there is a mortgage credit policy emanating from Washington. It is being carried out—part of this "New Federalism" the President speaks about—through regional banks located close to the demand, close to the taxpayer.

The second aspect of the housing problems—the need for more low- to moderate-income housing—is ironical in that more low- and moderate-income housing has, in fact, been torn down by the "federal bulldozer" under urban renewal programs than has been built. Much of the current housing problem can be identified with the almost total lack of production of homes for people in these income brackets.

Normally, a sizable proportion of low- and moderate-income families are housed by the so-called filter-down process—lower income families moving into housing vacated by families moving into higher priced homes.

But in many communities in California, as elsewhere, vacancy rates are under 1 per cent. So the needed number of filer-down vacancies does not exist.

Recently, a significant step was taken in California to meet the need for low- and moderate-income housing, particularly in urban areas. This was the passage of legislation by which people living in renewal areas would be encouraged to initiate, plan, finance and carry out their own programs of rebuilding or rehabilitation by voluntary, cooperative efforts. The action is indicative of a willingness within the state to face the critical housing shortage within the state to * * * sures to overcome it. It is a sign of progress on the long road ahead.

The FHLBB is aware also that a larger percentage of housing must be directed into the low- and moderate-income household grasp and, hopefully, into ownership by these families.

The FHLBB has an elaborate inner city housing program for the first time in its 35-year history. The program includes a number of innovations, one of which is a new kind of credit advance for savings and loan associations in the Federal Home Loan Bank System. These are ten-year advances in contrast to the usual one-year loans to member savings and loan associations. They will be made to savings and loan associations on top of their normal borrowing.

The national housing goal seeks "a decent home and a suitable living environment for every American family." In numbers, this means the construction or rehabilitation of 26 million housing units in the country over the ten-year period of 1969 through 1978. Of the total, 20 million are expected to be built in response to market forces. The remaining six million are expected to be new and rehabilitated units provided through public assistance under various housing programs.

The Federal Home Loan Bank Board fully accepts its congressional mandate to further economical home financing. In the context of today's wide fluctuations in the cost, availability and supply of money, this means vigorous mortgage credit policies to ease the problems resulting from extremely tight money markets.

THE BUREAUCRAT AS INNOVATOR

(By Preston Martin, Chairman, Federal Home Loan Bank Board, Washington, D.C., before the Faculty and Graduate Students, Graduate School of Business Administration, University of Southern California, Wednesday, December 10, 1969)

For the "over thirty" generation, the last thing we are looking forward to is another stream of innovations, when we aren't used to the ones which already have impinged on our lives. The 1960's have demonstrated that Americans can survive in a period when their institutions and their life style have been altered and continue to change in many respects. In the 1950's, Walt W. Rostow wondered what Americans would do with their income when they reached the age of affluence. Would they have larger families, he speculated, or would some new expensive consumer goods come along like the automobile and the television set in previous decades (in "Stages of Economic Growth")? The problem today appears to us (and to Mr. Rostow, I am sure) to be quite the reverse: How do we pay for all of our social needs and at the same time keep our sanity when we are bombarded by increasing and incessant stimuli of every kind, most of which requires constant, considerable adjustment?

Americans are adjusting to an increased level of governmental activity in many areas of living which previously appeared to be the responsibility of private institutions, or the state government, or simply individual decision. The University community is one of these areas, and the current controversy over appropriate research activities contracted for by the Federal Government is a good example of this. Our roles as businessmen, as students, as educators, yes and as bureaucrats, have been altered. It isn't likely that they will ever go back to their old configurations. Certainly it is possible to limit the number of decisions that Government makes, especially if our war involvement can be reduced. President Nixon's "new Federalism" is designed to decentralize governmental decision-making to the state and local level. As he explained last August 9th: "A third of a century of centralizing power and responsibility in Washington has produced a bureaucratic monstrosity, cumbersome, unresponsive, and ineffective. The only way to bring about decentralization," he said, "is to do it, and this is the place to begin." But what a stream of protest is stirred up by each move in this direction! The agency I represent, the Federal Home Loan Bank Board, is decentralizing some of its branch licensing information gathering. Some of the response to this sounds as though we are striking at the flag, mother, and apple pie. Try as we will, only a certain amount of Government can be turned back to other institutions and to private individuals. This is certainly true in Government regulation of business enterprise.

In the 1930's, many held that a proper study of man was the rhythmic expansion and contraction of economic activity, then called "the business cycle." However, these days of vast defense budgets, Federal research and development contracts, considered fiscal policy, and the heavy structure of governmental regulation of enterprise. Today, the "business" cycle can be merely a

result of violent Federal fiscal fluctuations—the upswing in expenditures which began in 1966 produced a full employment deficit by fiscal year 1968! Thirty years ago, Harvard's Joseph A. Schumpeter stressed the close correlation between periods of economic expansion and a curious bunching of innovations—qualitatively new capital goods like the steam locomotive and significantly new ways of doing things such as the capital concentration by modern corporations whose stockholders had limited liability. This view characterized innovation as a major disstabilizing force outside the business firm, almost outside, "exogenous" to the mainstream of economic activity.

During the last two decades, the process of innovation has been increasingly brought within the organization, often at the behest of Government. Examples abound among the defense and space supplier companies and within the "think tanks" related to the services. This condition is likely to continue in the 1970's.

As Peter Drucker observes:

"Innovation will increasingly have to be channeled in and through existing business, . . .

"We will, therefore, increasingly have to learn to make existing organizations capable of rapid and continuing innovation. How far we are from this is shown by the fact that management still worries about resistance to change. Existing organizations will have to learn to reach out for change as an opportunity, will have to learn to resist continuity." [1]

I believe what Drucker is talking about may be characterized "management to create innovation." Yet business exists in a milieu in which Government is the most important, and sometimes the most variable, force in aggregate demand. Perhaps more to the point, management increasingly shares its decision-making function with Government bureaucrats, including the internal revenue servacrats. "Consumerism" is just the most contemporary manifestation of the secular trend toward increasing regulation by agencies like my own, the Federal Home Loan Bank Board. From time to time, the political pendulum will swing toward less restrictive and less detailed regulation, as it has in the Nixon Administration. The Board on which I serve has already removed a number of those regulatory "no-no's" promulgated to counter practices and problems of another era. For example, savings and loan associations could not buy loans outside a one hundred mile radius, nor use borrowed funds to buy "parts" of loans or "participations" outside that radius. We found that such prohibitions impeded the free free flow of capital from capital surplus metropolitan areas to capital deficit areas. Further, the saver in the first area often received a lower rate on his passbook, reflecting the low earnings available where capital was abundant.

Despite the periodic "rationalization" of regulation by particular groups of Presidential appointees, the modern mixture of decision-making by businessman and bureaucrat is likely to continue to be very important. Then what of the vital stimulus of innovation, no longer orbiting the business organization? It has landed, and is stamping around the organization chart. I believe in the first place that the bureaucrat has to be innovatively inclined, and make this known to "his" regulated industry. He can't consistently obey Cornford's Law, which dominates so much of the Federal bureaucracy and says that one must "never do anything for the first time because it might set a precedent." He must review his mounds of regulatory manuals to let some innovations slip through. However, this will not be enough in many industries, where the heavy hand, even the dead hand of regulations has burdened management too long. In many regulated industries a more radical approach will most probably be necessary, one which goes against a deeply-rooted American myth. What is needed in many cases is the bureaucrat as innovator.

Let me return to consideration of the first point: an inclination to innovation. A deep-seated characteristic of any bureaucracy, in business, education, and in Government is avoidance of errors of commission. Another "law" along the Potomac is "Murphy's Law" which states that if something can go wrong it will. Its name, let me say, is not derived from our good Senator. However, a genuine innovation exposes the decision-maker to a maximum probability of error, and both the businessman who originates it and the bureaucrat who forbears supervisory interdiction will share in the risk. Is this a "natural" failure of the bureaucratic mind? Not at all. The Bureaucracy is an organizational system in which positive results elude measurement and in which incentive is almost totally lacking. Errors are measurable. On a benefits/costs basis, what rational man will exercise delegated authority and approve that application with the smell of sulphur and brimstone? The innovative one?

My contention is that the answer must be a "bureaucrat as innovator." This is part of the challenge of the appointive executive in government, and indeed part of the rationale for even having such appointees. After all, the technical operation of a Government bureau at any level is best understood by the permanent administrators in that bureau. The "thirty year man," or indeed the forty year secretary, is not unusual in Government. However, these fine folks have seen concepts and proposals come and go. Many newer ones have worked badly. The appointive officer, on the other hand, necessarily has a limited time commitment to Government, and he ideally brings to his post experience from other kinds of organizations which may have undergone change to a higher degree than his new Government agency.

The appointive bureaucrat's task should be to set a climate of management in his agency in a relatively short time, hoping it will encourage and stimulate the innovative process. The first, and the largest step in this simply may be reducing the automatic disappproval of applications from business which appear to lie outside the "three sigma limits" of regular workflows. A page can be borrowed from the business book on this. Top Government management cannot afford to let itself become buried by massive, routine paperwork. The Federal Government, just to give you an idea, generates five million cubic feet of paperwork yearly. Translate this into each working day and we bureaucrats produce more than 40 million pages of paperwork every day we go to our offices. On the other hand, to encourage innovation by regulated business, management needs "exception" reporting up from the firing line. With a "flash report" system, unusual applications can be made visible to the appointive members of a management team. This may permit the "zero defects" mentality of middle management to be bypassed. Responsibility for the actual decision, and the inherent real risk of error, is therefore shifted upward to the level where it probably belongs.

An example may clarify. The most innovative proposal now before my agency is embodied in a series of savings and loan applications from various regions of the country for authority to form special subsidiary corporations. The proposed investments are at, or below, one percent of assets. These corporations were authorized by Congress in the Housing and Urban Development Act of 1968. Where does the innovation come in? The subsidiary corporation has the potential of enabling savings and loan management to experiment with new kinds of services to the public. It is, in short, an innovative *form* of organization. It is the innovative potential of these subsidiary corporations which makes them worthy of careful attention and the "reporting by exception" treatment. The savings and loan subsidiary corporation will certainly be useful in "service" activities such as data processing, appraisal, accounting, auditing, bulk purchasing, and research. Presently, the Federal Home Loan Bank Board is in the process of resolving the "innovative" functions which might also be performed; real estate brokerage; property management; land acquisition and development; loan brokerage and loan warehousing, and inner-city projects for moderate- and low-income families. These are not all of the activities proposed by management.

Our Board is taking a sympathetic attitude toward the need for the industry it supervises to innovate. The Board perceives considerable "action space" within the limits of our Congressional authority to approve activities "whose purpose is to assist savings and loan associations in more fully meeting the mortgage needs of the area," in the language of the House of Representatives report on the subject. Quoting further, Congress did not intend that Federal savings and loans would be permitted to invest in ". . . ordinary profit-making corporations or corporations not closely related in purpose to the savings and loan business." (Report No. 1703, 88th Cong., 2d Sess., p. 28).

Let me borrow an analogy from football, a subject of justifiable pride on this campus. I have argued for an increasing role of the Government bureaucrat as an innovating "pass receiver." Or maybe I mean blocking back for the businessman ball-carrier. But what of his role as quarterback? If the bureaucrat tries to throw the pass himself, will there be anyone out there to pull down the ball? I think they will surely be one of the more aggressive management types who are on the playing field. Let me illustrate again from the savings and loan industry.

Lending on inner-city properties, that is homes and apartments in older neighborhoods close to central business districts, is not new to savings and loans. In fact, title insurance records in this city and in most others indicate that most of the outstanding first mortgage paper on this class of real estate is savings and loan paper. Yet the future of this lending, if unassisted, is not bright. Every leading indicator points to a capital shortage in the 1970's, especially in mortgage credit. Great new initiatives, even innovations, will be required so that our Nation can reach its housing goals. Projections tell us that this Nation will need at least two million new houses and apartments a year in the early 1970's, and the Department of Housing and Urban Development has just said its previous estimates of 26 million new housing units as the national requirement in the next decade may be conservative. The challenge is clear, and imperative. Fail to reach these housing goals, and you pay an unacceptable price in social instability.

It is therefore quite obvious that innovative approaches will be sorely needed in inner-city and relocation lending and construction. Every state and Federal housing official must assume a particularly vigorous role in this process. The Federal Home Loan Bank Board is committed to creating, an innovation, a new way of financing this kind of housing, and we have begun to implement it in the last two months. Through our twelve regional Home Loan Banks, the Board is expediting a completely new kind of loan to member savings and loans, at slightly favorable rates, for ten year terms. Unlike the $8.7 billion of regular advances outstanding to members, these advances have a fixed, rather than the usual variable interest rate.

[1] "Management's New Role," Harvard Business Review: November-December 1969, p. 52.

This is some advantage in this day of discontinuity in market rates. In just sixty days, commitments for more than $150 million in earmarked advances have been made by the Federal Home Loan Banks. When a pool of these mortgages is accumulated in final form in 1970, it is the Board's plan to attempt an initial marketing of a Government National Mortgage Association (GNMA)-FHLBB Inner City security, using the mortgage pool as backing. Of course, market conditions could delay such an offering. However, the measurable progress toward disinflation indicates that a GNMA issue may well be feasible next year.

I believe that the innovative approach to funding the housing needs of moderate- and low-income families will produce a harnessing of the profit motive to accomplish social goals. The two steps in the process I have just described constitute only a beginning, but I am not able to detail other concepts and procedures still on our "drawing boards." Let us not repeat past errors of promising too much and delivering too little in areas with high social explosiveness.

I have been presenting for your consideration today the thesis of the bureaucrat as innovator in two aspects; first, in the administrative activity of fostering a regulatory climate and an internal mechanism conducive to innovation by businessmen in regulated industries. Secondly, I advocate that appointive bureaucrats attempt to act as innovators themselves: to search for new ways of doing the old, unfinished jobs that society needs done so badly. To you who are still on the receiving end of the educational process, I ask you to consider governmental periods in your career development. There is a contribution you can make in many positions throughout Government, but particularly at the state and Federal levels. This can be an exciting and rewarding experience, one which is perfectly compatible with long-term ambitions in the private sector. The old Government-versus-business relationship is softening. In our "mixed society" of business and governmental decision interdependence, this may be an important sign of adaptability and growth.

BIOGRAPHICAL NOTES ON PRESTON MARTIN, CHAIRMAN, FEDERAL HOME LOAN BANK BOARD

Current Appointment: Nonimated by President Richard M. Nixon on March 12, 1969, as a Member of the Federal Home Loan Bank Board to serve the unexpired portion of a 4-year term expiring June 30, 1970, and designated as Chairman; confirmed unanimously by the U.S. Senate on March 13; sworn in at Long Beach, California, on March 15; assumed the office of Chairman on March 18, 1969.

Previous Administrative Experience: Commissioner of Savings and Loan, State of California, January 1967 to March 18, 1969; developer and director of Programs for a Business and Governmental Executives, USC, 1959; developer and administrator of Pakistan Project for graduate business education, 1960–63.

Profession: Economist and university administrator; formerly Professor of Finance, Graduate School of Business, University of Southern California; visiting professor at Turin, Italy, 1957; visiting professor at Karachi, Pakistan, 1960.

Education: Hollywood High School; University of Oklahoma (while in service); B.S. in France, University of Southern California; M.B.A., University of Southern California Graduate School of Business, 1948; Ph. D. in Economics at Indiana University, 1952.

Military Service: U.S. Army, 1943–46.

Personal Details: Born at Los Angeles, California on December 5, 1923; married to Adrienne Hatch on December 15, 1950; three children—Jeffery, 17; Barbara Gay, 15; and Pier, 7; religious affiliation—Presbyterian.

Residence: 8011 Greentree Road, Bethesda, Md. 20014.

THE FEDERAL HOME LOAN BANK BOARD—WHAT IT IS AND DOES

The Federal Home Loan Bank Board, established in 1932, is an independent Federal agency headed by a three-Member Board, appointed by the President of the United States for 4-year terms and confirmed by the Senate. Present Board Members are Preston Martin (Republican) of California, designated as Chairman and executive head of the agency; Carl O. Kamp, Jr., (Republican) of Missouri; and Thomas H. Clarke (Democrat) of Georgia.

The agency supervises the $166 billion savings and homefinancing industry—the country's major private source of funds to finance the construction and purchase of homes.

The funds of some 44,700,000 savers in 4,450 insured member institutions are insured up to $15,000 by the Federal Savings and Loan Insurance Corporation, a permanent Government Corporation under the direction and supervision of the Board.

An association's membership in the Federal Home Loan Bank System assures the homeowner-borrower that the institution to which he applies is a dependable source of economical homefinancing. This System, directed by the Board in Washington and working through Federal Home Loan Banks in 12 Districts, making available long- and short-term credit to more than 4,800 member savings and homefinancing institutions.

The present Board has moved actively in several directions to help the savings and loan industry make a major contribution toward the 10-year goals spelled out in the Housing and Urban Development Act of 1968. To meet the most critical needs, the Board is developing more flexible lending regulations to assist in the financing of lower-priced homes, apartments, and mobile homes. It has made available, from the Federal Home Loan Banks, special 10-year advances for Inner-City Housing to stimulate greater participation by savings and loan associations in long-term renewal and rehabilitation projects.

Following the recommendations of a recent comprehensive study of the savings and loan industry, the Board has provided the associations with additional means of attracting savings, reduced the liquidity requirements for member associations. and expanded credit available from the Federal Home Loan Banks which provide additional loanable funds to support the housing market.

THE GOVERNMENT WORKERS PAY RAISE BILL

Mr. McGEE. Mr. President, on Friday night the Senate passed a pay raise bill for Government workers. The bill had been drawn up after many hours of consultation, trying to achieve a measure which would offer civil servants a measure of equity and yet not prove unacceptably inflationary. The Washington Post, on Saturday morning, observed editorially that the bill as passed by the Senate met the test. Many Members of Congress, it noted, would like to vote for more generous raises. Indeed, I would. But that simply could not be done this year, under present economic conditions. We have gone as far as possible in responding to the needs of Government employees without exacerbating the problem of inflation. I ask unanimous consent that the Post's editorial, entitled "Higher Pay and Higher Prices," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 13, 1969]

HIGHER PAY AND HIGHER PRICES

The government pay raise approved by the Senate Post Office and Civil Service Committee is a response to the inflation that has become ingrained in our economic system. With prices and wages in general pushing consistently upward, Congress, along with all other employers, must face the consequences. The greatest difficulty that arises out of an inflationary situation is that no group can remain static without serious losses.

All that can be reasonably asked is that governmental adjustments do not themselves exacerbate the problem. The federal pay bill that has emerged on the Senate side seems to meet this test. Employees earning up to $10,000 a year would get a 4 per cent raise on Jan. 1, with lesser increases in the upper brackets, and an additional minimum of 3 per cent next July.

The bill previously passed by the House would have given postal workers a special 5.4 per cent raise retroactive to October and would also have included them in an average 6 per cent raise for all government employees early next year. It fell clearly into the inflationary category and appeared headed for a veto. The more moderate Senate bill seems to have a good chance for enactment, even though it would cost a minimum of $3.2 billion.

Many members of Congress would prefer to vote for more generous raises, just as they prefer a 15 percent across-the-board increase in social security benefits to the 10 per cent favored by the Nixon administration. But the government itself should not be leading the inflation parade. Congress ought to be thinking, as the President hinted in his news conference the other day, not merely about the temporary advantages of higher benefits and lower taxes but about the disadvantages of raising prices for everyone.

HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS—THE WHITTEN AMENDMENT

Mr. CASE. Mr. President, the Senate Committee on Appropriations currently is considering the so-called Whitten amendment to the bill appropriating funds for the Department of Health, Education, and Welfare and other agencies.

Ostensibly, the amendment, in one of its parts, is designed to prevent the Department of Health, Education, and Welfare from forcing local school districts to bus pupils to schools far from their homes in order to obtain racial balance in the schools.

In this, Mr. President, I suggest that the Whitten amendment is shooting at a straw man.

At my request, the Department of Health, Education, and Welfare recently conducted an informal survey of more than 300 desegregation plans which were put into effect by local school districts in September of this year.

Officials in the Department's Office for Civil Rights informed me that most of these plans actually resulted in decreased busing of students and that only eight of them resulted in increased busing.

And even in those eight districts the increase in busing was not great.

In one district which operated 17 buses before putting the desegregation plan into effect, for example, only one additional bus was needed to carry out the plan.

In another district, which had operated 10 school buses before adopting its desegregation plan, the number was increased to 12. A district which had operated 22 buses previously, added only three more to carry out its desegregation plan.

In none of the eight districts which increased busing to accomplish desegregation did the increase reach even 10 percent in terms of the number of pupils involved.

Why, then, has the Department of Health, Education, and Welfare said the Whitten amendment would severely hamper its efforts to afford every child in this country an equal educational opportunity?

One answer is that the Whitten amendment's restrictions on assignment of students fly in the face of a Supreme Court decision which said that so-called freedom-of-choice plans for desegregating schools had to be effective in order to be acceptable.

The futility of requiring desegregation and then permitting acceptance of a plan that does not work is so apparent that I will not develop that point further at this time.

However, there is another answer that may not be so obvious.

The Whitten amendment would prevent any district from requiring the busing of students. In other words, the same buses which had been used to transport all black students to one school and all white students to another school could not be used to overcome that same dual school system.

I do not want to mislead anyone. The figures I have cited in regard to the effects of busing in more than 300 desegregation plans put into effect in September deal only with those plans filed under the voluntary compliance program which HEW carries out under title VI of the Civil Rights Act of 1964. These are the plans worked out by the school districts themselves and accepted by HEW if they are determined to be effective.

The figures I have cited do not include desegregation plans imposed upon local school districts by the courts under title IV of the Civil Rights Act.

I cited only the figures for the title VI program carried out by HEW because this is the program which the Whitten amendment would affect. The amendment is not directed to the courts.

Moreover, I oppose the Whitten amendment not only because it would severely hamper the efforts of the Department of Health, Education, and Welfare in school desegregation, I oppose it also because it would restrict the flexibility of State and local officials who have recognized the unfairness of segregated schools on their own and are themselves trying to do something about it.

In my own State of New Jersey, for example, we have recognized the serious problems of racial imbalance in our schools, even though, as I pointed out a week ago, they are far less severe than the problems in some of the States of the South.

Also, the New Jersey State Board of Education is seeking to do something about the problems in our State.

On November 5, the State board adopted a resolution directing that steps be taken immediately to end de facto school segregation in New Jersey.

As a result of that resolution, representatives of 38 school districts with the most severe racial imbalance problems in New Jersey have been invited to attend a 2-day seminar next weekend in order to obtain advice from State officials on how plans can be formed to desegregate these schools.

State officials have told these 38 districts, plus 61 others with racial imbalance problems, that by February 4 they must submit policy statements adopted by local boards on correcting the imbalance and plans of action to eliminate segregation.

In my view, we should encourage initiatives of the sort being taken in my State, not discourage them by severely limiting our States and local school boards in the choices they may wish to make in determining the method best adapted to their own needs in meeting the goal of desegregating their schools.

MAYOR WALTER WASHINGTON PROCLAIMS DECEMBER 10 TO 17 "HUMAN RIGHTS WEEK"

Mr. PROXMIRE. Mr. President, human rights begin not through international commitment, but through personal conviction. Only when all men affirm the rights of their fellow man to life, liberty, and security will the first step toward these rights be completed.

Mayor Walter Washington has recognized this most important fact in his proclamation declaring December 10 through 17 "Human Rights Week." As he so eloquently stated:

> We must all strive as individuals, in our groups, and on the local, state and national level to see that these human rights of equal justice, freedom and dignity are recognized and respected everywhere, thereby allowing every person to achieve his personal goals, and to better our Nation as a whole.

I ask unanimous consent that the complete text of Mayor Washington's statement declaring December 10 to 17 "Human Rights Week" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS WEEK, DECEMBER 10 TO 17, 1969, BY THE COMMISSIONER OF THE DISTRICT OF COLUMBIA—A PROCLAMATION

Whereas, the year 1969 marks the 21st Anniversary of the Universal Declaration of Human Rights by the United Nations—a historic document of freedom expressing man's deepest beliefs about the rights every human being is born with, and that no government is entitled to deny; and

Whereas, our great nation was founded and has grown strong on the basis that each man has certain basic human rights which should not and cannot be denied him by others; and

Whereas, we must all strive as individuals, in our groups, and on the local, state and national level to see that these human rights of equal justice, freedom and dignity are recognized and respected everywhere, thereby allowing every person to achieve his personal goals, and to better our nation as a whole:

Now, therefore, I, the Commissioner of the District of Columbia, do hereby proclaim the week of December 10 through 17, 1969 to be "Human Rights Week." In so doing, I call upon all citizens of the District of Columbia to reaffirm our commitment to human rights and ask that we strengthen our efforts at their full realization here in our city, throughout the Nation, and throughout the world.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

THE BOXCAR SHORTAGE

Mr. CURTIS. Mr. President, the Interstate Commerce Commission, with its ancient tradition for doing nothing and its procedure for delaying action until complainants are either worn out or dead, has led us into serious problems.

It is now estimated that more than 50 million bushels of grain are on the ground in Nebraska because it cannot be shipped out and because the elevators are full.

I again ask the question: How would the members of the Interstate Commerce Commission and their employees like a 10-percent cut in income?

That is what is happening to the Nebraskans whose grain is spoiling on the ground.

Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the Mid-America Governors' Council on the subject of freight-car shortages.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF MID-AMERICA GOVERNORS' COUNCIL CONCERNING INTERSTATE COMMERCE COMMISSION ACTION WITH RESPECT TO RAILROAD FREIGHT CAR SHORTAGES

Whereas, the Mid-America Governors' Transportation Council consists of representatives of the governments of the states of North Dakota, South Dakota, Minnesota, Idaho, Montana, Nebraska, Kansas, Missouri, Colorado, Oklahoma and Texas, having an interest in maintaining and developing adequate transportation systems to serve their respective states, and,

Whereas, each of the states represented by the Mid-America Governors' Transportation Council suffers perennial and recurring freight car shortages affecting the movement of many commodities, and,

Whereas, the problem is particularly acute as to agricultural commodities, especially oil seeds, feed and food crops, particularly at harvest time when rail car shortgages prevent these harvested crops from being transported with reasonable expedition, and

Whereas, car service rules to compel the return of freight cars to their owners have been promulgated by the Association of American Railroads and predecessor organizations and have been in effect for more than fifty years, and

Whereas, said rules have not been vigorously enforced, and such failure or enforcement has contributed to the maldistribution

of the national freight car fleet, thus helping to cause recurrent and severe freight car shortages in the midwest and western United States, disrupting the economy of this region and inflicting extreme hardship on numerous producers and shippers, and

Whereas, this situation was recognized by the Interstate Commerce Commission as a problem of long-standing in the proceeding before that Commission identified as *Ex Parte 241, Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules and Practices,* 335 I.C.C. 264, report and order decided August 21, 1969, served September 3, 1969, to take effect in thirty days, later postponed to take effect November 10, 1969 and thereafter still further postponed until the Commission's further order, and

Whereas, the order of the Interstate Commerce Commission in Ex Parte 241 prescribes as mandatory certain A.A.R. car service rules but does not deal in any way with present unconscionably low per diem rates, and

Whereas, the absence of effective mandatory car service rules and of sufficient per diem charges has encouraged the continued and willful retention by predominantly eastern terminating rail carriers of cars owned by those railroads which have contributed more than their proportionate share of new and rebuilt cars to the national car fleet, and

Whereas, the Interstate Commerce Commission has failed to implement the Congressional amendment of 1966 to Section 1(14)(a) of the Interstate Commerce Act by progression of their proceeding identified as *Ex Parte 252 and Ex Parte 252, Sub 1,* by prescription of incentive per diem rates to encourage return of rail cars of western ownership to their owners, to encourage construction of freight cars and generally to encourage the maintenance of an adequate national car fleet, and

Whereas, the Interstate Commerce Commission has promulgated a new basic per diem formula involving mileage as well as time charges, which will actively discourage the return of empty cars by eastern region railroads (332 I.C.C. 176),

Now, therefore, be it resolved, by the Mid-America Governors' Transportation Council, that the council employ its best efforts through its appropriate state agencies, to petition the Interstate Commerce Commission urging said Commission in the strongest terms possible, to promptly establish, by every reasonable means available, a revised per diem formula which will include substantial incentive elements, and to make effective at an early date mandatory car service rules which will help to cure the aforementioned and serious problem of recurring and acute freight car shortages,

And further, that each state represented in the Mid-America Governors' Transportation Council urge upon its governors and attorneys general, that they consider and take such action as to them may seem appropriate before the Interstate Commerce Commission or the courts, or both, to obtain prompt relief from the repetitive and damaging effects of such shortages and a prompt improvement in the presently inadequate supply of freight cars for the shipping public in the states represented by this council.

RETIREMENT OF ROY TAYS AND JOE PROCHASKA FROM FEDERAL SERVICE

Mr. McGEE. Mr. President, two veteran farm program administrators in my State of Wyoming, Roy Tays, of Gillette, and Joe Prochaska, of Casper, have recently retired, taking with them a total of more than 60 years of experience with the ASCS operation. Today, I want to commend both for their long and loyal service. Each man devoted most of his adult life to farm program work, Mr. Prochaska starting in the county ASCS office at Sheridan, Wyo., then moving to Casper, where for the past 15 years he has served as chief of the administrative division, while Mr. Tays began his service with ASCS 28 years ago, measuring fields and staking reservoirs in Campbell County. He retired as office manager of the Gillete office.

Both men represent the high quality of dedicated service we have come to expect from the ASCS workers in the field. I wish them well in retirement.

CRITICAL BOXCAR SHORTAGE IN MIDWEST

Mr. EAGLETON. Mr. President, on November 26 of this year, the distinguished Senator from Kansas (Mr. PEARSON) called the attention of the Senate to the acute boxcar shortage facing his State and the Midwest. This situation, which has become a recurrent crisis during and following the grain harvest, continues in my own State of Missouri as well as in the other great grain-producing States of the Midwest.

The Senator from Kansas called for effective action to relieve this annual crisis, which creates an economic hardship for farmers, grain dealers, other agricultural businessmen, and, ultimately, consumers.

I join the Senator in calling for action by Congress, the Interstate Commerce Commission, and railroad management and labor to meet this problem.

The boxcar shortage crisis is cogently described in the December 9, 1969, issue of the Southwestern Miller. I ask unanimous consent that an editorial from that issue be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ABOMINABLE CAR SHORTAGE

This year's fall grain harvest has created a demand for boxcars and transportation services that railroads have been unable to meet. The consequences are widespread. Flour mills, faced with an exceptional backlog of both domestic and export orders, have found their operations curtailed by inability of carriers to furnish equipment. The most visible evidence of the exceptional shortage is provided by the fact that an estimated 30,000,000 to 50,000,000 bushels of grain are piled on the ground in midwestern producing areas—in ball diamonds, on streets and school grounds. All involved are facing severe economic losses. Spoilage of grain that cannot find a home in regular storage facilities may run as high as five to ten per cent. Grain merchandisers are prevented from participating in their normal business of service to producer and country elevator customers. Millers and bakers are feeling a pinch that could be translated into actual shortages of flour. And the railroads are losing revenues, as represented by the fact that the movement of the minimum of 30,000,000 bushels on the ground would require 15,000 narrow-door, 40-foot cars, representing a train more than 145 miles in length.

The car shortage has attracted much attention in Congress. Senator James B. Pearson of Kansas, who has castigated the Interstate Commerce Commission for not exercising its power to force the return of cars to midwestern lines, says the shortage is the most acute in memory. At a meeting in Kansas City under the aegis of the Board of Trade, officials of midwestern railroads concurred that, with 100 per cent possession of the cars owned by them, they could fairly well handle the grain now awaiting movement in Kansas and Nebraska. The problem is that the western roads now have only 85 per cent of the narrow-door cars owned by them on their lines, while southern needs show a 164 per cent possession rate and eastern carriers 13 per cent. Instead of moving to increase daily car rental charge from the present low rate of $2.79 to $3.58, the I.C.C. has elected to rely on car service orders, assailed in Congress as an "antiquated and slow" procedure. Eight orders have been issued by the commission requiring the return of only 1,470 narrow-door cars to western lines.

Essential to an understanding of the present situation is knowledge of the fact that the total number of grain-carrying cars has been on the decline in recent years and that the current total includes many unsuitable cars.

If no steps are taken to correct the present deficiencies, the problems that have arisen this year can only multiply into the future. In the case of wheat and other grains, the increased quantities that are coming under Commodity Credit Corp. control through the loan program already promise a difficult task next summer. Suggestions for correction are many. Members of Congress have urged that the railroads use a major share of the estimated $600,000,000 in increased revenues from the six per cent rate increase that recently went into effect to finance additions to the fleet. It has been urged that the federal government itself contract for the building of a "boxcar pool" that could be called upon in times of shortage. One essential is the encouragement that could be given carriers to add to their fleets through favorable tax relief.

THE CONTINUING LUMBER CRISIS

Mr. HATFIELD. Mr. President, I invite attention to an article published in the New York Times of December 7 concerning the dilemma faced by the lumber and plywood producers of this Nation. In 1968 our Government set forth the national goal of providing 2.6 billion new housing units per year. The need for such a goal was evident, given the present housing situation in the United States and the projections for immense population growth in the very near future. Due to the current economic situation and the resulting tight credit being experienced at this time, we have fallen far behind this long-term goal. But, should these conditions change, our hopes for achieving adequate and sufficient housing for all Americans will be met by yet another problem: an insufficient timber supply to meet the growing demand.

Mr. Abele's article states the problem most cogently and clearly points to the need of assisting the Forest Service in its management of our lumber-producing areas. If our national forests are to serve such multiple purposes as recreation, reserves for the preservation of our wildlife, watershed production, and the supplier of timber products to meet the grave housing needs of this Nation,

then we must adopt now the means and determination to manage our forests well. It is to this end that I again reiterate the need for passage of S. 1832, the National Timber Supply Act. This bill would enhance the Forest Service's management policies. It would help the lumber industry, which in my State alone employs 85,000 people, to produce enough timber to meet our Nation's growing lumber needs. It would help our homebuilding industry and our many new home buyers by keeping down the price of new houses. And by making better use of the land now classified as commercial timberland, it will benefit the conservation groups who want to protect our timberlands from encroachment by the lumber industry.

It is with these thoughts in mind that I recommend this article to Senators. We must remember that the problems faced by our Nation's timber suppliers are not just the problems of the States with timberlands. In the near future a housing crisis will affect every part of the United States. Without timber, houses cannot be built. Without sufficient and adequate housing, our Nation will suffer immeasurably. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 7, 1969]

CREDIT EASE WOULD TIGHTEN VISE ON TIMBER SUPPLIES

(By John J. Abele)

Lumber and plywood producers have two big problems these days. One is tight credit; the other is tight timber. If the first problem eases, the second is likely to get worse.

Tight credit is the more immediate and pressing problem. Demand for lumber and plywood has eased substantially in the face of tight credit and high interest rates that have curtailed the building of new homes, a major market for the two wood products.

Prices for lumber and plywood skyrocketed last winter amid a variety of production, supply and transportation difficulties. But prices have declined as rapidly as they rose, because of the downturn in new housing construction, and current prices are about the same as they were a year ago.

HOUSING STARTS TO DROP

New housing starts this year are expected to total between 1.4 million and 1.5 million units. That would be slightly below last year's level and well below the nation's long-term goal of building 2.6 million new housing units a year. The current level of housing starts is probably less than one-half that figure.

If credit conditions ease to the point where enough mortgage money is available to build the number of housing units set by the long-term goals, the problem will become one of achieving a sufficient supply of timber to meet the increased demand for lumber and plywood.

Experts in the forest-products industry see a distinct possibility of an acute shortage of timber developing in the next few years.

The National Association of Home Builders, for example, estimates that the demand for timber for all new housing will increase 65 percent in the next decade. It projects demand in 1980 at 26.5 billion board feet against 16.1 billion board feet this year.

Unless this sharply increased demand is met by increased yields of timber from the nation's public and private forests, industry observers say, prices of lumber and plywood are likely to soar again.

Ironically, the situation finds the forest-products industry, traditionally noted for its political conservatism and rugged individualism, engaged in a continuing confrontation with the Federal Government.

In a speech last summer, Dr. John Muench Jr., an economist for the National Forest Products Association, observed:

"The Federal Government has established housing goals; the Government regulates the economy, including the availability of mortgage and construction money, and the Government controls the largest source of timber needed to supply the market."

Last winter's price upsurge touched off a series of hearings in both houses of the Congress: President Nixon, concerned at the impact of the price increases on his anti-inflation program, appointed a special task on lumber supply and demand headed by Robert P. Mayo, director of the Bureau of the Budget.

The task force has not yet completed its work, but legislation designed to increase the future supply of timber has begun to move through Congress.

Among other things, the legislation seeks to increase the harvest of timber from national forests, which are operated by the United States Forest Service, an agency of the Department of Agriculture.

Although the harvest of timber from national forests has increased sharply in the last decade, industry sources have long contended that the harvests could be increased substantially more. The increased supply, they say, would tend to dampen the long-range trend toward higher prices for standing timber.

NATIONAL FORESTS CONTRIBUTE

The national forests account for about 19 per cent of the commerical forest land in the country. They account for 54 per cent of the inventory of softwood timber but only 30 per cent of the cutting.

On the other hand, forests owned by forest-industry companies account for 13 per cent of the forest area, 17 per cent of the inventory of softwood sawtimber and 33 per cent of the cutting. Forests held by other public and private owners account for the remainder.

The national forests currently are producing timber harvests of about 11 billion board feet a year. According to some estimates, this could be increased by 2 billion board feet through increases in forest maintenance and improvement projects, the construction of access roads and other development measures.

One of the bills currently being considered in the Congress would provide for the establishment of a "high timber yield fund." The fund would receive the proceeds of sales of timber from national forests—the money now goes directly to the Treasury—and use them to carry out additional development projects.

The Nixon Administration, however, has opposed the use of special funds whose receipts are earmarked for specific projects. Other critics contend that the Forest Service has already a large backlog of development projects for which it has received appropriations.

The Forest Service itself has expressed some reservations about the proposal. It has pointed out that, under law, it is responsible not only for timber harvests from national forests but also for the development of other uses, such as outdoor recreation, watershed development and the protection of wildlife and fish.

SIERRA CLUB OPPOSED

The proposal also has stirred opposition from conservation groups, such as the Sierra Club, which fear that increasd cutting of timber in national forests would imperil some stands of virgin timber and sections that could eventually be incorporated into national wilderness areas, where timber harvesting is not allowed.

Yet another source of controversy in the timber supply problem has been the rapid rise in the export of American logs to Japan, whose housing construction objectives are almost as ambitious as those of this country.

Exports of logs to Japan from the West Coast have increased more than tenfold in the last decade. They amounted to about 2.2 billion board feet last year and will probably show another increase this year.

The exports have been a boon to the nation's sagging balance of trade, but forest industry sources contend they have been an important factor in raising the price of timber on the West Coast.

TAX REFORM?

Mr. DOLE. Mr. President, last week the Senate passed what has been loosely described as a tax reform bill. Many Americans have been led to believe that the Senate was acting responsibly in approving amendments, particularly those with reference to social security and increased personal exemptions.

While it may be politically popular to increase the personal exemption and increase social security benefits, there is also the danger of more inflation and ultimately causing serious economic distress for senior citizens in America who live on fixed incomes. Unquestionably, a raise in social security benefits is necessary because of inflation caused by policies of the last Democrat administration, but, in my opinion, the proposal made by President Nixon is far superior to the one adopted by the Senate. It permits an increase in earnings, raises social security benefits 10 percent, and provides for an automatic increase when the cost of living rises.

Notwithstanding, the Senate has acted. In an effort to underscore the irresponsible action, the distinguished senior Senator of Delaware (Mr. WILLIAMS), the ranking Republican on the Committee on Finance, declined to serve as a conferee. In my opinion, every Member of this body would agree that Senator WILLIAMS is truly an advocate of tax reform. The following editorials, one entitled "The World's Greatest Deliberative Body," from the Wall Street Journal of December 15, 1969, and the editorial entitled "John Williams' Dilemma," in today's Washington Daily News, point up the folly of the Senate's action last week.

I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 15, 1969]

THE WORLD'S GREATEST DELIBERATIVE BODY

We have never been particularly enamored of the tax reform bill in any of its various reincarnations. But if our governors are going to do something we don't like, we wish at least they would act as if they knew what they were doing. Take tax reform or leave it, the spectacle of the last few weeks is a depressing reflection on the manliness of the Senate.

In those weeks, the "tax reform" bill completed its tranformation into the Political Giveaway Act of 1969. By bedecking the bill with one provision after another giving away Federal revenues, the Senate in effect voted for a tax cut of $5 billion in fiscal 1971 in the teeth of still rampant inflation. The House

bill, by contrast, would produce a revenue gain of $2.7 billion in the same period.

Assuming the bill's supporters would rather be hanged as knaves than fools, there cannot be one of them that does not know this is an utter abdication of responsibility. Some apparently do not care—hang responsibility, if I can tell the voters I cut taxes. Others, it seems, voted for damage on the Senate floor in the expectation that the House-Senate conference committee will repair it for them.

Either way, it's crass politics. Senator Williams was admirable in upbraiding his colleagues, "You can go home and tell your constituents 'I voted for it,' and then say here on the floor of the Senate 'I've got confidence in the conferees.'" It's depressing to see only 31 Senators support the Delaware Republican motion to strip the giveaways from the bill. More depressing still because one must doubt that anything so transparent as the majority action is even good policies.

We can't get too excited about the fate of tax reform bill itself, but land's sake, the Senate is supposed to pass on the great affairs of this nation. We like to think it's made up of mature men with a modicum of character, but here it is, acting less like the world's greatest deliberative body than like a bunch of wanton ward heelers at Christmastime.

[From the Washington (D.C.) Daily News, Dec. 15, 1969]

JOHN WILLIAMS' DILEMMA

Sen. John J. Williams of Delaware is the ranking Republican on the Senate Finance Committee. In point of service on this committee he is even senior to the chairman, Sen. Russell Long of Louisiana (who holds his position because he is a Democrat and the Democrats control the Senate).

Because of this seniority, Sen. Williams was an automatic choice to be a member of the conference committee which will try to compromise the differences between the House and Senate on the so-called "tax reform" bill.

But Sen. Williams refused. In principle, at least, Senate members of the conference committee are supposed to do all they can to win over the House representatives to the Senate version of the bill. Since Sen. Williams opposed the main features written into the bill by the Senate, he could not in good conscience go on the conference committee.

"I couldn't defend a bill that I find indefensible," he said.

The bill is indefensible.

Just the same, we would feel a great deal more comfortable if John Williams were on that conference committee helping House representatives try to restore some logic and balance to the Christmas tree the Senate created.

As Sen. Hugh Scott, the Republican floor leader, said:

"His expertise is unquestioned. His commitment to a responsible fiscal policy is nationally recognized. His knowledge of intimate details of the bill is unparalleled."

John Williams has been replaced on the conference committee by Sen. Jack Miller of Iowa. Sen. Miller voted for the bill in the end. But earlier he had voted to strip out the far-out amendments which if enacted into law would deprive the Government of $10 billion or $12 billion in revenue, erase any chance of balancing the budget and produce even more inflation.

We just hope Sen. Miller will take to the conference some of Sen. Williams' know-how, determination, persistence and all-around courage. As passed by the Senate, the "reform" aspects of the bill have been minimized, and the give-aways enormously increased. Unless the bill is modified drastically in conference it could turn out to be a fiscal calamity.

WHERE HAVE WE GONE WRONG?

Mr. MONTOYA. Mr. President, in the past week, the attention of the world has been brought to focus on shocking atrocity allegations against Americans for the alleged massacre at Mylai in South Vietnam.

We have enough information for us to know that—

First. A citizen's letter triggered a preliminary investigation by the Army's Inspector General, and the matter was ultimately turned over to the Provost Marshall General after careful inquiry.

Second. A criminal investigation was ordered, and charges were brought and published.

Third. The machinery of due process of justice is now in motion while providing all possible protection to those being charged. Others have suggested that there be further investigations by a congressional investigating committee and/or a special presidentially appointed investigating committee.

Mr. President, whatever went wrong on March 16, 1968, should and must be heard. Meanwhile, there are some who believe the fault lies with the American system. Some say that atrocities are a fact of war, and only the defeated can ever be said to have committed war crimes. Still others would have the world believe that Mylai was only one small indicator of how the United States fights its battles.

That the conflict in Southeast Asia has been bloody is undeniable, but it is hard to detect on the American side anything that could be called a policy of atrocity. Indeed, I am proud of and most humbly acknowledge the great debt we owe the thousands wearing the American uniform who have served with honor and responsibility and given their lives in this tragic Vietnam war. I am confident they are among those who would demand that it is time the field of international politics ceased to be reserved for violence, brutality, falsehoods, selfishness, and other heinous practices. I am confident that they would ask that the world be assured that we have not failed to live up to the international law which we helped shape; that the principles of justice continue to prevail in the United States of America; and that we continue to act for the greater good of the world community.

There is something close to certainty that a war will produce an atrocity of one kind or the other, if for no other reason than the fact that all men share a general fallibility with every man, friend or foe alike. It is for these reasons that international standards were established for the conduct of military operations and the treatment of those captured which are best expressed in article 3 of each of the four Geneva Conventions of 1949.

The Hague Conventions of 1907 mark the first effort to uphold the principles of humanitarian warfare, and the noncombatant civilian population, as distinguished from the Armed Forces, was to be spared insofar as possible the effects of war. However, it has also been held that an individual not enrolled in the military organization of a nation but engaged in hostile activity against another nation cannot at the same time be treated as part of the civilian population of the nation to which he belongs. Nevertheless, the Geneva Conventions of 1949 state that with respect to the protection of civilian persons, even those suspected of or engaged in hostile activities should "be treated with humanity."

A number of individuals have raised very legitimate questions asking: Where are the reports of investigations by the enemy of allegations by the Republic of South Vietnam concerning mass murders of innocent civilians by the National Liberation Front and other North Vietnamese auxiliaries—at Hue in 1968; regarding attacks on the hospital at Cam Ranh Bay; at the Montagnard village reported as being leveled by enemy flamethrowers; the treatment of our prisoners of war?

The December 5 issue of Congressional Quarterly published a comparative list of previous Vietnam atrocities by both the Vietcong and U.S. forces, which I ask unanimous consent to have printed in the RECORD following the conclusion of my remarks. An examination of that list shows that there is no question about it—the enemy has made no effort to determine whether those allegations constitute illegal acts violating a cherished and humane rule observed in war by even the most bitter antagonists.

It also reveals that even if we accept that the enemy has used terrorism, sabotage and selective murder as a matter of policy, still the true difference between us and the enemy lies in what we do about these criminal acts. We condemn and punish our citizens, whether in war or peace, for murder or any other violation of the customary laws of war. It can be seen that whenever criminal acts of this nature occur among the U.S. military, they are investigated promptly and justice dispensed.

It is to our credit that we bring the Mylai incident out in the open, as we did, for example, in the case of the enemy's allegations of mass murder at Tay Ninh, permitting the International Committee of the Red Cross to make its own investigation of the incident as well. I am heartened by signs of courage and willingness on the part of officials of our Government to thoroughly investigate into the Mylai incident, with a view toward making explicit arrangements for preventing such atrocious deeds in the future.

No reasonable person is likely to disagree that the public and world confidence in our institutions can be increased only if the actions of our Government in this and similar cases are fair and impartial; only if roadblocks are not thrown in the way of taking action against those who exceeded their authority and/or act contrary to the authority of the U.S. Government in such matters.

If a crime has been committed, then let the remedy be found in our system of justice. And prudent will be those who monitor how the military justice system fares through this extreme crisis. If justice is done, no more need be said; but vigilant we must be to see that justice is done. We of the Senate need to ask ourselves whether we have adequately

equipped that system of justice. We should, therefore, carefully examine the facts presented during the trial of those who stand accused. And the world will also see whether the enemy, in turn, attempts to verify its claims of humanitarian treatment and to act for our war captives in their hands.

Mr. President, I believe we must also consider the "kind of world" in which we raise questions associated with the alleged civilian massacres in South Vietnam.

Nations, including our own, are coming to recognize that their institutions are not yet adequate to maintain peace, eliminate fear, ignorance, bigotry and poverty, master technology, and so on. But only gradually are they becoming interested in establishing meaningful formulas and standards that will result in civilizing and refining military power through knowledge and appropriate legal institutions.

The absence of precise standards for defining unjust expressions of power will logically give other nations the opportunity to use actions by another nation as an excuse for violations of principles of human decency, thus further exacerbating international tensions. Means must be found for persuading nations that certain problems, because they involve actions upon other people, become questions of ethics and morality rather than military problems. Indeed, our own lack of leadership in these areas can—even though not condoned by our Government—be interpreted as signifying that unrestrained terrorism, raiding, assassination of innocent civilian noncombatants, and other grave acts against humanity, are permissible, thus helping to create uncertainty of reference and confusion.

I believe legal guidelines and exactness must be the means for making ground rules of conflict available to the participants, as well as interested observers, thus in turn making it difficult for a small handful of military personnel and policymakers to hide from themselves or others erroneous information and present irrational arguments, or to promote capricious or criminal policies or acts.

Still another step in the right direction would be to establish in our own elementary and secondary schools instruction in "human rights" along with studies in intercultural ideas and civic responsibilities. On December 17, 1968, the United Nations General Assembly adopted a resolution proclaiming 1970 as "International Education Year," and I believe it would be entirely appropriate for us to insure that our youngsters know what "human rights" are and that we do not take these important principles for granted. I am currently looking into possibilities of introducing legislation to amend the International Education Act of 1966 along these lines.

In short, by devoting appropriate attention to and throwing all possible light on this and related problems, we will be aiding the purposes of the United States, the United Nations, and other nations and authorities whose true aim is to establish world peace and justice.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[Excerpt from Congressional Quarterly Magazine]

PREVIOUS VIETNAM ATROCITIES

VIETCONG

Hue massacre, Feb. 1968: More than 2,700 civilians murdered during 24-day Communist occupation of the city. Bound bodies, including women and children, found in mass graves.

Dak Son massacre, Dec. 5, 1967: More than 250 inhabitants of Montagnard refugee hamlet, mostly women and children, burned to death by Viet Cong guerrillas using flamethrowers.

Polling places, Sept. 3, 1967: 48 South Vietnamese civilians killed in election morning attacks on polling places.

Prisoners, April 7, 1966: 25 chained and padlocked prisoners of the Viet Cong, including three women, shot by escaping guerrillas.

My Canh restaurant, June 25, 1965: 43 persons killed, 80 injured, as Viet Cong dynamited crowded Saigon floating restaurant.

Sports Stadium, Oct. 4, 1965: 11 civilians killed, 42 injured, including many children, as Viet Cong bomb explodes at Cong Hoa national sports stadium.

Village Chiefs, 1961–60: Official U.S. sources estimate that more than 25,000 South Vietnamese civilians have been murdered by the Viet Cong since 1961. Principal victims have been village and hamlet chiefs, schoolteachers, police, medical and welfare workers and other local leaders or "potential sources of resistance."

U.S. FORCE

Suspects killed, Sept. 1968: Seven Marines were given prison sentences varying from relatively short periods to life imprisonment for the hanging of one Viet Cong suspect and the shooting of two others.

Prisoner killed, Nov. 1967: A Marine sergeant was sentenced to life imprisonment for shooting a Viet Cong prisoner.

Mutilation, Oct. 7, 1967: Two G.I.'s were filmed by CBS–TV crew as they cut ears from dead enemy soldiers. At court-martial, one was found guilty of violating Geneva Convention "laws of war"—the first such case in Vietnam. Both men were fined and demoted.

Rape-murder, March, 1967: Four Air Cavalrymen were given sentences ranging from eight years to life for the rape-murder of a Vietnamese farm girl.

Murder, Jan. 1967: Three Marines were given sentences ranging from 10 years to life for the murder of two unarmed Vietnamese civilians encountered while on patrol.

Courts-martial: The following totals for courts-martial involving murder of Vietnamese since 1961 were made available by Pentagon sources, Dec. 3:

Army: 51 men tried, 27 convicted.
Marines: 28 tried, 17 convicted.
Navy: 4 tried, 3 convicted.
Air force: 1 tried, not convicted.

THE WORLD'S GREATEST DELIBERATIVE BODY

Mr. HANSEN. Mr. President, the Wall Street Journal, in an editorial entitled "The World's Greatest Deliberative Body," published on December 15, 1969, criticizes the inequities of the Senate-passed version of the so-called tax reform bill of 1969.

The editorial states that the House version would have produced a revenue gain of $2.7 billion in 1971, while the Senate version is in effect a tax cut of $5 billion in the same period—or fuel for the inflation problem which is most severe in this Nation.

The newspaper charges the bill was transformed in the Senate to "the Political Giveaway Act of 1969." I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WORLD'S GREATEST DELIBERATIVE BODY

We have never been particularly enamored of the tax reform bill in any of its various reincarnations. But if our governors are going to do something we don't like, we wish at least they would act as if they knew what they were doing. Take tax reform or leave it, the spectacle of the last few weeks is a depressing reflection on the manliness of the Senate.

In those weeks, the "tax reform" bill completed its transformation into the Political Giveaway Act of 1969. By bedecking the bill with one provision after another giving away Federal revenues, the Senate in effect voted for a tax cut of $5 billion in fiscal 1971 in the teeth of still rampant inflation. The House bill, by contrast, would produce a revenue gain of $2.7 billion in the same period.

Assuming the bill's supporters would rather be hanged as knaves than fools, there cannot be one of them that does not know this is an utter abdication of responsibility. Some apparently do not care—hang responsibility, if it can tell the voters I cut taxes. Others, it seems, voted for damage on the Senate floor in the expectation that the House-Senate conference committee will repair it for them.

Either way, it's crass politics. Senator Williams was admirable in upbraiding his colleagues, "You can go home and tell your constituents 'I voted for it,' and then say here on the floor of the Senate, 'I've got confidence in the conferees,' " It's depressing to see only 31 Senators support the Delaware Republican's motion to strip the giveaways from the bill. More depressing still because one must doubt that anything so transparent as the majority action is even good politics.

We can't get too excited about the fate of tax reform itself, but land's sake, the Senate is supposed to pass on the great affairs of this nation. We like to think it's made up of mature men with a modicum of character, but here it is, acting less like the world's greatest deliberative body than like a bunch of wanton ward heelers at Christmas time.

AWARD TO SENATOR FRANK W. MOSS

Mr. MUSKIE. Mr. President, my good friend the distinguished Senator from Utah (Mr. Moss), recently received the Bronze Medal for Distinguished Service to the Aging, from the American Association of Homes for the Aging. The award was presented during the group's eighth annual meeting, in recognition of Senator Moss' long and distinguished work for the benefit of the aging.

I have the honor of serving with Senator Moss on the Special Committee on the Aging, and I have observed firsthand his outstanding work, especially as chairman of the Subcommittee on Housing.

In presenting the award, the Reverend William T. Eggers, president of the American Association of Homes for the Aging, mentioned in precise terms why Senator Moss deserves this award. I

ask unanimous consent that the remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PRESENTATION BY REVEREND EGGERS OF AAHA BRONZE MEDAL FOR DISTINGUISHED SERVICE TO THE AGING TO SENATOR MOSS AT EIGHTH ANNUAL MEETING AND CONFERENCE, RIVERFRONT, ST. LOUIS, MO., NOVEMBER 17, 1969

Today marks the first time the AAHA Bronze Medal for Distinguished Service to the Aging has been given to a public official. And in all the history of our association, no award recipient has been so deserving of our gratitude and our esteem, for his continuing concern for, and service to, all the elderly. Senator Frank Moss has been the recipient of many honors, but I am certain none more sincere than this. He holds the distinction of being the only member of Senate's Committee on the Aging to head two Subcommittees. He is chairman of both the Subcommittee on Housing, and the Subcommittee on Long-Term Care. His civic and charitable affiliations are legion, and would take too long to relate here, so I'll cite just a few: former state director of the Utah Cancer Society; past president of the Utah Association of County Officials, twice president of the National Association of District Attorneys, past director of the Utah Association for the UN, and past vice president of the Air Reserve Association of the US. The Senator received the Furtherance of Justice Award of the National District Attorney's Association in 1960 and the Distinguished Alumni Award of George Washington University, his alma mater, in 1963.

As chairman of the Long Term Care Subcommittee he has stood consistently for establishing standards of quality care for the elderly. He represents more than his state—taking the cause of the elderly throughout the U.S. as his own. He saw the shortcomings in the Title 19 program and the dangers in allowing standards to be lowered, and, deploring this possibility of lower standards, conducted public hearings to develop legislative remedies.

All senior citizens have benefitted from his efforts on their behalf in the Congress; the government has benefitted by his expert knowledge of the field of care for the elderly; and taxpayers benefit by getting the highest quality of care for their tax dollars going to related programs.

We, the members of AAHA, have especially benefitted from Senator Moss's work, because, as representatives of the voluntary nonprofit sector, we have, working alongside us, an elected official of the highest integrity, intelligence, and compassion for the needs of this country's elderly citizens.

It is indeed a privilege to present to you, Senator Moss, AAHA's Bronze Medal for Distinguished Service to the Aged.

FISCAL YEAR 1970 ADVANCE PROCUREMENT FUNDS FOR FIFTH DXGN

Mr. THURMOND. Mr. President, I want to clarify one item addressed in the Senate Appropriations Committee report concerning nuclear frigates. The report on pages 76 and 78 points out that the committee is recommending $77.9 million for advance procurement funds for nuclear-power guided missile frigates to be built in future years; this is $10 million more than the $67.9 million requested in the revised budget and approved by the House bill. I want to make it clear that the purpose of the additional $10 million is to procure long-leadtime items for the fifth ship of the new class of nuclear frigates called DXGN. The presently approved plan to build four DXGN's will provide, in addition to the nuclear-powered missile ships already funded, nuclear-powered escorts for the *Enterprise* and the *Nimitz*. It is important to get started now on the fifth DXGN; this will be the first nuclear escort for the third nuclear-powered aircraft carrier, CVAN–69.

LETTERS TO THE CLASS OF 1970

Mr. HANSEN. Mr. President, a young man who was born in war-torn Poland, and named Richard H. Eibel, had the fortune to come to the United States, learn the English language, and graduate from college in this country.

Mr. Eibel, having lived in Poland, behind the Iron Curtain, is perhaps better equipped than most young men to compare the conditions in a Communist country with the freedoms of our Nation.

In a letter to the editor of the Washington Star, published December 14, 1969, Mr. Eibel presented his message to the young men and women in college this year. His message is perhaps summed up best in this sentence from his letter:

Be proud to call yourself an American.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER TO THE CLASS OF 1970

SIR: Searching for exotic tid-bits—discarded sticks of chewing gum, half-eaten chocolate bars and unfinished oranges—I found in a trash can a few pages torn out of an American magazine. I will never forget one of its pictures. It haunted me very often during the dark days of my life. The picture showed a large group of well-fed, well-dressed, intelligent-looking, smiling young men standing on a mini-bridge in a park. "That's a graduating class of American college students," explained one of my English-comprehending buddies. Later on, secure in the privacy of my secret hideout on the wooded sea shore, I stared at the picture for hours. Everything in it seemed so different and so distant from the realities of my life. To find myself one day among those happy, elegant young men seemed beyond the scope of my dreams, beyond the limits of my imagination.

"God," I thought, "why was I born here"?

I was a teen ager then, fond of roaming through the drab streets of Gdynia, a war damaged harbor in post-war Poland. My future, I knew, would fall into an entirely different league, beyond any comparison with the glamorous futures of the smiling young men in the picture. I could dream of becoming a shipyard technician, a stevedore foreman, perhaps a local school teacher at the best. It was realistic to assume that I would have to spend my life confined forever to a specific geographic area the size of Ohio or Nebraska, to a specific assortment of the topics which I had a liberty to discuss, never forgetting to stick to a specific slant with which I had to interpret everything.

Even the song ". . . will he be pretty, will he be rich . . ." did not fully apply to me. I could dream of being "pretty" but it was silly to dream of being rich. The ultimate wealth in my eyes, as far as material things were concerned, was to have one presentable suit and enough change to buy a ticket to a movie.

God must have been listening to my laments, or something, for during the past dozen years I overcame the barrier of a carefully-guarded border, wide ocean, English grammar, college tuition, and whatever undesirable conditioning rubbed-off on me while in Poland.

Three years ago I posed for my own graduation picture on an American campus. It was a picture somewhat different from the one that inspired the days of my youth.

The times had changed. There were some happy black faces around me, a sign that the injustices of the past were being erased. Not all of the white young men in my picture, though, were well-dressed and neat. Some of them, putting it bluntly, wore weird clothes and were simply filthy. Their shabby appearance, ironically, was not a result of a depression, a foreign occupation, or any other monumental calamity. The GNP, according to the tale my economics teacher told, had doubled and tripled. In the meantime, the astronauts were on their way to the moon and we, the graduates, in the words of my sociology professors "just qualified to be among the best-educated 10 percent of the richest nation in the world."

So we had a reason to look cheerful but we did not. The long-haired ones glanced at me scornfully. In their eyes I was a freak of nature, a low Polack who invaded what they called "ignorant Middle America." I felt hurt and insulted. They did not believe that I too, had a heart and a conscience, compassion, intelligence and a vision. It was not my fault that they did not go through any real hardships in their lives. Yet they hated me for cherishing the things that they discarded.

Well, so much for whining. My message is this: There is only one real basic conflict in the world today, that is the conflict between the world of totalitarianism and the world of freedom. If your vision is not clear enough to decide which is which, go to where I came from, live there for a while, and you will know.

I hate to sound like a zealot at a patriotic rally, but a spade is a spade.

Be proud to call yourself an American. Put your best suit on for your graduation picture and look neat. Someday some boy somewhere might find it and dream an impossible dream.

RICHARD H. EIBEL.

NEW CARROLLTON, MD.

SECRET SERVICE GUIDELINES: PROTECTION OF THE PRESIDENT AND PROTECTION OF INDIVIDUAL RIGHTS

Mr. ERVIN. Mr. President, a few weeks ago I wrote Secretary of the Treasury Kennedy on behalf of the Constitutional Rights Subcommittee about a so-called guideline recently issued by the Secret Service. This guideline was distributed widely throughout the executive branch. Its apparent purpose is to encourage reports to the Secret Service of information that Government employees will assist the Secret Service in its function of protecting the President.

The guidelines seek information on a wide range of people. To quote from the guideline:

A. Information pertaining to a threat, plan or attempt by an individual, a group, or an organization to physically harm or embarrass the persons protected by the U.S. Secret Service, or any other high U.S. Government official at home or abroad.

B. Information pertaining to individuals, groups, or organizations who have plotted, attempted, or carried out assassinations of senior officials of domestic or foreign Governments.

C. Information concerning the use of bodily harm or assassination as a political weapon. This should include training and techniques used to carry out the act.

D. Information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc.

E. Information on any person who makes oral or written statements about high Government officials in the following categories: (1) threatening statements, (2) irrational statements, and (3) abusive statements.

F. Information on professional gate crashers.

G. Information pertaining to "Terrorist" bombings.

H. Information pertaining to the ownership or concealment by individuals or groups of caches of firearms, explosives, or other implements of war.

I. Information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas.

J. Information regarding civil disturbances.

Potentially, at least, I may qualify under the loosely written and even looser interpreted guidelines the Secret Service has issued. Although I am not a "professional gate-crasher," I am a "malcontent" on many issues. I have written the President and other high officials complaining of grievances that some may consider "imaginary." And, on occasion, I may also have "embarrassed" high Government officials. This statement and my letter to Secretary Kennedy may qualify as such an embarassment. I dare say there may be other Members of this body who also may fall into these categories, as many untold other citizens.

When I wrote Secretary Kennedy, I assured him I have no quarrel with the goal of the Secret Service to protect the President. But I also stated that the guidelines raise serious due process problems, they are impractical, and they threaten a mass surveillance system unprecedented in American history.

Secretary Kennedy has replied to my inquiry, and because I believe his answer concerns every Member of this body and every citizen, I ask unanimous consent that his reply be printed in the RECORD following the conclusion of my remarks, together with my original letter, and the guidelines of the Secret Service which are the subject of our correspondence.

In brief, Secretary Kennedy calls on the authority of the Warren Commission to support this program. He cites the Commission's disapproval of tentative guidelines issued by the Secret Service in 1964 as "unduly restrictive" because they required "some manifestation of animus" by an individual before he could properly be included within the Secret Service surveillance network.

In effect, as Secretary Kennedy's letter demonstrates, the Commission urged the widest possible surveillance in order to reveal malcontents. In the Commission's words:

It will require every available resource of the government to devise a practical system which has any reasonable possibility of revealing such malcontents.

Despite the great reputation of the Commission's Chairman as a protecter of civil liberties, it is clear that the Commission saw no first amendment difficulties in encouraging the most widespread surveillance of which the Government was capable. Even so the Commission recognized no matter how thoroughly the Secret Service did its work that "all potential assassins" could not be discovered.

However sobering this latest effort of the Secret Service and however dangerous it potentially may be to our liberties, we may at least be thankful that, as yet, they have not followed the Warren Commission's urging literally. By urging all possible efforts of surveillance and yet recognizing that absolute safety for the President could never be guaranteed despite those efforts, it is apparent that the Commission's remarks could be used as support for unconstitutional excesses in the name of protecting the President.

The current Secret Service program itself demonstrates how abuses may creep into the best-intentioned surveillance system. First, Secretary Kennedy says that the guidelines were issued only to heads of Federal security and enforcement agencies. Yet clearly, these guidelines have been circulated to all Internal Revenue personnel and not only security offices in that agency. This is because the guidelines are ambiguously addressed to other law enforcement and Government agencies. Considering the importance of the Secret Service mission, it is not surprising that the guidelines have been given widespread, though apparently unintended circulation, throughout the Government.

The guidelines seek a wide variety of information of any tangential significance for discovering possible assassins. Requesting information on people taking part in demonstrations, be they "anti-American," "civil disturbances," or just plain "demonstrations," opens the possibility at least of having everyone of the hundreds of thousands who peacefully marched in recent months entered into Government security computer files. Added to this are the many citizens who write or criticize high Government officials about grievances in terms which somebody in the Government might consider "threatening," "irrational," "abusive," or "embarrassing." Whether or not these people are actually being recorded by the Secret Service, the possibility that they may be may serve to dissuade citizens from legitimate and peaceful exercise of their first amendment rights.

Secretary Kennedy assures that the information coming under these categories will not be rumor or gossip but will be "evaluated." But neither the guidelines nor his letter informs us how this evaluation will be made, or who will do it. It is common knowledge that some law enforcement and investigative agencies as a matter of policy refrain from evaluating information they receive. Thus, there is a danger that the Secret Service will accept as confirmed, information from other sources which is not verified. And it is probably even more misleading if the information the Secret Service receives has been "evaluated" if we have no knowledge of who does the evaluation and on what basis.

Especially disturbing is the fact that the Secret Service is utilizing computers to assist it in this program. Secretary Kennedy states that unauthorized access and use of the data in the computers is not permitted. We can only hope that the measures taken will be adequate. Apparently, the Secret Service computer is not now interconnected with other data banks containing information on individuals. But there is no guarantee this will not happen in the future. Surely it is a logical development if the Secret Service is to do its job as effectively as the Warren Commission suggests. And it is also a frightening possibility, as well.

The Secretary makes clear that individuals are not informed whether their names appear in the computer security files, nor are they told what information is gathered about them. They are given no opportunity to rebut derogatory information until they are arrested. That there is some opportunity to rebut at this stage is scant comfort. We can only speculate on the consequences to an individual which follow his arrest for being a possible danger to the President. It will be little recompense to the victim's reputation if it later turns out this was a mistake and the Secret Service apologizes.

Mr. President, I repeat I have no quarrel with the Secret Service or Secretary Kennedy in their goal. Like every American, I believe that all reasonable steps should be taken to prevent reoccurrences of the tragic assassination of President Kennedy. But these efforts should be taken in full awareness of the actual and potential dangers that mass political surveillance involves for a democracy.

I am thankful that Secretary Kennedy and the Director of the Secret Service are mindful of the problems of computerization, and of the impact that computers have on personal privacy. While I applaud the assurances that the Secret Service will continue to be mindful of individual rights, I am still concerned over this program. I urge that the Secret Service make clear to all its employees and to all recipients of its guidelines the limitations which should be placed upon this effort.

Mr. President, in a slightly broader vein, I might mention that the impact of computers on individual rights and privacy is receiving continued and increased concern not only in this country, but throughout the world. A number of international conferences are planned in the near future, in particular, one in Japan and one in France. In addition, bills seeking to regulate computer invasions of privacy have recently been introduced in Great Britain and in Canada. For the information of the Senate, I ask unanimous consent that these bills be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

PERSONAL RECORDS (COMPUTERS) BILL (H.L.)

An Act to prevent the invasion of privacy through the misuse of computer information

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temperal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) A register shall be kept by the Registrar of Restrictive Trading Agreements (hereinafter in this Act referred to as "the Registrar") of all data banks as hereinafter defined which are operated by or on behalf of any of the following:—

(a) any agency of central or local government;

(b) any public corporation;

(c) any person exercising public authority;

(d) any person offering to supply information about any other person's creditworthiness, whether to members of a particular trade or otherwise and irrespective of whether payment is made therefor;

(e) any private detective agency or other person undertaking to carry out investigations into any other person's character, abilities or conduct on behalf of third parties;

(f) any person who offers for sale information stored in such data bank, whether to the general public or otherwise.

(2) The register referred to in the foregoing subsection shall contain the following information concerning each data bank:—

(a) the name and address of the owner of the data bank;

(b) the name and address of the person responsible for its operation;

(c) the location of the data bank;

(d) such technical specifications relating to the data bank as may be required by the Registrar;

(e) the nature of the data stored or to be stored therein;

(f) the purpose for which data is stored therein;

(g) the class of persons authorised to extract data therefrom.

(3) The owner of the data bank shall be required to register the information referred to in paragraphs (*a*) to (*c*) of the foregoing subsection. The person responsible for the operation of the data bank shall be required to register the information referred to in paragraphs (*a*) to (*g*) of the forgoing subsection.

(4) Any person responsible for registering information under this section shall be required to inform the Registrar of any alterations of, additions to or deletions from the said information within four weeks of such alteration taking effect, subject to the provisions of subsection (6) below.

(5) If at any time the Registrar is of the opinion that in the circumstances the information given or sought to be given under paragraph (*f*) or (*g*) of subsection (2) above might result in the infliction of undue hardship upon any person or persons or be not in the interest of the public generally, he may order such entry to be expunged from or not entered in the register. In reaching a decision under this or the next following subsection, the Registrar shall be guided by the principle that only data relevant to the purposes for which the data bank is operated should be stored therein, and that such data should only be disclosed for those same purposes.

(6) An alteration to the register in respect of paragraph (*f*) or (*g*) of subsection (2) above shall be made by application to the Registrar who shall, not earlier than four weeks after receipt of such application, grant or reject the application giving his reasons in writing.

(7) The register together with applications submitted in accordance with the last foregoing subsection shall be open to inspection by the public, including the press, during normal office hours:

Provided that entries relating to data banks operated by the police, the security services and the armed forces shall be kept in a separate part of the register which shall not be open to inspection by the public.

2.—(1) This section shall apply to all data banks which are required to be registered under section 1 above except for the following:—

(a) data banks which do not contain personal information relating to identifiable persons;

(b) data banks operated by the police;

(c) data banks operated by the security services;

(d) data banks operated by the armed forces of the Crown.

(2) The operator of each data bank to which this section applies shall maintain a written record in which shall be recorded the date of each extraction of data therefrom, the identity of the person requesting the data, the nature of the data supplied and the purpose for which it was required.

3.—(1) The Registrar shall submit annually to Parliament a report covering the previous calendar year in which he shall state the number of data banks entered on the register, the number of such data banks which fall within the terms of section 2(1)(a) and of section 2(1)(b)(d) respectively and the number of instances in which he ordered entries to be amended under section 1(5) or refused an application to alter an entry under section 1(6).

(2) The Registrar's report may contain such additional information, statistical and otherwise, as the Registrar may think fit.

4.—(1) Any person about whom information is stored in a data bank to which section 2 above applies shall receive from the operator, not later than two months after his name is first programmed into the data bank, a print-out of all the data contained therein which relates to him. Thereafter, he shall be entitled to demand such a print-out at any time upon payment of a fee the amount of which shall be determined by the Registrar from time to time; and the operator shall supply such print-out within three weeks of such demand.

(2) Every print-out supplied in accordance with this section shall be accompanied by a statement giving the following information:

(a) The purpose for which the data contained in the print-out is to be used, as entered on the register referred to in section 1 above;

(b) The purposes for which the said data has in fact been used since the last print-out supplied in accordance with this section;

(c) The names and addresses of all recipients of all or part of the said data since the last print-out supplied in accordance with this section.

5.—(1) Any person who has received a print-out in accordance with section 4 above may, after having notified the operator of the data bank of his objection, apply to the Registrar for an order that any or all of the data contained therein be amended or expunged on the ground that it is incorrect, unfair or out of date in the light of the purpose for which it is stored in the data bank.

(2) The Registrar may, if he grants an order under the foregoing subsection, issue an ancillary order that all or any of the recipients of the said data be notified of the terms of the order.

6.—(1) It shall be an offence, punishable on summary conviction by a fine of not more than £500, or on conviction on indictment by a fine of not more than £1,000 or imprisonment for not more than five years or both, for the owner or operator of a data bank to which this Act applies to fail to register it in accordance with this Act.

(2) If the operator of a data bank to which section 2 above applies—

(a) fails or refuses to send a print-out when under a duty so to do; or

(b) permits data stored in the data bank to be used for purposes other than those stated on the register; or

(c) allows access to the said data to persons other than those entered on the register as having authorized access; or

(d) fails or refuses to comply with a decision of the Registrar, he shall be liable in damages to the person whose personal data is involved and, where such acts or omissions are wilful, shall be liable on summary conviction to a fine of not more than £500 and on conviction on indictment to a fine of not more than £1,000 or imprisonment for not more than five years or both.

(3) A person who aids, abets, counsels or procures the commission of an offence described in this section or with knowledge of its wrongful acquisition receives, uses, handles, sells or otherwise disposes of information obtained as a result of the commission of such an offence, shall likewise be guilty of the said offence.

7. An operator of a data bank to which this Act applies who causes or permits inaccurate personal data to be supplied from the data bank as a result of which the person to whom the data refers suffers loss, shall be liable in damages to such person.

8. The Register may make rules relating to the implementation of any part or parts of this Act and in particular relating to—

(a) the keeping of the register and records referred to in sections 1 and 2 above;

(b) access by the public to the register referred to in section 1 above;

(c) procedure on hearing objections and argument on a proposal to alter or expunge from the register under subsection 5 of section 1 above;

(d) procedure on application to alter the register under subsection 6 of section 1 above;

(e) verification of the identity of a person demanding a print-out in accordance with section 4 above.

9. An appeal shall lie to the High Court from any decision made by the Register under this Act.

10. In this Act, the following terms shall have the meanings hereby respectively assigned to them, that is to say—

"data" means information which has been fed into and stored in a data bank;

"data bank" means a computer which records and stores information;

"operator" means the person responsible for the operation of a data bank and for the introduction into and extraction from it of data;

"owner" means the person who owns the machinery comprising the data bank;

"print-out" means a copy of information contained in the data bank supplied by the computer and translated into normal typescript.

11. There shall be paid out of moneys provided by Parliament any expenses incurred by the Registrar attributable to the provisions of this Act.

12.—(1) This Act may be cited as the Personal Records (Computers) Act 1969.

(2) This Act shall come into force on the first day of July 1970.

(3) This Act shall extend to Northern Ireland.

BILL 182—AN ACT TO PROVIDE FOR DATA SURVEILLANCE

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

(a) "data" means information that has been fed into and stored in a data bank;

(b) "data bank" means a computer that records and stores information;

(c) "Minister" means the Minister of Financial and Commercial Affairs;

(d) "operator" means the person responsible for the operation of a data bank and for the introduction into and extraction from it of data;

(e) "owner" means the person who owns the machinery comprising the data bank;

(f) "print-out" means a copy of information contained in the data bank supplied by the computer and translated into normal typescript;

(g) "Registrar" means the Registrar of Data Banks.

2. There shall be appointed a Registrar of Data Banks.

3.—(1) A register shall be kept by the Registrar of all data banks operated by,

(a) The Government of the Province of Ontario or any board, commission or agency thereof;

(b) a local municipality or any board, commission or agency thereof;

(c) any person offering to supply information about any other person's credit worthiness, whether to members of a particular trade or otherwise and irrespective of whether payment is made therefor;

(d) any private investigator or other person undertaking to carry out investigations into any other person's character, abilities or conduct on behalf of third parties;

(e) any person who offers for sale information stored in such data bank, whether to the general public or otherwise.

(2) The register shall set forth in respect of each data bank,

(a) the name and address of the owner of the data bank;

(b) the name and address of the person responsible for its operation;

(c) the location of the data bank;

(d) such technical specifications relating to the data bank as may be required by the Registrar;

(e) the nature of the data stored or to be stored therein;

(f) the purpose for which data is stored therein; and

(g) the class of persons authorized to extract data therefrom.

(3) The owner of the data bank shall furnish to the Registrar the information referred to in clauses a to c of subsection 2 and the person responsible for the operation of the data bank shall furnish the information referred to in clauses a to g of subsection 2.

(4) Subject to subsection 6, any person responsible for registering information under this section shall inform the Registrar of any alterations of, additions to or deletions from the said information within four weeks of such alteration taking effect.

(5) If at any time the Registrar is of the opinion that in the circumstances the information given or sought to be given under clause f or g of subsection 2 might result in the infliction of undue hardship upon any person or persons or be not in the interest of the public generally, he may order such entry to be expunged from or not entered in the register and in reaching a decision under this subsection or subsection 6, the Registrar shall be guided by the principle that only data relevant to the purposes for which the data bank is operated should be stored therein, and that such data should only be disclosed for those same purposes.

(6) An alteration to the register in respect of clause f or g of subsection 2 shall be made by application to the Registrar who shall, not later than four weeks after receipt of such application, grant or reject the application giving his reasons in writing.

(7) The register together with applications submitted in accordance with subsection 6 shall be open to inspection by the public, including the press, during normal office hours, provided that entries relating to data banks operated by a police force shall be kept in a separate part of the register which shall not be open to inspection by the public.

4.—(1) This section applies to all data banks that are required to be registered under section 2 except for,

(a) data banks which do not contain personal information relating to identifiable persons; and

(b) data banks operated by a police force.

(2) The operator of each data bank to which this section applies shall maintain a written record in which shall be recorded the date of each extraction of data therefrom, the identity of the person requesting the data, the nature of the data supplied and the purpose for which it was required.

5.—(1) Any person about whom information is stored in a data bank to which section 4 applies shall receive from the operator, not later than two months after his name is first programmed into the data bank, a print-out of all the data contained therein which relates to him and thereafter, he shall be entitled to demand such a print-out at any time upon payment of a fee the amount of which shall be determined by the Registrar from time to time, and the operator shall supply such print-out within three weeks of such demand.

(2) Every print-out supplied in accordance with this section shall be accompanied by a statement setting forth,

(a) the purpose for which the data contained in the print-out is to be used, as entered on the register referred to in section 3;

(b) the purposes for which the said data has in fact been used since the last print-out supplied in accordance with this section; and

(c) the names and addresses of all recipients of all or part of the said data since the last print-out supplied in accordance with this section.

6.—(1) Any person who has received a print-out in accordance with section 5 may, after having notified the operator of the data bank of his objection, apply to the Registrar for an order that any or all of the data contained therein be amended or expunged on the ground that it is incorrect, unfair or out of date in the light of the purpose for which it is stored in the data bank.

(2) The Registrar may, if he grants an order under subsection 1, issue an ancillary order that all or any of the recipients of the said data be notified of the terms of the order.

7. An appeal lies to the Court of Appeal from any decision made by the Registrar under this Act.

8. An operator of a data bank to which this Act applies who causes or permits inaccurate personal data to be supplied from the data bank as a result of which the person to whom the data refers suffers loss, shall be liable in damages to such person.

9.—(1) Every person who fails to furnish to the Registrar any information that he is required to furnish under this Act in respect of a data bank is guilty of an offense and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for not more than five years, or to both.

(2) Where the operator of a data bank to which section 4 applies,

(a) fails to refuse to send a print-out when under a duty so to do;

(b) permits data stored in the data bank to be used for purposes other than those stated on the register;

(c) allows access to the said data to persons other than those entered on the register as having authorized access; or

(d) fails to refuse to comply with a decision of the Registrar.

he shall be liable in damages to the person whose personal data is involved and, where such acts or omissions are willful, is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for not more than five years, or to both.

(3) A person who aids, abets, counsels or procures the commission of an offence described in this section or with knowledge of its wrongful acquisition receives, uses, handles, sells or otherwise disposes of information obtained as a result of the commission of such an offence, shall likewise be guilty of said offence.

10. The Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations,

(a) prescribing the manner of keeping the register and the records referred to in sections 3 and 4;

(b) regulating and governing access by the public to the register;

(c) prescribing procedures for hearing objections and argument on a proposal to alter or expunge from the register under subsection 5 of section 3;

(d) prescribing procedures on an application to alter the register under subsection 6 of section 3;

(e) providing for verification of the identity of a person demanding a print-out under section 5.

11.—(1) The Registrar shall make an annual report to the Minister in which he shall state,

(a) the number of data banks entered on the register;

(b) the number of data banks to which clauses a, b and c of subsection 1 of section 4 apply respectively;

(c) the number of instances in which he has ordered entries to be amended under subsection 5 of section 3 and refused an application to alter an entry under subsection 6 of section 3; and

(d) such additional information, statistical or otherwise, as he may think proper.

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session, or if not, at the next ensuing session.

12. This Act comes into force on the first day of July, 1970.

12. This Act may be cited as The Data Surveillance Act, 1968–69.

Mr. ERVIN. Mr. President, I also ask unanimous consent that my letter to the Secretary of the Treasury and his reply to me be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NOVEMBER 10, 1969.

Hon. DAVID M. KENNEDY,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In connection with the Constitutional Rights Subcommittee's study of data banks and individual privacy, I have been seriously concerned about the guidelines issued by the Secret Service to encourage federal employees' reporting on private citizens for a vast number of reasons. I discussed this last week in a speech on "Computers and Individual Privacy", a copy of which is enclosed for your use.

I have no quarrel with the goal of the Secret Service to perform their duties efficiently. It is clear, however, to anyone educated in our constitutional form of government, that the criteria for filing information about individuals are questionable from a due process standpoint; are impractical; and are conducive to a mass surveillance unprecedented in American history.

Your attention is directed to such examples in the guideline as the invitation to Civil Service workers throughout government to supply.

1. Information about individuals who "make oral or written statements about high government officials in the following categories":

1. Threatening statements.
2. Irrational statements.
3. Abusive statements.

2. Information on professional gate crashers.

3. Information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc.

4. Information pertaining to a threat, plan or attempt by an individual, a group, or an organization to physically harm or *embarrass* the persons protected by the U.S. Secret Service, or any other high U.S. Government official at home or abroad.

5. Information about people who take part in demonstrations.

Many people, with complete faith in their government, believe that the place to start with a complaint is with the President or Vice President. Yet some of these people who write a strong letter will never know they have been fed into yet another government data system. Similarly, thousands of well-meaning, loyal Americans have engaged in some form of demonstration in connection with the Vietnam war, welfare and civil rights policies of the government, and many other causes.

What the Subcommittee wishes to know in order to respond to complaints about this surveillance is:

Are these records now to be part of standard employment checks for (a) suitability and (b) security clearances? What standards have been promulgated by the Secret Service for maintaining such a data bank? Will this information be computerized? Will it be available for use by other federal agencies? If so, which ones?

What procedures have been established for (1) Preserving the confidentiality of this data; (2) affording citizens subject to such a report the opportunity to review their files and to rebut derogatory information?

Would you also supply copies of any published federal regulations governing this data bank and its use.

Your assistance in our study is appreciated.

With all kind wishes, I am

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman.

THE SECRETARY OF THE TREASURY,
Washington, D.C., November 21, 1969.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In reply to your letter of November 10, 1969, concerning the United States Secret Service Liaison Guidelines, I believe that certain background information is pertinent to your inquiry.

After the assassination of President Kennedy, the Secret Service expanded its intelligence gathering capabilities in its efforts to identify potential assassins and other persons similarly dangerous to individuals protected by the Secret Service. In June 1964 the Secret Service sent to a number of law enforcement and intelligence agencies Guidelines describing the nature of information wanted by the Secret Service, believed to be helpful in identifying such potentially dangerous persons.

Those 1964 Guidelines issued by the Secret Service were reviewed by the Warren Commission. The Commission report stated in effect that even with the advantage of hindsight, the letter Oswald wrote to the Secretary of the Navy would not appear to express or imply Oswald's "determination to use a means other than legal or peaceful to satisfy his grievance" within the meaning of the 1964 Guidelines criteria.

The Commission concluded:

"While these tentative criteria are a step in the right direction, they seem unduly restrictive in continuing to require some manifestation of animus against a Government official." (p. 462)

The Commission recommended continuing study to develop adequate criteria, but recognized "that no set of meaningful criteria will yield the names of all potential assassins." (p. 463)

The Commission further stated that:

"It will require every available resource of our Government to devise a practical system which has any reasonable possibility of revealing such malcontents." (p. 463)

It is within the framework of the Commission's recommendations for expanded intelligence gathering that the Secret Service has been developing its Guidelines criteria. The U.S. Secret Service Liaison Guidelines were issued to Federal enforcement and security agencies and were addressed to the heads of the Enforcement and Intelligence Branches of those agencies for their guidance. The Secret Service neither requested nor intended that the Guidelines be furnished to Civil Service workers throughout the Government.

It was the opinion of the Secret Service that information coming to it through a law enforcement agency would receive some evaluation and the Service would not receive gossip, rumors, etc. Law enforcement and security agencies are familiar with the specific requirements of the Service.

Concerning language, the Secret Service does not recall ever having requested "information about people who take part in demonstrations," It has, in its Guidelines, requested "information regarding civil disturbances" and information concerning anti-American and anti-Government demonstrations in the United States and overseas. You will realize, of course, that this information is sought relative to the safety of the President when traveling, and this information is important and used only in the time frame of Presidential travel.

The other four examples of information listed in your letter continue to be sought by the Secret Service from law enforcement agencies that have such information.

In response to the specific questions posed in your letter, the Secret Service receives a great deal of information from law enforcement agencies, Federal, State, and local, as a result of these Guidelines, as a result of its liaison, and as a result of the interest law enforcement has in the responsibilities of the Secret Service. The great majority is disregarded unless it has some direct bearing on the safety of the President or the others for whom the Secret Service has responsibility. The Secret Service wishes that it could receive and process only that information which has a direct bearing on the safety of the President. Despite continuing search and review, it has not, as yet, the means to define the precise criteria which could be furnished to others which would identify, in advance, a potential assassin.

A portion of the Secret Service files has been computerized. The computerized file is dedicated to providing support to the protective mission. Data placed in the computer files is furnished primarily by special agents of the Intelligence Division of the Secret Service, acting in their capacity as intelligence analysts. The computer operation and data files are situated in a secure environment under 24-hour, seven-day-per-week, security surveillance. All personnel engaged in the operation have Top Secret clearance. Access to data contained in the computer files can be made only by Secret Service computer personnel acting upon the request of a supervisor in the Intelligence Division. Intelligence information provided as a result of such requests is furnished to the Special Agent in Charge, Intelligence Division, for his evaluation and action.

At this time there is no direct access capability to the computer files from outside of the Data Systems Division. All responses to authorized Secret Service requests of the computerized intelligence data base, will be channeled to the Intelligence Division for appropriate evaluation and action. No other agency will have direct access capability to the Secret Service computer.

There is no procedure established for affording a citizen who is a subject of a Secret Service report the opportunity to review his file. The opportunity to rebut derogatory information is afforded him before the information is used in an accusatory proceeding (arrest or commitment). Information accuracy is verified during an interview with the subject, at which time the opportunity for rebuttal is given.

The records maintained by the Secret Service are not part of any standard employment checks for suitability and security clearances, but the names of persons or employees who may be required to be in the vicinity of the President are checked against Secret Service records.

The Director of the Secret Service and I share your concern with the problems involved in the computerization of information and the problems of individual privacy. I know of no other government agency which has a greater regard for individual rights than has the Secret Service, and I share with you the belief that we must support them fully in their awesome task of protecting the President.

I assure you that the controversy concerning Guidelines issued by the Secret Service is a result of a misunderstanding as to their application and that no mass surveillance of our citizens will be condoned, nor was it intended, and that no citizen's constitutional rights and privileges will be in jeopardy as a result of actions contemplated by the Secret Service under the published Guidelines.

Sincerely,

DAVID M. KENNEDY.

U.S. SECRET SERVICE LIAISON GUIDELINES

Subject to the direction of the Secretary of the Treasury, the United States Secret Service is charged by Title 18, U.S. Code, Section 3056, with the responsibility of protecting the person of the President of the United States, the members of his immediate family, the President-Elect, the Vice President, or other officer next in the order of succession to the Office of President and the Vice President-Elect; protect the person of a former President and his wife during his lifetime, the person of the widow of a former President until her death or re-marriage, and minor children of a former President until they reach 16 years of age, unless such protection is declined, protect persons who are determined from time to time by the Secretary of the Treasury, after consultation with the Advisory Committee as being major Presidential and Vice Presidential candidates which should receive such protection (unless the candidate has declined such protection).

Detecting and arresting any person committing any offense against the laws of the United States relating to coins, obligations, and securities of the United States and foreign Governments. Several other responsibilities are delegated to the U.S. Secret Service by the Secretary of the Treasury, such as investigation of violations of the Gold Reserve Act, and such other functions as are authorized by law.

Effective liaison with other law enforcement and Government agencies is necessary to insure we receive all information they may develop regarding any of our responsibilities. A Special Agent of the Liaison Division, U.S. Secret Service, will maintain contact with your agency at a headquarters level. Certain

guidelines are set forth below which may assist you in determining our interests.

1. PROTECTIVE INFORMATION

A. Information pertaining to a threat, plan or attempt by an individual, a group, or an organization to physically harm or embarrass the persons protected by the U.S. Secret Service, or any other high U.S. Government official at home or abroad.

B. Information pertaining to individuals, groups, or organizations who have plotted, attempted, or carried out assassinations of senior officials of domestic or foreign Governments.

C. Information concerning the use of bodily harm or assassination as a political weapon. This should include training and techniques used to carry out the act.

D. Information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc.

E. Information on any person who makes oral or written statements about high Government officials in the following categories: (1) threatening statements, (2) irrational statements, and (3) abusive statements.

F. Information on professional gate crashers.

G. Information pertaining to "Terrorist" bombings.

H. Information pertaining to the ownership or concealment by individuals or groups of caches of firearms, explosives, or other implements of war.

I. Information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas.

J. Information regarding civil disturbances.

2. COUNTERFEITING AND FORGERY INFORMATION

A. Information regarding counterfeiting of U.S. or foreign obligations, i.e., currency, coins, stamps, bonds, U.S. Treasurer's checks, Treasury securities, Department of Agriculture food stamp coupons, etc.

B. Information relating to the forgery, alteration and fraudulent negotiation of U.S. Treasurer's checks and U.S. Government bonds.

3. GOLD AND "GOLD COIN" INFORMATION

A. Gold regulations prohibiting the acquisition, holding, transportation, importing, and exporting of gold by persons subject to the jurisdiction of the United States. Gold in its natural state may be purchased, held, sold or transported within the United States and may also be imported without a license.

B. Gold coins of recognized special value to collectors may be acquired, held and transported within the United States and may be imported as permitted by the gold regulations.

Routine reports may be mailed to the U.S. Secret Service, Liaison Division, Room 825, 1800 G Street, N.W., Washington, D.C. 20226, or handled during personal liaison contact.

Emergency information, especially in reference to Presidential protection, should be reported immediately by telephone to the nearest U.S. Secret Service field office, or the U.S. Secret Service Intelligence Division, Washington, D.C. Area Code 202–WO 4–2481; (Government Code 184–2481).

GRAZING FEES

Mr. MONTOYA. Mr. President, I am most pleased to advise that I have received a letter from the Office of the Secretary of the Interior indicating that the Interior Secretary has reached decision to postpone for 1 year—the grazing use year beginning March 1, 1970—implementation of the proposed 400-percent increase in grazing fees established by regulations published on January 10, 1969.

Following publication of those regulations, I introduced, on February 18, 1969, legislation (S. 1063) proposing that the scheduled increases in grazing fees be rescinded for at least 2 years to: First, provide time for the Public Land Law Review Commission—PLLRC—to report to Congress on changes necessary to properly administer our public lands to the best advantage of all concerned; and second, give Congress sufficient time for a full review of the many unanswered questions and dangers to our livestock producers through promulgation of these fee increases.

At that time, I also directed letters to the Secretaries of the Interior and Agriculture vigorously urging that they give serious consideration to administratively suspending the promulgation of these grazing fee increases until full study could be made of the implications of such increases on our agricultural producers, the business community dependent upon their trade, and society in general.

I believe the Interior Department has made a wise decision in taking administrative action to delay implementation of the proposed fee increases until the views of the PLLRC are known and have been evaluated. The PLLRC is scheduled to complete its report on June 30, 1970, and its conclusions are of the utmost importance before decision is finally rendered on the propriety of the 1969 fee schedules.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the letter I received from the Office of the Secretary of the Interior, together with the notice of proposed rulemaking which invites comments and suggestions from interested persons within 30 days of publication of the notice.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., December 9, 1969.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONTOYA: Being well aware of your great interest in the grazing fee structure and policy in relation to the public lands, we are enclosing for your information a copy of the proposed rulemaking which was published in the Federal Register on December 4, 1969.

As you know, the Public Land Law Review Commission is presently studying the matter and will make its recommendations thereon during calendar 1970. In view of this situation and the great interest this Department has in the results of the Commission's work, we have thought it appropriate to delay implementation of the next increment until the views of the Commission are known and have been evaluated. At that time, this Department will take such further action as it may determine to be proper.

We appreciate your interest and will be glad to receive your views in connection with this proposed rule.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary.

NOTICE OF PROPOSED RULEMAKING

Basis and purpose. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by the Act of June 28, 1934, as amended (48 Stat. 1270; 43 U.S.C. § 315), it is proposed to amend and revise the regulations as set forth below.

The purpose of this change is to defer for one year (the grazing use year beginning March 1, 1970) the implementation of annual increment to the range forage fees, in order to permit time for the consideration of the report of the Public Land Law Review Commission.

It is the policy of the Department, whenever practicable, to afford the public an opportunity to participate in the rule-making process. The Department also desires to conform to the provisions of § 18(b) of the Act of June 28, 1934, as amended (48 Stat. 1270; 43 U.S.C. § 315o–1), which provides in part that, except in a case wherein the judgment of the Secretary an emergency shall exist, the Secretary shall request the advice of the advisory board in advance of the promulgation of any rules and regulations affecting the district.

Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management, Washington, D.C. 20240, within thirty (30) days of publication of this notice in the Federal Register.

Sub-subparagraph (ii) of subparagraph (1) of paragraph (k) of § 4115.2–1 is amended as follows:

§ 4115.2–1 License and permit procedures; requirements and conditions.

* * * * *

(k) *Fees, payments and refunds.*—(1) *Fees.*

* * * * *

(ii) Fees will be established by the Secretary in 9 equal annual increments, effective with the grazing use year beginning March 1, 1971, to attain the fair market value of range forage at the 1970 grazing use year. Fair market value is that value established by the Western Livestock Grazing Survey of 1966 or as determined by a similar duty which may be conducted periodically to update the fee base, if deemed necessary. Annual adjustments may also be made for any of the 1970–79 grazing use years, and thereafter, to reflect current market values.

THE LIBERTIES OF ALL MEN

Mr. HANSEN. Mr. President, the Washington Star, on December 14, 1969, published an editorial entitled "The Law, Anarchy, and Civil Disobedience."

The editorial commends the National Commission on the Causes and Prevention of Violence for its majority agreement that even "nonviolent civil disobedience could lead to anarchy in the United States."

The editorial contends that those who seek to change the laws through means other than the due process of established law endanger the very "rule of law which in the end is the only guarantor of the liberties of all men, including dissenters."

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE LAW, ANARCHY AND CIVIL DISOBEDIENCE

By a 7–6 vote, the National Commission on the Causes and Prevention of Violence, whose 338-page report is published this weekend, has concluded that nonviolent civil disobedience could lead to anarchy in the United States. We agree.

Predictably, five of the six dissenters are younger than the seven who form the majority. Equally understandably, the two black members of the commission found them-

selves in the minority. As they rightly put it, progress in the civil rights field over the past 15 years almost certainly would have been slower but for the activism of those who flouted unjust laws.

But the fact that the vote could not have been closer, and that the members of the majority happen to be white and a few years older than the dissenters, does not invalidate the logic of their findings.

The argument between the disciples of law and the advocates of that untrammeled liberty which verges on license is as old as the human race. More recently, that is what the French Revolution—but not its American predecessor—was all about.

Insofar as theory is concerned, the side one takes is largely dictated by one's opinion of the nature of man. Those meliorists who—despite events since 1914—still believe in the perfectibility of man and in the inherent repressiveness of institutions are free, like Rousseau, to indulge in fantasies of absolute liberty.

Philosophers such as Burke—and we and the majority of the commission are with him—knowing man's nature to be violent and his appetites to be voracious, viewed civilization as possible only within a framework of carefully guarded institutions and respected laws.

The latter view does not and cannot preclude either the desirability or the inevitability of change. Freedom, social progress and economic development cannot continue to exist without constant examination and renewal of the foundations which make them possible. Men were not placed upon this earth to chew thoughtlessly like cattle upon the cud of passivity.

While the law cannot countenance it, there is a moral case to be made for the citizen who practices nonviolent civil disobedience in protest against what he conceives to be a particular evil in the social order.

His action should be the result of earnest and honest consideration and is permissible, as Terence Cardinal Cooke, one of the minority, puts it, "only as a last resort to obtain justice when all other remedies available in our system of representation" have been exhausted. The dissenter must be fully prepared to accept the legal consequences.

It is this form of protest which the commission's minority defends—and, in that context, rightly so.

But what is developing in this country today is another form of protest: A generalized, aimless, across-the-board attack on the very concept of order. Such indiscriminate squandering of the precious moral capital of civil disobedience debases the value of the act. This is not the exercise of responsible conscience; it is a cop-out on responsibility. It is doubtful whether any society can long survive in a climate of contempt for its own legal framework. This is the mood and attitude which the majority of the commission properly condemned.

The notion that men have a mass of inalienable rights which outweighs their duties to society dates largely from the publication in 1792 of Thomas Paine's "Rights of Man." It is worth noting that the French Revolution which gave political form to Paine's theories resulted in his imprisonment.

And that is the lesson which the majority of the commission is trying to get across to millions of restless young people. By combating what they hold to be hypocrisy and indifference with civil disobedience, they are forging not the foundations of a better world but their own shackles and those of their children.

As the majority of the commission puts it, "erosion of the law is an inevitable consequence of widespread civil disobedience." The consequences are clear: "Violators must ponder the fact that once they have weakened their judicial system, the very ends they sought to attain—and may have attained—cannot be preserved."

The entire commission, including the two black members, came to the conclusion that when civil disobedience "creates social disorder, even the most sympathetic are forced to judge whether and to what extent the ends sought justify the means that are being used."

Another difficulty recognized by Dr. Milton S. Eisenhower and his twelve colleagues is that "the law cannot distinguish between the consciences of saints and sinners." While a moral distinction may exist between the youngster who burns his draft card and the Southern governor who "bars the schoolhouse door" to black children, their actions are equally illegal. And each tends to place in contempt not only the law objected to but all laws.

We believe, as does the commission, that the majority of young dissenters in this country are acting on generous impulses in an attempt to recall this nation to the ideals upon which it was founded. But we have to go along with the commission in its finding that "what is occurring in the United States today will lead to the conclusion that disobedience to valid law as a tactic of protest by discontented groups is not contributing to the emergence of a more liberal and humane society, but is, on the contrary, producing an opposite tendency."

To those "dark forces" which consciously seek not the reform but the destruction of society and its institutions we have nothing to say. Except this: They shall not succeed. Not because of the power of the current establishment, but because the coming generation of Americans, despite the confusions and the contradictions of the hour, is intelligent enough to realize that tyranny, rather than freedom, is the child of anarchy.

When men draw together to form governments which pass laws formulating the social contract to which men subscribe for their common good and mutual protection, there is an inherent, voluntary abridgment of men's rights. We agree, for instance, not to murder each other. The Tate murders have violated that agreement, therefore society will punish them.

But if man has duties, he also has rights. At this troubled time in our history, all of us would do well to reflect upon what those rights might be. Few men have done so in a clearer and more down-to-earth fashion than Burke in the 18th Century:

"Men have a right to live by that rule (of law); they have a right to do justice, as between their fellows, whether their fellows are in public function or in ordinary occupation. They have a right to the fruits of their industry, and to the means to make their industry fruitful. They have a right to the acquisitions of their parents; to the nourishment and improvement of their offspring; to instruction in life, and to consolation in death. Whatever each man can separately do, without trespassing upon others, he has a right to do for himself."

Man, poor creature that he is, lives but a short time, prey to the passions of the moment and to his own self-limiting ignorance. But institutions and laws endure. They are the product not alone of our own intelligence but of the tested wisdom of generations past. They are the only meaningful legacy we have to leave to those who will come after us. Thus it is not for any generation to destroy that which it has not made and of which, as such, it is not full owner.

Burke was a conservative. The Star is conservative. But it is important to understand what we are dedicated to conserving. We are not here to conserve privilege or to defend inequity. Rather the opposite. We are here to preserve that rule of law which in the end is the only guarantor of the liberties of all men, including dissenters.

THE COMPARABILITY PAY BILL: SOMETHING IS BETTER THAN NOTHING

Mr. HARTKE. Mr. President, I wish first to congratulate the chairman of the Post Office and Civil Service Committee, the senior Senator from Wyoming (Mr. McGEE), and the ranking minority member, the Senator from Hawaii (Mr. FONG), for their yeoman service in bringing H.R. 13000 to passage by the Senate in such an efficient and expeditious fashion.

Although the Senator from Wyoming has been chairman of the Post Office and Civil Service Committee for a relatively short time, he has demonstrated not only to the members of the committee, but I think also to the entire Senate as well, his complete grasp of problems relating to Federal employees, and also to the many difficult and complex issues relating to the Post Office Department.

I know that Senator McGEE and Senator FONG have worked practically around the clock, including weekends, for the past several weeks, with representatives of postal unions and other Federal groups, in order that a meaningful pay bill be reported and acted upon by the Senate before the Christmas holidays. Their objective was, and still remains, to give postal and other Federal employees, especially those in the lower grades, a pay raise which would provide salaries commensurate with the important duties and responsibilities they provide our Nation.

Their initial decision to separate salary legislation from legislation pertaining to postal reform, is one that I have supported since the two were joined together in several House measures. It was my feeling, as I am sure it was the feeling of Senator McGEE and Senator FONG, that each issue was separate and distinct from the other, and each must rise or fall on its own merits.

The decision to include the vast majority of Federal employees in this pay bill was a wise and prudent one, which I think the Senate should be quite grateful for. We simply cannot give a pay raise to one group of employees and not to the other. We have tried that system before, and the results have not been favorable.

I want the record clearly to show my strong disappointment over this meager, barebones, 4-percent pay increase which we gave the Nation's dedicated Federal employees. I think the majority of my colleagues on the committee feel the same—it simply is not enough. However, it is a tribute to the members of the committee and the able chairman, that the committee was concerned with reporting out a realistic pay bill which would be acceptable to the administration, rather than a measure which contained a higher percentage increase, but most certainly would have been vetoed by the President. No one here has gained a great victory by recommending a pay increase of 4 percent to the Senate for our Federal employees. The old saying, that "something is better than nothing," could never be more appropriate.

The rationale used by the administration for threatening to veto anything above 4 percent is that it helps to feed the fires of inflation. If this were truly

the case, I would have reluctantly voted against any type of pay raise for Government workers. It is my view, however, that in actuality, the opposite is the case. Statistics have been gathered clearly showing that the Government is spending huge sums of money to replace employees who have left for "greener pastures." Federal employees are today using their Government job only as a temporary stopover point until they can obtain a more satisfactory economic position in private industry.

Supporting this view are the comments by the President's Commission on Postal Organization, which stated in its report of June 1968 that "a single startling statistic summarized postal career prospects: Eight out of every 10 postal workers enter and retire from the service at the same grade level." It further pointed out that "about 85 percent of all postal workers are in the lowest five levels with a top annual salary of $8,094 after 21 years of service."

Those in the service prior to 1962 must serve 25 years before they qualify for entrance into the top step. I think this is a national tragedy, and as much as I do not like to see them leave the Federal service, I cannot say that I blame them. Their Government asks that they perform their task in a professional manner, and in all types of adverse conditions, yet that very same Government will not respond to their economic needs.

One need only to review the pay scale of airline ticket agents, truckdrivers, and most employees of major cities to realize how grossly inadequate and unjust is the pay of Federal workers.

I am afraid that much of the current problem of poor morale within the rank and file of Federal workers stems from the so-called doctrine of comparability instituted in 1967 to bring Federal salaries in line with their counterparts in private industry. While I believe the concept of comparability is a good one, the actual implementation of it has been by and large a failure, creating more problems than it has solved.

The 1967 Comparability Act involves the decisions of three institutions: The Bureau of the Budget, the Civil Service Commission, and the Bureau of Labor Statistics. Of the three, the Bureau of the Budget has played a most important—and in this case, the most oppressive—role, with its tremendous influence with the White House and other agencies. The second most important role was played by the Civil Service Commission, which selected the occupations to be surveyed.

Both the Bureau of the Budget and the Civil Service Commission should have prescribed occupations in private enterprise comparable to occupations in the Postal Field Service. There are many of them and they could have been easily identified.

Throughout the history of the Comparability Act it has been apparent that the Bureau of the Budget interpreted the law in a way highly detrimental to employees in the lowest grades, specifically GS–1 through GS–6.

But the majority of Federal workers fall into the GS–1 to GS–6 range. The salaries and lives of well over 650,000 Federal workers fall within this range, and they are the ones who have suffered the most.

The other unfortunate aspect of the Comparability Act in trying to adjust Federal salaries is the slowness with which Congress receives the Bureau of Labor Statistics reports which are the basis for salary adjustments. Six months to a year lag is considered to be average. This lag, however, coupled with long months of legislative hearings in both Houses of Congress, usually means BLS statistics can be as much as 2 years old when a final measure is signed into law. This method of determining meaningful and equitable salary adjustments is outdated, and a more equitable method must be used if the Government is to hire and retain the type of individual our Nation requires.

In summary, Mr. President, I know that not only the members of the Post Office and Civil Service Committee, who worked so diligently to bring this bill before the Senate, but also the majority of the Members of this body, will not be pleased with this token 4-percent raise for our Nation's Government employees. But in view of the overriding possibility of a Presidential veto of anything above 4 percent, we had to enact this legislation as quickly as possible and now must continue to work to provide Federal workers with the wages to which they are entitled.

INFLATION AND HIGH INTEREST RATES

Mr. HARRIS. Mr. President, the alarm grows daily in this country at the inability of this administration to come to grips with increasing inflation and high interest rates.

There have been optimistic predictions from the administration from time to time, but to date there has not been the kind of positive action which is required.

The noted columnist Clayton Fritchey, in the Washington Star of Friday, December 12, has detailed the administration's optimistic words and lack of results. I ask unanimous consent that that column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INFLATION IS THRIVING, DESPITE NIXON PROGNOSIS

(By Clayton Fritchey)

This is a report on the progress of the Nixon administration's fight against inflation during its first year in office.

The President's intention to halt and roll back inflation was made clear in a campaign statement last year (on Labor Day) in which he condemned Lyndon Johnson for practicing "the politics of inflation—the curse of the working man." At that time inflation was running at an annual rate of 4 percent. Now, 16 months later, the rate has climbed to almost 6 percent, highest since the Korean war.

Since the inauguration of the new administration, it has repeatedly assured the public that its anti-inflation program was working and that relief was just around the corner. As far back as April, Treasury Secretary David Kennedy was saying, "In the next few months we will be seeing clear signs of a turn . . ."

In August, this refrain was echoed by Paul McCracken, chairman of the President's Council of Economic Advisers, Federal Reserve Board Chairman William Martin, and Ronald Ziegler, Nixon's press secretary. The "indicators," Ziegler summed up, "are beginning to look encouraging."

The Consumer Price Index (the nation's best barometer on the cost of living) told a different story. In August, it shot up another 0.4 percent. In September, when McCracken found new "evidence of cooling off," the index again climbed, this time by 0.5 percent. Also, on Sept. 11, General Motors announced the steepest price rise for its cars in a decade. And on Sept. 17 the interest rate on U.S. notes shot up to 8 percent, the highest in 110 years.

On Oct. 14, Nixon told Republican congressional leaders that "we have turned the corner of inflation," and on Oct. 17, in a national radio address, he told the public that "we are on the road to recovery from the disease of runaway prices." On Oct. 20 the Consumer Price Index again went up by another 0.4 percent. Worse, the wholesale price index climbed an ominous 0.4 percent, or double the 0.2 percent of September.

In November, it was the same story. The President told 2,000 businessmen that "we see the first signs that our policies are working." He was "optimistic" because "we are doing the right thing . . ." But the cost of living still went up, especially for food and housing, and, in the wake of a new round of wage increases, it will go still higher unless the administration has the courage to do more than it has done so far.

The pressures of inflation are building up, not receding. Personal income for the first eight months of 1969 was at the annual rate of $737 billion, up $60 billion from 1968. Federal taxes are being slashed on a large scale; Social Security benefits are to be increased 15 percent; welfare expenditures are going up. How is Nixon going to keep all this expanding purchasing power from driving up prices still further?

The administration has been saying all year (and is still saying) that its tight money policy would do the trick. But it hasn't. Noting that interest rates have risen this year to the highest point in a century, Hubert Humphrey said, "I didn't think the Nixon administration would go back that far for its standards."

The predictions on money rates have been no better than those on prices. Months ago, Arthur Burns, presidential adviser and newly appointed chairman of the Federal Reserve, said, "I expect interest rates to move down sometime soon." McCracken said the same. Yet, the rates are still climbing to record heights.

Experience shows that virulent, wartime inflation can be curbed only by stabilizing wages and prices, which means mandatory controls, or voluntary guidelines, or both. Nixon is against government controls "on principle," and, upon taking office, he said he was not going to "jawbone" labor and management to exercise restraint. He has reversed himself on the jawboning, but not on the controls.

So, as 1969 comes to an end, the administration is still pinning its hopes on "hope." Sometime ago Burns was asked if the present rate of inflation could be cut to 3 percent by the end of the year, and he said, "I hope that we can do better than that." It was, at best, a forlorn hope, and now it is palpably an unreal one, on a par with predictions of imminent victory in Vietnam.

THE 25TH ANNIVERSARY OF DEATH OF GLENN MILLER

Mr. MURPHY. Mr. President, today, December 15, marks the 25th anniversary of the death of one of the best-known and best-loved orchestra leaders of all time—Glenn Miller. A talented musician, composer, and arranger, Mr.

Miller was born in Clarinda, Iowa, in 1909. He received his education at Fort Morgan High School in Colorado and the University of Colorado, where he was a member of Sigma Nu fraternity. In 1928 he married Helen Burger.

After working with various bands as a trombone player and arranger, Mr. Miller organized the famed Glenn Miller Orchestra in 1938. During the course of his career, he played on the Chesterfield radio program, served as a band leader for the Army Air Force and composed such musical favorites as "Moonlight Serenade."

Glenn Miller made his home in Tenafly, N.J. He met his death in December 1944, while serving his country during World War II. On a flight from England to France, his plane disappeared over the English Channel and was never found.

Let us pause today and pay tribute to Glenn Miller, not only for his fine musical talent but particularly for the great contributions he made in entertaining thousands of American troops over the years. He did this not only through a sense of patriotic duty, but also because he had a great love for people, especially those who were scattered throughout the world defending the principles of liberty.

UNION'S ROLE IN POLITICS SCORED

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Union's Role in Politics Scored," written by Mr. David Lawrence and published in the Washington Evening Star of December 9, 1969.

As he has been doing for more than five decades, Mr. Lawrence here again penetrates to the core of a problem—this time labor's role in making and unmaking political candidates. At present, two standards apply to political contributions: one to the public at large; the other, completely different, standard applies when contributions are made by labor leaders, supposedly in the name of union members. The situation cries for reform, but reform unfortunately is not forthcoming.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNIONS' ROLE IN POLITICS SCORED

(By David Lawrence)

Should labor unions be able to collect from their members, directly or indirectly, money to be spent in political campaigns not only in presidential but in congressional elections?

Today the AFL–CIO boasts that it, in effect, controls a majority in Congress and insists that all "contributions" from its members for political activities are "voluntary."

Senator Paul J. Fannin, R-Ariz., offered unsuccessfully an amendment to the tax-reform bill which would have taken away the tax-exempt status of labor unions or other organizations if they continue to use membership dues or assessments to support or oppose political candidates or parties or engage in voter registration.

The real way to tackle the problem is to enforce the law of the land. The Federal Corrupt Practices Act forbids labor unions or corporations from making "a contribution or expenditure in connection with "any election for federal office. The law is being flouted, and no administration has had the courage to seek prosecutions under it since the statute was adopted many decades ago.

In 1961, the Supreme Court of the United States held that one section of the Railway Labor Act denies a union, over an employe's objection, the power to use his exacted funds to support political causes which he opposes: This had reference to what is known as a "union shop," where employes are required to join a union and pay dues regularly if they want to retain a job.

The Supreme Court, moreover, in 1957 held that a labor union's use of union dues to sponsor a commercial television broadcast designed to influence the election of certain candidates for congress violated the Federal Corrupt Practices Act.

It is true that in 1948 the Supreme Court ruled that the Federal Corrupt Practices Act does not forbid publication of periodicals issued regularly by corporations or unions for their customers or members expressing views on candidates or proposed measures. This is regarded as one of the privileges of "free speech."

But the fact remains that the statutes do prohibit any direct or indirect contributions to election campaigns. The labor unions today set up "political action" committees. These units, which solicit and handle donations, are supposed to be separate entities but actually are headed and directed by labor-union leaders. These same committees distribute millions of copies of the voting records of members of Congress and list the votes on key issues which the AFL–CIO considers important. The voting record of each member of the Senate and House on major issues relating to labor is made available to union members in each state. This is considered as "educational," and it is financed to a large extent from union dues.

There have been complaints that some unions force their members to make contributions and that pressure is put on the rank and file through collection of campaign contributions in the plants or offices. Unless evidence can be produced that coercion was used, they continue to be bypassed as "voluntary."

The federal laws apply, of course, only to campaigns for presidential and congressional elections. In state and city elections, union funds collected to support candidates are permitted except in a few states which have laws against it.

Thus, in so-called free America the spectacle is presented each year of a practice of virtually purchasing votes in Congress by means of contributions exacted from many who contribute lest they incur the wrath of the leaders of their unions.

This is a flagrant example of how labor unions violate the spirit, if not the letter, of the Federal Corrupt Practices Act and participate actively in politics by threatening members of Congress with defeat if they do not concur in labor-union demands. The real question, however, is: Why doesn't the Department of Justice, whether under a Democratic or a Republican administration, enforce the laws against such political contributions?

THE PHILADELPHIA PLAN

Mr. ERVIN. Mr. President, on October 30, 1969, 1 day after the Judiciary Subcommittee on Separation of Powers completed hearings on the Department of Labor's Philadelphia plan, I wrote to the Department asking for clarifications of two points which were not adequately discussed in the hearing testimony.

My first question was this: If an employer subject to the Philadelphia plan cannot meet his "affirmative action goal" because the union with which he has an exclusive collective bargaining agreement does not refer enough minority group workers, would that contractor be absolved of responsibility by the Office of Federal Contract Compliance?

My second question was: How does the Department of Labor justify its disregard of a lawful decision of the Comptroller General of the United States, whose determinations of the legality of payments from the public Treasury are "final and conclusive" upon the executive branch of Government?

I asked the first question, Mr. President, for an important reason. Under the provisions of the Taft-Hartley Act, it is an unfair labor practice for either an employer or a union to alter unilaterally the conditions of a collective bargaining agreement during the period that the agreement is in force. Thus, if the Philadelphia plan required a contractor with an exclusive union hiring agreement to employ minority group workers from outside the existing referral system, it would compel him to violate Taft-Hartley. Since the Philadelphia plan is a creature of Executive Order 11246 while Taft-Hartley is an act of Congress, in such a conflict the Philadelphia plan would fall.

Last week, 1 month after I asked the Department this question, I received a reply from the Office of the Solicitor, I quote:

A contractor will be given an opportunity to demonstrate that he has made good faith efforts to meet his goal of minority manpower utilization in the event he fails to meet such goal. However, a contractor may not be relieved of his obligations under the revised Philadelphia Plan on the basis that he has an exclusive hiring arrangement with a union and that such union does not refer minority group persons for employment. A contractor may not continue to rely on established hiring practices which are reasonably expected in continued exclusion of minorities. The Philadelphia Plan places the burden of broadening his recruitment base squarely upon the contractor. Whether he shall do so within or without the existing union referral system is for him to determine but he shall not be relieved of his responsibilities under the Executive Order merely because he has delegated to another entity the power to act on his behalf.

Mr. President, I would like to comment briefly on this statement by the Department of Labor.

First, an exclusive, industrywide collective bargaining agreement can hardly be called an "arrangement." These agreements are protected by the National Labor Relations Act, and if an employer violates them, he is vulnerable to a suit for breach of contract, a possible strike, and the assessment of damages by an arbitration committee provided for within his bargaining agreement. The assessment of such damages was upheld by U.S. District Court Judge J. Skelly Wright in *Local 130 of the International Brotherhood of Electrical Workers, AFL–CIO* v. *Mississippi Valley Electric Company*, 175 F. Supp. 312 (1959). The Department of Labor's statement overlooks this point entirely. In simple terms, the Philadelphia Plan requires an employer to violate an act of Congress in order to comply

with an administrative regulation; and in such an instance, the administrative regulation must yield.

Second, the Department's argument assumes that if a union does not refer enough minority group workers to meet a particular "affirmative action goal," that union necessarily is discriminating. As a lawyer and a former judge, I reject that assumption. It is not founded upon reality or legal reasoning.

Contrary to the assumptions of the Department of Labor, union membership is not organized on a job-by-job basis. We can learn nothing about alleged union discrimination by whether or not a certain number of minority group workers is referred to a specific job. If a union's minority group members are not referred to a Federal construction project on Monday afternoon, they may be referred to a private construction job on Tuesday morning. It is unrealistic to ask that a union produce a certain number of minority group craftsmen at a given place and a given time.

Similarly, construction unions are organized into priority grades according to the experience of their members. These seniority systems are protected by title VII of the 1964 Civil Rights Act.

Suppose, for example, that a union does not have enough minority group craftsmen in "priority 1," the most experienced grade, to meet an "affirmative goal" under the Philadelphia plan. Is the union, in order to refer enough minority group craftsmen to satisfy the OFCC, to bypass the more experienced craftsmen of "priority 1" for the relative newcomers of priorities 2, 3, and 4?

I submit that this demand—which the Philadelphia plan clearly makes—is in open conflict with title VII of the 1964 Civil Rights Act, which explicitly states that it is not meant to interfere with bona fide union seniority systems. In enacting title VII, the Congress intended that legitimate seniority systems not be disrupted by Federal employment programs aimed at job discrimination. I can find no provision of any congressional act or Executive order requiring labor organizations to take affirmative action. As in the case of the conflict between the Philadelphia plan and Taft-Hartley, again the plan must yield.

Mr. President, I repeat my suggestion of 1 month ago: If the Department of Labor feels that union discrimination is the cause of a shortage of minority group workers in the construction industry, then let the Department prevail upon the Department of Justice to file a "patterns and practices of discrimination" suit under title VII. Let the Department's accusations be proved or disproved in open court, with judges, not administrators of the OFCC, to decide whether the unions are guilty.

It is more difficult to unravel the Department of Labor's answer to my second question: How does the Department justify ignoring a lawful decision of the Comptroller General? Mr. President, I read the relevant portion of the Department's statement at this point:

MEMORANDUM ON THE REVISED PHILADELPHIA PLAN

This memorandum prepared by the Solicitor of Labor is submitted to the Subcommittee on Separation of Powers of the United States Senate for the purpose of clarifying certain questions relative to the Revised Philadelphia Plan.

* * * * *

6. *Must the decision of the Comptroller General relating to the Revised Philadelphia Plan (Comp. Gen. Dec., B–163026, August 5, 1969) be obeyed by the Department of Labor whether or not that Department agrees with its legal reasoning?*

In essence the Comptroller looks to Section 304 of the Budget and Accounting Act of 1921—which provides in relevant part, "Balances certified by the General Accounting Office, upon the settlement of public accounts, shall be final and conclusive upon the Executive Branch of the Government"—as vesting in him the exclusive authority to construe any and all laws having any bearing whatever upon expenditures. The Comptroller's interpretation, according to his testimony, must be adhered to by Executive agencies regardless of the Attorney General's views, and his power of disallowance may be invoked to compel their adherence.

We cannot agree with the Comptroller's interpretation. We submit that the Comptroller reads the Act too broadly, even in a situation in which the Attorney General has not spoken, but particularly in this case in which his interpretation fails to take into account the Attorney General's statutory duty to advise the heads of Executive agencies upon questions of law arising in the administration of their departments. 80 Stat. 613 (1966), 28 U.S.C. § 512 (Supp. III, 1965–67).

The language of Section 304 of the Budget and Accounting Act of 1921 was derived from the original Dockery Act which provided, "The balances which may from time to time be certified by the Auditors to the Division of Bookkeeping and Warrants, or to the Postmaster-General, upon the settlements of public accounts, shall be final and conclusive upon the Executive Branch of the Government. . . ." 28 Stat. 207 (1894). During the quarter century between enactment of the Dockery Act and the 1921 Act creating GAO, Attorney General Moody had occasion to rule on the former Act's effect on his own authority to render binding legal opinions:

"I am unable . . . to agree to the proposition that the Act of 1894 establishes a rule which is universal and without exception under all circumstances. While I do not challenge the authority of the Comptroller under that law to determine conclusively the question of the legality of a payment out of the public Treasury, I am nevertheless of the opinion that Congress intended to confine the power of the Comptroller within a relatively narrow range, and did not mean thereby to curtail the occasions for the rendering of opinions by the Attorney-General or to diminish their scope and weight. I do not believe that Congress by that enactment intended to shorten the reach of Sections 354 and 356, Revised Statutes [now codified at 28 U.S.C. §§ 511, 512] as construed to give to opinions of the Attorney-General controlling authority (5 Opin., 97; 6 Opin., 334; 7 Opin., 699; 9 Opin., 37; 20 Opin., 648), or to repeal *pro tanto* those laws.

"If a question is presented to the Attorney-General in accordance with law—that is, if it is submitted by the President or the head of a Department—if it is a question of law and actually arises in the administration of a Department, and the Attorney-General is of opinion that the nature of the question is general and important in other directions than disbursement, and therefore conceives that it is proper for him to deliver his opinion, I think it is final and authoritative under the law, and should be so treated by the accounting officers, even if the question involves a payment to be made." [25 Op. Att'y Gen. 301, 303–03 (1904).]

Mr. Moody's opinion was consistently followed by himself and his successors in the years antedating the 1921 Act. See, *e.g.*, 26 Op. Att'y Gen. 81 (1906); 26 Op. Att'y Gen. 609 (1908); 27 Op. Att'y Gen. 542 (1909).

The Budget and Accounting Act did not effect any fundamental change in the Dockery Act, so far as the powers of the Government's chief accounting officer were concerned. The enactment of the 1921 Act was for the purpose of transferring the powers of the Comptroller of the Treasury to the General Accounting Office. That the statute did not confer on the Comptroller General any authority in excess of that formerly exercised by the Comptroller of the Treasury under the earlier Act is made clear by *Globe Indemnity Co.* v. *United States*, 291 U.S. 476, 479–80 (1934). Consequently Congress' re-enactment of the Dockery Act without change, in light of the Attorney General's long continued construction of that statute, appears to have been an adoption by the legislature of the Attorney General's construction. *United States* v. *Hermanos Y Compania*, 209 U.S. 337, 339 (1908).

The Comptroller's view of Section 304 of the Budget and Accounting Act would nullify the Attorney General's statutory duty to advise the heads of Executive agencies upon any question of law involving the expenditure of public funds. As a practical matter, there are few questions arising in the administration of an Executive Department that do not, in some way, involve expenditures. Acceptance of the Comptroller's interpretation, therefore, would reduce the Attorney General's authority to microscopic proportions, if indeed any remained at all. That this was not Congress' intent seems clear in light of the 1966 re-enactment, without substantive change, of the Attorney General's authority to issue opinions to the heads of Executive Departments. 80 Stat. 613 (1966), 28 U.S.C. § 512 (Supp. III, 1965–67).

The issue at the heart of this controversy is not a new one. There exist two laws dealing with the same subject matter—the power to render binding decisions to the heads of agencies regarding the proper interpretation of laws affecting their operations. The question is what effect shall be given to each. Clearly where, as here, two statutes speak to the same subject matter, they must be construed together and harmonized, if possible, so as to give effect to the intent of Congress. See *United States* v. *Stewart*, 311 U.S. 60, 64 (1940). Only in the event of irreconcilable conflict will the earlier statute yield to the one later in time.

We submit that the statutes in question may be interpreted in accordance with these principles. As the Attorney General has made clear, his jurisdiction over matters involving expenditures is limited to legal questions of general importance directly affecting the performance by Executive agencies of functions independently confided to them and not those simply involving payments. See, *e.g.*, 25 Op. Att'y Gen. 614 (1906); 26 Op. Att'y Gen. 609 (1908); 33 Op. Att'y Gen. 383 (1922). This view affords the Comptroller's functions under the Dockery Act, as amended, the widest possible scope, consistent with the Attorney General's statutory duty. On the other hand, the Comptroller's interpretation would substantially reduce, if not eliminate, statutory harmony, for it strips the Attorney General of his authority to advise Executive agencies and relegates him to a nominal role, subordinate in virtually every respect to the Comptroller.

So far as we are aware, the interpretation of the Attorney General has been followed without variation from 1921 to the present. See 38 Op. Att'y Gen. 555 (1937); 39 Op. Att'y Gen. 25 (1937); 40 Op. Att'y Gen. 193 (1942); 42 Op. Att'y Gen. No. 33 (1969); see also *Graybar Elec. Co.* v. *United States*, 90 Ct. Cl. 232 (1940). Nor has there been any

question as to the binding nature of opinions by the Attorney General on Executive agencies. They "should be respected and followed in the administration of the Executive Branch." 37 Op. Att'y Gen. 562, 563 (1934). "'[A]dministrative officers should regard them as law until withdrawn by the Attorney General or overruled by the Courts'" (20 Op. Att'y Gen. 719, 722 (1894)), even in the face of a contrary decision by the Comptroller General 38 Op. Att'y Gen. 176 (1935).

Thus, upon sound legal principles Executive agencies, including this Department, are bound to follow the Attorney General's Opinion upholding the legality of the Revised Philadelphia Plan.

Moreover, "the Comptroller General, who is clearly an administrative officer of the Government, is likewise bound as a matter of law by the construction placed upon the statute [here, the Civil Rights Act of 1964] by the Attorney General . . . ." *Id.* at 179; (25 Op. Att'y Gen. 301 (1904)). Contra Comp. Gen. Dec. No. B–156192, 8 Gov't Cont. Rep. 82,526 (Feb. 7, 1969); 25 Comp. Gen. 377 (1945). That the Comptroller should consider himself bound by the Attorney General's Opinion is supported by *Smith* v. *Jackson*, 241 Fed. 747 (5th Cir. 1917), aff'd, 246 U.S. 388 (1918), where the Auditor of the Panama Canal Zone withheld from the salary of the Canal Zone's district judge sums he considered due as rent for quarters furnished by the Government and because of the judge's absence from the Canal Zone for a certain period. The judge thereupon sued for a writ of mandamus to compel the Auditor to pay him the sums withheld. The District Court held that the deductions were without authority of law and issued the writ prayed for. This judgment was affirmed by the Court of Appeals and the Supreme Court. The Supreme Court had this to say regarding the legal effect of an Opinion by the Attorney General:

"[W]e are of opinion that it is obvious on the face of the statement of the case that the Auditor had no power to refuse to carry out the law and that any doubt which he might have had should have been subordinated, first, to the ruling of the Attorney General and, second, beyond all possible question to the judgments of the courts below." [246 U.S. at 390–91; see also *Miguel* v. *McCarl*, 291 U.S. 442 (1934).]

In the context of the Revised Philadelphia Plan this Department believes that all Executive agencies and the General Accounting Office must adhere to the ruling of the Attorney General upholding its validity. Certainly the question of the Plan's legality was properly before the Attorney General, since it involved a matter of great importance (the proper administrative interpretation of Title VII and the Executive Order), and only incidentally concerned payments out of the public Treasury. Its importance is underscored by the fact that the Comptroller's view not only affects the procuring activities of every contracting agency, but is contrary to the administrative rulings of the Equal Employment Opportunity Commission and runs counter to the legal arguments under Title VII that the Commission and the Justice Department have urged upon the courts. If sustained, it will have a drastic adverse impact on the administration of the civil rights laws, including the imposition of differing and conflicting standards of conduct under the Executive Order on the one hand and Title VII on the other.

For these reasons, we believe that the Comptroller General's Opinion of August 5, 1969 is not binding on this Department, and that we have no choice but to follow the Attorney General's Opinion upholding the validity of the Revised Philadelphia Plan.

First, I would point out again that the language of the United States Code is clear: the determinations of the Comptroller General are "final and conclusive" upon the executive branch of the Government. Attorney General Moody, whom the Department of Labor so assiduously quoted, admitted this fact when he said:

I do not challenge the authority of the Comptroller under that law (the Dockery Act of 1894) to determine conclusively the legality of a payment out of the public Treasury.

However, the authority of the Attorney General in rendering opinions to the heads of the executive departments is advisory only.

Second, I take issue with the Department of Labor's statement that—

The Budget and Accounting Act did not effect any fundamental change in the Dockery Act, so far as the powers of the Government's chief accounting officer were concerned.

In fact, the 1921 act made a very substantial change: it removed the Office of the Comptroller from the executive branch and made it a part of the legislative branch. When the Congress effected this transfer, the Comptroller lost the power to seek, and lost any obligation to obey, the advisory opinions of the Attorney General.

Mr. President, I would urge the Labor and Justice Departments, which argue that the Comptroller General should defer to the Attorney General on the Philadelphia plan, to study the hearings held in 1919 before the Select Committee on the Budget of the House of Representatives. John Nance Garner, Henry Stimson, William H. Taft, and Franklin Roosevelt: these are the names of some of the men who testified that the main purpose of creating the General Accounting Office was to remove the Comptroller from all influence by the executive branch.

Let me read two of the statements made by the Chairman, James W. Good of Iowa, during those 1919 hearings:

If he (the Comptroller) is allowed to have his decisions modified or changed by the will of an Executive—

Mr. Good said—

then we might as well abolish the office.

I think that is the crux of the entire controversy. Mr. Good also observed:

There ought to be an independent body, independent of the Executives, with an official who could say, "This appropriation can or cannot be used for this purpose."

The same intent of guaranteeing the Comptroller General's independence from the executive was repeated in the committee's report, and in the conference committee's report on the Budget and Accounting Act of 1921. That intent appears in the Budget and Accounting Act itself. The Congress did not believe that the Comptroller General could properly oversee the expenditures of the executive branch if his decisions could be manipulated by the Executive. It was a separation of powers issue then, and it is a separation of powers issue now.

Mr. President, let be excerpt for the Senate several quotations from the final 2 days of House debate on the Budget and Accounting Act which show beyond question the intent of Congress in removing the Comptroller from the executive branch:

Mr. Byrns, May 5, 1921: "The comptroller general is the representative of the Congress. He does not represent the Executive in any sense of the word, and the whole idea of the Budget Committee was to make him absolutely and completely independent of the Executive (Applause)."

Mr. Good, May 3, 1921: "This makes him entirely independent of the departments which spend the money. . . . This feature becomes the backbone of an effective budget system. . . ."

Mr. Bankhead: "(The Comptroller General should be) absolutely free and independent of any restraint by Executive interference."

I would remind the Senate of a quotation by former President Cleveland which contributed to the establishment of the Office of the Comptroller General.

If I cannot change the opinion of my comptroller—

President Cleveland said when the Comptroller of the Treasury declared illegal the expenditure of funds for a purpose which the President approved—

then I can change my comptroller.

It is no longer possible for an Executive to do as President Cleveland desired. The Comptroller General cannot be removed from office by a President. Let us not now grant to the Department of Labor or to the Department of Justice the power which President Cleveland would have liked but did not have, the power to reverse a decision of the Comptroller General.

I must point out that the Department of Labor was not nearly thorough enough in quoting the opinion of former Attorney General Moody.

The Department did not mention, for example, that in five other cases in which executive departments asked the Attorney General to review decisions by the Comptroller, the Attorneys General refused because they viewed the interpretative powers of the Comptroller as complete in the field of disbursement—21 Opin., 178; ibid. 530; 22 Opin., 581; 23 Opin. 468; 24 Opin., 553.

Nor did the Department mention the fact that Attorney General Moody, in the same opinion, stated:

The authority of the Comptroller to decide a question involving a payment to be made from the Treasury . . . is complete.

Nor did the Department choose to observe that the Comptroller himself requested that Attorney General Moody rule on this particular question. The Attorney General himself stated at two points in the opinion that he had reservations about making gratuitous rulings dealing with decisions of the Comptroller. And, of course, when Attorney General Moody was asked for his opinion, in 1904, the Comptroller was still a part of the executive branch and was still authorized to seek the Attorney General's advice.

There were many aspects of the Moody opinion which the Department of Labor did not illuminate—not the least of them that the opinion was only advisory, while the Comptroller General's decision was final and conclusive. I read the full text of Attorney General Moody's opinion at this point:

ATTORNEY GENERAL—OPINIONS—DETAIL OF REGISTRY CLERK TO THE WHITE HOUSE

The authority convened upon the Comptroller of the Treasury by section 8 of the act of July 31, 1894 (28 Stat., 208) to decide questions involving payments to be made from the Treasury is complete; but this act does not establish a rule which is universal and without exception. Congress did not, by that enactment, intend to shorten the reach of sections 352 and 356. Revised Statutes, or to repeal *pro tonto* those sections.

Where a question is presented to the Attorney-General in accordance with law for decision, and he is of opinion that the nature of the question is general and important in other respects than disbursement, and therefore conceives that it is proper for him to deliver his opinion, it is final and authoritative under the law, and should be so treated by the accounting officers of the Treasury, even though the question involves a payment to be made from the Treasury.

When the Comptroller of the Treasury waives his right to determine a matter involving disbursements within the scope of authority under the law, and requests or suggests a ruling by the Attorney-General, the Attorney-General's opinion should be controlled upon the accounting officers of the Treasury, and should be followed by them unless contrary to some authoritative judicial decision.

The Postmaster General had no authority to detail a registry clerk from the Washington post-office on detached service at the White House; and the accounting offices of the Treasury having refused to allow credits to the postmaster for salary paid such clerk for the period covered by the detail, that officer must be remitted to Congress for an appropriation for his relief.

DEPARTMENT OF JUSTICE,
December 22, 1904.

SIR: Your letter of December 15 informs me that, at the request of the Secretary to the President, your predecessor detailed for duty at the White House, in April last, a clerk in the registry division of the Washington post-office; that this detail continued until October, during which period the clerk was paid his regular salary by the postmaster under direction of the Postmaster-General, and that in the settlement of the Postmaster's account for the last quarterly period the accounting officers of the Treasury have refused to allow credit for the payments to the clerk for the period covered by the detail.

The Comptroller of the Treasury has advised you that he is unable to find any authority in law which legalizes or justifies the detail of a clerk from one Executive Department to another; but he has suggested that the question be referred to me for an official opinion, and accordingly you request my opinion on the subject.

In the letter of the Comptroller to you he cites section 166, Revised Statutes, which allows the head of a Department to detail the clerks therein among the various bureaus and offices of the Department as he may find necessary and proper to do; from which the Comptroller draws the conclusion that this grant of authority negatives the idea that any such power exists independent of statutory grant to detail to other branches of the public service, and in this connection he cites section 3678, Revised Statutes, and section 4 of the act of August 5, 1882 (22 Stat. 219, 255), which generally restrict the employment and payment of clerks for services not rendered for the purposes for which an appropriation is made and from which payment is claimed. I may add that the act of March 15, 1898 (30 Stat., 277, 317), even forbids (sec. 9) the detail of clerks or other employees from any branch of the postal service to any of the offices or bureaus of the Post-Office Department at Washington.

The Comptroller, commenting upon his suggestion that the inquiry be referred to me, says that my opinion would no doubt be persuasive to the accounting officers, and would be followed by them unless found to be contrary to the decision of a court of competent jurisdiction.

The authority of the Comptroller to decide a question involving a payment to be made from the Treasury, so as to govern the auditing officers and himself in passing upon accounts, is complete (act of July 31, 1894, sec. 8; 28 Stat., 162, 208). Accordingly, in various instances my predecessors have declined to give an opinion upon a question of this nature (21 Opin., 178; id., 530; 22 Opin., 581; 23 Opin., 468; 24 Opin., 553). On the other hand, although a disbursement may be involved, when the question is of general and great importance, and especially when the Comptroller, in advance of decision by himself, requests that the matter be referred to the Attorney-General, and states that the opinion of the Attorney-General will be followed by him, then it is the view of this Department that the question may properly be answered by the Attorney-General (21 Opin., 181; id., 224; id., 402). Of course the opinion of the Attorney-General, when rendered in a proper case—as must be the presumption always from the fact that it is rendered—must be controlling and conclusive, establishing a rule for the guidance of other officers of the Government, and must not be treated as nugatory and ineffective (20 Opin., 648; citing 5 Opin., 97; 6 Opin., 334; 7 Opin., 699; 9 Opin., 37).

I am unable, however, to agree to the proposition that the act of 1894 establishes a rule which is universal and without exception under all circumstances. While I do not challenge the authority of the Comptroller under that law to determine conclusively the question of the legality of a payment out of the public Treasury, I am nevertheless of the opinion that Congress intended to confine the power of the Comptroller within a relatively narrow range, and did not mean thereby to curtail the occasions for the rendering of opinions by the Attorney-General or to diminish their scope and weight. I do not believe that Congress by that enactment intended to shorten the reach of sections 354 and 356, Revised Statutes, as construed to give to opinions of the Attorney-General controlling authority (5 Opin., 27; 6 Opin., 334; 7 Opin., 699; 9 Opin., 37; 20 Opin., 648), or to repeal *pro tanto* those laws.

If a question is presented to the Attorney-General in accordance with law—that is, if it is submitted by the President or the head of a Department—if it is a question of law and actually arises in the administration of a Department, and the Attorney-General is of opinion that the nature of the question is general and important in other directions than disbursement, and therefore conceives that it is proper for him to deliver his opinion, I think it is final and authoritative under the law, and should be so treated by the accounting officers, even if the question involves a payment to be made.

There is, of course, in this matter a large element of propriety and etiquette which has led Attorneys-General (as noted) to decline to pass upon many questions, however important in their essential and abstract bearings, because payments are also involved. But certainly, without touching upon the question whether a Comptroller of the Treasury may delegate his authority—for that matter is not really involved here—when the Comptroller waives his right to determine a matter involving disbursement within the scope of his authority under the law, and requests or suggests a ruling by the Attorney-General, I entertain no doubt whatever that the Attorney-General's opinion should not only be justly persuasive to the accounting officers, but should be controlling and should be followed by them unless contrary to some authoritative judicial decision which puts the matter at rest. It is always to be assumed that an Attorney-General would not overlook or ignore such a decision in announcing his own conclusion.

Taking up, now, on the merits the important question presented in your letter, I am of opinion that the Comptroller is right in the views which he suggests rather than lays down, and that there is no authority in the law for the detail of the clerk in question to the White House service. However natural and legitimate such calls by the Executive and ready response to them may be, and however true it is that thereby important public business is performed and expedited, quite apart from just considerations of the personal convenience of the President, nevertheless, in view of the statutes cited and without express authority in law, which is not to be found, such detail is unauthorized and the items in question in the postmaster's account must therefore be disallowed.

But the nature of the inquiry demands exhaustive treatment. I proceed, therefore, to a fuller consideration of the law.

Section 166 Revised Statutes, as amended by section 3 of the act of May 28, 1896 (29 Stat., 140, 179), provides:

"Each head of a Department may, from time to time, alter the distribution among the various bureaus and offices of his Department, of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the Department, and in no case be for a period of time exceeding one hundred and twenty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the Department, in each particular case, for periods of not exceeding one hundred and twenty days. All details heretofore made are hereby revoked, but may be renewed as provided herein."

This specific authority to distribute and detail clerks and other employees is restricted, as will be observed, to the Department in which they are regularly employed. I am unable to discover any other express authority for such service details.

On the other hand, section 3678, Revised Statutes, lays down a fundamental rule in the public service, namely, "All sums appropriated for the various branches of expenditures in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

Section 3682 provides:

"No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation."

Section 4 of the act of August 5, 1882 (22 Stat., 219, 255), forbids the employment of any clerk, among other officers and employees, in any of the Executive Departments or offices thereof at the seat of government except at such rates and in such numbers as may be specifically appropriated for by Congress, "and no * * * clerk * * * or other employee shall hereafter be employed at the seat of government in any Executive Department or subordinate bureau or office thereof, or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made * * *"

This statute repeals section 172 of the Revised Statutes, which contained an exception from the prohibition against payment of clerical and other services out of contingent funds, in case the employment was

authorized by law, or is necessary to carry into effect some object for which specific appropriation was made.

The act of 1882 saved section 166, now amended (*ut supra*); but it seems clear that Congress by those various laws has strictly limited the power and discretion of a head of Department in this matter of employment and detail, to cases falling within amended section 166. It necessarily follows that the Postmaster-General was without authority to detail the registry clerk from the Washton post-office to the White House.

But the detail was on the request or direction of the President, based, of course, upon the natural assumption that the particular exigency or demand of the public service found a corresponding authority in law.

In general, it may be stated that, while outside of the express constitutional grants of power to the Chief Executive there are large and necessary inherent powers in the President essential to his function as the executive head of a civilized government, and always contemplated, some of them accurately defined in the natural evolution of usage and legal decision, as under the war power and in all foreign relations, and others which are not susceptible of precise anticipation and delimitation, nevertheless, it is the customary rule that the President's authority in appointment to offices not falling within the enumeration of the Constitution and "which shall be established by law," and all employment and detail by him in various branches of the service, rest upon enactments of Congress. Thus, to illustrate from recent laws, the President is authorized to appoint judges of the courts of the United States when new judgeships are created, although, notwithstanding the language of such acts, those particular offices, with many others, plainly fall within the reasonable limits of his power under the Constitution, the power of Congress to vest appointment in other authorities than the President being confined to inferior offices.

The President also, by recent statutes not necessary to cite in detail, might appoint officers of the Regular to the Volunteer Army; may appoint cadets to the Military and Naval academies; may appoint various officers of the Army and Navy; may appoint or designate various officers of the Army and Navy on the retired list; may promote notwithstanding physical disqualification incurred in the line of duty; may restore to the active list; may transfer on the retired list, and may detail a retired officer on detached service, as for instance to be adjutant-general of the District Militia. In all such cases the authority of the President is traceable to direct and positive grants of power by statute.

Further, in annual appropriation acts (e.g., act of March 18, 1904, 33 Stat., 85, 97), under the heading "Executive," an appropriation is made for the compensation of various officers, clerks, and employees in the office of the President of the United States, and for contingent expenses of the executive office, in which is an exact specification of items which may be expended in the discretion of the President.

In consideration, therefore, of this review of the law and of the various prohibitions on details for service and on the use of contingent funds for the payment of compensation to clerks and employees, I am constrained to conclude that there is no authority in existing law for the employment of the clerk in question on detached service at the White House, and therefore the subject must be remitted to Congress for due appropriation for the relief of the postmaster.

Very respectfully,

W. H. MOODY,
The Attorney General.

Mr. President, I believe that it should be of no concern to the Department of Labor that the Comptroller General's decision might weaken the authority of the Department of Justice, or might, as the Department asserts in fright language, "reduce the authority of the Attorney General to microscopic proportions, if indeed any remained at all." The law is the law.

And it should be of no concern to the Department that the Comptroller General's decision might have "a drastic adverse impact on the administration of the civil rights laws," another piece of fright language. I do not believe, nor does Comptroller General Staats, that his decision would have such an impact. Both of us are anxious to see a legal end to racial discrimination in employment, if such an end exists.

In its statement, the Department of Labor notes that the Attorney General's "jurisdiction over matters involving expenditures is limited to legal questions of general importance directly affecting the performance by executive agencies of functions independently confided to them and not those simply involving payments." The Department then cites, among other opinions, 33 Opin. 383 (1922).

I would like to quote another section of that same opinion which casts an entirely different light on the Department of Labor's assertion.

The rulings of the Comptroller of the Treasury—

Attorney General Daugherty stated—

(are) conclusive as to particular payments to be made by and through executive departments.

And I would also quote from another ruling of Attorney General Daugherty, 33 Opin. 383:

The Comptroller of the Treasury is charged with the duty of rendering decisions upon questions involving payments to be made by or under the head of an Executive department, and contemplates the construction by him of statutes.

Mr. President, I would make this application of Attorney General Daugherty's advisory opinion to our present controversy: it is perfectly permissible, under the United States Code, for the Department of Labor to seek from the Attorney General an opinion on the Philadelphia plan's legality. It is perfectly permissible for the Attorney General to advise the Department of Labor that the plan's employment requirements are legal, despite a decision of the Comptroller General to the contrary.

No opinion of the Attorney General, however, can make legal the expenditure of one dime from the public Treasury for the Philadelphia plan once the Comptroller General has declared the plan unacceptable. The decision of the Comptroller General is final on all payments, as admitted by both Attorney General Daugherty and Attorney General Moody. The Department of Labor is bound by it.

The Comptroller General, if he is to obey the directive of Congress, must test the Philadelphia plan against any and all laws and regulations. Attorney General Daugherty himself said that the Comptroller has the power of statutory construction. We are talking about massive disbursements of public funds. The Comptroller would be derelict in his duties if he did not compare the Philadelphia plan with title VII. This is precisely the kind of question which the Congress created the General Accounting Office to resolve.

I must disagree, Mr. President, with the Department of Labor's assertion that—

That this was not Congress' intent (to reduce the Attorney General's authority in relation to the Comptroller General) seems clear in light of the 1968 re-enactment, without substantive change, of the Attorney General's authority to issue opinions to the heads of Executive Departments.

It may be clear to the Department of Labor, but it is not clear to me. Indeed, I believe that assertion was made either in extreme naivete or else with the intent of deliberately obfuscating the issue. What the Department cited as legislative intent was a simple codification of a number of existing statutes into a title of the United States Code. That was the sole intent of Congress—to codify, not to decide the merits or the demerits of the Attorney General's authority. No other legislative intent can be read into that reenactment.

Mr. President, I conclude by enunciating one essential point. When Congress created the General Accounting office in 1921, its overriding intent—the intent which was expressed in 2 years of hearings, in the committee and conference committee reports on the bill, in statements from the floor, and in the Budget and Accounting Act itself—was to make the Comptroller General independent of any and all influences by the executive branch of Government. The Congress made the Comptroller an arm of the Congress, and a revolt against his lawful authority is a revolt against us all. The Congress intended that the Comptroller General be free from any duress by the executive; the Labor and Justice Departments are seeking to overturn that intent.

It is clear to me that the Departments of Labor and Justice intend to implement the Philadelphia plan despite its illegality by whatever expedient is nearest at hand. In doing so, they would effectively repeal sections of the Taft-Hartley Act, title VII of the 1964 Civil Rights Act, and the Budget and Accounting Act of 1921. Their actions are no more than legislation on the part of the executive branch of the Government.

I submit that we cannot allow the executive to be so cavalier with the law. If we do so, we shirk the constitutional responsibility of Congress to maintain control over appropriations. I urge that the Senate take action to remedy this grave violation of the doctrine of separation of powers.

EDITORIAL CRITICISM OF THE TAX BILL

Mr. WILLIAMS of Delaware. Mr. President, Sunday's New York Times and today's Philadelphia Inquirer contain editorials strongly criticizing the Senate for the irresponsible manner in which it loaded the recent tax bill with huge tax reductions—tax reductions which un-

questionably would accelerate the inflationary spiral.

I quote from the New York Times editorial:

Clearly the Senate bill would accelerate inflation—and that is the matter of immediate concern.

It concludes with the following pertinent comments:

The conference committee will have a hard job in producing a bill that makes any economic sense at this time, basically because a sensible tax bill now ought to call for some increase rather than a large cut in taxes.

The Philadelphia Inquirer editorial, written by William S. White, makes this pointed observation:

The Democratic measure for a reduction of $11 billion that the Senate has whopped through with glad cries, inflation or no inflation, is the most nakedly political ploy since the Republicans similarly decided two decades ago that the way to deal with the postwar hot money crisis was simply to create more hot money.

Both these editorials emphasize the inflationary aspects of the Gore amendment.

I ask unanimous consent that the two editorials, the one entitled "Senate Saturnalia," published in the New York Times, the second, entitled "Tax 'Hoax' Reflects 'Decline' of Senate," published in the Philadelphia Inquirer, be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times]

SENATE SATURNALIA

The fiscal saturnalia on the floor of the Senate has at last run its riotous course. By a vote of 69 to 22 the Senate has adopted a tax bill that would stimulate inflation, hamper for years to come the nation's ability to finance urgently needed public programs, and emasculate reforms contained in the House bill.

It is now the responsibility of the House-Senate conference committee to try to produce a compromise bill that will avoid a threatened Presidential veto and contribute to the public interest—if such a measure is any longer possible. In refusing to join this conference committee, Senator John J. Williams of Delaware, ranking Republican on the Finance Committee, pronounced the Senate bill "the most irresponsible legislation passed in my 22 years in the Senate." By his unprecedented act, Senator Williams declined to associate himself in any way with a bill that represents, as Vice President Agnew also has pungently noted, a low water mark in fiscal policy.

Clearly the Senate bill would accelerate inflation—and that is the matter of immediate concern. The Gore amendment to boost the personal exemption in the next two years from the present $600 to $800 would cost in revenue loss an extra $2.2 billion in 1970 and $3.7 billion in 1971. Other Senate-adopted amendments would increase the revenue loss by an additional $1 billion in both years. The boost in Social Security benefits by 15 per cent, plus the boost in the minimums, would cost $5.7 billion in 1970 and $6.4 billion in 1971. To these inflationary drains one must add the reduction in the 10 per cent surtax to 5 per cent on Jan. 1, 1970, and its complete elimination next June 30. The Administration must carry at least equal responsibility with the Congress for this particular action.

The combined effect of all these measures would be to produce a reduction in fiscal restraint totaling $18 billion in 1970 and $24 billion in 1971 from present levels. These figures on revenue loss are so large as to strain credibilty at a time when the Administration proclaims itself to be fighting inflation. The Administration is apparently gambling that a scaling down of the Vietnam war will permit it to make cuts in expenditures steep enough to offset the big revenue loss from the lapse in the surtax. By its own fiscal decisions, the Administration is playing a kind of Russian roulette with the economy.

The conference committee will have a hard job in producing a bill that makes any economic sense at this time, basically because a sensible tax bill now ought to call for some increase rather than a large cut in taxes.

[From the Philadelphia Inquirer, Dec. 15, 1969]

TAX "HOAX" REFLECTS "DECLINE" OF SENATE

(By William S. White)

On the tax issue the heart of the matter is that the sham battles are out of the way, at least, and it may be possible for Congress to produce a reasonably responsible bill.

The Democratic measure for a reduction of $11 billion that the Senate has whooped through with glad cries, inflation or no inflation, is the most nakedly political ploy since the Republicans similarly decided two decades ago that the way to deal with the postwar hot money crisis was simply to create more hot money.

Those Republicans found later that what they had done had helped them to lose an upcoming election. This time, the Democrats could make the same discovery—but are not really likely to do so for two reasons.

The first is that the House of Representatives, which long since has replaced the leaderless Senate as a forum for responsible political action, is most unlikely to agree to a Senate text that properly might be described as most of all a bill for the political relief of Sen. Albert Gore (D., Tenn.). Gore, a violent new-liberal dove on Vietnam from the home state of such notably non-pacifist types as old Andy Jackson, seemingly is hard pressed for re-election next year and needed something to give to the homefolks.

The second reason why this basically indefensible Senate bill is never likely to become law, apart from the almost certain resistance of the House, is that President Nixon has the capacity to veto it and by all indications will do that if he must. To override a Presidential veto requires a two-thirds vote of both houses and while the issue might stand on a knife edge, the probability is that the President would be sustained.

Gore, a senior member of the Finance Committee, and his associates do offer the most appealing justifications, because few people really are enraged at the prospect of massive rises in tax exemptions. Moreover, the general soak-the-rich approach here also, in a different context of economic realities, might make a great deal of sense. The facts of life of this time, however, simply do not justify these cuts. To the contrary, what is proposed here only would increase the inflationary pressures upon the very low income people who are supposed to be the beneficiaries.

If Gore and company suspect that the really rich are living it up too much, they are entirely right. To carry this into the supposition that what the Senate is going to help the non-rich is to fall into a deep pit of oversimplification.

No sophisticated observer can blame politicians for trying to improve their status on the eve of an election-year showdown—to a point. But the argument of the orthodox Republicans and a handful of Democrats that this is a "cruel hoax" has that rare political quality of being obviously true. There is also an inescapable element of cynicism. What does it cost a senator to vote for tax cuts for "the people" that in all probability never will be made?

Perhaps the most important of all the aspects of this Senate action is the proof it offers of the decline of the Senate as an institution. In the old days the drill was for the House, traditionally more sensitive to immediate constituent pressure than the Senate, to rush into legislative folly secure in the knowledge that it—and the country too—would be saved from itself by the more deliberative Senate.

But that was yesterday. The position has been turned about, so that it is, and for months has been, the House to which men of restraint and reason must repair for help. "The greatest deliberative body in the world" has become the first political organ in this government to bend to any and every passing breeze or emotionalized self-indulgence. It will all change back in time—but what time is that to be?

RESETTLEMENT OF VIETNAMESE REFUGEES

Mr. KENNEDY. Mr. President, in recent weeks the administration has issued glowing reports on the progress being made to resettle Vietnamese refugees. The latest report, given me last week by AID officials, suggests a very substantial reduction in the overall total of registered refugees—from 1,446,000 in March to some 537,000 in October. This progress is attributed to two factors: the lower level of military activities in recent months and successful pacification efforts.

In view of past experience with official statistics on refugees and civilian war casualties, the judiciary subcommittee on refugees, which I serve as chairman, has undertaken an investigation of the latest report. And I must indicate in all candor, Mr. President, that we view this report with much skepticism and distress. In an effort, apparently, to support its optimistic views regarding the situation in Vietnam, the administration has chosen to whitewash what is undoubtedly one of the more critical civilian problems generated by the war. An article in yesterday's Washington Post summarizes a good deal of the information which has already come to the subcommittee's attention. The writer, David Hoffman, calls the recent reports on refugee resettlement a "statistical illusion."

I feel the article will be of interest to Senators, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATISTICS ARE HIDING REFUGEES

(By David Hoffman)

SAIGON—In resettling South Vietnamese refugees, much of the progress so well advertised this year is a statistical illusion. The illusion results from bookkeeping changes ordered by the Saigon government and approved by the U.S. mission. The new bookkeeping is designed to report progress but not failure, and at that it seems to be succeeding.

U.S. Ambassador Ellsworth Bunker declared proudly last month that the number of South Vietnamese refugees was cut in half between January and October. Technically, he was correct. There were 1,318,296 registered refugees at 1969's outset. Today, there are approximately 415,000.

American advisers report from the countryside, however, that tens of thousands of refugees are being erased from the roles and reclassified as resettled citizens without being productively resettled. Many still lack land and the means of making a living. Having

received their rice allowance—as little as 450 piasters, or about $2 at realistic exchange rates—they cease being refugees on the books.

There is another quirk in Saigon's new bookkeeping system. Field advisers complain that because of direct or indirect pressure, they no longer can report new refugees forced to flee their ancestral homesteads by Allied or Communist gunfire. In the populous northern provinces, newly displaced persons are being reported not as "refugees" but as "war victims." As a result, the province refugees rolls do not lengthen.

A GUILT FACTOR

The central government's refugee policy changed decisively last January, when it was decreed that all South Vietnamese refugees—excepting the 1969 crop—should be resettled by Sept. 30.

Altruism and hard-nosed economic judgments doubtless motivated the policy change. But, according to refugee workers, so did American guilt feelings.

Some officials reasoned that the refugees had been made homeless largely by U.S. bombing, infantry sweeps and artillery fire. It would be immoral for the Americans, in leaving South Vietnam, to orphan a million or more such war victims.

The Saigon government defines a refugee as anyone "compelled to leave his place of abode to escape from Communist terrorists, flee from artillery or bombardment or evacuate combat zones." American field advisers believe that not until the reverse occurs has a refugee been truly resettled. The refugee goes home because, in his judgment, security permits it.

A CYNICAL SOLUTION

Already this year, an estimated 300,000 "out-of-camp" refugees have been stricken from province rolls without being resettled in their native hamlets. A large but unknown fraction doubtless have found war-related jobs, or are living with relatives, or are derelicts. Whatever their status, they are no longer refugees.

Another 150,000 living in resettlement camps have been given 10 sheets of tin roofing, six months rice supply and a housing allowance of 5,000 piasters (about $20). They are then considered "normalized" and their numbers are not reported.

A cynical possibility thus arises, with sufficient rice, tin and American cash, the Saigon government can "solve" South Vietnam's refugee problem in a matter of days. Since paid-off refugees cease to be refugees, the only delay conceivable is the physical disbursement of benefits.

In theory, and sometimes in practice, the normalized refugee becomes eligible for a broad spectrum of new benefits. If he returns to his former village, if his resettlement camp becomes a hamlet in abstentia, if his camp is absorbed by an existing hamlet nearby, the ex-refugee should get "community development" benefits. Young pigs from America, edible fish fingerlings, vocational training, a local pharmacy, classrooms—these are among the many theoretically available.

But as Dr. Tran Nguon Phieu points out, less than 1 percent of Saigon's budget is earmarked for social welfare. As Minister of Health, Social Welfare, and Relief, Phieu says that other ministries have been "reluctant" to fund refugee rehabilitation projects. And there are problems unrelated to money.

Mines, sniper fire and blown bridges make some refugee colonies inaccessible except by boat or helicopter. Many camps have been built on the doorsteps of cities where farmland is scare or nonexistent. Evidence is increasing that the Vietcong intend to terrorize refugees for having (technically) cast their lot with the government.

Approximately 50 percent of all South Vietnamese refugees reside in the five northernmost provinces, the I Corps tactical zone. There, some three million Vietnamese share the narrow coastal plain with brigades from seven Allied divisions.

The divisions still conduct sweeps, still call in air and artillery fire and still level hamlets suspected of being Vietcong strongholds. Despite this high level of military activity, only a trickle of new refugees has been reported from I Corps this year.

Asked to explain the paucity of new refugee reports from I Corps, a field adviser told me:

"It's simple. We've been instructed not to report any more refugees. Sure, we're generating new ones, but they're going on the rolls as war victims, not as refugees. The numbers we report are strictly for politics."

VC WANT THEM

There was a time several years ago when Allied planners almost welcomed the creation of new refugees. It was reasoned that displaced Vietnamese seeking aid from the government sided with the government and not with the Vietcong.

No longer does one hear that argument. Allies and Vietcong alike are now trying to persuade refugees to return home. The VC need them for manpower and tax revenue. Those who spurn Communist "return home" entreaties frequently become targets for VC terrorists.

At least 35 per cent of the refugees reported in January returned home before Dec. 1. The last figure given was 469,336, compared with 90,729 who returned home during all of 1968.

Americans claim persistently that 92 percent of all South Vietnamese dwell in "relatively secure" hamlets—hamlets controlled, relatively, by Saigon. Yet a majority of known refugees refuse to return to their native hamlets because they remain unconvinced that security has been re-established there.

The conclusion seems inescapable that the government's control of South Vietnam's population depends largely on where that population resides. The village of Songmy provides an interesting example.

Some 21 months ago, Sonmy encompassed half a dozen hamlets; one became known as Mylai 4. But the area was infested with communists, including one active battalion. American troops forced the villagers to evacuate.

Some 2000 have returned. Instead of reoccupying their tiny hamlets, rebuilding on their old homesites and living beside their paddies, the villagers are clustered behind a fence of sharpened bamboo on the edge of a barren hill. In the early morning, some walk to Mylai 4 to tend long fallow fields.

UNHAPPILY "RESETTLED"

The Songmy villagers are not considered refugees. Having returned to their native village, having received their six months rice allowance, they have been judged resettled. But among the former hamlets of Songmy village, only Mylai 4 is safe enough to replant. The villagers are not happy and make that clear to the visitor.

It is unfair, says Refugee Director William K. Hitchcock, to view all South Vietnamese refugees in terms of their status in I Corps. In I Corps, the mountains come down almost to the sea, and there are many people but very little land. Much of what land exists has been fought over many times and is still mined.

I Corps nevertheless is home to one of every two South Vietnamese refugees. And in I Corps, a half dozen refugee advisers, generally idealistic, Vietnamese-speaking Americans, report that the refugees' lot is slowly improving. "How do you prove that?" I asked repeatedly. Their answer, paraphrased, was something like this:

You do not cite phony numbers. You go to the camps month after month and you talk to the people. You watch the latrines being constructed and the classrooms going up. You listen to complaints. The more sophisticated the complaint, the better off the people. You try to get them what they need. You see it delivered. You watch for old people to smile.

CONSERVATION AND COMMUNITY GROWTH

Mr. GRIFFIN. Mr. President, the American Farm Bureau held its 50th annual convention here in Washington last week. One of the highlights of the meeting was an address on "Conservation and Community Growth" by Assistant Secretary of Agriculture Thomas K. Cowden.

Dr. Cowden spoke about the problems of safeguarding America's environment and the need to achieve a more even distribution of population throughout the country. It was his first public speech since joining the department.

I ask unanimous consent that Dr. Cowden's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CONSERVATION AND COMMUNITY GROWTH

It is a particular pleasure for me to join in your Golden Anniversary Convention program. It was 26 years ago that I began a very pleasant association with the Farm Bureau as director of research. It was a job that I enjoyed for six years, working with such men as Ed O'Neal, Earl Smith, Allan Kline and many others who are still with the organization.

After that and before I assumed my present responsiblities, I enjoyed university life for 20 years.

Impressive changes have occurred in agriculture and rural America in the last twenty-five years.

In 1945, one farm worker fed and clothed 14.6 people in the United States. Today he feeds and clothes three times as many.

The number of farms has fallen from almost six million in 1945 to about 3 million today. Yet our productivity has leapt forward.

It took 53 man hours to produce 100 bushels of corn 20 to 25 years ago. In the mid-Sixties, the number of man hours was reduced to six. It required 146 man hours of labor to produce a bale of cotton 25 years ago. Now it takes 32, about one-fifth as many.

Times have certainly changed.

Yet, as I return to employment more actively involved in public policy, I find that many of the problems which demanded our attention a quarter of a century ago are still with us: crop surpluses, control programs, foreign trade programs, international commodity agreements and many others.

One big change stands out and that is the widespread interest in the quality of our environment.

The President of the United States, international leaders, governors, members of the President's cabinet, city mayors, scientists, clergymen and thousands of just ordinary folks are talking about their concern for the quality of our environment.

A Gallup poll shows fully half the people interviewed on environmental problems were "deeply concerned" about the effect of "air pollution, water pollution, soil erosion and destruction of wildlife on our natural surroundings." Another third were "some-

what concerned." Almost three out of four people interviewed were willing to pay additional taxes to improve our natural surroundings.

President Nixon declared:

"Each day we receive new evidence of the declining quality of the American environment."

The concern is not simply whether man is properly handling his environment for today's uses, but whether he is exercising his stewardship properly for the good of future generations.

For some, the environment is a newly-discovered field of interest. But for the farmer, it is as familiar as spring rains and summer droughts.

Formal, recognized programs such as those of the Forest Service and the Soil Conservation Service go back for nearly half a century. Because of men like Gifford Pinchot and Teddy Roosevelt, the concept of timber as a renewable resource became a reality and the United States set aside 187 million acres of National Forests. The Dust Bowl days stimulated us to another great conservation effort.

The importance of the group assembled here in this room cannot be overemphasized when it is dealing with the problem of conservation and environmental quality. As farmers and ranchers and as citizens of a democracy you are involved in the control of 7 out of every 8 acres of land in the United States.

Half the land of this Nation is in private farmland. Public ownership, ranging from forests to military bases and parks, accounts for three of every eight acres in the country.

Such ownership carries with it a major responsibility.

As your Federation so aptly states in its policy statement:

"It is the obligation of each generation to make wise use of our natural resources with particular regard to the needs of future generations."

Most of modern day pollution does not originate from farms. But rural people do have much experience in conservation. The rest of the population—our city cousins—is demanding more parks, more recreation and the like.

Conservation is the wise use of resources, their "planned management," as Merriman-Webster states, "to prevent exploitation, destruction, or neglect."

We speak of conservation. In my judgment, the single most important element in conservation is not land or trees or rivers—rather, it is the people. People can erode, just as the land erodes. Yet the most important resource of this country is the quality of her citizens.

We must provide environments in which the individual can flower to his full potential. That is our challenge.

As it is now, 70 percent of our people are jammed onto one percent of our land.

There is a limit to the amount of our natural resources that we can lock up just for the sake of preservation. The price that must be paid for limited or non-use becomes greater as time goes on.

Ed Cliff, Chief of the Forest Service, told the American Mining Congress this fall:

"More and more, ours is an urban society of young people. More than half of our population is under 30 years of age—52 percent. Increasing leisure, combined with rapid transit, means more people seeking the outdoors as a brief respite from the crowded urban environment, and thus creating greater awareness of and concern for the natural environment. They want clean air, clean water, and pleasant surroundings. Unfortunately, many do not relate their everyday needs to the earth's resources, or their standard of living to a dependence on mineral or other industries. Generally, they seem willing to forgo development of any resource, if it means polluting air or water, or if it becomes distasteful to their ears, eyes, or nose."

Man cannot turn back the pages of civilization far enough to find a stage where he did not need to use the natural resources around him.

The only valid question is: "Where do we draw the line?"

A balance must be struck between the various needs.

Fortunately, most resources have more than one potential use. Forests can be used to provide wilderness, forage, timber, water and many kinds of recreation, all at the same time. Farmland provides not only food but open space, beauty, wildlife habitat and other benefits to society.

The same water may serve mankind in several ways. Multiple-use watershed projects have proven that.

Even multiple use requires some compromise between interested groups, including the public. Alert and informed citizens, the backbone of democracy, must decide where they want to compromise . . . where they want to draw the line . . . and then let their public servants know their decisions.

As a public official, however, I have an obligation to safeguard the public interest from undue pressure from specialized groups.

A program for rural development is associated with the quality of our environment. Both are major goals of this Administration. The President created the Environmental Quality Council on May 29, and the Rural Affairs Council, November 13.

The Council for Urban Affairs, created earlier, and the Rural Affairs Council are to develop and implement policies which would strengthen both urban and rural America and thus encourage increased dispersal of the U.S. population throughout the country.

In establishing the Rural Affairs Council, the President noted that the U.S. population is likely to grow by 50 percent in the next 30 years. He said:

"Where these next hundred million persons locate is a tremendously important question for our society. After an era in which people have moved steadily from the countryside to large and crowded cities, we must now do what we can to encourage a more even distribution of our population throughout the country."

A valuable tool in providing the coordination essential to effective assistance, the Rural Affairs Council assures by its membership that the whole Federal Establishment is interested in rural development.

As you know, its membership starts with the President and the Vice President and includes in addition to the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Director of the Office of Economic Opportunity, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Commerce, the Director of the Budget and the Chairman of the Council of Economic Advisers.

The recommendations of the President's Task Force on Rural Development, headed by your own Mrs. Haven Smith, should provide some important guidelines for the work of this Council.

We should bear in mind, too, that the rural development program is not essentially a farm program. Of the 65 million Americans who live in non-metropolitan areas, only 9 million, or 13.8 percent, are actually farmers.

This is not to say that rural development could possibly be undertaken without farmers, for their income may well form the only economic base in many communities and certainly is an important factor in any rural community. Let there be no doubt, then, that a good farm income is part of rural development. The point I wish to make is that rural development involves the total community.

It is hoped that Federal programs can be effectively delivered when and where the people want them. But the initiative for evaluating local needs, for assessing local resources, for planning local development and for carrying out programs locally, must lie outside Washington, in the states and local communities.

You are the people who will decide the future of your communities. The key ingredient in any community development program is people who care about whether their community grows and whether it offers the quality of living they want for their children.

The importance of the role of private enterprise cannot be overstated. Its participation is vital.

Private enterprise, in its various forms, means jobs and jobs mean rural development.

We can talk about the quality of housing, education, recreation and water and sewer facilities, but unless there are jobs and productive employment in a community then that community cannot survive, much less grow.

Non-farm jobs will provide the opportunities of the future in Rural America and if they are not provided then we will face the spectre of continued rural-to-urban migration from some areas.

Education and job training are vital to rural development. Prospective employers need a pool of trained people upon which to draw. Trained people without jobs leave communities.

One of the objectives of the rural development program of the Department of Agriculture and the Rural Affairs Council is to assure that Rural America gets its fair share of the multitude of programs available to assist in improving the quality of rural life.

The Department of Agriculture will make every effort to assure that Rural America gets the attention promised in the creation of the Rural Affairs Council.

We have organized the work of the Department to place greater emphasis upon rural development work. The administrators of the Forest Service, Soil Conservation Service, Farmers Home Administration, the Federal Extension Service and the Rural Electrification Administration meet regularly to develop policies, programs and priorities, to discuss problems and to facilitate coordination between agencies.

We intend to make full use of the tools already at our disposal to succeed in rural development.

The Soil Conservation Service will continue and expand the Resource Conservation and Development and Small Watershed projects. There are currently 54 RC&D projects in operation in the United States.

The Farmers Home Administration will continue and expand its programs for providing housing and community facilities.

Forest Service will continue its programs directly or through the states that improve the productive capacity and use of the forest and related resources of timber, forage, recreation, wildlife and water. Due to the nature of public ownership, the Forest Service can be a vital force in the development of some communities.

The Rural Electrification Administration will continue to assist borrowers in organizing available resources to carry out community development programs and promote individual development projects in the areas it serves.

The Cooperative Extension Services have agreed to assume a major role in the education of local citizens relative to rural development. Extension Services will play a key role in encouraging the democratic discussions that lead to the emergence of strong local leadership and rural development.

The cooperation of various levels of government and of the various departments and agencies of the Federal government is essential to the success of rural development.

To ensure that an equitable proportion of

Federal programs are available to Rural America, key personnel in each agency will be working closely with other Federal departments and agencies.

We intend to implement the concept of coordination in a few special project areas to be selected throughout the country. These special areas, each selected because they represent a particular kind of problem facing much of Rural America, and where the Federal government can respond effectively to what local people want, will receive special attention from all agencies which have programs relating to rural development. Such a concentration of help, handled in a coordinated way, should reveal the strengths and weaknesses of our total rural development system and provide useful information in the development of other areas facing similar problems.

Now I would like to share with you one of my chief concerns since coming to Washington.

I am concerned when I hear some of my associates describe the "national good" as if it were reason enough for the imposition of national programs on local people, no matter what the local situation calls for. There is a national good but high priority must be given to the interest of individuals and local communities.

In a sense, America is the sum total of her individuals and communities. Their very pluralism is the strength of America.

That pluralism must not be stifled by a blanket of national conformity, must not be lulled to sleep by a continuous drone of sameness from Big Government.

But such concerns do not dampen my optimism.

Citizens are not only becoming more concerned about their environment but better informed about it. They will be able to make better decisions as the various interests involving the environment are weighed against one another and courses that balance these interests are charted.

In the spotlight of informed public opinion, compromises will be drawn. They will have to be drawn if we are to progress in our resolve to make the best use of our environment. It becomes more evident every day that what is reasonable in the mind of one man is not reasonable in the mind of another. A common meeting ground must be found. We will reach solutions that will serve the most people, yet not trample the individuals and their communities.

Let us not forget that the greatest resource for us to conserve is the 200-plus million people who inhabit this country. We have to strive continually to improve the quality of their lives so that they will enjoy a full opportunity to mature as citizens.

"The past is prologue" is a statement carved in stone at the National Archives. The past in America is my greatest source of optimism. How can anyone look back over the past quarter century in America and not be optimistic?

Conservation and the growth of rural communities are real challenges. And we will face them in a realistic way, not with a torrent of words and a flashing of magic wands, but with teamwork and concerned citizens, all across America.

FARMERS HOME ADMINISTRATION PROVIDES EFFECTIVE PROGRAMS OF REAL BENEFIT TO CITIZENS AND COMMUNITIES IN WEST VIRGINIA—JIM MANCHIN GIVES INSPIRING LEADERSHIP.

Mr. RANDOLPH. Mr. President, it has been said:

A vision without a task is a dream; a task without a vision is drudgery; but a vision and a task together are the hope of the world.

There is a man in West Virginia who recognizes the truth in this statement. Though he may not know these particular words, they could well be his creed. He has combined a formidable task and a compassionate vision to create hope for many persons—hope which has been translated a thousand times over into a better life for citizens of our Mountain State. I speak of A. James Manchin, State director of the Farmers Home Administration, who has a vision of a brighter tomorrow for the people in the rural areas and small towns of our State. Mr. President, Jim Manchin's vision is to bring basic necessities and services to people—running water, a sewage system, a decent home, an opportunity to own a home, or operate a farm, a way to earn a living, a community organization through which citizens can cope with their problems. This is his task and he is performing it well.

An editor of one of our newspapers states that Jim Manchin, given the money and the time, would lay water and sewer lines over the entire State of West Virginia. I do not doubt that statement. But, in so doing, his guiding goal would be to serve the people. And therein is one of the most valuable—albeit intangible—benefits of his stewardship of the Farmers Home Administration. Jim concentrates on serving people and he is willing to meet with them night or day, rain or shine, to solve their problems and accomplish his task.

Since 1961, he has exercised a significant role in rural development programs in our State. As has been said:

Let's look at the record.

The Farmers Home Administration in West Virginia under the direction of A. James Manchin and his dedicated staff has invested $100,414,872 in the improvement of rural areas and the quality of living there.

Since 1961, more than 224,265 persons have been aided in securing improved housing, adequate water supplies, needed waste disposal systems, income producing businesses, and increased family farming operations. Some 838,777 persons have indirectly benefited from comprehensive countywide water and sewer system plans.

The annual volume of FHA credit has increased steadily since 1961, from $2,966,127 to $18,799,508 in fiscal year 1969. These increasing supervised loan programs have been a catalyst in the revitalization of rural West Virginia.

In addition to the loans which are measured in dollars and cents, Manchin and his coworkers have been involved in all aspects of broad-based, action-oriented, community development. The selection of a farm family of the year and the community of the year are two programs that FHA initiated to focus attention on the value of family farming and rural living. It is significant that these programs have since been adopted by other States. This year 14 outstanding rural community leaders were chosen from all sections of West Virginia and honored by the Governor for their contributions. All of these leaders cooperated with FHA in obtaining water or sewer service for their respective communities.

In 1968, the West Virginia State Technical Action Panel, which Manchin serves as chairman, received the U.S. Department of Agriculture's Superior Service Award from the Secretary. The award recognized "extraordinary contribution to the growth and development of West Virginia by cooperative planning and directing a comprehensive attack on the economic and social problems in rural areas." It was the only State TAP to be so honored.

No community and project is too small to receive FHA attention. A loan of $100 helped a poverty-stricken widow to purchase a loom to make rugs for profit, while the city of Princeton was extended $1,000,000 in FHA funds to upgrade its municipal water supply.

Mr. President, housing is a critical need in West Virginia as it is in so many areas of our Nation. Approximately 4,598 families, representing an estimated 22,870 persons, have obtained FHA loans since 1961 to secure new or improved housing. From a level of $1,496,960 in 1961, housing credit reached $9,282,380 last fiscal year. When it became evident that individual housing loans could not solve the persistent housing problems, FHA introduced the rental housing program. Funds totaling $221,700 have been injected into six projects which provide 29 rental units.

The FHA record of service continues. Family farmers, who might otherwise have been forced off the land, turned to the FHA for $8,096,090 in loans to accomplish farm ownership and improve their farms and $18,787,587 for operating purposes in the last 8 years. A total of 749 families have received Farm Ownership loans and 8,176 families have utilized FHA operating loans.

This assistance has enabled young farmers to become more profitably established and has helped to maintain older farmers in business who would have been forced to leave their homes. Studies of farmownership borrowers show that within 5 years after receipt of their loans, gross cash income is up 80 percent, with substantial gains in net worth.

Economic opportunity loans, administered by FHA for the Office of Economic Opportunity, have assisted 2,524 low-income families to equip themselves for income-producing enterprises at a cost of $4,773,105. Nine cooperatives designed to increase the income of their 765 members, through the development of better markets for farm products, received $186,220. The cooperatives support such enterprises as potato production, feeder calf sales, marketing of horticultural crops and timber sales.

Thirty-five county planning commissions were granted $384,860 to initiate countywide studies of water and sewer needs and development opportunities.

The benefits of modern water systems, sewer systems and outdoor recreation centers have been brought to more than 147,160 people in 111 rural communities. Funds for these purposes totaled $21,213,130 of which $3,641,590 was grant-in-aid money. A breakdown of the community projects includes 11 sewer systems, four watershed associations, 75 water systems, 11 recreation areas, and

one resource conservation and development loan in cooperation with the Soil Conservation Service.

A pilot FHA program of rural renewal has been instituted in Hardy County to plan for the economic and social development of the predominantly agricultural county. A $250,000 loan to the Hardy County Rural Development Authority will help develop a homesite near Moorefield, which has space for 65 new homes and a public recreation area.

Small towns and farm areas improved by the installation of basic facilities are in a much better position to give their people a satisfactory standard of living and to create a more attractive climate for new businesses and industry. At this time some 33 water and sewer loans are being processed. Based on preliminary plans, a total of $8,415,000 in FHA loans and grants will be required to complete these projects.

In spite of the advancements in solving the difficult sewage and water problems, there remains a large unmet need.

Mr. President, the mission of the Farmers Home Administration is to strengthen the family farm, improve the rural community, and to provide increased opportunity for our citizens. In West Virginia, the Administration, under the able and inspiring leadership of A. James Manchin, is focused on this mission. The record of achievement is truly commendable. Jim and his dedicated staff work diligently to sustain and significantly augment this record.

OIL IMPORT TASK FORCE

Mr. HANSEN. Mr. President, in the Washington Post today, I read that the Oil Import Task Force has not "wholly rejected" the national security basis for limiting our Nation's dependency on foreign oil—the inference being that it is still paying lipservice to the idea.

If this group does not believe a strong, viable domestic oil- and gas-producing industry is essential to the security of the Nation—and, further, does not believe that avoidance of substantial dependence on foreign oil is essential to our strength in these essential fuels—then it should say so. It should recommend, based on that belief, that the Nation abandon import controls and forget about maintaining adequate domestic supplies.

I say this because of the persistent reports that this group, and I am speaking primarily not of President Nixon's Cabinet Committee, but of its professional staff, has concluded that the program should be operated primarily, first, to arbitrarily force down the price of domestic crude oil, and second, to raise revenue through a system of "flexible tariffs" which would replace the present quota system which has been in effect for 10 years.

Mr. President, I have been informed that this radical new approach to oil import controls is all but ready to announce. I further am advised that a specific schedule of what I choose to call experimental tariffs has been decided upon, with different tariff rates to apply to the major oil-exporting areas shipping crude oil and its products to the United States. On crude oil, the existing meaningless tariff of 10.5 cents would be applied to Canadian crude oil. A tariff of 80 cents a barrel is the prospect for Venezuelan crude, and $1 a barrel would be applied to non-Western Hemisphere crude—primarily the Middle East.

Tariffs on finished petroleum products, that is, gasoline, jet fuel, and the like, would be somewhat higher—20.5 cents from Canada, $1 a barrel from Venezuela, and $1.10 a barrel from the Eastern Hemisphere. The existing 5.25-cent tax on heavy residual fuel would remain except for residual from Middle East sources, for which the tax would be 35.25 cents a barrel.

I believe it can safely be said, Mr. President, that so radical a departure from the system which has been in effect for 10 years would do several things:

It would rearrange the whole economic structure of the petroleum industry.

It would kill off small, inland refiners who participate in the present quota system. I have some interest in this, since no fewer than seven such refineries are located in my State of Wyoming.

It would "shuck out" much marginal production in the United States. In fact, this is one of the reported "goals" of the task force staff, to weed out the so-called inefficient smaller oil producers. This would mean closing down some 350,000 wells and some 15 percent of U.S. oil production, almost immediately.

In the considered judgment of many, it would cause an immediate sharp drop in U.S. oil and gas exploration which—according to the Department of Interior—already is woefully inadequate. It therefore would thwart efforts of the industry, and the Government, to forestall imminent shortage of natural gas.

It would forestall or foreclose for decades, perhaps, the development of the technology to bring into production the vast alternative U.S. hydrocarbon resources—from oil shale, coal hydrogenation, and tar sands.

It would, in effect, abandon the present national policy of encouraging domestic exploration for and development of oil and gas to the end of maintaining our strength as to our industrial, military and essential civilian supplies of these fuels.

Mr. President, the Sunday New York Times reported on an interview with Mr. Walter J. Levy—an internationally known petroleum consultant, who I believe put this whole question into perspective. Mr. Levy is not a spokesman for domestic oil producers. He is not a spokesman for domestic refiners. He is, more than anyone perhaps, qualified to speak to this issue dispassionately because there are few oil producing countries to which he has not served as a consultant on petroleum matters.

I ask unanimous consent that the New York Times article be printed following my remarks. But in connection with the Task Force staff's tariff-oriented radicalization of the oil import program, I was to quote from Mr. Levy only briefly:

> The basis for an oil-import policy is the nation's security. I don't mean just security in the time of war but rather that the United States must, at all times, be able to steer an independent foreign-policy course, free from any outside pressure brought by a need for energy supplies.
>
> To achieve these security goals by a tariff system would require a finely tuned mechanism, continuously administered so as to respond both to foreign and domestic oil costs, prices, transportation charges, exploration incentives and results, including those that are independent of the effects of United States tariffs as well as those that are generated by the tariffs themselves.
>
> It is basic to a tariff concept that you find a figure that through the market mechanism will assure the desired result, in this case security and low cost oil.
>
> In the case of the oil industry, there are far too many variables. To think that a figure can be arrived at is self-deception.
>
> I do not mean to impugn the motives of those who are advocating a tariff solution. They believe they are right. However, all my knowledge and experience in this complicated industry tells me they are wrong.

Mr. President, I share Mr. Levy's concern, and I fear that we are about to witness a disastrous shakeup of the petroleum industry, and an equally disastrous undermining of our essential security interests in maintaining a viable domestic petroleum industry, if press speculation is accurate.

Some of those, on the task force staff in various papers and doctorate dissertations, already have revealed some highly prejudiced thinking on the question of whether or not the United States should limit oil imports. I will not go into these writings, but the views of two such task force staff members, Mr. Edward W. Erickson and Mr. Thomas Stouffer, appear on page 45 of the September 8, 1969, issue of the Oil & Gas Journal.

Mr. President, I wish to make clear that I share the objective of President Nixon in endorsing both the need and the timeliness of the current study of the oil import program. I also recognize his objective in turning to the extent possible to unbiased, uninvolved, objective minds to conduct this study. The danger of this, however, is being proven in the case at hand. I am afraid those running the study are long on economic and academic theory, and virtually void of any practical knowledge of the very complex global industry for which they are prescribing.

Many Members of Congress, over many years of time, have been concerned with establishing a process whereby we could maintain reasonable hope for escaping undue dependence on remote and insecure foreign oil. That question has been debated in this body at great length. Through that process, in which every conceivable view was accommodated and much compromise occurred, the present mandatory oil import program was implemented under President Eisenhower.

The late President Kennedy looked the program over and thought it good and acceptable, except in some minor respects where he acted to strengthen it. Under President Johnson the program was maintained pretty much intact, but precedents were established by Secretary Udall who put his approval on exceptions and exemptions which, predictably, led to more exceptions and exemptions. Ultimately, these exceptions so distorted competitive positions and became so hopeless to contain administratively that

President Nixon was left no alternative except to order a reexamination of the program.

Clearly, there had developed a need to clean up inequities and reorient the program. Now if we can believe the publicity flags which have been run up the flagpole, through the customary process of "leaking" to the press, the task force staff is urging upon the Cabinet radical changes, large increases in imports, whole new systems including the imposition of "tariffs," and new objectives including the incredible goal of forcing down the price of crude oil to world levels.

It would be nice if we could buy everything at world prices and at the same time maintain undiminished the high level of American wages so as to continue to live in the manner to which we have grown accustomed. We have some economic minds who theorize that this can be done, and that the Government is the instrument for achieving this utopia. But they have not shown me that it will work.

I find it peculiar that so many are so eager to regulate oil prices. This puzzles me because of all the major commodities sold in America, petroleum prices have been among the most stable. The four principal petroleum products are gasoline, kerosene, home heating fuel, and residual oil used primarily for industrial fuel. The weighted average of these prices in the years used by our Government to measure price behavior—1957–59, was $3.99, at the refinery gate. In September 1969, the average refinery price of these products was $3.90 a barrel—down 3 percent from 1957–59. The average price of these products are lower, after 10 years of import controls, than in the years just before import controls. Since 1957–59, the average price of domestic crude oil is up only 3 percent.

In that same period, according to figures from the Bureau of Labor Statistics, the average wage in the domestic oil producing industry has increased 42 percent. Other major items of cost which go into finding and developing oil and gas supplies, such as oilfield machinery and pipe, have skyrocketed in cost. These increased costs have, in other words, been absorbed by the domestic industry; have not been passed along to the consumer by the producing segment of the industry.

Yet it is the producer, and primarily the thousands of independent producers, and the small refiners, who are branded as "inefficient" and who are the sacrificial lambs for those who want to innovate with bold new programs said to be offered up in behalf of the "consumer."

After the thousands of competitive smaller elements have been done in and the American consumer must depend on a relatively few number of companies growing smaller in number each year, what guarantee does the buyer of gasoline, or of home heating fuel, have for the future? What assurance that the radical government of Libya, run by an immature self-proclaimed leftist, will not jack the price of Libyan oil out of sight? And what assurance does the consumer have that the Shiek of Kuwait and the rest of the Arab bloc will not join in a price squeeze once the American people, and our Military Establishment, are "hooked" on their oil with no alternative supplies?

A little independence on foreign oil with no other way out might prove to be like a little dependence on heroin. Once the customer is hooked, the price skyrockets. All of the economic theory in all the ivy cloistered universities in America cannot guarantee the American people freedom from dependence on that oil which could, at any time, be denied them.

Economic theory is just fascinating, and many may even find it tantalizing, Mr. President. But I worry here about some facts of life that do not involve economic theory, but deeply-ingrained centuries-old political and religious passions and the prejudices of Arab countries which twice, in recent memory, have denied their oil to the West.

There is no period in recent history when those who are dependent upon Arab oil have not felt the uneasiness that goes with that dependency. I include all of Western Europe, and many examples can be recited but I will use only three or four.

I refer Senators to an article published in the old Saturday Evening Post for February 17, 1962, written by the radical Saudi Arabian nationalist, Shiek Abdullah Tariki, who then was his country's general director of petroleum and mineral affairs.

In that article, Shiek Tariki expressed the consuming ambition of the Arab nationalists which perhaps is stronger today than ever. That ambition is to get the West in a position where it can be blackmailed for oil. I quote the Shiek:

> Some day we will unite.

He is speaking here of the Arab nationalists.

> Once we are strong enough to shut down all the wells and close the Suez Canal and shut off the pipelines—even if for a few days—the (oil) companies will suddenly see a great light. The World cannot live without Middle East oil.

It is primarily Middle East oil that Dr. Areeda and his associates in the Cabinet Task Force want to use, Mr. President, to regulate the price of domestic crude oil. I say further that before this Congress and particularly this administration permits that to happen, we had all better see the light and refocus our national oil policy on reality.

I go further to illustrate this point, for I believe it is important. Some 15 months after Shiek Tariki wrote his Saturday Evening Post article, the Sunday magazine of the London Times published a special issue on "Oil & Turmoil: Guide to the Middle East."

The lead article in this special issue illustrates the discomfort of those who are dependent on Middle East oil with no visible alternative. I believe this comes through in this particular quotation which is from the lead paragraph of that lead article:

> Dr. Mohammed Mossedegh, the weeping Prime Minister of Persia made the point in 1951. Suez confirmed it in 1956. Whether we like it or not, the economy of Western Europe is bound to the Middle East. The moods and quirks of the rulers of a handful of feudal sheikdoms could, if they were to act together, thin the traffic in our cities and slow industrial life throughout Europe to a crawl.

The concluding paragraph of this same article, which I believe expresses a poignant hope of the British people, Mr. President, reads as follows:

> This year the oil companies are exploring the bed of the North Sea. If the Dogger Bank turns out to be a hump of oil, Britain, for one, would sigh with relief.

How is Britain doing today? Is that country any more comfortable? Is it any less free of the knowledge that the supplies and prices and future availability of a basic energy fuel could go up in the inflamed passions of the Middle East?

One thermometer is the Financial Times of London. Following the coup in Libya by a radical leftist, militarist group led by Soviet-sympathizing "colonel" in his 20's, the Times referred in an editorial to "anxious moments" this development has caused both "official and oil industry circles throughout Europe."

Then, in this editorial comment, the Times concluded:

> . . . security of supply should be given a higher priority than cheapness. In the short run this means that no one country should be allowed to secure a dominant position among Britain's supplies. In the longer run it may mean that if relatively expensive oil is discovered either in Europe's offshore water, or elsewhere—the Canadian Arctic, for instance—in a *politically secure* country, it should be exploited to our advantage if at all possible, even if it is more expensive than oil from the Middle East and North Africa.

Mr. President, I submit that here we have a paradox. In the United States, we have both the skill and the resources to keep our country relatively self-sufficient in petroleum fuels. But we have academic and political voices saying, in effect, "This is an outmoded goal. We should act now, even at risk of dismantling the domestic industry, to take advantage of the "cheaper" foreign oil." Mind you, those advocating this have never suffered a shortage of petroleum; have never asked a service station attendant, to "Fill 'er up," without getting a tankful—and at half the price most Europeans enjoy, I might add.

On the other hand, this Financial Times editorial expresses the view from a country that has known petroleum shortages, has felt the frustration and the discomfort and the increased costs of fuel shortages. And those who have had this experience are stating the opposite view of our academic "experts." They are saying, even if we have to pay more, let us find and develop and avail ourselves oil supplies in a politically secure country.

Mr. President, I hope the speculation as to the approach that the Presidential Task Force's staff is pushing is untrue. If it is true, I must urge my President to reject this economic innovation and experimentation as against the best interests of our consumers, against the long-term security interest of our country. To simply junk the domestic oil industry because it is, in the judgment of a few academic economic or graduate stu-

dents "inefficient," is to me, unthinkable.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEADING OIL ECONOMIST BACKS QUOTAS

(By William D. Smith)

Walter J. Levy is the acknowledged dean of American oil economists. He attained his standing, to a large degree, by staying above partisan strife. His job, as he sometimes describes it, is "to find the gray areas of agreement" between two disputants.

On the boiling controversy over the present oil-import quota system with a tariff program, Mr. Levy can find no gray area. "It would be a disaster," Mr. Levy states in no uncertain terms.

Mr. Levy sent a paper to the State Department last week explaining his position.

"My only interest is the security of my country. I believe the import question is the most important issue involving the oil industry since World War II," he said in an interview.

MORE NEW PROBLEMS

In precise, German-accented English, he continued, "A tariff system may look good in theory for some industries, but for the oil industry, in practice, it would be completely unmanageable.

"The present quota system can certainly be improved, but a tariff would create many, many more problems than it solved."

He explained his position: "The basis for an oil-import policy is the nation's security. I don't mean just security in time of war but rather that the United States must at all times be able to steer an independent foreign-policy course, free from any outside pressure brought by a need for energy supplies.

"Any approach to import policy has inevitably to resolve several key questions. First, the relative proportions of foreign and domestic oil that are deemed to be compatible with national security. Second, the distribution of total imports as between more and less secure sources of supply—in the short run as regards current supplies and in the long run as regards future productive potential.

"Third, the level of domestic crude-oil prices that would support exploration incentives, such that domestic crude-oil reserves will continue to be found and domestic productive potential will continue to be maintained.

"To achieve these security goals by a tariff system would require a finely tuned mechanism, continuously administered so as to respond both to foreign and domestic oil costs, prices, transportation charges, exploration incentives and results, including those that are independent of the effects of United States tariffs as well as those that are generated by the tariffs themselves.

"It is basic to a tariff concept that you find a figure that through the market mechanism will assure the desired result, in this case security and low cost oil.

"In the case of the oil industry, there are far too many variables. To think that a magic figure can be arrived at is self deception."

He added, quickly and softly, "I do not mean to impugn the motives of those who are advocating a tariff solution. They believe they are right. However, all my knowledge and experience in this complicated industry tells me they are wrong."

Mr. Levy went on to outline some of the variables that a tariff would have to take into account. "The tariff level must, of course, be high enough to preclude unacceptable volumes of imports entering from insecure sources.

"But the critical tariff level, presumably keyed to expandable production from the Middle East, would have to cope with cost differentials and cost unknowns among various producing areas, various concessionary arrangements and as between production of a private company and a foreign Government.

"Tariff differentials would have to be set so as to achieve predetermined proportions among sources of supply. But it is not at all clear that a tariff preference that is conducive to Western Hemisphere imports in the short run will be accompanied by expansion of Western Hemisphere reserves and future productive capacity of the order of magnitude envisaged in forward projections of supply balances.

"Explicitly or implicitly, the tariff levels would have to be related to some, and a big question is what, level of domestic crude prices, and adjusted as incentives to imports may threaten domestic prices and exploration incentives.

"To put it quite frankly, it appears that a tariff system would require a considerable range of basic policy decisions to be set out and extended far into the future before tariffs could be approximated, and would involve a complicated tariff structure with continued and possibly frequent adjustments in tariff levels, differentials and exemptions.

"The inherent uncertainties involved in this situation would sap domestic exploration incentives and future domestic productive capacity."

Mr. Levy said that a better solution would be to increase the quotas.

He also strongly advocated a single continental oil policy with Canada.

Some preferential treatment for Latin America would also be part of his program. He added that, under a tariff, Latin America would likely suffer the most, creating a host of political and economic problems for the United States.

RADIATION CONTROL

Mr. MOSS. Mr. President, I wish to report on the management of radiation, a form of environmental pollution which has not received enough attention.

The Radiation Control for Health and Safety Act of 1968, Public Law 90–602, requires the Secretary of Health, Education, and Welfare to set performance standards for electronic products which emit certain radiations and which are sold in interstate commerce. On October 16, the Federal Register included the Secretary's notice of a proposed rulemaking to establish general provisions regarding certification and labeling of electronic products to which these standards apply, and also to prescribe a performance standard for emission of X-rays from television receivers. This is an important first step in what I hope will be a concerted, continuing effort by the Secretary to head off and prevent the needless introduction of radiation from electronic products into our family and working environments. This proposed new addition to Federal regulations is also important because it is partially the product of a statutory committee that includes among its members five chosen from the general public. They bring into the standard setting process a viewpoint usually not represented although the decisions effect their health and safety.

Public Law 90–602 also required three studies by the Secretary of Health, Education, and Welfare.

First. A study of present State and Federal control of health hazards from electronic product radiation and other types of ionizing radiations;

Second. A study to determine the necessity for the development of standards for the use of nonmedical electronic products for commercial and industrial purposes; and

Third. A study of the development of practicable procedures for the detection and measurement of electronic product radiation from products manufactured or imported prior to the effective date of standards established under the act.

A report on these studies is due on or before January 1, 1970. Once in hand, it will provide the Congress with further needed insight into the complicated situation wherein many Federal and State agencies perhaps have inconsistent responsibilities for control of products that emit undesirable radiation. I understand that the Bureau of Radiological Health, which is making the studies, expects to meet the target date.

A third item relevant to Public Law 90–602 is the recent symposium held at the Virginia Commonwealth University on the biological effects and health implications of microwave radiations. This subject was explored in some detail by the Senate Committee on Commerce during its hearings of 1967 and 1968 on the legislation. Now from the symposium has come a call for studies of possible human health effects of microwave radiation to determine the incidence of known microwave effects, including some effects which until recently may have been ignored in this country. I refer to the so-called nonthermal effects which some foreign scientists believe may produce behavioral changes, headaches, and other symptoms. If these effects are confirmed here, we may have to give them serious attention. For the information of my colleagues, I ask unanimous consent to have printed in the RECORD a statement released from the symposium by Dr. Stephen F. Cleary, who was its chairman. This is a subject on which Congress has helped to focus attention, and I would expect that attention to continue as we see what the Secretary of Health, Education, and Welfare is doing to respond to the new responsibilities put upon him by Public Law 90–602.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

VIRGINIA COMMONWEALTH UNIVERSITY SCIENTIST CALLS FOR HEALTH STUDIES OF U.S. WORKERS EXPOSED TO MICROWAVES

RICHMOND, VA., September 27.—A Medical College of Virginia scientist called today for investigations of possible microwave radiation health effects among segments of the U.S. population which have been occupationally exposed to microwaves.

The need for such epidemiological research was underscored by the three-day scientific symposium here last week (September 17–19) on the Biological Effects and Health Implications of Microwave Radiation, said Dr. Stephen F. Cleary, Associate Professor in the Department of Biophysics of the College, a Division of Virginia Commonwealth University.

Dr. Cleary was chairman of the symposium. The event was sponsored jointly by the College and the U.S. Environmental Control Administration's Bureau of Radiological Health, located in Rockville, Maryland. About 400 health authorities, research scientists, and engineers attended the symposium.

Dr. Cleary said that epidemiological studies

of possible human health effects of microwave radiation should be designed to determine the incidence of known microwave effects, such as eye cataracts, as well as the more subtle and reversible effects, including headaches, behavioral changes, and other symptoms reported by Russian and Eastern European scientists.

Dr. Cleary said that United States scientists thus far have devoted relatively little attention to subtle effects from microwaves at low power levels. Some western scientists, he noted, have been skeptical of Russian and Eastern European findings with respect to subtle effects.

"In my view, epidemiology should have the highest priority in determining the health implications of microwave and radio frequency radiation exposure," Dr. Cleary said.

"If we do well controlled statistical studies of the effects of microwaves on occupationally exposed workers, we will take the biggest single step we can take to satisfy ourselves on the question of subtle effects," Dr. Cleary added.

Dr. Cleary also emphasized the importance of research on basic mechanisms by which microwave biological effects may be induced. He said this sort of work ought to go forward while epidemiological studies are being conducted to attain better understanding of human health effect problems with microwaves.

Dr. Cleary pointed out that some of the Russian and Eastern European investigators have associated health effects with microwave power levels which are fractions of the maximums recommended for United States workers exposed to microwaves.

Epidemiological investigations of possible incidents of microwave health effects, Dr. Cleary said, should be conducted among military radar and microwave communications personnel, employees of industries and commercial establishments using microwave equipment, and microwave equipment manufacturing workers.

Dr. Cleary said the symposium here last week was the first major public scientific meeting on microwave health implications at which comprehensive reviews of Russian and Eastern European findings were discussed in detail.

Dr. Cleary called attention to symposium papers reporting results from studies conducted in the U.S. of animal behavior effects from relatively low level microwave radiation. He said he found it "interesting" that these results were "suggestive" of findings by Russian and Eastern European investigators of effects of microwaves on human behavior.

THE SEAWAY'S LESSON

Mr. RANDOLPH. Mr. President, recently the Waterways Journal included an editorial highly commendatory of Senator STEPHEN M. YOUNG, of Ohio, chairman of the Subcommittee on Flood Control and Rivers and Harbors of the Committee on Public Works. The publication referred to a booklet written and published by him entitled "A Water Development Program for America's Future." I consider this material of interest. It gives deserving recognition of the service by our colleague. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Waterways Journal, Dec. 6, 1969]

THE SEAWAY'S LESSON

U.S. Sen. Stephen M. Young of Ohio is chairman of the Subcommittee on Flood Control-Rivers and Harbors of the Senate Public Works Committee. During his 11 years in the Senate and four terms in the House, he has been a vigorous supporter of water resources development.

The National Waterways Conference, Inc., has published Senator Young's thought-provoking paper, "A Water Development Program for America's Future." In the light of reaffirmation by the Department of Transportation of its position regarding user charges for the waterways, as set out in a recent letter to The Waterways Journal, Senator Young's comments are pertinent.

There is a lesson to be learned from the St. Lawrence Seaway, "where tolls act as an excise tax on the American farmer and worker," Senator Young points out. "Our experience with Seaway tolls demonstrates the insatiable appetite for ever higher charges on the part of the narrow interests opposed to waterway improvement," he warns.

"Although these tolls were set very high to begin with, the demands that they be raised never cease. For those who seek tolls or user charges on waterborne commerce, there is no ceiling, and the demand will be stilled only when the commerce itself has been destroyed. Thus our experience with tolls on the St. Lawrence Seaway leaves no doubt as to the folly of attempting to apply such an imposition to our domestic waterways."

Senator Young has, with that statement, put his finger on the crux of the whole user charge issue. The real objective of those who urge waterway tolls is the destruction of waterborne commerce. Not one of the nine "justifications" cited in the previously mentioned letter, from Richard J. Barber, deputy assistant for policy and international affairs, makes sense in any other context. Mr. Barber's letter, coupled with Transportation Secretary John A. Volpe's recent testimony before a House hearing, evokes the suspicion that the Administration is using intimidation tactics in its fight for user charges.

Secretary Volpe testified that "the concept of user charges, wherein the direct beneficiary of a service is required to pay the cost thereof, is no longer to be seriously challenged in the transportation area." He seems to be saying that it must be construed as unpatriotic to question a proposal which directly affects everyone.

One of Mr. Barber's "justifications" is "imposition of restraint upon local pressures for Congressional authorizations and improvements." Is the Department of Transportation saying that it is un-American for citizens to urge navigation improvements? Other "justifications" seem to support this suspicion: "measurement of the non-federal motivation for investment," and "establishment of priority among investment alternatives."

Another "justification" is defined as "insurance of a fair and reasonable assumption of costs by the immediate and special beneficiaries of a project."

Ignoring the semantic pitfalls in that statement, the question is: who are the immediate and special beneficiaries? They certainly would not be the inland waterway carriers, who would be forced to raise their rates to compensate for the cost of user charges. They would not be the shippers, who would have to raise their prices to cover the higher water freight rates. Nor would they be the consumers, who after paying taxes that helped finance the navigation improvements, would be victims, in Senator Young's words, of an excise tax on virtually everything they purchase.

No one familiar with the waterways has any doubt that those who urge user charges will stop with the current proposal for imposition of a 2-cents a gallon tax on all fuel used by commercial vessels with a maximum draft of 15 feet or less. As Senator Young warns, "there is no ceiling" and "there is no conceivable level of waterway user charge which, as long as cargo still moves, will lay the issue to rest."

We commend to every member of Congress a thoughtful reading of Senator Young's paper. In view of the crowded legislative calendar in Congress, it does not appear likely that any action will be taken on waterway user charges this year. But while there is still time, the industry needs to emphasize to Congress, and to the American people, the lesson of the St. Lawrence Seaway.

WHY SHOULD BOTULISM BULLETS ESCAPE BIOLOGICAL WEAPONS (BW) BAN?

Mr. GOODELL. Mr. President, I want to call the attention of the Senate to a most unfortunate recent decision by the Pentagon regarding a biological weapons—BW—ban exception.

The Defense Department now claims that germ toxins, including "botulin," are to be considered as chemicals not biologicals; hence, toxins are not to be dismantled in view of President Nixon's new policy initiative to ban germ weapons.

Botulin toxin produces the disease toxin botulism. Effects are severe poisoning with 60 to 70 percent mortality; vaccine is available as toxic.

Mr. President, it has been reported that the Army has stockpiled more than 20,000 botulism bullets.

Germ weapons—especially since they could produce epidemic; and even if germ spread is not expected as with toxin botulism—are "horrors against humanity" and should be banned from the arms arsenals of nations.

I ask unanimous consent that two articles on these matters be printed in the RECORD.

There being no objection, the articles were ordered printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Dec. 13, 1969]

TOXINS LISTED AS CHEMICALS, ESCAPE BAN

(By Richard Homan)

The Defense Department acknowledged yesterday that deadly toxins that make up a major part of the nation's biological warfare planning, are now officially considered to be chemicals and, therefore, exempt from President Nixon's recent ban on germ warfare.

The disclosure indicates that the Presidential ban may be less sweeping than it first appeared to be.

Among the nation's arsenal of biological weapons, toxins were considered the most practical and among the most effective. Though highly lethal, they cannot reproduce or be transmitted from one person to another.

HIGH DEATH RATE

The chief toxin in the U.S. stockpile is botulin, which causes botulism, a disease with a 65 per cent mortality rate, in which death results from respiratory failure.

According to reports published two months ago and not refuted by the Pentagon, 20,000 bullets containing botulin are stockpiled at Pine Bluff (Ark.) Arsenal, the nation's only facility for producing biological weapons.

Though not living organisms themselves, toxins are poisonous substances derived from living organisms. For that reason, they were officially considered as part of the biological warfare activities by the United States until recently.

Pentagon spokesman Jerry W. Friehelm said yesterday that the National Security Council had based its decision, which the

President accepted, on a similar interpretation made by a 14-nation United Nations study group last summer.

IN AGREEMENT

"The United States agrees with this definition," the Defense Department spokesman said.

Nonetheless, the United States rejected the U.N.'s authority to interpret another aspect of the Geneva Protocol's ban on lethal gas warfare this week.

The U.N. General Assembly, by a 58 to 3 vote with 35 abstentions, interpreted the Protocol to ban use of tear gas and defoliants in warfare. The United States, which uses both in Vietnam, said the UN "is not the proper forum to decide such disputed questions of international law."

CHIEF OF TEAM

The 14-nation study group's determination that toxins are chemicals and not biological agents was compiled and drafted by a team headed by Dr. Ivan Bennett, a Pentagon consultant and director of the New York University Medical Center.

The Defense Department acknowledged the re-classification yesterday after the American Friends Service Committee disclosed it.

[From the New York Times, Oct. 31, 1969]

20,000 POISON BULLETS MADE AND STOCKPILED BY ARMY

(By Robert M. Smith)

WASHINGTON.—The Army has produced and stockpiled more than 20,000 poison bullets.

It is reliably reported that the bullets contain Botulinum—a toxin that produces an acute, highly fatal disease of the nervous system.

A secret memorandum prepared in 1966 by Chemical Corps officers for Secretary of the Army Stanley R. Resor said that thousands of the bullets had been produced and stockpiled at Pine Bluff Arsenal, in central Arkansas.

There is no evidence that the bullets have been used.

It is not known whether the United States is still producing the poison bullets. However, in recent private conversations with other Government officials, Defense Department personnel have indicated that the bullets are, at the least, still stockpiled.

ASSASSINATION WEAPON

Officially, the Defense officials have shied from the questions of officials in other departments as to what the "special" weapons at Pine Bluff Arsenal are; they refer to them in only the most general terms.

Reliable sources say that the 1966 memo divided the poison bullets into two types—.38-calibre and "separable." It is not clear what "separable" means. The sources say the memo reported that considerably more than 10,000 bullets of each type were stored at the arsenal.

Knowledgeable sources indicate that the poison bullets could logically serve only one purpose: assassination. To kill an enemy leader with a poison bullet, it would be necessary to do no more than nick him; he would very likely die of botulism, the disease induced by the powerful toxin.

It is not clear whether the United States produced poison bullets before 1965. However, that is the first reference to the bullets that sources familiar with Army weaponry say they have seen.

The year 1965 was when the United States began to send large numbers of combat forces to Vietnam. In 1964, there were 23,300 American troops in Vietnam; in 1965, there were 184,300.

The Hague Convention of 1907—which the United States has signed—prohibits the use but not the manufacture, of poison weapons. This injunction is repeated in the official Army guide to the rules governing warfare, Army Field Manual 27–10, "The Law of Land Warfare."

"It is especially forbidden," the manual points out, "to employ poison or poisoned weapons." At another point it notes: "It is especially forbidden to employ arms, projectiles or material calculated to cause unnecessary suffering."

The Pine Bluff Arsenal has both biological and chemical production facilities. In the biological area, five officers, four enlisted men and 323 civilians are engaged there in a $7-million-a-year operation centered in a 10-story tower.

The Army has described the biological plant at Pine Bluff as a "pre-production facility." It says that the arsenal produces biological agents to develop the techniques and "hardware" necessary to mass-produce the germs if they are needed.

The operation, the Army says, also involves storing some of the germs and toxins (the dead but poisonous by-products of bacteria) in refrigerated "igloos." The igloos, in the north and central portions of the arsenal, are reinforced concrete huts covered with two to three feet of dirt.

There are 273 igloos at the arsenal, plus 32 warehouses, 16 sheds and 72 concrete magazines, but it is not known how many of the igloos are used to store biological agents. Pine Bluffs also stores lethal chemical agents.

Presumably the poison bullets are stored in the concrete magazines.

Specific information on biological agents is secret. However, Representatives Richard D. McCarthy, Democrat of upstate New York, an outspoken critic of American chemical and biological warfare policy, has said the disease bearing weapons the United States develops, tests and in some instances stockpiles would produce—besides botulism—anthrax, tularemin, Q-fever and Venezuelan equine encephalitis.

Another Army manual, Technical Manual 3–216, "Military Biology and Biological Agents," discusses the disease botulism in some detail.

The manual says that the mortality rate of botulism is 65 per cent in the United States. However, Americans contract the disease by eating contaminated and improperly cooked food. Presumably, the mortality rate would be higher if the toxin were introduced in a concentrated form and through a bullet wound.

The Army manual says that the symptoms of the disease appear in 12 to 72 hours and that "antitoxin therapy is of doubtful value, particularly when large doses have been consumed." The disease is not contagious.

The manual also says that "through repeated purification procedures [the toxin] has been obtained in a crystalline form and is one of the most powerful toxins known."

"Botulism is an acute, highly fatal disease," the manual continues. "It is characterized by vomiting, constipation, thirst, general weakness, headache, fever, dizziness, double vision and dilation of the pupils. Paralysis is the usual cause of death."

The National Security Council is now in the final stage of a review of the United States' chemical-biological warfare policies. An interagency staff report has been prepared on chemical-biological warfare, and the report is currently being discussed by high officials of the Pentagon, State Department, Arms Control and Disarmament Agency and other agencies.

President Nixon plans to meet with the National Security Council in early November to consider the issue and to try to formulate a chemical-biological warfare policy.

SENATOR HATFIELD OPPOSES CHEMICAL WEAPONS SHIPMENT TO OREGON

Mr. GOODELL. Mr. President, it has come to my attention that the Army has announced plans to ship nerve gas presently stored on Okinawa to the Umatilla Army Depot in Hermiston, Oreg.

The senior Senator from Oregon (Mr. HATFIELD) has protested this shipment. In view of the restrictions on chemical and biological weapons—CBW—which Senator HATFIELD strongly supported from the outset and which Congress has passed, his recent action could be expected and is welcomed.

The major theme in Senate debate over gas shipment was safety in transport. Senator HATFIELD assures us that it will continue to be.

I ask unanimous consent that an article written by George C. Wilson in the Washington Post on this matter be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Dec. 10, 1969]

GAS SHIPMENT PROBLEM UNRESOLVED

(By George C. Wilson)

"Did you know," the reporter asked Sen. Mark Hatfield (R-Ore.) over the long distance line, "that the Army is sending that poison gas on Okinawa into Oregon?"

No, the senator had to admit, he did not know.

What happened from that moment on tells a lot about what is going to happen all over the nation as the Army obeys the new law requiring it to disclose intended shipments of poison gas.

Hatfield received the Oregon reporter's call Dec. 2. He learned that Under Secretary of the Army, Thaddeus R. Beal, had flown out to the West Coast to notify the governors of Washington and Oregon that the Okinawa gas was coming into their states. But Beal didn't tell Hatfield.

EXPRESSES ALARM

Hatfield, a former governor of Oregon himself, was at the forefront of those senators who earlier this year successfuly legislated curbs on the Army's CBW (chemical and biological warfare) activities. Last week, he fired off telegrams to Army Secretary Stanley R. Resor expressing his alarm about the gas shipments from Okinawa.

On Friday, Sam Mallicoat, the senator's administrative assistant, said an Army liaison man called suggesting it might be "appropriate" for Beal to talk to Hatfield about the gas shipment.

Beal and Army Brig. Gen. William W. Stone Jr., director of the Army's CBW program, showed up in Hatfield's office that same Friday afternoon to brief the senator.

WRITES TO PRESIDENT

Beal and Stone confirmed that sometime this month the nerve gas that caused an uproar on Okinawa was going to be shipped by boat to the Naval Ammunition Depot at Bangor, Wash., and then put aboard a train bound for the Umatilla Army Depot in Hermiston, Ore. The Army plan is to store the gas there permanently.

Distressed over what he had learned, Hatfield the day after the Army briefing wrote President Nixon that not only is shipping lethal gas dangerous to everybody along the route, but also "I fail to see how the stockpiling of these weapons, particularly in such proposed amounts in Umatilla, is vital to our security and supportive of your administration's new policies in this area."

As Hatfield and Oregon Gov. Tom McCall publicized what the Army had in mind, the residents of Oregon protested with an indignation that indicates few people want poison gas stored anywhere near them.

"Is Oregon to harbor a nerve gas too dan-

gerous for storage on Okinawa?" a woman asked Hatfield in a letter from Bend, Ore.

"Deceit and incompetence have characterized handling, transportation and storage of these highly destructive poisons in Utah, in Denver and elsewhere," she continued. "We in Oregon are entitled to as much consideration as the Japanese."

Another constituent wrote Hatfield: "If the stuff is unsafe for the people where it is, it will be no more safe for Oregonians."

"KEEP POISON GAS OUT"

"Keep poison gas out of Oregon," wired another constituent. "Recommend returning to manufacturing state." Oregon is 51st in the nation in Pentagon contracts—ranking behind Washington, D.C.

The new regulation—signed into law Nov. 19—requires the Army to notify Congress in advance about planned shipments of chemical warfare agents to and from American bases. The Oregon shipment is the first disclosure under the new law.

The public reaction—Hatfield said yesterday that only two of 50 letters received on the issue in the last three days have endorsed the storage of gas in Oregon—has put Oregon and Washington politicians on the spot.

Sen. Warren G. Magnuson (D-Wash.) opposes the shipment of the Okinawa nerve gas through his state of Washington. Sen. Henry M. Jackson (D-Wash.), an outspoken hawk on most military issues, is in an uncomfortable position on the issue.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Without objection, it is so ordered.

THE INAUGURATION OF FERDINAND E. MARCOS AS THE SIXTH PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

Mr. MANSFIELD. Mr. President, I did not wish the session to end without reference to an event which will take place while the Senate, I believe, will be in recess. On December 30, Ferdinand E. Marcos will be inaugurated as the sixth President of the Republic of the Philippines.

The occasion is of historic significance. It will be the first time that an incumbent will asssume, for a second term, the office of President of the Philippines. This inauguration comes, moreover, after an election in which President Marcos was chosen to succeed himself by an unprecedented majority of Filipino voters.

I happened to be in Manila last summer, shortly after a visit of President Nixon and Secretary of State Rogers. At that time and throughout the ensuing weeks of the Philippine presidential campaign, I followed President Nixon's example of avoiding comment on the political situation in the Philippines. That, I believe, is the appropriate course for officials of this Government to pursue with respect to an election in any free nation and President Nixon is to be commended for setting it.

However, the votes in the Philippine election are now long since in and a new political era is about to begin. I want to take this occasion, therefore, to speak out of a long personal acquaintance with the Filipino people, a continuing interest in the evolution of the Philippine Republic, and a high respect for the President who will head its Government for another 4 years.

I first came to know the Philippines a long time ago. As a Pfc. in the Marines I served in what was then a colonial possession of the United States. I developed an admiration for the Filipino people at the time and it has grown stronger in frequent renewals of contact with them over the years.

These have been years in which the Philippines have had to work through a maze of adaptation in the changing relationship with the United States. Complex political, cultural, economic, and other adjustments have been involved in the shift from colony of Spain to colony of the United States, to commonwealth, to independent republic. The Filipino people have prevailed with great fortitude in this evolution. They have prevailed, notwithstanding the intervention of World War II, with its devastating sequence of abrupt Japanese invasion, brutal military occupation and fierce struggle for liberation.

That conflict brought widespread human exhaustion and social unrest. It brought dislocation and stagnation and a desperate interim dependency on the continuance of certain quasi-colonial economic ties with the United States. However, in the aftermath of World War II, there also came national independence under a democratic constitutional structure. Notwithstanding its flaws—the Philippine system is modeled on our own and ours, too, has its flaws—notwithstanding severe assaults on its foundations, that system has persisted unbroken for longer than any other free government in the Far East. It has provided stimulus and coherent form to the determination of the Filipino people to evolve their own political life.

It seems to me that the unprecedented reelection of President Marcos underscores that determination and indicates that the Philippines will stay on the present course which is pointed toward full national realization. A decisive advance in that direction has already taken place. During the past 4 years, there has been progress on a broad front, in agriculture, in industry and trade, in roadbuilding, and in education. In these years, for example, new school instruction has equalled that of all the preceding years of the past half century. The experience in modern road construction is similar. Significant advances have been made, too, in public administration, in social services to young and old and in the enrichment of cultural life of the islands.

These achievements are important in themselves because they relate to the immediate well-being of the Filipino people. Even more, they are important as symbols of the creative potential in the Republic. They are the portents of a tomorrow of self-reliance, dignity, and equality and of full mutuality in relations with this Nation and the rest of the world.

In these achievements, there is clearly discernible the hand of a firm and purposeful leadership. For 4 years, President Ferdinand E. Marcos has worked wisely and well and with great personal dedication. He has had, in his efforts, the encouragement and support of an intelligent, sensitive, and energetic partner, Imelda Romualdez Marcos. To both of them, on the eve of the inauguration, I extend my heartfelt wishes for the further realization of the promise of progress which the leadership and the labors of the past 4 years have done so much to kindle throughout the Republic of the Philippines.

ORDER OF BUSINESS

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 601, 602, and 603.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOURS OF SERVICE AMENDMENTS OF 1969

The Senate proceeded to consider the bill (H.R. 8449) to amend the act entitled "An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, which had been reported from the Committee on Commerce with amendments, on page 2, line 15, after the word "the", strike out "operation" and insert "movement"; on page 4, line 10, after the word "device", strike out "directs or controls the movement of any train or who by the use of any such means"; on page 6, line 2, after the word "such", strike out "district" and insert "United States"; and at the beginning of line 4, insert "but no such suit shall be brought after the expiration of two years from the date of such violation".

Mr. YARBOROUGH. Mr. President, I take this opportunity to urge all Senators to give their full support to H.R. 8449, which incorporates S. 1938, of which I am cosponsor. The bill amends the 1907 Hours of Service Act so as to limit the number of hours railroad workers can be required to work to 12 hours. This amendment has been needed for a long time. Under the present statute which was enacted in 1907 and has not been changed since, railroad workers can be required to work as long as 16 hours a day. Not only is this 16-hour day unreasonable; it it also dangerous to the workers and to the public which comes in contact with the railroad industry.

In 1968, 2,359 persons were killed and 24,608 persons were injured in railroad accidents. One of the major causes of these tragic accidents was human errors in the operation of the equipment. Experts who have studied the causes of railroad accidents have found that long working hours and fatigue contribute greatly to these errors in operation.

To remedy this problem, it is necessary that the working day of railroad workers be shortened to a reasonable number of hours. The bill before us today represents a great step forward toward bringing working hours and conditions in the railroad industry in line with other industries. More specifically, this bill makes it unlawful for a railroad, first, to require its workers to work more than 12 hours unless the employee has had at least 16 consecutive hours off duty; and second, to make an employee go on duty or continue on duty when he has not had at least 8 consecutive hours off duty during the preceding 24 hours.

Furthermore, the bill would require that any suit for a violation of this law be brought by the appropriate U.S. district attorney within 2 years of the violation.

I wish to commend the Senator from Indiana (Mr. HARTKE) and all the other members of the Committee on Commerce for their hard work on this important bill. I am proud to be a cosponsor of this measure, and I urge its prompt approval.

The amendments were considered and agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REVOCATION AND SUSPENSION OF MOTOR CARRIER OPERATING AUTHORITY

The bill (S. 2244) to amend section 212 (a) of the Interstate Commerce Act, as amended, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 212 of the Interstate Commerce Act (49 U.S.C. 312(a)), is amended as follows:

(1) The second sentence is amended by inserting after the phrase "promulgated thereunder", the words "or under sections 831–835 of title 18, United States Code, as amended".

(2) The first proviso is amended by inserting immediately after the phrase "or to the rule or regulation thereunder", the words "or under sections 831–835 of title 18, United States Code, as amended".

(3) The second proviso is amended by inserting "215", immediately after "211(c)".

AMENDMENT OF SECTION 510 OF INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949

The bill (H.R. 11711) to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

Mr. ELLENDER. Mr. President, the distinguished senior Senator from Georgia (Mr. RUSSELL) cannot be here at this time, and he asked me to proceed with the debate on the Defense appropriation bill. I understand that he will be here later.

I wish to state that the Senate Appropriations Committee gave close consideration to this huge bill. At the outset, let me state that many of the cuts made were suggested by the President as well as the Defense Department. The committee also made some reductions. I shall be glad to review them in the statment I shall make.

I wish to add further that the report that accompanies the bill is very exhaustive. All the reasons given for the actions taken by the committee are reflected in the report. I hope Senators will refer to that document as we go along, because it explains in detail the various reductions made and the amounts added to the bill.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Mr. President, I think this is a most important question, and I think it advisable also to get the answer at the beginning of the debate on this huge Defense appropriation bill.

My question is, Mr. President, How much has been cut from the budget request by the Senate Defense Appropriations Subcommittee and the full Appropriations Committee?

Mr. ELLENDER. As I will state in my remarks, $5.9 billion from the revised budget. It is included in the short statement I will make.

Mr. MANSFIELD. I know the Senator does, but I want that figure put out in neon lights, because what it means is that the allowance is approximately $6 billion below the budget request.

Mr. ELLENDER. Almost. The Senator is correct.

In presenting H.R. 15090, the Department of Defense appropriation bill for the fiscal year 1970, I shall speak of the most important aspects of the bill, and then be available for such questions as may arise.

I wish to say that the senior Senator from North Dakota (Mr. YOUNG), who is the ranking Republican member on the committee, took a very active part in all the deliberations by the committee. I am sure he has a very important statement to make on the bill. I hope that both of us will be in a position to answer such questions as may be propounded.

The committee report that you have before you is most comprehensive and will probably answer many of the questions that come to mind.

COMMITTEE REDUCTION

Your committee recommends a total appropriation of $69,332,656,000. This is a reduction of $627,382,000 from the amount allowed by the House of Representatives.

It is a reduction of $5,945,544,000 from the revised budget estimates submitted in April.

It is a reduction of $8,407,544,000 from the original budget estimates submitted in January by former President Johnson.

And it is a reduction of $5,069,593,427 from the total appropriations provided for fiscal year 1969.

Many of the major programs and projects for which the committee recommends funds were the subject of extensive debate during the consideration of the authorization bill earlier in the

session. The committee's recommendations with respect to these projects are basically in accord with the Authorization Act.

CONCEPTS ON WHICH COMMITTEE ACTED

Since the bill contains some of the largest overall reductions in recent years, I believe it pertinent to review briefly the fundamental concepts that influenced the committee's decisions.

Above all—and I want to emphasize this as strongly as words can express—the committee's primary concern was to provide an adequate national defense during fiscal year 1970. Nothing can transcend this in importance.

Second, despite whatever reservations individual members may have about the war in Vietnam, the committee recognizes the necessity of providing all needed funds for our troops in Southeast Asia. I wish to say that has been done. None of the reductions in this bill will jeopardize in any manner or way the security of our men in combat.

Third, the committee also recognized the national requirement for economy in Government, a requirement made pressing by continued inflation and the demands of an expanding population and other nationwide needs. Reductions made by the committee reflect this desire, but let me reemphasize that these reductions were made only after the most careful consideration of Defense requirements, including testimony and investigation of the effect of such actions. We have recommended economy—yes—but have not let down our guard. National defense is still our first priority. We do not need to recall the famous dictum attributed to Jefferson to remind us that eternal vigilance is the price of liberty.

HISTORY OF REDUCTIONS

A variety of actions account for the reductions made. First of all, let us remember that the original budget submitted in January contained $77.7 billion. This was reduced in the revised budget to $75.2 billion, a reduction of $2.5 billion. This reduction is fully explained on page 1 of the report.

I ask unanimous consent to have inserted in the RECORD at this point a summary of the action on the bill from page 4 of the report.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

The committee considered revised budget estimates for the fiscal year 1970 totaling $75,278,200,000 for the various military departments and other activities of the Department of Defense, exclusive of the regular military assistance program, military construction and civil defense, which are included in other appropriation bills.

The committee recommends appropriations totaling $69,332,656,000.

The new obligational authority recommended by the committee is $8,407,544,000 under the original budget requests, $5,945,544,000 under the revised budget requests and $627,392,000 under the amount allowed by the House.

The bill as it passed the House of Representatives includes appropriations totaling $69,960,048,000, a decrease of $5,318,152,000 from the revised estimate.

The appropriations recommended by the committee are $5,069,593,427 under the total appropriation for fiscal year 1969 of $74,402,249,427.

Mr. ELLENDER. On August 21, the Secretary of Defense announced plans to reduce fiscal 1970 Department of Defense expenditures by an additional $3 billion.

It is estimated that approximately $5 billion of the reduction recommended by the committee is the result of actions taken by the Department of Defense to effectuate this announced reduction of $3 billion in expenditures. Most of these reductions were made in the House bill; however, approximately $408 million of the additional reductions recommended by the committee are the result of these actions.

RECOMMENDATIONS BY DEPARTMENT

By service, the recommended appropriations are as follows:

For the Department of the Army, approximately $22.1 billion;

For the Department of the Navy, approximately $20.5 billion;

For the Department of the Air Force, approximately $22.2 billion; and

For Defense agencies, approximately $4.4 billion.

MAJOR REDUCTIONS

The committee has accepted practically all of the reductions offered by the Department of Defense and most of those made by the House of Representatives. The Department of Defense requested of the committee restoration of approximately $427 million of the House reductions and the committee recommends a restoration of approximately $271 million of the amount asked by way of reclama.

The most substantial reductions may be attributed to the lessening of hostilities in Southeast Asia, and the recent termination of certain major defense systems—notably the Manned Orbiting Laboratory, for which $525.3 million had been requested, and for which $125.3 million is recommended for termination costs, and the Cheyenne helicopter program, for which $429 million was asked, and $86 million recommended for Cobra armed helicopter replacements.

Mr. President, the record will show that several years ago many of us felt that a good many of these programs were being carried without a sufficient amount of research. It was later found necessary to cut back on some of these programs and reduce the proposed expenditure because of a lack of proper research. I shall cover this a little more at length when we get to a program in which one of the reductions was made by the committee.

The committee also reduced the Polaris-to-Poseidon conversion program, recommending the conversion of two submarines in the 1970 program instead of the six requested in the budget. Provision is made for the overhaul of the other four Polaris submarines. Since the Polaris missile system is one of the most reliable in our inventory, the committee was reluctant to proceed full scale on conversion until Poseidon tests demonstrate conclusively reliability equal to that of the Polaris system.

Mr. President, I point out at this point that about 7 years ago, when the committee met to decide as to the rapidity with which this Polaris missile program was to proceed, I raised the question as to whether we should not go a little more slowly with the construction of these Polaris missiles and submarines. I pointed out that we were living in an age of electronics, where changes are made almost every 6 months on many of the programs that we envision. It struck me that the Polaris missile, although it was a good one, might be superseded by a better one very shortly. Therefore, in my opinion, it would be better to go a little slower on such programs than to go full speed in the construction of the submarines, and then find that we might have a better missile to put into those submarines.

The inevitable happened, and the plan now is to convert 31 of the Polaris submarines for the use of Poseidon missiles. The Poseidon is a missile which has a number of heads. In order to accomplish this change, it will be necessary to make substantial changes in the submarines in order to provide for the Poseidon missiles.

It was the position of the committee that we should go slowly in making these changes so as to install the new weapons. Therefore the committee recommends that we utilize two of the submarines for that purpose. Those two submarines must be replenished with atomic energy cores anyway, and the cost of doing that job would be about $45 million to $50 million per submarine. By adding about $20 million to $25 million per submarine more, we shall have the Poseidon missile installed in those two submarines and two that were ordered last year. As to the others, the committee recommends that their conversion to Poseidon be deferred until reliability is assured. Funds have been provided, however, for replacing the atomic cores.

It is my personal belief that the committee acted wisely in not following the House recommendation to put on the docks as many as six of these submarines. The submarines are effective nuclear weapons, and it strikes me that we ought to keep as many operative as possible. Perhaps it might be wise to consider having new submarines constructed to carry this new missile with multiple heads, if the Pentagon and the President feels they are needed in the future. However, we have provided funds for two conversions, and I hope that the Senate, as well as the House of Representatives, will go along with the position taken by the committee.

I may state further that the multiple warhead missiles are still being tested and there is doubt in my mind as to whether or not there has been sufficient research in that direction. But I do believe that with the funds we have provided in this bill, it will be possible for us to have more research performed.

I ask unanimous consent that report language dealing with the Polaris/Poseidon programs be included in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Polaris submarine overhaul.—The committee has recommended the overhaul of four Polaris submarines in lieu of conversion as

requested in the revised budget. This matter is discussed on page 7 of this report. The committee recommends an increase of $40 million in this appropriation to cover that portion of the cost of these four overhauls that is funded under this appropriation. The action represents an increase of $40 million in the revised budget estimate.

* * * * *

Polaris-to-Poseidon conversions.—$92.7 million is recommended for the Polaris-to-Poseidon conversion of two submarines. The sum recommended and $61.6 million advance procurement will provide for a total of $153.8 million for these two conversions. This is a continuation of the program initiated in fiscal year 1968 for the conversion of 31 of the 41 Polaris submarines to carry the new Poseidon missiles. Two of these conversions were funded in fiscal year 1968 and two in fiscal year 1969. These four submarines are now in the shipyards undergoing the conversion work.

* * * * *

Polaris-to-Poseidon conversion.—The revised budget included $458.9 million for the Polaris-to-Poseidon conversion of six submarines and advance procurement to support this program in future years. The committee has recommended $136.7 for this purpose, which is based on the conversion of only two submarines during fiscal 1970. This matter is discussed on page 7 of this report. The committee actions represent a reduction of $322.2 million in the revised budget estimate.

OTHER REDUCTIONS

Mr. ELLENDER. Reductions made by the committee also include the following:

A $17 million reduction for the Army's M–16 rifle as a result of reduced production costs.

It will be remembered that 2 or 3 years ago we had only one manufacturer to produce the M–16 rifle. And because of the needs that grew out of the war in Vietnam, we were able to have two additional manufacturers produce the M–16 rifle. As a result of that, we were able to reduce the cost of the manufacture of the rifle. This cut really represents a savings in the amount to be paid by the Government for this weapon.

There was also:

A $25.6 million reduction for the Navy's Standard Arm missile, in view of adequate inventories of this missile;

An $80 million reduction in Navy procurement of aircraft and missiles made possible through the utilization of prior year funds;

A further reduction of $5 million in the Navy's communications and electronics procurement, made with the acquiescence of the Department; and

A reduction of approximately $54 million as a result of a revision in the planned buy of the Air Force's F–111 aircraft.

As we all know, there was quite a bit of difficulty several years ago concerning the TFX, as the F–111 was then called. It was found that it was impossible to produce aircraft that could be used by both the Air Force and the Navy.

I ask unanimous consent that report language on the Air Force's F–111 program be included in the RECORD at this point.

There being no objection, the report language was ordered to be printed in the RECORD, as follows:

F–111D/F AIRCRAFT PROGRAM

The revised budget includes requests totaling $871.1 million for the Air Force's F–111D aircraft program, of which $797.4 million is included in the procurement appropriation and $73.7 is included in the research and development appropriation.

The recommendations of the committee include $817.2 million, of which $743.5 million is in the procurement appropriation and $73.7 million is in the research and development appropriation. The sum recommended represents a reduction of $53.9 million in the revised budget request.

After the submission of the revised budget the Air Force revised its procurement program for this aircraft. The revised budget was based on the procurement of 68 F–111D aircraft, and the current plan calls for the procurement of only eight F–111D's and 60 F–111F's. The F–111F will be equipped with a modified version of the Mark IIB avionics system in lieu of the Mark II avionics system. The Air Force has advised that this change will result in a saving of approximately $1 million per aircraft, and the committee recommends a reduction of $53.9 million based on these savings.

The total recommended by the committee includes the following:

[Dollar amounts in thousands]

Procurement:	*Recommendation*
Program cost	$583,200
Less 1969 advance procurement	37,300
Net requirement	545,900
Fiscal year 1969 and prior year over target cost	71,400
Advance procurement to support fiscal year 1971 buy	56,000
Subtotal, aircraft program	673,300
Aircraft spares	70,160
Total procurement	743,460
R.D.T. & E	73,700
Grand total	817,160

Mr. ELLENDER. A further reduction of $56.8 million was made by the committee for Air Force munitions and related equipment.

The reason for that is the reduced bombing in the Vietnam war. We were able to make the reduction because of that.

F–14A FIGHTER

The largest and most significant addition made by the committee is for the Navy's F–14A fighter aircraft program. The revised budget included $450 million for this program; $275 million in procurement and $175 million in the research and development appropriation. Incorporated in this request were funds for the procurement of nine test aircraft. Three aircraft were funded in fiscal year 1969. The House disallowed the procurement funds, but increased the appropriation for research and development by $146 million for a total appropriation for six aircraft of $321 million. The committee recommends $450 million for nine F–14A aircraft, believing that a total of 12 aircraft are required for the flight test program.

In other words, instead of funding the number of aircraft prototypes that the House recommended, it was felt that we should increase that number to the 12 included in the budget so as to secure a proper evaluation of how this new aircraft would work.

A full explanation of the reasons for the increase and why the committee recommended 12 prototypes can be found in the report of the committee.

I ask unanimous consent to have the pertinent report language printed at this point in the RECORD.

There being no objection, the report language was ordered to be printed in the RECORD, as follows:

F–14A FIGHTER AIRCRAFT PROGRAM

The revised budget estimates included a total of $450 million for the Navy's F–14A fighter aircraft program, of which $275 million was in the procurement appropriation request and $175 million was in the research, development, test and evaluation request. The total included funds for the procurement of nine aircraft that are required for the test program. Three such aircraft were funded in fiscal year 1969.

The House disallowed the total of $275 million requested in the procurement appropriation and increased the research and development appropriation by $146 million to provide for a total of $321 million for the procurement of only six aircraft.

The committee recommends appropriations totaling $450 million for this aircraft, as follows:

Procurement of aircraft and missiles, Navy (advance procurement to support the fiscal 1971 procurement plan)	$8,500,000
Research, development, test, and evaluation, Navy	441,500,000

The committee's recommendation is based on the procurement of nine aircraft, as requested in the revised budget. These, together with the three aircraft previously funded, will provide for the total of 12 aircraft, which, in the view of the committee, are required for the flight test program of this aircraft.

The committee desires to make it clear that its action does not indicate any disagreement with the position of the House committee with respect to the premature commitment of this aircraft to production. Furthermore, the committee has been assured by the Secretary of Defense that the funds provided will not be used for tooling in excess of that required for the one aircraft per month rate currently authorized in the research and development program.

* * * * *

F–14 fighter aircraft.—The revised budget estimate included $275 million in this appropriation for the Navy's F–14A fighter aircraft program, including $14,400,000 for advance procurement to support the fiscal 1971 procurement of this aircraft. The House disallowed the full request of $275 million and provided additional funds in the appropriation entitled "Research, development, test, and evaluation, Navy." This matter is discussed on page 7 of this report. It is the view of the committee that funds should be provided in this appropriation for advance procurement to support the fiscal 1971 procurement program, and $8,500,000 is recommended for that purpose. The net effect of this action is a reduction of $266,500,000 in this appropriation which is offset by a comparable increase in the Navy's research and development appropriation.

OTHER INCREASES

Mr. ELLENDER. Other increases in the bill include the following:

Fourteen million five hundred thousand dollars for modifications to 12 of the existing A–6A Navy aircraft to fit them for the tanker mission previously designated for the KA–6D tanker aircraft

and for which funds are not recommended.

An explanation of that can be found in the report. The main reason for this increase is that we were able to use modified existing planes for the intended purposes, and new purchases were not needed.

I ask unanimous consent that the pertinent report language be amended at this point.

There being no objection, the report language was ordered to be printed in the RECORD, as follows:

KA–6D tanker aircraft modifications.—As indicated above the committee has recommended concurrence in the House disallowance of $57,600,000 requested for the procurement of KA–6D tanker aircraft, and $4,800,000 requested for advance procurement of this aircraft. In recommending the disallowance of these funds the House committee suggested that existing A–6A aircraft be modified for the tanker mission, but did not recommend the funds required for these modifications. It is the view of the committee that the Navy should modify these aircraft for the tanker mission and recommends the allowance of $14,500,000 for this purpose.

Mr. ELLENDER. There is also a restoration of $16.6 million to Navy and Air Force appropriations in order to maintain the production lines for the Shrike antiradar missile.

A full explanation of the restoration can be found on pages 66 and 103 of the committee report.

I ask unanimous consent that these be included at this point.

There being no objection, the report language was ordered to be printed in the RECORD, as follows:

Department of the Navy:

Shrike antiradar missile.—The House disallowed the request of $9,500,000 for the procurement of Shrike antiradar missiles. The committee has expressed its disappointment with the performance of this missile on previous occasions. However, it is the view of the committee that we should maintain an active production line for this missile, and restoration of the House reduction of $9,500,000 is recommended. The effect of this recommendation is to increase the House allowance by $9,500,000. These funds along with the $7,100,000 recommended for the procurement of missiles by the Air Force will provide for minimum sustaining production rate for the Shrike missile.

Department of the Air Force:

Shrike antiradar missile. The House disallowed the request of $9,500,000 for the continuation of procurement of the Shrike antiradar missile. The committee recommends restoration of $7,100,000 for this purpose. The committee's action represents a reduction of $2,400,000 in the revised budget estimate.

The recommended appropriation of $1,448.1 million plus $132.4 million estimated to be made available from other sources will provide a total program of $1,580.5 million.

* * * * *

AGM–45A Shrike antiradar missile.—$7.1 million is recommended for the procurement of Shrike antiradar missiles. This is an air-to-ground nonnuclear missile designed to home on and destroy and impair enemy radar installations. It is used on the F–105 and F–4 aircraft.

* * * * *

Mr. ELLENDER. There is also a restoration of $27.8 million for Mark–48 torpedo procurement in order to sustain effective competition, provide an up-to-date conventional torpedo at the earliest possible date, and to expedite early testing;

An explanation of this restoration can be found on page 82 of the report.

I ask unanimous consent to include pertinent report language at this point.

There being no objection, the report language was ordered to be printed in the RECORD, as follows:

Ordnance support equipment.—The House made a reduction of $240,200,000 in the budget activity entitled, "Ordnance support equipment," of which $75,700,000 was applied to the request of $174,200,000 for the two versions of the Mark–48 torpedo. The committee recommends restoration of $27,800,000 of this reduction. This action represents a reduction of $212,400,000 in the revised budget estimate.

Mr. ELLENDER. There is also a restoration of $10 million for the Air Force's short-range attack missile (SRAM) for preproduction funding when and if pending tests support a decision to proceed with production of this missile for the FB–111 and B–52 aircraft.

The explanation for this restoration can be found on page 101 of the report.

I ask unanimous consent for inclusion of pertinent report language at this point.

There being no objection, the report language was ordered to be printed in the RECORD, as follows:

Short-range-attack missile: The House disallowed the request of $20,400,000 for the short-range-attack missile (SRAM). It is the view of the committee that funds should be made available to support a decision to go into production on this missile, if such a decision is made by the Secretary of Defense. For this reason, the committee recommends the allowance of $10 million for this purpose. This action represents a reduction of $10,400,000 in the revised budget estimate.

* * * * *

Short-range attack missile (SRAM): $10 million is recommended for the SRAM missile program. The SRAM is an air-to-ground nuclear missile designed for defense suppression and standoff attacks against soft- to medium-hard targets, surface-to-air missile sites, and ground radar facilities. It is to be carried on the FB–111 and B–52 aircraft. Due to the development of a number of technical problems, it has been determined not to initiate production of the SRAM missile as originally planned. The funds recommended will allow for the initiation of production in the last quarter of fiscal year 1970 if the testing program indicates that these technical problems have been solved.

Mr. ELLENDER. Here is also a restoration of $5 million for the Army's Lance division support missile in order to avoid a readiness and deployment delay.

There is also a restoration of $5 million for the Navy's underwater long-range missile research—ULMS—program designed as a submarine launched missile system follow-on to the Polaris/Poseidon system.

I ask unanimous consent to include pertinent report language at this point.

There being no objection, the report language was ordered to be printed in the RECORD, as follows:

Underwater, long-range missile system (ULMS): The revised budget included a request of $20 million for the initiation of the underwater long-range missile system (ULMS) program. The authorization act made a reduction of $10 million in this request, and the House made a further reduction of $5 million. It is the view of the committee that this program should be funded at the authorized amount, and restoration of the $5 million reduction is recommended.

Mr. ELLENDER. That is what I referred to a while ago when I said that moneys were being provided for the development of better submarines to succeed both Polaris and Poseidon models.

It may be that in the future more warheads could be added to the Poseidon or a better system developed. It is my belief that the research can go on so as to be able to provide for such other missiles as may be developed in the future if they are needed.

It is my sincere belief that more and more research should be made in that effort so that we do not again make the mistake we made when we started to construct the Polaris several years ago. As we have seen, it is already being replaced by Poseidon, and the submarines built for Polaris are being adapted to use this newly developed multiwarhead missile.

A restoration of $8 million was approved for the Navy's Condor air-to-surface missile program to avoid termination of the program designed to develop a medium-sized conventional warhead to be employed on tactical targets from a stand-off distance out of range of protective weapons—a description of this missile and the reasons for the restoration can be found on page 117 of the report.

I ask unanimous consent that the pertinent report language be included at this point.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

Condor missile: The House disallowed the request of $12,900,000 for the continuation of development of the Condor standoff missile, and recommended that the project be terminated. The committee shares the concern expressed by the House committee with respect to the delay and increases in the cost of the program. However, the committee feels that there is a valid requirement for a missile with the capabilities of the Condor, and restoration of $8 million of the House reduction is recommended. This action reflects a decrease of $4,900,000 in the revised estimate.

Mr. ELLENDER. A restoration of $2 million was allowed for the Air Force's A–X close-air-support aircraft research to permit relatively early operational capability—a description of this restoration and the reason for it can be found on page 124 of the report.

I ask unanimous consent that the pertinent language be included at this point.

There being no objection, the report language was ordered to be printed in the RECORD, as follows:

AX close air support aircraft: The revised budget estimate included a request of $12 million for the development of the AX close air support aircraft. The authorization act made a reduction of $4 million in this request and the House disallowed the balance of $8 million. It is the view of the committee that work should proceed on this program, and restoration of $2 million is recommended for this purpose.

Mr. ELLENDER. There was also a restoration of $3.6 million for Air Force

special purpose communications for very low frequency communications during and after a nuclear attack.

I might state at this point that the committee does not anticipate any additional requests from the Department of Defense for funds during the remainder of fiscal year 1970 except for those funds needed to implement increased pay costs. That is good news, Mr. President.

The bill before the Senate is the result of the distillation of efforts of two administrations, the House of Representatives and the Senate committee. For our part, we have devoted long weeks to a detailed examination of the programs contained in this measure. I believe that the magnitude of the reduction that we recommend will certify to our sincerity of purpose, just as the six volumes of testimony on the desk of each Senator will demonstrate the committee's industry of application.

I wish to thank all the members of the subcommittee for their devotion to this task and their guidance in our decision-making. In particular, I want to thank the ranking minority member, the senior Senator from North Dakota (Mr. YOUNG), and the chairman, the senior Senator from Georgia (Mr. RUSSELL) for their earnest participaiton and great assistance.

Also, Mr. President, I attended virtually all the hearings. We sometimes have to throw bouquets at ourselves. I am glad to say that I tried to attend every meeting, and I missed very few of them. That is why I am able to discuss today some of the many reductions and additions that we made in this program.

I am very hopeful that the Defense Department will restudy many of these programs and try to do a little more research before they come to us for money in order to build new systems of defense and ask us to fund expensive military hardware that may not perform as expected. It strikes me that if that had been done in the past, there would have been much less money wasted by the Defense Department.

I hope that the Senate will pass this bill in its present form, for it represents, in the opinion of the committee, the best resolution possible to the multitude of defense problems with which it deals.

Mr. YOUNG of North Dakota. Mr. President, I feel it appropriate to open my brief remarks with well-deserved praise for the inherent ability, broad knowledge, and untiring devotion of the distinguished chairman of the Committee on Appropriations, the Senator from Georgia (Mr. RUSSELL), who also chairs the Subcommittee on Appropriations for the Department of Defense. Also, I wish to pay my respects to the Senator from Louisiana (Mr. ELLENDER), who has a very fertile mind, is a hard worker, and is always on the side of economy. It is due to his efforts that we have effected some real economies in this bill.

Only 1 week ago today, the House passed the Defense appropriations bill for fiscal year 1970; only 6 days ago, the bill was referred to the committee. Our skillful chairman had arranged and conducted hearings and directed the preliminary work of the staff in such manner that it was possible for the full committee to report the bill last Friday, a mere 72 hours after referral.

I completely support the provisions of the bill as reported by the committee, but realize that some Members may desire to increase specific programs while others may oppose certain programs. Each of us well remembers the many hours of debate which took place during consideration of the Department of Defense procurement and research and development authorization bill for fiscal year 1970 last summer. Each issue was thoroughly explored, and the Senate worked its will in due legislative process; thus, I trust we may now continue in the spirit of prompt, efficient dispatch which the committee has demonstrated and pass this bill, go to conference, and send it to the President before the week is out—at least, before Christmas.

We started hearings on June 10, when Secretary Laird appeared before the subcommittee and concluded these hearings only last Tuesday, when the Secretary again appeared. The testimony heard during these extensive sessions has only reinforced my sincere concern over the minimal efforts that we have taken to improve our strategic offensive capability in the past decade or more. For this reason, I am gratified to report that we have included $100 million in the bill for the development of an advanced manned strategic aircraft, the B–1. Development of this strategic bomber can take advantage of the many recent improvements in airframe and engine design to give it the short takeoff and landing capability needed for dispersal and the payload, structure, and speed necessary for penetration.

In reiterating my deep concern over our lagging strategic offensive capability, I in no manner intend to cast aspersion on our strategic intercontinental ballistic missile and our submarine-launched ballistic missile systems; however, these systems do not afford the opportunity to train and exercise as a bomber force can. Minuteman and Polaris is actually in a wartime posture at any minute of the day—you either fire the missile or you do not fire it. A first-rate strategic bomber force can be exercised and dispersed to provide the additional flexibility required to fulfill our strategic offensive requirements. May I point out that the Air Force has yet to be successful in launching a Minuteman II missile from an operational silo. The funds provided in this bill for continued advanced development of the B–1 strategic bomber are vital to our overall defense posture.

As the distinguished Senator from Louisiana has pointed out, the bill is $627.4 million under the House allowance and $358 million of the reduction results from the committee's recommendation to provide funds in fiscal year 1970 for the conversion of two Polaris nuclear submarines to the Poseidon configuration instead of the six as requested in the budget estimate and approved by the House. I agree with the committee recommendation, but wish to clearly express my unqualified confidence in the Polaris program. This weapons system has proven to be the most accurate and dependable strategic delivery system known and has far exceeded expectations. For this reason, the committee is most apprehensive to proceed more rapidly in converting the proven Polaris submarines to the Poseidon system until the flight test program of the Poseidon missile has clearly established its reliability.

As a continuation of the submarine launched missile program, the bill contains $10 million for the underwater long-range missile system—ULMS. The committee recommends that the executive department and Congress give serious consideration to the development of a more efficient, survivable, sea-based strategic offensive system, capable of launching long-range ballistic missiles from improved design, quieter submarines.

The Soviet Union has concentrated on the dynamic expansion of its naval power with emphasis on the modernization of their submarine force, making it the world's largest. Following a period of large-scale shipyard expansion, new classes of Soviet ballistic missile submarines and nuclear attack boats are becoming operational. This threat requires that research and development in antisubmarine warfare capabilities be given prominent attention. Only through the expenditure of research dollars can we achieve the desired breakthroughs in target detection, improved torpedos capable of outrunning and going deeper than the new Soviet high performance nuclear submarines, torpedo countermeasures, and other antisubmarine warfare systems.

The F–14 is an aircraft designed to provide protection for the fleet. This aircraft will be a tandem-seat fighter incorporating the Phoenix missile system and will be superior to current Soviet fighters. The missile control system will also permit the employment of Sparrow and Sidewinder missiles, guns, and numerous air-to-ground weapons.

The Senate bill provides $450 million, the full budget estimate, and an increase of $129 million over the House allowance. This amount will procure nine aircraft, which together with three aircraft previously funded will provide the 12 aircraft which the committee deems required for an adequate flight test program of the aircraft.

We have long been aware of the Soviet development of high performance aircraft and only recently has the development of a new strategic bomber been revealed. This caused grave concern particularly since the previous administration did not see fit to develop the F–12, leaving our current air posture without an adequate interceptor aircraft. Future research and development funds must be provided within this area.

The bill includes the full revised budget estimate of $175 million to continue development of the Air Force's F–15 air superiority fighter aircraft. The F–15 is the first Air Force airplane designed to achieve very high levels of performance while in turning flight. It is designed to penetrate enemy skies in roles such as escorting a strike force and

will carry effective missiles to do battle with enemy interceptors at long range and have the radar to see them at these long ranges. We strongly hope that the Air Force and the Department of Defense can bring about its operational capability at the earliest practicable date.

Mr. President, we must remember that our requirements for national defense are to a large degree determined by our commitments and obligations to other nations. I ask unanimous consent to insert at this point in the RECORD an excerpt from the Department of Defense hearings before the subcommittee which is a checklist of U.S. defense treaties and other defense arrangements with 46 nations.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PARTIES TO DEFENSE TREATIES AND OTHER DEFENSE ARRANGEMENTS

Agreements and parties	Multilateral treaties				Bilateral treaties	Bilateral executive agreements of general treaty
	RTO	NATO	SEATO	ANZUS		
Argentina	X					
Australia			X	X		
Belgium		X				
Bolivia	X					
Brazil	X					
Canada		X				X
Chile	X					
China					X	
Colombia	X					
Costa Rica	X					
Cuba [1]	X					
Denmark		X				
Dominican Republic	X					
Ecuador	X					
El Salvador	X					
France		X	X			
Germany, Federal Republic of		X				
Greece		X				
Guatemala	X					
Haiti	X					
Honduras	X					
Iceland		X				
Iran						X
Italy		X				X
Japan					X	
Korea					X	
Liberia						X
Luxembourg		X				
Mexico	X					
Netherlands, The		X				
New Zealand			X	X		
Nicaragua	X					
Norway		X				
Pakistan			X			X
Panama	X					X
Paraguay	X					
Peru	X					
Philippines, The			X		X	
Portugal		X				
Spain						X
Thailand			X			
Trinidad and Tobago	X					
Turkey		X				
United Kingdom		X	X			
Uruguay	X					
Venezuela	X					

[1] Cuba was excluded from participation in the Inter-American System by Resolution VII, 8th Meeting of Foreign Ministers, Punta del Este, 1962.

Mr. YOUNG of North Dakota. Mr. President, we have been able to report a bill which is $627.4 million under the House, $5.9 billion under the revised Nixon administration budget estimate and $7.2 billion below the outgoing Johnson administration proposed budget. The military services themselves in presenting a budget to the Secretary of Defense for what they believe would give the United States full and adequate defense proposed a budget of approximately $109 billion. Our top military men such as the Joint Chiefs of Staff, who are charged with the responsibility of defending our country against any possible military threat, naturally would request what they believed was necessary to meet this objective. Limitations on our economy and resources of every nature made it necessary for the Nixon administration to sharply reduce these expenditures. The Joint Chiefs of Staff under all the circumstances involved agree and approve of President Nixon's military budget for the Defense Department.

This is a very austere budget. It would be a misrepresentation to lead you to believe that the Congress can make reductions of this magnitude in future defense budgets and provide a defense that will equal or even compare favorably with that of the Soviet Union. This year we saw the cancellation of two major programs subsequent to the budget submission: the Air Force's manned orbiting laboratory program was terminated allowing a $400 million reduction, and the Army's Cheyenne helicopter program was canceled permitting another reduction in the amount of $429 million. In addition to the cancellation of major programs we have realized a decline in combat operations in South Vietnam which permits the reduction of large sums which were included in the original and revised 1970 budget estimates for support of activities in Southeast Asia.

Mr. President, in subsequent remarks I may discuss the funds in this bill for the ABM program. Whether or not this Nation should embark upon an ABM program was discussed for nearly 2 months on the Senate floor earlier this year. It would seem that further extended debate would serve no necessary purpose at this time. The House feels very strongly about the need for embarking upon a very limited pilot-type ABM program such as was contained in this bill. The Senate itself approved the Safeguard ABM system earlier this year.

The total amount in the bill for the Safeguard is $753.3 million—$400.9 million is for research and development and $352.4 million is for procurement for the various components. I shall discuss this part of the defense appropriations at a greater length later if necessary.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. MANSFIELD. Mr. President, first I wish to emphasize again, as I did with the acting chairman of the committee, the fact, as has been pointed out by the distinguished senior Senator from North Dakota, as well as the senior Senator from Louisiana, that the present defense appropriation request before the Senate marks a decrease of approximately $6 billion below the Nixon budget and approximately $8 billion below the Johnson budget. Both budgets were submitted this year. I think this is a good indication of how the administration and Congress, working in tandem, so to speak, can bring about sizable reductions within the Defense Establishment without reducing in any way the effectiveness of the defense which is needed for the security of this country.

Second, I wish to raise this question: Is it not true that as far as the ABM construction funds are concerned, approximately $200 million was available for use in connection with sites in North Dakota and Montana this year?

Mr. YOUNG of North Dakota. From previously appropriated funds.

Mr. MANSFIELD. Yes, carried over; and the figure carried over to the fiscal year 1970 program is $60 million or more.

Is it not true, regardless of the outcome of this bill, that activities will begin this winter at the Grand Forks area and will begin this coming spring in the Great Falls, Mont., area.

Mr. YOUNG of North Dakota. The Senator is correct. There has been considerable activity there already.

Mr. MANSFIELD. I just wanted to make the record clear that the funds affected in the pending appropriations measure will in no way conflict with the Army's desire and plans to go ahead with the work which has already been started at the so-called pilot plants in Montana and North Dakota. Is that correct?

Mr. YOUNG of North Dakota. The Senator is correct. The program would have to go on in a more limited way if no funds were appropriated in this bill, but for both necessary components and research and development for the first stages of the program we would have to have the funds in this bill.

Mr. MANSFIELD. In order to carry on these programs, it is my understanding, based on the evidence presented by the senior Senator from North Dakota, that in excess of $300 million is being asked for in this year's appropriation bill.

Mr. YOUNG of North Dakota. That is correct.

Mr. MANSFIELD. I thank the Senator.

Mr. YOUNG of North Dakota. Mr. President, as always, it has given me great pleasure and satisfaction to have been able to work closely with our esteemed chairman. I fully support this defense appropriations bill which makes a major contribution toward reduction of our overall 1970 budget, yet will not affect the support of American servicemen in Vietnam and permits us to make some progress in the modernization of our Armed Forces.

Mr. ELLENDER. Mr. President, I should like to present the usual motion: I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text and that no points of order be considered as waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, after the world "elsewhere," strike out "$8,312,000,000" and insert "$8,107,000,000."

On page 2, line 18, after the word "cadets," strike out "$4,370,000,000" and insert "$4,368,400,000."

On page 3, line 10, after the word "cadets," strike out "$5,835,300,000" and insert "$5,823,000,000."

On page 3, line 19, after the word "law", strike out "$308,000,000" and insert "$306,700,000".

On page 4, line 2, strike out "$131,400,000" and insert "127,900,000".

On page 4, line 18, after the word "law", strike out "$83,400,000" and insert "$81,200,000".

On page 6, line 25, after the word "Government", strike out "$7,214,447,250" and insert "$7,185,841,000"; and, on page 7, line 2, after the word "facilities", insert a colon and *"Provided,* That not to exceed $142,165,000, in the aggregate of the unobligated balances of appropriations made under this head for prior fiscal years, and subsequently withdrawn under the Act of July 25, 1956 (31 U.S.C. 701), may be restored and transferred to the appropriation account under this head for fiscal year 1966."

On page 8, line 14, after the word "Government", strike out "$5,037,300,000" and insert "$5,129,200,000"; and, in line 20, after the word "stations", insert a colon and *"Provided,* That not to exceed $66,000,000, in the aggregate of unobligated balances of appropriations made under this head for prior fiscal years, and subsequently withdrawn under the Act of July 25, 1956 (31 U.S.C. 701), may be restored and transferred to the appropriation account under this head for the fiscal year 1966."

On page 9, line 15, after the word "facilities", insert a colon and *"Provided,* That not to exceed $2,500,000, in the aggregate of unobligated balances of appropriations made under this head for prior fiscal years, and subsequently withdrawn under the Act of July 25, 1956 (31 U.S.C. 701), may be restored and transferred to the appropriation account under this head for the fiscal year 1966.".

On page 10, line 21, after the word "Government", strike out "$6,454,500,000" and insert "$6,445,000,000".

On page 12, at the beginning of line 1, strike out "$1,074,600,000" and insert $1,069,400,000".

On page 12, line 9, after the word "Bureau", strike out "and services of personnel necessary to provide reimbursable services for the military departments"; and, in line 20, after the word "aircraft", strike out "$300,000,000" and insert "$297,800,000".

On page 13, at the beginning of line 15, strike out "services of personnel necessary to provide reimbursable services for the military departments;".

On page 14, after line 2, strike out:

"NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

"For the necessary expenses of construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of rifle practice, in accordance with law, including travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions, and not to exceed $10,000 for incidental expenses of the National Board; $52,750: *Provided,* That travel expenses of civilian members of the National Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended.".

On page 14, line 24, after the word "thereof", strike out "$41,000,000" and insert "$37,000,000".

On page 16, at the beginning of line 4, strike out "$2,696,600,000" and insert "$2,465,400,000"; and, in line 6, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended".

On page 16, line 18, after the word "plants", strike out "$2,696,600,000" and insert "$2,465,500,000"; and, in line 21, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended".

On page 17, line 8, after the word "amended", strike out "$2,588,200,000" and insert "$2,242,770,000"; and, in line 9, after the word "available", strike out "for obligation until June 30, 1974" and insert "until expended".

On page 18, line 9, after the word "plants", strike out "$1,461,800,000" and insert "$1,524,600,000"; and, in line 10, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended".

On page 18, line 20, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended".

On page 19, line 12, after the word "things", strike out "$3,434,700,000" and insert "$3,380,800,000"; and, in line 16, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended".

On page 20, line 9, after the word "things", strike out "$1,431,000,000" and insert "$1,448,100,000"; and, in line 10, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended".

On page 21, line 4, after the word "amended", strike out "$1,636,000,000" and insert "$1,576,200,000"; and, in line 5, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended".

On page 22, line 9, after the word "law", strike out "$1,575,300,000" and insert "$1,600,820,000"; and, in line 10, after the word "available", strike out "for obligation until June 30, 1971" and insert "until expended".

On page 22, line 17, after the word "law", strike out "$2,040,400,000" and insert "$2,193,251,000"; and, in line 18, after the word "available", strike out "for obligation until June 30, 1971" and insert "until expended".

On page 22, line 25, after the word "law", strike out "$3,056,900,000" and insert "$3,062,026,000"; and, on page 23, line 1, after the word "available", strike out "for obligation until June 30, 1971" and insert "until expended".

On page 23, line 12, after the word "available", strike out "for obligation until June 30, 1971" and insert "until expended".

On page 28, line 6, after the word "year", strike out the semicolon and "(k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended".

On page 44, after line 19, strike out:

"SEC. 642. Appropriations heretofore made available for Procurement of Equipment and Missiles, Army; Procurement of Aircraft and Missiles, Navy; Other Procurement, Navy; Procurement, Marine Corps; Aircraft Procurement, Air Force; Missile Procurement, Air Force; Other Procurement, Air Force; and Procurement, Defense Agencies shall not be available for obligation after June 30, 1972. Appropriations heretofore made available for Shipbuilding and Conversion, Navy, shall not be available for obligation after June 30, 1974. Appropriations heretofore made available under the headings Research, Development, Test, and Evaluation, Army; Research, Development, Test and Evaluation, Navy; Research, Development, Test, and Evaluation, Air Force; and Research, Development, Test, and Evaluation, Defense Agencies shall not be available for obligation after June 30, 1971.".

And, in lieu thereof, insert:

"SEC. 642. (a) Amounts, as determined by the Secretary of Defense and approved by the Director of the Bureau of the Budget, of any appropriations of the Department of Defense available for procurement (except Shipbuilding and Conversion, Navy) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for three or more fiscal years, shall be proposed for rescission.

"(b) Amounts, as determined by the Secretary of Defense and approved by the Director of the Bureau of the Budget, of any appropriations of the Department of Defense available for Shipbuilding which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for five or more fiscal years, shall be proposed for rescission.

"(c) Amounts, as determined by the Secretary of Defense and approved by the Director of the Bureau of the Budget, of any appropriations of the Department of Defense available for research, development, test and evaluation (except Emergency Fund, Defense) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for two or more fiscal years, shall be proposed for rescission.".

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUESTIONABLE ACTIVITIES OF OEO LAWYERS

Mr. GOLDWATER. Mr. President, during debate on the OEO bill, I introduced an amendment which would have allowed the Navaho Tribe to use legal services of that office at their choosing. I pointed out at the time that OEO lawyers were engaging in highly questionable activities and were making themselves obnoxious to the Navaho Tribe.

In this connection, I wish to read a letter into the RECORD addressed to Claude Hinman, principal of the Church Rock Elementary School at Church Rock, N. Mex., on November 12, 1969, because it shows how correct I was in what I

was attempting to get across to the Senate, about these young men operating as lawyers and going around in Arizona and New Mexico and engaging in anything but legal activities.

The letter reads as follows:

DEAR MR. HINMAN: I am writing to express my opposition in the strongest possible terms to the patriotism program underway at Church Rock, as described in tonight's Gallup *Independent*. You are quoted as saying: "These kids don't know the Star Spangled Banner. They ought to have an awareness of the greatness of their country". This is true, but they ought to have an awareness of the faults and errors of their country, as well, of which there have been, and are, many. It is especially appalling to realize that these are Indian children who are being forced to participate in this program, when it is their people who have been treated most shabbily of all by the United States.

Are you in agreement with the statement attributed to Mrs. Stanfield—

Mr. President, I digress to say here that the Mrs. Stanfield referred to is not Mrs. Stanfield but Mrs. Stafford, who happens to be a Negro.

Continuing reading:

who is quoted as saying: "We should *indoctrinate* every child with the idea of being loyal to his country."? (My emphasis.) If so, I think that this is a sorry philosophy for a public school, which *should* be dedicated to the concept of free inquiry and exchange of ideas, as well as the presentation of *all* sides of disputed issues.

I find it particularly offensive that you are apparently associating "patriotism" with support of the war in Viet Nam, which is, unquestionably, the most controversial war of our time, and, in the opinion of many, the most brutal and unjustified. Young children are subjected to enough pressures from the media, their parents, churches, etc. to hold the view "my country, right or wrong". The least you could do is to refrain from adding to the imbalance in presentation of viewpoints.

I note among the pictures appearing in the *Independent* some of drawings of soldiers with guns and several with the phrase "God Bless America". It is, indeed, unfortunate that you are encouraging these children to glorify war and all its attendant inhumanity. Likewise, it is deplorable for you to stimulate the express of what is, in effect, a prayer, in violation of the Supreme Court's ruling that public schools are to refrain from any such activities. There is simply no need to offend the sensibilities of some persons by indirectly stimulating the establishment of the Christian (or Jewish) faith among a people who have traditionally held conflicting religious beliefs. This does not even take into consideration these people who have no faith whatsoever, or who simply wish to have the business of religion and politics kept out of the schools.

I would also suggest that you take a good hard look at the sponsorship of the organization the *Independent* says your "Patriotism Committee" is affiliated with, the Freedom Foundation. I could be mistaken, but I believe that this organization is one of the extreme right, either affiliated with, or similar to, the Birch Society, Minutemen, or similar paramilitary and far-right groups.

If you are not willing to demonstrate that your program is a balanced presentation, and to remove any hint of religious exercises from the curriculum, I shall take whatever steps I can to investigate the matter myself, and, if necessary, institute legal proceedings.

Kindly show this letter to Mrs. Stanfield—

That is Mrs. Stafford—

and any other interested parties.

Sincerely,

STEPHEN B. ELRICK.

Mr. President, the program referred to in the letter was a Veterans' Day program held in a school whose enrollment is 99 percent Indian children, at which two Vietnam casualty families were awarded medals and various patriotic displays were in the school, including one bulletin board display that read "God Bless America."

I read this letter into the RECORD to help to prove that these young lawyers, engaged against the wishes of the Navaho tribe, are not practicing law out there. They are practicing disruption of the American way of life.

I am amazed that the Republican head of the Department that controls the OEO would allow such things to go on. I am going to continue to be critical of him, even though he is a Republican. I believe that he has a responsibility to the people of this country to consider the feelings of the people of this country long before he has any obligation to a bunch of formerly unemployed lawyers.

ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mrs. GREEN, Mr. PUCINSKI, Mr. BRADEMAS, Mr. O'HARA, Mr. CAREY, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. MEEDS, Mr. CLAY, Mr. AYRES, Mr. QUIE, Mr. REID of New York, Mr. ERLENBORN, Mr. SCHERLE, Mr. DELLENBACK, Mr. ESCH, and Mr. STEIGER of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN Mr. ZABLOCKI, Mr. HAYS, Mr. FASCELL, Mr. ADAIR, Mr. MAILLIARD, and Mr. FRELINGHUYSEN were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 2864. An act to amend and extend laws relating to housing and urban development, and for other purposes;

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes;

H.R. 4244. An act to raise the ceiling on appropriations of the Administrative Conference of the United States; and

H.J. Res. 10. Joint resolution authorizing the President to proclaim the second week of March 1970 as Volunteers of America Week.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

Mr. THURMOND. Mr. President, I would like to warn my distinguished colleagues that funds for national defense on most items have been cut to the lowest acceptable risk. In my personal opinion, we have already cut entirely too much in the face of everincreasing Soviet military power.

This bill has been reduced by $5.9 billion from the estimated requirement. Our worldwide forces are being cut back. It is reported that President Nixon tonight will announce further withdrawals from Vietnam.

Mr. President, we have a very unique and unusual situation this year in view of the tremendous reductions already made in our national defense programs. The manned orbiting laboratory—MOL—program has been terminated. This amounted to a $400 million reduction. I might point out that this is one of the Soviet's main experimental programs.

The Cheyenne helicopter program has

been stopped. This amounted to a reduction of $429 million. The Army's Main Battle Tank program has been cut back with more than a $20 million reduction. A letter from Secretary Packard to Chairman RUSSELL indicates this might be reduced another $10 million but no other reductions on the MBT–70 tank should be made.

Mr. President, there are many other essential items of military hardware that have been reduced. Combat operations in Vietnam have been curtailed severely during the first 5 months of this fiscal year. The Secretary of Defense has cut the fiscal year 1970 program by $3 billion. Our Nation cannot expect to make any further cuts in the foreseeable future.

Efforts have been made to defer the procurement of the F–14 aircraft for the Navy. The House disallowed $275 million for this program. In my view, this is a fatal mistake. Funds have been restored in the Senate bill to provide for a total of 12 F–14's for the test program. This is a bare minimum. The Navy must be permitted to go forward with this modern fighter for the fleet.

Mr. President, there has been some talk of not approving the funds for the ABM which have been authorized. In view of the extensive previous review and approval of this program by the Senate, I strongly recommend that such ideas be forgotten. Our urgent need for this defense has been further documented since my distinguished colleagues approved the minimum deployment of the ABM to defend against the Soviet ICBM's. Anyone who proposes to cut funds for the ABM will face strong opposition.

The C–5A super transport has been cut back from 123 aircraft to 81. This will seriously reduce our flexibility for response to reinforce our overseas forces in time of peril.

This bill is already a compromise which reveals risks to our national security due to the pressure of domestic problems. Our present as well as our future capabilities have been reduced. Unanticipated requirements in Southeast Asia cannot be met with our reduced military capability.

Mr. President, the slowdown of new weapons development and the critical reduction of our force structure are coming at a perilous time in our history. For the first time, the Soviets are moving ahead of us in military capability.

The Russian naval fleet totals 1,575 vessels, as opposed to 894 for the United States. Moreover, 58 percent of the U.S. Navy's combat ships are 20 years old or more; but only 1 percent of the Soviet navy is that old.

We have 143 submarines; the Soviets have more than 375. We have 81 nuclear powered units; the Soviets have 65, but they are building one nuclear sub a month, and may surpass us by the end of 1970. By 1978, they may well have constructed between 100 and 150.

This year, for the first time, the Soviets surpassed us in the number of ICBM's and they continue to build at a constant rate.

Mr. President, the security of our Nation must not be exposed to any further risks to accommodate domestic needs. The appropriations bill before us today in view of pervious reductions is already a grave risk. I strongly appeal to my colleagues not to propose further reductions.

Mr. MANSFIELD. Mr. President, it was my intention to offer the Cooper amendment on Laos at this time but, pending receipt of a copy of it for my own use, I suggest the absence of a quorum, without relinquishing my right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I call up the amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Kentucky (Mr. COOPER) and the Senator from Montana (Mr. MANSFIELD) propose an amendment as follows:

On page 46, between lines 8 and 9, insert a new section as follows:

"SEC. 643. None of the funds appropriated by this Act shall be used for the support of local forces in Laos or Thailand except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, or to provide training for such local forces."

Mr. MANSFIELD. Mr. President, I join with the distinguished Senator from Kentucky, who is absent because of unavoidable circumstances, in sponsoring the amendment.

As the Senator knows, there have been some hearings held on the situation which exists in Laos as it relates to our participation in the war.

If my memory serves me correctly, the number of sorties, so-called, which have emanated from these bases has increased considerably in recent months.

We know that the situation in Laos has developed into a two-sided affair. It seems that the main factors there are the North Vietnamese on the one hand, backing up the Pathet Lao, who number something in the order of 50,000 and who have been in constant violation of the Geneva accords of 1962 since the agreement was made. On our part when the Geneva accords were reached, we withdrew what uniformed elements we had in Laos. However, with the passage of time and the difficulty which beset the royal Laotian army, we have stepped up our activity in that unhappy kingdom.

Much of this activity is centering around the infiltration of men and supplies down the so-called Ho Chi Minh Trail, which goes through the panhandle of Laos.

There has also been air suport to the Royal Laotian Forces in the carrying out of activities in the Plaine des Jarres and elsewhere in that country.

It is safe to say, I believe, that the Pathet Lao would not be able to function without the support of the North Vietnamese on the one hand and, on the other, that the Royal Laotian Army itself would be placed in a very precarious position without the air support of the United States and the training given to the few pilots which the Laotian kingdom has.

I think there should be brought out also in a general discussion of Laos, the fact which has been known for some months now, that the Chinese under an agreement, tacit or otherwise, with a previous Laotian Government has been building a road down from Menglien in Yunnan Province into Laos itself. And the road terminates at a place called Muong Soui.

There are shafts in both directions. The one on the left, looking south, is an extension which has been begun along Route 19 toward Dien Bien Phu. And, the one on the right, extending toward Thailand, has been extended only a very short distance, despite the reports which have come out recently that great activity is underway in that particular area and that the Chinese have two divisions there.

When I was in Laos in August, the figure was anywhere from three to 10 battalions of Chinese along the road, mostly labor troops and antiaircraft personnel.

The consensus was that a figure of four or five battalions would be closer to the truth.

I note in the press recently where Souvannah Phouma, the Prime Minister of Laos has indicated that there is no such thing as two divisions in Laos. And he sets the number at five Chinese battalions along the road primarily extending from Menglien in Yunnan down to Muong Soui in northern Laos.

I was happy to note that the President on several occasions has stated definitely and without qualification that there are no U.S. combat troops in Laos.

I believe that to be a true statement of fact, if by that we mean the foot soldiers as such. There are, of course, other types of activities going on.

Certainly airlines are in operation there. They are operating, at least in part—perhaps in large part—on American funds.

And what I am saying is nothing secret, because it has been carried in the press and it is public knowledge.

The fact that the United States has been carrying on additional sorties against the North Vietnamese coming down the Ho Chi Minh Trail and is in support of the Royal Laotians around the Plaine des Jarres is, of course, open knowledge.

The point of the Cooper amendment is that we do not want to become involved in Laos. We do not want to become involved in another Vietnam, no matter where it would be. And, while there is perhaps some justification for what is going on at the present time, there certainly is no justification for this country getting involved deeper and deeper and, in effect, becoming the keeper of the keys as far as the Kingdom of Laos is concerned.

Providing supplies, materiel, equipment, and facilities, including the maintenance thereof, and the providing of training for local forces is being undertaken at the present time. We are providing supplies. We are providing ma-

teriel. We are providing equipment and facilities. We are providing training for local forces, those belonging in the Royal Laotian Army as well as those that operate on a small independent basis, the Meo and the other tribesmen who have been supplied by us.

They are carrying on clandestine activities and making a contribution toward stability in the areas in which they live and in which they function.

The important thing, and I believe this is the intention of the Senate and the administration, is that one Korea is more than enough, that one Vietnam is more than enough, and that this country does not want to become involved in any other area on a basis approximating that in which we find ourselves in Vietnam at the present time.

I do not think anyone would doubt, or at least very few would doubt, the fact that it was a mistake to go into Vietnam. And it is just as well to state it publicly.

My view does not agree with that of some of my colleagues, because I think the difficulty arose with the assassination of Ngo Dinh Diem in 1963. And many of my colleagues looked upon Ngo Dinh Diem as a dictator and as a hard man.

Well, he may have been hard, but at least he furnished a timely civilian stability to that government which kept us from going in and which was able to function on the basis of only a relatively few American advisors being there.

I use the term relatively few American advisers in comparison with the figures today. However, with the assassination of Ngo Dinh Diem, began a continual succession of military dictatorships. And that is what we still have in Vietnam today, I believe, despite the so-called election in September 1966. Under that succession, we have been ground down in that area.

We have spent well in excess of $100 billion.

Our total casualties up to December 11, 1969, amounted to 307,242, and of that number, 206,420 have been wounded in battle, 39,742 have died in combat, and 7,080 have died in other than combat situations. The total number as of December 11 is 307,242. While the figures are declining, the end is not in sight, even with the sizable withdrawal of forces which this administration has undertaken and which I hope it will speed up and move as rapidly as it possibly can.

May I say in that respect that I am delighted that this administration has brought about a deescalation of the war and that, rather than a step-up, or a continuing increase in forces, or a stabilizing at the 548,000 or 550,000 level. The figure now is somewhere, I believe, below 480,000. The move in the right direction, the acceleration, is not fast enough. I wish it could be faster. If I had my way, it would be. The final responsibility rests with the President and I am sure he is doing all he can to bring about a deceleration of this war, a deescalation of this war, and is trying to find a pathway to peace which will bring about, in time, a total withdrawal on the part of this country.

Nevertheless the black boxes are still coming home. Men are still dying in combat, even though the deaths are decreasing.

Too many Americans are involved in a country in which we really have no vital interest. It is an area in which the South Vietnamese themselves, of all kinds and all sorts, will have to make the final decision as to what kind of government they want, what kind of future they envisage, and what kind of life their people will lead. It is not up to us; it is up to them.

So I hope that this amendment, offered by the distinguished senior Senator from Kentucky and myself, will be agreed to, as a means of indicating that we do not wish to become involved in another Vietnam in Laos or Thailand or anywhere else.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. I congratulate the distinguished majority leader for offering this amendment. I expect to support it. I should like to ask one or two questions by way of clarification.

If I correctly understand the amendment, it does not prohibit money in this bill to provide training for local forces in Laos. Is that correct?

Mr. MANSFIELD. In Laos or Thailand.

Mr. FULBRIGHT. It does not prevent supplies, materiel, equipment, and facilities being supplied to those forces?

Mr. MANSFIELD. It does not.

Mr. FULBRIGHT. Is there anything in the hearings or in this bill that indicates to the Members of the Senate what we are doing by way of providing training to local forces in Laos?

Mr. MANSFIELD. I would have to refer that question to the acting chairman of the committee, who has been called on, on short notice, to handle this bill.

As I recall, some information was given. I do not know the details even though I happen to serve on the particular subcommittee. It had to do with training pilots, servicing planes, and other activities carried on primarily in Thailand and not in Laos itself, because of the Geneva accords.

Mr. FULBRIGHT. May I ask it in a little different way? Does the majority leader believe that Members of the Senate should be called upon to vote for the appropriation in this bill, which is just under $80 billion? Incidentally I want to congratulate both committees for having cut what seems to me a reasonable amount. My question is whether Members of the Senate are being called upon to vote to appropriate money to pay for a program which they are uninformed.

Mr. MANSFIELD. Yes, I think we should, in view of a situation which has developed over the years. After all, the United States was responsible in large part for bringing about the Geneva accords of 1962, which supposedly divided Laos into a tripartite kingdom—the so-called neutralists, the rightist groups, and the Pathet Lao—who agreed to divide the representation of the country into three.

Since that time, this fiction has been kept alive, at least on a theoretical basis, and one-third of the seats in Vientiane have been set aside for the Pathet Lao to occupy, which they are loath to do.

Furthermore, in connection with that, I think it should be pointed out that there is stationed permanently in Vientiane a 100-man Pathet Lao company—for what purpose, I do not know, but at least it is there. We have involved the Laotians to such an extent that we have created an obligation which is most difficult for us to get out of at the present time.

What I oppose is the stepup of activities there which carries with it the threat of greater participation and which carries with it the possibility that if it gets out of hand or goes too far, we may become involved in another Vietnam.

Mr. FULBRIGHT. I agree with the Senator that it might amount to another Vietnam. But I do not understand how the Senate can exercise a proper judgment in this matter if it is not informed as to what is being done with the moneys in this program. This is the only case I know of outside of a strictly intelligence operation in which we are expected to act without detailed information. I am not suggesting that we should make anything public. What I am suggesting is that the Senate, in executive session, should be informed by the sponsors of the proposed legislation and by the administration as to what we are being asked to finance in this operation. Aside from what we normally call the typical intelligence operations, upon which traditionally we have not requested information even in executive session, I believe we need information now. I do recall, however, we did have one executive session last year to discuss that matter.

But very large sums of money are included in this bill. I believe they are concerned with the activities that are mentioned in the amendment. But they are not identified and no Members of the Senate, or at least very few, know what they are voting on.

It strikes me that we have come to such a pass—as we became involved so deeply in Vietnam—that we are threatened to become involved in Laos. The Senate should be informed.

The Senator from Montana congratulated the President on deescalating the war in Vietnam. But what good is this going to do if we are escalating the war in Laos at the same time as much as we are deescalating in Vietnam?

Mr. MANSFIELD. That is a valid question, and the Senator makes a fair comparison.

I would be prepared—this may come as a surprise; I just happened to think of it—to suggest at an appropriate time that the Senate go into executive session to listen to this information, and in that way to educate ourselves to a greater extent covering this particular matter.

Mr. FULBRIGHT. I appreciate that from the majority leader.

On last Saturday, I sent to the chairman of the Appropriations Committee a letter asking basic questions on money and commitments to Laos. My purpose was to give notice that I would expect this information, which can be supplied by the executive branch, by way of the

Committee on Appropriations. I think that the Senate should have such information before it is called upon to vote.

Mr. MANSFIELD. May I say—if the chairman will pardon me—that, in my opinion, without the American assistance now going to Laos, it would have fallen a long time ago; that the Pathet Lao on paper would have been successful, but in reality North Vietnam, with its huge concentration of troops, would have assumed actual and physical control; and that if that happened, we would be confronted with a situation with the Laotians or North Vietnamese, whichever group was in control, at the Mekong.

I would point out that we have a treaty relationship with Thailand which is a full-fledged member of the Southeast Asian Treaty Organization. The headquarters are in Bangkok. Unlike the situation applicable to Laos, Cambodia, and South Vietnam there is no question but that we would be involved under the terms of the Southeast Asian Treaty Organization, but involved only through constitutional processes because that is included toward the ends of the treaty. So we have a situation there which is delicate, difficult, dangerous, extremely hard to explain. It is tied very closely to the war in Vietnam in which we never should have become involved. It is not only a mistake; it is a tragedy, on the basis of these complex factors we find that the situation developing in Laos has increased our participation and activity there. It has been responsible for the questions raised by the chairman of the Committee on Foreign Relations and other Members of this body who are fearful of what might happen in the future if a curb is not established in this body.

Mr. YOUNG of North Dakota. Mr. President, like the Senator from Montana, I was very much opposed to becoming involved in a war in Vietnam. I want to make sure we do not get involved in any more Vietnams.

I could support the proposal. This would not prevent assistance to a country like Indonesia which fought off communism. We could give them assistance, such as military or economic, but no manpower assistance.

Mr. MANSFIELD. Yes, in Laos, too. These items, which are allowable, fit in very nicely with the Nixon doctrine which says, in effect, we are primarily a Pacific power with peripheral interests on the Asian mainland. The purpose would be that our friends would receive logistical help and economic assistance, but no further use of American manpower on the Asian mainland, no further use of American military power unless there were a nuclear confrontation and then all bets would be off.

This amendment would strengthen the President's hand because it says to him "The executive branch cannot go beyond what is now being done; the situation may have already gone a little too far but you said that there are no U.S. combat troops in Laos."

Secretary Rogers, in his appearance before the National Education Television commentators, on a television show, stated that the President did not intend to become involved in Laos. I am paraphrasing, but that is what he said.

Mr. YOUNG of North Dakota. I believe the acting chairman of the committee said, regarding the money in this bill, that it could be used in Laos.

Mr. MANSFIELD. Mr. President, if it is agreeable with the Senator, I would like to yield to the Senator from Vermont briefly.

Mr. AIKEN. Mr. President, as a matter of fact, I have seen no evidence that this administration desires to engage in any more Vietnams in Laos or anywhere else; and if the administration should change in the future I am satisfied the Senate would never approve of any more Vietnam like conflicts.

However, I rose to speak in reference to what the majority leader said earlier in regard to Vietnam. As of December 11, last Thursday, I find that our troop strength in South Vietnam was 472,500. That indicated a reduction of 2,700 for the week of December 4 to December 11. Previous to that, the previous week, there was a reduction of 4,500. This means a total of something over 71,000 troops having been withdrawn from South Vietnam, largely within the last 3 months, at a rate of about 20,000 a month. That rate of withdrawal may not hold good for each of the months ahead, but at the present time the withdrawal program is 11,500 ahead of schedule, ahead of what was projected for December 15, with 4 days yet to go. It is quite apparent that, at anywhere near the present rate of withdrawal, 80,000 troops will be withdrawn before the beginning of the year; and probably 100,000 by the first of February and possibly more. I just do not know, but that is my best guess at this time.

I thought those figures would be worthwhile to place in the RECORD at this time for the benefit of Members of the Senate, as well as for those who read the CONGRESSIONAL RECORD.

Mr. MANSFIELD. Mr. President, I thank the Senator for performing a commendable service. I am delighted that he has placed the figures in the RECORD. I congratulate the President for being 11,500 ahead of schedule, 4 days before the withdrawal date, December 15, which is today.

Mr. AIKEN. That is right.

Mr. MANSFIELD. Mr. President, I wish to quote now from the statement by the distinguished Secretary of State in a National Education Television network interview. He was asked about whether or not Laos would develop into another Vietnam-type conflict. He said:

> The President won't let it happen.

Continuing, he said:

> I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us.

Mr. JAVITS. Mr. President, will the Senator yield very briefly?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I think what I wish to say would fit in before the explanation by the Senator from Louisiana (Mr. ELLENDER) as to the money. I wish to ask a question, which I arranged to ask on behalf of the Senator from Kentucky (Mr. COOPER).

It is a fact, when he allows materiel and training you must contemplate certain American personnel in the training or logistical handling of the materiel. Is that correct?

Mr. MANSFIELD. I did not get the last part of the question.

Mr. JAVITS. When you assume in Laos or Thailand we will be giving some support, actively training, and so forth, there will be American manpower involved, will there not?

Mr. MANSFIELD. Yes, there would be American manpower involved; there is American manpower involved. There are the intelligence activities which the distinguished chairman of the Committee on Foreign Relations referred to, and that is to be understood.

Mr. JAVITS. Correct.

Mr. MANSFIELD. But as far as the training is concerned, most of it would be in Thailand, to observe the concept of neutrality. We have an extra large military mission in Laos, and I suppose in view of the circumstances that may be understandable.

Mr. JAVITS. One of the questions the Senator from Kentucky and I want to clarify is: If our advisory people, who are military representatives, advisers and so forth, come under attack, should not the record be perfectly clear that U.S. advisory troops are free to defend themselves; that is, they have the right of self-defense but again we should utter caution that that should not represent general authorization to engage in combat operations or to draw us in because U.S. troops have been attacked who are engaged in some advisory role.

Would the Senator care to give a response?

Mr. MANSFIELD. Mr. President, U.S. troops in any country in the world would have every right to protect themselves and I would hope they would. We do not have too many—and we really have no troops, as such, in Laos, but what we do have is a military mission which represents the four services, the Marine Corps, the Navy, the Army, and the Air Force, stationed at Vientiane. From what I gather, they attend, pretty much, to their own knitting.

Mr. JAVITS. The Senator from Kentucky and I wanted to know the effect on this amendment of the commitment resolution. Is it not a fact that that is intended here is an actual implementation in advance of our being faced with the issue of the commitment resolution which has already passed the Senate and which says that matters that will involve us in any major military responsibility must be referred to the Senate under the constitutional processes which relate to Congress.

Mr. MANSFIELD. Without question. I think that Secretary Rogers made that tacit recognition when he said in effect—and I quote it again, because it is a very important passage from his interview:

> I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us.

That means congressional consultation before an action is taken which would go beyond what they are doing now.

Mr. JAVITS. If it is of any major character necessitating congressional action, whatever that may mean——

Mr. MANSFIELD. That is right, so far as that is concerned, and under the SEATO organization we can only become involved, at least it says so, through the constitutional processes of this country. That is something which we have been prone to forget in recent years, and something which I think we should remember constantly from now on.

Mr. JAVITS. I should like to identify myself with my colleague's statement on that score, and also express to him my support of the amendment.

Mr. President, I ask unanimous consent that a statement prepared for delivery by the senior Senator from Kentucky, Senator COOPER, concerning his amendment regarding Laos and Thailand, be printed in the RECORD. Senator COOPER is not able to be present on the floor for the debate.

Mr. President, in my judgment Senator COOPER—as always—has made a wise and knowledgeable statement which deserves the close attention of the Senate and the Nation.

As my colleagues will recall from the RECORD of the debate on Senator COOPER's amendment to the Defense procurement authorization bill, I find myself in great agreement with my colleague on this vital matter.

There being no objection the statement by Senator COOPER was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR COOPER

On August 12, I introduced an amendment to the Military Procurement Authorization Bill which would have prohibited the use of funds to support U.S. personnel in Laos or Thailand in support of local forces engaged in the local war there. My amendment provided that supplies, materials, equipment and facilities, including maintenance thereof and training, could be given to local forces in Laos or Thailand. On September 17, the amendment was adopted 86–0, and although its purpose was clearly understood, the Chairman of the Armed Services Committee, Senator Stennis, manager of the bill, was of the opinion that my amendment did not cover all the funds available for programs in Laos and Thailand. The Amendment was deleted in conference.

I have offered once again an amendment to the pending Appropriations bill for the Department of Defense which reads as follows: "None of the funds appropriated by this Act shall be used for the support of local forces in Laos or Thailand except to provide supplies, material, equipment, and facilities, including maintenance thereof, or to provide training for such local forces."

The purpose of the amendment is again the same, to prevent the United States from backing into a war that has not been considered or approved by Congress. It is evident from newspaper reports and from the testimony given on the Symington Subcommittee that there is a serious danger of becoming more deeply involved in the situation in Laos. My amendment would prohibit all actions not already approved by the Congress that are now taking place in Laos and Thailand. The situation in Laos is very complex. Insofar as the bombing in Laos affects the war in Vietnam, such operations as the interdiction of the Ho Chi Minh Trail would not be affected by my amendment. Our military personnel would of course have the right of self-defense.

The other bombing operations that are taking place, however, are of such a nature and magnitude that the Senate should fully understand from the Administration why such operations are being undertaken before approval is given and funds appropriated. There are dangers of escalation of the kind that have taken place in Vietnam. The United States should not be involved in a widening of the war in South Asia.

Because of the tragic experience of Vietnam, I felt it necessary that through full discussion in closed session, if required, that the facts essential for sound judgment would be obtained.

I regret that the serious illness of my mother has prevented me from being in the Senate today. My good friend and colleague, the majority leader, Senator MANSFIELD, has kindly agreed to introduce the amendment for me in my absence. There is no better expert on Asian affairs in the Senate. His wisdom and knowledge on this issue will give the Senate a full understanding of the purpose of the amendment introduced today.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. I want to ask the majority leader and distinguished chairman of the Foreign Relations Committee why they feel that any meeting of this body on this subject should be secret?

Mr. MANSFIELD. I just raised the question, may I say, to the distinguished Senator from Arizona, in case the chairman and the others of the committee on both sides felt it would be more applicable. Frankly, I have read about this for so many years in the public prints that it is my belief that not much that is not known would be made known.

Mr. GOLDWATER. I might say that I was in Thailand 2 days ago and there are no major secrets there as to what we are doing.

I am sure that a secret meeting of this body would be the property of the press within minutes after it was finished.

I realize that there are some things, as there are some matters in all military operations, that we cannot and should not talk about but I think that if the American public is to be informed, we would be better off talking about it on the floor, as to what the commitments are, and why we feel those commitments to be right, and so forth.

Frankly, I would be more in favor of an open hearing than I would be in favor of a secret hearing, because I think it is pretty much public property now, with the exception of testimony that I would expect would be kept confidential.

Mr. MANSFIELD. I would agree with the distinguished Senator. So far as I am concerned, I would rather it be out in the open, but if for some reason members of the particular committees affected—and I refer to the Appropriations Committees, both subcommittee and full committee—felt it would be advisable to have an executive session, I would go along with it; but, speaking personally, I agree with the distinguished Senator. Let it be out in the open and let everyone know about it.

Mr. GOLDWATER. I thank the Senator.

Mr. ELLENDER. Mr. President, I am in thorough agreement with the distinguished Senator from Arizona on the points he has just made, that if we do have an executive session, in a matter of minutes, not hours, but minutes, the whole of the press will know about it. So far as I am personally concerned, I do not see anything wrong with accepting the amendment.

As I suggested to the distinguished Senator from Arkansas, this matter can go to conference and no doubt the conferees could delve into that matter themselves.

Another thing, as I understood the answers to the questions propounded by the distinguished Senator from Arkansas, the Senator from Montana is in agreement, evidently, with the wording of section 638(a) on page 43 of the bill which states:

SEC. 638. (a) Appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine.

Mr. MANSFIELD. That is right, but what this does is spell out what the Secretary of Defense may determine in an area with which we are all in accord.

Mr. ELLENDER. If that ever comes about, the matter can be brought to the Senate and to the President, and he can act upon it.

Mr. MANSFIELD. That is the strength of the amendment about which there really should be no discord.

Mr. ELLENDER. It was suggested a while ago that I give to the Senate a short résumé of the amount of money, and I now read from the statement:

The recommendations of the subcommittee include approximately $90 million for the support of local forces in Laos. These funds are included in the bill pursuant to the authority granted in section 401 of the Department of Defense Procurement and Research and Development Act of 1970.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD the entire text of that act.

There being no objection, the act was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE PROCUREMENT AND RESEARCH AND DEVELOPMENT AUTHORIZATION ACT, 1970 (PUBLIC LAW 91–121)

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Amy $570,400,000; for the Navy and the Marine Corps, $2,391,200,000; for the Air Force, $3,965,700,000: *Provided*, That of the funds authorized to be appropriated for the procurement of aircraft for the Air Force during fiscal year 1970, not to exceed $28,000,000 shall be available to initiate the procurement of a fighter aircraft to meet the needs of Free World forces in Southeast Asia, and to accelerate the withdrawal of United States forces from South Vietnam and Thailand; the Air Force shall (1) prior to the obligation of any funds ap-

propriated pursuant to this authorization, conduct a competition for the aircraft which shall be selected on the basis of the threat as evaluated and determined by the Secretary of Defense, and (2) be authorized to use a portion of such funds as may be required for research, development, test, and evaluation.

MISSILES

For missiles: for the Army, $880,460,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,486,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, $2,983,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $228,000,000; for the Marine Corps, $37,700,000: *Provided,* That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault vehicles (M–551) under any new or additional contract.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,646,055,000;

For the Navy (including the Marine Corps), $1,968,235,000;

For the Air Force, $3,156,552,000; and

For the Defense Agencies, $450,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $75,000,000.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

SEC. 204. Construction of research, development, and test facilities at the Kwajalein Missile Range is authorized in the amount of $12,700,000, and funds are hereby authorized to be appropriated for this purpose.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 393,298.

(2) The Army Reserve, 255,591.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,624.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

In the last line of the last sentence of subsection (c) after the word "within", change the figures "60" to "90".

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

"(a) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

SEC. 402. (a) Prior to April 30, 1970, the Committees on Armed Services of the House of Representatives and the Senate shall jointly conduct and complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The result of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN–70.

(b) In carrying out such study and investigation the Committees on Armed Services of the House of Representatives and the Senate are authorized to call on all Government agencies and such outside consultants as such committees may deem necessary.

SEC. 403. Funds authorized for appropriation under the provisions of this Act shall not be available for payment of independent research and development, bid and proposal, and other technical effort costs incurred under contracts entered into subsequent to the effective date of this Act for any amount in excess of 93 per centum of the total amount contemplated for use for such purpose out of funds authorized for procurement and for research, development, test, and evaluation. The foregoing limitation shall not apply in the case of (1) formally advertised contracts, (2) other firmly fixed contracts competitively awarded, or (3) contracts under $100,000.

SEC. 404. (a) Section 136 of title 10, United States Code, is amended—

(1) by striking out "seven" in subsection (a) and inserting in lieu thereof "eight"; and

(2) by inserting after the first sentence in subsection (b) the following new sentences: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Denfense."

(b) Section 5315 of title 5, United States Code, is amended by striking out item (13) and inserting in lieu thereof the following:

"(13) Assistant Secretaries of Defense (8).

SEC. 405. Section 412(b) of Public Law 86–149, as amended, is amended, to read as follows:

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1932, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other weapons unless the appropriation of such funds has been authorized by legislation enacted after such dates."

SEC. 406. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"SEC. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

SEC. 407. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of any Federal funds exceeds $45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

SEC. 408. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective representative basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970.

(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information maintained in the normal course of business by such contractor as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract, or subcontract,

either on a percentage of the cost basis, percentage of sales basis, or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

(d) Upon the request of the Comptroller General, or any officer or employee designated by him, the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate may sign and issue supenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

(e) Any disobedience to a subpena issued by the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate to carry out the provisions of this section shall be punishable as provided in section 102 of the Revised Statutes.

(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by or for the Comptroller General under authority of this section which is not necessay for determining the profitability on any contract, as defined in subsection (a) of this section, between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor.

SEC. 409 (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six-month period for research, development, test and evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for the transportation of any lethal chemical or any biological warfare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States until the following procedures have been implemented.

(1) the Secretary of Defense (hereafter referred to in this section as the "Secretary") has determined that the transportation or testing proposed to be made is necessary in the interests of national security;

(2) the Secretary has brought the particulars of the proposed transportation or testing to the attention of the Secretary of Health, Education, and Welfare, who in turn may direct the Surgeon General of the Public Health Service and other qualified persons to review such particulars with respect to any hazards to public health and safety which such transportation or testing may pose and to recommend what precautionary measures are necessary to protect the public health and safety,

(3) the Secretary has implemented any precautionary measures recommended in accordance with paragraph (2) above (including, where practicable, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal): *Provided, however,* That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation or testing, the President may determine that overriding considerations of national security require such transportation or testing be conducted. Any transportation or testing conducted pursuant to such a Presidential determination shall be carried out in the safest practicable manner, and the President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable, and

(4) the Secretary has provided notification that the transportation or testing will take place, except where a Presidential determination has been made: (A) to the President of the Senate and the Speaker of the House of Representatives at least 10 days before any such transportation will be commenced and at least 30 days before any such testing will be commenced; (B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.

(c) (1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the future deployment, or storage, or both, at any place outside the United States of—

(A) any lethal chemical or any biological warfare agent, or

(B) any delivery system specifically designed to disseminate any such agent,

unless prior notice of such deployment or storage has been given to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the U.S. Government, no such action may be taken unless the Secretary gives prior notice of such action to the President of the Senate and the Speaker of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

(2) None of the funds authorized by this Act or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical or any biological warfare agent outside the United States if the Secretary of State, after appropriate notice by the Secretary whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement.

(d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of the United States.

(e) After the effective date of this Act, the operation of this section, or any portion thereof, may be suspended by the President during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.

(f) None of the funds authorized to be appropriated by this Act may be used for the procurement of any delivery system specifically designed to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any part or component of any such delivery system, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

SEC. 410. (a) As used in this section—

(1) The term "former military officer" means a former or retired commissioned officer of the Armed Forces of the United States who—

(A) served on active duty in the grade of major (or equivalent) or above, and

(B) served on active duty for a period of ten years or more.

(2) The term "former civilian employee" means any former civilian officer or employee of the Department of Defense, including consultants or part-time employees, whose salary rate at any time during the three-year period immediately preceding the termination of his last employment with the Department of Defense was equal to or greater than the minimum salary rate at such time for positions in grade GS–13.

(3) The term "defense contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to the Department of Defense under a contract directly with the Department of Defense.

(4) The term "services and materials" means either services or materials or services and materials and includes construction.

(5) The term "Department of Defense" means all elements of the Department of Defense and the military departments.

(6) The term "contracts awarded" means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. It excludes all transactions amounting to less than $10,000 each.

(7) The term "fiscal year" means a year beginning on 1 July and ending on 30 June of the next succeeding year.

(b) Under regulations to be prescribed by the Secretary of Defense:

(1) Any former military officer or former civilian employee who during any fiscal year,

(A) was employed by or served as a consultant or otherwise to a defense contractor for any period of time,

(B) represented any defense contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and matreials provided or to be provided to the Department of Defense by such contractor, or

(C) represented any such contractor in any transaction with the Department of Defense involving services or materials provided or to be provided by such contractor to the Department of Defense,

shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than November 15 of the next succeeding fiscal year, a report containing the following information:

(1) His name and address.

(2) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.

(3) The title of the position held by him with the defense contractor.

(4) A brief description of his duties and the work performed by him for the defense contractor.

(5) His military grade while on active duty or his gross salary rate while employed by the Department of Defense, as the case may be.

(6) A brief description of his duties and the work performed by him while on active duty or while employed by the Department of Defense during the three-year period immediately preceding his release from active

duty or the termination of his civilian employment, as the case may be.

(7) The date on which he was released from active duty or the termination of his civilian employment with the Department of Defense, as the case may be, and the date on which his employment, as an employee, consultant, or otherwise with the defense contractor began and, if no longer employed by such defense contractor, the date on which such employment with such defense contractor terminated.

(8) Such other pertinent information as the Secretary of Defense may require.

(2) Any employee of the Department of Defense, including consultants or part-time employees, who was previously employed by or served as a consultant or otherwise to a defense contractor in any fiscal year, and whose salary rate in the Department of Defense is equal to or greater than the minimum salary rate for positions in grade GS–13, shall file with the Secretary of Defense, in such form and manner and at such times as the Secretary may prescribe, a report containing the following information:

(1) His name and address.

(2) The title of his position with the Department of Defense.

(3) A brief description of his duties with the Department of Defense.

(4) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.

(5) The title of his position with such defense contractor.

(6) A brief description of his duties and the work performed by him for the defense contractor.

(7) The date on which his employment as a consultant or otherwise with such contractor terminated and the date on which his employment as a consultant or otherwise with the Department of Defense began thereafter.

(8) Such other pertinent information as the Secretary of Defense may require.

(c) (1) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded by the Department of Defense to such contractor during such year was less than $10,000,000, and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded to such contractor by the Department of Defense during such year was less than $10,000,000.

(2) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year on account of active duty performed or employment with or services performed for the Department of Defense if such active duty or employment was terminated three years or more prior to the beginning of such fiscal year; and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year on account of employment with or services performed for a defense contractor if such employment was terminated or such services were performed three years or more prior to the effective date of his employment with the Department of Defense.

(3) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than $15,000 per year; and no employee of the Department of Defense, including consultants or part-time employees, shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than $15,000 per year.

(d) The Secretary of Defense shall, not later than December 31 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding fiscal year pursuant to subsections (b) (1) and (b) (2) of this section. The Secretary shall include after each name so much information as he deems appropriate and shall list the names of such persons under the defense contractor for whom they worked or for whom they performed services.

(e) Any former military officer or former civilian employee whose employment with or services for a defense contractor terminated during any fiscal year shall be required to file a report pursuant to subsection (b) (1) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with or services for the Department of Defense terminated during any fiscal year shall be required to file a report pursuant to subsection (b) (2) of this section for such year if he would otherwise be required to file under such subsection.

(f) The Secretary shall maintain a file containing the information filed with him pursuant to subsection (b) (1) and (b) (2) of this section and such file shall be open for public inspection and at all times during the regular workday.

(g) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than $1,000, or both.

(h) No person shall be required to file a report pursuant to this section for any fiscal year prior to the fiscal year 1971.

Mr. ELLENDER. Mr. President, these funds are for the support of the Royal Laotian Army and are comparable to the funds included in the Military Assistance Appropriations prior to fiscal year 1968.

In that connection, I may further state that these funds are made available in the same manner as they were made available under the foreign aid bill. Under the foreign aid bill it was clearly understood that it did not involve manpower but only the materials of war.

Now I have often criticized the Government in the past for having sent to many countries, where aid is given, people to teach the defense departments of the countries how to use the materials of war sent to them. This has been done for many, many years now. Personally, I see no objection to that, but it is something which has occurred in the past and I do not beieve that we should go any further now than we have in the past.

The history of the increase in the funds is significant. During the period of the fiscal years 1965 through 1967, when the funds were included in the military assistance program, as I have just said, the sum recommended in the bill represents an increase of approximately 16.7 percent of the amount included in the Department of Defense appropriation amount for fiscal year 1969. As I have said, the bill includes approximately $90 million for the support of the Royal Laotian Army.

The purposes for which these funds will be used are classified, and I cannot disregard that classification. However, I have the information at my desk and will be glad to make it available to any Senator who desires to see it.

I recognize that I have not answered all the questions that may have been raised by the Senator from Arkansas.

However, I feel that I have fulfilled my responsibilities to the Members of this body as floor manager of the pending bill.

As I said, I can see no objection to the acceptance of this amendment, which, as I understand, is to be read in context with section 638 of the present bill.

This will give the conferees an opportunity to review thoroughly all of the issues invoved and make any perfecting amendments that are required.

Mr. FULBRIGHT. Mr. President, I would like to address a question, too, for the purposes of clarification, to the majority leader and/or the acting chairman of the Appropriations Committee.

Would this amendment prohibit the U.S. aircraft based in Thailand from flying tactical missions in support of the Laotian Army in Northern Laos, having nothing whatever to do with the interdiction of the Ho Chi Minh Trail?

Mr. MANSFIELD. Mr. President, I am afraid that I am not in a position to give the kind of definitive answer I would like to the question raised by the distinguished chairman of the Foreign Relations Committee.

There is no question that air support would be allowed to be continued to decrease or to stop the infiltration of men and materiel down the Ho Chi Minh Trail through the Laotian panhandle.

It is a moot question as to whether or not the support missions, or the sorties, as they are called, and which number in the hundreds, very likely the thousands, in support of Royal Laotian troops, would hold. That is another matter.

Those sorties are not so much against the Pathet Lao as they are against the North Vietnamese troops, who are the backbone and support of the Pathet Lao forces. They outnumber the Pathet Lao by at least 3 to 1. They are far more vigorous fighters, and they are the ones who determine what shall be done.

The question is, How do you look at the North Vietnamese in Laos in relation to the North Vietnamese along the trail and in South Vietnam itself?

Mr. FULBRIGHT. If I understand the Senator, his amendment would prohibit the use of American Air Force and other personnel related to flying tactical missions in support of the Laotian Army in the civil war now taking place in northern Laos. It has nothing to do with the Ho Chi Minh Trail.

Mr. MANSFIELD. "Civil war" is a term you have to use with discretion. If it were a struggle between the Pathet Lao and the Royal Laotian forces, it would be a civil war; but when 50,000 North Vietnamese are backing up and supporting the Pathet Lao, then you have to recognize that a foreign government has intervened in what had become up to that time a civil war, but what, with this intervention, became other than a civil war.

Mr. FULBRIGHT. Then, is it not following a pattern very similar to what happened in Vietnam?

Mr. MANSFIELD. No; because, under the Geneva Accords of 1962, all foreign troops agreed to withdraw except for a small French military mission which was located partly in Vientiane and partly around Savanna khet. It is the only training mission of that type which was allowed under the Geneva Accords of 1962, but we did withdraw our forces in 1962 in accordance with the accords.

The North Vietnamese did withdraw a small contingent of their troops, but since that time they have not only restored that withdrawal, but increased the number by, I would say, 150 percent.

Mr. FULBRIGHT. I am not sure in view of the attitude of the Senator from Arizona and the manager of the bill. These questions, I thought, would have been more properly asked in executive session, but if they prefer that they be asked in open session, I suppose we should proceed.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. TOWER. Does he not think we may get into highly sensitive matters that should not be publicly disclosed?

Mr. FULBRIGHT. I thought so, but the Senator from Arizona and the Senator from Louisiana did not think so. I understand the Senator from Montana thought this was a matter better discussed in open session. I had suggested, and I thought the majority leader was of the view, that we should go into executive session.

Mr. MANSFIELD. May I say that all this information is public. All one has to do is read the newspapers. All that has been suggested is carried in public print.

Mr. TOWER. Yes, but a good deal more could be said that perhaps should be said in closed session.

Mr. FULBRIGHT. That is what I said before. I thought it should be in executive session. Perhaps they have changed their minds. For example, I was going to ask the distinguished Senator from Louisiana to identify the $90 million in this bill for military support to the Royal Laotian Army. I wonder if he would not identify that in the bill. Is it for the U.S. Air Force missions in Laos? Is there any way the Senator can identify that amount?

Mr. ELLENDER. The $90 million is in several appropriations.

Mr. FULBRIGHT. Well, it can be identified.

Mr. ELLENDER. It can, but, as I suggested to the Senator, it strikes me that we gain nothing by having a closed session. As I stated a while ago, as manager of the bill, it might be well to accept the amendment, and if the conferees are desirous of going into more detail, let them go into it, and they can act accordingly.

Mr. FULBRIGHT. The only thing I have in mind at the present time is that Members of the Senate, aside from the three or four, perhaps, who are on certain supervisory committees of the CIA, do not know what is being done in this bill in regard to Laos. I think, before they authorize, with their votes, this kind of program, if it is the kind I believe it to be, they ought to know.

I have been hornswoggled long enough—ever since the previous administration and its Tonkin Gulf Resolution, when I did not know the administration was misrepresenting the facts. All I am saying is that all Senators should know what they are voting for before they vote.

In my view, there is a lot of money in this bill for activities which bear a very great probability of involving us in another full-scale war in Laos, if it is not already a full-scale war. We are deescalating in Vietnam, but I shall read some letters a little later, which are not classified, which came from soldiers and wives of soldiers, which I believe conclusively prove that we are escalating the war in Laos just as much as we are deescalating it in Vietnam.

I think it is a very serious matter; it is not something that ought to be pushed under the rug merely by saying, "I will accept the amendment and take it to conference," and then let it be buried there.

Mr. MANSFIELD. I do not think that is what the Senator from Louisiana said. As I recall, he and the Senator from North Dakota said they were in favor of the amendment.

Mr. FULBRIGHT. He said, "I will accept it," meaning that he would take it to conference in order to avoid further discussion here.

Mr. ELLENDER. Why does not the Senator from Arkansas proceed to give the Senate the information he has heard from soldiers?

Mr. FULBRIGHT. I submitted a questionnaire to the chairman and the ranking minority member of the Committee on Appropriations last week and asked questions that related to this activity.

I had understood that the Senate would go into closed session so that these matters could be discussed. The information should come from the sponsors of the proposed legislation. The sponsors, the members of the Committee on Appropriations, ought to be prepared with official information as to what the money is desired for. That is all in the world I am trying to propose: That when the committee comes before the Senate, and asks us to vote for almost $80 billion, we ought to know what we are voting for. It is that simple.

CLOSED SESSION

Mr. MANSFIELD. Mr. President, under rule XXXV, I move that the doors of the Chamber be closed and that the Presiding Officer direct that the galleries be cleared. Mr. President, I do so only to bring this matter to a head.

Mr. FULBRIGHT. I second the motion.

The PRESIDING OFFICER (Mr. BAYH in the chair). The motion having been made and seconded that the Senate go into closed session, the Chair, pursuant to rule XXXV, now directs the Sergeant at Arms to clear the galleries, close the doors of the Chamber, and exclude all officials of the Senate not sworn to secrecy.

(At 1 o'clock and 39 minutes p.m. the doors of the Chamber were closed.)

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names.

[No. 231 Leg.]

Aiken	Goodell	Moss
Allen	Gore	Murphy
Allott	Gravel	Muskie
Baker	Griffin	Nelson
Bayh	Gurney	Packwood
Bellmon	Hansen	Pastore
Bennett	Harris	Pearson
Bible	Hart	Pell
Boggs	Hartke	Percy
Brooke	Hatfield	Prouty
Burdick	Holland	Proxmire
Byrd, Va.	Hollings	Ribicoff
Byrd, W. Va.	Hruska	Saxbe
Cannon	Hughes	Schweiker
Case	Inouye	Scott
Church	Javits	Smith, Maine
Cook	Jordan, N.C.	Smith, Ill.
Cotton	Jordan, Idaho	Sparkman
Cranston	Kennedy	Spong
Curtis	Long	Stennis
Dodd	Magnuson	Stevens
Dole	Mansfield	Talmadge
Dominick	Mathias	Thurmond
Eagleton	McCarthy	Tower
Eastland	McClellan	Williams, N.J.
Ellender	McGee	Williams, Del.
Ervin	McGovern	Yarborough
Fannin	McIntyre	Young, N. Dak.
Fong	Metcalf	Young, Ohio
Fulbright	Mondale	
Goldwater	Montoya	

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I also announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I further announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD. Mr. President, would the Presiding Officer read the names of those officials who will be allowed under rule XXXVI to be in the Chamber.

The PRESIDING OFFICER. Perhaps it would be appropriate for the Presiding Officer to read from section 2 of rule XXXVI which governs the question raised by the distinguished majority leader.

Section 2 of rule XXXVI reads:

When acting upon confidential on Executive business, unless the same shall be considered an open Executive Session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant-at-Arms, the Assistant Doorkeeper,

and such other officers as the Presiding Officer shall think necessary, and all such officers shall be sworn to secrecy.

Mr. MANSFIELD. Mr. President, are the majority and minority secretaries included?

The PRESIDING OFFICER. In the past the orders have been interpreted and expanded to include the majority and minority secretaries. The Senator is correct.

Mr. MANSFIELD. And the Parliamentarian and the Assistant Parliamentarian.

The PRESIDING OFFICER. They are covered by the previous order.

Mr. MANSFIELD. Mr. President, in addition to that, the joint leadership has asked the Parliamentarian for a memorandum on the question of the Official Reporters. On the basis of previous sessions, I ask unanimous consent that the Official Reporters be authorized to be present to take notes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I further ask unanimous consent that, at the conclusion of the closed session, the transcript of the remarks of each Senator who participated in the proceedings be delivered to the Chief of Official Reporters; that the Senator shall have the right to revise his own remarks; that such Senator shall deliver his revised remarks to the Chief Reporter, who shall then deliver the transcript to the distinguished Senator from Louisiana (Mr. ELLENDER), as acting chairman of the Subcommittee on Defense Appropriations; that the expurgated version of these proceedings be prepared under the direction of the Senator from Louisiana, and that there be deleted from the transcript anything which might be classified; that such record of proceedings be made public by being printed in the permanent CONGRESSIONAL RECORD of the date on which they occurred; and that the Chief Reporter turn the shorthand notes of the Official Reporters over to the Secretary of the Senate to be kept in secret and not to be disclosed without leave of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ELLENDER. Mr. President, in addition to the persons authorized to be in the Chamber, I ask unanimous consent that the counsel to the Committee on Appropriations, Mr. William Woodruff, and the staff consultant to the Committee on Foreign Relations, Mr. Walter Pincus, be permitted to be present.

Mr. TOWER. Reserving the right to object, Mr. President, it would be proper to inquire as to the security clearance of the two staff members.

Mr. MANSFIELD. They have been cleared.

Mr. TOWER. They have been cleared?

Mr. MANSFIELD. Yes, without question.

Mr. ELLENDER. Without question.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ELLENDER. Mr. President, it is my understanding that one of the purposes of this closed session is for me to provide answers to the questions that were propounded by the distinguished Senator from Arkansas (Mr. FULBRIGHT) in his letter to the chairman of the Committee on Appropriations. I am prepared to proceed with this information. I ask the indulgence of Senators to listen to the questions and the answers as I shall read them.

Question No. 1: What treaties, agreements, or declarations provide the basis for our defense commitment and military assistance to the Royal Lao Government?

The answer is unclassified. It reads as follows:

The basic US policy towards Laos is that of support for its independence and neutrality. We have no written or oral defense commitment to Laos.

In 1962, the US and other parties to the Declaration of Neutrality of Laos, agreed to respect and observe the neutrality of Laos. Under Article IV, the parties undertake in the event of a violation or a threat of violation of Lao sovereignty, independence, neutrality or territorial integrity, to consult jointly with the RLG and among themselves "in order to consider means which might prove to be necessary to ensure the observance of these principles." Past Royal Lao Government efforts to obtain consultation among all the parties have been unsuccessful.

After North Vietnam failed to respect the Geneva Agreements, by not withdrawing about 6,000 of their troops after signing the Geneva Agreements in 1962, the RLG in September 1962 requested the US to provide supplies and repair parts for US furnished equipment, training ammunition, and consumable supplies for national defense of Laos. This assistance is permitted under Article VI of the Protocol of the Declaration of Neutrality which states: "The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armament as the RLG may consider necessary for national defense of Laos, is prohibited."

In 1964, when NVN significantly increased its military support of the Pathet Lao and use of Lao territory to infiltrate men and material into South Vietnam, the RLG requested additional US assistance against this threat to its neutrality and territory. The RLG was fully within its rights to do so. In response to this request and to assist Laos in meeting this increased threat to its national defense created by communist aggression, we increased assistance to Laos. This increase in assistance was in a spirit of a response proportionate to the threat.

In sum, we complied with the Geneva Agreements. The North Vietnamese violated these agreements by (1) attacks against the Royal Lao Government (2) use of Lao territory to carry out aggression in South Vietnam. Our assistance to Laos has been limited and in response to North Vietnamese violation of the Agreements.

This assistance has been to preserve the independence of Laos, under the general precepts of international law which allow a nation to seek assistance in its own self-defense.

This is classified: [Deleted.]

Mr. GRIFFIN. Mr. President, will the Senator yield for a brief interruption?

Mr. ELLENDER. I yield.

Mr. GRIFFIN. In response to several inquiries from Members, I wish to ask the Chair to state what the pending business is. The pending amendment has not been printed and is not available on the desk of each Senator. Therefore I think it would be helpful if the pending amendment could be read again.

The PRESIDING OFFICER. The clerk will read the pending amendment.

The legislative clerk read as follows:

On page 46, between lines 8 and 9, insert a new section as follows:

"SEC. 643. None of the funds appropriated by this Act shall be used for the support of local forces in Laos or Thailand except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, or to provide training for such local forces."

Mr. GRIFFIN. I thank the Senator.

The PRESIDING OFFICER. The amendment has been offered by the Senator from Kentucky (Mr. COOPER) and the Senator from Montana (Mr. MANSFIELD).

Mr. ELLENDER. I shall reread the classified portion of the answer to question No. 1 [deleted].

Question No. 2:

Mr. FULBRIGHT. Will the Senator yield for clarification, before he goes to the next question?

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. Do I correctly understand from the Senator's statement that no treaty of any kind has been entered into and that no agreement of any kind has been submitted to the Senate authorizing these activities in Laos?

Mr. ELLENDER. I am just reading from the statement.

Mr. FULBRIGHT. Is that not clear? There is no treaty. Do they contend there is any agreement or treaty?

Mr. ELLENDER. It is in accord with the Geneva agreement.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Under the protocol of the Southeast Asian Treaty, Laos, Cambodia, and South Vietnam were brought under its umbrella. The proviso was that we would come to their assistance if they were attacked by Communist forces from outside. But it also said that any such move would be subject to due constitutional process.

Mr. FULBRIGHT. Did not Laos itself remove itself from under that umbrella?

Mr. MANSFIELD. I do not believe so. I think Cambodia did but not Laos.

Mr. FULBRIGHT. I think Laos did. They were trying after 1962 to establish a neutrality; so it would not be brought into this.

Mr. MANSFIELD. The Senator may be right.

Mr. ELLENDER. If the Senator has evidence to that effect, let him present it.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield. I was just trying to clarify the situation.

The PRESIDING OFFICER (Mr. DOLE in the chair). The Senator from Louisiana has the floor.

Mr. ELLENDER. I yield so that the Senator from Idaho may propound a question.

Mr. CHURCH. If I correctly understood the statement the Senator read,

the only formal obligation the United States assumed with respect to Laos——

Mr. GURNEY. Mr. President, will the Senator speak louder? We cannot hear him.

Mr. CHURCH. If I correctly understood the written statement which has just been read by the Senator from Louisiana the nature of the formal obligation assumed by the United States is to consult with other signatories to the Geneva Accords on Laos in the event of aggression. That is the only formal commitment.

The present activities in the nature of aerial sorties over Laos are in violation of the Accords. [Deleted.]

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. CHURCH. I yield.

Mr. PASTORE. Did not the Senator read that all attempts at consultation were futile?

Mr. ELLENDER. Yes.

Mr. PASTORE. That we did try to consult and that this was all rejected?

Mr. ELLENDER. Yes, but I may state this also. There is no question but that [deleted] these sorties were [deleted] for the purpose interdicting men and supplies coming down the Ho Chi Minh Trail into South Vietnam. [Deleted.]

However, the Senator from Arkansas had extensive hearings on all this matter. If he has anything different from the answers I am reading it might be well if it were stated for the Senate.

(Subsequently, on December 17, Mr. MANSFIELD made the following statement, which by unanimous consent is printed in the RECORD at this point:)

Mr. MANSFIELD. Mr. President, on Monday, there was an exchange between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and me relative to whether the Kingdom of Laos had renounced its adherence to the Southeastern Asia Treaty Organization, otherwise known as SEATO.

I indicated that I thought only Cambodia had stated it would not be under the SEATO umbrella and that Laos was still in that category.

Under the corollary to the SEATO agreement at Manila in 1953, I find that I was wrong and that the distinguished chairman of the Foreign Relations Committee was right and that in the Neutrality Agreement Laos did declare its intention to not recognize the protection of any alliance or military coalition including SEATO.

Mr. President, I ask unanimous consent that the Declaration on the Neutrality of Laos be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose representatives took part in the International Conference on the Settlement of the Laotian Question, 1961–62;

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"The Royal Government of Laos,

"Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communique of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos,

"Solemnly declares that:

"(1) It will resolutely apply the five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neturality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Laotian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognize the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 5 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties that agreements signed in conformity with the interests of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognise the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to these principles in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrity of the Kingdom of Laos and noninterference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasizing the principle of respect for the neutrality of the Kingdom of Laos;

Agreeing that the above-mentioned principles constitute a basis for the peaceful settlement of the Laotian question:

Profoundly convinced that the independence and neutrality of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos will assist the achievement of national accord and unity in that country, as well as the strengthening of peace and security in South-East Asia;

1. Solemnly declare, in accordance with the will of the Government and people of the Kingdom of Laos, as expressed in the statement of neutrality by the Royal Government of Laos of July 9, 1962, that they recognise and will respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos.

2. Undertake, in particular, that

(a) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(b) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(c) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(d) they will not attach conditions of a political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(e) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(f) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

(g) they will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(h) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(i) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(j) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos.

3. Appeal to all other States to recognise, respect and observe in every way the sovereignty, independence and neutrality, and also the unity and territorial integrity, of the Kingdom of Laos and to refrain from any action inconsistent with these principles or with other provisions of the present Declaration.

4. Undertake, in the event of a violation or threat of violation of the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos, to consult jointly with the Royal Government of Laos and among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present Declaration.

5. The present Declaration shall enter into force on signature and together with the statement of neutrality by the Royal Government of Laos of July 9, 1962, shall be regarded as constituting an international

agreement. The present Declaration shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all the other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed the present Declaration.

Done in two copies in Geneva this twenty-third day of July one thousand nine hundred and sixty-two in the English, Chinese, Franch, Laotian and Russian languages, each text being equally authoritative.

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

Article 1

For the purposes of this Protocol

(*a*) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(*b*) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(*c*) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961–1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectively;

(*d*) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961–1962.

Article 2

All foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

Article 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

Article 4

The introduction of foreign regular and irregular troops, foreign para-military formations and foreign military personnel into Laos is prohibited.

Article 5

Note is taken that the French and Laotian Governments will conclude as soon as possible and arrangement to transfer the French military installations in Laos to the Royal Government of Laos.

If the Laotian Government considers it necessary, the French Government may as an exception leave in Laos for a limited period of time a precisely limited number of French military instructors for the purpose of training the armed forces of Laos.

The French and Laotian Governments shall inform the members of the Conference, through the Co-Chairmen, of their agreement on the question of the transfer of the French military installations in Laos and of the employment of French military instructors by the Laotian Government.

Article 6

The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armaments as the Royal Government of Laos may consider necessary for the national defense of Laos, is prohibited.

Article 7

All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are nationals in order that they may proceed to the destination of their choice.

Article 8

The Co-Chairmen shall periodically receive reports from the Commission. In addition the Commission shall immediately report to the Co-Chairmen any violations or threats of violations of this Protocol, all significant steps which it takes in pursuance of this Protocol, and also any other important information which may assist the Co-Chairmen in carrying out their functions. The Commission may at any time seek help from the Co-Chairmen in the performance of its duties, and the Co-Chairmen may at any time make recommendations to the Commission exercising general guidance.

The Co-Chairmen shall circulate the reports and any other important information from the Commission to the members of the Conference.

The Co-Chairmen shall exercise supervision over the observance of this Protocol and pervise and control the cease-fire in Laos.

The Co-Chairmen will keep the members of the Conference constantly informed and when appropriate will consult with them.

Article 9

The Commission shall, with the concurrence of the Royal Government of Laos, supervise and control the cease-fire in laos.

The Commission shall exercise these functions in full co-operation with the Royal Government of Laos and within the framework of the Cease-Fire Agreement or cease-fire arrangements made by the three political forces in Laos, or the Royal Government of Laos. It is understood that responsibility for the execution of the cease-fire shall rest with the three parties concerned and with the Royal Government of Laos after its formation.

Article 10

The Commission shall supervise and control the withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel. Inspection teams sent by the Commission for these purposes shall be present for the period of the withdrawal at all points of withdrawal from Laos determined by the Royal Government of Laos in consultation with the Commission in accordance with Article 3 of this Protocol.

Article 11

The Commission shall investigate cases where there are reasonable grounds for considering that a violation of the provisions of Article 4 of this Protocol has occurred.

It is understood that in the exercise of this function the Commission is acting with the concurrence of the Royal Government of Laos. It shall carry out its investigations in full co-operation with the Royal Government of Laos and shall immediately inform the Co-Chairman of any violations or threats of violations of Article 4, and also of all significant steps which it takes in pursuance of this Article in accordance with Article 8.

Article 12

The Commission shall assist the Royal Government of Laos in cases where the Royal Government of Laos considers that a violation of Article 6 of this Protocol may have taken place. This assistance will be rendered at the request of the Royal Government of Laos and in full co-operation with it.

Article 13

The Commission shall exercise its functions under this Protocol in close co-operation with the Royal Government of Laos. It is understood that the Royal Government of Laos at all levels will render the Commission all possible assistance in the performance by the Commission of these functions and also will take all necessary measures to ensure the security of the Commission and its inspection teams during their activities in Laos.

Article 14

The Commission functions as a single organ of the International Conference for the Settlement of the Laotian Question, 1961–1962. The members of the Commission will work harmoniously and in co-operation with each other with the aim of solving all questions within the terms of reference of the Commission.

Decisions of the Commission on questions relating to violations of Articles 2, 3, 4 and 6 of this Protocol or of the cease-fire referred to in Article 9, conclusions on major questions sent to the Co-Chairmen and all recommendations by the Commission shall be adopted unanimously. On other questions, including procedural questions, and also questions relating to the initiation and carrying out of investigations (Article 15), decisions of the Commission shall be adopted by majority vote.

Article 15

In the exercise of its specific functions which are laid down in the relevant articles of this Protocol the Commission shall conduct investigations (directly or by sending inspection teams), when there are reasonable grounds for considering that a violation has occurred. These investigations shall be carried out at the request of the Royal Government of Laos or on the initiative of the Commission, which is acting with the concurrence of the Royal Government of Laos.

In the latter case decisions on initiating and carrying out such investigations shall be taken in the Commission by majority vote.

The Commission shall submit agreed reports on investigations in which differences which may emerge between members of the Commission on particular questions may be expressed.

The conclusions and recommendations of the Commission resulting from investigations shall be adopted unanimously.

Article 16

For the exercise of its functions the Commission shall, as necessary, set up inspection

teams, on which the three member-States of the Commission shall be equally represented. Each member-State of the Commission shall ensure the presence of its own representatives both on the Commission and on the inspection teams, and shall promptly replace them in the event of their being unable to perform their duties.

It is understood that the dispatch of inspection teams to carry out various specific tasks takes place with the concurrence of the Royal Government of Laos. The points to which the Commission and its inspection teams go for the purposes of investigation and their length of stay at those points shall be determined in relation to the requirements of the particular investigation.

Article 17

The Commission shall have at its disposal the means of communication and transport required for the performance of its duties. These as a rule will be provided to the Commission by the Royal Government of Laos for payment on mutually acceptable terms, and those which the Royal Government of Laos cannot provide will be acquired by the Commission from other sources. It is understood that the means of communication and transport will be under the administrative control of the Commission.

Article 18

The costs of the operations of the Commission shall be borne by the members of the Conference in accordance with the provisions of this Article.

(*a*) The Governments of Canada, India and Poland shall pay the personal salaries and allowances of their nationals who are members of their delegations to the Commission and its subsidiary organs.

(*b*) The primary responsibility for the provision of accommodation for the Commission and its subsidiary organs shall rest with the Royal Government of Laos, which shall also provide such other local services as may be appropriate. The Commission shall charge to the Fund referred to in subparagraph (*c*) below any local expenses not borne by the Royal Government of Laos.

(*c*) All other capital or running expenses incurred by the Commission in the exercise of its functions shall be met from a Fund to which all the members of the Conference shall contribute in the following proportions:

The Government of the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall contribute 17.6 per cent each.

The Governments of Burma, Cambodia, and the Democratic Republic of Viet Nam, Laos, the Republic of Viet Nam and Thailand shall contribute 1.5 per cent each.

The Governments of Canada, India and Poland as members of the Commission shall contribute 1 per cent each.

Article 19

The Co-Chairmen shall at any time, if the Royal Government of Laos so requests, and in any case not later than three years after the entry into force of this Protocol, present a report with appropriate recommendations on the question of the termination of the Commission to the members of the Conference for their consideration. Before making such a report the Co-Chairmen shall hold consultations with the Royal Government of Laos and the Commission.

Article 20

This Protocol shall enter into force on signature.

It shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

Done in two copies in Geneva this twenty-third day of July one thousand and nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

Mr. FULBRIGHT. [Deleted.]

I am not at this time saying we should not be doing this. I am saying it is being done without the knowledge of the Senate and it is being done without any authorization by the Congress. If it can be done in Laos there is no reason why it could not be done in Burma, Malaysia, Singapore, or anywhere else. It is the same general principle involved as was involved in the argument about the commitment resolution. That is, has this Government now got to the point where the executive branch is considered to be within its rights to undertake this kind of major operation without consulting Congress, without any specific treaty or other authorization? Actually what we are doing is against the agreement of 1962.

If the amendment offered by the majority leader and the Senator from Kentucky (Mr. COOPER) is adopted, and if it means anything significant, it means that these air strikes cannot be continued. Some may think it has little meaning. I think it has. If it means anything of substance, it means that the strikes by our Air Force, working out of Thailand, must be stopped. If it does not mean anything at all and is an idle gesture, so be it.

What is important is that this question is not idle. It strikes me that if we expect to preserve our system of government, which every Senator is sworn to support, then we have to know, and we ought to know, what we are voting for when we vote vast sums.

The acting chairman specified the amount of money, $90 million, for the Royal Laotian Army [deleted].

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ELLENDER. I yield.

Mr. MANSFIELD. First, the Meo group, under General Vang are, I believe, considered a part of the Royal Laotian Army, if my memory serves me correctly.

Second, both the Senator from Arkansas and the Senate as a whole are fully aware of my very deep personal feelings about our involvement in Vietnam and Southeast Asia. But I would point out that what we have seen is more than an eightfold increase, since 1962, of the North Vietnamese backbone, the Pathet Lao, from 6,000 to 50,000, or perhaps 55,000, North Vietnamese.

On the other side of the coin, in accordance with the Geneva Accords of 1962, we withdrew our military forces completely except for an advisory group representing the various services. Senators may recall also that in 1963, again if my memory serves me correctly, President John F. Kennedy then considered seriously the dispatch of a number of Marine units up to the Mekong because of a possible infiltration into the area around Vientiane to overthrow the Laotian Government and the further possibility of an overspill into Thailand which would then involve an ally of ours, an ally under the Southeast Asia Treaty Organization.

To look at it particularly, without any personal feelings, insofar as I can, if we were to take away this air support from the Royal Laotian Army and the Royal Laotian Government which is being furnished at the request of the Lao Government, it is quite possible that the 50,000 to 55,000 North Vietnamese who are in Laos, contrary to the Geneva accords—I think they were a signatory to those accords—would then find it easy to sweep down into the Mekong to take over the capitals of Luang Prabang and Vientiane. What would be our position if they got that far and they did not stop at the Mekong?

So, we are up against a delicate question. If we want this Government to survive—and we were a signatory to the Geneva accords—do we do it by letting the Pathet Lao take over, in fact annexing—letting the North Vietnamese take over with their Pathet Lao puppets, in effect making it a part of North Vietnam?

Mr. FULBRIGHT. I am not making an argument that we should,——

Mr. MANSFIELD. I am just pointing out the possibility——

Mr. FULBRIGHT. I am not making an argument that we should retire. I say that we should know what actually is taking place.

Mr. MANSFIELD. All right. That is different.

Mr. FULBRIGHT. That is what I am trying to reveal—what is going on in Laos. If our interest in Laos is so great, why do we not just follow the usual constitutional procedures called for by such circumstances?

Mr. MANSFIELD. I understood the Senator to indicate that we should cut down on our support——

Mr. FULBRIGHT. I did not make any such indication at all. I am trying to have revealed what we are doing and why.

Mr. MANSFIELD. It is not secret. Everyone knows.

Mr. ELLENDER. Of course, all that has been said is tied in with the South Vietnamese war.

Mr. YOUNG of North Dakota. Mr. President, the Senator from Montana made my point much better than I could myself with reference to the stepup in the bombing of Laos and especially of north Laos the stepup corresponds with the increase of the number of the North Vietnamese troops in Laos. It was to our interest to bomb those troops. It also is much more preferable to bomb them, than to send our men in there.

Mr. GURNEY. Mr. President, I thought the statement of the Senator from Arkansas just a moment ago was that if we agreed to this amendment it would then be illegal to do any more of the bombing and we would be out of business. That is the point at question here.

Mr. ELLENDER. We do not agree to that, but that is his interpretation.

Mr. FULBRIGHT. I said if it meant

anything at all, it means the bombings in the north should stop.

Mr. GURNEY. It is a question of whether we should be doing it in the open, but the amendment would prevent it.

Mr. FULBRIGHT. It is not my amendment. It is the amendment of the Senator from Kentucky (Mr. COOPER) and the majority leader. I did not offer the amendment.

Mr. MANSFIELD. The amendment would not prevent it.

Mr. FULBRIGHT. If the amendment would not prevent the bombing, then it has no significant effect.

Mr. MANSFIELD. If the Senator would yield further, the important thing is to make sure that no combat troops get involved in Laos, and I mean combat troops on the ground. That is the danger. That is the great danger. That is what I thought the Senator from Arkansas was interested in.

Mr. FULBRIGHT. I do not see how military bombing is not combat. When you say "combat" I assume the Senator means infantry?

Mr. MANSFIELD. That is right.

Mr. FULBRIGHT. Ground troops?

Mr. MANSFIELD. Ground troops. But the use of the Air Force has been in effect to hit the North Vietnamese on the [deleted] and Ho Chi Minh Trail and elsewhere in Laos. That is really nothing new. I do not approve of it. We have got to make the best of it and live with it.

Mr. FULBRIGHT. The Senator may know the situation but I did not know the situation on these bombings in the north. [Deleted.] I did not know it. I did not know apparently what the Senator knows about this operation. But I do not see, if this is in the national interest, why it is not open and public knowledge and we declare it to be in our interest to wage it in the usual manner. This is what I do not understand about this whole operation, and what the majority leader and others have said they regret. Nearly everyone that has spoken out recently has said that they think it was a mistake to become involved in Vietnam or, in this instance, in Laos. [Deleted.] This is escalating into a major operation. [Deleted.]

Mr. ELLENDER. [Deleted.]

Mr. FULBRIGHT. [Deleted.]

Mr. ELLENDER. [Deleted.]

Mr. FULBRIGHT. [Deleted.]

Mr. ELLENDER. [Deleted.]

Mr. FULBRIGHT. [Deleted.]

Mr. ELLENDER. [Deleted.]

Mr. FULBRIGHT. [Deleted.]

I think we should know how much we are spending for this operation which is beginning to be a major war. To stretch the concept of the SEATO Treaty into this area is a major expansion of it. I say, I see no reason why the administration could not apply this concept to anything it wanted to do in Burma or in Malaysia, or any other place, if they follow this style of operation. I think this is strictly against the constitutional system which Members of this body are supposed to support. Senators are supposed to know what they are voting for. [Deleted.]

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. STENNIS. I did not get to attend all of the Appropriations Subcommittee hearings this year. However, I want to refer to a point we had up when the authorization bill was before the Senate because it contained an item for $2.5 billion, which was the sum finally agreed upon, for all of Southeast Asia, for special military aid.

We have been carrying on military aid in many forms since World War II. A very small sum of military aid is involved directly here. That goes to the Royal Laotian Army. That money was in the bill we authorized. It is not involved in the bombing.

I was asked in that debate if we had any military forces in Laos by the Senator from California (Mr. CRANSTON). His question was: Did we have any armed ground forces? I said no. We did not go into the bombing, [deleted].

Back to the money, in my best judgment, about $94 million of this money is authorized in the authorization bill, where we had the Cooper amendment. I argued then that the Cooper amendment did not touch the money we spent on our own troops, whether it was in Laos or elsewhere. That is still my opinion.

A word on the merits of the bombing; this is one of the most effective things we have been able to do concerning the war in Southeast Asia. It grew just like the war in Vietnam grew, a little at a time. We all know what the Ho Chi Minh Trail means and what it has meant. There is no way to estimate where we would have been in that war if we had not been able to do this bombing and inflict the punishment it caused, always at the request of the Laotian Government, as I have always understood it.

I do not think we could consider limiting the amount we have to spend on bombing there any more than we could limit it in South Vietnam, as long as we are at war. I think this amendment would be very unfortunate. It reads:

> None of the funds appropriated by this Act shall be used for the support of local forces in Laos or Thailand except to provide supplies, materiel, equipment.

That raises a question: Could we give them battle support with our own Air Force?

If anything is to be adopted, it ought to be made clear that we are limiting the amendment to money support, not bombing support.

So far as I know, we do not have any ground troops over there, and never have had. [Deleted.] I mean fighting ground troops.

My additional point here is on the word "support." [Deleted.]

Mr. ELLENDER. Mr. President, I wish to further state, as I said a while ago, that we have had an interpretation of this amendment, and I am informed that the adoption of it would not prevent this bombing. That is why I suggested, in open session a while ago, let us adopt the amendment and let the conferees meet and get such information as they desire and look into the amendment further to clarify it so that, if necessary, these bombings can be continued.

Mr. GURNEY. Mr. President will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GURNEY. I am confused. I just heard the chairman of the Armed Services Committee say that, in his opinion, the adoption of the amendment would prevent the bombing.

Mr. ELLENDER. I received that information from [deleted], and the author of the amendment, Senator MANSFIELD.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, will the Senator let me proceed to explain what I meant? I said unless we use the word "support," limit it to direct financial support, it would cut out the bombing, because "support" can be interpreted as bombing.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. DOMINICK. I remember being at the White House in 1967—and I think the distinguished Senator from Arkansas was there at the time——

Mr. MAGNUSON. Mr. President, will the Senator yield to me for an announcement, without losing his right to the floor, for about half a minute?

Mr. DOMINICK. Surely.

Mr. MAGNUSON. Mr. President, we had called a meeting of the full Appropriations Committee for 2:30 p.m., to consider the HEW appropriation bill, but in view of the executive session, I think it would be wise for us to wait until we got through the executive session, and then we will meet downstairs.

I thank the Senator for yielding.

Mr. ELLENDER. Mr. President, I will yield to the Senator from Colorado in a moment. I would prefer that I be permitted to give these answers. That was the purpose of the executive session.

Mr. DOMINICK. Let me make a couple of comments here which are of interest. When we were at the White House in 1967, and President Johnson called us down in equal thirds on Monday, Tuesday, and Wednesday in 1967, I think the Senator from Arkansas was there. At that time a map was shown of Southeast Asia by Secretary McNamara, on which he had dots in Laos. Someone asked what those dots were. He said, "Those are the areas [deleted] we are engaged in bombing." [Deleted.] This was at the White House in 1967. I was there. We knew and I knew what was going on in Laos for a considerable period of time. I am surprised that the Senator from Arkansas apparently did not know but here is what bothers me about this amendment, and I wonder if I can address this to the Senator from Louisiana. If we have no combat troops there—and as far as I know, we do not have—and if we are not spending any money there for support of ground troops—and as far as I know, we are not—then it seems to me if we put in the bill a prohibition on the use of funds for troops when we do not have any there, all we are doing is raising a ques-

tion in the mind of the enemy as to whether we are doing that and giving them one more propaganda weapon. That is the problem—not whether this affects the bombing, because I do not think it hits the bombing, but whether or not we are going to give the enemy one more item so they can take the ball, run with it, confuse our allies, and misinform some of our friends.

Mr. ELLENDER. I think the amendment is specific as to how the money is to be used. It states "except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, or to provide training for such local forces."

I think it is specific enough to indicate that this money will be used for supplies, materiel, equipment, and training of local forces.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. TOWER. I think Senators must understand that all of Laos must be considered in context. They cannot separate southern Laos from northern Laos. The fact is that the Pathet Lao could not hold all of the sizable area they have if it were not for the 50,000 North Vietnamese troops. If the North Vietnamese did not have possession of north Laos, there would be no Ho Chi Minh Trail. We must do anything we can to weaken the North Vietnamese efforts in Laos with reference to our own efforts. We must interdict what they use as a line of communication.

I am concerned that this measure might indeed prevent our being able to airlift paramilitary forces around Thailand to help them deal with insurgent activity there.

I would point out that most of the Thai Communist infrastructure is not ethnic Thai, it is rather ethnic Chinese and ethnic North Vietnamese. Thailand is the target for the next so-called war of national liberation, and Laos is now being used as a staging area for Communist activity in Thailand.

I might further note that the Chinese are now building a road in northern Laos to aid in the establishment of a line of communication to make war against Thailand more feasible and possible. I think this is a very mischievous amendment indeed, and I would like the opinion of the Senator as to whether its enactment would preclude our support of paramilitary forces in Thailand.

Mr. ELLENDER. Mr. President, I have just read the purpose of the amendment, and in order to obviate this executive session we are now having, my suggestion was that we accept the amendment and let the conferees deal with it. The conferees will be able to get all the information possible, and the advice of the Defense Department. We are here trying to give the answers to questions that we have been asked by the Senator from Airkansas, and I was in hope that we could go along with that. I hesitate to read tomorrow's newspapers and find out what is going to be in the newspapers about this session. It may be nothing new, but it will be sensational.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Just to go along with what the Senator from Texas was saying about the building of that road from Meng-La in Yunnan to Muong Soui, that construction has been going on for months and years, as a matter of fact. The Thai Government has said there are two divisions of Chinese troops along that road, and the road is being built toward northern Thailand. As a matter of fact, the road is not being extended except a mile or so out of Muong Soui toward Thailand, but it is being built in the other direction toward the direction of Dienbienphu in North Vietnam. There are no Chinese divisions there, according to Souvanna Phouma. In the last day or two, he stated there are five Chinese battalions, some labor and some antiaircraft battalions. As I said earlier, last August when I visited the area there were rumors that there were anywhere from three to 10 Chinese battalions. The best evidence is that there were four or five at the time.

Mr. TOWER. If the Senator will yield, I accept the Senator's statement that there were some antiaircraft and labor battalions there, rather than maneuver battalions but the fact of the matter is that not only is that road traversing across northern Thailand, but there is a spur that goes down toward the Mekong River under construction.

Mr. MANSFIELD. The Senator may be right, but I do not believe it is under construction. They stopped the construction going south and west toward the Thai border, and are concentrating on the area going east toward the road to Dienbienphu. That does not mean that they are not planning on going ahead and doing it, but they are not doing it now.

Mr. TOWER. That does not mean they cannot do it.

Mr. MANSFIELD. That is correct.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. So that we will know, when the Senator answers questions, what we are trying to legislate here, it is thought that the conference may deal with it, but if we agree to the amendment, we ought to know what we are doing. Therefore, I should like to address a question to the author of the amendment, or the Senator proposing it, as follows:

First, is this amendment intended to deal in any way with U.S. forces in combat?

Mr. MANSFIELD. It is intended to keep ground troops out of combat in Thailand and Laos.

Mr. JAVITS. Will the Senator point out the words in this amendment which would effect that result?

Mr. MANSFIELD. The words themselves, I think, are self-explanatory. It says:

> None of the funds appropriated by this act shall be used for the support of local forces in Laos or Thailand, except to provide supplies, materiel, equipment, and facilities, including the maintenance thereof, or to provide training for such local forces.

Mr. JAVITS. Are the local forces referred to American or indigenous forces?

Mr. MANSFIELD. They are indigenous forces, both Thai and Laotian.

Mr. JAVITS. Then there is no word in this amendment that deals with American forces at all?

Mr. MANSFIELD. That is correct.

Mr. JAVITS. My second question is this: We understand what we are going to give them—supplies, materiel, equipment, facilities, maintenance and training. Now, what are we not going to give them by this amendment?

Mr. MANSFIELD. Ground combat troops.

Mr. JAVITS. American combat troops are ruled out; they are not provided for. But we are not going to give them money to engage in combat with or pay salaries of soldiers who fight?

Mr. MANSFIELD. Yes, we are; and that would be continued, because if we did not subsidize the Laotians, they would not last for a fortnight.

Mr. JAVITS. That is exactly what I am hoping we can reveal to the Senate, as to the meaning of the amendment.

Mr. MANSFIELD. That is common knowledge. If the Senator read the New York Times, from his own State, just a month or so ago it had a 2- or 3-page analysis of what was going on in Thailand and Laos. This is not secret; this is public information.

Mr. JAVITS. The Senator does not quite follow me. If we did pass this amendment, it would result in affirmative action that would cut off whatever we are paying, if we pay combat troops directly or indirectly; that is true, is it not, it would cut that off? That is, indigenous combat troops, not our combat troops?

Mr. MANSFIELD. Well "including maintenance thereof"; I would not be able to define that. I would think that payment to the Laos soldiers to the partial extent not barred otherwise would be allowed to continue.

Mr. JAVITS. We would provide the supplies, materiel, equipment, facilities, and the maintenance thereof.

Mr. MANSFIELD. That is true.

Mr. JAVITS. That is very different from line troops; those are transportation forces, their equipment, et cetera.

Mr. MANSFIELD. The Senator had better go to Laos and see what kind of troops they have. They have not cut them down in divisions and outfits like we have; they are all combat troops, whereas about a fifth of ours are combat troops, and the others are support troops.

Mr. JAVITS. If the Senator will bear with me, what I am trying to get before the Senate is, if we vote for the amendment, is what we are doing affirmative or negative?

Mr. MANSFIELD. You would be voting for what is going on now, by reiterating, once again, as the National Commitments Resolution says, that under no circumstances except through due constitutional processes will there be combat ground troops of this country used in Laos or Thailand.

Mr. JAVITS. May I say to my beloved colleague, if that is in his amendment, then he is putting it in by the interpretation he is giving it. It is not there now. There is nothing in this language that will prevent American combat troops

from being used; and the way the Senator defines it, there is something in here that prevents combat troops which are indigenous from being paid; and I think all the rest of these interpretations defy the words of the amendment as submitted.

One function we ought to perform is to find out what the majority of the Senate wants to do, and then be sure that the amendment we pass does it.

For myself, I would say if what you want to do is continue the present situation, you ought to have the words broad enough to continue it. Now that we understand what it is, that you want to keep American involvement out, then we ought to say at least something like that in the amendment, which I submit it does not say now.

Mr. MANSFIELD. The Senator is entitled to his opinion. I have stated what I think the distinguished Senator from Kentucky meant and what I think the amendment means, and we will have to let the Senate decide.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ALLOTT. May I address myself to our leader? I think the Senator from New York has performed a very valid task here. Do I understand, I ask the Senator from Montana, that the term "local forces" as used here eliminates all U.S. ground troops?

Mr. MANSFIELD. It does not eliminate them and does not allow them. There are none there now.

Mr. ALLOTT. Since we do not include them, the term "local forces" does not include U.S. Government troops, and they are eliminated from this amendment?

Mr. MANSFIELD. That is correct. They are to be given no consideration at all, except to stay out.

Mr. ALLOTT. Then we are talking about maintaining the status quo. In line 4, the amendment says "including maintenance thereof," and that could include the payment of salaries and support to indigenous troops?

Mr. MANSFIELD. That is correct.

Mr. ALLOTT. Mr. President, with all due deference, I say to my beloved colleague that the way the amendment is written it says, "shall be used for the support of local forces in Laos or Thailand, except to provide supplies, materiel, equipment, and facilities, including the maintenance thereof." "Including the maintenance thereof" means the supplies, materiel, equipment, and facilities. And unless he writes an undisputed legislative record that this does include the payment of salaries, the amendment in my opinion cannot mean anything.

Mr. MANSFIELD. Mr. President, the Senator from Colorado, like the Senator from New York, is entitled to his opinion. I have given the Senate what I think is intended by the Senator from Kentucky and me. The Senate will have to decide.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. PASTORE. Mr. President, I think that this brings about an interpretation of the word "support." The Senator from Mississippi took the position that he would want it spelled out as financial support. I think that would distort the meaning of the amendment.

Why would it not be all right to say combat troops in front of support?

Mr. MANSFIELD. I would prefer to leave it as it is. If there were to be any changes, I would prefer that the Senator from Kentucky be responsible for them.

Mr. PASTORE. Mr. President, the reason I raise the point is because what we are talking about, as the Senator from New York indicated, is what we mean by support. Do we mean American combat forces? That is the support we are talking about. And yet, the word "support" is all-encompassing and could mean anything at any time to anybody.

The word is the problem. What is meant by support? Does it mean American combat forces? Does it mean American money? What does it mean? I think we have to clarify it.

Mr. MANSFIELD. I have tried to clarify it. It means what is going on at the present time.

Mr. PASTORE. That is only part of the history, but not part of the amendment.

Mr. MANSFIELD. The Senator and I look at it in different ways.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GOLDWATER. Mr. President, I should like to ask a question. Undoubtedly it has been asked and answered. However, I had to be absent earlier.

Would the amendment prohibit the use of tactical aircraft at any place in Thailand or Laos?

Mr. MANSFIELD. Unfortunately, no.

Mr. GOLDWATER. It will not prevent the use of tactical air support in Northwestern Thailand?

Mr. MANSFIELD. No.

Mr. GOLDWATER. Or in the southern provinces where it might be needed?

Mr. MANSFIELD. No.

Mr. GOLDWATER. Or, as they say, up in Central Laos, around the Plaine des Jarres?

Mr. MANSFIELD. No. What the Senator ought to keep in mind is that the point being made by the Senator from Arkansas, if I understand it correctly, is that there has been a tremendous step-up in the amount of activity [deleted]. [Deleted.]

Mr. GOLDWATER. That is largely where the support is.

Mr. MANSFIELD. That is correct, almost entirely.

Mr. GOLDWATER. None of our troops are engaged in active combat.

Mr. MANSFIELD. Not on the ground.

Mr. GOLDWATER. Is the Senator convinced that the language does not prevent the use of aircraft for tactical air support for reconnaissance flights and for rescue flights?

Mr. MANSFIELD. It would not prevent that, in my opinion.

Mr. GOLDWATER. I hope the Senator is right. Because I just returned from there this morning. And contrary to what we have been thinking, the infiltration has stepped up tremendously.

Friday night 600 trucks started in from the border of North Vietnam.

I am very frank to say, and I shall address myself to the subject later this week, that if we do not resume the bombing of North Vietnam, I see no way to come out on this.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McGEE. Mr. President, I think the dialog here in executive session makes the point that ought to guide us in what we do on the pending proposal. It is, that we should be reluctant to adopt the amendment because its meaning or intent is subject to too many interpretations. While the matter that concerns the Senator from Arkansas is a very understandable one, the pending resolution could not possibly clarify it.

Does it mean we are going into Burma or Malaysia without it? Hardly. We have made it clear downtown. And the Senate has made it clear before on how it relates to our present status in Vietnam. I think it has made it so clear that I believe we would be well advised not to proceed along the lines envisioned in the amendment at this time, particularly in a public way.

I think it would only tend to confuse or hobble our Government in its efforts to seek a meaningful and responsible way to disengage itself from Vietnam.

I think we have contributed in this discussion to the confusion and that the confusion over the interpretation would run rampant at home, let alone around the world.

Mr. ELLENDER. Mr. President, I reiterate what I said a while ago. The only reason I suggested that the Senate go along with the amendment was to obviate what is taking place now. Because, as far as I am concerned, I suggest that when the time comes, we vote it into the bill or out.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, I yield first to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, the distinguished majority leader responded to a question by the Senator from Arizona and indicated his interpretation as sponsor of the amendment that the language was not intended to preclude certain bombing activities by our Air Force.

Mr. MANSFIELD. I said, unfortunately, no.

Mr. GRIFFIN. But I think in view of the fact that the Senator from Arizona came into the Chamber only recently, he should be aware of the fact that there is some dispute among the meaning of the words in the amendment.

As I recall, the distinguished chairman of the Foreign Relations Committee earlier indicated his understanding that the effect of the language would be to preclude such bombing. And as I understood the chairman of the Armed Services Committee, he said it could preclude such bombing.

Certainly, the remarks of the distinguished Senator from Wyoming (Mr. McGEE) were very appropriate.

It is very obvious that there is con-

fusion as to the meaning of the language. Accordingly, it would be ill-advised to agree to such an amendment.

Therefore I wish to associate myself with the remarks of the Senator from Arizona (Mr. GOLDWATER).

Mr. MANSFIELD. The war in Vietnam is very confusing and tragic in and of itself.

To get down to the nub of what our amendment purports to say—and I say this without fear of equivocation insofar as the Senator from Kentucky is concerned—there shall be the use of no U.S. troops in Thailand or Laos—period. You can wrangle all you want about maintenance of supplies. That is what it means.

Mr. GOLDWATER. Mr. President, I agree with my friend the Senator from Michigan. The word "support" taken in a military manner does mean help. It means everything.

I certainly abide by the word of the majority leader. However, when he says support troops in the military, that is exactly what it means.

If we deny support, then we deny tactical air bombing and supply and reconnaissance and all things we supply them there now.

If there is any question about this, I think it ought to be made perfectly clear in the amendment that the United States is not going to be denied the right to supply aid to these people doing all of these things there now to help us.

I agree on keeping the ground forces out. I do not think they should have gone into South Vietnam. But they did. If we are ever threatened again in that part of the world, particularly in an area with the type of geography in northwestern Thailand and central Laos, our troops are not equipped to fight there. And we cannot help unless we do so with tactical air, or possibly with strategic air. However, not at this point.

If we are going to vote on the amendment, I accept the word of the majority leader at any time. Inasmuch as there is a dispute between the majority and minority leaders as to whether it applies to air, I think we should make it clear.

Otherwise, we are going to pull the rug out from under some wonderful help in Thailand and Laos.

Mr. ELLENDER. It is not a matter of disagreement between me and the majority leader. He gave his interpretation [deleted].

Mr. GOLDWATER. The [deleted] agrees that support does not include technical or strategic or reconnaissance or supply by air?

Mr. ELLENDER. I said to the distinguished Senator from Montana—whether or not his amendment was in keeping with section 638(a) in the appropriations bill, appearing on page 43—and the answer was "Yes."

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. ELLENDER. As I have said, I should like to continue answering the questions and then have a vote on whether it is desired to have this amendment in the bill.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Idaho. He has been on his feet for some time now.

Mr. CHURCH. Mr. President, it seems to me that we are all agreed pretty much on what our objective is. The Senator from Montana has repeatedly mentioned it; the Senator from Arizona has emphasized it. I think we are agreed that what we want to prevent is the introduction of American combat troops into Laos and Thailand—ground troops. That is our purpose. We certainly should be able to write the language to put our purpose into effect.

Mr. GOLDWATER. Why do we not spell it out?

Mr. CHURCH. Of course.

Let me make this suggestion. There is no reason why this language cannot be made to conform to our objective. It is a simple objective. We have been through two wars—one in Korea and one in Vietnam—which were really commenced by executive decision. We are in a situation in Laos in which it took extraordinary efforts on the part of Congress even to get information concerning the nature of our involvement there. So if we are going to reassert our prerogative—which I think we all want to do—as a part of the constitutional process in determining questions of war and peace and the nature of the foreign policy of the United States, we ought to draw some lines with respect to Laos and Thailand.

All we would have to do to accomplish that would be to revise the proposed amendment in the following manner:

SEC. 643. None of the funds appropriated by this Act shall be used to finance the introduction of American combat troops in Laos or Thailand.

I think that would accomplish our objective.

Mr. FULBRIGHT. "Ground."

Mr. CHURCH. We could put "ground" in. That would accomplish our purpose, and it would reassert our right to determine how public money should be used in foreign countries, particularly in so sensitive an area as Laos and Thailand.

I should like to offer this as an amendment to the amendment offered by the Senator from Montana and the Senator from Kentucky.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk, please?

Mr. MONTOYA. Mr. President, I should like to ask——

The PRESIDING OFFICER. Will the Senator from Louisiana indicate whether he has yielded for the purpose of an amendment being offered to the amendment?

Mr. ELLENDER. First, I will yield to the distinguished Senator from New Mexico, and then I will continue with the answers to the questions submitted by the Senator from Arkansas. If Senators desire to take action immediately on this amendment, we can do so shortly.

Mr. MONTOYA. I think there is unanimity here, in that there is confusion about what this amendment means.

I was going to ask the majority leader, in view of his interpretation, if he would consent to the following language in his amendment, so that it would read as follows:

None of the funds appropriated by this Act shall be used to provide combat troops for the support of local forces in Laos or Thailand, except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, or to provide training for such local forces.

The words added to the amendment would be after the word "used," and the new words would be "to provide combat troops."

Mr. ELLENDER. "Ground."

Mr. MURPHY. "Ground troops."

Mr. MONTOYA. "Ground combat troops" could be used, or "combat troops." "Combat troops" is a more generic term.

Mr. CHURCH. Mr. President, if we took 5 minutes for a quorum call, I am sure we could work out language satisfactory to all concerned.

Mr. ELLENDER. Mr. President, we are in executive session now, at the request of the distinguished Senator from Montana and the distinguished Senator from Arkansas, and I will not yield further until I have finished with the answers to the questions of the Senator of Arkansas.

Mr. AIKEN. Mr. President, will the Senator yield for a brief question?

Mr. ELLENDER. I yield.

Mr. AIKEN. Mr. President. I have a brief question. Now that so many Members of the Senate have decided that the majority leader does not know what he means with his proposed amendment, will the Senator from Louisiana proceed with his explanation, as he started to do? That is my question.

Mr. ELLENDER. Question No. 2: "What commitment, written or implied exists between the United States or its agencies and the present Royal Laotian Government or its Prime Minister, Souvanna Phouma?"

This question was answered in my reply to question No. 1.

Question No. 3: "What military assistance, including manpower, materiel, and training, is the United States providing through this bill?"

As I stated previously, this bill includes approximately $90 million for the support of the Royal Laotian Army pursuant to specific authority included in the Department of Defense Procurement and Research and Development Authorization Act. The arms and ammunition the United States provides are within the framework of the 1962 Geneva Agreements. Article VI of the Protocol to the Agreements permits the introduction in Laos of armaments, munitions and war materiels necessary for Lao national defense.

[Deleted.]

I have here a list of what this money is to be used for. If Senators desire, I can go into every item named here. Otherwise, it is available to Senators to look at.

Mr. FULBRIGHT. Mr. President, will the Senator yield, for clarification?

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. The Senator said it is approximately $90 million for the Royal Lao Army.

Mr. ELLENDER. That is correct.

Mr. FULBRIGHT. [Deleted.]

Mr. ELLENDER. That is in another matter. As I said to the Senator from

Arkansas earlier, this is an item that cannot be identified.

Mr. FULBRIGHT. I want to reiterate, since more Senators have entered the Chamber, that I do not at this time raise a question as to the wisdom of these activities. I raise the question only that Senators ought to know what they are voting on.

Mr. President, it seems to me that every Senator is entitled to know, if he is voting for this bill, that he is not only voting $90 million for the Royal Lao Army [deleted].

The Senator from Arizona, a moment ago, made a point which led me to believe he would be in favor of authorizing these activities. If they are in the interest of this country why must they all be kept secret? The only reason in the world I brought up this matter was not to argue with the Senator that we should not be bombing in the north [deleted] but so that Senators would know, among other things [deleted].

These [deleted] are as much as the entire budget of the country of Laos. It is approximately the same as the budget of the Laotian Government.

After Senators know all these things, judgment must be made on whether it is in the interest of the United States to continue this escalation of a conflict in Laos, which could well lead to another Vietnam.

A few Senators have said it is a great tragedy. We have gotten bogged down in Vietnam. It is simply that we should know what is involved in this matter. I do not understand, in view of what was said by the Senator from Arizona, why it is not also proper to say, "Yes, this is what we are engaged in, and it should be authorized."

Mr. ELLENDER. The Senate now knows it, since the Senator announced it.

Do Senators desire me to read how many rifles are involved?

SEVERAL SENATORS. No, no, no!

Mr. FULBRIGHT. Summarize it. What is the materiel?

Mr. ELLENDER. What is the money for? It is going to be used to purchase carbines, rifles, machine guns, artillery, and engineering equipment. It states the amount to be spent in each category. Approximately one-third of the total is for ammunition.

Question 4: As of today, what is the total number of U.S. military personnel in Laos and describe the manner in which they operate?

Answer: There are [deleted] U.S. military personnel stationed in Laos. These are either part of or attached to the attaché staff. [Deleted.]

With regard to personnel stationed in Laos, the U.S. Ambassador has jurisdiction over all U.S. personnel and U.S. activities in Laos, including the military I just mentioned.

Question 5: Describe in detail activities over Laos of U.S. Air Force, including both those activities, if any, based in Laos, and those, if any, based in Thailand.

(a) What, if any, is the current monthly sortie rate over northern Laos for U.S. Air Force aircraft?

(b) How does that rate, if any, compare to one year ago and two years ago?

(c) The contemplated sortie rate, if any, over northern Laos in the coming 12 months?

(d) How do these sortie rates, if any, compare to U.S. Air Force sorties directed toward the Ho Chi Minh Trail?

Answer: The U.S. conducts photo and recon missions over Laos, and as the President said, interdiction of the Ho Chi Minh Trail.

(Deleted).

Question 6: What, if any, have been the total number of U.S. military personnel killed, wounded, and missing in North Laos since 1962?

Answer: (Deleted). Casualties in Laos are included as part of the total casualties in Southeast Asia. They are not broken out separately.

Question 7: How does this compare to personnel lost in operations solely against the Ho Chi Minh Trail?

This was covered in my reply to question number six.

Now, Question 8: What is the amount of the personnel, operating and maintenance and military assistance which is included in the bill for Laos and Laos-related activities?

Answer: Approximately $90 million is included in fiscal year 1970 Appropriations Bill for support of the Royal Laotian Army.

(Deleted).

That is all the questions.

Mr. McGEE. Mr. President, I think that——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Wyoming?

Mr. ELLENDER. I yield.

Mr. McGEE. Mr. President, I think that our discussions here have reiterated the point which I make again; namely, that there is great uncertainty as to what we can put into words. The meaning of those words will vary widely, and it seems to me, in reflecting upon them, that all it can do is to complicate the problems of the President, as he seeks to pursue disengagement. It could even give the wrong impression to the other side at a critical moment like this.

Therefore, to try to protect as much as we can, I would move to table——

Several Senators addressed the Chair.

Mr. MANSFIELD. No, no—just a moment—Mr. President, if we are going to vote, we should vote in open session. I intend to be heard on it. There will be no tabling motion, or any other kind of motion, in secret session.

Mr. McGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wyoming will state it.

Mr. McGEE. Is a tabling motion in order?

The PRESIDING OFFICER. A tabling motion is in order if the Senator from Louisiana (Mr. ELLENDER) yields the floor or yields for that purpose.

Mr. ELLENDER. Mr. President, I yielded to the Senator from Wyoming for a question. However, I have nothing further to state, unless there are other questions to be asked.

Mr. MANSFIELD. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. I think that we should have our votes on this matter in public, that we should not evade the issue, that we should face up to it. Senators will recall during the last executive session that this matter came up and we decided to vote in public.

Let me refer to what the distinguished Senator from Kentucky said when he introduced practically this same amendment in September of this year, an amendment which was agreed to by the distinguished Senator from Mississippi (Mr. STENNIS) the chairman of the committee, and the Senate as a whole.

Mr. STENNIS. Mr. President, will the Senator from Montana yield at that point?

Mr. MANSFIELD. I yield.

Mr. STENNIS. On the basis that it did not apply to the funds in the bill then being considered.

Mr. MANSFIELD. That is correct. But let me read what the Senator from Kentucky said in his letter to all Senators on September 15:

I will introduce the enclosed amendment, or one substantially similar on September 17 and will ask that it be made the pending business at the first opportunity. The amendment would not affect clause (1), or restrict the support of Vietnamese or other free world forces fighting in Vietnam. It would prohibit the use of funds for the engagement of the armed forces of the United States in combat in Laos and Thailand in support of local forces of Laos and Thailand. Its purpose is to prevent, if possible, the United States from becoming involved in a domestic war in Laos and Thailand, without the authority of the Congress.

And then he enclosed a copy of his proposed amendment, which is almost similar to the amendment now before this body.

At that time, in explaining his amendment, he said:

My amendment is designed to prohibit the use of our Armed Forces in combat support—in combat support of local forces in Laos or Thailand and to keep them out of situations in which they might become engaged in combat which could lead to war in Thailand or Laos as it did in Vietnam. The language means our forces cannot be used in combat in support of local forces unless an emergency arose where the President's constitutional authority would come into play except by joint authority of the Executive and Congress.

Thus, I think, despite the fact that there is a certain amount of confusion, the Cooper amendment speaks for itself. I do not think it needs any change. The intent is clear, not only at this time but during debate on the authorization bill, and I would hope it would be accepted so that this Congress could go on record once again as backing up the national commitments resolution which it passed some months ago.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York (Mr. JAVITS) is recognized.

Mr. AIKEN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I think the distinguished Senator from Montana knows exactly what the amendment means. It means that we will permit our Government to continue doing in Laos what it is doing now, but would prohibit the start of another Vietnam war in that area.

I believe, further, that the vote on this amendment will be interpreted by the country as a decision that we are supporting President Nixon's efforts to withdraw honorably from Vietnam and deescalate out forces, as he is doing already.

Mr. JAVITS. Mr. President, I should like to have a word—and I shall be happy to yield to the chairman. The words of the amendment are confusing. The words will not do what the majority leader says he wishes them to do. But the words can be changed.

I would propose, if we have the opportunity to propose, how the Senate can work its will if it wants to do what the Senator from Montana says the amendment does. It does not do it.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. The Senator from New York was on the floor of the Senate when the Senator from Kentucky (Mr. COOPER) offered this amendment in September. The Senator from New York did not raise an argument then. The amendment was spelled out then; it is spelled out now. It is practically the same amendment which we are considering at this time.

Mr. JAVITS. I do not know whether I was on the floor of the Senate or not. I hope the Senator will not be upset with me. I am trying to help the Senator to accomplish what he desires, in a way in which the Senate can legislate with dignity. I am not trying to cross him at all; I am trying to be helpful.

This must be done here; it cannot be done in public. [Deleted.]

He merely wishes to inhibit two things, as I understand: first, the use of American combat troops; second, the support of local troops other than in respect to logistics and training. That can be accomplished with words, retaining intact the right to bomb from Thailand and from South Vietnam, and to inhibit the use of American combat troops in Laos.

But I respectfully submit that these words—whether I was on the floor of the Senate then or was awake or asleep—do not do that. They do not have anything to do with combat troops, but deal only with the use of these funds for the support of local forces and how they shall be managed.

Second, this is a real constitutional test. This is the first time we are trying to match the power of the Senate with the power of the executive. We have got to make both work, because we will not retain our power unless we make them work.

The commitments resolution says that we may act either by a declaration of war or by a concurrent resolution. As to Southeast Asia, we have acted by a joint resolution—the Gulf of Tonkin resolution. That resolution is ample enough in its words to quality under the commitments resolution. It lets us do everything we want to do in Laos and Thailand as well as in South Vietnam.

Now what we are trying to do is to limit that resolution to some extent, which I think, as I understand, is right and important to do in an appropriation bill, unless we want to repeal the Gulf of Tonkin resolution altogether.

Therefore, if the opportunity presents itself—and I hope very much that the Senator from Wyoming (Mr. MCGEE) will not press his motion to table—I shall seek to modify, with all respect to the Senator from Montana (Mr. MANSFIELD) and the Senator from Kentucky (Mr. COOPER), so that the Senate may know what we are doing.

I shall move to amend the proposal to read as follows:

> None of the funds appropriated by this act shall be used for ground forces in Laos or Thailand except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, for the support of local forces or to provide training for such local forces.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. The thing that frightens me about this amendment is this: Are we not inducing and encouraging North Vietnam to intensify its infiltration in Laos to the disadvantage of our plan to withdraw troops from South Vietnam?

On second reflection, after reading the amendment of the Senator from Montana very carefully and listening to his explanation, I think we should either accept his amendment or do without his amendment, because if we become too clear, I am afraid that all we are going to do is to hint to our enemy to the extent that he will intensify his infiltration in Laos, and thereby disrupt the President's plans to withdraw troops from South Vietnam.

We all know that is what we mean. The Defense Department knows what we mean. We have been assured time and time again that they do not intend to use combat forces. We recognize the fact that they are not using combat forces in Laos. Therefore, why do we not let that stand there and rely on one another's integrity, rather than put ourselves in the position of encouraging the enemy to intensify the infiltration because they know what we are going to do?

Mr. JAVITS. We have already in the sense used by the Senator encouraged the enemy by what we have done, all they need to be encouraged, by everything we are doing, including with our own forces reductions in Vietnam. We are not going to give them any more signals that we do not intend to intensify the war.

Now we are looking into our own situation. We do not want to get into another situation where, without our knowing—and Senator Fulbright is right—a lot of things get done, and then they are faits accompli whether we like it or not.

I am not going to go into the details of how the Gulf of Tonkin resolution was recommended and discussed, and how it was used, and the toll in lives as a result.

I will say this to the Senator from Montana: I will offer no amendment unless he wants it, but I am telling him that the words he has proposed do not do anything like he has in mind to do; but if he wants it that way, I will leave it that way.

Mr. MANSFIELD. I disagree.

Mr. FULBRIGHT. Mr. President, the purpose of my submitting the questions I did to the chairman of the Appropriations Committee was simply, as I will state once more, to have this matter discussed so Members of the Senate know what they are doing. In effect, we are spending, if I understood the figures in answer to my question [deleted].

About [deleted] we are spending in a different war going on within Laos between the Royal Laotian Army, the Pathet Lao, and whatever troops the North Vietnamese have infiltrated there, which are estimated to be about 50,000. [Deleted.]

I do not see any reason why this should not be authorized if it is in our interest. I do not believe it is. If I understood correctly from the remarks of the Senator from Arizona, he may not agree with that. I do not want to put words in his mouth, but he believes this is of such a nature that we ought to do it.

This is not anything new. The origin of the war is not attributable to this administration. This is no partisan effort to pin anything on this administration. It is a question of the role the Senate plays in matters of this kind.

I shall not reiterate what happened on the Gulf of Tonkin resolution. I had a part in that, and I am not proud of having been taken in by the then administration and, in my view, deceived. In not having asked the kind of questions we are asking here today, it is possible that that experience has made me more sensitive to being deceived by any administration than I otherwise would have been.

I think it is important that Members of this body who have to explain this to their constituents at least know what they are voing for. It might be embarrassing to any Senator if he is not aware of the war in Laos to have someone say to him, "I have a friend whose son was killed in a bombing raid over North Laos." As a matter of fact, I had, in my prepared statement, excerpts of letters from members of families where sons had been flying over North Laos. One of them is from a wife of a soldier who has not returned. These are letters that came to me as a Member of the Senate. They are not classified. I was intending to read them in open session, but we went into executive session before I could. I will put them in the RECORD after we are back in open session.

We ought to know about this, the size of it, and also whether it is in the national interest. I think it is a question we have to raise.

But that is not the question I was trying to solve in executive session. I was simply trying to make every Senator aware of the kind of actions we are persuing, and then we can draw our own conclusions as to whether or not, in continuing to escalate this activity as we have since the beginning of the year, we are running the risk of another Vietnam, of going far beyond the intentions, I believe, of the present administration.

We are led to believe—and I believe—the figures about the deescalation in

Vietnam, but I have seen very little published on this matter in Laos. Some persons say this has all been in the papers. I have never seen much of it in any newspaper.

In some of the testimony, when we asked this question of our Ambassador [deleted].

This practice as between the legislature—the Senate—and the Executive, with respect to our Ambassador [deleted] is an unacceptable practice. I have been in this body 25 years, and 2 years in the other body, and I have never before heard an ambassador tell the committee that he cannot talk about [deleted], under instructions. He said he had been instructed [deleted].

I have never heard before any ambassador take such a position.

Recently, the fifth amendment was taken by Army officers, but that is also less unprecedented. Here we had [deleted].

This again indicates a certain attitude on the part of the executive branch—and I do not say it is just this Executive, but the previous administration, too. As a matter of fact, Mr. Katzenbach went further than anybody had ever gone before in denigrating the role of the Senate in the whole matter of foreign relations, especially the war power.

I thought it was my duty to raise this question. The central question is whether this body had a right to know what it is voting on. This is an appropriation bill. We are appropriating at least $400 million, which I do not really believe is authorized, because it is very far removed from the activities in Vietnam, and I believe that as to Laos, we are violating the 1962 convention. I do not believe that it is acceptable; I do not believe it is, in international law, that if someone else violates the laws, you are also entitled to do it. You are in a case of genuine self-defense. If this was a threat to the security of this country, of course, we would be entitled to defend ourselves. It is quite a different international question, to maintain that we are entitled to [deleted] against an enemy in northern Laos, when the situation in Laos has very much the aspect of a civil war.

The war in Vietnam began, before we ever had any combat troops there, as a civil war. Once we entered it with combat troops in the Kennedy administration, then it became an international war. But I believe most people would agree it was a civil war until we did send combat troops into South Vietnam.

In Laos, we do not yet have ground combat troops, I would certainly support and do support the objective of the amendment of the Senator from Kentucky and the Senator from Montana that we do not want to put in ground combat troops. I do not want to continue the activities of bombing without our knowledge or authorization. If we wish to authorize it, that is another matter.

I would close with this thought: It is not only the secrecy in Laos. We run into the same thing in the Philippines and Thailand. [Deleted.]

I do not see that that is a good excuse. Recently, in the Philippines, we found they do not wish to make public the agreements that have been made, by which you use your constituents' money and the prestige of this country in an agreement with the Philippines as to what we pay for their troops.

It has been said here that it is much better to hire troops than to send our own boys. Well, it may be, especially if the war is not in your national interest and not in defense of your own country. Whether or not it is a proper policy to hire troops to go fight anywhere around the world where your true interests are not involved, and you make a mistake—which Vietnam has generally been agreed by many Senators to be—is quite another matter from defending your own homes.

But in any case, in conformity with the hearings conducted by the Senator from Missouri—and I am very sorry he is not here, but he has to be away because his wife has been very ill—the only reason I brought this up, and I think he would have if he had been here, is to make the point that we run into this attitude on the part of the Executive that these matters are not the affair of the Senate, that we are not entitled to know what is going on and where vast sums of money are being spent, that it is a secret matter, so secret they cannot even tell the Senate.

That is the essential reason why I thought this discussion was in the national interest.

Mr. CHURCH. Mr. President, will the Senator yield to me for a question?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. I think we are all agreed that the Senate ought to exercise its constitutional responsibility as intended by the commitments resolution. The Senator remembers the Gulf of Tonkin affair, as well as anyone in this Chamber. Is it not true that, at the time, we acted in the context of a situation in which we were told that American destroyers had been attacked on the high seas, and that certain retaliatory strikes had been made by our Navy in response? Thereupon, we hurriedly passed a resolution authorizing the President to take whatever action was necessary in Southeast Asia to protect the interests of the United States.

We did not draft that resolution with sufficient precision, and afterward we learned that the resolution was being used by the President as justification for sending half a million American troops into a gigantic ground war in Vietnam.

Now we face the first opportunity, today, to reassert the constitutional responsibility of the Senate in compliance with a resolution we passed earlier in the session, and the question is: Are we going to assert our authority to protect this country from involvement in another Vietnam, in Laos or Thailand, without the consent of Congress?

The language with which we are presented is just as imprecise, if not more so, and much more ambiguous than the language we used in the Gulf of Tonkin resolution.

I think if we are to assert our responsibility we should do so in clear and precise language. That is the lesson of the Gulf of Tonkin resolution; and, in the face of that lesson, we certainly ought not to be content with language as vague and ambiguous as that contained in the amendment offered by the distinguished majority leader. I would implore him to consider some revision of that language which would make it perfectly clear that we are undertaking to restrict the use of the money in this bill to bar the financing of American ground troops in Laos and Thailand. I think the language can easily be made perfectly clear, and if we are going to speak at all we should not speak in an ambiguous way, but in a way that makes it clear, not only to us, but to the President and everyone concerned, just what we mean.

On this basis, I ask the majority leader to reconsider the language in the amendment he proposes. I want to support it, but I do think it does not carry out the intent he wishes.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator.

Mr. MANSFIELD. Mr. President, there was nothing ambiguous about the language in the Gulf of Tokin resolution, nothing ambiguous at all, and maybe there is a point to be made in not being too clear in what you write down, but in following out the intent as expressed at the time.

The distinguished Senator from Kentucky knew what he was doing, and he studied this language. He made its intent clear during the time that the authorization bill was before us for consideration; and I have tried to make it as clear as he did last September.

I would point out that you can make language so clear that, in becoming clear, you become involved in places like Laos and Cambodia on a ground combat basis.

There is no question as to what the intent of this "ambiguous language" is. I do not think I could change it. I am certain the Senator from Kentucky would not. I think this is a good amendment, is in accord with the national commitments resolution, and is certainly far more effective, I think, from a senatorial point of view, than the Tonkin Gulf resolution was. We got taken in by that, but we will not get taken in by this.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I shall yield further in a minute.

It is true that the language of the Gulf of Tonkin Resolution was not ambiguous. What was ambiguous about that proposal was, first, that the representation about what actually had happened in the Gulf of Tonkin actually was not true, and second, that the President stated clearly that the purpose was not to widen the war, not to bring in North Vietnam. He was of the view, and all of the administration spokesmen were, that if we would show unity, and do it quickly, the resolution was designed to prevent any widening of the war, or any further belligerent activities on the part of North Vietnam. I would say that the committee and, through the committee, the Senate, was deceived.

Mr. HOLLAND. Mr. President, I certainly agree with the motives of the distinguished majority leader. I think he has made those motives clear. He wants to prevent our involvement, or Senate approval of our involvement, in any ground war in Laos.

However, I agree completely with the Senator from New York that the wording of the amendment, which I understand is really the wording of the Senator from Kentucky, does not limit itself to that purpose or that motive.

I noticed, and I hope the majority leader will follow me, that when he read the two excerpts from the statements of the Senator from Kentucky in September, when we were debating the authorization legislation, that neither of those statements applied only to the Armed Forces which are used on the ground. They might be interpreted just as clearly as referring to the Air Force. The Senator from Arizona has already made it entirely clear that we are using the Air Force over Laos [deleted], and that we are continuing to so use them and will continue to so use them.

Mr. President, I was hoping that we could find words here to make the amendment apply only to any use in the future, or at any time, of ground forces there without the concurrence of Congress.

Mr. President, I find, however, that those on the committee, several of them, feel that if we used those limiting words and made it clear that we were talking only about the use of ground forces and were preventing or prohibiting the use of ground forces there, we might, as stated by the Senator from Rhode Island, be simply inviting ground infiltration of larger numbers of ground forces from North Vietnam and perhaps even from Red China.

So it seems to me, reluctant as I am ever to vote for the laying on the table of a well-intended amendment—and particularly when it comes from the majority leader—it seems to me that is about the only thing we can do.

I might say if we agree to the amendment as it is now, when it certainly relates and can be held to relate to the Air Force as well as to the other forces, because it says, "none of the funds appropriated by this act shall be used for the support of local forces in Laos or Thailand" that it does not limit itself to ground support.

It does include, by possible, and by reasonable interpretation, the Air Force. And if we should agree to an amendment in those words and the Executive would continue to use the Air Force as it is now used, I think it would be interpreted by many editorialists and fine citizens from one end of the country to the other as meaning that the President was violating the decision of Congress as written into the act.

It seems to me that we are caught in a situation under which we can do little else except lay on the table the amendment.

I fully agree with the Senator from Montana that the action shall be taken in a public meeting. I have no feeling that that should not be done.

Mr. MANSFIELD. It will be.

Mr. HOLLAND. However, my feeling is that that is the only thing we can do, unless we are permitted to limit this to the prohibition of the use of ground forces in Laos. And there seems to be substantial reason why we cannot so limit this amendment.

I regret that we are in this position. I regret that the Senator from Kentucky cannot be here. I appreciate the loyalty of the Senator from Montana in trying to stand by the amendment of the Senator from Kentucky. However, I do not believe the amendment is limited to what the distinguished Senator from Montana would like to limit it.

And being in a much more general condition, I do not think we should adopt it at this time. I feel that it should be laid on the table.

Mr. McCLELLAN. Mr. President, I should like to address a question to either my distinguished colleague, the chairman of the Committee on Foreign Relations, or to the leadership, whichever one might be willing to answer it.

I am concerned, and have been all along, about all of the actions we take that put us in an apologetic position in world opinion and esteem with respect to the war in Vietnam.

It seems to me that for a long time about all we have been doing is giving encouragement to the enemy. I say that in all deference.

If we are going to pull out unconditionally, then let us pull out and get it over with. I am persuaded that what we are doing is slowly and maybe painfully—maybe that is what we intended to do and will do ultimately—turning over Southeast Asia to whoever wants to grab it up—and I think we know who will grab and subvert it.

Aside from that, I point out before I propound the question; that I think we should have learned our lesson. I seldom talk about this issue. However, I think we should have learned from our experience in South Vietnam and in South Korea that we should never go into another war, with ground troops or otherwise, except that we go in to win.

I think that has been our tragic mistake and that if entering the Vietnam war was a mistake, then our not fighting to win has compounded that mistake.

We have telegraphed from our Government to the other side the message we do not want to win a victory, rather that we are just begging the other side to quit.

That strategy has not worked. It will not work, in my judgment.

If we are to give another signal with this resolution, it will avail us nothing. As now written, this proposed amendment can be interpreted as one chooses. As has been indicated in this debate, the leader can interpret it as he wants to. I can put a different interpretation upon it. And so can anyone else. It is very ambiguous. However, the best way to approach this, if that is what we want to do—and I am perfectly willing, because I do not think the President should commit ground forces there without the consent of Congress—would be for this body to have an understanding with the President that he will not do it. That, it seems to me, would be sufficient. If he gives us his pledge that he will not do it without coming to Congress, I will take his word for it. He is the President of the United States, and there is no reason for any of us to doubt his good faith and assurances.

If we do that, we will not need the pending amendment in the form in which it is offered. I cannot vote for it in the form in which it is offered. If there are certain modifications made and the matter comes to a vote, I will vote for it.

But I doubt the wisdom of this procedure.

Many things we have done publicly have not been a credit to, or in the interest of our country. I do not blame the other side for not negotiating. Why should they? They appear to be getting what they want without making any concessions. If we keep going as we have been, unless it is possible to so effectively Vietnamize the war that the South Vietnamese can take it over and win, the Communists will soon take over South Vietnam.

I for one, would like to know that Congress will be consulted before ground troops are committed, and I do not know of anyone that does not want to know. Perhaps I am mistaken, but I think that is a sentiment of the Senate. Why not do it by taking the word of the President and relying upon it?

We can always take action if we need to do so. However, I would rather do it that way than to signal again to the other side that our country is divided and will become further divided; that we continue to fight among ourselves and that some want to give the enemy their way about everything. And they are getting their way more and more as we continue to make concessions without any comparable action whatsoever from the other side.

I would rather to do it with an agreement with the President. And I think we can accomplish more by that approach and better protect our country than we can by adopting this proposed ambiguous amendment.

Mr. McGEE. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I yield to the Senator from Arizona without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, if the majority leader's decision holds that the vote will be outside the executive session, I suggest to the majority leader that he declassify the executive hearing.

I think it would appear rather foolish to the American public to have the result of a vote without being able to read what we were voting on and all of the argument and debate.

I say this with all due respect. Frankly, outside of [deleted] there is nothing that could not be declassified.

I suggest to the majority leader that in the interest of the country, if we have a public vote, the record should be made

public. If it has to be sanitized, let it be sanitized.

I think that too many things have been said today that have long needed saying. I think the American public would be encouraged and strengthened if it could read some of the remarks that have been made, even if we have to delete some of the numbers and make some declassification, and I would hope that the majority leader would take the proper steps to see that the record, as we have listened to it today, will be made available to the public.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. MANSFIELD. We will follow the usual procedure agreed to by the Senate on all previous occasions in which we have been in executive session, by means of which it will be up to the chairman of the committee in charge of the bill—to wit, in this instance, the distinguished senior Senator from Louisiana (Mr. ELLENDER)—to approve, to sanitize and to clear the final version, just as it was up to the distinguished Senator from Mississippi (Mr. STENNIS) when a similar occurrence arose during the consideration of the defense authorization bill.

So far as I am concerned, I believe that the Senator from Louisiana will not be picayunish, that he will be pretty broad in allowing what can get through. Frankly, I have heard nothing in this executive session which I think should be kept secret, but I think the precedents of the Senate should be and must be upheld, and we will leave the final determination as to what the sanitization is to the distinguished Senator from Louisiana.

While I have the floor, let me say that I have been listening with interest to the arguments against the language in the Cooper amendment. "Ambiguous" does not get to the point. We ought to be more definite; we ought to be more clear.

May I point out that one amendment to the amendment offered is as follows:

> None of the funds appropriated by this Act shall be used for ground forces in Laos or Thailand except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, for the support of local forces or to provide training for such local forces.

The effect of that would be to put U.S. combat troops in Laos.

So I think there is something to be said for ambiguous language, and there is a great deal more to be said for the intent of the Senate.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. TOWER. I suggest that the Senate resolve itself back into open session. I think that way we will bring this matter to a conclusion a little earlier.

Mr. MANSFIELD. We will.

Mr. CASE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. CASE. I wish to express agreement with the conclusion just stated by the majority leader. The language is ambiguous. Our beloved colleague, the Senator from Kentucky, has a very subtle mind, and so does our majority leader.

Mr. MANSFIELD. Not I.

Mr. CASE. The Senator from Montana has. This is said very kindly. That language could be interpreted to exclude, as the Senator from Kentucky said in the statement the Senator from Montana read about it, it seems to me, air support. I do not think there is doubt about that. The Senator from Florida made that point. If by "combat troops" is going to be meant just ground combat troops, that is all right.

I am going to support the ambiguity, because I think any public statement we make is likely to get us into much worse trouble in the world than just repeating what we have said before. I think we can all agree on one thing: We are not going to have American foot soldiers go in there. Beyond that, I am not sure what this amendment would do, and I do not think it matters too much. But, on the basis that there is a great deal of ambiguity here as to exactly what may be permitted, so long as that one basic thing is excluded, that is the medicine we had better take today.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield.

Mr. THURMOND. Mr. President, I feel very strongly about the words uttered by the distinguished Senator from Florida and the distinguished Senator from Arkansas about what constitutes the proper course for us to follow. I have been to Vietnam. I have firm convictions about the matter. I am of the opinion that we could have won the war long ago, and should have done it, and we are fighting the war in Vietnam now because we did not win in Korea. If we do not win this war, we will fight again.

The Senator is just as right as he can be when he says we should not go into a war until we have to; that once we get into a war, we ought to win it. But that is beside the point at this time.

The question now before the American people is, what course can we, the Senate of the United States, follow to help to bring the war in Vietnam to a close as soon as possible?

I am convinced that any words we utter or any action we take indicating division in this country will tend to extend the war. I am convinced that the moratorium march in Washington opposing the Vietnam war helped to extend the war, because it showed a division in this country. Other similar demonstrations will do the same.

I am firmly of the opinion that we should table this motion, as the Senator from Wyoming indicated he would like to do, and leave this matter with the President, Let the leaders of the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations confer with the President. If they cannot work something out, then the Senate can consider any other action.

I should think that the best thing to do today would be to stand behind our President and show unity. I hope the Senate will follow that course.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. McGEE. I yield to the Senator from California.

Mr. MURPHY. Mr. President, I have sat quietly in the background, and I have listened attentively. With all due respect to the majority leader, I think the mere fact of the amount of time we have been discussing the meaning of the amendment is evidence enough that there is a misunderstanding.

I do not think there is any great division of opinion as to what happened in the Gulf of Tonkin. I do not think there is any great division—I do not see how there can be—among those who have read the record, that the entire involvement in Vietnam has been a series of mistakes. The involvement in Korea began with a mistake, and then we went on from one mistake to another.

I think the distinguished Senator from Arkansas made a very wise statement when he said that we ought to try to find our way out of this morass. I do not think we accomplish anything by permitting any thought or feeling or word to come out of the Senate which would further confuse or further divide the American people.

I do not think anyone in this Chamber does not know and understand that contrived confusion, division, and polarization has been the most important tactic of the enemy for at least the past 2 years.

So I would say that two things occur: First, we are talking about a condition that I am not sure really needs our attention at this time. The President of the United States, who has done more to get us out, who, I think we all agree, is trying sincerely to bring it to an end, has said that there will be no more Vietnams. I think we can trust him. Until we find out to the contrary, I believe we should trust him. So I do not think it needs any embellishment on our part.

As the Senator from Arkansas (Mr. MCCLELLAN) has suggested, I think that perhaps there should be a policy, an arrangement, an agreement, whereby, before this ever happens again, the legislative and the executive branches would sit down together. I can envision circumstances in which, if the debate went on as long as this debate has gone on, as to possible action needed, the action might be lost before our decision was made. This is perhaps one of the reasons why, at the outset, the Chief Executive was charged with these matters.

I would suggest that we be very cautious. First of all, we should find out exactly what we want to accomplish and make sure we are doing it. I must say that, after listening attentively to all the explanations and to all the divisions of opinion, I am not certain what might result. I do not want any more American troops to go anywhere to fight.

But I also do not want to signal to the enemy, who are watching carefully, who are listening carefully, who are very sensitive, and in these matters of attempting to divide our citizens, adept. They are experts. They have played the propaganda game successfully for 35

years. I know something about it; I have studied it.

They are wondering what we are saying here and how to use it to their advantage. Senators know as well as I know that there is not anything they do that is not motivated from political considerations, including their military activities. It is always planned for political effect and it always has been. If we are going to vote on this matter in public, I assume we will have a discussion and an opportunity to be heard in public; and that we will have an opportunity to vote on a resolution under which there will be no question as to what is the exact meaning. Before we vote in public I hope we all take into full consideration what we would be accomplishing with regard to the general welfare, future, and safety of our country, to make certain we will never again be hoodwinked by something like the Gulf of Tonkin resolution.

I think we have talked a long time, and I think everybody understands the matter quite well. I would be perfectly happy if we could get on to other matters.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McGEE. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, however, I want to say the Senator from Montana knows exactly what he intends with his resolution. It is perfectly plain to anyone who wants to understand it. We have, of course, many different types of people and many different schools of thought in this country.

We have those who want to get out of Vietnam precipitately, regardless of the cost; we have those who want to go on expanding the war until victory is achieved, regardless of the cost in lives and dollars; and, then, we have those who believe that peace can be restored in Southeast Asia if we approach the subject in a sensible manner with a gradual withdrawal, such as President Nixon is now attempting to do.

I just want to say if there are any misunderstandings about the Senator from Montana or the Senator from Kentucky, they can be applied equally against the President of the United States who is trying to bring about peace over there and to do away with the excessive expense and who, I judge, is opposed to war for the sake of war.

Mr. McCLELLAN. Mr. President, I posed the question in my previous remarks. Can anyone answer it, primarily the leadership on either side and the chairman of the Committee on Foreign Relations that has jurisdiction over these matters? I would like to know whether the President has been consulted with respect to any plan to put any ground troops into Laos?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I come back to the question: Why cannot this matter be resolved simply by an understanding with the President that it will not be done except that he comes to the Congress for approval?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. It seems to me if that has not been done, to take this action precipitately is somewhat an affront to the President.

I trust the President. I agree with the distinguished Senator from Vermont that he is doing everything he can to get us out of the Vietnam situation. I think he is acting in good faith. I hate to vote for something here that I think would cast an aspersion or reflection that the Senate doubts the President's good faith. It has not been done; I know of no threat to put ground troops in there. Why then should we take this proposed action?

It seems to me a simple conference, a simple communication between the leadership of this body and the President, and his response thereto would be sufficient to allay this whole issue.

We can put our confidence in that approach and that is the way we should operate. If we must have a vote on this resolution, I cannot support it in its present form.

The President said that we are not going to have any more Vietnams. I trust him, but if we have any doubt, why not contact him and get an assurance we could all accept and rely on.

Mr. McGEE. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, no Senator raised any question about mistrust of the President, nor should any Senator do so.

What we are trying to do in this amendment is support the President, who has said that he will not send ground combat troops into Laos. His words have been backed up by his Secretary of State, who said, in response to a question concerning the possibility of being involved in Laos on a ground combat basis:

> The President won't let it happen.

Continuing, Secretary of State Rogers said:

> I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us.

I applaud the Secretary of State and the President of the United States for their statements, sentiments, and intent. But I remind Senators that we are a part of this Government, too, and that we share a part of the blame, a good part, for getting involved in Vietnam.

I would hope we would get behind this resolution which means something and is meant to be helpful to the President so that we can put into effect what we decided to do in our national commitments resolution.

Mr. McGEE. Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, first, I wish to make the record clear so that the record is not confused. In the remarks of the Senator from South Carolina, and I believe one other Senator, I do not believe he said, "distinguished senior Senator from Arkansas" but he should have.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. THURMOND. I meant senior Senator from Arkansas.

Mr. FULBRIGHT. I just wanted to make clear that he was referring to the senior Senator.

With respect to the matter of trusting the President, certainly I did not wish to raise that question. The Senator from Montana put it on a proper basis. This is a constitutional question and the Senate has a role to play. I say once more the purpose of my actions here today was to inform the Senate so that we could play that role with full information about what we are doing in this area.

However, it does not seem to me this question of trusting the President should be brought up in this fashion. I supported very strongly the previous President, President Johnson. He ran on a platform in 1964 of no wider war. The Senator from Arizona will recall the nature of that perhaps a little better than I. I supported President Johnson. One of the issues, and I believe the Senator from Arizona will agree, was "no wider war."

President Johnson said throughout the summer and early fall of 1964 that he was against a wider war.

I believe the Senator from Arizona did advocate some of the things that were later done by President Johnson.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. In his heart he knew I was right.

Mr. FULBRIGHT. As I look back upon it, I believe you were, too. Anyway, I did not support the Senator from Arizona. I supported the Democratic nominee. We know what happened.

As far as the nominee making a commitment that he is going to follow a particular policy in a war, I do not believe President Johnson followed what he made me believe was his policy. I do not believe the Founding Fathers intended our system to mean the Senate should ask the President what he means about something and take his word for it.

We should not have this complicated system unless the three branches play their respective roles. There is nothing wrong with our understanding of the words in the amendment of the Senator from Montana. I shall support it. It is intended to be a limitation of the present program.

I wish to refer to the point made by my senior colleague on going all out in the war. I agree with him. I do not believe that we should get into a war when it is not sufficiently clear that the national interest is involved, and there is no question that we will go all out to win it. It would be a terrible mistake to get into a war in which one is ambivalent in his attitude toward going all out in a war.

Why did not President Johnson go all out? I can guarantee that I was not one of his advisers during the period when he was refusing to go all out. He did not consult me from about September 1965 until December a year ago. It was not done on my advice. Why did he not go all out? I think one of the reasons was that he was doubtful about the validity

of the war he had undertaken. I do not know why he did not go all out. In World War II, we went all out for unconditional surrender. We won that war.

It is of course true that the previous administration over a full 3 or 4 years refused to go all out, which is the traditional way. There must have been some reason for it. Not only was it a disaster for the country, but it also discredited the President himself. Clearly he was not out to discredit himself. He of course did not wish to bring about a situation in which he could not run for election again. That is unprecedented in our history. But it does raise the question that maybe the war was ill founded and maybe it was not justified in the first place. In the present circumstances we face, I believe that we support the President's objective. The only difference that I know of in most people's minds is not the President's objective, but whether the means he has adopted to achieve the objective are calculated to do so; this is an instance in which we can have honest differences of opinion. I certainly do not disagree with the announced objective of the President, but I do not think it disloyal or un-American to suggest that the policy he is following is not likely to achieve his objective. It is purely a matter of judgment.

I should like to do anything I can to help him achieve his announced objective. I think that this particular amendment, the amendment of the Senator from Kentucky and the Senator from Montana, would certainly strengthen his hand to resist if pressure is put upon him to widen the war and to make it more difficult for him not to withdraw and to conclude, I would say, the tragic war in South Vietnam.

Mr. McGEE. Mr. President, the deliberations of this body this afternoon have been of such a constructive nature, it seems to me, that it underscores and reinforces the constitutional role of this body in the projection of foreign policy intents and directions. I think the question that remains is whether the message has been delivered and I can see no reason to doubt that the message has come through loud and clear, and no doubt has been heard downtown for some time.

I fail to see what more in the form of a public resolution it could achieve that the President has not already heard on that question.

Therefore, Mr. President, in that context, I am resuming my motion to table the pending resolution.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, I move that the Senate return to——

The PRESIDING OFFICER. The motion is not debatable.

Mr. ALLOTT. Mr. President, I was going to ask if the Senator from Wyoming would withhold his motion for a moment.

Mr. McGEE. How much time does the Senator from Colorado need?

Mr. ALLOTT. One minute.

Mr. McGEE. I yield 1 minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Wyoming would have to ask unanimous consent——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Wyoming (Mr. McGEE) may yield to the Senator from Colorado (Mr. ALLOTT) for 1 minute.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. Mr. President, all I wanted to say was that I believe we are in basic accord. I was going to suggest to the majority leader that we might be able to come out with a positive resolution affirming the decision of the President not to use U.S. combat troops in Vietnam. In this way we would solidify the country and solidify the sense of the Senate not to denigrate our own position in our joint responsibility, and also not feed the fuel of Communist propaganda around the world.

Mr. McGEE. Mr. President, I ask unanimous consent that I may yield 15 seconds to the Senator from Washington (Mr. MAGNUSON) in order to make an announcement.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, this is the only way I can get hold of the members of my committee to say that I was not going to have a meeting if this is going to continue much longer. I am hopeful that we can continue the HEW appropriations meeting when we get through with the vote. I am sure that we can at least clean up or at least finish all of the bill with the exception of its general provisions.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative, open session.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and, thereupon, at 4:27 o'clock p.m. the doors of the Chamber were opened, and the open session of the Senate was resumed.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, to last only as long as it will take to ring the two bells.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. What is the pending motion?

The PRESIDING OFFICER. The question is on the motion to table the amendment by the Senator from Montana (Mr. MANSFIELD) and the Senator from Kentucky (Mr. COOPER).

Mr. HOLLAND. Mr. President, a point of order. We should not begin voting until the Chamber has been made open.

Mr. MANSFIELD. The Chamber is open. It was opened 2 minutes ago, I understand.

The PRESIDING OFFICER. The Senate has now resumed its open session.

The question is on agreeing to the motion to table the amendment of the Senator from Montana and the Senator from Kentucky.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is paired with the Senator from Kentucky (Mr. COOPER). If present and voting the Senator from Iowa would vote "yea" and the Senator from Kentucky would vote "nay."

The result was announced—yeas 41, nays 48, as follows:

[No. 232 Leg.]

YEAS—41

Allen	Ellender	McGee
Allott	Ervin	Murphy
Baker	Fannin	Pearson
Bellmon	Fong	Scott
Bennett	Goldwater	Smith, Maine
Bible	Griffin	Smith, Ill.
Cannon	Gurney	Sparkman
Cook	Hansen	Stennis
Cotton	Holland	Stevens
Curtis	Hollings	Talmadge
Dodd	Hruska	Thurmond
Dole	Jordan, N.C.	Tower
Dominick	Long	Williams, Del.
Eastland	McClellan	

NAYS—48

Aiken	Hart	Moss
Bayh	Hartke	Muskie
Boggs	Hatfield	Nelson
Brooke	Hughes	Packwood
Burdick	Inouye	Pastore
Byrd, Va.	Javits	Pell
Byrd, W. Va.	Jordan, Idaho	Percy
Case	Kennedy	Prouty
Church	Magnuson	Proxmire
Cranston	Mansfield	Ribicoff
Eagleton	Mathias	Saxbe
Fulbright	McGovern	Schweiker
Goodell	McIntyre	Spong
Gore	Metcalf	Yarborough
Gravel	Mondale	Young, N. Dak.
Harris	Montoya	Young, Ohio

NOT VOTING—11

Anderson	Miller	Symington
Cooper	Mundt	Tydings
Jackson	Randolph	Williams, N.J.
McCarthy	Russell	

So Mr. McGEE's motion to lay on the table was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Kentucky and the Senator from Montana.

Mr. CHURCH. Mr. President, on behalf of the Senator from Colorado (Mr. ALLOTT), the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. JAVITS), and myself, I send to the desk a substitute amendment, which reads as follows——

The PRESIDING OFFICER. The amendment will be stated.

Mr. CHURCH. I ask unanimous consent that I may read the amendment to the Senate instead of the clerk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHURCH. The amendment reads as follows:

On page 46, between lines 8 and 9, insert a new section as follows:

"SEC. 643. In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground troops into Laos or Thailand without the prior consent of Congress."

Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Arkansas (Mr. McCLELLAN) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. I ask for the yeas and nays on the substitute amendment.

The yeas and nays were ordered.

Mr. CHURCH. I ask unanimous consent also that the name of the Senator from Tennessee (Mr. BAKER) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I am happy to yield.

Mr. TOWER. Does the amendment mean that we would have to immediately withdraw all ground troops we now have in Thailand? Because we do have Army troops and pre-positioned equipment in Thailand. The way the substitute amendment is written, it would seem to mean the troops we have there now would no longer be permitted.

Mr. CHURCH. I think the answer to the Senator's question is clearly contained in the language of the proposed substitute.

The PRESIDING OFFICER. Will the Senator suspend, so that we may have order?

Mr. MAGNUSON. Mr. President, will the Senator yield another half minute?

I hope the members of the Appropriations Committee, if we are going to have a discussion on the substitute, will see if they cannot come down to the committee room, and we can come back for the rollcall.

Mr. MANSFIELD. Mr. President, I wonder if it would not be possible to vote on this question in 5 minutes. It should not take much discussion. Would that be sufficient, the time to be equally divided?

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, reserving the right to object, we should extend it a little longer than 5 minutes.

Mr. CHURCH. I ask unanimous consent for 15 minutes on each side.

Mr. MANSFIELD. One-half hour, to be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHURCH. Now, Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHURCH. In response to the question of the Senator from Texas (Mr. TOWER), the pertinent part of the amendment reads:

None of the funds appropriated by this Act shall be used to finance the introduction of American ground troops into Laos or Thailand.

It is true that we have personnel there. But the amendment conforms to the expressed intention of the President; it reinforces the presidential position; and yet it asserts the constitutional right of the Senate, in an appropriation bill, to determine how public funds will be used, and makes it clear that the Senate is opposed to the introduction of ground combat troops into either country, unless we first have an opportunity to pass judgment on that question.

Mr. TOWER. Will the Senator yield for a further question?

Mr. CHURCH. I am happy to yield.

Mr. TOWER. The term "ground combat troops" still could include those that are there, because those that we have there are capable of engaging in combat. They are trained for combat. They are not actually in combat, true, and it is not anticipated that they ever will be. We hope they will not be. But they are competent to engage in combat.

Mr. CHURCH. As the Senator knows, we presently have no ground troops in Laos engaging in combat.

Mr. TOWER. That is true.

Mr. CHURCH. The President has said so. The language conforms to the Presidential position, and if there is any question concerning our meaning or intent, it should be cleared up by the discussion we are now having on this floor.

Mr. TOWER. That is all I am trying to do, establish the legislative intent.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. PASTORE. If we have any lingering shadows of doubt, why not use the words "to support local forces"? Why not say "the introduction of American combat troops to support local forces"? Then we will have no ambiguity.

Mr. CHURCH. I respectfully say to the Senator that the bill authorizes money, which is now being used, to support local forces in Thailand and Laos. There is no question about that. What we are trying to achieve here is a limitation on the use of money for the purpose of financing the introduction of American ground forces into these two countries.

I think the amendment should be supported. It is in line with the expressed intention of the President and accords with our constitutional responsibilities. Moreover, it puts the President on notice that, if there is ever a change of policy that might involve the possible introduction of American combat forces into these two countries, then, in accordance with the Constitution, that question should be brought back to Congress, and Congress should exercise its will.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Arkansas.

Mr. McCLELLAN. In the executive session, I raised some questions about the original resolution. This substitute amendment, together with the statement by the distinguished majority leader in executive session in response to my questions, answers the questions that I had in mind, and I am happy to support it. I commend the Senator for its wording and its purpose, and for recognizing that the President has given his pledge, and that we support the President in that pledge.

Mr. CHURCH. I thank the Senator very much, and I appreciate his support.

I now yield to my distinguished cosponsor, the Senator from Colorado (Mr. ALLOTT).

Mr. ALLOTT. Mr. President, I joined in the cosponsorship of this amendment because I believe it is preferable to the very vague, in my judgment, amendment now pending before the Senate. I think it says what the Senate would like to say, and I sincerely hope that Senators will support it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, just 1 minute. I think we are trying hard—and I hope the majority leader is listening—to deal with a situation in which, he, feeling bound by the language of the Senator from Kentucky—and I do not blame him—did not want it interfered with, and yet to express what we sense to be the will of the Senate. I think that has been done best by the combined brainpower of a number of us here, and I hope very much that the Senator from Montana (Mr. MANSFIELD) and the Senator from Kentucky (Mr. COOPER) will feel they have been successful, rather

than that some substitute has been suggested for the idea they presented to the Senate. I am confident that my colleague would agree with me in that.

Mr. CHURCH. Mr. President, I certainly concur in what the Senator from New York has said.

This amendment was really offered reluctantly. The Senate has made its decision to speak out, in rejecting the motion to table. It is now clear that we intend to take a position on this very sensitive and important question. I think we should take that position in clear and precise terms, so that everyone—the President of the United States, the administration, and the American people—will know exactly where the Senate stands. We should avoid a repetition of the mistake we made in the Gulf of Tonkin resolution, when we carelessly drafted it, only to discover later that it was much broader than many who voted for it intended.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. FULBRIGHT. That one having been broader than we thought, we ought to be careful lest the one that restricts it be broader than we thought. Is the Senator's proposal to be interpreted as an authorization for continued bombing, or expansion of the bombing, in the north?

Mr. CHURCH. No. I would say, after the debate we had in the Senate during the closed session, that no one was quite certain what the original amendment meant.

This substitute amendment is purely limiting in its terms. The bill provides money for local forces both in Laos and Thailand. All my amendment does is to make it clear that none of the money in the bill is to be used for the purpose of financing the introduction of American ground combat troops into Laos or Thailand.

As such, it is a limitation in the bill. It is in line with our constitutional responsibility. I think it avoids the flaw in the Tonkin Gulf joint resolution which was drafted in much broader language than intended at the time Congress voted in such haste.

Mr. FULBRIGHT. Mr. President, to me the important significance is that that was assumed to be a grant of authority. This is a restriction. I am not at all sure that there is, and I do not believe there is, really authority for doing what we are doing now in north Laos. There is a very great question as to whether there is authority.

I wonder what the effect of this will be on the granting of authority by having only a restricted application to ground; that is, the combat troops only.

Mr. CHURCH. No. Nothing in this amendment grants any new authority to the Government.

The question the Senator raises is a separate one. All this amendment does is to limit the use of the money in the bill to make certain it is not employed for the very purpose the Senator from Arkansas does not want.

Mr. FULBRIGHT. There may be other activities in addition to using ground troops for which I do not want them to employ it.

The Senator from Mississippi said a moment ago that he thought the amendment of the majority leader would restrict bombing disconnected or not directly connected with Vietnam.

I do not know as between the two amendments. I do not wish to authorize the President to use ground troops or airpower in a local war in northern Laos which is not directly connected with the Ho Chi Minh Trail and the war in Vietnam.

Mr. CHURCH. I think the Senate should speak plainly or not at all.

The substitute amendment is intended to make our purpose plain. The amendment offered by the distinguished majority leader, I think, is ambiguous and unclear.

If we are to act at all, we should act in a way that is understandable to the Government and to the American people. For that reason, I would hope that the Senate would adopt the substitute amendment.

Mr. HOLLINGS. Mr. President, to be precise and clear, does the amendment say ground troops or ground combat troops? I am trying to get to the point of the Senator from Texas.

Mr. CHURCH. It says ground combat troops.

Mr. HOLLINGS. It says only "ground troops" here. Could the Senator by unanimous consent change that to read "ground combat troops"?

Mr. CHURCH. Yes, that is how my amendment reads. In line with the expressed intention, the pertinent part should read:

> None of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand without the prior consent of Congress.

If the text of the amendment at the desk does not conform with my reading of the amendment, I ask unanimous consent that it so conform.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HART. Mr. President, I hope this is not repetitious. We say that the moneys shall not be used to finance the introduction of American ground combat troops. What about American aircraft and American ships? Are we saying that is all right?

Mr. CHURCH. We are simply not undertaking to make any changes in the status quo. The limiting language is precise. And it does not undertake to repeal the past or roll back the present. It looks to the future.

Mr. HART. Is the existing status quo inclusive of the action by air, ground, and ships, and are we saying now we should cut out the ground forces?

Mr. CHURCH. The Senator is aware of the intent. He is aware from the closed debate. In Laos and Thailand, it was never proposed in any amendment offered to roll back or change the existing situation.

We are striving to prevent Laos and Thailand from becoming new Vietnams. That is the purpose of the amendment.

And I think it is well drafted to serve that purpose.

Mr. HART. We could make it more explicit by eliminating the other features of American might.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. CHURCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Idaho has 2 minutes remaining.

Mr. CHURCH. Mr. President, I would prefer not to yield the remainder of my time. Could the other side yield some time?

Mr. ELLENDER. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. GOODELL. Mr. President, would the Senator agree that his amendment grants no authority, that it in no way approves or disapproves of what is going on, but that it is simply directed toward making sure that in the future no ground combat troops will be introduced into Laos or Thailand?

Mr. CHURCH. Without the prior consent of Congress.

Mr. GOODELL. That is correct, That will not be done without the prior consent of Congress.

Mr. CHURCH. The Senator is correct. That is the intent.

Mr. GOODELL. That is vital. The implication has been raised that we are giving some kind of approval to the status quo of what is going on. This is a prohibition against the future occurrence of what is now going on. This grants no authority or approves nothing that is going on.

Mr. CHURCH. The Senator is correct. There is nothing in the text of the amendment itself, or the debate upon it, that could give any basis for such an interpretation. The Senator has correctly construed the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. MUSKIE. Mr. President, is it the intent of the amendment to prohibit or, at least, to inhibit the introduction of any additional elements of American military strength in Laos beyond the present level of military support for our allies in Laos and Thailand?

Mr. CHURCH. The intent of the amendment conforms with the language used. And the language used, the operative language used, is as follows:

> None of the funds appropriated by the Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand without the prior consent of Congress.

Mr. MUSKIE. Let me put this proposition. It seems to me that by being silent on the question of possible enlargement of our land activity in Laos or Thailand, the Senator's amendment may, in effect, approve that kind of enlargement of our activity in Laos or Thailand.

Mr. CHURCH. I think that the exchange between the Senator from New York and myself negates such an interpretation.

The legislative history is being written right here on the floor.

It would not be practical to attempt to legislate in a way that would unduly hamper the President in relation to the delicate problems he faces in Thailand and Laos.

We have only one objective of saying, at this time, that we do not intend any of the funds we vote in this bill to be used for the purpose of introducing American ground combat troops in Laos or Thailand.

There are many other things we might do, but they are not covered here.

Mr. MUSKIE. That indicates one reason why the distinguished majority leader prefers the ambiguity of his language rather than the language offered in the closed session.

Mr. CHURCH. No one was certain of what the other language meant.

If we are going to act, we should act with sufficient certitude that the Government and the people of the country know what we mean.

Mr. MUSKIE. We all respect, and I respect, the intention on that point. I do not challenge it.

I think this colloquy and the other colloquy has suggested the difficulty of reaching an absolute decision.

Mr. CHURCH. There is that difficulty in any action we take. We have tried to draft the language that expresses precisely the intent we have in mind.

I reserve the remainder of my time.

Mr. FULBRIGHT. Mr. President, this evening, with great public fanfare, the President of the United States is scheduled to make a statement in which—according to all the reports I have seen—he will announce further withdrawal of troops from South Vietnam.

Similar widely publicized announcements have been made concerning earlier cutbacks in troop levels not only in South Vietnam but also in Thailand.

This administration's announced policy of a lessening direct military involvement in Asia has also been given a good deal of publicity.

It is against this chorus of administration public announcements of a policy in one direction that I voice my apprehension over continuing administration silence over policy in Laos where our military involvement appears to be growing rather than declining.

As in Vietnam, the Nixon administration inherited a Laotian policy. Unlike Vietnam, where some changes appear underway, the new administration seems to have accepted everything we have done and are doing in Laos.

Most important for us in the Congress, however, the present administration to date seems determined to continue the potentially dangerous part of that policy—the official secrecy in which our military activities are wrapped—instituted during the Kennedy administration and continued during the Johnson years.

Mr. President, at this late date, is it too much to ask that the administration come forward to the Senate, at least, and give to the majority of the Members here the details on our activities in Laos? The Defense Appropriations Act before us finances those activities. This money bill is the only opportunity the Senate will have to discuss and in any way affect these activities in Laos.

To my knowledge there is no treaty or joint resolution granting any President authority to send military air or ground forces into Laos. We have been told by the State Department there are no executive agreements or written commitments of any kind which have led to our involvement.

Why then are we there and what are we doing?

These questions are not unique to me. For almost 2 months—since the question of Laos was first raised in the Senate Foreign Relations Committee—I and other members of the committee have received a steady flow of letters from people asking the same question. Most of them are concerned because of what they read in the newspapers. But a few are worried because of their direct personal knowledge.

Last week, for example, I received the following from a young man in the Army:

I recently completed a course at Ft. Huachuca, Ariz., called [deleted]. This is a classified course dealing with a new method of electronic warfare to combat guerilla (sic) warfare.

During this course, I asked an instructor, Lt. [deleted], if there was a good chance we would get sent to Laos or Cambodia. He said there was.

Now, my question is this, "What is our relationship to Laos and Cambodia?" and "Are we allowed to have combat troops in either Laos or Cambodia?"

If the Army's action is illegal, I hope that you will expose to the American people the dangers of spreading the war in S. Vietnam to all of Indochina.

Or, take these words from an Air Force officer in Thailand:

In the last few months we have had dozens of Laotian Army battle casualties in our USAF hospital here. In the last few months, I have looked and listened: I have seen and heard much.

Although I do not have a top secret security clearance (and most of what goes on here requires that), any airman can count the numbers of jet fighter-bombers taking off fully loaded with ordnance. Anyone here can pass the runway and see dozens of unmarked aircraft parked at the Air America and Continental Airlines ramp. Any drunken pilot will tell of the fighting, bombing, and killing for which we, here at Udorn, are responsible. Not in Vietnam, not in an open war, but in Laos, 35 miles to the north.

There are many things which I have learned to accept here. The censorship of our radio and TV station; the application of arbitrary curfews; arbitrary rules and regulations. so that we may not badly impress this foreign country from which we wage war. These I can accept, though I think them regulations of unsteady minds.

What I have much difficulty accepting is a secret war in which non-military, CIA sponsored fighters lay the groundwork for U.S. military destruction.

I appeal to you and your fellow congressmen to stop the foolishness of the American involvement in Southeast Asia. Stop the secrecy, stop the fighting, stop the death.

In a few short months, my presence in Thailand has assured me of the wrongness of our position here. We will never win by supplying arms and soldiers. We will only win by destroying the corrupt governments that we now support and by getting our wealth into the mouths of the people instead of into the hands of dishonest leaders of indigent countries.

Or the following from a Navy man aboard a carrier off Vietnam:

It would be conservative to say that at least half or perhaps three-quarters of our sorties, expended ordnance and time for the past six months has been trained solely on Laos. Yet, current military and administration policy forbids the reporting of such activities. It seems evident that the attack aircraft carrier Navy is no longer a force used against North Vietnam but rather is engaged in a private but related war in another country.

The enormous amount of money expended in keeping these carriers operational plus its manpower consumption obligates the military to make public its mission. But of more importance is the long range effects of becoming more deeply committed in Southeast Asia and perhaps the loss of more American lives in the future. Thus, I encourage you to bring these activities before the public as soon as possible.

Or the following from an AID contract employee in Laos who freely discusses the mercenary Lao Army teams that call in U.S. Air Force bombing and concludes:

All of this, although it seems to be more or less common knowledge here, is denied by the Embassy. They have "no comment" on the bombing which is apparently "free" throughout the territory held by the Pathet Lao and North Vietnamese, directed at anything they can see, whether military or not. It appears that once again the U.S. is involved in something of which it has reason to be ashamed, which it does not want the world or its own people to know.

I do not like to see an agency of our government maintaining its own mercenary army in Laos, not subject to the public control intended by our Constitution.

I wish to help the people here, and I believe the U.S. should help them. But if we cannot find any way to help them that does not also require indiscriminate bombing of them and maintaining a mercenary army in their midst, then I do not believe we should be here.

Or the following from another AID contract employee who finished his tour and remained in Laos:

While military activity has de-escalated to some extent in South Vietnam over the last year, it has greatly intensified here in Laos. Restraints which were in force on both sides since 1964 have been lifted. The future presages continued escalation and increased American involvement. The recent investigation of your committee could not have been more timely, and I wish to contribute in any way possible to them.

There is another group of letter writers, women who have a different type of firsthand experience with Laos. They are wives and mothers whose loved ones have been killed or are missing in a war they never knew existed.

The following came from a woman

whose son was killed flying a combat mission over Laos:

On May 23, 1969 we buried an unopened casket in Arlington National Cemetery.

We have written repeatedly inquiring more detailed information. We would like to know who recovered our sons body, Americans or Laotians or whoever it was. We also understand that they were losing OIA pilots like flies in that particular area. We would like to know why they send OIA planes unarmed (like the one our son piloted to his death) in heavily entrenched enemy territory?

We have written to our congressman, but he has been unable to receive much information except that its classified information. There seems to be an awful lot of hush, hush about Laos and I would like to see it come out in the open.

Or take the dilemma of this woman whose husband was lost over Laos, is missing and perhaps captured:

Do you see how all of this secrecy jeopardises any chance of ever hearing about these men? They are no doubt rotting (if still alive) in some jungle stockade probably tended by Pathet Lao. Can you imagine what that is? It is enough to send men off to this questionable "commitment" in Vietnam, but for a military man to then end up missing in a country in which we do not admit to activities, loses him all his rights.

To whom can we turn to beg for information and mercy for these men missing in Laos? My husband has been (if still alive) captured for 3½ years. How much longer can he live? When will someone admit to the truth of the war in Laos? Can we send men to war and then disclaim responsibility for them once they are taken by the so-called enemy?

Mr. President, we are not an Asian kingdom. No President is a king or prime minister, entitled to make secret arrangements and send American men into war with the understanding their activities will not be publicly acknowledged.

Mr. President, the secrecy over our involvement in Laos has gone on too long. It had been my hope that the transcript of the Symington subcommittee's detailed hearings on Laos would have been released by now permitting the Senate and the public an opportunity to study and debate the issue.

The administration, however, has refused to declassify the necessary details and the subcommittee has, correctly I believe, refused to publish a document that it believes would be misleading.

Therefore, because I deeply believe that Members of this body should be aware—as I am—of what they are voting on when they approve the bill we have before us, I have sought to have the administration—through the managers of the bill—provide basic factual information on our activities in Laos.

I would hope that my colleagues would join me in requesting the administration to provide the information. An executive session can be called—if it is so desired—to permit the discussion of that material which the administration considers classified.

I believe the public has a right to know everything it can. But I more strongly believe the Senate and each of its Members has a personal responsibility to his constituents to learn the facts on this matter before he votes.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a copy of a letter I sent to the chairman of the Committee on Appropriations.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 12, 1969.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During the past few weeks some members of the Committee on Foreign Relations have examined in depth the nature of American military involvement in Southeast Asia with particular emphasis on Laos and Thailand. It had been our impression that American supported military activities there were directly related to the war in Vietnam and it was with deepening concern that we learned that the United States is becoming directly involved in escalating military activities in Laos.

Furthermore, what once might have been viewed as a small, secret intelligence-type operation has now become of such magnitude that I feel strongly that the Senate should be aware of its size and possible future costs in men and money.

Under these circumstances, I would appreciate it very much if, during Senate discussion of the Defense Appropriation Act, the managers of the bill would provide Members of the Senate who must act on the legislation with answers from the Administration to the questions which I have attached. If the only way this information can be made available to the Senate would be in an executive session, I would hope this could be arranged.

I am sending a copy of this letter and enclosure to Senator Milton Young as ranking minority member of the Defense Appropriations Subcommittee.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

AGREEMENTS WITH LAOS SECRET QUESTIONNAIRE

1. What treaties, agreements or declarations provide the basis for our defense commitment and military assistance to the Royal Laotian Government?

2. What commitment, written or implied, exists between the United States or its agencies and the present Royal Laotion Government or its Prime Minister, Souvanna Phouma?

3. What military assistance, including manpower, material and training, is the United States providing through this bill?

4. As of today, what is the total number of United States military personnel in Laos and describe the manner in which they operate.

5. Describe in detail activities over Laos of the United States Air Force, including both those activities, if any, based in Laos and those, if any, based in Thailand.

If pertinent, include:

a. What, if any, is the current monthly sortie rate over northern Laos for the United States Air Force aircraft?

b. How does that rate, if any, compared to a year ago and two years ago?

c. The contemplated sortie rate, if any, over northern Laos in the coming 12 months.

d. How these sortie rates, if any, compare to United States Air Force sorties directed toward the Ho Chi Minh trail.

6. What, if any, have been the total number of United States military personnel killed, wounded, and missing in northern Laos since 1962?

7. How does this total compare to personnel lost in operations solely against the Ho Chi Minh trail?

8. What is the amount of personnel, operating and maintenance and military assistance funds included in this bill for Laos and Laos-related activities?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "Rogers Admits Laos Arms Role."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROGERS ADMITS LAOS ARMS ROLE
(By Murrey Marder)

Secretary of State William P. Rogers indirectly conceded yesterday that for years the United States has financed, armed and trained a clandestine army of 36,000 guerrillas in Laos.

In the first acknowledgement ever made on the public record, Rogers treated the U.S. involvement in the semi-secret war in Laos as a matter of common knowledge. But Rogers avoided explicitly stating precisely what he was acknowledging, and said there are no plans to stop or change present operations in Laos.

"I had thought that the Congress was familiar with the developments in Laos," Rogers said. "Certainly they are familiar with them now . . . I thought Congress understood it."

"This is really quite extraordinary," said Sen. J. W. Fulbright (D-Ark.). Both were commenting after Rogers testified behind closed doors for three and a half hours before the Senate Foreign Relations Committee, which Fulbright heads.

"It is quite ordinary for a dictatorship," said Fulbright, "but to be conducting quite as large a war as this (in Laos) without authorization is quite unusual."

Fulbright said in an interview Tuesday that through the Central Intelligence Agency, the United States, under three administrations, has been supplying, arming, training and transporting the clandestine Laotian army of Meo tribesman headed by Gen. Vang Pao.

The cost to the United States for military assistance to Laos, Fulbright said, is between $50 and $160 million this year. Other sources said yesterday that about half this amount is used to finance the Meo guerrilla force, and the rest goes to other military needs in Laos. But uncounted in the $160 million total this year, these sources said, are the costs of U.S. bombing support from Thailand for operations in Laos.

Rogers, when newsmen put Fulbright's specific statements to him, said:

"Well, the operations in Laos, as you know, were started in the time of President Kennedy" and continued through the Johnson and Nixon administrations. When he was asked if they will be halted now, Rogers responded, "No, I don't think there is going to be a change in policy, not now."

There are no U.S. "ground forces in Laos," Rogers reiterated, but there are still "45,000 North Vietnamese forces in Laos." It continues to be the United States' hope, he said, that an end to the war in Vietnam will solve the problems of Communist penetrations into Laos and Cambodia as well.

Newsmen asked Rogers for comment on Fulbright's charge Tuesday that the extent of the U.S. involvement in Laos may be unconstitutional. "I doubt very much if it is unconstitutional," replied Rogers.

"What about the public's 'right to know?'" asked a reporter. Said Rogers, "Well, I think the public, if they have been reading the papers, know."

Fulbright, when told later that Rogers said he expects no change in U.S. policy in Laos, said: "I regret it, if that's what he said."

Hearings on Laos, which have been conducted in executive session by a subcommit-

tee headed by Sen. Stuart Symington (D-Mo.), show that the United States is "enormously over-committed" in Laos, Fulbright said, and "I don't think there is any authority for it."

Symington declined to make any direct comment at this time on his Laos inquiry, except to say, "I've never known him (Fulbright) to make a misstatement in this field."

In Rogers' testimony yesterday, Fulbright said, "There was no effort whatever to deny what was in the papers" about U.S. clandestine operations in Laos, and Fulbright's comments on them.

The Symington subcommittee now has finished taking testimony on Laos. The question is how much of a struggle there will be between the subcommittee and the Nixon administration over making the testimony public. A major witness in the inquiry, on Tuesday, was CIA Director Richard Helms.

There is disagreement about the degree to which Congress has been aware of the clandestine U.S. operations in Laos in support of anti-Communist forces there. Senate Democratic leader Mike Mansfield (Mont.), a specialist on Southeast Asia, was quoted yesterday as saying that "I've really found nothing new in the (Laos) hearings that I didn't know."

But Fulbright and other senators said they had no indication that covert U.S. activity in Laos was more than what Fulbright called "very minor, peripheral," apart from "the bombing of the Ho Chi-Minh trails." With the present administration's contention that it thought Congress "understood" what was going on in Laos, pressure is now likely to mount for official disclosure of the details of the CIA-run operation there.

Mr. ELLENDER. Mr. President, it will be recalled that before we went into executive session, I suggested that the amendment be taken to conference, and it seems that this amendment places the Senate in a very confusing position.

I note that this amendment is based on a contingency which is legislative. I make the point of order that this amendment is not in order, in that it is legislation on an appropriation bill.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Chair sustains the point of order.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, it is the understanding of the Senator from Idaho that the inclusion of the phrase "without the prior consent of Congress" at the very end of the proposed amendment renders it legislative in character and therefore subject to the point of order.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHURCH. I invite the attention of the Senate to the fact that the final phrase is not necessary, in any way, to carrying out the full intent of the Senate in regard to the real question before us. The defect in the amendment, as it is presently written, can be cured simply by striking this final phrase.

Mr. JAVITS. The Senator is correct about that, because this must be read with the commitments resolution, which does call for the way in which Congress may consent to such a situation.

Mr. CHURCH. That is correct. I appreciate the comment by the Senator from New York.

Therefore, I offer the amendment in new form, striking the words "without prior consent of Congress" from the text. So that the revised amendment would read:

SEC. 643. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

I ask for the yeas and nays on the amendment, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho (Mr. CHURCH). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

I further announce that, if present and voting the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. MILLER) would vote "yea."

The result was announced—yeas 73, nays 17, as follows:

[No. 233 Leg.]

YEAS—73

Allott	Dole	Javits
Baker	Dominick	Jordan, N.C.
Bayh	Eagleton	Jordan, Idaho
Bellmon	Fannin	Magnuson
Bennett	Fong	McClellan
Bible	Goldwater	McGovern
Boggs	Goodell	McIntyre
Brooke	Gravel	Metcalf
Burdick	Griffin	Mondale
Byrd, Va.	Gurney	Montoya
Byrd, W. Va.	Hansen	Moss
Cannon	Harris	Murphy
Case	Hartke	Nelson
Church	Hatfield	Packwood
Cook	Holland	Pastore
Cotton	Hollings	Pearson
Cranston	Hruska	Pell
Curtis	Hughes	Percy
Dodd	Inouye	Prouty
Proxmire	Smith, Ill.	Tower
Ribicoff	Sparkman	Williams, Del.
Saxbe	Spong	Yarborough
Schweiker	Stevens	Young, N. Dak.
Scott	Talmadge	
Smith, Maine	Thurmond	

NAYS—17

Aiken	Gore	McCarthy
Allen	Hart	McGee
Eastland	Kennedy	Muskie
Ellender	Long	Stennis
Ervin	Mansfield	Young, Ohio
Fulbright	Mathias	

NOT VOTING—10

Anderson	Mundt	Tydings
Cooper	Randolph	Williams, N.J.
Jackson	Russell	
Miller	Symington	

So Mr. CHURCH's amendment was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the Cooper amendment, as amended.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, before we proceed with the vote on the amendment, I would like to announce that we shall try to complete action on the bill this evening. As far as I know there are only two more amendments. One of them is sponsored by the Senator from Missouri (Mr. EAGLETON), and deals with the main battle tank 70. The committee is willing to accept this amendment because of a letter received from the Deputy Secretary of Defense in respect to a cutback of $20 million from the $50 million recommended for this tank.

The next amendment will be offered by the Senator from Maine (Mrs. SMITH), and it deals with the ABM. Since there has been so much discussion on the ABM heretofore, I am very hopeful that we can get through with these two amendments this evening. I understand the distinguished Senator from Maine (Mrs. SMITH) has a speech which she will make.

I hope other Senators will not take too much time in discussing this matter inasmuch as we had this matter before us for 2 months.

Mr. ALLOTT. I have one short matter, not an amendment but a legislative clarification.

The PRESIDING OFFICER. The question is on agreeing to the Cooper-Mansfield amendment, as amended. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I also announced that the Senator from Washington (Mr. JACKSON) is absence because of a death in his family.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. MILLER) and the Senator from Kentucky (Mr. COOPER) would each vote "yea."

The result was announced—yeas 80, nays 9, as follows:

[No. 234 Leg.]

YEAS—80

Aiken	Gore	Mondale
Allott	Gravel	Montoya
Baker	Griffin	Moss
Bayh	Gurney	Murphy
Bennett	Hansen	Muskie
Bible	Harris	Nelson
Boggs	Hart	Packwood
Brooke	Hartke	Pastore
Burdick	Hatfield	Pearson
Byrd, Va.	Holland	Pell
Byrd, W. Va.	Hollings	Percy
Cannon	Hruska	Prouty
Case	Hughes	Proxmire
Church	Inouye	Ribicoff
Cook	Javits	Saxbe
Cotton	Jordan, N.C.	Schweiker
Cranston	Jordan, Idaho	Scott
Curtis	Kennedy	Smith, Maine
Dodd	Magnuson	Smith, Ill.
Dole	Mansfield	Spong
Dominick	Mathias	Stevens
Eagleton	McCarthy	Talmadge
Fannin	McClellan	Williams, Del.
Fong	McGee	Yarborough
Fulbright	McGovern	Young, N. Dak.
Goldwater	McIntyre	Young, Ohio
Goodell	Metcalf	

NAYS—9

Allen	Ellender	Stennis
Bellmon	Ervin	Thurmond
Eastland	Long	Tower

NOT VOTING—11

Anderson	Mundt	Symington
Cooper	Randolph	Tydings
Jackson	Russell	Williams, N.J.
Miller	Sparkman	

So the Cooper-Mansfield amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. EAGLETON. Mr. President, I call up my amendment, which I offer on behalf of myself and the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. It is proposed, on page 16, line 4, to strike out "$4,264,400,000" and insert in lieu thereof "$4,254,400,000".

THE MBT-70

Mr. EAGLETON. Mr. President, this year the Congress of the United States has begun to reassert its right, and, indeed, its duty, to scrutinize spending on defense as carefully as it does other smaller, but no less important, programs. In this vein, I wish to commend, as I am sure the American taxpayer does, the Senate Appropriations Committee under its distinguished chairman, Senator RUSSELL, for cutting much of the fat from Department of Defense requests.

H.R. 15090 as reported by the Senate Appropriations Committee is $8,407,544,000 less than the original budget request; $5,945,544,000 less than the revised budget request, and $627,392,000 under the amount allowed by the House.

Conflicting pressures and reasons converged this year to make these cuts, and even deeper ones, possible.

The overriding need to control rampant inflation—causing prices to rise at more than 5 percent per year—at times at 6.4 percent, the highest rate in 18 years—and interest rates to climb to 8.5 percent—driving many young Americans out of the housing market and many senior citizens to the brink of despair—certainly was an important factor in defense cuts.

The need to exercise prudence in governmental spending of all public moneys, especially the least economically productive type—military spending—has never been more clear.

Reasonable and responsible cuts, such as those recommended by the Appropriations Committee, will assist in curbing inflation—and should be hailed by every taxpayer.

And yet the need for increased spending in some domestic areas has never been more clear. Recognition of urgent domestic needs, so long untended, and domestic challenges so long unmet, make the redirection of Federal moneys all the more imperative.

The Commission on Violence recently argued that $20 billion per year must be found to reconstruct American society if we are to avoid disaster. It cannot all be found in one year, but a start must be made now—and an important step toward that goal is the restoration of sanity to our search for security.

We, as legislators, need only to reread the all-too-familiar litany of pressing, recognized, and still unmet domestic needs to understand the urgency for action and the danger of continued inaction. And the citizen driving in polluted air on crowded, unsafe, often antiquated thoroughfares which run through the poverty-bound slums of our dilapidated cities to the fear-bound suburbs understands it, too.

The time to channel public moneys to meet the domestic challenges of the latter third of this century is now. And decreased defense spending is necessary if funds are to be forthcoming.

But perhaps the most important factor in 1969 was the discovery that the Department of Defense is pursuing research and development of new weapons systems as well as their procurement in a manner that can charitably be described as often haphazard and sloppy.

Taxpayers find themselves saddled with $20 billion in cost overruns on 35 weapons systems currently under development—and they are angry. They recognize that substituting the term "cost growth" for "cost overrun," as the Department of Defense apparently plans to do, is not enough. Waste is not a rose by any other name and no amount of "Pentagonese" can make it one.

Mr. President, I ask unanimous consent that the following article from the December 17, 1969, edition of the Federal Times be entered in the RECORD at this time along with a recent article entitled "Defense Deletes 'Cost Overrun,'" by Bernard D. Nossiter of the Washington Post.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Federal Times, Dec. 17, 1969]

COST OVERRUNS OF $20 BILLION SEEN FOR 35 CURRENT WEAPONS SYSTEMS

WASHINGTON.—A Defense Department report indicates taxpayers are to be saddled with about $19.9 billion in cost overruns on 35 weapons systems currently under development.

The quarterly reports, which cover only major procurement projects, are the first to be received by the Senate Armed Services Committee. And, Sen. John Stennis, D-Miss., chairman, said he is not very happy with the way the reports are prepared.

Just before Stennis announced the massive overruns, Sen. William Proxmire, D-Wis., said a Government Accounting Office investigation revealed massive profit margins in smaller defense contracts.

Citing one example, Proxmire said GAO had found that an "Air Force procurement unit, the Oklahoma City Air Materiel Area (OCAMA), has been so lax in keeping track of prevailing prices in the market that a California contractor realized a 1,403 per cent profit on one small-item contract negotiated by OCAMA."

Stennis said programs covered in his reports are "estimated to cost a total of $94 billion with additional programs to be added in future periods."

He said the largest overruns occurred in eight project areas.

$1.379 billion in the Poseidon submarine-launched ballistic missile program.

$4.011 billion in the F111 series aircraft program.

$1.661 billion in the F15 aircraft program.

$1.049 billion in the SRAM missile program.

$2.586 billion in the Mark-48 torpedo program.

$1.540 billion in the DXGN nuclear frigate program.

$1.685 billion in the DD963 destroyer program.

$1.591 billion for the C5A program, which does not include 81 planes dropped by the Air Force.

Stennis pointed out that the Navy's Mark-48 torpedo project experienced the greatest overrun. Its costs have grown 395 per cent over the initial estimate.

Prediction of cost growth over original estimates, Stennis said, is difficult. He said, "One factor is that both the original and current estimates are projections into the future which is a challenging and not very exact science."

Factors with which Pentagon cost experts must content include inflationary factors, technological improvements to weapons systems, increase of the initial estimate cost baseline and program delays.

He did not arbitrarily excuse overruns, especially those "which are due in whole or in part to poor or inadequate managment or fiscal control."

Looking over the shoulders of Pentagon officials, Stennis cautioned, will be members of his staff, and "where the situation requires a more extensive analysis, the General Accounting Office has been requested to review the data and accumulate such information as may be required."

He feels this in part may force the Defense Department to exercise better stewardship over public funds.

Already scrutinized by GAO, Stennis mentioned, are the SRAM, Condor and Cheyenne programs. Under review are the F111, Poseidon P3C and Minuteman procurement projects.

The Defense Department has been asked by the committee to improve the quality and scope of its reports. Noting that "growing pains" in the reports were anticipated, Stennis said:

"The Defense Department agreed that there is room for improvement in the reports and were working towards a complete presentation of meaningful data to the committee."

Meanwhile, Proxmire said he believes the "exorbitant" profits contractors are realizing on small purchase contracts, taken in total, "could result in excessive profits exceeding those on major weapons systems."

"The difficulty," Proxmire said, "is that contracts and subcontracts under $100,000 are not subject to the requirement of the Truth in Negotiations Law for submission of cost or pricing data. The rationale is that on small purchases involving common small items, the government procurement unit can easily keep track of prevailing prices on the item."

He said the GAO report which he received indicated that Lionel-Pacific Inc. of Anaheim, Calif., was awarded 22 contracts from OCAMA between 1967 to 1968. It suffered losses on two contracts but for the rest netted profits ranging from 12.9 to 1,403 per cent.

"The total dollar amount of the 22 contracts was $88,547 but of that amount only $25,612 represented costs incurred. All the rest, a total of $62,935, was profit for an average of 245.7 per cent."

Proxmire said the Renegotiation Board, "which could do much to correct abuses like this, is barred from initiating proceedings on contracts of less than $1 million."

GAO called the high profits garnered by Lionel Pacific "on some of the procurements we reviewed" largely the fault of "government and prime contract procurement officials" who simply failed to get a realistic price.

It said, "Similar findings were brought to the attention of DoD in a report of the subcommittee for special investigations, House Armed Services Committee, in January, 1968, resulting from its review of small purchases at several procurement activities on the military departments, including the Defense Supply Agency (DSA)."

And GAO told Proxmire that OCAMA is not "effectively" heeding instructions to improve buying practices.

"In our opinion, this demonstrates the continuing need for management officials in DoD and the military services to closely monitor the procurement practices of the military buying activities and to take steps to insure that buyers make every effort to obtain reasonable prices."

Elmer B. Staats, Comptroller General of the United States, said GAO was pursuing its investigations into the "award and administration of contracts for small purchases in DoD, and will examine into the purchases by OCAMA to determine what further action should be taken to achieve reasonable contract prices."

PROJECTED COST OVERRUNS

	Cost	Overruns
Sheridan armored vehicle	548.0	141.6
Shillelagh antitank missile	380.3	192.9
Lance XRL missile	421.9	50.4
Safeguard ABM	4,185.0	(1)
Cheyenne helicopter (R. & D. only)	125.9	78.0
SSN-688 attack submarine	4,192.4	277.8
DD-963 destroyer	1,737.6	1,684.5
CVAN-68 nuclear carrier	427.5	116.7
CVAN-69 nuclear carrier	519.0	(1)
LHA landing helicopter assault ship	1,385.5	39.7
DXGN nuclear frigate	3,335.0	1,539.9
Poseidon missile	4,272.0	1,379.0
Phoenix air-to-air missile	903.4	595.5
Sparrow air-to-air missile	265.6	(2.9)
Sparrow-F air-to-air missile	246.3	179.6
Walleye II TV-guided glide bomb	340.7	8.0
F14 A/B Navy fighter plane	6,166.0	207.0
P3C land-based antisubmarine plane	2,265.3	(3.6)
S3A carrier-based antisubmarine plane	2,891.1	(1)
A7E Navy attack plane	1,432.8	484.8
Mark-48, Mod 0 torpedo	655.2	2,585.6
Mark-48, Mod I torpedo	63.8	69.0
Condor missile (R. & D. only)	126.0	56.2
SRAM missile	421.0	1,049.1
Maverick missile	382.1	(15.1)
Minuteman II ICBM	4,519.1	208.4
Minuteman III ICBM	4,375.9	760.7
C5A Air Force transport	3,413.2	1,590.7
A7D Air Force attack plane	2,012.1	(1)
B1 Air Force bomber	8,954.5	312.8
F15 Air Force fighter	6,039.0	1,661.0
AWACS airborne warning and control system	3,266.6	4,011.0
F111 A/D/C/E (fighter)	738.2	468.9
FB111 (fighter-bomber)	579.4	161.0
RF111 (reconnaissance plane)	74,240.1	19,888.2

[From the Washington Post]

DEFENSE DELETES "COST OVERRUN"

(By Bernard D. Nossiter)

The Pentagon is banishing the term cost overrun from the language.

In an unpublicized memo of Nov. 26, David Packard, Deputy Secretary of Defense, proposes that "cost growth" be substituted in every instance in which the services now use the familiar phrase, "cost overrun."

The memo, a copy of which has been obtained by The Washington Post, was addressed to the secretaries of the three services and six other high officials involved with procurement.

According to Packard, the term "cost overrun" creates "confusion in the minds of many" and "cast(s) improper reflection on the true status of events."

His memo recalls that a "task force" was set to work on the problem. "The committee started with a general and imprecise term, 'cost overrun,' and discarded it as unworkable, and replaced it with the term 'cost growth,' including a structured set of definitions related to it, which are workable."

"I would like to have your views," Packard concludes, "prior to taking further action to incorporate this set of terms in those directives, instructions and regulations which require reporting of cost growth. When adopted, the often misunderstood term 'cost overrun' will disappear from use within the Department."

Procurement specialists pointed out that the substitution will save the Pentagon from considerable embarassment. The term Packard would obliterate has now become so much a part of the language that the House Appropriations Committee, explaining its $5.3-billion cut in the military budget, called this "the year of the cost overrun."

The project to build more C-5A airplanes ran into its first deep difficulties when it was discovered that high Air Force officials had suppressed from monthly reports the amount of the "cost overrun." The Air Force has now cut this program back from 120 to 81 planes.

Attached to the Packard memo is a list of nine causes for "cost growth." Like the term itself, they suggest nothing that could be attributed to faulty or venal performance by the military or its suppliers.

Among the nine "events causing 'cost growth'" are changes in the required performance of a weapon, changes in the delivery date, changes in the economy and "acts of God."

Procurement experts observed that the list did not include: poor estimating of original costs; "buying-in," the technique of deliberately under-estimating costs to sell a project to the Secretary of Defense and Congress; and inefficient management and control.

Mr. EAGLETON. Mr. President, the Congress, too, is now cognizant of the enormous waste that goes on in the Department of Defense.

The report of the House Appropriations Committee on the Department of Defense appropriation bill, 1970, states:

Whether it is termed cost overrun, or cost growth, or cost increase, fiscal year 1969 can well be characterized as the "Year of the Cost Overrun." While the Committee has consistently inquired into cost overruns from year to year, no single year stands out in which inordinate escalations in costs for Defense weapon system developments and procurements have been surfaced to the extent they have been this year during the hearings . . . This situation greatly disturbed the Committee and it most certainly has an unfavorable impact upon the American taxpayer.

The main battle tank—MBT-70—has the dubious distinction of exemplifying most of the committee criticisms.

The House discusses two of the major factors in cost increases—failure to plan adequately when a project is undertaken and the tendency to "gold plate" a weapon system with many qualitative improvements which add little to the overall effectiveness.

The House report states:

Changes made in weapon system programs are a major contributor to cost increases. Engineering changes, system performance changes, and schedule changes during both the development and production phases have accounted for 39.4 per cent of the cost increases cited, according to figures provided by the Secretary of Defense. This practice points up the need for better definition of requirements. After such definition, "nice to have" or desirable changes cannot be made without pyramiding of cost increases. Engineering changes and system performance changes are not only costly in and of themselves, but they may well cause a slippage or change in schedule which also results in added costs.

Mr. President, the MBT-70 was started in 1963 as a joint venture with the Federal Republic of Germany with few specific requirements at all.

It began as a quest for a "dream" tank, rather than as a weapon designed to fulfill a specific mission or a specific threat.

Indeed, the Army had no clear idea of what the configuration of the MBT-70 would be until R.D.T. & E. was well underway.

According to Maj. Gen. Edwin H. Burba—former head of the MBT-70 project—as reported in an interview which appeared in the September 1967 issue of Armed Forces Management magazine:

For the first time in the history of modern tank design, the designers of the MBT–70 were given *carte blanche* to optimize basic design configurations into which they put in the best scientific engineering knowhow.

The "designers" referred to in the interview, according to the DOD, are the contractors on both sides, plus the joint engineering agency groups not known to be overly concerned with cost.

General Betts, Army Director of Research and Development, explained the spectacular rise in R. & D. costs in these terms:

For the first estimate we did not have a design. We did not have any really detailed idea of what would go into the tanks so the early estimates were very summary in nature.

The most summary kind of cost estimates have become the hallmark of the MBT–70.

As a recent GAO report on the MBT–70 states:

In 1965 the joint MBT–70 program was estimated to cost $138 million. The 1968 estimate was $303 million.

Estimated research, development, test and evaluation (RDT&E) costs for the United States participation increased from $83.7 million in 1965 to $178.3 million in 1968, or an increase of 113 per cent. Additional costs, such as turbine development, MBT salary support, and Advance Production Engineering (APE), were not included in the original joint estimate. These costs will be incurred before production starts and will increase the total cost of the MBT–70 development, including RDT&E and APE, by $440 million (to a total of $524 million), an increase of 525 per cent.

In addition, $204.1 million of this amount is programed for development of the second and third generation MBT pilot models and for ancillary vehicles, advanced component development, and a trainer, none of which were included under the joint program.

The House report also warns of excessive "gold plating." It states:

Designers have placed far more emphasis on high performance than on the need for durable and damage resistant equipment. A continuously high percentage of inoperable weapons has become accepted as routine. The specifications for new weapons too often call for the scientifically possible rather than the militarily practical. Excessive "gold plating" has too often been the practice under which the last five per cent of the performance specified for a new weapon accounts for fifty per cent of the complexity and cost of the weapon.

After a 525-percent increase in R. & D. cost in just 4 years—an increase which has driven the projected per-unit cost of the MBT–70 from $420,000 to $720,000—and after continuous technical difficulties that have pushed the production date back at least 5 years from late 1969 to 1974 or 1975, almost everyone recognizes that something is wrong. And most agree that "gold plating" is a major factor.

General Betts describes the line that the Army has been unable to draw in regards to the MBT–70 in an interview in the July 1969 issue of Government Executive:

The most important problem is that we have given it a great deal of capability and that means a very expensive vehicle. The problem is whether we have put more in this vehicle than we require. The toughest question is whether we really need everything that's in this tank.

In an exclusive interview with George Wilson of the Washington Post, Secretary of Defense Laird expressed dismay at the amount of gadgetry which has resulted in expensive breakdowns and repairs on the MBT–70. He wondered if we need all these extravagant MBT–70 devices when the Russians get along well with simpler equipment.

On September 9, 1969, Deputy Secretary David Packard expressed similar doubts, conceding that—

Clearly, insufficient attention had been given to the problems involved: specifically, a number of possible trade-offs and cost effectiveness factors had not been adequately considered.

The House Defense appropriations report is even more specific. In appropriating $30 million for continued research and development it admonishes:

In its present design, the MBT–70 tank is overly sophisticated, unnecessarily complex and too expensive for a main battle tank. The Committee feels strongly that when this program is re-evaluated in December 1969 serious consideration should be given to the possibility of terminating the international aspect of this joint development program. The most prudent use of the funds provided for the MBT–70 this year could be for the U.S. to design a tank with far less sophistication, a tank that can be produced at about a third of the cost now estimated for the current design.

Mr. President, even if these basic—almost classic—mistakes can be corrected, there is still substantial doubt about the tank's strategic rationale.

As we have seen, the MBT–70 was approved on the basis of expenditure projections far below those which have occurred, and time schedules far better than those met. Once approved, the project gained momentum. It achieved a sort of self-perpetuating justification as the Army deemphasized alternative systems, thus creating a greater need and urgency for a new system than would otherwise have existed.

The Army now justifies the MBT–70 because of the quantitative superiority of tank forces in the Warsaw Pact as compared with NATO. And yet this year's House Armed Services Subcommittee report indicates that the M60A1 tank, which is recognized to be equal or superior to the Soviet tank, is not being produced in quantity. The result is fewer tanks at higher cost—about $220,000 per unit. Another House Armed Services Subcommittee report states in part:

Since 1959 the M60A1 main battle tank has been the mainstay of the Army armored units in Europe and the Army currently considers this tank equal to or superior to Soviet-designed tanks. . .

Not only did the Army fail to maintain an adequate production rate of M60A1's during the 1960's, but they slowed down the production line and even closed it in 1967 to produce the M60A1E2, which still cannot be deployed because of deficiencies.

U.S. armored capability was further degraded by the sale of M60A1's to countries other than NATO allies between fiscal year 1964 and fiscal year 1969.

This year the Senate Appropriations Committee concurred in the House reduction of $20,000,000 for procurement for the M60A1 while recommending $20,000,000 for prototypes of the MBT–70—which at very best is 5 years away from production.

If the threat is as grave as some would have us believe, this reduction is hardly responsible action.

Antitank weapons, which are presumably an important part of our response to the Soviet tank threat, have been downgraded in U.S. defense planning and given low priority in the past.

In the fiscal year 1969 Defense Appropriations hearing, General Miley, Assistant Deputy Chief of Staff for Logistics—Programs and Budget—stated:

The Secretary of the Army postponed the fiscal year 1968 procurement of TOW antitank weapons for higher priority items.

The Dragon antitank weapon was similarly downgraded.

So while the Army failed to produce enough M60A1's, it also failed to push for antitank weapons—a curious pattern of priorities which leads one to question the seriousness of the Soviet tank threat, a threat which is evaluated on pages 29 and 30 of the "secret" portion of the GAO study of the MBT–70.

It is entirely pertinent to ask whether the MBT–70 is truly a necessary and effective means of countering the tank threat in Europe—however that threat is evaluated.

Certainly the GAO raises some relevant questions. Its report points out:

The need for and role of the complex, large, expensive tank in future warfare would appear to warrant assessment.

In the full text of the GAO report, beginning on page 24 of the "secret" material, there is an interesting discussion of the role of the tank which I commend to my colleagues for careful attention.

And yet, in view of the overwhelming doubt, the MBT–70 rolls on. It was funded up to authorized levels by both the House and Senate.

On August 8, Senator HATFIELD and I were joined by Senators MCGOVERN, MONDALE, MOSS, PROXMIRE, and YARBOROUGH in introducing an amendment which would have temporarily delayed further development on the Main battle tank until the Comptroller General had an opportunity to report to the Congress on the practicability and cost effectiveness of the highly complex MBT–70.

A compromise was reached with the distinguished Senator from Mississippi, Senator STENNIS, the chairman of the Armed Services Committee. Our amendment was withdrawn, the chairman requested a study by the GAO, and the committee met again after the completion of the study to decide the future of the tank.

The full GAO report was very useful, and in my opinion, highly critical. It cast doubt over the future role of tanks generally, much less one so expensive and complex as the MBT–70.

The GAO study also discussed an intelligence estimate, dated August 15, 1969, an estimate not available at the time of the first debate, which in my

opinion cast further doubts about the future of the threat and the need for an MBT–70 to meet it.

And finally, the study summarized the more recent OASD (SA) study of the MBT–70's cost effectiveness, and came to conclusions—classified "secret."

Essentially, as the MBT–70 is now constituted, it is amazing that it is seriously considered a viable alternative to meet a partially self-created threat—especially in light of the GAO report and various Pentagon studies.

On September 9 of this year, Deputy Secretary of Defense Packard took the first hopeful step toward bringing this strange episode on weapons development and procurement to an end.

He announced he had asked his design people "to make a complete review of this program to identify what features could be eliminated while still retaining adequate capability, to determine whether further duplicate developments could be eliminated, to assess the remaining technical uncertainties, and to undertake to have this study completed by December of this year.

He then stated:

> At that time I will have the opportunity to review the entire program and make a decision on whether we should go ahead, and if so, how.
>
> I have further directed that the expenditures between now and the December review decision date be kept at an absolute minimum consistent with getting the data needed for the decision.

He specified that minimum as $12 million for R. & D. and promised to put a hold on the $20 million authorized for production-based support.

Promising to report to the Congress, Packard concluded:

> I am not here today to defend the way this program has been handled in the past. I am here to ask you for the opportunity to reorganize this program in a manner which will give our army a superior tank at a cost which can be justified. I will, of course, keep you informed as my review progresses and of the decision we make in December.

Mr. President, based on the foregoing analysis of the trials and tribulations of the MBT–70, it is my frank opinion that the funding of this program should be significantly cut.

I realize, even if the Defense Department were to decide today to terminate the MBT–70, that some funds would be necessary to cover termination costs, and so forth.

The September 2, 1969, GAO study previously referred to says in part:

> If decision is made to terminate the MBT–70 program, . . . funds would be required to cover termination costs and development effort on other programs. The $30 million RDT & E funding level could be used for this purpose.

However, I can find little or no justification for the appropriation of $20,000,000 for production-based support. This item, which would provide funds among other things for additional prototype models, would be throwing good money after bad.

I realize that at this point in time, while we are still awaiting Deputy Defense Secretary Packard's December review, I would perhaps be assuming too great a burden of persuasion to ask the Senate to cut the entire $20,000,000 for production-based support.

Therefore, Mr. President, I send to the desk an amendment on behalf of myself and Senator HATFIELD which would cut one-half of the $20,000,000, that is $10,000,000, from the budget.

I realize that when considered against the totality of the Defense appropriations bill, $10,000,000 may seem inconsequential.

But it is not.

Early this session the Congress was asked to fund the MBT–70 at $44.9 million dollars for R. & D. and $25.4 million for production-based support.

The Senate Armed Services Committee reduced R. & D. authorization to $30 million, and the Senate House Conference reduced production-based support to $20 million.

The amendment which I, along with Senator HATFIELD, offer today will reduce production-based support by another $10 million, bringing the total reductions for the MBT–70 program this year to more than $30 million—a 40-percent reduction from the original request.

Speaking for myself and I think also for Senator HATFIELD, who was the principal cosponsor with me of the original MBT–70 amendment, and is the cosponsor of the instant amendment, I believe Congress will have acquitted itself well if this amendment is adopted.

I would hope that the distinguished acting chairman, Senator ELLENDER, could see fit to accept this amendment as a sound one under the circumstances in which we currently find ourselves.

Mr. ELLENDER. Mr. President, there is a parliamentary problem we have to deal with here. The distinguished Senators from Missouri and Oregon are proposing to reduce an amount that is now in the bill, and following the disposition of that amendment there will be an amendment offered by the distinguished Senator from Maine (Mrs. SMITH) affecting the same figure.

I ask unanimous consent that agreeing to the amendment now being considered will not affect the right of the Senator from Maine (Mrs. SMITH) to amend the same figure.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ELLENDER. With reference to the amendment offered by the Senator from Missouri, I wish to say that this matter was considered by the committee, and in a letter from Mr. Packard to the chairman of the committee, dated December 15, 1969, concerning the NBT–70 tank, in the closing paragraph of the letter, Secretary Packard states:

> Of the total funds authorized of $50 million in the FY–70 Defense authorization ($30 million for RDT&E and $20 million for production base support) it is now clear that in any event I will not authorize funding in excess of $40 million.

The amendment offered by the distinguished Senator from Missouri would reduce that amount from $50 million to $40 million. Because of the letter from which I have just quoted, the committee is willing to accept the amendment of the Senator from Oregon.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the entire letter of the Deputy Secretary of Defense, Mr. Packard, addressed to the chairman of the Committee on Appropriations (Mr. RUSSELL), be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., December 15, 1969.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR SENATOR RUSSELL: I am responding to your inquiry concerning my review of MBT–70. Both the Department of the Army and Department of Defense staffs are analyzing in depth the MBT–70 and alternative solutions. I am scheduled to receive their findings by the 18th of December.

Based on information to date, I have concluded that I will not approve development of MBT–70 under the current design. By 15 January 1970, I will have made a decision between a new austere version of MBT–70 and other options that are available and should by that date have a report in the hands of your Committee.

It should be noted that this is a joint program under a basic agreement between the governments of the United States and the Federal Republic of Germany. The agreement prescribes that unilateral termination by either nation must be preceded by a 60 day notice of intent to terminate.

Of the total funds authorized of $50 million in the FY 70 Defense authorization ($30 million for RDT&E and $20 million for production base support) it is now clear that in any event I will not authorize funding in excess of $40 million.

DAVID PACKARD,
Deputy.

Mr. HATFIELD. Mr. President, I am pleased to cosponsor this amendment with the Senator from Missouri to cut $10 million from the procurement budget of the Main battle tank. The Senator from Missouri has demonstrated extraordinary commitment, zeal, and determination in his continual expression of concern regarding this expenditure of the taxpayers' money. It has been a privilege to work with him as the principle cosponsor of the amendment to the authorization bill and now this amendment regarding the MBT–70.

At the conclusion of the debate on the authorization bill, I stated, regarding the agreement we had reached:

> It is our hope that the report will be decisive, so that we can all agree to it; and if it is negative, we hope that we will then be able to reach some agreement as to what our next action should be; but it would not prejudice any of the sponsors of the amendment from taking future action on the appropriation bill.

As the Senator from Missouri has pointed out, the GAO study was negative, confirming our doubts and suspicions. And we have now reached agreement regarding our next action: to cut $10 million from the procurement budget of the MBT–70, and to then await further review by Secretary Packard.

I, like the Senator from Missouri, remain convinced that the investment of any funds in this program is a mistake, but have agreed to this measure as the most practical action to take at present. Of course, we will continue to watch the future of this tank with the greatest in-

terest, remaining deeply skeptical that the investment of any further funds can bring positive benefit.

Mr. President, I wish to raise one other consideration regarding this tank. This joint venture with the Federal Republic of Germany was signed in August of 1963. Conrad Adenauer headed the West German Government, the cold war had been intensified by the Berlin Wall, and John F. Kennedy had completed his dramatic visit to West Berlin. No one was thinkink about a European Security Conference, and few questioned the viability of NATO. Above all, relations between the East and the West—and between Moscow and Bonn—were frigid.

Now we are moving into a new diplomatic era. Willy Brandt, during his initial weeks as the new leader of the country, has already opened up innovative foreign policy options in Europe. Bonn and Moscow are having cordial conversations, and even Ulbricht is speaking about new terms for some kind of understanding between the two Germanies. All of Europe is in a period of diplomatic flexibility that may possibly mark the cold war's last days on that continent.

Now, of course, I am aware that changes in the international climate come suddenly and are not always dependable. But I wish to point out how radically the present European situation differs from the past. This, of course, is likely to continue into the decade ahead—the decade for which we are building the MBT–70 in partnership with West Germany.

There are some reasons to believe that West Germans have had serious misgivings in the past regarding this project. Newspaper articles from as early as 1967 hint to such developments. I ask unanimous consent they be inserted in the RECORD at the conclusion of my remarks. In today's world, they may have even more reason to doubt the wisdom of this joint project.

These comments are made only to underscore the fact that our defense posture must always be responsive to the atmosphere of international relations. This is particularly true in such joint projects as the MBT–70. These circumstances only further point out the wisdom of reexamining the future of this program. I trust that such a reexamination, initiated by the debate and agreement last August, will now be intensified by our action today.

There being no objection, the articles were order to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 10, 1967]

NEW TANK SHOWN; HELD WORLD'S BEST

(By George C. Wilson)

The Army yesterday unveiled the new tank it has been building with West Germany and predicted it will be the best in the world "for the next 15 years."

The tank, designated the Main Battle Tank 70, represents the Pentagon's most ambitious attempt yet to inspire a common market of weaponry among NATO allies.

But the political roadblocks in front of the tank look more menacing right now than any natural obstacles the 51-ton vehicle will confront once it becomes operational in the 1970s.

Germany, in revamping its military budget, is expected to trim some of the money earmarked for the tank. Any cutback on that side of the Atlantic threatens to slow down the whole program because it is a 50-50 project.

The United States so far has spent $80 million on developing 16 prototypes of the Main Battle Tank. Germany has not yet contributed as much—the Army would not be specific yesterday—but is obligated to kick in an equal share eventually.

The development costs of the tank have outrun original estimates to the point where some German leaders claim the vehicle is taking an inordinate share of the military dollar.

Army project chiefs are hopeful that the technical advances in the tank will overcome such objections. The Pentagon also may work out a delayed payment arrangement with Germany to soften the financial impact.

An actual prototype of the tank is the star attraction at the Association of the U.S. Army three-day meeting, which opened yesterday at the Sheraton Park.

Maj. Gen. Edwin H. Burba, U.S. project manager for the tank, said it will be ahead of any of its competitors in Russia or elsewhere "for the next 15 years." The Army credits the tank with these five major technical advances:

A suspension system that raises or lowers the treads to enable the tank to adjust to the terrain and lower its silhouette; a crew compartment that protects the three men against nuclear radiation and germ warfare poisons; a 152-mm. cannon for ammunition or missiles—the most accurate of any tank; a transmission that enables the tank to go forward or backward at four different speeds, with reverse just as fast as forward; unexcelled armor protection plus kits that enable the tank to run under water.

Allison Division of General Motors is heading the U.S. industry team while its counterpart is the German Development Corp.

Gen. Burba said the Main Battle Tank will replace the M–48 medium tank but will not take over the role of the heavy M–60 tank.

Flanking the Main Battle Tank yesterday were new weapons, which dramatize the impetus the Vietnam war has provided to Army hardware development.

Two of these weapons are helicopters—the AH–1 Huey-Cobra and the AH–56A Cheyenne. The Huey-Cobra is a rework of the UH–1, or Huey, which is the helicopter used now in Vietnam as both a troop carrier and gun ship. The Huey-Cobra has been streamlined and armed with a coordinated weapons system. It will see action in Vietnam this year.

The Cheyenne is the first helicopter built from scratch as a weapons platform. It is now being flight tested, with a production contract expected to be awarded soon. The Cheyenne is designed to fly over 200 miles an hour—faster than any existing helicopter—and carry 16,000 pounds of rockets and other armament. This payload is as much as that of the later B–17 bombers of World War II.

[From the New York Times, Oct. 9, 1967]

U.S.-GERMAN TANK ON DISPLAY TODAY—FAST MISSILE-FIRING MBT–70, CALLED DEADLIEST ARMORED VEHICLE, IN WASHINGTON

(By William Beecher)

WASHINGTON, October 8.—A futuristic tank with a low, flat silhouette and a gun capable of firing missiles and artillery shells is to be unveiled tomorrow in the United States and West Germany after four years of joint development by the two countries.

Called the Main Battle Tank of the nineteen-seventies, the MBT–70, the armored vehicle has fallen about a year behind schedule and is experiencing serious troubles with its principal weapons system. Development costs have risen so high that Germany is seeking modifications in the agreement under which the two nations have been proceeding on the project.

But American tank experts who are close to the program insist that, despite its problems, the MBT–70 will be the fastest, deadliest and most advanced armored combat vehicle ever devised and promises the allies a decided edge over Soviet armor.

The American pilot model, produced in Cleveland by the General Motors Corporation, will go on display outside the Sheraton Park Hotel here during the annual meeting of the States Army, an organization that supports Army interests.

Germany is expected to show its model, built by a consortium of nine companies, tomorrow as well.

The MBT–70 is regarded with more than usual interest by top Government officials because it represents the most ambitious effort to date by two nations to share equally the costs, technical knowledge and management decisions in developing a major new weapons system.

If the experiment ultimately succeeds, it may well establish the pattern for other big joint development programs, Administration officials say.

With the differences in language, industrial organization, tank doctrine and financial resources, "it's a wonder things have gone as smoothly as they have," one American planner says.

A particularly ticklish problem, for example, developed because American and German industry use a different screw thread in their nuts and bolts.

After considerable negotiation, the two parties agreed in the summer of 1965 that each would use its own screw thread internally on all components designed for the tank. They decided that each component would be interconnected using the metric, or European, screw thread.

The MBT–70, with a maximum speed of about 40 miles an hour, is about a third faster than the United States' principal battle tank, the M–60. It uses an automatic ammunition loader, thus cutting the crew size from four to three.

Its chassis can be raised and lowered about 18 inches, giving it better traction in mud and snow. Infrared and starlight viewing devices enable the gunner to see the enemy at night and in bad weather.

ALL-NEW DEVELOPMENT

An advanced firing computer gives it better kill capability with either its conventional 152-millimeter artillery shells or with its Shillelagh guided missiles.

It has stronger armor, as well as special shielding and ventilation to allow it to move through a nuclear or chemical warfare environment. A new suspension system enables it to absorb shock and to fire more accurately at the enemy while moving over bumpy terrain.

"In the past, we merely added a few improvements over the existing tank and called it a new one," one Army officer said. "This represents the first instance in which we have developed every component from the ground up."

American and German sources agree there is no doubt that the MBT–70 offers significant advances over present tanks. But certain differences remain.

There is the matter of costs, for example. When the program got under way in August of 1963, a rough estimate of the development cost, to be shared equally, was $80-million.

Later, after careful analysis, the estimate was raised to $136-million. But technical problems in each country led to costly delays, and earlier this year the estimate was again raised, this time to $200-million.

PACT CHANGES SEEN

Sources say that German officials insisted this was too much of a burden for Germany to shoulder, coming at a time when its budget

pinch was causing a major review of its entire defense establishment. This led to rumors that the Germans were seeking to back out of the program.

But sources close to the project say there is no question that the development program will be completed jointly and that each will pick up half of the cost.

It is possible, they say, that Germany will be allowed to stretch out its annual financial contributions to the program and that there may be other changes on previous agreements such as on patent rights and the exchange of technical information.

Negotiations on these matters began late last summer, but final agreements must be worked out at the defense secretary level, it is said.

The gun-missile system is also experiencing difficulties, with the artillery element rather than the missile causing the trouble.

The 152-millimeter gun tube on the MBT–70, similar to a system being installed on the new American light Sheridan tank and on a modified version of the M–60 tank, can launch a Shillelagh guided missile at targets from 1,500 yards to 3,000 yards away.

The gunner merely keeps the crosshairs of his sight on the target, and this causes corrective signals to be sent to the missile to guide it to the bullseye. But the missiles are expensive, costing $2,500 to $3,000 each.

So the system also fires a 152-millimeter artillery round at closer or less vital targets. Instead of a brass cartridge case to hold the powder charge, the gun was designed to use a combustible cartridge case made of the same substance as the propellant but with a different molecular structure.

In some instances this combustible case has not burned completely and when the gun's breech was opened, propellant gas mixed with air and was ignited by the burning residue. This caused a flareback of flame that threatened to ignite other rounds in the tank's turret.

In a few instances, premature explosions are said to have occurred when a new round was inserted while burning specks remained in the chamber.

Army engineers have developed and tested a device to flush the gun tube and breech blocks with jets of carbon dioxide gas. Still more advanced devices using air or nitrogen gas are on the drawing boards.

Meanwhile, the Army is also trying to develop a more fully combustible propellant case.

But as the United States has wrestled with this problem, the Germans have expressed second thoughts about having missiles at all.

Some German tankers have said that they would rather have a rapid-fire 110-millimeter or 120-millimeter conventional gun without the expense of training and equipping their tank forces with missiles, too.

Tank battles in Germany have traditionally been fought at relatively close range, they say, and the Shillelagh is not very effective close in; it has to fly out a certain distance before it is "captured" by its guidance system and directed to the target.

An American source said that German officials were now talking about the possibility of two versions of the MBT–70, one having a gun only and the other a gun-missile capability.

The Germans have also developed an alternate engine for the tank, but American and German sources tend to agree that the United States engine will probably be used by both.

With development well along, the two countries are negotiating an agreement to cover the production of the tank in each country. Other allies, including Britain, Italy and the Netherlands, have expressed interest and are viewed as potential customers.

A year-long test program is about to get under way in Germany and the United States, also on a joint basis. Each country will use eight pilot models in the tests.

The Army's test and evaluation command is planning joint tests in the deserts around Yuma, Ariz., at the Arctic test center in Alaska, in a nuclear environment in New Mexico, in a chemical warfare setting in Utah, in the hands of engineer troops at the Aberdeen Proving Grounds in Maryland and in the hands of troops at Fort Knox, Ky.

Similar tests will be held in Trier, Meppen and Münster-Läger in Germany.

[From the New York Times, Oct. 10, 1967]

BONN SHOWS U.S.-GERMAN TANK; TURRET MALFUNCTION MARS TEST

(By Philip Shabecoff)

BONN, October 9.—The West German Defense Ministry unveiled today in Augsburg a prototype of the Main Battle Tank of the nineteen-seventies.

The demonstration of the tank, which is being jointly developed by West Germany and the United States, indicated that the MBT–70, as it is called, still was not a perfect weapons system.

After 30 minutes of a maneuverability test, smoke began pouring out of the turret. The three-man crew jumped out uninjured and called for fire extinguishers.

Apparently, a valve in the hydraulic system of the turret malfunctioned. The tank could not be used for the rest of the demonstration, and a tank chassis with a turret missing was used to finish the display.

OBSERVERS IMPRESSED

Observers in Augsburg, however, were impressed by the tank, particularly its ability to rise and lower itself on a hydropneumatic system.

Only a few officers and reporters witnessed the demonstration. Tomorrow the tank will be shown to members of the Defense Committee of the Bundestag, the lower house of Parliament.

A spokesman for Bonn's Defense Ministry said that if the MBT–70 met expectations, it would replace by 1972 all the American-made M–48 tanks now used by the West German Army.

He said that if hopes for the tank were realized, the Bundeswehr (armed forces) would have the most technically sophisticated and militarily effective tank conceivable for the nineteen-seventies.

According to German estimates, the MBT–70 will cost $550,000 to $580,000 each, based on a production run of 1,500 tanks.

The West German estimates of the development costs run as high as $750-million, a figure that includes the production of a number of vehicles.

Some members of the German Government have expressed dismay over the development costs, observing that they are two to three times the development costs of the new West German Leopard tank, which is being phased into the Bundeswehr.

Some military experts here have said that the Leopard can do the military job required in the seventies and thus makes the expense of the MBT–70 unnecessary.

The West Germans are reported to have disagreed with the Americans on armaments for the tank, preferring conventional weapons to a missile system. The result was a two-turret system, one turret mounted with a Shillelagh missile launcher and the other with a rapid-fire cannon.

DISPLAY IN WASHINGTON

WASHINGTON, October 9.—The United States Army also displayed today the MBT–70, which it figures is the world's fastest and most sophisticated tank.

"I don't really know what the Russians have," said Maj. Gen. Edwin H. Burba, the top American officer on the two-nation team that has guided development, "but I'd like to place a bet for a month's pay that this is better."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. STOKES of Ohio, Mr. ASHBROOK of Ohio, and Mr. BELL of California vice, Mr. STEIGER of Wisconsin, excused, as additional managers on the part of the House at the conference asked by the House on the disagreeing votes of the two Houses on the bill (S. 3016) to provide for the continuation of programs auhorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The message announced that the House had passed, without amendment, the bill (S. 1108) to waive the acreage limitations of section 1(b) of the act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970; and for other purposes.

Mrs. SMITH of Maine. Mr. President, on behalf of myself, the Senator from Kentucky (Mr. COOPER) and the Senator from Michigan (Mr. HART) I send to the desk an amendment, and ask that it be stated.

The legislative clerk read the amendment, as follows:

On page 6, line 25, strike out "$7,185,841,000" and insert in lieu thereof "$7,162,641,000."

On page 16, line 4, strike out "$4,254,400,000" and insert in lieu thereof "$3,908,900,000."

On page 22, lines 9 and 10, strike out "$1,600,820,000" and insert in lieu thereof" $1,199,920,000."

The PRESIDING OFFICER. Does the Senator ask unanimous consent that her amendments be considered en bloc?

Mrs. SMITH of Maine. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HART. Mr. President, will the Senator yield for the purpose of my asking for the yeas and nays?

Mrs. SMITH of Maine. I am happy to yield.

Mr. HART. I ask for the yeas and nays.

The yeas and nays were ordered.

Mrs. SMITH of Maine. Mr. President, I shall be very brief in speaking in support of this amendment. The issue is clear. The amendment would strike all funds for the Safeguard anti-ballistic-missile system except the funds for mili-

tary personnel, which can be used elsewhere.

The basic issue was debated at great length on the authorization bill and ended in a 50-to-50 tie vote.

So this debate is not going to change anyone's mind. If there has been any change of mind, that change has come before this debate.

The purpose of this amendment is the opportunity for those of us who oppose the Safeguard ABM system to register our continuing opposition.

An incidental use will be gained in that the vote will offer an opportunity for some to record their change of mind on this issue in changing their vote from their vote on authorization of the system.

I want to clearly record the fact that I have not changed my mind. In fact, from what I have been told by some working on the Safeguard system—told since the authorization vote—I am all the more convinced that spending funds for the Safeguard ABM system is a tragic waste of funds and resources.

I am confident that the very near future will demonstrate the tragedy of the Safeguard ABM system and in contrast the superiority of a laser defense system.

In short, I simply cannot vote to spend money and resources on what I consider to be a defective system.

THE SOVIET RESPONSE TO SECRETARY ROGERS

Mr. JAVITS. Mr. President, I had meant, during the morning hour today, to make a brief statement on the situation in the Middle East. Since that opportunity was not available to me earlier in the day, I take the liberty of detaining the Senate for a few minutes to make the statement now.

Today's reports of the Pravda article commenting on Secretary Roger's controversial speech of December 9 clearly reveals Soviet intentions with respect to the Middle East—intentions that are most disquieting. While the world looks for a spirit of cooperation and responsibility in the SALT talks, the Soviet Union can hardly make a good impression when it continues to take the low road in Cairo and Damascus, while seeking to appear to take the high road in Helsinki.

Secretary Rogers' speech contained strong overtures to the moderate Arab governments and foreshadowed a tough U.S. stance vis-a-vis Israel's substantive position on the outstanding issues concerning a peace settlement. The major effort by the Nixon administration to go the extra mile to bridge the gap in the Mideast—even at the cost of undermining Israel's position—was motivated, I have no doubt, by a genuine desire to promote peace.

A Soviet diplomatic offensive against the U.S. Middle East policy, which seems now to have been inaugurated, presents a challenge for debate on the international level, which the United States should not forego. The Soviet Union is either preaching to us or scolding us on our policy without itself making any contribution to peace in this area. The whole world agrees that there is a great danger in the Middle East. But the danger, I feel, is not so much between the great powers as it is in the possibility of the whole area once again plunging into flames with repercussions which no one can predict. While the United States announced a policy of "balance" and sweet reasonableness—a policy which I feel is well-intentioned but misguided—the Soviet Union engages in nothing more than pandering to the most intransigent positions of its radical Arab clients. The exercise is strictly one of seeking to discredit the United States without making any contribution to peace in the area.

Whatever may be the Soviet Union's intentions elsewhere, it obviously intends to play a strictly opportunistic, irresponsible and power-grabbing role in the Middle East.

The U.S.S.R. has now made it clear that its policy in the Mideast is to take a mile every time the United States gives an inch. Secretary Rogers' detailed statement of U.S. differences with Israel has not been paralleled by any Soviet indication of any differences with the unrelentingly extremist position of its Arab clients. In fact, the U.S.S.R. in the few days since Secretary Rogers' speech has alined itself even more closely—if that is possible—with the straight propaganda line of President Nasser's United Arab Republic, even to the extent of backing the guerrilla movement in the Middle East.

The U.S. concessions in Secretary Roger's speech have been attacked in Pravda as "tricks" of "Washington propaganda" designed to "split" the Arabs. The new U.S. policy is described as one of "support to the Israeli ruling circles in their aggressive actions, in their stubborn attempts to annex territories."

The U.S.S.R. obviously is seeking to draw the United States into a policy of entrapment there—one of extracting one U.S. "concession" after another—by constantly raising the bidding price. What is at stake is the very survival of Israel. No one can expect Israel to go back to the pre-June 1967 situation, with Syrian guns firing down its throat from the Golan heights, with Jordanese medium artillery able to interdict the 12-mile waist of Israel and cut the country in two, and with Egypt able to cut the entry to Elath and to mobilize in the Sinai desert.

It is a matter of gravest concern and regret that the Soviet Union continues to pursue such a dangerous and irresponsible policy in the Mideast. It is a real understatement to say that the U.S.S.R. is not proceeding in the Mideast with the spirit of cooperation and responsibility that we have some reason to suspect may be in the offing regarding the SALT talks and other overall U.S.–U.S.S.R. issues. In my judgment, it is time for the Kremlin to realize that if it does want to move—in President Nixon's memorable phrase—from the "era of confrontation to the era of negotiation" it cannot make an exception of the Mideast. The issues are too serious there.

It is clear that the Soviets are not prepared at this time to respond in any reasonable, just, or responsible manner to Secretary Rogers' high-minded—but in my judgment misguided—effort to place the United States in an "even-handed," "balanced," and intermediary posture in the Mideast. The only visible results thus far have been a strong Soviet reiteration of down-the-line support of the radical Arab position. Also, the Soviets have for the first time expressed overt support for the Arab terrorist guerrilla movement.

In this context, the low-keyed request of Prime Minister Golda Meir to President Nixon, during her recent visit to buy additional defensive arms—hopefully on less onerous terms—assumes a new urgency.

If the United States does not lose its nerve and does not allow itself to be maneuvered into pressing Israel to accept measures which could compromise its security, current radical Arab and Soviet policy will fail, the bankruptcy and total negativism of its premises will be exposed and a new era of opportunity and enlightenment can open in the Middle East. But if Israel loses her viability as a free state—either because we unwittingly encourage her enemies to think they have a chance to wage one last holy war against her, or because our "balanced" policy forces Israel into bankruptcy to maintain her military defense against such a war—it would pose the gravest implications for the United States and for the peace of the world.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MURPHY. Mr. President, I associate myself with the remarks of the Senator from New York and congratulate him for bringing the matter before the Senate today.

I have also been interested in these developments. I have read with great concern the apparent further attempt at appeasement, which is exactly the thing that the representatives of Israel have worried about from the beginning. They were afraid that it would happen in the U.N. They asked to meet with the Arabs.

The Israelis and the Arabs are the ones concerned.

We seem now to be in the position of helping the real troublemakers in providing them with the side entrance, so to speak, so that the real meeting between the Israelis and the Arabs could not take place.

I think this is a great mistake. I think that the attempt is badly taken. And I think that the wisdom of it is very questionable.

I am certain that the position the Senator from New York and the Senator from California have taken from the beginning is a proper position.

I sincerely hope that the remarks the Senator has made today are transmitted forthwith to the Secretary of State so that he will know that some Senators are listening to this and are watching it and are knowledgeable and have some judgment as to the matter.

Mr. JAVITS. Mr. President, I am very grateful to my colleague.

I will yield to no one in my desire for good relations with the Soviet Union.

However, I also feel that we have to be very clear in our own minds about certain things. We should realize that it has long been the practice of the Soviet Union to convey an attitude of cooperation and détente in one place—apparently there seems to be that kind of attitude in Helsinki—and at the same time to play the very dangerous game of brinkmanship with peace without responsibility in another place—the Middle East.

I have made my remarks today so that we may be conscious of the fact that the U.S.S.R. can carry on both kinds of policies and that our policy must be adjusted accordingly.

We cannot allow ourselves to be taken in by a cooperative atmosphere in another policy area so as to jeopardize the security of a very effective and durable ally. The adoption by the Soviet Union of an intransigent position, with which I have confidence the administration thoroughly disagrees—that is the position of the Arab States—should not induce us to make unwarranted concessions.

I think that under the guise of trying to be balanced and fair, we could be taken in.

I have made my remarks today to call the matter to the attention of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

Mr. HATFIELD. Mr. President, I rise to support the amendment offered by the distinguished Senator from Maine (Mrs. SMITH). I will be very brief here today because, as my colleague has pointed out, I think that most everyone has made up his mind and each has heard all of the arguments on the ABM question.

However, I should like to introduce a subject that was not involved in the previous debate—something that has come to be recognized as a new term by the Defense Department, called "cost growth." We used to call it "overruns" or the other terms that were given to it. They were meant to indicate that there was a change from the original estimate of a weapons system to the kind of figure we were dealing with when it finally ended up, or when we were making continuing appropriations.

Mr. President, I read from the statement of Mr. Packard, Assistant Secretary of Defense, when he indicated last spring, as appears in the RECORD of December 12, 1969, on page 38673.

> Neither the Department of Defense nor the Congress will continue to tolerate large cost overruns which relate to unrealistic pricing at the time of award, or to inadequate management of the job during the contract.

The chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), on December 1, issued a statement which included 35 weapons programs and the differences which we could expect to find with between the original cost estimate and the current cost, because of any "cost growth."

In the 35 weapons systems, the ABM Safeguard was included. The chart which was released by the chairman indicated that the current estimate for the Safeguard was the same as the original estimate—namely, $4.1 billion—and that, therefore, there had been no cost growth from the time of the original estimate to the time of the release, which was December 1.

Mr. President, I made some inquiries and I would like to report to the Senate some of the results of those inquiries.

The total cost estimate of the Safeguard ABM system has risen by $277 million since we last considered this issue. Although the Senate Armed Services Committee reported, as I have said, on December 1, 1969, that there had been no increase in the original $4,185,000,000 cost estimate, the Pentagon informed me Saturday, after persistent inquiry, that the cost had escalated by this amount.

The Defense Department has claimed that this 6⅔-percent increase has taken place since its last program status report of June 30, 1969. I do not know why such a cost growth was not reported on December 1, unless an increase of more than a quarter of a billion dollars has taken place in the 12 days since then.

Increasing at a rate of 6⅔ percent every 5 months, the phase I deployment of the Safeguard system will not cost the taxpayers $4,185,000,000, as orginally claimed, but rather $13,700,000,000 by its completion in 1976. Such a projection is not at all unrealistic, for recent history has witnessed the cost of weapons systems growing by such proportions.

Further, the Pentagon's $4.185 billion estimate was only for phase I of Safeguard, or deployment at just two sites. Should we proceed with phase II of the system, the original cost estimate of $10.3 billion could well rise above $25 billion. These are the expenditures that are ultimately at stake by our decisions today.

We all know of the financial crisis within our land. All of us are alarmed by seemingly unchecked inflation. During the debate on the tax bill last week, time after time, colleagues have spoken about the absolute need for fiscal responsibility.

For instance, some argued that we could not give a deduction for the medical expenses of those over 65 and not covered by medicare; we could not afford the $255 million this would have cost us in fiscal year 1970, it was said. But the increase in the ABM during just these past 5 months exceed that, and the total ABM funds in this appropriations bill are more than three times as much.

In explaining the reasons for this cost increase to me, the Pentagon stated that 1⅓ percent was due to "stretchout," 2 percent was due to "design and estimate changes," and 3⅓ percent due to inflation. I find this last cause to be somewhat ironic.

All of us would agree that a certain step toward the control of inflation is the reduction of Government expenditures. But the truth is that the most fiscally irresponsible Government spending today is defense spending.

One reason why the cost of weapons systems increases, then, is simply because massive funds are spent for them during this time of economic instability, becoming a primary cause of inflation.

The reasons for not proceeding with ABM deployment at this time have been clearly set forth in the past. Today, in light of this new information, I wish to emphasize only one: We cannot afford it.

Mr. President, I ask unanimous consent that the fact sheet given to me on Saturday by the Pentagon confirming this cost increase be inserted in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACT SHEET

1. Secretary Laird has placed great stress since coming into office on making the Program Status Reports submitted to the Armed Services and Appropriations Committees an accurate reflection of the major weapons system acquisition programs, characteristics, and costs. The last Program Status Report submitted to you with regard to the Safeguard program was as of 30 June 1969, and showed the DOD acquisition, or DOD investment costs, expected for the Safeguard program as $4185 M. These costs include the DOD RDT&E, PEMA and MCA for Safeguard Phase 1 for the period FY 68 through deployment of the last site.

2. The next Program Status Report on the Safeguard program is now in its final stage of review. It is expected to be forwarded shortly to the Chairmen of the Armed Services and Appropriations Committees. The Report on Safeguard will show a cost increase over the earlier Safeguard reports and we wanted you to have this information as early as possible. The total increase shown in the new report will be $277 M, or a percentage increase from the earlier reported total of about 6⅔ per cent. This increase is brought about by three basic causes.

a. The largest cause is the inflation that has occurred. In this regard, initial estimates of March and those of the 30 June report were based on the price levels as of 31 December 1968. We have now updated those costs to a 31 December 1969 level so that they will be in agreement with the budget and authorization submissions for FY 71 now being prepared. Approximately $136 M of the $277 M is due to this price level change, or 3⅓ percent of the earlier reported total program investment costs.

b. Then, too, as you realize, we have held back on major commitments for construction and PEMA until after passage of the authorization and appropriation bills. This has necessitated our delaying the Equipment Readiness Dates of the two site complexes by 3 months each. Completion of deployment of the second site complex is now delayed from the earlier scheduled July 1974 to October 1974. In other words, it has stretched out the deployment and the period over which our production/engineering base is maintained. This stretch-out has caused an increase of $55 M, or 1⅓ per cent of the earlier reported total program investment costs.

c. Finally, and the second largest, we have had certain changes in the estimates of several line items brought about by further estimation and study and a few necessary design changes. These together account for $86 M of the increase, or about 2 per cent of the earlier reported total investment costs.

d. In summary, then, the total cost increase shown in the next Program Status Report will be one of about 6⅔ per cent: of

which 3⅓ per cent is due to inflation; 1⅓ per cent due to stretchout; and, 2 per cent due to design and estimate changes.

3. As I mentioned earlier, we did want you to have this information as early as possible. Also, I should emphasize, however, that this does not change the requested amount for FY 70—the amount carried in the current Authorization Act and Appropriation Requests.

ABM

Mr. GOODELL. Mr. President, this morning an editorial entitled "Senate and SALT" appeared in the New York Times. It states, rightly so, that debate on the nearly $70 billion Defense appropriations bill offers another opportunity "not to be missed" to examine the arms race.

The question of Safeguard ABM deployment involves many still unresolved issues. As I stated on August 6, the day of the vote on authorizing Safeguard:

If ABM and MIRV go unchecked, we will be in an arms race of proportions unknown in weapons history. We will be racing not only with the Russians and Red China but with ourselves as well.

Today, we are to decide whether to deploy the Safeguard ABM.

No matter what the limited scale of Safeguard which has been proposed, we simply cannot assume that there will be no Soviet response.

I fear what is in store is the inevitable action-reaction cycle.

A natural response to an ABM deployment by the United States would be further Soviet MIRV development and possible deployment.

In turn our own efforts in MIRV capability would increase.

Then will both sides look to deploying land-mobile missiles?

Mr. President, escalating new elements of uncertainty can only weaken the stability of deterrence with resulting peril to the security of our country.

Rather than fill a "deterrent gap" as the Pentagon claims it will, ABM could unleash a weapons race spiralling beyond the possible control by nations.

Mr. President, on August 6 the Senate authorized initial deployment of Safeguard by a vote of 49 to 51, after a 50 to 50 vote to deny deployment.

Now we are being asked to appropriate funds for Safeguard.

Today, we already hear of "cost overruns" for this ABM system. Under the rubric of "cost growth," it is now estimated that phase I of Safeguard will cost $277 million more than the Department of Defense originally estimated. The Senator from Oregon (Mr. HATFIELD), who first disclosed the cost increase, has indicated that at this rate, the cost of phase I may now reach over $13 billion by the target date of 1976. It should be recalled that last May, the Pentagon indicated that the full Safeguard program would cost about $10 billion.

Beyond spiraling costs for the Safeguard ABM system, we must come back to the basic question of spiraling arms systems.

ABM + MIRV > SALT?

Mr. President, will deployment of Safeguard ABM and the buildup in MIRV from city-target to hard-target capability be so great as to render impossible meaningful control of nuclear weapons at the Strategic Arms Limitation Talks—SALT?

According to October testimony by Gen. John D. Ryan, Chief of Staff, U.S. Air Force, on Defense appropriations requests:

The most important factor in the threat is the changing strategic relationship between the United States and the U.S.S.R. A primary Soviet objective is to overcome the U.S. lead in capabilities for nuclear war. Toward this end, the Soviets have built and are deploying impressive offensive and defensive forces. They will undoubtedly seek further advances in their relative strategic position.

A primary aim of the Soviets is to overcome the U.S. lead in capabilities for nuclear war. They are indeed making impressive gains. Their ICBM force continues to grow at a rapid rate. They continue development of new and improved systems such as multiple reentry vehicles. A fractional orbit bombardment system has been tested. They continue a high priority program to expand their ballistic missile submarine force. Their long-range aviation continues to be maintained at impressive levels.

Now, what are we doing in each of these areas? First, in missiles. In recent years the introduction of Minuteman III into the force has been successively stretched out.

. . . There has been criticism of Minuteman costs based on the fact that early estimates for earlier contemplated programs have been greatly exceeded. This criticism fails to take into account that the program has been a rapidly evolving one keeping apace with technological changes—and that the Minuteman in the field today is a far different vehicle with greater capabilities than the one originally envisioned.

Minuteman III will further improve our missile force by making possible the introduction of Multiple Independent Reentry Vehicles (MIRVs) into operational use for the first time. Flight tests of Minuteman III have been highly successful in meeting test objectives.

With respect to new ICBM developments, we have only the Hard Rock Silo and a small advanced ICBM technology effort underway. We, thus, must rely on Minuteman until well in the seventies.

Regarding MIRV developments, General Ryan added:

We have a program we are pushing to increase the yield of our warheads and decrease the circular error probable so that we have what we call a hard target killer which we do not have in the inventory at the present time.

Mr. President, I shall oppose the funding of Safeguard ABM because of my conviction that we simply must halt this offensive/defensive nuclear weapons escalation; we simply must stop spending for false security.

In view of the arms issues facing us today, I ask unanimous consent that the New York Times editorial "Senate and SALT" and an article entitled "AF Developing A-Weapon for 'Hard Targets'" which appeared in the Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SENATE AND SALT

The $70-billion defense appropriations bill, which provides initial funds for deployment of the Safeguard antiballistic missile (ABM) system, offers the Senate another opportunity to debate the nuclear weapons race, an opportunity not to be missed. The Administration argues that nothing should be done that might weaken the American position in the strategic arms limitation talks (SALT) in Helsinki. Yet there never has been a moment when full debate has been more vital, whether or not ABM opponents—who failed by one vote in August to halt Safeguard deployment—make a new effort to stop it now.

The American delegation went to Helsinki with instructions to make no substantive proposals, but to settle procedural matters and probe Soviet views. The critical decisions are yet to be made on the position the United States will take when the talks enter their substantive stage in late January or February. Before he makes those decisions, President Nixon should have the advice of the Senate and know that he will find support if he takes some risks to head off a new escalation in missiles.

The crucial decision is whether to freeze strategic missiles immediately at about present levels as a preliminary to negotiated reductions, or to leave some new weapons uncontrolled and to set "limits" on others that would legalize a vast expansion of offensive and defensive delivery vehicles before cut-off.

The issue turns on three weapons: MIRV multiple warheads, the ABM and the Soviet SS–9 intercontinental missile. There is time to halt ABM or SS–9 deployment which, at present rates, could not seriously alter the nuclear balance for several years. But MIRV, which must be halted soon or not at all, probably cannot be stopped without a suspension of ABM and SS–9 deployment.

Deployment of MIRV, which the Pentagon plans to begin in May or June, promises a four- to five-fold multiplication of the 1,700 delivery vehicles in the American strategic offensive missile forces and undoubtedly would lead to an equivalent escalation in Soviet missiles. MIRV can only be halted by a test-ban before deployment. Once deployed, it could only be controlled by on-site inspection more intrusive than either the United States or the Soviet Union would be likely to accept.

That is why the General Assembly's Political Committee voted, 67 to 0—with the U.S., the U.S.S.R and their allies among the forty abstainers—for a moratorium on all "further testing and deployment of new offensive and defensive strategic nuclear weapons systems" as the SALT talks proceed.

The U.N. appeal undoubtedly is broader than is necessary. A moratorium on the testing and deployment of multiple warheads and on the further deployment of ABM's and SS–9's is urgent, however, if the SALT talks are to halt the arms race before rather than after an enormous new escalation in the missile forces. This is the issue that cries out for Senate debate, whether or not the opportunity is taken to reverse the August ABM vote.

AF DEVELOPING A-WEAPON FOR "HARD TARGETS"

(By George C. Wilson)

The Air Force is working on a new weapon bound to upset arms-control advocates in this country and likely to be viewed by Russia as a potential threat.

Gen. John D. Ryan, Air Force Chief of Staff, indicated his service is developing an improved MIRV missile in testimony released this week by the House Defense Appropriations Subcommittee.

"We have a program we are pushing to increase the yield of our warheads and decrease the circular error probable so that we have what we call a hard-target killer which we do not have in the inventory at the present time," Ryan said.

The term "hard-target killer" connotes a warhead big enough and accurate enough to destroy missiles or command and control centers buried underground.

FIRST-STRIKE WEAPON

Defense Secretary Melvin R. Laird and his Pentagon colleagues have been portraying the Soviet SS–9 ICBM as just such a weapon,

arguing it gives Russia the capability to knock out American strategic missiles in a first strike.

The local American response, these officials argued in winning congressional approval of the Safeguard antiballistic missile system this year, is to build missiles to protect some of our Minuteman ICBMs. Then they could retaliate if Russia ever attacked the United States first, providing the deterrent to any first strike.

At the same time, Pentagon officials said the multiple MIRV warheads destined for our Minuteman and Poseidon missiles were not big or accurate enough to threaten Russian ICBMs. The American MIRV, the argument went, is basically for blowing up Soviet cities, not hard targets. Therefore, Russia need not build an ABM to protect its missiles.

The Ryan testimony indicates the Air Force is working on an improved version of MIRV which, like the SS–9, could be viewed by the Russians as a first strike weapon.

ACTION-REACTION

This is the kind of action-reaction phenomenon that Sen. Jacob K. Javits (R-N.Y.) and other Senate critics warned about in opposing the plunge into MIRV and ABM.

"Is not the SS–9 the Soviet Union's riposte to our MIRV development?" Javits asked Deputy Defense Secretary David Packard in Senate Disarmament Subcommittee hearings March 26.

"Are we not witnessing here that every time we take a step or every time they take a step," Javits continued, "there is a correlative step accelerating the arms race and that, therefore, there is a great advantage in having one of the parties at some point when they are reasonably secure, if only for six months or a year, saying, "This is it. We are ready to stop now . . .'?"

Packard distinguished between the big Soviet SS–9, with hard-target capability, to American city-busting MIRV's and said the two superpowers had achieved "a hopefully stabilized level" conducive to arms talks.

HARD TARGETS

When asked earlier this year what the Pentagon meant when it said it wanted to increase missile accuracy against hard targets, a spokesman for Laird cited such things as steel mills—not missile silos.

The Ryan statement goes beyond improved accuracy by asserting the Air Force is out to increase the explosive power of its warheads as well. Accuracy and yield are the key to first strike ability—also called counterforce.

Former Vice President Hubert H. Humphrey and other political leaders have portrayed MIRV as a menace to the nuclear balance of terror between the U.S. and Russia.

The argument of the MIRV critics is that once one side figures the other can knock out its missiles in a sneak attack, it will be tempted to fire first.

An Air Force spokesman, when asked for elaboration on the Ryan statement, declined comment. Several disarmament leaders, when queried, said the Air Force statement confirms their fears about MIRV.

Soviet strategists are bound to give the testimony close reading as they prepare their positions for the SALT talks.

The military contention is that the U.S. Air Force must hedge the nation's strategic bet by continually working on weapons improvements. To do less would be irresponsible, said one military official when asked about the improved MIRV.

He said the Soviet Union has not taken such steps as putting bombers on airborne alert, indicating Russian leaders have no worries about the U.S. striking first. The military line is that doves in this country are unjustifiably concerned about MIRV.

A MIRV accurate and big enough to knock out a hardened ICBM site could be used to destroy any remaining missiles after a nation attacked the U.S. first. Therefore, military officials argue, an improved American MIRV is not necessarily a first-strike weapon.

The Air Force has awarded Singer-General Precision Inc. of Little Falls, N.J., a $3.9-million contract to work on improved guidance for MIRV warheads under a broad program called Technology C.

Mr. HART. Mr. President, I rise in support of the amendment of the distinguished senior Senator from Maine (Mrs. SMITH), the ranking minority member of the Senate Armed Services Committee.

We all understand, with deep regret, the reason that occasions the absence of Senator COOPER. We trust that the news with respect to the serious illness in his family is less alarming than that which occasioned his absence, but I am sure he would want me to express his appreciation to the distinguished Senator from Maine as well as my own.

Initially, Senator COOPER and I had favored an amendment which would strike only the deployment funds for Safeguard; namely, $345,500,000. However, on consultation with the Senator from Maine, I am persuaded of the soundness of her position. If the Safeguard ABM will not serve its purpose—or purposes, because the mission of the system blows north, east, south, and west from day to day and from month to month—then let us not devote further millions to this particular system.

The bill before us, without the $769,600,000 which would be struck by this amendment, will still provide ample funds for further research, development, test, and evaluation on anti-ballistic-missile systems. The Senate report on page 6 points out that $12,700,000 has already been appropriated for research and development facilities at Kwajalein, and $1,400,000 for planning. Additionally, on page 114, the report outlines the provision of funds for Nike-X advance development; the amount is classified but I am told it is substantial. On page 134 is an item of $71,700,000 for strategic technology—Defender—a related item for other anti-ballistic-missile systems.

Thus, there is ample provision in this bill, without the funds for Safeguard, to continue research against the possibility that we might one day need seriously to consider deploying an anti-ballistic-missile system. By eliminating funds specifically earmarked for Safeguard, we in no way impair the security of the United States, and, in a time of severe fiscal problems, we permit ourselves to take stock before undertaking the expenditure of still more funds on unneeded programs. This is very much to be desired, particularly when we are reminded so forcefully, as we have been in the past few days, of the urgent need to realign our spending priorities and redirect our national preoccupation.

Mr. President, the Senator from Oregon has ably cautioned us about the direct economic implications. The Senator from Maine, and the long debate of last summer, have made clear the fact that the Safeguard system is of doubtful value. In the intervening months, I hope it has become increasingly clear that there is a much graver threat to America's security and survival than the possibility of a further deployment in Russia or Timbuktu of an anti-ballistic-missile system.

In his interview on the CBS–TV program "Face the Nation" yesterday, Dr. Milton Eisenhower, Chairman of the President's Commission on the Causes and Prevention of Violence, observed that our society is in at least as much danger from internal forces as from any combination of external forces. Dr. Eisenhower was not speaking of the threat of violent overthrow by political subversives. He was talking about the accelerating deterioration of our society through continuing neglect of basic human needs—in housing, in education, and health care, a neglect that will continue as long as this Government continues to preoccupy itself with the external threats it perceives to be greater, and continues to pour billions of dollars into wasteful and unnecessary items like the Safeguard ABM. Another highly respected Republican, John W. Gardner, chairman of the Urban Coalition Action Council, warned last Tuesday of the same misallocation of priorities and of national preoccupation. He said:

> Not only must Mr. Nixon propose social programs adequate to our needs, but when the legislation goes to Congress, he must fight as hard for it as he fought for the ABM and Judge Haynsworth.

Mr. President, we are truly two faced in the ways in which we view our priorities and the manner in which we deal with them. When faced by a clear and present danger of destruction of our society through neglect of basic human needs we grudgingly propose half-loaf solutions or none at all; but when we are faced with the less clear possibility of a threat from without—the suggestion, in the face of most of the evidence, that the Soviet Union might be planning a first strike against the United States, we assume the worst and rush to spend billions on weapons programs which cannot begin to do the job of countering the imagined threat.

Mr. President, the time is now to correct this split-level thinking. If we do not, historians, noting the ruins of 20th century American society, will add it to the long list of great nations which fell because of preoccupation with external threats and neglect of internal weaknesses.

When we became so intent on protecting our "way of life" from external forces we forgot our main task, the constant enrichment and improvement of the quality of American life, without which "our way of life" becomes a concept without meaning.

Let us remember that when history reports the fall of nations that were great and center stage, 19 of 21 of them fell not because the barbarians scaled the walls. They fell because within the walls they failed to do right by each other. Nineteen of the 21 crumbled for neglect at home.

Adoption of the amendment offered by the Senator from Maine gives us an

opportunity to apply some of the resources, which all of us know not to be limitless to waging an all-out fight against the real threat which is reflected in the inadequate housing, insufficient education and the failure of effective medical delivery. We know the litany. It is a litany we recite frequently at luncheon clubs and when we go on campuses. But the test of our willingness really to begin this kind of war—a war that should be infinitely more exciting than all-out war against an enemy—the only way we can launch that kind of war, is to direct more of the resources internally.

I thank the Senator from Maine for giving us another chance to direct this element of our total resource away from the construction and away from the research on a system of doubtful value, against a threat of uncertain measure, to the real target and the real threat—that which is within our walls.

Mrs. SMITH of Maine. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mrs. SMITH of Maine. Mr. President, I thank the distinguished Senator from Michigan for joining me in sponsoring this amendment.

I also join him in expressing our very, very deep sorrow with respect to Senator COOPER'S mother, a woman 91 years of age, who has been keenly interested in all that has been going on here, and I am sorry that he has to be away for that reason.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. FULBRIGHT. Mr. President, I wish to associate myself especially with the reasons the Senator from Michigan has expressed so eloquently for supporting the Senator from Maine. I think he has stated it extremely well. His point of calling attention to the report of the commission headed by Milton Eisenhower and the statement of John Gardner is extremely well made. I agree that this is the last chance before we go down a road which is very likely to end up costing us anywhere from $20 to $50 billion, which will be wasted on another one of these missiles which proves to be ineffectual and useless.

I wish to join the Senator from Maine in the report and the Senator from Michigan in the reasons he has given for supporting the Senator from Maine.

Mr. YOUNG of North Dakota obtained the floor.

Mr. ELLENDER. Mr. President, will the Senator yield without losing his right to the floor?

Mr. YOUNG of North Dakota. I yield.

Mr. ELLENDER. Mr. President, I regret that I am unable to handle this part of the bill for the committee. As is well known, I spoke against the ABM when we had extended debate on it. However, I would vote for funds for the ABM if they were limited to research and development on the missile. But this is not the situation, for procurement funds are included. It is not my purpose again to debate the issue, but I ask the distinguished Senator from North Dakota and the distinguished Senator from Mississippi to take part in the debate, since they are both in favor of the ABM and I am opposed to it.

I expect to vote with the distinguished Senator from Maine.

Mr. YOUNG of North Dakota. Mr. President, I usually find myself in an uncomfortable position when I am on the side opposite to that of the Senator from Louisiana. He is always very effective on the floor.

Mr. President, I rise in opposition to the amendment offered by the Senator from Maine and other Senators.

I do not intend to take the time of the Senate to discuss the merits of the proposed Safeguard ABM system. That matter was more than adequately discussed during the debate on the authorization bill. Basically, the issues today are the same as they were then.

However, there are several points I would like to call to the attention of the Senate. The Soviet Union is continuing to increase its deployment of offensive weapons, especially the large SS–9 ICBM. They are continuing with their flight test program of the multiple reentry vehicles. We also have evidence that the Soviets are developing a new strategic bomber aircraft.

In September, the Chinese Communists had two nuclear tests—one on the 22d, which was their first underground test. It is my understanding that this test was a surprise to the Intelligence Community. On the 29th, they tested a 3-megaton device in the atmosphere. These events tell us two things: First, China is continuing its nuclear development program; and, second, we must remember that we just do not know what is going on inside Communist China and the Soviet Union.

Mr. President, I ask unanimous consent to have included in the RECORD at this point a colloquy between Chairman RUSSELL and the Secretary of Defense on December 9, 1969, on these matters.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SOVIET UNION AND CHINA

Chairman RUSSELL. It is my understanding that the Soviet Union is continuing to increase its deployment of its large SS–9 ICBM. I wish you would comment on this matter, and especially its deployments over and above the number you discussed when you appeared before the subcommittee last June.

Secretary LAIRD. Since June we have seen indications of continued deployment above the more than 230 [deleted] SS–9 launchers which I noted at that time. The best information that I have at this time is that there have been approximately [deleted] additional starts, but exactly when these starts occurred, I cannot tell you with high confidence. We hope to have better information by the end of the month. I view this continuing deployment with concern.

I also note that the Soviets are continuing flight tests of multiple reentry vehicles. The purposes of the Soviet development of multiple reentry vehicles for their large SS–9 is still not clear. The yield and accuracy of these warheads is such that they could pose a serious threat to U.S. ICBS's if we took on steps to counter them. I do believe that the Soviet multiple reentry vehicle program could lead to another round in the strategic arms race if they continue on their present course. This fact has a direct influence upon the strategic arms limitations talks which have recently begun in Helsinki, Finland, with the Soviet Union.

Chairman RUSSELL. Have there been any further significant developments in the Soviet Union or China since your last appearance? You failed to mention the new Soviet bomber. Please comment on this development.

Secretary LAIRD. I would be happy to, Mr. Chairman. Among the developments in the Soviet Union which cause particular concern are, first, their continuing flight-testing of multiple reentry vehicles which I have already commented upon, and second, their continuing development of their ABM technology.

Regarding the new bomber, the Soviets are believed to have begun flight tests of a new medium bomber. The program is expected to follow a cycle similar to that of other medium bombers. The aircraft is expected to be in the 200,000-pound class. Like Blinder, it will probably have a stand-off air-to-surface missile. Its combat payload will probably be between that of the FB–111—[deleted] pounds—and the AMSA [deleted].

The two nuclear tests by China in September are also of interest. The first, on September 22, took us by surprise because it was their first underground test. We cannot be sure as to the purpose of that test. The second, on September 29, was in the atmosphere, and was in the 3-megaton range. These tests indicate that the Chinese are continuing their nuclear development program and are reminders that we cannot afford to ignore the long-range threat of a nuclear-capable Communist China.

Mr. YOUNG of North Dakota. Mr. President, we have representatives of our Government in Helsinki participating in talks with the Soviet Union on the limitation of strategic weapons that seem to be making progress. I share the hope of every Member of this body that these talks will lead to a satisfactory limitation on the deployment of strategic weapons. However, I can think of nothing that would weaken the position of our representatives more than the adoption of the pending amendment. Mr. President, it is my hope that the pending amendment will be rejected by a sizable majority in order that the representatives of the Soviet Union will know that we are willing to do whatever is necessary to maintain an adequate strategic nuclear capability.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. SPONG. Mr. President, the amendment of the Senator from Maine seeks to amend certain figures appropriated for deployment of the ABM. I believe the same figures appear on pages 5 and 6 of the committee report. I am concerned in clarifying just one point. I would like to know if any money provided in this bill will be used for acquistion of land for any sites other than the two sites in North Dakota and Montana?

Mr. YOUNG of North Dakota. No; no money could be used to purchase sites except these two. These are pilot projects and no money will be spent for other sites.

Mr. SPONG. I thank the Senator.

Mr. STENNIS. Mr. President, as the Senate already knows, the Defense appropriations bill would appropriate for

fiscal year 1970 all of the funds that were authorized for appropriation in the military procurement legislation as passed by the Senate and finally enacted into law. The amount of these funds in $759.1 million, consisting of $345.5 in procurement, $400.9 million in research and development, and $12.7 million for construction and test facilities at Kwajalein. Other appropriation items for personnel and O. & M. bring the total to $779.4 million.

I would point out, Mr. President, that of the $345 million in procurement funds only about $600,000 will be spent for missile parts which are for certain long-lead components. The remaining funds are to procure the various radars, training equipment for phase I and to provide the required production base support.

Mr. President, as the Senate knows, the ABM matter was probably the hardest fought issue on the floor of the Senate of the entire procurement authorization debate.

I appreciate the earnestness, sincerity, and thoroughness of everyone who voted on that important matter. Whichever way they voted I respect them, of course, just as much and admire them for their earnestness and for the way they went into the matter. That certainly includes the distinguished Senator from Maine (Mrs. SMITH). She and I had a long consultation, not only on this matter but also on many other matters. I appreciate very much the contribution she made to the debate. I told her once that she scared half the life out of me at one time. There is no need to go into all the details here.

Mr. President, I shall not take the time to repeat the various arguments of this debate which are already a matter of record, including the secret session which has been reviewed for security deletions and printed.

I do, Mr. President, however, wish to impress on the Senate a few thoughts which I consider to be in the form of new matter. Some of these points, Mr. President, update the material of our previous debate.

It is an undisputed fact that the Russian threat to our own second-strike nuclear capability is continuing to develop. Last May, Mr. Laird advised the Congress of the Russian missile program, the principal element of which is the SS–9, an ICBM with a 25-megaton warhead. The Russian program of development, construction, and deployment is continuing for the SS–9 program. There is no doubt about that.

In terms of the threat to America the SS–9 system can have only one objective—to destroy this country as we now know it. The purpose of the ABM system, of course, is to provide some degree of protection beginning in the mid-1970's for our land-based nuclear deterrent.

Mr. President, I can appreciate the reluctance of Members to vote funds for weapon systems which are most likely to protect foreign countries, rather than our own. The purpose of the ABM, however, Mr. President, is to protect our homeland—to protect our own people. The ABM, I am confident, will provide a significant degree of protection and I might add, Mr. President, even if the Safeguard system is subject to all the weaknesses its critics indicate, it will be better than no system of protection at all.

Mr. President, as we all know, the SALT talks which have already begun between United States and Russia are of critical importance to the present, as well as future generations of all countries. We all hope and pray that some meaningful result will be produced which will enable the United States and Russia, as well as other countries, to divert their resources to peaceful pursuits, rather than continue an arms race which could result in the mutual incineration of our civilization as we know it. These talks, however, will be long and hard. We must have a discipline in terms of policy on the part of the Congress and the Executive which will enable the President, whoever he might be, to know that he can rely on a solid homefront.

No one is going to follow those talks with any more concern and interest than I shall follow them. I think that, if at all possible, somewhere, sometime, and sometime soon, I hope it is going to be absolutely necessary for the so-called great nuclear powers to get some kind of understanding and basic agreement that will give some control and have a measure of certainty with respect to being able to detect a possible violation.

One of the most significant issues in the SALT talks is the anti-ballistic missile matter. I urge in the strongest possible terms that the Senate not pull the rug from under President Nixon in the SALT talks by refusing to approve the appropriations for the Safeguard system.

Incidentally, Mr. President, I would point out to the Senate that under the authority of the continuing resolutions already enacted there has been obligated as of October 31, 1969, a total of $252.4 million for the Safeguard system; that is, of the money that is in this appropriation bill. Many of these are already obligated under the continuing resolution we passed. A continuing resolution authority, Mr. President, permits the military departments, as well as other agencies of the Federal Government, to obligate moneys at the previous year's level of effort in anticipation of the funds to be appropriated for fiscal year 1970. When the appropriation is finally approved the funds already obligated under the continuing resolution are taken out of the final appropriation. This means that $252 million in effect has already been spent out of fiscal 1970 funds.

Let me interject, Mr. President, that I personally do not like the entire continuing resolution concept. This device has become necessary, however, in view of the lateness of the appropriations acts if the Government is to continue to operate.

If all the funds were to be denied there will be the problem of finding the $252 million elsewhere in the appropriations bill to meet these obligations.

Mr. President, there have been a number of factors on which opposition to the ABM system have been based. Some people believe we will not need it, others do not believe the system is technically workable. Another belief is that in view of the many domestic problems we now have—the city crisis, runaway inflation, and the like, that too great a proportion of our Federal funds are being used for national defense. Mr. President, with respect to the reductions in the Defense funds over the course of just 1 year, I think the facts should speak for themselves and should be quite briefly reviewed.

The original Defense budget submission for fiscal year 1970 by President Johnson was $80.6 billion. This was subsequently reduced in two steps by President Nixon to $75.2 billion. The Defense appropriations bill as passed by the House was $69.9 billion. The bill before the Senate today is $627 million below the House, or only $69.3 billion. Mr. President, these are remarkable figures. From an original request of $80.6 billion, the Defense budget has been reduced to $69.3 billion. This represents a reduction of over $11 billion, or about 14 percent. It can be fairly stated, therefore, Mr. President, that the Defense budget this year has probably been the most carefully scrutinized of the various appropriations before the Congress.

I say that as a member of several subcommittees on Appropriations. This year, we beat all of them in scanning the military items that run into big money. But, they will always run into big money. The Armed Services Committee and the Appropriations Committee have already scanned this ground. My prediction is that the new budget submitted will already have a great deal of scanning done by the Department of Defense. I am not saying it will be as low as the figure in the bill now, but in my judgment, it will be far below what the first one was last year.

I hope that next year there can be even—and I think there should be—further reductions and as one Senator I intend to use every effort to determine where greater savings can be made without critically affecting our defense program.

Let me make clear that I am not promising to stand for the total amount that is less than this bill, because we do not know what we will run into.

At this junction, Mr. President, in view of the cuts that have already been made in the overall Defense budget and in view of the critical need for the Safeguard system, I urge the Senate to support the President in the position he took, and the Congress in its former position took, to provide funds for an ABM system that is aimed at protecting the American people.

Mr. President, I emphasize again that this debate has been very fine this year on all major military items, especially this one. Everyone had a chance. I respectfully say that this matter has had its day in court. A decision has been made. There is only one thing we can do now and that is to move forward. I trust that there will be the necessary votes in the Senate and that the vote will come early.

Mr. President, I ask unanimous consent to have printed in the RECORD the first of the funds obligated under the continuing resolution for Safeguard as of October 31, 1969.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Funds obligated under continuing resolution for Safeguard as of October 31, 1969

R.D.T. & E	$210.2
Procurement	29.3
O. & M.A	9.5
Military personnel	3.4
Total	252.4

Mr. ELLENDER. Mr. President, the distinguished Senator stated that there has been money allocated for Project Safeguard.

Mr. STENNIS. Yes.

Mr. ELLENDER. I wonder whether the Senator would put the authority for that in the RECORD. If I recall correctly, under the 1969 act, the money was provided for Sentinel for meeting the protection of our cities. Safeguard is an entirely new program to protect the missiles themselves. I trust that the Senator will place in the RECORD the legal authority for having obligated the funds under the continuing resolution for the Safeguard system, when the money was provided in 1969 for the Sentinel.

Mr. STENNIS. A quick answer there is that I just referred to the fact that we could have both sites under that 1969 money. The Sentinel money was in broad, general language for a missile system of an anti-ballistic-missile type. I will get the book and page number for the Senator. I believe that he has raised a good point. It is not unusual for language as broad as this to be interpreted as being subject to the continuing resolution.

Mr. ELLENDER. Then the Senator will have that printed in the RECORD?

Mr. STENNIS. Yes; if not this evening, I will place it in the RECORD at the earliest possible time.

Mr. President, during the ABM discussion last summer, some concern was expressed about the fact that the Army as a matter of law could proceed and acquire real estate for the phase 1 portion of Safeguard since authority and funds were enacted in fiscal year 1969 for this purpose. The Senator from Virginia (Mr. SPONG) expressed to be some concern over this matter. Insofar as I am concerned, the Safeguard program approved in the authorization bill for fiscal year 1970, and in the appropriation bill, represents an intent that the Army should not proceed beyond phase 1 insofar as site acquisition is concerned.

The Army has furnished a fact sheet, dated December 12, 1969, which in effect states that other than surveying and site investigations, there will be no action on phase 2 real estate sites.

In other words, until Congress specifically authorizes phase 2, there will be no real estate acquisition for these sites.

Mr. President, I ask unanimous consent to have the fact sheet printed in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

PHASE 2 SITE SELECTION ACTIVITIES

1. Plans for the phased Safeguard deployment announced by the President on 14 March 1969 provided for the selection and acquisition of all twelve sites, although construction and deployment was to be undertaken only for the two Phase 1 sites near Grand Forks AFB, North Dakota, and Malmstrom AFB, Montana. The acquisition of all twelve sites was planned to avoid undue delay in the program in case it became necessary to move ahead rapidly with one of the Optional Phase 2 deployments.

2. As the Deputy Secretary of Defense testified before the Senate Armed Services Committee on 13 May, the approval of acquisition of land for the twelve sites had been requested as a part of Phase 1. At that time, however, Secretary Packard stated ". . . I would not propose that it be used unless the Phase 1 request is approved by the Congress." Similarly, on 22 May the Secretary of Defense testified to the House Appropriations Committee that he had on his own initiative ". . . held up all construction work on ABM sites and any further acquisition of land for these sites, pending Congressional decision on this program."

3. The Army suspended all action toward survey or acquisition of all sites, including those of Phase 1, until Congressional action on the FY 70 Authorization Bill. Following such action on 3 October, the Army submitted real estate acquisition reports covering the sites at Grand Forks AFB, North Dakota, and Malmstrom AFB, Montana. These submissions were preliminary to final survey and engineering activities at these sites. However, in submitting these reports, the Army stated that no action to acquire land in these areas will be taken until enactment of the FY 1970 Defense Appropriation Act. On-site survey, exploratory excavation and engineering has been underway since 9 October 1969 on the Phase 1 sites only.

4. The Army will continue to withhold any survey and selection of Phase 2 sites until after Congressional action is completed on the FY 1970 Defense Appropriation Bill. The Army then proposes to conduct preliminary surveys and site investigations as necessary to make tentative selection of appropriate locations for each of the remaining Phase 2 sites.

a. Safeguard sites will generally be in remote locations, outside metropolitan areas.

b. However, in the case of the site for defense of the National Command Authority (NCA) in Washington, D.C., the Safeguard capability must be provided close to the city so as to give protection to the NCA. At the present time, no final nor tentative Safeguard site in the Washington area has been chosen nor have the field surveys been conducted which would be a necessary prerequisite to selection. If a site is later approved for the Washington area, it will consist of a Missile Site Radar and a Spartan and Sprint missile field. The Sprint must be located reasonably close to the site defended; in this case, the NCA. The Spartan can be located in a second field at a much greater distance from the site to be protected.

5. Final selection of any Phase 2 site and submission to the appropriate committees of Congress of a real estate acquisition report covering the site will be dependent upon approval by the President of a Phase 2 deployment requiring that site. In any case, however, acquisition of land will be withheld pending Congressional authorization of the additional deployments involved.

Mr. STENNIS. Mr. President, I invite the Senate's special attention to the fact that the Senator from Washington (Mr. JACKSON), a very valuable member of the Armed Services Committee, was planning to be here today and had timely and forceful remarks prepared for that purpose.

However, the Senator was called home on account of the passing of a very close and dear relative and could not be with us today.

I therefore ask unanimous consent to have his remarks printed in the RECORD.

There being no objection, the statement by Senator JACKSON was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACKSON

Mr. President, last August the Congress voted to authorize Phase I of the Administration's plan to proceed with deployment of the Safeguard ABM system. The affirmative vote in the Senate followed more than a month of vigorous debate during which a wide range of issues were subjected to thorough, if not always dispassionate, discussion.

I need hardly remind you that the vote to approve Safeguard was a narrow one. But after extensive hearings in the Armed Services and Foreign Relations Committees, and an exhaustive national debate, Safeguard was incorporated into our national strategic posture on August 6. From that day to this the extensive planning effort that has gone on in the Department of Defense on our strategic posture, and the extremely complex and difficult planning that led to a U.S. position in the Strategic Arms Limitation talks, have proceeded on the assumption that we are committed to a limited and phased deployment of ABM defenses. After much delay—which was not without cost—one major uncertainty affecting our planning was resolved.

One of the many issues surrounding the decision to deploy Safeguard that concerned a number of Senators had to do with the effect of an initial deployment on the talks now underway in Helsinki. It was my view then, and it remains my view now, that the only way to approach the negotiation of limits on ABM and other strategic systems was to place in the President's hands a concrete program demonstrating our determination to provide for the defense of our land-based missiles, our bomber bases and the national command authority in Washington.

What incentive would the Soviets have had to consider seriously limitations on their offensive forces if we were to refrain from undertaking a limited, defensive deployment capable of frustrating any advantage that might result from their proliferation of SS–9 missiles? And why should they entertain limitations on *their* efforts to develop an ABM capability if we were to unilaterally abandon *our own* efforts?

So our preparation for the Helsinki talks assumed a firm commitment to Safeguard as a phased, flexible deployment, consistent with President Nixon's intention to make an annual review taking account of the threat, technical developments, and the diplomatic context, including the SALT talks.

I am pleased at the early indications that the negotiations in Helsinki have indeed been serious and business-like. These are perhaps the most complex negotiations in the long and often discouraging history of the effort to limit armaments, and I am certain that we all welcome the constructive atmosphere that has attended their opening.

But the crucial consideration in these talks—and the fact that makes them so complex—is the difficulty of negotiating an agreement on strategic armaments in a situation where every element of our respective deterrent forces is related to every other element—where no single system can be considered in isolation. Thus our ABM defenses are critically related to Soviet offensive deployments, to the extent, size and accuracy of their ICBM force, to multiple warhead technology and to present and future missile intercept systems.

It is this array of interrelated systems that has determined the nature of the SALT talks—in which we and the Soviets have been building toward identifying areas in which accommodation is possible in the interests of stabilizing our respective deterrent forces.

One crucial element in the fragile structure of these deliberations has been the relationship between Soviet offensive forces, on the one hand, and the Safeguard response to their rapid proliferation, on the other. In this connection, the planned deployment of Safeguard is the President's trump card in the effort of our negotiators to bring a halt to the seriously destabilizing continued build-up of Soviet offensive power. For if Safeguard conveys any message to the Soviet Union it is this: "We are not prepared to sit by while you continue to deploy offensive missiles. We are determined to protect our deterrent force. The extent of the protection we require is related to the size and nature of your forces. The limits you place on your offensive forces will determine the limits we are able to place on our defensive deployments." That is what Safeguard says to the Soviets.

Safeguard, then, is a central element in the SALT talks. Without it, not only would our capacity to arrive at limits on offensive power be seriously diminished, but our effort to control ABM itself would be hopelessly frustrated. For it is almost certainly the case that the Soviets, like ourselves, must prepare for the day when the Chinese are capable of launching nuclear weapons at their homeland. The Soviets appreciate this fact; their record on ABM is clear. They have consistently favored defensive systems, in their military doctrine and their public pronouncements. They have deployed a system around Moscow. They are engaged in extensive research and development with a view to improving their present ABM capability. And they possess an extensive network of surface to air missiles that could well form the basis for an upgraded system with significant capabilities to intercept some ballistic missiles.

Our efforts to constrain these developments—to contain them within stabilizing limits—are postulated on a concrete, visible and limited deployment of our own. Without Safeguard as a base system indicating our requirements, the talks might well end without established parameters to guide the future development of defensive systems for protection from emerging nuclear powers.

The situation we face today is very different from the circumstances that surrounded the debate in the Senate on the military authorization bill this summer. I trust that even those Senators who opposed Safeguard in August will recognize that our commitment to it is an inextricable part of our negotiating posture in Helsinki. To withdraw now the support that was approved in August would not only weaken catastrophically our position in the talks, it would encourage the Soviets in the belief that delay and procrastination will enable them to capitalize on the hesitancy to maintain our military position in the strategic balance.

Those Senators who are today considering whether to deny the President a system he considers essential to our position in the SALT talks—or to substantially cut the funds for Safeguard and delay it further—must recognize that, in so doing, they must bear responsibility for any failure in Helsinki or Vienna that might result from the collapse of our position there. For this is what is at stake—quite apart from the strategic importance of Safeguard in the event that the talks fail for other reasons.

Many opponents of Safeguard were arguing this summer that we must take care not to prejudice the opportunity for a successful round of arms negotiations. We were urged to treat the Soviet Union gingerly—to refrain from a deployment that would create ill-feeling on the eve of the talks. I can find nothing in the history of negotiations with the Soviets that suggests they are influenced by anything other than their calculation of advantage. They are not subtle. They do not determine their military posture by reference to vague conceptions of "good will." They neither give nor expect to receive gestures of kindness. What more convincing proof of this view could I bring to bear than to point out that their unprecedented build-up of strategic nuclear forces remains unabated since the summer, and since the talks in Helsinki began in November? Not a single Soviet program has been slowed down. On the contrary, there are grave indications that they have in the development stage weapons that will take them far beyond the parity some claim they seek.

All across the board the latest intelligence is bleak: in submarines of the Polaris type and their associated missiles, in land-based missiles with enormous megatonnage and improving accuracy, in the development of ABM systems the Soviets are pursuing an aggressive and generously funded program of expansion. In some areas they are developing multiple systems designed for the same operational mission, presumably with the intention of selecting among prototypes in order to deploy the most effective version.

If the Soviets genuinely desire a stabilization of the strategic balance they will negotiate limits in the SALT talks that are responsive to the requirements, for strategic stability. While we must hope that they fully intend to do so, we must recognize the grave consequences of leading them to believe that they need not negotiate—that rather than abandon their continuing offensive deployments they can trust to our reluctance to make the necessary sacrifices to insure our own security.

These disturbing developments, coupled with the delicate state of the negotiations in Helsinki, force us to view the decision to deploy Safeguard in a new light. No longer is the issue one in which the international implications are tangential: they are direct. They are immediate.

A weakening today of the decision made in the Senate in August would undermine the President in Helsinki and strengthen those voices in the Kremlin that have been promoting the unrestrained expansion of Soviet strategic power. This vacillation would be a clear indication to the Soviets that we lack the will and resolve to provide for our own defense. Such an "on-again, off-again" approach to fundamental questions of strategic posture, far from eliciting reasonable and mutually desirable concessions from the Soviets, encourages their intransigence in anticipation of the next "off-again".

Mr. TOWER. Mr. President, during the course of the ABM debate I pointed out that the longer the debate continued and the longer it took to get an authorization and subsequent appropriation, we could expect some appreciation in cost. This is a matter that was brought up by the distinguished Senator from Oregon a moment ago. I think it is easily explained. I think the delay in getting the appropriation bill passed accounts for some of the increase in the long-range cost. It does not, however, affect the amount of money that presently appears in the appropriation bill. It does not mean one more dime will be appropriated.

I ask unanimous consent to have printed in the RECORD at this point a detailed analysis of the matter of increased cost, which amounts to about 6 percent.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The latest formal cost estimates on Safeguard transmitted to Congress were ones giving information as of 30 June 1969. These were sent to the Senate and House Appropriations and Armed Services Committees in mid-October as one of the Department of Defense, quarterly, Program Status Reports, sometimes called "Selected Acquisition Reports." That Program Status Report on Safeguard carried $4.185 B as the Department of Defense cost of Safeguard. This cost included the total funding requirement for Research, Development, Test and Engineering (RDT&E), military construction (MCA), and procurement and checkout (PEMA) as of 30 June 1969. These were the estimated costs for RDT&E, PEMA and MCA for the seven-year period FY 68 thru FY 74, the time when the final Phase 1 site would be ready.

Later in testimony to the House Appropriations Committee on 17 November, the Secretary of Defense presented a tabular listing entitled "Selected Acquisition Report on 34 Major Weapon Systems, June 30, 1969, Cost Summary" which showed this same figure for the Safeguard, Department of Defense costs.

The next Program Status Report on the Safeguard program is now in its final stage of review by the Department of Defense and will show the program costs updated to be as of 30 November 1969. It will be forwarded very shortly to the Chairman of the Armed Services and Appropriations Committee. The Report will show a cost increase over the earlier Safeguard reports. The total increase will be $277 M to $4462 M total; or a percentage increase from the earlier reported total of about 6⅔ per cent. This increase is brought about by three things.

a. First, the largest is the inflation that has occurred. In this regard, estimates of the 30 June report were based on the price levels as of 31 December 1968. The new Program Status Report has been updated to a 31 December 1969 level so that it will be in agreement with the budget and authorization submissions for FY 71 now being prepared. Approximately $136 M of the $277 M is due to this price level change, or 3½ per cent of the earlier reported total program investment costs.

b. Second, the Department of Defense has held back on major commitments for construction and procurement until after passage of the authorization and appropriation bills. This has necessitated delaying the final Equipment Readiness Dates of the Phase 1 SAFEGUARD complexes by 3 months. Completion of deployment of the second site complex is now delayed from the earlier scheduled July 1974 to October 1974. In other words, it has stretched out the deployment and the period over which our production/engineering base is maintained. This stretchout has caused an increase of $55 M or 1⅓ per cent of the earlier reported total program investment costs.

c. Finally, and the second largest, the DOD has continued analysis and refinement of the estimates prepared at and shortly after the March 14 announcement of the SAFEGUARD program. Certain changes in the estimates of several line items have been brought about by this further estimation and study and a few necessary design changes have been made. These together account for $86 M of the increase, or about 2 per cent of the earlier reported total investment costs.

d. In summary then the total cost increase shown in the next Program Status Report will be one of about 6⅔ per cent: of which nearly 3⅓ per cent or half is due to inflation; 1⅓ per cent due to stretchout; and, 2 per cent due to design and estimate changes.

Mr. TOWER. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from Mississippi (Mr. STENNIS). I think one of the major features of the debate had before was that if we passed favorably on the ABM, it would delay prospect of the SALT talks. That has been disproven by the fact that not too long after we acted

favorably on the ABM, SALT talks began and are now in progress.

I know the President feels his hand would be vastly strengthened in the SALT talks if we acted favorably here on the ABM appropriation. I think those who desperately want the SALT talks to succeed—and I am one of them—should be in the position of supporting the appropriation on ABM and should oppose the amendment by the distinguished Senator from Maine.

As I say, I think it is essential to the continued success, or any degree of success, or anticipated success, on our part in the SALT talks, that we do this, because it puts us in the right kind of strategic position for us to be able to deal with the Soviets on this matter.

I would like to again express my great esteem for the Senator from Maine. I cannot think of anyone I would rather not oppose on an amendment, but I ask the Senate to approve this appropriation to proceed with the ABM.

Mr. THURMOND. Mr. President, the most important weapon the Pentagon can develop, in my judgment, that would act as a deterrent to a nuclear war is an antiballistic missile system. This is not a weapon that will send a missile across the ocean and kill people and destroy property. It is purely a defensive weapon.

If the Soviets—and they are the threat to the United States and the free world today—should send missiles over here and we have an ABM system, we will be thankful that we do have a system to intervene those missiles. If the Soviets do not send missiles over here, then we have deterred such an attack and can be even more thankful.

Mr. President, I regret that I am on the opposing side from my distinguished leader on the Armed Services Committee, the distinguished and beautiful Senator from Maine, but I hope the Senate in this case will follow the committee and approve the ABM system.

I had prepared an hour and a half speech, but I have boiled it down to 14 minutes.

What does the Safeguard system do?

First. The Safeguard protects our ICBM's, thereby guaranteeing to an aggressor that the United States would retain the power of retaliation if attacked.

Second. The Safeguard posture avoids the suggestion that we may be preparing for a first strike, as might happen if our posture appeared to be that of protecting our cities against retaliation.

Third. It provides early warning and area defense of our bomber bases, by protecting against a FOBS strike coming from the south. The FOBS is the fractional orbital bombing system, a satellite, which the Soviets have tested.

Fourth. It provides an increased protection against Soviet increased deployment of submarine-launched ballistic missiles.

Fifth. It protects against the accidental firing of a few missiles by the Soviets.

Sixth. It will be relatively cheaper in the initial phases, giving time to work out any bugs before full deployment.

Seventh. It gives the President time to see whether the Soviets are serious about negotiations, while not delaying protection.

Eighth. It provides reasonable protection against the capability the Chinese will have by the mid-1970's.

Ninth. It gives the United States a protection which is similar to the protection which the Soviets have had for 6 years.

Tenth. It helps to reestablish the symmetry of the strategic balance. The Soviets have increased their offensive capability. They have more ICBM's in being and under construction than we do, and they are beginning a rapid build-up of nuclear submarines.

Objections have been raised to this program. Critics have raised the point that it will not work. I will simply say that the parts have all been tested, except the perimeter acquisition radar, and all the component parts have been tested individually, with the exception of that particular one.

Some critics say it costs too much. My answer to that is that the cost as given here, $779.4 million and in the military construction bill, which includes $14.1 million, is less than $800 million. This is less than 1 percent of the military budget, and it is less than 10 percent of the amount we spend on welfare.

Some critics say it will escalate the arms race. My answer to that is that the Soviets have it and they did not think it would escalate the arms race.

Some critics say we have the submarines that can launch ballistic missiles and the B–52's if the ICBM's are destroyed, and we do not need the ABM. My answer is that we need a mix of systems and we must not rely on any one system.

Some critics say we can rely on an ICBM deterrent. My answer to that is if the ICBM fails to deter, there is no option then but a nuclear war.

Some critics say that it will delay arms control. My answer to that is that the Soviets asked for arms control talks when the ABM was announced. In other words, the more powerful we are militarily the nearer we will come to getting arms control than if we are weaker militarily or we do not have the ABM.

Some critics say the Soviets have good intentions. My answer to that is that we must plan for capability, not intentions, although I do not subscribe to the belief that the Soviets have good intentions. My answer to that is that we must plan for capability, not intentions, although I do not subscribe to the belief that the Soviets have good intentions, because there is nothing to show they have changed their goal of world domination.

I would remind the Senate of something of the Soviet capability. If we ever had any doubts about the Soviet desire for power, the past year or so should have cast those doubts away, because the age of U.S. strategic superiority has passed. The age of parity has passed. In the past few months, the Soviets have dramatically stepped up their production and deployment of offensive weapons. Listen to this: At the present time, the Soviets have 1,140 ICBM's; we have 1,056. Within the time frame of 5 years, necessary to get the Safeguard ABM in operation, the Soviets will have the capability of deploying 2,500 ICBM's. In 5 years, the U.S. plans to have 1,056 ICBM's.

Whether the Soviets will exercise their capability to produce 2,500 ICBM's in 5 years is beside the point. We cannot afford to second-guess about intentions. It is noteworthy that the Soviets did not stop at parity, as many predicted.

Moreover, the Soviets have been concentrating production on the super-size SS–9 offensive missiles, capable of carrying up to a 25-megaton warhead or three warheads of 10 megatons each. One megaton is equivalent to 50 times the explosive power of the bomb dropped on Hiroshima. The Secretary of Defense says that the Soviets now have 200 SS–99's and will have 500 within the time frame we need to get our ABM deployed.

At the present time, the Soviets are building one Polaris-type submarine a month. At this rate, the Soviets have the capability to exceed the 656 U.S. Polaris missiles by the end of fiscal year 1971. In addition, the Soviet Navy has a 2-to-1 nuclear advantage over the U.S. Navy in attack submarines. The most effective weapon against a nuclear submarine is the attack submarine. The U.S. position is even worse when we consider that nearly half of our attack submarines are of World War II construction, while almost all the Soviet attack submarines have been built within the past 14 years.

At the present time, the Soviets are testing the FOBS, or the fractional orbital bombing system. If the same vehicle with refinements is launched at a different angle, then the FOBS can become a full orbital bomb. The United States has rejected the development of such a system.

At the present time, the Soviets have 700 medium and intermediate range ballistic missiles deployed against targets in NATO countries. The United States has no MRBM's or IRBM's deployed against the Soviet Union. Because of our commitments to NATO, any assessment of the strategic balance must take into the equation the MRBM's and IRBM's. The combined total of ICBM's, IRBM's, MRBM's and SLBM's is 2,750 for the Soviet Union as against 1,710 for the United States.

At the present time, the Soviets have had an ABM system in operation for 6 years. The Soviet ABM is now in its third generation of improvement. Each time it has been carefully evaluated and tested before the new deployments were authorized. I cannot believe that the Soviets would continue to deploy system after system in their ABM defenses if their ABM was, in the words of one critic, "A bunch of junk." I think that the Soviet scientists and military experts who actually had the opportunity to test and evaluate the equipment on the spot would be in a better position to judge the effectiveness of the equipment than those who have only guesses to go by.

There are indications that the Soviet Union has gone beyond anti-ballistic-missile defenses and are testing anti-space defenses designed to immobilize

satellites. Since the function of the U.S. satellites in space is to monitor preparations around the Soviet ICBM sites, it is clear that we would be in a dangerous situation if the Soviets achieve an effective way to counteract our intelligence-carrying satellites.

To sum up the Soviet capabilities, the Soviets are devoting 70 percent of their military budget to strategic forces. Secretary Laird says that they are outspending the United States at the ratio of $3 to every $2 which we spend. In 1968, the Soviets passed the United States in expenditures for research and development. In fiscal 1970, the United States will spend about $15 billion for R. & D. The consensus of experts on the Soviet economy is that in the same period the U.S.S.R. will spend between $15 and $20 billion for research and development.

SOVIETS GOALS

In closing, the question remains, then, as to why the Soviets are putting on such a tremendous push in weapons development. Up to this point, I have said little about Soviet intentions. Our military planners must plan on the basis of their capability. We must plan to meet the Soviet capability not only at the present time, but 5 years from now. Historically, the United States has repeatedly under-estimated the Soviet intentions and capabilities on critical offensive items such as Soviet development of the A-bomb, H-bomb, and advanced jet engines, long-range turbo prop bombers, airborne intercept radar and large-scale production of enriched fissionable material. At the same time, the Soviets have never displayed any serious interest in bilateral arms control agreements which would include effective on-site inspection.

But in the long run, in the light of such developments, it would be folly not to consider them as expressions of the Soviet drive for world domination.

The Soviets have always proclaimed that they would triumph over the West and they continue to prepare for that outcome. As recently as April 21, Gen. Alexei Yepishev, Head of the Main Political Administration of the Soviet Defense Ministry, laid down the party line for all to follow. Yepishev is a close friend of Brezhnev and he wrote in the official journal of the Soviet Communist Party Central Committee. His article clearly expresses the highest policy sanction.

Echoing the speeches of Khrushchev, Yepishev declared that "The imperialists are hypocritically preparing for new world war", and he warned:

> A third world war, if imperialism is allowed to start one, would be the decisive class conflict between two antagonistic social systems.

He said that such a conflict would "guarantee the construction of socialism and communism." Finally, he said:

> Such a war would be a continuation of the criminal reactionary aggressive policies of imperialists . . . From the side of the Soviet Union, it would be a legal and justified counter-action to aggression.

I submit that this is the voice of the Soviet Union that has been preparing for war, that has continued a tough drive to achieve strategic military superiority. In view of such an attitude, it would be folly not to consider the deployment of the Safeguard ABM System to be essential to our Nation's security.

I hope the amendment of the distinguished Senator from Maine will be defeated.

Mrs. SMITH of Maine. Mr. President, I hope there will not be a motion to table this amendment, for that would confuse the issue. Instead, I would ask the Senate to do the clear-cut and direct thing by clearly voting this amendment up or down on the merits, rather than on a parliamentary maneuver that merely confuses the issue.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

Mr. STENNIS. Mr. President, just to make certain that everyone understands—and I shall not make a motion to table—this amendment would strike out all the money in the bill, including research and development, except funds for personnel. The Senator from Maine has explained that point, but other Senators have since come into the Chamber.

This is a sweeping amendment that takes out everything except personnel, as the Senator has related. I hope the amendment will be defeated.

Mrs. SMITH of Maine. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mrs. SMITH of Maine. Is it not clear that there is research and development money, a classified item but a substantial part of the $212 million for the Nike-X advance development?

Mr. STENNIS. Nike-X?

Mrs. SMITH of Maine. Advance development.

Mr. STENNIS. The Senator's amendment would not cover that.

Mrs. SMITH of Maine. That is already in; so there is a substantial part of the $212 million available that is in the bill for research and development.

Mr. STENNIS. Yes, that was a part of the old program. That could be used. But I mean to say the amendment would take out all the research and development money for 1970.

Mrs. SMITH of Maine. It takes out all the research and development money on Safeguard, but not on other developments.

Mr. STENNIS. That is right. It takes out the R. & D. on Safeguard, but not on the old Nike program.

Mr. HART. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HART. Is it correct to say that the amendment eliminates the money for Safeguard?

Mr. STENNIS. That is correct.

Mr. HART. There is in the bill, however, money for other advanced antiballistic missile concepts?

Mr. STENNIS. That was the point I was making. It takes out the R. & D. money for Safeguard.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

Mr. STENNIS. Mr. President, I yield to the Senator from Wisconsin.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before the vote is taken on the pending amendment, I should like to make a special and personal plea to all members of the Appropriations Committee that after the disposition of the pending bill, they meet downstairs in room S–128 with the distinguished chairman of the Appropriations Committee, the Senator from Louisiana (Mr. ELLENDER), to consider the disposition, finally I would hope, of the HEW appropriation bill and the transportation appropriation bill.

I make that plea because if we do not do something of that nature, we are not going to have any business to transact when we come in tomorrow morning. We have the mistletoe hanging over our heads. And we have the threat of a call-back if we are not finished by Christmas eve. I would like to get out by Christmas eve. With the concurrence of the Appropriations Committee on the Senate, I think we can make it before that date.

I think the plea will be taken to heart. Anyone whom I can see personally, I will ask to go there, and I hope that the chairman will do the same with respect to anyone whom I do not see.

Mr. MAGNUSON. Mr. President, that is perfectly all right. However, we have the whole HEW appropriations bill finished at this time. There are two items which have been in some conflict. With respect to the so-called Whitten amendment, we have some other language. The Senator from Mississippi was perfectly willing this afternoon to finish that matter and have a time limitation. However, because of the way the defense bill went and the executive session, he had to be up here and the Senator from Louisiana had to be up here. So, we got everything ready.

We thought that we could meet at 9 o'clock in the morning and have 1 hour in which to finish the matter. However, it is perfectly all right with me if we do it tonight.

As long as we have to be here, we can meet tonight and get the matter completed, if it is agreeable with the chairman of the committee.

Mr. MANSFIELD. It is very agreeable with him and also with the Senator from Mississippi.

Mr. MAGNUSON. Then, I made my usual request. When we finish action on the pending bill, everybody on the full committee will please report down in the salt mines.

Mr. McINTYRE. Mr. President, I would like to make a brief statement in explanation of my vote on today's ABM appropriations amendment.

One of the most fateful issues before us as a people at the present time is whether or not we should proceed with the construction of an ABM system. It is an exceedingly complex issue, to which there is no easy answer.

Last summer we engaged here in the Senate in a long and thorough debate of the issue. When the roll was finally called, we found ourselves evenly divided.

I do not regard this vote as a final Senate pronouncement on the issue. Even if it had been more decisive, it would be proper, in my view, to reexamine the issue at a later date.

I do not believe, however, that now is an appropriate time for such a reexamination. Due to the press of business upon us as the holiday season approaches, we simply cannot reopen our deliberations in the depth which our responsibilities require. Under the circumstances, I have decided to vote against today's amendment.

This vote should be interpreted for what it is and no more. I voted last summer against the administration's proposal to move ahead with construction of the Safeguard system. I stand on my vote, but I also feel we should abide at this time with the result of last summer's rollcall. My vote today, therefore, is directed against the timeliness rather than the substance of today's amendment. I simply do not believe that it would be proper to reopen the underlying issue at this time.

SAFEGUARD IS NO SAFEGUARD

Mr. McGOVERN. Mr. President, the Safeguard hard-point ABM is a system of many weaknesses. Not the least of these is the missile site radar, or MSR, which is so inadequate as to invalidate the entire system.

All four major Safeguard components are carried over from the Sentinel and Nike-X city-defense systems; none are suitable for the hard-point defense mission. Let us consider the missile site radar as an example. It is possible for the Soviet Union to mount an inexpensive reliable attack on the MSR's which would render the entire Safeguard system inoperable.

Because of its high cost—current estimates run at about $165 million per copy—it is impractical to build more than one MSR for each Minuteman ICBM farm. An MSR is necessary for all ABM interceptions. Because of its short range, there is no overlap between MSR's. Thus, destruction of a Minuteman farm's MSR would leave that farm without ABM protection. Destruction of all 12 of Safeguard phase 2's MSR's would render the entire system inoperable.

Let us assume the Safeguard ABM system will be 70 percent effective. Even allowing for multiple interceptor firings at a single Soviet warhead, this is a generous assumption of ABM system effectiveness under ideal test conditions. In the context of a real-life heavy sophisticated surprise attack, it is extremely generous.

The following three estimates of Soviet offensive missile capability are based on official Pentagon statements. If, in fact, the Soviet capability is not as great as the Pentagon claims, our ICBM's are not seriously threatened and we do not need Safeguard. If the Soviet missile capability is as good or better than the Defense Department claims, Safeguard will not help us, as I shall now demonstrate.

First, let us assume Soviet missile accuracy will be such that a 5-megaton warhead will have a 95-percent probability of destroying a hardened ICBM silo. Since an MSR is only one-tenth as "hard" as a silo, a one-half megaton warhead will have a 95-percent probability of destroying an MSR.

Second. Let us assume 20 percent of the Soviet warheads will malfunction at some point.

Third. Let us assume the Soviet SS–9 missile is capable of carrying a single 20- to 25-megaton warhead, or three 5-megaton independently targetable MIRV warheads. From this it can be extrapolated that an SS–9 could carry 10 one-half megaton warheads and have some payload left over for penetration aids.

Applying standard statistical procedures to these three assumptions, one can calculate that an attack by 8 one-half megaton warheads would leave a 13-percent probability of MSR survival. An attack by 16 warheads reduces the probability of 1.8 percent; 20 warheads reduce it to a negligible 0.7 percent.

Dr. Foster of the Defense Department has estimated the cost of a single warhead SS–9 at $30 million. Based on this, a 10-warhead MIRV SS–9 might cost $35 million. Thus, the cost of destroying an MSR would be two SS–9 missiles, or about $70 million. The entire 12–MSR Safeguard system, which will cost at least $12 billion, can thus be rendered inoperable by 24 SS–9's costing a total of $840 million.

So each dollar we spend on Safeguard can be neutralized by a Soviet expenditure of 7 cents. Safeguard is a poor investment indeed.

Several alternative proposals have been suggested, some of which offer some hope of economical and effective hardpoint defense. But none of these have any major components in common with Safeguard. Therefore, if we eventually decide to build an effective ABM defense, all money spent on Safeguard deployment will have been wasted.

The PRESIDING OFFICER. The question is on agreeing to the Smith-Cooper-Hart amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOK (when his name was called). On this vote I have a live pair with the Senator from Iowa (Mr. MILLER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. SAXBE (when his name was called). On this vote I have a live pair with the Senator from South Dakota (Mr. MUNDT). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. MAGNUSON (after having voted in the affirmative). On this vote I have a live pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. METCALF (after having voted in the affirmative). On this vote I have a live pair with the Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Maryland (Mr. TYDINGS). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

On this vote, the Senator from New Jersey (Mr. WILLIAMS) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from Missouri (Mr. SYMINGTON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER) would vote "yea."

The respective pairs of the Senator from Iowa (Mr. MILLER) and that of the Senator from South Dakota (Mr. MUNDT) have been previously announced.

The result was announced—yeas 36, nays 49, as follows:

[No. 235 Leg.]

YEAS—36

Bayh	Hart	Moss
Brooke	Hartke	Muskie
Case	Hatfield	Nelson
Church	Hughes	Pell
Cranston	Inouye	Percy
Eagleton	Javits	Proxmire
Ellender	Kennedy	Randolph
Fulbright	Mathias	Ribicoff
Goodell	McCarthy	Schweiker
Gore	McGovern	Smith, Maine
Gravel	Mondale	Yarborough
Harris	Montoya	Young, Ohio

NAYS—49

Aiken	Cannon	Griffin
Allen	Cotton	Gurney
Allott	Curtis	Hansen
Baker	Dodd	Holland
Bellmon	Dole	Hollings
Bennett	Dominick	Hruska
Bible	Eastland	Jordan, N.C.
Boggs	Ervin	Jordan, Idaho
Burdick	Fannin	Long
Byrd, Va.	Fong	McClellan
Byrd, W. Va.	Goldwater	McGee

McIntyre	Scott	Thurmond
Murphy	Smith, Ill.	Tower
Packwood	Spong	Williams, Del.
Pastore	Stennis	Young, N. Dak.
Pearson	Stevens	
Prouty	Talmadge	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Cook, for.	Metcalf, for.
Saxbe, for.	Mansfield, against.
Magnuson, for.	

NOT VOTING—10

Anderson	Mundt	Tydings
Cooper	Russell	Williams, N.J.
Jackson	Sparkman	
Miller	Symington	

So the amendment of Mrs. SMITH of Maine was rejected.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. NELSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3016.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 for which there are no separate authorizations of appropriations in such Act, there are hereby authorized to be appropriated $1,563,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title I of the Economic Opportunity Act of 1964 is amended redesignating part E as part F, by renumbering section 161 (as amending by section 102 of this Act) as section 171, and by inserting after part D the following new part:

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Operation Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

"SPECIAL PROGRAMS

"SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

"(1) A special program to be known as 'Mainstream' which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

"(2) A special program to be known as 'New Careers' which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment with Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

"(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

"ADMINISTRATIVE REGULATIONS

"SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

"LIMITATIONS ON FEDERAL ASSISTANCE

"SEC. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act.

"AUTHORIZATIONS

"SEC. 168. For the purpose of carrying out programs under this part, there are hereby authorized to be appropriated $110,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

TITLE III—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

SEC. 301. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE IX—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

"FINDINGS AND PURPOSE

"SEC. 901. The Congress finds that children participating in Head Start projects and other preschool programs are afforded an increased opportunity for learning and healthy maturation, that more effective and maximum benefits accrue to children participating in preschool programs when special educational programs are provided for such children in the early primary grades immediately following their preschool participation, and that preschool and special educational programs and services provided in the early primary school years afford children with culturally deprived, educationally lacking, or economically distressed family backgrounds an essential opportunity to participate in the economic, social, and political mainstream activities of American life. It is the purpose of Congress in this title to afford broad authority to the Director, either acting directly or by delegation pursuant to the provisions of title VI of this Act, to broaden the opportunities of the children described in this paragraph for preschool and early primary education, including provisions for parental and home involvement, utilizing to the maximum extent possible existing agencies and organizations and resources to accomplish such purposes.

"AUTHORIZATIONS

"SEC. 902. For the purpose of carrying out the provisions of this title, the Director is authorized to make grants to community action agencies, local educational agencies, or other public or nonprofit agencies with the approval of the appropriate community action agency, or to a local educational agency or other public or nonprofit agency in an area where there is no community action agency. For the purposes of carrying out programs under this title, there are hereby authorized to be appropriated $578,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

"SEC. 903. The sums which are appropriated or allocated for the purpose of making grants under this title shall be allotted pursuant to section 225 of this Act and such sums and project assistance shall be subject to the provisions of that section.

"USES OF FUNDS

"SEC. 904. (a) Grants made pursuant to this title may be used for (1) the continuation of programs authorized by sections 22(a) (1) and (2) of this Act prior to the enactment of the Economic Opportunity Act Amendments of 1969, and known as 'Project Head Start' and 'Follow Through', where consistent with the purposes of this title, (2) planning for and taking steps leading to the development of early childhood programs for the benefit of children with culturally deprived, educationally lacking or economically distressed family backgrounds, including appropriate arrangements with educational agencies for special educational programs and services for the further intensified provision of educational opportunities for such children during the early years of compulsory school attendance, (3) the provision within such programs of such comprehensive health, nutritional, social, and other services as the Director finds will assist such children in gaining their full potential, (4) providing for direct participation of the parents of such children in the development, conduct, and overall program direction at the project operating level, (5) the establishment, maintenance, and operation of preschool and early primary school programs for the children described in this section, including the lease or rental of necessary facilities and the acquisition of necessary equipment and supplies necessary to provide comprehensive programs as described in this section, (6) the provision of comprehensive physical and mental health services for children needing such assistance in order to profit from educational programs, (7) food and nutritional services, including family consultative and educational programs to improve nutrition in the home, (8) special social services to broaden the educational environment in the homes of the children participating in such programs, and (9) other social and educational activities, including summer, weekend, and vacation programs for such children which we deemed by the Director to further the purposes of this title."

SEC. 302. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraphs (1) and (2) thereof.

TITLE IV—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

SEC. 401. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE X—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

"STATEMENT OF PURPOSE

"SEC. 1001. Congress finds that existing programs aimed at providing surplus foods and free meals to needy children and families often are structured so as to have no or little impact on extremely economically disadvantaged children and families; that to reach the many victims of such impoverished circumstances, existing programs must be supplemented and broadened to produce effective results; that supplementary activities, requiring improved delivery services, increased family food subsidies, intensive family and child educational components, and emergency family medical services, are required frequently in the homes of the most economically disadvantaged; and that such conditions operate most severely on the elderly and the very young. It is the purpose of this title to provide broad authority to meet such needs expeditiously.

"AUTHORITY TO PROVIDE FOOD AND MEDICAL SERVICES AND SUPPLIES

"SEC. 1002. The Director is authorized to provide, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve extremely economically disadvantaged families with particular emphasis on the elderly and the extremely young where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this title. The Director is authorized to carry out the functions under this title through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such foodstuffs, medical services and supplies through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families.

"AREAS OF SPECIAL EMPHASIS

"SEC. 1003. The Director shall take steps to assure that programs under this title shall be designed to deal particularly with the incidence of malnutrition, hunger and serious medical needs among persons in economically disadvantaged circumstances who are fifty-five years of age and older and young children. In the conduct of such programs, the Director shall encourage the employment of such elderly persons as regular, part-time, and short-term staff in programs designed to carry out the provisions of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1004. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $92,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

SEC. 402. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraph (5) thereof.

TITLE V—MISCELLANEOUS

AMENDMENT OF RURAL LOAN PROGRAM

SEC. 501. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".

LIMITATION ON LEGAL SERVICES PROGRAMS

SEC. 502. Section 222(a) (3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services".

AVAILABILITY OF LEGAL SERVICES TO ARMED FORCES PERSONNEL

SEC. 503. Section 222(a) (3) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense). The costs of providing such services shall be reimbursed by the Secretary of Defense."

APPLICABILITY TO TRUST TERRITORY

SEC. 504. Section 609(1) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III–A, and title IV".

AUTHORIZATION OF NARCOTIC ADDICT RECOVERY PROGRAM

SEC. 505. Section 222(a) of such Act is further amended by adding to the end thereof the following new paragraph:

"(9) A 'Narcotic Addict Recovery' program designed to discover and bring about post and/or preinstitutional treatment for narcotic addiction. Such a program shall be community based, with appropriate participation by parents, youth, educators and others in the community, serve the objective of maintaining the family structure as well as the recovery of the individual addict, encourage the use of neighborhood facilities and the services of former addicts as program workers and facilitate the re-entry of addicts into society. Such a program shall also emphasize the coordination and full utilization of existing community services which pertain to the treatment of addiction and/or related disorders."

And amend the title so as to read "An Act to provide for the continuation of

programs authorized under the Economic Opportunity Act of 1964, and for other purposes."

Mr. NELSON. Mr. President, I move that the Senate disagree to the amendments of the House on S. 3016; agree to the request of the House for a conference on the disagreeing votes thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. NELSON, Mr. YARBOROUGH, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. MURPHY, Mr. JAVITS, Mr. PROUTY, Mr. DOMINICK, and Mr. SMITH of Illinois conferees on the part of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

Mr. JAVITS. Mr. President, I send to the desk an amendment on behalf of myself, the junior Senator from New York (Mr. GOODELL), the Senator from New Jersey (Mr. CASE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Pennsylvania (Mr. SCHWEIKER), and the senior Senator from Pennsylvania (Mr. SCOTT), and ask that it be stated.

The PRESIDING OFFICER (Mr. DODD in the chair). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 8 after line 26, insert the following:

"No part of the funds appropriated under this Act shall be used for the purpose of repairing, maintaining, or overhauling any naval vessel at any private facility, other than a facility located in the home port of such vessel, pursuant to any contract which has not been awarded on the basis of competitive bidding, pursuant to chapter 137 of title 10, United States Code, open to all drydock or other repair facilities which are located within 350 miles of the home port of such vessel."

Mr. MANSFIELD. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the amendment, the time to be equally divided between the Senator from New York and the acting chairman of the committee.

Mr. JAVITS. I wanted 15 minutes.

Mr. MANSFIELD. Very well; 15 minutes to a side.

The PRESIDING OFFICER. Is there objection?

The Chair hears no objection, and it is so ordered.

Mr. SCOTT. Mr. President, will the Senator yield briefly?

Mr. JAVITS. I yield.

Mr. SCOTT. Mr. President, first I gladly cosponsor the amendment.

Second, if the distinguished majority leader has no objection, I would like to offer as part of the bill a resolution in which he and I have joined—to see whether or not this might be considered later. I shall not submit it now.

In addition, I wish to state that the President has just announced the withdrawal of 50,000 troops by April 15. In this announcement he has been consistent with his promises and, therefore, creditable. He has been persistent in his determination to deescalate the war, and he has been persistent in his effort to bring our soldiers home alive as soon as possible.

Mr. President, I thank the Senator for yielding.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I request that the Chair maintain order so that Senators can hear. We do not know what is happening.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, this is a long-standing inequity we have been trying to correct for some time respecting naval ship repairs. It does not relate to conversion, but relates only to repairs.

Apparently we are up against regulation, not a law, of the Navy that provides that where repairs are to be done on a vessel in private facilities other than facilities in its home port, the competitive bidding is confined to the Naval district in which that home port is located.

The configuration of the Naval districts has the great concentration of the Naval ships in the area of the Fifth Naval District, which is the Virginia area. The configuration of the district is such as to shut out major centers like Philadelphia and New York from which they could succeed in obtaining by competitively bidding for it—perhaps and perhaps not. But at least they would have a chance at the work. Now the bidding is confined to ports within the naval district.

The inequity arises in the fact that the distance between major ports in certain naval districts is much greater than the 350-mile limitation which is suggested in this amendment as a fair distance. For example, within the 6th Naval District, one can go as far as 700 miles from Charleston, S.C., to New Orleans, La.

The fact is, because of this regulation, there has been a very material bulge in ship repair work done in certain ports which benefit from this kind of setup as against ship repair work in other ports which has fallen very materially.

For example, in 1963, Boston had 62 percent of all ship repairs; in 1966, the figure dropped to 11 percent. That is the last year for which we have figures. New York had 18 percent in 1963. We are by no means one of the big ports in that regard. However, our ship repairs dropped to 7 percent in 1966. On the other hand, in Newport News, the figure went from 9 percent in 1963 to 31 percent in 1966.

If the bids are won competitively, that is fine, but if not, we think to have very arbitrary distinctions is not compatible with the best interest of the United States and it does not make a real effort to spread the ship repair work.

I shall point up this argument by pointing out the juxtaposition of the Senate and the House reports. We know a report is not legislation, but I have served on the Committee on Appropriations, too, and I know how influential a report is with a Government department. We know what a report means to a Government department which is proceeding by regulation rather than on the basis of statute law. That is all this comes down to.

The other body, in its report, took cognizance of this situation and said in its report exactly what this amendment provides. I point to page 39 of the House report, where the Committee on Armed Services of the House of Representatives said, after discussing the matter:

The committee feels this practice is unnecessarily restrictive and the better price and better desirability of repair work among available facilities could be accomplished if repairs were open to competition.

If only the Senate had done that I assume the Navy would change its regulation, but the Senate committee did not do that. What the Senate committee did, as found on page 36 of its report which is before us today, is as follows:

The committee feels that the morale and retention rate of Navy personnel is of paramount importance and recommends that ship repair work be performed in, or as near as possible to, the home port of the vessel, since many of the ship's personnel will have families living in the area.

Of course, that begs the question completely because there is no argument in my amendment about the home port doing the work. That is the end of it and there is no outside bidding. The question is where the home port does not do the work and where the home port is much farther from the place of repair because it is within that naval district than it would be if there were open competition and some of the larger ship repair businesses in other districts were able to compete.

So the Senate report leaves it up in the air and does not nail it down. The attitude of the Senate on this matter differed from the House. I tried to introduce this matter last year. I felt we had to introduce this amendment to crystallize the situation. Last year we proposed 1,000 miles. In other words we provided that competitive yards within 1,000 miles of the home port could bid. Now we have cut that distance to 350 miles for two reasons: First, the House of Representatives Armed Services Committee passed on the question of fact that that is a fair distance from the ship repair facility to the home port; and second, because the argument was made last year that the crews that go along with a ship should be within some kind of weekend distance so that they could get from the place of repair to the home port. With modern methods of travel 350 miles is not excessive in that regard.

Mr. President, that is the case. The present Navy policy is an inequity and it does not meet standards of best bidding for the United States. It is strictly a

contrived arrangement that is very costly to certain ports. It does not stand up to the best prices and services. It is not attributable to any convenience of travel. Once we get out of the home port we cannot confine the distance question to the naval district. It may be further from the naval district than if the ship was repaired within the 350 miles. That is often the case. For all these reasons, to correct the inequity based on Navy regulations, which apparently is locked in so that we cannot move in, we have interposed this amendment so that the Senate, at long last, as the House has recognized, will see the injustice involved and will help us to correct it.

Mr. SPONG. The Senator from New York has mentioned that he has offered an amendment similar to this before. Other than the difference in the mileage, reducing it from 1,000 to 350 miles, is there any other difference in the amendment than the one of 2 years ago?

Mr. JAVITS. No. They are similar. There is only one technical difference; that is in the words "private facility." We used the word "facility" before. We now use "private facility." This is a matter that applies only when private work is involved and does not involve naval shipyards.

Mr. SPONG. This matter was considered in the Senate in October of 1968. Have there been any hearings on this either on the House side or the Senate side dealing with this subject? I notice that the Senator from New York uses the same statistics today that he used 2 years ago.

Mr. JAVITS. There have been no hearings. Of course I cannot control that. The House of Representatives were satisfied, apparently, without hearings. I might tell the Senator that we have been trying to get updated figures from the Navy as closely as we can, but not for 1968 or 1969. But we have been unsuccessful. I do not understand that. However one feels about the amendment, I do not understand the Navy's conduct on this issue.

Mr. SPONG. I would say to the Senator from New York that I would welcome hearings on this subject. The percentages he quotes are exactly the percentages he quoted in October of 1968.

Mr. JAVITS. That is right.

Mr. GOODELL. Mr. President, will my colleague yield?

Mr. JAVITS. I yield.

Mr. GOODELL. I might say to the Senator from Virginia that the amendment is a simple one. All it does is provide for competitive bidding, so that a contract could go outside of Virginia or any other area, say, New York, Philadelphia, or somewhere else within 350 miles of the home port so that the taxpayers may be saved some money by lower prices. This would open it up in a way that will be to the taxpayers' interest. They may not be able to bid lower, but it is a way for the Navy to try to save money, presumably, by regulation and competitive bidding in a situation where we could get low bids and save the taxpayers some money.

Mr. SPONG. It seems to me we are repeating the same argument used 2 years ago with respect to this amendment. First, I agree with the Senate committee which has stated that the morale of the crews is a factor in this matter and, second, I think that the Navy needs maximum flexibility, in its policy of ship repair which this amendment does not take into account. There is also the factor of an emergency situation. I do not believe that, without any hearings, we should come to the floor of the Senate and change the entire ship repair system of the U.S. Navy in a matter of minutes.

The proper way to dispose of this would be the introduction of a bill, the holding of hearings, and the introduction of evidence on the entire problem of Navy ship repair. We do not have that now.

I therefore believe that the pending amendment should be overwhelmingly rejected.

Mr. JAVITS. The question of an emergency is involved by another section which is in no way changed by this amendment. This amendment would not apply to any emergency. It would apply to normal operations.

As to the question of hearings, the best answer is that the Armed Service Committee in the other body were with us all the way. It seems to me that is a pretty conclusive determination that the facts are as we have stated them, that hearings would be just another way to delay what is elemental justice.

Mr. ELLENDER. Mr. President, as has been stated, there have been no hearings held on this proposal. The only thing we find is a statement in the House report which in a manner, agrees with the Javits amendment. Then we have in the Senate report a statement which conflicts with the House report. This amendment would, as the distinguished Senator from Virginia has just stated, change the manner in which repairs are now being made on ships, which are done usually in the naval district of the home port of the ship. This would change the method entirely.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, would, in his opinion, it save us any money if the Javits amendment were to be adopted?

Mr. ELLENDER. It might, by expanding competitive bidding on these ship repairs.

Mr. President, as I said, it is my belief that we should have hearings on this.

I hope that the amendment will be rejected.

Mr. BYRD of Virginia. Mr. President, one of the most important problems which the Navy faces today is that of retaining its skilled officers and enlisted men. It is vital that the Navy have the means of maintaining high morale in order to keep essential skills in its ranks.

The pending amendment would deprive the Navy of one of its most effective methods for maintaining high morale.

The Navy Ship Systems Command for some time has followed a policy of having ships repaired as close as possible to their home ports. This enables personnel aboard the ships to make frequent trips to their homes during shipyard periods—and shipyard periods represent one of the few opportunities that Navy men have to spend time with their families.

Any gains which the amendment now before us would produce would be more than offset by the blow to the critical retention program.

The Navy's system for allocating shipyard work has been in operation for a number of years and has proven its efficiency. It would be unwise to revise this system by legislative action without committee hearings.

If it is to function efficiently and maintain the morale of its personnel, the Navy needs maximum flexibility in its ship repair practices. The pending amendment would deprive the Navy of part of its flexibility, and is therefore undesirable.

In the interests of maintaining an efficient Navy with high morale, I hope that the pending amendment will be rejected.

Mr. FONG. Mr. President, I am opposed to the amendment because there have been no hearings held on it.

One of the prime considerations, when a ship is to be repaired in drydock, is the morale of the men on that ship. Many ships have a complement of 3,000 to 4,000 men.

If we have competitive bidding outside the area of the home port, we will find that there will be many men who will be left stranded, or away from home. There is no doubt that the morale of these men will suffer.

We looked into this matter some time ago, and found that it was of the greatest importance to consider the morale of the crews. They should be at home with their families and their children if it is at all possible. If we have competitive bids, away or outside from the home port, we will find that these men will be forced to be away from their homes and families.

Therefore, I join the distinguished Senator from Louisiana in opposing the amendment and I urge that it be rejected.

Mr. JAVITS. Mr. President, to conclude debate on this matter, I am sorry that the Senator from Hawaii (Mr. FONG) has left the Chamber, but it is not a question of morale on the home port problem, because this does not apply where there is home port repair. Once we get out of the home port, it could be further than 350 miles. It is 750 miles from Charleston to New Orleans, for instance. The same is true of other naval districts.

In summary, the amendment would provide for the opening up of competitive bidding, without any disadvantage to the men in any way, shape, or form.

This is a longstanding injustice on the part of the Navy and the only way to remedy it is on the floor of the Senate. I repeat, it is really just amazing that that has not been done before, I cannot understand why. I do not see a single reason against it. Yet we have had this problem right along.

I hope now, by reducing the distance from 1,000 miles to 350 miles—which is certainly an answer to the problem of the morale and convenience of the crew—the Senate will, at long last, right this longstanding injustice.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment offered by the Senator from New York, for himself and other Senators. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. MILLER) would vote "nay."

The result was announced—yeas 45, nays 43, as follows:

[No. 236 Leg.]

YEAS—45

Allott	Goldwater	Muskie
Baker	Goodell	Packwood
Bayh	Griffin	Pastore
Bennett	Gurney	Pearson
Boggs	Hansen	Pell
Brooke	Hart	Prouty
Case	Hatfield	Ribicoff
Cook	Hruska	Saxbe
Cotton	Hughes	Schweiker
Curtis	Javits	Scott
Dodd	Jordan, Idaho	Smith, Maine
Dole	McCarthy	Smith, Ill.
Dominick	Mondale	Stevens
Fannin	Moss	Tower
Fulbright	Murphy	Williams, Del.

NAYS—43

Aiken	Gore	Metcalf
Allen	Gravel	Montoya
Bellmon	Harris	Nelson
Bible	Hartke	Percy
Burdick	Holland	Proxmire
Byrd, Va.	Hollings	Randolph
Byrd, W. Va.	Inouye	Spong
Cannon	Jordan, N.C.	Stennis
Church	Magnuson	Talmadge
Cranston	Mansfield	Thurmond
Eagleton	Mathias	Yarborough
Eastland	McClellan	Young, N. Dak.
Ellender	McGee	Young, Ohio
Ervin	McGovern	
Fong	McIntyre	

NOT VOTING—12

Anderson	Long	Sparkman
Cooper	Miller	Symington
Jackson	Mundt	Tydings
Kennedy	Russell	Williams, N.J.

So the amendment was agreed to.

Mr. McINTYRE. Mr. President, along with my distinguished colleague, Senator COTTON, who is downstairs with the Appropriations Committee at this moment, I desire to record my objection and my request that the Appropriations Committee has seen fit to reduce the number of planned Polaris to Poseidon submarine conversion from six to two. The Senate and House Authorization Committee had agreed to the six—as had the House Appropriations Committee.

One of the prime reasons assigned for this committee action was that the Poseidon missile in testing to date appeared to be doubtful in accuracy and reliability. A high naval official informed me today that the Navy had conducted 13 tests of the Poseidon—nine had proved satisfactory, four were failures. The last test was most successful and overcame the trouble points that had been the reason for the four previous failures.

The testing of this new missile continues with every prospect of success.

Mr. President, it is better to convert our present Polaris SSBN's to Poseidon for the following reasons:

First. Based upon our best estimates, a new Poseidon submarine incorporating all the advances in submarine technology that we have made would cost from $190 million to $200 million.

Second. The second of a series of similar new Poseidon submarines would cost about $175 million and thereafter gradually reduce to about $150 million each.

Third. It would take between 4½ to 5 years from funding and authorization to the commissioning of the first of the additional SSBN's and about 40 months from contract to commissioning for each of the subsequent ones.

Fourth. The individual ship fiscal year 1970 Poseidon conversion cost is about $74 million which includes the cost for overhauling and refueling. Only about $33 million is directly attributed to conversion since conversions are scheduled to coincide with overhauls. Overhauls are keyed to the depletion of reactor cores thus the need for refueling.

Fifth. The $33 million cost of actual conversion to Poseidon is substantially less than a new Poseidon ship construction cost of $150 to $190 million.

Sixth. The Polaris submarine fleet is relatively new and modern. The oldest of the 31 SSBN's which are scheduled for Poseidon conversion was commissioned in April 1963 and the newest of the 31 was commissioned in April 1967. The 10 oldest SSBN's of the 41 SSBN force are not scheduled for conversion.

Thus, the continuation of the Poseidon conversion program is the least risky, quickest, and also the least costly method of maintaining the strategic deterrent strength of the FBM submarine force.

My hope in which my distinguished senior colleague, Senator COTTON joins, is that the Senate conferees will listen carefully to the position and arguments of the House conferees—and as a result restore the conversion to six in number.

Mr. HATFIELD. Mr. President, today we are asked to approve the expenditure of $69.3 billion for the purpose of defense. This is the most massive and crucial sum of money we will appropriate all year. It is also the appropriation most of us understand the least.

We devote only a few hours to the consideration of an appropriation which will do more than any other to shape the face of our Nation.

Congress is charged with the clear constitutional responsibility of determining what amounts of money shall be spent for the purposes of defense. The Constitution never intended for us to be a body that merely ratifies predetermined decisions of the Pentagon.

The Assistant Secretary of Defense, Comptroller—Robert C. Moot—himself underscored these facts when he testified last June:

> In short, Congress can change the Defense budget totals directly and expeditiously through the appropriation process. For most of the remainder of the Budget, this is not the case. In this sense, I believe, the Defense budget system is a more effective instrument for the prompt registration of congressional policy choices.

This Defense appropriation represents a reduction of $5.9 billion from the administration's revised budget estimate, as has been pointed out, and about $8.4 billion reduction from the original Johnson budget. These reductions are truly historic, and represent the initial impact of congressional concern over the level of military spending. The Appropriations Committees of the House and the Senate, in my opinion, have wisely recommended reductions below the level of funds requested by the Defense Department.

Yet, we must be candid in analyzing the true significance of these budget reductions. Of the $5.9 billion reduction from the administration's revised budget, about $3 billion were made by Secretary Laird through such actions as the retirement of older ships, a reduction in flying hours, trims in manpower, and other similar steps. The remaining cuts recommended by the House and Senate Appropriations Committees are distributed through a wide range of areas.

Although laudable cuts have been in the bill as it is before us, it still does contain funds for all the new major controversial weapons systems. The impact of these items will have a substantial escalatory effect on future defense budgets. Therefore, I remain strongly opposed to many of the funds contained in this bill.

The sum of $779.4 million for the Safeguard ABM system is appropriated by this act.

The sum of $40 million for the main battle tank—MBT–70—would be appropriated by this bill, due to the amendment cutting $10 billion just accepted. The history of staggering cost increases, delays, and problems associated with this program merit its cessation, in my opinion, as I stated earlier.

The sum of $425.1 million is requested for a new nuclear attack aircraft carrier. This maintains our unreasonable commitment to an unquestioned number of carrier task forces, 15, costing more than a billion dollars each and operated by the only country that builds carriers, believing they still have a role in modern warfare.

The sum of $450 million is recommended by the Senate Appropriations Committee for the F–14 aircraft, restoring the wise cut of about $125 million made by the House Appropriations Committee. It is doubtful, to say the least, that the F–14 will be able to perform all its various roles effectively, and the House committee shares this skepticism. Pro-

curement of the F–14 is based upon the future role of our carriers, and even the Senate Armed Services Committee agreed to study the effectiveness and need for carriers in the coming decade. The total costs of this program would eventually range between $15 and $30 billion.

The sum of $100.2 million would be spent for the AMSA—advanced manned strategic aircraft—in an attempt to perpetrate the strategic bomber in this age of missiles; $8 to $23 billion would eventually be required for the completion of the AMSA in the numbers projected.

Finally, this appropriation is based upon a troop level strength of 3.2 million men in June of 1970. In addition to our troops in Vietnam, that manpower strength is based upon a projection of threats and contingencies that are far overdrawn and bear little relation to the contemporary realities of international affairs. Further, this appropriation allows us to station troops on foreign soil throughout the globe, where their mere presence often contributes more to the undermining of our relations with foreign nations than to our own security. At least $10,000 could be saved for each soldier reduced from our current manpower level.

Therefore, although this appropriations bill contains considerably less funds then originally requested, it furthers our commitment to highly questionable weapons systems and an overextended manpower level. These trends, if they continue, will insure massive Defense budgets in the future.

Our future Defense budgets will be dependent upon the plans and decisions we make today. Reductions in military spending will be a function of our rate of withdrawal from Vietnam, the fundamental baseline we choose, determining our force levels, and whether or not we proceed with the unquestioned procurement of costly new weapons systems, particularly those I have mentioned.

We can establish a future Defense budget of between $50 and $55 billion if we adopt reasonable options on each of these issues.

Some continue to question the urgent necessity of reducing Defense spending, charging that our security may be jeopardized. It would take little effort to demonstrate how $55 billion could adequately insure our security. But far more important is that the current level of Defense spending is a primary cause of our contemporary national insecurity.

During the past week, the Presidential Commission on the Causes and Prevention of Violence completed its 18-month study. This distinguished group of thoughtful Americans, led by the brother of one of our greatest Presidents and military leaders, echoed what many of us have said before:

> We solemnly declare our conviction that this nation is entering a period in which our people need to be as concerned by the internal dangers to our free society as by any probable combination of external threats . . . the graver threats today are internal.

That Commission—studying the causes and prevention of violence—recommended that we reduce our military spending as a step toward easing the violence and tension in our own land. They stated:

> In our judgment, the time is upon us for a reordering of national priorities and for a greater investment of resources in the fulfillment of two basic purposes of the Constitution—to "establish justice" and to "insure domestic tranquility."

Our Nation, obsessed with protecting against unrealistic threats of violence abroad, has spawned violence at home.

If I were one who wished to aid the cause of destructive revolutionaries today, I would adopt one simple tactic: that would be the support of every item of military spending which comes before us. For I would know that as long as defense spending continues to assume such an enormous portion of our financial resources, then it will be impossible to meet the urgent socioeconomic needs of our land. Each day, as such needs remain unmet, the invitation to violence draws more followers, the polarization throughout the land intensifies, and the fabric of our Nation becomes even more fragile.

If our Nation is to survive the challenges it faces, we must learn how to "provide for the common defense" in a manner allowing us to "promote the general welfare, insure domestic tranquillity, secure the blessings of liberty to ourselves and our prosperity, establish justice, and form a more perfect union."

Mr. PEARSON. Mr. President, I want to take this opportunity to just briefly state for the RECORD that no Department of Defense funds are appropriated for the purchase of bulk milk dispensers. The Appropriations Committee has consistently rejected DOD requests for funds for the purchase of bulk milk dispensers for use in the continental United States. And last year, the committee not only rejected such a request but in its report specifically prohibited the use of any DOD funds for the purchase of bulk milk dispensers. Past requests have been rejected on the grounds that the military should not purchase specialized capital equipment and undertake the servicing and maintenance that equipment of this kind requires if it can be economically leased from private enterprise suppliers. The record shows that private suppliers through their leases with the military installations have provided economical and efficient service.

The Department of Defense did not request funds for this fiscal year. However, because there continue to be isolated situations where bulk milk dispensers have been purchased at military installations, I want to repeat my view, which I know is shared by many others, that the Department of Defense should continue to follow a policy of leasing rather than purchasing bulk milk dispensers. Mr. President, this policy has proven to be economical for the Government and equitable for small business.

THE TOW ANTITANK FUNDS ARE UNNEEDED

Mr. PROXMIRE. Mr. President, while I congratulate the committee on the overall work it has done on the military appropriations bill, there is one item to be found on page 15 under the funds appropriated for Army procurement which I wish to question. That item is the $100 million for the TOW antitank missile included in the $4.28 billion appropriation found on page 15, line 6 of the bill.

DUPLICATE FUNDS

TOW stands for tube-launched, opensighted, wire-guided missile system. It is an infantry antitank weapon. That is its stated purpose.

Funds for the TOW were not included in the House-passed military authorization bill. It was authorized in the Senate bill. However, both House and Senate Appropriations Committees have $100 million in the bill for its development and deployment.

But this weapon is a duplication of a weapon we already have. And it is a billion-dollar duplication. We now have the Shillelagh antitank weapon. The TOW is also an antitank weapon. The alleged difference is that TOW is an infantry missile and Shillelagh is shot from a tank or a helicopter.

But this is a vast exaggeration. First of all, the Shillelagh has been fired in the infantry mode. This was done by the Army a number of years ago. This fact was brought out in the House debate by Congressmen STRATTON and GUBSER. The Shillelagh, at relatively little cost, could be used in the infantry mode. At least that should be tried before we go ahead with TOW.

The reason is that the Shillelagh is now in production. Its unit costs are about $2,900. Its total cost will be about $686 million. But TOW will cost $6,300 per weapon and its ultimate cost is almost $1 billion.

WEIGHT ALMOST IDENTICAL

TOW is almost identical with Shillelagh in other aspects. TOW weighs 50 pounds compared with 60 pounds for Shillelagh. But half of this difference is due to the larger and heavier warhead fired by Shillelagh. In this respect, they are alike.

TOW NOT A WALKING SOLDIER'S WEAPON

TOW is not an infantryman's weapon that he can carry with him anywhere at any time. First of all, it takes one man to carry the weapon and three more men to carry the launcher, or a total of four men. TOW itself, because of its weight and size, can be hand carried only about 200 yards. It needs a jeep to be mobile. And it needs the launcher to go with it. Incidentally, the launching tubes will cost $96,000 each, a phenomenal price. It is thus not a walking infantryman's weapon.

LESS MOBILE THAN A SHILLELAGH

It is, in fact, less mobile than the Shillelagh antitank weapon mounted on a Sheridan tank. A Sheridan tank can go many places a jeep cannot go. It is safer and more effective for the weapon to be mounted on a tank rather than on the ground in the open.

Thus, there is no mobility argument for this vast duplication.

The Army itself, according to Congressmen STRATTON and GUBSER, who are experts on this subject, back in 1962 stated in their study that the most expensive method of going about develop-

ing an antitank weapon was to have two weapons. We should choose one or the other.

And since the performance of each is very nearly the same, we should go with the weapon we have rather than duplicate it at a cost of almost $1 billion.

NO NEED FOR IT NOW

There are those who argue for Tow on grounds that we need it soon to protect the West against a potential tank attack from the Soviet Union. This argument has very little merit at all.

First of all, we are talking about a period of time in the year 1974—at least 4 years from now.

Second, we have stopped our M–60 deployment, which is the main antitank weapon. In fact, we have sold M–60's out of our inventory to non-NATO countries.

If we need an antitank weapon so bad, why are we selling off our main antitank weapon?

The Army cannot have it both ways. They cannot argue we must have Tow as an antitank weapon to guard against a Russian tank attack in the center of Europe and, at the same time, sell off or give to others outside Europe our major antitank weapon; namely, the M–60 tank.

Third, if we need to defend against a Russian tank attack, why not deploy the Sheridan tank with Shillelagh antitank weapons in Europe now. We can put 500 Shillelaghs into Europe overnight. We have the Sheridan tanks in storage. If we need quick antitank protection, why not get it with the Sheridan-Shillelagh.

Fourth, if the Russians make a massive attack on Western Europe, the ballgame is over. No infantry antitank weapon is going to stop them. We will call into play our strategic weapons. Intermediary and intercontinental missiles will be used. That is World War III.

Finally, we are talking about the 1974–76 time period before Tow is fully deployed. Yet we are now seriously considering removing most of our NATO troops by that time.

AN UNACCEPTABLE REDUNDANCY

For all of these reasons, the House Armed Services Committee description of Tow as an "unacceptable redundancy" is true.

THE MODE OF FIRING

Let me return to the question of the mode of firing.

The Tow missile is not now fired by a tank. It can be fired by infantrymen but is still relatively immobile. It can be fired from a helicopter. In fact, it was first developed to be fired from the Cheyenne helicopter.

But the Shillelagh cannot only be fired from a helicopter and by a tank, but it has also been fired in the infantry mode, according to the reports which both Congressmen STRATTON and GUBSER mentioned in the House debate. In any case, we should spend funds to develop the Shillelagh for the infantry mode before proceeding with a billion-dollar outlay to duplicate it.

WHAT TO DO

In view of all these facts, should we not wait, ask the Army to spend some of their research funds on adapting the Shillelagh to the infantry mode, and test the weapon, before going ahead with the Tow which is a duplicate weapon.

I commend that action to the chairman of the committee, to the Army, and to the Defense Department. I think it makes sense. And it makes sense also because this is one time we can make this determination before we have wasted hundreds of millions of dollars on an unneeded weapon instead of waiting until it is too late.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SCOTT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Pennsylvania (Mr. SCOTT) proposes an amendment as follows:

At the end of the bill, add a new section affirming the support of the Senate for the President's efforts to negotiate a just peace in Vietnam:

"*Resolved*, That the Senate affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and that the United States is willing to abide by the results of such elections, and requests the President to call upon the Government of North Vietnam to join in a proclamation of a mutual cease-fire and to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia."

Mr. SCOTT. Mr. President, this is the so-called Mansfield-Scott resolution for a just peace in Vietnam, in which, with 45 cosponsors, we urge the President to proceed under every possible means to secure a mutual cease-fire in Vietnam. I have simply offered the amendment to call the attention of the Senate to it. I understand that it would involve a good deal of discussion, and, therefore, I am concerned only that we can have early hearings on this resolution, since nearly half of the Senators have supported it.

I have spoken with the distinguished majority leader, and I believe it is his understanding that hearings can be had early next year; and upon that assurance, when we receive it, I shall withdraw the resolution.

I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished Republican leader has adopted this course. I have talked with the chairman of the Committee on Foreign Relations, and he has indicated that somewhere around the 18th or 20th of next month, hearings will be held on this and other proposals.

May I say that I am in sympathy with and very much interested in the Mathias amendment as well, and I think I can assure the distinguished Republican leader that those two as well as the Goodell resolution and other resolutions pending before the committee will be given hearings beginning at that time.

Mr. SCOTT. Particularly with reference to the resolution the majority leader and I have sponsored, together with 45 cosponsors?

Mr. MANSFIELD. That is right, and I am particularly interested in testifying in person on the Mansfield-Scott amendment and the Mathias amendment.

Mr. SCOTT. I thank the majority leader. I am qutie satisfied with that assurance, and, therefore, ask unanimous consent that I may withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOLE. Mr. President, I support the amendment which would provide a necessary and clear-cut statement of support for the President's efforts to bring peace in Vietnam. He has underscored his determination to end the war as recently as 2 hours ago.

The text of this amendment is that of the resolution adopted overwhelmingly by the House of Representatives on December 2. The language is appropriate for several reasons. First, it is clear and to the point in expressing support for the President's efforts toward a just peace. I believe that Senators see the importance of supporting the President as he continues the delicate and monumentally important task to which he has dedicated his foreign policy from the day he took office. We are all devoted to the cause of peace. As men of good will and reason, our ideas concerning details of policy may from time to time diverge, but in the long view we seek the same end, peace with justice. This is the President's stated and reiterated goal, and surely none of us has a contrary one.

A second reason the language of this amendment is appropriate lies in the House's consideration of it. While the Senate might well express its views in language dissimilar to that chosen by the other body, the use of identical terminology furnishes a distinct element of unity and cohesiveness which enhances the expressed support. Many distinguished Congressmen addressed themselves to the substance and effects of the House resolution. The weight of their remarks, when taken with the Senate's own deliberations, can provide the quest for peace with benefits of significant domestic and international proportions.

Mr. President, I urge Senators to support this amendment and thus provide President Nixon the knowledge that, as well as the House, the Senate stands with him; and, to use his words:

When peace for America and for the world is involved, we are not Democrats, we are not Republicans, we are Americans.

I am pleased hearings will be held and trust that prompt and honorable action will be taken. The President is to be commended for his announcement today to withdraw 50,000 more American troops by April 15, 1970.

Mr. PEARSON. Mr. President, while many questions remain unanswered about the Safeguard anti-ballistic-missile system and the wisdom of proceeding with its deployment at this time, in my

judgment the Senate has already taken its decision on this weapons system in the 1970 Defense procurement bill. During the weeks of debate and by the final vote, I made clear my opposition to deployment of the system while urging further research and development on its component parts and, for that matter, on the system as a whole.

The Senate voted to proceed with deployment by a narrow margin. However close the vote, I said at the time that I would accept the decision of the Senate and would not reopen the battle by the appropriations process. There are many ills, and few rewards, for our legislative system in the business of using appropriations bills to overturn the will of the Senate as measured in the process of authorizing legislation. While one might favor this approach out of conviction for a particular matter, he will soon find himself opposing it out of equal conviction on another issue. Therefore, Mr. President, I have taken a decision to oppose any amendment to the Defense appropriation bill, H.R. 15090, that would substantially alter the decision taken by the Senate earlier this year in favor of proceeding with deployment of ABM. I do this out of consideration for an effective legislative process, and without attempting to prejudice any later debate on future authorizations of the system.

Mr. PROXMIRE. Mr. President, I want to make a general comment on the Defense appropriation bill. Compared with the original Johnson administration budget request, there is an $8.4 billion cut in the Defense budget. This action by the Senate Appropriations Committee is the biggest step of the year toward a reordering of American priorities.

A massive cut in military spending is now assured. The war against inflation has won its biggest battle.

This $8.4 billion cut is not all. There is also about a $4 billion reduction due if we recognize and allow for the fact that inflation gives us less for the dollars we spend. This means that the goal many of us set early in the year of a $10 to $12 billion cut in military spending has been substantially met.

The hearings my Economy in Government Subcommittee held on military waste, the exposé of huge cost overruns, the evidence of duplication of weapons, and the long fight many of us made on the military authorization bill have now produced real results. The work of the Senate Armed Services Committee and its subcommittees, and the work of the House and Senate Appropriations Committees have been unprecedented this year in their critical review of the military budget.

While military spending is not yet under control, military spending is no longer out of control. But just as small increases in appropriations produce huge spending later, even small cuts now can mean much larger cuts later. That is why we welcome these reductions.

This bill is a victory for the taxpayers of the United States. It is a victory for those who believe that the security of this country is better served by a trim and fit Military Establishment than one grown fat and lazy.

This is a great beginning. Our fight has been vindicated. These cuts make the long hours of hearings, the initial defeats on some of our amendments, and the hostility of the big defense contractors more than worthwhile.

Mr. ALLOTT. Mr. President, before the third reading of the bill, I have a few questions on legislative history, which I should like to direct to the manager of the bill. They will be very short, but I have to do it before the third reading, so that I do not preclude a possible amendment.

I direct the chairman's attention to the following statement, located at page 111 of the committee report:

> The authorization act authorized the use of $20 million for the development of a modified Shillelagh missile to be used as a ground anti-tank weapon. The House bill does not provide funds for this purpose. The Committee has no objection to the use of a reasonable amount to investigate the feasibility of this proposal. However, no additional funds have been provided for this purpose. The initiation of a full scale development program for this proposal is to be considered as a matter of special interest.

As the chairman is already aware, the report of the conference committee for the defense authorization bill in discussing the possible redundancy between the Shillelagh and the TOW missiles states at page 16 of the conference report:

> The conferees also agreed that $20 million should be allocated to the development, test, and evaluation of the Shillelagh missile for both the infantry ground mode, including application to the M–113 and light wheel vehicle and the helicopter model. Priority should be given to the Shillelagh for its use in the infantry mode with an open-breech launcher in a manned portable configuration.

Mr. President, in order to make the legislative history clear with regard to the intention of our Appropriations Committee in not adding funds for this specific purpose, I would like to ask the chairman if it was not the committee's intention that the Department of Defense should expend a reasonable amount of its appropriated funds to determine the feasibility for the development, test, and evaluation of the Shillelagh missile in airborne and infantry roles, including actual missile flights.

Mr. ELLENDER. The idea, as I understand it, is to determine feasibility before we proceed with the full-scale development program. I am quite certain that the Senator will agree that before we proceed to provide for the development of this missile, a thorough study should be made to determine the feasibility of the proposal. I am informed that there is money available that will be sufficient to make a feasibility study of the proposal.

I have no doubt that if it is feasible, the Defense Department will proceed with full-scale development.

Mr. ALLOTT. There are various elements of feasibility. The Shillelagh is a missile which is in actual existence. And I think the point here is that the feasibility should include the testing of it with an actual vehicle rather than just a paper study such as many of these involve.

Mr. ELLENDER. Mr. President, of course, if feasibility is determined, let me say, within the next 4 or 5 months, the program can then go on. However, the point I wish to stress, and I am sure the Senator would agree, is that we should not substantially spend funds on this missile unless we know that it is feasible.

Mr. ALLOTT. The Senator means for the construction of the missile.

Mr. ELLENDER. The Senator is correct. Really it is the modification of the existing Shillelagh.

Mr. ALLOTT. I agree entirely with the Senator in that respect. My only point was that in developing the feasibility, where we have a missile already in existence, flights of the actual missile should be involved in the feasibility.

Mr. ELLENDER. I can assure the Senator that if the Army determines that there has to be flight tests to determine feasibility, such tests can be made.

Mr. ALLOTT. Mr. President, in this regard, I ask the chairman, Was it also not implicit that the Appropriations Committee desired to have the results of this feasibility test and evaluation program of the Shillelagh missile available to it prior to making a decision on the Department of Defense requests for their funds for fiscal year 1971?

Mr. ELLENDER. I believe that is correct.

Mr. ALLOTT. Mr. President, if the feasibility requires actual missile firing in these evaluation tests, this, too, would be included in the scope of the language of the Senate report.

Mr. ELLENDER. That is my understanding.

Mr. ALLOTT. Mr. President, I thank the Senator very much.

Mr. THURMOND. Mr. President, the Shillelagh is a closed breech weapon built for Sheridan armed recon vehicle and fires Shillelagh infrared antitank guided missiles. TOW is ground mode antitank weapon for infantryman and is a follow-on to European developed antitank missiles, all wire guided.

POINTS AS TO WHY SHILLELAGH WOULD NOT FIT WELL INTO GROUND MODE

Shillelagh has dip problem; that is, missile dips after leaving tube. Missile dips 3 feet 50 percent of time, 6 feet 5 percent of time. While this is acceptable when fired from Sheridan armed recon vehicle for which Shillelagh was developed, it would not be acceptable from ground mount where launcher is closer to ground and where many shots would be made from defilade position to protect infantryman. Contractor admits dip problem.

Weight is critical to infantryman in ground role. TOW rounds plus container weigh 50 pounds whereas Shillelagh rounds are 61 pounds with weight of undeveloped container to be added.

TOW has more maneuverability and can hit moving targets at full range of 3,000 yards while Shillelagh cannot hit moving targets except at lesser ranges where the enemy tank guns would be in range to engage ground firing unit.

Tow proven in ground role, over 300 firings of which last 75 were hits with only one wire break. Army wants Tow badly, it was designed to enable infantryman to handle Warsaw Pact tank su-

periority without matching them in costly tanks. Germany and Italy have ordered sizable quantities of Tow after seeing demonstrations in Europe.

While Tow is costly, any weapon is costly at beginning of buying curve. Average unit cost of missile is now $6,300 but will drop to $3,800 when we get further into buy. These are contractor figures. Shillelagh costs less now because it is an end of buying curve. Costs for launcher of both missiles are expected to be about same.

Tow is wire-guided, and not as susceptible to countermeasure devices as infrared guided Shillelagh. Infrared problem is acceptable when Shillelagh is on Sheridan as it can maneuver to different position, but in ground configuration infantrymen would be hard put to move position after firing.

Both Shillelagh and Tow have been in research and development for some 8 years, Tow winning competition for ground role and Shillelagh for Sheridan role. Why turn around now and spend millions and delay buying Tow to make Shillelagh do what Tow already does?

Shillelagh was demonstrated from ground mount in 1962 but film showing tests reveals a dummy was used for firing and not a man. Tow exits tube on motor blast while in launcher, and second motor starts when missile is far enough out so infantrymen will not get hurt by blast. Shillelagh comes out tube with full blast, thus endangering infantryman who fires missile. Shillelagh in ground mode would have canted jets on missile, but safety or missile firer has not been demonstrated. All previous tube launched antitank missiles, that is, Law, Redeye, Bazooka, get main thrust from second motor after leaving tube so Shillelagh would be trying principle never before attempted in man-fired launcher.

Mr. LONG. Mr. President, I move to reconsider the vote on the Javits amendment.

The PRESIDING OFFICER. Motion has been made to reconsider the vote on the Javits amendment.

Mr. CANNON. Mr. President, what is the pending business?

The PRESIDING OFFICER. Motion has been made to reconsider the vote that was had on the Javits amendment.

Mr. LONG. Mr. President, I ask for the yeas and nays.

Mr. WILLIAMS of Delaware. Mr. President, is the Senator on the winning side?

Mr. LONG. Mr. President, I was not present. I ask for the yeas and nays.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the Javits amendment was adopted.

Mr. JAVITS. Mr. President, does the Senator who makes the motion qualify?

The PRESIDING OFFICER. The Senator is qualified. He did not vote on the motion. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

Mr. JAVITS. Mr. President, I move to lay that motion on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the motion to reconsider on the table. There is a sufficient second. The yeas and nays are ordered. The clerk will call the roll.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Mr. President, the motion to table would be a motion to table the motion to reconsider. And a vote "aye" would be in that case for the Javits amendment. And a vote "nay" would be against it.

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion to table the motion to reconsider. On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

On this vote, the Senator from New Jersey (Mr. WILLIAMS) is paired with the Senator from Washington (Mr. JACKSON). If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Alabama (Mr. SPARKMAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. MILLER) would vote "nay."

The result was announced—yeas 40, nays 49, as follows:

[No. 237 Leg.]

YEAS—40

Allott	Goldwater	Pearson
Baker	Goodell	Pell
Bayh	Griffin	Percy
Bennett	Gurney	Prouty
Boggs	Hansen	Saxbe
Brooke	Hart	Schweiker
Case	Hatfield	Scott
Cotton	Javits	Smith, Maine
Curtis	Jordan, Idaho	Smith, Ill.
Dodd	McCarthy	Stevens
Dole	McIntyre	Tower
Dominick	Muskie	Williams, Del.
Fannin	Packwood	
Fulbright	Pastore	

NAYS—49

Aiken	Gravel	Mondale
Allen	Harris	Montoya
Bellmon	Hartke	Moss
Bible	Holland	Murphy
Burdick	Hollings	Nelson
Byrd, Va.	Hruska	Proxmire
Byrd, W. Va.	Hughes	Randolph
Cannon	Inouye	Ribicoff
Church	Jordan, N.C.	Spong
Cook	Long	Stennis
Cranston	Magnuson	Talmadge
Eagleton	Mansfield	Thurmond
Eastland	Mathias	Yarborough
Ellender	McClellan	Young, N. Dak.
Ervin	McGee	Young, Ohio
Fong	McGovern	
Gore	Metcalf	

NOT VOTING—11

Anderson	Miller	Symington
Cooper	Mundt	Tydings
Jackson	Russell	Williams, N.J.
Kennedy	Sparkman	

So the motion of Mr. JAVITS to table the motion of Mr. LONG to reconsider the vote by which the amendment of Mr. JAVITS was agreed to was rejected.

The PRESIDING OFFICER. The question is now on the motion to reconsider the vote by which the amendment was agreed to. On this question the yeas and nays have been ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is this motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. JAVITS. I should like to be recognized.

I shall not detain the Senate. I think that would be very unfair. But I do think that those who did change their vote about this matter—and obviously there were some—perhaps did not hear the discussion we had when we had it.

I think it is fair to say that not a single word was uttered in the debate in defense of this practice. I said the practice is indefensible, and I think it is. No effort has been made to defend it.

I believe the Senate prides itself on its objective judgment; and, having given an opportunity to vote to the Member who feels that he was overlooked and did not vote—that is not our fault—I think the Senate should now at least consider why it voted as it did before.

Mr. President, the essence of the matter is simply this: Because of a Navy regulation, which is not law, the competitive bidding in respect to private ship repair work other than at the home port of a given ship is confined to each naval district, notwithstanding the fact that that is discriminatory against other ports which can engage in ship repair, wish to bid and are within easier reach of the given home port than ports which get the work within that naval district.

It seems to me that one of the great things upon which we always pride ourselves is the vitality of the free enterprise system and the fact that we wish to save the taxpayers' money. Competition is a way to save money.

Here we have an opportunity to open up the situation to more general bidding without in any way inconveniencing any more than they are already inconvenienced the crews who have to leave the home port to go somewhere to get a

ship repair job done—notwithstanding that the Senate has now taken a different view than before. However, that is neither here nor there. The important thing is that the inequities remain as they were. It is an indefensible practice.

The only argument made is that this matter did not have hearings. We have been dealing with this matter for some years. The House of Representatives in its report condemned the practice. The Senate in its report did not. It really did not say anything about it, which left the question open.

Having an absolute brick wall situation with the Navy as long as we have had it, I felt the only way it could be undone at long last was through some action by the Senate.

Mr. President, my final point is that the last time we moved to amend, which was last year, we specified 1,000 miles as the area within which competitive bidding could take place. This amendment would make the distance 350 miles for two reasons: First, that is the distance proposed by the House of Representatives in its report as being a fair one for an area within which bids could be made; and the other reason is that with air transportation, and so forth, it is a convenient and manageable distance which would not inconvenience any crew which has to leave its home port anyway.

I gave the example of Charleston, S.C., and New Orleans, La. The great Norfolk Port, about which all of this argument is taking place, is within easy reach of other great ports, where bidding could take place up, and down the New England coast, including the middle Atlantic States, New York, Pennsylvania, and New Jersey. That is the issue.

I hope very much that the Senate will look at this matter objectively in pursuance of our long-standing feeling that we do look at matters objectively, and that we are not casting courtesy votes but that we are anxious to save the taxpayers' money where we can.

Mr. President, I close as I began. I heard not a single argument against opening free competition of free enterprise in relation to ship repairs away from the home port. Finally, this has nothing to do with emergencies in time of war. That would be exempted and the amendment would not affect that at all.

In view of the fact that no substantive argument has been made against this effort to open up the situation, the Senate should stand by what it did before.

Mr. PELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. INOUYE in the chair). Does the Senator yield?

Mr. JAVITS. I yield.

Mr. PELL. Approximately what amount of money would this save the taxpayers? Does the Senator have any idea?

Mr. JAVITS. I understand at least $20 million a year is involved in work of this character. I would assume opening the work up for competition would get a better price. It has that element of actual savings and the element of decency and principle.

Mr. President, here is a very blatant case where the Navy has dug in its heels. It is hard to know for what reason. They have given no reason, nor has a reason been advanced on the floor of the Senate. If we do not correct things that have no reason for being artificial, something is wrong somewhere. I may not find out what it is, but obviously it is not right.

Mr. FONG. Mr. President, I oppose the amendment because I think it is not a good amendment from the standpoint of many of the navy yards. We know many of these navy yards have peaks and valleys. We want to keep the work of these Navy yards constant. If we tie the hands of the Navy how are we going to keep the level of employment constant? It may be beneficial to leave the decision to the discretion of the men who run the Navy as to whether that work should be done in a particular yard.

Now, we know that many of these ships have crews between 3,000 and 4,000 men. When repairs are required they may take months to be completed. When these crews are far from their home ports the morale of these men who have been out to sea for a long time must be considered.

I feel that there are good reasons to have some flexibility in the hands of those who run our Navy. We have a hard time finding men who wish to make the Navy their career and if we force the Navy to make repairs away from home ports we may lose many of these men.

In the navy yard at Pearl Harbor, whenever we have an overload, we find it very difficult to recruit skilled men. We are forced to offer them inducements to accept employment there and if there is a reduction in the workload at Pearl Harbor, many of these men will leave.

It is very mandatory that we keep the level of work at Navy shipyards constant, if we expect to keep skilled men.

To keep the work of all navy yards constant we must give the Navy the flexibility of assigning the ships wherever it can do the most good.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. MAGNUSON. Mr. President, there is another point. We always had a problem, as the Senator knows, at established navy yards in connection with housing. We built up housing so that people in the Navy on a ship that has a home port can establish themselves in the area and they have housing. If they are sent somewhere else, they might have no housing and their families have to follow.

Mr. FONG. The Senator is correct.

Mr. MAGNUSON. There are certain stipends which the families get for transportation and housing off the base, and things of that nature. Therefore, contrary to saving money it will cost more money.

As the Senator pointed out, the efficiency of the yard is so much greater if the work is kept at a steady pace and there are not peaks and valleys. I think it will cost more money rather than save money.

Mr. FONG. The Senator is absolutely correct. We should also consider that most of the crew will have to stay on the ship and work to keep it in shape. In addition, if they are forced to be away from their families for a great length of time, there will be a morale breakdown.

Mr. GOODELL. Mr. President, the Senator made a very persuasive argument to require repairs to be done outside the home port but the amendment very specifically excludes the situation where the work will be done in home ports. The amendment has no impact where that is the situation.

If the Navy decides a ship should be repaired in the home port, there would be no competitive bidding under the amendment. The only instance where there would be competitive bidding under the amendment is where the Navy decides repairs have to be done outside the home port. The lowest bidder would win in that instance. As the senior Senator from New York pointed out, that port where repairs are done will be closer to the home port than is now the practice under Navy regulations.

The Senator made a very persuasive argument, but I think he has misunderstood the amendment.

The amendment does not apply where repairs will be done in the home port. So far as I can see, it will have no impact on Hawaii.

Mr. JAVITS. I did not want to interrupt the Senator. I wanted him to make his argument but, really, it has no relevance to this situation. It does not affect home ports at all. It does not affect the problem of the navy yards. It affects only private work. So it does not affect home ports. It does not affect the problem of navy yards.

As to flexibility, this would give more, not less, flexibility. Flexibility is restricted now by the naval districts. This would open up new places within 350 miles of the home port, or in or outside of naval districts. The Navy will get low bids in the naval district or anywhere within 350 miles.

I repeat, I appreciate that it is hard to understand this in the arguments, but it has been brought up, so let us look at it.

What are the reasons against it?

This would give flexibility. It does not affect the problems of the naval shipyards. It applies only to private work. It does not affect the home ports.

What else is there?

So, it knocks down every other argument there is against it. So, what is the reason?

What is the Navy doing except digging in its heels and not moving? Are we going to give courtesy votes here?

If we want the confidence of the country, if this is the best argument that can be made against this amendment, then, Senators, vote your consciences on this amendment.

There is no reason justifying present practice except the Navy has dug in its heels.

Mr. ELLENDER. Mr. President, I reiterate my opposition to the Javits amendment because of the position of the Navy that it is in the interest of all concerned that the existing ship repair work policy continue.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the amend-

ment of the Senator from New York (Mr. JAVITS) was agreed to.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HARRIS (after having voted in the negative). On this vote I have a pair with the Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

On this vote, the Senator from Alabama (Mr. SPARKMAN) is paired with the Senator from New Jersey (Mr. WILLIAMS). If present and voting, the Senator from Alabama would vote "yea" and the Senator from New Jersey would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

If present and voting, the Senator from Iowa (Mr. MILLER) would vote "yea."

The result was announced—yeas 45, nays 43, as follows:

[No. 238 Leg.]

YEAS—45

Allen	Gore	McGovern
Bellmon	Gravel	Metcalf
Bible	Hartke	Mondale
Burdick	Holland	Montoya
Byrd, Va.	Hollings	Moss
Byrd, W. Va.	Hruska	Nelson
Cannon	Hughes	Proxmire
Church	Inouye	Randolph
Cook	Jordan, N.C.	Ribicoff
Cranston	Long	Spong
Eagleton	Magnuson	Stennis
Eastland	Mansfield	Talmadge
Ellender	Mathias	Thurmond
Ervin	McClellan	Yarborough
Fong	McGee	Young, N. Dak.

NAYS—43

Aiken	Goldwater	Pearson
Allott	Goodell	Pell
Baker	Griffin	Percy
Bayh	Gurney	Prouty
Bennett	Hansen	Saxbe
Boggs	Hart	Schweiker
Brooke	Hatfield	Scott
Case	Javits	Smith, Maine
Cotton	Jordan, Idaho	Smith, Ill.
Curtis	McCarthy	Stevens
Dodd	McIntyre	Tower
Dole	Murphy	Williams, Del.
Dominick	Muskie	Young, Ohio
Fannin	Packwood	
Fulbright	Pastore	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Harris, against.

NOT VOTING—11

Anderson	Miller	Symington
Cooper	Mundt	Tydings
Jackson	Russell	Williams, N.J.
Kennedy	Sparkman	

So the motion to reconsider the vote by which the Javits amendment was agreed to was agreed to.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Do we now vote on the amendment?

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from New York.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. RIBICOFF (when his name was called). On this vote, I have a pair with the Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay"; if I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

On this vote, the Senator from New Jersey (Mr. WILLIAMS) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Alabama would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. MILLER) would vote "nay."

The result was announced—yeas 43, nays 45, as follows:

[No. 239 Leg.]

YEAS—43

Aiken	Goldwater	Pastore
Allott	Goodell	Pearson
Baker	Griffin	Pell
Bayh	Gurney	Percy
Bennett	Hansen	Prouty
Boggs	Hart	Saxbe
Brooke	Hatfield	Schweiker
Case	Hruska	Scott
Cotton	Javits	Smith, Maine
Curtis	Jordan, Idaho	Smith, Ill.
Dodd	McCarthy	Stevens
Dole	McIntyre	Tower
Dominick	Murphy	Williams, Del.
Fannin	Muskie	
Fulbright	Packwood	

NAYS—45

Allen	Eastland	Inouye
Bellmon	Ellender	Jordan, N.C.
Bible	Ervin	Long
Burdick	Fong	Magnuson
Byrd, Va.	Gore	Mansfield
Byrd, W. Va.	Gravel	Mathias
Cannon	Harris	McClellan
Church	Hartke	McGee
Cook	Holland	McGovern
Cranston	Hollings	Metcalf
Eagleton	Hughes	Mondale
Montoya	Randolph	Thurmond
Moss	Spong	Yarborough
Nelson	Stennis	Young, N. Dak.
Proxmire	Talmadge	Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Ribicoff, for.

NOT VOTING—11

Anderson	Miller	Symington
Cooper	Mundt	Tydings
Jackson	Russell	Williams, N.J.
Kennedy	Sparkman	

So the amendment was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to ask the manager of the bill one question. There has been an inquiry as to whether the committee has cut the funds out of the bill for the Kodiak Naval Base. Can the manager answer that question?

Mr. ELLENDER. It has not. No funds for this facility have been cut.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the record of my vote on the first vote on the Javits amendment be corrected to record my vote as "yea."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I send to the desk an amendment.

Mr. ALLOTT. Mr. President, I did not understand the unanimous consent request.

The PRESIDING OFFICER. The request was to correct the RECORD on the vote of the Senator from New Hampshire. The ruling had no effect on the outcome of the vote.

Mr. ALLOTT. Mr. President, as a matter of procedure, I think it is a very dangerous thing to permit any Senator to change his vote after the vote has occurred. All of us have suffered at one time or another from this. I object to the granting of the unanimous-consent request, after the vote has been announced. In fact, as I understand the rule, it is not even in order to entertain such a request.

The PRESIDING OFFICER. The Parliamentarian has advised the Chair that it is in order for a Senator to request, by unanimous consent, to have the RECORD corrected.

Mr. ALLOTT. Then I must ask the clerk to show how the Senator was recorded at that time. I think we are getting into a very dangerous area here. A Senator came to me the other day and asked if he could do this, and my advice to him, with the advice of the Parliamentarian, was that he could not. I do not think that we should get into a position where we permit the RECORD to be corrected after a vote has been announced, by unanimous-consent request, and I object.

The PRESIDING OFFICER. The Chair has already announced the ruling on the unanimous-consent request.

Mr. ALLOTT. Well, Mr. President, there was so much confusion in the Chamber none of us could hear the request or the announcement. We just heard the bare implications of the announcement.

Mr. McINTYRE. Mr. President, I ask

unanimous-consent that I may withdraw my unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McINTYRE. The Senator from Colorado has just named the reason why I made the error. The subsequent vote, of course, straightened me out. But the confusion in the Senate was what caused me to make the wrong vote.

Mr. ALLOTT. I am sorry, but I think this is one of the rules we must all abide by, unless we are to get ourselves into very serious difficulty.

The PRESIDING OFFICER. Does the Senator wish the Chair to read the rule?

Mr. McINTYRE. I ask that the Chair read the rule.

The PRESIDING OFFICER. This is rule XII, paragraph 1, which reads as follows:

When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but many for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

I have been advised by the Parliamentarian that this has been done several times this week.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MOSS. Mr. President, I have an amendment at the desk, and ask for its consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Utah (Mr. Moss) proposes an amendment as follows:

On page 46, between lines 8 and 9, insert the following new title:

"TITLE VII—ESTABLISHMENT OF COLLEGE OF THE VIRGIN ISLANDS AND UNIVERSITY OF GUAM AS LAND GRANT COLLEGES

"SEC. 701. The College of the Virgin Islands and the University of Guam shall after the date of enactment of this Act be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

"SEC. 702. In lieu of extending to the Virgin Islands and Guam those provisions of the Act of July 2, 1862, as amended, supra, relating to donations of public land or land script for the endownment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to both the Virgin Islands and Guam the sum of $3,000,000 each. Amounts appropriated under this section shall be held and considered to have been granted to the Virgin Islands and Guam subject to the provisions of that Act applicable to the proceeds from the sale of land or land script.

"SEC. 703. The Act of August 30, 1890, as amended (26 Stat. 417; 7 U.S.C. 322–326), is further amended—

"(1) by striking the words 'and Territory' wherever they appear and substituting in lieu thereof the words ', Puerto Rico, the Virgin Islands, and Guam';

"(2) by striking the words 'and Territories' wherever they appear and substituting in lieu thereof the words ', Puerto Rico, the Virgin Islands, and Guam';

"(3) by striking the words 'or Territory' wherever they appear and substituting in lieu thereof the words ', Puerto Rico, the Virgin Islands, or Guam';

"(4) by striking the words 'or Territories' wherever they appear and substituting in lieu thereof the words ', Puerto Rico, the Virgin Islands, or Guam'; and

"(5) by striking the words 'or Territory' where they appear.

"SEC. 704. Section 22 of the Act of June 29, 1935, as amended (49 Stat. 439; 7 U.S.C. 329), is further amended—

"(1) by striking the words 'and Puerto Rico' wherever they appear and substituting in lieu thereof the words ', Puerto Rico, the Virgin Islands, and Guam';

"(2) by striking the figure '$7,800,000' and substituting in lieu thereof the figure '$8,100,000'; and

"(3) by striking the figure '$4,320,000' and substituting in lieu thereof the figure '$4,360,000'.

"SEC. 705. The Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331), is amended—

"(1) by striking the words 'and Territories' wherever they appear and substituting in lieu thereof the words ', Puerto Rico, the Virgin Islands, and Guam';

"(2) by striking the words 'or Territories' wherever they appear and substituting in lieu thereof the words ', Puerto Rico, the Virgin Islands, or Guam'; and

"(3) by striking the word 'State' wherever it appears in the third proviso of that Act and substituting in lieu thereof the words 'State, Puerto Rico, the Virgin Islands, or Guam'.

"SEC. 706. Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626), is amended by striking the period at the end of the section and adding the following words: ', and the term "State" when used in this chapter shall include the Virgin Islands and Guam.'

"SEC. 707. Section 3 of the Act of May 8, 1914, as amended (38 Stat. 373; 7 U.S.C. 343), is further amended by redesignating subsection (b) as paragraph (1) of subsection (b) and adding a new paragraph (2) to subsection (b) to read as follows:

"'(2) There is authorized to be appropriated out of money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.'

"SEC. 708. Section 10 of the Act of May 8, 1914, as amended (supra), as added by the Act of October 5, 1962 (76 Stat. 745; 7 U.S.C. 349), is amended by striking the words 'and Puerto Rico' and inserting in lieu thereof the words ', Puerto Rico, the Virgin Islands, and Guam'.

"SEC. 709. Section 4 of the Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a–3), is amended by striking the period at the end of the first sentence thereof and adding the following language: ', except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research.'

"SEC. 710. Section 8 of the Act of October 10, 1962 (76 Stat. 807; 16 U.S.C. 582a–7), is amended by striking the period at the end thereof and adding the words ', the Virgin Islands and Guam.'

"SEC. 711. Section 1 of the Act of August 11, 1955 (7 U.S.C. 361a–361l), is amended by striking the period after the second sentence and adding the words, 'Guam and Virgin Islands,' and deleting 'and' between the words 'Hawaii and Puerto Rico.'

"SEC. 712. Section 3 of the Act of August 11, 1955 (7 U.S.C. 361a–361l), is amended by redesignating subsection (b) as paragraph (1) of subsection (b) and adding a new paragraph (2) as subsection (b) to read as follows:

"'(2) There is authorized to be appropriated out of money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.'

"SEC. 713. With respect to the Virgin Islands and Guam, the enactment of this title shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this title."

Mr. MOSS. Mr. President, I shall try to be very brief on this matter.

This is a bill that was pending on the calendar on Friday, having been through the hearing stage, having been approved by all of the departments involved, and having been reported to the Senate by the Committee on Interior and Insular Affairs.

I am the author of the bill. When I read the RECORD Saturday morning, I read that late Friday night, after all the business of the Senate was concluded except this one item, this bill was suddenly withdrawn from the calendar by a unanimous-consent request, which I ascertained had not been cleared with the leaders and, as far as I can learn, had not been cleared with the minority. It certainly had not been cleared with me, the author of the bill.

I think my only recourse at this point is to bring it up now as an amendment, because I have discussed with the Senator who withdrew it the fact that it is to be withdrawn and taken into a department where it is to be scuttled and killed.

Let me say very briefly what the amendment would do.

In the United States, the only areas that belong to the United States which do not have the advantage of the land-grant college system that we have in our country are the Virgin Islands and Guam. We have it in the District of Columbia and in all of the States, of course, and it has been applied to every other part of the country. This amendment would simply provide that these two entities, these two possessions or territories of the United States, could participate, with their colleges, as part of the land-grant system. They do not have lands.

This whole thing started 100 years

ago, as we know, by giving surplus lands to the colleges in the various States for educational purposes. We long since have passed that stage. This act provides that money be provided for them in lieu of lands, as we did when we did it for Hawaii, for Puerto Rico, and for the District of Columbia. My amendment would provide the same benefits for these two territories.

Guam has approximately 100,000 citizens, and since 1952 there has been in existence the University of Guam. The Virgin Islands has a population of about 65,000, and it has had in existence the College of the Virgin Islands since 1962, approximately the last 6 years.

The only thing we can do, in fairness, is to say, "All right, we will do just exactly what we do for everybody else, in proportion to the numbers." It does not give them any advantage, but it does not leave them at a disadvantage. It says that these people are citizens of the United States, just the same as the residents of the various States, the District of Columbia, and Puerto Rico are citizens of the United States.

Therefore, this measure having been reported on favorably by the Department of the Interior, the Department of Agriculture, the Department of Health, Education, and Welfare, and the Bureau of the Budget, I now offer it as an amendment, and urge that it be agreed to.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MOSS. I yield to the Senator from Alaska.

Mr. STEVENS. I wish to say, as a member of the committee, that the Senator is very alert. I think his amendment was well taken, and if we do not do it now, these two small universities may well be left out of these benefits for another year.

Mr. MOSS. I agree that the measure is urgently needed now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

Mr. ELLENDER. Mr. President, I am the one who made the motion as chairman of the Committee on Agriculture and Forestry. And before doing so, I took the matter up with the chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON). He urged no objection.

To begin with, the bill the Senator refers to should have gone to the Committee on Agriculture and Forestry instead of to the Committee on Interior and Insular Affairs.

I have nothing further to say. This is a legislative matter on an appropriation bill. I make the point of order against the amendment on the grounds that it is legislative, and not in order under title XVI of the Standing Rules of the Senate.

Mr. MOSS. Mr. President, may I be heard?

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, I have been unable to communicate with the Senator from Washington (Mr. JACKSON). He is out of the city, and I have not been able to talk with him.

I have checked with the leader. I have tried to check with other Senators. I have not been able to do so. But it was not mentioned to me.

Second, I dispute that it is a jurisdictional matter. This was not referred by me. It was referred by order of the Parliamentarian.

The purpose of the bill is to amend the organic acts of those two territories. I cannot see any place where it belongs jurisdictionally other than in the Committee on Interior and Insular Affairs.

It has nothing to do with land. As I pointed out, the bill does not provide for the transfer of lands, but for money, as has been done in recent years, since we have not had a lot of public land to give to the States. The bill provides for the support of two colleges in need of timely support.

The PRESIDING OFFICER. The Chair sustains the point of order under rule XVI.

Mr. MOSS. Mr. President, I appeal from the ruling of the Chair and ask for the yeas and nays.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MOSS. Well, what is one going to do when somebody takes his bill off the calendar after he has had hearings and has been through all of the processes and the bill is sitting right there? It is then pulled off the calendar without a word having been said.

Some are more equal than others around here.

Mr. President, I ask for the yeas and nays

The PRESIDING OFFICER. Is the Senator appealing from the ruling of the Chair?

Mr. MOSS. I am appealing from the ruling of the Chair.

The PRESIDING OFFICER. An appeal has been heard. Is there a sufficient second? There is a sufficient second.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and Mr. AIKEN answered in the affirmative.

Mr. MOSS. Mr. President, will the Presiding Officer inform the Senate of the effect of a "yea" and "nay" vote?

The PRESIDING OFFICER. A "yea" vote sustains the decision of the Chair.

Mr. MANSFIELD. Mr. President, this is most unusual. However, I think there is a little difficulty on the part of a few of the Members in interpreting the effect of a yea and nay vote.

I wish the Chair would once again—and I ask unanimous consent because of the situation—explain what the actual situation is.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah took an appeal from the decision of the Chair. The Senate is now voting on whether the decision of the Chair shall be the judgment of the Senate.

The question posed by the Presiding Officer was, "Shall the decision of the Chair stand as the judgment of the Senate?"

A vote "yea" will sustain the Presiding Officer. A "nay" vote will be against the decision of the Chair.

The clerk will resume the call of the roll.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

I further announce that, if present and voting, the Senator from Alabama (Mr. SPARKMAN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from Alaska (Mr. STEVENS) is detained on official business.

If present and voting, the Senator from Iowa (Mr. MILLER) and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 66, nays 22, as follows:

[No. 240 Leg.]

YEAS—66

Aiken	Fannin	Murphy
Allen	Fulbright	Packwood
Allott	Goldwater	Pastore
Baker	Goodell	Pearson
Bellmon	Gore	Pell
Bennett	Griffin	Percy
Bible	Gurney	Prouty
Boggs	Hansen	Proxmire
Byrd, Va.	Hatfield	Randolph
Byrd, W. Va.	Holland	Saxbe
Cannon	Hollings	Schweiker
Case	Hruska	Scott
Church	Hughes	Smith, Maine
Cook	Inouye	Smith, Ill.
Cotton	Javits	Stennis
Curtis	Jordan, N.C.	Talmadge
Dodd	Jordan, Idaho	Thurmond
Dole	Long	Tower
Dominick	Mathias	Williams, Del.
Eastland	McClellan	Yarborough
Ellender	McIntyre	Young, N. Dak.
Ervin	Metcalf	Young, Ohio

NAYS—22

Bayh	Hart	Montoya
Brooke	Hartke	Moss
Burdick	Magnuson	Muskie
Cranston	Mansfield	Nelson
Eagleton	McCarthy	Ribicoff
Fong	McGee	Spong
Gravel	McGovern	
Harris	Mondale	

NOT VOTING—12

Anderson	Miller	Stevens
Cooper	Mundt	Symington
Jackson	Russell	Tydings
Kennedy	Sparkman	Williams, N.J.

So the ruling of the Chair was sustained as the judgment of the Senate.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MOSS. Mr. President, I accept the verdict of the Senate. Obviously, this was legislation on an appropriations bill. I knew the difficulties of that, to begin with. I had ascertained that there were no more legislative bills coming up in this session, unless they were noncontro-

versial and were going to go through without any discussion. Therefore, I felt it was the only way I could make the point.

I hope that out of this we have established a precedent, perhaps—or a principle, at least—and I still hope that the case for these two worthy schools has not been jeopardized.

Mr. McINTYRE. Mr. President, today we conclude our deliberations for this year on our national defense budget.

It has been a year quite unlike all others of recent memory. For the first time the Congress has taken the bit between its teeth and really exercised its constitutional responsibilities in this most expensive of legislative fields. Much of the credit for our accomplishments during the year must go to the distinguished chairman of our Armed Services Committee. The Senator from Mississippi (Mr. STENNIS) has at all times throughout the year exercised effective and indeed brilliant leadership.

I have myself been privileged to participate quite extensively in our endeavors by virtue of my responsibilities as chairman of the Armed Services Committee's Research and Development Subcommittee. And I would like to comment briefly at this time on what has transpired during the past 12 months in terms of our efforts in the R.D.T. & E. field.

Both the Johnson and Nixon administrations initially requested R.D.T. & E. funds in excess of $8 billion.

It soon became clear, however, that a new mood existed in the Congress. Confronted by this mood, the Nixon administration moved on its own to reduce R.D.T. & E. expenditures. Most significantly, it removed a large portion of the $400 million targeted initially for the manned orbiting laboratory from its final budget request.

We then took over where the Nixon administration left off. Directing particular attention to such fields as offensive chemical and biological weapons development and military science programing, the legislative branch eventually trimmed R.D.T. & E. expenditures to approximately $7.3 billion, roughly 11 percent less than the original Nixon administration request. This cut is reflected in the appropriations bill we are considering today.

On the whole, I would regard this past year as one of significant accomplishment. We saved American taxpayers close to $1 billion in R.D.T. & E.-projected funds. We succeeded in imposing on the Defense Department a tougher burden of proof than it had faced previously in justifying fund requests for expensive new projects. And we learned a great deal about our Government's R.D.T. & E. efforts which most of us had not known, thus laying the groundwork for even more effective legislative review next year and in succeeding years.

I am already looking forward to beginning that review when we return to Washington after the holidays. I am now in the process of preparing for hearings in late January on the subject of independent research and development.

In closing, I would like to say a word of thanks to the other members of my subcommittee for their help during the past year. The Senator from Virginia (Mr. BYRD), the Senator from Ohio (Mr. YOUNG), the Senator from California (Mr. MURPHY), and above all the Senator from Massachusetts (Mr. BROOKE) served to ease significantly the task with which I was faced.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BYRD of West Virginia, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON), is absent because of a death in the family.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. JACKSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER) and the Senator from Iowa (Mr. MILLER) would each vote "yea."

The result was announced—yeas 85, nays 4, as follows:

[No. 241 Leg.]

YEAS—85

Aiken	Byrd, Va.	Dominick
Allen	Byrd, W. Va.	Eagleton
Allott	Cannon	Eastland
Baker	Case	Ellender
Bayh	Church	Ervin
Bellmon	Cook	Fannin
Bennett	Cotton	Fong
Bible	Cranston	Fulbright
Boggs	Curtis	Goldwater
Brooke	Dodd	Gore
Burdick	Dole	Gravel
Griffin	McCarthy	Randolph
Gurney	McClellan	Ribicoff
Hansen	McGee	Saxbe
Harris	McGovern	Schweiker
Hart	McIntyre	Scott
Hartke	Mondale	Smith, Maine
Holland	Montoya	Smith, Ill.
Hollings	Moss	Spong
Hruska	Murphy	Stennis
Hughes	Muskie	Stevens
Inouye	Nelson	Talmadge
Javits	Packwood	Thurmond
Jordan, N.C.	Pastore	Tower
Jordan, Idaho	Pearson	Williams, Del.
Long	Pell	Yarborough
Magnuson	Percy	Young, N. Dak.
Mansfield	Prouty	
Mathias	Proxmire	

NAYS—4

Goodell	Metcalf	Young, Ohio
Hatfield		

NOT VOTING—11

Anderson	Miller	Symington
Cooper	Mundt	Tydings
Jackson	Russell	Williams, N.J.
Kennedy	Sparkman	

So the bill (H.R. 15090) was passed.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. INOUYE in the chair) appointed Mr. RUSSELL, Mr. MCCLELLAN, Mr. ELLENDER, Mr. STENNIS, Mr. JACKSON, Mr. YOUNG of North Dakota, Mrs. SMITH of Maine, and Mr. ALLOTT conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, though the hour is late, I wish to make a few remarks about the splendid manner in which this funding proposal for the Defense Department was handled both in committee and on the floor today.

There is no Member of this body who better understands or appreciates more thoroughly the security needs of the Nation than does the senior Senator from Georgia (Mr. RUSSELL). The Appropriations Subcommittee for the Defense Department made every effort to reduce this vast budget item where reductions could properly be made. Those efforts are to be highly commended and, as I am certain every Senator would agree, most of the credit belongs to the able and distinguished chairman of the committee. My only regret is that he was unable to be present today. The Senate owes him a deep debt of gratitude for this outstanding achievement.

Acting for the distinguished chairman, however, was the highly able and capable senior Senator from Louisiana (Mr. ELLENDER), the ranking member of the Appropriations Committee. His presentation was exemplary. His ready knowledge of every feature of the proposal was outstanding, and he is to be commended for a magnificent achievement. He is to be especially commended for taking the leadership on this measure and steering it so successfully through the Senate on short notice. The Senate is deeply grateful.

Equal praise must go to the distinguished senior Senator from North Dakota (Mr. YOUNG). His cooperation and support as the ranking minority member of the committee made possible the efficient and expeditious consideration of this bill. So to Senator Young and to the

many others who joined the discussion, I extend the gratitude of the entire membership.

PROGRAM

Mr. MANSFIELD. Mr. President, if I may have the attention of this crowded Chamber at this late hour I would just like to say I feel like Don Quixote tilting at windmills.

I announced earlier it was my hope and desire that the Committee on Appropriations would meet this evening at the conclusion of the disposal of the Defense appropriation bill. However, the bill has taken longer than anticipated, not because of the outstanding and sterling work of the acting chairman, who performed magnificently on short notice, but because of the number of amendments and the discussion that has taken place.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 13111, the appropriation bill for the Departments of Labor and Health, Education, and Welfare be made the pending business when reported. I do this so that it may become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on Appropriations with amendments.

Mr. MANSFIELD. Mr. President, this is an unusual procedure, but with the shadow of the President's statement hanging over us that he would call us back the day after Christmas if we did not perform, I point out that this matter will be presented by the Committee on Appropriations tomorrow morning at 9 o'clock.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, when we complete action on the appropriation bill for Labor-HEW at some later date, we have the Transportation appropriation bill, the foreign assistance and the supplemental appropriation bill. So we will have lots to do in the days ahead. However, I think with the cooperation and coordination which has been shown today we are on the road to a sine die adjournment at a reasonable time.

Mr. MAGNUSON. Mr. President, I am glad the Senator has announced the 9 o'clock meeting tomorrow morning. I have announced so many meetings of the Subcommittee on HEW that I am almost embarrassed to announce another meeting. We are going to meet as the majority leader announced.

If the distinguished majority leader feels like Don Quixote, on this bill I feel like the fellow who had a baseball team with a star left fielder. The star left fielder took sick and the manager asked the shortstop to play left field. The shortstop said, "I can't play left field; I am a shortstop." The manager said, "You have to play left field anyway." He missed two easy ones and he fanned twice and the team was losing the game. The manager said, "I understand. I will go out and play left field." So he went out and he was worse. He fanned three times and he missed three easy ones. He went back to the bench and he said, "You have left field so fouled up nobody can play it."

Actually, Mr. President, the Health-HEW Appropriation bill has been ready for 2 weeks, but we had a problem in connection with two provisions in the general language. The money part of the bill was decided 2 weeks ago.

It is a large bill with over $20 billion involved, and there are over 400 line items. We heard over 452 witnesses.

We have been ready for a long time but we have been hung up over the argument on general language, the so-called Whitten amendment, which I am sure Senators have heard about.

We finally got to the point and we had thought we would do this today but some of the full committee members came along with amendments, none of them of great importance, but there were about 15 of them.

We have a bill. I do not know whether we can explain it all, but I think we can do a good job.

We had to wait for a while on OEO, which is no small sum, being in the amount of $2.88 billion, which has not been authorized yet by Congress. Finally, the House did authorize it.

Then, there is advance funding which the House did not consider, which was another $2.288 billion. So we have had some problems about differences in authorization.

There have been several last minute items. One of them came up on November 28. So it has been very difficult to know what the plan was in connection with the so-called Johnson budget and the revised budget.

Many items the House could not consider. As in the case of the majority leader, I hope we will be able to resolve differences and that we will be able to vote it up or down. We will be here with the bill. There may be some question and there may be some argument on some of the items but I think we can proceed with due dispatch.

I do not know whether or not the House will have a conference. Committee members have told me personally they will stay here all this week and we can meet in the morning until late at night in the hope that we can get a conference on the bill. It may not take as long as we anticipate.

So, in the meantime, we have the other appropriation bills which are behind us but I wanted to get this up and get it moving.

HENRY FORD VOWS INTENSIFIED EFFORT TO CURB POLLUTION

Mr. MAGNUSON. Mr. President, for several years I have been diligently working to stimulate the development of smogless cars. It was with great pleasure, therefore, that I noted on the front page of the New York Times last week this headline "Henry Ford Vows 'Intensified Effort' To Curb Pollution"—and he promised to do this "in the shortest possible time." I congratulate Mr. Ford for this stand.

I sincerely hope that Mr. Ford's remarks represent more than a strong verbal commitment to solving the automobile pollution problem. I hope that Mr. Ford quickly leads his company toward development of inherently pollution free vehicular propulsion systems. No longer can consumers in the United States tolerate emission control attempts which are only half-way measures—that only temporarily operate to reduce emissions.

My ultimate hope is that Mr. Ford's statement will usher in a new era of research and development that will bring to the American public a nonpolluting, reliable propulsion system—a new technology and not one which merely patches up existing engines.

I congratulate Mr. Ford for his stand and look forward in the near future to inspecting the fruits of his company's new commitment to smogless car development.

Mr. President, I ask unanimous consent that The New York Times article of December 11, 1969, discussing Mr. Ford's statement be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HENRY FORD VOWS "INTENSIFIED EFFORT" TO CURB POLLUTION

(By Jerry M. Flint)

DEARBORN, MICH.—Henry Ford 2d, chairman of the Ford Motor Company, committed his company today to "an intensified effort to minimize pollution" from its products and plants "in the shortest possible time."

Speaking at a news conference at Ford's headquarters in Dearborn, Mr. Ford called environmental pollution "by far the most important problem" facing his company and the entire automobile industry in the next 10 years.

"I cannot emphasize too strongly my own personal concern and that of Ford Motor Company with removing automobile-related pollutants as a threat to the environmental quality," Mr. Ford said.

"This concern will be reflected not only in words but in specific, concrete actions based upon all the scientific, engineering and manufacturing skills at our command.

"We are making this commitment because of our recognition that the quality of the environment warrants extraordinary effort on the part of all who may be in a position to improve our physical surroundings."

To back up his company's commitment, Mr. Ford announced the following antipollution measures:

A program to feed hundreds of experimental, low-emission automobiles into auto fleets for testing.

The development of an experimental clean air package that could be used on older cars now on the road.

Experiments at one factory to develop a method of testing each automobile for pollution control as it rolls down the assembly line.

Development of a "little white box" to help garagemen diagnose pollution problems in cars.

Mr. Ford said his company would spend $31 million on vehicle pollution control next year and $60 million in the next two years on cutting air and water pollution at Ford plants. In the last 10 years, he said, Ford spent $6 million to curb pollution at its plants.

"We are able to make this commitment at this time," he said, "because years of research, development and testing have now brought us to the point where we can foresee, in the near future, the practical achievement of levels of pollution control that seemed out of reach until recently."

Mr. Ford's remarks represented the strongest verbal commitment of any automobile executive on the pollution issue, although the General Motors Corporation, the largest auto manufacturer, and other auto makers are also spending heavily to develop pollution control equipment.

A MAJOR SHARE

The executive warned that pollution control would be costly and that the car buyer would pay "at least a major part." He said: "everybody's going to have to pay for the environmental problem."

The major automobile pollutants are unburned gasoline or hydrocarbons, carbon monoxide and oxides of nitrogen.

At the news conference, two experimental projects were shown: One was a car with a series of muffler-like devices using catalysts and air pumps to remove exhaust pollutants; the other was an engine equipped with reactors to burn off fumes. Both systems were said to cut more than 90 per cent of the major auto exhaust pollutants.

While more work appears to be needed on both systems, Donald Jensen, Ford's top pollution expert, said he expected to see some of the equipment on cars by 1974 or 1975.

The experimental car and engine would cut hydrocarbons 97 per cent, carbon monoxide 93 per cent and nitrogen oxides 90 per cent from precontrol levels, Mr. Jensen said.

Among the specific programs detailed, Mr. Ford said that, by the end of 1971, his company would be offering to sell cars with the experimental pollution control systems to private fleets, and would lend vehicles to pollution control authorities in California and Washington, D. C., for testing. Several hundred cars would be involved, he said.

He also noted the company's efforts to curb water and air pollution at its plants. At a new Kentucky truck plant near Louisville he said, Ford is cooperating with local government in establishing "the nucleus of a waste water treatment plant that will provide collection and treatment facilities not only for our own plant but for all other users at a wide geographical area."

Although there is "No such thing as a completely clean motor vehicle or industrial plant," Mr. Ford said, "we will achieve products and manufacturing facilities that do not significantly contaminate our atmosphere, waters or landscape."

While much of Mr. Ford's 45-minute talk was devoted to the pollution problem, he also announced that Ford was cutting back on its automobile racing program; that a new Volkswagen-size car was being readied for production in the United States, and that a massive housing-office building project in Dearborn, costing hundreds of millions of dollars, would be started.

EXPORT ADMINISTRATION ACT OF 1969

Mr. MUSKIE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4293.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the conference report on the amendment of the Senate to the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, and further announcing that it recedes from its disagreement to the said amendment, and that it agrees to the amendment of the Senate, with an amendment, in which it requests the concurrence of the Senate.

Mr. MUSKIE. I move that the Senate disagree to the amendment of the House to the amendment of the Senate, and ask for a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MUSKIE, Mr. WILLIAMS of New Jersey, Mr. MONDALE, Mr. HUGHES, Mr. TOWER, Mr. BENNETT, and Mr. BROOKE conferees on the part of the Senate.

EXECUTIVE ENCROACHMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by James E. Remmert, entitled "Executive Order 11,246: Executive Encroachment," as published in the November 1969 issue of the American Bar Association Journal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER 11,246: EXECUTIVE ENCROACHMENT

(By James E. Remmert)

(Section VII of the Civil Rights Act of 1964, forbidding discriminatory employment practices, was the product of legislative compromise, Executive Order 11,246, issued by President Johnson in 1965 and applicable to Government contractors, was the product of unilateral Executive judgment and consequently not only forbids discriminatory employment practices but requires employers to take affirmative action to ensure against them. Will the Executive always be serving a good cause when he uses the contract power to skirt the legislative process?)

The Civil Rights Act of 1964 was made the law of the land amidst great controversy, extended debate and considerable compromise. With far less controversy or compromise and with no Congressional debate, President Johnson on September 24, 1965, signed Executive Order 11,246, the latest in a series that has played at least as significant a role in implementing the objective of equal employment opportunity as has Title VII of the 1964 Civil Rights Act.[1] Section 202(1) of this executive order, as amended, requires that every employer who is awarded a Government contract or subcontract that is not exempted by the Secretary of Labor must contractually undertake the obligation not to "discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin".

Since Title VII of the 1964 Civil Rights Act had to endure the rigors of passing both houses of Congress, it is the product of compromise attendant upon the legislative process. Executive Order 11,246, by comparison, was the responsibility of only the President. Consequently, it imposes much broader substantive obligations, and the procedure adopted for its enforcement conveys to the enforcing agency significantly more authority than was given to the Equal Employment Opportunity Commission by the 1964 Civil Rights Act.

Evidence of the broader substantive obligation imposed by Executive Order 11,246 is the fact that Title VII imposes only the obligation *not* to do that which is prohibited, *i.e.*, discriminate on the basis of race, color, religion, sex or national origin. By comparison, Executive Order 11,246 not only requires that Government contractors and subcontractors not discriminate but also that they "take *affirmative action* to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin [Section 201(1); emphasis supplied]". Regulations issued by Secretary of Labor Willard Wirtz under authority of Executive Order 11,246 further require that Government contractors and subcontractors develop a "written affirmative action compliance program"[2] documenting the steps they have taken and setting goals and timetables for additional steps to fulfill the "affirmative action" obligation. The submission of these written programs has also been imposed as a prerequisite to the award of some Government contracts. However, on November 16, 1968, Comptroller General Elmer B. Staats ruled that "until provision is made for informing bidders of definite minimum requirements to be met by the bidder's program and any other standards or criteria by which the acceptability of such program would be judged",[3] contract awards must be made to the lowest eligible bidder without reference to the affirmative action program.

PRESIDENT SIMPLY TOOK POWER THAT CONGRESS WOULDN'T GIVE

That the Executive was willing to assume by executive order significantly greater enforcement authority than Congress was willing to convey to it can be seen by comparing the adjudicatory processes under Title VII and Executive Order 11,246. If an employer disagrees with the Equal Employment Opportunity Commission over the legal requirements imposed by Title VII, or if the employer is unable to comply with the remedies prepared by the commission to rectify a discriminatory practice, he may have traditional recourse through the judicial process before any sanction is imposed. To the contrary, however, the regulations issued by Secretary of Labor Wirtz for the administration of Executive Order 11,246 provide that upon request for a hearing to adjudicate a contractor's or subcontractor's compliance with the executive order, the Secretary of Labor's designee may suspend all contracts or subcontracts held by the employer pending the outcome of the hearing.[4] In addition, as a part of the adjudicatory process, the agency responsible for investigation or supervising the investigation of contractor's compliance and prosecuting those contractors alleged to be in noncompliance is also responsible for imposing the sanctions of cancellation and suspension from participation in Government contracts.[5] In other words, the chief investigator, prosecutor and final judge with respect to cancellation and suspension of Government contracts is the Department of Labor.

WITH THE CONTRACT POWER, WHO NEEDS CONGRESS?

These substantive and procedural contrasts between Title VII of the 1964 Civil Rights Act and Executive Order 11,246 illustrate the considerable power that the Executive can acquire by pursuing a social objective through the use of the contract power in addition to or in place of legislation. Such broad and sweeping powers are premised on the concept that the Federal Government has the "unrestricted power . . . to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases."[6] This power is founded on the premise that in the ab-

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sence of a Congressional prohibition or directive the Executive branch is free to enter into contracts on whatever conditions and provisions are deemed to promote the best interests of the Government.[7]

Without question, Executive Order 11,246 has done much to advance the cause of equal employment opportunity, because the Federal Government's bargaining position enables the Executive to require such terms as are found in this order as a condition to a United States Government contract. Once such a broad and sweeping obligation is accepted, the accepting contractor or subcontractor is in an untenable position to oppose steps that are required by the administering agency with respect to the conditions covered by the contract.

To illustrate the impact of this use of the Executive's contract power, one need only consider a list of the top 100 corporations and institutions holding Defense Department contracts.[8] These corporations are understandably some of the largest in the United States and collectively employ well over ten million persons. Even though the list does not include contractors with any department other than Defense or the many subcontractors involved in Defense Department prime contracts, it aptly illustrates the significant indirect control which the Executive can exert over the private sector of the economy by use of the contract power.

There is very little case law deciding the extent to which the President may by executive order impose ancillary conditions to Government contracts. Some have questioned the validity of Executive Order 11,246 on the ground that the Executive does not have the authority to impose conditions that are unrelated to the purposes for which Congress appropriated funds[9] and on the basis that the affirmative action obligation conflicts with provisions in the 1964 Civil Rights Act. These provide that preferential treatment on the basis of race, color, religion, sex or national origin is not required to correct an imbalance.[10] However, at least one federal district court[11] and two United States courts of appeals[12] have said that Executive Order 11,246 has the full force and effect of statutory law. If these courts are correct and the order is a valid exercise of the Executive's contract power, then some examination of the potential extension of this power is in order.

Although the writer is unaware of any publication listing all firms holding competitively bid or negotiated United States Government contracts or subcontracts, it is the writer's belief that the vast majority of the major commercial enterprises in this country and a great many not-for-profit institutions and smaller commercial enterprises hold one or more Government contracts or subcontracts. Consider, for example, the diverse scope of the organizations holding Government research grants, the utilities and communications services used by federal installations, the dependence of such industries as automotive, aircraft, shipbuilding and munitions on Government contracts, the heavy reliance of the construction industry on such programs as urban renewal and highway construction sponsored by federal funding, and the entrenchment of United States Government financing and deposits as a factor in the financial institutions throughout the country.

WHERE DOES THE PRECEDENT LEAD?

Consideration should also be given to some of the possible future applications of the concept behind Executive Order 11,246. The contract power could be used to circumvent the intrastate-interstate dichotomy that has to some extent precluded complete preeminence of the Federal Government in such fields as air and water pollution control regulation of common carriers and labor relations. One extension already suggested by the AFL–CIO is the debarment of Government contractors found to have committed flagrant unfair labor practices.

Another avenue for extension of the Executive's contract power is in areas within federal jurisdiction but which Congress has left unregulated or has regulated only to a lesser extent than that deemed desirable by the Executive. An example of this use of the contract power is found in Executive Order 11,246. In enacting Title VII of the 1964 Civil Rights Act, the Congressional consensus was that the prohibition against discrimination on the basis of race, color, religion, sex and national origin was sufficient to accomplish the objective of eliminating employment discrimination on such bases.

The Executive, however, felt that the then-existing executive order prohibiting discrimination by Government contractors did not go far enough in dealing with the objective of equal employment opportunity, and thus the affirmative action obligation was added to place a greater responsibility on government contractors.

By using the contract power, the Executive could accomplish many objectives deemed desirable without using the legislative process so long as the particular contract clause does not conflict directly with a federal statute. Thus, this technique affords the Executive a limited bypass of the legislative process and gives it the power to give its objective "the force and effect given to a statute enacted by Congress"[13] without the concurrence of Congress.

Several questions should be answered before this procedure proliferates. The first is whether the concentration of this power in the hands of the Executive is desirable in view of the fact that it allows the President to carry an objective into effect without resort to the legislative process established by the Constitution. In this connection, it is significant to note that Congress considered sanctioning the Executive's use of the contract power to achieve equal employment opportunity but rejected the idea. The original House bill (H.R. 7152) that eventually became the 1964 Civil Rights Act, after numerous amendments, contained a Section 711(b), which read as follows:

The President is authorized to take such action as may be appropriate to prevent the committing on continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States. During the consideration of H.R. 7152 by the House Congressman Emanuel Celler (D. N.Y.) sponsored an amendment to eliminate this section of the bill. The amendment was accepted by the House, and in the course of the discussion Congressman John Dowdy (D. Tex.) voiced the view that, "Many of us have felt section 711 to be a highly dangerous section of the bill and accordingly much of our debate has been predicated upon the fact that this language should be removed."[14]

With reference to Executive Order 11,246, it has been argued that although this use of the contract power is extraordinary the need for equal employment opportunity justifies this departure from traditional concepts. Those who would rush to the conclusion that the cause of equal employment opportunity does justify a departure from the legislative process would do well to remember that the sword of Executive power cuts in two directions. Thus, the first question that should be considered in connection with Executive Order 11,246 is not whether equal employment opportunity should be pursued but whether this means is consistent with the basic framework and power balance with which our form of government has successfully endured innumerable crises over the last two centuries.

HISTORY THAT SHOULD BE REPEATED

At another time in our nation's history, the Supreme Court had occasion to consider whether a crisis of similar magnitude justified an expansion of Executive power. In holding that President Truman's executive order seizing the steel mills during the Korean conflict was unconstitutional despite the pending emergency, Justice Douglas in a concurring opinion gave the sage advice that:

The language of the Constitution is not ambiguous or qualified. It places *some* legislative power in the Congress; Article I, Section 1 says "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

* * * * *

Today, a kindly President uses the seizure power to reflect a wage increase and to keep the steel furnaces in production. Yet tomorrow another President might use the same power to prevent a wage increase, to curb trade-unionists, to regiment labor as oppressively as industry thinks it has been regimented by this seizure.[15]

In a separate concurring opinion in the same case, Justice Jackson expressed a similar view concerning the overreaching use of Executive power that is highly relevant and appropriate to the concept behind Executive Order 11,246:

The opinions of the judges, no less than executives and publicists, often suffer the infirmity of confusing the issue of a power's validity with the cause it is invoked to promote, of confounding the permanent executive office with its temporary occupant. The tendency is strong to emphasize transient results upon policies—such as wages or stabilization—and lose sight of enduring consequences upon the balanced power structure of our Republic.[16]

CONGRESS DOES NOT BELONG ON THE SIDELINES

Congress shoud give thoughtful consideration to and develop a considered national policy on the use of the contract power exemplified by Executive Order 11,246 rather than stand on the sidelines and allow its proliferation without Congressional guidance. Congress should decide the kind of contracts and the kind of ancillary obligations that it will allow the Executive to impose in disbursing the funds that Congress appropriates. A mechanism should be established that will insure a legislative watchdog over the Executive's use of the contract power and will allow the Executive sufficient flexibility to administer efficiently the disbursement of Congressional appropriations.

With specific reference to Executive Order 11,246, Congress should eliminate the double standard that now exists between employers generally, who are required not to discriminate by Title VII of the 1964 Civil Rights Act, and employers who, as Government contractors, are subject to a different standard and a differing enforcement procedure in measuring their compliance with the obligations. The identical obligation imposed by Title VII of the 1964 Civil Rights Act should apply, procedurally, substantively and with equal vigor to Government contractors without reference to the extraordinary obligation to take "affirmative action." There is no justification for the multiplicity of government agencies enforcing Title VII of the 1964 Civil Rights Act and Executive Order 11,246. At present, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance and every agency that awards Government contracts are all involved in enforcement activities. This duplication has produced inconsistent enforcement standards, confusion and a wasteful use of Government manpower and resources.

Congress should immediately take appropriate steps properly to realign Congressional and Executive authority, and in doing so it might well consider some further words from Justice Jackson's concurring opinion in *Youngstown Sheet & Tube Company* v. *Sawyer*. In referring to the over-

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extended use of the executive order, Justice Jackson said:

Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction.

* * * * *

With all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations.[17]

FOOTNOTES

[1] 42 U.S.C. § 2000c.
[2] 41 C.F.R. § 60–1.40.
[3] Comptroller General's Letter B–163026.
[4] 41 C.F.R. § 60–1.26(b)(2)(iii).
[5] 41 C.F.R. § 60–1.24 and 41 C.F.R. § 60–1.27.
[6] *Perkins* v. *Lukens Steel,* 310 U.S. 113, at 127 (1940).
[7] *Kern-Limerick* v. *Scurlock,* 347 U.S. 110 (1954).
[8] TIME, June 28, 1968, at 72.
[9] See Pasley, *The Nondiscrimination Clause in Government Contracts,* 43 VA. L. REV. 837 (1957).
[10] 42 U.S.C. § 200e–2(j).
[11] *United States* v. *Local 189, United Papermakers & Paperworkers,* 282 F. Supp. 39, 43 (E.D. La. 1968).
[12] *Farkas* v. *Texas Instrument,* 375 F. 2d 629, 632 (5th Cir. 1967), and *Farmer* v. *Philadelphia Electric Company,* 329 F. 2d 3, 8 (3d Cir. 1964).
[13] *Farkas* v. *Texas Instrument,* 375 F. 2d at 632.
[14] CONGRESSIONAL RECORD, vol. 110, pt. 2, p. 2575.
[15] *Youngstown Sheet & Tube Company* v. *Sawyer,* 343 U.S. 579, at 630, 633–634 (1952).
[16] 343 U.S. at 634.
[17] 343 U.S. at 653, 655.

THE PHILADELPHIA PLAN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Comptroller General of the United States, Elmer B. Staats, before the Subcommittee on Separation of Powers of the Judiciary Committee regarding the Philadelphia plan.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ELMER B. STAATS

Mr. Chairman and members of the Subcommittee: we appreciate this opportunity to appear before your Subcommittee to discuss our position with respect to the revised "Philadelphia Plan." We are concerned about both the legality of the Plan and the situations which appear to have arisen as a result of our endeavors to discharge our statutory duties and responsibilities in connection with the Plan.

I believe the members of the Subcommittee are by now aware of the basic facts, which are (1) that the Department of Labor has issued an order requiring that major construction contracts in the Philadelphia area, which are entered into or financed by the United States, must include commitments by the contractors to goal of employment of minority workers in specified skilled trades; (2) that by a decision dated August 5, 1969, we advised the Secretary of Labor that we considered the Plan to be in contravention of the Civil Rights Act of 1964 and would be required to so hold in passing upon the legality of expenditures of appropriated funds under contracts made subject to the Plan; and (3) that the Attorney General on September 22, 1969, issued an opinion to the Secretary of Labor advising him of his conclusion that the Plan is not in conflict with any provision of the Civil Rights Act; that it is authorized by Executive Order No. 11246; and that it may be enforced in awarding Government contracts.

We would like to offer for the record copies of our decision and of the Attorney General's opinion.

The revised Philadelphia Plan was issued on June 27, 1969, with the announcement that it was designed to meet GAO's objections to a lack of specificity in a prior plan. The new plan is frank and direct in stating its purpose. It gives a rundown of the history of alleged discriminatory practices by the Philadelphia construction unions in admitting members; it states that the percentage of minority group membership in the unions and the construction trades is far below the ratio of minority group population to the total Philadelphia population, and it advises that the purpose of the Plan is to achieve greater participation of minority group members in the construction trades.

The Plan states that there shall be included in invitations for bids (IFBs) on both Federal and federally assisted construction contracts in the Philadelphia area, specific ranges of minority group employees in each of six skilled construction trades; that each bidder must designate in his bid the specific number of minority group employees, within such ranges, that he will employ on the job; and that failure of the contractor to "make every good faith effort" to attain the minority group employment "goals" he has established in his bid may result in the imposition of sanctions, which might include termination of his contract.

The primary question considered in our decision of August 5 was whether the revised Plan violated the equal employment opportunity provisions of the Civil Rights Act of 1964.

In the formulation of that decision, we regarded the Civil Rights Act of 1964 as being the law governing nondiscrimination in employment and equal employment opportunity obligations of employers. Therefore we considered the 1964 Act as overriding any administrative rules, regulations, and orders which conflicted with the provisions of that Act or went beyond such law and purported to establish, in effect, additional unlawful employment practices for employers who engaged in Federal or federally assisted construction.

We think the basic policy of the equal employment opportunity part of the Act is set out in pertinent parts in section 703(a) as follows:

"It shall be an unlawful employment practice for any employer—

(1) to fail or refuse to hire * * * any individual * * * because of such individual's race, color, religion, sex, or national origin."

The basic policy of the Act as it relates to federally assisted contracts, is stated in pertinent part in section 601, as follows:

"No person * * * shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Another pertinent provision of the Act is set out in section 703(j), which provides in part as follows:

"Nothing contained in this title shall be interpreted to require any employer * * * to grant preferential treatment to any individual or to any group because * * * of an imbalance which may exist with respect to the total number or percentage of persons of any race * * * or national origin employed by any employer [or] referred * * * for employment by any * * * labor organization * * * in comparison with the total number or percentage of persons of such race * * * or national origin in any community * * * or in the available work force in any community * * *."

This part of the law is known as the prohibition against "quotas"; that is, the prohibition against requiring an employer to hire a specified proportion or percentage of his employees from certain racial or national origin groups.

It seems to have been generally accepted by Labor, Justice and minority group spokesmen that "quotas" are illegal. But in defense of the Philadelphia Plan the Department of Labor argued that the "goals" for minority group employees which would be included in IFBs and in contracts under the Plan could not violate the Civil Rights Act of 1964 because—

1. A quota is a fixed number or percentage of minority group members, whereas ranges to be established under the Plan are flexible in that the bidder may choose as his goal any number or percentage within the ranges set out in the IFB.

2. Failure to attain the "goals" does not constitute noncompliance, since such failure can be waived if the contractor can show that he made "every good faith effort" to attain the goals.

3. The Philadelphia Plan was promulgated under Executive Order 11246, not under the Civil Rights Act of 1964, and affirmative action programs under the Executive Order may properly require consideration of race or national origin if such consideration is necessary to correct the present results of past discrimination.

4. The Plan provides that the contractor's commitment to specified goals of minority group employment shall not be used to discriminate against any qualified applicant or employee.

In considering these arguments in our decision of August 5 we said that in our opinion the distinction between quotas and goals was largely a matter of semantics. The plain facts are, however, that the Plan sets a definite minimum percentage requirement for employment of minority workers; requires an employer to commit himself to employ at least a corresponding minimum number of minority workers; and provides for sanctions for a failure to employ that number (unless the contractor can satisfy the agency personnel concerned that he has made every good faith effort to attain such number). It follows, therefore, that when such sanctions are applied they will be a direct result of the contractor's failure to meet his specified number of minority employees.

In our decision of August 5 we also said that the basic philosophy of the equal employment opportunities portion of the Civil Rights Act is that it shall be an unlawful employment practice to use race or national origin as a basis for hiring, or refusing to hire, a qualified applicant. And we said the Plan would necessarily require contractors to consider race and national origin in hiring.

In reply to the Department's contention that the Plan itself says a contractor's goals shall not be used to discriminate against any qualified applicant or employee, we expressed the opinion that the obligation to make every good faith effort to attain his goals under the Plan will place contractors in situations where they will undoubtedly grant preferential treatment to minority group employees. Later, I will address this point again.

It is our opinion that the legislative history of the Civil Rights Act shows beyond question that Congress in legislating against discrimination in employment recognized the discrimination that is inherent in a quota system, and regarded the term "discrimination" as including the use of race or national origin as a basis for hiring; the assignment of numerical ratios based on race or national origin; and the maintaining of any racial balance in employees.

In considering Labor's contention that it could properly consider race or national origin under affirmative action programs established under Executive Orders, we pointed out that while the term "affirmative action" was included in Executive Order 10925, which

was in effect at the time Congress was debating the bill which was subsequently enacted as the Civil Rights Act of 1964, no specific affirmative action requirements of the kind here involved had been imposed upon contractors under authority of that Executive Order at that time. We therefore did not think it could be successfully contended that Congress, in recognizing the existence of the Executive Order and in failing to specifically legislate against it, was approving or ratifying the type or methods of affirmative action which the present Plan imposes upon contractors.

While the Labor Department cited various court cases in support of its position that reverse discrimination may properly be used to correct the present results of past discrimination, our examination of those cases showed that the majority involved questions of education, housing, and voting. He said we could see a material difference between the circumstances in those cases and the circumstances which gave rise to the Philadelphia Plan, since in those cases enforcement of the rights of the minority to vote, or to have unsegregated housing, or unsegregated school facilities, did not deprive members of the majority group of similar rights, whereas the employment field, each mandatory and discrimatory hiring of a minority group worker would preclude the employment of a member of the majority group. In those cases which did involve Title VII of the Civil Rights Act of 1964, we found them to be concerned with practices of labor unions or with treatment by employers of their employees in matters of seniority and promotion, and even in such circumstances, we found the courts to be divided between condoning and condemning the practice.

Our decision also pointed out that the effect of the Plan was to require an employer to abandon his customary practice of hiring through a local union if there is a racial or national origin imbalance in the membership of such union, and we concluded that such a requirement would be in violation of section 703(j) of the Act. We cited numerous portions of the legislative history of the Act which supports, we think, the view that Congress intended to prohibit and preclude the sort of program and procedures which are now included in the Philadelphia Plan when it drafted section 703(j).

In this connection we expressed the opinion that it would be improper to impose requirements on contractors to incur additional expenses in affirmative action programs which are designed to correct the discriminatory practices of unions, since such requirements would result in the expenditure of appropriated funds in a manner not contemplated by Congress. And we pointed out that if unions were, in fact, discriminating, they could be required to correct their discriminatory practices under provisions of the National Labor Relations Act, under Title VII of the Civil Rights Act, and under section 207 of Executive Order 11246. We suggested use of one of these remedies.

Finally, we concluded that until the authority for any agency to impose or require conditions in invitations for bids which obligate bidders, contractors, or subcontractors, to consider the race or national origin of their employees or prospective employees, is clearly and firmly established by the weight of judicial precedent, or by additional statutes, we must consider conditions of the type proposed by the revised Philadelphia Plan to be in conflict with the Civil Rights Act of 1964, and we will necessarily have to so construe and apply the act in passing upon the legality of matters involving expenditures of appropriated funds for Federal or federally assisted construction projects.

On August 6, the day after our decision of August 5, the Secretary of Labor held a press conference at which he expressed the opinion that "interpretation of the Civil Rights Acts has been vested by Congress in the Department of Justice"; that Justice had already decided that the Philadelphia Plan was not in conflict with the Act; that GAO properly could pass upon whether the Philadelphia Plan violated procurement law; and that Labor therefore had no choice but to follow the opinion of Justice and proceed to implement the Plan. For the record, it should be noted that the only Department of Justice opinion Labor had, at the time it issued the revised Plan and at the time the Secretary held his press conference, was one rendered in two short paragraphs by the Assistant Attorney General for the Civil Rights Division. On September 22, 1969, the Attorney General did, however, issue a formal opinion, which was essentially in the form of a critique of our August 5 decision.

The fundamental bases of the Attorney General's opinion are his contentions that the Executive has authority to include in contracts made by the United States or financed with Government assistance any terms and conditions which are not contrary to a statutory prohibition or limitation on contractual authority; that the requirements imposed upon contractors by the Philadelphia Plan are not prohibited by the Civil Rights Act; and the fact that the Act does not affirmatively require or authorize the imposition of such requirements upon all employers does not preclude their imposition by the Executive upon employers who enter into contracts with the Government or which are financed through Government assistance.

We believe that the argument with respect to the authority of the Executive to include terms and conditions in contracts fails to take into consideration two material factors: first, with respect to contracts executed by the Government, Congress has imposed a number of specific requirements and limitations, both procedural and substantive, entirely independent of and unrelated to the provisions of the Civil Rights Act, but which we believe to be material to the determination of the validity of the Plan; and second, with respect to contracts financed by Federal assistance, Congress has in the several acts authorizing such assistance prescribed the terms and conditions upon which it is to be furnished. With respect to the latter area, we do not believe it could be argued that the Executive has any authority from the Constitution or from any source other than those Congressional acts, and the Attorney General's argument is to that extent inapplicable to federally aided contracts or programs.

Considering the contractual authority of the Federal Government, it is recognized that the Executive agencies may, in the absence of contrary legislative provisions, perform their authorized functions and programs by any appropriate means, including the use of contracts. In doing so, however, they are bound to observe all statutory provisions applicable to the making of public contracts. The Attorney General's opinion states that the power of the Government to determine the terms which shall be included in its contracts is subject to limitations imposed by the Constitution or by acts of Congress, but that existence of the power does not depend upon an affirmative legislative enactment.

Second to the statutory limitation that no contract shall be made unless it is authorized by law or is under an appropriation adequate to its fulfillment (41 U.S.C. 11) the most important congressional limitation on contracting is the requirement that Government contracts shall be made or entered into only after public advertising and competitive bidding, on such terms as will permit full and free competition. The purpose of the advertising statutes is not only to prevent frauds or favoritism in the award of public contracts, but also to secure for the Government the benefits of full and free competition.

The Supreme Court of the United States has adopted the policy, as set out in the procurement laws and regulations issued pursuant thereto, that competitive bidding should obtain the needs of the Government at prices calculated to result in the lowest ultimate cost to the Government. (*Paul v. United States*, 371 U.S. 245, 252 (1963)). Even before the decision by the Supreme Court the rule generally applied by my predecessors and at least one of the Attorney General's predecessors, and, so far as I know, never contested by any prior Attorney General, is that the inclusion in any contract of terms or conditions, not specifically authorized by law, which tend to lessen competition or increase the probable cost to the Government, are unauthorized and illegal. The situation in which this rule has been applied have most frequently involved proposals to impose stipulations concerning employment conditions or practices.

In 1890 the Attorney General advised the President as follows, with respect to a request of a labor organization for implementation of the act of June 25, 1868, which provided that eight hours shall constitute a day's work:

"Again sections 3709, etc., require contracts for supplies or services on behalf of the Government, except for prisoners' services, to be made with the lowest responsible bidder, after due advertisement. These statutes make no provision for the length of the day's work by the employees of such contractors, and a public officer who should let a contract for a larger sum than would be otherwise necessary by reason of a condition that a contractor's employees should only work eight hours a day would directly violate the law.

"In short, the statutes do not contain any such provision as would authorize or justify the President in making such an order as is asked. Nor does any such authority inhere in the Executive office. The President has, under the Constitution and laws, certain duties to perform, among these being to take care that the laws be faithfully executed; that is, that the other executive and administrative officers of the Government faithfully perform their duties; but the statutes regulate and prescribe these duties, and he has no more power to add to, or subtract from, the duties imposed upon subordinate executive and administrative officers by the law, than those officers have to add or subtract from his duties.

"The relief asked in this matter can, in my judgment, come only through additional legislation."

On the same principle our Office has held that a contract could not prescribe minimum wages in the absence of specific statutory authority (10 Comp. Gen. 294 (1931)); compliance with the National Labor Relations Act of 1935 could not be required by contract, nor noncompliance therewith be made ground for rejection of a bid (17 Comp. Gen. 37 (1937)); periodic adjustment of minimum wages incorporated in a contract pursuant to the Davis-Bacon Act could not be stipulated in the contract (17 Comp Gen. 471 (1937)); provisions of a Procurement Division Circular Letter purporting to require contractors to report payroll statistics could not be incorporated in Government contracts (17 Comp. Gen. 585 (1938)); construction contracts could not contain provisions concerning collective bargaining (18 Comp. Gen. 285 (1938)); a requirement for compliance with the Fair Labor Standards Act could not be included in Government contracts (20 Comp. Gen. 24 (1940)); a low bid on a Government contract could not be rejected because the bidder did not employ union labor (31 Comp Gen. 561 (1952)); construction contracts could not include provisions for a 40-hour workweek and overtime compensation for excess time, when the only pertinent statute merely required overtime compensation for work in excess of eight hours per day (33 Comp Gen. 477

(1954)); and a clause requiring contractors to comply with wage, hour and fringe benefit provisions resulting from a labor-management agreement could not be included in construction contracts in the absence of statutory authorization (42 Comp. Gen. 1 (1962)).

Of course, many of those proposed requirements were subsequently authorized by Congressional enactment and, together with other similar requirements, are today accepted features of Government contracting in the social-economic area. The point is, that they were not permitted until the Congress, rather than the Executive, had determined that they should be. So far as I know there was no attempt in any of those instances by the Executive branch to disregard the decisions of the Comptroller General.

In the face of this history, we cannot agree that the Attorney General's position that the Executive may impose upon contractors any conditions which have not been specifically prohibited, is correct.

In contending that the Plan is not in conflict with any provision of the Civil Rights Act, the Attorney General attempts to reconcile provisions of the Plan which we feel are irreconcilable. As summarized by the Attorney General, the Plan requires the contractor to set specific goals for minority group hiring, and to make "every good faith effort" to meet these goals. This, however, he says does not require the contractor to discriminate, because the Plan includes the express statement that he may not in attempting to meet his goals discriminate against any qualified employee on grounds of race, color, religion, sex, or national origin. As we stated in our decision of August 5 this is a statement of a practical impossibility. The provision is, in effect, no more than a statement of the provisions of the Civil Rights Act, and it is difficult to avoid the conclusion that the Attorney General is saying that no requirement, obligation or duty can be considered contrary to law if it is accompanied by a statement that in meeting it the law will not be violated.

It should also be noted that the Attorney General confines his argument to consideration of the provisions of Section 703(a) of the act, and ignores section 703(j), which in our view is an express prohibition against imposition of a program such as is included in the Plan.

Finally the Attorney General falls back on the plea that, while the Plan might be clearer if it stated what "good faith efforts" are expected, it must be assumed that the Plan will be so fairly administered that no contractor will be forced to choose between noncompliance with his obligation to achieve his goal and violation of the act. Therefore, he says, it is premature to assert the invalidity of the Plan because of what may occur in its enforcement; any unfairness in administration should be left for judicial remedy.

The foregoing would indicate that the Attorney General does not fully recognize the pressure which the Plan will impose upon contractors to attain their minority group employee goals. A failure to achieve such goals will immediately place the contractor in the role of defendant, and to avoid sanctions he must then provide complete justification for his failure. Furthermore, in the first instance at least, the question whether he made every good faith effort will be determined by the same Federal personnel who imposed the requirement. In our opinion the coercive features inherent in the Plan cannot help but result in discrimination in both recruiting and hiring by contractors subject to the Plan.

In the final sentence of his opinion the Attorney General undertook to advise that the Department of Labor "and other contracting agencies and their accountable officers" may rely on his opinion in their administration of Executive Order 11246. We are especially concerned by this statement. In making it the Attorney General appears to have ignored completely section 304 of the Budget and Accounting Act of 1921, 31 U.S.C. 74, which provides that "Balances certified by the General Accounting Office, upon the settlement of public accounts, shall be final and conclusive upon the Executive Branch of the Government."

In this connection, I would like to point out as emphatically as I can that I believe that one of the most serious questions for the Subcommittee's consideration is whether the Executive branch of the Government has the right to act upon its own interpretation of the laws enacted by the Congress, and to expend and obligate funds appropriated by the Congress in a manner which my Office, as the designated agent of the Congress, has found to be contrary to law.

In our decision, we informed the Secretary of Labor that the General Accounting Office would regard the Plan as a violation of the Civil Rights Act in passing upon the legality of matters involving expenditures of appropriated funds for Federal or federally assisted construction. Our jurisdiction in that respect is derived from the authority and duty to audit and settle public accounts which was vested in and imposed upon the accounting officers of the Government by the act of March 3, 1817, 3 Stat. 366, and which was transferred to the General Accounting Office by the Budget and Accounting Act, 1921, 42 Stat. 24. Under section 8 of the Dockery Act of July 31, 1894, 28 Stat. 207, as amended by section 304 of the Budget and Accounting Act (31 U.S.C. 74), disbursing officers, or the head of any Executive departments, may apply for and the Comptroller General is required to render his decision upon any question involving a payment to be made by them, or under them, which decision, when rendered, shall govern the General Accounting Office in passing upon the account containing the disbursement. A similar provision concerning certifying officers and other employees appears at 31 U.S.C. 82d, which also provides that the liability of certifying officers or employees shall be enforced in the same manner and to the same extent as now provided by law with respect to enforcement of the liability of disbursing and other accountable officers. It is within the framework of these authorities that we propose to act in the enforcement of our decision of August 5, 1969.

The Attorney General's opinion concluded with the statement that the contracting agencies and their accountable officers could rely on his opinion. Considering the fact that the sole authority claimed for the Plan ordered by the Labor Department is the Executive order of the President, it is quite clear that the Executive branch of the Government is asserting the power to use Government funds in the accomplishment of a program not authorized by Congressional enactment, upon its own determination of authority and its own interpretation of pertinent statutes, and contrary to an opinion by the Comptroller General to whom the Congress has given the authority to determine the legality of expenditures of appropriated funds, and whose actions with respect thereto were decreed by the Congress to be "final and conclusive upon the Executive Branch of the Government." We believe the actions of officials of the Executive branch in this matter present such serious challenges to the authority vested in the General Accounting Office by the Congress as to present a substantial threat to the maintenance of effective legislative control of the expenditure of Government funds.

We believe the opinion of the Attorney General and the announced intention of the Labor Department to extend the provisions of the Plan to other major metropolitan areas can only create such widespread doubt and confusion in the construction industry and in the labor field (which may also be shared to a considerable extent by the Government's contracting and fiscal officers) as to constitute a major obstacle to the orderly prosecution of Federal and federally assisted construction. We further believe there is a definite possibility that, faced with a possibility of not being able to obtain prompt payment under contracts for such work as well as the probability of labor difficulties resulting from their efforts to comply with the Plan, many potential contractors will be reluctant to bid. Of course, if this occurs the Plan will result in restricting full and free competition as required by the procurement laws and regulations. Also, those who do bid will no doubt consider it necessary to include in their bid prices substantial contingency allowances to guard against loss.

In addition to recognizing the chaotic situation which could result from use of the Plan by the Executive agencies, I believe I would not be fulfilling my duties and responsibilities if I ignored the detrimental effect upon the competitive bidding process, and the improper use of public funds which the Plan entails.

On September 23, the day following the Attorney General's opinion, Labor issued another revised Philadelphia Plan which explains, *for the first time*, the manner in which the "ranges" of minority group employment goals have been determined, and the criteria for determining whether a contractor has made good faith efforts to attain his goals.

I stress that these matters are set out for first time in the September revision of the Philadelphia Plan primarily because our decision of August 5 gave no consideration to the adverse effect that these factors, when established, might have upon application of the rules of competitive bidding to the overall Plan.

We fully expect to receive a bid protest in some future procurement which questions inclusion of the Philadelphia Plan in the IFB and the contract, and we realize the effect a decision sustaining such a protest could have on the construction industry, the contracting agencies and the disbursing officers. But we think the question is sufficiently important to justify and require such a decision.

Basically, it has been our position that the law is to be construed as written and enforced in accordance with the legislative intent when it was enacted. We believe this is what the law requires. Also, we are part of the Legislative branch of the Government and we think this approach is the only proper one we can take.

If, following enactment of a law, it should occur that social conditions, economic conditions, the political atmosphere, or any other circumstances should change to such an extent that different treatment should be given, that different objectives should be established, or that different results should be obtained, it has always been our position that the arguments in favor of change should be presented to the Congress, . . . and if the Congress, in its wisdom, agrees that social, economic, or political circumstances so dictate, it will enact legislation to permit or require the Executive branch to take necessary action to attain new objectives. This is the very procedure which Congress directed should be followed in this particular situation. As we pointed out in our decision of August 5, 1969, by section 705(d) of the Civil Rights Act of 1964, Congress charged the Equal Employment Opportunity Commission with the specific responsibility of making reports to the Congress and to the President on the cause of and means of eliminating discrimination, and making such recom-

mendations for further legislation as may appear desirable.

We concur with the authority of the Executive branch to establish and carry out social programs or policies which are not contrary to public policy, as that policy may be stated or necessarily implied by the Constitution, by Federal statutes or by judicial precedent. But we do not agree that where a statute, such as the Civil Rights Act of 1964, clearly enunciates Federal policy and the methods for enforcing such policy, the Executive may institute programs designed to achieve objectives which are beyond those contemplated by the statute by means prohibited by the statute.

We therefore hope that, as a result of these hearings, there will issue from Congress a clear and unequivocal indication of its will in this matter by which all parties concerned may be guided in their future actions.

This concludes my statement, Mr. Chairman. We will be pleased to answer any questions.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 20 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 16, 1969, at 10 a.m.)

NOMINATIONS

Executive nominations received by the Senate December 15, 1969:

U.S. CIRCUIT JUDGE

Wilbur F. Pell, Jr. of Indiana, to be a U.S. circuit judge, seventh circuit, vice John S. Hastings, retired.

U.S. ATTORNEY

Hosea M. Ray, of Mississippi, to be U.S. attorney for the northern district of Mississippi for the term of 4 years. (Reappointment.)

EXTENSIONS OF REMARKS

ONE TOWN MAKES A GREAT SACRIFICE

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, December 15, 1969

Mr. FANNIN. Mr. President, I invite attention to an article published in the Tucson, Ariz., Daily Citizen of December 10, 1969.

The article details the death of the sixth Marine from this mining town in the mountains of Arizona. On July 4, 1966, nine boys left this mining community for San Diego to be a part of the Marine Corps. Now only three of the nine remain. One is an Indian, one a Mexican-American, and one an "Anglo."

The town of Morenci has made a tremendous sacrifice in the defense of the Nation. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

[From the Tucson (Ariz.) Daily Citizen, Dec. 10, 1969]

A FAMILIAR SCENE IN MORENCI—FUNERAL FOR A MARINE

(By Jim Berry)

Citizen Staff Writer

MORENCI.—In spattering rain from leaden clouds, they buried Sgt. Clive Garcia Jr., U.S. Marine Corps, serial number 2269656.

Born Sept. 17, 1947. Killed Nov. 26, 1969.

Shortly after 5 p.m. yesterday, his gray, metal casket was lowered to its final berth.

The U.S. Flag was handed to his mother, who stood bravely through the rites, and the ceremony was over.

But for the more than 300 persons who gathered around the fog-shrouded Bunkers Cemetery, it was a grim reminder.

Six times now, they've buried a Marine.

And there are only three left.

It was on July 4, 1966, that nine youths from here shook hands with their fathers and boarded a bus for San Diego. They wanted to be in the "Corps."

The drums rolled and the guns of Vietnam clicked off their toll:

Lance Cpl. Robert B. Draper, 19, Aug. 12, 1967.

Lance Cpl. Bradford S. King, 21, Nov. 6, 1967.

Lance. Cpl. Alfred V. Whitner, 21, April 13, 1968.

Lance Cpl. Larry J. West, 19, May 17, 1968.

Sgt. Jose Moncayo, 22, June 18, 1968.

Sgt. Clive Garcia Jr. 22, Nov. 26, 1969.

Surviving are Mike Cranford, David Leroy Cisneros and Jose Sorrelman.

Cranford and Cisneros now work for the Phelps Dodge Corp., as do most of the town's breadwinners. Sorrelman reportedly has moved to Phoenix. All three were discharged from the Marines earlier this year.

"It's weird," said a Morenci man. "Almost as if by design, one man of all our races came back—one Mexican-American, one Anglo and one Indian. I don't understand it."

How does a community accept this?

The Rev. Cornelius McGrenra looked into his coffee and offered this:

"They're just youngsters who are going out into the world."

Asked why this area is relatively free of the hippie and war protest movements, he said "Maybe living in the mountains has something to do with it."

"These are patriotic people, but not the flag-waving type," said the Rev. William C. Bryne of nearby Clifton.

Upon arriving, Morenci, you get the flavor of the material the residents are made of.

"We're a hawk community, pretty much. We feel, 'do it right or don't do it,'" said one.

"There may be one or two hippies around here," said one resident, but he said he doubted there are any more than that.

A young waitress said:

"We don't get them and we don't want them."

GREAT GREY ICE GATHERING

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. HOWARD. Mr. Speaker, too little is heard about the outstanding contributions being made to mankind by the young people of today.

Everywhere I go I am highly impressed by the concern these young people show for the future of this country. Naturally, they are concerned about our plight in Vietnam. But they are just as concerned about other matters, including civil rights, and our fight to improve our environment.

One resident of my district, Randall M. Simmons of Monmouth County, N.J., is an example of what fine contributions our young people are making. Mr. Simmons is a graduate student, who will be earning his master's degree in environmental sciences this summer. Mr. Simmons and a group of other responsible young people will participate in a "Great Grey Ice Gathering" in Richmond, Va., on December 30, 1969.

Mr. Speaker, the Richmond Times-Dispatch carried an article on these young people and what they are doing to improve the quality of our environment. I am placing this article in the RECORD in the hope that all of my colleagues will take a few minutes from their busy schedules and review this important story:

[From the Richmond Times-Dispatch, Dec. 10, 1969]

A GREAT GREY ICE GATHERING: ACID ROCK DANCE MAY DEFUSE BOMB

(By Hamilton Crockford)

The Federal Water Pollution Control Administration's regional director talked about "a time bomb," and noted "the young people are going to have to live with it."

The students talked about an "acid rock dance," and an "experience" that will last "until the music and word no longer stir the gathering."

They put it all together and announced yesterday there's going to be a "Great Grey Ice Gathering" here Dec. 30, and it will be a dilly.

It will be a blend of "hard rock music movies, speeches, young people and Federal Water Pollution Control Administration officials."

They'll be registering "a first step by FWPCA's boss," Secretary of the Interior Walter J. Hickel, "to involve young people in what is turning out to be a life-or-death struggle to quit destroying our environment," the news releases said.

The joint sponsors will be FWPCA and the just formed Mid-Atlantic unit of the Student Council on Pollution in the Environment (SCOPE).

The plans were laid out at a news conference by the FWPCA regional head man, Eugene T. Jensen; and University of Richmond coed Patti Collins and University of Virginia graduate student Randall Simmons, who overnight had become SCOPE's regional co-chairmen.

They hope the crowd will come from all the Middle Atlantic states.

The crowd won't "gather at the river" as the old hymn goes, but rivers are what it's all about. It won't be an ice show, either.

But it's cold outside in late December, baby,

and that means ice. And the rivers are all gray with pollution, and that makes gray ice.

And that's how you get a "Great Grey Ice Gathering." It will be out at the Richmond Arena and start at 1 p.m. on the 30th and go on "until."

There'll be similar events on the 29th in Boston, Cincinnati, Chicago, Atlanta, Dallas, and San Francisco and on the 30th in Kansas City and Portland, Ore.

Students all over the land have taken up the cry of cleaning up the environment as a new cause, and well they might, it's been noted. That's what Jensen meant about "the time bomb," the pollution that some scientists say could extinguish the species in 50 years.

"These students . . . will be the first generation of Americans to actually experience a lowering of the quality of life because of what's happening to our air, water and land," Jensen noted.

Somebody up there in Hickel's office obviously had the idea that if you can't lick 'em, join 'em, or get 'em on your side.

And SCOPE was born, to be an advisory council to the federal agency.

Randall Simmons, 21, a graduate student who'll get his master's degree in environmental sciences at Charlottesville in August, had other credentials also for a co-chairman, and reasons for joining.

He's from North Shore, N.J., where, he said, the pollution's been fouling the clams.

It couldn't hurt the cause of SCOPE that he also has a reddish beard.

Westhampton College's Patti Collins, 20, a junior in history and political science here, had her credentials and reasons, too. She's from Alexandria where, she recalled, you used to go down to the Potomac for all-day picnics. "Now you can't go near it because of the stench."

The YWCA at Westhampton College organized a petition effort to express opposition to the idea of Richmond's discharging raw sewage to the James River while improvements are made to its waste treatment plant. She and others gathered 672 signatures in three days.

Through various developments, in which protests certainly figured, the raw discharges now are an unlikely prospect.

Jensen and an aide met Monday afternoon and night with a group from Richmond area colleges to set up the regional SCOPE. The FWPCA people chose this area for a start because it's handy to their Charlottesville headquarters; it's expected the council will expand to take in members from the rest of the states in the region, he noted.

For a start, the 11-member council includes, besides the co-chairmen, Dorland Humphries of Richard Bland College; Linwood Creekmore, Lee Bates and Leo Fields, all of Virginia State College; Marshall Davenson and Jay Mangan of Virginia Commonwealth University; and Carl Jerome, Haywood Blakesmore and William C. Brown, all of Randolph-Macon College.

FWPCA will pick up the tab for the Arena, and for necessary travel expenses of the SCOPE members—but not other students—for their future meetings, Jensen said. Otherwise they're on their own.

Their ideas and advice will be welcome, and he didn't think anybody was going to be telling students these days what to think.

"We're not about to try to push a group such as we had yesterday (Monday) afternoon around. There's no point in trying," he smiled.

Miss Collins confided to a newsman that Washington had sent around a kind of suggested agenda for meetings—nothing binding, just something for a point of departure—with blocks of time proposed for different items.

"We said, 'No, we'll have a be-in,' " she said.

"Mr. Jensen said, 'M-m-m-m,' " she laughed.

"He wanted a panel of students on the stage" at one point, she said. "We said, 'No.' "

It wasn't hard to tell who won.

"There'll be an acid rock dance—something that's dynamic," she already told the news conference. But the Great Grey Ice Gathering will have "a two-fold purpose.—It will also be an educational experience," she explained.

They hope to educate their elders, too.

JUNIPER GARDENS CHILDREN'S PROJECT

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Monday, December 15, 1969

Mr. DOLE. Mr. President, preschool education, despite its relative newness, often has a highly positive impact on the lives of many 3- to 5-year-old children. This is especially true of culturally-deprived youngsters, whose parents and playmates cannot communicate the basic skills and attitudes they themselves lack.

The sad result is that when a child is ready to enter kindergarten, his ability to participate in and benefit from public schools may already be seriously impaired, a situation from which he may never recover, a situation which is perpetuated throughout the generations.

The University of Kansas, Lawrence and Kansas City, is sponsoring a particularly vital preschool program, the Juniper Gardens children's project, in Kansas City, Kans. It is a cooperative venture involving underprivileged children, the university, and the community.

To date, the results of the program have been very satisfying and satisfactory—in helping better prepare 4- and 6-year-olds for school and daily life, in valuable research to improve preschool programs and in uncovering answers to some urban social problems affecting a child's motivation, achievement, and happiness.

I ask unanimous consent to have printed in the RECORD a brief description of the Juniper project.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

JUNIPER GARDENS CHILDREN'S PROJECT

As a child grows up, he acquires "culture" chiefly from three sources: from his parents, from his peers, and from the public schools. In view of that fact it is hardly surprising that those who are culturally deprived as infants usually become culturally deprived adults. Parents and peers cannot easily transmit what they themselves lack, and the public schools apparently offer too little too late—or, to put it another way, too much too soon.

When the culturally deprived child enters kindergarten, he lacks the social and language skills that the schools assume a child of five will possess. Since his parents do not stress the importance of school achievement, he also lacks motivation. In addition, the situation at home may be such that he is not particularly sensitive to the smiles and frowns with which his teacher will attempt to shape his behavior.

One way to attack this problem is to find a way to modify the behavior of the deprived preschool child so that when he enters school, he will be in a better position to learn what is being taught there. This is the purpose of the Juniper Gardens Children's Project.

Behavioral scientists from the University of Kansas Bureau of Child Research work side by side with men and women from the community in programs that modify the behaviors of underprivileged children, helping them acquire the education and training that will permit them to help themselves.

Four- to six-year-old children who can barely speak, and who have never really learned to listen, are taught to shape sounds into new words and to follow increasingly difficult instructions from adults.

Another program of research is conducted in the public school classrooms. The JGCP coordinator, R. Vance Hall, Ph. D., works with public school teachers, helping them master new techniques for controlling bizarre behavior and assisting them in applying praise and attention to individual pupils to encourage better study, both in the classroom and at home.

The JGCP preschool programs, directed by Dr. Risley and Dr. Bushell, are designed to apply known methods of preparing underachieving children for public school, and to remediate aggressive, disruptive, or withdrawn behavior before public schooling begins.

A large part of the teaching is simple demonstration—helping a child learn how to follow increasingly difficult instructions for doing elementary school work, or showing a child how something works or how it is assembled or disassembled and then getting the child to imitate the teacher. One of the preschool programs is conducted at Turner House Community Center. The staff consists of two teachers and four observers. They monitor the study and play activities and record the words and phrases the children use as they are placed in different situations and subjected to different stimuli. Many of the children in the Turner House preschool are enrolled there because they have been identified by the social work staff as presenting unusual problems in language and social deprivation. Some did not know their own names. Others could barely speak, and the speech of a few was all but unintelligible at the beginning of the session. The program there is designed specifically to speed the acquisition of language and hearing skills. The teachers and observers hold daily sessions with all children. They record how frequently various words are used by each child. The children are rewarded with praise and small snacks of food and candy for using new words and for behaving properly in the classroom and on the playground. From time to time the teachers introduce new words and encourage the children to use them. As the vocabularies grow the children are encouraged to narrate their own experiences in coming to school, going downtown, and playing with other children. They also read stories and rewarded for how well they respond to questions about the story. By recording the frequency of use for both old and new words, and the conditions under which they are used, trends can be established and the most effective methods of teaching children with socio-cultural retardation can be pinpointed.

In a second preschool, the Parent Cooperative preschool at the Juniper Gardens Community Center, 1979 North Third Street, about 30 children are enrolled. They receive

daily individual instruction from their own mothers who have volunteered to come to the school to assist in its operation. The head teacher there is Mrs. Barbara Hughes. Under Dr. Bushell's direction, she helps the mothers learn teaching techniques which they use in the preschool as well as in their own homes. The mothers learn to use reinforcement when working with their own and other children. This program not only prepares preschool children for public schooling, it additionally provides training to the mothers, training which has qualified many of them to be employed as teacher aides in day-care and headstart centers sponsored by OEO.

The project coordinator, Dr. R. Vance Hall, has developed a program of research which is carried out within public school classrooms, with the cooperation of the teachers and school administrators. He helps teachers learn how to apply reinforcement principles in controlling disruptive or dawdling behavior. The program is referred to as an inappropriate classroom behavior research effort. The reinforcement used in this case is social—praise or attention from the classroom teacher, delivered at the proper times to encourage study and good behavior. Research groups in the past have included about 40 third-grade students. The program has proved to be so effective that Dr. Hall has organized special classes to help more teachers learn how to use social reinforcement in the public school classroom. The technique is simple but effective if properly used. Problem students are selected one or two at a time. When they are studying and behaving properly they are complimented and praised by the classroom teacher. When they are dawdling or misbehaving they are ignored. As an example of how effective this can be, Dr. Hall cites the case of one third-grade boy who had been spending only 28 per cent (this was measured by an observer to provide a baseline before the experiment began) of his spelling time creatively. Under a program of social reinforcement, his time-well-spent percentage soon came up to a 79 and his spelling scores made a corresponding improvement—from a beginning low of some 20 per cent correct to a high of 90 per cent correct.

In summary, what has happened at JGCP the past four years? First a solid contact has been established with the community. Some of the distance separating the laboratory from the community has been bridged. Research in socio-cultural ratardation is being carried on near its source—the community.

The University of Kansas Bureau of Child Research has been accepted into the community. The residents of the Juniper Gardens area not only accept our presence and our research efforts, but have become, in fact as well as appearance, an integral part of those efforts. Of the twenty-three full-time staff positions in our current research programs, eighteen are held by residents or past residents of the Juniper Gardens Housing Project and environs, including seven planning, administrative, and supervisory positions. It has been our observation that a number of the staff members from the immediate Juniper Gardens area who began as assistants in rather routine behavior measurement capacities have gradually learned to assume more dynamic roles in the design-planning phases of the research. In short, some of our local technicians and observers are becoming major investigators and head teachers.

Any resident or group wishing to visit the Juniper Gardens Children's Project may do so at any time by calling 621–1712.

THE LATE R. HUNT PARKER, CHIEF JUSTICE OF THE SUPREME COURT OF NORTH CAROLINA

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. FOUNTAIN. Mr. Speaker, the late R. Hunt Parker, chief justice of the Supreme Court of the State of North Carolina, was a consecrated public servant, a distinguished jurist, a brave soldier, an historian of great repute, a classical scholar of the old school, and first and foremost a Christian gentleman.

Halifax County, N.C., which is located in the district I have the honor to represent, was the birthplace of Chief Justice Parker. This county has given North Carolina's highest tribunal more justices than any other county.

Chief Justice Parker died recently after a lifetime spent in dedicated public service. On October 24, 1969, only a few weeks before his death, he delivered a notable address to the annual meeting of the North Carolina State Bar, which was held at the Sir Walter Hotel in Raleigh, N.C.

I would like to introduce the text of this address, his last great address, into the RECORD in a moment, but first I want to take this opportunity to say something about the life and work of this outstanding American.

Judge Parker served as solicitor, superior court judge, associate justice of the North Carolina Supreme Court, and as chief justice of that court. Before his long years of distinguished public service, he acquitted himself with honor in the military service of our country in World War I and engaged in the private practice of law.

Chief Justice Parker had the keen intellect of a scholar and diligently applied himself throughout his life to a study of the law and the problems of great import in State and National life.

He was an eminently fair judge and always presided with impartial dignity. Chief Justice Parker was a conservative who believed in preserving the best of our great heritage in improving that which needed improving.

Chief Justice Parker dealt out justice strictly according to the law of the land and had no patience with legalistic rulings based on sociological opinions.

Perhaps the best known chief justice in the history of the North Carolina Supreme Court, Chief Justice Parker helped shape and mold an entirely new system of uniform courts across the State. He was the leading architect of North Carolina's new system of district courts and a strong supporter for establishing the new North Carolina Court of Appeals.

In public and private alike, he adhered to rigid rules of decorum and discipline. Everything he did was to the end that justice would be better served.

This eminent citizen of North Carolina believed in the solid virtues of life. He practiced what he preached. Only a few days before his death, I had the pleasure of being in his company and found his indomitable will unbowed, his brilliant intellect undimmed, and his articulate wit undiminished. He lived life to the fullest and actively used every day, even his final few, in unflagging service to mankind.

What Chief Justice Parker had to say in his final address is worthy of serious consideration by all thinking Americans. It raises some serious questions about the direction America is heading in.

I am, therefore, pleased to insert the last public address of this distinguished North Carolina jurist in the RECORD at this time:

R. HUNT PARKER'S ADDRESS TO THE NORTH CAROLINA STATE BAR, INC., AT THE ANNUAL MEETING IN THE BALLROOM OF THE SIR WALTER HOTEL, OCTOBER 24, 1969

My brethren of the Bench and Bar: Many of our college professors and instructors, many paid professional agitators, many of our newspaper editors and correspondents, and many of the liberalized press shout from the house tops that they are Communists. They believe the Communists are another political party. They ignore the fact that Communist Russia is a mortal enemy of the United States pledged to world conquest or dominion and pledged to the destruction of the United States of America and its form of government. Many of these self-proclaimed Communists in the event of a Communist take-over, in my opinion, will face firing squads.

Action—naked aggressive action—replaced talk on August 20, when troops from five Warsaw Treaty countries, headed by the Soviet Union, invaded Czechoslovakia. The process of democratization which the Soviet leaders had accepted with understanding—or so Dubeck thought—came to a screeching halt. Among other things, Dubcek was ousted as First Secretary in April, and very recently he was kicked out of the Presidium. The Soviet masters, calling the tune for the Czech Communists in the week-end purge, did let him remain as a member of the Party's Central Committee. Within the last few days Dubcek has been removed from the Party's Central Committee. Knowing Dubcek's popularity with the Czech people, the Reds may have tried to avoid going so far as to arouse the Czechs to retaliatory action. Once again the face of Communism is exposed to the world, and it is monstrously ugly.

Dubcek's heretical views included the intolerable concept that people should be permitted to vote as they wish. "Let the struggle of ideas commence," he said—an astounding doctrine in the Communist camp where the free expression of ideas is abhorrent. They were incendiary words to the men in the Kremlin. They summoned Dubcek and other Czech leaders to the Soviet Union for conferences in early May last.

Last month, shortly before the purge—of Dubcek and his allies—Czechoslovakia "temporarily" closed the country's borders. Several days ago the restriction on travel became permanent, for all practical purposes.

Even under the regime of Antonin Novotny, the Communists of Czechoslovakia had been relatively free to travel abroad, but in the months since Soviet tanks and troops invaded the country to halt Dubcek's experiment with liberalized Communism, some 50,000 Czechs have fled their native land for freedom in the West. Very recently the regime announced that henceforth, with few

exceptions, the people of Czechoslovakia will not be permitted to leave the country for any purpose. Prague officials explained that the ban on private travel was essential because of "the danger to stabilization of the economy." That was the same excuse made by the East Germans eight years ago when they built the ugly Berlin Wall. Before the erection of that ugly Wall—which is actually 27 miles long, 300 feet wide, with death traps of bricks, barbed wire, watch towers, searchlights, police dogs, and men armed with machine guns—the East Germans had left Germany by the tens of thousands. Before the Wall was built, in fact, the East German "Utopia" was one of the few countries on the face of the earth where the population steadily declined. In the past eight years the exodus has slowed to a trickle, though some manage to escape at great risk, but many have failed and met death.

The East Germans have generously permitted more than 11,000 transferees to leave the country—but almost all of them are the very old or the very sick who are of no further use in the sweatshops of the worker's paradise, and now represent a burden, rather than an asset, in the stabilization of the economy.

However ugly and obscene the eight-year-old Wall around Berlin and the new ring around Czechoslovakia, they are in one sense, at least, very useful. For nothing else so starkly reveals the cruelty, the inhumanity of Communism, and nothing else so dramatically demolishes the myth that the Soviets and their puppets are mellowing. Prison is a prison.

I wonder if patriotism among many of our people is dying or dead in this country. So far as I am concerned, I agree with the immortal words of Stephen Decatur, a hero of the War of 1812: "Our country! In her intercourse with foreign nations, may she always be in the right; but our country, right or wrong."

By a decision of the majority of the members of the Supreme Court of the United States in the Escobedo and Miranda decisions, they have made it almost impossible for the States to enforce their own laws to preserve peace and order. In their zealous endeavor to protect the rights of criminals, they have rendered overbalanced decisions in their favor against the rights of the vast number of law-abiding Americans. In recent times we have seen ugly rioting in New York, Chicago, Los Angeles, Newark, and Washington City. I have been told by one of the leading biographers now living in the State that the only five-star General alive, who lives with his wife in a fashionable apartment in a high-priced section of Washington City, told him that he and his wife dared not walk around their apartment building at night for fear of being robbed, mugged, or murdered.

We have seen ugly demonstrations on college and university campuses throughout the Nation where a minority of bearded beatniks and hippies and women dressed in pants are seeking to take over and run the colleges and universities according to their whims, or to break up the colleges and universities, when the vast majority of students are zealous to maintain order on the campuses and acquire an education. Such conditions are intolerable. We have seen college administrators, professors, and teachers supinely give in to their demands instead of throwing them off the college and university campuses. Cannot these same people recognize that if they cannot preserve peace and order in our colleges and universities and afford our children who want an education to get it, the people of this Nation will quit voting for the support of our colleges and universities, and they will wither on the vine?

In the face of the rioting in the big cities of this country where bearded beatniks and hippies are fighting the police and calling them "pigs," and in the face of all the rioting that is going on, I seriously doubt if our big cities—sodden with poverty, crime, Communism, and lack of patriotism—can survive. Make no mistake about it, these people are dedicated to overthrowing our republican form of government in the name of Communism. I believe Russian Communists are behind it all. They have proclaimed from the house tops for nearly half a century that they will destroy the United States by revolt and rebellion within, by arraying race against race, class against class, and religion against religion.

The Supreme Court of the United States has made it almost impossible to enforce the State laws against obscenity and the publication and distribution of obscene and filthy matter in the press. We have seen the day of girls dancing bare-breasted, and now we are seeing the day of bottomless dancing and nude dancing in theaters and night clubs throughout the Nation. No decent man is willing to marry such "go-go" girls, to let them bear his name, and to be the mother of his children. The press does not seem to be exercised over this filth and obscenity with which the Nation is being deluged, because they think to stop it will be an abridgment of freedom of the press which is guaranteed by the United States Constitution and the North Carolina Constitution. God save us from such a deluge of filth and obscenity.

I am reminded of the following lines written by Alfred, Lord Tennyson in "Locksley Hall Sixty Years After":

"Bring the old dark ages back without the faith, without the hope,
Break the State, the Church, the Throne, and roll their ruins down the slope.

"Authors—essayist, atheist, novelist, realist, rhymester, play your part,
Paint the moral shame of nature with the living hues of Art.

"Rip your brothers' vices open, strip your own foul passions bare;
Down with Reticence, down with Reverence—forward—naked—let them stare.

"Feed the budding rose of boyhood with the drainage of your sewer;
Send the drain into the fountain, lest the stream should issue pure.

"Set the maiden fancies wallowing in the troughs of Zolaism,—
Forward, forward, ay, and backward, downward too into the abysm.

"Do your best to charm the worst, to lower the rising race of men;
Have we risen from out the beast, then back into the beast again?

* * * * *

"Is it well that while we range with Science, glorying in the Time,
City children soak and blacken soul and sense in city slime?"

I do not at all subscribe to that gloomy view of Alfred, Lord Tennyson. I believe in his statement later on in the same poem:

"Follow you the Star that lights a desert pathway, yours or mine.
Forward, till you see the Highest Human Nature is divine.

"Follow Light, and do the Right—for man can half-control his doom—
Till you find the deathless Angel seated in the vacant tomb."

We hear people expressing the view that they espouse the cause of democracy. The founding fathers were learned and distinguished men, most of whom had held or were holding high public office in their respective states with vast experience in administering public affairs; they were good Christians who believed in the existence of the Deity, but who were also characterized with a large measure of religious toleration, and some of them were desirous of establishing a monarchy. When the learned and illustrious Dr. Benjamin Franklin, chairman of the Pennsylvania delegation, who was eighty-one years old, was leaving the Convention Hall in Philadelphia after the Constitution had been written, a lady asked him, "Dr. Franklin, have you given us a republic or a monarchy?" He replied, "Madam, we have given you a republic, if you can keep it." The Supreme Court of the United States by its decisions has sought to establish a democratic form of government in this country. Its decision of one man-one vote goes down into even town and village elections. No one will claim that they are equal in stature to the founding fathers, who have been proclaimed for nearly two centuries as the most distinguished legislative assembly that ever gathered in this country.

If you think I have been too severe on the Supreme Court of the United States, I quote from the dissenting opinion of Mr. Justice Harlan in the case of Utah Public Service Commission v. El Paso Natural Gas Company, decided 16 June 1969. Mr. Justice White and Mr. Justice Marshall took no part in that decision. Justice Harlan wrote: "All semblance of judicial procedure has been discarded in the headstrong effort to reach a result that our members of this Court believe desirable. In violation of the Court's rules, the majority asserts the power to dispose of this case according to its own notions, despite the fact that all the parties participating in the lower court proceedings are satisfied that the District Court's decree is in the public interest. . . . I cannot possibly subscribe to such an abuse of the judicial process."

Sir Walter Scott was perhaps our greatest novelist and, in addition, a man who could talk to everybody, poor and rich, as if he were a blood brother, and was perhaps the best beloved figure in British literature. As he lay dying within the sound of the murmur of the Tweed River, he said to his son-in-law, who was kneeling by his side, "Be a good man, Lockhart, for nothing else can bring you any consolation at such a time as mine." We have seen the Supreme Court of the United States drive out of the public schools of this Nation everybody who wanted to pray to the Supreme Being though anyone who disagreed was at perfect liberty to walk out or not participate, and even though there was no taint of a religious denomination in such a prayer, thus misjudging entirely, in my opinion, the constitutional provision that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In my opinion, that provision was written into the Constitution to prevent the establishment of Presbyterianism which at that time was dominant in Scotland, and to prevent the Establishment of Episcopalianism which in England was established by law and supported by taxation. In England at that time there were savage laws against Roman Catholics, although it is said that a majority of the people in England were Roman Catholics, including the wealthy Duke of Norfolk, the premier Duke of England, who, because of his religion, could not sit in the House of Lords. The provision was also intended to prevent the establishment of Congregationists and Presbyterians, who were dominant in New England; Episcopalians, who were dominant in the South; backsliding Quakers

and Roman Catholics, who were dominant in the Middle Atlantic States. In the days when there were legal giants upon the Supreme Court of the United States, they have said in opinion after opinion that this is a Christian country. When they took their offices, every member of the Federal Supreme Court who outlawed a prayer to the Deity in the public schools of this Nation by their fiat, every member of the Federal judiciary, and the President of the United States swore to and subscribed oaths that they would support the Constitution of the United States and faithfully perform the duties of their offices so help them, God, thus recognizing the existence of the Deity. I cannot see how an innocuous prayer to God, perfectly nonsectarian in character, in the public schools of the Nation, is any violation of the Constitutional provision that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." I wonder how the gentlemen on the Supreme Court of the United States, when they lie on their death beds, will feel about driving God out of the public schools.

Recently, some freethinkers have shouted from the house tops the strange doctrine that "God is dead." I do not believe such arrant nonsense. When one stands on the shores of the ocean and sees the waves roll in as at creation's dawn, and stands and sees the majestic grandeur of our mountains, I do not see how one cannot believe that the Supreme Being is alive and still rules the destinies of men and of nations.

AN END TO SANCTIONS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, December 15, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Time To End Sanctions," published in the Charlottesville, Va., Daily Progress of December 4, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charlottesville (Va.) Daily Progress, Dec. 4, 1969]

TIME TO END SANCTIONS

The United States should join with the rising voice in Great Britain calling for an end to sanctions imposed against Rhodesia which do not appear to be working as it was intended that they should.

Those in Britain who are demanding that Prime Minister Wilson lift the sanctions have charged that the boycott is not working to the extent that it is hurting Rhodesia very much. On the other hand Britain is losing some 100 million pounds a year in trade—a loss which the financially-burdened little island can ill afford.

Trade-wise the United States is hardly suffering because of the sanctions against Rhodesia, except to the very important extent that it has by its own action lost its cheapest and best source of chrome, a vital element in providing for the national defense.

Time was when the U.S. obtained all the chrome that it needed from Rhodesia and at a reasonable price. But ever since the Lyndon Johnson Administration eagerly joined in imposing and enforcing sanctions against Rhodesia, this country has lost that source of supply for chrome.

Instead, the U.S. is buying its chrome from Russia now and at almost double the price per ton that it was paying Rhodesia.

Price, of course, is not a critical matter, in a necessary defense item but availability of supply is. It does not require much imagination to see the day when Russia will cut off America's chrome supply, either as an effort to embarrass this country or in a move to impede the nation's defense program.

No comfort can be found either in the hope that Russia will never cut off this nation's chrome supply. That is but a mere hope. This nation does not want to be dependent upon the Russians for anything, especially in the field of national defense.

RURAL DRUG PROBLEM GROWING

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. ZWACH. Mr. Speaker, last Friday, December 12, I advised my colleagues of the growing problems of drugs in countryside America. A problem about which we need more knowledge.

To further alert my colleagues to this situation, I am hereby inserting in the RECORD a news report on my meeting with local law enforcement officials which took place on Friday, November 28, 1969. in Willmar, Minn.

The article, entitled "Zwach: Rural Drug Problem Growing" was written by Mr. Peter Blankman, and appeared in the Minneapolis Star on Saturday, November 29, 1969. I know my colleagues will find the article interesting and informative:

ZWACH: RURAL DRUG PROBLEM GROWING

(By Peter Blankman)

Rep. John Zwach, R-Minn., who once said that the largely rural 6th Congressional District was "about as clean an area in regard to drug use as there is in the country" says he has changed his mind.

"There is a serious and growing drug problem in countryside America and I think the federal government should realize that," Zwach said Friday after a two-hour conference with more than 30 law-enforcement officials from his home district.

"We had 10 arrests last year for drugs and none the year before," Wilmar Police Chief Lyle Goeddertz said.

"I know about 25 or 30 kids who use marijuana and while it's more prevalent in college it has reached the high schools," Chet Wiener, Marshall police chief, said.

The police and probation officers, who came from Brainerd, Morris, St. Cloud, Redwood Falls and several other communities, voted against reducing the penalty for possession of marijuana.

The one exception was Redwood County Atty. Wayne Farnberg, who said that "while the intent of the law is fine, enforcement is almost impossible because possession is a felony and attorneys are hesitant about prosecuting."

The maximum penalty is 20 years imprisonment and/or a $10,000 fine. The maximum penalty if possessioon were a misdemeanor would be a $300 fine and 90 days in jail, he said.

"Marijuana grows all around here and using it is kind of experimental, especially in the spring when the kids find out what it looks like in biology class," Farnberg said.

"The punishment should fit the crime, although I recognize Mexican variety is more potent than the local kind and should be classified differently," he said.

"I don't think the penalty should be reduced because you should see what happens to people who use drugs," Wiener said.

"They don't give a damn about anything; look at their personal hygiene," he said.

"I can't see any difference between physical and psychological dependence, because if you have to have it, you're hooked," Wiener said.

"I've heard that all the tobacco companies are all set to make the marijuana cigarette if it's legalized," he said.

The Willmar school system has started a drug education program in the 9th grade, using literature, films and speakers from the Willmar State Hospital, Goeddertz said.

"The program seems to work quite well and they hope to go as low as the grade school level," he said.

"Our basic problem is lack of manpower and funds," he said.

"We're dreaming if we try to tell ourselves that we have an adequate treatment program on the state level," Goeddertz said.

Willmar has between 20 and 25 high school students using marijuana or LSD, he said. A tablet of LSD costs $4, he said.

"A few of the sellers have moved out," Goeddertz said.

"Maybe it's police harassment, but if you have 15 and 16-year-olds getting drugs from these people, I don't particularly care what you call it," he said.

Several officers said they would like to see more studies done about the effects of various drugs.

"We've got more agitation for a change in the law than for research," said one sheriff.

Others said that they had come to observe since they had experienced no definite problems.

The Chippewa County sheriff said he had made no arrests, while a policeman from Brainerd said "we get a rump every day, but we haven't had a conviction yet."

Zwach said he planned to hold similar sessions with school officials and physicians and "might try to talk with some users." He set no time for a return from Washington.

SOLDIER WAR VICTIM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men Pfc. Dennis A. Greeley, of Swissvale, Pa. who was killed in Vietnam on November 28.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrified their lives for this great country. In tribute to Private First Class Greeley for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD, the following article:

AREA SOLDIER WAR VICTIM

A Swissvale soldier, Pfc. Dennis A. Greeley, 22, of 2030 Palmer St., Swissvale was killed November 28 in Vietnam.

Relatives were informed yesterday, but details of how he met death were not given. A graduate of St. Anselm High School, Swissvale, he had been working at East Pittsburgh Westinghouse when inducted.

Surviving are his mother, Mrs. Mildred

Greeley, two brothers, James of Warren, Ohio and Michael of West Mifflin and three sisters, Mrs. Kathleen Lombardi of Chicago, Gloria Hagan of Swissvale and Mrs. Maureen Vereb of Pleasant Hills.

REMARKS OF THE HONORABLE MAURICE H. STANS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. BURKE of Florida. Mr. Speaker, recently the Honorable Maurice H. Stans, U.S. Secretary of Commerce, delivered an address before the 58th annual convention of the Investment Bankers Association which was held on December 8, 1969, in Boca Raton, Fla. Although Boca Raton is not in my congressional district, it is reasonably close thereto and a good number of my constituents journeyed to Boca Raton to hear the Secretary give his talk.

The Secretary gave an excellent address and I personally want to compliment the Secretary on his keen insight into the problems which confront our Nation today, and upon his foresight in speaking on the programs that the Nixon administration has proposed which hopefully will overcome some of these many problems.

Secretary Stans in his talk stressed the fact that the Government alone cannot possibly solve all of the many problems that our country faces and calls attention to the help needed from the private sector of our economy, including industry, business, and the average American citizen. In other words, the Secretary has stressed the need of "togetherness," and I feel he has done an excellent job in his speech in pointing out to us how we all must be a part of this togetherness if we are to solve the many problems facing our Nation today.

I sincerely hope that my colleagues will take the time to read the speech made by Secretary Stans which reads as follows:

ADDRESS BY THE HONORABLE MAURICE H. STANS, U.S. SECRETARY OF COMMERCE BEFORE THE 58TH ANNUAL CONVENTION OF INVESTMENT BANKERS ASSOCIATION OF AMERICA AT BOCA RATON, FLA., DECEMBER 8, 1969

It is indeed a pleasure to join with old friends in this annual gathering of the investment banking community.

I have come here today to talk about business involvement in helping to solve the great social problems of our times.

This is, I believe, the greatest challenge facing the business community today. It is more: it is the greatest challenge facing the free enterprise system. For unless these problems are solved, our critics are going to say the system has failed, and we need a new system.

In your position at the heart of the financial structure of the Nation, you have a unique opportunity to do double service in this work. Not only can you get involved yourselves in many phases of the effort, you also can help influence your clients to get similarly involved. And we need the help of every single businessman.

Now in order to understand the priorities and problems of the 1970's you have the right to know where government is going and what government is doing.

PRIORITIES IN THE ADMINISTRATION

Next month President Nixon will go before the Congress with a State of the Union message establishing priorities and national goals for the year ahead and for the decade to come. I know you will welcome that report on his stewardship of the Nation.

The President has put himself to the task of improving the society and the atmosphere in which we live. He is committing his skill and compassion to rebuilding the fibre and the substance of the Nation, so that our people can live together in peace and our competitive economic system can thrive for the benefit of all Americans.

The great problems of the 60's are on their way to being solved at last.

The first steps have been taken toward peace with honor in Vietnam.

The first signs of success can be seen in the fight against inflation.

And the first blueprints have been sent to Congress to reform a broad base of social and political conditions left over from the past, conditions which have no place in the United States of 1970.

PRESIDENT'S PROGRAMS

To name just a few: the President has proposed massive reforms of the tax system, the military draft, and the welfare system. He has asked for historic reform of the postal system, and has called for revenue reform. He has asked for major reforms in manpower programs, in social security, grants-in-aid, the electoral college, and many more. He is committed to cleaning up crime, narcotics and the problems of the cities.

PRIVATE PRIORITIES

But Government cannot set goals or priorities alone. It can do so, with hope of success, only when it can reply on the productive strength and resources of the private sector. It can achieve national goals only as it is aided by the Nation's business and industry, by its academic world, and above all by the support of its private citizens.

This is why we take interest in the priorities set by American industry.

May I suggest respectfully that you think with great care about the goals you set for the years to come, because the time of corporate citizenship has arrived.

GET INVOLVED

If you do, your first priority, overriding all others, will be direct involvement—American business and American businessmen involved in solving the social problems of America.

Answers to these questions and solutions to these problems are imperative. The answer to every one lies in that single word, Involvement.

The time is past when the world is nothing but a marketplace beyond the factory gates. Today it is a political cauldron, seething with unrest—that means unprecedented opportunity.

There is no one to match American business in solving technical problems for a technical age; there is no one who can equal your resources of money and talent, inventiveness and creative ingenuity, to transform this Nation and the world into a community where everyone can live in peace and plenty.

PAST FAILURES

But your skills and resources must be brought into play to answer the questions we face. If the last few years have taught us anything, they have taught us that talk alone will not stay the hands of America's critics.

And if the last three decades have taught us anything, they have taught us that Government alone cannot succeed in meeting the great social needs of our times.

Government has tried, Government has launched thousands of programs, Government has spent billions upon billions of dollars, and Government has failed.

Instead, we have spawned something closely akin to rebellion. Our problems are bigger and more acute now than ever before. I believe this is because Government has neglected to create a productive partnership with private industry.

Your resources and your ingenuity have not be marshalled to meet the changed conditions and the changed thinking which have taken place in America. At the same time, very frankly, much of the American enterprise system has been slow to look up from its profit-and-loss statements, slow to develop its corporate citizenship.

This is not said in fault. America today is wrestling with problems we scarcely knew were brewing twenty years ago. Unwittingly Government, failed and industry failed, and productive, prosperous America failed to invest in its own rehabilitation as we went along.

When meetings of this type are held in 1980 and 1990 and in the year 2000, those who follow will look back in judgment on the response you have given to the questions you face today. What will they wish we had done that was not done?

What will they wish we had addressed ourselves to?

The answer depends on whether business gets involved.

GETTING INVOLVED

The first question I want to answer is why you should get involved. And the reply is very simple: Because it is in your self interest, and because it is right. Because you are a human being and we are talking about the welfare of other human beings. Because you are both a businessman and an American citizen with duties and responsibilities, as well as rights. Because you want to preserve all the good of our great American system.

Now, specifically, *how do* you get involved?

There is a growing range of opportunities for private business to take part in building a better America.

The National Alliance of Businessmen has embarked on an unprecedented, highly productive program to provide jobs in American business and industry for the unemployed and the underemployed. Many corporations are now participating.

The Voluntary Action programs initiated by Secretary Romney offer a means for everyone to join in voluntary assault on poverty and underprivilege.

The National Corporation for Housing Partnerships will provide a means for involvement. It will be a publicly sponsored privately funded, professionally staffed undertaking to motivate the production of homes for low and moderate income families.

MINORITY ENTERPRISE

There are many other ways to get involved, but I want to go into one in some detail: the minority business enterprise effort in the Department of Commerce.

Our free enterprise system is based on rules of fair play. But it is not fair for minority members to be at a disadvantage when they seek a "piece of the action" just like everybody else. Many of them have the inherent ability, they have the brains and the energy and the desire to participate in the system as owners and managers of their own business. But they don't have an equal opportunity. They don't have the training, they often can't get the necessary financing.

Under the President's leadership, we're going to see that they do got their piece of the action.

To carry out his commitment, President Nixon created within the Department of Commerce the Office of Minority Business Enterprise.

Its method of operation is to marshal the best forces in the public and private sectors to get the job done. We are being assisted by President Nixon's 63-member Advisory Council for Minority Enterprise, composed of distinguished Americans like your Association's president, Lawrence Parker. They are

giving us invaluable guidance in the entire range of activities under this program, and are directing concerned with marshaling the forces of the private business in this effort.

Let me tell you how we are approaching the task—and how you can help.

"FOUR PILLARS"

All our efforts depend for success on four principal elements. They involve finding the Man, the Opportunity, the Money, and the Assistance needed. Each is vital for launching a successful business.

First, the man. And I'm not referring to just the male sex. Many women in minority groups are highly capable in business. We are looking for both men and women who have the desire, the drive, the built-in confidence, the natural managerial ability, skill at organization, maybe a knack for promotion and handling personnel.

Finding a person with these traits is not as hard as you might think. Proportionately there are just as many in minority groups as in the rest of the population. Most of those with potential are already working in a small business of some kind—a retail store, a small shop that provides a service, one that operates independently in the trades.

Some of these people run a one-man shop, or have only one helper. Many have the potential for expansion. With the right opportunity, some additional training, a little more capital, they can grow, they can become leaders in their community and an inspiration to other members of their race who are seeking opportunity in our society.

Which brings me to the second pillar supporting this effort: opportunity.

OPPORTUNITY

We all know that for too long, many doors of opportunity have been closed to minority members. And we have all been the loser.

Many of these people are vigorous competitors—just look at them in sports. Our free enterprise system is based on competition—but it has been denied much of the stimulous that minorities could have contributed, had they had an equal chance.

We are now going to help provide that chance, by working with business to open the doors of opportunity.

For example, we have secured pledges from 18 of the Nation's major petroleum companies to substantially increase the number of minority-owned service stations over the next five years.

We have gotten commitments from 20 of the top franchisors in the country to each create 25 minority franchise outlets in the next two years. That's a potential of 500 new franchises. We are working with others.

In government, we've secured a commitment from the General Services Administration to let $10 million worth of contracts with minority producers for supplies in the current fiscal year.

We are working to open other doors, public and private. But here, as in this entire effort, business leadership is essential. I am looking forward to voluntary commitments by all industries to assure equal opportunity for minority ownership in their fields.

MONEY

The third pillar that undergirds this effort is money.

We are solving this problem by a highly unique and creative program that I am convinced holds great promise.

We are pooling private capital and public financing in a joint undertaking called "MESBIC"—which stands for Minority Enterprise Small Business Investment Company.

It works this way: An established corporation forms a MESBIC with a minimum of $150,000 of its own money. This is matched with Federal funds two-to-one by the Small Business Administration purchase of debentures.

We have already announced plans for 18 MESBIC's and we have set a goal of one hundred by next June 30. If we can achieve this, it will release some $225 million for minority enterprise.

But the potential of this concept is truly enormous. Fully implemented, this program could raise more than a billion dollars of venture capital. I hope we should eventually have more than 500 MESBIC's in operation

And I hope that the formation of some of these will be prompted by my remarks right here, right now. I hope that many of you will begin turning over in your minds this minute whether this isn't an ideal way for your firm to fit into the minority enterprise campaign in a meaningful way. I fervently hope you will arrive at an affirmative decision, and will get in touch with me.

ASSISTANCE

The fourth, and final pillar of support in this effort is technical assistance.

Nothing is more vital to success in this program than helping minority members learn some of the fundamentals of business operation. Many have great natural ability, but haven't had the opportunity to learn the principles of accounting, production, distribution, personnel management, advertising and promotion, and other essential skills.

So they need help and want to learn.

Who are the only people that can teach them?

We all know the answer: Only businessmen like yourselves. Only members of the business community have the collective, practical know-how that can turn a potential failure in this area into a resounding success.

I know that your association, through its Inner City Business Committee, is packaging financial assistance with a program to provide management skills for minority members. And some individual investment firms are establishing branch offices that are operated and staffed entirely by blacks they have trained.

These are extremely valuable assists, and I hope these efforts will continue to build.

Other associations also are pioneering in this work. The American Institute of Certified Public Accountants is helping to train minority members in accounting procedures. The American Bar Association is helping in the fundamentals of law. Other organizations have similar programs in their specialties.

CONCLUSION

Together, then, these four elements—man, opportunity, money, assistance—can be combined to spell success for minority business enterprise. Not only success for the minority members involved, but success for the whole business community, for our whole free enterprise system.

I say this because business has entered a new era, in which success is no longer measured just by the profit sheet.

There is a new sheet in the ledger. It is headed "Social Progress."

Your books may show a very healthy profit in dollars and cents. But if that "Social Progress" sheet is blank, you have lost, and you have let the entire free enterprise system lose—I don't care how much money you have made.

Most businessmen see this today. Many are acting on this knowledge. But in my job I see others who either don't see this or are not getting down here in the arena where the action is.

American business today is on the threshold of an astonishing new age of growth and service. It can realize its full potential—for profits, and for the Nation—if it becomes involved in solving the great problems of our times, if it meets the exciting opportunity of working with our young people, and if it goes abroad in the land to champion the system of American enterprise.

If you engage in those three pursuits, this land will continue to prosper, and America will remain strong enough to be forever free.

UNFINISHED BUSINESS

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. SHIPLEY. Mr. Speaker, Dr. and Mrs. George S. Reuter, Jr., were recently on the campus of the University of South Dakota at Vermillion, where Mrs. Reuter is a graduate with a M.A. degree in guidance and counseling. Dr. Reuter spoke on the subject "Unfinished Business." Because so many of the issues are of national importance, I submit the speech for inclusion in the RECORD, as follows:

UNFINISHED BUSINESS

(By Dr. George S. Reuter, Jr.)

INTRODUCTION

The Greek dramatists used as a guide in their writing the principle, "never inject a god into a play until there is no other way out." It is my conviction that we have reached the hour where we must let God step onto the stage. We have kept Him waiting in the wings all too long. It could be that we have even lost Him in the discarded props of yesterday's productions. He must get into the act if our civilization is to survive and we must give the more earnest heed to the solemn admonition: "Humble yourselves therefore under the mighty hand of God."

"Historians will differ," wrote former New York *Times* correspondent and author Arthur Krock, "on whether the political philosophy and the military economic direction of any nation has changed more fundamentally than those of the United States in a comparable period of time, 1933–1967. But as an eye witness of governmental and other public action throughout these years, I have formed the opinion that the United States merits the distinction of having discarded its past and meaning in one of the briefest spans of modern history."

Dr. William R. Myers, Pastor, North Shore Baptist Church in Chicago, recently noted: "Never in the history of our world has there been such loud cries for peace as today. But from what source does peace come? It is not enough to cry out for 'Peace!' We must work for peace. The prophet, Jeremiah, say of his own generation (not unlike our own in many ways, I might add): 'They have healed the wound of my people lightly, saying, "Peace, peace," when there is no peace:' "

Yes, America is facing much unfinished business, but this not our first serious crisis.

Dr. John Roach Straton of Calvary Baptist Church in New York City, for example, rose to the defense of fundamentalism, declaring that Dr. Fosdick, who died the other day, was "not only a Baptist bootlegger, but . . . also a Presbyterian outlaw. . . . I declare in the name of eternal truth that Dr. Harry Emerson Fosdick is a religious outlaw—he is the Jesse James of the theological world." Perhaps the greatest opponent of Dr. Fosdick was Clarence Edward Macartney, who was swept into the moderatorship of the Presbyterian Church U.S.A. as a result of the struggle. Under Dr. Macartney's leadership conservative forces were able to force Dr. Fosdick to retire from the pulpit of the First Presbyterian Church in New York City, from which he eventually went to Riverside Church. To those involved in the struggle, the issues were as critical as now. Let us reflect some of the current issues.

THE REFLECTIONS

1. The Higher Education Gap—Archimedes, the great mathematician and engineer of ancient Greece, is reported to have said on one occasion: "Give me a place to stand and I will move the world." In the nineteenth century the university had its Archimedean

point; it knew precisely where it stood. The circumstances surrounding higher education today are not unlike those portrayed by Charles Dickens in the *Tale of Two Cities*, describing the era of the French Revolution. To paraphrase his classic language:

"It is the best of times, it is the worst of times,
It is the age of wisdom, it is the age of foolishness,
It is the epoch of belief, it is the epoch of incredulity,
It is the season of Light, it is the season of Darkness,
It is the spring of hope, it is the season of despair,
We have everything before us, we have nothing before us . . ."

Faculty, students and administrators need to work together with greater resourcefulness than we have in the past to achieve a real partnership which will enhace the efficiency of the college or university as a real center of teaching and learning. The subversion of the fragile structure of an institution of higher learning is all too easy, as we know from the events of recent months. One could cite examples on both sides of many academic issues; only one is cited. The Supreme Court of South Dakota does not understand academic freedom and tenure: "The exact meaning and intent of this so-called tenure policy eludes us. Its vaporous objectives, purposes, and procedures are lost in a fog of nebulous verbiage." (*Worzella* v. *Board of Regents*)

2. The Vocational Education Gap—Jacob J. Kaufman of Pennsylvania State University, in his recently completed study *The Role of the Secondary Schools in the Preparation of Youth for Employment*, has concluded: "Vocational guidance should be expanded in a number of directions. It should begin in the elementary school to prepare youngsters for their experiences in the redirected form of vocational education. In the junior and senior high school, courses in the nature of occupations should supplement vocational courses. To free more of the counselor's time for student contact greater reliance should be placed on group counseling, technological innovations, and clerical assistance."

Speaking to Harvard's graduating class in 1885, Oliver Wendell Holmes said: "Gentlemen, your education begins when what is called your education is ended," hence some of the difficulties in vocational education must be seen in the proper philosophy. Perhaps, Plato should be reconsidered. Plato was probably the greatest of all educational philosophers not because he solved all the problems; so far as we know he solved none of them, and even his influence on the schools of his day was meager. He was great because he formulated the problems so boldly and starkly that there is no way of avoiding them.

3. The Handicapped Children Gap—Educational programs for 6 million handicapped children are needed. Only 2 million presently receive educational services. The lag between large Congressional authorizations and minimal appropriations limit funding to $5 to $6 per handicapped child. Children with specific learning disabilities totaling between 500,000 to 1½ million are in especially bad plight with only 18% receiving assistance. The Federal government can and should play an influential role in the development of effective education for children with specific learning disabilities.

4. The Racial Gap—On October 11, 1960, at the corner of Lenox Avenue and One Hundred Twenty-Fifth Street in New York City, I listened to the quick, insistent, challenging speech of Senator John F. Kennedy. This Catholic, who was striving to overcome the traditional bias of the American voter in presidential elections, spoke to his Harlem audience of the need for long-overdue action against a kind of bias that afflicted the American community.

Ninety-one percent of the total Negro student enrollment in all Northern and Western States is concentrated in California, Illinois, Indiana, Kansas, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia. Segregation of races in the public schools was at one time either required or permitted by law in each of these jurisdictions. The problem is still very serious. The official records show that of 139,006 students in Washington, D.C., 0.9 percent are desegregated. In Chicago, of 308,266 Negro students, the percentage is 3.2, and in Gary, Indiana, of 29,826, only 3.1 percent are desegregated. One should pause and recall that Thomas Jefferson knew that the destiny of America was inseparable from education—that in the fulfillment of the promise of this new nation, education would be the key. Education long the key to opportunity and fulfillment, is today also the key to survival.

No one who has been listening to what the United States Supreme Court has been saying could have had any doubt that the day would come when the patience of the justices would be exhausted. A child born, for example, on May 17, 1954, the date of the Supreme Court's historic *Brown* v. *Board of Education* ruling, should be entering the tenth grade this fall. It was 15 years, 5 months, and 12 days before the Court acted again. If the child affected is black and happens to live in one of the Southern States, the odds are better than two-to-one that he will be enrolled in a segregated school. The odds are at least even that he will be graduated from high school in 1972—if he is graduated at all—without ever having sat in a classroom with children who were not black.

Yet there are those who complain about "all deliberate speed." There has been interest as to where the phrase originated. Lawyers have searched history in vain to find clues to its meaning. Some say the words came via Justice Felix Frankfurter from early English courts. Others say it came from Mr. Frankfurter's wide reading, including Francis Thompson's *Hound of Heaven*. Regardless of origin, no one should complain "all deliberate speed" was too fast.

In 1825, Thomas Jefferson, founding the University of Virginia, which was to be based "on the illimitable freedom of the human mind," asserted that "here we are not afraid to follow truth wherever it may lead, not to tolerate error so long as reason is left free to combat it." It seems the Court is helping us today with this principle.

5. The Patriotism Gap—Dr. W. A. Criswell, Pastor of the First Baptist Church of Dallas and President of the Southern Baptist Convention, recently noted: "This is the most critical hour in American history . . . we are witnessing the dissolving, the dissolution of all those principles that come out of the blessed mind of God and out of his holy book." In closing Dr. Criswell said: "If America becomes like that, anybody can sweep us away . . . destroy us . . . come into our country, infiltrate us, leave us in shreds! That's why we need to preach and teach the word and will of God. You cannot stand without the Lord. If you don't stand for something you'll fall for anything."

If in 1776 reports from Philadelphia had ignored the Continental Congress and covered only the busy bawdy houses we'd never have had a country. And if all the decent, honest citizens doing courageous things get less show from us than the dissenters we'll lose America.

In the Godkin Lectures at Harvard University in March of 1969, John Gardner asserted: "A high level of morale is essential if a society is to succeed in the arduous tasks of renewal." A high level of morale is exactly what we do not have in the United States. Compare the probable reaction that the academic community would give an American student who asserted that his great life's hope was one of patriotism, that he wanted to devote himself to serving his country and his people. I suspect that a large portion of intellectual America would be at the very least, embarrassed by such an outburst of patriotic sentiment, if not actually frightened by the fervor of such "unenlightened insularity."

6. The Generation Gap—The Constitution of the United States represents one of the finest gifts a wise and benevolent God could grant His people. Divinely conceived and nobly perpetuated, this sacred document is designed to ensure our citizens those self-evident truths of "life, liberty and the pursuit of happiness." Perhaps it was inevitable that modern-day barbarians assault this bastion of social and political freedom. This assault is explained via the so-called "generation gap." This "gap" is merely a fictitious gimmick, a deadly instrument devised by our enemies to divide and conquer us. In truth there is no "gap," only wide-spread confusion as to the role adults and parents should play in this permissive society. The important battle for our children's minds and souls, is being lost by default. One could be technical as in the Court's use of the pronoun. In a Supreme Court decision (*Adler v. Board of Education*, 342 U.S. 485, 1952) involving plaintiffs all of whom were male high school teachers, the opinion handed down by the Court uses the pronoun *she*. One must, however, be practical.

7. The International Gap—The United States should ratify the Geneva Protocol of 1925, which prohibits the first use in war of chemical and biological weapons. The United States initiated it and signed it, but our pride of authorship became an embarrassment when the Senate failed to vote on it in 1926. Now, after 44 years, there seems to be hope that the protocol will be re-submitted to the Senate for its consent to ratification.

8. The Population Gap—For the first 1600 years since Christ, the earth's population doubled from 250 million to 500 million. It took 100 years for the earth's population to double from one billion to two billion which was achieved in 1930. Only 30 years later we added a third billion, and our world's population will be four billion in a period of fifteen years by 1975. At this rate in thirty more years, by the year 2000, the earth's population will be seven billion persons. After that it is predicted that one billion people will be added to our population at least every five years. Unless we all become painfully aware of this problem and we devote great thought and action toward the solution, the seemingly insoluble problems of great magnitude which we face from day to day will become unimportant by comparison.

Famine and plague used to occur often enough to be accepted as a national part of life and were highly efficient population controls. For instance, one-fourth of the European population died of the Black Plague in the fourteenth century. Now modern miracles of medicine and technology have eliminated many such natural controls, and population is soaring.

9. The Moratorium Gap—Dr. W. A. Criswell recently decried the moratorium participants, by saying: "Our own men are bathing the soil of Vietnam in their own blood . . and our men over there in Paris at the peace conference . . . trying to negotiate some kind of cessation to these hostilities" yet what the demonstrators are doing here, he further stressed, "is an insult."

The central and the ironic reality in the wake of the much-advertised "moratorium" demonstration against the Vietnam war is that this attack upon President Richard M. Nixon's position, and that of the mildly hawkish forces in general, has boomeranged.

Former Vice President Hubert H. Humphrey has urged nonpartisan support for Mr. Nixon's peacemaking efforts. My view is that it is an ill-timed, misdirected protest, vague in the purpose of quite conceivably dangerous in its precedent.

The stubborn quest for an honorable peace must be based on the fact that any alternative from present policy will both undermine the stabilizing role of the United States in the world—which in fundamental terms has maintained the peace since 1946—and generate a political lynching bee in American domestic politics. President Nixon has wisely stated: "Let us be united for peace. Let us also be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only Americans can do that."

10. The Foundation Gap—Foundations have pioneered and assisted pioneers, scientists, scholars, and innovators; they have helped to create and strengthen colleges, universities, research laboratories, research institutions, scientific and scholarly organizations, welfare and religious institutions; they have often anticipated social and international problems and mobilized knowledge for dealing with them.

Recently, many foundations have lost contact with reality and financed many foolish projects and rejected many worthy projects. Often the rejection has been based on the size of the project or institution and the fact that no major group suggested it. As a personal example, I developed a project to be funded. It was small but unique. It was rejected, but later a major university was funded to do the exact same thing. My guidelines were "borrowed" from me without permission. It may become necessary to tax foundations in order to get them "back on the track" of service to mankind. One wonders how foundations would react to an announcement like this: "The University of Buffalo has joined the ranks of public institutions, and so has a small college in Illinois which closed one June with about one hundred students and reopened the following September under the banner of Southern Illinois University with an enrollment of 1500." Would foundations discriminate against the former ones and aid the latter ones?

The Economic Gap—One important dimension to determine the relative size of government in respect to other institutions and to the total society is expenditure. Governmental expenditures may be financed by tax revenues, by borrowing, by selling capital assets, by user fees, by corvée, and by inflation. The ratio of debt to Gross National Product is around 45% which represents a continual decline from the peak of 140% in 1946 at the end of World War II. Most of that decline in that ratio is the result of inflation, a form of taxation.

We are not yet at a state where government is other than a servant, although some of the new economists, in anticipation, speak of it as a partner. There is historical significance in the many instances where the major domo became the sovereign. The Stuarts of England were only royal stewards, not kings.

12. The Natural Resource Gap—After millenniums of exploiting and often destroying the riches of the land, man is now hovering acquisitively over the wealth of the oceans that cover three-quarters of the Earth. In the no man's land of the seabed, a scramble for minerals and oil, for new underwater empires secured by advancing armies of technology, could well set a new and wider stage of world conflict.

In a study of the full range of our national interests in marine resources, made public recently, a special Presidential Commission on Marine Science, Engineering, and Resources noted that the threat of "unbridled international competition for the seas' resources may provoke conflict," and recommended a series of international agreements that would create new legal political frameworks for the exploitation of the mineral resources underlying the deep seas. It is inconceivable that this last great resource of our planet should not ease the grip of poverty and hunger on much of the Earth. And how tragic it will be if a few centuries hence, these vast oceans that nourish life should become the instrument of our death, a not impossible end.

CONCLUSIONS

Working in the areas of resolving unfinished business, one is apt to acquire what the French call a "de formation professionnelle," which in this instance takes the form of always looking toward the future—often in rather optimistic terms. The reason for this is quite simple: Everything we have been able to achieve has previously been regarded with considerable skepticism, but somehow it managed to get done anyway.

In the second year of the American Revolution the great William Pitt rose in the House of Lords and spoke words which, in a less civilized nation, might have been taken for treason. "My Lords," he declared, "you cannot conquer America . . . You may swell every expense and every effort still more extravagently; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince that sells and sends his subjects to the shambles . . . your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates, to an incurable resentment, the minds of your enemies . . . If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never."

More than a decade ago, the British Theologian, J. B. Phillip, gave an answer to be emphasized in his simple little book, *These Gods Are Too Small*. The cry of the needy and oppressed and the crises of our day demand a personal, living, and loving God. This God, who cares, Simon Peter met as he walked the shores of Galilee centuries ago. This very One must be and longs to be our God and guide today.

Yes, with the philosophy of the French expression, the wisdom of Pitt, and the God revealed by Phillips, we shall overcome our troubled times if we but have the will and the intelligence to shape a realistic manifesto that reflects the principles, the hopes, and the highest expectations of our Founding Fathers—finishing what they so nobly began.

YOUNG AMERICANS ARE SPEAKING OUT

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. ROGERS of Florida. Mr. Speaker, in these days of student protests opposing President Nixon's Vietnam policies I was encouraged to receive a thoughtful letter from a young lady who is very much a part of the "silent majority" who now wants to speak out. I feel her thoughts are important and should be printed here in the RECORD. More and more young Americans are speaking out today, to counter the impression sometimes given by the vocal minority that there is only one side to the Vietnam debate. There are two sides, as clearly stated by Miss Christine Kennedy of the Ninth District of Florida.

The letter follows:

DEAR CONGRESSMAN ROGERS: I am 17 years old, a senior and until now, a part of the silent majority. I am very, very frustrated with these "so called" peace demonstrations. If they are looking for a peaceful society, they sure have a strange way of showing it. Blowing up buildings is not my idea of showing you want peace.

My main reason for writing is not to tell you how I feel about the dumb-witted minority, but to tell you how I, an American and part of the majority, feel. President Nixon is in a pair of shoes that I would never want to wear. Everyway he moves it seems someone protests against him. I am for total escalation of the war, but I'll stick to Nixon's policy as long as we stay in Vietnam.

I imagine in the 1700's when we were forming our nation and asked for help, people were against giving it to us. We needed it badly and Thank God we got it. Without it, I doubt we would be as we are today. Vietnam needs help and deserves it. Maybe they aren't as strong as we were but they need our help and for that simple reason deserve it. They are human beings and deserve to be treated as such. If we can help them again their Freedom, we have helped a country live again, "For what stands if Freedom falls?"

Thank you for listening to my opinion. Please believe that others feel as I do. Those protesting are only a small, small part of the people in this country. I don't call them Americans for I feel that they are protesting everything this great country of ours stands for.

Sincerely,

CHRISTINE KENNEDY.

THE SHOE PROBLEM

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, the growing problem of footwear imports is outlined in an editorial that appeared in the Patriot Ledger December 11, 1969, which I insert in today's CONGRESSIONAL RECORD. I wish to specifically point out the recommendations made in the last paragraph of the editorial wherein the Government is called upon to seriously attempt to negotiate a voluntary import quota system with the major exporting nations.

The editorial follows:

THE SHOE PROBLEM

Another Massachusetts shoe manufacturing plant has closed down—the Victory Shoe Co. of Avon—the 19th in Massachusetts to close this year and the third in the Brockton area in the last six months.

The closing of the Victory plant is a particularly critical index of the plight of New England's shoe industry, since it was a modern facility with semi-automated equipment. President Herbert S. Nagle of Brockton described the two-year-old plant as one of the most modern shoe manufacturing facilities to be built in the area in 50 years.

Yet Victory went under, as have 37 other factories in New England in the past two years, mostly small and medium-sized companies because they have been unable to compete with lower-priced foreign imports. And for the remaining small and medium-sized shoemakers in the region, the outlook is grim in the absence of government action.

The shoe manufacturers for years have

been appealing to Washington for help. Low-priced imports, 50 per cent of them selling for $10 or less, have increased 643 per cent in the past 10 years, and today one out of every four pairs of shoes bought in this country is imported. New England shoe manufacturing wages are the highest in the country—an average of $2.86 an hour as compared with a national average of $2.71 an hour.

In Spain and Taiwan, the source of most of the increased imports in recent years, the wage rates are said to be about 50 cents an hour. Other major competition comes from Japan and Italy.

What is to be done?

The traditional response of a domestic industry hurting from a foreign competition is to seek import restrictions, either by higher tariffs or by import quotas. The shoe industry has rejected higher tariffs as the answer, and instead is asking Washington to help through imposing import quotas—voluntary if possible, mandatory if necessary.

But it is not only the shoe industry which is finding the going tough in the American marketplace because of lower-priced foreign imports. And as restrictions on trade are lowered, other American industries will also encounter rugged competition.

Protectionism, however, is a two-edged sword. As President Nixon pointed out in his message to Congress on trade policy: "Any reduction in our imports produced by U.S. restrictions not accepted by our trading partners would invite foreign reaction against our own exports—all quite legally. Reduced imports would thus be offset by reduced exports, and both sides would lose."

Yet while the President has correctly assessed the dangers of American protectionism, the government also has an obligation to assist domestic industries which find themselves in a struggle for survival because of trade liberalization and the low-cost competition from lower-wage nations.

Congress should promptly enact the President's proposals to make it easier for industries affected by import competition to obtain relief and assistance. It is now generally recognized that the terms of the Trade Expansion Act of 1962 were overly-stringent; not one industry, for example, has been granted relief under the "escape clause" providing temporary import restrictions or negotiated quotas. The President would relax the test required for such relief as well as the terms for government "adjustment assistance" to workers or the affected industry.

Adjustment assistance includes such aid as special unemployment pay, retraining allowances, tax relief or loans. The President would make such assistance available upon proof that imports were a "substantial cause" of injury to the U.S. business, an easier test than at present. And with such a provision, the shoe industry should be able to qualify for federal assistance.

Sen. Norris Cotton, R-N.H., has successfully attached an import quota amendment to the tax reform bill, authorizing the President to impose import quotas against a commodity being shipped into the U.S. if he found it was harming U.S. companies or workers and if the producing country was putting restrictions on U.S. exports. Senator Cotton mentioned textiles and shoes as among the industries needing such protection.

Instead of this approach, the government should immediately and seriously attempt to negotiate a voluntary import quota system with the major shoe exporting nations. The shoe industry's plan to have a quota system in which the quota could be raised as the domestic shoe industry expands is one possibility. The government should avoid, however, unilateral trade restrictions which can only lead to retaliation by the importing country affected and thus damage another sector of American business.

LETTER TO THE CLASS OF '70

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. SCOTT. Mr. Speaker, a letter to the editor in yesterday's Sunday Star signed by Richard H. Eibel of New Carrollton, Md., caught my attention and refers to the conflict between the totalitarianism world and the free world, indicates that the American dream and opportunity for all is still present in this country. Apparently, he is an immigrant from Poland and I believe my colleagues will enjoy and profit from a reading of this item which is set forth in full:

LETTER TO THE CLASS OF '70

NEW CARROLLTON, MD.

SIR: Searching for exotic tid-bits—discarded sticks of chewing gum, half-eaten chocolate bars and unfinished oranges—I found in a trash can a few pages torn out of an American magazine. I will never forget one of its pictures. It haunted me very often during the dark days of my life. The picture showed a large group of well-fed, well-dressed, intelligent-looking, smiling young men standing on a mini-bridge in a park. "That's a graduating class of American college students," explained one of my English-comprehending buddies. Later on, secure in the privacy of my secret hideout on the wooded sea shore, I stared at the picture for hours. Everything in it seemed so different and so distant from the realities of my life. To find myself one day among those happy, elegant young men seemed beyond the scope of my dreams, beyond the limits of my imagination.

"God," I thought, "why was I born here"?

I was a teen ager then, fond of roaming through the drab streets of Gdynia, a war damaged harbor in post-war Poland. My future, I knew, would fall into an entirely different league, beyond any comparison with the glamourous futures of the smiling young men in the picture. I could dream of becoming a shipyard technician, a stevedore foreman, perhaps a local school teacher at the best. It was realistic to assume that I would have to spend my life confined forever to a specific geographic area the size of Ohio or Nebraska, to a specific assortment of the topics which I had a liberty to discuss, never forgetting to stick to a specific slant with which I had to interpret everything.

Even the song ". . . will he be pretty, will he be rich . . ." did not fully apply to me. I could dream of being "pretty" but it was silly to dream of being rich. The ultimate wealth, in my eyes, as far as material things were concerned, was to have one presentable suit and enough change to buy a ticket to a movie.

God must have been listening to my laments, or something, for during the past dozen years I overcame the barrier of a carefully-guarded border, wide ocean, English grammar, college tuition, and whatever undesirable conditioning rubbed-off on me while in Poland.

Three years ago I posed for my own graduation picture on an American campus. It was a picture somewhat different from the one that inspired the days of my youth.

The times had changed. There were some happy black faces around me, a sign that the injustices of the past were being erased. Not all of the white young men in my picture, though, were well-dressed and neat. Some of them, putting it bluntly, wore weird clothes and were simply filthy. Their shabby appearance, ironically, was not a result of a depression, a foreign occupation, or any other monumental calamity. The GNP, according to the tale my economics teacher told, had doubled and tripled. In the meantime, the astronauts were on their way to the moon and we, the graduates, in the words of my sociology professors "just qualified to be among the best-educated 10 percent of the richest nation in the world."

So we had a reason to look cheerful but we did not. The long-haired ones glanced at me scornfully. In their eyes I was a freak of nature, a low Polack who invaded what they called "ignorant Middle America." I felt hurt and insulted. They did not believe that I, too, had a heart and a conscience, compassion, intelligence and a vision. It was not my fault that they did not go through any real hardships in their lives. Yet they hated me for cherishing the things that they discarded.

Well, so much for whining. My message is this: There is only one real basic conflict in the world today, that is the conflict between the world of totalitarianism and the world of freedom. If your vision is not clear enough to decide which is which, go to where I came from, live there for a while, and you will know.

I hate to sound like a zealot at a patriotic rally, but a spade is a spade.

Be proud to call yourself an American. Put your best suit on for your graduation picture and look neat. Someday some boy somewhere might find it and dream an impossible dream.

RICHARD H. EIBEL.

I AM AN AMERICAN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. BOB WILSON. Mr. Speaker, I would like to bring to our colleagues' attention a moving letter that was written by a brave American who was killed in Vietnam. It tells poignantly of a young man's dedication to freedom and his country and his pride in being an American. The text of his writing follows:

[Reprinted from the Wisconsin Veteran]

I AM AN AMERICAN

I am an American, defender of freedom and guardian of the Nation.

The service I render to my country is not only duty, but an honor and a privilege. Duty, as a citizen whose life holds responsibility for country in high regard. Honor as an individual before God with respect for the ideals that makes these United States a democracy. Privilege, for the ability to give, and fortunate enough to have been born in a land where my life, mind, and ideals are my own.

To serve our country as a fighting man is a trust bestowed on me by the people. It is my hope for millions outside our borders, who suffer under the rampage of tyranny, the absence of justice and freedom.

As an American fighting man, I find faith in my God, and courage from those who have gone before me. My reason for service is a symbol for all men to see that the sacrifice of my fellow Americans was not in vain.

I make no claim to another's land or government, but stand ready at the borders of freedom, not as an aggressor, but as a defender; and the Nations of the world will know that "the pursuit of happiness" is more than spoken words, but a way of life.

The orders I receive are derived from the people and I am responsible to them.

Lt. JOHN L. BANKS III, USAF.

(Killed in Vietnam, March 29, 1966.)

ETERNAL VIGILANCE IS THE PRICE OF LIBERTY

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. LANDGREBE. Mr. Speaker, I wish to share with my colleagues a letter I recently received from a friend of mine whose ancestors lived under slavery. He has expressed to me, to the best of his ability, his fears and sincere concern not only that his own people but all freedom-loving Americans could easily find themselves living under slavery again. He is deeply concerned with the increasing lawlessness and spread of crime in our country as well as with the threat of communism in the world, and he is convinced that all of us must work more closely together to protect our freedom and security. What Mr. Bell is reminding us of in his own way is that "Eternal vigilance is the price of liberty."

The letter appears as follows:

INDIANAPOLIS, IND.,
November 17, 1969.

Hon. EARL F. LANDGREBE,
United States House of Representatives,
Washington, D.C.

MY DEAR REPRESENTATIVE: Our domestic problems are more serious than one would think. We citizens who love our country do not intend to let crooks and drug addicts and sore heads take over the government. We love our country.

Take a second look at some of our immigrants. Please, we do not want this country to become a welfare state.

The President of this great country can tell the public that some of the laws of our country must be changed to fit the specific crime. Do you know that crooks will only go as far as you let them?

We can live here together if we try. Let the public protest as long as it is for unity and brotherly love, and keeping us strong. Just imagine any country telling the U.S.A. we must get out of the oceans or anywhere else. We can't take that!

We must feel this way in order to have the respect of the world. We must have the loyalty and respect from each and every citizen of our great nation. We must! We must!

1965 was four years ago, nearly five. That was the year I had the dream—that the government of the United States—our government—had been taken over by foreign powers.

Be it dream, premonition, or what have you, I, as well as quite a few other people, am aware of a tremendous and constant "rumbling"—not just normal undercurrent, but something, that any moment, might explode; the ravages of which might never be healed.

First, as to the hi-jacking of our planes. If we were alert, the first plane to have been hijacked should have been the last. In our prisons we have a device that detects any metal that passes through those gates. Why not install our planes with this device, that they might be guarded at all times?

Then, there is the question of economy—how little or how much? To economize at the price of both crime and intrusion by foreign powers (Communism) would prove to be most detrimental to us—to our freedom.

Today, confronted at every angle by Communism, we must not let their "bluff" scare us and weaken us more and more; we must "meet the challenge" head-on and stop all this "nonsense" and "intrigue" before our "Freedom" is entirely swept away—the freedom for which our forefathers fought and died!

Crime-wise, we were anxious to eliminate Alcatraz. Pressure was brought to bear and thus it is vacant today. The masters of crime, the former inhabitants of Alcatraz, now have the "inside track". Their connections are legion and now being within the "environs" of our country, their opportunities to "wreck" this country are limitless—wide open. Our laws are not capable of coping with the master minds of crime. We are still in the 19th century as far as our laws are legislated. They need to be updated immediately, not tomorrow, or years from now. We are traveling at too fast a pace to be left waiting for legislation needed yesterday, while crime is paced as of the 21st century. At this rate, freedom will be a thing of the past—something no one ever heard of.

There are people in this country who actually think we would be better off ruled by foreign powers; our government having been overthrown. In my opinion, however, we would be nothing but slaves. All our Americanism would be swept away. We would fade away and die.

The Negro situation also is at a stand-still for the moment. Basically the Negro mass doesn't have one so-called leader that ⅔ of the majority respect today. Every preacher is trying to "get in" to the act. All are attempting to be "Martin Luther King". They are all trying to exploit the ignorant and the poor.

We must become involved in order to protect our homes, our families, and our freedom. We must! We must!

Your humble servant,

OLIVER BELL, Sr.

VIETNAM AID PROGRAM

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. CONTE. Mr. Speaker, we have all heard a lot about what is wrong with the Vietnam AID program. A constituent of mine, Mr. Robert M. Hall, is currently involved in this program. In a letter to me, Mr. Hall outlined some of the problems that he has observed firsthand.

These problems are, of course, not new. I have sat on the House Appropriations Subcommittee on Foreign Operations for 11 years, and in that capacity I have tried to readjust our aid program to the realities of the less-developed world. This means we should recognize that self-help measures, without undue American presence in any form, are the key prerequisites to growth.

Mr. Hall points out that the people we are trying to help only appreciate what we have done if they have the feeling that it was they, rather than the Americans, who basically did the job.

Mr. Hall also mentions the problem of corruption in Vietnam. This, Mr. Speaker, is something I looked into closely during this year's hearings. I have the feeling that AID is working hard to clean up the problem wherever it exists, but as Mr. Hall notes, a lot of work remains to be done.

Because of the importance of this subject and the real understanding that Mr. Hall has of it, I am including his letter in the RECORD at this point:

OCTOBER 13, 1969.

DEAR CONGRESSMAN CONTE: I have often thought of writing but never got the nerve to be classified as a "bitcher." Personally my work isn't as rewarding as it could be. Probably due to my past 18 years as a 4–H agent in Mass. Yet progress is being made in the field of agriculture especially where the Vietnamese farmer has the courage to make a change with his own financial support. Especially when his income increases 6 fold. When this farmer gets his info from the Vietnamese he gains confidence in an agency that will be here longer than I or any other US adviser. But when the farmer relies on the American adviser for technical aid he will continue to rely on this person.

Our job should be to introduce new varieties of grains, vegetables, fruits and livestock that will fit into the local conditions. Demonstrate new cultural practices that will result in increased income and production, then help market the surplus.

We are hindered by two groups of (types) people. The American advisor or the TCN who has to make a name for himself and does so by wasting the tax dollar to support flash in the pan projects, the benefits of which aren't to the war ravaged people but the corrupt Vietnamese official. These corrupt officials both elected and mostly appointed are the other hinderance. A project isn't any good unless there is money involved. The project may be necessary, wanted by the people but for the officials to get their cuts and end up with a school half the size that it could have been if there weren't payoffs.

Our interpreters are something else. They are loyal to the province chief not their employer.

Our image isn't helped by riots, scandals etc. back home.

There are schools here in province built by volunteer labor (the paid labor is paid for by parents, wealthy local citizens.) The only AID is cement and rebar in the amount actually used in the building. No surplus for the village chief to build a new house for himself or self.

These schools are the pride of the village people the VC destroy the school and they are in trouble.

Remove the big financial deal here, get them taxing themselves fairly and one would soon find out how long this war would last.

Cut out the discrimination by the Vietnamese in relation to the Highlanders Charms, Cambodian and maybe there wouldn't be so much underlying feelings of discontent.

Train these people to do their job, then let them do it. Like anyone I guess they'll let John do it as long as John does it. And as long as we pay the bill they'll sit and let the money roll in.. They are patient and will wait out the fellow—that doesn't allow dishonesty and doesn't throw the tax dollar around. He will be gone in one or two years maybe the next one will ready to give some of the gravy.

Facts are needed and aren't available in 3 day trips.

Sincerely,

ROBERT M. HALL.

UNIVERSITY OF COLORADO WINS 1969 LIBERTY BOWL GAME

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. BROTZMAN. Mr. Speaker, on Saturday, the University of Colorado came from behind to defeat the University of Alabama in the 11th annual Liberty Bowl game. Playing before a record crowd in Memphis, Tenn., Colorado and Alabama

treated fans to an exciting display of offensive power, but in the end Colorado prevailed by a score of 47 to 33.

Led by All-America running back Bob Anderson, who rushed for 254 yards and scored three touchdowns, and All-America defensive lineman Bill Brundige, the Buffs scored 16 points in the fourth quarter while holding Alabama scoreless.

Under the leadership of Coach Eddie Crowder and his able staff, a successful building program has made the Buffs a power in the tough Big Eight Conference and has also taken the team to two bowl victories in the past 3 years.

I was especially pleased with the victory because not only is the university in my district, but it is also my alma mater. Mr. Speaker, I congratulate the Colorado players and coaches for their fine performance and sportsmanlike conduct in Saturday's Liberty Bowl game.

INDIVIDUAL DEPLETIONS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. EDWARDS of California. Mr. Speaker, it is Monday again, and I am feeling depleted. It is in this light that I ask the following two newspaper articles be introduced into this RECORD.

My distinguished legal friend, Francis Heisler, of Carmel, has introduced a suit in Federal court to give tax relief for individual depletion. I find his suit appealing, and I feel the individual depletion should be pegged to oil depletion allowances. There is certainly as much justification for individual depletion, as there is for oil depletions.

Finally, gentlemen, I do not believe we should be fearful of objections from those under 30 on the subject. After all, when have we ever considered their views on any other matters, such as the draft, our involvement in Vietnam, and our failure to support educational programs.

The articles follow:

PEOPLE DEPRECIATE 27 PERCENT, TOO

(By Doug Porter)

A Carmel, Calif., attorney, fed up with taxes and alleged dodges, has decided to do something about it all. Francis Heisler, 73, has figured that if oil companies can get a 27½ per cent depletion allowance, he should too.

Heisler has filed an action at law in federal court asking for recovery of more than $5,000 for taxes paid in 1965–1967 "erroneously and illegally assessed" by the Internal Revenue Service.

The suit said if this refund is turned down, the 27½ per cent allowance given oil companies should be ruled unconstitutional, too.

The action said Heisler and his wife, Freidy, 69, were "within reach of the Biblical age of three score and 10 years" and "it is expected that their 'natural deposits' and the 'improvement thereof' will be gradually depleted and within a foreseeable time undoubtedly wholly disappear."

Heisler said his suit also was being filed on behalf of 199.9 million persons in the United States who do not get depreciation allowances. He alleged only about 100,000 persons do get such a deduction.

[From the San Francisco Chronicle, Apr. 3, 1969]

AN UNUSUAL TAX APPEAL: LIFE AS DEPRECIATION

(By Bill Cooney)

The Federal tax man is treating him rather shabbily, an elderly Carmel attorney charged here yesterday.

Francis Heisler, 73, a twinkle-eyed, Swiss-born lawyer charged that, of all things the tax man did not grant a 27½ per cent personal depletion allowance on the lives of him and his psychiatrist wife, Friedy, who is 68.

Tax laws, Heisler said in a Federal court suit, provide "for the depletion and for depreciation of improvements according to the peculiar conditions in each case."

CLAIM

He and his wife, he said, "claim that since they are within the reach of the Biblical age of three score and ten years it is to be expected that their 'natural deposits' and the 'improvements thereof' will be gradually depleted and in a foreseeable time, in absence of a miracle, will undoubtedly wholly disappear."

Claims for refunds for 27½ per cent of the taxes he and his wife paid the past three years have been turned down by the Internal Revenue Service.

That turndown, he said, "is wholly erroneous, illegal and unconstitutional, to boot" and shows "invidious discrimination" by the tax man.

DEPLETIONS

Internal Revenue allows a 27½ per cent depletion on oil and gas wells, 22 per cent depletion on sulphur and anorthosite clay, asbestos, or graphite and/or mica "irrespective or whether or not such resources will be exhausted," Heisler says.

When the tax man says in effect, "that depletion allowance is to be granted for such 'natural resources' as oil and gas wells, minerals, timber and many other natural deposits, but is not to be granted for such natural resources' as a person's ability to earn a livelihood," Heisler said, the tax man is not granting him equal protection under law.

PROFESSIONS

Both he and his wife, Heisler said, "improved their 'natural deposits' by obtaining an education, in schools and outside," and that each of them have practiced their respective professions honorably for more than 30 years.

If the district court upholds the refusal to refund his 27½ per cent, Heisler said, then he wants a three-judge court to be convened to declare the depletion section of the tax law unconstitutional.

Heisler said his suit is a class suit, "meaning I am filing on behalf of 199,990,000 people. The other 100,000 people in the country benefit by the depletion allowance."

Then he said he estimates that the depletion allowance means "those getting it don't pay $55 billion in taxes each year.

"Why, that is enough to run the war for two years."

STONE MOUNTAIN

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. BLACKBURN. Mr. Speaker, Mr. Hubert Lee has been publisher of Dixie Business for nearly 40 years. In that time he has seen much history made in Georgia and has, himself, contributed to it in no small part.

This coming spring will see the completion of the Stone Mountain Memorial, commemorating the historic conflict between North and South.

In the fall issue of Dixie Business, Mr. Lee recounts some of the early history of the efforts to effectuate this memorial, and relates some of his efforts in this regard.

Mr. Speaker, I submit for inclusion Mr. Lee's article in the RECORD at this point:

STONE MOUNTAIN

Some 3-million eager visitors will visit Stone Mountain this year to see the 8th "Wonder of the World."

The giant outcropping weighs 1-billion-250-million tons.

As a boy, I climbed Stone Mountain.

I climbed down to dangerous Buzzards Roost . . . sometimes slipping several feet before catching my bare feet on crevice or a patch of soil on the rocks.

My brother, Russell Fred, gets goosepimples just thinking of the chances I took of falling down off the mountain. He and I dare to go where goats would be scared to venture.

That was before Mrs. Helen Jemison Plane had a vision in 1912 of carving a great memorial in honor of the Southern Confederacy.

I remember boyhood thrills when my mother took us out to Ponce de Leon Amusement Park where Sears is now located.

It was more wonderful than Disneyland, and the street car fare was 5c.

And later there was White City where I turned the crank to unwind the moving picture reels to see the silent picture show. White City Amusement Park is as forgotten as the old Atlanta Daily Star with its red headlines.

Then came Lakewood Park.

And now Stone Mountain has amusement attractions as a plus for visitors to the Mountain in the Sky.

There is a lake for fishing, a modern campground, hundreds of sites for picnicking, riding trails, a glistening white sand beach for swimming. A golf course with 70% built on solid rock with an 18–24-inch fill of crushed granite and 12–24 inches of crushed stone, fill dirt and soil will attract champions, Tom Elliot, park general manager, anticipates. It was designed by Robert Trent Jones.

There is the world's largest carillons, 610 bells, 12-story skyward, the Civil War Museum, the Skylift, a 5-mile Railroad and a riverboat, the Robert E. Lee, that cruises the 446 acre lake.

ATLANTA JAYCEES

As a member of a committee of the Atlanta Junior Chamber of Commerce, I helped raise the money for Borglum to begin his carvings.

I still have one of the folders that I gave to all who subscribed to help finance Gutzon Borglum in 1923.

Cutline of a picture of Borglum in leather harness climbing Stone Mountain read:

"Gutzon Borglum, noted sculptor, descending to precipice of Stone Mountain, June 18, 1923, to begin carving General Lee's figure, the central figure in the central group of the great Confederate Memorial."

The Grand Plan that I used effectively to persuade men and women to give!

The Post Card scenic folder I gave to the prospects I called on for pledges to give money in 1923 as a member of the Atlanta Jaycees team read:

"On Stone Mountain Gutzon Borglum has commenced the carving of history's supreme monument in memory of the Southern Confederacy."

Stone Mountain is literally, as its name implies, a Mountain of Stone.

It is the largest single body of granite in the world.

Its foundations underlie nearly half of the State of Georgia.

Several Atlanta Office Buildings rest on solid rock foundations blasted out of the Stone Mountain strata.

The exposed mountain is seven miles around the base and 1,000 feet to the summit.

On the northern side, Stone Mountain drops to a sheer, naked precipice almost a thousand feet. Time has not marked it in the slightest trace. A million years of erosion have touched it as lightly as the clouds touch the sky.

Since the dawn of creation it has stood as it stands when we gaze upon it, unchanged, unchanging, imperishable.

Across the mammoth page of granite Gutzon Borglum will engrave a perpetual and indestructible tribute to the men and women who fought, suffered and died for the Southern Confederacy.

His plan provides for three main features:

1. The Panorama.
2. The Memorial Hall.
e. The Amphitheatre.

Beginning on the right near the Mountain's summit and sweeping downward and across it a distance of thirteen hundred feet will be carved a picture representing the Confederate Armies marching into battle. On the right will be artillery, the horses straining to back the gun carriages.

Next will be cavalry in full forward motion.

In the center will be carved a magnificent group of Confederate chieftains, including President Jefferson Davis, General Robert E. Lee, Stonewall Jackson and others to be selected.

On the left of this group and extending off toward the end of the Mountain will be the Confederate Infantry swiftly marching.

General Lee's figure in the central group will be nearly 200 feet high, or as high as a 16-story office building.

All other figures in the whole panorama will be in relative proportion.

No sculptured figures in ancient or modern times were comparable to these in magnitude or grandeur.

The central Group alone, were nothing added to it, would eclipse the Sphinx and Pyramids.

Below the panorama will be chiselled out of the living granite, the Memorial Hall.

At the base of the mountain to the right of the precipice, will be built an amphitheatre rivaling the dimensions of the Roman Coliseum.

Mr. Borglum estimates the cost at $3,500,000 for the entire plan, and the time to complete it, he estimates at six or seven years.

FORMER PRESIDENT JOHNSON

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. HUNGATE. Mr. Speaker, I suppose your attitude on President Johnson, like everything else, depends on how you look at him.

In an era when the accuracy and impartiality of the news media is being studied, I invite the attention of the Members to the following articles.

In the Evening Star of Thursday, December 11, 1969, Betty Beale writes:

A somewhat slimmer, completely relaxed LBJ shook hands with old friends and appeared to enjoy it when a photographer said "One more please."

The morning Washington Post on December 12, 1969, stated:

The former President looked well but somewhat heavier than when he left office last January.

ALDERMAN ANTHONY C. LAURINO HONORED AS MAN OF THE YEAR BY THE ALBANY PARK HEBREW CONGREGATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. PUCINSKI. Mr. Speaker, last week one of the most highly respected and distinguished citizens of Chicago, Alderman Anthony C. Laurino, was honored as Man of the Year by the Albany Park Hebrew Congregation, which is located in the heart of my congressional district.

We here in Washington very often are awed as great names and personalities pass through the scene of the Nation's Capital. Too often it is dedicated Americans who provide the very mortar of spirit for our Republic at the grassroots level and who are forgotten or obscured by those of greater providence.

The Albany Park Hebrew Congregation, in singling out Alderman Laurino, has afforded us an opportunity to call attention to a dedicated public official who labors hard and intelligently in the vineyards of our great democracy.

Anthony C. Laurino is such a distinguished American.

In his own quiet way he cares for the needs of the citizens in the 39th ward on Chicago's Northwest Side.

Tony Laurino is the closest link between the citizens of the 39th ward and their Government, and he is a model of excellence in rendering public service.

Few men are as highly respected for their dedication to the cause of public service as is Anthony Laurino.

I am pleased to include in my remarks today a brief biography of Mr. Laurino and to also congratulate Mrs. Albert Weinberg, who was the dinner chairman, and Mr. Albert Weinberg, the general chairman of the banquet sponsored by the Albany Park Hebrew Congregation at which Alderman Laurino was honored.

I am sure that Mayer Kaplan and Herman Bush, honorary chairmen, as well as Hunce Naiman, Marvin Rudnick, and Al Sherman, cochairmen, would join me in paying tribute to Mr. Laurino.

Finally, Rabbi Abraham E. Abramowitz and Eli Friedlander, president of the congregation, has provided the spark and leadership to make the honor to Alderman Laurino a most inspiring evening, as well as Mrs. Morris Meyerowitz, sisterhood president, Meyer Reiter, men's club president, Mrs. Hunce Naiman, sisterhood bond chairman, and Sam Primack, men's club bond chairman.

The biography on Mr. Laurino follows:

THE HONORABLE ANTHONY C. LAURINO

Thirty years ago, Alderman Laurino became interested in politics. He first observed and then helped his father, who at that time was the Ward Superintendent of the First Ward. There were hard lessons to be learned in those early days of his political apprenticeship. Young Laurino discovered the technique of "communicating" with people, long before the Madison Avneue boys started to use the term. It got him places. From a beginning as a Precinct Captain, he was successively promoted, first as secretary to the late Alderman (later judge Philip A. Shapiro, then as a member of the Cook County Central Committee by appointment of Mayor Richard J. Daley; and then later he enjoyed the triumph of elections, by landslide votes as Alderman of the 39th ward.

He is recognized by his constitutents as a full-time, hard working and dedicated public servant. His efforts on their behalf include: representing six improvement associations, conferring with the P.T.A., Civic Groups and religious leaders of all denominations. His humble attitude and his untiring effort towards an unending task have won for him the respect, admiration and affection of all of the people of his Ward. His office is always open to his constituents.

An honorary member of the Congregation for a number of years, Alderman Laurino has consistently evidenced a deep interest in the Congregation and has constantly participated in its activities, with a special interest in its Men's Club.

FOR THE BULLETIN BOARD

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. OLSEN. Mr. Speaker, I have with me today a copy of a note issued by the Denver, Colo. regional director of the Post Office. This is another example of how the Post Office is propagandizing the public and its employees on the supposed merit of the Postal Corporation.

I again feel that the management of the Post Office should be spending more of its time and effort on improving efficiency, standardization, and mechanization of the mail, and other such meritorius projects rather than so much time on "politicking" for a corporate concept.

While postal management is propagandizing the problems of the Post Office continue to mount and so far I have seen no evidence of efficiency that is saving the Post Office money.

I would like to enter this memorandum in the RECORD in order that my colleagues may see how the Department publicizes its effort to convert the Post Office to a corporation:

NOTES FROM THE DESK OF THE REGIONAL DIRECTOR

DENVER, COLO.,
October 17, 1969.

FOR THE BULLETIN BOARD

We have had several inquiries during the past week as to whether H.R. 11750, the Administration's "Postal Reform" bill, was finished by the recent activity of the House Post Office and Civil Service Committee.

For those who are not aware of what has transpired, there was a tie vote in the House Committee as to which of two reform bills to start marking up. We cannot tell you exactly what will eventually transpire in that Committee but it is possible, legislatively, to force another vote and it could go either way if there were a change in the thinking of one or more members. In other words, this is simply one skirmish in one phase of a long-range battle.

Hearings in the Senate Committee on Post Office and Civil Service are just starting. Upon completion of these hearings there will be a vote on the bill by the Senate Committee. If the Committee vote is favorable the bill would next be taken to the Floor of the Senate for debate and final passage. Should the Senate bill differ from the House bill they would go to conference to iron out the dissimilarities.

The idea of "Postal Reform" is far from dead and activity is still running at its peak.

It is a sincere belief of those who are working to improve the present postal system that H.R. 11750 is for the best interests of postal employees as a whole, and, there is no intention of discontinuing our efforts on this postal reform bill.

Even if H.R. 11750 is rejected by the First and Second Sessions of the 91st Congress there will be continuing efforts in the 92nd.

J. E. KERR.

THE ORDER OF AHEPA 1922–70

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. ANDERSON of California. Mr. Speaker, on January 10, 1970, the supreme lodge officers of the Order of AHEPA will be honored at a dinner at the Biltmore Hotel in Los Angeles. This is the first official west coast visitation in the history of the organization.

The host for this banquet will be Dr. Michael N. Spirtos, supreme secretary of the Order of AHEPA who was instrumental in founding the Beverly Hills chapter in 1967 and served as its charter president. He has served on several national AHEPA committees and in 1968 was named "Hellene of the Year" by the Hellenic Cultural Foundation in Phoenix.

The Order of AHEPA was founded July 26, 1922, in Atlanta, Ga., and its jurisdiction extends to 49 States, Canada, and Australia with 430 local chapters. The Order of AHEPA is a secret fraternal organization, which is nonpolitical and nonsectarian. The word "AHEPA" is an acrostic, and is derived from the first letters of the following: American Hellenic Educational Progressive Association.

Membership in the Order of AHEPA is open to men of good moral character who are citizens of the United States of America, or Canada, or who have declared their intention to become citizens.

The "AHEPA family" is composed of four separate organizations, all of which work in harmony on a local, district, and national level. They are: The Order of AHEPA—The Daughters of Penelope—senior women's auxiliary—Maids of Athena—junior young women's auxiliary—The Sons of Pericles—junior young man's auxiliary.

The Order of AHEPA has contributed financially to many worthy causes during its 48 years of existence, on a national and international level. These contributions do not take into account the many local activities of the chapters within the realm of their communities. Local AHEPA chapters have always given generously, and vigorously supported local community undertakings in the fields of education, charity, and civic improvement.

Mr. Speaker, it is a pleasure for me to recognize and congratulate the Order of AHEPA on its 48th year of service and accomplishment and to extend to its officers and members my best wishes for the future.

ON REORDERING OUR NATIONAL PRIORITIES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. VANIK. Mr. Speaker, for some time, I have been sponsoring legislation to establish a Select Congressional Committee on the Utilization of Federal Funds as the Vietnam war deescalates. I envision such a committee delving deeply into the ordering of our national priorities so as to allow the Congress a meaningful voice in the spending policy which is currently completely dominated by the Bureau of the Budget.

At present, the advance work on the budget precludes Congress from participating in any responsible way on the budget or its composition until it is presented to us as an accomplished fact. All that the Congress is able to do is to spend a good deal of time discussing dollar figures within present categories rather than determining the overall budget for each area of spending. It has become impossible in my judgment for Congress to change the course of expenditures in any significant way.

In other words, even if we in Congress wanted to change our national priorities away from certain defense expenditures which are not essential to our national security, the Congress presently is at a great disadvantage since we are continually dealing with present-day budget requests after the major budget decisions have already been made. This system must be changed to allow Congress to help plan the budget as well. Thus the reordering of our national priorities can be a reality.

Recently, the D.C. Coalition on National Priorities and Local Needs conducted a "hearing" on these important matters, as they relate to the District of Columbia. Similar meetings were held throughout the country. At the December 12 meeting in the Rayburn Building, Mr. Robert Benson, who was formerly in the Comptroller's Office of the Department of Defense, and who currently is assistant to John Gardner at the Urban Coalition, delivered a thought-provoking and hard-nosed speech on the specifics of the budgetary process as it relates to the Defense Department, the so-called peace dividend and the vast waste which currently exists in our monetary commitments to specific defense programs. I commend this fine speech to the attention of every Member of this body.

Sometime in the near future, the Congress and the people of this Nation must face the reordering of our priorities head-on. The decay of our cities and the polarization which results from that decay, and the deterioration of our environment and our Nation must and can be halted if we are to survive as a Nation.

Mr. Benson's speech is as follows:

REMARKS BY ROBERT S. BENSON AS DELIVERED AT THE TOWN MEETING OF THE D.C. COALITION ON NATIONAL PRIORITIES AND LOCAL NEEDS

Today we gather to discuss local needs and national priorities—to examine the relative merits of competing demands on limited and precious national resources. If this nation's priorities today made sense, there would be no need for such a session. America's priorities today are not sensible. Our fetish for physical security against outside threats is excessive; our regard for the quality of life and the provision of human opportunity is undernourished.

But we have all frequently heard and employed such general rhetoric during the past year. What I find particularly encouraging about these hearings is that by moving away from rhetoric to a specific enumeration of untended local ills, we force a measure of accountability on the Congress and the President. As long as we talk solely in general terms, our pleas are easily ignored. When men as knowledgeable as John Hechinger, Walter Fauntroy, and Channing Phillips lay out the problems of the District in highly concrete fashion and we compare the merits of spending money to remedy these problems against the wasteful way much Federal spending is currently being squandered, our case becomes much harder to ignore.

As a citizen of the District of Columbia, I am aware of many problems of inadequate social services and physical decay, but I today leave their exposition to my better informed co-speakers. I do know one thing however: unlike some communities, Washington has no lack of ideas for solutions or will on the part of local leadership to face up to these problems. Our need is for more dollars.

That comment brings me to my own role here today. I have been asked to discuss the broad fiscal parameters surrounding the backlog of urban and environmental needs faced by the nation, with particular reference to possibilities for securing funds through reduction of defense spending.

I will turn to defense in a moment, but I would be remiss in not commenting first on tax policy. The most spectacular move toward reordering of priorities in the past year has emanated from Congress— and it is not encouraging. The House has passed a tax bill that would provide billions of dollars in tax cuts over the next few years, and the Senate is greatly expanding that impact. What started out as a well-intentioned effort to correct serious inequities in our tax structure is developing into a monster which promises to reduce federal revenues at just the time when they are urgently needed to solve domestic problems. John Gardner said it well: "Extra dollars in the consumer's pocket won't buy him an adequate police force or good schools or clean air and water. Handing money back to the private sector is a formula for making us—as individuals—richer and richer in filthier and filthier communities, more and more sated with consumer goods in an unlivable environment—Croesus on a garbage heap."

It is absurd for the fattest, richest nation on earth to assert that it can't afford to cope with the problems that are tearing at its vitals. We can't indulge in such hypocrisy and continue to respect ourselves. We must tax ourselves to deal with what ails us.

At the same time we should move with all possible energy to reorder national priorities on the expenditure side. There are many points at which money might be saved, if anyone has the political courage to do it. Farm prices and income supports run to $4 billion a year. Highways cost us $4 billion a

year. The Bureau of Reclamation and the Corps of Engineers spend about $2 billion a year. And there is now talk of doubling the maritime subsidy to a billion dollars a year. One could list many other examples of expenditures that at the very least deserve searching reappraisal in the light of desperately important priorities of the moment.

But the part of the budget that most urgently calls for continuing scrutiny is the defense budget. Of the $184 billion the government is paying out annually, some $80 billion go for defense purposes. Thanks to vigorous public discussion, the Department of Defense has worked to reduce that figure and is now thinking in terms of $71 to $73 billion for the 1971 budget. But unless very strong public pressure continues, the demands of the military will be re-asserted.

Ten months ago the Council of Economic Advisors predicted that the end of United States involvement in Vietnam would bring a "peace dividend" of $22 billion. On August 25, Daniel Moynihan reported rather wistfully that the expected peace and growth dividends "turned out to be evanescent like the morning clouds around San Clemente"—there no longer would be any peace dividend. Which prediction is correct? Is the peace dividend fact or fiction?

Either of these alternatives could prove correct. Which course is ultimately pursued depends purely on national will and purpose. That choice will affect significantly the quality of life and general welfare in the United States over the next decade. I want to see that choice made in the direction of maximizing national security—and I assert strenuously that national security will be maximized by creating a $22 billion peace dividend, thereby implicitly cutting defense spending from the $80 billion level requested this year by the Nixon Administration down to $58 billion.

To get a feel for these choices and competing demands on limited funds, let's make the perhaps rash assumption that all U.S. troops will be withdrawn from Vietnam by June 1971 and examine the 1972 budget. I might point out that since Administration review of the 1971 budget is now virtually complete, 1972 is the first budget we still have an opportunity to substantially affect.

In 1972, Federal Government revenues will be about $220 billion. What demands will be placed on that sum? To begin with, I prudently suggest the need for about a $5 billion surplus to help combat the continued inflation which is one of my assumptions and to leave sufficient money available for investment in housing and other private needs. Rises in population and prices will increase the cost of the 1970 package of domestic programs to $127 billion by 1972. That is the price of theoretically not losing further ground in addressing our domestic ills. The key question then becomes how much of the remaining $88 billion will be sucked up by defense and how much allocated to new domestic ventures.

If the Administration is allowed to have its way, the prospects become alarming. I have carefully tried to sift through the rhetoric of Secretary Laird and other Defense Department spokesmen, and until the last two months they consistently claimed defense spending of about $79 billion would be required in FY 1972 even assuming our complete disengagement from Vietnam. If a full volunteer army concept were adopted and implemented, the cost would rise to about $85 billion.

This would leave only $3 billion for new domestic ventures—not even enough for the new income maintenance program already announced by President Nixon.

How can a so-called "post-war" defense budget of $85 billion be possible when pre-Vietnam defense budgets totalled only $50 billion? To begin with, inflation means that the same forces we procured for $50 billion in 1965 would cost $67 billion in 1972. Add on military modernization requests; new programs like the Advanced Manned Strategic Bomber, a super-hardened missile, super-silent submarines, and others; and continue programed acquisition of the multitude of new aircraft, tanks, and ships approved this year—you are up to $79 billion. The volunteer army takes you the rest of the way.

This explains how the military can talk about an $85 billion 1972 defense budget. It does not begin to justify it. Such an explanation begs the question of whether these new weapons systems are really required to meet expected threats to our national security. It also fails to address the issue of whether all the forces procured in the pre-war package still makes sense. We have a great tendency to focus solely on the new programs; the old programs are never requestioned to determine whether their purpose still pertains in a changed political and technological environment. Neither, with the exception of the execellent report issued last week by the House Appropriations Committee, has the Congress or the public looked hard at management inefficiencies in the defense sector.

It is not my purpose here to offer a detailed examination of the sinew and the fat in the current or projected defense budgets. I have treated this subject at some length in recent articles in Fortune and The Washington Monthly. It is probably sufficient simply to suggest a few examples and to restate my basic conclusions which are that most of the expected modernization and performance increase requests—about $9 billion worth—are unjustifiable; that at least $10 billion worth of outmoded, no longer relevant defense forces could be safely excised from those we procured prior to Vietnam; and that $3 billion could be saved by improved management efficiency on manpower and procurement.

Let me pinpoint my concerns with a few illustrative questions in each of these three areas. First, with regard to modernization and performance increase requests—

Because helicopters have proved valuable in fighting guerilla war in certain kinds of Vietnamese terrain, does it make sense to spend a billion dollars equipping all 18 Army divisions—even those prepared to fight on the open terrain of Central Europe—with a full complement of helicopters on top of their regular equipment?

Why build hundreds of F–14 and F–15 fighter aircraft at $10–15 million per copy, involving complex electronics gear like that which hasn't worked reliably in recently purchased hardware, when we have as an alternative a simple, uncluttered $3 million per copy fighter model which promises better performance?

After the B–70 experience showed us strategic bombers were an anachronism in a missile age, why repeat that folly by launching a potentially $15–12 billion AMSA program?

Why build nuclear carriers, destroyers, and frigates at nearly twice the cost of conventionally powered ships when the only advantages are very minor increases in cruising speed and range of the fleet?

Switching over to outmoded, no longer relevant defense forces, consider these queries—

Does it make sense to maintain and modernize a 15 attack aircraft carrier fleet at an annual operating cost alone of over $3 billion a year—more carriers than all the rest of the nations in the world, friend and foe, possess—when the conventional war at sea scenario is no longer plausible in today's nuclear age?

How rational is it to maintain a fleet of 6 ASW carriers and to build a new multi-billion dollar airplane to put on them when performance studies show that the cheaper, land-based P–3 airplane now being phased in does a more effective job?

Is it still equitable for the United States to bear the cost of 310,000 troops stationed in Europe long after economic prosperity has been restored to our Western European allies?

Finally, looking at the kind of management efficiency issues the House Appropriations Committee has begun to take action on, reflect on the following—

Even allowing for inflation and technical complexity, might there not be something wrong with a procurement system in which we are told that $19.9 billion cost growth was experienced over a $74 billion baseline plan—an overall increase of 26%—in 35 major systems now being procured?

Is it really necessary to spend $2 billion annually just moving men between assignments when this means in practice that the typical soldier receives a changed station assignment nearly once a year?

Clearly many of the practices and forces pointed out in these observations do not make sense. Substantial cuts can be made in the defense budget without adversely affecting our real security against external attack. Based on my work experience at the Department of Defense and my perception of the United States position in world affairs, I can state unequivocably that I would feel quite secure with a 1972 defense budget of $58 billion. Such a budget would mean that $30 billion would be available for new domestic programs.

I want to stress that a $58 billion defense budget would not smack of unilateral disarmament, as Congressman Ford might be wont to charge, nor would it lock us into rusting old equipment. There would be room in such a budget for continuing research, development, and equipment modernization. The 1964 budget of $54 billion, for example, included $22 billion for research, development, and procurement. Cutbacks I propose would eliminate fat and outmoded programs, not cut into the relevant sinew.

Thus we have an envelope of from $3 billion to $30 billion for new domestic ventures in 1972, depending on the kind of military budget we permit. For the principle alone of stemming further drift toward a national security state, it is worth struggling to push the post-war defense budget as close as possible to the $58 billion mark. The case is made even more compelling, though, by an examination of the diversity and scope of new domestic demands on available funds.

The President's postwar planning committee provides a good initial shopping list. First they point to a $6 billion gap between amounts currently authorized and funded for social programs already making important contributions. Two-thirds of this gap is in low-income housing, elementary and secondary education, and higher education.

On top of these, the committee offers a long list of new efforts—totalling about $40 billion in potential 1972 spending—either totally new programs or major expansions of current domestic ventures. These do not represent far out dreaming. The list was compiled from a review of recommendations by task forces in the fields of education, health, manpower, social insurance, welfare, urban development, crime prevention, pollution control, natural resource development, transportation, space technology, and science. Some examples from the list—

$1.0 billion to establish 350 additional comprehensive neighborhood health care centers;

$1.8 billion to provide 500,000 additional public service jobs for the disadvantaged;

$2.5 billion to double federal aid to elementary and secondary education.

These are *not* extraordinary amounts. No further monies are provided, for example, for necessary expanded housing subsidy programs. The total funds earmarked for nutrition are $1.0 billion; yet the Senate has already approved a bill calling for a $1.5 billion expansion of the food stamp program alone. The Carnegie Commission on Higher Education would have us spending more like an

additional $7.7 billion rather than the President's Committee's $3.0 billion on Federal aid to higher education. Specifically excluded from the committee's list is the much discussed idea of a comprehensive income maintenance plan, which at moderate levels likely would cost $15–20 billion annually.

Altogether, I calculate that these new or expanded domestic program ideas would cost $60 billion annually. I expect that no two of us here could agree on precisely which of these ventures are most critically needed. Clearly the country and the District of Columbia could progress without all of them being implemented by 1972. I honestly believe though that the alternative of doing nothing to address this vast catalog of unmet domestic needs would pose a much greater threat to our national security than paring down the defense budget to the levels I advocate. I trust that the point is sufficiently clear that domestic needs are so vast that it makes a vital difference where in the $3 billion to $30 billion range the so-called "peace and growth dividend" falls. This is the choice all of us must work to influence.

PROJECT HEADSTART: THE FAILURE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. GOODLING. Mr. Speaker, of all the projects associated with the Office of Economic Opportunity, Project Headstart has been heralded as eminently worthwhile, for it is concerned with the education of our children.

Dr. Nancy L. Kearney, one of my constituents, has conducted extensive research in the area of Federal educational programs, and she has prepared an article on Project Headstart for the December 1969 issue of the Pennsylvania School Journal. This article is entitled "Project Headstart: The Failure," and because it casts off the mantle of emotion that customarily clings to an examination of this project, it offers some interesting insights into the pertinent project. I submit this article to the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

PROJECT HEAD START: THE FAILURE

(By Dr. Nancy L. Kearney)

Isn't it time someone said the negative and critical thing about Project Head Start? For we have failed. Our Project Head Start programs are not the utopian answer that we expected. The taxpayers' dollars, many valuable hours of professional effort, selected talent being directed for a going program, a public smiling because something is being done for the children of poverty—what do we really have to show for all this?

Project Head Start is the most difficult to criticize federal program and the last to be cut from the federal Office of Economic Opportunity budget. The taxpayers won't criticize the one program they believe is doing something for children, those poor kids. Everybody loves children—and how better can you use the conscience dollar but for the little ones? Make this a better world. If we can't understand the adult poverty dilemma, maybe the children we help will produce a new society.

The educators won't criticize their own program and the new preschool opportunity it gave them, for it coincides with the educators' recognition of need for earlier education for all children. They know most of the learning begins in these years before six, the formative years of a child's life. Now educators have a captive group of preschool children, and preschool programs have become an integral part of public education.

And all those talented resource people contributing their thing to the cause—every volunteer who drove a car, cut out a paper posy, fed those dear children a fresh orchard apple, or sang a folk song—needs to know it was a "good" project and they were part of a worthwhile program.

So do the medical doctors, the dentists, and the mental health people who gave professional time helping to show they are a human bunch and don't always need a dollar return on each professional commitment.

All the ingredients seem right—a united effort of a society bent on contributing to the war on poverty—and which one of these groups can possibly come forth with a self-criticism? Isn't it time now to take a critical look at the whole picture, recognizing the deficiencies in spite of the very valuable parts and pieces?

STUDIES SCARCE

A paucity of organized educational literature exists concerning Project Head Start successes. A review of the empirical studies shows it to be very general in nature, suggesting alarm, concern, need, possible successes, and new curriculum needs. Little empirical research is available; opinions are many.

Educators have authoritatively stated that culturally deprived children have special needs. Martin P. Deutsch, in his treatise concerning lower class children, asserts that they enter school so poorly prepared that the initial failures are almost always inevitable. These same children show a high incidence of school failure, school dropouts, reading and learning difficulty as well as life adjustment problems. The schools need to compensate for the shortcomings. Programs need to be developed and it is easier to overcome these difficulties in the earlier years than in later years.

Educators have proposed solutions for cultural deprivation. In 1962 Havighurst presented a paper to the Work Conference on Curriculum and Teaching in Depressed Areas, proposing the innovation of a number of educational programs. One of these proposals calls for "a set of preschool centers in areas where children live under conditions of emotional and intellectual deprivation. These centers would supplement the home in an effort to give children a better start in school."

In 1964, at the University of Chicago, a research conference on Education and Cultural Deprivation was held to review the problems of education associated with cultural deprivation. The recommendations from the early experience section of that conference proposed a special nursery school and kindergarten to be organized on a national level. When Project Head Start was initiated in 1965, educators were the guides and specialists involved.

Now Project Head Start is a fact. It exists within and without the school systems from coast to coast. Does it have the answer for the children of poverty?

1965 REPORT NOTED

During the summer of 1965, 29 observers from the Educational Testing Service visited 335 Project Head Start centers. Findings of their study, in part, were that the success of Project Head Start in its first summer was less noteworthy in the teaching of intellectual skills than in "showing up" the social and emotional shortcomings of socially and culturally deprived children. As early as 1965 we should have recognized failure.

In May of 1967 after the culturally deprived children of Philadelphia had experienced Project Head Start programs from their inception in 1965, the Executive Director of Research and Evaluation for the Philadelphia Public Schools reported that the IQ and achievement of children in the schools declined as the children moved from grades one to eight. Children from poverty areas lagged far behind other children. His research suggests that Project Head Start had not had any effect on the academic achievement of children in the Philadelphia Public Schools.

In 1968 the *Saturday Review* stated that poor children still appear to lag in schools despite the federal funds that are being spent.

The most recent and comprehensive study ever made of Project Head Start was completed by Westinghouse Learning Corporation and Ohio University between June 1968 and March 1969. The authors of this study have very clearly shown that Project Head Start in its present form is not worth the cost and ought to be radically revised.

Under the terms of the contract with OEO, the Westinghouse study attempted to measure the extent to which children in the first, second, and third grades who had attended Project Head Start preschool programs differed "in their intellectual and socio-personal development from comparable children who did not attend."

The mandate of failure is clear. Poor children who participate in Project Head Start are not appreciably better off than equally disadvantaged children who do not participate. From this study released to Congress in April of 1969 came the strong recommendation to find a more effective program or technique for remedying the effect of poverty on disadvantaged children. But federal money is still allocated to Project Head Start. The dollars are still being spent for these programs of failure.

Project Head Start programs thus far have had *some* positive effects. Note well, however, that these are not aligned with the money spent and the goals of the program.

POSITIVE EFFECTS

(1) Poverty areas have been located, charted, and realized. A new impression has been formed of how poor, poor people are in this country. The American dream of great potential for all individuals has been enlarged to include the poor of our ghettos and rural America.

(2) Local communities have needed to pull together, incorporate to form agencies, and become a working force "to be where the action is," community action, that is. For under the section of The Economic Opportunity Act concerned with the development of Community Action Program. Project Head Start was born and the federal OEO direction was that local communities were to design, organize, direct, and operate their own programs. Thus, the local community has gained new organization and impetus for change.

(3) The third positive effect which may be listed for Project Head Start is the alerting of all people to the fact that formal education should start at a very early age. The research indicates that IQs can be raised through education in these early formative years. All mothers have been alerted to the fact that their children need them from the day they are born. Education starts at birth! If early education is good for the ghetto child, why not mine?

But the goals of Project Head Start have not been achieved and dollars spent to "erase patterns of frustration and failure" have not accomplished the mission. We, in 1969, have not been able to note or record any lasting educational effects for Project Head Start.

So we have failed. Our Project Head Start programs are not the utopian answer. When a homemaker bakes a cake and the results are not a delectable success so far as cakes are concerned, she revises the recipe by changing the method or the ingredients. She may even discard the recipe peculiar to the failure.

Then the next cake by another recipe has a chance to be successful.

She does not decide not to bake any more cakes or that she can't bake cakes, but she certainly doesn't again follow the same recipe of failure. With a different quality or quantity or combination of ingredients, she tries again.

Why can't we do that with Project Head Start? We know and have proved we have not been successful. The Project Head Start product is not in accord with the anticipated and desired goal. Let's change the recipe and bake another cake!

AN EDITOR'S VIEW OF WRIGHT RESOLUTION

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. EDMUNDSON. Mr. Speaker, the editor-in-chief of Hearst Newspapers, Mr. William Randolph Hearst, has provided some very significant comments on the importance of the Vietnam resolution recently adopted by the House of Representatives.

In his December 7 editorial, Mr. Hearst points out that the solid endorsement given the President's efforts for a just and honorable peace may well convince the Communists they must make concessions in the negotiations in order to end the fighting.

Unlike the cursory "whole lot of nothing" comment attributed to the resolution by Washington's morning newspaper, the editor-in-chief of Hearst Newspapers sees the resolution as possibly the most important step toward peace since our initial involvement in Vietnam. I commend Mr. Hearst for his positive and responsible approach to the Vietnam resolution, and include his editorial in the RECORD, at this point:

OF PEACE TODAY AND FLIGHT TOMORROW

(By William Randolph Hearst, Jr.)

NEW YORK.—The most important story of the past week—and really one of the most important since the 1964 Gulf of Tonkin resolution—was the vote in which the House of Representatives of the United States Congress by six to one (333–55) supported President Nixon's conduct of the hostilities in South Vietnam and his steps to achieve peace.

The vote was particularly significant since the House of Representatives is just that—its members are your congressmen and the nearest thing to one-man, one-vote pure democracy that we have in our republican form of government. These 333 congressmen, representing both political parties and a broad geographic cross-section of the nation, were literally the voice of the silent majority that the President referred to last month.

Until this week, the leaders of North Vietnam have probably labored under the delusion, and acted on the assumption, that the Peace At Any Price students and senators reflected the views of the majority in our country. It's easy to understand why they should, because the same students and Senators make the most noise and get by far the most publicity on television and often in the press of our nation.

I am inclined to think that not even the land-hungry Communists of North Vietnam would have continued to fight against a nation with the most powerful military force in the world unless they thought that the majority of the people in this country were out of sympathy with our nation's philosophy.

I agree completely, as regular readers of this column know, with a recent statement by that fine soldier, Gen. William Westmoreland, that American public opinion—or at least the false tortured version of public opinion that we have had so far—has been the greatest detriment to the achievement of our goals in Vietnam.

It is highly understandable to me that Hanoi should have concluded that its tactics would be successful, especially since internal pressure in this country forced President Johnson to stop the bombing and President Nixon to announce that he will withdraw tens of thousands of our troops.

Had North Vietnam not labored under that delusion, it would have made some concessions at the so-called "peace talks" in Paris, where they have not given a single inch in 19 months.

Now, though, an overwhelming majority of the most representative body of our Congress has indicated that it supports the policy as outlined by our President. That policy calls for South Vietnam to take over a far greater burden of the fighting while we pull out slowly and steadily. It also calls for free, internationally-supervised elections in South Vietnam to let the people determine their leadership as they do in this country.

Every recent public opinion poll has demonstrated that a majority of the people in the United States support this policy. The latest was a telephone survey showing that more than 80 per cent of the people are behind President Nixon.

It may be wishful thinking on my part, but I am inclined to believe that Hanoi's attitude at the negotiating table in Paris may soften up a bit as a result of these demonstrations of public support for our government.

I am not surprised that the Communist delegates utilized Ambassador Henry Cabot Lodge's last day at the Paris talks for a propaganda exploitation of the alleged Song My massacre.

They have indulged in little other than propaganda since the talks began in May 1968, and it was strictly in keeping with their attitude that they should accuse us of "thousands of barbarous" crimes.

But once they begin to give serious consideration to the vote in the House of Representatives and to the recent polls, they may see things in a different light.

I know the last 11 months have been frustrating for Cabot Lodge, as the previous nine months were for Averell Harriman and Cy Vance. None of them achieved anything.

Cabot left things in Paris much as he found them last January. But his successor may find the Communists a bit more reasonable—especially if the silent majority in the United States continues to make its will known as it did this past week.

THE CASE FOR TAX REFORM

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. HELSTOSKI. Mr. Speaker, in this critical time of housing shortages, I believe we should not overlook one of the villains of the tragedy—tax inequities.

The inequities exist at all levels of government. They have helped to bring about the housing shortage and are contributing to the prolonging of it.

Because I expect that few of us fully realize what has taken place and is taking place because of these tax inequities as they affect housing and our cities, I place before the Members an article written by Mr. Alvin E. Gershen for New Jersey Business, a magazine of the New Jersey Manufacturers Association.

Mr. Gershen is president of the New Jersey State Board of Professional Planners and without doubt is one of the top men in his field in the Nation.

Mr. Gershen's article is entitled "A Planners View—The Case for Tax Reform." It will be noted that Mr. Gershen's strongest barbs are directed at New Jersey's horrendous property tax situation, but he also has directed a few warranted and deserved criticisms at our Federal tax structure.

There is no question that tax reform is needed at all levels of government, but our legislative efforts can only be directed at Federal taxation. I question just how much we are doing to achieve real reform at this session of Congress.

I do not believe we have been afforded the opportunity or will be afforded the opportunity of voting for real tax reform at this session of Congress. I say this in regard to the House bill, the Senate bill, and the eventual conference report, and I might add that the President's proposals for reform are even worse.

All of the proposals will give pebbles to low- and middle-income people and mountainsides to the rich. In some instances inequities are continued and in others they are expanded.

This is the text of Mr. Gershen's article:

A PLANNER'S VIEW—THE CASE FOR TAX REFORM

(By Alvin E. Gershen)

It is virtually impossible these days to talk to anyone about anything without recommending that whatever it is being discussed be changed. We seem to be obsessed with the idea that nothing works any more—our schools, our churches, our political system, our colleges, our foreign policy.

Even that most inflexible of American institutions—baseball—is in the throes of a major overhaul. The pitching mound is five inches lower, there are new teams and new divisions all over the place and Willie Mays is leading off.

Those of you who like things pretty much the way they are can take some solace in this:

Two constant factors remain. We still die and we still pay taxes and we do these things in the way we have always done them.

NO CHOICE

I know of no way of doing anything about the former—deep freeze techniques notwithstanding. And as for taxes, well, we are going to have to keep on paying them one way or the other.

The question I want to put to the reader is simply this—is one way as good as another? I don't think so. I think we are going to have to change our tax structure and do it pretty darn quick.

It is abundantly clear that the patience of the public is becoming a trifle strained with a federal income tax whose exemptions allow millionaires to get away with paying no taxes, while the average guy has got to turn in 12 percent of his annual salary. People are beginning to wonder about the wisdom of mineral depletion allowances when the supply of minerals never seems to become depleted. It is becoming more and more difficult to explain to the wage earner the need for the capital gains break and how immensely profitable buildings can depreciate away to nothing in 10 years.

President Nixon has said that tax reform will not be a priority item this year but I suspect that before his first term is up, we will have some version of federal tax reform. The pressure is on. And it is growing.

I would like to add here, parenthetically, that I hope the Administration's zeal for tax reform does not lead it toward the totally unwise step of abolishing state and municipal bond exemptions. With current interest rates on municipal bonds pushing six percent that kind of reform would make municipal financing of new projects prohibitively expensive.

FIRMING UP

I think there are signs in this state, also, that pressure is building up for tax reform. If there was any common strain running through the campaigns of our 11 candidates for Governor, it is that property taxes are getting out of hand. Democrat and Republican, liberal and conservative, they were all saying the same thing—we have just about hit the property tax ceiling in many communities.

But it isn't enough to say the real estate tax levels are too high. Nor does it help all that much to suggest that we replace the sales tax with an income tax or even add an income tax to the existing base. What we have to do is change the real estate tax structure and change it fundamentally.

Our real estate tax system is nonsense. We have just about reached the point where we can no longer live with it.

In Newark the equalized real estate tax rate is $6.12 per every hundred dollars of valuation. In Clifton the rate is only $2.02.

Trenton's rate is $5.85 but in adjacent Hamilton Township, it is $2.95. In Ocean County's Lacey Township, the rate is $1.63 but taxpayers in Jackson Township in the same County pay $4.03. Linden $1.48—Hoboken, $5.54, and so on. The inequities border on the incredible, and the cities are inexorably losing the battle for ratables.

SHORTCOMINGS

How long are we going to put up with a system which penalizes people because they don't choose to live next door to an oil refinery or because they can't afford to live in a neighborhood of $50,000 homes? What possible justification is there for a system which says that a homeowner in Newark or Jersey City should pay three times as much as people who live in Summit.

How long are we going to apply the same tax rate to a private home as to a bank or a railroad roundhouse? What kind of sense does that make?

Are we one state? Or are we 567 independent fiefs?

Now I am a planner and as a breed we perhaps spend too much time looking at the big picture—chasing the ideal, the ultimate solution. So I can tell you that I believe we ought to start talking about standardizing the real estate tax all across the state. Or eliminating it and replacing it with personal and corporate income taxes, collected by the state and redistributed to the communities.

But as a planner, I am a realist, too. And my common sense tells me that the men who make the decisions for New Jersey are not quite ready for that kind of fiscal revolution.

Still I think that within the next few years we will have an income tax. And the real estate tax system will be modified. But this will be done within the framework of the art of the possible and our solutions will be the products of compromise.

Still, we can do a much better job with what we have and at the same time make sure that when the income tax does come, the state will be in a position to spend the money where it is most needed—and that is in the cities and the immediate city suburbs.

GREATEST DAMAGE

The cities are being crushed by the weight of the real estate tax. To my mind, the real estate tax rate is the single worst problem of modern cities—worse than the bad schools, worse than the crime in the streets, worse than the racial hatreds, worse than the slums.

Let's suppose for a minute that these other problems could be cleared up—that by some miracle the schools would begin giving ghetto children a decent education, that police were numerous enough and good enough to clear the streets of muggers, holdup men and burglars, that black men and white men learned to live comfortably with one another, that the slums were transformed into decent housing.

What good would it all do if the tax rates remained so high that people still couldn't afford to live in the cities and businesses couldn't afford to locate or remain there?

The process of deterioration would only begin all over again. Once prosperous stores would continue to be converted into bargain basements or cheap whiskey bars. The middle class, unable to pay the taxes and seeing their property values fall as a result, would still move out, and they would be replaced as they are now by the unskilled workers and the welfare recipients.

INCOMPATIBLE

The most insidious feature of the real estate tax is not the high rates. It is the *difference* in those rates between city and suburb. A difference so pronounced that the city cannot compete with the suburban communities for the kind of new construction it needs to grow and prosper.

The result is that virtually all significant new construction in cities is underwritten by some sort of tax relief procedure. And in cities like Newark or Jersey City that can mean tax gains from new construction only a third as large as they would be if the full rate were paid. Alternatively, with no tax relief we probably would have no construction at all.

The problem is very simple. The city can't compete with the suburb in attracting new industry or new housing. So it sacrifices potential tax revenue to get the construction.

The Fox Lance Law for industrial development and the Limited Dividend Law for housing development enable cities to grant the tax concessions as well as give tax predictability necessary for new development.

But even with this kind of help there are very serious drawbacks. First of all, municipalities using these laws are not getting the tax revenue they need and in the long run the advantage of the new development will be offset by the increased cost of providing municipal services for it.

Secondly, long-established residential, commercial and industrial owners are paying the full rate and are inexorably being pushed toward leaving by the ever-increasing tax rate.

The new construction does little to stop the tax rise, the existing owners refuse to expand or rehabilitate, and thus, the tax relief procedures are ultimately self-defeating.

So what's the answer?

CALL ON THE STATE

As simple as the problem. The state must make up the difference between the normal tax rate and the revenue gained through Fox Lance and similar procedures.

The Mutual Benefit-Blue Cross office building that will go up in Newark's Washington Park will provide the city with $260,000 a year under Fox Lance. If the developers were going to pay the normal rate, Newark would get $800,000.

Newark is willing to take what it can get. But in a lot of other cases, the local government can't do what Newark has done or cannot continue to do it forever because the financial or political price is too high.

When competing businesses and homeowners are being ground under by high tax rates, it is a little difficult to explain to them the need for permitting a brand new enterprise to get away with paying only a portion of the local tax rate. Dying men are not interested in cures for someone else's disease.

I know of at least a dozen instances in New Jersey where mayors and governing bodies would like very much to grant tax relief to developers but can't continue to do it because of the political pressures.

And as the tax rates go higher, the opposition will grow yet more fierce.

There is only one reasonable approach to this problem. The state should make up the difference to the communities in every case where tax relief is granted for industrial commercial and residential projects. This would mean an enormous spur to city development.

REWARD REPAIRS

And the state should take this approach in municipalities in which it has extensive holdings, such as Newark and Trenton. It should also offer tax benefits to property owners who rehabilitate their buildings whether they are for housing, commercial or industrial purposes.

There are those who would argue that if housing codes were more strictly enforced such abatements wouldn't be necessary. But you know as well as I do what would happen if housing codes were strictly enforced across the board.

Many owners, rather than sink substantial sums in improvements would simply abandon their buildings. Indeed that is precisely what is happening right now in city after city in this state and across the nation.

Try and sell the owner of a building in a deteriorating area on the wisdom of extensive improvements, when he knows that as soon as the building is improved, it will be reassessed and his taxes will climb still higher.

Let's face the situation squarely. We will not get commercial or residential construction in cities without taxes bearing a reasonable relationship to income and without this relationship being competitive with suburban rates. And this means tax relief in cities.

The cities cannot afford the potential losses in revenue that continued tax relief brings with it and even if they are willing to make that sacrifice, the hue and cry from those already established in the cities is louder and shriller each year.

DETERRENT

Homeowners and landlords are not going to improve buildings when they know that their reward for this will be still higher taxes.

Our cities are not going to be decent places to live, or even work or shop, until we find a way to put up housing fit to live in. This cannot be done by private developers because they can't turn a profit on anything but high-rent living units, and most of the people in cities cannot afford high rents.

State aid is the only way out, and given the shortage of state money available, every dollar is going to have to count.

I am not proposing these ideas in a vacuum. There are a number of bills before the New Jersey Legislature that will do generally what I propose.

But these bills won't pass unless they are supported enthusiastically. Development groups across the state are going to have to put the heat on.

If we don't get this kind of state help, the cities are not going to make it.

TIME RUNNING OUT

This type of legislation could help start the cities uphill again. We have a lot of climbing to do for we won't rebuild our cities as quickly as we let them deteriorate. And if we don't do something meaningful soon, it will be too late even to start.

STATES OF THE U.S.A.: CONNECTICUT

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. ST. ONGE. Mr. Speaker, the U.S. Information Agency is currently working on a series of articles entitled "States of the U.S.A." Each article in the series is devoted to one of the 50 States. Upon completion, copies of the article are then distributed to approximately 150 of the USIA posts and libraries overseas for use in their publications and for placement in local libraries and schools.

The article on Connecticut has just been completed and is now in the process of distribution. It discusses the State in general, its historical background, its topography, its economic, social, and political achievements. I am certain many of our colleagues, as well as students, tourists, and the general public will find it of interest. I want to take this opportunity to commend the USIA for doing this series on the States.

Mr. Speaker, I am inserting into the RECORD the article on Connecticut as prepared by the USIA:

STATES OF THE U.S.A.: CONNECTICUT

(The Constitution State)

More than a century before the birth of the American nation, colonists in Connecticut fashioned an exceptional—if not unique—political instrument.

Settlers of three towns, united under a single government, adopted what some authorities call history's first written constitution for a governing body.

That document in its basic form was to serve as a model for the U.S. Constitution, and furnished Connecticut with a proud nickname, the "Constitution State."

The state also could make a strong claim to the title of "Revolutionary State," having been a leader in reforms and innovations throughout its history of more than three and one-half centuries and a participant in four major revolutionary movements.

Connecticut's origin and statehood came about as a result of two such movements—the Puritan revolt in the 1600's against the Church of England, and the 18th century American colonial revolution against the British Crown.

The state's present prosperity—highest per capita income in the United States—attests the leading role its citizens played and are playing in the two major non-political revolutions which have transformed the world: the Industrial Revolution of the 19th century and the Technological Revolution of the 20th.

Although almost the smallest of the 50 United States, Connecticut leads the nation in the production of such items as aircraft engines, ball and roller bearings, copper rolling and drawing, silverware, submarines, helicopters and cutlery.

Traditionally Connecticut has been known for the craftsmanship of its workers. It has also been an acknowledged leader in the fields of government and social reform. It was the first state (in 1943) to set up a civil rights commission to protect the rights of minorities, and has set the pace and example for the rest of the nation in the field of urban renewal.

Connecticut traces its concern for civil rights and religious freedom to its first European settlers—members of the Pilgrim groups who, having already fled from religious persecution in England, left their parent colony in what is now the State of Massachusetts because only a few "elect" members of the church were permitted to exercise the right to vote.

Establishing a community on the site of the present state capital, Hartford, these first settlers promptly extended the right of suffrage to any member of the church! This 1636 "liberalization" was adequate only so long as the new colony was made up exclusively of Puritans. Within three years, with the advent of non-Puritan settlers, this restrictive provision was dropped and franchise was given to any property-holder, regardless of religious affiliation.

By 1639 the basic principles of democratic government had been codified in the Fundamental Orders of Connecticut, believed to be the world's first written constitution establishing and regulating a governing body. This document was superseded in 1662 by a Royal Charter from the King of England.

A surprisingly liberal colonial charter for its day, the Royal Charter maintained most of the fundamental freedoms and rights established in the Fundamental Orders. It was this document, direct descendant of the Fundamental Orders, which was used as a model by the drafters of the United States Constitution in 1787.

During the American Revolution (1775 to 1781), Connecticut was considered the most "revolutionary" of the 13 rebelling colonies, contributing heavily of its resources and manpower to the Colonial cause. Even then Connecticut ranked as one of the most productive areas in America. George Washington, who commanded the Continental Army which won America's independence from England, called Connecticut his "provisions" state.

Early in the 19th century, Connecticut adopted its present Constitution. The new document abolished property ownership as a qualification for franchise, separated the courts from the legislature, and reaffirmed the separation of church and state.

The skill and precision of Connecticut craftsmen became famous throughout the world in the early 1800's, and two "Connecticut Yankees" of inventive mind produced devices which were to transform American life—the Colt revolving pistol and the cotton gin.

Samuel Colt revolutionized the machinist craft through his development of precision methods which enabled his factories to turn out firearms with universal or interchangeable parts. As graduates of his plants spread throughout the world, Colt processes and precision engineering contributed significantly to the Industrial Revolution.

Eli Whitney's machine for separating cotton fibers from the seed reduced both the time and labor required to prepare cotton for the mills and laid the foundation for the American textile industry.

Colt and Whitney may be the best known of the state's inventive geniuses, but they were neither the first nor last of Connecticut's inventors. Since the U.S. Patent Office was opened in 1790, residents of Connecticut have registered more inventions per capita than the citizens of any other state. Their patents include Charles Goodyear's process for vulcanizing rubber, Elias Howe's sewing machine, and numerous 20th century electronic and metallurgic inventions and processes.

The combination of craftsmanship and willingness to experiment are reflected in prosperous, highly-industrialized 20th century Connecticut. Although ranking 48th among the 50 states in size, the state is 24th in population, fourth in population density, and first in the percentage of skilled workers to total workers.

It occupies a total area of 1.3 million hectares (3.2 million acres), boasts more than 31,000 corporations and more than 53,000 unincorporated businesses, and has almost 100,000 dwelling units.

Connecticut also is the fastest growing state in the New England area (which also includes Massachusetts, New Hampshire, Rhode Island, Maine and Vermont) with a 43 percent population increase between 1950 and 1967.

Next to industry, Connecticut's main enterprise is the insurance business, with 40 major insurance companies having combined assets in excess of $22,000 million, making their headquarters in the state, most of them in Hartford, giving that city its unofficial title of "Insurance City."

Geographically, Connecticut is bounded on the north by Massachusetts, the east by Rhode Island, the west by New York, and on the south by Long Island Sound, connected with the Atlantic Ocean. The Connecticut River, flowing southward through the center of the state, divides it roughly in half.

This central valley and the coastal plain are relatively flat, and contain most of the larger cities as well as the bulk of the 21 percent of the state's area devoted to agriculture. Other sections are hilly, particularly in the northern portion, with the hills covered with hardwood forests. More than two-thirds of the state's area is woodland.

With a relatively mild climate and a long growing season—the first killing frost comes in mid-October; the last in mid-April—agriculture produces approximately $170 million annual income for Connecticut farmers.

Dairy products account for about one-third of farm income, with poultry and poultry products in second place. Tobacco—primarily shadegrown cigar wrapper leaf—is the third major cash crop.

The state has more than 13,500 kilometers (8,400 miles) of rivers and streams and 6,000 lakes and ponds. Its 82 state parks cover 9,629 hectares (23,783 acres); its 28 state forests 51,460 hectares (127,100 acres).

Connecticut has an unusual government structure in that there are no intermediate levels between the state and its towns and municipalities. Its 169 "towns" (which include 23 major cities) encompass the entire area of the state. Counties, normally intermediate levels of government in the United States, are geographical designations only. Each "town" is a self-governing unit with power to levy taxes, operate public schools and perform other government services.

Major cities, in addition to Hartford, include Waterbury, Stamford, Bristol, Meriden, Norwalk, Bridgeport, and New Haven—site of Yale University since the beginning of the 18th century.

In addition to Yale, Connecticut boasts two other private universities more than 100 years old—Trinity, at Hartford, and Wesleyan, at Middletown—and supports a State University and four state colleges. The U.S. Coast Guard Academy is at New London. The state also is recognized as a center for private secondary and college-level education, with 138 non-public secondary schools and 49 private colleges and universities.

With its extensive shoreline and cool mountain retreats, Connecticut attracts thousands of summer vacationers, who, in turn, support some of the nation's most active summer theater communities. Professional and amateur entertainers combine in summer-long presentations at such places as the Goodspeed Opera House in East Haddam or the Eugene O'Neill Theater in Waterford.

Additional summer cultural attractions include professional productions of Shakespeare at the American Shakespeare Festival Theatre in Stratford (modeled after the famous Globe Theatre in London) and the American Dance Festival, held annually at the Connecticut College for Women in New London, on the Thames River.

Among other popular tourist attractions are the ornate Hartford home of Mark Twain, renowned American author and humorist, and Mystic Seaport, near New London. This "living museum of the seas" is a typical New England whaling town containing shops and homes of the whaling men and merchants who lived there 100 years ago.

Municipalities throughout the world are becoming increasingly concerned about the problem of run-down sections of the inner cities. Hartford, Connecticut, recognized this problem nearly 20 years ago, and its solution to its "urban blight" has been acclaimed as a milestone in urban renewal in the United States.

What was once a slum area comprising approximately five hectares (12 acres) of century-old tenement buildings now is an ultra-modern business and shopping area, combined with an urban park. It is, in fact, the hub of Hartford's commercial life.

The redevelopment of downtown Hartford is the culmination of the efforts of private citizens, private industry, and far-sighted city government. Concerned citizens started the project in 1950 with group and individual efforts to rebuild and renew the physical, cultural and spiritual life of the city.

CRAMER URGES CHRISTMAS EVE PRISONER EXCHANGE

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. CRAMER. Mr. Speaker, I have sent an urgent request to President Nixon and other officials, urging them to propose an exchange of U.S. prisoners to North Vietnamese negotiators in Paris as soon as possible. I propose such a prisoner exchange on Christmas Eve.

The Defense Department has reported that slightly more than 6,000 North Vietnamese prisoners are being held in South Vietnam, while 346 Americans are known to be prisoners in North Vietnam. In addition, 914 Americans are listed as missing, their fate unknown.

It is incumbent upon the United States to take the initiative during this season of the year—a time even the Communists recognize is holy and meaningful to hundreds of millions of other people throughout the world.

I admit that the prospects of securing the release of all U.S. prisoners in the north are dim. However, if we are successful in securing the release of even one American, perhaps one of our boys who may be sick or wounded and without adequate medical care, then it will be a major accomplishment.

I support those efforts by the U.S. Jaycees to obtain the names of all Americans imprisoned in North Vietnam. The Jaycees urged Americans to send a "Christmas card for peace," which would be delivered to the North Vietnamese chief negotiator in Paris on December 29.

This is a meaningful step, and I urge all Americans to join in. However, I believe we should go even further—and try to obtain their freedom as well.

This Christmas will be a sad one for millions of Americans with friends and relatives serving in far-off Vietnam.

It is even more dismal for those with relatives who are missing or are known prisoners of the North Vietnamese. Perhaps, if a successful prisoner exchange could be arranged, we could give them the biggest Christmas gift of their lives. We owe it to these brave Americans to try as hard as we can.

One of the possible prisoners may be James White, who has recently been reported missing in action. He is the brother of Ed White, the astronaut killed on a space mission at Cape Kennedy, and the son of Gen. Ed White, a well-known resident of my district.

It is extremely cruel not to let parents and loved ones know if their sons are alive or not, and I pray that we can get the boys safely home.

AIR FORCE TO CELEBRATE DELIVERY OF DEFICIENT C–5A's

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. MOORHEAD. Mr. Speaker, on Wednesday, December 17, the first C–5A airplane is being delivered to the Air Force at Altus Air Force Base, Okla. This plane will be used for crew transition training. Last week, I made the statement that I was concerned that this plane, which is admittedly structurally deficient, was being used for crew training. I reiterate that statement today despite the fact that the Air Force has said there is no cause for concern. They indicate that the plane will be operating under speed, load, and other restrictions; and therefore, no safety hazard is being posed. Yet I would still like to voice my concern.

The C–5A today—right now—is a substandard plane. The Air Force is about to accept an inferior product.

For nearly a year we have been assured that this plane would operate at 101 percent of its specifications. Repeatedly, I have requested both individually and through the Joint Economic Committee, the original and current primary and secondary flight characteristic specifications for the C–5A. They have never been received.

Let us look at just how inferior this airplane is—just from what we know now. First, the wings are structurally deficient. Static tests proved this last summer when one specimen failed at 128 percent and a second failed at 83 percent of design load. The Air Force specification requires 150 percent.

They are now in the process of beefing up the wings of the first two of 33 airplanes that will have to be modified, with 11 structural changes per wing. And they are still not sure that this fix will be effective. In the meantime, Lockheed is still producing these aircraft with structurally deficient wings for which there is no tested fix. But let us now dwell solely on the fact that the wings are weak, because that is not all.

Some months ago we learned that this huge behemoth could not carry a full load of cargo into and out of rough, unimproved airfields. This was one of the primary features of this plane—and now it had been degraded. If that were not bad enough, we learn that as of right now, the C–5A has been so severely restricted that it cannot land or take off from a rough field at all. So the "remote presence" that was so highly touted to us in Congress a few months ago is more remote than we were led to believe.

But even that is not all. We now learn that speed restrictions have been imposed upon this airplane, and they are not the result of the wing deficiency—it is because the ailerons, the control surfaces on the wings, are also deficient.

The terrain-following radar that permits the plane to fly in all sorts of weather without ground control does not work yet, either.

We were told by the Air Force and the makers of this plane that it would be the big freight train in the sky. We were told it would carry a maximum of 220,000 pounds of cargo. Now we find that until the engineers get finished tinkering with it and patching it up, it has been restricted to 100,000 pounds of cargo. This is not significantly more capacity than that of the current C–141, which the C–5A is designed to replace. I have been told that these restrictions will still be in effect when the plane becomes operational, 7 months from now, in June of 1970.

All in all, there are 25 acknowledged deficiencies in these planes. Although I have already mentioned some of them, let me list the 25 deficiencies that were compiled by the GAO from Air Force sources at the plant at Marietta. This should not be construed as an official GAO report.

First. The primary restriction on the airplane is the result of the static wing failure. It is limited to a maximum of 2G's stress which means the cargo compartment may not be loaded with more than 100,000 pounds.

Second. There has been a limitation of load imposed in one area of the cargo compartment because of pressurization problems. Like the wing deficiency, this is also a structural problem.

Third. Failures have been experienced with the engine mounts. Therefore, restrictions have been imposed on engine throttle limits and the plane cannot take off from unimproved runways.

Fourth. The speed of the craft has been limited as a result of design problems within the ailerons.

Fifth. Problems exist in the terrain-following altimeter. The pilot cannot rely on its accuracy.

Sixth. The terrain-following radar has not been tested and cannot be used.

Seventh. Abnormal stress has occurred within the engine fan blades at certain speed settings. These speeds must be avoided.

Eighth. A design problem in the pitch trim flap system prevents full operation.

Ninth. A problem exists in the landing gear that prevents the use of cross-wind landing capability.

Tenth. Problems with the landing gear prevent the use of the "kneeling" capability until a proposed temporary fix is incorporated.

Eleventh. The cargo door system cannot be operated in flight. The correction to this problem has not yet been tested. This means the plane cannot be used for parachute drops of cargo.

Twelfth. The automatic pilot cannot now be used, and as a result the pilot must maintain manual control of the plane at all times.

Thirteenth. Because of the autopilot problem, the automatic throttles do not operate properly.

Fourteenth. The use of the multimode radar has been restricted.

Fifteenth. The pitch augmentation system is not operable in flight.

Sixteenth. There is a problem with the slat disconnect drive.

Seventeenth. The inertial doppler auxiliary computer has not been fully developed or tested.

Eighteenth. Use of the stall limiter system is restricted.

Nineteenth. The flight director computer has not been completely tested.

Twentieth. There is a problem with power surges in the multimode radar in switching from auxiliary to internal power.

Twenty-first. The engine anti-icing devices do not operate effectively.

Twenty-second. There are mistakes in operating manuals.

Twenty-third. The nose landing gear signal light does not work.

Twenty-fourth. The go-around altitude system has not been fully tested and limits are placed on its all-weather landing capabilities.

Twenty-fifth. And finally, the automatic liferaft release does not work.

Admittedly, some of these are minor problems. Many of them, however, especially the structural problems, can be serious and costly to correct. Yet the Air Force claims there is no problem.

This seems to be a tragic replay of the story of the ill-fated F–111A. The F–111A also experienced a wing crack during a static test at less than 150 percent of design stress. However, the Air Force accepted the aircraft and production continued. According to hearings just released by the House Appropriations Committee, a satisfactory fix still has not been developed.

A number of the F–111 aircraft have crashed. The Air Force has stated that it could not definitely link any of the crashes to the structural deficiency in the wing. However, they pointed out that they could not identify the cause in many cases.

The Air Force also admits to a greatly increased cost to retrofit the F–111 planes with the fix. But, as General Jeffery pointed out in hearings, the common practice in Air Force is to test and produce concurrently, and retrofit when necessary. During the hearings, the Air Force had some difficulty in explaining why they continued to produce the F–111 aircraft under these circumstances. The apparent rationalization was that it was the cheapest alternative available to them.

Evidently the Air Force believes this is the cheapest alternative for the C–5A program also. Instead of waiting until they had a plane that worked, they came back to the Congress this year requesting a fourth squadron, knowing full well they had rather severe technical problems. In this respect, they have been less than candid in identifying these problems to the Congress.

Except for the tragic crashes, the story of the F–111 is remarkably similar to the C–5A.

I remind you that we have been paying through the nose for the F–111 for many years as a result of this costly practice of concurrent testing and production and we still do not have an operational combat aircraft.

The Appropriations Committee severely criticized the existence of problems that have resulted from concurrency, problems which existed in many of our recent major weapons acquisitions—the Cheyenne helicopter, the Sheridan tank, the F–111. We nearly invited the same problems on the F–14 program until the committee took the program out of production and put it back in R. & D. until the Navy has an aircraft that flies. The committee pointed out that "premature production releases most often result in extensive and costly modification and retrofit programs which could be avoided by delaying production, possibly only a few months."

Because of this dismal experience on the F–111, the Cheyenne, and the Sheridan, I would like to raise a question. What are the relative costs of delaying further production of the C–5A aircraft until we are sure that the fix has been tested out sufficiently vis-a-vis going ahead with production and subsequently bringing the planes back for repair? If these relative costs have not been determined, they ought to be. The Government Accounting Office has indicated this retrofit program could be quite costly since it entails returning the 33 planes to the plant in Georgia, disassembling the wing structure and installing the 11 structural additions per wing. Nobody is sure at this point whether the wing fix that is presently being tested will work, or whether it will ever be fixed to the point where the aircraft will meet specifications.

It appears as though we are traveling down the same primrose path on the C–5A program that we have trod before. We have rushed into the production program for these airplanes before development of a workable plane has been attained. We bought three squadrons of these airplanes before we should have, and just recently we bought a fourth squadron. We were told it could do all sorts of marvelous things—carry 220,000 pounds of cargo; fly to remote, unimproved airfields without ground control; land sideways; and kneel down to truck bed height for off-loading; or airdrop the cargo and then quickly fly away. The first plane will be delivered on Wednesday to the Air Force, and how many of these marvelous things can the C–5A do? Not one. As of now, it cannot do one of them.

We are being assured that, eventually, the C–5A will do all of these things. We were also assured that the F–111 would perform its mission. We have been paying for years for the F–111 and I fear, we will be paying for years trying to make the C–5A work. These planes may work eventually; but at what costs? I have inquired what it will cost to fix the most serious of these deficiencies that has cropped up thus far—the wing problem. The GAO has checked and the Air Force does not seem to know.

Instead, the Air Force has come up with the simplistic answer that it would not cost the Government a cent because the contractor has already exceeded its ceiling and therefore, the contractor will have to absorb the costs of fixing the plane. Yet we all are aware now of the repricing formula—the contractor pays the overrun on the first planes, but additional costs are passed on to taxpayers on the later purchases of the airplane.

Are the costs of these deficiencies covered under the repricing formula?

A second question raised in this regard is whether the Air Force ever intends to enforce the contract in the correction of these deficiencies. They have not in all cases, such as the Mark 2 avionics for the F–111 where they degraded the specifications and accepted an inferior product rather than enforce the contract. And finally, if Lockheed does indeed have to pay the price for their own mistakes, when will they be corrected, and will there be full disclosure in accordance with SEC regulations to the public who are also stockholders?

Mr. Speaker, I raise these questions because they beg for answers. They affect all of us. Celebrations, such as will take place in Marietta, Ga., and Altus Air Force Base, Okla., on Wednesday are empty and meaningless until these questions are answered, until what we originally bought is delivered and until the public's interests have been assured. Then let the festivities begin for then they will be deserved.

CORPORAL TAYLOR, 19, ON VIETNAM MISSION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. LONG of Maryland. Mr. Speaker, Lance Cpl. Ralph L. Taylor, a fine young man from Baltimore, Md., was killed recently in Vietnam. I wish to honor his memory and to commend his courage by including the following article in the RECORD:

CORPORAL TAYLOR, 19, ON VIETNAM MISSION

The Department of Defense announced yesterday the death Friday of Marine Lance Cpl. Ralph C. Taylor, of Baltimore, while he was on a mission in South Vietnam.

The son of Mr. and Mrs. Charles Taylor, of the 1300 block North Chester street, Corporal Taylor enlisted in the Marine Corps shortly after he graduated from the Fairmount Hill Junior-Senior High School, in 1968.

After basic training at Parris Island, S.C., he was sent to Vietnam in March for a one-year tour of duty.

The Taylor youth, whose 20th birthday would have been this Saturday, had written his sister in October that he "would be the next," his mother said yesterday.

In a letter to his family which was received just hours before the official notification of the youth's death, Corporal Taylor had sent

his mother money and instructed her to arrange a birthday party for his twin brother on Saturday.

Corporal Taylor, who belonged to a local bugle corps since he was 9 years old, had worked with a plastics firm during his high school years. "He wanted a better living and he was ready to make every effort to get it," his mother said yesterday.

For three years in his early teens, the Taylor youth had waked before sunrise as he worked as a carrier boy for *The Sun*.

In a letter his aunt, Mrs. Sally Wylie, received yesterday, the youth complained about losing weight. He had also expressed pessimism about whether he would ever be able to return from Vietnam, his aunt said.

In addition to his parents, Corporal Taylor is survived by two brothers, Robert and Jerome, both of Baltimore; three sisters, Mrs. Mary Brailey, Miss Theresa and Miss Arrestine Taylor, all of Baltimore.

A TRIBUTE TO DR. HOWARD A. RUSK OF THE NEW YORK TIMES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. BRADEMAS. Mr. Speaker, Dr. Howard A. Rusk is undoubtedly the leading national and international authority in the field of rehabilitation medicine. This distinguished American physician has long been a Presidential adviser on health and rehabilitation matters. He has served on several Presidential commissions, including the President's Commission on Heart Disease, Cancer, and Stroke. More recently, he served as chairman of the National Citizens Advisory Committee on Vocational Rehabilitation, and as general chairman of the National Citizens Conference on Rehabilitation of the Disabled and Disadvantaged.

Mr. Speaker, through the medium of his influential column in the New York Times over the past nearly quarter of a century, he has brought to public attention the very first news of new directions in vocational rehabilitation. His articles on such topics as international research in rehabilitation, architectural barriers to employment of the handicapped, and transportation problems of the disabled are recent examples of the way in which he has used his column in the Sunday Times to strengthen and advance the programs serving our Nation's disabled citizens.

Mr. Speaker, I insert at this point in the RECORD the text of Dr. Rusk's final column for the New York Times:

GAINS IN REHABILITATION—PROGRAMS FOR DISABLED OF WORLD WAR II NOW GENERALLY AVAILABLE TO WHOLE NATION

(By Howard A. Rusk, M.D.)

(NOTE.—This is Dr. Howard A. Rusk's final column for The Times on a weekly schedule. Dr. Rusk, director of the Institute of Rehabilitation Medicine, New York University Medical Center, will remain as a contributing editor of The Times on health and medical affairs.)

This column first appeared 24 years ago this Sunday. It has been published each Sunday since with but two exceptions. One was in 1953 when it reported a stroke suffered by Sir Winston Churchill and its complications and prognosis. Since the British Government had not officially announced that Sir Winston had had a stroke. The New York Times felt such disclosure was not appropriate.

The writer was on his way to Korea at the time and could not be reached so the column was not published.

Two years later, however, when angered in a debate in the House of Commons, Sir Winston in true Churchillian rhetoric warned his opponents that he had had a stroke and conquered it and he would conquer his opponents in the same way. The story of Sir Winston's stroke was then reported in this column.

The second instance was far less dramatic. The copy was lost in the mail between 34th Street and First Avenue and Times Square.

The genesis of this column 24 years ago resulted from a meeting with the late Arthur Hays Sulzberger toward the end of World War II.

LESSONS FROM WAR

In inviting the writer to join the staff of The New York Times, Mr. Sulzberger said, "If there is anything good about war it is taking the good lessons we have learned because of war and utilizing them for the benefit of all people. I think the program developed for our disabled servicemen should be made available to all people. I would like The New York Times to provide a forum for public education and national and community action toward this end."

During the last 24 years great strides have been made throughout the world in improving the lot of the physically handicapped. For those who were paralyzed by poliomyelitis or stroke or had suffered amputations from accidents or who had broken their back, there was little chance for employment.

Securing employment for the severely disabled is still not an easy task but it is commonplace now to see the severely disabled at all kinds of work. Labor and management have learned that hiring the handicapped is good business.

During World War II, Veterans Administration hospitals were termed the "backwash of American medicine." Shortly after the war they were completely reorganized and have functioned for the last two decades with high professional standards and efficiency.

At the end of World War II there was not a single comprehensive rehabilitation medicine service in any civilian general hospital in the United States. Now all modern hospitals have such services.

PROGRAMS IN SCHOOLS

At that time none of the medical schools in the United States had organized programs to teach young physicians the principles of rehabilitation medicine.

Now the majority of the nation's medical schools have departments of rehabilitation medicine and include this subject in their curricula.

The national supply of physical therapists and occupational therapists 24 years ago numbered in the hundreds. Although such people are still in short supply their numbers are now in the thousands.

In 1945, the total number of disabled persons rehabilitated into employment under the public program of vocational rehabilitation was but 41,925. In the fiscal year ended last June a record total of 241,390 disabled Americans were rehabilitated into gainful employment through this program.

The total Federal investment in vocational rehabilitation in 1945 was about $7-million. This year it is close to $558-million.

Studies show that these investments by the Federal Government are returned 10 times in income taxes alone paid by those rehabilitated.

RESEARCH IN UNIVERSITIES

There were no Federally supported research or training programs in 1945 and few universities trained rehabilitation personnel.

Today, practically every large university conducts extensive programs of research and training supported by both Federal and voluntary funds.

These gains have not been limited to the United States. Organized, effective rehabilitation services can be found in all of the developed nations of the world and in an increasing number of the developing nations.

This is the last Sunday that this column will appear as a regular feature in The New York Times. It will be published, however, from time to time and will deal not only with rehabilitation but also with the pressing problems of social medicine, medical economics, health manpower shortages and the delivery of health services.

The column is being discontinued on a regular Sunday basis, for after 24 years the objectives of the late Arthur Hays Sulzberger have been met and the rehabilitation program developed for our disabled servicemen in World War II has generally become available to our population.

VOTING RIGHTS ACT—A THREAT TO BALLOT POLLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. RARICK. Mr. Speaker, when the House last week modified the Voting Rights Act of 1965 to permit Federal supervision of the local electoral process in all 50 of the States, and not just in the "conquered provinces" of the South which had repudiated Lyndon Johnson in 1964, cries of anguish were heard from the many supporters of the initial travesty.

These complaints—and they continue to be voiced as the other body handles the measure—fall into two general classes.

First, it is claimed that the act accomplished just what it was intended to accomplish—register large numbers of Negroes in the Goldwater States. That these registrants were patently not qualified and were ineligible under the laws of the several States is apparently of no moment. Close to 2 million of them were registered, to "pollute the ballot" in these jurisdictions.

Second, it is claimed that only in these particular Southern States was there any demonstrated need of Federal supervision of the electoral process—such household words as Philadelphia, Boston, Chicago, Baltimore, New York, and Detroit notwithstanding. Hence, it was argued, there was ample justification for applying harsh punitive measures to the South, and including in the administration of the law a hard-nosed presumption of guilt.

Recognizing that two wrongs do not make a right, and that the measure which was unconstitutional in 1965 is still unconstitutional in 1969, I cast my people's vote against its adoption. I sincerely hope that the other body will consign the measure to the oblivion which it so richly merits. Failing this, I sincerely hope that those voices which supported the measure when it applied to my State but loudly contended that it would be un-

constitutional when it was applied to their States were correct. I urge them to test the law promptly—and do not doubt that they will.

The real problem, however, is not the number of registered voters. It is the quality and bona fide character of those who are eligible to cast ballots in our elections. Voting tombstones may be an asset to politicians but they prove a detriment to the people. The real problem is "honest elections."

The loudly ballyhooed slogan "one man, one vote" is the natural consequence of phony egalitarianism, and totally ignores the fundamental concept of popular sovereignty upon which this Nation was established.

The founders believed that when public questions were left to the decision of an informed electorate, the people would be right more often than they were wrong. This presupposed both that the electorate was limited to those who had a capacity to understand public problems, and that they would be fairly and fully informed. An illiterate and uninformed electorate, voicing their personal bias, and voting as puppets does not conform to the formula of the founders, and the results are apparent in all jurisdictions where this is the state of the electorate.

What is needed is a thorough cleansing of the voting rolls, to the end that only qualified citizens have a voice in the determination of public policy. England had its rotten boroughs, and we have ours—until the citizens themselves are moved to act. This act may well supply the tool they need—even if some of its sponsors did not intend its use to bring about honest elections.

In the recent presidential election, Hillsborough County, Fla., cast 49,441 votes for Nixon, 46,917 for Wallace, and 45,848 for Humphrey. With such a close three-way division of public opinion, the legitimacy of the electorate is vital to the validity of any of its decisions.

I submit local opinion on the subject, in the form of editorial comment from the Tampa Tribune for inclusion in my remarks:

[From the Tampa Tribune, Nov. 9, 1969]

IN DEFENSE OF HONEST VOTING

In a democracy, a citizen's vote is his sword and shield.

Through indifference, he can disarm himself by failing to exercise his franchise. But the vote is his, to use as he pleases; he is entitled to assurance that he will not be deprived of it by either error or corruption.

Some three decades ago Hillsborough County had a statewide reputation, well deserved, for rotten elections. Fraud tainted registration rolls and polling places. Honest citizens had little incentive to cast a ballot.

An aroused public finally forced a cleanup. One result was a voter registration system which became a model for many other counties. Another result was a County Election Board, designed to place control of election machinery in non-partisan hands.

But over the years Hillsborough County has been too complacent about the permanency of its reforms.

As the report of an investigation by Associate Editor Bennett DeLoach in the adjoining columns shows, Hillsborough's voter rolls are riddled with inaccuracies and its election supervision is embroiled in political conflict.

Of the 210,000 registered voters an estimated 34,000 should be stricken from the rolls because they failed to vote at least once in a four-year period.

Untold hundreds of persons displaced by Urban Renewal and Interstate highway construction remain on precinct rolls although their dwellings long ago vanished under the bulldozer blade. Other hundreds listed have moved to other counties and states. Some citizens long dead still are enrolled as qualified voters. *These errors range as high as 52 per cent in one precinct.*

Although there is as yet little evidence that the names of dead or absent citizens have been used for "repeater" voting, the situation is ready-made for election thieves.

Hillsborough cannot go that way again.

The situation is made worse by conflict between Supervisor of Elections Jim Fair, who took office in January, the chairman of the Election Board, Ronald Budd, and the County Commission.

All have a responsibility to cooperate to protect the integrity of the Hillsborough voting process.

These measures need to be taken:

Mr. Fair ought to concentrate on his responsibility to clean up the registration rolls by removing ineligible voters, doing as much of the work as he can with present staff.

County Commissioners should allow the Supervisor a reasonable sum for those extra costs for which he can prove a need.

Hillsborough legislators should repeal the present special act permitting this county to purge its rolls every four years and place Hillsborough under the same two-year requirement that every other county must meet.

Also needed is legislation requiring a voter to sign his address, as well as his name, at the polling place, to enable the Supervisor to correct improper registration.

And legislators ought to abolish the County Election Board. It no longer serves the purpose for which it was intended; it has become a $100-a-month pension for some and a political springboard for others. County Commissioners can perform its duties, as they do in 65 other counties.

Personalities and political interests cannot be permitted to obstruct the reforms so clearly demanded. The integrity of Hillsborough's election process and its reputation for honest voting are at stake. The voter's sword, we think, will fall upon the necks of officials who do not recognize the need and act upon it.

[From the Tampa Tribune-Times, Nov. 9, 1969]

HILLSBOROUGH VOTER ROLLS ARE IN A MESS

(By Bennett Deloach)

Hillsborough County voter registration rolls are a mess.

A prominent state official, concerned because he is seeking statewide office, told the Tribune the Hillsborough rolls "are absolutely the worst in the state."

Whether or not they are the worst a Tribune investigation shows they are bad enough.

This investigation disclosed that:

Many voters are listed as living at nonexistent addresses in the middle of Interstate Highways, in abandoned houses and on vacant lots; others are registered only by postoffice box number.

The number of voter registrations found to be inaccurate as to current name and address ran as high as 52 per cent in one precinct checked.

The names of three persons who have been dead for years were found among the active voters.

There has been no complete purge of voter rolls in 15 years; there has been no routine purge, to remove those who failed to vote in general elections or primaries, since 1965.

Supervisor of Elections Jim Fair concedes that perhaps 29 per cent of all Hillsborough voters—estimated at 210,000—are improperly registered.

Registration rolls so riddled with inaccuracy are an invitation to the kind of voting fraud for which Hillsborough was once notorious. Although only one specific report of fraudulent voting has come to The Tribune's attention, officials admit that present conditions would make it easy for crooks to vote in the names of other persons.

Sheriff Malcolm Beard says he knows of no fraudulent voting since the last election fraud case here in 1958.

The only positive proof available to The Tribune that there has been some fraud in voting comes from John E. Cabrera of 3009 Mason Place. Cabrera registered in Precinct 45B in 1946, left Florida for government legal service in 1947 and did not return until 1967.

Cabrera says his name remained on the voting rolls all this time. Upon his return he discovered that twice in 1962 someone voted under his name. He believes such false voting to be widespread.

Although Sheriff Beard has no knowledge of recent vote fraud he can attest to the sorry condition of voter records.

In 1967 he obtained 13,000 voter names from the more affluent areas of the county to solicit funds for the Florida Boys Ranch. Between five and six thousand solicitation letters were returned because of faulty addresses or voters had moved. Beard says the political candidate who buys registration lists for contacting voters is buying a pig in a poke.

To determine the condition of Hillsborough voter rolls The Tribune sampled five precincts:

Precincts 16 and 17, representative of areas reshaped by Urban Renewal projects and Interstate highways; Precinct 42 near MacDill Air Force Base, Precinct 52A near the University of South Folrida, both subject to transient population; and Precinct 45C in the Palma Ceia golf course section, which perhaps is the most stable residential area in the county.

In Precinct 16, registration records show 342 voters living at 241 addresses. The Tribune's check shows 28 homes listed at these addresses no longer exist. Where these houses once stood is now the Interstate Highway. Five houses are vacant—four of them condemned as being unfit for occupancy. One home address is a vacant lot. No attempt was made to verify the accuracy of voter names, but this area has experienced a large movement of residents.

For the other four precincts, letters were dispatched to the first 100 names on the voting rolls. If the letter was delivered to the addressee the voter was asked to verify the correctness of his name and address.

Here is what the mail check showed:

Precinct 17—41 percent either undeliverable or with incorrect addresses.

Precinct 42—22 percent either undeliverable or with incorrect addresses.

Precinct 45C—16 percent undeliverable or incorrect address.

Precinct 52A—52 percent undeliverable or incorrect address.

The Tribune also checked the names of 200 persons who died in 1965, 1966 and 1967. The names of three dead persons were located in the master file in the Elections office.

Fair's estimate of 210,000 registered voters in the county's 114 precincts is based on rosters of voters by precinct. In addition to the precinct records there is the master file of all voters, listed alphabetically. This file is required by law. The master file obviously contains many more than 210,000 names and Fair says it has not been checked against the precinct files.

In fairness to Supervisor Fair, the voter rolls have deteriorated over the years. He believes 29 per cent of all voters are improperly registered, running from his own count of 12 per cent erroneous registrations in the Temple Crest area to 52 per cent in Plant City Precinct No. 70, and 71 per cent in the Ybor City precincts.

A special law applying only to Hillsborough County requires purging from voter rolls every four years persons who failed to vote in the preceding four years. Florida's other counties operate under a general state law specifying that the rolls be purged every two years of voters who haven't been to the polls for two years.

Mrs. Dorothy Glisson, head of the Elections Division of the Secretary of State's office, says all counties operating under the general law have their two-year purges under way.

The last purge of Hillsborough non-voters was in January, 1965. The fourth year for another purge would have been in 1969, but Fair said he interprets the law to mean the purge should be made every fourth year dating from 1958, and the next four-year purge would be in 1970.

The 1968–69 budget for the elections office contained items totaling about $10,000 from which expenses for a non-voter purge were to be paid. No purge was made that year nor has one been conducted so far this year. Fair turned back to the county $10,612 in unspent 1968–69 funds.

Fair has compiled a list of 34,000 persons who should be stricken from the rolls for failure to vote for four years. These voters have yet to be notified by the Supervisor's office that they are illegally registered.

Although cleansing the rolls of 34,000 persons who didn't vote in a four-year period would remove a lot of deadwood and help stabilize the rolls that is not the big problem.

The big disturbing blot against the rolls is the person who moved to other parts of the county but hasn't notified—as required by law—the Supervisor of his move. This includes those uprooted from the Urban Renewal area and other citizens who have switched residences. It is therefore entirely possible for one person to be registered in several precincts.

There is no procedure for keeping tab on the precinct mover. Neither is there a law providing for a general purge of the voting rolls. The last general purge in Hillsborough County was 15 years ago.

However, Fair is empowered under state law to remove from registration rolls anyone he believes not to be qualified. He first must notify the voter of his impending removal and give him an opportunity to prove his eligibility to vote.

It is under this act that Fair can make a general purge of Hillsborough voter lists. A local law also would appear to empower the Hillsborough Election Board to order a general purge of voters and Chairman Ronald Budd agrees with this concept. However, he says the Board's attorney thinks otherwise.

Fair has requested money from the County Commission to make a general purge of all disqualified persons. The commission has refused on the grounds there is a shortage of funds.

Commission Chairman Ellsworth Simmons said the Commission takes the position a purge is necesary to ensure honest elections but contends the Supervisor's office has sufficient personnel and money to cleanse the rolls, particularly in areas where defects are so obvious. Fair says he has neither the money nor the help for a general purge.

Fair asked $59,000 for a general purging operation in this fiscal year's budget. The 1969–70 budget lists $11,600 for legal advertising to publish names of persons removed from voters rolls. Fair says he didn't ask for this amount and anyway he doesn't think the sum should be earmarked for the special purpose of legal advertising.

Fair also estimates that to do a thorough job of purifying the voter rolls he should have $105,000—allowing 50 cents expense for every voter. He also estimates the operation could be done for as little as $35,000 if bulk postage rates were used to check voters but this procedure will not do an adequate job, he added.

Mrs. Rosemary Richey of Vero Beach, Elections Supervisor in Indian River County and president of the Florida Association of Election Supervisors, purges her complete roll every two years and spends 35 cents per voter doing it.

Pinellas County conducts its required purge of non-voters every two years and spends 12 cents in postage per voter. Pinellas never has had a general purge. The elections office handles the biennial purges with only occasional extra help. Pinellas has a larger elections staff but also many more voters than Hillsborough.

Regardless of the costs for conducting a general purge; that isn't the principal reason why none has been made. The reason is a personality conflict between Fair and the Commissioners and Fair and the Election Board.

None will say so, but it's fairly obvious there's a lot of distrust among the three groups.

The County Commission last week did ask Fair to submit a plan for purging the rolls, an estimate of the cost and to determine whether precincts in the worst shape could be corrected first.

Meanwhile, Hillsborough voter lists continue to erode, thus hastening the day when the county may have a big vote scandal on its hands.

Chief duties of the Election Board are to appoint poll officials for elections, be responsible for storage of voting machines and security of past election records. Together with the County Judge, members serve as the Canvassing Board to review election returns.

The board also is charged by state law with filing with the Clerk of the Circuit Court all changes in voting precinct boundary lines. There's nothing in the Clerk's office to show any legal descriptions of any kind ever has been filed.

The board has come under fire because some of its members have run for other offices while on the board. The most recent criticism aimed at it was its failure to provide the public or the press with Hillsborough returns in the statewide higher education construction bond election last week.

One of the nagging problems of all Supervisors is the voter who moves from his precinct without informing the Supervisor. Such a voter is permitted under law to vote in his old precinct only through the next general election. Then he is subject to disqualification as a voter. The State Association of Election Supervisors says there's no solution for this problem.

Fair offers one possible corrective measure which would be applicable here and statewide. This would be to require every voter to sign not only his name when voting but also his address. State law requires the Election Board or County Commissions—which perform this duty in other counties—to retain custody of these slips for a year. After a year's time these voting slips could be utilized by the Supervisor's office to track the changing voters.

If this method were used and Hillsborough were to move under a general state law requiring non-voters to be purged every two years analysts believe the condition of Hillsborough voter rolls would be greatly improved. First, however, there must be a general purge of disqualified voters.

WILLIAM BROWNE, A GREAT CONSERVATIONIST AND A GREAT AMERICAN

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. BENNETT. Mr. Speaker, Mr. William Browne III, a constituent of mine, has made a magnificent gift to future generations, an inspiration to me as well as to everyone who knows of it.

I have long known and admired Mr. Browne, as well as his brother, the late Saxon Browne. I include in the CONGRESSIONAL RECORD the follow articles, which speak of the tremendous gift that Mr. Browne has made; and of his own self-denial in the process:

[From the Florida Times Union, Nov. 26, 1969]

SWAMP'S BEEN HIS HOME: RECLUSE DONATES $1 MILLION TRACT

(By Bill Foley)

William Browne III, who has lived in the wilds north of Fort Carolina Road for the last 80 years and kept the outside world away from them, is giving better than $1 million worth of land to be manintained as a nature preserve.

The Nature Conservancy, a private, nonprofit organization headquartered in Washington, said Browne is donating 361 acres fronting on the St. Johns River.

The area is to be named the Theodore Roosevelt Preserve, according to Thomas W. Richards, president of the Nature Conservancy.

It is to be used for scientific and educational purposes by Jacksonville University. JU President Robert H. Spiro says the university will observe both the letter and spirit of Browne's wishes in protecting the land.

"Jacksonville University is delighted to cooperate with the Nature Conservancy in effecting the wishes of Mr. William Browne," said Dr. Spiro. "Our biologists and other scientists will assist in the preservation of this property, which also will serve importantly in the scientific education of our students."

Richards said the land represents Browne's entire estate.

"He could have reaped great profit from its sale to commercial interests. He chose, instead, to give the people of northern Florida and their progeny a unique example of natural America," said Richards in announcing the gift Monday.

The land, bathed by wandering marshes and lushly grown with palmetto stands and Spanish moss-draped trees, is virtually the same as it was when Browne's father bought it in 1884.

"Mr. Willie," as Campfire • • • duction of bonded indebtedness already incurred for road and bridge purposes.

"The local governments know where the road needs are," Sayler said. "Let's give them the money and let them build them." He also said they can build roads cheaper and quicker.

"The quality of a city street is not that of a state highway," he added, "and it might after a few years develop a pothole. But it might away he has allowed archeologists from the University of Florida to do extensive work over the years. The property is abundant in Indian mounds and kitchen middens and the scientists say it was inhabited as long as 6,000 years ago by a people unrelated to the Seminole and Timucuan Indians who later settled there.

It's still overgrown with saw and cabbage palmetto, live oak, water oak, hickory, magnolia, long-leaf pine, sweetgum and loblolly bay—dark, silent and far removed from the cluster of commercial and residential Arlington.

The land is a haven for birds and other wildlife, with heron rookeries in each of the two major marshes that break up the dense undergrowth. Yellow-crowned night herons are common and bald eagles can be found there.

The gift was announced in Washington—while Browne remained alone in his preserved wilderness.

The Nature Conservancy also has regional offices in Evanston, Ill., and San Francisco. In its 15 years of operation, it has been responsible for preservation of more than 130,000 acres nationally, said a Conservancy spokesman.

Last year more than $5 million in land was turned over to the National Park Service, Bureau of Sport Fisheries and Wildlife and other agencies by the organization, he said.

[From the Washington Post, Nov. 27, 1969]

LAND DONATED FOR WILDLIFE

JACKSONVILLE, FLA.—Willie Browne III has donated as a wildlife refuge the 361 acres of marsh and palmetto land where he shunned civilization for most of his 80 years.

The gift was announced Monday by the Nature Conservancy, recipient of the land. The private nonprofit organization valued the land at approximately $1 million.

Denizens of the area include the bald eagle and the yellow-crowned night heron, both near extinction from the inroads of civilization.

Browne never went to school, married, attended church or rode in an airplane. He had hardly left the land—acquired by his lawyer father in 1884—since he was 6 months old. The last other surviving member of his family, a brother died in 1959.

Self-educated under the guidance of his parents, Browne was an avid reader of newspapers, magazines and history books.

He never said why he chose isolation, but expressed one regret in life: He did not achieve his ambition to become a Pony Express rider.

Asked why he gave his land away after so many years of deep attachment to it, the old hermit replied:

"I believe the saying from the Bible that bread cast upon the waters comes back to you."

LOS ANGELES FLEETS ARE MADE IDLE AS DDT IS FOUND IN FISH

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. OBEY. Mr. Speaker, man is just now beginning to understand that the ecological results of his new technology are often unexpected and are revealed only after many years.

A recent article in the Washington Post again emphasizes this fact as it applies to the use of pesticides. It is terribly important that the Congress and the Nation recognize that our oceans and the life they contain are much more sensitive and delicate than we had previously imagined.

The article which I am now inserting is but one small additional evidence of that fact:

LA FLEETS ARE MADE IDLE AS DDT IS FOUND IN FISH

LOS ANGELES.—The mackeral fleet in Los Angeles harbor has completely suspended operations in the wake of a health department finding of high amounts of DDT in the fish.

The shipment of fish, involving more than 4,000 cases, was withdrawn voluntarily by Star-Kist Food Inc., a packer at San Pedro, the harbor for Los Angeles.

Tests by the State Health Department three weeks ago showed the shipment contained up to 10 parts per million of DDT derivatives, officials said Tuesday. The Federal maximum limit is 5 parts per million.

A spokesman for the fishing fleet said all mackerel fishing out of San Pedro had been halted.

He called for the federal DDT safety maximum to be raised, saying a multi-million-dollar annual business would be ruined otherwise.

The presence of DDT in fish is commonly blamed on industrial wastes and sewage dumped into the harbor.

PRIVATE ANTIPOLLUTION PROGRAM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. FINDLEY. Mr. Speaker, 16 private electric utilities, including one serving my district, is joining in a $16 millon program to reduce pollution of the air.

The program was announced recently by the president of Central Illinois Public Service Co., Springfield, Ill., and is an outstanding example of private initiative to meet a pressing public problem. It shows what can be done in the private sector with Federal direction or subsidy.

Text of the announcement:

AIR POLLUTION CONTROL

K. E. Bowen, president of Central Illinois Public Service Co., announced this week that CIPS and 15 other electric utilities will join in supporting a new research program to develop an advanced air pollution control system.

The project will be conducted by the Babcock & Wilcox Co. (B & W) and Esso Research and Engineering Co.

Goal of the approximately $7 million program is a commercial system to eliminate 99 percent of solid pollutants and 90 percent of the gaseous, more-difficult-to-control sulfur oxides from the exhaust of power plant boilers. Sulfur dioxide will be recovered in the form of marketable sulfuric acid to partially offset costs of the system.

A unique material developed by Esso Research absorbs sulfur dioxide from boiler gases and releases it to a sulfur recovery unit.

In announcing the project, Bowen said:

"Participation by CIPS in this program represents another major step by the company in cooperating at both the state and national levels in the development of air quality control programs.

"Following approval by the Illinois Air Pollution Control Board last summer, CIPS announced a $16 million program over a five-year period to install electrostatic precipitators at its four electric generating stations.

"B & W's experience as a leading supplier of power generation equipment to the utility industry and Esso Research's extensive background in desulfurization technology will be brought to bear on the need for a long term solution to the utilities' air pollution problem."

A total of 14 of the contributing systems, located in the east and midwest, are investor-owned. In addition to CIPS, other participating Illinois utilities are Illinois Power Co. of Decatur, and Commonwealth Edison Co. of Chicago.

A B & W-Esso Research task group has been studying and evaluating the process for more than two years, and a development schedule leading to commercial availability in 1973 has been established. Technical and economic checkpoints have been set to determine the advisability of proceeding with each step of the program.

A test unit to determine durability of the special absorbing material is expected to go into operation this month at an Indiana plant of American Electric Power System. Satisfactory test results will lead to construction of a large-scale demonstration system.

Further research efforts will include investigation of the control of nitrogen oxides and of the direct production of sulfur rather than sulfuric acid.

The attractiveness of a recovery system for sulfur dioxide control is based on the desire of utilities to maintain the low cost of electric power, limited availability of low-sulfur fuels, and the ability of fossil fuel power to compete with nuclear power for an indefinite period. At present there is no commercial process for significantly reducing the sulfur content of coal before it is burned in a power plant.

In the process development program, Esso Research, the principal technical affiliate of the world-wide Standard Oil Company (New Jersey), will have prime responsibility for process development. B & W will have prime responsibility for engineering, and integrating the process into utility power systems.

TRIBUTE TO ANITA AND LOUIS PERLMAN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. PUCINSKI. Mr. Speaker, last week Chicago paid tribute to two outstanding citizens whose contributions to human dignity are literally beyond measure.

They are Anita and Louis Perlman.

This very dedicated Chicago husband-and-wife team have carved a record of service to mankind that serves as an inspiration to all of us.

Last week B'nai B'rith, with the services of the B'nai B'rith Foundation bestowed upon these two distinguished Americans the highly coveted B'nai B'rith International President's Medal.

In accepting this highly honored decoration, Anita and Louis Perlman joined a very distinguished group of humanitarians who had previously been honored in this way. These include President Harry S. Truman, Philip M. Klutznick, Bernard Baruch, Gen. David Sarnoff, and David Ben Gurion.

This is the first time in the history of this distinguished award that two people have received the President's Medal at the same time and this in itself is a measure of the high esteem and deep respect that these two marvelous Americans carved through their humanity and unselfish effort.

I am enclosing in my remarks today a brief biography of this very unusual but highly dedicated couple. I think we can see from the distinguished list of Americans who participated in the dinner, at which this award was bestowed in Chicago's Palmer House on November 23 the high regard in which the Perlman's are held.

Mr. Ray A. Kroc, founder and chairman of the board of McDonald's Corp., served as general chairman of the tribute to Anita and Louis Perlman and set the tone in his own remarks for the high tribute paid these two wonderful people.

Others who participated in the program were:

Walter Jacobson, WBBM–TV CBS.

Eileen Deneen, coloratura soprano.

Rabbi David Polish, Beth Emet Synagogue, Evanston, Ill.

Dr. Preston Bradley, pastor, the Peoples Church.

David Blumberg, Knoxville, Tenn., national chairman, B'nai B'rith Fund Raising Cabinet.

Mrs. Michael Shapiro, Washington, D.C., international president, B'nai B'rith Women.

Jack J. Spitzer, Riverside, Calif., national chairman, B.B.Y.O. Commission.

Miss Amy Horowitz, Silver Spring, Md., international president of B'nai B'rith Girls.

George F. Brummett, New York, N.Y., president, International Franchise Association.

Hon. Philip M. Klutznick, honorary president B'nai B'rith., Former Ambassador of United States to United Nations.

Rabbi Stanley Rabinowitz, Adas Israel congregation, Washington, D.C.

The biography of Anita and Louis Perlman follows:

WHO IS DESERVING OF HONOR?

The Mishna says, "He who contributes to the dignity of mankind."

Anita and Louis Perlman are a couple whose blend of commitment and vision has generated a better quality to the life of their community, their country, their fellow man. Each has given a lifetime of active service to B'nai B'rith. Their philanthropies and personal services are identified with a wide range of religious, educational, civic and human relations activities, and a host of health agencies.

Foremost is their strong personal identity with youth. Anita was the founder of the B'nai B'rith Girls program. Both are members of the National B.B.Y.O. Commission. Anita served as International president of B'nai B'rith Women, is Vice-chairman of the A.D.L. National Commission, serves as national chairman of "Operation Stork", Vice-president of Leo N. Levi Hospital. She is also active in P.T.A., the National Safety Council, Brandeis University, and serves on Sisterhood and Temple boards.

Lou is a past president of North Shore Lodge, chairman of Special Events Committee of the Youth Services of the B'nai B'rith Foundation. He is chairman of the board of the Martin-Brower Corporation, a member of numerous professional organizations in his industry, the Northwestern University Club and Covenant Club of Illinois.

Their hundreds of citations, certificates, plaques, autographed pictures with national and international personalities is a tribute to their involvement in great causes and programs.

B'nai B'rith is proud to present its International President's Medals to Mr. and Mrs. Louis L. Perlman. They will receive these rarely bestowed medals which in past years have numbered among its few recipients:

Former President Harry S. Truman, Philip M. Klutznick, Bernard Baruch, General David Sarnoff, David Ben Gurion.

HIGH SCHOOL CHALLENGES

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. QUIE. Mr. Speaker, the principal of the Mayo High School in Rochester, Minn., addressed the student body summarizing the challenges and opportunities facing them.

His address was so well rounded and representative of the best of American education, I am inserting it in the CONGRESSIONAL RECORD so that my colleagues and others across the Nation may profit from it.

Those who may be worried about the future of American youth should take courage when they read his remarks, which follow:

MAYO HIGH SCHOOL, 1969—PAST, PRESENT AND FUTURE

(By Ralph E. Wright)

INTRODUCTION

A speaker recently opened his talk by observing that he would have to refer to his notes frequently because he could never remember who said what—for instance, was it Will Rogers or Elizabeth Taylor who said, "I never met a man I couldn't like!"

My reason for using my notes is different—I simply have so much to say in a limited time that I can't permit myself to depart from the script.

Today I want us to think about you and Mayo High School—past, present and future. Your relationship to the school—what we can do together to provide for the greatest advantage to all.

Three years ago in a similar assembly I talked to the student body about our "new school" problems. But now we are beyond that point. We are an established school with many reasons to be proud.

SCHOOL PRIDE

A listing of the honors and awards accumulated since you finished your exams last June 5th is amazing. Here is a sampling:

1. Two state records in track were tied, and our team placed third in the state, and our tennis team placed fourth.

2. Our representative to Boys' State was elected Governor and was also elected to office in Boys' Nation.

3. Plaques were received indicating that our Science Club had been designated the best in the state, and that Mr. Welte and Mr. Walton had been named Science Advisors of the Year for the state.

4. During the summer, Teen Corps students from Mayo represented the school in Appalachia, on Indian reservations, and at the State Hospital.

5. At the Cheerleaders Clinic at Gustavus Adolphus our squad was selected as the best.

6. We have more National Merit semi-finalists than any other area school.

7. Our yearbook has received All-American rating.

And so it goes. This is an incomplete listing, and I apologize for the many unlisted, but these are enough to point out that we all have reason for pride in our school. And, if you need additional proof, look at the trophy cases by the cafeteria. In fact, we have a problem. Outstanding accomplishments have been so commonplace that we have difficulty acknowledging them all.

MEANING OF COMPREHENSIVE HIGH SCHOOL

There is another reason why I am hesitant to say much about individual honors. We are a comprehensive American high school serving the southern half of the city and the surrounding rural and suburban areas. "Comprehensive" means that we serve students of all races, religions, socio-economic levels, abilities, and handicaps. Physically, the abilities range from future Olympic stars to those in the wheelchairs for whom a walk across a room may be an unattainable goal; from the mentally handicapped to the National Merit winner. And, each individual, of course, has his own range and combination of abilities.

Each one of you is equally important and has a unique set of background, talents, abilities, problems, and needs. Since we are a comprehensive high school, there is no hierarchy of students, classes, or subjects. It is just as important that the business student be a good business student as it is that the math student excel in his field, or others in their fields . . . for in this complex world of split-second timing and mutual interdependence (typified by our space program), it may be just as important that an engine has been properly tuned by a mechanic as it is that the formula for the fuel has been calculated correctly, or that the orbit has been computed accurately. It may be just as important that a word is spelled and transmitted properly, permitting correct communication, as it is that a high government official has made the correct decision.

Communication through the fine arts may succeed where foreign languages fail or are inadequate. The self-discipline, or lack of it, of a serviceman in Vietnam, or Berlin, or Guantanamo, may affect the lives of all of us. And just learning how to get along with each other may be the most important and most difficult thing of all.

INDIVIDUAL RESPONSIBILITY FOR EDUCATION

How does all this relate to you? Your primary responsibility to self and society is to attend school and obtain an education suited to your needs and abilities. What you do, what you learn, what you become during these formative years may well determine not only your own future but they may contribute to the *survival* or *destruction* or *improvement* of your way of life. The time is now when our country can afford to waste any of our precious resources, the greatest of which is *you*.

As the school year gets underway and you look toward the completion of this year and make plans for the future, I hope that your resolution will be to do a better job—to do the best that it is possible for you to do; for being the best student that you can be *now* is your primary task. "I will study now, for some day my time will come," said Abraham Lincoln as a youth.

Extracurricular activities are important, too. We hope that each one of you can find some special interest or activity which will help you to be a happier and better person, and through which you can accomplish something of value to yourself, your school, and your community.

Recently I visited with a college student and, thinking of this occasion, I asked him what he would do differently if he had the mythical opportunity to do things over. After some thought he said, "I would do less, but those things which I did I would do better." Are you doing your best in your studies, and some extracurricular area, or special activity outside of school?

IMPORTANCE OF PHYSICAL FITNESS

In President Kennedy's inaugural address, he said, ". . . ask not what your country can do for you. Ask what you can do for your country." He provided an answer and a needed example to young people in connection with physical fitness.

Your generation lives in an age different from any other in the physical requirements which it places on you. You need to do better than many members of the present adult generation who, caught in the transition from the demands of physical occupation to the push-button age, have ended up with overweight and obesity as major problems. This is not only a physical problem but also a moral paradox when half of the world is hungry and starving and we consider overeating and overweight a major problem today.

Opportunities have recently been expanded in physical education, intramurals, and athletics for both boys and girls. Whether you participate in any of these programs or not, I encourage you to make your own physical fitness an important goal. Your physical body is made from the things you eat, drink, and breathe, conditioned by your care and exercise. Don't short-change yourself, or those who will depend upon you.

SCHOOL SPIRIT

I have talked about mind and body, and now I would like to talk about attitude and school spirit. What is school spirit? As Mr. Grosso so adequately pointed out in the Homecoming Assembly, it is the harmony and enthusiasm of the student body. You cannot see it or touch it—yet it definitely exists as a powerful source. It is present and expressed in each player giving his very best to win. It is in you as you urge your teams on with cheers. It is in our students in the halls, on buses, and in our streets as you represent the school's name and reputation. It is present when Special Education students daily devote time to carefully performing school services. It is in your honest effort to profit from three years of high school. It is the courtesy and consideration you show to classmates, teachers, and visitors. It is a careful observance to duty or discharge of your obligations, your self-respect, and high esteem for yourself and your school. It is your enthusiastic loyalty to your school.

Real school spirit is shown by the person who sticks with his school and its ideals through thick and thin. Obviously, there are times when it is easier to show school spirit than at other times. School spirit, like national pride, is just as important when a team is losing, if not more so, than when it is winning, and at times it may be a deciding factor.

Winston Churchill, in World War II's darkest days, when his country was being badly beaten by Germany, challenged the pride and spirit of the free world when he said, "Let us brace ourselves to our duty, and so bear ourselves that if the British Empire and its Commonwealth last for a thousand years men will say, "This was our finest hour!"

I know that some of you have been concerned about school spirit, and I appreciate that concern because it is an important ingredient in building and maintainig school spirit. Tom Theye, as football captain, told the student body something significant at the recent pep feast. In addition to telling you that he was angry because of what he thought was inadequate support, I think he told you indirectly that students need each other . . . that it's important to let each other know that you care about what is going on at school . . . that cheers help all . . . and that jeers help no one but hurt everybody. And I think Hal Mankin in his sports column pointed out that it's important that we recognize how diversified our school is, and that we respect the particular interests, or disinterests, of others.

And I would add something that I did not really understand as a high school athlete . . . that a high school game is more than the athletic squad—that it's also cheerleaders, and band, and drill team, and pep club, and concession stands, and ticket takers, and program distributors, and PA announcers, and sports writers, and mascots, and students, and family, and a host of others all working together. And it's that unity that comes from working together that makes school spirit.

Sometimes we laugh and celebrate our victories together, and sometimes we share our sorrows and cry and ache together. And, as Hal pointed out, football isn't necessarily the most important activity for everybody, but it is a fact of life that it occupies the attention of more people in the school and community at one time than any other facet of our program.

Sometime ago I received a letter from Albert Lea, which included the following remarks: "I'm writing because I want to commend you and your staff personally. Never before in any gymnasium I have broadcast from, have I received such courteous and helpful assistance. I hope you can somehow thank them for me. You must be very proud of your school. It would have to be one of the nicest that I have come across.

"By the way, you not only have a good basketball team, but you must also have one of the loudest cheering sections in your student body. It's good to see such enthusiasm."

NEED TO IMPROVE SCHOOL DRESS

Most people who visit our school think that the general conduct and discipline here are very good, and I think so, too. But I also think there are some areas where we can and should improve, and I would like to discuss these.

Last spring, upon the recommendation of the Student Council, a joint student-faculty committee drew up a new set of guidelines for student dress, which was eventually adopted. In case you've forgotten, it says in part . . . "Each Mayo student is charged with the responsibility to represent his school with pride. It is assumed that part of this responsibility is to attend school dressed neatly, and to be groomed with personal hygiene and safety in mind."

In effect, the committee said that students have the maturity to dress in good taste. Many students have accepted this responsibility, but some have not.

The words, "represent his school with pride" and "to attend school dressed neatly," are important parts of that code and they are significant. If the guidelines are to be lasting, all of you need to follow this code responsibly and also exert your influence to see that the extremes employed by some do not lead to the revocation of the present liberal code for all.

Also for you to consider is the loss of pride suffered by all when we have to be apologetic about the appearance of our student body. Visitors from other Big 9 schools have expressed surprise at the "grubby" appearance of some of our students. Recently, one of these, who was generally very complimentary of the educational program and the work being done here, said that he had one reservation. He said, "I noticed a number of students who don't seem to be properly dressed—is this a special day of some kind?"

I ask you individually and collectively to cooperate in representing yourself, and your school, with pride. And I ask you to honestly answer: Do you raise or lower the standards of the school by your dress and grooming?

We also seek your suggestion for solutions to school problems . . . solutions which will help our students to grow in response to challenges and opportunities presented in the development of school pride.

FREER USE OF SCHOOL RESOURCES

Our faculty has a goal . . . to do everything possible to open the resources of the school so each student has the maximum access to its facilities. Study-resource centers have been opened in several subject areas to permit student help in a more informal setting; several departments have permitted students use of the facilities during study hours; and the Apella Program is related, too.

Whether you become an Apella member or not, all will profit by a school in which students are committing themselves to accepting responsibilities for educational purposes. They are seeking freedom to demonstrate maturity, responsibility, and cooperation. But every freedom has an equal responsibility. Freedom without responsibility is license, leading to anarchy.

The "traditional" rules and modes of operation established in the past were designed to protect the educational opportunities for the greatest number of students. Now, interested students are saying that if some of the specific regulations are liberalized to permit more choices, they will apply self-discipline and exhibit a maturity which will permit themselves and others to make better and fuller use of our resources. This is the kind of discipline that a dedicated student employs to break the bonds of ignorance, a musician practices in order to obtain better expression, and an athlete in training exercises in order that his body will function more freely.

DEMOCRATIC BELIEFS AND CHALLENGES

Democracy is not a bequest which can be handed down from one generation to another . . . it is a conquest which each generation must undertake for itself. The challenge is being passed to you! How will you answer?

The American democratic traditions are based on Western civilization and its Greco-Roman, Hebrew-Christian, and other cultural roots and beliefs. What are these beliefs? Among them are:

1. Belief in the dignity and importance of each individual.

2. The belief that each person has a privilege and a responsibility to participate in representative government and to make basic decisions regarding his vocation, political, and religious affiliation, and personal life.

3. The belief that to prepare for this participation in government and self-direction, each individual's physical, mental, and spiritual development and education are important responsibilities.

4. The belief that each person's ideas about the existence and worship of God should be respected.

5. The belief that there must be an essential balance between privilege and responsibility.

Our moment in history is an exciting, challenging, and complex one. We are faced with the potential of plenty and the possibility of total destruction. Whether the wonders of science or its terrors will predominate will be determined by your generation.

Three years ago I said that our challenge was two-fold: (1) the promotion and extension of the opportunities, rights, responsibilities, and duties of freedom to all the citizens of our country; and (2) to meet the threat of the Communist society as it strives to tear down the institutions, ideas, and ideals of the free world.

And now I would add a third one—(3) to find a way to meet the immediate problems of racial unrest, poverty, hunger, war, and and helplessness without destroying and disrupting institutions which have accomplished so much in our country. This challenge has special implications for schools where students have become actively involved in

seeking solutions to national and world problems.

STUDENT ACTIVISM—POSITIVE OR DISRUPTIVE

Activism in extreme forms in the high schools can be disruptive, or it can bring solutions. It can cause a breakdown in student government. It can feed distrust between students and teachers. It can interfere with classroom teaching. It can cause a suspicious, nervous atmosphere throughout the school. It can cause a community to lose confidence in its schools. And it can be used as a wedge for political radicals to influence students.

For, unfortunately, activism is often led by student radicals with a political purpose. There are student groups which openly state that their purpose is revolution; the destruction of our present institutions. Schools are to be the beachhead for this assault.

They advocate that every law, every moral principle, every exercise of authority be challenged and violated, simply because it is there. Or because the individual or particular group does not recognize the right of everyone to place a limit on their action, and they believe that nothing, absolutely nothing, should in any way limit their freedom of decision, their freedom of action, their freedom of choice.

There is validated evidence that there are paid agitators to promote unrest on college campuses and high schools around the country. Their purpose appears to be to undermine confidence in the government and all institutional authority.

But our society is based on a concept of law that necessarily places some restrictions on the freedoms of individuals. We cannot have laws that protect us as individuals without accepting limits on our actions. Law and order are essential to a democracy, and I think most students want to be enrolled in a well-run school where you can devote your attention to obtaining an education. And while here you ought not be harassed by people who are only interested in propagandizing and who are not really interested at all in true and constructive educational experiences of young people; who are interested in convincing young people that their own extremist and sometimes un-American points of view are the only truths.

But, what about your right to free advocacy? You may advocate any minority opinion, any extremist point of view you want in the classroom. But there will be others in that classroom to challenge you, and it is much more likely that in this exchange you will begin to see the complexity of a problem and be more likely to get some glimpse of the truth.

Activism in the high schools can also be valuable. It may make students aware of a world greater than themselves. It can get young people involved in profound social issues. It can provide a forum for curriculum improvement. It ordinarily demands a re-evaluation of student government. And it can present a working exercise in the relationship between freedom and responsibility.

What is most needed now is for students to place movements in the hands of responsible leaders committed to the democratic process as well as to the solution of burning inequities.

WHAT I HEAR FROM STUDENTS

For the youth of today are raising questions and are dissatisfied with yesterday's answers. We adults who have not seriously examined our political, moral, ethical, religious, and intellectual concepts since childhood will find our ideas promptly rejected. During the past year I have listened to young people and learned a great deal.

Youth today struggles with moral questions of an undeclared war—they wonder about an affluent society filled with poverty—they know they live in a country where overweight and overeating are major problems while half the world goes hungry. The pill and other medical developments raise new questions in the area of sex—developments in the science of genetics raise questions never before faced by man. Nuclear war is often discussed, but seldom debated. Youth are restless and want to meet modern problems realistically and to be involved on an active level in working out solutions; they are not satisfied just to hear them discussed idealistically.

They are appalled at man's inhumanity to man, and are thoroughly dissatisfied with a Christian community which does not react against the slaughter of modern warfare. They are concerned about the injustice in our slums and ghettoes, and what seems to be the hypocrisy of an adult society which does not live by the standards to which it pays lip service.

Many adults are concerned, too, but youth are impatient and seek immediate answers or actions. We deplore many of the means of protest which we see being used—but rebelling youth says, "How else does one get society's attention?"

Last year Dr. Keller gave us two examples: First, a poem by an eight-year old. It is entitled, "Who Am I?"

I have many things I want to say but—
No one listens.
I have many things I want to do but—
No one lets me.

I have many places I want to go but—
No one takes me.

And the things I write
Are corrected but—
No one reads them.

Who am I?

And then there is the poem, "Imagine," written by a ninth grader:

Imagine tears
A mile wide
And a year deep.

Imagine a chain of sorrow
Linking past with present,
Present with future.

Imagine no one to turn
To.

Imagine a never-ending
Search for love
And a God that
May not be.

Imagine all the
Wonderment and
Confusion . . .

Imagine me.

I am not pessimistic about youth assuming a responsible role in the schools and community of tomorrow, for the majority of them are concerned about the problems of society. They are better informed and more dedicated to action programs than similar age groups before.

Recently, in Rochester, youth that I know have been seriously involved in the Peace Corps . . . AFS . . . Flood fighting volunteers . . . Ghetto workers in Chicago . . . Teen Corps in Appalachia and Minnesota . . . "Y" volunteers in Bogota . . . and programs concerned with peace, poverty, and hunger. The list could go on and on.

Paul Brown said it this way:

On Homecoming

I want a cause
For which to live and work,
A mission *worth* commitment . . .
Not tradition for the sake of tradition.

and

Seventeen

Just in case you're wondering—
I'm seventeen.
Seventeen is old enough for many things:
Old enough to think; to know what's right and wrong;
Old enough to wish the nights you spend awake were not
So very long.

Seventeen is
Old enough to be yourself, apart, and yet to bear a scar not yours.

—Old enough to have a heart.

It's old enough to have a cause and not give in;
Old enough to lose and
Old enough to win; but sometimes
Seventeen is even old enough to die.

Seventeen is old enough to wonder why.

And at last years graduation we heard these original thoughts from the Student Council president:

Impossible Dreams—Why Not?

(By Gary Jacobson, Student Council President, Mayo High School, 1968–69)

Impossible dreams—Why not?

The young people of today are very idealistic;

The young people of today dream of a better tomorrow. A world where nations do not resort to war. Where countries can settle differences in peace. A world that is free from poverty and suffering. Where black man, yellow man, white man work side by side. A world where people are known and respected as just that, People.

A conflict develops, however. Many who are older and more wise say that ideality and practicality do not mix.

They say, "Now, let's be practical. Do you think there will ever come a time when war is no more? War is as much a part of man as is his desire for survival."

And

"Poverty and suffering are stations in life. You will always have the rich and the poor. Accept the fact and live with it. As for racial equality, sure. We are all for it; fifty years from now. It takes time."

The young of the world dream, impossible dreams, as many say, but don't tell us that. We won't listen.

As the late Robert F. Kennedy once said, "Some men see things as they are and say why. I dream things that never were and say, why not?

The young people of today dream dreams that never were, impossible dreams. And we say, why not?

We must devise ways to constructively channel student idealism and desire to be involved. I'm most optimistic about young people as a force to change schools to better serve society and youths.

CONCLUSION

Together we can develop our knowledge and skills, spirit and pride, to preserve and improve our democratic institutions so that today's "Impossible Dreams" can become tomorrow's realities.

THE ELEMENTARY AND SECONDARY EDUCATION ACT AND THE CLEVELAND PUBLIC SCHOOL SYSTEM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. VANIK. Mr. Speaker, during recent days there has been a great deal of discussion by the President and officials

of the administration, as well as Members of Congress concerning the level of funding required for the vital activities sponsored under the Elementary and Secondary Education Act.

The President has let it be known that if the Congress decides to fund this important act at the level it has been funded in 1968 rather than the billion dollars less, which he requested, the President feels compelled to veto this measure.

Realizing the value of this critically needed program, the Congress has seen fit, on their own initiative, to add a billion dollars to the President's request, thus maintaining what has been defined to be an adequate and decent level of funding for many essential programs which are currently ongoing.

As one demonstration of the essential nature of this act, I requested a report on the utilization of funds provided by this law from the Cleveland Public School System. The following is a complete text of the correspondence I recently received from Dr. Paul Briggs, superintendent of the Cleveland Public School System. Even a cursory reading of fund utilization will indicate that so much of this programing simply could not be paid for out of existing local school revenues. These programs would have to cease to exist if the Elementary and Secondary Education Act were to be cut back.

Among the most illogical excuses I have ever heard is to base a decision of such a cutback upon inflation. In my own judgment, administration requests for billions of dollars in Federal aid in support of the supersonic transport and merchant marine and corporate tax reductions constitute the real inflationary threat. Minimum adequate funding for elementary-secondary education can only be described as a critical investment in the future of our country.

It is vital that the President join the Congress in reorienting our national priorities to place the solution of human problems and the meeting of human needs before outright subsidies to private corporations which in our free enterprise system have many options to fulfill their needs.

The letter from Dr. Briggs is as follows:

CLEVELAND PUBLIC SCHOOLS,
Cleveland, Ohio, December 3, 1969.

Hon. CHARLES A. VANIK,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN VANIK: In response to your recent request for a report on the various Cleveland school programs provided by the Eelementary and Secondary Education Act, I would like to report the following:

ELEMENTARY AND SECONDARY EDUCATION ACT

TITLE I

1. *Child development project.*—involves 2,000 high poverty area pre-kindergarten children—is a unique educational experience designed to bridge cultural differences and increase the child's readiness to enter kindergarten successfully.

2. *Children-in-institutions project.*—involves approximately 600 students per semester—is designed to provide an enriched educational program for children ages 5 to 18 who have been assigned to various residential institutions.

3. *Diagnostic reading project.*—serves a total of 600 public and non-public students from grades 4, 5 and 6 from high poverty areas of Cleveland—is designed to provide specialized in-depth service to pupils evidencing multiple and complex reading difficulties in the upper elementary grades.

4. *English-as-a-second language.*—involves 500 pre-school through sixth grade students from poverty areas of Cleveland—is geared to meet the language, educational, social and cultural need of each "second language" student enrolled in the class.

5. *Job development project.*—serves approximately 1,400 to 1,500 seniors per year from high poverty areas of Cleveland—offers inner-city high school students who are not planning immediate college entry, practical guidance and assistance in finding gainful full-time employment upon graduation.

6. *Kindergarten enrichment project.*—involves 4,000 children per year five years of age from high poverty areas of Cleveland—is a cooperative effort of teachers, parents and children designed to provide additional experiences beyond the regular curriculum, with people, places and materials which will increase the disadvantaged child's chances for success in the primary grades.

7. *The learning laboratories project.*—involves 210 selected tenth grade students from senior high schools in high poverty areas of Cleveland—utilizes employment-oriented laboratory experiences to improve learning skills and attitudes.

8. *Pre-primary project.*—serves approximately 140 elementary school children ages 5 to 7 from high poverty areas of Cleveland—provides young children with experiences that will aid them in developing the social and learning readiness necessary for admission into an appropriate school program.

9. *Production workshop project.*—involves 160 selected ninth grade students from junior high schools in high poverty areas of Cleveland—combines laboratory experience with the instruction program for a learning environment uniquely adapted to the needs of inner-city children.

10. *Reading improvement project*—serves 1,200 to 1,500 public and non-public students in grades 1, 2, and 3 from high poverty areas of Cleveland—is a program designed to support children's reading success in the primary grades. It is viewed as a corrective program geared to prevent reading failure.

11. *Remedial mathematics project.*—involves 2,000 elementary students from high poverty areas of Cleveland—is designed to upgrade children who have severe difficulties in mathematics by providing daily successful learning experience.

12. *Resident tutor project.*—involves 3,500 to 5,000 students from high poverty areas of Cleveland—employs tutors to work on regular schedule to reinforce learning and strengthen basic skills of selected pupils and to assist these students in improving their self image.

13. *Summer school project.*—serves approximately 20,000 to 25,000 children per summer from elementary and secondary schools in high poverty areas of Cleveland—is intended to provide a variety of educational and social experiences to enrich the backgrounds of educationally disadvantaged children.

14. Transition project.—involves approximately 1,200 selected seventh grade students from junior high schools in high poverty areas of Cleveland—enables participating seventh-grade pupils to make the adjustment into the secondary school aided by special supportive services and an adapted enriched curriculum.

It is important that we have full funding of the E.S.E.A. legislation if we are going to go ahead with the very important projects that have previously been inaugurated. The Cleveland Public Schools could not have survived without the kind of federal assistance that we have enjoyed the last few years. The problems of urban education have not yet been solved. This is no time to talk about cutting educational funding for inner-city children. Your understanding, help and assistance is sincerely appreciated.

Sincerely,

PAUL W. BRIGGS.

UNO SUPPORTS STATES RIGHTS—VOTES ALL STATES AS EQUAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. RARICK. Mr. Speaker, in 1967, I pointed out the ridiculous double standard of the United Nations Organization in calling for "one-man, one-vote" equality in the internal affairs of its members while making its own voting body, the General Assembly, more and more unrepresentative of the people of the world—CONGRESSIONAL RECORD, volume 113, part 3, page 3313.

Today nations with a population totaling less than that of the United States—which has only one vote—comprise over 51 percent of the General Assembly, and control its actions. Not only do we pay for the great majority of the programs of the UNO, but we also outnumber the total population represented by the majority of the delegates who are spending our money and making our foreign policy.

Since my remarks in 1967, four new ministates have been accorded full membership in the organization. I list them and their respective populations as follows: Mauritis, 774,000; South Yemen, 1,500,000; Swaziland, 385,000; and Equatorial Africa, 343,589.

The most recent action taken to exaggerate this inequity is the announcement that the trusteeship committee of the General Assembly has approved the admission to full membership of another 25 microscopic territories with equal voting status in each case to that of the United States, a nation of 200 million people, and capable of the recent Apollo operations.

One of these so-called nations has a total population—men, women, and children—of less than 100, yet its vote has the same value as ours. We have public housing in Washington which contains more people than that in one wing. Something is badly out of balance, and the situation is not improving.

So that the absurdity of the latest new members can be better appreciated by our colleagues, I include in my remarks a list of several, together with their populations: Pitcairn Island, 90; Antigua, 61,664; Dominica, 68,501; Grenada, 91,967; Nevis Anguilla, 59,476; St. Lucia, 110,142; and St. Vincent, 88,451.

And this is the organization which cries bitter tears about civilized "minority rule" in Rhodesia, and pulls the economic sanction strings which cause the United States to obediently jump

through hoops. Wait until the Indians on Alcatraz Island are granted membership in the United Nations Organization—with full voting rights.

Unless the Congress opens its eyes and recognizes the absolute incongruity of this malapportionment, then takes action to repeal our erroneous UNO Participation Act, it seems that the only relief available to the hard-pressed American taxpayer is in the nature of a taxpayers' suit to prevent the squandering of our tax moneys for the funding of a minority-controlled organization dictating our foreign policy contrary to our national interests.

Mr. Speaker, I include in my remarks pertinent newsclippings and State Department correspondence:

[From the Reuters, Nov. 13, 1969]

U.N. MEMBERSHIP POSSIBLE: SIZE NO BAR TO NATIONHOOD

UNITED NATIONS.—The General Assembly's Trusteeship Committee rejected a British attempt Friday to exclude six of its Caribbean dependencies from a resolution saying they and 19 other small territories are entitled to independence without delays because of their size.

Only 19 countries joined Britain in voting to delete the names of Antigua, Dominica, Grenada, St. Christopher, Nevis-Anguilla, St. Lucia and St. Vincent from a list of 25 small territories.

The committee went on to approve a resolution expressing the conviction that questions of territorial size, geographical isolation and limited resources should in no way delay the granting of self-determination and independence to the 25 territories.

It also urged the administering powers concerned to reconsider their attitude of refusing to permit U.N. fact-finding missions to visit these lands.

The committee's action, which is expected to be endorsed by the assembly in plenary session, established the U.N. principle that even such a small country as Pitcairn Island, with fewer than 100 persons, could attain nationhood, and, theoretically, obtain U.N. membership as the equal in voting rights to the United States and the Soviet Union.

[From the Washington, (D.C.) Evening Star, Dec. 11, 1969]

NIXON PROCLAIMS RIGHTS WEEK

President Nixon has called on America to act so as to provide an example "that will point the way in the struggle to promote respect for human rights throughout the world."

He did so in a proclamation yesterday designating yesterday as Human Rights Day and next Monday as Bill of Rights Day, and the week from yesterday through next Wednesday as Human Rights Week.

The proclamation urged Americans to observe the week "to the end that we may rededicate ourselves as a united people to the task of assuring to every person—regardless of his race, sex, creed, color, or place of national origin—the full enjoyment of his basic human rights."

DEPARTMENT OF STATE,
Washington, D.C., December 1, 1969.

Mr. JAMES M. STEWART
Palatine, Ill.

DEAR MR. STEWART: This is in reply to your letter of November 16th to Secretary Rogers. The great ideals encompassed in the Charter of the United Nations are set out most cogently in the Preamble. They may be paraphrased as follows:

Saving succeeding generations from the scourge of war;

Reaffirming faith in fundamental human rights;

Establishing conditions under which justice and respect for law can be maintained;

Promoting social progress and better standards of life in larger freedom;

Practicing tolerance and living in peace with one another as good neighbors;

Uniting to maintain international peace and security;

Employing international machinery for the promotion of the economic and social advancement of all peoples.

I believe that these ideals continue to be the heart of the foreign policy of the United States.

Sincerely,

FRANCIS W. CARPENTER,
Special Assistant, Bureau of International Organization Affairs.

THE SECRETARY OF STATE,
Washington.

MESSAGE TO EMPLOYEES OF THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE ON THE OCCASION OF UNITED NATIONS DAY, OCTOBER 24, 1965

United Nations Day holds special significance this year. The UN is celebrating its twentieth anniversary, and 1965 was designated as International Cooperation Year by the UN General Assembly.

The United States played a leading role in drafting the Charter. We have worked unceasingly with other members to uphold the spirit and the letter of that great commitment. We have supported UN actions for making and keeping peace and establishing the rule of law. We have supported or initiated many of its most constructive programs.

In the quest for peace, in the search for progress, the United Nations—despite some disappointments and setbacks—has served us well. There is no substitute for it. We intend to persist in our efforts to make the UN stronger and still more capable of performing the tasks of an effective international organization.

I hope each employee will reread the United Nations Charter. It encompasses the same great ideals that are the backbone of our democracy *and the heart of our foreign policy.*

DEAN RUSK.

COLUMN SCORES SMALL DIVIDEND OF U.S. BONDS COMPARED TO THOSE OF CANADA AND GREAT BRITAIN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. MOORHEAD. Mr. Speaker, Sylvia Porter, the renowned economist and writer, recently penned a column which appeared in the Pittsburgh Post-Gazette.

Miss Porter discusses the very poor comparison between the dividends earned on U.S. Government savings bonds as compared to those offered by the Governments of Great Britain and Canada.

Even with the proposed increase to 5 percent, the American product falls woefully short of its sister countries' bonds.

Miss Porter interprets this fact as a lack of concern for the small saver, the man who gets a $25 or $50 bond regularly taken out of his paychecks.

At this point, I would like to enter Miss Porter's column into the RECORD and ask that my colleagues take into consideration the point of Miss Porter's words. And I add my voice to the idea that a man or woman who has shown faith in his country by buying its savings bonds should be the recipient of a greater dividend than is currently offered for his investment.

The article follows:

YOUR MONEY'S WORTH: AN INDIGNANT GLANCE AT LOW U.S. BOND RATES

(By Sylvia Porter)

If you were a small investor in Canada today, you could buy a new issue of Canada savings bonds paying you 7 per cent for the first year, 8 per cent for each of the next two years, 8¼ per cent for each of the last six years. If you hold the bonds to maturity in nine years and didn't cash the interest coupons as they came due, you would get a bonus payment which along with your accrued interest would DOUBLE your original investment in the nine years. You could buy the bonds in denominations as low as $50 up to a limit of $25,000. Of course, you could cash in your bonds at any time for their full face value plus earned interest.

If you were a small investor in England today, you also could buy a new series of savings bonds via payroll deductions which would pay you the equivalent of a tax-free 7 per cent for five years or 7½ per cent for seven years—a return which the London Economist says is "not to be sniffed at."

You could get all sorts of bonus deals to encourage you to hold your bonds to maturity plus safety, plus the advantage of systematic savings, etc.

But if you are what you are—a small saver in the United States buying U.S. savings bonds via payroll deductions—you can get 4¼ per cent but only if you hold the bonds to maturity in seven years; you get much less if you cash in before maturity.

And while Congress eventually will get around to raising this rate to 5 per cent by shortening the maturity of the bonds to five years and 10 months, the new high rate still will be less than 1969's rise in the cost of living.

The new 5 per cent rate will, in blunt summary, be disgracefully belated, with what the Treasury is paying sophisticated buyers of its marketable securities (8 per cent on a short-term I.O.U. last month).

The rate will be blatantly unfair to the innocent saver in this era of steep interest rates and galloping inflation.

It's getting tougher and tougher to defend this administration's attitude toward the small saver in his land.

I don't want to undercut this program, for it's fundamentally too good to deserve this treatment. I don't want to risk spurring a mass cash-in of the $52 million of savings bonds held by 10,300,000-plus Americans today, for I understand the inflationary dangers inherent in this.

Nevertheless, when I study what Canada and Britain are offering their savers, I am ashamed of my own government.

The U.S. Treasury is paying the small saver of this country less interest than any other nation in the entire world. It is openly taking advantage of the small saver's apathy while paying more sophisticated investors what the market demands.

The Treasury (with the help of Congress) is severely damaging one of the greatest savings program ever devised. Savings bond sales have lagged behind cash-ins for the past 11 months; while Treasury officials pay lip service to the program, I can't help wondering whether they give a damn.

The debt managers of this administration are showing a shocking lack of imagination and boldness.

If incentives are essential to encourage people to save via bonds in this era, why not give them? If Canada and England can offer bonus rewards to long-term investors, why can't we?

If other major countries try to pay the little fellow enough interest to keep him at least even with rising living costs, how dare our government pay a negative rate of return?

RAY LAPIN—A GOOD RECORD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. ANDERSON of California. Mr. Speaker, the goal of an administration should be efficiency. For this reason, Government constantly looks to the field of business for men who have proven professional competence to head bureaus and agencies. Usually, these men come to Washington at great personal and monetary sacrifice.

Such is the case of Raymond Lapin, Director of Federal National Mortgage Association. After proving professional competence in the private sector. Mr. Lapin was asked to head "Fannie Mae." In 1966 he brought his experience and knowledge to this agency and immediately won praise from the housing industry.

On November 26, President Nixon acted to remove him from office "for good cause." Mr. Lapin's political affiliation is cited as the "good cause." The question is, should we allow the "spoils system" to take precedence over efficiency and competence? Why should the public suffer simply because a man has one political registry or another?

Today housing is one of the most pressing problems facing the administration. Interest rates are too high—housing starts are off. "Fannie Mae," by making money available for housing at a more reasonable price, where otherwise it should be too high, has been a success.

The administration should be more concerned about housing and less concerned about rewarding its friends.

The administration, a strong advocate of a prominent saying in the 18th Century—"to the victor belong the spoils"—has put aside the public interest in an effort to reward those who happen to be friends of the party.

I believe my colleagues would find much insight in an article appearing in the Washington Evening Star of December 12, 1969, which gives an interesting summation of the case as it stands today.

The article follows:

LAPIN'S "FANNIE MAE AFFAIR"

(By Mary McGrory)

Raymond H. Lapin says he will have to be carried away from Fannie Mae. But this is, being Washington, not a love story but a power struggle, because Fannie Mae is a mortgage association and Lapin was president and director until peremptorily fired by President Nixon on Nov. 26.

Lapin, a tall, balding, sober-sided Californian, thinks he has done well by Fannie Mae. He has certainly put her name in lights in the financial world and won rave notices from the financial press and perhaps praise of a sort from George Romney, Secretary of Housing and Urban Development, which was once Fannie Mae's supervisor and now her principal client.

Lapin looks and sounds like the kind of man Republicans are always looking for to head large organizations. He has presided over Fannie Mae's transformation from government agency to private enterprise, which is in keeping with Republican philosophy about business efficiency.

PAYS TAXES NOW

Under Lapin's direction, Fannie Mae, which has doubled the purchases of mortgages for the Federal Housing Administration and the Veterans Administration, is being taken over by private stockholders, and pay taxes like any corporation.

But Lapin is a Democrat, and thus, it would seem, undeserving of a post which will pay, when the transition is complete, something like $85,000 a year.

Lapin, however, has no intention of going quietly. He doesn't need the money, but he thinks the real purpose of sacking him was to return Fannie Mae to the clutches of HUD.

To save her from what he considers this evil fate, Lapin has gone to court and is suing Richard Nixon, among others, to keep his job.

The White House is mildly disconcerted by Lapin's unexpected show of force. They say he is not only a Democrat, but he is a gung-ho Democrat who has lobbied for the re-election of a Democratic congressman, Richard Hanna of California. Lapin was appointed by former President Lyndon B. Johnson in 1966.

Lapin admits he wrote 24 letters to friends in the mortgage, banking and savings and loan industries soliciting their contributions for a fund-raising dinner for the congressman, which was held recently in Washington.

CALLED A CLERICAL ERROR

But, he says, he wrote the letters on his personal stationery, not Fannie Mae's, and it was a clerical error that the letters went out in Fannie Mae envelopes.

Besides, he said, since Fannie Mae is now a private organization, his job no longer comes under the Hatch Act. The dinner, he says was heavily attended by Republicans, who also appreciate Hanna's stalwart efforts in the field of housing and home financing.

Last Wednesday, the board of directors voted a new board chairman for Fannie Mae, under deputy secretary of HUD named Willian B. Ross, who, Lapin says, does not really love or understand Fannie Mae as he does. Ross will keep the president's seat warm until Nixon finds a deserving Republican to take over before next May, when the final stage of Fannie Mae's "privatization" could be accomplished.

Life for Lapin is lonely these days. Ross, who is supposed to be running the association, has taken over the board room next to Lapin's office. Staff members, who have no idea how it is all going to come out, nervously ask Lapin if he thinks he will be locked out. He doesn't see how the government can keep him off private property.

DOESN'T GET HIS MAIL

He doesn't get his mail any more. The general counsel of HUD, Sherman Unger, whom Lapin regards as his real enemy, has given orders that all business letters be kept from him.

Some efforts are being made on Capitol Hill to try to keep Lapin and Fannie Mae together. Sen. Alan Cranston, D-Calif., accompanied his friend and constituent to a meeting with HUD undersecretary Richard Van Dusen, where Lapin was told he could go with praise if he went right away. Cranston thinks bureaucratic jealousy has added to Lapin's problems.

"Fannie Mae is the only success in the housing field," says Cranston. "George Romney wants to take credit for it. And of course it's too good a job for a Democrat."

Lapin thinks he can litigate against the President and the board of directors for several months yet. He thinks the law guaranteed his appointment until Fannie May was entirely free of government control. He thinks that justice is, too. And if he can't keep his job, he hopes he can at least keep Fannie Mae on the road to freedom from government control.

RICHARD ORR HONORED FOR DISTINGUISHED SERVICE TO AMERICAN AGRICULTURE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. PUCINSKI. Mr. Speaker, earlier this week the very distinguished and highly respected farm editor of the Chicago Tribune was honored by the Newspaper Farm Editors of America for distinguished service to American agriculture.

I am sure all of us who have read Mr. Orr's article about American farming will applaud the great honor paid him by his fellow agriculture editors.

Agriculture continues to be America's largest single industry and provides more jobs directly and indirectly than any other industry of our Nation.

I am pleased to know that Mr. Orr's very knowledgeable articles about this very important aspect of our society has been properly recognized.

The article of his citation, which appeared in the Chicago Tribune, follows:

TRIBUNE FARM EDITOR HONORED FOR SERVICES

Richard Orr, The Tribune's farm editor, was given an award for distinguished service to American agriculture thru newspaper journalism yesterday at the annual meeting of the Newspaper Farm Editors of America at the Sheraton-Blackstone hotel.

Orr received a silver trophy and $500 presented by Donald D. Maze on behalf of the Charles Pfizer & Co., Inc., of New York, a pharmaceutical firm. Donald D. Maze, manager of the firm's east-central region, presented the award.

Donald Muhm, farm editor of the Des Moines Register-Tribune was named 1969 farm editor of the year at the same meeting. He received $500 from the National Plant Food Institute and the Newspaper Farm Editors of America.

Orr was a national winner, selected by a panel of judges from 10 finalists. The finalists were selected by balloting by 3,500 person related to a farm journalism.

In August, Orr won an "Oscar" in agriculture presente dby the De Kalb AgResearch Inc., De Kalb, one of the nation's leading producers of hybrid seeds.

Muhm also was elected president of the farm editors group during the meeting. S. Archie Holdridge, farm editor for the Hartford, Conn., Courant was elected first vice-president; and Glenn Cunningham, formerly of the Register-Tribune, was reelected secretary-Treasurer. Four regional vice presidents also were elected.

THIS AREA "NUTTIEST" IN COUNTRY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. GAYDOS. Mr. Speaker, I represent the 20th Congressional District of Pennsylvania, an honor and privilege of which I am most proud. It is an area embracing three cities—McKeesport, Duquesne, and Clairton—and a number of residential municipalities.

Each of the cities has its individual claim, or claims, to fame. McKeesport is the "Tube City" because its sprawling steel plant produces a product used throughout the world; Duquesne is the "Steel City" because its steelmaking ability is paced by one of the first basic oxygen furnaces in the State; Clairton boasts the largest coke-producing plant in the world and also is known as "the "City of Prayer" because of its fight to restore prayer to public schools.

There are many other reasons why the 20th District is known throughout the Nation but I recently learned of another distinction held by this area. We are, to use the vernacular, nuts about nuts.

Let me quickly explain, Mr. Speaker, for the benefit of my colleagues who possess a sense of humor and rapier wit which I highly respect, that I am referring to our consumption of the foodstuff and not to certain individuals whose actions lead one to question the content of their cranial cavity.

The McKeesport area, I am proud to say, is the second largest consumer of walnuts in the Nation. It is led in this distinction only by Butte, Mont., according to a representative of the California walnut growers. This information was discovered by a woman newspaper reporter, Mary McKee, who writes for the Daily News in McKeesport.

However, as President Nixon has learned from Pennsylvania State University's football team, Pennsylvanians do not take kindly to playing second fiddle to anyone in anything. Therefore, Mr. Speaker, I would serve notice on my esteemed colleagues from the State of Montana that constituents in my 20th District are not satisfied with being No. 2. We will try harder to crack the shell of superiority worn by the nut-cracking citizens of Butte.

John M. Orr, Miss McKee's editor at the Daily News, supported this objective in an editorial on the subject. I include that article, along with Miss McKee's, for the RECORD and invite the attention of my colleagues, particularly those from Butte, Mont., to them:

THIS AREA "NUTTIEST" IN COUNTRY

(By Mary McKee)

The McKeesport area has many claims to fame. Marc Connelly (Pulitzer Prize-winning playwright), Andy Warhol (pop artist) and Murf the Surf (convicted gem thief) all once called McKeesport home. Donna Jean Young, comedian, has been extolling the virtues of her native East McKeesport from coast to coast.

"We're known as "The Tube City," thanks to the big National Works here which makes steel tube to ship throughout the world. We're known, also, for the railroad tracks that cut the city in half and block traffic.

The last distinction we're about to lose, of course. But we have a new reason to boast, one that you may not even have known about.

Next to Butte, Mont., we are now the nuttiest section of the country. How about that!

A representative of the California walnut growers told me all about it at this year's Newspaper Food Editors Conference in Chicago.

"Your section consumes more walnuts than any other place in the country, except Butte, Mont.," he announced.

"Why?" I asked, trying to conceal my civic pride.

"We assume there are two reasons," he went on. "First, you have many first and second generation Americans who came from Europe. Traditionally, they use a lot of nuts in their baking and cooking."

That's all those nut rolls, girls!

"Second, the men in your area work hard, physically, in the mills. They like hearty foods and desserts, made with nuts."

He never did get around to explaining why Butte, Mont., is nuttier than we are. But it doesn't really matter. What does matter is that if we try, if we put on our aprons and get baking, maybe we can capture the title from Butte and become The Nuttiest.

NUTS TO US

Mary McKee, the women's page writer, has come up with the startling intelligence that, next to Butte, Mont., ours is the nuttiest area in he country.

Miss McKee learned this from a representative of the California walnut growers who sell great amounts of their product in the McKeesport market. And she figures, and undoubtedly rightly so, that our ethnic traditions of good nut-filled foods are responsible.

"That's all those nut rolls, girls!" she advised her readers.

But, then, Miss McKee proposed that we forge ahead, gulping down nut rolls along the way until we better Butte and stand alone in the distinction of being, in truth, the nuttiest of all.

We support this objective. Being nutty is a matter of pride these days with brisk competition for the honor under way in most every phase of our society. We have a list of prominent nuts in Washington—and in Harrisburg, too. We have nutty businessmen making millions with nutty products. And what isn't nutty on TV, or the movies or the stage?

So, if this area can become the undisputed nut capital, then what? Added fame and fortune, as determined by present nutty standards, could be ours and this, of course, would not be looked upon as peanuts by Butte, Mont., or any other jealous rival.

WORLD TRADE PROBLEM

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, I include the following article in the RECORD:

[From the Ironworker, October 1969]

WORLD TRADE PROBLEM

(By John Herling)

Bitter words were shouted at the AFL–CIO convention because of this country's deteriorating position in world trade. The anger in the voices of men who are generally slow to wrath was caused by the threat to American jobs arising they see in the rising tide of imports from countries with lower wage and employment standards.

As a result of the large increase in the imports, one union leader after another reported, that jobs are being lost, the union membership rolls are being eroded.

While there has also been a group of "high protection" unions which has sought protection against the inroads of foreign goods, today large industrial unions, once leading advocates of free trade, now also raise the cry for some sort of protection against unfair foreign competition.

One of the key factors in this change of attitude is the "skyrocketing investments" of U.S. companies in foreign operations. American technology and know-how have been transferred to plants which they established throughout the world. As a result large U.S. firms which once exported to other countries now are freed from higher U.S. wage levels and working conditions.

Along with this undercutting of the American foreign trade position by U.S. firms, many foreign producers benefitting by U.S. economic aid policies—originally designed to help them raise their own national standards—manufacture for export to the rich and attractive U.S. market.

Consequently, the AFL–CIO leadership argues that "free-trade" and "protectionism" are both outdated concepts in a world of managed national economies, of international technology, and of multi-national companies

For example, the United Steelworkers, long a vigorous advocate of free-flowing trade, now has made common cause with industrial sectors advocating a restriction of steel imports. Considerable soul-searching preceded this shift in attitude, but the union spokesmen argue that though the principle of reciprocal trade is desirable, their first obligation is the protection of their members' jobs, many of which are disappearing.

Here are other examples: increased textile and ladies garment imports are now cutting out jobs, both for white and the increasing number of black workers in the South.

Men's clothing: Amalgamated Clothing Workers President Jacob Potofsky pleaded for "voluntary control" to turn back the flood of Japanese clothing imports. He warns of increased "foreign import" demonstrations in front of department stores by his union members.

The threat to the shoe workers comes from Japan, Taiwan, Italy and Spain, where wage scales are incredibly low—in Italy reportedly about 8 cents an hour—and sweatshop conditions prevail. Five years ago the U.S. imported about 63 million pairs of leather shoes, last year this rose to 175 million. Fifteen years ago, only 10 million pairs of shoes were imported.

Paul Jennings, president of the International Union of Electrical Workers, found that many unions find themselves "trapped in the cliche of free trade." Under the banner of free trade, he said, American companies are using their low-wage plants in Mexico, Taiwan and Hong Kong to produce for export to the United States with no reduction in price for the American consumer.

At least a dozen speakers poured their wrath on the waters of foreign trade which under recent conditions they consider a threat to the American worker. They had pleaded for action under President Johnson. To little effect. Now they demand it under President Nixon. No action. So they are moving on to Congress.

In support of their position AFL–CIO President Meany said: "We are not isolationist. We have always been in favor of expanded world trade. But this expansion must be regulated in some way that will protect the jobs and the standards of American workers from further overseas exploitation."

SENATE—*Tuesday, December 16, 1969*

The Senate met at 10 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who by the prophet promised One whose name would be called "Wonderful, Counselor, the Mighty God, the Everlasting Father, the Prince of Peace," and that the government would be "upon His shoulders," open our hearts anew to receive His grace and our minds to receive the gentle wisdom of His spirit. Guide us by His star to the manger-throne where rejoicing in Thy gift to us we may offer the gift of our love and labor to Him. As wise men of old were star-led to Him, so may we become wise in the elemental and eternal truths He revealed. May His spirit become our spirit, His wisdom our wisdom, His will our will, that Thy kingdom may come on earth at it is in Heaven.

In the name of Him who promised "Peace on earth among men of good will." Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 15, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 7, 1969, Mr. MAGNUSON, from the Committee on Appropriations, reported favorably, with amendments, on December 16, 1969, the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, and submitted a report (No. 91–610) thereon, which was printed.

Under authority of the order of the Senate of February 7, 1969, Mr. STENNIS, from the Committee on Appropriations, reported favorably, with amendments, on December 16, 1969, the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes, and submitted a report (No. 91–611) thereon, which was printed.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Commerce and the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE C–5A SUPERTRANSPORT PLANE

Mr. GOLDWATER. Mr. President, on Wednesday, December 17, an event will take place which may easily revolutionize the whole present concept of American aviation and transportation of heavy goods and equipment. On that date, Mr. President, the first C–5A supertransport plane will be delivered to the Air Force for operational use in Marietta, Ga. As most of the Members know, this is the world's largest airplane and it already has set a global record for lifting cargo off the ground.

This plane, which has been the subject of a considerable amount of irresponsible and misinformed controversy, may well go down in history as a monument to the initiative, inventiveness, imagination, and efficiency of America's civilian aviation industries.

The C–5A, called the Galaxy, was built for the Air Force by the Lockheed-Georgia Corp. under considerable difficulty.

Appropriately enough, the first delivery for operational use of this amazing aircraft comes on the anniversary of aviation's most important date. It was just 66 years ago Wednesday—at noon on December 17, 1903—that the Wright brothers' first plane took off and flew 120 feet in 12 seconds. It has been noted that that first flight was 1 foot shorter than the cargo compartment of the C–5A.

It taxes the imagination, Mr. President, to realize the enormous capacity of this aircraft and what it could mean to the future of transportation, not only in the United States, but also throughout the world. Not the least of the facets attending this landmark, or perhaps I should say airmark, development is what it could mean to the United States in terms of foreign investment and our balance-of-payments difficulties.

I have flown in this new plane—even took the controls in flight for a few carefully guarded minutes—and I have made it my business to investigate and understand not only the potential and possibilities of this enormous and efficient giant of the skies, but I have also looked carefully into allegations that it had developed structural deficiencies. What I am saying is that I believe I know, perhaps better than any other Member of Congress, what I am talking about when I discuss the C–5A.

Mr. President, I am getting quite tired of irresponsible, headline-designed allegations reflecting on the safety of this plane by officials who have not the slightest interest in learning the true nature of the problems which attend the development of every new aircraft designed any place in the world. I was particularly upset to read that only last Thursday a Member of the House of Representatives had come up with a repetition of an old, discredited charge that the C–5A would be "structurally inefficient" and could endanger the lives of aircrews because it might lose its wings in flight.

It taxes the credulity of Members of Congress to first, believe that a company as large and important and responsible as Lockheed would deliberately turn over to the Air Force for operational purposes a plane so faulty that its wings might drop off, and second, that the Air Force would be so stupid that it would accept a plane without thoroughgoing tests of its operational capabilities and a full and complete understanding of any bugs that might still exist in the plane.

The purpose of these charges is simple enough: It is to produce sensation and obscure a truly great accomplishment of the so-called military-industrial complex—a development which could carry far greater benefits for civilians than it does for the military when the long-range effects of C–5A are thoroughly understood. Let me jog your imagination a little bit. Until now most of the measurements designed to show the huge capacity of this plane have been of a military nature. For example, it has been pointed out that the typical cargo load could include things like two M–170 ambulances, two helicopters, two M–37 ¾-ton trucks with trailers, and so forth. But in civilian terms, let me emphasize that the C–5A could easily accommodate 67 Cadillacs, or six Greyhound buses, or 1,000 people, or 88 Volkswagens.

Wednesday will mark the beginning of a new era of moving freight. It will go down as one of the most important dates in aviation's short but glorious life.

Needless to say, Mr. President, both Lockheed and the Air Force have flatly denied the charges aired in Congress. The Lockheed Co. insisted that no C–5A is flying at the risk of the lives of any crewmembers. It pointed out that nine C–5A's have completed approximately 1,700 hours of strenuous flight testing under conditions more rigorous than will be encountered on operational flights.

I noted that the Congressman in question stated that the aircraft would not perform on-the-field landings. I was in the aircraft when it landed and stopped within 1,500 feet, which should put the lie to that.

The congressional statement "that Lockheed is delivering defective C–5's obviously is based upon misinformation or misinterpretation of the facts," Lockheed said in its statement of December 11.

Air Force Secretary Robert Seamans also noted the many hours of structural flight testing and pointed out that one takeoff of the C–5A set an unofficial world weight lift record of 798,200 pounds.

The Secretary acknowledged, what has been publicly known for some time, that in July 1969, during tests conducted on a nonflight static test specimen, a crack occurred in the right wing at 125 percent of design load limit. The Secretary commented:

This is the equivalent of 1.25 times the maximum maneuverable load ever expected in normal operations of the aircraft.

I might add that this is far in excess of the structural requirements of the aircraft that carry passengers in this country.

I continue with Secretary Seamans' statement:

Since that time Lockheed under Air Force surveillance has established a proposed fix which will reinforce the wing at 11 points. Tests completed to date substantiate the integrity of this fix. As they continue, the static test will be run up to 150 percent of design load limit as required by the contract.

In the meantime we have imposed a maximum gross weight restriction of 332 tons at 2.0 G's until the wing fix is incorporated. This will not preclude effective operational use of the aircraft.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the full text of the Lockheed and the Air Force statements regarding the C–5A.

There being no objections, the statements were ordered to be printed in the RECORD, as follows:

LOCKHEED STATEMENT REGARDING C–5A FOLLOWING CONGRESSMAN MOORHEAD'S PRESS CONFERENCE ON DECEMBER 11, 1969

Lockheed denies any C–5A is flying at the risk of the lives of any crew members as it was reported to have been said today by Congressman Moorhead. Nine airplanes have completed approximately 1700 hours of strenuous flight testing under conditions more rigorous than will be encountered in operations. Congressman Moorhead's statement that Lockheed is delivering defective C–5's obviously is based upon misinformation or misinterpretation of facts.

AIR FORCE STATEMENT REGARDING C–5A FOLLOWING CONGRESSMAN MOORHEAD'S PRESS CONFERENCE ON DECEMBER 11, 1969

Secretary Robert C. Seamans said today that based on his monthly reviews on C–5 aircraft performance, schedule and cost he has confidence in the decision to accept the first C–5 aircraft for operational training use next week.

There are nine C–5 aircraft flying. They have accumulated 1650 flight hours in a structural flight test program including one take-off which set an unofficial world weight lift record of 798,200 pounds.

In July 1969 during tests conducted on a non-flight static test specimen a crack occurred in the right wing at 125% of design load limit. This is the equivalent of 1.25 times the maximum maneuverable load ever expected in normal operations of the aircraft.

Since that time Lockheed under Air Force surveillance has established a proposed fix which will reinforce the wing at 11 points. Tests completed to date substantiate the integrity of this fix. As they continue the lead static test article will be retested to 150% of design load limit as required by the contract.

In the meantime we have imposed a maximum gross weight restriction of 332 tons at 2.0 G's until the wing fix is incorporated. This will not preclude effective operational use of the aircraft.

Appropriate Congressional committees have been kept fully informed of our progress with the C–5. We have every confidence that the C–5 being delivered next week and the ones to follow will add immeasurably to our airlift capability.

AMERICA THE BEAUTIFUL

Mr. HART. Mr. President, last night, at home, I picked up a magazine, entitled "The Quaker Notes." It is the fall issue of 1969. It is published by the Sidwell Friends School here in Washington, D.C.

Leafing through it, I came on a three verse poem written by a seventh grader.

Mr. President, the name of this seventh grader is Caron Cadle. I do not know how many of us can carry a tune in our heads, but all of us know the music of "America the Beautiful." These three verses are written to the theme of "America the Beautiful." Listen to the cry of this seventh grader. I will read just the first stanza:

AMERICA THE BEAUTIFUL

Oh beautiful for voltage dams,
For garbage and debris,
For rainbow-colored oil leaks,
That well pollute the sea!
America, America
We shed our wastes on thee,
And crown this lump,
This Garbage dump
With "progress" verily!

Mr. President, if a seventh grader can see what we are doing to ourselves and express it this vividly, we—all of us—should be able to respond more effectively.

Mr. President, I ask unanimous consent that this young lady's sensitive cry be printed in the RECORD for all to read.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

AMERICA THE BEAUTIFUL

Oh beautiful for voltage dams,
For garbage and debris,
For rainbow-colored oil leaks,
That well pollute the sea!
America, America
We shed our wastes on thee,
And crown this lump,
This garbage dump
With "progress" verily!

Oh beautiful for smoggy skies
In New York and L.A.
For ghettos, filth and misery
You take the cake today!
America, America,
Equality for all
Just that some peoples'
Portions are
A little bit too small!

Oh beautiful for grey concrete
And creatures killed by cars,
For poor and underpriviledged,
As we reach for the stars!
America, America,
Just smell the sewers sweet!
Do not forget that living here
Is really quite a treat!

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNCIL OF SOCIAL ADVISERS—AMENDMENT

AMENDMENT NO. 428

Mr. JAVITS. Mr. President, I submit for myself and the Senator from Minnesota (Mr. MONDALE) an amendment intended to be proposed by us, jointly, to S. 5, the bill introduced by Senator MONDALE which would create a Council of Social Advisers. The amendment would establish an Office of Goals and Priorities Analysis within the Congress to conduct a continuing nonpartisan analysis of national goals and priorities and to provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

S. 5, which was introduced by the Senator from Minnesota (Mr. MONDALE) on January 15, 1969, and which I cosponsored, is designed largely to further the study and collection of social information and indicators in this country. A Council of Social Advisers, analogous to the existing Council of Economic Advisers, would publish an annual social report, and a Joint Committee on the Social Report would have functions parallel to those of the Joint Economic Committee. Our hope is that the creation of these mechanisms would stimulate the search for improved social data and indicators, in much the same way that the establishment of the Council of Economic Advisers and a Joint Economic Committee resulted in great advances in the consideration of the economic health of our Nation.

Mr. President, S. 5 is an important piece of legislation. We must know more about the existing social conditions in our country before we can expect to be successful in improving these conditions. Time and again, in preparing and enacting social legislation, it has been necessary to enact programs on the basis of inadequate knowledge and of incomplete understanding of the social problems we are striving to cure.

But social data and research alone are not enough. Even if our statistics and indicators were perfect, they would not be sufficient. We must gather the data and research results, compile the statistics, and evaluate the indicators, and then use all of this information as a basis for formulating goals and priorities. It is not enough to discover that millions of people in the United States are hungry; we must also set a goal and find the means to eliminate hunger. It is not sufficient to conduct studies which demonstrate that the crime rate has been increasing; we must set a goal and find the means to lower the level of crime. And these goals must then be weighed one against the other, since in the face of limited resources it is naive to hope that all of our objectives can be reached at once, and we must arrive at a rational and explicit ordering of priorities.

The amendment I am submitting today is aimed at improving our formulation of goals and our determination of priorities. It would establish within the Congress an Office of Goals and Priorities Analysis, similar in many structural respects to the General Accounting Office, which would assist in establishing a framework of

national goals and priorities and would provide Congress with the detailed data and analysis needed to make informed decisions. The Office would submit to the Congress on the first day of March of each year a national priorities report, which would include, but not be limited to:

First. An analysis, in terms of national priorities, of the annual budget submitted by the President and of the Economic Report of the President.

Second. An examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resource and cost implications of alternative sets of national priorities.

Third. Recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

The Office is also directed to make such other studies as it deems necessary to carry out its stated purposes, and to provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national priorities.

The Joint Economic Committee would hold hearings on the national goals and priorities report and on other reports and studies of the Office. That Office is given powers similar to those held by the GAO; Government agencies are authorized and directed to furnish to the Director upon request such information as he considers necessary to carry out the functions of the Office.

The Office is designed to be directly responsible to the Congress. For this reason, the Director and Assistant Director are appointed jointly by the President pro tempore of the Senate and the Speaker of the House, and may be removed by a resolution of either House. Terms of office are 4 years, timed to coincide with the organization of a new Congress following each presidential election.

There is a great need for the several services which would be provided by the Office of Goals and Priorities Analysis. Since our resources, although vast, are not unlimited, we must make choices. Our goals must be formulated carefully, and our priorities ordered wisely.

There is a need for an overview, for some sort of coordinating mechanism which would consider all of the alternatives and options open to us. At present, each item considered by the Congress is viewed almost in isolation from every other. Although changes made in the poverty program are likely to have profound effects on the welfare program, for example, the two are handled by different committees and may be taken up months apart on the floor. Each appropriations bill is considered by a separate subcommittee, and is enacted on its own merits with little regard to the implications for other appropriations bills.

Every time we enact a program or an appropriation, we are in effect making a priority decision, since we are decreasing the resources available for other programs. Yet there are probably few Members of Congress who have available to them a clear and up-to-date picture of what has already been enacted or appropriated during that session of Congress, what remains on the agenda or is likely to come up for enactment or appropriation, or what constitutes the total amount of resources available to the Nation that year. It is my hope that the Office of Goals and Priorities Analysis will assist in making available this kind of information, and in spelling out the interrelationships and future implications of various programs and courses of action.

There is also a need on the part of the Congress for a greater knowledge of the cost-benefit ratio of each of the measures on which it must decide. A law was passed in 1956 which requires that each executive proposal for new legislation include a 5-year cost projection, but this requirement has been honored more in the breach than in the practice. The Office of Goals and Priorities Analysis, by invoking this law, by using the powers assigned to it to request information from Government agencies, and by using its skills in analysis and evaluation, should be able to help the Congress to bring more information and enlightenment to each of its decisions.

Increasing attention has been paid in recent months to the question of goals and priorities. The fulfillment of the goal set in 1961 by President Kennedy of landing a man on the moon by the end of the decade has prompted many people to suggest other goals which they feel ought to be adopted by the Government, in the hope of obtaining similarly spectacular results. The hope that the war in Vietnam may soon be over has stimulated a great debate over the priorities which ought to be followed in spending the expected "peace dividend." The cost of the war itself, and the huge size of the military budget, has caused much questioning of the methods by which our goals and priorities are presently determined, especially with regard to choices between military and domestic spending.

Although there has been a renewed interest in the explicit and rational determination of goals and priorities, the idea is by no means a new one. President Hoover appointed a Committee on Recent Social Trends in 1929, and President Eisenhower established a Commission on National Goals in 1960. The minority members of the Joint Economic Committee have been recommending for years, beginning in 1963, that measures be taken to examine Federal expenditure policy in an objective and nonpartisan manner.

This year the main body of the joint economic report, as well as the section on "minority views," included a recommendation for a comprehensive study of national goals and priorities. Stating that "too often public policy has been formed in an ad hoc fashion because of an absence of clearly stated national objectives and priorities," the report urged that—

> The Congress, with guidance from its leadership, and the administration undertake a formal and comprehensive study of national goals and priorities with a view to establishing guidelines for legislation and expenditure policy.

I ask unanimous consent that the relevant portion of the 1969 joint economic report be included at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, on July 13 of this year, President Nixon announced that he was establishing a national goals research staff within the White House. This was certainly a step in the right direction, and hopefully will contribute to President Nixon's stated objective of charting "the future as consciously as we are accustomed to charting the past." However, it was made clear that the staff will not recommend or determine priorities in any sense; its function will be to collect, correlate and process data relating to social needs, and to project social trends. Furthermore, the staff has no statutory authority, and is designed primarily to serve the executive branch. The Office of Goals and Priorities Analysis which I am proposing today would build upon and extend the action taken by the President.

Although the efforts I have cited so far all have been the work of Republicans, the matter of goals and priorities is not and should not be a partisan one. The Senator from Wisconsin (Mr. PROXMIRE) recently suggested that a staff unit be created within the Joint Economic Committee to analyze and evaluate the Federal budget, although he has not yet proposed specific legislation. His Subcommittee of the Joint Economic Committee has been holding hearings dealing with the need for the Congress to gain access to more program evaluation and analysis. On the basis of these hearings, he concluded:

> Congress requires an in-house staff capability to assist it in obtaining program analysis studies and translating their results into a form appropriate for Congressional debate.

Senator RIBICOFF's Subcommittee of the Government Operations Committee has been holding hearings with a view to increasing the ability of the GAO to answer Congress' needs for more information and analysis. The Senator from Wisconsin (Mr. NELSON) has introduced legislation which would create a Joint Committee on National Priorities, to review and recommend changes in national priorities and resource allocation.

The Office of Goals and Priorities Analysis would not determine or legislate goals. But it would give the Congress an invaluable tool in an area where executive prerogative has far outstripped congressional responsibility.

Mr. President, I ask unanimous consent that the amendment be printed as a part of my remarks; and also that it be printed under the rule and referred to the Committee on Labor and Public Welfare, where the bill is pending.

The PRESIDING OFFICER. The

amendment will be received, printed, and referred to the Committee on Labor and Public Welfare by unanimous consent; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 428) is as follows:

S. 428

On page 1, line 3, after the word "Opportunity" insert the words "and National Goals and Priorities".

On page 1, between lines 3 and 4, insert the following: "Title I—Full Opportunity".

On page 1, line 5, strike out "2" and insert in lieu thereof "101".

On page 2, line 9, strike out "3" and insert in lieu thereof "102".

On page 2, line 13, strike out "2" and insert in lieu thereof "101".

On page 2, line 20, strike out "2" and insert in lieu thereof "101".

On page 2, line 24, strike out "2" and insert in lieu thereof "101".

On page 3, line 5, strike out "2" and insert in lieu thereof "101".

On page 3, line 9, strike out "5" and insert in lieu thereof "104".

On page 3, line 11, strike out "4" and insert in lieu therof "103".

On page 3, line 19, strike out "2" and insert in lieu thereof "101".

On page 4, line 22, strike out "2" and insert in lieu thereof "101".

On page 5, line 1, strike out "2" and insert in lieu thereof "101".

On page 5, line 5, strike out "2" and insert in lieu thereof "101".

On page 5, line 11, strike out "2" and insert in lieu thereof "101".

On page 5, line 19, strike out "2" and insert in lieu thereof "101".

On page 6, line 2, strike out "2" and insert in lieu thereof "101".

On page 7, line 6, strike out "4(c)" and insert in lieu thereof "103(c)".

On page 7, line 16, strike out "5" and insert in lieu thereof "104".

On page 9, after line 10, add the following new title:

TITLE II—NATIONAL PRIORITIES

DECLARATON OF PURPOSE

SEC. 201. The Congress finds and declares that there is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of national goals and priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national goals and priorities, it is hereby declared to be the intent of Congress to establish an office within the Congress which will conduct a continuing nonpartisan analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

ESTABLISHMENT

SEC. 202. (a) There is established within the Congress an Office of Goals and Priorities Analysis (hereafter referred to as the "Office").

(b) There shall be in the Office a Director of Goals and Priorities Analysis (hereafter referred to as the "Director") and an Assistant Director of Goals and Priorities Analysis (hereafter referred to as the "Assistant Director"), each of whom shall be appointed jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House. The Office shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director. The Director shall designate an employee of the Office to act as Director during the absence or incapacity of the Director and the Assistant Director, or during a vacancy in both of such offices.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1973. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter.

(e) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by appointment, as provided in this section for the remainder of the unexpired term.

FUNCTIONS

SEC. 203. (a) The Office shall make such studies as it deems necessary to carry out the purposes of section 201. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Office shall submit to the Congress on the first day of March of each year a National Goals and Priorities Report. The Report shall include, but not be limited to—

(1) an analysis, in terms of national goals and priorities, of the annual budget submitted by the President and of the Economic Report of the President;

(2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal progress, and the resources and cost implications of alternative sets of national goals and priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of these programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the National Goals and Priorities Report and other reports and studies which the Office submits to the Congress, the Office shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national goals and priorities.

POWERS OF THE OFFICE

SEC. 204. (a) In the performance of its functions under this title, the Office is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Office;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by Congress;

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $125 per day; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permited by law, to furnish to the Office, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Office.

(c) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) the Director, Assistant Director, and employees of the Office of Priorities Analysis.".

JOINT ECONOMIC COMMITTEE HEARINGS

SEC. 205. The Joint Economic Committee of the Congress shall hold hearings on the National Goals and Priorities Report and on such other reports and studies of the Office as it deems advisable.

AUTHORIZATION OF APPROPRIATIONS

SEC. 206. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

EXHIBIT 1

[From the 1969 Joint Economic Report]

NATIONAL GOALS AND PRIORITIES

The budget of the Federal Government accounts for over 20 percent of the Nation's total output of final goods and services. The allocation of this nearly $200 billion budget among the multitude of Federal programs has an enormous influence on both the structure of outputs produced by the U.S. economy and the distribution of the Nation's income. Because of this impact of Federal revenues and expenditures on the society, it is essential that allocation decisions be based on a clear statement of national goals and priorities. This necessity is reinforced by the rapid growth in Federal expenditures over the past several years.

Too often public policy has been formed in an *ad hoc* fashion because of an absence of clearly stated national objectives and priorities. Public expenditures have grown with no assurance that the objects of expenditure were those which we would have chosen if we had a clearer set of priorities and better information on the values generated by dollars spent in different areas. Indeed, much public apprehension concerning the efficacy of government is due to the fact that private citizens discern no consistent set of objectives to which they can relate and about which they can debate. Because of the Government's failure to define priorities clearly and to evaluate the social contributions of tax dollars spent in different areas, wastage and inefficiency in public expenditure programs can develop and persist, and vital social needs can remain unmet.

Recently, a number of official and semi-official bodies have studied and spoken out on the question of national goals and priorities. These efforts have been useful. Currently, our society is confronted by serious social problems. Increasing demands for assistance and redress are arising from the poor and minority groups, from small business and labor, from consumers, and from institutions of health and education, to mention only a few. We judge that current circumstances require that Congress and the administration openly and explicitly address the question of national objectives. For the past several years, this committee has

recommended that a comprehensive study of national goals be undertaken and, in the coming year, we hope to provide leadership in initiating this effort.

We urge that the Congress, with guidance from its leadership, and the administration undertake a formal and comprehensive study of national goals and priorities with a view to establishing guidelines for legislation and expenditure policy.

We recognize the serious difficulties which plague efforts to seek general agreement on these basic questions of national direction. Indeed, the vitality of this Nation's political system stems from the diversity of opinions and values held by the populace. We have, however, recently witnessed a period of intense study of a large number of issues which pertain to national goals. While many of these issues were related, the task forces which were responsible for the analysis and recommendations properly viewed their mandate as being limited in scope. It is now time to seek a broader perspective: an overview in which the urgency of the individual demands generated by these reports can be subjected to a comprehensive appraisal. We believe that the following considerations are basic to any serious discussion of national priorities.

1. The study of goals and priorities should determine the dollar costs required to attain each of the substantial number of objectives which are often cited as being primary social goals. It is important that public decisionmakers have before them an estimate of the costs of each item in the array of social objectives, all of which would be chosen if they could be afforded. This information, by demonstrating that the devotion of resources to one objective implies a foregone opportunity to support another, leads to improved public decisions by clarifying the real costs associated with any decision.

2. The study of goals and priorities should evaluate the output and financial resources which the economy and the Federal Government can call upon in attaining social objectives. It is now possible to project with some accuracy the future output of the economy and, given the existing tax structure, the budgetary resources which will become available to the Federal Government. Moreover, it is possible to estimate confidently the future expenditures in a substantial number of Federal governmental programs which, for all intents and purposes, are beyond the annual control of the appropriations process. By ascertaining the difference between these two flows—projected revenue increases and increases in unavoidable Federal outlays—we obtain what is sometimes called the fiscal dividend. This figure provides both the Congress and the executive branch with meaningful information on the future availability of resources which can be allocated among the various social objectives. Such estimates should be developed for a range of plausible assumptions and should be updated and published on an ongoing basis. This information, it should be noted, is the complement of the data on the total costs required for attainment of each of the objectives.

3. The study of goals and priorities should focus on the allocation of Federal revenues between the military and civilian budgets. Because the defense budget is substantially less visible than budgets for civilian programs and because of our past experience with national security costs which have substantially exceeded initial estimates, this allocation question should not be neglected in an analysis of national priorities. Information concerning the budgetary implications of a number of possible national security postures is essential to meaningful public policy decisions and a rational allocation of the Federal budget among its competing claims.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SO-CALLED TAX REFORM BILL

Mr. HOLLAND. Mr. President, on December 11, I voted against the so-called tax reform bill. My reasons for voting against it were stated in full in the RECORD at that time.

In voting against that bill, I was following a course which I have followed heretofore. I wish to state the latest example prior to that date when I voted against a tax bill with the hope that it would be improved in conference and was then able to vote later for the conference report. In 1967 I voted against an overloaded social security bill, H.R. 12080, exactly as I voted against the so-called tax reform bill on December 11, a few days ago. The vote appears in the CONGRESSIONAL RECORD, volume 113, part 25, page 33637. My statement as to why I voted against the bill appears on page 33647.

When that particular bill came back from conference, I was glad to vote for it, as shown in the CONGRESSIONAL RECORD, volume 113, part 27, page 36924. My statement explaining the great improvement of the conference bill and why I was glad to vote for it appears on pages 36925 and 36926.

I hope we shall have the same experience this year on the so-called tax reform bill, and that I shall be able to vote for it. However, I am glad to note that several of the thoughtful editorialists of my State have pointed out that the tax bill which we passed the other day was anything but an appropriate tax reform bill.

I ask first that an editorial from the Tampa Tribune entitled "Senate Santa Is Overloaded" be placed in the RECORD at this time as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Tampa (Fla.) Tribune, Dec. 10, 1969]

SENATE SANTA IS OVERLOADED

Yes, said President Nixon, he would shoot Santa Claus.

The President was replying to a question at his Monday night press conference whether he would sign the pending tax reform bill if, after final adoption, it contained the $800 individual income tax exemption and 15 per cent-plus Social Security increase added by the Senate.

Mr. Nixon had an unequivocal answer: "No."

It was not an answer calculated to please millions of Social Security pensioners and middle income taxpayers. But it was the only answer a President concerned with fiscal soundness could give.

The Senate has loaded so many goodies onto the tax reform bill which came from the House that Senator John J. Williams of Delaware called it "the $10 billion christmas tree." If all were enacted into law, the Federal Government would run a multi-billion-dollar deficit at a time when the Nixon Administration is struggling to contain inflation. One result would be more inflation and a rapid erosion of the benefits granted taxpayers and pensioners.

There is not much doubt that a substantial Social Security increase will be enacted, as it should be to make up for the dollar shrinkage of the last two years, but it should be handled separately from the tax bill. And there is question whether the Social Security tax program can stand the entire $6.5 billion increase proposed by the Senate, including a $45-a-month boost in minimum payments as well as a general 15 per cent raise.

Certainly a good case can be made for increasing the present $600 personal income tax exemption, originally regarded as a cost-of-living allowance. But the Senate proposal to raise it to $700 next year and $800 in 1971 would cost the Treasury $2 to $3 billion a year.

Similarly, every parent with a child in college knows there is justification for a tax credit for education costs. But the Senate plan for $325 per year per student would cut Federal revenues an estimated $2.4 billion.

The Senate Christmas tree holds presents for business, too. Special exceptions to the House-approved repeal of the 7 per cent investment tax credit would amount to a billion dollars in giveaways.

As passed by the House, the tax reform bill would increase taxes on the wealthy and on business, mainly by reducing or removing present exemptions, and thus would raise an additional $6 to $7 billion revenue. It would, at the same time, give about $9 billion in relief to lower and middle income taxpayers. The Nixon Administration hoped to be able to offset the net loss in revenue by reducing expenses, particularly defense. But it cannot absorb the additional $5 to $6 billion loss contained in the Senate bill.

All families are confronted, at this season, with the problem of balancing Christmas gift lists against present savings and future income. Excessive generosity now means financial anguish later.

The problem is the same in Washington.

It's easy for Senators to play Santa Claus—they don't have to try to balance the Federal books next year. When Majority Leader Mike Mansfield was asked yesterday by a reporter if he would sign the Senate tax bill, if he were President, he gave an evasive but revealing answer: "I'm not President."

Richard Nixon *is* President and he has to worry about paying the bills. His plain promise to shoot the Senate Santa Claus should help persuade the House-Senate conference committee to reduce this gift pack to a more sensible size.

Mr. HOLLAND. Mr. President, I ask next that an editorial from the Miami Herald of December 13, 1969, entitled "Senate Makes a Hash of Tax Reform Bill," be placed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATE MAKES A HASH OF TAX REFORM BILL

In a rush to adjourn before Christmas, the Senate has made an inedible hash of the so-called tax reform bill. Actually, there was no need for haste. Effective dates of most sections of the bill do not depend on when it passes.

Inflation is the principal condiment of this unhappy Christmas dish. Its traces are found conspicuously in the Social Security amendments. To be sure, that system needs to be brought up to date, but not piecemeal, in a tax bill, as the Senate has done.

Indeed, the proposal to let workers retire at age 60 on two-thirds of their Social Se-

curity benefits would be bad for the country at this time.

The original purpose of Social Security when it began during the depression—remember?—was to encourage workers to retire at age 65, thus making room on payrolls for hordes of jobless. But today unemployment is at a record low for modern times. Employers are scraping the bottom of the manpower barrel. Elderly hands as well as others are needed to get the nation's work done.

More to the point would be wiping out the limit on earnings for persons drawing Social Security, thus encouraging them to stay in the labor force. But this, like the retirement age and other improvements in Social Security, should be handled by Congress in due course, not in the current hurry-hurry atmosphere.

The same must be said of the 15-per cent Social Security hike, approved so hastily that many senators probably have no notion of what it will cost.

Relief is due the elderly struggling to eke out an existence on tiny Social Security checks, but the amount and the timing must be weighed against inflation, which could gobble up an immediate increase.

Inflationary, too, is the Senate's plan to raise the personal exemption from income taxes from $600 to $800 a head. Of course the $600 is wildly unrealistic under present-day costs of living, but taxpayers stand to lose more than they gain if a higher exemption sends prices soaring again.

President Nixon has made clear that he will veto the bill if it comes to his desk with the inflationary Senate amendments. Fortunately, the House must review the changes. Perhaps the worst features will be deleted by a Senate-House conference committee.

Mr. HOLLAND. There are various other similar editorials in the Florida papers, but I shall not encumber the RECORD with them. I am happy to state that the general line of the editorials in newspapers in Florida is to support the position taken by the senior Senator from Florida at the time of the passage of the so-called tax reform bill on December 11.

I note with considerable approval that some newspapers that are rather well known in other parts of the Nation have taken the same position. I shall not attempt to quote many of them, but in the Christian Science Monitor of December 13, 1969, there appeared an editorial entitled "Tax Reform?" I ask that that editorial be placed in the RECORD at this time as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAX REFORM?

(By Richard A Nenneman)

The Senate's quick and irresponsible passage of its version of the tax-reform bill raises the question: can we ever have serious tax reform in this country?

Some of the most glaring faults in the bill will probably be removed when it goes through the Senate-House conference. Yet the prospect exists that President Nixon may be forced, in spite of his present position, to sign into law an extremely bad measure. Why? Because the same bill contains an extension of the income tax surcharge (at 5 percent), the ending of the investment credit for business, and the extension of excise taxes.

Speaking just last week to the annual conference of the Tax Foundation in New York, Sen. Wallace F. Bennett (R) of Utah remarked that good tax law could not be written on the Senate floor, and this was what we were now seeing. Senator Bennett is the ranking minority member of the Senate Finance Committee.

Reform has become confused with tax relief. Reform, of itself, assumes that a given amount of taxes must be collected. Whether they indeed do need to be collected is quite a different issue; this involves the other side of the coin, government spending.

But reform should properly deal only with the ways in which a given level of taxes is levied. And, if the same amount is still needed, reform means that some will pay less taxes and some will pay more. And herein lies what is politically difficult to do: to selectively raise taxes.

The impetus for the present bill came from the publicity given a few people who don't pay income taxes at all on very large incomes. The press gave little notice to what they were doing with their income that exempted it from taxation and whether these loopholes had any valid social reason behind them (in most cases, almost all of the individual's income was being given to charity).

Be that as it may, most of us feel that everyone ought to pay something toward government costs. And the vast middle class, up in arms over inflation and the surtax, was easily excited to demand some kind of reform—or was it only relief?

Chances for good legislation were made worse by the change in administrations. The Nixon Treasury officials were forced to come up with tax proposals much too quickly for any new administration. And their performance in dealing with key people on the Hill doesn't indicate that they have learned their legwork or footwork from Fred Astaire.

Some of the loopholes are being cut down in size. But there is very little in basic reform emerging, as it now appears. The Gore amendment (raising personal exemptions from $600 to $800), which the administration is against because of the large revenue loss it represents, actually has some strong points going for it. The $600 figure was set over 20 years ago when price levels were far lower than today. If the exemption has any real relationship to actual minimum living costs, it makes sense to raise it as the consumer price index climbs.

The Treasury argument that this costs too much (in lost revenues) should really be beside the point. For, if we are going to have real reform, it ought to start with such fundamentals as this and work on from there to the changes in rates that would be needed to collect the same amount of taxes.

But this is where the political problem arises. The actual rate structure for some might have to go up, and any legislator will avoid this choice if he can.

Perhaps a nonpariston tax commission, made up of both congressmen and economists, could come up with politically feasible reform. But this is for "next time." It is dubious whether the present bill, if it becomes law, contains enough basic changes to be called a reform.

Whatever its reform features, if it should become law in anywhere near its Senate form, its revenue shortfall would do the nation much more economic harm than could be justified by whatever improvements in equity it contains.

Mr. HOLLAND. Mr. President, to my pleasant surprise I note that the Washington Post stated in its editorial column its strong opposition to the so-called tax reform bill. I ask unanimous consent that an editorial entitled "Tax Spree in the Senate," published in the Washington Post of December 12, be incorporated in my remarks as a part thereof.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAX SPREE IN THE SENATE

The once-promising tax-reform bill came out of the Senate yesterday loaded with goodies in keeping with the Christmas season. Rushing heedlessly to attach more vote-catching baubles to the measure, the Senate almost lost sight of its original goal, which was to eliminate special favors and discrimination from the country's tax structure. In the face of this wallowing in irresponsibility even the strongest defenders of democracy are left with a hopeless feeling.

As a climax to its spree, the Senate even tried to use the bill as a vehicle for a new protectionist policy. Of course there was no time for the Senate itself to formulate and adopt a trade policy that would recognize the national interest in exports as well as imports. So it recklessly voted to let the President curtail the importation of any product which threatens to disrupt the American market if it comes from a country that discriminates against our exports. The proposal has no appropriate safeguards. It is in conflict with existing trade policy and wholly out of place in a tax-reform bill. Yet the Senate chalked up a 65-30 score in regard to it, apparently without a second thought as to what the effect on the national economy would be.

No doubt this brainstorm will be readily discarded by the conference committee, but the most costly of all the Senate amendments is another matter. We refer to the $6-billion social security bonanza attached to the bill. With the steady rise in living costs. Congress must of course raise social security payments. But the country simply cannot afford a 15 per cent jump at this time plus a boost in the minimum payment from $55 to $100 a month for single persons and $150 for couples. The only reason for attaching these plums to the tax-reform bill was to make it more difficult for the President to reject them. Even if the House insists on separating the social security benefits from the tax bill, the proposed addition to $6 billion to social security spending will continue to complicate the fiscal picture.

It is the combination of this costly gesture with the revenue-slashing Gore amendment which has put the Senate in the posture of throwing discretion to the winds. One estimate is to the effect that the combination will change the prospect of a $3-billion surplus in fiscal 1971 under the Finance Committee bill to a $7.5-billion deficit. In the face of continued inflationary pressures this amounts to an abdication of responsibility.

The Senate is entitled to a good deal of credit for some of its refining amendments. It voted to permit foundations to continue financing voter registration drives under proper restrictions and eliminated the Finance Committee's 40-year limitation on the life of foundations. No doubt some of its other changes in a highly complex bill will be found worth saving, but it has thrown an enormous burden on the conference committee to produce a bill that will be acceptable to the White House and to the country.

The major task of the House-Senate conferees will be to restore the bill to its original objectives of screening out the inequities of the present law. This can be readily accomplished without siphoning off the revenue that is needed for expanded educational, social and environmental programs and without feeding the fires of inflation. The reckless nature of the Senate's spree has thrown an extraordinary burden on the conferees, who must still try to produce a respective tax-reform bill.

Mr. HOLLAND. Mr. President, I note that the Washington Daily News had a similar editorial in its edition of December 12, strongly criticizing the so-called tax reform bill. The title of its editorial

is "Tax Bill or Goody Tree?" I ask unanimous consent that that editorial from the Washington Daily News be incorporated in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAX BILL OR GOODY TREE?

When the tax bill just passed by the Senate came from the House of Representatives last summer it was reasonably well qualified for the title it carried, "Tax Reform Bill."

But as it emerged from the Senate, after the spirit of Santa Claus generally had prevailed, it looked more like a Christmas tree than a "tax reform" measure.

The Senate littered the bill with amendments, most of them giving somebody or other a tax break.

The bill now goes to a conference committee which will attempt to compromise the Senate's inflation-spurring, deficit-making version with the House version.

But Sen. Russell B. Long, chairman of the Finance Committee, said it will be "embarrassing" for him to take the bill to the House conferees "and tell them we've loaded $11 billion on their bill."

Others estimate that the loss of revenue from the Senate version could run as high as $14 billion.

The Senate raised Social Security benefits 15 per cent, instead of the 10 per cent proposed by President Nixon. It voted to raise the personal exemption of $600 to $700 next year and $800 in 1971. It would reduce the oil and gas depletion allowances from 27½ per cent to 23 per cent, 3 per cent higher than the House proposed. Repeal of the investment credit tax, voted by the House, was watered down in the Senate version to give special tax breaks to some corporations, such as the oil interests operating in Alaska.

The Senate added a $325 per student tax deduction for taxpayers with youngsters in college, and a host of other provisions for particular interests which only a Philadelphia lawyer can untangle.

The bill, of course, is not entirely without virtue. For instance, both houses agreed that private foundations must be more tightly regulated to deserve tax exemption. And while they differed on methods, both versions of the tax bill require foundations to spend their money and serve the purposes for which they were avowedly set up.

But by and large the Senate made a shambles of the bill passed by the House.

And if this measure should survive the compromise committee in substantially the form adopted by the Senate, President Nixon would have no logical choice except to carry out his threat to veto it. Because the bill, as it now stands, would seriously cripple Mr. Nixon's effort to slow down inflation and positively wreck any hope of getting the government budget in balance.

But meanwhile there is ground for hope that Rep. Wilbur D. Mills, chairman of the House Ways and Means Committee, and his House colleagues will be stout enough and persuasive enough in the compromise committee to strip the bill of much of its costly gingerbread.

The government, and the taxpayers themselves, simply cannot afford the Senate's Christmas tree in the present state of government finances and when inflation is still a long way from being effectively restrained.

Mr. HOLLAND. Mr. President, I wish that we could reach the time, as expressed in these editorials, when the Senate would act responsibly on a tax bill.

Apparently we suffer from a frustration here in the Senate because of the fact that the Constitution does not permit us to initiate tax measures; and when we do get a tax measure, we show that frustration in rather unlimited degree, as we did in the two instances which I have already cited in my remarks.

Mr. President, my real purpose today is to express the strong hope that the conference committee, representing the senior members of the appropriate committees of the two Houses, will come back with a bill so improved that we can all gladly support it, and call it a tax reform bill without calling it a "so-called" tax reform bill, or a tax reform bill with a question mark after the word "reform."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BIPARTISAN AMENDMENT IN SUPPORT OF THE PRESIDENT'S POSITION ON LAOS AND THAILAND

Mr. GRIFFIN. Mr. President, particularly in the wake of Vice President's AGNEW's criticism of some of the news media, there has been considerable discussion of, and focus upon, the objectivity of news reports. It will be recalled that some particular concern was indicated earlier with respect to the New York Times and the Washington Post.

Although I hesitate to single out these particular newspapers again, I wish to indicate my considerable displeasure with the coverage this morning in both the New York Times and the Washington Post of an action that took place yesterday on the floor of the Senate.

A headline in the Washington Post this morning reads, "Senate Acts To Curb Asia Role." The story under that headline refers to the amendment cosponsored yesterday by the Senator from Idaho (Mr. CHURCH) and the Senator from Colorado (Mr. ALLOTT) relating to policy with respect to the introduction of United States combat troops in Thailand and Laos.

The first point I should like to make is that the headline is misleading. The Senate did not take any action to "curb" an Asian role. The intent and the plain meaning of the amendment ultimately adopted by the Senate yesterday was to reaffirm the existing role and existing policies of the United States with respect to Thailand and Laos.

Moreover, I notice in both of the reports two disturbing and rather significant ommissions. First, there is no reference whatever to the fact that this particular amendment was a bipartisan amendment. The only sponsor indicated in the two reports is the distinguished Senator from Idaho (Mr. CHURCH)—who deserves and should receive full credit for the leadership role that he played in connection with the presentation and discussion of the amendment. But equally important, to the American people, is the completely ignored and unreported fact that it was a bipartisan amendment.

Indeed, the amendment was drafted—and I think most of the people on the Senate floor and those who were watching from gallery were aware of the fact that it was drafted right here in the Republican cloakroom. In fact, the principal Senators involved in its drafting, along with the Senator from Idaho (Mr. CHURCH) were the Senator from Colorado (Mr. ALLOTT) and the Senator from New York (Mr. JAVITS); and as soon as the Senator from Idaho obtained the floor and received recognition to offer the amendment, he acknowledged immediately the cosponsorship of those two Republicans.

The second significant and disturbing omission from the reports in both newspapers is the fact that the opening lines of the amendment were these: "In line with the expressed intention of the President of the United States."

The amendment was not long. In fact, it was very short. It seems to me that it could have been reported in full. But omitted were those very significant introductory words, which make it clear that what was intended, was a positive statement on the part of the Senate reaffirming the declared policy of the administration. The omission of these words leaves the reader of these newspapers with the opposite impression—that the Senator was taking a slap at the administration, which certainly was not the case.

This is most unfortunate. Whether or not it was intended by those who wrote the stories, that is the way it appears in print, and in my opinion, some notice of it should be taken. Following a meeting with the President and others at the White House this morning, I can report to my fellow Senators that the President is pleased with the amendment, and he recognizes that it is in accordance with his announced policies.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am happy to yield.

Mr. HOLLAND. The Senator has mentioned very appropriately that the measure adopted yesterday to which he has referred was a bipartisan measure. There is no question about that. But I wish he would also take note of the fact that the measure of which it was simply a clarification was also a bipartisan measure.

Mr. GRIFFIN. That is correct.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Senator from Michigan may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. It was offered by the Senator from Kentucky (Mr. COOPER), who was called away by a serious illness in his family, and by the majority leader, the Senator from Montana (Mr. MANSFIELD).

So the entire approach to this difficult question, both the original approach and the clarifying approach ultimately

adopted, was bipartisan; and I am glad that the Senator has called attention to the fact that the action was completely bipartisan.

Mr. GRIFFIN. The Senator makes an excellent point.

Mr. President, I ask unanimous consent to have printed in the RECORD pertinent portions of the two newspaper articles to which I have referred.

There being no objection, the excerpts from the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 16, 1969]

HILL ACTS TO CURB ASIA ROLE—SENATE VOTES $69.3 BILLION IN DEFENSE FUNDS

(By Warren Unna and Richard Homan)

The Senate, after almost three hours of stormy and unusual secret debate, yesterday voted 73 to 17 to bar use of new defense funds "to finance the introduction of American ground combat troops in Laos and Thailand."

The Senate then went on to approve a $69.3-billion appropriation for military spending during the current fiscal year. This was $637 million less than an appropriations measure already heavily cut by the House. The House had slashed Pentagon spending requests by $5.3 billion.

The final Senate vote on the appropriations bill was 85 to 4. It came after the Senate rejected a new effort to kill the Nixon administration's safeguard anti-ballistic missile program.

* * * * *

The restriction voted on U.S. military activities in Laos and Thailand came after Chairman J. W. Fulbright (D-Ark.) of the Senate Foreign Relations Committee insisted that the bill's floor manager give the administration's reasons for wanting to spend $90 million for U.S. military assistance in neutral Laos. This sum was described as a $16.7 per cent increase over last year.

The restrictive amendment, introduced by Sen. Frank Church (D-Idaho), modified an earlier motion by Senate Majority Leader Mike Mansfield (D-Mont.) and Sen. John Sherman Cooper (R-Ky.) to prevent U.S. funds from being used to provide anything but supplies and training to "local forces" in Laos and Thailand.

"I voice my apprehension over continuing administration silence over policy in Laos, where our military involvement appears to be growing rather than declining," Fulbright told the Senate in a secret-session statement he later released to reporters.

"As in Vietnam, the Nixon administration inherited a Laotian policy," the senator acknowledged.

Fulbright's charges came in the wake of a secret series of investigations a Senate Foreign Relations subcommittee has been conducting into the extent of U.S. military involvement in Laos. Until now, the administration has insisted on such a sanitized public version of the transcript that Fulbright said his committee decided it would be only "misleading" to publish it.

In his televised press conference last week, President Nixon said there were "no American combat troops in Laos." But the President did acknowledge for the first time that the United States is engaged in interdiction of the Ho Chi Minh Trail from North to South Vietnam—"as it runs through Laos." Previously, the United States had acknowledged "armed reconnaissance" flights over Laos.

Yesterday's Senate action indicated that a vast majority of the senators now believe there is either much more than that involved, or that there is about to be. Once the secret session was over and the doors were open to the public, the senators, by the tone of their debate, made it plain that they now were aware of U.S. air sorties into Laos.

And Fulbright, in reading them a series of letters he has received from military and AID personnel, as well as from relatives of those killed and missing in Laos, apparently buttressed this Senate awareness.

The $90 million military-aid figure had been a tightly held secret until Sen. Allen J. Ellender (D-La.), floor-managing the defense appropriation bill for the hospitalized Richard B. Russell (D-Ga.), chairman of the Appropriations Committee, let the cat out of the bag.

The $90 million was only the Appropriations Committee's recommendation. It was not known how much the Pentagon actually sought. Ellender cryptically referred to it as going "for the purpose of support of the Royal Laotian Army."

It was then that the Senate decided to go into its closed-door executive session after overruling a suggestion from Sen. Barry Goldwater (R-Ariz.) to debate it out in the open.

The $90 million represents only part of the money that the United States spends in Laos.

Under this year's foreign aid bill, Laos is to get $36.3 million in military "supporting assistance," as well as $11.9 million in technical assistance. In addition, there is suspicion of an additional sum included in the secret CIA budget for the support of Laos' "secret army."

From 1955, when the United States took over much of the French role in Laos, until 1961, the U.S. gave $91 million in military aid and $263.9 million in economic aid to Laos. In 1962, the Geneva accords were worked out guaranteeing Laos' neutrality and providing for the withdrawal of both North Vietnamese and U.S. troops. Further U.S. military expenditures were marked secret.

The U.S. troops were withdrawn from Laos, as per agreement. But President Nixon emphasized in press conference last week that some 50,000 North Vietnamese troops are believed to still be in Laos.

In Thailand, which also was included in yesterday's Senate restriction against U.S. ground troops, the United States has had a total of 48,000 Air Force and Army personnel. On Sept. 30, the White House announced it would cut this figure back by 6,000 by next July 1—with no appreciable loss in what was termed combat capacity.

[From the New York Times, Dec. 16, 1969]

SENATE OPPOSES A GI ROLE IN LAOS—VOTES TO BAR COMBAT UNITS IN THAILAND TOO, BUT FINAL BILL MAY DROP CURB

(By John W. Finney)

WASHINGTON.—The Senate, after a secret debate on American military involvement in the war in Laos, voted today to prohibit the commitment of American ground combat troops in either Laos or Thailand.

The prohibition, approved by a vote of 78 to 11, was written into a $69.3-billion defense appropriations bill.

Whether the prohibition would be retained in the compromise appropriations bill that will now be drafted by a Senate-House conference committees appeared doubted. But Senator J. W. Fulbright, Democrat of Arkansas, expressed the view that, at least, he had succeeded in bringing to the attention of the Senate what he described as "our escalating military activities in Laos."

Before approving the Pentagon budget for the current fiscal year, the Senate once again refused—this time by a decisive margin—to delay deployment of the Safeguard antiballistic missile system.

* * * * *

The Senate's first full-scale debate on the Laotian war was provoked by a group of critics of the Vietnam war on the Senate Foreign Relations Committee, but by Senator Fulbright, the committee chairman, and Senator Mike Mansfield of Montana, the Democratic leader.

Asserting that the United States was escalating its military activities in Laos, the group sought to use the defense appropriations bill to force the Nixon Administration to relax its policy of secrecy on American military activities in Laos as well as to place some Congressional restraints on further military involvement in that Southeast Asian country.

Faced with the continued opposition of the Appropriation and Armed Services committees, the group was not completely successful in its efforts.

RARE SECRET SESSION HELD

It did succeed in forcing the Senate into a rare secret session for a discussion of the largely secret American military role in Laos. During the discussion the Administration for the first time supplied to the Senate as a whole * * * information on American military activities in Laos, including details on how American planes were carrying out bombing strikes in northern Laos in support of the Royal Laotian Government forces.

When it came to legislative restraints, however, the group was forced to beat a series of retreats and the Senate wound up approving a compromise limited to prohibition of ground combat troops in Laos and Thailand.

The compromise, put together by Senator Frank Church, Democrat of Idaho, specified that none of the funds in the defense appropriations bill "shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

The United States has military advisers, including Army Special Forces units, stationed in Laos to assist Laotian Government forces as well as a 36,000-man private army largely supported by the Pentagon and the Central Intelligence Agency. In addition, at the request of the Royal Laotian Government, American planes are flying armed reconnaissance missions in Laos.

TROOPS IN LAOS DENIED

The Administration, however, has repeatedly insisted—as President Nixon did most recently at his news conference last week—that the United States has no combat troops in Laos.

During the course of the Senate debate, however, it was emphasized by Senator Mansfield and Senator Fulbright that United States Air Force planes stationed in Thailand were carrying out bombing missions against the pro-Communist Pathet Lao and North Vietnamese troops in northern Laos in support of Laotian Government forces. At one point in the debate preceding the secret session, Senator Mansfield said the number of sorties by Air Force planes based on Thailand had "increased considerably in recent months."

Much of the debate revolved around the issue of whether the Senate, through amendments in the defense appropriation bills, should attempt to restrict or prevent such air combat missions.

The Church proposal was offered as a substitute for a broader amendment sponsored by Senator John Sherman Cooper, Republican of Kentucky. The Cooper amendment, designed to prevent an American combat involvement in Laos, specified that none of the defense appropriations "shall be used for the support of local forces in Laos or Thailand except to provide supplies, material, equipment and facilities, including maintenance thereof, or to provide training for such local forces."

COOPER'S MOTHER STRICKEN

In the absence of Senator Cooper, whose mother suffered a stroke in Kentucky, the amendment was offered by Senator Mansfield.

During the course of the debate some dif-

ferences of opinion developed over whether the Cooper amendment would prevent continuation of the air combat missions.

Senator Fulbright—as did aides of Senator Cooper—interpreted the amendment as prohibiting such air support. But Senator Mansfield, noting that the Laos war presented a "dangerous and delicate" situation "tied closely to the war in Vietnam," said it was "a moot question" whether the amendment would prevent bombing missions that ostensibly were being conducted against North Vietnamese troops in Laos.

Mr. McCLELLAN. Mr. Senator, will the Senator yield?

Mr. GRIFFIN. I am happy to yield to the Senator from Arkansas.

Mr. McCLELLAN. I recall, too, that during the course of the discussion of that amendment, the question was asked and the information was given to the Senate that the President had so expressed himself, and that in fact the amendment as finally agreed to was actually in support of what the President had already announced.

Mr. GRIFFIN. That is right.

Mr. McCLELLAN. That certainly had something to do with the vote that it received. I, for instance, have never been one who wanted to pass legislation in this field, or take action, that would be calculated to embarrass the President or hinder or hamper him in trying to find a solution to the Vietnam problem.

Mr. GRIFFIN. I thank the Senator very much. At a time when we desperately need unity, it is unfortunate that in a situation when we have unity, it is sometimes reflected in the press as disunity, or as though there were differences with the President which in reality do not exist.

I wish to mention also, Mr. President, that the distinguished Senator from Tennessee (Mr. BAKER), a Republican, and the distinguished Senator from California (Mr. CRANSTON), a Democrat, who were not mentioned earlier, were also cosponsors of the amendment.

Mr. ALLOTT. Mr. President, I would like to talk very briefly on the remarks of the Senator from Michigan. I think they very adequately describe how gaps can appear in the credibility of all Government officials in the minds of the American public when a matter has been handled as loosely as the matter was handled yesterday by the two newspapers which have been mentioned, the New York Times and Washington Post.

There is no question that, by the result of the carrying of the motion to table the Mansfield-Cooper amendment with the prestigious name of the majority leader on it—and it was not an action against him—that it would have had to have had the effect that the Senate was pretty much of a mind on what it wanted.

Mr. President, reading from page 39168 of the RECORD of yesterday, I read again the amendment;

On page 46, between lines 8 and 9 insert a new section as follows:

In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground troops into Laos or Thailand without the prior consent of Congress.

Mr. President, I heard no Senator on the floor—and I was present during the entire debate on the matter yesterday—take any position contrary to that. I think that states the almost unanimous position of the Senate that we do not desire to seek ground combat troops introduced into Laos.

However, it implies that this was a strike against the administration. It is particularly annoying to me. I regard myself as a supporter of the present administration, as I was of the administrations of President Kennedy and President Johnson, in the foreign relations area, particularly.

I think it does an injustice to the President. And I think it does an injustice to the U.S. Senate.

The matter of the cosponsorship is, of course, another matter. It puts a completely different complexion on the action which the Senate took yesterday in which the Senator from Idaho (Mr. CHURCH), the junior Senator from California (Mr. CRANSTON), the senior Senator from New York (Mr. JAVITS), the junior Senator from Tennessee (Mr. BAKER), and the senior Senator from Colorado all joined.

I think it was a very worthy effort and one which contributed and will contribute very greatly to delineating the relationship between the Chief Executive and Congress.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 2734. An act granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact;

S. 3169. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 90. Joint resolution to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. SIKES, Mr. WHITTEN, Mr. ANDREWS of Alabama, Mr. FLOOD, Mr. SLACK, Mr. ADDABBO, Mr. LIPSCOMB, Mr. MINSHALL, Mr. RHODES, Mr. DAVIS of Wisconsin, and Mr. Bow were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients;

H.R. 10124. An act to amend section 2401 of title 28, United States Code, to extend the time for presenting tort claims accruing to persons under legal disability;

H.R. 13407. An act to consent to the amendment of the Pacific Marine Fisheries Compact;

H.R. 13816. An act to improve and clarify certain laws affecting the Coast Guard;

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro;

H.R. 14464. An act to amend the Act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped;

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes;

H.R. 15095. An act to amend the Social Security Act to provide a 15-percent across-the-board increase in benefits under the old-age, survivors, and disability insurance program; and

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

The message also announced that the the House had agreed to the concurrent resolution (H. Con. Res. 454) calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the bill (H.R. 11711) to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba, and it was signed by the Vice President.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients; to the Committee on Armed Services.

H.R. 10124. An act to amend section 2401 of title 28, United States Code, to extend the time for presenting tort claims accruing to persons under legal disability; and

H.R. 13407. An act to consent to the amendment of the Pacific Marine Fisheries Compact; to the Committee on the Judiciary.

H.R. 13816. An act to improve and clarify certain laws affecting the Coast Guard; to the Committee on Commerce.

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; to the Committee on Banking and Currency.

H.R. 14464. An act to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal

law are designed and constructed to be accessible to the physically handicapped; and

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes; to the Committee on Public Works.

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 454) calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front, was referred to the Committee on Foreign Relations.

CHANGE OF REFERENCE OF S. 3244 AND S. 3245

Mr. HARRIS. Mr. President, on yesterday, S. 3244 and S. 3245, bills introduced by me having to do with judgments in favor of the Sac and Fox Tribe of Indians, were referred to the Committee on the Judiciary.

I am informed by the Parliamentarian that the new procedure is that the bills should be referred to the Committee on Interior and Insular Affairs.

I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of these bills and that they be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON AREA TRANSPORTATION

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may be permitted to proceed for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I am delighted that this year's appropriations bill for the Department of Transportation makes a start on the rapid transit system for the Washington area.

The Federal contribution provided for the Washington Metropolitan Area Transit Authority is not only welcome but overdue. It permits a start on what I believe to be one of the most important transit systems in the United States.

No one who has occasion to travel in the District of Columbia, northern Virginia, and suburban Maryland can doubt the need for this system. The present congestion is nearly intolerable, and until adequate public transportation is provided, it can only get worse.

Those of us who have urged this transit system for the past several years have high hopes that it will provide at least part of the solution for the tremendous traffic problems facing the National Capital area.

But while we have high hopes, I think we must admit that fulfillment is not going to come quickly. The Transit Authority's own estimates indicate that the first inner city lines are 3 to 5 years away, and extensions into the suburbs will not come for 7 to 10 years. Experience with construction schedules of major public works suggests that these estimates are optimistic.

The colossal traffic jams caused by the recent bus strike show that the area is alarmingly close to strangling in its own traffic. Even under normal conditions, the congestion on the bridges between northern Virginia and the District of Columbia is fearsome at peak traffic hours.

I believe that right now is the time to explore the possibility of improving the area's public transportation.

If a decade or more passed before any major improvement is made, we may come to the point where there will be a sign on the Virginia side of the Potomac bridges saying, "Washington: You Can Not Get There From Here."

I do not believe that day need come. I think effective action to improve public transportation—specifically, rail transit using existing lines—can be taken almost at once.

I would not for a moment suggest that the Metro system be held up to accomplish short-range improvements. On the contrary, I think every effort should be made to build the new system as rapidly as possible.

At the same time, I believe that short-run action should be taken. This would not lead to curtailment of the subway system; it would not even serve exactly the same areas. And in the long run, it is quite possible that service using existing lines would be needed as a permanent supplement to the Metro Transit system.

A number of studies have been made of ways to exploit existing rail lines to provide commuter service. The problem has been investigated by the Northern Virginia Transportation Commission, the National Capital Transportation Agency, and the Washington Metropolitan Transit Authority itself.

Last year, the Senate Public Works Committee issued a study incorporating many of the previous investigations and making specific recommendations for rail service. I believe the time has come to take action on the committee's report or on some alternate proposal to furnish augmented rail transit over existing lines.

A large-scale, cooperative effort will be required if the Public Works Committee study, or some feasible alternative, is to be implemented.

Leaders of the communities must be involved.

Officials of the railroads and the railroad brotherhoods must be involved.

The Washington Metropolitan Area Transit Authority and transportation agencies in the localities must be involved.

The U.S. Department of Transportation must be involved.

Clearly, this is not a simple undertaking. It is a major effort.

But the penalties of failure to act are severe, and the rewards of success could be enormous. I believe the effort must be made. I offer whatever assistance my own office can reasonably provide.

Working together, we can take the first steps. Let us hope that next year we can begin the actual work and funding that is necessary.

We are already late.

Mr. President, I ask unanimous consent that a brief excerpt from the Senate Public Works Committee report of July 19, 1968—Document No. 117, 90th Congress, second session—together with a commentary, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMUTER ZONE

STEPS FOR ACTION

(1) That a commuter rail service be instituted within 1 year having the following characteristics:

Trains operating on a through-routed basis between Germantown, Md., and Manassas, Va., and between Baltimore, Md., and Quantico, Va.

Trains serving some of the existing on-line stations as well as several new collection stations to be constructed, all stations to be provided with adequate parking and highway facilities.

Trains providing downtown Washington accessibility with stops at Union Station plus one or two new stops that will be constructed along the existing right-of-way between the Bureau of Engraving and South Capitol Street. The new stops are key essentials to successful patronage of the system.

A feeder-bus network utilizing a combination of new, specialized shuttle service and adjusted existing bus routes interfacing at one or more downtown rail station stops to provide distribution and collection of rail passengers throughout downtown Washington.

Capital investment in rolling equipment, station facilities, and track alterations to be held to a reasonable minimum in the face of uncertainty as to the actual size of the ridership market and the possibility that the commuter rail service needs might be minimized upon completion of the Metro Rapid Transit System.

Operating and administrative control to be placed in a new commuter rail division of the Washington Metro Area Transportation Authority.

Financing to be provided through a combination of Federal and local government funds and farebox revenues on the basis of—

(a) Federal moneys provided for all capital investment except station facilities which would be the responsibility of the appropriate local jurisdiction (or jurisdictions) serviced.

(b) The net of operating expenses over passenger revenues to be subsidized in participation shares of one-third from the Federal Government, the balance to be shared by local governments in Maryland and Virginia proportionate to the seat-miles of service provided.

(2) That a resolution of Congress be passed supporting the preservation of the W. & O.D. right-of-way until an in-depth feasibility study determines the usefulness of this right-of-way for possible future commuter and airport connector service, whether solely rail, joint rail-highway, or highway alone.

(3) The preservation from encroachment of the right-of-way of the Washington & Old Dominion Railroad and be insured pending completion of an in-depth feasibility study for determining that line's usefulness as part of a through-routed northern Virginia-Washington, D.C.-northeast Maryland quadrant commuter and airport connector service.

(4) That demonstrations be undertaken of reverse direction rush hour express bus service to the suburbs and of exclusive bus lane operation in the Shirley corridor.

(5) The demonstration of road-rail bus operation on the Bethesda-Chevy Chase branch of the Baltimore & Ohio should *not* be undertaken because it would not be capable of offering any substantial advantage over existing bus service.

(6) The demonstration of a hydrofoil or ground effect vehicle for commuter transport on the Potomac is *not* warranted at this time or in the near future since technology has not advanced far enough to solve vehicle limitations of carrying capacity and noise generation.

FEASIBILITY CONCLUSION

(1) The establishment is justified at an early date of a commuter rail service over the railroad lines described. At a minimum, this service would provide during the 7- to 12-year rapid transit construction period—

(a) Interim relief from daily rush hour traffic congestion in the form of a viable mass transit alternative that does not use overcrowded highway facilities.

(b) Service to four of the six suburban corridors thereby reinforcing and promoting the relatively higher density housing and employment location patterns that are consistent with the wedge-corridor regional development goals and that are necessary as a population base to generate adequate ridership for the future rapid transit system.

(c) Strength required to solidify the economic vitality of downtown Washington in its role as the major regional center for employment; government and professional services; retail enterprise; and attractions of a cultural, recreational, tourism nature.

(d) Familiarization and orientation of area residents to rail transit as an alternative transport medium to the private automobile thereby building a patronage base that will be more favorably disposed to using the metropolitan rapid transit when it is opened.

COMMENTARY

Sections (2) and (3) under "Steps for Action" probably are no longer feasible. The chance of capturing the Washington & Old Dominion right of way for transit use, unfortunately, appears to have vanished.

The key recommendations in the excerpt from the Public Works Committee study are those concerning establishment of rail commuter service in the short run.

In Chapter IX of the study, detailed steps are outlined whereby a surface rail passenger service could be put into operation within a 12-month period. Difficulties involved in routing trains through Washington, instead of terminating them in Washington, are carefully set forth, and proposals are made to overcome these difficulties.

The study includes analyses of equipment utilization, estimated ridership and revenues, coach and locomotive requirements, costs of providing service and deficit control. It is an excellent basic document to be used by those who will be involved in the planning process for surface rail passenger service.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON TRADE AGREEMENTS PROGRAMS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

With this message I am transmitting the Thirteenth Annual Report on the Trade Agreements Program, as required by the Trade Expansion Act of 1962. The report covers the year 1968.

In 1968, free world trade increased by 11.6 percent; U.S. exports increased by 9.6 percent; and U.S. imports rose by 23.7 percent, largely due to the inflationary forces in our economy which stimulated imports and also hampered the competitiveness of our exports.

The Trade Bill of 1969, which I recently submitted to the Congress, will equip us to build on the past gains of the Trade Agreements Program and to move forward toward a new trade program for the 1970s. It will give us the capability to continue to move toward freer world trade, defend our own trade interests, and provide constructive adjustment to changes in world trade patterns. The Commission on World Trade, which I am appointing, will examine the complex trade issues that will confront us in the 1970s, and will make recommendations for the U.S. policies needed to deal with them.

This Administration is committed to a freer exchange of goods among nations. We must continue to strive for further growth in mutually advantageous world trade and, in part through such trade, for the eventual dismantling of the barriers that have stood in the way of the freer interchange of people and ideas.

RICHARD NIXON.

THE WHITE HOUSE, *December 16, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters which were referred as indicated:

PROPOSED CONCESSION CONTRACT, CARLSBAD CAVERNS NATIONAL PARK

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which the Cavern Supply Co., Inc., will be authorized to continue to provide food and beverage services, souvenir shops, and related facilities and services for the public within Carlsbad Caverns National Park, N. Mex., for a period of 20 years from January 1, 1970, through December 31, 1989, when executed by the Director of the National Park Service (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Charlottesville, Va., Lodge No. 389, B.P.O. Elks, praying for the preservation of American Liberties; to the Committee on Foreign Relations.

A resolution adopted by the Wardens' Association of America, Cincinnati, Ohio, relating to the problem of crime; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The PRESIDING OFFICER announced that on today, December 16, 1969, the Vice President signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 2864. An act to amend and extend laws relating to housing and urban development, and for other purposes;

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes;

H.R. 4244. An act to raise the ceiling on appropriations of the Administrative Conference of the United States; and

H.J. Res. 10. A joint resolution authorizing the President to proclaim the second week of March 1970 as Volunteers of America Week.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McGEE, from the Committee on appropriations, with amendments:

H.R. 15149. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–614).

REPORT ENTITLED "THE IMPACT OF CRIME ON SMALL BUSINESS—PARTS I AND II (S. REPT. NO. 91–612)

Mr. BIBLE, from the Select Committee on Small Business, submitted a report entitled "The Impact of Crime on Small Business—Parts I and II, which was ordered to be printed.

REPORT ENTITLED "CONSTITUTIONAL AMENDMENTS"—REPORT OF A COMMITTEE (S. REPT. NO. 91–615)

Mr. BAYH, from the Committee on the Judiciary, pursuant to Senate Resolution 235, 90th Congress, second session, submitted a report entitled "Constitutional Amendments", which was ordered to be printed.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

George H. Barlow, of New Jersey, to be U.S. district judge for the district of New Jersey;

Leonard I. Garth, of New Jersey, to be U.S. district judge for the district of New Jersey;

Philip C. Wilkins, of California, to be U.S.

district judge for the eastern district of California;

George A. Locke, of Washington, to be U.S. marshal for the eastern districts of Washington;

Joe McDonald Ingraham, of Texas, to be U.S. circuit judge, fifth circuit;

John L. Briggs, of Florida, to be U.S. attorney for the middle district of Florida;

Eugene E. Siler, Jr., of Kentucky, to be U.S. attorney for the eastern district of Kentucky;

John J. Gibbons, of New Jersey, to be a U.S. circuit judge, third circuit;

Loren Wideman, of Florida, to be U.S. marshal for the southern district of Florida; and

Hosea M. Ray, of Mississippi, to be U.S. attorney for the northern district of Mississippi.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DODD (for himself and Mr. HRUSKA):

S. 3246. A bill to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. DODD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. INOUYE:

S. 3247. A bill for the relief of Maj. Carvel de Bussy; to the Committee on Armed Services.

By Mr. CHURCH (for himself, Mr. JORDAN of Idaho, Mr. INOUYE, Mr. MCGEE, Mr. HANSEN, Mr. METCALF, Mr. FANNIN, Mr. DODD, Mr. DOMINICK, Mr. GRAVEL, Mr. MOSS, Mr. MAGNUSON, Mr. BIBLE, Mr. CANNON, Mr. HOLLINGS, Mr. MONDALE, Mr. GOODELL, Mr. BAYH, and Mr. HATFIELD):

S. 3248. A bill to permit suits to be brought against the United States to adjudicate disputed land titles; to the Committee on the Judiciary.

(The remarks of Mr. CHURCH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. INOUYE:

S. 3249. A bill for the relief of Silvano Scandale; to the Committee on the Judiciary.

S. 3246—INTRODUCTION OF A BILL AND SUBSEQUENT REPORTING OF SAME, ENTITLED "CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969" (S. REPT. NO. 91-613)

Mr. DODD. Mr. President, on behalf of myself and the Senator from Nebraska (Mr. HRUSKA), I am introducing a bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. DODD subsequently said: Mr. President, from the Committee on the Judiciary, I am reporting favorably, without amendment, S. 3246, the "Controlled Dangerous Substances Act of 1969"; and I submit a report thereon. I ask unanimous consent that the report be printed, together with the additional views of Senators ERVIN and HART.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed as requested by the Senator from Connecticut.

Mr. DODD. Mr. President, I have just reported S. 3246 a bill to control the traffic and abuse in dangerous drugs.

This is a bill combining the provisions of S. 1895, the Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969, and S. 2637, the Controlled Dangerous Substances Act of 1969. These were the two major narcotic and dangerous drug bills referred to the Juvenile Delinquency Subcommittee.

The Delinquency Subcommittee held 3 weeks of hearings on these bills and listened to over 30 witnesses. The bill has been considered and approved by the subcommittee and after lengthy discussion it was ordered reported by the full Judiciary Committee. I feel that at this point we have arrived at a strong and effective piece of legislation.

In its present form the bill generally follows the basic language and structure of both S. 1895 and S. 2637.

Several of the major provisions added in subcommittee were essentially those originally contained in S. 1895.

Thus, the new bill adds several tranquilizers to the list of controlled drugs. These are librium, valium and meprobamate.

We felt that we should include these drugs in the bill because there has been considerable diversion into illegal channels and because of evidence that they have been substantially abused.

The bill also contains the penalty structure concepts of S. 1895.

The main thrust of the new penalty provisions is to eliminate mandatory minimum sentences for all drug offenses, except for a special class of professional criminals.

The new penalties will allow the judge to use his discretion in imposing sentences for drug offenders.

They will allow for more severe punishment in the case of serious violators such as traffickers in heroin and for lesser sentences for offenders involved with the simple possession of marihuana or other drugs.

These provisions will also allow suspended sentences, probation and parole for drug law violators.

One of the original provisions in S. 1895 also called for a committee of experts to study the marihuana problem.

This is another important addition now contained in the new bill.

There were, however, two important provisions in S. 1895 which have not been incorporated in the bill ordered reported by the Judiciary Committee. I want to comment on them very briefly.

One proposed the establishment of a Joint United States-Mexico Commission to help control the border drug traffic.

The other provision was designed to extend the coverage of the Narcotic Addict Rehabilitation Act of 1966.

I chose to withhold my request for the Joint Commission at this time because the administration has, in fact, established negotiations with the Mexican Government to create more effective controls on the illegal drug traffic between the United States and Mexico.

Operation Intercept and later Operation Cooperation is one example of such intensified enforcement and control procedures. I have received assurance that the administration will continue to seek better ways to reduce the amount of drugs coming into this country from Mexico.

I did not ask for revision of the Narcotic Addict Rehabilitation Act in this bill because I plan to deal with this matter in a separate piece of legislation at a later date.

I still maintain the position that we will have to broaden the Addict Rehabilitation Act to remove certain restrictions on eligibility and to provide treatment for a larger number of addicts and for different kinds of addicts.

These are matters that will need more funds, more personnel and an increase in facilities and programs.

I think we will be better able to achieve these objectives in a separate bill dealing entirely with these topics.

In this case, too, I have received a promise of full cooperation from the administration.

Mr. President, I believe the bill I have just reported contains all the necessary provisions to help Federal enforcement agencies control the drug problem. I believe it is a balanced piece of legislation.

It is based on evidence obtained in extensive hearings on the drug problem.

It has substantial bipartisan support.

For these reasons and because time is of the essence in starting to reduce the drug problem, I hope the Senate and the Congress can pass it with all possible speed.

At this time, I want to thank my colleagues on the Juvenile Delinquency Subcommittee and on the Judiciary Committee for their cooperation and effort in moving the bill out of the Judiciary Committee.

I particularly want to thank Senator ROMAN HRUSKA, who has been one of the guiding proponents of this legislation, for his very substantial support and help in moving the bill this far in the legislative process.

Mr. HRUSKA. Mr. President, it is a pleasure to join the distinguished chairman of the Subcommittee To Investigate Juvenile Delinquency in sponsoring this "clean-bill" version of the Controlled Dangerous Substances Act of 1969, as approved by the Committee on the Judiciary.

I take this opportunity to commend the chairman for his very able leadership in bringing the bill before the Senate.

The members of the subcommittee have been deeply concerned about the growing problem of drug abuse for some time. Over the past several years, we have conducted extensive hearings, examining in depth the scope of this problem as well as the effectiveness of the

existing drug laws. We have also carefully explored areas where change and improvement are necessary.

During the course of these hearings, we have received the testimony of law enforcement officials, medical experts, psychiatrists, health officials, drug manufacturers and even drug users and addicts.

Because of my deep interest in this problem, I was pleased to act as a cosponsor, along with the late Senate minority leader, of the administration's Controlled Dangerous Substances Act, S. 2637.

The able chairman of the subcommittee also sponsored a comprehensive drug bill, S. 1895.

These bills were carefully considered in the light of the testimony of interested persons.

The members of the subcommittee did not approach these hearings as an adversary proceeding, but rather with a sense of cooperation and determination to report a bill which was designed to adequately cope with this controversial and emotion-laden subject. The bill which we are introducing today represents a combination of best provisions of S. 2637 and S. 1895, as well as certain provisions not included in either of these bills.

The bill we report to the Senate is a good one. It is tough, but realistic. I believe it will be an effective tool in the arsenal of those charged with enforcement of the Nation's drug laws.

Mr. President, we ask today for some dramatic changes in the laws which have stood for many years.

A first offense, for example, for simple possession of all controlled dangerous substances has been reduced to a misdemeanor. The decision to make this change was based on the elemental fact that the oppressive penalties presently on the books simply have not worked. They have not deterred drug abuse. In fact, the opposite is true. Drug abuse has increased alarmingly in recent years, notwithstanding these severe penalties.

Under existing law, the sale of all drugs classified as "hard narcotics" is punishable by a mandatory minimum sentence of 5 years and up to 20 years. No distinction is made between those who distribute narcotics—or addictive substances—such as heroin and nonnarcotics—or nonaddictive substances—such as marihuana.

Mr. President, there is no comparison between the dangers inherent in the use of heroin and of marihuana, and therefore there is simply no justification for providing identical penalties for the sale of both.

Although this bill provides for many changes in our existing drug laws, one stands out notably. This is the concept which is included in section 509. This section, which pertains to professional criminals, is the most unusual and innovative section of the bill.

Mr. President, crime has many causes; certainly poverty, poor education, lack of housing and lack of opportunity are some of them. There are other direct causes as well, such as organized crime and the professional criminal.

Organized crime is not bred of poverty but rather it is bred of greed and lust for power. It feeds on the poor, the illiterate and the destitute. It, likewise, feeds on the wealthy and the foolish. Everything and everyone it touches, it corrupts and defiles.

When we speak of crime, Mr. President, we often speak in terms of two categories, that is, street crime and organized crime. They are, of course, related. And they are most closely linked in the field of narcotics crimes.

Fed into society by the intricate organizational structure of La Cosa Nostra, hard narcotics, strip morality from human beings and set them preying on innocent victims in the streets and in the shops of our towns and cities.

If we can stamp out organized crime; if we can immobilize the professional criminal, we will take a giant step toward solving the drug abuse problem in this country. At the same time, we will also solve many other of our drug related problems.

Mr. President, this is what section 509 is all about. It is directed at the professional criminal and is designed to put him out of business.

Under the provisions of section 509, when the Attorney General is able to build a drug abuse felony case against a known professional, the court is not limited to the normal penalty provisions of the law.

After the defendant has been convicted of a narcotics felony, a separate presentencing procedure is held. If the court finds by a preponderance of the evidence that the defendant is a professional criminal, as defined, it can, in lieu of the normal penalty provided by law, sentence that defendant to a minimum of 5 years in prison or up to life and a fine of $50,000 for a first offense. In addition, the defendant will forfeit to the United States all illegal profits no matter how disguised or how invested.

This section is, of course, subject to very precise standards and proceedings under it are subject to review.

Mr. President, I urge all Senators to join the distinguished Senator from Connecticut (Mr. DODD) and the Senator from Nebraska in enacting this very necessary legislation.

Mr. President, let the Senate serve notice on the professional criminal that his profession is no longer acceptable, no longer safe and no longer profitable.

Under the Constitution, we can do no more than we do under the bill, but for the benefit of those who are "hooked" or those who may be, I submit that we can do no less than to enact the bill.

S. 3248—INTRODUCTION OF A BILL QUIET TITLE AGAINST THE FEDERAL GOVERNMENT

Mr. CHURCH. Mr. President, on behalf of myself, my distinguished colleague from Idaho (Mr. JORDAN), the Senator from Hawaii (Mr. INOUYE), the Senators from Wyoming (Mr. MCGEE and Mr. HANSEN), the Senator from Montana (Mr. METCALF), the Senator from Arizona (Mr. FANNIN), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. DOMINICK), the Senator from Alaska (Mr. GRAVEL), the Senator from Utah (Mr. MOSS), the Senator from Washington (Mr. MAGNUSON), the Senators from Nevada (Mr. BIBLE and Mr. CANNON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MONDALE), the Senator from New York (Mr. GOODELL), the Senator from Indiana (Mr. BAYH), and the Senator from Oregon (Mr. HATFIELD), I introduce, for appropriate reference, a bill, the purpose of which is to enable a private citizen to have his day in court when involved in a land title dispute with the Federal Government.

My measure would amend title 28 of the United States Code to permit a citizen to bring a quiet title action against the Government in the U.S. District Court in the district in which the land in question is located. The bill also confers jurisdiction on the district courts to hear and decide such suits.

Mr. President, as a result of the common law doctrine of "Sovereign Immunity," the United States cannot now be sued in a land title action without giving its express consent. This doctrine is based on the ancient concept that "The King can do no wrong." Often, grave inequity results to private citizens who are thereby excluded, without benefit of any recourse to the courts, from lands they have reason to believe are rightfully theirs.

The concept of sovereign immunity, or the infallibility of the Crown, so to speak, became imbedded in the Common Law of England and so came into our American law. But this principle is not appropriate as a basic tenet for a democratic government, where the courts are established, not for the convenience of the sovereign, but to serve the people.

It is inconsistent with the philosophic basis of a democratic society for a citizen to be denied access to the courts solely because the question to be decided involves the Government.

Accordingly, we in the United States have been getting away from this outworn doctrine of sovereign immunity. A truly landmark instance was the enactment of the Federal Tort Claims Act in 1946. Prior to this far-reaching legislation, the Federal Government could not be made a defendant in a personal injury suit except by express waiver to sovereign immunity.

In each Congress, scores of private bills were introduced and a considerable amount of very valuable time of Senators and Representatives had to be spent in deciding whether an injured citizen should be permitted his day in court, solely because the Government was involved. Unquestionably there were many instances in which a private citizen did not or could not get a private bill introduced and put through the entire legislative process.

In addition to actions in tort by a Federal employee of officer in the course of his employment, we have waived sovereign immunity in a number of other instances. Examples are claims arising out of noncombat activities of the Armed Forces, certain admiralty claims, actions

arising out of contract, and tax controversies.

In none of these instances has the general waiver of sovereign immunity resulted in the imposition of any excessive or unfair burdens on the Government, either financial, administrative or judicial.

I am convinced that my bill likewise would not subject the Government to burdensome, expensive litigation, or result in unjust loss of Federal property. It is a jurisdictional measure. In no way would it alter the substantive rules of law prevailing in actions against the Government. For example, it would not permit title to Federal real property to be acquired by adverse possession. Nor would it permit a claimant to invoke laches or statutes of limitation against the Government.

Rather, all the bill does is enable a citizen involved in a title dispute with the Government to have his day in court—something he does not now get unless or until the Government elects to initiate suit.

A case illustrative of the situation was recently before the Subcommittee on Public Lands of the Interior Committee, on which I serve as Subcommittee Chairman. The case involved a tract of land within a National Forest in New Mexico. It is a small tract, less than eight acres of not very valuable land.

The claimants to this tract trace their asserted title back to a patent signed by President Taft in 1911. The 1911 patent, in turn, was based on a land grant of some 60,000 acres made in 1742 by the Spanish Governor of New Mexico. State and local taxes were paid on the tract, and it was conveyed several times. Yet in 1963 one of the claimants was advised by the Forest Service that a cabin he had constructed on the tract was on Forest Service land, and that the survey line in the patent was not the proper boundary because a Government surveyor 60 years ago had disregarded instructions as to the location of the line.

The case I have cited is but one example. Rarely is there a session of Congress in which we do not have before us a number of bills involving land title disputes between private citizens and the Federal Government.

Patently, a congressional committee is not the appropriate forum for resolution of a boundary or land title dispute. Even less so is the Senate or the House of Representatives such a tribunal.

The Federal Courts are appropriate places for settling such questions. The determination of land titles is one of the functions of a court, and citizens ought not to be denied access to the courts simply because one of the contending parties may be the Government.

The bill I now send to the desk would right this wrong, and I urge its favorable consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3248) to permit suits to be brought against the United States to adjudicate disputed land titles, introduced by Mr. CHURCH (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 16, 1969, he presented to the President of the United States the enrolled bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes.

COUNCIL OF SOCIAL ADVISERS—AMENDMENT

NO. 428

Mr. JAVITS (for himself and Mr. MONDALE) submitted an amendment intended to be proposed by them jointly to the bill (S. 5) to promote the public welfare, which was referred to the Committee on Labor and Public Welfare, by unanimous consent.

(The remarks of Mr. JAVITS, when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 429

Mr. INOUYE submitted an amendment, intended to be proposed by him, to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 430

Mr. PROXMIRE (for himself, Mr. BYRD of Virginia, Mr. FULBRIGHT, Mr. GOODELL, Mr. NELSON, and Mr. YOUNG of Ohio) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

GOVERNMENT, INDIVIDUAL, AND MASS MEDIA RELATIONSHIPS

Mr. HART. Mr. President, the sensitive relationships between government and the mass media and between the individual have become the subject of intense national concern.

As one who has spoken out on concentration of control of the mass media, who has been active on communications issues and who has chaired lengthy hearings on the newspaper industry, I feel a special obligation to discuss what I believe to be the proper boundaries for government in its dealings with the press.

There are two areas of concern in communications media problems.

The first and most important is the protection of all communications from government control—afforded by the first amendment. The American Government, in common with other governments, has the absolute power to silence its critics; it does not have the right. Absent the first amendment the power could be exercised by the brute force of the Army and the police. But just as the physical power of the Government is absolute so is the first amendment's protection.

The secondary area of concern is the protection of the individual from the misuse of power by the communications media. Government properly has provided this protection through libel law, antitrust laws, and laws governing radio and television licensing.

If Government inquiry into communications matters is confined to the protection of the individual it is proper. I attempted to confine the Antitrust Subcommittee's hearings to that relationship and I know that the distinguished chairman of the Communications Subcommittee similarly limits his hearings.

But Government is not permitted to use these same laws to protect itself against criticism. And when the Vice President of the United States speaks he cannot be considered just another individual whose rights need protection for he is part of a governmental structure which holds power over the press.

Government activity in communication matters is proper, in my view, when limited to protecting the rights of individuals by providing them with ways of redressing grievances and preventing harmful concentration. Government legal activity which arises because the Government dislikes specific editorial content is unconstitutional.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the New Yorker of December 6, 1969, which explores this problem in some detail.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOTES AND COMMENT

Some events of the last few weeks indicate that the Nixon administration may have come to view the issue of the war in Vietnam as a problem more of ending dissent against the war than of ending the war itself. When, near the end of his November 3rd address to the nation on Vietnam—at the point where Presidents, in their speeches, often make an appeal to all the citizens of the country to support Administration policies—President Nixon said, "So tonight, to you, the great silent majority of my fellow-Americans, I ask for your support," we felt that although the Administration's policy toward the war seemed to be unchanged, a new tone had been set in its policy toward the American people. Never before in our democracy has silence had such a high reputation. This Administration's praise and encouragement of the "silent majority," together with its campaign to silence the "vocal minority," suggest a new vision of America—as the Silent Nation. But we found the Presidential appeal to one segment of the

population disturbing, in part because it seemed to add authority to an idea that had been expressed in much more intemperate and frightening language by the Vice-President shortly before. The Vice-President had referred to protest against the war as "sick and rancid" and to the protesters—millions of American citizens—as "vultures," "ideological eunuchs," and "parasites," and had said that "we can afford to separate them from our society with no more regret than we should feel over discarding rotten apples from a barrel." He had given no explanation of what he meant by "separate them from our society," and, with our imagination left free to wander, we could not help thinking of the prisons and concentration camps employed by other men in our century who have spoken of separating parasites from society. The President has himself remained silent since his Vietnam address, except to give public approval to speeches made by the Vice-President, but a number of Administration officials have made moves and stated opinions that, taken together, constitute a trend that poses the gravest threat in our memory to the rights guaranteed by the Constitution to all citizens.

One of the most telling signs of this danger was the position that the Justice Department took toward the New Mobilization march in Washington on November 15th. Before the march, Justice Department officials attempted to discourage citizens from attending it by spreading alarms of violence; troops were called into the city on the basis of Justice Department "intelligence reports" stating that the march was organized by Communists. After the mrach, a number of Administration officials made baseless and inflammatory allegations about the people who had marched. Transportation Secretary John Volpe declared that most of the organizers of the march were "Communist or Communist-inspired," and Postmaster General Winton M. Blount said that dissent in America was "killing American boys." And—most significant of all—Attorney General Mitchell claimed that the march had been characterized by violence and that the Mobilization leaders had wanted violence to occur. Anyone who saw the march or has read reports of it knows that there were only two infinitesimal incidence of violence in a vast peaceful event and that the Attorney General's statements are not just distortions of the truth but are simply false. Nonetheless, Deputy Attorney General Richard G. Kleindienst announced shortly after he made them that the Justice Department had embarked on investigations that could lead to indictments against a number of the Mobilization leaders. If the organizers of this peaceful march, who whatever their political beliefs may be, are nearly all fervent advocaters of non-violence, and who attempted, through the deployment of their marshals, to prevent violence wherever it threatened, can be brought to trial on the basis of Mitchell's charges, then the right of free assembly in this country is seriously imperiled. And while the Justice Department was threatening the leaders of the march with indictments, Vice President Agnew gave two speeches, one attacking television and the other attacking the nation's newspapers, which, in combination with several moves made by other Administration officials, posed a parallel threat to the freedom of the press.

Of course, there is no reason a Vice-President, or even a President, should not defend his Administration and his policies against criticism by the press. Government officials are as free as any newspaper or any television commentator to enter into press debates on government policies. It is when the government sets out not only to disagree with the press but to threaten or coerce it that the danger line is crossed. Several officials of the present Administration have crossed that line. Federal Communications Commission Chairman Dean Burch crossed the line when—in a gesture that, in its timing and in its context, was intimidating—he called up several television stations after Nixon's Vietnam speech and asked for transcripts of their editorial comments on it. The Vice-President crossed the line when he pointedly asserted, in his attack on television news coverage, that commentators enjoy a "monopoly sanctioned and licensed by government." (It is precisely *because* television stations are federally licensed that officials of the federal government, when they choose to engage in political debate with television commentators, have a special duty to debate the issues, and not to brandish the government's power to revoke licenses.) Communications Director Herbert G. Klein crossed the line in a particularly threatening way when he said, "If you [people in the television industry] look at the problems you have today and you fail to continue to examine them, you do invite the government to come in. I would not like to see that happen." The Vice-President crossed it again when he took it upon himself, in his speech attacking television, to inaugurate a public write-in campaign against the networks. Indeed, the burden of Agnew's two speeches was not the defense of Administration policies against criticism—in fact, he hardly mentioned any questions of Administration policy in either of his speeches about the news media—but the setting in motion of forces that would bring about concrete changes in the news media, in the form of greater support for the President's policies. Although the Vice-President certainly sees himself as a defender of our system of government and no doubt believes that the actions of the Administration he belongs to pose no threat to it, the content of his two speeches—and also his decision, as Vice-President, to give them—rests on several fundamental misunderstandings of democracy and of the Constitution, and these same misunderstandings may underlie the Administration's entire ill-advised campaign.

The Bill of Rights was added to the Constitution in order to protect the people against the government, because of the government's great power. After Thomas Jefferson had seen a draft of the Constitution which did not contain a bill of rights, he wrote in a letter to a friend, "What I disapproved from the first moment also, was the want of a bill of rights, to guard liberty against the legislative as well as the executive branches of the government." In a letter to James Madison, again urging the inclusion of a bill of rights, he wrote, "The tyranny of the legislatures is the most formidable dread at present, and will be for many years," and then he added, "That of the executive will come in its turn; but it will be at a remote period." The freedom of the press was not intended for the benefit of the press. Like the rest of the Bill of Rights, it was intended as a protection for the people against the enormous power of the government. As for protecting the people against the press, we have libel laws to do that. In Vice-President Agnew's speeches, the relationships between the people, the press, and the government are muddled and reversed. He does seem to have had some idea that his thinking represented a departure from the Constitution, for, in one of the more ominous passages in his first speech, he said of the influence exercised by the networks, "We cannot measure this power and influence by the traditional democratic standards." What, then, are the new standards? At several points, he spoke as though the right of free speech had been established to protect the government against censorship by the press or by the people. In his speech attacking the press, he said, "My political and journalistic adversaries seem to be asking . . . that I circumscribe my rhetorical freedom while they place no restriction on theirs," and at the beginning of that speech he had referred to his speech attacking the networks as an exercise of "my right to dissent." But his "right to dissent" (if one can even speak of the government as having a "right to dissent," since in our democracy the term "dissent" refers to the citizens' right to criticize their government) is not a *right* at all but simply a *fact*, since there is no power great enough to threaten its exercise. In both his speeches, the Vice-President consistently portrayed the press and the government as foes that were equally powerful, except that one of them—the government—had been unfairly shackled until the moment when he decided to speak out. In an article in the *Times* he was quoted as carrying this idea to an absurd extreme by saying, "The Vice President has a right to dissent, too. If anybody is intimidated, it should be me. I don't have the resources the networks have." But, as the framers of the Constitution well knew, the press and the government are not two adversaries with equal powers and equal rights. There is no comparison between the power of the government and the power of the press. Whereas the government has virtually unchallengeable power in the form of, among other things, the Army, the Air Force, the Navy, the Marines, and the various police forces, the press has only its rights and can survive only as long as the government continues to honor them.

The Vice-President's concept of censorship is like his concept of rights. In a democracy, the word "censorship" refers specifically to official government interference with the press. When the Vice-President told us in his speech attacking television that he opposed censorship, he said that he was "not asking for government censorship" but was "asking whether a form of censorship already exists when the news that forty million Americans receive each night is determined by a handful of men responsible only to their corporate employers." But, like his idea of his rights and the Constitution's idea of the people's rights, the two kinds of "censorship" are not comparable; one, by definition, is censorship and the other is not. The presentation of a consistently biased interpretation of the news by the networks, if that were possible, would result in an extremely regrettable state of public misinformation, but government censorship would interfere with the public's right to know and would mean the loss of liberty. Because of the inescapability of federal licensing, what must be devised is a set of guarantees that protects the public against any political misuse of the air and also—what is far more important—protects the stations and networks, and thus, again, the public, against such political intervention as Vice-President Agnew's. The Vice-President's statements seemed to show contempt for any kind of criticism of any government by its citizens. In an article in *Life*, he said, "Consider the idea of protest purely, removing it from any issue. . . . It does not offer constructive alternatives and it is not conducive to creating the thoughtful atmosphere where positive answers may be formulated." In his speech about television, he said that "when Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he didn't have to contend with a gaggle of commentators raising doubts about whether he was reading the public right." This, of course, is not true. Churchill had many vocal opponents, both in the press and among politicians. A more nearly correct statement is that Hitler didn't have to contend with any commentators when he was rallying his people against Churchill's England.

As for the Vice-President's idea of the role of the press in a democracy, it is as strange as his concepts of rights and of censorship. In his speech on newspapers, he said

that "the time for naive belief in their neutrality is gone." But are publications obliged to be neutral? There is nothing in the Constitution that says the press has to be neutral. Nor, for that matter, is there anything that says it has to be objective, or fair, or even accurate or truthful, desirable though these qualities are. For who is to be the judge? The press is simply *free*, and its freedom, like any other freedom, has to be absolute in order to be freedom. It is free to print any information it wants to print and to write from any point of view whatever. The framers of the Constitution wisely left it up to the individual citizen, not the government, to decide which publications to read and which to believe, and to find his own way, in an atmosphere of freedom, to the truth. In a democracy, the people are free only as long as the press is free, and, in the long run, the majority is only as free as the most unpopular minority. Once this or any other Administration gets the machinery in place that can control the press or deny the rights of a dissenting minorty, then the rights of all the people, even of those who support the government, are lost. Although this Administration may have intended only to produce greater support for the President's policies, in the belief that this would help him withdraw in an orderly way from Vietnam, the campaign of intimidation it has launched against the protesters and against the press has set this nation on a dangerous course that will be hard to reverse—a course that could lead us to a day when we put an end not to the war in Vietnam but to democracy in America.

SECRETARY OF THE TREASURY: A PROFILE

Mr. PEARSON. Mr. President, in the course of its first year in office, the administration has initiated comprehensive and far-reaching policies which are designed to resolve the basic economic and social issues confronting this Nation. These policies and programs are, of course, subject to careful and detailed examination and evaluation by all concerned Americans. However, it has always been my feeling that any such evaluation is necessarily incomplete unless it is supplemented by an understanding of those responsible for the program or policy itself.

The administration's inflation control and tax reform programs are vital to both the social and economic health and stability of this country. The man most closely identified with these programs is Secretary of the Treasury David M. Kennedy. For this reason, I believe that the personal profile of Secretary Kennedy which recently appeared in the Washington Daily News is of great interest and importance to all of us. Therefore, I ask unanimous consent that the Washington Daily News article of November 28, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TREASURY SECRETARY SPEAKS HARD TIMES

(EDITOR'S NOTE.—Since President Nixon took office last January, the 12 members of his official family, the cabinet, have by now had occasion to test their mettle with Congress and in the fires of national debate. This is another in a series of profile-assessments of how each of these men has fared in his job.)

(By Robert Dietsch)

"Telling the truth is oftimes inappropriate for a man in power."

So read an editorial in a business magazine recently in commenting on the public utterances of David Matthew Kennedy, President Nixon's secretary of the treasury.

In that post Mr. Kennedy, 64, a former Chicago banker, exercises considerable power over the nation's economic, money and budget policies and the nation's financial relationships with other countries.

And while purists would argue that it behooves all men forever to speak the truth, the facts of public life are, as the editorial suggested, that few men in power always feel free to do so.

David Kennedy seems to be an exception. His Mormon faith and morality, pride, stubbornness and (so some associates say) cunning, impel him toward speaking even the hardest of truths. This trait has caused him to be known as the cabinet officer who "puts his foot in his mouth."

He seems unperturbed by the charge.

"If I ever have been an embarrassment to the President," Mr. Kennedy said in an interview, "he has never indicated it to me."

TRUSTED BY NIXON

Men who sit in on cabinet meetings report that Mr. Nixon is likely to end a discussion by asking Mr. Kennedy for his opinion and a summary of views and that, on economic matters, Mr. Kennedy ranks with White House Adviser Arthur F. Burns as the President's most trusted aide.

"If the tax reform bill passes, as I think it will; if we are able to cool inflation, as I think we will; if the dollar stays sound and trusted, as I think it will," Mr. Kennedy said, "then I think I will have done an effective job for the President, for the country."

Mr. Kennedy's statements on all those issues have subjected him to "foot-in-mouth" criticism.

Even before taking office, for example, Mr. Kennedy refused to rule out the possibility that the incoming Administration might increase the price of gold. His remarks shook international financial circles, but Mr. Kennedy stuck to his guns—on the theory that no option should be shut in the field of international monetary affairs.

Insiders now say Mr. Kennedy's determination to put on the public record what previous administrations always had said privately was cleared beforehand with Mr. Nixon and, in the long run, made for more frank and fruitful discussions with foreign bankers.

On two occasions, Mr. Kennedy refused to rule out the possible use of "controls" to fight inflation. He insists he never used to phrase "wage and price controls," but his remarks were understandably interpreted as encompassing such controls. The White House denied it had any plans to ask for controls, and Mr. Kennedy himself is known to be totally opposed to any such ideas. Nonetheless, his philosophy of not ruling out any option prevailed—and, of course, if inflation had increased, any Administration would inevitably have considered asking for controls.

Early in October, during congressional testimony Mr. Kennedy ignored a staff memo and said the rise in the nation's unemployment rate to four per cent was "acceptable under present conditions." The idea of a cabinet officer endorsing any rate of unemployment left Washington gasping, and the next day Mr. Kennedy himself issued a special statement making "crystal clear" the Administration's belief that "any unemployment, however small, is an unhappy condition."

The hard fact of this situation is that if inflation is to be cooled, as even the Democrats say it must, then the nation's jobless rate will go up. Again, Mr. Kennedy's honesty, stubbornness, political ineptness, naivete—call it what you will—prevailed.

"Maybe there's an element of stubbornness in me," Mr. Kennedy said during the interview. "I just felt that someone ought to indicate there's pain connected with any fight against inflation." Mr. Kennedy remarked that on this score also "President Nixon has backed me 100 per cent."

Mr. Kennedy also revealed that when he determines to speak with any "excess of candor" he calls Presidential Press Secretary Ronald L. Ziegler ahead of time and warns, "Ron, I'm going to get you in trouble again."

Thus, the White House has advance warning of anything Mr. Kennedy plans to say that might cause more ripples in the capital and around the nation.

MIDDLE ROAD

In economic philosophy, Mr. Kennedy might be called a middle-of-the-roader. He is adamant that inflation must be curbed, that Federal spending must be checked until the economy cools. But like economists of most stripes today, Mr. Kennedy concedes the Federal budget at times must be fashioned to help pep up the economy as well as slow it down, and therefore budget deficits in some years might be in order. But he eschews day-to-day tinkering with Federal policies and prefers a minimum of Federal intervention in corporate affairs.

With Budget Director Robert P. Mayo, who worked with Mr. Kennedy in the Chicago-based Continental Illinois National Bank & Trust Co., Mr. Kennedy is pushing hard for further cuts in defense spending. Mr. Kennedy, a short, white-haired grandfatherly looking man came to Washington after a highly successful career as chairman of Continental ILLINOIS. Previously, he had worked for the Federal Reserve Board, served in the Treasury Department during the Eisenhower Administration and headed a Johnson Administration commission that produced a major change in the way the Federal budget is put together.

Most judgments say Mr. Kennedy, like other successful businessmen-turned-government-officials, has had trouble adjusting to political life.

Mr. Kennedy was taken aback by the rough-and-tumble treatment accorded Administration officials during their testimony before congressional committees. For openers, a host of questions were raised over Mr. Kennedy's financial holdings and the way he put them into trust. Chairman Wright Patman, D-Tex., of the House Banking Committee was particularly rough on Mr. Kennedy and even suggested impeachment.

Rep. Patman's criticism was enough to make even the normally unflappable Mr. Kennedy mad. That anyone would question his integrity was new to Mr. Kennedy, whose Mormon background (he neither smokes nor drinks) has endowed him with a stern sense of duty and a distinct aversion to hurting anyone.

Also, congressional committees expect a cabinet officer to be acquainted with not only broad principles of proposed legislation and policy but also with details. Mr. Kennedy, again in typical businessman fashion, thinks a cabinet officer should be concerned with policy, not detail, and this approach also has raised eyebrows on Capitol Hill.

ENJOYS CONGRESS

But Mr. Kennedy insists: "I enjoy dealing with Congress. Sure, it's frustrating. We go up with a bill and they attach all kinds of riders, amendments to it. I wonder about that. But working on the tax bill and other bills has given me quite a lot of respect for these men on Capitol Hill.

"I've learned they come to the right decisions in the end. Sometimes reluctantly, but they do.

"I'm a better witness today than I was in January. I know more about what Congress wants, I understand a lot more of its problems."

"I've seen more than a 100 leading overseas financial leaders," Mr. Kennedy said, "and I

get along with all of them. More importantly, they believe me when I explain our policies, our determination to lick inflation and to keep the dollar sound."

Chances are that Mr. Kennedy never will become a politically oriented cabinet officer, will remain somewhat aloof and probably will continue to speak his mind. And if his determination to tell hard truths ever should cost him his cabinet job chances are Mr. Kennedy will shrug and move on to something else.

NEW WATER PURIFICATION PROCESS DEVELOPED AT NEW YORK UNIVERSITY

Mr. JAVITS. Mr. President, this session of Congress has produced comprehensive and impressive measures to significantly advance efforts to control the pollution of our resources and environment. With the passage of H.R. 4148—the Water Quality Improvement Act of 1969—the approval of an $800 million appropriation for construction grants for waste treatment works, and the approval of more than $86 million for pollution control operations and research, Congress has affirmatively assumed reponsibility for progress in pollution control.

The executive branch now will be called upon to maximize the effectiveness of these funds, making every effort to finance only the most modern, efficient equipment.

I invite attention to a new water purification process developed by two New York University civil engineers, Dr. Matthew M. Zuckerman and Dr. Alan H. Moloff. This Zuckerman-Moloff—Z-M—process employs a chemical rather than biological approach to the treatment of water, effectively hydrolizing and removing all waste molecules from water. These researchers have shown that such a process can be significantly less expensive than the ordinary tertiary treatment processes, and the resulting water is as pure as New York City drinking water, if not purer.

An article written by Kristen Anundsen and published in the New York University Alumni News, October 1969, describes this process in some detail. Another article, published in the New York Times of Tuesday, December 9, explains how the process is presently being applied in New Rochelle, N.Y., as a pilot project.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York University Alumni News, October 1969]

ENGINEERS AT UNIVERSITY DEVELOP WEAPON TO "REVOLUTIONIZE" WAR ON WATER POLLUTION

(By Kristin Anundsen)

As our effluent society persists in fouling its own nest with pollutants, the double problem of how to obtain clean water and how to dispose of sewage has reached crisis proportions.

Beaches, fishing areas and even drinking water are threatened. Assistant Secretary of the Interior Carl L. Klein recently declared that urban residents are in danger of either choking to death on pollutants or facing a water shortage. He then announced that the Federal Government is aiming for universal use of tertiary, or three-stage, treatment of waste water for re-use, even though facilities for such treatment would involve a prospective cost of an entire year's national budget, or more.

That statement was made last May. Two months later, two New York University civil engineers announced the development of a totally new water purification process that would not only cost considerably less than the tertiary treatment, but would be more effective as well.

The developers are Dr. Mathew M. Zuckerman, '65E, who earned his Ph.D. on the project (his third NYU engineering degree), and Dr. Alan H. Molof, associate professor of civil engineering at the School of Engineering and Science. Compared to the Zuckerman-Molof (Z-M) process, other wastewater treatment methods seem either ineffectual or unwieldy.

Primary sewage treatment consists of sedimentation, or settling-out of the coarser and solid materials, while sometimes disinfecting with chlorine. In the next step, secondary treatment, the waste water is aerated to stimulate the growth of benign microorganisms that break down pollutant materials into innocuous chemical compounds. Secondary treatment produces water that is all right for swimming, fishing and commercial use, but not good enough for drinking. New York City uses a form of secondary treatment, but gets its drinking water from upstate reservoirs.

NOT ADEQUATE

Even for waterways, secondary treatment is less than adequate, because it leaves behind phosphates, which stimulate the growth of algae. Also, it removes only about two-thirds of the soluble organic material from the water; to remove the other third, tertiary treatment is necessary. This process usually consists of filtration and/or the use of activated carbon, which collects the organic molecules in its pores (a process called adsorption).

The Z-M process, which Dr. Molof describes as "a real breakthrough that could revolutionize water treatment," employs a chemical rather than a biological approach. The key to its efficiency lies in the discovery by Drs. Zuckerman and Molof that soluble organic materials in waste water fall into two specific classifications by molecular weight. Slightly more than half have a molecular weight of 1200 or above and the remainder a molecular weight of 400 or less.

This fact is of vital significance to the purification of water. Conventional tertiary treatment removes the smaller molecules but leaves most of the larger ones. The Z-M process removes the large ones also. "It simply hydrolizes, or chemically breaks down, the big molecules into the smaller ones so that all of them can be efficiently removed," Dr. Molof says.

Removal is accomplished—as it is in tertiary treatment—by means of a column of activated carbon which absorbs the organic molecules. But the entire biological process has been bypassed, which means that the Z-M method takes only two simple steps: hydrolysis, achieved by adding an alkaline such as lime (the addition of the lime also removes the phosphates by precipitation), and adsorption. The resulting water is as pure as, or purer than, New York City drinking water, but the process could be scaled down to produce lower-grade water for recreational or commercial purposes.

Because the Z-M process is simpler and one step shorter than tertiary treatment, it requires smaller areas of land, lower construction costs and lower operating costs. Dr. Molof estimates that a 10-imillion-gallon Z-M waste-water treatment plant would cost 40 per cent less to construct and 50 per cent less to operate than a conventional tertiary treatment plant of the same size. "And the process could probably be made even cheaper if the full potential of industrial technology were applied to it."

Other advantages of the Z-M process are that it is substantially faster than tertiary treatment and that it involves controllable physical and chemical processes, thereby lending itself to automation.

In their laboratory in the Carpenter sanitary engineering building on the Heights campus, Drs. Molof and Zuckerman repeatedly tested their process and found that it effectively purified raw sewage samples from both New York City and a suburban Connecticut town. Now they have the opportunity to find out how it works under continuous use on a larger scale. The New York State Department of Health has awarded $69,962 to the newly formed EcoloTech Research, Inc., to design, build and operate a a prototype . . . since the process was announced at an American Society of Civil Engineering symposium in July, inquiries have come from as far away as Stockholm. Drs. Zuckerman and Molof have every confidence that the tests will prove the success of their method.

"This process could change the world," says Dr. Molof excitedly, envisioning the day when people all over the globe will be swimming in unpolluted lakes, fishing in unpolluted streams, and drinking untainted water, without having to compete with each other for control of pure water supplies. For the Z–M system—which is so simple and inexpensive that widespread adoption is feasible—would enable communities to use their water again and again, getting rid of their sewage at the same time.

[From the New York Times, Dec. 9, 1969]

RECLAIMED WATER UNDERGOES TEST—SEWAGE-TREATMENT PROCESS IS TRIED IN NEW ROCHELLE

A new sewage-treatment process that converts waste to fresh water, in operation on an experimental basis in New Rochelle, is being watched by governmental authorities concerned with the continuing deterioration of the nation's lakes and rivers.

For the last three months, two New York University engineers have been diverting a part of New Rochelle's sewage through a pilot treatment plant. They hope the process will offer a solution to the problem of waste disposal, but there is also some concern about whether the process will work in a full-scale operation.

The engineers are Dr. Alan H. Moloff and Dr. Matthew M. Zuckerman. Dr. Moloff says their Z-M process has purified the sewage to "equivalent or better quality than the average drinking water in most cities."

He says "it can make possible and practical the combined treating of waste water and production of drinking water in a single plant."

Basically, the most efficient sewage-treatment plants now use a system where waste water is held in tanks and bacteria work to break down the organic matter. That process required large, expensive plants, and their output—while less offensive than sewage—is not fit for consumption.

LARGE MOLECULES UNAFFECTED

The N.Y.U. researchers found that sewage was made up of large and small molecules and that the large ones were not affected by the bacteria in biological-treatment plants.

"The bugs don't know how to eat about one-third of the organic material," Dr. Moloff said. "So, in fact, in these treatment plants we get almost one-third of the organic material leaving that came in."

These large molecules also passed through advanced activated carbon filters, much like those now used on cigarettes.

The engineers found, however, that lime, or a similar alkaline material, would break the large molecules into small ones, which would then be trapped by charcoal.

The two steps are the basis of their process, which they say is much cheaper because it avoids the cumbersome biological step.

SAVINGS ARE CITED

On the Federal level, Carl L. Klein, the Assistant Secretary of the Department of the Interior concerned with water pollution problems, noted that the New Rochelle experiment had projected a saving of 40 per cent in capital cost and 50 per cent in operating cost compared with plants using existing technology.

"If we can save funds and do a better job," Mr. Klein said, "it will be a real breakthrough for the American people and for the safety of our water."

New York State has provided $70,000 to run the pilot plant, which is housed in an 8-by-40-foot trailer next to New Rochelle's regular treatment plant.

The trailer pilot plant can treat 10,000 gallons of sewage a day, only a relative trickle of the 15 million gallons a day that go through the regular New Rochelle plant.

It is an even smaller trickle compared with the 1.3 billion gallons generated daily in New York City. The smallness of the operation had led to some skepticism on the part of those on the municipal level who have to deal directly with the sewage problem.

But for the record, hard-pressed pollution-control officials find it hard to dismiss a new idea completely.

Maurice M. Feldman, Commissioner of New York City's Department of Water Resources, says guardedly: "Yes, it's a new process and we're watching its development very closely."

But Mr. Feldman, who is responsible for the city's current billion-dollar program of building biological sewage treatment plants, says the Z-M process still needs testing on a larger scale.

Meanwhile, he says, the city will continue with its existing plans. "You can't wait forever for new ideas to be developed before you start building your plants," he says. "You have to design on existing technology."

New York State is now seeking Federal funds for a full-scale test of the Z-M process at a 1-7 million-gallon-a-day treatment plant planned for Waterford, N.Y.

GRAZING FEES—PART III

Mr. METCALF. Mr. President, on two recent occasions I have discussed the grazing fees on public lands. My remarks appear at pages 38238–38240 and 38415–38420 of the CONGRESSOINAL RECORD.

On November 26, I asked Secretary of the Interior Hickel for the reports and analyses he had before him when, on November 25, 1969, he decided to publish a notice in the Federal Register seeking public comment on his proposal not to increase these fees.

Twenty days have passed, and I have yet to receive a single piece of the material upon which Secretary Hickel based his decision. I have checked with conservation leaders and they tell me they have yet to receive information from the Secretary.

As I have pointed out previously, the Secretary of the Interior did not immediately publish his notice in the Federal Register. He delayed publication until December 4, 9 days later. He also shortened the period for public comment, originally announced as 45 days, to 30 days. Already 40 percent of the legal time for comment has elapsed, and the public is still without knowledge of the basis for the Secretary's proposal. The Secretary gave the public 30 days in which to comment. Since he cannot even provide the evidence within 20 days, I think the people of America are entitled to an extension of time for public comment on this public business.

In contrast, the Department of Agriculture has released a study it made which celarly supports grazing fee increases.

I would hope that by this time the Secretary of the Interior realizes that he has flouted a resolution adopted unanimously by the Senate Committee on Interior and Insular Affairs on August 7, 1969. I hope he also realizes that he had told all who use the public lands—among them, ranchers, miners, lumbermen, fishermen, hunters, and vacationers—that he does not intend to share with them the facts upon which he bases a decision.

All of us have a right to expect that when a public official asks for comments on a proposal having to do with the public business he means to give consideration to the forthcoming views. All of us have a right to the facts upon which a proposal was based, so our comments may be based upon information.

The public's business ought to be conducted in public. Secretary Hickel is well on the way toward creating a serious lack of confidence in him.

THE CONQUEST OF SPACE

Mr. MATHIAS. Mr. President, the Evening Star of December 12, 1969, reported that the General Services Administration has produced a film from motion picture records in its National Archives tracing the 66 years of effort which took man from the earth to the surface of the moon.

Anatomy of a Triumph focuses on the role played by the U.S. Government in aeronautics and space exploration. I want to compliment General Services Administrator Robert L. Kunzig for producing this informative document on our great space effort.

Using the Nation's historic records from the first airplane flight by the Wright brothers at Kitty Hawk, N.C., to film footage of the first walk on the moon by astronauts Neil Armstrong and Mike Aldrin, the film is an important documentation of the American will to achieve.

Administrator Kunzig has produced a film that will be of lasting value and great interest to every American. It is, moreover, an example of the untapped potential of General Services Administration. Mr. Kunzig obviously does not intend to let his agency act as only an office supply warehouse, but clearly wants to offer to the American people the full availability of the vast stock of national treasures, mementoes, facilities and services now held by him in trust for the Nation.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR, SPACE CONQUEST IS DEPICTED IN EXHIBIT

The National Archives blasted off for the moon last night—all in a documented manner, of course.

The occasion was the black-tie opening of a new exhibit and film tracing the development of U.S. space efforts from Kitty Hawk, N.C., to the Sea of Tranquility, Moon.

The exhibit is built around three historical documents, the National Advisory Committee on Aeronautics Act of 1915, the National Aeronautics and Space Act of 1958 and John Kennedy's "moon" speech of 1961.

The two hundred guests saw, however, that it's not all words. Entry to the show is gained through curved hallways lined with photos of the earth's gradual reduction in size as if seen from a space craft.

The Sputnik model given President Eisenhower by Soviet Premier Khrushchev also is included as is Frank Borman's space suit, borrowed from the Smithsonian.

There were lots of "outer space" music warbling through the hall and a preview of a General Services Administration film, "Anatomy of Triumph," tracing the same period.

The exhibit really begins in the Pennsylvania Avenue side with reproductions of patent drawings of "flying machines."

The caption under a particularly farfetched design of strapped-on wings flapped by oar handles and guided by lines to the feet contains what might be the governmental understatement of the month:

"Technical skill was sadly lacking and the feasibility of many of the inventions was in doubt."

KNOXVILLE JOURNAL ADVOCATES VOTING AGE OF 18

Mr. BAKER. Mr. President, one of the leading newspapers in Tennessee, the Knoxville Journal, has editorially advocated that the voting age be lowered to 18. The editorial makes several points which I believe are of general interest. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LET THEM SHOW FITNESS; LOWER VOTING AGE TO 18

Perhaps the most difficult phase of today's American social scene to analyze and assess fairly is the so-called unrest on the campuses of the nation's colleges and universities. So many factors are involved, including the influences of leftish faculty members on students, that the overall picture is grotesquely confused.

We are told that the militants and nihilists are really but a small minority of students, and this is not hard to believe. We are told also that students in the great majority are resolutely concerned about getting a sound education as the foundation for successful lives. This is not so easy to accept without question in view of the seeming obsession of so many with such antisocial elements as drug use, morbid speakers, amorality and rejection of authority. When thousands flock to vast rock music festivals that verge on depravity, one may wonder where the earnest students are.

There are students and their outside associates who want only to destroy. There are student forces which seek to rule or at least have a strong voice in ruling within the academic walls. Many apparently feel they are as competent as their elders to run things, despite the differences in experience.

Also, regrettably, there are those who vehemently protest the war while clinging to their student status in order to resist military service.

For the older generations to tell young people that the only democratic way to determine political matters is at the ballot box is to offer many of them another frustration, since they are not old enough to vote under present laws in most states.

Young people may qualify to vote in Georgia and Kentucky when they pass 18 years of age. In Alaska the minimum is 19 and in Hawaii it is 20. All the other states require a youth to attain 21 before extending to him the right of franchise.

Young persons of college age today are said to be more mature than were their parents at the same years. No doubt they think this to be the case, and it may be so. We would incline to give them the benefit of the doubt in spite of some ugly behavior.

All things considered—as best they can be considered in viewing academes chaotic milieu—The Knoxville Journal advocates amending the constitutions of Tennessee and other states to afford the right to vote to persons 18 years of age and older. Perhaps some of the vociferous ones would be less vocal if they could express themselves silently at the polling place.

Let our young people have the opportunity to demonstrate their fitness as voting citizens.

PRESIDENT NIXON PROCLAIMS DECEMBER 10–17 HUMAN RIGHTS WEEK

Mr. PROXMIRE. Mr. President, President Nixon has called upon the people of the United States to observe December 10–17 as Human Rights Week "to the end that we may rededicate ourselves as a united people to the task of assuring to every person—regardless of his race, sex, creed, color, or place of national origin—the full enjoyment of his basic human rights."

I applaud the President for his stand in this matter. We as a nation should continually rededicate ourselves to the task of assuring human rights for all peoples. Proclaiming one week out of the year Human Rights Week is certainly one means of bringing the importance of this rededication to the attention of the American people.

I ask unanimous consent that the proclamation by the President of the United States declaring December 10–17 to be Human Rights Week be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

BILL OF RIGHTS DAY—HUMAN RIGHTS DAY

(A proclamation by the President of the United States of America, Dec. 10, 1969)

One hundred seventy-eight years ago, the Bill of Rights was ratified and incorporated as part of the United States Constitution. The founders of our Republic had fought for individual liberty and for representative and responsible government. In the first ten amendments to the Constitution they sought to ensure that the power of the government would not abridge the rights of citizens.

More than twenty years ago, the United Nations General Assembly adopted the Universal Declaration of Human Rights. The founders of the United Nations had endured a world war brought on by those who denied the rights of men to equality and justice and who abrogated the rights of nations to exist in peace.

The two documents—the Bill of Rights and the Universal Declaration of Human Rights—are close in spirit although widely separated in time. The Bill of Rights is the law of the land. The Universal Declaration is a statement of principles, of common standards of achievement for all peoples and all nations. We in the United States are engaged in unremitting efforts to give real meaning to these standards for every American, to assure to every person the full enjoyment of his basic rights.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby proclaim December 10, 1969, as Human Rights Day and December 15, 1969, as Bill of Rights Day, and call upon the people of the United States of America to observe the week of December 10–17, 1969, as Human Rights Week, to the end that we may rededicate ourselves as a united people to the task of assuring to every person—regardless of his race, sex, creed, color, or place of national origin—the full enjoyment of his basic human rights. Let us act so as to provide an example that will point the way in the struggle to promote respect for human rights throughout the world.

In witness whereof, I have hereunto set my hand this ninth day of December, in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-fourth.

RICHARD NIXON.

PRESIDENT NIXON'S REPORT OF DECEMBER 15

Mr. DOLE. Mr. President, I have before me the text of the President's report of last night on the status of the war in Vietnam.

I shall ask unanimous consent that the complete text be printed in the RECORD, but before doing so I wish to discuss briefly what the President said, because he continues to be the voice of reason in America.

Mr. President, it is hard to understand how Americans can disagree with the President.

No man has made it plainer that he wants peace.

But no matter how badly a man of honor wants something, he does not seek it at the expense of those he has sworn to help.

And that is true for a nation, too.

That is why no man, no matter how dovish, can expect his President to do that which would dishonor his country.

Certainly President Nixon, has made it clear no dishonor can be expected of him.

Let me repeat his words:

The enemy still insists on a unilateral, precipitate withdrawal of American forces and on a political settlement which would mean the imposition of a Communist government on the people of South Vietnam, against their will, and defeat and humiliation for the United States. This we cannot and will not accept.

The President said:

Anything is negotiable except the right of the people of South Vietnam to determine their own fate.

Surely, no man could be more reasonable.

And yet, despite the President's complete willingness to negotiate, what have been the results?

First of all there has been no progress of any sort on the negotiating front.

Second, the North Vietnamese absolutely refuse to talk about the fate of the American prisoners they hold and refuse even to supply names to ease the anguish and uncertainty of loved ones in the United States.

Third, according to the President, infiltration into the South today is increasing significantly.

Mr. President, while the President announced his decision to bring 50,000 more American troops home, he also wisely and clearly repeated to the North Vietnamese that our troop withdrawals are not a slow surrender.

The North Vietnamese should consider carefully what the President said regarding increased activity on their part:

Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

Mr. President, the North Vietnamese should have learned by now that most Americans support the President in his search for a just and honorable peace.

That being the case, it should be clear to them that they cannot win this war from within the United States any more than they can win it in Vietnam.

It is indeed time for them to come to the bargaining table with good faith and willingness to reach a solution. I urge now, that the doves in America unite and call on the North Vietnamese to do just that. It is time that the doves, as well as those in this country who see North Vietnam as the innocent victim of American aggression, help bring this war to an end by telling North Vietnam the truth: as long as Richard Nixon is President, they cannot win. They can have honorable peace, but they cannot have conquest.

As long as Richard Nixon is President, South Vietnam will remain free to choose its own government.

Mr. President, I ask unanimous consent that the text of the President's talk be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"A . . . PEACE . . . WHICH IS FAIR"

(The prepared text of President Nixon's radio-television address)

I have asked for this television time tonight to give you a progress report on our plan to bring a just peace in Vietnam, which I described in my television address on November 3.

As you will recall, I said then that we were proceeding in our pursuit for peace on two fronts—a peace settlement through negotiation, or if that fails, ending the war through Vietnamization, a plan we have developed with the South Vietnamese for the complete withdrawal first of all U.S. combat ground forces and eventually of other forces and their replacement by South Vietnamese forces on an orderly scheduled timetable.

I report with regret tonight that there

has been no progress whatever on the negotiating front since November 3. The enemy still insists on a unilateral, precipitate withdrawal of American forces and on a political settlement which would mean the imposition of a Communist government on the people of South Vietnam against their will, and defeat and humiliation for the United States.

This we cannot and will not accept.

Typical of their attitude is their absolute refusal to talk about the fate of the American prisoners they hold and their refusal even to supply their names so as to ease the anguish of their loved ones in the United States. This cruel, indefensible action is a shocking demonstration of the inflexible attitude they have taken on all issues at the negotiating table in Paris.

Despite their attitude, however, we shall continue to participate in the Paris talks and to seek a negotiated peace—one which is fair to North Vietnam, fair to the United States and, most important, fair to the people of South Vietnam. I have indicated that anything is negotiable except the right of the people of South Vietnam to determine their own fate.

As you know, Ambassador Lodge has had to leave his assignment in Paris because of personal reasons. I have designated Philip Habib, one of our most experienced foreign service officers who has been participating in the negotiations for over 18 months, as the acting head of our delegation with the personal rank of Ambassador. He has been given full authority to discuss any proposal that will contribute to a just peace.

Let me turn now to the progress of our plan for Vietnamization and our troop withdrawal program.

When I announced the troop withdrawal program in June, I said that the rate of withdrawal would depend on three criteria—progress in the Paris negotiations, progress in the training of South Vietnamese forces and the level of enemy activity.

FAVORABLE REPORT

While there has been no progress on the negotiating front I have a much more favorable report to give to you tonight with regard to the training of South Vietnamese forces.

First let me tell you how I reached this conclusion. In making decisions, I believe a President should listen not only to those who tell what he wants to hear but to those who tell him what he ought to hear. It is most important to get independent judgments from individuals who are expert on the factors to be considered but who are not directly involved in the operations themselves. This is particularly essential when the lives of American men are involved.

Several months ago I read a book by Sir Robert Thompson, a British expert who was one of the major architects of the victory over the Communist guerrillas who attempted to take over Malaya in the 1950s. In his book which was published just as this Administration took office he was very pessimistic about the conduct the war. He particularly noted the failure to prepare the South Vietnamese to take over the responsibilities of their own defense.

On October 17 I met with Mr. Thompson and asked him to go to Vietnam and give me a first-hand, candid and completely independent report on the situation there. After five weeks of intensive investigation he gave his report on December 3.

IMPROVEMENT IMPRESSIVE

His full report, which makes several constructive recommendations, must remain confidential since it bears on the security of our men. But let me read to you from his summary of his findings.

"I was very impressed by the improvement in the military and political situation in Vietnam as compared with all previous visits and especially in the security situation, both in Saigon and the rural areas.

"A winning position in the sense of obtaining a just peace (whether negotiated or not) and of maintaining an independent, non-Communist South Vietnam has been achieved but we are not yet through. We are in a psychological period where the greatest need is confidence, a steady application of the 'do it yourself' concept with continuing U.S. support in the background will increase the confidence already shown by many South Vietnam leaders."

Mr. Thompson's report which I would describe as cautiously optimistic, is in line with my own attitude and the reports I have received from other observers and from our own civilian and military leaders in Vietnam.

There is one disturbing new development, however, with regard to enemy activity. Enemy infiltration has increased substantially. It has not yet reached the point where our military leaders believe the enemy has developed the capability to mount a major offensive but we are watching the situation closely to see whether it could develop to that extent.

ANNOUNCES REDUCTION

Taking all these developments into consideration, I am announcing tonight a reduction in our troop ceiling of 50,000 more U.S. troops by April 15 next year. This means that the ceiling which existed when I took office on January 20 has now been reduced by 115,500 men. This reduction has been made with approval of the government of South Vietnam, and in consultation with other nations which have combat troops in Vietnam.

There are some who believe that to continue our withdrawals at a time when enemy infiltration is increasing is a risk we should not take. However, I have consistently said that we must take risks for peace.

And in that connection, let me remind the leaders in Hanoi that if infiltration and the level of enemy activity increase while we are reducing our forces, they also will be running a risk. I repeat the statement I made in my speech on November 3.

"Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

EXPRESSES APPRECIATION

This reduction in our forces is another orderly step in our plan for peace in Vietnam.

It marks further progress toward turning over the defense of South Vietnam to the South Vietnamese.

It is another clear sign of our readiness to bring an end of the war and to achieve a just peace.

Before concluding this report, I wish to express my appreciation to the great number of people from all over the nation who have indicated their support for our program for a just peace since my speech on November 3.

This support was particularly underlined by the action of the Congress in which a majority of both Democrats and Republicans voted overwhemingly 334 to 55 for a resolution supporting the plan for peace which I announced on November 3.

HANOI'S DREAM

The leaders in Hanoi have declared on a number of occasions that division in the United States would eventually bring them the victory they cannot win over our fighting men in Vietnam. This demonstration of support by the American people for our plan to bring a just peace dashed those hopes completely.

Hanoi should abandon its dream of military victory.

It is time for them to join us in serious negotiations.

There is nothing to be gained by delay.

If Hanoi is willing to talk seriously they will find us flexible and forthcoming.

I am glad that I was able to report tonight some progress in reaching our goal of a just peace in Vietnam. After five years of increasing the number of Americans in Vietnam, we are bringing men home.

SUPPORT ASKED

Our casualties continue to be at the lowest rate in three years.

But I want you to know that despite this progress, I shall not be satisfied until we achieve the goal we all want—an end to the war on a just and lasting basis.

This is the fifth Christmas when Americans will be fighting in a war far away from home.

I know that there is nothing the American people want more and nothing I want more than to see the day come when the Christmas message of "Peace on Earth, Good Will to Men" will be not just an eloquent ideal but a reality for Americans and all others who cherish peace and freedom throughout the world.

Your continued support of our plan for peace will greatly strengthen our hopes that we can achieve that goal.

PRAISE OF THOMAS W. FLETCHER, FORMER DEPUTY MAYOR OF THE DISTRICT OF COLUMBIA

Mr. CRANSTON. Mr. President, Thomas W. Fletcher, who served with great distinction in the highly demanding job of Deputy Mayor of Washington, D.C., is returning to California to become city manager of San Jose.

His more than 2 years of service as chief assistant to Mayor Walter E. Washington enhanced Mr. Fletcher's already solid reputation as one of the Nation's top city administrators.

Mr. Fletcher was appointed the deputy to Mayor Washington shortly before the current, reorganized city government for the Nation's Capital officially took office November 3, 1967. During that time, the new city administration dealt with a series of crises and issues ranging from the disorders in April 1968, to acute fiscal problems, to the recent antiwar demonstrations.

As with other large urban areas throughout the Nation, the District of Columbia is plagued with a broad range of urban ailments.

Under the leadership of this municipal administration, the city is moving forward to cope with these problems—to help make the Capital City a better community for all.

Mr. Fletcher's greatest contribution was, I believe, to help to strengthen and sharpen the administrative machinery of the city government. This is, of course, the keystone for a more effective, responsive and efficient effort by the government to meet the needs of the community.

Tom Fletcher had the chief responsibility for carrying out the policy decisions of the Mayor. The Deputy played a major role in such key areas as fiscal affairs, the development of specific plans for rebuilding the corridors hardest hit by the civil disorders, and in legislative matters.

Mr. Fletcher began his career as assistant to the city manager of San Leandro, Calif. Later, he moved up to city manager of Davis, Calif., and then accepted

the position of assistant to the city manager of San Diego. In October 1961, he became city manager there. It was in that post that he won a wide reputation as a first-class professional in the field of public administration.

Originally, he had come to Washington to become a Deputy Assistant Secretary in the Department of Housing and Urban Development. But 3 months later Tom Fletcher was tapped by President Johnson for the Deputy Mayor's post.

Mr. Fletcher's successor is Graham Watt, city manager of Dayton, Ohio. Mr. Watt also has a splendid record in the field of public administration.

The decision by Tom Fletcher to accept the post of city manager of San Jose is a severe loss to the District of Columbia. He will be missed. But I am delighted that he has chosen to return to his native California. We look forward to benefiting from his services there once again.

RELIEF AND WORK—DAY CARE CENTERS

Mr. JAVITS. Mr. President, according to the latest data available there are more than 17 million children under 18 in this country who have working mothers. About 4.5 million of these children are under 6, and another 6.4 million are 6 to 11 years of age. Welfare mothers alone have approximately 1.6 million children under 6. It is of vital importance to the welfare of these children and to the health of our Nation that these children spend their days in safe, stimulating, and wholesome environments while their mothers are at work.

But at present we are far from providing adequate day care facilities for them. The latest estimate is that there are only 600,000 places in licensed day care facilities in the entire country, as compared with an estimated need of perhaps 3 or 4 million. Federally aided programs provide about 172,000 of the available places. About 8 percent of children under 14 with working mothers must look after themselves. Many others are cared for in "family day care centers" in which the facilities are substandard and unclean, there are no toys or educational equipment, the children are given little guidance or personal attention, and meals are meager or nonexistent.

One of the key features of the President's recently proposed welfare program is the provision of day care facilities to persons receiving welfare assistance who participate in manpower training or employment programs. The proposal would make available an additional 450,000 quality day care places, at a cost of $386,000,000 to the Federal Government. This provision is a much-needed feature of a long overdue revamping of the welfare program, which for years has acted as a disincentive to work and at the same time has failed to provide benefits which are sufficient to maintain a decent standard of living. If families are to live without accepting welfare, they must work; and if mothers are to work, they must have adequate day care facilities for their children.

I ask unanimous consent to have printed in the RECORD at the close of my remarks a column written by William Raspberry and published in the Washington Post. The article discusses the necessity for Congress to enact the day care provisions of the proposed Family Assistance Act. Mr. Raspberry points out that as well as benefiting the welfare recipients who will be enabled to go to work, the program provides an excellent opportunity to benefit disadvantaged children. If, through day care, we can provide these children with the cultural and educational advantages which they have traditionally lacked, we may find ourselves a long way down the road to solving other problems in such areas as education, juvenile delinquency, and crime.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DAY-CARE KEY IN NIXON PLAN

(By William Raspberry)

What the Congress does about funding the President's Family Assistance Act (hearings on the proposal get under way this morning) will determine whether the program can accomplish anything.

A key feature of the proposal is tha tfamily assistance payments (traditional "welfare" grants would go by the board) would be denied to any otherwise eligible person who refused "suitable" employment or job-training opportunities, provided adequate day-care is available for the children.

If Congress is generous, the day-care provision alone could be one of the best things to happen to poor families in a long time. If it decides to save the taxpayers' money (perhaps for another moon shot), the entire program could come a cropper.

And there can be little doubt there will be strong temptation to cut costs. Mr. Nixon is talking about a lot of money—some $386 million for day-care alone. But it may be among the wisest investments the country could make.

The employment and job-training aspects of the President's proposal may be misleading. The President is talking about reaching some 150,000 pre-school children and twice that many school-age children in the first year of the program. That is encouragingly ambitious.

But there is little reason to suppose that there are worthwhile jobs or realistic training possibilities for the mothers of most of these youngsters. Given the number of welfare mothers who earnestly would prefer to work, I tend to doubt that we can find jobs for them all, even after training.

Indeed, there is the suspicion that the work requirement was nothing more than a sop to make the rest of the proposal palatable to those who think most welfare recipients are lazy freeloaders.

But, day-care is something else again. It is hard to over estimate the amount of good that could result from good, education-oriented day-care programs for hundreds of thousands of financially and culturally impoverished youngsters.

Aside from the health and "socialization" benefits, top-notch day-care could help to give these children their first real chance to succeed in school.

We have grown accustomed to thinking of day-care as little more than a pretty good second choice. The best thing, we tell ourselves would be for the mothers to stay home with their children. But if that is not possible, then high-quality day-care that includes health and educational opportunities is an acceptable second choice.

That presumption may be valid in the case of middle-class mothers who work not to support their families but because they want some of life's extras, or simply because they're bored at home.

But in the case of the poor, we are most often talking about a mother whose family relies on her income—whether a paycheck or a welfare check—for its very survival.

And we are also talking, in the main, about mothers who can provide few cultural, educational or health advantages for their children even if they are able to stay home with them. Thousands of these youngsters may be a good deal better off in a good day-care facility than they would be at home with Mama.

This is true, however, only if the day-care facilities are good. If a significant amount of the day-care turns out to be mere baby-sitting (one of the alternatives provided in the President's proposal) or if we simply build human storage bins for these children, they may well wind up worse off than they are now.

The success of the program depends on the willingness of Congress to provide the necessary money and proper supervision by local officials.

We can take care of the local end. The rest is up to Congress.

THE NEW CONSERVATION

Mr. NELSON. Mr. President, there is a deepening disenchantment with many of our institutions because they do not adjust to or anticipate social change quickly enough. We seem to dash from one crisis to another, sacrificing, at this frenetic pace, vision and purpose for an approach.

Technology is in the saddle and we are too often blindly following technical change for its own sake. The process is more complicated, and yet, as sophisticated a nation as we are, we frequently decide to do something because we can do it and not because we should.

That is the tyranny of technology and nowhere does it show up more blatantly than in the environmental crisis. Only after decades of wanton destruction of our land are we seeing the social cost we paid for progress. In addition, colleges and universities are discovering that quality of environment and quality of life are two of the most urgent but sadly overlooked areas of academic endeavor.

Mr. John Fisher in his article entitled "Survival U: Prospectus for a Really Relevant University," published in Harper's, outlines a strategy for bringing the bits and pieces of university efforts together under one guiding concept—the idea of survival. For the first time in history the survival of man is no longer assured. The major threats to our planet—wars of mass destruction, pollution, depletion of resources, and overpopulation—are serious challenges to mankind. Therefore, we must seek knowledge and insight from our educational institutions in order to meet these challenges.

Environmental education seems to Fisher to be the keystone to Survival U. and I believe it also leads to the way to the new conservation. It is the area of study that very readily lends itself to the problem-solving approach—so important an approach if students are to relate to their academic work. Quality, not quantity, has the higher priority.

"Survival U," Fisher states:

Will prepare its students to consume less. This does not necessarily mean an immediate

drop in living standards—perhaps only a change in the yardstick by which we measure them.

He continues:

Happy or not, our students had better learn how to live the Simpler Life, because that is what most of them are likely to have before they reach middle age.

Human ecology is one of the youngest disciplines, and probably the most important. It is the study of the relationship between man and his environment, both natural and technological. It teaches us to understand the consequences of our actions.

In other words, ecology may be considered the systems approach with a soul.

Fisher concludes:

A graduate who comprehends ecology will know how to look at what is going on in the world, and he will be equipped to do something about it. Whether he ends up as a city planner, a politician, an enlightened engineer, a teacher, or a reporter, he will have had a relevant education. All of its parts will hang together in a coherent whole.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Harper's, September 1969]

SURVIVAL U: PROSPECTUS FOR A REALLY RELEVANT UNIVERSITY

(By John Fischer)

It gets pretty depressing to watch what is going on in the world and realize that your education is not equipping you to do anything about it.—From a letter by a University of California senior.

She is not a radical, and has never taken part in any demonstration. She will graduate with honors, and profound disillusionment. From listening to her—and a good many like-minded students at California and East Coast campuses—I think I am beginning to understand what they mean when they say that a liberal-arts education isn't relevant.

They mean it is incoherent. It doesn't cohere. It consists of bits and pieces which don't stick together, and have no common purpose. One of our leading Negro educators, Arthur Lewis of Princeton, recently summed it up better than I can. America is the only country, he said, where youngsters are required "to fritter away their precious years in meaningless perregrination from subject to subject . . . spending twelve weeks getting some tidbits of religion, twelve weeks learning French, twelve weeks seeing whether the history professor is stimulating, twelve weeks seeking entertainment from the economics professor, twelve weeks confirming that one is not going to be able to master calculus."

These fragments are meaningless because they are not organized around any central purpose, or vision of the world. The typical liberal-arts college has no clearly defined goals. It merely offers a smorgasbord of courses, in hopes that if a student nibbles at a few dishes from the humanitites table, plus a snack of science, and a garnish of art or anthropology, he may emerge as "a cultivated man"—whatever that means. Except for a few surviving church schools, no university even pretends to have a unifying philosophy. Individual teachers may have personal ideologies—but since they are likely to range, on any given campus, from Marxism to worship of the scientific method to exaltation of the irrational (*à la* Norman O. Brown), they don't cohere either. They often leave a student convinced at the end of four years that any given idea is probably about as valid as any other—and that none of them has much relationship to the others, or to the decisions he is going to have to make the day after graduation.

Education was not always like that. The earliest European universities had a precise purpose: to train an elite for the service of the Church. Everything they taught was focused to that end. Thomas Aquinas had spelled it all out: what subjects had to be mastered, how each connected with every other, and what meaning they had for man and God.

Later, for a span of several centuries, Oxford and Cambridge had an equally clear function: to train administrators to run an empire. So too did Harvard and Yale at the time they were founded; their job was to produce the clergymen, lawyers, and doctors that a new country needed. In each case, the curriculum was rigidly prescribed. A student learned what he needed, to prepare himself to be a competent priest, district officer, or surgeon. He had no doubts about the relevance of his courses—and no time to fret about expanding his consciousness or currying his sensual awareness.

This is still true of our professional schools. I have yet to hear an engineering or medical student complain that his education is meaningless. Only in the liberal-arts colleges—which boast that "we are not trade schools"—do the youngsters get that feeling that they are drowning in a cloud of feathers.

For a long while some of our less complacent academics have been trying to restore coherence to American education. When Robert Hutchins was at Chicago, he tried to use the Great Books to build a comprehensible framework for the main ideas of civilized man. His experiment is still being carried on, with some modifications, at St. John's—but it has not proved irresistibly contagious. Sure, the thoughts of Plato and Machiavelli are still pertinent, so far as they go—but somehow they don't seem quite enough armor for a world beset with splitting atoms, urban guerrillas, nineteen varieties of psychotherapists, amplified guitars, napalm, computers, astronauts, and an atmosphere polluted simultaneously with auto exhaust and TV commercials.

Another strategy for linking together the bits-and-pieces has been attempted at Harvard and at a number of other universities. They require their students to take at least two years of survey courses, known variously as core studies, general education, or world civilization. These too have been something less than triumphantly successful. Most faculty members don't like to teach them, regarding them as superficial and synthetic. (And right they are, since no survey course that I know of has a strong unifying concept to give it focus.) Moreover, the senior professors shun such courses in favor of their own narrow specialities. Consequently, the core studies which are meant to place all human experience—well, at least the brightest nuggests—into One Big Picture usually end up in the perfunctory hands of resentful junior teachers. Naturally the undergraduates don't take them seriously either.

Any successful reform of American education, I am now convinced, will have to be far more revolutionary than anything yet attempted. At a minimum, it should be:

1. Founded on a single guiding concept—an idea capable of knotting together all strands of study, thus giving them both coherence and visible purpose.

2. Capable of equipping young people to do something about "what is going on in the world"—notably the things which bother them most, including war, injustice, racial conflict, and the quality of life.

Maybe it isn't possible. Perhaps knowledge is proliferating so fast, and in so many directions, that it can never again be ordered into a coherent whole, so, that molecular biology, Robert Lowell's poetry, and highway engineering will seem relevant to each other and to the lives of ordinary people. Quite possibly the knowledge explosion, as Peter F. Drucker has called it, dooms us to scholarship which grows steadily more specialized fragmented, and incomprehensible.

The Soviet experience is hardly encouraging. Russian education is built on what is meant to be a unifying ideology: Marxism-Leninism. In theory, it provides an organizing principle for all scholarly activity—whether history, literature, genetics, or military science. Its purpose is explicit: to train a Communist elite for the greater power and glory of the Soviet state, just as the medieval universities trained a priesthood to serve the Church.

Yet according to all accounts that I have seen, it doesn't work very well. Soviet intellectuals apparently are almost as restless and unhappy as our own. Increasing numbers of them are finding Marxism-Leninism too simplistic, too narrowly doctrinaire, too oppressive; the bravest are risking prison in order to pursue their own heretical visions of reality.

It is conceivable, then, that we might hit upon another idea which could serve as the organizing principle for many fields of scholarly inquiry; which is relevant to the urgent needs of our time; and which would not, on the other hand, impose an ideological strait jacket, as both ecclesiastical and Marxist education attempted to do?

Just possibly it could be done. For the last two or three years I have been probing around among professors, college administrators, and students—and so far I have come up with only one idea which might fit the specifications. It is simply the idea of survival.

For the first time in history, the future of the human race is now in serious question. This fact is hard to believe, or even think about—yet it is the message which a growing number of scientists are trying, almost frantically, to get across to us. Listen, for example, to Professor Richard A. Falk of Princeton and of the Center for Advanced Study in the Behavioral Sciences:

"The planet and mankind are in grave danger of irreversible catastrophe . . . Man may be skeptical about following the flight of the dodo into extinction, but the evidence points increasingly to just such a pursuit. . . . There are four interconnected threats to the planet—wars of mass destruction, overpopulation, pollution, and the depletion of resources. They have a cumulative effect. A problem in one area renders it more difficult to solve the problems in any other area. . . . The basis of all four problems is the inadequacy of the sovereign states to manage the affairs of mankind in the twentieth century."

Similar warnings could be quoted from a long list of other social scientists, biologists, and physicists, among them such distinguished thinkers as Rene Dubos, Buckminster Fuller, Loren Eiseley, George Wald, and Barry Commoner. They are not hopeless. Most of them believe that we still have a chance to bring our weapons, our population growth, and the destruction of our environment under control before it is too late. But the time is short, and so far there is no evidence that enough people are taking them seriously.

That would be the prime aim of the experimental university I'm suggesting here: to look seriously at the interlinking threats to human existence, and to learn what we can do to fight them off.

Let's call it Survival U. It will not be a multiversity, offering courses in every conceivable field. Its motto—emblazoned on a life jacket rampant—will be: "What must we do to be saved?" If a course does not help to answer that question, it will not be taught here. Students interested in musicology, junk

sculpture, the Theater of the Absurd, and the literary *dicta* of Leslie Fiedler can go somewhere else.

Neither will our professors be detached, dispassionate scholars. To get hired, each will have to demonstrate an emotional commitment to our cause. Moreover, he will be expected to be a moralist; for this generation of students, like no other in my lifetime, is hungering and thirsting after righteousness. What it wants is a moral system it can believe in—and that is what our university will try to provide. In every class it will preach the primordial ethic of survival.

The biology department, for example, will point out that it is sinful for anybody to have more than two children. It has long since become glaringly evident that unless the earth's cancerous growth of population can be halted, all other problems—poverty, war, racial strife, uninhabitable cities, and the rest—are beyond solution. So the department naturally will teach all known methods of birth control, and much of its research will be aimed at perfecting cheaper and better ones.

Its second lesson in biological morality will be: "Nobody has a right to poison the environment we live in." This maxim will be illustrated by a list of public enemies. At the top will stand the politicians, scientists, and military men—of whatever country—who make and deploy atomic weapons; for if these are ever used, even in so-called defensive systems like the ABM, the atmosphere will be so contaminated with strontium 90 and other radioactive isotopes that human survival seems most unlikely. Also on the list will be anybody who makes or tests chemical and biological weapons—or who even attempts to get rid of obsolete nerve gas, as our Army recently proposed, by dumping the stuff in the sea.

Only slightly less wicked, our biology profs will indicate, is the farmer who drenches his land with DDT. Such insecticides remain virulent indefinitely, and as they wash into the streams and oceans they poison fish, waterfowl, and eventually the people who eat them. Worse yet—as John Hay noted in his recently published *In Defense of Nature*—"The original small, diluted concentrations of these chemicals tend to build up in a food chain so as to end in a concentration that may be thousands of times as strong." It is rapidly spreading throughout the globe. DDT already has been found in the tissues of Eskimos and of Antarctic penguins, so it seems probable that similar deposits are gradually building up in your body and mine. The minimum fatal dosage is still unknown.

Before he finishes this course, a student may begin to feel twinges of conscience himself. Is his motorcycle exhaust adding carbon monoxide to the smog we breathe? Is his sewage polluting the nearest river? If so, he will be reminded of two proverbs. From Jesus: "Let him who is without sin among you cast the first stone." From Pogo: "We have met the enemy and he is us."

In like fashion, our engineering students will learn not only how to build dams and highways, but where *not* to build them. Unless they understand that it is immoral to flood the Grand Canyon or destroy the Everglades with a jetport, they will never pass the final exam. Indeed, our engineering graduates will be trained to ask a key question about every contract offered them: "What will be its effect on human life?" That obviously will lead to other questions which every engineer ought to comprehend as thoroughly as his slide rule. Is this new highway really necessary? Would it be wiser to use the money for mass transit—or to decongest traffic by building a new city somewhere else? Is an offshore oil well really a good idea, in view of what happened to Santa Barbara?

Our engineering faculty also will specialize in training men for a new growth industry: garbage disposal. Americans already are spending $4.5 billion a year to collect and get rid of the garbage which we produce more profusely than any other people (more than five pounds a day for each of us). But unless we are resigned to stifling in our own trash, we are going to have to come up with at least an additional $835 million a year.[1] Any industry with a growth rate of 18 per cent offers obvious attractions to a bright young man—and if he can figure out a new way to get rid of our offal, his fortune will be unlimited.

Because the old ways no longer work. Every big city in the United States is running out of dumping grounds. Burning won't do either, since the air is dangerously polluted already—and in any case, 75 per cent of the incinerators in use are inadequate. For some 150 years Californians happily piled their garbage into San Francisco Bay, but they can't much longer. Dump-and-fill operations already have reduced it to half its original size, and in a few more decades it would be possible to walk dry-shod from Oakland to the Embarcadero. Consequently San Francisco is now planning to ship garbage 375 miles to the yet-uncluttered deserts of Lassen County by special train—known locally as "The Twentieth Stenchery Limited" and "The Excess Express." The city may actually get away with this scheme, since hardly anybody lives in Lassen County except Indians, and who cares about them? But what is the answer for the metropolis that doesn't have an unspoiled desert handy?

A few ingenious notions are cropping up here and there. The Japanese are experimenting with a machine which compacts garbage, under great heat and pressure into building blocks. A New York businessman is thinking of building a garbage mountain somewhere upstate, and equipping it with ski runs to amortize the cost. An aluminum company plans to collect and reprocess used aluminum cans—which, unlike the old-fashioned tin can, will not rust away. Our engineering department will try to Think Big along these lines. That way lies not only new careers, but salvation.

Survival U's Department of Earth Sciences will be headed—if we are lucky—by Dr. Charles F. Park, Jr., now professor of geology and mineral engineering at Stanford. He knows as well as anybody how fast mankind is using up the world's supply of raw materials. In a paper written for the American Geographical Society he punctured one of America's most engaging (and pernicious) myths: our belief that an ever-expanding economy can keep living standards rising indefinitely.

It won't happen; because, as Dr. Park demonstrates, the tonnage of metal in the earth's crust won't last indefinitely. Already we are running short of silver, mercury, tin, and cobalt—all in growing demand by the high-technology industries. Even the commoner metals may soon be in short supply. The United States alone is consuming one ton of iron and eighteen pounds of copper every year, for each of its inhabitants. Poorer countries, struggling to industrialize, hope to raise their consumption of these two key materials to something like that level. If they should succeed—and if the globe's population doubles in the next forty years, as it will at present growth rates—then the world will have to produce, somehow, *twelve times* as much iron and copper every year as it does now. Dr. Parks sees little hope that such production levels can ever be reached, much less sustained indefinitely. The same thing, of course—doubled in spades—goes for other raw materials; timber, oil natural gas, and water, to note only a few.

Survival U, therefore, will prepare its students to consume less. This does not necessarily mean an immediate drop in living standards—perhaps only a change in the yardstick by which we measure them. Conceivably Americans might be happier with fewer automobiles, neon signs, beer cans, supersonic jets, barbecue grills, and similar metallic fluff. But happy or not, our students had better learn how to live The Simpler Life, because that is what most of them are likely to have before they reach middle age.

To help them understand how very precious resources really are, our mathematics department will teach a new kind of bookkeeping: social accounting. It will train people to analyze budgets—both government and corporate—with an eye not merely to immediate dollar costs, but to the long-range costs to society.

By conventional bookkeeping methods, for example, the coal companies strip-mining away the hillside of Kentucky and West Virginia show a handsome profit. Their ledgers, however, show only a fraction of the true cost of their operations. They take no account of destroyed land which can never bear another crop; of rivers poisoned by mud and seeping acid from the spoil banks; of floods which sweep over farms and towns downstream, because the ravaged slopes can no longer hold the rainfall. Although these costs are not borne by the mining firms, they are nevertheless real. They fall mostly on the taxpayers, who have to pay for disaster relief, flood-control levees, and the resettlement of Appalachian farm families forced off the land. As soon as our students (the taxpayers of tomorrow) learn to read a social balance sheet, they obviously will throw the strip miners into bankruptcy.

Another case study will analyze the proposal of the Inhuman Real Estate Corporation to build a fifty-story skyscraper in the most congested area of midtown Manhattan. If 90 per cent of the office space can be rented at $12 per square foot, it looks like a sound investment, according to antique accounting methods. To uncover the true facts, however, our students will investigate the cost of moving 12,000 additional workers in and out of midtown during rush hours. The first (and least) item is $8 million worth of new city buses. When they are crammed into the already clogged avenues, the daily loss of man-hours in traffic jams may run to a couple of million more. The fumes from their diesel engines will cause an estimated 9 per cent increase in New York's incidence of emphysema and lung cancer: this requires the construction of three new hospitals. To supply them, plus the new building, with water—already perilously short in the city—a new reservoir has to be built on the headwaters of the Delaware River, 140 miles away. Some of the dairy farmers pushed out of the drowned valley will move promptly into the Bronx and go on relief. The subtraction of their milk output from the city's supply leads to a price increase of two cents a quart. For a Harlem mother with seven hungry children, that is the last straw. She summons her neighbors to join her in riot, seven blocks go up in flames, and the Mayor demands higher taxes to hire more police. . .

Instead of a sound investment, Inhuman Towers now looks like criminal folly, which would be forbidden by any sensible government. Our students will keep that in mind when they walk across campus to their government class.

Its main goal will be to discover why our institutions have done so badly in their efforts (as Dr. Falk put it) "to manage the affairs of mankind in the twentieth century." This will be a compulsory course for all freshmen, taught by professors who are capa-

[1] According to Richard D. Vaughn, chief of the Solid Wastes Program of HEW, in his recent horror story entitled "1968 Survey of Community Solid Waste Practices."

ble of looking critically at every political artifact, from the Constitution to the local county council. They will start by pointing out that we are living in a state of near-anarchy, because we have no government capable of dealing effectively with public problems.

Instead we have a hodgepodge of 80,000 local governments—villages, townships, counties, cities, port authorities, sewer districts, and special purpose agencies. Their authority is so limited, and their jurisdictions so confused and overlapping, that most of them are virtually impotent. The states, which in theory could put this mess into some sort of order, usually have shown little interest and less competence. When Washington is called to help out—as it increasingly has been for the last thirty-five years—it often has proved hamhanded and entangled in its own archaic bureaucracy. The end result is that nobody in authority has been able to take care of the country's mounting needs. Our welfare rolls keep growing, our air and water get dirtier, housing gets scarcer, airports jam up, road traffic clots, railways fall apart, prices rise, ghettos burn, schools turn out more illiterates every year, and a war nobody wants drags on and on. Small wonder that so many young people are losing confidence in American institutions. In their present state, they don't deserve much confidence.

The advanced students of government at Survival U will try to find out whether these institutions can be renewed and rebuilt. They will take a hard look at the few places—Jacksonville, Minnesota, Nashville, Appalachia—which are creating new forms of government. Will these work any better, and if so, how can they be duplicated elsewhere? Can the states be brought to life, or should we start thinking about an entirely different kind of arrangement? Ten regional prefectures, perhaps, to replace the fifty states? Or should we take seriously Norman Mailer's suggestion for a new kind of city-state to govern our great metropolises? (He merely called for New York City to secede from its state; but that isn't radical enough. To be truly governable, the new Republic of New York City ought to include chunks of New Jersey and Connecticut as well.) Alternatively, can we find some way to break up Megalopolis, and spread our population into smaller and more livable communities throughout the continent? Why should we keep 70 per cent of our people crowded into less than 2 per cent of our land area, anyway?

Looking beyond our borders, our students will be encouraged to ask even harder questions. Are nation-states actually feasible, now that they have power to destroy each other in a single afternoon? Can we agree on something else to take their place, before the balance of terror becomes unstable? What price would most people be willing to pay for a more durable kind of human organization—more taxes, giving up national flags, perhaps the sacrifice of some of our hard-won liberties?

All these courses (and everything else taught at Survival U) are really branches of a single science. Human ecology is one of the youngest disciplines, and probably the most important. It is the study of the relationship between man and his environment, both natural and technological. It teaches us to understand the consequences of our actions—how sulfur-laden fuel oil burned in England produces an acid rain that damages the forests of Scandinavia, why a well-meant farm subsidy can force millions of Negro tenants off the land and lead to Watts and Hough. A graduate who comprehends ecology will know how to look at "what is going on in the world," and he will be equipped to do something about it. Whether he ends up as a city planner, a politician, an enlightened engineer, a teacher, or a reporter, he will have had a relevant education. All of its parts will hang together in a coherent whole.

And if we can get enough such graduates, man and his environment may survive a while longer, against all the odds.

THE NEED TO RESTRUCTURE PRIORITIES

Mr. SAXBE. Mr. President, during the debate on the tax bill I argued once again over the pressing need to restructure our priorities, to focus our resources on the matters that really need attention. If at a time of prosperity and inflation, we cannot pay for our social benefits, when can we? It seems irresponsible to me to borrow money, thereby increasing interest rates and inflation, to pay for things we can and should pay for out of adequate taxes.

I want to shift more of our spending to that which is most important—the cities, ecological advances, more funds to fight crime and the rest. Yet we are virtually raiding our Treasury at a time when we should be doing these things. That was perhaps the primary reason I voted against the tax bill that came out of the Senate last week.

These matters were treated in different ways recently: in a column written by James Reston and published in the New York Times last Sunday; in a speech by John W. Gardner before the National Press Club last week and excerpted in the Washington Post of last Sunday; and finally, in an appearance on the CBS television show, "Face the Nation," also Sunday, by Dr. Milton S. Eisenhower, Chairman of the National Commission on the Causes and Prevention of Violence.

I ask unanimous consent that these three excellent presentations be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 14, 1969]

WASHINGTON: THE FORGOTTEN REPUBLICANS

(By James Reston)

WASHINGTON, December 13.—In the last few days, two distinguished Republicans have spoken out on the state of the nation. They are Milton Eisenhower, president emeritus of Johns Hopkins University, and John W. Gardner, former Secretary of H.E.W. and now head of the Urban Coalition—and both have said about the same thing.

The major threat to the security of the nation, they insist, is internal and not external; it is the present conflicts within our own society and not the menace of foreign aggression. They agree, too, on the remedy: end the war as soon as possible, and redirect the nation's priorities, finances, energies and leadership to the problems of the homefront.

EISENHOWER'S THEME

In his final report to President Nixon as chairman of the National Commission on the Causes and Prevention of Violence, Mr. Eisenhower said: "While serious external dangers remain, the graver threats today are internal: haphazard urbanization, racial discrimination, disfiguring of the environment, unprecedented interdependence, the dislocation of human identity and motivation created by an affluent society—all resulting in a rising tide of individual and group violence."

"We are anxious but immobile," Mr. Gardner told the members of the Washington National Press Club. "We know what our problems are, but seem incapable of summoning our will and our resources to act. . . . The place to begin is with our national leadership, both in the executive branch and the Congress. With a few notable exceptions there has been a failure of leadership. More than any other factor it is the missing ingredient in our situation today."

The Eisenhower commission does not minimize the problem of reordering priorities. It points directly to "middle-class America, to the 'forgotten American' and his concern over some consequences of racial integration, his rebellion against rising taxes, his distrust of dissent on the campus and protest movements in the capital. How realistic is it, they will ask, to think that the majority of Americans will support a reallocation of our national resources to deal with social problems?"

THE POLITICAL DILEMMA

Of course, this is precisely what is puzzling and dividing the Administration and the opposition in Washington. Everybody sees the problems of the races and the cities but they also see the backlash of the white majority and there is clearly a political dilemma in both parties about whether to deal with the social problems or concentrate on the politics of those problems.

Mr. Eisenhower and his colleagues are conscious of this dilemma. They observe that there are some who predict that majority indifference to injustice will result in "a violent revolution of some kind," and others who actually advocate this course as the only remedy. The Eisenhower commission's conclusion, however, is that "the majority of Americans have always responded constructively to national crises when they have been fully informed and responsibly led."

GARDNER'S COMPLAINT

But are they? Mr. Gardner's complaint is that the people are neither fully informed nor "responsibly led." His press club speech criticizing the President and the Congress was not published textually, so far as one can discover, in a single newspaper in America, and this is interesting.

He is probably the most articulate Republican analyst of our society in America today. He quit the Johnson Cabinet because he didn't believe in Mr. Johnson's priorities, and felt that we could not solve our problems in America by Presidential leadership but had to rely mainly on the natural leaders of all the states and communities of the nation. This is why he took on the chairmanship of the Urban Coalition.

His experience in this job, however, has convinced him that local leadership, without a clear, strong, persistent definition of priorities from the White House, will not work. This is why he overcame his natural tendency to avoid personal criticism, and spoke out publicly against the President and the elderly and dictatorial committee chairmen of the Congress.

The President, he said, "must do more to to set a tone of urgency to which we can all respond, and more to exemplify in his own actions a determination to solve our pressing problems. . . . Only the President's clearly expressed concern and clearly stated priorities can mobilize the Federal apparatus, encourage the Congress to shake off its lethargy, and enable leaders in other sectors of American life to move decisively. . . ."

THE BASIC QUESTION

The meaning of the Eisenhower and Gardner reports—which are available at the White House and the Urban Coalition—is fairly clear. The debate about how to defend the nation is not only or even primarily a debate about Vietnam—that is only part of it. It is not primarily a partisan debate

or an argument between the Vice President and the press. It is a fundamental and sincere difference of opinion about how best to defend the security of the country—and the testimony of these two distinguished Republicans, while not conclusive, helps bring these central questions of priorities and leadership into focus.

[From the Washington Post, Dec. 14, 1969]

PARALYZED NATION NEEDS A JOLT FROM LEADERS

(By John W. Gardner, chairman of the Urban Coalition Action Council)

As we enter the 1970s, there are many curious aspects of our situation, but none more strange than our state of mind. We are anxious but immobilized. We know what our problems are, but seem incapable of summoning our will and resources to act.

We see the brooding threat of nuclear warfare. We know our lakes are dying, our rivers growing filthier daily, our atmosphere increasingly polluted.

We are aware of racial tensions that could tear the nation apart. We understand that oppressive poverty in the midst of affluence is intolerable. We see that our cities are sliding toward disaster.

These are not problems that stop at our borders. The problems of nuclear warfare, of population, of the environment are impending planetary disasters. We are in trouble as a species. But we are seized by a kind of paralysis of the will. It is like a waking nightmare.

I propose that as we enter the new decade, we made a heroic effort to alter both our mood and our state of inactivity. Let 1970 be a year of renewal, and during that year let us give our institutions and ourselves a jolting reappraisal and overhaul.

A LEADERSHIP FAILURE

The place to begin is with our national leadership in both the Executive Branch and Congress. With a few notable exceptions, there has been a failure of leadership. More than any other factor, it is the missing ingredient in our situation today.

We have had failures of leadership before, but rarely have we had the widespread distrust of our own institutions that we see today. And that distrust is not limited to radicals. Ask shopkeepers, housewives, young executives or insurance salesmen what concerns them. You will find that there is a deep and pervasive feeling among all segments of the populace that "things aren't working"—and Washington is given a major share of the blame.

When the great majority of Americans share that uneasiness, when a growing number are losing all confidence in our society, when the problems themselves are terrifyingly real, then it is immoral for our national leaders—in Congress and the Executive Branch—to temporize. It is indecent for them to let us imagine that we can solve our problems without money or that we cannot afford to tackle them. It is criminal for either Republicans or Democrats to put politics before the nation's future.

A FIGHTING STANCE

Now let me speak specifically of the President. Any judgment on the President's leadership must take into account that he came into office at a difficult time, must deal with a Congress of the opposing party and finds his options limited by inflation and the war. But given all that, he must do more to set a tone of urgency to which we can all respond, and more to exemplify in his own actions a determination to solve our present problems.

We are not—and should not become—blind followers of the leader. But only the President's clearly expressed concern and clearly stated priorities can mobilize the federal apparatus, encourage Congress to shake off its lethargy and enable leaders in other sectors of American life to move decisively.

His greatest test is on the international front. His first task—and one cannot exaggerate its urgency—is to end the war. Even more important in the long run will be steps that must be taken to cope with the threat of nuclear warfare. His recent action with respect to biological warfare was encouraging.

On the domestic front, the President must say more explicitly—and with greater urgency—what he conceives to be an appropriate strategy for dealing with the dilemmas of the cities, with equality of opportunity, with the environment and with other problems that are racking the nation. Not only must he propose social programs adequate to our need, but when the legislation goes to Congress, he must fight as hard for it as he fought for the ABM and Judge Haynsworth.

Now let's talk about Congress. This Congress, which has acquired a reputation for lethargy, could dispel that reputation not only by passing needed legislation but by enacting genuinely meaningful congressional reform. Few institutions in our national life are as gravely in need of renewal, and renewal requires, first of all, measures to abolish the seniority system and curb the abuse of power by entrenched committee chairmen.

In 1958, Congress enacted a law requiring the chief judges of federal circuit and district courts to give up their administrative duties at 70. I propose that Congress impose the same rule on its own members. The Speaker of the House is 78. Thirteen Senate and House committee chairmen are over 70, six of them over 75, two over 80. They are full of years and honors. They can serve their country best by stepping aside.

Congress must also put an end to the hypocrisy of tolerating grave conflicts of interest among its own members while attacking the same fault in others. It should pass a conflict of interest law with teeth in it.

And what about industry? I would propose that as we enter the 1970s, industry address itself to three central issues.

First, it should make an unqualified commitment to equality of opportunity for minority groups. Some firms have performed nobly in this respect, but the majority are still dabbling with the problem and many are engaged in outright fakery—giving lip service, preserving a public image and doing as little as possible.

Second, industry should commit itself to end pollution. Again, some farsighted business leaders have already done so, but the record of industry as a whole has been deplorable. It has lied to the public and to itself about the seriousness of the problem. It is not wholly an industrial problem, but industry has a crucial role in it and could contribute enormously to its solution—if only by forswearing its practice of emasculating pollution control legislation as it moves through Congress.

Third, industry should meet the rising tide of consumerism with constructive measures. Leaders in each industry should set standards of regard for the consumer and should be tough in demanding that the rest of their industry follow suit. If they don't, they will be brought under increasingly savage criticism by a bilked and frustrated public.

Labor unions, too, have their tasks to accomplish, and the one that overshadows all others at the moment is to root out racial discrimination, to eliminate restrictive membership practices that deny the opportunity to work or to advance beyond menial work.

For more than 30 years, the unions have benefited enormously from the fact that America's conscience has been basically on their side. In many of the battles that had to be settled in the public forum, that fact was decisive. Today, that advantage is leaking away very rapidly.

The possibilities of constructive change by the professions are enormous. The health professions must act at once to redesign the system of health services in this country. It is outworn, expensive and outrageously inefficient. If the health professionals don't modernize it, pressures from outside, particularly from governmental initiatives, will increase enormously.

Professionals in education must answer to much the same indictment. They preside all too complacently over a system that isn't working. They could change it, but often—as in the case of health professionals—they are obstacles to change rather than promoters of it. As for the colleges and universities, they have been jolted out of their complacency and are in an excellent position to accomplish the long-delayed overhaul of their institutions.

Let me say a word about private nonprofit activities in general—cultural, civic, social service, religious, scientific and charitable organizations. One of the worst known examples of organizational decay is the sense of moral superiority that afflicts such institutions. Sad to say, people who believe that they are doing a noble thing are rarely good critics of their own efforts.

THE CITIZEN'S JOB

Now let's have a look at the person whom practically no one ever attacks, the person who holds the highest title a free society can award: citizen. What has he done to give one confidence in self-government? Not as much as one would like.

Too many take a free ride as far as any distinctive effort to serve the common good is concerned. Too many are apathetic, self-absorbed and self-serving. In a vital society, the citizen has a role that goes far beyond the ballot box. He must man the party machinery, support social and civic reform, provide adequate funds, criticize, demand, expose corruption and honor leaders who lead.

One thing the citizen can do—must do—is to reject fiercely all politicians who exploit fear and anger and hatred for their own purposes. He cannot rid himself entirely of those emotions, but he can rid himself of politicans who live by manipulating them. Such leaders will not move him toward a better future.

Another thing the citizen can do is to throw the weight of public opinion against those in the private sector who are unwilling to work toward the solution of our common problems. They should find out which major firms in their area are equal opportunity employers. Which firms are shirking on that front? Let those firms know that their failure is recognized. What firms are contributing most to pollution? Let them feel the weight of public disapproval.

Now let me say a word about the nature of the urban crisis. Too many Americans have come to equate the crisis in the cities with racial tensions—and they are tired of the race problem and wish it would go away. It won't go away, but if it did, the urban crisis would remain.

Discrimination, in some measure, touches most urban issues in this country. But such critically important issues as housing, manpower and income for the poor deeply involve white as well as black.

Most of the poor are white. And one cannot blame racial tensions for our monumental traffic jams, for the inexorable advance of air and water pollution, for the breakdown in administration of the courts, for the shocking inefficiency and often corruption of municipal government. It is true that when urban systems malfunction, minorities and the poor are hit first and hardest, but the problem is deeper and broader and ultimately affects us all.

A BRAKE SYSTEM

In closing, let me remind you of an important thing to understand about any institution or social system, whether it is a nation or a city, a corporation or a federal agency: it doesn't move unless you give it a solid push. Not a mild push—a solid jolt. If the push is not administered by vigorous and purposeful leaders, it will be administered eventually by an aroused citizenry or by a crisis.

Systemic inertial is characteristic of every human institution, but overwhelmingly true of this nation as a whole. Our system of checks and balances dilutes the thrust of positive action. The competition of interests inherent in our pluralism acts as a brake on concerted action. The system grinds to a halt between crises.

Madison designed it in such a way that it simply won't move without vigorous leadership. I've often wondered why he didn't say so. Perhaps, having in mind his brilliant contemporaries, it just never occurred to him that the day might come when leadership would be lacking.

[From "Face the Nation" CBS–TV, Dec. 14, 1969]

INTERVIEW WITH DR. MILTON EISENHOWER

Mr. HERMAN. Doctor Eisenhower, for eighteen months your Commission has studies the causes and prevention of violence. As a realistic man with considerable experience in and out of the Government, do you really feel that a major reduction of crime and violence is within our national capability?

Doctor EISENHOWER. I most certainly do. I think we have to make a dual attack. I think we have to improve the whole criminal justice system, but we also have to attack the basic social causes of violent and serious crime in this country. And both of these can be done.

ANNOUNCER. From CBS Washington, in color, Face The Nation, a spontaneous and unrehearsed news interview with Doctor Milton Eisenhower, Chairman of the National Commission on the Causes and Prevention of Violence. The Commission this week issued its final report to the President. Doctor Eisenhower will be questioned by CBS News Correspondent Hal Walker; Richard Strout of the Washington Bureau of the Christian Science Monitor; and CBS News Correspondent George Herman. We shall continue the interview with Doctor Eisenhower in a moment.

Mr. HERMAN. Doctor Eisenhower, realistically, at this time in our nation's history, when we're busy reducing taxes, when we're trying to save money, do you think the United States, the American people, are willing to spend the money that you have suggested in your report here that is required to reduce crime?

Doctor EISENHOWER. I certainly don't think it can be done at once. I realize that the President and our whole national leadership must first of all bring inflation under control, which requires a great deal of discipline, and second, we have to await the end of the Vietnam war. But once these two things are accomplished, I think then that we simply must give new attention and develop new priorities by reducing defense expenditures and by devoting a good share of the increased tax—or increased revenue that comes to the Government through greater GNP. I think that we can easily start out with Twenty Billion Dollars a year devoted to the tackling of those social problems which basically are crimintogenic in our society.

Mr. STROUT. Doctor Eisenhower, I am a little disturbed at how different your solutions for crime are from those that Richard Nixon made in the 1968 campaign. You've just mentioned that you must get at basic social causes, and you've cited a cost of Twenty Billion Dollars. I just note some of the things that Mr. Nixon said: "We cannot explain away crime in this country by charging it off to poverty." He said again, "The role of poverty as a cause of the crime upsurge in America has been grossly exaggerated." Can you reconcile what you're telling us with what Mr. Nixon said a year ago?

Doctor EISENHOWER. Well, I think so. I may say that I had an hour's discussion with him the other day and found that he is gravely concerned about this problem. And I may say that we had no differences in our discussion. Now, I don't think that poverty in itself is a cause of crime. This would be far too simplistic an answer. What is a cause of crime in the total environment in which much of our urban population lives? This is unemployment, low level of education, poverty, fatherless families, mothers working, children raised on the streets, in what we may call a sub-culture of violence. In fact, many of the young people, in order to be accepted by their peer group, have to commit crimes for that acceptance. Now, the highest rate of crime in the United States is on the part of the young males of the fifteen to twenty-four age group, living in the urban slums. And it is no accident that it's in those conditions that the highest level of crime occurs.

Mr. STROUT. I don't find anything in your report about the Supreme Court, for example. I think Mr. Nixon said that it had been soft on crime and the Administration had been soft on crime.

Doctor EISENHOWER. I am not a lawyer, but we had nine lawyers on our Commission, and they gave serious attention to this problem. There is a vast difference of opinion among the lawyers of the country as to whether the scales have been tipped in favor of the criminal and whether new laws or maybe Constitutional amendments are needed. After debating this question very thoroughly, we thought that it was just as well to put the question aside and to concentrate on a better criminal justice system as well as upon attack on the social conditions that cause crime.

Mr. WALKER. Well, Doctor Eisenhower, as you looked into this problem and found the high percentage of crime among fifteen to twenty-four year old ghetto residents, why did you not look more into the question of white collar crime? Aren't these large corporate acts as much violence against society as the pocketbook snatcher?

Doctor EISENHOWER. Well, I think it is fair criticism that we concentrated on the areas of greatest crime. And I have regretted that there are some other things that we should have studied such as why is crime so much greater in our country than in other countries; what about violence as it's handled in the news media; and what about those crimes committed by not only the whites, but by members of very affluent white families. And, while there are indications in the report that deal with this perhaps superficially, because of time limitations we concentrated on the largest problem.

Mr. HERMAN. Why is crime greater in our country than in other countries, some of which have more concentration in the cities than we do?

Doctor EISENHOWER. I think the reasons are manifold. In the first place, we have a greater tradition of crime than any other civilized country. Throughout our history, we've had great periods of serious crime, not only of the personal type but of the group violence. But it is worse today than it has been anytime in this century. Twice it's doubled in the 1960's. Another reason is we have greater cultural diversity. Third, we have more rapid social change. And change itself is a disruptive influence in any society. Further, in the last fifteen years or so, there has been a tide of rising expectations on the part of the minority groups of this country, and the realization has fallen short of the anticipation. And it's an old sociological law, whenever this occurs, you are going to have violence.

Mr. STROUT. Do you feel there is something violent in the American character itself? I refer to this sickening Mylai alleged atrocity. It's been said that violence in America is just as American as cherry pie. Is there something indigenous to the United States about violence?

Doctor EISENHOWER. I most certainly don't think so. I don't think that any race is more violent than any other race, and I don't think that any human being inherently is any more violent than another human being, and I'm speaking of normal persons. We are all affected by the total environment in which we are raised, and I think that there are conditions in the American society that I just mentioned. You see, look at the facts: We're five times as violent per hundred thousand population as Canada, perhaps twenty times as much as Britain, and this is a basis for real concern.

Mr. WALKER. Could this tradition of violence be partly responsible for what we're hearing about in Vietnam in the Mylai incident? Should it not come as a surprise to Americans that our own men might do the sort of thing that is being reported over there?

Doctor EISENHOWER. Well, first, Mr. Walker, I wouldn't want to make any comment that indicated that I believe that there have been atrocities. I am going to await the evidence on that. But, if we assume that there have been, I would comment that from all I see on television and read in the newspapers about Vietnam, and I've not been there, that there are brutalizing circumstances in this kind of war, and what human beings may do under great tension under those circumstances I wouldn't want to predict.

Mr. HERMAN. Will those brutalizing influences stay in Vietnam or will they be reimported back to the United States to our streets?

Doctor EISENHOWER. I think that would be very speculative and I don't want to speculate, you know.

Mr. HERMAN. Well, in one of your studies, the studies of your Commission, isn't there an indication that periods of violence in the United States coincide roughly with periods of war?

Doctor EISENHOWER. No, no. They coincide with periods of great social upheaval and great social change, but not necessarily with war. As a matter of fact, the rate of violent crime in the United States declined from 1900 right through World War I and through World War II, down to 1960. The great increase of a hundred percent has occurred in the 1960's.

Mr. HERMAN. Was there no little peak or anything after World War I or after World War II when the men came back?

Doctor EISENHOWER. Not of a measurable degree that I recall.

Mr. WALKER. Doctor Eisenhower, with your recommendations and understanding the need to bring inflation under control, the need to stop our expenditures in Vietnam before much can be done, what have you set as a goal, a time table for putting these recommendations into effect and seeing some results?

Doctor EISENHOWER. Well, I suppose I'm optomistic, but I would like to think that all the branches of the Government will soon begin to study our entire report, as well as the Kerner and the Crime Commission reports that preceded it, and develop a well integrated program now, even though it is not possible to implement that program, and to enter into a commitment after studying all the evidence. I would then hope that as soon as the war is over and inflation has been brought under control, that having made the

commitment we will now begin to pass the legislation and do the other things necessary to put the program into motion.

Mr. HERMAN. Does some of this hope stem from your meeting with the President?

Doctor EISENHOWER. I think that would be going too far. What he authorized me to say as a result of our very helpful conversation was that he is gravely concerned about the problem, would not only study our report in great detail, but wanted me to mark some of the portions of the fifteen volumns of backup research material which he plans to read.

Mr. STROUT. Aren't you waiting a long time until the war is over or until inflation is curbed? Isn't this going to be just one more of the blue ribbon groups that have discussed this same subject? I was around, I recall, when the Wickersham Commission brought in its report on crimes. And your report is like the Wickersham Commission in 1930. It seems to me it's just layer after layer of crime reports, put one on top of the other.

Doctor EISENHOWER. Well, Mr. Strout, I realize that this subject has been studied before, and the things that we should have done have not been done. But I have considerable confidence in a few new developments. One, the television and the newspapers and the magazines of this country have carried the evidence that we've developed during the past eighteen months to all of the American people, and I'm very gratified by this. I have great confidence that if the American people really realize how serious this problem is, and they are stirred up, and they notify their Senators and Congressmen how they feel, that out of this welter of this great turmoil of discussion that we will get action.

Mr. STROUT. What happens if we don't get action?

Doctor EISENHOWER. Well, I suppose that some of us can keep on talking and hope that eventually something—one can't guarantee this. I said at our final press conference that if you'll just ask me back in five years, I would like to give you an accounting of what I think has happened in the meantime.

Mr. STROUT. Do you think the threat to the United States is greater from outside or within?

Doctor EISENHOWER. This is difficult to say, but I'll say this: In my judgment the threat to the future of the American society is as great internally as it is from any possible combination of external forces. And may I remind you, I'm sure you know——

Mr. HERMAN. Are you referring to crime when you say the threat, the internal threat?

Doctor EISENHOWER. The internal threat is very serious in my judgment. And you know, Toynbee pointed out that of the twenty-one civilizations that failed, nineteen of them failed because of internal decay, and not due to external forces.

Mr. HERMAN. I interrupted you. I'd like you to pinpoint for us a little bit what you consider to be the nature of the internal threat. Were you referring simply to crime, were you referring to violence, the mass demonstration problem; what is the internal threat that concerns you most?

Doctor EISENHOWER. I am concerned about, for example, the growing intellectual polarization in our society. This is partly due to civil rights, it's partly due to the war in Vietnam. There is a growing and very serious generation gap. I dislike such trite phrases, but perhaps in short order it describes what has happened. This needs to be closed. We have to be concerned about air and water pollution. We most assuredly have to be concerned about air and water pollution. We most assuredly have to be concerned about minority groups in our country not getting true justice in our society. And then here we are the most affluent country in the world, and we haven't yet solved the problems of poverty and hunger. And this is leading to still deeper intellectual divisions. It's all of these and more that to me indicate a weakening of the whole American internal structure.

Mr. WALKER. In your estimation have the recent remarks of Vice President Agnew widened or narrowed those gaps you talk about?

Doctor EISENHOWER. You mean his discussion about the television and the like?

Mr. WALKER. The war.

Doctor EISENHOWER. Well, you know, this brings up a very interesting thing. As you well know, Mr. Walker, I have never liked to base my comments on what others have said, but try to make my own views known. It is very interesting, you know, the press loves to criticize everybody else, but is awfully tender whenever anyone criticizes it. And this is a very interesting thing, you know, because of all the freedoms guaranteed to us by the Constitution, the only one that the individual can't exercise for himself is the freedom of the press, which is really the freedom to know. And this places a very serious responsibility upon all of the mass media of this country. And I think that the mass media are big enough to stand a little criticism and might even benefit by that.

Mr. STROUT. Doctor Eisenhower, I think the press can stand a lot of criticism, but we have our problems, too. I cite one to you. We had this recent peace moratorium parade in Washington.

Doctor EISENHOWER. Yes.

Mr. STROUT. Attorney General Mitchell said that it was characterized by violence. His wife, Mrs. Mitchell, compared the anti-war demonstration to the Russian Revolution, and said her husband attributed it to liberal communists. Now, your report that just comes out that we in the press are supposed to write and do write, you say that that same moratorium parade, "in the largest single protest demonstration in American history, the overwhelming participants behaved peacefully." Now, which of those versions is correct? Was it the same parade we are talking about?

Doctor EISENHOWER. You know, so much depends on where you were and what perspective you had when you saw it. There were two hundred and fifty thousand to three hundred thousand in this moratorium parade, and the best evidence we have is that between one and two hundred participated in two incidents of violence, one at the Department of Justice and one near the South Vietnamese embassy. Now, had I been an official of the Justice Department and had been sitting up there and had witnessed some windows broken and stones being thrown, I think maybe the next morning I would have said that this was a violent incident. But, if one just stands off from Baltimore as I did and looked at the whole thing, I absolutely marveled that you could bring so many hundreds of thousands of young people into a means of communication to the American people and to the Government, and have so little difficulty.

Mr. HERMAN. How about the impact of television films of things of this sort? This has been part of the field of study of your Commission, the impact of television news of violent demonstrations and how it should be handled.

Doctor EISENHOWER. Yes. Unfortunately, one of the three things that I hoped very much to complete we didn't complete, and this was a study of the effect of violence in the news media on the actual business of violence. We did complete the study in the entertainment media, and this showed in 1967 and 1968 a very serious picture. And I can't tell you how happy I am that the new program year in the entertainment aspects of television has greatly reduced the incidence of violence.

Mr. HERMAN. But on television news, you say you didn't complete the study. Can you share some of your thoughts with us on this serious problem of how television should bring into the living room a scene of violence in the streets, or should not?

Doctor EISENHOWER. Well, this would be purely personal, of course, because I can't speak—I realize that it's very difficult in a medium which is using both words and pictures to give a—quickly, a balanced picture. And there must be a temptation in using this medium to picture that which is most dramatic, and this therefore, if one has such as in the march we were discussing, I doubt that you would find it terribly attractive just to show two hundred and fifty thousand people peacefully marching down the street. But if you saw them throwing stones at the Justice Department, I think the cameras would be there.

Mr. HERMAN. Have you any personal deductions about the impact, the influence on violence generally in the country?

Doctor EISENHOWER. I cannot draw a conclusion. When we undertook our work, Mr. Herman, I made up my mind and all the Commissioners did, that we weren't going to give expression to our preconceptions. And so we hired two hundred of the finest criminologists and psychiatrists and sociologists and historians in this country, and we are willing and I am willing to speak up on those things where I think that all the evidence gives me a right to have a judgment, but I don't want to give expression just to an off-hand opinion.

Mr. WALKER. Doctor Eisenhower, one of the things you did come up with was a recommendation that we listen to the voices of youth. Yet when nearly a quarter of a million people came to Washington last month in the mobilization effort, President Nixon said that he watched a football game. Now, do you consider this the kind of response that you are looking for in your recommendations?

Doctor EISENHOWER. I think that these statements can sometimes be misconstrued. I've heard criticism of the President's statement. I think what he probably was saying is, we have at the White House, evidence on how the American people feel about the war in Vietnam. Everybody knows that—from the Gallup poll and everything else that about fifty percent of the people wish the war would come quickly to a conclusion, and that of the young people of the country, about eighty-five percent are opposed to it. And therefore, an additional march would not present additional evidence on the question, and I doubt that the statement meant anything more than that.

Mr. STROUT. Mr. Mitchell has sent up an omnibus anti-crime budget to Congress. He has appeared several times in favor of preventive detention, which means that you put the suspect in jail and keep him there before his trial. Did your Commission take a stand on that?

Doctor EISENHOWER. This was considered at great length, and as I have told you, we had nine lawyers and very imminent lawyers on the Commission, including two judges. And after the most serious consideration there is a brief statement in the report which upholds the position taken by the American Bar Association, namely, that pre-trial detention is, in effect, essentially determining the answer before the trial is held, and therefore we did not find it possible to favor the idea of detention.

Mr. STROUT. Putting that in positive terms, then, you're against it?

Doctor EISENHOWER. Yes, the report is.

Mr. HERMAN. Doctor Eisenhower, I would guess that in the next week or two we are likely to read more and more about a certain question of police violence. The police violence issue was dealt with in the Walker report and has been brought up from time to time, has kind of passed out of the news. Now the Black Panther problem has brought it

back into the news. Does the question of police violence, in your view and that of the Commission play a major role in things of this sort?

Doctor EISENHOWER. I don't want to accept the word major. Let me first say that most of the police of the United States are doing a good job, and they have one of the toughest jobs in America. They are not only out there enforcing the law, but in a way they are the only representative of all Government that the average citizen ever sees. He is the Government to them. Now, occasionally there is misbehavior or over-reaction by the police, and this leads to an exacerbation of the difficulty that's under way, and leads to widespread criticism. But we should not magnify this beyond what it actually is. It is very unhappy when it occurs. Further, you know, the nihilists and the anarchists in our society are deliberately trying always to entice or to lure police into overreaction as a means of solidifying larger support back of what they are trying to do. So, to try to put it into perspective it is very unhappy whenever there is misbehavior by the police, but most of the police in this country are doing a great job for all of us.

Mr. STROUT. Doctor Eisenhower, I was very much impressed by one statistic in your report, and that is that ninety million firearms are available to the civilian public in this country. I think the United States, am I not correct, that it is the only industrial, the only large nation where you can buy a revolver at the hardware store?

Doctor EISENHOWER. I am so glad you asked the question, because sometime back when I was detailing the reasons what is different in this country, I should have mentioned that we are the only advanced country in the world with ninety million fire arms, nearly twenty-five million of which are the real offenders, the concealable handguns. These are not sporting weapons; their only purpose is to kill. Unfortunately, too many American families think that they possess them in their homes for self protection. But the number of incidents where a householder used that gun for self protection is very small, but they are the very guns that are used in murders. And as you know, I'm sure, fifty percent of all the murders occur within the family, and eighty percent among the family and acquaintances. So, we have strongly recommended the system of restrictive licensing on handguns as a means of rendering serious crime in this country.

Mr. WALKER. On another subject, Doctor Eisenhower, your report calls for the extension and vigorous enforcement of the 1965 voting rights act. Now, the House recently amended that act, and some say that they watered it down. Is this what you had in mind, or have you already seen one of your Commission's recommendations ignored by the Administration?

Doctor EISENHOWER. The real specialist on our Commission on this regard was Congressman McCulloch, and I noticed when the House passed the new bill, he expressed regret that there was not simply an extension of the 1965 act which he feels is more attuned to the need of this period. Now, it may be that in some time in the future, we need to think in terms of expanding that act to apply to all of the United States, but I take Congressman McCulloch's word for this. I think he knows what he is talking about.

Mr. HERMAN. Doctor Eisenhower, we don't have much time left, perhaps thirty seconds. Let me ask you this: A great deal of what you have advocated, both in your reports and here this afternoon, sounds a great deal like former Attorney General Ramsey Clark. Now, he was one of the political villians in the last election. A great deal of capital was made by the Republicans in attacking him. Do you think, as a political reality, that your program can be accepted by the American people in their current mood?

Doctor EISENHOWER. Oh, I would certainly hope so. I feel no greater affinity for Ramsey Clark, whom I know very well, than I do for the present Attorney General, and certainly I have great confidence in our present President, and it was the last President who brought us in. I think this whole thing is above partisan politics.

Mr. HERMAN. Thank you very much for being here today on Face the Nation. We'll have a word about next week's guest in a moment.

ANNOUNCER. Today, on Face the Nation, Doctor Milton Eisenhower, Chairman of the National Commission on the Causes and Prevention of Violence, was interviewed by CBS News Correspondent Hal Walker; Richard Strout of the Washington Bureau of Christian Science Monitor; and CBS News Correspondent George Herman.

OUR WORLD—FIT FOR LIFE?

Mr. MONDALE. Mr. President, the subject of the environment is upon us as the most crucial domestic issue of the 1970's. We recently read that our college and other school-age youth are likely to make this subject a larger issue than Vietnam—because they feel more able to make meaningful accomplishments in the area. In my office the environment is at the forefront with the mails daily continuing pleas for a wide range of action to protect our greatest natural heritage.

A recent Minnesota poll, which I shall place in the RECORD, indicates that 82 percent of Minnesotans interviewed are interested in conservation.

I personally am most concerned with the entire range of issues on how to improve and enhance the quality of our environment and was quite honored to be named chairman of a new task force on this issue by the Democratic National Committee.

Mr. President, one of the most candid, thorough, remarkably concise, and well-written series of articles to come to my attention on the environment has recently been published in the Minneapolis Tribune. Written by Richard P. Kleeman of the Tribune's Washington Bureau, it deserves wide readership by those across the Nation who are concerned about our future world and whether it will be fit to live in.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

EIGHTY-TWO PERCENT INTERESTED IN CONSERVATION

Interest in conservation runs high for many Minnesotans, a recent survey by The Minneapolis Tribune's Minnesota Poll indicates. And most of the people in the survey have concrete ideas on what they can do to protect natural resources.

The 592 adults, representing a balanced cross-section of the state's population, were asked:

"Conservation refers to conserving our natural resources. How much interest do you have in conservation—a great deal, some interest, very little, or none?"

Almost half (48 percent) described their interest in conserving natural resources as great and another 34 percent said they have some interest in the problem. Thirteen percent said they have very little interest and the remaining 5 percent reported having none at all.

The more education the person being interviewed had, the more likely he was to be greatly concerned about conservation: 64 percent of college-educated people in the survey said they had a great deal of interest in the subject. People in their 30's showed a high interest more often than other age groups (58 percent), but a majority of all adults except those 60 and over said their interest in conservation was a strong one.

What can the individual do to conserve the environment? Minnesota Poll field reporters asked this question:

"What do you think you, yourself, could do at this time to conserve our natural resources?"

About one in three (36 percent) of the respondents was at a loss to know what he personally could do, but the remaining 64 percent cited specific ways they could contribute to conservation. The more interest the person had in conserving natural resources, the more inclined he was to know what he could do about it.

Thirty percent of the people said they could do their part by personally practicing conservation—by taking care not to litter, pollute or otherwise damage the land, forests or water they used. "We can keep the lakes clean by not dumping in them and by using biodegradable products in the home," suggested a 59-year-old Minneapolis housewife.

A 42-year-old Wilkin County farmer said, "How I handle the land to prevent erosion can help."

Supporting anti-pollution groups or speaking out to educate others about conservation was mentioned by another 19 percent. "I talk vehemently about it every chance I get," said a 48-year-old Edina man. "I deplore draining the marshlands, and I don't like snowmobiles in remote areas and careless campers who leave the area in an unnatural state."

A St. Paul chemist felt his training could be useful: "Professionally, I could become involved in control of industrial pollution. Politically, I could support groups such as MECCA."

Twelve percent recommended working through the political system. "I could encourage my senator or congressman to promote conservation," said a 42-year-old St. Paul man.

Finally, 8 percent said their chief concern was the preservation of fish and wildlife. A 32-year-old Ottertail County farmer favored "stopping all hunting for five years or Minnestoa will be a barren state as far as game goes."

Other specific Minnesota conservation projects mentioned by the respondents included stopping the pollution of Lake Superior and Lake Minnetonka and establishing Voyageurs National Park.

"How much interest do you have in conservation?"

[In percent]

	Great deal	Some	Very little	None
All respondents	48	34	13	5
Southern Minnesota	43	39	13	5
Twin Cities area	51	33	11	5
Northern Minnesota	47	33	15	5
Grade school education	29	37	23	11
High school	46	36	13	5
College	64	29	6	1

OUR WORLD FIT FOR LIFE? POLLUTION THREATENS MAN'S SURVIVAL

(EDITOR'S NOTE.—What men do to their world affects everyone in it—farmer or city-dweller, ardent conservationist or casual consumer. Everyone has to breathe the air, drink the water, eat the food, throw away his trash and share his living room with his neighbors.

(All this, and more, makes up the environment we live in.

(Now, after two centuries of apathy and ex-

ploitation, Americans are beginning to worry about what is being done to that environment by a society that is increasingly rich but too often heedless.

(The problems, and the things we are doing—or not doing—about them, will be described in this series of articles by a member of the Tribune's Washington Bureau.)

(By Richard P. Kleeman)

WASHINGTON, D.C.

"DEAR MR. PRESIDENT: My wife and I would like to bring a child into this world. But first we think perhaps something should be done—and quickly about its physical environment."

This letter is one of dozens on the subject that come to the White House each week as evidence of mounting public concern—and impatience—over what man is doing to the only world he's got.

A California mother writes: "Can it really be true that man has less than a half-century left on this earth? When I watch my two young sons sleep at night, the fear of this for them is strong inside me."

And a Maryland sixth grader speaks for his class: "We are very concerned about environmental problems. . . . Let the world be beautiful like it was at first.

A young man in Illinois summed up the mood: "Stop air pollution. Stop noise pollution. Stop water pollution now now now now now (repeated 60 times)."

It is almost impossible to pick up a magazine, read a newspaper or look at television without finding new accounts of actual or threatened danger to our surroundings. Congress and the state legislatures are flooded with proposals for cleansing our water, purifying the air, controlling pesticides and cutting the level of noise, radiation, erosion and other unwanted assaults upon our living space.

So great is the clamor that one water pollution expert's first reaction to a reporter's question is a protest: "You're not going to write another 'ain't-it-awful' story! At least try to say something positive."

There has been plenty of "aint-it-awful" writing—though there are positive things to be said.

TRUTH IS WORRISOME

But certainly the facts are frightening. Listen to Charles C. Johnson Jr., head of environmental health services for the Department of Health, Education, and Welfare (HEW):

"Toxic matter is being released into the air over the U.S. at a rate of more than 142 million tons a year, or three-quarters of a ton for every American . . .

"Not counting industrial and agricultural wastes, we discard more than 165 million tons of solid wastes very year . . .

"Much of the drinking water available in our nation's communities is of unknown quality . . .

"Radiation as an environmental hazard is a growing threat to ours and future generations which we have barely begun to understand. Radiation sources are now to be found throughout the environment . . ."

These facts—and more, from pesticide traces already found in many foods to the threat of sonic booms from supersonic planes yet to be built—have for the first time shoved the problems of environmental pollution onto the front burner of the political stove.

Now concern for the environment has become "good politics" on a national level. "It's about the only subject I speak on across the country, and I never find anyone who isn't interested," says Sen. Gaylord Nelson, the Wisconsin Democrat who has been campaigning on conservation issues since he first ran for his state's legislature in 1948.

Twenty years later, Nelson finds it hard to be optimistic but he sees the issue growing:

"This will be the biggest issue of the seventies—more important by far than Vietnam or hunger or equal opportunity, because those issues will be irrelevant unless we solve our environmental problems."

"CAN'T CONTINUE AS WE ARE"

Minnesota's Sen. Walter F. Mondale—just named chairman of a Democratic National Committee task force on the environment—agrees:

"We can't continue as we are. With our pollution of air and water, the use of the ocean as a garbage can, the destruction of remote areas of natural beauty and our tipping of the critical balances of nature, we are raising doubts as to man's very survivability."

In the past, presidential campaigns have been almost devoid of environmental discussion, except for a few brief ritual gestures, and the last campaign was no exception. "We should never again have such an election campaign," says conservationist David Brower—and Nelson and Mondale predict that we won't.

"I wouldn't be surprised to see a president elected on this issue," Mondale says. "But it's going to turn into a great national debate that won't be easily won; there are enormous commercial and industrial and military issues involved."

The issue; indeed, goes beyond our borders. Rep. Albert Quie of Minnesota found European lawmakers at a recent NATO parliamentary meeting in Belgium "tremendously interested" in problems like London smog (which floats across the North Sea to Norway) and U.S. pollution (which floats all the way across the Atlantic in air and water currents). Since Quie's return, NATO, at President Nixon's suggestion, has set up a committee on preserving the environment.

And the Duke of Edinburgh, when he wasn't telling how broke the British royal family is, predicted during his recent American tour that "hideous problems" of pollution, if unsolved, could mean "the world is heading for wreck."

INCIPIENT DISASTER?

A U.N. conference on human environment will be held in 1972.

Does all this mean the moment of environmental crisis is here?

"It's approaching the disaster stage," Nelson argues. "Our resources are actually quite limited and our air and water especially are being rapidly degraded.

"Knowledgeable scientists agree with Paul Ehrlich when he says the oceans will be sterile in 10 years—with man dying out soon afterward—because pollution and pesticides are destroying their productivity."

President Nixon's science adviser, on the other hand, won't go that far.

"There is a serious situation that needs very prompt attention," says Dr. Lee Dubridge. "But 'crisis' implies that unless something is done tomorrow, the world blows up—and these are long-term problems."

Dubridge concedes that there are "individual crisis areas" where present trends must be reversed quickly. Among these he lists the contamination—what some call the "death"—of Lake Erie and the fouling of the air over the nation's big cities by automobile engine exhaust.

But Dubridge notes that, even if we could pass laws forbidding air and water pollution, it wouldn't work: "Our whole economy would be brought to a halt."

There, in fact, is the problem at its simplist: The end result of an ever-growing society of ever-increasing wealth producing ever more goods and services with too little regard for preserving the world and its atmosphere.

Now, however, there seems to be a growing conviction that something's got to give. As one expert said to a congressional conference on the environment last month: "We can't afford the luxury of assuming that the extinction of man will not happen—and in our children's generation, it likely will happen. We may be the last people on earth who can alter this process."

OUR WORLD FIT FOR LIFE?: POPULATION OUTSTRIPS PLANNING—GROWTH ENDANGERS ENVIRONMENT

(By Richard P. Kleeman)

WASHINGTON, D.C.—Were you one of the many who drove into a national park campground last summer—and found the "full" sign already posted?

Have you tried to get a dial tone from a New York City pay telephone?

Were you in one of the tourist autos tied up for nearly two hours on Washington's Constitution Av. last July—by a minor rush-hour fender-bender collision?

Perhaps you flew to New York, Chicago or Washington on a tight schedule—only to find yourself circling for an hour or more waiting for landing clearance at these "saturated" airports.

Or maybe your errand was something as simple as picking up a quart of milk at the corner grocery some Sunday evening—and you had to wait in a checkout line behind 25 other improvidents.

If these situations sound painfully familiar you may find more truth than humor in those bumper stickers that proclaim: "Trouble parking? Support planned parenthood."

The fact is that the onrushing growth of population, and its unplanned distribution, are creating tremendous environmental problems—both here and around the world.

If present growth rates continue, the United States will have 300 million inhabitants by the end of the century. It took the nation 300 years to grow our first hundred million people, 50 years to produce the next hundred million—but the third will arrive in just 30 more years.

It's the same the world over. By the year 2000, there will be nearly seven billion human beings—twice today's total—and from then on, we'll add another billion every five years, at present rates.

Such population growth puts heavy strains on supplies of pure air and water, recreation space, mineral resources, and food stocks.

"A growing population will increase the demand for such resources," President Nixon said last summer, "but in many cases, their supply will not be increased and may even be endangered."

A biologist told a recent national conference on conservation and voluntary sterilization: "Competent scientists believe the world cannot indefinitely support the 3.5 billion people we have on earth today—let alone the horrendous numbers anticipated in the relatively near future."

Former Secretary of the Interior Stewart L. Udall is even more blunt: "If we're really going to double our population, our environmental problems become insoluble."

Most population studies focus on the specter of hunger and world poverty. But for the United States, most of the problems—like those listed at the start of this article—are not those of poor and underdeveloped people and nations, but of the affluent society.

The United States has 6 percent of the world's population—but it consumes 60 or 70 percent of its resources.

"Rich people occupy more space, consume more of each natural resource, disturb the ecology more—and create more land, air, water, chemical, thermal and radioactive pollution than poor people," says Dr. Jean Mayer, the Harvard nutritionist who is managing this week's White House conference on hunger.

"So it can be argued that, from many viewpoints, it is even more urgent to control the numbers of the rich than it is to control the numbers of the poor."

The same theme—tying living standards to population growth—was struck by a citizens advisory committee on environmental quality. Reporting to Mr. Nixon, the committee—headed by a very rich man, Laurance S. Rockefeller—declared:

"We believe there should be a national goal of at least reducing the increase of our population growth, and, upon further study, perhaps seeking to stabilize it as a key factor in restoring and maintaining environmental quality."

BIRTH CONTROL NOT SIMPLE SOLUTION

Although this philosophy would seem to unite two sizeable constituencies—conservationists and birth controllers—it's not that easy. And although President Nixon has called for expansion of federal birth control services, action has been hesitant.

The Office of Economic Opportunity, one of the federal agencies involved, is seeking congressional approval to spend $22 million this year to offer birth control services to 700,000 needy women. But although this would double the number of women reached, even the expanded program would fall short of serving the more than 5 million women who want and would qualify for subsidized birth control services—and who now bear an estimated 450,000 unwanted children every year, according to a federally sponsored survey.

Government birth control programs are not only small and strictly voluntary, they are also highly controversial. Typical of the source and tone of the opposition is the position of Cardinal Patrick O'Boyle, Roman Catholic Archbishop of Washington, D.C., who condemns expanding government birth control efforts as "anti-life" and based on "a false sense of values, which compares the cost of preventing people with the cost of serving them."

If the Roman Catholic hierarchy finds voluntary programs distasteful, it would probably react even more strongly to some of the more drastic proposals being aired for slowing U.S. and world population growth.

SOME CALL FOR STRICTER MARRIAGE LAWS

Some propose asking American parents to adopt the principle of the two-child family as "a social and family ideal."

Others would go much further. Kingsley Davis, a University of California population expert, suggests such steps as state laws raising the minimum age for marriage or federal laws ending income tax breaks for married couples and tax exemptions for children.

"This country would be better off with half the population," Davis argues. "With our present technology and the population of the 1930s, the country would be a paradise. As it is, it's getting to be like hell."

More practical, but no less an advocate of population "recession," is Udall. "The most hopeful thing in this area are our kids," he says.

"Our national policy has been growth and more growth . . . but our youth, with their new life style, seem to be adopting a new national policy—marrying later, having fewer children and having them later in life."

This trend has led to a nine-year drop in the birth rate which Udall believes may point to a leveling off of the nation's population in a decade or so at 230 to 240 million people.

Even if there should be a slowdown in growth, there will be a population problem as long as *70 percent of the nation's people are jammed into less than two percent of its land—the cities and suburbs.*

FARM ECONOMY SHOULD BE STIMULATED

"A national population policy," says conservationist Raymond Dasmann, "should seek to encourage people to live in areas within which environmental problems could be minimized—to discourage both unhealthy and unwieldy concentrations of people at one extreme and uniform land-destroying dispersal of people at the other."

Two men with Minnesota roots but of opposing politics—Republican Rep. Odin Langen and DFL former Agriculture Secretary Orville Freeman—have long argued for slowing down farm-to-city migration by new efforts to stimulate the economy of the countryside.

President Nixon appeared to be heeding such advice when, last month, he established a cabinet-level Rural Affairs Council as a counterpart to his Council on Urban Affairs.

A national commission on urban growth recently proposed creating 100 new cities of 100,000 people each, plus ten of at least 1 million each. But even this proposal, as Mr. Nixon pointed out, would house only one out of five of the people expected to join the U.S. population in the next 30 years.

OUR WORLD FIT FOR LIFE?: MUST DOUBLE SUPPLY OF ELECTRICITY IN 10 YEARS—POWER NEEDS AFFECT ENVIRONMENT

(By Richard P. Kleeman)

WASHINGTON, D.C.—One suburban Minneapolis man found out how much electric power means to modern life on a bleak October morning this year when a freak snowstorm knocked out the current in his home.

He didn't mind being without lights.

He wasn't disturbed when he found he couldn't shave.

He didn't even get upset when he realized he couldn't brew either regular or instant coffee because both his coffeemaker and his stove were dead.

But it was just too much when, after resigning himself to shaving and breakfasting downtown, he couldn't even leave home—because the electrically operated garage door wouldn't open and he didn't know how to disconnect it.

Such momentary inconvenience for one suburbanite translates into a major long-term problem for the nation. Four years and 37 major power failures after the great northeast blackout of 1965 experts say we must in the next 10 years double the output of a power industry which already has an $80-billion plant investment.

And in 30 years, if present forecasts of a U.S. population of 300 million come true, we'll need almost five times our current 325-million kilowatt power capacity.

Adding that much generating capacity could have a heavy impact on the environment.

And how that much power is to be produced—whether by more coal-, oil- or gas-fired plants or through a vast expansion of nuclear-powered generators—is producing intense, sometimes angry, debate.

Those who favor nuclear power lean heavily on environmental as well as economic arguments.

"Anyone who has ever visited a nuclear power station is bound to be impressed with its quiet and clean operation," says Glenn Seaborg, chairman of the U.S. Atomic Energy Commission (AEC). "The growth of nuclear power will help abate air pollution, help reduce traffic and noise in the area surrounding the power plant and generally should make that area a much more attractive and healthier place to be."

Seaborg goes on to contrast this picture with the situation if we try to meet end-of-century power needs with coal, saying we would need to burn 10 million tons of coal per day, moved by some 100,000 railroad cars, producing "a disastrous environmental hazard" in the form of air pollution.

The AEC, playing its controversial dual role as both promoter and regulator of nuclear energy, predicts that half of U.S. power needs will be filled by nuclear-generated power within 30 years, although today only about 1 percent is thus produced.

But there are many who disagree with Seaborg's cheerful view of the environmental benefits of nuclear power stations, and the smooth road to vastly increased nuclear generating capacity is filling up with chuckholes—as Minnesotans well know from the current controversy over Northern States Power Company's (NSP) plans to operate nuclear plants at Monticello and Prairie Island.

In rising numbers, scientists, politicians and plain citizens have become concerned—sometimes alarmed—over possible effects of radioactive or heated wastes from the "nukes."

CHANCE OF ACCIDENT CAUSES WORRY

They worry not only about known effects of pollution discharged into the air and water by normal operation (and the AEC stresses the outstanding safety record of existing nuclear plants). They worry also about unknown, long-term dangers of genetic harm—and about the chance, however slim, of a radiological accident that could release even small amounts of radioactive waste to the environment.

To Sen. Gaylord Nelson of Wisconsin, who wants a careful restudy of the seven nuclear power stations being built or planned around Lake Michigan, "It's the same old story in our dealings with the environment." He explains:

"Most of what we know about nuclear plant pollution is what we *don't* know . . . we put technology to work the minute it comes off the production line, without waiting to learn wheher it can improve quality as well as quantity in American life.

"Then, when it brings environmental disaster a few years later, it's too late to do anything."

AEC claims radioactive discharge from nuclear plant is minimal. AEC member James T. Ramey contended that Minnesota was "making a mountain out of a molehill" when it insisted that NSP's Monticello plant have radioactive discharge limits 50 times lower than AEC and international standards.

As for thermal (heat) pollution, about the only agreement currently is that it needs more study—and that raising the temperature of river and lake water can have both good and bad effects on different forms of aquatic life. The AEC has given its blessing to pending legislation that would let states regulate heat pollution under a federal licensing system: The Interior Department, bidding for jurisdiction in the field, so far has taken a tough, protect-our-waters stance.

The dispute is getting rough. Recently, an electrical industry publication took a two-page newspaper advertisement to claim that "a handful of people are pulling the plug on America."

MINNESOTA CASE TO PROVIDE TEST

The AEC's Seaborg doesn't go that far. But he calls for "less hysteria, less searching for scapegoats, less polarizing of conservationists and technologists." What is needed instead, he says, is "adjustment and compromise . . . and a better working relationship between reasonable and rational environmentalists and technologists who will see they are not as far apart as they believe."

In a conciliatory move, AEC broke precedent recently and agreed to have its top officials appear at several open conferences on nuclear power—the first of them held in Vermont and Minnesota.

But others are less placatory. NSP is suing the state of Minnesota over the Monticello plant permit in both state and federal courts; a half-dozen other states and several federal agencies are watching, with most quietly rooting for Minnesota's tougher-than-AEC position.

Some congressional boosters of nuclear

power plants have charged the coal industry with trying to block atomic power. Others, like Chairman Chet Holifield, D-Calif., of the Joint Congressional Atomic Energy Committee, argue that opponents are courting disaster.

"Unless the demands for clean water and air are kept in perspective," a Holifield committee report said this year, "the anti-technologists and single-minded environmentalists may find themselves conducting their work by the light of a flickering candle."

Seaborg warns that future power shortages could mean blackouts of days instead of minutes or hours:

"The environment of a city whose life's energy has been cut—whose transportation and communications are dead, in which medical and police help cannot be had, and where food spoils and people stifle or shiver while imprisoned in stalled subways or darkened skycrapers—all this also represents a dangerous environment that we must anticipate and work to avoid."

SEES NEW ROLE FOR STATES

Which way to turn, then, in this bitter controversy?

One man who should have a balanced view is Dr. Joseph Lieberman—an AEC veteran who helped run its nuclear reactor safety program, then moved over to help run the environmental health service in the Department of Health, Education and Welfare.

"In general," he said in an interview, "with the kind of care AEC requires to go into the location, design and operation of nuclear plants, and the regulation and compliance control exercised, I think they're safe.

"But, having said that, it does not mean you build a plant and go away and forget it: Here is an area where states can play a role of surveillance and monitoring, because states have a responsibility to their citizens to check the utility out, and to keep track of what is happening to these plants . . ."

Lieberman's agency and AEC are currently discussing a possible program of nuclear plant surveillance, and AEC has offered Minnesota a watchdog, monitoring role as a possible compromise of the current controversy.

[From the Minneapolis Tribune, Dec. 3, 1969]

OUR WORLD—FIT FOR LIFE?: VIEWS ON CONTROL OF POLLUTION VARY

(By Richard P. Kleeman)

WASHINGTON, D.C.—If the federal government's water pollution control chief ever needs a reminder of how tough his job is, all he has to do is look out the window of his spacious, 11th-floor office.

Below him the Potomac River, brown and sluggish; carries its load of pollution slowly toward the sea—evidence of the failure of past clean-up efforts and warning of disappointments that still seem likely in the future.

Every expert agrees that cleaning up the nation's rivers and lakes is essential to meet growing demands of a growing population that finds a growing number of ways to use water. By the year 2000, the only way to meet those demands will be to reuse our water—not two or three times, but many times over. And to be reusable for most purposes water must be decontaminated.

David D. Dominick, the 32-year-old former U.S. Marine officer who is commissioner of the Federal Water Pollution Control Administration is an optimist, despite the view from his office:

"I think we're going to see significant improvement in the quality of our waters in the next three to five years," he said.

But the man who used to sit in Dominick's chair looks ahead and sees disappointment, while the government's chief auditor looks back and concludes that $5.4 billion in public and private outlays over the past dozen years have produced little or no progress in cleaning up the nation's waters.

The complexity of the problem is reflected in the differing prescriptions of these men for curing it.

EXPERTS DIFFER ON TIME REQUIRED

Dominick bases his optimism on the fact that "we have time schedules for both industries and municipalities, many of which call for completing waste treatment works by 1972. Our real mission is to see that those schedules are met—if we can get everybody to come in with treatment facilities, we'll have clean water."

But James Quigley, one of Dominick's predecessors, foresees a longer wait for the kind of results Dominick predicts—and says the treatment works won't do it all anyway.

"In 10 or 15 years, I think we'll see a generally good job of 'point-source' pollution control," Quigley said. "But when that happens—and billions of dollars will have been spent to do it—the public may look at our waters and say, 'But they're still dirty.' "

By that Quigley said he means waters "will still be muddy and brown and contain pesticides and herbicides and bird and animal wastes. We'll still have a lot of 'non-point' pollution—runoff from farms, streets, parking lots, building projects—and I don't think anybody knows or even gives enough thought to how to control that."

Elmer Staats, comptroller general of the United States and Congress' chief auditor, reported recently that little progress has been made despite a 12-year effort by federal, state and local governments and private industry.

He blamed a "shotgun approach" that has allowed federal grants for sewage treatment plants to be made to lower-echelon governments on a first-come, first-served basis.

Staats recommended spending vastly more than the federal government's $1.2-billion share of the 12-year program, but under a new system that would give priority to grants for local treatment plants where they are most needed.

There's a congressional drive on—with Minnesota's Rep. John Blatnik among its leaders—to provide more federal money for such projects, but like other domestic programs in a war-weighted budget, it's an uphill fight.

$800 MILLION APPROVED FOR GRANTS

Despite prior congressional authorization of $1 billion for sewage plant construction grants this year, both the old and new administrations asked for only $214 million. Late yesterday a Senate-House conference committee agreed to provide $800 million, a compromise between the $1 billion favored by the Senate and the House-approved appropriation of $600 million—which is all the administration says it could use in the next 18 months.

Both houses now are likely to approve the $800-million spending level, and a bipartisan congressional group will call on the President to urge him to spend that much.

In addition to the spending hold-down, local officials also were worried about a proposal which the Nixon administration seemed ready to adopt from its predecessors: To replace direct federal cash grants with "pay-later" pledges to help finance sewage treatment works.

This would force local governments to fund construction initially—and entirely—by local bond issues in an increasingly tight market for local bonds, while federal reimbursement would be spread over a 30-year period. The Interior Department is reported reconsidering this scheme.

Who is responsible for today's widespread water pollution? Spokesmen for industry made clear—at a recent conference where Interior Secretary Walter Hickel proclaimed a "war against polluters"—that they are tired of being branded the nation's worst polluters.

They much prefer the approach of Hickel's assistant secretary for water quality, Carl Klein, who rates municipalities, agriculture and industry—in that order—as the leading offenders.

Klein, however, quickly adds that because smaller industries add heavily to municipal wastes, industry is responsible for two-thirds of the combined non-farm pollution.

Agriculture's role as a water polluter was acknowledged by former Agriculture Secretary Orville Freeman, who said in his final report that "sediments from eroding land are the main burden of pollutants in surface water"—contributing 700 times as much contamination as sewage discharge.

Freeman also has pointed up a startling statistic: The fact that a large feedlot housing 10,000 cattle "has about the same sewage disposal problem as a city of 164,000 people." And this, experts agree, is a part of the water-pollution problem that has yet to be tackled.

TOUGHER LEGISLATION SOUGHT

Despite present and prospective problems, Dominick believes "the political climate currently is such that we can get tougher legislation."

Hickel and Dominick have said they plan to ask Congress for beefed-up authority to move rapidly against polluters. Generally, present water-pollution statutes emphasize state and local enforcement roles.

Even as it is now, the federal government has shown it can get tough: It threatened to sue the city of Toledo, Ohio, and four industries for not moving fast enough to end their pollution of Lake Erie, and it acted to force the state of Iowa to set higher water quality standards for the Mississippi and Missouri Rivers and lesser streams than the state was willing to impose.

Iowa's expected challenge to that federal order may create a state's-rights controversy as significant as Minnesota's assertion of its right to set stricter-than-federal standards for radioactive waste from nuclear power plants.

Dominick and Quigley deny that political pressure has been brought to bear on them to back down from strong water-cleanup stands.

But Quigley believes such pressures are probably concentrated at the state level, where most of the pollution control responsibility rests.

"The big polluter in any state," he said, "is also likely to be the big industry, the big taxpayer—and the big political supporter."

[From the Minneapolis Tribune, Dec. 4, 1969]

OUR WORLD—FIT FOR LIFE?: DDT: DILEMMA FOR PRESENT, FUTURE

(By Richard P. Kleeman)

WASHINGTON, D.C.—"We're very much concerned about the environmental effects," the secretary of Health, Education, and Welfare said, "but at the same time we have to feed a nation."

Thus, as he announced first steps toward a near-ban on the use of DDT, Secretary Robert Finch spotlighted an agonizing dilemma: How to balance enormous past benefits of pesticides against their harmful effects—some proven, some potential—on man and his surroundings?

A Department of Health, Education and Welfare (HEW) commission of distinguished experts cited "abundant evidence" of widespread DDT residues "in man, birds, fish and other aquatic organisms, wildlife, soil, water, sewage, rivers, lakes, oceans and air."

Aware that massive doses of DDT had caused cancer in laboratory mice, the commission, reporting to Finch, also pointed to evidence that the pesticide is "highly injurious" not only to its insect-targets but to many other forms of life.

In recommending the virtual ban on DDT within two years, the commission said: "Our

nation cannot afford to wait until the last piece of evidence has been submitted on the many issues related to pesticide usage. We must consider our present course in terms of future generations of Americans and the environment that they will live in."

And yet to condemn any food containing DDT—to act, for example, as he did against cyclamate sweeteners—could be disastrous, Finch said.

Strictly enforcing against DDT the law used to ban cyclamates "would convert us to a nation of vegetarians," he observed, because small traces of pesticides are found in "much of our red meat, many dairy products, some eggs, fowl and fish—all parts of basic food groups deemed necessary to a balanced diet." And such foods have been found safe, despite those pesticide traces, the commission reported.

RACHEL CARSON'S WARNING RECALLED

Agreement to work toward a DDT ban was reached by Finch and the secretaries of agriculture and interior seven full years after this warning by the late Rachel Carson in her controversial—but finally vindicated—book, "Silent Spring":

"Can anyone believe it is possible to lay down such a barrage of poisons on the surface of the earth without making it unfit for all life?"

Sen. Gaylord Nelson, the Wisconsin Democrat whose bill to ban interstate commerce in DDT has been pigeon-holed by three congresses, also deplores using some 800 million pounds of pesticides on U.S. crops every year with incomplete knowledge of their effects:

"The Great Lakes coho salmon are loaded with DDT, and it seems to affect their nervous and reproductive systems . . . the bald eagle is dying out because hens can't produce sufficient calcium to form hard eggshells . . . persistent chemicals evaporate and become airborne—so DDT drops on Sweden, where it's banned . . ."

Nelson couples his dismal indictment with charges that agricultural and chemical interests have heedlessly promoted use of pesticides, while federal agencies—notably the Agriculture Department—and congressional committees have dodged the problem.

Nelson and 30 cosponsors earlier this year won Senate approval of a far-reaching proposal to require the Department of the Interior to include pesticides among pollutants when states set their water quality standards.

There are those, however, who counsel caution, perhaps because of DDT's incalculable World War II contribution in curbing malaria and other insect-borne diseases, and its 25-year record of protecting food crops.

"It's true that, improperly used, pesticides contaminate rivers and lakes and the life in them," Dr. Lee DuBridge, President Nixon's science adviser, said in a recent interview.

"But if we suddenly did away with them, there would be huge crop losses and possibly a huge incursion of disease-carrying insects that might cause losses greater than the loss of fish.

"That doesn't mean we do nothing. But we must use insecticides under controlled conditions and choose them for their qualities and the needed degree of persistency."

Pesticide played a part—albeit still a small one—in a federal health official's recent warning that "we can no longer afford to take the purity and safety of public drinking water supplies for granted."

Charles C. Johnson Jr., administrator of the government's environmental health service, made the statement in reporting early results of a survey of community water supply systems serving some 20 million residents in nine areas across the nation.

Preliminary results indicate that one water system in 11 contains some contamination and about 6 percent of the people served get drinking water that falls short of Public Health Service standards. Projected nationally, Johnson said, this would indicate that perhaps 8 million of the 150 million Americans served by community distribution systems may be drinking water of potentially unsafe bacterial content.

"While none of the samples exceeded recommended permissible limits," he said, "the high frequency of occurrence and our lack of knowledge of the long-term effects of this class of compounds dictate the need for increased surveillance and research, as well as for increased recognition of the potential of this problem by state and local health departments."

TENDENCY TO RELAX GETS BLAME

Individual wells and cisterns—from which some 50 million Americans get their water—also showed the presence of pesticides. This, Johnson said, "verified what many have long suspected: That pesticides are finding their way into ground water."

James McDermott, director of the federal bureau of water hygiene, speculates that communities have allowed their drinking water supplies to backslide.

And he says it's a drift that cannot long continue:

"Chances for accidental spills into water supplies have increased, towns are growing much closer together—so one man's intake is getting closer to the other's discharge.

"Within 50 years water is going to be so scarce in some sections of the country, and the cost of treating it will have risen so high, that direct reuse of water will make sense."

By then, McDermott suggests, technology, operation and surveillance of community water systems must be vastly improved: "If we're not able to maintain forward motion in these areas," he warned, "we shall not be able to maintain this affluent society—where people take water for granted."

[From the Minneapolis Tribune, Dec. 5, 1969]

OUR WORLD—FIT FOR LIFE?: ATTACK ON CROWDED, NOISY, POLLUTED U.S. AIR IS SLOW

(By Richard Kleeman)

WASHINGTON, D.C.—The businessmen had come to talk about pollution, but the secretary of the Interior jolted them into thinking about the air as well.

"How many of you know that the jets that flew you here dump 35 tons of solid wastes in just one day as they land and take off at Washington airports?" Walter Hickel asked.

Had he chosen to add more insult to airborne injury, Hickel could also have reminded the industrial leaders that:

The airport where most of them landed, Washington National, is one of five in the nation already operating at "saturation."

Airplane noise in the Washington area is so bad that, especially on summer evenings, plays and concerts must pause or be drowned out and living-room conversation in a sizable segment of the metropolitan area is periodically obliterated by jet arrivals and departures.

What is true in the capital is true across the nation: our air is getting dirtier, noisier and more crowded every day. But this triple problem is also under continuing—though slow-moving—attack.

Every year more than 142 million tons of pollutants are released into the air over the United States. That's three-quarters of a ton for every man, woman and child. It adds up to more than the nation's total annual production of raw steel.

And, despite clean-air laws that date back to 1955, experts say the air-cleaning problem remains far more complex than depollution of water—because water can more easily be contained, traced and tested.

NEW YORK'S AIR IS DIRTIEST IN UNITED STATES

A 1967 study by the Department of Health, Education and Welfare (HEW) found that New York, N.Y., had the dirtiest air of 65 major metropolitan areas. The Twin Cities ranked 32nd, or just about halfway down the list.

"It doesn't look like you've got much of a problem at all," a spokesman for the government's National Air Pollution Control Administration said recently after checking a report on Minneapolis-St. Paul area air quality.

The five most common pollutants are: carbon monoxide, which comes primarily from automobile exhaust and accounts for more than half the nation's air contamination; sulfur oxides, largely from industrial and power plants, which together account for nearly one-third of the total pollution; hydrocarbons and nitrogen oxide, which combine under strong sunlight to cause "smog"; and particles—liquid or solid—of various kinds and sizes.

Almost all air pollution results from some kind of combustion, or burning—gasoline in auto engines; coal, oil or other fuels in industrial plants, generators and heating plants; or incineration of garbage and other refuse.

Auto exhaust was an early, but elusive, target. After preliminary efforts by a few states to set their own exhaust-control standards—which raised the specter of cars having to be built to meet different regulations in every state—Congress in 1965 gave the Department of Health, Education and Welfare control over exhaust emissions from all new cars.

But even though 1970-model cars must carry effective antipollution devices, the problem remains—because of the 100 million older cars remaining in use and because most states don't require annual inspections to make sure the devices keep working.

WANTED: SUBSTITUTE AUTO ENGINE

Many experts, indeed, believe the only answer is elimination of the internal-combustion engine. And the Nixon administration recently announced plans to spur research on low-pollution steam and electric engines as possible substitutes—although recent reports question the practicality of steam for automotive power.

Dr. Lee DuBridge, Mr. Nixon's science adviser and a man who both lived in and analyzed Los Angeles, Calif., smog for 22 years, told The Minneapolis Tribune that the government "will find ways of greatly increasing its research funds in this area."

Although most federal research spending is being cut, this effort "is going to take priority," DuBridge said, with a boost from $2 billion to $10 or $15 million per year planned to fund "very significant and promising projects."

Rep. Joseph Karth, D-Minn., has urged the government to use its leverage in another way—by buying low-emission vehicles for federal agencies. The government's purchasing agency, the General Services Administration, has plans to test a mechanism that would allow an auto to switch at will from gasoline to compressed natural gas as fuel.

The auto industry's record is mixed. The federal government brought—and later dropped—a conspiracy suit in California against automakers who allegedly withheld emission-control devices. Now New York has started a similar suit.

On the other hand, General Motors last May exhibited 26 experimental vehicles that either had new pollution-control systems or were powered by turbine, steam, electric or other power systems.

If progress in dealing with auto exhaust has been slow, the effort to choke off other forms of air pollution has sometimes seemed completely stalled. President Lyndon B. Johnson asked Congress to give the federal

government full control of such polluters as industrial and power plants—but was turned down.

COMBINED APPROACH TO REGIONAL PROBLEM

Instead, Congress adopted a scheme devised by Sen. Edmund Muskie, D-Maine, for a combined federal-state-local approach to what is recognized as a regional problem not neatly confined by political boundaries.

This plan—slow-working and thus more to industry's liking—has resulted in designation of 57 "air quality control regions," including one for Minneapolis-St. Paul and others for Fargo, N.D.-Moorhead, Minn., and Sioux Falls, S.D.

The regions were set up so as to involve all the states; for each region, states will propose five-year air-quality improvement plans—subject to federal approval and consistent with federally-set guidelines.

Even this more gradual approach has met resistance: the American Mining Congress, for example, has demanded withdrawal of the federal guidelines, arguing that they interfere with states' rights and tend toward imposing a national air-quality standard.

The job ahead is a big one. Robert Finch, secretary of Health, Education, and Welfare, says combined federal-state-local government spending for cleaning the air should reach $454 million annually within five years—nearly four times the present level—and he says that industry should by then be chipping in some $750 to $950 million.

Noise is a relatively recent addition to the recognized list of air pollutants. The first federal control law was passed in 1968; it was not until last month that the government, acting under that law, issued its first regulations to limit the amount of noise new commercial jet airliners can make. And noise regulation applying to existing jets and those in the development pipeline won't be along until later.

Airplanes aren't the only noise problem. Former Interior Secretary Stewart Udall combines the expert's view with that of the ordinary citizen when he says that "the noise level in this country has been doubling every 10 years," then adds: "New York just drives me crazy."

BUSES, SIRENS, HORNS AND JACKHAMMERS

And while considerable work is being done to cut jet noise and study the threat of sonic-boom damage, little has been done to silence the buses, sirens, auto horns, jackhammers and other noisemakers on earth.

A citizens advisory committee on environmental quality reported recently to President Nixon that "all these and scores of other noise sources can be silenced with present technology—what we do not have is a means of enforcing them."

The problem of pollution by crowding—air traffic congestion—is being attacked on several fronts. New air traffic control regulations have been proposed for major airports by the Federal Aviation Administration; Mr. Nixon has asked funds for 4,400 more air traffic controllers, and a 10-year, multibillion-dollar airport development program—which the administration wants financed by higher taxes on air passengers and freight—is before Congress.

For some conservationists, however, all this is offset by the prospect of the SST—the 300-passenger, 1,800-miles-per-hour supersonic transport jetliner for which Mr. Nixon recently requested a federal financing go-ahead. The SST, according to some critics, poses a sort of triple-threat to the air around us.

A presidential study committee warned—before Mr. Nixon approved the SST—that the aircraft's sonic booms could cause "significant further deterioration in the environment for people on the ground."

Earlier, an official of the Conservation Foundation here spelled out some of the reasons why many people worry about the SST:

"Few of us resent the time actually spent in the air on the present modern jets.

"All of us resent the delays and confusion involved in our inefficient airports and in travel to and from airports.

"All of us resent the crowding and discomfort we experience in airplanes that carry too many passengers in too small a space.

"But, rather than spend money to solve these very real problems, we spend it to develop an unneeded, environmental harmful, airborne monstrosity . . . It seems to be a question of putting technology first and forcing people to fit into it, rather than using technology to benefit people."

[From the Minneapolis Tribune, Dec. 8, 1969]

OUR WORLD—FIT FOR LIFE?: "SOLID WASTE" ON MOON REFLECTS EARTHLY PROBLEM

(By Richard P. Kleeman)

WASHINGTON, D.C.—When his 1957 car gave out not long ago, Richard Vaughan found it neither cheap nor easy to give it a decent burial.

A shredding plant finally agreed to pay him $10 for the old clunker—but the neighborhood filling-station operator wanted $20 to tow it there.

Most of us might have taken the $10 beating and just grumbled, but Vaughan started thinking: Why not issue a certificate with every new car that would remain with the vehicle and entitle its final owner to recover $10 or $20 from a scrap dealer? The dealer in turn would be reimbursed by the auto maker—who thus would bear some of the cost of the waste pollution his product created.

Vaughan, it should be noted, is director of the Bureau of Solid Waste Management in the Department of Health, Education and Welfare. Thus his personal dilemma also was his professional concern.

But the incident illustrates a pollution problem that threatens literally to engulf the nation unless we handle it better—and soon.

The problem of "solid waste"—which is what the experts call anything that isn't air or water pollution—took on cosmic dimensions when the Apollo 11 and 12 astronauts left costly debris on the moon. But it has been an earthly problem of mounting proportions for a long time, as ever-present as the discarded can-opener rings that seem to have become America's new national symbol.

Every day, U.S. municipal and private collection services pick up the equivalent of more than five pounds of trash and garbage for each American.

And because we are using more no-return bottles, more cans and more plastic containers every year, our individual waste output has been going up by more than 4 percent each year. This means that by 1980, the collectors will have to pick up eight pounds of discard per person every day.

SOLID WASTES MUST BE MOVED

Even that is just what's actually collected. The experts figure that now another 10 pounds per person is jettisoned daily outside of collection channels by homes and businesses. And even these figures don't include the billions of tons of farming and mining wastes that pile up every year.

Solid waste differs from air and water pollution, which move on their own, often across political boundaries. Unless solid waste is picked up and carried away, it just piles up where it was dumped, creating ugliness, pollution and injury.

For the most part, even if we do pick it up, what we do with it isn't very different from what we did half a century ago: Though a number of major cities are experimenting with hauling garbage to remote dumping grounds by train, for example, that "merely substitutes an engine for the mule that used to haul the trash wagon," as one New York City sanitation official puts it.

Though the smoky, smelly open city dump has long been recognized as both an eyesore and a health hazard, more than 90 percent of this nation's solid wastes are disposed of on land. A recent survey of 6,000 such sites found that only one in 16 qualified as a sanitary landfill—a scientifically run area where refuse is spread, compacted and covered daily with earth, without burning or otherwise polluting air or water.

SOME LANDFILLS PUT TO GOOD USE

Space for such sanitary landfills is limited, but where they have been used, as in Los Angeles, Calif., for instance, they have been turned into community assets—parks, botanical gardens, even golf courses—when filled and covered over.

And for refuse that must be burned, there are now high-pressure, cleaner-burning incinerators—even one experimental model that would produce usable heat and power as byproducts. But the same survey found three-fourths of the nation's public and private incinerators lacking adequate air pollution control devices.

Past history of our concern for the solid waste problem is summed up by a recent National Academy of Engineering report with these words: "Minimum attention, minimum funding and minimum application of technology."

In 1965, after long disregarding the problem, Congress passed a law to provide $92.5 million over four years, to pay for research on new ideas in solid waste management, with payments to state and local agencies that tested them. With this encouragement, the number of state solid-waste agencies has risen from a handful to 42.

This year a bipartisan group of senators, led by Edmund Muskie of Maine, introduced a broader bill to provide $733 million in the next five years, mostly for grants to help build regional or local disposal plants. This "Resource Recovery Act of 1969" also would set up a national materials policy commission to develop better methods of solid waste planning and handling.

The picture is not all bleak. The National Academy of Engineering report found that sufficient technological know-how exists to permit progress toward solving "many" current waste problems—not through any single, dramatic breakthrough but on a step-by-step basis that would deal with one problem at a time .

And Vaughan's agency figures that increasing present total annual spending of $4.5 billion a year by less than $1 billion could raise the nation's solid waste collection and disposal services to satisfactory levels.

NEW APPROACHES TO BIG PROBLEM

Those figures assume that we would do things about as they're being done now—but engineers, scientists and politicians are beginning also to look at new approaches to the problem. Among them:

Improved equipment: An "ideal incinerator" is being developed under a federal research contract in California, while safer, quieter and cleaner garbage-collection trucks are being produced for what is not only an unpleasant job but one of the nation's most dangerous occupations.

Improved disposal: Besides experiments with garbage—hauling trains, cities are using or considering use of remote, unwanted areas for dumping—deserts, abandoned coal mines and land in need of reclamation. One device being tested would suck garbage from cities to disposal sites through underground pneumatic tubes.

Reuse: The recent Interior Department announcement that government scientists have extracted a barrel of crude oil from a ton of pressurized garbage is the latest of

many attempts to reclaim and reuse what normally is discarded as waste. The idea of reusing scrap materials, familiar to anyone who saved paper or tinfoil or cans during the shortages of World War II, is being revived.

A can manufacturer has declared a bounty of a half-cent apiece for aluminum cans in certain areas of the country, and distributing 35,000 magnets to Boys Scout troops to help them identify nonmagnetic aluminum.

"We've got lots of thing around here made with garbage," says Vaughan. On his desk are several glass vials—one with a ground-garbage compound that can be used to purify water, another with a mixture usable in road building and a third containing a slow-release fertilizer—expensive but effective.

JUNK METALS, PAPER PROVE VALUABLE

"Reclaiming materials from solid wastes is still a financially marginal operation," the Citizens Advisory Committee on Environmental Quality reported to the President recently, "but there is considerable value in the reclaimed residue of our junk.

"The U.S. Bureau of Mines estimates that if all solid waste were properly incinerated, it would yield salvageable metals worth more than $1 billion each year. A ton of recycled waste paper can provide an amount of wood pulp equivalent to 17 pulped trees."

There is talk—and research—about "self-destructible" containers that dissolve or disintegrate after use, but so far few have been marketed.

Secretary Robert Finch of the Department of Health, Education and Welfare, recently proposed making manufacturers whose products constitute potential waste share in the cost of disposing of them.

This has set off talk of a "pollution tax" which the federal government might impose on manufacturers, with revenues to be shared with states and cities that confront actual disposal problems.

In two sections of Boston, Mass., the Ford Foundation is financing experiments that combine new technical disposal and collection devices with advice on how to use them from social scientists, design experts and black community leaders.

"We want to find out what lies at the heart of the problem," a project spokesman said. "Is it people or technology, or both? The only way we can find out is to get the technology there and then get the people directly involved in it."

[From the Minneapolis Tribune, Dec. 9, 1969]

OUR WORLD—FIT FOR LIFE? POLLUTION: WORRY, BUT LITTLE FUNDS

(By Richard P. Kleeman)

WASHINGTON, D.C.—How much do we care about halting pollution and cleaning up the world we live in? Answer: Quite a bit.

How much are we willing to pay for it? Answer: Not much.

These contradictory conclusions can be drawn from two recent public-opinion surveys—one national, the other taken in Minnesota.

The contradiction points up a little-discussed but critical part of the struggle to preserve our environment—the fact that it's going to cost money, and most people would like to have someone else pay for it.

In the long run, of course, the cost inevitably will be borne by individual citizens—whether the money is spent by governments, which will get it back in tax collections or fees, or by industry, which will seek reimbursement by passing the cost along to its customers.

A nationwide survey taken by a major polling firm for the National Wildlife Federation found that almost all of the nearly 1,500 persons questioned were willing to have the federal government spend more on natural resource preservation than it does now—but only if the money is raised by cutting other outlays, not by increasing taxes or costs to consumers.

More than half of those questioned favored diverting some federal spending from national defense, and nearly half would also spend less on space and such international programs as foreign aid.

FEW WILLING TO PAY

But when it came to specifics, two-thirds of those interviewed said they would not be willing to have their family expenses boosted by $200 a year—in taxes and higher product prices—to reduce pollution. Even an annual expense rise of $20 a year won approval of only 55 percent.

Another question asked. How much would you be willing to have added to your electric bill to help the power company eliminate air and water pollution from its plants? Only one out of five was willing to pay an extra $2 a month; only two out of five would pay an extra $1 and only three out of five would be willing to pay as little as $25 cents a month.

(One intriguing sidelight of the poll was the fact that residents of the Midwest seemed more willing than those who lived elsewhere to pay for antipollution efforts. Where only 55 percent of the national sample, for example, was willing to pay $20 a year more for clean-up programs, the figure was 65 percent for Midwesterners.)

The Minnesota survey—conducted by a professional polling firm for one of the state's politicians—asked a cross-section of voters to identify the state's major problems.

Statewide, and in every region of Minnesota, high taxes were rated the No. 1 problem, being cited by 31 per cent of those questioned. But in most areas, the problems of pollution and conservation ranked second—though generally well behind taxes.

There was special evidence of environmental concern in Hennepin County suburban communities and in St. Paul, with 30 percent and 24 percent, respectively, of respondents in those areas ranking conservation issues second.

In Minneapolis, 17 percent ranked environmental problems in third place, well behind welfare and social problems and, of course, high taxes.

INDUSTRY EXPECTS TO BE REPAID

The public reluctance to dig into the pocketbook suggested by the Wildlife Federation's national survey found an industry echo during a recent water pollution conference here.

Several industrial leaders at the meeting made clear that not only is industry unhappy with its "polluter" image, but it also expects to be repaid for cleaning up the pollution it does cause.

"Only a profitable enterprise can afford the cost of what must be done," Brooks McCormick, president of International Harvester Co., told the conference. He added:

"Bankrupt businesses don't pollute streams. But they don't meet payrolls either."

The president of the U.S. Steel Corp., Edgar B. Speer, said his company opposes "water treatment for treatment's sake." He explained:

"Unless some user receives value as the result of the treatment given the waste, the money spent for pollution control is removed forever from productive use."

Speer made clear that he does not expect industry to absorb antipollution costs, either. "It should be realized," he said, "that the individual citizen, in the final analysis, foots all of the treatment bills—either in taxes or in the price of goods and services."

Another industry complaint has to do with federal tax policies. A spokesman for the paper industry—acknowledged to be a major source of pollution—professes "deep concern" over moves to repeal the 7-percent credit for business investments. Both the tax reform bill passed by the House and the measure pending in the Senate would do this.

SOME PROGRESS IS NOTED

"Our industry has been counting on that credit to ease the financial burden of acquiring antipollution facilities," said Edwin A. Locke Jr., president of the American Paper Institute.

"If the credit is now removed, it will be much harder to make the huge outlays required."

Despite all these indications of citizen and industry reluctance to cough up money for a pollution clean-up, there was evidence to the contrary in some of last month's elections.

Maine voters approved a $50-million bond issue for sewage treatment plants—though they turned down less than half as much for roadbuilding.

In New Jersey, a $271-million bond issue to fight water pollution passed easily. New York voters approved a sweeping amendment, called a "conservation bill of rights," calling on the state Legislature to give more attention to environmental protection.

At the local level, several mayoral elections apparently were influenced by pollution issues. A California district turned down a coal-burning power plant—despite its tax-paying potential—because it threatened to dirty the air, and citizens of a Seattle, Wash., suburb voted to preserve a park rather than bulldoze it into a golf course.

[From the Minneapolis Tribune, Dec. 10, 1969]

OUR WORLD—FIT FOR LIFE?: POLLUTION FIGHT NEEDS MONEY, LEADERS, EDUCATION AND IDEAS

(By Richard P. Kleeman)

WASHINGTON, D.C.—Garbage trucks clatter as they haul our refuse to smoky, smelly dumps.

Noisy factories pollute both air and water.

Huge jets whine overhead, spewing smoke into the air as they fly in and out of overcrowded airports whose inadequate access roads are clogged with traffic.

The automobile fouls the atmosphere in its lifetime, demands land-gobbling highways and ends up in an ugly junkheap.

These problems of environment, all different, all complex, all add up to one big mess. As one industrialist told a water-pollution meeting here: "Pollution is indivisible, and it should be attacked as one big problem."

But can this work? Other experts warn against trying to do too much on an over-all basis. As a recent study by the American Chemical Society said, "It is vital to recognize that the environmental system is made up of a bewildering number of sub-systems that often are only distantly interdependent. Environmental problems are rarely amenable to sweeping solutions."

What, then, of the future? Many are quick to forecast impending disaster for a human race overwhelmed by its own technology—but that view is not unanimous.

"We have to start by recognizing that by the nature of civilization and of people, we can't avoid some impingement on the environment," says Dr. Lee DuBridge, President Nixon's science adviser. "A perfect environment can only be obtained at infinite cost—such as everybody dying."

A former Minnesota conservation official who now helps run the Federal Environmental Health Agency is not willing to give up hope.

SEES HOPE IN MAN'S ADAPTABILITY

"I'm not either with the gloom-and-doom people who say we've had it, or with those who say we've never had it so good," says Dr. James Lee. "Man has been able to adapt to past environmental and biological insults, and he gives every indication of being able to continue this adaptability.

"So, while I don't hold with the idea that man is going to succumb to the inroads on

his environment in the near future, I also don't minimize the fact that, left uncontrolled, many of these environmental insults some day may result in his termination.

"We'll just have to await the verdict of time."

It is, of course, not just a matter of waiting. There are signs that we recognize the "insults" and are doing something about them—with air and water pollution control programs; the forthcoming near-ban on DDT; new government steps to prevent future oil spills, jet aircraft noise, and auto exhaust fumes; and the slow spread both here and abroad of birth control programs.

What more is needed? In addition to the already-impressive evidence of public concern—a necessity by everyone's assessment—it seems to boil down to four main ingredients: more money, education, stronger leadership and new ways of thinking about the problems.

Sen. Gaylord Nelson of Wisconsin told a recent congressional conference on environment that it will take up to $150 billion in spending by all levels of government, plus another $150 billion from private industry, to clean up pollution in the next 15 to 20 years.

GAINS FROM EXPENDITURES SUGGESTED

By contrast, the same conference was told that current federal spending on all "natural resource" programs amounts to only $3.7 billion, or 1.8 percent of this year's federal budget—the lowest percentage in a decade of steady decline.

What can we gain by spending more money on the environment?

The chemical society report begins by answering "better health," then adds: "Money spent to manage the environment buys cleaner laundry in the back yard, longer life for the paint on houses, less corrosion and breakdown of electrical and other equipment.

"It buys cleaner lakes and rivers for recreation. It buys relief from annoyance: a speck of ash in one's eye, unpleasant odors, yellowed foliage in the springtime.

"It buys nature as it ought to be, although it must be recognized that a modern, industrial society and a pristine environment cannot coexist."

"Nothing less than a revolution in our educational system is required," said Russell Train, president of the Conservation Foundation, before he became undersecretary of the interior in the Nixon administration.

The student must learn to see himself, Train said, as "part of an interdependent, inter-relating world—not simply as its manipulator."

Echoing this recently, a presidential advisory committee on environmental quality said, "Our formal education system has done little to produce an informed citizenry, sensitive to environmental problems and prepared and motivated to work toward their solution."

And a White House staff report urged $20 million in federal spending to support formation of schools of human environment at U.S. universities.

Already convinced that college-age young people consider the environment as "relevant" an issue as Vietnam or race relations, Sen. Nelson has been organizing a nationwide "teach-in" on the subject.

As planned by a mushrooming organization led by Nelson and Rep. Paul N. McCloskey Jr., a California Republican, the teach-in calls for setting aside one day—next April 22—on campuses across the nation to hear speakers, hold discussions and stage rallies on environmental problems of particular local concern.

LEADERSHIP BY PRESIDENT NEEDED

If national policies on the environment are to be strengthened and continuously monitored, presidential leadership will be needed.

Last spring, President Nixon set up an eight-member, cabinet-level "Environmental Quality Council," with DuBridge as its executive secretary.

But to some critics, the cabinet group—which has met just three times since it was formed—is not enough. Nelson calls it "a poor second cousin" because Cabinet members' prime interests lie elsewhere. Rep. Joseph Karth of Minnesota says the council "has a built-in conflict of interest."

Though DuBridge disagrees, congressional critics want a presidential board of environmental advisers, assisted by an independent office of environmental quality. After a lot of pulling and hauling, Congress seems about to approve such an arrangement.

Many see a need—beyond these other steps—for a basic change in national philosophy.

"What needs to be developed at the earliest opportunity is a habit of thinking ecologically—of being thoroughly familiar with the balance of nature," says Adm. Hyman Rickover, the iconoclastic Navy expert on nuclear propulsion.

"It troubles me," he adds, "that we have always acted as if technology were an irrepressible force of nature to which we must meekly submit: if we reflected, we might discover that not everything hailed as progress contributes to happiness, that the new is not always better, nor the old always outdated."

Stewart Udall, for eight years secretary of the interior, sees a need to harness technology. In a recent interview, he noted that conservationists have always been "at war with technology," and called for a change:

"The question we now need to ask is whether we can make technology solve problems—and use it creatively, so that major public proposals, instead of diminishing the environment, will enhance it.

"Industry must solve environmental problems instead of doing things the cheapest way—because we have the capacity to do anything we want to do."

To one expert addressing the congressional conference on environment, engineer-conservationist Aaron Teller, the key lies in "looping the system"—learning to reuse scarce resources. "This must be legally imposed by a new value system," he said.

For example, he suggests that an auto—which wastes over 300 gallons of gasoline over its lifetime—be taxed for this when first sold. Teller predicts this would lead automakers to develop more efficient engines—which could eventually save the nation nine billion gallons of gasoline now wasted each year.

Nelson offers an even more drastic problem: "If we had any sense, we'd establish a national land use policy—and tell people what they could do with their land."

Some proposals would go even beyond this—such as that of the California researcher that all technological research and innovation—except that aimed directly at reducing present dangers to the general welfare—be halted for two years so man could "perfect" existing technology before pursuing more.

Adm. Rickover, reviewing more than a century of science-based technological development, asks gloomily:

"What use have we made of it? We have multiplied inordinately, wasted irreplaceable fuels and minerals and perpetrated incalculable and irreversible ecological harm.

"I have thought much about this," the outspoken Navy officer adds, "and I can find no evidence that man contributes anything to the balance of nature—anything at all."

A final, simple—yet perhaps futile—warning comes from conservationist Raymond Dasmann: "There is one basic rule we cannot really afford to ignore:

"'Do not destroy what you cannot recreate.'"

THE RISK OF RECESSION

Mr. HARRIS. Mr. President, the cover article of Time magazine this week is entitled "The Rising Risk of Recession." Featured on the cover and in the story in the business section is Milton Friedman, economics professor at the University of Chicago. The article points out that even Professor Friedman, who it is said, "believes in a monetarist view of economics" and feels the chief instrument in controlling movement of the economy is the seven-man Federal Reserve Board," thinks that the present tight money policy of this administration and the Federal Reserve Board must be loosened.

The article also states that two members of the Federal Reserve Board, Sherman Maisel, and George W. Mitchell, both economists agree.

Mr. President, the policies of this administration have not done the job of restoring health to this economy, and as the Time article points out:

> The American people are angered and frustrated by inflation and the polls show that an overwhelming majority criticize Nixon's handling of the persistent problem.

In a special box on page 69 of the same December 19, 1969, issue of Time is a dramatic set of illustrations of what rising inflation has done to the average American during this administration.

Pointing out that inflation is no laughing matter, this box begins in a whimsical way by saying that some old phrases have to be up-dated now, such as "two birds in the hand are worth three in the bush."

I ask unanimous consent that the article, entitled "The Consumer: Behind the Nine Ball," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CONSUMER: BEHIND THE NINE BALL

Inflation is no laughing matter, but the prices of so many products have risen in 1969 that some Pittsburgh newspapermen have concocted a new game based on inflationary psychology. According to them, it now takes three to tango, four's a crowd, and that favorite song of a few years back has become *Four Coins in a Fountain*. Similarly, the number 14 is bad luck, and so is four on a match. A stitch in time saves ten, cats have ten lives, two birds in the hand are worth three in the bush, a bluffer is a fiveflusher, and that soft drink should really be called Eight-Up, Life, these days, begins at 41, girls are Sweet 17 and never been kissed, and inescapably, the American consumer is behind the nine ball.

The pastime is a wry reaction to a far more serious numbers game. As fast as incomes rose, the price of necessities seemed to rise even more steeply in 1969, and few wage-earners felt that they were better off than when the year began. An inflation sampler:

Food. The Department of Labor food-price index jumped 5% from January to October. In Pittsburgh, the price of eggs almost doubled overnight from 43¢ to 83¢ per dozen. The price of pork chops in Boston increased from 99¢ to $1.39. One shopper in Cuyahoga Falls, Ohio, Mrs. Richard Davis, protested: "This can of soup had four prices on it when I bought it." The final price was 11¢ more than the first. The nickel Hershey bar vanished, and practically nobody could find a 10¢ cup of coffee.

Housing: The average cost of a home

reached $25,900 compared with $24,200 a year ago. In San Francisco, for example, the price of a home climbed 12% in twelve months. One survey of the Bay area disclosed that there was enough low-cost housing to provide shelter for all the area's poor—but the comparatively well-off occupants refused to move out. Taxes took an ever deeper bite. In San Francisco, for example, property taxes jumped from $102.30 per $1,000 valuation to $122.90.

Manufactured goods: Appliances cost more across the U.S. The price of a new car rose by an average $107. Clothes were more expensive almost everywhere, and rose an average 10% in Boston. Men's neckties commonly went up by 50¢ or $1—or more.

Medical care and pharmaceuticals: In the year's first ten months, the price of medical care—doctor's bills, hospital services and drugs—rose by 5%. In Boston, a hospital bed could cost $85 a day, $10 more than last year, and the price of dental care advanced from $6 or $7 per filling a year ago to $9 to $10 today. Even aspirins were up, from 89¢ to 98¢ per 100 tablets. A mouthwash named Binaca cost 29¢ when it was introduced by a Swiss company five years ago; it has since been taken over by a U.S. firm—and now sells for 79¢ in some places.

Entertainment: Movies were more expensive, up 25¢ per ticket in Manhattan's Radio City Music Hall. The cost of watching a Pittsburgh Steelers home game rose from $6 to $7—plus a 15¢ surcharge to help pay for building a new stadium, whose estimated price increased from $32 million last spring to $35 million at present. In the taverns of the steel city, the 15¢ beer could be found no more; it now costs 20¢.

THE EMERGENCY DETENTION PROVISIONS

Mr. INOUYE. Mr. President, I am most pleased that the Committee on the Judiciary has ordered favorably reported S. 1872, a bill I introduced with 25 other Senators to repeal the emergency detention provision of the Internal Security Act of 1950. I am hopeful that floor consideration on this measure will take place in the near future.

I invite attention to an excellent letter I received from the American Civil Liberties Union in support of my fight to repeal the emergency detention provision. Their letter, I believe, clearly and concisely sets forth the need for the repeal of this law and I welcome their support. I ask unanimous consent that the full text of this letter appear in the RECORD following my remarks.

As I have stated before, I believe that it is the responsibility of Congress to repeal this statute, and I believe that we should do so immediately. The repeal of the emergency detention provision will remove this threat to our liberty and freedoms.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C.

Hon. DANIEL INOUYE,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR SENATOR INOUYE: The American Civil Liberties Union applauds your effort in leading the fight to repeal the Emergency Detention Act—Title II of the Internal Security Act of 1950. We thoroughly support you in this worthwhile effort and request that this organization be listed along with the many others in backing the various bills which have been introduced by you and many other Senators and Congressmen which would repeal this clearly unconstitutional and thoroughly abhorent measure. Indeed, the opposition of the American Civil Liberties Union to the Internal Security Act and the Emergency Detention Act is an old one. We vigorously fought against their enactment in 1950, and have participated in challenges to the constitutionality of various parts of the Internal Security Act ever since. Our policy guide sets forth our position on the Emergency Detention Act as follows:

"The ACLU opposes, on basic civil liberties grounds of equality, free speech and association, and due process of law, the emergency detention provisions of the Subversive Activities Control Act of 1950. This law allows detention, during times of invasion or insurrection, of aliens whom the government feels to be politically 'suspect'."

If there is any way in which we can be of help in your valiant efforts towards eliminating the Emergency Detention Act from the statute books, please let me know.

Sincerely yours,

LAWRENCE SPEISER,
Director, Washington Office.

THE INTER-AMERICAN DEVELOPMENT BANK

Mr. CHURCH. Mr. President, the Washington Post of Sunday, December 14, contains an article by A. D. Horne on the Inter-American Development Bank. Mr. Horne has done a thorough job of highlighting the major problems which face the bank, including internal administrative troubles, the potential dangers in the U.S. veto power over bank loans, and the complexities of utilizing bank resources throughout the hemisphere in a balanced program of loan aid.

As long-time advocate of channeling our foreign aid through multilateral agencies such as the Inter-American Bank, I think Al Horne has done a singular job of showing us both the advantages and the potential problems we face as we move—as I think we must—toward greater utilization of such agencies.

I ask unanimous consent that Mr. Horne's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE INTER-AMERICAN BANK: A CONTROVERSIAL SUCCESS

"The Inter-American Development Bank stands as an outstanding example of multilateral financial cooperation among the nations of the Americas." (President Nixon, message to bank's 1969 annual meeting.)

"The Inter-American Development Bank has made a major contribution, but technical rather than political consideration should be stressed in future loans." (The Rockefeller Report.)

"It's the peculiar nature of the animal: we provide the money and they control the bank." Sen. Frank Church (D-Idaho), interview.)

(By A. D. Horne)

Even the initials are different: IDB in English; BID (for Banco Interamericano de Desarrollo) in Spanish.

The original impulse came from Latin Americans, in the early 1950s, and the Eisenhower administration resisted it until 1958, when Vice President Nixon returned from his fourth crisis in Lima and Caracas and told the President that something had to be done to mend U.S. relations with Latin America. One of the results was the Inter-American Development Bank.

Now, a decade and more than $3 billion of loans later, it has outgrown its plush headquarters on 17th Street, a success in many ways, a focus of controversy in others. It has pioneered in funding types of projects the older World Bank thought too risky, but its loan procedures have been criticized as slipshod even by an independent consultant it hired. It has balanced carefully the needs of its small and large members, but it has been accused of both discrimination and logrolling.

It has provided the United States with a channel for development aid insulated at least in theory from direct political pressures, but Washington's role as chief stockholder and potential vetoer of low-interest loans has led to constant backstage maneuvering and occasional open confrontations with Latin members.

There are 22 members. Although the United States based on its subscription to the bank's ordinary capital, is allotted 42.25 per cent of the votes on the board of directors, a recent bank document put the actual U.S. contributions to all its resources at almost $2.2 billion out of $2.8 billion, or 76.9 per cent.

A YOUNG PRESIDENT

The bank has had just one president: Felipe Herrera, who helped promote the idea as a Chilean delegate to the 1954 Inter-American Economic Conference in Rio de Janeiro and served on the Chilean delegation to the bank's charter-writing conference in Washington in 1959. He had been Chile's finance minister at 31 and was only 37 when he took office in 1960.

The roster of that charter conference is studded with names of future officials of the bank. The head of the U.S. delegation, for example, was Assistant Treasury Secretary T. Graydon Upton, who since 1961 has been executive vice president, Mario O. Mendivil, the Argentine delegate, is its representative to the Latin American Free Trade Association (LAFTA) in Montevideo, Jorge Hazera of the Costa Rican delegation heads the bank's secretariat.

The bank's employees—about 830 here and 155 in the field—were drawn from all the member countries plus Cuba, which signed the charter before the Batista government fell but never ratified it. Roughly 80 per cent of the personnel is Latin and there is a constant exchange between the bank and the loan-seeking countries.

Employees go home to become planning officials and finance ministers, return to represent groups of countries as executive directors voting on loans and may stay on here in well-paid executive jobs when their terms on the board end.

Over this multinational society, Herrera presides from an impressively vast 11th-floor office decorated with hemisphere art and maps showing the 550 loans made by the bank.

"It's a one-man show," says one U.S. official. "Felipe is king. Nothing moves without his blessing."

"You've got to give him credit," says another. "He took this thing and made it fly. But 10 years is a long time; the barnacles are starting to grow."

A THIRD TERM

Herrera, still only 47 and a vigorous advocate of Latin American integration in his frequent speaking tours, obviously does not agree. Last year, although mentioned briefly as a possible compromise choice for secretary general of the Organization of American States and later, also briefly, as a possible candidate for the presidency of Chile in the 1970 elections, Herrera took the unusual step of winning his third five-year term as bank president more than a year before his second term was up.

Relations between Washington and the Latins were strained at the time because of

a prolonged wrangle over the OAS job, for which the United States was promoting Galo Plaza of Ecuador—with eventual success. Assured that Herrera had support from all the Latin nations to keep the IDB post, and unprepared to offer an alternative candidate, the United States went along. "It was a real coup," says one official.

Now U.S. officials privately express concern that Herrera, backed by the growing Latin unity exemplified in last spring's 21-nation "Consensus of Vina del Mar," may be preparing to test the limits of American permissiveness implicit in President Nixon's low-profile Latin policy speech of Oct. 31.

If there is a showdown, it will take place in the back rooms of the bank, not in public. In theory, the bank's directors—one appointed by the United States and six elected for three-year terms by six groups of the 21 other members—must vote approval of all loans. Also in theory, the U.S. voting power of 42.25 per cent is not enough to block conventional-interest loans from ordinary capital, but even a U.S. abstention can veto a "soft" loan from the bank's Fund for Special Operations, which require two-thirds approval.

In practice, however, Herrera's policy is not to submit a loan proposed to the directors for a formal vote until, as Upton put it in a recent paper, "each of the board members, Latin American and U.S., is satisfied with the loan." In effect, then, any nation is able to delay approval of any loan.

CAUGHT IN A COUP

One such case, which came to light last spring, involved a soft loan of $12.6 million for a housing project in Peru. The board had approved the loan in April, 1968, but Peru's civilian government had neglected to complete the signing before it was overthrown in October.

The new military government then tried to activate the loan but was told that the bank's rules required the board's approval for anything beyond a doubling of the original three-month time limit for completion of loan papers. And the United States, then confronting the new Peruvian regime over its seizure of the American-owned International Petroleum Co., told the bank it could not vote to extend the time.

So the loan remained in limbo until April 14, a week after the Nixon administration backed off and announced that it would defer indefinitely applying the aid-cutting Hickenlooper Amendment against Peru. Washington's stall was based on a broad interpretation of an amendment to the U.S. Inter-American Development Bank Act that parallel's Hickenlooper; still, the U.S. action, carrying a bilateral grudge into a multilateral arena, aroused Latin resentment.

The Peruvian housing case was on many minds at the end of April when the finance minister of the member nations gathered in Guatemala for the tenth annual meeting of the bank's board of governors. Among the resolutions passed was one calling for a study of the bank's structure in terms of the OAS charter—a veiled way of seeking an end to the U.S. veto power.

Actually, because of Herrera's policy of seeking prior consenus, the veto has never been used and the Latin directors have had the same potential power to block a loan as the U.S. director. But because the Latin directors represent countries that also seek loans and could face retaliation if they blocked another country's, it is the U.S. director who repeatedly raises questions—sometimes at the request of a Latin director—during the board's informal discussions of loan proposals. The resulting heat has been fierce at times, with U.S. ambassadors called in for a personal persuasion by a minister or president of the country whose loan has been questioned.

The U.S. also has forced some changes in the internal workings of the bank, most notably in limiting to two a week the number of loan proposals the directors may consider. Although the bank makes only about 60 loans a year, until 1968 there was an annual rush of approvals in the fourth quarter. (The same problem exists at the Agency for International Development and is becoming more acute at the World Bank.)

INSISTED ON AUDIT

The limits of U.S. intervention in the bank's activities were most clearly tested in 1967 when the House twice approved a floor amendment by Rep. Armistead Selden (D-Ala.) to demand an independent performance audit of the bank's loans. Selden's move was seen by bank officials as a threat to its international status and the House conferees were persuaded to drop the audit requirement in conference with the Senate.

But Selden, who as chairman of the House Foreign Affairs Inter-American Subcommittee had toured projects funded by the bank and had filed a critical report, persisted and the amendment was passed. The bank's response was a compromise which averted a major confrontation: it set up a "Review and Evaluation Group" with an American chairman and one representative each for the large nations and the small.

Apart from crises such as the Selden amendment, U.S. influence on the bank is exercised chiefly through the American executive director and his alternate. They get their instructions from the Treasury but also maintain contact with the combined State Department-AID Inter-American bureau.

President Johnson's last nominee as executive director, Texas lawyer Edward Clark, was a part-timer who drew no salary and concentrated on personal contact with congressmen and bank officials while leaving daily details to his alternate, Reuben Sternfeld. To replace Clark, the Nixon administration considered former Sen. Thomas H. Kuchel (R-Calif.), now a Los Angeles-Washington lawyer reportedly thinking of runing for the Senate as a Democrat. Instead, it chose a highly skilled technician with none of Clark's or Kuchel's political clout: Henry J. Costanzo, who headed the Treasury's liaison with the bank for six years before becoming AID director in South Korea.

American officials say that the choice of Costanzo indicates the administration's intent to tighten U.S. supervision of the bank's activities. They insist that this supervision is directed more to helping the bank use its resources efficiently and avoid loan defaults or scandals than to protecting U.S. political interests.

"For years," says one U.S. official, "we've held our nose and looked the other way and waited for it to improve. And," he add, "it has."

A JOLTING REPORT

The most fully documented analysis of what has ailed the bank in its lending procedures was made by John P. Powelson, professor of economics at the University of Colorado, under a contract as a bank consultant. Powelson's highly critical three-volume report, based on a year's study of 20 loans, rocked the bank when he presented it in 1968.

Today, bank officials take the position that the report was, in Upton's words, "very constructive," and that some of its criticisms have been met. A sanitized version circulated within the bank deletes specifics identifying the 20 case studies as well as a section of anonymous quotes from 175 staff interviews, such as these:

"Everything is paralyzed here; weeks are spent making picayune changes in language . . . there is never clear guidance. All communication (with persons above the immediate superior) is by memo; it would take three or five days of insistance to get a personal appointment. . ."

"Behind-the-scenes struggles between technicians and loan officers are frequent. . . . Whether the technician makes his point or not often depends on how well he can fight, not on how good the point is."

"There are times when I have absolutely nothing to do, and other times I cannot give adequate attention to the several loans I am processing. I feel this especially in the end-of-the-year rush to get loans approved."

Powelson's analysis shows a curious fact, however. Loans made in the fourth-quarter rush seem to turn out no worse than loans made under less pressure the rest of the year.

Some of Powelson's criticisms:

". . . the bank staff does not study borrowers' administrative capacities more than superficially, and it is customary in loan documents to make unsubstantiated laudatory statements about borrower management."

"In at least one case, the borrower's market study was accepted unquestioningly . . . it may well have been in the interest of the borrower to exaggerate the potential market in order to persuade the bank to make the loan."

"The current practice of overemphazing good points to the neglect of the bad not only disturbs the morale of technicians, who complain that the Loan Division 'dresses up' their analyses, but also makes loan administration difficult, since potential problems are concealed."

"In short, the bank's procedures are biased toward favorable consideration of any application from the time a project committee is appointed and the number of problem loans the bank now faces is doubtless due in no small part to this fact."

CULTURAL CONFLICT

Upton, the bank official who gave Powelson his assignment, spoke philosophically of the problems of a multinational institution in a recent interview.

"When two cultures meet, some bitterness is inevitable," he said. The bank is a "very complex organization," and one can't expect the same standards as in commercial banking, where all personnel represent a single viewpoint.

Since Powelson's report, he continued, the bank has formed an administrative unit, brought in marketing experts and added an extra set of loan documents, for internal use only, which shows the criticisms made in technical studies.

He acknowledged a key point of Powelson's: "Once a project committee is formed, there's probably going to be a loan." But he stressed that formation of such a committee is a decision made by the bank's top management after periodic sectoral and country strategy reviews.

The bank has often been criticized for balancing off loans among its member countries. Upton and Assistant General Counsel Arnold H. Weiss acknowledge and defend the practice. "If you didn't do this," said Weiss, "you'd find all your loans going to the most developed countries because they're most able to bring in projects."

Despite this spread-the-wealth effort, the bank has not based its loans on any mechanical country or per capita formula. As of Sept. 30, Brazil, largest in size and population, had drawn $653.7 million, $210 million more than runner-up Argentina. On a per capita basis, however, Chile's figure of $29.98 is one-third higher than any other major nation's.

"Chile," says one official who will not allow his name to be used, "has done very well under Herrera."

FRICTION OVER EXPORTS

The bank's president acknowledged in a recent interview that he spent much time reconciling "conflicting national interests," especially between the larger and smaller Latin nations. One area of such disagree-

ment, he said, is in attitudes toward his long-time goal of regional integration.

"The smaller countries are more integration-minded," Herrera said, while the larger countries are the strongest supporters of the bank's export financing program, which helps them sell capital equipment to their smaller neighbors. "They have tried to broaden it to include home appliances and consumer products."

The bank considers export financing, into which it has put nearly $36 million, part of its integration effort. But the major integration spending, some $259 million, has gone into funding of multinational institutions, mostly transportation, power and communications systems.

A major effort has been development of the five-nation River Plate basin extending from Montevideo and Buenos Aires to headwaters in Brazil and Bolivia. Bank loans totaling $116 million have gone into the region.

The United States has supported Herrera's emphasis on integration, but President Nixon's Oct. 31 speech, reflecting the movement's current uncertainties, said it was up to the Latins to decide "how far and how fast this process of integration goes." Venezuela's failure last May to join the Andean Common Market it had helped bring into being deprived that group of its wealthiest member, and the Salvador-Honduras war in July nearly shattered the promising Central American Common Market.

But Herrera remains hopeful, both for increased economic cooperation and for a later stage of political unity. "This may be a dream," he said, "but I am convinced that the solution for Latin America could be a type of political confederation of the states. Whatever I can do I will do to work for this, but I think the moment is not right."

"SOFT LOAN" COMPLAINTS

Herrera also spoke of disagreements among the member countries over the terms on which they receive loans. The bank's policy is to give preferential treatment to the less developed members. At the Guatemala governors' meeting, Herrera said that these poorer countries had received 85 per cent of their bank credits on "soft" terms compared to 55 per cent soft loans for the richer countries.

While all the countries are eligible for the soft loans, which now run at 3 and 4 per cent interest, 19 of the 21 are allowed to repay the Fund for Special Operations in their own currency. Mexico and Venezuela, however, must repay dollar loans in dollars—"a treatment that is not only discriminatory but unjust and unfounded as well," Mexican Finance Minister Antonio Ortiz Mena declared at the Guatemala meeting.

Roughly a third of the bank's lending is on conventional terms, and these also have been under fire. Conventional rates are fixed at 1¼ per cent above the cost of new borrowing, and they have risen to about 8¼ per cent. This compares to 7 per cent for conventional loans made by the World Bank, which also gives soft loans from its International Development Association at only a 0.75 per cent service charge (but requires repayment in hard currency).

Herrera's reply to criticism of the bank's rates is that its loans in the first eight months of this year were at an average of 4.53 per cent, 0.1 per cent below its nine-year average. This was done by increasing the mix of soft loans to hard and in some cases by giving a combination of soft and hard loans to the same project. The World Bank's Latin American loans in the past fiscal year have carried average interest of 6.26 per cent.

This is because the World Bank group considers Latin America a relatively developed area and channels most IDA credits to Asia and Africa. In the last fiscal year, for instance, $457.7 million of the $472.3 million committed to the Western Hemisphere by the World Bank group was on hard terms.

One other difference between World Bank and IDB development aid is in the size of individual loans. The World Bank's average loan is nearly $20 million while the average IDB loan is about $6 million.

PURPOSE IS DETERMINANT

The bank's criteria for using its soft or hard loan window are very flexible, allowing much room for negotiation. Hard loans are out in Bolivia and Haiti; otherwise, the criteria are based on the purpose of the loan, not on the country.

All loans for housing and education are soft, as are most agriculture loans, especially for land reform projects. Water loans are generally mixed. Most industrial loans, and all export financing loans, are made conventionally.

In 1961–65, the bank made nearly $500 million in loans from the Social Progress Trust Fund, which it administered for the United States. With this fund now committed, Herrera is prospecting in Europe for new outside resources.

The bank already has administered $45 million in Canadian funds, $7 million in British money and $5 million in Swedish funds. But Herrera's hope is to establish a trust fund contributed by the European Common Market as a way to "diversify our pipelines"—and perhaps give the bank an alternative the next time the U.S. veto is threatened on a politically sensitive loan.

To Sen. Frank Church (D-Idaho), chairman of the Senate Foreign Relations Inter-American Subcommittee and advocate of channeling all U.S. economic aid through multilateral agencies such as the Inter-American Development Bank, the U.S. veto power is a serious concern. His hope, the Senator said in an interview, is that the veto eventually will disappear through increased Latin funding of the bank.

Church also expressed concern about recurrent reports of the bank's administrative shortcomings.

"I've wanted to give the bank the benefit of the doubt," he said. "I've urged the Secretary of the Treasury to take the matter more seriously, to put on the board a man who will recognize the importance of his role. A lot rides on it. If they fail, the whole movement toward multilateral aid will be endangered."

PUBLIC AFFAIRS ACTIVITIES OF THE DEPARTMENT OF DEFENSE

Mr. FULBRIGHT. Mr. President, recently, I made a series of four speeches in the Senate concerning the public relations activities fo the military services and the Department of Defense. I made a study of these activities because of my concern over the vast apparatus that has quietly grown up in the Pentagon over the years to shape public opinion about military programs and policies.

From 1952 to 1959, when budgeting categories were revised, Congress, by law, limited the amounts that could be spent within the Department of Defense on public information and public relations. In fiscal year 1959, the last year a congressional limitation was imposed, the allowance was $2,755,000. According to data supplied to me by the Department of Defense, the three military services and the Department spent 10 times that amount for this purpose in the 1969 fiscal year—$27,953,000.

The material I presented to the Senate and the Appropriations Committee clearly proves that the Defense Department's efforts to mold public opinion have gotten out of control since the legislative limitation was removed. I suggested to the Appropriations Committee that the limitation be reinstated, and that a ceiling of $10 million be imposed for public affairs spending in fiscal 1970. This cutback would still allow a funding level 370 percent above the amount Congress allowed in 1959. Unfortunately, the timing of my suggestions to the committee was such that it would have been difficult for the committee to have gone into this subject in the detail it deserved before it marked up the bill. Although the committee did not adopt my suggestion for a ceiling, or those dealing with other aspects of the problem, I was pleased to note that it concurred in House cutbacks of $5 million in military public affairs programs. This is a step in the right direction but much more needs to be done to bring these activities under effective congressional control.

The budget for fiscal 1971 is now being formulated within the executive branch. I hope that the Secretary of Defense and the Director of the Bureau of the Budget will take a hard look at this program with a view to trimming the military public affairs program back drastically. I, for one, expect to study very carefully the budget submitted to Congress next year, and I hope that both the House and Senate Appropriations Committee will take a special interest in this matter.

I had planned to ask the manager of the Defense appropriations bill several questions about the funds allowed for public affairs purposes but it was not possible to do so. However, I ask unanimous consent to have these questions printed in the RECORD for the information of Senators, especially the members of the Appropriations Committee. I hope that it will be possible to have a colloquy with the manager of the bill about the subject when the conference report is presented to the Senate.

There being no objection, the questions were ordered to be printed in the RECORD, as follows:

QUESTIONS

1. The Senate Committee concurred in the House cut of $5 million in the budget request for military public affairs programs. Does the Committee have an estimate of the total budget request for this program, including personnel and other costs?

2. According to information given to me by the Department of Defense, some 2,300 people were working full time in public affairs programs in fiscal 1969. Does the Senator know how many people would be involved in these programs under the budget request?

3. Does the budget estimate include the cost of transportation furnished by the military services for public affairs purposes? Does the Senator believe these costs should be included?

4. The Department of Defense maintains five television camera crews in Vietnam to provide newsfilm for the TV networks. Does the Senator think that the Defense Department has a responsibility to provide newsfilm to the TV networks, when each have many reporters and cameramen of their own in Vietnam?

5. Does the Senator believe that it is proper for any government agency to engage in lobbying the public to build up support for its programs? Does the Senator think the public should have full information about the nature and extent of government public relations programs?

6. Does the Senator agree that some type of Congressional spending limit on military public affairs activities may be desirable in order to bring the program under more effective Congressional control?

7. Does the Senator think that his Committee may give some detailed study to this problem in connection with its consideration of the budget request for FY 1971?

TROOP WITHDRAWAL IN VIETNAM

Mr. McGEE. Mr. President, in the aftermath of President Nixon's announcement last night that he is continuing his policy of phased withdrawal of U.S. combat forces in Vietnam, it is well that he ask the very question the President proposed: Is this not taking a risk? Reporter Don Oberdorfer, writing in the Washington Post of Sunday, December 14, assessed this very question and concluded that the chances of the policy now being pursued working were reasonably good—by that, he meant better than 50–50. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. PULLOUT MAY NOT MEAN LOSING WAR

(By Don Oberdorfer)

SAIGON.—One of the wisest and most discerning of Vietnam's intellectuals is preparing to write a history of his generation, which was brought up under the mandarins and has known the French, the Japanese, the Americans, the Vietnamese Communists and 25 years of war and turbulence with only a few interludes of national peace.

The title of his work will either be "Vietnam Between Despair and Hope" or "Vietnam Between Hope and Despair." He still hasn't decided which.

The uncertainty is understandable and widely shared. In four years of periodic visits to this country, I have encountered only a handful of men, mostly Americans, who were certain they had a clear vision of the future. The majority of these men are long departed, and few of them left with either their visions or their careers intact.

Surely there is no other place on earth where what seems impossible today so often takes place tomorrow and where the foreseeable future for natives and foreigners alike usually runs to about noon on the following day. "The problem of projection here is the if factor," one of the most experienced U.S. officials observed wryly the other day. "You can formulate a handy-sounding program for the future, but there are always three if's in every sentence."

AN EDUCATED HUNCH

Nonetheless, projection is now more pressing and perhaps more feasible for Americans and Vietnamese than it has been in many months. The U.S. government has taken a clear new direction—the gradual withdrawal of U.S. ground combat troops in the next year or two—and the insistent question is whether this can be accomplished without losing the war.

Can the United States withdraw 300,000 or so men on such a schedule without drastic military reverses or a political collapse in South Vietnam? Can the South Vietnamese government hold its own in the short run—say the next three or four years—with substantial U.S. economic help plus American artillery, air and logistical support? In short, can the Nixon policy work?

After a return visit of four weeks and with some trepidation, my guess is that as of today the chances are reasonably good, by which I mean something better than 50–50. The chances for South Vietnam's survival in something like the present form in the long run appear to be considerably lower, but that is another story.

Anyone who ever spent much time here can cite a dozen reasons for a hundred supposed facts to support or refute almost any side of any question. In this country, it is usually the estimate that comes first and the reasons later, which is another way of saying that people are forced to rely in the end on educated hunches. Here are some of the factors behind my hunch of the moment:

First, there is the sheer inertia force of regimes and events, which counts for much in this part of the world. Nobody expected Ngo Dinh Diem to last a year or Nguyen Cao Ky to last a month, but both lasted for as long as the military were behind them. At present, Nguyen Van Thieu appears to be unchallenged from within the army, which amounts to nearly one million full-time soldiers under arms and is likely to be raised soon by another 100,000 or so. Roughly one in every nine South Vietnamese is in the government's armed forces.

The United States has now supplied the South Vietnamese with 70,000 M–16 rifles, 1,200 tanks and armored vehicles, 30,000 machine guns, 4,000 mortars and nearly 25,000 jeeps and trucks. The enemy force of Vietcong and North Vietnamese troops has also been supplied with modern weapons by their allies, Russia and China.

But the human arsenal of South Vietnam is no pushover so long as its soldiers fight. There is every sign that they will do so, particularly when self-preservation is involved.

Second, South Vietnamese leaders and officials are finally beginning to act as if this is their country and they have a real stake in the war. This is less true of the general populace, who have less room to maneuver and less at stake. It may be significant, though, that the children in Hue are playing childhood games of how to defend the city against the nasty Vietcong.

Third, the Vietnamese government, from necessity if not conviction, has begun to accord a greater measure of military and political power to the villages and hamlets in the countryside. Two of the most important changes since my last visit were the decision in the summer of 1968 to distribute weapons to a people's self-defense force of local volunteers, and the decision that fall to put local village chiefs in control of the paid Popular Force soldiers in their areas.

As of today, military conditions are better in most places than they have been for several years. According to the hamlet evaluators and the computers, 92 per cent of the people are under government control at midday. An American general says that "Saigon is safer than Washington, D.C."

Favorable as present conditions may be, they could change rapidly with changing military pressures. This has happened before. Since much of the progress is reversible, the great question is not so much the pattern of today or even of the next several months—when some sort of Communist offensive is expected—but the pattern of a year from now or two years from now, as American forces are gradually withdrawn.

One of those who has been living with the problem for the longest time is Gen. Cao Van Vien, who turned 48 years old this week and by popular repute is the only top Vietnamese general who was ever wounded in action. For more than four years, Vien has been chief of the joint general staff of the Vietnamese armed forces.

His spacious office, where the top political and military leaders gathered in refuge the first morning of the 1968 Tet offensive, is on the second floor of a former French headquarters building in a heavily guarded compound near the Saigon airport.

Vien is a handsome man who speaks good English, and he had prepared written answers to some questions submitted in advance. One of them said that he realizes "the U.S. commitment is bound to diminish." He estimated that "if nothing out of the ordinary should come about—such as a dramatic increase in the rate of North Vietnamese infiltration—I do not forsee any serious military reverses for the South Vietnamese army." The clause about infiltration was underlined.

Throughout his written and oral remarks in an interview lasting an hour, there was an underlying note of concern about a possible Communist military buildup during the period of American military withdrawal. Vien said that on the average, 12,000 soldiers monthly have been coming from North Vietnam into the South this year, plus 3,000 tons of supplies monthly through the mountains and another 600 tons through the Cambodian port of Sihanoukville. The infiltration has stepped up in recent weeks.

"We may have to come up with something absolutely novel to sever the North Vietnamese infiltration flow, the single most important factor contributing to the enemy's capability to prosecute this war," the general says. This novel method must cut the flow "effectively and entirely." Otherwise, South Vietnam will continue to be threatened for 10 or even 25 years more.

BAFFLED MARINES

By Vien's reckoning, it would take a minimum of three divisions to interdict the Ho Chi Minh Trail in Laos with a ground invasion (informed Americans estimate the required force at five divisions) and that kind of strength is simply not in sight. At the moment, South Vietnam lacks sufficient force even to stop the flow of men across the demilitarized one—just as the U.S. Marines who formerly manned this area could not stop it.

Unless the infiltration is stopped, the general said, "the Vietnam war may still produce results that, for us Vietnamese, are to be expected, but for outside observers may prove the ill-foundedness of the present strategic approach." He is anxious to be able to turn to American air and artillery troops for support in such a case. He wouldn't say how many such troops would be needed, but he reported hearing that the United States plans to leave 250,000 troops in enclaves at least for several years.

An American general with as many stars as Cao Van Vien was asked if there is any realistic prospect of cutting off the infiltration into South Vietnam. The answer was no.

Vien describes the problem of infiltration as "the single dark spot in an otherwise rosy picture," and no doubt it is a fundamental problem. Nonetheless, it is possible to spot many other serious problems that, together with contniued Communist pressure, could someday wreck the whole effort.

South Vietnam is basically rich in natural resources—rice, timber, fish and rubber—but as presently constituted, it is not a viable nation in the absence of massive American aid. North Vietnam, with its Communist regime and greater history of hardship and privation, has greater self-sufficiency.

South Vietnam cannot support a million men under arms or anything like it with the resources it is itself willing or able to muster. More than a million people have been driven from their homes and farms by the war, and the country cannot support them either.

President Thieu recently informed his people that the country spends $600 million annually to import various types of goods, but sells only $20 million in exports to pay for them. A nation cannot spend 30 times its

dollar earnings without large and continuing subsidies.

The hope and expectation of American embassy officials is that U.S. economic aid will increase as the number of American servicemen in the country declines. Failure to foot the bill for these subsidies, whether from refusal by Congress or any other cause, would bring a severe crisis.

Finally, there is the still unsolved political problem, which may well become acute as the country faces the constitutiionally prescribed preisdential elections of September, 1971.

Many Vietnamese who accept the Thieu regine as a necessity today are dead set against its continuance for four years after 1971. But it seems improbable that Thieu will step aside.

If the constitution is followed and the elections honestly held, Thieu may have a most difficult time winning over any strong or united opposition. If the opposition is throttled or the election rigged, there could be trouble of a different sort. Meanwhile, North Vietnam is believed to be absorbed in its own political power struggle, which is another factor of first importance.

A SYMBOLIC SOUVENIR

Pondering the past and future of this tragically divided nation, one turns in the end to the blood that has flowed because of ideology, historical accident, geography and conflicts rooted far beyond the borders of Vietnam.

Since my first trip here in April, 1966, in what seemed then to be the last reel of a double-feature war, some 36,000 Americans, 69,000 South Vietnamese soldiers and 446,000 Vietcong and North Vietnamese soldiers have been killed, according to official report. Uncounted thousands of civilians in both North and South Vietnam have also been victims.

South Vietnam has filled one national cemetery in this period, and is 3,000 graves into a new one. Despite all this, the U.S. military estimates that 230,000 Vietcong and North Vietnamese troops are fighting in the South, which is virtually the same number as were carried on the official order of battle four years ago.

Late one afternoon, in search of a change of view, I went to the An Quang Pagoda to see Thich Tri Quang, the sometimes militant and sometimes enigmatic monk who is among the few truly charismatic Vietnamese. He and his Buddhist followers were the surprise catalytic agents who stirred the 1963 revolt against Diem and who almost split the country in a battle for political change in 1966.

The living embodiment of the unexpected and the unpredictable was alone in his cloister inscribing classical Chinese characters on rough paper with a thin brush and a bottle of ink. The temple bells were tolling and the young novices were padding about. The monk spoke of history and philosophy, but would say nothing about the present or the future.

Before saying farewell, Tri Quang agreed to draw an appropriate Chinese character to be carried back to the United States as a souvenir of the visit. First he drew the character *Hoa*, an angular, graceful series of strokes meaning a harmonious mixture, like the mixture of pigment and water in his bottle of ink. Then he drew *Binh*, which means serenity and calm.

Together they spell *Hoa Binh*, which means peace. Surely there is nothing the Vietnamese on both sides need more desperately, or seem less likely to achieve in the years just ahead.

INSURANCE FOR HIGH QUALITY MEDICAL CARE

Mr. YARBOROUGH. Mr. President, in a very timely address at the Lowell Lecture Series in Boston, the Senator from Massachusetts (Mr. KENNEDY) has today proposed that Congress begin work to bring high quality medical care to all the American people through a national system of insurance. In his speech, he outlines a timetable that would put such a program in operation by 1975.

Reaching this goal, of course, will require much more than a method of payment. It will require a great expansion in medical manpower and in the education of men and women in the health professions. It will require an expansion of facilities, particularly diagnostic clinics where large numbers of people can have their medical problems investigated and prescribed for. All these facets of health need are outlined here, as well.

I hope that all Senators and others who are interested in the health needs of the American people, will read and examine this speech by Senator KENNEDY. I invite attention to the mention which he makes of the conversations I have had with him about this program. It is my hope and expectation that the Subcommittee on Health, of which I am chairman, will go into the subject of health insurance next year.

As chairman of the Health Subcommittee of the Senate, I have advocated health care for the American people, and am one of a committee of 100 supporting health care for all of the American people.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY, LOWELL LECTURE SERIES, BOSTON UNIVERSITY MEDICAL CENTER—LOWELL INSTITUTE, DECEMBER 16, 1969

I am delighted to be in Boston today under the auspices of the Boston University Medical Center and the Lowell Institute to address this distinguished audience of medical educators, private physicians, and lay men concerned with the quality of health care in America.

I am particularly pleased to be here because it gives me the opportunity to commend the many worthy accomplishments of the Boston University Medical Center and its School of Medicine. You have succeeded in breaking down walls that for decades have turned medicine inward toward the age-old trinity of patient care, research and teaching. You have expanded your horizon to embrace the equally important area beyond your walls—the community in which we live.

For more than 90 years, your Home Medical Service has taken students into the community and provided model health care and innovative medical services in the home. Your expanding programs of new hospital affiliation have brought modern urban medicine to outlying communities. You have helped to lead the way in efforts throughout the world to unify cancer care with cancer research, so that today's advances in the laboratory become tomorrow's accepted treatment. Your School of Graduate Dentistry, dedicated in September, will provide high quality dental care as part of the Medical Center's total health program for the community.

In the course of the past decade, your pioneering program in community psychiatry and mental health in the South End and Roxbury—launched long before the Great Society and the Office of Economic Opportunity came into being and made such programs fashionable—have become a model for the nation. You helped develop what is now the rallying cry for health planning in America—that new health programs must be designed *with* the people and *by* the people, not just *for* the people. As Dr. Bandler has so eloquently stated, your far-reaching role in community involvement is like a man standing by a river watching people drown:

"Medicine traditionally wades in," he said, "and tries to save them one at a time. After doing this repeatedly, you can't help but ask what is happening upstream. It seemed sensible to go back and find out why all the people were falling in, and try to do something about it."

I commend you for your leadership in looking upstream, and for the remarkable efforts you are making in preventive community medicine and all the other major areas of this great center's activity.

Six weeks ago in Springfield, I had the occasion to discuss what I regard as the single overriding economic issue of the day—the war against inflation. As I have frequently stated, the war against inflation is a war that can and must be won without the cost of heavy unemployment. It is a war that can and must be won without cutting back on our important domestic priorities.

Nowhere is the impact of inflation more obvious than in the rising cost of medical care. Never has the gift of good health been more precious:

In the last three years, the cost of health has risen by 22 per cent, or nearly double the rise in general consumer prices.

Hospital daily service charges have soared by the astronomical rate of 55 per cent, or nearly five times the rise in consumer prices. The average cost of a hospital day is now $68. It will rise to $74 next year, and to $98 by 1973.

Physicians' fees have risen by 21 per cent. Doctors line up at lawyers' offices to form corporations and raid the Federal Treasury for hundreds of thousands of dollars a year in deferred taxes.

All of this inflation has occurred during the early years of Medicare and the troubled Medicaid program. The most rewarding experience of Medicare has been its success in solving the serious problem of health costs for our poor and our aged citizens. In spite of inflation, Medicare has been immensely popular. It is liked and accepted by the people.

The most painful experience of Medicare and Medicaid has been their unfulfilled promise. We sought to spread the benefits of medical science and technology to millions of Americans, without considering the anachronistic and obsolete structure of the system by which the health services would be delivered. Unwisely, as many experts have recognized, we assumed that all that stood between our poor and aged citizens and high quality medical care was a money ticket into the mainstream of modern American medicine.

We know now that we were wrong. The money ticket *was* important, but it was not enough to solve the problem. In the years since Medicare and Medicaid were enacted, we have learned that medical insurance and payment programs could not be translated instantaneously into more doctors, more nurses, more health facilities, or better organization of the delivery system.

In wedding new purchasing power to the already existing demand for health services, we did nothing to solve an already intolerable situation. The cost of health care began to soar. In some cases, the quality of care declined, and an enormous strain was placed on the capacity of our existing health services and facilities. When an already overworked physician goes from seeing one hundred patients a day to seeing two hundred patients a day, the quality of his care is inevitably affected. His only escape is to consign more of his patients to hospital treatment, thereby increasing the strain on hospital facilities and hospital costs.

Today in the United States, health care is big business. Indeed, it is the fastest

growing failing business in the nation—a $60 billion industry that fails to meet the urgent demands of our people. Today, more than ever before, we are spending more on health care and enjoying it less. By 1975, we may be spending $100 billion a year on health and be worse off than we are now in terms of the quality and responsiveness of our health care system.

Perhaps the most serious fault in the present situation is the failure of the Federal Government to play a greater role in improving the quality of the nation's health care. Health is big business in America, and the Federal Government has become a major partner in this business. The total outlays for medical and health-related activities in the Federal budget estimated for 1970 are $18 billion, or nearly one-third of the total health expenditures in the nation. The outlays for 1970 are divided among 14 principal departments and agencies. By far the largest amount—$13 billion—is expended by the Department of Health, Education and Welfare, but significant amounts are also expended by the Department of Defense—$2 billion—and the Veterans Administration—$1.7 billion.

In 1960, the total outlays for health in the Federal budget were only $3 billion. Thus, in the decade of the Sixties alone, we have had a six-fold increase in total Federal outlays for health. Indeed, almost 10 per cent of the total Federal budget now goes for health. The major share of the rise in recent years has been for Medicare and Medicaid. Yet, in spite of the dramatic increases in the health budget and the large amounts we are now spending, there is almost no one who believes that either the Federal Government or the private citizen is getting full value for his health dollar.

Of course, a significant proportion of the increase in health expenditures is being consumed by rising costs and our growing population. Between 1950 and 1969, personal health care expenditures increased by $42 billion. Of this increase, 50 per cent was attributable to rising costs, and another 19 per cent was attributable to population growth, so that only 31 per cent of the increase represents real growth in health supplies and services over the past two decades.

Although the conventional wisdom is content to blame our current medical inflation on Medicare and Medicaid and the excess demand created by these programs for health care, there is another, more controversial aspect to the rising prices. As Professor Rashi Fein and other experts in the field of the economics of medicine have made clear, the basic models used by economists are not appropriate when applied to health. The medical market is characterized by the absence of competition, diverse products, and consumer ignorance. Comparisons of quality and performance are extremely difficult, if not impossible.

In other words, the medical marketplace is an area where the laws of supply and demand do not operate cleanly, and where physicians have a relatively large amount of discretion in setting their fees. Thus, at the time Medicaid and Medicare were instituted, fees rose for a variety of reasons, many of which were unrelated to the creation of excess demand:

Some physicians raised their fees in anticipation of a Federal fee freeze.

Some raised their fees in the face of rising hospital costs, in order simply to preserve their slice of the growing health pie.

Some raised their fees simply because they had the discretion to do so, and decided to take advantage of the instability and price consciousness generated by the new Federal programs.

As in the case of physicians' fees, the economic model of supply and demand does not tell the whole story of rising hospital costs. In part, hospitals took the opportunity to provide substantial—and wholly justified—wage and salary increases to their notoriously underpaid employees. In part, costs rose because the new Federal financing methods contained few incentives for improving efficiency, but simply encouraged hospitals to pass the higher costs on to Washington.

The high cost of medical care is but one aspect of the overall health crisis. In America today, it is clear that we are facing a critical shortage of health manpower. Indeed, at bottom, our crisis in medicine is essentially a crisis in manpower. The need is urgent for more physicians, more dentists, more nurses, and more allied health professional and technical workers. We must develop new types of health professionals and para-professionals. We must make far more efficient utilization of our existing health manpower. Only if we succeed in these efforts will we be able to free our physicians and highly trained medical experts to perform the sort of intricate operations and sensitive counselling discussed by Dean Redlich in the inaugural lecture in this series.

The need is especially clear in the case of the shortage of doctors. Our low physician-population ratio means that unsatisfactory medical care is a way of life for large numbers of our people in many parts of our nation. In 1967, in the United States as a whole, there were 260,000 private physicians providing patient care for our 200 million people. This is a ratio of 130 physicians for every 100,000 citizens, or one doctor for every 700 people.

At first glance, the ratio appears to be fairly close to the satisfactory ratio generally recommended by many health experts, but the figures are misleading. The family doctor—the general practitioner—is fast disappearing, and is on the verge of becoming an extinct species. At the present time only one out of four of the nation's physicians is engaged in the general practice of medicine. Three out of four are specialists, most of whom accept patients only on a referral basis. The true doctor-population ratio, therefore, is more like one general practitioner per three thousand population, a ratio that is clearly unacceptable for adequate health care for our people. For far too many of our citizens, the only "doctor" they know is the cold and impersonal emergency ward of the municipal hospital.

To make matters worse, the geographic distribution of our doctors is highly uneven. Two-thirds of our physicians serve the more affluent half of our population. In some states, of course, the physician-population ratio is higher than the national average of 130 doctors per 100,000 population. In Washington, D.C., the ratio is 318; in New York it is 199; in Massachusetts, 181.

In sixteen states, however, the physician-population ratio is far below the national average. In Alaska and Mississippi, the ratio is an abysmal 69, or about one-half the national average. In Alabama, it is 75. Even in Texas, it is only 106. Clearly, therefore, extremely large groups of our population are receiving seriously inadequate medical care because of the shortage of physicians.

One of our most urgent needs to meet this crisis is a stronger Federal program to expand existing medical schools and establish new schools. We must substantially increase the output of doctors from our medical schools. At the present time, about 8,000 students are graduated from our medical schools each year. The Association of American Medical Colleges estimates that the number of students entering medical schools will increase by 25 per cent to 50 per cent by 1975, as a result of the construction of new medical schools already begun, and the expansion of existing schools already planned. Yet, if the physician-patient ratio is to be improved substantially, our goal should be to admit double the number of current students by 1975, with special emphasis on medical schools in regions where the physicians-population ratio is too low.

There is another reason why we must increase the enrollment in our medical schools, aside from the need to provide better health care for our people. Today in America, the medical profession is that one profession that flies in the face of the American credo that every man shall have the opportunity to join the profession of his choice. Today in America, if a poor black or white young American aspires to be a lawyer, he will have the opportunity to enroll in a law school somewhere in the nation that will give him the chance to fulfill his dream. It is the shame of American medicine that no such opportunity exists for the youngster who aspires to enter what is perhaps the most exalted and selfless of all our professions, the healing arts.

Ironically, at the very time we are denying this opportunity to our own citizens, we are importing thousands of foreign-trained doctors each year to meet our manpower crisis. Twenty per cent of the newly licensed physicians each year in the United States are foreign-trained. Forty thousand foreign medical graduates are now practicing medicine in the United States, or about 15 per cent of the total number of doctors providing patient care. Thirty per cent of all our interns and residents are foreign-trained.

These figures are appalling. I believe that at this crucial period in world history, it is deeply immoral for us to be luring physicians from the rest of the world to meet our own doctor shortage, when their services are even more critically needed in their own lands.

The landscape we see is bleak, but it is not without hope. If we are to be equal to the challenge, however, we must be prepared to take major new steps. As Hippocrates himself put it two thousand years ago, where the illness is extreme, extreme treatments may be necessary. I would like, therefore, to share with you my views as to the directions we should begin to take now, if we are to meet the challenge.

First, and perhaps most important, we need a new approach to the politics of health. Our single greatest deficiency in the area of health is our failure to develop a national constituency, committed to a progressive and enlightened health policy. As a prestigious Committee of the National Academy of Sciences has recently and eloquently stated with respect to the problem of the confrontation between technology and society, the issue is far more serious than the simple question of braking the momentum of the status quo. Today, all too often, whether the area be that of medicine, or education, or pollution, the vested interests are strongly ranged against innovation, and there is no champion capable of marshaling the diffuse advocates for progress and reform. When a better teaching organization threatens the bureaucratic status quo in education, we know there will be organized opposition from school officials, but there is seldom organized advocacy by parents and children. When a new and more efficient development is offered that threatens the status quo in health—whether in the organization, financing, or delivery of health care—we know there will be opposition from organized medicine, but there is seldom organized advocacy by health consumers.

In these situations, a thorough consideration of the relative merits of alternative proposals is rendered difficult, if not impossible, by the presence of powerful spokesmen for the old, and the absence of effective spokesmen for the new. If we are to succeed in making basic changes in our health care system, we can do so only by creating the sort of progressive national health constituency that can make itself heard in the halls of Congress and the councils of organized medicine.

To be sure, there is cause for hope. The present generation of medical students is

outstanding. They are already beginning to develop the commitments to public causes, the enlightment and social conscience so desperately needed in the health profession. And, in spite of the heavy responsibility that organized medicine must bear for the inadequacy of our health manpower and other resources, a few leaders have recently made progressive statements suggesting a new recognition and awareness of the problem.

Second, the Federal Government must play a far more active and coherent role in the formulation and implementation of health policy. We must develop a comprehensive and carefully coordinated national health policy, with an administrative structure capable of setting health goals and priorities for the nation. In the spring of 1968, I introduced legislation urging the creation of a National Health Council to be established in the Executive Office of the President with responsibility for setting health policies and making recommendations for the attainment of health goals, including the evaluation, coordination, and consolidation of all Federal health programs and activities. The National Health Council would be modeled along the lines of the Council of Economic Advisors, which has consistently played a superlative role in planning and coordinating the nation's economic policy.

Third, we must move away from our excessive emphasis on high-cost acute-care hospital facilities. We must make more imaginative use of innovative types of low-cost facilities, such as neighborhood health centers and other out-patient facilities, storefront clinics, and group health facilities. In spite of the active opposition of a substantial segment of the medical profession, group practice and hospital-based practice are probably the most efficient and economical means of delivering health care today. In many areas, the ideal arrangement consists of a teaching hospital in a medical center, with affiliations to community hospitals in the surrounding area. In turn, each of the community hospitals serves as the center of a series of satellite group practice clinics that can reach out directly into the entire community.

Fourth, while we are building the nation's overall health policy, we must give special attention to the health of our urban and rural poor. For too many of the poor, the family physician has disappeared, to be replaced by the endless lines and impersonal waiting rooms of huge municipal and county hospitals. Yet, there are few physicians today who were not trained on the wards and charity patients in our teaching hospitals. Too often, as Professor Alonzo Yerby has eloquently stated, our poor have had to barter their bodies and their dignity in return for medical treatment.

In America today, millions of our citizens are sick, and they are sick only because they are poor. We know that illness is twice as frequent among the poor. We know that the poor suffer three times as much heart disease, seven times as many eye defects, five times as much mental retardation and nervous disorders. Although our goal must be one health care system open to all our citizens, we have an obligation now to increase the range and efficiency of the health services and facilities available to the poor, with special emphasis on breaking down the barriers that have for so long divided our society into a two-class system of care—one for the rich and one for the poor, separate and unequal.

Specifically, I urge the Administration to create a National Health Corps, as an alternative to the draft for doctors, and stronger than the "Project U.S.A." program recently recommended by the AMA. Today, doctors are exempt from the draft if they serve two years in the National Institutes of Health or other branches of the Public Health Service. The same exemption should exist for doctors volunteering for medical service in urban or rural poverty areas. Only in this way will we be able to meet the critical need for health manpower in depressed areas. And, once young physicians are exposed to the problems of health care for the poor, a significant proportion of them will be encouraged to remain and dedicate their careers to this service.

In addition, we should make a substantial new effort to expand the neighborhood health center program. At the present time, less than a dozen medical societies in the nation have become actively involved in neighborhood health centers. Yet, in recent weeks, prominent leaders of the AMA itself have called for a greater role for neighborhood health centers as a means of extending health care to the poor. A few imaginative pilot projects reaching in this direction have recently been funded by the Office of Economic Opportunity, including a program to reorganize the out-patient department at Boston City Hospital as a nucleus for community health care, but our overall effort has been inadequate. Tragically, at a time when even organized medicine is moving forward, we have been unwilling to allocate the resources so urgently needed for this program.

Fifth, within the critical area of health manpower, we must give special attention to training new types of health professionals. In far too many cases, highly trained physicians spend the overwhelming majority of their working day in tasks that do not require their specialized medical skills. One of the most promising methods of easing the shortage of doctors is to train new types of health workers to perform these non-specialized tasks, thereby freeing our physicians for other, more urgent needs. We must develop a broad new range of allied health professionals, such as paramedical aides, pediatric assistants, community service health officers, and family health workers.

At a number of our universities, imaginative new programs are under way to train medical corpsmen from Vietnam as physicians' assistants. In the State of Washington, hospital corpsmen are trained for three months in the medical school, and then sent into the field for nine months' further training in the offices of private physicians. A similar program now exists at Duke University. These programs are unique in their emphasis on combined training in the classroom and in the field. They are programs that must be greatly expanded if we are to meet the urgent demand for more and better trained health manpower.

Sixth, we must restore the severe budget cuts that have been proposed in Federal health programs by the present Administration. Later this week, the full Senate will vote on Federal health appropriations for the current fiscal year, 1970. None of us in Congress can be proud that almost half way through the present fiscal year, we are only now about to vote the funds that may be used. Our error is compounded by the knowledge that at this time of medical crisis, Federal assistance to health programs may be drastically curtailed, especially in the areas of research and manpower training.

Today, when every medical school and every other health school is being urged to expand its manpower programs, the Administration is requesting far less funds than Congress authorized as recently as 1968 for these vital programs.

The impact of the proposed cuts will be felt in medical schools, hospitals, research centers, and communities throughout the nation. It will be measured in terms of cancer research cut short, lives lost because coronary care units are un-funded, special hardship for the poor, and the loss of dedicated young students from careers in medicine and medical research.

Seventh, I come to what I believe is the most significant health principle that we as a nation must pursue in the decade of the Seventies. We must begin to move now to establish a comprehensive national health insurance program, capable of bringing the same amount and high quality of health care to every man, woman, and child in the United States.

National health insurance is an idea whose time has been long in coming. More than a millennium ago, Aristotle defined the importance of health in a democratic society, when he said:

"If we believe that men have any personal rights at all as human beings, then they have an absolute moral right to such a measure of good health as society and society alone is able to give them."

Today, the United States is the only major industrial nation in the world that does not have a national health service or a program of national health insurance. The first comprehensive compulsory national health insurance was enacted in Prussia in 1854. Throughout the Twentieth century, proposals have been periodically raised for an American program, but never, until recently, with great chance of success.

National health insurance was a major proposal of Theodore Roosevelt during his campaign for the Presidency in 1912. Shortly before the First World War, a similar proposal managed to gain the support of the American Medical Association, whose orientation then was far different than it is today. During the debate on social security in the Thirties, the issue was again raised, but without success.

Today, the prospect is better. In large part it is better because of the popularity of Medicare and the fact that many other great national health programs have been successfully launched. The need for national health insurance has become more compelling, and its absence is more conspicuous. In part, the prospect is good because the popular demand for change in our existing health system is consolidating urgent and widespread new support for a national health insurance program as a way out of the present crisis.

For more than a year, I have been privileged to serve as a member of the Committee for National Health Insurance, founded by Walter Reuther, whose goal has been to mobilize broad public support for a national health insurance program in the United States. Two months ago in New York City, the Reuther Committee sponsored a major conference, attended by officers and representatives of more than 65 national organizations, to consider a tentative blueprint for a national health insurance program. At the time of the conference, I commended Mr. Reuther for the extraordinary progress his Committee has made. I look forward to the future development of the program. Already, it offers one of the most attractive legislative proposals that is likely to be presented for our consideration next year in Congress.

We must recognize, therefore, that a great deal of solid groundwork has already been laid toward establishing a national health insurance program. It is for this reason that I believe it is time to transfer the debate from the halls of the universities and the offices of professors to the public arena—to the hearing rooms of Congress and to the offices of your elected representatives.

Early next year, at the beginning of the second session of the 91st Congress, I intend to introduce legislation proposing the sort of comprehensive national health insurance legislation that I believe is most appropriate at the current stage of our thinking. The mandate of the Medicaid Task Force in the Department of Health, Education and Welfare has been expanded to investigate this area, and I urge the Administration to prepare and submit its own proposals.

Senator Ralph Yarborough of Texas has told me that, as Chairman of the Senate Subcommittee on Health, he will schedule comprehensive hearings next year on na-

tional health insurance. Our immediate goal should be the enactment of legislation laying the cornerstone for a comprehensive health insurance program before the adjournment of the 91st Congress. This is an issue we can and must take to the people. We can achieve our goal only through the mobilization of millions of decent Americans, concerned with the high cost and inadequate organization and delivery of health care in the nation.

Last week on the floor of the Senate, we witnessed the culmination of what has been one of the most powerful nationwide legislative reform movements since I joined the Senate—the taxpayers' revolution. It now appears likely that by the end of this month, there will be laid on the President's desk the best and most comprehensive tax reform bill in the history of the Federal income tax, a bill that goes far toward producing a more equitable tax system.

We need the same sort of national effort for health—we need a national health revolution, a revolution by the consumers of health care that will stimulate action by Congress and produce a more equitable health system.

Because of the substantial groundwork already laid, I believe that we can agree on three principles we should pursue in preparing an effective program for national health insurance:

First, and most important, our guiding principle should be that the amount and quality of medical care an individual receives is not a function of his income. There should be no difference between health care for the suburbs and health care for the ghetto, between health care for the rich and health care for the poor.

Second, the program should be as broad and as comprehensive as possible, with the maximum free choice available to each health consumer in selecting the care he receives.

Third, the costs of the program should be borne on a progressive basis related to the income level of those who participate in the program.

I believe there is no need now to lock ourselves into a specific method of financing the insurance program. There are distinct advantages and disadvantages to each of the obvious alternative financing methods that have been proposed—financing out of general revenues of the Treasury, out of tax credits, out of the Social Security Trust Fund, or out of another independent trust fund that could be created specifically for the purpose.

At the present time, I lean toward a method of financing that would be based on general Treasury revenues, with sufficient guarantees to avoid the vagaries of the appropriations process that have plagued the Congress so much in recent years.

I recognize the obvious merit of the tax credit and social security approaches. In particular, Social Security financing offers the important advantage that it is a mechanism that Americans know and trust. In the thirty-five years of its existence, Social Security has grown into a program that has the abiding respect and affection of hundreds of millions of Americans. In 1966, it demonstrated its capacity to broaden its horizon by its successful implementation of the Medicare program. To many, therefore, Social Security is the obvious vehicle to embrace a program for national health insurance, and soothe the doubts and suspicions that will inevitably besiege the program when it is launched.

At the same time, however, we must recognize the obvious disadvantages of Social Security financing. Under the Social Security system, the payroll tax is heavily regressive. The poor pay far too high a proportion of their income to Social Security than our middle or upper income citizens. Today, at a time when Congress is about to grant major new tax relief to all income groups, I believe it would be especially inappropriate to finance a national health insurance program through the conventional but regressive procedures of Social Security, rather than through the progressive procedures of the Federal income tax laws.

I wish to make clear, however, that I am not now rejecting an approach that would finance national health insurance by a modified approach through the Social Security System. By the use of payroll tax exemptions and appropriate contributions from the Federal Government, it may be possible to construct a program that will build in the sort of progression that all Americans can accept. The important point here is that we must discuss these possibilities in a national forum, and weigh the alternatives in the critical light of open hearings and national debate.

We must be candid about the costs of national health insurance. In light of our present budgetary restrictions, the price tags applied to the various health insurance programs are too high. They range from about $10 billion for "Medicredit," the AMA proposal, to about $40 billion for the Reuther proposal. It is therefore unrealistic to suppose that a total comprehensive program can be implemented all at once.

We can all agree, however, that it is time to begin. In light of the fiscal reality, the most satisfactory approach is to set a goal for full implementation of the program at the earliest opportunity. I believe that the goal should be 1975. The legislation we enact should reflect our firm commitment to this target date. Halfway through the decade of the Seventies, we should have a comprehensive national health insurance program in full operation for all Americans.

I have already stated my view that legislation establishing the program should be enacted next year. In January, 1971, we should begin to phase-in a program that will reach out to all Americans by the end of 1975. To meet that timetable, we should establish coverage in the first year—1971—for all infants, pre-school children, and adolescents in elementary and secondary schools. In each of the following four years, we should expand the coverage by approximately ten-year age groups, so that by the end of 1975, all persons up to age 65 will be covered by the program, and the existing Medicare program can be phased in completely with the new comprehensive insurance.

The idea of phasing in children first should receive wide support, both from the population as a whole and from the medical profession as well. As a nation today, the United States is the wealthiest and most highly developed medical society in the world, but we rank 14th among the major industrial nations in the rate of infant mortality, and 12th in the percentage of mothers who die in childbirth. In spite of our wealth and technology, we have tolerated disease and ill-health in generations of our children. We have failed to eliminate the excessive toll of their sickness, retardation, disability and death.

Equally important, we are already close to the level of manpower needed to implement a national health insurance program for our youth. American medicine is equal to the challenge. We have a solid tradition of excellence in pediatric training, with a strong and growing supply of experienced pediatricians, pediatric nurses, and allied manpower.

Moreover, by beginning our new program with youth and child care, it will be easier for the medical profession to implement the changes in the delivery system that must accompany any effective national health insurance program. And, the changes that we make in the delivery system for pediatric care will give us valuable experience and insights into the comparable but far more difficult changes that will be necessary in the delivery of care to adults as the insurance program is phased in over subsequent years.

Finally, by phasing in the insurance program over a period of years, I believe we can avoid a serious objection that will otherwise be raised—that national health insurance will simply exacerbate our current inflation in medical costs by producing even greater demand for medical care without providing essential changes in the organization and delivery system.

We know from recent experience that changes in the organization and delivery of health care in the United States will come only by an excruciating national effort. Throughout our society today, there is perhaps no institution more resistant to change than the organized medical profession. Indeed, because the crisis is so serious in the organization and delivery of health care, there are many who argue that we must make improvements here first, before we can safely embark on national health insurance.

I believe the opposite is true. The fact that the time has come for national health insurance makes it all the more urgent to pour new resources into remaking our present system. The organization and delivery of health care is so obviously inadequate to meet our current health crisis that only the catalyst of national health insurance will be able to produce the sort of basic revolution that is needed if we are to escape the twin evils of a national health disaster or the Federalization of health care in the Seventies. To those who say that national health insurance won't work unless we *first* have an enormous increase in health manpower and health facilities and a revolution in the delivery of health care, I reply that *until* we begin moving toward national health insurance, neither Congress nor the medical profession will ever take the basic steps that are essential to reorganize the system. Without national health insurance to galvanize us into action, I fear that we will simply continue to patch the present system beyond any reasonable hope of survival.

The need for comprehensive national health insurance and concomitant changes in the organization and delivery of health care in the United States is the single most important issue of health policy today. If we are to reach our goal of bringing adequate health care to all our citizens, we must have full and generous cooperation between Congress, the Administration, and the health profession. We already possess the knowledge and the technology to achieve our goal. All we need is the will. The challenge is enormous, but I am confident that we are equal to the task.

SECRECY ABOUT ACTIVITIES IN LAOS

Mr. FULBRIGHT. Mr. President, the Senate debate yesterday, both during the open and the closed sessions, took us a little closer to the goal of removing the official secrecy in which our activities in Laos have been cloaked since the Kennedy administration.

The awkward and fragile nature of that secrecy becomes more apparent as pieces of our activity in Laos gradually emerge for public view. The President himself last week added to the public's knowledge with the statement that, in his words, "we are also interdicting the Ho Chi Minh Trail as it runs through Laos." I do not believe that an American official prior to that time had publicly acknowledged that activity.

Yesterday, the Senator from Louisiana (Mr. ELLENDER), as acting floor manager of the Defense Appropriations Act, stated that that measure includes "approxi-

mately $90 million for the support of the Royal Laotian Army." That represented, I believe, the first time a figure had been publicly disclosed.

My point today is that these are facts the American public deserves to have before it just as the Senate deserved to have the full details of our operations in and over Laos yesterday in order to deal responsibly with the proposed legislation before it.

The President's statement about interdiction and Senator ELLENDER's military assistance figure were both incomplete. Therefore, both statements were unfortunately misleading if used to imply a total description of what we are doing in Laos or the cost to the American people of our activities there.

I would hope that the administration will seriously study yesterday's Senate debate and reconsiders its position on continuing the secrecy of our Laos involvement. As the Senator from Arizona (Mr. GOLDWATER) put it yesterday during the open session:

I was in Thailand two days ago and there are no major secrets there as to what we are doing.

Mr. President, unlike Senater GOLDWATER, the people of the United States cannot go to Thailand to get the facts on what we are doing there and in Laos. The time has come for their Government to tell them—directly and with the detail that permits them to understand that policy which clearly involves both war and peace and the spending of American lives and dollars.

PAUL PETZOLDT, MOUNTAIN MAN

Mr. McGEE. Mr. President, in an age of increasing creature comforts and the luxuries of civilization, there remains a need for the true men of the outdoors—for those who will use the challenges of nature to temper the new generation. Such a man lives in Lander, Wyo. His name is Paul Petzoldt. He runs the National Outdoor Leadership School, whose campus is the Wind River Mountains of Wyoming. He teaches outdoor life, conservation, and survival as perhaps no one else can or does. But more, what he teaches is confidence—a badly needed commodity always. Life magazine, in its current issue, profiles Paul Petzoldt and his school, and writer Jane Howard, in that article, sums up his message to his students when she writes:

Petzoldt keeps saying he is no missionary, but somehow he transmits an evangelistic message: you are more and better and stronger than you ever thought you could be.

Mr. President, I ask unanimous consent that Jane Howard's article entitled "Last Mountain Man? Not If He Can Help It," published in Life, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAST MOUNTAIN MAN?—NOT IF HE CAN HELP IT

(By Jane Howard)

If I could choose somebody to be stranded with on a desert island, or to get me out of any dilemma from a flat tire to the charge of an enraged bull moose during a lightning storm, I would instantly and confidently ask for Paul Petzoldt.

I'd have good reason. For one thing, Petzoldt is reassuring just to look at, reminding one as he does of Santa Claus, Falstaff and Hercules. He is six feet one inch tall, weighs 240 pounds and has gigantic circumflex brows over slightly slanted blue eyes. He is also transfixing to listen to, using words like *alpenglow, timberline* and *scarify* to tell of nearly 62 years of adventure—set not only in Wyoming, where he lives, but the Himalayas, the Alps and even flatlands and offices.

More to the point, Petzoldt would get us both out of there, wherever "there" might be, with more finesse than anyone I know of. We'd end up safe, warm, and a little sorry it all was over, because adventure is to Petzoldt what hymns are to a choirmaster. It has been not only his livelihood but his delight ever since 1924, when the first pair of dudes hired him to guide them up the Teton mountains. "I guess I've never been afraid to try anything," he says, and I guess he's probably right.

But he is not merely intrepid. Besides his gusto for skirmishes with the elements, he has a militant reverence for the natural world, as those whom he ushers into the wilderness soon learn. Once he made two boys walk back 12 miles to pick up a couple of pieces of tinfoil.

Petzoldt legends abound. He holds the world record for spending the longest continuous time at an altitude of more than 20,000 feet without artificial oxygen. He has invented a widely used system of signals for rope climbers, started the first mountaineering guide service in the United States, and probably made more first ascents of mountains than anyone in this country.

He knows the Tetons and the Wind River Mountain Range the way a good cabbie knows The Bronx. Once, when nobody else dared climb to the top of the Tetons to investigate a plane crash, he and a ranger made a three-day ascent in a whiteout blizzard, to discover 23 corpses. Another time, when a hapless parachutist had been trapped for a week atop a 5,117-foot volcano plug, Petzoldt led the rescue.

Once he skied seven days in howling winds and −30° weather, to dig through 10 feet of snow in search of uranium, only to find himself the victim of a hoax: the rock sample that had sent him off turned out to be from the Belgian Congo. Once he stayed in an Arizona canal all day to avoid walking barefoot on the sizzling rocks. He has also been known to kill an elk with a pocketknife, walk a tightrope, and disguise himself as a Sikh potentate during an anti-Western street riot in Calcutta. He has played water polo and football, raised alfalfa, hopped freights, and been a chef, a fur trapper, a downhill and slalom ski champion, a traveling lecturer, a golfer, a used car salesman and a dude rancher.

"Once," says an old friend, "Paul and Gene Tunney nearly came to blows in my living room in an argument over Chinese politics. I had to strain to keep them apart, because I wasn't at all sure Gene would win." Once Petzoldt bicycled all the 400 miles from Basle to Antwerp without a centime in his pocket. Once he gave some thought to running for Congress. Earlier he yearned to be a rodeo rider, "but a horse named Appendicitis changed my mind about that." Never mind. If someone told me Petzoldt had a blue ox named Babe or could literally leap tall buildings with a single bound, I wouldn't be too surprised.

Now, at a point in life when most men face retirement, Petzoldt is plunged into an involving new venture. His National Outdoor Leadership School, founded in 1965 and affiliated with the University of Wyoming and Kansas State Teachers College is growing so fast it keeps him in the mountains all but four or five nights every summer and absorbs his year-round attention. The NOLS campus, in Wyoming, is the rugged Wind River Mountain Range, some of which has never been accurately mapped.

NOLS students, mostly in their teens and twenties, flock by the hundreds from all over the country and the world for five-week courses. Divided into patrols of 12, they carry everything they will need in backpacks that can weigh more than 40 pounds. There is no weaving of lanyards, no compulsory singing of jolly songs around campfires. The students eat what they carry and find and catch, sleep in tents, and read topographical maps so they can plot their own 100-mile itineraries up and down through arctic and tundra zones, learning as they travel to recognize mushrooms, wildflowers and trees. They never even see the rear end of a jeep, much less a newspaper or a franchised root beer stand.

A handful of them, each summer, turn out to be "lookers and readers instead of doers." Two or three usually drop out, "because they suddenly decide their mothers need them at home"—a neat trick when they have no communication whatever with the world. The majority, however, find astonishing reserves of strength. Petzoldt keeps saying he is no missionary, but somehow he transmits an evangelistic message: you are more and better and stronger than you ever thought you could be. You didn't think you could rappel your way down that cliff, or sleep comfortably outside in a blizzard, or swing by a rope across a furious river, but guess what: you can. The students emerge with a self-reliance useful even back in the overcivilized world where problems are murky and abstract and solutions more so.

To get a glimpse of what he is about, I spent a few days with Petzoldt. We flew over the Wind Rivers, which for all their majesty looked about as habitable as a bank of clouds, as if they'd just been sprinkled with some giant Claes Oldenburg shaker of powdered sugar. Then we went camping in the Tetons, which in profile resemble the growth graph of some highly erratic corporation. We heard, once in a while, what must be the most primeval noise in the world: the bugling of male elks, in many-syllabled cries ranging over an octave. They sounded a little like inept Boy Scouts trying to play taps and a little like rusty door hinges, but not really much like either.

This gentle trip was no flirtation with peril. Even when frost covered our tents at night we were plenty warm with two sleeping bags apiece. My only trouble was trudging a steep quarter-mile uphill through tangled knots of sagebrush, but I did what Petzoldt advised and took a breath with each step to save wind. We made coffee from Jenny Lake water, cooked potato pancakes, used sage leaves as napkins and wished trout weren't out of season. When the time came to reload our packs I felt sad to go back down. Even Wyoming, one of the few states to have lost population in late years, seemed too crowded.

Brief as it was, this excursion showed me how Petzoldt is to outdoorsmen what Heloise is to housewives: an endless and bountiful source of useful tips and hints. My notebook was a jumble of miscellaneous outdoor lore. Fir needles are flat, spruce needles are square. Bottles and cans don't belong in the mountains at all. There are at least 13 ways of cooking trout. Salt is much more essential in cold weather than people realize. The quietest place in the world is a snow cave (a handy thing to know how to dig now that winter camping is getting to be as promisingly as popular as skiing was 30 years ago). Fiber-glass saddles are better than leather ones, but horses mar the wilderness even more than jeeps do, pawing at roots of trees, tearing up flower beds, and giving trail dust a lingering manure smell.

Dacron is better than down for sleeping bags and jackets; down is too warm if you wear it uphill and takes far too long to dry.

A foam-rubber product called Insulite is much better than an air mattress to put under a sleeping bag. Most books on survival are phony and impractical because they teach you to whittle wooden spoons instead of what you really need to know, like reading maps and dressing right.

Europeans and cowboys dress worse than anybody. "We almost consider it sinful," Petzoldt said, "to take young people into the hills shivering in Levis, letting their feet get bloody with blisters and sleeping cold all night." Proper dress means four layers of wool, to be added or removed as the sun and body heat change. Thermal socks aren't good, "because they're made principally of nylon and cotton, not wool. Electric socks? They're warm, sure, but who wants to carry batteries around?"

Good outdoorsmen travel light, Bad ones "accumulate so much arctic and Himalayan stuff they practically need a moving van to carry it around. All you really need to do, to be practical and warm, is scrounge around your own basement or attic. Before you leave you should make two piles; things you'll absolutely *have* to have and things you think you might need, and throw all the 'might needs' away." Good outdoorsmen needn't spend much money on food, either. "Even at today's prices you can eat well—two pounds and 3,500 to 4,000 calories—on $1.25 a day, if you buy stuff like Bisquick, dried soups, cereals and dried milk cheap at supermarkets.

"Some of the great mountaineers don't know how to camp or fish or swim or even start a fire," Petzoldt said. "A big percentage of people who go into the wilderness—even those who think of themsleves as great conservationists—ruin what they came to enjoy. We do less damage taking 100 people into the wilderness for 35 days than some parties of four camping out for two nights. It doesn't follow that if you've climbed K–2 or Everest you're a good outdoorsman."

Petzoldt's school is not for sybarites. Even in July the weather can be far from clement, with snows, lightning and rainstorms that can last a week. "And at the beginning of the course we generally kill a couple of cows—shoot them, cut their throats, de-gut them and have the girls butcher them. It's a good way to learn how to dress game. Inevitably someone faints and accuses us of cruelty, but we say, "Where do you think your steaks come from? They aren't manufactured at the supermarket, you know.' "

His students, Petzoldt thinks, hunger for reality. "Much of what they see around them," he says, "is phony. All through society they find people who talk one thing and do another. If they have a brain in their heads they can see that something is radically wrong." So, at NOLS, raw honesty is encouraged. "If somebody makes you mad in the mountains (where you have to pay, sometimes immediately, for every rationalization and mistake) you don't beat around the bush. You tell him about it."

But back in civilization, where half-truths are sometimes a necessity, such candor can lead to trouble. "When I tell my friends at Rotary or the Elks Club what I honestly think of youth and long hair and a few other things, they make me feel like a goddam effete intellectual. Out here there's an open season on Democrats." Even Petzoldt's wife Dottie is an ardent Republican, and an indoorswoman at that. She would rather work at the CBS radio station in Lander, of which she is co-owner, than rappel down a mountain. "But she has terrific humor," says her husband, "and we get along fine."

He is nobody's father but a vociferous champion of young people, "maybe because I was a protesting kid myself in the Depression. The world is changing so fast the old mores don't have a chance. Most judgments against kids are wrong. Suddenly they've become the type of Christians we were always told to be—their brothers' keepers. My generation says you're just supposed to talk about such things. I've always distinguished between Christianity and churchianity, which hides a lot of hypocrisy and evil."

Petzoldt was born in Iowa, the last of nine children, and raised on a farm in southern Idaho. When he was 14 his widowed mother returned to the Midwest, and he decided he'd rather set forth on his own than live with her or his married older siblings (one of whom became a champion jockey). "I wasn't running away from anything, but *toward* something," he says—the something of course being adventure. By thumb, rail and whatever means he could devise, he made his way all around the country, busing dishes, waiting tables, guiding dudes and playing poker. "I'm a good card player," he admits. "No, that's wrong. I'm a *very* good card player."

Horatio Alger could have written a book about Petzoldt's early years. Once, after he guided the dean of the chapel at Windsor Castle through the Tetons, the good dean bade him spend a year in England as his guest, studying and traveling. Petzoldt went, and stayed on to investigate most of Europe, including of course the Alps, where he didn't like the way guides were treated. "I never allowed myself or my guides to be treated like Swiss guides," he says. "We'd treat our people as *our* equals, even if we didn't think they were, and expected the same of them." Nor did he much like traditional explanations of why men climb. "I never could see the sense of going to the top of the goddam mountain just because it was there," he says. "If that's all, you might as well stay at the bottom in a bar."

The freighter that brought him back from Europe docked in New Orleans, and Petzoldt enrolled for a year at Louisiana State University. Later he studied at the universities of Idaho, Utah and Wyoming. He never did get a degree, which oversight bothered him only in establishing NOLS. "Then I finally realized that if you don't have a degree you're like a car going around without a taillight. If you *do* have one you have to prove you're stupid, and if you don't you have to prove you're smart."

Nobody questioned his brains during World War II, when he managed lend-lease programs for food shipped to Russia, devised medical evacuation methods for the Army's 10th Mountain Division and was later assigned to the Control Council in Berlin. Then he worked with the Chinese Nationalist Relief Administration in Shanghai and made his second excursion in the Himalayas, after which, for a time, he helped run a cold cream factory in India.

There he came to wonder about a practice nowadays known as transcendental meditations. "First I was convinced they were all a bunch of cultists lying to each other," he says, "but after practicing what they called 'concentration' for two months, eight or 10 hours a day, I got the idea. It was a beautiful sort of trance. I don't think any opium eater ever had it any better. It was so pleasant, physically as well as mentally, that I quit, because I was afraid I might get hooked and withdraw from the world."

Instead he went back to Wyoming to raise certified alfalfa seed. But the elevator in which he deposited his crops took bankruptcy, and he ended up broke. He struggled to recoup his losses until 1963, when he was asked to teach at the Colorado branch of an international program to accustom young people to outdoor adversity, called Outward Bound. Later he became chief instructor.

"I owe a great debt to Outward Bound," he says, "I disagree with their emphasis on toughness for its own sake, because I think toughness should only come through doing things that are fun. But I think Outward Bound is great, and it convinced me of the importance of something further—something I'd had in the back of my mind all along: giving people proper technical training to take kids outdoors (which is plenty tough, all right, but plenty of fun, too). All the organizations that tried to do this—the YMCA, the Scouts, the church groups—meant well, but they were stymied because they just didn't have the know-how. Not that you aren't doing a city kid a great favor if you take him to the country and say, 'Look, this is a tree, this is a flower, this is a rabbit.' But I saw a need for something more—something that might require more stamina and energy than Outward Bound, and yet be more fun."

Hence NOLS. "We started the school from scratch without one penny of financing," Petzoldt says. "Maybe it's a good thing the school doesn't have any angels: it makes us operate more efficiently. I wish we could give more scholarships, so more poor kids and black kids could come, but to *beg* them to come and be our token Negroes would be patronizing and insulting. We do give a few scholarships—some to kids who are getting out of penal institutions. The school is a great transition place for the return of criminals to society—for them just as for kids from rich prep schools in New England, all that counts is what you *do*, not what you were."

Those who get scholarships are expected eventually to pay the school back the $400 each course costs, and so far most have. Petzoldt doesn't regret his financial status. "Once I could have bought a cheap option on the Jackson Hole ski resort," he says, "but that I didn't is probably the most fortunate thing of my life. If I had a lot of money I'd get into all kinds of trouble. I'd probably weigh 300 pounds or be an alcoholic, or both."

Instead he has taken arms against the desecration of the wilderness, even as he leads more people into it. Critics find this paradoxical and say that even the best-taught, best-intentioned of visitors can only help sully such relatively untouched places as the Wind River Mountains. They foresee a glum day when public comfort stations and hot dog stands will mar places where, so far at least, few men have ever set foot. As somebody said in Jackson Hole, "It's a matter of numbers. As the population keeps exploding everybody professes to hope that the hordes of kids now growing up will dig the outdoors and the mountains, sure, but not *my* mountain—try that one over there." Some long for the old pre-Petzoldt days when cowboys, squinting at the awesome peaks and doubtless speaking for most other people, would say, "I ain't lost nothin' up there; why should I want to go up?"

But now that masses of people do want to go up, Petzoldt figures it's all to the good if they go up prepared. He thinks, in fact, that nobody should be allowed into the wilderness who hasn't demonstrated—perhaps to the satisfaction of some governmental agency—that he can read maps, has proper equipment, and knows what he's doing. The last thing he wants to do is keep people from savoring the outdoors, the best arena he knows of to slake thirst for adventure—"maybe even better," he suggests, "then marijuana or LSD." Aware of the Peter Principle dangers of his school's getting too big for its own good, he nevertheless contemplates establishing a branch in the East, and welcomes all imitators.

Home in Lander after a summer outdoors with his school, Petzoldt relishes hot baths and clean clothes, reads, listens to music, and takes Dottie out for a six-course *haute cuisine* dinner. "I have no desire to wear a hair shirt," he says. "I like comforts and civilization as much as anybody." But it's never very long before he has vanished again, for a while anyway, up into the mountains.

DEATH OF HON. FELIX HEBERT, FORMER SENATOR FROM THE STATE OF RHODE ISLAND

Mr. PASTORE. Mr. President, I rise to record the passing—on December 14, 1969—of a former U.S. Senator from my State of Rhode Island, the Honorable Felix Hebert.

Former Senator Hebert was notable for many reasons—among them his wealth of years. He had just celebrated his 95th birthday on December 11. He was the first man of French-Canadian ancestry to serve in this Senate. In my own State of Rhode Island men and women of French-Canadian ancestry form a very valuable part of the community and they have filled the highest offices in the power of our citizenry to bestow.

Felix Hebert was a direct descendant of the group of 50 from Old France who 327 years ago founded the city of Montreal.

He served here in a period of national change and challenge—from March 4, 1929 to January 3, 1935—and he was privileged to share this Senate with names that ring down the corridors of time—and I mention just a few from the 71st Congress—Hayden, Black, Ashurst, Caraway, George, Borah, Capper, Barkley, the elder Tydings, Gillett, Walsh, Vandenberg, Wheeler, Norris, Moses, Wagner, McNary, Metcalf, Smoot, Carter Glass, and LaFollette. The membership of the 72d and 73d Congresses were also his colleagues.

Distinguished as an attorney and international authority on insurance law, devoted to music, literature and civic affairs, Felix Hebert—to use his own phrase—was never more than "semi-retired" even in the final decade of his busy life.

To his surviving son and daughters the respectful sympathy of this Senate joins the appreciative condolences of the community to which Felix Hebert was devoted.

Mr. PELL. Mr. President, I was saddened to learn of the death of a former member of this body from Rhode Island, the Honorable Felix Hebert.

Senator Hebert represented the people of my State here in the Senate during the very difficult years from 1929 to 1935 when this country was struggling to recover from economic collapse.

Born in the Province of Quebec, he was the first man of French-Canadian ancestry to serve in the Senate. His Republican colleagues here in the Senate recognized his energy and leadership by electing him to serve as the Republican Whip during the 73d Congress. In that capacity he was a forceful spokesman for his party's views on the great issue of that era—the formulation of policy to restore the Nation's economic health.

After his loss in the 1934 elections, Senator Hebert returned to Rhode Island and remained active in party and civic affairs, serving as Republican National Committeeman from the State from 1944 until 1952.

I did not know Senator Hebert, but I recently had the pleasure of having his grandson, Adrien W. Hebert, Jr., serve in my office as an intern.

At his death on Sunday at the age of 95, Senator Hebert was the oldest living former Member of the Senate.

I extend to his family and friends my sympathy at their loss.

Mr. President, I ask unanimous consent that an article from the Providence Journal of Monday, December 15, on Senator Hebert's career be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORMER U.S. SENATOR FELIX HEBERT, 95, DIES

Felix Hebert, a former United States senator from Rhode Island, an international authority on insurance law and a one-time power in the state's Republican Party, died last night at Kent County Hospital. He was 95.

Mr. Hebert, born in the Province of Quebec, was the first man of French-Canadian ancestry to sit in the U.S. Senate. He served from 1928 to 1934.

He was a former deputy insurance commissioner of Rhode Island and was judge of the Fourth District Court in Kent County from 1919 to 1928.

Although his formal education ended after his graduation from La Salle Academy in Providence, he studied law and was admitted to the Rhode Island bar in 1907. A protege of powerful political figures of that day, he rose rapidly to a position of prominence.

Indirectly, it was his love for music that landed him in politics. Self-taught in music as he was in the law, he became a proficient violinist and cellist, married a musician and saw all his children develop musical talent.

As a young man, he came under the wing of the late Gen. Charles R. Brayton, the "blind boss" who ruled the Rhode Island GOP with an iron fist at the turn of the century.

Later, he was associated with the Peck-Pelkey wing of the party which gave him the Senate nomination. His term in the Senate was his first and only elective office.

A direct descendant of Leger Hebert, who, with Sieur de Maisonneuve and 50 others from Paris, founded Montreal in 1642, Mr. Hebert's father settled in Quidnick, a village in Coventry, in 1860.

His father, Edouard, a bootmaker, and his mother, Catherine, were married in Rock Chapel in the village of Phenix in 1865. They had 13 children, of whom Mr. Hebert was the last survivor.

Edouard and Catherine went to St. Guillaume, Quebec, in 1874 because of Edouard's ill health and it was there, on Dec. 11, that Felix Hebert was born. When he was five, his father having regained his health, the family returned to Rhode Island.

Mr. Hebert received his early education in the public schools of Coventry, then attended the parish school of St. Jean Baptiste Church in West Warwick. He was graduated from La Salle Academy in 1893 and was, until the time of his death, its oldest alumnus.

In 1961, the academy's Alumni Association named him as one of the first three in its new Hall of Fame. The others were the Most Rev. Russell J. McVinney, D.D., Bishop of Providence, '16, and the late U.S. Rep. John E. Fogarty, '30.

After his graduation, Mr. Hebert got a job as a stenographer in the freight department of the old New York & New England Railroad Co. In two years he rose to chief of the billing department. For a brief time, he also was secretary to John Howard Appleton, a professor of chemistry at Brown University.

His "break" in politics then came about. A few years earlier, Mr. Hebert had made the acquaintance of Alexis Boucher, known as "the best fiddler in the Pawtuxet Valley." Mr. Boucher gave young Felix a violin on condition that he learn to play it. He did.

While he was working for the railroad, Judge Eugene F. Warner of the Fourth District Court was combing the area for talent for a local orchestra. Mr. Hebert accepted the judge's invitation to play the viola.

When he found his long hours of employment conflicting with his time for music, he ventured to suggest he would have to give up his position with the orchestra. Judge Warner would not hear of it.

The judge, who was secretary-treasurer of the Republican State Central Committee and clerk of the state Senate, prevailed upon "Boss" Brayton to hire Mr. Hebert as his secretary and pay him as much as he earned on the railroad, $18 a week plus a $3 transportation allowance.

Mr. Hebert recalled that Brayton balked at the amount but was finally convinced when Mr. Hebert explained that he needed the money to contribute to his large family.

In 1896, Mr. Hebert was chosen as clerk of the GOP State Central Committee and assistant to Judge Warner, while still working for the general.

Two years later, Mr. Hebert was selected to reorganize the accounting in the office of the state general treasurer and the same year was appointed a deputy insurance commissioner, a post he held until 1917.

As a representative of the office, he visited the headquarters of almost every insurance company doing business in Rhode Island to inspect their books and report on their financial responsibility. He became expert in insurance accounting and procedures.

During his early years in state employment, he began reading law in the office of Judge Warner in the village of Anthony and in the office of Walter B. Vincent, a retired Supreme Court justice.

He was admitted to the bar in November 1907.

Mr. Hebert's main law offices were in the Turks Head Building where he specialized in the practice of insurance law. He appeared before Congress, the legislatures of a great many states and in a British court as an expert on insurance problems. In 1948 he was a registered lobbyist in Washington for the Associated Factory Mutual Fire Insurance Companies for which he was also chief counsel.

In 1923, William C. Pelkey, Republican state chairman, named Mr. Hebert to the party's legislative committee. Mr. Pelkey and Frederick S. Peck, then GOP national committeeman, chose him in 1928 as the man who could beat Peter G. Gerry for the U.S. Senate.

While Gov. Alfred E. Smith, the Democratic candidate for President, carried Rhode Island, Mr. Hebert defeated Mr. Gerry by 2,994 votes.

His election to the Senate resulted from an agreement Mr. Pelkey made with the approval of Herbert Hoover, the Republican presidential candidate, Mr. Hoover did not need Rhode Island's electoral votes but he did need another GOP senator. So the arrangement was made for a bloc of Democratic votes to go to Mr. Hebert in return for some GOP votes for Smith.

Mr. Hebert became a confidant of President Hoover and often visited him at the White House or at the President's Rapidan camp.

One of Mr. Hebert's appointments was to a special Senate committee to study the problem of unemployment insurance, a vital issue in the early years of the great depression. His election as chairman of the committee over the head of Democratic Sen. Robert F. Wagner of New York touched off a controversy in which Sen. Alben W. Barkley of Kentucky, later to become Democrat majority leader, accused Mr. Hebert of having lobbied for seven or eight years in behalf of insurance companies. Mr. Hebert denied the charges.

In the summer of 1931, Mr. Hebert went to Europe to survey unemployment com-

pensation systems there. On his return, he conferred with the President and then gave as his view that a federal unemployment compensation system would be the first step toward a dole. The next year, his committee recommended that state laws be enacted compelling industry to set up reserves against unemployment.

Throughout his Senate term, and afterward, he continued his opposition to federal unemployment compensation and old age pensions. He said they were a state, not a federal problem.

When the 1932 election neared, Mr. Hebert was named director of the GOP campaign in the East. After the Democratic sweep of that year, he was elected Republican whip and vigorously opposed New Deal measures. He reportedly favored a purge of Republicans who had bolted to Franklin D. Roosevelt in the campaign.

He fought repeal of the gold clause and when the country went off the gold standard in 1933 he accused the administration of having "dishonored" the nation.

He tore into the Agricultural Adjustment Act, later voided by the U.S. Supreme Court; assailed Henry A. Wallace, Secretary of Agriculture, for killing pigs and plowing under cotton; called the Bankhead cotton bill a step toward "complete regimentation"; attacked the reciprocal tariff bill, and voted against immediate payment of the $2.4-billion soldiers' bonus.

ATTACKED NEW DEAL

Both in Washington and Rhode Island, Mr. Hebert hammered away at the New Deal. He scoffed at the theory that taxes should "soak the rich," warned against "rash legislation," appealed to the government to leave industry alone because its domination was impending recovery, told audiences that the New Deal was legislating the Constitution to death, and bitterly assailed the "intellectuals" in Washington.

Mr. Hebert ran for reelection in 1934. Mr. Gerry, again his opponent, charged that Mr. Hebert and President Hoover were "examples of a reactionary era." Mr. Gerry was elected with a 35,130-vote plurality. In January, 1935, Mr. Hebert returned to the private practice of law in Providence.

Before the election, however, he had shown his continued strength in GOP circles by helping to unseat Ernest L. Sprague as state chairman. Mr. Herbert, a member of the State Central Committee from 1914 to 1946, has asked Mr. Sprague to resign and run for secretary of state. Although he said he had no intention of resigning, Mr. Sprague was out within a month, replaced by George R. Lawton, a former Brayton adviser.

Mr. Hebert remained active in GOP affairs. In 1944, he was elected Republican nation committeeman from Rhode Island and, in the same year, was mentioned as a possible gubernatorial candidate. He let it be known he was not to be considered for any spot on the state ticket.

In 1948, Mr. Hebert lost the endorsement of the State Central Committee for reelection to the GOP National Committee to Thomas J. Paolino, then North Providence town chairman, by a 47-to-35 vote. The committee battle was marked by charges of bias against Italo-Americans. However, the state convention of the party reelected Mr. Hebert.

Insiders said that Mr. Hebert would have quit quietly if he had been asked to but resented efforts to push him out. Although he spoke, in an interview that same year, of the need for older men to step out of the national committee and make room for younger, more liberal elements, it was not until 1952 that Mr. Hebert was succeeded as a committeeman by Mr. Paolino.

His thinking on that subject was summed up when he said, "A man at 70 can be young and one at 50 can be old."

A self-described conservative in his political philosophy, Mr. Hebert created a stir in 1950 when he and Mrs. Marion Yatsman, then the state's National Committee woman, suggested in a letter to the committee that the GOP adopt a national strategy of coalition with Southern conservatives.

Mrs. Yatman subsequently repudiated parts of the letter that she held to be pro-isolationist and anti-civil liberties. She said she had signed it without sufficiently careful consideration of those points.

DEFENDS LETTER

Mr. Hebert said, in defense of the letter, that its position against antilynching, anti-poll tax and fair employment practices legislation was not based on the intrinsic merits of those issues but on his conviction that they were unconstitutional.

A supporter of the late Sen. Robert E. Taft for the GOP presidential nomination in 1952, Mr. Hebert again aroused the ire of some circles in the party, particularly the pro-Eisenhower faction, when he gave his national convention proxy to Steven B. Wilson of Barrington, a Taft man. Both Mr. Wilson and Robert B. Dresser, another Taft supporter, had been defeated in bids for delegate posts.

Although he reduced his activities—or as he put it, "tapered off"—in 1954, Mr. Hebert continued to serve as an advisory counsel to the Associated Factory Mutual Fire Insurance Companies, for whom he had been general counsel for 30 years.

He continued to visit his Providence office in the Turks Head Building three times a week as late as 1961, when he was 87 and described himself as semi-retired.

Mr. Hebert gave up the family residence at 18 Payan St., West Warwick, in 1956 and moved to his 400-acre estate, The Evergreens, on the Flat River, Coventry. The estate, formerly a fishing camp, had been cleared by him and his sons and turned into a handsome landscape of lawns, shrubbery and ornamental trees.

In 1957, he sold the last three acres of his West Warwick estate to the town for a playground. For many years, he had raised high-bred poultry as a hobby.

His intense interest in books—in his later years, he spent five hours a day reading—was evidenced in his leadership of a $25,000 fund-raising campaign in 1959 for the Anthony Lyceum Library Association, of which he was a board member and of which his early mentor, Judge Warner, was the first secretary. As a boy in Anthony, he had used the library. His grandchildren followed his foot-steps there. His personal library was extensive.

As music started Mr. Herbert off in politics, so did it lead to his courtship of Miss Virginie (Deslauriers) Provost of Ware, Mass. She was the organist of St. John's Church, Arctic, when they met. He was in the choir. They were married Sept. 18, 1900. Mrs. Hebert died on July 14, 1958.

PLAYED AT WHITE HOUSE

All four of their children became accomplished musicians who, during their father's term in the Senate, played often at the White House. They played as a quartet at the marriage of Henry H. Woodring, then assistant secretary of war, to Miss Helen Coolidge, daughter of Sen. Marcus A. Coolidge of Massachusetts in 1933.

For years, Mr. Hebert—still called "the senator" by many Pawtuxet Valley residents—was an active leader of civic affairs. He headed the Pawtuxet Valley Red Cross and Franco-American charitable organizations.

He was a member of the Catholic Club, the Turks Head Club, the Flat River Club, the Pomham Club, the Franco-American Foresters, Unien St. Jean Baptiste of Woonsocket, Societe St. Jean Baptiste of Centreville and the University Clubs of Boston and Providence. He was the oldest living resident of Coventry.

He is survived by two daughters, Mrs. W. Bruce Loomis and Mrs. Howard C. Sanford, both of Coventry; a son, Edouard F. Hebert of Coventry; six grandchildren and two great grandchildren.

Funeral arrangements are incomplete.

IN SUPPORT OF STRENGTHENING PRESIDENT NIXON'S BAN ON BIOLOGICAL WEAPONS—BW

Mr. GOODELL. Mr. President, yesterday I drew the attention of the Senate to the Pentagon's attempt to exclude biological toxins, including "botulin," from President Nixon's orders to the Defense Department "to make recommendations as to the disposal of existing stocks of bacteriological weapons."

Today, it has been reported that Dr. Henry Kissinger, the President's adviser on national security, has called a halt to the Pentagon's intention to proceed with toxin germ warfare and production of weapons such as "botulism bullets."

I welcome this immediate halt to evasion of a total ban on all germ weapons.

Mr. President, let us recall that on August 11, the Senate passed an omnibus antichemical and biological warfare amendment by a vote of 91 to 0.

In this amendment, when referring to biological weapons, we used the words: "any disease-producing biological microorganism or biological toxin." We put restrictions on both biological agents and toxins in germ weapons use.

In view of President Nixon's directive to ban germ weapons and to begin dismantling, are we now to settle for distinctions between weapons made of germ agents as contrasted to germ toxins? I would hope not.

I urge a total ban on all germ weapons.

I hope that all Members of the Senate will join in support of strengthening President Nixon's ban on biological weapons—BW.

I ask unanimous consent that the article "Two Agencies Clash Over War Toxins" by Robert M. Smith which appeared in this morning's New York Times be printed in the RECORD for additional background information on this important matter.

There being no objection, the article was ordered printed in the RECORD as follows:

TWO AGENCIES CLASH OVER WAR TOXINS—STATE DEPARTMENT OPPOSES PRODUCTION BY ARMY AS NEGATING NIXON RULING

(By Robert M. Smith)

WASHINGTON, December 15.—The Pentagon and the State Department are at loggerheads over whether President Nixon's decision last month on chemical-biological warfare included some of the most potent and practical elements in this area of America's arsenal—disease-producing toxins.

The quarrel has reached the point, according to informed sources, where Dr. Henry A. Kissinger, the President's adviser on national security affairs, has instructed the Army to stop producing toxins until the National Security Council can clarify the President's decision.

In the meantime, however, State Department officials have made it clear in private conversations that if the Army is allowed to continue producing toxins, they feel the United States will lose both the practical and

propaganda advantages it has reaped in the wake of the President's announcement.

On Nov. 25, Mr. Nixon renounced the first use by this country of chemicals and the use of all biological agents.

He also ordered the destruction of existing stocks of germ weapons and the limitation of biological research to defensive measures.

A few experts in the chemical-biological area regard the Army's insistence on keeping its stockpile of toxins and on producing more as an "end run" to defeat the limitation on chemical-biological facilities and stocks ordered by the President.

The more widely accepted interpretation, however, seems to be that Mr. Nixon's speech left the question of toxins up in the air and that the Army began to produce toxins again because it regarded them as chemicals. The President's decision did not restrict the production of chemical agents.

Toxins are the dead but poisonous by-products or end products of bacteria. Since they are not living, the Army—and many experts—do not consider them agents of biological warfare. On the other hand, the toxins of possible military value cannot be produced without producing bacteria.

What this means, the experts point out, is that the Army's biological production facility at Pine Bluff Arsenal in Arkansas would have to be maintained to produce the germs that generate toxins.

"The assembly line [at Pine Bluff] would just keep going," said one official who had predicted after the President's speech that the arsenal would be dismantled.

Some of those familiar with chemical-biological warfare, see the continued operation of the Pine Bluff facility as a threat to any effect the President's action in November may have had in dampening international interest in chemical-biological weapons.

"We try to match any weapons we know other countries have, and sometimes we try to match weapons we suspect they have," one expert commented. "Now turn that around. Here we are still operating a biological facility at Pine Bluff."

"We say we would be producing biological agents at Pine Bluff only to get toxins," one official said. "But a biological is a biological—how would Russia know we aren't producing germs there to use as weapons?"

The official also expressed concern that the international goodwill generated by the President's decision "would go down the drain." "Other countries are likely to think the whole thing was meaningless and a hoax," he said, if the United States keeps on producing toxins.

A Pentagon spokesman confirmed at a press briefing last Friday that the Defense Department regarded toxins as chemical, not biological, agents.

An Army technical manual, "Military Biology and Biological Agents" lists some of the diseases that can be induced by toxins as botulism, diphtheria, gas gangrene, staphylococcus, food poisoning, tetanus, plague, cholera and typhoid.

One important difference between a germ and a toxin is that the toxin does not multiply in the human body and it is not contagious—it cannot be transmitted from one person to another.

This means that toxins must be dispersed like chemical agents, so that they reach each person they are to infect. It also makes them more practical weapons than germs; there is no danger that they will spread through contagion into neutral or friendly areas.

On the other hand, a prominent authority on chemical-biological warfare said that toxins were not as reliable weapons as chemical agents like nerve gas.

"The clear intent of the President's decision is undermined," he said, "to no military advantage."

The precise toxins that the Army is producing and stockpiling is secret. However, the technical manual singles out for separate treatment the botulinum toxin and the staphylococcus toxin.

The botulinum toxin produces botulism—an acute, usually fatal disease. The staphylococcus toxin produces a food poisoning usually characterized, according to the manual, by "severe nausea, vomiting, stomach cramps, severe diarrhea and prostration."

It is known that the Army has manufactured and stored at Pine Bluff more than 20,000 bullets containing botulinum toxin.

In his announcement last month, the President also said the United States would support a British draft treaty submitted to the Geneva disarmament conference. The treaty prohibits the production, stockpiling and use of biological agents.

A spokesman for the British Embassy here said that his Government was not interpreting the treaty ban to include toxins, although it would have no objection to their being included.

One usually reliable source reported, however, that British officials were reconsidering the issue of whether the draft treaty should include toxins.

ARCHDUKE ROBERT VON HABSBURG'S ADDRESS AT CONFERENCE ON THE CONCEPT OF ATLANTIC PARTNERSHIP

Mr. PELL. Mr. President, Archduke Robert von Habsburg delivered a particularly thoughtful, well-balanced, and wide-ranging speech at the conference on the Concept of Atlantic Partnership, sponsored by the American Institute on Problems of European Unity, this past October 17.

Archduke Robert, whose family continues to give ideas and leadership in Europe, is to be congratulated on this speech. It made a fitting keynote and added greatly to the proceedings of the Conference.

I believe my colleagues would be interested in reading this excellent speech and for this reason ask unanimous consent that Archduke Robert's speech be inserted in the RECORD following my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

KEYNOTE ADDRESS BY ARCHDUKE ROBERT VON HABSBURG

It has been my habit for several years, after many months of hard work and a hectic life, to take my holidays in the southernmost part of Italy, in Calabria. It is a wonderful country, far away from what one calls civilization. There is neither telephone nor telex. The next post office is ten miles away. There are no traffic problems or noise on the dirt roads. The weather is always fine, although not too hot, contrary to what one might think. An ideal place to rest and think.

Again this year in July I was there. It was, as usual, a lovely evening, and the television screen offered us an uninterrupted twenty-four-hour space program, including the landing on the moon. We decided to install the television set on the terrace. About midnight, local time, on this famous night of the 20th and 21st of July, the village shepherd arrived and asked whether he could watch with us. This man looks after about 100 sheep which belong to various people in the village. He takes them grazing on the mountains during the day and guards them in a corral at night. He can neither read nor write, although he is capable of signing official papers, instead of making the traditional cross. At 4:00 A.M., just as the first light of the new day appeared on the horizon, we saw on the television screen Commander Neil Anderson and Colonel Aldrin descend from the LEM to the moon's surface. The first man had landed safely on our satellite.

My shepherd friend shouted with joy, "L'abbiamo fatto!" (We made it!). I could not resist correcting him by saying, "Yes, the Americans made it." He lifted his hand in a gesture of indifference. What are the Americans in their vast majority but descendants of people who lived in Ireland, Great Britain, Scandinavia, Germany, Poland, Italy, etc.? They are indeed our brothers, our cousins living across the sea.

There you have the feeling of the ordinary man in Europe. Not only has he the idea of Europe as a single entity in his mind, but he is already considering that Europe and America are one body, one soul and one united force for the progress of humanity.

You can imagine that such a straightforward and realistic answer from a very simple man incited me to prod a little deeper into his philosophy of life.

I, therefore, asked him what he thought of our present time. And here, too, I had an answer worth recording: "My grandfather and my father who, like me, were shepherds, lived a quiet life, not much changed in their time compared with their ancestors'. But with me things have changed deeply; everything happens quicker; everybody knows something about everything," and he reached in his pocket and took out a transistor radio, tapping it as if it were proof of his saying. "I am too old, alas, to see the results, but my son will. He will no longer be a shepherd. He has learned to read and write. He is now in a technical school for electricity, and he helps to make these inventions, to create a totally different world. Good luck to these youngsters, and may God help them."

Yes, the new era has begun and has been highlighted by the conquering of outer space, the landing on the moon. We witness today a second great industrial revolution with many new inventions in the traditional fields of industry and the opening of completely new fields, like space and oceanic research. The mechanization, the tremendous speed of calculation through computers and the consequent acceleration of production have obviously changed and adapted all ideas, all concepts, all methods. The idea that teamwork will promote efficiency and produce profit is flourishing everywhere. Values have totally changed. While before, certain raw materials made the wealth of a country, today the most expensive commodity is men—technical men, commercial men, research men, administrative men.

The old law of the war, "vene victis," is a good example. The victor tries always to appropriate the most valuable properties of the vanquished. After World War I, the Allies seized the Ruhr to find the coal and iron they needed badly and which, at that time, were Germany's greatest wealth. After World War II, one even thought in terms of coal and iron, but the race was on for Penemunde and such places where the great brains, the great researchers, the technical teams of Germany were located. The great wealth of Germany was no longer material; it was the men, the brains, the technical knowhow which everyone sought.

When General de Gaulle decided upon and implemented his decolonization policy, one of his great achievements, it cannot be denied that an economic factor, apart from the political and human aspects of his plan, influenced his decision heavily. The benefit France could reap from the material richness of its colonies could not be compared, by any stretch of the imagination, to the cost of financing them and the loss of manpower to the homeland. The so-called "pieds noirs," that is, the Europeans in North Africa who came back to France after the war have proved to be a real shot in the arm of the French economy.

When Holland lost her fabulously rich colony of Indonesia, thousands and thousands of Dutchmen were repatriated, leaving all their belongings in Indonesia. Holland, contrary to all prophecies, has never been so rich and so prosperous as now.

Finally, take the famous "German economic miracle" of which so much has been said. It could never have been realized, had it not been for the influx of East Germans, Sudeten Germans and others who, ousted by the communists from their country, arrived with only their intelligence, their technical capacity in many fields and their uncrushable will to create a new and better existence for themselves.

This change in values has been made possible by the extraordinary inventions of our time. Among the most important, let us mention the new power supply, the invention of computers, and lately the beginning of the conquering of space. Industry will no longer depend only on natural resources, coal and water, and therefore, to the places where these commodities can be found. Atomic power can be produced anywhere, a fact which will force the transport industry to reconsider its policies and organization. Better location of industry will lessen transport cost, influencing total cost and, therefore, prices. You have seen in your own country that there has been a migration of industry to the south which enjoys better climatic conditions, allowing reduction of overall charges. It obviously creates certain social questions which, in many countries, arouse uneasiness, doubts, fears and unhappiness among employees and workers, and will have to be solved here.

The computer world, one too complex for many, of whom I must humbly admit I am one, to understand, renders untold services. Here you can amass information which a human memory could never retain. You can exchange information gathered from all the corners of the world. Further, the computers are now the essential instrument for all research. What used to take many mathematicians many weeks, nay months, to achieve, the computer does in a few seconds, delivering men from tedious work and reducing the risk of errors due to human fatigue or distraction. Without the computers men could never have conquered the moon. The computer, too, owing to its rapidity and exactitude, is now, and here I speak from personal knowledge, the indispensable instrument for modern management. Each day you can see how your business develops, how much stock you have, in which way best to organize your deliveries, where there are delays or faults, and much more essential information. Thus, fully aware, you work with realities, and your decisions can, therefore, be rapid and efficient. In this it is true that European management was significantly behind that in the U.S.A. We have had and always will have capable men. Let me just mention people like Abs in Germany, Weinstock in the United Kingdom, Angeli and Pesenti in Italy, Martin, Rivoud and Ricard in France, and the list is not exhaustive. But we came to computerizing management later than you did. It is indeed not fate that IBM developed first in the U.S.A.

The acceleration in production, information and travel is sometimes terrifying. Just imagine that between the invention of the telephone (1820) and its industrial production (1876), fifty-six years elapsed, while between the time the revolutionary idea of the transistor was conceived (1948) and it first appeared on the market (1953), only five years went by. When today, in the era of the supersonic airliner, Concorde, it takes 28 minutes to cross all of France (calculated according to the longest possible route), 18 minutes to cross Germany and 3 minutes 15 seconds to cross Austria, all limits, all frontiers just fade away.

Then there are the mass information methods, like television, which not only fly across frontiers like Concorde, but come to you as you sit quietly in your easy chair and watch and hear Commander Anderson and Colonel Aldrin some 300,000 miles away walking and talking happily on the moon's surface. There, too, technical progress has been phenomenal.

The tourist industry, unknown to ordinary people a few years ago, is now a multibillion dollar industry stretching around the world. People learn to know each other whether they live in the East, South, North or West of our earth. The barriers of distance, language and, let us admit it, mistrust are breaking down also.

All this is, nevertheless, just a beginning, and one can visualize wider horizons. A great problem for us was, and still is, the question of water. Consumption rises enormously, and some people have thought rightly that a real danger exists that, in the not-too-distant future, there will be a shortage of this essential commodity. Human intelligence has already been applied to the solution of this problem, and research has advanced so far that in years to come, one can expect that we shall be able to desalt sea water at moderate cost. The same applies to air and water pollution, a major health hazard which is now being scientifically tackled and will certainly be mastered. In the field of food, it is quite certain that we have not even begun to exploit the possibilities of ocean products or synthetic foods.

This second industrial revolution has already deeply affected not only the mentality of people but also their employment. These changes will have to be accelerated if we want to keep developing.

In France at the end of World War I, 40 percent of the active population earned their living from agriculture. By 1954, this percentage had dropped to 27 percent and the latest statistics (1967) show that only 17 percent of the active population was still working in agriculture. These changes can be compared with the U.S.A., where in 1954 11 percent of the active population could be found working in agriculture; this percentage had dropped to 5.5 percent by 1967.

On the other hand, it is also interesting to compare the active population in the other sectors: in French industry in 1954: 35 percent and in 1967: 40 percent; in the U.S.A. in 1954: 35 percent and in 1967: 34 percent.

The most startling comparison is, nevertheless, in the creative and service sectors, those which we in France call terciere: in France in 1954: 38 percent of the active population and in 1967: 41 percent, while in the U.S.A. in 1954: 54 percent and in 1967: 60.5 percent.

All these statistics show not only the great shift in employment realized in the last few years, but for Europe its backwardness as compared to the U.S.A. Here lies the real technical gap in all its horror.

In the service sector, 41 percent as against 60 percent shows we have not yet developed our research and administrative and commercial activities sufficiently, and again in the industrial sector, 40 percent as against 34 percent in the U.S.A. shows that we have not utilized automation enough and that we use too many people who now could be replaced by machines.

Farsighted Europeans think of the French Minister, Robert Schuman, known as the father of the Common Market. He realized that this tremendous technical development, this industrial explosion, outdated the old concept of a Europe divided into small national units and was definitely harmful to the smooth, coordinated development of that Continent. Robert Schuman saw the necessity for one large market of at least 200 million inhabitants. Capital, manpower, technical knowhow and goods could be moved freely, according to economic laws only. Alas, this great man, this courageous pioneer of a new and exalted idea of progress, had to fight against ignorance, vested interests, laziness, nay, even the lack of courage to face the facts hidden under the false name of traditionalism in economy and politics. Nearly every European country has a system of law and taxation, a currency, a political structure, habits of living and a language different from all the others.

These terrible barriers must be overcome if Europe is to survive as an industrial power. First, a small group of dedicated persons got to work to spread the idea, to convince their fellow countrymen of the absolute necessity for changes. It led, as you know, first to the European Coal and Steel Company (E.C.S.C.) which came into being on August 10, 1952 in Luxembourg. A few years later, on the 26th of March in 1957, a handful of courageous political men signed the Treaty of Rome and the Common Market was born. A cold wind blew across the ranks of industry. Finished were the good old protective days with their customs barriers. When faced with the possibility of terrible losses or outright ruin, it is marvelous how fertile the human brain can become and what energy and courage can be deployed to adapt to the new situation. During these years, with their backs to the wall, industrial leaders initiated enormous changes in concepts and methods of industry and commerce. Modernization, profits and new products were the leitmotiv. This new spirit had to be applied in two directions—order in one's house and collaboration with other groups, national and foreign, so as to be competitive in all of the old markets now in the process of becoming one unique general market.

Looking back over the past ten years, one must admit enormous progress, far outreaching the narrow limits of the Common Market, in the public sector. Take the transport section where, under the dynamic and far sighted leadership of Louis Armand, now a Member of the French Academy, a perfect integration of all Western European nations has been realized without any publicity. This progress has not been only a matter of time tables; in the technical field also European standardization was introduced. The same can be said of the various airlines whose collaboration is very close and friendly, while leaving a spirit of competition so necessary to progress and so advantageous to the consumer.

Two other facts should be mentioned here which will show the progress of European integration. Sweden has changed its motor car driving system to righthand driving, as is the habit in all of the other continental European countries. And finally, even the United Kingdom, always slow to change its traditional way of life, has decided to introduce the decimal system current in all other industrial countries. But this is only a beginning! Very much remains to be done, e.g., the standardization of various tax systems, a first step toward which has already been taken with the tax *a la valeur ajoute*. There is a need for identical legal systems and, finally, for a common currency which had a sort of beginning with the Eurodollar. In the private sector in France, equally enormous changes have occurred which one can apply *mutando mutandis* to other European countries.

France was, and to a certain degree is still, a country of medium-sized industrial units. Not one of its industries could have ranked as an international enterprise. Today this has changed and will change more. One can now see Michelin, the greatest tire producer in Europe; the Francaise des Petroles among the petrol giants; the Europeenne do Brasseries, the biggest brewery in Continental Europe. All of this has been achieved by a legion of dedicated men conscious of the

tremendous changes of our new era. The first thing was to *restructure* each industry separately; to abandon products which could no longer find a large market; to produce new lines, to diversify; to put the accent on research, efficiency, cost and investment. Many a casualty fell on the battlefield, and many more will follow because this battle will remain a constant feature of our European economy. The better-situated ones, the most energetic and farsighted, will emerge as the victors.

The second stage, if one can so express oneself, is concentration. The old principle, *viribus unitis*, proved itself once again. This was particularly remarkable in those sectors of industry which require a lot of manpower like food, textile, chemicals and steel. In France in 1965, there were seven iron and steel concerns worth mentioning. Today there are three. In the textile group, plagued by several hundred small industries, two groups emerged from the crisis. Agach Willot in 1963 had a turnover of 100 million francs and today has reached 427 million francs, and Dollfuss Krieg passed from 66 million francs to 289 million francs. There were in France in 1952 780 breweries; today there are but 150 units. The Europeen de Brasseries, which I mentioned before, produced in 1961 one million hectoliters and is today at nearly seven million hectoliters. Thus, bigger and more competitive units are emerging, and again, this will remain a permanent feature of the economic life of each country.

The third stage was the internationalization of enterprises. Here one must speak of the intervention of America private capital in Europe which I, for one, contrary to some official or private fears, welcome. It has not always been rightly handled, but what human venture can boast perfection? It has sometimes created much ill-feeling because of different methods, frontal attacks against traditional habits and, let us admit it, a little bit of a holier-than-thou attitude but, and the but is extremely important, it brought to Europe new ideas, new methods, new ways and a competition against which one had to fight. As long, therefore, as it does not degenerate into monopolies, a danger that really exists because of the vast superiority in American industrial power and financial possibilities, it is a real contribution that the new world has brought to a somewhat stale and retrograde Europe.

The internationalization in the limited framework of Europe, and by Europe I mean again industrial Europe, not the Common Market alone, has begun. Thus, we had the Belgian Empain Group coming into the French Schneider Group, the Fiat-Citroen merger, the Hoechst-Roussel Ucalf collaboration and many others.

Maybe my own very small and humble experience can throw light on these developments. I was a partner in a family-owned private bank in Paris which we changed into a limited company. Our main shareholders, apart naturally from the French, are English, Swiss and Italian.

The great changes which I have tried to describe to you have not been obtained without what Churchill described in his famous speech as blood, sweat and tears. Just look at the appalling agony of the agricultural world, politically still too powerful not to be left alone to fight for its own renovation, economically too feeble to carry on with its existent structures.

It is quite certain that today progress toward a united Europe varies, whether you consider the industrial and economic sector, public opinion or the national political structure. Economic integration is by far the dynamic factor behind a united Europe. Public opinion is not far behind. Take, for instance, the idea, recently much discussed in France, of regionalization, in my mind the only way to get out of this overaged concept of the sanctity of national sovereignty at any price. Regionalization involves the creation of local capitals or economic poles of attraction, behind which are grouped hinterlands big enough to be economic units, small enough to be easily administered by local authorities aware of local interests and possibilities rather than by a distant, central, omnipotent authority. Now in the public discussions in France, great was my surprise to find many people who approved the extension of these regions beyond the actual national frontiers, or even more astounding, the giving up of territories which naturally and economically should belong to one of those poles of attraction situated in another country.

Today the political machine is the obstacle to development. Indeed, it has not been able to adapt its structure to the revolution and has, up to now, shown little desire to do so. Again, I take the example of France which I admit is the most dramatic one in the Common Market. You speak sometimes of "red tape." You cannot imagine to what perfection the administrative structure of the French State, created 200 years ago by Napoleon and never really modernized since that time, has brought this art. The permanent and irresponsible personnel of the administration interferes in every facet of the citizens' lives. The thought of the administration appears to be that the State is not the servant of the citizens, but that the citizens are raw material to be fed into a wonderful machine called the State which they are called upon to organize according to their own ideas. The former Minister of Education, and probably one of the ablest political figures in France, Mr. Edgar Faure, called it the technostructure against which even responsible ministers are often completely powerless.

The technostructure is composed of able men with brilliant minds who have never been asked to think in terms of the practical business of daily life. To them everything can be reduced to a simple problem which you solve on paper, regardless of human reaction, or cost and profits. We have to admit that, in our day, more and more matters must be discussed and decided upon by professional men. The politicians elected to Parliament are obviously not professional people in all fields; nevertheless, they are called upon to discuss, propose and decide in all fields. This is why Parliaments, as we know them now in Continental Europe, are more and more losing their grip on public life, and their debates are less and less favored with public interest.

Aware of this trend, General de Gaulle suggested reforming the Senate by opening it up to responsible professional people, trade union leaders, agricultural experts, members of chambers of commerce, outstanding business people, technicians, etc., so that the political parties in Parliament, so necessary to the democratic process, would be balanced by another chamber composed of real experts. But he was defeated.

This resistance of the political technostructure to reform led directly, in my opinion, to the events of May 1968. The rowdyism of the students who protested against the teaching system, with the help of professional agitators, showed the very profound uneasiness of youth in the face of the rigid, outdated attitude of the technostructure. It was a clumsy, thoughtless reaction against an archaic form which no longer corresponds to the needs of our time. Later, the referendum which General de Gaulle called on the question of the regions, linking it with his own political future, was lost, I am convinced, not because people were against the regions, but because the General, rightly or wrongly in their minds, incarnated the old regime which they no longer wanted.

The new President, Pompidou, and his Government understood the warning and spoke of the new society they want to create. Let us hope that they will really do something; otherwise, they will be cast out because the citizens have decided that a change must be made.

I hope that in this short and obviously incomplete expose of the development of European integration, you will have seen that I am a deep believer in the future of a United Europe. We needed perhaps to go through the endless negotiations, frustrations and ill feelings which finally gave birth first, to the E.C.S.C. and later to the European Economic Community and the European Free Trade Association, so as to awaken to reality, to throw away the shackles of nineteenth-century concepts while keeping the good we have inherited from our forefathers, and to play again our role in the world.

In my mind, all of these organizations which we have created are only steppingstones to a true United Europe. It appears, therefore, of minor importance whether the United Kingdom joins the Common Market now or later. The United Kingdom is an essential element of Europe. It cannot free itself of this historic and mainly geographical reality and, as we all know, Englishmen are by nature realists and, therefore, will face up, at the moment they choose, to join either the Common Market or the European Organization that will follow, and thus open the way definitively to a United Europe.

As United Europe is being born amid great travail, the question naturally asked by my shepherd friend immediately jumps to one's mind: "What about relations with our brothers who live across the sea?" It is quite obvious that the U.S.A. has, for the moment, an enormous head start compared to Europe—a single market of 200 million people, a modern political and administrative organization, a federal capital, a single currency, a single language, a system of law applicable to the 3.5 million square miles which form the largest and most powerful industrial concentration in the world.

But with the tremendous development of technical knowledge and industrial production, even that market might become too small. Even the 80 million active people in the U.S.A. will not be enough to tackle the final technical and industrial problems in front of us. As you know, you cannot, with all your political might, impose a global policy aimed at a better organization of human life everywhere. You will have to make a political choice; you will have to decide who your true friends, your brothers, are. Your choice can, I think, only be your brothers across the sea, the Europeans, who are inspired by the same ideals as you and prepared to share with you work and responsibility for this new world.

Obviously, you could make what I would call a colonial policy. You could drain any other country of its greatest wealth, implant your industrial machines where manpower is cheap, and impose your world monopoly on certain sectors of industry. History teaches us that this is the wrong solution, and we still have, alas, such examples in our time. I, for one, therefore, discard this short-term view, this facile solution which, in the end, would turn against its authors. You can and will associate yourselves with us, just as we try to associate with each other in Europe, and form an even more powerful unit. Today such an association across the Atlantic Ocean might seem a daydream, but do not forget the idea of a common market, much less a United Europe, was a daydream thirty years ago. With the tremendous acceleration of things in our time, even such a daydream can come true sooner than we can now imagine.

An association, and we are giving ample proof of it in Europe at the moment, does not grow all of a sudden. It needs preparation and previous contacts and collaboration;

then and then only can it grow harmoniously. I think, therefore, that the time has come when real collaboration between the U.S.A. and a growing Europe should be started on a practical basis. We have already an example which is not talked about enough and which is highly successful. It is the communications satellite network which began as a purely American adventure, but in which American shareholding is now a little over 50 percent. The United States is, admittedly with every show of reluctance, beginning to concede some say in planning and management to foreign member countries. The benefit to Europe is that most of the communications satellites are now being built in Europe to American specifications. A few days ago, the BASF bought an American chemical concern, not paying in dollars, as has been the custom until now, but by exchanging shares. This shows a real change of mind on both sides of the ocean.

There is no reason why the same should not happen in the conquest of space, a new field where there is room for everyone. When 20,000 contractors and 500,000 men are required to put three astronauts in the orbit of the moon, you will agree that it is totally immaterial to the planning of the project whether components are built in Europe or the U.S.A.

It was calculated by Professor Hermann Bondi, Head of Europe's International Space Research Organization, that Europe spends 1.5 cents a year per head on space compared to 54.5 cents a year per head for the Americans. Professor Bondi should have added that Europe gets, and rightly so, only 1.5 cents worth of space. In fact, the biggest European rocket under development is not even capable of launching the smallest American communications satellite. We are, therefore, wasting our money stupidly.

I have learned from my experience as a banker that what you cannot do profitably with your own organization, you have always to call in experts to do for you for a fee. Thus, you have a better result with less expense in the end. Expensive as a lawyer, fiscal expert, or specialized engineer may be, he can save you from making costly and useless errors.

To put the cosmonauts on the moon, the N.A.S.A. has spent $3.7 billion in a year. This represents 0.4 percent of the national gross product of America. If the European Economic Community were to do the same alone, it would cost roughly $1.8 billion, and the E.E.C. and E.F.T.A. together would represent $2.2 billion. If their efforts were combined, the N.A.S.A., today without any doubt the most efficient instrument in space development, could have a budget of over $5 billion and I need not say what we could achieve together. My fellow Europeans could object that this would represent for them a very important new fiscal charge. Let me answer them by saying that the sum thus collected would represent less than one-third of what they spend on smoking. It would also bring a number of space contracts to Europe, benefitting all parties and keeping them abreast of technical developments, while now they are powerless onlookers, wasting valuable money in an effort which has already proved to be a failure. It would, on the other hand, give N.A.S.A. the possibility of accelerating its research and create between the U.S.A. and Europe a practical link of friendship, of partnership in these totally new fields which, gentlemen, will not only be the playground for your and my children, but may be the beginning of yet another completely new era.

If we can realize, and I believe we must, such collaboration, we can tell our children that we have lived through the greatest transition period of the world—where the future was shaped by foresight and courage. We are leaving you a practical plan for collaboration between America and Europe in many fields. It is up to you to create now an even larger and permanent association.

A LOOK AT ISSUES IN ATOM FUEL PLANT CONTROL

Mr. GOODELL. Mr. President, the discussion on the complex question of Government-owned atomic plants and private enterprise makes pertinent the observations expressed by Alan Emory in the Watertown, N.Y., Daily Times.

I ask unanimous consent that Mr. Emory's views be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Watertown (N.Y.) Daily Times, Nov. 13, 1969]

NIXON PLAN TO SELL THREE FEDERAL ATOM PLANTS STRONGLY OPPOSED

(By Alan Emory)

WASHINGTON.—If President Nixon is "really interested in nationalizing the power industry, he is going at it the right way," says Sen. George D. Aiken, R. Vt.

Rep. Chet Holifield, D., Calif., warns that the Nixon move could stifle price competition in atomic fuel.

If the president is merely postponing a move to turn government-owned fuel plants over to private industry until after the 1970 elections, says Sen. Albert Gore, D., Tenn., "I think I will still be at the bridgehead."

Atomic Energy Commissioner James T. Ramey fears a potential private monopoly could stem from the president's proposal.

Nixon took the first step this week looking toward the sale of three federal plants that make enriched uranium—the key to atomic power and atomic weapons—to private industry.

AEC Commissioner Ramey said, in an interview, "if the decision is made to sell the plants, the government should hang onto at least one."

Ramey said it would be 10 years or more before any disposal could be made, and he was concerned about the private-company monopoly that could occur then.

"We can't get meaningful competition with only three plants," he said.

Utility and oil companies have been pressuring the government to sell at a price that could give them a windfall of more than a billion dollars.

Opponents of the proposed sale—which the president endorsed formally for the first time Monday—claim the result could be a scandal that would put the Eisenhower Administration's Dixon-Yates controversy in the shade.

Nixon has told the Atomic Energy Commission, which owns the plants, to set up a separate internal organization to run the facilities, but only until they are sold.

CONCERN OVER COSTS

He is concerned about the costs of modernizing and expanding them over the next 10 to 15 years and wants them shouldered by private enterprise. Nixon said they should be sold to private owners "at such time as various national interests will best be served, including a reasonable return to the Treasury."

The government paid $2,300,000,000 for the plants at Oak Ridge, Tenn.; Paducah, Ky., and Portsmouth, O. Utility interests want to buy them for about $1,300,000,000. Their current value is estimated at between $2,500,000,000 and $3,000,000,000.

Ironically, a private firm was commissioned to study the proposed sale without the knowledge of the A.E.C. representative. Eventually, the commission was allowed in on the act.

The General Accounting Office and several utility interests, including the Consolidated Edison Co. and some small utility firms, have opposed the sale. The most popular suggestion has been to have the plants owned and run by a government corporation similar to the Tennessee Valley Authority.

Holifield, warning against "another Dixon-Yates," says he is against selling the plants at 10 cents on the dollar with a penny down and the other nine cents owed. He says there is a serious question "whether there is any likelihood for effective price competition in what is now, and in all probability for some years to come will be, a highly concentrated industry."

His colleague on the Joint Congressional Atomic Energy Committee, Senator Aiken, said, "They have done pretty well, but they don't quite make it. If they can get the enriched fuel plants they will be in a position to do business the world over, and there could be a monopoly of all sources of power."

Gore, who is also on the committee, had warned six months ago the administration would propose turning the plants over to "private power trust facilities."

NIXON CONGRATULATED

This week he congratulated the president for postponing the basic sale decision and forecast that it "will likely never be justified."

"Since he does not now recommend it," Gore said, "we can cross that bridge when we reach it—and I will then be at the crossing. If the postponement is merely until after next year's election, I think I will still be at the bridgehead."

Sale of the plants, known as gaseous diffusion facilities, was first urged by the Atomic Industrial Forum, an organization of top private utility executives. The proposed sale price was about half the government's original cost, not counting outlays for research, development and staff and technical training.

"The overwhelming proportion of our electricity is expected to be generated by nuclear reactors," Gore said. "Whoever controls the source of fuel will be in the driver's seat."

Aiken says utility companies want a single producer of electricity and to control that one. He says he understands oil billionaire J. Paul Getty is one of those seeking to buy the fuel enrichment plants.

The Dixon-Yates controversy, which rocked the Eisenhower administration and is being cited as a model for the current fight, involved a private ultility plan to combine with the A.E.C. to build a steam generating plant, with the power to be fed into the T.V.A. system as a replacement for T.V.A. power. Congressional opposition defeated the plan and preceded senate rejection of A.E.C. Chairman Lewis L. Strauss as secretary of commerce.

[From the Watertown (N.Y.) Daily Times, Nov. 12, 1969]

ATOM FUEL PLANT CONTROL

Congress must take a long hard look at President Nixon's proposal to sell three government-owned uranium enrichment facilities to private enterprise. Then it should either reject the plan or surround it with tight regulations that will insure protection to electric consumers and the public in general.

The enrichment plants carry out the final processing in providing fuel for the country's nuclear power plants. If such vital plants are turned over to the private utilities, the result will be a monopoly, with industry calling the shot over pricing decisions. This is one sure way to eliminate competition from the public power agencies which have helped keep power costs in line and which have been the one major protection consumers have had.

Although the president has yet to order the outright sale of the three plants, his directive to the Atomic Energy Commission to put them in a separate financial accounting category is the major preliminary step toward eventual release to the private sector.

The U.S. taxpayers have spent billions of dollars on the uranium enrichment facilities. The need for getting sufficient quantities of U-235 to sustain nuclear reaction for the benefit of our entire atomic program was essential and still is. This same money provided the bounty and the blessing for the private and public power utilities.

The money and efforts should not be sacrificed for the expediency of shedding one more government obligation, to the exclusive advantage of one particular private segment. The government would find itself scandalously giving the plants away at the expense of the taxpayer and the electric power consumer.

Without the uranium enrichment process, there can be no nuclear electric power. That, in plain language, is how important the functions of the three plants are. Whoever controls the plants has a hammerlock over all other agencies, private and public, domestic and foreign, that will need precious nuclear fuel to run their power plants. Congress must act in behalf of millions of American residents who want to flick their light switches without their sounding like cash registers.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. ALLEN in the chair). Is there further morning business? If not, morning business is closed.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the pending business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I send to the desk an amendment which I will call up later. I offer it in behalf of myself and Mr. MANSFIELD, Mr. MAGNUSON, Mr. BOGGS, Mr. MONTOYA—members of the Appropriations Committee—and Mr. MUSKIE and Mr. RANDOLPH, for the purpose of increasing the appropriation of the air pollution control program. I will call the amendment up later.

The PRESIDING OFFICER. Without objection, the amendment will be received.

Mr. MAGNUSON obtained the floor.

Mr. JAVITS. Mr. President, will the Senator yield so that we may have an idea of time?

Mr. MAGNUSON. I yield.

Mr. JAVITS. I do not wish to trouble the Senator about the substantive details; only as to some idea of time. We all have just now received report on the the pending bill. Many of us may wish to propose amendments. Some things are controversial.

I wonder whether the chairman could give us a little idea of time, so that we might cooperate in facilitating the work of the Senate. One could ask for a live quorum and get time, or somebody could talk, but that is neither here nor there. I wonder whether the chairman might give us his idea as to how this matter will be orchestrated.

Mr. MAGNUSON. Let us get this straight. We have had this bill ready for several days. The reports and the bill were on the desks last night.

Mr. JAVITS. Will the chairman allow me to contradict him. No report was in until this morning.

Mr. MAGNUSON. They were ready.

Mr. JAVITS. We did not get them, so we did not know what is in the bill.

Mr. MAGNUSON. This was ready a week ago; and we have been talking, as members of the committee know—Senator COTTON has been to every meeting—about the general language, the Whitten amendment and the Cotton amendment. The money items have been long since settled. Anyone could have found out about them. We had this finished some time ago.

Mr. JAVITS. I served on the Appropriations Committee. We really tried to find out what is in this bill. I think I have as good sources as anybody else. We could not find out. The staff down there, bless them, is very private about all this information.

Mr. MAGNUSON. Will the Senator permit me to finish? Then perhaps he will not have to ask all these questions. I should like to make a general statement about the bill, and then we can stay here as long as we want, and the Senator can bring up any amendment to any section of the bill.

I think it will save the time of the Senate if we deal first with the money items and near the end get down to where we obviously will have a great deal of discussion, and we can have a yea and nay vote on the so-called Cotton amendment and the so-called Whitten amendment, which the committee changed slightly, but I must say that I do not think there is much difference.

Mr JAVITS. No.

Mr. MAGNUSON. That is the purpose, and we want to go on. I will make a statement, and then the Senator can go on as long as he wants with respect to the different items in the bill he would like to discuss.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JAVITS. Would the Senator except section 407 and section 408 from the normal request that the amendments be considered original text? I shall certainly raise the issue on 407, and I understand that another Senator—I cannot name him, because he has not agreed—will raise the issue on section 408.

Mr. MAGNUSON. That issue can come up in the normal course. I think we will save time if we discuss the money items as long as we can.

Mr. JAVITS. I think the Senator knows me well enough to know that I will do my utmost to cooperate with the Senator's wishes; but I do hope he will hold out these two amendments, so that we can have a yea and nay vote on each one. I mean, in an original sense, so that the committee amendments are up for consideration.

Mr. MAGNUSON. The usual request is to accept the committee amendments en bloc, and then the Senate can work its will.

Mr. JAVITS. I do not wish that. I will object. I do not wish to object. I ask the Senator to except from his unanimous consent request sections 407 and 408.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I should like to make one suggestion, which may not commend itself either to the chairman of the subcommittee or to the Senator from New York.

The Senator from New York and others, I am sure, are justifiably concerned that they want the dollar items in this bill. There are many, and they are complicated. They want an opportunity to study this matter and digest it and know what they are doing. We all sympathize with that. Everybody knows that we are going to have a contest here on the language——

Mr. MAGNUSON. On sections 407, 408, and 409.

Mr. COTTON. That is correct.

It would seem to me that, if we excepted those from any en bloc request and proceeded to get behind us the contest that is inevitable on sections 407, 408, and 409, while we would be doing that, it would give the Members of the Senate a chance to familiarize themselves thoroughly with the dollar content of the bill, and, in the end, would save us time and permit us to finish earlier tonight.

Mr. MAGNUSON. I do not disagree with that. I would like this general language considered separately, whether the Senate wants to do it first or last; I would not like to have that mixed up with the dollar items because it has only an indirect connection with the dollar items. There are many items in the bill. I do not know how many line items are in the bill, but there are several hundred. Then, there are breakdowns of the line items. There are probably several hundred items in the report where matters are spelled out.

We would be glad to explain what the House did and said. I could explain all of that in my opening statement. The

OEO matter has not been authorized yet but the House passed it. Then, we have the item the House passed on the floor on title I, ESEA. So it is not just a straight bill that came up. Everyone is making changes, even on sections 408 and 409. The administration saw fit to send wires to everyone and the wires got to most of us at 2 o'clock, 3 o'clock, and 4 o'clock in the morning. I am speaking of night before last. It was a very long telegram. We are trying to be fair about it and give everyone all the time needed.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. Mr. President, first, I wish to give notice now that I will object to any limitation of time on this bill on any item except as that limitation may be agreed to upon the calling up of any particular item or particular amendment; otherwise, as to any general limitation of time on this bill I want to interpose an objection now.

Second, in line with what has been said by the distinguished senior Senator from New York, I would like to suggest that the Senator at this time, before he starts his discussion of the items, ask unanimous consent that the text of the bill be considered as original text for the purposes of amendment, except for sections 407, 408, and 409.

Mr. MAGNUSON. Except the general language provision.

Mr. ALLOTT. Except the general language provision.

Mr. MAGNUSON. Except title IV, General Provisions.

Mr. ALLOTT. Then, we are on the way.

Mr. MAGNUSON. Then, we are on the way. Will the Senator from Colorado make that request?

Mr. ALLOTT. Mr. President, I ask that the amendments of the committee be adopted en bloc, and considered as original text for the purposes of amendment, except "Title IV—General Provisions," which will not be considered in that respect.

Mr. JAVITS. Mr. President, will the Senator omit the word "adopted"? The Senator used the word "adopted."

Mr. MAGNUSON. It should be "considered." If the Senator will yield further, the correct word is "agreed."

Mr. ALLOTT. Mr. President, I ask unanimous consent that the committee amendments to H.R. 13111 be considered and agreed to en bloc, and that the bill as thus amended be regarded for purposes of amendment as original text for the purposes of further amendment, provided that no point of order shall be considered to have been waived by reason of agreement to the request, except title IV of said bill, to which this consent will not apply.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I wonder if it would not be more appropriate to make this request after we get the bill that has been reported by the committee.

Mr. MAGNUSON. I am sorry. I cannot hear the Senator.

Mr. WILLIAMS of Delaware. Reserving the right to object, I wonder if it would not be more appropriate to proceed with the explanation and then make this request after we get back from the printer the bill that has been officially reported by the committee. All we have here before us now is the committee print. The committee never officially reported this bill until this morning. I think it is a highly irresponsible procedure to be considering a $20-billion bill within an hour after the committee takes final action.

Mr. MAGNUSON. There is no change in this at all.

Mr. WILLIAMS of Delaware. Then, what was the committee meeting on this morning?

Mr. MAGNUSON. There is no change at all.

Mr. WILLIAMS of Delaware. I still want to see the bill before granting unanimous consent. That is the least we can do when a $20 billion bill is before the Senate.

There will be no consent agreed to at this time.

Mr. MAGNUSON. This is the same language.

Mr. WILLIAMS of Delaware. We shall wait until we get it. This is the committee print.

Mr. MAGNUSON. Does the Senator object to this?

Mr. WILLIAMS of Delaware. I object to any action until we see the bill.

Mr. MAGNUSON. The only thing before the Senate is this unanimous-consent request.

Mr. WILLIAMS of Delaware. It is not there now.

Mr. MAGNUSON. Do you object to this?

Mr. WILLIAMS of Delaware. Yes.

The PRESIDING OFFICER. Objection is noted.

Mr. MAGNUSON. What is the pending order of business?

The PRESIDING OFFICER. The clerk will state the first committee amendment.

Mr. MAGNUSON. The bill is the same as this.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GRIFFIN. Mr. President, I was in charge of the floor for this side of the aisle late last evening after the vote on the Defense appropriation bill, when the unanimous-consent request was made that this bill be made the pending order of business even though the bill had not been reported from committee.

I must confess I was torn in my own mind because I think that is not a good way to proceed. We, on this side of the aisle, are also anxious to conclude and get the work done on the various appropriation bills that have to be acted upon. I did not object but I think it is obvious from the colloquy that has taken place that a number of Senators are very disturbed about trying to act on such a complicated bill without the bill being before the Senate and without time to consider what is in the bill. Ordinarily amendments that are going to be offered would be printed and available on the desks of Senators. In this case, at least as of now, they will not be. I know the Senator from Delaware feels the same way and other Senators are very concerned. I think it is important that we protect Senators' rights until they have ample opportunity to acquaint themselves with the bill. Within that framework and within those limitations we are going to do everything we can to expedite the bill, but we should not move too rapidly.

Mr. MAGNUSON. No one intends to move too rapidly. I hope the Senator from Delaware will take the word of all committee members that this is the bill.

Mr. WILLIAMS of Delaware. This may be the same as the final bill, but we did not receive even the committee print until 1 hour ago.

Mr. MAGNUSON. Not a "t" or an "i" or a dot has been changed.

Mr. WILLIAMS of Delaware. This bill has been before the committee since August 4. It has been held up and not reported to the Senate until today, December 16. If it took the committee that long Senators should at least have a chance to read it before being asked to vote. This is a $20-billion bill.

The fact is the original bill which was reported by the committee is not back from the printer. This is only an advance committee print. To consider an appropriation and make it the pending business before the committee actually reports the bill is highly irresponsible in my opinion. I have no objection to the chairman proceeding to explain the bill, but I do not want the amendments considered en bloc until we know what they are. I suggest the absence of a quorum.

Mr. MAGNUSON. Mr. President, will the Senator withdraw that request?

Mr. WILLIAMS of Delaware. I will withdraw the request if the Senator wants me to, but before the Senator makes a speech——

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. MAGNUSON. I have the floor. If the Senator wants to engage in a colloquy with me or members of the committee with respect to why portions of this bill were over here, the Senator can apply the same thing to the Defense appropriation bill, the foreign aid bill, and the transportation bill. There are about seven appropriation bills.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MAGNUSON. I shall yield in just a moment. I would like to finish. We have been sitting around here waiting for the administration to bring up programs. They asked us in several instances to wait, and even as late as last week they sent us another program from the Budget. We have been waiting for the OEO appropriation, which is a $2 billion part of the bill.

The Senate authorized it and the House authorized it but they are in conference on it today, I believe. The Senator from Delaware and I have been around here considering appropriation bills on many occasions in the month of

December. I will go back into the record on foreign aid where we were here between Christmas and New Year's on it.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I do not yield. I have got the floor.

Mr. WILLIAMS of Delaware. Then use it.

Mr. MAGNUSON. Everyone here is trying to expedite this, including the leadership. I hope the Senator will take the word of the full committee and the subcommittee that this is the bill.

It is a little bit unusual, but this has happened many times toward the end of the session. I do not know whether it has happened since the Senator from Michigan (Mr. GRIFFIN) has been here, but it certainly has happened since the Senator from Delaware has been here.

Mr. WILLIAMS of Delaware. Will the Senator from Washington yield?

Mr. MAGNUSON. No, I do not care to yield. I will stay here until New Year's Eve, if the Senator wants me to, but Members of the Senate at least can proceed with the bill. This is the bill.

Mr. COTTON. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield. I do not think anyone is irresponsible. The Senator from Delaware did not sit and listen to over 470 witnesses as the Senator from New Hampshire and I did. Perhaps the Senator heard that many on the tax bill, but those witnesses were shut off. We had to listen to ours, some of them all important people, the top men in education, science, and in other fields, and some of them would take maybe all morning, from 10 o'clock to 12 o'clock. We met at 9 and would go on until 7:30 in the evening.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I just think we had better take a look at this. If we want to proceed with appropriation bills, I suppose someone could object. The Senator from Delaware has asked for a bill to lay over in committee. I am sure the Senator has done that, has he not?

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Washington yield right there?

Mr. MAGNUSON. I yield. I do not know—this does not make any difference to me personally. I am speaking for the full Committee on Appropriations and the subcommittee.

We had the bill in the subcommittee ready 10 days to 2 weeks ago, but we have had these continual arguments regarding the general provisions. That is not the fault of the members of the committee. People are seriously and deeply concerned on portions of this issue.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Washington yield to me now?

Mr. COTTON. Mr. President, will the Senator from Washington yield?

Mr. HOLLAND. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I recall that the——

Mr. MAGNUSON. Oh, I had yielded to the Senator from Delaware a few moments ago.

Mr. WILLIAMS of Delaware. I want to suggest to the Senator that any unanimous consent be withheld at this time; in the meantime if the Senator wants to explain the bill I have no objection, but if he wants to lecture me for trying to get a copy of the bill before the Senate acts, let me say that he is not scaring anyone. So keep right on, but it may take a little longer this way. I still say this is an irresponsible way to pass an appropriation bill.

Mr. MAGNUSON. I am going to explain the bill, but in general terms. It is open for anyone to offer an amendment.

Mr. HOLLAND. Mr. President, if the Senator will yield to me now?

Mr. MAGNUSON. I yield.

Mr. COTTON. Did not the Senator yield to me before?

Mr. HOLLAND. I recall that the Senator from Delaware (Mr. WILLIAMS) made the same objection when we were considering the agricultural appropriation bill. Rather than wait indefinitely, we went ahead and took up amendments, amendment by amendment, and we got through that same day, as I recall. We received the cooperation of the Senator from Delaware by proceeding in that way.

I suggest that maybe that is the answer to this problem now.

The Senator from Delaware will recall that.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. WILLIAMS of Delaware. I have not been trying to delay the Senate. We have a situation here where we only have a committee print. The bill was not officially reported until this morning. If Senators will turn to page D1210 of yesterday's CONGRESSIONAL RECORD, Daily Digest, it says:

Committee on Appropriations: Committee met in executive session to begin mark up of H.R. 13111, fiscal 1970 appropriations for the Departments of Labor and Health, Education, and Welfare, but did not conclude action thereon, and will meet again tomorrow.

The committee met at 9 o'clock this morning and then reported the bill which would authorize over $20 billion in expenditures for this one agency.

Mr. COTTON. Mr. President, who has the floor?

Mr. MAGNUSON. Mr. President, I have the floor and I yielded to the Senator from Florida.

Mr. WILLIAMS of Delaware. The Senator from Washington yielded the floor. I make the point that he does not have the floor.

The PRESIDING OFFICER. The Senator from Washington yielded to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I am trying to reply to the Senator from Washington to say that I have no objection to proceeding, but Senators should have an opportunity to look at the bill. I do object to a unanimous consent at this time.

So far as the lecture of the Senator from Washington is concerned I am not the least bit impressed by it. The bill was in the Senator's committee for 4½ months, and I can tell the Senator why it was not out before. I hope we can proceed with consideration of this bill without getting into personalities, but if the Senator wants the real reason for this delay in the record I shall be glad to oblige.

Mr. MAGNUSON. We had 3 months of hearings and then 3 weeks of recess——

Mr. COTTON. Mr. President, I have been waiting to speak. I am the ranking minority member of the subcommittee.

Mr. HOLLAND. Mr. President, I have the floor, and I yield to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator.

Mr. President, it is regrettable, with the problems we have before us today, that we start out with a rather acrimonious exchange. It is no use going back into the history of discussion on appropriation bills. The Senator from Delaware has some justifiable points that he is making. I happen to have worked night and day with the distinguished chairman of the subcommittee the Senator from Washington (Mr. MAGNUSON), and I know that when we got going on the bill, we worked on it from early morning until late evening. Here we are with only a few days left and we have a bill before us. Whether it came late, early, or in between, we have a bill that is one of the largest appropriation bills, second only in amount to Defense appropriations.

The pending bill has almost $21 billion in it which I will say something about later. Now we have all worked hard, and are tired and even anxious. We have got to try to handle this thing dispassionately and as expeditiously as we can, but not to the extent of running a bill of this size through the Senate without giving every Senator full opportunity to examine it and know what it contains.

I think perhaps it would be wise to withhold this consent agreement. Certainly the Senator from Washington must make his opening statement which the Senate is entitled to hear and which the Senator is entitled to give. I shall not make any. But everyone in the Senate knows and I said this before—we are going to have a floor fight on sections 407, 408, and 409.

Those sections, of course, have to do with language in the bill and with what came over from the House, the Whitten amendments.

We know that debate will be fairly prolonged. So, if we start in after the chairman's preliminary statement, on the dollar items in the bill, we will find ourselves here in the middle of the night with a long, drawn-out debate on the disputed language which cannot be avoided. After the opening statement, if we could agree to go on to this disputed language, we would use the early hours of the day in making that inevitable debate, and it will be behind us. While that is going on, Senators will be able to

examine the report and look at the bill item by item. And we will have saved a lot of time.

I make that suggestion again. I think, in the condition we are all in at the present time in the Senate, it would help avoid any possible unpleasantness and irritation, and as the Senator from Delaware has very correctly asked, Senators would have a chance to look carefully at the bill and the report.

Mr. President, this procedure, I believe will save wear and tear, will save our tempers, and will afford everyone an opportunity to fully consider the matter.

Mr. HOLLAND. Mr. President, I appreciate the kindly suggestion of the Senator from New Hampshire. I just want to say that, although I am a member of the subcommittee, I did not go through anything like the punishment that the chairman and the ranking minority member went through in hearing, as I recall, something over 400 witnesses. Nor did I go through the frustration of waiting for the House, after several postponements, to pass its version of the OEO bill, so that we would know what to put in the bill for that important activity. Nor did I have to go through the frustration of waiting from time to time while the executive department was sending down new items. I understand the items continued to reach the subcommittee until perhaps the last month or thereabouts.

All I can say is we are indebted to those two Senators. We ought to take it up in any way that suits them. I have suggested taking it up amendment by amendment. If that is not acceptable, I certainly will join the Senator from New Hampshire in his suggestion. But I do want to say to the Senator from Delaware that he is making a point that is only technical, because this committee print is the committee bill. There is not a word changed. There is not an "i" dotted or a "t" crossed different in the bill as reported today from that which is in the committee print, because we were only awaiting final action by the full committee this morning, which was held up on some of the general provisions in title IV of the bill. The rest is all behind us and all agreed to, and apparently it was not at all unknown, because last Saturday I received a nine-page wire from the Secretary of Health, Education, and Welfare relating what the subcommittee had done. Somebody in the subcommittee evidently had done some talking.

That was received by me last Saturday. I noted in the press in Washington next morning a long discussion about it, and I have that in my pocket also. So nothing has been furtively or secretly held back here. The committee print is the bill we are considering so far as the substance is concerned. It is changed in no regard.

I hope we can hear the opening statement of the distinguished chairman and the ranking minority member, if he cares to make one. Then if the Senator insists we must take it up item by item, just as we did in the case of the agriculture bill, we can do so.

I yield now to the Senator from West Virginia.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield to me first?

Mr. HOLLAND. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I stated yesterday that I had no objection if they wanted to take up the bill, but I did not mean before the bill was available. I am not asking that it be delayed after we get the official bill. I know the Senate wants to proceed. I do not question that the committee print may be the same as the final bill, but it is not the bill. Even the committee print was not available to us until a few minutes ago. To suggest that the Senate should act on a $20-billion appropriation bill before it is even back from the printer is most irresponsible.

All I suggested to the Senate was that unanimous consent to accept the committee amendments en bloc be withheld until some of us have at least had a chance to examine the bill. That request could be presented later in the day. I was not filing any permanent objection, but I thought it was a reasonable request to ask for a short delay.

When there is before us a $20-billion bill that is not available to Members of the Senate and even now technically is not before the Senate, I say that there is no reason for such a rush. To avoid any misunderstanding there will be no unanimous consent as far as I am concerned—and I think I shall be here to take care of that—until we get a chance to look at the bill.

We would make much better time if the chairman would proceed to discuss the bill instead of having all this colloquy about procedure, because he is not going to get anywhere. Some of us understand the rules of procedure. I think we would make much better time if they proceed to talk about the bill.

Again I say it is indefensible that the Senate does not get this until 3½ months after it came from the House. Frankly I do not care how the committee wants to proceed, but there is not going to be a unanimous consent on the committee amendments en bloc until some of us have a chance to look at them.

This bill is over $900 million above the budget requests. Surely some attention needs to be given to these excessive expenditures, and to try to vote on a bill before it is even back from the printer is not being fiscally responsible.

Mr. HOLLAND. I understand the Senator from Delaware.

I yield now to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, the Senator from Delaware has made a legitimate objection to the adoption of the committee amendments en bloc. I think under the circumstances it is an understandable objection and a reasonable one.

As I understand the Senator, he has no present intention of continuing his objection throughout the day to the adoption of the committee amendments en bloc. He merely wants to have an opportunity to look over the committee amendments before removing his objection.

I would hope that at some time during the day the Senator would remove his objection after he has had an opportunity to study the committee amendments.

Mr. President, the chairman has done a very fine piece of work on this bill. He has held evening sessions and he has held sessions throughout the day for many weeks. He and the ranking minority member, (Mr. COTTON), have heard hundreds of witnesses. I think they are to be congratulated on their work on this very important bill. Many items had to have lengthy study.

We have only 7 days, including Christmas Eve, in which to complete our work, if we can. We have already consumed 30 minutes this morning, without accomplishing anything.

I hope the Senator from Delaware will have an opportunity to study the amendments and that later he will not interpose an objection to their adoption en bloc. I hope the chairman will proceed with his statement and the ranking minority member with his. During that time perhaps we can work out an agreement with everyone concerned to expedite the procedure, because we ought to pass this bill as soon as possible so as to allow prompt consideration of the Transportation appropriation bill, which will be ready for floor action.

I thank all Senators, on behalf of the majority leader, for their consideration.

Mr. HOLLAND. Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, I think all understand what this is about. The Appropriations Committee can take these items up one by one, if Senators want to do that. There are a great number of them. Many of them are not in controversy. Many of the budget items and the House items were the same, and the Senate committee adopted them. It will expedite matters if we work it the other way.

I have a general statement about the bill which I would like to present to the Senate at this time.

The Labor-HEW appropriation bill, which is H.R. 13111, as reported totals $20,819,691,700.

This is an increase over 1969 of $1,492,657,000, an increase over the President's recommendations of $985,566,000, and an increase over the House allowances—and I want to underline this figure for further discussion—of $3,246,089,000.

First, I know the Senate would question this tremendous difference with the House allowances of over $3 billion. This is explained easily by the OEO appropriation, which was sent up late by the Budget, which is now in conference, and has not yet been authorized, but that amounted to $2,048,000,000.

Then there was the advanced funding for education for 1971, which was sent up in the meantime, I will say to the Senator from Delaware, only a short time ago, in the amount of over a billion dollars for advanced funding for 1971.

The House, during their action on this bill, did not consider either of these items due to lack of authorization. Although both issues remain to be resolved, we did consider appropriations for the Office of Economic Opportunity,

and Advance Funding of Education for 1971.

Those two items make up the $3.246 billion, except for some other items sent up by the Bureau of the Budget, some of them as late as the last 2 weeks, amounting to another $50 million, which were not considered by the House of Representatives, in budgets for unemployment compensation, a new amount, labor-management services, capital grants for the Federal City College—that never came up—the Social and Rehabilitation Service salaries and expenses, Social Security Administration limitation on salaries, and two smaller items, the Office of the Comptroller and the Federal Mediation and Conciliation Service.

These items were not considered by the House of Representatives, and they came up since the hearings—in some cases during the middle of them—and the total of these items would add up to $3.338 billion.

Then there was an item of great importance not considered by the House of Representatives, in a relatively large amount, though small compared to the total of the bill. Congress passed what we called the Older Americans Act, and finally we got a budget estimate on that, after a long period of time.

So there were a lot of various items that kept coming in, that the House of Representatives had not considered, after the House had passed its bill. The House of Representatives, during its action on the bill, not only did not consider those items, in many cases not necessarily due to delay in authorization, but in many cases because there was no authorization.

Although both issues, the advance funding and the OEO, remain to be resolved, we did consider the appropriations for the Office of Economic Opportunity and the advance funding also. Those were the two items amounting to $3,274 million which we have had before us only about 2½ weeks.

The bill recommends $1,624 million as a conditional appropriation for the Office of Economic Opportunity. For advance funding of education in 1971, we have provided $1,117,580,000, which will be 80 percent of the 1970 levels. The two items total $2,741,530,000, and make our actual difference with the House allowances $505,509,000.

In arriving at the final recommendation, the committee carefully considered and reviewed every request and every action taken by the House of Representatives. We received from the President, as I have pointed out, several budget amounts as we were moving along, the latest one arriving on November 14. During our reviews, we cut 28 bureaus, agencies, and divisions by a total of $231,753,000 below the President's requests.

On a comparable basis to the House action, we made increases of $591,149,000 and decreases of $72,640,000. Thus we would have items in question with the House of Representatives that total approximately, in round figures—we will have the exact figures for the record—$591,149,000; the net difference with the House of Representatives, on these items, of $517,509,000.

Of the increases we have recommended, about 42 percent, or $246,214,000, are to bolster the health manpower and medical research programs of the National Institutes of Health, the regional medical programs, the Chronic Disease Control Center programs—which the Bureau of the Budget cut out completely—the Health Services, and an additional amount for Mental Health Administration.

About 46 percent of these increases, or $271,835,000, is slated for education, primarily in construction funds for community colleges and technical institutes, other 4-year colleges; books for public libraries and college library resources, including librarian training programs; for student assistance in the form of educational opportunity grants; and for juvenile delinquency control and the dropout prevention programs which will help to curb crime among youth. About 7 percent will fund programs under the Older Americans Act, the foster grandparents program and grants to States for programs they develop for the aging. About 5 percent will help the social and rehabilitation service to launch better auditing programs and reviews of medicare-medicaid expenditures, which are also in the bill for a large sum.

During our review of all the programs covered in this Labor-HEW appropriation bill, we became quite disturbed over several trends in the budget. While we all support the goal of holding down Federal outlays in an inflationary period, we do not believe this should be accomplished at the expense of vital domestic programs.

Cuts in education, health research, health manpower, and economic opportunity programs cannot be justified by general and often superficial references to the dangers of inflation. Inflation may indeed dictate firm control of the total Federal budget, but we had serious doubts about priority choices reflected in the 1970 Federal budget recommendations presented to us as related to that problem.

In fact, we held strongly to the premise that, even in times of economic uncertainty, care must be taken to protect, or for that matter even expand, programs that represent long-term investments in the basic health and well-being of our society. This bill and our recommendations represent an important and continuing step in that direction.

We are recommending that not only should the Senate agree with the action taken by the House of Representatives to protect vital education programs, but that we should also take a special initiative of our own to protect the Nation's investment in health research and the production of health manpower. The returns from past investment in this area have been substantial.

It is clear to me and to my fellow members of the subcommittee that health research must be expanded if heart disease, cancer, stroke, and other killing and crippling diseases are to be conquered. Yet, not only did the administration request a cut in health research projects but also asked that we cut research training projects. The implication of this action is unmistakable, and therefore properly subject to careful scrutiny by ourselves.

The cutback in health research is not intended to be temporary, because I think below the surface of the budget and the House allowance for health research training is a subtle budget policy with long-term implications for the production of future research scientists and, most important, the production of future teachers of physicians, medical technicians, and others on the periphery of the medical field, the supply of which is falling further behind with every passing day.

We are opposed to such a policy, and recommend restoration of a proper level of health research activity for 1970, and the continued expansion of health manpower programs for research, teaching and service personnel. Continued shortages within the health professions can only result in acceleration of the spiraling costs of health care and inexcusable delay in bringing to the American people possible improvements in the delivery of health care, and the benefits of some good research that has been conducted.

During our hearings, many instances of overlapping programs and responsibilities came to our attention. This is why we spent a great deal of time on the hearings and heard from an almost overwhelming number of witnesses to find out why these many programs, many of them in HEW, had a tendency to overlap and programs in different departments had the same purpose.

We found the matter of mental health and mental retardation in at least seven or nine divisions of Health, Education, and Welfare. We are for this program. However, we felt that if we could get some of them consolidated, we would have more efficiency and spend the same amount of money but spend it more properly.

Both the Department of Health, Education, and Welfare and the Office of Economic Opportunity operate virtually identical neighborhood health center programs.

Organizations seeking to provide health services to the poor are confronted by a maze of funding sources and confusing and overlapping application procedures.

It is not unusual for any Senator to have the experience of people from his home State who want to participate in one of the programs come to Washington and be at a complete loss to find out where to make an application, whether to make it in one department or another.

We hope that this will be changed by the reorganization which is still in process. That is what made the funding of some of the money a little confusing at times to the committee.

Health manpower training and mental retardation programs are scattered all over the Department of Health, Education, and Welfare. Each one, I guess, is doing its particular job. The testimony is that they are different programs as such, because they deal with separate phases of the matter.

This kind of fragmentation and competition among agencies is inherently inefficient. While the program objectives are worthwhile, this method of organizing to attain them wastes public resources. We expect a careful review to be made of this problem and for steps to be taken to streamline program administration.

Our committee specifically directed the Secretary of Health, Education, and Welfare to examine the following areas of activity within the Department to determine whether there may be excessive overlapping or duplication: First, mental retardation; second, assistance to migrant farmworkers; third, family planning; fourth, nutrition; fifth, health services for the poor; and sixth, health manpower training programs.

We especially directed the Director of the National Institutes of Health to take charge of the review of health manpower training programs and requested a comprehensive and carefully documented report, with recommendations, that would cover the current status and future development of all Federal programs involved in any way with health manpower.

The members of our committee also shared a criticism of delegated programs with funds flowing through and among several different agencies. This was especially evident in the OEO programs.

A number of economic opportunity programs have been transferred from OEO and are now administered by other departments and agencies. In some instances, however, OEO has continued to budget for transferred programs and then allocate funds to the other agencies. The most prominent examples of this are the Headstart and Follow Through programs now administered by the Department of Health, Education, and Welfare and a number of manpower programs administered by the Department of Labor.

We found this practice of one agency budgeting for another to be quite confusing to the Congress and the public, and expect this method of budgeting to be discontinued as soon as possible.

In detailing my summary or review of our recommendations, I should like to commence with what are called the "related agencies." Other than the two Departments, there are 11 related agencies in this bill, excluding the Office of Economic Opportunity. For those 11 related agencies, our recommendation is $93,902,000.

This would be $97,000 below the President's requests, and $15,472,000 over the House allowances. It would be $13,874,000 over the comparable appropriations for fiscal 1969, but the major reason for this difference and our difference with the House allowances is reflected by the payment to the Corporation for Public Broadcasting.

This is another item, I suggest to my good friend, the Senator from Delaware, that we received only 2 weeks ago from the Budget Bureau. This is a very important matter of keeping alive the matter of educational TV. That item was included in our bill. The House did not consider that amount. So that is the main difference between those related agencies.

The House did not consider funding for the Corporation for Public Broadcasting, and we allowed $15,000,000 for these activities that help to support creative and innovative programing by public television and radio stations—such as those produced by NET—and for technical assistance to improve station operations. The President requested $20 million for this program. They had $5 million in 1969. So our allowance of $15 million accounts for the bulk of our difference with the House on these items, and the increase over 1969.

Included among these related agencies is the National Commission on Product Safety which will be completing its investigations during this fiscal year, and preparing a comprehensive report on the adequacy of measures currently employed to protect consumers against unreasonable risk of injuries caused by hazardous household products. That Commission was created by an act of the last Congress. It passed the Senate unanimously. Last year they received $525,000 and for 1970 we recommended $1,474,000 which is the balance of the authorization for this excellent program.

They have held lengthy hearings in 10 or 11 sections of the country and are doing what everyone thinks is a marvelous job. They will make recommendations at the next session of Congress.

Among the other differences in this bill as recommended by our committee and the House allowances, are:

The President's Council on Youth Opportunity: An item not considered by the House, our allowance of $300,000 is under the President's request. We felt they were spending far too much for "consultants fees," and that they should either take advantage of volunteers, or make these people regular employees so we can determine just what their salaries actually should be and whether such expenses are reasonable.

The Federal Mediation and Conciliation Service was increased by $172,000. This will allow them to participate, along with the Department of Labor, in the Federal employee labor-management relations program that was recently instituted—again, long after the House bill was passed.

The Office of Economic Opportunity is also one of the related agencies in this bill, and we have recommended an appropriation of $1,624,000,000 which is $424 million below the President's request, and $324 million below the 1969 level of operations.

In dealing with the OEO program, the committee was confronted with a series of difficult situations, and I quote from our report:

> The Economic Opportunity Act amendments of 1967 authorized appropriations through June 30, 1969.
>
> The administration has proposed a two-year extension of the existing provisions of the Economic Opportunity Act of 1964, as amended, requesting that $2,048,000,000 be authorized for the appropriation for the fiscal year ending June 30, 1970, and such sums as may be necessary for the fiscal year ending June 1971.
>
> The Senate has passed the bill entitled "The Economic Opportunity Amendments of 1969," which would authorize the same amount, $2,048,000,000, to be appropriated for the fiscal year ending June 1970, and $2.732 billion for the fiscal year ending June 30, 1971—in other words, carrying out the 2-year extension.
>
> Authorizing legislation for the Economic Opportunity Act program has been passed by the House, but is still in conference.

Here, again, are some of our problems. I wrote this opening statement 4 days ago, and now I have to change that because of action of the House since that time. It has passed the House, it is in conference, and I do not know whether the conference will be resolved this week. The House members of the committee have hopes that it will. That will have some bearing on these amounts.

The fiscal year 1970 Appropriation Act is here under consideration, almost 6 months after the fiscal year has begun. Should congressional action continue to be withheld, it is unlikely that funds will be available much before 8 months of the fiscal year for which they are intended.

I might say to the Senator from New York (Mr. JAVITS) the more I read this, the more I think that we should pass the Magnuson plan of the legislative and fiscal sessions, of which the Senator from New York has been a prominent cosponsor.

The committee is aware of the importance of the economic opportunity program and notes that the Senate has taken timely action on its passage of S. 3016, the "Economic Opportunity Amendments of 1969." It believes that it would be damaging to the important new directions set by the administration and the Senate itself if there is further delay than absolutely necessary in providing appropriations. These new directions call for the Office of Economic Opportunity to reconstitute itself as the vanguard of experimentation and development in more effective ways to deal with domestic problems affecting the poor and disadvantaged.

None of us likes to provide appropriations for some program that has not been fully authorized. The differences between the House and Senate, however, are not too great, so that we can estimate pretty closely the amount. But we do have a Senate rule, called to my attention vividly by the Senator from Florida, to the effect that we have the right to make appropriations on bills that we have authorized, which we did. But we cut it down because of the time element involved and because we knew that the Administration would then come up with the first appropriation supplemental in the year; but they would have the money, if the conference agrees, to carry out the program up to that time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JAVITS. I do not believe that it works that way, because, as I understand the way the departments operate, they have already spent money on the continuing resolution. They will then allocate what they have received in the way of appropriation, or the Budget

Bureau will do it for them, and it may result in scaling down their allocation if the appropriation for this fiscal year is less than for the previous fiscal year, for the period which the Senator has in mind.

The supplemental appropriation bill really does not help too much in that kind of situation, where you have ongoing administration, because they have to condition their activities, which have a certain amount of leadtime, according to the very low appropriation which is provided for in this bill. It is not an automatic situation, such as in the case of interest on debt or veteran's benefits, where a supplemental can really mean something. It is also unlike situations which are prospective in their application, such as the neighborhood youth corps summer program where we do not get action until July but the money can still be used.

The Economic Opportunity Act appropriation is an ongoing thing which requires balance through the year, and it does not do them any good unless they have some stabilizing concept of what they are budgeting and what they are doing.

Therefore, I would appreciate it if the Senator would tell us precisely what the substantive basis was for the Appropriation Committees' cuts, unless the only substantive basis was the committee's idea that half the year has expired. With all due respect, I do not think that represents any basis for cuts of this kind.

Mr. MAGNUSON. That is not involved, because they have been spending every month one-twelfth of what they had last year.

Mr. JAVITS. That is correct.

Mr. MAGNUSON. Another peculiar thing about OEO—I have never understood why it happens, and it is like our fiscal year versus the calendar year—is that most of their programs run to April 15, and then they are renewed. That is true of a great number of their progams. I do not know how they got April 15, unless the first appropriation for OEO might have been passed by Congress in January, in the beginning, and then they started their programs.

Because of the uncertainty of the authorization, as to whether the House would get to it at all, we thought we would put some money in the bank, with the general understanding that if the conference report came here similar to what the administration recommended, we would immediately honor it. That is about the only answer I have.

Mr. JAVITS. What I am trying to get at is this: Is there any substantive basis for this very large cut in the Senate-authorized amount? If there is, then, by a discussion on the floor, at least the agency and we—I am the ranking minority member of that committee—can get an idea why the committee sort of turned thumbs down on the OEO to the extent of approximately a 20-percent cut. Twenty percent is a good deal of money for one agency.

Mr. MAGNUSON. The Senator from New Hampshire has spent a great deal of time looking into this matter, and I am sure he is going to mention that.

Because of the lateness of authorization, and even yet not knowing, we thought we should have some say as they move along on the priorities. The Senate Appropriations Committee may not necessarily want to establish the same priorities in OEO. We may want more for one program and less for another. That is one reason why we gave ourselves this leeway. Other than that, we had no reason.

Mr. JAVITS. May I hope that when the Senator from New Hampshire (Mr. COTTON) adds his analysis to that of the chairman, we will have either the fact that it is not substantive or that it is, and if so, on what basis. Otherwise, it would be hard to judge what to do about it.

Mr. COTTON. As a matter of fact, usually, the ranking minority member rises and retraces the points covered by the chairman. I do not intend to do that, because I think it is important for the Senate to take up these matters as they come along.

The history of this matter is that when the subcommittee first had to face up to this OEO problem, we were going blindly. We had no evidence. The Director of OEO had not appeared before us, because the chairman, quite correctly, told him that we preferred to listen to him when we had an authorization. We did not have an authorization, and we were writing up the bill. We agreed at that time, as I recall—to appropriate—for the remainder of the year; that is, to appropriate all they used for 6 months under the continuing resolution of OEO. Then, we appropriated 80 percent for the remaining part of the year with the idea this would keep them going and that we could take care of surpluses in the supplemental. The figure was 80 percent, was it not?

Mr. MAGNUSON. Yes; 80 percent.

Mr. COTTON. At that point we got the authorization, or part of it. Am I correct?

Mr. MAGNUSON. The new Director appeared before us when we were marking up the bill and said, "Please wait until tomorrow night." That would be, for instance, on a Wednesday. So we waited. He is a very able man. I know him well. Then, the House got into a squabble about the Green amendment. So the Director came back and we had to do what we are now doing here in sheer desperation to get the bill up.

I wish to read from the committee report.

Mr. COTTON. Mr. President, if the Senator will yield, I would like to correct a misstatement I made.

Mr. MAGNUSON. I yield.

Mr. COTTON. I referred to 80 percent with respect to advance funding. We appropriated the amount that they had already used under the continuing resolution in the first 6 months and two-thirds of the request for the remaining 6 months.

Mr. MAGNUSON. That is correct.

Mr. JAVITS. When the Senator says "request," does he mean the Senate-passed authorization?

Mr. MAGNUSON. It was the same as the Budget request.

Mr. COTTON. It was two-thirds, not with the idea that it was sufficient, but we were proceeding with no evidence. We appropriated two-thirds of the Budget request for the last 6 months of this year with the intention that when the supplemental came in we could hear the Director, hear all of his program, all of the details, and obviously do whatever was necessary in the judgment of the subcommittee and the committee.

Mr. MAGNUSON. I wish to read to the Senator from New York the language which appears on page 93 of the committee report. I might add that we knew this long before the squabble in the House:

> For these reasons the committee includes $1.624 billion, which is the rate of operations in fiscal year 1969, projected through the first 10 months of fiscal year 1970. This amount has been deliberately held at a point where the agency will be able to sustain necessary operations for the time being, but is clearly below what the Senate and House authorized.

That is taking the cue from what we did in the budget. That is the key.

> This appropriation will enable the Economic Opportunity Program to continue in as orderly a fashion as possible immediately upon completion of final action on this authorization. The committee would then expect—

We bind ourselves to this—

> to act on such supplemental appropriation requests as would be required to reflect whatever new directions might be indicated by its new authorization.

As the Senator knows, there is much controversy in connection with the direction of some of these programs. We reserved the right to take a look at them but did not deny them the right to go on.

Mr. JAVITS. Mr. President, I think both Senators have been very helpful, and I refer to the chairman of the committee, the Senator from Washington (Mr. MAGNUSON), and the ranking minority member, the Senator from New Hampshire (Mr. COTTON), in giving us the rationale for the action of the committee.

I wish to indicate to the chairman what I think we have to do on our side. I think we have to ascertain whether OEO can really proceed with this $1.624 billion level, or, in fact, more would be jeopardized by proceeding at that level. Second, we have to determine what OEO would have to propose for the supplemental and what reception it would be likely to get from the Bureau of the Budget. This should not take more than a few hours. Then I hope to be able to report that to the Senate and to the committee from the OEO point of view and from our point of view. I shall contact the Senator from Texas (Mr. YARBOROUGH). Then, we can mutually determine if this can stand as it is or whether we might contemplate any amendment; but I am sure the Senator will look at this matter de novo in the supplemental, as if it were an initial application because then he would look at the facts.

Mr. MAGNUSON. Mr. President, there

was another factor. We did not get word directly from the Bureau of the Budget. I do not know what part of the OEO program they are going to continue. There is a great deal of discussion. There is one school of thought to cut it out altogether. That is the extreme. The other extreme is to keep everything going. Frankly, I do not see how we can keep all these programs going and cut it down much lower than we cut it. I do not know what the result will be because we have had so many changes in the last 4 months down there. I hate to suggest what it is going to be. I am waiting for another telegram at 4 o'clock in the morning.

Mr. COTTON. Mr. President, I would like to add to that. I wish to say to the Senator from New York that in all the years I have been on this subcommittee, and all the years I have been on the Committee on Appropriations in both the House and the Senate I have never seen such an unhappy example of what should not happen to this bill.

We have the situation which has been covered in the report. One bureau—one department—getting the money and turning it over to another. In this case OEO turning the money over to Labor. There is no business procedure about it whatsoever, and no way we can know what we are doing in committee.

In addition, OEO has not had the opportunity to tell us—we should have known but we were unable to get the information—as to exactly what they wanted. They did tell the House but not the Senate. The Bureau of the Budget has not gotten around to telling us what their analysis is or what their idea is of the function of OEO and how much money it is going to take.

The administration has not done so. The Senator from New Hampshire expected we would get some of the information the Senator from New York is now seeking to obtain. The Senator from New Hampshire thought, handicapped as we were and operating in such a vacuum if we arbitrarily gave them only two-thirds for the last months of the year of what they were probably expecting, that it would bring to us some definite, clear-cut information. We have not received it.

I know the Director of OEO is not to blame because he is eager and willing to give it to us. But whether it is in the Bureau of the Budget or where the holdup takes place, I do not know.

Frankly speaking for one member of the committee, and I think that was the feeling of the subcommittee, we thought that the quickest way to get some real, definite, down-to-earth information was to do something that would cause them to see the necessity of getting it to us. Apparently, that method fell on the desert air. If the Senator from New York, during the day, can acquire that information, he will be rendering a great service.

Mr. JAVITS. I am grateful to my colleague. I shall do exactly that.

PRIVILEGE OF THE FLOOR

Mr. President, may I ask the chairman to yield to me, so that I may ask permission for the privilege of the floor to be given to the various staff members of the Committee on Labor and Public Welfare while we debate the bill?

Mr. MAGNUSON. Oh yes. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that the necessary members of the staff of the Committee on Labor and Public Welfare have the privilege of the floor during debate on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. While the Senator is on that subject, so that I will not forget it, let me say that no one can be more grateful than the Senator from New Hampshire (Mr. COTTON) and myself for the tremendous work that the staff on HEW and all members of the Appropriations Committee staff gave us. They worked late at night for weeks, night and day. That is how complicated the bill is. I wanted to say this while the Senator from Delaware is in the Chamber. We had to add 17 new items which came up from the Budget in the last 5 weeks. They were new ones in the bill.

Mr. JAVITS. I thank the chairman very much.

Mr. MAGNUSON. It is pretty hard to know what is going on down below.

Now, Mr. President, I will continue with the statement.

The committee is aware of the importance of the Economic Opportunity program, and notes that the Senate has taken timely action in its passage of S. 3016, the Economic Opportunity Amendments of 1969.

But, again there, the Senate was plagued with the proposition that two of its most important programs—I suggest not the most popular but at least two of the most worthy programs—the largest was transferred out of OEO and we did not know at that time whether the administration would transfer the remainder of the program. No one seemed to know. They were working on it but had made no decision and have not yet, but we did start here on the HEW Job Corps and two or three other job training programs which went to Labor but they did not want the onus of the funds. They wanted us to fund it through the OEO which we deplore and suggest that that does not happen again.

The committee believes that it would be damaging to the important new directions set by the administration and the Senate itself if there is further delay than absolutely necessary in providing appropriations. We do not know what the experiments will be with the rest of them. I suppose it will be, much of it, a continuation of past programs.

This committee has been critical in the past Economic Opportunity programs and management, which fell short of reasonable expectations for efficiency and effectiveness. It hopes that the commitment of the present administration and the new management of the Office of Economic Opportunity may be realized. However, the committee also acknowledges that it is almost impossible to expect creditable performance with such unprecedented delay in authorizing a program now almost halfway through the fiscal year.

For these reasons the committee includes $1,624,000,000, which is the rate of operations in fiscal year 1969, projected through the first 10 months of fiscal year 1970.

I shall not discuss that in my statement any further. I think it is pretty clear what we did and why we did it.

This amount has been deliberately held at a point where the agency will be able to sustain necessary operations for the time being, but is clearly below what the Senate authorized in S. 3016. This appropriation will enable the Economic Opportunity program to continue in as orderly a fashion as possible immediately upon completion of final action on its authorization. The committee would then expect to act on such supplemental appropriation requests as will be required to reflect whatever new directions might be indicated by its new authorization.

The House took final action on the OEO authorization last week, and a conference report should be forthcoming shortly.

DEPARTMENT OF LABOR

For the Department of Labor, our recommendation is $979,578,000, which is $23,457,000 below the President's requests, and $2,673,000 over the House allowance.

Our recommendation would reflect an increase over 1969 funding of $208,009,000. When you consider the activities of the Manpower Administration, with their responsibility for the Neighborhood Youth Corps, job opportunities in the business sector and the concentrated employment program, it is understandable that their appropriation is increased $248,113,000 over the 1969 level. We do not feel those increases within the Department of Labor are unreasonable.

Mr. JAVITS. Mr. President, will the Senator from Washington yield at that point?

Mr. MAGNUSON. I yield.

Mr. JAVITS. I hope the Senator will forgive me, but I think he knows that this is my principal committee and I am heavily involved in all of its activities, including the manpower provision to which the Senator has just referred. We will check out the Neighborhood Youth Corps summer program in order to see whether any effort to increase that allocation is justified and I will report to the Senate and to the chairman, but I did want to ask the Senator this one question which puzzles me. The Senator speaks of the JOBS program, but the Senator does not say exactly what the committee gave that program.

Mr. MAGNUSON. We will come to that later on.

Mr. JAVITS. That will be fine.

Mr. MAGNUSON. I break this down. I was merely saying, in view of things the Senator is talking about, and probably even more, it is not unusual to see this two hundred and more million dollars over in 1969.

Mr. JAVITS. So that the Senator can understand better the point that I raise on page 6 of the report, it reads as follows:

> The amount requested for 1970 was an increase of $192,050,000 for the JOBS program and $44,200,000 for the Concentrated Employment Program. These are both relatively new programs funded at a low level at the beginning of fiscal year 1969 . . .

Mr. MAGNUSON. They did not themselves break it down. Page 6 of the report states:

The Committee directs that within the total funds approved $26,400,000 be reprogrammed to provide for an increase in the Neighborhood Youth Corps summer program in 1970 to a level of $147,900,000, the same level as the total program for 1969. This reprogramming will require a reduction in the program increases specifically requested by the Department within the total amount approved by the Committee. Most of the Departments' request was accounted for by two programs, the Job Opportunities in the Business Sector program (JOBS), under the sponsorship of the National Alliance of Businessmen, and the Concentrated Employment Program. The amount requested for 1970 was an increase of $192,050,000 for the JOBS program and $44,200,000 for the Concentrated Employment Program. These are both relatively new programs funded at a low level at the beginning of fiscal year 1969, but expanded considerably during the year under the appropriations made for this purpose. The amounts requested by the Department for 1970 would have done little more than maintain the level of activities reached by the end of fiscal year 1969.

The Committee strongly supports efforts of the department to evaluate the effectiveness of manpower programs, and feels that a continuing review is vital if we are to make the most effective use of our resources. The Committee would welcome evidence that we should give emphasis to those programs that are best contributing to our objectives of improving the work skills and quality of life for all Americans, and the reduction or elimination of less productive programs.

In other words, the Senator is trying to find out the exact amounts.

Mr. JAVITS. I know what they requested, but what did the committee give them?

Mr. MAGNUSON. We did not direct a breakdown because they did not ask for a breakdown. They wanted the full sum. They wanted it to be flexible. We strongly suggested that they keep it at the 1969 level.

Mr. JAVITS. Nevertheless, the committee funded the program at less than the 1970 budget request.

Mr. MAGNUSON. They did not ask for a breakdown. There were many witnesses, but I received the impression that they wanted this flexibility. However, we made that statement in the report.

As mentioned, our recommendations in Labor are $2,673,000 above the House allowances, and to highlight these differences:

The Office of Manpower Administrator: Our increase of $1,582,000 allows them to conduct a study of seasonality in the construction industry and to further their mobility demonstration and placement assistance programs.

Office of Labor Management Relations: Our increase of $841,000 allows them to strengthen and improve the new program established for Federal employees and their unions. This was an administration request. The Assistant Secretary for Labor-Management Relations will be responsible for determining appropriate bargaining units, supervising representative elections, deciding cases involving unfair labor practices, and administering the standards of conduct for Federal employee organizations. This is very important and should prove beneficial to all Federal employees.

In the Wage and Labor Standards Administration, we feel the safety program in high-hazard industries is very important, and long neglected.

The increase of $250,000 over the House allowance will provide $150,000 for a high-hazard inspection training and education safety program which will permit the Department to carry out its responsibilities under the safety provisions of the Walsh-Healey and Public Service Contracts Acts.

The funds recommended will only permit long overdue first steps toward proper administration of the acts. Without them the safety activity will be able to carry on only a skeleton program. It will also provide $100,000 for restoration of mandatory Federal pay increase costs not completely funded in 1969 and will permit the filling of positions authorized in 1970 and a reduction of the backlog in adjudication and payment of claims of injured Federal employees.

For "unemployment compensation," we also allowed a trust fund transfer of $26,929,000 in this grants-to-States program. This will cover increased salary costs in the administration of these programs in the States and for the establishment of 11 "job banks"—the program that has proved so successful in the Baltimore demonstration in helping to place people in jobs.

In the Office of Labor Management Relations, we agreed with the House, in not allowing them $2 million plus to investigate union pension plans under the so-called attack against organized crime. The Office of Labor-Management and Welfare-Pension reports may well contain a wealth of information essential in the fight against organized crime, but these reports are public information and readily available to the Department of Justice for use in their law enforcement activities. The committee feels the Department of Justice should make whatever request it finds necessary; that the costs of any review of these reports should be carried by that Department, and conducted by employees of that Department.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The variety of programs administered by this most important agency of the Federal Government occupied most of our time in committee, and I am certain will take most of the time the Senate spends deliberating these recommendations.

The grand total of our recommendation for HEW is $18,122,211,700 which is $1,433,120,000 above the President's requests, and $486,364,000 over the House allowances if we discount the advance funding of education for 1971.

During our deliberations, we essentially agreed with the House additions for education, but we made further increases for the construction of facilities for the community colleges and technical schools, and other 4-year colleges.

I need not tell the Senate the importance of community colleges in our scheme of education, and their great success in pretty nearly every State of the Union in filling the needs and relieving the pressure on some of the 4-year colleges, although some of the community colleges have been attempting to become, and some have become, 4-year colleges.

We added funds for libraries, for college library resources, for librarian training programs, for student assistance in the form of educational opportunity grants, and for the dropout prevention program.

In the area of health, especially the critical needs for additional health manpower, we became convinced that the administration ignored their own rhetoric.

There is an impending crisis in the delivery of health care to the people of the United States. One of the basic reasons for this is the increasing shortage of trained personnel—people who can help to deliver health care. Costs of all types of health care have been accelerating at a rate far in excess of any inflationary factors.

Worst of all, possible improvements in the actual health care available to average Americans is being denied them today. Denied because the knowledge about all of those improvements is not being made available to every practicing physician and to every hospital.

This is due, at least in part, to budgetary restrictions—here at the Federal level, but also at the State and local levels, and within the private sector. We could not, in good conscience, shirk back from those truths. We therefore increased those items within health and health manpower by a total of $246,214,000, and of that amount, 71 percent or $175,733,000 is slated for the National Institutes of Health.

I want to discuss these increases in more detail, but for those members who have not had an opportunity to study these items in detail, I think it best that I review all of these increases within the HEW budget that we are recommending.

FOOD AND DRUG CONTROL—$691,000

We were concerned that the Fair Packaging and Labeling Act has not been implemented as vigorously as was intended by the Congress. To rectify the chronic deficiency of resources for fair packaging and labeling activities, we recommend an increase of $691,000 over the House allowance for the Food and Drug Administration. These funds are intended to answer legitimate consumer demands, by stimulating expanded efforts to detect and prevent economic cheating in the food market and violations of the Fair Packaging and Labeling Act.

MENTAL HEALTH—$24,698,000

We recommend an increase of $8,000,000 over the President's budget request and $4,000,000 over the House allowance to assist communities in providing treatment services for alcoholics, a program authorized in the Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968. The $8,000,000 increase will support grants for the construction and initial staffing of facilities for the prevention and treatment of alcoholism, consistent with the community health center concept.

The committee recommends an in-

crease of $1,102,000 over the House allowance to restore the funds, including administrative support, requested in the budget for an early child-care demonstration program.

An increase of $500,000 in direct operations will restore funds requested in the budget, but denied by the House, for special contract research studies.

We recommend an increase of $5,000,000 over both the House allowance and the budget request for the training grant program. This will provide a total of $112,500,000, the same amount requested in the original 1970 budget. The budget amendments submitted included a reduction of $5,000,000 in this program which would have eliminated funds for new training grants and reduced the size of some established training programs. This would have come at a time when there is a particular need for increasing the manpower available for mental health research and services. We oppose this policy and therefore restored this program to the original budget.

We recommend an increase of $7,000,000 over the House allowance and the budget request for grants for the construction of community mental health centers. The development of community mental health services and facilities has been a significant factor in reducing the size of the patient population in the Nation's mental hospitals and has been a major advance in the treatment of the mentally ill.

An increase of $7,096,000 over the House allowance and the budget request is provided for community mental health center staffing grants and for research fellowships. This recommendation is consistent with the committee's general policy on expanding the supply of essential health manpower.

COMPREHENSIVE HEALTH PLANNING AND SERVICES—$6,890,000

With the restoration of these funds, $15,000,000 will now be available for health programs that serve over 325,000 migrant workers in some 120 projects in 36 States. We suggested this increase be utilized in reaching a greater number of eligible recipients with out-patient care and increasing the quality of that care. An intensified program of early case-finding, with ambulatory care facilities available where the migrants are located, should further enhance the achievements of this program.

REGIONAL MEDICAL PROGRAMS—$24,000,000

Now I come to a program that has had great success. It is somewhat new, but we heard many witnesses on what this program has been accomplishing, and the importance of it. I refer to the regional medical programs. We added $24 million for the amount for this item.

Of the $100,000,000 allowed $24,771,000 is for direct operations, primarily for the long-established chronic disease control program and a domestic nutrition program; and $73,500,000 is for regional medical operational and planning grants.

We are strongly opposed to the proposal of the Department to make a $4 million reduction in chronic disease control programs and shift this amount to operational and planning grants of the regional medical programs. We think they should have both. If this were done as recommended by the Department the action would entirely eliminate ongoing activities in five disease categories: heart disease; respiratory disease; cancer, diabetes and arthritis; and neurological and sensory diseases.

We expect that there will be no diminution of effort in the kidney dialysis program. Advances in kidney dialysis are saving lives every day and there is no reason to slow the rate of technical progress, although I must say, Mr. President, that in that field there is still a long way to go. I forget the exact testimony, but I think there are still something like 8 out of 10 of the people affected who cannot obtain the kidney machines in order to live. Only about 20 percent can afford them because of the tremendous cost involved.

But this chronic disease program, which is in part a research program, is doing a great job. We were shown, in the committee, a small bio-engineering device that can sell for a relatively small amount of money, which can be used now for the purpose of kidney dialysis, and will be of great help in reaching many of those people who must otherwise die if a dialysis machine is not available to them. Here, again, is an example of the folly of cutting down on health manpower programs. Even if we appropriated great sums, there simply are not enough trained people to handle the machines for the benefit of all the people suffering from this problem.

DISTRICT OF COLUMBIA MEDICAL FACILITIES—$10,000,000

For the District of Columbia medical facilities, we added $15 million in the supplemental for construction funds. This is for all of the problems involved in this area, in the supplemental. But we added $6,500,000 for loans in this field, and $3,500,000 for grants, for some needed repairs and remodeling. The need for improved medical facilities in the District and in the area, of course, has been well documented.

NATIONAL CANCER INSTITUTE—$19,275,000

Now come the Institutes proper, within the National Institutes of Health. Your chairman has a deep personal interest in this next item, because when I came to Congress some 33 years ago as a Member of the House of Representatives, the bill to establish a National Cancer Institute was the first bill of which I ever obtained passage. So I have watched it for 30-odd years, hoping that its research programs can finally press the button that will do the job on this great killer in this country.

We have had some great successes. The testimony shows very exciting developments in the new fields of the establishment of the relation of viruses to cancer, the pap test problems, Parkinson's disease—for which there is a new drug that seems to work, research on leukemia, and many other fields of cancer problems as to which there is now some light at the end of the tunnel.

We have figures which show that whereas 2 out of 3 afflicted persons died of cancer some 30 years ago, or up until approximately the time of World War II, we have now cut the figure down, in many cases, to 1 out of 5 or 1 out of 4. So we have made much general progress, and the necessity of education for all types of people, not only those in the National Cancer Institute, to work toward the early detection of cancer, is of utmost importance.

To advance the work of the Institute toward a level of activity commensurate with the complexity, urgency, and importance of the problems in whose solution it is engaged, we increased the appropriation to $200 million. This is in sharp contrast to the appropriation I mentioned back in 1938, for which we received the great sum of $1 million, to start the program. If it had not been for a very generous lady in Bethesda who owned the land where the Institute now stands and donated it to us, we could not have started then. The land has an immense value today.

We provided $200 million for this, the Cancer Institute. I do not know, but I think in this field the members of the committee who hear the testimony wonder if perhaps we had some sort of a crash program in the field and were to add 4, 5, or 6 times the amount of the appropriation. Perhaps we should proceed on a crash program within the various types of cancer, rather than proceed as we are doing. Perhaps it would be good to work on one that shows a promise of achieving a cure and let the others go.

This is an agonizing problem for the people working in this field.

We provided an appropriation of $200 million. And we hope that a part of the increase will be devoted to the cancer chemotherapy program and to studies on the possible virus origin of cancer. There are 200 types of cancer. And it is hard to know which one to get at first. However, there are some promising things.

The increase also includes an addition of at least $3,232,500 for the training grant and fellowship programs.

In some cases we thought of appropriating a much larger amount of money. However, there are not enough skilled people in the field to do this work. That was the effect of the testimony.

NATIONAL HEART INSTITUTE

The biggest killer in the United States, of course, is heart disease. For the National Heart Institute we recommended an increase over the budget request of $21,487,000. Of this increase, at least $4,950,800 shall be used for the training grant and fellowship programs as allocated between these two programs by the Director of NIH. We just cannot get at these things, even if more money were available, unless we train people. The additional funds also include an increase of $5 million for the artificial heart program, which will bring the amount available for hardware and engineering development to $13 million.

NATIONAL INSTITUTE OF DENTAL RESEARCH

We recommend an increase of $2,711,000 over the budget request for this Institute. Of this increase, at least $1,376,400 shall be used for the training grant and fellowship programs as allocated between these two programs by the Director of NIH.

We all know about the shortage of doctors in the country. I will come to that again. However, there is a greater short-

age of dentists in the country. And if one does not believe it, let him try to get an appointment with a dentist. If he does not go to the dentist's office on the day of the appointment, he is out for awhile.

We think it is vitally necessary to keep the training grants and fellowships moving.

In this particular case, when we talk about trainees, there are many things that a dentist does that some trained help can do. I refer to the ordinary dental care, cleaning of teeth, and things like that that take the time, energy, and talents of dentists. That time could be better used for more important work.

This is true also with respect to the Cancer Institute and the Heart Institute.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

We add $17,332,000 in this appropriation. Of that increase, we directed that at least $4,576,000 be used for the training grants and fellowship programs that an additional $2,000,000 be allocated for the artificial kidney-chronic uremia program.

They are in both Institutes. However, the artificial kidney machine that we hear about so much is in this program. There is also an additional $2 million provided for special arthritis clinical research centers.

We are making some progress in arthritis and some of these other diseases. As to the cause, there again some exciting things are happening in relation to virus in arthritis.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

We added $11,440,000. We want to establish a research program on head and spinal cord injuries. And they can do it. They testified they would like to do this.

A research program on head and spinal cord injuries has been launched in the hope of mitigating this fairly common cause of death, mental impairment, and severe physical disability. Of the increase appropriated for the Institute, $700,000 should be used for research on spinal cord injuries, and at least $3,802,200 shall be used for the training grant and fellowship programs.

I do not think we have more than one or two centers around the country at this time. And they have been run in a rather haphazard fashion because of inadequate funds.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

We added $2,611,000. Infectious diseases provide dramatic examples of what can be achieved by research. Most of the infectious diseases that were dreaded killers earlier in this century have been virtually eliminated, and the incidence of others has been sharply reduced.

To continue these varied and important activities at a reasonable level, we recommend an increase of $2,611,000 over the budget request for this Institute. Of this increase, at least $1,297,000 shall be used for the training grant and fellowship programs.

Here again, I hope that someday we can enlarge this Institute and direct more of its activity into the field of prevention and delivery of care to people. It would save so many more lives, so much suffering, and so much money.

We could do it in so many ways nowadays with all kinds of drugs and antibiotics and shots and things of that nature, particularly in children's diseases, which are on their way to being eliminated.

THE NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The National Institute of General Medical Sciences is one that cuts across many paths. I think this is a good thing, and for this reason.

This Institute has the largest increase. We added $20,712,000. This Institute has the largest and most diverse health manpower training program at the graduate levels and we therefore directed that at least $12,998,400 be used for those programs.

NIGMS is also the principal coordinator of biomedical engineering and because of the excellent work they have done, and sponsored, to bring into being the necessary "hardware" of medical science, we have suggested they might well add the word "technology" to their name. Through this Institute, NIH helps to support the Oak Ridge National Laboratory and we earmarked $3 million for that activity.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

We recommend an increase of $4,902,000 over the budget request for this Institute. Of this increase, at least $2,617,500 shall be used for the training grant and fellowship programs as allocated between these two programs by the Director of NIH. The remainder shall be used primarily for funding the mental retardation research centers.

In every case, it will be noted that in attacking the health manpower problem, we have used the word "shall," and we hope this is carried out literally the way the committee suggested.

NATIONAL EYE INSTITUTE—$1,315,000

The National Eye Institute has been made a separate Institute. The committee recommends an increase of $1,315,000 over the budget request for this Institute. Of this increase, at least $832,900 shall be used for the training grant and fellowship programs as allocated between these two programs by the Director of National Institutes of Health.

GENERAL RESEARCH AND SERVICES—$6,000,000

Our committee recommends an appropriation of $79,658,000, a decrease of $5,151,500 from the 1969 appropriation, an increase of $9,960,000 over the budget estimate, and an increase of $6,000,000 over the House allowance.

The committee is much disturbed by the announcement that rising hospitalization costs will force NIH to close 19 of the 93 general clinical research centers now located in 32 States, the District of Columbia and Puerto Rico. These general clinical research centers have played a vital role in raising the quality of health care capabilities in our Nation.

The committee heartily concurs in the action of the House in adding $3,960,000 to restore the appropriation for the general clinical research centers to the original budget estimate. In order not merely to keep these important centers in operation but to keep them operating at an optimum level, we included an additional $6 million in this appropriation.

HEALTH MANPOWER—$31,979,000

We have recommended an appropriation of $250,000,000 which is an increase of $77,824,000 over the 1969 level, and an increase of $31,979,000 over the budget estimate and the House allowance.

Here, again, we are talking about health manpower. We are talking about the need for more doctors, more trainees, more specialists, more dentists, and more nurses. We have a nurse program in this bill, also.

We allocated $20,781,000 of this increase to student assistance programs: $10,500,000 for direct loans, and $10,281,000 for scholarships. We felt an increase in scholarships, over last year, was especially important if we are to expect these professional schools to continue their efforts to recruit into their programs an increasing number of minority students.

The balance of the health manpower increase, $11,198,000 will be for institutional support, and we earmarked about $1.5 million for new methods, demonstration grants under the allied health program. This will support programs like those developed for returning medical corpsmen.

Compared to the revised budget estimates, this new allocation of these funds to student assistance will allow some 42,292 nursing students and 43,361 students in the various health professions to be recipients of this aid. Over 14,080 fewer students would have received financial assistance without this addition.

DENTAL HEALTH—$1,165,000

This is a separate item, and is not to be confused with the Institute of Dental Research. Dental health is the delivery of dental health to neighborhood centers, clinic centers, child care, and other such institutions, and the training of so-called subprofessionals.

The House reduced the amount requested for other dental health activities by $165,000. We do not understand why. These funds were intended for the continuation of five long-range training programs, one additional grant for a continuing education project for dentists, and the extension of the dental manpower survey.

Although the Department did not ask for the restoration of these funds, we see no reason for withholding them, and recommend an increase of $1,000,000 over the budget request and $1,165,000 over the House allowance for dental health activities.

CONSTRUCTION OF HEALTH EDUCATIONAL, RESEARCH, AND LIBRARY FACILITIES—$33,900,000

We added $20 million to the budget request for the construction of teaching facilities for health professional schools. The role of these schools is crucial to the whole national health improvement effort. The facilities for providing the necessary numbers of well-qualified professional health personnel must be expanded as rapidly as possible.

In the case of nursing, where the need is particularly acute throughout this country, the budget request is inadequate. Only $8 million was requested, and the committee has added $2 million to this item.

We are especially concerned that health research facilities and medical libraries received no funds in this budget. Both are essential features of high-quality professional schools. The opportunity to conduct research, which includes access to a well-stocked library, is indispensable to the training of graduate students and is an important factor in attracting and retaining first-class faculty. In addition, a medical library is a valuable community asset with a direct influence on the quality of health service. These construction needs must be given higher priority. The committee has therefore added $10 million for health research facilities construction and $1,900,000 for library construction.

BUILDINGS AND FACILITIES—$900,000

The budget request provides no new funds for construction of the Lister Hill National Center for Biomedical Communications whose creation the Congress authorized last year in honor of the beloved former Senator from Alabama, Mr. Hill, who worked so diligently throughout his long and distinguished service in the Congress to strengthen the Federal programs aimed at improving the health of the American people.

The Bureau of the Budget eliminated, from the funds requested by the Department for buildings and facilities, the planning funds for the construction of the building for the Lister Hill Center. While it is, for the time being, prudent to postpone construction wherever possible, we see no valid reason for postponing the planning and architectural design—which, at best, seems to take an inordinate amount of time—so that construction can proceed without further delay when construction funds can be appropriated. The committee has therefore included funds for this purpose.

Mr. President, that concludes the items increased under the health section of the bill. There were many items. We heard many witnesses on every item in this breakdown.

OFFICE OF EDUCATION

The committee has given careful attention to all of the programs within the Office of Education, but wishes to make particular mention of those programs which require various levels of matching funds from State and local governmental agencies, or educational institutions. Matching programs enjoy a greater incidence of success in achieving objectives because of the investment by recipients of their own funds, after making difficult financial decisions comparable to those of our committee and Congress. We are well aware that the matching approach is not always possible, nor preferable, in all Federal programs to assist education. We are also well aware of the burden such programs impose upon possible recipients, and that such programs do not result in perfect distribution patterns. But it is obvious to this committee that these particular programs have achieved a significant portion of their stated objectives, and they must not be abandoned.

ELEMENTARY AND SECONDARY EDUCATION

We recommend $702,036,700, a decrease of $48,740,000 from the House allowance, and a net increase of $297,458,000 over the budget estimate. We concur in the $78,740,000 allowed by the House for educational equipment and minor remodeling, but have decided to include this item under a separate appropriation, "Instructional equipment." On a comparable basis, therefore, the recommendation is an increase of $30,000,000 over the House allowance.

We were impressed with the initial success that has been shown in projects funded by the dropout prevention program, and have allowed $20,000,000, an increase over the House allowance of $15,000,000.

Several Senators came in and testified in connection with the need for bilingual education. There are at least 3 million children in this country who need bilingual education. For bilingual education we recommend $25 million, an increase over the House allowance and the budget request of $10 million.

In addition to new projects begun in 1969, at least 80 more projects wait to be funded.

Our recommendation will more adequately support this fine program and allow the vital expansion of bilingual education.

ELEMENTARY AND SECONDARY EDUCATION—$1,117,580,000 ADVANCE APPROPRIATIONS

The committee recommends $1,117,580,000 for advance funding of title I of the Elementary and Secondary Education Act. Due to the lack of authorizing legislation, the House deferred consideration of this item. The Senate Subcommittee on Education of the Committee on Labor and Public Welfare has, however, extended the title I authorization through June 30, 1974, and the committee has included the advance authority, at a level equal to 80 percent of the 1970 estimates contingent upon final extension of the basic law.

This is a large sum. These are some of the problems that plagued us in trying to mark up the bill, waiting for these authorizations. A committee cannot appropriate without having some idea what the budget is going to be.

EDUCATION PROFESSIONS DEVELOPMENT—$25,000,000

The amount approved by the committee includes $21,500,000 to fund the program of grants to States for the recruitment of educational personnel, an increase of $6,500,000 over the House allowance and budget estimate. This additional amount will enable the States to step up their recruitment and training of elementary and secondary teachers and teachers aides.

For parts C, D, and F of the Education Professions Development Act, the committee is recommending $98,000,000, an increase of $18,000,000 over the House allowance and budget estimate. Under these programs, grants and contracts are made with institutions of higher education and State and local education agencies for inservice and preservice training programs to improve the quality of educational personnel at the preschool through postsecondary vocational levels.

We feel that special attention should be given to the collection and dissemination of information regarding shortages and surpluses within the education profession, and giving adequate publicity to such opportunities, and therefore allowed $500,000 for this purpose.

TEACHER CORPS—$9,363,000

The amount approved by committee represents an increase of $10,200,000 over the 1969 appropriation. The number of corps members supported will total 4,389, of which 2,389 will be assigned to inservice programs in local school districts during the current school year. Within this total, the committee allowance provides for 2,000 new Corps members whose preservice training will commence in the summer of 1970, an increase of 500 new Corps members over the level approved last year.

HIGHER EDUCATION—$161,741,000

For construction of public community colleges and technical institutes, we recommend $125,000,000, an increase of $82,000,000 over the House allowance and budget estimate. For other undergraduate facilities, $75,000,000 is allowed, an increase of the same amount over the budget estimate and $42,000,000 over the House allowance.

Now we had a great deal of testimony from educators, even in cases when they were down here to testify on some other specific project. They went out of their way to mention the need, the prominent place for, and the most important function of the community colleges which they are playing in our system of education.

In my State, we started them early, and they are in nearly every State of the Union now. They serve the purpose of relieving some of the pressure on other colleges which cannot handle the enrollments, and gives educators an opportunity to put more stress and thrust upon vocational education. They are crowded. They are busy. They are doing a fine job.

In my State, there are 23 public community colleges averaging perhaps 4,000 students per college. They used to be called junior colleges. They call them community colleges now.

For student assistance programs, we recommend an appropriation of $667,500,000. This is an increase of $16,000,000 above the House allowance for educational opportunity grants, which will allow a modest expansion of initial year grants.

We also included the popular NDEA program of matching grants to purchase undergraduate instructional equipment and other resources, which had been eliminated by the budget requests. We restored the program by adding $14,500,000. A combination of two NDEA programs now shows these as a line item.

Mr. COTTON. Mr. President, will the Senator from Washington yield at that point?

Mr. MAGNUSON. I yield.

Mr. COTTON. I dislike interrupting the Senator, but I wish to express to him my appreciation, and the appreciation of many other Members, of the fact that this is national defense education funds for educational equipment which was inserted at about the same rate as last year plus, of course, the $4½ million. I would like to make this point. The Ele-

mentary and Secondary School Act is a pure Federal program, where we furnish every dollar. Under the National Defense Education Act the States or local communities have to match every penny, dollar for dollar. Now the school superintendents and the State boards of education and the principals and the administrators in the States say they need this national defense program and they eagerly provide the matching funds. If they were not confident they needed it, they would not be digging down in their own pockets.

It has therefore been impossible for me to follow the reasoning whereby the Bureau of the Budget, under the last administration and this administration, cuts out the program that requires the matching funds, when the States want it and are ready to meet it, and insist on swelling programs where the Federal Government pays it all.

I compliment the chairman for his fairmindedness in inserting this.

Mr. MAGNUSON. As the Senator from New Hampshire has said on many occasions, when the local people match these funds, they see that the program is carried out successfully. This is a step toward better use of those dollars.

Mr. COTTON. They see that every dollar is spent wisely and frugally because, as the Senator says, it is their money.

Mr. MAGNUSON. I agree with the Senator.

Now, Mr. President, on the subject of libraries and community services.

LIBRARIES AND COMMUNITY SERVICES—$20,231,000

For college library programs we approved $25,000,000, an increase of $12,500,000 over the House allowance and the budget estimate. The allowance will restore this important activity to its 1969 funding level. We are also restoring the libraries training program to its 1969 level of $8,250,000. This is an increase of $4,250,000 over both the House allowance and the budget estimate. Another library activity which we believe deserves additional support is the acquisition and cataloging program of the Library of Congress. Centralized support of these services avoids wasteful duplication by college and research libraries throughout the country, conserves scarce library manpower, and saves millions of dollars. Therefore the committee has included an increase of $1,856,000 above the House allowance of $5,500,000.

For grants under the educational broadcasting facilities program we recommend $5,625,000, an increase of $1,625,000 over the House allowance and the budget estimate, and the 1969 level.

EDUCATION FOR THE HANDICAPPED—$5,000,000

The amount allowed for preschool and school programs for the handicapped is $34,190,000, an increase of $5 million above the House allowance, the budget estimate, and the 1969 level. This additional amount will help meet the increasing costs of special education as well as provide some funds for additional services.

RESEARCH AND TRAINING—$12,500,000

The committee recommends funding at the level requested for all items except major demonstrations and experimental schools. Under major demonstrations, we allowed $4,000,000 for the Anacostia Community School project, an increase of $3,000,000 over the House allowance and a decrease of $1,000,000 from the budget estimate. In allowing the increase, the committee feels that the Anacostia project has proven highly successful and should be continued.

We had splendid testimony from the people directly involved. It is really a community enterprise, of community people.

For "Experimental schools," a new program recommended by the administration, we recommend $9,500,000, which is $15,500,000 below the budget request. The House did not include any funds for this project, even though it indicated that it had no objection to planning for these schools within the overall research budget. Although we have allowed operational funds, we urge the Department to go slow on this program and limit support to a small number of carefully selected experiments.

INTERNATIONAL EDUCATION—$2 MILLION

We have approved the budget request of $2 million for implementation of the International Education Act of 1966. This has never been funded—and we feel this program will help our colleges and universities to strengthen studies in world affairs.

This is not a foreign aid program.

SOCIAL AND REHABILITATION SERVICE

MENTAL RETARDATION—$2 MILLION

We recommend that $2,000,000 be appropriated for the construction of university-affiliated mental retardation facilities.

Most of these facilities are in conjunction with a university medical school, and they work with the medical school in the problems of mental retardation. We recommended $2 million for the construction of university-affiliated mental retardation facilities. Nothing was requested or included in the House allowance for this purpose. An application to construct a university-affiliated facility in Cincinnati, Ohio, has been approved but unfunded by the Social and Rehabilitation Service.

There are either 11 or 12 throughout the country. They have been very successful in the studies of mental retardation, because they work with the medical schools, train teachers, and are truly a campuswide activity, involving a number of disciplines.

DEVELOPMENT OF PROGRAMS FOR THE AGING—$35,650,000

We recommend $35,650,000, an increase of $7,290,000 over the budget estimate, and include $9,250,000 for support of the foster-grandparent program, which in 1969 was funded by the Office of Economic Opportunity.

Here is another item, the Older Americans Act, which the President himself did not sign into law until late in September.

Let me repeat that for the Senator from Delaware. Here is a major item which the President himself did not sign into law until late September. The Bureau of the Budget did not send a recommendation for a long time, but on that program we recommended $35,650,000, an increase of $7.290 million over the budget estimate, and included $9.250 million for support of the foster-grandparent program, which had been funded by the Office of Economic Opportunity.

The administration waited until October to shift this around.

So again it was not as simple as the ordinary appropriation that we have handled in previous years.

The House did not act on this item inasmuch as the basic authority for the conduct of the aging program had not been extended. The amendments to the Older Americans Act were signed into law on September 17, 1969. Then we had to wait for the budget recommendation.

We recommend $20,000,000 for title III programs, an increase of $7,000,000 over the budget estimate. This will provide for a more adequate implementation of the new legislation than would be possible with the budget estimate.

The committee has added $290,000 to the budget request for training to restore this program to the 1969 level of $2,900,000.

JUVENILE DELINQUENCY PREVENTION AND CONTROL—$10,000,000

We feel that increased support must be given to the objectives of the Juvenile Delinquency Prevention and Control Act of 1968 and the Federal effort to assist State and local communities to develop effective approaches to the prevention and control of juvenile delinquency must be expanded. America's best hope for reducing crime is to reduce juvenile delinquency and crime among youth. There has been little sustained support of delinquency prevention and control programs, and local community resources for working with problem youth are universally scarce. The major thrust of this act emphasizes treating the offender in the community in which he lives, not an isolated institutional complex far from normal family life, and we heartily endorse the cooperative nature of this program.

SALARIES AND EXPENSES—$2,893,000

Subsequent to the House action, a budget amendment for 125 positions and $2,893,000 was sent to the Senate by the President to mount a major effort to improve and redirect the management of the medicaid program at both the Federal and State levels.

Here again is a budget amendment that showed up only recently. After the House had acted, the budget wanted 125 more positions, quite late. So we had to consider it late.

The committee is fully in agreement with this effort. Medical care of the highest quality should be available to the poor, and it should be administered through the use of the most sophisticated business and management systems to insure efficiency and eradicate the circumstances which breed fraud. It is hoped that with these added resources the Social and Rehabilitation Service will be able to make a strong beginning toward attaining these objectives.

SOCIAL SECURITY ADMINISTRATION CONSUMER CREDIT TRAINING—$300,000

The committee does not agree with the House finding that many other programs

are duplicating this program. On the contrary, the committee's findings are clear that the Bureau of Federal Credit Unions' Protect Moneywise is the only program of its kind. This program was designed to teach money management to people in low-income areas and to establish credit unions owned and operated by the people themselves, to serve as a lending source at reasonable rates.

GALLAUDET COLLEGE—$314,000

The increase relates directly to the security problems on the Gallaudet campus. A tripling of the security force, which our addition to salaries and expenses will allow, must be coupled with improved lighting of the grounds within the confines of the campus and additional fencing along the edges of the campus. At least $164,000 would be required during fiscal year 1970 to improve the lighting system on the grounds. While there is existing fencing around part of the campus, repairs need to be made and a major addition of fencing along Florida Avenue would require at least $46,000, and possibly as much as $75,000. The remaining $75,000 was allowed for the salaries of 14 additional guards, which would bring their total security force to 21.

Mr. President, this completes my review of the actions of our committee increasing items over the House allowances. Again, I remind the Senate this bill totals $20,819,619,700. The actual net increase over the House is $504,509,000, and our increase over the President's estimates is $985,566,000.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BIBLE. Mr. President, I rise simply to pay tribute to the distinguished chairman of our subcommittee, as well as the ranking minority member of that subcommittee. It seems to me this is one of the most complicated of all the blls to come before the Congress annually.

I think it was increasingly complicated, and made more complex and difficult this year, for the reasons which are detailed rather fully on page 2 of the committee report, showing the five items that were not considered by the House of Representatives due to lack of authorization, and I feel that probably the distinguished Senator from Washington, the chairman of the committee has commented at length on those items already; I did not hear all of his statement.

In addition, there is a total of seven additional items of budget amendments which were proposed subsequent to House action, making a total addition of some $3,338,531,000 in this bill that were not in the House bill.

Mr. MAGNUSON. Nor was the recommendation from down below sent up for them.

Mr. BIBLE. That is right. It came up very late, and I heard the Senator from Washington commenting on that.

I think, in fairness to the record and in fairness to the amount of work that has gone into this bill, that point should be made abundantly clear. We always leave, at the end of the year, with great New Year's resolutions. I hope that we will leave this year resolving to move forward earlier next year, with the hope that the legislative committees might finish their work at some earlier time, so that our action on the appropriation bill can be a little more timely.

Mr. MAGNUSON. Yes, and with the hope in mind also—the Senator from Nevada spent a great deal of time at these hearings, listening to all kinds of witnesses—that there will be some reorganization in clearing up some of the duplication that the Senator from New Hampshire and I have been looking at, and that when the budget does come up here, it will be the final budget, and we can start working on it. It would be very simple if, when the President in January sends up his budget, that would be, and remain, the budget. Then we can start work on it, even before the House of Representatives, as far as I am concerned, to hear the witnesses, because, as I say, there will be at least 500. Some of them this year could not testify, because we could not get them all in. One day we had them stacked up in the hall downstairs. I thought maybe there was something else going on, but there was not; it was just our witnesses.

We could not do what we normally do, and say, "You have 10 minutes, put it in the record," because, if Senators will look at the list, the witnesses, as the Senator from Nevada knows, who testified for this bill, were the top people in their fields from throughout the Nation, and they had somethnig of vital interest to say.

Mr. BIBLE. I could not agree with the Senator more fully.

Mr. MAGNUSON. They ranged from Nobel Prize winners to university presidents, from students to volunteer workers in the field. Everyone was involved. This is a bill that touches every American in some way.

Mr. BIBLE. As I understand it, there were some 450 witnesses on the list.

Mr. MAGNUSON. Yes.

Mr. BIBLE. It was humanly impossible to give them all adequate time.

Mr. MAGNUSON. And of that number, the Department had 153 witnesses.

Mr. BIBLE. I think they could cut theirs down somewhat.

Mr. MAGNUSON. There were 153 witnesses from the Department alone.

Mr. BIBLE. I think they could stand a very substantial reduction, not only in the number of their personnel, but in the number of witnesses to justify their existence.

Mr. MAGNUSON. I think we all realize that.

Mr. BIBLE. But I compliment the chairman, and put particular emphasis on some of the experts we heard in connection with the field of cancer and some of the exciting breakthroughs that are apparently just around the corner, and in the field of heart disease which, as I understand it, is the greatest of all the cripplers.

A million people, I believe the figures show, die each year of heart disease—more than half the deaths in this Nation stem from heart and circulatory disease—and some 400,000, or some such figure, of cancer, which is the second major cause of death in the United States. The medical researchers continue to contend that they are getting very close to a cure for cancer. I do not know whether they are or are not; but they maintain they cannot make orderly headway down the path of success unless they have adequate funding. I am sure the Senator has commented on that earlier.

I was very happy to support the chairman and the subcommittee in making these fundings more realistic, not only for heart and cancer but for all the important health research efforts. There is a great deal of money involved, no doubt about it, but I know of no problem that crosses our entire Nation with greater impact than the problems of heart disease, cancer, and other major afflictions. I am not downgrading the other cripplers and the other diseases, because they are entitled to greater emphasis and importance as well; but the point is that over the years, we have made great headway. If everyone in the Senate, for example, could have been there to hear witnesses such as Dr. DeBakey and Dr. Barbour, or the other experts in all this great range of medical expertise, they would have come away with the feeling that the tax dollar in this area is well spent. I think that message came through to us time and time again.

I have no hesitancy at all in supporting the higher level of funding—and it is a higher level; it is a level that gets back to about the amount of the 1969 funding, plus about 10 percent; is that not correct, in general?

Mr. MAGNUSON. Yes. I am glad the Senator brought that up. Both the subcommittee and the full committee, on the Institute items——

Mr. BIBLE. I am talking about the National Institutes of Health at this time.

Mr. MAGNUSON. Yes. We raised those items, on an average, from 10 to 12 percent over last year. We thought perhaps we should have done even more, because they do have some costs going up in the meantime; but at least they can maintain the level at which they are operating now, and maybe take some of the funds and reallocate them, and zero in on the virus-caused cancers about which we heard testimony.

That is very exciting. And then what was the drug with the very appropriate name, that is working on Parkinson's disease? L-dopa.

Mr. BIBLE. And we have had people in our own midst who have received the benefit of the expertise and training in that area. If I am not mistaken, the Senator's predecessor in the very spot he occupies so nobly today had a problem in his own family in that area. I think his wife had some serious difficulty, and I am told that, through the discovery of this so-called wonder drug, vast improvement has been shown. Also, we have a colleague now who has some problems in that area.

Mr. MAGNUSON. Yes.

Mr. BIBLE. All of these things are forward looking. They are justified. One thing that came to my attention time and time again, throughout the testi-

mony of the many witnesses who appeared before us. This was the fact that if you cut them off at the purse strings, then you lose a crew of experts that are almost irreplaceable; is that not true?

Mr. MAGNUSON. That is true.

Mr. BIBLE. We heard, for example, from one professor I have particularly in mind at UCLA, in Westwood, Calif., where they have built up some fine medical talent into a team to work on many of the cancer problems. If they are cut short and their work cannot be funded, he said, the man who has to get a paycheck to pay his grocery bills is going to leave that facility and go into private practice, which I think would be a loss, with the background and knowledge that he has.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. BIBLE. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. I call the attention of the Senate to the fact that recommendations for the various Institutes of Health in the NIH which came to us totaled $1,628 million. After we added roughly 10 percent to those items, the whole NIH program would exceed that for fiscal 1969 by less than $220 million; and when you realize that the dollar buys less research today than it did in fiscal 1969, that amount is comparatively small; and it exceeded the budget, after we granted these raises, by less than $177 million.

When you get up to $21 billion—which was the total amount of this bill—I think we did the very least that could be done in these fields of research. I compliment the chairman, and I compliment the distinguished Senator from Nevada. I believe we are completely in accord on this matter, that for those increases we need make no apologies to anyone, and if we were to make any, it would be for the fact that we did not raise them enough. Those were the minimums, and I think the committee was very wise in making the revision it made.

Mr. BIBLE. Mr. President, I thoroughly agree with the Senator from New Hampshire.

There is one other rather closely allied field in which he is interested. It is not in the National Institute field, but in the public health field. That is the regional medical program. I think they are of vast importance, particularly to those who come from rather sparsely populated States.

We heard some very compelling testimony from several medical men, one from Seattle, Wash., one from Sitka, Alaska, and another from the New England area.

I know the program is of great importance in my area of the country because of the remoteness of hospital facilities.

The regional medical programs disseminate the actual medical know-how, medical science, and medical ability to the sparse areas of the country that are in short supply of doctors. These are vital services that go directly to the people. I regard this as being tremendously important.

I am delighted that the committee funded this at a level of $100 million, which together with a $20 million carryover, was an increase over the budget figure. The authorized amount for grants was $120 million. There was some carryover which would allow them to continue next year at near the $120 million level.

These regional programs are finally beginning to bear fruit, and I hope the other body will agree with the need for the fullest funding possible.

This is one program which gets to the people who need it the most.

I am very grateful for the very wholehearted support of the chairman of the committee. I congratulate him and the Senator from New Hampshire for the great leadership they have shown in this field.

Mr. MAGNUSON. Mr. President, when we look at this field, we realize the tremendous problem involved. We have to meet this situation, and we are doing it.

We heard testimony on man's environment with relation to cancer. It is startling. The estimates are that there are in the order of 20,000 chemical compounds in relatively common contact with man. So, there is very little knowledge about how many of these would cause cancer or other diseases and in what concentrations and over what period of time.

At the present rate of testing these compounds, which are all around us, it would take several centuries to assess their relative safety. This gives some idea of the problem we face today with reference to environment, which the present Presiding Officer knows so well.

With respect to the problem of man's environment today, it may be some simple thing in our environment that causes cancer that we do not know about. It might be a virus that can be isolated. This is what we are hoping.

In the heart program, I was quite pleased with the optimism expressed by some of the well-known heart specialists, regardless of their field, and concerning the progress they believe they are making with the mechanical heart and the pacer.

A lot of people are walking around today with that mechanical pacer. I have four or five friends who have these mechanical pacers. And one would not know the difference.

These are the sort of things that we are struggling to work out.

Mr. President, I yield to the distinguished Senator from Hawaii, who has a conference at 2 o'clock.

The Senator from Hawaii was very diligent in attending the many weeks of hearings. No one appreciates his help more than the Senator from New Hampshire and I.

Mr. FONG. Mr. President, I thank the Senator for yielding. I have an appropriation bill markup at 2 o'clock. That is why I asked the Senator to yield at this time.

The Labor-Health, Education, and Welfare appropriation bill which is pending before us is the second largest appropriation bill Congress considers.

Programs in this complicated and far-reaching measure affect, directly or indirectly, nearly every one of America's 204 million people.

For these programs, the Appropriations Committee, on which I have the honor to serve, has recommended a total of $20.8 billion.

The Appropriations Subcommittee on Labor-HEW, on which I also serve, after reviewing the testimony that spanned some 8 weeks, concluded there are areas in education, health, and welfare where greater emphasis is needed than the House of Representatives provided in its version of the bill.

Our subcommittee recommended substantial increases for health, education, and welfare. The full Appropriations Committee agreed.

The record should show very clearly that we on the Appropriations Committee in this bill offer concrete proof of the very high priority we place on better education and better health for all Americans and on better programs to alleviate poverty and assist handicapped persons.

HIGH PRIORITY ON DOMESTIC PROGRAMS

Earlier this year when some of us in this body were supporting certain controversial defense systems, which we believe are high priority in our Nation's survival, we were criticized. It was implied that we did not accord high priority to poverty programs, education programs, health programs, social security programs, aid for our cities, and all our other high-priority domestic needs.

At that time I said:

I believe that this Nation, this Administration, and this Congress will find the ways to provide the wherewithal to finance the limited Safeguard ABM proposal before us and to finance education, poverty, health, social security, transportation, and many, many other programs.

By the strong support the Appropriations Committee, including myself, have given to high-priority domestic programs in the Labor-HEW bill before us, I, and other members of the committee, demonstrate our determination to provide the wherewithal to move America forward on these vital programs.

ENORMOUS SCOPE OF LABOR-HEW BILL

To comprehend the enormous scope of this bill, we have only to look at some of the wide-ranging activities included under the Department of Labor, the Department of Health, Education, and Welfare, the Office of Economic Opportunity, the National Relations Board, the National Mediation Board, the Federal Mediation and Conciliation Service, the Federal Radiation Council, the National Commission on Product Safety, the President's Council on Youth Opportunity, the Corporation for Public Broadcasting, and other special institutions and related agencies.

In this bill are funds for manpower development and training activities, labor-management relations, administration of the minimum wage law, employees compensation, Bureau of Labor Statistics, Federal contract compliance and civil rights program, activities to prevent age discrimination in employment and mediation services of the Federal Government.

In this bill are funds for the essential activities of the Food and Drug Administration which are designed to protect

the American people by insuring pure food and safe drugs and medicines.

In this bill are funds for air pollution control, environmental control, and radiological health.

HEALTH ACTIVITIES

Under the Health Services and Mental Health Administration, for which funds are carried in this bill, are such activities as mental health, health services research and development, comprehensive health planning and services, chronic diseases control, regional medical programs, communicable disease prevention and control, hospital construction, and national health statistics.

This bill contains funds for the National Institutes of Health, which provide research on such vital health matters as cancer, heart, dental disease, arthritis and metabolical diseases and stroke, allergies and infectious diseases, general medical science, child health and human development, eye diseases, environmental health, and general research and services in the field of health.

This bill also contains funds to help finance the training of doctors, dentists, nurses, public health professionals, and allied health professionals.

In addition, this bill contains substantial funds for the construction of health educational, research, and medical library facilities.

EDUCATION ACTIVITIES

In the field of education, this bill finances the Federal programs for elementary and secondary education, federally impacted areas, education professions development, Teacher Corps, higher education, including program assistance and construction for community colleges, land-grant colleges, 4-year colleges, graduate schools, and technical schools.

This bill also covers substantial programs of assistance to students and to teachers, including for students educational opportunity grants, direct loans, insured loans, work-study programs, and such special programs as Talent Search and Upward Bound.

College teacher fellowships and training programs are also funded in this bill.

Vocational education, which is currently undergoing modernization and upgrading, is given strong support in this bill.

Funds in this bill are carried to provide financial aid for construction of public libraries, for library services, for college library resources, for librarian training, adult basic education and educational broadcasting facilities.

Education for handicapped persons comprises various activities such as preschool and school programs, early childhood programs, special education and recruitment for teachers of the handicapped, for regional resource centers, and for research and demonstrations in the field of education for the handicapped.

This bill also provides funds for education in foreign languages and world affairs including Fulbright-Hayes training grants, funds for centers, fellowships, and research in this area, and funds for the International Education Act.

SOCIAL AND REHABILITATION SERVICES

Under the social and rehabilitation service of the Department of Health, Education, and Welfare, for which funds are carried in this bill, there are such programs as grants to States for public assistance, including welfare, medicaid, and social services.

Also included are the work incentive programs designed to enable persons on welfare to qualify for jobs and become self-sufficient. Under this program are funds for child care, so that while parents are taking work-incentive training their children will receive supervision and care.

Important rehabilitation services are funded in this bill as well as rehabilitation facilities, so that persons who are handicapped can be trained and assisted to obtain employment.

Another very important activity covered by this bill is in the field of mental retardation where funds are provided for research, hospitalization improvement, rehabilitation projects, and community construction of facilities.

Maternal and child health services and activities are also covered by this bill, which contains more than a quarter of a billion dollars for maternity and infant care, crippled children's services and health of school and preschool children.

Child welfare services are also included under this bill.

AID FOR THE AGING

Programs for our senior citizens, under the jurisdiction of the Administration on Aging, are covered in this bill by grants to States for community planning and services, the foster-grandparents program, and research and training activities.

Still another important activity covered by this bill concerns juvenile delinquency prevention and control.

ANTIPOVERTY FUNDS

The antipoverty program is also funded in this bill. Now that legislation extending the Office of Economic Opportunity has been passed by the Senate and House of Representatives, I am hopeful this legislation will clear the conference committee and the Congress before we adjourn, so that the funds provided for OEO in this bill will be fully authorized for expenditure.

I have not included all of the activities for which we provided funds in this pending appropriations bill. But merely to list those that I have shows the enormous and widespread reach of this bill in terms of many of the basic problems and needs of the American people.

This is a bill which shows the heart and the compassion of the Congress and of the taxpayers of this Nation.

Now to be specific on some of the items which are of special note. I have received many letters from interested citizens of Hawaii, as well as from other States, on the important programs in this bill.

EDUCATION HIGHLIGHTS

For education, we on the Appropriations Committee provided a total of $4,587,489,700. This was $1,375,415,000 more than the House of Representatives provided and $1,174,670,000 more than the budget request.

For elementary and secondary education, the committee added $15 million for dropout prevention, which we on the committee consider a very serious problem, and $15 million for bilingual education.

We also allowed $78,740,000, as the House did, for educational equipment and minor remodeling. But we put this figure under a separate appropriation, "Instructional equipment." Although technically the Senate committee total for elementary and secondary education appears to be $48,740,000 less than the House amount, our total is actually $30 million more than the House, on a comparable basis.

We also urged the administration to tighten up the title I ESEA program so that educationally deprived youngsters from low-income families would receive the assistance Congress intended.

Our committee provided $50 million, the same as in 1969, for title II ESEA school library resources and $17,000,000 for guidance, counseling, and testing. The budget did not request funds for these two programs.

Our committee also agreed to $1.117 billion for advance funding of title I ESEA. The House of Representatives did not provide any funds for the year ahead.

Failure of Congress to complete action on education appropriations early in the year puts a great strain on school districts throughout the country. By advance funding, these districts will be able to make better plans for the coming academic year.

For impacted areas like Hawaii, where Federal installations bring a sharp rise in school enrollments, the Senate committee provided over $600 million. This would cover allotments to States for 100 percent of category A children of Federal parents and 90 percent of all other categories of federally counted children.

For higher education, our committee provided a total of $1,006,874,000—nearly $150,000,000 more than the House amount.

Compared with the House bill, this included an increase of $82 million for construction of community colleges; $42 million more for building 4-year colleges; and $16 million more for Educational Opportunity Grants.

In all, our committee approved $125 million to build 2-year colleges and $75 million for 4-year colleges.

We were convinced these extra construction funds are needed so that colleges will be able to accommodate mushrooming enrollments.

We provided educational opportunity grants for 120,400 first-year students, whereas the House cut these grants below the budget. Only 92,200 students could get educational opportunity grants under the House bill.

We agreed with the House to provide $229 million for direct loans to students, up $67.1 million over the budget.

For education professions development, we added $25 million to the House and budget figures. The increase breaks down to $18 million for teacher training and retraining, $6.5 million for grants to States and half a million for recruitment.

For the Teacher Corps, we granted the $31 million budget request, $9.4 million more than the House provided.

Vocational education received a hefty increase over the budget. Our committee recognized the need to modernize and improve vocational training to prepare

millions of young people in America to hold skilled jobs in today's labor market and to be better homemakers.

We, therefore, approved $488,716,000 for vocational education, the same as the House and $209.5 million over the budget.

We put stress on libraries and community services, going above the House amounts. We doubled—to $25 million—the amount for construction of college library resources. We more than doubled the amount for library training, for a total of $8,250,000. And we added $1.625 million for educational broadcasting facilities.

We added $5 million to the House amount for education for the handicapped. All of the increase is for grants to States.

HEALTH HIGHLIGHTS

In the field of health, we increased research funds of almost all the National Institutes of Health to about the 1969 level.

With heart disease the Nation's No. 1 killer—1 million fatalities a year—and cancer No. 2, we strongly endorsed intensive research by the Heart Institute and Cancer Institute so that we can reduce this terrible toll of lives and suffering.

We believe with greater effort made possible by the increased funds, we can make progress against other diseases such as stroke, spinal cord injuries, arthritis, eye diseases, allergies, and infectious diseases.

With vigorous efforts on a broad front, Americans in the future should be able to look forward to a life of better health.

Under the Health Services and Mental Health Administration, we provided extra funds to build and to staff community mental health centers, to pursue an alcoholism control program, to conduct early child care demonstrations and to train technicians and subprofessionals in the mental health field.

The committee also took steps to prevent closing out of chronic disease centers.

To alleviate the shortage of hospital rooms, we provided $104 million above the budget for Hill-Burton hospital construction. We also added $33.9 million to build health educational facilities and medical libraries.

With the shortage of doctors, nurses, dentists, public health workers, and other allied professionals growing more acute, we provided $250 million for health manpower programs, nearly $32 million more than the House and budget amounts.

In addition, where the House had cut funds for medical, dental, and nursing scholarships, transferring these to loans, we restored the money for scholarships.

Our committee heard impressive testimony that scholarship assistance is imperative in order to permit students from low- and moderate-income families to take medical, dental, nursing, and other health professions trainings.

OTHER HIGHLIGHTS

We also approved more funds for the Food and Drug Administration, including nearly $700,000 to administer the Truth-in-Labeling Act.

We beefed up research in solid waste disposal by about $3 million.

For programs for the aging, the committee increased by $7 million grants to States for community planning and services.

We agreed with the President on $15 million for juvenile delinquency prevention and control and restored the $10 million cut by the House.

Our committee also agreed with the President on $300,000 for consumer credit training. Dubbed Project Moneywise, this has been popular on the island of Maui in my State.

To make sure the antipoverty program continues, the committee provided funds to cover OEO requirements through April.

Our Appropriations Committee allowed a total of $1,624,000,000 for 10 months of fiscal year 1970 and told OEO to ask for the remainder in a supplemental appropriation bill in January.

All in all, the Senate version of the Labor-HEW appropriation bill is a far-reaching measure which puts the priorities where they belong: on education, health, and economic betterment.

Before concluding my remarks, I want to pay special commendation to my two able colleagues. Senator WARREN G. MAGNUSON, chairman on the Labor-HEW Appropriations Subcommittee, and Senator NORRIS COTTON, ranking minority member, for their diligence and leadership on this very important and complex measure. We are all indebted to them for their fine work on this bill. It has been a privilege to serve with them on this subcommittee.

Mr. MAGNUSON. Mr. President, I thank the Senator very much.

Mr. COTTON. Mr. President, the chairman of the subcommittee has made a very thorough and exhaustive review of the bill. I am not going to take the time of the Senate to follow his path and reiterate what he said item by item.

I want to call the attention of the Senate to two or three things that we ought to be thinking about not only as we deliberate on the bill this year, but also as we look forward to our course in the future.

It has been my privilege ever since I have been a member of the Appropriations Committee—and that has been over the period of about a decade—to serve as a member of the subcommittee, and for all but 2 years as the ranking member.

The amount of the bill has grown and grown. And it has been justifiable. Every item in the bill is pointed to the health, the education, the enlightenment, and the opportunity of our people.

The majority of these items are earmarked and directed at the underprivileged and the disadvantaged.

I feel just as disheartened as any other Senator about the money we are pouring into all of these defense items and the money that we will apparently continue to pour into Vietnam. I cannot work up too much enthusiasm about repeated excursions to the moon when we have air pollution and water pollution here on earth and have people living in unfortunate circumstances.

I wish that the next time someone says that we are not doing anything for these people, we would remind them that the pending bill carries almost $21 billion, and that practically every dollar of it is pointed to relieving and preserving the health and the educational opportunity of the American people and our children, our handicapped people, the deaf, the blind, and the mentally retarded. It is a great humanitarian bill, but that does not mean it does not have fat in it, because it does.

I shall recite, in capsule form, the history of the pending bill:

The committee of the House of Representatives reported this bill to the floor of the House in the amount of $16.5 billion. More than $1 billion was added on the floor of the House. Then the House passed a bill which was brought up to $17.5 billion, and it came to the Senate; and the subcommittee of which I am a member added $3.5 billion to that.

As a matter of fact, the distinguished Secretary of Health, Education, and Welfare came before us at the beginning of these hearings and asked us to cut the billion dollars that was written into this bill, added by the House of Representatives, practically all on educational items. He said that the House had puffed it up too big.

This is like the story about the preacher, when they asked for his resignation.

He said, "Do I not argufy the Scriptures?"

They said, "Yes; you argufy the Scriptures."

He said, "Do I not sputify the Scriptures?"

They said, "Yes; you sputify the Scriptures. But you do not state wherein."

The Secretary came up and said, "You must not keep this billion dollars in the bill that was added on the floor of the House." But he failed to tell us just what items he approved of cutting. When we started cutting some items, we immediately got a big protest from downtown. So the subcommittee added $3.5 billion; and, of course, as has been explained, a large portion of that are write-ins that were not considered by the House.

The big leaks in this bill, of course, come in OEO. The President of the United States said some time ago that we were not going to destroy the OEO but we were going to make it on experimental agency and turn the regular programs over to HEW and elsewhere. They have turned over the programs, but they have not shrunk OEO. We had to guess at what we had to appropriate in order to keep them going until we got the specifications and the authorization.

The same is true of title I funds under the elementary and secondary school bill, which run into a tremendous amount of money.

The same is true of medicaid. If we do not find some way to plug up the medicaid hole, which is growing bigger and bigger every year, and if we do not put it on a rational basis, we will find that next year this bill will swell, and it will swell the following year, until it chokes us to death.

That money does not go to medicare for the aged. It does not go to the handicapped children. It does not go to educate youth. It goes for medical attention for people in the prime of life. Some

of it is necessary and needed, but some of it is not justified, and it is gaining every year.

After the subcommittee had added $3.5 billion, the full committee began to bring in items and added $31 million more. So that the Senate bill now is almost $21 billion.

I want to suggest, Mr. President, that we must do certain things in Congress, and if we do not, we are going to find these appropriations entirely out of control. Necessary and vital though they are, they will be entirely out of control.

I shall go through these items as quickly as possible.

No. 1, we have to take care of the problem of authorization.

The chairman of the subcommittee, the distinguished Senator from Washington (Mr. MAGNUSON)—I compliment him for all the constructive work he has done—has a plan for dealing with the problem of authorization. A colleague from my own State, a member of the Appropriations Committee of the other body, Representative WYMAN, of New Hampshire, has introduced a bill which provides that legislative committees get through their authorizations bills in the first 6 months of the year, before the 1st of July; that if they have not completed them by the 1st of July, the Appropriations Committees can go ahead and appropriate without authorization, and their appropriation will be the authorization.

We must do something to take care of the authorization problem. That is the main reason why we are here—with the Christmas bells ringing and Christmas carols being sung—dealing with a $21 billion bill that goes to the heart of the needs of America, and we are dealing with it in a few hours, without an opportunity for the Senate to study it ahead of time.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. COTTON. I yield.

Mr. PASTORE. As a matter of fact, I had occasion to make the same admonition on a discussion of the appropriation bill for independent offices. That bill was sent to us from the House in the latter part of June. Our hearings were held on July 22. We were ready to mark up the bill on July 23. But the final authorization conference was resolved on November 4 on NASA, which made it impossible for us to mark it up until after November 4.

How can we do business that way? If a private industry were run the same way, it would go bankrupt.

Mr. COTTON. I thank the Senator. As usual, he has hit at the heart of the problem.

No. 2 is the matter of matching funds. I am certainly one of the ardent friends and supporters of the President of the United States. I have great admiration for him. I believe that he is completely sincere and that he is giving his level best to his great responsibilities. The President has been giving out some pretty high-sounding statements about his plans for tax sharing with the States. Many Members of this body have been Governors and I think they will agree with me when I say—that the Governors' conferences, and the various tax organizations of our States have been talking about tax sharing for years now, referring to the fact that the Federal Government is drying up the tax resources and that there must be some way to send some money back to the States. I do not see any immediate prospect of sending much money back to the States, as long as our feet are stuck in the mire in Vietnam and as long as we have—and I say this in frankness and candor—a bureaucracy of such proportions. That word bureaucracy has been worn out and beaten to death. There is nothing wrong with a bureaucrat, and the sneering about bureaucrats does not do us much credit, because a bureaucrat is a man who is doing a job in Government. He believes his job is important. I would not give 10 cents for anybody downtown who did not think that his particular job was important, because he cannot be dedicated to it unless he does.

Nevertheless, it is a fact that the executive branches of Government that have grown and grown are filled with people who insist that the Federal Government must direct the spending of every cent that we send out to the States. Billions of dollars are in this bill for payment to the States in all kinds of programs. They are good programs, but most of them are being administered from Washington, and they are not being matched by anyone. When a State or a community matches even 25 percent or 30 percent of a Federal grant, Senators may be certain that there will be self-policing, and that the money is going to be spent carefully and frugally so that it accomplishes its purpose, and hits the mark.

The States eagerly grasp these funds because there is not a State, community, or city that does not have horrible problems that must be met. Every one of them reaches out eagerly to get some of this money; but they do not spend it quite as carefully as they would if they contributed something to match a percentage of it.

Mr. President, this appropriation bill is the second largest appropriation bill for fiscal year 1970. There is nothing above it except our huge defense appropriation bill. This bill used to be equal with the appropriation bill for independent offices, but it far outstrips that bill now. This is a $21 billion bill. If Senators do not want to see it grow some more until it shocks us to death, we have to see to it that there is a partnership between the Federal Government, the States, and the local subdivisions of the Government so that there is some responsibility and control back home, back in the States, and back in the area where the money is spent.

So I have mentioned, first, the authorization problem, second, the matching of funds problem, and now I come to the problem of consolidation of programs .

I shall not be much longer because we want to get to work here. But I do wish I had time to go into a full discussion of this problem. I wish I could go into the duplication and the parallel programs that just honeycomb this vast appropriation bill.

Mr. President, at this point, in order to save the time of the Senate and so as not to inflict myself on the Senate too long, I ask unanimous consent that there be printed in the RECORD an excerpt from the committee report starting in the middle of page 3 under title "General Comments," through the sections entitled "Health Research and Manpower Programs," "Reprogramming," "Program Overlap," "OEO Delegate Agencies," and "Program Evaluation" on page 5.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL COMMENTS

During its review of the programs covered by the Labor-HEW Appropriation Bill, the Committee became quite disturbed over several trends in the budget. While the Committee supports the goal of holding down Federal outlays in an inflationary period, we do not believe that this should be accomplished at the expense of vital domestic programs. Cuts in education, health research, and economic opportunity programs cannot be justified by general and often superficial references to the dangers of inflation. Inflation may indeed dictate firm control of the total Federal budget, but the Committee has serious doubts about priority choices reflected in the 1970 Federal budget. In fact, the Committee holds strongly to the premise that, even in times of economic uncertainty, care must be taken to protect, or for that matter even expand, programs that represent long-term investments in the basic health and well-being of our society. This bill represents an important step in that direction.

HEALTH RESEARCH AND MANPOWER PROGRAMS

The Committee recommends that, not only should the Senate agree to the action taken by the House to protect vital education programs but that it should also take a special initiative of its own to protect the Nation's investment in health research and the production of health manpower. The returns on this investment have been substantial. It is clear that health research must be expanded if heart disease, cancer, stroke, and other killing and crippling diseases are to be conquered. Yet, not only did the Administration request a cut in health research projects but also asked that we cut research training projects. The implication of this action is unmistakable. The cutback in health research is not intended to be temporary. Lurking below the surface of the budget and the House allowance for health research training is a subtle budget policy with long-term implications for the production of future research scientists and, most important, the production of future teachers of physicians and medical technicians, the supply of which is falling further behind with every passing day. The Committee is strongly opposed to such a policy. The Committee is recommending restoration of a proper level of health research activity for 1970, and the continued expansion of health manpower programs for research, teaching and service personnel. Continued shortages within the health professions can only result in acceleration of the spiraling costs of health care and inexcusable delay in bringing to the American people possible improvements in the delivery of health care.

The Committee has heard considerable testimony on the provisional 1970 ceilings which the Budget Bureau has set for the Department of Health, Education, and Welfare. The bill recommended by the Committee would require a substantial adjustment in that ceiling. The Committee feels that the increases recommended in health and education programs are both reasonable and justified, and that they will not, when re-

lated to Congressional action on other appropriations, cause the Federal budget to exceed the government wide expenditure ceiling for 1970. The Committee expects that the Department of Health, Education, and Welfare portion of this ceiling will be adjusted so that the appropriations made in this bill can be spent in an orderly manner.

REPROGRAMMING

The Committee is aware of the complexities involved in administering budgets the size of those covered by the Labor-HEW Appropriation Bill. Inevitably, the need for a certain number of reprogrammings will arise during the course of the year. The Committee, however, expects to receive *advance* notice of any such reprogramming. This has been the practice for some years and should be well-known to budget administrators. Yet, the Department of Health, Education, and Welfare took steps to cut back a number of ongoing chronic disease programs and NIH research projects without providing adequate advance notice to the Committee on Appropriations. It should be perfectly clear to all agencies that cutbacks in programs as well as increases should be cleared with the Committee before final decisions are made.

It has also come to the Committee's attention that the budgets for the principal agencies covered by this bill have been realigned to give special assistance to the Model Cities designated by the Department of Housing and Urban Development. The Committee supports the Model Cities program and realizes that its success depends on the coordinated effort of all the domestically oriented agencies. However, the budget justifications and testimony at the hearings made virtually no mention of any money being spent in the Model Cities. The Committee expects this problem to be corrected before the hearings on next year's budget. There should be increased Congressional review of budget plans for Model Cities so that they are reviewed to the same extent as any other program.

PROGRAM OVERLAP

During the hearings, many instances for overlapping programs and responsibilities came to the Committee's attention. For example, both the Department of Health, Education, and Welfare and the Office of Economic Opportunity operate virtually identical neighborhood health center programs. Organizations seeking to provide health services to the poor are confronted by a maze of funding sources and confusing and overlapping application procedures. Health manpower training and mental retardation programs are scattered all over the Department of Health, Education, and Welfare. This kind of fragmentation and competition among agencies is inherently inefficient. While the program objectives are worthwhile, this method of organizing to attain them wastes public resources. The Committee expects a careful review to be made of this problem and steps taken to streamline program administration. The Committee specifically asks the Secretary of Health, Education, and Welfare to examine the following areas of activity within the Department to determine whether there may be excessive overlapping or duplication:

1. Mental Retardation.
2. Assistance to Migrant Farm Workers.
3. Family Planning.
4. Nutrition.
5. Health services for the poor.
6. Health manpower training.

Testimony before this Committee suggests that such overlapping or duplication exists in these programs.

OEO DELEGATE AGENCIES

A number of economic opportunity programs have been transferred from OEO and are now administered by other departments and agencies. In some instances, however, OEO has continued to budget for transferred programs and then allocate funds to the other agencies. The most prominent examples of this are the Headstart and Follow Through programs now administered by the Department of Health, Education, and Welfare and a number of manpower programs administered by the Department of Labor. The Committee finds this practice of one agency budgeting for another to be quite confusing to the Congress and the public. The Committee expects this method of budgeting to be discontinued as soon as possible.

PROGRAM EVALUATION

The Secretary of Health, Education, and Welfare has indicated to the Committee a strong interest in the evaluation of major HEW programs, particularly some of the newer programs that involve large sums of Federal funds. The Committee commends the Secretary for this objective and would urge him to move as quickly as possible to initiate meaningful studies and evaluations of as many HEW programs as possible. These evaluations should stress results rather than effort and amount of money spent. There are a number of instances in which this bill contains specific resources for such program evaluations. There are a number of other areas in need of review. In the opinion of the Committee, such reviews and studies may be made within regular appropriations made for the programs themselves. Examples of such instances include education of the handicapped, education professions development, Teacher Corps, health manpower education, child welfare services, Headstart, mental retardation, and others. In all such instances, the Committee expects the Secretary to use, to the extent necessary, related program and/or salary and expense appropriations to finance meaningful reviews, studies, analyses, and evaluations that will permit both the Secretary and the Congress to determine the adequacy and effectiveness of the programs in question. Further, the Committee would expect the Secretary to make maximum use of appropriations made for research and development for this purpose. Examples of such appropriations are Education Research and Training, and Rehabilitation Research and Training. Other than funds already included in the bill, the Committee sees no need for special or separate appropriations for such purposes at this time. The Committee would expect, however, to be kept informed of the Secretary's plans for such evaluations. Wherever this involves significant shifts or earmarkings of monies, the Committee would expect to be advised in advance through established reprogramming procedures.

Mr. COTTON. Mr. President, I wish every Senator sometime during the debate—and heavens knows, it is going to be long enough—would pick up the report and read those sections. I mention that in connection with the third of my suggestions, that is, consolidating programs. I will now read from page 5, the paragraph under the headline "Program Overlap":

During the hearings, many instances for overlapping programs and responsibilities came to the committee's attention. For example, both the Department of Health, Education, and Welfare and the Office of Economic Opportunity operate virtually identical neighborhood health center programs. Organizations seeking to provide health services to the poor are confronted by a maze of funding sources and confusing and overlapping application procedures. Health, manpower training and mental retardation programs are scattered all over the Department of Health, Education, and Welfare.

Mr. President, as a matter of fact manpower training is scattered not only all over the Department of Health, Education, and Welfare but also it spills over into Labor, Defense, Agriculture, and into many other deparments. The same is true of job training and vocational training.

I asked the staff to tell me how many separate programs of vocational job training we have in the appropriation bill this year and how many departments there are. They found 19 and they are still counting. They are not all the same. Some of them are to retrain people who have been deprived of vocations, like the coal miners in West Virginia and elsewhere. Some of them are for young people, in order to get them off the streets and train them.

I shall continue to read from the report:

This kind of fragmentation and competition among agencies is inherently inefficient. While the program objectives are worthwhile, this method of organizing to attain them wastes public resources.

There is a lot of waste in this $21 billion bill and do not think there is not.

The committee expects a careful review to be made of this problem and steps to streamline program administration.

Practically those same words have been in the report of this subcommittee every year for the past 5 years. We say what we expect to be done, and it is similar to the boy who hung up his stocking at Christmas time and found it empty in the morning.

I wish to read that sentence again:

The committee expects a careful review to be made of this problem and steps taken to streamline program administration.

Next year when they begin to hear those 400 witnesses who will flood through the subcommittee, if I am still a committee member, I have no idea that we will find that has been done.

The committee specifically asks the Secretary of Health, Education, and Welfare to examine the following areas of activity within the department to determine whether there may be excessive overlapping or duplication:

1. Mental retardation.
2. Assistance to migrant farm workers.
3. Family planning.
4. Nutrition.
5. Health services for the poor.
6. Health manpower training.

Mr. President, those are just some of the fields of overlapping. Let me repeat: First, we have to do something about the authorization problem; second, we have to do something about matching funds; third, we have to do something about consolidating programs and cutting out parallel and overlapping efforts; and fourth, we have to do something about facing up to the so-called advance funding.

As I remember we went through the same thing on foreign aid. We got it to going good and then they would come in and say that they wanted appropriations not for 1 year in advance but for 3 or even 4 years so that they could plan their programs. We began to let go of our authority.

Now in this bill, because of the problem that the schools have, because they want to be able in late winter or spring to plan their activities and equip themselves and get the personnel to do the work in edu-

cation, they want to know what they are going to get in the next school year. I do not blame them. It would be wasteful, and inefficient if they did not.

As a matter of fact, we do not have to make any radical changes to accomplish that. All we have to do is what I suggested in the No. 1 recommendation. That is to have a time limit on the legislative committees giving us their authorizations, and make them act by the end of the fiscal year or shortly thereafter. If we do that, they will know what will get put into a bill and it will save a lot of advance funding. We are tying our hands, in many instances, for fiscal 1971.

Mr. MURPHY. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. MURPHY. I wonder whether the distinguished Senator knows of the program we have in California which was funded last year and was a bipartisan program enthusiastically adopted by the Governor and also by at least one of the men who will be his opponents next year, to do exactly what the distinguished Senator from New Hampshire has been suggesting; namely, to cut out duplications and giving them permission to consolidate many programs and put them all in one unified, central place so that we can eliminate the duplication and make them much more operative and much more practical and, I am told, much less costly.

I have not had a chance to read the report on the bill because, as my colleague knows, the report has been barely printed, but I have been told that the program has been taken out of the bill. Is the Senator familiar with the program referred to?

Mr. COTTON. I am not sure that I am familiar with that program as it appears in the bill. The Senator means something similar to what is being done in the State of California?

Mr. MURPHY. Yes, that it would be a sort of pilot test case in California, and it was suggested that it be on a bipartisan basis. I brought it to the committee on our side. I had suggested this authorization. My understanding is that it was working very well and was practical, and would give such time to do what the Senator is talking about, that is, to cut out the duplications. I have been told that it has been lifted out of the bill. I will give the details to my colleague later on.

Mr. COTTON. I would appreciate that. I do not know of any appropriation that was adjusted for it.

Mr. MURPHY. It was a small appropriation last year.

Mr. COTTON. I thank the Senator from California. I shall be happy to have that information.

Now, Mr. President, in these preliminary remarks which I have tried to lay down, as has been so frequently said, I talk about the problem but I have not given any solutions.

In closing, I want to say that as far as the medical features are concerned, every dollar is justified and that every dollar we added to it is also justified.

It has been interesting to note through the years, especially during the long debate we had on the tax bill recently, that the contributions given to research from individuals and foundations have in large measure dried up. Those contributions are now going into the sociological fields. That is undoubtedly good. Some of them are going into almost quasi-political fields. But the financing of heart, stroke, and cancer research, the financing and research that is being made in the area of mental diseases, the Federal Government has to carry that load with very little help from other sources. That part of the bill is absolutely justified.

I want to say frankly to my colleagues in the Senate, that I never was so frustrated in all the years I have served on the Appropriations Committee as I have been these past few weeks working on this bill. We have not had the authorization. The budget has been slow in giving us some of its recommendations. We have had an avalanche of people demanding new departments and new programs, right and left, forwards and backwards, extending into every nook, corner, and crevice of our living.

The task of determining priorities, the task of detecting duplications, has been more difficult than ever before. Although I compliment my colleagues on the subcommittee and on the committee for working long hours, speaking for myself, I am not proud of our accomplishments.

So far as I am concerned, I think that I have failed in measuring up to what we might have done. I have never seen so many difficulties and roadblocks placed in our path.

Mr. HATFIELD. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. HATFIELD. Mr. President, I wish to commend the able chairman of the Appropriations Subcommittee, Senator WARREN G. MAGNUSON, and Senator NORRIS COTTON, the ranking GOP member, and their hard working colleagues on that committee, for their herculean efforts in wrestling through this HEW appropriations bill.

I most particularly appreciate their efforts to appropriate additional money for the pressing needs of educating the young people of this country.

It is my undesrtanding that the committee voted not only to include the almost $1 billion which the House appropriated in July, but, in addition, raised the amount by $250 million. We are dealing with an education bill which is nearly $4½ billion—roughly the cost of building and maintaining four of our 15 aircraft carrier task forces, which are of doubtful value.

This is a mistaken priority of the administration when contrasted with the obvious value to the strength of the Nation by investing additional funds for an educated citizenry.

I am pleased that the committee allowed almost $500 million for vocational education—funds which were cut back by the administration to $279 million in their budget request.

I pointed out yesterday that the current cost over-run for the ABM system is currently $277 million more than anticipated.

Perhaps the administration could have used this money to better effect by raising the vocational education budget request to $500 million—more nearly in line with the authorized bill—if they were not spending so much money on nonproductive military armament.

The administration also allowed only $5.75 million for the training of vocational teachers. This at a time when our community colleges are doubling enrollments and the new thrust is to upgrade vocational education training to meet space-age needs.

We should produce 20,000 additional vocational education teachers this year. The committee action in raising appropriations from $95 million to $125 million for the Education Professions Development Act will help.

I trust that the Bureau of Education Professions in the Office of Education will use the additional funding which Congress may vote to provide additional money for training of vocational education teachers.

I commend the Senators on this committee for raising the amounts to $20 million for dropout prevention, and to $25 million for bilingual education. My State, which is experiencing an increase in school dropouts, is especially desirous of this help. We can, as well, spend the additional funds for bilingual education. Oregon, an agricultural State, welcomes almost 30,000 migrant workers each year; the State has pioneered in education for migrant children of Mexican American parentage, but we only have half the money needed this year for this work at the State level.

I am pleased that $125 million was allowed for college construction. Community college presidents in Oregon have been especially in need of this Federal aid, for they are being pushed by the State to expand to meet the burgeoning demand for enrollments throughout the State and have been hampered by the lack of construction money at the Federal level.

I am grateful for the additional money for student assistance. My office has received countless letters from the colleges in my State telling the unhappy story of students forced to drop out of school for lack of assistance, at the very time the Federal Government has encouraged them to seek bright, but poor, youngsters for higher education.

It is my hope that the Senate conferees can retain these amounts in conference. I just wanted to thank my colleagues from Washington and New Hampshire and the other members of the committee for their efforts and to express my gratitude and that of the young people and educators of my State for increasing appropriations for education—action which will go much further toward internal stability and strength than all the billions spent for the ABM systems or nuclear aircraft carriers.

The committee should be praised also for restoring funds to health research and training doctors and nurses.

Mr. President, I want to add my further thought that even though Senators may be expressing frustrations at this point as to what the committee would like to have accomplished and

what they think the committee has not accomplished, when history is written I am sure there will be demonstrated the great courage shown by the two Senators and their colleagues on the subcommittee, at a time when pressure for the expenditure of money in other areas of Government happens to be so great. So I am very happy with what the committee has done. We all would like to see more, but what the committee has done certainly bespeaks the dedication its members have to the cause of education in this country.

Mr. COTTON. Mr. President, I thank the Senator for his very kind words and also for the fine statement he made about at least some of the problems and priorities that we tried to deal with.

I am not ashamed of what this committee has done, because this country cannot afford to economize in educating its youth, in improving the health of its people, and in keeping the wolf from the door of the elderly, the needy and disadvantaged. That is what the bill does.

When I spoke about being frustrated and feeling a sense of guilt, it was because I had a feeling—which I am sure was shared by other members of the committee—as we sat day after day and far into the evening, that we were traveling through such a maze of needs and so many paralleling programs and so many contesting priorities, that whatever we did and however much we spent, we were leaving a job that had a lot of rough edges.

I close my remarks with the comment that we had the benefit and the cooperation of a fine and able staff. At this point I want to mention one man for the work he has done. He stood by the side of our beloved friend, Lister Hill. I refer to Mr. Downey, who has been on the staff of this subcommittee for many years. I do not want this debate to be closed without saying how much I miss working with Lister Hill, as I did through the years; and if I have come to get a little vision of what the vistas are that open up in this bill, in spite of our stumblings and gropings, it is because I had the opporunity to serve with that dedicated man.

Because I have served as ranking minority member for years on the Committee on Commerce, I have again seen the efficiency and the keenness of our chairman, the distinguished Senator from Washington, whose mind is like a steel trap, and who goes to the point every time a witness testifies.

I compliment the young man, his assistant, Mr. Dirks, who has been invaluable, as well as my own assistant on the minority side, Mr. Kennedy.

I will now subside and hope we can expeditiously deal with the amendments that will be presented.

Mr. MAGNUSON. Mr. President, I did not want the Senator from New Hampshire to subside. I was feeling better all the time he was talking.

Mr. WILLIAMS of Delaware. Mr. President, both the chairman of the subcommittee, the Senator from Washington (Mr. MAGNUSON), and the Senator from New Hampshire (Mr. COTTON) have made a rather detailed explanation of the bill which momentarily is expected back from the printer. Once again I want to express my regret, and I am sure they share it, that the bill was not before us prior to this late hour so we could study it in more detail before we were asked to act on a $20 billion bill. I do not question the many reasons that could be advanced for that situation, some of which were delays by the administration, some by the legislative committees in getting authorization acted upon; and perhaps equally important the Appropriations Committee itself must accept some responsibility for this undue delay.

Why we are caught in this situation is all immaterial. I still say I hope it does not happen again, because I do not believe it is good business to ask the Senate to deal with a $20 billion measure, such as we were asked to do this morning, before the official bill was actually back from the printer. Up to this moment all that we had was the committee print.

Think of it, the Senate being asked to vote on a $20-billion bill hours before it is even printed.

Never before have I witnessed such irresponsible action and it is all so unnecessary.

However, now that we have had a detailed explanation of the bill and in the couple of hours intervening, Senators have had a chance to examine it. I am not going to object to the procedural request that we consider the amendments en bloc. However, I would suggest that the request be made only after we have a live quorum.

I understand the bill will be back from the printer by the time the quorum call can be completed. It is now after 2 p.m. and for 3 hours the Senate has been discussing this $20-billion bill which is just now being made available for Senators. I emphasize this point to illustrate just how irresponsible the Senate is acting here today.

I am going to suggest the absence of a quorum.

Mr. MAGNUSON. Mr. President, before the Senator does that, let me say that there was a combination of reasons why this situation developed. The bill went to the printer. I hope to get copies of the bill before us. I do not know how long it will take. The bill should be here in about an hour. I appreciate what the Senator has said.

Mr. WILLIAMS of Delaware. I repeat, it is an unfortunate situation that the Senate technically has been considering a $20 billion bill 3 hours before it was back from the printer.

Mr. MAGNUSON. It would have been much better the other way.

Mr. WILLIAMS of Delaware. I hope in the future we can have bills lay over for a day or two so Senators will have an opportunity to study them.

Mr. MAGNUSON. I would certainly prefer that, in self-defense.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 242 Leg.]

Allott	Hansen	Montoya
Bellmon	Hart	Murphy
Brooke	Hartke	Muskie
Byrd, Va.	Hatfield	Nelson
Byrd, W. Va.	Holland	Packwood
Cook	Hruska	Pastore
Cotton	Inouye	Pearson
Dominick	Javits	Pell
Eastland	Magnuson	Prouty
Ellender	Mathias	Randolph
Fong	McCarthy	Ribicoff
Griffin	McGee	Stennis
Gurney	McIntyre	Williams, Del.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Goldwater	Saxbe
Allen	Goodell	Schweiker
Baker	Gore	Scott
Bayh	Gravel	Smith, Maine
Bennett	Harris	Smith, Ill.
Bible	Hollings	Sparkman
Boggs	Hughes	Spong
Burdick	Jordan, N.C.	Stevens
Cannon	Jordan, Idaho	Talmadge
Case	Long	Thurmond
Church	Mansfield	Tower
Cranston	McClellan	Tydings
Curtis	McGovern	Williams, N.J.
Dodd	Metcalf	Yarborough
Dole	Miller	Young, N. Dak.
Eagleton	Mondale	Young, Ohio
Ervin	Moss	
Fannin	Percy	
Fulbright	Proxmire	

The PRESIDING OFFICER. A quorum is present.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the committee amendments to H.R. 13111 be agreed to en bloc, that the bill as so amended be considered as original text for the purpose of further amendment, and that no points of order will be waived.

Mr. JAVITS. Reserving the right to object, Mr. President, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. We originally discussed the possibility of reserving from this unanimous consent request, sections 407, 408, and 409. My parliamentary inquiry is as follows: If the committee amendment on section 407, section 408, or section 409 is not agreed to, do we then revert to the House text as stricken out in the bill?

The PRESIDING OFFICER. If the Senate does not agree to the committee amendment to sections 407, 408, and 409, the House language would come back.

Mr. JAVITS. Then, in order to remove the House language from the bill which will be submitted to the Senate for final vote, it will be necessary to strike the House language?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. On the other hand, if the unanimous-consent request is granted, that immediately removes the House language from the bill, does it not?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. And then the motion to deal with the Senate language or not agree to it would be final?

The PRESIDING OFFICER. I am advised that if the Senate language is put in on this basis, then a motion to strike it out would be in order.

Mr. JAVITS. Or a motion to amend or modify.

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. On that basis, Mr. President, and for the information of the Senate, because I regard the House language, from the point of view of the opponents of the Senate amendments, worse than the Senate amendments, I shall not object.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Reserving the right to object, Mr. President, I wish the Chair would state the ruling again.

We have before us now a bill with a Senate amendment. The question was, if there was a motion to strike the Senate amendment—was that the question?

Mr. MAGNUSON. Yes.

Mr. STENNIS. And if that should prevail, what would become of the House language?

The PRESIDING OFFICER. If the request of the Senator from Washington is agreed to, the House language goes out and the Senate proposed amendment goes into the bill as original text for the purpose of further amendment.

Mr. MAGNUSON. If the request is agreed to, the Senate language will be before the Senate and a motion to strike will be in order. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. PASTORE. Why does not the Senator amend his unanimous-consent request to take into account all amendments but sections 407, 408, and 409?

Mr MAGNUSON. For the simple reason that I am trying to accommodate too many people. I had that in my request at the request of the Senator from New York, and he now says he would rather make the request to cover the bill, so we would have a simple vote up or down.

Mr. PASTORE. That is right. But in view of this new development, I think the Senator from New York will even revise that.

Mr. JAVITS. I cannot revise my thinking. It is a matter of practicality. That is the only consent we could get.

Mr. MAGNUSON. If I exempt sections 407, 408, and 409, the Senator will object.

Mr. JAVITS. No, I will not.

Mr. PASTORE. No, he will not. Try it.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. Mr. President, I will state it again, so we can get the bill going and get to the money items. Twenty-five thousand school districts in this country want to know about this bill.

I ask unanimous consent that the committee amendments to H.R. 13111 be considered en bloc; that the bill as so amended be considered as original text for the purpose of further amendment; that no points of order will be waived; and that sections 407, 408, and 409 be exempt from this unanimous-consent request.

Mr. JAVITS. Reserving the right to object, Mr. President—and I will not object—I have no desire to impede the Senate. I wish to facilitate, not to delay, this procedure. I thought the other was better. It was generic and would cover everything. But if there are Members who feel strongly about it, the Senate can work its will adequately.

Mr. MAGNUSON. I appreciate that. I want to get to all these money items. Some of them are critically important. Some people have strong feelings about them.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. STENNIS. Mr. President, the Senator from Washington is handling the bill, and he knows of the special interest in those sections, two of them.

Mr. MAGNUSON. Three of them.

Mr. STENNIS. The two in which I am interested.

I think it is better that we have time for a little conference with the Parliamentarian before the unanimous-consent request is put.

Mr. MAGNUSON. I have put the unanimous-consent request.

Mr. ALLEN. Is the Senator from Washington including sections 407, 408, and 409?

Mr. MAGNUSON. I exempt sections 407, 408, and 409.

Mr. ALLEN. I object to that. If all the House amendments are not going to be accepted, and we work from the committee amendments as a basis for further amendments, then I will object. I see no reason for excepting sections 407, 408, and 409.

Mr. MAGNUSON. I kept them in, but then the Senator from Mississippi objected.

Mr. ALLEN. The request of the Senator from New York was that the sections be kept out of the unanimous-consent request.

Mr. MAGNUSON. That is correct. And then the Senator from Mississippi objected.

Mr. ALLOTT. That is the same request I made this morning.

Mr. ALLEN. Why not take the committee amendments en bloc, and work from the committee amendments as a basis for further amendments?

Mr. MAGNUSON. That is what I would like to do.

Mr. ALLEN. That is what I would agree to.

Mr. MAGNUSON. The Senator from Mississippi objected to that.

Mr. ALLEN. He has never objected to that. He objected to the request of the Senator from New York.

Mr. PASTORE. Mr. President, I think we ought to start all over again.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to withdraw my unanimous-consent request, and I am going to put this question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. This is the way we generally do this: I ask unanimous consent that the committee amendments be agreed to en bloc, that the bill as thus amended be considered as original text for the purpose of further amendment, and that no points of order be waived. The effect of that would be to put the amendments before the Senate, and a motion to strike would be in order. That is all there is to it.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. No objection, Mr. President.

Mr. ALLEN. We are not excepting sections 407, 408, and 409?

Mr. MAGNUSON. That is correct. I did not do that in the first place, and they objected. Earlier, the Senator from New York objected unless I put them in.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 9, after "1971", insert a colon and *"Provided,* That the amounts appropriated herein for title II, parts A and B of said Act which are available for expenses of programs authorized under the provisions of subsections 123(a)(5) or (8) of the Economic Opportunity Act of 1964, as amended, shall not be subject to the apportionment of benefits provisions of section 301 of such Act."

On page 2, line 23, strike out "$35,325,000" and insert "$36,907,000 to remain available until June 30, 1971".

On page 3, line 11, after the word "by", strike out "title XV of the Social Security Act, as amended," and insert "title 5, chapter 85 of the United States Code,".

On page 3, line 20, after the word "by", strike out "title XV of the Social Security Act, as amended," and insert "title 5, chapter 85 of the United States Code,".

On page 5, line 15, after the word "title", strike out "XV of the Social Security Act, as amended (68 Stat. 1130)" and insert "5, chapter 85 of the United States Code,"; in line 16, after the amendment just above stated, strike out "$630,772,000" and insert "$657,700,000"; and, in line 19, after the word "which", strike out "$12,000,000" and insert "$15,000,000".

On page 7, line 12, strike out "$9,585,000" and insert "$10,426,000".

On page 7, line 20, strike out "$12,050,000" and insert "$12,300,000".

On page 9, line 19, after the word "shall", strike out "be" and insert "remain available until December 31, 1975,".

On page 12, line 13, strike out "$72,007,000" and insert "$72,698,000".

On page 12, line 20, after "$93,800,000", insert a comma and "of which $21,900,000 shall remain available until expended to carry out section 104 of the Clean Air Act".

On page 13, after line 9, insert:

"BUILDINGS AND FACILITIES

"Such unexpended balances (including balances obligated but not disbursed) as the Secretary of Health, Education, and Welfare may determine to be available as of June 30, 1969, in the appropriation for "Buildings and facilities, Public Health Service", for Consumer Protection and Environmental Health Service activities, shall be transferred to an account under this head. There shall be merged with such account the unexpended balance (including any balance obligated but not disbursed) as of June 30, 1969, in the appropriation for 'Food and Drug Administration, buildings and facilities'."

On page 14, line 7, after "1966", strike out "(Public Law 89–973)" and insert "(Public Law 89–793)"; in line 12, after "1942", strike out "$360,302,000" and insert "$385,000,000"; and, in the same line, after the word "which", strike out "$42,500,000" and insert "$52,200,000".

On page 15, line 14, after the word "Act", strike out "$207,143,000" and insert "$214,033,000".

On page 15, line 25, after the word "Act", strike out "$76,000,000" and insert "$100,000,000"; on page 16, line 1, after the word "which", strike out "$50,000,000" and insert "$73,500,000"; and, in line 3, after "IX", insert "and $24,771,000 shall be for development, assistance, and chronic disease control activities".

On page 17, after line 10, insert:

"DISTRICT OF COLUMBIA MEDICAL FACILITIES

"For grants of $3,500,000 and loans of $6,500,000 for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457) to remain available until expended".

On page 18, after line 19, insert:

"BUILDINGS AND FACILITIES

"Such unexpended balances (including balances obligated but not disbursed) as the Secretary of Health, Education, and Welfare may determine to be available as of June 30, 1969, in the appropriation for 'Buildings and facilities, Public Health Service', for Health Services and Mental Health Administration activities, shall be transferred to an account under this head. There shall be merged with such account the unexpended balance (including any balance obligated but not disbursed) as of June 30, 1969, in the appropriation for 'Saint Elizabeths Hospital, buildings and facilities'."

On page 19, line 21, after the word "Act", strike out "$180,725,000" and insert "$200,000,000".

On page 19, line 25, strike out "$160,513,000" and insert "$182,000,000".

On page 20, line 3, after the word "Act", strike out "$29,892,000" and insert "$32,000,000".

On page 20, line 9, after the word "diseases", strike out "$137,668,000" and insert "$155,000,000".

On page 20, line 15, after the word "stroke", strike out "$101,256,000" and insert "$112,700,000".

On page 20, line 20, after the word "diseases", strike out "$102,389,000" and insert "$105,000,000".

On page 21, line 5, after the word "anesthesiologists", strike out "$154,288,000" and insert "$175,000,000".

On page 21, line 11, strike out "$73,098,000" and insert "$78,000,000".

On page 21, line 15, after the word "disorders", strike out "$23,685,000" and insert "$25,000,000".

On page 22, line 3, after the word "research", strike out "$73,658,000" and insert "$79,658,000".

On page 22, line 18, after the word "Act", strike out "$218,021,000" and insert "$250,000,000".

On page 23, line 15, after the word "Act", strike out "$10,722,000" and insert "$11,887,000".

On page 23, line 21, after the word "facilities", strike out "$126,100,000" and insert "$160,000,000".

On page 24, line 12, after the word "provided", strike out "$1,000,000" and insert "$1,900,000"; and, in line 13, after the word "expended", insert a colon and *"Provided,* That such unexpended balances (including balances obligated but not disbursed) as the Secretary of Health, Education, and Welfare may determine to be available as of June 30, 1969, in the appropriation for 'Buildings and facilities, Public Health Service' for National Institutes of Health activities, shall be merged with this appropriation."

On page 26, line 22, after the word "of", strike out "$60,700,000" and insert "$65,700,000".

On page 27, line 6, after the word "and", where it appears the first time, strike out "titles III–A and" and insert "title"; at the beginning of line 8, strike out "$364,616,000" and insert "$315,876,000"; in line 12, after "1965", strike out "$78,740,000 shall be for equipment and minor remodeling and state administrative services under title III–A of said Act of 1958;"; in line 18, after "1965", strike out "$5,000,000" and insert "$20,000,000"; and, in line 22, after the word "and", strike out "$10,000,000" and insert "$25,000,000".

On page 28, line 6, after the word "grants.", insert "For grants under title I–A of the Elementary and Secondary Education Act of 1965, $1,117,580,000 for the fiscal year 1971: *Provided,* That these funds shall not be available until enactment into law of authorizing legislation."

On page 28, after line 10, strike out:

"For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $600,167,000, of which $585,000,000 shall be for the maintenance and operation of schools as authorized by sections 3, 6, and 7 of said title I of the Act of September 30, 1950, as amended, and $15,167,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950. For carrying out titles III and IV (except parts D and F), part E of title V, and section 1207 of the Higher Education Act of 1965, as amended, titles I and III of the Higher Education Facilities Act of 1963, as amended, titles II and IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 421–429), and section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $859,633,000, of which $159,600,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965 and shall remain available through June 30, 1971, $63,900,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed $1,500,000 for computer services in connection with the insured loan program, $154,000,000 shall be for grants for college work study programs under part C of title IV of that Act (of which amounts reallotted shall remain available through June 30, 1971), including one per centum of such amount to be available, without regard to the provisions in section 442 of that Act, for cooperative education programs that alternate periods of full-time academic study with periods of full-time public or private employment, $43,000,000 shall be for grants for construction of public community colleges and technical institutes and $33,000,000 shall be for grants for construction of other academic facilities under title I of the Higher Education Facilities Act of 1963 which amounts shall remain available through June 30, 1971, $11,750,000, to remain available until expended, shall be for annual interest grants under section 306 of that Act, $222,100,000 shall be for Federal capital contributions to student".

On page 30, after line 23, insert:

"INSTRUCTIONAL EQUIPMENT

"For carrying out title III–A of the National Defense Education Act of 1958, as amended, and title VI of the Higher Education Act of 1965, as amended, $93,240,000, of which $78,740,000 shall be for equipment and minor remodeling and State administrative services under title III–A of said National Defense Education Act; $13,000,000 shall be for equipment and minor remodeling under section 601(b) of said Higher Education Act, and $1,500,000 shall be for the acquisition of television equipment and for minor remodeling under section 601(c) of said Higher Education Act: *Provided,* That allotments under sections 302(a) and 305 of the National Defense Education Act, for equipment and minor remodeling shall be made on the basis of $75,740,000 for grants to States and on the basis of $1,000,000 for loans to nonprofit private schools, and allotments under section 302(b) of said Act for administrative services shall be made on the basis of $2,000,000.

"SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $600,167,000, of which $585,000,000 shall be for payments to local educational agencies for the maintenance and operation of schools as authorized by the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and $15,167,000 which shall remain available until expended, shall be for providing school facilities and for grants to local educational agencies in federally affected areas as authorized by said Act of September 23, 1950: *Provided,* That this appropriation shall also be available for carrying out the provisions of section 6 of the Act of September 30, 1950."

On page 32, line 5, after the word "out", insert "section 504,"; at the beginning of line 8, strike out "$95,000,000" and insert "$120,000,000"; and, in the same line, after the word "which", strike out "$15,000,000" and insert "$21,500,000."

On page 32, line 12, after the word "amended", strike out "$21,737,000" and insert "$31,100,000".

On page 32, after line 20, insert:

"For carrying out titles III and IV (except parts D and F), part E of title V, and section 1207 of the Higher Education Act of 1965, as amended, titles I and III of the Higher Education Facilities Act of 1963, as amended, titles II and IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 421–429), and section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $1,006,874,000, of which $175,600,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965 and shall remain available through June 30, 1971, $63,900,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed $1,500,000 for computer services in connection with the insured loan program, $154,000,000 shall be for grants for college

work-study programs under part C of title IV of that Act (of which amounts reallotted shall remain available through June 30, 1971), including one per centum of such amount to be available, without regard to the provisions in section 442 of that Act, for cooperative education programs that alternate periods of full-time academic study with periods of full-time public or private employment, $125,000,000 shall be for grants for construction of public community colleges and technical institutes and $75,000,000 shall be for grants for construction of other academic facilities under title I of the Higher Education Facilities Act of 1963 which amounts shall remain available through June 30, 1971, $11,750,000, to remain available until expended, shall be for annual interest grants under section 306 of that Act, $222,100,000 shall be for Federal capital contributions to student loan funds established in accordance with agreements pursuant to section 204 of the National Defense Education Act of 1958, and $12,120,000 shall be for the purposes of section 22 of the Act of June 29, 1935: *Provided,* That $7,241,000 shall be for payments authorized by section 108(b) of the District of Columbia Public Education Act, as amended (D.C. Code, sec. 31–1608)."

On page 34, after line 7, insert:

"VOCATIONAL EDUCATION

"For carrying out the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391) (except part E of title I), and section 402 of the Elementary and Secondary Education Amendments of 1967, $488,716,000, of which not to exceed $352,836,000 shall be for State vocational education programs under part B and $40,000,000 shall be for programs under section 102(b) of said Vocational Education Act of 1963, including development and administration of State plans and evaluation and dissemination activities authorized under section 102(c) of said Act, and $10,000,000 for work-study programs under part H of said Act, not to exceed $2,800,000 for State advisory councils established pursuant to section 104(b) of said Act, $13,000,000 for exemplary programs under part D of said Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1971, $20,000,000 for consumer and homemaking education programs under part F of said Act, and $14,000,000 shall be for cooperative vocational programs under part G of said Act."

On page 35, line 11, after "(40 U.S.C. 390–395, 397–399)", strike out "$135,391,000" and insert "$155,625,000"; in line 23, after the word "Act", strike out "$5,500,000" and insert "$7,356,000"; and, on page 36, line 2, after the word "and", strike out "$4,000,000" and insert "$5,625,000".

On page 36, line 16, after "(20 U.S.C. 621–624)", strike out "$100,000,000, of which $29,190,000" and insert "$105,000,000, of which $34,250,000".

On page 37, line 2, after "1968", strike out "$85,750,000" and insert "$98,250,000"; and, in line 12, after the word "programs", insert a comma and "and $9,500,000 shall remain available under said Cooperative Research Act through June 30, 1971, for experimental schools".

On page 37, line 19, after "1961", strike out "$18,000,000" and insert "$12,000,000".

On page 39, line 1, after the word "That", strike out "no loans shall be made from this fund in the current fiscal year" and insert "loans may be made during the current fiscal year from the Fund to the extent that amounts are available from commitments withdrawn prior to July 1, 1970, by the Commissioner of Education".

On page 40, line 6, after the word "Act", strike out "$129,640,000" and insert "$100,000,000".

On page 40, line 21, after "12", strike out "and 13" and insert "13, and 17"; in line 22, after the word "amended", strike out "$499,783,000 of which $471,000,000" and insert "$464,783,000; of which $436,000,000"; and, on page 41, line 9, after "$25,000", insert a colon and *"Provided further,* That such grants to any State shall not be less than made to the State under section 2 for the fiscal year 1969."

On page 42, line 4, after the word "amended", strike out "$37,000,000, of which" and insert "$39,000,000, of which $2,000,000 shall remain available until expended for grants for facilities pursuant to part B of the Mental Retardation Facilities Construction Act, and".

On page 43, after line 3, insert:

"DEVELOPMENT OF PROGRAMS FOR THE AGING

"To carry out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and for initial expenses of a White House Conference on Aging, $35,650,000 including not to exceed $4,000,000 for State planning and other activities to remain available until June 30, 1972, in accordance with the provisions of section 304 of the Act of 1965, as amended."

On page 43, line 14, after "1968", strike out "$5,000,000: *Provided,* That none of the funds contained herein shall be used to make grants, under Title I of said Act, in excess of the following: (1) $12,500 each to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, (2) $50,000 to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico" and insert "$15,000,000".

On page 45, line 2, after the word "distribution", strike out "$28,780,000" and insert "$31,673,000".

At the top of page 47, insert:

"CONSUMER CREDIT TRAINING

"For necessary expenses of the Bureau of Federal Credit Unions, with respect to consumer credit training, as authorized by section 21(f)(2) of the Federal Credit Union Act, as amended (12 U.S.C. 1766), $300,000."

On page 47, line 7, after the word "than", strike out "$901,500,000" and insert "$921,200,000".

On page 48, line 25, after "(68 Stat. 265)", strike out "$4,257,000" and insert "$4,332,000".

On page 49, line 11, after the word "Administration", strike out "$867,000" and insert "$1,106,000".

On page 51, line 12, after the word "exceed", strike out "$1,808,000" and insert "$2,060,000".

On page 58, line 12, strike out "$8,240,000" and insert "$8,412,000".

On page 59, after line 2, insert:

"ECONOMIC OPPORTUNITY PROGRAM

"For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 20, 1964), as amended, $1,624,000,000, plus reimbursements: *Provided,* That this appropriation shall be available for transfers to the economic opportunity loan fund for loans under title III, and amounts so transferred shall remain available until expended: *Provided further,* That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964, and for purchase of real property for training centers: *Provided further,* That this appropriation shall not be available for contracts under titles I, II, V, VI, and VII extending for more than twenty-four months: *Provided further,* That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further,* That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further,* That these fund shall not be available until enactment into law of authorizing legislation."

On page 60, after line 18, insert:

PRESIDENTIAL COUNCIL ON YOUTH OPPORTUNITY

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of Executive Order 11330, dated March 5, 1967, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $300,000.

On page 61, after line 5, insert:

"PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

"To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, authorized to be established by section 396 of the Communications Act of 1934, as amended, for expenses of the Corporation, $15,000,000, to remain available until expended."

On page 62, after line 16, strike out:

"SEC. 407. None of the funds appropriated by this Act shall be used to formulate or carry out any grant to any institution of higher education that is not in full compliance with section 504 of the Higher Education Amendments of 1968 (Public Law 90–575). No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who had engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

And, in lieu thereof, insert:

"SEC. 407. The Congress recommends the following limitation:

"That in any case where the Secretary of Health, Education, and Welfare determines that—

"(a) on more than two separate occasions—

"(1) disorderly conduct or persons on the property of an institution of higher education has interfered in any way with the right of students at such institution to carry out their regular educational activities; or

"(2) persons have taken unauthorized possession of any building, or part thereof, of such institution;

"(b) such institution has not punished any such persons who are students, has not prosecuted or tried to prosecute any of such persons who are not students, and did not request assistance from any State or local government law enforcement officials in terminating such disorderly conduct or unauthorized possession;

"That before grants, contracts, or renewal thereof with such institutions shall be entered into, the Secretary is authorized to require such institutions to submit a plan or program which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recur, or if recurring, will be dealt with effectively.

"This provision shall not include fellowships, scholarships, loans, or any other form of aid to the individual student."

On page 64, after line 12, strike out:

"SEC. 408. No part of the funds contained in this Act may be used to force busing of stu-

dents, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent."

And, in lieu thereof, insert:

"SEC. 408. No part of the funds contained in this Act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent."

On page 65, after line 2, strike out:

"SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school."

And, in lieu thereof, insert:

"SEC. 409. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school."

Mr. MAGNUSON. Mr. President, as I understand it, the bill is open for amendment.

The PRESIDING OFFICER. The bill as reported by the committee is open to amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. Mr. President, I call up an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 12, line 20, strike out "$93,800,000" and "$21,900,000" and insert in lieu thereof "$116,900,000" and "$45,000,000" respectively.

Mr. BYRD of West Virginia. Mr. President, I offer this amendment on behalf of myself, the majority leader (Mr. MANSFIELD), the chairman of the subcommittee (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Delaware (Mr. BOGGS), all of whom are members of the Committee on Appropriations, together with my colleague from West Virginia (Mr. RANDOLPH), the Senator from Maine (Mr. MUSKIE), and the Senator from Indiana (Mr. HARTKE).

Mr. President, this amendment was offered yesterday in the Committee on Appropriations by the distinguished Junior Senator from Delaware (Mr. BOGGS). It was defeated on a tie vote. This morning I sought to resurrect the amendment. The sentiment of the committee appeared to be favorable and the committee was inclined to adopt the amendment, but for the fact that the committee report had been printed, and the committee bill had been printed, and if an amendment to a committee provision had been accepted at that point it would have necessitated changes in the committee report and the committee bill. Everyone knows the rigid timetable under which we are working. Therefore, in the interest of expediting the matter it was agreed that I would attempt to write the amendment in on the floor rather than in the committee.

Mr. President, the bill before us recommends an appropriation of $93.8 million, the same as the House allowance for air pollution control, a decrease of $2 million from the budget estimate and $5.067 million more than the funds available in 1969.

Within the total available for air pollution control activities approved by the House and recommended by the committee, it is directed that $21,900,000, $2,000,000 more than the House allowance, be devoted to research and development into new and improved methods for preventing and controlling air pollution resulting from fuel combustion. During 1970, the committee wants to assure that such research and development will include work on sulfur oxide emissions, including desulfurization of coal. Since House passage of the appropriation bill, the Congress has extended section 104 of the Air Quality Act for 1 year, through June 30, 1970. As originally requested in the President's Budget, the committee has restored a specific reference to section 104 in the appropriation language. Adequate funding of this provision is essential to progress toward the control of sulfur oxide emissions from stationary sources and motor vehicle pollution control.

I would like to make two references to the House committee report on the subject. The House argued that the air pollution control program was receiving too much emphasis in the budget and the House cut it back from $95.8 million to $93.8 million. The report stated:

It also appeared to the committee that the emphasis given this appropriation was out of balance with that given to other important programs of the department.

With reference to solid waste, the report stated:

It would be desirable if some funds could be programmed from other activities to increase the funds available for solid waste program. It appears that the budget did not give support to this program in proportion to its importance.

Since that report was written, this bill has been increased from $16.5 billion overall, as proposed by the administration, to somewhere over $21 billion, or an increase of circa 30 percent. About the only two major programs left behind, that have not been increased substantially, have been the programs to which I call attention.

I am proposing, therefore, with the assistance of those who are coauthoring the amendment with me, to bring these programs into line with the remainder of the budget; that is, that the program for air pollution control be increased to $116.9 million—an increase of $23.1 million. It should be understood that this money would be assigned to section 104 operations—Air Quality Act of 1967—which covers research in the burning of fossil fuel in vehicles.

Authorities in the field attribute about 90 percent of our air pollution problem to the burning of fossil fuel, with automobiles alone accounting for 60 percent of the nuisance. I believe that this section constitutes the best possible attack on air pollution and should be effectively funded.

The $23.1 million proposed by the amendment would provide the $45 million authorized under section 194; it would provide a total of $116.9 million for the overall air pollution control program—still only two-thirds of its authorized $179.3 million.

It is further proposed that $2 million be added to direct operations of the Bureau of Solid Waste Management, under the heading, "Environmental control." This would provide an amount of $16,872,000 for the Bureau, compared to its authorized $20 million. It would increase the appropriation for environmental control to $57,208,000.

This $2 million is urgently needed by the Bureau if it is to cope effectively with trash and garbage problems. It would be utilized in underwriting research by private industry into methods of disposing of or recycling waste. These contracts were funded, up until last year, at the rate of about $1.5 million a year. The level having dropped off to $1 million currently, the Bureau has no funds available to initiate new contracts. Two million dollars worth of worthy application which cannot be approved are in the Bureau's files. This amendment would permit continued research at a reasonable level.

The amendment proposed today—$23.1 million to provide full authorization of $45 million for section 104 operations—would accelerate the development of new and improved methods for preventing and controlling air pollution from fuels combustion. Special emphasis would be placed on the following areas:

First, construction of a prototype coal deep-cleaning—removal of sulfur pyrite—plant within a shorter time period;

Second, research and demonstration on the development of new, economical techniques for removing sulfur from coal; and

Third, development of unconventional power systems—for example, a family-size car. At the August 1969, meeting of the Environmental Quality Council the President requested acceleration of efforts to develop unconventionally powered vehicles which could be procured by Federal agencies and others to assist in the development of an economically viable market for such vehicles. Full authorization of section 104 would expedite this effort in fiscal 1970.

Mr. President, the amendment is offered for the consideration of the committee. I hope the chairman of the committee and the ranking minority member will be disposed to accept it. Before asking their reaction, I would like to yield to the Senator from Maine (Mr. MUSKIE) and the Senator from West Virginia (Mr. RANDOLPH), both of whom are very knowledgeable in this area and have rendered valuable service in this field.

I yield first to the Senator from West Virginia, my senior colleague.

Mr. RANDOLPH. Mr. President, the Senator from West Virginia (Mr. BYRD)

has in essence, but very clearly, stated valid reasons for the amendment presented by him, with the cooperation and cosponsorship of other members of the Committee on Appropriations and the Committee on Public Works, and additional colleagues who are interested in this needed effort.

I think it is important to recall that in 1967 the Senate unanimously passed the Air Quality Act initiating a new and systematic approach to this Nation's efforts to control and abate air pollution.

Substantial progress has been made toward the establishment of regional air quality standards for particulate matter and sulfur oxides. Fifty-seven of the Nation's largest metropolitan areas, affecting 97 million citizens or 70 percent of our urban population, will have initiated standard setting procedures by the summer of 1970.

But standards are not enough, implementation is required, and implementation requires adequate control technology. With sulfur oxide levels in the atmosphere increasing by 5 percent per year, a crisis is imminent; a crisis where air pollution episodes may become daily occurrences.

All of the projections for the energy needs of the United States in the next two to three decades, and all the projections for automobile production in the near future indicate that the quality of air of the urban centers of the United States will continue to be degraded unless these critical problems of eliminating the pollutants from the combustion of fossile fuels and from automobile emissions are solved. There is no higher priority for research and development in the field of air pollution abatement than this challenge. It is my hope that the executive branch will assume greater initiative in this area.

On November 25, the Senate approved the conference report on S. 2276 and authorized $45 million for research on controlling air pollution from fuels combustion and automobile emissions. This amount falls far short of the action needs for research funds in this field. For example, the National Air Pollution Control Administration estimates that it will require $8 million to develop and demonstrate the wet limestone process for controlling sulfur oxides through fiscal year 1974. And this is only one of the many processes awaiting development.

The Stanford Research Institute conducted an indepth study of the research and development needs to perfect control technology for sulfur dioxides. In its report, which was conducted under contract for the National Air Pollution Control Administration, the Institute recommended a systematic 5-year research and development program for sulfur oxides control which would cost approximately $250 million with a recomended expenditure for fiscal year 1970 of $56 million. The projected goal for fiscal year 1969 was $41 million, of which only $12.8 million was appropriated and obligated for this area, leaving the recommended program $28 million behind at the beginning of fiscal 1970.

This recommended level for the development of sulfur oxide control technology was validated by another study, conducted by the National Academy of Sciences. In its unpublished report to the President's Office of Science and Technology, the eminent panel of scientists recommended also a 5-year program for 1969 to 1974, with an average annual level of expenditures of $50 million.

Sulfur oxides are but one of the pollutants generated by fuels combustion, and for this one area of inquiry we should be spending in the neighborhood of $50 million a year, while the administration has requested for section 104 of the Air Quality Act only $21.9 million for fiscal year 1970.

This section 104, which was the result of an amendment I offered in the Public Works Committee to the Air Quality Act of 1967—I have discussed this amendment and its purpose with my colleague Mr. BYRD. It provides for the Federal research and development effort in fuels combustion and automobile emission and this is the main thrust—it is not just a timid approach that we have made. I stress that which has been said, but I repeat, that the automobile contributes 60 percent of all air pollution and as high as 85 percent in our urban areas, producing 90 million tons annually of pollutant materials, with industry producing 30 million tons a year, powerplants 15 million tons, space heating facilities 8 million tons, and waste incinerators 3 million tons. To develop the technology to control and eliminate this mounting volume of pollution we must have a much more vigorous Federal effort in research and development. Therefore, I support the amendment of my diligent colleague from West Virginia (Mr. BYRD), which I cosponsor, to increase the appropriations for section 104 from $21.9 million to the $45 million authorized by enactment of S. 2276 earlier this year. This action by the Senate this afternoon would be a significant step in the direction of meeting a national commitment to improve the quality of our environment.

Mr. BYRD of West Virginia. I thank my able senior colleague from West Virginia for his contribution.

Mr. MUSKIE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I am happy to yield to the distinguished Senator from Maine (Mr. MUSKIE).

Mr. President, I ask for order in the Senate and ask that staff members be told to take their seats or leave the Chamber.

The PRESIDING OFFICER. The Senate will be in order and all staff members will take their seats.

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to enforce this order during the remainder of the afternoon.

The PRESIDING OFFICER. The Chair instructs the Sergeant at Arms to carry out this order.

The Senator from Maine may proceed.

Mr. MUSKIE. Mr. President, I am privileged to cosponsor this amendment and would like to emphasize its long-range impact in the field of pollution control.

The Air Quality Act of 1967 dealt with the creation of air quality control regions, establishing air quality criteria, and developing air quality standards. These have to do with the mechanics of finally enforcing pollution control and achieving effective pollution control. In the long term, their effectiveness depends upon greatly expanded research.

In the amendment sponsored by the distinguished chairman of the Public Works Committee, Senator RANDOLPH, we undertook to set the research goals which have since been endorsed by the National Air Quality Control Administration. In its publication this year called "The Cost of Clean Air," that agency, in its first report to the Secretary of Health, Education, and Welfare, estimated a 5-year plan for expenditures on research ought to amount to $255 million.

Mr. President, in the Air Quality Act of 1967, we undertook to establish such goals for research. We have had disappointing results since that time.

For example, in 1968, following enactment of the Air Quality Act of 1967, authorization was for $35 million. Under section 104, the budget request was $16 million.

Mr. President, in 1969 the authorization reached the level of $90 million. The budget request was for $31.3 million. The appropriation was for $18.7 million. The 1970 authorization was cut back from the level of $90 million to $45 million. The appropriations have not kept pace with the authorizations, and so the budget request this year, as mentioned by the Senator from West Virginia, is $21.9 million, instead of approaching the $90 million level we had envisioned.

This has produced the following record in the two critical areas of pollution control; namely, sulfur oxides control and motor vehicle emissions.

With respect to the sulfur oxides, the expenditure for control research started at $9.3 million in 1968 and has reached a level of $13.3 million in the present budget request.

In the case of motor vehicle emissions, $1.9 million in 1968 to the level of $3.4 million in this year's budget request.

Obviously, we have not been successful in stimulating the kind of research effort without which the Air Quality Act of 1967 cannot hope to be effective.

It is as simple as that.

Mr. President, section 104 of the Air Quality Act of 1967 was an important feature of that landmark legislation. This provision, sponsored by the chairman of the Committee on Public Works, Senator JENNINGS RANDOLPH, placed special research emphasis on development of technology to control fuel combustion byproducts. Of particular importance was the concern for development of the technology to control automobile emissions and emissions of oxides of sulfur resulting from combustion of coal and oil.

Development of advanced technology to control sulfur oxides is important now. Across the Nation air quality standards are being set for particulate matter and sulfur oxides. Public hearings on standards have been held in numerous air quality control regions. Plans for im-

plementation of those standards are in the process of development.

Those plans for implementation will depend on the availability of technology, alternative fuels, and other methods of reducing air pollution. Control technology for oxides of sulfur, one of the two pollutants for which standards are being set, other than alternative fuels and low sulfur fuels is not available. It was primarily for this purpose that this section was enacted in 1967.

There is limited supply of low sulfur coal which will be available in most communities to meet standards now. But a major technological breakthrough will be required to assure compliance with the standards which have been proposed and which meet the Nation's energy demands at the same time.

Another area where more research is needed is in developing alternatives to the internal combustion engine and a more effective means of controlling the existing engine. Too little has been done in this area. The administration has been weak in its response to the need to develop this technology. The automobile industry has been guilty of delay.

The National Air Pollution Control Administration is charged with the responsibility to develop national emission standards for motor vehicles. Those standards are related to technical and economic feasibility. Without additional funds to stimulate research into control techniques for internal combustion engines and to stimulate the development of alternatives to internal combustion, upgrading of those standards will be delayed unnecessarily. The National Air Pollution Control Administration has the competence and the program to implement research in this area if the funds are provided.

According to first "Cost of Clean Air" report from the Secretary of Health, Education, and Welfare:

A 5 year (fiscal 1968–72) plan for this program (Sec. 104) called for expenditures by the National Air Pollution Control Administration of some $255 million. While actual expenditures may be much lower, this figure provides an indication of the magnitude of effort considered necessary in this area.

We simply cannot control or hope to control sulfur oxides, which so directly achieve higher mortality rates in cities like New York, Chicago, Los Angeles, and other cities across the country, unless we find ways to deal with these kinds of emissions.

Section 104—the research section and the funding of section 104 are critical to this effort. The same can be said of motor vehicle emissions. Motor vehicle emissions constitute something like 60 percent of the pollution load in this country.

Again, we are not going to deal with that one unless we develop the technology.

Thus, I applaud the amendment offered by the distinguished Senator from West Virginia.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I addressed to the distinguished chairman of the subcommittee, the Senator from Washington (Mr. MAGNUSON), on November 25, 1969, covering section 104; and in addition, a statement indicating the areas of research which would be explored if the additional appropriation is approved by the Senate this afternoon.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

COMMITTEE ON PUBLIC WORKS,
Washington, D.C., November 25, 1969.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Appropriations Subcommittee on Labor, Health, Education, and Welfare, and Related Agencies, U.S. Senate, Washington, D.C.

DEAR WARREN: As you know, the Air Quality Act of 1967 is a far-reaching and critically important measure authorizing major Federal support for a national program of air quality enhancement. Substantial progress is being made toward the implementation of this program. However, our capacity to pollute exceeds our capacity to control pollution. For example, in the absence of control, sulfur oxide air pollution levels will continue to increase for the next ten years.

This situation need not continue. The Air Quality Act of 1967 provided adequate authority to develop necessary technology. However, appropriation and budget requests for that program have been inadequate. In 1969 the Administration requested $31.3 million for Section 104. Only $18.7 million were appropriated. For FY 1970 the Administration only requested $18.7 million for Section 104.

The effect of these reduced appropriations will be continued delay in the development of sulfur oxide and motor vehicle emissions control technology. Standards are now being set by the States under the Air Quality Act for particulates and sulfur oxides, but effective long-term implementation of the sulfur oxide standards may be delayed in the absence of technically feasible control systems.

Senate and House conferees have agreed to authorize $45 million to carry out Section 104 in FY 1970 but, as mentioned above, the Administration requested only $18.7 million. The House did not appropriate any funds for this section in the absence of an authorization.

As you know, research and demonstration efforts to control emissions from motor vehicles and to develop alternatives to the internal combustion engine are carried out with Section 104 funds. This effort only received approximately $4 million in 1969 for new propulsion systems as well as control methods applicable to existing systems. This is obviously inadequate.

During recent hearings before your Subcommittee, Mr. C. C. Johnson agreed with Senator Case on the current status of sulfur oxide control technology: "In other words, we are at a very primitive state of the art here." Air pollution control technologies must keep pace with the standards setting procedure by the states and the Federal program must be strengthened in this area.

Yet, at this crucial time, the Administration reduced the fiscal 1970 budget of the Consumer Protection and Environmental Health Service by 13 percent, or $30 million. Environmental quality must become a more important priority. If the Administration does not recognize this need, then the Congress, you must make up the slack.

Your efforts to strengthen this program by providing adequate funding for research relating to the development of new and improved methods to control fuel combustion by-products will assist in indicating Congressional concern.

We urge you to consider an increase in the Section 104 appropriation to the authorized level of $45 million, with a directive to emphasize development of sulfur oxide and motor vehicle emission controls technology.

If we can be of further assistance in this matter, please let me know.

Sincerely,

EDMUND S. MUSKIE.
HOWARD H. BAKER, Jr.
BIRCH BAYH.
THOMAS F. EAGLETON.
JOSEPH M. MONTOYA.
JENNINGS RANDOLPH.
WILLIAM B. SPONG, Jr.

PROPOSED APPROPRIATIONS OF $45 MILLION FOR SECTION 104
(Prepared by NAPCA for Senate Appropriations Committee)

The proposed amendment of $25,100,000 over the House action which provided $19,900,000 for Section 104 Research and Development and the 1969 carry-over of $1 million would be used to accelerate work in the areas of developing new and improved methods for the prevention and control of air pollution resulting from combustion of fuels. This will involve activities related to fuel desulfurization including emission cleaning processes such as the wet and dry lime stone and fluid bed combustion processes.

In the area of fuel desulfurization, projects to be supported will include mine sampling and equipment evaluation; detail plant and test program design; reject identification and utilization; procurement, construction, and operation of prototype plants; and project evaluation and control. Work on the wet and dry limestone injection processes will be accelerated, especially that which involves the testing and demonstration of wet limestone scrubbing. Construction of a coal-fired power plant will be initiated to test potentially feasible fluid bed combustion systems.

In addition to the above work on fuels, special emphasis will be placed on work related to motor vehicle emission and development of unconventional power systems. The National Air Pollution Control Administration is presently prepared to provide an additional $5 million for support of this effort should the necessary funds be made available.

In order to properly manage research and development activities of this magnitude, 100 additional positions are necessary. The existing staff has reached the point where any additional work load in terms of new or expanded programs could present serious problems in our ability to undertake such work and still adhere to sound project management and procurement practices.

Mr. MUSKIE. Mr. President, this money can be spent. It must be spent if we are to come to grips with the problem which I think is energizing the concern and, indeed, the excitement of American citizens by the millions from coast to coast.

The Senate, this afternoon, has the opportunity to indicate, by appropriations of relatively small amounts, its concern in this field.

Before I close, Mr. President, I should like to compliment the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished Senator from New Hampshire (Mr. COTTON) for the support and encouragement they have given us from their vantage point on the subcommittee.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Maine whose consistent efforts in this field have been nationally recognized.

Certainly, my effort this afternoon is not an attempt to pre-empt in any way the work that he has done. I could not do it.

My senior colleague from West Vir-

ginia has also been a leader in this field, and has worked very effectively with the Senator from Maine (Mr. MUSKIE).

As a member of the Appropriations Committee I have been interested, and it is merely in this capacity that I have offered the amendment this afternoon, which has been co-authored by those to whom I referred earlier.

Mr. MUSKIE. The Senator from West Virginia (Mr. RANDOLPH) and I both recognize that the objectives laid down in the authorization legislation cannot possibly succeed unless we have partners equally motivated and equally energized on the Appropriations Committee.

So we welcome with enthusiasm the support we are getting from the Appropriations Committee in the persons of the distinguished Senator from West Virginia (Mr. BYRD) and the distinguished Senator from Delaware (Mr. BOGGS), who also serves on the subcommittee, and the distinguished Chairman and the ranking Republican member of the subcommittee Senator COTTON.

Mr. BYRD of West Virginia. The members of the committee which has jurisdiction over this field of legislation are, of course, providing the leadership. We are merely following their leadership.

I now yield to the distinguished Senator from Delaware (Mr. BOGGS).

Mr. BOGGS. Mr. President, I thank the Senator for yielding, and I want to commend both distinguished Senators from West Virginia and my good friend and colleague from Maine (Mr. MUSKIE) and other Senators who cosponsored the amendment today. I agree with everything they have said. Especially I want to pay my respects to the distinguished chairman of the subcommittee and the ranking minority member of the subcommittee for their interest and the able work they have done on this very difficult and complicated bill.

Mr. President, I am in full support of this amendment, which would provide an increase of $23.1 million for the National Air Pollution Control Administration.

This money would be devoted to operations under section 104 of the Air Quality Act of 1967. This section deals with research relating to the burning of fossil fuel, both in vehicles and from stationary sources.

This is a program which has interested us greatly on the Air and Water Pollution Subcommittee of the Public Works Committee, and we are anxious that it be funded as adequately as possible.

I have talked repeatedly with representatives of the National Air Pollution Control Administration, and they have assured me that this money is most urgently needed and could be expended effectively. It would go to, along with other things, research in abating pollution from stationary sources, where sulphur oxide is the most noticeable contributor. It also would go to research on control on emissions from the internal combustion engine and development of alternatives to that engine.

It has been established that the burning of fossil fuel represents about 90 percent of our urban air pollution problem, with automobiles alone contributing about 60 percent of this pollution. Section 104, I believe, is the very heart of our battle against air pollution, and should be funded accordingly.

This $23.1 million would bring section 104 to its authorization of $45 million. It would provide the total air pollution control program with $116.9 million, still only 65 percent of its authorized $179.3 million.

Air pollution is a problem which affects each of us every day. We still are far behind in our efforts to control it; and I believe we can do no less than to provide this really minimal funding.

There has been comment in discussions about this program about possible overlapping with programs of the the Bureau of Mines in the Department of the Interior. I would like to try to explain that situation.

The Department of Transportation currently is conducting a research project on reduction of emissions from buses. This is a very important project, but does not conflict with the National Air Pollution Control Administration's project which deals primarily with passenger cars, the largest single air polluter.

The Bureau of Mines is conducting research in this area, but it is primarily with funds provided by the National Air Pollution Control Administration. The results of the Bureau of Mines research is fed back to NAPCA and is correlated with the administration's own findings.

I also would like to point out that the President's Environmental Quality Council is concerned with problems of possible overlapping of these programs and is working to establish a unified Federal plan to combat air and water pollution. Secretary Robert H. Finch of the Department of Health, Education, and Welfare, is the chairman of a special air pollution committee of the council which is coordinating efforts in this area.

This amendment, as has been so well pointed out, would accomplish the funding of the program to which I have referred. I am hopeful the manager of the bill, the distinguished Senator from Washington, will be able to accept the amendment.

Mr. BYRD of West Virginia. I thank the Senator, and I want to express appreciation again for the efforts he made yesterday to get this amendment adopted in committee.

Mr. BOGGS. It was a close vote.

Mr. BYRD of West Virginia. It was a tie vote, and, by virtue of its being a tie vote, it was lost.

I do want to emphasize the interest of the majority leader, who is also a member of the Appropriations Committee. He is not on the floor at the moment, but he is interested in this amendment and is a coauthor. He spoke to me within the last 15 minutes about his interest in the amendment.

Mr. MAGNUSON. The letter the coauthor of the amendment sent us was very interesting. It is a subject in which his interest has been paramount.

Mr. President, I have no objection to this amendment.

I thought it might be of some interest to point out that in the Commerce Committee we have had a long interest in what we call low-emission automobiles. The Senator from Maine and I have ridden together in electric cars, steam cars, and gas cars.

Last week, Henry Ford II held a press conference in New York. What has been said here by Senators today is correct. The automobile is the main villain in the piece as far as urban centers are concerned, and we must develop low-emission automobiles, even if it has to be done through law. Mr. Ford said his company would spend $31 million on vehicle pollution control next year, and $60 million in the next 2 years on cutting air and water pollution at Ford plants. In the last 10 years, Ford spent $6 million to curb pollution at its plants. They have even been able to develop a little white box to help garage men diagnose pollution problems that they are going to put to use as they roll down the assembly line.

I complimented Henry Ford for that. I hope the others will follow. My thought is that if private industry is going to do this much in the automobile field, and spend that amount of money, the Federal Government can easily spend the amount of money here involved.

I have no objection to the amendment.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I agree with the Senator. I am glad to have him accept the amendment and take it to conference, but the Senator from Washington also sits on the Appropriations Committee with respect to the Department of Transportation appropriations. The only thing I wanted to make sure of was that we are not starting more parallel programs. Does the Department of Transportation have any programs dealing with emission from automobiles?

I may invite the attention of the Senator from Mississippi (Mr. STENNIS) to this matter.

Mr. MAGNUSON. I recall that in the Department of Transportation appropriation $2 or $3 million was applied to research on low emission automoblies.

Mr. STENNIS. Yes.

Mr. MAGNUSON. I am sure I am correct in this, and if not, I will correct the RECORD. The purpose of that is to do some research in order that the Department may lay down some guidelines for the States for the purpose of legal procedure.

So the research of that Department is somewhat different. This research will be helpful, but I do not think there will be too much conflict.

Mr. COTTON. I hope it will not grow into a conflict.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I would like to associate myself with the remarks of the distinguished chairman of the subcommittee and the distinguished Senators from Delaware, West Virginia, and Maine on this point.

I ask unanimous consent, if it is agreeable to the Senator from West Virginia, that I may also be a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I really do not believe that there is any situation in the country today about which the people are not more concerned than this problem. I am delighted to say that I asked the distinguished Senator from Delaware, not too long ago, to go down to the University of Louisville and make a speech to the county officials of the State of Kentucky on this very subject. I am delighted he has spoken in favor of the amendment.

I thank the chairman for yielding.

Mr. MAGNUSON. I yield to the Senator from California.

Mr. MURPHY. Mr. President, I, too, would like to associate myself with—and, with the permission of the distinguished Senator from West Virginia, become a cosponsor of—the amendment.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the Senator from California and also the name of the Senator from Virginia (Mr. SPONG) and the name of the Senator from Kentucky (Mr. COOK) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, the States that are represented so well and eloquently here have not been the States where the problem really started. It started in my State, in the California Basin. I had the privilege of serving on the committee with the Senator from Maine and have watched this matter begin. I am pleased with the great start toward solution of the problem made under his leadership. However, we are just not making progress; we are merely keeping up with the problem, and if we do not move faster, the problem will overcome us, and in certain areas of this great Nation it will become impossible to sustain life. Senators would not believe what we have seen in our bad days out there.

So I am pleased to find that my distinguished colleague from West Virginia has sponsored this amendment and has given me permission to cosponsor it.

I urge upon the distinguished chairman that I can think of nothing that is more important to the future of this great country than the job that needs to be done, and the need for this money to get on with a start toward the solution of air pollution as well as water pollution problems.

I thank the chairman and my colleague from West Virginia.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, with the permission of the Senator from West Virginia, I ask to be made a cosponsor of the amendment.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the Senator from Illinois may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, my own city is known as the Windy City. We have always felt that the winds across the lake would protect the city, but I have noticed in recent months that hardly a day goes by when there have not been stories of some asphyxiating, noxious gases hanging over our city or pictures of our 100-story buildings with only 30 stories visible. The rest are covered by smog.

We have noticed considerable concern about the health hazard that this pollution is now causing in the city of Chicago. It is also causing the same hazard elsewhere. I was interested that the United Nations, in a San Francisco conference on the environment, indicated that by 1975 we might not be able to exist in some areas of this country. I was also interested to note the resolutions adopted by NATO and the speech given by the Assistant to the President, Mr. Pat Moynihan, on the need for getting together all the free nations of the world to work together on this problem of the environment.

These nations are going to look to this country for technical assistance and advice. Certainly industry must take the lead in providing this assistance. They must do the kind of job indicated by the insertions put into the RECORD by the distinguished chairman, the Senator from Washington. The fight against pollution is a partnership that must be worked out between the private sector and the governments—local, State, and Federal.

We, in the Federal Government, must do our share also and I commend the Senator from West Virginia and the other Senators who have joined in this colloquy to indicate our deep concern about the problem of pollution. We recognize that this is a matter of high priority and that we must take care of it now. I think we are helping to solve the problem by this amendment.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. PERCY. I do not have the floor.

Mr. MAGNUSON. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I wish to emphasize what the articulate Senator from Illinois (Mr. PERCY) has just said about the partnership between government and industry, or industry and government. I think we have to consider neither of these entities as the junior partner. We need to have a complete understanding, and a realization of the urgency and of the challenge, between government and industry.

One industry for example, in West Virginia, the Weirton Steel Co., a subsidiary of the National Steel Corp., has recently expended more than $100 million on what is known as "the mill of the future." Air pollution control and abatement has been achieved in a very effective way. This is an enlightened contribution of industry which must be repeated a thousandfold throughout the Nation.

I emphasize again the concern expressed by the Senator from New Hampshire (Mr. COTTON) in indicating that we must be very careful not to spread ourselves too thin and overlap in this worthy effort. I think we would do great damage if we had programs too hydra-headed in nature; and I like the caution with which he has spoken. This work is a continuing commitment and challenge to those of us who have been especially active in the pollution control battle for many years within the Public Works Committee.

Mr. COTTON. Mr. President, I thank the Senator from West Virginia for speaking so kindly about me.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the names of the junior Senator from Indiana (Mr. BAYH) and the senior Senator from Nevada (Mr. BIBLE) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, I am pleased to be a cosponsor of this amendment. It is important that adequate funding be provided for research activity on the development of control technology for sulfur oxide and motor vehicle emissions.

Congress has adopted the concept of a Federal-State partnership in the basic legislation on air pollution. The long-term implementation of the sulfur oxide standards being set by the States could well be delayed unless adequate Federal funds are provided to help develop feasible control technology.

An appropriation of $45 million would demonstrate to the States that the Federal Government intends to keep pace with the standard-setting procedures of the States. I hope the amendment is adopted.

Mr. MONTOYA. Mr. President, today I cosponsor the amendment of Senator BYRD of West Virginia to appropriate $45 million for research on the combustion of fuels and motor vehicle pollution controls. As air pollution levels continue to rise in this country, there is an increasing need for adequate control technology that is economic. Section 104 of the Air Quality Act of 1967 provides for the development of such technologies.

Traditionally, when mention has been made of air pollution, thoughts have turned to Los Angeles and New York. However, in recent years there has been an awareness that air pollution is presenting a potential threat to all metropolitan areas and remedial actions must be directed at all sources of pollution.

It is not enough to apply control methods that comply with current laws and regulations; provision must be made for the development and demonstration of methods suitable to future needs also.

In my own State of New Mexico there is a utility utilizing the low sulfur coal deposits of the New Mexico and Arizona area to produce power to serve the growing energy needs of such metropolitan areas as Los Angeles, Phoenix, Tucson, and Albuquerque. In the process of generating this power, large amounts of particulate matter are being discharged to the environment. Much of this material is so fine as to not be captured or controlled by current technologies. This is one example of the need for an improved state of art in the control of particulate matter.

Automobile emission control is another area for improvement. The National Air Pollution Control Administration is spending an estimated $6 million on research to first, reduce the emissions from internal combustion engines, second, the

development of new power sources, and third, the development of new fuel types. It has been estimated that current control devices under development will never be able to reduce air pollution from motor vehicles far enough to offset projected increased numbers of cars. In the next 10 years, by the year 1980, the number of automobiles on America's roads will double. Even under the progressive California standards, it will be possible to eliminate only 60 percent of the total automobile emissions in that State. New and innovated approaches to the development of lower emission vehicles are clearly needed.

The Williams Bros. of Pennsylvania and Mr. Lear, the former president of Lear Jet, have made significant strides to perfect steam engines for automobiles. Mr. Lear is also developing steam engines for large transportation vehicles. These men have expended family fortunes on this notable and worthy effort and are to be commended.

This Nation must now build upon this experience by providing adequate funding of section 104 of the Air Quality Act. Natural gas has also been suggested as a fuel for automobiles and would reduce air pollution emissions.

It is also reported that if lead were removed from gasoline significant engine modifications could be made that would reduce automobile emissions. These are alternatives that can and must be investigated. They highlight the need for this funding.

The industries of this Nation could make a significant contribution in the reduction of automotive emissions. It is estimated that the operators of fleets of vehicles accounts for more than 50 percent of the vehicle pollution in urban areas or approximately 30 percent of the total urban air pollution problem. I call upon fleet vehicle operators to apply the latest available control technologies to further exert pressure on the automobile industry to reduce automotive air pollution. Industry's support in this regard would represent a significant public service.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PASTORE. Mr. President, I should like the RECORD to show that the senior Senator from Rhode Island voted in the affirmative.

The PRESIDING OFFICER. The RECORD will so show. The bill is open to further amendment.

Mr. NELSON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Wisconsin (Mr. NELSON) proposes an amendment, for himself and the Senator from New York (Mr. JAVITS), as follows:

On page 59, line 7, strike the numeral and insert in lieu thereof "$2,048,000,000".

Mr. NELSON. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment, together with myself and Senator JAVITS: Mr. SCOTT, Mr. BAYH, Mr. GRAVEL, Mr. WILLIAMS of New Jersey, Mr. CRANSTON, Mr. HART, Mr. MCGOVERN, Mr. RIBICOFF, Mr. PERCY, Mr. GOODELL, Mr. BROOKE, and Mr. YARBOROUGH.

Mr. CASE. Mr. President, if the Senator will yield, I think my name should be on there also.

Mr. NELSON. Yes; I am sure there are a number of other Senators who will wish to join as cosponsors.

Mr. JAVITS. Mr. President, if the Senator will yield, with the speed at which we have proceeded here, I am afraid we have missed some Senators who want to be on the amendment. As we go along, I am trying my best to keep up with them, if the Senator will accommodate us by permitting me to state their names from time to time.

Mr. NELSON. I agree. The bill just came out, and we did not have an opportunity to check with many Senators who would like to be cosponsors.

I ask unanimous consent that the names of the Senator from Maine (Mr. MUSKIE) and the Senator from Oregon (Mr. HATFIELD) be added as cosponsors; and I am sure we will have some further names.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, this amendment simply proposes to restore to the appropriation exactly the amount requested by President Nixon and the amount authorized by the Senate by a vote of 72 to 3 on the authorization bill.

Mr. President, the Office of Economic Opportunity, which has been given a very challenging assignment by the Congress, is in an extremely difficult position in regard to its appropriations.

We all know of the difficulties which have been encountered in our war on poverty. This is neither the time nor place to debate and attempt to resolve those difficulties. The important thing to emphasize today is that every single difficulty we have encountered in the Office of Economic Opportunity is aggravated by the uncertainty of appropriations.

I might point out that the appropriation bill before us appropriates for only 10 months, and it will require that there be a supplemental appropriation immediately afterward for 2 months. One of the very serious difficulties with that is that the Headstart programs, for example, and the summer programs involving some 400,000 young people, have to be authorized, developed, and started prior to the time that it would be possible for Congress to pass a supplemental appropriation.

We all, of course, want capable people with good professional backgrounds working in the poverty program. You cannot recruit and hold such people in a program which has no assurance of funding.

We want good administration. A good administration cannot be obtained in a program which must live in an atmosphere of financial confusion and uncertainty.

We want fresh and creative thinking, to find new ways to deal with the age-old riddle of povery in an affluent nation. It is impossible to innovate and develop creative new programs without an assurance of appropriations.

The appropriations difficulty in which OEO finds itself today is a result of an unfortunate chain of circumstances. There is no need for faultfinding or ascribing blame to anyone.

The simple fact is that the appropriations authorization for this agency expired on June 30 of this year. Both Houses of Congress have been working diligently to extend the authorization. We hope to complete that task within the next day or two.

The Appropriations Committee has been considerate in considering OEO appropriations in advance of final passage of the authorizing legislation which occurred in the House only last Friday.

However, it seems clear today, as we rush toward final action on both the appropriations and authorizing legislation, that the amount which the Appropriations Committee has been able to include in the Labor-HEW appropriations bill will cause serious problems unless the Senate increases it to the level requested by the administration and endorsed by both Houses in the authorizing legislation.

The spending level for OEO for fiscal 1969 was $1.948 billion.

Inasmuch as the agency has been operating since June 30 without any new authorization or appropriation, this has been the appropriations level under which it has operated for the 5½ months.

The administration, after careful review, requested a funding level of $2.048 billion for fiscal 1970—an increase of $100 million over the previous year's spending.

This is precisely the amount which the Senate authorized on October 14 when it passed the OEO authorization bill by a vote of 72 to 3.

The House authorized an even higher amount—$2.343 billion—when it passed its OEO authorization bill last Friday, December 12.

The Senate-House conferees will meet tomorrow, Wednesday, December 17, at 2 p.m., to resolve the differences in the Senate and House bills. Very few substantive issues remain to be resolved, and we should be able to come to quick agreement on authorization legislation.

With the authorization problem thus virtually resolved, it would be unfortunate to throw this agency back into an atmosphere of confusion and uncertainty by cutting its appropriation below the 1969 level, and below the level on which the agency has been operating for the past 5½ months.

Mr. President, one of the most important aspects of the war on poverty involves working with hundreds of thousands of people all over the country—political and civic leaders, religious organizations, farm organizations, and educational institutions. These are busy, responsible people. We cannot operate a war on poverty without them; yet we cannot expect them to take the war on poverty seriously and to give it their full commitment of time and sometimes of matching funds, if we are not seri-

ous about the program ourselves. Before we recruit civic and community leaders into a program, we have to be able to tell them that there is a program, that there are appropriations for it, and that it is going to run for a certain reasonable period of time.

Certainly at this late date—5½ months into the fiscal year—we should be willing to give this agency the assurance that it will have appropriations to continue operating until June 30, 1970.

Certainly that is the least that the Congress can say to the hundreds of thousands of people, and to the thousands of very fine organizations and institutions which we want to join with us in fighting poverty.

Mr. President, we had 217,000 children enrolled in Headstart full-year programs in 1969. We had another 447,000 children enrolled in summer Headstart programs. These programs are continuing in public schools, in some private schools, and in community centers all over America.

I might add parenthetically, as I mentioned earlier, that if they have to wait on a supplemental appropriation, it is almost a certainty that the supplemental will not be passed in time for them to plan with any certainty for the summer programs.

These programs cannot be stopped and started on short notice. Do we want to go on serving more than 600,000 preschool children through the Headstart program—as we voted to do, and as the House voted to do, in the authorizing legislation? Then the very least we can tell the people who are operating these programs is that you will have a program until June 30, 1970.

We have roughly 1 million training opportunities in our manpower training programs. Very close to half the entire OEO budget—almost $900 million—goes for work and training programs which are operated by the U.S. Department of Labor. The Labor Department negotiates thousands of contracts with public and private agencies, with business corporations, with State, local, and Federal agencies to carry on these manpower training programs. They offer hope of taking young men off the streets and giving them the training in a skill which will enable them to be self-sufficient. These programs cannot be turned on and off. Certainly if we want the cooperation of all these agencies and organizations, we must be able to tell them at the very least that they will have a program, with appropriations, until June 30, 1970.

The same argument can be made for the other programs—for the network of health centers which we have in 50 some communities, for the emergency food and medical services programs which are operating in more than 1,000 counties, for the family planning clinics, for the senior opportunity centers, for the rural loan program, for the migrant worker program.

If we expect these programs to continue to operate, we have to give them the appropriations which they require and which we ourselves have authorized.

Mr. President, the Appropriations Committee is quite right and on sound ground in wanting to conduct a careful review of the OEO programs. The members of our Employment, Manpower and Poverty Subcommittee agree 100 percent with the need for careful review of OEO programs.

But simply because of the unavoidable delay in the enactment of authorizing and appropriations legislation, this review should now be aimed at fiscal 1971, which will be upon us before we know it.

I think all of us would have preferred it if such a review could have been carried out for fiscal 1970 spending, but we face the reality of the calendar. The time has run.

If this agency is to be operated on a sound, professional basis, emphasizing good administration, it is not too early to begin as soon as the Congress returns in January a painstaking review of OEO appropriations requests for the next fiscal year which begins July 1, 1970—just over 6 months away.

For these reasons, Mr. President, I am offering an amendment to strike out the OEO appropriations figure of $1,624,000,000—the figure recommended by the committee—and inserting in lieu thereof the amount of $2,048,000,000.

This is the amount recommended by the President and the amount authorized by the Senate in bill S. 3016, which passed the Senate on October 14 by the vote of 72 to 3.

Mr. President, I ask unanimous consent to have printed in the RECORD a fact sheet on OEO appropriations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Nelson fact sheet on OEO appropriations

Appropriations Committee recommended (calculated as 10 months of the fiscal 1969 appropriation)	$1,624,000,000
Funds available during fiscal 1969 (this expired June 30 but spending has continued at that level under a continuing resolution)	1,948,000,000
Fiscal 1970 budget request by President Nixon	2,048,000,000
Fiscal 1970 authorization by Senate	2,048,000,000
Fiscal 1970 authorization by House	2,343,000,000

Mr. COTTON. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. COTTON. Mr. President, does the fact sheet the Senator has just had printed in the RECORD tell us exactly how this $2 billion is going to be spent, what the programs are, and how the money is to be allocated?

Mr. NELSON. The fact sheet I was referring to does not. It is a lump-sum appropriations sheet. It states what the Appropriations Committee recommended for 10 months—$1,624,000,000. It states that the fiscal 1969 funds available were $1,948,000,000.

The fiscal 1970 authorization by the President was $2,048,000,000.

The fiscal 1970 authorization by the Senate was $2,048,000,000.

The fiscal 1970 authorization by the House was $2,343,000,000.

The authorization bill we passed, as the Senator knows, being a member of the Appropriations Committee, earmarked a substantial portion of the $2,048,000,000 that we acted upon in the authorization bill.

Mr. COTTON. Mr. President, it is my understanding with respect to Headstart, and Upward Bound, that there is not the slightest danger of their being discontinued.

The purpose of the subcommittee, as I understand it, was to appropriate, even without the authorization, enough money so that those programs would not lapse and to provide an additional amount to tide them over until we could get some evidence before the committee and put the item into the supplemental.

Perhaps the distinguished Senator has in mind exactly how this money is to be spent, but if he has, I am afraid he is the only one.

I cannot make out, from what the President has said or from what anyone else has said, exactly how these are allocated.

The fact remains that the Appropriations Committee of the Senate—the subcommittee and the full committee—has not had one word of testimony about the program for which we are asked to appropriate for the remainder of fiscal 1970. I cannot imagine anything more irresponsible than a member of the Appropriations Committee of this body voting to appropriate a cool $2 billion until we have had some evidence about what the money is going to be used for. That is why I thought we were going a long, long way when we appropriated $1.624 billion without a single word of testimony.

I do not want to throw a roadblock in the way of any program. The President said this is going to be an experimental agency. We all know that we are going ahead and financing Headstart and Upward Bound and some of these very fine programs, and I support them. But to appropriate a cool $2 billion without hearing one word of testimony on how the money is going to be spent is, to me, the height of irresponsibility. The other Members of the Senate can take it if they wish, but I would not have the nerve to continue to serve on the Appropriations Committee if I cast such a vote without more information.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. JAVITS. 173 pages of justification were submitted to the Appropriations Committee. The budget submission, which is before me, is dated November 1969. It details with the greatest itemization. For example, I look now at page 83 of the summary, which shows exactly what was done in 1969 in these very things—Headstart, Follow Through, Special Impact, Health Services, Addiction, Mental Health, Family Planning, Emergency Food. The increases and the exact basis therefor are given. The Budget Bureau went along with them.

I have served on the Appropriations Committee, too. I appreciate the fact that the members of the committee are unbelievably overwhelmed. But where information has been submitted, if it has not been consulted or digested or dealt with by the committee, I do not think

the agency can be taxed. I know—because we all have experienced it—what happens when you go for a 4-month program, which is what is being done. There must be cancellations now, because people cannot tool in and tool out that quickly, and then the fat is in the fire in city after city. The problem is not so much that the committee does not have the material but that it has not had an opportunity to digest it.

Mr. COTTON. I have served on the Appropriations Committee with my friend the Senator from New York. One of the things I admire most about him is that he is so thorough and careful and always armed with the facts before he takes a position. I doubt very much if the Senator from New York would serve on that committee and not have an opportunity to ask a question about anything in this book.

Mr. JAVITS. May I say this. The Senator from New Hampshire did serve with me, and I admire him and respect him, and there is no question of his fidelity and unbelievably hard work, and of that of the chairman. We are advised that is the only way we can put it before the committee, that this justification was submitted, that Mr. Rumsfeld was there, that he just was not asked any questions about it.

Mr. MAGNUSON. Let us get this straight. In the first place, the committee has a general rule—it is not the law—that unless it is something unusual, we do not appropriate money and have no right to appropriate money, until it is authorized. OEO has not even been authorized as yet.

For a long time, the committee felt, on the best advice we could get from the House, that there probably would not be any authorization. We did not know until last Friday that the House even was going to pass it. I understand that there will not be too much trouble in conference. We kept having Mr. Rumsfeld over, and we said, "Can't you get your ex-colleagues over there to move, so that we can get at this thing?"

He submitted this. We did not know what was going to happen. So when it did happen, we said we thought that in a rare case, an exception to the rule, the Senate having authorized the $2.048 billion, we could go ahead, subject to authorization. But then we got thinking, what are the priorities? I have read a good deal of this. Has the Senator read it all?

Mr. JAVITS. I have read it all.

Mr. MAGNUSON. I have read a good deal of it. It became a little confusing to me.

We put it all in the record. It is in the record, every bit of it, for anybody to see, in the blue books. Then we took a dim view about what was going on downtown. Some people down there did not want any OEO at all. Not much help was given to them on the House side, from what I have heard and read, which seems to be very reliable.

Mr. JAVITS. Until they won.

Mr. MAGNUSON. Until they won.

Mr. JAVITS. That is right. And that is what counts.

Mr. MAGNUSON. So we did not know whether they were going to send something up. But they took the Senate figure. We asked them, "What about this?"

Well, here it is.

We also took a dim view of this. Here is HEW administering Headstart but not putting it in the HEW budget. The Senator knows the old game: You do not want it in your budget; let somebody else pay for it.

So they want OEO, which has enough problems of its own, I think—enough argument about it—to pay for Headstart instead of putting it where it belongs, in the HEW education budget.

The Department did not want to put Job Corps in its budget. But it is going to administer it. There were a couple of other smaller programs such as Upward Bound.

We are in this position. As is true with the Senator, we do not want to see this program out because of the failure of authorization, and Mr. Rumsfeld was over here. He must have had 25 people with him, waiting to testify, and the bill had not even been passed. We have to exercise some responsibility for $2 billion. No one has been a better supporter of OEO than the Senator from Washington.

We asked him this—perhaps the Senator can clear it up—here is $180 million for Job Corps that is going to be taken out of the OEO appropriation and turned over to the Labor Department. Is that the correct figure?

Mr. NELSON. Yes.

Mr. MAGNUSON. That is one program. Here is New Careers, which is still in the OEO. Is that correct?

Mr. NELSON. Yes. It is in the OEO budget.

Mr. MAGNUSON. New Careers is going to take $91 million, as I understand it, and Main Stream is not in there.

They have a great item in here—"Other work and training, $604 million." There is some explanation of what they mean by "Other work and training," but it covers many priorities and some programs that have been under severe criticism—not from me, but from others.

Headstart is going to turn over to HEW $338 million of their hard-earned appropriation and authorization from OEO that should have been in the HEW budget.

So we get down to Follow Through, $32 million. Legal Services—that is still in OEO.

Mr. NELSON. That is correct.

Mr. MAGNUSON. Health Services, in which there is some education in the rehabilitation programs and all the other programs in rehabilitation; Community Health Centers. That is all right. Emergency food and medical service, $30 million. Family planning, $15 million.

That is in OEO. The Senator mentioned that. But the Senator from New Hampshire and I would like to know what is the $34 million for migrant workers? We have a good amount elsewhere in this bill.

Mr. MONDALE. Mr. President, will the Senator yield there?

Mr. MAGNUSON. I shall yield in just a moment. We do not want two identical items in two places in the bill.

Mr. MONDALE. As the chairman of the Subcommittee on Migratory Labor, this is a modest program which reaches fewer than 10 percent of the migrants, and helps them with education and training, reemployment and adjustment assistance, and housing and sanitation.

Mr. MAGNUSON. That is exactly what we have in here.

Mr. MONDALE. This is a long standing program, that is about 6 years old, but it reaches fewer than 10 percent of the migrants intended to be served. It is a program that is desperately needed if we are to reach the poorest and the most desperate sector of American life.

Mr. MAGNUSON. For migrant health we have $15 million, is it the same as this?

Mr. MONDALE. No, there is a difference between the $15 million provided under the Migrant Health Act as part of the HEW appropriation, and the $34 million provided for title III B of Office of Economic Opportunity.

Mr. MAGNUSON. What is the difference?

Mr. MONDALE. They are separate and distinct programs. The migrant and seasonal farmworker program of OEO is a modest program.

Mr. MAGNUSON. Will the Senator speak a little louder.

Mr. MONDALE. The OEO migrant program deals with training and education, health, housing and sanitation problems, community organization problems and tries to assist migrants to join together in programs to assert their points of view. It involves modest programs affecting the streams of migrant workers that move from the South to the North, along the east coast stream, from Texas to the North; and on the west coast, to phase them into local community programs and resources where needed.

Mr. MAGNUSON. We have taken care of health.

Mr. MONDALE. That is correct. Health care programs for migrant workers are considered as part of the Migrant Health Act appropriation under HEW. I can get very specific figures on this program if the Senator would like to have them.

Mr. MAGNUSON. They just gave them to me.

Then, in addition, we have in rehabilitation $2 million and, then, we just put in $25 million for bilingual education.

Mr. MONDALE. Bilingual education is an entirely different HEW program under the Office of Education. That amount goes for public school programs.

Mr. MAGNUSON. But it is partially for migrants.

Mr. MONDALE. No, it is not limited just to migrants. It is for the benefit of millions of American children—Puerto Ricans, Americans, and some Indians.

Mr. MAGNUSON. We know that figure. That is why we put it in.

Mr. MONDALE. Only a small portion of bilingual education money goes to migrants.

Mr. MAGNUSON. But this is education and they mention that. I do not know. I

do not want any avoidable duplication here.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I shall yield in just a moment. I would like to get down to another figure. After we have taken $338 million of this money for Headstart and turned it over for HEW for them to operate, and $180 million for the Job Corps, that is close to $525 million. Now, they have these other items. But under title II—not earmarked, this is from the OEO—there is $427 million. This is what we would like to know. What is it for?

Mr. COTTON. Mr. President, will the Senator yield to me for 1 minute?

Mr. MAGNUSON. I yield.

Mr. COTTON. I thank the Senator. I wish to make a suggestion. I want to appeal to my friend on the amendment he offered. We are interested in this program. The members of the House committee have said to me that Mr. Rumsfeld made a tremendous impression on that committee when he testified. I regret we did not have an opportunity to hear him testify. But now the House has no appropriation at all so it is open-ended.

If we go over to conference, whether we go with $1 billion or $1.5 billion, whatever we go with, there is no ceiling on it in conference. Am I correct?

Mr. NELSON. My understanding is that they have zero money for OEO for 1970 in the House appropriations bill.

Mr. COTTON. The Senator is talking about the second year, 1971?

Mr. NELSON. Is the Senator talking about the authorization section?

Mr. COTTON. Yes. They have no authorization section yet so they have no appropriation. They are open-end. The House is not instructed.

Mr. NELSON. For 1970 the House has authorized $2.343 billion.

Mr. COTTON. The House appropriation does not have anything. The appropriation bill came here with nothing in it because it had not been authorized.

Mr. NELSON. I assume that is correct.

Mr. COTTON. If that is the case, if they have nothing and if the Senate had $1, we can go anywhere up to the authorization. In other words, it is not as though the House had $1 billion and the Senate a half billion dollars and you had to arrive at a figure between them. The conference committee right now, without the Senator's formal amendment, can appropriate all they want within the authorization, if the Senator gets his amendment and the Senate votes to appropriate the entire authorization.

I read that book and there are some things in there I could not accept and yet the Senator is asking for the full authorization. We have to go over and defend everything in that book upon which we have no evidence. Yet, I think that the Senator will find that the conference committee would go well up toward the authorization if they would give them that opportunity.

Mr. NELSON. Mr. President, if the Senator will yield, I would like to say that I am very aware of the difficulty under whch the appropriations conferees operate when the authorizing committees have not completed their work. In the case of the authorizing subcommittee of which I am chairman, we did have the bill out and passed by the Senate by October 14.

Mr. MAGNUSON. And the Senate established priorities.

Mr. NELSON. Yes. We established and earmarked priorities in the bill. I realize the great problem of the Committee on Appropriations and I would guess the Subcommittee on Appropriations acted on this bill a few hours before the House voted the OEO authorization late last Friday night. However, what they have done in the House has been, in effect, to extend the OEO authorization for 2 years with some added authorizations bringing it slightly above to the President's budget figure of $2.048 billion. On the House side, they added $295 million to the authorization, for a total of $2.343 billion.

Mr. MAGNUSON. On the authorization. But what will the House Committee on Appropriations do?

Mr. NELSON. I do not know.

Mr. JAVITS. Mr. President, will the the Senator yield in connection with the House Appropriations Committee?

Mr. NELSON. I yield.

Mr. JAVITS. I just talked with the Parliamentarian and under the circumstances we face where the House did not deal with the matter at all and the Senate is dealing with a matter not dealt with by the House, the ceiling becomes whatever the Senate does. We can negotiate between zero and that ceiling. I know the Senator's feelings, and the feelings of the Senator from New Hampshire, and I would be the first to testify to their good will, good faith, and their desire to do everything they can in conscience do for this program. I have lived with them both in this particular case, and I can testify to it myself. But the Senate does not have the room, unless we give it by this amendment. This is why we had to move.

Mr. COTTON. But if the Senator gives us the total appropriation, we go over there honor bound to fight for the total authorization.

Mr. JAVITS. That is true. I have faced that hard road myself with the House, but the only time one gets stuck that way is when the House comes over and says, "We will take it." But I think, as practical men, we can guarantee that the House will not.

Mr. MAGNUSON. One thing, and I shall not talk any more about it, if this had been totally authorized here—the law authorization—which is $2.048 billion, which was the budget item, the committee would not have given you that full amount anyway.

Mr. JAVITS. That is true.

Mr. MAGNUSON. Because there would be some programs that could wait or someone would have objection to. I imagine the best—I am guessing—I am only one member—but I am guessing that the best one could have gotten was last year's amount.

Mr. JAVITS. Last year's amount was $100 million less than the $2.048 billion.

Mr. MAGNUSON. If you had got that, you would be doing pretty well in the committee. I see some committee members nodding their heads.

Mr. JAVITS. But that would be the eventuality. If you carry it over with the ceiling of $1,624 million; that is what we have to fight against, as a matter of conscience.

Mr. MAGNUSON. The Senator did not get my suggestion, did he?

Mr. JAVITS. I got the suggestion.

Mr. MAGNUSON. I thought a word to the wise should be sufficient.

Mr. JAVITS. I got the suggestion. When you go over there, you are still going to have to compromise.

Mr. MAGNUSON. Not necessarily, if they authorize much more, they will take this.

Mr. PERCY. Mr. President, will the Senator from Wisconsin yield to me?

Mr. NELSON. I yield.

Mr. PERCY. Mr. President, I should like to address myself to this question of funds for OEO. I have high regard for my colleague from the State of Washington and recognize that he faces a practical problem here.

Sometimes, when we look at the details on the economic balance sheet, we also have to look at a number of other things such as what do the figures symbolize. This is the case with money for OEO.

It would be a perfectly dreadful thing if yesterday we approved $69 billion in a Defense budget—and if we are going to approve the SST——

Mr. MAGNUSON. That is a small amount.

Mr. PERCY. We did not give great consideration to money for OEO. What will the people of our country think if we find a way to give an agency which has been in existence for 5 years, which now has a colleague from Congress whom I admire and respect as its head, which deals with the poor, funds for only 10 months? What will they think if we have not faith enough to give OEO the full amount, if we cannot find a place to spend $2 billion for the 25 million poor of this country?

I believe that is the essence of what we have to consider. Do we have enough faith?

Second, are we going to put the administrator of the program and his top people in a position that all they will be doing is constantly coming back to Congress defending their programs day in and day out?

I remember when the OEO program was in the branch of Government administered by the opposition party, the Democratic Party, and Sargent Shriver came over to see me one day. I said to him, "How can you afford so much time on the Hill? How much time do you spend on the Hill?"

He looked back at me and said, "When I look at my days and weeks, I find that I am up on the Hill at 9 o'clock in the morning, Monday through Friday, and I get back to my office at 6 o'clock at night. Then I say to myself and my staff, 'Now, what can I do for the poor?' "

I think we are placing Mr. Rumsfeld almost in the same position. We are saying that we cannot even authorize an

appropriation for 1 year for a program we all have faith in and that the President of the United States has said he must have.

Just the other day, we held hearings for one solid week in the Small Business Committee of the Committee on Banking and Currency. We listened to businessmen, agency heads and secretaries of departments come over and say what they are doing to implement the President's program for black capitalism and minority enterprises.

Mr. President, I should like to read something I just happened to pull out about an agency which I know enough about—the Chicago Economic Development Corp. It is a marvelous organization, aimed at complementing privately the national bipartisan objectives; namely, making the minority groups in this country, Spanish speaking, blacks, American Indians, whoever they may be, part of the economic fiber of this country.

Mr. Garland Guice testified as to how they were operating their agency, and he said:

> This has been the agency most helpful for us. We have got some small funds from the Department of Commerce, we have got some small funds from the Small Business Administration, but we would be out of business if our funds relied on those two agencies. *OEO has been the agency which has most supported our operation in the past years.*

Mr. President, here is a program that is a new program, started by the Democrats last year under Howard Samuels, and carried forward now with great energy by the OEO. It is a program where the OEO is the experimenter, the innovator, the one that pioneers and finds a way, by using the money, to do the job that is needed, while others are merely talking about structuring the job.

I have been around the country studying health centers, which try to bring health care closer to the people where it is needed most and not through the county hospitals which are hard to get at, such as those in Los Angeles or Chicago.

What agency did we find that really did the best job with health centers?

It was the OEO with Neighborhood Health Centers. They were the pioneering group in this field which paved the way for us to make possible major legislation under the Hill-Burton Act.

Certainly, now that the President is talking about day care centers under his reform bill for welfare——

Mr. MAGNUSON. Yes, but they did not ask for any day care centers.

Mr. PERCY. These are the people who have been experimenting how to set up day care centers. I think that this agency knows as much about day care centers as any agency of Government.

Mr. MAGNUSON. One of the best programs in the business.

Mr. PERCY. Absolutely. I concur completely with my distinguished colleague from Washington. But here is a program that now, in the next 2 years, will get a tremendous push from the administration. I hope it will be bipartisan program and that it will be bipartisanly supported. It will take welfare mothers tied down with children and educate them, let them learn a skill, and stand on their own feet and have dignity to earn their own living. It will give mothers a place to put their children.

We are one of the few civilized countries in the world which has no real provision for the care of the children of working mothers. Every other country does it. Eastern and Western Europe do. We are just now beginning.

OEO has paved the way. It has experimented with day care and has led the way in this area. Certainly in job training programs, in which I am very much interested, it has also led the way OEO has worked in connection with the National Alliance of Businessmen, where men such as Henry Ford and Donald Kendall are pulling new companies into their organization to find jobs for the poor.

Certainly, the Department of Commerce works with them, but it is the OEO which is providing that kind of help, too.

Mr. Kendall mentioned that in one city, Sacramento, Calif., 20 percent of that city's population lives in the ghetto. In Sacramento, this 20 percent pays 12 percent of its taxes, and accounts for 36 percent of its fires, 42 percent of adult crimes, 76 percent of its tuberculosis cases, requires 50 percent of its public health services, and 41 percent of its police costs.

NAB is working in this city with these people. OEO has helped support and fund their program from one city to another.

OEO is not just the major cities. OEO, with $52 million, has set up community centers which are rurally oriented. Marketing cooperatives have been set up in rural communities to help rural people in depressed areas find ways to lift themselves by their own bootstraps.

The fact is that I do not know how they have been able to do so much with their money.

In our own select committee on food and hunger and human needs, the Bureau of the Budget has said that if we are to close the hunger gap, we will require $2.930 billion this year for food alone. It is OEO that we turn to, which knows more about emergency food and medical attention for the poor than anyone else, which has worked cooperatively and harmoniously with the Department of Labor, HEW, and other agencies of Government in this area. It has been the catalyst, and the people concerned in this field have turned to OEO for help.

Certainly, in most of these areas, I think we can say that it has been the agency that, with only 5 years' experience, has pioneered and innovated. Now, with much tighter control, it can concentrate on evaluation and experimentation.

I would say this agency deserves a vote of confidence, and not to be held back with reluctance or with great concern. We are talking about a pittance, $2 billion, when we are talking about the poor and human needs in America. When contrasted with $69 billion for the Department of Defense, and certainly when contrasted with the billions of dollars for space, I certainly think we can find it in our hearts to have faith in this agency, in Donald Rumsfeld, and in his dedicated group, and certainly in the President of the United States and this administration, which has given this agency a charter.

Mr. MAGNUSON. Mr. President, there was no discussion in the committee about the fine programs the Senator has so eloquently talked about. I voted for every OEO program.

Mr. MAGNUSON. There was nothing said about the merits of the programs, or the goals.

Mr. NELSON. May I say something?

Mr. MAGNUSON. Not yet.

Mr. NELSON. Mr. President, I did not even yield time.

Mr. COTTON. Mr. President, are we on a time limit?

Mr. MAGNUSON. No.

We were faced, like the cashier of a bank, with a real money problem.

Let me say again that very seldom does the Appropriations Committee allow the full authorization. I am hopeful we can work this matter out. We want some flexibility. It is too bad this happened in the House. Nobody down there is going to vote against OEO as such.

We said, in effect, that when the first supplemental bill comes up in January, the administration will have the program ready, and that we will accept it if the administration puts it in the supplemental bill, because there has been a little heel dragging down at the lower end about OEO. I can give the Senator chapter and verse on that.

Mr. NELSON. Mr. President, may I remind the Senator from Washington on this point? The Senator raised the point that nobody has been before the Appropriations Committee to explain the details of this authorization and appropriation. I appreciate that they were not there this year, but the Senator, who is very familiar with these programs, has conducted hearings every year for 4 years. There is not a single new program in this year's authorization or in the appropriation. So every single program going on is a program that the distinguished Senator from Washington conducted hearings on in the last Congress. And last year the Senate appropriated $2.088 billion—$40 million more than the President of the United States asked for this year, and $40 million more than we authorized on the floor this year. So last year we appropriated $2.088 billion, and all we are asking for now is an appropriation of $2.048 billion, which is $40 million less.

I am down here carrying water for the President of the United States. I am happy to do it, even though he is not of my party.

I supported $290 million more in the authorization that we were able to get on the floor, and $290 million more than the President asked for; but I think the President's request of $2.048 billion is the minimum that we ought to appropriate here.

The essence of the argument here—and it is not the chairman's fault—is that this ends up being a 4-month supplemental appropriation, which expires in April, so to speak, with 2 months appropriations hanging in limbo, with all the problems that that creates for this administration, which I do not think we ought to create for it.

Mr. MAGNUSON. We will have the administration's position clear by next year sometime, because there have been a lot of changes.

I want to correct a figure. Last year they spent $1.948 billion.

Mr. NELSON. That is the figure I have used.

Mr. MAGNUSON. Yes.

Mr. NELSON. I said we appropriated $2.088 billion, which is $40 million more than is in the proposal before us.

Mr. JAVITS. That is right.

Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. JAVITS. I think as long as the Senate is interested in the details of this matter, it is very important to point them out.

For work and training programs, Job Corps, school in summer, comprehensive employment, special impact, work experience, and foster grandparents, the authorized amount is $871 million.

For the community action programs, which includes Headstart, legal service, and other programs, $1.078 billion.

For the other miscellaneous programs, like migrant workers, rural areas, VISTA, and administration of the program, it generally comes to about $100 million.

That is the anatomy of what is being requested in this appropriation.

It seems to me that the argument of the Senator from Wisconsin (Mr. NELSON) upon that is conclusive. There are no new programs involved; it has been an ongoing program.

With the parliamentary situation that the ceiling will be whatever the Senate appropriates, we must go to this higher figure.

The juxtaposition between what we are doing in war and war preparation and many other things is certainly a fair appeal to conscience in terms of the clients of this program.

If the Senator will yield for that purpose, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS. I say to the Senator in conclusion, Mr. President, that as a matter of common decency, the ceiling for the Senate negotiators should at least be the budget figure, which is the figure authorized by the Senate committee and, as the Senator from Wisconsin has very eloquently pointed out, is $40 million less than what the Senate appropriated in money the last time out, with a program that is infinitely more expensive, as we know, to administer.

Mr. NELSON. I agree with the Senator. I would just like to say to the Senator from Washington that the part that really worries me about a figure the same as was agreed upon between the House and the Senate and adopted for this year is that if we took the $1,948,000,000, and if the $1,600,000,000-plus that was appropriated is to be ten-twelfths of that and, therefore, we are going to end up appropriating exactly what we spent this year, then we may very well be in a position, with the House of Representatives, where we have got to compromise at a figure less than the operating budget for this year; whereas, if we took the President's recommendation of $2,048,000,000, at least we would have some bargaining room.

Last year we started out with $2,088,000,000, and ended up compromising on this year's figure of $1,948,000,000.

Mr. MAGNUSON. Mr. President, one other thing is true. We have got to face this: With the conference starting tomorrow, suppose we should split the difference with the House of Representatives, their authorization would be higher than the $2,048,000,000. Assuming what usually happens, there would be a difference of about $100,000,000, or somewhere in there, as was true on the authorization.

Mr. NELSON. Then that has to come back to the Senate.

Mr. MAGNUSON. So the appropriation might—we do not know—end up less than the authorization.

Mr. BYRD of Virginia. Mr. President, will the Senator yield to me so that I might ask some questions of the chairman of the committee?

Mr. NELSON. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. MAGNUSON. Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I shall be very brief. This information sheet, which I am frank to say I have never had the opportunity to see until just now, if I read it correctly, after listing some of these appropriations, has here, unearmarked, under the authorization, $427.9 million.

That is not far from half a billion dollars, which is not even earmarked.

Mr. NELSON. Let me give the Senator the explanation of that. This table to which he refers is the budget request of the administration. They submitted to the committee in detail how they proposed to use that money.

Mr. COTTON. Submitted it to what committee?

Mr. NELSON. To the Poverty Subcommittee of the Committee on Labor and Public Welfare, and to the committee over on the House side. The particular money to which you referred is to be spent for Community Action, local initiative programs, program direction, technical assistance, State economic opportunity offices, research, pilot programs, and evaluations.

That is what the unearmarked money is to be spent for. By not earmarking, we give them some flexibility.

Mr. COTTON. Well, it is very nice of the Senator to tell us that. It is helpful to know. But let us just look at the situation that presents itself to us, from a parliamentary standpoint.

The mistake that the Appropriations Committee of the Senate made was in appropriating one single dollar, because, when we tried our best to be fair and understanding, we opened ourselves up to this; and we deserved to get it in the neck, because we were interested, and reasoned as follows: The top authorization, the top request, is $2.048 billion——

Mr. NELSON. May I say to the Senator that I have not in any way been critical of the Appropriations Committee.

Mr. COTTON. We talked it over, and we said, "There is no authorization as yet, we have had no hearings"—and I want to be absolutely fair on this; I think that was probably our fault. I think if we had not been so pressed, hour after hour and night after night, we should have found time, had Mr. Rumsfeld come up with his people, and listened to him, even though we had not received the authorization. I wish we had.

But we have been operating for the last 6 weeks night and day. We certainly wanted to be fair, and not suppress this program by leaving them with no money until the passage of a supplemental.

So we said, "If we give them $1.6 billion out of the $2.048 billion, then it gives the Appropriations Committees a chance to obtain the necessary evidence, and the rest of it can wait for a supplemental appropriation without doing anyone any harm."

We were trying to be fair. We were trying to be generous. There is not a person in this Chamber, I do not believe, who thinks that, with $1.6 billion in their hands, and with a supplemental coming along, they could not operate. When you talk about planning for next summer, the supplemental hopefully would be enacted before we adjourn, and certainly if we do not get a supplemental through before we adjourn, it has got to come through very quickly after the new year starts. Then there will be an opportunity to review the whole thing and get the evidence.

But no; the Senator wants to do something that has never been done before, I would wager, in the history of the Senate or of the other body. Suppose we vote the entire appropriation, without one word of evidence, without a chance of examining one single witness, what does the Senator get? Some $400 million more than we are giving them; and all the information I had, until the Senator from Wisconsin started illuminating the situation just now, was a sheet here showing that there was $427.9 million not earmarked.

It is ridiculous, Mr. President, to say that we have ruined this program. It is ridiculous to say that we have not been generous. What do they want to do? Do they want to pass the whole authorization without our being given a chance to weigh any one of these programs? There are two or three of them I have grave doubts about. Do we want to send conferees over to the conference with the House of Representatives, absolutely honorbound to hold out for the full amount?

I have served on this committee a good many years, and this is the first time I have ever seen such a proposition put before us. We have done something beyond what we were supposed to do and leaned over backward trying to be fair, so as not to stifle the program.

Mr. PERCY. Mr. President, I wish to comment briefly on the discussion we had today on the OEO appropriations and the points the senior Senator from New Hampshire made.

Senator COTTON was rightly concerned about the unusual situation confronting the Senate in voting funds for OEO. It is unusual for us to be appropriating money

when the authorization bill has not yet been approved. While I feel it is vital to approve this appropriation today for a full 12 months, I do understand the Senator's concern.

I commend him for his diligence and the fine work he has done on this difficult bill. He has a life long regard and devotion to the cause of justice, of concern for the poor and disadvantaged, the handicapped and the aging.

I join him in expressing the hope that we will resume regular procedures in the next session of the 91st Congress and all future sessions.

At this time, I would particularly like to commend and express appreciation to Senator Cotton and the other members of the Appropriations Committee for incorporating into this bill my amendment to fund title III of the Older American's Act at the authorized level of $20 million. In so doing, they have recognized the special needs of our senior citizens and provided the funds needed to help meet them.

The PRESIDING OFFICER (Mr. BAKER in the chair). The question is on agreeing to the amendment of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from Massachusetts (Mr. KENNEDY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Ohio (Mr. SAXBE) would vote "yea."

The result was announced—yeas 60, nays 32, as follows:

[No. 243 Leg.]

YEAS—60

Aiken	Harris	Muskie
Baker	Hart	Nelson
Bayh	Hartke	Packwood
Boggs	Hatfield	Pastore
Brooke	Hollings	Pearson
Burdick	Hughes	Pell
Case	Inouye	Percy
Church	Javits	Prouty
Cook	Jordan, Idaho	Proxmire
Cranston	Mansfield	Randolph
Dodd	Mathias	Ribicoff
Dole	McCarthy	Schweiker
Dominick	McGee	Scott
Eagleton	McGovern	Smith, Ill.
Fong	McIntyre	Spong
Fulbright	Metcalf	Stevens
Goodell	Mondale	Tydings
Gore	Montoya	Williams, N.J.
Gravel	Moss	Yarborough
Griffin	Murphy	Young, Ohio

NAYS—32

Allen	Ellender	McClellan
Allott	Ervin	Miller
Bellmon	Fannin	Smith, Maine
Bennett	Goldwater	Sparkman
Bible	Gurney	Stennis
Byrd, Va.	Hansen	Talmadge
Byrd, W. Va.	Holland	Thurmond
Cannon	Hruska	Tower
Cotton	Jordan, N.C.	Williams, Del.
Curtis	Long	Young, N. Dak.
Eastland	Magnuson	

NOT VOTING—8

Anderson	Kennedy	Saxbe
Cooper	Mundt	Symington
Jackson	Russell	

So Mr. NELSON'S amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I ask unanimous consent that the names of the Senator from Kansas (Mr. PEARSON) and the Senator from Kentucky (Mr. COOK) be added as cosponsors of the amendment.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Without objection, it is so ordered.

CHRONIC DISEASE CONTROL PROGRAM

Mr. HART. Mr. President, I want particularly to commend the chairman of the Subcommittee on Appropriations for the Departments of Labor and Health, Education, and Welfare—as well as the other members of the committee—for restoring the $24 million cut by the House in the regional medical programs, and for earmarking $24,771,000 under this program for support of the chronic disease control program.

As pointed out on pages 22 and 23 of the committee report, the fiscal 1970 appropriation for the chronic disease program was combined with that of the regular medical program in accordance with the reorganization of health programs in the department.

This action and the subsequent cut by the House of $24 million below the 1970 budget estimate placed in jeopardy the Nation's first regional medical arthritis control program, a collaborative project of the University of Michigan in Ann Arbor and the Henry Ford Hospital in Detroit. For the first year of a planned 5-year program, $450,000 had been made available.

The committee is to be commended for recognizing the importance of the chronic disease programs and for providing the funds to maintain them at their previous operating level.

Hopefully our colleagues in the other body will be persuaded of the wisdom of this action and will accept this relatively small increase.

By way of background material, and in the interest of broader understanding of this health service, I ask unanimous consent to insert in the RECORD at this point the revised summary of testimony of Dr. Ivan F. Duff before the subcommittee.

There being no objection, the summary was order to be printed in the RECORD, as follows:

REVISED SUMMARY OF TESTIMONY OF IVAN F. DUFF, M.D., CONCERNING THE REGIONAL ARTHRITIS CONTROL PROGRAM IN MICHIGAN

Mr. Chairman, I am Ivan Duff, a Professor and Internist at The University of Michigan Medical School. Mr. Hulce, President of the Michigan Chapter of the Arthritis Foundation (and who spoke briefly last evening at these hearings) and I, with the request that our full testimony be entered in the record, would like to present a brief revised summary as follows.

Since July 1, 1969, I have been in charge of the development of the nation's first Regional Medical Arthritis Control Program which is located in Michigan. This is a collaborative project utilizing the core resources of The University of Michigan and the Henry Ford Hospital in Detroit.

Two days ago, Senator Smathers and Dr. Clark impressively documented for this Committee the need for research support toward a cure of arthritis to alleviate the plight of the millions of arthritics and the staggering costs of these chronic diseases to the nation. Theirs was a request for funds for the National Institutes of Health.

Our ongoing program, since it is directly concerned with the delivery to arthritics of medical services, is a part of the Regional Medical Programs Service. We wish to testify concerning a very important matter, mainly the decision by officials of the Department of Health, Education and Welfare to reduce the activities of five of the eight chronic disease programs during fiscal year 1970 and to phase out several programs including the country's pilot Arthritis Control Program.

The basic concept of our program grew out of the 1965 Surgeon General's Workshop on Prevention of Disability from Arthritis. In essence, this is a program to demonstrate that crippling from arthritis can be delayed or prevented by a method of delivery of medical care which provides for early diagnosis, comprehensive evaluation of the patient's total problem, efficient and knowledegable use of today's treatment measures, and provision for continuing medical and social support. The working design of our program includes analysis of social and economic benefits, direct medical costs, as well as objective criteria for measuring physical benefit.

The original plan called for the establishment and support of nine centers, to be located in Public Health Service districts. However, in 1968, the 90th Congress made an appropriation of $500,000 for a single arthritis demonstration center program to the National Center for Chronic Disease Control—That center, September, 1968, was merged with the Regional Medical Programs Service.

In January, 1969 the Diabetes and Arthritis Control Programs, Division of Chronic Diseases, announced the availability of funds on a competitive basis for the nation's pilot demonstration program. On June 18, 1969 the Public Health Service announced that this award had been made to Michigan; on July 1, the program was activated.

The merger of the Division of Chronic Diseases into the Regional Medical Programs Service, which as you know, is concerned with heart, cancer and stroke and "related disorders" puts the authorized pilot Arthritis Control Program, which happens to be located in Michigan, in a situation of jeopardy. Our concern is what is to happen to this nationally important ongoing program intended to be of five-years duration, after July 1, 1970, in view of the public announcement of the reduced activities of the Arthritis and Diabetes Chronic Disease Programs

and it follows our program—after only one year of operation.

Mr. Chairman, we would make the point that the merger of our program vitally concerned with the delivery of medical services, with the Regional Medical Programs Service, carried with it the obligation for continued support. Our concern is for visible evidence of this in the form of continued support by the Health Services and Mental Health Administration and the Director of the Regional Medical Programs Service.

In appealing for ongoing funding in the fiscal year 1970, to permit this program's continuation, I would like to briefly summarize our progress to date:

1. In five months of operation we have demonstrated that the participation of many health related disciplines can be obtained in the formulation and operation of such a project. This program is the product of successful collaboration between physicians with an interest in arthritis and rehabilitation, physical and occupational therapists, public health nurses, social workers, behavorial scientists, specialists in research design, statistics, data retrival, analysis of program direct costs and benefits and measurement of social costs.

2. We have demonstrated that cooperation of patients can be obtained. Out contemplated goal at the end of five years was about 600 rheumatoid patients; since admission to the program of the first patient early in September 1969, 34 eligible adults and three children with rheumatoid arthritis have been entered into the study. On pages 7–9 of my formal testimony are two case reports to document the plight of arthritis victims and what we can do; in other words, Senator Magnuson, we have something to deliver and we are making delivery.

3. We have demonstrated that such a program can be truly regional—two-thirds of the peoples in Michigan reside in the Detroit-Ann Arbor-Grand Rapids area. There is a real potential for expanding this to a state-wide program through the network of active patient service teaching clinics for physicians, now operative in eleven key locations throughout Michigan. It was to the role of the Michigan Arthritis Foundation, which by supporting these clinics in a total of $100,000 a year, implements the yield of the Regional Arthritis Control Center, that Mr. Hulce (President of the Chapter and an executive of the Ford Motor Company) testified in part last evening.

4. Since its conception, it was clear between us and our contract officers, that this program would require a minimum of five years to achieve its objectives. In the first few months of its operation, much of the time has been involved recruiting personnel and with standardization of the many procedures involved in data collection and plans for analysis of a multidisciplinary project. More rapid development of actual operations can be anticipated now that this "tooling up" process is underway.

Senator Magnuson and gentlemen, we are appearing before you to respectfully seek renewal of recognition by the Congress of the importance of their and our pilot Arthritis demonstration center program and to request ongoing appropriations for this program. If there is a question of adequacy of authorization under the Regional Medical Programs Service to carry out arthritis projects, we need to seek legislation authorizing expansion of the Regional Medical Prorgam Services to include this and other arthritis programs. Specifically, we request renewal of the budget appropriation in the amount of $500,000 for Health, Education and Welfare for fiscal 1970 for the nation's first Regional Arthritis Control Program located in Michigan.

Thank you for the opportunity of appearing before you, for your courtesy and for your interest.

PROGRAM

Mr. SCOTT. Mr. President, I rise to inquire of the distinguished majority leader as to his intentions with regard to the progress of this bill and future business today and thereafter.

Mr. MANSFIELD. Mr. President, as the distinguished minority leader knows, there are a number of other appropriation bills following the disposition of the Labor-HEW proposal. This is the one, however, which may well take up most of the time. We also have a mistletoe gathering in which we are all interested to some degree. I would hope it would be possible that we could stay very late tonight. Whether or not we can finish this bill, I am not at all certain. I would say that the odds are against us; but if we do not try, we will never know.

At this time, I ask unanimous consent that there be a time limitation of 1 hour on all amendments, except as to sections 407, 408, and 409, the time to be equally divided between the sponsors of the amendments and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I repeat, in response to the question raised by the distinguished minority leader, that we are going to be in session very late tonight, because we really do not have much choice. I know that many of us are tired, especially the members of the Appropriations Committee, who have been doing superhuman work over the past several weeks and especially during the past day or so.

With that word of cheer, I will yield the floor.

Mr. SCOTT. The majority leader has made me happy once again [laughter].

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14916) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of December 15, 1969, p. 39093, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PROXMIRE. Mr. President, I urge that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$104,169,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$38,769,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$129,556,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$17,406,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$136,234,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 13 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$32,707,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$120,682,300".

Mr. PROXMIRE. Mr. President, I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 1, 5, 7, 10, 11, 13, and 14.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

Mr. PROXMIRE. Mr. President, I have a brief explanation and then I will yield to the Senator from Missouri (Mr. EAGLETON) briefly.

Mr. President, the total sum approved by the conferees is $650,249,600. This amount is $6,815,000 under the Senate bill, $32,856,700 under the House bill, and $102,694,700 under the budget estimates for fiscal year 1970.

The Federal payment to the general fund of the District of Columbia was fixed at $104,169,000. The Federal loan authority is $60,263,000.

Included in this record budget are substantial numbers of new personnel and programs which I hope will make the government of the District of Columbia more responsive to the needs of its citizens and improve the quality of life here in the Nation's Capital.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF BILL (H.R. 14916)

Agency and item	New budget (obligational) authority, fiscal year 1969 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action
(1)	(2)	(3)	(4)	(5)	(6)
FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA					
General fund	[1] $89,365,000	[2] $110,000,000	$107,000,000	$109,206,000	$104,169,000
Water fund	2,098,000	2,504,000	2,504,000	2,504,000	2,504,000
Sanitary sewage works fund	1,184,000	1,424,000	1,424,000	1,424,000	1,424,000
Total, Federal payment to the District of Columbia	92,647,000	113,928,000	110,928,000	113,134,000	108,097,000
LOANS TO THE DISTRICT OF COLUMBIA OR CAPITAL OUTLAY (FROM THE U.S. TREASURY)					
General fund	[3] 65,125,000	[4] 111,736,000	74,735,000	57,235,000	57,235,000
Highway fund	8,000,000	700,000	700,000	700,000	700,000
Water fund	1,250,000	170,000	170,000	170,000	170,000
Sanitary sewage works fund		2,158,000	2,158,000	2,158,000	2,158,000
Total, loan appropriation to District of Columbia	74,375,000	114,764,000	77,763,000	60,263,000	60,263,000
The Commission on Revision of Criminal Laws of the District of Columbia		150,000		150,000	150,000
Grand total, Federal funds	167,022,000	228,842,000	188,691,000	173,547,000	168,510,000
DISTRICT OF COLUMBIA APPROPRIATED FUNDS					
General operating expenses	[5] (35,405,500)	[6] (44,091,000)	(39,209,000)	(40,471,000)	(38,769,000)
Public safety	[7] (113,022,000)	[8] (133,899,000)	(130,324,000)	(130,801,000)	(129,556,000)
Education	[9] (122,607,000)	[10] (149,956,000)	(140,077,000)	(141,250,000)	(140,386,000)
Parks and recreation	[11] (17,305,988)	[12] (20,421,000)	(18,337,000)	(17,419,000)	(17,406,000)
Health and welfare	[13] (123,904,000)	[14] (145,383,000)	(137,382,000)	(137,297,000)	(136,234,000)
Highways and traffic	[15] (17,784,000)	[16] (18,486,000)	(18,450,000)	(18,206,000)	(18,450,000)
Sanitary engineering	[17] (31,214,000)	[18] (34,929,000)	(33,340,000)	(33,101,000)	(32,707,000)
Metropolitan Police (additional municipal services, inaugural ceremonies)	[19] (440,000)				
Personal services, wage-board employees	(3,966,000)	(5,201,300)	(5,201,300)	(5,201,300)	(5,201,300)
Settlement of claims and suits	[20] (77,900)	[21](51,000)	(51,000)	(51,000)	(51,000)
Total, operating expenses	(465,726,388)	[22](552,417,300)	(522,371,300)	(523,797,300)	(518,760,300)
Repayment of loans and interest	(8,769,000)	[23] (10,918,000)	(10,807,000)	(10,807,000)	(10,807,000)
Capital outlay	[24] (109,100,000)	[25] (189,609,000)	(149,928,000)	(122,460,300)	(120,682,300)
Grand total, District of Columbia appropriated funds	(583,595,388)	(752 944,300)	(683,106,300)	(657,064,600)	(650,249,600)

[1] Includes $10,365,000 in 2d supplemental, 1969 (Public Law 91-47).
[2] Includes $20,000,000 requested in H. Doc. 91-196.
[3] Includes $7,902,000 in supplemental, 1969 (Public Law 90-608).
[4] Includes $18,736,000 requested in H. Doc. 91-50 for fiscal year 1969, and reflects decrease of $515,000 proposed in H. Doc. 91-99 and includes $6,000,000 requested in H. Doc. 91-140.
[5] Includes $1,049,500 in supplemental, 1969 (Public Law 90-608), and $975,000 in 2d supplemental, 1969 (Public Law 91-47). Also includes $1,611,000 for Corporation Counsel appropriated under "Public safety."
[6] Includes $847,000 requested in H. Doc. 91-99.
[7] Includes $68,000 in supplemental, 1969 (Public Law 90-608) and $10,034,000 in 2d supplemental 1969 (Public Law 91-47). Excludes $1,611,000 for Corporation Counsel, now under "General operating expenses."
[8] Includes $10,060,000 requested in H. Doc. 91-99.
[9] Includes $13,931,000 in 2d supplemental, 1969 (Public Law 91-47).
[10] Includes $1,204,000 requested in H. Doc. 91-99.
[11] Includes $322,000 in 2d supplemental, 1969 (Public Law 91-47).
[12] Includes $563,000 requested in H. Doc. 91-99.
[13] Includes $2,548,000 in 2d supplemental, 1969 (Public Law 91-47).
[14] Includes $2,054,000 requested in H. Doc. 91-99 and $2,200,000 requested in H. Doc. 91-140 and $1,369,000 requested in H. Doc. 91-196.
[15] Includes $163,000 in 2d supplemental, 1969 (Public Law 91-47).
[16] Includes $35,000 requested in H. Doc. 91-99.
[17] Includes $479,000 in 2d supplemental, 1969 (Public Law 91-47).
[18] Includes $403,000 requested in H. Doc. 91-99.
[19] Includes $3,179,000 in 2d supplemental, 1969 (Public Law 91-47).
[20] Includes $27,900 in supplemental 1969 (Public Law 90-608), and $50,000 in 2d supplemental, 1969 (Public Law 91-47).
[21] Requested in H. Doc. 91-196.
[22] Includes $49,000 requested in H. Doc. 91-140.
[23] Includes $18,736,000 requested in H. Doc. 91-50 for fiscal year 1969, $8,928,000 requested in H. Doc. 91-99, and $18,275,000 requsted in H. Doc. 140.
[24] Includes $10,590,000 in supplemental, 1969 (Public Law 90-608).
[25] Excludes $2,286,000 requested in H. Doc. 91-196.

Mr. EAGLETON. Mr. President, will the Senator from Indiana yield to me for 2 minutes on the same subject?

Mr. HARTKE. I yield 2 minutes to the Senator from Missouri without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I would be less than candid if I did not express some disappointment in this conference report, especially in the recommended Federal payment of $104.1 million. I had expected that the figure would be somewhere between the $107 million approved by the House and the $109 million passed by the Senate. I do not consider this to be a "compromise" in the usual legislative sense of that word when the final figure is $3 million below the lowest amount approved by either House.

Mr. President, I repeat that I am somewhat disappointed and I believe important District programs will suffer as a result. However, there is some comfort in the fact that the Federal payment is still $4 million more than was first recommended to the Senate.

Mr. President, I wish to pay due respect to the senior Senator from Wisconsin (Mr. PROXMIRE) in seeing that indispensible and vital programs were spared further cuts. For example, a considerable part of the previously mentioned reduction was made up by not funding authorized but vacant personnel positions. For example, another $1 million was saved by eliminating a planned increase in jurors' fees. These actions will make the reduction less painful to bear although they cannot entirely remove the sting.

Nevertheless, I congratulate the senior Senator from Wisconsin (Mr. PROXMIRE) for his conscientious leadership in this regard. He and I disagreed on some aspects of the budget but I believe we both have the best interests of the District of Columbia as our goal.

Mr. PROXMIRE. Mr. President, I thank the Senator from Missouri, who has been most helpful. I think he permitted us to reach a better decision than we could have otherwise. The Eagleton amendment was agreed to in conference because it was already accepted by the House.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am grateful to my colleague for yielding to me that I may comment on a particular portion of the remarks of the Senator from Missouri (Mr. EAGLETON).

The Senator from Missouri expressed appreciation for the appropriation in the District of Columbia conference bill to improve the jury system and assist in law enforcement.

Mr. President, I recently received a letter from a very splendid citizen of the District of Columbia who was called for jury duty. This young woman—I know her personally—is a schoolteacher. She is a person genuinely interested in good government and desirous of meeting her obligations as a citizen. But she had the very unpleasant and dissillusioning experience. While being available day after day and drawing $20 per diem, she actually served on four cases, involving approximately 6 days. Because of her interest in the processes of government, she has taken the time to write of her experience. Her comments are constructive.

I ask unanimous consent that the letter be printed in the RECORD, without using the name of the person.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 7, 1969.

DEAR SENATOR: Having completed jury duty service at the U.S. District Court, Washington, D.C., for the month of November, 1969,

I wanted to register my dissatisfaction and complaints.

I looked upon the summons to jury duty as a challenge, a completion of a civic duty, and provision for an insight into the judicial system. I was disillusioned—greatly so. Out of one month of jury duty, I participated in a total of four criminal cases; at the outside this totaled six days. As I was there for a total of twenty-two days, that meant sixteen days of not being in court.

During this time, three days could go by at a time without my being called to be questioned as a prospective juror. The result—Boredom. I read volumes of books, talked with many people, and felt useless and uninterested in the process of justice, even at $20.00 per diem. Often there would be 80 to 100 others doing the same thing, sitting and waiting. This could be a potential labor force, organized to organize the jury panels.

Since there are basic questions used to disqualify jurors, a form could be used to establish a juror's qualifications before entering the courtroom. A standard question in civil cases is "have you been awarded money from being in an accident?" This was true in my case, with the result I never sat on a civil case. By having a more efficient pre-selection process, jurors would be more readily available for panels for which they would be qualified.

Whatever the cause, nothing can justify the hours I spent sitting and waiting. If lawyers and judges were required to do this for sixteen days in the jury lounge, something would be changed.

Thank you for your attention.

Sincerely,

——— ———.

Mr. PROXMIRE. I thank the Senator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 54) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The message also announced that the House insisted upon its amendment to the amendment of the Senate to the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes by the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. WIDNALL, Mr. MIZE, and Mr. BROWN of Michigan were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14916) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 4 to the bill, and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 1, 5, 7, 10, 11, and 13 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. HARTKE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 15, line 15, insert the following: strike "214,033,000" and insert in lieu thereof "$224,033,000, of which $100,000,000 shall be available for grants pursuant to sec. 314 (d), not less than $10,000,000 of which shall be available only for the purchase of rubella (German measles) vaccine.

The PRESIDING OFFICER. We are now operating under the unanimous consent agreement; 30 minutes to each side.

Mr. HARTKE. Mr. President, rubella, commonly known as "German measles," is an infectious virus disease. Once viewed as an innocuous childhood illness, rubella is now known to cause congenital abnormalities, and even death, in infants born to mothers infected with the disease while pregnant. During the 1964 rubella epidemic an estimated 50,000 spontaneous abortions and stillbirths occurred, and more than 20,000 infants were born blind, deaf, mentally retarded, or with heart disease. Additionally, recent studies prove that after being exposed to rubella in the womb, even those children who appear normal at birth are likely to develop serious hearing and speech defects as they grow older.

Since rubella is a cyclic disease, with epidemics occurring every 7 years, it is expected that the next major outbreak will strike early in 1971. To prevent a recurrence of the 1964 tragedy, it is absolutely essential that the immunization program currently being conducted by the public health service's national communicable disease center be made as effective as possible. Presently, however, this program is dangerously underfunded. Brief reference to the background of the program will be sufficient, I believe to bear out my contention that it needs a dramatic increase in funding.

In February of this year, the National Communicable Disease Center—NCDC—reported to the Congress that a vaccine had been developed which was effective against rubella. The Congress responded to this good news by approving a supplemental appropriation of $9.6 million with which to launch a nationwide rubella vaccination program. It was then decided by the Public Health Service advisory committee on immunization practice, in close cooperation with the American Academy of Pediatrics, that the vaccine should be used for children between the age of one year to puberty. Since this age group is the primary carrier of rubella, the decision was reached to immunize children ages 1 to 13 rather than the mothers themselves. In this fashion, it was hoped that a wall of immunity would be formed around women of child bearing age. It was determined that the vaccine should not be administered to women of child-bearing age because the effect of the live vaccine on pregnant women is not yet fully known.

The Census Bureau estimates that there are today at least 57 million children between the ages of 1 and 13 in this country who should be vaccinated pursuant to the NCDC guidelines. Under the NCDC program, the Federal Government, in cooperation with State and local public health officials, hopes to vaccinate at least 75 percent of this gigantic population pool before the anticipated 1971 rubella epidemic breaks out. Officials at NCDC appear confident that if this percentage can be reached, that is, if approximately 43 million children can be vaccinated in the next year, another tragic outbreak of rubella will be averted. Within this age group initial vaccination priority will reportedly be given to children in kindergarten and the early grades of elementary school.

These guidelines were set in February, and the live vaccine was licensed in June. Since that time, what action has been taken to vaccinate these 43 million children and thereby protect the 800,000 women, who it is estimated, will become pregnant during 1971 but who have developed no immunity to rubella? By my estimate—and the estimate of others—far too little.

The Office of Information for Health Services and the Mental Health Administration within HEW informs me that to date $19.2 million has been spent on the rubella program. This figure was arrived at by adding the $9.6 million supplemental appropriation for fiscal year 1969 to the additional $9.6 million already committed under the fiscal year 1970 appropriation request of $16 million.

Of this amount of $19.2 million, I am told that only $4.75 million has been expended for the purchase of vaccine. The remainder, approximately $14.5 million has been spent on organizational, supervisory, and equipment costs. Although amazed that this $19.2 million figure should yield so little for vaccine, I am prepared to accept its correctness. I am assured, however, that virtually all of the uncommited portion of the $16 million appropriation for fiscal year 1970, approximately $6.4 million, will be used to purchase vaccine. If this proves to be true, the NCDC will have available to it approximately $11.2 million for the purchase of vaccine during this fiscal year. Officials at NCDC estimate that this will be sufficient to purchase 8.6 million immunization shots. Their estimate is based upon the projected cost of the vaccine which they predict will be in the neighborhood of $1.25 per shot. Put differently, the Federal Government will have funds sufficient to immunize less than 9 million out of the necessary 43 million children

in the 6 months remaining before the end of this fiscal year.

Rather than being alarmed that Federal funds will have resulted in the immunization of less than 25 percent of the target population, with only 6 additional months remaining to the start of 1971, officials within NCDC and HEW appear to be content with the projected progress of the program. When criticized for their failure to request a larger appropriation for their program, they respond that this is a cooperative venture entered into by the Federal and State Government and that the States should be required to pay their fair share. What that "fair share" should amount to, however, has never been accurately determined. When the rubella program was first conceived in February, HEW officials contemplated that the Federal Government would assume no more than 30 percent of the program's cost. Now these same officials estimate that the Federal Government might be forced to assume as much as 50 percent of the cost. This increase in their estimate of what the Federal role should be was apparently caused by recent criticism directed at the program in the newspapers and on television.

On October 26, the Washington Post published a most incisive article written by William Hines of the Chicago Sun Times. In this article Mr. Hines contended that—

> Thousands of American women may bear dead, deformed or retarded children in 1972 because a nationwide immunization campaign against rubella is not getting off the ground, except in a few states, New York and the District of Columbia.

Hines further contended:

> The reason for this slow-down seems to be the economy drive that is touching virtually all non-military echelons of the Federal Government.

He then quoted an unnamed official within NCDC who when asked whether financial restrictions were not posing an otherwise avoidable risk to thousands of unborn children answered:

> I don't think you can argue with that. It's obvious that if you had the money you could do a whole lot to cut way down or even eliminate rubella.

However, Dr. James H. Cavanaugh, Assistant Secretary for Health in the Department of Health, Education, and Welfare took exception to the position that additional funds for the rubella program in this fiscal year would serve any useful purpose. In an interview he had with Mr. Hines, Dr. Cavanaugh stated that any additional funding above the $25.6 million figure which HEW had requested for fiscal years 1969 and 1970 could not be used efficiently. He asserted at that time that a shortage of vaccine and personnel to administer it ruled out any increase in the appropriation for fiscal year 1970. With respect to the vaccine question Hines noted comments by drug industry officials which indicated that more than enough vaccine would be available if the Federal Government would only license additional producers.

At the time Hines wrote his article there was only one licensed company, Merck, Sharp & Dohme, within the last week an additional company, Philips Roxane Laboratories, has also been licensed. Sources at Philips Roxane indicate that they presently have in stock more than 8 million doses of rubella vaccine and possess the capability of producing 1 million more per month. This is in addition to the estimated capability of Merck, Sharp & Dohme which has been set at 1.5 million doses by its officials. The two companies have, then, a combined capability to furnish 23 million doses of vaccine by the end of this fiscal year but HEW has requsted, and the Appropriations Committee has approved, funds sufficient to purchase only 8.6 million doses. Clearly, then, HEW and NCDC are faced not with a shortage of vaccine but a surplus of more than 14 million shots.

What is to happen to this vaccine? Will it be allowed to sit in pharmaceutical company warehouses or will it be used to prevent rubella? HEW's answer has been that any vaccine surplus will be easily absorbed by official and private sources within the States. This answer is based on the HEW presumption that State and private sources should—and more importantly, will—shoulder at least half the cost of the immunization program. In view of its importance, the correctness of this presumption must be examined. And examined it has been in a series of investigative reports by Paul Friedman and Jim Gaver of NBC news. Their conclusions, I believe, merit very close attention. Based on conversations they had with U.S. Public Health officials in each of the 50 States they found that the individual States were not acting to accept their responsibilities under the program. Specifically, there are only 11 States in which health authorities indicated that by 1971 they will have vaccinated more than 75 percent of the children ages one through puberty. As I mentioned earlier a vaccination program reaching 75 percent is considered reasontably effective by most public health authorities. They then noted that outside these 11 States, the picture became very bleak.

In eight States the expectation was that between 50 and 75 percent of the applicable children would be vaccinated. In 26 of the States—more than half—the estimate was that less than 50 percent of the children would be vaccinated by the time of the next rubella outbreak. NBC news reported that these States included some of the largest "young populations"—such as California, New York, Illinois, Ohio, and Pennsylvania. Of these 26 States, 14 reported that they would vaccinate fewer than a third of their children. NBC then reported that in the five remaining States health officials were just beginning to think about rubella vaccination programs and that no program was actually in progress. NBC concluded its report by noting that their figures were "obtained by speaking with health officials in each of the 50 States, who told it how much they think they will be able to do using Federal, State, and private funds—plus what they think private doctors will do. Adding everything up, a generous estimate is that 20 million children in the one to puberty age group will be vaccinated by the spring of 1971. That is 20 million, not the 40 million estimated by the Department of Health, Education, and Welfare. Twenty million vaccinations are not likely to stop another outbreak of rubella, with its resulting tragedies."

Mr. President, this expected failure of most States to pay for at least 50 percent of the program's cost raises a question of utmost seriousness. If the States are unable to meet the standards set down by the Federal Government will the Federal Government through HEW and NCDC eventually have to assume a larger share of the cost? Obviously, the answer to this question must be in the affirmative.

At their recent meeting held in Washington just last week, the Association of State and Territorial Health Officers called upon the President and the Congress to increase the Federal funds available under the rubella vaccination program. Without an increase in Federal assistance the association declared that the States would not be able to shoulder their responsibilities under the program. Needless to say I agree with the sentiments expressed by the association.

Mr. HARTKE. Mr. President, I ask unanimous consent that the report of December 10, 1969, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF STATE AND TERRITORIAL HEALTH OFFICERS,
Washington, D.C., December 10, 1969.

It is recommended that since rubella may cause damage to an unborn infant if the mother gets this infection during the early months of pregnancy; since health officials estimate that more than 20,000 rubella babies were born in the United States as a result of the 1964 epidemic; since many of these children were born blind, deaf, mentally retarded, undersized, or with serious heart defects; since a rubella baby represents untold sorrow for its family and may cost as much as $65,000 for education and training; since a rubella vaccine which has now been licensed can prevent another epidemic of such tragic consequences; and since widespread administration of this new vaccine to most of the children in the 50 States will not be possible without the support of additional Federal funds; therefore, the Association of State and Territorial Health Officers calls upon the Congress and the President of the United States to support legislation that will provide funds for the immunization against rubella of all eligible susceptible boys and girls between the ages of one year and puberty in the United States, as quickly as possible commensurate with the availability of licensed vaccine, but prior to 1971.

Mr. HARTKE. Mr. President, if at least 75 percent of the 43 million children estimated to be between ages 1 to puberty are to be immunized, the Federal Government must immunize more than 8.6 million of them in the next 6 months. In my opinion the NCDC must take upon itself the responsibility of vaccinating at least an additional 14 million children before July 1970. To do less, in my opinion, would be to cruelly gamble with the fate of thousands of children who will be conceived in 1971.

The simple truth is that we have the means now at hand to stamp out a

disease which is the No. 1 cause of mental retardation among children. We have the means now at hand to stamp out a disease which has caused blindness and deafness in thousands of infants and children.

In view of the terrible damage worked by this disease, I do not think we can do less than our very utmost to curb rubella.

For that reason I am introducing an amendment to H.R. 13111 which would provide at least an additional $15 million for the fight against rubella. Specifically, my amendment would increase the appropriation under 314(d) from $90 million to its authorized limit of $100 million. Since 314(d) has a matching fund requirement, I anticipate that at least $5 million more would be added to the Federal figure by State contributions. Since administration, supervision, and equipment costs have largely been provided for, I contemplate that the entire $15 million figure will be used for the purchase of vaccine. In view of the vaccine surplus which will likely result by the end of this fiscal year, I believe it imperative that the entire amount generated by my amendment be used to purchase vaccine.

I might point out it has been estimated it costs $68,000 to educate one retarded child or one crippled child. On the basis of this $10 million investment in vaccine, it will provide for a saving of the money required to educate retarded and crippled children of over $1.3 billion, not counting the $50,000 children who died in 1964 alone due to stillborn or premature abortions.

Mr. MAGNUSON. Mr. President, the committee heard a great deal of testimony on this matter. The health people, of course, are quite pleased with the results of using this vaccine, but as I understood from the testimony, German measles runs in cycles and is particularly dangerous to pregnant women. We do not know when the next cycle will occur, but the best estimate is late 1970 or 1971. Thus, the more youngsters that can be inoculated and the more women that can be examined for it so that they will not get it, the better.

I have no objection to the amendment. I wish, however, that the Senator from Indiana would modify his amendment. He states:

Not less than $10 million of which shall be available only for the purchase . . .

Now, this program requires not only the purchase of rubella but also requires some aid in the community health centers and clinics for inoculations. In other words, the whole process, if it can be accomplished, would be better.

Mr. HARTKE. Mr. President, I ask unanimous consent to amend my amendment in that fashion.

Mr. MAGNUSON. There is no use getting it all unless we can put it someplace. There is only one company licensed to do it now. Two, I believe, but we will need more.

If the amendment would read:

Strike 214,033,000 and insert in lieu thereof, 224 million, of which 100 million shall be available for grants pursuant to section 314(d).

Mr. HARTKE. I have so asked unanimous consent that it be modified accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Colloquy on the floor will be sufficient to put it in the conference report, that it is for this purpose.

Mr. HARTKE. I thank the Senator.

The text of the amendment of the Senator from Indiana as modified is as follows:

On page 15, line 15, insert the following: strike "214,033,000" and insert in lieu thereof "$224,033,000, of which $100,000,000 shall be available for grants pursuant to sec. 314(d).

Mr. HARTKE. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Indiana as modified.

The amendment as modified was agreed to.

Mr. MURPHY. Mr. President, I send to the desk an amendment adding $20 million for the manpower development and training activities to be used under title V, supplementary State programs, of the Manpower Development and Training Act, and ask that it be stated. I will explain it briefly. The cosponsors of the amendment are as follows: Senators GOODELL, JAVITS, CRANSTON, GRIFFIN, and FANNIN.

The PRESIDING OFFICER. The amendment will be printed in the RECORD

The assistant legislative clerk proceeded to read the amendment.

Mr. MURPHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by the Senator from California (Mr. MURPHY) is as follows:

On page 2, lines 8 and 9, strike out "$655,605,000" and insert in lieu thereof "$675,605,000".

On page 2, line 15, before the period insert a colon and the following: "*Provided further*, That of the amounts appropriated herein $20,000,000 shall be available only for carrying out the provisions of title V of said Act".

Mr. MURPHY. Mr. President, my colleagues will recall that we considered the extension to the Manpower Development and Training Act in the closing days of the last session. As a result, there was considerable pressure to extend the act without any amendments. Notwithstanding this pressure and the time problem, the Congress adopted my amendment adding the new supplementary State program to the Manpower Act. This, incidentally, was the only major new amendment added last year. I believe this indicates the importance of the program. The supplementary State program is designed to encourage State initiative, creativity, and coordination in an effort to improve manpower programs. Under this program, a State may receive Federal matching funds not to exceed 75 percent "for the purpose of supplementing, coordinating, and improving the effectiveness of, or correcting imbalances among, the services available from all Federal manpower and related programs seeking to improve the ability of disadvantaged persons to move into productive employment."

Although enacted late in the last session, States have responded enthusiastically to the new program. Thirty States have already expressed interest in the program. Of those expressing an interest, 24 have said that they have State matching funds available. H.R. 13111, the Labor-HEW appropriation bill which we are now considering, when passed by the House, failed to fund this important program. The reason given was "that grant programs in this area should be consolidated rather than proliferated." Mr. President, no one has been more concerned than I with the twin problems of program proliferation and inadequate coordination. As the ranking Republican on the Senate Labor and Public Welfare Subcommittee on Manpower, Employment, and Poverty, these problems have received my continued attention. When I introduced the supplementary State program amendment I spoke in some detail on the proliferation of programs and lack of coordination.

Concern over program proliferation and inadequate coordination has been a recurrent theme sounded by experts, advisory committees, and congressional committees. In the Senate report accompanying the 1968 manpower amendments, the Senate Labor and Public Welfare Committee sharply criticized the "plethora of different and largely uncoordinated federal manpower programs" which "do not result in any comprehensive manpower policy." Instead, the committee said "individual acts were written, considered and amended in rapid succession to meet current crises, real or imagined, with little attention to their interrelations." Although very critical of program proliferation and inadequate coordination, the Senate Labor and Public Welfare Committee and the full Senate adopted my amendment obviously feeling that the supplementary State program would help pull together and improve the total manpower effort. The 1969 report of the Department of Health, Education, and Welfare on the Manpower Development Act also spoke of the program's potential. I quote:

The new Title V program in the 1968 Amendments to the Manpower Development and Training Act provides potential to the states to strengthen their capabilities to plan and coordinate manpower programs.

Thus the title V program in the judgment of the Congress, the Department of Labor, the Department of Health, Education, and Welfare, and the States has a great potential in helping to remedy some of the existing defects in the present manpower programs. Title V encourages state initiative and innovation towards meeting these defects. Under the title V program, we should see:

Better coordination as States move to

tie together manpower programs at the State and local levels;

Improved services for the program's participants as existing program gaps are filled and imbalances corrected;

New ideas and approaches by the States based on local and State experiences as the States move out and chart new directions in the manpower field.

No greater example of the program's potential can be found than my State of California where we have attempted to put together the various pieces of the manpower effort in a logical coordinated manner. In California, last year, the State legislature passed a package of bipartisan measures designed to deal with the problems of the disadvantaged in an imaginative way. This legislation has been signed into law by Governor Reagan. I want to emphasize the bipartisan nature of this effort. Some have remarked that the cooperation by the two political parties in California during last year, an election year, was almost a "miracle." I personally attribute this meeting of the minds to the realization of the importance of the problems confronting California and the country and determination by the State legislature and executive branches to shape programs to match the dimensions of the problems. California rightly has placed the problems of the people before the politics of the parties. This bipartisan effort is a tribute to the high level of State government in California.

One of the bills in the bipartisan package, assembly bill 1463, established a new State Department of Human Resources and Development designed to coordinate the various State programs aimed at the disadvantaged. The State of California hopes to provide the hard-core unemployed with a "unbroken sequence of services from intake through placement in a job and periodic followup and evaluation" so that we will know exactly what is being done and what progress is being made. It is the intent of all of us to try to break the barriers of the bureaucracy that tie up the getting of needed services to our people. Presently, we too often force people into existing programs. California hopes to make the individual the focus and tailor programs to fit the individual for employment rather than force an individual into a program. In other words, California hopes to personalize programs so they serve the needs of the individuals rather than force the individual to conform to the requirements of the program. To do this, a new civil servant, a "job agent" would be created and assigned the task of securing the necessary training needed by his disadvantaged unemployed client in order to make him employable. To accomplish this, California needs a little flexibility in the use of highly categorical Federal aid funds. The title V program would provide this flexibility and thus encourage California and other States to be creative.

I would also point out that many other States have started to reorganize their State structures to create departments similar to the California Department of Human Resources and Development.

Too often, however, creative State efforts are thwarted by restrictions and regulations of Federal laws. On July 15, 1968, I outlined in some detail the problems that California was having in implementing its program. Other States have relayed to me similar frustrations as they attempted to embark on a new course in the manpower field.

In the bill before us and the report accompanying it, it is my understanding that no funds have been provided for this important title V program. In my quick reading of the report, I see no rationale given for not funding the program. Perhaps the committee shared the views of the House, but I believe that my statement today refutes that position.

Mr. President, the problems of our country are so immense and diverse that initiatives and cooperations by all levels of government as well as the private sector is needed. We hear a great deal of criticism regarding the States. I realize that all the criticism is not without justification. Yet, I know too well that all the brainpower in this country is not centralized in Washington.

If there is one thing that is becoming clear, it is that Washington cannot prepackage "canned solutions" to solve all the local and State problems. There are too many local communities and the distances from Washington to them are too great for Federal foresight to make a Federal program work everywhere. Hindsight and experience clearly show us this.

The same is also true of program fragmentation and inadequate coordination. Steps taken at the Federal level toward consolidation and coordination must be accompanied by similar strides at the State and local level or we will not accomplish our purpose. For program proliferation, multiplicity of funding, and lack of coordination are not problems solely peculiar to Washington. To the contrary, these problems seem to multiply at the local level. Secretary Shultz and the administration recognize that "making sense" out of the present "manpower maze" requires leadership at all levels. The Secretary of Labor's reorganization of the Labor Department and the administration's manpower proposals evidence such leadership at the national level. The Secretary also recognizes that planning, coordination, and reorganization at the State and local levels are even more important for, after all, this is the action level where in the final analysis the success or failure of our programs will be determined.

Mr. President, for the Congress to slam the door on the enthusiastic response made by the States to title V's invitation to them to be creative in the manpower field would be a blow to all our efforts to not only improve our manpower programs, but also to strengthen the States' roles and their responsibilities. I, therefore, strongly urge the adoption of my amendment providing the $20 million recommended by the administration to support this program.

Mr. President, I ask unanimous consent that a summary of the package of the bipartisan measures passed by the California Legislature be printed in the RECORD, along with a copy of a letter which Governor Reagan wrote to the members of the Appropriations Committee in support of my program.

There being no objection, the summary and letter were ordered to be printed in the RECORD, as follows:

BIPARTISAN JOB DEVELOPMENT AND TRAINING PACKAGE—SUMMARY

Preface

These bipartisan bills, which represent the most comprehensive effort developed by any state to deal with the problems of job training and development in economically disadvantaged areas, are supported by Governor Reagan, Lieutenant Governor Finch as well as legislative leaders of both parties.

AB 109—(Campbell)—California Job Development Corporation law

This bill authorizes the creation of regional non-profit California Job Development Corporations to provide loan capital and management assistance to create small business opportunities and create jobs in economically disadvantaged areas.

It would:

1. Set up a State Executive Board to set guidelines for the operation of regional corporations.

2. Provide that members (financial institutions, businesses, non-profit corporations) commit loan capital or other resources to the corporation as a condition of membership.

3. Provide $1 million for "start-up" loans for regional corporations and for regional guarantee funds to back up loans.

4. Require that persons who receive small business loans maintain a consulting relationship with the corporation for two years, to avoid business failures.

AB 1463—(Unruh) Creates Department of Human Resources Development

This measure:

1. Fixes responsibility for the delivery of services to the chronically unemployed, by establishing a single agency (the Department of Human Resources Development) to provide a full-range of needed services to the hard-core unemployed on an individualized basis.

2. Creates a new kind of civil servant—a "job agent"—who is held responsible for getting the necessary services to each client and following through until his client is on a job. The job agent develops a "plan" for each client and a timetable for providing those services. He may contract with public or private agencies in providing these services, be they education or vocational training, medical services or housing for the client.

3. Consolidates a number of existing state agencies dealing with employment and poverty problems into the new agency, including the Department of Employment, the Multi-Service Center program, and the State Anti-Poverty Office. The several scattered funds supporting these programs are consolidated within one "Manpower Development Fund".

4. Designates target areas within the state with the most serious unemployment problems and requires the department to focus its prime attention on those areas and their unemployed residents.

AB 1777—(Monagan) Pooled money investment fund

This bill would:

1. Provide an incentive for banks to make high risk loans in urban poverty areas as members of a California Job Development Corporation.

2. Permit the Pooled Money Investment Board, consisting of the State Controller, Treasurer, and Finance Director, to increase the amount of state surplus money available for time deposits and place the money in banks which are members of CAL-JOB

corporations and have made loans to such corporation or to corporation-approved borrowers.

3. Declare the intent of the Legislature that the Pooled Money Investment Board give due regard to assisting such efforts as the CAL–JOB program established by AB 109 in administering its investment program.

It is anticipated that utilization of reserve funds to provide incentives could also bolster the entire state economy, as any new money made available to banks would be used and reused, having a "multiplier effect" of roughly two and one-half times the amount deposited.

AB 1046—(Unruh) Small Business Assistance program law

This bill:

1. Creates a two-year pilot program, to be administered through the CAL–JOB Executive Board formed by AB 109, whereby the state will contract with private non-profit associations to provide technical business assistance to small businessmen who live in and desire to locate their enterprises in specified disadvantaged urban areas.

2. The bill appropriates $150,000 and requires the CAL–JOB Executive Board to report to the 1970 Legislature on the effectiveness of the program.

AB 1966—(Veneman) tax incentive for job training

This bill would:

1. Provide a tax incentive on a two year pilot basis for employers to hire long-term unemployed persons, with priority to recipients of public assistance. It is limited to 2,500 certified trainees per year or a revenue loss of no more than $300,000 per year.

2. Permit an employer to deduct from his gross income an amount equal to 50 percent of the training costs and wages paid an approved trainee, providing the term of employment is at least six months. It is anticipated that the resulting loss of tax revenue to the state would be offset by savings in public assistance expenditures on a minimum three to one dollar ratio. Employers would realize a tax saving up to seven percent of wages and training costs expended. This should encourage small and medium size employers, who account for most of the California labor force, to participate in training unskilled and unemployable workers.

3. Protect against potential abuse by providing that both the employer and trainee would have to be certified by the Administrator of the Health and Welfare Agency before the tax incentive could be claimed.

4. Appropriates $50,000 for administrative costs.

AB 1464—(Ralph) Elimination of discrimination in apprenticeship programs

This bill requires the Joint Apprenticeship Council, which sets guidelines for apprenticeship programs, to insure that selection procedures are impartially administered without discrimination. It requires that complaints alleging discrimination be filed with the Fair Employment Practices Commission, but that the Division of Apprenticeship Standards investigate the complaint, holding at least one open hearing and act upon it within 60 days. Cases may be reassigned to FEPC upon their request at which time they would act upon it within 30 days.

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, December 8, 1969.

Hon. WARREN G. MAGNUSON,
Chairman, U.S. Senate Appropriations Subcommittee on the Departments of Labor and Health, Education, and Welfare, Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: As passed by the House of Representatives, the Labor-HEW appropriations bill (H.R. 13111) would not fund the new "Supplementary State Programs" under Title V of the Manpower Development and Training Act (MDTA). I feel that MDTA Title V, newly enacted by Congress in 1968, is vitally important to developing more effective, coordinated manpower services in the states, as we are attempting to do in California. I ask your support in the Appropriations Subcommittee on the Departments of Labor and HEW to restore the $20 million Title V appropriation originally requested by the Administration to help the states move ahead in dealing with our critical manpower problems.

In the House, the appropriation was eliminated in the belief that the MDTA Title V program was simply another in the long series of proliferated manpower programs about which we are all concerned.

I can understand this point of view, and I certainly would not be urging this appropriation if I felt that it would only add to the complicated system of manpower programs we now administer. I am supporting this program, however, because I believe it will provide the vehicle for us to learn how to more effectively administer a manpower program, how to modify the existing proliferation, and ultimately make our programs more efficient and economical.

Title V was added to MDTA on the motion of Senator Murphy to give the states a flexible tool to deal with the problems posed by the rigid requirements of the existing categorical manpower programs. If funded, Title V will give the states the resources to coordinate and fill the gaps in the existing programs and to respond flexibly to the individual needs of the hardcore unemployed and underemployed. Because of the generalized nature of Title V, it will also enable the states to begin implementing the innovative, responsive manpower programs envisioned in President Nixon's proposed Manpower Training Act.

Twenty-four states want to carry out programs under this title and have matching funds available to do so in the current fiscal year if federal funds are appropriated. As an example, the California Legislature, in its recently completed session, appropriated $1 million to be used as matching funds under Title V. We also have developed a proposal which is ready for submittal as soon as funds become available.

For your information, I have enclosed a reprint from the Congressional Record giving Senator Murphy's views on Title V and outlining the new California manpower program.

Sincerely,

RONALD REAGAN,
Governor.

NOTE.—This letter went to all of the members of the U.S. Senate Appropriations Subcommittee.

Mr. MURPHY. Mr. President, I would like to point out that this administration has requested the same amount, $20 million. It would enable us to implement the title V program—adopted by the Congress in 1968.

I respectfully request that the distinguished chairman of the subcommittee consider it and accept it. I can assure him it is an excellent program.

Mr. MAGNUSON. Mr. President, I am familiar with the program, and I thoroughly agree with the Senator from California that, somewhere, we have to secure coordination in all these matters. That has been the whole problem downtown, with this bill, and with the authorizations. I would hope this would be a pilot plan for getting coordination.

Mr. MURPHY. If the Senator will yield for a moment, that is exactly what it is designed to be. It is designed to demonstrate what States can do if we only give them the opportunity. The experiments they undertake can have national implications. The germination of the idea started California on a bipartisan basis, because the State is so large and it had so many programs that one just could not find out what was going on. There was duplication. There was competition. This program seeks to end this waste and allow States to examine manpower efforts at the local and State levels, and tie these activities together with the Federal programs, I am convinced that title V will help bring about greater effectiveness and greater coordination of our manpower programs.

The amendment will streamline State efforts and improve services to the program's intended beneficiaries. The program is a vote of confidence to the States. It should be adopted.

Mr. MAGNUSON. Mr. President, if the Senator will bear with me, as far as I am personally concerned, I think it is a good amendment. I am sure if we had considered it in committee, we would have accepted it. But the Senator from New Hampshire is not here right now.

Mr. MURPHY. I spoke to the Senator from New Hampshire earlier. He implied that he would not object to it. I think he is in the cloakroom.

Mr. MAGNUSON. I would like to yield back the balance of my time. I am sure it will be all right. I will talk with the Senator from New Hampshire. With that condition, I will be glad to take it.

Mr. MURPHY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, the Senator from California and I have had a little arrangement. I may ask to reconsider the amendment when the Senator from New Hampshire comes back. I am sure it will be all right.

EXTENSION OF VOTING RIGHTS ACT OF 1965—REFERRAL TO COMMITTEE ON THE JUDICIARY WITH INSTRUCTIONS

Mr. SCOTT obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 4249 be referred to the Committee on the Judiciary with instructions to report back not later than March 1, 1970, and that at the conclusion of morning business on March 1, 1970, or the first legislative day thereafter, H.R. 4249 be made the pending business.

Mr. SCOTT. Mr. President, reserving the right to object, will the Senator identify the bill?

Mr. MANSFIELD. Yes; it is the voting rights bill.

Mr. SCOTT. May I inquire whether agreement has been reached with the Senator from Michigan?

Mr. MANSFIELD. Yes, and the Senator from North Carolina.

Mr. SCOTT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if the Senator will yield further, I ask unanimous consent that when the Senate completes its business late tonight, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. MAGNUSON. Mr. President, are there further amendments?

Mr. SCOTT. Mr. President, I have an amendment, which I send to the desk and ask the clerk to state.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 64, line 18, in lieu of "no" insert the following: "Except as required by the Constitution no".

On page 65, line 8, in lieu of "no" insert the following: "Except as required by the Constitution no."

Mr. SCOTT. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, may I ask the distinguished majority leader to yield further?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor at this time.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I will now address a further question to the distinguished majority leader. As I understand it, the future order of business would be to take up the transportation appropriation bill, the foreign aid appropriation bill, and the supplemental bill.

Mr. MANSFIELD. That is all.

Mr. SCOTT. And that is all the business, except we would be waiting for conference reports. Is that correct?

Mr. MANSFIELD. Yes, with the exception that if something noncontroversial comes up on the calendar, we will take it up, but I want to concentrate on appropriation bills and see if we can beat the Presidential deadline and get out of here.

Mr. SCOTT. Very well.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MAGNUSON. I did not know there was a presidential deadline.

Mr. MANSFIELD. Well, the President said he would call us back if we did not complete all our appropriation bills. Oh, yes, there will be the tax bill conference report.

Mr. MAGNUSON. I want to have a deadline for appropriations and authorizations and what they send up here.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. MAGNUSON. Mr. President, I want to ask this question with the indulgence of the Senator from Pennsylvania. There are no more of what I would call money amendments pending. We do not have any here that we know of. No Senator has notified me of any. So it is logical to proceed with the general language of sections 407, 408, and 409.

Mr. SCOTT. Yes.

Mr. MAGNUSON. If there are any last minute money amendments after this is over, I do not think the committee will look very favorably upon them, because we have gone all afternoon on them.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. MAGNUSON. I yield.

Mr. SCOTT. Mr. President, I will be glad to yield for a question, but I do not want to suspend the amendment.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. SCOTT. I yield.

Mr. JAVITS. Not to displace anything, but to have a momentary colloquy. The only other money amendment I had in mind was directed to the very important summer job problem. I have determined in my judgment, to rest with the committee, because I have such a feeling for the Senator from Washington in this respect, who helped me immeasurably to get the little bit of money that we did before. He has provided money which will bring it up to 1969. The only thing I would like to say is that the Conference of Mayors feels very strongly that they need at least $50 million more to meet the need of the cities next summer. In the interim, between now and the next supplemental or the January supplemental bill, I will do my utmost to see if they can make that case, basically and factually, and stand back of it.

The only reservation I would like to interpose is that the Appropriation Committee will recognize that we are not waiving anything here. We have great faith in the chairman of the committee. We know he is not the chairman of the Supplemental or Deficiency Committee. Nevertheless, he is a very important member, and so are the members of his committee.

I just want the Senator to bear in mind that we are going to proceed in good faith ourselves when we must make our case. We will come to the Appropriations Committee, and, if need be, to the Senate, and ask for the Senate's help.

Mr. MAGNUSON. I shall be looking forward to it, because, as the Senator knows, to me that is a fine program, and the only problem we have is whether they can justify the figures they come up with.

Mr. President, I yield now to the Senator from Texas, who has a very minor, short amendment, which will not require over 2 or 3 minutes.

Mr. SCOTT. Mr. President, if I may do so without losing my right to the floor, I shall be happy to yield to the Senator for that purpose.

The PRESIDING OFFICER. The Chair advises the Senator from Washington that there is an amendment before the Senate. The Senate cannot take up another amendment except by unanimous consent. Is there such a request?

Mr. SCOTT. Mr. President, I ask unanimous consent that, without losing my right to the floor or the right to pursue my own amendment immediately thereafter, my amendment may be temporarily laid aside for the purpose of the offering of an amendment by the Senator from Texas (Mr. YARBOROUGH) and action thereon.

Mr. DOMINICK. Mr. President, reserving the right to object, suppose we have a yea and nay vote on the amendment of the Senator from Texas; is the Senator's right to the floor protected on that? I do not know whether we shall have a yea and nay vote or not.

The PRESIDING OFFICER. Under the unanimous consent agreement, it will be protected.

The amendment of the Senate from Texas will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 22, lines 18 and 19, strike out "$250,000,000" and insert in lieu thereof "$251,200,000".

Mr. YARBOROUGH. Mr. President, this amendment would add $1,200,000 to the bill. It would provide additional money for schools of public health. There are now 16 schools of public health in universities in the United States. The last one formed was at the University of Texas at Houston.

The sum for the support of such schools now in the bill is $9,471,000. That sum does not include any money for that newly established school of public health. In addition, there are four other States that have schools of public health in the planning stage. Those States are Alabama, Illinois, Ohio, and Washington.

Mr. President, these are badly needed institutions. There are hundreds of positions open in the field of public health, with no one there to fill them. The distinguished Senator from Hawaii (Mr. INOUYE), who was here a moment ago, wishes to join in offering this amendment, because he thinks a school of public health is being planned for the University of Hawaii.

This is a very modest amendment, to provide badly needed funds to support this school for training in the field of public health, and I hope that the distinguished manager of the bill will accept the amendment.

Mr. MAGNUSON. Mr. President, as far as I personally am concerned, I think that had this amendment been presented

to the committee, we would have accepted it. We heard a great deal of testimony about the need for trained people in this field.

Our hearings have indicated that these dedicated people have done everything they could, and if there is a crisis in health care in this Nation, it is due to failures in the delivery of health services to the people.

The Senator's amendment will help to provide more of the necessary people to do that kind of job, which there are now too few people to do; in fact, there seem to be too few who aspire to that kind of work.

Mr. YARBOROUGH. There have been too few schools.

Mr. MAGNUSON. I am willing to accept the amendment, and I yield back the remainder of my time.

Mr. DOMINICK. Mr. President, how much money is involved in this amendment?

Mr. YARBOROUGH. $1,200,000. Under the bill as now constituted, the amount provided for schools of public health is $9,471,000. That figure was arrived at before this school in Houston opened. There are four additional schools in the planning stage now, in addition to the ones in existence already.

Mr. DOMINICK. The ones in the planning stages have not been provided for in the bill; and the one in Houston is all that the amendment would cover?

Mr. YARBOROUGH. Only the one in Houston.

Mr. DOMINICK. The use for all the other funds provided has already been planned?

Mr. YARBOROUGH. Of course, it is not earmarked for the particular schools. But the ones in the planning stages cannot even get any of this $9,471,000. It is already earmarked for use.

Mr. President, I hope that the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SCOTT. Mr. President, my amendments to sections 408 and 409 are identical as to each section, and are being considered en bloc.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until order is restored.

The Senator from Pennsylvania may proceed.

Mr. SCOTT. In addition to myself, the amendments are being offered on behalf of the distinguished Senator from New Jersey (Mr. CASE), and the distinguished Senator from Rhode Island (Mr. PASTORE); and I also ask unanimous consent to add as cosponsors the names of the distinguished Senator from Kansas (Mr. PEARSON) and the distinguished Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. These amendments involve the addition of a single line only at the beginning of each section, which would read, "Except as required by the Constitution,"

The issue, in its simplest terms, is this: Will we or will we not abide by the Constitution of the United States and the decisions of the highest court in this land? If we are prepared to ignore the Constitution, the Whitten amendments might be tempting to some, though not to me. If we are to abide by the Constitution, we must render the Whitten amendments consistent with the Constitution.

I believe we must alter the amendments to fit the Constitution, for I am not about to try to change the Constitution to fit the concept visualized by the drafters of those amendments.

I suggest that there is a proper way to deal with what is sought to be accomplished, which would be for those who favor those amendments to submit a constitutional amendment. Meanwhile, to the end that we may abide by the Constitution, I support language, which would precede each of the amendments, such as I have read. Then we continue with the remainder of each section.

If there is any question in any Senator's mind as to the propriety of the Whitten amendments, as reported out of the Appropriations Committee today, the October 29, 1969, decision of the Supreme Court in Alexander against Holmes County Board of Education should dispel that question.

Since that decision, the President of the United States has declared that his administration was committed to enforcing the order of the Supreme Court. The lower courts must, without question, enforce the will of the court. Is Congress, then, going to turn the course of justice to a new direction? The answer, I think, is clearly "no," and we are indeed fooling ourselves if we believe we can change it.

What we are inevitably going to do, if we leave the Whitten amendments intact, is produce a double standard of law enforcement which will leave every school district in absolute confusion as to what its obligations are under the law.

The Whitten amendments would permit so-called freedom-of-choice methods of desegregation, while the courts have, for all intents and purposes, outlawed them as insufficient to meet the tests of the Constitution. These amendments would curtail the ability of HEW effectively to work with the school districts to come up with effective desegregation plans, although the burden of the law is still there to produce such an effective plan for desegregation. The Whitten amendments would permit the blatant subsidy of discriminate segregation, although the laws of Congress and the decision of the court have clearly outlawed that kind of subsidy. In short——

Mr. DOMINICK. Mr. President, will the Senator yield for some questions?

Mr. SCOTT. If I may finish this paragraph, I shall be happy to yield.

In short, what HEW would not be able to do, the courts would still be forced to do.

I yield to the Senator from Colorado at this point.

Mr. DOMINICK. I should like to ask the distinguished Republican leader a question or two on legislative interpretation here.

It is my understanding in any court case that the presumption is in favor of constitutionality. It is also my understanding that if something is unconstitutional, then it gets knocked out. So, what do we gain by putting in the words that are provided, as I understand it, in the amendment of the Senator, and leaving the remainder of the sections in?

Are we not just exercising ourselves in a little verbage without really accomplishing very much one way or the other?

Mr. SCOTT. I am afraid that would not be the result if we were to accept the language of section 408 and section 409 as written. Because, as written, that would require the Office of Health, Education, and Welfare to withhold funds under certain circumstances where the decisions of the courts and the administrative decisions of the Department of Justice are to the contrary.

In other words, the Department of Justice has, by the direction of the President, undertaken a course of action which would govern the use of Federal funds in desegregation matters. And if this amendment were to be agreed to in this form, the Department of Health, Education, and Welfare would be instructed that it could not use the funds for the same purpose that the Department of Justice would, in fact, be instructed by the President to use the funds for. In other words, we would have one department of the Government unable to use funds because of this restriction in the law, if it is allowed to remain.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SCOTT. I have already yielded to the Senator from Colorado.

Mr. PASTORE. Will the Senator yield on this very point?

Mr. SCOTT. I yield.

Mr. PASTORE. Mr. President, I think there is a little more to it than just that. As I read the amendment adopted by the committee, the amendment amounts to a modification of a Supreme Court opinion that determined the constitutional rights of the individuals involved.

Mr. SCOTT. The Senator is correct.

Mr. PASTORE. What we are really trying to do here is to reaffirm the constitutionality of the right of the individual as interpreted by the court, irrespective of the practicalities of the hardships that may be involved in certain units. That is what it amounts to. We have to talk frankly here.

The purpose of the amendment as reported by the committee was to create a slowdown that the Supreme Court said cannot take place because it violates the constitutional rights of the persons who are being asked to slow down.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. DOMINICK. Mr. President, I appreciate the comments made by the Senator from Rhode Island. I do not know what I will do on the particular amendment. That is not the point. I have not decided that yet.

What I am saying is that I am not sure that adding the language adds anything one way or the other, because either a thing is constitutional or it is not. And saying, "except as provided in the Con-

stitution" does not seem to me to add a word of substance to the amendment.

Mr. SCOTT. It adds everything of substance, I add respectfully, because we adopt a requirement that notwithstanding any language which falls under the interpretation of the statutory language, the administrators of the Health, Education, and Welfare Department are compelled to abide by the Constitution, which means to abide by the decision of the Supreme Court in interpreting the Constitution.

Mr. DOMINICK. But they are required to do that anyhow.

Mr. SCOTT. Not if we leave the language as it is now.

Mr. DOMINICK. Not with these funds.

Mr. SCOTT. Not with these funds. These words would attempt to exempt the use of these funds from the requirement of the Supreme Court decision, and would have all of the force of an act of Congress declaring that certain funds can be exempt from a Supreme Court decision.

Mr. STENNIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. GRIFFIN. Mr. President, will the Senator yield briefly?

Mr. SCOTT. I yield.

Mr. GRIFFIN. Mr. President, I want to say again what the Senator from Rhode Island said, but in different words.

The key words, of course, in section 408 and section 409 are "against the choice of his or her parents or parent."

If a so-called freedom-of-choice plan under all circumstances were constitutional, then the argument of the Senator from Colorado would be correct. But the Supreme Court of the United States has said that in some circumstances and in some situations a so-called freedom-of-choice approach is not constitutional.

This language would, in effect deny the use of Federal funds to achieve the purposes required by the courts under the Supreme Court decisions unless we put in this qualifying language.

The Senator from Pennsylvania is merely inserting the language, "except as required by the Constitution." If it is required by the Constitution, then the funds can be used. If it is not required by the Constitution, then his amendment would not affect the language in the bill.

Mr. DOMINICK. Mr. President, will the Senator yield on the same point?

Mr. SCOTT. I yield.

Mr. DOMINICK. Mr. President, does that mean that the Secretary of Health, Education, and Welfare would be entitled to use the funds provided in the bill in order to foster lawsuits in any area of the country—Pennsylvania, Colorado, or wherever it may be—in order to require the schools to go into a busing system?

Mr. SCOTT. No. That is not my interpretation of the amendment. I think the contrary effect is intended here, that if we comply with the Constitution and with the directives of the President and with the procedures now in force in the Department of Justice, we are not fostering litigation, but we are attempting to avoid new litigation.

Mr. STENNIS. Mr. President, has the committee amendment been called up and submitted to the Senate for approval?

The PRESIDING OFFICER. All committee amendments have been agreed to en bloc, to be considered as original text for the purpose of amendment.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. STENNIS. Mr. President, I want to submit this proposition to the Senator from Pennsylvania.

The purpose and the meaning of the amendment has not been presented to the Senate. The consideration by the committee and the action by the committee has not been presented.

With all due deference to everyone, we are just backing into this matter as to what the amendment means without any explanation of the content or the history of it or of the purpose of the amendment according to the sponsor.

I submit to the Senator from Pennsylvania that the more orderly and, I think, the customary way of getting the matter before the Senate would be for someone to explain the amendment from the committee standpoint.

The amendment was adopted by the House. It was approved by the Appropriations Committee of the Senate by a vote of 13 to 8. And it was on a recorded vote.

Mr. PASTORE. The Senator is correct.

Mr. STENNIS. It has had no explanation on the floor. I very respectfully submit that there should be some chance for the committee to be heard and represented and to get the matter before the Senate. Then the Senator from Pennsylvania would certainly be in order.

This is a mighty important matter. We are talking about the constitutional rights of people. We are talking about the practice. And we are talking about schools. We are talking about children. We are talking about teachers. And we are talking about parents. If I obtain the floor, I am going to talk about parents everywhere, not just those who might be involved in a case.

So I implore the Senator to let us have a presentation of this matter, and then his amendment would be in order.

Mr. DOMINICK. Mr. President, will the Senator yield for a brief comment to explain my last question?

Mr. SCOTT. I yield.

Mr. DOMINICK. We have in Denver, Colo., a very complex and difficult situation. We had a school board which put in a forced busing system. Denver is one school district. This takes people from one side of the city to another, and it is for the purpose of overcoming racial imbalance, de facto racial imbalance, in certain sections.

Then there was a school board election, and the new people ran against forced busing. They won by an overall margin of over 2 to 1, about 4 to 1 in the Spanish-American areas, where the people were against forced busing. They reversed it and said, "We will have busing, but it will be done on a voluntary basis." The people who had been defeated in the election went to court and got a Federal injunction against implementing the new order of the school board. That case will come up in January or February.

That is why I asked the question as to whether or not the funds in this case could be used for the purpose of subsidizing either side in a situation of that kind. I think this is a highly touchy issue, just as the Senator from Mississippi has said. It involves people in deepest emotions.

Mr. SCOTT. I am prepared to reply to the Senator from Mississippi and the Senator from Colorado.

To the question, first, from the Senator from Colorado:

The section clearly states that "no part of the funds contained in this act may be used to force any school district to take any actions involving the busing of students."

Therefore, if the busing is voluntary and is accepted and agreed to by the participants, it does not seem to me that it would be forcing the school district to take the action in the Colorado matter.

Mr. DOMINICK. But it is not voluntary.

Mr. SCOTT. If it is not voluntary, it is governed by the present provisions of the Constitution, by the interpretations and decisions of the courts—the Supreme Court and the lower courts.

In reply to the suggestion propounded by the distinguished Senator from Mississippi: The amendment is at the desk. As soon as I finish my prepared statement, I would expect that opportunity would be given both to the Senator from Mississippi and the Senator from New Jersey, who wishes to comment on the history of the amendment in the committee, so that we may have the benefit of that. I have not much more to go on the prepared speech. At that point, I would be glad to yield for that purpose.

Mr. STENNIS. Mr. President, I have great respect and real affection for the Senator from Pennsylvania. I know he wants to do the right thing. But this is a highly important matter, as he has said; and unless there is some chance soon for those who favor this amendment—and the committee does favor the amendment—I will not be in any kind of agreement about limiting time. I want to have such an agreement, but I just have to fight the best I can, unless we are going to have a chance to present it in that way. The Senator is entitled to make his speech, of course.

Mr. SCOTT. The Senator is a good friend of mine, and I hope that he would not regard me as using too much time if I finish a page and a half of a prepared speech.

Mr. STENNIS. No. I say that the Senator should make the speech.

Mr. SCOTT. I am most anxious that we proceed

Mr. CASE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. CASE. The Senator from Mississippi, in his deep concern about this problem, with which we are all concerned, has interrupted several times on this point. I think it is only fair to indi-

cate that the Senator has had two extensive hearings already, once in our subcommittee on several different occasions; and I think he will agree that most of us, especially those who are not entirely in agreement with him, were attentive to his remarks and attended the committee quite diligently. So I think that he has had already a great deal of attention paid to the concerns which he has expressed, and which I am sure he will express on the Senate floor, as is his right. I just think that it is not at all inappropriate for the Senator from Pennsylvania, on his own time and in his own way, to explain fully his views on this matter without interruption.

Mr. SCOTT. Yes. I do hope that the distinguished Senator would extend to me that opportunity; because, after all, I am a cosponsor of the amendment, so that I have some interest in it, and I am most anxious to conclude.

Mr. STENNIS. I just thought it appropriate to say now, before we backed into this matter and had a great deal of discussion, that it had not been presented.

I appreciate the Senator's position very much, and I want him to make his speech.

Mr. SCOTT. I thank the Senator. I am not known on the floor of the Senate as one who uses more time than the minimal amount to express his thoughts. I hope that is my reputation.

I repeat:

In short, what HEW will not be able to do, the courts will still be forced to do.

Indeed, it is quite possible, if not likely, that some legal challenge to our action would follow any passage of the Whitten amendments, perhaps within days, and it is equally likely that the Supreme Court could find the Whitten amendments to be inconsistent with the Constitution. This is not the sort of embarrassment I wish to see visited upon this body.

Let me assure Senators, however, that fear of embarrassment is not what moves me today to oppose the Whitten amendment and to back the amendment to Whitten which adds the words "except as required by the Constitution."

No, we have more than a high-flown legalistic argument at hand here. We have the effect upon thousands of children in formerly dual school systems who have begun to experience what could be called an equal educational opportunity for the first time in their young lives. There is no doubt in my mind, nor in the minds of any other experienced observer of the patterns of civil rights enforcement, what the effect of the Whitten amendment will be to undo completely several years of progress, untold hopes of children and their parents, and a reputation for fair play which had begun to be fixed by the Government of the United States.

As Secretary Finch said in his plea to members of the Appropriations Committee several days ago:

> Recalcitrant school districts would be encouraged to harden their positions, and districts which have complied with the law would be tempted to go back on their commitments. This could seriously jeopardize the substantial progress made in school desegregation.

I believe Secretary Finch is absolutely right.

The way out of the dilemma we face is quite clear. We must adopt the amendments to the amendments, which begin with the words, "except as required by the Constitution." It is language which has the full backing of Secretary Finch and of the Nixon administration. It is language which permits the upholding, not the destruction, of constitutional law as it applies to children in our Nation's schools.

It is the Constitution which governs this Nation, and it is just that it should be so. We are quite prepared to cite it, to quote it, to invoke it and to embrace it in the name of law and order. Well, what we are talking about here is law and order, and the proper process of Government. Will we abandon the Constitution in the name of civil rights, in the name of equal opportunity to read and write, even as we hold it loudly as ours in other areas of the law? I dearly hope we will not abandon it.

We may not all like all that the law and the decisions prescribe. Some do. Some do not. All must abide by the law or justice falters.

In keeping with our plain duty, let us amend these unfortunate amendments to conform to, rather than confront, the Constitution of the United States.

I submit that, in this body, which has many lawyers, I fail to see what possibly can be wrong to adding to an amendment, even if we accept the suggestion that has been made here that it does not change it, with which I greatly disagree.

But I cannot see anything wrong with adding to an amendment to this kind of bill the statement "except as provided in the Constitution." If the Constitution does not provide for it, well and good; if the Constitution does provide for it, well and good. But let us not change the rules in the middle of the process of securing free and equal treatment for all the children of the United States. Let us not say to the Justice Department, "You are bound by the Supreme Court decision," but say to HEW, "You cannot spend a cent of the money in compliance with Supreme Court decisions because Congress, in its majesty, said you cannot" which merely carries us back to court and possible litigation.

Therefore, Mr. President, I conclude that if it is wrong to add to an amendment the phrase "except in accordance with the Constitution" what is wrong with it entirely escapes me, although I am aware I will hear some argument to the contrary.

I yield the floor.

Mr. COTTON. Mr. President, despite the fact that the distinguished minority leader designated the Senator from New Jersey to make an explanation for the committee, I would like to be recognized at this time.

Mr. SCOTT. I am sorry. I did not see the Senator from New Hampshire.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. COTTON. Certainly. I yield.

Mr. STENNIS. Is it agreeable with the Senate that we have a quorum call so that Senators may know the matter pending before the Senate is being debated.

Mr. COTTON. I would be glad to do so, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER (Mr. DODD in the chair). Does the Senator suggest the absence of a quorum?

Mr. COTTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, for just a minute or two I think it might be well to review what happened in committee, not with respect to who was heard or how long they talked, or anything else, but just the development of this matter within the committee.

Of course, we were faced with the language in sections 408 and 409, the so-called Whitten amendment language. In the course of discussion about that language it was suggested—I believe I was the one who suggested it—that this language was dangerous any way one looked at it. This is what is stricken out now:

> SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

Then, section 409 continued with respect to Federal funds. Under that phraseology if a school district wished to cooperate, wished to integrate, wanted, of its own volition and accord to institute busing for any reason, this language would simply mean that district would be deprived of the use of any of the funds under this bill to help it do in a voluntary manner what it wished to do.

Mr. STENNIS. Mr. President, I hate to interrupt the Senator, but let us have order. Will the Chair please ask the Senator to suspend until the gentlemen who are at the desk complete their business there?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. Mr. President, it was suggested, I think by the chairman of the subcommittee, that no part of the funds contained in this act may be used to force any school district to take any action involving busing of students, and so forth. In his original language was the expression that is in the amendment offered by the distinguished minority leader, the Senator from Pennsylvania, referring to the Constitution. In a compromise that was taken out.

Mr. President, the thing that troubled this Senator from the beginning was that clearly a majority of the committee felt very strongly against enforced busing of students. It was declared to be the intent of those who were supporting it that the inclusion of this proviso, or the edict against "the abolishment of any school, or to force any student attending any elementary or secondary school to attend

a particular school against the choice of his or her parents or parent" was simply meant as an adjunct to the primary thought which was the busing.

In other words, one way of forcing busing is to abolish the school; then, they have to bus. On the other hand, those of the opposite view who were opposed to the inclusion of this language in the legislation took the position that in reference to "the abolishment of any school, to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parent or parents" were the three elements of integration and that they were included there in order to prevent integration, voluntary or involuntary.

Mr. President, I must confess, and I so stated in committee the primary thought here was whether or not there should be enforced busing. If section 409 had been cut out entirely, and section 408 had ended with a period after the word "students," so that it read:

No part of the funds contained in this act may be used to force any school district to take any actions involving the busing of students.

Then I think that the language would have adequately covered what was the opinion of a distinct majority of the committee and, certainly, in the opinion of the Senator from New Hampshire, what we tried to do a year ago in this bill.

A year ago the chairman settled the entire matter by suggesting that no part of the funds could be used for the busing of students for the purpose of overcoming any alleged racial imbalance. Everyone on the committee agreed a year ago that was the objective they had in mind. But, after the bill was passed, it is my understanding that the General Counsel, of the Department of Health, Education, and Welfare, made an interpretation which just knocked it out so that it was completely inoperative and any busing would be alleged to be for purposes other than racial imbalance. So that it was a completely ineffective provision. For that reason we are marching up the hill again this year, to try to agree on language that the majority of us on the committee would agree would do one thing; namely, prevent the use of money appropriated in the bill for enforced busing of students. That is about the situation we found ourselves in.

As a compromise, the reference to the Constitution was sought to be knocked out by the amendment of the distinguished Senator from Pennsylvania and was stricken out. The rest of the language was offered by the chairman of the committee. I simply add that, for my own part, I would have felt the matter greatly simplified, if we put a period right after the word "student," and then we have a distinct and clear-cut plain provision, that money in the bill cannot be used to force any school district to bus students.

Mr. DOMINICK. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. DOMINICK. In the authorization bill which we passed unanimously through the committee, there was a provision which once again repeated what I think the Senator is referring to; namely, that no portion of funds authorized under the act shall be used to require busing of students for the purpose of overcoming a racial imbalance.

Mr. COTTON. Exactly.

Mr. DOMINICK. There was unanimous adoption of that. It is my understanding that it is the feeling, because of the interpretation given to it, that this can be easily avoided where they do not use the funds for that purpose and use local funds instead to do it, or they say it is not just to overcome racial imbalance, that it is for getting a better quality of education or something of that kind, which is using it as a method by which those funds are then used.

My concern with this provision is a little bit in reverse. We have a situation in Denver where the school board in one district had required that the respective schools in that district be balanced on a racial basis. The people who put it in ran for election and were defeated. The new school board said that it shall be done on a voluntary basis only. The old school board went to the Federal district court and got an injunction against the new school board. Therefore, we are now in a required busing situation for racial imbalance, of de facto segregation, to overcome it—that is the best way to put it, I guess.

The thing that concerns me is whether these provisions in the act might lead a Secretary to determine that he could put funds in, in order to back up the position of the fellows who are the plaintiffs in court to prevent voluntary busing and to require required busing. That is what concerns me because as I read it, it says here—

No part of the funds contained in this Act shall be used to force any school district . . .

He uses the word "force"—

to take any action involving busing of students . . .

But it does not say that he cannot use the funds for the purpose of helping them. It says "force" them to do it, if they do not want to. Suppose that they do. Then, it is my understanding that we can use the funds for the purpose of helping them to do that. If so, I think that is wrong, because we are subsidizing what is going on in a legal suit for enforced busing.

Mr. COTTON. I think that the Senator has raised a very good point because we were considering the language—

No part of the funds contained in this Act may be used to force busing students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

Mr. DOMINICK. Right.

Mr. COTTON. Mr. President, with all that in there, it befogs the central issue about busing. If all we want to do, is see to it that under the language of the Whitten amendment, if a school district in Alabama, North Carolina, or Indiana—wished—to bus its students, under the language in the Whitten amendment, they could not use any of the money to bus them voluntarily or involuntarily.

If the purpose is to see to it that no money in the bill is to be used, I do not know how we are going to make the Department of Health, Education, and Welfare carry out the will of Congress. It was just as plain last year—just as plainly expressed. I am not a great lawyer, just a country lawyer, but I can read English and it was clearly expressed that it should not be used for the busing of students to overcome racial imbalance. They just threw it out and said that was no good because there were other reasons for busing.

Mr. DOMINICK. Could I ask the distinguished Senator from New Hampshire another question on this? Let us suppose we have a school district that has decided it will put a program in effect which will require busing—involuntary busing. It would seem to me that, under that situation, this provision here would permit the use of funds to support that school district.

Mr. COTTON. That is right, and it should not.

Mr. DOMINICK. I think that is wrong.

Mr. COTTON. I think that is wrong, too. I think it should be so phrased, if it can be phrased, so that HEW cannot get around it. It should be so phrased as to make it clear that no money in the bill can be used for the busing of students, whether it is against the will of the local school district or not against the will of the local school district for busing students, because it is no use trying again on this matter of busing students for the purpose of overcoming racial imbalance because they have already indicated that did not mean anything.

On the question of the amendment of the distinguished Senator from Pennsylvania, which was originally in the language offered by the Senator from Washington on the Constitution, I did not feel that that either added or detracted much because if it is constitutional, nothing that we write into the statute can stop it, and if it is unconstitutional, nothing that we write into the statute can be effective.

Thus, it seemed to me that that was surplusage, and the best thing to do was to take it as it was.

Mr. DOMINICK. That is the point I made originally. I appreciate that coming up again. I just say that none of the money can be used to support busing. But there are problems in the rural areas where they wanted to be bused, where they need maximum support in order to get to school from the ranches, the farms, and all the other problems we have there. So we are caught in a trap. I think we are in a tough spot.

This is designed on a racial basis, as I see it, but it goes so broad that it covers not only a racial situation but a lot of other situations in the country.

Mr. COTTON. We had that feeling in the committee. I voted on conviction at that time, and will again. It seems to me that last year we said exactly what the committee meant. Both Houses of Congress ratified it, and HEW disregarded it.

It seemed to me that we should put it

in again, and the committee should inform the Secretary that if this was going to be thrown out this time, he would certainly lose some funds when the committee wrote up the next appropriation bill, because that is exactly what we wanted to do. We said it last year, and everybody agreed to it except HEW, and they simply gave Congress the back of their hand and said the language did not mean anything because the busing might be for other purposes.

Mr. DOMINICK. I thank the Senator for his very helpful colloquy.

Mr. COTTON. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, the Senator from Washington, who is handling the bill, has been called from the Chamber for some purpose. I really did not intend to try to get the floor or seek the floor at this time. He was going to make a statement, but we are unable to locate him. I feel that he will be back shortly.

Under those circumstances, Mr. President, I want to present to the Senate something of the background of this amendment and its purpose; what it proposes to do and what it does not do. I, at least, speak from the experience of one who has been through this matter for 2 or 3 consecutive years and who has dealt with the other amendments to which the Senator from Nebraska referred, the application of which did not turn out well.

As I see this matter, the basic purpose is really an attempt now to get a policy or an implementation that we will not go so far and will not destroy the public schools. In other words, affirmatively, I wanted to preserve the public schools throughout this Nation. I think we have gotten down to where it is a question now of preserving education rather than just an extreme application of the enforcement of civil rights or full integration.

Mr. President, no place in the Nation is there full integration except in those places in the South that have been proceeded against so very severely. I make no attack on the civil rights law. I make no attack on the courts. This is a limitation on the money being spent. It is a limitation on appropriated funds. There is no question about the Congress having the power to appropriate money under such limits as it may prescribe. The departments, the courts, and everyone else have to take it under those conditions.

I want to emphasize that this is no attack on the Court. The suggestion has been made here already that this was an attempt to try to get out from under a court order. I severely and fully deny that. Those of us who have worked on the amendment are far older than the cases that have been decided. In my humble opinion, it will not affect those cases one bit. The plans and everything else for them have already been formulated and prescribed, and there is a court order for their implementation. I wish this amendment would affect them, but that is an accomplished fact. This amendment looks to the future.

So it is not true that this sponsor of this idea intends to try to evade a court order.

I want to reply to the point made here that this proposal would take away from the courts some power to use these HEW staff members. I want to especially submit this to every fair-minded person. I have not felt that employees of an enforcement agency should be used by the court, anyway. They are working with an agency here that has zeal and money and power to withhold funds, or to do this, or to do this, or to do that. If the court wants someone to represent it, it should call someone under judicial authority, I think, rather than go to the prosecuting attorney's office and get one of the assistant district attorneys.

Anyway, I think that is largely beside the issue here. This matter goes to the very extreme basis of enforcement that just goes too far. I mean enforcement by HEW.

This proposal would say, "You cannot use the funds for getting up plans that would force a school district to bus children." They are not trying to do that anywhere except in the South, but they are adopting plans that cannot be carried out any other way except through busing, beyond the community—not in the community—from one end of the school district to the other, which sometimes is from one end of the county to the other. They are making plans that would force those school districts to abolish the schools—just abolish the whole thing—and bus them on in somewhere else.

The Supreme Court never has ruled out freedom of choice under proper conditions.

This amendment would stop them from drawing up plans that would force those children to be hauled and assigned around without the consent of their parents. That is exactly the pattern of operations now outside the South. HEW does not require any busing in the North or East. It does not require abolition of school districts. It does not deny giving a parent freedom of choice. They are not operating anywhere except in the South, and this on the thinnest kind of legal position.

They have taken the position that they go into what we call the dual system only, or de jure segregation, where it was one time unlawful.

Let us see about that. Until 1954, all desegregation laws, racial schools, dual schools, were legal everywhere. The Supreme Court of the United States had passed on it time and time again. As late as 1927 the Supreme Court of the United States, in a unanimous decision by the late Chief Justice Taft, joined by eight of his colleagues, unanimously decided that it was legal. And it came on down to 1954.

So if it is illegal now, it was illegal everywhere then.

Furthermore, it is not only the Southern States, but, as I have found out through research—a part of it came through the Civil Rights Commission; and that is certainly not a southern institution—eight States beyond the South, which happen to have 91 percent of the Negro school population—and anything I say here is no reflection whatsoever on any race, but those States do have 91 percent of that part of the student population outside the South—all every one of them, at some time had laws that permitted or required segregation of the races in the schools. Illinois was one of them. New York was one of them. That has all been researched out. I put it in the RECORD a number of weeks ago, and it has not been denied.

So these are just the hard facts of life. I have the figures here to show, in a few minutes, the extreme segregation in those areas of those States, which grew up in exactly the same way that segregation grew up in the South, under its segregation laws.

Still, apparently, there is something holy, something not high but holy, about those States. There is no effort made, except what I shall mention briefly in a few isolated instances, to enforce this law anywhere except in the Southern States.

And what is the penalty there? Mr. President, they have gotten it down to this: For the violation of these orders and these plans, it is down, now, to the point where it represents the death penalty for a lot of our schools. That is what is coming. I preach against it, to keep the public schools open regardless, but you will see that they are getting down to where they will not be able to operate, whereas, during the same time since 1954, schools all over Illinois, Indiana, Pennsylvania, New York, and New Jersey, many of them with 100-percent colored students, many more of them with 99 percent, 98 percent, or 95 percent—I shall give the figures in a minute—are going on with immunity, with nothing being done by HEW.

And I do not know of any of the governments in any of those States that propose stricter enforcement of the laws on mixing the races. I do not know of any bill proposed here regarding those States, to clear up those situations. Still, the penalty is put on the Southern States whose history is very similar, and I say that penalty is death.

Mr. President, it is just not right. We do not have any national policy here. We do not have a national policy about desegregating schools. We have a sectional policy only.

We have integrated down our way. We have made more headway. I find by the figures there has been more change in our States since the 1954 decision than in many of these Northern States, and I have the figures here to prove it.

That is why we are pleading here. We are pleading for something less than the death penalty. You are pressing this thing too far. We are just seeking to get adopted here the same formula that you are getting applied to yourselves. I have named the States; I shall not enumerate them again.

Let me state what has happened outside the South, very briefly, about this busing. That is what we are seeking to lessen. Look to New York—and I speak most respectfully of New York, but what have they done about busing? I say to New York, "You can integrate those schools in Harlem, if you really want to." The Federal Government can do it, or the State government can do it. Just put enough manpower and womanpower in there to do it, haul those children out to

the areas where the white schools are, and bring a like number of the white students in, and you will have them integrated. You can do that anywhere.

But what has New York done about it? Have they tried? No. They passed a law this year—on May 2, 1969—a State law which prohibited busing of children on account of racial imbalance; and furthermore, it guaranteed every parent that they would not have their freedom of choice infringed in connection with the selection of a school for their children.

It just happens that Mr. Allen was Commissioner of Education in New York, and he proposed the busing plan for the State. The legislature picked that subject up; they passed this law in the general assembly by a vote of 106 to 43—or very close to those figures—and Governor Rockefeller signed the law. I have copies of it here, if anyone wants to see them.

They absolutely prohibited busing. Someone will say it is unconstitutional. Well, if we grant that, it is still a mighty good reflection of how the fathers and mothers feel in the State of New York about busing their children from school to school, and denying those parents the God-given right and the American right to have something to say about where their children go to school.

I speak with great deference to any area. Look at Denver. Look at Denver, Colo.; I have the statistics on that. Mr. President, that is one of my favorite places. If I were going to leave Mississippi, I might go to Colorado, but I am not going to move.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. Let me continue.

They had an election out there, and I have the names of these parties here, but I want to pass on. They had an order for busing. Two people ran for the school board on an antibusing program. One day the New York Times predicted they would be resoundingly defeated, and the next day they they reported that those two candidates were elected by a 2-to-1 majority over those who had favored busing.

People simply do not like it. Many other Senators have told me here on this floor, "I am against that busing."

We can all see what is coming. So when Senators say, here, that we are trying to override the Court, or trying to get out of something, that is just not true. It is not true. We are trying to save the lives of our public schools. We are trying to save a remnant, anyway, of the authority for choice of the parents of our children.

I tell you right now, Mr. President, when you go in and pick up a little child—black, white, brown, or whatever he is—and haul him away from his family, many miles away, to attend a school 6 to 20 miles away from home, or whatever it is, and bring him back late at night, you have gone just about all the way with that child's mother, or his father.

I know what the reaction is going to be. I believe if this pattern is enforced outside the South, it will bring about a more modified policy. What happened in Chicago, in the great State of Illinois?

Three or four years ago, someone in HEW sent them some kind of a communication about integrating their schools. I do not have the exact substance of it. But here came a message back from Mayor Daly. As I remember, he came to Washington about it. Perhaps he just sent a telegram. Anyway, they swept it under the rug somewhere, I do not know where, and that is the last that has been heard of that case.

This year, about June, they sent them a message over there about integrating their faculty in Chicago. Here came word back that the faculty said they would not do it. They would not change their schools; they already had their contracts. The teachers' union fired back a salvo. The school board wired in here to someone asking for $48 million, saying that if they were going to have to integrate the faculty, it would cost $48 million extra. That is the last we have heard of that case.

Mr. President, there has been only one real administrative proceeding by HEW outside the South under this law involving this money, and that was a small school district up in Connecticut, a small district in Connecticut, a community, or a small village.

One case has been filed by the Department of Justice outside of the South alleging discrimination. And that case was filed the day before Mr. Finch testified here before the committee. That is the only proceeding I can possibly find outside of our area of the country.

Do you call that a national policy? Do you think that is enforcing a principle enunciated by the Supreme Court in 1954 on a national basis? Of course it is not.

I do not want anyone treated as we are being treated—not in any area. But, as long as it goes on in this way where we have a sectional application, we are going to get the hot end of the poker. And the Nation itself will not have a national policy.

Mr. SCOTT. Mr. President, will the Senator yield very briefly to allow me to ask for the yeas and nays?

Mr. STENNIS. Mr. President, I yield to the minority leader for that purpose.

Mr. SCOTT. Mr. President, I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I do not want to talk too long. But the Senator from Rhode Island (Mr. PASTORE), who is an excellent Senator and really a great man—I do not believe he is present on the floor—said something to the effect that regardless of the period of time that was imposed, these things had to be done.

Let me tell the Senate it is hard to believe some of these plans that are being forced on us now. This is a court order. By means of the plan that came about, 960 children are assigned in one of these districts in a high school building that has only five classrooms. A man whom I have known all my life—he is a superintendent—said:

I can only get in 300 of them under any kind of circumstances. There is not even room for the rest of them to get in the building out of the rain.

In another case, there were 396 high school students assigned in one high school under the plan. And all of them had a course in science of some kind. There were only two classrooms in that building that were equipped to teach science. The best estimate we could get was that it would take 4 to 5 months to put in the equipment. But they said to do it by December 31.

With respect to the other example I mentioned concerning the five classrooms, I said, "Get an architect to go out there. Get an estimate of how long it will take to build it and how much it will cost. Put that under oath so that he can swear to it."

The estimate was that it would cost $1.5 million and take 8 to 9 months to build the building. But the order said to do it by December 31 or be in contempt of court.

That is what we have to live with. I hope there will be some kind of modification of those orders. But there has not been any yet.

Do we want the children, the mothers, and the fathers to travel a road that is that hard? Where will the education come in under conditions such as those?

Mr. ERVIN. Mr. President, will the Senator yield for a question on that point?

Mr. STENNIS. I yield briefly for a question.

Mr. ERVIN. Mr. President, I ask the Senator from Mississippi if those who are ardent advocates of desegregation do not magnify the integration of the bodies of the schoolchildren above the enlightenment of their minds.

Mr. STENNIS. The Senator is correct. That is exactly the extent to which we have gone.

Mr. President, I am going to quote from the President of the United States. I will be very brief. I do it with the greatest deference.

We all know that I do not do it critically. I do not boast of any kind of voting record. But I have a voting record that backs the President here that is almost as good as any Senator, and more than some.

I have three statements the President made concerning this matter.

The President of the United States last year said in the New Republic that he backs the decision of the Court of 1954, but that he did not believe in the busing of the schoolchildren away from their homes and into a strange community to overcome a racial imbalance.

He made the same statement in his campaign last year in a television interview in North Carolina. And I know he meant it.

And he made the same statement again in the U.S. News & World Report, I believe it was. I will produce that a little later in the debate. I have read it many times.

They come here this afternoon and say this represents the administration. It has Mr. Finch's name on it. However, it

does not have the President's name. And I do not believe the President of the United States stands for treatment of the kind we are getting. He said he was against it. And I believe he is against it.

He may be hemmed in some by these very severe Supreme Court decisions. And I do not attack the Court.

We are just asking here for a little relief against the extreme application of these matters by the Department of Health, Education, and Welfare.

As I said, I do not think that will affect the cases that have already been decided.

Mr. President, I have some statistics here, and I will be brief with these.

I find that we have a situation in which we have 303,000 Negro students in the Illinois public schools, or 76 percent of the total enrollment in the State are Negroes, in 284 schools in 21 cities. And those 284 schools are from 95 to 100 percent segregated. That is the term that HEW uses. That means that from 95 percent to 100 percent are black students.

There are 265,000 or 66.5 percent of all the students in the State in the public schools that are in 246 schools, in 14 cities or districts, that are 99 to 100 percent Negro students; 246 schools in Illinois alone, all over the State, that have from 99 to 100 percent Negro students.

In the city of Chicago alone, there are 104 schools that have 100 percent Negro students.

Do you mean that as a national policy, to let those things go on year after year after year when they drag us by the head, and our children and the parents, too, in order to enforce a ratio of integration?

Do not say they are not doing it, because I have heard them use that term too many times.

Where the white student enrollment in Chicago is 219,000 or 37 percent of the total, and the Negro student enrollment is 309,000 or 50 percent of the total, only 9,628 or 4.4 percent of the Negro students go to the majority white schools. And only 25,000, or 11 percent of the white students attend schools that have a minority group enrollment of over 50 percent.

In Maywood, Ill., which has a total public school enrollment of 6,300, 48 percent of which are white, 47-plus percent Negro, 65 percent of those Negro students are in two schools which are between 99 and 100 percent Negro. Under the attitude taken toward us, they would say to us, "Abolish those two schools."

Indiana is one of those States that had laws permitting—some requiring and others permitting—separate schools until, I think, into the 1930's. There are 57 schools in Indiana where the Negro enrollment exceeds 80 percent of the total enrollment. Of these, the Negro enrollment in 49 is 90 to 100 percent, and the total enrollment of 40 of those schools, the Negro enrollment, is 99 to 100 percent.

The figures for Indianapolis are just as bad. In the white area there, 64 schools have 96 to 100 percent white students.

They brush that off by saying, "Well, historically, the South had enforced segregation. That State had it."

I already have referred to New York. I found this: New York had a law that permitted separate schools—I have a copy of it here. It provided for separate schools. That was the law, I think, in 1900. I cannot tell when it was passed, but I have the law that repealed it. The repealing law was not passed until 1938. Part of the segregation that has grown up in that great area resulted from that law.

Ohio has just about the same picture. There are 197 predominantly Negro schools, and of those, 154 are 90 to 100 percent Negro, and 105 are from 98 to 100 percent Negro. That is the figure for the State at large.

I have the figures for New Jersey, and I mention these with all deference to those who represent that great State. I find that under the law in that State separate schools for Negroes were maintained well into the 20th century, despite an 1881 statute prohibiting the exclusion of children from schools on the basis of race. In 1923 the State commissioner of education ruled that local school authorities could provide special schools for Negroes in their residential areas and allow the transfer of white students from these schools to white schools. That was as late as 1923.

My point is that this is a limitation on an appropriation bill. This will be a start, I hope, toward forming a national policy that we do not have now; and when we bring the whole country into the formation of this policy, it will be a livable one. I do not think it will change the law as to integration. But it will be a livable one. It is one in which the parents can live and work. It is one in which the children can be educated. It is one in which the teachers can live and work. And all will move forward in a fine, progressive way.

That is the basic reason behind this very small request for some limitation on these funds.

The identical matter was taken up in the committee, and the committee had the fullest consideration of it. On a roll-call vote, the committee voted 13 to 9 in favor of retaining that provision.

With all respect, I do not think it means a thing in the world, as the Senator from Colorado has pointed out.

Mr. President, I do not care to retain the floor any longer. I believe the facts speak louder than anything I can say.

I referred to statements made by President Nixon, and I will put them in the RECORD at the proper place.

Does the Senator from New Jersey wish me to yield to him?

Mr. CASE. No. Since I have been left temporarily in charge on this side, I wanted to see if someone else is ready to speak.

Mr. STENNIS. Does the Senator from Florida have a question?

Mr. GURNEY. No. I am ready to speak.

Mr. STENNIS. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GURNEY. Mr President, I should like to address myself to sections 408 and 409 of the bill. I support the present language in the bill and oppose the pending amendment.

Mr. President, I hesitate, in a way, to mix in this school desegregation issue, not because I am afraid of the controversy in any way. I am not a member of the committee. Time is running out on us in this session, and many Members of the Senate have a far greater knowledge of this subject than I do. But it does occur to me that my viewpoint is a bit different, perhaps, from that of some other Senators.

Florida is classified as a Southern State, and indeed parts of it certainly are. But other parts of it are more a melting pot of people from everywhere. Certainly, Miami, our largest city, is more a northern city than a southern city. A great deal of Florida is much like many Northern States in the composition of its population.

Then, too, I think my personal viewpoint on the matter might reflect the viewpoint of many of my northern colleagues, especially on this side of the aisle, if they should live in the South, as I do.

I was born and raised in New England. As a young man, I lived and worked in New York City, before I came to Florida. I think this is of some importance, because a man's attitudes are deeply affected, perhaps indelibly, by his beginning experiences.

But, last and certainly most important, this Senator can speak about this problem with practical experience. Many of those who will cast votes here tonight will do so with great conviction but really have not had anything to do with this problem at all.

There are 67 counties in the State of Florida, and this year we have active files on school desegregation matters in 43 of these counties. Twenty of them are in what I would call trouble with either HEW or the courts. Some have had their school moneys cut off, and many of the school boards have been in my office, in person, or on the phone, seeking our help to try to work out some of these matters. So, believe me, I am one Senator who has been in the middle of the school problem all year. As a matter of fact, one staff member of mine has spent, I would estimate, at least 4 solid months of his time, every day, doing nothing but working on school problems in the State of Florida.

These amendments certainly are simple and in understandable language. They say that Federal funds should not be used to force school districts to bus children. To close school buildings or schools, or to assign students against their choice—to a particular school. In quieter times, or on a less inflammatory issue, it is entirely possible this language would meet with the approval of the vast majority of the Members of this body. But these are not quieter times, and obviously this whole school controversy has stirred so much passion that we are losing sight of the basic, primary goal of our school system: Educating children, black and white.

I think it is time that we pause for a moment and reflect on what extraordinary changes have taken place in public education in America during the last 15 years, the years since the Brown against

Board of Education decision in 1954. That case stood for the proposition that the "separate but equal" school systems which found constitutional support in decisions such as Plessy against Ferguson in the last decade of the 19th century, were unconstitutional. The Court reasoned that it was inherently unequal for the States to set up or to maintain separate school systems, based exclusively on race. Leaving aside the constitutional arguments, it is a proposition which has behind it much moral strength. Tax moneys should not be used to discriminate against any citizen or class of citizens.

The constitutional underpinnings for this action were, of course, the 14th amendment's guarantees of the rights of citizenship, that is, that all persons born or naturalized in the United States were citizens of the United States and the State where they reside and that they had a right "to equal protection of the laws." The 14th amendment, properly construed, is, of course, a restraint on actions of the State governments:

> No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States nor shall any State deprive any person of life, liberty, or property without due process of law, nor shall any person within its jurisdiction be denied the equal protection of the laws.

Such separate school systems, the Court reasoned, violated the 14th amendment "equal protection" clause. The rationale was that American students of the Negro race could not receive a proper education if they were forced to attend wholly black schools. The unstated hope was that Negroes would receive better education if only they could avail themselves of the opportunities offered by an integrated school system. The Court decreed unanimously that school systems would be desegregated "with all deliberate speed." It is interesting to note that Justice Black, who was one of the Justices who sat on the Brown case, recently stated that this preemptory language "all deliberate speed" had caused more trouble than any other single legal phrase in his memory. He regretted its inclusion and so do I.

In the chain of cases following Brown, however, this prohibition on State action, this negative, has been converted, by judicial fiat, into a positive and affirmative obligation to insure "desegregation." It is one thing for the Supreme Court to say that State X may not set up two separate school systems, one for white children and one for black children. No one argues that point anymore. Brown against Board of Education was right and sound law.

But, it is quite another thing for the courts to seek to impose novel and affirmative obligations on local school districts, such as the obligation to bus children from one locality to another to meet these arbitrary and dictated Federal standards of integration. I think the judicial intervention and bureaucratic meddling into matters of this sort have resulted in the sacrifice of sound educational goals to achieve a forced, and artificial integration.

The children, of course, are the pawns in a chess game that has become ludicrous and dangerous. They are shuffled about from place to place; they are expected to bear long, tiring, time-consuming, sometimes even dangerous, daily bus rides so that some arbitrary standard of integration can be achieved—a standard that has no soundness of its own, but exists only in the mind of the contriving bureaucrat who frames it.

Often the bureaucrat's chief claim to fame in this field of school desegregation is that he is dedicated to the abstract notion of integration. He may know nothing about the economic or social facts surrounding a particular school problem, and could care less. In other words, the solutions are as sound or as stupid as the official who fashions them.

In my view, this bureaucratic and judicial overreaching, this heavy-handed and meddling by the Department of Health, Education, and Welfare, in the school desegregation field, has brought about the chaos that we find today in the public educational systems throughout much of the Nation.

I do not think anybody in his right mind would argue that the racial situation in the public schools is better today than it was before Brown; it is immeasurably worse and in large measure it is worse because of the arbitrary, unsound, and often senseless mischief which has occurred in the intervening years.

I think the committee language brings back some rationality into this whole picture. Let me offer to Senators two specific examples of the abuses about which I am thinking.

The first case involves the Palm Beach School District in my own State of Florida. The Palm Beach County School System in 1968–69 year had a school population of 61,715 pupils, of whom 42,067 were white, 16,504 Negro, and 1,224 of other races, primarily Indians and Orientals. At the start of the 1968 school year, there were 91 schools in operation in the system, 15 of which were attended exclusively by Negroes, 12 exclusively by whites, and seven other schools were attended predominately by Negro pupils, with no white children in attendance. The Palm Beach School District had a plan for achieving further integration.

The plan, however, was not found acceptable by the Federal district court. A new plan was drawn up. It was found wanting by the Department of Health, Education, and Welfare. Another new plan was conceived by the Florida School Desegregation Consulting Center at the University of Miami—the so-called title IV plan and this plan was adopted in toto by HEW. HEW then threatened to cut off further Federal assistance to Palm Beach unless or until the title IV plan was adopted. Hearings were held; appeals taken; appeals denied.

One of the provisions of the HEW plan deserves to be mentioned: The plan decreed that substantial numbers of pupils were to be bused from the east coast to the Glades area near Lake Okeechobee in the central part of the State and vice versa, from the Glades to the coast. The distance is about 40 miles and the highway, in all candor, is not a highway. This is one of the most dangerous roads in the State of Florida. It is called "suicide alley" locally. There have been, according to the Palm Beach County sheriff's office, 18 to 20 fatalities on it just in the last year and a half. Accidents are commonplace on this old two-lane route: the area is sparsely populated and high speeds are the rule. The road has no proper siding in many places as it goes through the marsh land and is bordered by canals. It is dangerous in the best weather conditions; when it rains, it is murderous.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. STENNIS. Mr. President, I suggest that we have a quorum call, and I have in mind a live quorum. There are only six or seven Senators in the Chamber. I think they should have notice that this debate is going on.

Mr. GURNEY. I yield to the Senator for that purpose.

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senator may yield without losing his right to the floor so that I may suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 244 Leg.]

Aiken	Goodell	Moss
Allen	Gore	Murphy
Allott	Gravel	Muskie
Baker	Griffin	Nelson
Bayh	Gurney	Packwood
Bellmon	Hansen	Pastore
Bennett	Harris	Pearson
Bible	Hart	Pell
Boggs	Hartke	Percy
Brooke	Hatfield	Prouty
Burdick	Holland	Proxmire
Byrd, Va.	Hollings	Randolph
Byrd, W. Va.	Hruska	Ribicoff
Cannon	Hughes	Schweiker
Case	Inouye	Scott
Church	Javits	Smith, Maine
Cook	Jordan, N.C.	Smith, Ill.
Cotton	Jordan, Idaho	Sparkman
Cranston	Long	Spong
Curtis	Magnuson	Stennis
Dodd	Mansfield	Stevens
Dole	Mathias	Talmadge
Dominick	McCarthy	Thurmond
Eagleton	McClellan	Tower
Eastland	McGee	Tydings
Ellender	McGovern	Williams, N.J.
Ervin	McIntyre	Williams, Del.
Fannin	Metcalf	Yarborough
Fong	Miller	Young, N. Dak.
Fulbright	Mondale	Young, Ohio
Goldwater	Montoya	

The PRESIDING OFFICER. A quorum is present.

Mr. GURNEY. Mr. President, at the time of the quorum call, I was talking about the Palm Beach school system, in which they were planning to bus pupils from Palm Beach to the Glades area, which would total somewhere between 3 and 4 hours a day.

This would have meant an 80-mile-per-day round trip for certain students. It would mean lengthening the school-day for these children by from 3 to 4 hours, depending on weather conditions. One might suspect the HEW people, in their hearts, really do not like schoolchildren and have in mind to punish

them by this bizarre idea. How could reasonable people, charged with responsibility of educating our young, seek to impose such an outrageous and irrational scheme on children? And what is to be gained by it? Nothing. Are the children better off? I doubt it.

They are certainly not safer. Certainly not better off in an educational sense—and certainly not in any general welfare sense—crammed in a crowded schoolbus for 3 or 4 hours a day. Why, then, do these bureaucrats insist on such crazy schemes? One can only speculate, for there is no reasonable explanation.

At any rate, my office tried to bring the parties together. After many sessions, HEW finally, but reluctantly, relented. The 80-mile-a-day busing scheme was shelved and a more moderate—a less insane—plan was adopted. Incidentally, the Southern Christian Leadership Conference charged and condemned me for political interference. I would have been derelict in my responsibility as a U.S. Senator if I had turned my back on this arrogant abuse of bureaucratic power.

Let me bring up another case, which involves the school district of Apopka, Fla.

Mr. President, Apopka is a community of about 5,000, near Orlando in central Florida. The Apopka School District encompasses a larger area and has approximately 3,500 students. Before the start of the 1968 school year, the Federal district court ordered that the school board produce an acceptable desegregation plan immediately. The board complied: The plan called for the creation of a new integrated junior high school, using an old elementary school. The old elementary school was, of course, inadequate. It had lacked enough classrooms, there were no science facilities, no cafeteria, no athletic facilities, no auditorium. Temporary portable classrooms had to be installed and they are there today in a pasture, near the small former elementary school.

The Phyllis Wheatley School, the former all-black high school, was abandoned as a high school and became an elementary school. About 1,200 pupils were involved in the various shifts. Busing was decreed. Selected—I do not know how they were selected; I expect by lot—black and white children were ordered to be carried from one end of the school district to the other. The plan satisfied no one; black student and white students alike boycotted the schools earlier this year. Both black and white parents were up in arms. Attendance fell precipitately. The issue again was clearly not integration or segregation. The issue was dissatisfaction with the absurdity of the plan: The people, black and white, resented the haste demanded by HEW and the courts; the additional costs; the busing; the inadequate classrooms; the lack of facilities; and especially were black parents and students angry beyond description here, because they had to give up their fine new high school.

As a matter of fact, they came to our office, and what did they say, loudly and clearly? That they were being discriminated against. That is what they said. They referred to the absurd plan proposed by the school board—I should not really say "proposed"; blackjacked by HEW and the court system.

As a matter of fact, one thing I did behind the scenes on that—and this is the first time I have said it publicly—was to actually get an emissary, somebody whom I trusted and who was trusted by both blacks and whites, to go in and cool off the situation so the boycott would not get out of hand and the whole community blow up. He was able to do this, and we got tempers cooled down and things under control. Finally, the school system started up again.

The loss of adequate facilities and their replacement with inadequate facilities heightened racial tensions at a time when harmony and good will were needed. The boycott was finally ended, and a temporary accommodation has been patched up. The situation, I regret to say, is still very tense. Much harm has been done, and no productive gains have come out of the whole sorry episode. And, of course, education, the primary purpose of a public school system, has been lost in the shuffle.

These are some of the real, hard problems some of us are dealing with every single day in the school desegregation field. Many Senators who will vote tonight on this question do not know anything at all about it because they do not have that situation, and they will vote, with great conviction here, for school integration and school desegregation without knowing anything about the practical problems involved in these school districts.

As I pointed out earlier, we have active files on school desegregation matters in 43 out of the 67 counties in Florida, and 20 of them are in real trouble.

This is what the amendment seeks to do something about, in a sensible way, so we can come to grips with some of these problems, and, indeed, carry out some of the recent campaign promises made in connection with the problem of education.

Let me give another example of this provision in practicality. I remember when I first came to the Senate this year, about a month after Congress began, we had a high school senior class visit here from Vero Beach, Fla. Many of my colleagues may be familiar with that fine place on the Florida coast. These were students from a Negro high school that had come to Washington. It was the senior class. I had my picture taken with them on the steps of the Old Senate Office Building. After the picture had been taken and I started to my office, about half a dozen senior boys came up to me and said, "Senator, may we talk to you a minute?" I said, "Sure. What's on your mind?" They said, "Senator, they are proposing to close our high school in Vero Beach, and we don't want that to happen, because here is where all the good in our community is generated, all around the high school at Vero Beach. If you can do something, Senator, to stop closing the doors of the high school, will you please do it?" Who were they? They were Negro, black, male students of that high school who were begging me to do something about it.

Here are some of the practical problems that many Senators in this Chamber know little about, because they have never dealt with them. These are some of the things on people's minds, on students' minds, on the minds of parents. They are problems we see every day and try to do something about, by bringing the school boards and HEW together, so they will sit down and converse, and indeed try to come up with plans that do not necessarily try to stop desegregation, but try to find solutions of the school problems of this country, so that we can get on with the business of education.

And so we can see what started out to be a lofty and highly idealistic exercise in "social engineering" by the Federal Government has ended in chaos, and in waste, and in inefficiency, and in some cases in violence on the local level. The money spent for this kind of thing in my judgment, could be better spent for legitimate educational purposes—for better training of teachers, textbooks, salaries, and better teaching aids.

We can find similar examples in other States besides Florida, particularly of the recent difficulties in the New York City school system. And, of course, we have here in the city of Washington an extraordinary problem. Since the 1954 court action which declared the congressionally enacted separate school systems for the District of Columbia to be unconstitutional, we have had a mass exodus of white residents from the District of Columbia to such an extent that we now have over 90 percent of the entire school population of the District being black. There are very few white students left in the District who can be "integrated" into a school system.

Now, how has the cause of desegregation be served here? Violence is so widespread that it has become, according to the local school board, almost impossible, at times, to conduct classes.

Senator STENNIS has pointed out in the last several weeks that the problem is not exclusively a Southern one. Very many of the school districts in the North, particularly in the States of Ohio, Indiana, New Jersey, Pennsylvania, Illinois, New York, and in California today, 15 years after the Brown against Board of Education, have not achieved the integration demands so stridently of southern school districts.

Very many schools of these northern and nonsouthern schools are entirely or substantially black. Integration, as decreed by the Federal courts and by HEW, has not been achieved in those States. We can see from this that we are dealing with a national problem. In the past it was very easy for the advocates of Brown against Board of Education to point the accusatory finger at the South.

What was needed, they said, was Federal prompting to insure that the Negro residents of the Southern States achieved the full measure of the rights guaranteed by them in the Constitution. It was always the "wicked southerner" who was to blame; the South had to be shown the way.

More and stronger Federal enactments were necessary, these people argued, because the South, acting on its

own initiative, would not desegregate or achieve any measure of integration voluntarily. The years have demonstrated, and Senator STENNIS' research has recently underscored the fact, that the problem is as real in the North as it is in the South. I think the time for accusations is over, Mr. President. Let us get rid of the name-calling and deal with the problem as temperately and as realistically as we can.

The vast majority of southern citizens are not racist monsters as they have been characterized in the press for these many years, any more than northern citizens are racists. The vast majority of southern citizens want for their children the same things as northern parents want for theirs—that is, a proper education, the best that we can provide in our local school systems. There is as great a body of good will in the South as there is in the North on this question. Let us not squander it. We have made substantial gains. Let us now consolidate them and make them lasting.

I think it is interesting to note that much of the criticism of the pace of integration and the extremes visited on local systems by HEW nowadays comes from our black citizens.

The people for whom the battle against segregation was mounted, are becoming disillusioned and alienated by the extremes to which it has been carried. They are just as irritated as anyone else when their children are forcibly bused from point to point for long daily trips. They recognize, as well as white citizens, that proper and legitimate educational goals have frequently been sacrificed in the integration game. So, we are not dealing here with a southern problem but with a national problem which is getting bigger and more explosive with each passing day. The concept of neighborhood schools is dying across the country.

The truism is that education should educate our children. The fundamental purpose and the reason for existence of our public school system is to educate our children.

The public education system is not in existence primarily to provide employment for social engineers, or for Federal bureaucrats, or integration specialists, with impractical ideas that downgrade education.

My great fear is that in increasing numbers middle-class parents, both black and white, are abandoning their faith in the public school system. As soon as they can muster the resources, they seem to be opting out of public education as fast as they can. They are turning, of course, to private school systems, and their loss is a substantial loss to public educational systems throughout the country.

We owe a great debt to the public educational system of our country. It has produced much that is good and valuable and lasting in our society. I would hate to see that system being crippled or seriously impaired by more of the nonsense that has been going on recently in busing, shutting down of useful schools and forced impractical integration for the sake of integration.

The separate but equal school system, the dual system of black and white schools, is dead. I agree with the Supreme Court in the Brown case. That idea was wrong and should have been struck down. But having washed and cleansed the baby, of segregation, let us not throw the baby out with the wash water. Let us not destroy the public education system in this country by forced impractical integration. It may be spectacular to steam into these dangerous waters full speed ahead and then go down with all integration flags flying, but, I really question whether this accomplishes very much.

We have an almost Orwellian state of affairs now: In the interest of making quality education available to our black citizens, we are destroying the quality of education. In the interest of freedom for our black citizens, we are enforcing coercion on all our citizens.

"Freedom," said George Orwell in his book entitled "1984," "is slavery and slavery is freedom." Let us not repeat the Washington, D.C., experience nationwide. Integration will be achieved completely in Washington probably as the last white student abandons the educational system here. And what will be the gain by this?

The committee amendments, in my judgment, would restore some rationality to this picture. Let us call an end to the school closings. We need more education in this country, not less. What is so extraordinary about giving children the right to attend the elementary or secondary schools that they choose? Why must we force children to attend distant schools in the interest of "freedom"? Why do we have to heighten racial tensions trying to improve race relations?

Why do we have to sacrifice education on the altar of integration schemes that no man in his right mind would suggest, except for this hysteria that seems to affect the bureaucratic mind in school problems. Most of all, why do we have to use our children, black or white, as pawns in this never-ending game of integration.

Mr. President, I know other Senators want to speak, and I probably have said more about this than I should have; but, in closing, I would like to say that it seems to me that in the whole problem of desegregation and integration, I do not think there is a Senator who will argue that we should not have integration. Brown against Board of Education was right and sound, and every one of us knows it. We also know there has been some heel dragging where I live in the South, but there has been just as much heel dragging in New England, where I was born and raised, in New York, and in Chicago, and all over school areas where there are Negroes and minority students. There has been just as much heel dragging there. The problem is just as acute there as it is in Florida or any of the other Southern States.

But the problems we have now, in the matter of busing, in the matter of closing schools, in the matter of forced integration tend to obscure the basic aims of education. And that is what Brown against Board of Education was all about: so that black students could get a decent education, just like white students. A lot of people thought it would be better if we had integrated schools in order to achieve that. I do not argue against that. But I do say that busing, closing useful schools, and wild schemes for forcing integration is to forget the basic concept of what Brown against Board of Education was all about, and that was to give black students a decent education.

I would say that the Members of the U.S. Senate, in seeking the views of the people they represent back home, would do well to realize that this is the basic problem. We had better try to do something about getting public education in this country back on the track. We cannot put the public schools out of business in an effort to integrate them by some of these impractical schemes.

Mr. HOLLAND. Mr. President, first I wish to compliment, without any reservation whatever, my distinguished colleague on his very fine speech.

I want Senators who are present to know something of the background of my colleague. He is a native of Maine, an academic graduate of Colby College in Maine, a law graduate of Harvard, one who has been in our State long enough to become acquainted with the conditions there, but one who, from no position whatever, could be called an extremist on this subject, and one who has been kind to people of all races and children of all colors. I wish the entire Senate had been here to listen to what he said, particularly to what he said about the difficulties in Palm Beach County—which is not a typically southern county at all—and in Apopka, which is an old southern community out from Orlando—in their efforts to try to get out from under unfair regulations by HEW, which gave affront to them, and which were taking away the chance for education of their children, whether they be white or colored. I repeat, I wish every Senator could have heard him.

Mr. President, I do not happen to be in the same situation as my distinguished colleague so far as my birth and education are concerned, because I am a native of Florida. I have seen it come along a good long way. I have worked for Florida in a great many ways, and for our Nation in some ways, and I think I am not an extremist in any sense of the word in this field.

Senators know that I fought for some 13 or more years for the anti-poll-tax amendment, before Congress would submit it to the States, and now it is a part of our Federal Constitution. That is not the work of an extremist.

Senators do not know that I insisted, as chairman of our local school board of trustees many years ago, on the building of the first big brick high school for colored pupils in my home town, which at that time was about 40-percent colored and is now about 30-percent colored. We built that fine 14-room building, and it is now the center of a complex, which has been the center of community life for the Negroes of my community, and they are distressed beyond measure right now, as were the colored pupils from Vero Beach mentioned by my colleague, at having their school, in effect, taken away from them, their center of community activity taken away from them, with their chance to continue their leadership, as they have been leaders for

years, in the fields of music, athletics, and preparation for college work of young Negroes who have attained distinction as teachers, as doctors, and as various other types of professional and businessmen.

Mr. President, they are sick at heart because now they have had their school taken away from them. Their school has become a school attended by children of both colors. One of my grandchildren is going there, though that school is over in the center of the Negro part of our town. They feel they have been deprived of the finest thing that they had in connection with their community life, just as the Negro boys from Vero Beach expressed themselves to my distinguished colleague when they visited Washington some while ago.

I wonder if Senators think that this business of freedom of choice, or ability to select the place where one sends his children to school, is not as dear to colored parents as it is to white. I wonder whether they realize that many colored people want their children to have a chance to grow up in what they think will be the finest possible circumstances. They have frequently come to me to say, "We want to continue our schools as they have been." Not just in my community, but in other communities in our State. I could give two or three examples, as has my colleague, of matters in which I have intervened, sometimes finding a humane attitude on the part of HEW employees, and sometimes finding the exact opposite, because they have not been understanding, in so many instances, and they have in so many instances imposed intolerable conditions.

Mr. President, I thought our subcommittee had worked this out rather fairly. We adopted an amendment to the so-called Whitten amendments offered by the distinguished Senator from New Hampshire (Mr. COTTON). We adopted it by a vote of 10 to 1, last Thursday or Friday. Somebody from that subcommittee went and advised the Secretary of HEW; so on Saturday, we all received wires—I say all; here is my wire, nine pages long, signed by Robert H. Finch, Secretary of Health, Education, and Welfare—complaining very greatly about what he called improper action on the part of our subcommittee in connection with these two so-called Whitten amendments, and with one other amendment.

Mr. President, this is a nine-page telegram. I shall not attempt to read it. I do ask unanimous consent that it be printed in the RECORD at this point as a part of my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.

HON. SPESSARD L. HOLLAND,
Sheraton Park Hotel, Washington, D.C.:

I would like to express my deep concern that the Labor-HEW Appropriations Subcommittee has approved provisions which would seriously undermine this department's responsibilities to public education. I refer specifically to the subcommittee's approval of the anti-civil-rights provisions which retain the essence of the House-passed Whitten amendments, and to the punitive amendments dealing with student unrest. This administration is unalterably opposed to both of these provisions.

The amendments dealing with school desegregation, as passed by the House of Representatives and as reported by the Senate subcommittee, would cripple the efforts of this department to enforce the mandate of the Supreme Court and to protect the constitutional rights of all Americans to an equal opportunity in education. The only districts which HEW deals with under title VI of the Civil Rights Act are those operating illegally segregated school systems. HEW's role is to assist these districts in working out practical, effective, and educationally sound desegregation plans which meet the requirements of the law. Sections 408 and 409 would seriously restrict the flexibility of HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions, and districts which have complied with the law would be tempted to go back on their commitments. This could seriously jeopardize the substantial progress made in school desegregation.

Accordingly, the administration urges the Senate Appropriations Committee to delete the amendments. In the event the committee chooses not to do so, the administration stresses the urgency of revising them so that their effect is consistent with the requirements of existing law. In this context, the committee at the very least should consider including appropriate language in the subcommittee provisions, such as the following:

Sec. 408. No part of the funds contained in this act may be used to force any school district to take any actions not constitutionally required involving the bussing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

Sec. 409. No part of the funds contained in this act shall be used to force any school district to take any actions not constiutionally required involving the bussing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

I also urge the committee to delete section 407 from the pending legislation.

The administration believes that the subject matter of this provision is already adequately covered by section 504 of the higher education amendments of 1968, which specifically spells out actions to be taken by colleges and universities in determining whether federal aid should be denied individuals who create campus disturbances. All operating agreements for the current fiscal year between participating colleges and the U.S. Office of Education require the institutions to "take such steps as are necessary and appropriate to assure that the financial assistance provided under this agreement is not made available to students where prohibited by section 504. . . ."

There are sufficient measures available to the Department to assure compliance with the law. The cutoff of funds to institutions which section 407 proposes is therefore unnecessary. Beyond that, the administration considers it undesirable and counterproductive. By requiring action against an entire institution, it would place a weapon in the hands of the small minority bent on disruption and penalize the innocent along with the guilty. By requiring me to pass judgment on an institution's "plan or program" for dealing with unrest, it not only would add an ill-defined administrative burden to my office but would impose on the campuses a federal presence fraught with dangerous implications for a society which cherishes academic freedom.

As the Attorney General and I said in a letter written to the late Senator Dirksen on July 17 at the request of the President, "The Federal Government must not be placed in the role of enforcer or overseer of rules and regulations for the conduct of students, faculty and other university employees." I fully realize that this session of the Congress is drawing to a close, and that many essential legislative matters remain to be resolved prior to final adjournment. I hope you will share my conviction that these amendments, as approved by the Senate subcommittee, raise issues of overriding importance, and that at this stage in our history the Federal Government cannot turn its back on the basic rights and freedoms inherent in the public educational system of this Nation.

One of the central purposes of our revision of the 1970 budget was to select opportunities for reform, where innovative projects funded in 1970 would help us increase program effectiveness in major social policy areas. I am therefore pleased that the Senate committee saw fit to restore our request for experimental schools, District of Columbia model school, and migrant health. However, other actions taken by the Senate committee raise serious economic policy questions. I indicated at the Senate Appropriations Committee hearing October 14 that the House additions to President Nixon's proposed 1970 budget for our department run counter to the need for economic restraint at this time and, in fact, would erode the purchasing power of the very persons intended to be aided. While we place high priority on the needs of the Nation's schools, hospitals, children, and needy aged, the administration—and the Congress through the outlay ceiling it enacted July 22, 1969—have indicated the necessity of expenditure restraint to curb inflationary pressures. The President said on August 12, 1969, that he regarded the House additions to the HEW appropriations as "inconsistent with the intent of the Congress a week earlier when it imposed a ceiling on spending for the current fiscal year." He said further:

"We must demonstrate the discipline to hold down inflation, which continues to work a special cruelty upon the very poor, those on pensions and fixed incomes, and home buyers who pay increasing prices and high interest rates.

"In the interest, therefore, of those who most need our help, we must act responsibly to hold down national government spending in the present economic environment.

"Present circumstances plainly require a point of predictable firmness and responsibility in dealing with these budgetary problems."

I know that the Congress, as well as the President, has the interest of all the American people at heart. It is therefore essential that in dealing with specific problems—or specific appropriations—we not lose sight of overriding economic trends which could make our actions self-defeating. I urge that you keep this in mind and not send the President a bill which might force him to make choices which were not made by the Congress.

With all good wishes, I am

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

Mr. HOLLAND. When I got to my office Monday, I found a letter, with copies attached in exactly these same words, awaiting me, from the distinguished Secretary of Health, Education, and Welfare.

Mr. President, I have heard that this

administration does not twist arms. I wonder what was the purpose of the Secretary of Health, Education, and Welfare in wiring all of us in this long, exhaustive way, and in writing these long, exhaustive letters, and in finding fault with what our committee had done following the lead of a distinguished Senator from New England, who has been here a long time fighting for decent treatment of all people on the part of Congress. I wonder if that was arm twisting.

I wonder particularly if that Secretary was correct in saying he was speaking for the administration, when I know perfectly well what President Nixon said during his campaign repeatedly, as to his tolerant views in this particular field. That has already been mentioned. It is already in the RECORD. My colleague from Mississippi (Mr. STENNIS) has placed it there.

We all know that the President took then an exactly opposite position, and I do not believe that the Secretary of Health, Education, and Welfare was speaking for the administration, as he said he was. I shall never believe that, unless President Nixon himself tells me that he meant nothing by what he said last year when he was running, and that, to the contrary, he is now supporting the antithesis of what he said then to all the people of the United States, not just to the people of Florida, but to the people of New Mexico, the people of Pennsylvania—from which State the proponent of this amendment we are now talking about comes—and to all the people of this great Nation.

Mr. President, reference has been made to the fact that the State of New York, through its legislature, recently passed a statute in this matter. I had followed what happened in New York City. I knew that the Negro parents had complained very bitterly about the busing of their children to a distant district in New York City to accomplish better racial balance.

I read the New York Times day after day and followed the matter very carefully and put some of the articles in the RECORD at the time when it was going on.

That effort was abandoned. However, evidently fearing that it might become more general in New York, the New York Legislature passed, and Governor Rockefeller approved on May 2, 1969, this statute effective September 1, 1969, which is now the law of the State of New York.

Mr. President, I ask unanimous consent that the statute to which I have referred be printed in the RECORD.

There being no objection, the statute was ordered to be printed in the RECORD as follows:

CIVIL RIGHTS—DISCRIMINATION IN EDUCATION PROHIBITED

CHAPTER 342

An Act to amend the education law, in relation to prohibiting discrimination on account of race, creed, color or national origin in connection with the education of the children of the state

Approved May 2, 1969, effective Sept. 1, 1969.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-two hundred one of the education law is hereby amended to read as follows:

§ 3201. No exclusion *Discrimination* on account of race, creed, color or national origin *prohibited*

1. No person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin.

2. *Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, or persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and further provided that nothing in this section shall be deemed to affect, in any way the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established.*

§ 2. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

Mr. HOLLAND. Mr. President, I am not going to attempt to read it all. The first section declares the law as it was declared in the Brown case in 1954. But then the second section goes on—and I will read about eight lines of it—to say:

Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or racial origin or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

Mr. President, the rest of the statute applies to religious schools. I have read all of the part that applied to public schools. I just wonder why freedom of choice, I wonder why the freedom of the parents to send their children to schools of their choice is recognized by the State of New York. I wonder why a statute passed by the Legislature of New York and signed by that great Governor, Governor Rockefeller, had no challenge made upon the right of selection of schools or freedom of choice there by the Department of Health, Education, and Welfare.

I am just asking the Senators to think about it a moment. Why is it that no challenge has been made in New York by this great Department of Health, Education, and Welfare which sends in the nighttime this nine-page wire to members of the Appropriations Committee? And some of them did not receive it until 4 o'clock the next morning. They were awakened because the directions were that it had to be personally delivered and had to be delivered that day if possible.

I wonder why it is that that Secretary has not challenged the State of New York in its using its sovereignty to say—and I am going to read this again—"provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian."

Mr. President, it could not be clearer that the great State of New York has recognized the right of selection by parents and guardians of the place at which their child shall attend school. And there has been no challenge made of that. But, Mr. President, they go down into the small community of Jackson County, Fla., named incidentally for Andrew Jackson——

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. ERVIN. Mr. President, are there any such weasel words in the statute of the State of New York such as those which are proposed to be inserted in the pending bill which say, "except as required by the Constitution."

Mr. HOLLAND. There are no such words. And may I say to my distinguished friend, the Senator from North Carolina, that it was the putting in of such vague words that got us in trouble last year.

Mr. ERVIN. Mr. President, I ask the Senator if that does not indicate that the members of the New York State Legislature, like the Senator from Florida and the Senator from North Carolina, know that it is perfectly constitutional to pass a law like the law passed in the State of New York and like the provisions contained in the pending bill.

Mr. HOLLAND. I think the legislature of the State of New York knew what they wanted to do. And they said it clearly and constitutionally.

I wonder why our National Government, that is so interested in the subject, has not imposed any challenge. There has not been the slightest effort in that great State where there are hundreds of schools, as has been stated by the distinguished junior Senator from Mississippi, where the Negro students comprise anywhere from 90 percent to 100 percent of the school population. And in many of them they constitute 100 percent of the school population.

Why is it that this question has not been raised there? Perhaps some Senator can answer that question. The Senator from Florida simply cannot do so.

Mr. President, some people ask, "Why is it necessary to do anything about these questions?" The reason that it is necessary to do something, as is attempted to be done by the provisions in the bill, is that HEW has been demanding the busing of pupils, has been demanding the abolishment of schools, has been denying freedom of choice, has been demanding just exactly these

things that are covered by the contested provisions. And the effort is to prevent the spending of the money appropriated by the bill for use by anybody to accomplish those purposes.

Mr. President, I do not know whether the Senators noticed this article in the Washington Post on Sunday. But it was apparently written down in the Department of Health, Education, and Welfare. And it states the facts so well—and perhaps that is unusual for the Washington Post—and so clearly that I read a part of the statement:

> The Whitten amendment would prohibit the Government from requiring any district to bus students, close down schools, or assign pupils against parental wishes. All three procedures now are used to help dismantle dual school systems in the South.

That just happens to be true. They are being used by HEW and the reason that we do not want them to be used is that by their being used, we are depriving children of the chance to get a decent education. We are destroying in some places the public schools. We are doing exactly the wrong thing, instead of the right thing, as many of my friends would want to do who oppose us on this matter.

The fact is that HEW is doing these three things. And that is why we have this wording against the forced busing of students and against the closing down of the schools or the assignment of pupils against parental wishes to accomplish integration.

That is why these amendments are placed in the pending bill.

Mr. President, one more short comment and I will be through.

We deprive children of their proper chance to get an education, but why should I have to say that to Senators who see what is going on in Washington? We ride the taxis every day with men, whether white or black, who tell us about what a sorry situation exists here in the school system of Washington, D.C.

The schools which, when I came to Washington, were about 50–50, or maybe not quite half colored, are now some 93 percent colored. Why? It is because the white people with children have moved into Maryland or Virginia or to more distant places. They have children, and many who are able to send them to private schools are doing that.

The proof is right here as to the dissatisfaction that this forced integration of schools has brought about. It is right here where we can see it every day.

Mr. President, I recently went down to visit a cousin of mine in Arvonia, Va. It is a pleasant town close to Prince Edward County, where they have established a large and entirely private white school. The children from Arvonia where I visited with my cousin are going to that private school 30 miles away, and the children who cannot go have to attend the little public school there, along with the colored children, and neither group is satisfied. The standards are going down, and the school and the community are being deprived of children, who are the finest children in the community.

That is not the only instance I can give. It is happening in many other places. It is happening in my State in several places.

I believe in the public school system. I have taught in the public school system. I have been the chairman of my local trustees in the public school system. I have been chairman of the State board of education in the public school system. I believe in public education. I just say to my friends in the Senate, well intentioned as they may be, that they are taking a part in the destruction of the public school system, as well as in the destruction of opportunity of thousands of children to get the type of education to which they are entitled and which their parents want them to have.

If you want to destroy in many places the public school system, if you want to have a bunch of demagogues coming to public office from various States—they will not be just Southern States; they will be from some of the great cities of the Nation outside of the South—a bunch of folks who will pander to this feeling of discontent, this feeling of great confusion that has arisen in the cities because of the imposition of this racial problem, just go ahead and vote to destroy these amendments, and you will destroy them if you put in the words referring to constitutional interpretation. We put words in last year that were intended to confine the problem to the establishment of racial balance in the schools. Do you know what the solicitor down there interpreted that to mean? He interpreted it to mean that so long as you did not assign the restoration of racial balance in the schools as your reason for acting but instead assigned some other reason, whether real or imagined, HEW could take that course.

Mr. President, with the solicitors down there interpreting what does constitute constitutional values in this field, we know in advance what will happen if this kind of vague and general wording is put into these amendments.

I hope that sections 408 and 409 will remain in the bill as they were worded, changed from the House versions, worded by the great Senator from New Hampshire (Mr. COTTON). I hope they will stay there in that form and that we will begin to get away from this crazy destruction of the public school system, which is going on right now, along with the destruction of the opportunity of countless thousands of children to get a good education.

I yield the floor.

Mr. ERVIN and Mr. EASTLAND addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. I assure the Senator from Mississippi I will not talk very long.

I should like to give the Senate a picture of what is happening in the South in our schools, while no such events are occurring north of the Mason-Dixon line.

I think the best description of what is being done by the Federal courts to the schools of the South was given by a great judge from the State of Georgia, U.S. District Judge J. Robert Elliott, of the Middle District of Georgia. He gave this description in connection with an order that remanded a case to his court from the Circuit Court of Appeals of the Fifth Circuit. This circuit has laid down such foolish rulings as the one which demanded that the safety of schoolchildren must yield to the demands of segregation. It has declared that every black student must be given an integrated education, regardless of the expense it entails to the community and the inconvenience it imposes on the students. It has gone so far as to declare in one case that even though an action of a school board is wholly nondiscriminatory in nature, it is unconstitutional unless it results in substantial integration.

In describing what the Federal courts do, Judge Elliott said the following about the decisions of the court of appeals and of the Supreme Court dealing with school desegregation:

> A review of these decisions shows that it is intended that integration be brought about in some way by school administrators as the first order of business. Problems of money, problems of transportation, problems of finding competent teachers willing to staff completely integrated schools, problems of political and emotional ramifications and the myriad frustrating difficulties peculiar to public education, and even the substantial objections of those thought to be benefited, are either ignored or brushed aside. We are told not to be "color blind", but to be "color conscious". The three R's long thought to be the reason for the existence of the public school system have been eclipsed by the one big R—Race. Integration is primary. Education is secondary. And through it all is the clear implication that Federal Courts are competent to design, supervise and administer plans for the integration of all school systems within our jurisdiction regardless of the diverse and complex problems presented. As for myself, I disavow any such occult power and am convinced that a fairly administered freedom of choice plan is the best answer and that the "immediate total integration at any cost" approach must inevitably result in serious damage to the public school system. However, we are bound by the decisions of the Supreme Court and the Court of Appeals for the Fifth Circuit, so we will make one more drag of the judicial claw across this sensitive area.

That is what the Federal courts are doing.

Next I would like the Senate to consider what the Department of Health, Education, and Welfare is doing in this area despite the fact that there already are three statutes on the books which prohibit the Department from busing schoolchildren from one school to another in order to change the racial composition of the student bodies.

I hold in my hand a letter from a lady in North Carolina. I could read to the Senate hundreds of such letters, because not only hundreds of people, but thousands of people, are experiencing the same kind of Federal tyranny in every State of the South.

The woman to whom I have referred wrote me a letter dated September 16, as follows:

> There is much sadness in Warren County today. School began. It is the most unfair law that requires children to be hauled from school to school, not for the purpose of an education, but to have integration of the races. We built a new home four years ago,

that took our entire savings, and what we could borrow, in order that our children would be close to school. They walked two blocks to reach school. This morning they were put on a bus and hauled 5½ miles in the country.

When I arrived to register my little fifth grade girl in school, I found in her class of 115, 7 white children. The remaining 108 were unfamiliar faces of colored children.

The entire school has the ratio of 63 whites to 507 colored. This is the only school our children are allowed to attend in the county.

What good does it do, for education or anything else, to haul a little girl 5½ miles from her home when there is a school situated within two blocks of her home that she could attend, merely to mix her and six other little white children in her class with 115 black children?

The letter continues:

If freedom of choice had been allowed, this would not have happened in the same manner. The parents of both races could have sent their children to the school most convenient and best suited to their needs.

I must say a word in behalf of the colored people in our county. They, too, are being hauled all over the county with strange teachers and friends.

Then the writer proceeds further and says:

I realize this letter is too long, but I could go on and on. If you can't help us return to freedom of choice in Warren County, please do all you can to persuade our government to allow people to make their own choices in other counties and States. Don't permit what has happened to our county to happen in any other county or State in the United States.

Now, as I have stated, this kind of situation has been repeated under the tyranny of HEW thousands and thousands of times in every State in the South.

I hold in my hand another letter from a father in Raleigh, N.C. He says that he is the father of two sons of high school age. He states:

We live within four blocks of Brughton High School and my sons could easily walk this distance to school and come home to lunch but being assigned to Enloe as you can see where they are assigned means that they must walk four to four and a half miles to school.

I think it is a shame the children are subjected to such treatment and being forced to be herded around like cattle and shifted like pawns in a chess game.

Mr. President, I am not going to vote for this weasel-worded amendment. I am willing to stand up and say flatly that the Constitution of my country does not require, indeed, does not permit children to be herded around like cattle and shifted about like pawns on a chess board merely to mix the races in the schools.

Mr. President, these complaints do not come only from the white race but they come from members of the colored race, as well. A short time ago we had a school desegregation decree in the U.S. district court for the Charlotte school district. It produced an uproar among the people and resulted in a news dispatch being printed in the Washington Post of August 7, 1969, entitled "North Carolina Blacks Oppose Busing Plan."

Mr. President, I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA BLACKS OPPOSE BUSING PLAN

CHARLOTTE, N.C.—Many Negro parents here are up in arms over a proposal to bus their children to schools in predominantly white suburbs. Negro leaders vow to resist the one-way desegregation plan.

The Board of Education, complying with orders of U.S. District Judge James McMillan, has filed the plan in federal court. A court official said no hearing had been scheduled, but it was "very possible" one would be held soon. The plan call for closing seven all-Negro schools in the inner city and busing about 4,200 black pupils to outlying schools.

Most white parents have voiced no opposition. But a few months ago, when there were reports the plan would bus white pupils to all Negro schools, white parents bombarded the school board with protest petitions.

Charlotte Negroes have responded to the black busing proposal with a protest march, a candle-light vigil near the center of the city and calls for a boycott of white merchants. The Rev. George J. Leake, a Negro who ran third among six candidates for mayor in the city's nonpartisan primary this year, says if one-way busing is approved the Negroes of Charlotte "will resort to massive resistance and civil disobedience."

Negro parents and leaders have fought for more school desegregation. Courts have ordered it and most whites are resigned to it. But busing has fired the anger of black and white.

The white parents argued in their petitions that they had purchased homes within certain areas so their children could walk to and from school.

A white parent who fought busing of white students said, "We have no desire to fight desegregation. We welcome the Negro students. But, my God, why must our children leave the neighborhoods, the kids with whom they have played for years, with the feeling of belonging to an area.

"We don't oppose desegregation, we support it, but not at the sake of taking our children, yes, my children to a school across town, whether it is all white or all Negro."

Some Negro parents said in a public statement that it seemed strange that "black children could adjust to the transition of the school, neighborhood and teachers by submitting to busing while white children were too precious to move."

And, said the Rev. Mr. Leake, "why should the black students forget school tradition, mascots, honor programs, athletic prominence, school pride and self-pride with no assurance that they will receive anything in return."

Mr. ERVIN. Mr. President, the Department of Health, Education, and Welfare went down to Martin County, N.C., where the races were living there in peace and harmony, and it required them to start busing the children and herding them about like cattle and shifting them like pawns in a chess game, merely to produce a mixing of the races in the schools. It produced a boycott which was described in a column by Evans and Novak on March 28, 1969, entitled "Whites, Blacks Attack Finch's Plan to Desegregate North Carolina County's Schools."

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Evans and Novak to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITES, BLACKS ATTACK FINCH'S PLAN TO DESEGREGATE NORTH CAROLINA COUNTY'S SCHOOLS

(By Rowland Evans and Robert Novak)

WILLIAMSTON, N.C.—Despite the success of HEW Secretary Robert Finch in persuading the Martin County School Board to adopt an "acceptable" desegregation plan, thus freeing blocked Federal funds, the plan is already under withering fire from militant blacks and whites in this backcountry county seat.

School Board Chairman Leroy Harrison is now organizing an all-out publicity campaign to sell the desegregation plan to parent-teacher groups, civic organizations and white and black leaders. But for Harrison, who believes the economic future of the prosperous County depends on peaceful acceptance of the plan, the going is all uphill.

Moreover, it will be little short of a miracle if a 33.5 million bond issue for two new integrated high schools, up for a vote late this spring, actually passes. Resentment over high real estate tax rates killed the last two school bond issues. The new one now carries the extra burden of racial emotions arising out of the desegregation plan sponsored and approved by Finch's Health, Education and Welfare Department in February. That approval lifted Finch's conditional ban on $700,000 worth of Federal school aid—a cool 13 per cent of the County's total budget—ordered in his first decision last January in the South's hottest political issue.

The plan seems simple enough. In the 1969–1970 school year, the Board has agreed to assign 25 per cent of the 4000 Negro pupils to classes with the 3200 white pupils and exchange 50 black and white teachers.

Complete desegregation will start in the fall of 1970, with all high school students going into the two new schools to be financed by the bond issue.

But the plan is selling very hard. "Trouble is," one pillar of the community told us, "some of the whites still don't believe this will ever really come about."

White militants have already held secret meetings to explore the private school route as an exit from hated race-mixing. With no possibility of help from the State capital at Raleigh, the private school route poses almost insuperable financial burdens. Nevertheless, pledges of more than $100,000 have already been made and at least 200 families are said to have expressed solid interest.

If it goes that way, the bond issue cannot win, for the obvious reason that all the private-school families will fight it (the last school-bond issue failed by less than 600 votes).

Worse yet, however, is the cultural and economic split inside the white community that would follow establishment of a private school for well-heeled white families. As a local businessman told us: "That private school idea is just like an eatin' cancer. The rural white families couldn't stand it and it would just build up a whole other class."

But the possibility of a boycott by some of the whites in this tobacco-and-peanut county is no more dangerous to the desegregation plan than the threat of a similar boycott by blacks. The Negroes are furious that the plan involves only one-way traffic—the assignment of Negro pupils to white classrooms, but no white pupils to black classrooms.

Last fall, the School Board abandoned freedom of choice, which simply hadn't worked, because, for so many reasons, Negro

mothers refused to send their kids to distant white schools. So to increase the snail's pace of desegregation, the board assigned 700 Negro pupils to white schools. Result: An immediate black boycott.

With Negro pupil-assignment way up next fall, another black boycott is highly probable. One of the School Board's Negro advisers, Rosalie Hassell, refused to predict what would happen, but she attacked the HEW approved plan as "a bad plan that doesn't represent the Negro point of view," and told us she hadn't even seen it until after HEW's approval.

Against this array of forces, Harrison and the embattled School Board have now started their selling campaign. On their success depends not only the Martin County public school system but the outcome of Finch's first crisis in Southern school desegregation.

Mr. ERVIN. Mr. President, as I stated previously, HEW officials went to Hyde County in North Carolina and under the threat of denying Hyde County Federal funds they coerced the school board of Hyde County into closing two schools which the black children had been attending and required them to journey long distances to a school which was predominantly white. These HEW demands produced a boycott of the schools by the blacks in Hyde County.

I hold in my hand an article from the Charlotte Observer of September 1, 1969, entitled "New School Boycott Looms in Hyde."

I shall read one paragraph from the article:

Last year, Hyde County drew national attention as fewer than 100 of its 800 black pupils attended school. At issue was the proposed closing of two formerly all-black schools. All the county's pupils were to be assigned to a formerly all-white school for 1969–1970.

Mr. President, I ask unanimous consent that this article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW SCHOOL BOYCOTT LOOMS IN HYDE

(By Paul Jablow)

SWAN QUARTER.—Except for three notices from Raleigh tacked among the other messages, the bulletin board at Hyde County Courthouse is pretty much like those in other rural courthouses across North Carolina.

Each of the notices sets a special week of criminal superior court for the county, starting next week.

Normally, three weeks of criminal court would take care of the county's needs for a full year. But some 70 youthful demonstrators arrested in last year's school boycott must be tried as this remote, sparsely populated county continues to be a battle ground for school officials, civil rights organizers and the local residents themselves.

Last year, Hyde County drew national attention as fewer than 100 of its 800 black pupils attended school. At issue was the proposed closing of two formerly all-black schools. All the county's pupils were to be assigned to a formerly all-white school for 1969–1970.

With the Southern Christian Leadership Conference (SCLC) active in Hyde, the boycott was both the first of its kind in North Carolina and a switch in SCLC's tactics from pure integration.

Now, with the schools opening Tuesday, another boycott looms. Black leaders say it will be as large as last year's.

The new school superintendent, Richard Neil Singletary, says that it will be slight: "We should have 90 per cent of the pupils in school."

Most indications are that attendance by black pupils will be up considerably.

Despite a cast of characters virtually unchanged except for Singletary, the Hyde County school situation is different from last year.

There is a new integration plan, increased communication between the races and probably more flexibility by the white leadership. Whether these changes cut deeply into the problem may not be decided until midfall.

The county is entering the second year of a three-year desegregation timetable approved by the Department of Health, Education and Welfare (HEW).

Last year, black pupils in grades 1–3 were assigned to Mattamuskeet School in Swan Quarter, as the first part of a plan that was to have permanently closed down two black schools, O. A. Peay in Swan Quarter and Davis in Engelhard.

This "one way" integration caused the boycott, but county officials stuck with it. HEW has also vetoed plans to keep Davis and Peay open on a segregated basis if necessary.

Now, there may be a change, on Nov. 4, the county will vote on a $500,000 bond issue to add 28 classrooms and additional land and facilities to Mattamuskeet. If it is approved, this would be the county's one school.

Black voters are expected to vote solidly against it.

If the bond issue is rejected, county officials say, all three schools would be kept open with total integration coming in 1970–71. This is what boycott leaders were demanding last year.

But what was demanded in the past is often unimportant in the rapidly changing Hyde County situation.

Outwardly, the county seems a strange location for this sort of struggle. It is one of the five poorest in the state, drawing its living from corn and soybean farming, tourist hunting for waterfowl and deer and a few shrimp and crab packing plants.

The narrow, flat roads are flanked by swampy ditches, with trees sometimes forming dense tunnels over the road, sometimes parting to reveal vast, marshy flatlands alive with the humming of insects.

The resistance to school integration has been no heavier than usual for rural counties with large black populations. The issue of "busing," dynamite in an urban situation, is meaningless here since everyone, black and white, is used to it.

The county was, frankly, chosen as a test case by N.C. representatives of SCLC.

"The people here had an issue but no philosophy," says SCLC's Golden Frinks. "SCLC said, 'let us come and build a philosophy.'"

To officials in Hyde County—and in state government—the issue is simply getting the children back in school.

"I'm just basing my operation on what's right and fair for the children," says Singletary. "Some of these people want to sacrifice their children. If the adults want to demonstrate, that's all right. But this is a crime. These children may never recover from the loss of a year in school."

Singletary promises that the state pupil attendance law—all but ignored last year—will be enforced this year from the first day of school. A black attendance officer has been hired and Singletary says that any parent or guardian not sending a child to school will be served with a warrant.

The maximum penalty is a $50 fine or 30 days in jail and he plans to have the first warrants served in locations scattered across the county to make an impression.

Although taking a hard line in this area, Singletary has set up a biracial "better schools committee," placed two blacks on the advisory council for Mattamuskeet and sponsored an integration workshop for all teachers.

The board of education has also decided to start integration with grades 4–6, since black parents felt the burden should not be on the youngest children.

Boycott leaders feel, however, that this is barely a dent in the tradition of white dominance in Hyde County's institutions and the economy.

"I've learned more about white people here in one year than I did in my other 57," says Mrs. Etta Greene, a boycott leader.

At a recent meeting at O. A. Peay School, county blacks questioned Singletary, two HEW representatives and Harold Webb of the N.C. Department of Public Instruction.

The HEW representatives explained that they were unable to let Hyde County keep its black schools open on a segregated basis as a last resort. Webb told them that the state department could do nothing about an integration plan. These men were still able to speak without interruption.

Singletary, on the other hand, was constantly peppered with hoots and screams. "We'll get him out of here yet," said one black after a long series of catcalls.

Frinks then went to the microphone and told Singletary that, "this is what has happened to black people for years. We can't be heard."

Another boycott leader confirmed privately that attempts are being made to discredit Singletary "because he's always fronting for the school board and the white officials."

Part of the problem, white leaders say privately, was an original underestimation of how strongly the blacks felt about one-way integration that closed "their" schools.

When full desegregation became inevitable, it was felt that most whites wanted to close the black schools and just use Mattamuskeet although all three plants are in good shape.

With whites making up some 58 percent of the population and 75 percent of the registered voters, this feeling was quickly translated into the one school plan.

Now, with black resentment clear, the bond issue is seen as an out that will not involve caving into the demonstrations that were held almost daily last year on the streets of Swan Quarter.

Assuming that the blacks will vote against the bond issue, the message to Hyde County whites is clear:

"Do you want to close the black schools badly enough to add 31 cents to the tax rate (now $1.40) and have your children transported further even if this won't mean any less integration. And do you want this badly enough to vote 2-1 for it to offset the expected black-vote against it?"

The answer, most blacks and whites feel, will be, "no."

In fact, one white leader says that "if Frinks would just shut up, the bond issue wouldn't have a snowball's chance in hell. It could get beat three to one, and the blacks would get what they're demanding. But then, there'd be nothing to agitate for."

If white leaders see the bond issue as a possible out, the militant blacks do not. First, there is a lingering suspicion that if the issue failed, the school board would somehow find a way to close the black schools.

But more important is a desire to see the white leadership voluntarily approve a three-school plan.

"They've got the power to open all three schools," says Mrs. Greefe. "So they should do it." She and other boycott leaders plan to ask the county commissioners Tuesday to drop the bond issue from the November ballot.

"Moral issues shouldn't be decided by bond issues," Frinks says.

There are also indications that Frinks and other SCLC leaders are seeking to broaden the conflict beyond the "three school" issue and aren't particularly interested in seeing that issue settled if it means a loss of momentum for "the movement."

"We are going to take over this county" Frinks claims. "Up until now it's been run by a little political clique. No matter what school plan they adopt, there will still be a movement."

Frinks says that decision was reached last year when two Hyde County girls were killed in an auto accident in Wilson during SCLC's march to Raleigh.

At that point, he said, the movement's goals had to be expanded to maintain Hyde County's interest.

This broadening effort could be clearly seen at the frequently stormy two-and-one-half hour meeting at Peay.

Hyde County blacks most frequently asked questions about the school situation itself, while SCLC officials such as Milton Fitch of Wilson and James Barrow of Washington, N.C., asked broader questions.

Barrow claimed that the board of education had "perpetrated a fraud on the black people of Hyde County" by misrepresenting what would be in the bond issue to gain approval of it from the Local Government Commission in Raleigh. (Singletary said that the board had followed the usual custom of requesting broader authority than it actually would need).

Whether the boycott movement will have as enduring an influence on the county's blacks as last year is still unknown.

Some blacks, including several who kept their children out of school last year, say they will send them back this time.

A petition, signed by some 75 local blacks, has been sent to Gov. Bob Scott asking the state to act against Frinks.

"His corructive (SIC) influence is detrimental to our people and has had a devastating effect on all other people where he has been," the petition states. "We feel that steps should be taken to eliminate his offensive influence from North Carolina."

The county still has not had any black leadership rise to oppose the boycott. Whites claim that pressure is being used against possible antiboycott leaders while blacks say that white leaders are applying economic pressure to develop "Uncle Toms."

Singletary concedes that one kind of pressure has been used, on black school employes who encourage the boycott. He says that this will continue in addition to the new efforts to enforce the attendance law and thus shift the burden of the movement from children to adults.

Local boycott leaders say that if this happens they are willing to "fill up the jails."

Which, for the past year, has been easier in Hyde County than filling up the schools.

Mr. ERVIN. Mr. President, I am opposed to the weasel words which are sought to be inserted in the bill as an amendment. If we need the words in this statute, then we need those words in every statute. If they must be in this statute, then the words "if it is constitutional for us to do so and in accordance with the law" should be in every statute. Of course, the words are wholly unnecessary. These are words which would be implied because if the provision prohibiting busing, prohibiting closing schools, prohibiting denying children the right to attend schools selected by their parents are unconstitutional, those provisions would be unconstitutional without such language as this amendment proposes.

Mr. President, I oppose these weasel words. It is time for Senators to stand and say they do not think the Constitution requires or permits children to be herded around like cattle or shifted around like pawns in a chess game.

The case of Green against New Kent County is the only decision of the Supreme Court that has any intimation about freedom of choice plans and I can only say this about the Green case: Its facts are simple. The language of the opinion is ambiguous and murky. The case lays down no fixed rule or workable rule. Still, the case invalidated freedom of choice of New Kent County; it did not permit the choosing of schools on a nonracial basis. There is not a scintilla of justification for the holding. New Kent County adopted a freedom of choice system in which it allowed all of its children of both races to go to whichever of two schools they elected to attend. Could there be a fairer method of determining school attendance?

Well, none of the white children elected to go to the colored school, and only about 15 percent of the colored children elected to go to the white school. The record disclosed that all students both black and white, acted according to their own desires, free from all coercion.

In discussing this case, the editorial writer in the Washington Sunday Star of June 23, 1968, in an editorial entitled "Judges Should Stick to Their Judging," said this:

New Kent is a small rural county with only two schools for its 740 Negro and 550 white pupils—New Kent School on the east side of the county for whites and George W. Watkins School on the west for Negroes. There is no residential segregation in the county.

New Kent, as it had to do, went along for several years after Brown with the Virginia Legislature's various efforts to avoid school desegregation. But three years ago the county adopted a freedom of choice plan. There has been no claim that the plan did not offer a truly free choice or that it was applied in any discriminatory way. No white children transferred to the Watkins school. But in 1967 a total of 115 Negro children applied for and were enrolled in New Kent. This was up from 35 in 1965 and 111 in 1966. To sum it up, no white children have gone to the "colored" school, but slightly more than 15 percent of the Negro children were attending the "white" school at the end of this year's term.

In an ambiguous opinion, Justice Brennan said this was not good enough.

He did not, and indeed he could not, properly say that a bona fide freedom of choice plan, such as New Kent's, is unconstitutional. In fact, he did not cite any specific constitutional basis for holding that the New Kent system wouldn't do.

He said the plan placed a "burden" on children and their parents—the burden of applying for admission to one school or the other if they wanted to switch. He did not stress the point that the parents of 115 Negro children did not find this too burdensome last year. He also suggested that the county should adopt some kind of "zoning" system, although he was very vague about this. And without more ado, he set aside a ruling by the Fourth Circuit which had upheld the New Kent plan.

So much for that. But what is it that New Kent County is supposed to do that will satisfy the learned justices of the Supreme Court when they doff their judicial robes and sit as a local school board? Justice Brennan didn't say. The county authorities are left in the dark. But we have several suggestions. (1) The ruling applies only to states whose schools formerly were segregated by law, which means the southern and border states. If this is what the law now requires in those states, why is it not required in all states?

Let me interpolate here that this includes New York, which has a statute similar to the provision in the bill——

(2) This decision, although it doesn't spell it out, clearly commands compulsory integration, and this without specifying any constitutional basis for the command. Judge Brennan did cite some language from Brown II, but Brown II is not the Constitution. (3) The court is saying, though not in so many words, that some white children in New Kent County, regardless of their wishes, must be compelled by the local authorities to attend the "colored" school, and that more than 115 Negro children, regardless of their desires, must be compelled to attend the "white" school. Precisely what racial "mix" will be satisfactory? Again, the justices in their infinite wisdom did not say. We suspect they haven't the foggiest notion. We also suspect that what they have done will play hob with New Kent County's public school system and the education of both its black and white children.

Mr. President, I ask unanimous consent to have the entire editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR JUDGES SHOULD STICK TO THEIR JUDGING

Eleven months ago the American Association of School Administrators, with some 17,000 members around the country, strongly urged that an appeal be taken from Judge Skelly Wright's decision in the District school case.

The association said that the decision "usurps the prerogatives of boards of education and school administrators" and, further, that Judge Wright's educational theories are "wrong and dangerous."

Now, a year after the ruling, an appeal will be heard this week by the United States Court of Appeals. What the result will be is, of course, uncertain. But one may at least hope that the appellate judges will return control of the Washington schools to the school authorities, and that Judge Wright will be encouraged to devote himself to his judicial knitting.

Judge Wright has not been the only federal judge to get into the business of running or trying to run public school systems. The Supreme Court and the Fourth Circuit Court of Appeals also got in a few whacks this year.

The case of Brown vs. Board of Education was decided by the Supreme Court in 1954 and an implementing decision, known as Brown II, came down a year later.

The 1954 Brown ruling held that segregated public school systems imposed or required by state or local law were in violation of the Fourteenth Amendment and therefore unconstitutional. Brown II decreed that such segregated systems must be abolished. The court did not say, however, that compulsory segregation must be replaced by compulsory integration.

John J. Parker, then chief judge of the Fourth Circuit, construed the Brown decision in this language: "It (the court) has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. . . . Nothing in the Constitution or in the decision of the Supreme Court takes

away from the people the freedom to choose the schools they attend."

Chief Judge Parker was a distinguished jurist, not a man to bypass or undermine Superior Court rulings. A few years before his death in 1958 he was awarded the American Bar Association's gold medal for "conspicuous service to American jurisprudence." But in undertaking to construe Brown, Judge Parker spoke too soon. He couldn't foresee, of course, what the Supreme Court would say in May, 1968, in the case of Virginia's New Kent County, and he would have been horrified to read that opinion.

New Kent is a small rural county with only two schools for its 740 Negro and 550 white pupils—New Kent School on the east side of the county for whites and George W. Watkins School on the west for Negroes. There is no residential segregation in the county.

New Kent, as it had to do, went along for several years after Brown with the Virginia Legislature's various efforts to avoid school desegregation. But three years ago the county adopted a freedom of choice plan. There has been no claim that the plan did not offer a truly free choice or that it was applied in any discriminatory way. No white children transferred to the Watkins school. But in 1967 a total of 115 Negro children applied for and were enrolled in New Kent. This was up from 35 in 1965 and 111 in 1966. To sum it up, no white children have gone to the "colored" school, but slightly more than 15 percent of the Negro children were attending the "white" school at the end of this year's term.

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So much for that. But what is it that New Kent County is supposed to do that will satisfy the learned justices of the Supreme Court when they doff their judicial robes and sit as a local school board? Justice Brennan didn't say. The county authorities are left in the dark. But we have several suggestions. (1) The ruling applies only to states whose schools formerly were segregated by law, which means the southern and border states. If this is what the law now requires in those states, why is it not required in all states? (2) This decision, although it doesn't spell it out, clearly commands compulsory integration, and this without specifying any constitutional basis for the command. Judge Brennan did cite some language from Brown II, but Brown II is not the Constitution. (3) The court is saying, though not in so many words, that some white children in New Kent County, regardless of their wishes, must be compelled by the local authorities to attend the "colored" school, and that more than 115 Negro children, regardless of their desires, must be compelled to attend the "white" school. Precisely what racial "mix" will be satisfactory? Again, the justices in their infinite wisdom did not say. We suspect they haven't the foggiest notion. We also suspect that what they have done will play hob with New Kent County's public school system and the education of both its black and white children.

Another judicial shocker, which reinforces our belief that judges, especially eager-beaver judges, should stay out of the schoolroom, has just come down from the Fourth Circuit.

The effect of this 5-to-2 ruling in a Norfolk case is to cut down the neighborhood school concept. Again, the court majority uses weasel words. It says that the assignment of pupils to neighborhood schools is a sound concept. But it adds that this is not true if purely *private* discrimination in housing keeps Negroes out of a given residential area. How does private discrimination, as distinguished from public or state discrimination, offend the Constitution? The majority judges, of course do not say. But we note with interest the dissenting opinion by Judge Albert V. Bryan, who said the court was guilty of "usurpation," and that the majority through its decision "once again acts as a school board and as a trial court, and now is about to act as a city planning commission." This last presumably refers to the problem of how to bus pupils in Norfolk, which has no school bus system.

To sum it up, federal judges have a constitutional duty and the competence to strike down any law which imposes school segregation. They have neither the duty nor the competence to demand compulsory integration and to run the schools by judicial fiat. The sooner the judges recognize this, if they ever recognize it, the better it will be for our system of public education.

Mr. ERVIN. Mr. President, I am willing to stand up on the floor of the Senate and I am willing to say what the Constitution of the United States does or does not require in this field.

All the decisions of the Court have been based upon the equal protection clause of the 14th amendment. The equal protection clause of the 14th amendment is a very simple clause. It says exactly what it means, and it means exactly what it says.

The Supreme Court has declared in many cases that the equal protection clause of the 14th amendment requires that all persons shall be treated alike, under like circumstances and conditions, both in the privileges conferred and in the liability imposed. That is all the equal protection clause of the 14th amendment means.

It means that a State must treat all its people in like condition in like manner. When a State has a freedom-of-choice plan which says to the children of both races, "You may attend whichever school your parents select for you to attend or whichever school you select for yourself," the State is then acting in complete accord with the equal protection clause of the 14th amendment, and oceans of legal sophistry cannot upset that plain fact.

What does the bill do? It prohibits the use of funds to force a school district to take any action involving the busing of students. Instead of being contrary to the provisions of the Constitution, it is in perfect harmony with the equal protection clause of the 14th amendment as it was interpreted by the Supreme Court in the first Brown case. The Court held, in that case, that a State cannot deny to a school child the right to attend any State school that the State maintains solely upon the basis of that child's race. Yet, when the HEW requires schools to bus its children from their neighborhood school to some other place because either they want to desegregate the neighborhood school or they want to integrate the other school, then, HEW is denying a child the right to attend a school maintained by the State on the basis of that child's race.

So section 408 in this bill is a provision which is in harmony with the interpretation placed upon the equal protection clause of the 14th amendment by the Supreme Court in the Brown case. I am not opposed to it.

What business is it of the Federal Government to tell a State whether it can act through the court or through the HEW and close down a school? It is nothing but a pure usurpation of power.

Mr. President, God gave the little schoolchildren of this country their educational privileges. He did not give them to the bureaucrats in HEW.

The parents of these children are more interested in their education and their upbringing than any other human beings on the face of the earth.

All this bill is attempting to do is to recognize the fact that God gave the children to their parents, not to HEW and to permit the children to attend the schools their parents selected for them to attend. That is fair and just.

I refuse to accept any interpretation of the Constitution which says that school children in America are to be made hapless and helpless pawns or puppets of the HEW, or of the Federal courts.

All this bill tries to do is to give the children the right to attend their neighborhood schools, the right not to be denied that right on account of race, and the right to go to the school that their parents select for them.

I say, Mr. President, it is time for the Senate to repudiate this weasel-worded amendment which is put in here just as a sort of camouflage. It is time for Senators to stand up on the floor of the Senate and say they think our Constitution was intended to make Americans as free as humanly possible, and that our Constitution does not make the school children of America the helpless pawns of HEW bureaucrats.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. EASTLAND. Mr. President, I want to compliment my colleague from Mississippi on the great speech he made tonight.

I am going to discuss conditions as they exist in my State.

This is a national question that needs a national policy, and what exists in my State also exists in the States of Louisiana, Alabama, Arkansas, and other Deep South States.

Mr. President, it is absolutely imperative that sections 408 and 409 of the House bill be retained in their present form. Those two sections simply provide that no part of the funds appropriated by this act shall be used to force busing of students, the abolishment of any school, or the attendance of any student enrolled in an elementary or secondary school at a particular school against the choice of his or her parents or parent. Section 409 provides that none of these conditions may be imposed as a condition precedent to obtaining Federal

funds otherwise available to any State, school district, or school.

These sound provisions would merely prevent forced busing and arbitrary closing of schools, and would permit a child to attend the school of his parents' choice.

What is wrong with that? This is completely consistent with our American traditions of self-determination and local control over school matters.

If we fail to include these provisions in the law, we will permit, sanction, and condone the actions of the Federal courts in unjustifiably treating the public schools of the South differently from the public schools of the other parts of the Nation.

The Federal courts have held that zoning is permissible in the North, East, and West, but that Southern schools must bus children to overcome racial imbalance. This is wrong, and it is discrimination in its worst form. We should no longer countenance such regional and sectional discrimination on the part of the courts.

The courts justify this discriminatory treatment on the basis that racial separation in the Northern, Eastern, and Western schools is a result of residential patterns. They label this "de facto" segregation. On the other hand, they claim that the racial separation in the Southern public schools is a result of State legislation requiring it. They label this "de jure" segregation.

We all know that this is a distinction without a difference. We know that the so-called fortuitous housing patterns of the North, East, and West, are the results of long established customs, habits, and traditions sanctioned or permitted by State and local governments. Indeed, until a few years ago this discrimination was required by agencies of the Federal Government such as the Federal Housing Authority and the Veterans' Administration.

These housing patterns did not just happen. They exist because the law sanctioned or permitted them to exist and grow.

We also know that most States in the North, East, and West had laws which required or permitted racial separation in the public schools. These laws were widespread in the 19th century, and in many of these States existed into the 20th century.

This distinction between "de facto" and "de jure" segregation is meaningless. It should not be used to discriminate against the South.

In the unfortunate opinion of the Supreme Court of the United States in the case of Brown against Board of Education, which amended the Constitution of the United States and took away from the States and localities the right to operate the public school system, the Court discussed the impact on colored students of racial separation. The harmful impact on these children, which I believe the Court erroneously found, is the basis for the holding of the case. The Supreme Court stated this harmful impact in the following words:

> To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

I have never been able to understand how a 10-year-old colored student in a public school in Harlem, Watts, or South Chicago, is expected to look around and see nothing but black faces in his classroom and say to himself: "This kind of racial separation does not hurt me because the State of Illinois does not have a law requiring me to attend all-black schools. I should not feel hurt by this racial separation because it is the result of housing patterns that just accidently developed."

Perhaps the Federal courts and some of my colleagues will attribute this much wisdom, knowledge, and sophistication to a 10-year-old child, but I cannot.

Mr. President, the recent actions taken by the Supreme Court of the United States and the Fifth Circuit Court of Appeals in the Mississippi school cases have had a terrible effect upon the public school systems in many parts of my State. I am sorry to say that there is every likelihood that these unsound and ill-advised decisions of the Federal courts will in the future have an even more disastrous impact upon our school systems.

My colleague from Mississippi has, over the last few weeks, ably and forthrightly presented to this body the true facts and figures pertaining to the operation of the public schools in several Northern and Eastern States. These facts and figures show beyond dispute that there is a great deal of racial separation in the public school systems of these Northern and Eastern States.

I commend my colleague for bringing these important facts to the attention of the Senate and the Nation. I think that he has rendered a valuable public service in this matter. I join him in the hope that the school systems of the Southern States receive the exact same treatment from the Federal Government as the school systems of the States mentioned by my distinguished colleague.

I would like to discuss today the effect that Federal coercive action calling for total mixing of the races in the public schools of Mississippi is having upon the children, the parents, and the school systems. If we fail to consider the children, who are entitled to receive a quality public school education and the parents of these children, who pay the taxes for the support of these schools, then we will be remiss in our duties and responsibilities.

I have conducted a survey of selected school districts in Mississippi, and have had research made in an effort to find answers to these questions.

I can solemnly report today that the Federal demand for instant total integration is causing, and will continue to cause, severe disruptions and dislocations in the operations of the public systems in most of the areas of our State.

In the most crucial areas of Mississippi, where the ratio of school children is anywhere from 2-to-5 to 1 black, the results will in many areas be the withdrawal of all or a substantial majority of the white children from the public school systems, with the result that the public schools will be virtually all black, both as to students and teachers—as they are in the District of Columbia, as they are in the city of New York, as they are in every area of this country where those conditions exist.

We have another problem. We have a corporation, one of the biggest in the State, that manufactures tractors and equipment. I was told that two of their chief executives have resigned and are moving to the State of Kentucky because of the chaotic school system that exists in my State.

Why would a pharmacist or a doctor or a lawyer locate in a little town when the environment in the school system was not such that he would want his children to attend that school? You do not have that problem in Illinois. You do not have it in California. You do not have it in other areas of this country.

This is a somber report, but this is what will happen unless substantial changes are made.

The white children and parents of Mississippi and the other Southern States should not be chastised or condemned for reacting to this disaster in this fashion. Their only motivation is to maintain sound and proper social and educational surroundings.

Whether those who hear and read these words like it or not, the plain and simple truth is that these white parents and students in Mississippi and the other Southern States are being asked to endure conditions which more than 95 percent of all of the white parents and students in the United States of America will never voluntarily accept.

It is a well-known and established fact that in all sections of this Nation, North, South, East, and West, when the proportion of colored students in a school system exceeds 10 percent, the vast majority of the white children withdraw from that school, and, consequently, the student body becomes all black or predominantly black. This fact is implicitly recognized by the U.S. Commission on Civil Rights, in its study, "Racial Isolation in the Public Schools," published in 1967. On page 199 of this report of the Civil Rights Commission appears the following finding:

> Racial isolation in the public schools has been increasing. Over recent years Negro elementary school enrollment in northern city school systems has increased, as have the number and proportion of Negro elementary students in majority-Negro and nearly all-Negro schools. Most of this increase has been absorbed in schools which are now more than 90 percent Negro, and almost the entire increase in schools which are now majority-Negro. There is evidence to suggest that once a school becomes almost half- or majority-Negro, it tends rapidly to become nearly all-Negro.

Why does a school rapidly become nearly all black once it becomes almost half black?

The only reasonable and logical answer is that the white parents flee the neighborhood in which this school is located and new colored people move into the neighborhood, so that the school becomes virtually all black.

These white people are "voting with their feet."

Mr. President, I would like to give the Senate an illustration, and I think I speak with authority, that forced integration is opposed by the vast majority of Negroes as well as white people. The illustration I am going to give is as follows, and I know personally what I am talking about: I know a white man, a friend of mine, who is engaged in the farming business. You might call him a large farmer. He understood in February that his mechanic was going to resign. He went to that mechanic and he asked him, "Now, what is the trouble?" The mechanic told him, "Why, my daughter, who is in the ninth grade"—and I know what I am talking about—"has been assigned to a seat by a Negro boy." And the father of the Negro was also an employee. This man said, "I don't want you to quit. Put your children in a private school and I will pay their tuition." "All right."

The Negro employee came to him and protested the fact that his son had been put in a school with whites. It was the same boy that had been assigned to sit by the daughter of the mechanic.

I know, in addition to that, that one of his valued employees—and I could give his name, if necessary—a Negro who operates big equipment—and that takes skill and ability—had his son assigned to a white school. This is all in my own neighborhood. He told his employer, "If you can't get my boy out of that white school and get him to go to a school of his color, then I am going to move and work where my son can be in school with his own kind."

I think there is a lot of justice in this amendment. We are faced with facts. There are towns in my State, which I could name, where industries had agreed to go, but, because of the chaotic conditions of the schools, they will not locate in those towns.

The best illustration of how people really feel about this matter is shown by the school situation in Washington, D.C. In the summer of 1966 Joseph Alsop wrote a penetrating series of articles about the school situation in Washington and in several other large cities. In an article appearing in the August 3, 1966, edition of the Washington Post entitled "A Modest Proposal II" Mr. Alsop made the following statement:

> Here in Washington, for instance, we have elementary schools that are over 90 percent Negro; we have a city-wide population that is two-thirds Negro; and we have a voting population that is still only about one-half Negro. (These differences appear in all major cities, although other cities' figures are down in the scales as yet.)
>
> But although Washington has already become a predominantly Negro city, the District of Columbia retains a white population of about 250,000. There should, therefore, be a great many tens of thousands of white children of school age in the District. And in reality, there are almost none!
>
> To be precise, Washington had 26,000 white children of elementary school age five years ago. It has lost half that number since then. And of the 13,000 white children of school age still in the District of Columbia, far more than a third attend private schools.
>
> Those figures mean only one thing: That nowadays, white families with children almost automatically emigrate to the suburbs. That conclusion can be cross-checked, too, in half a dozen ways.
>
> The Southwest redevelopment, for instance, has caused many white people to return to live in the District of Columbia. But of these returners, almost none are families with children.

In a previous article entitled "Some More Hard Facts" which appeared in the June 30, 1966, edition of the Washington Post, Mr. Alsop predicted that many of the great cities of the North and East would soon have the same situation as Washington. He states:

> Thus Washington, in a few years, is clearly due to be a city nearly nine-tenths Negro. But the Negro immigration and the white emigration that are jointly producing this result in Washington are not unique District of Columbia phenomena. They are nationwide urban phenomena, which merely appeared a little later in other cities.
>
> In Detroit, Philadelphia, Baltimore, Chicago and Saint Louis, to name five, the racial mix in the elementary schools has already passed the half-and-half point which Washington reached in 1947.
>
> Chicago, with an elementary school population containing only 52.3 per cent of Negro children, is nearest to Washington 19 years ago. The other cities listed are well down the road, with 66 per cent of Negroes in the St. Louis elementary schools, for instance.

Mr. Alsop has previously stated in his articles that as of 1966 there were an estimated 250,000 white people and 550,000 black people living in Washington.

These remarkable figures bear out what is general knowledge, which is that most of the white persons in the District of Columbia are "empty nesters." They are either single people, young married people without school-age children, or old people whose children have finished school. A number of those who do have school age children are wealthy, because as Mr. Alsop pointed out, more than one-third of the white school-age children in the District of Columbia attended private schools in 1966. As a result of these factors, 91 percent of students attending the Washington elementary schools in 1966 were black. Of course, all of these percentages and ratios have since gotten much worse.

I agree with Mr. Alsop that it is ridiculous to talk about integration in such a situation. For all practical purposes, the public school system is all-black.

The white parents and children who used to live in Washington simply decided they would not put up with an intolerable situation, so they left Washington. Many now live in the "safe" areas of Virginia and Maryland where they can condescendingly comment on the efforts of white Southerners to avoid this horrible fate.

But, my friends of the North, and East, and West, do not patronize us any longer. Your people feel the same way about this as I and my people. Your people do not want it and will not have it. We only ask the same privilege.

Let us look at what has happened in the Hollandale Consolidated School District, which is located in Washington County, Miss. Prior to this school year this school district had operated under a "freedom of choice" plan. This plan achieved some degree of desegregation. Under the "freedom of choice" plan, each parent selects the school his child shall attend. In the school year 1968–69, 390 white children and 13 colored children attended the Hollandale Attendance Center.

During that school year there were approximately 2,000 Negro children and 400 white children attending the public schools of that district.

Prior to the beginning of the current school year, the Federal court ordered the Hollandale Consolidated School District to adopt a "pairing plan" for integration. Under this plan students in the affected grades are arbitrarily assigned to various schools so that the attendance in each school will generally reflect the racial ratio of children in the entire school system. The Federal court plan directed that grades 1 to 3 be "paired" during the current school year; that grades 4 to 8 be "paired" in the 1970–71 school year; and that grades 8 to 12 be "paired" in the 1971–72 school year, at which time the integration would be total and complete.

The Federal court order also directed the school district to arbitrarily assign teachers at the beginning of the current school year so as to achieve actual teacher integration in every school in the system.

How has this court-ordered plan worked? What has been its impact on the people of the school district? The enrollment of white students in the public schools has dropped from 390 in the preceding school year to 167 in the present school year. This represents a loss of 56 percent of the white student enrollment.

Every white child in the affected grades of 1 to 3 withdrew from the public school system. Approximately half of the other white children, who were not in the affected grades, also withdrew.

At the present time, there are 1,577 students enrolled at the Simmons Attendance Center. All of these students are Negroes. There are 437 black students and no white students enrolled at the Arcola Attendance Center. At the Hollandale Attendance Center, which had included grades 1 to 12, the first three grades are not taught this year because of the student withdrawal. In grades 4 to 12 at that attendance center, there are now enrolled 167 white and 11 black students.

There is no more integration in the public schools this year than there was last year, and 56 percent of the white students have been driven out. Is this progress? God save us from any more such progress.

At the direction of the Federal court, the school board transferred three white teachers to teach in the formerly all-black schools of Simmons and Arcola.

I think that is wrong, because when a teacher signs a contract to teach in x school, I do not think the courts have the power to overrule it. These teachers, along with seven other white teachers in the school system, resigned their jobs. At the Hollandale Attendance Center there are now 11 white and two black teachers. There are no white teachers in the predominantly black schools.

The Federal court ordered the school district to make an active effort to recruit white teachers to teach in the predominantly black schools. Pursuant to this demand, the Hollandale Consolidated School District purchased advertisements in newspapers published in Jackson, Miss., Memphis, Tenn., and New Orleans, La. The advertisements specified that the school district wanted to employ white teachers. There have been no responses to these advertisements.

This absurd request shows how far the Federal courts will go in order to promote integration at any cost. The ironic part is that in ordering the Hollandale school authorities to act in such a manner, the Federal court created a possible conflict with one of the many civil rights laws enacted by Congress recently. I refer, of course, to section 704(b) of the Civil Rights Act of 1964, which makes it an unlawful employment practice for an employer to print or publish or cause to be printed or published any notice or advertisement relating to employment indicating any preference, limitation, specification, or discrimination based on race or color.

I am advised that the Memphis Commercial Appeal initially declined to publish this advertisement because it did not want to be a party to what it considered to be an unlawful employment practice, but that after the advertisement was redrafted it agreed to publish it.

Apparently there are those who think it is all right to discriminate in the name of civil rights.

What has happened to the Hollandale School District is a disgrace, and those responsible for forcing these conditions on the people should be ashamed.

The situation is equally bad in the Sunflower County School District. This district is in my home county of Sunflower, where I live. It encompasses a rural area of approximately 450 square miles and includes all of the county except for those areas included in the Indianola Municipal Separate School District and the Drew Municipal Separate School District.

Let me say something about that Drew Separate School District. It is near my home. I know that one street there are three vacant houses, because people have moved since September to escape integration in the public schools.

The Sunflower County School District was brought under court order in 1966. The court approved a "freedom of choice" plan. The operation of this plan achieved some degree of integration, and in the 1968–69 school year three of the eight schools in the system were integrated and five were attended solely by colored students. During that year there were a total of 5,119 students in the system, of whom 4,100 were black and 1,019 were white.

Prior to the opening of school in September 1969, the Federal court ordered the school district to assign students to the schools on the basis of tests to be administered to the students. The court ordered that the assignments be made on this basis for grades 1–4, inclusive, for the present school year. Children of both races, totaling 1,635, in the affected grades were administered these tests. Those who scored in the top one-fourth were assigned to formerly white schools, and those who scored in the lower three-fourths were assigned to formerly all-black schools. The tests resulted in 177 black students being assigned to predominantly white schools and 79 white students being assigned to the school formerly attended by black sutdents.

The results of the operation of this plan were that none of the 79 white students assigned to the formerly black school are attending the public schools of the district. They withdrew from the public schools. Of the 177 colored students in grades 1 to 4 assigned to the predominantly white school, only 121 enrolled to attend any of the public schools of the district, and a number of these 121 have since withdrawn from school.

Of the 1,019 white students who had attended the public schools of the district in the preceding school year, only 460 enrolled for attendance in September of this year. This is a decrease of almost 55 percent.

One of the most tragic consequences of what has happened in the Sunflower County School District is the closing of the Inverness High School. Despite its name, this school taught grades 1 to 12. During last year approximately 300 white students and no colored students attended this school. As a result of the "test" plan, 24 colored students were assigned to attend the Inverness school this year. Every one of the white students withdrew from the school, which has now been closed as an economy measure. The 24 colored students assigned to that school are being bused to other schools in the district.

At the Moorhead Elementary School, which includes grades 1 to 8, 125 students were in attendance last year. As a result of the "testing" 76 Negro students were assigned to grades 1 to 4 of the school this year. No white students enrolled to attend the Moorhead school. They all withdrew from the public school system.

How far will the intellectual screwballs go in disrupting our educational system? They have already gone too far. They must be stopped, and stopped now.

Similar disastrous consequences have resulted in the Carroll County school system. Until this year the Carroll County schools were operated under a "freedom of choice" plan. Prior to the beginning of this school year the Federal court ordered the school district to "pair" all of the first six grades of the school system. As a result, the great majority of the affected white students have withdrawn from the public school system. At the Vaiden School, there are currently enrolled 218 black elementary students and 15 white elementary students. At the North Vaiden School the figures are 218 black and 19 white students. At the J. Z. George School, there are enrolled 241 black students and 44 white students. And, at the Marshall school there are 254 colored students and 50 white students enrolled. The totals for the entire country school system of students enrolled in the first six grades are 931 blacks and 128 whites.

Does anyone really want his child to attend school under such circumstances? If they do, then they should certainly vote against the Whitten amendment. In fact, if freedom of choice is not enacted, public education will be destroyed in many areas of the South.

In Carroll County, too, this disruption in the public school system has tragically resulted in the closing of a school. In order to better achieve the goal of integration, the Federal court ordered the Carroll County School Board to close the school at Blackhawk. This school was located in a Negro community and had been attended by colored students. These students are now being bused to other schools in the county. I am told that the colored citizens of that area are very upset about the closing of this school, because they feel that such action has destroyed their community. They are very much opposed to this.

To make this matter even worse, the taxpayers of Carroll County had just recently spent approximately $42,000 in the construction and equipping of a new cafeteria to serve the students and faculty of Blackhawk School. That cafeteria is now useless.

Integration, what crimes are committed in thy name.

The situation in the Bolivar County schools unfortunately follows the same pattern. There are five school districts in Bolivar County. Each of these districts was compelled by court order, prior to the beginning of this school year, to abandon their "freedom of choice" plans and adopt more stringent plans to achieve integration.

The most informative article concerning the Bolivar County schools was published in the Delta Democrat-Times, Greenville, Miss., on October 27, 1969. The article is entitled "Bolivar Students Refuse To Comply With Court Order."

I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOLIVAR STUDENTS REFUSE TO COMPLY WITH COURT ORDER

(By Bill Rose)

CLEVELAND.—Exact racial breakdowns of attendance in Bolivar County public schools, made public for the first time last week, indicate a stubborn refusal of many whites and some blacks to comply with accelerated desegregation plans ordered for five of the county's six school districts in July by U.S. District Judge W. C. Keady.

The figures, contained in progress reports filed in the U.S. District Court clerk's office in Clarksdale Oct. 15 on orders of Judge Keady, reveal that only a minute percentage of whites assigned to predominantly black schools this fall are actually enrolled there. Also, some whites who had a substantial number of blacks assigned to their school or grade have withdrawn from that school.

Only 124 of the total white public-school enrollment of about 3,185 are attending formerly all-black schools, while 484 blacks out of the approximate total black enrollment of 9,504 are attending once all-white schools.

Before the fall term began there were published estimations that school attendance in

Bolivar County would be approximately 3,815 whites and 11,084 blacks.

If pre-school projections and the figures on file in Clarksdale are accurate, public school attendance is noticeably down, apparently due to an increased white exodus from desegregated public schools to one of the county's segregated private schools at Skene (Bayou Academy), Duncan, Benoit or Shaw. No one seems to know exactly where the missing blacks are, though, unless they are simply staying home.

Perhaps nowhere is the readiness of whites to desert public schools when faced with substantial integration more graphically displayed than at Benoit School in District Two. District Two's court-approved desegregation plan utilized for the first time this fall called for students in grades one through four scoring in the upper 30 per cent of those taking mental achievement tests to be assigned to once all-white Benoit School. The other students were to be assigned to all-black Nugent Center.

As a result of the test scores, 28 whites and 438 blacks were assigned to the first four grades at Nugent Center. None of the whites assigned to Nugent Center are attending there.

Seventy-three whites and 48 blacks were assigned to the first four elementary grades at Benoit School, but only seven whites and 25 blacks are actually enrolled there, according to the district's report.

None of the 13 whites and just three of the 17 blacks assigned to the first grade at Benoit School are attending classes there. None of the 15 whites and only 11 of the 15 blacks assigned to the second grade are attending that grade.

Because of the smaller number of pupils in the first two grades, they have had to be consolidated, school sources said.

The same sources said many of the whites who left Benoit School's elementary grades in the face of increased integration have enrolled in a recently established four-grade private school here.

The intelligence testing plan will be expanded to encompass the school's other eight grades over the next two years, although some informed school sources in Benoit say the exodus of whites from that school will probably increase if the test scores call for more integration.

The most desegregation has apparently been attained in District One (Rosedale).

District One's report was not in the files at Clarksdale Thursday, although it had been filed by the Oct. 15 deadline. However, district superintendent Joe Barnes revealed his district's racial makeup by schools to the DD–T in a telephone conversation.

At once all-white Rosedale School, the enrollment is composed of 384 whites and 246 blacks. In the first four grades—those affected this fall by the district's intelligence testing plan—the enrollment is 104 whites and 199 blacks, according to Barnes.

Under District One's testing plan, similar to the one used in District Two, 21 whites and 1,133 blacks are attending classes at once all-black West Bolivar County Training School (Rosedale), 15 whites and 344 blacks are attending once all-black Pace Elementary, and 12 whites and 493 blacks are attending once all-black Bob Woods Elementary (Gunnison).

In the county's most heavily populated school district, District Four (Cleveland), students are assigned to one of the city's five elementary schools on the basis of the court-approved zone they live in. The zoning plan will be broadened to include formerly all-white Cleveland High School and Margaret Green Junior High and all-black East Side High School for the 1970–71 school term.

Enrollments by schools in District Four are: 948 blacks and eight whites at once all-black Nailor Elementary, 309 blacks and 31 whites at once all-black Hayes-Cooper Elementary (Merigold), 364 blacks and one white at once all-black Bell Elementary, 76 blacks and 410 whites at once all-white Pearman Elementary, 49 blacks and 461 whites at once all-white Margaret Green Junior High, 1,150 blacks and no whites at traditionally all-black East Side High School, and two blacks and 437 whites at once all-white Cleveland High School.

In District Three (Shelby), the only other district to assign pupils by intelligence test scores, some substantial desegregation of Shelby School, the district's only predominantly white school, was revealed in the progress reports.

Shelby's enrollment includes 250 whites and 85 blacks. Enrollment at formerly all-black Broad Street School (Shelby) is two whites and 1,054 blacks, and enrollment at once all-black Brooks Elementary (Duncan) is three whites and 496 blacks.

In District Five (Shaw), as in the other five districts which filed reports this week, there are a number of blacks going to a once all-white school but very few whites attending a formerly all-black school.

There are 93 blacks and 304 whites attending the nine grades (four through 12) being offered at once all-white Shaw School. All but 11 of the blacks at Shaw and 28 whites are enrolled in the ninth grade. Shaw is the only school in District Five containing a ninth grade under terms of the district's pairing plan being used for the first time this fall.

Thirty whites and 1,339 blacks are enrolled at once all-black McEvans School. All the whites at McEvans are enrolled in grades one through three. McEvans is the only school in District Five offering grades one through three this fall.

Included in the stack of papers inside the folder containing the districts' progress reports at Clarksdale was a motion filed by Cleveland attorney Alfred Levingston asking Judge Keady to free District Six (Mound Bayou) from a previous order requiring all Bolivar County districts to report the number of black and white students enrolled.

The motion stated that such a report from District Six would be elementary school in the district and both have all-black enrollments.

The motion was granted by Judge Keady.

DISTRICT ONE

District One's (Rosedale) desegregation plan approved by U.S. District Judge W. C. Keady calls for students to be assigned on the basis of their scores on court-approved mental achievement tests. Students scoring in approximately the top 25 per cent of those tested are assigned to Rosedale School, a predominantly white school, while the other students are assigned to one of three predominantly black schools—West Bolivar Training School (Rosedale), Pace Elementary, or Bob Woods Elementary (Gunnison), Grades 1–4 are included in the plan this year. Grades 5–8 will be included in 1971–72, and grades 9–12 in 1971–72.

Students not covered by the testing assignment plan for the first two years of its implementation may choose the school they wish to attend under the old "freedom of choice" method under which all Bolivar County's school districts formerly operated.

DISTRICT TWO

District Two (Benoit) is also operating under a desegregation plan calling for pupil assignment to schools by their scores on mental achievement tests. Grades one through four were covered by the plan for this school term, but it will be broadened to cover grades five through eight for the 1970–71 term and grades nine through twelve for the 1971–72 term.

Students scoring in approximately the upper 30 per cent of those tested are assigned to predominantly white Benoit School, with the remainder of the students assigned to all-black Nugent Center (Benoit). School officials must also assure that 20 per cent of students in the eleventh and twelfth grades at Benoit School are black. During the first two years of the plan, those students not covered by it may choose a school under the "freedom of choice" method.

DISTRICT THREE

District Three (Shelby) is the third Bolivar County school district operating under a desegregation plan calling for pupil assignment to schools on the basis of students' scores on mental achievement tests. Students scoring in the upper 20 per cent of those tested in grades one through four this fall were assigned to predominantly white Shelby School. The rest were assigned to one of the district's predominantly black schools at Broad Street School (Shelby) or Brooks Elementary (Duncan).

The plan will expand to cover grades five through eight for the 1970–71 term. District school officials must also attempt to insure that 20 per cent of the students in grades 11 and 12 at Shelby High School are black. Students not covered by the testing plan during its first two years may choose the school they want to go to under the "freedom of choice" method.

DISTRICT FOUR

District Four (Cleveland) is operating under a zoning plan which calls for students to attend the school located in the court-approved zone in which they live. The district has been divided into five elementary school zones which apply to students in grades one through six in the district this year.

The plan will expand to cover all high school (grades seven through 12) students in the district for the 1970–71 school term. At that time, all students living west of the Illinois Central Railroad tracks which run north and south through the center of downtown Cleveland will be assigned to predominantly white Cleveland High School. Students living east of the tracks will be assigned to all-black East Side High School. Students in grades seven through 12 were allowed to choose the school they wished to attend under the "freedom of choice" system.

DISTRICT FIVE

District Five (Shaw) is operating under a pairing desegregation plan which will be instituted over a three-year period. This year, all students in the district in grades one through three were assigned to predominantly black McEvans School (Shaw). Also, all students in the district in the ninth grade were assigned to predominantly white Shaw High School.

For the 1970–71 school term, all students in grades one through six will be assigned to McEvans and all students in grades seven through 12 will be assigned to Shaw. For the 1971–72 term, all students in grades one through eight will be assigned to McEvans and all students in grades nine through 12 will be assigned to Shaw. During the three years required to complete the plan, those students not covered by the pairing system may choose the school they want to attend under the old "freedom of choice" system.

Mr. EASTLAND. This article points out that only a minute percentage of whites assigned to predominantly black schools this fall are actually enrolled there. A number of whites, who had a substantial number of blacks assigned to their school, or grade, have withdrawn from that school. A reading of this article also makes it plain that many colored children and parents are opposed to arbitrary assignment of students to obtain integration. A significant number of colored students who were assigned to

predominantly white schools and not permitted to attend the schools to which they had been attending, rejected or declined to actually enroll in their new schools. In other words they just dropped out of school completely. For instance, the article stated that 73 whites and 48 blacks were assigned to the first four elementary grades at Benoit School, but only seven whites and 25 blacks were actually enrolled there.

Mr. President, this is a deplorable situation for the children and parents of all races.

The situation in the Holmes County schools has received attention from the Wall Street Journal. An article entitled "Integration Irony" which appears in the November 12, 1969, issue, deals exhaustively with the terrible impact this problem is having on that community. The thrust of the article is that when the final blow falls in Holmes County there will be very few children left in the public schools. I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTEGRATION IRONY: SUPREME COURT RULING MAY SPUR SEGREGATION OF SOME DIXIE SCHOOLS—WHITES BUILD OWN ACADEMIES IN HEAVILY BLACK COUNTIES, ABANDONING PUBLIC SYSTEM—SCRAPING UP TUITION MONEY

(By Neil Maxwell)

DURANT, MISS.—The Supreme Court's order to end all school segregation immediately seems destined to have a dramatic—but ironic—impact here.

Both whites and Negroes here in Holmes County, where the suit leading to the High Court order originated, agree that the ruling will lead to less, not more, integration. They say it could even result in a completely segregated school system.

This outlook reflects the fact that Holmes County is more than 70% black. The outnumbered whites have grudgingly gone along with integration until now, but with the Federal Government trying to effect widespread integration, the prospect of white children attending predominantly black schools arises. And few here doubt the outcome: The whites will withdraw into an already flourishing private school system, abandoning the public schools to the blacks.

THE PROBLEM DISTRICTS

That may well be the initial result in many of the 250 or so Southern school districts where Negroes outnumber whites, both white and black observers agree. Holmes County forms one of these districts. But civil rights advocates, heartened by the Supreme Court ruling, say it should hasten integration in many of the more than 1,300 Southern districts where Negroes are in the minority.

"I think over the long haul we're going to get substantial gains from the ruling," says one veteran Southern civil rights worker. In time, this observer adds, "there's no reason the all-Negro schools in the hard-core districts can't be made into quality schools, and if that happens eventually the white children will come back to them."

Holmes County has presented special difficulties all along. In fact, the Fifth Circuit Court of Appeals ruled last week that instead of ending segregation by Dec. 31, as most of the 32 other Mississippi school districts named in the Supreme Court ruling must do, Holmes County may do it in two steps, with the final one coming next September.

But when integration day comes to Durant, "the white students won't be there," Mayor C. H. Blanton Jr. says flatly. "A unitary system just won't work here. Would you send your children?" Such threats have been made before, of course—and not always carried out.

But many whites insist they're dead serious about avoiding real integration at all costs. Take John Henry Guess, a worker at a plastics plant here. "I ain't sending my kids to that nigger school; I'll keep them home," he says, standing on the front porch of his cramped, shabby home in a largely Negro neighborhood.

Mr. Guess may keep his three boys and two girls at home if he chooses, because the far-sighted Mississippi legislature abolished the state compulsory attendance law after the Supreme Court outlawed segregated school systems in 1954. But sending the children to private schools would be a real problem, because tuition would run about $400 a year apiece, and Mr. Guess earns less than $5,000 a year.

WHITE COUNTERMEASURES

Mississippi is trying to help people like Mr. Guess avoid integration. A few weeks ago the state legislature passed a law providing money for tuition payments. However, a Federal court knocked down an earlier tuition grant law several months ago, and this law is under legal attack.

There is a strong feeling here that Durant's two public schools, as well as all the others in Holmes County, will be all black before long. A total white exodus already has produced this situation in the western half of the county, which is cotton-growing delta land with a high concentration of Negroes. The Department of Health, Education, and Welfare has abandoned any hope of integrating the western part of the county; its plan assumes public schools there will remain all black.

White leaders here have laid plans to open a private school—the fourth in the county—with only the timing still undetermined. "I figure it will only take us a couple of months to get started," Mayor Blanton says. "We've got a building lined up and teachers lined up who are ready to leave the public schools when we need them."

Racial consciousness is obvious throughout Holmes County. The only cafe in Cruger, a hamlet of less than 500 in the western part of the county, still has six-inch-high "White" and "Colored" signs on the restroom doors, and Negroes are seldom seen at the lunch counters. The county phone book still identifies "colored" funeral homes. When integration first came to Holmes County four years ago, nearly half the white students fled to the instantly organized private schools, leaving behind a public school enrollment that is now 85% black.

ANTICIPATING FAILURE

Both public schools in Durant now contain grades one through twelve. Under Durant's present system of limited integration, 160 Negroes have joined the 190 whites at the formerly all-white school; the second school remains all-black. Under the HEW plan for total integration next fall, the all-black school would be used for grades one through six; theoretically, it would have an enrollment of about 500 Negroes and 200 whites. The currently integrated school would be used for the remaining six grades and would have about 450 Negroes and 140 whites.

The projected white enrollment figures, however, assume the complete cooperation of all white parents in this district, even those who have already withdrawn their children from the public school system. In reality, public school officials expect almost no white parents to cooperate.

Pairing of the two schools and other drastic steps to eliminate the dual system don't have to be taken until September, but the interim steps less than two months away don't promise to be easy. In stage one, the seventh and eighth grades at the Negro school are to move en masse to the integrated one, resulting in heavy concentrations of Negroes in those classes. Other county schools have a difficult path to follow in coming weeks, too. At Pickens, for example, roughly 40 white students of the enrollment of 100 whites must shift to a Negro school with 400 students. School officials predict all 40 of the whites will shift to private schools instead or drop out of school entirely.

Whites here have adapted surprisingly well to the integration of the formerly all-white school, but the idea of sending their children to the Negro school is something else. A white farmer who scrapes by raising soybeans says: "I'll keep my children in school so long as they can stay with their friends, but if they send them, to the colored school, I'm pulling them out. I've got them in the third, fifth and eighth grades, and they can get by with that much education if they have to."

With other whites, too, the objections grow as the Negro percentage increases. Paul Tardy, editor of the Holmes County Herald, a weekly newspaper started a few years back by the white Citizens Council, sends his son to 10th grade at Lexington, Miss., high school which is about 25% black. But if that level rises drastically, Mr. Tardy is convinced that teaching quality will drop, and he vows he'll pull his son out.

To insure that the son will be able to get into the nearest private high school, about 20 miles away, "I'm trying to get $100 ahead right now so I can go on and start paying his tuition," Mr. Tardy says. He plans to keep his son in public school until there is an overwhelming influx of Negroes, then shift to the private one.

There is wide agreement among local whites that the quality of teaching in the public schools will drop as the Negro pupils come in. For one thing, it already has been well-established here that when white students leave for the private schools, so do their teachers. When integration came to the white Lexington elementary school, all but three of the 13 teachers there left for the new private schools, along with all the white pupils.

LOSING PUBLIC SUPPORT

With the prospect of massive integration, "the white students will undoubtedly come out, the faculty will come out and public support will immediately be withdrawn," says a white leader. This does not mean whites could cut off school funds, since most of them come from the state on the basis of enrollment, but it does mean there might be solid white opposition to bond issue proposals.

Says Robert G. Clark of Holmes County, the only Negro to be elected to the state legislature since Reconstruction: "I think it's very likely we'll have an all-black system, and that will be bad as long as the whites control it. I expect they will try to make the system as rotten as they can."

It is difficult to judge the quality of the segregated private schools, although their backers insist that quality education is the reason for their existence. Many of the schools still lack adequate libraries, laboratory equipment and audio-visual aids. On the other hand, few seem to be suffering from a lack of qualified teachers; the teachers are coming from the public schools or out of retirement, if necessary.

The largest Holmes County private school, the Cruger-Tchula Academy, is housed in an abandoned public school building and in some new prefabricated buildings. Its classrooms are in good shape, and it offers a broad range of courses. Besides home economics and business, for example, advanced courses are offered in mathematics, science and languages.

The school also has a lighted football field where the Colonels meet their opponents in the Academy Conference. A fleet of buses transports students.

HELP FROM THE POVERTY PROGRAM

Another private school, Central Holmes Academy in Lexington, is housed in a shiny new metal-sided building that, according to an internal Office of Economic Opportunity memo, got a helping hand from the Federal poverty program. An OEO investigator visiting the county in 1966 to check on irregularities in the program wrote his boss: ". . . The most glaring discrepancy is this: Many of these men (in a training program to teach them to be auto mechanics) have been working on the white Citizens Council's private school. In other words, Federal funds are building the white Citizens Council school. How about that?" (Both the president and the principal of Central Holmes Academy declined to be interviewed on any aspect of their school.)

There is little doubt that in some instances private schools are a legal, workable haven from integration. However, a suit currently in the courts seeks to knock out the tax deductibility the Internal Revenue Service now grants to contributions to such schools. Another suit is planned to try to make the state of Mississippi stop supplying textbooks to private schools.

Clearly, the popularity of private schools has risen dramatically in the South. The Southern Regional Council, which works to promote better race relations, estimates that 300,000 white students are attending what it calls "segregation academies" this year—perhaps 10 times more than there were five years ago.

Mr. EASTLAND. Mr. President, most of my remarks today have been confined to school districts in north Mississippi. I have talked with many people in the school districts of south Mississippi. They are going to very shortly be affected by the recent decisions of the Supreme Court and the Fifth Circuit Court of Appeals, to bring about total integration by January 1, 1970. In those southern districts, where the ratio of black to white students is high, responsible and informed persons have expressed to me the gravest concern as to the future of public education in those areas. Specifically, it is felt that where the ratio is intolerable, the white students and teachers will withdraw from the public school system.

The Fifth Circuit Court of Appeals in entering its order of November 7, 1969, which implemented the recent Supreme Court decision, specifically took note of the enormous problems faced by some of these school districts as follows:

The scope of the problem of converting from dual to unitary school systems in these districts may be seen from the following tables which reflect racial composition.

System	White students	Negro students
Amite	1,461	2,582
Anguilla-Line	214	906
Canton Mun	1,326	3,672
Hinds	6,438	7,489
Holly Bluff	240	483
Holmes	913	5,355
Kemper	793	2,060
Madison	1,238	3,376
Natchez-Adams	4,494	5,927
Noxubee Co	872	3,573
Sharkey-Issaquena	630	2,002
South Pike	1,135	2,156
Wilkinson	779	2,757
Yazoo Co	1,071	2,495

These figures speak for themselves.

We must do something to alleviate this terrible situation. The adoption of the Whitten amendment by the Senate will be the first step. The great majority of both races oppose the abolition of the dual school system.

As I have previously stated, the white parents and students will not tolerate this terrible situation.

An immediate result of this unwarranted interference in the operation of the public schools of Mississippi has been the tremendous and spectacular growth of private schools in the State.

I am advised that as of 3 weeks ago there were a total of 84 private schools operating in Mississippi; 35 of these have been started since September 1969. All of them as a result of integration there are now being organized more than 200 additional private schools.

Pillow Academy, at Greenwood, Miss., had 200 students enrolled last year; there are 1,200 students enrolled there this year. There are three council schools in Jackson which had an enrollment of 500 students on October 29, 1969; there are now 1,500 students enrolled. They are now building several additional private schools to the citizens council. I am told that there have been 200 requests from over the South in the last 10 days on how to organize private schools. In addition, requests have been received from the States of Maryland, New Jersey, Pennsylvania, Utah, Idaho, and Washington.

Mr. President, I believe that these circumstances prove beyond a shadow of a doubt that the greatest enemies of public education today are the self-styled "liberals" and many judges of our Federal courts. These are the same people who beat their breasts and proclaim their concern for public education. Yet, they are blindly and foolishly pursuing and enforcing policies which are resulting, and will result, in the ruin of public education in many areas. They will prevent many children both black and white from securing an education.

Mr. President, this deplorable public school situation is having a terrible impact upon our social and economic development.

New and expanded industries will not come into a community where the public school situation is as I have outlined above. In one of the communities most crucially affected by these court orders a substantial industry had planned to locate a plant prior to September 1969. When the owners of the company learned of the school situation in that town this fall they changed their mind and decided not to locate in that community. They gave as their reason the fact that their workers and employees would have to be assured that their children could attend public schools in acceptable circumstances. Since this assurance could not be given, they decided to go elsewhere. This new industry would have produced jobs and income for this community. This situation can be multiplied many times to get a true picture of what is happening.

When the public school situation becomes so unbearable, people who can make a living elsewhere tend to consider moving to another town. This results in the loss of the most skilled and talented members of the community. What a terrible price to pay for integration.

I know of one small town in the delta section of Mississippi which has a population of 200 or 300. Between September 1 and October 15 of this year, no less than 19 families have moved from this town. The only reason for these moves was that the parents insisted on their children having a decent educational environment. I know of another small town where there are now three vacant houses on one street. These vacancies occurred for the same reason.

The cry is now being heard, and let me say I am opposed, that we must reduce the money spent on the public school system. In the long run, against my opposition, this will happen in many areas. The Supreme Court is following a course which will mean inferior schools and the lack of education. I know that none of my colleagues would want such terrible tragedies to occur in your respective States. I know that none of you would think or expect that Mississippi and other Southern States should be dealt with differently and more harshly than his own State.

In light of these facts I trust that each of you, my fellow Members of the Senate, will join in this effort to restore some sanity in the operation of our public schools.

RECESS UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess, rather than in adjournment, until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow, there be a time limitation of 3 hours on the pending amendment, the time to be equally divided between the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT), and the distinguished Senator from Mississippi (Mr. STENNIS), and that at the conclusion of that time period, the vote take place on the pending amendment.

Mr. SCOTT. Mr. President, reserving the right to object—and I have no objection—I would simply add, if the majority leader will accept it, that sometime during that period, if the majority leader so elects, we may go to the Executive Calendar for the purpose of considering a nomination.

Mr. MANSFIELD. I was going to make another suggestion about that.

Mr. SCOTT. That is satisfactory.

Mr. STENNIS. Mr. President, reserving the right to object—and I do not intend to object—I think the leader has made a

good suggestion. We have several Senators who want to speak on the matter. There is no disposition on the part of anyone to try to delay the vote. It is a vital matter. There are several more Senators who want to speak on the merits.

I think it would be better to start fresh in the morning. We could have a live quorum after the prayer and then go right into one and a half hours of debate on each side and finish it.

Mr. DOMINICK. Mr. President, reserving the right to object—and I will not object—what about amendments to the amendment or substitute amendments? Would they be included? I am not at the moment planning any. However, I understand that some Senators have suggested some.

Mr. MANSFIELD. I understood the issue was pretty clearcut; and I was making the request on that basis.

Mr. DOMINICK. But would the form of the unanimous-consent request cut off such amendments?

Mr. MANSFIELD. That is a matter which I think the Senator ought to discuss with the distinguished Republican leader.

Mr. SCOTT. Mr. President, I would have no objection to including in the unanimous-consent request the right to offer substitutes or amendments to the amendment, provided that all debate would end at the end of 3 hours and we could have a vote at that time.

The PRESIDING OFFICER. Is there objection to the fact that there will be 3 hours of debate tomorrow commencing after the prayer, and that at the end of the 3 hours there be a vote?

Mr. MANSFIELD. Exclusive of a live quorum at the beginning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the termination of the vote on the pending amendment, there be a time limitation of 30 minutes on the amendment to be offered by the distinguished Senator from Alabama (Mr. ALLEN), the time to be equally divided between the author of the amendment, the distinguished Senator from Alabama, and the manager of the bill, the distinguished Senator from Washington (Mr. MAGNUSON).

Mr. JAVITS. Mr. President, could we know what the amendment is before we have a ruling?

Mr. ALLEN. It is amendment No. 142.

Mr. JAVITS. What does it relate to?

Mr. ALLEN. It relates to the public policy on freedom of choice.

Mr. JAVITS. The same general idea.

Mr. ALLEN. The Senator is correct.

Mr. JAVITS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous consent agreement, later reduced to writing, is as follows:

Ordered, That following the prayer and a live quorum on Wednesday, December 17, 1969, further debate on the pending amendment offered by the Senator from Pennsylvania (Mr. SCOTT), to the bill, H.R. 13111, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, be limited to three hours to be equally divided and controlled, respectively, by the Senators from Pennsylvania and Mississippi (Mr. SCOTT and Mr. STENNIS). Following the vote on this amendment, debate on an amendment (No. 142) to be offered by the Senator from Alabama (Mr. ALLEN) will be limited to 30 minutes to be equally divided and controlled by the Senator from Alabama and the Senator from Washington (Mr. MAGNUSON).

Ordered further, That on all other amendments, except amendments to Sections 407, 408 and 409, and one by Senator Javits to be limited to 1½ hours, debate be limited to one hour, to be equally divided and controlled by the moved of the amendment and the Senator from Washington (Mr. MAGNUSON).

Mr. MANSFIELD. Mr. President, I ask unanimous consent, the Senate concurring, that at the conclusion of the speech by the Senator from Mississippi——

Mr. EASTLAND. Mr. President, I want to finish the speech in the morning. We can go out now.

Mr. MANSFIELD. No. Is the Senator through now?

Mr. EASTLAND. I want to finish this.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. MANSFIELD. Mr. President, I am very sorry and apologize to the Senator from New Hampshire who has had his share of sorrow today, but I think I should inform the Senate that it is the intention of the leadership if it is necessary and appears important, to call the Senate into session on Sunday. I do not intend to put the Senate in a position where it has not completed its business by Christmas and it will thereby be subject to a call by the President of the United States to come back into session.

So, the Senate is on notice.

Mr. SCOTT. Mr. President, will the Senator from Mississippi yield so that I may try to clarify a matter?

Mr. EASTLAND. I yield.

Mr. SCOTT. Mr. President, may I inquire whether at the conclusion of the remarks of the Senator from Mississippi tonight, with the understanding that he continue tomorrow, there is a possibility——

Mr. EASTLAND. I do not have more than 10 minutes. If the Senate wishes to vote on the Cotton amendment tonight, it will suit me fine. If not, I will finish this on tomorrow.

Mr. SCOTT. Mr. President, may I suggest that at the conclusion of the remarks of the Senator from Mississippi tonight, the Senator from New Hampshire be recognized to offer his amendment.

Mr. COTTON. Mr. President, I am not offering the amendment. The Senator from New York is offering the amendment.

Mr. JAVITS. I am offering it.

Mr. COTTON. I am the defendant. Mine is contained in the bill.

Mr. SCOTT. Mr. President, I suggest that the Senator from New York be authorized to offer his amendment, and if the distinguished majority leader has no objection, we can agree on a time limitation of 30 minutes.

Mr. JAVITS. When?

Mr. SCOTT. Tonight.

Mr. JAVITS. Not tonight.

Mr. MANSFIELD. Why not tonight? This body has been waiting here tonight and showing an interest.

Mr. JAVITS. The Senate has not been waiting on me. This is putting me in a box for no reason. I am here like the Senator from New Hampshire.

Mr. MANSFIELD. I did not even know who was going to offer the amendment.

Mr. JAVITS. I am here like the Senator from New Hampshire.

Mr. COTTON. Not like me.

Mr. SCOTT. Mr. President, I do not know how I got in the middle.

Mr. JAVITS. Mr. President, I have the amendment. I am willing to proceed with the amendment, but to take it up in the shank of the evening—I would not dream of it.

Mr. MANSFIELD. The Senator is entitled to his opinion, as usual.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. Mr. President, I send to the desk an amendment and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. ALLOTT. Mr. President, for the sake of explanation, the amendment would restore the remaining 10 percent of the impact area funds in the bill. I will call it up at any convenient time, even if it is 10 o'clock tonight. Or I will call it up at 7 o'clock in the morning.

Mr. MANSFIELD. Mr. President, why does not the Senator call it up right now? I understand that the Senator from Mississippi has concluded his remarks.

Mr. EASTLAND. The majority leader is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending amendment be laid aside temporarily for the purpose of allowing the Senator from Colorado to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Colorado.

Mr. ALLOTT. Mr. President, without losing my right to the floor, I yield to the Senator from Texas.

The PRESIDING OFFICER. Will the Senator suspend?

The Senate will be in order.

Mr. MANSFIELD. Mr. President, I suggest that the Chair ask all Senators to take their seats and to stay in them.

The PRESIDING OFFICER. It is so ordered.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. ALLOTT. Mr. President, I yield to the distinguished Senator from Texas, with the understanding that I will not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I recognize the need for a great degree of dispatch in the expedition of our business between now and Christmas. But I should like to respectfully suggest that this is hardly a proper climate in which to legislate. We have been legislating

intensively here for several days—indeed, weeks. I am not sure that we are really all ourselves. As a matter of fact, I think the later the hours grow, the more tired the Members of this body get, probably the less responsible they get. After all, we are all human beings; we are not superhuman.

I recall something that the great Alben Barkley once said:

> The first year you are in the Senate, you sit there in great awe of all these great men and wonder how you got there. The second year you are in the Senate, you wonder how they got there.

This is something Alben Barkley said.

I should like to suggest that this is not a proper hour, a proper climate, a proper environment for responsible legislation. Even though we are in a rush to finish and we want to conclude by Christmas, I think that we, as the world's greatest deliberative body, cannot try to enact far-reaching and significant legislation in this kind of climate.

Mr MANSFIELD. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. MANSFIELD. Mr. President, sometimes I am not at all certain that we are the world's greatest deliberative body. We have been on the job only 12 hours today. I feel as fresh as a daisy. I want to get on with the work, because I want to take a vacation as soon as possible. I know what is going on. My mind is not dulled. I am aware of the amendments. I can still read a page legibly, and I can still understand what my colleagues say.

So I would hope that we work together, as we have been, and try to bring to a head these appropriation bills, which are the only factors in the way of a sine die adjournment.

Mr. TOWER. I suggest there is a question between speed and deliberation.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

The clerk will read the amendment offered by the Senator from Colorado.

The assistant legislative clerk read as follows:

> On page 31, line 19, strike out "$600,167,000" and insert in lieu thereof "$665,167,000".
>
> On page 31, line 19, strike out "$585,000,000" and insert in lieu thereof "$650,000,000".

The PRESIDING OFFICER. Does the Senator wish the amendments to be considered en bloc?

Mr. ALLOTT. I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I thank the distinguished Senator from Texas for his comments on the present situation. For 2 or 3 months I have been speaking about the same problem, in that I thought the Senate would get to a situation in which the Members were all so fatigued that they would not be able to deal with these matters.

I do not criticize the majority leader. He has great responsibilities, and he is trying to accomplish what I am sure is the purpose of all of us here—to get out the appropriation bills so that the Senate may finish its work and salvage a sense of self-respect out of our work for the year. Unless we dispose of these appropriation bills, I do not think we can do that.

I am completely aware of the concerns which the distinguished Senator from Texas has just mentioned, and which I share. Nevertheless, we are here. We are dealing with amendments. We are dealing with critical amendments. The one which has been laid aside contains some of the most narrow nuances of the law and of judgment that anybody can imagine. I hope that the limitation we have placed on this particular question for tomorrow will give me an opportunity to express myself on that.

Tonight, I have offered an amendment. Because of the hurry, I was not aware, until after the HEW bill had been marked up this morning, that we had not funded the impacted areas funds to the full entitlement.

As all Senators know, the distinguished senior Senator from South Dakota for many years has carried these amendments, when the administration sought to cut these funds and at the same time emphasize title I of the bill. I do not want to put in my remarks tonight any particular weight as between title I and the impacted area funds, because title I also has its virtues, and all of us have voted for those funds in one way or another.

On the other hand, since World War II, we have had the impacted area funds, and they have constituted a major portion of the support of many school districts in this country.

I do not want to convey the impression—and I say this frankly—that I am offering this amendment at the instigation of the senior Senator from South Dakota (Mr. MUNDT), who, unfortunately, is hospitalized at the moment; but, rather, that I am doing it on my own, as one who has supported historically his efforts I have supported these efforts because I believe that the Public Law 874 program is a solid, substantial, and logical way to support our local schools.

Mr. President, there is a difference between the impacted area funds and the title I funds, for example, which require matching funds. The title I funds, praiseworthy though they may be, often actually drain our school districts of resources in order to match Federal programs that are not necessarily required in those particular districts. On the other hand, the impacted area funds go to the school districts without limitation, and these are the areas where we have Federal employees, Federal installations, and children attending schools. All of these factors put a burden on the school district which the school district cannot possibly meet under its own system of taxation.

This is not a situation particular to my own State. It is a situation that is equally peculiar or individual to Virginia or West Virginia or Massachusetts or almost any other State in the Union, for that matter.

What this amendment does, in very simple form, is to add $65 million on page 31, line 19—I will read it:

> For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $665,167,000, of which $650,000,000 shall be for payments to local educational agencies for the maintenance and operation of schools as authorized by the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and $15,167,000 which shall remain available until expended.

Mr. President, the proposal would add $65 million to this provision to implement the impacted area fund, not to 90 percent, as the bill would do, but to implement the impacted area fund to the extent of 100 percent of entitlement.

Mr. President, I should make one further brief comment and then I shall have completed my remarks. On such short notice, I can only speak with reference to how it would affect my own State. However, I think Senators will find that it affects all States in the same way. Representatives of our school districts in my State are dependent, to a large extent, upon this program for their fiscal existence. The extent to which they would benefit from increasing this provision in the bill by $65 million would be, for example, in Aurora, Colo., it would add $112,000; in Boulder, Colo., $70,000; in Denver, $214,000; in Harrison, $49,000; in Fountain, approximately $82,000; in Colorado Springs, $201,000; at the Air Force Academy, where we have some 5,000 employees including enlisted men, approximately $102,000; in Pueblo, $64,000.

Therefore, where Colorado has a 6-percent limitation on the amount of school aid which can be increased during a school year after appropriations have been made for a fiscal year, this is very important.

I shall conclude my remarks and then I will be happy to yield. The basic and essential point about the particular amendment is that federally impacted funds go to the bone, blood, and muscle of school districts. If this is cut, we are going to place thousands of our school districts in this country in a financial bind which they cannot meet. Unless my amendment is adopted these school districts well be forced either to cut the number of their classes or increase the number of students, and thereby decrease the quality of education.

This is one area where we can help the schools. This is one area where we can help the local boards which know best what their districts need to sustain their schools and carry them through the school year.

I yield to the Senator from New Mexico.

Mr. MONTOYA. Mr. President, I ask unanimous consent that I may be permitted to join the Senator from Colorado as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, first of all I want to say that the committee, in approving this particular item, was very generous.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONTOYA. The Senator from Colorado yielded to me.

Mr. ALLOTT. Mr. President, how much time do I have remaining on the amendment?

The PRESIDING OFFICER. The Senator has 20 minutes remaining.

Mr. ALLOTT. Mr. President, I yield 5 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. MONTOYA. Mr. President, I do not think that the Senator from Colorado, nor I, intends to impute any criticism to the committee for what it has done in providing $600,167,000, which is the same sum provided by the House. Somehow the $600 million represented in the bill is not the full entitlement to which the school districts in these areas are entitled. The Senator from Colorado is trying to bring this to 100-percent entitlement as I understand it.

This is one of the most popular fundings that we provide in Congress because it affects every State in the Union. It affects many of the school districts in our States. It is a funding from the Federal Government which is depended upon by the school districts in trying to work out their budgets and their expenditures for the ensuing year.

During the last 2 years the school districts in America have been impeded by lack of assurance that this money was forthcoming. I think the action of this Congress, even though it is at this late stage, brings encouragement to many of these districts which have children that are Federally connected. I think this money will be well spent and I think if we give assurances through this increase in this appropriation that we will be able to bring about better facilities through administration and operation in all these school districts throughout the country.

Mr. President, all the school superintendents met in Washington about 2 months ago. I am sure all the school officials who are concerned with this type funding have contacted all Senators here in the Chamber pleading with their Senators to come forth with 100-percent entitlement.

I think this is an investment in the future of America. I think this is an investment in the human resources of tomorrow. That is why I wanted to join my good friend from Colorado. I think this is, indeed, a very worthy amendment, and I urge its adoption.

Mr. ALLOTT. Mr. President, I thank the senior Senator from New Mexico very much for his support on this particular amendment.

I must apologize and I do so publicly. I became so involved in my own statement—I have been wrapped up in this matter for many, many years—that I did not realize the senior Senator from New Hampshire was seeking the floor.

Mr. President, I yield the floor now in order that the senior Senator from New Hampshire may speak.

Mr. COTTON. Mr. President, what is the time limitation?

The PRESIDING OFFICER. The manager of the bill has 30 minutes.

Mr. COTTON. Mr. President, I am speaking for the committee in opposition.

The PRESIDING OFFICER. The manager of the bill has 30 minutes.

Mr. COTTON. Mr. President, I yield myself 5 minutes and I will try not to take any more than that.

Mr. President, I think I am speaking for the chairman of our subcommittee. I hope I am speaking for the committee.

I discovered today, in something that really bothered me, that my own administration had not seen fit to take me into their confidence about what they wanted on the OEO. They told everybody except the senior ranking Republican on the Committee on Appropriations. I apologize—not to my administration, but to my fellow Senators. I will have an opportunity sometime, when they will wish they had let me know.

Mr. President, I wish that the committee were in a position to accept this amendment.

I am not going to stamp and roar strenuously and make the welkin ring. I suppose, actually, it adds up not to $50 million—although the distinguished Senator from Colorado had sincerely figured it so—but the total will add up to $65 million. I do not suppose that is much when one considers that, so far today, in this Chamber, we have added to the bill $478.2 million; so perhaps $65 million more as a burden on the bill will not be significant.

But the facts are as follows:

In fiscal 1969, we appropriated on a 90 percent basis for the impacted area funds.

Two administrations have tried, vainly, radically to reduce or remove the funds.

Congress does not stand for that, and I am entirely sympathetic with the position of Congress.

The funds have reached the point that school districts depend upon them. They are among the few funds which have no Federal strings attached, so the school districts can use them for the purposes they most need. They are not earmarked, and a particular district can use them for buildings, teachers' salaries, equipment, or whatever is most needed.

I do not blame the school districts, the school authorities, the teachers, or the superintendents for wanting these funds. I am all for restoring them in the bill.

But in fiscal 1969 we restored them on a 90-percent basis of estimated full funding, and we appropriated $520,861,000—that is, not quite $521 million.

This year the committee decided to do the same thing.

It is an estimate as to what is absolute, complete, full funding, but it is an estimate of what the 90 percent would be.

We have already provided in the bill the $600,167,000, which is an advance over fiscal 1969 of $79,306,000.

Mr. President, I submit, on behalf of the committee, that we have been fair and reasonably generous, because we cannot calculate to the last dollar or the last cent what 100-percent funding will be, with all of the other items in this vast bill of $21 billion which we are blowing up every half hour, or every hour on the hour.

I think that if we restore, and are sure that we are restoring, the 90 percent, which is practically $81 million more than was appropriated in fiscal 1969, that is a fair approach.

That is the reason why I feel that the committee cannot accept the amendment and that we are compelled to oppose it, much as I should like to accept it, and much as I sympathize with the feelings of my good friend from Colorado, who truly represents the thinking all over the country on the subject of impacted funds. We feel that we have been consistent and fair in computing the 90-percent estimate, which may be more than the 90 percent, but is $80 million more than they had last year.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. COTTON. I yield.

Mr. MURPHY. This is not a part of the amendment, but I think that a short colloquy might properly be injected here, if the Senator from Colorado has no objection.

Mr. President, since coming to the Senate, I have been a strong supporter of the impacted aid and I am pleased to cosponsor the Allott amendment.

Now, if I could have the attention of the manager of H.R. 13111, the distinguished Senator from Washington, Mr. MAGNUSON, or one who can clarify a matter with respect to sections 2 and 4 of Public Law 874 which deal with impacted aid. This does not directly involve in the pending amendment, but it is an important matter.

Section 2 deals with Federal acquisition of real property and section 4 deals with those instances where there has been a sudden substantial increase in school attendance resulting from the activities of the United States. Yet, the House through a serious oversight omitted those sections.

It is my understanding that these sections have always been funded in the past, and I am particularly concerned with the section 2 provision which is so important to so many school districts in my State. Under section 2 of Public Law 874 entitlements are allocated to those school districts throughout the United States who have lost a substantial portion—and this must be 10 percent or more—of their assessed evaluation through Federal acquisition of real property. In addition, the districts are required to show a continuing financial burden throughout the year in order to receive these funds. Section 2, then, is a method, and an equitable one, of reimbursing school districts for Federal impact and loss of school property.

I have a table showing the adverse effect this would have on school districts in my State, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IMPACTED-AID TO CALIFORNIA—PUBLIC LAW 874—SECTION 2, 1967–68

School district and county:	*Amount*
Hueneme, Ventura	$52,951
Deluz, San Diego	7,250
Fallbrook Union, San Diego	154,220
Fallbrook Union (elementary), San Diego	205,200
Oceanside, San Diego	702,450
San Miguel, San Luis Obispo	1,770
Vallelindo, Los Angeles	58,030
Washington Union, Monterey	1,911
San Antonio, Monterey	1,974
Los Alamitos, Orange	131,729
French Gulch Whiskey, Shasta	8,159
Total	1,325,644

Mr. MURPHY. Mr. President, the case of Fallbrook Union School District, Fallbrook, Calif., illustrates how important these funds are to these California school districts. The loss of funds from section 2, I am advised by Fallbrook Assistant Superintendent Robert Murphy, would force the closure of the school district before the end of the school year since it represents more than 10 percent of the school district's budget.

There is a great need in these districts for these impacted funds. They have always been funded in the past, and the example I have just cited illustrates there is a need for a continuation of this needed Federal assistance.

The question I have for the Senator is: Does the bill as reported by the committee cover sections 2 and 4 of Public Law 874?

Mr. COTTON. Let me say, in reply, that this is a very important and good point raised by the Senator from California. Those two items are important, and the House language in the bill probably did exactly what the Senator from California is apprehensive about; namely, it eradicated or diluted them. The Senate committee, recognizing that, has restored it in the bill now before us. The language used in fiscal year 1969, in last year's appropriations, puts them back.

Mr. MURPHY. I thank my distinguished colleague from New Hampshire.

Mr. COTTON. I think that I can assure the Senator from California that our language takes care of the two items, which are important and about which I share his concern.

Mr. MURPHY. I thank the distinguished Senator from New Hampshire for his concern. I thank the distinguished Senator from Colorado for his courtesy in allowing me to inject this colloquy during his remarks.

Mr. PASTORE. Mr. President, will the Senator from Colorado yield me 2 or 3 minutes?

Mr. ALLOTT. I am glad to yield 3 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the question of whether we should fund the full entitlement is an old chapter. We have gone through this time and time again. It was my happy privilege to serve with former Senator Lister Hill on his committee; and then I remember that once or twice, when I was the manager of the supplemental appropriation bill, this item would come up as a deficiency item from time to time.

If we are going to break this program, we should do it in a reasonable way. We ought to notify the school districts in advance that at some point we are going to bring the program to an end. Until that time, I think it is very unfair to those districts that rely on Federal funding. They rely on these funds when they constitute their own school budgets. They have every reason to rely on the commitments made by the U.S. Government.

The idea that we have voted 90 percent or 80 percent is all wrong. Either we ought to vote the full entitlement or not vote any funds at all. If we have reached the point where we are no longer going to finance the program, we ought to do it properly. We ought to notify the districts long in advance.

I remember distinctly that the previous administration—the Johnson administration—took the position that when we passed the legislation on aid for elementary and secondary education, that was to be a substitution for this program. Indeed, there is no connection whatsoever—absolutely none.

I remember when Mr. Gardner, who formerly was Secretary of Health, Education, and Welfare, came before our commitee. He took the position that this program should come to an end because of what we were doing under the other program. He took the position at that time, as I am taking today, that if ever we wanted to discontinue that program, we should not do it by eliminating funding after the school year had started, but that we should give the districts notice in advance.

I hope that this evening—I am sorry; I have lost track of the time—that tonight we will grant the full entitlement, and that if the time should come when we are no longer going to grant it, we will give the districts advance notice, so that they can provide for themselves.

Mr. BIBLE. Mr. President, will the Senator from Colorado yield me 2 minutes, so that I may ask a question of the Senator from Rhode Island?

Mr. ALLOTT. I yield 2 minutes to the Senator from Nevada.

Mr. BIBLE. The point I wish to make, as the Senator from Rhode Island has so correctly said, is that we have had the question of underfunding before us year after year, just as we have tonight.

I am a member of the Committee on Appropriations and of the Subcommittee on Labor, and Health, Education, and Welfare. What constantly bothers me is that even though this program should be funded 100 percent tonight, when the item comes before us in a supplemental appropriation bill it will be considered again. It that not correct?

Mr. PASTORE. I do not want to say that that is true as a fact; but it has happened several times. We have called the Commissioner of Education, and he has told us time and again that if we provide the full entitlement, the money can be used; that it is money that they need.

Mr. BIBLE. I think the RECORD should indicate that year after year, if the program is not funded at the full entitlement under the law, we go to the supplemental appropriation and the districts receive funds under the supplementals. I think the RECORD will show that.

But additionally, it should be said that both the Democratic and Republican administrations make a differential between A and B class students in this area. That does not conform with the law, because the law makes no such distinction. Yet the administration constantly tries to do this indirectly rather than through the legislative process.

I think the program should be funded as the Senator from Colorado has indicated.

Mr. ALLOTT. I thank the distinguished Senator from Nevada. We all understand perfectly well what is involved.

Mr. CANNON. Mr. President, will the Senator from Colorado yield me 1 minute?

Mr. ALLOTT. I yield 1 minute to the distinguished Senator from Nevada.

Mr. CANNON. Mr. President, I completely support the amendment to raise these figures to the full entitlement. I think it is a tragedy that each year we are confronted with an attempt to cut back the funds to provide for only category A children. I think it is also a tragedy that we find ourselves, at the end of the year, trying to fund for schoolchildren when school has been going on for 6 months. The budgets have been prepared for 8 or 9 months, or perhaps 12 months, ahead of this time, and they still do not know whether they are going to get the money, except for a continuing resolution.

I wish this administration, as well as others, would take heed from Congress that we are not going to discontinue this program unless the proper approach is made, and that we are not going to limit it to category A students until Congress makes such a determination.

I support the Senator's amendment for the full funding of this particular program.

Mr. ALLOTT. Mr. President, I thank both Senators from Nevada for their contribution, because they have pointed out what has been said over and over again on the floor, that if there is a change made in the program, it should be made by the legislative committee, and it should be done in advance.

Mr. President, I ask unanimous consent that the Senator from South Carolina (Mr. THURMOND) and the Senator from Alabama (Mr. ALLEN) may be joined as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MURPHY. Mr. President, I ask unanimous consent to be joined as a cosponsor.

Mr. ALLOTT. And also the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. And the junior Senator from Wyoming (Mr. HANSEN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I ask to have my name added as a cosponsor.

Mr. ALLOTT. And the junior Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I yield to the Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, I am strongly in favor of this amendment. I am in favor of it because the law provides that the districts will receive the money. I think they ought to receive the money until we repeal the law. They have relied on it, and we should fulfill the trust they have placed in our Federal Government.

I am strongly in favor of this amendment because the program has the least Federal control of any Federal program I know of. I believe the distinguished Senator from New Hampshire brought out the point that in many programs there is strong Federal control. Here there is practically no control. I think that is a very important factor.

I hope the amendment will be adopted.

Mr. COTTON. Mr. President, I yield myself 1 minute simply to say, although the distinguished chairman of the subcommittee is now on the floor, that I felt it my duty as a member of the committee to call attention to what we were doing.

I yield myself 2 additional minutes.

I just want to add that we still are not absolutely sure whether it is 90 or 95 percent that the committee gave. We do not know exactly what the full funding is. But, speaking for myself, unless my chairman feels differently, I think the feeling of the Senate in this matter is perfectly obvious. We want to get on with the business of the Senate. Subject to the feeling of my chairman, just as soon as I yield for a question, I am going to suggest that the committee be permitted to ask for a division.

Mr. PASTORE. Mr. President, what is the suggestion?

Mr. COTTON. That the committee, or at least that I, be permitted to ask for a division vote.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. PASTORE. I think we ought to have a yea-and-nay vote as notice to the administration that if this program is going to be repealed, let us repeal the law, and as long as the law stands, we should live up to our commitment. I think we can vote "yea" and give resounding notice to the administration.

Mr. COTTON. So those of us who have to carry on for the committee will have our feet put to the fire.

Mr. AIKEN and Mr. MAGNUSON addressed the Chair.

Mr. COTTON. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has about 20 minutes remaining.

Mr. COTTON. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I am seeking information. Does a Federal installation with Federal employees in a State have any bearing upon allocations of any other Federal funds for that State which may be based partly on population? For instance, would the fact that there is a Federal installation with 2,000 employees and their families—if there is such a case—influence the allocation of other funds to the States which are based partly on population?

Mr. COTTON. Oh, yes; it would.

Mr. AIKEN. I am wondering if that would make up the difference between what the committee holds is right and what the amendment seeks.

Mr. MAGNUSON. Mr. President, the Senate committee was very generous on impacted areas; $600,167,000 is provided in the bill. The House increased it from the administration proposal, and we agreed with the House increase. Two kinds of students are classed as making up an impacted area. One is the class A students, which we have taken care of wholly. The other is the larger amount of class B students.

HEW, when it set up the budget, frankly admitted that we should take care of the class A amount, and not give anything to class B students. It used the continuing resolution in cutting down the money as an excuse. If we are going to have impacted areas, I guess we should take care of them all.

I think the Senator from New Hampshire will agree with me on this. I thought all the money amendments were offered earlier. I asked about it five times this afternoon.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. I have been on the floor almost all afternoon, and it was not asked while I was here.

Mr. MAGNUSON. No. I am not criticizing the Senator.

As long as we have the distinction of class B in the law, this impacted area definition of eligibility has to be looked at by the legislative committee, one of these days; because if you work in a Federal establishment and you have children and send them to school, they are impacted. We have, as the extreme example, a Federal judge who works in a Federal courthouse and has a family, and his children live in the area where he is a Federal judge, they are impacted. All the children of employees of civil service who work in a Government building and have children are impacted.

I think it is time that we review what is an impacted area.

We took care—and I will say to the Senator his figures are correct—as far as we could find out from all the people that came to testify from the impacted areas, all the class A students and 90 percent or more of the class B, on the theory that the committee might look at this. That brought the figure up to $600,167,000. So 10 percent of that would be close to the $65 million the Senator is talking about. Our figure is $80 million more than they had last year.

I have no objection to this personally, but it is the law. I surely would recommend to the legislative committee that they take another look at what children should be classified as class B in an impacted area.

I do not think we meant Federal employees who live in a town and work in a Federal building, who are permanent residents of the town, when we passed the law.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. PASTORE. I quite agree with everything the Senator says, but until they do review the matter, does not the Senator feel we have a commitment?

I remember very vividly—this is only several years ago—when John Gardner was Secretary of Health, Education, and Welfare—the same man who made a speech down here at the Press Club last week—when he said everyone was out of step but him.

Mr. MAGNUSON. That is right.

Mr. PASTORE. That Congress was in a state of lethargy, and the administration was not living up to its responsibility. Yet he came before our committee, and when I asked him categorically, "Why did you not ask for any of this money for impacted areas," he said, "Because I do not think it is a good program."

Who is he, after Congress has passed a bill and it has been approved by the President of the United States, and becomes the law of this land, that it is up to him to say whether it is a good program or not, so that he can ask or not ask for the money?

That is what we have been up against. I agree with the chairman; if it is to be reviewed, let us review it. But you do not do that by cutting down the funding.

Mr. MAGNUSON. Let me suggest that that is some token. We have $600,167,000 for the total program. That includes some construction.

Mr. ALLOTT. Mr. President, will the Senator yield on that point?

Mr. MAGNUSON. I yield.

Mr ALLOTT. I would like to point out that by line 22 of the bill, it is reduced by $15,167,000 for facilities and grants to educational agencies. So that the full $600 million in the bill is reduced by the subsequent lines by $15,167,000.

Mr. MAGNUSON. That is for construction. Now, for the maintenance and operation, the cost per student of impacted areas is adequately covered by the $585 million, according to all the figures we received. In total, the construction, and there is a small amount, makes over $600 million for this program. We are talking about, roughly, in round figures, 90 percent. I would hope that the Senator would modify his amendment. The request is how much?

Mr. ALLOTT. It is $665,167,000.

Mr MAGNUSON. So the increase would be——

Mr. COTTON. It is $65 million.

Mr. MAGNUSON. It is $65 million more. We would be more responsible if the Senator would submit to the Senate a reduced amount of $60 million.

Mr. ALLOTT. Mr. President, first of all, I should like to say to the distinguished Senator that the difference is a very small amount, and it may be that his figures are correct. As nearly as we could get the figures, it would require the full $665 million to fully finance this program. However, I am willing to modify my amendment to read $660 million, in accordance with the Senator's suggestion, and I so request.

Mr. MAGNUSON. I appreciate that.

The PRESIDING OFFICER. The amendment is so modified. Who yields time?

Several Senators address the Chair.

Mr. ALLOTT. Mr. President, before yielding, I request that the names of the Senator from California (Mr. CRANSTON), the Senator from Idaho (Mr. JORDAN), the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from Alaska (Mr. STEVENS), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, may I make just one further statement?

I think that the statements that have been made in behalf of this bill by the Senator from Rhode Island, the Senators from Nevada, and others, are completely and wholly correct. I compliment my distinguished colleague from New Hampshire, who has tried valiantly and has done such an able job in upholding the hand of the committee on this matter. I talked with him several hours ago about this amendment. I was not able to talk with the distinguished chairman, because I could not find him. So I feel that as much notice as I could give was given.

I ask unanimous consent that the name of my colleague (Mr. DOMINICK) and the name of the distinguished Senator from Idaho (Mr. CHURCH) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, may I put in the RECORD tomorrow some figures, so everyone will know what we are doing?

Mr. ALLOTT. On the Senator's own time.

Mr. MAGNUSON. We have a list of States and what they received in 1969, what the revised budget would provide, and what the House and Senate allowance is per State, so everyone in every State will know what they will be getting.

Mr. MAGNUSON subsequently said, on December 17: Mr. President, if the Senator will permit me, I would like to make a correction, first. The information we have from HEW is that of the 25,000 school districts, give or take, that there were 300. I said 400. I misread my notes. There are 300 that they consider under their rules.

Mr. President, because of the lateness of the hour last night, when we discussed the impacted areas funding, I did not insist that this table be included in the RECORD because it would have delayed the printing of our debate.

I should like to point out to the Senate that this table sets forth the allocations to States under Public Law 874, and was prepared by the Department on the basis of the House allowances, for our subcommittee. The final figures, which total $585,000,000 show just what we approved in the subcommittee and full Appropriations Committee. Any additional funds would be distributed accordingly. I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the figures were ordered to be printed in the RECORD, as follows:

ALLOCATIONS TO STATES FOR OPERATIONS AND MAINTENANCE UNDER PUBLIC LAW 874

	1969 appropriation	1970 revised estimate [1]	House allowance
Total	$505,900,000	$187,000,000	$585,000,000
Alabama	9,530,000	2,362,000	11,075,000
Alaska	13,379,000	13,935,000	15,917,000
Arizona	9,059,000	6,526,000	10,825,000
Arkansas	2,696,000	958,000	3,071,000
California	78,042,000	25,225,000	88,431,000
Colorado	13,291,000	3,109,000	15,522,000
Connecticut	3,429,000	1,503,000	3,974,000
Delaware	1,922,000	1,388,000	2,212,000
Florida	17,351,000	5,013,000	20,056,000
Georgia	16,421,000	5,749,000	18,978,000
Hawaii	9,117,000	5,741,000	10,735,000
Idaho	2,656,000	1,044,000	3,225,000
Illinois	12,724,000	4,280,000	14,805,000
Indiana	4,391,000	982,000	4,974,000
Iowa	2,605,000	310,000	3,033,000
Kansas	8,534,000	3,302,000	9,836,000
Kentucky	8,731,000	5,604,000	9,801,000
Louisiana	3,431,000	770,000	3,960,000
Maine	3,049,000	2,213,000	3,593,000
Maryland	24,846,000	3,387,000	29,362,000
Massachusetts	15,743,000	5,971,000	18,514,000
Michigan	4,574,000	2,852,000	5,211,000
Minnesota	2,923,000	846,000	3,367,000
Mississippi	2,615,000	1,115,000	3,048,000
Missouri	8,386,000	2,176,000	9,617,000
Montana	4,444,000	3,960,000	5,453,000
Nebraska	4,429,000	2,286,000	5,298,000
Nevada	$3,457,000	$1,426,000	$4,130,000
New Hampshire	2,138,000	904,000	2,474,000
New Jersey	11,933,000	4,251,000	13,835,000
New Mexico	10,127,000	6,147,000	11,299,000
New York	17,641,000	6,027,000	20,504,000
North Carolina	11,198,000	6,864,000	12,621,00 0
North Dakota	2,501,000	2,664,000	2,886,000
Ohio	10,561,000	1,182,000	12,384,000
Oklahoma	12,140,000	3,695,000	13,952,000
Oregon	2,535,000	791,000	3,076,000
Pennsylvania	8,953,000	856,000	10,184,000
Rhode Island	3,578,000	1,585,000	4,084,000
South Carolina	8,446,000	3,589,000	9,872,000
South Dakota	3,587,600	2,697,000	4,216,000
Tennessee	6,566,000	705,000	7,703,000
Texas	29,659,000	7,709,000	34,617,000
Utah	6,901,000	1,055,000	8,067,000
Vermont	119,000	4,000	138,000
Virginia	34,531,000	7,442,000	39,552,000
Washington	12,938,000	4,852,000	15,097,000
West Virginia	413,000	18,000	490,000
Wisconsin	2,252,000	571,000	2,660,000
Wyoming	1,600,000	1,275,000	1,910,000
District of Columbia	5,984,400	374,000	6,744,000
Guam	1,735,000	1,247,000	2,032,000
Puerto Rico	5,764,000	6,067,000	6,124,000
Virgin Islands	43,000	0	60,000
Wake Island	281,000	396,000	396,000

[1] Estimate based on latest data (1968) and assumes existing formula but only funding children who live on Federal property with parents who are employed on Federal property and "section 6" children whose education is arranged for by the Commissioner of Education.

Mr. ALLOTT. Mr. President, I promised the distinguished Senator from Texas that before I concluded I would yield to him. How much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. ALLOTT. How much time does the Senator need?

Mr. YARBOROUGH. One and one-half minutes.

Mr. ALLOTT. I yield the Senator 1½ minutes.

Mr. YARBOROUGH. Mr. President, I support the amendment of the distinguished Senator from Colorado, but I call the attention of my colleagues not only to the language on line 19, page 31, that he is amending, but to lines 22 and 23 on that page, where the appropriation is for only $15,167,000 under Public Law 815, for construction. The sentence the Senator is amending is for funds under Public Law 874, for maintenance and operation of schools. In the committee, I offered an amendment to raise the figure of $15,167,000 to $50 million. There is a backlog since 1967 for construction of school buildings under Public Law 815, the impacted education law. There has been very little money put in there. I believe there is a backlog now of $226 million.

The PRESIDING OFFICER. The Senate will be in order.

Mr. YARBOROUGH. I think there is a backlog of $226 million for construction. I offered an amendment to provide $50 million; but it lost in committee. The amount of money that the distinguished Senator from Colorado is putting in the bill for maintenance and operation will relieve some of the pressure on those districts so that they can use some of their maintenance and operation funds for building. That is what they have done in the past; they have had to spend their own money out of maintenance and operations and put it into construction, to build buildings, because the Federal Government would not live up to its obligations.

I think this money is badly needed for maintenance and operation but funds are needed for construction also, because the school districts have been forced to put their own money into the building fund for the classrooms that the Federal Government would not provide the funds to build.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I am

ready to yield back the remainder of my time, but there are Senators who have indicated they want a rollcall on this matter.

Mr. COTTON. Mr. President, before we have the yeas and nays, I yield myself 1 minute to say that the Senator from Colorado did give seasonal notice to me. We all understand the situation of the chairman as to why he had to be away from the floor today.

The Senator from Colorado did go over the matter with me. We knew this was to be offered. We knew that the Senator wanted this and felt it was the just thing to do.

I know that there will be a rollcall vote. I envy all those who can get on record on a rollcall vote and go home and tell the folks they voted for the impacted area funds. Two or three of us because of our burden will have to vote with the committee.

Mr. PASTORE. Mr. President, because of the very, very plaintive plea made by the Senator from New Hampshire, I hope that we will not have to have a rollcall vote.

Mr. COTTON. No. We will have a rollcall vote.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG of North Dakota. Mr. President, I wish to say a word along the line of what the Senator from Rhode Island spoke about a few minutes ago. There is a lot of injustice in the law. For example, I have employees who live in Maryland and Virginia. They own houses and pay taxes as everyone else does. But the Federal Government pays them impacted area school funds.

There is something wrong with the law. I can understand why the Bureau of the Budget under the present administration and under the previous administration would reduce the funds to try to force Congress to enact a better law.

I admire the fight put up by the Senator from New Hampshire, even though he will not get more than a half dozen votes.

Mr. MAGNUSON. Mr. President, the two highest impacted areas in the country are California and Texas. They have the most military installations. Then we have Maryland; because the parents work on Federal property.

I am not so sure that the Senators who have children could not have them impacted because we work in a Federal building under the ruling.

That is the sort of thing I think we have to take a good hard look at.

Virginia gets $39 million. Texas only $34 million. North Dakota gets $2 million.

Mr. YOUNG of North Dakota. We have two big airbases.

Mr. MAGNUSON. New Hampshire gets $2.4 million. Perhaps California gets more. California is the Abou Ben Adhem. They get $88 million.

Mr. PASTORE. That was the Styles Bridges amendment for the Portsmouth Navy Yard. They have employees in Maine and New Hampshire. In order to take care of that situation, both Maryland and Virginia fell into the slot. And that is how that came about. That ought to be looked into.

Mr. COTTON. Mr. President, let me say in 2 minutes' time that the Senator from Rhode Island has made my day complete.

When we have these fund drives, these community fund drives, we have a big thermometer and show how near we get to the top. I want to make the announcement that the amendment, which I know will be agreed to and which I wish I could vote for, with what we have added on the floor today has pushed the bill over the half-billion-dollar mark. We have added $538.2 million since lunch.

Mr. MAGNUSON. Mr. President in view of that announcement, the Senator from New Hampshire and I will accept the amendment and take it to conference. Let us get on with the next amendment.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the names of Senators STEVENS, YARBOROUGH, SPONG, and DOLE be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I thought I could do this in 5 minutes. I say to my distinguished friends on the other side of the aisle particularly, and particularly to the Senator from Rhode Island with whom I have worked for so many years, that I think the sentiment of the Senate is pretty well known. It is getting very late. I hope that we can dispose of this matter with a division.

Mr. MONTOYA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

Mr. ALLOTT. Mr. President, if the other side is ready to yield back their time, I yield back the remainder of my time.

IMPACT FUNDS

Mr. TOWER. Mr. President, I was pleased to note that the committee has provided very nearly full funding for the Public Law 874 program of aid to federally affected areas. I support this funding wholeheartedly and do not feel that we can responsibly do less. This money represents the taxes owed to the localities where there is a substantial Federal presence. In areas where there is heavy Government activity, such as military installations, the local tax base is narrowed by expansive Federal ownership of lands and facilities which cannot be taxed. At the same time there is a large population of persons drawn to the area to work at the Federal installation, many of whom also live on Federal property but whose children attend the public schools. Many fine words were pronounced during the course of the tax reform debate recently concluded about the closing of loopholes and insuring that all citizens pull their share of the load; it is now incumbent upon us to insure that the Federal Government pays its taxes as well.

There has been some discussion over the 20-year history of Public Law 874 as to the payment for category 3(b) children. These are the children whose parents are employed on Federal property but do not reside there. The argument usually is to the effect that since such persons live in taxable dwellings on taxable property they are paying their share of the burden.

The fact is that if it were not for the Federal presence, many of these people would be elsewhere, or would be working for non-Government, hence taxable, enterprises. It is not unreasonable then to pay for category 3(b) children 50 percent of the amount for category 3(a) children, whose parents both live and work on Federal property. In any event, the distinguished committee members are in the right when they indicate that the appropriations bill is not the proper vehicle through which to amend Public Law 874 by striking all funds for category 3(b).

At many points in the bill there is evidence that the gentlemen of the committee were touched by the Christmas spirit, that they yielded to an impulse to play Santa Claus. However, I believe that their action on impact aid is sound and responsible, and I endorse it unhesitatingly.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, with the distinguished Senator from New York on the floor, I would like to propound a unanimous-consent request.

I ask unanimous consent that there be a time limitation on the Javits amendment, which will follow the other two amendments, of 1½ hours, the time to be equally divided between the Senator from New York (Mr. JAVITS), and the manager of the bill, the Senator from Washington (Mr. MAGNUSON).

Mr. STENNIS. Mr. President, this will not displace the other matter?

Mr. MANSFIELD. No.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I would like to call to the attention of the Senate the agreement which has been made, that immediately after the prayer tomorrow morning, there will be a live quorum call before the time limitation begins to run.

I do not know whether we can finish this week or not. We have three appropriation bills after the pending bill has been disposed of. However, I do want to put the Senate on notice that if those bills are not completed and in conference, the Senate will meet on Sunday morning next.

Mr. President, there will be no further rollcall votes tonight.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Massachusetts (Mr. KENNEDY), the

Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from Massachusetts (Mr. KENNEDY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are detained on official business.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Texas would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 73, nays 9, as follows:

[No. 245 Leg.]

YEAS—73

Allen	Gravel	Murphy
Allott	Griffin	Muskie
Baker	Gurney	Nelson
Bayh	Hansen	Packwood
Bellmon	Harris	Pastore
Bennett	Hart	Pearson
Bible	Hartke	Pell
Boggs	Hatfield	Percy
Brooke	Holland	Prouty
Burdick	Hollings	Ribicoff
Byrd, Va.	Hruska	Schweiker
Cannon	Inouye	Scott
Church	Javits	Smith, Maine
Cook	Jordan, N.C.	Sparkman
Cranston	Jordan, Idaho	Spong
Curtis	Long	Stennis
Dodd	Magnuson	Stevens
Dole	Mansfield	Talmadge
Dominick	Mathias	Thurmond
Eagleton	McClellan	Tydings
Ervin	McGee	Williams, N.J.
Fannin	Miller	Yarborough
Fong	Mondale	Young, N. Dak.
Fulbright	Montoya	
Gore	Moss	

NAYS—9

Aiken	Ellender	Proxmire
Byrd, W. Va.	Hughes	Randolph
Cotton	Metcalf	Williams, Del.

NOT VOTING—18

Anderson	Jackson	Russell
Case	Kennedy	Saxbe
Cooper	McCarthy	Smith, Ill.
Eastland	McGovern	Symington
Goldwater	McIntyre	Tower
Goodell	Mundt	Young, Ohio

So Mr. ALLOTT's amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Pennsylvania.

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from West Virginia is advised that the pending business is the amendment offered by the distinguished Senator from Pennsylvania.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL COSPONSORS OF A BILL

S. 3181

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor of S. 3181, the Regional Water Quality Act of 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENTS

AMENDMENT NO. 431

Mr. SCOTT (for himself, Mr. PASTORE, Mr. CASE, Mr. PEARSON, and Mr. JAVITS) proposed an amendment to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to be printed.

AMENDMENT NO. 432

Mr. JAVITS (for himself and Mr. HART) submitted an amendment, intended to be proposed by them, jointly, to H.R. 13111, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 433

Mr. TYDINGS submitted an amendment, intended to be proposed by him, to H.R. 13111, supra, which was ordered to lie on the table and to be printed.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 10 o'clock and 10 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, December 17, 1969, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 16, 1969:

IN THE NAVY

Vice Adm. Allen M. Shinn, U.S. Navy, for appointment to the grade of vice admiral, when retired, in accordance with the provisions of title 10, United States Code, section 5233.

Having designated Rear Adm. Frederic A. Bardshar, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line subject to qualification therefor as provided by law:

Aanerud, Kenneth Dean
Abel, Arthur Philip
Abston, J. B.
Ackerman, David William
Ackley, Ralph William, Jr.
Adams, John Bricker
Adams, Robert Bruce, Jr.
Adkins, Freeman Frederick
Aeschleman, Vance Ellsworth, Jr.
Aiken, Edwin Wilmer
Aker, Robert Emil, Jr.
Albright, David Lewis
Alcon, Charles Arthur
Alexander, Dennis Jay
Alf, Donald Lee
Allen, Layton Southerland, Jr.
Alley, Stephen David
Amber, Richard Owen
Ameel, Frederick Donald
Andersen, Harold
Anderson, Gene George
Anderson, Lane Schofield, III
Anderson, Stanley Ivar
Andrade, John Robert
Andrews, Michael Wesley
Andrews, Roger Marshall
Andruchow, Paul
Angleton, John Marshall
Annable, Ross McDonald
Apple, Thomas Michael
Applewhite, Barry Alan
Abbot, Charles Stevenson
Abraham, Michael, III
Acker, James Everett
Ackerson, Jeffrey Townsend
Adams, Edgar William
Adams, Merchant Stewart
Adams, Russel Mark
Aeilts, Fred Lee
Affeld, Richard Lorman
Airlie, Jack Gibson, Jr.
Akst, H. Gordon
Albright, John Richard
Aldrich, James Hunter, Jr.
Alexander, Samuel John
Alleman, Alfred Dennis
Allen, Robert Paul
Almon, John Sterling
Ambrose, Isaiah Hammack, III
Amerine, David Bruce
Anderson, Frank Andrew
Anderson, Howard Brent
Anderson, Richard Alan
Andersook, Walter
Andres, Stephen Michael
Andrews, Richard Lee
Andrix, Frank Thomas
Angelina, Peter Gerald
Angstead, Donald Eugene
Antle, William Smoot, III
Applegate, William Gould, III
Appling, Bobby Cecile
Aracic, Nicholas Matthew
Arbogast, John Elbert
Arendt, Steven Maurice
Arje, Andrew Coulter
Armstrong, Frank Hough, III
Armstrong, Robert John
Armitage, Richard Lee
Arnold, John Kevin
Arthur, James Charles
Ash, Richard Winslow
Atkins, John Wesley, III
Aubrey, Richard Crandell
Aunchman, Leman John, Jr.
Auten, Neil Eugene
Aranyos, John Richard

Arendas, Wayne George
Arey, Sheldon Craig
Arkwright, Gale Thomas
Armstrong, Roland John
Armentrout, Charles Edward
Arnold, Gavin Dykes
Arrington, Farlin Wesley
Artley, Donald Kenneth
Ashworth, David Bliss
Atwill, James Richards, Jr.
Auerbach, Jerome Martin
Austin, Julian Leon
Bagby, Joseph Tyler
Bahn, Theodore Inman
Bailing, Timothy Dodds
Baker, Dennis
Bakkila, Roger Leonard
Balestra, Louis Joseph, Jr.
Ballew, Jackie Charles
Balukonis, Vincent John James
Banwarth, Cletus Stephen, Jr.
Baranowski, William
Barber, Robert Lawrence
Barbour, Henry Hamilton
Bardsley, David John
Barker, Joseph Henry, III
Barkhurst, Ross Perry
Barnes, John Winthrop, Jr.
Badger, Richard Lee
Bagully, Ross Stephan
Bailey, John Gregory
Baird, Leo James Michael
Baker, Richard Frederick
Bald, Reynald Alfred
Ballantine, William Thomas, Jr.
Balsam, Carl Edward
Bandy, Robert Frank
Bartz, William George, Jr.
Barausky, Kenneth Peter
Barbero, Frank, Jr.
Barchi, Richard Henry
Bardsley, George Paul
Barker, Michael Don
Barnes, George Wallace, III
Barnett, Peter Anthony
Barr, Richard Conklin, Jr.
Barre, David Arnold
Barry, Thomas Joseph
Barton, Jon Hasell
Bates, George Macnider
Bauer, Russell Carl
Baum, Scott Robert
Baumhardt, Robert James
Beachy, John Scott
Beal, Robert Everett
Beard, Timothy Robert
Beaulier, Jerome Eugene
Beavers, Ashley Jerome
Beck, Robert Lee
Beckett, Robert Sampson
Beeby, Gered Howard
Beers, Charles Joseph, Jr.
Beers, Steven Curtis
Beidler, Roderick Keith
Beinbrink, Jeffrey Robert
Belangia, William Ray
Belding, William Merritt, Jr.
Belisle, Kenneth Charles
Bell, Roy Morrow Roy
Bellew, Patrick Harry
Bellman, Terry Richard
Benedict, Crawford Lee
Bennett, Sterling Norman
Benton, Robert Reid, Jr.
Berck, Henry Fred, Jr.
Berg, Steven Kent
Berkebile, Donald Freeman
Bernard, Gilbert Cress, Jr.
Bernier, Thomas Rodney
Berryman, James Charles
Betts, Craig Robert
Barnett, Burnice Edward, Jr.
Barnette, Richard Thomas
Barr, William Siau
Barrett, James Wilson
Bartel, Edward Donald
Bastian, Gary Bradley
Bates, John C., Jr.
Baum, Richard Allan
Baumberger, Harold Eckel, Jr.
Beattie, David John
Beakes, John Herbert, Jr.
Beall, William Lawrence
Beasley, Marvin Ernest
Beaver, Bradley Kearne
Beck, Andrew Conrad II
Becker, George Lester
Bedford, Thomas Jackson, Jr.
Beede, William Patrick
Beers, Lawrence Stanley
Beesley, James Bruce
Beil, Adolf Henry
Beith, William Roderick
Belden, William Ellsworth, Jr.
Belew, David Halliburton
Bell, David Earl
Bellas, Robert Caldwell, Jr.
Bellinoff, Alan Eliot
Benator, Barry Ivan
Bennett, Michael Ray
Benson, Frank Alexander
Benzin, Robert William
Bereza, Richard Allen
Bergen, Laurence Michael, Jr.
Berkline, Kelly Ray
Bernier, Joseph Peter
Berry, Robert Louis
Beskind, Jay Peter
Bezdek, Donald Joseph
Bickel, Roger Bruce
Bier, Gary Lanar
Bill, David Spencer III
Birchfield, Robert Boyd
Birkmaier, William Bradford, Jr.
Bishop, John Whitney, Jr.
Bitten, Ernest John
Bixler, Paul Woodruff
Black, Kenneth Lee
Blair, Dana Ray
Blair, Thomas James
Blanchard, Frank Medford, Jr.
Bledsoe, Samuel
Blinn, Gary Robert
Blocksom, Roland Daly, Jr.
Boaz, Lowell David
Bockhold, George, Jr.
Bogert, Gary Michael
Bohling, Peter Herman
Bolier, Michael Ronald
Bone, Robert Eugene
Bonnell, William Spencer
Booher, Donald Chester
Booth, Gregory Seeley
Borden, Ronald Duane
Bortell, Charles Kelly, Jr.
Boudreaux, Numa Augustine III
Bouldin, Donald Wayne
Bowden, Gurnie Gobel
Bowler, Roland Tomlin Evans III
Bowser, Rex Jansen
Boyd, Cecil Archibald Kapil II
Boyette, James Robert
Boyle, David William
Bozzelli, Philip Anthony
Brabenec, John Joseph III
Brady, Michael Francis
Brady, Terrence James
Bielicki, Dennis James
Biery, George Monroe II
Bina, William Frank III
Birchmier, Charles Orland
Bishop, Ernest Frank
Bisti, Joseph Carl
Bixler, Michael Balfour
Black, Evans J.
Blackwood, Edward Barron
Blair, Foster John II
Blakeney, James Houston
Blanchard, Mark Webster
Blekicki, Walter Carroll
Bliss, Ronald Joseph
Blount, Thomas Edward, Jr.
Bock, Thomas Herbert
Bodie, Jeffrey George
Boggio, John Martin
Bokesch, William Michael
Bona, Richard Albert
Bone, Theron Carl
Bonnville, Lawrence Russell
Boone, Victor Frank
Borak, David Edward
Borsh, Richard Martin, Jr.
Bouck, David William
Boughner, Thomas Kemp
Bourne, Robert Edward, Jr.
Bowenkamp, Robert Donald
Bowman, Frank Lee
Boyce, Brian Francis
Boyd, Thomas Arthur
Boyhan, Thomas Cary
Boynton, Robert William, Jr.
Braswell, Willis Caldwell, Jr.
Braden, James Dion
Brady, Patrick Bernard, Jr.
Brake, Gary Franklin
Brandt, Wesley Robert
Brant, William Clarke
Branum, Richard Cline
Breagy, Thomas Joseph
Brennan, Neil Maxwell
Brett, Gerard Joseph
Brew, William Earle
Brice, Robert Grant
Brino, Ronald Thomas
Brittenham, John Charles
Broadhurst, William Thomas
Broderick, Thomas Powell
Brookman, John Edward
Brooks, Robert Andrew
Broomall, Anthony Wayne
Brosee, Manfred Neil
Broussard, Curtis Wayne
Brown, James Robert
Brown, Michael Eugene
Brown, Richard Eugene
Browning, David Louis
Brudno, Robert Joseph
Brunk, Thomas Eugene
Bruun, James Louis
Bryant, David Alan
Bryant, Lee Wayne
Bubeck, Richard Bailey
Buchanan, William James
Buckingham, James Robert
Buckley, Victor Patrick
Bugelski, Michael Thaddeus
Bulger, Ian
Bunch, Gerald Douglas
Burbank, David Cheney
Burger, James Franklin
Burggren, Peter Charles
Burke, Joseph James
Burke, Robert Dan
Burkhart, Alan Douglas
Burkhart, James Richard, II
Burkholder, James Brooke, Jr.
Burnett, William Howard
Burns, Barry Edward
Burns, Joseph Michael
Burns, William Robert, Jr.
Burrill, David Reid
Burton, Kenneth Lewis
Buttinger, James David
Buyert, Arlin John
Byron, Roger Walter
Brady, Thomas Michael
Branco, Robert John
Brannan, Lee Roy, Jr.
Brantigan, Richard Thomas
Bray, Malvin Lawson
Bream, Charles Clifford, III
Brereton, John Robert
Breuer, David Paul
Brewer, Charles William
Brilliant, Irwin Joel
Brinser, John Robert
Brix, Christian William, Jr.
Brockman, Robert Joseph
Bronaugh, Welbourne Frederick, Jr.
Brooks, Nicholas George
Brooks, William Charles
Broome, Norval Lagier
Broughton, Thomas Gary
Brown, Charles Edmond
Brown, Michael Irwin
Brown, Patrick Joseph
Brown, Ronald Nelson
Brownley, Lawrence Leroy
Bruggeman, Alan Robert
Brunson, Burlie Allen
Bryan, George Raymond, III
Bryant, Franklin Simons
Brydges, Richard Ross
Buchanan, Charles Cecil, Jr.
Bucher, Lawrence Charles
Buckley, Gerard Francis

Buege, Paul Stephen
Buletza, Peter George
Bumann, Timothy Perry
Bunge, Thomas Edward
Burch, John Charles
Burger, James Carl
Burke, Bryan James
Burke, James Garry
Burke, Robert Gifford
Burkhart, Harold Jean
Burkhead, Franklin, Jr.
Burnett, Roger Allan
Burnham, Eugene Courtney
Burns, Franklin Jeffrey
Burns, Thomas Francis, Jr.
Burrill, Clair Glenn, Jr.
Burton, Gary Lynn
Burton, Thomas Gardner
Butvilas, George John, Jr.
Byard, Larry Frederick
Calazza, Albert William
Caldwell, Ellis Alton
Calhoun, William McBrayer
Callahan, Patrick Anthony
Calvert, Eric Scott
Campbell, Horace Julian
Canaday, Brent Arnold
Cannady, Charles Robert
Cannon, Thomas Markwood
Capshaw, Roy Don
Caraway, John Benjamin III
Carlberg, Richard Francis
Carlson, Edward James
Carlson, Richard Eric
Carr, Paul Nelson
Carroll, David Leigh
Carroll, Laurence Bradner III
Carson, Ross Henry
Carter, Jesse Samuel
Carter, William Campbell
Case, Steven Lee
Cassell, Robert Wayne Jr.
Castoro, Joseph John
Cathcart, William Clifford
Cable, Robert Lewis
Caldwell, Dwight Burnett
Caldwell, Leonard Augustus
Callaghan, James Michael
Calnan, Gary Stephen
Campbell, Bruce Wilson
Campbell, Robert Boon
Candler, David William
Cannon, Richard Alan
Capper, Dean Robert
Capute, Joseph Robert
Carbone, Nicholas Daniel
Carloni, Guido Joseph
Carlson, Martin Walter Jr.
Carlson, Russell Craig
Carriker, Eric Berkeley
Carroll, James Norman
Carroll, Thomas Vincent
Carter, Ira Banks III
Carter, Rodger Besley
Carver, William Earnest Jr.
Casey, Martin Michael
Castle, William Kenneth Jr.
Catello, George Michael
Caudill, Garland Wayne
Ceruzzi, Michael Leonard
Chadwick, James Lawrence
Chamberlain, Donald Edward
Chandler, Michael Stewart
Chapman, Michael Robert
Charles, John Robert
Chehansky, John Charles
Chesterman, Alan George
Chicoine, Rene Joseph
Chmura, John Albert, Jr.
Christopher, Thomas Aloysius
Church, Donald Wesley
Churchill, James Eugene
Claxton, James Thomas
Claffee, James Robert
Clark, Bartlett Lee
Clark, Jack C.
Clark, John Maclean, Jr.
Clark, Richard Owen
Clark, Thomas Arthur
Clarridge, Brian Reed
Clary, Ronald Bee
Clegg, Marshall Cardon
Clemins, Archie Ray
Clifford, Robert Lee
Cline, John Hendrix
Clinton, John William
Clymer, Roy Emerson III
Coers, Mardis Malcolm
Coffin, Charles Edward III
Cole, Otis Robert III
Colley, Donald Vernon
Collins, Richard James
Colomb, Herbert Palfrey, Jr.
Combs, Robert Meredith
Catron, Arnold Edward
Cazenave, Frederick Frank, Jr.
Cetta, Nicholas John.
Chalke, George Payne, Jr.
Chandler, Carder Denis
Chapman, Gary Conrad
Chappell, Eugene Watson, Jr.
Cheever, Robert James, Jr.
Chessman, Gary Albert
Chew, Chett Thornton
Childs, Stephen Robert
Christianson, Robert Andrew
Church, David Earl
Churchill, Edwin Terry
Ciccarelli, Chester Anthony
Clayton, William Bailey, III
Clancy, James Patrick
Clark, Guinn Gerrie
Clark, James Robert
Clark, John Meredith
Clark, Thomas Francis, Jr.
Clarke, Joseph Dallas, IV
Clary, Donald Lee
Claude, David Louis
Clement, Marc Andre
Clevenger, William John
Cline, Gary Keith
Cline, Joseph Martin
Clothier, Thomas John
Cochran, Deford Eugene
Coffey, Matthew Joseph, Jr.
Cohane, Timothy Michael, Jr.
Coley, Stephen Craig
Collins, Martin Kevin
Collins,Wendell Roy
Coltrane, Glenn Gray
Compton, James Emmett
Conery, George Franklin, Jr.
Conn, George Richard Werner
Connell, William Lawrence
Connor, Dennis Ray
Constans, John Northrop
Cook, Curtis Blackman
Cook, Jon Leslie
Coon, James Maynard
Coonrad, Douglas Vanvzandt
Cooper, Douglas Louis
Cooper, Patrick Emanuel
Copenbarger, Paul David
Cordell, Jeryl William
Corry, Vincent Henry
Costello, John Joseph
Cotter, Paul Stephen
Cotton, John Bruce
Courtney, Lucien Wendell
Cover, Martin Luther, III
Cowardin, James Henry
Cox, Mariner Garnett
Cox, Thomas Joseph
Crabtree, Carlton Pierce
Cragg, Eugene Earl, Jr.
Craighill, John St. Clair
Cramer, Charles Robert
Creutz, Alan
Creed, Barton Sheldon
Crenshaw, William Robins, Jr.
Cress, James Thomas, Jr.
Crisp, Howard Leon
Crockett, Alan Keith
Crockett, Robert Joseph
Cronyn, Brian Sullivan
Crosby, Dennis Allen
Cross, Lawrence Allan, Jr.
Crouch, William Hugh, Jr.
Crow, Joseph Melvin
Cruse, Charles Howard
Coneway, Clinton James
Conn, James Loren
Connolly, John Michael
Conroy, Frederick William
Conway, James Patrick
Cook, James Ballou, II
Cook, Robert Allyn
Coonan, John Joseph, Jr.
Cooper, Clark Russell.
Cooper, Marshall Geoffrey
Copeland, Larry Mack
Corcoran, Gerald John
Corder, Henry Robert, Jr.
Costello, Dennis Brian
Costello, Terrence William, III
Cottingham, James Lynn
Couch, Hugh Richard
Courts, David Paul
Covey, Charles Clayton
Cowgill, Curtis James, III
Cox, Milford Chantwin, Jr.
Crable, Paul Alan
Crabtree, David Montgomery, III
Crahan, Gary Michael
Crain, Richard Noel
Cray, William Cornelius
Creasser, William Nial, Jr.
Creighton, John Oliver
Cress, Donald Myron
Cripe, Paul Lynn
Crociata, Joseph Philip
Crockett, James Oren
Cronan, Charles Edward, Jr.
Crooks, Russell Wallace, Jr.
Crosby, George Robert
Cross, William V., II
Crouse, John C.
Crowe, Bruce Robert
Cruser, Peter Jesse
Cuddington, Michael Eugene
Culp, William George
Curran, John Patrick
Currie, Michael Patteson
Curtis, Stephen Edward
Cutter, Robert Michael
Cuciti, Richard Bruce
Cullen, Timothy Edward
Cummings, David Lee
Current, Max Christian
Curtin, James Edward
Cutler, Sidney Scott
Dabbieri, Peter Vincent, Jr.
Dahlinger, Frank William III
Dail, James Allen
Daley, Michael Jon
Dalporto, William Fred
Daly, John Charles
Daniels, Harold Edward, Jr.
Darden, Arthur Cohen, Jr.
Darnell, Donald Lee.
Dautel, William Alan
David, Marshall John, Jr.
Davis, Clay Savelle, Jr.
Davis, Edwin Sawyer, Jr.
Davis, John Stark
Davis, Robert Willard
Davison, John Warner
Dawe, George Forrest, Jr.
Day, Gerald Walter
Dearth, Lawrence Charles
Dech, C. Michael
Deda, Donald James
Degeorge, Bernard Joseph, Jr.
Degruy, Charles Monrose
Delehaunty, James Francis
Delesie, Stephen Douglas
Demarest Lee Williams
Denegre, Thomas Bayne III
Denney, David Conklin
Denton, Richard Jackson
Depoy, Jimmy George
Deryke, Edwin
Detter, Gary Lee
Devine, James Dennis
Devries, Leonard Lyle
Dadd, Alan Melvin
Dahlstrom, John Reeves
Daines, Gary Lee
Dallmeyer, Richard Louis
Daly, Beverly Anthony
Daniels, Gerald Everett
Darby, Roy Otto III
Darden, Welborn Orr, Jr.

Daughtry, Joseph Sutton, Jr.
Davel, Samuel Allan
Davidson, Thomas Richard
Davis, David William III
Davis, Herman Evan
Davis, Richard Rice
Davison, Craig Scott
Davison, Joseph Walter
Day, Franklin Jerome
Deal, Leonard Joseph, Jr.
Deatley, Rudolph James
Decker, Thomas Richard
Deegan, Michael Edward
Degraffenreid, Kenneth Ernie
Delbaizo, Francis Anthony, Jr.
Delello, Nicholas Joseph
Demarest, Harold Raymond, Jr.
Dempsey, John Richard
Denmark, Allen Dennett
Dennis, Patrick Joseph
Depompei, Daniel Albert
Derocher, Paul Joseph, Jr.
Desantis, Victor Anthony
Deuter, Richard Carl
Devoss, Gary Gordon
Devylder, Edgar Paul, Jr.
Dewar, Dorel James Jr.
Diel, Harry Allen
Difilippo, William James
Dillon, Geoffrey Arnold
Dilorenzo, Leonard Anthony
Dinger, Keith Herbert
Dirienzo, Louis Ralph
Dittmann, Harry Gardiner
Doane, Robert K.
Dobson, Carl Leroy
Dodson, Warren Bradford
Dollar, Stephen Edward
Donaldson, David Brian
Donley, Michael John
Donnelly, Robert Jennings
Donnelly, William Michael
Doran, Walter Francis
Dornstetter, John Michael
Doryland, Adrian Tracy
Doub, Mark Eugene Jr.
Dove, Curtis Ray Jr.
Dowgwilla, Frank Michael Jr.
Downton, Charles Edward III
Doyle, Edward Thomas
Doyle, Hugh Joseph
Dozier, Frank Slade
Draper, John Joseph III
Drinan, Alan Howard
Driver, Roy Kenneth
Drummond, Dennis Gene
Dubbs, William Martin Jr.
DuBois, Wayne Daniel
Duffy, John Francis
Duke, William Cecil Jr.
Dulin, James Evans
Dickerson, Barry Sinclair
Diesing, John Dillon Jr.
Dill, Richard Evan
Dillow, Gary Eugene
Dimmig, Gary Lee
Dinwiddie, David Odell
Dishman, David Reese
Ditzler, Kirk James
Dobscha, Frank John Jr.
Dodge, Marvin Michael
Dolan, Paul Thomas
Dolson, Paul Thomas
Dolson, Richard Charles
Donaldson, Paul Howard
Donnley, Michael Patrick
Donnelly, Walter Patrick Jr.
Dooley, John Joseph Jr.
Dornsife, William Paul
Dorsett, Hubert G.
Dose, Curtis Richard
Douglass, Gene Arlen
Dowdy, William Leroy III
Downing, Donald Allen
Doyle, Dennis Michael
Doyle, Gerard Francis
Doyle, Thomas Vincent
Drake, John Bryan
Dreyer, Gregory Frank
Driscoll, Robert George
Druist, George Frank
Drummond, Jack Donald III
DuBois, Kenneth John
Dudley, Scott Bruce
Dufresne, William Francis
Dukiet, Walter William Jr.
Dunn, Peter Haines
Durst, Robert Stevenson II
Duwe, Henry Charles
Durick, Robert Edward Jr.
Duserick, Frank Galvin
Dybdal, James Richard
Dye, Gary Thomas
Dyer, Bruce Peter
Eargle, Terry Paul
Earle, John Pennock
Eckel, Peter Bartlett
Edelman, Richard Allan
Edmondson, Gary Duane
Edwards, James Edward
Edwards, Robert Christopher
Egan, James Edward
Egnotovich, Michael M.
Eiland, Leonard Marshall Jr.
Eisenhauer, Peter Roderick
Elliott, Larry Roscoe
Ellis, John Raymond
Ellis, Robert Lee Jr.
Ellis, Thomas Christopher
Ellison, Thomas Henry
Elwell, Robert Gwynne
Emerson, George Allen Jr.
Emmons, Donald Grant
Engelken, James Karl
Ensfield, Arnold Edwin
Epstein, Steven William
Erckmann, William James Jr.
Erickson, David Milton
Ericson, Keith George
Eshleman, Donald Eugene
Etherton, David Carroll
Evans, Howard Charles
Evans, Leslie Floyd
Evans, Samuel Hall
Everly, James Richard
Eagan, William Richard Jr.
Earhart, John Dudley Jr.
Eckstorm, David Edward
Eddinger, Thomas James Jr.
Eden, Charles Gregory Hubert
Edwards, David Eugene
Edwards, James Michael
Edwards, Robert Bruce
Eger, Laszlo John Jr.
Eicens, Imants Dzintars
Eisenhardt, William Baldwin
Ellinwood, Stanley Carroll Lee
Elliott, Walter Michael
Ellis, Michael Alden
Ellis, Thomas Henry
Ellison, James Ellsworth
Elsesser, James Richard Jr.
Elwing, Daniel Thomas
Emery, Robert Hugh
Engstrom, John Timothy
English, Robert Hugh
Ensign, Donald Eugene
Erb, Bernard Eugene Jr.
Erdelen, Alan Francis
Erickson, Paul Robert
Ernst, Larry Lee
Esty, Harvey Logan
Eubanks, Thomas Irvin
Evans, Kirk Eden
Evans, Robert Michael
Evans, William Ashley IV
Ewan, Joel Eugene
Ewbank, Frank Arthur
Ewing, Glenn Everette
Eyer, Jon Troyer
Eysenbach, Karl
Faber, Douglas Everett
Fagan, Patrick Michael
Fairchild, Lawrence Vernon
Fallon, William Joseph
Farlow, Michael James
Farmer, Michael James
Farrell, Richard Kenneth
Faulds, Dennis John
Fauth, Herbert Carl
Fears, John Aaron
Feeherry, Edward Joseph, Jr.
Feher, David Terry
Felty, Joseph William Rowland
Felling, Charles Donald
Felton, Lewis Allen
Fenstermaker, Roy Edward, Jr.
Ferenchick, Paul Thomas
Ferguson, Timothy Jay
Ferreira, David Melvin
Field, Michael Edward
Fiene, Robert Walter
Filose, John
Findley, Kenneth Walter
Finn, Daniel Francis
Finta, Thomas William
Fish, Lawrence Edwin
Fisher, Robert Burns, Jr.
Fiske, Gary William
Fitzgerald, Donald James
Fitzgibbons, Thomas Arthur
Flanagan, Robert Lawrence
Flanders, Graeme Linwood
Flatley, Brian Anthony Joseph
Flatley, Brain Anthony Joseph
Flora, Brian Gregory
Flowers, Orville Allen
Flynn, Thomas James
Fontaine, Jay Donald
Foote, Morris Cooper
Fadden, William Nelson
Fagan, Steven Joseph
Falerni, Richard Charles
Fantauzzo, Richard Alan
Farmer, Clinton Jefferson
Farr, Leroy Allen
Farver, Richard Kevin
Faulk, Bruce Gregory
Fawkes, Delany
Feehan, John Joseph, Jr.
Feeney, James William
Fehrenbacher, Michael Robert
Felger, Thomas Robert
Fellows, Richard Hudson
Fenstermacher, William Pendlet
Ferdon, Frank Charles
Ferguson, Robert Patrick
Ferree, William Maurice
Fiebig, Edward Rolland, Jr.
Field, Richard Johns
Fifer, Richard Michael
Finch, David Charles
Fink, Dale Allen
Finney, David Haley
Fischl, Robert Dixson,
Fisher, Dwight Douglas
Fisk, Alan Elbert
Fitch, David Atwood
Fitzgerald, Justin Walter
Flaherty, Timothy Joseph
Flandermeyer, Merle Edward
Flannery, Michael
Fletcher, Bennie Lyle, III
Flowers, Gerald Ectlis
Flude, John William, Jr.
Font, William Francis, Jr.
Foote, Jerry Lynn
Forrester, Joseph George II
Foster, Jesse Ralph
Fox, David Degruchy
France, Robert Timothy
Francis, David Leo
Franklin, Ronald Edward
Frantz, James Joseph
Franzitta, Anthony Michael
Frawley, Larry William Jr.
Freaner, Claud Whitman
Fredrickson, John Allen
Freiband, James Michael
French, John Roy
Frerking, Roland Franklin Jr.
Fritz, Michael Alan
Frick, Kenneth Edwin
Friedel, Leonard George
Friedman, Richard Wallace
Frikker, Peter Michael
Fritschner, Walter Joseph
Fry, Donald Edward
Fuchs, Ronald William
Fuerst, Richard George Jr.
Fullerton, William Ross
Gabber, Wilhelm Martin

Gaffney, Neil John
Gaffney, William Alan
Gaines, Alan Lee
Gale, Philroy Clifton III
Galinsky, James Michael
Gallagher, William James Jr.
Galvin, James Joseph
Garcia, Larkin Enos
Garrick, Barney Foreman Jr.
Garrison, Wayne Terry
Gary, Michael Anthony
Gaston, Tommy Eugene
Gatlin, Carl Earl Jr.
Gautier, William Kirten
Gay, William Wilson III
Forsythe, John Riston
Fortney, Ray Arnold
Fowler, Edward Marion
Fox, James Frederick
Francis, Burt Raymond Jr.
Frandsen, Curtis William
Franson, William Eric Jr.
Franz, John Peter
Fraser, Donald Ross
Frazier, James Maxwell
Frederiksen, John Thomas
Freese, Robert Stanley
Freise, Roger William
French, Timothy Allen
Frey, Michael Leslie
Fritsch, Curtis Paul III
Froistad, Larry Allan
Fryar, Bruce Carlton
Fuentez, Raymond Marques
Fuller, Philip Burleigh
Futch, Edward Ivey
Gadberry, Raymond Everett Jr.
Gagnon, Thomas Arthur
Galbraith, Donald Edward II
Galindo, Carlos E.
Gallagher, Michael Joseph
Gallo, Robert Michael
Gammill, Jerry Vandyke
Garner, David Alan
Garrison, Mark Chapin
Gartley, Markham Ligon
Gaskin, Peter Joseph II
Gates, Christopher Gleason
Gatto, Carl Eugene
Gaw, Donald Stephen
Geib, William Robert
Gelman, Jack Kenneth
Germond, Stanley Phillip
Gibbons, Francis William
Giblin, James Francis Jr.
Gibson, Terrell Allen
Gibson, William Scott
Giffin, Delbert Warren
Gifford, James Roy
Gilbert, Richard Joseph
Giles, Donald Allen
Gillard, James Henry
Gillespie, Thomas Francis
Gilluly, Christopher William
Ginsburg, Peter Arthur
Givens, Gomer Todd Jr.
Glenn, Robert Charles
Glor, Peter John
Glover, William Stewart, Jr.
Gnerlich, Charles Henry
Godwin, Ronald Howard
Goehring, Robert William, Jr.
Goldberg, Ronald Michael
Goldfried, Robert Michael
Gompert, David Charles
Gonzalez, Pedro
Gooding, Leroy Alvert
Goodwin, Kenneth Alan
Gordon, Richard Joseph
Gorman, Joseph Daniel
Gosline, Robert Bradley, Jr.
Gouk, Ritchie William
Govers, Richard Adie
Grable, Gary Richard
Graff, Robert John
Gebeaux, Robert Joseph
Geismar, Donald David Jr.
Gentile, David Louis
Gex, John Michael
Gibbs, Raymond William
Gibson, Ethan John
Gibson, Thomas Leslie
Giddings, Lawrence Douglas
Giffin, Henry Collins, III
Gilbert, Arthur James
Gilder, Jerry Quinton
Gill, Robert Pearson
Gillease, Dennis Bernard
Gillogly, Harold James, Jr.
Gingrich, Thomas J.
Giordano, Gerald Kenneth
Glasow, Richard Dwight
Glerum, Michel Dennis
Glover, James Redd, Jr.
Gluck, Frederick George
Godfrey, William Bret
Goedjen, Russell Clarence, Jr.
Gold, Rex Craig
Golden, Robert Thomas
Goldschmidt, John Walter
Gonding, Robert Lee
Goodgion, Gilbert
Goodrich, William Angier
Gordon, Ian Scott
Gorman, James Radcliff
Goryanec, George Thomas, III
Gottschalk, William Douglas
Gouslin, William Adelbert
Goy, Richard James
Grace, Donald Nelson
Graham, John Mark
Grant, Harold Eric
Gravelle, Paul John
Graves, James Clements
Gray, Gary Robert
Gray, Stephen Vern
Green, Maurice Dale, Jr.
Greenamyer, Richard Doyle
Greengard, Howard Hart
Greenoe, Bartis Edwin
Gregg, Frederick Marion II
Gregory, William Thomas III
Grieve, David James
Griffin, John Mark
Grim, Thomas Harold
Grofcsik, Garry Victor
Grossbeck, Martin Lester
Growney, Richard James
Gruber, Larry Everett
Guch, Steve Jr.
Guis, William Blair
Gurgel, David Lee
Gustafson, William John
Gutelius, Edward Warner Jr.
Gramer, Robert Lawrence
Gravatt, Brent Leigh
Graves, David Michael
Graves, Larry Allen
Gray, Michael Edward
Gray, Will Phelps
Green, William George
Greene, Jonathan Michael
Greenleaf, Joseph Gales
Greer, Charles Frederick
Gregg, John Shelton
Griswold, Robert Edward
Griffin, Gerald Laurens Jr.
Griffin, William David
Grostick, John Larsen
Groncznack, Robert Patrick
Grothe, George Warren
Grutzius, Charles Robert
Grunge, Lance Carter
Guibert, John Clarenorris III
Gunkel, William Alois
Gurley, Ronald Kenneth
Gustafson, William Russell
Haberzetle, James Duane
Hack, William Fendrich
Hagen, James Burgess
Haggerty, Daniel Benedict, Jr.
Haimes, William Stephen
Haley, Dennis Francis
Haley, Mark Christopher
Hall, David Parkin
Hall, Kenneth Arnold
Hall, Stephen Michael
Hall, William Latimer
Hallinan, Thomas Joseph
Hamann, Errol Dean
Hamilton, Robert Lee, Jr.
Hamm, Edward Roger
Hammert, Carl Henry
Hamrick, Henry Vandyke
Hancock, William Charles
Hanley, Wayne Richard
Hansborough, Lash Devous
Hansen, Donnel Eldon
Hansen, George Robert, Jr.
Hansen, Leo Emil, Jr.
Hanson, Peter Hale
Harbeson, Richard Finucan
Harding, Stanley Louis
Hardy, Donald Fowler, II
Hardy, Thomas George
Harmon, Danny Raymond
Harris, Wilding Green, Jr.
Harsanyi, William Stewart
Hart, Joseph Edward, Jr.
Hartnett, James Thomas
Hartsfield, David Lee
Harvey, Daniel George, Jr.
Harvey, John Christopher
Haskins, Michael Donald
Hasson, Joseph John, Jr.
Hattan, Robert Leland
Hawthorne, Robert Earle, Jr.
Hayes, Francis Martin, Jr.
Hayzlett, Dennis Clark
Healy, Martin Joseph
Hebdon, Frederick James
Heffernan, Michael Morley
Heiman, Jerome Raymond
Heinemann, Alfred George, III
Helm, Richard Eugene
Hempey, Richard John
Henderson, Harry Gene
Hendrickson, James
Henry, Gary Roy
Hack, Theodore Walter
Hackathorn, Dennis George
Haggerson, George William
Hahn, Robert Christopher
Halberstadt, Paul Edward, Jr.
Haley, James Richard
Haley, Willard James
Hall, David Thomson
Hall, Richard Benfield, II
Hall, Steven Chandler
Halley, Elmer John, Jr.
Halupa, Stephen Michael
Hamilton, John Wesley, III
Hamilton, William Howard, Jr.
Hammer, Douglas Lloyd
Hammond, Reginald George
Hanchuck, Michael Robert
Hanley, Gerald Stephen
Hannon, John Neal
Hansen, Charles Arthur
Hansen, Frederick Douglas
Hansen, Kenneth Paul
Hanson, J. Patrick
Hartzell, Cleon Leonidas, Jr.
Hardin, Michael Gheens
Hardy, Charles Thomas
Hardy, Randall Webster
Harmon, Daniel James, Jr.
Harrington, Daniel Joseph, IV
Harrison, Thomas Glenn
Hart, Jeff Roderick
Hart, William Gerald
Hartnett, Timothy Joseph
Hartzell, Ray Kaufman Murphy
Harvey, Douglas Neal
Harvey, Phillip Ivan
Haslett, Donald Bruce
Hastreiter, John Rolland
Haughney, Charles Joseph
Hayden, Dale Robert
Hayes, Jesse Michael
Head, Charles Richard
Heaton, Joel Brion
Hedderson, Thomas Michael
Hefkin, Donald Clark
Heimer, James Alan
Heisig, Alan Louis
Helmsin, Francis Kenneth, Jr.
Hendershot, Alan Rhys
Henderson, Samuel Judson, III
Henny, David Coleman
Henry, Wayne Odell
Henson, Lovell Kent

Hern, Lawrence Richard
Herr, William Millard Jr.
Herring, Edward Leslie
Hertel, Michael Monroe
Hess, George Duke
Hester, Loris Edward Jr.
Hewitt, Frank Floyd
Hickman, Harold William Jr.
Hicks, James Grayson
Hicks, Wayne Earl
Hierl, David John
Higgins, Walter Muncaster III
Hight, Jimmy Frank
Hill, Raymond Kent
Hill, William McDowell Jr.
Hiltabidle, John Harries
Hintz, Donald Carl
Hitt, Roy Elton Jr.
Hobbs, Richard Rawlings
Hochhalter, Melvin Edward
Hoddy, John Robert
Hodges, William Clark
Hoff, Kenneth Lincoln Jr.
Hoffman, Joel Jeffrey
Hoffmeyer, James Arland
Holty, Robert Michael
Holbrook, Robert Scott
Holland, Michael Ray
Holler, Eugene Joseph Jr.
Holloman, John Thomas
Holma, Richard Kenneth
Holmes, Michael Harry
Holst, Robert Weigel
Hontz, Edward Brigham
Honse, Robert Wayne
Horn, Noel Paul
Horne, Robert Jackson
Horrell, James Earl
Hosp, Steven Paul
Hough, James Arthur
House, Thomas Everett
Howard, Stephen Thomas
Howe, Richard Parlin Jr.
Howick, James Francis
Hoxie, Stephen Sanders
Henry, George Michael
Hensley, James Maurice
Henzi, Robert Michael
Hernlund, Richard Thomas Jr.
Herrera, Henry Francis
Herscher, Carl David
Heschl, William Charles
Hess, Paul David
Heustis, Robert Leroy
Hiatt, Douglas Grant
Hickok, John Howard
Hicks, Ricky Lynn
Hiduk, George Allen
Higdon, James Noel
Higgs, Thomas Larry
Hill, Billy John
Hill, Roger Benton
Hills, Norman Anthony
Himchak, David Peter
Hintz, Kenneth James
Hobbs, John Kendall
Hoch, Christopher Michael
Hodak, Gary Wayne
Hodge, Jerome Brownlee
Hoepfner, Karl Thomas
Hoffer, Charles Albert
Hoffmann, Timothy Joseph
Hogg, Andrew Logan Jr.
Holbert, William Harold
Holl, Stephen Trygve
Hollings, Peter Fernhout
Holm, Stanley Robert Jr.
Holmes, Gordon Lloyd
Holmes, Ronald Edward
Holzapfel, Jon David
Honour, Walter Whitaker Jr.
Hood, Robert Scott
Horn, William Allen
Horner, Timothy Francis
Hoskins, Robert Anthony
Hosteny, Joseph Nevi III
Hougland, Erik Somers
Howard, Arthur Francis
Howe, Kenneth Gene
Howell, Buford Fredrick
Howton, Harry Marshall
Huber, Paul Mikel
Hudak, Andrew John
Hudson, Warren Putman
Hufty, Jack Gordon, Jr.
Hughes, Dwight Sturtevant
Hughes, Herschel, Jr.
Hughes, Kirby Edmondson, II
Hughes, Robert Garfield
Hulse, Richard Louis
Hulsing, Russell Donald, II
Humphrey, Alan Whitney
Hunt, Charles Allan
Hunter, William Carol, Jr.
Hurlock, Ronald Joseph
Hutchinson, Jimmy Richard
Hubert, Richard Gengembre
Hudson, John Barrows, Jr.
Huey, Calvin Windell
Huffman, Thomas Bartlett
Hughes, Frank Cutler
Hughes, John Samuel
Hughes, Richard Keith
Hull, Robert Cody
Hulsey, William Jamie
Hume, Richard Langdon
Hunt, Andrew William, Jr.
Hunter, Kem Gregory
Hura, Myron
Huston, John Oliver, III
Huyler, John Seys, Jr.
Ickes, Robert William
Ing, James Douglas Keauhou
Ingraham, Duncan Nathaniel
Inlow, Rush Osborne
Inman, John Philip
Iselin, Robert Arthur
Israel, Stephen Seabrook
Iwasko, George Walter, Jr.
Iafrate, Francis
Idsinga, William
Ingersoll, Vernon Laforge, Jr.
Ingraham, William Hall
Inlow, William Raymond
Irish, Philip Jermain
Ishley, David Joseph
Iverson, Curtis Lee
Jackson, John Dwight
Jacobi, Benjamin Rippe
Jacobson, Stephen Eric
James, Dennis Patrick
James, Wiley France, III
Jack, Robert E.
Jackson, Thomas Ronald
Jacobs, Gerald Keith
Jakucyk, John
James, Harrison Wynne, III
Jaros, Joseph Michael
Jenkins, Charles Eric
Jensen, Paul Edward
Jeremiah, William Lewis
Jezierny, Thomas Joseph
Johnson, Charles Edmund
Johnson, Daniel Eugene
Johnson, Eric Harold
Johnson, Hiram Jackson, Jr.
Johnson, Jeffrey Bruce
Johnson, Paul Anthony
Johnson, Pierce Jarvis
Johnson, William Dale
Johnston, Thomas David
Jones, Arthur Dewayne III
Jones, Charles Ray
Jones, James Rheinhardt, Jr.
Jones, Kenneth Lee
Jones, Thomas Richard
Jordan, Gerald Henry
Jordan, Michael Francis
Jordan, Ronald Robert
Joslyn, Robert Andrew
Judelson, Alan W.
Julihn, Lawrence Sumner
Junker, Allan Ernest
Janes, Marc, Jr.
Jefferies, Charles Herndon II
Jenks, Frank Wright III
Jensen, William Lee
Jessico, Charles Michael, Jr.
Johnson, Bruce Harold
Johnson, Curtiss Dean
Johnson, Donald Monroe
Johnson, George King III
Johnson, James Herbert, Jr.
Johnson, Laurence Everett
Johnson, Paul Niels Thornton
Johnson, Robert Frederick
Johnston, Richard Howard III
Jones, Allan Charles
Jones, Charles Ernest III
Jones, Francis Terrell
Jones, James Arthur III
Jones, Ronald Warren
Jones, Timothy Goodrich
Jordan, Jerry Cecil
Jordan, Robert Lucius
Josi, Roy Walter
Joy, Ernest Harriman II
Julian, Benjamin Eugene
Junek, John Filip
Kaefer, Christian Emil
Kakol, Dennis Joseph
Kalosis, Stephen Frederick
Kamp, Gary Richard
Kane, John Edward
Kane, Raymond William
Kanive, Paul Edward
Kappa, John Robert
Kappes, James Robert
Kauffman, Horace Clayton, Jr.
Kaufhold, Francis Frederick
Kaye, George Thomas
Kealy, Arthur Philip
Keating, Raymond Marcus
Keegan, Lawrence Thomas
Keiller, Alan Charles
Keiper, James Turney
Keith, Larry Brian
Kelley, James Joseph, Jr.
Kelly, Dennis Paul
Kelly, Howard Kolger
Kelly, Michael Clyde
Kelly, Robert Bolling, Jr.
Kemlein, Donald Fleetwood, Jr.
Kennerly, John Charles
Kent, Thomas Richard
Kerins, Edward Anthony, II
Kerr, Gerald Lee, III
Kerstein, David Louis
Keyes, Jesse Hamilton, III
Kieley, John Joseph, III
Kilgo, Martin Douglas
Killen, David Andrew
Kinard, David Michael
King, Rodger Bryan
King, Willis Thomas, Jr.
Kinslow, James Lee
Kircher, David Robert
Kirtley, Richard Wayne
Kitchen, Gary David
Klein, George Adam, III
Kline, Edward Marvin, Jr.
Klostermann, Kenneth Ederhard
Kluckhohn, Harold Burdette, Jr.
Knigge, Charles Frederick
Knott, Gerald Wayne
Knudson, Thomas Clifford
Kobylk, Nickolai Slate
Kohut, Gary William
Kaczorski, James Peter
Kain, Joseph Edward, Jr.
Kalman, Jack Keva
Kammer, Robert Arthur, Jr.
Kamrath, Robert Allan
Kane, Leonard K., II
Kane, Thomas John
Kanive, Robert Frank Rolland
Kappel, Leslie George
Kardell, David Duane
Kauffman, Carl Francis
Kavanagh, John Denis
Kazlauskas, Walter Vytautas
Kearney, Michael Erwin
Keefe, George Edwin, Jr.
Keeley, Robert Martin
Keiller, Stuart John
Keiser, Ronald Lee
Kelleher, Richard Charles
Kelley, Michael Bernard
Kelly, Down Kevin
Kelly, James Peter
Kelly, Monroe, III
Kelsey, Robert Joe

Kenty, Jay William
Kenny, John Francis, Jr.
Kenyon, Richard Moir
Kern, Donald Sargent
Kerr, John Edwin
Kerwick, Raymond James
Kidd, Robert Bourland
Kildebeck, Thomas Craig
Kilgore, Sidney Johnson, III
Kimmel, Thomas Kinkaid, Jr.
Kincaid, James Edward
King, Roland Edward, Jr.
Kingsley, Oliver Dowling, Jr.
Kirchberg, Jerome Michael, Jr.
Kirkland, Kris Arnold
Kish, John David
Klahr, Owen Allen
Klimchak, Andrew John, Jr.
Klinkhamer, David Joseph
Kluck, David Allen
Kluessendorf, Fred Kenneth
Knobloch, Earle William
Knox, James Dennis
Koberlein, Frederick Laurence
Kochanski, Joseph John
Komorowski, Richard Joseph
Kopp, John Ward, Jr.
Korab, Darian Patrick
Kosnick, Edward Francis
Kowalchik, Sergei Michael
Kowalsky, Donald Morris
Kraker, Donald Lawrence
Kramer, Steven Barker
Krause, John David
Krekel, Thomas William
Kress, Michael Martin
Krol, Joseph John, Jr.
Krum, Stephen Gurnee
Kuechle, John Daniel, Jr.
Kuhn, Richard Charles
Kunkel, James Edward
Kurth, Robert Paul
Kokoruda, David Joseph
Konetzni, Albert Henry, Jr.
Kopplin, John Fredrick
Korbet, Michael Thomas
Kostar, William Lee
Kowalick, Stephen Joseph, Jr.
Kozuch, Bernard Stanley
Kramer, John Alan
Krapohl, Richard Francis
Krejci, Emil James
Kreps, Dennis Alan
Krienke, Loren, Tavernier
Krol, Robert Alphonse
Kruse, Donald Marcus, Jr.
Kuehn, Rodney, Edwin
Kumer, Richard Lawrence, Jr.
Kupka, Stephen Gregory
Kyper, James Robert
Labow, Joel Clayton
Lachance, Robert Augustus Arm Jr.
Lah, Raymond Glenn Michael
Lakefield, Bruce Richard
Lamason, Robert Barry
Lambert, Richard John
Land, Stephen Ross
Lange, Jerome Barry
Lareau, Jerome Philip
Larson, David Leroy
Lasswell, John Deane
Lassiter, Ronald Lawrence
Latta, Donald George Jr.
Lautenschlager, Karl Biery
Law, Douglas Edward
Lawlor, John Conrad Jr.
Lawson, Peter Gray II
Lay, John Paul
Leach, Jerry Wamble
Leber, George Martin Jr.
Lee, Donald Arthur
Lehman, Henry Clay
Leiser, Thomas Charles
Lemon, Harvey Brace
Leo, John Alexander III
Leonard, Fred Parker III
Leonard, Raymond Douglas Jr.
Leonard, William Joseph Jr.
Lepley, James Barris Jr.
Leroy, Dennis Keith
Letter, Thomas Mertins
Lewis, Donald Frank
Lewis, Robert Harold
Libbey, Miles Augustus III
Lichtermann, Richard David II
Lightstone, Robert Martin
Linch, William Divine Jr.
Lindquist, Douglas Wayne
Lindstrom, Jon Edward
Ling, John Harvey
Linnander, Robert James
Lipa, Helm
Lipscomb, Warren Neilson Jr.
Llewellyn, Adam Karl
Loch, Alan Arthur
Lockwood, Ernest Reese
Lohse, James Richard
Lonesk, Marc Antoine
Long, James Alexander III
Long, Steven Kenneth
Loome, James Michael
Lopez, Manuel Raynor
Lorren, Lonnie Dwight
Lothrop, Peter Scott
Lovelady, David Eugene
Lowell, Robert Leroy Jr.
Lucas, Dennis Charles
Lueneburg, Raymond Lee
Labrecque, Robert Joseph
Lacroix, Francis William
Laino, William Peter
Lakin, Charles Richard
Lambert, Richard Harry
Lange, Thomas Paul
Lang, Robert Earle
Langill, Frank Stewart
Larkins, James Marion Jr.
Larson, Robin Cameron
Laskowski, Edward John
Lathen, Donald Frank
Lattin, Terrance Lee
Lauzon, Gilbert Paul
Lawless, John Martin
Laws, James Morgan
Lawver, Allen Eugene
Lazorik, Michael Raymond
Lear, George Barrett Jr.
Lechner, Bruce Edward
Lee, Earl Cunningham II
Leidecker, Gary Frank
Lemaster, Donald Burton
Lemons, James Robert
Leon, Peter Fiske
Leonard, John Wallis
Leonard, Robert Emory
Leonard, William Nicholas Jr.
Leroy, David Charles
Lester, William James
Levinson, James Richard
Lewis, James Crawford
Lewis, Thomas MacArthur
Liberto, Robert Vincent
Lienhard, John Bernard
Lightstone, William Henry
Lindfors, Bo Gottfrid
Lindsay, William Terry
Lines, Richard Alden
Lingo, Michael Wood
Linton, Parker Seeley III
Lipfert, Ralph Hall
Lisle, John Thomas
Lloyd, Robert Lee Jr.
Lockwood, Bruce William
Logan, Peter Thomas
Lomacchio, Thomas Dominick Jr.
Long, Edward Charles III
Long, Peter Avard Chipman
Lonsdale, Frederick
Lopacinski, James Michael
Lorden, John Joseph Jr.
Losquadro, John Louis
Love, James Edwards
Low, James Reiher
Lubenow, Richard John
Ludwig, Bruce Birney
Lundberg, William Dennis
Lutz, Frederick Ray
Lyon, Douglas Vernon
Luther, Walter Willis Jr.
Lynch, John Douglas
Lyons, Joseph Eugene Jr.
MacDonald, Richard Ross
Mack, Jonathan Tobias
Maconkey, Thomas, James Jr.
Madden, Jerome Patrick
Magner, Rodney Edward
Magruder, Samuel Hay Savage
Mahlstedt, Paul Williams
Maixner, Harold Vincent Jr.
Malavar, Frank Matthew
Mallini, Joseph Jerome Jr.
Mandel, Eric
Mandich, Joseph
Manes, Michael Randolph
Maniscalco, James Andrew
Maras, John Wallin
Mergeson, Walter Leverene Jr.
Markley, William Clyde III.
Marks, Norman Alfred
Maroon, Jerry Wayne
Marsh, William Roy
Marshall, Gregory Sarver
Marshall, Lee Blair
Martin, Charles Franklin II.
Martin, John Richard
Martin, Peter Michael
Martin, Ricard Ward
Martin, Tim Donald
Martinek, Charles Allen
Marzano, Richard Michael
MacConnell, John Logan
MacIdull, John Charles
MacKenzie, Donald Kenneth
MacPherson, George William
Madden, Lewis Dot
Magnuson, Ronald Roy
Maher, Jerome Thomas Jr.
Maitland, James Ellis
Makela, Bruce George
Mallett, Carl Victor
Maloney, Elbert Sevier Jr.
Mandeville, Donald Ernest
Mandolia, Charles Edward
Mangimeli, James Willard
Manskar, Dennis Ray
Marfiak, Thomas Fletcher
Markley, Thomas Craig
Markowski, Frank Joseph Jr.
Marks, William Leon
Marsh, Walter Crask
Marsh, William Thomas Jr.
Marshall, John Kandrick II.
Martin, Allen Walker Jr.
Martin, Charlie Ray
Martin, Michael Dean
Martin, Port Robert
Martin, Thomas Gordon
Martineau, Paul William Jr.
Marx, William Conroy
Marzetta, Dante Rudolph II.
Mason, Charles Perry, III
Mason, John Herbert
Massicot, William Harvey
Masterson, Frederick James
Mathers, David Ronald
Mathis, Troy Eddie, Jr.
Matthews, Jan David
Matthews, Thomas Francis
Mattis, David William
Matz, Wilbert John, Jr.
Mauney, Fleming
Maxwell, John Scott
Maxwell, William Haskew
May, Walter Richard, Jr.
Mayes, Gary Leo
Mayhue, Richard Lee
Maynard, Terrence Quill
Mazurczak, Michael, II
McAdams, Glenn Edward
McAuley, James William, Jr.
McCaffrey, John Paul
McCallie, Spencer Wyatt
McCarthy, William Joseph, IV
McCarty, John Bruce
McClelland, Thomas Lee
McComas, Jon Philip
McCoy, Robert Byron
McCrary, Michael Shannon
McCroskey, Dennis Lee
McCullough, Carl Preston
McCumber, Ralph Ray, Jr.
McDermott, Michael Francis
McDonald, Richard Dale

McDowell, Elmer Jay
McFadden, Owen Chester, Jr.
McGann, William Henry, III
McGee, James Charles, III
McGee, Webster Russell
McGehee, Robert Burton
McGinity, Richard Charles
McGlinn, James Edward
McGoldrick, John Daniel, Jr.
Maskiell, Frank Harold, Jr.
Mason, James Wallace
Massey, James Buckner, III
Masters, Quentin Steward
Materna, David Alan
Mathers, William Martin
Matthews, Douglas Gray
Matthews, John Lee
Mattioda, Ronald Lee
Mattson, Kenneth Stuart
Maule, Francis Eugene, III
Maupin, David Owen
Maxwell, Ronald Lennig
May, Douglas Edward
Mayer, Conrad Joseph
Mayhood, David Ross
Maynard, James Devere
Mazach, John James
McAdams, Gayle Russell
McArthur, Lawrence Boyce, Jr.
McBride, Walter Gary.
McCague, James Daniel
McCarthy, Dana Garrett
McCartney, Jeffery John
McCleery, Robert Alan
McCluskey, William Taylor
McConnell, William Spear
McCracken, William Lowell
McCray, Stephen Scott.
McCullen, Clarence Herman.
McCullough, Van Lee
McDermond, William Joseph, Jr.
McDonald, Raymond Arthur
McDonnell, Gordon Rutherford
McElevein, David Burr
McFarland, Robert Parker
McGarry, Charles Nicholas
McGee, Terry Randall
McGee, William Earl
McGibbon, Charles Andrew
McGinn, Dennis Vincent
McGlothlin, Alfred Lynn
McGonigle, Paul Wood
McIntosh, Clarence Vernon Jr.
McKee, Jerome Storm
McKenna, Patrick Joseph
McKenzie, Brian Douglas
McKinney, James Aloysius II
McKlveen, John William
McLean, Roland MacKewn
McMenamin, William Joseph
McMinn, John Finley
McNamara, Robert Hugh
McRae, Charles Robert
McTyre, Harry Edward Jr.
Mears, Michael Lawson
Meinhold, Arthur John
Meintzer, Robert Ells
Meloney, Michael Bruce
Mercer, William Edward
Mero, Kenneth
Messina, Edward Frederick
Metro, Joseph Paul Jr.
Meyer, Lawrence Walter
Michel, Albert John Jr.
Mies, Richard Willard
Mihok, Andrew Thomas
Miller, Bruce Martin
Miller, Gary Wayne
Miller, Nicholas Patrick
Miller, Stephen Allen
Mills, Robert Chricton
Mintun, Tom Lee
Minton, Joseph Kelly
Misiaszek, Peter Edward
Mitchell, Charles Scott IV
Mitchell, Ralph Melvin Jr.
Mixon, James Paul
McGraw, Bennette Dean
McKaig, Albert Stuart III
McKendrick, John DeMille Jr.
McKenney, Edward Anthony
McKie, David Earl
McKinney, Ronald Lewis
McLean, Martin John
McLeod, Robert Stirling
McMenimen, Lawrence LeRoy
McNally, William John III
McNeal, Richard Mabbott
McSherry, William John Jr.
Meade, Richard James
Meek, Calvin Leland
Meintzer, Edward DeLore
Melnyk, George Raymond
Mendenhall, Corwin Guy III
Merickel, Michael Reilly
Merry, William James Jr.
Metcalf, Douglas Cragg
Meyer, Kenneth Joseph
Michaux, Richard Lofton
Mielnik, Michael Joseph
Miess, Samuel Allen
Millard, Warren James
Miller, Charles Quentin
Miller, James Edwin
Miller, Robert John
Miller, Wayne Marshall
Milton, Sanfrid James
Minarick, Joseph William II
Misiaszek, Joseph John Jr.
Mitchell, Anthony Edward
Mitchell, John Malcolm
Mittendorff, Gerald Ernest
Mock, Floyd Lester Jr.
Moffett, Billy Ray
Mohsberg, Sidney Augustus, III.
Moller, Arnold Raymond
Mollet, Robert Edward
Monaco, Anthony Victor
Monell, Gilbert Finley, Jr.
Montano, William Butterworth
Montgomery, Michael Fon
Moore, Billy Gene
Moore, George Daniel
Moore, Richard Warren
Moore, Timothy Blair
Morehead, Robert George
Morgan, Edward Earle
Morgan, Roy Spear
Morgan, Warren Eugene, Jr.
Moroney, Thomas John
Morris, Larry Lemoyne
Morrow, Gary Robert
Morton, John III
Moser, Thomas Scott
Moses, Donald Albert
Moss, Dennis Ray
Muller, Frank Albert, Jr.
Mulligan, Daniel Brian
Munn, Joe Albert
Murphy, Andrew Marshall
Murphy, Dennis Edward
Murphy, James Leroy, III
Murphy, Thomas Ernest
Murray, James Ray
Murrell, Douglas Monroe
Mushen, Robert Linton, II
Mutty, John Edwin
Mynett, Harold Jerome
Naber, Michael Edmund
Nanos, George Peter, Jr.
Naye, John Rowland
Nead, Robert Norman
Mobley, Joseph Scott
Moeller, Robert Lewis
Mohan, James Francis
Moldenhauer, Ernest William, Jr.
Moller, Mikkel
Molloy, Clifford Francis, Jr.
Mondul, Donald David
Monson, Randall Charles
Montgomery, George Wynn
Moomy, David Howard
Moore, George Malcolm
Moore, Paul Donald
Moore, Thomas Weller
Moosally, Fred Peter, Jr.
Morey, David Nelson, III
Morgan, James Frederick, Jr.
Morgan, Vernon Mohney
Morgen, Marty Paul
Morrill, Philip John
Morris, Ralph Richard
Morse, David William
Mosby, William Richard, IV
Moses, Dale Hopkins
Mosier, David Willis, Jr.
Muldoon, Patrick Michael
Mulhall, Robert Burke
Munger, Edmund Colby
Munson, Michael Julius
Murphy, Daniel John, Jr.
Murphy, James Keane, Jr.
Murphy, Robert Joseph
Murphy, Timothy Aloysius
Murray, Robert Edward
Murrian, Robert Phillip
Mussig, Ronald Charles
Myers, Henry Benjamin, Jr.
Myslivy, Guy Edward
Nalle, Thomas Clinton
Natter, Robert Joseph
Naylor, Harold Douglas
Neal, Basil Edward, Jr.
Nekomoto David Seiji
Nelson, Harold Everett, Jr.
Nelson, Robert Mitchell, Jr.
Neuman, Kermit William, Jr.
Neumeister, John Edward III
Newcomb, Richard Dashiell
Newell, Thomas Robert
Newman, Vernon Lane
Nichols, John William III
Nicholson, Samuel Thorne
Niehaus Christopher Alan
Nilsen, Alan Lawrence
Nolta, Franklin Lyman
Noonan, Patrick, Joseph
Nordling, Glenn Edward
Norman, Phillip James
Norton, David Howel
Nosco, Robert Gene
Nuessle, Francis Edward, Jr.
Nuzzo, John Octavius
Nygard, Howard Thomas
Nearing, Robert Willard
Nelson, Dennis Gordon
Nelson, Kenneth Stanley
Nesbit, Thomas Burns
Neumann, Kenneth Edward
Neville, William Joseph, Jr.
Newell, James Kirk III
Newman, Donald Eugene
Newton, Walter Hughes, Jr.
Nichols, Loring Buttrick
Nicks, Harold Troy
Nielsen, David Joseph
Nisbet, John Malcolm, Jr.
Nolte, Michael Anthony
Nordland, Gerald Lawrence
Norman, Donald Stuart
Norris, William Leland
Norton, John Edward
Novak, William Stanley
Nutwell, Robert Michael
Nydegger, David Lee
Obenchain, Richard Forrest ,Jr.
O'Brien, Thomas Edward
O'Connor, Thomas Joseph
O'Dwyer, William
Ogar, Walter Thomas III
Ogden, Richard William
O'Hare, Robert Edward
Oheim, Henry Vernon, Jr.
Ohman, Earl Rudolph, Jr.
O'Keefe, Thomas Stephen, Jr.
Olden, Irvin Leon
Oliver, Daniel Trantham
Olsen, Richard Allen
Olsen, William Edward
Olson, Carl John
Olson, Stephen Robert
Oman, Robert Gordon
O'Neil, Haines Andrews
Opladen, Thomas
O'Reilley, Dennis Patrick
Orlandi, Victor Pratt
Orvis, James Worthington
O'Shea, Michael Glen
Osieckl, Arthur Eugene
Othic, Francis Eugene
Ott, Marvin Mack

Owens, Gregg Ouray
Oxford, Thomas Paul
O'Brien, Gerard Michael
O'Connell, Blaine John
O'Donovan, Alfred John III
Offutt, James Hucorn III
Ogden, Douglass Clifford
OHara, Justin Joseph
OHearn, Michael Steven
Ohlert, Edward James
O'Keefe, Richard Bernard
Olbert, Donald Ernest
Oldfield, Douglas Alan
Olsen, Curtis Wayne
Olsen, Wayne Lewis
Olshinski, James Albert
Olson, Richard Carl Leroy
OMalley, John Francis
O'Mohundro, Michael Joseph
O'Neill, John Ellis
Orcutt, John Arthur
Orkins, James Ewers
Orser, William Stanley
Osani, Joseph Richard
Oshiro, Neal Hazen
Osterhoudt, Robert Russell
Ott, Christopher Stephen
Overton, Wesley George
Owens, James Thomas III
Paine, Robert Gordon III
Palmer, David Frederick
Pankratz, Dennis Earl
Paradis, Roger
Parish, Philip Walter
Parker, Leonard Alden Jr.
Parker, Robert Butcher III
Parsoneault, Jerald Leslie
Pasquini, Leonard Anthony
Patch, David Alan
Patton, Bob Riley Jr.
Paulk, Michael Ethridge
Payne, John Scott
Peabody, Edward Lewis
Pederson, Gordon Dean
Pedersen, Gordon Dean
Peel, Doyle Douglas
Pelensky, Mark
Pelletier, Dennis Richard
Pence, Daniel Mcfedries
Pennington, Charles William
Pepper, John Edward
Percival, Robert Clayton
Pergler, Robert Armstead
Perkins, Robert Evans
Perley, James Michael
Page, Loren Howard
Palazzo, Anthony John Jr.
Palmer, Donald Arthur
Paryz, Lawrence Edward
Parisen, Richard Lawrence
Parker, Henry Seabury III
Parker Richard Ernest
Parry, Howell John Jr.
Parsons, Frederick Curry II
Passmore, Leonard Harrison
Patterson, Christopher Willard
Paul, Thomas Walder
Paulsen, William Gary
Payne, Tommy Everett
Peck, Jeffrey Austin
Pedersen, Jack Lee
Pedrick, John Leonard Jr.
Pelszynski, Richard Henry
Pellegrin, Myrden Joseph Jr.
Pelot, Russell Edward Jr.
Pender, Orland James Jr.
Penque, Charles Westervelt Jr.
Perakis, James Allen
Peresich, Dan Lee
Perkins, David Richard III
Perkins, Thomas William
Perry, Frank Richard
Pettus, Gordon Leonard
Peters, Dennis Lee
Peters, William Frank, Jr.
Peterson, John Ross
Peterson, William Clinton
Petrucka, Paul Martin
Pfaff, John Francis
Pfeiffer, John Francis
Phelps, Jean Price, Jr.
Phillips, George Stanley, Jr.
Phillips, Stephen Anthony
Phillips, William Thomas, III
Piazza, Frank Peter, Jr.
Pickett, Robert David, Jr.
Pierce, Peter Wood
Pigeon, Lawrence Richard
Pinegar, Franklin Anderson, Jr.
Piper, Harry Lee
Pitman, Edgar Leroy, II
Plante, Robert John
Ploeger, Robert Bowers
Plummer, Ronald Earl
Poiencot, Glenn Paul
Polk, Philip John
Polsenski, Martin Joseph, Jr.
Poole, Richard Douglas
Porter, John Collier
Porter, Thomas John
Posoli, John Bernard
Postle, Douglas Campbell
Potter, John Everett, II
Potter, Stephen Conrad
Powell, Harry Charles, Jr.
Powell, Jerome Lee
Power, Oliver Kenneth, III
Pratt, Richard Allen
Preis, Michael Joseph
Pribula, Stephen Matthew
Prickett, David Clinton, Jr.
Priest, Charles Randall
Principi, Antonio Joseph
Prouty, Charles Sanford
Prusaitis, Gerald Joseph
Puffer, James Whitney
Puppe, Russell Arthur
Pursley, Robert Earl, III
Pyetzki, Charles Melvin
Perry, Albert Kevin
Perry, William Stanwood
Petering, George Wilfred
Peters, James Stephen
Peterson, Alan Thomas
Peterson, Michael Douglass
Petillo, James Thomas
Pezold, Robert Kenneth
Pfeifer, Charles Gregory
Phelan, Joseph Francis
Phillips, Dale Richard
Phillips, Larry Wilson
Phillips, William Lawrence, Jr.
Phipps, John William
Picken, Joseph Clarke, III
Pierce, Paul Gregory
Pierce, Richard Bryce, Jr.
Pilecek, Kenneth Clyde
Pinz, Bradley Adkins
Pisz, Robert John
Planitzer, Russell Edward
Plis, Kenneth Jerome
Plotkin, Richard Alan
Poggi, Steven Neil
Polanski, Charles Michael
Pollara, Barry
Pomeroy, John Stuart
Pope, David Lawless
Porter, Lincoln Yates
Posenecker, William Warren
Pospisil, John Michael
Pothier, Robert Bernard
Potter, Judson Wendell
Potts, James Stanley
Powell, James Milton, Jr.
Powell, William Peter
Prahl, Charles Scott
Predtechenskis, Leonids
Prep, Victor Michael
Price, Leland Herbert
Pride, Robert Henry
Priest, Don Gaylen
Pritchett, Thomas Noel
Prout, James Gregory, III
Puckett, Don Shannon
Pulsifer, Edward Kelly
Purnell, Richard Hawes
Putiri, Vincent Salvatore, Jr.
Quigley, Michael Dennis
Quinlan, Eugene Michael
Quinn, Neal Albert Jr.
Quirk, David John
Quigley, Stephen Timothy, Jr.
Quinlan, John Hugh
Quinton, Mark Shannon
Raaz, Richard Dean
Racely, Bernard Bruce
Ragland, Thomas Cleveland
Raleigh, Richard Eugene
Randall, Jeffrey Wayne
Rankin, Robert Eugene
Rasmussen, John Ole
Rawson, Warren Addison, Jr.
Reass, Richard Martin
Reddington, Christopher Michael
Reeb, John Earl
Reeder, Terry Lynn
Regnier, James Michael
Reidelberger, William Henry
Reinauer, James Richard
Reinhart, Frederick Markley
Rempt, Rodney Peter
Renwick, John Carl
Revenaugh, John Timothy
Reynolds, Richard Byron
Rhamy, Thomas Lee
Ribble, William Martin
Rice, Paul Donavon
Richard, Jeffrey Luke
Rabel, Charles Russell
Radcliffe, William Michael, Jr.
Rainey, Daniel Lawrence, Jr.
Ramsay, Robert Lee III.
Randolph, Robert Gene
Rasmussen, George Arthur
Rauch, Kenneth Norbert
Razzetti, Eugene Anthony
Redd, John Scott
Redington, Michael Patrick
Reed, Myron Clyde
Regmund, William Charles Jr.
Reid, Gary Harper
Reilly, James Thomas
Reinhardt, James Franklin
Remer, Bryan Eugene
Rendine, Paul
Renzi, Howard Russell
Reynolds, Felix Michael
Reynolds, Tom Hunter, Jr.
Rhoads, Donald James
Rice, John Albert
Rice, Theodore Lee
Richards, John Russell
Richardson, Peter Bruce
Richardson, Jeffrey Randa
Richman, John Philip
Riggio, Michael Vincent
Rinehart, Michael Lee
Rist, Austin Michael
Ritter, Douglas Benjamin
Rivers, Almon Duncan
Robbins, Thomas Farnsworth
Roberts, Charles Raymond
Roberts, Kenneth Larry
Robertson, Hulan Pledger
Robertson, Kenneth Charles
Robertson, Stephen Ray
Robinson, Charles Leon
Robison, Frances Dean
Rodgers, Robert Lynn
Roe, Jack Willholt Jr.
Roessig, Allen William Jr.
Rogers, Dennis Gregory
Rogers, George Charles Jr.
Rohrkemper, Stephen Frederick
Rollen, Claude Terence
Rollins, Richard Edward
Romans, Calvin Hubert
Roodhouse, Alan Michael
Rooney, Thomas Edward
Rosiak, James Allen
Rosselle, Charles John
Roth, Milton Dudley Jr.
Rowland, Thomas John
Royal, Gilbert Vansant Jr.
Rudell, Frederick Lawrence
Ruehl, Victor Eugene III
Rump, Richard Bryan Jr.
Runquist, Ulf Wilhelm
Ruppert, Roger Gene
Russell, David Leroy

Russell, Jerold
Russell, Robert David
Russo, John Anthony
Ruys, Ronald Ernst
Ryan, James Jonathon
Ryan, Michael Robert
Ryan, Robert Raphael Jr.
Ryan, Terrence Patrick
Richards, Francis Gerald
Richardson, David Wilson
Richardson, Robert Lamar
Richbourg, William Sharon Jr.
Ries, Kenneth Lee
Rigstad, Dennis Allan
Rinne, Larry Wayne
Ritchey, Stephen Lloyd
Rivamonte, Lorenzo Andre
Robb, Warren Alan
Roberson, Raymond Mumford Jr.
Roberts, Franklin Wallace
Robertson, Gary Lynn
Robertson, John Edmond
Robertson, Michael Darnell
Robertson, Terry Gene
Robinson, William Preston
Rockwell, John Hobart III
Rodriguez, Antonio Jose
Roesch, Donald Richard
Rogers, David Earl
Rogers, Frank William III
Rogers, Ross Frederick III
Roland, John Rogers Jr.
Roller, Charles Lee
Romano, Louis Jr.
Ronchetto, John Robert Jr.
Rooney, Daniel James
Rorick, Jay Thompson Jr.
Ross, Paul Davidson Jr.
Rossing, Bruce William
Rowe, Donald
Rowney, John Victor
Rubright, David Gerald
Rudolphi, William Adolph
Ruff, Richard Kurt
Runkle, Thomas Cecil
Ruppel, Jack Clyde Louis
Russ, Stephen James
Russell, James Michael
Russell, Paul
Russell, William Thomas
Ryan, Carl Joseph Jr.
Ryan, John Roy
Ryan, Norbert Robert Jr.
Ryan, Scott William
Sabatini, Joseph Francis
Sage, David Morlan, Jr.
Sager, Harlan Raymond.
Salmon, Richard Charles
Sams, Bonum Barnwell, Jr.
Sanders, James Clifford
Sanders, Marvin Lanier
Sandlin, John Jarrette
Sandquist, Fred Cooper
Santiago, Michael Antonio
Saponara, David Arthur
Sarich, Ace John
Sarnecky, Joseph Michael
Savage, John Dennis
Sawyer, Thomas Daniel
Scalzo, John Carmine
Schaede, Harry Robert
Scheber, Thomas Keith
Schemmel, Ronald Joseph
Schierman, Eldon Carl
Schissler, Paul Frederick, Jr.
Schlegel, Merrill Edward, II
Schlehuser, Charles Henry
Schmidt, Clifford Lee
Schmidt, John Eugene
Schmitt, Joseph Bernard
Schodowski, Thomas Michael
Schoeppner, Leonard John
Sabaitis, Eugene Joseph
Sadauskas, Leonard
Sage, Fred Walter, III
Salinas, Daniel, II
Samide, Michael Richard
Samuels, Michael William
Sanders, James Thomas
Sanders, Robert Tracy
Sandlin, Robert Odie, Jr.
Sands, James Kendall
Santoro, David John
Sapp, Vincent David
Sariscak, Joseph Charles
Saunders, Richard Everett
Savage, Wayne Franklin
Scalcucci, Francis Stephen
Scarbrough, Robert Royce
Schear, James Paul
Scheerer, Raymond Henry
Scheu, David Robert
Schilhabel, Larry Alan
Schleeter, David Charles
Schlegel, Rowland Frederick, Jr.
Schlein, Paul Barron
Schmidt, Gary Earl
Schmidt, William Wallace
Schoch, William Leon
Schoen, Gary William
Scholz, Ronald Walter
Schrank, Lee William
Schrimper, Charles Robert
Schukis, Francis Joseph
Schultz, Dale Edward
Schwanebeck, Joseph Thomas
Schwartz, Jay Barry
Schwering, Richard Joseph
Scott, Donald Eugene
Scott, Murrel Clifton, Jr.
Scott, Robert Peter
Scott, Robert Ferguson
Searcy, Kinchen James
Sears, Scott Lowrie
Seery, Stephen Dana
Selmer, John Richard
Seward, Lachlan Wheeler
Sexton, Noah Preston II
Shannon, James Okey
Sharp, Harry Grady III
Shaw, Robert Earl
Shearer, Richard Paul
Sheedy, Patrick James, Jr.
Sheeley, Royal Edwin
Shelar, Eugene, Jr.
Sheldrick, Ralph Carroll
Shelton, Leonard George, Jr.
Sherer, Wesley Michael
Sherman, Marshall Robert
Shields, Robert John III
Shipe, Edwin Evan III
Shook, Raymond Randolph
Shown, Ted Gillett
Shubert, William Moses, Jr.
Shy Jka, Frank
Sidney, Richard William
Sigler, John Fleet
Silloway, Richard Frank
Simmons, William Alfred
Simms, Larry Lee
Simonsen, Bernard Lee
Simonson, Robert Lemp
Sinisi, Jon Michael
Sinness, Kenneth Robert
Skelly, James Malachy
Skjei, Sidney Minard, Jr.,
Sladek, James Albert
Slear, David Garver III
Sloat, Gordon Richard
Smisek, Thomas Joseph
Smith, Cordell Claude
Smith, David Peter
Smith, Donald Lloyd, Jr.
Smith, Edward Walter III
Smith, Frank Leo
Smith, Joseph Francis, Jr.
Smith, James Lawrence
Smith, Kenneth Alexander
Smith, Nathan Weeks
Smith, Raymond Charles, Jr.
Smith, Richard Charles
Smith, Thomas Joseph
Smolen, Robert Clifford
Snaider, Richard Paul
Snider, Douglas Shannon
Snouffer, Richard Kent
Snyder, Luther William, Jr.
Snyder, William Thomas Daniel
Sommers, Thomas Andrew
Sorensen, William Harold
Soule, George Harold, Jr.
Southworth, Thomas Wyndham
Spayd, Steven Howard
Spears, Oliver Kelly, III
Speight, James Earl
Schofield, Paul Lunn
Schoolfield, Ernest Lynn
Schranz, Peter Allen
Schuder, Danny Earl
Schuler, Paul George
Schuster, Michael Anthony
Schwarting, Stephen Arthur
Schwartz, Norbert Valentine, Jr.
Scott, David Craig, Jr.
Scott, Johnstone Moore
Scott, Richard Tazewell, Jr.
Scott, Robert John
Scrivener, Orlin Robert
Sears, Jay Allen
Seelinger, James Leonard
Seiden, Steven Samuel Sutton
Semple, Allen William, Jr.
Seward, Theodore Clark, Jr.
Seymour, Terry Ivan
Shapiro, Alan Jay
Shaw, Charles Park
Shea, John Patrick, III
Shedlosky, John Thomas Jose
Sheehan, Daniel Brace, Jr.
Sheffield, Robert Carlton
Sheldon, John Trevor
Shelton, John Robert
Shepard, Peter Atwood
Sherm, John Michael, Jr.
Shields, Paul Albert
Shields, Scott Jenkins
Shoffner, Barron Dean
Shower, William Arnold, Jr.
Shrawder, Steven David
Shumaker, Karl Charles
Sibold, Brian Branch
Siems, Norman Edward Jr.
Sigler, Titus Severn
Simmons, Robert Thomas
Simms, Donald Lee
Simonpietri, Andre Christop Jr.
Simonsen, Charles Michael
Singleton, Michael Robert
Sinkovec, John Arthur
Siwinski, Edmund Louis
Skinner, Robert Lee
Skrotsky, Robert Walter
Slaughter, James Taylor II
Sloan, Andrew Keith
Smedley, Grant William III
Smith, Billy Joe
Smith, David Arthur Jr.
Smith, David Bertus
Smith, Donald Stephen
Smith, Edward Jefferson Jr.
Smith, Gary Webb
Smith, James Harvey
Smith, Kenneth Cooper Jr.
Smith, Michael John
Smith, Norman Austin
Smith, Richard William
Smith, Ronald Ernest
Smith, Wickham Gregory
Smullen, Peter Frank
Sneller, Milton L.
Snook, Sidney Eastwood
Snyder, John William Jr.
Snyder, Warren Ben
Sollenberger, Robert Travis
Soper, Wesley Richard
Sosnicky, Andrew Peter
Southerland, Mark James
Spangler, Dennis Eugene
Spayde, Roger Corwen
Specht, H. Frederick Jr.
Spencer, David James
Spicer, Tadd Edward
Spisso, David Joseph
Sproul, Alden Lewis
Stabb, John Albin
Staeheli, Patrick George
Stahl, Robert Alan
Stanek, Francis Jerome
Stankowski, Robert John Jr.
Stanley, Jonathan William
Starr, Duane Martin
Staudte, Paul Vincent
Steckley, Paul William

Steel, James Robert Jr.
Steenburgh, Charles Joseph
Stein, David Alan
Stelberg, Edward Charles
Stephens, Melville Lynn
Stevens, David Ray
Stevens, Richard Gregory
Stevens, Terrell Everett
Stevenson, Ernest Howe
Stewart, Alford Marshall Jr.
Stewart, Jamie B., Jr.
Stewart, John Douglas
Stewart, Lawrence L.
Stieglitz, Richard Gwydir
Stinnett, Jack Frothingham
Stone, John Christopher
Storan, Robert John
Stott, Laurence Richard
Stratis, George Konstantine
Strausbaugh, Thomas Ligore
Strickland, Henry Wilson
Stright, Robert Leonard
Strohaker, John Guy
Strouse, James Leslie
Stuart, Jay Clyde
Stumm, Albert Francis Jr.
Sugnet, William Robert
Sulfaro, John James
Sullivan, John Gerald
Sullivan, Timothy John
Summa, Angelo John
Surpless, Donn Curtis
Sutton, Mahlon Robert II
Svendsen, Michael Roy
Swain, Charles Loren
Swank, Jeffrey Lee
Swanson, John Frederick
Sweeney, James Daniel
Swientek, Francis Martin
Swingle, Robert Dennis
Spelbring, Daryl Carlton
Spencer, Robert William
Spikes, Clayton Henry
Springman, Paul Jacob
Sproul, William Dallas
Stacker, Patrick Clay
Staglin, Garen Kent
Standley, Cecil Edmond
Stanko, Theodore Richard Jr.
Stanley, Harold Gene
Starostecki, Richard Waclaw
Starr, Ronald Wayne
Stearns, Theodore Henry Jr.
Stedfield, William Coleman
Steen, David Stewart
Steffen, Nicholas John
Steinman, Larry Wayne
Stephan, George Maurice
Sterling, Stoughton III
Stevens, Lawrence Wright
Stevens, Ronald Frank Jr.
Stevens, Thomas Richard
Stevenson, Robert William
Stewart, Blair Walker Jr.
Stewart, Joseph Christopher
Stewart, Joseph Stanley II
Stieber, Michael Alex
Stillabower, Michael E
Stiteler, Fred Zwald
Stoneberg, Lawrence Charles
Storck, Donald George Jr.
Strand, Ivar Ernest Jr.
Stratton, Charles Lynn
Strayhorn, Robert Everett
Strickland, Richard Alan
Strobel, William Holcomb Jr.
Strother, John Wayne
Struble, Arthur Dewey III
Stuckey, James Godfrey
Sturm, William Philip
Sugrue, Paul Kevin
Sullivan, James Vincent Jr.
Sullivan, Robert Allen
Sullivan, William Alfred Jr.
Surdyk, Michael Gene
Sutika, Joseph Edward
Svalya, Phillip Gordon
Svoboda, William Arthur
Swanberg, Roy John Stewart
Swanson, Douglas Webster Jr.
Swartwood, James Michael
Sweeney, Michael James
Swinger, Alan William
Tackney, David Talbott
Tamplin, James Arthur, Jr.
Tappan, Benpamin, III
Tarro, Arthur Steven
Tate, James Knox, IV
Tattersall, Alan Peter
Taylor, Bill Byron
Taylor, Hugh Michael
Taylor, Richard Howard
Taylor, Rufus Lackland, III
Taylor, William Launay
Teitsworth, Carroll Gamble
Tercek, Robert Lee
Tersteeg, Douglas John
Thiele, John Carl
Thole, Michael John
Thomas, Orville Gordon, Jr.
Thompson, Douglas Edwin
Thompson, George Harold
Thompson, Jesse Bright, Jr.
Thompson, John Ralph
Thompsono, Patrick Clark
Tabbert, Gary Donald
Tadych, Russell James
Tanber Terry Neal
Tarr, Robert Joseph, Jr.
Tate, David John
Tate William Henry
Taylor, Allen Eugene
Taylor, Guerry Kermit
Taylor, James Maynard
Taylor, Royce Donald
Taylor, William Edward, Jr.
Teed, Richard Burden
Temme, Robert Lee, Jr.
Terrill, Thomas Joseph
Thaete, Harry August, III
Thielen, Bruce Edward
Thomas, James Ellison
Thomas Richard Stanley
Thompson, Edward Claude
Thompson, Jesse Luke
Thompson, Joseph Robert
Thompson, Norman Ralph
Thompson, Robert Daniel
Thornton, Alan Robert
Thumb, Stephen Lynn
Till, John Earl
Tisdale, John Hampton
Titus, Dale Noel
Toedter, Wendel Walter
Tomasko, John Anthony III
Tonkin, Russell Joseph
Torgerson, Larry Peter
Torres, Robert Paul Jr.
Totushek, John Benjamin
Townsend, John Wallace
Trautman, Kurt MacGregor
Trahan, Michael Lee
Traub, Warren Edward Jr.
Treis, Robert Enlow
Treter, Douglas Earl
Trodahl, Howard Fredric
Truesdell, William Clare Jr.
Tucker, Richard King
Tulloch, Allan Wiley
Tummonds, Paul Allen
Turner, William Edmund
Tuzzolo, Patrick Anthony
Tzomes, Chancellor Alfonso
Thompson, Ronald Melvin
Thompson, William Elmore Jr.
Thorstad, Arthur Allen
Thurlow, Robert Sheridan
Tincher, Edward Sheridan
Titcomb, Robert Edward
Todd, David Morris
Tolotti, Richard Lindo
Tomlinson, William Joseph
Toporowski, Thomas Anthony
Toriello, Andrew Norman Jr.
Toth, Michael Andrew
Touve, Bruce Norman
Tozer, Eliot Franklin III
Tracey, Michael Thomas
Transue, Michael John
Treadway, Edward Randall
Trenholme, James Harvey
Trimby, Ross Landen
Trueman, Larry Dean
Trujillo, Jose Eduardo Rodrigu
Tuley, Michael Templeton
Tully, Webb William
Turner, Bruce Lee
Tuttle, Kenneth Lewis
Tyler, John Thomas Jr.
Uhrie, Richard James Jr.
Unks, Robert Stephen
Urbik, Lawrence Walter
Ustick, Perry Wheeler Jr.
Uhrin, John Joseph III
Upp, Robert Rexford
Uris, Richard Blair
Utter, James Henry
Vance, Henry John
Vangilder, George Terrence
Vannatta, John George II
Vansickle, Garth Allan
Vanzanten, Barend Lee
Vasey, William Charles
Vennard, David Leigh
Verdi, James Rudolph
Verratti, Robert Nazarene
Vincent, George Adelbret III
Vinson, John Charles
Vivian, William Charles
Volkman, George Charles II
Voorheis, Garry Martin
Votava, Charles Frank III
Valley, Bruce Leon
Vandivort, Walter Derris
Vanloy, Alan Eric
Vansant, James Royal
Vanteslaar, Paul Stanley
Varasano, Frank Andrew
Vellines, Harry Felton
Verdery, Edward Hutchinson
Vernallis, Jeffrey Theodore
Vidosic, Richard Paul
Vincent, Robert Allen
Vitek, Michael Frank
Voight, Thomas Charles
Volland, Kary Ferdinand Jr.
Vorwald, William John
Waddell, Ronald Dallas
Waggoner, David Thomas
Waid, Donald Perry
Waite, Robert Clark
Waltz, Alfred Jacob
Walker, Charles Harrison
Walker, David Mathieson
Walker, Thomas Henry, Jr.
Walker, William Harley
Wallace, William T., Jr.
Walls, Thomas Lee
Walsh, David Francis
Walsh, Emmet Michael
Walsh, Richard James
Walter, Steven G.
Walts, Charles Richard
Ward, Christopher Hart
Ward, Lewis Albert
Warden, Irving Darris, Jr.
Warrington, Robert Earle
Wasowski, Walter Michael
Waterman, Charles Edwin
Waters, Robert Starrett
Watkins, Paul Vernon, Jr.
Watt, Thomas Edward
Waylett, William James, Jr.
Webb, Pierre Charles
Weber, Craig Stanley
Webster, Kirwin Shedd
Weigand, Karl Russell, Jr.
Wadsworth, Donald Andrew
Wagensell, Lawrence Lee
Wagner, Bernard Daniel
Wainwright, Stanley Dean, Jr.
Wakeman, James Gaylord
Walberg, Peter Elon
Walker, David Raymond
Walker, Harold Anthony
Walker, Weymouth Dove, Jr.
Wallace, Reuben Houston, Jr.
Waller, Thomas James.
Walls, William Hammond
Walsh, Edward Michael, Jr.
Walsh, John Patrick, Jr.

Walsh, Thomas Joseph
Walton, Peter Rust
Ward, Chester Douglas
Ward, Douglas Earl
Ward, Paul Charles
Waring, Thomas
Waschbusch, John Frank
Wasson, Gary Clinton
Waters, Daskin Davon
Waters, William Allen
Watson, David
Watts, Bruce Randall
Wayne Anthony
Webber, Abbott Milton, Jr.
Weber, Steven David
Weeks, Robert Allen
Weil, Donald
Weinzappel, Kenneth Henry
Weiselberg, Stuart
Welch, Daniel Francis
Welch, Keefer Dee
Wells, Cyril Franklin
Wells, Linton II
Wendel, William Hall, Jr.
West, David Joe
West, William David
Weston, Frank Howard, Jr.
Wetzel, Kenneth Robert
Wharton, Roger Lee
Wheeler, David Larry
Wheeler, William Richard
Whitcomb, Giles Macnair
White, Charles Theodore
White, Joseph Roger
White, Peter Leroy
White, Robert Paul
Whittemore, Frank Case
Wickes, James Richard
Widener, Douglas Gene
Wier, Joel Alexander, III
Wiggers, Francis Earl, Jr.
Wigington, Don Billy, Jr.
Wiles, Marvin Benjamin Christo
Wilkinson, Alfred Justus, Jr.
Willever, Kent Arlington
Williams, David Michael
Williams, Gregory Bruce
Williams, Kenneth Roger
Williams, Ronald David
Williams, Thomas Patrick
Williamson, John Charles
Williamson, Robert Charles, Jr.
Willis, Gerald David
Wilson, Donald Lewis
Wilson, John Franklin
Wilson, Peter Ray
Winczewski, Laramie Martin
Wingfield, Thomas Julian, III
Winters, Timothy Paul
Wise, Bobby Gene
Wisniewski, John Leslie
Witt, Ronald Charles
Wittenberg, Robert Ralph
Wojtkowiak, Daniel Leonard
Wolf, Robert William
Wolsoncroft, Thomas Ray
Wong, Danny
Wonicker, William Curtis
Wood, James Alan, II
Wood, Kenneth Arthur, Jr.
Woodall, Stephen Russell
Woodfin, Richard Henry Jr.
Woodward, Harlan Wilferd
Woolsey, Wiley George, Jr.
Wortham, Thomas Robert, Jr.
Worthy, Charles Donald, Jr.
Wozniak, John Frederick
Wright, David Earl
Wright, James Earl
Wright, Peter Warren
Wyman, Bruce Dana
Weikel, William Shaw
Weiler, Herold James III
Weir, Marshall Ray
Weissner, William Wells
Welch, James Taylor
Welch, Raymond Vincent, Jr.
Wells, Jack Lawrence
Welsch, James Edward
Wendt, Terrill Jay
West, William Robert
Westfall, John Charles
Weston, Stephen Frederic
Whalen, John Francis III
Wheary, Eugene Patrick
Wheeler, Mary Wayne
Whittle, Thomas Joseph
White, Allen Hardin, Jr.
White, Craig Cameron Lynn
White, James Wilbur
White, Robert Dale
Whitley, Robert Benjamin
Whittemore, Michael Alan Nye
Wicks, Samuel Clayton
Wieczorek, Stephen George
Wiese, Clifford Allen
Wiggins, Joseph Lambert, Jr.
Wilcock, John Lester, Jr.
Wilkening, Walter Lawrence
Willard, Robert Bruce
Willhite, Allen Leroy
Williams, Frank Laverne
Williams, Jack Bercaw, Jr.
Williams, Robert Eldon, Jr.
Williams, Thomas Johns, Jr.
Williams, Thomas Ryland
Williamson, Francis Thomas, Jr.
Willis, Barry Smartt
Wilmarth, Lance Alan
Wilson, Eldon Stephen
Wilson, Martin Bernard
Wilson, Wayne Bruce
Windle, Ralph Edward
Winners, Donald Lincoln
Wise, Billy Butch
Wise, William Allen III
Witherspoon, James Bradley, Jr.
Witt, Theodore Carl William
Woerner, James Paul, Jr.
Wolcott, Hugh Dixon
Wolford, Norman Henry
Womack, Jack Edward, Jr.
Wong, Peter Weikong
Wood, Gordon Leo, Jr.
Wood, John Robert, Jr.
Wood, William Allison
Wooden, Harry Holmes, Jr.
Woodson, Walter Browne III
Woolrich, Raymond Dudley
Wooten, Jonathan Wayne
Worthington, Jack C.
Woxland, Daniel Allan
Wright, Clinton Ernest
Wright, Gary Edward
Wright, John Thomas
Wright, Vernon Eugene
Yankoupe, George William
York, Richard John
Young, Donald Michael
Young, Jeffrey Alan
Young, Terry Alan
Young, Walter Gregory
Yates, Cornelius Harringto III
Young, Brian Walter
Young, John Jeffrey
Young, Peter Adams
Young, Thomas Robert
Zaiser, Gene Henry
Zando, Paul Joseph
Zemansky, Gilbert Marek
Ziegler, Philip Eugene
Zimny, Eric Brian
Zallnick, Anthony Francis, Jr.
Zebal, Bradley Howard
Zemetra, Michael Brundage
Zientek, Steve Michael
Zinkand, Thomas Martin
Zondorak, William Martin
Zuga, Leonard Francis
Zumsteg, Howard Oliver, Jr.
Zveare, Dennis Leeth
Zino, Richard Charles
Zucker, Clayton George
Zuhr, Kenneth Christian
Zvacek, Robert Dale
Bankert, Harlan R., Jr.
Oyler, Joe R., II
Valenty, John T.
Hughes, Gary M.
Rusling, Ward P.

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the Medical Corps subject to qualification therefor as provide by law:

Phillips, William.
Wagner, William J.

Lt. Comdr. John F. Clymer, Medical Corps, U.S. Navy, for temporary promotion to the grade of commander in the Medical Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line subject to qualification therefor as provided by law:

Daniels, Richard F.
Froelich, Jacob C.
Kicker, Charles K.

HOUSE OF REPRESENTATIVES—*Tuesday, December 16, 1969*

The House met at 12 o'clock noon.

The Reverend Nelson C. Pierce, associate director of development, Alice Lloyd College, Pippa Passes, Ky., and president of the National Council of Community Churches, offered the following prayer:

Our Father, Thou hast been our dwelling place in all generations. From the beginning of time to its end, Thou art God. In these days of strife and turmoil and change we find stability in Thee and we are grateful.

We thank Thee for the life which Thou hast given us and for the purpose to which daily Thou dost call us. Grant that each of us may fulfill our appointed purpose this day. Speed us to our work with a sense of the urgency of each moment.

May Thy rich blessing be with the Congress, the courts, the President of the United States, and upon all who are absent from home in the service of our Nation. And O speed the day of peace on earth and good will among all men, for Thy name's sake. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 11711. An act to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba.

The message also announced that the Senate had passed with amendments in

which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 8449. An act to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; and

H.R. 15090. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15090) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. MCCLELLAN, Mr. ELLENDER, Mr. STENNIS, Mr. JACKSON, Mr. YOUNG of North Dakota, Mrs. SMITH of Maine, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3016) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes," and agree to the conference requested by the House on the disagreeing votes of the two Houses, and appoints Mr. NELSON, Mr. YARBOROUGH, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. MURPHY, Mr. JAVITS, Mr. PROUTY, Mr. DOMINICK, and Mr. SMITH of Illinois to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate, to the bill (H.R. 4293) entitled "An act to provide for continuation of authority for regulation of exports," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. WILLIAMS of New Jersey, Mr. MONDALE, Mr. HUGHES, Mr. TOWER, Mr. BENNETT, and Mr. BROOKE, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2244. An act to amend section 212(a) of the Interstate Commerce Act, as amended, and for other purposes.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS—WATERSHED PROTECTION AND FLOOD PREVENTION ACT WORK PLANS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and referred to the Committee on Appropriations:

DECEMBER 12, 1969.

Hon. JOHN W. MCCORMACK,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: Pursuant to the provisions of Section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involve the following States and Watersheds:

Arkansas, Galla Creek, Executive Communication No. 1055, committee approval, December 11, 1966.

Georgia, Soque, Executive Communication No. 1055, committee approval, December 11, 1969.

Mississippi, Copiah Creek, Executive Communication No. 1055, committee approval, December 11, 1969.

Mississippi, Line Creek, Executive Communication No. 1055, committee approval, December 11, 1969.

New Mexico, Corrales, Executive Communication No. 1055, committee approval, December 11, 1969.

North Carolina (Supplement), Town Fork Creek, Executive Communication No. 1055, committee approval, December 11, 1969.

North Dakota, Square Butte Creek, Executive Communication No. 1055, committee approval, December 11, 1969.

Ohio (Supplement), Rush Creek, Executive Communication No. 1055, committee approval, December 11, 1969.

South Carolina, North Tyger River, Executive Communication No. 1055, committee approval, December 11, 1969.

Texas, McClellan Creek, Executive Communication No. 1055, committee approval, December 11, 1969.

Arkansas, Little Mulberry Creek, Executive Communication No. 1230, committee approval, December 11, 1969.

Georgia, Big Creek, Executive Communication No. 1230, committee approval, December 11, 1969.

Montana, Big Spring Creek, Executive Communication No. 1230, committee approval, December 11, 1969.

New Mexico, Tucumcari Draw, Executive Communication No. 1230, committee approval, December 11, 1969.

Oklahoma, Brushy-Peaceable Creek, Executive Communication No. 1230, committee approval, December 11, 1969.

Texas, Comal River, Executive Communication No. 1230, committee approval, December 11, 1969.

Texas, Lower Running Water Draw, Executive Communication No. 1230, committee approval, December 11, 1969.

Texas and New Mexico, Running Water Draw, Executive Communication No. 1230, committee approval, December 11, 1969.

Sincerely yours,

GEORGE H. FALLON,
Chairman.

THE LATE HONORABLE JOHN McSWEENEY

(Mr. BOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, I am sure many Members of the House who served with my distinguished predecessor, the Honorable John McSweeney, will be saddened to learn of his passing on Saturday, December 13. John McSweeney was a fine patriotic citizen who served his country well.

John McSweeney represented the 16th Congressional District of Ohio in the 68th, 69th, 70th, 75th, and 81st Congresses.

Born in Wooster, Ohio, December 19, 1890, he was educated in the public schools of Wooster and the College of Wooster, and taught in the public schools there before enlisting in the U.S. Army in 1917.

John McSweeney had a distinguished career in the military service. He served overseas during the First World War from May 10, 1917 to August 11, 1919, and was promoted to captain and aide-de-camp to General Farnsworth on August 16, 1918. He was awarded the Purple Heart Medal and received the Croix de Guerre from the Government of France.

During World War II he returned to the service as a lieutenant colonel with the military government in Italy, 1943–46. For this service he received the Legion of Merit, the Italian Red Cross Medal, the Order of Malta, the Order of St. George, and a medal from the Pope.

Immediately after World War I service, John McSweeney engaged in the study of law at the Inns of Court in London and he was admitted to the practice of law in Ohio in 1925. He engaged in the practice of law in Wooster continuously thereafter except for those periods when he served in the Congress and as Ohio's State director of public welfare. He was honored by his party's nomination for U.S. Senator in 1940 and for Governor of Ohio in 1942. He will be long remembered as a distinguished citizen of Wooster and of the State of Ohio and a strong advocate of programs to benefit the veterans of all of our wars, his comrades in arms during World War I and World War II.

Mr. Speaker, Mrs. Bow and I extend to Mrs. McSweeney our deep sympathy and condolences.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I was saddened to hear of the death of John McSweeney, who served a 1-year term after I came to Congress. I knew him as a very fine man, and a distinguished and able Member of the House of Representatives. He has left many friends among those who were serving here 20 or more years ago.

Mr. Speaker, I join my friend, the gentleman from Ohio (Mr. Bow), in extending to John McSweeney's loved ones my deepest sympathy.

Mr. BOW. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I share the views expressed by the distinguished gentleman from Ohio (Mr. Bow), and my colleague, the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT). I, too, wish to extend to the family of John McSweeney my deepest condolences at this time of sadness.

Mr. Speaker, it was my privilege to know John McSweeney while we were both Members of the House of Representatives. He was a fine gentleman, and an able Member of the House of Representatives. I am sure that the contributions he made in the House will be well recognized in the years ahead. John McSweeney was dedicated to the public good

as he saw it. I admired and respected him as a friend and legislator.

Mr. BOW. I thank the distinguished minority leader.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the distinguished gentleman from Ohio (Mr. ASHBROOK) who now represents the Wooster district in Ohio.

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman from Ohio for yielding. I, too, would like to rise and express my appreciation for having known this wonderful man for the few years I have been privileged to represent this district. His death was a loss to our area as well as the whole Nation.

I would say, Mr. Speaker, that John McSweeney had a dimension and a quality that is not achieved by many of us in politics.

Many people who are active in Government service become known—they may become respected, and in some cases they even become feared. But very few ever achieve the additional quality of being genuinely loved by our people. I would say in the case of John McSweeney that he was a person who was warmly loved, admired, and appreciated by his constituents, and by all of his friends in the State of Ohio.

Mr. Speaker, it was my great privilege just a few short years ago to attend an appreciation dinner for John McSweeney in Wooster, Ohio. I think if anybody could have seen the outpouring of sentiment for this fine man on that particular night they would know exactly what I am talking about.

So, Mr. Speaker, I too certainly wish to add my condolences to his loved ones, and to express my thought that here was a very fine citizen, a very fine American, a person who added a lot of luster to the field of public service at the very time when so many people in public service seem to be condemned by the public, and to be held in such low opinion. Here was a man who was held in such high respect and esteem—and rightly so. His public service stood as an example to all. He will be missed.

Mr. BOW. Mr. Speaker, I thank the gentleman.

Mr. MINSHALL. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the distinguished gentleman from Ohio, Mr. MINSHALL.

Mr. MINSHALL. Mr. Speaker, I also was shocked and saddened to learn of the passing of John McSweeney. I knew John McSweeney and his family well, our families were well acquainted. I can always think back at what a friendly, kindly, and gracious man he was, and although our political philosophies were somewhat at opposite ends of the spectrum, nonetheless he was respected and admired by all who knew him.

Mr. Speaker, I believe if there was one quality that could be said of John McSweeney—he was familiarly known as "June"—it would be his great quality of friendliness and fairness.

He was rich in years at his passing, but that does not mitigate the loss of one so many of us were proud to call our friend. He knew that the gift of friendship is one of the most essential qualities of happiness, and he had that gift in abundance. It is always hard to say farewell. We will miss John McSweeney, an outstanding American, a noble friend.

GENERAL LEAVE TO EXTEND

Mr. BOW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to express their views on the life and accomplishments of John McSweeney.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 15090, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, SIKES, WHITTEN, ANDREWS of Alabama, FLOOD, SLACK, ADDABBO, LIPSCOMB, MINSHALL, RHODES, DAVIS of Wisconsin, and BOW.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15090, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970, UNTIL MIDNIGHT TOMORROW

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow to file a conference report on the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MYLAI HEARINGS

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, once again we see an example of an implied attack on the integrity and objectiveness of our Committee on Armed Services and on its special investigation subcommittee in this morning's Washington Post, where there appeared an article written by a fellow named George C. Wilson, captioned "Hearing Set on Pretrial Mylai Talk." He concludes, after writing at some length on the subject, by saying:

> Armed Services Committee sources predicted that the Hébert unit—

And I might say, Mr. Speaker, I am one of four who have been selected as members of a special subcommittee to look into the Mylai incident—

> will keep quiet until after the Army finishes its own investigation and then endorse the service's actions.

He does not name his so-called sources.

Mr. Speaker, I can only say that nothing could be further from the truth. While it is true that we will not be conducting our hearing in a circus atmosphere, as has gone on in some places about Capitol Hill, and we will be discrete in all that comes out of our committee in the very near future, the aims, and purposes of our special committee will be made public. They will not be startling disclosures that might prejudice anyone who might possibly have to stand trial on criminal charges under this action, but I can assure you that no one is more dedicated to the task of ascertaining, the truth than the members of this subcommittee.

We are not prejudiced pro or con. Whatever will be the actions of this committee, it will be what we determine as individuals and will not be an attempt to rubberstamp the action of any service or reflect on anyone else's opinion.

It would seem, Mr. Speaker, that this is another action to attack our committee by condemning in advance whatever action we take. I, for one, resent it.

PRESIDENT NIXON'S ANNOUNCEMENT

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, last night the President announced he will bring 50,000 more troops home from Vietnam by April 15.

This will be good news to many American fighting men and their families.

The President's announcement demonstrates his great willingness and desire to unwind this war.

Unfortunately, as the President disclosed, the North Vietnamese have shown no desire to cooperate.

In fact, quite to the contrary. They refuse to negotiate in good faith in Paris.

And even as we bring our troops home, they increase their rate of infiltration in the South.

Mr. Speaker, even to those who wave the bloody flag of Ho Chi Minh in the name of peace, it should now be clear who the aggressor is. It is the Vietcong and the North Vietnamese who are not willing to end the killing and the bloodshed.

It is their belief that eventually America will surrender. Unfortunately, they have mistaken the strident shouts of a few for the voice of the American people.

I repeat, they are mistaken. Americans have made it clear they stand behind President Nixon. They have made it clear they will not settle for less than an honorable peace.

It is time for the North Vietnamese to do as the President urges. Abandon its dream of military victory and begin to negotiate seriously. They have nothing to gain by delay.

ATTACKS ON MEMBERS OF THE HOUSE

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, as a Member of this body of diverse and distinct heritage, I must admit to pride in its composition, a respect for its proceedings, and an abiding faith in its judgments. Although we may not agree, we every one try not to be disagreeable.

For the past 5 years, I have been deeply impressed by the enduring charm, kindliness, graciousness and fairness of our Speaker. As one Member of many in this body, I resent the insidious attacks made upon him. To me, he is the embodiment of kindliness.

Again, Mr. Speaker, I am aroused and disturbed when a columnist, though of ill repute, impugns the judgment, even the honor, of a man of the cloth, the respected and distinguished Member from Birmingham, Ala.

What Member within this body can know the pedigree and intimate personal history of each and every employee?

But such is the sadistic nature of some members of the press, that they would attempt to destroy the reputations of respected Members of this body with sordid and salacious stories.

These distinguished gentlemen have earned good names, and a good name is rather to be chosen than great riches, and loving favor rather than silver and gold.

As the Bard has said:

Who steals my purse steals trash,
'Tis something, nothing.
Twas mine, 'tis his and has been slave to thousands.
But he who filches from me my good name,
Robs me of that which not enriches him,
Yet makes me poor indeed.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 326]

Abbitt	Bolling	Conyers
Anderson, Tenn.	Brooks	Cunningham
Blatnik	Cahill	Dawson
	Clay	Fallon
Galifianakis	McFall	Reid, N.Y.
Gallagher	McMillan	Rhodes
Green, Oreg.	Martin	Rivers
Gubser	Miller, Calif.	Rooney, Pa.
Hall	Morton	Steed
Hanna	Moss	Teague, Tex.
Hébert	Nix	Tunney
Kirwan	Ottinger	Van Deerlin
Kluczynski	Pelly	Vander Jagt
Kuykendall	Pollock	Whalley
Lipscomb	Powell	
McEwen	Pryor, Ark.	

The SPEAKER. On this rollcall 388 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On December 11, 1969:

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas; and

H.R. 14159. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

On December 12, 1969:

H.R. 13763. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes.

PERSONAL ANNOUNCEMENT

Mr. SMITH of New York. Mr. Speaker, on rollcall No. 325, I was unavoidably detained. Had I been present, I would have voted "yea."

ELIMINATING THE REQUIREMENT THAT A UNIFORMED SERVICE MEMBER MUST MAINTAIN A RESIDENCE TO QUALIFY FOR FAMILY SEPARATION ALLOWANCE PAYMENTS

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 110) to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman give us a brief explanation of the bill? I had assumed that these three or four bills would be called up after disposition of the Private Calendar. Will the gentleman briefly explain the bill?

Mr. BENNETT. I shall be glad to do so.

Mr. GROSS. What is the purpose and the cost of the bill?

Mr. BENNETT. H.R. 110 is designed to restore the family separation allowance to approximately 47,000 service families whose entitlement to this $30 monthly allowance was terminated on December 1, 1968, as a consequence of a ruling by the Comptroller General of the United States.

The Comptroller General of the United States in his decision of February 9, 1968—B–157486—ruled that unless a member maintains a residence or household for his dependents, subject to his management and control, which he will likely share with them as a common household when his duty assignment permits, he is not entitled to payment of the family separation allowance. The Comptroller General further stated that the entitlement does not exist if the dependents reside as guests or visitors in the home of relatives or friends, and the member maintains no other residence for them subject to his management and control.

H.R. 110 speaks directly to the Comptroller General's decision and provides additional language to the statute which would waive the requirement that the member maintain a residence or household for his family—under his management and control. The effect of such a change in the statute would resolve the issues raised by the Comptroller General by making it clear that such entitlement is not contingent upon the maintenance of a separate household under the service member's management and control.

DEPARTMENTAL POSITION

The Department of Defense, by letter dated April 24, 1969, advised the committee that it strongly supports enactment of H.R. 110.

FISCAL DATA

The Department advises that if H.R. 110 is enacted into law, it would result in an annual increase of approximately $17,000,000 in the budgetary requirements of the Department of Defense. However, funds to cover this additional cost have been included in the fiscal year 1970 budget.

Mr. GROSS. Further reserving the right to object, did the gentleman say that the cost would be $17 million?

Mr. BENNETT. That is correct.

Mr. GROSS. That is the annual cost?

Mr. BENNETT. That is correct.

Mr. GROSS. Is there comparable legislation with respect to civilian employees?

Mr. BENNETT. There is comparable legislation of a similar nature coming from another committee.

Mr. GROSS. Is there anything presently in the law comparable to this? Let me put it that way.

Mr. BENNETT. I understand that there is. Ordinarily civilian employees do not have this kind of allowance, but I understand some do, and those who do

receive this kind of treatment rather than the kind of treatment which the Comptroller General said had to be rendered to the military.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill as follows:

H.R. 110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 427(b) of title 37, United States Code, is amended by adding the following sentence at the end thereof: "An allowance is payable under this subsection even though the member does not maintain for his primary dependents who would otherwise normally reside with him, a residence or household, subject to his management and control, which he is likely to share with them as a common household when his duty assignment permits."

SEC. 2. Section 1 of this Act is effective October 1, 1963.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE PAYMENT OF A FAMILY SEPARATION ALLOWANCE TO ELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WITHOUT REGARD TO THEIR ASSIGNMENT TO GOVERNMENT QUARTERS

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 386) to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the cost of this bill?

Mr. BENNETT. First, to explain the bill briefly, H.R. 386 addresses itself to the problem of entitlement to the monthly family separation allowance.

The provisions of H.R. 386 are designed to make eligible for this family separation allowance of $30 per month, that group of service personnel whose dependents are now occupying Government quarters.

Under the provisions of existing law, a member of the uniformed services whose dependents occupy Government quarters are not entitled to a family separation allowance despite the fact that he may otherwise meet the criteria of the statute.

The existing exclusion results from the language of the statute which establishes as one of the criterion for entitlement to this special separation allowance, a stipulation that it be payable only to those members who are "entitled to basic allowance for quarters." Thus, since the entitlement to the "basic allowance for quarters" does not arise in the instance of those members who are occupying Government quarters, they are precluded from the receipt of the monthly separation allowance, notwithstanding the fact that they might otherwise meet all of the other criteria of the statute.

DEPARTMENTAL AND FISCAL DATA

The Department of the Air Force, on behalf of the Department of Defense by letter dated August 19, 1969, had advised the committee that it strongly supports the objectives of H.R. 386. The Department further advises that if this modification is made in the statute it will increase the annual budgetary requirement by $2,653,000. This amount, however, has been included in the fiscal year 1970 budget of the Department.

Mr. GROSS. Mr. Speaker, does this provide for babysitting fees, extra transportation, and so on?

Mr. BENNETT. It only provides for the extra costs that a family experiences by virtue of the absence of the member.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 427(b) of title 37, United States Code, is amended by striking out "who is entitled to a basic allowance for quarters".

SEC. 2. The amendment made by this Act shall take effect on the first day of the first calendar month which occurs after the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING CERTAIN REIMBURSEMENTS, TRANSPORTATION, AND VARIOUS ALLOWANCES, FOR MEMBERS OF THE UNIFORMED SERVICES AND THEIR DEPENDENTS

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8021) to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8021

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That chapter 7 of title 37, United States Code, is amended as follows:

(1) Section 404(d) is amended by adding the following new sentence: "In addition to the allowances authorized by this section reimbursement may be allowed for the actual cost of parking fees, ferry fares, and bridge, road, and tunnel tolls."

(2) Section 404 is amended by adding the following new subsection:

"(g) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who receives change of permanent station orders while he is away from his permanent station under orders may, without regard to the comparative cost of the various modes of transportation, be authorized travel and transportation allowances for travel performed or to be performed by him to the permanent station from which ordered for the purpose of settling his personal affairs and, from that station, to the permanent station to which ordered. Travel performed under this subsection is considered to be travel on official business."

(3) Section 406 is amended by adding the following new subsection:

"(i) Where a member is ordered to sea duty on a vessel or with a mobile unit and although otherwise entitled moves his dependents and household effects to other than the home port or home yard of the vessel or mobile unit because of anticipated extended deployment of such vessel or mobile unit, and he is subsequently ordered to a different vessel or mobile unit which has the identical home port or home yard, the Secretaries concerned may authorize the movement of the dependents, baggage, and household effects to the home port or home yard and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in place thereof, as the case may be, as authorized under subsection (a) or (b) of this section."

(4) The catchline of section 406a and the corresponding item in the analysis are each amended by striking out "and transportation" and inserting in place thereof "transportation, and dislocation" and by amending the text of section 406a by inserting "dislocation allowance under section 407 of this title notwithstanding the requirement prescribed in subsection (b)(1) of that section," after "section 404 of this title,".

(5) Section 407 is amended as follows:

(A) Subsection (a) is amended by (i) striking out "make" and inserting in place thereof "in reliance on orders, make or begin"; (ii) inserting "or prolonged treatment in a hospital," after "change of permanent station"; and (iii) inserting "or 406(i)" after "405a(a)".

(B) Subsection (b) is amended by striking out "or" at the end of clause (2), striking out the period at the end of clause (3) and inserting in place thereof "; or", and adding the following new clause:

"(4) the member is certified, in accordance with regulations prescribed by the Secretary concerned, as requiring prolonged treatment in a hospital."

(6) Section 408 is amended by adding the following new sentence: "In addition to the fixed rate a mile authorized by this section for the use of privately owned vehicles, reimbursement may be allowed for the actual cost of parking fees, ferry fares, and bridge, road, and tunnel tolls."

(7) Section 411(a) is amended by striking out "(d)–(f)" and inserting in place thereof "(d)–(g)".

(8) The last two sentences of section 411(d) are amended to read as follows: "The definition shall include a shore station or the home yard or home port of a vessel or other afloat mobile unit to which a member of a uniformed service who is entitled to basic pay may be ordered. An authorized

change in the home yard or home port of such a vessel or other afloat mobile unit is a change of permanent station."

Mr. BENNETT. Mr. Speaker, H.R. 8021 is a Department of Defense legislative proposal designed to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes.

EXPLANATION OF THE BILL

The bill is essentially an omnibus bill covering five general purposes:

First. It would authorize reimbursement to members of the uniformed services for the actual cost of parking fees, ferry fares, bridge, road and tunnel tolls incurred during official travel, and so forth.

The annual cost of this element of the proposal is estimated at $5,291,000. Funds to cover this cost are included in the fiscal year 1970 budget.

Second. This legislation would also entitle a member of the uniformed services to travel allowances from a temporary duty station to a former permanent duty station, and then to his newly assigned permanent duty station.

Under existing law, a member receiving permanent change of station orders is only entitled to travel performed from his temporary duty station to his new permanent duty station.

Under the provisions of this bill such travel would be authorized. The Department considers the cost of such liberalization as being very modest involving an annual cost of approximately $61,980.

Third. This legislation would also authorize the payment of a dislocation allowance to a member of a uniformed service whose dependents travel prior to the effective date of orders directing a permanent change of station when such orders are later cancelled, revoked, or modified.

The proposed legislation is therefore attempting to correct hardships which result in the case of individual service families who, in proper anticipation of the effectiveness of a permanent change of station order, go forward to relocate in other geographical areas and later find that the orders have been cancelled.

The Department advises:

Any additional cost resulting from the enactment of this part of the proposal would be negligible and would be absorbed in applicable appropriations.

Fourth. This proposed legislation would also provide for the payment of a dislocation allowance for a member of a uniformed service when his dependents make an authorized move in connection with his prolonged treatment in a hospital.

Prolonged treatment is that treatment which is expected to require a minimum of 6 months of time.

The Comptroller General of the United States has ruled that a member is entitled to a dislocation allowance only when dependents move in connection with a permanent change of station, and that an order to proceed to a hospital is not a permanent change of the member's duty station.

The dislocation allowance is an amount equal to the member's basic allowance for quarters for 1 month—section 407, title 37, United States Code.

The Department advises that the estimated annual cost of this element of the proposal is $178,300.

Fifth. The proposed legislation would authorize the transportation of dependents and shipment of household goods to the home port or home yard at Government expense incident to a member's transfer from sea duty to sea duty, when the vessel or other afloat mobile units involved have identical home yards or home ports. This element of the proposal is designed to eliminate a hardship now confronting naval personnel who complete tours of sea duty on one ship or unit, and are subsequently immediately reassigned to another ship or unit home ported at the same geographical location. Under these circumstances the member is not entitled to a transportation allowance for his dependents despite the fact that during his previous tour of sea duty he had elected to permit his family to reside at a location other than the home port of the ship. Thus, he must now either endure the continued separation of his family during his second tour of sea duty, or in the alternative move them to his home port at his own expense.

The Department is of the view that this change in the statute would not result in any substantial increase in the cost to the Government.

SUMMARY

This departmental proposal, H.R. 8021, is identical to H.R. 8375 of the 90th Congress which was reported favorably by the Committee on Armed Services and passed the House on August 7, 1967. Unfortunately, it was not acted on by the other body and died with the termination of the 90th Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING TITLE 37, UNITED STATES CODE, TO AUTHORIZE TRAVEL, TRANSPORTATION, AND EDUCATION ALLOWANCES TO CERTAIN MEMBERS OF THE UNIFORMED SERVICES FOR DEPENDENTS' SCHOOLING

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8022) to amend title 37, United States Code, to authorize travel transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended as follows:

(1) The following new section is inserted after section 427:

"§ 428. Education, travel and transportation allowances: dependents at permanent station outside United States

"Under regulations prescribed by the Secretaries concerned, which shall be, as far as practicable, uniform for all of the uniformed services, a member of a uniformed service who is on duty outside the United States at a permanent station, and when such benefits are not made available in kind by the United States, is entitled to an education allowance and a travel and transportation allowance, to assist in providing adequate education for his dependents who are authorized to accompany him, as follows:

"(1) An allowance is authorized for elementary and secondary education of not more than the cost of obtaining the elementary and secondary educational services that are ordinarily provided without charge by the public schools in the United States, plus, in those cases where the Secretary concerned has designated the duty station of the member as having inadequate educational facilities, board and room, and periodic transportation between that station and the nearest locality (including where applicable the United States), designated by the Secretaries concerned as having adequate educational facilities; but the amount of the allowance granted shall be determined on the basis of the educational facility used.

"(2) A travel and transportation allowance is authorized to meet the travel expenses of the dependents of a member to and from a school in the United States to obtain an undergraduate college education, not to exceed one round trip each school year for each dependent for the purpose of obtaining such type of education. All or any portion of the travel for which a transportation allowance is authorized by this section will be performed wherever possible by the Military Airlift Command or the Military Sea Transportation Service on a space-required basis. Notwithstanding the area limitations in this section, a travel and transportation allowance for the purpose of obtaining undergraduate college education may be authorized under this clause for dependents of members stationed in the Canal Zone.

"(3) The term 'United States' shall, for the purposes of this section, mean the several States, the District of Columbia, Puerto Rico, and the Canal Zone.

"(4) The words 'permanent station' shall, for the purposes of this section, include the home yard or home port of a vessel to which a member of a uniformed service may be assigned.

"(5) Nothwithstanding section 401(2)(A) of this title, 'dependent' in this section may include an unmarried child over 21 years of age who is in fact dependent and is obtaining undergraduate college education."

(2) The analysis is amended by inserting the following item:

"428. Education, travel, and transportation allowances: dependents at permanent station outside the United States."

SEC. 2. Section 912 of the Internal Revenue Code of 1954 (26 U.S.C. 912) (relating to exemption from taxation for certain allowances) is amended by adding the following new paragraph at the end:

"(4) EDUCATION ALLOWANCE.—In the case of a member of a uniformed service, amounts

received under section 428 of title 37, United States Code."

Mr. BENNETT. Mr. Speaker, H.R. 8022 is a bill which will amend title 37 United States Code, to authorize travel, transportation, and education allowances to members of the uniformed services stationed abroad, for their dependents' schooling.

The provisions of this bill would extend to members of the uniformed services stationed abroad authority to receive allowances for certain expenses incurred in educating their dependents and in transporting them between the member's station and the dependents' school.

With regard to the education allowances, it is a recognized fact that dependents' education can create a major financial and morale problem for uniformed personnel stationed in foreign areas, where there are no local dependents' schools operated by the Department of Defense. Some of our posts are located in Asia, Africa, and the Near East, where the lingual, cultural, and educational standards are very different from our own, and thus where the local schools are not suitable for our children.

At most of these stations there are so few American children that the estabment of a DOD-sponsored dependents' school is not feasible, and parents must send their children to suitable dormitory or tuition-fee schools.

At the present time, approximately 1,527 dependents must attend elementary and secondary dormitory and tuition schools. Tuition assistance in such cases is available under the authority of the annual Department of Defense Appropriations Act. Further, in fiscal year 1969 $524,000 was appropriated to cover room and board fees of elementary and secondary students living in tuition-fee or service operated dormitory schools, and the fiscal year 1970 Department of Defense appropriation request in this area is $526,000.

In addition to continuing this room and board allowance, the present bill would recognize and provide allowances to cover other costs that are incurred when a child must attend a dormitory or tuition fee school. That is, the bill would provide allowances for periodic transportation home when the elementary or secondary school is closed for holidays, and it would provide allowance to cover the additional fees charged by the school, such as library and health fees. Allowances for such periodic transportation and fees are not presently provided to service families. On the other hand, all of these allowances, room and board, periodic transportation and school fees, are presently authorized by 5 U.S.C. 5924(4) for civilian Government employees stationed in foreign areas.

This bill will also provide a transportation allowance of one roundtrip annually for dependents of service members stationed abroad who are obtaining an undergraduate college education at a school in the United States. Travel by Military Airlift Command will be utilized when available. This allowance would be available to the approximately 1,764 dependents who are enrolled full time in a college course of instruction which leads to an associated or baccalaureate degree. This allowance is presently authorized by 5 U.S.C. 5924(4) for civilian Government employees stationed in foreign areas.

The Department of Defense favors this legislation and the Bureau of the Budget has no objection to its passage.

The enactment of this measure will result in an increased annual cost to the Department of Defense of approximately $1,886,000, and as previously mentioned $526,000 of this amount is for room and board allowances and is presently contained in the fiscal year 1970 Department of Defense appropriation request.

You will recall that the Armed Services Committee reported out a similar bill in 1967, H.R. 2082, and it was passed by the House. However, the other body failed to act on it. Further, you will recall that the college student transportation provision was included in this year's procurement authorization bill, but it was deleted during conference.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, prior to the passage of each one of the four bills.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

THIRTEENTH ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-204)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

With this message I am transmitting the Thirteenth Annual Report on the Trade Agreements Program, as required by the Trade Expansion Act of 1962. The report covers the year 1968.

In 1968, free world trade increased by 11.6 percent; U.S. exports increased by 9.6 percent; and U.S. imports rose by 23.7 percent, largely due to the inflationary forces in our economy which stimulated imports and also hampered the competitiveness of our exports.

The Trade Bill of 1969, which I recently submitted to the Congress, will equip us to build on the past gains of the Trade Agreements Program and to move forward toward a new trade program for the 1970s. It will give us the capability to continue to move forward toward freer world trade, defend our own trade interests, and provide constructive adjustment to changes in world trade patterns. The Commission on World Trade, which I am appointing, will examine the complex trade issues that will confront us in the 1970s, and will make recommendations for the U.S. policies needed to deal with them.

This Administration is committed to a freer exchange of goods among nations. We must continue to strive for further growth in mutually advantageous world trade and, in part through such trade, for the eventual dismantling of the barriers that have stood in the way of the freer interchange of people and ideas.

RICHARD NIXON.

THE WHITE HOUSE, *December 16, 1969.*

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REFERENCE OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 86, referring the bill (H.R. 1691) to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

Mr. BOLAND. Mr. Speaker, by direction of the Subcommittee on Claims, I object.

Mr. GROSS and Mr. HUNT objected, and, under the rule, the resolution was recommitted to the Committee on the Judiciary.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. GROSS. Mr. Speaker, I as unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM PATRICK MAGEE

The Clerk called the bill (H.R. 9001) for the relief of William Patrick Magee.

There being no objection, the Clerk read the bill as follows:

H.R. 9001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, William Patrick Magee may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM D. PENDER

The Clerk called the bill (S. 901) for the relief of William D. Pender.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. BOLAND. Mr. Speaker, I object.

Mr. GROSS and Mr. HUNT objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. BOLAND. Mr. Speaker, I object.

Mr. GROSS and Mr. HUNT objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

CONFERRING JURISDICTION ON CLAIM OF PHILIP J. FICHMAN

The Clerk called the bill (H.R. 10658) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman.

There being no objection, the Clerk read the bill, as follows:

H.R. 10658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches or any prior judgment of the United States Court of Claims, jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon any claim of Philip J. Fichman, of Indianapolis, Indiana, for disability retirement pay allegedly due him as the result of certain preexising, nondisabling physical conditions which the said Philip J. Fichman maintains were aggravated while he was serving in the Armed Forces of the United States.

SEC. 2. Suit upon any such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28 of the United States Code.

With the following committee amendment:

Page 1, line 10, strike "preexising" and insert "preexisting".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. WILLIAM O. HANLE

The Clerk called the bill (S. 882) for the relief of Capt. William O. Hanle.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. BOLAND. Mr. Speaker, I object.

Mr. HUNT and Mr. GROSS objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

REFERENCE OF CLAIMS OF BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called House Resolution 498, to refer the bill (H.R. 4498) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. BOLAND. Mr. Speaker, I object.

Mr. HUNT and Mr. GROSS objected, and, under the rule, the resolution was recommitted to the Committee on the Judiciary.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11500) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. BOLAND. Mr. Speaker, I object.

Mr. GROSS and Mr. HUNT objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

ROSE MINUTILLO

The Clerk called the bill (H.R. 12089) for the relief of Rose Minutillo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

IRVING M. SOBIN CO., INC., AND/OR IRVING M. SOBIN CHEMICAL CO., INC.

The Clerk called the bill (H.R. 1782) for the relief of Irving M. Sobin Co., Inc., and/or Irving M. Sobin Chemical Co., Inc.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. BOLAND. Mr. Speaker, I object.

Mr. GROSS and Mr. HUNT objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

TIMOTHY L. ANCRUM (ALSO KNOWN AS TIMMIE ROGERS)

The Clerk called the bill (H.R. 3590) for the relief of Timothy L. Ancrum (also known as Timmie Rogers).

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentelman from New Jersey?

Mr. BOLAND. Mr. Speaker, I object.

Mr. HUNT and Mr. GROSS objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

REFERENCE OF CLAIM OF JOHN S. ATTINELLO

The Clerk called House Resolution 533, to refer the bill (H.R. 3722) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2059 of title 28, United States Code, as amended.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. BOLAND. Mr. Speaker, I object.

Mr. HUNT and Mr. GROSS objected, and, under the rule, the resolution was recommitted to the Committee on the Judiciary.

MRS. MARJORIE ZUCK

The Clerk called the bill (S. 476) for the relief of Mrs. Marjorie Zuck.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

JACK BROWN

The Clerk called the bill (H.R. 1697) for the relief of Jack Brown.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA PANSONS LIDERS

The Clerk called the bill (H.R. 3530) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DR. EMIL BRUNO

The Clerk called the bill (H.R. 4105) for the relief of Dr. Emil Bruno.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. PEARL C. DAVIS

The Clerk called the bill (H.R. 7264) for the relief of Mrs. Pearl C. Davis.

There being no objection, the Clerk read the bill as follows:

H. R. 7264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of determining the entitlement of Mrs. Pearl C. Davis, of New Haven, Connecticut, to widow's insurance benefits under section 202(e) of the Social Security Act on the basis of the wages and self-employment income of her late husband Alver C. Davis (Social Security Account Numbered 044–12–3912), the said Mrs. Pearl C. Davis shall be deemed to have satisfactorily established her marital relationship with the said Alver C. Davis at the time she first filed application for such benefits in 1954. There shall be paid to the said Mrs. Pearl C. Davis, in a lump sum from the Federal Old-Age and Survivors Insurance Trust Fund, an amount equal to the total of the additional widow's insurance benefits (for the period beginning with the month of April 1955, and ending with the month preceding the first month for which she was entitled to such benefits without regard to this Act) which are payable to her by reason of the preceding sentence.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BURROWES MANUFACTURING CORP.

The Clerk called the bill (H.R. 8100) for the relief of the Burrowes Manufacturing Corp.

There being no objection, the Clerk read the bill as follows:

H.R. 8100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the case of a claim for credit or refund with respect to the tax imposed by section 4161 of the Internal Revenue Code of 1954 filed by the Burrowes Manufacturing Corporation of Portland, Maine, within the 30-day period which begins on the date of the enactment of this Act, subparagraphs (A) and (B) of section 209(b)(1) of the Excise Tax Reduction Act of 1965 (relating to floor stocks refunds with respect to certain manufacturers excise taxes) shall be applied by substituting the date of the 30th day after the date of the enactment of this Act (1) for "February 10, 1966" in such subparagraph (A), and (2) for "such February 10" in such subparagraph (B).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

QUITCLAIMS TO QUIET TITLE, ARIZONA

The Clerk called the bill (H.R. 7161) for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

QUITCLAIM OF SAND AND GRAVEL—EMOGENE TILMON, LOGAN COUNTY, ARK.

The Clerk called the bill (S. 65) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark.

There being no objection, the Clerk read the bill, as follows:

S. 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey by quitclaim deed, without consideration, to Emogene Tilmon the sand, gravel, stone, clay, and similar materials reserved to the United States in a certain tract of 80.07 acres of land, conveyed to her by deed dated September 22, 1960, recorded in Logan County, Arkansas, on October 10, 1960, in Book 52 of Deeds, page 691: *Provided,* That the conveyance authorized by this Act shall change none of the other provisions or conditions of the above cited September 22, 1960, deed from the United States: *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract.

With the following committee amendment:

Page 2, line 2, strike out the following: ": *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract." and insert in lieu thereof a period after the words "United States".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

QUITCLAIM OF SAND AND GRAVEL—ENOCH A. LOWDER, LOGAN COUNTY, ARK.

The Clerk called the bill (S. 80) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and sim-

ilar materials in certain lands to Enoch A. Lowder of Logan County, Ark.

There being no objection, the Clerk read the bill as follows:

S. 80

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey by quitclaim deed, without consideration, to Enoch A. Lowder, the sand, gravel, stone, clay, and similar materials reserved to the United States in a certain tract of forty acres of land, more or less, conveyed to her by deed dated February 5, 1963, recorded in Logan County, Arkansas, on February 23, 1963, in Book 55 of Deeds, page 141: *Provided,* That the conveyance authorized by this Act shall change none of the other provisions or conditions of the above cited February 5, 1963, deed from the United States: *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract.

With the following committee amendment:

Page 2, line 2, strike out the following: ": *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract." and insert in lieu thereof a period after the words "United States".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

QUITCLAIM OF SAND AND GRAVEL—J. B. AND SULA SMITH, MAGAZINE, ARK.

The Clerk called the bill (S. 81) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark.

There being no objection, the Clerk read the bill as follows:

S. 81

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey by quitclaim deed, without consideration, to J. B. Smith and Sula E. Smith, his wife, the sand, gravel, stone, clay, and similar materials reserved to the United States in a certain tract of 52.13 acres of land, more or less, conveyed to them by deed dated November 26, 1962, recorded January 12, 1963, in deed book 55, page 110, Southern District Court House of Logan County, at Booneville, Arkansas: *Provided,* That the conveyance authorized by this Act shall change none of the other provisions or conditions of the above cited November 26, 1962, deed from the United States: *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract.

With the following committee amendment:

Page 2, line 3, strike out the following: ": *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract." and insert in lieu thereof a period after the words "United States".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

QUITCLAIM OF SAND AND GRAVEL—WAYNE AND EMOGENE TILMON, LOGAN COUNTY, ARK.

The Clerk called the bill (S. 82) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon, of Logan County, Ark.

There being no objection, the Clerk read the bill as follows:

S. 82

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey by quit claim deed, without consideration, to Wayne Tilmon and Emogene Tilmon, his wife, the sand, gravel, stone, clay and similar materials reserved to the United States in a certain tract of 70.36 acres of land, more or less, conveyed to them by deed dated November 27, 1959, recorded in Logan County, Arkansas, on March 8, 1960, in Book 52 of Deeds, page 556: *Provided,* That the conveyance authorized by this Act shall change none of the other provisions or conditions of the above cited November 27, 1959, deed from the United States: *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract.

With the following committee amendment:

Page 2, line 2, strike out the following: ": *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract." and insert in lieu thereof a period after the words "United States".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO PERMIT THE VESSEL "MARPOLE" TO BE DOCUMENTED FOR USE IN THE COASTWISE TRADE

The Clerk called the bill (H.R. 1497) to permit the vessel *Marpole* to be documented for use in the coastwise trade.

There being no objection, the Clerk read the bill as follows:

H.R. 1497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), the vessel known as the Marpole, official number CF4754CN, owned by (Mrs.) Jean C. Rowe, 334 25th Street, Santa Monica, California, 90402, area code 213, telephone EX 5-3034, shall be entitled to be documented to engage in the fisheries and the coastwise trade upon compliance with the usual requirements, so long as such vessel is, from the date of enactment of this Act, continuously owned by a citizen of the United States. For the purposes of this Act, the term "citizen of the United States" includes corporations, partnerships, and associations, but only those which are citizens of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, were not the last six bills on the Private Calendar not eligible for consideration?

The SPEAKER. The Chair is informed that they were.

Mr. GROSS. They were eligible?

The SPEAKER. Yes. That is the information that the Chair has received.

CONFERENCE REPORT ON H.R. 14916, DISTRICT OF COLUMBIA APPROPRIATIONS, 1970

Mr. NATCHER. Mr. Speaker, I call up the conference report on the bill (H.R. 14916) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 15, 1969.)

(Mr. NATCHER asked and was given permission to revise and extend his remarks and to include a tabulation.)

Mr. NATCHER. Mr. Speaker, the conference agreement provides a Federal payment of $104,169,000 to the general fund composed of $99,169,000 plus a special one-time payment of $5,000,000 for law enforcement activities. The House bill provided $107,000,000, including the special one-time payment. The Senate bill provided $109,206,000. The conference agreement is $5,831,000 below the budget estimates; $2,831,000 below the House bill; and $5,037,000 below the Senate bill; but it is $14,804,000 above the 1969 Federal payment, which was $89,365,000.

DISTRICT OF COLUMBIA FUNDS

The conference agreement provides $650,249,600 in District of Columbia appropriated funds. The House bill provided $683,106,300. The Senate bill provided $657,064,600. The conference agreement is $102,694,700 below the budget estimates, $32,856,700 below the House bill, and $6,815,000 below the Senate bill. It is $66,654,212 above the 1969 appropriations and represents an alltime high for the District government.

At this point in the RECORD I will insert a tabulation showing the various stages of the bill by appropriations:

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1970 (H.R. 14916) CONFERENCE SUMMARY

Agency and item	New budget (obligational) authority, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Federal payment to the District of Columbia:									
General fund	[1] $89,365,000	[2] $110,000,000	$107,000,000	$109,206,000	$104,169,000	+$14,804,000	−$5,831,000	−$2,831,000	−$5,037,000
Water fund	2,098,000	2,504,000	2,504,000	2,504,000	2,504,000	+406,000			
Sanitary sewage works fund	1,184,000	1,424,000	1,424,000	1,424,000	1,424,000	+240,000			
Total, Federal payment to the District of Columbia	92,647,000	113,928,000	110,928,000	113,134,000	108,097,000	+15,450,000	−5,831,000	−2,831,000	−5,037,000
Laons to the District of Columbia or capital outlay (from the U.S. Treasury):									
General fund	[3] 65,125,000	[4] 111,736,000	74,735,000	57,235,000	57,235,000	−7,890,000	−54,501,000	−17,500,000	
Highway fund	8,000,000	700,000	700,000	700,000	700,000	−7,300,000			
Water fund	1,250,000	170,000	170,000	170,000	170,000	−1,080,000			
Sanitary sewage works fund		2,158,000	2,158,000	2,158,000	2,158,000	+2,158,000			
Total, loan appropriation to District of Columbia	74,375,000	114,764,000	77,763,000	60,263,000	60,263,000	−14,112,000	−54,501,000	−17,500,000	
The Commission on Revision of Criminal Laws of the District of Columbia		150,000		150,000	150,000	+150,000		+150,000	
Grand total, Federal funds	167,022,000	228,842,000	188,691,000	173,547,000	168,510,000	+1,488,000	−60,332,000	−20,181,000	−5,037,000
District of Columbia appropriated funds:									
General operating expenses	[5] (35,405,500)	[6] (44,091,000)	(39,209,000)	(40,471,000)	(38,769,000)	(+3,363,500)	(−5,322,000)	(−440,000)	(−1,702,000)
Public safety	[7] (113,022,000)	[8] (133,899,000)	(130,324,000)	(130,801,000)	(129,556,000)	(+16,534,000)	(−4,343,000)	(−768,000)	(−1,245,000)
Education	[9] (122,607,000)	[10] (149,956,000)	(140,077,000)	(141,250,000)	(140,386,000)	(+17,779,000)	(−9,570,000)	(+309,000)	(−864,000)
Parks and recreation	[11] (17,305,988)	[12] (20,421,000)	(18,337,000)	(17,419,000)	(17,406,000)	(+100,012)	(−3,015,000)	(−931,000)	(−13,000)
Health and welfare	[13] (123,904,000)	[14] (145,383,000)	(137,382,000)	(137,297,000)	(136,234,000)	(+12,330,000)	(−9,149,000)	(−1,148,000)	(−1,063,000)
Highways and traffic	[15] (17,784,000)	[16] (18,486,000)	(18,450,000)	(18,206,000)	(18,450,000)	(+666,000)	(−36,000)		(+244,000)
Sanitary engineering	[17] (31,214,000)	[18] ((34,929,000)	(33,340,000)	(33,101,000)	(32,707,000)	(+1,493,000)	(−2,222,000)	(−633,000)	(−394,000)
Metropolitan Police (additional municipal services, inaugural ceremonies)	(440,000)					(−440,000)			
Personal services, wage-board employees	[19] (3,966,000)	(5,201,300)	(5,201,300)	(5,201,300)	(5,201,300)	(+1,235,300)			
Settlement of claims and suits	[20] (77,900)	[21] (51,000)	(51,000)	(51,000)	(51,000)	(−26,900)			
Total, operating expenses	(465,726,388)	(552,417,300)	(522,371,300)	(523,797,300)	(518,760,300)	(+53,033,912)	(−33,657,000)	(−3,611,000)	(−5,037,000)
Repayment of loans and interest	(8,769,000)	[22] (10,918,000)	(10,807,000)	(10,807,000)	(10,807,000)	(+2,038,000)	(−111,000)		
Capital outlay	[23] (109,100,000)	[24] (189,609,000)	(149,928,000)	(122,460,300)	(120,682,300)	(+11,582,300)	(−68,926,700)	(−29,245,700)	(−1,778,000)
Grand total, District of Columbia appropriated funds	(583,595,388)	(752,944,300)	(683,106,300)	(657,064,600)	(650,249,600)	(+66,654,212)	(−102,694,700)	(−32,856,700)	(−6,815,000)

[1] Includes $10,365,000 in 2d supplemental, 1969 (Public Law 91-47).
[2] Includes $20,000,000 requested in H. Doc. 91-196.
[3] Includes $7,902,000 in supplemental, 1969 (Public Law 90-608).
[4] Includes $18,736,000 requested in H. Doc. 91-50 for fiscal year 1969, and reflects decrease of $515,000 proposed in H. Doc. 91-99 and includes $6,000,000 requested in H. Doc. 91-140.
[5] Includes $1,049,500 in supplemental, 1969 (Public Law 90-608), and $975,000 in 2d supplemental, 1969 (Public Law 91-47). Also includes $1,611,000 for Corporation Counsel appropriated under "Public safety."
[6] Includes $847,000 requested in H. Doc. 91-99.
[7] Includes $68,000 in supplemental, 1969 (Public Law 90-608) and $10,034,000 in 2d supplemental 1969 (Public Law 91-47). Excludes $1,611,000 for Corporation Counsel, now under "General operating expenses."
[8] Includes $10,060,000 requested in H. Doc. 91-99.
[9] Includes $13,931,000 in 2d supplemental, 1969 (Public Law 91-47).
[10] Includes $1,204,000 requested in H. Doc. 91-99.
[11] Includes $322,000 in 2d supplemental, 1969 (Public Law 91-47).
[12] Includes $563,000 requested in H. Doc. 91-99.
[13] Includes $2,548,000 in 2d supplemental, 1969 (Public Law 91-47).
[14] Includes $2,054,000 requested in H. Doc. 91-99 and $2,200,000 requested in H. Doc. 91-140 and $1,369,000 requested in H. Doc. 91-196.
[15] Includes $163,000 in 2d supplemental, 1969 (Public Law 91-47).
[16] Includes $35,000 requested in H. Doc. 91-99.
[17] Includes $479,000 in 2d supplemental, 1969 (Public Law 91-47).
[18] Includes $403,000 requested in H. Doc. 91-99.
[19] Includes $3,179,000 in 2d supplemental, 1969 (Public Law 91-47).
[20] Includes $27,900 in supplemental 1969 (Puolic Law 90-608), and $50,000 in 2d supplemental, 1969 (Public Law 91-47).
[21] Requested in H. Doc. 91-196.
[22] Includes $49,000 requested in H. Doc. 91-140.
[23] Includes $10,590,000 in supplemental, 1969 (Public Law 90-608).
[24] Includes $18,736,000 requested in H. Doc. 91-50 for fiscal year 1969, $8,928,000 requested in H. Doc. 91-99, and $18,275,000 requested in H. Doc. 140, and excludes $2,286,000 requested in H. Doc. 91-196.

PERSONNEL

The conference agreement provides a net total of 40,664 positions. The House bill provided a total of 41,500. The Senate bill provided 40,865, including a personnel freeze on existing positions in the 1970 base. The conferees have agreed to this personnel freeze so as to comply with section 802 of the District of Columbia Revenue Act of 1969.

The Senate allowed 887 new positions over the House allowance. The conference action allows 686 new positions over the House bill. A total of 3,858 new full-time positions is authorized under the terms of the conference agreement. The funding for almost all of the new positions is on a 4-month basis, as proposed by the Senate, due to the late passage of the bill.

GENERAL OPERATING EXPENSES

The conference action eliminates or reduces many of the increases provided by the Senate for the Executive Office including $500,000 proposed for the neighborhood service centers. The increases provided by the Senate for the community development unit, the office of consumer affairs, the Economic Development Committee, coordination of the arts, the planning office, the office of legislative affairs, and the personnel office were dropped by the conferees. The additional positions provided for the budget office were approved. The conferees agreed to allow the Fuson stamp program on a 1-year trial basis with the stipulation that future expenditures should not exceed $50,000 annually. The additional positions for the City Council were eliminated. The Senate allowance for the Human Relations Commission has been reduced in half, which allows 20 new positions for the Commission.

PUBLIC SAFETY

The conference agreement allows 100 additional police cadets which will provide a total of 250 in 1970 as originally requested. Numerous other adjustments have been made in the other activities under this appropriation, including funding of the Offender Rehabilitation project under the Legal Aid Agency.

EDUCATION

The conferees agreed to a number of increases over the House bill for the public schools including additional positions for general administration, early childhood education, summer school and

continuing education, and instructional services. Additional funds granted to the Federal City College and the Washington Technical Institute will not enable any increase in the current enrollments at those institutions.

PARKS AND RECREATION

The conferees agreed substantially with the recommendations of the Senate.

HEALTH AND WELFARE

The conferees agreed to the additional funds allowed by the Senate for District of Columbia General Hospital. The request for these funds arrived too late for consideration by the House. Other increases added by the Senate for the Department of Public Health were reduced generally, as was also true of Department of Public Welfare increases. Additional funds and personnel were allowed to enable District of Columbia Village to convert more beds from immediate to intensive care.

HIGHWAYS AND TRAFFIC

The conference agreement restores the 310 positions eliminated from the Department of Highways and Traffic budget base by the Senate. Fifty-three of these positions relate to operating expense activities and are vital to the day-to-day maintenance of our streets, highways, bridges, and for traffic operations. There are 252 of the positions which are capital outlay positions directly connected with the Department's major construction programs. The freeway impasse is finally broken and these positions will be necessary to enable the freeway system program to get underway. The Department has over $200 million in previously appropriated funds and they are available to fund these positions as well as the contracts for actual construction. I am glad to report that the House position prevailed.

SANITARY ENGINEERING

Numerous downward adjustments were agreed to in these activities. The House did agree to the Senate proposal to accelerate the purchase of compactor truck bodies for trash collection from 3 years to 1 year.

CAPITAL OUTLAY

The House conferees agreed substantially with the reductions proposed by the Senate. Additional reductions were agreed to in conference including the increases allowed by the Senate for educational parks, air-conditioning buildings at District of Columbia General Hospital that are not already air conditioned, and the community street program. The conferees agreed to a reprograming action to fund a preliminary survey for a new District court building.

THE COMMISSION ON THE REVISION OF THE CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA

The conferees agreed to the appropriation of $150,000 for the Commission.

Mr. Speaker, this is a good bill. As I noted earlier it is below both the House and Senate versions of the bill, but it provides a substantial increase over the 1969 appropriations for the operation of the government of our Capital City. I recommend the adoption of the conference report.

Mr. Speaker, at this time I yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. While I think that the Federal Government is appropriating far too much money to the District of Columbia, I am pleasantly surprised by this conference report which indicates that for the first time in many, many years the other body failed to obtain an increase above the extraordinary amount that the House approved. I suppose we can take some solace from the fact that this is apparently one of the best conference reports that we have had in many, many years. I want to thank the gentleman from Kentucky (Mr. NATCHER) and the members of his subcommittee. Although, I say, again, and emphasize that I think we have appropriated far too much money from the Federal Treasury for the District of Columbia.

Mr. NATCHER. Mr. Speaker, I want to thank the gentleman from Iowa for his statement.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. Mr. Speaker, at this time I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding.

I think it is particularly noteworthy, I would say to the gentleman from Kentucky, to read in the morning newspaper an article which stated that the police officers are evidently going to be on the spot unless there is a direct reduction in crime for the District of Columbia.

I know some of this would obviously relate to the committee which authorizes the appropriations, not the Committee on Appropriations which the gentleman from Kentucky (Mr. NATCHER) so ably heads.

I wonder if the gentleman could tell the Members, particularly in light of today's development, the so-called order of the Police Chief, to reduce crime and whether or not in the considered judgment of the gentleman from Kentucky there is an adequate amount in the appropriation bill for police protection in the District of Columbia?

Mr. NATCHER. Mr. Speaker, I want to thank my distinguished friend from Ohio. I would like to say to the gentleman, and the other Members at this time, that we have an authorized police force in the District of Columbia of 5,100 men. In this bill for fiscal year 1970 we have $68,355,000 for the maintenance of the Police Department. This is $71.93 per capita.

There is no city in the United States of America, with the exception of Boston, Mass., Mr. Speaker, that has a larger per capita amount expended on its police department than the District of Columbia.

The article that the gentleman from Ohio read in this morning's paper quoting the concern of the Chief of Police as to the inspectors here in the city of Washington is long overdue. I want the gentleman from Ohio to know that I for one believe that the Chief of Police is correct. This action is long overdue. We have an adequate number of police officers in our Capital City. We have not reduced the Metropolitan Police budget one dime in 10 years. Each year they come in with their requests and we do not reduce them. We have given them everything they have asked for. We believe that the people from the great State of Ohio and from the great State of Kentucky and throughout the United States should have a right to come to our Capital City and walk the streets in peace, and not fear that they will be raped, mugged, and robbed. So I say to the Members of the House at this time, Mr. Speaker, that the action of the Chief of Police is long overdue. If these inspectors do not clear this situation up in their districts, I think the Chief of Police is right—I think they ought to be transferred.

Again I want to thank the gentleman from Ohio for calling this matter to our attention.

With the total amount contained in this bill and with the total amount per capita for the operation of our Capital City Police Department, there is no reason why we should not have better law enforcement.

There are problems such as those we have been discussing and the Department has operated under some adverse conditions but I am definitely of the opinion that we have a good Police Department in our Capital City.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield further?

Mr. NATCHER. I yield further to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I appreciate the gentleman's statement, and I would like to make another point which might be a matter which should come up before the authorizing committee, and not the Committee on Appropriations. A cursory examination indicates that a great amount of the time of the police force in the District of Columbia is spent on special events, and on what might be called non-crime-related duties of an officer.

For example, it is my understanding that approximately 400 policemen in the District of Columbia will be assigned every time the Redskins play a football game, whereas in other cities, take, for example, Chicago, the taxpayers there are not called upon to such a large extent, and that there are certain duties around their football stadium which are performed by private individuals, paid for by the Chicago Bears.

So maybe we are calling upon the police force to handle a great amount of duties which in other cities in the country are performed by the business enterprises or private groups themselves, as well as the local government, and are not reflected in the police costs.

So possibly at the same time the Chief is calling upon this investigation, or putting this order down, I wish he would take a look into how much of the police force money goes for special events that might well be handled by others who do not wear the blue uniform.

Mr. NATCHER. Mr. Speaker, I want to thank the gentleman from Ohio for his statement. In addition to the duties that the gentleman from Ohio has

pointed out, just as a matter of emphasis, the last moratorium demonstration, it cost the city of Washington $689,000.

Now think about it—$689,000 is the cost as a result of the moratorium march to the District of Columbia. That does not include the expenses of the Department of Defense and other departments such as the Department of the Interior for the Park Police and all of the other services that were furnished during that weekend.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield to the distinguished gentleman from California.

Mr. WALDIE. Mr. Speaker, I too wanted to ask the distinguished chairman of the subcommittee a question relative to Chief Wilson's urging his top police officers starting to do something that they have not been doing apparently, that is, cause crime to decrease, or they would have action taken against them.

Is it the gentleman's understanding that there has been laxity on the part of the local District police force in enforcing the law and in combating the problem of crime in the District?

Mr. NATCHER. I would like to say to the gentleman, as I have said earlier, I am of the opinion that we have a good police department in our Capital City. I think what the Chief of Police had in mind was this—with the total number of officers patrolling the streets, with the amount of money contained in this bill and in every budget down through the years for our Metropolitan Police Department, and with the assistance they are now receiving from the Attorney General and the other Government departments from the standpoint of narcotics and from the standpoint of the crime situation generally—that certainly in those districts where we have most of our crime, the inspectors ought to come up to order—they ought to take a better look.

I think the Chief of Police is right—with all of the services now being furnished in our Capital City and the amount of money and the number of personnel, the inspectors should take a better look into the problem. If these particular men are unable to cope with the situation, I think the Chief of Police is right, he should transfer them.

Mr. WALDIE. Mr. Speaker, I appreciate the gentleman's frank response.

I was concerned when I read the article this morning because I had been led to believe, after listening to the comments from the Attorney General, for one, that the increase of crime in the District was largely the responsibility of the Congress, for their neglect in acting upon his crime package.

It would seem to me at least that this strong criticism by Chief Wilson ascribes the responsibility for the increase in crime to another cause than the Congress. That is a comforting thought, I suppose, that there may be others to share this onerous responsibility.

Although it does strike me as more than passing strange that the District police force, in whom I have had considerable confidence in the past, and I think deservedly so, should be, in my view, castigated by their chief by this reflection upon their ability to have done the job with which they are confronted. I think there has been an aspersion on their abilities cast by their Chief. I think if it is a justified aspersion, it is something I was not aware of—if it is not justified, it seems to me that that would tend greatly to diminish what must be already a low morale in the police department.

Mr. NATCHER. I would say to the gentleman, Mr. Speaker, that the Chief of Police had in mind not that the Metropolitan Police Department generally is not carrying out its duties. He had in mind that these particular inspectors in these particular districts should take a better look.

I say this to the gentleman from California as I have stated earlier—I believe—and I have believed this all down through the years since I have been a Member of the House of Representatives—that we have a good police department in our Capital City and it is one that has operated at times under adverse conditions.

Those in command—the inspectors—and other in command—are the ones the Chief of Police was directing his remarks to.

Mr. WALDIE. I thank the gentleman and I certainly would concur, at least from my own observations of the operation of the District police force.

I would hope that those who do have the authority over the District, however, would ask the Chief to explain further, if he would, what deficiencies did exist at that tremendously important level of command within the Police Department that justified this public chastisement of them.

Mr. NATCHER. I thank the gentleman.

Mr. Speaker, at this time I would yield to my distinguished friend, the gentleman from Wisconsin (Mr. DAVIS), but before yielding I would like to say this to the Members of the House—that one of the nicest things that has happened to me since I have been a Member of the Congress is the privilege of serving with the distinguished gentleman from Wisconsin on this committee.

Mr. Speaker, I now yield to the gentleman.

Mr. DAVIS of Wisconsin. Mr. Speaker, I certainly wish to strongly support the conference report, for the terms of which we are all greatly indebted to the chairman of our subcommittee and the man who served as chairman of the conference, the gentleman from Kentucky. I am not sure that some of my colleagues on this side of the aisle are going to accept his comments about the fine relationships that we have had too favorably because they might think that I am getting a little soft with respect to some of these appropriations. However, the gentleman from Kentucky, a most able negotiator, did accomplish something that has never been accomplished before in my experience with respect to similar conference reports, and that is to bring the report back with a figure below the House and the Senate bills.

In the field of general operations the Senate had exceeded the House bill. So the Senate reductions for the most part came in a reduction of capital outlay.

In pointing out a number of places where increases in general operating expenses were not justified, we were able, as you will note from the conference report, to bring in figures below either the House or the Senate version with respect to general operating expenses and also below either figure basically with respect to capital outlay.

I wish to refer to the major additions. I am sure the gentleman from Iowa, who expressed his displeasure with the growth and the size of the budget here in the District of Columbia, will be interested to know that the major additions to be found in this bill over the budget for the previous year, can be accounted for by the $40 million included for the practical initiation of the construction of the subway, for the crime package, so-called, and increases in facilities for public safety which are included in the conference report, increases for education and welfare and, of course, these latter two items are not unique. The increases are not unique in the District of Columbia. They are the pattern that all of us have to live with in all the communities from which we come.

We had not made reductions in capital outlay for education nearly to the extent that were made by the other body, and the explanation for that is this: A year ago, when we brought this bill to you, we had made substantial reductions in capital outlay in the area of education, because the District government simply did not demonstrate a capability to effectuate that kind of capital outlay program. So this year in our bill we attempted to catch up for the deletions that had been made a year ago.

Over in the other body the concept was accepted there that in this time of retrenchment in the area of public construction of all kinds, a major effort should also be made here in the District of Columbia to bring about a cutback in public works, generally. So we did accept in this conference report that concept, and so that accounts for a figure in the area of capital outlay substantially below that which had been approved in either House.

This is one of the first times it has been a pleasure to bring back a conference report, because all too often we have borne the brunt on this side for making some of the reductions that were not always easy to make, and then having those reductions restored almost fully in the other body. That did not happen this year. This is a conference report that represents good judgment in the light of the overall conditions that exist in the District of Columbia. It provides adequate funding for education, for welfare, and related subjects. It gets the subway system off the ground. It prevents the efforts of some to scuttle an effective highway and street program here within the District.

So I heartily support the conference report, and I would remind my colleagues of the indebtedness each of us does have to the gentleman from Kentucky, who served as chairman of this conference.

Mr. NATCHER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 1: On page 2, strike out "$107,000,000" and insert "$109,206,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum proposed insert "$104,169,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 4: On page 2, line 19, insert the following:

"THE COMMISSION ON REVISION OF CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA

"For expenses necessary to carry out title X of the Act of December 27, 1967 (81 Stat. 742, 743), establishing The Commission on Revision of the Criminal Laws of the District of Columbia, $150,000 to remain available until expended."

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 5: On page 3, line 7, strike out "$39,209,000" and insert "$40,417,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein with an amendment, as follows: In lieu of the sum proposed insert "$38,769,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 7: On page 4, line 19, strike out "$130,324,000" and insert "$130,801,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the sum proposed insert "$129,556,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 10: On page 6, line 14, strike out "$18,337,000" and insert "$17,419,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein with an amendment, as follows: In lieu of the sum proposed insert "$17,406,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 11: On page 6, line 23, strike out "$137,382,000" and insert "$137,297,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the sum proposed insert "$136,234,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 13: On page 8, line 25, strike out "$33,340,000" and insert "$33,101,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment, as follows: In lieu of the sum proposed insert "$32,707,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 14: On page 10, line 22, strike out "$149,928,000" and insert "$122,460,300".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the sum proposed insert "$120,682,300".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 740) to establish a Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, as amended.

The Clerk read as follows:

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to assure that Federal programs are reaching all Mexican Americans, Puerto Rican Americans, Cuban Americans, and all other Spanish-speaking and Spanish-surnamed Americans and providing the assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to such persons.

SEC. 2. (a) There is hereby established the Cabinet Committee on Opportunities for Spanish-Speaking People (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce;

(3) the Secretary of Labor;

(4) the Secretary of Health, Education, and Welfare;

(5) the Secretary of Housing and Urban Development;

(6) the Secretary of the Treasury;

(7) the Attorney General;

(8) the Director of the Office of Economic Opportunity;

(9) the Administrator of the Small Business Administration;

(10) the Commissioner of the Equal Employment Opportunity Commission most concerned with the Spanish-speaking and Spanish-surnamed Americans;

(11) the Chairman of the Civil Service Commission; and

(12) the Chairman of the Committee, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are recognized for their knowledge of and familiarity with the special problems and needs of the Spanish speaking.

(c) The Chairman may invite the participation in the activities of the Committee of any executive department or agency not represented on the Committee, when matters of interest to such executive department or agency are under consideration.

(d)(1) The Chairman of the Committee shall not concurrently hold any other office or position of employment with the United

States, but shall serve in a full-time capacity as the chief officer of the Committee.

(2) The Chairman of the Committee shall receive compensation at the rate prescribed for level V of the Executive Schedule by section 5316 of title 5, United States Code.

(3) The Chairman of the Committee shall designate one of the other Committee members to serve as acting Chairman during the absence or disability of the Chairman.

(e) The Committee shall meet at least quarterly during each year.

SEC. 3. (a) The Committee shall have the following functions:

(1) to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and

(2) to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

(b) In carrying out its functions, the Committee may foster such surveys, studies, research, and demonstration and technical assistance projects, establish such relationships with State and local governments and the private sector, and promote such participation of State and local governments and the private sector as may be appropriate to identify and assist in solving the special problems of Spanish-speaking and Spanish-surnamed Americans.

SEC. 4. (a) The Committee is authorized to prescribe rules and regulations as may be necessary to carry out the provisions of this Act.

(b) The Committee shall consult with and coordinate its activities with appropriate Federal departments and agencies and shall utilize the facilities and resources of such departments and agencies to the maximum extent possible in carrying out its functions.

(c) The Committee is authorized in carrying out its functions to enter into agreements with Federal departments and agencies as appropriate.

SEC. 5. The Committee is authorized to request directly from any Federal department or agency any information it deems necessary to carry out its functions under this Act, and to utilize the services and facilities of such department or agency; and each Federal department or agency is authorized to furnish such information, services, and facilities to the Committee upon request of the Chairman to the extent permitted by law and within the limits of available funds.

SEC. 6. (a) The Chairman shall appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Committee and may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not in excess of the daily equivalent paid for positions under GS–18 of the General Schedule under section 5332 of such title.

(b) Federal departments and agencies, in their discretion, may detail to temporary duty with the Committee such personnel as the Chairman may request for carrying out the functions of the Committee, each such detail to be without loss of seniority, pay, or other employee status.

SEC. 7. (a) There is established an Advisory Council on Spanish-Speaking Americans (hereinafter referred to as the Advisory Council) composed of nine members appointed by the President from among individuals who are representative of the Mexican American, Puerto Rican American, Cuban American, and other elements of the Spanish-speaking and Spanish-surnamed community in the United States. In making such appointments the President shall give due consideration to any recommendations submitted by the Committee.

(b) The Advisory Council shall advise the Committee with respect to such matters as the Chairman of the Committee may request. The President shall designate the Chairman and Vice Chairman of the Advisory Council. The Advisory Council is authorized to—

(1) appoint and fix the compensation of such personnel, and

(2) obtain the services of such experts and consultants in accordance with section 3109 of title 5, at rates for individuals not in excess of the daily equivalent paid for positions under GS–18 of the General Schedule under section 5302 of such title,

as may be necessary to carry out its functions.

(c) Each member of the Advisory Council who is appointed from private life shall receive $100 a day for each day during which he is engaged in the actual performance of his duties as a member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation. All members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

SEC. 8. Nothing in this legislation shall be construed to restrict or infringe upon the authority of any Federal department or agency.

SEC. 9. Subchapter III of chapter 73 of title 5, United States Code, shall apply to the employees of the Committee and the employees of the Advisory Council.

SEC. 10. There are hereby authorized to be appropriated for fiscal years 1970 and 1971 such sums as may be necessary to carry out the provisions of this Act, and any funds heretofore and hereafter made available for expenses of the Interagency Committee on Mexican-American Affairs established by the President's memorandum of June 9, 1967, shall be available for the purposes of this Act.

SEC 11. The Committee shall, as soon as practicable, after the end of each fiscal year, submit a report to the President and the Congress of its activities for the preceding year, including in such report any recommendations the Committee deems appropriate to accomplish the purposes of this Act.

SEC. 12. This Act shall expire five years after it becomes effective.

The SPEAKER pro tempore. Is a second demanded?

Mr. ERLENBORN. Mr. Speaker, I demand a second.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Is the gentleman opposed to the bill?

Mr. ERLENBORN. Mr. Speaker, I am not.

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from Iowa qualifies. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California will be recognized for 20 minutes, and the gentleman from Iowa will be recognized for 20 minutes.

Mr. HOLIFIELD. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, S. 740 will establish a Cabinet Committee on Opportunities for Spanish-Speaking People. Similar bills were originally introduced in both the House and Senate and proposed to give statutory basis to the existing Inter-Agency Committee on Mexican American Affairs set up in the previous administration and continued in existence by President Nixon. The House bills were introduced by Congressman ED ROYBAL, of California, and a number of other Members.

The urgency surrounding this legislation is that, unless this bill is passed, the Inter-Agency Committee will no longer be able to receive appropriated funds. The independent offices appropriation bill passed in the 90th Congress prohibited further funding of interagency committees. The Mexican American Committee was given until the end of fiscal 1969; but, inasmuch as the fiscal 1970 appropriation bill has not yet been passed, it is still benefiting from continuing resolutions. However, we are told, it cannot extend beyond December 31 on its present basis.

The committee was established by President Johnson in a memorandum dated June 9, 1967, and was then composed of the Secretaries of Labor, Health, Education, and Welfare, Agriculture, and Housing and Urban Development, the Director of OEO, and one of the Commissioners of the Equal Employment Opportunity Commission, who was designated as Chairman. The President defined the committee's purpose as to: Assure that Federal programs are reaching the Mexican Americans and providing the assistance they need; and seek out new programs that may be necessary to handle problems that are unique to the Mexican American community.

The Senate, in passing S. 740, broadened the coverage to include Puerto Rican-Americans, Cuban-Americans and "all other Spanish-speaking and Spanish-surnamed Americans" and added to the membership of the committee additional Cabinet and agency officials. The chairman is to serve in a full-time capacity and not hold any other Federal position. The chairman is given the power to appoint and fix the compensation of personnel under the normal civil service wage levels.

The bill gives the committee the following functions:

First, to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and

Second, to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

An Advisory Council on Spanish-Speaking Americans, to be appointed by the President, is also created to advise the Committee.

The bill authorizes the appropriation of such sums as may be needed to carry out the provisions of the act and transfers to the Cabinet Committee any funds

available to the existing Inter-Agency Committee on Mexican-American Affairs.

Our committee proposed amendments which would have these effects on the bill:

First, to eliminate the power given in section 2(b)13, on page 2, to the President and to the Chairman of the Committee to appoint other Federal officers to the Committee to serve at the pleasure of the person making the appointment. This was an open-ended grant of authority which did not seem wise. We substituted for it authority on the part of the Chairman to invite the participation of other departments and agencies when matters of interest to them are under consideration.

Second, to eliminate "travel time" as a measure of compensation for $100 per day members of the Advisory Council. To be paid for travel time is unusual and could lead to abuses.

Third, to make certain that employees of the Cabinet Committee and the Advisory Council would be covered by the Hatch Act and thereby prevented from engaging in any partisan political activities. If any official of the Commission or Advisory Council participates in partisan politics, using their official or appointive position as an adjunct to their activity, I will personally oppose any fiscal year 1970 appropriation.

Fourth, to extend the authorization to both fiscal years 1970 and 1971—section 9—to make certain that the authorization would meet the appropriation requirements of both the new and old Committees. We also inserted the word "hereafter" with reference to funds made available to make certain that the new Committee could receive by transfer all of the funds of the old Committee and therefore avoid the necessity to go back over the entire appropriation process.

Fifth, to limit the legislation to 5 years. In setting the time limit for this Committee at 5 years, I want to express my frank opinion that the problem we face may not be solved in that time period. However, it is a reasonable time during which the people who administer this program can establish a record of accomplishment for any extension which a future Congress may decide to make.

Also, I wish to point out that section 11, on page 7, requires an annual report to the President and the Congress of its activities for each preceding year. Of course, the annual justification of funds must be made to the Government Operations Committee and the House Appropriations Committee in future years beyond this present authorization.

Mr. Speaker, some concern has been expressed that possible actions of this Cabinet Committee may have an adverse effect on some segments of American labor. The congressional intent and the purpose of this bill is to build up the vocational skills and the educational levels of that segment of American citizens and legal residents who are of the Spanish-speaking group. Such improvement in capability shall not be used to depress the wage level of other segments of our society, but shall be used to increase their opportunities so that they can share more abundantly in our normal American standard of living.

I might say that during our hearings we were presented some startling statistics on the unusual service and casualties in Vietnam of our Spanish-surnamed members of the armed services. These figures will be given to you by Congressman ROYBAL in his remarks to follow.

This legislation serves a worthy purpose and will help focus the attention of the Federal Establishment on a problem too long neglected. Our large minority of Spanish-speaking and Spanish-surnamed Americans deserves no less from their Government.

Mr. Speaker, this bill was reported from our committee with an overwhelming vote. It is a bipartisan effort and the product of bipartisan cooperation. I hope it will be acted upon in the same way by the House.

Mr. GROSS. Mr. Speaker, I yield myself 6 minutes.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, as I understand it, there has been some kind of a committee, dealing with this subject, in operation since about 1967. What has been accomplished and how much money has been spent since that committee has been in existence?

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. ROYBAL. I am somewhat familiar with the progress made by this committee. In the field of employment, particularly under civil service, there has been a tremendous increase in the amount of Spanish-speaking personnel hired by the Federal Government.

In the Post Office Department alone 60 times more Spanish-speaking personnel have been appointed in the last 2 years than in the previous 120 years.

So if one looks at the figure of employment alone, one finds that a great deal of progress has been made in this area.

Mr. GROSS. Well, I suppose that could be said for other racial groups—that their numbers in the Post Office Department and other employment in Government has also increased but without spending a half million dollars to do it. I do not know. I am asking the question.

Mr. ROYBAL. Mr. Speaker, if the gentleman will yield further——

Mr. GROSS. Yes.

Mr. ROYBAL. I think the gentleman is mistaken in his assumption. While it is true that the personnel has increased in all of civil service employment insofar as ratios and percentages are concerned, the Spanish-speaking people only in the last few years have been the recipients of these benefits.

Mr. GROSS. Well, what are we starting here with a Cabinet Committee on Opportunities for Spanish-Speaking People? Why not a Cabinet Committee for Polish-Speaking People? What about a Cabinet Committee on Opportunities for Scandinavians—for Danes and Swedes, and for Germans?

Are we about to spread this thing out all over the map? I understand we are embarking upon the teaching of Swahili in this country. Will we have a Cabinet Committee on Opportunities for Swahili-Speaking People before we get through? Why this Cabinet Committee—and how many members will be on this Cabinet Committee?

Mr. ROYBAL. There will be seven.

Mr. GROSS. Seven on the Cabinet Committee and nine on the Advisory Council, both of them financed by the Federal Government. That is real empire building.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. WIGGINS. I wish to reply only to those remarks made by the gentleman from Iowa with respect to why a Cabinet Committee for the Spanish-Speaking Americans and not for the Polish-Speaking Americans, Scandinavians, and the like.

I have some personal familiarity with the problems of Spanish-speaking Americans, and there are very many in my district.

I will say to the gentleman that the problem is unique because these people are not bilingual. Spanish is their only language and as such they do not have the advantages of other hyphenated Americans.

Mr. GROSS. Can they not learn English?

Mr. WIGGINS. I certainly think they have the capability.

Mr. GROSS. Are they going to teach languages under this program or is it to promote basket weaving or what?

Mr. WIGGINS. I am sure the gentleman from Iowa can understand that it is much more difficult for a person who does not speak English and who does not understand English to take advantage of the programs that are organized and arranged for those who do speak English. This is designed to help get these people introduced into these programs just as American-speaking individuals are participating in these programs. This is what this is for.

Mr. GROSS. We are getting a new Cabinet committee established in this country, it seems to me, every day. Must we have a Cabinet committee to provide opportunities for Spanish-speaking people?

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

I think the question which the gentleman has asked is a valid one. But I would simply point out that in terms of population and need the people isolated by a language barrier, the Spanish-speaking people in this country, have proven themselves to be the most needy. We have gone on record for at least a decade here to aid minorities at the Fed-

eral level but here is a minority that has been virtually ignored, a minority whose needs in many instances exceed the minorities that have been helped by law.

This is an attempt to bring in line the Federal efforts to focus particular attention upon the Spanish-speaking communities where the need is very, very great.

Mr. GROSS. What about the need of all the others?

Mr. STEIGER of Arizona. I would point out that the needs of others is mitigated by the fact that they are more diversified than anybody that is cared for in either their own communities or the English-speaking communities that surround them; these are isolated.

Mr. GROSS. The gentleman from Arizona is beginning to sound like one of these bureaucrats running the poverty program.

Mr. STEIGER of Arizona. I was afraid the gentleman would notice that.

Mr. GROSS. What about the poverty program? They are in every welfare field known to mankind. What about the opportunities provided by the poverty program?

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield myself 3 additional minutes.

Mr. STEIGER of Arizona. Mr. Speaker, if the gentleman will yield further, I share the skepticism of the gentleman about the merits of some of the Federal efforts to date. However, I would point out that in terms of simple equity, if we are going to attempt to solve the problems of a minority, then we must attempt to solve the problems of all minorities, and we must not have a situation where we have a favorite minority, if you will. This is an attempt to recognize that problem and nothing more. It is not going to be a funnel through which vast new amounts of money are to be funded.

Mr. GROSS. It is unbelievable with the billions we are spewing out on social and welfare programs in this country that any real segment of the population is neglected. I am surprised that there is a rock down in the southwest part of the country that has not been turned over so that they could find another place to plant some money. This, in my opinion, is just another attempt to establish an expensive administrative setup and increase the Federal payroll.

How much do you suppose this will cost? What kind of empire building is this? Already we are spending money to send do-gooders down to Chile and Argentina to teach them basket weaving. Maybe some of your Navajo Indians have been on that kick. I do not know. We sent an American dancer down to Mexico to teach those people how to do the Mexican hat dance. They have forgotten more about the Mexican hat dance in Mexico than any dancer in the United States will ever know.

Mr. STEIGER of Arizona. I would remind the gentleman in the well——

Mr. GROSS. What are we up to in this business? Who dreamed up this Cabinet committee and his advisory council? This is just an effort to spend some more of the poor old taxpayers' money to take care of some people who are allegedly downtrodden, at the same time spewing out billions of dollars through assorted welfare programs. I am surprised that there is a rock that has not been turned over to find a place to plant some more of welfare money.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I would like to yield to the gentleman from Texas. I know how the gentleman is bound to feel, coming from that part of the poverty stricken Southwest, but I would like to hear from a possible opponent of this program.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. PUCINSKI. Mr. Speaker, I wonder if my very distinguished colleague from Iowa would reconsider the use of the words like "supposedly downtrodden," because this is really the forgotten minority in America.

Let me just tell the gentleman one thing, and I think he will support this legislation if he knew one thing——

The SPEAKER. The time of the gentleman has again expired.

Mr. GROSS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, the gentleman from Illinois is way out in left field if the gentleman thinks I am going to support this bureaucracy-building legislation.

Now I will yield to the gentleman from Texas. I thought perhaps I could find a supporter somewhere. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, I want to mention some things to the gentleman from Iowa.

In the first place, we are trying to save the taxpayers money through eventually having this group become an active part of the business area.

Mr. GROSS. I have heard that record played around here from the beginning of time, that we are going to lift somebody up by their bootstraps. When do we let somebody lift themselves up by their own bootstraps?

Mr. WHITE. This is not only the second largest minority group in the United States, but I would judge it is one of the most patriotic minority groups.

Mr. GROSS. I do not want to pick and choose between them on that basis. They are all patriotic as far as I am concerned.

Mr. WHITE. But there are more Congressional Medal of Honor winners in this group than in any other group in this country.

Mr. GROSS. You know, I was surprised to read in the report, and I believe it is on page 4, that there are pockets of poverty and deprivation in the Southwest far worse than any suffered by other citizens of the United States.

You are from Texas, from the wonderful oil rich State of Texas. How can there be all these pockets of poverty there that demand we create a brand new bureaucracy, and direct that bureaucracy in Washington to come down and bail you out? What has happened in this great oil rich State of Texas that you have the worst pockets of poverty?

Mr. WHITE. No—we admit our problems and we are trying to address ourselves directly to them at every opportunity—and that is, on the cultural and language barriers. We are advised from Mexican Americans in my district and in many other areas that the reaction of the Spanish-speaking people in every single one of these pockets of poverty is that this will help to give these people direction and opportunities for employment.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Speaker, I thank the gentleman for yielding.

I want to join in opposition to this legislation and point out to the gentleman and to the House section 6 of the bill:

> The Chairman shall appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Committee and may obtain the services of experts and consultants—

And as to the compensation:

> not in excess of the daily equivalent paid for positions under GS–18 of the General Schedule

That is the highest position.

Further, section 6 says:

> Federal departments and agencies, in their discretion, may detail to temporary duty with the Committee such personnel as the Chairman may request for carrying out the functions of the Committee,

In this time when we have cutbacks and RIF's throughout the Federal agencies—if there are departments and agencies with surplus personnel they are able to detail to this Cabinet commission, without the Congress knowing specifically the limits of the required personnel—as we are authorizing here, then I think our Post Office and Civil Service Committee ought to take a look to see who is detailed and what their primary functions are.

Mr. GROSS. I thank the gentleman from North Carolina. I know how he has been trying to hold down the high cost of employment in the Federal Government, and I commend him.

Did the gentleman from North Carolina mention the $36,000 a year that the chairman of this Cabinet committee is to get?

Mr. HENDERSON. The gentleman did not mention that.

But more importantly, I would say that every department and agency has people on their payrolls attempting to assist Spanish-speaking people with regard to employment. The statement was made about the increase in the Post Office Department. We know that the Post Office Department has personnel that are doing nothing but helping minority groups.

Mr. GROSS. The gentleman is exactly right.

Mr. HENDERSON. Yet, here we are asked to rubberstamp a Cabinet-level committee which has already been put into effect by an Executive order.

Mr. GROSS. What about the Equal Opportunities Commission and all the rest of the commissions and boards upon which millions are being spent each year

to do what it is claimed this outfit will do?

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HOLIFIELD. In response to the previous colloquy that has just been heard by the House, section 6 departs from the ordinary fee for consultants, which is, throughout the Government, at least $100 a day, and puts it under GS–18 level of wages.

Mr. GROSS. I am glad to have the gentleman admit your program is loaded up with supergrades in this activity. I do not know what the committee is going to do.

Mr. HOLIFIELD. This has to comply with the requirements of the civil service, and the provision in the bill has to comply with the manpower requirements and they cannot load it up. It had to do with the rate that is paid to the consultants. The appropriation would not be large enough to allow the use of many consultants.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Speaker, I yield myself 2 additional minutes so that I can get from the gentleman from Illinois an indication that he is going to propose for the Polish-speaking people all over the country a Cabinet committee. Is the gentleman prepared to set up another Cabinet committee for Polish-speaking people?

Mr. PUCINSKI. If the gentleman will yield to someone who does not always agree with him—but very often does agree with him.

Mr. GROSS. It will be the day when you very often agree with me.

Mr. PUCINSKI. I think the gentleman is very badly misinformed on this particular legislation.

Mr. GROSS. I am sure the gentleman would think that.

Mr. PUCINSKI. Would the gentleman listen for a moment?

Mr. GROSS. There is no doubt of that.

Mr. PUCINSKI. Would the gentleman yield for a second?

Mr. GROSS. What is there for this particular group of people in this bill?

Mr. PUCINSKI. The Latin American people and the Spanish-speaking people are the only group that almost never ask for a handout. They suffer their indignities and they are exploited. They work hard and they do not ask for handouts. I think we ought to help them in this bill.

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I would like to assure the gentleman that my confrontations with him in the future will be held to the absolute minimum. I thank the gentleman for his courtesy.

Mr. GROSS. I thank the gentleman.

Mr. HOLIFIELD. Mr. Speaker, I yield to my colleague, the gentleman from California (Mr. ROYBAL).

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Speaker, I rise in support of S. 740, to establish a Cabinet Committee on Opportunities for Spanish-Speaking People, as a permanent statutory agency. It would be a major contribution toward achieving the goals of increased jobs, better housing, improved health care, and wider educational opportunities for members of the Spanish-speaking community.

In 1960, Mexican Americans comprised 12 percent of the total population in the five Southwestern States. Although this group is the second largest minority group in the United States, it is the largest minority in each of these States. Of Spanish-surname California families living in California in urban areas, 17.5 percent made less than $3,000 a year in 1959.

Mexican Americans comprise 13.8 percent of the 19 to 26 age male population in the Southwest, yet the University of California numbers just over 1½ percent Mexican Americans in the total student population. This can be traced to the school dropout rate, which, for Mexican-American children is over twice the national average.

I believe that it is obvious that most Mexican Americans are not sharing in the fruits of our society. They must be brought into the mainstream of our society, sharing in the economic, social, and educational benefits.

This bill, establishing a Cabinet Committee on Opportunities for Spanish-Speaking People, will do much to meet the growing requirements of this important segment of our population.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. I also wish to indicate my support for this needed legislation.

Mr. ROYBAL. Mr. Speaker, I rise in support of Senate bill 740, not only because I believe it is necessary but also because I firmly believe that this House should recognize the problems and needs of the Spanish-speaking people in the United States. President Johnson established the Committee after coming to the conclusion that Federal programs were not reaching the Spanish-speaking people. The President of the United States determined that the vast employment resources of this Nation were actually not being made available to the Spanish-speaking people of our Nation.

Yet, as we look at statistics, we find that the problem that weighs most heavily on the Spanish-speaking people in the United States is the problem of poverty, unemployment, and underemployment. These Spanish-speaking Americans that live in poverty are not the recipients of the benefits intended for them under the Poverty Act. At the present time, as has been the case for generations, they are at the bottom of the totem pole. In the field of education they have the highest dropout rate of any group. They are ill-housed and ill-fed, and have a lot to be desired insofar as health facilities are concerned. Their morality rate is high and suffer from every social ill attributed to the condition of poverty under which they are forced to live.

I would like to discuss briefly conditions in the field of employment in private industry as well as civil service in which Mexican Americans are always the last to be hired. For example, in utilities, only 1.1 percent of those employed are Spanish speaking. The same thing could also be said with regard to our great defense industry, in which our Government spends millions and millions of dollars every year.

Statistics tell us that in the field of civil service fewer than 3 percent of all civil service employees have Spanish surnames. May I point out to the House that the people who will be benefiting by this legislation are not foreigners to this land, content to learn to dance the dance of a foreign country as has been suggested. They are Americans who can trace their ancestry here in the United States to a time before the Pilgrims landed on Plymouth Rock. And they are Americans who have come from every Latin American country to enrich the culture of our Nation. As we look at the culture of this country, we can safely say that they have made a tremendous contribution. Wherever we go through the Southwest and through this land we find their influence. Cities, States, mountains, and valleys have Spanish names, as well as the giants of industry that helped make their country the greatest in the world.

Mr. Speaker, may I also point to the fact that the American soldier of Spanish descent has established a tremendous record in the military service. I would like to place in the RECORD the following statistics that have been made available by reliable sources:

For example, from the State of Arizona the casualties of Spanish-speaking people in Vietnam alone were 23.3 percent; their percentage in Government employment is 8.9 percent.

From the State of California, the percentage of casualties among Spanish-speaking people is 14.8 percent; the corresponding percentage on Government jobs is 9.9 percent.

From Colorado, the percentage of casualties in Vietnam is 19.1 percent; Government jobs, 9.9 percent.

From the State of New Mexico, 39.4 percent of the casualties from that State have Spanish surnames, and still their civil service employment is in the neighborhood of 21 percent.

In the State of Texas, 25.2 percent of all American soldiers killed in Vietnam have Spanish surnames with Government jobs at only 15.1 percent.

Statistics point to the fact that Spanish-surnamed Americans do respond when their Government needs them.

That they are law-abiding Americans who have not resorted to riot and civil disobedience and need just a little help to enable them to lift themselves from their present status of poverty and neglect. As the original sponsor of this legislation in the House, I urge an overwhelming vote on the legislation before us.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, this bill which provides for the creation of a

Cabinet Committee on Opportunities for Spanish-Speaking People came before our Subcommittee on Executive and Legislative Reorganization. First I want to congratulate and thank the gentleman from California (Mr. HOLIFIELD) for the work he did to handle this expeditiously after it had been referred to the wrong committee. We had to act hastily to bring this to the floor in a timely fashion, so that the committee could get the statutory authority it needed.

In the testimony we had before our subcommittee, I was impressed with the job this committee or its predecessor has already done. I would like to point out the Interagency Committee on Mexican-American Affairs, which is the existing agency and will be the predecessor to this proposed Cabinet Committee on Opportunities for Spanish-Speaking People, was created by Executive memorandum by President Lyndon Johnson. It was continued in this administration. The first request for statutory authority for this committee was prepared and submitted by the last administration, and the request that is now before us is a request by this, the Nixon administration, for the statutory authority that is needed.

Unless we do act in a timely fashion and enact this law prior to December 31, any authority for the existing committee or the proposed new committee will expire and no funds will be available.

We had testimony before our committee as to the work that the Inter-Agency Cabinet Committee can do to coordinate the efforts of the Federal Government. This is not a new program. It is not a program for any special privileges for the Spanish-speaking peoples, but merely an opportunity at the Federal level to coordinate the existing resources and programs that are available.

It was pointed out, and I think we should take cognizance of the fact, that the Spanish speaking were the first to come to this country, and they have resisted assimilation into the culture of this country—that is, a complete assimilation—and they maintain their own life style and culture. I think this is healthy.

As a result of this, however, many of them are Spanish speaking and are not bilingual. Many are living in poverty and have not been given the opportunity to utilize the programs that have been made available to other minorities.

Mr. Speaker, I support this bill and hope that it will enjoy overwhelming support on the floor of this House today.

Mr. HOLIFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I rise in support of this legislation.

The purpose of creating a Cabinet Committee on Opportunities for Spanish-Speaking People is to increase economic opportunities for almost 10 million Spanish-speaking and Spanish-surnamed Americans who live in both our urban centers and rural areas.

Many Spanish-speaking people live along the eastern seaboard. For example, in New York City it is estimated that there are more than 1 million Puerto Rican inhabitants.

In 1960 the number of Puerto Ricans in New York City comprised 8 percent of the population; at the same time, this 8 percent of the population comprised 18 percent of the New Yorkers living in poverty. The 1960 census revealed that at that time Puerto Rican unemployment in New York was 9.7 percent; general unemployment was at a rate of 4.4 percent.

According to the New York State Division of Human Rights, in 1969 the median family income in New York City was $6,684, but the median family income for Puerto Rican families in New York was only $3,839.

The disparity is clear, and the need for action to close the gap is compelling.

A similarly grim picture can be seen in the southwestern part of the United States where 6½ million of our Spanish-speaking Americans live in the States of Arizona, California, Colorado, New Mexico, and Texas; and 80 percent work in unskilled or semiskilled employment. Almost 50 percent of their families earn incomes below the $3,200 poverty line. And few finish an eighth grade education.

In 1967 President Johnson established an Interagency Committee on Mexican-American Affairs to deal with the problems of Spanish-speaking Americans of Mexican descent.

S. 740 would expand this concept by changing the committee's name and purpose so that it could deal with the problems of all Spanish-speaking Americans.

The Cabinet committee would advise Federal agencies and departments regarding appropriate action to be taken to assure that Spanish-speaking and Spanish-surnamed Americans are able to take advantage of programs open to them. In addition, this committee would advise Federal agencies and departments about comprehensive and coordinated policies and programs focusing on the special needs and problems of the Spanish-speaking American.

Immediate attention should be given to the under representation of Spanish-surnamed citizens in the Federal civil service. According to a study of minority group employment in the Federal Government by the U.S. Civil Service Commission, as of June 1966, only 2.6 percent of the Federal employees had Spanish surnames; and that 2.6 percent was concentrated in the lower grade levels.

As an example of the dismal performance by Federal agencies in employing Spanish-surnamed Americans, let me cite some statistics pertaining to the Social Security Administration.

The Social Security Administration headquarters employs 17,289 persons, of whom 43 have Spanish surnames; and they are in the lower grade levels.

In New York City, where 12½ percent of the population is Spanish speaking, there is only one Spanish-speaking field representative.

In California, out of 92 employees in five district offices, not one has a Spanish surname. The offices are in Los Angeles, where the Spanish-speaking population is 10.5 percent; Salinas, where the Spanish-speaking population is 12.1 percent; in San Bernadino, where the Spanish-speaking population is 17.9 percent; San Jose, where the Spanish-speaking population is 14 percent; and Santa Barbara, where the Spanish-speaking population is 14.7 percent.

To compound the failure, the very office in the Social Security Administration which is charged under the Executive order with the responsibility for affirmative action to increase and improve employment opportunities for minority groups—the Equal Employment Opportunity office—has exactly one Spanish-surnamed employee.

I favor the creation of the proposed Cabinet committee, and I urge that it give prompt attention to discrimination within the Federal Government. Federal agencies, such as the Social Security Administration, should be required to take immediate action to staff field offices serving Spanish-speaking communities with Spanish-speaking employees; have Spanish-surnamed representation on all Equal Employment Opportunity staffs; to carry out aggressively the Executive order so that promotion opportunities are opened up for Spanish-surnamed employees.

I was a sponsor of the Bilingual Education Act which is aimed at overcoming the language barrier which is a major obstacle to employment. The Cabinet committee should seek to make that act more effective as an instrument in opening up job opportunities for Spanish-speaking people.

I urge the House to pass this bill. This is supposed to be a nation of liberty and justice for all. If we allow the minorities of this Nation—the black Americans, the Spanish-speaking Americans, and the American Indians—to continue to live in poverty and inequality, then we are not fulfilling the credo set down in the Declaration of Independence.

This bill should be a step toward the equality and justice that our Spanish-speaking Americans deserve, but do not have.

Mr. HOLIFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I rise in support of S. 740, which is in its general effect the same as H.R. 8416, of which I am one of the coauthors. Our bill would have given the sanction of legislation to the existing Interagency Committee on Mexican-American Affairs. The bill we are considering, which has already passed the Senate, would accomplish the same end, but would change the name of the agency to the Cabinet Committee on Opportunities for the Spanish-Speaking people.

The purpose of this legislation is to assure this Nation that the special needs of its second largest minority group are given the attention they deserve. My district is one of those with a large concentration of these Americans of Latin American heritage. Official census reports show 40.6 percent of the residents of my district have Spanish surnames. El Paso, in my district, is the largest city on the Mexican border; and it adjoins Ciudad Juarez, Mexico, that country's largest border city.

The contribution made by American citizens of Spanish-speaking heritage is a great and historic one. These people first crossed the Rio Grande into what is now my district in 1598, 9 years before the landing at Jamestown, and 22 years before the Pilgrims landed at Provincetown and Plymouth.

Through the centuries, these people have been a part of our communities, and since my State became a part of the United States of America, they have been fine and useful citizens of our country.

With gratitude and admiration we look upon the great number of their young men who served the cause of freedom in the two world wars, in Korea, and Vietnam. Their names on the casualty lists, and among the Medal of Honor winners, have proved their loyalty to their adopted country beyond question.

Their contributions to our life and language have enriched us greatly, and those who have been successfully assimilated into the mainstreams of our society have succeeded brillantly, providing leadership in almost every field of endeavor.

But, the barriers of language and customs are great. It is necessary that we list our failures, as well as our success, in the assimilation of our citizens, from Mexico and other Latin American nations, who have chosen the United States as a land of opportunity, the best place on earth to make their homes.

In the five Southwestern States, Mexican Americans, age 14 and older, have an average of only 8.1 years of schooling, compared with 12 years for the average Anglo-American. In 1966, Mexican Americans in southwestern cities had an unemployment rate of 8 to 13 percent, compared to a national average of 4 percent for that year. The number of high school dropouts among young Americans of Mexican descent is more than twice the national average.

These statistics are reflected in low incomes, inadequate housing, broken homes, and all the social ills that accompany such conditions.

We are trying to do something about this situation. In my first term in Congress, I introduced legislation to provide that one member of the Equal Employment Opportunity Commission should represent the special needs of our citizens of Latin American descent. The purpose of this legislation was largely achieved by Executive action in 1967, when President Johnson created the Cabinet-level Interagency Committee on Mexican American Affairs, and made the Chairman of that committee a member of the Equal Employment Opportunity Commission.

President Johnson called for the committee to meet with Mexican Americans, survey their needs, review their problems, and see how the Federal Government can best work with State and local government and with private industry, and with the people themselves, in solving the problem.

The conference requested was held in my home city, El Paso, in October 1967. It was highly successful. It enabled the various departments of government to gear their services toward the special needs of our Spanish-American heritage citizens. Manpower development and training, bilingual education, low-rent housing, Neighborhood Youth Corps, Project Upward Bound, and a great many other ongoing programs have been geared to the special opportunities of understanding and utilizing the human resources of this major minority group.

Our need, Mr. Chairman, is to be sure that this Cabinet-level Committee, created only by Executive order, continues by legislative mandate. The program has already proved its worth. We should look upon it, not as an obligation toward any racial group, but as an opportunity to work with and for a large and vital segment of our society in the developing of better and more useful citizens.

I hope the House will give these American citizens new hope, and new opportunities by approving S. 740 today.

As a Member of Congress, and with the cooperation of my fellow Congressmen, I have been able to sponsor considerable legislation, and support much more, which will improve the opportunities of our citizens of Latin American heritage. Here are some of the more important of those measures.

First. I was author of the bill under which President Johnson proclaimed "Lulac Week" in February 1968, honoring the work of the League of United Latin-American Citizens.

Second. I intervened with the Department of Health, Education, and Welfare to prevent a planned reduction of funds for the bilingual education program. As a result, the reduction is being reconsidered.

Third. To perpetuate improved relations with our neighbors in Mexico, I was the author of legislation which established the Chamizal National Memorial, and the Chamizal Memorial Highway.

Fourth. Knowing that education offers the great avenue of opportunity for our citizens of Latin American origin, I have been among those who supported maximum authorization and appropriations for special programs for minority groups, bilingual education, student loans, and work-study programs for our colleges, and special vocational training programs.

Fifth. I supported the Housing and Urban Development Act of 1968, under which 1,650 units of low-rent housing have been authorized for low income areas of El Paso. The communities of Alpine, Balmorhea, Pecos, Grand Falls, Marfa, and Wink, in my district are benefiting from similar programs I assisted on. I am working with the city of El Paso and its housing authority to develop still other housing programs for the area where concentrations of our Mexican-American citizens make their homes.

Sixth. I invited other border congressmen to join me in cosponsorship of a bill to give permanent status to the United States-Mexico Commission on Border Development and Friendship, created by Executive order of President Johnson. The present administration did not see fit to extend this Commission as an independent unit.

Seventh. I am the author of legislation which designated the Tiwa Indians of Ysleta, in my district, as a tribe, thereby qualifying them for benefits from the State of Texas.

Eighth. I supported manpower development and training legislation, under which hundreds of Latin Americans have been successfully trained for better paying jobs. Recent additions to this program are now training more than 300 persons.

Ninth. I supported legislation to extend the provisions of the minimum wage laws. This brought pay increases to thousands of Mexican Americans.

Tenth. I supported necessary legislation and worked to secure grants, for neighborhood centers health units, parks and playgrounds in low-income areas of my district.

This is an incomplete list, Mr. Speaker, but I believe it should establish the fact that efforts are being made, every day, to increase the opportunities for American citizens of Latin American heritage to share more of the benefits of living in a land dedicated to principles of equal opportunities for all.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, I should like to direct a question or two either to the gentleman from California (Mr. HOLIFIELD) or to his colleague (Mr. ROYBAL).

I would preface this by saying I have an earnest desire to help the people who are on the subject of this bill. I want also to prevent, as far as possible, a continued frustration of the needy people of this country through promises which cannot be fulfilled. Therefore I should like to ask a question of either of these gentlemen.

In the 2 years we have had the Mexican-American Commission what has been accomplished, or in what direction has the group moved to achieve some purpose?

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. ROYBAL. Several accomplishments have been made, particularly in the poverty program.

At the time this agency was established the poverty program was not reaching the Spanish-speaking people. Through the aid and the help of the Committee, the poverty program started to get into the Spanish-speaking communities of the United States. Where they were deficient particularly was in the preparation of proposals. By the time the proposals were prepared it was already too late. This Committee actually did help in that regard.

Mr. KYL. Will the gentleman permit me to interject?

Last week we had the poverty program on the floor, and those who favored that program indicated that there were not such shortcomings of this kind, which the gentleman described, and that therefore we should simply fund the program for 2 additional years.

There is a problem I have in a situation like this, and I am sure the gentleman understands it. Instead of trying to correct the program which exists, and

which continues to cost money, we simply let it go as it is and add another layer on top.

Mr. ROYBAL. One way of correcting such a problem would be to make it available to all Americans. This is exactly what this would do.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am surprised to hear the report of the gentleman from Texas of such serious deficiencies in education. It is almost unbelievable that a State as prosperous and as rich as Texas has such a shabby educational record. It is hard for me to believe this. I do not want to believe it.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. WHITE. This is precisely what we are talking about. With these Spanish-speaking people there is a language barrier. One can have a fine educational system, but if the people are frustrated in the use of language or do not understand the English language, there will be dropouts.

Mr. GROSS. It seems to me the gentleman stated that once before, but I do not find it a very good answer for creation of more layers of fat on the bureaucracy in Washington to achieve this end.

What has happened in the Equal Opportunities Commission and the poverty program that they have not gotten any attention?

What is sought to be done here is to add another layer of fat. If this passes, I will be tempted to introduce a bill to create a Cabinet Committee for the American Indians. They have been more long-suffering than the Spanish speaking.

Mr. WHITE. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. WHITE. The name of this is "interagency." The objective of this organization, among others, is to coordinate various programs.

Mr. GROSS. In other words, to create another layer of bureaucratic blubber in Washington in order to get more people to perform duties that you are already paying high salaries to be performed.

Mr. WHITE. No. What the interagency is trying to do is to bring attention to this problem and allow these people to grasp the opportunities and to understand the realities of them.

Mr. GROSS. What are all of these programs supposed to do?

Mr. WHITE. That is a part of it. They have had success in some areas. They have had success in a number of areas, such as equal employment opportunities. We can show you figures on it.

Mr. GROSS. But you have to have more bureaucratic fat down here. Is that it?

Mr. WHITE. What we are trying to do is solve a problem with this agency, which is merely a coordinating agency, among others. It will help to reduce the number of dropouts and the undereducated.

Mr. GROSS. From reading the bill and the report I do not know what this new outfit is going to do or where it will be involved.

Mr. Speaker, I hope that this bill is defeated. It simply builds the bureaucratic empire in Washington, D.C.

Mr. HOLIFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Speaker, it has been my privilege for a number of years to have known many Spanish-speaking individuals. I find them to be proud, religious, ambitious, and also disadvantaged. They are disadvantaged by language, by schools, and by employment, and in business. Their leadership potential is great, however. They catch up, and they want to catch up now. I believe this bill will help them. Neither I nor they find very much solace in those who find humor in this bill. I support this bill and hope this House will do so as well. It is not going to cure all of the dropouts or do all of the things that the poverty program was aimed at doing. It is not designed to correct discrimination, but rather to get a device in the hands of the people to provide for leadership and to provide a means for these Americans to catch up and to find out what the Federal programs are, whether they are in the fields of education, business or labor. This bill is designed to give these Americans special assistance in catching up with the rest of the people in the country. I strongly support the bill.

Mr. HOLIFIELD. Mr. Speaker, this bill has been endorsed by two administrations. It comes out of our committee unanimously. We have looked into this matter very carefully. This is not to set up programs to spend additional money. This is to help those people who are underprivileged in a certain language group to participate in these programs which we have already set up. These people, many of them, do not speak our language. They do not know how to qualify for educational opportunities, for vocational training, and that sort of thing. They need Spanish-speaking guides to explain the availability of these programs. This bill will not set up additional programs. This is to make more efficient the programs that we have already authorized in this Congress.

Now, Mr. Speaker, I have lived among these people most of my life. These people are gentle and kindly and are a religious-type people. These people err on the side of gentility and timidness if they err at all. They are not the type of people who go out and burn down buildings and break windows and do that sort of thing. They suffer in silence. I say to you that we owe to these people an effort costing far more than this paltry $500,000 in order to bring them into the programs that we have already arranged for their benefit. I say to you that we owe to these people some encouragement for their refusal to resort to violence to obtain what they need. And, I can assure you that these people are in need of this kind of help. Therefore, I hope every Member in this House will vote for this bill.

Mr. MINISH. Mr. Speaker, I rise in support of S. 740, a bill to establish the Cabinet Committee on Opportunities for Spanish-Speaking People. The committee will replace the now existing Interagency Committee on Mexican-American Affairs.

This legislation is designed to insure that Federal programs are reaching and providing necessary assistance for the 10 million Puerto Rican, Mexican, Cuban, and other Spanish-speaking and Spanish-surnamed Americans. In addition, the legislation provides for the development of new programs to meet the critical needs of Spanish Americans.

The Cabinet Committee will be composed of the Secretaries of the following seven departments: Agriculture, Commerce, Health, Education, and Welfare, Housing and Urban Development, Labor, Treasury, and Justice. The Director of the Office of Economic Opportunity, the Administrator of the Small Business Administration, the Chairman of the Civil Service Commission, and a Commissioner of the Equal Employment Opportunity Commission will round out the Committee's membership. A full-time chairman is to be appointed by the President and confirmed by the Senate.

The measure before us also provides for the establishment of an Advisory Council on Spanish-Speaking Americans to be composed of nine members appointed by the President to represent the various Spanish-American groups. The Council will be available to advise the Cabinet Committee with respect to such matters as the committee chairman may request.

Mr. Speaker, New Jersey has been enriched by our residents of Puerto Rican descent. These Americans, with their industry, vitality, and pride, have contributed vastly to the quality of our national life. Unfortunately this group, together with other Spanish Americans, often has been the victim of inattention and neglect resulting in their exclusion from the mainstream of American life. The establishment of the Cabinet Committee on Opportunities for Spanish-Speaking People provides a recognition on the highest level of the serious problems of these citizens.

Mr. LEGGETT. Mr. Speaker, I support Senate bill 740, to establish the Cabinet Committee on Opportunities for Spanish-Speaking People.

I will keep my remarks brief but I wish to assure the Members that I strongly support this measure. Our efforts in the area of assisting the Spanish-speaking citizens of the United States have been small in comparison to the needs which these citizens face.

For far too many years many citizens of this country failed to see the special problems faced by this segment of our population. Many of us failed to see the problems because we did not understand the cultural differences that existed. Many others realized that there were differences and thought that because there were differences, they had nothing in common.

In recent years, due in a substantial

degree to the efforts of this Congress, all Americans have begun to realize that there are citizens of this country that have special needs. The Congress has established a number of very fine programs that are aimed at meeting the needs that are unique to Spanish-speaking and Spanish-surnamed Americans.

These programs, while being aimed at individual needs of this group of citizens, have not been coordinated to such a degree that they provided a total program. I believe that this bill will do a great deal to develop these separate efforts into a coordinated and total effort on the part of the Federal Government.

This does not mean that I believe that this bill will immediately cure all the problems facing the Mexican-American community in my district or elsewhere. This would be an absurdity. There can be no real progress in solving these special problems until those persons in the Mexican-American community desire to take the action necessary.

All we can do in Congress is to recognize the needs of this segment of American citizens and offer them the means to help themselves. This bill will do much to make the opportunities available to them more meaningful and more easily accessible.

The Mexican-American population of my district is a proud and determined group of individuals. They have every right to be proud of their heritage and their culture. They also have every right to expect that their elected representatives understand their needs and aspirations and make every possible effort to help them fulfill these goals.

In my district, there are a number of Mexican-American associations that have done a lot to assist their people. They do not want others to do what they can do well enough themselves. Gentlemen, they need only our assistance to give them the opportunity to help themselves.

This bill is not just a reaction to a need; it is a needed reaction to a just cause. It is needed and it is written so as to allow those facing the problems to also solve them.

I can assure you that the Mexican-American citizens of California fully support this bill. I would be remiss in my duties as their Representative if I did not urge this committee to immediately approve this bill.

Mr. CRAMER. Mr. Speaker, creation of a Cabinet Committee on Opportunities for Spanish-Speaking People comes as long overdue recognition of the needs of one of America's largest minorities. People with Spanish backgrounds have brought a rich heritage to our Nation, and particularly to my home State of Florida.

I wholeheartedly support this new program to assure that Federal programs are reaching all Mexican Americans, Puerto Rican Americans, Cuban Americans and others of our Spanish-speaking and Spanish-surnamed citizens.

Florida was founded by the Spanish; the city of St. Augustine is the oldest settlement in the Nation; Tampa has long been known for its large and vibrant Cuban-American colony, and in recent years Greater Miami has successfully assimilated more than 250,000 Cubans fleeing the Communist tyranny of their homeland.

Spanish-speaking Americans have made outstanding contributions to our Nation. Yet many of them, because of language and cultural differences, have had difficulty in becoming part of the mainstream of American life.

Americans of Spanish heritage have proved a law-abiding minority—and perhaps, for this reason, we have been slow in recognizing their needs. Since they have not burned and rioted to draw attention to their problems, some have interpreted this as contentment for their lot.

Yet precisely because they have been such good citizens, willing to work without complaint for their share of the bounties of America, we must do everything to insure they receive the benefits they have earned.

In the past I have been proud to support legislation improving the lot of Spanish-speaking Americans. I have been particularly proud to welcome freedom-loving Cubans to my State and Nation. And I have strongly supported immigration legislation allowing them to make a new life here.

They have earned all the support we can give them.

Mr. MATSUNAGA. Mr. Speaker, as a cosponsor of H.R. 9330, a bill the basic purpose of which is to assure that Federal programs reach all Spanish Americans and provide the assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to the Spanish-American community, I rise in support of a similar Senate-passed measure, S. 740, to establish a Cabinet Committee on Opportunities for Spanish-Speaking People.

The Cabinet committee would replace the present Inter-Agency Committee on Mexican-American Affairs, established by former President Lyndon B. Johnson on June 9, 1967, and will be composed of seven department heads, two agency heads, a Commissioner of the Equal Employment Opportunity Commission and a Chairman—all to be appointed by the President. The committee would operate within the $510,000 appropriated to the Inter-Agency Committee.

S. 740, which is supported by the present administration, reaffirms this Nation's interest in and concern for the problems of the more than 10 million Spanish-speaking and Spanish-surnamed Americans—the second largest minority group in America.

Although considerable progress has been made in recent years to improve the quality of life for members of all minority races, little has actually been done to alleviate the special problems of Spanish-speaking Americans.

The seriousness of the problem is indicated by statistics. Of the approximately 10 million Spanish-speaking and Spanish-surnamed Americans in this country, nearly 80 percent of them work in unskilled or semiskilled jobs; nearly 50 percent of them fall below the poverty line of $3,200 annual income; most of them barely complete the 8th grade and many are functionally illiterate; and they own less than 1 percent of the businesses in the United States.

In this achievement-oriented society of ours, there is nothing of greater value to a man than an education and the opportunity to earn a good livelihood in order to obtain a bit of life's luxuries for himself and his family. S. 740 is designed to improve the social and economic plight of the Spanish-speaking Americans by helping to extend the promise of educational and economic opportunity, which is inherent in our system of democracy and which we cherish so highly, to this small but important segment of the American community now lacking that opportunity.

Mr. Speaker, it is our responsibility to build on the hopeful beginning that was provided by the establishment of the Inter-Agency Committee on Mexican American Affairs. The time has come for us to bring the promise of America to this group of Americans who have had such an important influence of the development of our country.

Let us now expand the 1967 promise into reality by approving the creation of a Cabinet Committee on Opportunities for Spanish-Speaking Americans in order that these millions may be given the opportunity to share in the American dream.

I shall never forget the words of former President Johnson when he spoke of the uncomprehending pain in the eyes of the Mexican-American schoolchildren he saw confronted with poverty and intolerance. I recall his description of these little Mexican-American children whom he taught as a young man:

> Somehow you never forget what poverty and hatred can do when you see its scars on the hopeful faces of a young child. It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country. But now I do have that chance.

And we too have that chance today, a chance I am proud to share, of reaffirming our faith in America and its people by the passage of the legislation we are considering. Ya es Tiempo. It is time. I strongly urge a unanimous vote on S. 740.

Mr. FARBSTEIN. Mr. Speaker, it has been for many years and, I hope will continue to be, my distinct privilege and honor to represent a large portion of the Puerto Rican people residing in New York City.

Because of my sincere and abiding interest in their well-being and success, and my admiration for their progressive spirit and hardworking character, I am pleased to join my colleagues in supporting the bill to establish a Cabinet Committee on Opportunities for Spanish-Speaking People, S. 740. This legislation expands the purview of the existing interagency Committee on Mexican-American Affairs, created by the previous administration, to include among its beneficiaries all the Spanish-speaking peoples in the land. The purpose of this Committee is to make existing Federal programs more relevant to the needs of Spanish-speaking Americans and to

bring those programs that are relevant to the residents of Spanish-speaking communities.

In my district, on the lower East Side of Manhattan, there exists a large Puerto Rican community afflicted by the problems not only of poverty, but of cultural and language differences, which denies them a chance of equal opportunity in the economic struggle for survival. I know of situations where Spanish-speaking young men who were endeavoring to better their economic situation have been denied employment for which they were amply qualified because of their lack of orientation to the mores of the local-born American.

There are many Americans beset by poverty today, and all are deserving of the Government's attention. But the Spanish-speaking people require a special agency to handle their side of the problem, because their difficulties are different and need to be treated differently.

According to 1960 Department of Commerce figures, 53 percent of the Puerto Rican adults residing in New York City, 25 years and older, have less than eighth-grade education. The current educational program unfortunately does not alter the situation to any appreciable extent. The Coleman Report on Equality of Educational Opportunity, published 3 years ago by the U.S. Office of Education, reveals that Puerto Rican children in the New York City public schools are lagging considerably behind all other children, white and black, in verbal ability, reading comprehension, and understanding of mathematics. There is a significant level of illiteracy not only with respect to English, but Spanish as well.

The failure to provide proper programs for the Puerto Rican children of New York City is not merely a social crime but an economic crime, as well. If the failure continues, New York City will soon be swarming with additional thousands of uneducated, unemployed persons without hope of success. No city can stand such pressures. No country can stand such pressures.

It is my sincere hope that with the establishment of this committee, the Federal Government will make more available the type and kind of educational program which will facilitate the opportunity for learning among young Puerto Ricans—basic literacy and high school equivalency programs, for example, and programs to increase their opportunities for employment.

A recent amendment to the Economic Development Act that is being called the "Farbstein amendment," I expect will provide job opportunities for the Puerto Ricans in my district. This amendment to the Economic Development Act, when implemented, will provide grants and loans for public works that will attract jobs available for Spanish-speaking people of the Lower East Side. I hope the committee will make its first order of business the implementation of this new provision.

I applaud S. 740—a bill to establish the Cabinet Committee on Opportunities for Spanish-Speaking People—and urge its adoption.

Mr. RAILSBACK. Mr. Speaker, I believe that the bill S. 740 to establish a Cabinet Committee on Opportunities for Spanish-Speaking People is a worthwhile replacement of the present Interagency Committee on Mexican-American Affairs. The old committee expires at the close of this year and the new committee can carry on the important functions of stimulating and coordinating the existing governmental efforts and programs designed to assist the country's second largest minority group. The legislation is a welcome reaffirmation of the Federal Government's interest in and concern about the approximately 10 million Spanish-speaking and Spanish-surnamed Americans in the country.

This legislation is by no means intended as fulfillment of the entire responsibility of the Government toward this proud and law-abiding minority. For much too long, this Nation has failed to recognize the very special problems faced by this segment of our population. These citizens are gentle, kind, timid, and deeply religious. They do not demonstrate in the streets, burn down buildings, and break windows. They suffer in silence, often frustrated at their lot, but always striving toward self-help. In my congressional district there are several active Mexican-American organizations that have done much to help their own people. They do not ask that others do what they themselves can do. They ask only for assistance in giving them opportunities to help themselves.

The proud heritage of these Americans, many of whom can trace their ancestry as resident Americans far earlier than the landing of the Pilgrims, is deserving of a better fate. There is no doubt that, in the past, there may have been inattention and even neglect of this group of our citizens. Of the members of this sizable segment of our population, nearly 80 percent work in unskilled or semiskilled jobs; nearly 50 percent fall below the poverty line of $3,200 annual income; most of them barely complete the eighth grade, and language barriers render many to be classified as functionally illiterate. This group of almost 5 percent of the population owns less than 1 percent of the businesses in the United States.

The bill which we have before us does not purport to solve all the problems of these people, but it does specifically have two purposes, namely: First, to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans and, second, to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

In recent years, Congress has established a number of programs aimed at meeting needs unique to Spanish-speaking and Spanish-surnamed Americans. These programs have suffered from a lack of coordination and total effort. New programs are needed, new directions should be undertaken. But coordination of efforts into a total Federal program is imperative, and it is my hope that this legislation can effectively provide that coordination.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from California that the House suspend the rules and pass the bill S. 740, as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 316, nays 81, answered "present"—2, not voting 34, as follows:

[Roll No. 327]

YEAS—316

Adair	Clawson, Del	Garmatz
Adams	Cleveland	Gaydos
Addabbo	Cohelan	Giaimo
Albert	Collier	Gibbons
Anderson, Calif.	Collins	Gilbert
	Conable	Goldwater
Anderson, Ill.	Conte	Gray
Andrews, Ala.	Corbett	Green, Oreg.
Andrews, N. Dak.	Corman	Green, Pa.
	Coughlin	Griffiths
Annunzio	Cowger	Grover
Arends	Cramer	Gubser
Ashley	Culver	Gude
Aspinall	Daddario	Halpern
Barrett	Daniels, N.J.	Hamilton
Beall, Md.	Davis, Ga.	Hanley
Bell, Calif.	de la Garza	Hansen, Idaho
Bennett	Delaney	Harrington
Berry	Dellenback	Harsha
Betts	Dent	Harvey
Biaggi	Derwinski	Hastings
Biester	Dickinson	Hathaway
Bingham	Diggs	Hawkins
Blanton	Dingell	Hays
Boggs	Donohue	Hechler, W. Va.
Boland	Dulski	Heckler, Mass.
Brademas	Dwyer	Helstoski
Brasco	Eckhardt	Hicks
Brinkley	Edmondson	Hogan
Brock	Eilberg	Holifield
Broomfield	Erlenborn	Horton
Brotzman	Esch	Hosmer
Brown, Calif.	Eshleman	Howard
Brown, Mich.	Evans, Colo.	Hungate
Brown, Ohio	Fallon	Hunt
Broyhill, N.C.	Farbstein	Hutchinson
Broyhill, Va.	Feighan	Jacobs
Buchanan	Findley	Johnson, Calif.
Burke, Mass.	Fish	Jones, Ala.
Burleson, Tex.	Fisher	Jones, Tenn.
Burton, Calif.	Flood	Karth
Burton, Utah	Flowers	Kastenmeier
Bush	Ford, Gerald R.	Kazen
Button	Ford, William D.	Kee
Byrne, Pa.		Keith
Byrnes, Wis.	Foreman	Kleppe
Camp	Fraser	Kluczynski
Carey	Frelinghuysen	Koch
Carter	Frey	Kyros
Casey	Friedel	Landgrebe
Cederberg	Fulton, Pa.	Latta
Chamberlain	Fulton, Tenn.	Leggett
Chappell	Fuqua	Lloyd
Chisholm	Gallagher	Lowenstein
Clausen, Don H.		Lujan

McCarthy	Pickle	Smith, N.Y.
McClory	Pike	Stafford
McCloskey	Pirnie	Staggers
McClure	Podell	Stanton
McCulloch	Poff	Steiger, Ariz.
McDade	Pollock	Steiger, Wis.
McDonald, Mich.	Preyer, N.C.	Stephens
	Price, Ill.	Stratton
McEwen	Price, Tex.	Stubblefield
McKneally	Pryor, Ark.	Stuckey
Macdonald, Mass.	Pucinski	Symington
	Quie	Taft
MacGregor	Railsback	Talcott
Madden	Randall	Teague, Calif.
Mahon	Rees	Teague, Tex.
Mailliard	Reid, Ill.	Thompson, Ga.
Mann	Reid, N.Y.	Thompson, N.J.
Mathias	Reifel	Thomson, Wis.
Matsunaga	Reuss	Tiernan
May	Rhodes	Udall
Mayne	Riegle	Ullman
Meeds	Robison	Utt
Melcher	Rodino	Vander Jagt
Meskill	Roe	Vanik
Michel	Rogers, Colo.	Waldie
Mikva	Rogers, Fla.	Wampler
Miller, Calif.	Rooney, N.Y.	Watson
Miller, Ohio	Rooney, Pa.	Watts
Minish	Rosenthal	Weicker
Mink	Rostenkowski	Whalen
Minshall	Roth	White
Mollohan	Roudebush	Whitehurst
Moorhead	Roybal	Whitten
Morgan	Ruppe	Widnall
Morse	Ruth	Wiggins
Morton	Ryan	Williams
Mosher	St Germain	Wilson, Bob
Murphy, Ill.	St. Onge	Wilson, Charles H.
Murphy, N.Y.	Sandman	
Myers	Saylor	Winn
Natcher	Schadeberg	Wold
Nelsen	Scheuer	Wolff
Nichols	Schwengel	Wyatt
Nix	Scott	Wydler
Obey	Sebelius	Wylie
Olsen	Shipley	Wyman
O'Neill, Mass.	Shriver	Yates
Ottinger	Sikes	Yatron
Patten	Sisk	Young
Pepper	Skubitz	Zablocki
Perkins	Slack	Zion
Pettis	Smith, Calif.	Zwach
Philbin	Smith, Iowa	

NAYS—81

Abernethy	Edwards, La.	McMillan
Alexander	Flynt	Marsh
Ashbrook	Fountain	Mills
Ayres	Galifianakis	Mize
Baring	Gettys	Monagan
Belcher	Gonzalez	Montgomery
Bevill	Goodling	Nedzi
Blackburn	Griffin	O'Hara
Bow	Gross	O'Konski
Bray	Hagan	O'Neal, Ga.
Burke, Fla.	Haley	Poage
Burlison, Mo.	Hammer-schmidt	Purcell
Cabell		Quillen
Caffery	Henderson	Rarick
Clancy	Hull	Roberts
Clark	Ichord	Satterfield
Colmer	Jarman	Scherle
Crane	Johnson, Pa.	Schneebeli
Daniel, Va.	Jonas	Snyder
Davis, Wis.	Jones, N.C.	Springer
Denney	King	Sullivan
Dennis	Kyl	Taylor
Devine	Landrum	Vigorito
Dorn	Langen	Waggonner
Dowdy	Lennon	Watkins
Downing	Long, La.	Wright
Duncan	Long, Md.	
Edwards, Ala.	Lukens	

ANSWERED "PRESENT"—2

Clay	Stokes

NOT VOTING—34

Abbitt	Evins, Tenn.	Mizell
Anderson, Tenn.	Fascell	Moss
	Foley	Passman
Blatnik	Hall	Patman
Bolling	Hanna	Pelly
Brooks	Hansen, Wash.	Powell
Cahill	Hébert	Rivers
Celler	Kirwan	Steed
Conyers	Kuykendall	Tunney
Cunningham	Lipscomb	Van Deerlin
Dawson	McFall	Whalley
Edwards, Calif.	Martin	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hall.
Mr. McFall with Mr. Cunningham.
Mr. Hanna with Mr. Lipscomb.
Mr. Foley with Mr. Pelly.
Mr. Brooks with Mr. Kuykendall.
Mr. Celler with Mr. Cahill.
Mr. Tunney with Mr. Whalley.
Mr. Abbitt with Mr. Mizell.
Mr. Rivers with Mr. Martin.
Mr. Anderson of Tennessee with Mr Steed.
Mr. Edwards of California with Mr. Dawson.
Mr. Passman with Mr. Fascell.
Mr. Evins of Tennessee with Mr. Patman.
Mrs. Hansen of Washington with Mr. Kirwan.
Mr. Moss with Mr. Blatnik.
Mr. Van Deerlin with Mr. Powell.

Mr. WAMPLER changed his vote from "nay" to "yea."

Messrs. JARMAN, FOUNTAIN, and LONG of Maryland changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

House Resolution 741 was laid on the table.

THE TRICK-BAG

Mr. GONZALEZ. Mr. Speaker, in approving S. 740, to create a Cabinet-level Committee on Opportunities for the Spanish-speaking, the majority of the House has given its sanction to a trick-bag. Rather than approve specific programs for meeting the special needs of this minority group, rather than enact legislation to meet the more general needs of the Southwest, where most of these people live, rather than study the problems for itself, rather than seek action that is meaningful, the majority has settled for a token, a false hope, a vague promise. It will be recognized for what it is—in Spanish we say, "dar atole con el dedo" which in English translates, "feeding soup with your finger." You get enough to taste, but not enough to satisfy hunger. That is what this bill does; it promises a taste but affords no real satisfaction.

The first chairman of the Inter-Agency Committee on Mexican Affairs, which is the same group that is sanctioned by this bill, resigned, and he said that his resignation was caused as much by disgust as anything else. He said that he had been unable to convince the "establishment" that Mexican Americans are real. At about the same time, a liberal journal called the committee a "stepchild" agency that had "no real authority" and that President Nixon had ignored.

The first chairman of the committee noted a few days ago that he had experienced vast difficulty in getting his committee members to give meaningful support to the work of the committee. The fact was that the mandate of the committee was vague, and it had no power to compel agencies to act on whatever recommendations it might offer.

That is the committee that has been given legal sanction today. This bill provides no substantive program; all it does is create a committee to research, to study, and to advise. It has no powers to act, and none to compel action. Nor have we given any mandate to the Executive to act. What we have done in effect is to create an illusion and we are calling that help.

It is not for nothing that black Americans have never asked for a committee of this kind. They have seen the true picture, and know the difference between real power and the granting of sops. Should the Spanish surnamed be satisfied with a third-rate Bureau of Indian Affairs? Should they expect real help from a small, unknown, powerless agency? It may well be that this agency will in fact imprison hope and freeze into permanence the injustices that afflict the Spanish surnamed. They will be told, "tell your troubles to the Inter-Agency Committee." But that committee cannot legislate, and it cannot compel agencies to act to resolve problems; it cannot deliver on promises made and forgotten; it can only listen. A sympathetic ear alone will not heal the economic ills of the Southwest and of the border, nor will it ease the uncounted ills of the Spanish surnamed.

The fact is that a committee of this kind can probably do nothing that would not have been done anyway. It has been in the past, and will probably be in the future a fine agent for political gamesmanship, and it can serve endlessly as a press agent for a politically astute administration. But when it comes down to hard reality, the politics of the grand gesture are as empty today as they were a hundred years ago. And that is what the majority has given today—a grand gesture of the Spanish surnamed, and given nothing that will really help.

APPOINTMENT OF CONFEREES ON H.R. 4293, EXPORT EXPANSION AND REGULATION ACT OF 1969

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, with a House amendment to the Senate amendment thereto, insist on the House amendment to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, WIDNALL, MIZE, and BROWN of Michigan.

AUTHORIZING APPROPRIATIONS FOR EXPENSES OF THE OFFICE OF INTERGOVERNMENTAL RELATIONS

Mr. FOUNTAIN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 757) to authorize apropriations for expenses of the Office of Intergovernmental Relations, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 757

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby

authorized to be appropriated such sums as may be necessary for expenses of the Office of Intergovernmental Relations (referred to hereafter as the "Office"), established by Executive Order Numbered 11455 of February 14, 1969.

SEC. 2. The Director of the Office shall be compensated at a rate of basic compensation not to exceed the rate now or hereafter provided for level IV of the Federal Executive Salary Schedule.

SEC. 3. The Director of the Office is authorized—

(1) to appoint such personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services; and

(2) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS–18.

The SPEAKER. Is a second demanded?

Mrs. DWYER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of House Joint Resolution 757 is to authorize expenses of the Office of Intergovernmental Relations, which was established by Executive Order 11455 of February 14, 1969. It is intended to provide authorization for the olderly funding of this Office which has been operating temporarily with personnel charged to other agencies.

The function of the Office of Intergovernmental Relations, as specified in Executive Order 11455, can be summarized as those of advising and assisting the Vice President in performing his responsibilities as the President's principal liaison with the executive and legislative officials of State and local governments. The responsibilities assigned to the Vice President for Federal-State-local relations, and the functions of the Office of Intergovernmental Relations which was established to assist him, were divided in the previous administration between the Office of the Vice President and the Office of Emergency Preparedness. The Vice President served as the President's liaison with the mayors and other local officials, while the Director of Office of Emergency Preparedness performed the same function with State governments. Both of these functions are now combined in one office under the immediate supervision of the Vice President.

This Office is intended to improve communications between the Federal Government and State and local governments, to help assure State and local officials access to the proper offices and levels in the Federal bureaucracy when questions or problems arise, and to serve as a catalyst in attempting to bring the various levels together in solving problems after the usual administrative remedies have been exhausted. This is a recourse that the mayors, county officials, and Governors feel is needed.

An office of this kind can be especially helpful to the officials of small communities—cities, counties, and towns—who need a friend in court, so to speak, when they run into unusual or unreasonable redtape in dealing with our impersonal Federal bureaucracy.

The Bureau of the Budget and the Advisory Commission on Intergovernmental Relations favor enactment of this legislation. Former Gov. Farris Bryant, speaking as Chairman of the Advisory Commission on Intergovernmental Relations, reported to the committee as follows:

> The President, by creating the Office of Intergovernmental Relations under the immediate supervision of the Vice President, has provided an appropriate focal point for close and continuing liaison between the executive branch of the Federal Government on the one hand and State and local governments on the other.
>
> The Advisory Commission believes that day-to-day liaison of this type is highly essential; it should result in better coordination of intergovernmental activities and more effective administration of Federal grant-in-aid programs. Obviously, adequate funding needs to be provided for such an Office in order for it to discharge these responsibilities.

The Director of the Office of Intergovernmental Relations has informed the committee that the administration intends to request an operating budget of $201,350 for the Office on an annual basis.

The committee gave consideration to amending the joint resolution to provide a limitation on the authorization for the Office of Intergovernmental Relations, but did not think this course practical. The committee decided instead to report the joint resolution without such a limitation on the Director's assurance that the Office will operate with the staffing described in hearings. It is the committee's desire that it be advised in the event any substantial enlargement of the Office is planned so that the committee may reconsider this matter.

After carefully considering the matter, the committee recommended passage of House Joint Resolution 757, without amendment. An identical joint resolution—Senate Joint Resolution 117—was passed by the Senate on September 29, 1969.

However, immediately after voting to report this joint resolution, the committee became aware of a desire on the part of the Committee on Post Office and Civil Service to maintain effective control over the number of supergrade positions in the executive branch. Since House Joint Resolution 757, as introduced, would have permitted the compensation of three employees at supergrade levels, the committee authorized an amendment to require those positions to be taken from the so-called general pool. The committee amendment was actually drafted by the Post Office and Civil Service Committee with whom we cooperated very closely in this matter.

For technical reasons, it was necessary in the committee amendment to delete specific references in the joint resolution to the grade level limitations for staff other than the Director. It is the committee's expectation, however, that these limitations recommended by the administration will be observed.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I yield to my able and distinguished colleague, the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman for the committee amendment the gentleman just referred to, because we did note the supergrade authority which of course would violate the system that we have been operating under. I want to tell the gentleman that the cooperation shown by the committee is certainly appreciated, and it makes it much easier for me to support the legislation. I assure the gentleman that my subcommittee in its oversight with regard to supergrades will fully cooperate with the gentleman's subcommittee as a legislative committee to insure that the proper personnel are provided to carry out the purposes of the bill if it is enacted.

Mr. FOUNTAIN. I want to thank my able and distinguished colleagues from North Carolina (Mr. HENDERSON) and his Manpower Aid Civil Service Subcommittee staff for their cooperation in suggesting the language for the amendment adopted.

Mr. Speaker, I think I have adequately explained this legislation; but in closing, I would like to emphasize that House Joint Resolution 757 was recommended unanimously by the House Committee on Government Operations.

Mrs. DWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a movement having broad support in both political parties is the drive to make our unique federal system of government work more effectively. There is a growing realization that successful Government programs cannot be administered from Washington in the absence of additional State and local participation, assistance, and initiative.

In recognition of the importance of developing a more effective and coordinated federal system, President Nixon, by Executive order on February 18, 1969, established an Office of Intergovernmental Relations to be under the immediate supervision of the Vice President. The functions of the Office are to serve as a clearinghouse of Federal-State-local problems, to identify interagency and intergovernmental problems, to maintain liaison with intergovernmental units in the many Federal agencies, and to assure that State and local officials are afforded an opportunity to confer and comment on intergovernmental problems and Federal assistance programs affecting them.

The President has made an excellent selection in requesting former Gov. Nils A. Boe, of South Dakota, to serve as Director. Governor Boe has had extensive experience in State and local government and is an ideal man to provide leadership in intergovernmental matters.

This resolution, House Joint Resolution 757, which I introduced on June 3, 1969, would authorize the necessary funds for the operation of the Office. I urge its speedy enactment. I assure you that this will be money well spent as we have every reason to look forward to many times this amount saved in more

efficient and effective government at all levels.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. DWYER. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I would like to address a question, if I may, to the gentleman from North Carolina (Mr. FOUNTAIN) who is in charge of the bill.

The language of the bill says that this will provide ways and means to cut through redtape.

Does the gentleman really mean that the creation of this intergovernmental relations setup will do this?

Mr. FOUNTAIN. Let me say, first, to the distinguished gentleman from Iowa, that the Office has already been established by Executive order of the President. The functions of this Office were previously divided between the Office of the Vice President and the Office of Emergency Preparedness.

I do not think any agency or arm of the Government can cut through all the redtape which has been developed in government down through the years. But I do think this is an opportunity for our State and local governments, especially for smaller communities, to have a central place—an arm of the President supervised by the Vice President—to which they can go when they need help and where they can confer concerning their many problems of an intergovernmental nature.

For example, the President has taken the position, I think wisely, that he is going to do everything he can to bring the various levels of government together to strengthen our federal system by recognizing the views of people locally and at the State level, and by cooperating with them.

One recommendation which will necessitate bringing together public officials at all levels relates to revenue sharing. Consultations on this subject have already taken place between the Director of the Office of Intergovernmental Relations, Mr. Nils Boe, and local and State officials.

But the answer to your question is "No," you can never cut all the redtape. That is not the basic purpose of this joint resolution.

The purpose of this legislation is to improve the lines of communication between Washington and the other levels of government, so that when problems arise which are not adequately dealt with by the Federal administrative agencies, States and local officials can go to this office for assistance.

Mr. GROSS. Mr. Speaker, this will be the dawning of a brand new day in Washington, if the gentleman can be successful, for the sum of $250,000 or any other amount in establishing a clearinghouse through which the redtape and by which the redtape can be cut and that we can get some results from some of the agencies and departments of this government.

I hope the gentleman is right. But, I fear he is wrong. I do not know what they are going to use for a cutting instrument to cut the redtape in this new setup. I have not seen any results so far for what we have had by way of the Executive order, but I am going to look to the day when I can write to Vice President AGNEW and say to him, that I have run into a few miles of redtape over here and I hope you will help me out and untangle it or cut through it.

This will be one of the busiest offices in the Federal Government if it comes anywhere close to cutting the redtape that has immersed us all.

I thank the gentlewoman for yielding.

Mr. FOUNTAIN. Mr. Speaker, will the gentlewoman yield?

Mrs. DWYER. I am glad to yield to the gentleman from North Carolina.

Mr. FOUNTAIN. I would like to respond further to the distinguished gentleman from Iowa by saying that in my opinion it is very hard to predict what is going to happen to any agency of the Government. But in my opinion, this Office, operating under the Vice President, will have a tremendous potential for service.

We are doing two things through this legislation. We are subjecting to the surveillance of the Congress of the United States an arm of the President which is already in existence, and you can be assured that the Committee on Government Operations will be looking at the operations of this Office.

It will also place on the President of the United States, through the Vice President and those who serve in the Office. the responsibility and also the opportunity of checking on his own agencies.

There are surely many small communities in America that are making applications for programs of one kind or another, for funds which this Congress has provided under some 400 grant programs, but which do not have the talent and the experience to enable them to know exactly how to go about getting the benefits to which they are entitled. That is what this Office is for. It is to give these communities needed information, and if they come to roadblocks, to open the appropriate doors—not to be their advocates in terms of overruling an agency. The purpose is to help them understand their problems and to assist them in obtaining a full and proper hearing.

Mr. GROSS. I wish I were half as optimistic as is the gentleman from North Carolina. We will have to wait and see if the $250,000 has bought any help for them.

Mr. FOUNTAIN. I thank the gentleman for his observations and for spotlighting the importance of this legislation with his questions.

Mr. BERRY. Mr. Speaker, will the gentlewoman yield?

Mrs. DWYER. I am glad to yield to the gentleman from South Dakota.

Mr. BERRY. Mr. Speaker, I rise in support of this legislation. I feel that this Office is one that has long been needed. It is actually a liaison between the Executive Office of the Nation and the executive offices of the 50 States.

We are fortunate, Mr. Speaker, in having former Gov. Nils Boe serving as Director and since he took office in January has done an enviable job of carrying out the functions and duties of this important office.

Director Boe was formerly Governor of South Dakota. He was not only a good executive, but was recognized throughout the Nation for his ability and was chosen to head the organization of State Governors. He will be equally effective and popular in this position.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the joint resolution (H.J. Res. 757), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be discharged from further consideration of a similar Senate joint resolution (S.J. Res. 117) and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 117

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary for expenses of the Office of Intergovernmental Relations (referred to hereafter as the "Office"), established by Executive Order Numbered 11455 of February 14, 1969.

SEC. 2. (a) The Director of the Office shall be compensated at a rate of basic compensation not to exceed the rate now or hereafter provided for level IV of the Federal Executive Salary Schedule.

(b) The Deputy Director of the Office shall be compensated at a rate of basic compensation not to exceed the rate now or hereafter provided for GS–18.

SEC. 3. The Director of the Office is authorized—

(a) to appoint and fix the compensation of such personnel as he deems necessary without regard to (1) the provisions of title 5, United States Code, governing appointments in the competitive service, and (2) the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and to general schedule pay rates: *Provided,* That, except as provided in section 2 of this Act and subsection (b) of this section, no person shall receive compensation in excess of the rate now or hereafter provided for GS–15;

(b) to fix the compensation of two employees at rates of basic compensation not to exceed the rate now or hereafter provided for GS–17; and

(c) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS–18.

MOTION OFFERED BY MR. FOUNTAIN

Mr. FOUNTAIN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. FOUNTAIN: Strike out all after the resolving clause of Senate Joint Resolution 117 and insert in lieu thereof the provisions of House Joint Resolution 757 as passed by the House.

The motion was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 757) was laid on the table.

EXTENSION OF INTERSTATE OIL AND GAS COMPACT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the Joint Resolution (H.J. Res. 506) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The Clerk read the joint resolution as follows:

H.J. RES. 506

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of two years from September 1, 1969, to September 1, 1971, of the interstate compact to conserve oil and gas, which was signed in the city of Dallas, Texas, the 16th day of February 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and Legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which prior to August 27, 1935, was presented to and approved by the Legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension consented to by Congress by Public Law Numbered 90–185, Ninetieth Congress, approved December 11, 1967, being for the period from September 1, 1967, to September 1, 1969. The agreement to extend and renew said compact for a period of four years from September 1, 1967, to September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming, has been deposited in the Department of State of the United States, and reads as follows:

"AN AGREEMENT TO EXTEND THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"Whereas, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact to Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado, and Kansas, the original of which is now on deposit with the Department of State of the United States, a true copy of which follows:

"'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"'ARTICLE I

"'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

"'ARTICLE II

"'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

"'ARTICLE III

"'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"'(a) The operation of any oil well with an inefficient gas-oil ratio.

"'(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

"'(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

"'(d) The creation of unnecessary fire hazards.

"'(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"'(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

"'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

"'ARTICLE IV

"'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such stautes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

"'ARTICLE V

"'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

"'ARTICLE VI

"'Each State joining herein shall appoint one representative to a commission hereby constituted and designated as "The Interstate Oil Compact Commission", the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

"'The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"'No action shall be taken by the Commission except: (1) by the affirmative votes of the majority of the whole number of the compacting States represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

"'ARTICLE VII

"'No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

"'ARTICLE VIII

"'This compact shall expire September 1, 1937. But any State joining herein may, upon sixty (60) days notice, withdraw herefrom.

"'The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory States.

"'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.'

"Whereas, the said Interstate Compact To Conserve Oil and Gas has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1967; and

"Whereas, it is desired to renew and extend the said Interstate Compact to Conserve Oil and Gas for a period of four (4) years from September 1, 1967, to September 1, 1971:

"Now, therefore, this writing witnesseth:

"It is hereby agreed that the Compact entitled 'An Interstate Compact To Conserve Oil and Gas' executed in the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, a correct copy of which appears above, be, and the same hereby is, extended for a period of four (4) years from September 1, 1967, its present date of expiration, to September 1, 1971. This agreement shall become effective when executed, ratified, and approved as provided in Article I of the original Compact.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing state may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"Executed by the several undersigned states, at their several state capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"THE STATE OF ALABAMA
"By GEORGE C. WALLACE, Governor
"Dated: Aug. 11, 1966
"Attest: Mrs. AGNES BAGGETT, Secretary of State (Seal)

"THE STATE OF ALASKA
"By WILLIAM A. EGAN, Governor
"Dated: July 13, 1966
"Attest: HUGH J. WADE, Secretary of State (Seal)

"THE STATE OF ARIZONA
"By SAMUEL P. GODDARD, Governor
"Dated: March 8, 1966
"Attest: WESLEY BOLIN, Secretary of State (Seal)

"THE STATE OF ARKANSAS
"By ORVAL E. FAUBUS, Governor
"Dated: May 3, 1966
"Attest: KELLY BRYANT, Secretary of State (Seal)
"THE STATE OF COLORADO
"By JOHN A. LOVE, Governor
"Dated: January 13, 1966
"Attest: BYRON A. ANDERSON, Secretary of State (Seal)
"THE STATE OF FLORIDA
"By HAYDON BURNS, Governor
"Dated: June 28, 1966
"Attest: TOM ADAMS, Secretary of State (Seal)
"THE STATE OF ILLINOIS
"By OTTO KERNER, Governor
"Dated: January 24, 1966
"Attest: PAUL POWELL, Secretary of State (Seal)
"THE STATE OF INDIANA
"By ROGER D. BRANIGIN, Governor
"Dated, May 31, 1966
"Attest: JOHN D. BOTTORFF, Secretary of State (Seal)
"THE STATE OF KANSAS
"By WM. H. AVERY, Governor
"Dated: December 1, 1965
"Attest: PAUL R. SHANAHAN, Secretary of State (Seal)
"THE STATE OF KENTUCKY
"By EDWARD T. BREATHITT, Governor
"Dated: 6–6–66
"Attest: THELMA L. STOVALL, Secretary of State (Seal)
"THE STATE OF LOUISIANA
"By JOHN J. MCKEITHEN, Governor
"Dated: November 22, 1965
"Attest: WADE O. MARTIN, Jr., Secretary of State (Seal)
"THE STATE OF MARYLAND
"By J. MILLARD TAWES, Governor
"Dated: October 10, 1966
"Attest: LLOYD L. SIMPKINS, Secretary of State (Seal)
"THE STATE OF MICHIGAN
"By GEORGE ROMNEY, Governor
"Dated: 5/19/66
"Attest: JAMES M. HARE, Secretary of State (Seal)
"The STATE OF MISSISSIPPI
"By PAUL B. JOHNSON, Governor
"Dated: April 27, 1966
"Attest: HEBER LADNER, Secretary of State (Seal)
"THE STATE OF MONTANA
"By TIM BABCOCK, Governor
"Dated: Feb. 14, 1966
"Attest: FRANK MURRAY, Secretary of State (Seal)
"THE STATE OF NEBRASKA
"By FRANK B. MORRISON, Governor
"Dated: Jan. 31, 1966
"Attest: FRANK MARSH, Secretary of State (Seal)
"THE STATE OF NEVADA
"By GRANT SAWYER, Governor
"Dated: June 17, 1966
"Attest: JOHN KOONTZ, Secretary of State (Seal)
"THE STATE OF NEW MEXICO
"By JACK M. CAMPBELL, Governor
"Dated: 11–8–65
"Attest: ALBERTA MILLER, Secretary of State (Seal)
"The STATE OF NEW YORK
"By NELSON A. ROCKEFELLER, Governor
"Dated: Nov. 28, 1966
"Attest: JOHN P. LOMENZO, Secretary of State (Seal)
"The STATE OF NORTH DAKOTA
"By WILLIAM L. GUY, Governor
"Dated: Dec. 19, 1966
"Attest: BEN MEIER, Secretary of State (Seal)
"THE STATE OF OHIO
"By JAMES A. RHODES, Governor
"Dated: July 25, 1966
"Attest: TED W. BROWN, Secretary of State (Seal)
"THE STATE OF OKLAHOMA
"By HENRY BELLMON, Governor
"Dated: November 15, 1965
"Attest: JAMES M. BULLARD, Secretary of State (Seal)
"THE COMMONWEALTH OF PENNSYLVANIA
"By WILLIAM W. SCRANTON, Governor
"Dated: Sept. 16, 1966
"Attest: W. STUART HELM, Secretary of the Commonwealth (Seal)
"THE STATE OF SOUTH DAKOTA
"By NILS A. BOE, Governor
"Dated: Sept. 26, 1966
"Attest: ALMA LARSON, Secretary of State (Seal)
"THE STATE OF TENNESSEE
"By FRANK G. CLEMENT, Governor
"Dated: 4–18–1966
"Attest: JOE C. CARR, Secretary of State (Seal)
"THE STATE OF TEXAS
"By JOHN CONNALLY, Governor
"Dated: October 11, 1965
"Attest: CRAWFORD C. MARTIN, Secretary of State (Seal)
"THE STATE OF UTAH
"By CALVIN L. RAMPTON, Governor
"Dated: 4/11/66
"Attest: CLYDE L. MILLER, Secretary of State (Seal)
"THE STATE OF WEST VIRGINIA
"By HULETT C. SMITH, Governor
"Dated: July 14, 1966
"Attest: ROBERT D. BAILEY, Secretary of State (Seal)
"THE STATE OF WYOMING
"By CLIFFORD P. HANSEN, Governor
"Dated: Jan. 18, 1966
"Attest: THYRA THOMSON, Secretary of State (Seal)"

SEC. 2. The Attorney General of the United States shall continue to make an annual report to Congress, as provided in section 2 of Public Law 185, Eighty-fourth Congress, for the duration of the Interstate Compact to Conserve Oil and Gas as to whether or not the activities of the States under the provisions of such compact have been consistent with the purposes as set out in article V of such compact.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

The SPEAKER. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr Speaker, the committee has before it for consideration legislation which would grant the consent of the Congress to an extension and renewal of the interstate oil and gas compact until September 1, 1971. The Subcommittee on Communications and Power unanimously reported House Joint Resolution 506 to the full committee after holding hearings on it. The other bill is Senate Joint Resolution 54 which was passed by the Senate on October 13. I should note for the information of the Members that consent of the Congress to the compact expired as of September 1, 1969.

The Interstate compact to conserve oil and gas was first approved by the Congress in 1935. Since that time it has been renewed and extended nine times.

The purpose of the compact is to permit oil-producing States to act together voluntarily for the purpose of conserving two of our most important natural resources—oil and natural gas. This is done by developing and improving oil and gas conservation programs and eliminating wasteful practices with respect to those precious minerals. Twenty-nine States are members of the compact.

The compact, as article V makes clear, is not intended to be used to limit production or fix the prices of oil and gas. The Attorney General is required to make an annual report to the Congress on whether actual operation of the compact is consistent with this intent.

Recent reports submitted pursuant to this provision have stated that although there are anticompetitive factors affecting the marketing of oil and natural gas, these factors cannot be attributed to the compact, and its role is constructive insofar as it can be separately identified and appraised.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, does this joint resolution deal in any way with the present offshore oil proposition?

Mr. STAGGERS. It does not.

Mr. GROSS. I thank the gentleman from West Virginia.

(Mr. SPRINGER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SPRINGER. Mr. Speaker, the interstate oil and gas compact has been around now for 34 years. Its very commendable purpose is to allow cooperation among oil- and gas-producing States to agree on practices which will conserve the supply of those precious substances for the benefit of all Americans.

There are now 29 States which adhere to the pact, with resulting stability and relative uniformity in conservation practices among them. Although no State is required to do anything by the terms of the pact, most States do have very specific conservation regulations which they enforce. By sticking together on the matter the States have avoided cutthroat practices which would jeopardize our oil and gas reserves. Each State has been able to rest easy in the knowledge that other oil and gas producers have been insisting upon the same conservation practices and the temptation to jump the traces is surpressed.

At times there have been suggestions that the oil compact results in price fixing. Some years ago the committee requested the Attorney General to keep a particularly watchful eye on this aspect of the compact. Each official report since then has assured us that any shenanigans on prices, and there may be some now and then, have no relationship to this compact and that no practice under the compact is designed to encourage or foster it. The compact itself specifically states that it may not be used in any way to stabilize or fix prices, and apparently this agreement has been honored.

This bill would extend the consent of Congress to the compact for an additional 2 years. I recommend that it again be approved.

Mr. PICKLE. Mr. Speaker, within the last 2 years we have a proven track record for the interstate compact on oil and gas. For nearly 30 years, we have this

same proven record. It has proven to be a good vehicle for the orderly use of petroleum and it is a tool used in receiving maximum benefit from the oil economies in several oil-producing States.

We are asking today for a 2-year extension of a workable program. The theory and practice of the oil compact has been carefully scrutinized by the Attorney General. His report indicates there was no foundation for the earlier fears that this compact would make the temptation too strong to set and control petroleum prices. Since 1967, the Attorney General has uncovered not one single case of abuse by the industry.

The only reason the bill was limited to 2 years in the 1967 act was to provide ample time for the Attorney General to conduct an investigation. His office issued a report in April of this year. The committee, after analyzing the study, reported the bill out. It is a valuable oil and gas conservation measure.

I am pleased that we are considering this bill today. I consider it to be as necessary as drilling bits to the oil industry and the growth of this vital segment of our national economy. I strongly urge its extension.

The SPEAKER. The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the joint resolution (H.J. Res. 506).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate joint resolution (S.J. Res. 54) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 54

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of two years from September 1, 1969, to September 1, 1971, of the interstate compact to conserve oil and gas, which was signed in the city of Dallas, Texas, the 16th day of February, 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and Legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which prior to August 27, 1935, was presented to and approved by the Legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above-named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1967, to September 1, 1969, consented to by Congress by Public Law Numbered 90–185, Ninetieth Congress, approved December 11, 1967. The agreement to extend and renew said compact for a period of four years from September 1, 1967, to September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming, has been deposited in the Department of State of the United States, and reads as follows:

"AN AGREEMENT TO EXTEND THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"Whereas, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact to Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado, and Kansas, the original of which is now on deposit with the Department of State of the United States, a true copy of which follows:

" 'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

" 'ARTICLE I

" 'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

" 'ARTICLE II

" 'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

" 'ARTICLE III

" 'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

" '(a) The operation of any oil well with inefficient gas-oil ratio.

" '(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

" '(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

" '(d) The creation of unnecessary fire hazards.

" '(e) The drilling, equipping, locating, spacing or operating a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

" '(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

" 'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

" 'ARTICLE IV

" 'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

" 'ARTICLE V

" 'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

" 'ARTICLE VI

" 'Each State joining herein shall appoint one representative to a commission hereby constituted and designated as "The Interstate Oil Compact Commission", the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

" 'The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

" 'No action shall be taken by the Commission except: (1) by the affirmative votes of the majority of the whole number of compacting States represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

" 'ARTICLE VII

" 'No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

" 'ARTICLE VIII

" 'This compact shall expire September 1, 1937. But any State joining herein may, upon sixty (60) days notice, withdraw herefrom.

" 'The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory States.

" 'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.'

"Whereas, the said Interstate Compact to Conserve Oil and Gas has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1967; and

"Whereas, it is desired to renew and extend the said Interstate Compact to Conserve Oil and Gas for a period of four (4) years from September 1, 1967, to September 1, 1971:

"Now, therefore, this writing witnesseth:

"It is hereby agreed that the Compact entitled 'An Interstate Compact To Conserve Oil and Gas' executed in the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, a correct copy of which appears above, be, and the same hereby is, extended for a period of four (4) years

from September 1, 1967, its present date of expiration, to September 1, 1971. This agreement shall become effective when executed, ratified, and approved as provided in Article I of the original Compact.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing state may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"Executed by the several undersigned states, at their several state capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"THE STATE OF ALABAMA
"By GEORGE C. WALLACE, Governor
"Dated: Aug. 11, 1966
"Attest: Mrs. AGNES BAGGETT, Secretary of State (Seal)

"THE STATE OF ALASKA
"By WILLIAM A. EGAN, Governor
"Dated: July 13, 1966
"Attest: HUGH J. WADE, Secretary of State (Seal)

"THE STATE OF ARIZONA
"By SAMUEL P. GODDARD, Governor
"Dated: March 8, 1966
"Attest: WESLEY BOLIN, Secretary of State (Seal)

"THE STATE OF ARKANSAS
"By ORVAL E. FAUBUS, Governor
"Dated: May 3, 1966
"Attest: KELLY BRYANT, Secretary of State (Seal)

"THE STATE OF COLORADO
"By JOHN A. LOVE, Governor
"Dated: January 13, 1966
"Attest: BYRON A. ANDERSON, Secretary of State (Seal)

"THE STATE OF FLORIDA
"By HAYDON BURNS, Governor
"Dated: June 28, 1966
"Attest: TOM DAVIS, Secretary of State (Seal)

"THE STATE OF ILLINOIS
"By OTTO KERNER, Governor
"Dated: January 24, 1966
"Attest: PAUL POWELL, Secretary of State (Seal)

"THE STATE OF INDIANA
"By RODGER D. BRANIGIN, Governor
"Dated: May 31, 1966
"Attest: JOHN D. BOTTORFF, Secretary of State (Seal)

"THE STATE OF KANSAS
"By WM. H. AVERY, Governor
"Dated: December 1, 1965
Attest: PAUL R. SHANAHAN, Secretary of State (Seal)

"THE STATE OF KENTUCKY
"By EDWARD T. BREATHITT, Governor
"Dated: 6-6-66
"Attest: THELMA L. STOVALL, Secretary of State (Seal)

"THE STATE OF LOUISIANA
"By JOHN J. MCKEITHEN, GOVERNOR
"Dated: November 22, 1965
"Attest: WADE O. MARTIN, Jr., Secretary of State (Seal)

"THE STATE OF MARYLAND
"By J. MILLARD TAWES, Governor
"Dated: October 10, 1966
"Attest: LLOYD L. SIMPKINS, Secretary of State (Seal)

"THE STATE OF MICHIGAN
"By GEORGE ROMNEY, Governor
"Dated: 5-19-66
"Attest: JAMES M. HARE, Secretary of State (Seal)

"THE STATE OF MISSISSIPPI
"By PAUL B. JOHNSON, Governor
"Dated: April 27, 1966
"Attest: HEBER LADNER, Secretary of State (Seal)

"THE STATE OF MONTANA
"By TIM BABCOCK, Governor
"Dated: Feb. 14, 1966
"Attest: FRANK MURRAY, Secretary of State (Seal)

"THE STATE OF NEBRASKA
"By FRANK B. MORRISON, Governor
"Dated: Jan. 31, 1966
"Attest: FRANK MARSH, Secretary of State (Seal)

"THE STATE OF NEVADA
"By GRANT SAWYER, Governor
"Dated: June 17, 1966
"Attest: JOHN KOONTZ, Secretary of State (Seal)

"THE STATE OF NEW MEXICO
"By JACK M. CAMPBELL, Governor
"Dated: Nov. 8, 1965
"Attest: ALBERT MILLER, Secretary of State (Seal)

"THE STATE OF NEW YORK
"By NELSON A. ROCKEFELLER, Governor
Dated: Nov. 28, 1966
"Attest: JOHN P. LOMENZO, Secretary of State (Seal)

"THE STATE OF NORTH DAKOTA
"By WILLIAM L. GUY, Governor
"Dated: Dec. 19, 1966
"Attest: BEN MEIER, Secretary of State (Seal)

"THE STATE OF OHIO
"By JAMES A. RHODES, Governor
"Dated: July 25, 1966
"Attest: TED W. BROWN, Secretary of State (Seal)

"THE STATE OF OKLAHOMA
"By HENRY BELLMON, Governor
"Dated: November 15, 1965
"Attest: JAMES M. BULLARD, Secretary of State (Seal)

"THE COMMONWEALTH OF PENNSYLVANIA
"Dated: Sept. 16, 1966
"Attest: W. STUART HELM, Secretary of the Commonwealth (Seal)

"THE STATE OF SOUTH DAKOTA
"By Nils A. Boe, Governor
"Dated: Sept. 26, 1966
"Attest: ALMA LARSON, Secretary of State (Seal)

"THE STATE OF TENNESSEE
"By FRANK G. CLEMENT, Governor
"Dated: 4-18-66
"Attest: JOE C. CARR, Secretary of State (Seal)

"THE STATE OF TEXAS
"By JOHN CONNALLY, Governor
"Dated: October 11, 1965
"Attest: CRAWFORD C. MARTIN, Secretary of State (Seal)

"THE STATE OF UTAH
"By CALVIN L. RAMPTON, Governor
"Dated: 4/11/66
"Attest: CLYDE L. MILLER, Secretary of State (Seal)

"THE STATE OF WEST VIRGINIA
"By HULETT C. SMITH, Governor
"Dated: July 14, 1966
"Attest: ROBERT D. BAILEY, Secretary of State (Seal)

"THE STATE OF WYOMING
"By CLIFFORD P. HANSEN, Governor
"Dated: Jan. 18, 1966
"Attest: THYRA THOMSON, Secretary of State (Seal)"

SEC. 2. The Attorney General of the United States shall continue to make an annual report to Congress, as provided in section 2 of Public Law 185, Eighty-fourth Congress, for the duration of the Interstate Compact to Conserve Oil and Gas to whether or not the activities of the State under the provisions of such compact have been consistent with the purposes as set out in article V of such compact.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Strike out all after the resolving clause of Senate Joint Resolution 54 and insert in lieu thereof the provisions of House Joint Resolution 506, as passed.

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 506) was laid on the table.

FORMULA GRANTS TO SCHOOLS OF PUBLIC HEALTH

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14086) to amend the Community Mental Health Centers Act to extend the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, and for other purposes, as amended.

The Clerk read as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Mental Health Centers Amendments of 1969".

TITLE I—GRANTS FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES FOR ALCOHOLICS AND NARCOTIC ADDICTS

EXTENSION OF PROGRAM FOR COMMUNITY MENTAL HEALTH CENTERS

SEC. 101. (a) Section 201 of the Community Mental Health Centers Act (42 U.S.C. 2681) is amended by striking out the period at the end and inserting in lieu thereof a comma and the following: "and for each of the next three fiscal years.".

(b) Section 207 of such Act (42 U.S.C. 2687) is amended by striking out "1970" and inserting in lieu thereof "1973".

EXTENSION OF PROGRAMS FOR FACILITIES FOR ALCOHOLICS AND NARCOTIC ADDICTS

SEC. 102. (a) Section 261(a) of such Act (42 U.S.C. 2688o) is amended by striking out "and $25,000,000 for the next fiscal year" and inserting in lieu thereof "$15,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, $25,000,000 for the fiscal year ending, June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973,".

(b) Section 261(b) of such Act is amended by striking out "the next three" and inserting in lieu thereof "the next seven", and by striking out "for the fiscal year ending June 3, 1969, or the fiscal year ending June 30, 1970" and inserting in lieu thereof "for any fiscal year ending before July 1, 1973".

TRAINING AND EVALUATION OF PROGRAMS FOR ALCOHOLISM AND NARCOTIC ADDICTION

SEC. 103. (a) Part C of the Community Mental Health Centers Act is amended by redesignating sections 245 and 246 as sections 246 and 247, respectively, and by inserting after section 244 the following:

"TRAINING AND EVALUATION

"SEC. 245. The Secretary is authorized to make grants to any public or nonprofit private agency or organization to cover part or all of the cost of (1) developing specialized training programs or materials relating to the provision of public health services for the prevention and treatment of alcoholism, or developing inservice training or short-term or refresher courses with respect to the provision of such services; (2) training personnel to operate, supervise, and administer such services; and (3) conducting surveys and field trials to evaluate the adequacy of

the programs for the prevention and treatment of alcoholism within the several States with a view to determining ways and means of improving, extending, and expanding such programs."

(b) Section 252 of such Act (42 U.S.C. 2688l) is amended by striking out "1970" and inserting in lieu thereof "1973".

(c) The first sentence of section 261(a) of the Community Mental Health Centers Act (42 U.S.C. 2688o) is amended by striking out "section 252" and inserting in lieu thereof "sections 245 and 252".

TITLE II—GRANTS FOR STAFFING OF COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES FOR ALCOHOLICS AND NARCOTIC ADDICTS

FEDERAL SHARE

SEC. 201. (a)(1) Effective with respect to costs of compensation of professional and technical personnel of any community mental health center for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 220 of the Community Mental Health Centers Act (42 U.S.C. 26883, subsection (b) of such section is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), grants under this section for such costs for any center may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of six years and three months after such day; and such grants with respect to any center may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following such first day, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third, fourth, and fifth years thereafter.

"(2) In the case of any such center providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this part for such costs for any such center may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of six years after such first day; and such grants with respect to any such center may not exceed 90 per centum of such costs for the first two years after such first day, 80 per centum of such costs for the third year after such first day, and 70 per centum of such costs for the fourth, fifth, and sixth years after such first day."

(2) Effective with respect to costs of compensation of professional and technical personal of any alcoholism prevention and treatment facility, specialized facility for alcoholics, or treatment facility for narcotics addicts for any period after June 30, 1970, for which a grant has been or is made under section 242, 243, or 251 of the Community Mental Health Centers Act (42 U.S.C. 2688g, 2688h, 2688k), subsection (b) of section 242 of such Act is amended to read as follows:

"(b)(1) Grants under this part for such costs for any facility may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of six years after such first day; and, except as provided in paragraph (2), such grants with respect to any facility may not exceed 80 percentum of such costs for the first two years after such first day, 75 per centum of such costs for the third year after such first day, 60 per centum of such costs for the fourth year after such first day, 45 per centum of such costs for the fifth year after such first day, and 30 per centum of such costs for the sixth year after such first day.

"(2) In the case of any such facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area, such grants with respect to any such facility may not exceed 90 per centum of such costs for the first two years after such first day, 80 per centum of such costs for the third year after such first day, and 70 per centum of such costs for the fourth, fifth, and sixth years after such first day."

(b) In the case of any community mental health center, alcoholism prevention and treatment facility, specialized facility for alcoholics, or treatment facility for narcotic addicts, for which a staffing grant was made under section 220, 242, 243, or 251 of the Community Mental Health Centers Act before July 1, 1970, the applicable provisions of subsection (b) of section 220 or 242 of such Act (as amended by subsection (a) of this section) shall, with respect to costs incurred after June 30, 1970, apply to the same extent as if such subsection (b) had been in effect on the date a staffing grant for such center or facility was initially made.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. (a) The first sentence of section 224 of such Act (42 U.S.C. 2688d) is amended by striking out "and $32,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof "$26,000,000 for the fiscal year ending June 30, 1970, $32,000,000 for the fiscal year ending June 30, 1971, $40,00,000 for the fiscal year ending June 30, 1972, and $48,000,000 for the fiscal year ending June 30, 1973".

(b) The last sentence of such section 224 is amended by striking out "seven" and inserting in lieu thereof "twelve".

(c) Section 221(b) of such Act (42 U.S.C. 2688a) is amended by striking out "1970" each place it appears therein and inserting in lieu thereof "1973".

REVIEW OF APPLICATIONS BY STATE MENTAL HEALTH AUTHORITY AND HEALTH PLANNING AGENCIES

SEC. 203. (a) Effective with respect to projects approved under sections 220 and 242 of the Community Mental Health Centers Act (42 U.S.C. 2688, 2688g) after June 30, 1970, section 221(a) of such Act (42 U.S.C. 2688a) is amended by adding immediately below paragraph (5) of the first sentence the following new sentence: "No application for a grant under section 220 shall be approved unless opportunity has been provided, prior to such approval, for consideration of the project by the State mental health authority, by any public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act covering the area in which the project is to be located, and by the State agency administering or supervising the administration of the State plan approved under section 314 (a) of such Act."

(b) Effective with respect to projects approved under sections 243 and 251 of such Act (42 U.S.C. 2688h, 2688k) after June 30, 1970, subsection (c) of section 243 of such Act (42 U.S.C. 2688h) and subsection (c) of section 251 of such Act (42 U.S.C. 2688k) are amended by adding at the end of each subsection the following: "No application for a grant under this section shall be approved unless opportunity has been provided, prior to such approval, for consideration of the project by the State mental health authority, by any public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act covering the area in which the project is to be located, and by the State agency administering or supervising the administration of the State plan approved under section 314(a) of such Act."

GRANTS FOR CONSULTATION SERVICES

SEC. 204. Part E of the Community Mental Health Centers Act is amended by adding at the end thereof the following new section:

"SEC. 264. (a) In the case of any community mental health center, alcoholism prevention and treatment facility, specialized facility for alcoholics, treatment facility for narcotic addicts, or facility for mental health of children, to which a grant under part B, C, D, or F, as the case may be, is made from appropriations for any fiscal year beginning after June 30, 1970, to assist it in meeting a portion of the costs of compensation of professional and technical personnel providing consultation services, the Secretary may, with respect to such center or facility, make a grant under this section in addition to such other staffing grant for such center or facility.

"(b) A grant under subsection (a) with respect to a center or facility referred to in that subsection—

"(1) may be made only for the period applicable to the staffing grant made under part B, C, D, or F, as the case may be, with respect to such center or facility, and

"(2) may not exceed whichever of the following is the lower: (A) 15 per centum of the costs with respect to which such other staffing grant is made, or (B) that percentage of such costs when added to the percentage of such costs covered by such other staffing grant equals 100 per centum.

"(c) For purposes of making initial grants under this section, there are authorized to be appropriated $5,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973. There are also authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next seven fiscal years such sums as may be necessary to continue to make grants under this section for projects which received initial grants under this section from appropriations authorized for any fiscal year ending before July 1, 1973."

APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

SEC. 205. (a) Part E of the Community Mental Health Centers Act is amended by adding after the section added by section 204 the following new section:

"APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

"SEC. 265. Grants made under this title for the cost of compensation of professional and technical personnel may be made only upon recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act."

(b) The amendment made by subsection (a) shall apply with respect to grants initially made under the Community Mental Health Centers Act from appropriations made for fiscal years beginning after June 30, 1970.

INITIATION AND DEVELOPMENT GRANTS

SEC. 206. Effective with respect to appropriations made under section 224 of the Community Mental Health Centers Act (42 U.S.C. 2688d) for fiscal years beginning after June 30, 1970, part B of such Act is amended by adding after such section 224 the following new section:

"GRANTS FOR INITIATION AND DEVELOPMENT OF COMMUNITY MENTAL HEALTH CENTERS

"SEC. 225. For the purposes of assessing local mental health needs, developing necessary resources, and involving local citizens in the development of mental health programs, up to a maximum of 5 per centum of the appropriation for each fiscal year under section 224 shall be available to the Secretary for grants to local public or nonprofit private agencies or organizations to cover up to 100 per centum of the costs, but in no case to exceed $50,000, for initiation and development of a program for delivery of community mental health center services, for one year only running from the first day of the first month for which such a grant is made with respect to such a local public or private nonprofit agency or organization."

TITLE III—AMENDMENTS RELATING TO COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED, ALCOHOLICS, AND NARCOTIC ADDICTS

FEDERAL SHARE; HIGHER SHARE FOR DISADVANTAGED AREAS

SEC. 301. Effective with respect to projects approved after June 30, 1970, under part C of title I or part A of title II of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, section 402 of such Act (42 U.S.C. 2692) is repealed and section 401(h) of such Act is amended to read as follows:

"(h)(1) The term 'Federal share' with respect to any project means the portion of the cost of construction of such project to be paid by the Federal Government under part C of title I or part A of title II.

"(2) The Federal share with respect to any project in the State shall be the amount determined by the State agency designated in the State plan but, except as provided in paragraph (3), the Federal share for any project may not exceed 66⅔ per centum of the cost of construction of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in the State during any fiscal year, such State agency shall give the Secretary written notification of the maximum Federal share established pursuant to this paragraph for such projects in such State to be approved by the Secretary during such fiscal year and the method for determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determination for such projects in such State approved during such fiscal year shall not be changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any facility or center which provides or will, upon completion of the project for which application has been made under part C of title I or under part A of title II, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of construction of the project."

PERIOD FOR PROMULGATING FEDERAL PERCENTAGES

SEC. 302. Section 401(j)(1) of such Act is amended by striking out "August 31" and inserting in lieu thereof "September 30".

MAXIMUM FEDERAL SHARE OF CONSTRUCTION PROJECTS FOR FACILITIES FOR ALCOHOLICS OR NARCOTIC ADDICTS IN DISADVANTAGED AREAS

SEC. 303. Effective with respect to projects approved after June 30, 1970, under part C or part D of the Community Mental Health Centers Act, section 241(b) of such Act (42 U.S.C. 2688f), section 243(d) of such Act (42 U.S.C. 2688h), and section 251(b) of such Act (42 U.S.C. 2688k) are each amended by inserting immediately after "66⅔ per centum" the following: "(or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area)".

TITLE IV—MENTAL HEALTH OF CHILDREN

CONSTRUCTION AND STAFFING OF TREATMENT FACILITIES

SEC. 401. The Community Mental Health Centers Act is amended by adding after part E the following:

"PART F—MENTAL HEALTH OF CHILDREN

"GRANTS FOR TREATMENT FACILITIES

"SEC. 271. (a) Grants from appropriations under subsection (d) may be made by the Secretary to any public or nonprofit private agency or organization which owns or operates a community mental health center to assist such agency or organization in meeting the costs of construction of a facility for mental health of children within the States, and to assist such an agency or organization in meeting a portion of the costs (determined pursuant to regulations of the Secretary) of compensation of professional and technical personnel for the operation of a facility for mental health of children constructed with a grant made under part A or this part or for the operation of new services in an existing facility for mental health of children.

"(b)(1) No grant may be made under this section for the construction of a facility for mental health of children unless such facility will be part of or affiliated with the community mental health center owned or operated by the agency or organization receiving the grant.

"(2) The grant program for construction of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A, except that the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum (or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area), as the Secretary may determine.

"(c)(1) No application for a grant under this part for the costs of compensation of professional and technical personnel shall be approved unless opportunity has been provided, prior to such approval, for consideration of the project by the State and mental health authority, by any public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act covering the area in which the project is to be located, and by the State agency administering or supervising the administration of the State plan approved under section 314(a) of such Act.

"(2) Grants made under this section for such costs may not exceed the percentages of such costs, and may be made only for the periods, prescribed for grants for such costs under section 242.

"(d)(1) There are authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1971, $10,000,000 for the fiscal year ending June 30, 1972, and $15,000,000 for the fiscal year ending June 30, 1973, for grants under this part for construction, for initial grants under this part for compensation of professional and technical personnel, and for training and evaluation grants under section 272.

"(2) There are also authorized to be appropriated for the fiscal year ending June 30, 1972, and each of the next six fiscal years such sums as may be necessary to continue to make grants with respect to any project under this part for which an initial staffing grant was made from appropriations under paragraph (1) for any fiscal year ending before July 1, 1973.

"TRAINING AND EVALUATION

"SEC. 272. The Secretary is authorized, during the period beginning July 1, 1971, and ending with the close of June 30, 1973, to make grants to public or nonprofit private agencies or organizations to cover part or all of the cost of (1) developing specialized training programs or materials relating to the provision of services for the mental health of children, or developing inservice training or short-term or refresher courses with respect to the provision of such services; (2) training personnel to operate, supervise, and administer such services; and (3) conducting surveys and field trials to evaluate the adequacy of the programs for the mental health of children within the several States with a view to determining ways and means of improving, extending, and expanding such programs."

The SPEAKER. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, this bill was considered in 3 days of hearings and was ordered reported unanimously.

Basically, the bill is a 3-year extension of the existing program of grants for the construction and staffing of community mental health centers, with a number of modifications recommended at the hearings.

The existing construction grant authorization of $70 million a year is extended in the same amount for 3 fiscal years, fiscal years 1971, 1972, and 1973. The program of grants for paying a portion of the cost of professional and technical personnel staffing these centers is also extended for 3 years, with a change in that formula.

It seems that most of the centers are beginning to run into financial difficulties so the matching formula is stretched out for 2 additional years, with appropriation authorizations of $32 million, $40 million, and $48 million for fiscal years 1971 through 1973. This compares with the authorization for fiscal year 1970 which is at $32 million, which the bill reduces to $26 million.

Mr. Speaker, frankly I do not think that the amounts provided in this bill are adequate to meet national needs in this area. The committee is in a dilemma, however. In recent years we have authorized what we thought were adequate programs, and then it has been our experience that the administration asks for much less than the authorization, and when they get the appropriation, they fail to spend the appropriated amounts. This has been true almost across the board in health programs, and has been true in the case of the community mental health centers program.

Our national goal, as set in 1963, is for 2,000 of these centers, yet the administration's goals now are for somewhere around 450 by 1972. This is far too few, but the budget constraints we have had in recent years have led in many areas—this one included—to our saving a few dollars today, with the inevitable result that expenditures have to be greater later. We demonstrate over and again the wisdom of the comment that a "stitch in time saves nine," and in the health area we have been saving individual stitches. In other words, I think the authorizations for staffing contained in this bill are inadequate, but in view of recent history in the case of appropriations, I think the amounts set in the bill are fairly realistic; not in terms of needs, but rather in terms of realistic expectations.

To return to the bill, in 1968 the law was amended to add a 2-year authority for construction and staffing of facilities for alcoholic and narcotic addicts, at a $25 million authorization for fiscal year 1970. This bill would authorize $15 million for 1970, and then $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973 for this program.

Two new features are added. One is a program of grants for construction and

staffing of facilities which are an integral part of community mental health centers but devoted to the mental health of children. Grants for construction may be up to two-thirds of cost, and grants for staffing may be at the level of 80 percent for 2 years, 75 percent for 1 year, 60 percent for a year, 45 percent for a year, and 30 percent for the sixth and last year. The committee felt this preferential treatment was necessary because children's mental health services are usually more expensive than mental health services for adults and we wanted to encourage the adoption of programs in this area.

In addition, the committee provided for an additional 15 percent of staffing costs to be covered in the case of consultative services provided by mental health centers. This type of service involves use of mental health professional manpower to consult with persons who deal with the public, such as schoolteachers, ministers and others, to aid them in recognizing and coping with mental health problems of people whom they deal with. This is a way of stretching scarce manpower in this area, so 15 percent additional can be added to the Federal construction for costs of these services.

The bill contains another feature, dealing with urban and rural poverty areas. Up to 90 percent of the construction costs of facilities of community mental health centers facilities for alcoholics and narcotics addicts, and facilities for children may be paid. With respect to the staffing of these facilities, the bill provides that 90 percent of the costs may be covered for the first 2 years, 80 percent for the third year, and 70 percent for the next 3 years. I am sure the committee will have to take another look at this formula 3 years from now.

The bill also permits use of 5 percent of appropriated funds for staffing to be used for developing new programs leading to the establishment of community mental health centers. With respect to the relationship between this program and comprehensive planning, the bill requires that all applications for staffing grants must be submitted for review and comment to the State mental health authority, to the areawide planning agency, if there is one, and, in addition, to the State comprehensive planning agency. These three agencies do not have a veto power, but are permitted to review and comment on the application. In addition, the National Advisory Mental Health Council is given authority to review all staffing grant applications, and no application may be approved unless the Council so recommends.

Mr. Speaker, this covers the principal areas dealt with by the bill, and we recommend its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, did the gentleman say this is a 3-year extension, or for how many years is it?

Mr. STAGGERS. This is a 3-year extension of the basic law with the exception that we have extended the staffing for 2 years.

Mr. GROSS. Extended the staffing for 2 years?

Mr. STAGGERS. That is correct.

Mr. GROSS. Does this provide for expansion or additions to the mental health centers?

Mr. STAGGERS. Yes, it does.

As I explained, there are two changes, for the children's mental health programs for taking care of the youngsters who have problems, and consultation services to help prevent some of them from becoming problems.

Mr. GROSS. Mr. Speaker, does this provide for an increase in the next 3 years?

Mr. STAGGERS. For an increase?

Mr. GROSS. Yes, an increase in expenditures. Does this authorize an increase in expenditures?

Mr. STAGGERS. It does. I would say this to the gentleman: it is not nearly enough of an increase, in my opinion.

One of the great problems we have in the Nation today, as the gentleman knows and as we have said before, is that one out of every 10 Americans can expect to spend some time in a mental institution before he dies.

Mr. GROSS. I understand that.

Mr. STAGGERS. As I said, in my opinion we are not providing enough in several ways.

I could mention various community mental health centers which are on the verge of closing. They have spent enormous amounts of money and do a great job for their people. They are finding it difficult to raise matching funds.

We did expand this bill in another way for the poverty areas by providing a little more matching for them. This was approved by the administration in their proposal, as well as the other bills we had.

Mr. GROSS. Is there not a difficulty with respect to finding trained and experienced personnel to man an expanded program? Somewhere not too long ago, I read quite an article which seemed to be authentic, saying that they were having tremendous difficulty in finding trained personnel.

Did the committee go into this, in providing more money for an expanded program?

Mr. STAGGERS. Yes.

Mr. GROSS. We can spend all the money in the world, yet without trained and experienced personnel in centers of this kind, the money would be largely wasted.

Mr. STAGGERS. I would agree with the gentleman on that.

Last year we passed the Health Manpower Act, which specifically is tooled to do just this job, which we need to do. We need to do more of it, I can say to the gentleman.

Mr. SPRINGER. Mr. Speaker, I yield myself such time as I may consume.

In reply to my distinguished colleague from Iowa, may I say we have kept this strictly within the budget. When they came down for hearings we went into this whole question of staffing very completely. I have been one who has been quite interested in whether or not staffing could be supplied. I was satisfied as a result of the testimony that was given it could be done.

Representatives of two States—Illinois and Minnesota—have been in to see me this week on this question of staffing. I happen to have some intimate knowledge of those two States with reference to this particular problem.

They felt there was not enough money in this bill to do what they had in mind. On the other hand, they were unanimous in approving what we have done thus far, and felt it was very good.

All of the other States, including the gentleman's own State of Iowa, have found this program to be extremely helpful in this whole mental health field. I do want to say that the State of Iowa does go along with this program and endorses it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. GROSS. I was not being critical of the program in any sense. I am merely asking whether the committee ascertained that there are enough retained and experienced staff people to provide for an expanded program. That is all.

Mr. SPRINGER. I understood that what the gentleman said was intended to be constructive, to find out the details with reference to this bill. I believe the gentleman has contributed greatly with what he has said today in making these inquiries.

Mr. Speaker, the legislation providing grants for the creation of community mental health centers in 1963 started what has become the most successful and meaningful Federal health program since Hill-Burton. Upon the recommendation of the medical profession as well as Public Health authorities Congress provided funds to assist in the construction of facilities at the local level to treat mental problems. At a later date when the program was renewed, it was demonstrated that the bricks and mortar made available would provide little help unless professional people necessary to the activity could be attracted to serve. As a result funds were made available to assist the community in acquiring and keeping such staff by underwriting a certain percentage of those expenses on a decreasing scale over the years.

Community mental health centers have been built, have been staffed, and are operating in over 400 communities. This is, of course, a very small start toward the elimination of the archaic system for the confinement and treatment of mental patients, but it is a start, and the program has performed even beyond the expectations of its sponsors.

We discovered as time went on that certain other necessary activities could be included within the framework of the program. The last Congress authorized the use of funds to expand community mental health centers to include treatment facilities for narcotic addicts and alcoholics. Although this portion of the program is fairly new there is every reason to believe that it will be a valuable adjunct and something which most communities will find useful.

The bill before us today would extend for 3 years the program of grants to assist in construction of the basic facilities included in the act. This would be funded

in the sum of $70 million a year which is the present rate of expenditure. Systems for staffing these institutions would be continued but somewhat expanded. The percentage of systems would remain the same until it reached the lowest level of 30 percent in the fourth year, and under this legislation would then be extended for 2 additional years. Facilities for alcoholism and narcotic addiction would be subject to the same terms and could be built in conjunction with a new institution or added to those already in existence. For this latter reason the funds to support this part of the program are set forth separately in the amounts of $20 million for 1971, $25 million for 1972, and $30 million for 1973.

Although it would appear that community mental health centers could use present authorities to treat mental conditions in children, it seems that there are particular problems which will make necessary in some instances different facilities and either different or additional personnel. Certainly it is highly important that the mental and emotional problems of children be given the highest priority for treatment at the community level. To make sure that this comes about specific funds are included in the amounts of $6 million for 1971, $10 million for 1972, and $15 million for 1973. I hope that as time goes on all of these various services can be treated as parts of a single institution needing no separate identification. At the present time it is probably well to have them set apart so that attention will be drawn to them and a history of their development properly kept.

One other service has been added which should increase the effectiveness of these institutions immeasurably. Aside from having the necessary facilities present in the community it can be very important in certain instances to take the services to the patient. The very matter of discovering and identifying those who need help, particularly among the young can become the most important part of the service to be offered. This bill provides the sum of $5 million for each of the 3 years to assist community mental health centers in creating consultative services. It is anticipated that one aspect of such service will be working with school systems. Although other uses may come to mind, this would no doubt be the largest user of such consultation.

We have thus far outlined the changes and additions which this bill makes in present law except in one area. It was the opinion of the committee that somewhat different formulas, both for construction and for staffing, will be necessary to successfully promote the creation of community mental health centers in poverty areas. For that reason the bill provides for 90 percent Federal funding of construction projects in poverty areas as opposed to the usual 66⅔ percent. Also in the matter of staffing a more generous formula is provided—90 percent of the staffing costs will be supported by Federal funds for the first 2 years, 80 percent of such costs for the third year, and 70 percent for the next 3 years thereafter.

The total cost of this legislation for the 3-year period is $451 million.

The Committee on Interstate and Foreign Commerce reviewed the accomplishments thus far under this act and considered many possible additions and changes as well as the appropriate level of effort. The bill before you today comes to you with the unanimous support of the committee. I recommend it to the House and urge its passage.

Mr. NELSEN. Mr. Speaker, will the gentleman yield to me?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. NELSEN. Relative to the question of adequate personnel under this bill, there is a provision that will permit the directors in the various community health centers to make contacts through the schools and through the agencies where persons with natural aptitude in the way of psychology can be working with the limited personnel now working in the community health centers. The feeling of the experts is that we do not have adequate personnel, and likely will not have adequate personnel for some time. Therefore, this type of a program might spread the abilities of those we have to a wider field in the public interest.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I should like to say to the gentleman that I want to compliment him, and the House as a whole should, because this is his amendment. It has brought a new innovation into this field, which I believe is good.

I think it is wise that we use the knowledge we have now in order to spread these scarce talents as far as we can.

Mr. NELSEN. I would like to comment further that in our own State of Minnesota we have 11 centers. With regard to our State hospital, for example, the population of the insane there is way down. The number that reach the hospital are so much less today than has been true in the past. This is largely because of treatment that has been given to patients in our community health centers.

I think this program is very good and wish to congratulate the chairman and the committee for bringing out this bill.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman.

Mr. PUCINSKI. Did the distinguished chairman say that the testimony before the committee indicated one out of 10 Americans is going to spend some part of his life before he dies in a mental institution?

Mr. STAGGERS. Yes, that was testified to before the committee. I have also read this before, and it has been said by specialists.

Mr. PUCINSKI. That would mean we would need facilities for some 20 million Americans.

Mr. STAGGERS. But not all at the same time. However, we hope to alleviate all of this and work out most of these things.

Mr. PUCINSKI. Mr. Speaker, I would like to congratulate and commend the chairman of this committee for bringing this bill to the floor.

When people ask what Congress has done this year, we should point to this legislation as one example of our varied activity. This is one of the most important bills to come before the Congress. Not only does it address itself to the problems of mental health among children and the growing problem of alcoholism and the problem of narcotics addiction but to many other pressing problems of our day.

I certainly want to associate myself with this legislation and congratulate the chairman for making it possible for us to vote on this very major piece of legislation.

Mr. STAGGERS. Mr. Speaker, I now would like to yield to the chairman of our subcommittee which handled this matter and also wish to congratulate every member of this subcommittee for bringing to the full committee a bill which is a good one and which meets an important need.

Mr. JARMAN. I thank the chairman for yielding to me.

Mr. Speaker, the bill before the House today is presented with the unanimous recommendation of the Committee on Interstate and Foreign Commerce.

This bill, H.R. 14086, amends the Community Mental Health Centers Act to extend the program of assistance under the act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts. A new program of special assistance for mental health services for children has been added in recognition of a great need.

The committee cannot urge too strongly prompt action on this bill. Our motion for immediate passage is made on several counts. First and foremost, the mental health needs of this Nation must be met and they must continue to be met on a communitywide and community-tuned basis. Second, the bill extends a community health program of outstanding and singular merit. In the words of the Assistant Secretary for Legislation, Department of Health, Education, and Welfare:

> This is . . . one program that is on target . . . a program that is strongly conceived and well executed.

And, third, the extension should be voted now, because the authorities granted by the original act in 1963 and its amendments are due to expire shortly.

I should like, very briefly, to take up those points which so impressed the committee.

As to the need for this legislation, my distinguished colleagues are already aware of the health and social needs of the Nation. We are keenly aware, for example, that mental illness and many problems related to people's mental health are among the chief cripplers of our society. The estimate is that one out of every 10 Americans, or about 20 million people, suffer from mental or emotional problems that require professional help, if they can find it. Among these are some 8 million children and their families who need special attention, treatment, or counseling. The estimate

is that alcoholism, a major mental health problem, afflicts over 5 million Americans. As for the menace of narcotic addiction, the estimate of 100,000 users of hard drugs is compounded these days by an increasing trend toward drug abuse and experimentation with narcotics among our young people.

So much for the obvious need in this country to get mental health services out to where people are, to where they live, where they work, and where they grow up. These are services for the care of the sick, for the rehabilitation of hurt and troubled lives, and for the prevention of illness and breakdown.

These are the vital tasks of the new and developing community mental health centers. In many respects, they represent the most dynamic health service program in the Nation.

In 1963, the Community Mental Health Centers Act—Public Law 88–164—was enacted in response to mounting evidence that the mentally ill have a greater chance for early recovery when treated promptly in community-based facilities near their homes. The need for services to help prevent disabling illness and disruptive problems was also underscored in testimony presented by the Nation's leading mental health authorities.

Since then, the national community mental health center program has shown extraordinary progress. Although relatively young, its growth and impact have already been extensive. Since June 1965, when the first construction grant was awarded, a total of 376 community mental health centers have been funded. These centers are being established in every State of the Union, the District of Columbia, and Puerto Rico. They are on the way to providing services in communities of every kind—ranging from inner-city ghettos to farmlands in the central plains, from middle-class suburbs to the poorest counties of Appalachia, from bustling industrial centers to sparsely populated rural regions.

Since then, we have seen a continuing decrease in the number of Americans in the Nation's mental hospitals. Thirteen years ago, that number was well in excess of one-half million. Today, there are 401,000—a reduction of nearly 30 percent. Had the rising mental hospital population seen before 1955 gone unchecked, an estimated 731,000 patients would be confined today in costly and debilitating custodial care—or almost twice the actual number.

This decrease is not due solely, of course, to the establishment of mental health centers. More than a decade of steady advances in research and treatment made it possible for many patients to be maintained in their home communities.

From the outset, the community mental health center program has been based firmly upon sound goals and premises. These include the concept that mental health services should be available to all people who live within a center's defined catchment area, regardless of their age, their ability to pay, or their life circumstances. Also included is the concept that these services must be comprehensive and coordinated. That is, each center must offer a range of five essential services for continuity of patient care, for the prevention of illness, and for the promotion of the community's mental health.

Experience with the program has demonstrated that it is a highly practical vehicle for the implementation of these goals. Its flexibility permits applications in communities of all kinds. In fact, the community mental health center has introduced a system for the delivery of health services which uses existing resources, expands them, coordinates them into a system of care, or brings entirely new services to communities where none at all existed before.

The strength of the program and its great flexibility do not rest solely upon the differing types of communities which can be served. Its flexibility is also apparent in the great variety among applicants for community mental health center grants. These have included State and local governments, charitable institutions, public and nonprofit private general hospitals, public mental hospitals, independent mental health clinics, and community mental health boards composed of interested citizens. Approximately 85 percent of the centers represent the joint efforts of two or more affiliating agencies.

While it is too soon to evaluate fully the impact of the centers, we are impressed that in a short span of 4 years they have established the capacity for bringing comprehensive mental health services within the reach of 52 million Americans. When the present authorizations expire on June 30, 1970, grants will have been awarded to approximately 450 centers, accessible to about 62 million citizens. As for the potential effectiveness of these community services, the committee heard dramatic accounts of individual achievements. These point the way to entirely new and exciting accomplishments.

Finally, as to the extension bill before the House: the legislation respectfully submitted for action today not only extends but seeks to strengthen the program.

Briefly, this is accomplished by extending all existing authorities for a period of 3 years, by raising to 6 years the period during which mental health centers may receive staffing grants, by providing preferential funding for poverty areas and alcoholism and addiction services, and by earmarking funds for these urgently needed special services, as well as special services for children. Several other provisions are also designed to strengthen the program.

The committee heard, for example, that a significant number of centers which have initiated services are finding it extremely difficult to meet the challenge of implementing their programs while at the same time having to develop adequate funding resources with which to continue the support of their services when their Federal aid expires.

The committee also heard testimony that many communities which are aware of their mental health needs have abandoned plans for centers because of their inability to marshal the necessary funds either for matching a construction grant or for staffing a center beyond the initial period of staffing support, currently limited to the center's first 51 months of operation.

Earlier estimates of Federal financial participation were optimistically based on an assumption that third-party payments for services might absorb more of the costs. These have not yet materialized to the extent anticipated.

Earlier projections also underestimated the need for greater assistance to disadvantaged communities and the need for special incentives for services to deal with alcoholism and addiction, and to meet the great needs of children.

Therefore, while the proposed bill does not change the basic concepts and goals of the community mental health service programs—nor does it seek to—important operational changes are proposed. These liberalize Federal assistance for all communities and add incentives for programs directed to the special mental health problems of the underprivileged, the alcoholic, the drug addict, and the emotionally disturbed child.

The changes also include a new provision for initiation and development grants for centers in poverty areas, a further means to improve the capability of these areas to apply for and to use Federal aid for their community mental health services. We believe that this provision, plus the preferential funding for construction and staffing grants in these areas will provide the assistance needed to equalize the availability of services to all Americans.

With regard to special services for alcoholism and narcotic addiction, the committee notes with disappointment that the alcoholism portion of the Narcotic Addiction and Alcoholism Amendments of 1968 has not yet been implemented. However, on the basis of experience in implementing community services and facilities for narcotic addicts, a provision has been included for preferential funding, starting at 80 percent, to encourage these special services connected with or operated by community mental health centers.

Impressed as it was with the preventive services being undertaken by community mental health centers in many parts of the country, and convinced that such services must have high priority, the committee has provided in the proposed bill a premium for the operation of the center's consultation and education programs. This assistance is of key importance particularly for children who can benefit from mental health consultation provided to schools, courts, and other agencies serving our youth.

In closing, I respectfully draw your attention to one of the outstanding features of the centers program which the committee feels has been a vital element in its success. I referred earlier to this as continuity of care for the mentally ill.

The concept of an integrated program of essential mental health services is a key factor in the treatment of the mentally and emotionally disturbed. It means that people can get the kind of care they need when they need it, going from in-

patient care to partial hospitalization or daycare, to outpatient care, as their condition warrants, until they are functioning well again. The capacity to coordinate and deliver this range of services within a program is no less important in treating the mentally ill than is the availability of each service itself. The means for achieving this capability is the requirement that all centers must provide a range of a minimum of five services at the time they open their doors. By extending and improving this dynamic program for the mental health of all Americans, this House will perform a great service. I move the adoption of the proposed bill.

Mr. SPRINGER. Mr. Speaker, I want to add one final word which I think is proof of the pudding, that is, is our mental patient registration in State institutions going up or down? A few years ago there were about 570,000 people incarcerated in mental institutions, that is, Federal or State mental institutions.

That figure now is down to around 400,000. Not all of that has been attributable to this act, but in my opinion a good portion of it can be. I think the progress report shown by those figures indicates the direction in which we are going under this legislation that we have brought to the floor of the House today.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the distinguished gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding. I merely want to take this time to commend my colleague, the gentleman from Oklahoma (Mr. JARMAN), chairman of the subcommittee, for his fine leadership in this important field of mental health and for the splendid work that his subcommittee and the full committee have done on this bill. In my opinion it is a fine bill and I wholeheartedly support it.

Mr. Speaker, I urge approval of this legislation.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 14086, which would amend the Community Mental Health Centers Act to extend the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts and to establish a new program for the mental health of children.

This bill would extend for an additional 3 years—through fiscal year 1972—the existing program of matching grants for the construction and professional and technical staffing support of community mental health centers, with 2 additional years of support for staffing costs. In addition, the bill extends for the same period matching construction and staffing of specialized community services for alcoholism, narcotic addiction and children's mental health.

Special incentives for community programs to meet the needs of children with mental and emotional problems are also contained in the bill as reported, as well as preferential treatment for facilities serving urban or rural poverty areas, and is intended to encourage development of new careers and use of consultation services.

The bill as reported authorizes $70 million for each of the 3 fiscal years of construction of community mental health centers; a total of $120 million for the 3 years is authorized for the professional and technical staffing; a total of $75 million for 3 years is authorized for the construction and technical and professional personnel staffing of alcoholism and narcotic addict facilities; another $31 million for 3 years is authorized to establish children's mental health programs within community mental health centers, and, finally, $15 million for the 3 years is authorized to provide consultation services through the community mental health centers.

The provisions of the bill which give additional staffing assistance to community mental health centers also apply to staffing for narcotic addict facilities, alcoholic treatment centers and programs for the mental health of children.

Mr. Speaker, since the original law was first enacted, we are making significant progress in our efforts to prevent mental illness, to cure those who suffer, and to rehabilitate them to become useful and productive citizens again.

The key to this success is the local community mental health center which can provide comprehensive mental health services in surroundings that are familiar to the patient rather than warehousing him in a State hospital many miles from his home, his family, and his friends.

Statistics show that almost three-fourths of those patients treated at community mental health centers can be cured to permit them to return to their homes within 6 to 8 weeks. Without the use of community mental health centers, the mental patient who is placed in a state hospital has only one choice in 10 of going home within the same period of time, and if that patient remains in the hospital over a year, the odds are against his ever going home.

Mental illness costs the American economy an estimated $20 billion a year in wasted manpower and job absenteeism, and immeasurable amounts in human suffering and anguish. This legislation before the House will enable us to continue and expand our fight against mental illness.

I strongly support this legislation and urge its passage, yet I would like to note some other points concerning the bill.

First, it has been brought to my attention that some of the community mental health centers which were the first to be awarded staffing grants under Public Law 89–105 will use the last of these funds in the fall of 1972 based on the additional 2 years of assistance provided in this bill. These centers are not capable of sustaining themselves with only local support and they would be faced with some 6 to 9 months without Federal staffing support unless the period for support is extended. Therefore, I am proposing that the bill adopted by the conference committee provide a total of 84 months of Federal support for professional and technical staffing, with the last 4 years at the 30-percent level.

In addition, in testimony before the subcommittee and in consultation with directors of community mental health centers, the committee has found a more workable definition of "technical" personnel is necessary to permit the community mental health centers to carry out their responsibilities. The committee intends, as part of the legislative history of these amendments, that an expanded definition of this term is essential and that the National Institute of Mental Health, in its administration of this extension of the law, should issue guidelines which will permit the centers to employ accountants, financial counselors, medical transcribers, and other similarly designated individuals whose background and education would indicate that they are to perform technical functions in the operation of the centers.

This would not include minor clerical help, maintenance, or housekeeping personnel.

Likewise, there is a need for a clearly stated definition of a "poverty area" as such pertains to the Community Mental Health Centers Act. Centers should be able to qualify for the "poverty provisions" by virtue of the total catchment area or substantial pockets of poverty within the catchment areas. The National Institute of Mental Health should issue guidelines to clarify this term.

In addition, the committee has found that the evaluation of operating community mental health centers has not been as extensive as the committee would like for future planning. In that regard, as part of the legislative history, the committee would recommend that the National Institute of Mental Health select several centers that demonstrate various approaches to service and different types of populations to extensively study the crucial variables, problems, and effectiveness of their programs.

As a corollary, with respect to site visits as both an evaluation and problem solving program, the committee has found that it would be desirable to have all future site visit teams include at least one representative from a mental health center not from the same region, and that at least one center representative sit on the Grant Review Committee at a regional level and two directors serve on the National Review Committee.

Also, it has been brought to the committee's attention that some of the States are experiencing difficulty in the administration of State construction plans. An amendment to permit a 1-year carryover of moneys for the administration of State construction plans was presented to the subcommittee and was inadvertently omitted from the bill as reported. Therefore, I am proposing that the conference committee permit a 1-year carryover of such moneys.

Finally, during subcommittee consideration of this legislation, I asked the National Association of State Mental Health Program Directors if the various State mental health authorities thought that the 314(a) and 314(b) agencies under Public Law 89–749, the Partnership for Health Act, were in a position to approve State community mental health center plans and to review projects at the areawide level.

The response to my inquiry has been received from 40 States and territories and the replies do not indicate an ad-

vanced stage of development for the 314 (a) and (b) agencies.

With respect to the 314(a) agency—the State comprehensive health planning agency—21 of those replies said the agency in their jurisdiction is sophisticated enough to approve State community mental health center plans; 19 replied in the negative.

With respect to the 314(b) agency—the areawide planning agency—19 jurisdictions said no, the areawide agencies are not yet ready; only 11 States replied in the affirmative.

I would like to insert the State-by-State replies at this point in the RECORD:

314(a), State health planning agency, is developed enough to *approve* state plan for community mental health centers:

Alabama	No.
Alaska	Yes.
Arizona	No.
Arkansas	Yes.
California	No.
Colorado	Yes.
Connecticut	No.
Delaware	No.
Florida	No.
Georgia	Yes.
Guam	No.
Hawaii	No.
Idaho	Yes.
Indiana	Yes.
Iowa	No.
Kansas	No.
Kentucky	Yes.
Maryland	Yes.
Massachusetts	Yes.
Michigan	Yes.
Minnesota	Yes.
Mississippi	Yes.
Missouri	No.
Montana	Yes.
Nevada	No.
New Hampshire	Yes.
New Jersey	Yes.
New Mexico	Yes.
New York	Yes.
Ohio	No.
Oklahoma	Yes.
Oregon	No.
South Carolina	No.
Texas	No.
Utah	Yes.
Vermont	No.
Virginia	Yes.
Washington	No.
West Virginia	Yes.
Wisconsin	No.

314(b), areawide or regional health planning agencies are developed enough to *review* project applications for community mental health centers:

Alabama	No.
Alaska	No.
Arizona	No.
Arkansas	No.
California	Yes.
Colorado	No.
Connecticut	No.
Delaware	No.
Florida	No.
Georgia	No.
Guam	No.
Hawaii	No.
Idaho	No.
Indiana	Yes.
Iowa	No.
Kansas	No.
Kentucky	No.
Maryland	Yes.
Massachusetts	No.
Michigan	No.
Minnesota	Yes.
Mississippi	Yes.
Missouri	No.
Montana	No.
Nevada	No.
New Hampshire	Yes.
New Jersey	Yes.
New Mexico	Yes.
New York	Yes.
Ohio	No.
Oklahoma	No.
Oregon	No.
South Carolina	No.
Texas	No.
Utah	Yes.
Vermont	No.
Virginia	Yes.
Washington	No.
West Virginia	No.
Wisconsin	No.

States not responding: District of Columbia, Illinois, Louisiana, Maine, Nebraska, North Carolina, North Dakota, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Virgin Islands, Wyoming.

Mr. TIERNAN. Mr. Speaker, I rise in support of the Community Health Centers Amendments of 1969. In 1963, this landmark legislation was enacted in response to mounting evidence that the mentally ill have a greater chance of early recovery when treated promptly in community-based facilities located near their homes. Impressive and effective work has been accomplished by these centers, in fact, in many respects it is one of the most vital and dynamic health service programs in the Nation.

Since only a small number of centers have yet been in operation for a year or more, it is too early to evaluate the true impact these services are having. However, the longtime goal of the community mental health centers program is the establishment of a network of comprehensive mental health services that will serve the total population of the United States. This potential can be realized only with an adequate base of resources for planning, initiating, and developing the quality of programs essential to assure the equitable provision of services to all communities.

As we know, narcotic addiction, drug abuse, alcoholism, and emotional illness are growing problems in our country. Let us rise to meet them.

I urge my colleagues to join with me in support of this measure.

The SPEAKER. The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 14086, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2523) to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Mental Health Centers Amendments of 1969".

TITLE I—GRANTS FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS, EXTENSION OF DURATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Section 201 of the Community Mental Health Centers Act (42 U.S.C. 2681) is amended (1) by striking the word "and" which appears immediately before "$70,000,000", and (2) by inserting immediately before the period at the end thereof the following: ", $95,000,000 for the fiscal year ending June 30, 1971; $115,000,000 for the fiscal year ending June 30, 1972; and $115,000,000 for the fiscal year ending June 30, 1973.

(b) Section 207 of such Act (42 U.S.C. 2687) is amended by striking out "1970" and inserting in lieu thereof "1973".

ALLOTMENTS TO STATES: INCLUSION OF TRUST TERRITORY

SEC. 102. (a) The first sentence of subsection (a) of section 202 of such Act (42 U.S.C. 2682) is amended by striking out "and Guam," and inserting in lieu thereof "Guam, and the Trust Territory of the Pacific Islands,".

(b) The second sentence of such subsection (a) is amended by inserting after "State" the first time it appears ", other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands,".

(c) Such subsection (a) is further amended by adding at the end thereof the following new sentence: "Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it for such purpose for the next two fiscal years (and for such years only), in addition to the sums allotted to it for such purpose for each of such next two fiscal years."

(d) Section 401(a) of such Act (42 U.S.C. 2691(a)) is amended by inserting immediately before the period at the end thereof the following: "; and, for purposes of this title and title II only, includes the Trust Territory of the Pacific Islands".

(e) The amendments made by this section shall be effective with respect to allotments under section 202 from funds appropriated for fiscal years beginning after June 30, 1970.

PERCENTAGE OF ALLOTMENTS AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 103. (a) Effective with respect to expenditures referred to in paragraph (1) of subsection (c) of section 403 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 made after June 30, 1970, such paragraph (42 U.S.C. 2693) is amended by striking out "2 per centum" and inserting in lieu thereof "5 per centum".

(b)(1) The first sentence of section 403(c)(1) of such Act is further amended—

(A) by inserting "for any fiscal year" immediately after "title II";

(B) by striking out "during such year";

(C) by striking out "for a year" and inserting in lieu thereof "for any fiscal year"; and

(D) by striking out "for such year".

(2) Section 403(c)(1) of such Act is further amended by inserting immediately after the first sentence thereof the following new sentence: "Amounts made available to any State under this paragraph from its allotment or allotments under part A of title II for any fiscal year shall be available only

for such expenditures (referred to in the preceeding sentence) during such fiscal year or the following fiscal year."

COST OF LAND INCLUDED IN COST OF CONSTRUCTION

SEC. 104. Effective with respect to projects approved after June 30, 1970, under title II of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, section 401(e) of such Act is amended by striking out "architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land" and inserting in lieu thereof "architect's fees and the cost of the acquisition of land, but excluding the cost of offsite improvements."

FEDERAL SHARE TO BE MAXIMUM; HIGHER SHARE FOR DISADVANTAGED AREAS

SEC. 105. Effective with respect to projects approved after June 30, 1970, under part A of title II of such Act—

(1) section 402 of such Act (42 U.S.C. 2692) is amended by striking out "or title II";

(2) subsection (h) of section 401 of such Act is amended by redesignating clauses (1) and (2) as clauses (A) and (B), respectively, by inserting "(1)" after "(h)", by inserting "approved under part C of title I" after "with respect to any project", and by adding at the end thereof the following new paragraph:

"(2)(A) The term 'Federal share' with respect to any project approved under part A of title II means the portion of the cost of construction of such project to be paid by the Federal Government under such part A.

"(B) The Federal share with respect to any project approved thereunder in the State shall, except as provided in paragraph (3), be an amount equal to 66⅔ per centum, or the Federal percentage for the State, if lower, or such lesser amount as may be determined by the State agency designated in the State plan. Prior to the approval of the first such project in the State during any fiscal year, such State agency shall give the Secretary written notification of the maximum Federal share established pursuant to this paragraph for such projects in such State to be approved by the Secretary during such fiscal year and the method of determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determining the actual Federal share for such projects in such State approved during such fiscal year shall not be changed after such written approval has been given.

"(3) In the case of any facility or center which provides or will, upon completion of the project for which application has been made under part A of title II, provide services for persons in an area designated by the Secretary as a rural or urban poverty area, the maximum Federal share shall be equal to such per centum of the costs of the construction of the project as may be determined by the State, except that such per centum shall not exceed 90 per centum."

PERIOD FOR PROMULGATING FEDERAL PERCENTAGES

SEC. 106. Section 401(j)(1) of such Act is amended by striking out "August 31" and inserting in lieu thereof "September 30".

TITLE II—GRANTS FOR OPERATION OF COMMUNITY MENTAL HEALTH CENTERS

FEDERAL SHARE

SEC. 201. Effective with respect to costs of establishment and operation of any center, for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 220 of the Community Mental Health Centers Act (42 U.S.C. 2688), subsection (b) of such section is amended to read as follows:

"(b) Grants for such costs for any center under this part (other than grants made from funds made available under section 224(b)) may not exceed—

"(1) except as provided in paragraph (2), 75 per centum of the costs for each of the first two years after the first day of the first month for which such grant is made with respect to such center, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, 30 per centum of such costs for each of the next six years after such first day; and

"(2) in the case of grants to any center which provides services for persons in an area designated by the Secretary as a rural or urban poverty area, 90 per centum of such costs for each of the first two years after the first day of the first month for which such grant is made with respect to such center, and 75 per centum of such costs for each of the next eight years such first day. No grant shall be made under this section, in the case of any center referred to in paragraph (1), for any period of time which is later than the last year referred to in paragraph (1), or, in the case of any center referred to in paragraph (2), for any period of time which is later than the last year referred to in paragraph (2)."

INITIATION AND DEVELOPMENT OF SERVICES

SEC. 202. (a) Section 224 of such Act (42 U.S.C. 2688d) is amended (1) by inserting "(a)" immediately after "SEC. 224." and (2) by adding at the end thereof the following new subsection (b):

"(b) Not to exceed 5 per centum of the amount appropriated for grants pursuant to subsection (a) for any fiscal year shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $50,000) of projects, in areas designated by the Secretary as rural or urban poverty areas, for assessing local needs for mental health services, designing mental health service programs, obtaining local financial and professional assistance and support for community health services, and fostering community involvement in initiating and developing community mental health services. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project."

(b) Section 221(a) of such Act (42 U.S.C. 2688a) is amended (1) by striking out "and" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and", and (3) by adding after paragraph (5) the following new paragraph:

"(6) in the case of a grant from funds made available pursuant to section 224(b), the Secretary is satisfied, upon the basis of evidence supplied by the applicant, that persons broadly representative of all elements of the population of the area will be given an opportunity to participate in the project with respect to which application for such grant is made."

MAINTENANCE OF EFFORT

SEC. 203. (a) Paragraph (4) of such subsection (a) of section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended to read as follows:

"(4) the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in services that would otherwise be provided, and (B) Federal funds made available under this part for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third party health insurance payments, that would in the absence of such Federal funds be made available for the program described in paragraph (2) of this subsection; and".

(b) Section 221(a) of such Act (42 U.S.C. 2688a) is further amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of paragraph (2) of this subsection, the requirement therein with respect to essential elements of comprehensive mental health services shall not apply, in the case of an application for a grant to any center which will provide services in an area designated by the Secretary as an urban or rural poverty area, for the eighteen-month period commencing on the date such application is filed, if the Secretary is satisfied that such center will meet such requirement prior to the end of such period."

CONTINUATION GRANTS

SEC. 204. Section 221(b) of such Act (42 U.S.C. 2688a) is amended by striking out "1970" each place it appears and inserting in lieu thereof "1973".

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) The first sentence of section 224(a) of such Act (42 U.S.C. 2688d), as amended by section 202(a) of this Act, is amended (1) by striking out the word "and" which appears immediately after "1969" and (2) by inserting immediately after "1970," the following: "$60,000,000 for the fiscal year ending June 30, 1971, $60,000,000 for the fiscal year ending June 30, 1972, and $80,000,000 for the fiscal year ending June 30, 1973."

(b) The second sentence of section 224(a) of such Act (42 U.S.C. 2688d), as amended by section 202(a) of this Act, is amended by striking out "seven" and inserting in lieu thereof "fifteen".

STAFFING, OPERATION, AND MAINTENANCE GRANTS FOR CENTERS

SEC. 206. (a) Effective with respect to costs of operation of any center, for any period beginning after June 30, 1970, for which a grant has been or is made under subsection (a) of section 220 of the Community Mental Health Centers Act (42 U.S.C. 2688), such subsection is amended by striking out "a portion of the costs (determined pursuant to regulations under section 223) of compensation of professional and technical personnel for the initial operation" and inserting in lieu thereof "a portion of the costs determined pursuant to regulations under section 223 of operation, staffing, and maintenance".

(b) The heading of part B of such Act (42 U.S.C. 2688 et seq.) is amended to read as follows:

"GRANTS FOR INITIAL COSTS OF OPERATION OF CENTERS"

TITLE III—ALCOHOLISM AND NARCOTIC ADDICT REHABILITATION

EXTENSION OF PROGRAMS FOR FACILITIES FOR ALCOHOLICS AND NARCOTIC ADDICTS

SEC. 301. (a) Section 261(a) of such Act (42 U.S.C. 2688o) is amended by striking out "and $25,000,000 for the next fiscal year" and inserting in lieu thereof "$25,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $30,000,000 for the fiscal year ending June 30, 1972".

(b) Subsection (a) of such section 261 is further amended by inserting before the period at the end of the first sentence the following: "and section 246".

(c) Section 261 of such Act is further amended by adding at the end thereof the following new subsection (c):

"(c)(1) Not to exceed 5 per centum of the amount appropriated pursuant to the preceding provisions of this section for any fiscal year shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $50,000) of projects for assessing local needs for programs of services for alco-

holics or narcotic addicts, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvement in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project.

"(2) A grant under this subsection with respect to any project may be made only if the Secretary is satisfied, upon the basis of evidence supplied by the applicant, that persons broadly representative of all elements of the population of the area will be given an opportunity to participate in the development of the project with respect to which application for such grant is made."

(d) Subsection (b) of such section 261 is amended by striking out "three" and inserting in lieu thereof "ten", and by striking out "for the fiscal year ending June 30, 1969, or the fiscal year ending June 30, 1970" and inserting in lieu thereof "for any fiscal year ending prior to July 1, 1972".

CONSTRUCTION GRANTS; ALCOHOLISM AND NARCOTIC ADDICTION

SEC. 302. Effective with respect to the cost of construction of any facility, for any period beginning after June 30, 1970, for which a grant from appropriations under section 261 of such Act has been or is made, subsection (b) of section 241 of such Act, subsection (d) of section 243 of such Act, and subsection (b) of section 251 of such Act are each amended by striking out "66⅔" and inserting in lieu thereof "90".

STAFFING, OPERATION, AND MAINTENANCE GRANTS; ALCOHOLISM AND NARCOTIC ADDICTION

SEC. 303. (a)(1) Effective with respect to the costs of operation of any facility, for any period after June 30, 1970, for which a grant from appropriations under section 261 of such Act has been or is made, subsection (a) of section 242 of such Act is amended by striking out "a portion of the costs (determined pursuant to regulations of the Secretary) of compensation of professional and technical personnel for the initial operation" and inserting in lieu thereof "a portion of the costs (determined pursuant to regulations of the Secretary) for operating, staffing, and maintenance".

(2) Effective with respect to the costs of operation of any facility, for any period beginning after June 30, 1970, for which a grant from appropriations under section 261 of such Act has been or is made, subsection (a) of section 243 of such Act is amended by striking out "compensation of professional and technical personnel" and inserting in lieu thereof "operation, staffing, and maintenance", and subsection (c) of such section is amended by striking out "compensation of professional and technical personnel" and inserting in lieu thereof "operation, staffing, and maintenance".

(3) Effective with respect to the costs of operation of any facility, for any period beginning after June 30, 1970, for which a grant from appropriations under section 261 of such Act has been or is made, subsection (a) of section 251 of such Act is amended by striking out "the costs, determined pursuant to regulations of the Secretary, of compensation of professional and technical personnel for the initial operation" and inserting in lieu thereof "the costs, determined pursuant to regulations of the Secretary, for the staffing, operation and maintenance", and subsection (c) of such section 251 is amended by striking out "Grants made under subsection (a) for the cost of compensation of professional and technical personnel" and inserting in lieu thereof "Grants made under subsection (a) for the costs of operating such facilities".

(b) Effective with respect to costs of establishment and operation of any facility for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 242, 243, or 251 of the Community Mental Health Centers Act (42 U.S.C. 2688g, 2688h, 2688k), subsection (b) of section 242 of such Act is amended to read as follows:

"(b) Grants for such costs for any facility under this section may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of ten years after such first day; and such grant with respect to any facility may not exceed 90 per centum of such costs for each of the first two years after the first day of the first month for which such grant is made with respect to such facility, and 75 per centum of such costs for each of the next eight years after such first day."

DIRECT GRANTS FOR SPECIAL PROJECTS; ALCOHOLISM

SEC. 304. Part C of the Community Mental Health Centers Act is amended by redesignating section 246 as section 247, and adding after section 245 a new section 246 to read as follows:

"DIRECT GRANTS FOR SPECIAL PROJECTS

"SEC. 246. The Secretary is authorized during the period beginning July 1, 1970, and ending June 30, 1972, to make grants to any public or nonprofit private agency or organization to cover part or all of the cost of (A) developing specialized training programs or materials relating to the provision of public health services for the prevention or treatment of alcoholism, or developing inservice training or short-term or refresher courses with respect to the provision of such services; (B) training personnel to operate, supervise, and administer such services; (C) conducting surveys and field trials, to evaluate the adequacy of the programs for the prevention and treatment of alcoholism within the several States with a view to determining ways and means of improving, extending, and expanding such programs; and (D) programs for treatment and rehabilitation of alcoholics which the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to such alcoholics."

DIRECT GRANTS FOR SPECIAL PROJECTS; NARCOTIC ADDICTS

SEC. 305. (a) Section 252 of the Community Mental Health Centers Act is amended (1) by striking out "1970" and inserting in lieu thereof "1972", (2) by striking out "and" at the end of clause (B), and (3) by adding immediately before the period at the end thereof the following: "; and (D) programs for treatment and rehabilitation of narcotic addicts which the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to such narcotic addicts".

(b) The heading to such section 252 is amended to read as follows: "DIRECT GRANTS FOR SPECIAL PROJECTS".

TITLE IV—MENTAL HEALTH OF CHILDREN

CONSTRUCTION AND STAFFING OF TREATMENT FACILITIES

SEC. 401. The Community Mental Health Centers Act is amended by adding at the end thereof the following new part:

"PART F—MENTAL HEALTH OF CHILDREN

"GRANTS FOR TREATMENT FACILITIES

"SEC. 271. (a) Grants from appropriations under section 272(a) may be made to public or nonprofit private agencies and organizations (A) to assist them in meeting the costs of construction of facilities to provide mental health services for children within the States, and (B) to assist them in meeting the costs, determined pursuant to regulations of the Secretary, of the staffing, operation, and maintenance of (i) facilities providing such services which were constructed with grants made under this part or part A, or (ii) existing facilities which provide new mental health services for children.

"(b) The grant program for construction of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A of the Act except to the extent, in the judgment of the Secretary, special considerations make differences appropriate; but (1) before the Secretary may make a grant under such subsection for the construction of a facility for the provision of mental health services to children he must find that the application for such grant meets the requirements of section 205(a)(5) (relating to the payment of prevailing wages), and (2) the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 90 per centum as the Secretary may determine.

"(c) Grants for the costs of staffing, operation, and maintenance of facilities providing mental health services to children, authorized by subsection (a) of this section, may not exceed 90 per centum of such costs for each of the first two years after the first day of the first month for which such grant is made with respect to such facility, and 75 per centum of such costs for each of the next eight fiscal years after such first day. No grants may be made for any period of time which is later than the last year referred to in this subsection.

"(d) Grants may be made under this section only with respect to (1) facilities which are part of or affiliated with a community mental health center providing at least those essential services which are prescribed by the Secretary, or (2) where there is no such center serving the community in which such facilities are to be situated, facilities with respect to which satisfactory provision (as determined by the Secretary) has been made for appropriate utilization of existing community resources needed for an adequate program of prevention and treatment of mental health problems of children.

"(e) No grant shall be made under this section with respect to any facility unless the applicant for such grant provides assurance satisfactory to the Secretary that such facility will make available a full range of treatment, liaison, and follow-up, services (as prescribed by the Secretary) for all children and their families in the service area of such facility who need such services, and will, when so requested, provide consultation and education for personnel of all schools and other community agencies serving children in such area.

"SEC. 272. (a) There are authorized to be appropriated $18,000,000 for the fiscal year ending June 30, 1971, $30,000,000 for the fiscal year ending June 30, 1972, and $45,000,000 for the fiscal year ending June 30, 1973, for grants authorized under this part.

"(b) There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the next thirteen fiscal years such sums as may be necessary to continue to make grants with respect to any project under this part for which a staffing operation and maintenance grants was made under this section for any fiscal year ending before July 1, 1973".

TITLE V—MISCELLANEOUS

APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

SEC. 501. (a) Section 303(b) (42 U.S.C. 242a) of the Public Health Service Act is amended by inserting after the words "subsection (a)" the following: "or under title

II of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended".

(b) Part E of the Community Mental Health Centers Act, as amended, is amended by adding a new section 264 at the end thereof to read as follows:

"APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

"SEC. 264. Grants under this title may be made only upon recommendation of the National Advisory Mental Health Council, established by section 217(a) (42 U.S.C. 218 (a)) of the Public Health Service Act."

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Strike out all after the enacting clause of S. 2523 and insert in lieu thereof the provisions of H.R. 14086, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14086) was laid on the table.

EXTENSION OF INTERSTATE OIL AND GAS COMPACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the Senate joint resolution (S.J. Res. 54) was amended, read a third time, and passed, and for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 54

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of two years from September 1, 1969, to September 1, 1971, of the interstate compact to conserve oil and gas, which was signed in the city of Dallas, Texas, the 16th day of February, 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and Legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which prior to August 27, 1935, was presented to and approved by the Legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above-named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1967, to September 1, 1969, consented to by Congress by Public Law Numbered 90–185, Ninetieth Congress, approved December 11, 1967. The agreement to extend and renew said compact for a period of four years from September 1, 1967, to September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming, has been deposited in the Department of State of the United States, and reads as follows:

"AN AGREEMENT TO EXTEND THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"Whereas, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact to Conserve Oil and Gas' which was thereafter formally ratified and approved by the State of Oklahoma, Texas, New Mexico, Illinois, Colorado, and Kansas, the original of which is now on deposit with the Department of State of the United States, a true copy of which follows:

"'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"'ARTICLE I

"'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

"'ARTICLE II

"'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

"'ARTICLE III

"'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"'(a) The operation of any oil well with an inefficient gas-oil ratio.

"'(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

"'(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

"'(d) The creation of unnecessary fire hazards.

"'(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"'(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

"'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

"'ARTICLE IV

"'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

"'ARTICLE V

"'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

"'ARTICLE VI

"'Each State joining herein shall appoint one representative to a commission hereby constituted and designated as "The Interstate Oil Compact Commission", the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

"'The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"'No action shall be taken by the Commission except: (1) by the affirmative votes of the majority of the whole number of compacting States represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

"'ARTICLE VII

"'No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

"'ARTICLE VIII

"'This compact shall expire September 1, 1937. But any State joining herein may, upon sixty (60) days notice, withdraw herefrom.

"'The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory states.

"'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.'

"Whereas, the said Interstate Compact to Conserve Oil and Gas has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1967; and

"Whereas, it is desired to renew and extend the said Interstate Compact to Conserve Oil and Gas for a period of four (4) years from September 1, 1967, to September 1, 1971:

"Now, therefore, this writing witnesseth:

"It is hereby agreed that the Compact entitled 'An Interstate Compact To Conserve Oil and Gas' executed in the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, a correct copy of which appears above, be, and the same hereby is, extended for a period of four (4) years from September 1, 1967, its present date of expiration, to September 1, 1971. This agreement shall become effective when executed, ratified, and approved as provided in Article I of the original Compact.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department

of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing state may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"Executed by the several undersigned states, at their several state capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"THE STATE OF ALABAMA
"By GEORGE C. WALLACE, Governor
"Dated: Aug. 11, 1966
"Attest: Mrs. AGNES BAGGETT, Secretary of State (Seal)

"THE STATE OF ALASKA
"By WILLIAM A. EGAN, Governor
"Dated: July 13, 1966
"Attest: HUGH J. WADE, Secretary of State (Seal)

"THE STATE OF ARIZONA
"By SAMUEL P. GODDARD, Governor
"Dated: March 8, 1966
"Attest: WESLEY BOLIN, Secretary of State (Seal)

"THE STATE OF ARKANSAS
"By ORVAL E. FAUBUS, Governor
"Dated: May 3, 1966
"Attest: KELLY BRYANT, Secretary of State (Seal)

"THE STATE OF COLORADO
"By JOHN A. LOVE, Governor
"Dated: January 13, 1966
"Attest: BYRON A. ANDERSON, Secretary of State (Seal)

"THE STATE OF FLORIDA
"By HAYDON BURNS, Governor
"Dated: June 28, 1966
"Attest: TOM DAVIS, Secretary of State (Seal)

"THE STATE OF ILLINOIS
"By OTTO KERNER, Governor
"Dated: January 24, 1966
"Attest: PAUL POWELL, Secretary of State (Seal)

"THE STATE OF INDIANA
"By RODGER D. BRANIGIN, Governor
"Dated: May 31, 1966
"Attest: JOHN D. BOTTORFF, Secretary of State (Seal)

"THE STATE OF KANSAS
"By WM. H. AVERY, Governor
"Dated: December 1, 1965
"Attest: PAUL R. SHANAHAN, Secretary of State (Seal)

"THE STATE OF KENTUCKY
"By EDWARD T. BREATHITT, Governor
"Dated: 6–6–66
"Attest: THELMA L. STOVALL, Secretary of State (Seal)

"THE STATE OF LOUISIANA
"By JOHN J. McKEITHEN, Governor
"Dated: November 22, 1965
"Attest: WADE O. MARTIN, Jr., Secretary of State (Seal)

"THE STATE OF MARYLAND
"By J. MILLARD TAWES, Governor
"Dated: October 10, 1966
"Attest: LLOYD L. SIMPKINS, Secretary of State (Seal)

"THE STATE OF MICHIGAN
"By GEORGE ROMNEY, Governor
"Dated: 5/19/66
"Attest: JAMES M. HARE, Secretary of State (Seal)

"THE STATE OF MISSISSIPPI
"By PAUL B. JOHNSON, Governor
"Dated: April 27, 1966
"Attest: HEBER LADNER, Secretary of State (Seal)

"THE STATE OF MONTANA
"By TIM BABCOCK, Governor
"Dated: Feb. 14, 1966
"Attest: FRANK MURRAY, Secretary of State (Seal)

"THE STATE OF NEBRASKA
"By FRANK B. MORRISON, Governor
"Dated: Jan. 31, 1966
"Attest: FRANK MARSH, Secretary of State (Seal)

"THE STATE OF NEVADA
"By GRANT SAWYER, Governor
"Dated: June 17, 1966
"Attest: JOHN KOONTZ, Secretary of State (Seal)

"THE STATE OF NEW MEXICO
"By JACK M. CAMPBELL, Governor
"Dated: Nov. 8, 1965
"Attest: ALBERTA MILLER, Secretary of State (Seal)

"The STATE OF NEW YORK
"By NELSON A. ROCKEFELLER, Governor
"Dated: Nov. 28, 1966
"Attest: JOHN P: LOMENZO, Secretary of State (Seal)

"THE STATE OF NORTH DAKOTA
"By WILLIAM L. GUY, Governor
"Dated: Dec. 19, 1966
"Attest: BEN MEIER, Secretary of State (Seal)

"THE STATE OF OHIO
"By JAMES A. RHODES, Governor
"Dated: July 25, 1966
"Attest: TED W. BROWN, Secretary of State (Seal)

"THE STATE OF OKLAHOMA
"By HENRY BELLMON, Governor
"Dated: November 15, 1965
"Attest: JAMES M. BULLARD, Secretary of State (Seal)

"THE COMMONWEALTH OF PENNSYLVANIA
"By WILLIAM W. SCRANTON, Governor
"Dated: Sept. 16, 1966
"Attest: W. STUART HELM, Secretary of the Commonwealth (Seal)

"THE STATE OF SOUTH DAKOTA
"By NILS A. BOE, Governor
"Dated: Sept. 20, 1966
"Attest: ALMA LARSON, Secretary of State (Seal)

"THE STATE OF TENNESSEE
"By FRANK G. CLEMENT, Governor
"Dated: 4–18–66
"Attest: JOE C. CARR, Secretary of State (Seal)

"THE STATE OF TEXAS
"By JOHN CONNALLY, Governor
"Dated: October 11, 1965
"Attest: CRAWFORD C. MARTIN, Secretary of State (Seal)

"THE STATE OF UTAH
"By CALVIN L. RAMPTON, Governor
"Dated: 4/11/66
"Attest: CLYDE L. MILLER, Secretary of State (Seal)

"THE STATE OF WEST VIRGINIA
"By HULETT C. SMITH, Governor
"Dated: July 14, 1966
"Attest: ROBERT D. BAILEY, Secretary of State (Seal)

"The STATE OF WYOMING
"By CLIFFORD P. HANSEN, Governor
"Dated: Jan. 18, 1966
"Attest: THYRA THOMPSON, Secretary of State (Seal)

SEC. 2. The Attorney General of the United States shall continue to make an annual report to Congress, as provided in section 2 of Public Law 185, Eighty-fourth Congress, for the duration of the Interstate Compact to Conserve Oil and Gas to whether or not the activities of the State under the provisions of such compact have been consistent with the purposes as set out in article V of such compact.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO EXTEND AUTHORITY TO MAKE FORMULA GRANTS TO SCHOOLS OF PUBLIC HEALTH

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14790) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, as amended.

The Clerk read as follows:

H.R. 14790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309(c) of the Public Health Service Act is amended by striking out "$5,000,000 for the fiscal year ending June 30, 1968, $6,000,000 for the fiscal year ending June 30, 1969, and $7,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof: "$7,000,000 for the fiscal year ending June 30, 1970, $7,000,000 for the fiscal year ending June 30, 1971, $9,000,000 for the fiscal year ending June 30, 1972, and $12,000,000 for the fiscal year ending June 30, 1973".

The SPEAKER. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, this bill was reported from the committee unanimously, and provides a 3-year extension of the program which has been in effect since 1958 under which grants are made to schools of public health. This program of grants was established in order to reimburse these schools for a portion of their costs incurred in training federally sponsored students.

Under other authorities contained in the Public Health Service Act, the Public Health Service makes grants to schools of public health to pay a portion of the costs of establishing and maintaining at those schools courses of instruction which are of particular interest to the Federal Government, such as the field of public sanitation, immunizations, air pollution, and other environmental problems, and the like. In addition, the United States pay the tuition and other costs incurred by students at these schools on fellowships provided by the United States. Since tuition payments to schools virtually never cover full costs to the schools of the education furnished of the courses of study pursued, these Federal fellowships, in a sense, require that the schools use their own funds to subsidize Federal programs. This legislation is designed, therefore, to reimburse these schools for a portion of these excess costs which they incur as the result of Federal programs.

As our report points out, the number of students at these schools has increased substantially in recent years, partially as the result of this program, although we are still a long way from having adequite supplies of manpower.

At the hearings all witnesses were in favor of the objectives of the bill, the committee was unanimous in reporting it to the House, and we urge its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from West Virginia if the administration did not suggest an extension of 1 year for this program?

Mr. STAGGERS. Mr. Speaker, the answer to the question asked by the gentleman from Iowa is that, yes, they did.

Mr. GROSS. But it is being extended for 3 years at a substantially increased cost; is that not true?

Mr. STAGGERS. No, not at a substantially increased cost. But this occurred after the witnesses and others who appeared before the committee, this was the reason this was done.

Mr. GROSS. It is $7 million for fiscal 1970?

Mr. STAGGERS. That is right.

Mr. GROSS. Have not 6 months of fiscal year 1970 already gone into history?

Mr. STAGGERS. That appropriation bill has already passed the House, and I am sure that the program will be covered by that appropriation bill as finally passed. But I might say to the gentleman that most of these appropriations have not come up to this year's authorization level.

Mr. SPRINGER. Mr. Speaker, in the past when one thought about public health, if he did at all, he thought of the local doctor who carried the title of public health officer and whose job was to tack up quartantine notices. Here and there was a county nurse who roamed the countryside and helped where she could with indigents and shutins. That was public health activity—all of it. Certainly the health legislation and the new and expanding programs which have been brought into being over the last 8 to 10 years have changed that picture entirely. One example is the partnership for health program, originally called the comprehensive health program, which consolidated 16 separate and different public health activities into one integrated program which must be administered at local levels.

Now we are at long last concerned with the improvement of our environment. This will require local machinery and by the same token more and better technicians who are dedicated to and understand the broad problems of environmental improvement.

Where do we get such professionals and technicians? They do not grow on trees. They must be trained in our colleges for this work. Those training centers are known as schools of public health. Ten years ago there were 11 such schools located within some of the large universities. There were then about 1,200 students enrolled. With the modest help provided by this act enrollments have reached 3,500 and the number of schools 16.

The schools themselves have found it necessary to constantly change and upgrade curriculum as the field of public health has expanded. With urbanization and increasing population there is no doubt that demand and real need for all public health services will grow.

H.R. 14790 extends for 3 years the program to assist schools of public health with formula grants. As reported the bill provides funds for the next 3 fiscal years in the sums of $7 million, $9 million, and $12 million.

I recommend the legislation to my colleagues.

Mr. Speaker, may I say that we have a policy of no program being over 3 years, and that it is our feeling that for a program to be successful it must be extended for at least 3 years so that planning can be accomplished, and that is the reason for the 3-year program.

Mr. JARMAN. Mr. Speaker, we have before us today, H.R. 14790, the bill which I introduced to amend the Public Health Service Act to extend for an additional period the authority to make formula grants to schools of public health.

At hearings, on November 13, before the Subcommittee on Public Health and Welfare, of which I am chairman, there was unanimous agreement among the witnesses that this program should be continued. We heard of the progress that has been made, since the inception of this grant support, in strengthening the Nation's public health training resources.

Mr. Speaker, during the 10 years that this program has been in effect it has stimulated the expansion and development of schools of public health—in number, in enrollments, and in the degree of technical assistance they have rendered to their communities.

When this program was first authorized in 1958, there were only 11 schools of public health. This year there are 16. In my own State of Oklahoma a new school was accredited in 1967 at the University of Oklahoma. The most recently established school is in a neighboring State—at the University of Texas at Houston; it was accredited this year.

Enrollments in schools of public health have nearly tripled since the beginning of this program.

These support grants to schools of public health have provided an extremely important resource in assisting the schools to meet the challenge of training the professional personnel required for today's changing and expanding community and environmental health programs.

In the decade since these grants have been available, the schools have undergone extensive changes, reorienting their teaching programs to be more acutely attuned to current problems. They are revising their academic programs in keeping with new technologies and new patterns for the delivery of health services.

The schools have responded with a readiness to meet new and emerging health needs—of their communities and of the Nation.

Schools of public health prepare the majority of the graduate public health specialists for services throughout the country. More than 90 percent of graduates enter public service. They hold key posts in local, city, State, national, and international health agencies.

We can take pride in the many accomplishments under this program. Nevertheless, still greater efforts are required.

There are still critical shortages of professional public health manpower. If these shortages are to be alleviated, schools must be strengthened, expanded, and new schools must be encouraged.

The bill which we are considering today extends for 3 years—fiscal year 1971 through fiscal year 1973—the authority of section 309(c) of the Public Health Service Act for these formula grants to schools of public health to assist the schools in providing comprehensive professional public health training, specialized consultative services, and technical assistance in the fields of public health and in the administration of State or local public health programs. The bill would provide appropriation authorizations of $7 million in fiscal year 1971, $9 million in fiscal year 1972, and $12 million in fiscal year 1973.

Schools of public health must continue to improve and expand their programs to meet the tremendous demands of today's health programs.

Costs of education have been rising sharply, and the schools have been struggling under increasing responsibilities. It is likely that before the expiration of this legislation, at least two new schools of public health will be established. The increases in funding which this bill authorizes are necessary to sustain and expand the efforts of the present schools and at the same time to assist the new schools in undertaking their responsibilities.

The formula grant has proved an effective mechanism for providing the schools of public health—and hence the Nation—with the means to improve and expand public health training to meet the requirements of changing and emerging health problems.

The continuation of this program of assistance to schools of public health is important to the national effort to increase and improve the health resources of this Nation. I urge the enactment of H.R. 14790.

The SPEAKER. The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 14790, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health, and traineeships for professional public health personnel.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2809

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 309(c) of the Public Health Service Act is amended by striking out "$5,000,000 for the fiscal year ending June 30, 1968, $6,000,000 for the fiscal year ending June 30, 1969, and $7,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof: "$7,000,000 for the fiscal year ending June 30, 1970, $9,000,000 for the fiscal year ending June 30, 1971, $12,000,000 for the fiscal year ending June 30, 1972, $15,000,000 for the fiscal year ending June 30, 1973, $18,000,000 for the fiscal year ending June 30 1974, and $20,000,000 for the fiscal year ending June 30, 1975".

SEC. 2. Section 309(a) of the Public Health Service Act is amended by striking out "and $12,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof: "$15,000,000 for the fiscal year ending June 30, 1971, $18,000,000 for the fiscal year ending June 30, 1972, $21,000,000 for the fiscal year ending June 30, 1973, $24,000,000 for the fiscal year ending June 30 1974, and $27,000,000 for the fiscal year ending June 30, 1975".

SEC. 3. Section 306(a) of the Public Health Service Act is amended by striking out "and $14,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof: "$14,000,000 for the fiscal year ending June 30, 1971, $18,000,000 for the fiscal year ending June 30, 1972, $22,000,000 for the fiscal year ending June 30, 1973, $26,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975".

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of S. 2809 and insert in lieu thereof the provisions of H.R. 14790, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14790) was laid on the table.

HEALTH SERVICES FOR DOMESTIC AGRICULTURAL MIGRANTS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

The Clerk read as follows:

H.R. 14733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 310 of the Public Health Service Act (42 U.S.C. 242h) is amended (1) by striking out "and" after "next fiscal year," and (2) by inserting after "June 30, 1970," the following: "$20,000,000 for the fiscal year ending June 30, 1971, $25,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973,".

(b) Such section is further amended by adding at the end thereof the following new sentence: "The Secretary may also use funds appropriated under this section to provide health services to persons (and their families) who perform seasonal agricultural services similar to the services performed by domestic agricultural migratory workers if the Secretary finds that the provision of health services under this sentence will contribute to the improvement of the health conditions of such migratory workers and their families."

(c) Such section is further amended by striking out "to improve health services for and the health conditions of" in clause (1) (ii) and inserting in lieu thereof "to improve and provide a continuity in health services for and to improve the health conditions of".

(d) Such section is further amended by inserting "(including allied health professions personnel)" after "training persons" each place it appears in clause (1).

(e) Such section is further amended (1) by striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (2) by inserting at the beginning of such section the following heading:

"HEALTH SERVICES FOR DOMESTIC AGRICULUTRAL MIGRANTS"

The SPEAKER. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, This bill was reported unanimously by the committee, and would extend for 3 years the current program under which health services are provided to domestic agricultural migratory workers. This program has been in effect since 1962, and today covers approximately one-third of the approximately 1 million domestic agricultural migratory workers and their families.

The health needs of agricultural migrants are among the greatest of any group in the United States. In general, these Americans, as a group, have abnormally high infant mortality rates, high rates of communicable disease, high accident rates, and, in general, more health problems than almost any other group. As they follow the crops through the United States, they go from one community to another, and since they are nonresidents, do not qualify for many health programs provided by local communities but limited to residents. In addition the health facilities available in many of these areas which depend on the labor of these migrants are relatively meager. This legislation is designed to fill the gap in health services for these people, by providing grants which, in general, cover about 40 percent of the costs of providing health services for these migrants and their families.

Current law limits the services furnished to persons who are migrants; however this distinction turns out to be quite arbitrary in many cases since the status of a person as a migrant frequently shifts back and forth.

The bill, therefore, expands coverage of the program somewhat to permit the furnishing of health services to persons who are seasonal agricultural workers if the furnishing of these services will contribute to the improvement of health conditions of migrants and their families.

The bill authorizes a total of $55 million in appropriations over the next 3 fiscal years, and was supported by all witnesses at the hearings. The committee was unanimous in ordering the bill reported to the House, and we recommend its passage.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. McCLURE. I would like to ask a couple of questions about this bill.

It seems to me there is a significant shift taking place, or at least proposed, in this measure, which if implemented could be damaging to some of the other programs now underway.

We have several different programs dealing with the same problems—some through the Department of Labor, some through the OEO, and some through HEW. Now this bill coming out of your committee dealing with Public Health Service.

Has there been an effort made or was there any testimony before the committee concerning the coordination of these various programs.

Mr. STAGGERS. There has been—yes—but this bill deals only with one phase of this, and this is the health problems involved with migratory workers.

Mr. McCLURE. I note that there has been what I think is a significant change in the language. But you are not dealing any longer simply with migratory workers, but also with these seasonal agricultural workers who are not migratory workers. Is this not a significant change?

Mr. STAGGERS. Yes, a bit, in this way, because we have found that they are all tied in together—they are migratory for a time and afterward they are not migratory, then we are going to deal with those.

We have also said that if they are migratory at this time and working in the field along side of those workers of our own or some other country, then they suffer from the same accidents and the same kinds of diseases. We put them under the same kind of help at this time.

Mr. McCLURE. Is not the concern for people who are not migratory properly the concern of the Committee on Education and Labor rather than the Committee on Interstate and Foreign Commerce?

Mr. STAGGERS. This is a health measure entirely.

Mr. McCLURE. I recognize that.

Mr. STAGGERS. When we are providing this aid, we say that they are migratory because they are working and they are moving in commerce, and at other times they are not in commerce, and they are classified in this way.

Mr. McCLURE. The bill does not say that. It says those who are seasonal migratory workers—and there are a good many seasonal migratory workers who are not migratory workers and never have been.

Mr. STAGGERS. The language, I think, is very specific in saying that the program is designed to help those who are migratory workers, in this case.

Mr. McCLURE. It is the intention then of the gentleman and his committee that the program be confined to those people who are actually migratory workers and those who are closely associated with them?

Mr. STAGGERS. Yes; that is the title of the bill and the purpose.

Mr. McCLURE. But that is not the language of the bill.

Mr. STAGGERS. I think it is. I think if the gentleman will read the bill, I believe you will see that it is and if the gentleman will read the report on the bill.

Mr. McCLURE. It is not your intention to embark upon the entire field of seasonal agricultural workers; is it?

Mr. STAGGERS. No, indeed.

Mr. McCLURE. I would like to point out two other things, if I may. That is that in a period of less than 10 years, this program has gone from $3 million annually to $30 million and we have little note taken of that fact on the floor. I think it is worthy of note.

Mr. STAGGERS. I will say to the gentleman that this involves only one-third of the migratory workers and we are going to have to do more. As my distinguished colleague knows, of course, when they are working in an area and contract a disease, it is going to be a danger to any community.

What we are trying to do is to avoid many of these situations that take place, and also to provide for these workers sanitary conditions, and we are going to see that lots of these things do not happen like accidents and disease.

Mr. McCLURE. I would assume from your statement then that in order to reach all of these, you can expect a $100 million program in a very short time.

Mr. STAGGERS. I would not say that. If we can get things under control we will not.

Mr. McCLURE. It seems to me that we have a proliferation of agencies involved in the problem of dealing with migrants and they have very real social, economic, and health problems. One hand does not know what the other hand is doing in this Government in this field.

I would point out that in my area of the country, we have a number of migrant labor camps that are run by, financed by, organized by, and supported wholly by the farmers who use those workers on their farms.

The Internal Revenue Service has undertaken to drive them out of business by making them taxable units rather than tax-exempt organizations. Just recently the Government has also cracked down on the availability of funds for the improvement of the sanitary facilities within these migratory labor camps that are not Government operated. It seems to me that while we are building up programs designed to better the lot of these people on the one hand, other agencies of Government are doing everything they can to harass and make it impossible for the private camps to continue to operate. I would hope that somewhere in this Congress, some committee, whether it be your committee or others, that are charged with responsibilities in this area would seek to coordinate the activities of the agencies of Government so that this harassment would stop and so that these camps, which are very well run and some of the best that we have, can continue to exist rather than be driven out through such actions.

Mr. SPRINGER. Mr. Speaker, since 1962 the Federal Government has been assisting local governments maintain health programs designed to meet the problems caused by the yearly influx of migratory workers. Health facilities and personnel are usually swamped by this sudden flood of people creating extraordinary demands for health services. Since starting this program with a handful of communities participating there are now 117 such projects in 35 States.

In addition to ordinary, in the field, health assistance the act was expanded to include emergency hospital services in recognition of the fact that many migrant workers will have dire need for hospital treatment and no way to get it unless it is available free or at a minimal cost. Community hospitals cannot bear the brunt of this demand alone.

In the bill now before us recognition is made of another factor which affects the whole problem and which we have not dealt with until now. Migrant workers not only have a great need for health care and tax the local facilities beyond endurance but they also bring with them in many instances diseases and other health conditions which then affect all of the seasonal workers in the area, whether migrant or local. Also a migrant worker may not always be migrant. Seasonal employment can be a way of life for many people who do not move about or at least do not move very far. When acute health problems attack seasonal workers it is not easy and probably not desirable to sort out those who will be treated under one set of rules and those who happen to arrive on a truck to be treated under a different set. H.R. 14733 allows use of funds to provide health services to seasonal—as opposed to migrant—workers when doing so will contribute to improvement of conditions for migrants.

More and more communities are coming to realize that providing health care for migrant workers is a direct contribution to the public health of an entire community. It is not easy to overcome generations of neglect combined with cultural barriers. The health standards of a large shifting group of our population must be raised gradually. It takes time but this program, which by comparison with most health programs brought here for consideration, is extremely modest and is making a significant impact on the problem. It is also one which requires community desire and community involvement if it is to succeed.

The bill before us would extend the program for 3 years and provide funds as follows: for 1971, $20 million; for 1972, $25 million and for 1973, $30 million.

I recommend the bill to the House.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 14733, which would amend the Public Health Service Act to extend the program of assistance to the States for health services for migrant agricultural workers and to provide assistance for health services for other seasonal agricultural workers.

This legislation would extend the existing programs for 3 fiscal years at the following levels of authorization: $20 million for 1971; $25 million for 1972, and $30 million for 1973.

In addition, the scope of the present law is expanded to include persons—and their families—who perform seasonal agricultural services similar to the services performed by domestic agricultural migratory workers if the Secretary of Health, Education, and Welfare finds that such health services will improve the health conditions of migrant workers and their families.

In many instances, Mr. Speaker, the nonmigrant agricultural worker works side by side with the migrant worker. Yet, the nonmigrant often does not receive health care through the municipal, county, or State government; and likewise, he is ineligible for assistance from the Federal Government. The migrant worker and his family may receive good health care through the migrant health services program only to become exposed again to disease from the uncared for nonmigrant agricultural worker. Too, the nonmigrant may decide at the end of the season to move with the work force, as sometimes happens, thus making it difficult to distinguish the migrant from the nonmigrant.

It was the feeling of the committee that both the migrant worker and his family as well as the nonmigrant worker and his family could be served by expanding the scope of the bill and permitting the Secretary of Health, Education, and Welfare to determine when such additional health services should be provided.

We are making good progress under this program which was first enacted in 1962 as Public Law 87–692. At that time, there were only about one-half dozen isolated community programs in operation. There are now 117 single or multicounty, grant-assisted projects serving migrants in 35 States and Puerto Rico.

An estimated 325,000 migrants live in the counties served by such projects. As of June 30 of this year, 1,000 physicians were serving in the program; there were, in fiscal year 1969, 210,000 medical visits, 28,000 dental visits, and 3,600 migrants were hospitalized.

Yet, there is much more that needs to be done. We are reaching only about one-third of the total migrant population, estimated to be about 1 million. Over 600 counties where migrants live temporarily still have no grant-assisted services.

When I introduced the bill in August of this year to extend the program for 3 years, I recommended a funding authorization of $30 million for 1971; $45 million for 1972, and $60 million for 1973.

In testimony before the subcommittee, the administration indicated that it wanted only a 2-year extension of the program with an authorization of $20 million for 1972 and $25 million for 1972.

I believe we must do more, and can do more. The funding of this program has not been encouraging. As a nation we spend $250 per person per year on health care; last year, we spent $12 per migrant worker, including local support.

Although the authorization for 1970 is $15 million, the House-passed appropriation bill contains only $8 million for

this program, or about $8 for every migrant and dependent in the Nation.

The Senate Appropriation Committee has increased this amount to $15 million and I am hopeful that the Senate will keep the higher figure.

I urge approval of the legislation before the House at the present time, H.R. 14733, and I am likewise hopeful that an increased authorization for this measure can be obtained.

Mr. JARMAN. Mr. Speaker, this bill (H.R. 14733) provides for a 3-year extension of the migrant health program with an authorization level of $20 million for 1971, $25 million for 1972, and $30 million for 1973. This bill also broadens the definition of the program beneficiaries to include other seasonal agricultural workers.

In passing the Migrant Health Act, Congress recognized the obstacles faced by domestic migratory farmworkers and their families in obtaining health care. The migrant families share the health problems typical of other low-income minority groups who live in poor housing, lack education, and lack knowledge of good health concepts and practices. Added to these problems are the ones created by their mobility—lack of attachment to any one community, frequent rejection by the same communities that depend on their labor, and transiency which restricts their access to the health services made available to needy community residents. In addition, community health services are often provided at times which conflict with the migrants' work schedule and at urban centers usually far removed from the places where they work or live temporarily.

The migrant families are poor and cannot afford to purchase the medical care they need. In addition, many communities which need their labor for brief periods have meager health resources which are severely overtaxed by a periodic influx of migrants. As a result of long-term neglect, the health needs of migrants far exceed those of the general population.

The total migrant population is estimated at approximately 1 million persons including workers and their families. During each 12-month period, they work and live for several months in more than 900 of the Nation's 3,000 counties.

The migrant health projects have demonstrated that interest in meeting the health needs of migrant families exists in many communities across the Nation; and that States and communities are ready and willing to put forth effort and funds to make health services accessible to a temporary influx of migrants if they are encouraged to do so by the availability of outside financial and technical assistance in meeting a problem that no single State or community can meet alone.

These grant-assisted projects are community-based in the fullest sense of the term. The philosophy of the program is to encourage and to help the community recognize and assume its responsibility to include migrants in its planning and provision of health services, making whatever adaptations are necessary to serve them effectively. These projects are not demonstration or pilot projects. They provide urgently needed direct medical care to migrant farmworkers and their families.

Family health service clinics, serviced by nearly 1,000 physicians, are operating seasonally or year round in more than 225 locations in or near large concentrations of migrant workers and families. Last year, migrants made 210,000 visits to project physicians, and 28,000 visits to project dentists. In addition, nurses made 160,000 case-finding and health counseling visits to labor camps, other migrant home sites, schools, and migrant day-care centers. Projects have working agreements with 170 community hospitals in which over 3,600 migrants were hospitalized. Inter-project communication systems are being established to provide a capacity for continuity of care for migrant people as they move from place to place.

The program stresses flexibility in the scheduling of services to make them available at times and places where they can be effectively used. Physicians and nurses drive many miles, often over rough roads, to hold night clinics at points where migrants are concentrated. Health aides, recruited from the migrant community, work in the camps to interpret the service to those unaccustomed to seeking and using medical care.

In some localities, the number of migrants is small and they are widely scattered. In lieu of formal clinics, the project may set up a nursing program for regular camp visits for casefinding, referral of migrants to local physicians' offices, and arrangements for patient transportation, if necessary. This type of referral arrangement is often used to supplement family health clinics by providing services between clinic sessions.

Although progress is continually being made in the provision of health services to migrants, it is estimated that in the past year, health services reached only about one out of every three migrant workers. And they were reached typically for only about 3 to 6 months of the year. Even for the people with whom the program makes contact, the services are typically less than adequate. Dental services, especially for adults, remain a large area of almost untouched need. Preventive services, including systematic health evaluation of all patients seen by a project to determine evidence of hidden disease, must be given lower priority than care for immediate acute needs, and funds for support of hospitalized patients are often exhausted before the season is over.

Moreover, the overcrowded family health service clinics in some project areas testify to the need for better-staffed and more frequent clinic sessions. The family health service clinics, helpful as they have been, often operate in primitive facilities with primitive equipment. They are often understaffed and the physicians and nurses find themselves on a treadmill, treating symptoms without time or opportunity for doing much more.

From reports received from the projects, it is evident that growth in scope of service and geographic coverage are greatly needed. Local communities and States are willing and ready to assume part of the cost and the responsibility. They are beginning to find effective ways to relate the services of one project area to those in other areas where the same migrants are served, in order to provide increasing continuity of services for this population.

To meet the continuing needs of the Nation's migrants at a level more commensurate with their health problems requires continuation of the Migrant Health Act and substantially increased funds. The number of counties in which migrants have access to project services should be increased, with the expansion of geographic coverage concentrated on home-base and important "upstream" areas. More physicians and dentists should be employed for longer periods in existing and in new project areas.

Casefinding and followup care as migrants move from one county to another should be strengthened by adding more nurses and aides for field visiting to identify and bring migrants under care. The utilization of aides as intermediaries between the migrants and the professional health worker should be continued and expanded, in order to provide the migrant with greater opportunity to learn to accept responsibility for appropriate health action on his own behalf.

There is also need to extend services to other needy seasonal farmworkers and their families, who often live side by side with migrants, who share most of their handicaps except for mobility, and many of whom have migrated in the past and may again in the future. These seasonal farmworkers and their families form the core group in home-base areas from which the migrant population is drawn. There it is almost impossible to determine who is and who is not a migrant. The people themselves may decide to migrate one year and not the next.

The projects now in operation have largely been developed by careful planning and utilization of all available resources, Federal, State, and local, public and private. They are wonderful examples of community participation in planning and development of programs for health. However, the neglect of generations, cultural barriers, and the unusual problems found among the migrants cannot be overcome in a few short years. These projects are just now beginning to pay off on the investment. The bill recognizes the fact that special programs for agricultural migrants must be continued through the project mechanism if these people are not to be lost in the shuffle as they have been in the past. I, therefore, urge immediate passage of this bill as recommended by the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore (Mr. HOLIFIELD). The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 14733.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING EL PASO AND HUDSPETH COUNTIES, TEX., TO BE PLACED IN THE MOUNTAIN STANDARD TIME ZONE

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14289) to amend the act of March 4, 1921, to place the counties of El Paso and Hudspeth, Tex., in the mountain standard time zone, as amended.

The Clerk read as follows:

H.R. 14289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the first section of the Act of March 4, 1921 (15 U.S.C. 265), the Secretary of Transportation may, upon the written request of the County Commissioners Court of El Paso County, Texas, change the boundary line between the central standard time zone and the mountain standard time zone, so as to place El Paso County in the mountain standard time zone, in the manner prescribed in section 1 of the Act of March 19, 1918, as amended (15 U.S.C. 261), and section 5 of the Act of April 13, 1966 (15 U.S.C. 266). In the same manner, the Secretary of Transportation may also place Hudspeth County, Texas, in the mountain standard time zone, if the Hudspeth County Commissioners Court so requests in writing and if El Paso County is to be placed in that time zone.

The SPEAKER pro tempore. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, the bill (H.R. 14289) as amended would authorize the Secretary of Transportation to place El Paso County, Tex. in the mountain time zone if he is requested to do so by the County Commissioners Court of El Paso County.

If El Paso County is placed in the mountain time zone, the Secretary may also place Hudspeth County, Tex. in that time zone if requested to do so by the County Commissioners Court of Hudspeth County.

These two counties are the westernmost counties of Texas. They have been observing mountain standard time since 1883 even though, by the act of March 4, 1921, the entire State of Texas was placed in the central time zone. The problem arose in the two counties under the Uniform Time Act of 1966 which requires the Secretary of Transportation to obtain observance of time zones.

The Secretary of Transportation has taken the position that he cannot make this change administratively because of the 1921 act. Apparently most of the people in the two counties support this legislation.

It was reported out of the committee unanimously. I urge its passage by the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. In other words, the people in these counties in Texas do not care for the golfer's delight", or "fast time."

Mr. STAGGERS. I could not answer that question.

(Mr. SPRINGER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SPRINGER. Mr. Speaker, when Congress passed the Uniform Time Act I am sure we all hoped that we would see the end of legislation on this subject. By giving authority to the Secretary of Transportation to adjust the boundaries between time zones and giving to the State legislatures the option of abiding by daylight time or remaining on standard time, it seemed that we had created the necessary machinery to eliminate the need for further action. It now appears that by reason of a technicality and some legislative overkill which occurred many years ago we must specifically confer some further authority upon the Secretary to avoid what appears to be an injustice.

After the Time Zone Act of 1918 which established the Interstate Commerce Commission as the body authorized to regulate time zones, the Commission placed the western portion of Texas in the mountain time zone. An effort was made to change the Panhandles of Texas and Oklahoma into the Central Time Zone. The ICC refused. As a result Congress passed an act in 1921 placing all of Texas and all of Oklahoma in the central standard time zone. This posed definite problems for El Paso and Hudspeth Counties because they not only lie at the extreme western end of the central time zone but are actually 5° within the mountain time zone. Without any further action by the Government El Paso and Hudspeth Counties proceeded to abide by mountain time from 1921 until the present.

Had it not been for this legislative action in 1921 the Secretary of Transportation could have adjusted the situation under the Uniform Time Act. Since we did not appeal or alter the previous action, he lacks authority to do so. The purpose of this legislation is to allow the Secretary if requested to place El Paso or El Paso and Hudspeth Counties, Tex., in the mountain standard time zone.

The informal arrangement which has persisted so long cannot be allowed to go on indefinitely. The Uniform Time Act contains penalties for nonconformance, and eventually the Secretary of Transportation would feel forced to require compliance.

The committee has been well aware that other situations exist which have caused local problems. The committee has resisted efforts to resolve them by further legislative action. None of these situations if they still exist would be germane to the particular bill we are considering today, and I trust that we can correct this one legislative irregularity without conjuring up all the other ghosts which have haunted this subject for the last few years.

Mr. WHITE. Mr. Speaker, the bill we are considering today is of vital importance to two counties of my district. It would apply only to the two westernmost counties of Texas, El Paso and Hudspeth Counties. It gives the Department of Transportation the same discretion in setting the time zones for these two counties which it now has with virtually every other area in the country. It adds to the uniform treatment of time zones in the United States.

This bill would simply permit the Department of Transportation to act, in its discretion, upon the petition of these two counties to be formally placed in the time zone they are now using—the only time zone they have ever used since the standard time zones were created in 1883.

This bill corrects a problem existing in the law. In 1921, Congress passed a law (15 U.S.C. 265) intended to place the panhandle and plains sections of Texas—far to the east of El Paso and Hudspeth Counties—in central standard time. However, by placing all of Texas in central standard time, Congress forgot these two westernmost counties, which are not in the panhandle or plains sections.

The reason El Paso and Hudspeth Counties have persisted in using mountain standard time is that, on mountain standard time, El Paso County is within 5 minutes of true time. The 105th meridian, the standard for the center of the mountain time zone, runs through the eastern edge of Hudspeth County. The 90th meridian, sun time for the central zone, is more than a thousand miles to the east. The entire economy of these two counties is geared to mountain standard time. The trade territory with New Mexico, which overlaps these two counties, is on mountain standard time. That is why the Interstate Commerce Commission and now the Department of Transportation have never insisted that El Paso and Hudspeth Counties observe central standard time, and all maps show them to be on mountain standard time. I took a poll recently in these two counties on the preference of the people. I received 4,720 ballots favoring mountain standard time or 98.3 percent, and 82 ballots for central standard time or 1.7 percent.

Then, why is this bill necessary now? In 1966, the Uniform Time Act gave the Department of Transportation enforcement powers concerning time zones. Under the strict wording of the 1966 act, El Paso and Hudspeth Counties could be forced to use a time zone they have never used, a time zone in which they do not belong. My bill would not affect any other part of the Nation. The Department of Transportation has endorsed this legislation, because it does not wish to continue, indefinitely, an anomaly, at variance with law and fact.

Mr. Speaker, because an hour's variation from true sun time, particularly when coupled with daylight saving time for half of the year, would cause great inconvenience and considerable hardship to residents of my district; and because passage of this bill would contribute to a more reasonable delineation of our Nation's time zones, I move that this House suspend the rules and pass House Resolution 14289.

The SPEAKER pro tempore. The question is on the motion of the gentleman from West Virginia that the House sus-

pend the rule and pass the bill H.R. 14289, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone."

A motion to reconsider was laid on the table.

PUBLIC HEALTH SERVICE HOSPITAL AT NEW ORLEANS, LA.

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13448), to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service Hospital at New Orleans, La., may be located.

The Clerk read as follows:

H.R. 13448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That, subject to the provisions of section 2 of this Act, the Secretary of Health, Education, and Welfare, is hereby authorized, on behalf of the United States, to exchange with the administrators of the Tulane educational fund upon such terms and conditions as the Secretary may determine to be in the public interest, the lands and buildings comprising the United States Public Health Service Hospital at New Orleans, Louisiana, for lands upon which a new United States Public Health Service Hospital at New Orleans, Louisiana may be located, to be provided by the administrators of the Tulane educational fund at a suitable site.

SEC. 2. The exchange authorized by the first section of this Act shall not be made unless the Secretary of Health, Education, and Welfare determines (1) that the value to the United States of the property to be conveyed to it is equal to or in excess of the market value of the property to be conveyed by the United States, or (2) that the United States is to receive from the administrators of the Tulane educational fund upon conveyance of the properties to be exchanged, a sum of money equal to the amount by which the market value of the property to be conveyed by the United States exceeds the value to the United States of the property to be conveyed to the United States. Any money received shall be covered into the Treasury as a miscellaneous receipt.

The SPEAKER pro tempore. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, this bill was reported unanimously by the committee, and we urge its passage. It was cosponsored by the gentlemen from Louisiana (Mr. BOGGS and Mr. HÉBERT), was supported by all witnesses at the hearings, and will benefit both the Public Health Service, the people of New Orleans, and the surrounding areas, and through improving the training programs in the health manpower areas, will provide more health manpower for the United States.

The Louisiana Legislature has created the Health Education Authority of Louisiana. This authority proposes to create a medical complex at Tulane School of Medicine.

Current plans provide for moving the Public Health Service Hospital from its present location in New Orleans to the site of this new center. The existing hospital is old and oumoded, and requires very substantial modernization. Constructing a new hospital at the site of this complex would provide better facilities for the care of patients of the service and would be of aid in the training programs of the hospital and of Tulane and other institutions in the area.

The bill would authorize the Public Health Service to exchange with Tulane the present site on which the existing hospital is located in return for land adjacent to Tulane University on which a new hospital could be constructed. If the value of the Federal property exceeds the value of the land exchanged for it, the bill provides that Tulane will reimburse the United States for that amount.

As is explained in our committee report, this authority is essential if we desire to insure that the Public Health Service be able to construct a new hospital at this complex.

As I mentioned earlier, the committee was unanimous in ordering the bill reported and we recommend its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, is there a reverter clause in the bill?

Mr. STAGGERS. No. This is a complete exchange of properties. The old Public Health Service Hospital was constructed in 1932. There will have to be construction of a new hospital, and they want to put it in the new complex at Tulane University where it will do the most good. The only way they can do that is to exchange this land for that purpose.

Mr. SPRINGER. Mr. Speaker, Public Health Service hospitals and the services which they render to merchant seamen and others have been an institution in our country since before 1800. In recent years the Public Health Service has been cutting back the number of these hospitals due to changed needs in the fields in which they serve.

The New Orleans area appears to have ample justification for continuation of a Public Health Service hospital. The one located there, however, is very old and if retained should probably be completely rehabilitated and rebuilt.

Tulane University is in the process of creating a new medical complex, and it would be to the advantage of all the institutions concerned if the Public Health Service hospital could be located within that complex. By doing so the capability of Tulane to educate greater numbers of medical students and to broaden other health programs would be greatly enhanced.

Passage of this bill would allow the Public Health Service to exchange its present property for lands of equal value located near the new medical complex. It will make it possible to plan for the expanded center on a realistic basis. It does not, however, bind the Department of Health, Education, and Welfare to the continuation of a Public Health Service hospital in New Orleans if and when it might appear desirable to discontinue it.

The SPEAKER pro tempore. The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 13448.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the six bills just passed, which were brought out by the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENDING CERTAIN EXPIRING PROVISIONS OF LAW RELATING TO VOCATIONAL EDUCATION

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13630) to extend certain expiring provisions of law relating to vocational education.

The Clerk read as follows:

H.R. 13630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(b) of the Vocational Education Act of 1963 is amended by striking out "and June 30, 1970," and inserting in lieu thereof "June 30, 1970, June 30, 1971, and June 30, 1972,".

SEC. 2. (a) Section 152(a)(1) of such Act is amended by striking out $15,000,000 for the fiscal year ending June 30, 1970," and inserting in lieu thereof "each of the three succeeding fiscal years,".

(b) Section 153(d) of such Act is amended by striking out "1969" and inserting in lieu thereof "1970, and on July 1, 1971."

SEC. 3. (a) Section 181(a) of such Act is amended by striking out "and June 30, 1970" and inserting in lieu thereof ", June 30, 1970, June 30, 1971, and June 30, 1972".

(b) Section 183(a) of such Act is amended by striking out "the fiscal year ending June 30, 1970," and inserting in lieu thereof "each of the three succeeding fiscal years,".

SEC. 4. Section 191(b) of such Act is amended by inserting after "1970," the following: "and each of the two succeeding fiscal years,".

SEC. 5. Section 555 of the Education Professions Development Act is amended by inserting after "1970" the following: ", and for each of the two succeeding fiscal years".

The SPEAKER pro tempore. Is a second demanded?

Mr. BELL of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, H.R. 13630 would extend until June 30, 1972, the following vocational education programs which were first authorized by the Vocational Education Amendments of 1968. These programs are special programs for the disadvantaged under section 102–B of the Vocational Education Act of 1963.

Grants to States for residential vocational schools under section 152 of that act.

Interest subsidies for residential schools under section 153.

Vocational education work-study program under section 181.

Grants for the improvement and development of vocational education curriculum under section 191.

And teacher training provisions for vocational educators pursuant to the 1968 Amendments to the Education Professions Development Act.

The first program recited above dealing with the disadvantaged carries an authorization of $40 million for each of the fiscal years; the second program dealing with residential vocational schools, $15 million; the third program relating to interest subsidies, $5 million; the fourth program—work-study, $35 million; the fifth program curriculum development, $10 million; the sixth program involving teacher training carries an authorization for $35 million a year.

It will be recalled that these programs were authorized when the House passed last year H.R. 18366 without a single dissenting vote being cast against it. I urge my colleagues to continue to give strong support for continuing and strengthening our vocational education programs.

Mr. BELL of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 13630, the bill under discussion, would extend six existing programs of the Vocational Educational Amendments of 1968.

Although these programs do not expire until June 30, 1970, an extension by Congress at this time would permit the States much needed latitude in planning to meet their individual needs in these areas.

There are no increased authorizations in this bill.

The six programs would be extended at existing funding levels which were unanimously approved by Congress last year.

The Vice President recently spoke about the need for training American youngsters so that society can utilize their skills and talents.

Vocational education can teach every youngster—but particularly the distressed and disadvantaged youngster—a sense of his own worth.

It can show him how he can carve an important place for himself in rural and urban life.

It can help to make him feel essential to the society as a whole.

The report of the National Commission on Violence states that virtually all major crimes in this country are committed by youth between the ages of 15 and 24 who reside in cities.

Whether or not they are born in cities or move there because they can find no work in rural areas, far too many youngsters drop out of school and become outcasts from their own society.

Vocational education has helped immeasurably to reach many of these youngsters.

By stressing the creation of special programs to meet the needs of uniquely disadvantaged young people, encouraging progress is being made in schools in every one of our 50 States.

Curriculum development and teacher training are among the programs to be extended under H.R. 13630.

There is no question that they are integral systems that are mutually dependent on one another for success.

These and the other programs are necessary if the States are to develop the vocational education systems they need that relate to the problems and school age population of their States.

By extending existing authorization levels, they permit the States to modify their present plans in ample time to utilize these funds to their full effectiveness.

I urge my colleagues to join with those of us on the Education and Labor Committee who voted unanimously to provide these extensions under H.R. 13630.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, H.R. 13630 sponsored by myself, extends through fiscal year 1972 six of the new programs authorized by the Vocational Amendments of 1968. These programs are: Special programs for the disadvantaged; State grants for residential schools; interest subsides for residential schools; work-study; curriculum development; and teacher training.

By extending these programs for an additional 2 years beyond their present expiration date of fiscal 1970, the Congress encourages the States to plan now for their individual needs in these program areas.

Under special programs for the disadvantaged, $40 million per year is authorized for individuals who have academic, economic, social, or other handicaps that prevent or inhibit them from achieving normal goals in vocational education programs. Our purpose in authorizing these funds is to stress the flexibility of vocational education in reaching every American youngster who is interested in learning a marketable skill.

Special programs designed to meet the specific needs of the disadvantaged in areas where there is a high concentration of unemployment reverse the treadmill of failure and rejection. By designing programs with specific individuals and specific job needs in mind, the States and businesses located in the States can benefit from full employment. I wish to stress that because Congress has such great expectations from these special programs for the disadvantaged and has, therefore, designed the program as the only one permitting the Commissioner to allow 100 percent Federal funding, we urge very careful administration of this section by the Office of Education.

The second program to be extended is that authorizing $15 million per year for grants to States for the construction and operation of residential vocational schools. This modest sum would be for students from rural and urban areas who have dropped out of school or who are unemployed and who require housing while enrolled in special vocational education training.

Third, H.R. 13630 authorizes $5 million for the first year for making annual grants to public agencies to reduce the cost of borrowing funds for the construction of residential schools and dormitories. Interest rates on loans are at an all-time high in the Nation today. These additional funds would allow greater flexibility in meeting these additional interest requirements.

Fourth, the highly successful work-study program would be extended for 2 years under this bill. Students who can support their schooling through part-time employment gain immeasurably in maturity and independence. By participating actively in obtaining their education, they learn to excel at an early age.

The fifth program—curriculum development—authorizes $10 million a year for the development and distribution of materials and information about vocational education for school systems in all 50 States There are excellent people in vocational education today with ideas and methods of instruction that should be accessible to teachers in other communities. The Federal Government encourages improvements in vocational education curricula to meet the needs of students in rural as well as urban communities by extending this important program for 2 years.

Last, and perhaps most important, H.R. 13630 authorizes $35 million a year for graduate fellowships and teacher training and retraining. Our committee studied projections estimating the need for new vocational teachers to be 170,000 by 1975. With school enrollments expanding faster than existing facilities and teaching personnel, we must place not only emphasis, but funds, on training new teachers and offering retraining in current vocational education technology to teachers who need it.

There is no question that expanded vocational education training can help to solve the problems of unemployment that exist in America today. Vocational education is no longer the stepchild of American education. It is the foundation on which we can build an equitable, productive future for all Americans.

I urge my colleagues to support the unanimous action of the General Education Subcommittee and the Education and Labor Committee in voting to extend these six essential components of the Vocational Education Amendments of 1968.

Mr. DENT. Mr. Speaker, H.R. 13630 provides for a 2-year extension of six existing programs of the Vocational Education Amendments of 1968.

These programs are scheduled to expire June 30, 1970. This action is being taken at this time—in advance of that expiration date—to allow the States some vitally needed time to pln their voca-

tional education requirements for the next 2 years.

H.R. 13630 authorizes no new funds for these programs. It merely continues them at existing funding levels. In this way the States have some target figures to work with in determining their achievable goals for the future in vocational education.

Last year the House of Representatives voted unanimously for the Vocational Education Amendments of 1968. This comprehensive, wide-ranging legislation took great care to give to the States the major responsibility of adapting existing programs to the actual needs of their cities and towns.

A major shift is taking place in American education today. Increasingly, educators, businessmen, parents, teachers, and pupils are becoming interested in making the classroom respond to the tempo of our times. This response is demonstrated in our new awareness of making education mean more to children of all ages.

Too many children fail to achieve because their time in school is largely wasted time. Denied access to subjects that can teach them some of the practical skills that will enable them to become employed, they drop out by the thousands each year and their latent skills and talents are lost to society.

The programs to be extended under H.R. 13630 provide special help to the disadvantaged and the poor. They provide for construction of residential vocational schools and they extend the life of the work-study program which stresses individual student effort to achieve a marketable skill. The bill also extends programs of curriculum development and teacher training, both of which are necessary components to any effective communication of vocational education skills.

I am happy to support these practical, eminently worthwhile programs and urge my colleagues to join in passing H.R. 13630 today.

Mr. EDMONDSON. Mr. Speaker, H.R. 13630 extends at present levels of authorization six worthwhile and necessary vocational education programs.

It is hoped that by extending these programs through fiscal 1972 at this time, the States will be given the time they need to plan effectively for the future. Too often programs are extended or cut off within days of their legislative expiration date, causing confusion on the part of those agencies responsible for administering them.

By permitting the States to know now that the programs will be extended beyond June 30, 1970, steps can be taken to insure the continuation of programs without loss of efficiency or personnel because of uncertainty.

The six programs in this bill are necessary. Special programs for the disadvantaged are essential in any realistic evaluation of the effectiveness of vocational education training in the Nation. Similarly, residential vocational education schools are important to those youngsters who must travel great distances to school or who, for one reason or another, can only succeed when they are removed from their present environments. Oklahoma State Tech, at Okmulgee, Okla., is a splendid example of such school and its success.

The work-study program, which would also be extended under this bill, provides for and encourages young people to earn their way through school by means of part-time employment. This program acquaints the youngster with the world of work at an early age and shows him how he can achieve in that world and compete on equal footing with others of his own age.

From the standpoint of taxpayers, parents, and employers who will benefit from a comprehensive vocational education training program in the schools, curriculum development, and teacher training are undeniably vital. We need more vocational educators and greater access to techniques and methods of teaching vocational education.

H.R. 13630 extends these six programs for 2 years. It provides no new funding levels. It permits the States to plan to meet their actual and differing needs under these programs.

I urge my colleagues to join in extending these programs now.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 13630, a bill to extend, through fiscal year 1972, six of the programs which were authorized by the Vocational Education Amendments of 1968.

The Vocational Education Amendments of 1968 recognized the importance and need for a strengthened program of vocational education in this country. The proposed extension of these six programs, authorized by the 1968 act, would further reflect this body's recognition of the importance of educating, through vocational training, that segment of our population which does not choose to pursue a college career.

The proposed legislation would allow the States and local school districts to plan for these programs for the next 2 school years. If enacted, the legislation we are now considering would provide for the funding of special programs for the disadvantaged; for the construction and operation of residential vocational schools; for teacher training and retraining projects, and for work-study programs, where a student might supplement his schooling with a part-time job in a public agency.

One of the programs would authorize $5 million in interest subsidies for the first year for making annual grants to public agencies to reduce the cost of borrowing funds for the construction of residential schools and dormitories.

Another program would authorize $10 million a year for the development and dissemination of vocational curricular materials, standards and surveys. This program would insure improvement of existing courses and development of new courses in emerging occupational fields.

Mr. Speaker, it is imperative that this body take positive action to extend these programs authorized by the Vocational Education Amendments of 1968. Extension of these proven programs would help prevent wasted manpower among our young people and adults. It is clear that training and retraining constitutes the key to maintaining an adequate labor force for the future. we can help to reduce unemployment and provide for the Nation's future labor needs by the extension of these provisions in the 1968 act.

Mr. Speaker, for these reasons, I urge a favorable vote on this legislation.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 13630.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON S. 2917, FEDERAL COAL MINE HEALTH AND SAFETY ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the Federal Coal Mine Health and Safety Act, S. 2917.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

VESSEL BRIDGE-TO-BRIDGE COMMUNICATION

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6971) to require a radiotelephone on certain vessels while navigating upon specified waters of the United States, as amended.

The Clerk read as follows:

H.R. 6971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vessel Bridge-to-Bridge Radiotelephone Act".

SEC. 2. It is the purpose of this Act to provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio, located convenient to the operator's navigation station. To effectively accomplish this, there is need for a specific frequency dedicated to the exchange of navigational information, on navigable waters of the United States.

SEC. 3. For the purpose of this Act—

(1) "Secretary" means the Secretary of the Department in which the Coast Guard is operating;

(2) "power-driven vessel" means any vessel propelled by machinery; and

(3) "towing vessel" means any commercial

vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

SEC. 4. (a) Except as provided in section 6 of this Act—

(1) every power-driven vessel of three hundred gross tons and upward while navigating;

(2) every vessel of one hundred gross tons and upward carrying one or more passengers for hire while navigating;

(3) every towing vessel of twenty-six feet or over in length at the water line while navigating; and

(4) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect the navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of this Act of February 19, 1895 (28 Stat. 672), as amended.

SEC. 5. The radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain or cause to be maintained a listening watch on the designated frequency. The master or person in charge may permit the use of the radiotelephone on other authorized frequencies within the maritime mobile band whenever there is no risk of collision.

SEC. 6. Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

SEC. 7. The Secretary may, if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept but does not conform in detail, issue exemptions from any provisions of this Act, on such terms and conditions as he considers appropriate.

SEC. 8. (a) The Federal Communications Commission shall, after consultation with other cognizant agencies, prescribe regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under this Act.

(b) The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this Act.

SEC. 9. (a) Whoever, being the master or person in charge of a vessel subject to this Act, fails to enforce or comply with this Act or the regulation, hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to this Act to pilot or direct the movement of the vessel, fails to enforce or comply with this Act or the regulations hereunder—

Is liable to a civil penalty of $500 to be assessed by the Secretary.

(b) Every vessel navigating in violation of this Act or the regulations hereunder is liable to a civil penalty of $500 to be assessed by the Secretary for which the vessel may be proceeded against in any district court of the United States having jurisdiction.

(c) Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.

SEC. 10. This Act shall become effective January 1, 1970, or six months after the promulgation of regulations which would implement its provisions, whichever is later.

The SPEAKER pro tempore. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GARMATZ. Mr. Speaker, the bill presently being considered is intended to facilitate communication between masters or pilots of approaching vessels. At the present time, the only means of communication is by prescribed whistle signals. Frequently, however, this signal system has proved insufficient to avoid collisions. Whistle signals are sometimes misunderstood. Also, under certain weather conditions, or because the pilothouse is relatively soundproof, the signals in fact have not been heard at all. As a result, during recent years there have been a number of very serious accidents resulting in the death of well over a hundred men.

H.R. 6971 is one of a number of bills that the Committee on Merchant Marine and Fisheries intends to present for consideration of the House during the present Congress, to reduce accidents in our navigable waters. They include licensing of personnel aboard diesel towboats, chiefly on our inland waterways, and a consolidation of the rules of the road to reduce the present four systems to a single system. It is to be hoped that enactment of these three bills will serve to arrest the trend toward increasing casualties on our waterways.

The present bill would provide for a radiotelephone on the bridge of vessels on our waters, with a requirement that the master or person in charge of the vessel keep communications open so as to talk to and listen to his counterpart on an approaching vessel where there is any risk of collision.

This legislation is intended only to provide for communication between the bridges of ships for the exchange of navigational information. It is not intended to replace existing radio facilities for safety or such radio officers carried aboard vessels as are required under existing law or agreements.

Within the past few years, we have seen in New York harbor, a collision and fire involving two tankers which were approaching each other without means of adequate communication. We have seen two collisions in the Mississippi River near New Orleans involving ocean freighters and oil-carrying barges resulting in the loss of over fifty lives. I submit to the House that all of these tragedies could have been prevented by adequate communication and it is believed that the system contained in the bill will achieve its purpose of increasing safety.

The interest of the committee was aroused as early as 1955 at the time of the collision of the passenger liners *Andrea Doria* and *Stockholm*, and as a result of an investigation by a group of experts on behalf of the committee, a recommendation was made that ships be equipped with bridge-to-bridge radiotelephones. This proposal is currently under consideration by the Intergovernmental Maritime Consultative Organization in London, and this bill is the counterpart nationally of its efforts internationally.

The present bill came to the committee by way of an Executive communication and during the hearings received almost universally favorable comments. In presenting this bill to the House, I am hopeful of favorable consideration because I am convinced that it is necessary to reduce the ever-increasing number of deaths and injuries on our waterways.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GARMATZ. Yes. I am glad to yield to the gentleman.

Mr. GROSS. Is there any cost to the Federal Government involved?

Mr. GARMATZ. There is no cost whatsoever, I will say to the gentleman from Iowa.

Mr. MAILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is an important step forward in the field of maritime safety and I wish to join the distinguished chairman of our committee in urging that the House pass this bill.

Mr. Speaker, H.R. 6971 was unanimously reported by the Committee on Merchant Marine and Fisheries. I believe this legislation will close a serious gap in the ability of vessels to anticipate the intentions of other vessels which are encountered under potentially hazardous circumstances. As indicated by the distinguished chairman of the Merchant Marine Committee, there have been a number of serious collisions in congested harbor areas and on our inland waterways in recent years, which might not have occurred had the masters of the vessels involved been able to communicate by radio from their respective bridges.

The rules of the nautical road require the exchange of whistle signals between vessels which are passing or crossing. All too frequently, however, these signals are not heard because of wind conditions or because the bridge is completely closed on account of the weather. Additionally, in crowded harbor areas and on the inland waterways in the vicinity of major port areas, the volume of traffic encountered renders the exchange of whistle signals meaningless.

At the present time, the vast majority of oceangoing, harbor and river vessels are equipped with some form of radio communication equipment. This equipment is used, however, primarily for the exchange of commercial messages between the vessel and its company

headquarters and the marine exchange. Generally speaking, there is no established channel for the exchange of navigational information between vessels. Certain port areas, however, such as my own city of San Francisco and the city of New York have established voluntary systems of bridge-to-bridge communication covering at least those sections of the port where experience has shown that voice communication is essential.

A voluntary system of bridge-to-bridge communication also exists on the Mississippi River system above New Orleans, and by agreement with Canada a uniform system of radio communication has been in use on the Great Lakes since 1954. With thee exception of the Great Lakes system, however, all of the current arrangements depend upon the voluntary cooperation of the waterway users.

H.R. 6971, as introduced, would have applied only to power-driven vessels of 300 gross tons or over, vessels of 100 gross tons or over carrying passengers for hire, and dredges or other floating equipment operating in a navigational channel. The 300-gross-ton limitation would have effectively eliminated all harbor towing vessels, as well as the great majority of vessels operating on the inland waterways. The committee therefore amended the bill to require a radio-telephone on all commercial towing vessels of 26 feet or over in length at the waterline.

The second significant amendment adopted by the committee eliminated the statutory exemption for the Great Lakes and the Upper Mississippi River system. While the testimony received by the committee indicated that the bilateral agreement with Canada is being implemented satisfactorily, it does not conform to the radio frequency transmission capability specified in the bill. The Coast Guard has advised the committee that negotiations are currently underway with Canada to revise the agreement to adopt the frequency specified in H.R. 6971. When this has been accomplished, there will be no need for oceangoing vessels entering the Great Lakes to maintain a dual bridge-to-bridge radio capability.

Similarly, the voluntary system currently in effect on the Mississippi River system employs a longwave AM radio transmission system, which is not compatible with the standards called for in the legislation. Testimony before the committee indicated that a substantial majority of towing vessels on the Mississippi do, however, have the high frequency shortwave equipment.

In view of the rapid progress being made in the field of shortwave very-high-frequency telecommunications, the committee felt that it would not be advisable to grant a statutory exemption from the requirements of the act to any geographic area. The technical advantages of the very-high-frequency communication equipment will, in time, probably lead to its universal adoption.

In conjunction with the elimination of statutory exemptions for the Great Lakes and the Mississippi River system, and in order to recognize the voluntary systems now in use in certain major port areas, the Committee on Merchant Marine further amended H.R. 6971 to increase the discretionary authority of the Secretary of Transportation to exempt from the requirements of the bill areas where marine navigational safety will not be adversely affected, or areas where a local communication system fully complies with the intent of the bill but does not conform in detail. Under this authority, the Secretary may attach to this exemption such terms and conditions as he considers appropriate to insure that all vessels operating within the area covered by the local communication system have on board radio equipment which is compatible with the local system.

Accordingly, pursuant to section 7 of the bill, as amended, the Secretary of Transportation may exempt the Great Lakes, the Mississippi River system, and other areas which now have radiotelephone systems under regulations which insure that the system will function effectively. These exemptions will enable the maritime industry to move toward a uniform national system without disruption during the period of transition. The merit of this flexible approach is obvious when one considers the great number of ports and waterways which will be affected by the legislation. Local customs and procedures cannot be replaced overnight. Statutory exemptions would, on the other hand, tend to inhibit progress toward a nationwide uniform system and would not cover all areas where exemption, at least on a temporary basis, is warranted.

The significance of this legislation lies in the fact that it will give the master or pilot of the vessel a means of instant communication with virtually every ship he may encounter in American waters. The equipment will be located on the bridge readily at hand. Since it is intended for communication between vessels at close quarters, it need not have a significant range and could consist of a compact handset. Foreign vessels entering American waters normally take on board a qualified American pilot, who may bring the radiotelephone on board with him if the vessel is not already equipped.

Undoubtedly, the pilot associations of the various port and river areas which are frequented by foreign vessels will work out suitable arrangements to accommodate foreign-flag vessels as part of their overall service. Hopefully, however, the work of the International Maritime Consultative Organization will soon lead to an international radiotelephone convention which will require the presence of this equipment on all vessels in international waters.

Mr. Speaker, this bill is an important step forward in maritime safety and has been carefully reviewed and amended by the Committee on Merchant Marine and Fisheries. I join the distinguished chairman of our committee in urging its passage.

Mr. CLARK. Mr. Speaker, my experience as chairman of the Coast Guard Subcommittee of the House Merchant Marine and Fisheries Committee makes it quite obvious that we desperately need a bill such as this present one.

During the past 2 years, we have seen over 100 lives lost by reason of lack of communication between approaching vessels on our domestic waters. It is probable that most, if not all, of these lives could have been saved had this bill been effective.

It is designed to make certain that the master of an approaching vessel have clearly in mind the intentions of the other vessel so as to take necessary steps to avoid collision. This type of system is already in operation in a number of foreign ports and is presently being actively considered by the Intergovernmental Maritime Consultative Organization for adoption internationally.

We must increase safety on our waters and this is a most effective way of doing so.

The SPEAKER pro tempore (Mr. HOLIFIELD). The question is on the motion of the gentleman from Maryland that the House suspend the rules and pass the bill H.R. 6971, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHANGING THE LIMITATION ON APPRENTICES AUTHORIZED TO BE EMPLOYEES OF THE GOVERNMENT PRINTING OFFICE

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9366) to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office, and for other purposes, as amended.

The Clerk read as follows:

H.R. 9366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 22, 1968 (ch. 3, Sec. 305, 82 Stat. 1240) (44 U.S.C. 305), is amended by deleting in the second sentence the words "nor more than two hundred apprentices at one time" and substituting therefor the words "nor more than four hundred apprentices at one time".

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DENT. Mr. Speaker, the Government Printing Office operates an apprenticeship program which is limited by law to a maximum of 200 apprentices. This law was enacted in 1924, at which time the business of the office was but a fraction of its present production, and when its employment was only slightly more than half the present force.

The Government Printing Office finds it necessary to fill approximately 250 journeymen vacancies per year. In 1968, there were 304 vacancies that had to be filled. This was necessary because of attrition due to retirements, deaths, transfers, and other causes. Under the existing law on apprentices, the office is able to graduate 50 or less of the 250 journey-

men it needs each year. The remaining 200 or more journeymen need to be recruited from commercial printing plants.

The present limitations of 200 apprentices on a 4-year apprenticeship permits an average of only 50 appointments each year. Considering the Government Printing Office's need for replacing about 200 journeymen per year over and above those completing the apprenticeship program, the program does not provide the necessary manpower.

Initially, the bill stipulated that 500 additional apprentices would be employed by the Government Printing Office. Disagreement with this proposal was expressed by the trade unions employed at the Government Printing Office. Subsequently, hearings were held September 23 and October 16, 1969. The result was a directive by myself, chairman of the Subcommittee on Printing, that the Public Printer and the trade unions hold private negotiations to resolve their differences. The agreement they reached is printed in the report on this bill.

This was done and this bill now has support of all interested parties. The bill was unanimously approved by both the full committee and the subcommittee.

Mr. GROSS. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House suspend the rules and pass the bill H.R. 9366, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TO PROVIDE FOR ADDITIONAL MEMBERS OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14213) to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.R. 14213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5580 of the Revised Statutes (20 U.S.C. 42) is amended to read as follows:

"SEC. 5580. The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, and three Members of the Senate and three Members of the House of Representatives; together with nine other persons, other than Members of Congress, two of whom shall be resident in the city of Washington; and the other seven shall be inhabitants of some State, but no two of them of the same State.".

(b) The first sentence of section 5581 of the Revised Statutes (20 U.S.C. 43) is amended to read as follows: "The regents to be selected shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Senate and House of Representatives.".

(c) The fifth sentence of section 5581 of the Revised Statutes (20 U.S.C. 43) is amended to read as follows: "The regular term of service for the other nine members shall be six years; and new elections thereof shall be made by joint resolutions of Congress.".

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this is a piece of legislation which I would say will not cost the Federal Government anything.

Mr. Speaker, the governing body of the Smithsonian Institution is a Board of Regents consisting of 14 members: the Vice President of the United States; the Chief Justice of the Supreme Court; three Members of the U.S. Senate, appointed by the President of the Senate; three Members of the U.S. House of Representatives, appointed by the Speaker; and six private citizen members appointed on recommendation of the Regents by joint resolution of the Congress.

This bill, H.R. 14213, would increase from six to eight the number of private citizens serving on the Board of Regents. This proposed increase is commensurate with the recent growth in the Smithsonian Institution's responsibilities, the national character of the Institution, and the Institution's interest in gaining greater support, both from public and private sources, throughout the Nation.

Since 1955, the Smithsonian's staff has increased from 500 to more than 2,000, and the operating appropriations from $3 million to $26 million—almost ninefold.

The number of visitors to the Smithsonian has increased from 8 million in 1957 to an estimated 19 million in 1970.

The buildings for the preservation of the national collections and for their exhibition have grown from 1.4 million square feet to 3.3 million square feet.

Congress in the past few years has substantially broadened the diversified programs of the Institution, among them:

The National Museum of History and Technology—Public Law 106, 1955;

The National Portrait Gallery—Public Law 47–443, 1962;

The National Air and Space Museum—Public Law 89–509, 1966;

The Joseph H. Hirshhorn Museum—Public Law 89–788, 1966; and

The Woodrow Wilson International Center for Scholars—Public Law 90–637, 1968.

In the face of such growth, the importance of adding new members and their additional knowledge and leadership to the Board of Regents is highly desirable.

A larger membership would free the Regents—now rather hard pressed to keep up with events in this growing organization—to concentrate more deeply and to focus more effectively upon problems facing the Institution. With a larger membership sharing responsibility for the leadership of the Institution, for example, one member might feel free—as he now really cannot—to examine the Institution's management procedures and offer valuable advice; another might devote himself to building national interest and support for the Institution and its programs.

There are other reasons, beyond mere institutional growth for the expansion of the Board of Regents. The Smithsonian, which exists for "the increase and diffusion of knowledge among men," has a national and even international mandate. This is a national establishment chartered by the Congress; the museums are national institutions which open their doors to all who would enter; and, the research programs, traveling exhibitions publications, and exchanges with other museums and scholarly institutions literally embrace the globe.

In an age of change, when new demands are being made upon educational institutions to be more responsive, to be more open, to be more democratic, it is well for us to demonstrate our willingness to broaden the leadership of the Smithsonian.

The Smithsonian is a special sort of establishment, at once public and private, authorized by the Congress to seek and accept support from private sources.

It is believed that a more broadly based Board of Regents, representing more effectively the entire country, will materially help in efforts to gain support for the Smithsonian from individuals, families, foundations, and business concerns.

Members of the Board of Regents are paid only necessary traveling and other actual expenses in attending meetings of the Board. His service as a Regent is gratuitous.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, how many warm bodies did the gentleman say this would add to the Board of Regents of the Smithsonian Institution?

Mr. THOMPSON of New Jersey. It would add two more bodies.

Mr. GROSS. And, for what reason?

Mr. THOMPSON of New Jersey. Simply to give broader representation throughout the land and make it easier for them to get a quorum. The present constituency of the Board is, first, the Vice President, then the Chief Justice of the Supreme Court, the three Members of the Senate appointed by the President of the Senate, the three Members of the House appointed by the Speaker and six private citizen members, two of whom under the existing statute come from the District of Columbia. This is to broaden the national representation.

Mr. GROSS. To add two members against a population of 200 million would give the public what kind of added representation, percentagewise? I know the gentleman does not have the exact figure——

Mr. THOMPSON of New Jersey. My

arithmetic is not very good, but I might say it would be small. I also might add that in 1846 there were fewer than 20 million people in the United States, and they had 14 Regents back then, and the country is now in excess of 200 million people, and this would increase it by only two, so it is a very small increase.

Mr. GROSS. Is it possible that this could be for the purpose of more leverage on the Committee on Appropriations for more money for the Smithsonian Institution?

Mr. THOMPSON of New Jersey. No, I do not think so, I will say to my friend, the gentleman from Iowa, because in my years here and my experience here I know of no leverage being applied by any of the Regents of the Smithsonian for more money on appropriations. Also our colleagues, the gentleman from Ohio, Mr. KIRWAN and Mr. Bow, are both on the committee, and are Regents. The Chief Justice apparently, as near as I can tell, does not go out and lobby for money, nor does the Vice President come over to this side, and lobby for more money, although he is more active elsewhere.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield to further answer that question?

Mr. GROSS. The gentleman from New Jersey has the time.

Mr. THOMPSON of New Jersey. If the gentleman from Iowa (Mr. GROSS) has further questions, I would like to answer those questions first before I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from New Jersey what problems are there that present 14 Regents cannot solve that two more Regents can solve?

What are the problems that necessitate this?

Mr. THOMPSON of New Jersey. I would say in all candor that 14 can solve the problems which exist as well as 16, except that the availability of two more warm bodies would make it easier.

Mr. GROSS. Would make it easier? Then the present 14 want a little more comfortable way of life, perhaps? Could it be put that way?

Mr. THOMPSON of New Jersey. There is not really much comfort involved, as the gentleman might imagine, because these are mostly positions of honor, and are occupied by extremely distinguished citizens who at considerable sacrifice serve.

Mr. GROSS. Who in the executive branch asked for these additions? Or was there anyone in the executive branch that asked for them?

Mr. THOMPSON of New Jersey. The Regents from the executive branch are the ones who asked for the increase. There has been no objection from the Bureau of the Budget or anywhere else. I do not know that I could characterize these as administration requests, or executive branch requests.

Mr. GROSS. Then let me ask who wants these additional Regents?

Mr. THOMPSON of New Jersey. The incumbent Regents of the Smithsonian want them. A number of the members of the Regents, this being a very broad-based educational institution, find themselves when they come to their Regents' meetings unable to concentrate on areas that are specialties or are of special interest, and with the addition of two more members it would broaden the scope of their capability.

Mr. GROSS. Perhaps the gentleman from Iowa (Mr. SCHWENGEL) can shed more light than I have gotten so far on this. I will await his remarks, if the gentleman from New Jersey is going to yield to him. I will await with interest the comments of the gentleman from Iowa.

Mr. THOMPSON of New Jersey. I would say to the gentleman from Iowa that I would have brought a few more experts with me had I known that more illumination was necessary.

I will now yield to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, I thank the gentleman for yielding.

First, Mr. Speaker, I want to commend the gentleman who has the floor, the gentleman from New Jersey (Mr. THOMPSON). The gentleman has explained the bill, and I agree with the gentleman completely in his observations and in his answers.

The one additional comment I want to make is this—and the gentleman from New Jersey has touched on it—that it would give the Regents a broader base, and the Regents are asking for this increase.

You notice on page 2 of the report that the Board of Regents has under its jurisdiction the National Museum of History and Technology, a magnificent new construction that reveals very much of our history and the machinery and technology available to the public free of charge; the National Portrait Gallery; the National Air and Space Museum; the Joseph H. Hirshhorn Museum, and the Woodrow Wilson International Center for Scholars.

We have these because they were given to us, and we have been the beneficiaries of tremendous gifts through the years beginning, of course, with the one from England itself, I think somewhere in the neighborhood of $400,000.

What the Regents would like to do is to have this broader base and bring these people in who could have a greater appeal to the foundations and the money to underwrite, at no cost to the Government, and widening and broadening their programs. I think it is very desirable and a modest request.

It was unanimously passed and actually there were extensive hearings and there was testimony from the Secretary and from Members.

Mr. THOMPSON of New Jersey. I thank the gentleman.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may require, and I ask unanimous consent to revise and extend my remarks previously made and the remarks I am about to make.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Speaker, I still am at a loss to understand who wants the two additional Regents.

There are two Members of the House—no there are three on the Board of Regents, and I do not see them here supporting this proposal. They include the gentleman from Texas (Mr. MAHON) and the gentleman from Ohio (Mr. Bow), the ranking members of the Appropriations Committee.

Where, I ask again, is the great demand for the two more Regents—two more warm bodies, on this Board of Regents?

The gentleman from Iowa says that they need a broader base. I do not know what he means by a broader base—whether it is a broader base from which to exert power on the Congress to obtain better and bigger appropriations. What is this all about?

I know of no problems that the present Regents cannot solve.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman.

Mr. THOMPSON of New Jersey. As I said earlier in our colloquy, I do not know of any problem that the present Regents cannot solve and they themselves are the initiators of the request for the enlargement of the Board of Regents. They feel the additional Regents would make them a more representative body and would put them in a position to do their work better.

One must remember that the members of the Board of Regents of the Smithsonian Institution do not get the traditional per diem that many other bodies get. They get just the actual traveling expenses. They are assigned from the Government officials, which I enumerated earlier—persons in private life.

At the time of the establishment of the institution as a part of the Federal Government, there were approximately 20 million people in the United States. Now there are 200 million people in the United States.

The testimony indicates that George Washington University here in the District of Columbia, for instance, has a board of trustees, 43 in number. There are many, many other educational institutions, and the Smithsonian is one of these that have many more than 14 or 16 members. It simply could not, I assure the gentleman, increase lobbying capability because that just will not happen.

Mr. GROSS. Why does the gentleman say that? Why will it not happen? Why cannot it happen?

Mr. THOMPSON of New Jersey. Well it never has.

Mr. GROSS. I am not too sure about that.

But let me ask the gentleman this question. Do the Regents of the Smithsonian Institution have anything to do with that cultural palace over in Foggy Bottom, at the other end of Constitution Avenue?

Mr. THOMPSON of New Jersey. Does the gentleman mean that unfinished edifice about which he and I have had so many discussions?

Mr. GROSS. The cultural white elephant.

Mr. THOMPSON of New Jersey. The Jefferson Memorial has been there for a great many years. I do not know that they have anything to do with it.

Mr. GROSS. I am talking about the cultural castle.

Mr. THOMPSON of New Jersey. Oh, you mean the Lincoln Memorial. No, they have nothing to do with that, either.

Mr. GROSS. The Smithsonian has nothing whatever to do with that?

Mr. THOMPSON of New Jersey. Housekeeping purposes, perhaps, but not in the running of it.

Mr. GROSS. Now we are getting down to bedrock.

Mr. THOMPSON of New Jersey. One has to put such an edifice on bedrock in that area because, as you know, the Tidal Basin is nearby.

Mr. GROSS. There is going to be a lot of housekeeping over in Foggy Bottom when they get that cultural palace completed.

Mr. THOMPSON of New Jersey. This has nothing to do with the State Department, I assure the gentleman.

Mr. GROSS. I am not talking about the State Department; I am talking about your cultural castle.

Mr. THOMPSON of New Jersey. Is the gentleman referring to the proposed aquarium?

Mr. GROSS. No, the gentleman knows to what I am referring, and apparently there will be a lot of housekeeping problems over there. Perhaps the need for two more Regents is to do something about the housekeeping at the cultural castle

Mr. THOMPSON of New Jersey. I do not know exactly to what the gentleman refers. I have driven by all those edifices recently.

Mr. GROSS. The gentleman well knows they are not going to have enough money to operate that so-called cultural center when they get it constructed. They are going to come back to the taxpayers, and if the Regents of the Smithsonian Institution have anything to do with it, I am sure they will be in here banging on the doors for more money.

Mr. THOMPSON of New Jersey. I might say to the gentleman that at none of the buildings operated by the Smithsonian Institution is there a charge for the public to see them.

Mr. GROSS. Will there be a charge——

Mr. THOMPSON of New Jersey. On the Terrace at the Institute of Technology, down on the Mall—there is no charge for any of them.

Mr. GROSS. The gentleman is saying, then, that when that cultural castle is completed, I can walk in as free as the wind at any time and see any of the alleged shows that will be put on. You know they are going to charge admission.

Mr. THOMPSON of New Jersey. I do not know what the gentleman is referring to, but since I enjoy his company so much, I shall be glad to buy a ticket for him and accompany him there.

Mr. GROSS. The gentleman knows they will charge for the parking of cars and admission when they get that edifice completed. Otherwise how could he stand on the floor and say they will pay off the bonds?

Mr. THOMPSON of New Jersey. I do not know what the gentleman is talking about, but, for example, in the immediate vicinity of the Jefferson Memorial there is a little tidal basin. There are boats there. I understand that for a moderate charge one may rent one of those boats by the hour, and one can buy soft drinks and popcorn nearby, flags, and other memorabilia.

Mr. GROSS. I thought I saw one of those boats stalled out on the water not so long ago, and I thought I saw the gentleman from New Jersey in it.

Mr. THOMPSON of New Jersey. Some people undertake nautical excursions with or without the proper equipment, such as oars, and so on; but in this case we are merely trying to add two warm bodies to the Regents of the Smithsonian.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa, but I urge him to be careful.

Mr. SCHWENGEL. I would like to point out to the gentleman, who is very interested in serving the public interest, that one of the points made to us by the Secretary, a member of the Regents who appeared before the committee, indicated that by broadening the base and bringing some other influential people to the Board of Regents, they could make a stronger appeal to foundations and to business concerns.

Mr. GROSS. They can make a stronger appeal to the Appropriations Committee for more money on behalf of the Smithsonian Institution and the cultural palace. Is that what is being geared up for us here this afternoon?

Mr. SCHWENGEL. The gentleman and I were together on the cultural palace; but the Smithsonian Institution has no jurisdiction there. They have no influence. I imagine certain members of the Regents would be interested.

Mr. GROSS. The gentleman from New Jersey, who has more than a passing interest in culture, as he has demonstrated here over the years by continuing to promote that white elephant, tells us otherwise. He says the Smithsonian is interested in the housekeeping at the so-called cultural center.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, I do not know whether a recent arrival on the floor wishes to become a part of this very constructive discussion, but I know our distinguished and great friend, the gentleman from Ohio (Mr. Bow), who is a Regent, is here. He might help me out of my present predicament.

Mr. GROSS. If the gentleman wishes to yield the time, he may do so. I do not know which side the gentleman from Ohio is on. The time on this side is reserved for opposition to this strange proposition.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New Jersey that the House suspend the rules and pass the bill H.R. 14213.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 15, noes 10.

Mr. THOMPSON of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken and there were—yeas 273, nays 119, not voting 41, as follows:

[Roll No. 328]

YEAS—273

Abernethy	Fulton, Tenn.	Morse
Adams	Fuqua	Morton
Addabbo	Galifianakis	Mosher
Albert	Gallagher	Moss
Alexander	Garmatz	Murphy, Ill.
Anderson, Calif.	Gaydos	Murphy, N.Y.
Anderson, Ill.	Gettys	Natcher
Andrews, Ala.	Giaimo	Nedzi
Annunzio	Gibbons	Nelsen
Ashley	Gilbert	Obey
Aspinall	Gonzalez	O'Hara
Beall, Md.	Gray	Olsen
Bennett	Green, Oreg.	O'Neal, Ga.
Biaggi	Green, Pa.	O'Neill, Mass.
Biester	Griffiths	Ottinger
Bingham	Gude	Passman
Blanton	Halpern	Patman
Blatnik	Hamilton	Patten
Boggs	Hammer-schmidt	Pepper
Bow	Hanley	Perkins
Brademas	Hansen, Idaho	Pettis
Brasco	Hansen, Wash.	Philbin
Brinkley	Harrington	Pickle
Broomfield	Harvey	Pike
Brotzman	Hastings	Poage
Brown, Calif.	Hathaway	Podell
Broyhill, Va.	Hawkins	Poff
Burke, Fla.	Hays	Pollock
Burke, Mass.	Hechler, W. Va.	Preyer, N.C.
Burleson, Tex.	Helstoski	Price, Ill.
Burlison, Mo.	Hicks	Price, Tex.
Burton, Calif.	Hogan	Pryor, Ark.
Bush	Holifield	Pucinski
Button	Horton	Purcell
Cabell	Howard	Quie
Caffery	Hull	Randall
Camp	Hungate	Rees
Carey	Ichord	Reifel
Casey	Jacobs	Reuss
Chamberlain	Jarman	Rhodes
Chappell	Johnson, Calif.	Riegle
Clark	Jones, Ala.	Rivers
Cleveland	Jones, Tenn.	Roberts
Cohelan	Karth	Rodino
Colmer	Kastenmeier	Roe
Conable	Kazen	Rogers, Colo.
Conte	Kee	Rogers, Fla.
Corman	Keith	Rooney, N.Y.
Coughlin	Kluczynski	Rooney, Pa.
Cramer	Koch	Rosenthal
Culver	Kyl	Rostenkowski
Daddario	Kyros	Roybal
Daniel, Va.	Landrum	Ryan
Daniels, N.J.	Latta	St Germain
de la Garza	Leggett	St. Onge
Delaney	Lloyd	Sandman
Dellenback	Long, La.	Satterfield
Dickinson	Lowenstein	Saylor
Diggs	Lukens	Scheuer
Dingell	McCarthy	Schneebeli
Donohue	McCloskey	Schwengel
Downing	McClure	Shipley
Dulski	McDonald, Mich.	Sisk
Dwyer	McKneally	Slack
Eckhardt	McMillan	Smith, Iowa
Edmondson	Macdonald, Mass.	Stafford
Edwards, Ala.	MacGregor	Staggers
Edwards, La.	Madden	Stanton
Eilberg	Mahon	Steiger, Wis.
Esch	Mann	Stephens
Evans, Colo.	Marsh	Stokes
Fallon	Matsunaga	Stratton
Farbstein	Mayne	Stubblefield
Fascell	Meeds	Stuckey
Feighan	Melcher	Symington
Findley	Mikva	Talcott
Fisher	Miller, Calif.	Taylor
Flood	Miller, Ohio	Teague, Tex.
Flynt	Mills	Thompson, Ga.
Foley	Minish	Thompson, N.J.
Ford, William D.	Mink	Tiernan
Fountain	Mollohan	Udall
Fraser	Monagan	Ullman
Frelinghuysen	Moorhead	Vanik
Friedel	Morgan	Vigorito
Fulton, Pa.		Waggonner
		Waldie
		Wampler

Watts	Wilson, Bob	Wydler
Whalen	Wilson, Charles H.	Yates
White	Wolff	Yatron
Whitten	Wright	Young
Wiggins		Zablocki

NAYS—119

Adair	Flowers	O'Konski
Andrews, N. Dak.	Ford, Gerald R.	Pirnie
Arends	Foreman	Quillen
Ashbrook	Frey	Railsback
Ayres	Goldwater	Reid, Ill.
Belcher	Goodling	Robison
Bell, Calif.	Griffin	Roth
Berry	Gross	Roudebush
Betts	Grover	Ruppe
Bevill	Gubser	Ruth
Blackburn	Hagan	Schadeberg
Bray	Haley	Scherle
Brown, Mich.	Harsha	Scott
Brown, Ohio	Heckler, Mass.	Sebelius
Broyhill, N.C.	Henderson	Shriver
Buchanan	Hosmer	Sikes
Burton, Utah	Hunt	Skubitz
Byrnes, Wis.	Hutchinson	Smith, Calif.
Carter	Johnson, Pa.	Smith, N.Y.
Cederberg	Jonas	Snyder
Clancy	Jones, N.C.	Springer
Clausen, Don H.	Kleppe	Steiger, Ariz.
Clawson, Del	Landgrebe	Taft
Collier	Langen	Teague, Calif.
Collins	Lennon	Thomson, Wis.
Corbett	Long, Md.	Utt
Cowger	Lujan	Vander Jagt
Crane	McClory	Watkins
Davis, Ga.	McDade	Watson
Davis, Wis.	McEwen	Weicker
Denney	Mailliard	Whitehurst
Dennis	Mathias	Williams
Derwinski	May	Winn
Devine	Meskill	Wold
Dorn	Michel	Wyatt
Dowdy	Minshall	Wylie
Duncan	Mize	Wyman
Erlenborn	Mizell	Zion
Eshleman	Montgomery	Zwach
	Myers	
	Nichols	

NOT VOTING—41

Abbitt	Conyers	McCulloch
Anderson, Tenn.	Cunningham	McFall
Baring	Dawson	Martin
Barrett	Dent	Nix
Boland	Edwards, Calif.	Pelly
Bolling	Evins, Tenn.	Powell
Brock	Fish	Rarick
Brooks	Hall	Reid, N.Y.
Byrne, Pa.	Hanna	Steed
Cahill	Hébert	Sullivan
Celler	King	Tunney
Chisholm	Kirwan	Van Deerlin
Clay	Kuykendall	Whalley
	Lipscomb	Widnall

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Martin.
Mr. McFall with Mr. Lipscomb.
Mr. Evins of Tennessee with Mr. Kuykendall.
Mr. Boland with Mr. King.
Mr. Brooks with Mr. Cunningham.
Mr. Steed with Mr. Hall.
Mr. Tunney with Mr. Fish.
Mr. Byrne of Pennsylvania with Mr. Cahill.
Mr. Dent with Mr. Reid of New York.
Mr. Celler with Mr. Widnall.
Mr. Baring with Mr. Pelly.
Mr. Barrett with Mr. Whalley.
Mrs. Sullivan with Mr. McCulloch.
Mr. Abbitt with Mr. Anderson of Tennessee.
Mrs. Chisholm with Mr. Clay.
Mr. Conyers with Mr. Edwards of California.
Mr. Kirwan with Mr. Dawson.
Mr. Hanna with Mr. Nix.
Mr. Rarick with Mr. Van Deerlin.

The result of the vote was announced as above recorded.

The doors were opened.

A motion was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ILLINOIS JURIST RECALLS WORLD WAR II ATROCITY

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, with the recent interest in Okinawa my colleagues might like to share with me the personal recollections of the Japanese surrender of the island of a close friend of mine, the Honorable James Monroe, circuit judge of Madison County, Ill. Judge Monroe then an Air Force captain was responsible for investigating atrocity cases and for serving as a legal adviser to a joint British-American war crimes unit.

I am certain the Members will find the following article from the December 8 edition of the Collinsville, Ill. Herald, for which I request unanimous consent to include at this point in the RECORD, compelling reading:

RECALLS WORLD WAR II ATROCITY: LOCAL MAN ARRESTED OKINAWA COMMANDER

With Okinawa soon to be returned to Japan and Pearl Harbor Day freshly in mind, a Madison County judge recalls his biggest case and the arrest of the Okinawa commander for war crimes.

Checking his souvenirs of the wind-up to World War II is Circuit Judge James Monroe, then Air Force captain investigating atrocity cases and legal adviser to a joint British-American war crimes unit.

General Rickichi Ando was the Japanese Okinawa commander, and Governor General over that island and Formosa, where he and his staff were taken into custody.

The arrest was at the General's villa outside Taipei, then called Taihoku under Japanese influence, as Formosa was called Taiwan. The Japanese were still there "living like kings," Monroe said, in the spring of 1946, when the investigations were completed and the arrests were made.

IT WASN'T SIMPLE

Monroe recalls how, with a team of only three Americans and five British, he had to go all the way through U.S. Army channels in Shanghai to Generalissimo Chiang Kai-Shek at Canton to get Chinese support for the arrests and for the protection and movement of the prisoners to Shanghai.

Ando and two other Japanese officers committed suicide after being flown to U.S. War Crimes headquarters in Shanghai, by taking cyanide from under their fingernails.

Monroe's team, consisting of five British officers, two Americans and an interpreter, turned up the evidence on three main war crimes:

ATROCITY CASES

1. The "jungle camp" atrocity cases against Japanese in charge of British and American prisoners of war in the island interior—where many prisoners died of starvation, disease, overwork, brutality or torture.

2. The Kinkaseki copper mine case against Japanese in charge of British and other prisoners of war forced to do war materiel work under dangerous conditions and in violation of international law.

3. The "fourteen American flyers" case, against Ando and his staff, charged with executing 14 U.S. Navy pilots shot down over Formosa and later executed, on the basis of false Japanese military court charges that the flyers had indiscriminately bombed civilians.

The Japanese interpreter at the "kangaroo court" trial, a former University of Chicago economics graduate then a Tokyo professor, gave Monroe a 20-page affidavit showing how the court martial records were forged to show "confessions" never actually made by the American flyers.

The American flyers case was tried in a U.S. War Crimes court in Shanghai, where the remaining Ando staff officers found responsible received death sentences or long prison terms.

The jungle camp cases involving mainly British victims, were tried in Hong Kong, where Monroe served several weeks in pretrial work.

LT. PETER M. HANSEN SCHOOL, CANTON, MASS.

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this opportunity to call to the attention of the membership of the House of Represenatives the great honor I shared in participating in the dedication of the Lt. Peter M. Hansen School to the town of Canton, Mass. on Sunday, November 30, 1969.

The Canton School Committee, working with the wholehearted support and faith of the Canton community has constructed a school that combines the best of architectural design and efficiency and overwhelmingly displays the foresight of those responsible for the needs of the Canton community in the future.

I am proud that I was allowed the opportunity to participate in the dedication ceremonies, and prouder still of the Canton residents who have given unstintingly of themselves to make the Lt. Peter Hansen School a reality.

I am pleased to submit a copy of a letter I have received from Mr. Clifford Seresky, chairman of the dedication committee and the dedication program for November 30, 1969:

CANTON PUBLIC SCHOOLS,
Canton, Mass., December 2, 1969.

Hon. JAMES A. BURKE,
Congressional Office Building,
Washington, D.C.

DEAR MR. BURKE: On behalf of the Dedication Committee and the Town of Canton, I would like to take this opportunity to express our sincere appreciation for your participation in the Dedication of the Lt. Peter M. Hansen School. The message you brought to the people of Canton is appreciated and will long be remembered.

Thank you most sincerely.

Very truly yours,

CLIFFORD SERESKY,
Chairman, Dedication Committee.

THE LT. PETER M. HANSEN SCHOOL DEDICATION EXERCISES, SUNDAY, NOVEMBER 30, 1969, CANTON, MASS.

"For God And For Country": The committee members who have contributed effort, talent and unlimited time in making this school a reality:

Robert P. Holland, Chairman; Margaret R. Brayton, Ed. D., Charles T. Brooks, Theodore J. Goodman, M.D., Henry S. Hampson, Frederick J. McCabe, Vice Chairman, M. Ruth Ruane, Clifford Seresky, Leo Thornton, and William H. Galvin, Secretary.

Daniel T. Galvin, Duncan J. Gillis, Jr., William A. Flanagan, Edward J. Lynch, and Leonard F. O'Brien.

The Dedication Committee: Clifford Seresky, Chairman; Charles T. Brooks, William H. Galvin, Duncan J. Gillis, Jr., Theodore J. Goodman, M.D., Virginia A. Hobbs, and Frederick J. McCabe.

The Board of Selectmen: Henry S. Hampson, Chairman; Richard W. Murphy, Clerk, and Harold J. Fitzgerald, Member.

The School Committee: Theodore J. Goodman, M.D., Chairman; Margaret R. Brayton, Ed. D., Guy V. Digirolamo, William Kelleher, Thomas Lane, Michael C. Loughran, Leonard F. O'Brien, M. Ruth Ruane, Ronald E. Pozzo, Secretary, William H. Galvin, Superintendent of Schools, and John A. O'Connell, Assistant Superintendent of Schools.

Program presentation by the Permanent School Building Committee of the Lt. Peter M. Hansen School to the Town of Canton, November 30, 1969, at two thirty o'clock.

Unfurling the Stars and Stripes: Color Guards American Legion and Veterans of Foreign Wars. Comdr. James R. Dowling and Comdr. William G. Vieria; David Pike C.H.S. '70; Richard Beaubein C.H.S. '70; Canton High School Band and Edward J. Beatty Post No. 24 American Legion Band.

Opening remarks: Clifford Seresky, Chairman Dedication Committee.

Invocation: Rabbi Murry Gershon, Temple Beth Abraham.

Greetings: Robert P. Holland, Chairman Permanent School Building Committee.

Presentation and acceptance: Dr. Theodore J. Goodman, Chairman of School Committee; William H. Galvin, Superintendent of Schools; Lawrence M. Walsh, Principal.

Wonderful Day Like Today (Newley): The Canton Bands, John J. Judge, Leader.

Introduction of invited and distinguished guests.

Prayer for the Nation: Rev. Leo J. McCann, Pastor St. Gerard Majella.

Introduction of members of the school building and school committees.

Address: Hon. Henry S. Hampson, Chairman of the Board of Canton Selectmen.

Gallant Men (Cacavas): The Canton Bands, John J. Judge, Leader.

Oration: Hon. James A. Burke, Member of Congress.

Unveiling: Portrait of Lt. Peter M. Hansen by Mr. and Mrs. Edward C. Callery.

Prayer for children: Rev. John Hay Nichols, Unitarian-Universalist Church.

Presentation of flag: Edward J. Beatty Post No. 24, American Legion.

March of America (Moffitt): Canton Bands, John J. Judge, Leader.

Announcements.

Benediction: Rev. James L. Babcock, Rector of the Trinity Episcopal Church.

Refreshments: Mrs. Marie Holland, Dietician and the Cafeteria Ladies.

Tour of the building.

The faculty: Lawrence M. Walsh, principal; Virginia McGagh, Anne McDonough, Gail McNamara, Patricia A. Flynn, Joan D. White, Carole Raby, Mary J. Valin, Marion Feeney, Ann O'Malley, Ann Galvin, Elaine Patsos. Joseph Trovato, Jean C. Sturdy, Marjorie Bennet, Frances Steinberg, Susan M. Cleveland, and Paul Merchant.

Health office: Nelson D. Batchelder, M.D., Harold W. Tate, D.MD., and Mildred M. Gillis, R.N.

Elementary supervisor: Margaret Sullivan.

Description: The two-story academic wing containing 24 classrooms is joined at mid-level to all shared facilities such as Cafetorium, Gymnasium, Library, Reading and Administration area. There are four special classrooms at ground level. Two of the special classrooms with self-contained toilet rooms and storage area are planned for exceptional children. The remaining two special classrooms are planned for future Kindergarten use. Storage and book rooms are distributed on both floors.

The Cafetorium is equipped with dining tables which fold into the wall to allow for easy conversion to assembly use. The gymnasium can be divided by a motorized folding partition to provide two teaching spaces. Shower and locker rooms are adjacent and provide access to outdoor play areas as well as to the gymnasium.

Finish materials have been selected to minimize maintenance. Corridors are carpeted with walls of ceramic tile and painted light weight block. Ceilings, in general, are acoustic tile. Classroom floors are vinyl tile and walls are glazed block up to chalkboard height. Coat hanging space is provided behind vertically sliding chalkboards. All controls such as clocks, speakers, switches are grouped in a panel near the entry door. Typical classroom measures twenty seven feet by thirty two feet providing an area of 864 square feet and is furnished with sink, storage units, teacher's storage unit, chalkboards and tack boards.

In addition to the Cafetorium and Gymnasium, the mid level, shared facilities include a Library flanked on one side with Librarian's Office, work room and Audio Visual area. A Remedial Developmental Reading room is located at the opposite end of the Library. In addition to the usual administrative facilities such as Principal's Office, Health and Teacher's work room an office for the Elementary Supervisor is also provided.

The building is steel framed with concrete slabs on grade, and concrete on metal decking at the upper level. A forced hot water heating system supplies heat to unit ventilators, unit heaters and convectors.

Site development includes a fenced in lighted basketball area which can be flooded for skating, a baseball field and teacher and visitor parking. A single service area has been provided for all service to the building.

Acknowledgement: In the name of Canton, the Permanent School Building Committee expresses its sincere appreciation to all who have so generously aided it in accomplishing its work.—Robert P. Holland, Chairman.

Photographs by Gerzon's Photo Studio.

Architects—Rich, Phinney, Lang & Cote.

General Contractor—J. M. Construction Company.

Clerk of the Works—Walter R. Hearn resigned in November, 1968, Paul L. Mullen.

Programs distributed by the Canton High School High School Cheerleaders.

Color Guards—Edward J. Beatty Post 24, American Legion, Canton Post 3163 Veterans of Foreign Wars.

Clifford Seresky—Presiding.

A statement of thanks from the chairman: Over the past decade, the people of Canton have placed upon the membership, past and present, of the Permanent School Building Committee serious and compelling responsibilities. To this Committee has been entrusted the formidable task of planning and building and providing the brick, the stone and all the other appurtenances which go into making the physical facilities of our excellent educational system. Faced with the staggering demands on our tax dollars, together with the sacrifices entailed therein, this Committee has come before you at many Town Meetings and requested the necessary financing with which to provide our children with these maximum modern facilities. Unstintingly, you have approved and given approbation to your Committee.

Today is presented to you the result of your financial support and the work of your Permanent School Building people. This new addition to the Canton Schools complex will stand for generations to come as a testimony of your benevolence and your contribution and your belief in the Youth of Canton.

The Permanent School Building Committee is appreciative of the opportunity given to its membership—it is thankful for the privilege of being your spokesman in the field of municipal educational facilities—and it pledges by its future work to merit your continued approval.

CLIFFORD SERESKY,
Chairman, Dedication Committee.

MYLAI

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, without question there is a diabolical, sinister scheme underway to destroy the Armed Forces of the United States. The latest is the charge against our soldiers at Mylai.

There are those who would try and convict American soldiers for trying to defend themselves in the heat of battle. The most effective way to destroy any army would be to have its soldiers subject to court-martial and retroactive charges for their every action in combat. This would paralyze and render impotent in the field the combat effectiveness of an army. There is no way to guarantee civilians will not be injured in the blinding smoke, dust, excitement, and confusion of battle. It has happened in every war, and it will happen again. Fewer civilians will be injured when maximum firepower is employed to end the struggle as quickly as possible. I shudder to think how many million American civilians will be slaughtered if we invite world war III by hamstringing our Armed Forces.

Mr. Speaker, I have observed the American soldier in the combat zones of Europe, Korea, and Vietnam. He is certainly the most humane soldier in the world. His tactics are not terror tactics such as those employed by Nazis, Fascists, and Communists. In Vietnam the American soldier has a better record in protecting and preserving the lives of civilians than any U.S. Army or any other army in the history of the world.

The combat effectiveness of the GI in Vietnam has been adversely affected by his love for children who are constantly in camp, and by his knowledge that he is fighting on two fronts—one to destroy the enemy soldier, and the other to win the people of South Vietnam when it is virtually impossible to tell friend from foe. Our men virtually have to withhold their fire until first being booby-trapped or fired upon.

I commend Congressman RIVERS for his role in halting the ridiculous Green Beret trial. I commend our beloved, dis-

tinguished, and able Chairman RIVERS for appointing a special committee from the Armed Services Committee to thoroughly investigate the Mylai charges. The Nation is heartened and encouraged by the courage of Mr. RIVERS and the dedicated members of the House Armed Services Committee who will see that justice prevails for our fighting men.

Mr. Speaker, I am confident that this special committee will take into account the scurrilous Communist propaganda. And, also, I know this committee will take into consideration the South Vietnam Government's investigation of these charges which they repudiated as Communist propaganda.

NO CURFEWS IN CHICAGO

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, it is with great sadness that I note that certain elements of the black community in Chicago have proclaimed a "dawn to dusk curfew" for whites in black areas of the city. Although a certain malaise among the blacks is understandable in light of the unanswered questions about the shootings of Fred Hampton and Mark Clark, declaration of a curfew for whites in black areas is a most unfortunate and unjustified reaction which ultimately can only work to the detriment of both blacks and whites. I hope that those black leaders involved will recognize the shortsightedness of their present course and will withdraw their declarations immediately.

When any group of Americans is denied access, either officially or unofficially, to any part of our Nation's cities because of the color of their skins then all Americans are the losers. The irony of such discrimination by those very citizens who for centuries suffered in America under the oppression slavery and later of segregation and racial discrimination should be apparent. A small minority of Americans has nothing to gain by attempting to isolate itself from the rest of our society. The members of that minority will be the worst losers of such an attempt.

Mr. Speaker, the events of the last 2 weeks in Chicago have led to increased racial tension and distrust in that city. But the leadership of our city must explore ways to ease that tension and distrust, not exacerbate it. An impartial investigation by persons who can be both dispassionate and disinterested will illuminate the facts and circumstances of the shootout at the Black Panther apartment. That is why I have called for such an investigation. I was pleased to see that Mayor Daley also urges an impartial investigation. As an advocate for strong gun control laws, I hold no brief for the stated philosophy of political violence espoused by the Panthers; but as an even greater advocate of the Constitution, I hold no brief for those who seek to sweep under the rug the unanswered questions which go to the heart of due process of law.

Likewise I deplore the violence which preceded and followed the Panther "shootout." I am saddened at the loss of two white Chicago policemen who were reportedly ambushed and killed in a black neighborhood. I am dismayed at the assaults on students and others by those who exalt violence as a philosophy or the gun as a persuader.

I believe that the fullest investigative resources of State and local police agencies must be utilized to solve such crimes; I know of no reason why such resources would not be deemed credible for these tasks; it is the fact that law enforcement itself has been challenged which requires an outside investigative force in the deaths of the Black Panthers.

All men of good will must agree that there can be no winners in a game based on the color of a man's skin. All must agree that there should be no curfews for Chicago, for blacks or whites—and that those who suggest or countenance such tactics create the very repression which unfortunately has been a part of our history but must not be a part of our future.

BILL TO ESTABLISH A JOINT COMMITTEE ON ENVIRONMENTAL QUALITY

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, I have today introduced a measure that would establish a Joint Committee on Environmental Quality.

It is vitally important that the Congress recognize the urgency of the quality of our environment, and that we establish a joint committee to work with the President in making the 1970's the "Environmental Decade."

I do not want to imply that we must cease our efforts after one decade, but I do feel that we will have made a good beginning toward improving this country's natural resources for our children and their children.

For far too many years, we have largely ignored the damage being done to our land, our waters, and our atmosphere. Now that the situation has reached crisis proportions, it is imperative that we attack the factors with all the human and material resources at our command.

It is time for the U.S. Congress to accept its responsibility and establish the necessary joint committee to provide the legislation and congressional support as our environmental efforts proceed.

It is not enough for us to clean up our land, our water, and our atmosphere. We must provide alternatives that will prevent the future depletion of our resources.

In this connection, I introduced legislation earlier this year that would provide farmers and ranchers with an economic alternative to drainage. The water bank bill, H.R. 11717, was designed to stop the destruction of our wetlands. Today, at least 40 percent of the Nation's inland wet lands have disappeared because of drainage, highway construction, flood control, reclamation projects, and urban and industrial sprawl.

No piece of legislation with which I have ever been assoicated has received such broad and enthusiastic support from the people of North Dakota as has the water bank bill. But it is important to note that wetlands loss is a national rather than a State or regional problem. When we destroy our wet lands, we destroy the areas where our fish and wildlife breed. Yet we are destroying them, and it is time that we stop.

CHRISTENING OF THE U.S.S. "SUMTER"

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WILLIAMS. Mr. Speaker, on Saturday, December 13, I was proud to be present at the christening of the U.S.S. *Sumter* at the Philadelphia Naval Shipyard. The *Sumter* is one of the new class of tank-landing ships known as the *Newport* class which is a greatly improved vehicle over the World War II type LST.

The sponsor of the ship who christened it on this occasion was the lovely and charming Mrs. Strom Thurmond, who performed her duties with grace and acclaim. It was a great occasion and those of us who were present were stirred by the ceremonies.

The principal speaker on this occasion was the sponsor's husband, the senior Senator from South Carolina, Mr. THURMOND. Mr. THURMOND's address on this occasion was devoted not only to the historical aspects of the name *Sumter* and the ships which preceded, but also to an assessment of the role of naval power in the missile age.

Senator THURMOND, who is the second ranking Republican on the Senate Armed Services Committee, pointed out the vast growth of the Soviet Navy and its tremendous attention to independent mobility on the seas and to submarine warfare. Senator THURMOND made a striking point when he said that the growth of these two aspects of the Soviet Navy is tied to the Soviet first-strike missile strategy. The key role of the naval power, according to the Soviet theory, is for the battle of world domination to take to the seas after the first strike has been launched.

Mr. Speaker, I would like to share with my colleagues the address by Senator THURMOND at the christening of the U.S.S. *Sumter* at the Philadelphia Naval Shipyard on December 13, 1969. It follows:

ADDRESS BY SENATOR STROM THURMOND

We are gathered here today to honor a ship named Sumter, a town named Sumter, a county named Sumter, and a patriot named Sumter. The common thread which runs through all of these is dedication to our country and to the ideals for which it stands. This ship is named after the town and county of Sumter, South Carolina. There are several counties in the South named after General Thomas Sumter, the revolutionary war hero, but Sumter, South Carolina and its county seat of the same name have the honor of being the only locale so-named in which the revered General actually dwelt. He lived in that vicinity for 67 years, until he died

at the age of 98. If nothing else, the locale must have been good for his health.

This ship, before which we stand, stands in a great tradition. She is one of a new class of tank landing ship known as the Newport class. She will have a greatly increased combat vehicular lift and landing capability over World War II tank landing ships. She and her sister ships afford the fastest and most efficient means of landing tanks, artillery and assault vehicles under combat conditions. Her normal method of unloading will be over the ramp, to pontoon causeway, then to the beach. A stern ramp is also provided for loading and unloading amphibian vehicles in deep water.

Her overall length is 522 feet, 3 inches. Her extreme beam is 69 feet, 6 inches; her full load displacement is 8,000 tons; her mean draft is 14 feet, 8 inches. Her speed is in excess of 20 knots. She will have accommodations for 32 officers and 588 men. Her armament will include two twin three inch .50 caliber guns. She is a handsome ship, as up to date as possible, and she will do the Navy proud.

This is not the first American ship named Sumter. She has been preceded by four other Sumters—two in the U.S. Navy and three in the Confederate States Navy. My arithmetic is correct, since one of them served in both navies. She was the cotton-clad Confederate Ram originally known as the General Sumter. Built in 1853 as a river tow boat, she was converted to a ram in June, 1861, with bales of cotton sandwiched between double pine planking bulkheads. She helped the Confederates defend Fort Pillow on May 10, 1862, and did yeoman service on June 6 at the Battle of Memphis, where she rammed the famous USS Queen of the West. All did not go well, however, since she was captured by Union forces a few hours later. Renamed the USS Sumter and put in Union service, she was damaged by Confederate guns off Vicksburg on July 15, and finally ran aground off Baydu Sara, Louisiana in August. Abandoned and stripped of parts, she was finally burned by the Confederates.

The second Sumter was the famous Confederate Raider that patrolled the Atlantic shipping lanes, gunning down Union ships on the high seas. Converted from the packet steamer Havana in June, 1861, she brought guerrilla warfare to the mid-Atlantic, taking 18 prizes in six months. Finally, she was blockaded by three Union ships at Gibralter. Realizing that the furious game was over, the Captain dismissed the crew, sent the officers back to the Confederacy, and sold the ship into British registry.

The third ship named Sumter was the Confederate transport built near Charleston in March, 1863. Her brief history was not quite so glorious. She was essentially a troop and munitions carrier plying the tidal rivers of South Carolina for five months. On the 30th of August she was mistaken for a Union monitor and sunk by the Confederate batteries from Fort Moultrie as she came up the channel.

The fourth ship named Sumter was the APA 52 Attack Transport of World War II. The keel was laid in April, 1942 as the SS Iverville. Delivered to the Navy a year later, she was renamed the USS Sumter after Sumter counties in South Carolina, Alabama, Florida and Georgia. Commissioned as an attack transport on September 1, 1943, she was the flagship of Transport Division 26. She served everywhere in the Pacific theater in such legendary areas as the Marshall Islands, Saipan, Guadalcanal, the Philippines, Guam and the Solomon Islands. She was decommissioned on March 19, 1946, but she had earned five battle stars to permanently assure her a place in military history.

The keel of the fifth ship named Sumter was laid on November 14, 1967, and we are about to launch her on a career which ought to be equally illustrious.

The man whose fame furnished the occasion of all these namesakes was born in Virginia in 1734 and was initiated into the Soldier's art with Braddock and Forbes in the French and Indian War. Among the Virginia troops sent to South Carolina during the Cherokee campaign, Sergeant Sumter was a tough, wiry little man who was later to become known as "The Gamecock of the Revolution." In 1765 he acquired lands in South Carolina, and two years later married Mrs. Mary Cantey Jameson, a well-to-do widow, several years his senior, and went to live in what is now Clarendon County.

Having served in the continental service as a Lieutenant Colonel, Sumter had retired in 1778 and was in retirement when the British conquered South Carolina in 1780. When Tarleton raided and destroyed his home, Sumter fled to Charlotte, established headquarters nearby, and effectively stirred up resistance. In October, he was commissioned Brigadier in command of the South Carolina militia, and was commended by Congress for his numerous exploits. Despite the fact that there was no state government in existence, Sumter undertook to raise and support a dependable force of mounted troops, enlisted for a regular period and paid in plunder from the Loyalists. He kept the largest body of militia on the field and was the first to make them stand against British regulars.

After the war, he founded the village of Statesburg, South Carolina, bred race horses, was a charter member of the Santee Canal Company and of the Catawba Company, and took out grants for more than 150,000 acres of land. In the S.C. convention to consider the Federal Constitution, he opposed ratification until Virginia could be heard from. He was a member of the First Congress, and frequently voiced his anti-Federalist feelings. In 1801, he was elected to the U.S. Senate, where he remained until 1810. Although a small man, his strength and agility were as remarkable as his longevity, and he rode horseback until the day of his death on his estate near Statesburg at the age of 98.

The General's leadership, both in war and peace, won him the undying gratitude of his fellow citizens. At the close of the eighteenth century, the S.C. Legislature united three counties of Camden District; namely, Claremont, Clarendon and Salem. On the first day of January, 1800, the new unit began to function as Sumter District, named in honor of the General, who was then serving in Congress. Sumter District was not a corporate body and could not own property or make contracts. It had no governing body for local administration. It was merely a unit for the administration of justice. The latter required a court house which was speedily built at a crossroads on a centrally located farm. The tiny village which grew up around the court house was named Sumterville. Sumter was chartered a town in 1845, and in 1887 became the City of Sumter.

Sumter District did not become Sumter County until 1868, after the fall of the Confederacy. The original area of the county, 1,672 square miles, has been reduced to 681 square miles, largely by the cutting off of Clarendon County in 1855 and of Lee County in 1902. Both county and city therefore grew up together.

The first shot in the War Between the States was fired by a Sumter youth, Citadel Cadet George E. Haynsworth, in Charleston Harbor in January, 1861, when the Star of the West attempted to bring in supplies for the Federal troops in Fort Sumter. Of course Fort Sumter was also named for our hero.

If I were to single out any particular quality of the citizens of Sumter, I would cite their historic resourcefulness in providing for the common need. As early as 1809, for example, the citizens had organized the Sumterville Circulating Library Society. In 1911, the City of Sumter became the first city in the world to adopt the city manager form of government. Or to take another example, in 1940 a group of citizens decided that Sumter County would be a good place to have an air force training base. Acting upon their own intiative, they examined sites, took options and convinced the Federal Government of the necessity of the base. The city and county then purchased the site for $180,000 in 1941 and leased it to the government at a dollar a year for ninety-nine years. By the end of the year came Pearl Harbor, and the rest is history. Shaw AFB, as it is known today, was named after Lieutenant Ervin D. Shaw, the first Sumter County pilot to die in combat in World War I.

II

But let us turn away from history for a moment. We are launching this ship at the same time when we are entering into a new period of confrontation with the Soviet Union—confrontation on the high seas. There have been dramatic changes in the Soviet naval posture, and I think that we had better pay attention to these changes, and their implications for the over-all Soviet strategy.

The two significant developments in Soviet naval power are the increased mobility of the Soviet surface fleet, and the intensive development of the Soviet submarine fleet, both in numbers and quality. Many commentators have asked what the Soviets are seeking. Some have even questioned the role of naval power in the era of massive intercontinental ballistic missile systems and suggested that the growth of Soviet naval power was the result of superior political maneuvering within the Kremlin.

In my judgment, the two-fold growth of Soviet naval power is a logical outgrowth of Soviet ambitions. The Soviets realized that their political goal of the domination of the world called for a powerful navy to support the control of the seas. Thus the Soviet Navy had to become a mighty arm of the ideological-political control exercised by the Kremlin.

At one time the Soviet navy was pretty much land-locked, ice-bound fleet that kept close to home ports. Since 1956, the Soviets have deliberately set out to acquire domination over the seas. They launched a program of building the most modern fleet in the world. It has taken them a long time to begin to come up to our standards of sophistication and engineering, but the inevitable result of their large construction program is newer ships in commission. The Russian naval fleet totals 1,575 vessels, as opposed to 894 for the United States. Moreover, 58 percent of the U.S. Navy's combat ships are 20 years old or more; but only 1 percent of the Soviet navy is that old. Another result is that the Soviets have five of the most modern shipyards in the world, three of them capable of building nuclear powered ships.

The real question, however, is not just the size of the Soviet fleet, but the strategy behind the increase in size. Historically, the Soviet navy has been hampered by the lack of warm water training cruises. The Black Sea was just too small for effective training. It was not until 1964 that the Soviets began to appear frequently in the Mediterranean. In that same year, Soviet naval vessels began to take routine long cruises, visiting European ports throughout the Atlantic and the North Sea. Today Soviet activity in the Mediterranean is a constant presence which has had an observable effect upon political developments in the Mid-East.

The most remarkable aspect of the Mediterranean cruises, as many observers have pointed out, is the constant practice in refueling and provisioning at sea. Despite base privileges in Egypt and Algeria, the Soviets have concentrated on training that keeps the fleet independent of land operations. Similarly, the Soviets have established an "un-

derway support group" in the mid-Atlantic to tend their ships at sea.

A final point in the discussion of Soviet surface fleet operations is the growing activity in the Pacific, where as many as 125 vessels often operate, including 30 armed with missiles. The massive flotilla that the Soviets sent to the coast of Korea after the Pueblo seizure, and the similar fleet sent to participate in the hunt for the U.S. EC–121 reconnaissance plane shot down by North Korea are typical of the training exercises devised by Soviet tacticians.

Although all of these training exercises which I have mentioned may be required by the lack of secure Soviet naval bases in some parts of the world, the thing to remember is that the Soviets are training their fleet to be independent of land operations. The role of the navy appears to be distinct from that of support of guerrilla operations in the so-called "national liberation struggles." In my judgment, this independent, seagoing operation is of critical importance in understanding the over-all Soviet strategy, and I will come back to it in a moment, after discussing some other considerations.

The other noteworthy aspect of Soviet naval development is the intensive program of submarine construction. We have 143 submarines; the Soviets have more than 375. We have 81 nuclear powered units; the Soviets have 65, but they are building one nuclear sub a month, and may surpass us by the end of 1970. By 1978, they may well have constructed between 100 and 150.

In connection with this massive submarine program, we have to take note of the Soviet interest in sea-borne missiles. It is estimated that over 40 of the Soviet subs are equipped with ballistic missiles capable of strategic attack against the U.S. The new Y-class submarine, comparable to our Polaris, has been observed on the high seas. In addition, over 60 Soviet submarines are equipped with 400-nautical-mile anti-ship missiles which have some capability against land targets. It ought to be noted that geography favors the Soviet position, since many of our major cities are exposed on the East and West Coasts, while the major Soviet cities are located deep within the continental land mass.

In addition, the Soviets have also mounted missiles on surface ships. Although the Soviets have chosen not to build any carriers, they have 29 missile cruisers, including 7 of the brand-new Kresta class, designed from keel up to accommodate missiles. They have about 30 missile destroyers, including 8 Kynda class destroyers of similar original design.

All of this Soviet submarine activity must be connected directly with the intensive training of its surface fleet in sea-support operations. We must conclude that the Soviets are seeking a world-wide mobility and independence of operations for its naval power.

What remains to be considered, then, is the role of this world-wide naval power in the over-all Soviet strategy. Is the role of this fleet intended to be merely an adjunct of the power politics of the Soviet Union, or does it have a unique part to play in the over-all strategic thrust of the Soviets against the United States?

Some people have argued that the ICBM systems of the two great powers provide the major deterrence against war, and that older weapons systems would be useful in local conflicts, but would not be decisive. Such thinking relegates conventional sea and land forces to a secondary role.

The Soviets do not agree. They envision the conflict with the West as a conflict of systems, carried on at all levels. They are striving for superiority of power, not merely adequacy to protect their interests. This year, for the first time, the Soviets surpassed us in the number of ICBM's, and they continue to build at a constant rate. And even if it were true that the ICBM systems had reached a technological stalemate, the Soviets are concentrating on the development of new kinds of weapons systems that will get around the ICBM stand-off.

For one thing, the ICBM stand-off depends upon the theory that no one would attempt a first-strike, since both sides have enough reserve power to destroy the other in return. Soviet military strategy does not accept such a concept. The official Soviet strategists, such as the late Marshal V. D. Sokolovsky, and others, maintain that it is possible to destroy the United States Minuteman system in its silos, before the missiles are launched. They speak of a so-called "retaliatory first strike", explaining that Soviet intelligence can detect when the so-called "imperialist aggressors" are preparing to launch a first strike. The Soviets would then launch a "retaliatory strike" to destroy the attacker's missiles on the pad. Such a strike would eliminate the ICBM threat, or at least reduce it to proportions manageable by ABM defenses.

The credibility of this strategy was given a strong boost by Secretary of Defense Melvin Laird when he revealed that the Soviets were continuing production of the super-size SS–9 missile beyond any needs recognizable under current U.S. strategies. I am now able to tell you something that could not be told at the time. The Senate Debate on the Safeguard ABM system was held in secret session last spring, but was only declassified and published in the Congressional Record a few days ago. The decisive argument which put the ABM across was the information that the Soviet ICBM's were targeted, not upon the cities, but upon our Minuteman silos. They are zeroed in with pinpoint accuracy. It appears that the super-size SS–9's are intended to penetrate our hardened silos.

To sum up, then, Soviet strategic thinking contemplates a first strike, the Soviets have the capacity to build towards a first strike, and they expect to be able to destroy our ICBM's without receiving a crippling blow in return.

This strategic thinking about the ICBM therefore centers attention upon the next line of military operations; namely, the undersea-launched missile system such as our Polaris and Poseidon. We have 41 Polaris submarines carrying 16 missiles each. The exact figures for the comparable Soviet Y-Class submarines are not available, but it is assumed that the Soviets are working to surpass us in this field if possible.

In the light of my earlier remarks, I think that the place of Soviet naval power in the over-all Soviet strategy is clear. In the case of a nuclear exchange, and nuclear devastation upon the land masses, the battle will turn to the seas. The Soviet emphasis upon self-sufficiency and sustained operations in the open seas would be most advantageous in such circumstances. The tremendous emphasis upon modern submarines and anti-submarine warfare would pay great dividends.

I say, therefore, that the Soviets regard naval power as the keystone of their missile strategy. Far from playing a secondary role in a future confrontation, Soviet sea power could be the decisive element. The navy is at the heart of their planning.

I am proud of the United States Navy. Its officers are men of spirit, and its men are brave in the line of duty. I think that this brand-new LST, with all its innovations for its class, is evidence that the Navy is forward-looking and a credit to the Nation.

However, we must study the role which the Soviet navy plays in over-all Soviet strategy. We must recognize that naval power has moved into the missile age. Technology has changed the context, but the country that dominates the seas will still dominate the world.

THE ARMED SERVICES COMMITTEE'S INVESTIGATION OF THE MYLAI INCIDENT WILL NOT BE A WHITEWASH

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I wish to second the remarks of the gentleman from Alabama made before the House earlier today. As another member of the investigating subcommittee of the House Armed Services Committee, and one of the four members recently named to the special panel to look into the Mylai incident in some depth, I am deeply concerned with what has obviously been a deliberate and calculated attempt on the part of some of the press to undermine in advance the investigation of our committee, and not only to misrepresent what our investigating subcommittee has already done, but to discredit in advance what this special panel is going to try to do in connection with this particular incident.

Reference was made to "bizarre" hearings by our committee in some columnist comments in the press just this morning. Let me just point out, Mr. Speaker, that the only thing that was bizarre about them was that almost uniquely in the history of our Armed Services Committee, one or more of our members have been discussing with the press confidential information that should never have been discussed outside the committee room.

At least part of the reason for these leaks, of course, is that the Mylai incident has stirred up the most persistent effort on the part of the press to find out what went on behind the closed doors of our committee that I have ever seen in my 11 years as a member of the committee.

There has been nothing bizarre about our committee hearings, Mr. Speaker, but what has been truly bizarre has been the effort of the press to provoke the chairman of our committee, the gentleman from South Carolina (Mr. RIVERS), who had been officially authorized by our committee to be the sole spokesman of that investigating subcommittee, into saying something that might look sensational in the headlines.

Actually, the only thing that Chairman RIVERS told the press was that, based on the information thus far presented to our subcommittee, there was not enough information to allow us to conclude, beyond a shadow of a doubt, that a massacre of the kind that has been described in detail in the Nation's press for the last 3 or 4 weeks had unmistakably occurred. That was an absolute fact, Mr. Speaker. We had some evidence that such a thing might have occurred, but at that stage of our inquiry the evidence was not nearly as convincing as the earlier press accounts had been that this tragedy actually occurred. This was all the chairman said, and he was speaking the truth, and every subcommittee member who heard the testimony knows it.

Now, when Mr. RIVERS said that, he was not saying that the subcommittee

had made any specific conclusion, nor was he saying that we as a subcommittee were not going to continue our efforts to get at all the facts. Most of the very vocal accusers in the Mylai case, whose statements have appeared at such length in the Nation's press, have not yet appeared before our subcommittee. Of course, we shall hear them; of course, we intend to hear anybody who can throw any light on this complex issue; most certainly we intend to get to the bottom of this whole matter, in keeping with our constitutional obligations; and we do not intend to be deterred by the attacks or even the ridicule of that segment of the Nation's press that seems to be so determined to try this issue in the headlines rather than through the traditional, constitutional methods which protect the rights of all.

Because Chairman RIVERS said what was factually accurate at that particular time was no excuse for some other member of the Armed Services Committee to rush to the newspapers with his own personal interpretation of the testimony presented. Members were under a solemn obligation not to talk, and if the press attributions are true, one or more members betrayed that responsibility as it has never been betrayed before in the long history of our committee.

Not only that, Mr. Speaker, not only did someone leak information when he was not supposed to; he did not even leak accurately. Whoever it was on our committee who leaked information did so in an effort to challenge the chairman of the committee. But he must have been asleep during much of the testimony presented to the committee, because the account he gave the press was very seriously garbled. He missed most of the key points presented with considerable care by the witness before us.

Yet this is what got into the headlines, Mr. Speaker, and it is these garbled, contradictory, inaccurate accounts that have created the impression—outside the committee room—of some bizarre, spectacular proceeding inside.

It was made clear at the outset by Chairman RIVERS that our investigating subcommittee would sit as a kind of grand jury on the Mylai case only long enough to determine whether there was enough involved in the case and its implications to merit a full, indepth study. That determination, I might point out to the House, was made by Chairman RIVERS before all of these spectacular headlines and counterheadlines appeared in the press. I was there, and I know.

A special panel, chaired by the gentleman from Louisiana (Mr. HÉBERT), and including Mr. GUBSER, Mr. DICKINSON, and myself, has now been appointed to undertake this job.

Now over the weekend we have suddenly seen an unprecedented, vicious, and totally inaccurate attack launched on this new four-man panel to discredit it in advance and to undermine, even before we start our work, our findings and conclusions. I have never seen anything quite so vicious in all my years in the House.

The four-man panel is only a coverup, we are told. It will not even do anything, another story reports; it is just a clever way to bury the whole investigation. All of the members of the panel are automatically discredited in advance, one editorial charges, because we are not publicly at war with Chairman RIVERS. We are just four patsies who will whitewash the Army and rubberstamp any conclusions the Army itself comes up with—so they say.

What fantastic and unmitigated rubbish. The truth is Mr. Speaker, that all of the members of the panel appointed by Chairman RIVERS have already demonstrated, on the public record, their ability and determination to call the facts as they see them and let the chips fall where they may.

The gentleman from Louisiana (Mr. HÉBERT) for example, was a crusading, investigating journalist long before many of the present crop of investigating journalists were even out of knee pants. He has continued and enhanced that courageous record here in this body. The gentleman from Alabama (Mr. DICKINSON) and the gentleman from California (Mr. GUBSER) have already amply demonstrated their record of independence as members of our investigating panel which made a searching inquiry into the Army tank program earlier this year and came up with a 39-page report that still has top generals and civilians smarting and resentful over in the Pentagon. I, too, served as chairman of another investigation into the sinking of the submarine *Guitarro* that made a lot of admirals unhappy. So none of the four of us is any patsy for the Defense Department and they know it. This investigation is going to be an investigation in depth. It is not going to be a whitewash. It is not going to be a rubberstamp for what the Army comes up with. And, most of all, it has not stopped. It is moving steadily ahead.

The Army officers are well aware that we are not going to rubberstamp them, and they have not been any too cooperative either, I might say. I think you will see an investigation report of which this House can be proud, when our panel reports.

Under leave to extend my remarks, Mr. Speaker, I include an editorial from the Washington Post of Monday, December 15, together with a letter I have written in reply to their totally false and unworthy insinuations:

[From the Washington Post, Dec. 15, 1969]

A PRESIDENTIAL COMMISSION ON MYLAI?

Mr. Nixon has not entirely foreclosed the possibility that he will appoint a special commission to investigate the killings at Mylai in March of 1968. At his press conference a week ago, the President said that the existence of a commission at this time might prejudice the rights of those men involved in current military court proceedings. But he added that he would consider the appointment of such a group should the judicial process "not prove to be adequate in bringing this incident completely before the public."

Meanwhile, various persons in and out of government have been urging that a commission be created. In a television interview last Sunday, for instance, Senator John Stennis suggested that the President authorize a "competent group" of individuals from "outside government, outside the military" to "determine what the facts actually are." Senator Stennis thought such a commission could provide "a more solemn and serious, deliberate development of the actual facts" than could a committee of Congress. A much broader inquiry seems to be envisaged by a group of lawyers and law professors in whose name Arthur Goldberg has called for the creation of a presidential commission on Mylai. It would investigate:

"The extent to which the war in Vietnam is being conducted in a manner consistent with the minimum humanitarian standards established by the international law of war and incorporated in the general and military laws of the United States . . . questions of policy guidelines for the conduct of military operations and the extent of our efforts to educate our troops with respect to the requirements of the laws of war . . . aspects of military-civilian governmental operations to determine whether there has been a lapse in the chain of communication and command."

Just as Senator Stennis emphasized the need for impartial commissioners, so Mr. Goldberg's group declared that any investigation would "only be credible if the body investigating is, and is seen to be, of unquestionable impartiality." Here one encounters the inescapable paradox of commissions and commission-making. Ostensibly apolitical bodies must be formed for the sake of achieving what is essentially a political end—namely, the neutralization of political conflict surrounding some issue or event, and the laying to rest of public suspicions that government is thinking or acting or speaking out on the basis of tainted, unreliable information. So commissioners tend to be chosen for their patent lack of special interest in the matter at hand, or they are chosen on the one-of-everything principle with a view to establishing a balance of special interests.

We have had better and worse luck with these commissions, and it is not unknown for a committee of Congress—amply stocked with men whose views would have been thought to disqualify them as reliable judges—to have produced the ideal commission-type result. Senator Richard Russell's investigation of the Douglas MacArthur affair some years back is an example, and when things work out this way, the findings of the committee have all the more authority precisely because of their source. In other words, the case for the appointment of a presidential commission on Mylai (or anything else) is not self-evident; it has to be made.

Events of the past few days have tended to overcome our own initial reservations concerning both the usefulness and the necessity of such a commission investigation at this time. Those reservations had to do with its possible interference with military court proceedings; the evident requirement that the court determine the facts of the matter—what happened—before others set about analyzing the implication of those facts; the preferability (if it were possible) of an in-government group conducting a thorough, fair-minded study of the events and meaning of Mylai which could be at once more powerful and more instructive (inside government and out) than the work of an independent commission.

However, Rep. Mendel Rivers, who is no Richard Russell, has in recent days utterly changed the picture and created conditions which seem to cry out for the designation of some presidential group that can preempt the Rivers sideshow and undertake a study in which Americans can have confidence. After several days of "closed" hearings of a 13-member Armed Services subcommittee marked mainly by inflammatory and conflicting reports by Rivers (and others) of what was or wasn't said, Rivers has now named a four-man subcommittee of members whose approach parallels his own to do the investigating. He has thus closed out the members with whom he is politically at

odds. Even if all this is—as rumored—an attempt to bury the hearings, they still represent a potential threat. There is nothing in the record of events so far to suggest that what follows will have any more dignity or seriousness than the escapades we have already witnessed.

We think Mr. Nixon would be well advised, therefore, to move on this matter. Of the suggestions put forth so far in terms of the composition and mandate of a presidential commission, we tend to favor, first, a relatively narrow or limited focus for the study. A commission which can tell us what happened—at Mylai and in relation to standing orders and to the chain of civilian-military command and communication—will necessarily provide larger insights and implications about the war without bogging down in an unmanageable, overly vague mandate. Second, we think there is much merit to the suggestion of Joseph Kraft, in a column last week, that any such study be undertaken by—yes—"a commission of senior and retired Army men." Among them, as he observed, are to be found the people "most determined to undo the wrongs that are shadowing the honor and reputation of the United States Army." And again: "It takes such men to examine carefully the intricate problems of command and control. Equally it takes such men to persuade the Army—and its millions of supporters around the country—that some soldiers have indeed committed wrongs and told lies."

The timetable, powers, and access to information of such a group, along with the degree of openness of its proceedings, are among the many matters that would have to be carefully worked out—especially in relation to the activities of the military court. But none of these problems is beyond resolution, and we stand to gain much in the way of knowledge and public confidence in the government's knowledge from the work of such a commission.

DECEMBER 15, 1969.

EDITOR, WASHINGTON POST:

As one of the four members of the House Armed Services Committee recently designated by Chairman Rivers to conduct an in-depth investigation into the My Lai incident, I resent your editorial implication (Dec. 15) that because we four are not "politically at odds" with the chairman there is "nothing in the record of events so far to suggest that what follows will have any more dignity or seriousness than the escapades we have already witnessed."

Surely you are not suggesting that unless the investigators are deeply opposed to our nation's policy in Viet Nam only a whitewash can emerge? Or are you? If not, then the record, which your editorial indicates you have never really taken the trouble to examine, should be instructive.

Congressman Hébert, chairman of the panel is, as Mr. Rivers has pointed out, the "most experienced investigator on the entire Armed Services Committee." His record of exposing waste, corruption, and malfeasance has been established over a lifetime, both as a top-flight investigating journalist in New Orleans 30 years ago, and a long-time chairman of the Armed Services Investigating Subcommittee.

The remaining three members, Mr. Gubser, Mr. Dickinson, and myself, were all members of a panel which earlier this year conducted a searching inquiry into the Army's Sheridan tank program and issued a 39-page report which could never give Army research and procurement officials any cause to cheer.

Earlier I chaired another investigating panel which took the Navy's materiel command to task in considerable detail for its culpability in the sinking of the nuclear submarine Guitarro while she was being completed at dockside at the Mare Island Shipyard in California.

In short, a close examination of the record you so glibly dismiss should suggest to any reasonable person, with a shred of objectivity, that there is no ground for concluding in advance that in the My Lai case we on this panel will discharge our constitutional duties with any less zeal or impartiality than we have already done in other less sensational cases.

SAMUEL S. STRATTON,
Member of Congress, 35th District, New York.

VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 60 minutes.

Mr. CONTE. Mr. Speaker, to label our involvement in Vietnam a mistake, a tragic error, a misguided adventure, may well be an accurate assessment of the situation. But, at this late date, it is a meaningless exercise in polemics. We can argue at length over why we are there. That, however, will not stop the killing, and it will not heal the wounds in Vietnam or bind up the division here at home.

My position is, and has been for the past few years, that we must get out. All thinking people, I would hope, are of the same persuasion today.

The emphasis now should, indeed must, be on the question of how we get out. This should be the prime concern of the President, his administration, the Congress, and all the people. This Nation, as you well know, is aroused over Vietnam as it has not been aroused over a single issue in decades. It would be nearly impossible to reverse the deescalation.

President Nixon, when he announced his first troop withdrawal last June, made a commitment for this country to get out of Vietnam. Subsequent withdrawals have reinforced that commitment. I certainly support the President's latest announced troop withdrawal as well as his two earlier ones. I believe that this newest reduction gives evidence of Mr. Nixon's intentions and reaffirms his commitment to peace.

I have spoken out on the war many times in the past. I was an early advocate of a negotiated settlement in Vietnam, as early as 2½ years ago, when I called for an end to the bombings. Since then I have supported many other measures to halt the killing in that war-weary nation.

The policy of the Nation on Vietnam has changed considerably in the last several years. Today the official American policy is to reduce the 540,000 American troops that were in Vietnam, in an orderly and planned way, by turning over the fighting to the South Vietnamese themselves. This policy of troop replacement, or Vietnamization, will make it possible for the United States to achieve an end to the American involvement in the war, and at the same time, it will hopefully permit the people of South Vietnam to decide their own future.

We have proposed internationally supervised elections organized by joint electoral commissions. The commissions would include representatives from North Vietnam and the N.L.F., we have also announced that we are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese themselves. Therefore, we should be doing all in our power to convince the South Vietnamese Government to make a serious effort to strengthen its position among its own people. This must be done by including in the Government representatives of the various non-Communist nationalistic political groups.

During the hearings of the Foreign Operations Subcommittee this year, I noted that religious and political rights in Vietnam have often in the past been placed in jeopardy.

I cited articles in the Washington Post, written by Father Robert F. Drinan, dean of the Boston College Law School. We have all heard, for example, of the jailing of the runner-up in the 1967 presidential elections. If the Vietnamization strategy is to be successful, the Saigon government should have as broad a base as possible, and I question whether this is the way to get it.

Likewise, I have pointed out in the past that I believed that greater emphasis should be placed on establishing a mutual cease-fire. I am aware that we have offered to negotiate a supervised cease-fire under international supervision. In fact, most of the major peace initiatives have so far been made by our side. This should not, however, deter us from trying again. If we do not, we will never know just how much meaningless death and suffering could have been averted.

Vietnam has clearly dominated the attention of America in the sixties. It has been a controversial political issue that has made some men and broken others. We have been forced to question our policy assumptions and even our values as a Nation.

Recently, we have all read about the alleged killing of South Vietnamese citizens by U.S. troops. I refer, of course, to the Mylai or "Pinkville" incident. I was greatly disturbed by these reports.

Disclosure by the press is sometimes necessary to get certain facts before the public. It does not necessarily insure, however, that the whole truth will be presented. It also, as the American Civil Liberties Union pointed out last week, may impair the rights of the accused.

Therefore, I believe that it would be in the best interests of the Army, and our society as a whole, if a special investigation were conducted into this matter. This is the purpose of a bill that I will introduce this week along with my colleague from California (Mr. COHELAN). The bill would set up a blue ribbon commission to study the Mylai allegations. It would be modeled after the Warren Commission. This measure will have my support because I believe that such a commission is necessary to satisfy the demands of the Nation for a credible explanation of the Mylai incident.

In conclusion, I would like to mention Secretary Laird's December 14 remarks on ABC's "Issues and Answers." I was most impressed by the confidence with which he defended the program of Vietnamization. He indicated that he had the highest expectations of its eventual

success. I certainly hope that he is right. Secretary Laird has my support, and I can only say that I hope Vietnamization will lead to an early disengagement of all American combat and noncombat troops.

I want to make it clear, however, that I intend to hold the administration to its announced intention of getting us out of Vietnam. This is what we must do, and I propose to see that it is done.

OIL IMPORT CONTROL PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McCARTHY) is recognized for 60 minutes.

Mr. McCARTHY. Mr. Speaker, the Cabinet Task Force on Oil Imports should be completing its study of the industry-wide mandatory oil import control program shortly. I am taking this opportunity, before the task force report is approved, to make absolutely clear the reasons for my opposition to the present oil import control program. After 10 years of struggling to overcome its inherent contradictions, the program has proven how poorly conceived ideas result in high oil and gas prices for the consumer and other inequities, cost inefficiencies and unattainable goals. I am sure that the conclusions of the Cabinet task force will bear this out. For the task force to recommend continuation of the oil import quota would be a serious disservice to the American people.

HISTORY OF GOVERNMENT REGULATION OF THE OIL INDUSTRY

In order to understand why the oil import program was established, one must review the history of governmental regulation of the oil industry generally. Regulation began immediately after the First World War and its impact has become more pervasive with every succeeding Government action. Characteristic of all this activity has been the piecemeal approach taken by successive Congresses and Presidents alike. As a result the oil industry is now burdened with an administrative web that immobilizes its competitive spirit and completely distorts the industry role within the U.S. economic structure.

With the end of the First World War, at a time when the oil industry was becoming a major American industry, percentage depletion allowances were introduced as a tax subsidy. To encourage intensive exploration and development of oil fields, the depletion allowance originally granted a tax reduction for the total value of the oil property discovered. In 1926 the depletion allowance was reduced to the present 27½ percent level of the company's total income. Paradoxically what we now see as a failure of the depletion allowance policy was its overwhelming initial success. Exploration went forward at breakneck speed. Many speculators moved to the West and South to capitalize on the high oil profits. Production rocketed at a time when the demand for oil and petroleum products was decreasing. To bolster the falling price of oil, the Government once again came to the aid of the oil industry. Instead of removing the incentives that the depletion allowance offered industrial investors, the governments of the leading oil-producing States introduced prorating—an artificial limitation on the amount of oil that could be marketed. Like many governmental policies, the depletion allowance was retained after outliving its usefulness because it was easier to keep an existing Federal program than to dismantle it and start over again.

Prorating operates by limiting the total production of oil within each state and dividing that total production between the various producers. The result of this form of rationing is to limit the overall production of the individual States. According to most oil experts prorationing has two distinct purposes. The first is to limit production so as to eliminate the waste that results when oil is pumped from wells too quickly. The second attempts to limit production to insure that the supply of oil remains equal with demand, thus guaranteeing that the price of oil remains unrealistically high. Although the first reason for prorating has merit, the second goes directly against our basic principles of a free-market economy. According to most economists, prorating to keep prices artificially high protects the small and marginal oil producers at the expense of the highly efficient ones.

By insuring a market for the small producers, markets that would otherwise be supplied by the larger more efficient operations, the more efficient producers are forced to cut back production. Prorating results in inefficiency and pushes prices up. With prices in the United States zooming upward, competition from foreign-based producers began to threaten domestic producers. During the latter part of the 1930's foreign producers found that through more efficient operations they could produce and ship foreign oils to this country for sale at a lower price than domestic producers. Recognizing the threat of foreign imports to domestic oil producers, the Government once again took action. However, instead of the more logical removal of both the oil depletion allowance and prorating regulations, the industry sought additional legislation to counter foreign oil imports. In 1943 the Government imposed a 19½-cent barrel tariff that has remained for 26 years.

Following the Second World War, the Government sat down to review its so-called oil policy. Although aware that all was not well in the oil industry, the special committees set up to review oil policy were blinded by the web of regulations that had sustained the various oil programs for close to 40 years. Instead of calling for the dismantling of the unwieldly Government controls that were slowly making the domestic oil industry noncompetitive, these special committees recommended more restrictions. In February 1955, the Advisory Committee on Energy Supplies and Resources Policy expressed the belief that:

> If the imports of crude and residual oils should exceed significantly the respective proportions that these imports of oils bore to the production of domestic crude oil in 1954, the domestic fuels situation could be so impaired as to endanger the orderly industrial growth which assures the military and civilian supplies and an inadequate incentive for exploration and the discovery of new sources of supply.

In the interest of national defense the committee recommended that imports be kept in the balance which it had recommended and that if this could not be done voluntarily, then "appropriate action should be taken" if imports significantly exceeded the recommended balance. In 1957 a voluntary import control program was established. These voluntary controls were an utter failure and after 2 years another special committee, the Special Committee To Investigate Crude Oil Imports, recommended that voluntary import restrictions would have to be replaced.

The mandatory oil import control program was born in early 1959 as a result of Presidential Proclamation No. 3279. As administered in the greater part of the country, the mandatory program restricts oil imports to 12.2 percent of domestic production. The main reason for this program, according to the experts, was the necessity for maintaining a strong domestic oil producing industry in the interest of national security.

The establishment of the mandatory oil import control program marked the fourth time the Government had stepped into the oil industry to salvage and reform it; the three previous attempts proved unsuccessful, the fourth attempt was a debacle. Subject to unremitting criticism from all segments of the country, including the oil industry itself, the mandatory oil import quota program has proved to be, as Allen T. DeMaree stated:

> One of the most ill-conceived and ill-executed federal regulatory schemes since the abortive flight of the NRA's Blue Eagle.

The depletion allowance already had made it possible for the Nation's biggest oil companies to pay taxes of only 2 to 8 percent of their net income and the Atlantic Refining Co., despite total earnings of $410 million, to pay no taxes from 1962 to 1967. The market demand prorating regulations had kept oil producers with 1,000 barrels a day potential from producing more than 100 barrels so as to insure a place in the market for the five-barrel-a-day producers—this compares with 5,000 barrels a day in the most profitable oilfields in the Middle East. The new import controls added the final blow. An Interior Department study shows that the oil quota restrictions cost American consumers, in added gas and oil costs, between $7 and $8 billion per year.

In terms of gasoline prices alone, the cost to the domestic consumer is staggering. With the import quota removed, the price of gasoline would be decreased by 8.04 cents per gallon. Logging 25,000 miles a year, the average driver would realize a savings of more than $100 annually. This would be a 25-percent saving reduction for the cost of gasoline.

Most estimates of the cost of the quota system in terms of the inflated cost of gas and oil are incomplete. To truly appreciate the financial burden imposed by the quota system, one must look to

the impact of these high oil prices on associated industries such as petrochemicals.

I mention petrochemicals because the 39th Congressional District which I represent is recognized for and economically dependent upon some of the most progressive petrochemical firms in the country. I know their plight from both objective personal observation and from extensive conversations and discussions with many spokesmen from the industry itself. The petrochemical industry manufactures synthetic organic chemicals, fibers, rubbers and plastics that end up in thousands of everyday products. The petrochemical industry, unlike the U.S. oil refining industry, competes in a worldwide market. All costs of production for the industry are reflected in the ultimate selling price of the finished product. Those companies that can purchase the raw oil at the lowest cost can therefore sell their finished product at a cost proportionately less than their competitors.

Within the existing world oil market, petrochemical companies that purchase American oil are at a marked disadvantage.

Today, the American petrochemical companies that purchase high priced domestic oil are faced with increasing pressure from imported petrochemical products made by foreign producers from lower-cost oil. The raw materials, including oil, that go into the finished petrochemical products amount to from 5 to 14 percent of the product's selling price. The cost of raw materials directly affects profits and is enough to make or break a decision to produce new products. Faced with the problem of purchasing raw materials for their finished products at a price 60 percent higher than their foreign competition, our petrochemical industry is being threatened with destruction by a program designed to protect the oil industry.

The $7 or $8 billion financial burden resulting from increased oil and gasoline prices is therefore only part of the story. By increasing the price of crude oil, the import quota program increases by a similar amount the cost of those products that are made from crude oil. These products include everything from toothbrushes to automobile tires and sofas. In fact, when these associated price disadvantages are considered, the quota system is probably costing the American consumer $15 to $20 billion a year. In turn, our purchasing power is effectively reduced, forcing the more disadvantaged to go without consumer items that many of us take for granted.

OIL IMPORT QUOTA PROGRAM

The oil quota system has been the most recent attempt to protect and rejuvenate the domestic oil industry. It is also the most elaborate, arbitrary and inequitable. It originally called for limits on imports if they rose to 12.2 percent of domestic production. This original formula, however, is presently limited by a number of inconsistant and irrational exceptions. Beyond citizen dissatisfaction, the quota system has led to interindustry and interregional fighting for favors from Washington. As a lifetime resident of Buffalo, N.Y., I have experience firsthand the burden that the quota system has placed on my section of the country. Presently, the right to import oil is distributed among participating companies. However, oil companies west of the Rockies are not controlled by this formula because the Government has proclaimed this area an oil deficit area. East of the Rockies, the distribution of these privileges is made by the Federal Department of the Interior and is both arbitrary and inequitable.

According to the original import regulations, overland imports of Canadian crude oil are exempted from the mandatory import restrictions. The regulation, however, has been extended to this source of oil by an informal agreement between the Governments of the United States and Canada which sets up an overall level of imports for Canadian crude oil into the United States. The result of this agreement has been to limit imports to the Buffalo refineries. Strangely, at the same time there has been an increase in the imports for refineries in the Duluth and Toledo areas. Although the justification for this difference in treatment has been the inaccessability of domestic oil for these midwestern refineries, the argument is faulty because the same argument can be made for the Buffalo area refineries. Although Buffalo does have access to limited domestic supplies by way of the Buckeye pipeline, the usefulness of the supply is restricted by the antiquated nature of the pipeline.

The Canadian interprovincial pipeline serving refineries to the West, and to a limited degree the Buffalo area, can be used to pipe any variety of crude oil—the Buckeye system brings in only one type of crude—all oils being fed into the pipeline being mixed together before reaching their final destination.

Without the mandatory oil import program the justification for the informal import restriction of overland imports would no longer exist. Without the mandatory oil import program simple economics would force the domestic industry to become efficient and meet the challenge of foreign competition. Without the mandatory oil import program areas of the country which experience extended subzero winters would not be made to pay higher prices for fuel oil and actually suffer.

NATIONAL SECURITY

Why then do we retain the oil quota system when it is clear that the system is expensive, inequitable and dangerous? The reason given by the Government and oil industry alike is that national security requires it. In fact the House Interior Committee stated last year that:

> Three presidents of this Nation, beginning with President Eisenhower, and continuing with Presidents Kennedy and Johnson, together with innumerable special task forces, commissions, and study groups, as well as several congressional committees, have all been of one mind on the objective of the mandatory oil import program. Its one and only reason for being is to insure the national security of this nation by reducing the country's dependence on foreign imports by assuring a strong and vigorous domestic petroleum industry.

To this day, oil remains the only commodity that the United States does not import freely for reasons of national security. Although I admit that our national security does require an adequate source of oil, the present oil import quota in no way commends itself to this task. It is simply a question of cost and there are many alternatives that exist that would provide sufficient oil for times of national crisis that would not be nearly as expensive as the present import program. We do have sufficient oil resources. Look first at our present and potential reserves in this country. According to most experts we have around 300 billion barrels of oil underground waiting to be tapped. At the current rate of consumption of 30 billion barrels a decade, we have enough oil available to carry us through the next 100 years. This forecast does not take into account the undiscovered oil in this country or the huge supply recently discovered on the Alaskan Slope. Furthermore, it has been estimated that there is an additional 1,000 years' supply of shale oil not even touched in this country. It would appear much more economical to develop means to extract this oil cheaply in the name of national security rather than burden the taxpayer with a $7 billion financial cost in the name of that same cause.

In any event, it is obvious that our oil supplies are not threatened. With the increased dependence on nuclear powered industrial plants and electricity in automobiles the demand for oil will not rise as rapidly as in the past. And, the free flow of foreign oil into this country could only insure that our domestic supply is preserved while we take from those with greater supplies than ours.

Our national security is not being threatened by cheaper foreign markets. Our domestic producers could supply the increased demand in time of crisis if foreign imports were cut off. Recent hearings before the Senate Antitrust Subcommittee have established conclusively that our oil producers could respond to meet the increased demand. In fact, the committee hearings concluded that if the quota system was abolished, two things would happen.

First, oil prices in this country would drop by $1.25 per barrel. Second, only 5 percent of the domestic production would be lost leaving 95 percent of our present supply of oil being sold at a respectable profit. In effect, then, the oil quota system amounts to $7 billion annual subsidy to 95 percent of the industry in order to protect the remaining 5 percent. Thus, as opposed to wrecking the domestic oil industry, the removal of the oil quota system would be the greatest boon to the industry in years. It would raise the level of efficiency by replacing the marginal production wells with the oil capable of being produced by the larger more economical operations. According to Henry Steele, an economist at the University of Texas, if the inefficient wells were forced out of production, production costs would fall 46 percent in Texas and 38 percent in Louisiana.

There are other reasons showing the weakness of the national security argument for retaining the oil import quota system.

First, we are no longer threatened by World War II situations. Nuclear war would almost certainly knock out our refining facilities before destroying our supplies. In fact we would probably have a huge oil surplus as opposed to a deficit.

Second, in time of crisis short of war, it is most probable that all our supplies would not be cut off simultaneously. During the last Middle East crisis, our huge imports from South America were not influenced at all. Certainly, our imports from Canada were not threatened.

Last, and probably most important, is the security of our Canadian supplies. If we can undertake extensive military operations with our Canadian neighbors, as is the case with the ABM, we certainly can depend upon them while fighting a war for our mutual protection.

In conclusion, reason dictates that we begin to dismantle the elaborate system of governmental regulations that presently place an unnecessary burden on the American consumer. To continue to hand out such large sums of money to one of the Nation's biggest and most powerful industries is unjust. In 1967 the industry had close to $60 billion in gross sales and close to $6 billion in net profits. Surely an industry of this size can take care of itself in the marketplace. We should begin by removing the present quota system which would allow free competition in the domestic oil industry possible. By doing this the State prorating programs would no longer be necessary because the small inefficient producers who are acting as a drag on the industry would slowly disappear, leaving a strong, efficient and resilient industry. And our total economy would benefit from this move.

SCHWENGEL CALLS FOR ACTION ON CRIME LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 10 minutes.

Mr. SCHWENGEL. Mr. Speaker, in late September the FBI released its latest statistics on crime, for the period January–June 1969. Would it not be gratifying to be able to say—at last—that we are beginning to make some inroads on slowing the relentless pace that crime has been setting in its march toward national disaster?

Instead, Mr. Speaker, I regret to report that the pace continues to accelerate. Violent crimes are up 13 percent over the statistics for the same period in 1968. Other crimes have increased in similar fashion.

Unlike the ordinary citizen, who in addition to the horror and shame that we all feel, must have a sense of hopelessness, we in Congress are in a position to do something about the crime situation.

Since his inauguration, President Nixon has sent us several proposals designed to give him new weapons for the control of crime. Despite their importance, not a single one has been enacted. Despite the President's message of October 13 on the urgency of the proposals here it is December and little progress has been made on them.

With the end of the current session in sight, it is apparent that we cannot afford to lose the sense of urgency which President Nixon intended to impart to us. I think it is time to refresh our recollection on the crime proposals and determine that we will take action on them.

ORGANIZED CRIME

To help him combat organized crime, the President on April 23 sent us a message in which he said:

> Today, organized crime has deeply penetrated broad segments of American life. In our great cities, it is operating prosperous criminal cartels. In our suburban areas and smaller cities, it is expanding its corrosive influence. Its economic base is principally derived from its virtual monopoly of illegal gambling, the numbers racket, and the importation of narcotics. To a large degree, it underwrites the loan-sharking business in the United States and actively participates in fraudulent bankruptcies. It encourages street crime by inducing narcotic addicts to mug and rob. It encourages housebreaking and burglary by providing efficient disposal methods for stolen goods. It quietly continues to infiltrate and corrupt organized labor. It is increasing its enormous holdings and influence in the world of legitimate business. To achieve his end, the organized criminal relies on physical terror and psychological intimidation, on economic retaliation and political bribery, on citizen indifference and governmental acquiescence. He corrupts our governing institutions and subverts our democratic processes. For him, the moral and legal subversion of our society is a life-long and lucrative profession.

Surely, Mr. Speaker, we all agree with the President that this disgraceful situation must be ended. For our part, the President did not ask for much. He asked merely for the enactment of four measures: A new broad general witness immunity law to enable the Government to gather evidence to strike at the leadership of organized crime and not just the rank and file; amendment to the wagering tax laws to enable the Internal Revenue Service to play a more active and effective role in collecting the revenues owed on wagers, and to increase the Federal operator's tax on gamblers from $50 annually to $1,000; a measure to make the corruption of police and local officials a Federal crime; and legislation making it a Federal crime to engage in large-scale illicit gambling operations.

The immunity proposal was introduced as H.R. 11157 on May 12. What have we done about these proposals? Hearings were held before a subcommittee of the Committee on the Judiciary on August 7. Although almost 4 months have passed since the conclusion of the hearings, the committee has yet to act.

The wagering tax proposal was introduced as H.R. 322 on January 3, 1969, and referred to the Ways and Means Committee. No action has been taken on it.

The corruption of officials and the illegal gambling business proposals were combined into a single bill, which was introduced as H.R. 10683 on April 29, and referred to the Committee on the Judiciary. No action has been taken.

DISTRICT OF COLUMBIA CRIME

One of the first communications sent to the Congress by the President was his message of January 31 on the crucial subject of conditions in the District of Columbia, and especially the matter of crime and the administration of justice in the District. He said:

> Responsibility begins at home.
>
> The District of Columbia is the Federal City, and the Federal Government cannot evade its share of responsibility for the conditions of life in the District.
>
> For many who live here, those conditions have become intolerable. Violent crimes in the District have increased by almost three times in the last 8 years; only a short time ago, the local newspapers carried a report that armed robberies had more than doubled in the past year alone.
>
> This evidence—raw, vicious violence, hurting most of all those who are poor and work hard—is the surface manifestation of far deeper trouble.
>
> These troubles have been long building. In part, Washington today is reaping a whirlwind sown long since by rural poverty in the South, by failures in education, by racial prejudice, and by the sometimes explosive strains of rapid social readjustments.
>
> Because its roots are deep and closely woven, crime in the District cannot be brought under control overnight. Neither can poverty be ended or hatred eliminated or despair overcome in a year. But we can begin.

He asked the Congress to amend the Bail Reform Act to enable the authorities to cope with the problem of crimes committed by persons already indicted for earlier crimes but free on pretrial release, H.R. 12806; to expand the authority of the District of Columbia Bail Agency to enable it to adequately investigate and supervise persons released pending trial, H.R. 12855; to reorganize and restructure the existing District of Columbia court system to make it more responsive to today's needs, especially in dealing with the criminal offender, H.R. 12854; and to make the District of Columbia Legal Aid Agency a full-fledged public defender system H.R. 12856.

We are doing somewhat better on the District of Columbia measures. All were submitted to us on July 11, and hearings on them were held in the Committee on the District of Columbia, H.R. 12854, 12855, 12856, and in the Committee on the Judiciary, H.R. 12806 this fall. However, none of the bills has yet to be reported out.

NARCOTICS

The President's message to Congress of July 14 urged the enactment of two measures designed to control narcotics and dangerous drugs. In sending them to us he said:

> Within the last decade the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans.
>
> A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace to the general welfare of the United States.
>
> Between the years 1960 and 1967, juvenile arrests involving the use of drugs rose by almost 800 percent; half of those now being arrested for the illicit use of narcotics are under 21 years of age. New York City alone

has records of some 40,000 heroin addicts, and the number rises between 7,000 and 9,000 a year. These official statistics are only the tip of an iceberg whose dimensions we can only surmise.

In the Federal effort against the illicit narcotics trade, the administration has submitted a major revision of all Federal narcotics laws. This is the proposed Controlled Dangerous Substances Act of 1969, which was submitted to us on July 15. The draft bill was split in two: The narcotics provisions of it were introduced as H.R. 13742 and referred to the Committee on Ways and Means, and the dangerous drugs provisions were introduced as H.R. 13743 and referred to the Committee on Interstate and Foreign Commerce. No action has been taken on either bill.

To be especially noted is the fact that the administration has taken an enlightened approach on the need for differentiating between penalties for offenses involving hard narcotics and those involving marihuana. The administration recognizes that marihuana is not a narcotic drug but is rather an hallucinogenic and should be treated, in terms of regulation and sentencing, as an hallucinogenic drug. It also recognizes a need for more knowledge about the effects of marihuana, and supports a provision which will allow for a study into the causes and effects of marihuana use.

A related proposal, also submitted on July 15, was an interim measure to correct the constitutional deficiencies found by the Supreme Court to exist in the Marihuana Tax Act, in the notorious Leary case. This was introduced as H.R. 14790 and is under consideration by the Committee on Ways and Means. It has yet to be reported out.

PORNOGRAPHY

On May 2 President Nixon asked Congress: First, to make it a Federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 years of age material dealing with a sexual subject in a manner unsuitable for young people, and second, to make it a Federal crime to use the mails, or other facilities of commerce, for the commercial exploitation of a prurient interest in sex through advertising, and third, to extend the existing law to enable a citizen to protect his home from any intrusion of sex-oriented advertising—regardless of whether or not a citizen has ever received such mailings.

Surely, Mr. Speaker, if there were ever legislative proposals deserving of prompt enactment by the Congress, these measures which are designed to protect America citizens from the barrages of the filth peddlers are so deserving. As the President said in his message:

American homes are being bonbarded with the largest volume of sex-oriented mail in history. Most of it is unsolicited, unwanted, and deeply offensive to those who receive it. Since 1964, the number of complaints to the Post Office about salacious mail has almost doubled. One hundred and forty thousand letters of protest came in during the last nine months alone, and the volume is increasing. Mothers and fathers by the tens of thousands have written to the White House and the Congress. They resent these intrusions into their homes, and they are asking for Federal assistance to protect their children against exposure to erotic publications.

What have we done about the proposals?

The protection of minors proposal was introduced on May 8 as H.R. 11031, and the prurient advertising measure, on the same date as H.R. 11032. The extension of the right to refuse mail is included as title II of the postal rate bill (H.R. 10877), which was introduced on May 4. Hearings have been conducted this fall on each of these measures, but none has yet been reported out of committee.

Mr. Speaker, I am confident that I will get little argument with the assertion that the legislative record we have made on the President's crime proposals is far from impressive. Imagine, not a single proposal reported out of committee. Several proposals not acted upon at all. We must do better than this. Time is running out.

VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. POLLOCK) is recognized for 5 minutes.

Mr. POLLOCK. Mr. Speaker, I want to discuss with you today a matter I feel is of vital importance to us all.

I am generally in support of President Nixon's position favoring deescalation of American participation in the Vietnam conflict.

During this past year, previous escalation of the Vietnam war has been reversed and this Nation has made substantial moves toward peace and disengagement.

But—and I feel this is very important—if we continue our deescalation, we must be absolutely certain that South Vietnam is not left defenseless and is capable of responding to any treachery on the part of the Vietcong. Otherwise, those of us who have suffered loss, injury, or death in Vietnam will have made a bitterly empty sacrifice.

Although the Vietcong and the North Vietnamese constantly fling the charge of "warmonger" at the United States, this enemy has not made one single small step toward responding to our attempts to obtain a just peace in Paris. While we negotiate in good faith in Paris, the infiltration rate from the north into the south increases. The United States, I fear, is engaged in an absolutely unilateral attempt toward peace.

Because of this bald evidence of bad faith on the part of North Vietnam, I feel that the United States must make it perfectly clear that we are capable of responding in strength to any evidence of escalation on the part of North Vietnam and that we are emotionally prepared to respond with vigor and determination should the enemy continue to escalate their aggression.

Some of us are expressing our discontent with the present war through massive demonstrations. Now I regard freedom of speech and dissent as a privilege of all Americans. But with right comes responsibility. I must oppose peace-at-any-price protestations and irresponsible attacks on an administration hard at work to arrive at a just and enforceable peace in Vietnam. I cannot regard such activity as anything other than providing comfort and aid to our enemy. To the extent we bolster the will of the enemy, to that extent we prolong the conflict and cause the loss of additional American lives. This is intolerable, and we cannot in good conscience sanction such activity.

"WITH THE BARK ON": VICE ADMIRAL KIDD'S REFUTATION OF OUR FIGHTING MEN'S CRITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in many recent public discussions of the condition of affairs in the United States one frequently reads alarming statements, including harping criticisms of our Armed Forces.

It was, therefore, quite refreshing to read a paper by Vice Adm. Isaac C. Kidd, Jr., USN, now commander of the 1st Fleet, recently published in the Officer, the magazine of the Reserve Officers Association, in which he relates much that is great about our country and refutes those who belittle the quality of our Armed Forces.

Admiral Kidd was commissioned on December 19, 1942, shortly after Pearl Harbor. Because he is the son of a distinguished naval officer and now has two sons serving in the Navy, his remarks have the power of the dedicated professional officer of high quality.

To enable a broader distribution of Admiral Kidd's appreciation of the greatness of our country and his devastating repudiation of some of the derision currently being aimed at our fighting men, I quote it as part of my remarks:

[From The Officer, November 1969]

"WITH THE BARK ON"

(By VAdm. Isaac C. Kidd, Jr., USN)

Several years ago, during the Supreme Court fight, Vice President John Garner was called to the White House for his views. He said, "Chief, do you want it with the bark on or off?" Gentlemen, I am going to try to give you a little look into my business today with the bark on. I think you can take it and from what I read—many need it.

Few organizations can so justifiably be proud of great contributions to the fabric of American life as can you. And few can be so proud of the kind of vigilance that has characterized the patriotic devotion to the quality of Americanism today. In significant measure, you in this distinguished group and organizations such as yours can take credit for the spirit and success of a great nation determined to maintain its greatness and contribute to the cause of peace throughout the world.

So at the very beginning, I want to extend my personal thanks for your many contributions to our Navy, to a truly wonderful nation, and I want to commend you for so selflessly responding to the needs of our country.

We have much going for us in this country, and it is perhaps well to remind ourselves of this from time to time. For example, in the next year alone:

More than 195 million Americans will not be arrested;

More than 115 million individuals will maintain a formal affiliation with some religious group;

More than 2 million teachers and professors will not strike;

More than 8 million of our young men will serve honorably in the armed forces of our country—active and reserve.

A LOT GOING FOR US

Of these, three million young Americans are in uniform right now—a uniform which is a new-found target for neo-subversives who deal in discredit—our Navymen and Marines number in the neighborhood of a million. I know you will share my feelings if I say that they represent one million reasons for saying that we have a lot going for us.

Whether it is in Viet Nam, or in our outstanding Sixth Fleet in the Mediterranean, I am able to state unequivocally that we have the finest group of young people in the services today that we have ever had in our history. We ask more of them than ever before: intelligence—technical knowledge—and education. Their duties require not only skill—but great courage and stamina to do the difficult job which they perform as a matter of routine.

To me, these young men represent the most important of our national resources and this causes me to make a sobering observation. To my knowledge, for the first time in our history, American fighting men are facing challenge without the usual cheers; making the sacrifice without the usual home-front support; performing service which is being *derided* rather than *dignified*.

As active, dedicated Americans, which you are, I know these matters are of the gravest concern to all of you—as they are to me and my associates in the Navy. I recognize that "good news is no news" on many of the mass media's yardstick for events and circumstances which capture the public's attention. Bad news, too often, attracts the headlines, as do difficulties rather than achievements, and controversy rather than resolution.

GOOD FACTS IGNORED

Let me cite one of the many such examples. Some weeks ago, we saw much about the number of servicemen who chose to absent themselves in the course of a year without authority to do so. What emerged was a sensational disclosure that, in effect, American military morale was suspect—that the disenchantment resulting from Viet Nam was infecting the armed forces.

No sensational disclosure was made, however, of the unclassified and readily available facts that:

Less than five percent of U.S. servicemen ever go AWOL;

Ninety-nine point nine percent of our men in uniform do not seek asylum in Sweden;

Since September 1965 to the present, some 47,000 Navymen have volunteered for duty in Vietnam;

Since September 1966, 100,000 Navymen stationed in Vietnam have voluntarily extended their tours for six months or longer;

Thirty-three thousand of our incomparable Marines in Vietnam have done the same.

In my opinion, we sell ourselves short by the mysterious affinity we have for focusing on the bad, the bizarre and the big. The bigness of defense, as you know only too well, is a key topic at the present time. Yet, in most of what I see or hear, very little is based on what I would call a reasonable perspective. In too many instances, we hear that defense has "gotten out of hand"—that it is too large and far too costly. Maybe this is so—if you like to lose. In my business though, there are no prizes for second place.

SAME SHARE FOR DEFENSE

What is overlooked or ignored is that we are very much involved in a war—one we did not start—and that its cost is somewhere in the area of 30 billion annually. In the face of this, another fact is to be counted: Defense gets approximately the same share of the Federal budget today that it got 10 years ago. The 78-billion-dollar arms budget for this fiscal year represents 43 percent of government spending. Ten years ago (FY 1960), the arms budget was 43 billion dollars, representing 47 percent of government spending. Popular belief and lip service notwithstanding, the plain fact is that our national investment in security is 4 percent smaller than it was during a time of relative peace.

Another fact to be counted lies in the defense cut of the budget related to the gross national product. It represents about 10 percent of the total spent on all U.S. goods and services; which, coincidentally, is about the same percentage Americans spend annually on all forms of insurance protection. It might be noted that the Soviet Union spends 16 percent of its gross national product on its armed forces.

What follows here is a passing reference to the so-called existence of an evil military-industrial complex. Based on the figures just cited—and the floating Navy's declining material condition which is well-known to you—if the cabal does exist, we should undertake to fire a few people at the top. Whoever they are, they have failed to earn their keep!

CLOSE COOPERATION NEEDED

In my opinion, there is no doubt that if we didn't have this close cooperation in our country where we have free enterprise, then we would not have the capability that we have today to utilize the advancements of science for the overall benefit of our country. . . .

Curiously, in his farewell address on 17 January 1961—the one in which he warned of the military-industrial complex—President Eisenhower balanced his assessments of threats and opportunities. For example, he warned Americans of a threat to their country as follows:

". . . We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily, the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transistory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint"—These are your professional fighting men to whom he refers. These thoughts, in or out of context, bear repeating and reprinting as the case may be.

Another point, which to me has equal validity although it seems to remain undiscovered, was voiced by the late President in these terms:

"A vital element in keeping the peace is our military establishment. Our arms must be right, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

I don't propose to subject you to a reading of his address in its entirety, but I would add—for balance—one final dramatic passage concerning the same defense complex which today smarts from the wide-spreading effects of denouncements.

"Until the latest of our world conflicts," Mr. Eisenhower stated, "the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions."

EISENHOWER WORDS GOOD TODAY

Viewed in the climate of the time in which he made the address—and even today—the military man, the industrialist, the thinking American, should find no quarrel with any part of it. Where quarrel has been found, one might suspect the intention, integrity, or intelligence involved.

In closing, I would like to leave this thought. I have been in the Navy only 31 years, my father for 41, my sons for only five. In our years of service we have heard the owl and seen the elephant, as the saying goes. We have sailed the seven seas. We have visited many of the exotic ports of the world with shipmates, and have seen our sailormen enjoy themselves ashore. Only some of us have survived war. All have endured turbulent times short of war.

"For God and Country" is not a meaningless phrase to me, as I know it isn't to you. It is a simple statement of truth. We, the pros, have a duty to ourselves and to the likes of you that goes far beyond the simple day-to-day existence of life. Today, as almost never before, our country needs the support, assistance and the unity of all of our people.

We, your professionals, seek not accolades, but rather to be sure that you understand—and in understanding expect and demand no more than your investment in your country can guarantee. You, who have freely given much in the past, must be ready to hold the helm and steer the course that this magnificent country of ours will follow in the future.

Perhaps it would not be inappropriate to recall the words of Stephen Decatur, who proposed the toast, "Our country—may she always be right—but, right or wrong—our country."

NEW YORK CITY CONGRESSIONAL HEARING ON AUTOMOTIVE AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, on December 8, 20 New York and New Jersey Congressmen joined me in holding an ad hoc hearing on automotive air pollution in New York City. The hearing was held at the U.S. Customs Court House in Manhattan.

There has been a great deal of evidence with respect to the issue of automobile safety to suggest an attempt on the part of the auto industry to avoid its responsibility to take the public welfare into account. The purpose of our December 8 hearing was to explore whether the industry is following this same course of avoiding responsibility with respect to cleaning up the dirty air we breathe, air polluted by the internal combustion engine.

A suit filed by the Justice Department—United States of America against Automobile Manufacturers Association, Inc., and others—the auto industry alleged that the industry had been failing to meet its responsibility to develop devices to cut down on air pollution, not only by moving slowly in the development of such devices, but also by resisting their required use. We wanted to ascertain whether this is still the case.

Detroit has been telling the American people that it is not feasible to develop cleaner alternatives to the internal com-

bustion engine. If this be the case, we wanted to learn why four entirely independent Federal panels, a Senate committee and the California State Legislature, have all come to the opposite conclusion.

We also wanted to learn why it is that when the California Legislature was considering legislation to ban all automobiles not meeting high-pollution standards, a spokesman for one of the major auto companies said that such an engine could not be built, but 5 days after the bill had been safely defeated, the same person told a press conference that this company could have met the requirements of the bill.

In other words, we wanted to determine if a credibility gap exists between the auto industry and the American public.

Testifying before our committee were auto industry critic and consumer spokesman, Ralph Nader, and the vice presidents of General Motors and Ford Motor Co. In addition to them, we also heard testimony from three experts on the effect of auto pollution on our health and from a panel of experts on auto pollution technology.

I insert at the end of these remarks my statement at the hearing, and the prepared statements of Ralph Nader; Dr. Paul Chenea, vice president, Research Laboratories, General Motors Corp.; and H. L. Misch, vice president of Engineering, Ford Motor Co. I also include brief biographies of the seven health and technology experts who also testified.

The full transcripts of the hearing will be available shortly. The ad hoc committee expects to follow up this hearing with a report making specific legislative recommendations and the introduction of appropriate legislation.

The above referred to material follows:

STATEMENT OF THE HONORABLE LEONARD FARBSTEIN (D.-N.Y) HEARINGS ON AUTOMOTIVE AIR POLLUTION, MONDAY, DECEMBER 8, 1969, U.S. CUSTOMS COURT HOUSE, NEW YORK, N.Y.

Ladies and Gentlemen, we are all agreed, I am certain, the America of December, 1969 is automobile-oriented. Because of the lack of adequate public transportation and the increase in the number of highways, and the ability of the automobile to get us where we want to go, the people of this country have come to depend upon it as the primary source of transportation. For those associated with the automobile industry, the manufacturer primarily, this has meant high profits. It has also meant the expenditure of public funds to accommodate the increased demands—thus even insuring greater profits.

But along with these benefits there is also a set of responsibilities to the public which must be recognized by the industry—responsibilities to provide a safe vehicle and responsibilities to provide a vehicle which does not make our environment uninhabitable.

With respect to the safety issue, there has been a great deal of evidence to suggest an attempt on the part of the industry to avoid its responsibility.

The purpose of our hearing today is to explore whether the industry is following this same course of avoiding responsibility with respect to cleaning up the dirty air we breathe, air pollution by the internal combustion engine.

A suit filed by the Justice Department (U.S. of America vs. Automobile Manufacturers Association, Inc., et al.) against the auto industry alleged that the industry had been failing to meet its responsibility to develop devices to cut down on air pollution, not only by moving slowly in the development of such devices, but also by resisting their required use. We want to ascertain whether this is still the case.

Detroit has been telling the American people that it is not feasible to develop cleaner alternatives to the internal combustion engine. If this be the case, why have four entirely independent Federal panels, a Senate committee and the California State Legislature, all come to the opposite conclusion?

Why is it that when the California Legislature was considering legislation to ban all automobiles not meeting high anti-pollution standards, a spokesman for one of the companies testifying here today said that such an engine could not be built, but five days after the bill had been safely defeated the same person told a press conference that his company could have met the requirements of the bill.

In other words, we want to determine if a credibility gap exists between the auto industry and the American public.

These hearings will attempt to explore this question through testimony from experts both in and out of the auto industry.

Mr. Ralph Nader is scheduled to be our first witness. He will be followed by the auto industry, whose representatives will have time in which to present statements and then answer questions from the Congressmen present. Third on the schedule is a panel of four experts on the effect of auto pollution on our health. Following them is a panel of experts on auto air pollution technology. They will discuss what can be done to clean up the current engine, as well as the desirability and feasibility of alternative systems such as steam and electric. These hearings will culminate with statements by the representatives of General Motors and the Ford Motor Company followed by questions.

I wish to acknowledge that by their presence here today. General Motors and the Ford Motor Company have demonstrated an interest in the public health. I regret that Chrysler by their absence and refusal to allow high ranking officials to testify did not demonstrate a similar concern.

Some might conclude from this that the Chrysler Corporation is more interested in profits than in helping clean up our air. I certainly hope this is not the case and that Chrysler will join with us in future efforts to end air pollution.

STATEMENT BY RALPH NADER AT A PUBLIC HEARING ON AUTOMOTIVE AIR POLLUTION CONTROL, SPONSORED BY 21 NEW YORK AND NEW JERSEY CONGRESSMEN, FEDERAL CUSTOMS COURT HOUSE, NEW YORK CITY, DECEMBER 8, 1969

Mr. Chairman, concerned members of the New York and New Jersey Congressional delegation, you have convened this hearing to bring forth a greater understanding of the seriousness of automotive air pollutants to human health and the technical and institutional remedies and changes that are required now and soon. The panels of specialists will provide the basis for much concern and presumably some hope. In addition, the auto industry's second echelon spokesmen will provide you with their unfailing presentation of invulnerable intransigence clothed with suitably decorous displays presently in their 19th year of redundant refinement.

In the brief time available, I should like to comment on several consistent behavioral patterns of the automobile industry which have, are, and, unless stopped, will continue to deceive, delay, obfuscate and conspire against men of good will, men of political power and men of technical solutions.

Pattern No. 1. The top executives of the auto companies—the Chairman of the Board and the President—have never consented to testify before any governmental forum—federal, state or local—on their air polluting companies and products. When asked to testify, as they were for this hearing, they invariably delegate to corporate officials who speak with less authority and less visibility. Some Chairmen, like Chrysler's Lynn Townsend, decline even to reply and routinely dispatch Congressional inquiries to lower strata who in turn decline to have their company represented. The refusal of top executives to testify permits them to wallow in ignorance and indifference toward air pollution while they spend their days in high finance, sales, distribution and personnel policies. Unlike Senators, Representatives, Governors and Presidents who want to and are expected to meet their constituents, top chiefs of massive corporate states (GM grosses $2.4 million an hour on the average 24 hours a day with 750,000 employees) remain in their executive suites making decisions that reverberate life and death impact on their customers' health and safety. These corporate autocrats will not begin to feel the urgency of the pollution crisis until they are touched by subpoenas, spurred by indictments and shorn of their calculated anonymity.

Pattern No. 2. By their indifference, venality, and conspiracy, the auto companies are proliferating scales of violence throughout the land that have no parallel. Apart from their unsafely designed vehicles, these companies spew forth tons of carbon monoxide, hydrocarbons, oxides of nitrogen whose silent violence attacks the health of man. Adhering to the principle that the infernal internal combustion engine is to remain eternal, the companies still maintain that there is no need to control these violent emissions, except possibly in southern California. That remains to this day their basic philosophy and explains their determination to delay and deceive with impunity. Although the case has been settled via a consent decree, the Justice Department's charges that the auto companies and their Automobile Manufacturers Association conspired since 1953 to restrain the development and marketing of auto exhaust control systems stand as a reminder of the vast potential for members of this industry *to agree to do nothing.* This is the easiest of conspiracies, and one that was so blatant that these so-called competitors were caught last year giving identical speeches on air pollution through their coordinating co-conspirator, the Automobile Manufacturers Association. The recent initiation of antitrust suits by California, New York and Illinois should bring to public light the mass of documents produced by the five year long Justice Department inquiry before that agency surrendered claim to the antitrust case of the century. In the meantime, General Motors continues to be responsible for at least one-third of the nation's air pollution by tonnage by virtue of the engines it designs and the plants it operates. This is a GM produced violence that rarely invokes the demand for law and order to replace the anarchy that its predatory power has constructed and maintained. Because the emphysema, the cancer and other diseases that build up over time in the human beings are deferred consequences of such violence, which the law has not integrated therein into a structure of accountability. This is the style of technological violence produced by executives who keep their cuff links on.

Pattern No. 3. The auto companies refuse to identify the problems and the hazards from their products. It was not the industry, but a Professor at the California Institute of Technology who made the connection between auto exhausts and photochemical smog in the early Fifties. All efforts at auto pollution control by California began in earnest from this discovery. Thus the first step in curbing any health hazard—the discovery of its existence—has not been assumed by the industry to be its responsibility. This

is true to the present time. For although the law is only considering the three pollutants—carbon monoxide, hydrocarbons and oxides of nitrogen—three other serious pollutants—lead, asbestos and rubber tires—remain unrecognized and unstudied by the industry. Why should the companies make the connections with human disease when they can gain more time by waiting for outsiders to do so. The buildup of lead concentrations in the atmosphere, especially in the cities, is alarming scientists. (See *Scientist and Citizen*, April, 1968). Asbestos is receiving much more attention recently but not by the auto companies whose clutch and brake linings release it into the air. A Litton report prepared for the National Air Pollution Control Administration (HEW) this year noted that the latent period required to develop asbestosis, lung cancer, or mesothelioma is 20 to 40 years. The report state that "Asbestos is an air pollutant which carries with it the potential for a national or worldwide epidemic of lung cancer. . . ." The auto industry has produced nothing by way of research on the risks from this pollutant and how it can be reduced. Particulate and other polluting matter from the wear or combustion of rubber tires were called possibly the most serious form of vehicular pollutant by Professor Rene Dubos of the Rockefeller University who urged immediate study of this ignored area. Neither the tire nor the auto industries have spent a dollar trying to find out.

Practice No. 4. The auto industry has practiced a policy of prevarication and deception that has lulled and blunted the ardor of many legislators. Examples could be adduced ad infinitum; let a few suffice.

On March 3, 1953, Ford Motor Company wrote Mr. Kenneth Hahn, Los Angeles Supervisor, as follows: "The Ford engineering staff, although mindful that automobile engines produce exhaust gases, feels these waste vapors are dissipated in the atmosphere quickly and do not present an air-pollution problem. . . . The fine automotive powerplants which modern-day engineers design do not "smoke." Only aging engines subjected to improper care and maintenance burn oil."

On March 26, 1953, General Motors wrote Mr. Hahn that "The information that is available to us does not indicate that carbon monoxide is present in harmful amounts in the Los Angeles atmosphere and so we have not been concerned about the imminence of a serious health problem from this source."

Moving to the present, the deception continues but becomes even bolder. With a presumption that borders on pornography, Charles M. Heinen, of Chrysler Corporation, delivered a paper before the industry-indentured Society of Automotive Engineers in April 1969, entitled "We've Done the Job—What's Next? He goes on to say:

"I stated that we've done the job. [The main battle against automotive pollution has been won.] Now, let me summarize what we have done. Starting with the 1961 model and including the 1970 vehicles, the accumulate up-to-date record will show:

1. Hydrocarbon emissions down about 80%.

2. Carbon monoxide down about 70%."

This has become the official industry line. Observe the ease with which it can be overwhelmed with refutation. First, the industry ignores the importance or necessity of four other vehicular pollutants—oxides of nitrogen, lead, asbestos and rubber tire pollutants. There is abundant evidence of harm done by the first three and abundant need to find out about the latter pollutant. Second, the Heinen approach fails to account for the projected increase in vehicles and mileage travelled. As a Senate Commerce Committee report declared: (1969)

"The present emission standards will not stabilize, much less reduce vehicular air pollution. Studies indicate that, under existing controls, automobile air pollution in the United States will more than double in the next 30 years because of the projected increase in both the number of vehicles and miles driven by each vehicle. Ironically, under present emission standards, oxides of nitrogen emissions, the main villains in photochemical smog production, will be higher than they would be if no standards existed."

Third, the industry neglects specially vulnerable individuals such as the hundreds of thousands with respiratory diseases and traffic police who must work in environments having high vehicular emissions—to name two groups. These people have necessities that connot be ignored by national pollution control policy. Fourth, vehicular pollutants destroy hundreds of millions of dollars of property—as in agriculture—and cause vast dollar damage to other property. Since others, not the auto industry, bear this cost, the billions in property losses caused by an industry that refuses to be toilet trained are ignored in the deceptively optimistic orgies that go by the description of technical reports from the auto companies. Fifth, auto pollution is receiving increasing attention as a traffic safety hazard—ranging from the effect of carbon monoxide on drivers (GM recently recalled over 2 million vehicles because of this hazard) to reduction of driver visibility from smog on highways. Sixth, auto pollutants and the dirty, ugliness that they produce constitute a nuisance and aesthetic deprivation that alone should be sufficient for their prevention. Seventh, Heinen's and others' figures about reduction of carbon monoxide and hydrocarbons knowingly ignore the degradation of performance as the mileage increases. Federal regulations require that automobile emissions not exceed specified levels for carbon monoxide and hydrocarbons. Certification procedures by the National Air Pollution Control Administration are supposed to guarantee that emissions will not exceed the maximum allowable for 50,000 miles with one major tune up at 25,000 miles. However, an undisclosed, NAPCA financed study of the emission characteristics of Hertz vehicles indicated that 53% of the autos tested failed either the carbon monoxide and/or hydrocarbon tests after only 11,000 miles on the average. General Motors' failure performance was distinctive: 68% of the GM cars surveyed failed for either carbon monoxide or hydrocarbon at an average of 12,600 miles. The Federal testing of motor vehicles for compliance with the law is a shocking story which will soon be told in a coming report.

Practice No. 5. The auto companies have applied their considerable politico-economic power to avoid having to shoulder the burden of proof for their air violence. In a society with democratic control over its technology, it would not be up to the victims to have to show that a pollutant was harmful, particularly the kind that takes years to manifest its deadly impact on human beings; it would be up to the polluting company to show that its emissions were not harmful. The new cry of the students and the environmentalists to General Motors et al will be—"You prove its harmless or get it out of our air."

Practice No. 6. Having had great success in surrounding themselves with privileges and immunities, the auto companies have been able to keep their research and development budgets tiny. During the past two years, to illustrate the sense of priority, General Motors has spent $250 million to change over its signs to read "GM—Mark of Excellence." Judging by its technical output, its lack of change, its facilities and manpower devoted to R and D, GM could not possibly spend more than $8 million a year for system solutions to its vehicle's pollution. That amounts to about 3½ hours gross revenue. Such contempt for the inalienable rights of people to breathe pure air, coupled with industry-wide conspiracy, is a crime of staggering proportions for which there is no prosecution.

Practice No. 7. The auto companies' response to growing state and federal demands for pollution control has been to sustain the perpetuation of a grossly inefficient internal combustion engine by applying tack-on "solutions." During the past four years, these tack-on, rather than systemic, approaches have been produced with *decreasing* costs to the companies and *increasing* added price increases to the motorist. In addition, the cost of maintenance of these clumsy devices increasingly accelerates with every expanded objective. While promoting the myths of how much alternatives to the internal combustion engines would cost, the auto companies are bilking millions from motorists in order that their capital commitment to the conventional engine not be disturbed. It is critical for Congress to analyze at what point on the continuation is the most efficient absorption of the cost. Engineering history has shown that that point is the design boards. For example, company representatives are now providing an idea of how much it is going to cost California motorists to meet that state's forthcoming standard. In terms of increased fuel consumption and added price increases allegedly due to added devices, it will cost California new car buyers about $600 million in the first year. These kinds of figures are rarely stacked up against the cost of basic propulsion changes back in the motorcar plants. The external costs of the present internal combustion engine—health, property, fuel, consumption, price increases, maintenance, traffic crashes etc., vastly exceed initial, fundamental changes in the propulsion changes. But the auto companies, not the people or the government, makes these cost decisions. The auto subeconomy is a classically authoritarian system in this regard. In a period of our history when spectacular advances have been made in space, automated production machinery, computers and other areas, the auto industry continues to inflict the violent internal combustion engine-fuel combination on the public. With greater technological capability and affluence, the auto industry has had a commensurately greater ethical imperative to know the knowable and apply the solutions. The enormity of its criminal behavior grows larger every year. No longer should the people in this country delay in doing what should have been done in the 1920's and 1930's. It is recommended that the following action should be taken:

1. Vigorous antitrust enforcement to dissolve General Motors and restructure the auto industry under conditions that will generate competition for quality and safety.

2. The government should use its procurement powers and research-development funding to create maximum incentives for less polluting vehicles. This would include setting up a production capacity for nonpolluting or less polluting vehicles. There is ample precedent for this move in ——— less urgent areas—e.g. maritime B and D subsidy and the outright creation of a tax-supported private atomic energy industry. Without a government supported capability, the standards process will be controlled by the product-fixing policies of a collusive industry.

3. Existing air pollution control laws must be amended to provide for effective penalties and other sanctions to deter violators, for an expeditious recall power for correction at manufacturer expense, for strong in-plant investigation and inspection powers and for ample manpower to perform these missions. At present, millions of vehicles are produced that violate the pollution control standards. There is no way for the government to ascertain that the carefully tuned, prototype vehicles submitted for

testing by the auto companies are in any way similar to production vehicles. Sanctions must apply to corporate officials, not just the companies.

4. The principle of maximum technological feasibility must become a prominent guideline for federal policy. This is in accord with a new technological ethic that the machine adapts to the man. Quickly jettisoned must be the idea that our people must await two to three decades of medical studies before the human guinea pig evidence begins to bestir the auto manufacturers.

5. Strong, long-range cut-off dates should be established beyond which vehicles with certain levels of pollution can no longer be sold. Long-range decisive deterrents and heightened public expectations are built up in this manner.

6. A criterion of corporate insanity should be developed to apply to certain levels of indifference, insensitivity or venality. Once these levels are attained for any given area of corporate decision making—in this case, pollution—the corporate institution will lose its power over that area to the people. In the alternative, there could be a federal declaration of policy that the quality of air can no longer be intruded upon by corporate or other polluters as their private sewers. This would permit interesting policies and rights to emerge—such as constitutional change pressures toward a fundamental human right to a pure environment or taxation of polluters to such a degree that the companies decide it is cheaper to adopt the control machinery.

7. Above all, a new governmental policy of meticulous investigation of the auto companies to disclose illegal practices, technology suppression and other patterns of activity that slow or block pollution control progress is needed. Disclosure is reform's first step. To continue the present permissiveness of trying to understand these generators of air violence through the contrived statements of a number of company officials is similar to trying to understand China and the Soviet Union through the utterances of Kosygin and Mao. This nation applies more investigative manpower to one bank robbery than it devotes to the auto industry's violent activities. Those of us who have followed the tortuous path of the industry over the years can be forgiven the lack of patience displayed by public representatives newly exposed to the smooth semantics of corporate publicists. For us, the auto companies' assault on the biosphere must be stopped if only for the benefit of the young and still unborn generations who will never know what a breath of fresh air can be like.

I should like to request that the attached questions be asked of the auto companies as a start toward the necessary disclosures.

Thank you.

QUESTIONS

1. Under the Air Quality Act of 1967, motor vehicle manufacturers are asked to submit prototype models for testing to assure that evaporative and exhaust emissions are controlled in accordance with the standards established by the Secretary of Health, Education and Welfare. What steps has your company taken to assure that production line models conform to these prototypes with regard to the emission of pollutants? Please describe the quality control program as it relates to this problem.

2. Why have the Presidents and Chairmen of the Boards of the automobile companies consistently refused to appear before public forums to discuss their companies' efforts—or lack thereof—in the field of air pollution control?

3. Are the automobile manufacturers at all concerned with the fact that inner city residents—black slum dwellers and others sometimes called the "silent majority"—are subjected to massively greater quantities of pollutants from automobiles than are the residents of Grosse Pointe, Michigan and other suburban communities where the automobile executives lay their heads? If so, please produce the corporate studies which reflect this concern.

4. Why have the automobile companies raised prices for each of the last three model years, each time citing the cost of air pollution control as one reason, when there has been no significant change in that equipment over this period?

5. What research have the companies engaged in relating to the efforts of air pollution from automobiles on the following: automotive safety, health; property damage, vegetation, wildlife, climate?

6. Please indicate, for each engine-carburetor-transmission combination, exactly what quantities of the following pollutants are emitted over the life of each vehicle: Carbon monoxide, hydrocarbons, oxides of nitrogen, lead, asbestos, rubber particles and gaseous matter from tires.

7. What research have the companies undertaken to study the health effects of these pollutants? If they have not engaged in such research, why not? If they have, what have they done to alert the public to the health dangers of these pollutants?

8. Aside from claiming to meet inadequate federal standards, what have the companies themselves done to reduce these dangerous emissions?

9. Do the executives assembled here today agree that automobile industry executives should be subjected to personal criminal penalties for failure to adhere to federal standards for automobile exhaust emissions?

10. How much money have the companies spent, for each of the last five years, on research relating to steam, electric and other pollution free unconventional power sources for mass produced automobiles?

11. With regard to questions 5, 7, 8, 10 and 12, please compare the amount of money spent for those activities with the following: a) the annual advertising budget of the companies. b) the amount of money spent on bonuses and stock options for corporate executives.

12. Are the companies engaged in research to develop a cleaner burning fuel?

13. What is the position of the companies (individually) on federal standards limiting the emission of oxides of nitrogen, lead, asbestos and tire-related matter from motor vehicles?

14. The newspapers recently reported that the automobile manufacturers were engaged in research relating to electrically powered lunar vehicles. Will the fruits of this research result in similarly powered vehicles for mass production on earth? If so, how soon?

A STATEMENT OF GENERAL MOTORS CORP., BEFORE THE NEW YORK, NEW JERSEY CONGRESSIONAL PANEL, NEW YORK CITY, DECEMBER 8, 1969, PRESENTED BY DR. PAUL F. CHENEA, VICE PRESIDENT, RESEARCH LABORATORIES, GENERAL MOTORS CORP.

Representative Farbstein and other Members of Congress, I am Dr. Paul F. Chenea, a vice president of General Motors Corporation and in charge of the Corporation's Research Laboratories.

I am here today in response to your invitation to General Motors to appear before this panel of Congressmen from New York and New Jersey to discuss on behalf of General Motors the effects of the automobile on the air of the metropolitan area. I am accompanied by Dr. Fred W. Bowditch, director, emission control, of the GM Engineering Staff.

I have been associated with General Motors Research Laboratories since June, 1967. Prior to that I was vice president for academic affairs of Purdue University and acting dean of the School of Science, Education and Humanities from 1961 to 1967 and was a professor and administrator in engineering and mathematical sciences at Purdue during 1952–1961. I was on the University of Michigan engineering faculty during 1946–1952.

During those years I also was a consultant to government and industry.

In response to your invitation—and in an effort also to give perspective to the discussion before this panel—our report covers three broad areas:

1. A review of progress in reducing emissions from our current production cars.

2. What we are going to develop future power plants.

3. Some comments on the automotive contribution to the metropolitan area's air pollution problem.

Mr. Chairman, as discussed with you in reaching general guidelines prior to accepting the invitation to appear here today, we are under certain legal inhibitions in discussing any subject matter related to pending air pollution litigation, including a suit in New York State.

However, we do not believe that this in any way will limit our ability to present a meaningful report that will be useful to this panel. As you know, we want to cooperate with you, and we recognize the importance of presenting our views on metropolitan New York air quality problems.

At the outset, I want to emphasize that air pollution problems are taken very seriously by General Motors. We have already made substantial progress in reducing emissions from our engines—including a number of improvements adopted by others in the industry—and we are continuing to reduce emissions each year. But most important—and I cannot emphasize this too strongly—General Motors is and will be irrevocably committed to finding a solution to automotive emission problems at the earliest possible time. And in seeking solutions we will have no hesitation in using a power source other than the internal combustion engine if it will meet the needs of our customers, at a price they can pay, and will solve the emission problem.

We are concerned about the health and safety of the public. The cars we are producing right now—not some time in the future—are in themselves evidence of our concern. Our cars emit approximately 70 per cent fewer hydrocarbons than the unequipped cars of 1960; next year it will be 80 per cent. Carbon monoxide emissions have been reduced nearly 65 per cent in the same period.

Most importantly, while emission levels of our current cars are substantially lower than emissions of pre-control vehicles, achievement of the levels now being considered for 1975—and we certainly are hopeful of achieving them—would result in reducing auto emissions even further—with hydrocarbons 95 per cent and carbon monoxide 85 per cent below uncontrolled cars of 1960.

The facts clearly demonstrate that our current model General Motors' cars greatly reduce the automotive contribution to atmospheric pollution in the metropolitan New York area and other major urban areas of the nation.

This effectiveness of emission control systems on 1970 cars was recognized recently by a most eminent public authority on air pollution, Dr. A. J. Haagen-Smit. He is chairman of both California's Air Resources Board and of President Nixon's Task Force on Air Pollution.

Dr. Haagen-Smit discovered how photochemical smog found principally in the Los Angeles Basin is formed. He said in an address[1] last month that the sum total of

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[1] At Governor's Conference for California's Changing Environment, November 17–18, 1969, Los Angeles, California.

hydrocarbon and carbon monoxide emissions from motor vehicles on the road today are lower than they were last year.

He continued: "They will be even lower next year and the year after that. This is true even though we will have more cars each year. The decrease in total emissions will soon be true for oxides of nitrogen. The above are significant accomplishments and are ones that should not be casually accepted as having been easily accomplished."

This has been accomplished despite the number of older used cars that lack emission control equipment.

All of our air pollution work at the Research Laboratories has had three basic objectives: the understanding of the nature of atmospheric effects, the understanding of the nature of vehicle emissions, and the development of new control concepts.

We started intensive research into automotive emissions and their relationship to photochemical smog in 1952. The main effort in the beginning was to determine the nature of the problem and develop instruments needed in such research. As knowledge was gained, hardware was developed.

One of our first tasks was to develop techniques for analyzing trace components in exhaust gas. Automobile exhaust contains more than a hundred different hydrocarbons—some of which form photochemical smog a thousand times more readily than others. Some lead to eye irritation and some do not.

However, even today many mysteries remain concerning exhaust gas and the atmosphere. For example, carbon monoxide disappears from the atmosphere rather than accumulating, and the scientific community has never been able to determine where it goes. This illustrates the difficulties of the area in which we have been working.

We are participating in an $11 million, three year cooperative research program which was started in January, 1968, to find answers to such questions as to what happens to carbon monoxide. It is funded by the federal government, the petroleum industry and the auto industry.

We are also seeking answers to questions concerning the effect of pollution on plants, the causes of haze formations, the effect of low level carbon monoxide on human and animal behavior and the concentration of carboxy hemoglobin in the blood of various population groups in New York City.

Since 1952—when our intensive air pollution research program was launched—a great deal has been accomplished by General Motors. Systems have been developed to provide controls for all sources of emissions from the automobile—blowby gases from the crankcase, exhaust gases from the tailpipe and evaporative losses from the fuel tank and carburetor. These accomplishments have included the following:

1. The Positive Crankcase Ventilation control system (PCV) developed by General Motors.

2. The GM Air Injection Reactor system (A.I.R.).

3. The GM Controlled Combustion System (CCS).

4. Evaporative controls, which will become standard on our 1971 model cars.

These developments were aided immeasurably by the GM smog chamber—the first and largest privately-owned facility for laboratory simulation of actual smog formation—and the GM laboratory at El Segundo, California, to monitor exhaust emissions of the GM vehicles in the hands of the public. This was the first facility of this type in the industry.

We have taken the most productive steps first in achieving the 70 and 80 per cent reductions referred to earlier. The remaining, smaller segments will be much harder to achieve.

Regardless of what we have done so far—and whatever GM and other manufacturers may be able to do in the immediate future—we should all clearly understand a few facts as to existing problems that limit the impact of reductions achieved with new auto emissions on the total automotive pollution problem. For example:

The lower emissions of present model automobiles will not have full effect on air quality until older cars that lack effective emission control systems are eliminated from the vehicle population.

While we are working on the problem no practical system has been developed to retrofit older model cars with current, improved control systems, with the exception of PCV valves, which can be installed in pre-1963 model cars. PCV valves are available at GM dealerships, but owners of pre-1963 cars have shown little interest in having them installed.

Moreover, if there is a desire to speed up the impact of improvements on new cars, then:

Owners of cars must recognize the extreme importance of improved maintenance of emission control systems.

Changes in fuel will be needed, such as lower volatility.

Looking forward, we feel that it is our responsibility to develop the technology which, with time, can eliminate the automobile from the list of significant air pollution sources.

Reaching lower pollutant levels may require substantial technological breakthroughs in hardware and materials, or major modification of fuels—whether by alternate power plants or improved piston engines.

The required advances will be the products of research. Research is the product of ideas. Even unlimited sums of money do not assure the needed ideas.

Research is to manufacturing as prospecting is to mining. In research it is our business to explore, to learn, to know and to understand. Design for production comes later and is a different matter entirely.

In research we seek to prove that there are no laws of nature that prohibit what we wish to do. Making a production prototype is quite another matter.

The researcher makes apparatus which can be made to work in a laboratory. The production engineer strives to make devices which will not fail. An automobile, for example, which is produced in volume, not only must operate properly, but it must continue to function over a long period of time even when used under adverse conditions or not properly maintained.

To attain even lower levels of emissions of new vehicles we have intensive, parallel programs involving development of alternate forms of automotive power and improvements of the internal combustion engine.

There is no one, quick answer to the total problem. It will take contributions from many design parameters to minimize emission from any power source.

ALTERNATE POWER PLANT DEVELOPMENT AT GM

Now, let us look at the work we are doing on alternate power plants. Specifically, these include continuous combustion engines—that is gas turbines, steam and Stirling engines—as well as electric power systems and hybrids, which are combinations of two or more power plants.

Continuous combustion engines offer the opportunity for more complete, steady and, therefore, more precisely controlled combustion. They can be designed to have reductions perhaps 80 to 95 per cent below the emission level of the 1960-level uncontrolled internal combustion engine. This is an emission level to which the internal combustion engine can be reduced by further improvement.

One of the most promising continuous combustion engines is the gas turbine. Our gas turbine research dates back 20 years and has included experimental trucks, buses, and the first gas turbine automobile in the United States, built and tested in 1953.

For the immediate future, a gas turbine engine is scheduled for production by our Detroit Diesel Engine Division for trucks, buses and stationary applications. This power plant, aimed at the heavy vehicle market, will be a relative of the experimental gas turbine developed by the Research Laboratories a number of years ago. The GM turbine-powered bus will have an automatic transmission comparable to those in present buses rather than a manual shift.

While research indicates that the turbine is much better suited to the requirements of trucks and buses, we are working on designs for passenger cars, too. Disadvantages of the turbine for passenger cars in the present state of development include poor fuel economy and inadequate response in traffic.

One possible limitation on mass production feasibility of the gas turbine for passenger cars is the fact that a major required material is not available in sufficient abundance. Present turbine engine components require large amounts of nickel, perhaps more nickel than present free world availability. However, we are continuing to search for new designs and more available materials that could make this low emission engine practical for production automobiles.

As to steam engines, interest in research and development has been running high. Government-sponsored programs for the testing of steam-engine buses are underway in Dallas and San Francisco. At General Motors, we also have had a number of steam engine research and development programs in progress.

We exhibited two working steam engine test vehicles last summer at a "Progress of Power" exhibit. We are continuing to do experimental work with them.

One is a Chevrolet Chevelle, powered by a steam engine designed and installed by Besler Developments Inc. The second car, a Pontiac Grand Prix, contains an engine designed and constructed at the GM Research Laboratories.

We have found that size, cost, fuel consumption, serious lubrication problems and weight are formidable obstacles—not to mention the cold weather freezing problem.

An external combustion engine, the Stirling, is quiet, vibration free, and about twice as efficient as the steam engine.

The GM Research Laboratories have done development work on Stirling engines over the last 12 years. Our experimental hybrid Stirling-electric car, the Stir-Lec II, features a battery-powered electric drive system with the 8-horsepower Stirling engine driving an alternator for battery charging.

At its present state of development, the Stirling is bulky, heavy, complex and expensive. It requires materials not readily available in quantity, and both durability and maintainability are unknown. Our current research is directed toward designing lighter, smaller, less costly engines.

In addition to our work on petroleum-burning engines, General Motors has several active programs on electro-chemical energy converters and electric drives. We demonstrated our Electrovair II and other battery-powered cars at our "Progress of Power" exhibit. These vehicles, built as prototypes to gain more definitive answers in our research, were the products of several years of investigation into various electric drive vehicles. The Electrovair II, successor to Electrovair I built in 1963, was demonstrated in Washington in 1967 in connection with a Congressional hearing.

Our intensive investigations of the electric car have shown that the major advan-

tage of this vehicle is reduction of air polluting emissions.

We have researched and built a limited application or short range "shopper" vehicle—something between our compact-sized Electrovair II and a golf cart. Although slightly smaller than most electric cars built today, its performance characteristics are similar to those of other electric vehicles.

A vehicle of this type would be used almost exclusively for local shopping, driving to a commuter station, various short-distance community errand-type driving and other limited range transportation tasks.

A number of limitations compared to current all-purpose cars—at the present state of battery development—are imposed by this type of electric vehicle. For example:

Top speeds range up to approximately 45 miles per hour.

This poses a safety hazard if such vehicles are intermixed with larger cars on urban expressways and comparable roads where constant speeds of 40 miles and more per hour are maintained.

Besides initial cost, replacement of batteries approximately every two years could be expected to cost in the area of $200 in today's market.

Cold weather and passenger compartment heating would place heavy burdens on performance. Battery performance deteriorates in cold climates. At zero degrees Fahrenheit, a lead-acid battery will deliver only about 60 percent of the driving range and peak power that it will at 80 degrees.

A "shopper" that has a range of 40 miles on an 80 degree day would be cut back to a range of 24 miles on a zero degree day if the heater were not used, and only 12 miles if the heater were used.

In our battery work, we are faced with an age-old problem. For vehicular propulsion, a battery must deliver high power for acceleration and hill climbing, and it must offer high energy storage for traveling long distances. The lead-acid battery provides enough power but inadequate range. Fuel cell characteristics are just the opposite and the other concepts fall in between. Cost, size, weight and availability of materials represent a continuing challenge.

No one has yet produced a battery which meets all the requirements. We are continuing development work on some of the most promising contenders. One of these is the zinc-air battery, which has about three to five times the range performance of the lead-acid battery.

In addition, we are studying the lithium-chlorine cell. It has more than adequate power and the energy storage capacity is 10 to 15 times greater than a lead-acid system. However, it operates at extremely high temperatures in the neighborhood of 1200 degrees Fahrenheit. Vehicular application is still many miles down the road.

One major electric vehicle problem in the New York area is the availability of adequate power. As you know, problems related to both air and thermal pollution have limited the utilities in expanding economical power availability. Power supplies are expected to be so tight in the summer of 1971 in New York, according to a recent report in Business Week, that the utility company is said to be planning to mount emergency power generators on barges around Manhattan Island. Nationally, utility companies are expected to increase generating capacity fourfold by 1990 just to meet normal demand. This expansion does not provide for capacity that would be needed to recharge batteries of electric vehicles.

In addition to problems related to potential inadequacy of power supply in some locations, shifting motorists from present passenger cars to electric vehicles could produce side-effect problems. True, use of battery-powered vehicles would eliminate auto emissions. However, generating additional electric power to charge the batteries could result in increased pollutants emitted by stationary sources.

In summary, some of the various alternate power plants that we are investigating have more promise than others in certain respects and our development programs on these concepts will continue. However, in view of the apparent shortcoming of these alternate power plants in various respects, we have continued to work intensively on further development of the internal combustion engine. We will now review this work.

GM DEVELOPMENT OF IMPROVED INTERNAL COMBUSTION ENGINE

Our programs in General Motors to provide additional reductions of emissions from the internal combustion engine have produced most encouraging results. We have been able to obtain very low emission levels with experimental engines in the laboratory.

Exhaust manifold reactors are one of the routes to still lower emissions from the internal combustion engine. Basically, these are large volume exhaust manifolds from two to four times the size of conventional manifolds. These are devices to consume gases in the exhaust. Their effectiveness depends upon the temperature that can be maintained and how long the exhaust gases mixed with additional air can be kept at the elevated temperature.

Extremely low levels of emission compared to even the currently controlled emissions have been obtained. This effectiveness is offset by a number of problems which we are trying to solve. The principal problem is that of a material. We need heat-resistant material that is longer lasting than any available today.

Another system also involves enlarged manifolds but does not require added air and does not have the fuel economy penalties and high temperature material problems of the previously described reactors. However, these lean-fuel manifolds do not produce as low emission levels, and there are difficulties in providing satisfactory engine operation.

We have actively conducted efforts to apply catalytic control to exhaust emissions—an effort started in the middle 1950's. To date we have been unsuccessful with any catalyst if the gasoline fuel contains lead. The catalysts are rendered inert in a relatively short mileage when leaded gasoline is used.

Our work now is concentrated on catalysts for use with unleaded fuels. We have found that this approach is very effective in further reducing emissions from the internal combustion engines.

However, this success has been attained with precious metal catalysts which require material limited in availability. Problems of catalyst durability and temperature control must also be solved.

A number of other techniques for emission improvement have been developed which show promise as an aid in attaining lower emissions. These involve combustion chamber design, fuel injection, valve timing optimization and exhaust gas recirculation.

Our studies and experience with these experimental systems have indicated that an improved piston engine has the potential to provide the same very low level of emissions of carbon monoxide, hydrocarbons and nitrous oxides achievable with the gas turbine, steam or Stirling engine.

As a result, selection among these power plants for future production will be based upon characteristics other than emission level. Further, we believe on the basis of the problems yet to be solved that we will be able to achieve a production version of the improved piston engine earlier in time than any of the alternate power plants.

This makes it clear that we must continue to develop the improved piston engine if we are not to delay that advent of still lower emission level automobiles.

Considering all the relative advantages and disadvantages of the various power plants which might be used in automobiles, the internal combustion engine offers at present the best pollution control value. All of the potential power plants must be measured against each other on the basis of emission level potential and value—in all its aspects—to the owner of the car.

We would like to make it absolutely clear that General Motors has an open mind as to power plants for automobiles and will continue to explore all possible alternatives.

"PROGRESS OF POWER"

Recently, we demonstrated to many scientists and others interested in power plant development some of the latest results of our continuing investigation of various possible forms of automotive power.

We showed examples of working, experimental propulsion systems at a "Progress of Power" exhibit at our Technical Center near Detroit. These experimental designs still under investigation included both alternate power plants and improved internal combustion engines. We are continuing our work to develop these laboratory prototypes toward manufacturing feasibility.

A booklet containing copies of reports on these various power plants is submitted with this statement.

We invite you to visit the GM Technical Center to see these vehicles and, more importantly, the work we are doing in emission control research and engineering.

PROBLEMS RELATED TO LEAD IN GASOLINE

All the gasoline-burning engine approaches reviewed previously have important fuel composition requirements if we are to achieve maximum control of emissions.

The most important of these is the elimination of lead from gasoline. Lead creates several problems, such as making exhaust manifold reactors less effective and destroying effectiveness of catalysts.

Use of leaded gasoline rather than gasoline without lead may also cause greater emission control deterioration with accumulation of mileage due to combustion chamber deposits. Also, lead deposits form rapidly in some of the narrow passages which form a major part of some contemplated control system.

Recently, various government agencies have indicated interest in eventual control of particulates from automobiles. By far, the major share of such particulates are lead or lead products. If significant reduction in these particulate levels is to be achieved, lead must be removed from gasoline.

THE IMPACT OF AUTO EMISSIONS ON POLLUTION

We have talked so far about the automobile and what we have done and what we are trying to do with respect to auto emissions.

As we go further down the road, reduction of car emissions to an acceptable level would solve only the automotive emission segment of the total air pollution problem.

We are confronted with far-reaching air quality problems that will not be solved even with reduction of auto emissions to zero. This is a fact beyond question. Air pollution will not go away just by restricting auto emissions.

AUTO EMISSIONS AND METROPOLITAN AIR POLLUTION

Now let us turn to the data on metropolitan New York's atmospheric pollution problems.

There have been a variety of opinions expressed as to the sources of the metropolitan area's polluted air. Admittedly, the automobile is a contributor to the problem.

There is a tendency to measure gross tonnage and place equal value on all the various types of pollution tonnage in the atmosphere. This type of assessment is misleading.

The tonnage figures should be weighted by the potential harm to health that any given type of pollutant will produce. Even this does not give adequate recognition to time concentration or dosage.

Nevertheless, if we use assessments of the toxicity of the various types of pollutants to modify the tonnage, we obtain a more factual picture of the importance of the individual pollutants in a city's atmospheric problems.

Pollutants present in metropolitan atmospheres include hydrocarbons, carbon monoxide, nitrous oxides, sulfur oxides and particulates.

On a tonnage basis, slightly over 50 per cent of the metropolitan air pollutant volume is attributable to automobiles.

Because carbon monoxide is the largest tonnage pollutant emitted to the metropolitan atmosphere, it is often assumed that this is the principal metropolitan area pollution problem. Since most of the carbon monoxide comes from automobiles, it is further assumed that the automobile is the major cause of this area's pollution problem.

According to government figures, carbon monoxide is far less significant in terms of potential harmful health effect than are many other pollutants.

If potential health harm of these individual pollutants is considered as well as tonnage, the relative importance of present levels of carbon monoxide in the atmosphere becomes much less. Rather than being responsible for more than 50 per cent of the problem, automobile emissions become less than 10 per cent of the metropolitan air pollution problem.

We think this type of assessment is important in keeping in proper perspective the relative role of the automobile in contributing to harmful pollution. This does not mean, of course, that we believe there should be any relaxation in efforts to control emissions from the automobile, but it does mean that the government at all levels should at all times keep the total problem in mind.

Thus, it follows that regardless of the improvements in automobile power plants, air pollution will continue to be a problem and will continue to concern all citizens and governments for many years.

This is a by-product of our continuing urban growth, population growth and the proliferation of additional products that have their own role in atmospheric pollution. Just as we are dedicated to reducing auto emissions, General Motors supports all useful efforts to find solutions to other sources of atmospheric pollution. This is a big job, and all of us as good citizens must work toward the goal of cleaner air.

For our part, we have undertaken extensive projects to control emissions from our manufacturing facilities, as well as emissions from the cars we produce.

The criteria established in studies of what represents suitable air quality should become the basis for control standards with which automobile manufacturers and all other contributors would comply, taking into account both technological and economic feasibility.

The automobile industry can perform most effectively in reducing emission levels if stable standards are set sufficiently far in advance to allow time for development of an optimum approach to solution of the problem.

In closing, let me assure you that General Motors will do its part in the effort to find means to reduce automotive pollutants. We are working hard to develop alternate power plants. We believe, on the basis of our work, however, that the internal combustion engine currently is the best overall power plant in terms of all value considerations.

It is our firm conviction that auto emissions will diminish satisfactorily, and we are determined to eliminate the contribution of the automobile from the list of significant pollutant sources.

Thank you.

STATEMENT BY H. L. MISCH TO CONGRESSMAN LEONARD FARBSTEIN AND OTHER MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES FROM NEW YORK, NEW JERSEY, AND CONNECTICUT, NEW YORK CITY, DECEMBER 8, 1969

Mr. Chairman: I am Herbert L. Misch, Vice President—Engineering, Ford Motor Company, and with me today are Donald A. Jensen, Director of our Automotive Emissions Office and Ross Taylor, Assistant Chief Engineer, Ford Motor Company's engine engineering. At your request, I am here today to describe briefly the efforts of Ford Motor Company to control emissions from our vehicles, the impact of our programs on air quality, particularly in the greater New York City Metropolitan area, and to discuss what we are doing in the area of alternate power sources and their prospects for application to motor vehicles.

First of all, Mr. Chairman, we recognize the seriousness of the air pollution problem in the metropolitan New York area. That problem has been delineated in the 1967–68 Progress Report of the Department of Air Resources of New York City.[1] According to this report, the principal pollutants in the New York Metropolitan area are sulfur dioxide, carbon monoxide and particulate matter. The automobile emits two of these pollutants—CO and particulates. It also emits hydrocarbons and oxides of nitrogen. Because we are aware of no evidence that HC and NO_x pose a significant problem in this area, I will direct my remarks to the two problem pollutants—carbon monoxide and particulate matter.

To set the carbon monoxide problem into perspective, I would like to quote from the City's Department of Air Resources report. It states,

"Carbon monoxide has long been identified as one of New York City's major pollutants. It has been estimated that 1.5 million tons of carbon monoxide are emitted, on an annual basis, into its atmosphere with most of it coming from automobiles. And yet measurements over the last 10 years at the City's principal monitoring site in upper Manhattan, rarely indicated levels of carbon monoxide that could be construed to be of concern. However, data collected from 1966 to 1967 in a more detailed study showed that a number of areas in the City experienced greater than desirable levels of carbon monoxide."

I want you to know that we have already accomplished a major reduction in the amount of carbon monoxide emitted by recent model automobiles. Our 1970 model cars emit about 70 per cent less CO than did their 1967 counterparts. It should be clear that these improvements will go a long way toward elimination of the automobile's contribution to carbon monoxide levels in the atmosphere of New York City.

With respect to particulate matter, this same report states that 88.6 per cent of the particulates in the New York-New Jersey area arise from sources other than motor vehicles and it establishes that the majority of that 88.6 per cent is attributable to such sources as space heating, incineration and power generation.

With respect to the remaining 11.4 per cent attributed to mobile sources, we know that lead additives in gasoline are responsible for a part of it. But, we also know that even if there were no lead additives in gasoline, the automobile would still emit some particulate matter. My point is that we do not yet know as much about the medical, engineering and scientific aspects of this problem as we must in order to address it intelligently and, in this connection, are working to advance the state of the art.

I do not mean to underplay the role of the automobile as a contributor to the emission problem in New York City, but rather to give a balance perspective to the overall problem.

Mr. Chairman, in spite of the certitude reflected by some of the statements made this morning, there remain even at this late stage of the evolutionary process—an amazing number of unknowns relative to the atmosphere in general, the thresholds of toxicity and the synergistic effects of various contaminants of the atmosphere. In other words, we—government and industry—still do not know enough about the vagaries of the atmosphere to be certain how much of any given pollutant is "safe" or "harmful."

Although the responsibility for this definition resides primarily in the government, we are attempting to aid in this effort through, among other things, the support of a research program managed by the Coordinating Research Council. This 13 million dollar program is funded by the auto and petroleum industries and the Department of Health, Education, and Welfare.

Experts from each of these entities, totaling over 200 scientists, engineers and medical doctors organized in 32 committees, aid in the management of this program through the Air Pollution Research Advisory Council known as APRAC.

The research efforts include atmospheric studies such as plant damage by air pollution, fate of carbon monoxide in the atmosphere, origin and importance of haze formation, the source and fate of light hydrocarbons in the atmosphere, as well as study programs to measure and identify particulate matter. Medical projects include studies of the effects of low concentrations of carbon monoxide on behavior, cardiovascular activity, blood effects, and so on.

I am not here to suggest that further action on the air pollution problem should await further definition of the specific needs. However, I am sure you will agree that the more certain all of us are of the relevant facts, the better able industry will be to solve the problem and the more informed government's appraisal will be of the cost and performance relationships implicit in compliance with the new and more stringent emission standards.

Now I would like to address the remainder of my comments to the subjects about which you and the other members of Congress here today have deep concern, what Ford is doing to reduce vehicle emissions.

First, let me discuss alternate power sources.

Although we have prepared rather elaborate paper studies and carefully analyzed all publicly available literature on the subject, we have found no cause to become optimistic about the Rankine cycle engine. In a Senate Committee hearing in Washington in May, 1968,[2] I indicated that, in our opinion, the Rankine cycle was too complex and fraught with too many seemingly insoluble problems to be considered a likely successor to the internal combustion engine. We have found nothing since that time to alter our evaluation of the Rankine cycle.

Our activities in electric vehicle research were described to Senate committees in March, 1967, by Dr. Michael Ference, Vice President of Ford's Scientific Research Staff.[3]

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[1] "Approaching the Clean Air" 1967–68 Progress Report, Department of Air Resources, New York City, January 1, 1969.

[2] Testimony of Mr. L. Misch, Senate Committees on Commerce and Public Works, May 27, 1968.

[3] Statement by Mr. M. Ference, Jr., Senate Committees on Commerce and Public Works, March 16, 1967.

He cited the development work on a concept battery—sodium-sulfur—a zinc air battery concept, improved motors and control systems. It was pointed out that Ford Motor Company had hopes that these major advances in battery development and in control and motor technology might give the electric vehicle a good chance to succeed as a small urban-suburban passenger car and delivery or service vehicle within a decade.

Then, as now, the principal problem was to find ways to minimize the electric vehicle's disadvantages of short range, poor speed and acceleration and hill climbing and long recharge time compared with the quick refueling of gasoline powered cars.

Our position is essentially unchanged today. Problems associated with the fabrication of sodium-sulfur batteries have proved to be more difficult to solve than had been anticipated. As a result, we are nowhere near as far along at this time as we hoped we would be. Also, the hoped for short range potential of air-zinc and nickel-zinc batteries did not materialize.

Some research with lead acid batteries appears promising. This development, if successful, would permit the production of a city car with about 40 miles range in city driving. This represents a two-to-four-fold improvement over previous technology. It also has been the motivation to re-examine the hybrid engine, electric vehicle concept.

The most promising of all alternate power sources, in our opinion, is the gas turbine engine. Emission levels of hydrocarbons and carbon monoxide from gas turbines appear to be extremely low; however, there is some question as to the level to which oxides of nitrogen can be controlled.

We have been devoting an important share of our research, engineering and testing to this engine during the past 15 years. Three years ago we introduced our experimental 707 turbine, a seventh generation turbine engine designed by Ford engineers. The 707 was designed specifically for heavy duty trucks. We have tested these engines for thousands of hours on dynamometers and at our proving grounds in Michigan and Arizona. Some 18 months ago we installed the engine in a few of our own fleet trucks which haul Ford parts from Michigan to our plants in Ohio. Results have been very encouraging, but work must continue to develop adequate durability and performance.

We have extended our turbine activities beyond truck application and, earlier this year, launched a program for application for off-road uses, such as stand-by generator sets, oil well cementing, construction machinery and marine pleasure craft. We also have installed a gas turbine engine in a Continental Trailways bus which soon will be making a test run across the country.

Application to automobiles is still a bit down the road. However, preliminary analysis indicates that the use of gas turbine engines in passenger cars would entail a significant cost penalty and, in the case of city driving, high fuel costs. These cost and technical factors will have to be overcome before the gas turbine can be considered as an attractive substitute for the internal combustion engine in passenger cars.

Whether or not any of these alternate power sources ever proves to be worthy of becoming a volume-produced power plant remains highly speculative at this point. The near term improvements for vehicle emissions must be realized from the internal combustion engine system. Further, we think any objective analysis of the evidence supports our conclusion that the goal of a virtually emission free power source can be reached sooner with the internal combustion engine than with an entirely different and unproven power plant.

For these reasons a greater share of our efforts is directed toward the control of emissions from the internal combustion engine.

One very substantial program dedicated to these future improvements is what we term the Inter-Industry Emission Control Program. It is comprised of Ford and ten other companies, six of which are petroleum companies and the other four foreign auto manufacturers. The IIEC was established in April, 1967, with Ford Motor Company serving as project manager.

The IIEC utilizes the respective talents of petroleum and automotive specialists in the quest to develop a virtually emission free car. Some very ambitious goals were set. Program targets are 65 ppm hydrocarbons, 0.3 mole per cent carbon monoxide and 175 ppm oxides of nitrogen. These emission targets represents a 90–97 per cent reduction from pre-emission controlled vehicles.

We have attained these very low levels in the laboratory and now have a program involving concept cars utilizing advanced hardware and undergoing tests at our proving grounds to determine whether or not these approaches are feasible in terms of durability, operating economy and performance. We are proceeding at full speed to reach the necessary conclusions, and should these tests show promise, we will explore the adaptability of these concepts to mass production techniques.

Gentlemen, I submit that our progress to date and our future objectives which we confidently expect to attain in the control of emissions from the internal combustion engine will serve our mutual objective of providing clean automobiles and a better environment for everyone. As Mr. Henry Ford II said last Tuesday (December 2) in an address at the Harvard Business School, "It doesn't take much imagination to see that before too many years have gone by, the only market left for motor vehicles will be the market for vehicles that are virtually emission free."

In closing, let me assure you that Ford Motor Company intends to be an aggressive participant in that market.

BIOGRAPHIES OF EXPERT WITNESSES

HEALTH PANEL

Stephen M. Ayers, M.D.: Associate attending in Department of Medicine, New York Universty Medical Center; former Chairman Manhattan Action for Clean Air Committee; Member, U.S. Surgeon General's Subcommittee on Cardiovascular Aspects of Smoking and Health and the Medical Advisory Committee, New York City Department of Air Pollution Control.

William Cruce: Rockefeller University, neurophysiology studies, lectured widely in New York and testified before legislative bodies; Member Air Pollution Committee, Scientist Committee on Public Information (will be testifying as a representative of the Committee).

Austin Heller: Commissioner of Air Pollution Control, New York City.

LOW POLLUTION TECHNOLOGY

Robert U. Ayres: Vice President, International Research and Technology Corporation; former technological-environmental specialist, Resources for the Future; member Hudson Institute, former theoretical physicist.

S. Smith Griswold: President Seversky Environmental Dynamics Research Associates; former chief, abatement branch, Division of Air Pollution, Department of Health, Education, and Welfare; former air pollution control officer, Los Angeles County Air Pollution District; former president Air Pollution Control Association; member Surgeon General's Environmental Health Committee; credited with initiating Justice Department air pollution suit against auto industry.

Wolfgang E. Meyer: Professor of Mechanical Engineering and Chairman Traffic Safety Division, Transportation and Safety Center, Pennsylvania State University; panelist, motor vehicle pollution, 1962 National HEW Air Pollution Conference; researcher on the internal combustion engine and its emission levels.

Richard S. Morse: Alfred P. Sloan School of Management, Massachusetts Institute of Technology; former chairman Federal Panel on Electrically Powered Vehicles; former assistant Secretary of the Army; former president, National Research Corporation.

EIGHTY-TWO CONGRESSMEN JOIN IN CALL FOR "ENVIRONMENTAL DECADE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, on Friday, December 5, 1969, I was joined by Mr. DINGELL, Mr. GUDE, Mr. HICKS, Mr. MCCLOSKEY, Mr. MOSS, Mr. SAYLOR, Mr. VANDER JAGT, and Mr. WRIGHT in a call for designation of the 1970's as the "Environmental Decade" and in forwarding an action program for cleaning up our environment in the coming decade.

Since then, a bipartisan group of 73 Congressmen of all ideological persuasions have endorsed that call.

This response is testimony to the growing awareness in Congress of the environmental crisis that confronts us today, and to the need to assign the highest priority—backed up with substantial funding—to the job of cleaning up our air, land, and water in the coming decade.

The list of additional Congressmen now endorsing the call for the "Environmental Decade" and the action program for cleaning up our environment follows:

LIST OF ADDITIONAL CONGRESSMEN SPONSORING "ENVIRONMENTAL DECADE"

Lee Hamilton (D-Ind.).
Ken Hechler (D-W. Va.).
Robert Tiernan (D-R.I.).
Lester Wolff (D-N.Y.).
Donald Lukens (R-Ohio).
Jorge Cordova (D-P.R.).
Robert Mollohan (D-W. Va.).
Silvio Conte (R-Mass.).
John Wydler (R-N.Y.).
Joseph Addabbo (D-N.Y.).
William Harsha (R-Ohio).
Robert Leggett (D-Calif.).
Otis Pike (D-N.Y.).
John Melcher (D-Mont.).
Leonard Farbstein (D-N.Y.).
G. William Whitehurst (R-Va.).
Fred Rooney (D-Pa.).
James Scheuer (D-N.Y.).
Joseph Karth (D-Minn.).
James Grover (R-N.Y.).
R. Lawrence Coughlin (R-Pa.).
Edward Koch (D-N.Y.).
Edward Patten (D-N.J.).
Peter Kyros (D-Maine).
Michael J. Harrington (D-Mass.).
Henry Helstoski (D-N.J.).
Thomas Ashley (D-Ohio).
William Moorhead (D-Pa.).
F. Bradford Morse (R-Mass.).
Glenn Cunningham (R-Nebr.).
James Corman (D-Calif.).
Nick Galifianakis (D-N.C.).
Mario Biaggi (D-N.Y.)
Mel Price (D-Ill.).
James Hastings (R-N.Y.).
Arnold Olsen (D-Mont.).
Robert McClory (R-Ill.).
James Symington (D-Mo.).
Joseph Vigorito (D-Pa.).
William Steiger (R-Wis.).

Herman Schneebeli (R-Pa.).
Richard T. Hanna (D-Calif.).
Robert Kastenmeier (D-Wis.).
Peter H. B. Frelinghuysen (R-N.Y.).
Allard Lowenstein (D-N.Y.).
Richard Ottinger (D-N.Y.).
Benjamin Rosenthal (D-N.Y.).
Morris K. Udall (D-Ariz.).
Sidney Yates (D-Ill.).
George Brown (D-Calif.).
Patsy Mink (D-Hawaii).
Abner Mikva (D-Ill.).
Charles Teague (R-Calif.).
Daniel Button (R-N.Y.).
Clement Zablocki (D-Wis.).
Andy Jacobs (D-Ind.).
Hastings Keith (R-Mass.).
Don Riegle (R-Mich.).
John Blatnik (D-Minn.).
Garry Brown (R-Mich.).
Marvin L. Esch (R-Mich.).
David Obey (D-Wis.).
Thomas M. Rees (D-Calif.).
James C. Cleveland (R-N.H.).
Augustus F. Hawkins (D-Calif.).
Thomas S. Kleppe (R-N. Dak.).
Dante Fascell (D-Fla.).
William F. Ryan (D-N.Y.).
Donald Fraser (D-Minn.).
John Brademas (D-Ind.).
Glenn M. Anderson (D-Calif.).
John V. Tunney (D-Calif.).
Margaret Heckler (R-Mass.).

A CALL FOR THE ENVIRONMENTAL DECADE

We today call for the designation of the decade of the 1970's as the Environmental Decade. Next New Year's Day, January 1, 1970, would be a good time for all Americans to make a New Year's resolution for the decade:

"I pledge that I shall work to identify and overcome all that degrades our earth, our skies, our water, and the living things therein, so that the end of the Environmental Decade of the 1970's may see our environment immeasurably better than at the beginning."

As Members of Congress specially concerned with the conservation of our environment, we make a special pledge to work diligenly on a broad series of fronts:

1. WATER

a. All over the country, man is running out of sources of usable water. The decade must see the development of workable desalination and recycling processes, and better methods of preventing waste by evaporation and other causes.

b. Almost every lake and stream in the Nation is becoming more and more polluted. Half-hearted standards for averting water pollution should be raised, so as to require everywhere water good enough for people to enjoy. Our present programs to eliminate pollution from municipal, industrial and agricultural sources are tragically inadequate. At least $30–$50 billion needs to be spent in the next five years for new municipal treatment works, separation of combined storm and sanitary sewers, industrial waste treatment facilities and for research and development of new anti-pollution methods. The response to the manifest need has been wholly inadequate. For example, Congress authorized $1 billion for water pollution treatment this year, but the appropriations request from both the Johnson and the Nixon Administrations has been for a ridiculous $214 million.

c. It is not enough to clean up our waters after they have been polluted. Effort must be made to find and eliminate sources of pollution before they begin. For example, the Government Operations Subcommittee on Conservation and Natural Resources will hold hearings shortly to determine why the soap and detergent industry continues to use phosphate as a leading ingredient of household detergents, when it is well known that these same phosphates are a leading cause of the eutrofication—death by overfertilization—of so many of our waters.

d. A new and alarming form of water pollution is overheating of water—thermal pollution—caused by fossil-fuel and atomic power-generating plants. Destructive overheating must be stopped.

e. Wetlands and estuaries are where land and water meet. Destroy them, and we destroy the areas where our fish and wildlife breed, and where the air we breathe gets its start. Yet destroy them we do, whether with the help of the Department of Agriculture in draining the prairie potholes or making drainage ditches out of streams, or with the help of the U.S. Army Corps of Engineers in filling countless estuaries and marshes. Filling or draining for unneeded farmland, or for apartments or expressways or airports which could be built elsewhere, goes on apace. The Government Operations Conservation and Natural Resources Subcommittee has recently heard the sad tale of speculators despoiling the estuaries of the Potomac and of San Francisco Bay; these hearings will continue. The looters of our wetlands should be told: stop it.

2. AIR

a. Air pollution brings emphysema, bronchitis, lung cancer and death. It blackens our skies, smarts our eyes, wrecks our food, clothing and shelter. It is getting worse.

The internal combustion engine, with its carbon monoxide and nitrogen oxides, is the worst single polluter. A pollution-free engine must be developed and used in vehicular movement. We must evolve forms of mass transportation which do not pollute our atmosphere.

b. Industrial and power plants, with their sulfur oxides and hydrocarbons and particulate matter, are the second worst source of pollution. They must be guided quickly into using clean-burning fuels and methods of production which do not ruin our environment.

c. One of the newest forms of air pollution is noise—by jet planes, by motor vehicles on the freeways, by building construction crews. In many cities and suburbs, we have already exceded the noise levels where mental and physical health is endangered.

3. LAND

a. The earth and the fullness thereof get less full every year. Agricultural soil erosion by wind and water costs us $1 billion annually. In the next ten years, if we go on as we have, we shall lose another 15 percent of our agricultural land values to erosion.

b. To farm erosion has now been added the bulldozer of the suburban developer and the highway engineer, silting up our streams and ponds and lakes.

c. Chemical pollution of our soil (as of our air and waters and wildlife) is growing worse. Fertilizers, herbicides, pesticides, chemicals of war threaten not just the good life, but life on this earth altogether. DDT and other persistent pesticides have contaminated meat, fish, milk, vegetables, fruit. They threaten the destruction of whole families of birds. As the Conservation and Natural Resources Subcommittee found, negligence by the U.S. Army in its handling of lethal chemical weapons at Dugway, Utah, caused the death and injury of over 6,000 sheep, and with a shift of wind could have caused the death of even more human beings. Those companies and individuals which profit by chemical pollution do not give up easily. We intend to keep after them.

d. If people are going to find land on which to live and breathe and enjoy life, we must stop the senseless carving up of our landscape by the highway engineers, the suburban developer, the jetport authority. This requires regional and national planning. It requires the building of hundreds of new towns and consideration of the garden city concept with adequate open space adjacent to densely-populated areas.

e. We must expand our programs for setting aside parks, playgrounds, wilderness areas, wild rivers and seashores, and fish and wildlife areas. Yet this year's appropriation for the National Park Service is $123 million. We must alter our priorities.

f. Our land (as well as our water and air) are about to be engulfed by solid wastes and their by-products—junked automobiles, glass bottles, steel and aluminum cans, used packaging, and other detritus. We must reconsider our tax systems so as to put some of the cost of evolving new methods of solid waste disposal on the manufacturer and user of these wasteful products, so as to encourage the development of disposable and degradable containers and wastes.

g. Litter—trash and garbage and cigarette butts—are contributions to ugliness that almost all of us make almost every day. Here is something on which every individual should be taking the pledge.

4. *Wildlife.* Due to the skill of our game and fish scientists and managers, many of our fish and wildlife populations are in better shape today than they were 30 years ago. The American bison herd, for example, is up from 4,000 to 25,000. But the pollution of our land, our waters, our air, the destruction of wetlands, the increased use of chemicals, and above all, the inexorable grab at wildlife habitat by our increasing population, pose a clear and present danger. Already 89 birds and mammals are on the list of endangered species, and man himself may not be exempt. We must preserve more wildlife habitat, and particularly we must massively assist our marine resources.

5. *Mineral and forest resources* are being rapidly depleted by our industrial technology. We must conserve our non-renewable minerals; particularly, we must recycle the wasted iron, aluminum, copper, zinc and other metals with which we now fill our dumps. Our mineral leasing policy for public lands must be updated. Our forests are endangered as we increasingly exceed the allowable cut. It will cost more money to attain better management of our timber resources. We must provide it.

6. *People.* All of these environmental resources must be preserved not only for themselves, but for the life, liberty and happiness of our people. Environment *is* for people.

a. Population—how many people, and where they reside—can affect our environment equally with what we do, or fail to do, with it. Our studies of Florida's Everglades, for example, show that too many people living at the headwaters which moisten the Everglades, could dry up and ruin this priceless national ecological marvel. In our metro-areas, where most of us live, our slums, our traffic jams, our noise, our foul air and water, our sprawling suburbs, point an ominous warning. We urge that the President's new commission on population problems takes into account the effects of population on the environment as well as on other aspects of life.

b. If the environment is for people, it is also people—mostly private citizens, not just the government—who must lead the fight to preserve our environment. Surely, the government must reorder its structure for an all-out fight during the Environmental Decade: the federal executive branch must have a top-level Council on Environmental Quality, and the Committees of Congress with which we are associated must redouble their efforts. Federal, state and local legislatures and courts must erect the framework for the battle. But citizen activity must lead the fight.

c. Among citizens, we turn to youth as the great hope for the Environmental Decade. Young people are understandably outraged by the cynicism and materialism of their older generation. We urge them to substitute

constructive impulse for negativism, and to build for future generations an environment worthy of free men and women. We hope they will conduct studies, sponsor educational forums, initiate petitions, support court suits, pressure administrative agencies, draft legislation, and do the many things needed to help protect against environmental destruction.

d. We turn, too, to the people not just of the United States but of the world. Pollution of our environment threatens to engulf not only America, but all the land and seas and air. We welcome the Environmental Conference of the United Nations scheduled for 1972, and urge the United States government to take the lead in making ours a Model Planet.

Let the 1970's, then, be preoccupied with life and the quality of life. Before we starve, or choke on polluted air, or poison ourselves with our ruined waters, let us fight all who get in the way of a decent environment. Let man in the Environmental Decade assume his proper stewardship over pure water, blue skies, and a habitable earth.

H.R. 15091 GIVES HOUSE OPPORTUNITY TO VOTE AGAINST INFLATION AND FOR MORE HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, tomorrow the House will have a great opportunity to go on record against inflation, against high interest rates, and for more housing, and lower interest, and for small business.

Mr. Speaker, your Banking and Currency Committee last Friday morning reported out H.R. 15091, a bill to lower interest rates and fight inflation, to help housing, small business, and employment. This bill was reported on a 21-to-11 vote with two abstentions.

This bill should be passed by the House by an overwhelming vote. It has the solid support of the Democrats on the Banking and Currency Committee and the Rules Committee. I hope we will have support from both sides of the aisle so that the American people will know that this Congress wants more housing; so that the people will know that this Congress is dead serious in its fight against inflation.

Mr. Speaker, if this bill is passed, the Members of the House can go back to their home districts over the holidays and say, "We did something about inflation. We did something for homebuilding, for the prospective homebuyer. We did something to combat high interest rates."

In addition to the bill as reported, I plan to seek restoration of sections which would reqiure the Federal Reserve to purchase at least $6 billion in housing mortgages either in the open market or directly from the Federal housing agencies. This would provide an immediate and meaningful injection of credit where it is needed most—in the homebuilding industry. I hope that I will have the support of the majority of the House in the effort to restore these sections to the bill.

This provision was originally in H.R. 15091 as introduced by 20 of the Banking and Currency Committee's 21 Democrats. All we are asking is that a small part of the Nation's credit be allocated to build homes. All we are asking is that some of the credit be allocated to the Nation's most depressed segments of the economy.

Mr. Speaker, the purchase of $6 billion in housing paper is not inflationary in any sense. The Federal Reserve can tighten up on unnecessary business lending in order to compensate for the credit allocated to homebuilding. The Federal Reserve can stop the big banks from financing gambling casinos in the Bahamas and the financing of conglomerate acquisitions so that the American people may be housed in decent and healthful homes.

Mr. Speaker, the vote to provide $6 billion in housing credit will be a clear and absolute test of the House of Representatives' will to help the homebuilding industry.

Mr. Speaker, H.R. 15091 also provides other tools to help the housing industry and to prevent run-away inflation.

The bill would provide discretionary authority to the President of the United States to authorize the Federal Reserve to control extensions of credit, both business and consumer credit. This will enable, if the President desires, specific attacks on inflationary areas and thus make unnecessary the present across-the-board super-tight money which has created such havoc in the housing market.

This section of the bill would empower the Federal Reserve, on request of the President, to prescribe the maximum rates of interest, the maximum maturity, the minimum periodic payments, the downpayments, and other terms of credit transactions. The President would be empowered to call for these controls "for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume."

Mr. Speaker, the President of the United States—as well as the Vice President—has said much about inflation and the need to control it. Through this bill, the Congress of the United States is giving him an important tool by which he may place his words into action.

Mr. Speaker, the bill as reported also provides:

First. For Federal home loan banks to establish a secondary market operation for conventional mortgages.

Second. The imposition of reserve requirements and other controls over commercial paper and Eurodollar borrowing by commercial banks, thus calming down the inflationary boom in unnecessary bank lending.

Third. Liberalizing mortgage lending restrictions for national banks by increasing national loan limits from the now maximum 25-year maturity to 30 years and allow loans up to 90 percent of the appraised property value. Present law limits bank loans to 80 percent of value.

Fourth. For an increase in FDIC and FSLIC bank and savings and loan association insurance from the existing $15,000 to $25,000, thus encouraging deposits which can be used to make loans for housing and other necessary purposes.

Fifth. That the Small Business Administration shall be directed to make available $70 million to small business investment companies (SBIC's). Despite a congressional mandate to SBA to lend money to small business investment companies so that they may in turn invest in small businesses, the administration has refused to lend one penny, despite a $140 million revolving fund which they admit they could use by a stroke of the pen. The bill would cure this by requiring the SBA to release at least $70 million to the SBIC's.

Sixth. For the revision of insurance requirements for savings and loan institutions, freeing an additional $250 million from homebuilding.

Seventh. For the extension of the existing authority of the Federal Reserve Board and the Federal Home Loan Bank Board to establish flexible interest rates by banks and savings and loan associations on savings and time deposits. This authority expires on December 22.

Eighth. The bill also provides temporary Federal regulation of interest rates paid on savings in State-chartered thrift institutions in Massachusetts. The authority would be in existence until the State of Massachusetts adopts regulations of interest rates paid by these institutions.

DOCTOR SHORTAGE

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the Congress has program after program designed to provide funds to encourage more medical students, build more medical schools, and ultimately attract more qualified people into the medical profession.

Unfortunately, all of the public money, and good intentions are not solving the problem or the shortage.

A highly respected and able physician in my district, Robert C. Kirk, M.D., recently put his finger right on the heart of the problem—he is an eminent cardiologist. His letter should give some real second thoughts to those of us responsible for providing solutions to these serious problems, as well as those research-oriented people that deplete the ranks of the prospective general practitioners.

Dr. Kirk's letter follows:

COLUMBUS, OHIO,
December 1, 1969.

Representative SAM DEVINE,
House of Representatives,
Washington, D.C.

HONORABLE SIR: You are going to be bombarded by the most persuasive men in American Cardiology to keep up and increase the money spent on Cardiovascular Research, probably with the threat if you don't we will all die of heart disease. Personally, I prefer that to cancer or degenerative old age, but no matter. I am writing as a cardiologist associated part time with a University for 35 years. I am Chairman of the Heart Task Force Committee of the Ohio State Regional Medical Program. I am in active private practice, and I am a concerned and aware member of our citizenry.

I am convinced that the more money available to medical research, the more jobs will

be opened and taken by promising young physicians who see in this a chance to be another Harvey or Pasteur. I doubt if one out of one hundred will make an actual substantial contribution to new knowledge. I seriously doubt the wisdom of hiring anybody who will take a job in hopes that somehow he will be a Nobel Laureate. In the last twenty years the medical schools have increased their enrollment by 15,000 doctors over and beyond their previous graduates. It is no coincidence that in the same time there have been added to the faculty of these medical schools, 11,000 new full time men—so the net gain to the private practice has been peanuts.

The vast majority of that money for increased enrollment came from the U.S. government. So they didn't get what they paid for. The only way I see to increase the men and women going into private practice is to stop subsidizing every Health Program anybody can think up, and I include the National Institute of Health and the Regional Medical Programs, thus decreasing the choices available to our medical graduates. Nearly every one of them intends to practice, but by the time they get attached to the coat tails of full time research-oriented teachers, private practice gets downgraded or basic knowledge is questioned to the place where they don't dare go "out in practice."

Ask your own doctor if this sounds phony to him, and then vote as your judgment dictates.

Sincerely,

ROBERT C. KIRK, M.D.

NEEDED: PRESIDENTIAL COMMISSION TO INVESTIGATE MYLAI MASSACRE

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, like most Americans, I have witnessed the unfolding story of the apparent massacre of women and children at Mylai, South Vietnam, with a growing sense of dismay and horror. The press reports on the incident have been voluminous, but there are many questions about the facts of the case and its implications which have not been answered satisfactorily, and probably will not be unless a high-level investigation by a panel of distinguished and respected Americans is undertaken. It is my feeling that such a high-level investigation is particularly required in this most sensitive and significant matter because none of the several bodies currently looking into it could be said to have the necessary perspective. Whatever group makes the inquiry should, for example, include persons not in sympathy with our military undertaking in Vietnam.

I have come to the conclusion that the investigation should be conducted under presidential authority, and I urge the President to appoint and convene a Presidential Commission to investigate fully the circumstances and implications of the alleged Mylai massacre and to report its findings to the Congress and the American people at the earliest possible time.

Monday's December 15 editorial in the Washington Post comes to the same conclusion. It reads as follows:

A PRESIDENTIAL COMMISSION ON MYLAI?

Mr. Nixon has not entirely foreclosed the possibility that he will appoint a special commission to investigate the killings at Mylai in March of 1968. At his press conference a week ago, the President said that the existence of a commission at this time might prejudice the rights of those men involved in current military court proceedings. But he added that he would consider the appointment of such a group should the judicial process "not prove to be adequate in bringing this incident completely before the public."

Meanwhile, various persons in and out of government have been urging that a commission be created. In a television interview last Sunday, for instance, Senator John Stennis suggested that the President authorize a "competent group" of individuals from "outside government, outside the military" to "determine what the facts actually are." Senator Stennis thought such a commission could provide "a more solemn and serious, deliberate development of the actual facts" than could a committee of Congress. A much broader inquiry seems to be envisaged by a group of lawyers and law professors in whose name Arthur Goldberg has called for the creation of a presidential commission on Mylai. It would investigate:

". . . the extent to which the war in Vietnam is being conducted in a manner consistent with the minimum humanitarian standards established by the international law of war and incorporated in the general and military laws of the United States . . . questions of policy guidelines for the conduct of military operations and the extent of our efforts to educate our troops with respect to the requirements of the laws of war . . . aspects of military-civilian governmental operations to determine whether there has been a lapse in the chain of communication and command."

Just as Senator Stennis emphasized the need for impartial commissioners, so Mr. Goldberg's group declared that any investigation would "only be credible if the body investigating is, and is seen to be, of unquestionable impartiality." Here one encounters the inescapable paradox of commissions and commission-making. Ostensibly apolitical bodies must be formed for the sake of achieving what is essentially a political end—namely, the neutralization of political conflict surrounding some issue or event, and the laying to rest of public suspicions that government is thinking or acting or speaking out on the basis of tainted, unreliable information. So commissioners tend to be chosen for their patent lack of special interest in the matter at hand, or they are chosen on the one-of-everything principle with a view to establishing a balance of special interests.

We have had better and worse luck with these commissions, and it is not unknown for a committee of Congress—amply stocked with men whose views would have been thought to disqualify them as reliable judges—to have produced the ideal commission-type result. Senator Richard Russell's investigation of the Douglas MacArthur affair some years back is an example, and when things work out this way, the findings of the committee have all the more authority precisely because of their source. In other words, the case for the appointment of a presidential commission on Mylai (or anything else) is not self-evident; it has to be made.

Events of the past few days have tended to overcome our own initial reservations concerning both the usefulness and the necessity of such a commission investigation at this time. Those reservations had to do with its possible interference with military court proceedings; the evident requirement that the court determine the facts of the matter—what happened—before others set about analyzing the implication of those facts; the preferability (if it were possible) of an in-government group conducting a thorough, fair-minded study of the events and meaning of Mylai which could be at once more powerful and more instructive (inside government and out) than the work of an independent commission.

However, Rep. Mendel Rivers, who is no Richard Russell, has in recent days utterly changed the picture and created conditions which seem to cry out for the designation of some presidential group that can preempt the Rivers sideshow and undertake a study in which Americans can have confidence. After several days of "closed" hearings of a 13-member Armed Services subcommittee marked mainly by inflammatory and conflicting reports by Rivers (and others) of what was or wasn't said, Rivers has now named a four-man subcommittee of members whose approach parallels his own to do the investigating. He has thus closed out the members with whom he is politically at odds. Even if all this is—as rumored—an attempt to bury the hearings, they still represent a potential threat. There is nothing in the record of events so far to suggest that what follows will have any more dignity or seriousness than the escapades we have already witnessed.

We think Mr. Nixon would be well advised, therefore, to move on this matter. Of the suggestions put forth so far in terms of the composition and mandate of a presidential commission, we tend to favor, first, a relatively narrow or limited focus for the study. A commission which can tell us what happened—at Mylai and in relation to standing orders and to the chain of civilian-military command and communication—will necessarily provide larger insights and implications about the war without bogging down in an unmanageable, overly vague mandate. Second, we think there is much merit to the suggestion of Joseph Kraft, in a column last week, that any such study be undertaken by—yes—"a commission of senior and retired Army men." Among them, as he observed, are to be found the people "most determined to undo the wrongs that are shadowing the honor and reputation of the United States Army." And again: "It takes such men to examine carefully the intricate problems of command and control. Equally it takes such men to persuade the Army—and its millions of supporters around the country—that some soldiers have indeed committed wrongs and told lies."

The timetable, powers, and access to information of such a group, along with the degree of openness of its proceedings, are among the many matters that would have to be carefully worked out—especially in relation to the activities of the military court. But none of these problems is beyond resolution, and we stand to gain much in the way of knowledge and public confidence in the government's knowledge from the work of such a commission.

U.S. POLICY IN THE MIDDLE EAST

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am profoundly disturbed by what the Israel Government has described as "the erosion" of U.S. policy in the Middle East.

On November 11, 1969, I protested by telegram the Secretary of State's report that the United States was taking the position that Israel should eventually return to the 1967 borders in the Sinai. The speech last week by Secretary of

State Rogers has now sadly confirmed these press reports.

What troubles me most about the present administration's policy as outlined in the Secretary's speech is that, while still arguing for negotiations between the Arabs and the Israelis, we have undercut the Israel bargaining position by publicly expressing our views as to some of the issues to be discussed, especially the Sinai border. While it is true that Israel's bargaining power rests to a great extent on the fact that Israel in fact now holds the land, it would be extremely difficult for the Israelis to argue for more than the United States, their only big-power friend, says they are entitled to have.

And what was the purpose of stating the U.S. view on these frontier questions publicly if it was not to say to the Arabs, "this is what you will get if you go along with our plan"? Sure the purpose was not merely to try to persuade the Arabs of the good will of the United States. We cannot effectively do that, because we are unalterably opposed to the Arabs' basic objective, which is the destruction of Israel.

A second grave flaw in the Secretary's speech is that it does not spell out the kinds of guarantees the Israelis would be given if they were to withdraw to less defensible frontiers than they now occupy. A four-power "endorsement" of the settlement would not provide long-term security against new Arab aggressions. Nor would U.N. security forces. Nor would Arab assurances. My own view is, and has been for 20 years, that the United States should provide Israel with a formal commitment of support against aggression, so as once and for all to persuade the Arabs that their dream of destroying Israel can never be fulfilled. Without adequate guarantees of the security of new borders, one can scarcely expect the Israelis to be willing to lease their present defensible frontiers.

More fundamentally, I think the present U.S. policy, as disclosed in Secretary Rogers' speech, is built on false premises and is therefore basically misconceived.

Premise No. 1, as I see it, is that the Soviets want to achieve a permanent peace settlement in the Middle East and will genuinely work to that end. My own conviction is that, while the Soviets do not want to become embroiled in a war themselves and do not especially want to see a new Arab-Israel war break out, they also do not want real peace. The present situation would seem to suit them perfectly; it gives them an excellent opportunity to extend their influence in the area, because the Arabs have to turn to them for help.

Premise No. 2 is that it is possible—and desirable—for the United States to be "Mr. Fix-it" in the Middle East; that is, to bring about an agreement between the two sides by playing a role as honest broker or mediator, by following what Mr. Rogers calls a "balanced" policy. This might be a possible role if there were some other great power prepared to support Israel as the Soviet does the Arabs. But, clearly, there is not. So we are trying both to be Israel's friend and supporter and an ostensibly impartial mediator. The two roles, I submit, are incompatible. By trying to play both, we do neither well.

Clearly we cannot abandon the role of supporting Israel. It is the effort to be a mediator that we should abandon. If we were to do that, then we would see clearly that we must do at least as good a job of supporting Israel, both economically and with military equipment, as the Arabs' friends, notably the Soviet Union, are doing for the Arabs.

Now that the Arabs have so strenuously rejected our proffered peace plan, the present would be an opportune time for the United States to make this shift in the direction of realism. We can quite properly say to the Arabs, "We have done our best to work out a plan that we believe could lead to a reasonable peaceful settlement; the Israelis do not like parts of it, but they at least are willing to go along with the basic procedures we have outlined; you, the Arab States, have rejected the whole concept; therefore, we are withdrawing this proposal and will henceforth stand on the position that the only way for the Arab-Israel dispute to be settled is through direct negotiations between the parties to the dispute. We have no intention of allowing Israel to be driven into the sea, and we intend to give Israel the aid necessary for her to defend herself. This assistance to Israel is made necessary because of the assistance you have obtained and continue to obtain from the Soviet Union."

Mr. Speaker, I believe this would represent a clear and wholly defensible policy. In the short run, Arab propagandists would rant against it. But, in the longer run, it would, I believe, lead to peace in the area and therefore to a resumption of good relations with the Arab world—good relations which the present halfway policy has failed to preserve or restore. Such a clear policy would be bound to strengthen the hand of those in the Arab world, especially among the student generation, who want to turn away from the disastrous policy of military misadventures, and turn instead to the solution of ever more pressing problems on the homefront.

In his speech of December 9, Secretary Rogers referred to the problem of the Palestine refugees as one that had been "of special concern" to the United States for over 20 years, and said:

> We are prepared to contribute generously along with others to solve this problem.

I hope that this statement means that we will begin to approach this matter with a more imaginative—and, if necessary, tougher—policy than the one we have followed for two decades, that of contributing the lion's share of the funds required to carry out the altogether unsatisfactory UNRWA program. The Arab states have wanted the UNRWA refugee camps kept in being as centers of bitter resentment against Israel, and more recently Palestinian terrorists have actually taken control of some of these camps. The continuation of the UNRWA program, as we have known it, is no kindness to the refugees who have to live in the camps year after year, and now generation after generation. But the situation will not be rectified, and no solution will be found, until the United States makes clear that its contributions to the present program are going to be phased out.

Specifically, I propose that the United States should indicate that, as it phases out its support of the camp operation, it will be prepared to "contribute generously" to the resettlement of the refugees, either in Israel—to the extent that is possible and desirable—or in Arab countries, or possibly even elsewhere, as such a program might be worked out.

Finally, I believe the Secretary's remarks about Jerusalem are unrealistic. The Government of Israel has made its position on Jerusalem unmistakably clear. In my view, that position is fully justified and should be supported by the United States. The Government of Jordan made a terrible error in joining in the 1967 war on the side of Egypt, rejecting Israel's plea that Jordan stay out. In regard at least to Jerusalem, Jordan must accept the consequences of that error. So far as the holy places are concerned, the Government of Israel has already demonstrated that there will be freer access for all faiths to the holy places than there has ever been before.

THE SPECTER OF CONCENTRATION CAMPS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, all of us are abhorred by the atrocities committed during World War II when millions of Jews were rounded up, put in concentration camps, and systematically murdered. The inhumanity of what happened in those camps is a lesson that we must never forget.

We are also appalled by the systematic detention in camps of tens of thousands of Americans of Japanese ancestry at the outset of the war. The fact that this was allowed to happen in America stands as a stark reminder of the danger posed by a philosophy which brands all members of a minority group as dangerous and not entitled to the liberty others enjoy.

There is no place in America for concentration camps, detention camps, or camps by any other designation where large numbers of our citizens can be taken at the whim of those in power. Our heritage of freedom is too precious to allow suppression by edict.

Yet there remains on our law books a statute which would allow the same type of detention as was carried out during those dark days of World War II. Under title II of the Internal Security Act, the Attorney General can detain any of our citizens merely on the suspicion—based on membership of a particular race or nationality, or on other equally specious grounds—that such persons may conspire to commit espionage or sabotage.

Along with other Members of Congress I am sponsoring legislation to repeal this law and remove this threat to our liberty. The President has also indicated he will now support repeal of the law.

Because of the growing interest in this cause, I am pleased to insert at this point in the RECORD an article from the December 5, 1969, Honolulu Star-Bulletin which delves into this subject. The article,

"Specter of the Concentration Camp," is by Mr. Isao Fujimoto. It tells of his own experience in a U.S. concentration camp, and follows:

SPECTER OF THE CONCENTRATION CAMP

(By Isao Fujimoto)

(Note.—Isao Fujimoto, a professor of social science at the University of California at Davis, Calif., is a sometimes bitter critic of U.S. society. One reason for his bitterness is a World War II experience with Japanese concentration camps in the U.S. which he relates in this article from the Black Politician.

(While most West Coast residents of Japanese ancestry suffered similar treatment only a few of Hawaii's AJAs were arrested.

(Hawaii members of Congress have been concerned that modern-day roundups could be justified legally under Title II of the McCarran Act. The Justice Department said this week it will support repeal of this law.)

"In Germany they came for the Communists and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists and I didn't speak up because I wasn't a trade unionist. They then came for the Catholics and I didn't speak up because I was a Protestant. Then they came for me—and by that time no one was left to speak up."—Pastor Martin Niemoller.

Every generation is held accountable for what it says or doesn't say, what it does and doesn't do on moral issues. The spectre of Eichmann prompts mankind to ask the Germans: "You were alive and free when Hitler began his genocide campaigns, so what did you do?" Subsequent generations can ask this generation, "What were you doing when the police dogs lunged at Negro school children in Birmingham? What were you doing when people were napalmed in Vietnam? What were you doing when you could have shared your daily bread with starving Biafrans in Africa and Navajos, blacks, Mexican-Americans, and poor whites in America in 1968?"

Many of us were alive and aware at a time in American history when democracy faced another moral test—the wartime concentration of more than 110,000 Americans whose sole crime was their Japanese parentage. But at that time few people bothered to even ask the basic questions or even notice that democracy was on trial and found lacking. It may be argued that viewed against a background of total war the numbers affected by the wartime relocation of the Japanese-Americans do not loom large. But what does loom large is the legacy that accompanies this generation and all generations which much evaluate the merits of democracy and consider the consequences when democracy fails to live up to its meaning during the time of crisis.

I was a statistic bearing witness to this misguided experience in American democracy. I was then eight years old—too young to know my rights but old enough to realize that something was wrong. As a product of an ethnic ghetto, I've internalized the subtle ways in which the larger society reminds one to stay in his place. Like many other Japanese-Americans, I've been infused with the philosophy, "Let's make the most of a bad situation and push ahead." This diverted me from critically appraising the past, which is directly relevant to many of the issues that all of us—not just minority Americans—face today.

The years I spent is a concentration camp have become a part of my identity. When I meet another Japanese-American I invariably ask, "What camp were you in?"

I am reminded of this bond when I try to relate the situation in the camps to those who did not share the experience. Many Americans on the West Coast knew of the evacuations, but I found Americans elsewhere in the country with little knowledge of what went on—and few who tried to help.

I know of one exception. A few years ago I met Dorothy Day, anarchist, Communist, humanitarian, and founder of the Catholic Worker. She told me she had protested the Japanese evacuations and picketed one of the centers—the Portland Livestock Pavillion. I had never before met anyone who had done this. I looked at her and felt a strange bond of comradeship. My family and I had been inside the Portland center. I cared little that our political views differed. What struck me was that here was a person who knew and cared about the issues involved; who backed me up with action, not rhetoric, when the chips were down; who was on my side when it counted most.

PEOPLE LOOKED PALE

My early years were spent on the Yakima Indian reservations in the State of Washington. I lived among Indians and immigrant farmers from Japan. I didn't realize this was a rural ghetto until I started going to school. Then I saw so many people who looked different, with round eyes and big noses—people who looked so pale. And I thought it was because they didn't eat enough rice.

But even our small, closed society was affected when World War II began. About a week after Pearl Harbor, two FBI agents arrived one night and took my father away. Our family did not see him for another year and a half. He was put in a detention camp in Missoula, Mont., which he described in letters to my mother. I remember those letters more for their form than their content. They had holes in them scissored out by censors.

Because everything seemed so uncertain, my mother went ahead, had the fields prepared and planted crops for the coming year. By spring, 1942, the rumor was that all people of Japanese descent would be taken away. The U.S. Army ordered the removal of all Japanese-American aliens living within 200 miles of the Pacific Ocean. Orders replaced the rumors and notices appeared for our evacuation. Our family was sent to the Portland, Ore., Assembly Center, one of 15 makeshift centers converted from West Coast racetracks.

LIVESTOCK STALLS

The Portland Assembly Center was like a giant honeycomb. Livestock stalls were converted into family quarters. I recall visiting friends who were sitting on suitcases outside of stalls still containing fresh hay and manure. Guard towers with armed soldiers and barbed wire surrounded us. Right after internment started, our Buddhist minister took pains to impress upon us the need to respect the laws inside the camps. We were warned that children had been shot for wandering too close to the barbed wire.

All told some 110,000 men, women, and children, 70,000 of them citizens of the United States, were uprooted from their homes into inland relocation centers. There was no recourse to courts; guilt was assumed. The charge was, "They look like the enemy."

Voluntary migration inland was permitted, but Lt. Gen. DeWitt, commander of the Western Defense Command, made no attempts to prepare the way for its implementation. Although some 9,000 sought to migrate, most were turned back by armed posses at state lines, refused gas and food, and in general, intimidated. Public Law 503 closed all movements and Executive Order 9066 authorized the evacuation.

Ten of 200 possible internment sites were finally picked. They met the criteria—safe distance from military zones, location in areas which could support a large scale work program, location on federal land which would not affect private land values. These camps were located in such far flung and remote places as Poston and Gila, Ariz.; Rohwer and Jerome, Ark.; Heart Mountain, Wyo.; Minidoka, Idaho; Amache, Colo.; Manzanar and Tule Lake, Calif.; and Topaz, Utah. The evacuation orders divided the West Coast into a military jigsaw puzzle.

They scattered the Japanese American population—first into different assembly centers then again into the 10 camps. Some, like our family, were moved three times.

Now identified by a number—37205—our family was relocated first to Heart Mountain, Wyo. A three-day trip over the Rockies in a special train heavily guarded by armed soldiers brought us to a dusty treeless plateau in northwestern Wyoming.

Heart Mountain held about 10,000 people distributed into 30 blocks each with 40 to 50 families. Each block had its community mess halls, boiler rooms, laundry, and toilets between the two rows of barracks, each holding from three to four families. Both space and possessions were very limited. For the first half-year in Heart Mountain, the school I attended consisted only of benches. The playing field was marked off by two coal piles which serviced boiler rooms at opposite ends of the block.

In the process of being uprooted, many Japanese-Americans had to leave belongings behind or get for them what little money they could. Speculators offered a few dollars for household belongings which took many a lifetime to accumulate. Unscrupulous operators took over land without paying rent and confiscated equipment or waited until harvest to collect the spoils. Encouraging rumors that the government would seize all property, speculators would then make ridiculously low bids. When the Japanese refused such offers, the speculators threatened to report them to the FBI. The public remained indifferent or gave in to this hysteria of the time. They used the very act of evacuation to justify it.

FIFTH AMENDMENT FLOUTED

They reasoned: "There's something wrong with these people or the Army wouldn't have taken them under wraps. That's all I need to know." As for the government, it offered none of the constitutional liberties which are the basis of its very existence and to which all of its citizens are entitled. The stipulations of the Fifth Amendment—that no person can be deprived of life, liberty or property without due process of law—were flouted.

(About the time my father was reunited with the family, the War Relocation Authority inaugurated a program of mass registration. It was for the purposes of processing the adults for resettlement and leave clearance. In essence, this was also a loyalty test. It is ironic in that they were asking for the loyalty of the very persons to whom they originally granted no constitutional guarantees.)

Question 27 of the War Relocation Authority Leave Clearance Form concerned willingness to serve in the Armed Forces of the United States. Question 28 asked: "Will you support unqualified allegiance or obedience to the Japanese Emperor or any other foreign government, power, or organization?" To those already confused, troubled and resentful, the ambiguity of this question added further difficulty. To the Isseis, first generation Japanese born in Japan, the question was unfair and impossible to answer in the affirmative. Even had he been a veteran of the Spanish-American War, an Issei could not become a citizen of the United States. In fact, it was not until the McCarran Act of 1950, that the right of naturalization was granted to immigrants from the Orient. The question thus called the Issei to remove the only nationality he had. If he answered yes, he became a man without a country. My father chose to answer no and the family was evacuated to Tule Lake, Calif.

Like the others, Tule Lake was a maximum security camp—but even more so, with its

double roll of barbed wire and cyclone fencing and armed guards in towers spaced every 100 yards. It was the largest of the camps holding 22,000 people.

Life at Tule Lake was tense, faction-ridden, and chaotic—to say nothing of the complications wrought by people—many of them driven to extreme positions and resentful of unjust acts by a government claiming to be just. The camp was once invaded by troops reinforced by tanks, machine guns, and tear gas bombs. Such was the situation between November 1943 and January 1944, a few months before my transfer there. Just four days after our family arrived an Army sentry killed a truck driver after ordering him from the truck following an argument over a pass.

Tule Lake became the official "segregation center." Of the 5,700 internees who protested the evacuation by filing applications to renounce their U.S. citizenship, the majority of them came from the Tule Lake center.

What characterized Tule Lake from all the other camps was that life was very much oriented towards Japan. Youths were organized into squads which got up at 5 o'clock, and took cold showers, ran and sang for two miles. Some blocks outlawed the use of English. Also, there were many homemade shortwave radios which were tuned into propaganda programs from Japan. In the morning in Japanese school, the day started with all of the children assembled in the school yard and bowing towards the East. In the afternoon, I went to American school which began with all of the children standing up to pledge allegiance to the flag of the United States.

NO CRIME, NO RIGHTS

One day on the way home from American school—which was voluntary, in contrast to Japanese school which was compulsory—I spotted some non-Orientals, with the letters "POW" on their shirts, cleaning out an irrigation ditch that ran through the camp. On the bank of the ditch was an armed American soldier who I presumed was the supervisor.

I later learned that they were Italian prisoners of war captured in North Africa.

But these prisoners lived outside the confines of the barbed wires that enclosed us. Not only were we no different from the POWs but we were even more confined. We were no longer temporary refugees—we were enemies—enemies of our own country against whom we had committed no crime nor even had the opportunity to exercise the rights which we undoubtedly no longer had.

In December 1945, four years after the FBI first took my father away, our family was released from camp. Just as a prisoner leaves jail with a suit and pocket money, our family was given $50 and a job assignment. But just as a prisoner carries with him a certain stigma, resettlement reintroduced to the public the very emotional outbursts that brought on the evacuation.

In fact, the War Relocation Authority sent out teams of anthropologists to evaluate various towns as to their degree of hostility or tolerance towards the resettlement of Japanese Americans. Some of the superpatriots had publicly hoped the Nisei landowners would be killed in combat. Then they could easily lay claim to land they had been farming free all during the war. In the guise of Americanism many organizations still existing today took hypocritical stands.

When today we compare the overground with the underground sources regarding concentration camps, we find a relative vacuum in the world most of us are tuned into, the world pictured for us by the national and establishment press, television and radio.

But if we tune in to the world reported by the underground, ethnic ghetto, and hip media circulating among the minorities and invisibles—be they nonwhite, the youth, the disaffected—we get a different picture. It consistently objects to such things as the House Committee on Un-American Activities, the 1967 up-dating of the McCarran Act, the efforts of Sen. James Eastland and 19 other senators to introduce the 1968 Internal Security Act, and recommendations for additional powers for the Subversive Control Board.

ACT STILL IN FORCE

Title II of the 1950 McCarran Internal Security Act authorizes the attorney general to issue a warrant "For the apprehension of each person as to whom there is reasonable ground to believe that such persons probably will engage in or probably will conspire with others to engage in acts of espionage and sabotage." This kind of evidence can be turned in by a neighbor who dislikes you. Since the government is under no final obligation to produce a source of evidence, the burden of evidence rests on the suspected person.

To check the validity of stories about camps established under the McCarran Act, I wrote several congressmen, senators, and representatives of the Justice Department. The replies all dismissed rumors about the camps, assured me that no appropriations were allocated for the maintenance of such facilities, and that adequate precautions would be exercised before such provisions were implemented. Six detention facilities including Tule Lake were reconstituted under the Act. However, all letters I received say they were maintained only through 1957 and none exist today even on a standby basis.

However, the precedent of the Japanese experience makes all these arguments irrelevant. The wartime experience showed that the lack of camps is no deterrent to mass detention. That experience has taught us that any place that holds horses and cows can hold people.

Furthermore, all it took to bring about evacuation was an executive order. The fact that a law exists today legitimizes what many insist couldn't happen again. And the fact that the act is on the books is significant in terms of the stress Americans place on law and order.

Americans pride themselves on being law abiding citizens, but when laws such as Title II of the McCarran Act remain on the books they cannot be dismissed as some anachronism out of the McCarthy period.

Added to this dilemma is that the constitutionality of the wartime evacuation was upheld by the Supreme Court; Title II of the McCarran Act has yet to be tested. We are living in a predicament. If the law were enacted, it would be our awkward duty as citizens to abide by the law. The choice is to obey a bad law for the sake of law and order or to disobey a bad law out of concern for law and justice.

The Japanese were interned because they looked like the enemy. The threat of China entering the Vietnam War has sent rumors through Chinatowns about detention. "It happened before—will we be next" is a question not easily shrugged off as rumor. In the nonwhite ethnic ghettos, which have witnessed repression, more than rhetorical assurance will be needed to offset anxiety.

The Japanese-American experience has revelance today. The focus still is on the victim, which takes away from the major issue: Why does a free society have to have camps at all? Why do people in a free society not only obey but support repressive laws?

The victim approach misleads us from seeing the issues. It would have us attempt to understand anti-semitism by studying Jews, to seek solutions to the ghetto problems by studying the blacks, to resolve the farm labor dilemma by understanding the migrant worker.

This approach also assumes that it is the victim that needs correction and that programs be constructed that will help him adjust to society. It does not question that society itself is at fault. This insistence that society is right widens the gap between rhetoric and reality—resulting in a society of paradoxes.

TOO SELDOM BY DECENCY

We have a society wherein the rich enjoy the fruits of socialism and the poor get tossed the rhetoric of free enterprise. We have a society wherein law and order get more attention than law and justice. We have a society where, in order to "make it," you already have to "have it made"—it isn't what you know but who you know." We have a situation where education, rather than being considered a process of opening up a person to new possibilities, is seen as a system to beat, while one collects credits and units as he collects Blue Chip Stamps. We have a system whereby our commitments are limited, where we approach our challenges with our eyes downward and our palms upward.

The current mood of our society sees government as good when it protects property but bad when it tries to help people—a far cry from what Lincoln said about government doing for people what the people couldn't do for themselves. We have a democracy by deal, sometimes by dole, but too seldom by decency.

Gestures of coffee and doughnuts for repressed Japanese-Americans during the war were too little and too late—the feeble gestures of a people rendered helpless by the very system which was supposed to respond to their demands. There were too few demands for justice, too few voices of protest.

BODIES ON THE LINE

What was needed were people to put their bodies on the line—on the railroad lines—to keep the trains from moving to the camps. What was needed were leaders such as the King of Denmark who had all Danes wear the Star of David when Nazis came to round up the Jews.

The Japanese-American experience warns us of the price we pay when we abstain from our moral duty to work against forces of repression in our daily lives. This means taking action against acts of injustice—be it discrimination in our local country club; entrepreneurs who violate health laws; arbitrary stands by local school boards on issues of public appearance; or subtle racism.

Subtle racism is telling blacks and Mexican-Americans to emulate the Oriental-Americans as minorities "who have made it." The subtlety of this logic says, "Be like them—they know their place, they don't complain." This pits minorities against each other, while absolving the larger society from looking at itself. In reaction to this there has emerged Yellow Power groups, which are not a front pushing bananas for the United Fruit Co.

The Japanese American experience warns us to discard the idea that "it won't happen again and even if it does, it won't happen to me." It is not just nonwhite Americans or citizens of the underground that are concerned about concentration camps. The very fact that the government—by pressure from a few—is free to make its own arbitrary definition of subversives, makes this a matter of concern for all Americans.

We shouldn't fool ourselves into attacking the narrator because we didn't like the narration. If a fellow American—be he black, brown, yellow, or red—has endured unjust experiences by basic denials of due process, we should listen to that experience and put it in its proper context. We should not dismiss him as being bitter, biased, or disenchanted. It is not enough to expiate your guilt by using him as a token guest, or insisting that all has been done to demonstrate fairness.

The sobering lessons of the Japanese-American relocation also force us to ask, "Can civil liberties, rights of individuals, and of the minority, be tolerated, let alone protected, in a time of crisis?"

We still too often operate on the assumption that we can tell who the enemy is by looking at him. If anything, the wartime evacuation has set the dangerous precedent of overemphasizing racial and national strains in our population and using this as a criteria for discrimination.

Democracy is in theory nothing more than the determination to live peacefully and, in practice, nothing more than a continued experiment for doing so. The spirit of democracy involves integration of private convictions and public tolerance and the recognition of the will to live one's own life consistent with good will to others.

This was totally disregarded in the internment of the Japanese-Americans. It would be well to ask how much disregard for the rights of others applies today—whether the minority is the Black Panthers, the Latins for Justice, boys with long hair, girls with short skirts, or soldiers who do not want to kill.

What is at issue is the vast gap between rhetoric and action, between what is promised and what is realized, what we say can't happen and what did happen. We are in a time of crisis where neither democracy, nor we, can afford to fail.

PRIZE-WINNING ESSAYS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, in the midst of our deliberations it is always encouraging to remind ourselves of the great values of the American system which we are constantly trying to perfect.

Such an occasion took place during Citizenship Week in Hawaii when students participated in an essay contest on the subject of "Citizenship and the Constitution." The results were indeed heartening. They showed among our young people a very praiseworthy appreciation of their national heritage.

Most eloquent were the essays by Aaron Ebata, Jean Ocheltree, and Ann Hamamoto. I insert at this point in the RECORD and commend to the attention of my colleagues their prize-winning essays:

CITIZENSHIP AND THE CONSTITUTION

(EDITOR'S NOTE.—Three winners of the essay contest entitled, Citizenship and The Constitution, were honored today by Mayor Shunichi Kimura at an awards ceremony in his office. The contest was conducted during Citizenship Week in October. Texts of the winning essays are published below.)

FIRST-PLACE WINNER

(By Aaron Ebata, Ninth Grade, Paauilo School)

We, as citizens of the United States of America, are fortunate that the Constitution provides certain privileges and duties unknown in some other countries.

There are many things that come with citizenship. People becoming citizens must take an oath that they will be loyal to the United States. Good citizens obey the laws that are given to them, they are loyal and responsible, and they do their duties and use their privileges wisely.

Our duties as citizens are many and difficult. It is our duty to love, honor, obey, preserve, protect, and defend the country we live in and our Constitution. One of our most important duties is to report crimes and to serve as jurors. Another is voting—choosing the leaders of our country, state, and county.

In return, our Constitution provides us with such rights as the freedom of speech which allows people to speak up on what they think. Freedom of religion allows us to attend the church of our choice. Citizens have a right to assemble and to petition the government for a redress of grievances. The right to bear arms is also important. Citizens have the right to privacy, to be secure in their homes, selves, papers, and other belongings against unreasonable and unlawful search or seizure, except if served by a warrant. Citizens accused of crimes have the right to a speedy and public fair trial by jury, and the right to remain silent until confronted by a lawyer, and to be free from excessive bails, fines or cruel and unjust punishment. Citizens are also able to hold public and government offices if they are qualified.

All in all, the Constitution protects a citizen's rights to "life, liberty, and the pursuit of happiness."

Citizenship in the United States demands a lot from a person. We must take care of the country, to make right laws and rules of conduct. In turn our country takes care of us by giving us the best place in the world to live, under democracy and free of fear of the government.

Citizenship should be held proudly, and I am proud to say that I am a citizen of the United States.

SECOND-PLACE WINNER

(By Jean Ocheltree, Ninth Grade, Konawaena School)

A long time ago James Bryce said, "No government demands so much from the citizens as democracy, and none gives so much back." We are taxed very heavily; our men go to war to fight and die by the thousands; we are required to participate in civil affairs; we must obey the laws or face the consequences. These and many others are our duties and privileges as citizens of the United States of America, a democratic country.

Although we are taxed heavily, many benefits are realized from this tax money. Our public roads and buildings are built with funds from this source. Health, education, and welfare programs are provided. It provides support for the defense of freedom around the world. With these funds it was possible for the United States to win the race to the moon. All government services provided are paid for with our tax money.

We are allowed participation and representation in congressional matters through the power of the vote. We must vote for what we believe in and make known to our legislative representatives what we feel best for our country. In this way our country's leaders will know what we as a nation of individuals want.

Jury duty is a privilege and responsibility. It is maintained to protect the innocent as well as to convict the guilty.

These things play only a minor part in the role of a citizen of a democratic nation such as the United States of America. They are privileges that have been provided by our forefathers who showed much wisdom in setting up the Constitution. If we do not take advantage of the opportunity to participate in civil affairs, those rights and privileges will be lost, just as an unused muscle atrophies. Only as we maintain these rights and privileges with honesty and integrity will we be able to retain them.

THIRD-PLACE WINNER

(By Ann Hamamoto, 10th Grade, Hilo High School)

I am an American citizen, and I am very proud to be one. For being an American citizen means many things; among the most important of which is having a democratic government. A democratic government can be defined as a government that is ruled by the people and not only by one man, or a set of men. Of course, it is not possible for each and every citizen to gain control of part of the government and expect to come out with a satisfactory one, to say the least, because there wouldn't be any limitations to what each has in his power. And that it the reason why the voters of our country elect a group of people who they think will represent them well in the various stages of the government. And for these elected "representatives", there must be some rules by which they must abide. That is the reason why the Constitution was written.

The Constitution is the supreme law of the land. It defends each American citizen's individual rights, liberties, and privileges. It also estabilishes the terms in office, the qualifications needed, the powers of the different branches, and various other important "rules" for the elected and the citizens which must be respected and abided. As the 1969 edition of the World Book Encyclopedia states, "It (the constitution) is the shield of democracy under which Americans govern themselves as a free people."

I am a free person, and I am grateful for it. So to you, the United States of America and the Constitution of the United States, I say thank you; thank you very much for everything you have done for the benefit of our great country!

(NOTE.—Aaron, 14, is the son of Mr. and Mrs. Kenneth Ebata of Paauilo; Jean, 14, is the daughter of Mr. and Mrs. Robert Ocheltree of Kealakekua, and Ann, also 14, is the daughter of Mr. and Mrs. Takumi Hamamoto of Hilo.)

STATUS OF CONGRESSIONAL REORGANIZATION

(Mr. SISK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SISK. Mr. Speaker, I am sure many of the Members are anxious to know the status of the congressional reorganization, and I would like to take this opportunity to let them know.

We had hoped that our subcommittee would be prepared to report a bill almost immediately upon the opening of the second session in January, and with that in mind, we scheduled hearings so Members could have an opportunity to make their views known.

We concluded those hearings on December 5 and began our deliberations in executive session on Wednesday, December 10. Unfortunately, there are two factors that make it impossible for the subcommittee to finish its assignment prior to adjournment of the first session. These two factors are the extremely heavy legislative load of the House during the month of December, plus the desire of the subcommittee to give full attention to recommendations made by Members in testimony before the subcommittee. Many Members have offered excellent suggestions which we want to give our fullest consideration.

Accordingly, our subcommittee is in recess until the convening of the second session. This means that the time we had hoped the staff would be able to utilize during the recess in drafting a bill and a report will go by the boards and that we will not be able to meet our goal of reporting a bill in January.

Although we have no additional hearings scheduled, the record will remain open at least until the subcommittee reconvenes, and we will, of course, welcome any further statements.

LEST WE FORGET

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, I have just received a copy of the fall 1969 issue of the Jackson County Historical Society Journal through the courtesy of one of its members, George M. Hare.

In that edition there is an article which reports the annual reunion on Saturday evening, September 20, 1969, of Battery C and Battery E of the 129th Field Artillery, 35th Division of World War I.

The article is entitled "Preservation of World War I Memorabilia," and is written by Mary Salisbury Hare, wife of the Independence lawyer, George M. Hare, and the daughter of the late Capt. Spencer Salisbury, a member of Battery E.

Mr. Speaker, I take this occasion to preserve this article by asking consent to enter it into the CONGRESSIONAL RECORD because it contains some names that sound like the "Who's Who" of Independence, Mo., including a former President of the United States. Accompanying the article is a picture showing the commissioned officers of the 129th Field Artillery of the 35th Division taken at regimental headquarters at Courcemont in March 1919.

The picture contains such distinguished men as Maj. John L. Miles, who for many years was the chief law enforcement officer of Metropolitan Jackson County, Mo.; Capt. Spencer Salisbury, successful businessman; Capt. Roger T. Sermon, mayor of the city of Independence for over 20 years; 1st Lt. Edgar Hinde, postmaster of Independence, Mo., for many years; and last, Capt. Harry S. Truman who became the 33d President of the United States.

Today when there is so much discussion on the subject of patriotism with the suggestion there may be an erosion or deterioration of that fine quality among some of our younger citizens in the wake of the November moratorium, I think it would be reassuring to have the benefit of the content of a letter authored by a comrade in arms of our distinguished first citizen, former President Truman. The letter is from Sgt. Vincent Bowles, uncle of Dr. Victor Drumm Bowles, a distinguished orthodontist, written on October 21, 1918, from a dugout in France where he was fatally struck by shrapnel on November 2, 1918, 9 days before Armistice Day.

Sergeant Bowles wrote to the late Dr. H. M. McConnell in the heroic spirit of a young man in the midst of a battle with the Germans. Just prior to his death, he wrote he was proud to be an American and proud to be a member of the great 35th Division. He recognized that war was what Sherman called it but he knew that those who died were giving their lives that their country might live. In his closing paragraph, he pointed out that should he be called upon to make the sacrifice he wanted his friends to know he had made that supreme sacrifice with a smile.

I wish to pay my high commendation to the author, Mrs. Hare, for the excellent article which was written for the Jackson County Historical Journal. Reference to the guidon of Battery E and how it has been preserved by her father, Captain Salisbury, was most interesting. The portion which traces the background of a guidon back through French history is most informative.

Mr. Speaker, because of the distinguished men mentioned in this article and because of the spirit of the letter written by an unsung hero who made the supreme sacrifice in World War I, I regard it a privilege to perpetuate this historical article by making it a part of the CONGRESSIONAL RECORD. The article follows:

PRESERVATION OF WORLD WAR I MEMORABILIA

(By Mary Salisbury Hare)

As fresh American blood again hallows alien soil, it is relevant to consider an earlier doughboy and another war.

Saturday night, September 27, 1969, the 49th annual reunion of 37 veterans from Battery E and Battery C of the 129th Field Artillery, 35th Division, recalls that men of heroic stature have not been found lacking in historic Independence. Archives of the Jackson County Historical Society bear testimony to this.

Two unsung heroes, who made the supreme sacrifice, reappear in a yellowed clipping retrieved from the worn leaves of a World War I diary. This journal was kept and treasured by the late Captain Spencer Salisbury, commanding officer of Battery E, 129th Field Artillery, whose membership sounds like "Who's Who" of Independence. Cut from an Independence Examiner, dated July 16, 1921, the clipping reads as follows:

"LAST HONORS FOR BOWLES

"The largest crowd at a funeral in Independence in years turned out yesterday afternoon to the services for Sergeant Vincent M. Bowles. People filled the yard at the Bower Undertaking Home and the sidewalk for a block between 2:30 and 3 o'clock waiting for the body to be carried from the house and placed on the gun carriage that was to bear it to the cemetery.

"A long parade of motor cars turned in behind the Masons and ex-service men who had the funeral services and the ceremony in charge and went to the cemetery.

"The body was borne to the cemetery on an improvised resting place above the gun carriage of a cannon obtained from the Horn Zoological company. The usual three teams of horses drew the field piece. They were driven by George Smith, 'Sunny' Sullivan and Mr. Duncan.

"Following the cannon a horse covered with a black shroud was led saddled and bridled and ready to mount indicating the place in which Sergeant Bowles rode during his time in service.

"Kitt Sapp was grand marshal. Wallace Cameron, section chief, William Cleveland carried the guidon, Maynard Sands and Ora Meyers were color guards, Herbert McClure and Ward Johnson were color bearers while Max Prussing was in charge of an escort of 14 men wearing helmets.

"The pallbearers were Herbert Van Smith, Harry Sturges, Max Kaplan, Rolly Johnson, William E. Ragan and Powell Cook. A firing squad was furnished by the National Guard of Kansas City.

"Bert Hafer said the Masonic ceremony at the grave.

"Most of the men who took part in the ceremony were comrades of Bowles and some of them were within a few yards of him and saw him fall when he was fatally struck by shrapnel November 2, 1918.

"The American Legion spared no effort or expense in securing the necessary men and equipment for the funeral. The harness for the horses was shipped here from St. Louis. One bit of equipment that might be in Independence for such an occasion is the piece of artillery. The cannon, secured from the zoo, is said to be part of the equipment of the once famous Buffalo Bill Wild West Show.

"Sergeant Bowles died November 2, just nine days before the signing of the armistice. Three days later his friend, Dr. H. M. McConnell, received a letter which Sergeant Bowles had written on October 21.

"It was written during some of the heaviest fighting of the war, and was dated 'In a dugout in France, with the rats and cooties.' "

But the heroic spirit of the young sergeant rose above its sordid surroundings as he wrote the letter. In a recent battle the Germans had begun shelling the American positions at 5:30 a.m. before daylight.

"The exploding shell shot Sergeant Bowles' blankets and tore in two the blouse he had been using as a pillow. It turned out to be one of the hardest battles of the war.

" 'Quite a number of the boys from good old Missouri and Kansas never will see the Statue of Liberty again,' Sergeant Bowles wrote. 'A couple of the boys from Independence fell that day. Their names never will be forgotten and it will go down in history how one lone American division met and defeated four of Germany's best. I never will forget the sights I saw on the field that day. I am proud to be a member of that division, just as one the cogs of a great machine.

" 'I am glad that I am an American, and glad I live in a day when the country needs her best men. War and its hardships are what Sherman called it and then some, but we are all doing it with a smile. We are doing it for our mothers, sisters, friends, and the coming generations, and it is worth any hardships we may go through for them.

" 'I can sit here in my dugout and hear the fighting all around me and know that some one is dying every minute, giving his life that his country may live. And she will live, because we are driving the enemy back from the North Sea to the Swiss border.

" 'Well, old friend, if anything should happen, and I am called on to make the sacrifice, you can tell them that I made it with a smile.' "

One of Battery E's proudest possessions is its original guidon mentioned in the above article, which has been presented to the Truman Library for display with its 35th Division exhibit. It was taken to Europe, saw service and was returned unblemished. Its staff is still retained by Sergeant William Cleveland.

Such stalwarts as Herbert C. McClure, who was awarded the Distinguished Service Cross by the War Department, Ed S. Carroll, current president of Battery E Association or the late Dexter Perry, the "Veteran's friend," would escort their guidon from the Hare home stairwell to Battery E commemorative occasions and afterwards return it to its place of honor. Not without foresight did Captain Spencer Salisbury preserve it.

On his death in 1968 the guidon's safekeeping was assumed by Kenneth V. Bostian, who commanded Battery E at one time. The Battery E Association is in search of a permanent home for the diminishing array of company memorabilia, data and trophies. Some of these relics have been lodged temporarily in the present Independence Memorial building. Others are still in the possession of surviving individual members or their families.

The etymological background of guidon is French. Its lineal descent can be traced back to Middle French ancestry derived from Old Provencal, the language spoken in southern France. Provencal was the Romance tongue of the troubadours, who were the poets of the 1100's.

Funk and Wagnall's New Standard Dictionary of the English Language cites a passage from the Preface of Elizabeth B. Custer's "Following the Guidon" as an appropriate poetic conception:

"The guidon told the soldiers in color what the . . . bugle said in sound. . . ."

PREDICTION COMES TRUE

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, last year the House for 5 full days worked to pass a bill to control ownership of shotguns and rifles which, when finished, served to hamper law-abiding citizens in their purchases of ammunition for these guns and other weapons they own for their self-protection or for sporting purposes. This was accomplished in an emotional atmosphere bordering on hysteria.

As I announced last year, this law was a mistake. Those who supported it claimed they were striking a blow at crime. However, having done so, no further action was taken on crime control. New FBI statistics reveal that the incidence of nearly all crime continues to increase alarmingly. The tragedy of it all was and is that while the Congress thought it was doing something, actually it did absolutely nothing at all, except to inhibit law-abiding citizens in their efforts to protect themselves and hamper sportsmen in their hobbies.

In July 1968, the RECORD will show that I said passage of the gun bill would be a big lift for the do-it-yourself hobbyists. The 1968 gun law applied to guns but not to components of guns. Those with the inclination to do so and the dexterity for a few simple hand tools can still procure the parts and build their own guns.

Now the weaknesses of the gun laws of 1968 are becoming additionally apparent. It seems that importers, who were seriously limited in securing guns from foreign sources, have found out that the laws do not apply to gun components. So, now they import the parts, assemble them and put them on the market to the extent that their movement in interstate commerce has taken from their business much of the slack imposed by the 1968 laws.

The Washington Star of December 16 has a story entitled "Cheap Handguns Slipping Through Loophole in U.S. Law," which points up the importing aspect of the do-it-yourself activity in assembling gun components. Under permission granted for extension of my remarks, that article is included in the RECORD.

The law which should have been enacted and which would have gone to the heart of the problem, was the provision to impose mandatory prison sentences with no suspension and no probation for criminal offenses involving firearms. That was never passed into law. Meanwhile, criminals will continue to steal their guns and wreak their violence on a citizenry whose capacity for arming for their own protection has been crippled by unwise enactment by the 90th Congress.

The item referred to follows:

CXV——2485—Part 29

CHEAP HANDGUNS SLIPPING THROUGH LOOPHOLE IN U.S. LAW

(By Frank Murray)

The federal gun control law has missed one of its main targets—curbing the traffic in cheap handguns—because of a loophole unrecognized by Congress but exploited by importers-turned-manufacturers.

When the law went into effect one year ago today, importers quit bringing in the small caliber, $10 to $20 pistols and revolvers which police call "Saturday night specials."

Instead some firms began importing most of the parts needed to manufacture the guns. Then they assembled the guns in domestic plants. Other firms stepped up production of cheap handguns from parts made exclusively in the United States.

The net result: About the same number of cheap handguns are going onto the market today as before the law's enactment.

"It didn't occur to me" until recently that the law contained the loophole, said Sen. Thomas J. Dodd, the legislation's chief sponsor, in an interview.

"I didn't know the importers were that greedy," the Connecticut Democrat said. "We shut off the importation of this dreadful type of gun only to wake up and find out Americans are doing this. It's outrageous."

As the law's first anniversary neared, Dodd introduced a one-sentence bill that would amend the act and ban the sale or delivery in the United States of any snub-nosed gun or small automatic pistol, as well as the "junk guns" which the National Commission on Violence says are used in 50 percent of all crimes involving guns.

PANEL'S RECOMMENDATIONS

"The United States still does not have an effective national firearms policy," the commission said last week. Among its recommendations: Extension of the 1968 act to ban domestic production and sale of "junk guns."

Except for the continued problem with cheap handguns, officials say other sections of the law—such as the ban on mail orders and interstate shipments—appear to be working.

In California, for example, the sale of guns in the year ending June 30 dropped off to 146,468 from the 202,920 reported sold the previous 12 months.

The Internal Revenue Service, which polices the federal act, recommended 896 prosecutions from July through October, compared with 197 cases for the same period in 1968. Most of the violations are for failing to disclose criminal records or for using fictitious names when purchasing a gun.

DIFFICULT TO EVALUATE

But IRS Commissioner Randolph W. Thrower told a Senate subcommittee it is difficult to evaluate statistically whether the law is preventing felons, juveniles, the mentally ill or drug users from buying firearms. "We cannot tell you how many . . .," he said.

Latest FBI statistics say that guns were used to commit 65 percent of all murders and 23 percent of all aggravated assaults from January through September—precisely the same percentages as in the similar period last year.

Before the law was passed, almost all cheap handguns came from abroad. In 1967, according to government figures, 747,013 handguns of all types—cheap and expensive—were imported. In 1968, the total for all handgun imports jumped to 1,155,368. This included 317,703 handguns with an average value of $13 ordered in a two-week period of Senate hearings following the assassination of Sen. Robert F. Kennedy.

380,000 MADE IN UNITED STATES

This year, imports of handguns—all of them the more expensive type—are down to 325,373.

But the Treasury Department said companies tooled up and made 380,000 of the cheap pistols and revolvers entirely with U.S.-produced parts. In addition, parts for 408,000 weapons were imported for assembly here.

Therein lies the main loophole: A gun is not a gun until the parts are assembled. Except for the frame, all the parts can be imported. Even two-inch barrels can be imported by the thousands, although a single assembled gun with a two-inch barrel can not.

Dodd's bill would change that, applying the government's import standards to all guns sold or delivered in the United States regardless of where they are made. Small automatics and snub-nosed pistols would be banned, as would larger weapons that are unsafe, too light or so shabby they lack the accuracy for sport purposes.

The Senator said he hoped to get the bill through by early 1970, predicting, "the gun lobby will buck it."

An example of the opposition was voiced by William Ethier, general manager of Firearms Import & Export Corp., Miami, one of the major gun importers. Ethier said his firm's imports are down by half since last year, and claimed the legislative moves are discriminatory.

"I think a lot of Sen. Dodd's support comes from the gun manufacturers of Connecticut," Ethier said, "If American manufacturers can restrict the import of equal quality weapons because they are made in a country with cheaper labor, they've done themselves a service by taking a large segment of their competition out of business.

"It's just as dangerous to be shot by a gun with a two-inch barrel made in Germany as it is to get shot with a gun with a two-inch barrel made in Hartford," he added.

Dodd responded, "Discrimination is an empty word when you're talking about stopping murder and assaults. It took several tragedies to get the Gun Control Act of 1968. We may have to have more crimes to get rid of this dreadful weapon. I hope not."

Four of America's major gun manufacturers—Colt, Winchester, Remington and High-Standard are based in Dodd's home state of Connecticut.

A Treasury Department spokesman said Dodd's amendment would apply to some weapons now manufactured in the United States by such companies as Colt, which already has halted imports of a tiny semi-automatic pistol.

When the 1968 act went into effect, the large domestic companies merely dropped prohibited items from their line instead of importing parts and shifting assembly to their home plants.

C–5A AIRCRAFT

(Mr. DAVIS of Georgia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, I want to devote a few moments to answering some charges that a Member of this body leveled at the C–5A aircraft—the first of which will be delivered to the Air Force tomorrow at Altus Air Force Base, Okla.

I will not attempt to answer all of the gentleman's charges point by point. First because most of them can be lumped together under the heading of misunderstanding; second, a few of them are too trivial for serious consideration, and, third, some are plain inaccuracies that require no defense.

To approach these categories in reverse order, I cite the complaint about a

defect in the pitch trim flap system. I want this body and the Committee on Armed Services to be assured that there is no defect in the pitch trim flap system—there is not even a pitch trim flap system.

But, to dwell for a moment on the trivial, I see notations to the effect that there are mistakes in the operating manual of the C–5. If an operating manual that has been superseded by later knowledge is a defect, then I fear for the operating procedures of the Air Force. I say this is because the operating manual for every aircraft is updated constantly by safety-of-flight supplements. This applies to aircraft with a long and distinguished record of operation, and to those in the production and testing stage. I doubt, for example, that any Air Force cargo plane has a more illustrious record of reliable performance than the C–47—known to servicemen as the Gooney Bird and to civilians as the DC–3. The first C–47 was accepted by the Air Force in 1938, and yet a mistake in its operating manual was corrected by a safety-of-flight supplement as late as December 4, 1969.

The C–141, which I think anyone would agree is a troop-carrying aircraft, has had 117 safety-of-flight supplements issued for it, and this aircraft was also produced by Lockheed through the same concurrent testing and production methods being used now to produce the C–5. I suspect that the same criticisms now being leveled at the C–5 would have been leveled at the C–141 during its early stages of production had it been as fashionable to criticize the military-industrial complex as it is today. And yet the record of the C–141, as well as that of many other aircraft, bears testimony to the effectiveness of testing an aircraft while it is being manufactured.

This brings us to the heart of the charges against the aircraft; the method of its production, which is to manufacture it as it is being tested. I can say that this method has the approval of the Air Force and of the committees in both Houses of Congress most directly involved in this project.

Let me return for a moment to the C–47. Despite 30 years of reliable, distinguished services, the C–47 has had—and still has—a restriction which says that the aircraft is not to be operated at an engine speed of 1,300 to 1,700 revolutions per minute.

It has been said that there is a similar restriction on the C–5. In fact, it is the kind of operational restriction placed on many aircraft in addition to the C–5 and is one which sometimes stays with them until they are retired from useful service.

Actually, this is the point to all restrictions. Every airplane has its limits of safe operation clearly defined for the protection of those who fly it. On every airplane, whether it is civilian or military, there are certain boundaries of performance that must not be crossed. So long as the aircraft is operated within these boundaries, those aboard are exposed only to the normal hazards involved in taking a giant piece of machinery and flying it. Restrictions are primarily safety instructions.

For every aircraft, of course, there are certain performance standards that are set up in the contract and these must be met before the manufacturer is paid. It is possibly true that some of these contract standards have not yet been met by the C–5. But it is also true that over half of the complaints refer to problems which neither Lockheed nor the Air Force expected to be solved at this stage of production. It is a normal and inevitable part of the process of invention, discovery, engineering, and manufacture.

I have every confidence that the first delivery date of the C–5 will set the course of future events and will prove this to be a milestone in the development of the conquering of the ocean of air, which we are accomplishing at a greater technological pace than our forebears did with the ocean of water.

OILY AID

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, during the debate on the foreign giveaway program on December 9, I called the attention of the House to the fact that the Agency for International Development has, incredibly, loaned oil-exporting Tunisia $3 million of the taxpayers' money to import oil.

I did not go into the details of this ridiculous transaction last week due to the length of the debate on the giveaway appropriation, but I am pleased to note that columnist Jack Anderson and his associate, Leslie Whitten, have published some of them.

I include the column for insertion in the RECORD at this point:

AID PUMPS OIL INTO OIL-RICH TUNISIA

(By Jack Anderson)

While the American motorist digs deep into his pockets every time he stops at a gas pump, the foreign aid program is pumping 12,000,000 barrels of oil into oil-rich Tunisia.

This is just one example of why President Nixon's $2.2 billion foreign aid request is being chopped by Congress. The Tunisian oil contract illustrates why even friends of foreign aid wince before they support $2.2 billion for the bumbling Agency for International Development.

And when AID combines with the hack-ridden Agriculture Department, as in the Tunisian case, the results are often dismaying for both the common treasury and common sense.

AID agreed to give Tunisia $10 million to develop its industry. The 40-year loan, at 2½ per cent, is virtually interest-free compared to what the U.S. housebuyer pays.

Tunisia decided to use much of the loan for crude oil, even though in 1968 it produced 23,503,000 barrels and only consumed 8,212,500.

AID says it was told Tunisia had plenty of high-grade oil, but needed low-grade fuel oil. Oil industry sources say Tunisia could easily make do with its own oil.

Nevertheless, AID let the Agriculture Department find the oil for Tunisia under a barter deal. Agriculture put out bids. Out of four bids, the lowest was $1.97 a barrel. The next was $2.65 a barrel.

AN $884,000 GOOF

Then came Agriculture's first nitwit decision. Instead of taking the low bid, the Agriculture Department chose to pay $2.65 a barrel, well over both the world price and the low bid.

This initial goof cost the taxpayer $884,000. The Agriculture Department explains that the extra money had to be paid to haul the oil in U.S. ships. This is absolutely contradicted by a requirement that the U.S. ships make a "fair and reasonable offer" compared with foreign vessels.

Despite the enormous differences in the bids, the Agriculture Department did not even ask for new bids, as it can do under law. Instead, with AID nodding approval, the contract was signed with the higher bidder.

As it turned out the higher bidder had promised higher grade oil. But when the U.S. examined the oil, they found it was not the high grade promised, but exactly the same grade oil as offered by the low bidder.

Startlingly, it turned out to be not only the same grade oil, but the same oil. The higher bidder, after winning the bid, talked the supplier of the low bidder into turning over his oil. The Agriculture Department, when reminded by this column of this drop in quality, promised to assess the higher bidder a penalty.

But penalty or not, the taxpayer still will have to pump out hundreds of thousands of dollars for overpriced oil going to a country that cannot even use all the oil it's producing now.

RESOLUTION BY NORTH MIAMI BEACH FOR SOCIAL SECURITY LEGISLATION

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am sure you are aware that all over the country there is a strong demand for increased benefits, particularly to senior citizens, as well as other beneficiaries under social security legislation. We all take just pride in the House for passing H.R. 15095 providing an across the-board increase of 15 percent in benefits to the beneficiaries of our social security program. We would all hope I am sure that we can at an early date extend much more substantially such benefits. One of the very progressive and forward-looking bills which has been introduced in the House is H.R. 14430, introduced by the able gentleman from New York, JACOB GILBERT, and known as the Gilbert bill. I am very much pleased that the mayor and the city council of one of the very outstanding cities of my congressional district have endorsed the Gilbert bill because the mayor and the city council recognized the need for the enactment of such legislation. I insert the resolution of the mayor and the city council of North Miami Beach in the RECORD immediately following my remarks:

RESOLUTION BY MAYOR AND CITY COUNCIL OF NORTH MIAMI BEACH, FLA.

(A resolution urging the U.S. Congress to pass the Gilbert Bill—H.R. 14430)

Whereas, the attention of the Mayor and the City Council has been directed to national legislation, to-wit: the "Gilbert Bill" now pending before the Congress of the United States as H.R. 14430; and

Whereas, the City of Miami Beach enjoys the residence of many individuals presently depending upon Social Security, in whole or in part, to sustain themselves; and

Whereas, this City, as most of the nation, has suffered the effects of the inflationary trend now nationally existent; and

Whereas, our citizens are burdened constantly with rising costs for food and all services; and

Whereas, reluctantly, and in order to sustain the level of service necessary to care for its citizens, the City has been unable to prevent a necessitous raise in taxes; and

Whereas, it is recognized that such rising costs and expenses of living are particularly burdensome upon individuals whose income is fixed on straight dollar figures with no opportunity for a commensurate increase in accordance with rising cost of living; and

Whereas, it has been determined by the City Council that it is important to the health, safety and welfare of a substantial and cognizable number of its citizens that additional income be made available to those of its citizens presently living, or to be living, under Social Security.

Now, therefore,

Be it resolved by the City Council of the City of North Miami Beach, Florida:

Section 1: That the Mayor and City Council of the City of North Miami Beach, on behalf of themselves and the City of North Miami Beach, do hereby urge the Congress of the United States of America to pass the "Gilbert Bill", more particularly known as HR 14430, for the reasons above stated, and commend to their Representatives and Senators in Congress, to-wit: Honorable Claude Pepper, Honorable J. Herbert Burke, Honorable Dante B. Fascell, Honorable Spessard L. Holland, Honorable Edward J. Gurney, that they move forward expeditiously and assiduously to aid in the passage of this worthy and needed legislation.

Section 2: That the City Clerk be and she is hereby directed to forward suitably certified copies of this Resolution to the Congressional Representatives and Senators hereinabove set forth.

Approved and adopted in regular meeting assembled this 2d day of December, 1969.

DAVID M. PAPLEN,
Mayor.

Attest:

VIRGINIA H. MOORE,
City Clerk.

TRIBUTE TO DICK FAGAN

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, the vogue recently has been either to criticize or to defend members of the press according to how fair or unfair we judge their treatment to be. However, in doing this we sometimes forget how important to our lives are the words of the great humanists and great wits who are at the same time great journalists.

Recently in my hometown of Portland, Oreg., a journalist of much wit and warmth died after a 2-year illness with lung cancer. Dick Fagan, a writer for the Portland, Oreg., Journal and a Portland journalist for more than 30 years, was a kind of an H. L. Mencken of our Pacific Northwest community. He was not nationally known because it was not his style to attempt to make big pronouncements to influence a nation of leaders, but he was more than known and admired among his readers in Oregon. He was truly the object of great affection.

As son of an Irishman he chose to live in the Pacific Northwest where his three decades of writing covered the comical, the serious, and the ridiculous.

He had sort of a writer's Fibber McGee's closet in his "Fagan Institute for Things Not Normally if Ever Researched." Sometimes he was off on a Quixotic battle against intemperate Scottish bagpipers who constantly plagued him. He complained that he could not tell which was worse, the bagpipers or his faulty plumbing. Sometimes he was busy establishing and adorning the "Mill Ends Park, the Smallest Park in the World," a tiny postage stamp size piece of earth he luckily found one day not to have been asphalted when a traffic divider was constructed in the street below his office.

But as often as his words were entertaining they were at the same time eloquent and wise. He had a warm and enjoyable message for us all in a relaxed and familiar style which is so peculiar to the Pacific Northwest. Dick Fagan transcended popularity; he was loved by his legion of friends and readers. In his passing, Portland has lost an important figure in the life of its community.

I include in the RECORD at this point, the first column that he wrote for the Oregon Journal and one of his very last in which he talked about his illness and his coming fate.

He will be remembered in the Pacific Northwest as one of the best loved and one of the truly great.

The columns follow:

[From the Portland (Oreg.) Journal, Nov. 21, 1969]

MILL ENDS

(By Dick Fagan)

(NOTE.—Dick Fagan, writer of Mill Ends column since January 28, 1947, died at 4 a.m. Thursday. Here is his first column.)

This reporter has been asked to take a splurge in "columnizing," and so today sees the birth of Mill Ends. As you know, mill ends are those irregular, rough pieces of lumber that are left over at a lumber mill, and usually used for firewood. The "Mill Ends" will deal with rough, irregular pieces of news opinion and talk that usually can't be sized up into a news story.

George Moorad, KGW's ace foreign affairs commentator who has done his newspapering all over the world, and I were discussing the possibility of a column. He comes up with, "Well, I don't know; for a column to be well read you've got to be mean. I don't think you've got a nasty enough disposition."

He doesn't know me very well.

Shortest recent editorial was by a newsie on the corner of SW 4th and Yamhill who wuxtraed, "Only one murder in Portland today. Things are quiet."

Although always an admirer of Milton Caniff's cartooning I've never quite forgiven him for all the trouble his gal "Lace" caused me while I was sitting out the war up in Alaska. GIs will remember Lace as quite a gal, but our top brass hat up there took exception to the derogatory way she talked about "genrals" and didn't think she sported enough duds for the Alaskan climate. Every week after our "Sourdough Sentinel" came out, I, as the guy in charge, could expect a summons from the "genral," and get plowed up one side and down the other for the way Lace dressed and things she beat her gums about. I explained again and again that the guys liked her, and she wasn't my protege, but I'd jerk the cartoon out if he ordered it. He'd never order it, but once wound up with the command, "Get more lace on that woman Lace."

It looks like legislators, lobbyists, et al. are standing by for a lynching bee at the Marion Hotel in Salem with almost every one having a coil of rope in his room. Those recent tragic hotel fires gave everyone a scare, and the capital boys are taking no chances of getting caught without some way of getting out unscorched. That is not necessarily intended to have a double meaning.

An amateur bookkeeper in Los Angeles has found that the ball point pen that writes under water also is best for marking queen bees, but Larry Howes, former Vancouver scribe and now a Journal police reporter, still claims his share of honors. Howes got one of the pens. He filled his bathtub with water, stripped down, got in and wrote on the bottom of his bathtub. It wrote okeh there, but now won't write on paper.

(Then on April 23, 1968, came this word:)

A number of my friends know about it, so I guess about the best thing to do is to tell you why my voice sounds the way it does.

I have cancer in the upper left lung, which apparently affects a nerve which, in turn, affects the left vocal cord, not letting it vibrate. The chest surgeon says he can't operate on it right now because of nerve and other complications in the area, but I'm taking cobalt treatments in hopes of shrinking the cancerous tissue. Later there may be an operation.

Now, I know you're naturally sympathetic about this, just as all of us are sympathetic about all persons having ailments. And, believe me, there are hundreds all around us with a lot worse than this. But I am finding that one of the most difficult things to fight is to keep from feeling sorry for myself—"why did this happen to little old me" sort of thing. So, not too much sympathy please. It isn't good for me.

I've had 57 years of very good health, and this is something that just has to be faced logically and scientifically, hoping for the best. If the best doesn't happen, then I just have to face whatever does happen.

This is the way things developed:

About five weeks ago my voice went hoarse. I didn't think much about it, because that has happened before as it has with most everyone. After a week or so it didn't clear up any, so I went to see our family doctor. He took a look at my throat, which he said was a little red, had his nurse give me a penicillin shot on the backside (she uses the dart method) and wrote out a prescription for sulfa tablets. He said if things didn't clear up in five or six days to call him. Well, it didn't clear up so he referred me to an eye, ear, nose and throat man.

He poked his illuminated mirror down my throat, but we had quite a time of it for a while. I have a horrible gag reaction, and it must have sounded to his patients in the waiting room as if he were trying to choke me to death and I was putting up a darned good battle. Finally he froze the throat, and found that the left vocal cord was not vibrating, but the throat "clean."

He had three theories—1. I might have had a slight stroke that paralyzed this little muscle. 2. I might have a tumor in the left chest affecting a nerve or nerves. 3. He was not sure what caused it, and it might clear itself up.

However, to take things in logical order he suggested I have a chest X-ray. Our family doctor took this and confided, "It doesn't look very good. I'm going to send you to a chest man."

So I reported to the chest doctor, who took a few notes, looked at the X-rays, confirmed there was a tumor there, and advised that I should go to the hospital so he could take a look through a bronchoscope, and take out a piece of tissue (or washings) to determine if the tumor was malignant.

The bronchoscope doesn't hurt because your throat is frozen, but it is a little uncomfortable. The next day he reported that the tumor was malignant, and he couldn't operate now under the circumstances. He suggested several places that give cobalt treatment, and I selected the one most convenient.

In the cobalt treatment they pinpoint the area to be hit by the radioactive cobalt rays, and put you under a machine that looks quite a bit like an X-ray. Just as in the X-ray you get no feeling at all, not even a bit of warmth. I have to do this five times a week for at least a month, possibly more, depending on what the rays do to the cancerous tissue.

I expect to be at work more or less as usual, although the doctor warned that the cobalt treatment might take a little of the pep out of me and affect my appetite. It affects different people in different degrees, but in most cases only in a minor way.

So that's the way things are. I won't say anything more about it unless something major happens. If you want to say a little prayer, that's fine—but not just for me, but for the thousands of persons who are really suffering and have little chance of recovery or relief. I'm lucky. I have a challenge but not an impossible one.

TAKE PRIDE IN AMERICA

Mr. MILLER of Ohio. Mr. Speaker, the United States has the oldest written constitution in the world. The form and structure of our federal system of government remains essentially the same today as it was 180 years ago when the Constitution was ratified.

FEDERAL COAL MINE HEALTH AND SAFETY ACT—CONFERENCE REPORT

Mr. PERKINS submitted the following conference report and statement on the bill (S. 2917), to improve the health and safety conditions of persons working in the coal-mining industry of the United States:

CONFERENCE REPORT (H. REPT. No. 91-761)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Federal Coal Mine Health and Safety Act of 1969".

FINDINGS AND PURPOSE

SEC. 2. Congress declares that—

(a) the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner;

(b) deaths and serious injuries from unsafe and unhealthful conditions and practices in the coal mines cause grief and suffering to the miners and to their families;

(c) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal mines in order to prevent death and serious physical harm, and in order to prevent occupational diseases originating in such mines;

(d) the existence of unsafe and unhealthful conditions and practices in the Nation's coal mines is a serious impediment to the future growth of the coal mining industry and cannot be tolerated;

(e) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(f) the disruption of production and the loss of income to operators and miners as a result of coal mine accidents or occupationally caused diseases unduly impedes and burdens commerce; and

(g) it is the purpose of this Act (1) to establish interim mandatory health and safety standards and to direct the Secretary of Health, Education, and Welfare and the Secretary of the Interior to develop and promulgate improved mandatory health or safety standards to protect the health and safety of the Nation's coal miners; (2) to require that each operator of a coal mine and every miner in such mine comply with such standards; (3) to cooperate with, and provide assistance to, the States in the development and enforcement of effective State coal mine health and safety programs; and (4) to improve and expand, in cooperation with the States and the coal mining industry, research and development and training programs aimed at preventing coal mine accidents and occupationally caused diseases in the industry.

DEFINITIONS

SEC. 3. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior or his delegate;

(b) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(c) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(d) "operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine;

(e) "agent" means any person charged with responsibility for the operation of all or a part of a coal mine or the supervision of the miners in a coal mine;

(f) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(g) "miner" means any individual working in a coal mine;

(h) "coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(i) "work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(j) "imminent danger" means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(k) "accident" includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of, any person;

(l) "mandatory health or safety standard" means the interim mandatory health or safely standards established by titles II and III of this Act, and the standards promulgated pursuant to title I of this Act; and

(m) "Panel" means the Interim Compliance Panel established by this Act.

MINES SUBJECT TO ACT

SEC. 4. Each coal mine, the products of which enter commerce, or the operations or products of which affect commerce, and each operator of such mine, and every miner in such mine shall be subjected to the provisions of this Act.

INTERIM COMPLIANCE PANEL

SEC. 5. (a) There is hereby established the Interim Compliance Panel, which shall be composed of five members as follows:

(1) Assistant Secretary of Labor for Labor Standards, Department of Labor, or his delegate;

(2) Director of the Bureau of Standards, Department of Commerce, or his delegate;

(3) Administrator of Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, or his delegate;

(4) Director of the Bureau of Mines, Department of the Interior, or his delegate; and

(5) Director of the National Science Foundation, or his delegate.

(b) Members of the Panel shall serve without compensation in addition to that received in their regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Panel.

(c) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Secretary of Labor, and the Secretary shall, upon request of the Panel, provide the Panel such personnel and other assistance as the Panel determines necessary to enable it to carry out its functions under this Act.

(d) Three members of the Panel shall constitute a quorum for doing business. All decisions of the Panel shall be by majority vote. The chairman of the Panel shall be selected by the members from among the membership thereof.

(e) The Panel is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted in accordance with the provisions of this Act. The provisions applicable to hearing examiners appointed under section 3105 of title 5 of the United States Code shall be applicable to hearing examiners appointed pursuant to this subsection.

(f) (1) It shall be the function of the Panel to carry out the duties imposed on it pursuant to this Act and to provide an opportunity for a public hearing, after notice, at the request of an operator of the affected coal mine or the representative of the miners of such mine. Any operator or representative of miners aggrieved by a final decision of the Panel may file a petition for review of such decision under section 106 of this Act. The provisions of this section shall terminate upon completion of the Panel's functions as set forth under this Act. Any hearing held pursuant to this subsection shall be of record and the Panel shall make findings of fact and shall issue a written decision incorporating its findings therein in accordance with section 554 of title 5 of the United States Code.

(2) The Panel shall make an annual report, in writing, to the Secretary for transmittal by him to the Congress concerning the achievement of its purposes, and any other relevant information (including any recommendations) which it deems appropriate.

TITLE I—GENERAL

HEALTH AND SAFETY STANDARDS; REVIEW

SEC. 101. (a) The Secretary shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise, as may be appropriate, improved mandatory safety standards for the protection of life and the prevention of injuries in a coal mine,

and shall, in accordance with the procedures set forth in this section, promulgate the mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare.

(b) No improved mandatory health or safety standard promulgated under this title shall reduce the protection afforded miners below that provided by any mandatory health or safety standard.

(c) In the development and revision of mandatory safety standards, the Secretary shall consult with the Secretary of Health, Education, and Welfare, the Secretary of Labor, and with other interested Federal agencies, appropriate representatives of State agencies, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and such advisory committees as he may appoint. Such development and revision of mandatory safety standards shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of safety protection for miners, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this and other safety statutes.

(d) The Secretary of Health, Education, and Welfare shall, in accordance with the procedures set forth in this section, develop and revise, as may be appropriate, improved mandatory health standards for the protection of life and the prevention of occupational diseases of miners. In the development and revision of mandatory health standards, the Secertary of Health, Education, and Welfare shall consult with the Secretary, the Secretary of Labor, and with other interested Federal agencies, appropriate representatives of State agencies, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, such advisory committees as he may appoint, and, where appropriate, foreign countries. Such development and revision of mandatory standards shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health protection for the miner, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this and other health statutes. Mandatory health standards which the Secretary of Health, Education, and Welfare develops or revises shall be transmitted to the Secretary, and shall thereupon be published in the Federal Register by the Secretary as proposed mandatory health standards.

(e) The Secretary shall publish proposed mandatory health and safety standards in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. In the case of mandatory safety standards, except as provided in subsection (f) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards with such modifications as he may deem appropriate. In the case of mandatory health standards, except as provided in subsection (f) of this section, the Secretary of Health, Education, and Welfare may, upon the expiration of such period and after consideration of all relevant matter presented to the Secretary and transmitted to the Secretary of Health, Education, and Welfare, direct the Secretary to promulgate such standards with such modifications as the Secretary of Health, Education, and Welfare may deem appropriate and the Secretary shall thereupon promulgate such standards.

(f) On or before the last day of any period fixed for the submission of written data or comments under subsection (e) of this section, any interested person may file with the Secretary written objections to a proposed mandatory health or safety standard, stating the grounds therefor and requesting a public hearing on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed mandatory health or safety standards to which objections have been filed and a hearing requested.

(g) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (f) of this section, the Secretary, in the case of mandatory safety standards, or the Secretary of Health, Education, and Welfare, in the case of mandatory health standards, shall issue notice of, and hold, a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary who held the hearing shall make findings of fact which shall be public. In the case of mandatory safety standards, the Secretary may promulgate such standards with such modifications as he deems appropriate. In the case of mandatory health standards, the Secretary of Health, Education, and Welfare may direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereupon promulgate the mandatory health standards. In the event the Secretary or the Secretary of Health, Education, and Welfare, as the case may be, determines that a proposed mandatory health or safety standard should not be promulgated or should be modified, he shall within a reasonable time publish his reasons for his determination.

(h) Any mandatory health or safety standard promulgated under this section shall be effective upon publication in the Federal Register unless the Secretary or the Secretary of Health, Education, and Welfare, as appropriate, specifies a later date.

(i) Proposed mandatory health and safety standards for surface coal mines shall be published by the Secretary, in accordance with the provisions of this section, not later than twelve months after the date of enactment of this Act. Proposed mandatory health and safety standards for surface work areas of underground coal mines, in addition to those established for such areas under this Act, shall be published by the Secretary, in accordance with the provisions of this section, not later than twelve months after the date of enactment of this Act.

(j) All interpretations, regulations, and instructions of the Secretary or the Director of the Bureau of Mines, in effect on the date of enactment of this Act and not inconsistent with any provision of this Act, shall be published in the Federal Register and shall continue in effect until modified or superseded in accordance with the provisions of this Act.

(k) The Secretary shall send a copy of every proposed standard or regulation at the time of publication in the Federal Register to the operator of each coal mine and the representative of the miners at such mine and such copy shall be immediately posted on the bulletin board of the mine by the operator or his agent, but failure to receive such notice shall not relieve anyone of the obligation to comply with such standard or regulation.

ADVISORY COMMITTEES

SEC. 102. (a)(1) The Secretary shall appoint an advisory committee on coal mine safety research composed of—

(A) the Director of the Office of Science and Technology, or his delegate, with the consent of the Director;

(B) the Director of the National Bureau of Standards, Department of Commerce, or his delegate, with the consent of the Director;

(C) the Director of the National Science Foundation, or his delegate, with the consent of the Director; and

(D) such other persons as the Secretary may appoint who are knowledgeable in the field of coal mine safety research.

The Secretary shall designate the chairman of the committee.

(2) The advisory committee shall consult with, and make recommendations to, the Secretary on matters involving or relating to coal mine safety research. The Secretary shall consult with, and consider the recommendations of, such committee in the conduct of such research, the making of any grant, and the entering into of contracts for such research.

(3) The chairman of the committee and a majority of the persons appointed by the Secretary pursuant to paragraph (1)(D) of this subsection shall be individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(b)(1) The Secretary of Health, Education, and Welfare shall appoint an advisory committee on coal mine health research composed of—

(A) the Director, Bureau of Mines, or his delegate, with the consent of the Director;

(B) the Director of the National Science Foundation, or his delegate, with the consent of the Director;

(C) the Director of the National Institutes of Health, or his delegate, with the consent of the Director; and

(D) such other persons as the Secretary of Health, Education, and Welfare may appoint who are knowledgeable in the field of coal mine health research.

The Secretary of Health, Education, and Welfare shall designate the chairman of the committee.

(2) The advisory committee shall consult with, and make recommendations to, the Secretary of Health, Education, and Welfare on matters involving or relating to coal mine health research. The Secretary of Health, Education, and Welfare shall consult with, and consider the recommendations of, such committee in the conduct of such research, the making of any grant, and the entering into of contracts for such research.

(3) The chairman of the committee and a majority of the persons appointed by the Secretary of Health, Education, and Welfare pursuant to paragraph (1)(D) of this subsection shall be individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(c) The Secretary or the Secretary of Health, Education, and Welfare may appoint other advisory committees as he deems appropriate to advise him in carrying out the provisions of this Act. The Secretary or the Secretary of Health, Education, and Welfare, as the case may be, shall appoint the chairman of each such committee, who shall be an individual who has no economic interest in the coal mining industry, and who is not an operator, miner, or an officer or employee of the Federal Government or any State or local government. A majority of the members of any such advisory committee appointed pursuant to this subsection shall be composed of individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(d) Advisory committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing committee business, entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under

section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

INSPECTIONS AND INVESTIGATIONS

SEC. 103. (a) Authorized representatives of the Secretary shall make frequent inspections and investigations in coal mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) gathering information with respect to mandatory health or safety standards, (3) determining whether an imminent danger exists, and (4) determining whether or not there is compliance with the mandatory health or safety standards or with any notice. order, or decision issued under this title. In carrying out the requirements of clauses (3) and (4) of this subsection, no advance notice of an inspection shall be provided to any person. In carrying out the requirements of clauses (3) and (4) of this subsection in each underground coal mine, such representatives shall make inspections of the entire mine at least four times a year.

(b)(1) For the purpose of making any inspection or investigation under this Act, the Secretary or any authorized representative of the Secretary shall have a right of entry to, upon, or through any coal mine.

(2) For the purpose of developing improved mandatory health standards, the Secretary of Health, Education, and Welfare or his authorized representative shall have a right of entry to, upon, or through, any coal mine.

(3) The provisions of this Act relating to investigations and records shall be available to the Secretary of Health, Education, and Welfare to enable him to carry out his functions and responsibilities under this Act.

(c) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal agency.

(d) For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal mine, the Secretary may, after notice, hold public hearings, and may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) In the event of any accident occurring in a coal mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a coal mine where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems it appropriate, surpervise and direct the rescue and recovery activity in such mine.

(f) In the event of any accident occurring in a coal mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the coal mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representatives, when feasible, of any plan to recover any person in the mine or to recover the mine or to return affected areas of the mine to normal.

(g) Whenever a representative of the miners has reasonable grounds to believe that a violation of a mandatory health or safety standard exists, or an imminent danger exists, such representative shall have a right to obtain an immediate inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, signed by the representative of the miners, and a copy shall be provided the operator or his agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual miners referred to therein shall not appear in such copy. Upon receipt of such notification, a special inspection shall be made as soon as possible to determine if such violation or danger exists in accordance with the provisions of this title.

(h) At the commencement of any inspection of a coal mine by an authorized representative of the Secretary, the authorized representative of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the authorized representative of the Secretary on such inspection.

(i) Whenever the Secretary finds that a mine liberates excessive quantities of methane or other explosive gases during its operations, or that a methane or other gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine other especially hazardous conditions, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine during every five working days at irregular intervals.

FINDINGS, NOTICES, AND ORDERS

SEC. 104. (a) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that an imminent danger exists, such representative shall determine the area throughout which such danger exists, and thereupon shall issue forthwith an order requiring the operator of the mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists.

(b) Except as provided in subsection (i) of this section, if, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard but the violation has not created an imminent danger, he shall issue a notice to the operator or his agent fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, an authorized representative of the Secretary finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violation has been abated.

(c)(1). If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard, and if he also finds that, while the conditions created by such violation do not cause imminent danger, such violation is of such nature as could significantly and substantially contribute to the cause and effect of a mine safety or health hazard, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with such mandatory health or safety standards, he shall include such finding in any notice given to the operator under this Act. If, during the same inspection or any subsequent inspection of such mine within ninety days after the issuance of such notice, an authorized representative of the Secretary finds another violation of any mandatory health or safety standard and finds such violation to be also caused by an unwarrantable failure of such operator to so comply, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, a withdrawal order shall promptly be issued by an authorized representative of the Secretary who finds upon any subsequent inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

(d) The following persons shall not be required to be withdrawn from, or prohibited from entering, any area of the coal mine subject to an order issued under this section:

(1) any person whose presence in such area is necessary, in the judgment of the operator or an authorized representative of the Secretary, to eliminate the condition described in the order;

(2) any public official whose official duties require him to enter such area;

(3) any representative of the miners in such mine who is, in the judgment of the operator or an authorized representative of the Secretary, qualified to make coal mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order; and

(4) any consultant to any of the foregoing.

(e) Notices and orders issued pursuant to this section shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any mandatory health or safety standard and, where appropriate, a description of the area of the coal mine from which persons must be withdrawn and prohibited from entering.

(f) Each notice or order issued under this section shall be given promptly to the operator of the coal mine or his agent by an authorized representative of the Secretary issuing such notice or order, and all such notices and orders shall be in writing and shall be signed by such representative.

(g) A notice or order issued pursuant to

this section, except an order issued under subsection (h) of this section, may be modified or terminated by an authorized representative of the Secretary.

(h) (1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representative of the miners of such mine. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners to present information relating to such notice.

(2) Upon the conclusion of such investigation and an opportunity for a public hearing upon request by any interested party, the Secretary shall make findings of fact, and shall by decision incorporating such findings therein, either cancel the notice issued under this subsection or issue an order requiring the operator of such mine to cause all persons in the area affected, except those persons referred to in subsection (d) of this section, to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a public hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated. Any hearing under this paragraph shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(i) If, based upon samples taken and analyzed and recorded pursuant to section 202(a) of this Act, or samples taken during an inspection by an authorized representative of the Secretary, the applicable limit on the concentration of respirable dust required to be maintained under this Act is exceeded and thereby violated, the Secretary or his authorized representative shall issue a notice fixing a reasonable time for the abatement of the violation. During such time, the operator of the mine shall cause samples described in section 202(a) of this Act to be taken of the affected area during each production shift. If, upon the expiration of the period of time as originally fixed or subsequently extended, the Secretary or his authorized representative finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until the Secretary or his authorized representative has reason to believe, based on actions taken by the operator, that such limit will be complied with upon the resumption of production in such mine. As soon as possible after an order is issued, the Secretary, upon request of the operator, shall dispatch to the mine involved a person or team of persons, to the extent such persons are available, who are knowledgeable in the methods and means of controlling and reducing respirable dust. Such person or team of persons shall remain at the mine involved for such time as they shall deem appropriate to assist the operator in reducing respirable dust concentrations. While at the mine, such persons may require the operator to take such actions as they deem appropriate to insure the health of any person in the coal mine.

REVIEW BY THE SECRETARY

SEC. 105. (a) (1) An operator issued an order pursuant to the provisions of section 104 of this title, or any representative of miners in any mine affected by such order or by any modification or termination of such order, may apply to the Secretary for review of the order within thirty days of receipt thereof or within thirty days of its modification or termination. An operator issued a notice pursuant to section 104(b) or (i) of this title, or any representative of miners in any mine affected by such notice, may, if he believes that the period of time fixed in such notice for the abatement of the violation is unreasonable, apply to the Secretary for review of the notice within thirty days of the receipt thereof. The applicant shall send a copy of such application to the representative of miners in the affected mine, or the operator, as appropriate. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the operator or the representative of miners in such mine, to enable the operator and the representative of miners in such mine to present information relating to the issuance and continuance of such order or the modification or termination thereof or to the time fixed in such notice. The filing of an application for review under this subsection shall not operate as a stay of any order or notice.

(2) The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and he shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the order, or the modification or termination of such order, or the notice, complained of and incorporate his findings therein.

(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

(d) Pending completion of the investigation required by this section, the applicant may file with the Secretary of a written request that the Secretary grant temporary relief (1) from any modification or termination of any order, or (2) from any order issued under section 104 of this title, except an order issued under section 104(a) of this title, together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, under such conditions as he may prescribe, if—

(1) a hearing has been held in which all parties were given an opportunity to be heard;

(2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to the applicant; and

(3) such relief will not adversely affect the health and safety of miners in the coal mine.

No temporary relief shall be granted in the case of a notice issued under section 104 (b) or (i) of this title.

JUDICIAL REVIEW

SEC. 106. (a) Any order or decision issued by the Secretary or the Panel under this Act, except an order or decision under section 109(a) of this Act, shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, or the United States Court of Appeals for the District of Columbia Circuit, upon the filing in such court within thirty days from the date of such order or decision of a petition by any person aggrieved by the order or decision praying that the order or decision be modified or set aside in whole or in part, except that the court shall not consider such petition unless such person has exhausted the administrative remedies available under this Act. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary or the Panel, and thereupon the Secretary or the Panel shall certify and file in such court the record upon which the order or decision complained of was issued, as provided in section 2112 of title 28, United States Code.

(b) The court shall hear such petition on the record made before the Secretary or the Panel. The findings of the Secretary or the Panel, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary or the Panel for such further action as it may direct.

(c) (1) In the case of a proceeding to review any order or decision issued by the Secretary under this Act, except an order or decision pertaining to an order issued under section 104(a) of this title or an order or decision pertaining to a notice issued under section 104(b) or (i) of this title, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(A) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(C) such relief will not adversely affect the health and safety of miners in the coal mine.

(2) In the case of a proceeding to review any order or decision issued by the Panel under this Act, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(A) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief; and

(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding.

(d) The judgment of the court shall be subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the order or decision of the Secretary or the Panel.

(f) Subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, attorneys appointed by the Secretary may appear for and represent him in any preceeding instituted under this section.

POSTING OF NOTICES, AND DECISIONS

SEC. 107. (a) At each coal mine there shall be maintained an office with a conspicuous sign designating it as the office of the mine, and a bulletin board at such office or at some conspicuous place near an entrance of the mine, in such manner that notices, orders, and decisions required by law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be

protected against damage by weather and against unauthorized removal. A copy of any notice, order, or decision required by this title to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(b) The Secretary shall cause a copy of any notice, order, or decision required by this Act to be given to an operator to be mailed immediately to a representative of the miners in the affected mine, and to the public official or agency of the State charged with administering State laws, if any, relating to health, or safety in such mine. Such notice, order, or decision shall be available for public inspection.

(c) In order to insure prompt compliance with any notice, order, or decision issued under this Act, the authorized representative of the Secretary may deliver such notice, order, or decision to an agent of the operator and such agent shall immediately take appropriate measures to insure compliance with such notice, order, or decision.

(d) Each operator of a coal mine shall file with the Secretary the name and address of such mine and the name and address of the person who controls or operates the mine. Any revisions in such names or addresses shall be promptly filed with the Secretary. Each operator of a coal mine shall designate a responsible official at such mine as the principal officer in charge of health and safety at such mine and such official shall receive a copy of any notice, order, or decision issued under this Act affecting such mine. In any case, where the coal mine is subject to the control of any person not directly involved in the daily operations of the coal mine, there shall be filed with the Secretary the name and address of such person and the name and address of a principal official of such person who shall have overall responsibility for the conduct of an effective health and safety program at any coal mine subject to the control of such person and such official shall receive a copy of any notice, order, or decision issued affecting any such mine. The mere designation of a health and safety official under this subsection shall not be construed as making such official subject to any penalty under this Act.

INJUNCTIONS

SEC. 108. The Secretary may institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which a coal mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (a) violates or fails or refuses to comply with any order or decision issued under this Act, or (b) interferes with, hinders, or delays the Secretary or his authorized representative, or the Secretary of Health, Education, and Welfare or his authorized representative in carrying out the provisions of this Act, or (c) refuses to admit such representatives to the mine, or (d) refuses to permit the inspection of the mine, or the investigation of an accident or occupational disease occurring in, or connected with, such mine, or (e) refuses to furnish any information or report requested by the Secretary or the Secretary of Health, Education, and Welfare in furtherance of the provisions of this Act, or (f) refuses to permit access to, and copying of, such records as the Secretary or the Secretary of Health, Education, and Welfare determines necessary in carrying out the provisions of this Act. Each court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with Rule 65 of the Federal Rules of Civil Procedure, as amended, except that the time limit in such orders, when issued without notice, shall be seven days from the date of entry. Except as otherwise provided herein, any relief granted by the court to enforce an order under clause (a) of this section shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it. In actions under this section, subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, attorneys appointed by the Secretary may appear for and represent him. In any action instituted under this section to enforce an order or decision issued by the Secretary after a public hearing in accordance with section 554 of title 5 of the United States Code, the findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

PENALTIES

SEC. 109. (a) (1) The operator of a coal mine in which a violation occurs of a mandatory health or safety standard or who violates any other provision of this Act, except the provisions of title 4, shall be assessed a civil penalty by the Secretary under paragraph (3) of this subsection which penalty shall not be more than $10,000 for each such violation. Each occurrence of a violation of a mandatory health or safety standard may constitute a separate offense. In determining the amount of the penalty, the Secretary shall consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charged, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation.

(2) Any miner who willfully violates the mandatory safety standards relating to smoking or the carrying of smoking materials, matches, or lighters shall be subject to a civil penalty assessed by the Secretary under paragraph (3) of this subsection, which penalty shall not be more than $250 for each occurrence of such violation.

(3) A civil penalty shall be assessed by the Secretary only after the person charged with a violation under this Act has been given an opportunity for a public hearing and the Secretary has determined, by decision incorporating his findings of fact therein, that a violation did occur, and the amount of the penalty which is warranted, and incorporating, when appropriate, an order therein requiring that the penalty be paid. Where appropriate, the Secretary shall consolidate such hearings with other proceedings under section 105 of this title. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(4) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Secretary shall file a petition for enforcement of such order in any appropriate district court of the United States. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and to the representative of the miners in the affected mine or the operator, as the case may be, and thereupon the Secretary shall certify and file in such court the record upon which such order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as to modified, or setting aside in whole or in part the order and decision of the Secretary or it may remand the proceedings to the Secretary for such further action as it may direct. The court shall consider and determine de novo all relevant issues, except issues of fact which were or could have been litigated in review proceedings before a court of appeals under section 106 of this Act, and upon the request of the respondent, such issues of fact which are in dispute shall be submitted to the jury. On the basis of the jury's findings, the court shall determine the amount of the penalty to be imposed. Subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, atttorneys appointed by the Secretary may appear for and represent him in any action to enforce an order assessing civil penalties under this paragraph.

(b) Any operator who willfully violates a mandatory health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under section 104 of this title, or any order incorporated in a final decision issued under this title, except an order incorporated in a decision under subsection (a) of this section or section 110 (b)(2) of this title, shall, upon conviction, be punished by a fine of not more than $25,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such operator under this Act, punishment shall be by a fine of not more than $50,000, or by imprisonment of not more than five years, or by both.

(c) Whenever a corporate operator violates a mandatory health or safety standard or knowingly violates or fails or refuses to comply with any order issued under this Act or any order incorporated in a final decision issued under this Act, except an order incorporated in a decision issued under subsection (a) of this section or section 110(b)(2) of this title, any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (b) of this section.

(d) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act or any order or decision issued under this Act shall, upon conviction, be punished by a fine for not more than $10,000, or by imprisonment of not more than six months, or by both.

(e) Whoever knowingly distributes, sells, offers for sale, introduces, or delivers in commerce any equipment for use in a coal mine, including, but not limited to, components and accessories of such equipment, which is represented as complying with the provisions of this Act, or with any specification or regulation of the Secretary applicable to such equipment, and which does not so comply, shall, upon conviction, be subject to the same fine and imprisonment that may be imposed upon a person under subsection (d) of this section.

ENTITLEMENT OF MINERS

SEC. 110. (a) If a coal mine or area of a coal mine is closed by an order issued under section 104 of this title, all miners working during the shift when such order was issued who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift. If a coal mine or area of a coal mine is closed by an order issued under section 104 of this title for an unwarrantable failure of the operator to comply

with any health or safety standard, all miners who are idled due to such order shall be fully compensated, after all interested parties are given an opportunity for a public hearing on such compensation and after such order is final, by the operator for lost time at their regular rates of pay for such time as the miners are idled by such closing, or for one week, whichever is the lesser. Whenever an operator violates or fails or refuses to comply with any order issued under section 104 of this Act, all miners employed at the affected mine who would be withdrawn from, or prevented from entering, such mine or area thereof as a result of such order shall be entitled to full compensation by the operator at their regular rates of pay, in addition to pay received for work performed after such order was issued, for the period beginning when such order was issued and ending when such order is complied with; vacated, or terminated.

(b) (1) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger, (B) has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(2) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing of at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any order issued by the Secretary under this paragraph shall be subject to judicial review in accordance with section 106 of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the provisions of sections 108 and 109(a) of this title.

(3) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

REPORTS

SEC. 111. (a) All accidents, including unintentional roof falls (except in any abandoned panels or in areas which are inaccessible or unsafe for inspections), shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents, roof falls, and investigations shall be kept and the information shall be made available to the Secretary or his authorized representative and the appropriate State agency. Such records shall be open for inspection by interested persons. Such records shall include man-hours worked and shall be reported for periods determined by the Secretary, but at least annually.

(b) In addition to such records as are specifically required by this Act, every operator of a coal mine shall establish and maintain such records, make such reports, and provide such information, as the Secretary may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records, information, reports, findings, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

COVERAGE

SEC. 201. (a) The provisions of sections 202 through 206 of this title and the applicable provisions of section 318 of title III shall be interim mandatory health standards applicable to all underground coal mines until superseded in whole or in part by improved mandatory health standards promulgated by the Secretary under the provisions of section 101 of this Act, and shall be enforced in the same manner and to the same extent as any mandatory health standard promulgated under the provisions of section 101 of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in title I of this Act.

(b) Among other things, it is the purpose of this title to provide, to the greatest extent possible, that the working conditions in each underground coal mine are sufficiently free of respirable dust concentrations in the mine atmosphere to permit each miner the opportunity to work underground during the period of his entire adult working life without incurring any disability from pneumoconiosis or any other occupation-related disease during or at the end of such period.

DUST STANDARD AND RESPIRATORY EQUIPMENT

SEC. 202. (a) Each operator of a coal mine shall take accurate samples of the amount of respirable dust in the mine atmosphere to which each miner in the active workings of such mine is exposed. Such samples shall be taken by any device approved by the Secretary and the Secretary of Health, Education, and Welfare and in accordance with such methods, at such locations, at such intervals, and in such manner as the Secretaries shall prescribe in the Federal Register within sixty days from the date of enactment of this Act and from time to time thereafter. Such samples shall be transmitted to the Secretary in a manner established by him, and analyzed and recorded by him in a manner that will assure application of the provisions of section 104(1) of this act when the applicable limit on the concentration of respirable dust required to be maintained under this section is exceeded. The results of such samples shall also be made available to the operator. Each operator shall report and certify to the Secretary at such intervals as the Secretary may require as to the conditions in the active workings of the coal mine, including, but not limited to, the average number of working hours worked during each shift, the quantity and velocity of air regularly reaching the working faces, the method of mining, the amount and pressure of the water, if any, reaching the working faces, and the number, location, and type of sprays, if any, used.

(b) Except as otherwise provided in this subsection—

(1) Effective on the operative date of this title, each operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below 3.0 milligrams of respirable dust per cubic meter of air.

(2) Effective three years after the date of enactment of this Act, each operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below 2.0 milligrams of respirable dust per cubic meter of air.

(3) Any operator who determines that he will be unable, using available technology, to comply with the provisions of paragraph (1) of this subsection, or the provisions of paragraph (2) of this subsection, as appropriate, may file with the Panel, no later than sixty days prior to the effective date of the applicable respirable dust standard established by such paragraphs, an application for a permit for noncompliance. If, in the case of an application for a permit for noncompliance with the 3.0 milligram standard established by paragraph (1) of this subsection, the application satisfies the requirements of subsection (c) of this section, the Panel shall issue a permit for noncompliance to the operator. If, in the case of an application for a permit for noncompliance with the 2.0 milligram standard established by paragraph (2) of this subsection, the application satisfies the requirements of subsection (c) of this section and the Panel determines that the applicant will be unable to comply with such standard, the Panel shall issue to the operator a permit for noncompliance.

(4) In any case in which an operator, who has been issued a permit (including a renewal permit) for noncompliance under this section, determines, not more than ninety days prior to the expiration date of such permit, that he still is unable to comply with the standard established by paragraph (1) of this subsection or the standard established by paragraph (2) of this subsection, as appropriate, he may file with the Panel an application for renewal of the permit. Upon receipt of such application, the Panel, if it determines, after all interested persons have been notified and given an opportunity for a public hearing under section 5 of this Act, that the application is in compliance with the provisions of subsection (c) of this section, and that the applicant will be unable to comply with such standard, may renew the permit.

(5) Any such permit or renewal thereof so issued shall be in effect for a period not to exceed one year and shall entitle the permittee during such period to maintain continuously the average concentration of respirable dust in the mine atmosphere during each shift in the working places of such mine to which the permit applies at a level specified by the Panel, which shall be at the lowest level which the application shows the conditions, technology applicable to such mine, and other available and effective control techniques and methods will permit, but in no event shall such level exceed 4.5 milligrams of dust per cubic meter of air during the period when the 3.0 milligram standard is in effect, or 3.0 milligrams of dust per cubic meter of air during the period when the 2.0 milligram standard is in effect.

(6) No permit or renewal thereof for noncompliance shall entitle any operator to an

extension of time beyond eighteen months from the date of enactment of this Act to comply with the 3.0 milligram standard established by paragraph (1) of this subsection, or beyond seventy-two months from the date of enactment of this Act to comply with the 2.0 milligram standard established by paragraph (2) of this subsection.

(c) Any application for an initial or renewal permit made pursuant to this section shall contain—

(1) a representation by the applicant and the engineer conducting the survey referred to in paragraph (2) of this subsection that the applicant is unable to comply with the standard applicable under subsection (b) (1) or (b) (2) of this section at specified working places because the technology for reducing the concentration of respirable dust at such places is not available, or because of the lack of other effective control techniques or methods, or because of any combination of such reasons;

(2) an identification of the working places in such mine for which the permit is requested; the results of an engineering survey by a certified engineer of the respirable dust conditions of each working place of the mine with respect to which such application is filed and the ability to reduce such dust to the level required to be maintained in such place under this section; a description of the ventilation system of the mine and its capacity; the quantity and velocity of air regularly reaching the working faces; the method of mining; the amount and pressure of the water, if any, reaching the working faces; the number, location, and type of sprays, if any; action taken to reduce such dust; and such other information as Panel may require; and

(3) statements by the applicant and the engineer conducting such survey, of the means and methods to be employed to achieve compliance with the applicable standard, the progress made toward achieving compliance, and an estimate of when compliance can be achieved.

(d) Beginning six months after the operative date of this title and from time to time thereafter, the Secretary of Health, Education, and Welfare shall establish, in accordance with the provisions of section 101 of this Act, a schedule reducing the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings is exposed below the levels established in this section to a level of personal exposure which will prevent new incidences of respiratory disease and the further development of such disease in any person. Such schedule shall specify the minimum time necessary to achieve such levels taking into consideration present and future advancements in technology to reach these levels.

(e) References to concentrations of respirable dust in this title means the average concentration of respirable dust if measured with an MRE instrument or such equivalent concentrations if measured with another device approved by the Secretary and the Secretary of Health, Education, and Welfare. As used in this title, the term "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(f) For the purpose of this title, the term "average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust to which each miner in the active workings of a mine is exposed (1) as measured, during the 18 month period following the date of enactment of this Act, over a number of continuous production shifts to be determined by the Secretary and the Secretary of Health, Education, and Welfare, and (2) as measured thereafter, over a single shift only, unless the Secretary and the Secretary of Health, Education, and Welfare find, in accordance with the provisions of section 101 of this Act, that such single shift measurement will not, after applying valid statistical techniques to such measurement, accurately represent such atmospheric conditions during such shift.

(g) The Secretary shall cause to be made such frequent spot inspections as he deems appropriate of the active workings of coal mines for the purpose of obtaining compliance with the provisions of this title.

(h) Respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare shall be made available to all persons whenever exposed to concentrations of respirable dust in excess of the levels required to be maintained under this Act. Use of respirators shall not be substituted for environmental control measures in the active workings. Each operator shall maintain a supply of respiratory equipment adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the levels required to be maintained under this Act.

MEDICAL EXAMINATIONS

SEC. 203 (a) The operator of a coal mine shall cooperate with the Secretary of Health, Education, and Welfare in making available to each miner working in a coal mine the opportunity to have a chest roentgenogram within eighteen months after the date of enactment of this Act, a second chest roentgenogram within three years thereafter, and subsequent chest roentgenograms at such intervals thereafter of not to exceed five years as the Secretary of Health, Education, and Welfare prescribes. Each worker who begins work in a coal mine for the first time shall be given, as soon as possible after commencement of his employment, and again three years later if he is still engaged in coal mining, a chest roentgenogram; and in the event the second such chest roentgenogram shows evidence of the development of pneumoconiosis the worker shall be given, two years later if he is still engaged in coal mining, an additional chest roentgenogram. All chest roentgenograms shall be given in accordance with specifications prescribed by the Secretary of Health, Education, and Welfare and shall be supplemented by such other tests as the Secretary of Health, Education, and Welfare deems necessary. The films shall be read and classified in a manner to be prescribed by the Secretary of Health, Education, and Welfare, and the results of each reading on each such person and of such tests shall be submitted to the Secretary and to the Secretary of Health, Education, and Welfare, and, at the request of the miner, to his physician. The Secretary shall also submit such results to such miner and advise him of his rights under this Act related thereto. Such specifications, readings, classifications, and tests shall, to the greatest degree possible, be uniform for all coal mines and miners in such mines.

(b) (1) On and after the operative date of this title, any miner who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading or other medical examinations, shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of such disease, where the concentration of respirable dust in the mine atmosphere is not more than 2.0 milligrams of dust per cubic meter of air.

(2) Effective three years after the date of enactment of this Act, any miner who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading or other medical examinations, shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of such disease, where the concentration of respirable dust in the mine atmosphere is not more than 1.0 milligram of dust per cubic meter of air, or if such level is not attainable in such mine, to a position in such mine where the concentration of respirable dust is the lowest attainable below 2.0 milligrams per cubic meter of air.

(3) Any miner so transferred shall receive compensation for such work at not less than the regular rate of pay received by him immediately prior to his transfer.

(c) No payment may be required of any miner in connection with any examination or test given him pursuant to this title. Where such examinations or tests cannot be given, due to the lack of adequate medical or other necessary facilities or personnel, in the locality where the miner resides, arrangements shall be made to have them conducted, in accordance with the provisions of this title, in such locality by the Secretary of Health, Education, and Welfare, or by an appropriate person, agency, or institution, public or private, under an agreement or arrangement between the Secretary of Health, Education, and Welfare and such person, agency, or institution. The operator of the mine shall reimburse the Secretary of Health, Education, and Welfare, or such person, agency, or institution, as the case may be, for the cost of conducting each examination or test made, in accordance with this title, and shall pay whatever other costs are necessary to enable the miner to take such examinations or tests.

(d) If the death of any active miner occurs in any coal mine, or if the death of any active or inactive miner occurs in any other place, the Secretary of Health, Education, and Welfare is authorized to provide for an autopsy to be performed on such miner, with the consent of his surviving widow or, if he has no such widow, then with the consent of his surviving next of kin. The results of such autopsy shall be submitted to the Secretary of Health, Education, and Welfare and, with the consent of such survivor, to the miner's physician or other interested person. Such autopsy shall be paid for by the Secretary of Health, Education, and Welfare.

DUST FROM DRILLING ROCK

SEC. 204. The dust resulting from drilling in rock shall be controlled by the use of permissible dust collectors, or by water or water with a wetting agent, or by ventilation, or by any other method or device approved by the Secretary which is at least as effective in controlling such dust. Respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare shall be provided persons exposed for short periods to inhalation hazards from gas, dusts, fumes, or mist. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

DUST STANDARD WHEN QUARTZ IS PRESENT

SEC. 205. In coal mining operations where the concentration of respirable dust in the mine atmosphere of any working place contains more than 5 per centum quartz, the Secretary of Health, Education, and Welfare shall prescribe an appropriate formula for determining the applicable respirable dust standard under this title for such working place and the Secretary shall apply such formula in carrying out his duties under this title.

NOISE STANDARD

SEC. 206. On and after the operative date of this title, the standards on noise prescribed under the Walsh-Healey Public Contracts Act, as amended, in effect October 1, 1969, shall be applicable to each coal mine

and each operator of such mine shall comply with them. Within six months after the date of enactment of this Act, the Secretary of Health, Education, and Welfare shall establish, and the Secretary shall publish, as provided in section 101 of this Act, proposed mandatory health standards establishing maximum noise exposure levels for all underground coal mines. Beginning six months after the operative date of this title, and at intervals of at least every six months thereafter, the operator of each coal mine shall conduct, in a manner prescribed by the Secretary of Health, Education, and Welfare, tests by a qualified person of the noise level at the mine and report and certify the results to the Secretary and the Secretary of Health, Education, and Welfare. In meeting such standard under this section, the operator shall not require the use of any protective device or system, including personal devices, which the Secretary or his authorized representative finds to be hazardous or cause a hazard to the miners in such mine.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

SEC. 301. (a) The provisions of sections 302 through 318 of this title shall be interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by improved mandatory safety standards promulgated by the Secretary under the provisions of section 101 of this Act, and shall be enforced in the same manner and to the same extent as any mandatory safety standard promulgated under section 101 of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in title I of this Act.

(b) The purpose of this title is to provide for the immediate application of mandatory safety standards developed on the basis of experience and advances in technology and to prevent newly created hazards resulting from new technology in coal mining. The Secretary shall immediately initiate studies, investigations, and research to further upgrade such standards and to develop and promulgate new and improved standards promptly that will provide increased protection to the miners, particularly in connection with hazards from trolley wires, trolley feeder wires, and signal wires, the splicing and use of trailing cables, and in connection with improvements in vulcanizing of electric conductors, improvement in roof control measures, methane drainage in advance of mining, improved methods of measuring methane and other explosive gases and oxygen concentrations, and the use of improved underground equipment and other sources of power for such equipment.

(c) Upon petition by the operator or the representative of miners, the Secretary may modify the application of any mandatory safety standard to a mine if the Secretary determines that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard, or that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. Upon receipt of such petition the Secretary shall publish notice thereof and give notice to the operator or the representative of miners in the affected mine, as appropriate, and shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of such operator or representative or other interested party, to enable the operator and the representative of miners in such mine or other interested party to present information relating to the modification of such standard. The Secretary shall issue a decision incorporating his findings of fact therein, and send a copy thereof to the operator or the representative of the miners, as appropriate. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(d) In any case where the provisions of sections 302 to 318, inclusive, of this title provide that certain actions, conditions, or requirements shall be carried out as prescribed by the Secretary, or the Secretary of Health, Education, and Welfare, as appropriate, the provisions of section 553 of title 5 of the United States Code shall apply unless either Secretary otherwise provides. Before granting any exception to a mandatory safety standard as authorized by this title, the findings of the Secretary or his authorized representative shall be made public and shall be available to the representative of the miners at the affected coal mine.

ROOF SUPPORT

SEC. 302. (a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each coal mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof control plan and revisions thereof suitable to the roof conditions and mining system of each coal mine and approved by the Secretary shall be adopted and set out in printed form within sixty days after the operative date of this title. The plan shall show the type of support and spacing approved by the Secretary. Such plan shall be reviewed periodically, at least every six months by the Secretary, taking into consideration any falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under the approved roof control plan and the absence of such support will not pose a hazard to the miners. A copy of the plan shall be furnished the Secretary or his authorized representative and shall be available to the miners and their representatives.

(b) The method of mining followed in any coal mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator, in accordance with the approved plan, shall provide at or near each working face and at such other locations in the coal mine as the Secretary may prescribe an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof boltholes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Except in the case of recovery work, supports knocked out shall be replaced promptly.

(d) When installation of roof bolts is permitted, such roof bolts shall be tested in accordance wtih the approved roof control plan.

(e) Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities, whether natural or otherwise, that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan, and shall be conducted by experienced miners and only where adequate temporary support is provided.

(f) Where miners are exposed to danger from falls of roof, face, and ribs the operator shall examine and test the roof, face, and ribs before any work or machine is started, and as frequently thereafter as may be necessary to insure safty. When dangerous conditions are found, they shall be corrected immediately.

VENTILATION

SEC. 303. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be three thousand cubic feet a minute. Within three months after the operative date of this title, the Secretary shall prescribe the minimum velocity and quantity of air reaching each working face of each coal mine in order to render harmless and carry away methane and other explosive gases and to reduce the level of respirable dust to the lowest attainable level. The authorized representative of the Secretary may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the health or safety of miners. Within one year after the operative date of this title, the Secretary or his authorized representative shall prescribe the maximum respirable dust level in the intake aircourses in each coal mine in order to reduce such level to the lowest attainable level. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c) (1) Properly installed and adequately maintained line brattice or other approved devices shall be continuously used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove flammable, explosive, and noxious gases, dust, and explosion fumes, unless the Secretary or his authorized representative permits an exception to this requirement, where such exception will not pose a hazard to the miners. When damaged by falls or otherwise, such line brattice or other devices shall be repaired immediately.

(2) The space between the line brattice or other approved device and the rib shall be large enough to permit the flow of a sufficient volume and velocity of air to keep the working face clear of flammable, explosive, and noxious gases, dust, and explosive fumes.

(3) Brattice cloth used underground shall be of flame-resistant material.

(d) (1) Within three hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall

make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in such working section; examine active roadways, travelways, and belt conveyors on which men are carried, approaches to abandoned areas, and accessible falls in such section for hazards; test by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume and velocity; and examine for such other hazards and violations of the mandatory health or safety standards, as an authorized representative of the Secretary may from time to time require. Belt conveyors on which coal is carried shall be examined after each coal-producing shift has begun. Such mine examiner shall place his initials and the date and time at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory health or safety standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "DANGER" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination, such mine examiner shall report the results of his examination to a person, designated by the operator to receive such reports at a designated station on the surface of the mine, before other persons enter the underground areas of such mine to work in such shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(2) No person (other than certified persons designated under this subsection) shall enter any underground area, except during any shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift, or more often if necessary for safety, each working section shall be examined for hazardous conditions by certified persons designated by the operator to do so. Any such condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of this Act, until the danger is abated. Such examination shall include tests for methane with a means approved by the Secretary for detecting methane and for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary.

(f) In addition to the pre-shift and daily examinations required by this section, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where in enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of this Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms, the volume and, when the Secretary so prescribes, the velocity reaching each working face, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the coal mine chosen by the operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(h)(1) At the start of each shift, tests for methane shall be made at each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If 1.0 volume per centum or more of methane is detected, electrical equipment shall not be energized, taken into, or operated in, such working place until the air therein contains less than 1.0 volume per centum of methane. Examinations for methane shall be made during the operation of such equipment at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting methane.

(2) If at any time the air at any working place, when tested at a point not less than twelve inches from the roof, face, or rib, contains 1.0 volume per centum or more of methane, changes or adjustments shall be made at once in the ventilation in such mine so that such air shall contain less than 1.0 volume per centum of methane. While such changes or adjustments are underway and until they have been achieved, power to electric face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions shall be carried out under the direction of the operator or his agent so as not to endanger other areas of the mine. If at any time such air contains 1.5 volume per centum or more of methane, all persons, except those referred to in section 104(d) of this Act, shall be withdrawn from the area of the mine endangered thereby to a safe area, and all electric power shall be cut off from the endangered area of the mine, until the air in such working place shall contain less than 1.0 volume per centum of methane.

(i)(1) If, when tested, a split of air returning from any working section contains 1.0 volume per centum or more of methane, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall contain less than 1.0 volume per centum of methane. Tests under this paragraph and paragraph (2) of this subsection shall be made at four-hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting methane.

(2) If, when tested, a split of air returning from any working section contains 1.5 volume per centum or more of methane, all persons, except those persons referred to in section 104(d) of this Act, shall be withdrawn from the area of the mine endangered thereby to a safe area and all electric power shall be cut off from the endangered area of the mine, until the air in such split shall contain less than 1.0 volume per centum of methane.

(3) In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section for the last open crosscut, if the air in the split returning from such workings does not pass over trolley wires or trolley feeder wires, and if a certified person designated by the operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons, except those referred to in section 104(d) of this Act, from the area of the mine endangered thereby to a safe area and all electric power shall be cut off from the endangered area only when the air returning from such workings contains 2.0 volume per centum or more of methane.

(j) Air which has passed by an opening of any abandoned area shall not be used to ventilate any working place in the coal mine if such air contains 0.25 volume per centum or more of methane. Examinations of such air shall be made during the pre-shift examination required by subsection (d) of this section. In making such tests, a certified person designated by the operator shall use means approved by the Secretary for detecting methane. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(k) Air that has passed through an abandoned area or an area which is inaccessible or unsafe for inspection shall not be used to ventilate any working place in any mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any working place in a mine, except that such air, if it does not contain 0.25 volume per centum or more of methane, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(l) The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after the operative date of this title, be installed, when available, on any electric face cutting equipment, continuous miner, longwall face equipment, and loading machine, except that no monitor shall be required to be installed on any such equipment prior to the date on which such equipment is required to be permissible under section 305(a) of this title. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the Secretary. The sensing device of such monitor shall be installed as close to the working face as practicable. Such

monitor shall be set to deenergize automatically such equipment when such monitor is not operating properly and to give a warning automatically when the concentration of methane reaches a maximum percentage determined by an authorized representative of the Secretary which shall not be more than 1.0 volume per centum of methane. An authorized representative of the Secretary shall require such monitor to deenergize automatically equipment on which it is installed when the concentration of methane reaches a maximum percentage determined by such representative which shall not be more than 2.0 volume per centum of methane.

(m) Idle and abandoned areas shall be inspected for methane and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible but not more than three hours before other persons are permitted to enter or work in such areas. Persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the Secretary for detecting methane and in the use of a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(n) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether methane is present. Such person shall use means approved by the Secretary for detecting methane. If in such examination methane is found in amounts of 1.0 volume per centum or more, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall contain less than 1.0 volume per centum of methane.

(o) A ventilation system and methane and dust control plan and revisions thereof suitable to the conditions and the mining system of the coal mine and approved by the Secretary shall be adopted by the operator and set out in printed form within ninety days after the operative date of this title. The plan shall show the type and location of mechanical ventilation equipment installed and operated in the mine, such additional or improved equipment as the Secretary may require, the quantity and velocity of air reaching each working face, and such other information as the Secretary may require. Such plan shall be reviewed by the operator and the Secretary at least every six months.

(p) Each operator shall provide for the proper maintenance and care of the permissible flame safety lamp or any other approved device for detecting methane and oxygen deficiency by a person trained in such maintenance, and, before each shift, care shall be taken to insure that such lamp or other device is in a permissible condition.

(q) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area, to the extent approved by an authorized representative of the Secretary, if the edges of pillar lines adjacent to active workings are ventilated with sufficient air to keep the air in open areas along the pillar lines below 1.0 volume per centum of methane.

(r) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of nine months, may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(s) In all underground areas of a coal mine, immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for methane shall be made by a qualified person with means approved by the Secretary for detecting methane. If methane is found in amounts of 1.0 volume per centum or more, changes or adjustments shall be made at once in the ventilation so that the air shall contain less than 1.0 volume per centum of methane. No shots shall be fired until the air contains less than 1.0 volume per centum of methane.

(t) Each operator shall adopt a plan within sixty days after the operative date of this title which shall provide that when any mine fan stops, immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the working sections, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other active workings where methane is likely to accumulate are reexamined by a certified person to determine if methane in amounts of 1.0 volume per centum or more exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(u) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(v) The mine foreman shall read and countersign promptly the daily reports of the pre-shift examiner and assistant mine foreman, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. Where such reports disclose hazardous conditions, they shall be corrected promptly. If such conditions create an imminent danger, the operator shall withdraw all persons from, or prevent any person from entering, as the case may be, the area affected by such conditions, except those persons referred to in section 104(d) of this Act, until such danger is abated. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(w) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book approved by the Secretary provided for that purpose a report of the condition of the mine or portion thereof under his supervision, which report shall state clearly the location and nature of any hazardous condition observed by him or reported to him during the day and what action was taken to remedy such condition. Such book shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard, and shall be open for inspection by interested persons.

(x) Before a coal mine is reopened after having been abandoned or declared inactive by the operator, the Secretary shall be notified, and an inspection shall be made of the entire mine by an authorized representative of the Secretary before mining operations commence.

(y)(1) In any coal mine opened after the operative date of this title, the entries used as intake and return aircourses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (1) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate, active working places, and (2) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

(2) In any coal mine opened on or after the operative date of this title, or, in the case of a coal mine opened prior to such date, in any new working section of such mine, where trolley haulage systems are maintained and where trolley wires or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake aircourses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

(z)(1) While pillars are being extracted in any area of a coal mine, such area shall be ventilated in the manner prescribed by this section.

(2) Within nine months after the operative date of this title, all areas from which pillars have been wholly or partially extracted and abandoned areas, as determined by the Secretary or his authorized representative, shall be ventilated by bleeder entries or by bleeder systems or equivalent means, or be sealed, as determined by the Secretary or his authorized representative. When ventilation of such areas is required, such ventilation shall be maintained so as continuously to dilute, render harmless, and carry away methane and other explosive gases within such areas and to protect the active workings of the mine from the hazards of such methane and other explosive gases. Air coursed through underground areas from which pillars have been wholly or partially extracted which enters another split of air shall not contain more than 2.0 volume per centum of methane, when tested at the point it enters such other split. When sealing is required, such seals shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine.

(3) In the case of mines opened on or after the operative date of this title, or in the case of working sections opened on or after such date in mines opened prior to such date, the mining system shall be designed in accordance with a plan and revisions thereof approved by the Secretary and adopted by such operator so that, as each working section of the mine is abandoned, it can be isolated from the active workings of the mine with explosion-proof seals or bulkheads.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

SEC. 304. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces,

loose coal, and other combustible materials, shall be cleaned up and not be permitted to accumulate in active workings, or on electric equipment therein.

(b) Where underground mining operations in active workings create or raise excessive amounts of dust, water or water with a wetting agent added to it, or other no less effective methods approved by the Secretary or his authorized representative, shall be used to abate such dust. In working places, particularly in distances less than forty feet from the face, water, with or without a wetting agent, or other no less effective methods approved by the Secretary or his authorized representative, shall be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard.

(c) All underground areas of a coal mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within forty feet of all working faces, unless such areas are inaccessible or unsafe to enter or unless the Secretary or his authorized representative permits an exception upon his finding that such exception will not pose a hazard to the miners. All crosscuts that are less than forty feet from a working face shall also be rock dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of an underground areas of a coal mine and maintained in such quantities that the incombustible content of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible content in the return aircourses shall be no less than 80 per centum. Where methane is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1.0 and 0.4 per centum for each 0.1 per centum of methane where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subsections (b) through (d) of this section shall not apply to underground anthracite mines.

ELECTRICAL EQUIPMENT—GENERAL

SEC. 305. (a)(1) Effective one year after the operative date of this title—

(A) all junction or distribution boxes used for making multiple power connections inby the last open crosscut shall be permissible;

(B) all handheld electric drills, blower and exhaust fans, electric pumps, and such other low horsepower electric face equipment as the Secretary may designate within two months after the operative date of this title which are taken into or used inby the last open crosscut of any coal mine shall be permissible;

(C) all electric face equipment which is taken into or used inby the last open crosscut of any coal mine classified under any provision of law as gassy prior to the operative date of this title shall be permissible; and

(D) all other electric face equipment which is taken into or used inby the last crosscut of any coal mine, except a coal mine referred to in paragraph (2) of this subsection, which has not been classified under any provision of law as a gassy mine prior to the operative date of this title shall be permissible.

(2) Effective four years after the operative date of this title, all electric face equipment, other than equipment referred to in paragraph (1)(B) of this subsection, which is taken into or used inby the last open crosscut of any coal mine which is operated entirely in coal seams located above the watertable and which has not been classified under any provision of law as a gassy mine prior to the operative date of this title and in which one or more openings were made prior to the date of enactment of this Act shall be permissible, except that any operator of such mine who is unable to comply with the provisions of this paragraph on such effective date may file with the Panel an application for a permit for noncompliance ninety days prior to such date. If the Panel determines, after notice to all interested persons and an opportunity for a public hearing under section 5 of this Act, that such application satisfies the provisions of paragraph (10) of this subsection and that such operator, despite his diligent efforts, will be unable to comply with such provisions, the Panel may issue to such operator such a permit. Such permit shall entitle the permittee to an additional extension of time to comply with the provisions of this paragraph of not to exceed twenty-four months, as determined by the Panel, from such effective date.

(3) The operator of each coal mine shall maintain in permissible condition all electric face equipment required by this subsection to be permissible which is taken into or used inby the last open crosscut of any such mine.

(4) Each operator of a coal mine shall, within two months after the operative date of this title, file with the Secretary a statement listing all electric face equipment by type and manufacturer being used by such operator in connection with mining operations in such mine as of the date of such filing, and stating whether such equipment is permissible and maintained in permissible condition or is nonpermissible on such date of filing, and, if nonpermissible, whether such nonpermissible equipment has ever been rated as permissible, and such other information as the Secretary may require.

(5) The Secretary shall promptly conduct a survey as to the total availability of new or rebuilt permissible electric face equipment and replacement parts for such equipment and, within six months after the operative date of this title, publish the results of such survey.

(6) Any operator of a coal mine who is unable to comply with the provisions of paragraph (1)(D) of this subsection within one year after the operative date of this title may file with the Panel an application for a permit for noncompliance. If the Panel determines that such application satisfies the provisions of paragraph (10) of this subsection, the Panel shall issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an extension of time to comply with such provisions of paragraph (1)(D) of not to exceed twelve months, as determined by the Panel, from the date that compliance with the provisions of paragraph (1)(D) of this subsection is required.

(7) Any operator of a coal mine issued a permit under paragraph (6) of this subsection who, ninety days prior to the termination of such permit, or renewal thereof, determines that he will be unable to comply with the provisions of paragraph (1)(D) of this subsection upon the expiration of such permit may file with the Panel an application for renewal thereof. Upon receipt of such application, the Panel, if it determines, after notice to all interested persons and an opportunity for a public hearing under section 5 of this Act, that such application satisfies the provisions of paragraph (10) of this subsection and that such operator, despite his diligent efforts, will be unable to comply with the provisions of paragraph (1)(D), may renew the permit for a period not exceeding twelve months.

(8) Any permit or renewal thereof issued pursuant to this subsection shall entitle the permittee to use such nonpermissible electric face equipment specified in the permit during the term of such permit.

(9) Permits for noncompliance issued under paragraphs (6) or (7) of this subsection shall, in the aggregate, not extend the period of noncompliance more than forty-eight months after the date of enactment of this Act.

(10) Any application for a permit of noncompliance filed under this subsection shall contain a statement by the operator—

(A) that he is unable to comply with paragraph (1)(D) or paragraph (2) of this subsection, as appropriate, within the time prescribed;

(B) listing the nonpermissible electric face equipment being used by such operator in connection with mining operations in such mine on the operative date of this title and the date of the application by type and manufacturer for which a noncompliance permit is requested and whether such equipment had ever been rated as permissible;

(C) setting forth the actions taken from and after the operative date of this title to comply with paragraph (1)(D) or paragraph (2) of this subsection, as appropriate, together with a plan setting forth a schedule of compliance with said paragraphs for each such equipment referred to in such paragraphs and being used by the operator in connection with mining operations in such mine with respect to which such permit is requested and the means and measures to be employed to achieve compliance; and

(D) including such other information as the Panel may require.

(11) No permit for noncompliance shall be issued under this subsection for any nonpermissible electric face equipment, unless such equipment was being used by an operator in connection with the mining operations in a coal mine on the operative date of this title.

(12) Effective one year after the operative date of this title, all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year from the operative date of this title such equipment shall be put in, and thereafter maintained in, a permissible condition, unless, in the opinion of the Secretary, such equipment or necessary replacement parts are not available.

(b) A copy of any permit granted under this section shall be mailed immediately to a representative of the miners of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine.

(c) Any coal mine which, prior to the operative date of this title, was classed gassy under any provision of law and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(d) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

(e) The location and the electrical rating of all stationary electric apparatus in connection with the mine electric system, including permanent cables, switchgear, rectifying substations, transformers, permanent pumps and trolley wires and trolley feeder wires, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electric rating, or setting shall be promptly shown on the map when the change is made. Such map shall be available to an authorized representative of the Secretary and to the miners in such mine.

(f) All power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, except when necessary for trouble shooting or testing. In addition, energized trolley wires may be repaired only by a person trained to perform electrical work and to maintain electrical equipment and the operator of such mine

shall require that such person wear approved and tested insulated shoes and wireman's gloves. No electrical work shall be performed on low-, medium-, or high-voltage distribution circuits or equipment, except by a qualified person or by a person trained to perform electrical work and to maintain electrical equipment under the direct supervision of a qualified person. Disconnecting devices shall be locked out and suitably tagged by the persons who performed such work, except that, in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks or tags shall be removed only by the persons who installed them or, if such persons are unavailable, by persons authorized by the operator or his agent.

(g) All electric equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

(h) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that a rise in temperature resulting from normal operation will not damage the insulating materials.

(i) All electrical connections or splices in conductors shall be mechanically and electrically efficient, and suitable connectors shall be used. All electrical connections or splices in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(j) Cables shall enter metal frames of motors, splice boxes, and electric compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(k) All power wires (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wires) shall be supported on well-insulated insulators and shall not contact combustible material, roof, or ribs.

(l) Power wires and cables, except trolley wires, trolley feeder wires, and bare signal wires, shall be insulated adequately and fully protected.

(m) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three-phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

(n) In all main power circuits, disconnecting switches shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground area of the mine and within five hundred feet of all other places where main power circuits enter the underground area of the mine.

(o) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(p) Each ungrounded, exposed power conductor that leads underground shall be equipped with suitable lightning arresters of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than twenty-five feet.

(q) No device for the purpose of lighting any coal mine which has not been approved by the Secretary or his authorized representative shall be permitted in such mine.

(r) An authorized representative of the Secretary may require in any mine that electric face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

TRAILING CABLES

SEC. 306. (a) Trailing cables used in coal mines shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker or other no less effective device approved by the Secretary of adequate current-interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) One temporary splice may be made in any trailing cable. Such trailing cable may only be used for the next twenty-four hour period. No temporary splice shall be made in a training cable within twenty-five feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be—

(1) mechanically strong with adequate electrical conductivity and flexibility;

(2) effectively insulated and sealed so as to exclude moisture; and

(3) vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile equipment.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 307. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded by methods approved by an authorized representative of the Secretary. Metallic frames, casings, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded by methods approved by an authorized representative of the Secretary. Methods other than grounding which provide no less effective protection may be permitted by the Secretary or his authorized representative.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded, or otherwise maintained at no less safe voltages, by methods approved by an authorized representative of the Secretary.

(c) The frames of all stationary high-voltage equipment receiving power from ungrounded delta systems shall be grounded by methods approved by an authorized representative of the Secretary.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them, except that repairs may be permitted, in the case of energized surface high-voltage lines, if such repairs are made by a qualified person in accordance with procedures and safeguards, including, but not limited to, a requirement that the operator of such mine provide, test, and maintain protective devices in making such repairs, to be prescribed by the Secretary prior to the operative date of this title.

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 308. (a) High-voltage circuits entering the underground area of any coal mine shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and overcurrent.

(b) High-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length and upon his finding that such exception does not pose a hazard to the miners. Within one hundred feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such area of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.

(c) The grounding resistor, where required, shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(d) Six months after the operative date of this title, high-voltage, resistance grounded systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of twelve months, may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available.

(e)(1) Underground high-voltage cables used in resistance grounded systems shall be

equipped with metallic shields around each power conductor, with one or more ground conductors having a total cross-sectional area of not less than one-half the power conductor, and with an insulated internal or external conductor not smaller than No. 8 (AWG) for the ground continuity check circuit.

(2) All such cables shall be adequate for the intended current and voltage. Splices made in such cables shall provide continuity of all components.

(f) Couplers that are used with medium-voltage or high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, no less effective couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single-phase loads, such as transformer primaries, shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be installed only in regularly inspected aircourses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley wires and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

(k) In the case of high-voltage cables used as trailing cables, temporary splices shall not be used and all permanent splices shall be made in accordance with section 306(e) of this title. Terminations and splices in all other high-voltage cables shall be made in accordance with the manufacturer's specifications.

(l) Frames, supporting structures, and enclosures of stationary, portable, or mobile underground high-voltage equipment and all high-voltage equipment supplying power to such equipment receiving power from resistance grounded systems shall be effectively grounded to the high-voltage ground.

(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another, except that, when equipment powered by sources other than such centers or transformers is not available, the Secretary may permit such centers and transformers to be moved while energized, if he determines that another equivalent or greater hazard may otherwise be created, and if they are moved under the supervision of a qualified person, and if such centers and transformers are examined prior to such movement by such person and found to be grounded by methods approved by an authorized representative of the Secretary and otherwise protected from hazards to the miner. A record shall be kept of such examinations. High-voltage cables, other than trailing cables, shall not be moved or handled at any time while energized, except that, when such centers and transformers are moved while energized as permitted under this subsection, energized high-voltage cables attached to such centers and transformers may be moved only by a qualified person and the operator of such mine shall require that such person wear approved and tested insulated wireman's gloves.

UNDERGROUND LOW- AND MEDIUM-VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 309. (a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and over-current.

(b) Low- and medium-voltage three-phase alternating-current circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(c) Six months after the operative date of this title, low- and medium-voltage resistance grounded systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity which ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of twelve months, may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available. Cable couplers shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected. Trailing cables for mobile equipment shall contain one or more ground conductors having a cross sectional area of not less than one-half the power conductor, and, six months after the operative date of this title, an insulated conductor for the ground continuity check circuit or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of twelve months may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available. Splices made in the cables shall provide continuity of all components.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Trailing cables for medium voltage circuits shall include grounding conductors, a ground check conductor, and ground metallic shields around each power conductor or a grounded metallic shield over the assembly, except that on equipment employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

TROLLEY WIRES AND TROLLEY FEEDER WIRES

SEC. 310. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with over-current protection.

(c) Trolley wires and trolley feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

(d) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires; (2) on both sides of all doors and stoppings; and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PROTECTION

SEC. 311. (a) Each coal mine shall be provided with suitable firefighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type, quality, and quantity of such equipment, and the interpretations of the Secretary or the Director of the Bureau of Mines relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary. After every blasting operation, an examination shall be made to determine whether fires have been started.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in all underground areas in a coal mine shall be in fireproof, closed metal containers or other no less effective containers approved by the Secretary.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

(d) All welding, cutting, or soldering with arc or flame in all underground areas of a coal mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall, immediately before and during such operations, continuously test for methane with means approved by the Secretary for detecting methane. Welding, cutting, or soldering shall not be conducted in air that contains 1.0 volume per centum or more of methane. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Within one year after the operative date of this title, fire suppression devices meeting specifications prescribed by the Secretary shall be installed on unattended underground equipment and suitable fire-resistant hydraulic fluids approved by the

Secretary shall be used in the hydraulic systems of such equipment. Such fluids shall be used in the hydraulic systems of other underground equipment unless fire suppression devices meeting specifications prescribed by the Secretary are installed on such equipment.

(f) Deluge-type water sprays of foam generators automatically actuated by rise in temperature, or other no less effective means approved by the Secretary of controlling fire, shall be installed at main and secondary belt-conveyor drives. Where sprays or foam generators are used they shall supply a sufficient quantity of water or foam to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches. The Secretary shall, within sixty days after the operative date of this title, require that devices be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

(h) On and after the operative date of this title, all conveyor belts acquired for use underground shall meet the requirements to be established by the Secretary for flame-resistant conveyor belts.

MAPS

SEC. 312. (a) The operator of a coal mine shall have in a fireproof repository located in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on scale. Such map shall show the active workings, all pillared, worked out, and abandoned areas, except as provided in this section, entries and aircourses with the direction of airflow indicated by arrows, contour lines of all elevations, elevations of all main and cross or side entries, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and either producing or abandoned oil and gas wells located within five hundred feet of such mine and any underground area of such mine, and such other information as the Secretary may require. Such map shall identify those areas of the mine which have been pillared, worked out, or abandoned which are inaccessible or cannot be entered safely and on which no information is available. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. Such map shall be kept up to date by temporary notations and such map shall be revised and supplemented at intervals prescribed by the Secretary on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines. The operator shall furnish to the Secretary or his authorized representative and to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of this Act and in connection with the functions and responsibilities of the Secretary of Housing and Urban Development.

(c) Whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure or abandonment of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

BLASTING AND EXPLOSIVES

SEC. 313. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground.

(b) Explosives and detonators shall be kept in separate containers until immediately before blasting. In underground anthracite mines, (1) mudcaps or other open, unconfined shake shots may be fired, if restricted to battery starting when methane or a fire hazard is not present, and if it is otherwise impracticable to start the battery; (2) open, unconfined shake shots in pitching veins may be fired, when no methane or fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous; and (3) tests for methane shall be made immediately before such shots are fired and if 1.0 volume per centum or more of methane is present, when tested, such shot shall be made until the methane content is reduced below 1.0 volume per centum.

(c) Except as provided in this subsection, in all underground areas of a coal mine only permissible explosives, electric detonators of proper strength, and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. Nothing in this section shall prohibit the use of compressed air blasting.

(d) Explosives or detonators carried anywhere underground in a coal mine by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(e) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(f) When supplies of explosives and detonators for use in one or more working sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(g) Explosives and detonators stored in the working places shall be kept in separate closed containers which shall be located out of the line of blast and not less than fifty feet from the working face and fifteen feet from and pipeline, powerline, rail, or conveyor, except that, if kept in niches in the rib, the distance from any pipeline, powerline, rail, or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

HOISTING AND MANTRIPS

SEC. 314. (a) Every hoist used to transport persons at a coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist handling platforms, cages, or other devices used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device; with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device; and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in shafts and slopes shall be equipped with safety catches or other no less effective devices approved by the Secretary that act quickly and effectively in an emergency, and such catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are transported into, or out of, a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Other safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided.

(d) There shall be at least two effective methods approved by the Secretary of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

(e) Each locomotive and haulage car used in an underground coal mine shall be equipped with automatic brakes, where space permits. Where space does not permit automatic brakes, locomotives and haulage cars shall be subject to speed reduction gear, or other similar devices approved by the Secretary which are designed to stop the locomotives and haulage cars with the proper margin of safety.

(f) All haulage equipment acquired by an operator of a coal mine on or after one year after the operative date of this title shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on the operative date of this title shall also be so equipped within four years after the operative date of this title.

EMERGENCY SHELTERS

SEC. 315. The Secretary or an authorized representative of the Secretary may prescribe in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which persons may go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the persons while awaiting rescue, and such other equipment as the Secretary may require. A plan for the erection, maintenance, and revisions of such chambers and the training of the miners in their proper use shall be submitted by the operator to the Secretary for his approval.

COMMUNICATIONS

SEC. 316. Telephone service or equivalent two-way communication facilities, approved by the Secretary or his authorized representative, shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section of any coal mine that is more than one hundred feet from a portal.

MISCELLANEOUS

SEC. 317. (a) Each operator of a coal mine shall take reasonable measures to locate oil

and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than three hundred feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

(b) Whenever any working place approaches within fifty feet of abandoned areas in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred feet of any other abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the working face of such working place and shall be continually maintained to a distance of at least ten feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing working face will not accidentally hole through into abandoned areas or adjacent mines. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of miners in such place.

(c) No person shall smoke, carry smoking materials, matches, or lighters underground, or smoke in or around oil houses, explosives, magazines, or other surface areas where such practice may cause a fire or explosion. The operator shall institute a program, approved by the Secretary, to insure that any person entering the underground area of the mine does not carry smoking materials, matches, or lighters.

(d) Persons underground shall use only permissible electric lamps approved by the Secretary for portable illumination. No open flame shall be permitted in the underground area of any coal mine, except as permitted under section 311(d) of this title.

(e) Within nine months after the operative date of this title, the Secretary shall propose the standards under which all working places in a mine shall be illuminated by permissible lighting, within eighteen months after the promulgation of such standards, while persons are working in such places.

(f) (1) Except as provided in paragraphs (2) and (3) of this subsection, at least two separate and distinct travelable passageways which are maintained to insure passage at all times of any person, including disabled persons, and which are to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from each working section continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground area of the mine of surface fires, fumes, smoke, and flood water. Escape facilities approved by the Secretary or his authorized representative, properly maintained and frequently tested, shall be present at or in each escape shaft or slope to allow all persons, including disabled persons, to escape quickly to the surface in the event of an emergency.

(2) When new coal mines are opened, not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such connections shall be made as soon as possible.

(3) When only one mine opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such a mine at any one time, and the distance between the mine opening and working face shall not excede five hundred feet.

(4) In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in mines opened prior to such date, the escapeway required by this section to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section, except that the Secretary or his authorized representative may permit such separation to be extended for a greater or lesser distance so long as such extension does not pose a hazard to the miners.

(g) After the operative date of this title, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless structures existing on or prior to such date which are located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from outside sources endangering miners underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard and shall be available for inspection by interested persons.

(h) Adequate measures shall be taken to prevent methane and coal dust from accumulating in excessive concentrations in or on surface coal-handling facilities, but in no event shall methane be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for methane by the Secretary within one year after the operative date of this title. Where coal is dumped at or near air-intake openings, provisions shall be made to avoid dust from entering the mine.

(i) Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining of both qualified and certified persons needed to carry out functions prescribed in this Act.

(j) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the miners operating such equipment from roof falls and from rib and face rolls.

(k) On and after the operative date of this title, the opening of any coal mine that is declared inactive by its operator or is permanently closed or abandoned for more than ninety days, shall be sealed by the operator in a manner prescribed by the Secretary. Openings of all other mines shall be adequately protected in a manner prescribed by the Secretary to prevent entrance by unauthorized persons.

(l) The Secretary may require any operator to provide adequate facilities for the miners to change from the clothes worn underground, to provide for the storing of such clothes from shift to shift, and to provide sanitary and bathing facilities. Sanitary toilet facilities shall be provided in the active workings of the mine when such surface facilities are not readily accessible to the active workings.

(m) Each operator shall make arrangements in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each coal mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements of this subsection, the operator shall meet at least minimum requirements prescribed by the Secretary of Health, Education, and Welfare. Within two months after the operative date of this title, each operator shall file with the Secretary a plan setting forth in such detail as the Secretary may require the manner in which such operator has fulfilled the requirements in this subsection.

(n) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for one hour or longer. Each operator shall train each miner in the use of such device.

(o) The Secretary shall prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

(p) Each operator of a coal mine shall establish a check-in and check-out system which will provide positive identification of every person underground, and will provide an accurate record of the persons in the mine kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazard. Such record shall bear a number identical to an identification check that is securely fastened to the lamp belt worn by the person underground. The identification check shall be made of a rust resistant metal of not less than sixteen gauge.

(q) The Secretary shall require, when technologically feasible, that devices to prevent and suppress ignitions be installed on electric face cutting equipment.

(r) Whenever an operator mines coal from a coal mine opened after the operative date of this title, or from any new working section of a mine opened prior to such date, in a manner that requires the construction, operation, and maintenance of tunnels under any river, stream, lake, or other body of water, that is, in the judgment of the Secretary, sufficiently large to constitute a hazard to miners, such operator shall obtain a permit from the Secretary which shall include such terms and conditions as he deems appropriate to protect the safety of miners working or passing through such tunnels from cave-ins and other hazards. Such permits shall require, in accordance with a plan to be approved by the Secretary, that a safety zone be established beneath and adjacent to such body of water. No plan shall be approved unless there is a minimum of cover to be determined by the Secretary, based on test holes drilled by the operator in a manner to be prescribed by the Secretary. No such permit shall be required in the case of any new working section of a mine which is located under any water resource reservoir being constructed by a Federal agency on the date of enactment of this Act, the operator of which is required by such agency to operate in a manner that adequately protects the safety of miners working in such section from cave-ins and other hazards.

(s) An adequate supply of potable water shall be provided for drinking purposes in the active workings of the mine, and such water shall be carried, stored, and otherwise protected in sanitary containers.

(t) Within one year after the operative date of this title, the Secretary shall propose standards for preventing explosions from explosive gases other than methane and for testing for accumulations of such gases.

DEFINITIONS

SEC. 318. For the purpose of this title and title II of this Act, the term—

(a) "certified" or "registered" as applied to any person means a person certified or registered by the State in which the coal mine is located to perform duties prescribed by such titles, except that, in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification or registration shall be by the Secretary;

(b) "qualified person" means, as the context requires,

(1) an individual deemed qualified by the Secretary and designated by the operator to make tests and examinations required by this Act; and

(2) an individual deemed, in accordance with minimum requirements to be be established by the Secretary, qualified by training, education, and experience, to perform electrical work, to maintain electrical equipment, and to conduct examinations and tests of all electrical equipment;

(c) "permissible" as applied to—

(1) equipment used in the operation of a coal mine, means equipment, other than permissible electric face equipment, to which an approval plate, label, or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire,

(2) explosives, shot firing units, or blasting devices used in such mine, means explosives, shot firing units, or blasting devices which meet specifications which are prescribed by the Secretary, and

(3) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary;

(d) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having twenty meshes per linear inch and 70 per centum or more of which will pass through a sieve having two hundred meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or more than a total of 4 per centum of free and combined silica (SiO_2), or, where the Secretary finds that such silica concentrations are not available, which does not contain more than 5 per centum of free and combined silica;

(e) "anthracite" means coals with a volatile ratio equal to 0.12 or less;

(f) "volatile ratio" means volatile matter content divided by the volatile matter plus the fixed carbon;

(g) (1) "working face" means any place in a coal mine in which work of extracting coal from its natural deposit in the earth is performed during the mining cycle,

(2) "working place" means the area of a coal mine inby the last open crosscut,

(3) "working section" means all areas of the coal mine from the loading point of the section to and including the working faces,

(4) "active workings" means any place in a coal mine where miners are normally required to work or travel;

(h) "abandoned areas" means sections, panels, and other areas that are not ventilated and examined in the manner required for working places under section 303 of this title;

(i) "permissible" as applied to electric face equipment means all electrically operated equipment taken into or used inby the last open crosscut of an entry or a room of any coal mine the electrical parts of which, including, but not limited to, associated electrical equipment, components, and accessories, are designed, constructed, and installed, in accordance with the specifications of the Secretary, to assure that such equipment will not cause a mine explosion or mine fire, and the other features of which are designed and constructed, in accordance with the specifications of the Secretary, to prevent, to the greatest extent possible, other accidents in the use of such equipment; and the regulations of the Secretary or the Director of the Bureau of Mines in effect on the operative date of this title relating to the requirements for investigation, testing, approval, certification, and acceptance of such equipment as permissible shall continue in effect until modified or superseded by the Secretary, except that the Secretary shall provide procedures, including, where feasible, testing, approval, certification, and acceptance in the field by an authorized representative of the Secretary, to facilitate compliance by an operator with the requirements of section 305(a) of this title within the periods prescribed therein;

(j) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts;

(k) "respirable dust" means only dust particulates 5 microns or less in size; and

(l) "coal mine" includes areas of adjoining mines connected underground.

TITLE IV—BLACK LUNG BENEFITS

PART A—GENERAL

SEC. 401. Congress finds and declares that there are a significant number of coal miners living today who are totally disabled due to pneumoconiosis arising out of employment in one or more of the Nation's underground coal mines; that there are a number of survivors of coal miners whose deaths were due to this disease; and that few States provide benefits for death or disability due to this disease to coal miners or their surviving dependents. It is, therefore, the purpose of this title to provide benefits, in cooperation with the States, to coal miners who are totally disabled due to pneumoconiosis and to the surviving dependents of miners whose death was due to such disease; and to ensure that in the future adequate benefits are provided to coal miners and their dependents in the event of their death or total disabiilty due to pneumoconiosis.

SEC. 402. For purposes of this title—

(a) The term "dependent" means a wife or child who is a dependent as that term is defined for purposes of section 8110 of title 5, United States Code.

(b) The term "pneumoconiosis" means a chronic dust disease of the lung arising out of employment in an underground coal mine.

(c) The term "Secretary" where used in part B means the Secretary of Heatlh, Education, and Welfare, and where used in part C means the Secretary of Labor.

(d) The term "miner" means any individual who is or was employed in an underground coal mine.

(e) The term "widow" means the wife living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of his desertion, who has not remarried.

(f) The term "total disability" has the meaning given it by regulations of the Secretary of Health, Education, and Welfare, but such regulations shall not provide more restrictive criteria than those applicable under section 223(d) of the Social Security Act.

PART B—CLAIMS FOR BENEFITS FILED ON OR BEFORE DECEMBER 31, 1972

SEC. 411. (a) The Secretary shall, in accordance with the provisions of this part, and the regulations promulgated by him under this part, make payments of benefits in respect to total disability of any miner due to pneumoconiosis, and in respect of the death of any miner whose death was due to pneumoconiosis.

(b) The Secretary shall by regulation prescribe standards for determining for purposes of section 411(a) whether a miner is totally disabled due to pneumoconiosis and for determining whether the death of a miner was due to pneumoconiosis. Regulations required by this subsection shall be promulgated and published in the Federal Register at the earliest practicable date after the date of enactment of this title, and in no event later than the end of the third month following the month in which this title is enacted. Such regulations may be modified or additional regulations promulated from time to time thereafter.

(c) For purposes of this section—

(1) if a miner who is suffering or suffered from pneumoconiosis was employed for ten years or more in one or more underground coal mines there shall be a rebuttable presumption that his pneumoconiosis arose out of such employment;

(2) if a deceased miner was employed for ten years or more in underground coal mines and died from a respirable disease, there shall be a rebuttable presumption that his death was due to pneumoconiosis; and

(3) if a miner is suffering or suffered from a chronic dust disease of the lung which (A) when diagnosed by chest roentgenogram, yields one or more large opacities (greater than one centimeter in diameter) and would be classified in category A, B, or C in the International Classification of Radiographs of the Pneumoconioses by the International Labor Organization, (B) when diagnosed by biopsy or autopsy, yields massive lesions in the lung, or (C) when diagnosis is made by other means, would be a condition which could reasonably be expected to yield results described in clause (A) or (B) if diagnosis had been made in the manner prescribed in clause (A) or (B), then there shall be an irrebuttable presumption that he is totally disabled due to pneumoconiosis or that his death was due to pneumoconiosis, as the case may be.

(d) Nothing in subsection (c) shall be deemed to affect the applicability of subsection (a) in the case of a claim where the presumptions provided for therein are inapplicable.

SEC. 412. (a) Subject to the provisions of subsection (b) of this section, benefit payments shall be made by the Secretary under this part as follows:

(1) In the case of total disability of a miner due to pneumoconiosis, the disabled miner shall be paid benefits during the disability at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in grade GS–2, who is totally disabled, is entitled at the time of payment under chapter 81 of title 5, United States Code.

(2) In the case of death of a miner due to pneumoconiosis or of a miner receiving benefits under this part, benefits shall be paid to his widow (if any) at the rate the deceased miner would receive such benefits if he were totally disabled.

(3) In the case of an individual entitled to benefit payments under clause (1) or (2) of this subsection who has one or more dependents, the benefit payments shall be increased at the rate of 50 per centum of such benefit payments, if such individual has one dependent, 75 per centum if such individual has two dependents, and 100 per centum if such individual has three or more dependents.

(b) Notwithstanding subsection (a), benefit payments under this section to a miner or his widow shall be reduced, on a monthly or other appropriate basis, by an amount equal to any payment received by such miner

or his widow under the workmen's compensation, unemployment compensation, or disability insurance laws of his State on account of the disability of such miner, and the amount by which such payment would be reduced on account of excess earnings of such miner under section 203 (b) through (l) of the Social Security Act if the amount paid were a benefit payable under section 202 of such Act.

(c) Benefits payable under this part shall be deemed not to be income for purposes of the Internal Revenue Code of 1954.

SEC. 413. (a) Except as otherwise provided in section 414 of this part, no payment of benefits shall be made under this part except pursuant to a claim filed therefor on or before December 31, 1972, in such manner, in such form, and containing such information, as the Secretary shall by regulation prescribe.

(b) In carrying out the provisions of this part, the Secretary shall to the maximum extent feasible (and consistent with the provisions of this part) utilize the personnel and procedures he uses in determining entitlement to disability insurance benefit payments under section 223 of the Social Security Act. Claimants under this part shall be reimbursed for reasonable medical expenses incurred by them in establishing their claims. For purposes of determining total disability under this part, the provisions of subsections (a), (b), (c), (d), and (g) of section 221 of such Act shall be applicable.

(c) No claim for benefits under this section shall be considered unless the claimant has also filed a claim under the applicable State workmen's compensation law prior to or at the same time his claim was filed for benefits under this section; except that the foregoing provisions of this paragraph shall not apply in any case in which the filing of a claim under such law would clearly be futile because the period within which such a claim may be filed thereunder has expired or because pneumoconiosis is not compensable under such law, or in any other situation in which, in the opinion of the Secretary, the filing of a claim would clearly be futile.

SEC. 414. (a) No claim for benefits under this part on account of total disability of a miner shall be considered unless it is filed on or before December 31, 1972, or, in the case of a claimant who is a widow, within six months after the death of her husband or by December 31, 1972, whichever is the later.

(b) No benefits shall be paid under this part after December 31, 1972, if the claim therefor was filed after December 31, 1971.

(c) No benefits under this part shall be payable for any period prior to the date a claim therefor is filed.

(d) No benefits shall be paid under this part to the residents of any State which, after the date of enactment of this Act, reduces the benefits payable to persons eligible to receive benefits under this part, under its State laws which are applicable to its general work force with regard to workmen's compensation, unemployment compensation, or disability insurance.

(e) No benefits shall be payable to a widow under this part on account of the death of a miner unless (1) benefits under this part were being paid to such miner with respect to disability due to pneumoconiosis prior to his death, or (2) the death of such miner occurred prior to January 1, 1973.

PART C—CLAIMS FOR BENEFITS AFTER DECEMBER 31, 1972

SEC. 421. (a) On and after January 1, 1973, any claim for benefits for death or total disability due to pneumoconiosis shall be filed pursuant to the applicable State workmen's compensation law, except that during any period when miners or their surviving widows are not covered by a State workmen's compensation law which provides adequate coverage for pneumoconiosis they shall be entitled to claim benefits under this part.

(b) (1) For purposes of this section, a State workmen's compensation law shall not be deemed to provide adequate coverage for pneumoconiosis during any period unless it is included in the list of State laws found by the Secretary to provide such adequate coverage during such period. The Secretary shall, no later than October 1, 1972, publish in the Federal Register a list of State workmen's compensation laws which provide adequate coverage for pneumoconiosis and shall revise and republish in the Federal Register such list from time to time, as may be appropriate to reflect changes in such State laws due to legislation or judicial or administrative interpretation.

(2) The Secretary shall include a State workmen's compensation law on such list during any period only if he finds that during such period under such law—

(A) benefits must be paid for total disability or death of a miner due to pneumoconiosis;

(B) the amount of such cash benefits is substantially equivalent to or greater than the amount of benefits prescribed by section 412(a) of this title;

(C) the standards for determining death or total disability due to pneumoconiosis are substantially equivalent to those established by section 411, and by the regulations of the Secretary of Health, Education, and Welfare promulgated thereunder;

(D) any claim for benefits on account of total disability or death of a miner due to pneumoconiosis is deemed to be timely filed if such claim is filed within three years of the discovery of total disability due to pneumoconiosis, or the date of such death, as the case may be;

(E) there are in effect provisions with respect to prior and successor operators which are substantially equivalent to the provisions contained in section 422(i) of this part; and

(F) there are applicable such other provisions, regulations or interpretations, which are consistent with the provisions contained in Public Law 803, 69th Congress (44 Stat. 1424, approved March 4, 1927), as amended, which are applicable under section 422(a), but are not inconsistent with any of the criteria set forth in subparagraphs (A) through (E) of this paragraph, as the Secretary, in accordance with regulations promulgated by him, determines to be necessary or appropriate to assure adequate compensation for total disability or death due to pneumoconiosis.

The action of the Secretary in including or failing to include any State workmen's compensation law on such list shall be subject to judicial review exclusively in the United States court of appeals for the circuit in which the State is located or the United States Court of Appeals for the District of Columbia.

SEC. 422. (a) During any period after December 31, 1972, in which a State workmen's compensation law is not included on the list published by the Secretary under section 421(b) of this part, the provisions of Public Law 803, 69th Congress (44 Stat. 1424, approved March 4, 1927), as amended (other than the provisions contained in sections 1, 2, 3, 4, 7, 8, 9, 10, 12, 13, 29, 30, 31, 32, 33, 37, 38, 41, 43, 44, 45, 46, 47, 48, 49, 50, and 51 thereof) shall (except as otherwise provided in this subsection and except as the Secretary shall by regulation otherwise provide), be applicable to each operator of an underground coal mine in such State with respect to death or total disability due to pneumoconiosis arising out of employment in such mine. In administering this part, the Secretary is authorized to prescribe in the Federal Register such additional provisions, not inconsistent with those specifically excluded by this subsection, as he deems necessary to provide for the payment of benefits by such operator to persons entitled thereto as provided in this part and thereafter those provisions shall be applicable to such operator.

(b) During any such period each such operator shall be liable for and shall secure the payment of benefits, as provided in this section and section 423 of this part.

(c) Benefits shall be paid during such period by each such operator under this section to the categories of persons entitled to benefits under section 412(a) of this title in accordance with the regulations of the Secretary and the Secretary of Health, Education, and Welfare applicable under this section: *Provided*, That, except as provided in subsection (i) of this section, no benefits shall be payable by any operator on account of death or total disability due to pneumoconiosis which did not arise, at least in part, out of employment in a mine during the period when it was operated by such operator.

(d) Benefits payable under this section shall be paid on a monthly basis and, except as otherwise provided in this section, such payments shall be equal to the amounts specified in section 412(a) of this title.

(e) No payment of benefits shall be required under this section:

(1) except pursuant to a claim filed therefor in such manner, in such form, and containing such information, as the Secretary shall by regulation prescribe;

(2) for any period prior to January 1, 1973; or

(3) for any period after seven years after the date of enactment of this Act.

(f) Any claim for benefits under this section shall be filed within three years of the discovery of total disability due to pneumoconiosis or, in the case of death due to pneumoconiosis, the date of such death.

(g) The amount of benefits payable under this section shall be reduced, on a monthly or other appropriate basis, by the amount of any compensation received under or pursuant to any Federal or State workmen's compensation law because of death or disability due to pneumoconiosis.

(h) The regulations of the Secretary of Health, Education, and Welfare promulgated under section 411 of this title shall also be applicable to claims under this section. The Secretary of Labor shall by regulation establish standards, which may include appropriate presumptions, for determining whether pneumoconiosis arose out of employment in a particular underground coal mine or mines. The Secretary may also, by regulation, establish standards for apportioning liability for benefits under this subsection among more than one operator, where such apportionment is appropriate.

(i) (1) During any period in which this section is applicable with respect to a coal mine an operator of such mine who, after the date of enactment of this title, acquired such mine or substantially all the assets thereof from a person (hereinafter referred to in this paragraph as a "prior operator") who was an operator of such mine on or after the operative date of this title shall be liable for and shall, in accordance with section 423 of this part, secure the payment of all benefits which would have been payable by the prior operator under this section with respect to miners previously employed in such mine if the acquisition had not occurred and the prior operator had continued to operate such mine.

(2) Nothing in this subsection shall relieve any prior operator of any liability under this section.

SEC. 423. (a) During any period in which a State workmen's compensation law is not included on the list published by the Secretary under section 421(b) each operator of an underground coal mine in such State shall secure the payment of benefits for which he is liable under section 422 by (1)

qualifying as a self-insurer in accordance with regulations prescribed by the Secretary, or (2) insuring and keeping insured the payment of such benefits with any stock company or mutual company or association, or with any other person or fund, including any State fund, while such company, association, person or fund is authorized under the laws of any State to insure workmen's compensation.

(b) In order to meet the requirements of clause (2) of subsection (a) of this section, every policy or contract of insurance must contain—

(1) a provision to pay benefits required under section 422, notwithstanding the provisions of the State workmen's compensation law which may provide for lesser payments;

(2) a provision that insolvency or bankruptcy of the operator or discharge therein (or both) shall not relieve the carrier from liability for such payments; and

(3) such other provisions as the Secretary, by regulation, may require.

(c) No policy or contract of insurance issued by a carrier to comply with the requirements of clause (2) of subsection (a) of this subsection shall be canceled prior to the date specified in such policy or contract for its expiration until at least thirty days have elapsed after notice of cancellation has been sent by registered or certified mail to the Secretary and to the operator at his last known place of business.

SEC. 424. If a totally disabled miner or a widow is entitled to benefits under section 422 and (1) an operator liable for such benefits has not obtained a policy or contract of insurance, or qualified as a self-insurer, as required by section 423, or such operator has not paid such benefits within a reasonable time, or (2) there is no operator who was required to secure the payment of such benefits, the Secretary shall pay such miner or such widow the benefits to which he or she is so entitled. In a case referred to in clause (1), the operator shall be liable to the United States in a civil action in an amount equal to the amount paid to such miner or his widow under this title.

SEC. 425. With the consent and cooperation of State agencies charged with administration of State workmen's compensation laws, the Secretary may, for the purpose of carrying out his functions and duties under section 422, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may advance funds to or reimburse such State and local agencies and their employees for services rendered for such purposes.

SEC. 426. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to issue such regulations as each deems appropriate to carry out the provisions of this title. Such regulations shall be issued in conformity with section 553 of title 5 of the United States Code, notwithstanding subsection (a) thereof.

(b) Within 120 days following the convening of each session of Congress the Secretary of Health, Education, and Welfare shall submit to the Congress an annual report upon the subject matter of part B of this title, and, after January 1, 1973, the Secretary of Labor shall also submit such a report upon the subject matter of part C of this title.

(c) Nothing in this title shall relieve any operator of the duty to comply with any State workmen's compensation law, except insofar as such State law is in conflict with the provisions of this title and the Secretary by regulation, so prescribes. The provisions of any State workmen's compensation law which provide greater benefits than the benefits payable under this title shall not thereby be construed or held to be in conflict with the provisions of this title.

TITLE V—ADMINISTRATION

RESEARCH

SEC. 501. (a) The Secretary and the Secretary of Health, Education, and Welfare, as appropriate, shall conduct such studies, research, experiments, and demonstrations as may be appropriate—

(1) to improve working conditions and practices in coal mines, and to prevent accidents and occupational diseases originating in the coal-mining industry;

(2) to develop new or improved methods of recovering persons in coal mines after an accident;

(3) to develop new or improved means and methods of communication from the surface to the underground area of a coal mine;

(4) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine atmosphere of active workings of the coal mine;

(5) to develop epidemiological information to (A) identify and define positive factors involved in occupational diseases of miners, (B) provide information on the incidence and prevalence of pneumoconiosis and other respiratory ailments of miners, and (C) improve mandatory health standards;

(6) to develop techniques for the prevention and control of occupational diseases of miners, including tests for hypersusceptibility and early detection;

(7) to evaluate the effect on bodily impairment and occupational disability of miners afflicted with an occupational disease;

(8) to prepare and publish from time to time, reports on all significant aspects of occupational diseases of miners as well as on the medical aspects of injuries, other than diseases, which are revealed by the research carried on pursuant to this subsection;

(9) to study the relationship between coal mine environments and occupational diseases of miners;

(10) to develop new and improved underground equipment and other sources of power for such equipment which will provide greater safety; and

(11) for such other purposes as they deem necessary to carry out the purposes of this Act.

(b) Activities under this section in the field of coal mine health shall be carried out by the Secretary of Health, Education, and Welfare, and activities under this section in the field of coal mine safety shall be carried out by the Secretary.

(c) In carrying out the provisions for research, demonstrations, experiments, studies, training, and education under this section and sections 301(b) and 502(a) of this Act, the Secretary and the Secretary of Health, Education, and Welfare may enter into contracts with, and make grants to, public and private agencies and organizations and individuals. No research, demonstrations, or experiments shall be carried out, contracted for, sponsored, cosponsored, or authorized under authority of this Act, unless all information, uses, products, processes, patents, and other developments resulting from such research, demonstrations, or experiments will (with such exception and limitation, if any, as the Secretary or the Secretary of Health, Education, and Welfare may find to be necessary in the public interest) be available to the general public.

(d) The Secretary of Health, Education, and Welfare shall also conduct studies and research into matters involving the protection of life and the prevention of diseases in connection with persons, who although not miners, work with, or around the products of, coal mines in areas outside of such mines and under conditions which may adversely affect the health and well-being of such persons.

(e) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out his responsibilities under this section and section 301(b) of this Act at an annual rate of not to exceed $20,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $30,000,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter. There is authorized to be appropriated annually to the Secretary of Health, Education, and Welfare such sums as may be necessary to carry out his responsibilities under this Act. Such sums shall remain available until expended.

(f) The Secretary is authorized to grant on a mine-by-mine basis an exception to any mandatory health or safety standard under this Act for the purpose of permitting, under such terms and conditions as he may prescribe, accredited educational institutions the opportunity for experimenting with new and improved techniques and equipment to improve the health and safety of miners. No such exception shall be granted unless the Secretary finds that the granting of the exception will not adversely affect the health and safety of miners and publishes his findings.

(g) The Secretary of Health, Education, and Welfare is authorized to make grants to any public or private agency, institution, or organization, and operators or individuals for research and experiments to develop effective respiratory equipment.

TRAINING AND EDUCATION

SEC. 502. (a) The Secretary shall expand programs for the education and training of operators and agents thereof, and miners in—

(1) the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions in coal mines; and

(2) in the use of flame safety lamps, permissible methane detectors, and other means approved by the Secretary for detecting methane and other explosive gases accurately.

(b) The Secretary shall, to the greatest extent possible, provide technical assistance to operators in meeting the requirements of this Act and in further improving the health and safety conditions and practices in coal mines.

ASSISTANCE TO STATES

SEC. 503. (a) The Secretary, in coordination with the Secretary of Health, Education, and Welfare and the Secretary of Labor, is authorized to make grants in accordance with an application approved under this section to any State in which coal mining takes place—

(1) to assist such State in developing and enforcing effective coal mine health and safety laws and regulations consistent with the provisions of section 506 of this Act;

(2) to improve State workmen's compensation and occupational disease laws and programs related to coal mine employment; and

(3) to promote Federal-State coordination and cooperation in improving the health and safety conditions in the coal mines.

(b) The Secretary shall approve any application or any modification thereof, submitted under this section by a State, through its official coal mine inspection or safety agency, which—

(1) sets forth the programs, policies, and methods to be followed in carrying out the application in accordance with the purposes of subsection (a) of this section;

(2) provides research and planning studies to carry out plans designed to improve State workmen's compensation and occupational

disease laws and programs, as they relate to compensation to miners for occupationally caused diseases and injuries arising out of employment in any coal mine;

(3) designates such State coal mine inspection or safety agency as the sole agency responsible for administering grants under this section throughout the State, and contains satisfactory evidence that such agency will have the authority to carry out the purposes of this section;

(4) gives assurances that such agency has or will employ an adequate and competent staff of trained inspectors qualified under the laws of such State to make coal mine inspections within such State;

(5) provides for the extension and improvement of the State program for the improvement of coal mine health and safety in the State, and provides that no advance notice of an inspection will be provided anyone;

(6) provides such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the States under this section;

(7) provides that the designated agency will make such reports to the Secretary in such form and containing such information as the Secretary may from time to time require;

(8) contains assurances that grants provided under this section will supplement, not supplant, existing State coal mine health and safety programs; and

(9) meets additional conditions which the Secretary may prescribe in furtherance of, and consistent with, the purposes of this section.

(c) The Secretary shall not finally disapprove any State application or modification thereof without first affording the State agency reasonable notice and opportunity for a public hearing.

(d) Any State aggrieved by a decision of the Secretary under subsection (b) or (c) of this section may file within thirty days from the date of such decision with the United States Court of Appeals for the District of Columbia a petition praying that such action be modified or set aside in whole or in part. The court shall hear such appeal on the record made before the Secretary. The decision of the Secretary incorporating his findings of fact therein, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The filing of a petition under this subsection shall not stay the application of the decision of the Secretary, unless the court so orders. The provisions of section 106 (a), (b), and (c) of this Act shall not be applicable to this section.

(e) Any State application or modification thereof submitted to the Secretary under this section may include a program to train State inspectors.

(f) The Secretary shall cooperate with such State in carrying out the application or modification thereof and shall, as appropriate, develop and, where appropriate, construct facilities for, and finance a program of, training of Federal and State inspectors jointly. The Secretary shall also cooperate with such State in establishing a system by which State and Federal inspection reports of coal mines located in the State are exchanged for the purpose of improving health and safety conditions in such mines.

(g) The amount granted to any coal mining State for a fiscal year under this section shall not exceed 80 per centum of the amount expended by such State in such year for carrying out such application.

(h) There is authorized to be appropriated $3,000,000 for fiscal year 1970, and $5,000,000 annually in each succeeding fiscal year to carry out the provisions of this section, which shall remain available until expended. The Secretary shall provide for an equitable distribution of sums appropriated for grants under this section to the States where there is an approved application.

ECONOMIC ASSISTANCE

SEC. 504. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (4) a new paragraph as follows:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern operating a coal mine in affecting additions to or alterations in the equipment, facilities, or methods of operation of such mine to requirements imposed by the Federal Coal Mine Health and Safety Act of 1969, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of such Act is amended by inserting "or (5)" after "paragraph (3)".

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(5)," after "7(b)(4),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(5) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

INSPECTORS; QUALIFICATIONS; TRAINING

SEC. 505. The Secretary may, subject to the civil service laws, appoint such employees as he deems requisite for the administration of this Act and prescribe their duties. Persons appointed as authorized representatives of the Secretary shall be qualified by practical experience in the mining of coal or by experience as a practical mining engineer or by education. Persons appointed to assist such representatives in the taking of samples of respirable dust for the purpose of enforcing title II of this Act shall be qualified by training, experience, or education. The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply with respect to the appointment of such authorized representatives of the Secretary or to persons appointed to assist such representatives and to carry out the provisions of this Act, and, in applying the provisions of such section to other agencies under the Secretary and to other agencies of the Government, such appointed persons shall not be taken into account. Such persons shall be adequately trained by the Secretary. The Secretary shall develop programs with educational institutions and operators designed to enable persons to qualify for positions in the administration of this Act. In selecting persons and training and retraining persons to carry out the provisions of this Act, the Secretary shall work with appropriate educational institutions, operators, and representatives of miners in developing and maintaining adequate programs for the training and continuing education of persons, particularly inspectors, and where appropriate, the Secretary shall cooperate with such institutions in carrying out the provisions of this section by providing financial and technical assistance to such institutions.

EFFECT ON STATE LAWS

SEC. 506. (a) No State law in effect on the date of enactment of this Act or which may become effective thereafter shall be superseded by any provision of this Act or order issued or any mandatory health or safety standard, except insofar as such State law is in conflict with this Act or with any order issued or any mandatory health or safety standard.

(b) The provisions of any State law or regulation in effect upon the operative date of this Act, or which may become effective thereafter, which provide for more stringent health and safety standards applicable to coal mines than do the provisions of this Act or any order issued or any mandatory health or safety standard shall not thereby be construed or held to be in conflict with this Act. The provisions of any State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, which provide for health and safety standards applicable to coal mines for which no provision is contained in this Act or in any order issued or any mandatory health or safety standard, shall not be held to be in conflict with this Act.

ADMINISTRATIVE PROCEDURES

SEC. 507. Except as otherwise provided in this Act, the provisions of sections 551–559 and sections 701–706 of title 5 of the United States Code shall not apply to the making of any order, notice, or decision made pursuant to this Act, or to any proceeding for the review thereof.

REGULATIONS

SEC. 508. The Secretary, the Secretary of Health, Education, and Welfare, and the Panel are authorized to issue such regulations as each deems appropriate to carry out any provision of this Act.

OPERATIVE DATE AND REPEAL

SEC. 509. Except to the extent an earlier date is specifically provided in this Act, the provisions of titles I and III of this Act shall become operative ninety days after the date of enactment of this Act, and the provisions of title II of this Act shall become operative six months after the date of enactment of this Act. The provisions of the Federal Coal Mine Safety Act, as amended, are repealed on the operative date of titles I and III of this Act, except that such provisions shall continue to apply to any order, notice, decision, or finding issued under that Act prior to such operative date and to any proceedings related to such order, notice, decision or findings. All other provisions of this Act shall be effective on the date of enactment of this Act.

SEPARABILITY

SEC. 510. If any provision of this Act, or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

REPORTS

SEC. 511. (a) Within one hundred and twenty days following the convening of each session of Congress, the Secretary shall submit through the President to the Congress and to the Office of Science and Technology an annual report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of coal mine health and safety, the amount and status of each loan made pursuant to this Act, a description and the anticipated cost of each project and program he has undertaken under sections 301(b) and 501, and any other relevant information, including any recommendations he deems appropriate.

(b) Within one hundred and twenty days following the convening of each session of Congress, the Secretary of Health, Education, and Welfare shall submit through the President to the Congress and to the Office of Science and Technology an annual report upon the health matters covered by this Act, including the progress toward the achievement of the health purposes of this Act, the needs and requirements in the field of coal

mine health, a description and the anticipated cost of each project and program he has undertaken under sections 301(b) and 501, and any other relevant information, including any recommendations he deems appropriate. The first such report shall include the recommendations of the Secretary of Health, Education, and Welfare as to necessary mandatory health standards, including his recommendations as to the maximum permissible individual exposure to miners from respirable dust during a shift.

SPECIAL REPORT

SEC. 512. (a) The Secretary shall make a study to determine the best manner to coordinate Federal and State activities in the field of coal mine health and safety so as to achieve (1) maximum health and safety protection for miners, (2) an avoidance of duplication of effort, (3) maximum effectiveness, (4) a reduction of delay to a minimum, and (5) most effective use of Federal inspectors.

(b) The Secretary shall make a report of the results of his study to the Congress as soon as practicable after the date of enactment of this Act.

JURISDICTION; LIMITATION

SEC. 513. In any proceeding in which the validity of any interim mandatory health or safety standard set forth in titles II and III of this Act is in issue, no justice, judge, or court of the United States shall issue any temporary restraining order or preliminary injunction restraining the enforcement of such standard pending a determination of such issue on its merits.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

CARL D. PERKINS,
JOHN H. DENT,
ROMAN C. PUCINSKI,
AUGUSTUS F. HAWKINS,
PATSY T. MINK,
PHILLIP BURTON,
WILLIAM H. AYRES,
JOHN N. ERLENBORN,
ALPHONZO BELL,
DOMINICK V. DANIELS,
JOHN M. ASHBROOK,
Managers on the Part of the House.

HARRISON A. WILLIAMS, Jr.,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
GAYLORD NELSON,
WALTER F. MONDALE,
THOMAS F. EAGLETON,
ALAN CRANSTON,
JACOB JAVITS,
WINSTON L. PROUTY,
RICHARD S. SCHWEIKER,
WILLIAM B. SAXBE,
RALPH T. SMITH,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, submit the following statement and explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill and the House amendment were very similar in substance. However, the arrangement of their provisions differed substantially. The substitute agreed upon in conference adopts, in all major respects, the organization of the House amendment. Throughout this statement, references are to the sections and subsections of the conference substitute. The conference substitute adopts, except as explained herein, all of the major provisions of the House amendment. This statement will explain the differences between the conference report and the House amendment, except for differences which are purely technical or conforming.

Section 2

The Senate bill and the House amendment each contained statements of findings and purposes which were substantially the same. The committee of conference adopts these provisions with appropriate modifications to recognize the transfer of functions from the Surgeon General to the Secretary of Health, Education, and Welfare, and to incorporate the more detailed Senate provisions relating to the particular purposes of the act which emphasize the need to eliminate unsafe and unhealthful conditions and practices in this industry. In adopting these provisions, the managers intend that the act be construed liberally when improved health or safety to miners will result.

Section 3

The definitions of terms used in the bill are substantially the same in both the Senate bill and the House amendment. A new definition of the term "mandatory health or safety standard" has been added. It does not change the substance of either the Senate bill or the House amendment, but is merely a technical change to avoid repeating the statement that the standards are those established by titles II and III of the act and those later promulgated under section 101 of the act as the Senate bill did. The definition of "inspection" as contained in the House amendment is no longer necessary, since the conference agreement adopts the language of the Senate bill in section 104(c) of the act which provides for findings of an unwarrantable failure at any time during the same inspection or during any subsequent inspection without regard to when the particular inspection begins or ends. The conference agreement adopts the Senate version of the definition of "Secretary" which specifically includes his delegate. The delegate would, of course, be a person designated by him to administer and enforce this act and would include the Federal inspectors who are referred to throughout the act as the Secretary's authorized representatives.

Section 4

The provision of the Senate bill and House amendment describing the mines which are subject to the act, though different in phraseology, were the same in substance. The agreement reached in conference adopts the provisions of both the Senate bill and House amendment, but with a change in phraseology which excludes excess verbiage. Under this provision, as in the case of both the Senate bill and the House amendment, the coal mine, the operator of the mine, and every miner therein is subject to the provisions of the act.

Section 5

Both the Senate bill and House amendment provided for an interim compliance panel composed of five government officials or their delegates. The Panel can draw staff and other assistance from the Departments of Interior, Labor, Commerce, and Health, Education, and Welfare and will also have its own budget for other staff and travel and other expenses. The provisions are substantially the same, except that the House amendment required that hearings held under titles II and III of the act be of record and required that the provisions of section 554 of title 5, United States Code, formerly known as the adjudicatory provisions of the Administrative Procedures Act, be complied with. It also provided for judicial review of the Panel's decisions under section 106 of the act. The conference substitute adopts this provision, in the House amendment.

TITLE I—GENERAL

The Senate bill contained provisions for promulgation of mandatory standards which separated into two titles the promulgation of health standards from the promulgation of safety standards. The House amendment provided a common procedure for the promulgation of both types of standards in one section. The conference substitute adopts the House approach on this point to avoid repetition of many provisions.

Section 101

1. This section deals with the promulgation of mandatory health and safety standards. The conference substitute retained the provisions of the House amendment which had no counterpart in the Senate bill and which provided that mandatory health or safety standards promulgated under this title may not reduce the protection afforded miners below that afforded by the interim mandatory health or safety standards set forth in titles II and III or below the standards subsequently promulgated under this section. Also, it provides that when objections are raised to standards, hearings will be held by the appropriate Secretary, and the Secretary who held the hearing must publish his findings. These findings are to be published in the Federal Register. All standards shall be promulgated finally by the Secretary of the Interior. The health standards promulgated by the Secretary will be those transmitted to him by the Secretary of Health, Education, and Welfare.

2. The Senate bill required that proposed mandatory health and safety standards for surface coal mines, including open-pit and auger coal mines and surface work areas of underground coal mines must be developed and published by the Secretary within a year after the date of enactment of the act. The comparable House provision required that mandatory safety standards for surface coal mines must be developed and published within one year after such date. The conference agreement adopts the Senate provision with modifications. It provides that proposed mandatory health and safety standards for such surface coal mines must be published within one year after the date of enactment. Proposed mandatory standards for surface work areas of underground coal mines, in addition to those interim standards established by this Act, must also be published within that twelve-month period. In both cases, such publication and final promulgation will follow the procedures set forth in this section for all health and safety standards.

3. The Senate bill provided that all interpretations, regulations, and instructions of the Secretary which are in effect on the operative date of the title and which are not inconsistent with any provision of this act will remain in effect until modified or superseded as provided in this act. The House amendment contained no comparable provision. The conference substitute adopts the Senate provision with the requirement that the interpretations, regulations, and instructions of the Director of the Bureau of Mines, who by statute administers the 1952 Act, as well as those of the Secretary, in effect on the date of enactment, and not inconsistent with this act, must be published in the Federal Register as soon as possible after enactment for information purposes and to consolidate them in one place. The managers view this requirement as a very minimal task for the Department to undertake and one that is quite important to both the operators and the miners, as they must know well in advance of the operative date of titles II and III what interpretations, regulations, and instructions will continue to apply.

4. The House amendment required that a copy of every proposed standard or regulation must be sent, when published in the Federal Register, to each operator and the representative of miners at the mine and a copy posted on the bulletin board. The House amendment also stipulated that failure to receive the notice, including lateness of

receipt thereof, does not relieve anyone of the obligation under the act to comply with them once finally promulgated. The conference agreement adopts this provision with the note that it is intended that failure to so receive them or to receive them timely also does not relieve any interested person who wants to file written objections to do so under this section within the time afforded therefor in the notice of proposed standards or regulations.

Section 102

1. The Senate bill required the Secretary of the Interior to appoint an Advisory Committee on Coal Mine Safety Research. It would be composed of the Director of the Office of Science and Technology, or his delegate, the Director of the National Bureau of Standards, or his delegate, the Director of the National Science Foundation, or his delegate, and such other persons as the Secretary may appoint who are knowledgeable in the field of coal mine safety. It would be the duty of this committee to consult with, and make recommendations to, the Secretary on matters involving coal mine safety research. The Secretary would be required to consult with, and to consider the recommendations of, the Advisory Committee in the making of grants and entering into of contracts for safety research. The Chairman and a majority of the members of the Committee must be individuals who have no economic interest in the coal mining industry, and are not operators, miners, or governmental employees. The Senate bill also required the Secretary of Health, Education, and Welfare to appoint an Advisory Committee on Coal Mine Health Research which would be composed of the Director of the Bureau of Mines or his delegate, the Director of the National Science Foundation, or his delegate, the Director of the National Institutes of Health, or his delegate, and such other persons as the Secretary may appoint who are knowledgeable in the field of coal mine health research. The duties of this Advisory Committee and the restrictions on the composition of its membership parallel those of the Advisory Committee for safety. The House amendment contained no comparable provision. The conference substitute adopts this provision of the Senate bill.

2. The Senate bill authorized the Secretary or the Surgeon General to appoint other advisory committees to advise him in carrying out the provisions of this act. The comparable provision of the House amendment authorized the Secretary of the Interior to appoint advisory committees for that purpose. The Senate bill restricted the choice of chairman to persons who have no economic interest in the coal mining industry and are not operators, miners, or governmental employees. It required that a majority of the members be individuals who have no such interest in the coal mining industry. The conference substitute adopts the provisions of the Senate bill with technical changes.

3. The House amendment provided that nongovernmental advisory committees members be paid not in excess of the GS–18 rate, while the Senate bill let the administrators set the rate up to $100 per day. The conference adopts the House amendment which is consistent with other recent statutes on this subject.

Section 103

1. Section 103 relates to inspections and investigations in coal mines. The provisions of the Senate bill and the House amendment were largely identical. With respect to the authority of the Secretary of Health, Education, and Welfare in this area, the two versions differed in language but not materially in substance. The conference substitute in this regard adopts a combination of both provisions.

2. The Senate bill provided that when a representative of the miners has reason to believe that a violation of a mandatory standard exists, or that an imminent danger exists, he has a right to obtain an immediate inspection of the mine. The notice must be reduced to writing signed by the representative of the miners giving the notice, and a copy provided to the operator. A special inspection was required whenever such notification was received. The comparable provision of the House amendment permitted any miner or any authorized representative of the miners, when he believed that a violation of a mandatory standard existed or that an imminent danger existed, to notify the Secretary or his authorized representative. Upon receipt of the notification, the Secretary or the authorized representative could make a special investigation. The conference substitute provides that whenever a representative of the miners has reasonable grounds to believe that such a violation or imminent danger exists, he may obtain an immediate inspection by giving notice. It requires that the notice must be reduced to writing, signed by the representative who is making the complaint, and a copy provided the operator or his agent by the time the inspection is made. However, an exception is included under which, upon the request of the person giving such notice, his name and the names of the individual miners referred to therein will not appear on the copy of the notice provided the operator or his agent. It should be noted that, as used here and throughout the act, the term "representative of the miners" includes any individual or organization that represents any group of miners at a given mine and does not require that the representative be a recognized representative under other labor laws.

3. The Senate bill authorized the Secretary to enter into agreements with other Federal agencies and the States to utilize their services, personnel, and facilities in carrying out his functions under the act. The House amendment did not extend this authority to State agencies and personnel. The conference adopts the House provision. The managers note that section 503 of this act authorizes cooperation with the States in carrying out Federal responsibilities. The Secretary should utilize that authority where appropriate, except that the managers intend, in adopting the House provision here, that the Secretary not delegate his enforcement authority to State agencies or personnel.

4. The Senate bill provided for the daily stationing of Federal inspectors at underground coal mines which liberate excessive quantities of explosive gases and which are likely to present explosion dangers. The House amendment provided for a minimum of 26 spot inspections on an irregular basis at such mines and at a mine that had a gas ignition or explosion during any 5-year period beginning prior to the operative date of this title, and at a mine that has other especially hazardous conditions. The Secretary would make these findings. The conference agreement adopts the House amendment with the requirement that there be, in such cases, a minimum of one spot inspection during every 5 working days at a mine that meets one or all of these criteria. These inspections are to be conducted at irregular intervals.

Section 104

Both the Senate bill and the House amendment contained similar provisions relating to findings, notices, and orders. The conference adopts the language of the House amendment in sections 104 (a) and (b) with some technical changes. One of these relates to the fact that there are, as mentioned below, special enforcement provisions relative to the dust standard only.

1. The Senate bill provided that if an inspection of a coal mine shows that a mandatory health or safety standard is being violated but that no imminent danger is created thereby, though the violation could significantly and substantially contribute to the cause or effect of a mine hazard, and if it is found that the failure of the operator to comply is unwarrantable, that finding shall be included in the notice given the operator under section 104(b) or (i). If, during that inspection or any subsequent inspection carried out within 90 days after the issuance of the notice, another violation of any such mandatory standard is discovered by the inspector and he finds that the violation is also caused by an unwarrantable failure of the operator to comply, the inspector is required to issue a withdrawal order and to continue, under section 104(c)(2) of both the Senate bill and the House amendment, to issue such orders when he finds other unwarrantable violations until such time as a subsequent inspection discloses the occurrence of no such similar violation. The comparable provision of the House amendment required the inspector, in such a case, to cause the mine to be reinspected to determine if any similar violation exists. If such a similar violation did exist, and was caused by the unwarrantable failure of the operator to comply, the inspector would then issue a withdrawal order. The substitute agreed upon in conference adopts the provision of the Senate version of section 104(c)(1) with technical changes to make it clear that, if another violation of any mandatory health or safety standard occurs which is also caused by an unwarrantable failure of such operator to comply, then a withdrawal order must be issued. The managers note that an "unwarrantable failure of the operator to comply" means the failure of an operator to abate a violation he knew or should have known existed, or the failure to abate a violation because of a lack of due diligence, or because of indifference or lack of reasonable care, on the operator's part.

2. Both the Senate bill and the House amendment provided that any notice or order issued hereunder by an inspector could be modified or terminated by an authorized representative of the Secretary. The Senate bill also provided that such modification or termination would be subject to review in the same manner as the order being modified or terminated. The House amendment did not contain this specific provision. The conference substitute adopts the language of the House amendment. It should be noted, however, that the conference substitute in sections 105(a)(1) and 106 states, as in the House amendment, explicitly that modification and termination of any order is subject to a review by the Secretary and the court at the request of the representative of miners under the act.

3. The conference substitute retains the provision in section 104(h) of the House amendment relating to withdrawal orders in the cases covered by that section, but it adds an additional provision that the hearing in these cases will be of record and be subject to section 554 of title 5 of the United States Code, which requires a formal adjudicatory type hearing since the judicial review provisions of section 106 of this title provide for an appeal on the record.

4. Both the Senate bill and the House amendment had special provisions with respect to enforcement of the respirable dust standard. Under the Senate bill, if it is found from dust samples that the concentrations of respirable dust exceed the permissible limits, the Secretary is required to issue a notice fixing a reasonable time to take corrective action, which could not exceed 72 hours. The operator was then required to take corrective action immediately to bring such concentrations below the required level. At the end of this period, no work could be performed except that needed to sample. The comparable provision of the House amendment provided that when dust samples showed a violation of the applicable standard, the Secretary or his authorized rep-

resentative must find a reasonable time within which to take corrective action and issue a notice fixing the reasonable time for the abatement of the violation. During that period the operator would cause samples to be taken of the affected area during each production shift. The House amendment required that if, at the expiration of the period prescribed in the notice or in any extension thereof, the violation had not been abated, a withdrawal order shall be issued.

The conference agreement adopts the House amendment with some modifications. Under this provision, if, based on samples taken, analyzed, and recorded as provided in section 202(a) or, based upon an inspection, the respirable dust standard is exceeded, the inspector, during an inspection, or some other delegate of the Secretary, without an inspection, must issue a notice of violation and fix a reasonable time to abate the violation. The conference agreement does not place a time limit here but parallels the procedures followed in the case of notices for other health or safety violations under section 104(b). Also, it does provide, in section 105(a), for review solely of the reasonableness of the time fixed in this notice and other notices issued under section 104 of violations of the health and safety standards on application by the operator or the representative of the miners. The Secretary or the court cannot stay the application of such notice while the time fixed is being reviewed.

If the operator fails to abate the condition and reduce the dust concentration to the allowable limit within the time fixed or subsequently extended, a withdrawal order must be issued which shall remain in effect until the Secretary or his authorized representative has reason to believe, based on actions taken by the operator, that the applicable dust standard will be complied with when production is resumed. The Senate bill contained a provision, which was retained in the conference substitute, that when an order is issued under this section, the Secretary, if requested, must send to the mine a person or team of persons (if available) who will remain at the mine for such time as they deem appropriate to assist in reducing respirable dust concentrations. While there, they may require the operator to take such action as they deem appropriate to insure the health of any person in the coal mine.

Section 105

1. The Senate bill and the House amendment each contained provisions under which all withdrawal orders issued under the act may be reviewed by the Secretary, except orders issued under section 104(h) which provides separate procedures for review. The conference substitute adopts these provisions with technical changes and with the modification referred to above under which an operator who is issued a notice pursuant to section 104 (b) or (1) or the representative of the miners at the mine may obtain a review of the notice if he believes that the period of time fixed for the abatement of the violation is unreasonable. Under the substitute, the applicant is required to send a copy of the application to the representative of the miners in the affected mine, or the operator, as appropriate, but the filing of an application for review under this section will not operate as a stay of any order or notice.

2. Both the Senate bill and the House amendment provided that, pending the completion of an investigation required by section 105, an applicant may get temporary relief from the Secretary. The Senate bill limited this authority to non-imminent danger orders only. The House amendment did not so limit it. Under the Senate bill the Secretary could grant such relief only if a hearing has been held in which all parties were given an opportunity to be heard, the applicant shows there is a substantial likelihood that the findings of the Secretary will be favorable to the applicant, and that the relief will not adversely affect the health and safety of miners in the coal mine. The conference agreement adopts the language of the Senate bill, but requires that no such relief may be given in the case of notices issued under section 104 (b) or (1), as well as in the case of appeals from imminent danger orders.

Section 106

1. Both the Senate bill and the House amendment provided for judicial review of decisions issued by the Panel or the Secretary, except decisions relative to civil penalties which are subject to review under section 109. The substantive difference between these provisions lies in the fact that under the Senate bill the review could be in the Court of Appeals for the District of Columbia as well as the court of appeals for the circuit in which the mine is located. The conference substitute adopts the Senate provision with technical changes and makes it clear that the court cannot entertain an appeal until the person seeking review has exhausted his administrative remedies.

2. Both the Senate bill and the House amendment provided authority for the court to grant necessary relief pending final determination of the appeal, except in the case of imminent danger appeals, from a decision of the Secretary. Under the Senate bill, however, such relief could be given only if (1) all parties have been notified and given an opportunity to be heard, (2) the person requesting the relief shows there is a substantial likelihood that he will prevail on the merits in the final determination of the proceeding, and (3) that the relief will not adversely affect the health and safety of miners in the coal mines. The conference substitute adopts these requirements.

3. The Senate bill and the House amendment also limited the right of courts to grant temporary relief in proceedings to review decisions issued by the Panel. The conference substitute adopts the Senate provision which includes the first two restrictions just mentioned.

4. The Senate bill provided that attorneys appointed by the Secretary may appear for, and represent him in, proceedings for judicial review. The House amendment contained no comparable provision. The conference substitute adopts this provision with technical changes.

Section 108

1. Both the Senate bill and the House amendment contained provisions under which injunctions could be obtained for violations of this act and matters related thereto. Under the Senate bill these civil actions would be instituted by the Secretary. Under the House amendment, the Secretary must request the Attorney General to institute them. Under the conference agreement the Secretary may institute the civil action, and, in such action, attorneys appointed by the Secretary may appear for and represent him.

2. The House amendment, unlike the Senate bill, provided that temporary restraining orders may not be issued without notice unless the petition therefor alleges that substantial and irreparable injury to miners will be unavoidable, and provides that the temporary restraining order may be effective for no more than 7 days. The conference substitute modifies the provision of the House amendment to provide that the court may issue temporary restraining orders in accordance with rule 65 of the Federal Rules of Civil Procedure, but provides that the time limit in the case of a temporary restraining order issued without notice shall be no more than 7 days, and that, in any action to enforce an order or decision, the substantial evidence rule will apply.

Section 109

1. Both the Senate bill and the House amendment provide for the assessment of civil penalties against the operator for violations. Under the Senate bill such a penalty shall not be less than $1, or more than $25,000, for each occurrence. Under the House amendment the penalty shall not be more than $10,000 for each violation with no minimum established. The conference substitute adopts the provisions of the House amendment in this regard with technical changes.

2. The Senate bill provided that, in determining the amount of the civil penalty only, the Secretary should consider, among other things, whether the operator was at fault. The House amendment did not contain this provision. Since the conference agreement provides liability for violation of the standards against the operator without regard to fault, the conference substitute also provides that the Secretary shall apply the more appropriate negligence test, in determining the amount of the penalty, recognizing that the operator has a high degree of care to insure the health and safety of persons in the mine.

3. The Senate bill provided that any miner who willfully violates the safety standards relating to smoking or to carrying of smoking materials, matches, or lighters shall be subject to a civil penalty which shall not be more than $1,000 for each occurrence. The House amendment did not contain this provision. The conference substitute retains this provision, but modifies it to provide that any civil penalty assessed by the Secretary shall not be more than $250 for each occurrence of the violation.

4. Both the Senate bill and the House amendment provided an opportunity for a hearing in assessing such penalties, but the Senate bill required a record hearing under 5 U.S.C. 554. The conference substitute adopts the Senate provision with the added provision that, where appropriate, such as in the case of an appeal from a withdrawal order, an effort should be made to consolidate the hearings. The commencement of such proceedings, however, shall not stay any notice or order involving a violation of a standard.

5. The Senate bill provided that if a person against whom a civil penalty is assessed fails to pay it, the Secretary must file a petition for enforcement of the order in the appropriate district court in the United States. The petition must designate the person against whom the order is sought to be enforced. The court is given jurisdiction to enter a judgment enforcing the order as appropriate. The court would hear the case on the record made before the Secretary and the findings of the Secretary, if supported by substantial evidence on the record considered as a whole, would be conclusive. The corresponding provision of the House amendment required the Secretary to request the Attorney General to institute a civil action in a district court of the United States to collect the penalty. Such proceeding would be de novo.

The conference agreement is similar to the Senate bill. The court would hear the case de novo and determine all relevant issues, except issues of fact which were or could have been litigated before a court of appeals under section 106. This provision recognizes that the facts involved in the civil penalty may already have been fully litigated by the court of appeals under section 106 and should not be relitigated here. Also, in some cases, they could have been so litigated and were not. Upon the request of the respondent in the de novo proceeding, issues of fact not litigated under section 106 which are in dispute must be submitted to a jury and, on the basis of the jury's finding, the court would determine the amount of the penalty to be imposed. The court has jurisdiction to enter

a judgment enforcing the order, or modifying it, or setting it aside, or remanding it to the Secretary.

The Senate bill, but not the House amendment, provided that attorneys appointed by the Secretary may appear and represent him in proceedings to enforce civil penalties. The conference agreement adopts, with a technical change, the Senate provision because the managers believe that here and elsewhere in the act where this provision is found it is most important that the Secretary establish a competent legal staff with experience and understanding of this legislation to handle expeditiously litigation not only at the administrative hearing stage, but also at the appellate and district court stage. The highly technical nature and unique conditions and practices that occur in this industry warrant the conclusion that the health and safety of the miners requires not only well-trained and experienced inspectors and administrators, but also a legal staff with experience gained in the handling of such proceedings.

6. The Senate bill provided that any operator who willfully violates the health or safety standards or refuses to comply with an order incorporated in a decision issued under the title shall be punished by a fine of not more than $25,000, or imprisoned for not more than 1 year, or both, except that for a second conviction the maximum punishment is $50,000, or imprisonment for 5 years, or, both. The House amendment provided for punishment in similar cases by a fine of not more than $10,000 or imprisonment for not more than 6 months, or by both, and for a second conviction by a fine of not more than $20,000 or by imprisonment of not more than 1 year, or by both. The conference substitute adopts the provisions of the Senate bill with technical modifications.

7. The House amendment provided criminal penalties against persons who manufacture new electrical equipment for use in coal mines that is placed in commerce and that is falsely represented as complying with the Secretary's specifications or regulations, and against any other person who removed, altered, modified, or rendered inoperative such equipment prior to its sale or delivery to its ultimate purchaser and who falsely represents such equipment as meeting such specifications or regulations. The Senate bill does not contain such a provision. The conference agreement provides that anyone, whether a manufacturer or not, who knowingly distributes, sells, offers for sale, introduces, or delivers in commerce such equipment which is falsely represented as so complying with this Act or with any specification or regulation of the Secretary applicable to such equipment shall be subject to appropriate sanctions. The objective of this provision is to insure that manufacturers and dealers of such equipment will meet their safety responsiiblities in regard to this equipment.

Section 110

The Senate bill provided that where a withdrawal order is issued for repeated failures to comply with a health or safety standard, the Secretary, after giving an opportunity for a hearing to interested persons, shall order all miners who are idled due to the order to be fully compensated by the operator at their regular rates of pay for the time they were idled, or for 1 week, whichever is the lesser. These orders would be subject to judicial review. The corresponding provision of the House amendment provided that where a withdrawal order has been issued all miners working during the shift when the order was issued who are idled by the order will be entitled to full compensation at their regular rates of pay for the period they are idled, but not for more than the balance of the shift. If the order is not terminated prior to the next working shift all miners on that shift who are idled will be entitled to full compensation for the period they are idled, but for not more than 4 hours of the shift. The substitute agreed upon in conference adopts the provisions of the House amendment, except that where the mine is closed by an order issued on account of an unwarrantable failure of the operator to comply with a health or safety standard, the miners who are idled will obtain the benefits described in the Senate bill.

This section of the House amendment also contained a provision which is retained in the conference substitute, under which an operator who violates or fails or refuses to comply with a section 104 order must pay full compensation at regular rates of pay to miners who should have been withdrawn or prevented from entering the mine or portion thereof as the result of that order in addition to pay received for work performed after such order is issued.

Nothing in this section is intended to interfere with or preempt any collective bargaining agreement.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

Section 201

Both the Senate bill and the House amendment provided that the standards in this title are interim until superseded in whole or in part by mandatory health standards promulgated under section 101 of the act. The Senate bill had also required that the promulgated standards be an improvement over the interim standards in this title. The provisions of this section are permanent under both. The conference agreement adopts the House language with this requirement of the Senate bill.

The Senate bill established that it is the purpose of this title to improve underground coal mine working conditions to enable miners to work their entire adult life without fear of incurring respiratory or other occupationally caused diseases. The House amendment contained no similar provision. The conference adopted the Senate provision.

Section 202

1. The Senate bill directed each operator to take dust samples with a device approved by the Secretary and in a manner prescribed by the Secretary to enable the Secretary to cause an inspection of the mine depending upon the results of the samples. The samples were to be transmitted to the Secretary at the operator's expense. The House amendment also required such sampling to enable the Secretary to enforce the dust standard with or without an inspection. The samples were to be transmitted to the Secretary at his expense and were to be provided the operator. The House amendment required that the sampling device be approved by both the Secretary and the Secretary of Health, Education, and Welfare. The conference adopted the House language with technical changes and with the Senate requirement that the operator transmit samples at his expense. The samples will be transmitted to the Secretary for the purpose of enforcement under section 104(i). The devices for sampling, including the MRE instrument, must be approved by both Secretaries.

2. The Senate bill established a 3.0 milligram standard effective 6 months after enactment and a 2.0 milligram standard effective 3 years after enactment, but provided a procedure, similar to that followed under the Reorganization Act, for extending the effective date of the 2.0 milligram standard. The Senate bill permitted time extensions of 6 months each on a mine-by-mine basis to meet both standards under permits for noncompliance to be issued by the Panel based on an application and certain findings. The permits could not extend the effective date of the 3.0 milligram standard more than 36 months after enactment, or the effective date of th 2.0 milligram standard more than 72 months after enactment. Each permit would prescribe a maximum limit of 4.5 milligrams for extensions of the 3.0 milligram standard during the period of noncompliance, and a maximum limit of 3.0 milligrams for extensions of the 2.0 milligram standard during the period of noncompliance, or such lower limit as the Panel determines can be achieved.

The House amendment established a 4.5 milligram standard effective 6 months after enactment, and a 3.0 milligram standard effective 1 year after enactment. In the case of the 4.5 milligram standard, the Panel could grant one 90-day extension to comply with the standard on a mine-by-mine basis, and, in the case of the 3.0 milligram standard, the Panel could grant one 6-month extension to so comply.

The substitute agreed upon in conference establishes a maximum 3.0 milligram standard effective 6 months after enactment, and a maximum 2.0 milligram standard effective 3 years after enactment. Where an operator, using available technology, finds he cannot comply with either standard on its effective date he may file an application for a permit of noncompliance. The substitute adopts the Senate language relative to the information which must be included in each application for a permit, including renewals thereof. If the Panel is satisfied, based on the application, that the operator cannot so comply with the 3.0 milligram standard or the 2.0 milligram standard on their appropriate effective dates, the Panel must issue the permit and the operator will be required to maintain the respirable dust level at the lowest level possible but, in the case of the 3.0 milligram standard, at no more than 4.5 milligrams per cubic meter of air, and, in the case of the 3.0 milligram standard, at no more than 3.0 milligrams per cubic meter of air. Permits and renewals thereof are issued for periods of not more than 1 year.

Renewals, where needed, may be issued on the basis of a new application satisfactory to the Panel and upon a determination by the Panel, after notice and an opportunity for a hearing, that the application is satisfactory and that the applicant will still be unable to comply. No permit or renewal thereof can extend the effective date of the 3.0 milligram standard beyond 18 months after enactment, or the 2.0 milligram standard beyond 72 months after enactment.

3. The Senate bill required that the operator continuously maintain the concentrations of respirable dust in the atmosphere of the active mine workings at the established standard and thereby prohibited the averaging of dust measurements over several shifts. The House amendment required that the operator maintain the average concentration of respirable dust in the mine atmosphere to which each miner in the active workings is exposed at the established standard and defined the term "average concentration".

The substitute adopted by the conference requires the operator to maintain continuously the average concentration of respirable dust in the mine atmosphere during each shift to which each miner is exposed at or below the established maximum standard or the permitted maximum standard. It also provides that the term "average concentration" means that, for a maximum period of 18 months after enactment, measurements of a minimum number of the same production shifts in consecutive order are authorized to obtain a statistically valid sample. At the end of this 18 month period, it requires that the measurements be over one production shift only, unless the Secretary and the Secretary of Health, Education, and Welfare find, in accordance with the standard-setting procedures of section 101, that single-shift measurements will not accurately rep-

resent the atmospheric conditions during the measured shift to which the miner is continuously exposed.

4. The Senate bill required that the Secretary make frequent spot inspections of areas of a mine for which permits are issued, as well as all other areas of the mine. The House amendment had no comparable provision. The conference agreement adopts the Senate provision on this matter with technical changes.

5. The Senate bill provided, in this title, for judicial review of the Panel's decision. The House amendment provided in section 5 for such review of all of the Panel's decisions. The conference agreement adopted the House provision.

6. The Senate bill directed the Surgeon General to submit to Congress within 1 year after enactment recommendations as to the maximum permissible total exposure of individuals to coal mine dust during a shift and, within 3 years after enactment, the Secretary must publish a schedule specifying times when mines shall reduce total personal exposure to dust, based on his determination of the time needed for such levels to be technologically feasible. The House amendment directed the Secretary of Health, Education, and Welfare, beginning 1 year after enactment, to reduce the dust level below 3.0 milligrams as he determines such reductions become technologically attainable. The conference agreement adopts the House provision with the requirement that the schedule be published under section 101 and that the new levels prevent new incidences of occupationally caused respirable diseases in the mines and prevent further development thereof. The schedule which may accelerate the times prescribed in this title for the effective dates of the dust standards must prescribe the maximum time necessary to achieve the new levels taking into consideration present and future advancements in technology.

7. The Senate bill provided that respirators must be worn by persons to protect them from exposures to dust levels in excess of the maximum dust levels established under this title. The House amendment provided that respirators and other approved devices must be made available to all persons exposed to such levels. The conference agreement adopts the House provision on this matter as applied to all respiratory equipment.

Section 203

1. The Senate bill directed the operator of an underground coal mine to establish a program requiring that each miner be given an annual X-ray test beginning 9 months after enactment in a manner prescribed by the Surgeon General. The House amendment directs that the operator cooperate with the Secretary of Health, Education, and Welfare in making available to each miner working underground an X-ray at least once every 5 years beginning 1 year after enactment, and that each worker who begins work in a coal mine for the first time shall be given an X-ray and again 3 years later if he is still engaged in coal mining, and if the second X-ray shows evidence of pneumoconiosis such miner shall be given another X-ray within 2 additional years. The conference agreement adopts the House amendment on this matter modified by a requirement that each miner be given an opportunity to have an X-ray within 18 months after enactment and a second X-ray within 3 years thereafter and subsequent X-rays at such intervals as the Secretary of Health, Education, and Welfare may prescribe which does not exceed 5 years. All chest X-rays must be given in accordance with specifications to be prescribed by the Secretary of Health, Education, and Welfare prior to the operative date of this title and from time to time thereafter.

2. The Senate bill provided that X-rays and other medical examinations of miners shall be paid for by the operator with authority in the Secretary of Health, Education, and Welfare to provide such X-rays and examinations on a reimbursable basis. The House amendment also specifically provided that the miner not pay for these and provided that the operator pay other costs necessary to enable the miners to take such X-rays or examinations. The conference agreement adopts the House provision.

3. The Senate bill provided that on the effective date of the 3.0 milligram standard any miner who, based on X-ray or other medical readings, shows evidence of pneumoconiosis shall be assigned by the operator to work, at the option of the miner, in any working section of the mine where the mine atmosphere contains respirable dust concentrations of not more than 2.0 milligrams, and after the effective date of the 2.0 milligram standard such miner shall be assigned to an area below 2.0 milligrams in order to prevent further development of the disease. The House amendment provided that if any miner, based on X-ray readings, shows substantial evidence of the development of pneumoconiosis, he shall, at the option of the miner, be assigned to work within an active working place where the mine atmosphere does not exceed 2.0 milligrams or in an area where the respirable dust concentrations exceeds 2.0 milligrams if he wears respiratory equipment and, within 1 year after enactment, if a miner shows any evidence of pneumoconiosis, he shall be assigned, at the option of the miner, to an area of the mine where the dust concentration is below 1.0 or to whatever lower level the Secretary of Health, Education, and Welfare determines is appropriate to prevent the further development of the disease.

The conference agreement provides that 6 months after enactment which is the effective date of the 3.0 milligram standard any minor based on X-ray readings or other medical examinations such as pulmonary function tests, who shows evidence of the development of pneumoconiosis must be afforded the option of transferring from his position in the mine to another position in any area of the mine where the respirable dust concentration during each shift is not more than 2.0 milligrams. In addition, the substitute provides that 3 years after enactment any miner, based on such readings or other such medical examinations, who shows evidence of the development of pneumoconiosis must be afforded the option of transferring from his position in the mine to another position in any area of the mine where the respirable dust concentration during each shift is not more than 1.0 milligrams, or, if such level is not attainable, to a position in the mine where the respirable dust concentration is the lowest attainable below 2.0 milligrams.

4. The House amendment provided for autopsies of active and inactive miners to be performed, with the consent of the surviving widow or, if there is none, then the surviving next of kin. Such autopsies shall be paid for by the Secretary of Health, Education, and Welfare. There was no comparable Senate provision. The conference agreement adopts the House provision on this matter.

Section 206

The Senate bill provided that within 6 months after enactment the Surgeon General must establish proposed mandatory standards establishing maximum noise exposure levels for all coal mines. The House amendment provided that on enactment the noise standards prescribed under the Walsh-Healey Public Contracts Act, as amended, in effect on October 1, 1969, or such improved standards as the Secretary of the Interior may prescribe, would be applicable to all coal mines and each operator must comply with them. It also required that tests be made every 6 months by a qualified person of the noise level at the mine and that, based on such tests, if the standards are exceeded at that mine, the operator must take immediate action to install protective devices reducing the noise level, except that he shall not require any device that would pose a hazard to the miners. The conference agreement adopts the House provision with modifications requiring that the Secretary of Health, Education, and Welfare establish proposed mandatory health standards establishing maximum noise exposure levels for underground coal mines within 6 months after enactment which levels shall be an improvement over the noise standards prescribed under the Walsh-Healey Public Contracts Act. Also, beginning 6 months after enactment and every 6 months thereafter, tests must be made by the operator of the noise level of the mine by a qualified person and the results must be certified to both Secretaries. In meeting the noise standard, the operator must not require the use of any protective device or system, including personal devices, which the Secretary finds are hazardous or which will cause a hazard to the miners.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS

Section 301

1. Both the Senate bill and the House amendment provided that the standards in this title are interim until superseded in whole or in part by mandatory safety standards promulgated under section 101 of the act. The Senate bill also required that the promulgated standards be an improvement on the safety standards in this title. The provisions of this section are permanent under both. The conference agreement adopts the House language, but with this requirement of the Senate bill. It is intended that these standards not be static, but that they be upgraded and improved to provide increased safety and, when necessary, to meet changes in technology and mining conditions and systems.

2. The Senate bill set forth the purpose of this title and directed that the Secretary immediately accelerate and initiate research, studies, and investigations, including demonstrations and experiments, to further upgrade the mandatory safety standards and to develop new and improved ones, particularly in certain specified areas where technology seemed to be lagging. The House amendment had no similar provision. The conference agreement adopts the Senate version with some technical changes.

3. The Senate bill provided that, where an exception to a standard is authorized, it can only be made when the criteria for the exception as set forth in the standard is met and upon a finding that granting the exception would not pose a danger to the safety of miners. There was no comparable House provision. The conference agreement adopted the approach of including this requirement in the appropriate provision of the title which permits exceptions rather than making it a general requirement, but, at the same time, requiring that, in granting any exception to a standard, the Secretary or his inspector must publish the reasons therefor and make them available to the miners at the mine before the exception is effective. If the miners believe that the granting of any exception will diminish safety, their redress is to utilize the provisions of section 301(c).

4. The House amendment provided a procedure for modifying or waiving a standard where its application may, in fact, diminish safety, or where it is shown that an alternative method of achieving the result of the standard exists which will provide at least equal protection to the miners. The Senate bill had no comparable provision.

The conference agreement adopts both of these House provisions in combined form by providing a procedure under which an operator or the representative of the miners may

petition the Secretary to modify or waive, after a hearing, a mandatory safety standard, including any exception thereto, if he determines (1) that an alternate method exists that provides at least equal protection to the miners, or (2) that the application of the particular standard will result in diminished safety to the miners. The hearing must be public and of record and the Secretary's decision is subject to judicial review under section 106 of the act.

5. The Senate bill provided that, where the safety standards in this title provide that the Secretary prescribe how certain actions, conditions, or requirements be carried out, the rulemaking provisions of 5 U.S.C. 553 will apply, unless the Secretary otherwise provides. The House amendment had no comparable provision. The conference agreement adopts the Senate provision with a modification to recognize that the Secretary of Health, Education, and Welfare also needs this authority. This provision is not intended to apply when a safety mandatory standard is being proposed. In lieu of the rulemaking provisions, the Secretary could utilize the procedures of section 101.

Section 303

1. The House amendment provided that there be maintained a minimum quantity of air at each working face of not less than 3,000 cubic feet a minute; that there also be maintained, in a mechanized mine, a minimum velocity of 100 feet per minute passing to within 5 feet of such face and over any miner operating electrical equipment therein; and that within 39 months after enactment, the dust level in intake aircourses must not exceed 0.25 milligram per cubic meter of air. The Senate bill contained no similar provision.

The conference agreement adopts the minimum air quantity requirement of the House amendment for the working face and directs that, within 6 months after enactment, the Secretary must prescribe for all mines, not just mechanized mines, the minimum quantity and velocity of air reaching each working face which is necessary to render harmless and carry away methane and other explosive gases and to reduce the level of respirable dust to the lowest attainable level. The conference agreement continues the authority found in the House amendment that the inspectors may require greater quantities and velocities on a mine-by-mine basis for both health and safety reasons. The Senate bill provided such authority in separate provisions for health and safety. The conference agreement also requires that, within 15 months after enactment, the Secretary must prescribe the maximum permissible respirable dust level in intake aircourses of each coal mine with the objective of reducing this dust to the lowest attainable level as quickly as possible after such levels are prescribed.

2. The Senate bill referred throughout this title to methane in regard to certain safeguards to prevent accumulations of this dangerous gas. The House amendment used the term "explosive gases" to include methane and other gases. The conference agreement adopts the term "methane", but also requires various safety measures to control these other explosive gases and directs the Secretary to propose within 15 months after enactment mandatory safety standards, in accordance with section 101, for preventing explosions from these other gases and for testing for accumulations of such gases.

3. The Senate bill, in the dust title, provided that the space between the line brattice or other approved devices be sufficient to permit an adequate flow of air to reduce the concentrations of respirable dust at each working face. The House amendment contained a similar provision in this title. The conference agreement combines these provisions in this section 303(c).

4. The House amendment required, as a minimum, one examination during a coal-producing shift of each working section for hazardous conditions. The Senate bill also prescribed what actions are to be taken if such conditions are found. The conference agreement adopts the language of the Senate bill with some technical changes.

5. The Senate bill authorized the inspectors to require the use of an approved methane monitor on electric face equipment. The House amendment directed that such a monitor be installed and kept operative on all electric face cutting equipment and loading machines and, when required by an inspector, on such other face equipment.

The conference substitute is patterned after the House amendment. It directs the Secretary or his inspector to require that a methane monitor, when approved as reliable by the Secretary at anytime after 90 days after enactment, shall be installed, when available, on electric face cutting equipment and loading machines at all mines, except that such monitor shall not be required on any such equipment prior to the date such equipment must be permissible at various types of coal mines under section 305(a) of this title. The conference substitute provides that the methane monitor is an additional backup device for detecting methane and should not be construed as a substitute for the other tests and testing devices required in this title for detecting and controlling methane.

There is clear evidence that reliable, substantially constructed, and effective low-cost methane monitors will soon be generally available. Present approved monitors, according to the Bureau of Mines, are not very reliable and are quite costly. Thus, the managers did not want to require those monitors to be installed on the operative date of this title. Instead the managers expect that the Secretary, in approving reliable and low-cost devices, will be guided by the state of present technology and its progress, or lack thereof, in producing effective, practicable, and economic devices.

It is expected that the Secretary shall apply standards of reasonableness with respect to the monitor, its weight and size relative to the face equipment and/or to the height of the coal seam, and its cost. He shall also take into consideration the extent or degree to which an increase in safety will result by requiring the use of such additional methane detection devices, particularly in the case of certain classes or groups of mines operated entirely above the watertable. It is also expected that these devices will be employed initially and primarily in those mines where, in the Secretary's judgment, the need for such additional safeguards is most urgent from the standard of safety.

6. The House amendment required that the operator of each mine submit a ventilation system plan and a methane and dust control plan to the Secretary for approval within 6 months after enactment. The plan must be reviewed by the operator and the Secretary at intervals of not more than 6 months. The Senate bill has no comparable provision. The conference agreement adopts the House amendment with technical changes.

7. The House amendment directed that each operator provide for the maintenance and care of the permissible flame safety lamps and, before each shift, it must be checked to insure that such lamps are in permissible condition. The Senate bill had no comparable provision. The conference agreement adopts the House language with a modification to cover all devices for testing methane, as well as these lamps.

8. The Senate bill provided for the separation of intake and return aircourses from belt and trolley haulages entries in the case of all mines, except where the entry system does not permit such separation, for the purpose of limiting the velocity of air coursed through these haulage entries to minimize hazards associated with fires and dust explosions originating in these haulageways. The House amendment required such separation from belt haulage entries and, in the case of new mines and in new working sections of existing mines, the Secretary, where there are trolley haulage systems, shall require a sufficient number of entries or rooms as intake aircourses in order to limit the velocity for the purposes mentioned above. The conference agreement adopts the House provision, but it is the intention of the managers that the Secretary carefully review this problem with a view to devising improved requirements for minimizing these hazards to the miners at the working faces from high velocities along belt and trolley haulageways on intake air.

9. The House amendment provided for the ventilation of areas of the mine while actively being pillared in a manner approved by the Secretary or his inspector. It also provided that, within 9 months after enactment, all mines which are or which have been abandoned must be sealed or be ventilated, as determined by the Secretray or his inspector. The Secretary could permit a further time extension of 6 months. It described how adequate the ventilation should be and the method of sealing. In new mines and new working sections, a plan requiring sealing would be required. It also defined the term "abandoned" very broadly.

The Senate bill contained similar requirements for abandoned areas, but did not cover partially pillared areas as the House amendment did. Also, the Senate bill required that when a split of air returns from an area ventilated by bleeders or their equivalent, such split must not contain more than 2.0 volume per centum of methane at the point it enters the other split of air.

The conference substitute is adopted after the House amendment.

Under this substitute, paragraph (1) of section 303(z) requires that areas which are actively being pillared must be ventilated in the manner otherwise prescribed under section 303. The determination of whether an area falls under this paragraph is one for the Secretary or the inspector to make. The conference objective is to provide the greatest safety possible to persons in the area that is actively being pillared through the dilution and removal of the methane and other explosive gases that build up in dangerous quantities not only where miners are working to extract the pillars in that area, but also in the area where the pillars in that area, have been extracted by such miners and where bleeders are used in that area. It is up to the operator and the Secretary or his inspectors to insure that this objective is achieved.

Under the conference substitute, paragraph (2) of section 303(z) provides that, within 12 months after enactment, all areas from which pillars have been wholly or partially extracted, and abandoned areas, shall be ventilated by bleeder entries or by bleeder systems or by equivalent means or be sealed. The conference agreement did not adopt the definition in the House amendment of "abandoned" because it was too broad and unworkable, but rather leaves it up to the Secretary or his inspector to determine on a case-by-case basis whether an area is, in fact, actively being mined or not in applying the provisions of this paragraph. The determination of which method is appropriate and the safest at any mine is up to the Secretary or his inspector to make, after taking into consideration the conditions of the mine, particularly its history of methane and other explosive gases. The objective is that he require the means that will provide the greatest degree of safety in each case. When ventilation is required, the Secretary or his inspector must be satisfied that the ventilation in such areas will be maintained so as continuously to dilute, render harmless, and

carry away methane and other explosive gases within such areas and to protect the active workings of the mine from hazards of such methane and other explosive gases. In other words, he must be assured that such ventilation will be adequate to insure that no explosive concentrations of methane or other gases will be in this area. As an additional safeguard when ventilation is required, the conference agreement provides that air coursed through underground areas from which pillars are wholly or partially extracted which enters another split of air shall not contain more than 2.0 volume per centum of methane, when tested at the point it enters such other split. The managers intend that this letter provision not be construed as permitting accumulations of methane near or in the explosive range in the pillared or abandoned areas on the basis that the methane in the return does not exceed such percentage, and also expect that the Secretary will establish a lower percentage as soon as technology permits. When sealing is required, such sealing shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine.

Under the conference substitute, paragraph (3) of section 303(z) provides that, in the case of mines opened on or after the operative date of this title, or in the case of areas developed on or after such date in mines opened prior to such date, the mining system shall be designed, in accordance with a plan and revisions thereof approved by the Secretary and adopted by the operator, so that, as each set of cross entries, room entries, or panel entries of the mine are abandoned, they can be isolated from the active workings of the mine with explosion-proof bulkheads approved by the Secretary or his inspector.

The managers expect the Secretary to take the lead in improving technology in this area of controlling methane accumulations in gob areas and to improve upon this important section 303(z).

Section 305

1. The Senate bill required, 16 months after enactment, that—

All electric face equipment at gassy mines be permissible;

All small electric face equipment at all coal mines, whether classified as gassy or not, be permissible; and

All large electric face equipment at mines not previously classified as gassy be permissible.

The Senate bill also provided that, in the case of mines not previously classified as gassy which are below the watertable or those which are above the watertable and which produce more than 75,000 tons of coal annually, such compliance date may be extended on a mine-by-mine basis for 3 years, if such large equipment is not available. In the case of mines not previously classified as gassy which are above the watertable and which produce less than 75,000 tons of coal annually, such large equipment must be permissible 39 months after enactment, and then the Panel can grant a further 2-year extension to comply.

The House amendment provided, in the case of gassy mines, that all electric face equipment must be permissible within 15 months after enactment with authority in the Secretary to extend this period for 1 more year based upon the availability of such equipment, and that, in all mines, small electric face equipment must be permissible in 15 months. In the case of mines not previously classified as gassy, large electric face equipment shall be permissible 4 years after enactment, but the Secretary may waive this requirement for a period of 2 years, and thereafter, on a mine-by-mine basis, if such equipment is not available.

The conference substitute adopts the Senate language with technical changes and with changes in the time requirements. It also deletes the tonnage limitation in the Senate bill. It requires that all electric face equipment at gassy mines and all such small equipment at all mines be permissible within 15 months after enactment. It also requires that, in the case of mines not previously classified as gassy which are below the watertable, such large equipment must be permissible in 15 months, but the Panel may grant extensions of time of not to exceed in the aggregate an additional 33 months if the Panel determines, based on a new application and after an opportunity for a public hearing, that the operator, despite his diligent efforts, is unable to comply with the permissibility requirement because of unavailability of permissible equipment. In the case of mines not previously classified as gassy which are located entirely above the watertable, one or more mine openings of which were made and connected with other openings prior to enactment, the conference agreement provides that such large equipment must be permissible within 51 months after enactment but the Panel can grant extensions, after an opportunity for a public hearing, of not to exceed 2 years on a mine-by-mine basis because of unavailability of such equipment.

In any case where a mine, not classified as gassy as provided in this section, is later found to be gassy under State law and such State law requires that all electric face equipment be permissible, such State law would control and all such equipment must then be permissible and be maintained in permissible condition and, of course, no permit could be issued by the Panel for that mine under this section.

2. The Senate bill provided that all power circuits, except energized trolley wires, and electrical equipment be deenergized before work is done on them. The House amendment also expected trouble shooting and testing and required that work on trolley wires must be performed by a person qualified to make repairs. When working on deenergized equipment and circuits, the Senate bill required that such work be done by or under the direct supervision of a competent electrician, while the House amendment required that it be performed by or under a qualified person.

The conference agreement adopts the House provision with the requirement that work on energized trolley wires must be done by a person trained to perform electrical work on such wires and to maintain them, and with the requirement that work on deenergized low-, medium-, or high-voltage circuits, except trolley wires, must be done by a qualified person or by a person who is trained to perform electrical work and to maintain electrical equipment under the direct supervision of a qualified person.

The term "qualified person" is defined in section 318 of the conference substitute. Such person must be qualified, in accordance with minimum requirements which the Secretary must prescribe, by training, education, and experience to be, in effect, an electrician. This definition avoids the vagueness and possible misconception of the meaning of the term "competent electrician," while at the same time, it continues the intent of the managers that the individual be qualified to perform this hazardous work. The conference language also recognizes that some persons, while not able to meet the requirements of a qualified person, may have sufficient training and experience to perform repair work on deenergized circuits and equipment under the direct supervision of a qualified person and on low-voltage trolley wires. The operator shall designate these persons and the Secretary or his inspectors must qualify them to insure that they meet this standard.

Section 306

The Senate bill permitted only one temporary splice in trailing cables and, when so spliced, they can only be used for a 24-hour period. The House amendment permitted two such splices and a third during a shift. The conference agreement adopts the Senate version.

Sections 307, 308, and 309

1. The Senate bill provided for a system of grounding of high-, low-, and medium-voltage circuits extending underground for resistance grounded systems. The House amendment contained similar requirements but also provided for the use of underground circuits where they are steel armoured or installed in grounded, rigid steel conduits. The conference agreement adopts the House version with some technical changes.

2. The Senate bill prohibited any work being performed on ungrounded, energized high-voltage lines whether on the surface or underground. The House amendment permitted repairs on energized surface high-voltage lines if certain specified procedures and safeguards are taken as prescribed by the Secretary prior to the operative date of this title. The conference agreement adopts the House version.

3. The Senate bill prohibited the movement of energized power centers and portable transformers. The House amendment also prohibited such movement, except when alternate sources of power to move such centers and transformers are not available the Secretary may permit them to be moved while energized if an equivalent or greater hazard may result from failure to so permit their removal. The conference agreement adopts the House version with technical changes.

4. The Senate bill required that low-, medium-, and high-voltage circuits include fail safe ground check circuit 4 months after enactment. The House amendment made the same requirement for low- and medium-voltage circuits 9 months after enactment. The conference substitute adopts the House approach applicable to such circuits, including high-voltage circuits, with authority in the Secretary to extend this time up to 12 additional months on a mine-by-mine basis where such devices are unavailable.

Section 311

1. The Senate bill required that fire suppression devices be installed on underground equipment within 16 months after enactment, and permitted the use of fire resistant hydraulic fluids in the hydraulic systems of unattended equipment. The House amendment required both in the case of hydraulic systems of unattended equipment and directed that such fluids be used in the hydraulic systems of other equipment unless fire suppression devices are installed. The conference agreement adopts the House version.

2. The House amendment required that within 5 months after enactment devices for giving a warning of a fire must be installed at suitable locations along underground belt conveyors. The amendment also directed the Secretary to prescribe a schedule for installing fire suppression devices on belt haulageways. The conference agreement adopts the House version.

Section 312

Both the Senate bill and the House amendment required the maintenance of a mine map. The Senate bill required that the map be confidential except for disclosure for certain specified persons. The House amendment directed that the Secretary of Housing and Urban Development receive a copy. The conference substitute provides that the map shall be made available to the Secretary and his inspectors, the Secretary of Housing and Urban Development, the miners and their representatives, operators of adjacent

mines, and to persons owning, leasing, or residing on surface areas of such mines or on areas adjacent to such mines, but that otherwise it shall be kept confidential.

Section 314

The House amendment provided that haulage cars acquired for a mine 16 months after enactment must have automatic couplers. Haulage cars without such couplers in use in a coal mine 3 months after enactment shall be equipped with such automatic couplers within 51 months after enactment. The Senate bill has no comparable provision. The conference agreement adopts the House provision.

Section 317

1. The Senate bill required that, when oil and gas wells are located, the operator must establish and maintain barriers around such wells in accordance with State laws, but the barrier must not be less than 300 feet in diameter unless the Secretary or his inspector permits a lesser barrier. The House amendment permitted a lesser barrier where such is found to be adequate to protect the miners and authorized the Secretary or his inspector to require a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such greater barrier. The conference agreement adopts the House version.

2. The Senate bill directed that the Secretary prescribe illumination standards within 21 months after enactment. The House amendment provided that the Secretary prescribe such standards after the operative date of the title. The conference agreement provides that the standards be prescribed within 12 months after enactment and all working places be illuminated by permissible lighting not later than 18 months after final promulgation of such standards under section 101.

3. Both the Senate bill and the House amendment provided at least two escapeways with at least one on intake air. The Senate bill required that they be continuous to the surface. The House amendment required that they be adequate to insure passage at all times of anyone in low or high coal, including a disabled person, and they must be continuous from the working section to the surface escape drift opening and, in the case of a slope or shaft mine, to the escape facilities to the surface. The House amendment required that escape facilities be immediately present at or in each escape shaft or slope. The conference agreement adopts the House provision but requires that escape facilities be ever present and operable at or in each escape shaft or slope so that they may be put into use with the minimum of delay and allow everyone to escape quickly.

In the case of new coal mines, the Senate bill required that escapeways on intake air be separated from belt and trolley haulage entries. The House amendment required such separation for their entire length to the working section, but the Secretary or his inspector may lessen or extend the separated entries so long as such extension does not pose a hazard to miners in the mine. The conference agreement adopts the House provision on the understanding that in limited situations, such as the case of longwall mining in some coal seams, a greater hazard to the miners may exist from roof falls or other hazards if such separation is required to the working section. Under such limited or similar circumstances, it may therefore be necessary to permit a lesser extension of the entries. Accordingly, the provision permits this exception to the general requirement, as well as authorizing the further extension of this separation to the working place or to the working face, where the Secretary or his inspector require it. As in the case of all other exceptions under this title, the findings of the Secretary or his inspector regarding the exception must be made available to the miners at the affected mine under section 301(d).

4. The House amendment required that devices to suppress gas ignitions from cutting bits on electric face equipment be installed when technologically feasible. The Senate bill had no comparable provision. The conference agreement adopts the House provision with a provision that such device prevent ignitions. As is the case under other standards where improved technology is needed to be developed, it is expected that the Secretary will take the lead in developing the technology.

5. The House amendment required when mining is undertaken under any body of water that the operator obtain a permit from the Secretary and provide adequate safeguards against caveins and other hazards. The Senate bill had no comparable provision. The conference substitute is patterned after the House provision, but is limited to new mines and new working sections of existing mines located under bodies of water considered sufficiently large by the Secretary to constitute an actual or potential hazard to miners in the mine, which was the intent of the House amendment. It also requires that no permit will be needed where the new working section is located under a reservoir being constructed by a Federal agency on the date of enactment of this Act and where the operator is required by such agency to operate in a manner that will adequately protect the safety of the miners. In all cases where such a permit is issued, or where no such permit is required, the operator must, of course, continue to comply with the other applicable safety standards prescribed by this title.

6. The House amendment directed that the Secretary require that developed and improved devices for monitoring and detecting unsafe conditions be utilized as they become available. The Senate had no comparable provision. The conference agreement deleted this provision because the Secretary can, should, and has the authority to require such improved devices and systems under section 101 of the act, as is the case in connection with other standards under this act.

7. The House amendment required that an adequate supply of potable water shall be provided for drinking purposes in the active workings of the mine. The Senate bill had no comparable provision. The conference agreement adopts the House provision with technical changes. The managers intend that the Secretary of Health, Education, and Welfare prescribe guidelines in this area.

8. The House amendment provided for early retirement of Federal inspectors. The Senate bill did not have any comparable provision. The conference agreement deleted this provision as it raises general questions involved in pending legislation in both Houses.

Section 318

1. The House amendment, but not the Senate bill, defined the terms working face, working place, working section, active workings, and abandoned areas. The conference agreement adopts the House provision with technical changes.

2. The Senate bill defined the term permissible electric face equipment and required that the Secretary provide procedures for approving equipment as permissible including, where feasible, for field testing of such equipment to facilitate compliance with the provisions of section 305(a) of this title and approval and certification by an inspector. The House amendment had no comparable provision. The conference agreement adopts the Senate provision.

TITLE IV—BLACK LUNG BENEFITS

PART A

The Senate bill set forth certain findings relative to the need for, and desirability of, a benefit program for inactive miners, their dependents, and their surviving widows and children where such miners are disabled or died due to complicated pneumoconiosis. It also provided that it is the purpose of title V of the Senate bill to provide interim emergency health benefits to coal miners who are totally disabled and unable to be gainfully employed due to complicated pneumoconiosis, to widows and children of such miners, and to develop further information on the subject. The House amendment did not have such a statement of purpose. The conference substitute finds that there are a significant number of living coal miners who are totally disabled from pneumoconiosis arising out of employment in one or more underground coal mines; that there are survivors of such miners whose death was due to this disease, and that few States provide such benefits. It also states that it is the purpose of this title to provide such benefits and to insure that future adequate benefits are provided to coal miners and their dependents where disability or death occurs from such disease.

The House amendment defined the terms coal mine, complicated pneumoconiosis, dependent, and widow. The Senate bill had no similar provision. The conference agreement adopts the House language for widows and dependents. It also defines the terms pneumoconiosis, Secretary, miner, and total disability.

PART B

The Senate bill directed the Secretary of Health, Education, and Welfare to develop and promulgate disability benefits standards which would govern the determination of persons eligible to receive benefits and the procedure used in disbursing such benefits. The standards, among other things, are to take into consideration the length of employment in coal mines deemed sufficient to establish a claim. The standards are effective upon promulgation unless a later date of no more than 7 months after enactment is prescribed. The House amendment had no similar provision but defined the term complicated pneumoconiosis. The conference agreement directs the Secretary of Health, Education, and Welfare to prescribe by regulation, standards to determine whether a miner is totally disabled due to, or died from, pneumoconiosis. It provides that the regulations shall not be more restrictive than the regulations applicable to section 223(d) of the Social Security Act. It is expected that initially the criteria applied by the Secretary will be that now applied under section 223 (d) of that Act. Such standards would, among other things, require that the administrators of this program apply the best medical means available for ascertaining the disease in the miner.

The Senate bill provided for benefit payments to persons determined to be eligible by a State in accordance with the standards of the Secretary of Health, Education, and Welfare based upon the minimum monthly payment to which a Federal employee in grade GS–2, who is totally disabled is entitled. Under the Senate bill, the Secretary of Health, Education, and Welfare would make grants to cover the entire cost of such payments through June 30, 1971, and to pay one-half of such costs during the fiscal years ending June 30, 1972 and 1973. It authorized annual appropriations for those 3 fiscal years with a requirement for a proportionate reduction in grants and payments if appropriations are not sufficient.

The House amendment provided payments to miners totally disabled from complicated pneumoconiosis and to the widows of miners who suffered from complicated pneumoconiosis at the time of death. The disease must have arisen out of, or in the course of, the individual's employment in a coal mine. If he was so employed for 10 years or more, there is a rebuttable presumption that the disease so arose; if he was not, the individual must demonstrate that his disease so arose.

Anyone who suffered from this disease is deemed to be totally disabled and therefore eligible.

Under the House amendment, payments are based upon the minimum monthly payment to which a Federal employee in grade GS–2, who is totally disabled, is entitled at the time of payment under provisions of Federal law relating to Federal employees (sec. 8112, title 5, United States Code). In the case of total disability, the disabled individual is entitled to payment at a rate equal to 50 percent of such minimum monthly amount. The widow of a miner entitled to payment would be eligible to receive the same amount. The payment would be increased to allow for up to three dependents. The first dependent would increase the basic payment by 50 percent; the second dependent by 75 percent; and the third dependent by 100 percent. The maximum monthly payment, therefore, to which an eligible individual is entitled under this subsection is equal to the minimum monthly payment such Federal employee is entitled to.

Under the House amendment, the Secretary of Labor shall enter into agreements with the Governors of the States under which the State will receive and adjudicate claims under this subsection from its residents and under which the payments will be made. Each Governor will implement the agreement in any manner he determines will best effectuate the provisions of this subsection. If the Secretary of Labor is unable to enter into an agreement with a Governor or if a Governor requests him to do so the Secretary may make payments directly. When the Secretary of Labor has an agreement with a State he will make a grant to the State for the purpose of making the individual payments.

No claim would be considered unless it is filed (1) within 1 year after the date an employed miner received the results of his first chest roentgenogram as provided under section 203, or, if he did not receive such a chest roentgenogram, the date he was first afforded an opportunity to do so under that section, or (2) in the case of any other claimant, within 3 years from the date of enactment of this act, or, in the case of a claimant who is a widow, within 1 year after the death of her husband or within 3 years from the date of enactment of this act, whichever is the later.

The conference substitute provides that the program under part B would be administered by the Secretary of Health, Education, and Welfare who, based on the heretofore mentioned standards, shall provide benefit payments to miners for total disability from pneumoconiosis and to widows of miners whose death is due to this disease. If a miner who suffered or is suffering from the disease was or is employed in one or more underground coal mine for 10 or more years, there is a rebuttable presumption that his disease arose out of such employment and if a deceased miner was so employed and died from a respirable disease, there is also a rebuttable presumption that death was due to this disease. If a miner is suffering or suffered from a chronic dust disease of the lung based on certain specified medical evidence as defined in section 411(c)(3), there is an irrebuttable presumption that he is totally disabled due to pneumoconiosis or that his death was due to this disease. The benefit payments are to be made as provided in the House amendment; that is, in accordance with the minimum monthly payment to which a Federal employee in grade GS–2 is entitled for total disability. Benefits for miners are to be reduced by an amount equal to any payment which the miner or his widow receives under State workmen's compensation, unemployment compensation, or disability insurance laws due to disability of such miner, and the amount by which such payment to the miner would be reduced on account of excess earnings under the Social Security laws.

In the case of total disability of a miner, the claims must be filed on or before December 31, 1972. In the case of a widow, the claim must be filed within 6 months after death of her husband or by December 31, 1972, whichever is later. Benefits are payable to a widow due to death of a miner under part B if the miner was receiving total disability benefits prior to his death or if the death of the miner occurred prior to January 1, 1973. Also, the benefit program provides that no benefits shall be paid after December 31, 1972, for a miner who filed his claim after December 31, 1971. The House amendment provided that no benefit payments shall be made to residents of any State which, after enactment, reduces to persons eligible under this program the benefits it pays under its State laws which are applicable to its general work force with regard to workmen's compensation, unemployment compensation, and disability insurance, and which are funded by employer contributions. Benefit payments made under State programs funded by general revenues are not included in the maintenance of effort provision in the House amendment for the reason that they are not considered to be workmen's compensation, unemployment compensation, disability insurance programs as such programs are generally understood, and as they are intended to be understood within the context of this benefit program. Any changes in such payments or programs subsequent to the date of enactment, therefore, would not affect payments to the residents of such State under the House amendment. The Senate bill prohibited the making of benefit payments where a State reduced its benefits to an eligible person. The conference substitute adopts the House amendment without change and together with the above intent.

PART C

The conference substitute also provides that on or after January 1, 1973, benefit claims must be filed pursuant to applicable State workmen's compensation laws, except, in any period when miners or widows are not covered by any such law which provides adequate coverage for pneumoconiosis, they shall be entitled to claim benefits under this provision of the act. A State workmen's compensation law shall not be deemed to provide adequate coverage for pneumoconiosis during any period unless it is included in a list of State laws found by the Secretary of Labor and published by him, in accordance with guidelines set forth in this provision, to be adequate. During any period after December 31, 1972, in which a State workmen's compensation law is not so included, the applicable provisions of the act of March 4, 1927, as amended, shall be applicable to an operator of an underground coal mine in such State with respect to death or disability due to this disease arising out of employment in such mine. During such period, the operator shall be liable for, and secure the payment of, benefits to the persons listed in section 412(a) as provided in part C of this title, except that no benefit payments shall be required for any such period seven years after enactment.

TITLE V—ADMINISTRATION

Section 501

1. Both the Senate bill and the House amendment contained provisions under which studies, research, experiments, and demonstrations will be carried on in the fields related to working conditions, prevention of accidents, and control of causes of occupational diseases in the coal mining industry. The House amendment contained a number of specific descriptions of particular matters to be investigated. A number of these have been adopted in the conference substitute, as well as one provision of the Senate bill which required research to develop new and improved sources of power for use underground which was not included in the House amendment. The House amendment required the Secretary of the Interior to distribute or divide the funds available for carrying out the section as equally as possible between himself and the Secretary of Health, Education, and Welfare. This provision is not included in the conference substitute because provision is made for appropriations directly to both. The House amendment also required that activities in the field of health be carried out by the Secretary of Health, Education, and Welfare and the activities in the field of safety be carried out by the Secretary. This House provision was included in the conference substitute.

2. Both the Senate bill and the House amendment authorized contracts and grants to public and private agencies and organizations and individuals to carry out research, experiments, demonstrations, studies, training, and education under this section and sections 301(b) and 502(a) without regard to limitations in other statutes on contracts and grants applicable to other programs of the Secretary. In addition, the Senate bill authorized such grants and contracts to carry out other education and study activities. The conference substitute adopts the provisions of the Senate bill in this regard.

3. The House amendment provided that no research can be carried out under the act unless all developments resulting from such research would be available to the general public, subject to such exceptions and limitations as the Secretary or the Secretary of Health, Education, and Welfare might find necessary in the interests of national security. The Senate bill did not contain this provision. The conference adopts the House provision but substitutes public interest for national security.

4. The Senate bill contained a provision which had no counterpart in the House amendment which provided for studies and research of matters involving the protection of life and the prevention of diseases in connection with persons, who, although not miners, work with or around the products of coal mines in areas outside of such mines and under conditions which might adversely affect their health and well-being. This provision is retained in the conference substitute.

5. The Senate bill authorized the appropriation to the Secretary of the Interior of funds to carry out his functions under this section and section 301(b) at an annual rate not exceeding $20 million for fiscal year 1970, $25 million for fiscal year 1971, and $30 million for fiscal year 1972, and each succeeding fiscal year thereafter. It also authorized a separate appropriation of such sums as may be necessary to the Secretary of Health, Education, and Welfare to carry out the responsibilities imposed upon him by the Act with respect to research in the field of health. The comparable provision of the House amendment authorized the appropriation of such sums as might be necessary to carry out the section. The conference substitute adopts the provisions of the Senate bill with technical changes.

6. The Senate bill authorized the Secretary to grant an operator, on a mine-by-mine basis, exceptions to any of the provisions of the Act for the purpose of granting engineering institutions an opportunity to experiment with new techniques and equipment to improve the health and safety of miners where it will not adversely affect their health and safety. The conference substitute adopts this provision with a modification to insure that its benefits will not be limited to engineering institutions but will be available to other accredited educational institutions. The Secretary, of course, may also conduct such experiments directly under his research authority.

7. The Senate bill authorized grants to public and private agencies, institutions, and

organizations, and operators or individuals for research and experiments to develop effective respiratory devices and other devices to carry out the purposes of the act. The conference substitute adopts this provision of the Senate bill, but limits it to the development of respiratory equipment.

Section 502

Both the Senate bill and the House amendment contain provisions relating to programs for the education and training of coal-mine operators, agents thereof, and miners. The Senate bill also directs the Secretary to provide technical assistance to mine operators, but no comparable provision was in the House amendment. The conference agreement adopts this provision of the Senate bill.

Section 503

1. The Senate bill provided Federal assistance to coal producing States in developing and enforcing effective health and safety laws and regulations applicable to mines in the States, and to promote Federal-State coordination and cooperation in improving health and safety conditions in the Nation's coal mines. It provided, that, in order to receive Federal assistance, the State must submit a plan designating the State coal mine inspection or safety agency as the agency for administering the plan and containing assurance that it will have authority to carry out the plan, gives assurances that an adequate staff will be employed, sets forth the plans, policies, and methods to be followed in carrying out the plan, provides for extension and improvement of the State's program for coal mine health and safety, and prohibits advance notices of inspections, contains the usual common provisions relating to fiscal control and fund accountability and for reports to the Secretary and meets additional conditions prescribed by the Secretary. The Secretary is authorized to discontinue the assistance under the plan if the State fails to comply with it or fails to give reasonable cooperation in administering this Act. If the State is aggrieved by the Secretary's decision to discontinue assistance under the plan, an appeal lies to the Court of Appeals for the District of Columbia. The Senate bill further provided that grants may be made where there is an approved State plan to carry it out, including the cost of training inspectors, and to assist States in planning and implementing other programs for the advancement of health and safety in coal mines. The Senate bill provided that the Federal grant may not exceed 80 percent of the cost of the program. It authorized the appropriation of $3 million for the fiscal year 1970 and $5 million for each succeeding fiscal year to carry out the program. It also required an equitable distribution of these funds among the States and for coordination between the Secretaries with the Secretary of Labor and Health, Education, and Welfare in making grants under the section.

The comparable provision of the House amendment provided for grants to coal mining States to assist them to conduct research and planning studies to carry out plans designed to improve their workmen's compensation and occupational disease laws and programs as they relate to compensation for pneumoconiosis and injuries in coal mine employment, and to assist the States in planning and implementing other programs for the advancement of health and safety in coal mines. The grants under the House provision would not extend beyond a period of 5 years following the effective date of the act and would be made only to States which have an approved State plan. The Secretary would approve State plans which provide for making reports to him and for fiscal control and fund accounting procedures, and assure that the State will not reduce its existing State programs or benefits, and meets other conditions which he may prescribe. The provision prevented the Secretary from disapproving a State plan without giving the State an opportunity for a hearing. The amount granted under the House amendment could not exceed 80 percent of the amount expended by it in carrying out the plan. The House amendment authorized the appropriation of $1 million for the fiscal year 1970 and each succeeding fiscal year for carrying out the section.

The conference substitute combines the provisions of both bills, but the requirement of a State plan is not included. Instead, the conference substitute requires the annual filing of an application for a grant. The conference substitute does give an opportunity for judicial review by the Court of Appeals for the District of Columbia of decisions of the Secretary when he disapproves a State application. As agreed to in conference, the amount authorized to be appropriated is $3 million for the fiscal year 1970 and $5 million annually thereafter for grants to be distributed equitably to coal producing States with approved applications. The amount of the grant to any coal mining State for a fiscal year is limited to 80 per centum of the sum expended by the State annually to carry out the grant application. The managers intend that the Secretary provide grants to States where there is actual coal production during the previous fiscal year for commerce.

2. The provision in the Senate bill providing for the development of facilities, as appropriate, to train Federal and State coal mine inspectors jointly is retained under the conference agreement with a modification to make it clear that it also provides for the construction of such facilities where needed.

Section 504

The Senate bill amended the Small Business Act to authorize loans (either directly or in cooperation with banks or other lending institutions) to assist small business coal mine operators in effecting additions or alterations in the equipment, facilities, or methods of operation on such mines to meet requirements imposed by this act if the Small Business Administration determines that such concern is likely to suffer substantial economic injury without such assistance. The Senate bill also permitted loans to be made or guaranteed under section 202 of the Public Works and Economic Development Act of 1965 for this new purpose. The corresponding provision of the House bill authorized the Secretary for 5 years after enactment to make loans to coal mine operators to enable them to procure or convert equipment needed by them to comply with the provisions of this Act. These loans would have had maturities set by the Secretary but not in excess of 20 years and would bear interest at a rate which would be adequate to cover the cost of the funds to the Treasury, the cost of administering the section, and probable loss. The Secretary would be required to use the services of the Small Business Administration. The conference substitute adopts the provisions of the Senate bill on this matter.

Section 505

Both the Senate bill and the House amendment contained provisions relating to qualifications and training of inspectors and other personnel. The Senate bill, unlike the House amendment, also waived the provision of the Revenue and Expenditure Control Act of 1968 relating to the number of employees for this program. Because of the clear need for more qualified inspectors and other personnel to enforce and administer this Act, the House amendment, with this provision of the Senate bill, is retained in the conference substitute.

Section 506

The Senate bill provided that nothing in the Act would be construed to supersede or effect workmen's compensation laws of the States or to affect common law rights, duties, or liabilities of employers and employees under specified State laws. No comparable provision was contained in the House amendment, and no such provision appears in the conference substitute.

Section 509

The Senate bill provided that the operative date of the interim health and safety standards would be four months after enactment. The House amendment provided that the safety standards be effective three months after enactment and that the health standards be effective six months after enactment. The conference agreement adopts the House provision with a modification noting that, where an earlier effective date is specified, such date shall control.

Section 511

The Senate bill required an annual report to the Congress by the Secretary and the Surgeon General. The House amendment also provided for separate annual reports by the Secretary and the Secretary of Health, Education, and Welfare but specified in greater detail the matters to be included in the reports. The conference agreement adopts the House language with technical changes. The managers intend that these reports be as informative as possible about the actions taken and not taken by the two Secretaries under this Act to achieve its purposes and, most particularly, to achieve compliance with its provisions.

Section 512

The House amendment provided for a study by the Secretary of the ways to coordinate Federal and State coal mine health and safety activities. The Senate bill had no comparable provisions. The conference agreement adopts the House provision.

Section 513

The Senate bill provided that in any proceeding involving the validity of the interim mandatory health and safety standards, no temporary restraining orders or preliminary injunctions restraining or enjoining such standard shall be issued pending a final determination of the issue on the merits. There was no comparable House provision. The conference adopts the Senate provision.

CARL D. PERKINS,
JOHN H. DENT,
ROMAN C. PUCINSKI,
AUGUSTUS F. HAWKINS,
PATSY T. MINK,
PHILIP BURTON,
WILLIAM H. AYRES,
JOHN N. ERLENBORN,
ALPHONZO BELL,
DOMINICK V. DANIELS,
JOHN M. ASHBROOK,
Managers on the Part of the House.

SCHOOL INTEGRATION PROBLEM

(Mr. LOWENSTEIN asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, it has been 6 weeks since the Supreme Court said that time had run out for racially segregated schools, and that school districts must implement integration plans "at once." That order was the exclamation point to the Kerner Commission warning, and to the hope of those Americans who do not want to preserve or create a dual society.

We are now at another critical juncture in the handling of the school integration problem, and since school integration is so clear a test of direction for the whole country, the implications of the choice we must soon make extend

across the land. It is not the fault of the present administration that it has inherited so great a problem, but its response has encouraged extremists of both races and has multiplied doubts about its intent. This in turn has compounded the problem and makes it essential that we turn our attention to the situation right away.

Is it not extraordinary that the Department of Justice, now armed with the most straightforward and explicit mandate that a unanimous Supreme Court could possibly issue, still has not filed one motion to implement the Holmes decision in any of the Mississippi counties where there are existing HEW plans? And this from the Department most celebrated for its devotion to law and order.

What is almost as remarkable is the fact that the Department of Justice refuses to take legal action requesting the courts to require a faster rate of desegregation in districts where it had previously supported 1970 or post-1970 terminal plans. Nor should anyone forget that the Department had previously interpreted "at once" to be consonant with the fifth circuit order requiring desegregation by the fall of 1970, an interpretation that resulted in private litigants having to assume the burden of enforcing the Supreme Court ruling—and in the Supreme Court overruling the fifth circuit immediately by issuing orders in six southern school districts to desegregate fully by February 1970.

How much longer can we allow this constitutional mandate to be ignored when we know by long experience that each further delay brings greater disarray? Yet on and on we go, into worsening mistrust and deeper divisions and frustrations.

The administration's backpedaling on school desegregation has already taken other tolls too: the lawyer's revolt in the Civil Rights Division of the Department of Justice, climaxed so foolishly by the forced resignation of Gary Greenberg, one of the most brilliant and courageous attorneys there; the crushing once again of the hopes of all Americans, black and white alike, who want to see this country do at last what we ought to have done so long ago; and, perhaps saddest of all, another semester's delay before thousands of black children in the South can begin to get equal opportunities for their education.

Mr. Speaker, I am introducing into the Extensions of Remarks today a compilation of actions taken and not taken by the Justice Department during the past year. This document was put together by my staff under the direction of a remarkable young attorney, Miss Marna Tucker. Anyone who takes time to study it will understand why so many of us are coming to the conclusion that the administration's behavior has been inexcusable. I shall soon recommend specific steps for the Congress to take, but in the meanwhile I hope there will be a growing realization that all Americans committed to the rule of law and to the democratic process must demand a change in the administration's attitude and policy.

If we choose the wrong road again at yet another critical juncture, we may seem pass the point of no return so far as avoiding the dire prophecies of the Kerner Commission are concerned.

Mr. Speaker, the material referred to in my remarks on the floor is as follows:

REPORT ON THE ENFORCEMENT OF CONSTITUTIONALLY REQUIRED SCHOOL DESEGREGATION BY THE U.S. GOVERNMENT: JANUARY 20, 1969—DECEMBER 1, 1969

(Prepared by the Office of Congressman ALLARD K. LOWENSTEIN)

On October 29, 1969, the Supreme Court of the United States held that the constitutional "obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools."[1] The circumstances leading up to that historic ruling and the subsequent actions of the United States relative to the enforcement of the constitutional rule constitute the subject matter of this document.

I. Introduction.—In August and again in September of this year, the attorneys of the Civil Rights Division of the Justice Department charged that the actions of the Administration were inconsistent with "clearly defined legal mandates." An examination of the facts as set forth in this report lends substance to this serious allegation and further demonstrates that what began as a policy of confusion, involving an *ad hoc* approach to individual school desegregation cases, has recently manifested itself as a "major retreat"[2] in federal enforcement of constitutionally required school desegregation.

While the Supreme Court has said that school districts must develop desegregation plans that "promise realistically to work now,"[3] and has ordered implementation of such plans "at once,"[4] the President indicates that the civil rights enforcement policies of his Administration look toward achieving a middle ground between compliance with the law and disobedience of the law:

It seems to me that there are two extreme groups. There are those who want instant integration and those who want segregation forever. I believe that we need to have a middle course between those two extremes.[5]

The effects of such a policy are certain to be disastrous, imperilling our constitutional system and the procedures therein provided for the vindication of equal protection of the laws, undermining the position and influence of courageous white Southerners and civil rights workers who endangered life and limb by arguing the necessity of compliance with the law in hostile communities, destroying the effectiveness of the civil rights lawyers in the Department of Justice who have for years continued to make the case for the achievement of integration through the orderly processes of law, and crushing the hopes of those Americans, black and white, alike who do not want to live in a segregated, dual society.

This Administration's policy of non-enforcement of politically unpopular laws has put the constitutional rights of people on the market place of political barter. The concept of equal protection of the law must never be allowed to be bought and traded like so many highways or dams.

A retreat in civil rights enforcement activity by the federal government must ultimately impair the ability of the judiciary to vindicate constitutional and statutory rights. If the judiciary as a constitutional institution cannot accommodate change because its decrees will not be enforced, then one must fear that other methods will be resorted to in order to achieve constitutionally-designated rights. That possibility is made all the more certain because the Administration's attitude has had the effect of generating the hope among those who would disobey the law that their resistance will prove profitable. One must inevitably ask how the Administration can demand of the young citizens of this nation respect and obedience for all laws, no matter how unpopular, when the Administration itself chooses not to enforce politically unpopular laws.

II. The January 20–July 3, 1969 Period.—From almost its first day in office this Administration demonstrated a softness on school desegregation. During this initial five month period its actions were highly confusing and contradictory. It was apparent that there was no overall, clearly defined policy. In a number of cases, decisions were made which indicated a general lattitude on the part of Administration officials that the United States should ease the pressure it had been previously exerting on school districts to eliminate racially designated dual school systems by September, 1969.

Mr. Jack Greenberg, Director-Counsel of the NAACP Legal Defense and Education Fund, Inc., issued a statement on September 9, 1969, which included the following chronology of Administration actions (pages 5–6):

January 29—Five Southern Districts about to be terminated are given a 60-day period of delay by Secretary Finch. If the districts come up with acceptable plans, they will receive lost funds retroactively.

March 10—Secretary Finch's interview in *U.S. News and World Report* alluded to some impending change in the guidelines. In addition the Secretary was quoted as saying that HEW must retain its enforcement powers: "We cannot turn (the whole enforcement-compliance field) over to the Justice Department now because we have built up a certain momentum in education, in terms of getting school districts to recognize that a . . . national goal has been set. If you were to chop off everything now in my department, just let Justice handle compliance . . . I think a lot of this momentum that has been built up would be lost."

March 14—General Counsel designate Robert Mardian sends Secretary Finch a memorandum advocating among other things that HEW might permit an extension beyond the previously established 1969 target date and that this policy could be implemented without any particular public announcement.

March 18—Civil Rights Leadership Conference received assurance from Finch that there will be no change in the guidelines.

March 24—Secretary Finch disavows Mardian memorandum.

April 15—The *Washington Post* reports that Administration sources claim that the guidelines are being "revamped" because they are "vague and ambiguous." Secretary Finch and Attorney General Mitchell reportedly attending meetings at the White House on the guidelines.

April 22—Leon Panetta's letter in response to Jack Greenberg's letter to Secretary Finch: "The Department is not contemplating any changes in the guidelines at this time."

May 16—Leon Panetta, in a speech in Atlanta, said: "Why can't we continue to use free choice? . . . The answer is that the Supreme Court ruled against it . . . HEW policies are controlled by that decision."

May 31—HEW submits two year plans to South Carolina Federal Court giving 21 districts another year of freedom of choice.

June 20—Jerris Leonard commented that the Administration's position is going to be that districts would be required to desegregate by the target deadline "where that was possible." He was also quoted as saying "It's wrong to set arbitrary deadlines." (Washington Post, June 20.)

June 28—Secretary Finch quoted as say-

Footnotes at end of article.

ing there would be no relaxation of the guidelines. (New York Times, July 1.)

July 1—Secretary Finch proposed to the White House that a new policy statement on the school desegregation guidelines contain no provisions for more time to comply with the law. (New York Times, July 1.)

The most significant indicator of Administration intentions was the South Carolina school desegregation cases.[6] In the South Carolina cases HEW Title IV officials initially prepared plans calling for the complete elimination by September, 1969, of the dual system in 18 of the 21 counties involved. HEW prepared these plans under an order of the district court which designated the agency as a master to perform this function. After conversations with members of the South Carolina congressional delegation, senior HEW officials ordered that the plans for 14 Negro majority districts be redrawn so as to allow yet another year for the transition from dual to unitary systems.

Although the implementation of integration plans involves much sensitivity and emotion, the preparation of such plans to eliminate dual systems is a mechanical and technical task. Because HEW was appointed by the court to prepare such plans as an impartial master, it would be inappropriate for any type of pressure to be exerted to influence the master in his duty.

When these plans were introduced in court, attorneys from the Civil Rights Division of the Justice Department were ordered to defend them in court without regard to their professional judgment that the plans were inadequate under the Constitution. Indeed, United States District Judge Robert W. Hemphill told one of the government lawyers that in his view the plans would not stand up in the Fourth Circuit Court of Appeals.

The government has not appealed any of the cases in which two-step plans were approved. Some of the South Carolina district judges have not yet entered orders in these cases so that some of the school districts are not even obliged by court order to integrate in September 1970. Here, the government has taken no action in court. The question which inevitably comes to mind in view of the recent Supreme Court decision in the Holmes County case is whether the United States will seek to have these 21 South Carolina school districts eliminate their dual systems "at once."

A further indication of the degree to which the Administration would be prepared to accede to outside pressures in making civil rights law enforcement decisions is the case of *United States* v *Saluda County Board of Education*. In that case, the Eastern Section of the Civil Rights Division recommended in the early spring that suit be brought against Saluda County, South Carolina, in order to bring about meaningful school desegregation. Assistant Attorney General Jerris Leonard returned the justification memorandum and the proposed complaint, noting on the former that he had been in contact with Senator Thurmond's office and that they had asked that the government hold off the litigation in order to allow them the opportunity to work out a compromise. Finally, about a month later suit was brought. It appears that Mr. Leonard now regualry follows a policy of informing the offices of the pertinent Senators of potential school district defendants.

In Title IV proceedings it is certainly appropriate that affected legislators be contacted to participate in the negotiations which could lead to the correction of conditions which may violate the law. A law suit is only contemplated when negotiations have completely broken down. But in the Saluda County case, the practice adopted, and carried out in all subsequent cases of informing legislators after negotiations have broken down and suit is contemplated extends the negotiation time beyond a point where it may serve a useful purpose. This policy can only lead to more delay, and it opens the door to pressures which may not be appropriate.

III. The July 3 Statement of Attorney General Mitchell and Secretary Finch.—

The July 3 Mitchell-Finch statement on school desegregation declared that desegregation plans "must provide for full compliance now—that is the 'terminal date' must be the 1969–70 school year." (Statement, p8.) Stating that some districts might require a "limited delay" in achieving full desegregation, the statement continued (*ibid*):

In considering whether and how much additional time is justified, we will take into account only bona fide educational and administrative problems.

The Attorney General and the Secretary of Health, Education, and Welfare then asserted that (*ibid*):

Additional time will be allowed only where those requesting it sustain the heavy factual burden proving that compliance with the 1969–70 time schedule cannot be achieved; where additional time is allowed, it will be the minimum shown to be necessary.

In addition to articulating a policy of limited delay, the July 3 statement also indicated that the Administration was going to de-emphasize Title IV procedures, the most effective weapon in the fight to integrate schools—viz., administrative proceedings leading to the termination of federal financial assistance—in favor of the less successful and slower litigation approach.[7] Of this policy to rely less on the threat of HEW fund cut-offs and more on litigation, the Civil Rights Commission said that such an emphasis "can be expected to slow the pace of school desegregation."[8]

The "limited delay" approach was hardly on the paper before the Administration asked for a "wholesale delay" in the pending cases in the State of Mississippi. On one hand, Leon Panetta, the Civil Rights Administrator for HEW, stated at a July 3 news conference that no more than 20 school districts would be allowed additional time to desegregate under the "limited delay" concept. On the other hand, shortly thereafter, the Justice Department sought a delay of 33 districts in Mississippi alone on implementations of integration plans, without so much as distinguishing between school districts, some of which had finally expressed a willingness to implement the plans.

On July 3, 1969, in New Orleans, the Fifth Circuit Court of Appeals handed down its opinion in the case of *United States* v. *Hinds County Board of Education*, involving 33 Mississippi school districts. The Court, at the request of the Department of Justice, had entered an order requiring the school districts to cease operating freedom-of-choice plans and to convert to a unitary system by September 1969. It was the government's change of position in that case—from supporting integration by September 1969 to advocating delay for still another year—which led the Civil Rights Commission to characterize Administration policy as a "major retreat" in the enforcement of school desegregation and which provided the "revolt" of the attorneys in the Civil Rights Division.

IV. The Mississippi Case.—The history of school litigation in Mississippi goes back many years. Suffice it to say that when the Supreme Court ruled in *Green* v. *County School Board*, 391 U.S. 430 (1968), that school districts were under a constitutional obligation to develop desegregation plans which would eliminate the dual system "*now*," there was but token integration of the schools in any of the 33 districts. In the summer of 1968 the United States petitioned the Fifth Circuit Court of Appeals to enter orders requiring the elimination of the dual system for the 1968–69 school year. The request was denied, but the court sent the cases back to the district court with specific guidelines for the evaluation of the freedom-of-choice plans and with instructions that the cases be treated expeditiously and given the highest priority.[9] Notwithstanding these admonitions, the district court did not rule until May 1969, and then it upheld the freedom-of-choice plans. The United States moved almost at once in the Fifth Circuit for summary reversal and expedited consideration. It was pursuant to the government's insistence upon implementation of new plans for the 1969–70 school year and its assurance given in open court on July 2 that the job could be done[10] that the Fifth Circuit entered its desegregation order of July 3.[11]

The July 3 order required HEW to develop desegregation plans in co-operation with school officials. The plans were ordered to be filed in the district court by August 11, 1969, and that court was required to rule on the plans and order implementation of new plans by September 1, effective for the 1969–70 school year. Yet, on August 19, 1969, HEW and the Department of Justice abandoned the plans that had been developed and filed in the district court and requested from the Fifth Circuit a three-month delay for the filing of new plans without calling for any new date for actual implementation of the plans.

The sequence of events leading to the withdrawal of the plan was as follows:

A team of 27 educators from HEW under the direction of Dr. Gregory Anrig,[12] spent the month of July preparing the plans. The plans were submitted to Dr. Anrig for review by the first of August. Dr. Anrig concluded his review by August 3, and decided to present the plans to the school boards for their consideration on August 5 and then submit them to the district court on August 8. However, on August 5, Dr. Anrig received a call from a member of the White House staff instructing him not to submit the plans to the school boards until further notice. It should be noted that the Senate vote on the ABM system was held on August 5.

The plans were actually submitted to the school boards on August 8 and were filed in district court on August 11, HEW's plans called for complete desegregation, including an end to the freedom-of-choice method of student assignment, in all but three of the 33 school districts for the 1969–70 school year.

Some time during the latter part of July and early August, Senator John Stennis of Mississippi and other members of the Mississippi congressional delegation discused the case directly with President Nixon.[13] Senator Stennis reportedly expressed his concern that desegregation this fall would provoke chaos in Mississippi and that he would feel compelled to return to his constituents during their time of travail, imperiling all matters pending in the Senate Armed Services Committee. The President referred the Senator to Messrs. Finch and Mitchell. Between August 15–17, Secretary Finch reconsidered the HEW plans and after consulting with Attorney General Mitchell a decision was made to withdraw the plans. Assistant Attorney General Jerris Leonard was contacted and asked to formulate the method for withdrawing the plans.

On August 19, Secretary Finch, not a party in the litigation, sent a letter to the three Mississippi district judges and to Chief Judge Brown of the Court of Appeals requesting the delay.

The appropriateness of Secretary Finch sending such a letter should be questioned. First, Secretary Finch, representing the Department of HEW, the court-appointed master to develop the plans, had no legal standing to ask for a delay by the court. Secondly, the letter was an extra-judicial act and copies of the letter were not sent to any of

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the parties to the proceedings (i.e., school officials, NAACP Legal Defense Fund, or any lawyers in the Civil Rights Division—excepting Jerris Leonard). Thirdly, the district court had no jurisdiction to grant the delay because the Fifth Circuit in its order to the district court outlined and limited what the district court could and could not do.

The Secretary asserted without the recitation of a single fact, that implementation of the plans would result in a "catastrophic educational setback" for the school children of the state and that chaos and confusion would result if the plans were put into effect in the few days remaining before the new school term opened.

The government was scheduled to appear in court on August 21 to defend the HEW plans. Dr. Anrig had written to the district judges on August 11, stating that each of the "plans is educationally and administratively sound, both in terms of substance and in terms of timing." Civil Rights Division attorneys, in preparing to defend the plans, were taking affidavits from Office of Education personnel supporting Dr. Anrig and attesting to the soundness of the plans. On the morning of August 20, Robert T. Moore, deputy chief of the Southern Section of the Civil Rights Division, visited with district judges Walter Nixon and Dan M. Russell, Jr., and told them that despite Hurricane Camille the government was prepared to proceed. Mr. Moore did not at that time know that the plans were to be withdrawn; however, the judges had already received Secretary Finch's letter and had been visited by Vice President Agnew and Senator Eastland who were in Mississippi observing hurricane damage. Later that afternoon, only hours before he was to go to court to defend the plans, Mr. Moore was telephoned by Jerris Leonard and told of the action that had been taken. Mr. Leonard asked Mr. Moore to prepare the necessary papers and to ask the court for delay. When it became apparent that Mr. Moore was reluctant to become the first government attorney to ask for a delay in school desegregation, Mr. Leonard decided to present the case for the government. Moore, therefore, requested a continuance from the court, and a hearing was scheduled for August 25 in Jackson, Mississippi.

The government had great difficulty in obtaining witnesses for the August 25 hearing who would testify in support of Secretary Finch's request for delay. Dr. Anrig, for example, would not testify in support of the Secretary's request. The two government witnesses who testified did not disavow the soundness of the plans. Indeed one, Henry Sullens, had previously signed affidavits attesting to the soundness of the plans he had worked on. Rather, they testified that the government sought the delay because if they had more time to study and validate the plans they might be more sound and that immediate implementation would result in chaos and confusion because of community opposition to desegregation.

The district court recommended that HEW be given leave to withdraw its August 11 plans, and the Fifth Circuit granted the delay on August 28, 1969. On August 30, 1969 the NAACP Legal Defense and Education Fund, Inc., petitioned Mr. Justice Black for a stay of the Court of Appeals order. The application was denied but Justice Black strongly urged the Legal Defense Fund to seek review by the full Court. The Court granted *certiorari* and set the case for an expedited hearing on October 23, 1969. On October 29, the Court unanimously reversed the order granting the delay.

V. The Revolt in the Civil Rights Division.—As a result of the government's actions in the Mississippi case, a group of 65 lawyers in the Civil Rights Division under the leadership of senior appeals attorney Gary J. Greenberg, organized a protest movement which, on August 29, 1969, presented a statement of views to President Nixon, Attorney General Mitchell and Assistant Attorney General Leonard. The document reads:

We, the undersigned attorneys in the Civil Rights Division, are gravely concerned by events of recent months which indicate to us a disposition on the part of responsible officials of the federal government to subordinate clearly defined legal requirements to non-legal considerations when formulating the enforcement policies of this Division.

We are of the view that the decision to withdraw desegregaion plans submitted by the United States Office of Education in a group of Mississippi school cases is a clear example of the subordination of the requirements of federal law to other considerations.

Based on our experience, we are convinced the decision reflects a disregard for the merits of each case. Careful study by attorneys directly involved, including consultation with Office of Education personnel, led them to the conclusion that the plans filed were sound and capable of implementation.

It is our fear that a policy which dictates that clear legal mandates are to be sacrificed to other considerations will seriously impair the ability of the Civil Rights Division, and ultimately the Judiciary, to attend to the faithful execution of the federal civil rights statutes. Such an impairment, by eroding public faith in our constitutional institutions, is likely to damage the capacity of those institutions to accommodate conflicting interests and insure the full enjoyment of fundamental rights for all.

We recognize that as members of the Department of Justice, we have an obligation to follow the directives of our departmental superiors. However, we are compelled, in conscience, to urge that henceforth the enforcement policies of this Division be predicated solely upon relevant legal principles. We further request that this Department vigorously enforce those laws protecting human dignity and equal rights for all persons and by its actions promptly assure concerned citizens that the objectives of those laws will be pursued.

On September 18, some three weeks later, Mr. Leonard replied to the lawyers on behalf of the Administration, saying, in part:

"This Administration is determined to achieve the Constitutional goal through a sympathetic approach to the problems of all persons affected, through hard work, through persuasion and leadership, backed by the use of federal coercion when it is needed. Thus, for example, we will as a general rule use the technique of negotiation and conciliation before invoking coercive remedies. The simple philosophy of it was well expressed quite a long time ago in a different context: 'speak softly and carry a big stick.' . . .

Consistent with our concern for the problems of all people in our readiness to help school boards and communities, in whatever way we can, with the problems they see connected with the desegregation of their schools. It is true that courts have said that in the desegregation process community attitudes are legally irrelevant. It is perfectly right for courts to say that, since they cannot go out and deal with those problems. But I do not think that excuses us as lawyers, or the federal government, from finding ways to deal with and to help solve those problems. They are real problems; they are practical problems; and I think we would be derelict by closing our eyes to them with the citation of cases.

* * *

Finally, the question has been raised as to the impact of political pressures on law enforcement. I think all of us realistically must recognize that all government agencies are constantly subjected to political pressures from all sides of the political spectrum. This has been true throughout history, and will continue to be true. The real question then is whether decisions are sound; and in the decision-making process in the enforcement program of this Division, I intend to exercise my best judgment . . ."[14]

The attorneys responded to this reply on September 29, by adhering to their point of view:

As line attorneys in the Civil Rights Division, we believe the reply indicates an intention to continue with the policy of civil rights law enforcement toward which our August 29 statement was directed, a policy which, in our view, is inconsistent with clearly defined legal mandates.

On the same day Mr. Leonard held a news conference to denounce the position taken by the attorneys.[15] It was during that news conference that Mr. Leonard also stated that even if the attorneys were correct in their assessment of the law's requirements and the Supreme Court should so rule, "nothing would change." Two days later on October 1, the leader of the revolt, Gary Greenberg, was forced to resign.

Such policies have put the civil rights lawyers in a precarious position. One example is the situation faced by Mr. Greenberg on September 10, 1969, in the Eighth Circuit Court of Appeals, when he argued for the Government in the case of *United States* v. *Lovell.*

In August 1968, the Warren School District in Arkansas agreed with HEW to implement a desegregation plan other than free choice beginning in September 1968. However, a group of white residents procured a restraining order from a state court enjoining implementation of the new plan. The United States sued to set aside the state court injunction and to insure that the new plan would be put into effect. The federal district court set aside the state order, but instead of requiring implementation of the HEW-approved plan, the court permitted the schools to continue operating under the freedom-of-choice plan. HEW was also required to continue its federal funding of the school district. The Justice Department appealed the section of the order sanctioning the continuation of the freedom-of-choice plan.

The court was, of course, aware of the delay that the government had sought in the Mississippi case. The judges questioned Mr. Greenberg trying to see if there was any distinction between the cases. The Fifth Circuit, prior to the government's request for delay, had ordered HEW desegregation plans to go into effect in the fall. The Eighth Circuit, not wanting to be put in the same position of ordering implementation of desegregation plans, and then having the government change its mind, asked Mr. Greenberg if he could guarantee that if the court ordered immediate integration the Attorney General "would not pull the rug from under us?" While Mr. Greenberg assured the court that the government would not reverse itself in the Arkansas case and argued that the Arkansas and Mississippi cases were unrelated, he was pressed for his views on the Mississippi delay. Mr. Greenberg responded by referring the court to the press coverage of the attorney's protest in the Civil Rights Division and indicated that because of his involvement in that movement he could not be expected to defend the government's actions in the Mississippi case.

Mr. Greenberg's forced resignation was based in part on his failure to defend the government's action in seeking delay in Mississippi before the court in St. Louis. Yet, having come to the conclusion that the delay could not be justified under the law, the question must be asked if taking a position in defending the request for delay would have constituted a violation of Mr. Greenberg's oath of office and of his professional responsibilities as a member of the bar.[16]

The dismissal of Greenberg coupled with the reorganization of the Civil Rights Division will have the effect of suppressing fu-

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ture criticism of the Justice Department policy and provides an opportunity for punishing dissident lawyers by placing them in non-controversial sections of the Unit. The Civil Rights Division had been broken down into geographical units since passage of the 1964 Civil Rights Act. The new reorganization will divide the Unit by subject—fair employment, school desegregation, voting and public accommodations, fair housing and criminal interference.

VI. Enforcement of the Holmes County Decision.—To date the United States government made no effort to enforce the Supreme Court decision that dual school systems must fully desegregate "at once". The Department of Justice has not yet filed a single motion for *Holmes County*—relief in any of its school desegregation cases. In the Mississippi case, the government's proposed order, submitted to the Fifth Circuit, envisioned a four-stage process for the development of new plans by the school districts, thus ignoring the existing HEW plans. Furthermore, the proposed order specified no dates for the submission of new plans and objections thereto and provided for no implementation date.[17]

The United States refused to make any commitment on enforcing the Supreme Court order and left that determination up to the Circuit Court.

VII. Whitten Amendment.—In August 1969, the House of Representatives passed the Whitten Amendment.

It provides:

Sec. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parent.

S. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

If passed by the Senate and signed by the President, this amendment would restrict the manner in which HEW could enforce Title VI of the Civil Rights Act of 1964. In effect, it would forbid HEW from forcing those school districts which have not yet been placed under school orders to abandon freedom-of-choice desegregation plans as a condition for receiving Federal financial assistance.

The Administration took no position in regard to the Whitten Amendment, even with full knowledge that freedom-of-choice plans are ineffective in integrating schools, and the knowledge that the pace of desegregation is far faster in school districts operating under HEW guidelines than in districts operating under court orders, while the HEW appropriation bill was pending in the House. Belatedly, Secretary Finch announced opposition, but, to date, the Administration has failed to undertake extensive efforts to insure the defeat of the legislation.

VIII. Conclusion.—In a recent address delivered in Cleveland, Gary Greenberg analyzed the various position papers and actions of the Administration and outlined the civil rights enforcement policies of the Administration. He said, in part:[18]

"First, Administration actions have been premised on the conviction that civil rights law enforcement should be designed for the achievement of a middle ground between instant integration and segregation forever, between the immediate abandonment of discriminatory practices and perpetual discrimination. Thus, in cases where investigation revealed facts which demonstrated that the law was not being obeyed the emphasis has not been on bringing about immediate compliance through the application of pressure. The Administration's approach has been to stress persuasion, negotiation and conciliation with litigation and/or administrative termination procedures as a last, painful resort, and too often negotiation and conciliation have meant compromise. . . . The filing of school desegregation suits have been delayed for weeks in order to permit legislators sympathetic to the doctrine of segregation forever an opportunity to attempt to work out a compromise.

Second, in making decisions as to the cases which should be brought, how cases should be pursued and the relief to be requested of the courts, the Administartion considered the decree of hostility or opposition involved and has tailored its actions in such a manner as to recognize and lend legal relevance to that opposition. Thus, the pace of school desegregation was tied to the length of time required to institute and complete preparatory programs designed to persuade hostile parents, students, teachers and school officials that they should comply with the Constitution. As such, time limitations and deadlines were ruled out and requests for delay were considered legitimate and were regularly granted.

Third, the administrative and logistical problems involved in achieving compliance with the law, that is to say, the problems of those in violation of the law, have been given priority over the demands of the victims of unlawful conduct that their rights be fully vindicated at once.

Fourth, within the statutory framework of possible methods by which to achieve compliance with the law, the Administration has expressed a marked preference for the litigation approach—after extensive conciliation and negotiation efforts have failed—rather than administrative procedures leading to the termination of federal funds or contracts. Thus, the Administration has relegated the most effective pressure tactic to a secondary role and opted for a method wherein delay has been an inherent problem.

Finally, the Administration has promulgated a new standard by which to evaluate law enforcement decisions, namely, not whether they bring about compliance with the law, but, rather, whether they are "sound". The Administration has frankly acknowledged that political considerations and pressures are a factor to be considered when deciding whether a particular law enforcement decision is "sound." Thus, within this decision-making context, I suppose one can conclude, as the Administration did, that it was a "sound" decision to delay school desegregation in Mississippi in order to retain the support of the Mississippi congressional delegation, especially Senator Stennis, for ABM and the defense appropriations bill. But, of course, the Judiciary applies a very different test . . . .

The Administration's policies must encourage resistance and make compliance with the law more difficult to achieve. At a time when the judicious application of pressure and a total commitment of the resources of the federal government are essential, the rhetoric and actions of Messrs. Nixon, Mitchell, Finch, and Leonard have spawned the hope that resistance will continue to prove profitable. This hope, which can only in the end delude its adherents, will make it infinitely more difficult to bring about obedience to the law. Specifically, Mr. Leonard tells us that a Supreme Court decision would change nothing, he is inviting resistance. When Mr. Leonard tells us that the Administration is sympathetic to the demands of a shouting white mob who seek to close schools rather than integrate, he makes it clear that open hostility will reap a reward of delay. The invitation to reopen the era of "massive resistance" is inherent in such an attitude, and the task of achieving compliance with the law becomes all the more difficult.

The Administration's policies have undermined the position and influence of those who have counseled compliance with the law and who have argued that integration now (be it of schools, unions, or public accommodations) is the only course which can be profitably followed. These men have been sacrificed and the Wallaces, Thurmonds, and Stennises have been raised to new plateaus of influence.

Surely political considerations have no place in the decision making process when constitutional rights are at stake. The enforcement of constitutional rights are at stake. The enforcement of constitutional rights should not be traded off for the political advantage of the party in the White House . . . In matters of law enforcement it is the law which should dictate the results, not powerful Senators or public opinion polls.

Finally, Mr. Greenberg outlined his view of the obligations of the federal government in light of the *Holmes County* decision.

The President and the Attorney General have pledged that the Administration will play a leadership role in overcoming the problems which arise from the decision. But while the Administration has thankfully eschewed a Jacksonian approach, it has only taken a small step forward. Leadership in this matter requires a clear and unequivocal commitment of federal resources to seeing that the job of implementation is accomplished with a minimum of problems. The focus must be on implementation—not on the problems we face. The position of the United States must be that implementation will be achieved regardless of the problems and that all the problems which may arise are soluble. The Administration . . . should canvass all its school cases and move expeditiously in every case in which the dual system continues to exist. The necessary initial actions such as filing motions for *Holmes County* relief should be taken . . . with the goal being that by January 1, 1970, the dual system has been eliminated in every case to which the United States is a party. If the Administration is firmly committed to this course of action, if it is made clear that in no case will resistance be countenanced, if the President and other responsible political leaders urge compliance and cooperation, then the job will be accomplished with a minimum of disruption. The classroom lessons that may be lost in the changeover will be more than compensated for by the education all the children will receive in the meaning of American constitutionalism.

Only if there is equivocation and hesitation, only if the government reads the decision narrowly and fails to seek an even-handed application of the new constitutional rule can the dire predictions of the extreme segregationists come to pass. I call upon the President and the Attorney General to tell the American people that implementation of the new constitutional rule will be sought at once, and without exception, in every school district in the land.

To date, there has been no indication that any effort will be made by the federal government to enforce the constitutional rule that school districts must desegregate at once. Should the Administration persist in this attitude, the fear of the attorneys in the Civil Rights Division that such a policy will erode "public faith in our constitutional institutions" and "damage the capacity of those institutions to accommodate conflicting interests," thus destroying their effectiveness as a vehicle for the vindication of equal rights for all, is likely to become a bitter reality. Should that occur, there will be no way, short of armed repression, for the Administration to preserve law and order. Before another step down the road toward such a catastrophe is taken, it is imperative that the Congress initiate appropriate action which will prevent such a disaster.

FOOTNOTES

[1] Alexander v. Holmes Co. Board of Education, U.S., 24 L. Ed. 2d 19, 21 (1969).

[2] United States Commission on Civil Rights, Report of September 11, 1969, Statement of the Commissioners.

[3] Green v. County School Board, 391 U.S. 430 (1968).

[4] Alexander v. Holmes County Board of Education, supra Note 1.

[5] September 26 press conference of President Nixon, Washington Post, September 27, 1969, p. A12.

[6] See Whittenberg v. Greenville County School District—F. Supp. (D.S.C. 1969).

[7] President Nixon reaffirmed the Administration's commitment to this approach during his September 26, 1969, news conference. See *Washington Post*, September 27, 1969, page A12.

[8] Report of the U.S. Commission on Civil Rights, *supra* note 2.

[9] *Adams v. Mathews*, 403 F2d 181 (5th Cir. 1968).

[10] The Fifth Circuit noted in its order of August 28, 1969, that the government had proposed the timetable HEW had been asked to meet:

Questions were specifically directed to the Assistant Attorney General appearing on behalf of the Government. Without qualification in response to precise inquiries he affirmed that Government's view that the timetable proposed by the Government was reasonable. And . . . he affirmed that sufficient resources of the Executive Department would be made available to enable the Office of Education of the United States Department of Health, Education and Welfare to fulfill its role as specified in the order proposed by it . . . .

The court further noted that:

Likewise, until the motion of August 21, 1969 (filed by the government in the Fifth Circuit requesting a delay until December 1 for the submission of desegregation plans), there had been no suggestion by the United States Attorney General that the time fixed by the Court should be relaxed or extended or that such timetable was unattainable.

[11] *United States v. Hinds County Board of Education.*

[12] Dr. Anrig was director of the Office of Education's Equal Opportunities Division.

[13] The President acknowledged during his September 26 press conference that he discussed the case with Senator Stennis and others. *Washington Post*, Sept. 27, 1969, page A12.

[14] The full text of the reply is included in the Congressional Record.

[15] The full transcript of that news conference is included in the Congressional Record.

[16] For a full account of the Civil Rights Division protest see the article written by Mr. Greenberg which will appear in the December issue of the *Washington Monthly* included in the Congressional Record.

[17] The full text of the proposed order is included in the Congressional Record.

DOCUMENT 2—DEPARTMENT OF JUSTICE

STATEMENT BY THE HONORABLE ROBERT H. FINCH, SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AND THE HONORABLE JOHN J. MITCHELL, ATTORNEY GENERAL

I. INTRODUCTION

This administration is unequivocally committed to the goal of finally ending racial discrimination in schools, steadily and speedily, in accordance with the law of the land. The new procedures set forth in this statement are designed to achieve that goal in a way that will improve, rather than disrupt, the education of the children concerned.

The time has come to face the facts involved in solving this difficult problem and to strip away the confusion which has too often characterized discussion of this issue. Setting, breaking and resetting unrealistic "deadlines" may give the appearance of great federal activity, but in too many cases it has actually impeded progress.

This Administration does not intend to continue those old procedures that make satisfying headline in some areas but often hamper progress toward equal, desegregated education.

Our aim is to educate, not to punish; to stimulate real progress, not to strike a pose; to induce compliance rather than compel submission. In the final analysis Congress has enacted the law and buttressed the Constitution, the courts have interpreted the law and the Constitution. This Administration will enforce the law and carry out the mandates of the Constitution.

A great deal of confusion surrounds the "guidelines." The essential problem centers not on the guidelines themselves but on how and when individuals school districts are to be brought into compliance with the law.

The "Guidelines" are administrative regulations promulgated by the Department of Health, Education, and Welfare, as an administrative interpretation, not a court interpretation, of the law. Frequently, the policies of the Department of Justice, which is involved in law suits, and the Department of Health, Education and Welfare, which is involved in voluntary compliance, have been at variance.

Thus, we are jointly announcing new, coordinated procedures, not new "Guidelines."

In arriving at our decision, we have for five months analyzed the complex legacy that this Administration inherited from its predecessor and have concluded that such a coordinated approach is necessary.

II. THE LAW

Fifteen years have passed since the Supreme Court, in *Brown* v. *Board of Education*, declared that racially segregated public schools are inherently unequal, and that officially-imposed segregation is in violation of the Constitution. Fourteen years have passed since the Court, in its second *Brown* decision, recognized the tenacious and deep-rooted nature of the problems that would have to be overcome, but nevertheless ordered that school authorities should proceed toward full compliance "with all deliberate speed."

Progress toward compliance has been orderly and uneventful in some areas, and marked by bitterness and turmoil in others. Efforts to achieve compliance have been a process of trial and error, occasionally accompanied by unnecessary friction, and sometimes resulting in a temporary—but for those affected, irremediable—sacrifice in the quality of education.

Some friction is inevitable. Some disruption of education is inescapable. Our aim is to achieve full compliance with the law in a manner that provides the most progress with the least disruption and friction.

The implications of the *Brown* decisions are national in scope. The problem of racially separate schools is a national problem, and we intend to approach enforcement by coordinated administrative action and court litigation.

III. SEGREGATION BY OFFICIAL POLICY

The most immediate compliance problems are concentrated in those states which, in the past, have maintained racial segregation as official policy. These districts comprise 4477 school districts located primarily in the 17 southern and border states; 2994 have desegregated voluntarily and completely; 333 are in the process of completing desegregation plans; 234 have made an agreement with the Department of Health, Education, and Welfare to desegregate at the opening of the 1969–70 school year; under exemption policies established by the previous Administration, 96 have made such an agreement for the opening of the 1970–71 school year.

As a result of action by the Department of Justice or private litigants, 369 districts are under court orders to desegregate. In many of these cases the courts have ordered the districts to seek the assistance of professional educators in HEW's Office of Education pursuant to Title IV.

A total of 121 school districts have been completely cut off from all federal funds because they have refused to desegregate or even negotiate. There are 263 school districts which face the prospect, during the coming year, of a fund cutoff by HEW or a lawsuit by the Department of Justice.

These remaining districts represent a steadily shrinking core of resistance. In most Southern and border school districts, our citizens have conscientiously confronted the problems of desegregation, and have come into voluntary compliance through the efforts of those who recognize their responsibilities under the law.

IV. SEGREGATION IN FACT

Almost 50 percent of all of our public elementary and secondary students attend schools which are concentrated in the industrial metropolitan areas of the 3 Middle-Atlantic states, the 5 northern midwestern states and the 3 Pacific coast states.

Racial discrimination is prevalent in our industrial metropolitan areas. In terms of national impact, the educational situation in the north, the midwest and the west require immediate and massive attention.

Segregation and discrimination in areas outside the south are generally de facto problems stemming from housing patterns and denial of adequate funds and attention to ghetto schools. But the result is just as unsatisfactory as the results of the de jure segregation.

We will start a substantial program in those districts where school discrimination exists because of racial patterns in housing. This Administration will insist on non-discrimination, the desegregation of faculties and school activities, and the equalization of expenditures to insure equal educational opportunity.

V. NEW PROCEDURES

In last year's landmark *Green* case, the Supreme Court noted: "There is no universal answer to the complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance." As recently as this past May, in *Montgomery* v. *Carr*, the Court also noted that "in this field the way must always be left open for experimentation."

Accordingly, it is not our purpose here to lay down a single arbitrary date by which the desegregation process should be completed in all districts, or to lay down a single, arbitrary system by which it should be achieved.

A policy requiring all school districts, regardless of the difficulties they face, to complete desegregation by the same terminal date is too rigid to be either workable or equitable. This is reflected in the history of the "guidelines."

After passage of the 1964 Civil Rights Act, an HEW policy statement first interpreted the Act to require affirmative steps to end racial discrimination in all districts within one year of the Act's effective date. When this deadline was not achieved, a new deadline was set for 1967. When this in turn was not met, the deadline was moved to the 1968 school year, or at the latest 1969. This, too, was later modified, administratively, to provide a 1970 deadline for districts with a majority Negro population, or for those in which new construction necessary for desegregation was scheduled for early completion.

Our policy in this area will be as defined in the latest Supreme Court and Circuit Court decisions: that school districts not now in compliance are required to complete the

process of desegregation "at the earliest practicable date"; that "the time for mere 'deliberate speed' has run out"; and, in the words of *Green*, that "the burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now*."

In order to be acceptable, such a plan must ensure complete compliance with the Civil Rights Act of 1964 and the Constitutional mandate.

In general, such a plan must provide for full compliance now—that is, the "terminal date" must be the 1969–70 school year. In some districts there may be sound reasons for some limited delay. In considering whether and how much additional time is justified, we will take into account only *bona fide* educational and administrative problems. Examples of such problems would be serious shortages of necessary physical facilities, financial resources or faculty. Additional time will be allowed only where those requesting it sustain the heavy factual burden of proving that compliance with the 1969–70 time schedule cannot be achieved; where additional time is allowed, it will be the minimum shown to be necessary.

In accordance with recent decisions which place strict limitations on "freedom of choice," if "freedom of choice" is used in the plan, the school district must demonstrate, on the basis of its record, that this is not a subterfuge for maintaining a dual system, but rather that the plan as a whole genuinely promises to achieve a complete end to racial discrimination at the earliest practicable date. Otherwise, the use of "freedom of choice" in such a plan is not acceptable.

For local and federal authorities alike, school desegregation poses both educational and law enforcement problems. To the extent practicable, on the federal level the law enforcement aspects will be handled by the Departmnet of Justice in judicial proceedings affording due process of law, and the educational aspects will be administered by HEW. Because they are so closely interwoven, these aspects cannot be entirely separated. We intend to use the administrative machinery of HEW in tandem with the stepped-up enforcement activities of Justice, and to draw on HEW for more assistance by professional educators as provided for under Title IV of the 1964 Act. This procedure has these principal aims:

—To minimize the number of cases in which it becomes necessary to employ the particular remedy of a cutoff of federal funds, recognizing that the burden of this cutoff falls nearly always on those the Act was intended to help; the children of the poor and the black.

—To ensure to the greatest extent possible, that educational quality is maintained while desergregation is achieved and bureaucratic disruption of the educational process is avoided.

The Division of Equal Education Opportunities in the Office of Education has already shown that its program of advice and assistance to local school districts can be most helpful in solving the educational problems of the desegregation process. We intend to expand our cooperation with local districts to make certain that the desegregation plans devised are educationally sound, as well as legally adequate.

We are convinced that desegregation will best be achieved in some cases through a selective infusion of federal funds for such needs as school construction, teacher subsidies and remedial eductation. HEW is launching a study of the needs, the costs, and the ways the federal govenment can most appropriately share the burden of a system of financial aids and incentives designed to help secure full and prompt compliance. When this study is completed, we intend to recommend the necessary legislation.

We are committed to ending racial discrimination in the nation's schools, carrying out the mandate of the Constitution and the Congress.

We are committed to providing increased assistance by professional educators, and to encouraging greater involvement by local leaders in each community.

We are committed to maintaining quality public education, recognizing that if desegregated schools fail to educate, they fail in their primary purpose.

We are determined that the law of the land will be upheld; and that the federal role in upholding that law, and in providing equal and constantly improving educational opportunities for all, will be firmly exercised with an even hand.

DOCUMENT 3

APPENDIX C—LETTER OF AUGUST 11, 1969, TRANSMITTING DESEGREGATION PLANS FROM UNITED STATES OFFICE OF EDUCATION TO THE DISTRICT COURT

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, WASHINGTON, D.C.

August 11, 1969.

Re *United States of America* v. *Hinds County School Board* et al., and related cases subject to the Court's Order of July 5, 1969

Judge WILLIAM H. COX,
U.S. District Court,
Southern District of Mississippi,
Jackson, Miss.

DEAR JUDGE COX: The enclosed desegregation plans were developed as a result of the Court's Order of July 5, 1969, in the above-referenced cases.

The technical assistance teams who carried out this work were made up of 27 educators and were under the direction of Mr. Jesse J. Jordan, Senior Program Officer of the Division of Equal Educational Opportunities, U.S. Office of Education, Department of Health, Education, and Welfare, headquartered in Atlanta, Georgia. (Attachment A contains identifying information for each of the 27 educators involved.)

LETTER OF AUGUST 11, 1969 TRANSMITTING DESEGREGATION PLANS FROM UNITED STATES OFFICE OF EDUCATION TO THE DISTRICT COURT

On July 11, 1969, I wrote to the superintendent of each school district named in the Order, advising him of the availability of services in the development of a desegregating plan. The letter provided the name, address, and telephone number of Mr. Jordan, and described the various types of information which would be needed from the school district for us to use in preparing a desegregation plan. (Attachment B is an example of this letter.)

Shortly after I sent my letter of July 11 to the superintendents, we contacted each by telephone and an appointment was made for a technical assistance team to visit the school district to gather all the materials necessary for developing a desegregation plan. As a result of cooperation between the local school officials and the technical assistance personnel, the following data were acquired:

(1) Building information—by school, the number of permanent teaching stations, capacity of each building, current student enrollment by race and grade, number of full-time and part-time teachers by race, number of students transported, age of building, type of construction, size of school site, and list of facilities such as cafeteria, gymnasium, library, etc.

(2) Proposed building information—future construction plans.

(3) Pupil Locator Maps (where available)—to show residence of Negro and white students.

(4) School and School Site Map—to show location of each school in the district, coded as to grade levels of students.

(5) Demographic Information (where available)—giving population distribution of the community by race.

A technical assistance team, composed of at least two (2) trained educators, visited or offered to visit each of the school districts at least three (3) times during this period. On the first visit, they viewed existing school facilities, gathered data, and discussed with local school officials their ideas for school desegregation and the administrative problems involved. On the second visit, they discussed with local school officials the team's tentative thoughts concerning a desegregation plan for the district, and attempted to elicit the ideas of the school officials as to alternative sound and feasible desegregation plans. Where the offer of a third visit was accepted, the team presented to the school officials the plan which the Office of Education intended to recommend to the Court, subject to amendments resulting from this meeting. At all times the Office of Education staff attempted to collaborate with the school officials in developing an effective and mutually acceptable plan.

The information we have used in formulating our plans was obtained, unless otherwise stated, from school district officials. For example we have described in each plan the information on which it is based. At the end of the proposed plans, we have inserted photocopies of reports and building information forms. While these are not signed, the information in them was furnished by officials of the school district. We were unable to indicate those instances where information is the result of observation of our staff.

In some cases school officials were not able to furnish precise information about student residences by race (pupil locator), or other demographic information. Also, in most instances, school officials did not furnish us with an estimate of enrollment for the 1969–70 school year, other than projections of the 1968–69 enrollment. The enrollment of each school district is stable enough to make use of such projections, a generally acceptable practice, in planning for the use of schools for the 1969–70 school year. In some cases, however, it is possible that these projections do not accurately reflect the numbers of children who reside in the area of a given school. This possibility stems from the fact that traditionally in these school districts there has been extensive busing of children to schools outside the areas of their residence.

Where our information was not precise enough, we avoided drawing exact geographic boundaries for school attendance areas. Rather, we provided guides from which these lines can be drawn to achieve at least the measure of desegregation indicated in the projection tables of our proposals. Because each proposal was not prepared by the same individual, this concept is worded in several different ways. In each case, however, we intend the same meaning. For example, when we recommend that children attending a certain school shall be assigned as specified or that children from a particular school be assigned to a specified place, we mean that all children living in the area of the school that is named should be so assigned through adoption of attendance lines so drawn as to utilize properly the school facilities and achieve at least the measure of desegregation indicated in the proposal. It should be clear that in such a case, we do not intend to recommend that a child who has been bussed into the area from another area under freedom of choice is to continue to attend that school, except possibly pursuant to a proper transfer policy, including one for majority-to-minority transfer as described in Section VI of our proposals.

I believe that each of the enclosed plans is educationally and administratively sound, both in terms of substance and in terms of

timing. In the cases of Hinds County, Holmes County, and Meridian, the plans that we recommend provide for full implementation with the beginning of the 1970–71 school year. The principal reasons for this delay are construction, and the numbers of pupils and schools involved. In all other cases, the plans that we have prepared and that we recommend to the Court provide for complete disestablishment of the dual school system at the beginning of the 1969–70 school year. Should the Court decide, however, to defer complete desegregation in any of these school districts beyond the opening of the coming school term, we have prepared and set out in the plans, steps which could, in our judgment, be taken this fall to accomplish partial desegregation of the school system at the opening of the 1969–70 school term.

The entire staff who participated wish to express appreciation for the cooperation we received from the school districts and for the opportunity the Court has given us to assist in the development of these desegregation plans.

Sincerely yours,

GREGORY R. ANRIG,
Director, Equal Educational Opportunities, U.S. Office of Education.

LETTER OF AUGUST 19, 1969 FROM THE SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO THE CHIEF JUDGE OF THE COURT OF APPEALS

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., August 19, 1969.

DEAR JUDGE BROWN: In accordance with an Order of the United States Court of Appeals for the Fifth Circuit, experts from the Office of Education in the Department of Health, Education, and Welfare have developed and filed terminal plans to disestablish the dual school systems in 33 Mississippi school district cases.

These terminal plans were developed, reviewed with the school districts, and filed with the United States District Court for the Southern District of Mississippi on August 11, 1969, as required by the Order of the United States Court of Appeals for the Fifth Circuit. These terminal plans were developed under great stress in approximately three weeks; they are to be ordered for implementation on August 25, 1969, and ordered to be implemented commencing with the beginning of the 1969–1970 school year. The schools involved are to open for school during a period which begins two days before August 25, 1969, and all are to be open for school not later than September 11, 1969.

On Thursday of last week, I received the terminal plans as developed and filed by the experts from the Office of Education. I have personally reviewed each of these plans. This review was conducted in my capacity as Secretary of the Department of Health, Education, and Welfare and as the Cabinet officer of our Government charged with the ultimate responsibility for the education of the people of our Nation.

LETTER OF AUGUST 19, 1969, FROM THE SECRETARY OF THE DEPARMENT OF HEALTH, EDUCATION, AND WELFARE TO THE CHIEF JUDGE OF THE COURT OF APPEALS

In this same capacity, and bearing in mind the great trust reposed in me, together with the ultimate responsibility for the education of the people of our Nation, I am gravely concerned that the time allowed for the development of these terminal plans has been much too short for the educators of the Office of Education to develop terminal plans which can be implemented this year. The administrative and logistical difficulties which must be encountered and met in the terribly short space of time remaining must surely in my judgment, produce chaos, confusion, and a catastrophic educational setback to the 135,700 children, black and white alike, who must look to the 222 schools of these 33 Mississippi districts for their only available educational opportunity.

I request the Court to consider with me the shortness of time involved and the administrative difficulties which lie ahead and permit additional time during which experts of the Office of Education may go into each district and develop meaningful studies in depth and recommend terminal plans to be submitted to the Court not later than December 1, 1969.

Sincerely,

ROBERT H. FINCH,
Secretary.

U.S. COMMISSION ON CIVIL RIGHTS

STATEMENT OF THE COMMISSIONERS ON FEDERAL ENFORCEMENT OF SCHOOL DESEGREGATION

Two months ago, the Attorney General and the Secretary of Health, Education, and Welfare announced a number of changes in the manner in which their Departments would in the future enforce the laws requiring desegregation of elementary and secondary schools. The statement of the Attorney General and the Secretary of HEW affirmed a commitment "to the goal of finally ending racial discrimination in schools, steadily and speedily. . . ." Prior to this announcement, the Commission, in telegrams to the President, the Attorney General and the Secretary of Health, Education, and Welfare had urged that no action be taken to slow the pace of school desegregation.

The Commission withheld any public comment on the July 3 announcement until the staff of the Commission had had a chance to complete a thorough analysis and until the Department of Justice and the Department of Health, Education, and Welfare had had an opportunity to take action consistent with their statement.

Since July 3, the House of Representatives has passed the Whitten Amendment, a measure that would restrict the Department of Health, Education, and Welfare's ability to enforce Title VI of the Civil Rights Act of 1964 by requiring it to accept freedom-of-choice plans for school desegregation and may well affect the acceptability of freedom-of-choice plans in the courts as well. The amendment was not opposed by the Administration in the House.

Also since that time, court orders have been entered and desegregation plans accepted which in our opinion postpone meaningful desegregation from 1969 to 1970, and the Secretary of HEW and the Department of Justice have taken the unprecedented step of requesting the courts to postpone effective school desegregation in Mississippi from this school year to 1970 and have also accepted delays in South Carolina and Alabama. To be sure, administrative actions were taken by HEW during the past several years and again this year to postpone school desegregation in various districts. These were made under the standards of the Guidelines and only under most exceptional circumstances. But it should be emphasized that what we are concerned with here is the Government's going into court at its own initiative and asking affirmatively for a postponement.

At the time the procedures were announced, the Attorney General is reported to have said that he preferred that the Nation watch what he *did* rather than focus on what he *said*. It is with this in mind that we find ourselves especially disheartened by the recent actions of HEW and of the Department of Justice in the cases in Mississippi, South Carolina, and Alabama. For the first time since the Supreme Court ordered schools desegregated, the Federal Government has requested in court a slow-down in the pace of desegregation. This request is particularly difficult to understand since as recently as July 3 the Secretary of HEW and the Attorney General announced that delays in desegregation beyond September 1969 would be granted only where a school district sustained "the heavy factual burden of proving that compliance with the 1969–70 time schedule cannot be achieved. . . ." In Mississippi, however, the Secretary of HEW and the Attorney General urged delay on their own initiative. In South Carolina and in Alabama, the Government took other action to delay desegregation. Certainly those who have placed their faith in the processes of law cannot be encouraged.

We acknowledged that the Department of Justice, in some areas, has sought court orders compelling desegregation this Fall. Eight such suits have been filed in Georgia. But each of these suits was necessitated when the school district reneged on a promise already made to HEW. One can only speculate on whether the July 3 statement and the Government's action in Mississippi encouraged this reneging.

But the problems caused by these new procedures and recent actions, however, are likely to be dwarfed by the probable effects of the Whitten Amendment, if passed by the Senate and approved by the President.

Our analysis of the new procedures and recent actions have now been completed, and a copy is attached to this Statement. Based upon it, we make the following findings:

1. The new procedures and recent actions involving Federal efforts to bring about school desegregation appear to be a major retreat in the struggle to achieve meaningful school desegregation. See pp. 31 to 56 of the Report.

2. The statistics purporting to show the present extent of school desegregation which were contained in the July 3 joint statement of the Attorney General and of the Secretary of the Department of Health, Education, and Welfare give an overly optimistic, misleading and inaccurate picture of the scope of desegregation actually achieved. In fact, in a number of Southern States, relatively little desegregation of elementary and secondary schools has been accomplished in the last 15 years. See pp. 8 to 12, 35 and 36 of the Report.

3. One of the major fallacies in the claim of substantial desegregation is that many districts have violated the terms of the assurances they have signed, or of the court orders that have been entered against them. Adequate personnel is necessary to police compliance. Congress has ordered HEW to treat the North and the South equally in its enforcement efforts. As a result of this Congressional directive, the Department of Health, Education, and Welfare has recently reduced the number of its personnel working for desegregation of elementary and secondary schools in the Southern and Border States, and has increased the number of its personnel working on such problems in the North and West. In the past, we have found that its staff was inadequate to police the compliance of school districts in the South, and the reduction in personnel can be expected to further restrict its compliance efforts in that region. Although HEW has requested 75 additional employees from Congress, it is unlikely that these additional personnel will be sufficient to remedy this problem. See pp. 9 to 13, 30, and 47 to 51 of the Report.

4. Court orders to desegregate have not generally been as effective a means of desegregating elementary and secondary schools as administrative proceedings backed by the threat of a fund cutoff. One reason is that a number of Federal judges in the South have been unsympathetic to the necessity of eliminating racial segregation in elementary and secondary schools. As a result, they have been insensitive to the requirements of the appellate courts which Congress has set over them, and have by their

direct actions and tolerance of the actions of others significantly retarded the pace of school desegregation in the cases before their courts. In addition, it is more difficult, under current law, to enforce a school board's compliance with a court order than it is to enforce, by the threat of withholding Federal funds, a school board's compliance with an HEW-approved voluntary plan. See pp. 31 to 46 of the Report.

Accordingly, emphasis upon court orders rather than administrative proceedings as the vehicle of Federal efforts to desegregate schools can be expected to slow the pace of school desegregation. The situation is further aggravated by the limited Department of Justice personnel available to bring lawsuits as well as the laudable newly announced policy of extending desegregation efforts from the South into the North and West. See pp. 47 to 51 of the Report.

5. Although use of the threat of withholding Federal funds has proved to be the most effective means of enforcing school desegregation, the actual termination of funds, when not followed by Department of Justice litigation to enforce immediate desegregation, reportedly results in disproportionate harm to black students and their teachers. We recommend that the Department of Justice promptly bring lawsuits to require immediate desegregation as soon as a district's Federal funds have been finally terminated. We also recommend that Title IV of the Civil Rights Act of 1964 be amended to permit the Department of Justice to initiate school desegregation suits without the necessity of receiving a specific complaint—as is now the requirement. See pp. 31 to 33 of the Report.

6. Since passage of the Civil Rights Act of 1964, Congress has given inadequate support to HEW's attempts to enforce school desegregation—appropriations have been limited and some unnecessary restrictions placed on HEW's operating procedures. In part, the inadequacy of HEW's enforcement efforts in the past five years stems from the inadequacy of this support. HEW's request for additional personnel is now pending before the Senate and we urge its approval.

7. Passage of the Whitten Amendment, which would require the acceptance of freedom-of-choice plans, would slow or halt the progress of school desegreation. We believe that there is a serious chance that its passage would reverse some of the limited gains already made. See pp. 25 and 26 of the Report.

8. As we had previously found in our 1967 report, *Southern School Desegregation:* 1966–67, freedom-of-choice, since it places the full burden of desegregation upon the shoulders of black parents and their children—those who are politically, economically, and socially least able to bear it—is not an effective means of desegregating elementary schools in the Southern and Border States. See pp. 14 to 26 of the Report.

Because freedom-of-choice requires affirmative action by black parents before their children can attend an integrated school, its use, as a practical matter, has encouraged local white citizens to engage in campaigns of intimidation and economic retaliation against black parents willing to take such action. Similarly, white students and teachers frequently harass and punish the black children whose parents have chosen to send them to the formerly white-attended school. Consequently, many black parents are literally afraid to send their children to formerly white-attended schools; as to them, the "freedom" to choose the school their children will attend is illusory. See pp. 20 to 23 of the Report.

Fifteen years have passed since the Supreme Court decided that the right of black children to attend the same schools attended by other children was guaranteed by the Constitution. Five years have passed since Congress, in the Civil Rights Act of 1964, also declared that segregation violated the law of the land. But segregation is more than just simply a violation of the law. In 1967, we issued a Report, *Racial Isolation in the Public Schools,* which concluded that racial isolation, whether caused by *de jure* segregation, discriminatory housing patterns, or other factors, resulted in serious educational harm to the children of minority groups. Conversely, integration significantly boosted the educational achievement of these children. If this Nation truly respected the rule of law, if it truly cherished each of its children, the last vestiges of segregated education would have disappeared years ago. Instead, segregation continues as the pattern, and not the exception, of education in many States.

At this point, we can do no more than echo the words written recently by Justice Black:

[T]here are many places still in this country where the schools are either "white" or "Negro" and not just schools for all children as the Constitution requires. In my opinion there is no reason why such a wholesale deprivation of constitutional rights should be tolerated another minute.

Similarly, we agree with Federal Judge Hoffman that:

For an American who is devoted to his country and wants to believe in the intelligence and good-will of its citizens it is very painful to contemplate and difficult to understand continued resistance to school desegregation.

While progress has been slow, the motion has been forward and this is certainly no time to create the impression that we are turning back but a time for pressing forward with vigor. This is certainly no time for giving aid and comfort, even unintentionally, to the laggards while penalizing those who have made commendable efforts to follow the law, even while disagreeing with it. If anything, this is the time to say that time is running out on us as a Nation. In a word, what we need most at this juncture of our history is a great positive statement regarding this central and crucial national problem where once and for all our actions clearly would match the promises of our Constitution and Bill of Rights.

Thus, we are deeply concerned over the directions recently being taken in Federal efforts to desegregate elementary and secondary schools. We are committed to the purpose for which this Commission was created: to act as an objective, bipartisan factfinding agency and to continually apprise the President and the Congress of the facts as we see them. We speak out now since we believe our Government must follow the moral and legal principles and promises on which our Constitution and laws are based and meet the high expectations to which the people of this country have addressed themselves.

Rev. THEODORE M. HESBURGH, C.S.C.,
Chairman.
STEPHEN HORN,
Vice Chairman-Designate.
FRANKIE M. FREEMAN,
HECTOR P. GARCIA, M.D.,
MAURICE B. MITCHELL,
ROBERT S. RANKIN,
HOWARD A. GLICKSTEIN,
Staff Director-Designate.

ADDITIONAL STATEMENT BY VICE CHAIRMAN-DESIGNATE HORN

Civil rights is a national problem. Progress and blame can be shared by those in all three branches of our Government under several administrations and by people in all parts of our country.

Under the previous administration, the Department of Health, Education, and Welfare permitted 67 school desegregation plans submitted by districts in Southern States to be delayed for final implementation until September, 1970. Under the current administration, 51 school desegregation plans have been delayed for final implementation until September, 1970.

The easier tasks have been done. The most difficult problems still remain. All who serve in each of the three branches of our Federal Government and, indeed, all Americans should face up to them.

DEPARTMENT OF JUSTICE,
Washington, September 18, 1969.

To: All Attorneys, Civil Rights Division.
From: Jerris Leonard, Assistant Attorney General.
Subject: Some Considerations of Policy in the Enforcement of Civil Rights Laws.

During the past few weeks I have given considerable attention and thought to the concern many of you expressed regarding the policy in civil rights law enforcement. It is clear that the problem arises in large part from my failure to articulate with specificity policies which may differ in some ways from previous policies. I regret that; and I want to take this opportunity to set forth what I deem to be important aspects of our policies. Over the past eight months I have carried on continuing discussions with the Attorney General regarding policies in civil rights. We are in full agreement on all policy issues, including those touched on in this memorandum.

I am sure all of us agree upon the goal to be achieved, and are committed to the achievement of it—equal opportunity for everyone in the areas of our responsibility—employment, education, housing, voting, public accommodations and facilities. As I see it, the basic change from the old to the new is in the method by which the goal should best be achieved—the proper use of the litigation tool as a method for achieving the goal.

This Administration is determined to achieve the goal through a sympathetic approach to the problems of all persons affected, through hard work, through persuasion and leadership, backed by the use of federal coercion when it is needed. Thus, for example, we will as a general rule use the technique of negotiation and conciliation before invoking coercive remedies. The simple philosophy of it was well expressed quite a long time ago in a different context: "speak softly and carry a big stick."

Consistent with our concern for the problems of all people is our readiness to help school boards and communities, in whatever way we can, with the problems they see connected with the desegregation of their schools. It is true that courts have said that in the desegregation process community attitudes are legally irrelevant. It is perfectly right for courts to say that, since they cannot go out and deal with these problems. But I do not think that excuses us as lawyers, or the federal government, from finding ways to deal with and to help solve those problems. They are real problems; they are practical problems; and I think we would be derelict by closing our eyes to them with the citation of cases.

A related problem of method arises from the legal truth that, as a matter of law, the burden of desegregation is on the school board. Again, it is perfectly right that the courts have thus held, because courts cannot go out and do the work involved in desegregating schools. Neither can private plaintiffs. But I think it would be irresponsible for the government of the United States to say simply to school boards that the burden is on you and we are not going to help you beyond the citation of cases. As we have seen, school boards very often do not meet that burden; not because they are evil criminals, not because they do not understand what the courts have told them,

but because they are simply unable, in their view, to do the job. I think we all know and should constantly remind ourselves that school boards for the most part are not professional educators or experts, but instead they are usually members of the community, elected by that community. Because this is true, I think it is simply not realistic for the government of the United States to say to them: "We recognize that you are sensitive to community attitudes, but we close our eyes to that; we know the burden is yours, but we will not share it; and if you do not meet that burden you will go to jail."

It is because this Administration feels a special responsibility on the federal government to provide constructive help in the desegregation process that we urged judicial reliance on HEW experts. It is for this same reason that I think we as lawyers must find ways to provide constructive help. Reasonable men may differ as to what kind and how much help is needed, and what help is constructive; but I think the basic principle is right, and I want us to follow it and to apply it.

During the past four weeks I have been working closely on a day-to-day basis in Louisiana with school boards, school officials, teachers, parents, students, law enforcement officials. That experience confirms my belief that there is no substitute for hard work by lawyers with local groups and individuals on problems that are very real to them; while at the same time being very tough in our determination that the goal will be achieved.

It is important to set deadlines; but to set deadlines and then to abdicate our responsibilities in helping to meet them by working with the hard problems is a disservice. In short, we plan for this Department and for HEW to help school boards in every way we can to come up with plans which promise realistically to work now, and to prepare for implementation of those plans. If in some cases we do not have enough time, I am not going to be embarrassed if I need to ask for additional time. My object is to get the job done in the best way that I can as I see it.

I cannot emphasize enough the importance of scheduling and doing our school desegregation work now—when there is plenty of lead time before the next school year to permit us to see that school boards are taking all necessary steps in preparation for the implementation of desegregation plans. We must avoid the eleventh-hour push whereby decision day, implementation day, and school opening occur simultaneously, as was true in the Mississippi cases. In my view, the request in those cases for a delay was a sound decision—which should be the real test of any decision; but the occasion for such delay need never arise if we insure plenty of leadtime.

What this comes down to in a practical sense is that we must devote more energy and creative work in our school desegregation cases. I am convinced, for example, that the attitude of teachers toward their new desegregated assignments is a critical factor in the success of desegregation. My recent experience in Louisiana fully confirms this view. Teachers are usually highly regarded in their respective communities; often, they are community leaders. A teacher with a bad attitude toward desegregation can contribute significantly to a negative response by the community; and, what is worse, that teacher is an educational detriment to the student. I think, therefore, that in laying the groundwork for effective desegregation, we should seek to require such techniques as integrated teachers' workshops, team teaching, temporary teaching across racial lines. I feel sure that creative thinking could lead us to a variety of other techniques which could be put in progress now in order to make desegregation next year more effective.

Similarly, I think we need to put more effort in the preparation of our cases. During the past year there have been many hearings in which the United States was the plaintiff involving the details of desegregation plans and their implementation, where there was not one Negro witness speaking to the injustices of the system, not one expert speaking to the inadequacies of educational opportunities, not one expert speaking to the administrative details for implementing the plans, and not even a Negro in the courtroom as an interested spectator. Instead, the only witness was the school superintendent cross-examined by government attorneys about plans drawn by government attorneys. It was as if the whole problem and the contest were between a government attorney and the school superintendent. Some of the highly experienced and well-respected attorneys in this Division have expressed shock at this kind of preparation and presentation. I share that shock, because I think in our preparation and presentation of cases we need to deal with all of the details and problems connected with desegregation.

What I have said here by way of illustration is the expression of a philosophy. I do not expect everyone to share that philosophy; but I do ask the attorneys in this Division to help carry out the methods which I think are best suited to bring about effective desegregation. And if I am wrong, or if I make mistakes, even then I would ask the attorneys to bear with me.

Finally, the question has been raised as to the impact of political pressures on law enforcement. I think all of us realistically must recognize that all government agencies are constantly subjected to political pressures from all sides of the political spectrum. This has been true throughout history, and will continue to be true. The real question then is whether decisions are sound; and in the decision-making process in the enforcement program of this Division, I intend to exercise my best judgment and to rely heavily on the advice of experienced lawyers in the Division.

I began with my concern about the possibility of a communication gap. Certainly, if one exists it could not be fully bridged by general statements about policy in a few pages. I plan to increase the number of meetings we have regarding problems in specific cases. I think such meetings will be very helpful to all of us, and I look forward to your full cooperation and support.

DOCUMENT 7

September 29, 1969.

The attached statement was presented to President Nixon, Attorney General Mitchell and Assistant Attorney General Leonard on August 29, 1969. On September 18, 1969, Mr. Leonard replied to this statement on behalf of the Administration; and on September 22, that reply was made public.

As line attorneys in the Civil Rights Division, we believe the reply indicates an intention to continue with the policy of civil rights enforcement toward which our August 29 statement was directed, a policy which, in our view, is inconsistent with clearly defined legal mandates. For this reason, and because only one side of the controversy has been made public, we now wish to expose the discussion of these essential questions to full public view.

August 29, 1969.

To: Honorable John N. Mitchell, Attorney General of the United States; Honorable Jerris Leonard, Assistant Attorney General of the United States.

We the undersigned attorneys in the Civil Rights Division, are gravely concerned by events of recent months which indicate to us a disposition on the part of responsible officials of the federal government to subordinate clearly defined legal requirements to non-legal considerations when formulating the enforcement policies of this Division. In particular, we are concerned with recent policy decisions relating to the enforcement of constitutionally required school desegregation.

We are of the view that the decision to withdraw desegregation plans submitted by the United States Office of Education in a group of Mississippi school cases is a clear example of this subordination of the requirements of federal law to other considerations. Based on our experience, we are convinced the decision reflects a disregard for the merits of each case. Careful study by attorneys directly involved, including consultation with Office of Education personnel, led them to the conclusion that the plans filed were sound and capable of implementation.

It is our fear that a policy which dictates that clear legal mandates are to be sacrified to other considerations will seriously impair the ability of the Civil Rights Division, and ultimately the Judiciary, to attend to the faithful execution of the federal civil rights statutes. Such an impairment, by eroding public faith in our constitutional institutions, is likely to damage the capacity of those institutions to accommodate conflicting interests and insure the full enjoyment of fundamental rights for all.

We recognize that as members of the Department of Justice, we have an obligation to follow the directives of our departmental superiors. However, we are compelled, in conscience, to urge that henceforth the enforcement policies of this Division be predicated solely upon relevant legal principles. We further request that this Department vigorously enforce those laws protecting human dignity and equal rights for all persons and by its actions promptly assure concerned citizens that the objectives of those laws will be pursued.

DEPARTMENT OF JUSTICE PRESS CONFERENCE BY JERRIS LEONARD, ASSISTANT ATTORNEY GENERAL, GREAT HALL, DEPARTMENT OF JUSTICE BLDG., WASHINGTON, D.C., MONDAY, SEPTEMBER 29, 1969

PROCEEDINGS

MR. LEONARD. Thank you all for turning out for this little gathering today. We take this opportunity, I guess for two reasons, to ask you to come visit us.

One is because the Civil Rights Division is in a rather important reorganization which was announced last week; and in that respect I would like to introduce to the members of the press who are here all three gentlemen who I am sure you will be having dealings with from time to time. Two of them are new in their new positions.

Mr. David Norman, who is the first Deputy Assistant Attorney General; Frank Dunbaugh, newly appointed Deputy Assistant Attorney General; and Jim Turner, newly appointed Deputy Assistant Attorney General.

I think as you look at the reorganization and the structure of the Civil Rights Division, you will see where these men will be functioning and what their primary responsibilities will be.

Secondly, many of you have requested interviews. In fact, so many that we felt it might be best to try to get you all together and let you ask your questions collectively.

So with that, who would like to start?

End of the press conference?

QUESTION. Jerry, if I could ask you about the Mississippi cases, the attorneys, some of the attorneys who signed the protest petition, some of the 65 attorneys have told some of us that they were ready to file the HEW

plans before the school deadline, before the court deadline of August 11. Some of them say they were told to hold off by you until after the ABM vote. Could you explain or comment on that? Were they delayed? And what was the reason?

Mr. LEONARD. I don't recall having discussed filing time with any attorney who is handling or working on the Mississippi cases. And to my knowledge, if there is any connection between the ABM and the Mississippi cases, it's too remote for me to see. I certainly had no knowledge of it, and I doubt that anybody else in this Administration had any such knowledge.

QUESTION. You are saying so far as you know, they were not ready to file earlier?

Mr. LEONARD. I couldn't tell you the specific timing because the plans were in the hands of HEW. I do know that the Circuit Court of Appeals itself extended the time for filing to September 1, which I believe was Labor Day—that was a Monday. Some of the school districts had already opened schools prior to that date; and there were others that were ready to open the week of Labor Day.

Other than that, I can't really tell you what the time sequence was.

QUESTION. In your letter or memorandum of the 18th, you defend as proper the delay in the Mississippi cases. You also note that every Government agency is subject to political pressures from various ends of the spectrum. Are you aware, in the Mississippi cases, yourself, of any political pressure in this delay?

Mr. LEONARD. None with respect to all of the cases en masse. We have had in the Division requests from Members of Congress to review specific cases in Mississippi. We have had Members of Congress call and set up appointments with school board members, school superintendents. That is in my opinion the normal functioning of an Executive agency.

I have never been asked by any Member of Congress to make a specific decision with respect to any school case or, for that matter, any case that is pending or pends now before the Civil Rights Division.

In my humble opinion, having spent twelve years in a Legislative body, it is completely appropriate for a member of the Legislature to ask a member of the Executive Branch of government to see his constituents, to give thought and weight to what they may have to say about their problems with that agency. That I believe is part of the duty of the Legislature.

QUESTION. In this statement today, the September 29th statement, they again say that your law enforcement policies with regard to civil rights are inconsistent with clearly defined legal mandates. As I understand it, we are talking about 65 attorneys who are engaged in civil rights day to day. Now, if it is their judgment that it is inconsistent with clearly defined legal mandates, what does this mean?

Mr. LEONARD. Sixty-five lawyers are wrong, I guess, because I think I have set out in my statement what the civil rights enforcement policy of this Division is going to be.

QUESTION. A month ago when the first words of dissent or disenchantment were heard from the 65 lawyers, you indicated they just didn't know the score, that you would have to perhaps tell them a little bit about what the facts were. You have had that opportunity, and now having heard from you, they apparently have rejected what you said. Why do you think they have done so?

Mr. LEONARD. First, of all, let me refresh your recollection a little bit. You are talking about the interview you did with me in Lafayette, Louisiana, in front of the Federal Building. In the first place, I didn't say they didn't know what the score was. I said it was entirely possible that many of them did not know all of the facts with respect to the Mississippi cases.

I also indicated at that time, however, that I had the greatest of confidence in them, and I still do today. That doesn't mean that we can't disagree with respect to the handling of a specific case or a specific group of cases.

The Mississippi decision, after all, was a tough one. It's the tough ones where the controversy will always lie. You can usually get agreement and unanimity on the easy ones. This was a tough decision, that was made by the Secretary of HEW. We happen to be HEW's lawyers. We are Government lawyers. And we have an obligation to have a consistent policy within the Executive Branch of Government with respect to law enforcement.

HEW is deeply involved in the law enforcement activities of school desegregation, at our request. We want them deeply involved. We want the educational input and expertise that comes from the HEW educational experts.

Obviously, therefore, on these tough decisions there is going to be some controversy. There will be some difference of opinion.

I believe the decision that the Secretary made with respect to the Mississippi cases was a proper one, based solely on the time for implementing the plans involved in those thirty-three.

QUESTION. You indicated one of the reasons you thought it was proper was that a better plan was going to be brought forward by the Administration, probably during the month of October, next month. Now some of your staff lawyers who have seen those plans in preparation indicate they are pretty much the same as the old plans. Is that so?

Mr. LEONARD. No, I didn't indicate that a better plan would be brought forth. As a matter of fact, the testimony that I elicited from the experts who testified in Jackson was to the effect that basically the plans were sound; that the difficulty with the plan was the time of implementation of them. They testified that it would be difficult; it would be chaotic to attempt to implement those plans at such a short notice.

The testimony from both of the experts that I put on, and the other two who were prepared to testify, was simply that there could have been more validity given to the plans. There could have been some study, some additional study given that would have validated that the plans were basically sound.

Now, that's the total of the testimony that was adduced.

QUESTION. Will it be easier or tougher now to implement the plan when it is presented?

Mr. LEONARD. It's going to be tough as it is, and I wish you would have stayed with me in Louisiana for the four weeks I was down there. You will find that it is tough, but it can be done if you use your head and work hard and make a commitment to get the job done and understand the problems that these local school superintendents and the school boards have; you will get the job done.

QUESTION. I have three related questions about the shortness of time in implementing the plan.

I notice that in Mr. Finch's letter to the judges, he said that he mentioned the August 25th deadline. He apparently was not aware it had been extended to September 1. I would be interested to know how he happened to reach such an important decision without knowing when the deadline was. Would that have made any difference if he had known?

And second, is it true that the lawyers who were handling this case were not informed before the decision was made?

And third, why were all thirty delayed? Why were not the ones that could have been implemented in time permitted to go through?

Mr. LEONARD. Well, Secretary Finch probably didn't know of the extension of the Circuit Court because the Justice Department didn't inform him of that fact. Other than that, I have no personal knowledge of why that date was mentioned in the letter as opposed to the September 1st date.

Secondly, the chief lawyer who was handling the case was informed prior to the court appearance; he was informed the same afternoon that we received a copy of Secretary Finch's letter. His opinion was not requested with respect to whether or not that decision was to be made; nor was mine. I was told that that was the Secretary's decision.

Your last question, with respect to the reason for handling all thirty cases, I think is really two-fold:

One is the testimony, again adduced at the hearing from both witnesses, was that you will achieve a smoother, more orderly integration if you can handle those cases which have been treated together on the same time schedule. I am not talking about the same total desegregation schedule, but I am talking about the beginning of the processes. Get them moving along in the beginning at the same time.

Reference was made in the testimony, as an example, that HEW itself uses the cluster method; that is, trying to get a group of school districts in a particular geographic area and handling them together.

I think the second and more important reason possibly was the fact that, of the time limitation itself, there was not time to sit down and review the plans in any detail to determine which could be moved ahead and which couldn't be moved ahead. At least that was the position of HEW.

QUESTION. You have now given an answer to these lawyers. What will your attitude be if they continue their protest? What do you expect of them in that regard?

Mr. LEONARD. I don't think they will. I think they are professionals. I think they understand that an Executive agency has got to have policy; that the Administration has the right to set that policy; and that once there's been an airing of it and a discussion of it—and by the way, we do have some discussions within the Civil Rights Division of policy. Unfortunately I don't think we have had enough policy discussions with the line lawyers. I think we will be able to have more of that.

But I think any lawyer worth his salt knows that once a decision has been made, that he has an obligation to carry out that policy.

QUESTION. Are you saying that if they then do not want to abide by this policy, or believe it is wrong, they should leave? I mean, are you at that point?

Mr. LEONARD. Did I say that?

QUESTION. I'm asking if that is your attitude.

Mr. LEONARD. I thought what I said is that I think they will abide by the policy.

QUESTION. Today they did not agree with that, and in a note dated today, they have expressed their continuing disagreements, after having discussed it with you in one form or another.

Mr. LEONARD. I don't say there won't be continuing disagreement. The question went more to activity. I don't expect everybody in the Civil Rights Division to agree with every decision I make. As a matter of fact, I would think there was something wrong if everybody did.

QUESTION. Doesn't that pose a special problem? If 90 percent of the lawyers disagree, not with the specific case but on general policy, and where there continues to be disagreement doesn't that make it kind of difficult to run a Division that way? How do you deal with it?

Mr. LEONARD. Well, I disagree with many of the things that Newsweek magazine says, but I haven't stopped reading it.

QUESTION. No, but you don't work for it either.

Mr. LEONARD. You work for me. I am one of your subscribers.

QUESTION. No longer are the attorneys in the Civil Rights Division underground in terms of their disagreement with the policies. I mean, they have surfaced now and released a statement today. How long are you prepared to tolerate that kind of dissension?

Mr. LEONARD. I think I answered that question. I don't believe that a professional, once he has had an opportunity to have his piece said, is going to take action and do things which are detrimental to the overall cause of the law shop that he works for. I just don't think the legal profession operates that way. At least, I have never seen it, and I don't think it will operate that way.

QUESTION. Do you feel that continued disagreement of this nature now on this specific policy in these cases would be detrimental to the shop they work for?

Mr. LEONARD. I don't think disagreement is ever detrimental.

QUESTION. I mean in the form they have expressed it here, the unified action in releasing it publicly today.

Mr. LEONARD. I don't read anything in today's statement which I would deem to be detrimental.

QUESTION. Under your reorganization plan, could you possibly speculate on how many of these 65 attorneys who signed this policy statement will be assigned to southern school desegregation cases?

Mr. LEONARD. That would be very difficult for me to answer because I don't know any one of the 65. I have never seen the 65 names. And I don't intend to see them. I am not interested in seeing who specifically they are.

QUESTION. Your memo of September 18 says that the real question then is whether the decisions are sound. Is it your theory or your feeling that the decisions to go ahead in Mississippi were unsound?

Mr. LEONARD. Well, I believe that the decision to delay the Mississippi cases was a sound one, not only in and of itself, but when you take it as a part of the total law enforcement efforts of this Division, and the resources available to HEW, I think that in hindsight there isn't any question that that decision to delay was borne out as a sound one.

If we would have had the kind of resistance in Mississippi that we saw in certain parts of Louisiana, in the suits we had to bring in Georgia, in Arkansas and Texas, I doubt sincerely that the resources of this Division would have been adequate without a substantial shift away from some other law enforcement activity to handle that situation.

I think that one of the things we must do, and are doing for our 1970 enforcement program is determining what part of our resources is going to be needed to in fact enforce the court orders that the courts come down with; and if this same kind of legal maneuvering goes on in all of those situations in 1970 as went on in just a few districts in Louisiana this fall, we are going to need to put a substantial amount of recourse to the court order enforcement area.

QUESTION. I want to make sure I don't misunderstand you. You seem to me to be saying that if enforcement is going to take a great deal of work and a great deal of effort, then you should postpone it?

Mr. LEONARD. What I am saying is that you can't enforce the law if you don't have the troops to enforce the law with. I think that's just obvious. And we do not have the kind of resources necessary to take on a massive effort.

If there were a lot of desegregation plans that were coming to fruition in any particular one year, and there was the kind of resistance that we have seen in some of the areas in Louisiana, we would not have the resources to enforce the court orders.

QUESTION. There have been many statements from blacks, and now a survey of Negroes in Indianapolis shows a majority of blacks there do not favor integration but, rather, want their own schools, but good schools, brought up to the quality of those in white suburban neighborhoods. Would you discuss your feeling about this black separatism versus integration?

Mr. LEONARD. I am firmly committed to the principle that a desegregated school is a school that can offer better education than can segregated schools within the same school system. So I have no more sympathy for Negroes who preach and want black separatism in the school system than I would support whites who want segregated schools. I think both are wrong. I think both do not have the facts. They don't really recognize that a segregated school system is living it, telling it, learning it like it is in today's real world. That's my answer.

QUESTION. Did I understand you to say that you who are the chief legal officer in charge of this case was not consulted before HEW, who was not a party to the case, took this action and asked for the delay?

And in connection with that, is it your understanding that the head of the technical assistance program within HEW was not consulted either, and that the Commissioner of Education was not consulted?

Mr. LEONARD. I can't attest to what did or did not happen within HEW. I have no knowledge as to that. You lay great stress on the fact that HEW was not a party.

You must understand that, technically speaking, under the rules, so to speak, Justice and HEW were not to be collaborating. Now we are going to move away from that a little bit, I hope, and we are going to make that clear.

But HEW had every right as an expert, a court-appointed expert, to make its own decision independent of the feelings of the Justice Department. So there was no obligation on the part of the Secretary to consult us as such about whether or not this decision was right or wrong. He obviously had the obligation to inform us because we would have to be the moving party.

QUESTION. Are you telling us that you were not consulted on this delay?

Mr. LEONARD. That's correct, I was not consulted with respect to the question of whether it would or would not be done.

QUESTION. The Attorney General says he did not discuss it with Secretary Finch, on several occasions. Was this carried out on a Cabinet level, discussion of whether Mississippi was to be given a delay?

Mr. LEONARD. You are asking me a question and I don't know the answer.

QUESTION. If there is to be a policy now of only seeking court orders as far as they can be enforced with practicality, isn't this going to lend some weight and vigor to those who would resist integration in the South?

Mr. LEONARD. Well, you make that sound as if there is some change in policy. There is no change in policy. You can't take one lawyer and make two lawyers out of him. Your enforcement program is based on the resources that you have available to you. So that isn't any change in policy.

The only thing that changes is the resistance that you run into, and you can't predict that. There is no way of predicting that.

There was no way, for instance, of our predicting that 2500 whites were going to storm a school board meeting—and you should have stayed down there with me, Carl, you would have really learned something about this whole process. I mean it. Twenty-five hundred yelling, raging white people standing there in a high school auditorium, one woman with a noose demanding that that school board close the schools.

Now I'll tell you something, Mr. Stern, even you would have voted to close the schools under those circumstances.

QUESTION. Mr. Leonard, you didn't want Federal marshals there. I didn't hear you screaming to get Federal marshals to enforce the law.

Mr. LEONARD. You're wrong. We have over 70 Federal marshals just in those two parishes.

QUESTION. Is what you are saying "only so fast as we can get policemen?"

Mr. LEONARD. Do you have any other alternative to that? If there is another alternative, I wish somebody would come up with it.

QUESTION. When do you think a situation is going to exist that the white community in the South will accept these things? When do you think they are going to stop storming the school board?

Mr. LEONARD. I think we are dwelling on the exceptions. I think we have to realize that there were a tremendous number of parishes in Louisinana and other areas of the South—let's not forget, 350 Title VI voluntary plans went into existence this fall, and we had to sue about 25 or less of those 350 to make them live up to that voluntary agreement.

The point I'm trying to make is that you cannot predict the number of reneges that you are going to get, or the number where there is going to be the kind of massive resistance there was in a few areas in Louisiana where you are going to have to bring in more lawyers because you have got to fend off the legal maneuvering and you are going to have to bring in marshals. You can't predict that. And I think it would be foolish for anyone to stand and say that he can absolutely predict it.

QUESTION. How long will it take in your estimation to eliminate the dual school system in the South?

Mr. LEONARD. I wouldn't hazard a guess at that.

QUESTION. Would you say that this method of seeking court injunctions is consistent with the President's declared policy of a middle ground in this area?

Mr. LEONARD. I wouldn't want to interpret what the President said; but I think he was talking more about the technique or more of the way in which you must work with the school boards as opposed to the particular technique. I think whether it be HEW Title VI, HEW Title IV, the Justice Department—those of us who work in the school desegregation area must have a greater understanding of the fact that these school boards in many situations are politically incapable of doing the job. So we, through persuasion and the sanctions that we have, and political pressure, from the standpoint of being there, keeping the pressure on these people, continuing to inform them of what the law requires, it is just going to take a lot of bodies and a lot of people who are going to work hard at getting the job done.

I don't think the President was distinguishing as between fund cut-offs or court suits. They are both valid, depending upon the facts of the case.

And proof of that again is the 350 Title VI desegregation plans that went into effect this fall.

QUESTION. Could it conceivably take another fifteen years?

Mr. LEONARD. I don't see that in my wildest imagination.

QUESTION. What are you guessing at?

Mr. LEONARD. Will you take five, Bob?

QUESTION. It certainly isn't that kind of time.

QUESTION. The Solicitor General, in his submission to the Supreme Court in the Mississippi case, and now you in your answer here, have said that this was a HEW decision. Apparently in the early weeks

of the term the Supreme Court is going to deal with the law side of this matter and, as Justice Black says, whether the "all deliberate speed" phrase continues to have legal validity.

What does your Department intend to argue in the Supreme Court? One, is all deliberate speed continuingly necessary? If it is not, what should be substituted for it? And third, how would you react if the Supreme Court said that instant integration, to use the present phrase, had to come now?

Mr. LEONARD. First of all, let me say the Department, to my knowledge, has not yet established its position with respect specifically to that question. And it would be presumptuous for me to indicate that the decision for establishing it would be mine because it would not be solely mine.

I can tell you that I believe that if the Court were to order instant integration, that nothing would change.

QUESTION. Could you explain that a little bit?

Mr. LEONARD. The Court cannot enforce its own court order. Somebody has to enforce that order, and that means bodies and people that have to do it. And there just are not the bodies and the people presently available to enforce that kind of a legal decision right now.

I assure when you say "instant," you mean right now—forget about the September opening of schools—right now, on the day or the week the decision is rendered. It just could not be done.

QUESTION. What less than instant integration could you handle? Let's say the fall of '70.

Mr. LEONARD. I do not believe you could do it then; not with the present resources.

QUESTION. Several times you have talked about a shortage of bodies and people. My understanding of the statement last July, the combined statement of Justice and HEW, was that there was going to be a change toward more litigation and court action as opposed to administrative procedures. My understanding is that this would necessarily place a greater drain on bodies in the Justice Department and increase the shortage. Was not this anticipated at the time? In other words, aren't you contributing to that shortage?

Mr. LEONARD. I don't think you are contributing to it, Bob, because I think we saw in the 20 or 25 reneges that were negotiated by HEW that even though a school district and a school board might agree to do the job, that that doesn't guarantee they are going to do it. There certainly is greater suasion and greater pressure upon the board to do the job under a court order because they suffer the possibility of contempt.

I think the thing that you want to remember is that you can't play the numbers game here because you can't predict what in fact is going to happen in a particular school district come the opening day of that school. You have to wait until it happens and then try to marshal enough resources to address yourself to the problems.

Now, the fact of the matter is we need more bodies and more people and more dollars, both HEW and Justice, if there is going to be an acceleration of the efforts in schools desegregation.

QUESTION. But isn't the drain on lawyers greater than if you were using Title VI more and using the administrative remedy?

Mr. LEONARD. That is true; but it is a non sequitur. Because that doesn't mean you are going to get the job done by using Title VI. You may get the job done—and Title VI is a valid method, a valid tool in the total Federal box of school desegregation. But it may not be and is not totally effective.

QUESTION. I understand you are going to get about a 50 percent increase in lawyers, hopefully for your Division. If you are in such terrible trouble, if you can't continue to enforce the law because you don't have enough people, don't you think you should have asked for maybe ten times as many lawyers?

Mr. LEONARD. Carl, we always have a problem of orderly absorption of increased personnel into our staff. So it is not just a matter of numbers; but there are some other techniques like getting some HEW help and the like.

QUESTION. You have said that you think the dissension within your Division will not continue; and yet the statement distributed by the rank and file lawyers which bears today's date says that the policies that are being followed are inconsistent with clearly defined legal mandates. That seems to be lawyerese for saying you are not carrying out the law. How can you say this problem is cooling off? It appears to me it is heating up.

Mr. LEONARD. I am not so sure I understand the question.

QUESTION. They say that the policies of your Division are inconsistent with clearly defined legal mandates, which is another way of saying you are not carrying out the law. This is a statement they have issued today. And yet you have told us you think the problem has pretty well solved itself and they will now follow your lead. What makes you think that?

Mr. LEONARD. I think I have addressed myself to that question at least four or five times.

QUESTION. I am trying to put it in the context of the fact that today——

Mr. LEONARD. Who else has a question?

QUESTION. Is the Government going to appeal the Taylor County vs. Finch case which is holding up the HEW fund cut-offs now?

Mr. LEONARD. The question is whether the Taylor County decision will be appealed. I don't think that that decision has finally been made. But I would hazard a guess that it probably will be.

QUESTION. I am interested in the even-handed application of this principle, that where there is resistance there perhaps should be postponement. If, for example, instead of this crowd of southern middle-aged people you had a crowd of northern liberal youngsters waving banners about marijuana, would you also there seek to postpone legal action because you would be afraid of their reaction?

Mr. LEONARD. You see, you miss the point, I don't really see how you can miss the point.

The point I was trying to make in that instance was that you needed to have the attorney personnel available to move into the courtroom to enforce that court order, irrespective, in spite of the fact that there were 2,500 of these people demanding of the school board that the schools be closed. The fact that there were 2,500 people demanding it doesn't in any way influence me with respect to the fact that the law must be enforced.

What it does indicate to me is that you are going to need personnel. We had to have marshals down there. We had at one point three lawyers, including myself, down there. We still continue to have a lawyer right down there, right in Lafayette, Louisiana, right on top of that situation. We still have Federal marshals in those two parishes.

So the point is that you are going to have to devote more resources to enforcement. That was the point I was trying to make. That is not an excuse.

QUESTION. It's been about two months since you told the Chicago school board that if they didn't do something rather dramatic about faculty segregation, you might possibly come in and file a suit. Does this manpower shortage we have been hearing about today mean you don't have the troops to send in?

Mr. LEONARD. No, ma'am. Well, we do have the problem of resources if a lawsuit becomes necessary against the Chicago school board. I do not believe that we will find ourselves wanting for those resources. There is in preparation right now a response to the letter of the Chicago school board of July, I believe; and that letter should be finished this week.

QUESTION. And this will end this particular——

Mr. LEONARD. No. It is a response to the school board's letter and an analysis of the school board's offer, so to speak. And it sets the stage for controversy.

QUESTION. Jerry, I would like to pursue this gentleman's question. He feels that you have not answered it, and I feel the same. You claim that everything is settled now and you expect these professional attorneys to carry out their duties. And earlier you said that they had done nothing detrimental. What would you consider detrimental?

Mr. LEONARD. I am going to answer the question just once more, and I don't think you can take offense at the fact that I think you are really dragging it out.

I do not expect the professional people who have a license to practice law will do those things which are detrimental to the effort of the interests they serve; in this case the Government lawyers serving the interests of the public and the Federal Government.

Now, I just don't think that is going to happen. So you are asking me to speculate, and the one thing we try not to do is to speculate.

QUESTION. Might they serve the public in the future in antitrust cases and things of this nature?

Mr. LEONARD. That would be up to them.

QUESTION. Did your answer to the question about Chicago mean the Department has rejected Chicago's response to the case?

Mr. LEONARD. Not totally, but in part.

QUESTION. In part?

Mr. LEONARD. Yes.

QUESTION. Going back to the Taylor County case, two weeks ago Secretary Finch told us he wanted to appeal it. The words are just that clear. He also said, of course, if it goes to the court, he will not use fund cut-offs as long as the litigation continues; and we are talking about months, maybe years. What is holding up the decision from the Justice Department's angle?

Mr. LEONARD. I got the help of the experts. The appeal is being looked at right now, and it is in the pipeline over here, and we should have a decision very quickly.

QUESTION. Will you ask the Supreme Court to move it ahead of other cases? Will you ask for it to be expedited? Can it be?

Mr. LEONARD. I really don't know the answer to that question at this point. Mr. Norman has been working on the case with the Secretary's office, and I am just not completely familiar with the status of it at the moment. You will recall I was four weeks in Louisiana and last week in Chicago and I have got a little homework in catching up.

QUESTION. Not to irritate you, Jerry, but to define professionalism of people with a license to practice law, do you define "professionalism" in the general context we have been talking about it here as taking a case to the press and more or less trying it there?

Mr. LEONARD. I think there are some, Louise, who would take the position that in a professional organization you handle your in-house problems in-house. And there is some strong feeling around this Department about that.

I feel the opposite. I think that public controversy over legitimate public matters is healthy, provided that it isn't carried to the point where it begins to interfere with and become detrimental to the objectives of that particular agency.

QUESTION. I never was clear on whether you think what they did in any way has been

detrimental. I think you feel it has not been, but I'm not sure.

Mr. LEONARD. I certainly don't think that—you mean what has happened thus far?

QUESTION. Yes, all that's gone on so far.

Mr. LEONARD. I wouldn't say it is detrimental. There are some who would like to think I am embarrassed by it, but I'm not, Carl, I'm still not embarrassed.

QUESTION. What color is your face, sir? You're blushing.

QUESTION. If the court can enforce its decision if there is instant integregation, couldn't the Eisenhower Administration have said that in '57? Couldn't the Kennedy Administration have said that in '62? In effect, aren't you asking for a slowdown when you say something like that, that the court couldn't enforce its decision?

Mr. LEONARD. I think that's just a governmental fact of life. The Executive Branch has to enforce it.

QUESTION. They could have argued back in '57 and '62——

Mr. LEONARD. You don't get the point.

QUESTION. If they come down with a ruling like that, what is the Administration going to do?

Mr. LEONARD. It seems to me the Executive Branch of Government has to do everything it can within the fiscal limitations imposed upon it by the Legislative Branch of Government to enforce the court order. Do you get the point?

Look, the court, you know—in the words of a former Chief Justice: "I have neither purse nor sword."

Now, the Executive has got the sword, the physical resources. But the Legislative Branch has got the purse, you see. And you have got to have people and bodies and, ordinarily as altruistic as many of us are, most of us work for a living because we have to. So you have to have the bodies to get the job done.

QUESTION. In view of the realities you just outlined, would you say that desegregation is a priority item for this Administration?

Mr. LEONARD. I wish I were more certain with respect to all the facts, but I believe that the Civil Rights Division of the Justice Department was one of the few supplemental appropriations supported by the President. The full request for 1970 was supported by the President and the Attorney General. And I believe that thus far the Attorney General has approved the full requested appropriation for 1971. That is still in the administrative pipeline, but at least up to this point he has approved it.

Well, at any rate, I certainly would think that from the standpoint of resources, the President has been most generous in supporting the Civil Rights Division.

QUESTION. You say it's been generous. But my question is: Do you think that it is a priority item?

Mr. LEONARD. The civil rights law enforcement? Yes.

QUESTION. You have said a number of times that the decision to delay was a sound decision. Would you say that a decision not to delay would also have been a sound decision?

Mr. LEONARD. I think that you have a really tough question. And let me answer the question in this way because I did not make the decision.

Had the Secretary opted to go ahead with those cases, this Department and this Division would have done everything that it could to have tried to implement that decision.

I frankly think you would have been faced with massive litigation efforts, school closings, massive boycotting; and I believe that in the end it would have taken years and years and years to bring those districts back again.

I believe that the plan that is now being laid out by HEW, when they had meetings down at Mississippi State last week and the week before with the school board superintendents, with some of the principals and some of the school board chairmen, I think that they have got every prospect of making the desegregation process in those thirty-three districts successful next year.

I don't know if I answered your question. I think you could have opted the other way. But frankly, I do not think to opt the other way would have been sound in the long run.

QUESTION. By "next year," are you speaking of January or September?

Mr. LEONARD. I am talking about September.

Now, certainly there are some things that can be done before that. But I am talking about the total desegregation process.

Are there any more questions?

QUESTION. Thank you.

(Whereupon, at 2:50 o'clock p.m., the press conference was concluded.)

[Supreme Court of the United States, No. 632—OCTOBER TERM, 1969]

BEATRICE ALEXANDER ET AL., PETITIONERS *v.* HOLMES COUNTY BOARD OF EDUCATION ET AL.

(On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, October 29, 1969.)

Per Curiam.

These cases come to the Court on a petition for certiorari to the Court of Appeals for the Fifth Circuit. The petition was granted on October 9, 1969, and the case set down for early argument. The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children, who are presently attending Mississippi schools under segregated conditions contrary to the applicable decisions of this Court. Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools. *Griffin* v. *School Board*, 377 U.S. 218, 234 (1964); *Green* v. *County School Board of New Kent County*, 391 U.S. 430, 438–439, 442 (1968). Accordingly.

It is hereby adjudged, ordered, and decreed:

1. The Court of Appeals' order of August 28, 1969, is vacated, and the cases are remanded to that court to issue its decree and order, effective immediately, declaring that each of the school districts here involved may no longer operate a dual school system based on race or color, and directing that they begin immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color.

2. The Court of Appeals may in its discretion direct the schools here involved to accept all or any part of the August 11, 1969, recommendations of the Department of Health, Education, and Welfare, with any modifications which that court deems proper insofar as those recommendations insure a totally unitary school system for all eligible pupils without regard to race or color.

The Court of Appeals may make its determination and enter its order without further arguments or submissions.

3. While each of these school systems is being operated as a unitary system under the order of the Court of Appeals, the District Court may hear and consider objections thereto or proposed amendments thereof, provided, however, that the Court of Appeals' order shall be complied with in all respects while the District Court considers such objections or amendments, if any are made. No amendment shall become effective before being passed upon by the Court of Appeals.

4. The Court of Appeals shall retain jurisdiction to insure prompt and faithful compliance with its order, and may modify or amend the same as may be deemed necessary or desirable for the operation of a unitary school system.

5. The order of the Court of Appeals dated August 28, 1969, having been vacated and the case remanded for proceedings in conformity with this order, the judgment shall issue forthwith and the Court of Appeals is requested to give priority to the execution of this judgment as far as possible and necessary.

DEPARTMENT OF JUSTICE,
Washington, November 4, 1969.

Re *United States* v. *Hinds County School Board, et al.*, and other consolidated cases

Hon. GRIFFIN BELL,
U.S. Circuit Judge,
U.S. Courthouse,
Atlanta, Ga.
Hon. HOMER THORNBERRY,
U.S. Circuit Judge,
U.S. Courthouse,
Austin, Tex.
Hon. LEWIS R. MORGAN,
U.S. Circuit Judge,
U.S. Courthouse,
Newnan, Ga.

DEAR JUDGES BELL, THORNBERRY, AND MORGAN: In accordance with this Court's order of October 31, 1969, I am forwarding herewith a Proposed Order in the above cases.

Please permit me to make a few comments by way of explanation and observation:

1. Our Proposed Order reflects our belief that the burden of desegregation remains on the school board. "Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools." *Alexander* v. *Holmes County Board of Education, et al.*

2. There are obviously alternative methods which may accomplish a constitutionally adequate result. It is our belief that the school boards should be permitted to choose among such alternatives provided that they are able to make such decisions within the time established by the Court. From the Supreme Court decision this must, obviously, be a short period of time.

3. The decision also allowed for alternate plans either by the parties or by the Department of Health, Education and Welfare, and the Proposed Order enclosed provides the Court with those options.

4. In our Proposed Order, we have not presumed to set specific dates within which orders of the Court should be issued and carried out. We anticipate that this issue, among others, will be the subject of the informal conference scheduled for November 6, 1969.

5. We have not here offered specific orders for specific school districts; since, if the Court permits a very short time for the school boards to submit alternative plans, that will be the time for the fashioning and issuance of specific orders running to individual school districts.

Sincerely,

JERRIS LEONARD,
Assistant Attorney General, Civil Rights Division.

[In the United States Court of Appeals for the Fifth Circuit, Nos. 28030 & 28042]

UNITED STATES OF AMERICA, PLAINTIFF-APPELLANT, *v.* HINDS COUNTY, SCHOOL BOARD, ET AL., DEFENDANTS-APPELLEES, AND OTHER CONSOLIDATED CASES

PROPOSED ORDER

Upon the basis of the Judgment and Order of the United States Supreme Court in cases

styled *Alexander* v. *Holmes County Board of Education*, —— U.S. —— (O.T. No. 632, decided October 29, 1969), and pursuant to the directives of this Court of October 31, 1969, and November 3, 1969.

It is ordered:

(1) That defendant school boards shall, not later than 5:00 p.m. on ——, (a date to be determined by the Court) file with this Court proposed plans for the desergregation of their respective school districts which said plans shall meet the requirements set out by the Supreme Court in the cases styled *Alexander* v. *Holmes County Board of Eductaion, supra*, "to terminate dual school systems at once" and which will provide that defendant school districts will "operate now and hereafter only unitary schools"; and which will "insure a totally unitary school system for all eligible pupils without regard to race or color".

(2) That the other parties hereto may, not later than 5:00 p.m. on —— (a date to be determined by the Court) submit amendments to the plans offered by defendants herewith or alternate plans, which said plans shall meet the requirements set out by the Supreme Court in the cases styled *Alexander* v. *Holmes County Board of Education, supra*, as more fully set out in paragraph 1 above.

(3) That the United States Office of Education, Department of Health, Education & Welfare is requested to consult with the defendant school boards, and the defendant boards are ordered to seek consultation of the Office of Education, in order to carry out their obligations pursuant to paragraph 1 hereof; the Office of Education is requested to file with this Court a report of the results of its dealings with the defendant school boards not later than 5:00 p.m. on —— (a date to be determined by the Court) which report may suggest amendments to the school boards' plans or alternate plans, which plans shall meet the requirements set out by the Supreme Court in the cases styled *Alexander* v. *Holmes County Board of Education, supra*, as more fully set forth in paragraphs 1 above.

(4) That the defendant school boards shall take all steps necessary and proper to implement the plans ordered by this Court not later than the beginning of the school day of —— (a date to be determined by the Court) and any party may, subsequent to said date, file with the district court, and the district court may hear and consider, objections or proposed amendments thereto; provided, however, that the plans adopted by this Court shall be complied with in all respects while the district court considers such objections and amendments, if any, and no amendment shall become effective prior to approval by this Court.

(5) That all plans and reports submitted pursuant to paragraphs 1, 2 and 3 above shall, simultaneously with the filing with the Clerk of this Court, be served personally upon the opposing counsel as follows: upon counsel for defendants at their respective offices within the Southern District of Mississippi; upon the United States by service upon the United States Attorney, Jackson, Mississippi; upon counsel for private plaintiffs, at their offices, 538½ North Farish Street, Jackson, Mississippi.

(6) That the Order applied for herein shall be made applicable to all of the defendant school districts heretofore consolidated with the above-captioned case in this Court and all orders made applicable hereto shall be likewise applicable to all parties thereto.

(7) That pursuant to the Judgment of the Supreme Court of the United States this Court expressly retains jurisdiction of these matters for the purpose of insuring prompt, faithful and unimpeded compliance with its orders.

(8) That personal service of this Order shall be made upon all defendants by the United States Marshal assigned to the United States District Court for the Southern District of Mississippi forthwith; by service on the United States Attorney, Jackson, Mississippi, upon counsel for private plaintiffs at their law offices, 538½ North Farish Street, Jackson, Mississippi; upon the United States Office of Education, Department of Health, Education and Welfare by service on the United States Attorney, Jackson, Mississippi.

Revolt at Justice

(By Gary J. Greenberg)

(Note.—Gary J. Greenberg is the former leader of the attorneys' "revolt" in the Civil Rights Division of the Department of Justice. Until forced to resign on October 1st, he had been a senior trial attorney in the Division's Appeals Unit.)

When a lawyer is admitted to the bar, he takes an oath to support the Constitution of the United States. When a lawyer joins the Department of Justice, he takes another oath—the same one that is taken by the Attorney General and, in fact, by all federal employees.

That oath reads: "I solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, and without any mental reservation of purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

It was largely because of this oath—and the pressures we were under to violate it—that a majority of the attorneys from the Civil Rights Division of the Department of Justice gathered in a Washington apartment last August. We wanted to ascertain whether, under the Constitution, there was any legal argument which might conceivably support the Nixon Administration's request in a Mississippi courtroom, for a delay in implementing desegregation in 33 of that state's school districts. The assembled lawyers concluded that there was not. Thus was born the reluctant movement which the press was to call "the revolt" in the Civil Rights Division.

August 19, 1969, was an historic date in the field of civil rights. It was on that day that Robert H. Finch, the Secretary of Health, Education and Welfare, in letters to the United States District Judges for the Southern District of Mississippi and to the Chief Judge of the United States Fifth Circuit Court of Appeals, sought to withdraw school desegregation plans that his department had filed in the district court a week earlier. It marked the first time—since the Supreme Court's 1954 decision in *Brown* v. *Board of Education*—that the United States had broken faith with the black children of Mississippi and aligned itself with the forces of delay on the issue of school desegregation.

Less than a week later—on August 25th—Attorney General John N. Mitchell placed the Department of Justice imprimatur on Finch's actions when Jerris Leonard, the Assistant Attorney General in charge of the Civil Rights Division, joined local officials in a Mississippi district court to argue for a delay.

The same day, in Washington, some of my colleagues in the Civil Rights Division and I prepared and distributed a memorandum inviting the Division's attorneys to a meeting the next evening to discuss these and other recent events which had, in the words of the memo, cast ominous shadows over "the future course of law enforcement in civil rights." The meeting's purpose was "to determine whether we have a common position and what action, if any, would be appropriate to take."

The 40 who attended the meeting that next night first heard detailed factual accounts from those lawyers with first-hand knowledge of the government's actions in school desegregation cases in Mississippi, Louisiana, and South Carolina. We discussed the legal principles at length. We could find, as lawyers, no grounds for these actions that did not run cross-grain to the Constitution. We concluded that the request for delay in Mississippi was not only politically motivated but unsupportable under the law we were sworn to uphold. I then asked whether the attorneys in the Civil Rights Division should protest the actions of Messrs. Mitchell, Finch, and Leonard. Much to my astonishment, the answer was an unhesitating, unequivocal, and unanimous call for action.

But how? The group's immediate, though probably unattainable, goal was a reversal of the Justice Department's action in Mississippi. Beyond that, however, we wanted to insure that future Mississippi-type decisions would not be made; we wanted guarantees that the Administration would, in the future, take the actions that were compelled by law, without reference to the political exigencies. We hoped that the protest could serve as a deterrent to future political accommodation. We agreed to write a dignified and reasonable statement of protest by which we could make our views known and demonstrate our unity and resolve. We chose a committee of six to draft the document.

Two evenings later, on August 28th, we held another meeting to review the draft submitted by the committee. The 50 attorneys in attendance discussed the draft, modified it somewhat, and then adopted it unanimously. (It was later signed by 65 of the 74 non-supervisory attorneys in the Civil Rights Division, some of whom had missed one or both of the meetings because they were out of town.)

The four-paragraph, 400-word document expressed, in painstaking language, the continuing concerns, motivations, and goals of the signatories. The last two paragraphs said:

It is our fear that a policy which dictates that clear legal mandates are to be sacrificed to other considerations will seriously impair the ability of the Civil Rights Division, and ultimately the Judiciary, to attend to the faithful execution of the federal civil-rights statutes. Such an impairment, by eroding public faith in our constitutional institutions, is likely to damage the capacity of those institutions to accommodate conflicting interests and insure the full enjoyment of fundamental rights for all.

We recognize that, as members of the Department of Justice, we have an obligation to follow the directives of our departmental superiors. However, we are compelled, in conscience, to urge that henceforth the enforcement policies of this Division be predicated solely upon relevant legal principles. We further request that this Department vigorously enforce those laws protecting human dignity and equal rights for all persons and by its actions promptly assure concerned citizens that the objectives of those laws will be pursued.

Why did the consciences of 65 federal employees compel them to protest a government law-enforcement decision? Why did 65 members of a profession which generally attracts the conservative and circumspect to its ranks—and reinforces these characteristics in three years of academic training—launch the first "revolt" within the federal bureaucracy?

Part of the answer lies in the fact that the new Administration was elected largely by voters who expected—and, from the rhetoric of the campaign, had every reason to expect—a slowdown in federal civil-rights enforcement efforts. Those political debts ran counter to the devotion and commitment of the attorneys in the Civil Rights Division. They had labored long and hard in civil-rights law enforcement, and had come to realize by experience that only unremitting

pressure could bring about compliance with the civil-rights statutes and the Fourteenth Amendment. Yet this conflict of commitments did not of itself lead to the revolt. There was no inevitability in the situation.

Certain other irritants played a part in creating an attitude among the attorneys which made "revolt" possible. There was Mr. Leonard himself, a politician from Wisconsin with no background in civil rights, and, indeed, very little as a lawyer. He was insensitive to the problems of black citizens and other minority-group victims of discrimination. Almost from the beginning, he distrusted the attorneys he found in the Division. He demonstrated that distrust by isolating himself from the line attorneys. Still another element was the shock of his ineptitude as a lawyer. In marked contrast to the distinguished lawyers who preceded him in his job, Mr. Leonard lacks the intellectual equipment to deal with the legal problems that come across his desk.

His handling of the Mississippi case enlarged this mood of irritaton and frustration. Secretary Finch's letter—drafted in part, and approved in full, by Mr. Leonard—said that the HEW plans were certain to produce "a catastrophic educational setback" for the school children involved. Yet the Office of Education personnel who prepared the plans, and Dr. Gregory Anrig, who supervised their work, and the Civil Rights Division attorneys who are preparing to defend them in court, had found no major flaws. Indeed, Dr. Anrig, in transmitting the plans to the district court on August 11th, wrote that in his judgment "each of the enclosed plans is educationally and administratively sound, both in terms of substance and in terms of timing." It was not until the afternoon of August 20th, only hours before the attorneys were to defend the plans in court, that Mr. Leonard called them in Mississippi to inform them of the Administration's decision. Finally, in justifying the government's actions to his own supervisory attorneys—and in arranging that they, and not he, would inform the line attorneys of the reasons for the requested delay—Mr. Leonard could be no more candid than to say that the chief educator in the country had made an educational decision and that the Department of Justice had to back him up.

But, again, these superficial signs of malaise were not what led to the lawyers' widespread revolt. Discontent only created the atmosphere for it.

The revolt occurred for one paramount reason: the 65 attorneys had obligations to their profession and to the public interest. As lawyers, we are bound by the Canons of Professional Ethics and by our oaths upon admission to the bar; as officers of the United States, we were bound by our oaths of office.

Membership in the bar entails much more than a license to practice law. One becomes an officer of the courts, duty-bound to support the judiciary and to aid in every way in the administration of justice. The scope of ths duty was nicely summarized by United States District Judge George M. Bourquin in the case of *In re Kelly* in 1917, when he wrote:

"Counsel must remember that they, too, are officers of the courts, administrators of justice, oath bound servants of society, that their first duty is not to their clients, as many suppose, but is to the administration of justice; that to this their clients' success is wholly subordinate; that their conduct ought to and must be scrupulously observant of law and ethics, and to the extent that they fail therein, they injure themselves, wrong their brothers at the bar, bring reproach upon an honorable profession, betray the courts, and defeat justice."

The Canons of Ethics command that an attorney "obey his own conscience" (Canon 15) and strive to improve the administration of justice (Canon 29). The Canons go on to echo Judge Bourquin's words:

"No . . . cause, civil or political, however important, is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold. . . . When rendering any such improper service . . . the lawyer invites and merits stern and just condemnation. . . . Above all a lawyer will find his highest honor in a deserved reputation for fidelity to . . . public duty, as an honest man and as a patriotic and loyal citizen." (Canon 32)

Bearing these obligations in mind, examine for a moment the situation which confronted the attorneys as a result of the decision to seek delay in Mississippi.

In May, 1954, the Supreme Court declared that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." One year later, the Court decreed that school officials would be required to make a "prompt and reasonable start" toward achieving the constitutional goal with "all deliberate speed." Tragically, a decade went by and little was accomplished; that was the era of "massive resistance." In 1964, the Supreme Court ruled that "the time for more 'deliberate speed' has run out." In 1968, the Court held that school officials were under a constitutional obligation to come forward with desegregation plans that worked, and to do so "now." The Fifth Circuit Court of Appeals interpreted that edict, in the summer of 1968, to mean that the dual school system, with its racially identifiable schools, had to be eliminated in all the states within its jurisdiction by September, 1969. (Mississippi is one of those states.)

Secretary Finch's letter, besides suggesting the possibility of a catastrophic educational setback if desegregation were effected at once, spoke of the certainty of chaos and confusion in the school districts if delay were not allowed. That allegation was based upon the uncontestable existence of hostility to desegregation within the local communities. While there was, and continues to be, a danger that chaos and confusion will accompany the desegregation of public schools in Mississippi, the Supreme Court had ruled again and again that neither opposition to constitutional rights nor the likelihood of a confrontation with those opposed to the constitutional imperative may legally stand as a bar to the imediate vindication of those rights.[1]

Thus, while pledged by our oaths to support and defend the Constitution and bound by duty to follow our conscience and adhere to the law, we faced a situation in which the Administration had proposed to act in violation of the law. We knew that we could not remain silent, for silence, particularly in this Administration, is interpreted as support or acquiescence. Only through some form of protest could we live up to our obligations as lawyers and as officers of the United States. The form that this protest should take emerged so clearly that it then became a matter of inevitability, rather than a "choice" made from among several alternatives.

For the duty to serve the law, to promote the administration of justice, to support and defend the Constitution is more than a negative command, it is more than a "thou shalt not." It is an affirmative duty to act in a manner which would best serve and promote those interests. Thus, at the first group meeting, we immediately and unanimously rejected the notion of mass resignation because it would have served no positive purpose. It would only have removed us from association with the supporters of delay; it would not have fulfilled our obligation to act affirmatively to insure that constitutional rights would be protected and that the civil-rights laws would be vigorously enforced.

Many of the attorneys thought that our obligation could not be met by merely drafting, signing, and delivering a protest statement. If delay for the purpose of mollifying a hostile community did not comport with the Constitution—thus impelling us to raise our voices in protest—then we were likewise duty-bound not to support the Mitchell-Finch-Leonard position through any of our official actions. The bureaucratic concept of "loyalty" notwithstanding, some of us concluded that we could not, for example, defend the government's position in court.

The question arises as to whether the action taken by the group met the burden imposed upon us by our obligations to the law and the public interest. Did our fidelity to these obligations demand more than the soft and lofty importunings of the protest statement? Should all the attorneys have explicitly refused to defend in court the action taken in the Mississippi case? Should the attorneys have embarked on a more direct course of action to block the government's efforts to win a year's delay for school desegregation in Mississippi?

To begin with we were hard pressed to come up with some appropriate alternative to the protest statement as a vehicle to make the views of 65 people known. But beyond that, it was vitally important to preserve the appearance of dignity and professionalism if our protest were not to be dismissed as the puerile rantings of a group of unresurrected idealists who, except for their attire, bore a close resemblance to the Weathermen and the Crazies. To generate the public support we thought vital to the success of the protest, we had to act in a responsible and statesmanlike manner. Furthermore, it seemed to us that the presentation of any statement signed by nearly all of the attorneys in the Division would be a remarkable feat and that that demonstration of commitment was more important than the words actually used. In our view, the soft language implied everything that a blunter statement might have said. It also had the virtue of not putting the Administration up against a wall, thus forcing them to respond with a hardline position of their own.

Though duty and conscience compelled a protest, reason dictated the nature of the protest. We did not merely seek an opportunity for catharsis: we sought to devise a course of action which had a chance to reap a harvest of practical results. That being the overriding consideration, the attorneys chose the course of a mildly-worded group statement. Other overt manifestations of disagreement were left open for individuals to pursue as they saw fit.

The group action we took—that is, the drafting and signing of the statement—was a "protest," if by that we mean a dissent from the actions of one's administrative superiors. The language of the statement did not move into the area of "revolt," if by that we mean an explicit refusal to obey the orders of one's superiors—although the statement was intended to imply that "revolt" was in the air.

Compelled by what they felt to be their obligations to the law, individual attorneys took a number of actions on their own, most of them in that murky area where there is a confluence between "protest" and "revolt."

Even before the first group meeting, the Division lawyers in Mississippi expressed their disincilnation to present the government's case for delay in the district court. As a consequence, Mr. Leonard made his first appearance in a federal district court as Assistant Attorney General and argued the

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Footnotes at end of article.

motion for delay himself. In mid-September, two Division attorneys (the author being one) appeared in federal courts in other school desegregation cases. When pressed by those courts to reconcile the government's "desegregate-now" position in those cases with Mr. Leonard's position in Mississippi, both attorneys said they could not defend the government's action in Mississippi.[2] Some of the Division's attorneys went a step further: they passed information along to lawyers for the NAACP Legal Defense Fund in order to aid their Mississippi court battle against the delay requested by the Administration. Others spoke with the press to insure that the public was fully aware of the role that political pressures had played in the decision to seek delay.

These actions, while neither authorized nor approved by the group as a whole, were individual responses to the same crisis of conscience that led to the protest statement itself. One may have reservations as to the propriety of some or all of these acts of definance. (Indeed, I have doubts as to whether it was proper for a Division attorney to furnish information to the NAACP after the government's action transformed it into an opposing party.) But it is important to recognize that the demands of conscience compelled more than just the signing of a piece of paper, and, in this sense, the protest was, realistically, a "revolt."

When the storm clouds first began to gather within the Civil Rights Division, the heirarchy of the Department of Justice, including the Attorney General and Mr. Leonard, reacted with a professed sense of surprise, and even shock. Despite this, however, the Administration's actions were, at the outset, nothing short of accommodating.

The supervisory attorneys in the Division took the position that we had a perfect right, under the First Amendment, to meet and discuss matters of mutual concern. Prior to our second meeting, Leonard Garment, President Nixon's special consultant for youth and minority problems, let it be known through an intermediary that the Administration was likely to respond favorably to a reasonable and responsible protest. Indeed, Mr. Garment and the Deputy Attorney General, Richard G. Kleindienst, facilitated the protest by allowing us to hold our second meeting behind closed doors in the Department of Justice.

But later, when the Administration came to a fuller appreciation of the depth and unanimity of the protest, this attitude began to change.

On September 18th, Mr. Leonard responded to the attorneys' statement for the Administration. We were informed that the reply was a final articulation of policy and that if we did not like what we read we should resign. The reply was curiously unresponsive. Whereas the attorneys' statement was carefully limited to questions concerning the intrusion of political influences into areas of law enforcement where only considerations of law belong, Mr. Leonard's reply outlined how the Administration would go about desegregating public schools. To this extent the reply completely missed, or avoided, the point of the protest. We had never challenged the discretionary authority of the Attorney General and the President to determine by what method the constitutional objective would be achieved. In matters where discretion was vested in the Attorney General to choose between policy alternatives, the attorneys did not challenge his right to make the choice. But in the matter of enforcing constitutionally required school desegregation in Mississippi, the Attorney General had no discretion. He was bound to uphold the dictates of the law, an obligation that could not be squared with the decision to seek delay.

Aside from its non-responsiveness to the questions we had raised, Mr. Leonard's reply was disturbing on two other counts. First, it conceded, with delayed candor, that political pressures had played a role in the Mississippi decision. Second, it anounced a new touchstone for civil-rights law-enforcement policies: future actions would be taken not on the basis of the law but, rather, on the basis of "soundness." Thus, when ABM and other defense appropriations are thrown into the balance, a decision to seek delay of school desegregation in Mississippi in return for the continued support of Senator John Stennis (D-Miss.) in defense matters can presumably be certified as a "sound" decision, notwithstanding its inconsistency with clear legal mandates.

The attorneys decided that we would neither accept the response nor resign. But the situation demanded further action, and we chose to reiterate our commitment to the law. On September 25th, we delivered to the Attorney General and Mr. Leonard a new statement. It expressed our view that Mr. Leonard's reply "indicates an intention to continue with the policy of civil-rights law enforcement toward which our August 29th statement was directed, a policy which, in our view, is inconsistent with clearly defined legal mandates."

The Attorney General's patience was wearing thin. The next day he told the press that "policy is going to be made by the Justice Department, not by a group of lawyers in the Civil Rights Division." At a news conference three days later, Mr. Leonard said that he thought the position taken by the attorneys was wrong. He warned that the revolt would have to end as of that date.

On October 1st, Mr. Leonard called me to his office. He told me that he considered it to be the obligation of all his attorneys to defend the government's Mississippi action in court. He asked whether I would be able to do so in the future. I said that I could not and would not. Our obligation was to represent the Attorney General, he said, and John Mitchell had decided that delay was the appropriate course to follow in Mississippi. I countered by explaining that my position dictated that I represent the public interest in court, and my responsibility was to enforce the law. Mr. Leonard then made his attitude on the meaning of law enforcement very clear. "Around here the Attorney General is the law," he said. The difference of opinion was irreconcilable, and I was told to resign or be fired. I said I would forthwith submit a letter of resignation, and did—effective immediately. Mr. Leonard concluded the meeting by heaping effusive praise upon my abilities as a lawyer and offering to write a glowing letter of recommendation if I requested one. I did not.

Later that day, Mr. Leonard issued a memorandum which banned any "further unauthorized statement . . . regarding our work and our policies." He directed the attorneys to keep all "discussions of our work and policies within this Department."

Thus, the Administration's official attitude boils down to an absolute ban on any further protest activity. The public is to be kept in the dark. Law-enforcement decisions are to be made by John Mitchell, and the test for those decisions is soundless, including the relevant political considerations. The attorney's job is to articulate and defend the Attorney General's decisions in court, and that obligation applies without reference to one's individual oath of office and the dictates of conscience.

As attorneys, I and my former colleagues who remain in the Civil Rights Division cannot accept this point of view. The Justice Department lawyer's prmary obligation must be to the Constitution. That should hold true whether the attorney is John Mitchell, Jerris Leonard, or Gary Greenberg. In his role as an officer of the United States, the Justice Department lawyer represents the public interest. While Jerris Leonard equates that obligation with obedience to the President and the Attorney General, I and my former colleagues could not. The Justice Department lawyer is not hired to represent John Mitchell in court. He is hired to represent the United States.

The ban on future protest by attorneys is unreal. Indeed, it would be self-deception for John Mitchell or Jerris Leonard to assume that the "massive resistance" in the Civil Rights Division is over. The revolt may have been driven underground, but the attorneys remain within the system. They retain their voice and their ability to influence policy from within. They continue to adhere to their view of the law, and they see their obligation to the public, and under their oath of office, as paramount. The attorneys remain a potent and organized deterrent ready to act should there be another Mississippi.

Whether or not the revolt achieved its long range objectives one cannot yet judge. There are indications that in the area of civil rights, as in other matters, the Attorney General is either unaware or contemptuous of the forces which conflict with the policies of the Southern Strategy. The attorneys in the Civil Rights Division continue to take a hard line in individual cases. They assume this posture every day in the pleadings and briefs they present to the Attorney General and Mr. Leonard for approval. So long as the Administration is kept in the position of having to say no, an attitude adopted so far in only those few cases in which the political pressures were intense—it is not likely that they can effect the wholesale retreat on enforcement of the civil rights laws which the Administration seems ready to permit in return for political support. But while it is vital that the revolutionaries remain within the Division, and while their presence within the system may deter future Mississippi-type decisions, there is some question whether their determination will sustain them for the next three and a half years. If not, the prospects for even the grudging enforcement of civil-rights laws are bleak indeed.

FOOTNOTES

[1] On October 29, of course, the Supreme Court unanimously rejected the Administration's efforts at delay by enunciating the rule that the Constitution requires desegregation "at once." That ruling is not a part of this narrative except as it demonstrated anew that the position we had taken on the law was unassailable.

[2] In my situation, I was in St. Louis before the Eighth Circuit Court of Appeals, sitting en banc (i.e., the full seven judges of the court were present), arguing that a delay granted by the district court to an Arkansas school district for the desegregation of its high schools should be reversed. One of the judges asked whether I could assure the court that the Attorney General would not "come along and pull the rug out from under" them if they ordered instant integration. I was pressed to reconcile my request for immediate integration in Arkansas with the position taken in the Mississippi case. After the court listened to my attempts to distinguish between the two cases, one judge said it appeared to the court that the practical effect of the government's posture was that Mississippi was being given special treatment. At this point, a number of judges called upon me to state my personal views on the contradictory positions taken by the government. I responded by saying, I assumed that the court knew from the press accounts of the "revolt" what the feelings were in the Division. I indicated that, as a signatory of the protest statement, I could not be expected to defend the government's action in Mississippi.

[From the Washington (D.C.) Post, Oct. 18, 1969]

MITCHELL SUPPRESSES DISSIDENT LAWYERS

(By Jack Anderson)

Attorney General John N. Mitchell is clamping down on the embattled civil rights

lawyers who have worked in shirtsleeves late into the night and have stood up to angry racists in Southern courtrooms.

Suddenly, the Justice Department has started to treat these action-toughened attorneys like pre-schoolers or Peking functionaries in regard to what they can and cannot say.

In a directive with explicit warning that it was to be kept confidential, Assistant Attorney General Jerris Leonard of the Civil Rights Division told his lawyers:

"I must object . . . to any further unauthorized statement to the press by attorneys in this division regarding our work and our policies . . . I therefore must direct all of you that we now keep our discussions of our work and policies within this department."

Behind Leonard's lockjaw order is the threat of the same kind of ugly firing that created the Mitchell regime's first civil rights martyr. He is Mr. Greenberg, a 27-year-old Harvard lawyer who was the division's senior appeals attorney.

Leonard gave him exactly two hours and 30 minutes to clear out after Greenberg refused to back the Nixon administration on Mississippi school desegregation—where Leonard has conceded the Justice Department is . . . at violations.

KREMLIN-STYLE DISMISSAL

A man less rash than Leonard might have found another assignment for the brilliant young lawyer. But the Kremlinesque nature of the firing, reported in detail here for the first time, explains much of the discontent in this once-crack division.

Leonard sat in his spacious office flanked by an American flag and a blow-up of a cartoon from his days as a Wisconsin politician. He had called in three aides—David ———, Gerald Choppin and Harold Flannery—to make a public execution of it.

Greenberg, a leader of the group of attorneys seeking to get Mitchell to enforce the civil rights laws, was asked to sit facing Leonard. This was the same young attorney who, for two years, had fought underdog battles for the Justice Department in Richmond, Jacksonville, Houston and San Francisco.

Only three weeks earlier, he had argued an appeals case on Arkansas schools and had carefully turned away a judge's query on Mississippi—where federal prosecution has suddenly gone slack. Now he was facing his boss.

Leonard questioned Greenberg amicably enough on the Arkansas case, then the conversation turned ominous.

"Can you defend the administration's Mississippi position in future cases?" Leonard demanded.

"I cannot in conscience defend the government's announced position in the Mississippi case," Greenberg replied honestly.

Leonard accused him of not knowing the facts of the case. As Greenberg sought to argue back, Leonard cut him off abruptly: "I have lost confidence in your ability to represent the Attorney General."

UPHOLDING CONSTITUTION

Greenberg retorted that he had always represented both the Attorney General and the public interest, then declared bluntly: "My oath of office requires that I support and defend the Constitution of the United States and vigorously enforce the civil rights laws."

Leonard snapped back that in the Justice Department, the Attorney General is the law. He told Greenberg to clear out by 5:30 p.m. It was then 3 o'clock.

Greenberg, father of three, who was also concerned about the effects of a sudden departure on his civil rights colleagues, asked if he might be allowed to resign in a month.

But Leonard was adamant.

"There is an old Irish saying," said Leonard. " 'When you start throwing shillelaghs around, you have to expect to get hit by one on the back of your head.' And if some of your colleagues feel as you do, they should quit right now."

Thus Greenberg, who had put in so many weeks of overtime for the division, was given two and a half hours to compose a forced letter of resignation, clear out his desk and leave the building.

[From the Washington (D.C.) Post, Oct. 5, 1969]

"RUNNING OFF AT THE MOUTH"

As defensive case-making goes, we believe the nation may have witnessed a legal breakthrough the other day in the remarks of the Assistant Attorney General for Civil Rights, Jerris Leonard, on the subject of school desegregation. It is not for us to say in what direction the breakthrough was made or even which way it was going when last seen. We heard only the crash and tinkle of forensic glass and knew we were in the presence of innovation. "Take the Mississippi situation out," lawyer Leonard said, "and give me one example where we have not vigorously enforced the civil rights law." Take the Mississippi situation out—the mind leaps to Sherman Adams (take the Goldfine situation out . . .), to Abe Fortas (take the Wolfson situation out . . .), to Lyndon Johnson (take the Vietnam situation out . . .), and to all the others who lost a case because they didn't have the wit to retain Mr. Leonard.

Depending on whether you view the Assistant Attorney General's riposte as a new high or a new low in the technique of self-defense, you will be able to judge whether or not you would want him representing you. But the fact is that he is meant to represent the interest of citizens—mostly black—whose civil rights have been (and are being) tromped upon. How does he view this mission? It is interesting that in the same week in which Attorney General Mitchell was banging the pots and pans for law and order ("I believe the Department of Justice is a law-enforcement agency. I think that persons who break the law ought to be promptly arrested and tried . . ."), his lieutenant in the Civil Rights Division was setting up a wholly different kind of ruckus. When he was asked about the views of those who make and interpret the laws and who have found themselves at odds with administration policy, he replied: "I don't care if it's judges, lawyers, legislators or whoever disagrees." He also made plain that these laws were not going to be enforced so long as numerous people found them inconvenient and resisted them. His reply to one reporter at a press conference gave a vivid outline of the limits of law enforcement as understood by Mr. Leonard:

The only thing that changes is the resistance that you run into, and you can't predict that. There is no way of predicting that. There was no way, for instance, of our predicting that 2500 whites were going to storm a school board meeting—and you should have stayed down there with me, Carl, you would have really learned something about this whole process. I mean it. Twenty-five hundred yelling, raging white people standing there in a high school auditorium, one woman with a noose demanding that the school board close the schools. Now I'll tell you something, Mr. Stern, even you would have voted to close the schools under those circumstances.

So much for law enforcement—one wonders: does the principle apply to campus disorders and uprisings in the ghetto as well? The Assistant Attorney General maintained that this special permissiveness was owing to lack of enforcement funds and personnel, not to a lack of devotion. Well, we shall see. Mr. Leonard's remarks were made by way of responding to the publication of a protest by the lawyers in his division against the Department's preventing them from carrying out "clearly defined legal requirements." It had been a very decorous and restrained rebellion, just as the criticism of the administration on this score, made by the Civil Rights Commissioners among others, had been notable for its responsible, more-in-sorrow tone. To this—mention of the Civil Rights Commission's complaints—Mr. Leonard had a reply too: "I think you've got a lot of people who are frankly running off at the mouth who don't know what the facts are." We think someone is running off at the mouth too—but we don't think it's the Civil Rights Commission.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LUJAN); to revise and extend their remarks and include extraneous matter:)

Mr. SCHWENGEL, for 10 minutes, today.

Mr. POLLOCK, for 5 minutes, today.

Mr. RUPPE, for 15 minutes, on December 17.

(The following Members (at the request of Mr. STOKES); to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 10 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. PATMAN, for 10 minutes, today.

Mr. FARBSTEIN, for 20 minutes, on December 17.

Mr. THOMPSON of Georgia, for 30 minutes, on December 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DAVIS of Wisconsin to revise and extend remarks made in connection with conference report on H.R. 14916.

Mr. GONZALEZ following the vote on S. 740.

Mr. THOMPSON of New Jersey to revise and extend remarks made on H.R. 14213.

Mr. RANDALL in two instances.

Mrs. GREEN of Oregon in four instances.

(The following Members (at the request of Mr. LUJAN) and to include extraneous matter:)

Mr. AYRES.

Mr. BROOMFIELD.

Mr. BROCK.

Mr. WYMAN in two instances.

Mr. CÓRDOVA.

Mr. BURKE of Florida.

Mr. HUNT.

Mr. GOODLING.

Mr. MORSE.

Mr. BROYHILL of Virginia.

Mr. DELLENBACK.

Mr. MCCLOSKEY.

Mr. BUCHANAN.

Mr. DICKINSON.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. PURCELL in two instances.

Mr. FARBSTEIN in four instances.

Mr. DOWNING in two instances.

Mr. THOMPSON of New Jersey in two instances.
Mr. MEEDS.
Mrs. HANSEN of Washington.
Mr. GALLAGHER.
Mr. OTTINGER in two instances.
Mr. DELANEY.
Mr. RODINO.
Mr. RARICK in two instances.
Mr. OLSEN.
Mr. GRIFFIN.
Mr. PATTEN.
Mr. RYAN in five instances.
Mr. BINGHAM in two instances.
Mr. CLAY in eight instances.
Mr. WOLFF in two instances.
Mr. ANDERSON of California.
Mr. HAGAN in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2244. An act to amend section 212(a) of the Interstate Commerce Act, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11711. An act to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes;

H.R. 4244. An act to raise the ceiling on appropriations of the Administrative Conference of the United States;

H.R. 11711. An act to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba; and

H.J. Res. 10. Joint resolution authorizing the President to proclaim the second week of March, 1970, as Volunteers of America Week.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 17, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1415. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association; to the Committee on Foreign Affairs.

1416. A letter from the Comptroller General of the United States, transmitting a report of proposals for improving internal audit in the Department of State; to the Committee on Government Operations.

1417. A letter from the Archivist of the United States, transmitting a report of records proposed for disposal under the law; to the Committee on House Administration.

1418. A letter from the Assistant Comptroller General of the United States, transmitting a report concerning the claim of Anthony P. Miller, Inc., against the United States, pursuant to the provisions of 31 U.S.C 236; to the Committee on the Judiciary

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 860. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances; with amendments (Rept. No. 91–756). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD: Committee on Internal Security. H.R. 14864. A bill to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes; without amendment (Rept. No. 91–757). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 754. Resolution for consideration of H.R. 14944, a bill to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes. (Rept. No. 91–758). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 755. Resolution for consideration of H.R. 15091. A bill to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes (Rept. No. 91–759). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 572. Resolution amending House Resolution 200, 91st Congress; with amendments (Rept. No. 91–760). Referred to the House Calendar.

Mr. PERKINS: Committee of Conference. Conference report on S. 2917 (Rept. No. 91–761). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 15273. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. BEALL of Maryland:

H.R. 15274. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. CARTER:

H.R. 15275. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

H.R. 15276. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. DON H. CLAUSEN:

H.R. 15277. A bill to prohibit certain uses of the names of members of the Armed Forces who have died as a result of combat actions, and for other purposes; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 15278. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. FRIEDEL:

H.R. 15279. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent across-the-board increase in annuities and pensions thereunder (with a minimum retirement annuity of $80 a month); to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H.R. 15280. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

By Mr. KLEPPE:

H.R. 15281. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. KYL:

H.R. 15282. A bill to reform certain provisions of the income tax laws; to the Committee on Ways and Means.

By Mr. McDONALD of Michigan:

H.R. 15283. A bill to prohibit the furnishing of mailing lists and other lists of names or addresses by Government agencies to the public in connection with the use of the U.S. mails, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NIX:

H.R. 15284. A bill to amend the Annual and Sick Leave Act of 1951, as amended, to provide home leave for Federal seafaring personnel and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'NEILL of Massachusetts (for himself, Mr. FUQUA, Mr. FALLON, Mr. WHITEHURST, Mr. DONOHUE, Mr. SANDMAN, Mr. CRAMER, Mr. FREY, and Mr. CONTE):

H.R. 15285. A bill to create a marine resources conservation and development fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts (for himself, Mr. FUQUA, Mr. FALLON, Mr. WHITEHURST, Mr. DONOHUE, Mr. SANDMAN, Mr. CRAMER, Mr. FREY, and Mr. CONTE):

H.R. 15286. A bill to grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such State, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 15287. A bill to amend title 39, United States Code, to provide that sexually provocative mail matter otherwise legally acceptable in the mails shall be sent by registered mail;

to the Committee on Post Office and Civil Service.

By Mr. BRADEMAS (for himself, Mr. PERKINS, Mr. SCHEUER, Mr. REID of New York, Mr. HANSEN of Idaho, Mrs. MINK, Mr. DELLENBACK, Mr. WILLIAM D. FORD, Mr. MEEDS, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. HATHAWAY, Mr. O'HARA, Mr. GAYDOS, Mr. HELSTOSKI, Mr. MORSE, Mr. HAWKINS, Mr. STOKES, Mr. HOSMER, Mr. CLAY, Mr. MACGREGOR, Mr. HAMILTON, Mr. WHITEHURST, and Mr. YATES):

H.R. 15288. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. SCHEUER, Mr. REID of New York, Mr. HANSEN of Idaho, Mr. PODELL, Mr. MCCLORY, Mr. REES, Mr. BUTTON, Mr. SYMINGTON, Mr. RIEGLE, Mr. UDALL, Mrs. HECKLER of Massachusetts, Mr. KOCH, Mr. DINGELL, Mr. MIKVA, Mr. BROWN of California, Mr. ROONEY of Pennsylvania, Mr. BINGHAM, Mr. OTTINGER, Mr. ST. ONGE, Mr. PEPPER, Mr. MOLLOHAN, Mr. PIKE, and Mr. FARBSTEIN):

H.R. 15289. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. SCHEUER, Mr. REID of New York, Mr. HANSEN of Idaho, Mr. MOORHEAD, Mr. BIAGGI, Mr. KASTENMEIER, Mr. OBEY, Mr. ANDERSON of California, Mr. TUNNEY, Mr. FRIEDEL, and Mr. GILBERT):

H.R. 15290. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. BRASCO:

H.R. 15291. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. COHELAN:

H.R. 15292. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. FARBSTEIN:

H.R. 15293. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 15294. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on Judiciary.

By Mr. KOCH (for himself, Mr. COHELAN, Mr. CULVER, Mr. HAWKINS, Mr. HUNGATE, Mr. JACOBS, Mr. O'HARA, and Mr. ROYBAL):

H.R. 15295. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 15296. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. WIDNALL:

H.J. Res. 1034. Joint resolution to extend for 2 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts; to the Committee on Banking and Currency.

By Mr. FISH:

H.J. Res. 1035. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on Judiciary.

By Mr. DAWSON:

H. Res. 752. Resolution providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations; to the Committee on House Administration.

By Mr. WIGGINS (for himself, Mr. ZWACH, Mr. CHARLES H. WILSON, Mr. WHITEHURST, Mr. WEICKER, Mr. WALDIE, Mr. SHIPLEY, Mr. SCHNEEBELI, Mr. St GERMAIN, Mr. PETTIS, Mr. PATTEN, Mr. MATSUNAGA, and Mr. LUKENS):

H. Res. 753. Resolution for amendment to rule XV, Rules of the House of Representatives relating to calls of the roll and House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 15297. A bill for the relief of In Kyong Yi; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 15298. A bill for the relief of Norma Blanchard; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 15299. A bill for the relief of Clarencia Sherburn; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PROF. HARDY CROSS DILLARD ELECTED MEMBER OF INTERNATIONAL COURT OF JUSTICE

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 16, 1969

Mr. SPONG. Mr. President, the most recently elected member of the International Court of Justice at the Hague is Prof. Hardy Cross Dillard, former Dean of the University of Virginia Law School. Hardy Dillard is well known to many Members of the Senate. He was a law classmate at Virginia of our colleague, Senator JOHN STENNIS. Senators KENNEDY, PEARSON, SCOTT, and I, as alumni of the law school at Charlottesville, have had occasion to observe the humor, charm, and "keen perspective of the science of the law" mentioned in an editorial about Judge Dillard, published in the American Bar Association Journal for December 1969.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DILLARD OF THE WORLD COURT

(The writer of the following guest editorial, Eberhard P. Deutsch of New Orleans, is a former chairman of the American Bar Association Committee on Peace and Law Through United Nations and is now editor of The International Lawyer, the publication of the Section of International and Comparative Law.)

The election of Hardy Cross Dillard as a member of the International Court of Justice must inevitably give a measure of confidence in that tribunal to even its most cynical critics.

Judge Dillard was born in New Orleans in 1902, son of a distinguished educator, Dr James Hardy Dillard, Dean of arts and sciences at Tulane University and founder of Dillard University. He received his bachelor's degree from the United States Military Academy at West Point in 1925. In 1927 he was graduated in law from the University of Virginia, and from 1930 to 1931 he was a Carnegie fellow in international law at the University of Paris.

With the exception of a year in private practice in New York, his legal career has been exclusively in teaching—primarily at the University of Virginia Law School, of which he was dean from 1963 until his recent retirement. He also has been visiting professor of law at Columbia University, Fulbright lecturer at Oxford, Carnegie lecturer at the Hague Academy of International Law, and director of studies at the School of Military Government of the United States Army and at the National War College.

During World War II he had a distinguished military career in various command and staff assignments, and he is the holder of the Legion of Merit with Oak Leaf Cluster and of the Bronze Star.

Judge Dillard is a past president of the American Society of International Law, a member of the council of the American Law Institute, a fellow of the American Bar Foundation, and a member of the board of editors of the *American Journal of International Law*. He is a member of Phi Beta Kappa, Phi Delta Phi and the Order of the Coif. Reference has aptly been made to Judge Dillard as "one of America's leading legal scholars and a worthy successor in that role to the late Dean Roscoe Pound" (51 A.B.A.J 237 (1965)).

Aside from his impressive educational and professional background, which fits him so eminently for the high judicial post for which he has been chosen, Judge Dillard is endowed with a charming personality and a delightful sense of humor, both of which qualities he applies somewhat whimsically to his keen perspective of the science of the law. This characteristic has won him a host of admirers among international lawyers and lay diplomats alike.

Judge Dillard will bring to the International Court of Justice a humanistic insight into its juridical affairs which, coupled with his basic understanding of the philosophy of the law and the absolute integrity of his devotion to its principles, should do much to shore up the world's ebbing confidence in the efficacy of that tribunal.

OPERATION NOEL

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. BROCK. Mr. Speaker, last week I attended a Christmas party in the Longworth Building cafeteria, which to me, exemplified the real meaning of Christmas—the time of sharing.

The occasion was a Christmas party for servicemen in Washington area hospitals, and called Operation NOEL, which means no one ever lonely. The idea was conceived 2 days before Thanksgiving by Joe Westner, the husband of Fran Westner, who is legislative assistant to our good colleague from North Dakota, TOM KLEPPE.

Fran mentioned it to Mrs. Olive Hunt, a member of my staff, who promptly introduced Fran to Mrs. Kathy Pierpan, secretary to our good colleague from New York, OTIS PIKE. After having introduced the two, Olive then had to return to our congressional district in Tennessee, but she had performed a most valuable service to the success of Operation NOEL, by introducing two congressional secretaries who knew how to get the job done.

By the time Operation NOEL was organized, 2 weeks remained before the event which was planned for December 10, and the details were becoming more and more involved. After an invitation went out to Members of Congress, with a plea for contributions, donations poured into the two offices. WMAL radio carried messages throughout each day, and offers of assistance came from all over the Washington area.

Those of you who had an opportunity to attend the Christmas party last week know what a tremendous success it was. At one time, nearly 1,500 honored guests, Members of Congress, servicemen and hostesses crowded the cafeteria, enjoyed entertainment provided by the Marine Corps Band, a buffet dinner, Christmas gifts for the servicemen, Christmas carols by the Prince Georges Chorus, with the overall assistance of Jim Evans of WMAL as the master of ceremonies.

The highlight of the evening for many was the appearance of Mrs. Mamie Eisenhower, who traveled from Gettysburg in driving rain.

As Mrs. Eisenhower, Gen. William Westmoreland, Gen. Lewis Walt, and Fran and Kathy cut a five-tiered cake with a Marine sword, she said:

I just wanted the boys to know we cared. I wouldn't have missed this for anything.

Secretary of Defense Melvin Laird arrived early in the evening intending to stay for 15 or 20 minutes, and stayed more than an hour, going from table to table chatting with the servicemen.

I was tremendously impressed by the atmosphere at the party, as I looked around and saw pretty congressional secretaries steering servicemen to tables, making certain they had plenty to eat and drink, and carrying out the theme of the party—no one ever lonely. I was tremendously impressed as I looked around the room and saw Members of Congress from all over the country sit down with servicemen and literally spend the evening with them.

Mr. Speaker, in my years on Capitol Hill, I have never had the privilege of attending a function which drew so many of my colleagues for one reason only—to say Merry Christmas and many thanks—without any motivation other than to spend an evening with our servicemen who have done so much for us.

A great deal of credit goes to those who worked so hard, and it is impossible to list the names, but my colleagues know how hard their staffs worked to make Operation NOEL a success. To Fran and Joe Westner, to Kathy Pierpan, and to Olive Hunt who introduced them, and to our colleagues TOM KLEPPE and OTIS PIKE, I extend my sincerest thanks.

At this time, I include two articles which appeared in the Washington Evening Star:

[From the Evening Star, Dec. 5, 1969]

CHRISTMAS FOR 2,000 GIs

(By M. M. Flatley)

With lots of ambition, hard work and cooperation from husbands, bosses, co-workers and outside organizations, two congressional secretaries have, in less than three weeks, organized a day of pre-Christmas partying that will include all of the more than 2,000 wounded servicemen canvalescing in six local hospitals.

Mrs. Fran Westner, secretary to Rep. Thomas Kleppe of North Dakota, and Mrs. Kathy Pierpan, secretary of Rep. Otis Pike of New York, hope Operation NOEL (No One Ever Lonely) will serve as the kick-off for all-inclusive servicemen's parties in other states.

"There are always some left out," Fran said recently, "but Operation NOEL won't forget anybody this year."

Planned as a joint venture with the National Capital Area, USO, the operation will include a buffet dinner party Wednesday from 6 to 9 p.m. in the Longworth Office Building.

The women expect upwards of 300 wounded veterans to attend, many in wheelchairs or stretchers and more on crutches and canes. Congressional guests and their staffs, as well as prominent government officials, are expected to carry attendance past 500.

GIFTS TO HOSPITALS

For the majority of soldiers, sailors, Marines and airmen who cannot go to the Longworth party, House and Senate volunteers will distribute gifts in the wards of the Bethesda Naval, Walter Reed Army, Quantico Marine, Ft. Belvoir and Ft. Meade hospitals.

Two patients from Andrews Air Force Base will attend the evening buffet.

Volunteers also will meet Medivac planes scheduled to arrive at Andrews Wednesday afternoon. They will present each Vietnam veteran with a Christmas present as he deplanes.

Credit for conceiving the servicewide, areawide party goes to Fran and her husband Joe, formerly of the Marine Corps.

For the last few years the Westners have invited two Marines from Quantico to share Thanksgiving dinner with themselves and their two small children.

This year they were discussing the hundreds of men who would not have holiday plans and two days before Thanksgiving, Fran "made a few calls" to see what could be done on short notice for Christmas.

JOIN FORCES

A mutual friend introduced her to Kathy, who organized Christmas parties for hospitalized Marines in 1967 and 1968. The parties had been sponsored by her boss and Rep. Bob Mathias of California, both former Marines.

The USO was anxious to help, and commercial firms, when contacted, volunteered refreshments, decorations and wrapping paper.

The girls still need donations of gift items such as cigarettes, slippers, razor blades and shaving cream.

Party invitations printed in a routine newsletter made no mention of money or other donations needed, but both office phones "rang off the hook" as staffers and their bosses called to volunteer time and donate money.

"A lot of people said they had wanted to do something, but didn't know how to go about it," Fran said.

Jim Evans of WMAL will emcee Wednesday evening. The Marine Band, Nick Jaggi Quartet and Prince Georges Chorus will entertain.

"One of our greatest calls," Kathy said, "was from Rep. Bob Michel who is a wonderful singer—he's going to do that."

[From the Evening Star, Dec. 11, 1969]

YULE PARTY FOR GI'S UNRANKED SUCCESS

(By M. M. Flatley)

There were no Spec. 4's or Pfcs at last night's joint Congressional-USO party for wounded Vietnam veterans.

For a few short hours there were just some 300 men in uniform and civvies who had come to enjoy a buffet dinner, beer, champagne and the company of an almost equal number of young girls acting as hostesses.

"Would you believe this is the first time I've danced in over eight months?" asked one young soldier now recuperating at the Ft. Belvoir hospital.

Like the other men, he had listed only his name and home town on his name tag . . . no rank, serial number or branch of service.

Last night's party, dubbed Operation NOEL (No One Ever Lonely), was the work mainly of two congressional secretaries, Mrs. Kathy Pierpan, secretary to Rep. Otis G. Pike of New York, and Mrs. Fran Westner, secretary to Rep. Thomas S. Kleppe of North Dakota.

In less than three weeks' time, with the help of their bosses, husbands and coworkers they pulled together a party that drew veterans from all six military hospitals in the Washington area, a few headliner guests and more senators and representatives than anyone could count.

Three bands played throughout the evening, Jim Evans of WMAL served as emcee and Rep. Robert H. Michel of Illinois led a few Christmas carols that were practically drowned out by the people talking and laughing at tables holding an even number of young men and women . . . except when the women were in the majority.

Earlier in the day, volunteers distributed Christmas gift packages to veterans at all hospitals who were unable to attend the Longworth Office Building party.

Among those table hopping to shake hands and pat shoulders were Secretary of Defense Melvin Laird, Mrs. Mamie Eisenhower, Army Chief of Staff Gen. William C. Westmoreland, Assistant Commandant of the Marine Corps Gen. Louis Walt and Brig. Gen. Fred Haynes, USMC.

Two Marines offered impromptu toasts to those giving the party.

Sgt. Ken Altazan, who spent a year in overseas hospitals and expects to leave the Bethesda Naval Hospital seven months and two leg operations from now, said to loud applause:

"We're not looking for sympathy; just some backing for the guys still over there."

Sgt. E. J. Wentworth said he had enjoyed the party especially because he was reunited with some of the men he met briefly in Vietnam.

Sgt. Wentworth lost his left hand and leg after seven and a half months as a squad leader in Vietnam. He expects to spend about another year and a half at Bethesda "trying to put myself together."

The party had been scheduled to end at 9 p.m. but continued unabated almost two hours longer.

"This is the first party for Vietnam servicement I've been to," said one congressman, "where the GIs really participated and everyone really mingled."

COLOR-TV SALES IN TROUBLE

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 16, 1969

Mr. FANNIN. Mr. President, Arizona is bound up in the manufacture of consumer electronics as a major portion of our manufacturing. Therefore, anything which adversely affects the electronics industry will inevitably and adversely affect Arizonans.

Yesterday the Wall Street Journal published a story citing the fourth quarter slump in sales of color-TV sets. In part, I believe, this decline is due to inflation that leaves people with less discretionary income; and also I am sure the import rate of new color-TV sets, which has been doubling every year, has affected the ability of domestic manufacturers to compete.

I ask unanimous consent, Mr. President, that the article to which I refer, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PICTURE GOES BLOOEY—COLOR-TV MAKERS HIT BY SLUMP IN SALES IN 4TH QUARTER; '69 TOTAL SEEN TRAILING '68

(By Dan Rottenberg)

CHICAGO.—Color-television makers no longer beat around the bush when asked how sales are doing. "We've been hit like a ton of bricks," says Syl Argentin, director of market research for Admiral Corp.

That's hardly an exaggeration. Distributors' unit sales of American-label color-TV sets, up a healthy 5.4% in the first nine months of 1969, have been so disastrous in the fourth quarter—running about 20% below comparable 1968 figures—that totals for the year already have fallen behind those of last year and show no hope of catching up.

It's expected December sales will be 15% below last December's; in fact, industry sources say the number of color sets sold in the fourth quarter, normally the distributors' strongest period, won't even equal third quarter sales.

The decline in the number of sets sold is only part of the story, because color-TV buyers increasingly are choosing lower-priced models. The average price of a color receiver sold today is under $350, according to the National Association of Radio-TV Dealers. Less than two years ago the average was $650.

The sudden softening of the color-set market is a bitter pill for American companies, which have concentrated increasingly on color television as imports have gained in the lower-priced radio, tape, phonograph and black-and-white TV markets. Foreign-label items already account for about 80% of all tape players, 60% of all radios, 25% of black-and-white TV sets and 20% of phonographs sold in the U.S. And the imports are showing healthy gains in all home-entertainment categories while American-label items, with the exception of tape players, will be uniformly down in 1969.

BIG-DOLLAR STRATEGY

"U.S. companies have all but abdicated the low end of the price scale to the importers," says a spokesman for the dealers' association. "Domestic producers have been banking on their big-dollar items, most notably color TV." American-label color-TV volume exceeded $2 billion in 1968 while sales of imports were just $39 million.

Unfortunately for this strategy, big-ticket items are the first to suffer in periods of tight credit and economic uncertainty. Just as auto sales were affected early by Government anti-inflation measures, color-TV sales have sagged for the same reason.

More than 65% of color-TV buyers use financing, a route that is closed to them if funds are too expensive or unavailable. Also, "A man's not likely to commit himself to a loan if he's afraid he'll be laid off," says Admiral's Mr. Argentin. He adds that consumers are "more conservative, more negative" than they were three or four months ago.

Earlier this year, spokesmen confidently predicted color sales by distributors of anywhere from six million to 6.3 million sets, up from last year's 5.8 million. Now the figure appears likely to fall between 5.7 million and 5.8 million.

Despite the suddenness of the dip, storm warnings have been out for some time. In June the association said its dealer members reported sharp decreases in color sales during the first half of the year and noted a rise in dealer inventories. At the time, factory sales were up and factory inventories were low. But the lessening of demand for sets by dealers has inflated current color-TV inventories at both factory and distributor levels to 25% higher than at this time last year.

That may be good news for consumers. Most dealers won't be cutting prices before Christmas, reasoning that December is their best opportunity to make up for earlier losses. But factories and distributors, anxious to unload inventories, may already be cutting prices to dealers. "Pricing to the retailer is less than firm right now," says Jules Steinberg, executive vice present of the dealers group. Some of the factory price cuts may be passed on to consumers during post-Christmas sales. The annual Magnavox Co. post-Christmas sales will feature cuts of $20 to $50 on retail set prices. RCA Corp., the Sylvania unit of General Telephone & Electronics Corp. and several other companies earlier this month cut prices as much as 10% on the color-picture tubes they sell to set makers, citing "overcapacity."

But while consumers smile, color-set makers and dealers are feeling a variety of effects, all of them negative.

Several companies have said earnings forecasts for 1969 would have to be reduced. RCA President David Sarnoff last week expressed doubts that his company—the leader in color-TV sales—could equal last year's $2.37 per share net, as it had earlier expected to do. He cited a shift in color-TV purchases to the lower end of the price spectrum as one of the recent negative factors.

Warwick Electronics Inc., a majority owned subsidiary of Whirlpool Corp., recently said it won't break even in 1969 as it had earlier expected because of "the general softening" of the consumer electronics market in October and November. Warwick, a major supplier of television sets and other electronics products to Sears, Roebuck & Co., had a net loss of $4.7 million in 1968 and another $4 million in the first half of 1969, but earned $676,000 in the third quarter and expected higher earnings in the fourth quarter.

LAYOFFS IN PLANTS

The slowdown also has meant layoffs at companies anxious to dispose of inventory. RCA in October said it laid off 1,325 workers at three color-TV plants, citing a drop in sales of portable and small table-model color-TV sets. Warwick last week said a drop in orders from Sears caused it to lay off indefinitely 600 of 2,200 employees at its Forrest City, Ark., plant, which makes color sets.

Color-TV dealers, who felt the slowdown months before the industry did now find themselves "in a precarious financial position," says Mr. Steinberg. He says the association has a record number of requests from dealers anxious to sell their stores.

"Most retailers are accustomed to working on a hand-to-mouth basis," Mr. Steinberg says. "When sales fall and the cost of financing inventory rises, some dealers are in hot water." Mr. Steinberg says the number of color sales by dealers will be off at least 5% for the year and dollar volume will fall at least 15%.

Most industry spokesmen say they expect anti-inflation measures—and the sluggishness on color-TV sales—to linger at least through the first half of 1970; that view has been expressed recently by officials of RCA, Zenith Radio Corp., Admiral and Magnavox, among others.

But the industry expects to reap a big harvest when anti-inflation measures are lifted.

"The latent demand for our product is there," says Walter Fisher, president of Zenith Sales Corp., marketing arm of Zenith. "The purchase of a color TV is something that can be delayed, but it can't be denied ultimately. By June of next year, consumers' caution could be replaced by confidence, and three out of five consumers have yet to buy their first color set."

Mr. Steinberg sees another reason for hope: The need of consumers to replace the more than four million old sets they throw out each year.

"No matter what the economic climate," Mr. Steinberg says, "I can't conceive of a consumer failing to replace a set which is beyond repair. And when an old black-and-white set no longer works, it's likely to be replaced by a color set."

YEAREND REPORT REACHES TENTH DISTRICT CITIZENS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. BURKE of Florida. Mr. Speaker, I have just completed the yearend report which I make annually to the people of the 10th Congressional District, an area composed of Broward and north Dade Counties in South Florida, whom I have the honor to represent in the U.S. House of Representatives. I am submitting it for the RECORD as part of the official proceedings of the House.

The following is my report:

BURKE YEAR-END REPORT

HIGHLIGHTS OF THE 91ST CONGRESS

DEAR FRIEND: I am delighted to send you this special year-end report on the activities of the first session of the 91st Congress.

This Congress has been in session since January 10, 1969, but President Nixon did not take office until January 20. The Executive

Branch therefore is under the control of a Republican President, while the Congress is controlled by the Democrats who, as of this writing, hold the U.S. House by a margin of 244 to 189 and the U.S. Senate by 57 to 43.

This partisan division between the Executive and Legislative Branch has therefore made the pace of the 91st Congress thus far appear rather slow, and although the record of the Congress has been more deliberative with respect to the legislation it has passed in comparison to others of recent years, I feel there will be much good legislation enacted before the 91st Congress finally adjourns on December 31, 1970.

In fact, I feel that perhaps the initial slowness may result in a review of some of the past rubber stamp and experimental legislation enacted by some past Congresses. Certainly, most can agree that quality legislation is preferable to quantity legislation.

This has been a busy year for me as your Congressman and I have received more mail than ever before from my constituents. My staff and I are delighted when we can be of assistance to you.

I am also grateful for your letters expressing your opinions and I want to take this opportunity to thank you for allowing me the privilege of being of service to you, to the extent that I am able, as your Representative in Congress.

With kindest wishes,

Sincerely,

J. HERBERT BURKE.

TENTH DISTRICT IS BOOMING

The U.S. Census Bureau has estimated the area of Broward and North Dade Counties, which comprises the 10th Congressional District, as the fastest growing area in the Nation.

CONGRESSMAN BURKE REPORTS

I am glad to be able to work with our local officials in assisting whenever I am able. The following are a few of the federal assistance grants which we have obtained for the benefit of our area:

New Social Security Office for S. Broward . . . Computer Record System for Broward County Drivers . . . Job training, housing for Seminoles . . . Law Enforcement Assistance . . . Additions to Sunland Training Center in N. Dade . . . Job Training for Underprivileged in District . . . New Post Office facilities at Ft. Lauderdale, Plantation, Hollywood Hills, Margate, Carol City, and others being planned . . . Housing Aid for North Dade and Broward . . . Expansion of airport facilities at Ft. Lauderdale-Hollywood International, Ft. Lauderdale Executive, and Opa-Locka General . . . Hospital Expansion for Holy Cross . . . Area Planning for Broward, Dade, Hollywood, Pembroke Pines . . . Additions for Pediatric Center, Ft. Lauderdale . . . Headstart and other educational funds for District . . . Park Assistance for Broward County . . . Computer Information Network on crime statistics between Florida and other large states . . . Housing, Job Training for South Florida Migrants . . . Water, sewer funds for Ft. Lauderdale, Hollywood, Wilton Manors, Miami and North Miami.

91ST CONGRESS ACTS ON MAJOR ISSUES

My report card to you on key votes follows:

Water Pollution Control Act—For.

Limit farm subsidies—For.

Retain 10 percent surtax—Against.

School lunch program—For.

Elementary Education Act—For.

Additional tax funds for Kennedy Center—Against.

Postal employee pay raise—For.

Draft Reform—For.

Allow banks to engage in nonbanking activities—Against.

Drug Abuse Education Act (Burke co-sponsored bill)—For.

Electoral College Reform—For.

Foreign Aid Appropriation—Against.

Tax Reform—For.

Support President's efforts for peace in Vietnam (Burke co-sponsored bill)—For.

Create House Committee on Crime—For.

Appropriate $480 Million for the International Development Fund—Against.

Assure confidentiality of census (Burke co-sponsored bill)—For.

Create environmental control board—For.

Airport Expansion Act—For.

Clean Air Act—For.

REPRESENTATIVE BURKE INTRODUCES LEGISLATION FOR—OUR FIGHTING MEN

H. Res. 619: Support President's efforts in ending the Vietnam war. H.R. 10859: Provide Vietnam tax benefits for those servicemen serving in Korea. H. Con. 355: Assure relief of Prisoners of War. H.R. 13195: Allow American flags to be presented to parents of deceased servicemen.

OUR VETERANS

H.R. 220: Equalize pay for retired military. H.R. 8271: Establish a National Cemetery in Tenth District. H.R. 8273: Provide vets with travel allowance equal to that of federal employees, when traveling on official business. H.R. 8841: Permit release of vets from liability relating to U.S. guaranteed mortgages.

SENIOR CITIZENS

H.R. 12342: Provide for regular cost of living increases for social security recipients. H.R. 8272: Extend period of post-hospital extended care under Medicare. H.R. 8270: Increase civil service retirement annuity. H.R. 8269: Allow designation of civil service 2nd spouse annuity. H.R. 6281: Provide 100% social security benefits to women with 120 quarters of participation. H.R. 2068: Remove all outside earnings limitation placed on social security recipients.

(I am hopeful that increased social security will become a reality, effective January 1, 1970. It is my further hope that there will be at least a 15% or perhaps a 20% boost in benefits, which would be in conformity with a request I made on the House floor on October 6th. JHB.)

THE AMERICAN TAXPAYER

H.R. 3855: Create modern-day Hoover Commission to continually investigate duplication and waste in federal government. H.R. 8840: Repeal the 1969 pay raise for top federal officials and Members of Congress. H.R. 8842: Raise personal income tax exemption from $600 to $1200 per individual. H.R. 14273: Permit individuals to deduct all medical expenses for income tax purposes.

ALL CITIZENS

H.R. 2065: Provide assistance to industry to train unskilled. H.R. 2066: Asks that a federal judge sit in Fort Lauderdale. H.R. 3778: Limit categories of census questions. H.R. 4794: Allow citizens who change residency to vote for President. H.R. 7870: Provide increased aid to train; hire air traffic controllers. H.R. 9331: Update mechanisms of Congress. H.R. 10136: Suspend aid to colleges and teachers engaged in rioting. H.R. 10554: Establish an urban mass transit fund. H.R. 12886: Call for humane treatment of lab animals in testing. H.R. 12745: Create an Eisenhower silver dollar. H.R. 13603: Allow grants to local officials and schools to educate students on drug dangers (Passed the House on October 31st). H.R. 13686: Make unlawful the transportation of drugs in interstate. H.R. 14061: Regulate sexually provocative mail. H.R. 14295: Eliminate practice of soring Tennessee walking horses. H. J. Res. 880: Rename Cape Kennedy back to historical name of Canaveral. H. J. Res. 535: Amend Constitution to permit prayer in schools. H.J. Res. 895: Create a National Student Congress allowing students to debate issues of the day in the Congress.

URBAN INSTITUTE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, December 16, 1969

Mr. JAVITS. Mr. President, in 1968 the Urban Institute was established as a private, nonprofit research organization devoted to the study of urban problems with Arjay Miller as chairman of its board of trustees. In its first full year of operation it has made a promising start, and has assisted policymakers at all levels of government in dealing with the full range of urban issues. The institute has undertaken programs and studies in the major urban issues which this Nation will face in the 1970's and the decades beyond. These include income maintenance, housing, health, public finance, transportation, and law enforcement.

In the past year the Urban Institute has organized highly qualified professional staff which has undertaken research and evaluation projects and programs of support and assistance to city officials charged with administering existing Federal programs.

The institute has recently published a detailed outline of its work program for 1969–70, and I ask unanimous consent that the outline be printed in the RECORD.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

THE URBAN INSTITUTE WORK PROGRAM FOR 1969–70

INTRODUCTION: THE URBAN INSTITUTE AND THE CITIES OF THE 1970'S

The Urban Institute is a private, nonprofit research corporation devoted to the study of urban problems. Its program is generally shaped by the need for specific information to deal effectively with the many problems confronting the nation's urban communities. Where basic information about urban problems exists, the Institute attempts to facilitate application of this knowledge to policy and program formulation. Where effective public policy is severely hampered by ignorance of the underlying causes of problems, the Institute conducts or sponsors basic research. Where experimentation appears the most promising—or the only—approach, the Institute will evaluate programs already under way, and offer support and guidance to others not yet established.

The Institute serves and cooperates with the Federal agencies which deal with city problems, particular cities or groups of cities, associations of local government officials, and the academic community that focuses on city matters.

Key Issues: The major urban issues of the 1970's practically coincide with the nation's domestic agenda: urbanization itself, the continuing concentration of people in metropolitan areas . . . the volatile issue of equal status in society for minorities . . . economic segregation . . . rising wealth and incomes on the one hand, and continued poverty and disparities of distribution on the other . . . pollution of the environment . . . the related matters of filth and ugliness . . . the narrowing opportunities for low-skilled workers to earn living wages . . . the congestion and inconvenience of urban transportation . . . the persistence of miserable housing conditions . . . the growth of crime . . . the disunity between cities and their suburbs . . . weaknesses of small towns and rural America which increase migration to

and add to the strains on larger cities . . . political breakdowns which leave some cities hardly able to govern themselves and many subcommunities without effective voices . . . dissatisfaction with institutional arrangements, especially in education . . . and the severe budget strains at the local, state and Federal levels for dealing with all of these.

The Institute does not encourage any false hopes that some quick, easy, never-before-imagined panacea will emerge from its research program to dispel these problems. Rather, the Institute assumes that an orderly, systematic study of these matters can make a steady, constructive contribution toward rational solutions.

The Institute will seek to bring not only the expertise of its own staff, but that of the academic world in general, to the better service of those on the action fronts in America's cities.

The research program of the Institute is not so firmly jelled as the descriptions that follow might indicate. Gaps, such as urban education, need to be filled. The findings from early projects and changing circumstances are likely to alter research priorities and directions. What follows, then, is a snapshot of a program in the process of development.

INCOME AND OPPORTUNITIES

The Institute is doing work in four areas having a direct bearing on anti-poverty efforts—income maintenance, housing, health, and employment. Much of the research in these areas has been underway for about a year, but new areas of study also are being developed.

Income maintenance

Our present "welfare" system, especially the Aid to Families with Dependent Children program (AFDC), is widely recognized as a failure. Payments vary widely from state to state, incentives for self support are uneven or non-existent, and many poor persons are not aided.

Moreover, welfare payments constitute a tremendous burden on state and local governments. The problem is particularly acute in major cities where the cost of all public services—health, education, police protection, transportation—is rising precipitously.

Recent Developments: Recently President Nixon proposed major changes in both the coverage and content of the nation's welfare program. The most important is the proposal to replace AFDC. In place of AFDC, Nixon proposed:

A family assistance program for all needy families with children, including families of the working poor, to be financed and run by the Federal government.

Supplementary aid above the Federal minimum to be financed mostly by the states.

If passed, it may provide for the first time a vehicle for making budgetary choices between helping the needy through income or through services. Experience will begin to indicate whether, for example, the goal of better housing for low income families will be best served by giving them money or by subsidizing the construction, operation, interest payments or rents of housing.

Whether or not general income maintenance is enacted, research will be needed to assist in making the choices between cash and services.

Institute Program: The Institute's research effort in this field is designed to facilitate such comparisons.

First, we intend to pull together in one framework the presently known relations between income and a number of key areas of public policy. The levers or potential levers of government action will then be tested out in this "policy response" model. A series of studies is being prepared on the impact of income maintenance on employment, housing, education and health services. Analyses will also be made of the effects of income maintenance on programs already linked to low-income groups such as Medicaid and public housing. How will the numbers of eligible persons change? To what degree will the required subsidy change? The policy response model will be linked to a model of the entire economy so that overall changes in the nation's economic health or rate of growth can be taken into account in evaluating alternative income maintenance and other public programs.

Second, better data will be sought for estimating relationships between income and other social and economic factors through participation in the design and evaluation of several new income maintenance experiments being undertaken by the Department of Health, Education and Welfare. This will be a long-term effort. It will add to the experimental data due from the Office of Equal Opportunity's negative income tax experiment, already under way in New Jersey.

Finally, because of the active political consideration now being given to the President's welfare reform legislation and the major departure which it proposes, we think it is desirable to provide a group of key legislators and their advisors and administration officials an opportunity to become acquainted with a common base of factual and analytical information which bears on this reform. To this end a seminar series on income maintenance, organized around background papers by Institute members and outside experts, was planned.

Housing

Many households do not have enough income to buy adequate housing. This is true of many current recipients of public assistance and is likely still to be true of most of those who would benefit from the President's welfare reform measure. The actual and proposed aid levels are far below what is necessary to support an adequate level of housing services. The term "housing services" includes not only the physical dwelling unit, but also the utilities, security, upkeep, cleanliness and so forth.

Low income also contributes to the deterioration and loss of the housing stock. Many buildings that were built originally to high standards are experiencing accelerated decay because of poor maintenance. Existing statistics do not portray adequately the rapid deterioration and abandonment of these units. In many older cities, destroyed buildings and even vacant blocks attest to the force of this process. If these buildings were of fundamentally substandard quality, this process might be considered socially desirable—a kind of slum clearance. But, in many instances, these buildings are of intrinsically sound construction and, along with new construction, should contribute toward meeting the needs stated in national housing goals.

In the face of rising costs, owners of rental housing tend to let maintenance and other services decline, needed capital improvements are omitted, and the process of deterioration is intensified. Inflationary trends in prices and wages, heavier real estate taxes and more expensive financing have caught the provider of housing services in a squeeze. Some expenditures such as real estate taxes and utility costs cannot be reduced, and therefore the pressure is shifted to remaining cost components. Further reductions in expenditures for housing maintenance is one likely result; another is the reduction in labor intensive services, such as trash removal.

This process contributes to the increasing conflict in our cities between landlords and tenants. Where housing choice is limited by racial discrimination and when the landlord is white and the tenant is black or brown, such conflicts nurture racial disharmony. The tenant perceives the lack of housing services as a result of the owner's unconscionable profit-taking. The owner feels that his returns are more than justified by his risks. A reinforcing cycle of negative behavior accelerates the destruction of buildings and takes a toll in human frustration.

Current Federal Posture: The Federal response to these problems has been to stress new housing construction. It is reasoned that by encouraging capital investment, the housing stock will be expanded at gradually higher quality levels so that the public in all income brackets will find better housing services available.

This strategy has been at least partially successful over the past score of years. The nation has been producing new dwellings at the rate of 1.5 million units a year while population has grown at the rate of 1.0 million households annually. The half-million unit difference is a replacement for units that are lost from the stock, many of which are "substandard" (i.e., structurally dilapidated or lacking plumbing). Thus, along with providing for new households, the overall quality of the stock has been improved, and it is estimated that out of a total of about 68 million units, there are now about 7 million "substandard" units in the nation compared to 11.4 million in 1960 and 17 million in 1950.

Yet, two presidential commissions expressed concern recently that we are not pursuing adequately our public interest in housing. Their reports concluded that while the nation's housing markets have been working reasonably well for higher income groups, lower income and minority group households continue to live in inadequate housing. New national housing production goals have been prepared in response; they call for an accelerated production rate with an average of 2.6 million dwellings a year over a decade. Of these, an average of 600,000 a year would receive some form of subsidy and be earmarked for low and moderate income households.

The Department of Housing and Urban Development (HUD) has announced a program, Operation Breakthrough, which seeks to expand the nation's capability to produce housing and to lower production costs through greater industrialization and housing market aggregation.

Institute Program: We are providing analytical assistance to HUD in the course of the Department's efforts to secure greater industrialization and market aggregation in the production of housing. We are currently analyzing possible measures for easing the problem of acquiring sites in metropolitan areas for subsidized housing.

However, even with a boost in production, most lower income households will not be benefitted by new construction for some time. The vital process of building and upgrading the housing stock is relatively slow and offers few immediate alternatives for the family living in the slum. To this family, housing is today's problem.

Since the lack of adequate income is clearly a central element in the inability of many to purchase adequate shelter and related services, the Institute is examining how various income assistance proposals such as housing allowances or the Family Assistance Program would assist lower income families in escaping from substandard housing services. The Institute will also attempt to measure the impact of income assistance and other programs on rents, interest rates and other housing costs.

Various constraints in the housing market prevent supply from keeping pace with demand. One of the initial studies about these constraints focuses on housing codes—how they are administered and enforced, and how they affect total supply, housing quality and rent levels.

The Institute also will investigate various ownership mechanisms for lower income households, such as "payments" of labor instead of money to achieve equity, or cooperatives, and innovative schemes involving greater tenant participation as means of gen-

erating better housing management, maintenance and other services.

It is also important to understand those aspects of the Federal income tax and local property tax which tend to discourage both the repair of existing housing and the construction of new housing, especially for low and moderate income families. The Institute's work on housing site acquisition and the analysis being made of operating costs of the existing housing stock (plus the analysis of local tax reforms described later) will, taken together, contribute to a better understanding of this issue and provide improved bases for assessing proposed public action. It is possible that substantial gains in housing services for the poor may be achieved by public measures that channel more private and public funds and administrative resources into the existing housing stock.

Health

In addition to direct cash assistance and housing subsidies, health care is a third major government-provided supplement to current income.

Federal involvement in the health sector has increased rapidly since the enactment of Medicare and Medicaid in 1965, and rapid growth is expected to continue.

In 1966, of the $42 billion total national expenditures for health, Federal funds accounted for 13 percent; state and local sources, 13 percent; and private sources, 74 percent. In 1968, national expenditures for health rose to $53 billion of which Federal funds financed 24 percent; state and local, 13 percent; and private sources dropped to 63 percent. By 1975, it is estimated that total national expenditures on health services and supplies will approach $100 billion. Health services in that year will account for approximately 7 percent of GNP compared to 5½ percent of a much smaller GNP in 1965. This means that the cost of health services per person will nearly double to a sum in excess of $400 a year. A simple linear extrapolation of the present Federal share suggests that Federal health expenditures in 1975 may be about $30 billion—a six-fold increase in a ten-year period.

The increase in public sector expenditures during the last few years has saturated the existing system with increases in the demand for health services and has been accompanied by only small changes in supply. The result has been to intensify the upward pressure on prices and costs in the health sector. Further aggravation of this problem is likely.

Recent Developments: This prospect has led HEW to introduce tighter administrative controls over the Medicare and Medicaid Programs by:

Placing an upper limit on physicians' charges; in effect making a partial move toward a fee schedule and away from the "usual and customary" formula.

Requiring, in the Medicaid Program, formal review procedures to investigate hospital and physical utilization.

Concern over the rapid rise in medical care costs and prices led to the Senate Finance Committee's hearings on Medicare and Medicaid this year. In July, Congress also passed amendments to the Medicaid Program extending the deadlines for the states to meet the objectives set in the 1965 legislation. The original law required the states to enact their own Medicaid legislation to cover persons on welfare by January 1, 1970, and to extend coverage to all "medically needy" by 1975 or lose their Federal money. The new amendments allow the states until 1975 to cover welfare recipients, and until 1977 to cover the "medically needy."

Institute Program: The problems of achieving some reasonable balance between supply and demand and controlling the increases in medical service costs are reflected in the Institute's proposed research and analysis. Both the supply and demand sides of the market for health services will be examined in evaluating alternative Federal health programs.

The Institute has begun development of a policy response model focusing on the following issues:

What impact would further extensions or limitations of Medicaid and Medicare have on medical care costs and prices and on the distribution of health services by age, race, and income class?

What would be the impact of a more general system of national health insurance?

What are the most effective means for overcoming severe shortages of physicians and their assistants and nurses? And how would these measures affect the current rise in health prices and costs and the maldistribution of health services?

What direction should the Federal government take in supporting modernization and construction of facilities to encourage a more efficient health system? What other governmental actions are available for promoting greater efficiency in the health section?

Employment

The three areas described above—income maintenance, housing, and health—are among the most important means which the government currently uses for raising the living standards of poor families by income supplementation. For the vast majority of current beneficiaries, these programs constitute important sources of help for acquiring the necessities of life. However, these beneficiaries account for only a fraction of persons presently classified as poor. The group that is largely excluded is the working poor.

Historically, Americans have supported three lines of attack on the problem of the working poor. First, we have used the powers of the government to try to ensure high levels of employment. Second, we have used minimum wage legislation which was designed to reduce the number of people working for very low wages and to put a floor under the earnings of the employed. Third, more recently, we have used education and training programs designed to raise the employability and productivity of those who work. Public employment programs explicitly designed to provide jobs for the unemployed—so important in the 1930's—have virtually disappeared in recent years.

As noted earlier, the welfare reforms proposed by President Nixon mark a new direction in Federal policy for dealing with the working poor since they would provide, for the first time, direct income supplementation to this group.

Nevertheless, wages will continue to be the main source of income for most families. Although the unemployment rate has been lower than we usually have achieved, it is high compared with that of many other countries, and we still have very high unemployment rates in some geographic areas and among some population groups. Persistently low incomes among the partially employed and many of the fully employed are another indication of the roadblocks to participating effectively in the income earning opportunities of society. It is unclear at present how much this problem arises from the characteristics and behavior of the unemployed and low-wage workers, and how much from discrimination against them by the opportunity-creating institutions.

What is clear is that the urban employment problem is far more complex than it was thought to be in the 1950s. The determinants of labor demand and supply and the processes by which they are matched are not sufficiently well understood to design an effective, efficient program either to "mop up" the hard core unemployed or to give chronically low-paid workers a chance at adequate earned incomes.

Current State of Knowledge: This lack of understanding is one source of uncertainty about the effectiveness of governmental efforts to reduce poverty by raising the earning power of the poor through manpower training and retraining programs. These programs, costing about $2.5 billion in Federal funds in 1968, have been based on the following line of reasoning: the poor lacked access to good jobs because they lacked skills; manpower training programs could overcome this problem; as a result, poverty among the employed or unemployed able-bodied poor would decrease. The vitality of this idea is demonstrated in the numerous manpower programs which have been created in the last several years.

However, we still lack adequate evidence that manpower programs have had immediate or lasting effects on the earning power of the poor. Moreover, the vast majority of low-income persons have not been enrolled in the programs. It has been estimated that only about 400,000 poor persons have completed the manpower training programs of the Department of Labor and the Office of Economic Opportunity, although the remaining "universe of need" for these programs in 1969 was about 12 million poor persons. Finally, it is not certain that the training programs resulted in a net increase in earned income for the working poor. The successful trainee may simply have replaced another poor worker who would have gotten the job. Many difficult problems in obtaining and evaluating data account for this lack of knowledge.

Institute Program: The nation will have to know more about the operation of labor markets *per se* before the impact of present and alternative public policies can be evaluated.

The primary focus of the Institute's analysis will be on understanding the operation of labor markets and sub-markets within the metropolitan areas. The operation of these markets, however, both conditions and are conditioned by forces that go beyond the local markets. In general terms, we are concerned with those forces which determine: (1) the size, type (by occupation and wage level), and location of employment opportunities (demand for labor); (2) the size, type, and location of population and labor force (supply of labor); and (3) the means of establishing and maintaining satisfactory employment and income levels arising from the interaction of (1) and (2).

Work is proceeding on construction of labor market models at both national and metropolitan levels. These will be used to explain the complex factors at work in these labor markets and to analyze the costs and effects of public policies aimed at reducing unemployment or increasing earnings.

These models and the research required to develop them will help answer the following kinds of questions:

Inflation and Unemployment: How do the composition and duration of unemployment and vacancies change with changes in aggregate demand? What are the relationships between inflation and unemployment in the United States since 1946? How can manpower programs be structured in order to increase the chance of achieving lower levels of unemployment without inflation?

The Operation of the National Labor Market: What are the probabilities in a given time that various age, race, sex, and occupational groupings will find work, quit and be laid off? How do these occurrences change hourly earnings and respond to changes in hourly earnings? What are the major influences on the rates of unemployment, hiring, quits, layoffs, and earned income changes in the national economy? What manpower policies can be developed to respond effectively to these influences?

Poverty, Unemployment and Employment

at Low Income Levels: Are institutional barriers, low productivity, inadequate motivation, job shortages or other factors the major obstacles to income improvement for the working poor?

Employment and Occupational Growth in Metropolitan Areas: What are the implications of current trends in employment, by industry and occupation, in metropolitan areas? Should there be more emphasis on persuading industry to locate in metropolitan areas or on public employment support in these areas than is true of present policies? How effective would a wage subsidy be in inducing employers to hire, train and upgrade low-skilled workers?

Changes in the Supply of Labor in Metropolitan Area: What effect does migration have on the labor force in metropolitan areas? How do local labor market conditions affect the proportion of the population which enters and leaves the labor force? How do these conditions affect the distribution of the work force by various age, sex, and racial groups? What effects do education and training programs have on the productivity and income of low income urban workers?

Changes in Labor Market Processes: How does the search process of workers and employers affect the wage and other aspirations of workers and employers? What would be the potential of improved information and transportation flows in matching employers and job seekers? How can government institutions, such as the employment service, more effectively serve both potential employers and employees in getting satisfactory training (when required) and jobs?

Inequities in the Labor Market: A common thread through much of the work is an attempt to understand how to reduce discrimination and inequities in jobs and earning opportunities.

PERFORMANCE OF STATE AND LOCAL GOVERNMENTS

The Urban Institute's work in income maintenance, housing, health, and employment, already described, focuses in large measure on poverty as a core ingredient of social ills, and addresses itself to Federal policies and policy makers. This, however, is only a part of the Institute's program.

Work also is underway to improve the fiscal and management capabilities of state and local governments. The availability of finances and the programs they support under these governments have, of course, great implications for the quality and distribution of public services for all citizens. In FY 1967–1968, local governments spent over $70 billion; states spent $44 billion directly, and distributed $68 billion.

The recent trend towards decentralization of decision making from the Federal government to state and local governments is intended to make government more effective and responsive to public needs. The proposals for revenue sharing, manpower program block grants, and transit aid, along with the existing Model Cities program and the Law Enforcement Assistance program mean more money and more control in the hands of state and local governments.

Another strong trend is toward greater participation and involvement in government decisions. Desirable as decentralization and citizen participation are, these complex and often explosive issues confront local governments with new challenges.

Local governments also frequently lack modern management tools. Relevant, timely information to aid in decisions is rare. Many state and local government agency heads are not accountable to elected officials. Since no organization can be better than the people who run it, the difficulties faced by local governments in attracting and holding qualified personnel also must be counted as severe handicaps.

A multitude of local governments often work independently to provide selected services to overlapping constituencies. For example, a city dweller may receive health and welfare services from the county; police, fire, and waste collection services from the city; recreation and transportation may be "shared" service among city, county and state governments; education from an independent school board; housing and transit from quaisi-governmental authorities; and regional planning from a council of government that relies on voluntray compliance rather than on executive powers.

Public finance

Restricted revenue bases in relation to the demand for public services is a continuing and serious problem of the cities. The Institute has several projects under way in this area:

Evaluation of Reforms in City Finances: Limited growth of the property tax base, together with taxpayer resistance to rate increases for financing urgent city needs, are forcing public officials to concern themselves with a wide range of reforms for easing the fiscal problems of state and local governments. A number of reform measures are being recommended and some have been implemented. The reforms deal with government structure, taxation, methods of resource allocation and management, and capital funding.

The objective of one Institute project is to examine and evaluate a limited number of reforms that have been implemented. What were the problems of implementation? Were the purposes sought actually achieved? The findings will be disseminated with the cooperation of national organizations of state and local government officials.

Advance Fiscal Planning: Fiscal stringency is forcing public officials to look to improved tools of budget management. Longer-run fiscal planning is needed to project program requirements and revenue sources five or more years in the future.

The Institute's objective is to:

Determine the feasibility of advance fiscal projections in local areas where many economic factors, such as new plant location, are isolated, disconnected events.

Provide experience with procedures for cooperative research wtih local governments that could "cement in place" local work on advance fiscal planning.

Develop fiscal planning materials that could be used by local governments and states generally.

To carry out these purposes, a test effort will be developed in cooperation with individual localities and the state government in a single state.

External Aids: A number of proposals are currently being advanced to "free up" the use of Federal funds by states and local governments—that is, to untie many of the grant-in-aid strings—and to build in to Federal and state aids appropriate incentives for effective and efficient program design.

The Administration recently advanced two proposals:

Legislative authority for grant-in-aid consolidation by the Executive.

A revenue sharing plan that would provide unconditional aid.

Each of these proposals raises a fundamental issue: Can public services be provided effectively in the face of increasing separation between the level of government that spends and the level that taxes?

The research work that has so far been done on grants-in-aid consolidation and revenue sharing has not, either in concept or in program design, given sufficient emphasis to the purposes intended or the incentives for achieving them. Without strings attached, how can localities be induced—in education or housing, for instance—to carry out important national goals?

The staff developed proposals for the National League of Cities and others that would assure funds to cities and give incentives to states for augmenting their revenue sharing with cities. The purpose of our project is to further develop concepts of fiscal federalism and to carry out empirical work that can show how best to achieve the basic program purposes.

Capital Outlays and Debt Financing: State and local governments are heavy investors. They regularly devote one-fourth of their direct spending to public facilities or "capital improvements." Including the investment in human capital through expenditures on education, the ratio rises to over one-half. Many primarily urban expenditures are very capital intensive (30 to 40 percent for general government, urban development, parks, and recreation); others are predominantly capital in nature (60 to 70 percent for water and sewer and for transportation).

A very high proportion of these capital expenditures are financed by long-term borrowing, about 50 percent for the state and local sector as a whole. But for local governments, typically 70 percent of capital expenditure is funded by long-term debt. In the decade of the 1960's, state and local debt outstanding and capital outlays doubled.

The tax exemption (from Federal income taxes) makes the municipal bond market uniquely dependent upon the resources of high income taxpayers, primarily commercial banks and wealthy individuals. Since 1966, with only a couple of respites, this supply of funds has come under increasing pressure as commercial banks—reacting to a tight monetary policy—have withdrawn from the market.

These difficulties have brought forth a host of proposals for reform. There are, however, conflicting priorities in what the reform should accomplish. The U.S. Treasury has long complained that tax exemption distorts the income tax and, moreover, that it is an inefficient subsidy in that only $2 of every $3 in avoided taxes are passed along to state and local governments in the form of reduced borrowing costs. State and local officials, while concerned about broadening and stabilizing the supply of funds for their securities in order to lower their borrowing costs, are wary of Federal control over their borrowing prerogatives and political autonomy.

The public finance project is addressing these issues. We are, first of all, providing technical assistance to city, county, and state governmental groups. Also, we have been reviewing suggestions for supporting state and local securities, such as the Patman/Proxmire subsidy plan and the Sparkman URBANK proposal, to clarify the points of contention.

As a result of this review, we have developed two proposals as alternative or complementary means of supporting the municipal market. These proposals could bring to the municipal market the considerable resources of the state reserves in the unemployment trust fund (over $12 billion) and in the state and local retirement funds (over $44.5 billion) at little or no net cost to the U.S. Treasury. Further work contemplated in this area will investigate state and local planning for financing public facilities.

User Charges: Expanded and increased use of charges for public services has been urged as one way of increasing the cities' own capacity to raise revenues. At present, city governments raise about 60 cents through charges for every dollar of taxes. As part of general revenues, the importance of charges varies inversely with the size of government, smaller governments collecting a larger part of their revenues out of current charges.

Better pricing of public services by city and other local governments might contribute to other purposes:

Utilizing public facilities more efficiently.

Signalling the need for more—or less—public investment.

Changing private decisions by requiring individuals to pay more of the social costs stemming from their actions.

Learning in what cases or to what degree it would be equitable to finance public services from payments by specific beneficiaries rather than from general revenues.

City services being analyzed include harbors, airports, city parking facilities, water supply, waste disposal, fire protection, education, and health. Field studies in individual cities will determine how the demand for services varies with price and income, and how cost of services varies with the level of use. A counterpart effort will be made to define the constraints on the cities in imposing public prices—constraints that include economic competition and statutory or constitutional restrictions, as well as contractual obligations to bond holders. Experimental designs will be formulated for cities desiring to experiment with pricing patterns for particular services.

Public order and safety

The principal objective of the Institute's work in public order is to assist city governments in improving their ability to deal more effectively with crime and civil disorders.

Aspects of the Problem: The most likely victims of major crimes are poor blacks living in the central city. Victimization rates for violent crimes such as homicides and forcible rape are about five times greater in the central city than in small cities and rural areas. The rates for property crimes are twice as great.

Control of crime and disorder has until recently been almost exclusively the responsibility of local governments. The multitude of independent police departments in the United States—more than 40,000 of them—have not adequately exchanged information. The departments, their personnel and even students of police administration have inadequate knowledge of policies, practices and innovations around the country. Besides being unfamiliar with the experiences from other cities that could be helpful, many city officials are insufficiently informed regarding the problems, strengths or weaknesses of their own police departments. Coordinating mechanisms are few and relatively ineffective. The closed personnel systems (often civil service) of most large police departments restrict the experience of almost all policemen, from patrolman to chief, to only their one department.

The Institute Program: The Institute's first efforts focus primarily on improving the management and operation of police forces. Instead of spreading these efforts too thin, the Institute considers it prudent to concentrate on a small group of cities. The staff has begun to develop a close and continuing working relationship with the mayors of the 12 largest cities in the country. It happens that these cities account for 25 percent of reported serious crimes, including 50 percent of reported robberies, in the nation.

The mayors are a pivotal group in crime control because they have formal responsibility for police operations and, more than any other officials, they have the prestige as elected executives to begin the crucial job of coordinating the criminal justice system. This system—police, prosecutors, courts, jails, prisons, parole and probation officers, reform schools and so forth—is unbelievably fragmented. Federal officials, while they now have enlarged power, have a limited potential to influence the traditionally local field of criminal justice. Even state legislators and officials typically have played a minor part in planning or influencing criminal justice systems. Corrections officials and judges play important roles, but rarely occupy a central position from which they can coordinate the diverse parts of the system. Police chiefs, for a variety of reasons, seldom have been inclined to assert leadership in improving operations of the whole system.

To identify better policies and practices—just to know what produces good results and what does not—will require basic data that is not currently available. A prerequisite to the collection of such data is a greater willingness than yet exists within most police departments to permit access to records and to participate in standardized records keeping.

The Institute seeks to improve the situation by:

Providing leadership in data collecting and in the designing and conducting of research with this data. An important aspect of this is encouraging the participation of profession groups.

Guiding mayors, city managers, police and other criminal justice administrators in making better use of newly available Federal funds provided by the Law Enforcement Assistance Administration (LEAA) to accomplish urgently needed changes. The efforts to develop sophisticated, professional police-justice systems involve work with the International City Management Association, National League of Cities, U.S. Conference of Mayors, International Association of Chiefs of Police, university administrators in this field, and other groups.

Without some minimum level of understanding and respect between the community and its police department, effective crime control is not possible. If police-community relations deteriorate to a certain level, this even becomes an invitation to public disorder. The Institute is concerned about an aspect of this involving the policeman on the beat. For many years the general practice has been to rotate police officers frequently from beat to beat, preventing close relations between officers and other citizens. The policeman indeed has become a stranger, often with quite negative effects on his ability to deal constructively with the community in maintaining order. The Institute is designing a pilot program that aims to give the policeman greater opportunities to function in an atmosphere of trust, and not merely as a distant and feared authority.

Transportation

The Institute's transportation work is focused on improving the ability of Federal and local officials to make good transport policy. Among other important issues, research will be addressed to these questions: Should added resources for urban transport be allocated to private or public transportation systems? If the latter, which mode is preferable: rapid transit, commuter railroad, bus or some other?

Being able to forecast lies at the very heart of answering such questions. If we cannot approximate how much travel will take place on a given urban travel network at a given point in time, then clearly we cannot characterize much less evaluate the quality of the system performance, the benefits stemming from travel, the resources expended for such movement, the external effects resulting from such travel, or the incidence of the benefits and costs.

However, valid estimates cannot be made with existing analytical techniques. We expect to improve travel forecasting significantly by adopting a radically different analytical approach. We intend to formulate static models to describe the amount of trip making on some specific system at some particular point in time. At a later stage we will develop dynamic long-run models which would incorporate the interaction between the transport system (and its performance characteristics) and the location and character of land use.

Such an approach would have these major features:

Taking account of changes in choice of transportation mode, route, and destination.

Distinguishing between travel demand and system supply.

Studying trip making not only by mode, but also by time of day. This will get to the most crucial issue—peak travel: how long the peaks last, how many trips are involved, what costs are involved and what limitations are recognized.

Once static forecasting models are developed so that the amount of trip making, link speeds, and traffic mixes can be estimated, it will then be possible, and necessary to estimate the external effects stemming from urban trip making. That is, given the amount of travel on a particular system and in a specific region, the extent of air and noise pollution and other effects which are external to and which do not influence the trip making can be determined. While for many of these external effects we may not presently be able to determine the costs or the value associated with their reduction, we can contribtue to the state of the art by estimating the costs and effectiveness of alternate ways of controlling these effects.

It is intended that these models will be applied to a well defined, small-scale hypothetical transport network and land-use pattern. As experience and confidence builds with respect to the validity of the models—at least conceptually and operationally—they will be applied to real conditions, using one or more small, isolated transport systems.

While it will be impossible to isolate a small-scale transport system that incorporates all the features of the full-scale urban transport system and environment, it seems wise to follow this limited approach. Primarily, this conclusion is based upon experience gained from hundreds of previous attempts to model the overall urban transport system: they failed to develop relationships essential for prediction. Only after the conceptual framework is more fully developed and tested will it become clear what data and other essential elements must be obtained for modeling entire urban and regional transport systems. The ultimate objective is to create models which can evaluate transport systems in terms of other aspects of the urban scene.

Cooperative research

Analytical Help to Cities: While many of the functional area studies described earlier will be conducted in cities, they are principally addressed to Federal policy issues. In addition, several Institute efforts are aimed at providing analytical help directly to city governments.

One effort just being initiated is directed at developing analytical techniques that can be used by local and state governments in their decision making. Systems analysis, planning-programming-budgeting systems, and other tools of the management sciences will be adapted to the special political, financial and legal environment of state and local governments. This work will be undertaken jointly with governmental personnel for whom the analytical tools are intended. Dissemination of the research results will be undertaken through the major governmental associations.

The Institute supports, as an innovative model for marrying research with action, a project to assist the City of Oakland in budget allocations and programming. The work is conducted by the director and graduate students of the New School of Urban Affairs (University of California, Berkeley) and deals with such diverse matters as the civil service system, the black community, the antipoverty and Model Cities programs, the schools, and the police. The offices of the mayor and city manager provide close cooperation.

Decentralization Studies: The problems, processes and opportunities associated with the redistribution of authority are the object

of a set of Institute studies. The work on decentralization includes one conceptual and one empirical study on citizen participation, both by university scholars. The latter study focuses on the laws, administrative guidelines and actual practices of the Federal government in respect to citizen participation in a variety of programs.

Field analysis by the Institute includes evaluation of the school decentralization demonstration districts of New York City. The study examines a highly controversial series of events from the perspective of students, parents, Negro and Puerto Rican communities, teachers and school administrators, the mayor's office and an actively involved private foundation.

URBAN POLICY EVALUATION

A prime mission of the Institute is to put its research and analysis to the service of governments at all levels so they may deal more effectively with urban problems. The premise of the research described thus far is that "the urban problem" can usefully be separated for purposes of analysis and action into many smaller, more tractable parts. In such an all-encompassing field, it is a practical necessity to allow for a division of labor.

A good case can be made, however, that at least part of "the urban problem" stems from a failure to think about the separate pieces of the problem systematically in terms of their connections with each other. The Institute, therefore, will devote considerable research effort to enlarging the perspective in which problems are viewed. This is being done through several Institute projects—evaluation of federal social programs, Model Cities studies, and the Urban Fellowship program.

The study of urban indicators—measures of the quality of urban life—is another Institute effort to provide a comprehensive view of urban problems. Urban policy makers and administrators do not have objective and reliable indicators of a city's present health or changing condition. The Institute is seeking to identify and define crucial indicators, to obtain efficient means of measuring them, and to devise methods of using them to pinpoint problem areas.

Federal evaluation practice

The Institute has been studying the Federal government's practices in evaluating its own programs. Few would argue with the assumption that urban planners and policy makers need to know the effectiveness of existing programs. Yet the Institute finds that almost no Federal program is being evaluated satisfactorily at this time, according to a year-long study of evaluation practices in 15 programs administered by the Departments of Housing and Urban Development; Health, Education and Welfare; and Labor, as well as by the Office of Economic Opportunity.

The Institute study describes current Federal evaluation practices and provides a large number of recommendations for improving the situation. The Institute is assisting several agencies with implementation of the study recommendations.

Model cities

By the winter of 1969–1970, the Model Cities Administration was expected to have approved plans and made supplemental grants to approximately 75 cities for the implementation of programs directed at improving the lives of model neighborhood residents. Within one year, as many as 75 additional cities could get a similar green light for their first-year action programs.

The Urban Institute has been asked to develop the instruments for evaluating the impact of Model City programs on neighborhood residents. The evaluation will rely primarily on a sample survey of population groups both within and outside the model neighborhoods. The survey is being designed jointly by the Institute's evaluation team and the Survey Research Center of the University of Michigan, with active participation of the Department of Housing and Urban Development.

The design phase of the project is scheduled to be completed in early 1970. At that time, we will have completed the pretesting of the survey questionnaires for the first group of interviews, the detailed sampling design, schedules and data gathering procedures, a detailed plan for the field operations necessary to conduct the surveys, a general analysis plan with recommended content and formats for special topical and analytic reports, a description of the information system characteristics, and a plan for data and analyses dissemination.

The successful completion of these tasks will enable the project to advance to the second phase in which the survey instruments will be applied.

It is clear that the project will assemble data suitable for far more analyses than will be undertaken under this project. These files will be unique in their richness of data on the urban poor. The availability of such data will make an important contribution to other Urban Institute projects, and urban related projects elsewhere.

Urban fellowship program

The Urban Institute charter calls for promoting and supporting "improvement in the quality of urban life," which requires particular attention to those who are confined in the blighted zones commonly referred to as inner city ghettoes. Within this broad objective, the Institute will seek to analyze and propose solutions for the pathologies which characterize much of the urban environment, central to the achievement of this objective are studies and research directly related to strengthening the black communities. The Urban Fellowship program was conceived to help carry out such studies and research.

The Fellowship program focuses on a dynamic element of social change: the black activists at leadership and planning levels who are influential in the black community. The program recognizes an urgent need for these activists partially to withdraw from the scene of action so they may think more deeply, debate more carefully and plan on a more informed basis. The Fellowship program provides the vehicle for doing this, providing them with the time and facilities to develop improved strategies and programs for the black community in the years ahead. The Fellowship program has the following specific objectives:

Providing black activists with the opportunity to analyze and review critically existing and proposed public policies and programs affecting ghetto residents.

Enhancing and increasing the depth of research and analytical skills of black activists to improve their effectiveness in designing and implementing programs to benefit their communities.

Affording activists the opportunity to develop theories, models and strategies based on their independent research.

Maximizing interaction between activists and the research staff of the Institute to encourage research that will have an impact on the pressing community problems as conceived by those who know the ghettoes intimately.

Developing a skilled cadre with specific capabilities for training staff and leaders of community organizations and for providing effective guidance for social action and community development projects.

Urban Fellows spend a year at the Institute. Currently they are engaged in research projects dealing with development activities and self-help projects in black communities. The long-range aims of the research effort are to measure the scope and impact of current efforts and to determine the prerequisites for achieving maximum progress. The present research covers four specific aspects of community development:

The impact of black elected officials on social change.

Economic development programs.

Political organization.

Identification and quantification of the resources of black communities.

ADDRESS OF THE HONORABLE LUIS A. FERRÉ

HON. JORGE L. CÓRDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. CÓRDOVA. Mr. Speaker, on November 20, 1969, Gov. Luis A. Ferré, of Puerto Rico, addressed our friends of the fourth estate at a luncheon at the National Press Club and told them something of his goals for Puerto Rico during the months and the years ahead.

In his address, the Governor takes a hard, realistic look at the problems on hand in Puerto Rico, and I think that they belong not exclusively to our island but instead are characteristic of those facing many of the world's people.

The Governor, for example, points out the need for a revolution in understanding over the next 20 years to supplement the revolution in communications that has been taking place for the past two decades. This observation regarding Puerto Rico could well apply to most of the U.S. community and indeed, to the community of nations.

I am sure, therefore, that Governor Ferré's address will be of interest to our colleagues and I offer it for inclusion in the RECORD:

ADDRESS OF THE HONORABLE LUIS A. FERRÉ, GOVERNOR OF PUERTO RICO, NATIONAL PRESS CLUB, WASHINGTON, D.C., NOVEMBER 20, 1969

As writers and editors you are to be excused a mild feeling of "deja-vu" as each year Puerto Rico reports growth of nearly 10 percent in factories, jobs and income, despite the fact that growth at such a rate has rarely been equalled anywhere.

I am not here today to re-instill your excitement in what has now become a routine occurrence. I want to take this opportunity to thank the press of the United States for a superb job in documenting what has been happening in Puerto Rico. Our growth would certainly not have been possible if the press of America had not revealed to manufacturers and investors the opportunities of Puerto Rico. Our booming tourist business is largely dependent on how newsmen recount the good times they have on our island. And the excellent relationship we have enjoyed with the lawmakers and executives of the Federal Government has been helped by thorough, intelligent coverage of events in Puerto Rico.

Words like "tax exemption," "Operation Bootstrap," "self-government," and "Commonwealth" are familiar to reporters who have covered Puerto Rico in the past and to the readers who have followed such coverage.

Now that surprise over the achievements of contemporary Puerto Rico has subsided, I feel I can discuss with you some of the complexities of a society that has enjoyed unprecedented economic growth and is now facing all the problems of a modern society.

This historical experience gives Puerto Rico a special significance as a pace-setter in the social changes that are to come for all America.

Let us quickly glance back at our past economic history.

In 1950 (it's hard to believe that was only 19 years ago), Puerto Rico's gross national product was only 754 million dollars. Today, it is almost four billion dollars.

In 1950 per capita earnings were 279 dollars a year. Today, the figure is 1,230 dollars—the highest in the Western Hemisphere outside of the United States mainland and Canada. Without major natural resources, it is 50 percent higher than Venezuela's 761 dollars.

This is an impressive record for both the United States and Puerto Rico since this was achieved *without* conflict, without violence and *within* the democratic system.

We've made spectacular progress, but in a very unspectacular style. Thus, I am told, everyone has the impression that Puerto Rico has arrived.

Puerto Rico's economic story has been impressive. But, it is by no means all told.

While we have climbed to the highest standard of living in Latin America, ours is still one-third below the poorest state in the union. One out of every three Puerto Ricans lives in what the Federal Government classifies as substandard housing. A tragic 22 percent of our men between the ages of 20 and 24 are unemployed.

Thus, the issue in last year's Puerto Rican electoral campaign, which culminated in the first change of political and governmental leadership in 28 years, was that our island, which had come along so far, had much farther to go.

In this regard, Puerto Rico is not unlike the mainland. Our young people regard the accomplishments of yesterday as merely the points of departure for tomorrow. While an established political institution can be proud of past accomplishments, it cannot rest on its laurels. It must reach ahead or surrender its leadership to more imaginative men and women.

The people of Puerto Rico decided that old persistent challenges had to be met with new methods and that new methods were most likely to come from a new team, with innovative ideas.

I interpret their confidence as a command to give Puerto Rico *"La Nueva Vida,"* The New Life, words which during the campaign summed up our commitment to the people of Puerto Rico. My own political philosophy is easily expressed: I believe we should be revolutionary in ideas, liberal in objectives and conservative in methods. I believe that it is the responsibility of government to generate, through private and public investment, a plateau of security below which no family need live. This plateau should provide for the basic necessities of life. No democratic government can stand silently aside while its people are badly housed, or its people cannot earn enough money to feed their families.

That is not to say a man should retire into this minimum existence. Those who can work should work. Those who need to be trained to work should be trained. Taxpayers should bear in mind that expenditures in such areas are not welfare, but a solid and sound investment in human capital.

Those who cannot work, the aged, the sick, the psychologically destroyed—are the wards of the state and the price a nation must pay for its unsolved problems of yesterday.

In this New Life, the children of poverty must not be permitted to become the parents of poverty. No nation will survive, including our own, unless it can break this cycle.

I am not one of those romantics who believes poverty can be eliminated. But I do believe that the *extremes* of poverty can and must be wiped out and that the *"inevitability"* of poverty for entire segments of our people can and must be negated. And, I believe that it is "good business" to do it.

This requires a massive and coordinated attack, an operation breakthrough, on such problems as unemployment, education and health. The wealth and technology to carry out this attack are available. The only thing required is a decision to effectively allocate resources to accomplish this goal.

It pays, for example, to borrow money—if necessary—and use it wisely to solve these problems, since the increased human potential will generate income in excess of amortization and interest. In line with this reasoning, we have proceeded in Puerto Rico to establish scholarships for all needy students and have helped those who want to borrow Federal funds by paying a supplementary interest on their loans.

We are tackling the problem of a bankrupt agriculture with a three-pronged approach: we pay the farmhand a supplementary wage to discourage his migration into the urban areas where he gets caught up in problems of slums, unemployment and delinquency; we pay the farmer a 50 percent subsidy to mechanize; and we give him technical aid to improve productivity.

By these actions we hope to reduce the migration to the overcrowded cities, provide the farm worker with a decent wage, and modernize our agricultural sector.

And, while we are taking such extraordinary measures on behalf of the bypassed of society, we must also assist the gifted to climb as high as his talent, training and ambition can carry him.

Can we eliminate the extremes of poverty and at the same time preserve and enhance a system of upward mobility for the more productive members of society? I believe we can.

We have had a revolution in communication during the last 20 years. We need a revolution in understanding during the next 20 years. We are beginning to develop instant awareness, not just of moon walks, but of hunger in Africa, Asia and Latin America. The blinders are being removed so that, while a man moves ahead as far as his talent, training and ambition will take him, he will be less likely to ignore the needs of the less fortunate along the way.

The coming revolution in understanding will not only affect man's relations with his fellow man, but perhaps more dramatically it will revise the relationship between citizens and their government. In Puerto Rico we are already searching for the modern democratic equivalent of the New England town meeting. We are applying both technology and compassion to this task.

For past generations, government in Puerto Rico was inattentive or paternalistic. Today it is responsive and responsible. Instead of demanding blind loyalty and submission, this administration seeks to inform the people, gain their confidence, involve them in the governmental process, and develop a mechanism to hear complaints and take remedial action.

We feel that politics and social technology can be welded together to help improve the very process of government. We are a government of action, not reaction. We want a government by anticipation and not by crisis. In this day and age, there is a tendency for government to drift further and further from the people. Government is so vast, communication so complicated, that the average citizen feels lost or alienated. I am using science to bring government closer to the people.

And we are now working on a system by which with the aid of computer techniques, government may best make a set of facts available to the people and, again with the aid of computer techniques, obtain a "feedback" of citizen comment and reaction. Thanks to modern social technology, government is better able to know what its citizens want and to act on such needs before they become acute and erupt into discontent and dissatisfaction.

Another innovation indicative of our new approach to government is the Governor's Advisory Council for the Development of Government Programs. This is a bipartisan body, made up of leading citizens of Puerto Rico and advised by the best talent on and off the island. The Council explores for my government the crucial problems facing the island. Some of the areas it is now exploring are: the population explosion, human resource, development of natural resources, conservation and industrial growth. This group keeps us advised on a long-range basis and gives a sense of direction to our day-by-day decisions.

Looking at Puerto Rico's recent political history, there have been notable advances paralleling our economic progress.

American citizens by an Act of Congress since 1917, Puerto Ricans have secured the right to elect their own governor (that was in 1948), and to draft their own constitution of internal government (four years later, in 1952).

We've made steady, peaceful progress and have never been tempted or threatened by extremism. It has all come about through evolution—not revolution.

That has been a story which has made "good news copy". But it is a story that is not finished.

No doubt you're wondering what Puerto Rico's relationship to the United States will be.

Our people have consistently, election after election and by ever-increasing margins, affirmed and reaffirmed their intentions to remain within the framework of the United States Government.

The only question pending is the form of government which this permanent union with our fellow American citizens will take.

There are those who would like to retain forever Puerto Rico's unique and privileged position as a commonwealth—not paying Federal taxes.

And there are those of us—and our numbers are steadily increasing—who visualize the present commonwealth status as a means to improve our economic position until our people can assume the full responsibilities and privileges inherent to citizenship. Commonwealth status, we are convinced, is both a privileged and a prejudicial condition. We do not share the burden of Federal taxation. That much is true. But neither do we share in the ever-increasing power of the Federal Government to make sweeping decisions affecting more and more of the lives of all American citiens. Neither do we share fully in the programs instituted by the Federal Government with its collected revenues.

I am firmly confident that the day is coming when the people of Puerto Rico will petition Congress for admission as a State in the Union. I am equally confident that Congress will consistently prepare Puerto Rico for the day when it may make such a choice.

Statehood for Puerto Rico *will not mean assimilation*, will not mean the disappearance of our cultural tradition or the abandonment of our Spanish language. This, as you well know, is anthropologically impossible and constitutionally unnecessary. For the United States citizens of Puerto Rico, Statehood will mean greater enrichment of our Spanish culture with the addition of English as another language and the further absorption of the democratic tradition and social awareness of the American nation. The State of Puerto Rico, with its culture enriched in this manner, under the principle of "diversity within unity," which is basic to a federal system,

will be an asset to the United States in its relations with Latin America.

The United States is moving away from the illusion of the melting pot and toward the reality of democratic pluralism more consistent with diversity, not only among its states, but also among its ethnic minorities. Such tolerance for diversity is an important feature of the coming revolution in understanding.

I am not here to petition for Statehood now. Only the Puerto Rican people can authorize such a petition by a majority vote in a referendum.

But, there is an area of political growth toward which we *are* addressing ourselves at this time.

As you know, Congress is now considering a proposal to alter the system under which our President is elected.

Generally speaking, the proposal seeks to abolish the Electoral College, and to replace it with a more direct system of election.

We sincerely believe that all citizens of the United States should participate in the election of their President.

The President, more than any other single elected official in our government, is called upon to speak for and to represent all Americans. He should, therefore, logically be elected by all Americans.

The President is the chief architect of the foreign policy which affects United States citizens everywhere. He should be elected by United States citizens everywhere.

The President is the personal symbol of our national unity. All the citizens of our nation should have an equal voice in the election of such a personal national symbol.

Puerto Rico's Resident Commissioner, the Honorable Jorge Cordova, a non-voting member of the House of Representatives, is currently seeking an addition to the Presidential election reform proposal. It is simply that Congress be empowered to extend the right to vote in presidential elections to other citizens of the United States, now disenfranchised, when and as it may see fit.

In Puerto Rico, the desire to cast a vote in presidential elections transcends *all* party lines.

This is one element of the Puerto Rican story that the press gathered here in this room can help us to tell. We are part of this nation and at this crossroads of history we are anxious to participate more fully in its decisions.

Pursuant to the recommendations of a joint commission created in 1965 by the President, the Congress and Puerto Rico, I have asked President Nixon to name the mainland counterparts of a specially composed ad-hoc group to study the question of extending the presidential vote to Puerto Rico.

It is my hope that such an ad-hoc committee will consider, among other things, the following arguments favoring such an extension of the presidential franchise to Puerto Rico.

1. Puerto Ricans are drafted into the Armed Forces the same as all other American citizens.

2. Puerto Rico is a segment of the American nation which clearly perceives the American dream of equal opportunity and knows the difficulties in making that dream come true.

3. Puerto Rico is an island known for its racial harmony and as such it has a contribution to make to the Nation as whole.

4. At a time when the United States is making a new effort at understanding, mutual respect and cooperation with Latin America, it may be very beneficial to the Nation to extend a measure of electoral equality to United States citizens in Puerto Rico who share a common language and a similar culture with the neighbors in the south with whom we are eagerly trying to communicate.

* * * * *

And this brings me to the final thought I would like to leave with you today. It is precisely this very area of inter-American relations. It is an area in which I believe Puerto Rico can make a most important contribution to the United States.

Nowhere is a revolution in understanding of which I have spoken previously needed more desperately than between North and Latin America. Our lives are intertwined, but motives are misunderstood and prejudice is rampant.

We can talk to a man on the moon, with 400 million other human beings looking on, as the President did to the Apollo 11 crew. But, technology has not been very helpful in bringing understanding between peoples. There seems to be just about as much, if not more, strife and misunderstanding in this world as there was before the development of those elaborate means of communication.

The United States has found it difficult to arrive at a common understanding in Asia. I submit that the chances for arriving at common understanding in this hemisphere are much greater. Most of us in the Americas have a European heritage. We stem from the same Judaeo-Christian tradition. We have a common love for democracy and freedom. We are economically inter-dependent. In keeping with the President's pronouncements on Latin America and the Rockefeller report, I believe that we should make a new effort to achieve solidarity and greater understanding among the nations of this hemisphere.

This might be achieved by a change in our foreign investment policy. We could accentuate more the export of technology. The markets of the future will no longer be dependent on the outmoded colonial concepts of absentee ownership. This new use of capital to develop the "new markets" of tomorrow, will help to reduce the tensions which strain relations between our nation and some of the nations of Latin America.

Puerto Rico, I believe, is uniquely suited to assist in this task. We are a half-way point between North and Latin America—not just geographically and not just linguistically, but culturally and ideologically. We are equally at home in the North American and Latin American cultures. We are a living example of what Latins and North Americans, in cooperation, can achieve. We have adopted the best of North American practices without losing our identity or surrendering our basic values.

I believe that Puerto Rico can act as a bridge to understanding between the North American and Latin American cultures. As American citizens who cherish democracy and speak the language of our Latin American neighbors, we can serve as a meeting place for the two cultures. As individuals, Puerto Ricans can be of service in helping to carry out our nation's foreign policy throughout Latin America.

I have proposed to the President and to the Secretary-General of the Organization of American States the creation of an Inter-American Institute of Social Technology in San Juan to serve both North and Latin America. This Institute would have two main branches: a North-South Center for Educational and Cultural Exchange, and a Center for Applied Research, for the sharing of technical and scientific knowledge. It would be truly international in concept, operated by a consortium of universities, staffed by a faculty from many countries, and engaging in research on problems which the nations of the Americas have in common.

I hope that funds will be forthcoming from both public and private sources throughout the Hemisphere to make this Institute a reality. Over a period of years, through exchanges, conferences, joint research and so forth, I believe that an Institute could make significant contributions toward promoting understanding among the people of this hemisphere.

Seven years from now, we will celebrate the 200th anniversary of the founding of our nation, the first nation created to protect individual freedom and the right to the pursuit of happiness by every citizen. We proclaimed it would be the guiding political principle of this New World. But, we are far from having achieved our purpose.

World Wars I and II and then Korea and Viet Nam drew our attention to Europe and Asia. Perhaps it is time that we look back to our Americas, North and South, and apply knowledge and experience we have gained to its problems.

We have reached the moon by working together as a team. It is time we try the same approach to do away with misunderstanding and prejudice in all the Americas and lead the New World toward higher levels of achievement and justice.

Separately, the peoples of the Western Hemisphere will be forced to wander in the darkness of prejudice. Together, we can use already available knowledge as the light of reason to guide us in finding a truly New World.

Puerto Rico should be a part of this forward thrust of the Western Hemisphere—a united America forward—reaching toward the aspirations of men and nations—to a New Life—Nueva Vida—a better life in freedom and prosperity, where the dream of equality of opportunity in the pursuit of happiness will become a reality for every man—a dream which you in the communications media can help achieve during the coming decades by carrying forward the *revolution in understanding.*

NEEDS OF POSTAL EMPLOYEES RECOGNIZED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. ANDERSON of California. Mr. Speaker, I submit for the attention of my colleagues an editorial by Mrs. Lee Whitebrook, publisher of the Hawthorne Press of Hawthorne, Calif. Mrs. Whitebrook simply and clearly points out some of the problems facing the postal employee in her editorial of December 4, 1969. She also urges public support of H.R. 13000, a bill providing postal wage and benefit increases which I was happy to support and which passed the House of Representatives by an overwhelming vote. Mrs. Whitebrook deserves tribute for keeping matters of local and national significance before the public eye and I take great pleasure in commending her continuing efforts.

The editorial follows:

OBSERVATIONS

(By Lee Whitebrook)

Last week we carried an advertisement from the National Association of Letter Carriers asking the public to write to President Nixon "to please sign HR 13000 and help save the postal service." From time to time I have spoken about mail carriers, their trudging hours and poor pay, yet there is no one service man that comes to your place of residence that is more appreciated than your mail man. The wages of the mail carriers average thousands of dollars a year less than the amount determined by the United States Bureau of Labor Statistics as necessary for a "modest but adequate" standard of living. No one of us has yet met an affluent mail carrier, yet thru every kind of weather he delivers the mail. That too, has been curtailed to one de-

livery a day, and no one can depend on at least an approximate time. Postage has been increased, yet not the scale of mail carrier's pay. The entire postoffice department needs reform, and it should begin with adequate pay for the carriers and then down to adequate deliveries. We are in an inflationary period, for what we know not, because the cost of everything is going up, it can only discipline people to buy less, and that sounds like poor economy to me. Interest rates are up and that means that the average veteran returning from Viet Nam cannot buy a house, nor can the average worker, if he depends on only one member of the family working. So like many other Americans postal employees are the victims of this dread word—inflation. You can help your local carrier by writing to President Nixon and asking him to sign HR 13000 and in doing so give a Christmas gift to your letter carrier. He deserves it.

SENATE—*Wednesday, December 17, 1969*

(Legislative day of Tuesday, December 16, 1969)

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

"O Grant us light, that we may know
The wisdom Thou alone canst give;
That truth may guide wher-e'er we go,
And virtue bless where'er we live."

—LAWRENCE TUTTIETT, 1864.

Eternal God, who throughout the ages hath imparted wisdom to those who humbly call upon Thee, we beseech Thee to give understanding and clarity of thought to those, who in Thy name and for the Nation's sake are entrusted in this Chamber with power to act for the Republic. Give them, O Lord, a steadfast faith, a sure hope, and the determination and patience to labor for those things for which the people pray.

In the name of Him whose name is above every name. Amen.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on the District of Columbia and the Special Subcommittee on Oceanography of the Committee on Commerce be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, in accordance with the previous order, I suggest the absence of a quorum, and it will be a live quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 246 Leg.]

Allen	Gore	Moss
Allott	Gurney	Packwood
Baker	Hansen	Pastore
Bellmon	Hatfield	Ribicoff
Boggs	Holland	Scott
Byrd, W. Va.	Hughes	Spong
Cotton	Javits	Stennis
Curtis	Mathias	Stevens
Dodd	McIntyre	Talmadge
Dole	Metcalf	Young, Ohio
Eagleton	Montoya	

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Goodell	Muskie
Bayh	Gravel	Nelson
Bennett	Griffin	Pearson
Bible	Harris	Pell
Brooke	Hart	Percy
Burdick	Hartke	Prouty
Byrd, Va.	Hruska	Proxmire
Cannon	Jackson	Randolph
Case	Jordan, N.C.	Saxbe
Church	Jordan, Idaho	Schweiker
Cook	Long	Smith, Maine
Cranston	Magnuson	Smith, Ill.
Dominick	Mansfield	Sparkman
Eastland	McCarthy	Thurmond
Ellender	McClellan	Tower
Ervin	McGee	Tydings
Fannin	McGovern	Williams, N.J.
Fong	Miller	Williams, Del.
Fulbright	Mondale	Yarborough
Goldwater	Murphy	Young, N. Dak.

The PRESIDING OFFICER (Mr. CANNON in the chair). A quorum is present.

Mr. STENNIS. Mr. President, I do not remember whether the agreement designated me in charge of the time.

The PRESIDNG OFFICER. The agreement did. How much time does the Senator yield?

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Georgia (Mr. TALMADGE).

The PRESIDING OFFICER. The Senator from Georgia is recognized for 15 minutes.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. TALMADGE. Mr. President, in the interest of justice to schools and the strengthening of public education in America, it is imperative that this amendment be adopted by the Senate as it was reported by the Appropriations Committee.

It has come to the Senate after winning approval in the House of Representatives—where it was known as the Whitten amendment—and after careful consideration by the Appropriations Committee.

This measure is needed to restore order and stability to our schools. I submit that it is vital to the continuation of public education. It is designed to prevent schools from being made instruments of coercive social reform.

In recent years, the schools of the South have been assaulted on all sides, by the Federal courts, by the Department of Health, Education, and Welfare, and by a virtual army of Federal agents operating under the direction of HEW and the Office of Education.

We have had forced desegregation by the numbers. That is, officials here in Washington came up with arbitrary ratios. Then they descended upon counties, cities and towns with this command:

"Here is the way we think your schools ought to be racially constituted. Here is the way we think your educational programs ought to be operated. Here is how your faculties should be composed. Here is how you ought to assign children to schools."

This is what they have done in school district after school district.

Thus have they laid down the law—their own contrived law, based on the so-called school "guidelines."

Even if it meant busing children to schools away from their neighborhoods, against the wishes of the pupils themselves and their parents.

Even if it meant assigning faculty to teach in certain schools, against the best interests and desires of the teachers themselves.

Even if it meant shutting down some perfectly good schools.

This is what they have demanded and done in order to overcome racial imbalance and to achieve what I have referred to as desegregation by the numbers, or integration by arbitrary ratio.

We are all well aware of the fates of school districts which put the education of their children above some Washington bureaucrat's idea of social reform. Millions upon millions of dollars in Federal assistance have been denied them. Because of these cutoffs, educational programs have been disrupted or totally stopped.

In the State of Georgia alone, approximately 10,000 needy schoolchildren are being denied free or reduced-price lunches because of these cutoffs. These are children, black and white, who come from poor families, who cannot afford to buy their lunch at school, and who need noontime nourishment. Thus, it is not difficult to see that these cutoffs are hurting the children the most that the law is supposed to be helping.

This then, as I have outlined, has been the state of affairs in the States of my region. School administrators have expressed a desire to comply with the law. They have demonstrated good faith. Yet, it has sometimes seemed to me that the entire might, resources, and legal and financial power of the Federal bureaucracy have been brought to bear against them.

People are very much aware of the 1954 Supreme Court decision on segregation in the public schools, and of the monumental 1964 Civil Rights Act, just as all of us are here in the Senate. But we have seen the law twisted and turned and distorted to the extent that it is hardly recognizable any more, even by some of its original stanch supporters.

As I say, we have no quarrel at this time with the constitutional prohibition against segregation. But the Government has gone far afield from that. The time for reexamination is long overdue. I, for one, do not believe that the Constitution by barring legal segregation, means that we have to achieve balanced integration by busing students and closing schools.

Yet this is what we have had, in the Southern States, mind you, but not anywhere else.

The Government, and its agents, have dealt with these carefully selected States with a bludgeon.

At the same time, in other parts of the country where segregation is far more pronounced than in the South, the Government has either looked the other way altogether, or gone in with a powderpuff.

What we have is the law according to the guidelines. Then we have bludgeon enforcement compared to the light touch or no touch at all. This to me is a travesty.

Let us look at the record. Considerable desegregation progress has been made in the Southern States. According to HEW, it has virtually doubled in the past year, rising from 20 percent in the past school year to almost 40 percent at the present time.

Now, let us compare that with the situation in the North, the East, and the West. I have figures from HEW that indicate overall there is far more school desegregation in the Southern States than anywhere else in the country.

For example, last year's enrollment figures for Chicago show 8.9 percent desegregation; for Gary, Ind., 10.5 percent; for St. Louis, 6.3 percent; for New York City, 20.8 percent; and for Washington, D.C., 0.9 percent.

The distinguished Senator from Mississippi, in a series of floor speeches, has performed a distinct service by providing the Senate even more recent data on desegregaton—or the lack of it—in parts of the Nation outside the South.

In the State of Illinois, 76.2 percent of the total Negro enrollment are in schools that are 95 to 100 percent black.

In Chicago, 80.6 percent of the Negro enrollment attend schools 99 to 100 percent black.

In Maywood, Ill., a relatively small city, 65.8 percent of its Negro students are situated in two schools that are 99 to 100 percent black—and this is a town where the white and Negro enrollment is fairly evenly divided.

In Philadelphia, there are 109 schools with a total enrollment of more than 116,000, that are 90 to 100 percent segregated. In Pittsburgh, 54 percent of total Negro enrollment are in schools 90 to 100 percent segregated.

In Ohio, there are 197 schools that are 80 to 100 percent Negro with 105 of these 98 to 100 percent segregated. Sixty-five of the 105 schools are in Cleveland alone.

In Newark, N.J., there are 38 schools 95.9 to 100 percent minority segregated, 23 of which are segregated 99 to 100 percent.

In Gary, Ind., about 80 percent of the total Negro enrollment are segregated in 21 schools which are 99 to 100 percent segregated.

In Indianapolis, 57.6 percent of the total Negro enrollment of that city are segregated in 24 schools that are 97 to 100 percent black.

In Los Angeles, there are 96 schools with a minority enrollment of 98 to 100 percent of the total enrollment, including in these schools 68 percent of the city's total Negro enrollment.

One could go on and on reciting similar statistical data on the status of segregation outside the South.

What we have are situations that ordinarily bring down the wrath of the Federal Government—if they occur in the South and not somewhere else.

If schools in the South are in violation of the arbitrary guidelines and ratios laid down by HEW, and if they are contrary to edicts handed down by the courts, then schools throughout all the rest of the country are in violation many times over.

As I have noted, the States of the South are far ahead of most of the rest of the country in achieving desegregation.

It is fantastic that this could be going on in other parts of the country with almost total impunity. It is awfully easy for Federal officials, certain civil rights groups, and many reform-minded newspapers to point a finger of scorn at the Southern States on this issue and to do everything short of calling out Federal troops.

What they ought to do, if they are so concerned with desegregation, is to look in their own backyards.

Schools in one particular region only have been turned into administrative nightmares and public education greatly undermined because of this issue. Schools in other parts of the country in similar or even worse racial situations are getting off scot free.

My point is, if we are going to have a law and have it interpreted by the Government and the courts as meaning a certain thing, then that law and that meaning ought to be carried into every single State of this Nation and not to just a selected few.

We have no desire to destroy public education anywhere in the United States. To the contrary, we want to strengthen it. We want to continue the so-called neighborhood school principle under which education in this country has flourished.

To repeat, we do not want to see schools anywhere made instruments of social reform, to the extent that students and teachers are bused all over the place, that valuable school buildings are forced to close down, or that any student, white or black, is made to attend any school against his choice or that of his parents.

To this end I fully support the amendment as reported by the Committee on Appropriations, and I hope that the Senate will do likewise.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the Senator from Mississippi yield to me for the purpose of making a unanimous-consent request?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that throughout the remainder of the day, the members of staffs be required to keep their seats in the Chamber or leave the Chamber, and I ask the Chair to instruct the Sergeant at Arms to enforce such order throughout the day.

The PRESIDING OFFICER. Without objection, it is so ordered. The Sergeant at Arms is directed to carry out the order of the Senate.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on the Outer Continental Shelf of the Committee on Interior and Insular Affairs and the Committee on Labor and Public Welfare be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS 1970

The Senate continued with the consideration of the bill (H.R. 13111) making appropriations for the Departments of

Labor, and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Mississippi. I think 20 minutes will be sufficient.

The committee amendments to the Labor-HEW appropriation bill embrace the principles of the Whitten amendments, and, therefore, I strongly support them. The pending amendment by the Republican leader, the distinguished senior Senator from Pennsylvania (Mr. SCOTT)—supported, I believe, by the assistant Republican leader, the junior Senator from Michigan (Mr. GRIFFIN)—seeks to add, at the beginning of sections 408 and 409, the following language:

Except as required by the Constitution.

With that Republican sponsorship, I do not know whether or not this is a part of the Republican Party's southern strategy. If it is, then I think I should say that this strategy will not sell, at least not in the South. Possibly, now that the chips are down, it was not devised to sell in the South, but rather to make friends and influence people in sections other than the South.

If I had served in the U.S. Senate in 1968, when the language of the Whitten amendments was qualified, nullified, and emasculated by the addition in the Senate of the words "in order to overcome racial imbalance," I could very easily now say, "Let us go; here is where I came in."

To add the words "except as required by the Constitution" serves no purpose at all except to give HEW another peg on which to hang its discriminatory desegregation policies. Mr. Finch has already made it clear that the language of the 1968 appropriation for Labor and HEW prevents HEW from using HEW funds to force—in the North—busing, abandonment of schools, and requiring a student to go to a school against the wishes of his parent or parents.

A different rule is applied by HEW in the South, and there these evil weapons can be used against southern schools and schoolchildren against the express instructions of Congress.

As I see it, the purpose of the Scott amendment is to allow HEW to continue its dual policies and standards regarding desegregation, by forcing desegregation in the South but allowing segregation to continue in the North.

The phrase sought to be added by the Scott amendment is unnecessary if the provisions of sections 408 and 409 are constitutional; and it is not necessary and is surprising if the sections are unconstitutional.

How could a statute replace a constitutional mandate anyhow? The necessity of a statute being constitutional is necessarily implied.

The will of Congress was thwarted in 1968 by adding a qualifying phrase to the language of the limitations. Let us not allow that to happen again by adding still another qualifying phrase.

Mr. President, we have said time and again here that there is one standard, or one system, that HEW applies in the North with regard to desegregation of schools by allowing continued segregation of schools, and another standard or rule that is applied in the South. We do not make that statement idly. We do not make that statement without the documentary proof to back up the statement that that is the official policy of HEW.

It is the official policy of HEW, as expressed by the Secretary himself in a letter to me which I had printed in the RECORD on September 29, 1969, and from which I shall quote at this time.

I had sent Mr. Finch a telegram protesting the HEW plan for the city of Mobile, which required massive busing of more than 5,000 colored students from various sections, closing their neighborhood schools and busing them many miles to white schools.

In reply to my telegram inquiring as to why such a policy was instituted and implemented in the South, and why no such policy was implemented in the North, Secretary Finch wrote to me, in part, as follows:

Your telegram correctly notes that HEW is prohibited from requiring transportation in order to overcome racial imbalance. HEW operations financed under our regular Appropriation Act are governed by Sections 409 and 410 of Public Law 90–557—

Those sections would be sections 408 and 409 in the present bill.

As stated, these provisions prohibit the requirement of busing "in order to overcome racial imbalance."

There that qualifying phrase appears, and that is the qualifying phrase on which the policy of HEW was instituted. It is a parallel phrase to the phrase that the distinguished Senator from Pennsylvania, the Republican leader, is now seeking to add to the language of sections 408 and 409 of the pending bill. It would give the Secretary and the Department of Health, Education, and Welfare an additional peg on which to continue to handle and to implement their discriminatory policies.

The letter continues:

The legislative history of these provisions—

Parallel provisions to sections 408 and 409 which we have before us now—

makes it clear that they were intended to preclude any requirement that school officials take steps to overcome racial imbalance which has resulted from fortuitous patterns of residence.

In other words, the limitation, according to the Secretary, of the present sections 408 and 409, which then were numbered 409 and 410, are effective in the North. There, in other words, he is prevented from following these practices of forcing busing, forcing closing of schools, and forcing a student to go to a school other than the school chosen by his parent or parents.

He cannot apply those methods and those punitive provisions in the North, he says.

I continue to read:

Where, however, racial segregation of students in a schol system has been caused, in whole or in part, by the official action of the State, these statutory provisions provide no barrier to any steps necessary to desegregate the schools and are not steps to overcome racial imbalance prohibited by those laws. For this reason I believe that the statutes to which you refer are inapplicable to the situation in Mobile.

In other words, the Secretary says that the express provisions of the statute do not apply to the South. They apply in the North, but not in the South. What kind of hocus-pocus is that, Mr. President, to have a Federal statute that the Secretary of Health, Education, and Welfare is required to observe, and he states categorically that that statute applies and is effective in the North, but that the limitations provided by the section are not applicable in the South. They can keep on going as they have been going all along, even though Congress has said they cannot do these things.

Mr. President, the problem to which the principle of the Whitten amendment is addressed is this:

Under authority delegated by Congress in the Civil Rights Act of 1964 the Department of Health, Education, and Welfare is empowered to issue regulations to prevent discrimination in Federal programs administered by the Department. These regulations have the force and effect of law. As related to public schools, the guidelines are designed to accomplish racial balance in public schools, and this object is not authorized by Congress.

Innumerable problems result from the fact that the Department of Health, Education and Welfare has established racial balance as the single overriding criteria in assignment of children to public schools to which all other legal, educational, and humane considerations are subordinated. Thus, in some instances, community schools are closed. They have been closed all over Alabama, and they have closed over $15 million worth of Alabama schools under the implementation of the HEW rules and regulations. The children of these communities are bused to distant schools in entirely different communities under plans imposed by the Department. In addition, the Department orders the conversion of some 12-grade community schools into junior schools, and junior schools into high schools. School attendance districts are arbitrarily gerrymandered and huge capital investments in school plants and facilities in some districts are either abandoned or underutilized, or utilized for purposes other than those originally designed. All of these disruptions and many more are justified by the Department as necessary means to achieve racial balance in the schools.

Mr. President, there are many additional aspects in this situation which are nothing less than tragic. Let me emphasize just two which are cause for deep concern.

Mr. President, I am concerned when an agency of Federal Government can subordinate considerations for the health, safety, and welfare of children to arbitrary requirements such as those imposed by the racial balance requirements of the Department of Health, Education, and Welfare.

I am deeply concerned when an agen-

cy of Federal Government willfully refuses to accept clear-cut limitations imposed by Congress in the delegation of power to that agency. It has been said that "Where law ends, tyranny begins." When agencies of Federal Government willfully refuse to abide by laws of Congress, they usher in tyranny, and this is a matter of tremendous concern.

Mr. President, the principle of the Whitten amendment, which is embodied in the committee amendments, if enacted, will alleviate some of these problems. It cannot reach all of the problems because many public schools in the South are administered by Federal district judges, and the racial balance criteria is implemented by judicial decrees, enforced by injunction and the threat of confiscatory fines and imprisonment of public school officials without benefit of trial by jury. Nevertheless, the Whitten amendment principle can do much to compel the Department of Health, Education, and Welfare to obey the laws of Congress and to get it off the backs of local boards of education.

Mr. President, boards of education in the South are making a sincere and conscientious effort to establish a unitary school system but in a manner to preserve the institution of public education in a form which will permit the schools to continue to educate. That is their function, not to integrate, but to educate. Local boards are faced with the certainty that neither a State legislature nor the educators in separate school districts can provide public schools without public support. It is a matter of commonsense judgment that the taxpaying public in any jurisdiction in the United States will not support public schools which do not educate, and public school policies which deny parents a voice in public school matters.

Mr. President, in asking support of the committee amendments, we ask only for a freedom of choice; relief from massive disruption and expensive busing of children; and freedom from harassment, domination, and control of our public schools by the Department of Health, Education, and Welfare. In doing so, we ask only for the same rights, privileges, and immunities enjoyed by other public school systems throughout the United States.

To better make the case for equal consideration, I believe it is important to outline the specific provisions of law which the Department of Health, Education, and Welfare has violated in its efforts to impose the racial balance doctrine in the South. In addition, I think it is important to examine the official explanation offered by the Department in justification of its lawless actions.

Let me turn first to the 1968 appropriations for the Department of Health, Education, and Welfare. The following limitation was placed upon the Department in the expenditure of funds appropriated by Congress:

> No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent *in order to overcome racial imbalance.*

That last qualifying clause was the means that allowed the Secretary to refuse to give the schools of the South the protection of this language. It is comparable to the amendment offered by the Senator from Pennsylvania (Mr. SCOTT) because that would give the Department another peg on which to hang their discriminatory practices.

Mr. President, despite this limitation, the Department continued to do precisely what it was forbidden to do. The Department continued to use its funds to close schools and to force busing of students against the choice of their parents, all for the specific purpose of overcoming racial imbalance in the schools. The Department simply construed the above limitation on its power into a grant of power to do precisely what the law said it could not do.

Mr. President, let us consider the law set out in title IV of Public Law 88–352, the Civil Rights Act of 1964. The definition of terms in that title defines the power delegated to the Department in regard to desegregation of public schools. The definition provides that:

> "Desegregation" shall not mean the assignment of students to public schools in order to overcome *racial imbalance.*

That is in the Civil Rights Act of 1964.

In a further provision, it is said in part as follows:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring transportation of pupils or students from one school to another or from one school district to another in order to achieve such *racial balance* . . .

Once again, the Department of Health, Education, and Welfare construed a limitation of its power into a grant of power to do precisely what the statute said it could not do. The Department has continued to issue orders having the force and effect of law to achieve racial balance in the schools.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The time of the Senator has expired.

Mr. ALLEN. I ask for 3 additional minutes.

Mr. STENNIS. I yield 3 additional minutes to the Senator from Alabama.

Mr. ALLEN. There is yet another law which the Department has violated in almost shocking manner. I have reference to the provisions of title VI of the Civil Rights Act of 1964, and specifically to the provision which limits the power of Federal agencies to terminate, or to refuse to grant, or to continue financial assistanec to schoolchildren under any program of assistance authorized by Congress. The limitations are stated just about as clearly as is possible. In pertinent part, it is provided that such termination "shall be limited" to "the particular political entity, or part thereof, as to whom a finding has been made, and; limited in its effect to the particular program, or part thereof, in which noncompliance has been found."

Here, again, the Department of Health, Education, and Welfare construed a limitation on its power into a grant of power to do precisely what the statute said it could not do. In the administration of this provision of the law, the limitation might just as well have been left out of the law. The Department terminated and refused to continue financial assistance for all programs in all schools in a school system just as though the limitations were not in the law.

The Department simply thumbed its nose at the law and went about the business of cutting off funds, including title I funds used for the purchase of hot breakfasts and free lunches for the children of the poor.

If such callousness shocks Senators, think of the aged and indigent who were denied medicine and access to hospitals and clinics as a means of coercing public and private officials into compliance with HEW regulations. If the weapon of deprivation of necessities of life can be employed with impunity by the Department against innocent and helpless citizens under existing programs of financial assistance, one can imagine the potential for evil that will exist when this agency of Federal Government undertakes to prescribe regulations for 23 million citizens under the proposed guaranteed income program.

Mr. President, I hope that no one will take lightly the lawless actions of the Department in the termination of funds, benefits and services provided by Congress for schoolchildren under various programs.

On February 24, 1969, I requested from the Department information indicating the number of schoolchildren whom it had deprived of funds, services and benefits under orders of termination or refusal to continue originating from the Department. About a month later, I received a reply from the Department, which indicated they did not know either the number of children adversely affected by orders of termination or the monetary value of funds, services, and benefits which had been terminated.

Mr. President, I found this situation incredible. Such an apparent indifference to the welfare of children left me with a definite feeling that these people are neither motivated nor inhibited by a compassionate concern for the welfare of children.

Nothing has happened since then to cause me to alter this conclusion. On the other hand, much has happened to confirm it. For example, there is the official justification which I received from the Department in explanation of its willful violation of the statutes I have previously mentioned.

In response to an inquiry on my part, the Department provided an explanation which, in substance, is as follows:

The Department contends that the above laws imposing clear-cut limitations on the powers of the Department are qualified by remarks made in debates preceding enactment of the laws and by a construction placed on such remarks by a Federal court judge at some time or other. As unbelievable as this explanation may be, it is, in fact, the excuse tendered

by the Department as its justification for disregarding limits placed on its powers.

If we ask in what manner the statutes mentioned were modified, the HEW explanation is that the remarks made in debates and the judicial construction of those remarks served to establish two separate regions in the United States. In one region the limitations on the powers of the Department with respect to racial balance and other matters are given full force and effect. However, in the other region, composed of States in which segregation of schools was formerly imposed by law, the precise same language is taken to be a grant of power to the Department to do precisely what the statutes say the Department could not do.

Mr. President, every Senator in this Chamber recognizes the palpable absurdity of the above explanation. The argument is so ridiculous that I cannot escape the conclusion that it is either facetious or contemptuous of Congress, or both. In any event, I am not going to dignify this absurdity by taking up the time of the Senate to further comment on it.

I think there are compelling reasons to limit the power of the Department of Health, Education, and Welfare in the manner and to the extent set out in the Whitten amendment. The amendment has been approved by the House of Representatives, and overwhelmingly endorsed by the subcommittee of the Senate Appropriations Committee, and by the full committee. It is a step in the right direction. Other steps are indicated.

In the meantime, I urge defeat of the amendment offered by the distinguished Senator from Pennsylvania (Mr. SCOTT).

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield 2 additional minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, we all know that if this phrase is added to sections 408 and 409, it will make the Department of Health, Education, and Welfare judge and jury of what it means, and we will find them continuing to take the position that these limitations on the power of the Department are applicable in the North but are not applicable in the South. The effect of this will be that we will continue to have these policies pursued by HEW, contrary to the will of Congress expressed time and time again.

If Congress is serious about putting a limitation on the power of HEW to force busing, to force the closing of schools, to force any child to go to a school against the wishes of his parents, we will reject the Scott amendment. If the Senate wants to free them completely to put in any type of policy they want, then add the Scott amendment, because it will be a peg on which to hang their continuation of discriminatory policies aimed at the South and the continuation of the dual system. This is a dual system of a different type. It is a system in the North allowing segregation. It is a system in the South of forcing desegregation by massive busing, by closing schools, and by forced assignment of pupils.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. I yield the floor.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Virginia (Mr. BYRD).

May I express the hope, Mr. President, that the opponents of this amendment would use some time after the Senator from Virginia has concluded.

Mr. GRIFFIN. Mr. President, will the Senator from Virginia allow me to use a little time now, just a few minutes?

Mr. BYRD of Virginia. Certainly.

Mr. GRIFFIN. I yield myself 5 minutes.

Mr. President, the distinguished Senator from Alabama referred at the beginning of his remarks to the minority leader, the Senator from Pennsylvania, who is the sponsor of the amendment and also to the assistant minority leader, the junior Senator from Michigan, who strongly supports the pending amendment.

The Senator from Alabama heaped criticism upon the words of the Scott amendment. Those six words are "Except as required by the Constitution." During this debate, I believe we ought to keep repeating those six words—"except as required by the Constitution."

I find it very difficult to understand, frankly, the argument of those who oppose the addition of those words as an amendment to the so-called Whitten amendment.

The Scott amendment does not say: "except as might be permitted under the Constitution." It says: "except as required by the Constitution."

The Scott amendment recognizes that sections 408 and 409, which is the Senate version of the Whitten amendment, are based upon the fallacious premise or proposition that a free choice desegregation plan per se is constitutional in all situations.

I will not argue whether the Supreme Court should have said that a free choice plan in all situations satisfies the requirements of the Constitution. I think reasonable men might differ as to whether the Supreme Court was correct in its interpretation of the Constitution.

Needless to say, I have not always agreed with the decisions of the Supreme Court of the United States.

But the fact is that in the Green decision, the Supreme Court made it clear that free choice desegregation plans do not always satisfy the constitutional requirement. In some situations, then a free choice plan is not satisfactory. And the effect of the Whitten amendment would be to deny funds needed in those situations to meet the requirements of the Constitution.

The purpose of the Scott amendment is to make it clear that HEW would not precluded from performing its function in those situations where the Constitution requires something more than a freedom of choice plan.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. GRIFFIN. It seems to me that if HEW is violating some other provision of law, as the complaint has been made, then it would be appropriate to challenge those actions in the courts, and the courts would then determine whether HEW is, or is not, complying with the law.

But Mr. President, I do not see the logic in arguing against addition of six words—"except as required by the Constitution." It seems to me that anyone who votes against that amendment is voting against the Constitution.

Mr. President, I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, the Senator would not insist that the statute could override the Constitution so that it then becomes necessary to put in this clause, would he?

Mr. GRIFFIN. No. I think that the Senator is making my argument. The Whitten amendment, for example, could not override the Constitution or the Supreme Court interpretation of the Constitution.

Mr. ALLEN. Why put in the phrase then?

Mr. GRIFFIN. Then, I could come back with the question, Why would the Senator object to the phrase? If the Senator thinks it has no meaning, there should be no reason for opposing the amendment.

Mr. ALLEN. The reason I object is that the Department of Health, Education, and Welfare will be its own construer of that section, just as it was of the last qualifying phrase that was put in in 1968 and we will have a continuation of the same situation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield myself 5 additional minutes, if the Senator has further debate.

Mr. ALLEN. I just answered the Senator's inquiry.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly on that very point?

Mr. GRIFFIN. I yield.

Mr. STENNIS. Mr. President, I wish to make this observation. Our main complaint, as a practical matter, is that HEW is applying one constitution in the South and another constitution outside the South. There is a different interpretation of it, as they contend, on a little clause about racial imbalance. It will not stand up to analysis, in my humble opinion.

So our complaint could be summed up in those words: the different constitution applied in the South from the constitution applied outside the South on this question.

Mr. GRIFFIN. Mr. President, without passing judgment on whether or not HEW is applying a different standard, I would certainly agree with the Senator from Mississippi that there should be no difference in the application of the standard, and it should be the same standard throughout the 50 States of this Nation.

While I can understand the frustration of the Senator from Mississippi, and I know he holds his views most sincerely, I still have difficulty in understanding the opposition to the insertion of six words: "except as required by the Constitution." It seems to me those words only serve to protect and to save the effect of the amendment insofar as it could be in conflict with the Constitution.

Matters such as these are always subject to appropriate court tests. And in

the last analysis, the courts are going to determine whether or not something is or is not required by the Constitution.

I yield the floor.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I support sections 408 and 409 of the pending appropriation bill.

These sections were approved by a large majority of the Committee on Appropriations.

Virtually identical sections were approved by the House of Representatives.

I will now read section 408:

SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

I will now read section 409:

SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

Mr. President, what is the matter with these two provisions?

Are they not fair?

Are they not reasonable?

What conceivable objection could there be to maintaining these two provisions in this appropriation bill, which provisions have been approved by a large majority of the Committee on Appropriations and approved by the House of Representatives?

Mr. President, during this long debate I have yet to hear any Member of the Senate justify the busing of schoolchildren from one area of a city to another area of a city for the purpose of achieving racial balance.

Arguments have been made against this provision but none of the Senators has directed his remarks to approving the busing of children to achieve racial balance. Yet that is being done in many areas of the country, contrary, in my judgment, to the constitutional rights of those children. The majority of the Senate stands idly by and permits this to continue.

Mr. President, New York State has passed legislation which prevents the busing of children for the purpose of achieving racial balance. New York is a Northern State and is not considered prejudiced on the racial issue. Why should only the Southern States be persecuted?

These provisions of the act, sections 408 and 409, these provisions which have been approved by the Committee on Appropriations and approved by the House of Representatives seek to take away some of the dictatorial powers which have been exercised by the Department of Health, Education, and Welfare.

The amendment introduced by the Senator from Pennsylvania seeks to completely scuttle, to completely gut these two provisions.

The amendment is cleverly worded; it sounds good. It is somewhat difficult to argue against, but every Member of the Senate knows that if the proposal offered by the Senator from Pennsylvania (Mr. SCOTT) is agreed to by the Senate, then it would completely scuttle the purposes of sections 408 and 409.

Mr. President, what the Scott amendment would do would be to continue to permit the Department of Health, Education, and Welfare to exercise the dictatorial rights which that department has assumed over the public school systems of certain areas of our Nation.

It seems to me that HEW has gone to extremes in trying to force integration of the public schools. In going to those extremes we are in danger of destroying public education in many areas of our Nation.

I submit nothing is more important in a democracy than public education.

It is vitally important, and to indicate just how prejudiced and biased the Department of Health, Education, and Welfare is in the handling of these laws, all of the attention is directed entirely to the public school systems in the southern part of our Nation and little or no attention is given to those in the other areas of our Nation.

Now, Mr. President, several weeks ago, the distinguished Senator from Mississippi (Mr. STENNIS) brought out on the floor of the Senate that in the State of New Jersey there was de facto segregation in 99 school districts.

I hold in my hand a newspaper article entitled "New Jersey, Stung by Stennis Charges, Vows Segregation End."

The Department of Health, Education, and Welfare has 600,000 employees, yet none has been assigned to focus attention on the conditions existing in the State of New Jersey. It was the Senator from Mississippi (Mr. STENNIS) here on the floor of the Senate, who brought out the fact that 99 districts in New Jersey practice de facto segregation.

Let me read the first paragraph of the article.

TRENTON, N.J.—Reacting sharply to a southern Senator's criticism that many New Jersey school districts are more segregated than Dixie's, the State has ordered 99 districts to end de facto segregation within two months, it was disclosed here.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW JERSEY, STUNG BY STENNIS CHARGES, VOWS SEGREGATION END

TRENTON, N.J.—Reacting sharply to a Southern senator's criticisms that many New Jersey school districts are more segregated than Dixie's, the state has ordered 99 districts to end de facto segregation within two months, it was disclosed here.

Dr. Nida Thomas, director of a state education office concerned with equal educational opportunity, said that by Feb. 4 the 99 districts must submit plans to not only end racial imbalances but to provide education of equal quality for students in both affluent suburban and depressed urban neighborhoods.

The controversy broke out when Sen. John Stennis, D-Miss., said on the Senate floor that New Jersey's schools were in many instances behind Southern districts in speeding desegregation.

State Education Commissioner Carl L. Marburger quickly replied that Stennis was correct but that the state was working to erase the imbalances.

Mr. BYRD of Virginia. Mr. President, today the Senate has the opportunity, by sustaining the two provisions, sections 408 and 409, inserted by the Appropriations Committee, and previously approved by the House of Representatives, to say to the Department of Health, Education, and Welfare, "You must act in accordance with the Constitution. You must treat all sections of this Nation fairly. You cannot use your great powers to withhold funds from those school districts merely because they are not willing to bus their children all the way across cities for the purpose of achieving racial balance."

Mr. President, the amendment offered by the Senator from Pennsylvania would completely scuttle the purposes of the proposal, and I hope that the amendment will be rejected.

In raising my voice against forced busing of students to achieve racial balance and in speaking out in behalf of the right of each parent to send his children to the school of his choice, I realize the condemnation I will receive in certain quarters. But I shall continue to fight for the rights of the children and parents who are being made political pawns.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia.

Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, I wish to make this observation. The opponents of the Scott amendment have used up over half their time.

I submit, as a matter of fairness on the part of the other side, that I hope they will use some of their time now.

I want to observe, too, that this debate is attended this morning by only three or four Senators at a time.

I do not want the reporter to strike this from the RECORD. I want it in the public record of our proceedings, to show the lack of attendance by Senators this morning.

It is true that many Senators are very, very busy in important conferences.

My point is not directed to their personal absence at all. My point is that we are having to conduct this debate without the opportunity to get to the minds of those who are going to have to vote.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. I therefore ask unanimous consent——

Mr. PASTORE. Mr. President, does the Senator from Mississippi wish me to speak now? I concur with what the Senator has said. This is a very important matter. It is also a very sensitive matter. It is extremely sensitive in certain parts

of the country and for sincere reasons. Whether I agree with them or not is not the point. There was quite a bit of controversy over the language in committee. Earnest speeches were made here last night and more were made here this morning. I have comments to make which will take 5 minutes, I believe, but certainly I dislike the idea of doing it to an empty Chamber as well.

This is more or less an old story, but we all understand the facts. We all have strong convictions one way or the other, and I would like to say a word or two as to how I feel about it.

I do not mind a quorum call but I hope it would not be made live. The time for the quorum call should be taken out of the time of the proponents of the amendment, it would seem to me. That would be satisfactory to me, provided it is not live.

The point is we can have a live quorum, but that does not guarantee an audience. Once a Senator comes in and registers he walks out again. It is an old saying—you can take a horse to water but you cannot make him drink. We can bring a Senator into the Chamber, but we cannot make him stay here.

Mr. STENNIS. I was going to suggest a quorum call and not make it live, with the time not to be charged to either side.

Mr. PASTORE. It should be charged to our side because we are not going to use all the time anyway. Either way would be all right with me. I shall not make any fuss over that.

Mr. GRIFFIN. We can yield back the time we do not use.

Mr. CASE. If the Senator will yield, I should like to ask, in order that it may help us make our plans, what does the Senator from Mississippi expect to use in the way of the time allotted to his side?

Mr. STENNIS. All the time will be used.

Mr. PASTORE. We will give the Senator some of ours.

Mr. CASE. So there will not be a vote until about 12?

Mr. STENNIS. I would not predict when we would vote.

Mr. President, I would hope that the time taken to discuss this procedure would not be taken out of either side.

The PRESIDING OFFICER. Does the Senator from Mississippi ask unanimous consent for that purpose?

Mr. STENNIS. Yes. I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. I, too, would love to have all Senators here all the time, but they have heard this 10 times before and I am sure they will not be here.

Mr. PASTORE. But they have not heard me 10 times before. I would love to have them here.

Mr. CASE. Senators have heard the Senator from Rhode Island 10,000 times before. [Laughter.]

Mr. STENNIS. Mr. President, I ask unanimous consent that there be a quorum call preceding the remarks of the Senator from Rhode Island. Is the Senator from Rhode Island going to speak next?

Mr. PASTORE. Yes. I wish to speak next.

Mr. STENNIS. Mr. President, with the time not to be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, how much time does the Senator from Rhode Island want?

Mr. PASTORE. It will not be more than 10 minutes.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Rhode Island such time as he may require.

Mr. PASTORE. Mr. President, and my colleagues, as I said a few moments ago, we are dealing here with a very, very sensitive issue. This is not the first time it has come to my attention. In several phases, whether it was under the poverty program or under the integration or desegregation programs, this matter has been discussed by a number of committees upon which I have the honor to serve.

I want to say at the outset that, in trying to understand the difficulties involved in this situation, I do not believe there is any Member of the Senate who has been more tolerant than the senior Senator from Rhode Island. I think my colleagues from the South who are members of the Appropriations Committee realize that.

There are many hardships involved, no matter how you do this. If you do it fast, you obligate the municipalities or school districts to involve themselves in expenditures of money sometimes not easy to obtain. On the other hand, you have this very, very significant constitutional, dignified right of the individual to say to his peers, "Why should I wait? Why should I be delayed in receiving what belongs to me constitutionally?" That is the serious question.

I realize that for 100 years we had segregated schools and that the Brown against Board of Education case was decided in 1954. That is almost 16 years ago. The clear intent and the clear objective to Brown against Board of Education has not been brought to fruition.

I was somewhat amazed to hear my Southern colleagues, whom I admire and for whom I have tremendous affection, use the Brown against Board of Education as a predicate for their opposition to this. Indeed they have been so critical of it that they labeled the Court the "Warren court."

Speaking of the Warren court, I have voiced criticism of that Court as well. But only a short time ago we instituted what is known now as the "Burger court." When Justice Burger came before the committee and his name came on this floor, he received the plaudits of all the Members of the Senate and I think his nomination was confirmed unanimously.

What did the Burger court do, Mr. President? The Burger court, I think in October of this year—to be specific, on October 29, 1969—in the case of Alexander versus Holmes County Board of Education, held that school districts are obligated to terminate the dual school system "at once."

That is what the Burger court said.

Now, what is the purpose of the language as reported by the committee? Is the purpose of the language as reported by the committee to sustain the Burger court, or to modify the opinion of the Burger court? That is the question here, and that is the serious issue. It causes me grave concern, Mr. President, if we are today to contemplate passing an appropriation bill which in any way is going to undercut a decision of the Burger court made on October 29. This decision even went so far as to repudiate the philosophy of this administration as enunciated by the President—and I am not being critical—the President said we ought to slow it down a little bit in this matter, and the Burger court said, "You cannot slow it down," then Mr. Nixon rightfully responded, "I shall abide, as the President of the United States, with the ruling of the Burger court as enunciated on October 29, 1969." That was only a month and a half ago.

That is what we are up against here today. Why do you think this language was put in the bill? Let us be fair and practical about it. It was put in the bill because some people feel that the process should be slowed down. That is what President Nixon wanted originally. The Burger court said, "You cannot do it, Mr. President, because you violate the constitutional rights of the people concerned."

What we are trying to do now is revert to the Nixon doctrine, although the President himself in a sense has repudiated it by saying, "If the court has said so, I shall abide by the court."

That is the question here, gentlemen, pure and simple.

I know that the Burger ruling is going to cause the South and the North a lot of trouble—plenty of trouble. It is going to mean money. It might mean a lot of things. It might mean a lot of things to the discomfiture of many sections of our country.

I was very much impressed with the eloquent speech made by the distinguished junior Senator from Florida. I realize their problems. I cannot close by eyes to them. I would insult my own intelligence here this morning if I rose on this floor and said, "This is all clear sailing, there is nothing to it." There is a great deal to it.

But, on the other hand, gentlemen, if I have a right of trial by jury, a constitutional right of trial by jury, can any man say to me, "Well, it is going to be expensive to give it to you; it is going to be inconvenient to give it to you; why don't you wait?"

I cannot be told to wait. If I have a constitutional right, I have it at this moment, and if I do not have it at this

moment I do not have it at all. That is the question here.

What surprises me is that sometimes I have to be the devil's advocate as here I am, defending a Republican administration. But that is apart from the point. What is right is right and what is wrong is wrong.

How about all this talk about this letter sent out by Mr. Finch. This is the letter that he sent out. I do not know if it has been put in the RECORD, so I am going to read the letter. It is not too long. It reads:

DEAR SENATOR: I would like to express my deep concern that the Labor-HEW Appropriations Subcommittee has approved provisions that would seriously undermine this Department's responsibilities to public education.

Who said that? Did a Democrat say that, or did a Republican say that? Mr. Finch said that. I think he is a fine public servant.

I refer specifically to the Subcommittee's approval of the anti-civil rights provisions which would retain the essence of the House-passed Whitten Amendments, and to other punitive amendments dealing with student unrest.

That is another section that will come up later, section 407. We are talking now about sections 408 and 409.

The amendments dealing with school desegregation, as passed by the House of Representatives and as reported to the Senate Subcommittee, would cripple the efforts of this Department to enforce the mandate of the Supreme Court.

That is what I am saying to all of my Republican colleagues. Why do you not listen to your own appointed? That is what he said. He said:

The amendments dealing with school desegregation, as passed by the House of Representatives and as reported by the Senate Subcommittee, would cripple the efforts of this Department to enforce the mandate of the Supreme Court and to protect the constitutional rights of all Americans to an equal opportunity in education.

I am telling you frankly, the subcommittee cannot be right in its language and Mr. Finch be right also. One or the other is wrong. I leave it up to the Senate to decide which is right and which is wrong.

He goes on to say:

The only districts which HEW deals with under Title VI of the Civil Rights Act are those operating illegally segregated school systems.

That is all he is interested in: Those school systems that are illegally segregated school systems.

HEW's role is to assist these districts in working out practical, effective, and educationally sound desegregation plans which meet the requirements of the law.

How can any Republican stand up and vote against this man Finch?

Mr. HOLLAND rose.

Mr. PASTORE. You are a Democrat. I am talking to the Republicans now.

How can he do it, unless he stands up and says that Mr. Finch does not know what he is talking about?

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PASTORE. Yes; I will yield any time to a Democrat.

Mr. HOLLAND. I thank the Senator for yielding. I am glad the Senator recognizes that Democrats are also Members of the Senate.

Mr. PASTORE. That is absolutely right; I am not casting any aspersions at all, but I am making a speech for the benefit of some of the Republicans who may be inclined to look rather loosely on some of this wording.

Mr. HOLLAND. I am wondering, since the Senator has just read from the letter and also a similar wire from the Secretary of Health, Education, and Welfare, how he explains the fact that the Secretary has shown no interest at all in the statute of the State of New York which reads:

Provided, That nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardians.

That gives complete freedom of choice to parents and guardians in New York as to where their children shall go to school, and has resulted in there being schools in New York which are 100-percent segregated. How does the Senator figure that this distinguished Secretary of Health, Education, and Welfare shows such deep concern with our problems in the South, and no concern at all about the statute in New York which has resulted, and is resulting today, while we are talking here, in complete segregation of certain schools in the State of New York?

Mr. PASTORE. Mr. President, may I ask a question in answer to the Senator's question? Has that case in New York been taken to the Supreme Court?

Mr. HOLLAND. That is not the point.

Mr. PASTORE. That is the point I am talking about: The Supreme Court of the United States of America. I am not talking about the State of New York. I do not know what happened in the State of New York. But if the State of New York, through any statute, violated the Constitution, the Supreme Court will declare it unconstitutional. I am not defending the law. I am not even criticizing the law in New York. I am just talking about the language in this bill, and what the Supreme Court of the United States said, what the Secretary of Health, Education, and Welfare said, and what our responsibility is.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. PASTORE. I appreciate what the State of New York did, but the State of New York, I hope, is not the barometer of the United States of America. At least the Senator from Florida never thought so.

Mr. HOLLAND. Mr. President, will the Senator yield?

The State of New York is a part of the United States of America, is it not?

Mr. PASTORE. That is right. It is only a small part.

Mr. HOLLAND. And the State of New York has, by this statute—and I have read only a part of it; there is another part of it which prevents busing to bring about racial balance—stopping busing, and the busing that was stopped in New York City to effect racial balance is the result of that statute.

How does the Senator evaluate the fact that the Secretary of Health, Education, and Welfare looks only southward when he looks at the law and the decisions of the Supreme Court, and does not look to the State of New York, which is flagrantly continuing completely segregated schools by the dozens, some of which are 100 percent black insofar as the student body is concerned?

Mr. PASTORE. Mr. President, I will join the Senator from Florida in writing a letter to the Secretary of Health, Education, and Welfare telling him that he should look into New York the way that he looks into Florida, the way that he looks into Rhode Island, and the way that he looks into Alabama.

Mr. President, two wrongs do not make a right. I am not here to defend the State of New York in what they are doing. And I am not here to defend Secretary Finch.

I am only here to explain what is just. And as I said before, there are enough Republicans here to stand up and defend their own Secretary of Health, Education, and Welfare. I do not have to do it. But if I think he is right, I will say so. I think he is right. And I think in this particular case he has a point.

Mr. HOLLAND. Mr. President, if the Senator will yield once more, I will say as one Senator who has fought for his country and whose sons have fought for their country and who has fought for decency in the Senate for 24 years, including this troublesome question of race relationships, that I do not approve the action of the Secretary of Health, Education, and Welfare who looks only southward to enforce the law and is destroying our public school system in many respects and is fomenting the growth of private schools in many areas that are taking the cream of the children into the private schools.

The public schools ought to have a full mixture of children from all homes.

I think this is terribly serious and is a terribly false approach to make to the problem.

I could never approve it. And the Senator knows perfectly well that I have not been an extremist in this forum. And I am not now. The Senator supported me in getting an antipoll tax constitutional amendment referred to the States. That was ratified and is now a part of our Federal Constitution.

The Senator knows that I think something of my record as a school official in Florida, which has always been an impartial record. And I do not believe the Senator can for a moment support or defend an administrative policy, not the policy of the President of the United States, but the policy of this man Finch, which looks only southward to enforce Federal law and does so in such a way as to be now destroying the public school system of many areas of the South.

I thank the Senator for yielding.

Mr. PASTORE. Mr. President, I thank the Senator, too. I hope he does not make this a personal conflict between him and me.

Mr. HOLLAND. I would never have a

personal conflict with the distinguished Senator.

Mr. PASTORE. Mr. President, and I reciprocate. I know the Senator has a distinguished war record and a distinguished peace record. I have had the honor and privilege of meeting members of his family. He comes from a splendid family. I would be proud to call his family my family.

I am not getting into that at all. As I said before the Senator came in, this is a very sensitive area. I said that no man in the Senate has been more tolerant in trying to understand the problems involved than the Senator from Rhode Island.

If the Senator is telling me that Secretary Finch is only looking southward and not eastward or westward or northward, I say that he should look in all the directions of the compass. To that end I agree with the Senator. However, it is my understanding, and it is the understanding of Mr. Finch—and I hope I can make that point—that insofar as the language of the bill is concerned—and that is the issue—it is in contravention of the opinion of the Supreme Court because the effect of this would be to slow down the process of integration.

And the Supreme Court has said we cannot do that because it violates the constitutional rights of individuals.

I know the problem in Florida. I just got through saying that I heard the very eloquent address of the junior Senator from Florida (Mr. GURNEY) yesterday afternoon. It was very impressive and very sincere.

I realize the burden on the school districts. I realize the burden on the school boards and the cities and States. However, as I said before, we are dealing with the rights of individuals which are paramount.

The Senator might say that it is going to take a little more time and it will cost us a lot of money. However, on the other hand, if that Negro mother feels that her son belongs in an integrated school, she has a constitutional right to feel that way. And that little black boy has a constitutional right to go to that integrated school. That is what integration is all about.

I know there are difficulties and that we have some mechanisms that make compliance burdensome. However, I am not here to tell the Senator that his problems in the South or in Florida do not exist. I would not say that.

I said in committee that I do not pretend for one moment to tell the Senator from Mississippi what the situation is in Mississippi. I have not been there. I do not know their problems at first hand. What I do know is the Constitution. What I do know are the human rights of people. What I do know is that if I do not have belief in the integrity of the Constitution and if I do not have confidence in the United States of America, where else will I go to find confidence, integrity equity?

The point I made is that at the time of the 1954 decision in Brown against the School District. The Court was labeled and characterized as a Warren court. Here we are. We appointed Justice Burger. We heard testimony before the committee of which the distinguished Senator from Mississippi (Mr. EASTLAND) is the chairman. And in no time flat the committee reported back the nomination. Everyone patted the nominee on the back and said what a great fellow he was, what a great jurist and what a fine man he was. His nomination was considered. We all applauded him, paid him praise and confirmed him unanimously.

What did he do? On October 29, the Burger court—the Nixon court, the most recent court—said in the case of Alexander against Holmes County Board of Education that all school districts are obligated to terminate the dual school system at once.

Mr. ELLENDER. How?

Mr. PASTORE. Let me say what I have to say, and then I will be glad to answer any questions. You know PASTORE does not mind arguing or debating with anyone. However, the Senators are saying the same things they said last night. Today is my turn.

I do not want to quarrel with anyone. I want to make my case and then cast my vote. Let the Senate work its will. If one side wins, it wins. If it loses, it loses.

All I have to do here is to defend my own conscience.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PASTORE. I do not want to get into a struggle with the Senator from Florida.

There are no two men in the Senate that I regard more highly than the Senator from Florida and the Senator from Louisiana. And they both know it. As a matter of fact, they have me ringed every day, and I enjoy it and treasure it.

Mr. HOLLAND. Mr. President, it is a pleasure for me to have as a seatmate every day in the Senate the distinguished Senator from Rhode Island. And I think he knows how cordially I feel toward him, because I think I have given him abundant evidence of that fact.

My feeling is very close for him. However, I wanted to rise to agree with the Senator on one thing he said in his very eloquent statement.

The Senator said that he thought the Negro mother who wanted her child to go to a certain school should have that right. I agree 100 percent. That is freedom of choice. That is exactly what we want to have in my State and in my town, and what I want her to have and white mothers to have also.

However, if she wants her child to go to a school that is largely black—and many of them do—I want her to have that right also.

Apparently the distinguished Senator from Rhode Island does not know that in many cases that is exactly what they want.

I want them to have freedom of choice. And I want to have freedom of choice as to where my grandchildren go.

I rather value that right. And apparently it is valued in New York.

I want to say again that I approve completely that part of the Senator's statement in which he said that he thought the Negro mothers that wanted their children to go to integrated schools should have that right. I agree completely with that statement. That is what freedom of choice means.

Mr. PASTORE. By the same token, we can stretch the words "freedom of choice." If we had a classroom consisting of 50 blacks and 50 whites, and all the white mothers decided to send their children to a school outside of the neighborhood, we would end up with a black school. And that would be in contravention of the Supreme Court decision.

We should not be talking about subterfuges. I am not talking about subterfuges or the inherent right of a parent over a child.

All I am discussing here today is that the very tone and the very objective and the very purpose of the language in this committee report, the Whitten amendment, all was designed for this reason. We cannot hide that fact.

I know the problems involved. I know how sensitive the question is. I know the sincerity of the many fine men who come from any part of our country.

I would not stand here for 1 minute and question their motive or sincerity or purpose.

This is what they believe. "It is our way of life," they say. The Supreme Court of the United States in 1954 said it is the wrong way of life, and the Supreme Court of the United States is supreme. That is why we call it supreme. It is the court of last resort. They say that after the Supreme Court speaks, only God can change it.

Mr. GRIFFIN. Mr. President, will the Senator yield for a brief observation?

Mr. PASTORE. I yield.

Mr. GRIFFIN. Earlier, the Senator had a little fun needling the Republicans.

Mr. PASTORE. I did not needle.

Mr. GRIFFIN. And pointing his finger at this side of the aisle.

Mr. PASTORE. I did not needle.

Mr. GRIFFIN. The distinguished Senator from Rhode Island is very logical, very eloquent, and very persuasive, especially when he can point his attacks at the Republican side of the aisle. But on an issue such as this, I think it is obvious that there are differences of opinion on both sides of the aisle. I think that was illustrated almost before the Senator got those words out of his mouth, because he has found that most of the argument—at least a good deal of it—has come from his side of the aisle. We do have differences on both sides. There is no question that the leader of the Republicans in the Senate is not only supporting Secretary Finch, but he has proposed the pending amendment as well.

Mr. PASTORE. If the Senator will allow me to interrupt—in other words, Finch is not a monster.

Mr. GRIFFIN. That is correct.

Mr. PASTORE. That is what I am trying to show. The idea that some of the Senator's group are getting up and saying he is going to run away with himself and do this—I am going to develop that. Give me a chance to develop it.

Mr. GRIFFIN. If the Senator can make his arguments more effective by directing them at the Republicans, so be it. The Senator is very eloquent and very

effective, and I agree with almost everything he is saying.

Mr. PASTORE. I thank the Senator. I might want to embarrass some reluctant Republicans to the point of seeing it Finch's way, if I can. I am being intellectually and practically honest, because he is their man. If they cannot trust Finch, whom will they trust? The accusation has been made that the Secretary was out to twist arms.

Do you mean to tell me that Bob Finch is going to go out and twist the arm of Senator GURNEY? Do you think he is going to go out and twist the arm of Senator COTTON? I do not think he is going to twist my arm. I think the Secretary wrote a rather decent letter, explaining his position. The only mistake he made is one that was made once before, in the steel price case. He began delivering 14-page telegrams at 4 o'clock in the morning. Anybody who has been around, as Bob Finch has, should have known better than that. You do not wake up a Senator in the middle of his sleep to give him a 14-page telegram. [Laughter.]

Mr. COTTON. Mr. President, will the Senator yield?

Mr. PASTORE. I was lucky. I happened to be in my home in Rhode Island, so they left it under my door in Kensington. I got it the next day, anyway.

Mr. COTTON. Will the Senator yield?

Mr. PASTORE. I yield.

Mr. COTTON. I do not want to interrupt the Senator. However, he mentioned my name and said, "Do you think Bob Finch is going to twist the arm of Senator GURNEY? Do you think he is going to twist the arm of Senator COTTON?"

Mr. PASTORE. He could not do it if he tried.

Mr. COTTON. I just want to say that he has—to this extent. He does not approve of the amendment I have in this bill. Did he call me up and say so? No. He called junior Republicans on the Health, Education, and Welfare Subcommittee.

So far as I am concerned, the highly complimentary, nonpartisan, kind remarks that my good friend the Senator from Rhode Island is making about Secretary Finch are falling on completely deaf ears.

Mr. PASTORE. Meaning as far as the Senator from New Hampshire is concerned.

Mr. COTTON. I like and am very fond of many Democrats. Some I do not like quite so much. I like and am very fond of many Republicans. Some I do not like quite so much. I have nothing to say about Secretary Finch. [Laughter.]

Mr. PASTORE. I repeat: You are making me the devil's advocate.

Let me read this a little further:

> Sections 408 and 409 would seriously restrict the flexibility of HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions, and districts which have complied with the law would be tempted to go back on their commitments. This could seriously jeopardize the substantial progress made in school desegregation.
>
> Accordingly, the Administration urges the Senate Appropriations Committee to delete the amendments.

He does not say "I"; he says "the administration."

> In the event the Committee chooses not to do so, the Administration stresses the urgency of revising them so that their effect is consistent with the requirements of existing law. In this context, the Committee at the very least should consider including appropriate language in the Subcommittee provisions, such as the following:

That is substantially what we are doing here now.

The point I make is this: We have a new ball game. In the past there have been mistakes. We have a new Secretary of Health, Education, and Welfare. Yes, perhaps he has strong feelings on this subject, and he has a perfect right to have them.

If you cannot trust him, how can we trust him? I do not blame the Senator from Florida for being suspicious. He might have every reason to be suspicious. I do not blame any other Senator on the Democratic side for being suspicious. By the same token, if you cannot trust the Secretary to do this reasonably and to do it equitably and to do it according to the Constitution, whom are you going to trust? He speaks here not for himself; he speaks for the administration.

What I am saying—and I am trying to say it as calmly as I can—is that this is a sensitive issue. But, to my way of thinking, unless this language is written in there, it could be construed as a repudiation of the decision of the Burger court of October 29. Mr. Finch has construed it in such a way that this will impede him in carrying out his responsibility as he should, and it will work as a discouragement to those who have already complied, and it will work as a delay on the part of those who have not complied as yet. As the chairman of the committee brought out the other day, most of the school districts have complied. Only a handful have not.

As I understand Mr. Finch, what he expects to do is to sit down and visit with these people and talk with them rationally and sensibly I would hope that he would not do anything to summarily close down a school to the disadvantage of public education. I hope he would not do things that would destroy public education.

If you cannot trust your own man, whom are you going to trust? I say frankly that it is not the law that is going to bring this thing about. It is going to be the will in the hearts of the people who will stand together and communicate with one another. That is the answer here. But this Whitten amendment is a vindictive amendment. Truly, it is a vindictive amendment. There is no question about it. In the first place, it should not have been brought in here at all. They should have picked up the telephone and called Secretary Finch and said, "Look, how are you going to do this thing to live up to the Supreme Court edict?" and at the same time not to overburden these communities and not to destroy public education.

If you cannot talk reasonably with the Secretary of Health, Education, and Welfare, with whom are you going to talk reasonably?

The arguments I heard last night and the arguments I heard today have the same ring they had years ago, on the civil rights bill, and that saddens me, because I did not think that was the issue. If the Senator from Washington (Mr. MAGNUSON) thought for 1 minute that that was the issue, I do not think he would have felt the way he did in the committee about this bill, because no man stood up and fought for civil rights more than WARREN MAGNUSON, the Senator from Washington. He stood up, as did the Senator from New Hampshire (Mr. COTTON), and I know their record.

But the fact still remains that we are changing here an edict as recent as October 29, and I say that we are dealing with something that is very sensitive and we should beware. When you tamper with the Constitution of the United States, when you stand up and say to the Supreme Court of the United States, "You do not know what you are talking about; what you have decided is absolutely wrong; and we are going to the legislative body and change it for you," I say that you are shaking and whittling and chiseling at the keystone of the foundation of this society. I say that is dangerous. Please do not do it. For that reason, I am going to vote for this amendment.

Mr. STENNIS. Mr. President, if this is a convenient point, will the Senator yield to me for a question?

Mr. PASTORE. I yield.

Mr. STENNIS. Mr. President, the Senator makes the argument that this amendment tampers with the Supreme Court decision. I respectfully submit that is totally erroneous. I wish to point out that this amendment was passed by the House of Representatives in July of this year. The decision to which the Senator referred was rendered, I think, in October.

Mr. PASTORE. October 29.

Mr. STENNIS. October 29. Second, I follow these things rather closely. I said in the opening part of my argument to the committee and to the Senate that in my opinion this amendment would not affect and it was not intended to affect any decision that has already been made by the courts. This is a limitation of funds with reference to the preparation of plans looking to the future. Those plans have already been made, and, one way or another, approved by the Court. December 31 is the deadline date for their compliance.

So I respectfully say before this bill is signed those decisions would be out of the way, so to speak. I am satisfied with that. I know you cannot tamper with Supreme Court decisions.

I thank the Senator for yielding to me.

Mr. PASTORE. I appreciate that, but I differ with the Senator in his interpretation. I do so honestly, and I have the highest respect for him; but I disagree with him sincerely.

I think it does tamper with the Court. I think the real purpose of this language is to thwart the Court in carrying out what it feels should be carried out to enforce the rights of the Negro community. I have a fixed conviction on that. That is the way I feel. I do not deprecate anyone or criticize anyone for stating it dif-

ferently, but I am stating my case for what it is worth. I reiterate that I shall vote for the amendment.

Mr. STENNIS. Mr. President, if the Senator will yield, the Senator made the statement that, as he understands, all the school districts are in compliance except a handful.

Mr. PASTORE. That is right.

Mr. STENNIS. The Senator has erroneous information on that. I do not know how many districts are in what the Department of Health, Education, and Welfare calls noncompliance in the South. I will wait for the Senator.

Mr. PASTORE. I am trying to get the figures. I heard the figures in committee. The Senator from Washington (Mr. MAGNUSON) made that statement.

Mr. MAGNUSON. Our best information is that there are about 25,000 school districts in the United States. Of those, or at least those they claim are not in compliance, the figure would be between 350 and 400.

Mr. PASTORE. There you are; 300 or 400 out of 25,000. A drop in the bucket.

Mr. STENNIS. No, let us get down to the statement about a handful. I do not know whether he meant 10, 20, 30, or 50.

I believe well over 100 are not in what HEW calls compliance. In some instances the funds have been cut off, and they have been left alone for a while. Some are in so-called negotiations now. I am talking about my own State. I know that in the State of Alabama there has been a suit filed to include the entire State. I do not know how many districts are involved. I know in the State of Georgia there has been a suit filed to take care of the whole State.

On the question of compliance it is a fact, according to their records, that over 7,000 districts outside the South were sent a questionnaire as to whether they were in compliance or not and they answered yes. Well, only about 14 districts of those outside the South have ever been checked to see whether or not they were in compliance. So the Secretary cannot say there is only a handful left, when in round numbers they are about 7,000 he did not look into.

This amendment would apply to all districts wherever they are in the entire United States. I think it is more than a handful—I know it is more than a handful—that are not in compliance.

I thank the Senator for yielding.

Mr. PASTORE. I yield the floor.

Mr. STENNIS. Mr. President, I yield 12 minutes to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Senator from South Carolina is recognized for 12 minutes.

Mr. THURMOND. Mr. President, the schools in the South are under a severe strain. The process of desegregation is creating serious problems for school administrators, for faculty members, for parents, and, most importantly, for children. Part of these problems result from decisions of the Supreme Court and lower Federal courts. Certainly, the attitudes of courts with regard to the time in which total desegregation must be accomplished has created near crisis conditions in many areas. The unreasonable attitude of the courts, in spite of strong opposition from the Department of Justice, that this process must be accomplished in the immediate future, creates such problems of reorganization that disruption would exist if race were not even a factor.

It should be understood, however, that all the school problems my State and many other States are encountering cannot be related to judicial decrees. A different attitude on the part of Federal judiciary would certainly alleviate most of the problems; however, the Department of Health, Education, and Welfare has hardly been passive in this matter. The Office of Civil Rights of the Department of Health, Education, and Welfare decides whether or not local school boards are operating schools in a manner to qualify to receive Federal assistance. The sections of this bill known as the Whitten amendment would not be a solution to all of our problems. It would, however, allow Federal funds to flow more freely into the Southern school districts and remove the question of Federal funds from the questions regarding busing of students, closing of schools, and forced assignment of students to particular schools.

Mr. President, most of us are familiar with the statement issued by Attorney General Mitchell and Secretary Finch on July 3 on the problem of school desegregation. Several passages in this statement appear to me to be relevant to this debate, and I should like to read them:

> For local and Federal authorities alike, school desegregation poses both educational and law enforcement problems. To the extent practicable, on the Federal level the law enforcement aspects will be handled by the Department of Justice in judicial proceedings affording due process of law, and the educational aspects will be administered by HEW. Because they are so closely interwoven, these aspects cannot be entirely separated. We intend to use the administrative machinery of HEW in tandem with the stepped-up enforcement activities of Justice, and to draw on HEW for more assistance by professional educators as provided for under Title IV of the 1964 Act. This procedure has these principal aims—
>
> To minimize the number of cases in which it becomes necessary to employ the particular remedy of a cutoff of Federal funds, recognizing that the burden of this cutoff falls nearly always on those the Act was intended to help; the children of the poor and the black.
>
> To ensure, to the greatest extent possible, that educational quality is maintained while desegregation is achieved and bureaucratic disruption of the educational process is avoided.

Mr. President, while the excerpts I have just read do not endorse the committee proposal, they certainly move in this direction. This statement of the Secretary and the Attorney General makes clear that they believe enforcement of the law on desegregation should be handled primarily through the Justice Department and through the courts. This is to be in lieu of prime emphasis on the cutoff of funds to achieve desegregation. What the Whitten amendment would do is in line with the statement of the Secretary and the Attorney General, and would remove such questionable practices as busing from HEW enforcement proceedings.

Mr. President, Government employees, or bureaucrats, if you will, have never been inclined to voluntarily limit the scope and influence of their activities; indeed, the opposite is true. In my judgment, experience has shown that any government office is inclined to maximize its role in government affairs, rather than minimize it. If the objective of shifting the burden of enforcement of the law on desegregation from the Department of Health, Education, and Welfare to the Department of Justice is to be achieved, the adoption of this amendment as reported by the committee is essential. The experience with last year's prohibition against busing shows that if the Congress intends the prohibition to be effective, it must leave no loopholes for HEW to crawl through.

Mr. President, the proposed amendment would be just such a loophole. The personnel of the Office of Civil Rights are committed to a strong involvement in the desegregation process, using every available weapon including busing. Should the Supreme Court rule that busing of students is a constitutional method of desegregation in a particular school district, the Office of Civil Rights in HEW would seize upon this to require busing at will. If local school boards balked then their Federal funds would be cut off.

What we are discussing today is not what constitutes elimination of the dual school system in either de jure or de facto situations. We are discussing what the Department of HEW may require of school boards if they are to be eligible for Federal aid. I believe strongly that if Federal aid to education is to be used to upgrade education rather than as a substitution for enforcement of the law, the committee language must stand.

Mr. President, the concept of the neighborhood school is strong all over this Nation. Parents and children believe in it in New York, in Colorado, and in South Carolina. If we are to insure that Federal aid to education is not used to undermine the neighborhood school then we must approve the committee proposal. If the pending amendment is adopted then local school boards—eventually all over the Nation—will be faced with the Hobson's choice of losing substantial sums of Federal aid or abolishing neighborhood schools. The civil rights zealots in HEW place primary emphasis on "racial imbalance." To eliminate the dual school system, they will not hesitate to require busing, artificial quotas, or other extreme measures. The Senate must allow them no room for maneuverability if the intent of Congress is to stand.

I urge my colleagues to defeat this amendment, and to accept the language of the committee.

Now, Mr. President, I want to say this and say it very frankly: I do not believe that the people in many sections of this country understand the grave and severe problem the South faces. We in the South do not think it is fair for us to be singled out on this problem.

Why not enforce it nationwide?

There is more segregation in Chicago than in the whole State of South Carolina.

Why has not action been taken there years ago?

Why was the mayor of Chicago successful in calling former President of the United States Johnson when funds were about to be cut off and he was able to stop it?

Why has politics been used in order for the North to accomplish certain of its aims?

We in the South have no prejudices against any part of the Nation. We only want to be treated as a part of the Nation and not singled out in any one area to be treated differently from the rest of the country.

Last year, when President Nixon ran for President, he announced publicly that he favored freedom of choice.

What is freedom of choice?

Freedom of choice is not discrimination. President Nixon said frankly that he favored freedom of choice so long as it was not used as a subterfuge to maintain segregation.

The PRESIDING OFFICER. The 12 minutes allotted to the Senator from South Carolina have expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 additional minutes.

Mr. THURMOND. Mr. President, President Nixon is opposed to segregation, but there is no conflict in the two. In other words, he says that he favors freedom of choice provided it is not used to maintain segregation.

All that the Whitten amendments would do, all that the South has asked, and all that the rest of the Nation could ask, if it is fair about this matter, would be the same thing which exists in the schools of South Carolina today: Any child of any race can go to any school.

I repeat, any child of any race in South Carolina can go to any school today.

What could be fairer than that?

Is that not freedom?

Mr. President, the Whitten amendments are not going to do what a lot of people think. Perhaps a lot of people in the South, or in other parts of the country, feel that they will be a cure-all, but they are not.

All that the Whitten amendments would do would merely prevent HEW from withholding funds for the reasons set out in the amendments.

They would not prevent the Justice Department from proceeding to desegregate schools where they have not been desegregated.

They would not prevent the Justice Department from proceeding to eliminate any discrimination, if there is any discrimination.

Thus, the amendments will not do what many people think.

They will do this: They will prevent HEW from withholding funds for the reasons set out in the amendments.

What is wrong with that?

That is right in line with the agreement of HEW and the Justice Department because the Justice Department will be able to bring actions to desegregate. It will bring actions to eliminate discrimination.

Thus, I say, I see no conflict, really, between what the HEW and Justice Department have agreed upon and the Whitten amendments.

I want to say further, speaking of President Nixon's election, that although this amendment does not go as far as some would like to see it go, it is in line with the policy of the President of the United States as expressed by him in Charlotte, N.C., in Anaheim, Calif., in Washington, D.C., and perhaps in some other places, and that is free, clear freedom of choice. It is felt that a true freedom of choice would be fair to everybody.

The Whitten amendment, I repeat, is a just and fair amendment. It does not go to extremes. It should be adopted by this body, and I hope it will be.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, does the Senator from Michigan wish to yield some time to a Senator?

Mr. GRIFFIN. No.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Louisiana (Mr. ELLENDER).

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 10 minutes.

Mr. ELLENDER. Mr. President, I have listened closely to this debate and to many previous debates on the subject. But for the fact that the Civil Rights Act of 1964 contained some language that was submitted by the late Senator from Illinois, Mr. Dirksen, that legislation would never have been enacted into law.

I can well remember that when the first civil rights bill was submitted, the Senator from Illinois, Mr. Dirksen, opposed it very vehemently until some language was inserted in the school desegregation section—title IV of the act—to protect the State of Illinois and other Northern States from the coverage of the law.

Mr. President, the question that the Supreme Court dealt with was in terms of "segregation" and "desegregation," and the law enacted by the Congress was specific in defining terms. If Senators will look at section 401, title IV, of the 1964 act, it is plainly written that:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin; but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

CLEAR-CUT CONGRESSIONAL INTENT

How much plainer than that could a definition be?

But even this did not satisfy the distinguished Senator from Illinois, Mr. Dirksen, so a further amendment was adopted by the Congress, at his insistence, and was incorporated in the bill. This allowed him to support the legislation, and that is why the law is on the statute books today. All Secretary Finch need do is read the law itself if he does not know what it means.

What does the 1964 law say? In section 407(a) there is a proviso, which I referred to earlier; and which was also insisted upon by the then distinguished minority leader, Senator Everett Dirksen, in an effort to further protect his northern constituents from the coverage of the act:

> Provided, that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another school district in order to achieve racial balance.

Again, how much plainer than that could the law be?

Mr. President, I fought on this floor in the second year I came to the Senate, in 1938, with all my power to prevent the enactment of certain laws which I felt would do violence to our way of life in this Nation. I carried on this fight for many years.

But I am glad to say that after the 1964 act was passed, after I and others had fought it for almost 3 months, I think I was the first southerner to tell his people, "the 1964 act is now on the statute books, and it must be obeyed as the law of the land."

We in the South did try to follow it, but the interpretation placed on that law, not by the court, but by officials administering it, is contrary to the very language I have just read. The language in the present Whitten amendment, I contend, is consistent with the law itself, wherein it says—and I will repeat it because it is important, that—

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school to another in order to achieve racial balance.

That is the law, and all that we are asking here is that it be lived up to, and not be violated by the administrators of HEW.

It is just that simple. I do not see how any Senator on this floor can vote against this amendment, because, I repeat, it carries out what the Congress did in 1964.

I am certain that if any issue were to come before the Supreme Court or any other court on the language itself, the decision would be different; but we have administrators of HEW and other agencies who simply violate the laws that were enacted by the Congress.

VIOLATION OF CONGRESSIONAL INTENT

Mr. President, I charge that both the previous administration and the present administration have been playing games with words in an effort to thwart the intent of Congress in this most important matter.

In last year's HEW appropriations measure, Public Law 90–577, the Congress adopted language whose intent was the same as the language presently under consideration but whose phraseology has been interpreted and reinterpreted and bent out of shape by the previous administration and by this administration to the extent that it is accorded no meaning at all.

HEW, with the blessings of the admin-

istration, of course, has stripped the congressional intent of all of its meaning by pretending not to understand what the term "racial inbalance" means. Since they pretend to be incapable of defining the term, they are also able to pretend to be incapable of enforcing or following the intent of Congress.

When HEW points the finger at the courts and quotes such cases as *U.S. v. Jefferson County* (372 F. 2d 836) as also being unable to apply the term "racial balance," it fails to admit that the Court's attitude on the matter is in direct response to the Department's own subterfuge, its own attempt to eliminate congressional intent from the application of this particular provision in the law.

HEW'S DUPLICITY

In other words, while the Department of Health, Education, and Welfare is supposed to be pleading the Government's case and defending the law as Congress obviously intended it, HEW lawyers are instead arguing before the courts in such a way as to convince the courts that congressional intent in this case is meaningless and, therefore, impossible to apply.

The fact is that HEW has charged ahead with busing and with other actions that are plainly outside the scope of congressional intent simply by asserting that these steps are being taken not to achieve racial balance but to achieve other "constitutional" objectives.

So, in effect, HEW continues to spend moneys approved by the Congress to force school districts to take expensive and disruptive measures to achieve the "racial balance" which the Congress itself has on two or three occasions classified as an improper objective for the expenditure of Federal funds.

ADMINISTRATION SWITCHES SIDES

It seems to me, Mr. President, that this administration has been speaking out of both sides of its mouth on this vital issue. President Nixon's campaign pledges, certain statements he has made since assuming office, strong statements by Vice President AGNEW, and assertions by the White House that the Vice President was speaking for the administration when he made these remarks seemed for a time to indicate that the administration supported the intended impact of the Whitten amendment.

In fact, at the time when this matter was under consideration by the House, the administration did not oppose the Whitten amendment, and its support for the language in question was assumed by many.

Since that time, however, President Nixon has said little or nothing on the subject and has apparently given full authority to Secretary Finch to speak for the administration with regard to the language being considered by the Senate.

"PRESIDENT FINCH"

I am tempted at this point to begin referring to Mr. Finch as "President Finch" insofar as the HEW appropriations bill is concerned.

"President Finch's" voice seems to have prevailed over that of strangely silent Mr. Nixon who, for apparently political reasons, has turned the ship of state over to an appointee who has made it very clear that he does not respect or intend to enforce the will of the Congress on this issue.

In my opinion, Mr. President, if the committee language in question fails to be adopted by the Senate, it is because Mr. Nixon in speaking through "President Finch" has made it very clear that the administration is "unalterably opposed" to the Whitten-type language in the bill before us.

Although other Senators have inserted a copy of the December 13 appeal addressed by Secretary Finch to all Members of the Senate, I would like to incorporate one part of the lengthy telegram into my remarks as a means of reminding the people of my State and of the Nation exactly what position this administration is taking with regard to the amendments in question.

DECEMBER 13, 1969.

Hon. ALLEN J. ELLENDER,
Washington, D.C.:

I would like to express my deep concern that the Labor-HEW Appropriations Subcommittee has approved provisions which would seriously undermine this department's responsibilities to public education. I refer specifically to the subcommittee's approval of the anti-civil rights provisions which retain the essence of the House passed Whitten amendments, and to the punitive amendments dealing with student unrest.

This administration is unalterably opposed to both of these provisions.

This amendment dealing with school desegregation, as passed by the House of Representatives and as reported by the Senate subcommittee, would cripple the efforts of this department to enforce the mandate of the Supreme Court and to protect the constitutional rights of all Americans to an equal opportunity in education. The only districts which HEW deals with under title VI of the Civil Rights Act are those operating districts in working out practical, effective, and educationally sound desegregation plans which meet the requirements of the law.

Sections 408 and 409 would seriously restrict the flexibility of HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions, and districts which have complied with the law would be tempted to go back to their commitments. This could seriously jeopardize the substantial progress made in school desegregation.

Accordingly, the administration urges the Senate Appropriations Committee to delete the amendments.

MR. PRESIDENT: HEW IS YOU

Mr. President, at this point in the RECORD, I would like to have printed a letter written some weeks ago to President Nixon by the distinguished Secretary of State of Louisiana, the Honorable Wade O. Martin, Jr.

One of the themes of this excellent letter describing the pitfalls of forced integration of the schools is Mr. Martin's statement that "Mr. President, let there be no mistake, in the eyes of the people of our State—H-E-W is y-o-u."

The only tragic thing about the logic set forth in Mr. Martin's letter is that it was probably referred by the White House staff to the HEW staff for the usual "appropriate response" by bureaucrats who could not care less what a public official of the State of Louisiana thinks about such matters.

I ask my colleagues to study Mr. Martin's letter carefully, as it probably resembles very closely what the vast majority of their own constituents would think under similar circumstances.

STATE OF LOUISIANA
SECRETARY OF STATE,
Baton Rouge, September 6, 1969.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is an urgent message, and in the hope that it will reach your personal attention without delay, I am sending it by Certified Airmail.

It has been my pleasure to have met you in person, and I am sure you know who I am. Nevertheless, because of the importance of this communication concerning the school situation in Louisiana, and other communications which I expect to send to you in the coming weeks on other subjects of state and national interest, I feel it is in our best interest to refer briefly to a few salient facts concerning my background in government.

While you know me as Secretary of State of Louisiana, you probably are not aware of the fact that I have held this distinguished elective position many years longer than any previous Secretary of State of Louisiana, and that this year I became the dean of the elected officials of Louisiana in my 25th year of service. In national government circles, I am past president of both the National Association of Secretaries of State and the National Association of Insurance Commissioners.

In all humility, I believe it can be said that the people of this state have confidence in me by virtue of my election and re-election every four years, several times without opposition from Democrats, Republicans or Independents.

My father before me served with distinction as an elected official for some 40 years. Both of us are well known for our interest and participation in all matters of public concern for our state, in major flood control, disasters, education, aid to the poor, the sick and the indigent. As an attorney and former Assistant Attorney General of the state, I participated in the drafting, advocating and enactment of many laws in conjunction with others interested in the welfare of our state, many of which laws originated in Louisiana and are now a part of the federal governmental system.

My wife and I are the proud parents of six children, ranking in age from 28 to 8 years. So, we have with us a wonderful span to help us "bridge the gaps" that are so frequently referred to today.

Politically, I am a registered Democrat and like most Louisianians I participate as a member of that party in purely Louisiana elections. From the standpoint of national politics, I have consistently voted for and sometimes publicly supported and campaigned for the candidates for President and Vice President of these United States who I felt were best qualified to serve the interests of the nation and the free world. My interest and participation were evaluated in each election, and in recent years, I have voted for and actively supported three Democrats and three Republicans. My most active participation in my career for President and Vice President was in 1964 when I was state campaign manager for the Republican candidates.

With this brief background, which will suffice for this and future communications, I will proceed to do that which we in Louisiana urge all citizens to do, namely to communicate with our officials and give them our ideas on matters which concern them, their state and their nation.

I feel particularly encouraged and confident that you are indeed interested in Louisiana and its people. Among other manifestations, we were extremely gratified at your thoughtfulness in sending Vice President Spiro Agnew and Secretary George Romney to inspect and report first-hand to you on our sad calamity in the aftermath of Hurricane Camille.

If you are not persuaded by my statements in this communication, I hope that you will come to view our present dilemma in person, or that you will send some one else to report on the situation, which eventually could be more serious than the worst hurricane to hit the western hemisphere in the history of mankind.

We in Louisiana have difficulty, Mr. President, in understanding the acts of your administration in this present school crisis. Our Governor and Lieutenant Governor have in the last few hours issued a joint statement declaring their helplessness and the helplessness of the state in this crisis. Their reference, of course, was in relation to the state government of Louisiana. I feel that we are not helpless because this matter can be resolved by you and your administration, if you understood it as we do and were disposed to assist before the "hurricane" hits, instead of endeavoring to patch things up after the damage is done.

Of prime consideration, Mr. President, is the fact that the people in Louisiana have made more progress in the integration of public schools than most other areas of the nation. In the September 8, 1969, issue of U.S. News & World Report, at page 36, it is reported from governmental officials that in the 11 states of the old South, which includes Louisiana, more than ⅓ (maybe as many as 40%) of all negro pupils will be attending classes with white pupils this year. The report states that last year 20% were in mixed classes—only half as many as are expected this year—and only five years ago it was just 1.2%.

This may not be a good record in the eyes of some, but if these figures in this article are correct, we in Louisiana and in other states of the South, the North, the East and the West, both black and white, have in our opinion reasonably agreed and accepted the fact that in our country and others of the world, no one should be barred from going to the school of his choice because of his race. We feel that great progress has been made in Louisiana and in the South. This has been predicated, at least in part, on the acceptance of reasonable integration and opposition to unreasonable discrimination.

But while our people object to discrimination as to race, we must likewise object to discrimination based upon geographical location in this country. We must ask, Mr. President, why the Department of Health, Education and Welfare is given such tremendous power and authority, and I must add to you, Mr. President, let there be no mistake, in the eyes of the people of our state "H-E-W" is "Y-O-U".

So, the question we need to put to you is first, do you understand that people can and do accept the abolition of discrimination which creates a burden on a race of people—white, black or yellow—and are willing to accept the right of any one to a reasonable freedom of choice? Do you understand, also, that whatever expense is necessary to accomplish this is felt by many of us to be justified? But if you do not understand the two following points, it is my purpose to make them very clear.

Louisiana, like many other states, is in dire need of money for education and all other state services and programs. We can barely pay now the tremendous cost of transporting children to the schools closest to their homes. Why then should it become necessary for the state and local governments in this financially plagued state to add to their financial burden the tremendous extra costs involved in moving pupils away from their neighborhood schools into far distant communities? Could it be simply that HEW or someone else may say that in this nation although you have complete freedom of choice in attending any school you desire, we want it said that in no school district will we permit predominantly "white" or predominantly "black" schools?

Projecting this to a nationwide operation, this so-called "goal" could never be achieved without the establishment of a bussing system from one state to another. Some states have practically no negroes. There are very few states which have almost as many negroes as whites. Why this must be done and is being done in Louisiana is not at all clear. If you and the Department of Health, Education and Welfare claim that you are doing this in Louisiana because it is in the interest of the nation, then why is it being done in the small State of Louisiana and not in any of the larger states of the nation?

There is not too much difference in your age and mine, nor do I believe there was too much difference in our teaching while we were in law school. I am sure we both learned that any laws of the United States should be uniform in application to all the people of the nation who are citizens of this great country. Could it be that HEW and you believe that what you are doing is good for the nation while meticulously enforcing the busing procedure in the little State of Louisiana while leaving so-called "racially unbalanced schools" running peacefully and tranquilly in the great states of Illinois, Michigan, New York, Virginia, California and in the District of Columbia?

Yes, Mr. President, if we are with you in endeavoring to reasonably prohibit racial discrimination, why cannot you be with us in trying to prevent geographical discrimination? I mentioned frustrations brought about by this situation. One of the objects which people strive for is culture. Negroes, whites, Orientals all strive, not only for material but cultural benefits for themselves and their children. They move to neighborhoods with people of like cultural background. While there is a gradual change going on, even with all the millions being spent in the ghetto areas to improve them for both white and black, it would be a frustrating experience for you, HEW or any authority to require them to move into the ghetto with its different culture, and different level of personal and property safety.

In the event you are not aware of it, buses and bus drivers have been threatened and are in extreme danger when these buses transport children either from negro districts to white districts or from white districts to negro districts. Parents are concerned for the very lives of their children when they are bused from one area to the other.

In the event you are not informed on the subject (partly because the news media has not fully publicized the fact), there are negro boycotts and demonstrations against the actions of HEW just as there are white boycotts, demonstrations, etc.

Insofar as the law is concerned, we must wonder again why this is happening in Louisiana which as reported in the same article in U.S. News & World Report, "eight out of 10 negro public school children in Michigan attend predominantly black schools. More than one-half—56.3%—of the white pupils attend all white schools. Detroit has 19 all black schools and 17 all white * * *. Chicago has 98 schools with no white pupils; 41 with no negroes."

If this is good for Louisiana, and you and HEW cannot immediately remove this threat of violence and property damage along with the destruction of our school system and the deprivation of an education for our children, then why is this not discrimination geographically against the State of Louisiana?

One thing more, Mr. President, as a matter of law, if Congress enacted as a part of the civil rights act a requirement for "busing" of children of different races to obtain equal numbers of children of both races in all schools, why would this law not specifically say it was to be accomplished in the states of Louisiana and Mississippi, and if it was intended on the other hand for nation-wide application, why is this not being done?

You see, we in Louisiana know and approve of your practice and that of other presidents of sending messages and recommendations to Congress. I admire greatly your recommendation to Congress that all states be required to come under the regulation that illiterates be allowed to vote, instead of the requirement that only Louisiana illiterates and those in a handful of other states be marched to the polls and voted by representatives of the federal government. This certainly demonstrates your attitude that what is good for some states should be good for all, and what is bad for some should be bad for all.

We would like, therefore, if you would to send a message to Congress pointing out this geographical discrimination in the language or interpretation of an Act of Congress, in order that they might on your recommendation suspend the operation of such an inequitable law and avoid loss of education, personal and property damage and other loss in our state. Or, even simpler, if you and your administration feel that this is the wrong application of a law, then we would request that you communicate with the officials of HEW and call this matter off, as we understand that the courts are acting at the request of HEW.

Another inconsistency, Mr. President, is very evident to us and it is our hope that you will give consideration to it as well. It was my pleasure to have been in the Louisiana Governor's official party to meet our distinguished Vice President and Secretary of Housing and Urban Development on their recent trip to Louisiana following Hurricane Camille.

In a press conference at New Orleans, a reporter asked the Vice President for comment on a published report that HEW had announced that no school in the hurricane ravaged area of Mississippi would receive any federal aid whatsoever unless HEW was satisfied in its discretion that that school had fully complied with desegregation policies or instructions proclaimed by HEW. We were most gratified when the Vice President replied in effect that he certainly hoped the pain, suffering and mental anguish of hurricane victims and their children would not be utilized by HEW as an instrument to either penalize or as a wedge to force integration.

To our regret, so far as we know, the Vice President's humanitarian and compassionate attitude is not being shared by agencies of your administration and we understand that the "penalty" or "wedge" is indeed being applied and now on an extended basis to apply to businesses and other institutions. It would seem to us that the federal government has enough facilities at its command to enforce integration without compounding the misery, desolation and suffering of parents, school children, teachers and business people who contribute so much to the economy of this nation by subjecting them to cross-examination on their integration policies before allowing them the help which Congress and the people of this nation intended them to have following such a disaster.

It is our hope that Vice President Agnew reported his attitude to you and that you and HEW may agree with him and so many of your fellow citizens in Louisiana who share his attitude on this subject.

Some of our schools opened a few days early, and if the troubles and difficulties in

the great majorities of our schools which will open next week are in any wise comparable, your immediate consideration of this situation is urgent, and if you decide to take any action we hope that it will be taken without delay in order that all of us may have time to give more consideration to the laws and equities involved.

If this emergency relief is not forthcoming, it is our sincere hope that we can have an immediate explanation of why these drastic steps are being taken in Louisiana and Mississippi and not in Secretary Romney's state of Michigan, Vice President Agnew's state of Maryland, or your own state of California.

We believe in you and your administration, and so I have no hesitation in asking you to consider this matter as extremely serious and that you take such action as you may deem appropriate.

Without extensive elaboration on the seriousness of the situation, I enclose copy of the front page of the Baton Rouge State Times newspaper of September 5, 1969, with news article and accompanying pictures.

I am sure that we would be happy to assist you in any way possible in solving this, as well as other problems confronting our state and our great nation.

WADE O. MARTIN, Jr.,
Secretary of State.

Finally, Mr. President, I wish to point out that over the past several months, I have received many thousands of letters and scores, if not hundreds, of resolutions from public bodies and civic groups urging that the Federal Government not go beyond the concept of "freedom of choice."

Although it is impossible to reprint all of these communications, I do wish to present to the Senate, a copy of a resolution which is representative of the sentiments of those citizens in my State who support the legislative language in question and who fear that unless it is adopted the stability of the public school system in Louisiana will be severely undermined.

I dare say that similar resolutions would be directed to many nonsouthern Senators by school officials and citizens in their own States, if the same rules and regulations, the same pressure and harassment, as are being applied to the South, were applied to other school districts across the Nation.

The following resolution was adopted earlier this year by the Louisiana School Boards Association:

RESOLUTION

Whereas, a large representative number of school board members and superintendents from all over Louisiana who have worked with various HEW teams and considered carefully various alternatives to Freedom of Choice, met for a joint discussion of their common problem, and

Whereas, all of the educators and school board members present were unanimously of the opinion that Freedom of Choice is the only feasible educationally sound, and administratively workable method of disestablishing the local system while maintaining and improving quality education throughout our State for all children, both Negro and white, and

Whereas, they were also of the opinion that zoning and/or pairing plans such as proposed by HEW are totally unworkable, educationally unsound and will destroy all progress in race relations made under Freedom of Choice and ultimately destroy public education, and

Whereas, Freedom of Choice most nearly embraces constitutional and democratic principles, particularly as taught to our children for better than 150 years, and

Whereas, no provision of any of the Civil Rights Acts passed by the Congress of the United States prohibits Freedom of Choice as a plan of desegregation, and

Whereas, certain provisions of suggested HEW plans appear to run directly contrary to certain provisions of the Civil Rights Acts prohibiting "bussing" and the deliberate "assignment of students to overcome racial imbalance", and

Whereas, all present indications foretell an immediate traumatic disruption of our educational system which will adversely affect every parent, every child and every teacher, whether Negro or white, now

Therefore be it resolved, That every possible effort be made by the Congress of the United States to adopt specific legislation which will maintain Freedom of Choice as an acceptable plan of desegregation of schools, and

Be it further resolved, That all interested citizens including every affected parent or teacher, be requested to contact immediately, by telephone or telegram, their Congressmen and Senators and the President of the United States to urge and implore their help.

Mr. President, several of my distinguished colleagues have submitted to the Senate a vast amount of data to indicate that the way this law is being administered will destroy the public school systems not only of the South, but, in time, of the North, unless a parent or student is permitted to choose the school he desires to go to.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ELLENDER. I ask for 1 additional minute.

Mr. STENNIS. I yield the Senator 1 minute.

Mr. ELLENDER. Mr. President, I wish there were more Senators present. We have only 5 or 6 on the floor. The others will come here and simply vote, basing their judgment on politics; instead of good reasoning and the law as it is written. There is a great deal of politics in this issue, and I am sorry to say that there is even more hypocrisy.

Mr. STENNIS. Mr. President, may I address an inquiry to the Senator from Michigan?

The Senator from Michigan and I have had a colloquy. We have a few more speeches, and I understand the Senator is willing to transfer us a few minutes of his time, if necessary.

Mr. GRIFFIN. Mr. President, may I ask the Chair how much time is still available?

The PRESIDING OFFICER. The Senator from Pennsylvania has 43 minutes. The Senator from Mississippi has 15 minutes.

Mr. GRIFFIN. I am sure that we can transfer up to half an hour of that time to the Senator from Mississippi.

Mr. STENNIS. Very well. I yield 10 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. McCLELLAN. Mr. President, I have been reluctant to speak on this amendment. So much has already been said, and said so eloquently, by the distinguished Senator from Mississippi and others of my colleagues whose position is the same as mine, that I feel it is unnecessary for me to speak; and I would not say a word, Mr. President, except for the fact we are making history in these debates, and I want my views recorded.

Nothing being said here, I am persuaded, is changing the views of anyone else. We will all be of the same opinions still when this debate is ended. But, Mr. President, on these issues, today, in this area of government activity and the rights of people, we are making history, and I have felt constrained to make some comment with respect to the fundamental issue involved.

I wish first to associate myself with the masterful address delivered by the distinguished junior Senator from Mississippi last evening. It was not only eloquent, it was persuasive and convincing to the unprejudiced mind, and I think the facts he presented are irrefutable. It was a masterful address and a dignified statement of the real issues involved.

Mr. President, I heard President John F. Kennedy, in his inaugural address, say:

> Ask not what your country can do for you; ask rather what you can do for your country.

That may not be an exact quotation, but, in substance, that is what he said. Mr. President, I think that is one of the most profound statements I have heard from any of our great statesmen. I want to preface my remarks today by paraphrasing somewhat that very profound declaration by our former President. Today, we are progressively and aggressively placing more emphasis upon what we call "rights." "What are my rights? What is our right? It is my right to do this. You have no right to do that."

Mr. President, instead of placing the emphasis on "What do I have a right to do?" I believe it would be much better if we would ask ourselves, "What is it right for me to do?"

Mr. President, is it right to jerk up a child over here in his community, where he lives with his playmates, with neighbors, and with his friends, and transport him to a strange community, to a school 15 or 20 miles away? Is it right to do that?

I do not care what court decisions say, I ask, Is it right? No, Mr. President, it is not right, it was not right when the Supreme Court decision was rendered, it is not right today, and it will not be right tomorrow. We maybe can be forced to do it, but it is wrong, and the conscience of every Member of this body tells him it is wrong. As yet, no one has, and I do not believe any Member of this body will contend it is right.

Senators say, "We have got to do it, because the Supreme Court said so." I do not know that the Court said exactly that, but if it did, it is wrong. Can we not challenge it? Cannot this body act independently? It is constituted as a separate, equal, and independent branch of our Government.

I do not know what the final outcome of the pending issue will be, but I know one thing: There is no way that the Court or anyone else can honestly interpret the Constitution of the United States so as

to hold that the Supreme Court can compel Congress to appropriate money either with or without limitations.

That is what is involved here. This is supposed to be a Government of three separate, equal, and distinct branches, Mr. President; and when the time comes that Congress, which has the sole power and responsibility for appropriating public funds, cannot place conditions and limitations upon those appropriations under and for which they shall be spent; when the Supreme Court can tell Congress how and for what it can appropriate money, then, Mr. President, we shall no longer be living under a republican form of Government; we shall be living under and ruled by what will be tantamount to a presidium dictatorship.

We have three separate branches, Mr. President. They have not yet been destroyed. The Congress and not the Supreme Court has the right to say how this money shall be spent.

Yes, Mr. President, in my judgment forced integration is a remedy that is worse than the ailment to which it has been and is now being applied. If you doubt that, I suggest that you weigh the conditions that prevail today and compare them with the conditions and race relations that prevailed back in 1954, when the Supreme Court integration decision was made. We have more prejudice, more controversy, more strife, more distrust, more violence, and more disturbances, Mr. President, than we have ever had. Why? Because we are undertaking to do by force—by force of law—that which can only be accomplished by the good will, trust, and confidence of human beings between themselves.

We have destroyed a lot of that good will and confidence. Whatever the cost, whatever the suffering, and circumstances, we are bent on forcing integration. And in order to do it, we insist upon taking a Negro child, or a white child—children—whose mother does not want her child or children transported 15 or 20 miles, over to a community where there are more white children or more black children in school.

The parents want their child to go to school at home, in his own community. But, we are saying: "No, mother and father, you cannot have it that way. Freedom of choice is no longer your right—it is no longer American."

Why? Because integration at any cost has become our national policy, in the Southern States.

But, Mr. President, the Government's "get tough" integration policy is applied primarily to only one section of this Nation. Just to one area. Why do we have the double standard, Mr. President? The answer is because the South is regarded as the culprit. That has been the attitude, and that is the attitude today. And, Mr. President, here is proof of it.

The Legislature of New York this year passed and the Governor signed an act designated to protect New York parents and children. I ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks.

There being no objection, the New York statute was ordered to be printed in the RECORD, as follows:

CHAPTER 342

An Act to amend the education law, in relation to prohibiting discrimination on account of race, creed, color or natural origin in connection with the education of the children of the state

Approved May 2, 1969, effective Sept. 1, 1969.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-two hundred one of the education law is hereby amended to read as follows:

§ 3201 *Discrimination* on account of race, creed, color or national origin *prohibited*

1. No person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin.

2. Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, or persons of one or more particular races, creeds, colors, or national origin; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and further provided that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established.

§2. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

(Changes or additions in text are indicated by italic.)

Mr. McCLELLAN. We in the South are going to be forced, by votes in this body and in the other body, to bus our children in the South 20 miles, 30 miles, or whatever it takes. Otherwise they will withhold Federal aid to southern schools and close them down.

Look at New York. Mr. President, they did have a statute of no discrimination, but they had this problem come home to them. And this year the legislature amended its antidiscrimination law so as to permit freedom of choice by the parents. Let me read what they did:

This year they added this language:

Except with the express approval of a Board of Education having jurisdiction, a majority of the members of such board having been elected . . .

That is to get it out of administrative hands.

Continuing to read:

no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin . . .

It goes on further and says:

and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose . . .

Then it goes further, Mr. President, and says:

provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian . . .

I therefore cannot understand why Representatives in the Congress from New York insist on fostering this imposition on the people of the South.

Mr. President, why then cannot that standard—that policy—apply throughout the land? No, other sections of the country are privileged. Only the South is the culprit. And the lack of enforcement outside the South is the proof that we have a double standard.

This practice and governmental discrimination may buy some political benefit temporarily. Some political advantage may flow from it at this hour, or for a little while, but the time is coming, and it has already come throughout the land, where it is causing great suffering. We are paying a terrible price in the deterioration of quality education.

Today it is not a question of improving education. The effort is centered upon integration in education. Look at the schools in Washington, D.C., if we want an example.

As integration of schools was forced, many white people moved away. Dislocations and disruptions occurred. And today we have an intolerable condition in the Nation's Capital, an educational jungle where teachers' lives are not safe, where pupils are not safe, and where lawlessness and violence reign to such an extent that the doors of school buildings today are padlocked for protection and safety of those on the inside.

Mr. President, there is now a cry and a need for thousands of policemen to guard the public schools in our Nation's Capital. This situation completely refutes the contention that forced integration is the answer to the race problem, and I foresee that conditions will get much worse before getting better.

We had better come to our senses and enact laws that will preserve the constitutional right of choice to which every parent and child are entitled.

Mr. President, this forced integration by denying freedom of choice and compelling busing of children from one school to another is inflicting upon both races and upon the Nation a malignancy that is already causing great suffering—and, if persisted in, may well destroy the good qualities and efficacy of our public school system. It is already seriously impaired.

Mr. President, I submit that freedom of choice is the American way. It is consonant with a free society and the concepts of human liberty and dignity.

In the context of freedom, justice and morality, the imposition of forced integration, by denying to parents the right to choose, and by compelling the busing of children to achieve racial balance, is an abomination for which our Nation cannot and will not escape severe injury, suffering and retribution.

I shall vote against the pending amendment and for the committee amendment.

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Sen-

ator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, earlier in the debate some reference was made to the position of the Attorney General of the United States and the Nixon administration with respect to so-called freedom of choice plans.

To keep the record straight, I should like to read into the RECORD a portion of a memorandum supplied by the Department of Health, Education, and Welfare which reads as follows:

> The Nixon administration has stated its unequivocal commitment to ending racial discrimination in schools in accordance with the law in the court decisions.
>
> In a joint statement issued on July 3, 1969, Attorney General Mitchell and Health, Education, and Welfare Secretary Finch said: "In accordance with recent decisions which place strict limitations on freedoms of choice, if freedom of choice is used in the plan, the school district must demonstrate on the basis of its record that this is not a subterfuge for maintaining a dual system, but rather that the plan as a whole genuinely promises to achieve a complete end to racial discrimination at the earliest practicable date. Otherwise, the use of freedom of choice in such a plan is not acceptable."

Mr. President, that is a quotation from a joint statement made by the Attorney General and the Secretary of Health, Education, and Welfare.

Mr. President, I believe this statement points up the crux of the problem posed by section 408 and section 409. Those two sections include the words "against the choice of his or her parents." In effect, the sections declare that freedom-of-choice desegregation plans in every case are satisfactory.

There would be no objection, to those two sections if the Supreme Court had ruled in accordance with such a policy.

As I said earlier in the debate, I am not arguing whether the Supreme Court was right or wrong in the Green decision. I can understand that there may be disagreement with the Supreme Court's interpretation of the Constitution in that case and in other cases. However, the fact is that the Supreme Court has spoken.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. I yield.

Mr. ERVIN. Mr. President, I ask the Senator that if in the final analysis the Green case holds anything, it holds that it is perfectly constitutional to have freedom of choice as long as the parents and the schoolchildren exercise their freedom of choice in a manner which is pleasing to the Supreme Court Justices, but that freedom of choice becomes unconstitutional if the parents and the schoolchildren exercise their freedom of choice in a manner pleasing to themselves rather than to the Supreme Court Justices?

Mr. GRIFFIN. Mr. President, of course, the Senator can put his own interpretation on what the Supreme Court said in the Green decision and what he thinks it means.

Mr. ERVIN. I am asking the Senator from Michigan what he thinks it means.

Mr. GRIFFIN. Let me say what I think it means.

The Supreme Court in the Green decision did not say that freedom of choice plans in all cases are constitutional by any means. The Court did recognize, however, that in many situations, a freedom of choice plan can be satisfactory and will meet the requirements of the Constitution.

Indeed, I should like to read briefly from the opinion. The Court said in the Green case:

> We do not hold that "freedom of choice" can have no place in such a plan. . . .

Referring to a desegregation plan—

> We do not hold that a "freedom of choice" plan might of itself be unconstitutional, although that argument has been urged upon us. Rather, all we decide today is that in desegregating a dual system, a plan utilizing freedom of choice is not an end in itself. . . .

Then, the Court went on in its decision and quoted from Judge Sobeloff, the chief judge of the Fifth Circuit Court of Appeals. The decisions of the Fifth Circuit Court of Appeals, from my study, have been in accord with the Supreme Court of the United States, Green decision.

From the foregoing, it is clear that freedom of choice plans do not in every situation meet the requirements of the Constitution. Thus, the shortcomings and the inadequacies of section 408 and section 409 are all to apparent; these sections limit the use of funds only to freedom of choice situations.

Mr. CASE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. CASE. It seems to me that it is very useful for the Senator from Michigan to make the general statement that he is making now, because it emphasizes that none of these things is an absolute in itself. Busing is not good or bad in itself. The abolition of a school is not good or bad in itself. These so-called freedom of choice arrangements are neither good nor bad in themselves. Yet, what those who support the House amendment and the language in the Senate committee bill are attempting to do, and have attempted all along to do, is to erect each one of these things into some kind of an absolute handed down from Sinai, if you will; and they have wasted much oratory on trying to glorify these mechanical things into some kind of great principle.

It is time, as the Senator from Michigan is doing, that we strip away all the trappings that have been attached or have been attempted to be attached to it. We are not for or against busing. We are certainly for neighborhood schools, but not in all circumstances, if they can be used as a means of creating or perpetuating a segregated system—and this is the whole point.

The question is not: busing or not busing, to this school or that school in its present location. The question is, shall we continue to have segregation in our schools? That is the point.

The effort on the part of those who make great speeches on this floor in behalf of seemingly tremendous principles is simply an effort, when everything is stripped away, to perpetuate the segregated system that not only has been condemned by the Supreme Court but also has been condemned by every man in his heart on the basis of simple morality.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. GURNEY. First, I should like to reply to something the Senator from New Jersey just said. Certainly, here is one Senator who was not making a great speech on the floor yesterday to perpetuate segregation in our schools, and I do not think that is true of many people here. What we are concerned about are some of the practicalities we are faced with in States like Florida.

I should like to pose a question to the Senator from Michigan. I believe he was in the Chamber yesterday when I cited a specific instance in the case of the school district of Palm Beach County. There, a plan had been proposed by the desegregation center at the University of Miami; the seal of approval was put on it by HEW; the seal of approval was put on it by the district court. This plan included busing students from the east coast of Florida to the so-called 'Glade section in the center of Florida, all encompassed within the school district, a distance of 40 miles each way—80 miles along a road that is one of the most dangerous roads in the State of Florida and has been called "Suicide Alley" for years. Many deaths have occurred on it. This busing involved each day a minimum of 3 hours; in the case of adverse weather, probably 4 hours.

I ask the Senator from Michigan this question: If the words of the amendment were put in this language, the amendment proposed by the Senator from Pennsylvania, and this plan was proposed again, is it not true that the plan would be enforceable and that these students would have to be bused 40 miles one way and 40 miles the other way?

Mr. GRIFFIN. The Senator poses a question, in my opinion, that would have to be answered by the courts.

Mr. GURNEY. I think the Senator can answer the question.

Mr. GRIFFIN. If the Constitution requires it, the answer is "yes."

Mr. CASE. Mr. President, will the Senator yield?

Mr. GURNEY. Let me finish.

The Senator has answered the question. That is precisely what would happen, because the Court has put its seal of approval on it, under the decisions of the Supreme Court of the United States, and this particular plan would be put into effect. But, as I see the language in the bill, if we do not put the amendment in, then, indeed, Congress has the right to say that no part of the funds of this bill will be used to force this situation on this school district in Palm Beach County, and that is the nub of the situation.

Mr. CASE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. CASE. I am glad the Senator from Florida intervened, for a number of reasons I want to make it clear that there is no personal attack on motives or anything else in anything we say here. The Senator has made it possible for us to sharpen the issue, and I think the Senator from Michigan answered the question of the Senator from Florida correctly.

Mr. GURNEY. I do, too. That is the point I was making.

Mr. CASE. The remedy for poor plans is not to come to Congress and destroy the means by which the principle of desegregation can be established. It is to deal with the courts and the appeals, the elected officials, and all the rest of it, who are putting these plans into effect. That is my answer—and I am sure the correct answer—to the Senator from Florida.

Nobody is going to put children in peril of their lives—without a remedy in the governmental system of this country. But the remedy does not lie in destroying the means by which in some cases desegregation can usefully be effected.

Mr. GRIFFIN. Would the Senator from New Jersey agree with me that, while a particular plan might meet the constitutional requirements concerning desegregation in a given situation, other similar plans may be acceptable?

Mr. CASE. I agree completely.

This, again, puts the matter back on the proper basis. If this is not satisfactory to the people of Florida—and there may be reasons why it is not—let them come up with another plan for desegregating those schools instead of trying to stop the process of desegregation all over the Nation.

Mr. GURNEY. I would say to the Senator from New Jersey that we have come up with plan after plan after plan in all these States—something that the State of New Jersey and many other States have not accomplished yet because the problem has not been there—and these plans have continually been stricken down. That is why we have to come to the Congress of the United States, so that we can put a provision in here that money shall not be used to implement this absurd—and, in the particular case I gave, insane—plan. This is the only course we have, and this is why we are here, and this is why it makes sense, and this is what the Congress of the United States should do. That is what we are sent to Congress for—to represent our people and to get some sense in this Government when it is going astray. That is the point of this matter.

When the Senator from New Jersey, the Senator from Michigan, and Senators from other Northern States get this problem, as they surely will this year and the year after and the year after, there is going to be more squawking and squealing in this Chamber than we have heard in years.

Mr. GRIFFIN. I assure the Senator from Florida that we do have such problems in the State of Michigan.

And I would like to add that although I do not always agree with him, the distinguished and able Senator from Florida (Mr. GURNEY) does always represent his State and his constituents effectively—and I have the utmost respect for his views.

Mr. CASE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. CASE. Despite the heat of this argument, my feeling about the Senator from Florida is the same as that of the Senator from Michigan. I hope it is reciprocated by the Senator from Florida.

Mr. GURNEY. It certainly is.

Mr. CASE. We have the same problems in New Jersey, in some places as intensely as the State of Florida has though there is perhaps a larger number of places in his State. It is not easy; it is not simple. I think we do try to deal with it in our State, and I am not being holier-than-thou about this matter at all. All I am saying is that I do not think that the way to attempt to deal with difficult problems is to disable ourselves from dealing with them.

Mr. GRIFFIN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER (Mr. HUGHES in the chair). Twenty-eight minutes.

Mr. GRIFFIN. Mr. President, I yield 15 minutes of the time on this side to the Senator from Mississippi.

Mr. STENNIS. I appreciate that.

Does the Senator from Pennsylvania want to proceed now?

Mr. SCOTT. I will wait.

Mr. STENNIS. Mr. President, I yield 6 minutes to the distinguished Senator from New Hampshire. I have only a small amount of time remaining beyond that.

Mr. COTTON. Mr. President, I think I can say everything I want to say in a shorter time than that.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber so that the Senator may be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. Mr. President, speaking as a member of the subcommittee, and the ranking minority member, I wish to say again, as I said before, that I am not satisfied nor particularly happy with the language in this provision in the bill. The reason for the language being in this bill is that last year the distinguished Senator from Washington, who is now chairman of the subcommittee, and others of us on the committee, wrote into last year's bill exactly what we intended. It was plain English.

I come from a State where we have no racial problems. I think that representing the State of New Hampshire I can approach this matter in about as disinterested and objective manner as any Senator in this body. The one thing I am interested in is to prevent enforced busing students in the schools. I am not interested in anything else.

Mr. President, I remind you of what was said in the Civil Rights Act of 1964. I wish to read a sentence from that act:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Mr. President, that lauguage was written into the law in the Civil Rights Act of 1964. Mr. President, you cannot assign somebody to a school which is 7 miles, 8 miles, or 9 miles away and not get him there, so that means busing. Therefore, last year Congress said in plain language—they did not talk about abolishing schools and they did not talk about the assignment of students against the choice of parents. We said that none of this money should be used to force busing of students in order to obtain racial balance. The Department of Health, Education, and Welfare simply showed their contempt of Congress. Their general counsel or somebody said that did not mean anything; that no one could look into someone's mind and decide what the purpose was, so they have disregarded it.

If I had my way, we would do the same thing over again, but I think this is an exercise in futility because I do not think they will pay much attention to anything we write in this bill. And why should they? They get everything they want. They crack the whip and we jump. The amount of this bill has been increased from $17.5 billion to $20.8 billion in just a few days. The only way is for Congress to stand up on its hind legs and say, "You shall not show contempt for the wishes of Congress when we say how money should be spent. Otherwise we shall cut your money." Then, they will listen.

I think the amendment of the distinguished minority leader does not have great significance. If what is done is constitutional, all the words we write in the bill will not make it unconstitutional; and if what is attempted to be done is unconstitutional all the words we write in the bill, even if heaven came down to help us, will not make it constitutional.

This is the best language which the committee could agree on after long deliberation. I wish it were more like last year, but it is the best language we could determine in order to try to do the one thing which, insofar as this Senator is concerned, we want to do, and that is to carry out the principal that there shall be no enforced busing of students anywhere in the United States for the purpose of overcoming racial imbalance.

I shall support my committee and vote against the amendment.

Mr. SCOTT. Mr. President, much of the debate on the pending amendment to sections 408 and 409 of the committee bill centered on the subject of busing. Many Senators have expressed their concern about the busing of students solely to achieve a racial balance in a particular school system.

I was in this Chamber when the late distinguished minority leader, Senator Dirksen, spoke against busing solely to achieve racial balance, and I said then and I repeat now that I am against any such procedures. But this is not the gravamen of this proposed amendment.

The point which the Senate wishes to make on this highly emotional and controversial issue, I believe, is that we do not wish to see Federal funds used to force school districts to bus students for no other purpose than to achieve a racial balance. I wish to make absolutely clear that my amendment would not authorize or allow HEW to require the busing of students to achieve such a racial balance.

Unlike the other major portions of the substitute's provisions, the Federal courts have not had occasion to discuss

in any detail those situations in which the busing of students might be constitutionally required.

A basic legal framework has, however, emerged from various general decisions in this area. It is clear from the legislative history that title VI of the Civil Rights Act of 1964—the enforcement of which we are really talking about here today—was intended to apply to segregation arising from discriminatory action or intent and not to the existence of racial imbalance per se—that is to the existence of racial imbalance which imbalance does not result from discriminatory action or intent.

I would like to interpolate that my amendment—and I would hope that the purpose of sections 408 and 409—is national in intent. I would be the last to deny we have conditions in Pennsylvania which are unsatisfactory with regard to the full and equal recognition of the rights of all of our students to attend schools without any form of segregation. We feel ours is largely de facto, that it is largely due to economic conditions rather than to willful intent, but at the same time I do not believe there is any place in the Union where the problem arises of students of different color and origin, where there has not been some failure to do justice in this regard. So I do not regard this as sectional.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. SCOTT. Yes, I yield.

Mr. ERVIN. I ask the Senator if he knows of a single instance in the State of Pennsylvania where the HEW has withheld school funds because the schools were all white or black?

Mr. SCOTT. I do not believe that it has been necessary to do so, but for a different reason than that implied in the Senator's question, because such failure to obtain a desired blending of the situation has occurred for reasons which arise from economic distribution, from de facto segregation, which is not good. I repeat, which is not good. But what is involved here is the freedom of choice problem.

Mr. ERVIN. Does not the Senator realize that we have no de jure segregation in the South and have not had since 1954, and exactly the same condition——

Mr. SCOTT. I will be glad to answer that first. I would say that the South has no de jure segregation in the South so far as the law of the land and the decisions of the Supreme Court are concerned.

Mr. ERVIN. The South is just exactly like the North in this respect now. Such segregation as we have is de facto. The thing I object to about this——

Mr. SCOTT. I would fear that what we are talking about—what the Senator is talking about—is not simply de facto segregation but device segregation.

Mr. ERVIN. Does not the Senator from Pennsylvania know that when resort is had to busing children, they are denied the right to attend their neighborhood schools and instead are bused to some other schools for desegregation purposes? Thus they are denied the right to attend their neighborhood schools on account of their race and, for that reason, busing is a violation of the interpretation placed upon the equal protection clause of the 14th amendment by the Supreme Court in the first Brown case.

Mr. SCOTT. I can only say to the Senator that if violations exist, the courts exist to correct them. The fact that the court has not acted in the area of which the Senator speaks would not convince me, as a lawyer, that the violation of the kind he mentions does not exist.

Mr. ERVIN. Would the Senator permit me to ask him if he will accept my statement, that I think the reason we have action taken toward the South and not against the North is that if action were taken against the North by Health, Education, and Welfare, in the same way it has been taken against the South, the North would put an end to such action immediately because HEW would lose support in the North.

Mr. SCOTT. I appreciate the Senator's contribution.

Mr. DOMINICK. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. DOMINICK. I want to say that it looks to me as though I shall support the Senator's amendment and, in so saying, comment that, like the Senator from Pennsylvania, I am thoroughly and totally against busing students against their will for racial imbalance correction purposes.

Mr. SCOTT. I agree.

Mr. DOMINICK. I think it is unconstitutional to begin with, and is clearly a violation of the Civil Rights Act. There is nothing in the Constitution which requires school districts to force a child to be bused on the basis of his race. Therefore, it would seem to me that, following this logic, there is nothing wrong with the amendment. I do not believe it adds very much. The only possibility that it might add anything is the implication there is something in the Constitution which would require busing.

As for the Constitution and busing, I asked Jerris Leonard, the Assistant Attorney General for the Civil Rights Division to review this issue last spring. His letter to me goes into this in some detail. It reads as follows:

DEPARTMENT OF JUSTICE,
Washington, May 3, 1969.

HON. PETER H. DOMINICK,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR DOMINICK: Deputy Attorney General Kleindienst has asked me to reply to your letter to him of March 25 wherein you asked for comments on the constitutional and other legal implications of busing school children as a means of achieving school desegregation.

Since your question was not directed at any particular fact situation I can give you only some fairly general comments. Moreover, this should not be regarded as a formal opinion of the Department. You will recall that under the governing statutes of the Attorney General and his assistants are limited to furnishing opinions to the President and to the heads of the Executive departments on questions of law arising in the administration of their departments. 28 U.S.C. (Supp. III) 511–512.

As you know, in 1954 the Supreme Court held in *Brown* v. *Board of Education*, 347 U.S. 483, that the Constitution forbids state and local authorities to maintain school systems segregated on the basis of race. Since that decision there has been much dispute and litigation over the implementation of the requirement that schools previously segregated by law be desegregated. How that requirement shall be implemented depends to a considerable extent on the facts of each case, but the Supreme Court has stated that where state-enforced segregation has existed, the local authorities are "charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." *Green* v. *County School Board*, 391 U.S. 430, 437–38 (1968). This is true whether the segregated system was maintained by outright assignment of pupils on the basis of race or by more subtle means. See *United States* v. *School District 151*, 404 F. 2d 1125, 1135 (C.A. 7, 1968). This Department has, as you know, broad litigating responsibilities under the Civil Rights Act of 1964, § 407, 42 U.S.C. 2000c–6, to seek, where appropriate, court action to compel adherence to this constitutional requirement. The Department of Health, Education, and Welfare also has the responsibility, under Title VI of the Civil Rights Act, 42 U.S.C. 2000d *et seq.*, of enforcing adherence to this requirement by schools which receive Federal financial assistance.

Distinct from the problem of elimination of *de jure* segregation, as required by the *Brown* decision, is the problem of dealing with *de facto* segregation or racial imbalance, the situation in which schools in a given school system have become nearly entirely Negro or nearly entirely white, not through any deliberate policy of local authorities, but because of residential patterns and other factors over which such authorities have no control. Congress has made it clear in the Civil Rights Act, §§ 401(b), 407(a), 42 U.S.C. 2000c(b), 2000c–6(a), and elsewhere, that it does not desire the Federal Government to compel, whether by litigation or administrative action, local authorities to act to eliminate or to minimize racial imbalance as distinguished from *de jure* segregation, in the schools. On the other hand, I do not know of any provision of Federal law which prohibits local authorities from exercising their discretion to devise school attendance plans which operate to lessen rather than to increase racial imbalance in the schools. As the Court of Appeals for the Second Circuit recently stated, "That there may be no constitutional duty to act to undo *de facto* segregation, however, does not mean that such action is unconstitutional. * * * What is prohibited is use of race as a basis for unequal treatment." *Offermann* v. *Nitkowski*, 378 F.2d 22, 24 (1967).

It is in this context that the question of busing must be considered. Busing is, in itself, constitutionally neutral. Most school systems use buses to some extent to transport children to and from school. Greater use of buses permits school authorities more flexibility in drawing attendance zones, but such flexibility might be used to achieve a greater or a lesser degree of racial integration in the schools.

As I have stated, the Supreme Court has held that local authorities must take whatever steps are necessary to eliminate *de jure* segregation "root and branch." This does not seem to me to imply any requirement that the concept of neighborhood schools be abandoned. However, application of this principle may in some circumstances require more busing, while in others it may require less. Similarly, where local authorities seek to eliminate racial imbalance, the resulting attendance plan is perhaps likely to involve more busing than the plan previously in effect, but in some cases it may involve less. Because of the many variables, therefore, it is extremely difficult to express any judgment with respect to the legal im-

plications of busing apart from a particular factual context.

Mr. Spelts of your staff has called our attention to sections 409 and 410 of the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969, P.L. 90–577. These sections provide as follows:

"Sec. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

"SEC. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school: * * *."

The general thrust of these provisions is that the funds appropriated in the Act shall not be used, whether through threats to withhold assistance or otherwise, to compel local school authorities to adopt certain means of overcoming racial imbalance in the schools. It is clear that those sections impose no limitation on administrative efforts pursuant to Title VI of the Civil Rights Act to require local school boards to adhere to constitutional standards, whatever affirmative steps such adherence might entail. This distinction between requiring school boards to comply with the constitutional requirements and requiring them to overcome racial imbalance was well understood by Congress at the time those sections were enacted. See CONGRESSIONAL RECORD, volume 114, part 22, pages 29442–29451.

It has been further suggested that section 409 may have the effect of preventing a local school board, acting entirely on its own initiative, from using Federal funds "to force busing of students * * * in order to overcome racial imbalance." The language of the section appears to us somewhat ambiguous on this point. We might note that Congressman Whitten, the author of sections 409 and 410, stated that they were directed at compulsion by the Federal Government and did not restrict the actions of local school officials. See CONGRESSIONAL RECORD, volume 114, part 14, page 18928; also part 22, page 29446. On the other hand, both sections were revised in the Senate Appropriations Committee, where the words "in order to overcome racial imbalance" were added, and the Committee report appears to indicate that the restriction on the use of funds would apply to the local authorities, as well as to the Federal Government, S. Rept. No. 1484, 90th Cong., 2d Sess. 89. However, the Senate amendments were aimed primarily at easing the restrictions voted by the House on the Department of HEW's activities in enforcing Title VI of the Civil Rights Act, and it might be anomalous to interpret the Senate's amendment of section 409 as imposing additional restrictions on the use of funds by local school authorities. We find no indication in the subsequent Congressional debates that this was the anticipated effect of the Senate amendment. I note that Sec. retary Finch has taken the position that sections 409 and 410 do not inhibit local authorities from using Federal grant funds for busing.

I hope that these comments have been responsive to your question. If I can be of any further assistance, please do not hesitate to call upon me.

Sincerely,

JERRIS LEONARD,
Assistant Attorney General, Civil Rights Division.

I discussed busing with Commissioner of Education Allen at some length during his confirmation hearing, and commented on his position and the Leonard letter during the Senate debate of May 5, 1969. I refer to these matters now only for the purpose of developing a more complete legislative history.

In my judgment the Constitution does not require busing to overcome racial imbalance. Therefore, I intend to vote for the amendment.

Mr. SCOTT. I thank the Senator from Colorado very much.

Mr. President, similarly, the courts have held that racial imbalance which does not result from any discriminatory action or intent is not within the purview of the 14th amendment to the Constitution.

In the light of current court decisions, it is clear that under this amendment the Department of Health, Education, and Welfare may not use funds contained in this act to force any school district to take actions involving the busing of students to achieve racial balance, for its own sake.

The purpose of the provisions which I have offered is to recognize both the constitutional and statutory obligations of and the limitations placed upon the Department of HEW in carrying out the provisions of title VI of the Civil Rights Act of 1964. I want to reiterate as forcefully as I can that the administration wholeheartedly supports these provisions.

I am advised by the Department of HEW that these amendments are also supported by President Nixon.

What we seek to do is to make absolutely clear that sections 408 and 409 are not contrary to the Constitution but in accord with its requirements.

I respectfully urge the Senate to adopt my amendment.

Mr. MAGNUSON. Mr. President, I merely want to state for the RECORD that the committee, of course, considered this matter at great length. I do not know of any other subject that received more attention than these amendments.

The Senator from Pennsylvania said that HEW and the administration support language not constitutionally required, which I submitted to the committee and which was defeated by the committee. The truth of the matter is that there is some merit to the existing committee language because we did add language last year on the issue of racial imbalance. We thought we were clear about our opposition to forced busing, and that this language would stop the busing that the Senator from Pennsylvania and I agree should be stopped; but the Department of HEW completely ignored that language, at least according to the evidence we received. I think they will probably ignore any language if HEW determines it is unconstitutional.

I am a lawyer, but not a constitutional lawyer. I know how to read a decision and how to interpret it. The Constitution basically requires that all schools must be open to anyone regardless of race, color, or creed.

Mr. SCOTT. By inserting, "according to the Constitution," we are stressing the fact that one cannot bus a student to correct racial imbalance.

Mr. MAGNUSON. The Court has never said that busing is necessary but it has said that busing is a proper tool if it is voluntarily implemented by a school district. I thoroughly agree with that approach because I think that the only practical solution is voluntary busing.

In my State, we do not have that particular problem. We have schools in my neighborhood which are primarily composed of Japanese students. And they come from all over the city because they want to go to a Japanese school, and because their parents want their children to learn the Japanese culture and traditions which are taught in this fine school. I do not know what will happen if they have too many Japanese and a decision is reached voluntarily to bus them to other schools in Seattle. My people are opposed to forced busing and the people of New York are also opposed to forced busing for their students.

Mr. SCOTT. And I am opposed to it, too.

Mr. MAGNUSON. This is primarily what this issue is all about. The bulk of the evidence presented to the committee dealt with forced busing and the committee finally adopted this language. I do not think there is a great deal of substantive difference between the Scott and the Whitten amendments, as they relate to busing. The Senator from New York pointed out the differences yesterday. But what I am primarily concerned with is that there are over 25,000 school districts in the United States, waiting for this bill to be passed. This entire measure is being held up because a number of districts, somewhere between 250 and 300 school districts, are not in compliance. Twenty-five thousand districts are waiting for this bill. This measure is applicable for only 5½ months at the most. Surely, we can reach a compromise. Legislation is a matter of compromise. As manager of this bill, I have a responsibility to get it passed and get all this money to the people who have waited so long. Without compromise, we would get nothing done. We would be up against a stone wall.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield 1 minute to the Senator.

Mr. MAGNUSON. The committee voted to go ahead with this language in an effort to clear this matter up. Perhaps we can achieve it in a voluntary way because the Secretary says he is talking with appropriate people in the districts where the busing problem exists. I hope that is true.

I agree with the Senator from New Hampshire that it is too bad this provision is in an appropriation bill. I have talked with Members of the Senate and the House. I hope next year hearings will be held on these provisions by the appropriate substantive committee and that legislation can be studied that will resolve this issue once and for all.

Mr. SCOTT. Mr. President, if I may, for one-half a minute, I hope the Senator will agree that the addition of these few words should avoid further problems in that regard. I very much regret that this is the way it came up.

Mr. MAGNUSON. I submitted similar language to the Appropriations Committee and it was turned down. I am chair-

man of the subcommittee. Sometimes the chairman is required to speak for the majority of the committee, even when he has sought to do in the committee what finally is proposed on the floor. I would rather have passed out the bill with this language, but my committee voted to the contrary.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 7 minutes remaining.

Mr. STENNIS. I yield 2 minutes to the Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Mississippi. I have not been present during all the time that the debate has taken place, but I have taken occasion to read the RECORD.

I am well aware that the Senator from Mississippi has documented cases throughout the United States that cry out for attention. The evidence he has submitted for the RECORD seems to be a basis upon which this conclusion can be drawn. I can find no justification at all for trying to impose a standard on one section of the country that is any different from that imposed on another section of the country. The past is history. Now we are faced with the fact that there is segregation in some parts of the United States and the executive branch of the Government is not pursuing efforts to stop that segregation as diligently as it has in some other parts of the country.

For that reason, I oppose the amendment. I intend to vote "no." In doing so I would hope to indicate my belief that the laws should be applied uniformly; and that the executive branch of the Government charged with the responsibility of enforcement uses the same diligence and the same effort throughout the United States.

I intend to support the distinguished Senator from Mississippi in voting "no," against the amendment.

Mr. TOWER. Mr. President, will the Senator yield me 2 minutes?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I want to commend the Appropriations Committee for the fine work that it has done in dealing with the complex problem of who should receive funds from the Department of Health, Education, and Welfare and who should not. In the final analysis, the committee has decided, and quite rightly so, that the funding procedure is not the place to force social issues. The committee has decided that the courts are the place where the issues are properly to be decided and not in a Federal administrative agency.

The past effort to deny funding to a project in a particular State or school district has been terribly lacking in the final results that it achieved. Instead of bringing about submission, it has caused the cry of "Federal tyranny" to be legitimately raised and has given ammunition to those who would destroy our system. The decision by the committee to move the determination from the administrative hearing room, is long overdue recognition that while solving social problems, we must also maintain the quality of education throughout the Nation.

I have been greatly concerned in the past that too often we have advocated form rather than substance. If we terminate funds and destroy an educational effort, we have not really helped anyone. I do not believe that funding should be used as a punitive process against an entire community or State; there are too many other time-tested methods for handling such problems to use the very education of our children as a pawn in any confrontation.

In the past few years, the Department of Health, Education, and Welfare, has ordered closed an estimated $250 million worth of classrooms in the South alone; many of these classrooms have been brand new and are now sitting idle—their use having been forbidden or have had to be sold, generally at a substantial loss to the school district involved. As a result, new school bond issues are failing every day, most of these in areas where a bond issue had never failed before. The citizens of these areas are simply not about to approve funds for new buildings when they see perfectly adequate facilities lying idle because of Federal fiat. Approval of new funds would, under these circumstances, be a waste of precious tax dollars. If we continue to withhold funds, and arbitrarily close schools, the quality of education will decline and the whole Nation shall be the lesser for it. There can be no reason for destroying education under the guise of improving it.

In conclusion, Mr. President, I urge my colleagues to approve the work of the distinguished committee in this area. The welfare of this Nation's children is what we are concerned about in this bill. The place to decide other questions is in the courts and in other pieces of legislation. In this particular bill we are attempting to build a better educational system to make wider the gift of enlightenment.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG of North Dakota. Mr. President, I have listened for years to testimony on the Supreme Court decision and how desegregation problems are being administered all over the United States. I have listened to it on the Senate floor, in the Appropriation Committee, and in conferences with the House. I cannot help but feel that a double standard is being applied in the South and elsewhere in the United States.

There are really more problems in the North than there are in the South. There are problems in the District of Columbia.

I think the rider attached to the bill by the House is a good amendment that may help bring about more uniformity of enforcement.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Alabama (Mr. SPARKMAN).

Mr. SPARKMAN. Mr. President, I am opposed to the amendment proposed by the Senator from Pennsylvania (Mr. SCOTT). I am in favor of the committee amendment.

Several times we have legislated against the doing of all these things that the executive officials have been doing, but they have always found some ways of sidestepping them. If this innocuous wording is put in the bill it will give them another chance to sidestep. The committee is straightforward. Anybody knows what it means. If we can have uniformity of application throughout the country, our problem will be largely solved.

Mr. STENNIS. Mr. President, how much time remains to me?

The PRESIDING OFFICER. There are 3 minutes remaining on the amendment, 2 minutes to the Senator from Mississippi and 1 minute to the Senator from Pennsylvania.

The Chair would like to reenforce the order previously agreed to today, that all staff members be required to be seated or leave the Chamber.

Mr. STENNIS. Mr. President, I want to express the utmost interest of the Senator from Georgia (Mr. RUSSELL) in this entire provision. He is for it. He has fought this battle for years and years. He was the author of the amendment referred to a while ago, which we adopted last year, and it meant nothing to the officials.

I want to emphasize that the provision from the committee does not—I repeat, does not—prohibit the use of funds for busing if the school district desires to use the money in that way. That is agreed to by all members of the committee, as I understand them. It does not prohibit the use of those funds if the commissioners or trustees desire to use them for that purpose.

It was stated that only a handful of districts were involved. That was corrected by the chairman, and he said that at least 300 were involved. All of them are really involved. There are some 8,000 or 10,000 or 12,000 school districts outside the South that can be affected by the amendment. There is no doubt about that.

After having been through this for years—and I am not charging this to Senators—I am satisfied that there is a plan, or design of some kind, to ram this to the utmost down the throats of the South and then abandon an interpretation of the law that will bring it to other areas of the Nation. I am fully satisfied of that. I cite the New York law as an example, the withholding from Chicago, and the almost total lack of effort on the part of HEW year after year after year outside the South.

Last night I quoted from the President's campaign remarks, and I was unable, at the time, to put my hand on those quotations. I now ask unanimous consent that they be printed in the RECORD.

There being no objection, the quotations were ordered to be printed in the RECORD, as follows:

[From the New Republic, Oct. 26, 1968]

What I am against is using the threat of withdrawing federal funds to force a local school board to balance its schools racially, by busing children all over a city, for instance. If the local school board thinks busing is best, that's up to them. But federal money—or the threat of its withdrawal—should not be used to force them.

[From the Chicago Tribune, Sept. 16, 1968]

"I believe that the Supreme Court decision was a correct decision," he said. "But, on the other hand, while that decision dealt with segregation and said that we would not have segregation, when you go beyond that and say that it is the responsibility of the federal government and the federal courts to, in effect, act as local school districts in determining how we carry that out, and then to use the power of the federal treasury to withhold funds or give funds in order to carry it out, then I think we are going too far.

[From the U.S. News & World Report, Aug. 19, 1968]

My feeling is this. I think that busing the child—a child that is two or three grades behind another child and into a strange community—I think that you destroy that child. The purpose of a school is to educate. That is what we have got to do. We have got to educate them, and I don't believe in that manner of approach. . . .

Mr. STENNIS. I thank the Senator from Pennsylvania for yielding time to me.

Mr. SCOTT. Mr. President, I ask unanimous consent to proceed for one-half minute, simply to repeat that this amendment does not have any effect whatever on busing, and does not change the action of the last Congress on busing to achieve racial balance.

Mr. COOK. Mr. President, title VI of the Civil Rights Act of 1964 delegates to the Department of Health, Education, and Welfare the authority to insure that Federal funds are not used to assist any school system which is racially segregated.

Sections 408 and 409 of the Labor-HEW appropriations bill, H.R. 13111, which are considering today, known as the Whitten amendments, are designed to require HEW to accept freedom-of-choice desegregation plans. These plans have, of course, been ruled unacceptable by the U.S. Supreme Court unless they can be shown to be effective.

In short, the Whitten provisions are a step backward and a covert attempt to circumvent the law of the land in a sensitive area of human relations where we should be moving forward. Therefore, I shall support the efforts to revise these sections as provided by the Scott amendment.

Mr. BROOKE. Mr. President, I rise in support of the amendment offered by my distinguished colleagues, Messrs. CASE, PASTORE, and SCOTT, to revise the language of sections 408 and 409 of the pending bill.

These two provisions, in their present form, would enact into law freedom-of-choice provisions, and would prohibit the Department of Health, Education, and Welfare from using the sanction of a cutoff of Federal funds to encourage compliance with the law. The pending amendments would insert language stating that compliance can be required, and Federal funds used to enforce it, only if that compliance is constitutionally required.

Mr. President, we are concerned today with a fundamental principle of American democracy. It is a promise of a better future for many millions of young Americans—black and white—who have so far been denied the opportunity for an adequate and appropriate education.

Let us look at one simple statistic. We live in a multiracial society. Nearly 15 percent of our population is composed of persons of a different racial background than the majority of that population. We also live in a multiracial world. Nearly 15 percent of its population is composed of persons of a different racial background than the majority of that population.

The proportions, for the United States and for the world, are practically inverse. The majority in this country is white; the majority in the world is nonwhite. Practically speaking, modern technology has rendered it impossible for any one ethnic group to live apart or to isolate itself from the others. The emphasis, worldwide, is on cross-cultural contact and a broader understanding of one another. Why, then, do we consider taking steps which may deliberately and destructively perpetuate this artificial division in our public schools?

Schools are designed to educate, to prepare young people for the world which will face them as adults. An education which is ethnocentric, in this day and age, is an irrelevancy and an anachronism. It matters not whether the group being taught is black or white, whether the school is a one-room structure or a multimillion-dollar edifice, whether science consists of cutting up worms or using an 80-inch telescope, the heart of that educational system, which is to broaden the horizons of youth and give to young people the experience of questioning and challenging and finding aswers for themselves to the puzzles and the people which surround them—that heart, Mr. President, has been lost.

I have heard it argued that school desegregation is unnecessary because no one has "proved" that a black child sitting next to a white child gets a better education. Of course, the scientific "proof" is not available. No one has studied the relative learning capacities of students in mixed schools, as opposed to all-white or all-black schools, over a long enough period of time. No one has been able to compare the development of learning skills in a well-equipped as opposed to a poorly equipped institution over a sufficient length of time, either. And for anyone who has tried to make generalizations, there are always the exceptions which disprove the rule.

But I submit, Mr. President, that the evidence we need is all around us. It is in the high dropout and unemployment rates of Negro youths in the ghettos, where perhaps the worst education in the country is systemically dispensed. It is in the low literacy rates—and even illiteracy rates—of black and Spanish-American youngsters. It is in the lower earning capacity of Negroes and Mexican Americans. It is in the lack of understanding, exhibited in appalling amounts by persons of both races, which presently divides this Nation. The root of the problem should be clear—Americans simply do not understand each other. And they will not understand each other as long as 92 percent of the black children in Mississippi are assigned to schools which are 99- or 100-percent black; or as long as 35 percent of the white children in New Jersey attend schools which have a similar percentage of white enrollment.

Mr. President, given conditions in this country and the world, I regret deeply any weakening of the guidelines established by the Department of Health, Education, and Welfare for the enforcement of equal educational opportunities. I want to see the so-called Whitten amendments stricken entirely from the bill, and from the memory of all Americans. Even more, I want to see the day when legislation to enforce equal opportunities is no longer necessary, when Americans will of their accord see the injustice and inadequacies inherent in separation, and will take steps to overcome this unequal practice.

But the choice before us today is whether to retain the original language narrowly passed by the House of Representatives, or to adopt a modification thereof which would allow to the Department of Health, Education, and Welfare some of the flexibility it presently enjoys. We still have a long way to go if we are to end deliberate segregation in America and achieve a more rational use of our educational resources.

But I believe that the substitute language will better enable this Government to fulfill its promise to the youngest generation of Americans, and to the future of America as well. I strongly urge its adoption.

Mr. BAKER. Mr. President, in 1954 in a unanimous 9 to 0 decision the Supreme Court of the United States ruled that separate school systems are inherently unequal and in violation of the equal protection clause of the Constitution. Realizing the widespread disruption and massive administrative problems that were bound to occur, the High Court subsequently declared that in implementing this decision the courts and school districts throughout the country were to proceed with all deliberate speed. In November 1969, 15 years later, the Supreme Court ruled that the time for all deliberate speed had elapsed and that school districts must desegregate and desegregate now.

Before discussing briefly my views on the Whitten amendments, I would like to make a few general remarks. First, I am hopeful that in light of the Supreme Court ruling in November and the final action of the Congress in these amendments, school districts in the State of Tennessee and elsewhere will take action to resolve equitably the problems that still exist. For over a decade we have witnessed a continuing series of disputes in the courts, with the administrative branch of our Government, and, occasionally, in the streets. My most serious regret is the considerable amount of disruption that has occurred to the school systems that have been involved. I do not believe that this accrues to the educational benefit of any child, white or black. For this reason I am hopeful that all school districts in Tennessee and elsewhere will be able to get about the more important business of educating our children. I know that the problems are still difficult, but it can be done.

My second point of a general nature concerns the decisions of the Supreme Court in this area. We believe in a system of law and in the enforcement of the laws of our land. Rulings of the Supreme Court, adopted pursuant to the Court's interpretation of the Constitution, are the law of the land, and they must be enforced accordingly. A decision based on the Constitution must be administered even though many may differ with the decision the Court has reached. To fail to pursue this course of action would result in the breakdown of our entire system and would violate the most fundamental principles upon which our Constitution is based.

Third, regardless of what the law is in this area, I believe that it should be enforced in an even-handed manner in the North and South alike. I object to rigid enforcement in the Southern State while at the same time de facto segregation is permitted to go unchallenged throughout the northern areas of our country.

The Whitten amendments directly relate to the desegregation problem and involve the use of freedom-of-choice plans and the busing of school children. The Congress has considered these matters on earlier occasions and has in at least two previous statutes distinguished between ending segregation through assignment of students without regard to race and any attempt to bring about artificial integration. These statutory provisions state that desegregation does not mean the assignment of students to public schools in order to overcome racial imbalance.

The existence statutes do not empower any Department of Health, Education, and Welfare official or any court to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils from one school to another in order to achieve such balance or by forcing a student to go to a school against the wishes of his or her parents in order to achieve such balance. Stated more simply, the statutes have provided that Federal school funds must be withheld if a school system refuses to desegregate its school system but must not be withheld to achieve a racial balance.

I have previously voiced my views on the matter of busing schoolchildren and on this point I support the Whitten amendments without reservation. I do not believe that children should be bused past schools in the proximity of their homes for any reason. I do not believe that Federal funds should be withheld to force the busing of schoolchildren; conversely, neither do I believe in the busing of children to avoid the desegregation of a school system. Rather, I believe that on this matter of desegregation the Federal Government should require only that school district lines be drawn fairly, reasonably, compactly, and without regard to race and that all schoolchildren should, insofar as practicable, attend the school closest to their homes.

Those sections of the Whitten amendments concerning freedom-of-choice plans present a more difficult problem. These plans permit parents to send their children to whatever school the parents select. In its interpretation of existing statutory provisions and the equal protection clause of the Constitution, the Supreme Court has struck down freedom-of-choice plans when they are used as a subterfuge to avoid desegregation. Presumably any freedom-of-choice plan that legitimately achieves the objective of desegregation and terminates the existence of a dual school system would, under Supreme Court rulings, be valid.

The effect of these sections of the Whitten amendments, as I understand them, would result in the imposition of a double standard in some instances. On the one hand would be the Supreme Court decision holding that those freedom-of-choice plans that do not result in desegregation are constitutionally invalid. On the other hand would be the congressional act providing that all freedom-of-choice plans, presumably including those that do not result in desegregation, are valid. This would result in a dilemma for the Department of Health, Education, and Welfare and would require, I believe, that the Supreme Court ruling prevail because the Court's constitutionally based mandate is the higher authority. To avoid this problem I believe that those sections of the Whitten amendments pertaining to freedom of choice should be modified to prevent the possible conflict, and I would support a reasonable modification.

I am not altogether sure, however, that the amendment offered by the distinguished senior Senator from Pennsylvania (Mr. SCOTT) is the proper approach. As several Senators have stated, if the phrase "except as required by the Constitution" is added to this statute, then there is no apparent reason why it should not be added in every case. Clearly the Constitution is the higher authority and we cannot amend or infringe upon the Constitution in any congressional act. In addition, the amendment offered by Senator SCOTT goes further than is required in applying not only to freedom-of-choice plans but also to the remaining language in the Whitten amendments concerning busing and the abolishing of schools.

For these reasons I shall vote against the amendment offered by Senator SCOTT.

Mr. ALLEN. Mr. President, the distinguished junior Senator from South Carolina (Mr. HOLLINGS), is absent from the Senate today because of illness.

He has prepared a statement with respect to sections 408 and 409 of H.R. 13111 that he would have made today before a vote was taken on the Scott amendment to those sections.

I ask unanimous consent that Senator HOLLINGS statement be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. HOLLINGS. Mr. President, I would oppose any change in the Health, Education and Welfare appropriation bill as it relates to Section 408 and 409 on the issue of forcing any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds. As the bill now reads, the individual school districts of our nation are free to develop their education programs in the interest of quality education and the best economics within a framework of constitutional safeguards. That policy should be maintained and I would, therefore, oppose any change that would work economic hardships for no constructive educational purpose. No one opposes the premise that our government should seek to insure quality educational opportunities for our youth but I would hope that no one would use education as a tool to force issues that are not needed and are in no way constitutionally required.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON (when his name was called). On this vote I have a pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. RANDOLPH (after having voted in the affirmative). On this vote, I have a pair with the Senator from South Carolina (Mr. HOLLINGS). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. MAGNUSON (after having voted in the negative). On this vote, I have a pair with the Senator from Hawaii (Mr. INOUYE). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 52, nays 37, as follows:

[No. 247 Leg.]

YEAS—52

Aiken	Harris	Packwood
Bayh	Hart	Pastore
Bellmon	Hartke	Pearson
Boggs	Hatfield	Pell
Brooke	Hughes	Percy
Burdick	Javits	Prouty
Case	Mansfield	Proxmire
Church	Mathias	Ribicoff
Cook	McCarthy	Saxbe
Cranston	McGee	Schweiker
Dodd	McGovern	Scott
Dole	McIntyre	Stevens
Dominick	Metcalf	Tydings
Eagleton	Mondale	Williams, N.J.
Fong	Montoya	Yarborough
Goodell	Moss	Young, Ohio
Gravel	Muskie	
Griffin	Nelson	

NAYS—37

Allen	Fannin	Murphy
Allott	Fulbright	Smith, Maine
Baker	Goldwater	Smith, Ill.
Bennett	Gore	Sparkman
Bible	Gurney	Spong
Byrd, Va.	Hansen	Stennis
Byrd, W. Va.	Holland	Talmadge
Cannon	Hruska	Thurmond
Cotton	Jordan, N.C.	Tower
Curtis	Jordan, Idaho	Williams, Del.
Eastland	Long	Young, N. Dak.
Ellender	McClellan	
Ervin	Miller	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Jackson, for.
Randolph, for.
Magnuson, against.

NOT VOTING—8

Anderson	Inouye	Russell
Cooper	Kennedy	Symington
Hollings	Mundt	

So Mr. SCOTT's amendment was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, now the Senate has made its position clear regarding the constitutional limitations of the Whitten amendment. And we have gone so far as to specify the language which fits those constitutional limitations. The next step will be taken in the conference committee.

Mr. President, it is my earnest hope that the Senate conferees will stand firm in upholding the language of these provisions in the conference.

We have labored hard here to achieve provisions which state the clear intent of the Congress without turning our backs on the requirements of the constitution. I trust that these hours of labor have not been in vain.

Indeed, if the conference committee fails to sustain the Senate position on these amendments, and accedes to the earlier language or an approximation of it, I may be compelled to ask the Senate to vote its refusal to concur in the conference agreements. Such a request would be painful, the more so because of the lateness of the legislative year, but it would be painful, too, to have such an important Senate vote as the one just concluded, be nullified in conference.

LAOS

Mr. MANSFIELD. Mr. President, on Monday, there was an exchange between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and me relative to whether the kingdom of Laos had renounced its adherence to the Southeastern Asia Treaty Organization, otherwise known as SEATO.

I indicated that I thought only Cambodia had stated it would not be under the SEATO umbrella and that Laos was still in that category.

Under the corollary to the SEATO agreement at Manila in 1953, I find that I was wrong and that the distinguished chairman of the Foreign Relations Committee was right and that in the Neutrality Agreement Laos did declare its intention to not recognize the protection of any alliance or military coalition including SEATO.

Mr. President, I ask unanimous consent that the Declaration on the Neutrality of Laos be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose representatives took part in the International Conference on the Settlement of the Laotian Question, 1961–62;

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"The Royal Government of Laos,

"Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communique of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos,

"Solemnly declares that:

"(1) It will resolutely apply the five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Laotian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognise the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 5 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties and agreements signed in conformity with the interests of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognise the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to these principles in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrity of the Kingdom of Laos and noninterference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasizing the principle of respect for the neutrality of the Kingdom of Laos;

Agreeing that the above-mentioned principles constitute a basis for the peaceful settlement of the Laotian question:

Profoundly convinced that the independence and neutrality of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos and the achievement of national accord and unity in that country, as well as the strengthening of peace and security in South-East Asia;

1. Solemnly declare, in accordance with the will of the Government and people of the Kingdom of Laos, as expressed in the statement of neutrality by the Royal Government of Laos of July 9, 1962, that they recognise and will respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos.

2. Undertake, in particular, that

(*a*) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(*b*) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(*c*) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(*d*) they will not attach conditions of a political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(e) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(f) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

(g) they will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(h) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(i) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(j) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos.

3. Appeal to all other States to recognise,

respect and observe in every way the sovereignty, independence and neutrality, and also the unity and territorial integrity, of the Kingdom of Laos and to refrain from any action inconsistent with these principles or with other provisions of the present Declaration.

4. Undertake, in the event of a violation or threat of violation of the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos, to consult jointly with the Royal Government of Laos and among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present Declaration.

5. The present Declaration shall enter into force on signature and together with the statement of neutrality by the Royal Government of Laos of July 9, 1962, shall be regarded as constituting an international agreement. The present Declaration shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all the other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed the present Declaration.

Done in two copies in Geneva this twenty-third day of July one thousand nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

Article 1

For the purposes of this Protocol

(*a*) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(*b*) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(*c*) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961–1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectively;

(*d*) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961–1962.

Article 2

All foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

Article 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

Article 4

The introduction of foreign regular and irregular troops, foreign para-military formations and foreign military personnel into Laos is prohibited.

Article 5

Note is taken that the French and Laotian Governments will conclude as soon as possible an arrangement to transfer the French military installations in Laos to the Royal Government of Laos.

If the Laotian Government considers it necessary, the French Government may as an exception leave in Laos for a limited period of time a precisely limited number of French military instructors for the purpose of training the armed forces of Laos.

The French and Laotian Governments shall inform the members of the Conference, through the Co-Chairmen, of their agreement on the question of the transfer of the French military installations in Laos and of the employment of French military instructors by the Laotian Government.

Article 6

The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armaments as the Royal Government of Laos may consider necessary for the national defence of Laos, is prohibited.

Article 7

All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are nationals in order that they may proceed to the destination of their choice.

Article 8

The Co-Chairmen shall periodically receive reports from the Commission. In addition the Commission shall immediately report to the Co-Chairmen any violations or threats of violations of this Protocol, all significant steps which it takes in pursuance of this Protocol, and also any other important information which may assist the Co-Chairmen in carrying out their functions. The Commission may at any time seek help from the Co-Chairmen in the performance of its duties, and the Co-Chairmen may at any time make recommendations to the Commission exercising general guidance.

The Co-Chairmen shall circulate the reports and any other important information from the Commission to the members of the Conference.

The Co-Chairmen shall exercise supervision over the observance of this Protocol and the Declaration on the Neutrality of Laos.

The Co-Chairmen will keep the members of the Conference constantly informed and when appropriate will consult with them.

Article 9

The Commission shall, with the concurrence of the Royal Government of Laos, supervise and control the cease-fire in Laos.

The Commission shall exercise these functions in full co-operation with the Royal Government of Laos and within the framework of the Cease-Fire Agreement or cease-fire arrangements made by the three political forces in Laos, or the Royal Government of Laos. It is understood that responsibility for the execution of the cease-fire shall rest with the three parties concerned and with the Royal Government of Laos after its formation.

Article 10

The Commission shall supervise and control the withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel. Inspection teams sent by the Commission for these purposes shall be present for the period of the withdrawal at all points of withdrawal from Laos determined by the Royal Government of Laos in consultation with the Commission in accordance with Article 3 of this Protocol.

Article 11

The Commission shall investigate cases where there are reasonable grounds for considering that a violation of the provisions of Article 4 of this Protocol has occurred.

It is understood that in the exercise of this function the Commission is acting with the concurrence of the Royal Government of Laos. It shall carry out its investigations in full co-operation with the Royal Government of Laos and shall immediately inform the Co-Chairmen or any violations or threats of violations of Article 4, and also of all significant steps which it takes in pursuance of this Article in accordance with Article 8.

Article 12

The Commission shall assist the Royal Government of Laos in cases where the Royal Government of Laos considers that a violation of Article 6 of this Protocol may have taken place. This assistance will be rendered at the request of the Royal Government of Laos and in full co-operation with it.

Article 13

The Commission shall exercise its functions under this Protocol in close co-operation with the Royal Government of Laos. It is understood that the Royal Government of Laos at all levels will render the Commission all possible assistance in the performance by the Commission of these functions and also will take all necessary measures to ensure the security of the Commission and its inspection teams during their activities in Laos.

Article 14

The Commission functions as a single organ of the International Conference for the Settlement of the Laotian Question, 1961–1962. The members of the Commission will work harmoniously and in co-operation with each other with the aim of solving all questions within the terms of reference of the Commission.

Decisions of the Commission on questions relating to violations of Articles 2, 3, 4 and 6 of this Protocol or of the cease-fire referred to in Article 9, conclusions on major questions sent to the Co-Chairmen and all recommendations by the Commission shall be adopted uanimously. On other questions, including procedural questions, and also questions relating to the initiation and carrying out of investigations (Article 15), decisions of the Commission shall be adopted by majority vote.

Article 15

In the exercise of its specific functions which are laid down in the relevant articles of this Protocol the Commission shall con-

duct investigations (directly or by sending inspection teams), when there are reasonable grounds for considering that a violation has occurred. These investigations shall be carried out at the request of the Royal Government of Laos or on the initiative of the Commission, which is acting with the concurrence of the Royal Government of Laos.

In the latter case decisions on initiating and carrying out such investigations shall be taken in the Commission by majority vote.

The Commission shall submit agreed reports on investigations in which differences which may emerge between members of the Commission on particular questions may be expressed.

The conclusions and recommendations of the Commission resulting from investigations shall be adopted unanimously.

Article 16

For the exercise of its functions the Commission shall, as necessary, set up inspection teams, on which the three member-States of the Commission shall be equally represented. Each member-State of the Commission shall ensure the presence of its own representatives both on the Commission and on the inspection teams, and shall promptly replace them in the event of their being unable to perform their duties.

It is understood that the dispatch of inspection teams to carry out various specific tasks takes place with the concurrence of the Royal Government of Laos. The points to which the Commission and its inspection teams go for the purposes of investigation and their length of stay at those points shall be determined in relation to the requirements of the particular investigation.

Article 17

The Commission shall have at its disposal the means of communication and transport required for the performance of its duties. These as a rule will be provided to the Commission by the Royal Government of Laos for payment on mutually acceptable terms, and those which the Royal Government of Laos cannot provide will be acquired by the Commission from other sources. It is understood that the means of communication and transport will be under the administrative control of the Commission.

Article 18

The costs of the operations of the Commission shall be borne by the members of the Conference in accordance with the provisions of this Article.

(*a*) The Governments of Canada, India and Poland shall pay the personal salaries and allowances of their nationals who are members of their delegations to the Commission and its subsidiary organs.

(*b*) The primary responsibility for the provision of accommodation for the Commission and its subsidiary organs shall rest with the Royal Government of Laos, which shall also provide such other local services as may be appropriate. The Commission shall charge to the Fund referred to in subparagraph (*c*) below any local expenses not borne by the Royal Government of Laos.

(*c*) All other capital or running expenses incurred by the Commission in the exercise of its functions shall be met from a Fund to which all the members of the Conference shall contribute in the following proportions:

The Government of the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall contribute 17.6 per cent each.

The Governments of Burma, Cambodia, and the Democratic Republic of Viet Nam, Laos, the Republic of Viet Nam and Thailand shall contribute 1.5 per cent each.

The Governments of Canada, India and Poland as members of the Commission shall contribute 1 per cent each.

Article 19

The Co-Chairmen shall at any time, if the Royal Government of Laos so requests, and in any case not later than three years after the entry into force of this Protocol, present a report with appropriate recommendations on the question of the termination of the Commission to the members of the Conference for their consideration. Before making such a report the Co-Chairmen shall hold consultations with the Royal Government of Laos and the Commission.

Article 20

This Protocol shall enter into force on signature.

It shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all other States and to all other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

Done in two copies in Geneva this twenty-third day of July one thousand and nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

Mr. FULBRIGHT. Mr. President, will the Senator yield for the purpose of clarification?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. Mr. President, I believe this colloquy belongs in the record of the proceedings had in the executive session on Monday. That portion of the record is in the process of being cleared and this colloquy will be a part of that record, will it not?

Mr. MANSFIELD. It could be a part of that record. And it could also be made part of the public record.

Mr. FULBRIGHT. I assume that will be made public also.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the colloquy just had between the Senator from Arkansas and me be made a part of the record compiled during the executive meeting of the Senate last Monday at the appropriate place so as to show the question asked and the denial made and the affirmation now made.

THE PRESIDING OFFICER. Without objection it is so ordered.

Mr. FULBRIGHT. Mr. President, I want to make it clear that this relates to whether there is any legal or constitutional justification for the war in which we are engaged in Laos at the present time. And this point is a very significant one.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 65. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark.;

S. 80. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark.;

S. 81. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark.;

S. 82. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark.;

S. 2523. An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes; and

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 740. An act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes; and

S.J. Res. 154. A joint resoltuion to authorize and request the President to proclaim the month of January of each year as "National Blood Donor Month."

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 1497. An act to permit the vessel *Marpole* to be documented for use in the coastwise trade;

H.R. 6971. An act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States;

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 8021. An act to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes;

H.R. 8022. An act to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes;

H.R. 8100. An act for the relief of the Burrowes Manufacturing Corp.;

H.R. 9001. An act for the relief of William Patrick Magee;

H.R. 9366. An act to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office and for other purposes;

H.R. 10658. An act conferring jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman;

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings

now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service Hospital at New Orleans, La., may be located;

H. R. 13630. An act to extend certain expiring provisions of law relating to vocational education;

H.R. 14213. An act to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution;

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone; and

H.R. 14733. An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

S. 1108. An act to waive the acreage limitations of section 1(b) of the act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park;

S. 2734. An act granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact;

S. 3169. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 90. Joint resolution to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation thereof.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 8021. An act to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes;

H.R. 8022. An act to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes; to the Committee on Armed Services.

H.R. 1497. An act to permit the vessel Marpole to be documented for use in the coastwise trade;

H.R. 6971. An Act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; and

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone; to the Committee on Commerce.

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 8100. An act for the relief of the Burrowes Manufacturing Corp.:

H.R. 9001. An act for the relief of William Patrick Magee; and

H.R. 10658. An act conferring jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman; to the Committee on the Judiciary.

H.R. 14213. An act to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service Hospital at New Orleans, La., may be located;

H.R. 13630. An act to extend certain expiring provisions of law relating to vocational education; and

H.R. 14733. An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes; to the Committee on Labor and Public Welfare.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

AMENDMENT NO. 142

Mr. ALLEN. Mr. President, I call up amendment No. 142 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Alabama (Mr. ALLEN) offers the following amendment:

On page 56, after line 24, insert the following:

"SEC. 410. It is hereby declared to be the sense of Congress that the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children (subject to age, academic, and residence requirements) is an inviolate right, the protection and maintenance of which is part of the public policy of the United States."

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. A continuing order is in effect throughout the afternoon that all attachés must be seated in the rear of the Chamber or leave the Chamber. They may not come on the floor otherwise.

The Sergeant at Arms will enforce that order throughout the afternoon.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Mr. President, I understand that the so-called Allen amendment is subject to a time limitation.

The PRESIDING OFFICER. The Senator is correct. There is a time limitation of 30 minutes to the pending amendment, 15 minutes to each side.

Mr. MAGNUSON. And the time is divided between the Senator from Alabama and the Senator from Washington.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. May I respectfully inquire of the chairman of the committee if he is opposed to the pending amendment?

Mr. MAGNUSON. Yes.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the name of my able and distinguished colleague, the senior Senator from Alabama (Mr. SPARKMAN), be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, at this time I yield 3 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I am delighted to have an opportunity to speak on behalf of the Senator's amendment.

Mr. President, this amendment merely announces that, as a policy of Congress, the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children, subject to age, academic and residence requirements, is an inviolate right, the protection and maintenance of which is a part of the public policy of the United States.

Mr. President, again there comes to my mind the vivid picture of this very privilege, with the slightest exception only, the very privilege that is enjoyed all over the United States by all the parents, except in the South. They have absolute freedom of choice in all those areas and in the States about which I spoke and gave figures, with no restrictions and no limitations. New York has frozen this in granite—the right of their parents to make this choice.

Say what we will, it is a fact of life, and

I believe there never will be a rigid application of taking away these rights from the people throughout the United States. I bow for the time being to the will of the Senate. I have no reaction at all to my colleagues. That is their business. But to try to laugh this off or to make jokes about it or to say that just a handful of districts are affected by the last amendment, is an error of fact.

So I plead for all the parents outside the South to continue to have this choice. It is freedom from force more than it is freedom of choice, and we in our area have recognition of this great principle, too.

So I am delighted to support the amendment of the Senator from Alabama. I commend him for the long hours and the diligent work he has put in on this matter during the relatively few months he has been in the Senate. The Senator from Alabama has made a contribution in many other ways, also.

Mr. ALLEN. I thank the distinguished Senator from Mississippi.

Mr. President, specific limitations on the powers of the Department of Health, Education, and Welfare with respect to issuing orders and drawing up plans designed to achieve balance in public schools have no effect whatsoever when public schools are administered by Federal district courts.

Federal courts assert a power to order whatever may be required in the way of closing schools and busing pupils to achieve racial balance in public schools. Federal courts simply exercise total and complete discretionary powers over every phase and aspect of public school administration. School plans adopted by Federal courts to achieve racial balance are enforced by injunctions directed to local public officials and the threat of confiscatory fines and imprisonment without benefit of trial by jury. In short, the Supreme Court of the United States learned how to run schools just as their predecessors in the recent history of totalitarian tyranny learned to run trains on time.

Mr. President, this amendment is designed to give the Supreme Court of the United States and all Federal courts a valid reason for adopting a commonsense approach to cleaning up the intolerable mess it has created in public school systems throughout the United States.

While the amendment is to the appropriations bill for the Department of Health, Education, and Welfare, it is as much for the benefit of Federal courts. It is quite simple and to the point. It adds a section to H.R. 13111 which provides as follows:

> It is hereby declared to be the sense of Congress that the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children (subject to age, academic and residence requirements) is an inviolate right, the protection and maintenance of which is part of the public policy of the United States.

Mr. President, this amendment informs the Department of Health, Education, and Welfare and the Supreme Court that freedom of choice in matters affecting the health, safety, and welfare of their children is an inviolate right of parents, the maintenance of which is public policy of the United States. Therefore, if enacted, any future action, order, or decree in contravention of this right, as it relates to a parent's choice of schools their children shall attend, will be contrary to national public policy as determined and established by Congress.

Mr. President, why should it be necessary to establish national policy on this subject? The reason is that the U.S. Supreme Court has traversed a circuitous path from an original decision which held that State legislatures did not have the power to compel segregation in public schools, to a decision on June 2, 1969, which held, in its necessary effect, that the Constitution of the United States imposes an affirmative duty on State legislatures and subordinate units of State governments to compel integration of races in public schools to the extent necessary to achieve racial balance.

Mr. President, I invite the attention of Senators to this decision and to my analysis of it which is in the CONGRESSIONAL RECORD of June 17, 1969, on pages 16072–16074.

Mr. President, for 15 years, no one could know with certainty what the Supreme Court meant by the term desegregation. We know now what the Court means. Although the Court did not directly declare that the Constitution of the United States requires racial balance in public schools, it did say so indirectly. The Supreme Court has said that deviations from racial balance are unconstitutional and it has approved orders of a Federal district court to compel assignment of teachers to public schools by a racial ratio standard, with racial balance as the ultimate goal.

Mr. President, many of the people of our Nation, and perhaps many of their representatives in Congress, have not faced up to the implications of the racial ratio decision. Surely if the Constitution of the United States imposes an affirmative duty on local school boards to assign schoolteachers to separate schools to conform to an arbitrary racial ratio, then one cannot avoid the conclusion that the Constitution imposes a similar affirmative duty to assign children to the separate schools by the same racial ratio standard.

The hard facts are that racial balance is the absolute and controlling criteria underlying every so-called plan for desegregation put forward by the Department of Health, Education, and Welfare.

In addition, racial balance is the constitutional criteria underlying every Federal district court decree designed to desegregate schools. What may appear to be exceptions are merely deviations in time schedules allowed separate school systems or variations in imposed ratios with racial balance as the ultimate goal in all cases.

Mr. President, I hope that an appropriate Senate committee will conduct officials hearings to determine if it is not true that racial balance is the single controlling criteria in the formation of desegregation plans recommended by the Department of Health, Education, and Welfare and imposed by Federal district courts.

A great many Senators may believe that this problem is sectional or regional and that it has no application to schools in their own States. I suggest that such ideas are not well founded. In this connection, some Federal courts outside of the southern region of the United States have taken great pains to point out the de facto segregation is as much unconstitutional as segregation de jure. The reasoning advanced is that segregated education has been held to be inferior by the U.S. Supreme Court and that it is immaterial that the condition responsible for inferior education may have been produced by the State or a result of fortuitous circumstances, such as residential patterns. Decisions along this line have held that a State cannot constitutionally support unequal or inferior education and that the Constitution imposes on the State an affirmative duty to end segregated education from whatever cause. In these cases the Supreme Court has denied certiorari.

Mr. President, I mention this not only to point out the discriminatory administration of the Civil Rights Act by the Department of Health, Education, and Welfare which, in my judgment, is politically motivated, but to point out also that every school system in the United States will sooner or later be administered by the Department of Health, Education, and Welfare or by Federal district courts or both for the sole purpose of achieving a racial balance unless something is done to stop it. Such eventuality is inevitable, in my judgment, unless the Congress or the people of the United States can influence the Supreme Court to abandon this racial balance nonsense.

Mr. President, the viability of any government is reflected in its ability to correct its mistakes. The Supreme Court racial balance doctrine is a mistake. There is no responsible authority, no authoritative opinion, no credible evidence and no reasonable or rational argument which will sustain the idea that racial balance in public schools contributes anything of educational value to anybody.

The racial balance doctrine is nothing more and nothing less than a theoretical concept of socialist equality. But, Mr. President, even Socialists have abandoned the doctrine of racial balance as illogical and impractical. Why then in the name of commonsense should the Supreme Court of the United States persist in twisting and distorting the Constitution of the United States to uphold a completely discredited doctrine?

Mr. President, we are not going to make progress in improving educational opportunities by maintaining rigid inflexibility in the face of error. Federal courts have no rightful business in and no constitutional authority to interfere in local administration and control of public schools.

It is time that we help the Court correct its error. A declaration of public policy with respect to freedom of choice is a step in that direction.

Let us remember that the Supreme Court has backed itself into a logically untenable position. Let me cite just one example to illustrate this point. Title VI

of the Civil Rights Act of 1964 states in part as follows:

Sec. 601. No person in the U.S. shall, on the ground of race, ... be subjected to discrimination under any program or activity receiving Federal financial assistance.

Mr. President, today, as the result of Supreme Court nonsense, hundreds of thousands of white schoolchildren are unconscionably discriminated against in assignment to public schools. Today, hundreds of thousands of schoolchildren and hundreds of teachers are denied the opportunity to enroll in or to teach in neighborhood and community schools for no other reason than their race. The Federal Government insists that persons of one color cannot attend a particular school if they are of a color which will create racial imbalance in the school. Here in Washington, D.C., 30 or more classrooms are without teachers because and only because to employ black teachers would disturb the required racial ratio in the schools.

Mr. President, this is a grave and monstrous injustice which the people of the United States will not tolerate. If Congress will not act to help correct the situation, then the people are left with no recourse but a constitutional amendment.

Mr. President, I have introduced a proposal to amend the Constitution of the United States to restore to the States and to the people their right to control their own local schools. Is a constitutional amendment necessary?

The Supreme Court could acknowledge a national public policy as declared by Congress and thereby logically get itself out of the mess it has created in public education. If the Supreme Court did not acknowledge public policy of the Nation as declared by Congress, then the people of the United States can correct it. In my judgment, the situation will be corrected one way or the other.

Let us adopt a freedom-of-choice amendment—let us give the Supreme Court a way to get out and a chance to do it.

Mr. President, I ask unanimous consent that the name of the senior senator from South Carolina (Mr. THURMOND) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I yield such time to the Senator from Michigan as he may require.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, first of all I would like to propound a question to the sponsor of the amendment. Is it the intention of the Senator from Alabama to offer an amendment which would be contrary to the Constitution of the United States as interpreted by the Supreme Court?

Mr. ALLEN. In answer to the question of the Senator from Michigan, I would say certainly not. The purpose of the offering of the amendment is the realization that we are going to have to come to a freedom-of-choice method of handling our school situation sooner or later. That is the only practical way to handle it. This would be an expression of Congress that over a period of time might make an impression on the Supreme Court. It might make an impression on the Department of Health, Education, and Welfare, and it might have long-range effect. It does not seek in any way to overrule the Supreme Court, as the Senator asked.

Mr. GRIFFIN. Mr. President, in light of that answer, frankly, the junior Senator from Michigan is toying with the possibility of offering an amendment to the pending amendment which would read something like this: "Except as might otherwise be required by the Constitution, it is hereby declared to be the sense of Congress."

What would be the reaction of the Senator from Alabama if such an amendment were offered? Would the Senator accept it?

Mr. ALLEN. Would that remove the Senator's objection to the amendment?

Mr. GRIFFIN. Not completely, but it would make it a lot more acceptable.

Mr. ALLEN. If the Senator would make that assurance it might have an influence on the decision of the junior Senator from Alabama.

I might say that I notice a great similarity between the proposed or suggested Griffin amendment and the so-called Scott amendment of earlier in the day.

Mr. GRIFFIN. I would say in both cases I believe the amendment would reach beyond the decisions of the Supreme Court interpreting the requirements of the Constitution. That would be the reasoning for the amendment that I am suggesting.

Mr. ALLEN. And again I would state to the distinguished Senator from Michigan that the Constitution, of course, would be read into any provision of law; no statute could contravene the provisions of the Constitution, nor could expressions of public policy contravene the Constitution.

So, in the judgment of the junior Senator from Alabama, the suggestion of the distinguished Senator from Michigan would amount to nothing more than surplusage and would add nothing to the proposed amendment.

Mr. GRIFFIN. I thank the Senator from Alabama for his response.

Mr. President, this amendment is defective, in my opinion, and should be defeated for several reasons.

Congress would declare that it is the sense of Congress "that freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children is an inviolate right, the protection and maintenance of which is part of the public policy of the United States."

First of all, it would be contrary to the decisions of the Supreme Court, particularly the Green against County School Board decision which has indicated——

Mr. ALLEN. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield.

Mr. ALLEN. I understood, earlier in the day, that the Senator interpreted and read from the decision to the effect that the Supreme Court was not holding that freedom of choice plans were, per se, unconstitutional.

Mr. GRIFFIN. That is correct. The Supreme Court did not say that, but neither——

Mr. ALLEN. How, then, could the suggestion for a statement of public policy contravene the Constitution or the Supreme Court decisions?

Mr. GRIFFIN. Well, I respond to the Senator from Alabama by saying that while the Supreme Court did not say that freedom-of-choice plans are unconstitutional per se, neither did it say that all freedom-of-choice plans are constitutional. The decision makes it quite clear that whether a freedom-of-choice plan is constitutional depends on the circumstances in the particular situation. On the other hand, the amendment offered by the Senator from Alabama would declare flatly that freedom of choice is an inviolate right in all circumstances, which would be going considerably beyond the Supreme Court decisions.

Mr. President, I should like to make a further point and that is that although the primary intention of this amendment, I imagine, has to do with questions of race and desegregation, the language of the amendment goes far beyond those considerations.

In a situation where, in a particular school district, all of the residents would be black or all of the residents would be white, so that the question of desegregation or integration were not involved at all, there is no inviolate right on the part of parents to send their children to the public school that they want to.

There are many considerations that enter into the question of public schools that children may have to attend, such as the physically handicapped who may have to attend a special school provided for the physically handicapped.

There are many other reasons why children can be assigned to a particular school under given, local policy.

Indeed, the assignment of students to schools traditionally is not an inviolate right of individual parents, but it is a matter, generally, of local policy, or it could be State policy, unless in a particular school district that right is given.

I believe that this amendment introduces only mischief into the bill, that it is not a good amendment, and does not state an inviolate right that exists. It also reaches beyond the decisions of the Supreme Court.

For these reasons, when the time has expired, and when those who wish to speak on it have had the opportunity to do so, I shall move to table the amendment.

Mr. MAGNUSON. Mr. President, I merely want to state that the committee did not discuss this amendment as such although the words "freedom of choice" were pretty well discussed during debate on the Whitten amendments. But this amendment is limited as the Senator from Michigan has so well pointed out, strictly to freedom of choice.

As for myself—not speaking for the committee—I ask unanimous consent to

have printed in the RECORD what I believe are the basic legal arguments against freedom of choice and which outlines the reasons why I shall vote against the amendment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREEDOM OF CHOICE: OUTLINE OF BASIC ISSUES

I. INEFFECTIVE FREEDOM OF CHOICE VIOLATES THE CONSTITUTION

The Supreme Court said: "The burden of a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now*."

"If there are reasonably available other ways, such as for illustration zoning, promising speedier and more effective conversion to a unitary, nonracial school system, freedom of choice must be held unacceptable."

II. FREEDOM OF CHOICE PLACES BURDEN UPON MINORITY CHILDREN AND PARENTS

To suggest that minority group parents and children must accept the major responsibility for implementing Title VI is to place an unreasonable burden on those who have been the victims of segregation.

III. FREEDOM OF CHOICE ALLEVIATES SCHOOL OFFICIALS FROM TAKING POSITIVE ACTION TOWARD MEETING CONSTITUTIONAL STANDARDS

Refer to clause in Supreme Court decision.

IV. FREEDOM OF CHOICE HAS PROVED INEFFECTIVE

In most cases, the use of this procedure has left schools substantially segregated.

V. TO REVERT TO FREEDOM OF CHOICE IS TO NULLIFY EFFORTS OF SCHOOL SYSTEMS TO DESEGREGATE THEIR SCHOOLS

Many school districts have taken positive steps to accomplish school desegregation. To enact freedom of choice as the only strategy toward school desegregation may undo efforts undertaken by local districts to bring about meaningful desegregation.

VI. FREEDOM OF CHOICE SHOULD BE SEEN AS A MEANS AND NOT AS AN END

If Title VI was passed to accomplish change, then any means should be evaluated in terms of accomplishment and have little validity if they do not produce results. Moreover, when a technique such as freedom of choice stymies rather than implements the law, it should not be used.

Mr. MAGNUSON. Mr. President, have the yeas and nays been ordered?

Mr. ALLEN. The yeas and nays were ordered on the amendment. Now the Senator from Michigan states that he will make a motion to table and when we have enough Senators in the Chamber, I shall ask for the yeas and nays on that.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. MAGNUSON. Do the yeas and nays apply to a motion to table?

The PRESIDING OFFICER. No.

Mr. BYRD of Virginia. Mr. President, I shall support the amendment offered by the Senator from Alabama. It seems to me it is a fair approach to declare it to be the sense of Congress that the parents of a child shall have the freedom to choose the school to which they wish to send their children. This right, of course, would apply to both the Negro parent and the white parent.

I shall support the amendment offered by the Senator from Alabama.

Mr. ALLEN. Mr. President, will the Senator from Michigan yield for a question?

The PRESIDING OFFICER. All time of the Senator from Alabama has now expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be an additional 2 minutes time granted so that the Senator from Alabama may ask the distinguished Senator from Michigan a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I merely wish to ask a question of the distinguished Senator from Michigan. The distinguished Senator from Michigan, in opposing the amendment, discussed the amendment as apparently having to do with a freedom-of-choice plan. I believe, if he will study the amendment more closely, that he will see it has to do with an individual freedom, an individual right, rather than a freedom-of-choice plan submitted by a school board.

I feel that the Senator, if he examines the amendment, will see that this makes a considerable difference. It is not the submission of a freedom-of-choice plan, but merely the statement of an individual freedom or right, like freedom of speech, freedom of press, freedom of religion, freedom from fear, or freedom from hunger or want. That is what the amendment is intended to cover.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the yeas and nays be allowed on the motion to table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, if there are no other speakers, I move that the amendment of the Senator from Alabama be laid on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

All time has expired.

The question is on agreeing to the motion of the Senator from Michigan that the amendment of the Senator from Alabama be laid on the table.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRAVEL (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from North Carolina (Mr. ERVIN). If he were present and voting, he would vote "nay." I have voted "yea." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. ERVIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. INOUYE) would vote "yea."

I further announce that, if present and voting, the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Georgia (Mr. RUSSELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Texas (Mr. TOWER) is detained on official business and, if present and voting, would vote "nay."

The result was announced—yeas 60, nays 28, as follows:

[No. 248 Leg.]

YEAS—60

Aiken	Hansen	Muskie
Allott	Harris	Nelson
Baker	Hart	Packwood
Bayh	Hartke	Pastore
Bellmon	Hatfield	Pearson
Boggs	Hruska	Pell
Brooke	Hughes	Percy
Burdick	Jackson	Prouty
Case	Javits	Proxmire
Church	Jordan, Idaho	Randolph
Cook	Magnuson	Ribicoff
Cotton	Mansfield	Saxbe
Cranston	Mathias	Schweiker
Curtis	McGee	Scott
Dodd	McGovern	Smith, Maine
Dominick	McIntyre	Smith, Ill.
Eagleton	Miller	Stevens
Fong	Mondale	Tydings
Goodell	Montoya	Williams, N.J.
Griffin	Moss	Young, Ohio

NAYS—28

Allen	Fulbright	Sparkman
Bennett	Goldwater	Spong
Bible	Gore	Stennis
Byrd, Va.	Gurney	Talmadge
Byrd, W. Va.	Holland	Thurmond
Cannon	Jordan, N.C.	Williams, Del.
Dole	Long	Yarborough
Eastland	McClellan	Young, N. Dak.
Ellender	Metcalf	
Fannin	Murphy	

Present and giving a live pair, as previously recorded—1

Gravel, for.

NOT VOTING—11

Anderson	Inouye	Russell
Cooper	Kennedy	Symington
Ervin	McCarthy	Tower
Hollings	Mundt	

So the motion to lay Mr. ALLEN'S amendment on the table was agreed to.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Is my understanding correct that now the distinguished Senator from New Hampshire is going to submit his amendment?

Mr. COTTON. No; I beg the Senator's pardon. Mine is in the bill. The distinguished Senator from New York is going to submit an amendment to knock mine out.

Mr. MAGNUSON. But it will be on the same subject?

Mr. JAVITS. Yes.

Mr. MAGNUSON. The Senator from New York will submit the amendment on the same subject, and under the unanimous consent agreement, there is a time limitation of an hour and a half, is that correct?

Mr. JAVITS. Three-quarters of an hour on each side.

Mr. MAGNUSON. And that time will be under the control of the Senator from New Hampshire and the Senator from New York?

The PRESIDING OFFICER. That is correct.

Mr. MAGNUSON. Very well.

AMENDMENT NO. 432

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from Michigan (Mr. HART), I call up my amendment No. 432 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

Strike page 63, line 9, through page 64, line 12.

(The language sought to be stricken is as follows:)

SEC. 407. The Congress recommends the following limitation:

That in any case where the Secretary of Health, Education, and Welfare determines that—

(a) on more than two separate occasions—

(1) disorderly conduct or persons on the property of an institution of higher education has interfered in any way with the right of students at such institution to carry out their regular educational activities; or

(2) persons have taken unauthorized possession of any building, or part thereof, of such institution;

(b) such institution has not punished any such persons who are students, has not prosecuted or tried to prosecute any of such persons who are not students, and did not request assistance from an State or local government law enforcement officials in terminating such disorderly conduct or unauthorized possession;

That before grants, contracts, or renewal thereof with such institutions shall be entered into, the Secretary is authorized to require such institutions to submit a plan or program which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recure, or if recurring, will be dealt with effectively.

This provision shall not include fellowships, scholarships, loans, or any other form of aid to the individual student.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

Mr. COTTON. Before the Senator proceeds, will he let me yield 1 minute to the Senator from Illinois?

Mr. JAVITS. Oh, yes, I had promised to do that. Will the Senator let me do it, because I had promised? I yield 1 minute to the Senator from Illinois. I am sorry.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

S. 3253—INTRODUCTION OF A BILL TO NAME THE FEDERAL OFFICE BUILDING AND U.S. COURTHOUSE IN CHICAGO, ILL., THE "EVERETT McKINLEY DIRKSEN BUILDING EAST" AND A NEW FEDERAL OFFICE BUILDING TO BE CONSTRUCTED IN CHICAGO, ILL., THE "EVERETT McKINLEY DIRKSEN BUILDING WEST"

Mr. PERCY. Mr. President, there are many ways in which we might pay tribute to the memory of the late Everett McKinley Dirksen. Recently, I recommended that the sector of Interstate 74 which runs through downstate Illinois should be named after him. A fitting memorial in Chicago would be the naming of the newly proposed Federal building in behalf of Senator Dirksen as well as its companion, the existing Federal building and courthouse.

I am, therefore, introducing on behalf of myself and 78 other Senators legislation to name the present Federal office building at 219 South Dearborn Street in Chicago as the "Everett McKinley Dirkson Building East" and the soon-to-be-constructed Federal building at 218 South Clark as the "Everett McKinley Dirksen Building West."

Senator Dirksen's office in the Federal building served for many years as a main base of operations for his constituent relations. I am sure that many Illinois residents came to look upon that office as the primary way in which they could directly voice their comments, complaints, criticisms, as well as words of support and praise.

It seems entirely appropriate that we take this action in further recognition of the degree of statesmanship which the late Senator exhibited in dedicating the greater portion of his life to the service of his people. His achievements were many, and we deserve to honor him in many ways. I believe that our naming these buildings in his memory will contribute to the perpetuation of his lifetime of public service.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3253) to provide that the Federal Office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969, introduced by Mr. PERCY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, if I might have the attention of the Senate, I think I can make crystal clear the purpose of offering the amendment.

The amendment would strike from line 9 on page 63 through line 12 on page 64 that provision of the bill which deals with the reaction of institutions of higher education to campus disruption. That is in a capsule what it would do.

The two reasons for striking the language have nothing whatever to do with the creativity or the craftsmanship or good will that went into the provisions in the bill, all of which I immediately say I approve.

The first reason for striking it is that the very same problem is dealt with as permanent legislation in the higher education laws now on the books, in the Higher Education Act and in the National Science Foundation Act.

Second, this is the first time that an effort has been made to deal with the problem on an institutional level rather than on the level of the individual student. It seems to me that both of those questions should be tested before the Senate rather than just to accept it and let it go. I think, granted that we want to have an institutional approach and granted that we want to include it in an appropriation bill, that the Senator from New Hampshire (Mr. COTTON) has done as well as anyone could expect. I hope that the Senator will evaluate that in the sincerity with which I mean it.

There is no derogation whatever intended with respect to anything he has done.

If we do not agree with those two propositions, then we ought to have a right to revert to section 504 of the Higher Education Amendments of 1968—and that provision may be found on pages 2083 and 2084 of the hearings—and also we ought to decide that we are now willing to undertake to impose sanctions on the institutions as contrasted with the individual students.

Mr. President, it is this last point that has a veritable galaxy of recommendations against it. As I will demonstrate to the Senate, the united opinion of the higher educational community and of our governmental authorities is that we should not legislate a provision which deals with the institution as contrasted with the student.

Mr. President, I should like to point out that in the last HEW appropriation bill we dealt with the individual student. This provision is section 411 of the fiscal year 1969 bill, Public Law 90–557. Now we have before us for the first time an appropriation bill in the higher educational field that deals with the institutions.

Section 411 of Public Law 90–557 to which I have referred, says:

SEC. 411. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

The scheme of the legislation up to now has been exactly as I have described it. Either we have to deal with basic law—that is, law related to higher education—or we have to deal with the individual student.

Now for the first time this amendment

deals with the institution. I would like to again prove that to the Senate, because it ends on page 64, lines 6 to 10 by saying:

The Secretary is authorized to require such institutions to submit a plan or program which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recur, or if recurring, will be dealt with effectively.

The provisions preceding what I have just read relate to institutions rather than to an individual student. And the kind of thing which the institution must do, as I have described—submit the plan, and so forth—is based upon a trigger. And the trigger is so detailed in its references really amount to regulation of the way in which an institution of higher learning shall deal with a college disruption.

For example, the trigger is based upon two separate disruptions, rather than on only one. It is based upon the fact that the individuals concerned have been guilty of disorderly conduct or interfering in any way with the right of students to carry on their regular educational activities.

The important part of it in terms of the trigger is that all an institution must do in the face of a disruption, and the one thing that is most troublesome in that, is that it must "request assistance from any State or local government law enforcement officials."

To put it in the colloquial, it must call in the police on the college campus.

Many educational administrators and many college presidents will tell us they think it very unwise that they should be compelled to do that. Otherwise, they suffer the penalties, such as they are, of this particular section.

In that way, therefore, it becomes institutional control, which is something we have not done before.

So, if the amendment of the Senator from New Hampshire (Mr. COTTON) had been to repeat in the new appropriation bill the same provision as in the higher education statutes to which I earlier referred, I would have been perfectly content, and the Senate would not have heard a peep out of me.

That is the pattern adopted, and that is what we would be doing again. That would have been perfectly OK with me.

However, it is a fact that we have now gone into a regulation of institutions in rather specific detail. That is disturbing to me. And I think it is disturbing to the whole higher education community, as I will demonstrate.

I would say now—that is why I have not yet asked for the yeas and nays—that should the Senator from New Hampshire feel that there is anything to my argument—he is a man of open mind as well as luminous mind—and should he feel moved to take the statutory provision, there is no reason at all why I would not be entirely content with that; and I hope that many other Members of the Senate would feel the same way.

As to the fundamental points involved, I should like pretty much to make my argument the citation of authorities on the subject rather than my own point of view.

We have, first, the Secretary of Health, Education, and Welfare and the Attorney General—I do not think that anybody would accuse John Mitchell of being soft on college disruptions—who wrote a letter on July 17 to Senator Dirksen, our late, lamented minority leader, in which they expressly advised against exactly what we are doing if we sustain this particular provision in the bill. Both Mr. Finch and Mr. Mitchell said to Senator Dirksen:

We understand that efforts may be made during Senate debate on future appropriations bills to add a rider which would cut off Federal funds to institutions of higher education which experience campus disorders, or would require them to develop certain rules of behavior and plans to control conduct as a condition of receiving assistance.

That is precisely what this particular provision seeks to do. They went on then to say:

We strongly feel that the threatened cutoff of institutional founds is an entirely inappropriate way of dealing with a serious problem. More specifically, we feel:

First, forcing institutions to submit or certify that they have developed such policies and plans dealing with campus disorders would imply a Federal standard by which their policies and plans would be judged.

Then they have another sentence which I will not read, because it really involves the first.

Second, the administrative independence of colleges and universities is an essential element of the academic freedom which this Nation has always cherished for its institutions of higher education. Responsibility for the orderly maintenance of these institutions should not be preempted by any Federal agency.

Third, Federal legislation already exists which withdraws aid from students who engage in disruptive violent acts at college.

Mr. President, I ask unanimous consent that the entire letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 17, 1969.

Hon. EVERETT MCKINLEY DIRKSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DIRKSEN: We understand that efforts may be made during Senate debate on future appropriations bills to add a rider which would cut off Federal funds to institutions of higher education which experience campus disorders, or would require them to develop certain rules of behavior and plans to control conduct as a condition of receiving assistance. The President has requested that we give you the views of the Administration with regard to such legislation.

We realize that Congress is rightly concerned with the situation on college and university campuses. Violence and intimidation must not be permitted to undermine the university institution. In our studied judgment, however, such legislation would be counterproductive, and would seriously jeopardize the relationship between the academic community and the Federal government which has been of such inestimable benefit to our society. We strongly feel that the threatened cutoff of institutional funds is an entirely inappropriate way of dealing with a serious problem. More specifically, we feel:

First, forcing institutions to submit or certify that they have developed such policies and plans dealing with campus disorders would imply a Federal standard by which their policies and plans would be judged. The Federal government must not be placed in the role of enforcer or overseer of rules and regulations for the conduct of students, faculty, and other university employees.

Second, the administrative independence of colleges and universities is an essential element of the academic freedom which this Nation has always cherished for its institutions of higher education. Responsibility for the orderly maintenance of these institutions should not be preempted by any Federal agency.

Third, Federal legislation already exists which withdraws aid from students who engage in disruptive violent acts at college. To extend this cutoff to institutions would go beyond existing laws and punish the entire academic community—which is, after all, the victim, not the instigator, of violence. We are actively studying ways in which the Federal government might constructively assist institutions and protect the right of all Americans to pursue their education without disruption.

The President has asked us to send you these views with the hope that you will call them to the attention of your colleagues, so that there may be no misunderstanding of the Administrative position in case such legislation is offered in the Senate.

Sincerely,

ROBERT H. FINCH,
Secretary, Department of Health, Education, and Welfare.

JOHN N. MITCHELL,
Attorney General.

Mr. JAVITS. That letter is expressly architected to have produced the provision which went into the appropriation bill last year, and that is why I say I have no complaints about that type of approach here.

I said that before, and I repeat it. Then it will give our people an opportunity to negotiate a provision of the type of that of last year, or I would lend myself gladly to writing it into this bill.

Second, I have a number of telegrams which have been produced by the amendment proposed. One is from Frederic W. Ness, president of the Association of American Colleges:

Hon. J. K. JAVITS:

On behalf of an organization of nine hundred colleges and universities located in every State I urge you to communicate to every Senator during debate today our opposition to section 407 of H.R. 13111. Institutions of higher education are proving that they can handle their internal affairs successfully. Section 407 could well prove to be counterproductive to their efforts and play into the hands of the more radical student disrupters.

FREDERIC W. NESS,
President, Association of American Colleges.

I have another wire from the president and the chairman of the American Council on Education, a very distinguished body.—Logan Wilson, president; Arthur S. Flemming, chairman. The latter was formerly the Secretary of Health, Education, and Welfare. It reads as follows:

The American Council on Education, in behalf of over 1500 member institutions, urges the deletion of Section 407 of H.R. 13111. A provision to cut off funds from institutions would give the small minority

who are bent on destroying our institutions the very weapon that they seek at a time when they are clearly in retreat.

LOGAN WILSON,
President.
ARTHUR S. FLEMMING,
Chairman, American Council on Education.

It is signed by these distinguished gentlemen.

Finally, I have a wire from Russell R. Thackrey, National Association of State Universities and Land Grant Colleges, the essence of which reads as follows:

Any funds cut off amendment, however innocuous it may seem, would constitute alarming precendent and be counter-productive is giving aid and encouragement to those most eager to disrupt.

I ask unanimous consent that all three telegrams be printed at this point in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

HON. J. K. JAVITS:

On behalf of an organization of nine hundred colleges and universities located in every State I urge you to communicate to every Senator during debate today our opposition to section 407 of H.R. 13111. Institutions of higher education are proving that they can handle their internal affairs successfully. Section 407 could well prove to be counterproductive to their efforts and play into the hands of the more radical student disrupters.

FREDERIC W. NESS,
President, Association of American Colleges.

The American Council on Education, on behalf of over 1500 member institutions, urges the deletion of Section 407 of H.R. 13111. A provision to cut off funds from institutions would give the small minority who are bent on destroying our institutions the very weapon that they seek at a time when they are clearly in retreat.

LOGAN WILSON,
President.
ARTHUR S. FLEMMING,
Chairman, American Council on Education.

TELEGRAM TO HON. JACOB K. JAVITS

Situation in which United States is now considering legislation of vital importance to colleges and universities unprecedented in my long experience in Washington. Text of proposed anti-disturbance amendments is not available, but information is that it involves elements of cutting off all institutional funds. We have ample evidence that our colleges and universites have gone to great lengths to improve procedures for handling student disturbances and increased student involvement in decision-making. Any funds cut off amendment, however innocuous it may seem, would constitute alarming precedent and be counter-productive is giving aid and encouragement to those most eager to disrupt. Present permanent legislation fully adequate and we trust any such amendment will be eliminated. Appreciate your leadership in this effort.

RUSSELL R. THACKREY,
National Association of State Universities and Land Grant Colleges.

Mr. JAVITS. In April of this year, the American Council on Education, with a committee of the most distinguished presidents of universities in the United States, without exception, issued a declaration on this very subject. A key statement in that declaration is as follows:

Governmental attempts to deal with these problems—

To wit, college campus disruption—

through special punitive legislation will almost certainly be counterproductive.

Mr. President, I ask unanimous consent that the entire statement, "A Declaration on Campus Unrest," be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A STATEMENT CONCERNING THE DECLARATION ON CAMPUS UNREST FROM THE AMERICAN COUNCIL ON EDUCATION, WASHINGTON, D.C.

This statement was formulated by a group of educational administrators, trustees, and foundation officers who met April 4–5, 1969 in Chicago under Council auspices. Those present were three Council officers President Logan Wilson, Vice-President Kenneth D. Roose, and David C. Nichols II, assistant to President Wilson—and the following:

Louis T. Benezet, president, Claremont Graduate Center; Landrum R. Bolling, president, Earlham College; Herman R. Branson, president, Central State University; Robert D. Clark, president, San Jose State College; Fairfax M. Cone, trustee, University of Chicago; Thomas H. Eliot, chancellor, Washington University; Robben W. Fleming, president, University of Michigan; David D. Henry, president, University of Illinois; Theodore M. Hesburgh, C.S.C., president, University of Notre Dame; James M. Hester, president, New York University; Ralph Hetzel, trustee, Pennsylvania State University; Roger W. Heyns, chancellor, University of California, Berkeley; Joseph F. Kauffman, president, Rhode Island College; William R. Keast, president, Wayne State University; Malcolm Moos, president, University of Minnesota; Mrs. Henry Owen, trustee, Washington State University; Harvey Picker, trustee, Colgate University; Alan Pifer, president, Carnegie Corporation of New York; Wesley Posvar, chancellor, University of Pittsburgh; Nathan M. Pusey, president, Harvard University; John Ritchie, dean, Law School, Northwestern University; John S. Toll, president, State University of New York at Stony Brook; Edmund A. Stephan, trustee, University of Notre Dame; F. Champion Ward, vice-president, The Ford Foundation; Herman B. Wells, chancellor, Indiana University; Charles E. Young, chancellor, University of California, Los Angeles; and Edwin Young, chancellor, University of Wisconsin, Madison Campus.

The statement was subsequently approved by the Council's Board of Directors, comprised of the following individuals:

Mason W. Gross, president of Rutgers, The State University, chairman; Anne G. Pannell, president of Sweet Briar College, vice-chairman; Gustave O. Arlt, president of the Council of Graduate Schools in the U.S., secretary; Fred Harvey Harrington, president, University of Wisconsin; Grayson Kirk, president emeritus, Columbia University; Frederic W. Ness, president, Fresno State College; Alan Simpson, president, Vassar College; Thomas A. Spragens, president, Centre College of Kentucky; Sharvy G. Umbeck, president, Knox College; Kingman Brewster, Jr., president, Yale University; G. Homer Durham, president, Arizona State University; Samuel B. Gould, chancellor, State University of New York at Albany; Darrell Holmes, president, Colorado State College, Kenneth S. Pitzer, president, Stanford University, Edgar F. Shannon, Jr., president, University of Virginia; Joseph P. Cosand, president, Junior College District of St. Louis; Theodore M. Hesburgh, C.S.C., president, University of Notre Dame; Roger W Heyns, chancellor, University of California, Berkeley; Martha E. Peterson, president, Barnard College; Calvin H. Plimpton, president, Amherst College; and Willis M. Tate, president, Southern Methodist University.

A DECLARATION ON CAMPUS UNREST

The unprecedented, comprehensive, and often unpredictable changes that are taking place in this age both disturb and alarm large segments of our society. Most of the changes and attendant alarms affect the operations of our institutions of higher learning. They are also related to the values, concerns, and behavior of our young people. In coming to grips with the compelling issues, all who would think seriously about them must recognize that present-day society—in America and in many foreign lands—is in serious trouble on many fronts. We see around us racial conflict, continued poverty, and malnutrition midst unparalleled prosperity and seemingly unlimited promise. We are confronted by pollution of our environment, decay of our cities, the continuation of wars and the threat of war, and everywhere a vague but widespread discontent with the general quality of life.

These problems affect all of society, not the university alone or the young alone. We must all be concerned to deal intelligently and responsibly with these problems that are neither the exclusive discovery, nor the sole responsibility of the young. Yet the depth of feeling among young people in many countries today about the issues, their general dissatisfaction with the slow-moving ways of society, and the extreme behavior of a small minority of students are evidence of the profound crisis that involves our entire society and, specifically, the university community.

The university itself has often become the immediate target of student discontent, sometimes couched as legitimate complaints about the deficiencies of the universities, sometimes devised as a softening-up exercise for assault on the wider society.

How to deal with campus crises arising from the widespread protests has become a major public issue and the cause of confused and angry debate. That there should be deep anxiety about the course of the conflict and its possible outcome is understandable. No social, racial, or age group that perceives itself and its values to be seriously threatened will fail to strike back. Increasingly there are backlash temptations to enact strong, often ill-considered, and largely futile measures to cope with a youth rebellion that none of us fully comprehends, not even the youth themselves.

Certain balanced judgments are proper to make, however, as we search for understanding and solutions:

1. It is important for the public to understand that, despite the nationwide publicity given to student disorders, the great majority of American campuses have remained peaceful. On campuses where conspicuous disorders have occurred, educational programs generally have gone along their normal ways. Most students and faculty have continued to carry on their regular work. In the main, good teaching and good research, as traditionally defined, have been uninterrupted.

2. On the undisturbed campuses and among the majority of orderly students, however, there are widely shared discontents which extremists are at times able to manipulate to destructive ends. Moreover, even in the absence of violence, there have developed among some of the young a cult of irrationality and incivility which severely strains attempts to maintain sensible and decent human communication. Within this cult there is a minute group of destroyers who have abandoned hope in today's society, in today's university, and in the processes of orderly discussion and negotiation to secure

significant change. Students and faculty are increasingly aware of the true nature of this group and are moving to deal with its destructive tactics. The necessity to deal with extremists, however, is placing an extraordinary burden upon the whole educational enterprise and upon those who man it. Consequently, universities are having to divert their energies and resources from central educational tasks in order to deal with student unrest in its various forms.

3. The spectacular events precipitated by the extremists should not be allowed to obscure the recent accomplishments of those students, faculty, and administrators who have serious interest in constructive changes in society and in the university. They have broadened the curriculum and improved teaching. They have moved toward a more open and participating pattern for university governance. And they have begun to make the work of universities more meaningful in dealing with the problems of society. Those efforts must continue. Reform and self-renewal in higher education are ongoing imperatives.

4. Meanwhile, the speed and scale of social change have imposed many kinds of demands upon educational institutions for which their programs, their capabilities, and their funding are not always adequate. Moreover, universities are increasingly asked to perform functions for society, particularly in reshaping the behavior, values, and life-styles of the young, on which the family and other social institutions have already had major influence—or lack of influence. Some of society's expectations for universities are quite unrealistic. Insofar as these expectations can be dealt with, they involve a sharing of responsibilities among diverse social institutions. Many of society's demands require new resources and fresh approaches to old and new problems.

5. Recognizing the right of and even the necessity for constructive dissent—and allowing for inevitable arguments over what is in fact constructive—certain axioms must be accepted as basic to the operation of any university.

a. Disruption and violence have no place on any campus. The academic community has the responsibility to deal promptly and directly with disruptions. If universities will not govern themselves, they will be governed by others. This elementary reality is increasingly becoming understood by all components of the university community. Student and faculty groups, including the American Association of University Professors and the National Student Association, have recently joined in efforts to improve disciplinary procedures and to formulate clear and realistic codes for dealing with misconduct, and more particularly with violence and disruption. Also, by involving students and faculty effectively in the governance of the university, it can be demonstrated that there are better ways of getting views considered and decisions made than by disruption.

b. The historic concern of the university community with academic freedom needs to be restated, reaffirmed, and vigorously defended against all, within or without the university, who would obstruct the right of scholars to investigate, teachers to teach, or students to learn. This reiteration is not to claim for the university special privileges that put it above the law or that free it from critical public appraisal—rather it affirms that the university must maintain a basic institutional integrity to function as a university.

c. Violations of criminal law must be dealt with through the ordinary processes of the law and universities must attempt to deal with disruptive situations firmly before they reach the stage of police action. Governmental attempts to deal with these problems through special, punitive legislation will almost certainly be counterproductive. Meanwhile, students and faculty whose consciences demand that they express dissent through law violation must be prepared to accept the due processes and the penalties of the law. They should not be encouraged to expect amnesty from the effects of the law. Such an expectation would be the ultimate use of the *in loco parentis* concept against which many young activists passionately protest. Nor should they expect amnesty from academic discipline, which is the most effective sanction in disruptive incidents.

6. The education community needs to undertake a far more comprehensive effort than ever before attempted to study the underlying bases of youthful discontent and alienation and the broad social problems to which they are related. As social critic, the university must help society understand and solve such problems.

7. All universities should give particular attention to a continuing search for ways, including new social inventions, by which the life of rationality and civility, shared concern, and mutual respect may be supported and strengthened within the university community. The survival of the university and its long-term contribution to society depend upon the ability of the institutions to make their everyday life reflect that spirit and pattern.

Mr. JAVITS. Finally, Mr. President, just to seal the proposition, a number of our colleagues in the other body, a 22-man group of young Members of the House of Representatives, very lively fellows, indeed, under the chairmanship of Representative BILL BROCK of Tennessee, made a tour of college campuses early this summer in a most imaginative and original way. I think the country should be constantly reminded of that group and the enterprise and intelligence they used in their work. They returned and made a report, and this is what that report says on this subject:

> Perhaps our most important and pressing conclusion is that rash legislative action cutting off funds to entire institutions because of the actions of a minority of students would play directly into the hands of these hard-core revolutionaries.

Then they go on to say on page 28 of their report:

> In our opinion, the fundamental responsibility for order and conduct on the campus lies with the university community.

On page 33 of their report, under the question of balance, they urge us again not to engage in a legislative action to cut off funds to an entire institution.

Mr. President, this is quite an extended report. I do not want to burden the RECORD with it. It has been put in the RECORD already. But any Member is welcome to examine it and check my references, and I include these references as part of my remarks.

Mr. President, it seems to me that here is as impressive a body of opinion as could be mustered on the subject. I repeat: I am not challenging this provision on any ground which is discreditable to its author. I think he has done, consistent with his position, as fine a job as can be done. But I believe that the soundness of the approach we took before—to wit, a reference to the law which is in the higher education amendment and a provision respecting disqualification of individual students—is the right way to proceed. That is borne out by this most impressive body of evidence which I have just laid before the Senate, rather than giving my own opinion, including the considered opinions of the Secretary of Health, Education, and Welfare, who administers this law, and the Attorney General of the United States.

Mr. COOK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOK. Mr. President, I should like to associate myself with the remarks of the Senator from New York.

I should like to ask the Senator one question which goes directly to the provision, and which I think is a tremendous inconsistency. The last sentence of the section says that this provision shall not include fellowships, scholarships, loans, or any other form of aid to the individual student.

Suppose we have individual students who are under scholarships or who are under a fellowship or who have a loan, who are part of this. Are we not in fact saying that an institution is going to be penalized, that a student is not going to be penalized who may be causing the trouble that may in fact trigger the effects of the section itself?

Mr. JAVITS. I certainly agree with the Senator. With his customary keenness he has pointed out a very significant point which confirms what I tried to say, and which he has said better than I have—to wit, that this is a radical departure from what is in the higher education law from what we have done before. We have gone after the individual student, and all of us are pretty well agreed on that. This goes exactly the other way, excludes the individual student, but goes after the institution. I think that is wrong. With all respect, we can differ on the principle. Again, I pay my tribute to the draftsmanship and the creativity, but the principle is completely wrong, and everyone of these authorities says so, including the leading officials of our own country.

I do not think we should fly in the face of that. The Senator has helped me immeasurably to pinpoint the basic thrust of my argument, and that is all it is. The basic thrust is: We have gone after the individual students; let us continue in that way. This language would go in the other direction.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GOODELL. Mr. President, I agree with most of what has been said by my senior colleague, but I would go somewhat further.

It is my view that the Federal Government has no business at all in intervening and trying to force an institution of higher learing to take action with respect to the problems it faces in student dissent and student disorder. This is a matter which must be handled with great sensitivity. The situation is different in different institutions, and different types of disruptions occur. This is a matter that must be left to the administrator of the institution, whether we are talking about punishment of the individual student or of the institution.

However, I strongly urge that the Sen-

ate not take the step that is involved here, which is embraced in the Cotton amendment now in the bill, and try to penalize the institutions and, if Senators will, to intervene the Federal Government in a situation and impose Federal policy on an institution of higher learning.

The language in the Cotton amendment is quite clear:

Before grants, contracts, or renewal thereof with such institutions shall be entered into—

Assuming the triggering devices that are included previously in the amendment—

the Secretary is authorized to require such institutions to submit a plan or program which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recur, or if recurring, will be dealt with effectively.

Mr. President, that is Federal control of education. That is Federal control of the administration of an institution of higher learning. And it runs completely counter to the philosophy of a great many people who are urging now that the Federal Government intervene.

We have heard in tne past with respect to Federal aid to education such arguments as "Do not get started on it, because once you do you will have no control. You are going to have the Federal Government—some bureaucrat or Congressman—imposing control over institutions of higher learning." Then, the argument was made, "No, we put the clause in here that guarantees against Federal control." But, then, the argument came back, "You put it in now, but all you have to do is add an amendment later to impose that control or give the Secretary the power to impose that control."

We must be consistent in this matter. I have opposed the Federal Government imposing its will on the academic community in all forms. I think there are certain minimal administrative guarantees that must be met to see to it that the purposes for which funds are granted are accomplished. I think there are certain minimal guarantees to see to it that that money is not wasted. These are fiscal guarantees. But I do not believe we should set the precedent here for controls of higher education or secondary education.

I do not believe that we should move in the direction of saying to the Secretary of Health, Education, and Welfare—or anybody sitting in Washington—that he has more wisdom than the president of an institution, and that he can sit there and receive plans from the institution and pass on them, as to whether they are wise or unwise, effective or ineffective.

I think this is the critical issue and, if Senators will, a watershed for Congress. Whatever the philosophical approach of imposing limitations, once we begin to work with this precedent, we are going to open the floodgates to other amendments that will attempt to impose the emotional, impassionate, and thoughtless viewpoints of a group of citizens, a group of Congressmen, or a group of Senators. In the long run, this will undermine the freedom of our academic institutions.

Having said all that, I would like to ask my senior colleague from New York what, in his opinion, is meant by the first sentence of section 407 in which it is stated: "The Congress recommends the following limitation?" It sounds as if it is a sense of Congress resolution that the Secretary of Health, Education, and Welfare should impose this limitation. Is that what it is?

Mr. JAVITS. I believe it is more than that. I believe what is meant is that Congress recommends this to the Secretary of Health, Education, and Welfare, and I can hardly conceive his not putting this into effect and carrying it out. I think it is more than a sense of Congress resolution.

Mr. GOODELL. In other words, it has more teeth than a sense of Congress resolution. We feel strongly the Secretary would have to take this action.

Mr. JAVITS. Yes.

Mr. GOODELL. And we tell him where and when to take it.

Mr. JAVITS. The Senator is correct.

Mr. GOODELL. I think that is a very bad precedent. I think that if Congress decided it wanted to impose this kind of limitation, we should do it directly and forthrightly and we should not pass the onus on to the Secretary of Health, Education, and Welfare. We could always get out of it by saying the Secretary should not have done it in that particular instance. But I believe this is a critical issue. I believe this is a crossroads in terms of the relationship of the manner of Government to institutions of education.

Mr. President, I hope the Senate rejects the Cotton amendment. I think we should agree to the Javits amendment to make it clear that we do not want to impose our judgment on the institutions of higher learning.

In conclusion, Mr. President, I would say that if we implement this provision that is in the bill now we will do more to encourage disruptions on the campuses than anything else I can conceive of, because we will then be saying there is one uniform policy—a policy generally of firmness and repression, of bringing in law enforcement officials from the outside—which applies in all cases of disruption. We will be putting them in the same grab bag.

There are legitimate issues on university campuses. Students are telling us something important. It is important that we respond with sensitivity and understanding and not with oppressive measures from Washington.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used 27 minutes. The Senator has 18 minutes remaining.

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from Michigan (Mr. HART). I must leave the Chamber briefly. I would like to have the Senator from Michigan in charge of the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I think that the case in support of the Javits-Hart amendment has been very effectively made by the able senior Senator from New York. The concurring comments of the junior Senator from Kentucky and the junior Senator from New York have underscored these points.

Much professional and expert judgment has been cited by the Senator from New York, judgment from educators who are separated from the hauling and tugging of political pressure. In the difficult problem of trying to administer sometimes turbulent campuses, without exception each of these experts urges us to avoid putting the Federal Government in a business which we are something less than ideally equipped to handle, especially at a time when campus sensitivity is enormously great.

I rise to cite still another authority, one that I think should be very persuasive. About 18 months ago there was created a National Commission on the Causes and Prevention of Violence. The able Senator from Nebraska (Mr. HRUSKA) and I were assigned as members of that commission.

While it might be that his presence on it makes the Commission's judgment expert in this field, certainly I do not suggest that my presence on the Commission makes its judgment expert. But the chairman of that Commission is Dr. Milton S. Eisenhower.

When we began our consideration, I had the instinctive feeling that punitive action in response to disorders on campus was probably counterproductive. But that instinct hardened into deep conviction following the many days when we had hearings and discussions, including one weekend, when, in executive session, we met with a dozen university and college presidents.

Mr. President, I want to have placed in the RECORD that section of the Commission's final report under the caption, "Campus Disorder," and ask unanimous consent that at the conclusion of my remarks that chapter 9 of the Commission's report be printed in full in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Mr. President, the first several paragraphs of this chapter were written personally by Dr. Eisenhower. The Commission later reviewed, line by line, each of the paragraphs and the remainder of the chapter. But the influence of Dr. Eisenhower on the entire chapter is very great.

We recognize his reputation as an expert, based on his outstanding service as one of the very able college administrators over a period of many years. We came to respect him as a man of balanced judgment in his comments, reactions and suggestions, not just to campus disorders but to the whole sweep of the field of violence in our year and a half's study.

Let me make special reference to sentences in the "Campus Disorder" section.

I think we do sense that the public generally is offended, indeed, is outraged at the scene and sight of a group that most of the public regard as very privileged; namely, college students in disorder and in destructive action.

But the Commission makes this suggestion:

To the larger society, we make these suggestions: The majority of the American people are justifiable angry at students who engage in violent and obstructive tactics. While the public varies widely in its desire for social change, it shares a common belief in the value of social order. It also regards university students as among the most privileged in society—among those who should understand best the importance of freedom and the dangers of anarchy. One outlet for this public resentment has been the support of legislation withholding financial aid both from students who engage in disruption and from colleges and universities that fail to control them.

That is what the language of this bill, even as modified, seeks to do; namely, to react against a university which on more than two occasions appears to have failed to control disorder.

Continuing reading:

There has also been a steady weakening of public sentiment in favor of the additional public funding that higher education so badly needs. Current appropriations for new facilities and for annual operating costs have been insufficient. Some private universities have faced a reduction in individual and corporate gifts.

Existing laws already withdraw financial aid from students who engage in disruptive acts. Additional laws along the same lines would not accomplish any useful purpose.

Mr. President, I congratulate the Senator from New Hampshire for changing the thrust of the proposal before us, away from punishment of the student. But reluctantly I cannot join him as he aims it in the direction of the university.

The Commission continues:

We believe that the urge to enact additional legislation should be turned into a channel that could sustain the universities themselves to deal more effective with tactics of obstruction.

The whole caution of the Commission's report and, I repeat, this reflects the very deep conviction of Dr. Milton Eisenhower—was that the Federal Government should not play a role in the development or the review of regulations intended to maintain order on a campus.

While the language of the bill, which the amendment of the Senator from New York (Mr. JAVITS) and myself intends to strike, has the role of the Government in a secondary place, nonetheless, a university that had two experiences of disorder could be required to come to Washington to ask the Secretary, "What is your idea about this program? How do you feel about it?" Unless the Secretary concurs, unless the Secretary believes that this is the approach, then the university has to go back and redo its plan or be cut off from funding.

This introduces the Federal voice and the Federal leverage into a situation, difficult at best, and contributes more to uncertainty and doubt than it contributes to resolving and clarifying the right course.

The Commission, and I am sure the Congress, recommends that universities do establish and publish thoughtful regulations. Students and faculty alike shall be on notice that these are the avenues, these are procedures, and these are the penalties for failure to comply.

The Commission encouraged the Association of American Universities to join in an effort to make uniform such a set of standards. But the Commission urges legislatures not to intrude.

Unless the language of section 407 is stricken, it is my feeling that the counsel of the Commission will have been ignored, and certainly the counsel of the several professional education groups referred to by the Senator from New York will have been rejected.

Mr. President, none of us wants to contribute to the high tensions on college campuses. I fear that in a desire to make easier the problem of the administrator, we, by requiring that administrator to come to the Secretary of Health, Education, and Welfare before he can issue his regulations, and then explicitly require inflexible adherence to those regulations once the Secretary has approved them, whatever the intervening circumstances or whatever the nature of the case, would contribute more to disorder than to order. I urge adoption of the amendment.

EXHIBIT 1

CHAPTER 9. CAMPUS DISORDER

The members of this Commission, along with most Americans, are deeply disturbed by the violence and disorder that have swept the nation's campuses. Our colleges and universities cannot perform their vital functions in an atmosphere that exalts the struggle for power over the search for truth, the rule of passion over the rule of reason, physical confrontation over rational discourse.

We are equally disturbed, however, by the direction of much public reaction to campus unrest. Those who would punish colleges and universities by reducing financial support, by passing restrictive legislation, or by political intervention in the affairs of educational institutions, may unwittingly be helping the very radical minority of students whose objective is to destroy our present institutions of higher education.

So threatening is the situation, so essential is the need for understanding and calm appraisal, that this Commission felt compelled to speak during the past summer when students were home and campuses were closed rather than to remain silent until publication of its final report. We offered our comments then in the hope that they would contribute to constructive thought and action before the beginning of the new academic year last September.

The problem of campus unrest is more than a campus problem. Its roots lie deep in the larger society. There is no single cause, no single solution. We urge all Americans to reject hasty and simplistic answers. We urge them to distinguish between peaceful protest and violent disruption, between the nonconformity of youth and the terror tactics of the extremists. We counsel patience, understanding and support for those in the university community who are trying to preserve freedom and order on the campus. We do so in the conviction that our universities and colleges are beginning to learn how to achieve change without disorder or coercion.

I. STUDENT DISSATISFACTION

During the past year, many of America's universities and colleges have been seriously wounded. These wounds arise from multiple causes. One is the increasingly violent expression of widespread student discontent. Although much of this discontent often focuses on grievances within the campus environment, it is rooted in dissatisfactions with the larger society that the campus can do little about.

Students are unwilling to accept the gaps between professed ideals and actual performance. They see afresh the injustices that remain unremedied. They are not impressed by the dangers that previous generations have overcome and the problems they have solved. It means little to them that the present adult generation found the way out of a major depression to unparalleled heights of economic abundance, or that it defeated a massive wave of vicious totalitarianism and preserved the essential elements of freedom for the youth of today. To students, these triumphs over serious dangers serve primarily to emphasize other problems we are just beginning to solve.

Today's intelligent, idealistic students see a nation which has achieved the physical ability to provide food, shelter and education for all, but has not yet devised social institutions that do so. They see a society, built on the principle that all men are created equal, that has not yet assured equal opportunity in life. They see a world of nation-states with the technical brilliance to harness the ultimate energy but without the common sense to agree on methods of preventing mutual destruction. With the fresh energy and idealism of the young, they are impatient with the progress that has been made but seems to them to be indefensibly slow.

At a time when students are eager to attack these and other key problems, they face the prospect of being compelled to fight in a war most of them believe is unjustified. This traumatic experience has precipitated an unprecedented mass tension and frustration.

In assessing the causes of student unrest, it would be a mistake to assume that all causes are external. There are undoubtedly internal emotional pressures and internal value conflicts in many students which contribute to their own dissatisfaction and thus to the tension and turmoil of campus life.

Students attribute the shortcomings they see to the smugness of their elders and the weaknesses of social institutions. They see the university, guardian of man's knowledge and source of his new ideas, as an engine for powering the reform of the larger society, and as the first institution they are in a position to reform.

We emphasize that most students, despite their view of society's failures, accept as valid the basic structure of our democratic system; their main desire is to improve its ability to live up to its stated values. Their efforts to do so are welcome when they take the form of petitions, demonstrations and protests that are peaceful and non-violent. Although many persons are unsettled by these activities (which are often of a bizarre nature), we must all remember that peaceful expression of disturbing ideas and petitions for the redress of grievances are fundamental rights safeguarded by the First Amendment of our Constitution. Methods of dealing with "campus unrest" must not confuse peaceful protest and petition with violent disruption. To do so will aggravate rather than solve the problem.

A small but determined minority, however, aims not at reform but at the destruction of existing institutions. These are the nihilists. They resort to violent disruption as the means best suited to achieve their ends. By dramatic tactics of terror, they have focused widespread public attention upon themselves and have often induced university authorities either to surrender or to meet force with force. When they have managed on occasion to provoke counterforce to an excessive degree, they have succeeded in enlisting the sympathies of the more moderate campus majority.

They are the agent that converts constructive student concern into mindless mob hysteria. They are the chief danger to the university and its basic values.

There is also a minority of students who are not nihilists, but who feel that violence and disruption may be the only effective way of achieving societal and university reform.

II. THE CYCLE OF CAMPUS VIOLENCE

Forcible obstruction and violence are incompatible with the intellectual and personal freedom that lies at the core of campus values. In its recent *Declaration on Campus Unrest*, the American Council on Education noted that "there has developed among some of the young a cult of irrationality and incivility which severely strains attempts to maintain sensible and decent human communications. Within this cult is a minute group of destroyers who have abandoned hope in today's society, in today's university, and in the processes of orderly discussion to secure significant change." These "destroyers" seek to persuade more moderate students that verbal expressions of grievance go unheeded, while forcible tactics bring affirmative results.

Despite some eloquent and subtle rationalizations for violent methods of protest, the record of experience is incontrovertible. While violent protest is sometimes followed by the concessions sought, it more often produces a degree of counter-violence and public dismay that may gravely damage the cause for which violence is invoked.

Even when violence succeeds in achieving immediate social gains, it tends frequently to feed on itself, with one power group imposing its will on another until repressive elements succeed in reestablishing order. The violent cycles of the French and Russian revolutions and of the decade resulting in the Third Reich are stark summits of history to ponder. All history teaches that as a conscious method of seeking social reform, violence is a very dangerous weapon to employ.

That is why our nation has sought to avoid violent methods of effecting social change, and to foster instead the principles of peaceful advocacy proclaimed in the Bill of Rights and the rule of law. As the President has reminded us:

"The purpose of these restraints is not to protect an 'establishment,' but to establish the protection of liberty; not to prevent change, but to insure that change reflects the public will and respects the rights of all."

The university is the citadel of man's learning and of his hope for further self-improvement, and is the special guardian of this heritage. Those who work and study on the campus should think long before they risk its destruction by resorting to force as the quick way of reaching some immediate goal.

Father Theodore Hesburgh of Notre Dame has observed that the university, precisely because it is an open community that lives by the power of reason, stands naked before those who would employ the power of force. It can survive only when the great majority of its members share its commitment to rational discourse, listen closely to those with conflicting views, and stand together against the few who would impose their will on everyone else.

Kingman Brewster of Yale has persuasively articulated this policy:

"Proposition one is the encouragement of controversy, no matter how fundamental; and the protection of dissent, no matter how extreme. This is not just to permit the "letting off of steam" but because it will improve [the university] as a place to be educated. Proposition number two is a convincing intention to deal speedily and firmly with any forcible interference with student and faculty activities or the normal use of any [university] facilities. . . . I see no basis for compromise on the basic proposition that forcible coercion and violent intimidation are unacceptable means of persuasion and unacceptable techniques of change in a university community, as long as channels of communication and the chance for reasoned argument are available."

Several attitudes held by members of the university community have often interfered with the application of these sensible standards. One is the belief of many that the civil law should not apply to internal campus affairs. They feel that the academy is an enclave, sheltered from the law, that the forces of civil authority may not enter the campus, save by invitation. This is a serious misconception—a residue of the time when the academy served in *loco parentis*, making and enforcing its own rules for students' behavior and protecting them from the law outside, save for such extreme crimes as murder and arson. Now that students themselves have firmly discarded school authority over their personal lives, they must logically accept the jurisdiction of civil authority. They cannot argue that of all Americans they are uniquely beyond the reach of the law.

At the same time, the university is ill-equipped to control violent and obstructive conduct on its own. Most institutions have few campus police; most of these are not deputized and thus do not possess true police power. Few schools have explicit rules either defining the boundaries of permissible protest or stating the consequences if the boundaries are crossed. Some have very loose rules for disciplinary proceedings; others have diffused disciplinary power so widely among students, faculty and administration that effective discipline is difficult to impose and is seldom imposed quickly enough to meet an emergency. And in most institutions the ultimate internal disciplinary sanction of suspension or expulsion lies unused because the campus community shrinks from its probable consequence—exposure of dismissed students to the draft and what students call the "death sentence" of Vietnam.

III. TO THE CAMPUS COMMUNITY

Out of many discussions with faculty members, students and administrators, and with full appreciation that no two institutions are the same, we offer the campus community the following specific suggestions:

(1) A broad consensus should be achieved among students, faculty and administration concerning the permissible methods of presenting ideas, proposals and grievances and the consequences of going beyond them. Excellent guidelines have been provided by the American Council on Education's recent *Declaration on Campus Protest*. These could usefully be supplemented by more detailed statements developed by representatives of the American Association of University Professors, the American Association of Universities, the American Council on Education, the Association of Land Grant Colleges and State Universities, the National Student Association, and possibly others. Where agreed-upon and explicit codes of student conduct and procedures for student discipline are lacking, they should be adopted; where they already exist they should be reviewed and, if necessary, improved.

Students have the right to due process and to participate in the making of decisions that directly affect them, but their right of participation should not be so extensive as to paralyze the disciplinary process itself. Codes for campus conduct should place primary reliance on the power of the institution to maintain order in its own house, and on its courage to apply its own punishment when deserved. These codes should also recognize the universal duty to obey the civil and criminal laws of the larger society, and the right of the civil authorities to act when laws are violated.

(2) Universities should prepare and currently review contingency plans for dealing with campus disorders. Advance plans should be made to determine, insofar as possible, the circumstances under which the university will use (i) campus disciplinary procedures, (ii) campus police, (iii) court injunctions, (iv) other court sanctions and (v) the civil police. A definite plan, flexibly employed at the moment of crisis, is essential. There have been enough violent and obstructive incidents on enough campuses to permit institutions to assess alternative courses of action and to anticipate both the varieties of disorder which might occur and the most appropriate response.

Most importantly, university authorities should make known in advance that they will not hesitate to call on civil police when circumstances dictate, and should review in advance with police officials the degrees of force suitable for particular situations. It is a melancholy fact that even in cases where the need for calling the civil police has been generally recognized, the degree of force actually employed has frequently been perceived as excessive by the majority of the campus community, whose sympathies then turned against the university authorities. Indeed, there is reason to believe that a primary objective of campus revolutionaries is to provoke the calling of police and the kinds of police conduct that will bring the majority over to their side.

(3) Procedures for campus governance and constructive reform should be developed to permit more rapid and effective decision-making. There is great misunderstanding and confusion as to where ultimate authority for campus decision-making lies. The fact is that the authority is shared among several elements.

By law, trustees are granted full authority over colleges and universities. But trustees cannot supervise the day-to-day affairs of a university; hence they delegate power to the president. The president, however, in addition to being the agent of the trustees, is the leader of the faculty. His effectiveness derives as much from campus consensus of faculty and students as it does from the power delegated to him by the trustees.

In the American system of higher education, the faculty plays the primary role in determining the educational program and all issues directly relevant to education and faculty research. Unlike the systems of some other countries, educational control in the American system is faculty-oriented; anything else is a deviation from the norm.

Faculty control of education and research is the best guarantee we have of academic freedom. It is a precious asset that must not under any circumstances be sacrificed. Most student demands for change pertain to educational and research matters, and too often their efforts have been directed toward administrative officers who usually do not have the power which students assume they possess. And often, too, some faculty members have mistakenly joined with students in using coercive force against administrative officers when it is the faculty itself that should deal appropriately and effectively with the issues in question.

Most other powers in the university are diffused. For most purposes, shared power is an asset. But to prevent disorders, universities must be able to respond quickly. Campus protests are sometimes escalated to the level of force because legitimate grievances, peacefully urged, have been referred to university committees which were slow to respond. Scholars have the habit of examining any hypothesis, debating it exhaustively, deferring decision to await more evidence, and when something must be decided, shunning a consensus in favor of subtle shades of disagreement and dissent. For the process of education, these are admirable qualities. But for dealing with naked force, they can be a prescription for disaster. Faculties therefore have a special obligation to organize themselves more effectively, to create representative groups with power to act, and to maintain constant and systematic lines of communication with students. They should be ready to meet every challenge to the educational integrity of the institution. If this integrity is compromised, it will be the faculty that suffers the most.

Students should, of course, have a mean-

ingful role in the governance of all non-educational, non-research functions. They should serve, too, on committees dealing with educational and related questions, exercising their right to be heard on these subjects, so long as the faculty remains paramount.

(4) Faculty leaders and administrative officers need to make greater efforts to improve communications both on the campus and with alumni and the general public. Campus difficulties are constantly aggravated by misinformation and misunderstanding. On campus, large numbers of faculty and students often act on the basis of rumor or incomplete information. Alumni and the general public receive incomplete, often distorted, accounts of campus developments. The communications media, on and off the campus, concentrate on controversy. Much of the peaceful progress of our colleges and universities is never communicated to the outside world. Campus authorities have the responsibility to see to it that a balanced picture is portrayed.

IV. TO THE LARGER SOCIETY

To the larger society, we make these suggestions:

(1) The majority of the American people are justifiably angry at students who engage in violent and obstructive tactics. While the public varies widely in its desire for social change, it shares a common belief in the value of social order. It also regards university students as among the most privileged in society—among those who should understand best the importance of freedom and the dangers of anarchy. One outlet for this public resentment has been the support of legislation withholding financial aid both from students who engage in disruption and from colleges and universities that fail to control them.

There has also been a steady weakening of public sentiment in favor of the additional public funding that higher education so badly needs. Current appropriations for new facilities and for annual operating costs have been insufficient. Some private universities have faced a reduction in individual and corporate gifts.

Existing laws already withdraw financial aid from students who engage in disruptive acts. Additional laws along the same lines would not accomplish any useful purpose. Such efforts are likely to spread, not reduce the difficulty. More than seven million young Americans are enrolled in the nation's colleges and universities; the vast majority neither participate in nor sympathize with campus violence. If aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim. If the law unjustly forces the university to cut off financial aid or to expel a student, the university as well may come under widespread campus condemnation.

(2) We believe that the urge to enact additional legislation should be turned into a channel that could assist the universities themselves to deal more effectively with the tactics of obstruction. State and municipal laws against trespass and disorderly conduct may not be wholly effective means of dealing with some acts of physical obstruction. They were not written to deal with such conduct, and they do not cope with the central issue—forcible interference with the First Amendment rights of others. There is a need for statutes authorizing universities, along with other affected persons, to obtain court injunctions against willful private acts of physical obstruction that prevent other persons from exercising their First Amendment rights of speech, peaceable assembly, and petition for the redress of grievances. Such laws would not be aimed at students exclusively, but at any willful interference with First Amendments rights on or off the campus, by students or by nonstudents. They would also be available to uphold the First Amendment rights of students as well as other citizens.

(3) Finally, we urge the American people to recognize that the campus mirrors both the yearnings and weaknesses of the wider society. Erik Erikson, a renowned student of youth, has noted that young and old achieve mutual respect when "society recognizes the young individual as a bearer of fresh energy, and he recognizes society as a living process which inspires loyalty as it receives it, maintains allegiance as it extracts it, honors confidence as it demands it."

One effective way for the rest of us to help reduce campus disorders is to focus on the unfinished task of striving toward the goals of human life that all of us share and that young people admire and respect.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. HART. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Is there further discussion?

Mr. DODD. Mr. President, I would like to direct a question.

The PRESIDING OFFICER. Who yields time? Is the Senator from New Hampshire yielding time?

Mr. COTTON. Mr. President, I am not yielding time yet.

Mr. DODD. Mr. President, I would like to ask a question. It will take only 2 minutes.

Mr. COTTON. Yes; I will yield a couple of minutes for the purpose of asking a question.

Mr. DODD. It is a question I ask for my own information.

Do I correctly understand that the language in section 407 amounts to this: If there has been more than two disturbances on a college or university campus, in the nature of disorders, which prevent students from pursuing their courses of studies, or if on two or more occasions persons have, without authorization, occupied a building or a part of a building, then the Secretary of Health, Education, and Welfare before he renews a grant or contract with that institution, may—it does not say he must—say to those institutions, "Now, look here, you have had more than two bad disorders and you have not done anything about it. You have not imposed any disciplinary punishment in your institution. You have not called in outside civil authorities. We do not think the American taxpayers' money should be poured in for such purposes."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. I yield to the Senator for 1 additional minute.

Mr. DODD. "Since we do not think the American taxpayers' dollars should be paid out where these conditions prevail, unless you give us assurance that you are going to do something about it and have some plan for coping with the problem, I am afraid we are going to have to withhold your grants and contracts."

Is that correct?

Mr. COTTON. That is a continuing course that interferes with students pursuing their studies by taking over facilities. It is continuous in that it has to be on more than two occasions. Then the Secretary has the right, if he deems it necessary and proper, to say, "You have got to give more evidence of showing that you are going to set your house in order."

Mr. DODD. What is wrong with that?

Mr. COTTON. I do not know.

Mr. DODD. I do not, either, and I do not think the American people do.

Mr. COTTON. I thank the Senator.

Mr. President, I yield myself 10 minutes.

Mr. President, I desire to change one word in the language. At the bottom of page 63, last line, line 22, after the word "students," change the word "and" to "or".

Mr. HART. Mr. President, what is the change?

Mr. COTTON. At the bottom of page 63, last line, after the word "students," the "and" should be "or".

The PRESIDING OFFICER. The Senator does not have the right to alter the language because this is not his amendment.

Mr. COTTON. Mr. President, I beg the Chair's pardon. Of course, I will not change it if I cannot do it.

The PRESIDING OFFICER. It will be in order to propose such a change when the time expires.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COTTON. I yield to the distinguished majority leader.

QUORUM CALL TAKEN DURING CLOSED SESSION ON DECEMBER 15, 1969

Mr. MANSFIELD. Mr. President, if the distinguished Senator from New Hampshire will allow me a minute or so, I ask unanimous consent that quorum call No. 231, which was taken on December 15, 1969, during the closed session of the Senate, be printed in the RECORD of today for the convenience of those who keep records of attendance and voting records of Senators. No question of security appears to be involved in revealing the names of Senators who were present.

There being no objection, quorum tally sheet was ordered to be printed in the RECORD, as follows:

[No. 231 Leg.]

Aiken	Goodell	Moss
Allen	Gore	Murphy
Allott	Gravel	Muskie
Baker	Griffin	Nelson
Bayh	Gurney	Packwood
Bellmon	Hansen	Pastore
Bennett	Harris	Pearson
Bible	Hart	Pell
Boggs	Hartke	Percy
Brooke	Hatfield	Prouty
Burdick	Holland	Proxmire
Byrd, Va.	Hollings	Ribicoff
Byrd, W. Va.	Hruska	Saxbe
Cannon	Hughes	Schweiker
Case	Inouye	Scott
Church	Javits	Smith, Maine
Cook	Jordan, N.C.	Smith, Ill.
Cotton	Jordan, Idaho	Sparkman
Cranston	Kennedy	Spong
Curtis	Long	Stennis
Dodd	Magnuson	Stevens
Dole	Mansfield	Talmadge
Dominick	Mathias	Thurmond
Eagleton	McCarthy	Tower
Eastland	McClellan	Williams, N.J.
Ellender	McGee	Williams, Del.
Ervin	McGovern	Yarborough
Fannin	McIntyre	Young, N. Dak.
Fong	Metcalf	Young, Ohio
Fulbright	Mondale	
Goldwater	Montoya	

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, I would like to state that it is the hope of the leadership that special orders and speeches of various kinds, if possible, be held in abeyance until we are through with the appropriation bills, such as the one now under consideration, to be followed, hopefully, later this afternoon by the Department of Transportation appropriation bill, to be followed, hopefully, either this evening or tomorrow, by the foreign aid appropriation bill, to be followed by the supplemental appropriation bill.

That will clear the calendar as far as appropriations bills are concerned.

I would hope that Senators would allow us to expedite them and get them to conference, and hopefully get us out at a reasonable time.

Mr. COOK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COOK. Is it the intention of the majority leader that we work late again tonight?

Mr. MANSFIELD. Yes. Of course, that decision will be up to the Senate.

NOMINATION OF HENRY J. TASCA, OF PENNSYLVANIA, TO BE AMBASSADOR TO GREECE

Mr. MANSFIELD. Mr. President, I have been approached by a number of Senators on the nomination of Mr. Tasca to be U.S. Ambassador to Greece. They have indicated that they would like a further postponement. I had stated that I thought we had postponed the consideration of the nomination of Mr. Tasca, regardless of one's feelings on Greece, long enough, and it was my intention, even though I promised the Senator from New York (Mr. GOODELL) twice, once that the matter would be brought up this morning, and, second, that it would be brought up tomorrow morning, to wait until tomorrow afternoon or until the disposal of the appropriation bills before turning to the consideration of the nomination of Mr. Tasca.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I am sure the Senator will accommodate the junior Senator from New York if it is a matter of a few hours.

Mr. MANSFIELD. I thank the Senator for yielding.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS 1970

The Senate continued with the consideration of the bill (H.R. 13111), making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. COTTON. Mr. President, I think I can be very brief. First, may I say the comments made by the distinguished senior Senator from New York on the content of this amendment were very well taken and very clearly express the issue at stake.

I noted with some slight amusement that the distinguished Senator from Michigan widely disagreed with the Senator from New York about the approach.

The first question that should be determined by the Senate is what is the best approach in dealing reasonably and effectively, insofar as Government has a right to deal, with the problem of riots on college campuses. Despite the fact that it is already in the law, although the House language in this bill goes further and strengthens what is in the law, I happen to believe that it is absolutely the wrong approach to have the Federal Government get involved in the punishment of individual students or participants.

I remember when that question was initially brought up and the first bill was introduced to that effect, I and other Senators had as great, if not greater, an outpouring of protests from the colleges and universities than has occurred over the language I submitted to the amendment in this bill.

In the case of riots, disorders or other trouble, no one except the college authorities is in any position to determine, who are the instigators, who are merely participants, and who are innocent bystanders. When we try to place that task on the shoulders of the Secretary of Health, Education, and Welfare, or any other Federal official, and give him the responsibility and the power to go into a college and say that student A is guilty, therefore we take his scholarship away from him or we stop his loan, or something else, that, on the face of it, is not practical.

That is the House approach; and I call to the attention of the Senate that the House approach is a very harsh one, because, after it cites the public law, it goes on to say:

No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance of others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. COTTON. I yield myself 5 more minutes.

Mr. President, that is a sweeping approach. It interferes with academic freedom, and it should not, in the opinion of this Senator, under any remotest contingency be placed as a restriction on this or any other bill. It cannot possibly be justly enforced. It is all-encompassing, and applies directly to people whose conduct can only be adequately evaluated by the college authorities.

On the other hand, the next question we have to resolve is this: If we are against that harsh and sweeping language, should the Senate go to conference with the House of Representatives with nothing, or should we go in with our own language?

If we go with no Senate language, out of the conference, presumably will come either nothing, or some modified version of the House approach. I honestly feel it is the wrong approach and a dangerous one, and I agree with the distinguished Senator from Michigan, who said that he did not believe in the Government attempting to punish individual students or others on college campuses.

Because of that, because I felt we should not go to conference with a vacuum, and because I have some very strong feelings that there is a better way, I offered and the committee finally saw fit to accept the language that is in this bill.

That simply says:

The Congress recommends the following limitation.

Something was said about that. The Senator from New York said that constituted something more than the sense of Congress. Actually, that line was put in because, as Senators know, I wanted to make clear that this was a limitation, and could not be subjected to a point of order that the language constituted legislation in an appropriation bill. That is why that sentence was put in.

What does it do? It says that when any institution of higher learning has had a continuous history—and then it defines that term—more than two occasions; it has got to be at least three. When there is a continuous history of disorder on the campus, consisting of either of two things: Taking possession of college buildings, or interference with other students going to classes and pursuing their education.

There is not one syllable or insinuation, that there is any objection to peaceful demonstrations, or to picketing or protesting.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I yield myself 5 additional minutes.

There is not even anything in there that hints at public meetings and interrupting U.S. Senators when they are making speeches on colleges campuses. It is directed at just two contingencies: Taking unauthorized possession of college property, or interference with other students in the pursuit of their education.

Mr. HATFIELD. Mr. President, will the Senator yield at that point? I should like to ask one or two questions on this section.

Mr. COTTON. If the Senator will permit me, in another 2 minutes I shall have completed my analysis, and then I shall be happy to yield.

Mr. HATFIELD. Fine.

Mr. COTTON. The language goes on to state the further limitation that—

Such institution has not punished any such persons who are students, has not prosecuted or tried to prosecute any of such persons who are not students, and did not request assistance from any State or local government law enforcement officials in terminating such disorderly conduct.

That means just two things, taking possession of buildings or interfering with classes.

It provides:

> That before grants, contracts, or renewals thereof with such institutions shall be entered into, the Secretary is authorized to require * * *

It does not say he must. It does not say he shall. It says that he may, if in his judgment he thinks that an institution has not kept its house in order to the extent that there is a long history of disorder in which one of these two elements exists. He may, he is authorized:

> To require such institutions to submit a plan which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recur, or if recurring, will be dealt with effectively.

It says that in a case where there is a history of the college authorities permitting students to run rampant, take over buildings, and interfere with the processes of education, he may ask them, the college authorities, to convince him or give him some assurance that they have a definite plan to set their house in order before grants are given to them.

That does not interfere with academic freedom. Any college that wants to can have all the riots it chooses, have its buildings taken over, and have its students interfered with. It just means such colleges have to pay their own bills, if the Secretary sees fit.

Why should we dig down into the taxpayers' pockets and continue to subsidize campus riots? Twenty-five percent of the cost of higher education is now being borne by the Federal Government through grants, contracts, research scholarships, fellowships, and training courses—25 percent of it. Is it unreasonable to suggest that in making those grants of the taxpayers' money, the Secretary is authorized to look into the conduct and try to secure some cooperation from such institutions.

This provision does not include fellowships, scholarships, loans, or any other form of aid to the individual student.

It is clear and plain.

Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for an additional 5 minutes.

Mr. COTTON. Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator.

I should like to ask for some further clarification of the language of the proposed amendment.

Would the Senator from New Hampshire interpret the language "disorderly conduct" on line 14 to include the possibility of drunkeness?

Mr. COTTON. No. It goes on to define what disorderly conduct does mean. Drunk, sober, or otherwise, the only disorderly conduct it contemplates is the conduct involved in going in and taking over an administration building.

Mr. HATFIELD. But it says here, "has interfered in any way with the right of students at such institution to carry out their regular educational activities."

I believe the Senator indicated that was one possibility upon which this kind of action could be taken.

Mr. COTTON. The Senator is correct.

Mr. HATFIELD. Mr. President, disorderly conduct in the legal definition in civil court could include drunkenness, I believe. It says:

> Has interfered in any way with the right of students at such institution to carry out their regular educational activities; . . .

Having been on a university campus professionally for about 7 years of my life, I can tell the Senator of an occasion when students under the influence of alcohol had actually interfered with a library. A library is defined as an educational activity.

I can also indicate to the Senator occasions on which students under the influence of alcohol had interfered with the study of other students in dormitories during stated study hours.

I could indicate further that there have been seminars held at night where students under the influence of alcohol had interfered with the right of other students to carry out their educational activities.

It seems to me that the phraseology "disorderly conduct" could include drunkenness or perhaps being under the influence of drugs or some of the other activities that seem to go on in certain places and could include classrooms, libraries, and dormitories. At least, this was some of my experience that as former dean of students, I found in my academic and administrative responsibility in a university.

I did not know whether this was intended to apply to such occasions or how the Senator interpreted the language.

Mr. COTTON. Mr. President, I thank the Senator. Most of us have been to college. And college students are not and never have been models of perfection.

Mr. HATFIELD. Except the present speakers.

Mr. COTTON. I agree with the Senator. We could except the present speakers.

Down through the years we have had rough housing in dormitories and all kinds of more or less comparatively minor disorders. It is clear to me from the language of the provision that it means taking over a building or other organized interference, and not just a roughhouse, but a real interference that disrupts the classroom activities of those who are there seeking an education.

There is no need to put a strained interpretation on this. I think the matter has been as carefully defined as is possible.

As a matter of fact, college presidents in my own locality with whom I have a close personal relationship have not raised one single objection to this matter. On one or two occasions they have suggested this as a better approach.

Lest I do not get a chance to make my final point—and I will ask the Senator to be patient with me for a moment—I revert to the question with which we started.

It is ridiculous to say that this is an entering wedge for Government control of education. That is pure unadulterated poppycock. We are dealing with handing out money. Nobody is interfering with the right of freedom of colleges and higher institutions.

I do not see how we could ever work more injustice than to reach out the long hand of the Federal Government to punish a student because someone has decided that he should lose his scholarship loan, or some other aid.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for an additional 3 minutes.

Mr. COTTON. Mr. President, if we go to conference with no Senate language at all, then I do not see how anything would happen except that we meet with the House and deal with their approach, which I believe is wrong.

I do not insist that everyone agree that mine is the right approach. But at best without Senate language, in conference, we are likely to come out with a somewhat watered-down version of the House bill and extend the provision to continue punishing individuals and institutions.

Mr. President, how much time remains?

The PRESIDING OFFICER. When the Senator has used the rest of his allotted time, he will have 14 minutes remaining.

Mr. COTTON. Mr. President, I yield 2 minutes to the Senator from Oregon.

The PRESIDING OFFICER. It is now 1 minute.

UNANIMOUS-CONSENT AGREEMENT

Mr. MAGNUSON. Mr. President, if I had been here yesterday when we made the unanimous-consent request, I would have provided for much more time, I hope, on this very important matter. And I am sure that the leadership will not mind my request now.

I ask unanimous consent that there be an additional 10 minutes provided for each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COTTON. Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator.

Mr. President, on line 20, the language beginning with "such institution" indicates that after it has been determined by the Secretary of HEW that such incidents took place on at least two occasions——

Mr. COTTON. It has to be more than two occasions.

Mr. HATFIELD. That such institution has not punished any such persons who are students.

When the word "institution" is used there, here, again, I would like to ask the Senator for clarification. Does the Senator mean the administration of that institution?

The PRESIDING OFFICER. The Senator's allotted time has expired.

Mr. COTTON. I yield 2 additional minutes to the Senator from Oregon.

Obviously, I mean suspending, expelling, or in some way administering pun-

ishment by the institution itself, not by anybody else.

Mr. HATFIELD. What I mean by that is that an incident could take place in a particularly large university, in one class or one department of the university, of which the actual dean of students, or whoever the administrative officer was in charge of discipline, might be totally unaware. I can assure the Senator that in some universities there is not this kind of intimate communication between everything that happens on the campus in every classroom and the so-called administration part of the university.

Mr. COTTON. I know the Senator has specialized knowledge in this matter.

In the first place, this is not a matter of minor incidents. This language means a real riot, taking over buildings or holding up the educational activities of a university. The Senator is straining the interpretation beyond all reason, when he talks about incidents. A student who is drunk and prevents another student from going into the library would not be judged by anyone to be in violation because of this language.

I must yield more time. If the Senator wishes to go into that further, perhaps he can get time from the other side.

Mr. HATFIELD. I am not on either side.

Mr. COTTON. I may have some time left.

I yield 5 minutes to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the distinguished Senator from New Hampshire.

I first want to address myself to the Senator from Oregon. The real answer to his question is this: There is no mandate made to the president of any university. He is simply authorized to go into this subject prior to entering into the contracts or grants. The committee well knew that there would be degrees of seriousness in this matter and left great discretion with the president. The Senator will find no mandate at all in this matter. My own feeling is that the Cotton amendment is vastly preferable to the House amendment.

I was a little amused by the difference in approach of the Senator from New York and the Senator from Michigan. The Senator from New York says, "We want the approach in the House bill." The Senator from Michigan says, "We do not want the approach in the House bill, because we do not want any direct relation between the Government and the private pupil or the one having the fellowship, and so forth."

I think this illustrates how little thought through has been the objection to this amendment, which was very much thought through in the committee. It was the feeling of the committee that we should not ignore the fact that our public, who is putting up the tax money, the Federal tax money, has great concern about what is going on on the campuses.

I do not know whether Senators read an editorial in the New York Times this morning entitled, "The New Fascists." I will read it hurriedly:

> One can agree or disagree with Dr. S. I. Hayakawa's views on politics, higher education and campus administration. But there can be no disagreement about the reception he was given by radical students and some nonacademic hangers-on during his guest lecture at Columbia University: it was an arrogant display of total contempt for free speech and academic freedom. The rights of those among the 1,300 students who had come to hear the president of San Francisco State College, or to question his opinions in legitimate debate, were outrageously violated by disruptive mob action.
>
> Anyone with a trace of concern about the free exchange of ideas must be appalled by the need for 300 police officers protecting a man's right to be heard and an audience's right to hear—not in an political brawl but on a university campus. Those radicals who considered the necessity for such security measures a "victory" of their revolution—as one of them declaimed—demonstrated only their own subservience to the principles of totalitarianism. These are the new fascists of our generation.

Mr. President, these are pretty strong words from the New York Times, but it is about what the public is thinking about these demonstrators on the campus. They seized the occasion to put on this great demonstration against the one head of the one great institution of learning who has asserted most fully the right of a college administration to require that law and order be observed on the campus. That is exactly what Dr. Hayakawa has done.

I do not think that in the spending of Federal money, as we do under this appropriation bill, we would be on firm ground at all if we ignored the fact that these things are going on on university campuses and college campuses.

It was the opinion of our committee that it was much better to deal between the Federal Government and the institution of learning on a discretionary basis of the president of that institution, rather than to try to carry the matter on down to the individual student, the borrower, or the contractor. I maintain that it is better judgment to do it that way. I strongly support the Cotton approach, and I strongly dissent from the idea that we should approve the motion of the Senator from New York, to simply strike out this matter as if we were blind to the fact that this trouble does exist on the college campuses and blind to the fact that we are appropriating public money and that the public has a great interest in this matter and will expect us to do something to see that anything that is done through the use of Federal money be done in such a way as to try to gain better respect for law and order and better opportunity for students to get the education they go there to get.

Mr. President, I strongly support the Cotton amendment which is in the bill.

Mr. COTTON. I thank the Senator.

Does the Senator from Washington require some time?

Mr. MAGNUSON. No.

Mr. COTTON. Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I feel that the arguments of the Senator from New Hampshire have been eloquent and well reasoned.

However, I find myself in support of the pending amendment for four basic reasons.

First, I think that when we carried on the long debate over many years as to whether there should be Federal aid to education, the main argument used by opponents was that it would really mean control by the Federal Government of our educational institutions. Certainly, we see in the bill, an indication of such an attempt by controlling the disciplinary actions on the campuses of our universities across the country—several thousand of them—by the Federal Government, because we provide funds. The threat of cutting off those funds if they do not adhere to an agreed upon policy by an agency of the Federal Government is a very real threat. Certainly, the worst fears of those who oppose Federal intervention and aid to education would now be realized.

Second, from what I understand of the intentions and desires of the radicals who really wish to destroy the free institutions of this country, we possibly, by this amendment, would be playing into their hands. I have heard radicals say, "It is our objective to close every college and university campus in America, if we can. By so doing, we would strike the most disastrous blow we could at the United States of America and everything it stands for." That is true.

I should think that if this authority in the bill were placed in the hands of the Federal Government, it would lend impetus to the attempts of the radicals to create disturbances that would then call for intervention by the Federal Government. Certainly, it might serve the objectives of the radicals rather than frustrate them. If they could get the Federal Government to cut off funds, that would help meet their objective to close universities and colleges throughout the country.

Third, I think that for us to take defeat this amendment would be in disregard of the advice we have received from the university and college heads who appeared before the permanent Subcommittee on Investigations when we were investigating campus disorders. From one college or university to another, from the east coast to the west, the administrators came to us and said that, in their judgment, it would be wrong to place this power in the hands of the Federal Government. They said, "Let us handle our disciplinary problems. In fact, we think we are going to do it better by sharing responsibility with our students so that we can have this matter handled at the student level." They said that to leave discipline up to the Federal Government would, in their judgment, be wrong.

I feel that we should not impose upon a Federal agency an authority and a power which it says it does not want.

Secretary Finch could not have been clearer than when he stated in his forthright letter that permitting the Government to withdraw funds "would impose on the campuses a Federal presence frought with dangerous implications for a society which cherishes academic freedom."

In concluding, he said:

> The Federal Government must not be placed in the role of enforcer or overseer of rules and regulations for the conduct of students, faculty, and other university employees.

Mr. JAVITS. I thank the Senator from Illinois.

I yield 3 minutes to my colleague from New York.

Mr. GOODELL. Mr. President, I think many useful things came out of the colloquy between the Senator from Oregon and the Senator from New Hampshire. The amendment that is in the bill now, section 407, provides that if certain events take place more than twice on a college campus, then the Federal Government is authorized to move in and require that the university file an acceptable plan—acceptable to the Secretary of Health, Education, and Welfare—that will control such incidents in the future. What are those occurrences that take place?

Mr. COTTON. Mr. President, will the Senator yield to me one-half minute on my time?

Mr. GOODELL. I am delighted to yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I am compelled to correct my friend. The provision does not provide if two contingencies take place on the campus the Federal Government would move in because they can only move in if the institution made no attempt to do anything about it.

Mr. GOODELL. Yes; I am coming to that. I have no desire to misrepresent the Senator's amendment because I am against it as it is without misrepresenting it.

First of all, if one of two things takes place, then this section will be operable: One, for disorderly conduct that has interfered in any way with the right of students at such institution to carry out their regular educational activities. It does not say organized disorderly conduct. It does not say as a part of a movement. It says "disorderly conduct that has interfered in any way with the right of students." If that happens more than twice that is the triggering device for the operation of the section. Then, there is the second proviso of taking over a building in an unauthorized way.

In addition, there is another requirement that if either of those events takes place this section goes into effect, providing the institution has not punished the students or prosecuted or tried to prosecute any of such persons who were not students.

But as I read the language, if the university has called in the State or local police, even though you qualify in every other way, the section would not be operable. So there is a special pressure on the institution, whatever happens, to bring in the local or State police.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself 1 minute of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. In order to do so, it provides that—

> Such institution as not punished any such persons who are students, has not prosecuted or tried to prosecute any of such persons who were not students, or did not request assistance from any State or local government law enforcement officials.

If they did any of those three things the section would not be triggered off; any one of them.

Mr. GOODELL. Mr. President, will the Senator from New York yield to me for 1 additional minute?

Mr. JAVITS. I yield.

Mr. GOODELL. That is the whole point I am making. If they have done any of those things, the section is not operable. So the university is put in a position, if they want to protect themselves, where all they have to do is call in the State or local police on anything that happens. It has been proved that this is the worst possible thing that can happen. If it is the desire to escalate one of these incidents, just immediately call in the State or local police.

Mr. PASTORE. Mr. President, will the Senator yield to me for 2 minutes?

Mr. JAVITS. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I think we are all in agreement that this is a distressing and objectionable situation. There is no question about it. I do not think any Senator or anyone in the country thinks we should tolerate this sort of situation. The bastion, the one remaining bulwark of academic freedom of expression is the university. If we destroy the universities, then we have destroyed the very essence of our democracy.

I have read this provision carefully and there is a part that disturbs me. I do not find any fault with this amendment until I get down to the last line on page 63. I do not find too much fault with the university punishing a student who has conducted himself in a disorderly manner so as to disrupt the regular daily studies of his fellow students; and the university certainly has exclusive jurisdiction there.

Mr. President, when you come to the next part which reads:

> Such institution has not punished any such persons who are students, has not prosecuted or tried to prosecute any of such persons who are not students—

That is a legitimate request. They should try it. If nonstudents break into a building and try to take it over, they are trespassing and they should try to have them prosecuted.

But this is where I find fault. The section then provides:

> and did not request assistance from any State or local government law enforcement officials in terminating such disorderly conduct or unauthorized possession.

I am afraid we may be encouraging exactly what the Senator from New York said would be encouraged because that is what all these rowdies are looking for—for the college authorities to call in the police—and then the rowdies induce the entire faculty and student body to demonstrate.

Mr. COTTON. Mr. President, on my time, will the Senator yield to me for 1 minute so that I may answer that statement?

Mr. PASTORE. I yield.

Mr. COTTON. The Senator was not here at the beginning of the debate. This was an area, and I asked before debate started consent to amend the language by changing that "and" to "or."

Mr. PASTORE. I think the Senator should delete it completely.

Mr. COTTON. I have no particular intention to do that, but I was told I could not do it until the time had expired and that is why it was not done.

Mr. PASTORE. I think it should be deleted.

Mr. COTTON. I compliment the Senator for putting his finger on the one thing that bothers me, too.

Mr. PASTORE. I am reading from the printed bill. The next paragraph is worse. It reads:

> That before grants, contracts, or renewal thereof with such institutions shall be entered into, the Secretary is authorized to require such institutions to submit a plan or program which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recur, or if recurring, will be dealt with effectively.

I do not know what that language means. I tell Senators frankly that is a guarantee I do not think anybody could give. Many of our administrators in our universities have not moved fast enough to prosecute, but this idea that they have to give assurance it will not happen again, to my mind, is impossible to guarantee.

Mr. JAVITS. Mr. President, I thank my colleague, the Senator from Rhode Island, very much.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 6 minutes remaining and the Senator from New Hampshire has 15 minutes remaining.

Mr. JAVITS. Would the Senator from New Hampshire mind using some of his time?

Mr. COTTON. Yes. I will be glad to do so right now. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. COTTON. Mr. President, in the first place you cannot have it both ways. Some Senators have raised objections and I think they are very logical.

They have said, if this language were adopted, that some Communists and some people who want to close the universities would instigate a disorder just for the sake of causing the university to lose its research grants and other help from the Government. To them I call attention to the fact that it is the easiest thing in the world for any university to safeguard itself against that contingency because all they have to do is take a firm stand.

A higher institution of learning which has had a series of disorders which have nothing to do with peaceful picketing or protesting, disorders that take over property or interfere with students in their education or going to classes, more than two and, they have not done anything about it, they have suspended no one, they have not tried to prosecute anyone, they have called in no outside aid, all those things have to be there so that the Communists will not be able to put the universities out of business. I

would guarantee that out of all those colleges and universities in this country, we could count on the fingers of our two hands the number that would get to that situation, because it would have to be extreme. Then, in addition, they complain that we should not ask the Secretary of Health, Education, and Welfare to exercise any such authority. He does not have to. It is purely permissive. Who is going to protect the taxpayers? Who is it that makes the grants and awards the contracts? It is the Department of Health, Education, and Welfare. When the Secretary himself says—he told a different story to me, he said he did not like my language because it threw the budget off, but he testified in committee that it was far better than the House language—but when he sends up a telegram, and letters, and says, "I do not want this authority," I do not blame him. Who will say that if he does not even want the authority, he will abuse it?

My personal opinion is that he probably would not use it. Certainly there is no danger that he would start in and make himself a tyrant and place the heavy hand of the Federal Government on the administration of a college. He would be the last one to do that. So would any other Secretary. That is why they do not want it, but the taxpayers want something done.

Mr. HOLLAND. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. HOLLAND. I want to say that I hope the Secretary will use it in an appropriate case, that we will not be protecting the taxpayers' money unless he is authorized to use it. It is only on a third strike basis. We allow three strikes for many things in this country, and this would give institutions of learning the opportunity to see that we do have law and order. This would be the Secretary speaking for the country and he would be protecting the taxpayers' money. This would be completely at his discretion and could be done by the Senator's amendment.

Mr. JAVITS. Mr. President, the biggest problem with this amendment of the Senator from New Hampshire has not even been mentioned; that is, it is in an appropriation bill, good for only the remainder of this fiscal year. Here, every year, we redebate things which are completely nongermane to the issue in an appropriation measure which is, how much money are we going to give higher education. And then what do we ask of the college president? We have to interpret that to mean the worst kind of Federal control of education. That is why they are protesting. We put a telegram on every Member's desk from the Association of American Colleges. That is what this is all about. Read last year's appropriation bill. It is a 180° difference from what the Senator from New Hampshire (Mr. COTTON) wants to do this year.

Last year we did substantially what is done in the higher education law. We dealt with the individual student. This year the Senator from New Hampshire comes in with a totally new proposition. I admire his frankness and his candor, which is typical of him. He says in effect, "Of course, I want to reverse this thing. I am going to let out the individual student and go after the institution."

Mr. President, it does not make that much difference that he will go after it mildly or quietly, or give the Secretary the authority. What the American institutions of higher learning are afraid of is precisely that authority. They would like to know what the deal is rather than leave it to the Secretary. That is the worst kind of Federal control over higher education. That is exactly what my amendment is all about.

The Senator from Michigan (Mr. HART) and I are not in disagreement. I may have misspoken myself as to the exact terms of what was in last year, and I may have referred to the House bill. The fact is that we have dealt with this matter of lower and higher education. These are things which should be dealt with, leaving decisions to the individual institution. We get set with guidelines on what the Senator from New Hampshire was arguing about, leaving it to the individual institution to determine the instigators, the disrupters, and so forth. Now we want to take it away and in some form give it to the Secretary. That is a 180° turn and is not in the interest of higher education or of Federal aid. That is why we are against it.

Mr. President, it is high time the Senate struck it out 100 percent and decided that it is not going to deal with this type of response. That is here in an appropriation bill. Why do we have the Committee on Labor and Public Welfare for? If the Appropriations Committee is going to run education, and defense, and is going to run transportation, and is going to run everything else and decide the basic policies, we might as well go out of business and forget it. That is the issue before the Senate.

Here we are again with this question in some different form. It is a 180° change. I deeply believe that the Senate should, in its wisdom, decide who will handle this thing, an educational committee with an education bill, thought through from the educational point of view, or handle it on the budgetary level.

I respectfully submit that that should be clear notice to everyone, that if we are going to handle this on the money level, it will be notice to the institutions of higher learning that we will be using money power to tell them how they are going to run their institutions. There is no other way out.

Mr. COTTON. Mr. President, I am very much interested, indeed, to hear my good friend from New York reproaching me for trying to put this language into an appropriation bill.

Let me inform the distinguished Senator from New York that I first introduced this in the form of a bill because I felt that its place was in a legislative act. Then I picked up the Congressional Directory and I discovered that the chairman of the legislative committee to whom the bill would be referred is my dear friend and highly respected Senator from Texas (Mr. YARBOROUGH).

And who was the ranking Republican on that committee?

My dear friend and highly respected Senator from New York (Mr. JAVITS). [Laughter.]

I knew instantly what my chances were of getting that bill reported out of their committee. [More laughter.]

I am sure that when the Senator from New York read the first sentence, he knew that he would be against it.

He was against it when he heard who introduced it.

That is why it is in an appropriation bill, because we did not have a Chinaman's chance of getting it in any other bill.

That is my answer.

Mr. JAVITS. Mr. President, what the distinguished Senator from New Hampshire (Mr. COTTON) is asking us to do is to legislate his bill because he could not get it in any other bill.

He could amend the higher education bill on the floor as easily, but he chooses a money bill because he is on the Appropriations Committee.

It is as simple as that.

I do not believe that is anything against the Senator from Texas (Mr. YARBOROUGH) or myself. It is our duty to seek to act upon what we believe in or do not believe in. There are many members on that committee. Some may agree with the Senator from New Hampshire and would fight tooth and nail for the proposition. I have lost many provisions in committee, on the floor, and in conference. I probably will again.

But I must say this is a very rare reason why the Senate—I understand why the Senator from New Hampshire (Mr. COTTON) wants to put it here—should go along with such an unwise course. That is a great reason—because he knows he could not get it in a higher education bill. Why not do it on the floor or some other place? Why not use that as a reason why we should do an unwise thing in this bill?

Mr. PASTORE. Could we not charge it to political maneuvering?

Mr. JAVITS. I do not like to use that term.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. One aspect of this that has intrigued me is that there is great opposition, which I share, to the unfair intrusion of the Federal Government into elementary school problems. Yet those same people who object to the Federal Government's intruding into education at that level here want it to intrude at the higher level.

Mr. JAVITS. That is right.

Mr. FULBRIGHT. That bothers me. It is inconsistent with the idea of the Federal Government's going too far—and I have often said this in the past—into activities at the elementary level.

I do not know how I can be consistent with my past position if I approve this provision saying that the Secretary should call the tune for all the colleges. Is that a correct statement?

Mr. JAVITS. That is exactly right. That is the reason for the amendment.

Mr. FULBRIGHT. It seems to me we

should not vote to federalize higher education any more than absolutely necessary.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. COTTON. Mr. President, I have had a little fun with my friend from New York about his committee. I want to say I am sure that if I had gone to his committee and sought a hearing, he would have been most courteous. He always is. I am equally sure he would not agree. I am equally sure that the people who are digging into their pockets and who are paying the bill are not anxious to have their money spent in this way.

Mind you, Mr. President, this provision could apply only to a few colleges, and then after a long and flagrant history of disorder. It does not put the Federal Government into the field of running the colleges.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COTTON. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. COTTON. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I do not see that the provision requires the disorder to be long and flagrant. It seems to me the Secretary, if he were so disposed, could find it rather easily. I do not see that kind of language.

Mr. COTTON. Let me call the Senator's attention to the language. First, there must be a series, and that is more than two occasions. Second, on those occasions the college must not have done anything. If it suspended one student, if it expelled one student, if it prosecuted one student who had interfered on the campus, or if it called in one police officer, this provision would not take effect.

Furthermore, it is purely optional on the part of the Secretary. It simply says he is authorized if he thinks it is necessary.

We know colleges that have had real distress and trouble. We know in many cases they have done their best and are not blameworthy. I doubt if there are many colleges that have had a series of at least three occasions when either the buildings were taken over or classes and activities had been disrupted, that have not disciplined the offender. I doubt at the moment that a single college would be affected by this provision. But we do not want any college to get into that situation and I do not want the taxpayer's money used in places like that.

Mr. FULBRIGHT. It has happened in places like Columbia, which is an outstanding example, and at institutions in California. If they are not affected by this provision, then no other school would be affected.

Mr. COTTON. If it has happened three times, it would be.

Mr. FULBRIGHT. I am somewhat concerned about giving a bureaucrat or an appointed official in the executive this arbitrary power in the field of education.

I have just finished a conference on the foreign aid bill. I find a strange situation in which the Appropriations Committee apparently was trying to specify a program of which the legislative committee disapproved. So what the Senator has said and what the Senator from New York has said about legislating authorization strikes a responsive chord, because in that field the Appropriations Committee of the House undertook to provide unbudgeted estimates for planes to Taiwan and an extra $50 million for Korea without express approval.

Mr. COTTON. Mr. President, I am on limited time.

Mr. FULBRIGHT. So what the Senator said about the legislative committee short circuiting the Appropriations Committee strike a responsive chord.

Mr. COTTON. I am not responsible for the Senator's responsive chord, but he has had experience in this field, and I doubt if he approves of the House approach of having the Federal Government start undertaking to find the guilty and punishing them. The Senator is against that.

Mr. FULBRIGHT. I am. If this is a minimum, if I have to choose between this amendment and the House provision, I will take the Senator's amendment, but I did not understand that that was the choice.

Mr. COTTON. That is the choice. The House wants the other system. The choice here is: Do we want to put this provision in or approve the other system? Nobody but the college can decide who is the instigator and who is an innocent bystander.

Mr. FULBRIGHT. I did not think that was the only choice.

Mr. JAVITS. If this provision is stricken out and the Senate insists on its stand, we do not have any.

Mr. COTTON. We go to conference with the House proposal.

Mr. FULBRIGHT. I am not for that proposal.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Do I correctly understand that to strike the provision requires a "yea" vote

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. Mr. President, is this a motion to strike or an amendment?

The PRESIDING OFFICER. A motion to strike a provision which is now in the bill.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico, (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 49, nays 43, as follows:

[No. 249 Leg.]

YEAS—49

Aiken	Hart	Packwood
Baker	Hartke	Pastore
Bayh	Hatfield	Pearson
Brooke	Hughes	Pell
Burdick	Jackson	Percy
Case	Javits	Prouty
Church	Mansfield	Ribicoff
Cook	Mathias	Saxbe
Cranston	McCarthy	Schweiker
Dole	McGee	Scott
Eagleton	McGovern	Stevens
Fulbright	Metcalf	Tydings
Goodell	Mondale	Williams, N.J.
Gore	Montoya	Yarborough
Gravel	Moss	Young, Ohio
Griffin	Muskie	
Harris	Nelson	

NAYS—43

Allen	Ervin	Murphy
Allott	Fannin	Proxmire
Bellmon	Fong	Randolph
Bennett	Goldwater	Smith, Maine
Bible	Gurney	Smith, Ill.
Boggs	Hansen	Sparkman
Byrd, Va.	Holland	Spong
Byrd, W. Va.	Hruska	Stennis
Cannon	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Long	Tower
Dodd	Magnuson	Williams, Del.
Dominick	McClellan	Young, N. Dak.
Eastland	McIntyre	
Ellender	Miller	

NOT VOTING—8

Anderson	Inouye	Russell
Cooper	Kennedy	Symington
Hollings	Mundt	

So Mr. JAVITS' amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, I understand that the bill is now open to further amendment. Is it not true that this was the last of the amendments on which we have a unanimous-consent agreement, amendment Nos. 407, 408, 409, and the bill is now open to further amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 429

Mr. MAGNUSON. Mr. President, there is an amendment on the desk that was intended to be offered by the distinguished Senator from Hawaii (Mr. INOUYE). He was taken ill and is not present today. He intended to call up the amendment.

Mr. President, I call up the amendment for the Senator from Hawaii.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 22, lines 18–19, insert the following: strike "$250,000,000" and insert in lieu thereof "$250,500,000, of which $5,054,000 shall be available for grants pursuant to section 309(c)".

Mr. MAGNUSON. Mr. President, the matter the Senator from Hawaii was concerned about has been taken care of by the Yarborough amendment.

The PRESIDING OFFICER (Mr. COOK in the chair). The amendment is not in order. The figures included in the amendment are already included in a previous amendment to the bill.

Mr. MAGNUSON. Mr. President, I was going to ask with unanimous consent to withdraw the amendment so that the Senator from Hawaii would know that we had looked at it. I was going to explain that it has been taken care of in a previous amendment so that the Senator from Hawaii will not think we were unaware of his amendment.

Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

CHANGE OF REFERENCE

Mr. EASTLAND. Mr. President, there is pending before the Committee on the Judiciary S. 3128, a bill granting the consent and approval of Congress to the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate the Washington-Baltimore metropolitan area's airports, and for other purposes.

The Committee on Commerce has expressed an interest in holding hearings on this bill since it deals with interstate commerce.

Under the Legislative Reorganization Act, the Judiciary Committee has jurisdiction to consider compacts generally, and particularly in pursuance to the requirement of the Constitution of the United States as contained in article I, section 10.

In view of the interest of the Commerce Committee, the Committee on the Judiciary has authorized that request be made that it be discharged from consideration of S. 3128 at this time, with the understanding that when the Commerce Committee has completed hearings on the bill that S. 3128 be again referred to the Committee on the Judiciary for the purpose of carrying out its jurisdiction in compliance with the provision of article I, section 10, of the Constitution of the United States.

Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3128 at this time; that the bill be referred to the Committee on Commerce, and that when the Committee on Commerce has completed hearings thereon the bill shall be returned to the Senate and again referred to the Committee on the Judiciary for the purposes previously mentioned.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. JAVITS. Mr. President, will the Senator yield 3 minutes to the Senator from Maryland (Mr. MATHIAS) and me?

Mr. MAGNUSON. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I am encouraged that the bill contains in it a bloc grant which will permit continuation of the program which was initiated a year or so ago to combat the plague of rats in central cities. Important rat control projects are now underway in Baltimore, Washington, and other cities where rats present a major menace to public health and especially to the health of children.

These programs are supported by Federal funds under section 314(e) of the Partnership for Health Act, in accord with an amendment to that act which I sponsored in the other body in 1967 and which was primarily sponsored in this body by the distinguished senior Senator from New York (Mr. JAVITS). In fiscal 1969, 15 projects received a total of $15,019,427 in Federal funds under this section.

Experience has shown that developing an effective rat control program requires patience and perseverance. The heart of such a program is really neighborhood action, using area residents to identify health and sanitation problems, kill rats, and educate the community in the types of practices which will prevent rodents from returning to the area. It is not a job which can be done successfully overnight.

I was therefore very pleased to receive assurances from the Department of Health, Education, and Welfare that, despite overall budgetary strains, rat control projects would be funded in fiscal 1970 at the same level of $15 million as in fiscal 1969. Dr. John W. Cashman, Director of the Community Health Service, wrote me on September 9:

> Although no funds were specifically earmarked in our authorization request for Fiscal 1970 for this problem, an administrative decision has been made to earmark $15 million of the appropriation request, now pending consideration, to continue to support rodent control project grants during Fiscal 1970 at the same level as in Fiscal 1969.

The appropriations bill now pending does contain $80 million, the full amount authorized, for project grants for all purposes under section 314(e). This is the amount requested by the administration.

Mr. President, these rat control projects are extremely important and promising. The Federal funding of $15 million is quite modest in comparison to other public health programs and in proportion to the need. Any reductions in this funding would have serious consequences and would badly undermine the constructive efforts now underway in Baltimore, Washington, and other cities.

It is very heartening to know that the administration does intend to maintain its commitment to these projects. I intend to follow the course of this program carefully and to insure that it will be sustained.

Mr. JAVITS. Mr. President, in September of 1967, the House of Representatives, in considering the partnership for health amendments of 1967, added $20 million for each of fiscal year 1968 and fiscal year 1969 to the authorization for State project grants for the purpose of rat control. However, this additional sum was not added for fiscal year 1970, the final year of authorization in this law. I therefore introduced on January 23, for myself and my colleague from New York, Senator GOODELL, S. 576, a measure to correct this situation, increasing from $80,000,000 to $100,000,000 the authorization for project grants for health services development under the Partnership for Health Act, with the understanding, as in 1967, that this increased sum will be used for rat control.

Since the present authorization ran out on January 30, I promptly wrote the distinguished chairman of the Labor and Public Welfare Committee requesting early consideration for this measure in order that it might be enacted into law in sufficient time to have full effect. Senator YARBOROUGH kindly quickly requested a report on my bill and the report from the Secretary of Health, Education, and Welfare—signed by the Acting Secretary, John Veneman—informed us:

> For 1970, President Nixon is proposing an appropriation equal to the full amount now authorized for section 314(e) project grants. While no funds are specifically earmarked for rat control, such programs will receive high priority in competition for a share of the $80 million request. With the assurance that rat control projects will be proposed and funded next year at least at the same dollar level as in 1969.

I ask unanimous consent that the full text of the report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. I then wrote Under Secretary Veneman expressing my concern about the problem of rat control and made quite clear that I was relying upon his assurance that rat control projects will be given a high priority for a share of this $80 million request and that they will be proposed and funded next year at least at the same dollar level as in 1969.

I ask unanimous consent that the full text of my letter of July 7 to Under Secretary Veneman be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. JAVITS. I, too, share the concern expressed by my colleague that not only should President Nixon continue to support an appropriation equal to the full amount now authorized for section 314(e) project grants, but also, that the Secretary will fund rat control projects—as we have both been assured—at the same dollar level as in 1969 when $15,000,000 was made available to support basic education and health education programs directed at rat control.

In the light of the estimated $1 billion damage annually incurred by rats in the United States, this $15 million appropriation is a prudent investment. It is a

modest proportion of the more than $3 billion spent annually to dispose of the millions of tons of garbage and trash which harbor rats.

In human rather than economic terms, it becomes even more critical—approximately 14,000 cases of rat bites are reported annually in our country.

In my State of New York, the State has appropriated approximately $2.3 million—and local communities $350,000—for programs which seek to exterminate rats and eliminate their harborages and food and water supplies. In addition, the State health department is carrying out research in rodent control.

I might add that rats are both an urban and rural problem. While thought of widely as a problem principally affecting the slum dweller, this year the press reported a large colony of rats infesting an exclusive block of Park Avenue in New York City bringing home the realization that the rat problem belongs to us all. As one citizen was quoted as saying: "The idea of rats crawling around on children in the ghetto really hits home when you see them on Park Avenue."

EXHIBIT 1

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, June 8, 1969.

HON. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, U.S. Senate,

DEAR MR. CHAIRMAN: This letter is in response to your request of February 3, 1969, for a report on *S. 576*, a bill "To amend the Public Health Service Act to extend for one additional year the authorization of project grants for *rat control.*"

The bill would amend section 314(e) of the Public Health Service Act to authorize $100 million instead of $80 million for the fiscal year ending June 30, 1970.

The Department of Health, Education, and Welfare recognizes that rodent control is an essential element in improving the environmental health conditions of the Nation's urban communities. Accordingly, in fiscal 1969, the first year in which project grant funds were available for this purpose, 15 awards totaling $15 million have been made to support basic sanitation and health education programs directed at rat control in slum areas.

For 1970, President Nixon is proposing an appropriation equal to the full amount now authorized for section 314(e) project grants. While no funds are specifically earmarked for rat control, such programs will receive high priority in competition for a share of the $80 million request, with the assurance that rat control projects will be proposed and funded next year at least at the same dollar level as in 1969.

One result of the recently completed review of the 1970 budget submitted to Congress by the previous Administration has been the President's decision to further stimulate implementation of the "bloc grant" approach embodied in section 314(d) of the Public Health Service Act. States will be actively encouraged to use additional "bloc grant" funds to be made available in 1970 to undertake traditional disease control activities like tuberculosis control, preferably in conjunction with family-oriented comprehensive health care programs. As a result, project grant monies now allocated for these purposes can be redirected to concentrate on problems of special significance such as rat control and expanded implementation of a nationwide rubella vaccination program without the need for raising the present 1970 authorization ceiling for section 314(e).

From the enactment of sections 314(d) and 314(e), it was envisioned that traditional activities like tuberculosis, cancer, and venereal disease control would, over time, be "spun-off" from project to "bloc grant" support as they matured and became widely accepted in practice. This does not imply an abrupt termination of grant support for the older disease control programs. On the contrary, the transition from project to "bloc grant" support will be achieved in the least disruptive manner possible. Section 314(e) funds will also continue to be available for support of tuberculosis and other control activities which, by measurement against objective criteria, are shown to represent an innovative approach to disease control, or are to combat a situation of special regional or national significance.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN VENEMAN,
Acting Secretary.

EXHIBIT 2

JULY 7, 1969.

HON. JOHN VENEMAN,
Under Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR JOHN: I have carefully reviewed the Departmental Report to the Committee on Labor and Public Welfare on my bill (S. 576) to extend for one additional year the authorization of project grants for rat control.

As you may recall, the problem of rat control was first brought to national attention when the House of Representatives, in considering the Partnership for Health Amendments of 1967, added $20 million for each of fiscal years 1968 and 1969 to the authorization for state project grants for the purpose of rat control. However, this additional sum was not added for FY 1970, the final year of authorization for this law.

In order to meet this critical need, I introduced S. 576, which provides for increasing from $80 million to $100 million the authorization for project grants for health services development under the Partnership for Health Act, with the understanding as in 1967 that this increased sum would be used for rat control.

Your report states, "for 1970, President Nixon is proposing an appropriation equal to the full amount now authorized for section 314(e) project grants. While no funds are specifically earmarked for rat control, such programs will receive high priority in competition for a share of the $80 million request, with the assurance that rat control projects will be proposed and funded next year at least at the same dollar level as in 1969."

In the light of the estimated $1 billion damage annually incurred by rats in the United States and the tragic toll taken by rat bites in the nation's slum areas, the problem of rat control remains an important concern to all, and I am deeply concerned that no funds are specifically earmarked for this problem. However, I am relying upon your assurance that rat control projects will be given a high priority for a share of this $80 million request and that they will be proposed and funded next year at least at the same dollar level as in 1969.

In view of my continuing interest in this critical problem, I would appreciate your keeping me informed of the exact allocations and projects to be made in this area, so that we may work together in guaranteeing sanitation and proper health conditions in the country's communities.

With best wishes.

Sincerely,

JACOB K. JAVITS.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TYDINGS. I congratulate the Senator from New York for taking an interest in this matter.

One thing that concerns me about the possibility of cutting back the rodent control program—and I would appreciate it if the Senator from New York would speak to this point—is the enormous contribution of this program to the welfare and to the general health of the residents of many of our cities. This is definitely the case in Baltimore, which is the largest city in Maryland. The rodent control program in Baltimore has been very effective. As a matter of fact, it has been pointed to as a national model.

Is it the understanding of the Senator from New York that the funding of that program under this appropriation bill will be the same as the funding last year?

Mr. JAVITS. That is correct. It is included under the general heading of project grants for health services development.

Mr. TYDINGS. Will some bureaucrat in NIH or somewhere else in HEW arbitrarily be able to cut back on the ground that Congress did not appropriate sufficient funds to keep the ongoing programs going?

Mr. JAVITS. No. It is my understanding that the general idea is to maintain the program as it is, at the level of funding the preceding year, 1969, when $15 million was made available.

Mr. MAGNUSON. The testimony was that they would continue the program substantially as they had been working on in 1969.

Mr. TYDINGS. In other words, it is the legislative history of this bill that, since the funding is being maintained at last year's level, there will be no cut back arbitrarily?

Mr. MAGNUSON. If they do, I will be glad to hear from both the Senator from New York and the two Senators from Maryland, because I would be the first one to go down there and say that we intended to go on with this program.

Mr. TYDINGS. I thank the distinguished chairman.

Mr. JAVITS. I thank the chairman.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I would like to point out to the chairman of the Subcommittee on Education that on page 37 of the bill, under the title "Education—Foreign Languages and World Affairs," the House appropriation has been cut from $18 million to $12 million. I have been reading the report, and I notice that the budget asks for $20 million this year. As I have said, the House allowed $18 million and the committee has cut that to $12 million, apparently under the impression that the purpose for which this was originally appropriated has been achieved.

Mr. MAGNUSON. That was a small amount.

Mr. AIKEN. When I go home, I find people from all over the country studying languages, and Americans studying foreign languages. I think they are

studying 50 or 60 languages and dialects, and apparently the demand is greater than it ever was before.

I am not going to propose an amendment at this late date, because we want to get this bill through. But I hope that our conferees will take into consideration that this work is nowhere near done. I do not know if it ever will be, because they always want to learn other languages and dialects from all the continents. I hope the chairman will take that into consideration when the bill goes to conference.

Mr. MAGNUSON. As to the Fulbright-Hayes grants, the committee gave $3 million, the full amount requested in the budget. But on fellowships and research on foreign languages and world affairs the committee did make a cut. One reason was that there was very little favorable testimony. Frankly, some would like to find out more about these programs. When we get to conference with the House, I am sure there will be little resistance to accepting their allocation if the House makes the case for us. They went into it more thoroughly, and I am sympathetic to it.

Mr. AIKEN. Apparently, the institutions which are being cut were not aware of it until a short time ago.

Mr. MAGNUSON. These are teachers who have different programs.

Mr. AIKEN. That is correct.

Mr. MAGNUSON. I must say, frankly, there was some suggestion, "Don't they teach this in schools, anyway?"

Mr. AIKEN. They teach some of them. Not many teach Swahili or other languages not frequently used in our country.

Mr. MAGNUSON. But the world is a little different from the time when we had two or three foreign languages offered in schools. It is a little different today, and this is an important program.

Mr. AIKEN. This is particularly applicable to the continents of Africa and Asia.

Mr. MAGNUSON. The Fulbright-Hayes training program is the same amount as requested.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I join the Senator from Vermont in what he has said.

Could the chairman of the committee tell me how much is allocated for the teaching of foreign languages?

Mr. MAGNUSON. The amount allocated by the House was $15 million, and the committee cut it to $7 million. In conference we will have the $15 million and the $7 million. The Budget recommended $15 million.

Mr. MANSFIELD. Could we be reasonably sure that, at the very least, there would be a meeting point on $14 million?

Mr. MAGNUSON. I am sure we will compromise these figures, because we want to hear from the House about this program. It is a program about which we had very little evidence from the Department.

Mr. MANSFIELD. Mr. President, on that assurance, I will join with the Senator from Vermont and not make any further move on this matter at this time.

Mr. AIKEN. I understand that about $15 million was available last year, but they have asked for a little less this year.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. MURPHY. Mr. President, first, I want to congratulate the distinguished senior Senator from Washington (Mr. MAGNUSON) and the ranking Republican member of the committee, the Senator from New Hampshire (Mr. COTTON), as well as the other members of the committee, for the excellent work that they did in connection with the Labor-HEW appropriations bill before the Senate today. At this time I would like to express my particular gratification for the committee's action in providing $20 million for the dropout prevention program and $25 million for the bilingual program. As the author of the dropout prevention program and a coauthor of the bilingual program, I am convinced that these two programs will prove themselves to be among the most significant, far-reaching and wise investments this Nation has ever made.

In my testimony before the committee, I recommended full funding of the bilingual program and $24 million for the dropout prevention program. Although I still believe that the figures I recommended are more than justified, I do believe that the recommendations of the Appropriations Committee represent a very significant improvement and are indicative of the growing awareness of the importance of these programs.

Mr. President, I ask unanimous consent that my testimony before the committee and a summary of some of the activities under the dropout program be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, I am also delighted that the Appropriations Committee has funded the higher education cooperative work-study program. Under the committee bill, 1 percent of the work-study money, or $1.5 million, will be provided for this exciting concept in higher education.

I have been extremely interested in this concept, and cohosted a 2-day symposium that was held at the University of Southern California with Dr. Norman Topping, distinguished president of that great university. The interest in California is great and growing, and I am convinced that this is one of the educational waves of the future.

I authored an article for the San Francisco Chamber of Commerce magazine on this subject, and I ask unanimous consent that it be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MURPHY. Mr. President, I am reluctant to take further time of the distinguished manager of this bill, Senator MAGNUSON, and the ranking Republican on the committee, Senator COTTON, for as I have said they have been so good to me and to my programs.

There is, however, one matter on which I would like to develop some legislative history. As you will recall, on October 13, I introduced amendment No. 231 to the Labor-HEW appropriations bill providing an additional $20 million for the training of personnel in vocational-technical education under part F of the Education Professions Development Act.

It is my understanding that many Senators expressed interest and support of this amendment to the committee. Some of us have been extremely concerned that vocational education often does not enjoy the position in American education that it should. I see that the committee has recommended an increase of $18 million for parts C, D, and F of the Education Professions Development Act. While I am grateful for these needed new funds, I note that the committee did not recommend earmarking the sum for vocational education as I had recommended.

There has been a reluctance on the part of the Office of Education in the past to give the proper emphasis to this area, and I was wondering if the managers of the bill would like to comment on the committee's intention with respect to this additional money under the Education Professions Development Act and their judgment as to the priority that vocational-technical training would receive.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the statement I made on October 13 in connection with this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

EXHIBIT 1

TESTIMONY BY SENATOR MURPHY

Mr. Chairman. First, I want to thank the Subcommittee for giving me this opportunity to testify again this year. I want to discuss and strongly urge increased funding for the Dropout Prevention and the Bilingual programs. I believe that these two programs will prove themselves to be among the most significant, far-reaching, and wise investments that this nation has ever made.

Last year, when the House failed to provide a single cent for either program, I testified before this Subcommittee making a personal plea that the "shortsighted" action of the other body be reversed. The Committee, realizing both the magnitude of the problems and the merits of these two programs, responded, and in the HEW Appropriations measure passed by the Senate last year included $20 million for the Dropout Prevention program and $10 million for the Bilingual program. We were able to retain only $7.5 million for the Bilingual program and $5 million for the Dropout Prevention program in conference with the House.

This year, the House has come around somewhat and in the Labor/HEW Appropriations bill passed by the House, $10 million was provided for the Bilingual program and $5 million for the Dropout Prevention program. Given the size and seriousness of the problems to which these two programs are addressed, the sums provided by the House are clearly inadequate.

I am fully aware of the fiscal problems that we are facing, but nevertheless I believe that we must increase the funding of these two programs. I strongly urge $24 million for the Dropout Prevention program, which is the same figure recommended by both President Johnson and President Nixon in this year's budget. For the Bilingual program, I strongly

recommend full funding—$40 million—which is in excess of the budget of $10 million, but which is fully justified.

DROPOUT PREVENTION PROGRAM

Mr. Chairman, I authored the Dropout Prevention program, which was added to the Elementary and Secondary Education Amendments of 1967. The program is aimed at preventing and reducing dropouts. It was drafted in consultation with some of the nation's leading educators, including Dr. James Conant. Members will recall that Dr. Conant warned the nation in 1961 that "social dynamite" was accumulating in our cities. The accuracy of his warning is now history. Much of this "social dynamite" results from those who drop out of school and who are out of work. At one time the dropout posed no problem since those leaving school were able to find jobs in agriculture and industry demanding frequently little or minimum skill or education requirements. The knowledge explosion and the technological advances in the country have dramatically altered our national picture. That is why it is so alarming that approximately one million students are dropping out of school each year. In our nation's fifteen largest cities, the dropout rate varies from a high of 46.6 per cent to a low of 21.4 per cent. As high as these perecntages are, they are for the entire city district. To really comprehend the seriousness of the problem, it is necessary to focus on the poverty-area schools within these cities. In these poverty-area schools, seventy per cent drop out.

Mr. Chairman, it is these statistics and these schools which prompted me to author the Dropout Prevention program. It is these statistics and these schools which prompted me to label the dropout problem as the Achilles' heel of our educational system. It is these statistics and these schools which compel me to urge the Congress to substantially increase the funding of the Dropout Prevention program.

Mr. Chairman, the Dropout Prevention program is based on the premise that answers have not as yet been found which will make dramatic changes in the poverty-area schools. The program provides maximum freedom and flexibility at the local level for experimentation. Under the program local and state educational agencies submit innovative proposals which zero resources on a particular school or on a particular classroom in an effort to have a major impact on the dropout problem. Eligible schools must be located in urban or rural areas having a high percentage of children from low-income families and a high percentage of children who drop out of school. The local educational agency, in addition to securing the approval of the state educational agency, is required to identfy the dropout problem, analyze the reasons the students are leaving school, and tailor programs designed to prevent or reduce dropouts. Furthermore, the most significant, the program requires objective evaluation.

Mr. Chairman, the Dropout Prevention program is a no-nonsense approach to education. Dropout Prevention projects must spell out clearly their objectives. Having stated their objectives, they will be held accountable for achieving them. Most importantly, and I believe this is a first for the Office of Education, an educational audit will be done on each dropout prevention project. This educational audit will seek to determine, in terms of student learning, what the taxpayer is getting for his tax dollar. This educational audit will be done by an independent organization outside of the project and will attempt to verify the project's performance. This is in addition to intensive in-house evaluations that will be done on the Dropout Prevention program.

In the National Education Journal of December 1966, the following statement appeared with respect to educational change and reform: "One often gets the eerie impression of huge clouds of educational reform drifting back and forth from coast to coast and only occasionally touching down to blanket an actual educational institution."

The Dropout Prevention program is causing educational waves. The Dropout program is "touching" actual educational institutions. The Dropout Prevention program will produce change, will bring about reform that will not only touch the particular educational system involved but also educational programs throughout the country. Although dropout projects are now underway, I would like to discuss two of them so that the Committee might judge their significance and the momentum of their educational waves for improvement in our educational programs.

The project perhaps that has generated the most national interest is the Texarkana one. In this program, the school districts of Texarkana, a Texas and Arkansas border community, have called on private industry in an effort to raise basic levels of potential dropouts. The school system has entered into what is called a performance contract with a private corporation to bring potential dropouts up to grade level in academic performance. As the name of the contract implies, the companies must perform or they do not get paid. In addition to this phase, of the project, the Texarkana project is experimenting with a system of rewards and incentives for students. For example, successful students will receive coupons redeemable for merchandise and students who successfully complete two grade levels of achievement will receive transistor radios.

Another exciting project, Project STAY, in St. Louis, Missouri, places great emphasis on the work-study approach. St. Louis found that a desire to work and earn money and a lack of interest in or dissatisfaction with the school and the curriculum were among the major reasons for dropouts. In its attack, the community and the real world have been made part of the curriculum. Industry has warmly responded by providing positions wherein skills may be acquired, where the relevance of the classroom can be both seen and tested by the student and the system.

Some of the approaches are very unconventional, Mr. Chairman. For example, twenty students have been assigned to the McGraw-Hill Publishing Company where they will receive training in various job areas within the plant, including the operation and production of machinery used in the printing business. A teacher will accompany the students. This is rather unique because they will receive both academic instruction and job training here. For these students McGraw-Hill will be their school, home and their work assignment. This meant that the State Department of Education of Missouri had to relax somewhat their course requirements to permit this experiment. This they did.

The school system also has leased a Sinclair Oil service station. At this station, students will receive on-the-job training leading to such jobs as mechanics, service station management, and even to service station ownership. The Sinclair Company has provided a trailer which will be located at the gas station for conducting demonstrations of functions of the service station business.

In addition, the City of St. Louis has purchased an apartment building with local funds and 64 students—32 in the morning and the other half in the afternoon—will learn skills useful in construction work under the supervision of industrial arts teachers. After the apartment is rehabilitated, it will be returned to the City of St. Louis, which will then use the building to help solve some of the housing needs of the city. This may have potential both for skill acquisition and city rehabilitation. The union and real estate interest has responded well to this educational pioneering.

The interest and potential of the program, Mr. Chairman, can be seen by the fact that over a thousand requests from local educational agencies to submit preliminary Dropout Prevention programs has been received by the Office of Education. To fund all of these programs would take over $700 million. Of course, I am not recommending the funding of all of them. The Dropout Prevention program was not intended to take care of all the dropouts. Rather, its intent was to identify and attack some of the worst situations in the country by establishing highly visible demonstration projects that are large enough to have a significant impact, while at the same time enough in number to be carefully monitored and evaluated so that, insofar as possible, success could be assured. Thereafter, it was hoped that the success of the program would be duplicated in other sections of the country. This educational R & D effort, the Dropout Prevention project, then are live local educational laboratories whose work has both great national interest and implications in solving one of the most persistent problems in American education.

Mr. Chairman, in my testimony before this Committee last year, I cited the growing realization of the relationship of education and income. I cited a study by Dr. Harold Kastner, a consultant for the Florida State Office of Education which divided individuals based on the 1960 census into levels of educational achievement as follows: Less than 8 years, 8 years, 1 to 3 years of high school, and 4 years of college. Dr. Kastner then projected the aggregate income gain if the individual had been able to complete the next income level. If those who had not completed the eighth grade and had been able to do so, and if those who had completed the eighth grade had been able to complete 1 to 3 years of high school, the national income would have increased annually by 6.5 per cent. A 6.5 per cent increase would have added $50 billion to our national wealth. These calculations help convey the monetary costs to society.

In addition to the earning loss to individuals and tax loses to the country, the dropout reappears in our crime statistics, on our juvenile delinquency rolls, in our corrective and penal institutions, and on our welfare rolls.

The investment of $24 million in this program with its great promise and potential is thus a small amount of money compared to the total money costs and waste of human potential. I am convinced that an investment of $24 million might save society billions of dollars in keeping dropouts from being a burden—or as the crime statstics indicate, even a menace—to our society.

THE BILINGUAL PROGRAM

Now, Mr. Chairman, I would like to turn to a second program that is so important to California and the Southwestern states, the Bilingual Program.

I cosponsored the Bilingual Education Act which was added to the Elementary and Secondary Education Act of 1967. Congress should be particularly proud of this program, for it is an excellent example of Congressional initiative. The bilingual program, the Committee will recall, was enacted over the opposition of the executive branch in 1967.

There are over five million Mexican-Americans in the United States located primarily in the southwestern states. My state is proud of the fact that more Mexican-Americans, 1.5 million as a matter of fact, live in California than in any other state. The Mexican-American, the nation's second largest minority group, faced the same problems of poverty and discrimination as other minority groups; but in addition they have a language handicap. For the typical Mexican-American child grows up in a home where the parents

speak little or no English. Naturally, the language spoken in the home, Spanish, becomes the child's language. This Mexican-American child, often from a low income family, then enters school and runs into the language barrier.

Senators, for a minute, imagine what it would be like if you or your youngster were to enter the first year of school where the language of instruction was different from the one you used and spoke at home. You would not only have to master a new language but also master a subject matter in the new language. Would it come as a surprise if you became frustrated and fell behind, discouraged and dropped out? The answer to this question helps to explain the education deficiencies of Spanish-speaking children and others whose dominant language is other than English.

The education statistics for the Mexican-American are to put it mildly, shocking. They show:

1. That one million of the 1.6 million Mexican-American children entering the first grade in the five Southwestern states will drop out before they reach the eighth grade.

2. In my state 50 percent of the Mexican-American youngsters drop out by the eighth grade.

3. That by the time Spanish-speaking youngsters have reached the third grade over 89 percent of them have repeated one or more grades.

4. That the average number of years of school completed for individuals with Spanish surnames is 7.14, for non-whites, 9, and 12.14 whites. Significantly, over the past 30 years, while the education gap between whites and blacks has been closing, the education gap between the Mexican-American with respect to both blacks and whites has increased.

5. That in my state, Spanish surname students comprise 14 percent of California's school age population, but less than one-half of one percent of the students at the University of California's seven campuses are Mexican-Americans.

6. That Mexican-Americans account for more than 40 percent of the students classified by school districts as "educable retarded".

These facts, as the statistics so dramatically illustrate, show that the schools have not been communicating with Spanish-speaking youngsters. No communication—no learning! It is as simple as that.

Let me go back for a moment to the last statistic I cited. A study done this year for the California State Department of Education showed that Mexican-American youngsters, labeled by the school system as "educable retarded" made remarkable increases in I.Q. test scores when such tests were administered in Spanish. This study, which I understand was first of its kind in the nation, saw some childrens' I.Q. increased by 28 points with the average climbing 13 points. These 13 point average increase incidentally, would have placed these youngsters above the mentally retarded level. Children below this level in my state are placed in special classes whereas above the level, they are part of the regular classes.

One wonders how many of the Mexican-Americans who make up the 40 percent of the educationally handicapped in California would be in regular classes had the test been administered in Spanish? And, how many of the large number of Mexican-American dropouts could be prevented if we substantially increased the funding of the Bilingual Education Program. I believe many, and that's why I have been such a strong advocate of this program.

The Bilingual Education Act is a commitment to reverse these statistics, to provide a solution to the education problems of Spanish-speaking children who in fact do not have an equal opportunity, an equal chance because of their inability to speak English.

Since the first project under the bilingual education program was not funded until May of this year, we naturally, do not have objective evaluations from these projects. There has, however, been studies of what happens when we force learning in a language that is unfamilar to the youngster as well as evidence from bilingual programs started prior to the federal Bilingual Education Act.

First, it is interesting to note that Russia seems to have a more enlightened policy in its approach to this problem than we do. Fifty percent of the Russian population have a mother tongue other than Russian. Russia in 1938 reversed its former policy of insisting that instruction be in Russia and permitted instruction in language other than Russian. As a result, a great increase in both literacy and the use of the Russian language occurred. Experimental programs in such countries as Sweden, Mexico and the Philippines indicate similar results. In the Philippine ILOILO experiment begun in 1948, experimental groups were taught reading, math and social studies in their local language in the first and second grades. At the third year, they were switched to instruction in English. Within six weeks, the performance of the experimental group in all subjects tested, including English, exceeded a control group who were instructed only in English beginning in the first grade.

Last year, I made reference to the Puerto Rican experience where, in effect, the United States attempted to impose the English language, sometime to the exclusion, sometime along with the mother tongue of Spanish. Columbia University researchers gave tests to some 69,000 youngsters to make a comparison between those who had been instructed in English, which was foreign to them, and those who learned through Spanish. They then compared both group scores with youngsters from the United States. They found that Puerto Ricans taught in English were markedly retarded. Those, however, taught in Spanish, not only equalled but exceeded U.S. students on the Mainland. Columbia University researchers attributed this astonishing result to the fact that the "facility with which Spanish is learned makes possible the early introduction of content into the primary curriculum".

Mr. Bruce Gaardner, former chief of the Modern Language Section, Office of Education, told the Bilingual Education Committee in 1967 "now, this has extraordinary implications. What they are saying is that because the authoritarian academicians over the years, over the centuries, always adjusted the writing system of Spanish to make it correspond to the spoken language, there is a very close match between the Spanish writing and Spanish sound. We did not do it in English. We could have, but we did not. They did it in Spanish. They did it in Spain. Therefore, there are no reading problems, as we know them in Spanish-speaking countries. The extraordinary implication is that if the Spanish-speaking children of our nation were allowed to use Spanish as one of the mediums of instruction along with English, not only would their handicapped bilingualism disappear, but there is a strong likelihood that they would have a decided advantage over their English-speaking schoolmates simply because Spanish is an easier language to work with in the elementary schools."

The Indian Education Subcommittee on which I serve came across some interesting facts that are instructive along these lines. In the 1800's, prior to the Federal Government taking control of the Cherokee affairs, the Cherokee Indians, using their native language, and bilingual materials, were able to achieve a literacy rate of 90 percent which, incidentally, was a higher literacy rate than the white population of Texas and Arkansas. Today, following the Federal Government's taking over, the picture is bleak as 40 percent of the Cherokees are functionally illiterate and their school dropout rates in public school are as high as 75 percent.

In my State of California, I examined a report of the Marysville, California School District after the second year of an experimental bilingual program. The report said: "analysis of the data tend to support the hypothesis that Spanish-speaking pupils are better able to learn where they use their native language and have systematic instruction in English as a second language".

Mr. Chairman, these, then, are the limited objective data that are available. I am proud to say that the Bilingual Program, like the Dropout Program, holds schools accountable for results. Spanish-speaking youngsters in the Bilingual Program must do as well as Anglos in the fundamentals while they are learning English as a second language. It is my understanding, based on discussions with Dr. Leon Lessinger that we will have at the end of this fiscal year some of the hard objective data that the Appropriations Committee naturally is very interested in. However, there is substantial subjective evidence that the bilingual approach is working. I have talked to many teachers, to students, and to parents and the reports that I have received indicate that the pupils are doing better, are happier, have more confidence and are more willing to participate in their class where their language and heritage is an integral part of the school.

Mr. Chairman, I asked my staff, in cooperation with Dr. Eugene Gonzales, of the California State Department of Education, to contact some of the bilingual project directors in California and share their up-to-the-minute thoughts with respect to the Bilingual Program. I ask unanimous consent that this be made part of the record at the conclusion of my testimony. (See exhibit 1.)

So, Mr. Chairman, insofar as the second largest minority group in this country, the Mexican-Americans, we seem to have the educational breakthrough that we all are looking for. The Bilingual Education Program offers the hope, based both on limited objective evidence available, and considerably more subjective evidence of remedying the sad educational statistics that I cited earlier. With the means at hand, we are doing so little.

Furthermore, we should be supporting the Bilingual Program not only because of its great potential of eliminating a national liability, but also because bilingual should be regarded as a national treasure, one that should be developed for both a better America and a better world. Modern means of transportation are, in effect, shrinking the distance between nations and the world's peoples. We can expect in the 1970's travel between peoples of the world unparalleled in the history of mankind. Bilingual Americans are and will become even more a great national asset. Rather than allow such an asset to waste it should be developed to its fullest potential.

My city of Los Angeles, where the largest concentration of Mexican Americans in the nation is found, was not funded under the Bilingual Education Act despite the obvious critical need. Applications from California alone exceeded the national appropriation for the Bilingual Program last year. In total, 315 applications from 40 states added up to $41 million was received by the Office of Education for Fiscal Year 1969. It is estimated that for this fiscal year that between 500–600 applications will be received.

The Senate should once again seize the initiative and substantially increase the funds available to the Bilingual Education Program. Although I believe that the pro-

gram should be fully funded at the $40 million figure in view of the magnitude of the problems, and of the program's potential; if the Committee is unable to do that, I believe the bare minimum, even given the real fiscal problems that we face, we should provide this year is $30 million.

In conclusion, I would ask unanimous consent that a floor statement I made on October 13th on my amendment No. 231 to H.R. 13111, providing an additional $20 million for the development of personnel in vocational-technical education be printed in the record. (See exhibit 2.)

EXHIBIT 1

RESPONSE OF PROJECT DIRECTORS IN ANSWER TO TELEPHONE QUESTION CONCERNING ITEMS THAT COME TO MIND AS A RESULT OF THE BILINGUAL PROGRAM

BARSTOW

Mr. CHAVEZ. There is a need for more in-service training for both teachers and aides; the co-mingling of attitudes so we could have a cohesive program; an awareness on the part of the teachers to problems which were otherwise hidden from them. Learning as a cognitive process is the same in Spanish as in English. This is what we would primarily be interested in.

BRENTWOOD

Mr. YANEZ. Actually the parents have been coming to the school. We had an open house with almost 90% turn-out. Mexican-American people who had decided to come to school have been coming to our dinners. A Mexican lady said, "We are glad you are here because we have somebody with whom to communicate." Before she had never attended any meeting. The parents are more relaxed about the fear their children will come to school and not be understood. More of the children are coming to school with smiles rather than grim looks. Our project had a page spread in the Brentwood newspaper. I feel it is a tremendous program; I had been in the classroom for fourteen years and feel this is the right direction to go, especially when you have a 40% Mexican-American enrollment in your schools. We are setting up a barbecue; we had a breakfast and open house; I spoke to the Lions Club. (Not Title VII but the Brentwood program is to be part of a movie. Officials in Washington phoned and asked if they would be in the movie. They are not telling the story of Title VII but they want to show how we teach the Spanish-speaking in America and how we treat the Spanish in Brentwood.)

The children were timid at first. It is a good feeling trying to get the people involved and it has affected the attitude of the parents and children. The parents feel now that the children might finish school and amount to something. The program has made a tremendous impact in Brentwood and I am trying to let the people know what is happening.

CALEXICO

Mr. LOPEZ. 1. We are trying to set up a truly bilingual situation. This is very difficult because we do not have any ESL two-language level proficiency. In our program we have one-third English speaking, one-third bilingual with greater proficiency in English, and one-third Spanish speaking. That is the makeup of the class and we have one teacher and one aide. The teacher has given instruction to each level but as far as language is concerned there are no materials available so we are in the process of developing a curriculum. We want to make certain the children are keeping abreast.

2. We need help in the writing of curriculum because teachers do not have the expertise to write curriculum. . . . We pursue the challenge; there is a Spanish speaking need. Before the Spanish-speaking students were put aside where we would teach them English. Now we put them all together in the classroom with English speaking students and it creates a challenge to the classroom teachers simply because of the different levels of language proficiencies in English and Spanish. Another problem is to find people who can find the time to evaluate. There are a lot of proposals so it is difficult to spend the time that is required. We do have the evaluators at least two days of the week for the rest of the year because the evaluator has to be involved in classroom development.

Through this particular type of program we have actually developed a greater cooperation or socialization with all three different levels of the speaking groups. Previously the three distinct groups would segregate themselves, now they all socialize together. We do need some more time for the development of curriculum. All of the curriculum development should be put together in one little soup kettle and should be used by all. Teachers developing materials are basically pack rats, they don't like to share discoveries.

CHULA VISTA

Mr. JUAREZ. I notice a growing awareness on the part of school personnel and community people about the needs of the youngsters this program is intended to reach. This is perhaps the most hopeful thing.

Secondly, since we have been reviewed in the South Bay area we have found that the existing resources are very numerous and it is tapping the youthful environment. There is an awareness and uniqueness to the bilingual and bicultural environment that exists here. The inter-district plan has permitted the people involved to begin to communicate about areas of community concern and teachers have met in teacher sessions. We have been able to have dialogue between elementary, junior high school and high school teachers for the kind of instructional program that is needed in a bilingual program.

One of the things that holds much promise is a growing cooperation on the part of the school and home as it relates to the learner that we are going to reach. This will develop into a positive thing that has come out of the program so that the school and the home will both be communicating and both be promoting the instructional growth of the student.

COMPTON

Mr. GOODMAN. 1. We have had a tremendous community response; children who have never responded before in the classroom are now bubbling. Parents and aides have noticed children beginning to talk, in fact you can't shut them up. By using the language of communication we have actually opened up the youngsters. The children now respond in a normal classroom as regular normal children when Spanish is used as a language. This has been noticed by teachers, aides, and parents. We thought of taking one child to the principal, but realized that he was simply overly enthusiastic; the children are communicating.

2. Teachers who formerly had these youngsters have remarked they didn't know the children could respond. The children are happy; attending school regularly; learning their ABC's in Spanish, and learning them quickly. We have had a tremendous success with the program. These observations come from teachers other than bilingual teachers; they come from bilingual aides who worked with the youngsters in a regular classroom state; this became notable the third day of the program. We notice these factors becoming very distinct.

The children in the bilingual program respond; they respond in Spanish. They have been characterized as being silent in the English classroom but they are not that way in the Spanish classroom; they communicate and interact; they do not feel stereotyped. This is established by bilingual teachers, aides and other teachers. The children appear to be learning at a faster rate in Spanish since we are teaching the basic subject matter in their language. They surprise us; they pick up their numbers faster in Spanish. Some of the materials have stimulated them. English is taught as a second language. It appears that as we give the instruction in Spanish, the transference into English is extremely easy. They pick it up easily. I have worked before under ESL and it was very difficult because you were not working with the Spanish language. . . . The struggle we had when we worked only with English is gone. We use ESL techniques but both teachers have remarked that the youngsters pick up English so quickly. We did not expect this influence upon the other language to be so quick. The children are aware that they live in an English speaking country. They continue to ask in Spanish how to say the same thing in English and we discover that once they have a little word in Spanish, the English word slips right in. We think the program has been very successful so far. The teachers are thrilled with it. There is so much to be done that the program development has slightly overwhelmed us; we unlocked a reservoir; we have touched a linguistic resource. We have Spanish speaking parents born in Compton who say they wish they had this opportunity. It is too early to measure but we are developing measurement devices; we can only tell of what we have seen. This information comes from other than classroom teachers. The bilingual teachers are amazed; they had no idea how vibrant and alive, very active these children could be—just normal American youngsters. The overwhelming factor is that they are so happy; very happy. It appears the home is quite happy. The parents decided. The program has its problems. Our concept in Compton is to develop original curriculum material as it pertains to the child. It is original; because of my background we actually develop our lesson from originality. The material that I was able to get are Spanish language books developed for children who speak Spanish and live in a Spanish speaking environment. We do not use dual English-Spanish books. The youngster will be taught to read and write. In the English classes they will be taught from English language materials that we use in our own schools. We will not use translated materials. We will use only foreign language materials that have been successfully used in Mexico and Latin America. The curriculum material will be original and designed for Spanish speaking children who live in the United States. It is really bilingual. Both of our project teachers are teaching Spanish daily in our high school. Teachers in the school have asked to borrow our materials already to help the youngster who is not in our program.

EL MONTE

Mr. RODRIQUEZ. My immediate reaction is something that one of the parents said the other day. This parent is of Mexican ancestry but speaks nothing but English at home. Without realizing the child was growing up without hearing Spanish. After being in his class for a few weeks the child goes home speaking Spanish and wants to speak nothing but Spanish. The first thing she learned was how to greet her grandfather in Spanish. They were thrilled. (I actually talked to the mother in the sentences preceding this—she was in Mr. Rodriquez's office and was so pleased with her little girl's progress. Bernice.)

When we spoke to parents while we were organizing the class we interviewed maybe all thirty of the parents of the children in our class and half of the other class. Not one parent objected to the program; they all wanted their child in it. We haven't run across one who has held back; there is no

negativism. The children go around singing Spanish songs they learn in class. We have a parents' meeting every Wednesday from 1:30 to 2:30. The teachers follow through on some of the lessons for the week and carry it on to the parents. A child brought home a painting and the parent scolded her so the teachers carried on a painting class. They indicated that you should praise everything a child brings home. We discussed the program; we had a finger painting exercise so the lesson was reinforced. We have to encourage, not discourage. We ask them to discuss—tell me about it. We will bring the child out and have him become expressive.

We decided to put out a little newspaper every two weeks. (The lady in the office to whom I spoke—Bernice) has a daughter who is a high school senior who is quite artistic who is going to draw a cartoon for the newspaper. We plan to send the people at home stories of what is going on in class in both languages.

Have you heard of TV Education Channel 28 Ahora/Today. What is being done with the Mexican American today will have a little program on the bilingual program.

FRESNO COUNTY

Mrs. JOWETT. 1. At the present time it would appear to us that the instructional materials that we are using indicate that progress is being made with the children that is either equal to or above what would ordinarily have been expected and was evidenced in previous years. We have only been in the program a month.

2. We are finding that the majority of the children involved in the program seem to be able to work with a greater degree of independence than we noted before.

3. The interest in the second language or learning Spanish is high and the response on the part of the Mexican American children, although they are not necessarily proficient in Spanish, is very good. The Anglo children have also evidenced interest in learning another language although we have not been in this phase of the program long enough to form any kind of definite opinion, it appears that the Anglo children are responding in much the same manner as the Mexican American children who are not proficient in Spanish. We are beginning to see more interest on the part of the community as we have had an opportunity to meet with community representatives.

GONZALES

Mr. LICANO. The most important item—the kids are really responding to the program. We had a similar program without Title VII but it wasn't as organized as this one and the kids are really responding and doing very well up to this point. It wouldn't be possible without funds to provide the materials and personnel for the program.

HEALDSBURG

Mr. KATELEY. 1. This is meeting one of the needs that we have had in California in districts that have had a high percentage of Mexican-American children.

2. Being new we don't know how well it will work. The funding level doesn't seem nearly enough to do the job envisioned but it is a job that is really a priority item to attack.

LA PUENTE

Mr. KEOHANE. The information was given by Mr. Clonts, Assistant Superintendent, because of Mr. Keohane's illness.

1. We have employed thirty bilingual parents who are providing instruction to some 900 students since September 1.

2. More Spanish culture is being taught in the primary grades as a result of this project.

3. More of the Mexican-American parents are inter-acting with the principals and teachers in the schools through parent conferences and coming to hear about the bilingual program.

Our project has several objectives: to speak Spanish and English, and to get the school and the Mexican-American community to act together. We have been able to do this by taking these thirty parents, have people come to them and have them go into homes. Shortly we are starting the third phase in which Mexican high school students will be tutoring in homes in the evenings and after school. With this increased emphasis on the bilingual project and people pushing the Mexican culture as part of the study we have been buying more materials related to the Mexican-American culture. We discuss the textbooks with parents and students. One is *Mexican-American—Past, Present and Future* by Julian Nava. These kinds of materials are used more in the classroom as a result of this program. Also ESL material is being used.

One of the good things about the program is the fact that good evaluation techniques are built into it so that at the end of a year, or five years, we will know whether we accomplished what we set out to do.

LOS NIETOS

Mr. GRIJALVA. An item that immediately comes to mind is the number of mothers and aides that we have involved in our program; also, the number of volunteers has been exceptional. We have people from Whittier, from the U.C.L.A. Nursing corps, people from the Child Guidance Center and a child guidance off-campus group from one of the high schools has affiliated itself with us. We have seven volunteer parents involved in the program. Our professional evaluator has tested the program. The reaction has been tremendous. A lot of bright-eyed, bushy-tailed children are being encouraged at just the right age.

This will show up in evaluation in the future. I have been tremendously impressed with the volunteer program. We have the list documented with signatures and the hours and the reports are filed with Head Start.

UKIAH

Mr. DE LA PENA. There has been a lot more concern expressed for the Mexican-American child and the Indian child. We have had teachers call us about a certain child and our office has been sort of a place where teachers having problems with the Mexican children have been calling to see what is going on. We are now in the planning stage; we can't actually do anything yet. My reaction is that there is considerably more interest in the Mexican American child and the problems of the Indian child. It seems that all of a sudden the Mexican-American child and the Indian child exist; before they were a non-entity.

SAN FRANCISCO

Mr. CHEW. The project is going very well in terms of the objectives of the original program, to help 25 Chinese children. The kids are learning English and they have nowhere to go but up because they all started with zero. We have 25 first graders who have all been here less than two years in a self-contained class. We use English and Chinese to teach. We begin with conversational English to help students with their understanding like stating in English to get in line, close the door, etc., by constant repetition using sentences and commands with the action. The products are the children themselves; they are even able on their own to say please give me a pencil, etc. We work on their vocabulary and sentence structure. We don't teach grammar as a subject, we hope they will learn grammar by constant usage of English. We have arranged some trips to schools and other places so they will learn about the needy communities, etc. Most are students from the Chinese Ghetto in Chinatown. We try to open their vistas. In addition to the audio-language English the children do have a regular schedule which will cover other subject matters such as music, reading, writing, spelling, math and social studies.

FRESNO CITY

Mr. ALLISON. My understanding was that Senator Murphy wanted a "grass roots" reaction on the impact so far of Title VII. So far, as happens in any new program, we are working out the bugs and annoyances that come with implementing a new program such as we are putting into Winchell School. To date the best and most encouraging reaction has been the reaction of the parents of the children in the program in last week's "Back to School" night. There was a good deal of favorable comment among the parents of the children in the four classes. In fact the effect upon the four Title VII teachers was, according to Principal Bill Hansen, to reassure them that what they were doing was producing positive results and attitudes in the community. The teachers had felt somewhat insecure because of the profound change in the curriculum of the bilingual program. Special pleasure was expressed by some Mexican-American parents that their language and cultural background was being emphasized. One parent, obliged to move to another area of Fresno, was asking how he could get an inter-district transfer so that his child could continue in the bilingual program. This is a tentative and subjective impression but we were very pleased with this reaction among the parents.

INSTANCES OF EDUCATIONAL CHANGE THROUGH TITLE VIII OF ESEA

1. *Involvement of Private Business and Industry in the Educational Process:* The Dade County Talent Development Program, Miami, Florida, involves a work-experience program using business and industrial resources such as local meat-packing firms, landscaping firms, office machine firms, etc. IBM is working with the project in providing communication skills to students. Hialeah General Hospital is training attendants and hospital workers. Project STAY in St. Louis has work study programs with McGraw-Hill, Sinclair Oil, Famous Barr Department Store, and several local hospitals. Bell Telephone provides work-study skills with promotion and wage increase as school progress and skills development are shown. In Project KAPS in Baltimore, the C and P Telephone Company and local hospitals are developing communication skills and hospital training for students. The Dropout Prevention Project in Chautauqua, New York includes paid work-experience programs with local supermarkets, summer camps, landscaping firms, etc.

2. *Reform and Renewal of School Structure and Organization:* Each of the 10 funded projects is working toward elimination of unproductive instructional programs, of outmoded curricula, and of facilities which do not yield sought-after objectives. Project EMERGE in Dayton has one component in which students receive special study skills away from the regular school. In Seattle, a newly-organized Personal Development Academy will provide individualized instruction for students with special problems. In Fall River, "microprojects" or small grants will be given to teachers with successful ideas for school improvement. Fall River will also institute an experimental science program, an IPI math program, and a specially-adapted English program to meet the needs of children in that city. St. Louis will provide coordinated after-school activities. Miami will attempt an Engineered Classroom to assist potential dropouts to adjust to regular classes. Baltimore will use home instruction and counseling for sick, retarded or pregnant students. Some teachers in the St. Louis project will provide academic instruction on location of the industrial establishments which involve students in work-study pro-

grams. The Texarkana project has brought schools in Texas and Arkansas together to form integrated instructional centers to upgrade the reading and math of students.

3. *Motivating Students Through Rewards and Incentives:* In Baltimore, an Earn-Learn component in elementary schools will allow students to perform tasks for which they will earn points. Pupils will be able to trade points for school supplies, games and toys, and trips. Students who are successful in the Texarkana project will receive coupons to redeem for merchandise. Students who complete two grade levels of achievement will receive transistor radios. In Baltimore, older students will contract with teachers for something they would like to do in exchange for achieving their study objectives.

4. *Relaxing Ancient Traditions which Inhibit State and Local Educational Progress:* In Florida, the conventional 50 minute classroom "hour" will be made flexible to permit varying amounts of time to be spent on different subjects according to individual student need. The 9 to 3 daily schedule will disappear for students with special problems in St. Louis which will permit night classes, special care centers, schools for pregnant girls, etc. Similarly, in New York, clubs will be developed around motivational interests of students identified as high potential dropouts. Batesland, South Dakota will establish teacher aides to assist Indian students in appreciation of their culture. New patterns of teacher preparation will emerge necessitating changes on the part of colleges and universities in preparing school staff. For example in Dayton, Ohio, college students with inner-city backgrounds will be hired to assist younger students to stay in school. Technical assistance will be provided through a Dayton-Miami Valley consortium of colleges and universities.

5. *Preparing Students for Realistic Job Education:* In St. Louis, one unit of the work-study component will involve students in house and apartment renovation to provide them with skills useful in construction work. Many of the businesses and industries cooperating with the dropout prevention projects are providing skills which will permit students to later enter these organizations as fully-qualified workers. Florida provides concentrated training on job decorum, positive work attitudes, proper dress, and the importance of being competent in a vocation. Seattle, St. Louis, Dayton, Fall River, Baltimore, New York, and Paducah have intensive pupil personnel services and counseling to better prepare the students for entry into careers and vocations.

6. *Insuring Student Mastery of Curriculum Skills:* New York will develop life-oriented curriculum learning centers to assess student difficulties, motivate the child, and provide remedial training as needed. Special group sessions for alienated students will be tried. The Texarkana project will guarantee raising the reading and math levels of students by two grade levels in specified time. In Baltimore, secondary tutors will be paid to help in raising the achievement levels of younger students. Paducah will establish an intensive Unit Program to provide specialized learning techniques for high potential dropouts. Miami will provide a self-instructional center coupled with part-time work. Seattle will re-structure several schools to provide improved curriculum approaches. In Seattle, small groups will be organized to better work with teachers in designing new aprpoaches to learning. Skills and knowledge to be taught will be organized around things which interest students as in the case of Dayton, which will teach academic skills by analyzing welfare problems.

7. *Insuring Quality and Responsible Teaching:* At least two prime causes of student dropout relate to the teaching ability of staff and to outmoded instructional procedures, both of which may force a student to conform to patterns which he is unable to accept. In Paducah, an Extensive Training Program will help teachers to improve their attitudes toward disadvantaged youth and to assist them in developing improved pupil self-concepts. In Texarkana, a contracting agency will teach teachers to utilize special equipment designed to raise reading and math levels. In Baltimore, a private Institute of Behavioral Research will conduct intensive staff training for elementary teachers. In South Dakota, teachers will be trained to serve as resource agents to provide better instruction. In New York, staff will be trained to develop team concepts in improving curriculum.

8. *Accountability for Results:* Strict concepts of accountability for attainment of stated educational objectives have been accepted by each of the projects for which a grant award has been made. Toward this end, each projects has used a portion of its award to secure needed technical assistance not available in the school system. Such assistance has been provided by outside consultants, such as Booz, Allen and Hamilton and Associates; Educational Testing Service; regional laboratories, universities, etc., and has provided aid in assessing school needs, developing specific performance objectives, improving school management, producing evaluation designs, etc. In Dayton, an Emerge Council and a Dropout Prevention Review Board will bring parents and community groups into closer partnership with the school in planning programs and insuring that results will be achieved. In Baltimore, special community aides will establish links between the school and community to improve accountability of both groups. In South Dakota, parent-student seminars will assist the schools in reaching objectives. In Texarkana, an outside contractor will guarantee attainment of stated objectives in reading and math with both incentive and penalty clauses built into the performance contract.

9. *Independent, Tough-Minded Review of Student Educational Payoff (Educational Audit):* For the first time in connection with grant awards for educational projects, the Office of Education is requiring an educational audit for each project funded under the Dropout Prevention Program. The educational audit is roughly analagous to the financial audit and seeks to determine what the federal government is getting, in terms of student learning, for the tax dollar. In addition to intensive program evaluations required on each project, each project will be required to have an educational audit made to verify the results of evaluation. Such educational audit will be done by contract with independent, outside qualified consulting organizations which will examine all aspects of the program in order to identify potential obstacles to attainment of objectives and to offer corrective suggestions. The Office of Education has arranged a series of institutes to provide training for organizations which hope to serve as educational auditors.

EXHIBIT 2

COOPERATIVE EDUCATION

About 70,000 specialized students in the United States will earn $125 million from American industry this year.

Too little of the background of these students, and the role played by our business community in this joint venture, has been told. The concept is called Cooperative Education and the 70,000 students engaged in such curricula attend 136 colleges, universities and community colleges throughout the United States.

More than one-third of these students work as assistants and aides to scientists and engineers in laboratories supported by the $20 billion our society will spend in 1969 on research and development. Other students work as assistants to teachers in public schools, libraries, in the field of health, and countless other areas.

Students today insist that curriculum be relevant and meaningful. And it is a time when we should realize that artificial barriers separating students from society must be reduced. It is also a time when education costs skyrocket as educational institutions strive to build facilities and acquire the necessary faculties to meet rising enrollments.

During the past few years, as a member of the Senate Subcommittee on Education, I have had an opportunity to observe and study the projects and processes by which we hope to better prepare our young people for a fuller, more meaningful life. I have concluded that certain qualities are most essential: pride in oneself, respect for others, and self-reliance.

Here is where cooperative work-study programs—which permit students to alternate periods of full-time study with periods of full-time employment—can fill an important role in society. By definition, cooperative education is that form of higher education which alternates classroom theory, discipline and study, with related work experience.

It is not a new concept. It was first inaugurated in 1906 at the University of Cincinnati. However, cooperative educational programs are still not widely known. Not enough colleges are convinced that industry can provide an important supplement to a college education and, in turn, not enough businessmen are aware of the material and intangible benefits available to them. In California, for example, only seven colleges or universities offer cooperative education programs. Nevertheless, just ten years ago, there were none.

Recently, I had the opportunity to co-host, with President Norman Topping of the University of Southern California, the first California Conference on Cooperative Education, organized by the National Commission for Cooperative Education. The conference was attended by many interested members of the business, financial, and academic communities of Southern California. I feel this meeting did much to encourage the serious exploration of the potential of cooperative education by those who attended the symposium.

My interest in this subject results from personal experience working and going to school. As a boy whose parents died when I was quite young. I was faced with the usual problems of growing up—getting an education, and going out into the "cold, cruel world" to find a job and make a living. I attended good schools and a fine university, and I took odd jobs during the school year and in the summers to help pay my way. By the time I left college, I had plenty of work experience—in auto shops in Detroit, coal mines in Pennsylvina, selling real estate on Long Island, jerking sodas, waiting on tables, shilling for a tailor shop and even working as a bouncer in a dance hall.

I was not an exceptional student. But I was able to acquire quite a variety of job experiences and practical knowledge which I would not have traded for anything. And by the time I left the campus for good, that "cold, cruel world" looked a little warmer, a little more inviting.

So, too, will students in cooperative education programs see our so-called establishment a little differently when they return to the campus after working at a job.

Their jobs can move them up the career ladder. Ford Motor Company, for example, employs 800 co-ops from 30 colleges. Drexel Institute's 3,500 co-ops earned $7.5 million last year. Of the $125 million in total earnings, the co-ops pay at least ten per cent in taxes to the federal and state governments—a fact which I am certain is of special inter-

est not only to members of Congress, but to all of us as individual taxpayers.

I do not want to neglect the reasons why cooperative education is so important to industry.

James Godfrey, as Coordinator of the Cooperative Education program of Lockheed, at Sunnyvale, made this very clear during an Oregon Conference on Cooperative Education when he stated the reason why Lockheed participates in this program:

"We do it, somewhat perhaps, out of a feeling of benevolence, and perhaps this is the way we started. It is an idealistic view, and we still maintain that. . . . However, I think this is the main reason—we want these students back as fulltime professional employees when they graduate. And we get them in sufficient numbers and proportions to make it worthwhile for us. It's good business—especially in today's highly competitive professional manpower market. Also, we found the graduates of a co-op program are superior to the graduates of the normal four-year curriculum and are more productive; they are immediately productive; they are technically better qualified . . . they appear to have found their niche in life much sooner than the graduates of a traditional curriculum."

We in the Congress think that expansion of the Cooperative Education Program can be extremely important. I am pleased to be the author of an amendment, now incorporated in the Vocational Education Amendments of 1968, which provides for federal financial assistance to the states, to encourage and expand cooperative vocational education programs. An amendment to the Higher Education Act of 1968 authorizes the U.S. Commissioner of Education to make grants to institutions of higher education for planning, establishment, expansion or carrying out by such institutions, a program of co-operative education which alternates periods of full-time academic study with periods of full-time public or private employment. This amendment, which I strongly supported, is intended to enable those institutions which find it desirable to consider restructuring their academic programs to establish cooperative education. Such institutions can apply for federal grant funds of up to $75,000 a year for three years to meet the cost of starting and operating a program. Support can also be provided to enable institutions with existing programs to expand them or to expand into new curricular areas. In enacting the amendment, Congress authorized $8,750,000 for the fiscal year ending June 30, 1970. If it is now adequately funded for a period of five to seven years, this amendment could enable more than 400 additional institutions to move vigorously into cooperative education programs. This would provide opportunities for an additional 250,000 students to take part. While I am not a member of the Appropriations Committee, I intend to work for adequate funds for this program.

I recently asked Robert H. Finch, the Secretary of Health, Education, and Welfare, to approve an application under the program authorized by my amendment, for cooperative education programs made by two Orange County and three San Mateo County junior colleges. The program would provide work-experience for 1,000 students in its first year and would increase at a rate of additional 1,000 students yearly. Both business and the California Junior College Association warmly endorsed the plan which I hope might help this important concept catch fire at the growing community college level.

So, the message is getting across. There's an old saying that "nothing is so powerful as an idea whose time has come." I believe honestly, that cooperative education is such an idea.

EXHIBIT 3

STATEMENT OF SENATOR GEORGE MURPHY

Mr. President. I rise today to offer an amendment to H.R. 13111, a bill making appropriations for the Departments of Labor-Health, Education and Welfare for fiscal year 1970. My amendment is very simple. It will have the effect of increasing by $20 million the total amount of funds made available for Parts C, D, and F of the Education Professions Development Act, with the additional $20 million earmarked for the development of personnel in vocational-technical education. Currently the U.S. Office of Education has indicated an intention to spend only $5,750,000 for training vocational education personnel. There is ample evidence that this sum is totally inadequate, and my amendment proposes to earmark the additional funds so that our educational system can begin to attract new personnel to the field of vocational-technical education, and in order that existing vocational personnel might be upgraded and retrained.

Mr. President, my colleagues in the Senate who are concerned about the problems posed by increased inflation may question my introduction of this amendment. I share their concern and I must admit that I have been hesitant about supporting increased spending at this time. I am, however, persuaded that there is an overwhelming and critical need for additional training funds to meet the personnel needs in vocational and technical education. These needs are especially severe in my own state of California.

I introduce my amendment at this time in order to bring this matter to the immediate attention of my colleagues. The Senate Labor-HEW Appropriations Subcommittee, so ably chaired by the distinguished Senator from Washington, Mr. Magnuson, will begin hearings on H.R. 13111 this month. In the interim, however, I hope that the other members of the Senate will investigate the training needs for vocational-technical personnel in their own states and will come to the support of my amendment.

There is no lack of facts to substantiate the need for increased and improved vocational technical education programs throughout the country. These facts have been presented to Congress before, and they clearly and persuasively indicate that education in the United States does not meet the needs of the majority of American youth. For example:

80% of American youth in 1966 dropped out of school before graduation from college, but less than 20% had acquired skills with which to enter the job market.

60% of the students attending high school left to enter the world of work rather than going on to college, yet less than one in four was enrolled in a vocational education program while in high school.

In light of these facts our national educational priorities have been incorrectly set:

14 federal dollars were invested in universities in 1966 (proportionately more in subsequent years) for every one dollar invested in vocational education programs.

4 federal dollars were invested in remedial training programs during that same year for every one dollar invested in preventive vocational education programs.

To correct this imbalance, Congress voted last year to authorize an expenditure of over $750 million beginning in Fiscal Year 1970 for a new and improved vocational education program. I am pleased to have been the author on the Senate side of Part G of the 1968 Amendments which provides funds for cooperative vocational education programs. This technique for preparing persons for work has much potential, and is a great untapped resources for vocational education, as well as for other education.

Aware of the fact that neither innovation nor expansion can occur unless there is sufficient professional teaching and administrative personnel, Congress made provision in the 1968 amendments for the training of vocational education personnel. The training component of the 1968 Vocational Education Amendments (an amendment adding Part F to the Education Professions Development Act) authorized a 1970 expenditure of $35 million for training purposes. I ask unanimous consent, Mr. President, that a fact sheet describing the components of Part F be included in the Record immediately following my remarks.

Those of us in the Senate who worked to perfect the Vocational Education Amendments of 1968 were hopeful that the newly authorized programs would be adequately funded in 1970. We were heartened when the House Appropriations Committee increased President Johnson's and President Nixon's budget allowance for vocational education, and we were even more encouraged when the full House of Representatives voted to add more than $131 million to the Committee bill, making a total of $488 million.

Mr. President, neither the House Committee nor the full House, however, increased the funds for the training of vocational education personnel—and these are key people who must administer the $488 million of programs and staff the schools. The thrust of the Vocational Education Amendments of 1968 is to modernize vocational-technical training, to make it available to individuals, and areas, not now being served. These changes cannot take place unless there is an adequate supply of trained teachers, coordinators, and administrators. The new vocational education programs may be doomed to failure if Congress does not act now to provide additional training funds for vocational personnel. New institutions can be built and new teaching methods devised but the schools cannot operate and the new curricula cannot be implemented without an increased supply of adequately trained vocational education personnel.

The needs for training and retraining vocational and technical education personnel are just as startlingly clear as the needs for establishing new and better schools. The facts are these:

Enrollments in the public vocational-technical education program are rising and will continue to rise at an accelerated rate requiring many new teachers. Information available to the Office of Education indicates that enrollments in public vocational-technical education programs will probably reach 8,555,000 in 1969 and increase to 17,250,000 by 1975. Past experience has shown a teacher-student ratio of about 1:50 which would mean that the 1969 teaching force would be approximately 171,400. If the ratio remains the same, the teaching manpower requirement in 1975 based upon the above enrollment projections would be 345,000. Other professional and paraprofessional support personnel needed to staff vocational education programs throughout the country would be in addition to the above estimates.

Producing additional teachers is a problem since most universities do not offer the proper teacher training programs in vocational-technical education. Although universities and colleges in most states offer teacher training in vocational education areas such as homemaking, industrial arts, agriculture, and trade and industrial education, few offer training in teaching the more technical occupational skills and in new and emerging occupational areas. Very few universities and colleges offer comprehensive advanced degrees designed to develop leadership personnel for vocational-technical education.

Further, the problem of shortage is compounded by the fact that many states have not had the staff or financial assistance nec-

essary to properly assess their needs. The State boards of vocational education, in nearly one-half of the states have not been able in the short time since the enactment of the vocational education amendments to submit a prospectus or plan to make them eligible for funding under Section 533 of Part F. This includes some states which most desperately need to update and expand vocational education programs.

In the states which have accomplished this assessment, however, the response has been overwhelming. Tentatively eligible requests for financial assistance from educational agencies and institutions for 1970 Fiscal Year funds from states which have submitted a plan as of August 1 deadline totalled $34,722,633, or slightly under the amount of the authorization. These facts underscore the need for massive financial and technical assistance to institutions of education and state boards of vocational education if these training needs are to be met.

So that you may fully appreciate the need for training additional vocational technical education personnel and for retraining presently employed staff, I would like to present a case study by bringing to your attention the problems faced by the State of California in the area of recruiting, training and retraining vocational-technical education personnel.

The information and statistics I am about to present were supplied by the State Department of Education in California.

The State of California currently has some 9,500 vocational and technical education teachers who will be attempting to meet the skill development needs of approximately 1,000,000 secondary, post-secondary, and adult students in California. Earlier in my remarks, Mr. President, I quoted Office of Education figures which indicated that the usual ratio of students to teachers, nationwide, was 50 to 1. In California that ratio is close to 100 to 1, an appalling state of affairs. We cannot deny that the shortage of personnel is a very severe problem.

It is not the only problem, however. Two additional factors compound the issue. One problem revolves around the fact that our rapidly advancing technology has left currently employed teachers far behind in up-to-date knowledge of their subject matter. Recent studies, entitled, *Profiles of Trade and Technical Teachers,* by Melvin L. Barlow and Bruce Reinhart, substantiate this claim. The median age of trade and industrial education teachers employed in 1966–67 was 45.9 years, and the median age when they began teaching was 36.8 years. The majority of these teachers at that time, and I am certain that the situation has not changed, had been away from active participation in the occupation for which they were giving instruction for approximately 8 years. The study concludes it was safe to assume that many of them had "not kept current with changes occurring in the technology of teaching." A second study completed in 1969, in which 286 leaders responsible for vocational education programs at the local level in California were contacted, found that the highest priority for the improvement of instruction was "the maintenance of teacher exposure to the latest developments in their subject area, both technical and pedagogical."

The second problem concerns the fact that existing vocational education personnel are simply not adequately trained to cope effectively with the special needs of the major minority groups within the State—the Mexican-Americans, Negroes, and others—who constitute enrollments in vocational education in increasing numbers. A study currently being completed by the University of California underscores this fact.

The State of California Department of Education is very concerned about these problems and desires to take immediate steps to meet the needs of retraining existing personnel and recruiting and training new teachers. They desperately need additional assistance, however, in order to accomplish this.

The State Department of Education has outlined the vocational-technical education needs of the State of California and carefully constructed a plan of operation to meet those needs. This plan, I have been informed by officials in California, was submitted to the Bureau of Educational Personnel Development for funding. In order to be implemented the California plan requires an expenditure of over $4 million during the next three years, with $892,000 needed for 1970–71. Over this three-year period, nearly 2,000 persons would be trained or retrained. Overall the emphasis would be on improving the quality of teaching in vocational education areas, alleviating the shortage of qualified teachers, and developing a cadre of "master teachers" to teach in places where there are high concentrations of disadvantaged, handicapped, and minority students.

Mr. President, at the current level of resource allocation, there would be no hope of funding the California State Comprehensive Plan. The three-year request submitted by the State of California by itself is nearly ⅘ of the total request for Part F in 1970.

At the present level of funding—$5,750,000—I have been informed (and somewhat reluctantly) that the Vocational Education Training Branch of the Bureau of Educational Personnel Development could fund projects under Sec. 552 involving 160 persons, projects under Sec. 553 involving 3825 participants, and continue projects from 1969 involving 70 teachers. If my amendment were adopted and $20 million was made available to the Vocational Education Training Branch. however, the situation would change. Instead of 4,055 participants nationwide, projects could be funded in which 13,495 persons were trained or retained to be vocational technical education teachers. This is a substantial number and would constitute a good effort to meet current needs.

Mr. President, the failure of American education to meet the job entry needs of today's youth continues to constitute a serious waste of human resources. Vocational education must become an integral part of the educational experience of those students who are planning to enter the job market without continuing their education at the college level. It cannot and should not be assigned a second-class status. The need for vocational education experience is particularly acute for the members of minority groups, for the handicapped, and for those seeking to break the cycle of poverty. For these people the lack of job entry skills may prove the crucial obstacle in a society with an increasing demand for a skilled labor force and an ever-decreasing need for unskilled workers. The proposed level of funding for vocational personnel funding is too low to make an impact, too inadequate to begin to meet the vocational education training needs.

One of the most important and rapidly growing educational institutions in our society is the junior college. These institutions, many of which call themselves comprehensive community colleges, have developed at the rate of one per week, and they offer unusual opportunities to prepare persons for the world of work by offering the 13th and 14th year of education. California, as my colleagues know, has been the pioneer and leader in the community college movement. The last time I checked, there were approximately 90 community colleges in the state, and it was expected that there would be 100 by the early 1970's. Of the total student freshman and sophomore population in California, approximately 85 per cent are enrolled in community colleges. Secretary Finch and the Administration are aware of the importance of community colleges.

Professor John Nealon of Rutgers University, in a recent study, entitled, "The Outlook for Adequate Faculty in Public Postsecondary Vocational Education," reported: "The essential facts are that of the entire working force, less than 15% have baccalaureate or advanced degrees. The balance are employed in the occupational areas where the formal education required of the average worker is shifting upward at an increasing rate. A 12th grade education soon will no longer suffice and the great body of our working force will require one to two years of postsecondary training to be considered for the more desirable and higher paying paraprofessional positions."

Professor Nealon developed statistics showing the types and number of teachers that must be prepared for vocational education programs at the postsecondary level alone. He finds that by 1974 we must almost double our present efforts in preparing personnel for postsecondary programs of vocational-technical education.

The Vocational Education Amendments of 1968 was a landmark bill charting a new direction for vocational education. Educators with whom I have spoken are challenged by both the Act's great potential and the societal problems to which the bill is addressed. But as magnificent a blueprint as it is, the key to the Act's success will not be its form, but its implementation. And this means that meeting the personnel needs is crucial to the success of the entire vocational education program. We simply cannot vote funds for bricks and mortar, experimental programs, books and equipment without providing adequate money to train teachers to serve in those schools to run those programs to use that equipment.

An appropriation of $20 million for the training of vocational education personnel will be a move in the right direction.

Mr. President, I ask of my colleagues that between now and the time H.R. 13111 is reported to the Senate floor, they investigate the situations in their own states. I am certain that each of you will find the shortages just as acute, the inadequacies of present vocational and technical education personnel just as severe as those I found in California. I believe there will be unanimous agreement as to the critical nature of this problem. I hope the Senate will support an appropriations of $20 million for vocational education personnel training for Fiscal Year 1970.

Mr. MAGNUSON. Mr. President, I wish to say to the Senator from California that we did not earmark funds for this program but the additional amount we have provided will be sufficient to carry out what the Senator is talking about.

Mr. MURPHY. I thank the distinguished Senator.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Maryland.

AMENDMENT NO. 433

Mr. TYDINGS. Mr. President, I call up my amendment No. 433 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 21, line 11, strike "$78,000,000." and insert in lieu thereof "$80,800,000: *Provided,* That no less than $6,500,000 of this total to be expended upon the population research contracts program.".

Mr. TYDINGS. Mr. President, at this time is it in order for me to modify my amendment?

The PRESIDING OFFICER. Yes; it is in order.

Mr. TYDINGS. Mr. President, I yield myself 7 minutes.

Mr. President, I ask unanimous con-

sent that my amendment be modified, first, by adding the name of the Senator from Oregon (Mr. PACKWOOD) as a cosponsor; and, second, on line 2, strike out everything after the word "provided" through the end of line 4, and on line 2, strike out the figure "$79,800,000" and insert in lieu thereof the figure "$80,800,000".

The PRESIDING OFFICER. Will the Senator send his modified amendment to the desk?

Mr. TYDINGS. Mr. President, the purpose of my amendment is to increase the appropriation for the National Institute of Child Health and Human Development—NICHD—from the committee recommendation of $78 million to $80.8 million. This additional $2.8 million is requested to enable NICHD to fund its contract program for population research at the level originally planned for fiscal year 1970.

According to the report of the President's Committee on Population and Family Planning issued last year, the United States should be devoting a minimum of $100 million a year for population-related research if we are serious about solving our grave family-planning problems. The most critical needs are in the area of biomedical and contraception research.

Last year, NICHD—the agency currently responsible for population-related research—spent a paltry $10.7 million on such research; a mere 10 percent of the minimum amount we should be spending. Of that $10.7 million, $3.7 million was spent through the research contract program. The research contract program is the only portion of the NICHD budget which provides for problem oriented research in the area of contraceptive development, the assessment of the medical effects of oral contraceptives and related research in the behavioral sciences.

Consistent with the new priority Secretary Finch has granted to family planning programs, HEW requested an increase in this population research contract program for fiscal 1970 from $3.7 to $6.5 million—an increase of $2.8 million.

As you know, the House provided no increase in NICHD appropriations over fiscal year 1969. The Senate Appropriations Committee has suggested an increase in the total NICHD appropriation from the $73.1 million level of last year to $78 million for fiscal year 1970—an increase of $4.9 million.

Now of that $4.9 million increase, the committee earmarked at least $2.6 million for training grant and fellowship programs. Of the $2.3 million remaining, NIH officials estimate that roughly $1.3 million will go for funding mental retardation research centers. The Senate committee report did not indicate how much, if any, of the remaining $1 million will go to the population research contract program.

This would mean that for fiscal year 1970, the research contract program might still be funded at last year's $3.7 million level; still $2.8 million short of the total requested.

In order that this vitally important population research program be fully funded at $6.5 million—without drawing any funds intended to combat mental retardation—I am offering an amendment to increase NICHD's appropriation by $2.8 million, from $78 million to $80.8 million.

If we are serious about transforming our concern over the population problem into action, an additional $2.8 million is a small price to pay; a small investment in America's future.

Mr. President, just last week the Health Subcommittee of the Committee on Labor and Public Welfare, of which the distinguished Senator from Texas (Mr. YARBOROUGH) is chairman, held hearings on the grave population problem confronting this Nation and the terribly inadequate research being carried on to solve this problem. It was pointed out during those hearings that a large increase in population-related research is necessary if we are to provide voluntary planning services to mothers across America. This point was made repeatedly by the American Medical Association, deans of our great medical schools, numerous scientists and Nobel laureates, as well as by Dr. Egeberg, Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare.

It was pointed out that for each dollar spent in the field of population there is a return of $20 to $70 at the local, State, and Federal levels. It was also pointed out we really have no research program worthy of the name which is operating in the United States with respect to this problem. The major breakthroughs—and there have been few in the last decade—have been in research programs which have been funded through private foundations, not through the National Institutes of Health.

Mr. President, it may not be realized by the world yet, or by our Government, but the global population explosion is perhaps the single most serious problem facing mankind today. If the problem is not faced up to in the country we are going to see property taxes double in the next decade; we are going to see local sales taxes, States taxes, and Federal taxes skyrocket because there is no way we can pay for the tremendous increase in population in this country without a tremendous increase in taxes. We have not begun to look at the full consequences of the problem seriously and systematically.

I would be grateful if the distinguished chairman and the distinguished Senator from New Hampshire would accept the amendment which would basically provide an additional $2.8 million for research in this vital field of population so that the NICHD population research contract program can be fully funded at the $6.5 million level requested by the administration.

President Nixon is the first President in our history to send a message to Congress on the importance of population. I think it took great courage and it showed great wisdom on his part.

The Secretary of Health, Education, and Welfare, Mr. Finch, last week came up and testified on the great urgency the administration places on this problem. At those same hearings, Dr. Egeberg, the Assistant Secretary of Health, Education, and Welfare, reasserted the importance of providing adequate funding for population research. I am offering this amendment with his support and at his behest so that we can have a full utilization of an ongoing research program in this vitally important area.

I would be grateful to the distinguished manager of the bill if he would accept the amendment.

Mr. MAGNUSON. Mr. President, I have discussed this matter with the distinguished Senator from New Hampshire. We will be glad to take it to conference and I am glad the Senator took off the proviso. This is an important matter. We do, however, have a great deal of money in the bill for family planning, which is also a part of this entire picture.

Mr. TYDINGS. I think it is imperative that we expand the $3.7 million spent on the population contracts program in fiscal year 1969 to $6.5 million in fiscal year 1970.

Mr. MAGNUSON. I think research for better family planning is necessary, too.

Mr. TYDINGS. I wish to say that it is important that we develop in this country the best scientific devices and contraceptive devices so that if a mother decides to voluntarily plan her family she can do it. The least we can provide is research and development so that a mother who wishes to voluntarily plan her family can do so. Right now the state of development in this area is sadly retarded when compared to research and development in relation to death control. We spend something in the neighborhood of $100 on death control to every $1 we spend on the problem of birth control. I would hope that the chairman would take the amendment to conferences in the hope that we can secure full funding for the population research contracts program.

Mr. MAGNUSON. We would be glad to accept the amendment.

The PRESIDING OFFICER. Do the Senators yield back the remainder of the time?

Mr. TYDINGS. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 433) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. COTTON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, line 12, strike out the figure "$10,426,000" and insert "$12,426,000."

Mr. COTTON. Mr. President, the Secretary of Labor has requested $2 million to put into effect their crime program.

The committee felt it did not want this running through the various departments and we did not allow it. We thought the request should come from the Attorney General. The Secretary of Labor has just communicated with me and he and the Attorney General together would like to have this taken to conference to be considered.

Mr. President, I asked the chairman if he would take it to conference. He said he would.

I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 43, lines 7 and 8, strike out "$35,650,000" and insert in lieu thereof "$36,250,000".

Mr. WILLIAMS of New Jersey. Mr. President, it is with a sense of urgency that I offer an amendment to the Labor-HEW appropriations bill. The amendment would increase the appropriations in the committee-reported bill for the Older Americans Act from $35,650,000 to $36,250,000. This modest $600,000 increase would be used to provide funding for training personnel in the field of aging.

Under title V of the Older Americans Act, training grants and contracts are made to: First, support recruitment and training of personnel now employed, or preparing for employment, in the field of aging; second, develop university curricula and training material to transmit the specialized knowledge and skills essential for social planning and responsive services; third, undertake manpower studies and job analyses to assess the supply of and demand for personnel in the field of aging; and fourth, assess the skills required for leadership and responsible performance in emergent occupations serving elderly persons.

The original budget request made by the outgoing administration earlier this year for the title V training program was $3,500,000, approximately $600,000 more than in fiscal 1969. This was in recognition of the foreseeable, growing demand for more adequately trained personnel to serve the aged. The revised budget request by the present administration reduced this figure to $2,610,000, nearly a $900,000 reduction. It was estimated that this request would support continuation projects which would fund about 285 long-term career students and a few short-term trainees. An additional $290,000 was recommended this week by the Committee on Appropriations in order to restore the training program at approximately the fiscal 1969 funding. Applying the same average cost computation under the revised budget estimate for training long-term trainees, the additional $290,000 provided in the committee bill will allow about 32 more long-term career students to be trained, increasing the total of those receiving long-term training to 317.

While this increase is certainly a step in the proper direction, more needs to be done because of the crucial shortage of adequately trained personnel for the elderly. The effect of my amendment, which would raise the title V funds to the level sought by the previous administration, would be to provide nearly 100 additional training positions and would raise the total for long-term trainees to approximately 383—a 34-percent increase when compared with the revised budget request. This increase, in my judgment, is essential. Unless action is taken immediately to expand the opportunities for training, older Americans will face increasing shortages of personnel trained to provide the care and services which they desperately need.

We know that a need exists, because that need has been documented. At the urging of the Senator from Massachusetts (Mr. KENNEDY), an amendment was adopted in 1967 to the Older Americans Act. It directed the Secretary of HEW to study and evaluate: first, the immediate and foreseeable need for specialized training personnel to carry out the objectives of the act and, second, the availability and adequacy of educational resources for persons preparing for work in the field of aging. The main study, entitled "The Demand for Personnel and Training in the Field of Aging," declared that there is a critical shortage of trained and specialized personnel in programs serving the aged.

For example, the report stated:

Although some progress has been made in developing appropriate training programs it is far behind the expanding need. As a result most if not all service programs are faced with critical shortages of trained personnel. The outlook is for little improvement in this regard unless drastic changes are made in the scope and character of the training effort.

While this increase in funding for training will increase opportunities for long-term trainees, consideration should also be given to short-term training by the Administration on Aging because short-term courses can play an important role in introducing hundreds of new practitioners and volunteers to the field of aging and in upgrading and updating the skills of experienced practitioners. At the end of this year, it is estimated that approximately 4,750 persons will have received training through the 24 short-term projects supported since the inception of this program. These projects have made significant contributions by increasing the required skills and knowledge of personnel serving or preparing to serve the elderly. However, the revised budget request of $2,610,000 would have the effect of virtually eliminating these short-term training projects. The enactment of my amendment could contribute significantly toward expanding the short-term training programs as well as the long-term projects.

The effectiveness of the programs under the Older Americans Act has been amply demonstrated. However, the lack of inadequately trained personnel can nullify what progress has been made to make the lives of our senior citizens more meaningful and pleasant.

I ask unanimous consent to have printed in the RECORD a strong expression of support for the funding provided by this amendment by a renowned expert in the field of gerontology, Wilma Donahue of the Institute of Gerontology of the University of Michigan. This response is typical and dramatizes the need for increased appropriations for the title V training program. Therefore, I strongly urge the adoption of this amendment.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DECEMBER 11, 1969.

Senator HARRISON A. WILLIAMS,
New Senate Office Building,
Washington, D.C.:

This telegram expresses my deep concern about the low level of the appropriations requested for the AOA title five training grant program. I understand that the requested amount will not permit the funding of any new training programs in FY 1970 and will provide only bare maintenance if that for existing programs.

In view of the documented need for large numbers of persons trained to serve older people, I regard the failure to provide adequate funds for both short term and career training programs as a tragedy. There is no dearth of students wanting to be trained or educational institutions anxious to provide the needed training. I therefore urge that the appropriations request be put back to its original level of 3.5 million dollars for the title five training grant program. I sincerely hope that you will support such a request.

Respectfully,

WILMA DONAHUE,
Institute of Gerontology,
University of Michigan.

Mr. MAGNUSON. Mr. President, we can take the amendment to conference. The amendment did not provide very much for training. Of course, the law itself is comparatively new. So we would be glad to take the amendment to conference and discusss the matter there.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. WILLIAMS of New Jersey. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I just want to look around the Chamber and ask whether there are any more money amendments.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the clerk be directed to have the bill correctly show what transpired on the item "Loans and Grants to States for public assistance," which appears on page 37, line 19.

After the comma, insert the follow-

ing: "and sections 102 and 103 of the International Education Act of 1966"; and on page 37, line 18, strike out "and".

The PRESIDING OFFICER. Without objection, the corrections will be made.

Mr. MAGNUSON subsequently said: Mr. President, yesterday Senator ALLOTT offered an amendment to school assistance in federally affected areas.

The amendment read:

On page 31, line 19, strike $600,167,000 and insert $660,167,000 and on page 31, line 19, strike $585,000,000 and insert $650,000,000.

I am informed the amendment should have read:

On page 31, line 19, strike $600,167,000 and insert $660,167,000 and on page 31, line 19, strike $585,000,000 and insert $645,000,000.

I ask unanimous consent to make the necessary corrections.

The PRESIDING OFFICER. Without objection, the corrections in the bill will be made.

Mr. JAVITS. Will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. JAVITS. I just want to say what a great job the Senator from Washington and the Senator from New Hampshire have done. It is certainly a fine fine piece of work. Every member on the committee should be grateful to them both.

Mr. MAGNUSON. I thank the Senator from New York very much.

Mr. President, the Senate has explored the many items in this bill. We have debated the merits of funding levels. We have explored the workings of many programs. We have encouraged consolidation and reorganization, to avoid the waste of undue duplication and overlapping of efforts. We have adjusted priorities in many areas, and we have expressed our own feelings and sense of priorities.

Except for a very few areas, I think we have been fair and sensible in the allocation of resources.

As a member of this body, as chairman of the subcommittee charged with responsibility for the bill, I feel much better today about the priorities that are now reflected in this bill, much better than I felt when I read the President's budget in April and May, and when I read the various amendments sent up to us.

As we approach the final vote, I want to say a very few words about the "people" involved in these programs, the people they reach, and the people who make these programs live.

These programs reach every American citizen—rural, urban and suburban. Young or old, rich or poor, everyone has a vital stake in the programs, in the bill, and in the funds allocated. The Senate has not forgotten that many of these programs will have a major impact upon the quality of life in our society and, therefore, are of vital import to every future citizen of our land.

I should like to pay special tribute to everyone involved in the delivery of these programs to people—to all the teachers in classrooms everywhere—to librarians—to those in the laboratories who are making headway against the evils that plague us physically, or impair our environment—to those in the health professions who are delivering the best health care to the people that our Nation has ever known. They and we are dedicated to continued improvements in the quality of that care. There are too many programs, too many people, to mention them all.

I want to say how impressed I was with the dedication to purpose and the evident ability to do the jobs, the high professional caliber that I found so many of these people to possess. This applies to those in the home offices, to those in the field, and to the many volunteers associated with the programs.

It was reassuring, and it should be reassuring to everyone interested in the success of these programs. It is true, we should expect such ability and dedication, but we do not always find it.

I know that all of us who worked intimately on the bill found many fine examples of that dedication to purpose and evident ability throughout the areas of responsibility involved. I salute them all, and I hope they find we have been helpful to them and to all our fellow Americans.

Mr. President, let me say a word on priorities, which are very hard to establish. I do not blame people for being dedicated to their particular interest. That means there is good competition for priorities, with everyone wanting a fair advantage. We tried to allocate these funds the best we knew how, in order to serve the basic nationwide purpose.

I want to say one thing in particular: I think we are making great progress in medical research, not as much as we would like to, but there is a light at the end of the tunnel. If there should be any crisis in the medical area facing this country, it is in the delivery of health care to our people. In getting the very best care right down to the people, and we should be able to help resolve these difficult problems in the delivery of health care.

The Senate was consented to "upping" the bill so that we would be able to train more people in every possible sector of health care.

I want to thank our dedicated staff once more, and thank the Senate as a whole for being so patient with the Senator from New Hampshire and myself.

Mr. COTTON. Mr. President, the bill contains some of the most vital and most needed programs in the entire Government. The bill must become law, of course. Appropriations should be just as liberal as we can afford. Bearing in mind some of the money we are spending and throwing around the world and up into space and everywhere else, we must be liberal.

I feel, however, that we should mention how the bill started.

It was started from the House committee at $16.5 billion.

On the floor of the House was added $1.1 billion.

The Senate subcommittee added $3.246 billion.

The full committee added $31 million.

Now, on the Senate floor, has been added a total of $543.7 million, which is well over $.5 billion.

Thus, we now have a $21,363,319,700 appropriation bill.

I am for the bill. I want, when we get to conference, to see that we get the best bill possible, with the money to hit the mark.

But I do not feel that we should pass a $21 billion plus appropriation bill, without a rollcall vote.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COTTON. Because of some of the money which has been added to the bill—just simply as a matter of protest, I may vote "no" on final passage. That does not mean that I will not do my best in conference to see that the really valuable items are saved.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. WILLIAMS of Delaware. I join the Senator in expressing concern over the size of this increase. Would the Senator from New Hampshire permit me to have printed in the RECORD a letter which the President sent to Congress on July 16, 1969, wherein he restated that he would comply with $192.9 billion expenditure ceiling which had been passed by Congress. In the same letter he pointed out that Congress itself had some responsibility to hold down appropriations and that otherwise he would have no choice but to either impound the funds where he could or veto the bill. For Congress to appropriate billions above budget requests and then tell the President that they expect him to hold total expenditures down to the prescribed $192.9 billion level is sheer political hypocrisy.

It is time that the Members of the Senate demonstrate some responsibility.

Mr. COTTON. I would be happy to have the Senator ask unanimous consent to do that.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the President's letter of July 16, 1969, be printed in the RECORD, followed by an item appearing on today's U.P.I. wire service commenting on this same point. I join the Senator from New Hampshire in expressing concern over these ever-expanding appropriations which are being approved by this Congress. Certainly this is no way to control inflation.

There being no objection, the letter and item were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., July 16, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am aware of the concern over extension of the surtax and repeal of the investment credit unless expenditure controls are made clearly effective. Possibly some of this concern arises from the flexibility of the expenditure control provision of H.R. 11400 just passed by the Congress.

In this legislation the limit on expenditures for fiscal year 1970 would appear to be $191.9 billion—one billion below the $192.9 billion projected in my revised budget. However, the actual language (1) authorizes me to exceed this ceiling by two billion dollars for increases in specified items of uncontrollable spending (thereby

raising the ceiling potentially to $193.9 billion; and (2) enables Congress to raise expenditures by any amount for any program, thereby permitting automatic Congressional increases in the ceiling.

There is an obvious advantage in having a precise ceiling—one which clearly specifies the maximum allowable expenditures. I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.

I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.

For the Executive Branch this means that if uncontrollable spending, such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to impose offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

I believe this firm expenditure control, prompt extension of the surtax and the excises, and repeal of the investment tax credit will give us the tools our country needs to brake and stop inflation. It is my understanding that the Ways and Means Committee and the Finance Committee will follow this action with prompt consideration of a major tax revision package which will include many of the reform proposals I recommended to Congress last April.

Working together, I am confident that the Congress and the Administration can establish sound priorities and keep within a $192.9 billion expenditure total for 1970. I assure you that I intend to see that this is done.

Sincerely,

RICHARD NIXON.

INFLATION

WASHINGTON.—President Nixon today asked Congress to join him in holding down Government spending to maintain confidence in the Nation's economy "no matter what the cost in political popularity."

"At stake is nothing less than the future of the American economy," Nixon said in a letter to leaders in both the House and Senate.

Nixon pointed out he had had established a $192.9 billion spending ceiling for the current fiscal year last April, $4 billion less than proposed by the Johnson administration. Congressional actions and increases in uncontrollable items such as interest on the public debt forced him to lop another $3.5 billion from the budget he said. But he said Congress had jeopardized the ceiling.

In all, about $6 billion in fixed built-in increases has swelled Government spending since Nixon took office last January, he said.

Congressional actions already passed by at least one House of the Congress could add about $4 billion to Federal spending this year, he said. These actions include—

Increased educational aid in the appropriations bill for the Labor Department and Health, Education and Welfare Department.

A civilian and military pay raise, "premature" and "following on the heels of substantial raises" this past summer.

A 15 per cent increase in social security benefits in place of the 10 per cent recommended by Nixon.

New legislation giving additional benefits to veterans, children and others.

Nixon said an additional $1 billion has been lost through congressional inaction on his requests to make the postal system self-supporting, and to permit sales of certain financial assets of the Veterans Administration and the Farmers Home Administration.

Nixon said "this combination of action and inaction would load an additional $5 billion onto an already overheated economy."

Despite these increases in expenditures, Nixon said recent Senate tax proposals to increase personal income tax exemption and to retain part of the investment credit would take away $1.6 billion from revenues.

"The Congress appears to be well on its way to substituting tax reduction for tax reform," Nixon said. "This will harm rather than help the average taxpayer."

The President pointed out that with the expiration of the surtax next July 1, revenues for the 1971 fiscal year must be calculated from a base $8.5 billion lower than formerly expected. In addition, he said, other increases in uncontrollable Federal payments will raise next year's budget expenditures "probably above $200 billion."

Nixon said that every dollar released through reduced taxes or increased Government expenditures produces several dollars of additional "price pressures" in the economy leading to higher prices and inflation.

"Inflation—the hole in everybody's pocket, is the most unfair tax of all," the President said.

Restoring order in an economy wracked by inflation for more than five years "requires the patience of Job," but some progress has been made, Nixon said. He listed—

Retail sales have remained at near the same level since midsummer.

Business inventories are high, possibly requiring some easing of production schedules.

The Consumer Price Index, rising at the rate of 6.4 per cent per year in the first half of 1969, has dropped to 5.3 per cent per year since June.

But Nixon said the Government must "persevere in strong, responsible fiscal policies" if it expected to build confidence in the year ahead.

"The way we handle the Federal budget will determine whether millions of consumers can balance their family budget," Nixon said.

"We stand at the crossroads of credibility. If we can regain a fiscal grip on ourselves and carry through with a strong budget and fiscal policy, we can build on the growing evidence that policies of 1969 are beginning to exert stabilizing effect.

"But if we miss this opportunity, it will be a long time before the public will ever believe that Government can manage its finances in any way other than to produce sustained and serious inflation."

Mr. WILLIAMS of Delaware. I hope that the conferees can work out a better solution than that which has been done in the Senate.

Mr. COTTON. Mr. President, when the hearings started, the administration requested that we find some way to reduce the $1.1 billion that was added on the floor of the House. I understand from what happened yesterday, with the approval of the Department, and I assume of the administration, we not only kept all that, but loaded on much more. We appropriated a cool $2 billion without a word of evidence, without any hearing, doing it before the actual authorization was passed.

This is an important bill. It is a bill that strikes at the sensitive nerve of America. It is a bill that links the Government to the American people and determines whether we are a compassionate Government or not. Let us not ruin it by making it a political football and filling it up thoughtlessly with every kind of pet program until the whole thing loses the confidence of the American people.

I am for the bill. I will do my level best in conference to preserve everything in it—that is vital. I believe I shall vote "No" on final passage as a protest and with the hope that another year we will start earlier, and take more time and be more precise in the way we handle what is indeed a very complicated bill.

I want to compliment the distinguished chairman of the committee. I have never seen a man work harder. It has been a privilege to work with him. Such action as I am about to take now does not reflect on him or anybody else.

Mr. RANDOLPH. Mr. President, I express genuine gratification over the health research, training and program funding levels recommended by our colleagues on the Appropriations Committee. It is my firm conviction that the increased funding, amounting to over $246 million, for these programs is justified. I commend the distinguished and able Senator from Washington (Mr. MAGNUSON) and his subcommittee members who worked diligently in preparing the case for the higher levels of funding.

It may be true that no person is against adequate funding for health care programs, but cost reductions and cutbacks to deflate our economy generally hit health areas the hardest. Senators generally desire to control Federal spending. But it must not be done at the expense of our critical health programs. As stressed by the Senator from Washington, it is essential that we continue to protect and expand the endeavors directed toward improving the health and well being of our citizens. As I have often stated, cutbacks in research and operating programs in health care are shortsighted.

We have heard detailed discussion of the committee recommendations for the Health Services and Mental Health Administration and the National Institutes of Health. However, I desire to comment on several programs for which the committee recommended increases.

The recommendation of $200 million for the National Cancer Institute—approximately $19 million over the level approved by the House—is particularly encouraging. These funds are vitally needed for the continuing work on treatment and cure of this deadly disease. There has been significant progress in this area as a result of the NCI programs. The proposed funding level is a major move to insure future progress and the maintenance of past investments in the treatment of cancer.

The proposed increase of $24 million for regional medical programs, bringing the level of overall funding to $100 million, will provide urgently needed money to continue development of regional cooperative arrangements between medical schools, research centers, community hospitals, and other health organizations. Many regional programs are through the planning stage and are prepared to move forward with substantive operations. Those involved in this program have labored long and earnestly in the planning process in anticipation of bringing improved health care to our citizens. It is the responsibility of the Congress and the executive branch to provide the necessary funds to meet the requirements of operating these important programs.

Additionally, I note the emphasis of the committee on chronic disease control programs for heart disease, respiratory disease, cancer, diabetes, and arthritis, and neurological and sensory diseases. The committee strongly opposed the elimination of these ongoing activities and earmarked funds for their continuation. I am in agreement with this action.

Mr. President, in approving this appropriations measure, we will make a constructive contribution to the health and well-being of our people.

Mr. SPONG. Mr. President, since last spring when budget amendments were first proposed, I have been concerned about this administration's education program. I expressed my concern in testimony before the Education Subcommittee of the Senate Labor and Public Welfare Committee and in several letters to the able Senator from Washington, Mr. MAGNUSON, who is chairman of the Subcommittee on the Departments of Labor and Health, Education, and Welfare of the Senate Appropriations Committee.

I am pleased to note that the Appropriations Committee rejected the inadequate figures proposed by the administration for education programs in fiscal 1970 and adopted figures which are more realistic in terms of our needs and our commitments.

Education must be among our highest priorities. It is one of our best investments in tomorrow. Access to excellence in education is undoubtedly one of the greatest opportunities we can provide for our children.

I am particularly pleased with several of the committee's actions. First, the committee refused to accept the administration proposal to limit impacted areas aid to those students whose parents live and work on Federal property. Instead, the program will continue in fiscal 1970 in the form in which it has existed since 1951. Under this bill, school districts which serve students whose parents live or work on Federal property, but not both, will continue to be compensated. The impacted areas program is an important one for my State. Under the terms of the Senate bill and the amendment which was adopted on the Senate floor December 16, Virginia will receive some $43 million in fiscal 1970 for impacted areas.

I am also pleased that the committee saw fit to fund title II of the Elementary and Secondary Education Act which provides funds for library resources, title IIIA of the National Defense Education Act, which assists school districts in the purchase of equipment and title VA of the National Defense Education Act, which provides grants for guidance and counseling services. The administration requested no funds for these programs. Under the bill before the Senate, Virginia would receive $1 million, $1.9 million and $381,000 respectively in fiscal 1970.

I would like to commend the committee for its proposal for title I of the Elementary and Secondary Education Act, which assists school districts with large concentrations of students from low-income families. After the impacted areas program, Virginia receives more money under title I than under any other general school aid program. Title I has meant new opportunity and new hope for hundreds of youngsters, and under the pending bill, hundreds more Virginia schoolchildren can benefit from the $34 million which will be made available in fiscal 1970.

I know the Appropriations Committee worked long and hard on the recommendations concerning education programs and I am pleased that, in their proposals, they recognized the importance of these educational endeavors.

Finally, I would like to discuss my vote in opposition to the amendment offered by the Senator from Pennsylvania (Mr. SCOTT) to amend sections 408 and 409 as reported to the Senate by the Appropriations Committee. In my judgment, the language added by the amendment is unnecessary. However, it could be interpreted as support for forced busing of pupils. I respect the law of the land with regard to desegregation, but I do not believe that forced busing of children to achieve a racial balance is in the best interest of education or the children.

Mr. HART. Mr. President, even a quick study of the health, education, and welfare appropriations bill shows that under the leadership of Senator MAGNUSON, the Senate Health, Education, and Welfare Subcommittee and then the full Senate Appropriations Committee have been responsive to efforts to direct more of our Federal effort into badly needed domestic programs.

Let me cite just a few examples from among the programs on behalf of which I testified where appropriations have been increased.

First, truth-in-packaging. The Food and Drug Administration is charged with carrying out a major portion of that program, but the administration, admitting it needed more than $700,000 to operate an optimum program, asked exactly zero to implement this portion of the program.

I urged a minimum appropriation of $500,000; the committee responded by recommending $691,000. Needless to say, I support the subcommittee's figure and congratulate them on their decision.

Second, clinical research centers. In response to a budget cut, the National Institutes of Health decided to close 19 of 93 general clinical research centers. These centers perform research to find ways of getting medical discoveries from the laboratory to the hospital. Without such research, many discoveries would remain in the lab, and patients in hospitals would be denied their assistance.

It was my recommendation that the Senate add $13 million to the budget request to permit all 93 centers to operate at full capacity.

The committee recommends an increase of $9 million, which, while not the full amount which could be used, will be enough to keep all the centers operating at an effective level of activity.

Third, the health budget. The committee recommends an increase in the budget for the National Institutes of Health of from $1.4 billion to $1.6 billion; for Health Services and Mental Health Administration, of from $1.1 billion to $1.16 billion.

Included in these increases are an extra $31.9 million for programs to train health manpower and $33.9 million in Federal aid for construction of health facilities.

And fourth, the Office of Education. Keeping in mind that the House previously added about $1 billion to the Federal budget requested by the administration, the committee still was able to increase the House figure for this fiscal year by more than $200 million.

Here are some of the programs for which the committee recommended increases: Dropout prevention; education professions development; bilingual education; program assistance for higher education; higher education construction; higher education student assistance and libraries and community services; preschool and school programs for the handicapped; research and training; international education; juvenile delinquency prevention and control; programs for the aging; and consumer credit training.

If I have any disagreement with the action of the committee it is that no increase in House-approved appropriations for title I of the Elementary and Secondary Education Act—programs for educationally deprived children—has not been recommended.

Even recognizing that the House did increase the budget request for title I almost $200 million, that figure, matched by the Senate committee, is still far short of the authorization and even further short of what is required.

If indeed we are to solve the problems of life in our city ghettos and rural poverty areas, if indeed we are ever to build a society in which each child has an opportunity to become all of which he is capable, we must get about the business of recognizing not only the importance education has for all our youth, but the special importance it has for the student trying to climb out of a poverty background. The culturally deprived student must compete not only in school, but in the marketplace for jobs with others who, because of their home environment, are better equipped to participate in a society requiring an ever-increasing number of highly skilled workers.

So while we can take satisfaction in the bill we pass today, we must recognize the long road still ahead. Much remains to be done in education and health as well as in other domestic programs.

The debate to reorder national spending priorities is underway, as the committee recommendations on this bill well demonstrates. Our attention now must be directed toward continuing that debate and bringing about new gains for those domestic programs designed to attack our most serious domestic ills.

Mr. President, I urge approval of this bill.

In addition, it is my hope that it will be approved by an overwhelming vote, and that the administration will recognize that vote as a mandate to spend all the money appropriated, including those funds in excess of budget requests.

The many public witnesses who testified on this bill supported the priorities established in this bill. A vote for this bill is a vote for those same priorities. Once the bill is passed, the administration should recognize and respond to these same priorities.

A LETTER FROM EDITOR OF FAMILY HEALTH MAGAZINE ON FUNDS FOR THE NATION'S HEALTH

Mr. BIBLE. Mr. President, our committee has, as I have indicated, received a great many messages from physicians, other members of the healing arts and laymen all over the Nation on the pending bill.

One of the most significant in terms of experience of the observer is from the president and editor of Family Health, Mr. William H. White. Family Health is the Nation's newest and largest magazine for health, and Mr. White speaks too from prior experience as executive editor of Medical World News and medical editor of Look.

I ask unanimous consent that the text of Mr. White's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FAMILY HEALTH,
New York, N.Y., December 13, 1969.

Hon. WARREN MAGNUSON,
U.S. Senate, Chairman, Subcommittee for Departments of Labor, Health, Education and Welfare, Senate Committee on Appropriations, Washington, D.C.

DEAR SENATOR MAGNUSON: The Senate bill for the 1970 fiscal year funds for the Department of Health, Education and Welfare constitutes an important landmark toward improving the nation's health.

The recommendations by the Subcommittee on Appropriations under your Chairmanship, as approved by the full Committee, provide for significant strengthening of medical research, as well as of training of health manpower and delivery of health care.

You are to be commended for this latest achievement in your long and outstanding career of service to the public health. You have shown vision and dedication down through the years—from your earliest battle to establish the National Cancer Institute through the long effort to expand the National Institutes of Health and your most recent appeal for long-range scientific training, as delivered at the 1969 Lasker Awards luncheon.

As Editor of *Family Health*, the nation's largest magazine for health, I know that our million readers appreciate the opportunities and challenges of this era of medical progress. Our readers recognize, I believe, the need for continued initiative by individual communities and by our private enterprise and voluntary system; they understand, too, the many other heavy fiscal burdens confronting the Federal Government. At the same time, *Family Health* readers indicate that they want the U.S. Government to maintain, not to slacken, the momentum of health advances and to rate health as one of our highest national priorities.

You and your colleagues on the Committee on Appropriations have responded to this enlightened type of thinking. Your support for the conquest of disease will generate immense human dividends in the years and decades to come. For this, our country has good reason to be deeply grateful.

Thank you and best wishes.

Sincerely,

WILLIAM H. WHITE,
Editor.

THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT

Mr. DODD. Mr. President, I applaud the action taken by the Senate Appropriations Committee in reinstating $10 million for the Juvenile Delinquency Prevention and Control Act for fiscal year 1970.

I asked the committee earlier to allow the additional $10 million and thus attempt to reverse previous House action which had cut the funds for the Delinquency Act from an administration request of $15 million to only $5 million.

The $10 million reinstated today will certainly not solve all delinquency. But it will keep this law alive and it will support some of the programs which are currently in operation.

I understand the economic situation and the current effort to minimize spending.

But it would be a false economy to try to reduce spending and save money on the vital efforts to educate, to develop, and to rehabilitate the Nation's youth.

I am gratified that the committee reinstated the $10 million. I hope the other body will agree not to economize on the welfare and well-being of our young people.

PROPOSED LAND-GRANT ENDOWMENTS FOR FEDERAL CITY COLLEGE AND WASHINGTON TECHNICAL INSTITUTE

Mr. MATHIAS. Mr. President, several Senators have received a letter from our colleague in the other body, Hon. ANCHER NELSEN, who is the ranking minority member of the House Committee on the District of Columbia. I ask unanimous consent that the letter and the proposed amendment be printed in the RECORD.

There being no objection, the letter and amendment were ordered to be printed in the RECORD, as follows:

DECEMBER 8, 1969.

Hon. CHARLES MCC. MATHIAS, Jr.,
U.S. Senate, Washington, D.C.

DEAR SENATOR MATHIAS: I am writing you to seek your aid and assistance in a matter of great concern to me. The problem was rather recently brought to my attention, otherwise I could have resolved the matter in the House. However, it involves the Labor-HEW appropriations bill which passed the House in July. Since hearings on this bill were just concluded on Friday, December 5, in the Senate, the solution to my problem, which will require an amendment in Committee or on the Floor to that bill, rests principally with the Senate.

As you may know, I introduced H.R. 16958, a bill that subsequently was enacted into law as the District of Columbia Public Higher Education Act, Public Law 89–791. This established the Federal City College, which offers a 4-year program with attendant graduate programs, and the Washington Technical Institute, which offers less than a 4-year program in vocational and technical training designed to fit individuals for useful employment in recognized ocupations. I was particularly concerned that the Washington Technical Institute be given every opportunity to grow and develop because I considered that there was a great need for training individuals in the District of Columbia in the various trades and crafts.

In the 90th Congress, I introduced H.R. 15280, which was designed to qualify the Federal City College and the Washington Technical Institute as land-grant colleges or at least to insure the sharing of the income from the land-grant endowment so as to provide the residents of the District of Columbia the services and benefits to be derived from such legislation; i.e., cooperative extension services (4–H youth development and extension home economic programs), evening extension courses, etc.

H.R. 15280, as enacted, Public Law 90–354, names Federal City College as the land-grant college for the District of Columbia. However, the legislative history of P.L. 90–354 clearly establishes that the Federal City College was intended to share the appropriated land-grant college funds with the Washington Technical Institute (See H.R. Report No. 1465, 90th Congress, 2nd Session (1968), pp. 12–14, Exhibit A, attached). As noted therein, the Federal City College and the Washington Technical Institute entered an agreement which reads in pertinent part as follows:

"The Federal City College shall annually, after receiving appropriated land-grant college funds, and income from the Morrill Act, based on a plan agreed to by the two Boards, share with the Washington Technical Institute in providing for young people and adults of the District of Columbia educational opportunities in certain disciplines associated with extension service careers, community service careers, mechanical arts, community development services, and environmental sciences."

The House District Committee found that such sharing of funds with a designee college was the usual practice in most States (H.R. Report No. 1465, supra, p. 12):

"It was developed in your Committee's hearings that in most States where only one institution is designated as the land-grant college of the State, customarily such designee, by agreement or practice, shares the programs of the land-grant activities with other institutions in the State."

Recently a copy of a letter from the Assistant Commissioner of the Office of Education, Department of Health, Education, and Welfare, was forwarded to my office which referred to an opinion from the Office of Education's legal counsel raising statutory questions about the legality of Federal City College sharing the land-grant funds with the Institute since only Federal City College is cited in the public law. This appeared somewhat unusual since the legislation which names Federal City College and Washington Technical Institute as the recipients was amended at the suggestion of HEW officials to name only Federal City College because it was presumably consistent with the treatment given other states. There was no suggestion by HEW at that time that such language would preclude the Washington Technical Institute from sharing the income from the land-grant endowment with the Federal City College.

Dr. Cleveland L. Dennard, President of the Washington Technical Institute, has for-

warded a letter to me with enclosures, including a letter dated September 15, 1969, Exhibit B attached, wherein the Acting Associate Commissioner for Higher Education, HEW, suggested to officials at Federal City College ways of effecting the sharing of the land-grant funds:

"Another way of accomplishing the same purpose would be for the Federal City College to provide funds to the Washington Technical Institute from a source other than land-grant funds. If this would not be possible, the only other alternative would be for the Office of Education to seek a statutory amendment to the 1970 appropriations bill, permitting the transfer of land-grant funds to the Washington Technical Institute."

I have attached hereto as Exhibit C, an amendment to H.R. 13111 which would effect the sharing, on a 50–50 basis, of the land-grant funds by the Federal City College and the Washington Technical Institute. The main part of Exhibit C, proposed amendment to H.R. 13111, was proposed by HEW. What I have done is amend the HEW amendment by adding the words "(the income of which from this endowment shall be divided equally between the Federal City College and the Washington Technical Institute)." My amendment is the scored portion appearing in the proviso of the HEW amendment.

I would appreciate it very much if you would introduce this amendment in the Executive Sessions of the Appropriations Subcommittee or Full Committee, or arrange to have it introduced on the Floor.

The Appropriations Subcommittee staff personnel indicated that the amendment as proposed could be readily accepted by the Subcommittee since it is generally consistent with the President's budget proposals.

I am informed by Congressman Natcher that the suggested amendment providing for the sharing of funds would be acceptable to his Subcommittee.

The recent action taken by the Senate Appropriations Committee with respect to funds for the local colleges makes the addition of this land-grant item to H.R. 13111 of even greated importance than before. I was not discouraged by the fact that the attempt to fund this item was unsuccessful in the 90th Congress because the history of the land-grant funding for the State of Hawaii reflected failure to fund the land-grant program on the first attempt. However, I am concerned that this funding be provided in the 91st Congress at this important point in the development of the local colleges.

With kind regards.

Sincerely yours,

ANCHER NELSEN,
Member of Congress.

AMENDMENT

(Requested by Senator NORRIS COTTON and Senator HIRAM L. FONG to H.R. 13111, 91st Congress, first session in the Senate of the United States)

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

HIGHER EDUCATION

Page 29, after line 13, insert the following:

"For carrying out titles III and IV (except parts D and F), part E of title V, and section 1207 of the Higher Education Act of 1965, as amended, titles I and III of the Higher Education Facilities Act of 1963, as amended, titles II and IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 421–429), and section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $775,533,000, of which $175,600,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965 and shall remain available through June 30, 1971, $63,900,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed $1,500,000 for computer services in connection with the insured loan program, $154,000,000 shall be for grants for college work-study programs under part C of title IV of that Act of which amounts reallotted shall remain available through June 30, 1971 (including one per centum of such amount to be available, without regard to the provisions in section 442 of that Act, for cooperative education programs that alternate periods of full-time academic study with periods of full-time public or private employment), $43,000,000 shall be for grants for construction of public community colleges and technical institutes under title I of the Higher Education Facilities Act of 1963 which amount shall remain available through June 30, 1971, $11,750,000 to remain available until expended, shall be for annual interest grants under section 306 of that Act (without limitation with respect to the aggregate amount of contracts for such grants, including $1,080,000 of such amount for public community colleges and technical institutes), $155,000,000 shall be for Federal capital contributions to student loan funds established in accordance with agreements pursuant to section 204 of the National Defense Education Act of 1958, and $12,120,000 shall be for the purposes of section 22 of the Act of June 29, 1935; Provided, That $7,241,000 (*the income of which from this endowment shall be divided equally between the Federal City College and the Washington Technical Institute*) shall be for payments authorized by section 108(b) of the District of Columbia Public Education Act, as amended (D.C. Code, sec. 31–1608).

Mr. MATHIAS. Mr. President, I have not offered this amendment, although I am sympathetic to its purpose, because I am advised that an equitable division of funds between the Federal City College and the Washington Technical Institute is now being worked out administratively. Let me add that I believe that Congress expects such an agreement to be reached. I am assured by the senior Senator from New Hampshire (Mr. COTTON), the ranking Republican member of the Subcommittee on Health, Education, and Welfare Appropriation, that he concurs in this expectation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON) the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER) would vote "yea."

The result was announced—yeas 88, nays 4, as follows:

[No. 250 Leg.]

YEAS—88

Aiken	Goodell	Moss
Allen	Gore	Murphy
Allott	Gravel	Muskie
Baker	Griffin	Nelson
Bayh	Gurney	Packwood
Bellmon	Hansen	Pastore
Bennett	Harris	Pearson
Bible	Hart	Pell
Boggs	Hartke	Percy
Brooke	Hatfield	Prouty
Burdick	Holland	Proxmire
Byrd, Va.	Hruska	Randolph
Byrd, W. Va.	Hughes	Ribicoff
Cannon	Jackson	Saxbe
Case	Javits	Schweiker
Church	Jordan, N.C.	Scott
Cook	Jordan, Idaho	Smith, Maine
Cranston	Long	Smith, Ill.
Curtis	Magnuson	Sparkman
Dodd	Mansfield	Spong
Dole	Mathias	Stennis
Dominick	McCarthy	Stevens
Eagleton	McClellan	Talmadge
Eastland	McGee	Tydings
Ellender	McGovern	Williams, N.J.
Ervin	McIntyre	Yarborough
Fannin	Metcalf	Young, N. Dak.
Fong	Miller	Young, Ohio
Fulbright	Mondale	
Goldwater	Montoya	

NAYS—4

Cotton	Tower
Thurmond	Williams, Del.

NOT VOTING—8

Anderson	Inouye	Russell
Cooper	Kennedy	Symington
Hollings	Mundt	

So the bill (H.R. 13111) was passed.

Mr. MAGNUSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. HOLLAND, Mr. COTTON, Mr. FONG, Mr. BOGGS, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

Mr. MAGNUSON. I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, it hardly needs saying that the distinguished senior Senator from Washington (Mr. MAGNUSON) is unexcelled in this body both for his effectiveness and for the outstanding ability he brings to his tasks. That certainly has been evident over the past 2 days.

The splendid job done by Senator MAGNUSON as chairman of the Labor-HEW Appropriations Subcommittee underscores his magnificent competence. This funding measure is one of the most important items to come before the Congress. May I say that the long hours spent developing its many features, the careful diligence applied by the distinguished chairman and his subcommittee made

possible the swift and efficient disposition of this measure. The Senate is deeply grateful.

Assisting Senator MAGNUSON in the capable handling of this appropriations bill was the distinguished ranking minority member of the subcommittee, the able and distinguished senior Senator from New Hampshire (Mr. COTTON). His familiarity with all of the many features of the measure was immensely helpful to the Senate. Senator COTTON's thoughtful views are always welcome and added much to the high caliber of the debate.

At this time, I would also like to thank the members of the Labor-HEW Appropriations Subcommittee for the yeoman's task performed on this measure. As Senator MAGNUSON pointed out on the floor, it was a tremendous task. But the greatest share of credit belongs to the chairman himself. His untiring efforts culminated in the Senate's overwhelming approval of this proposal.

Mr. HARRIS. Mr. President, the Senate today has shown its support for education by increasing appropriations for educational programs. The feeling of the majority of American people that education deserves a position of national priority has been underscored by the Senate.

The thanks of everyone concerned with quality education for our Nation's young people should go to the distinguished Senator from Washington (Mr. MAGNUSON) whose Labor-HEW Appropriations Subcommittee has met many vital educational needs. Through his support, education has made significant gains, and his leadership is much appreciated.

We must now turn our attention to the problem of the President's release of education funds. Although he has said he will not spend the funds voted for education above his budget recommendations, it is clear that the will of the Congress and the American people require him to do so. Furthermore, it is clear that there is no statutory authority for withholding of these funds.

While the people realize the importance of other issues requiring Federal financing and support the President in his desire to curb inflation, the feeling of most of the American people, reflected in a recent Harris poll, is that education is the last place to cut Federal spending; I agree. Education is an investment in our future, and we must support every effort to increase quality in educational programs. The future of our country will not be served by short-changing the education of our children.

Mr. YARBOROUGH. Mr. President, I rise to express my gratitude to the distinguished Chairman of the Subcommittee on Appropriations for Labor–HEW, Senator MAGNUSON, a man who deserves our recognition for his leadership on behalf of education and of health appropriations. His efforts, I am certain, will not be overlooked by educators and health professionals across the country.

Senate passage of appropriations for education and health improvements has brought educators and health administrators across the country one step closer to receiving much-needed funds. Even more important, it will have the effect of bringing greater educational opportunity to the children of the United States and better health to all of our people.

In a recent television documentary, it was revealed that 61 percent of the American people would like to see more Federal funds flowing into education. The House of Representatives has expressed the will of the majority of Americans by its passage of H.R. 13111, a bill which added more than $1 billion above the President's budget request for education, and in October by passage of a continuing resolution at the same level. The Senate then reaffirmed this action in November. The Senate Appropriations Committee has gone one step further and filled in financial gaps, increasing funding by $257 million above the House-passed bill. The Nation's priorities, therefore, are quite clear, as made explicit by the Appropriations Committee:

> During its review of the programs covered by the Labor-HEW Appropriation Bill, the Committee became quite disturbed over several trends in the budget. While the Committee supports the goal of holding down Federal outlays in an inflationary period, we do not believe that this should be accomplished at the expense of vital domestic programs. Cuts in education, health research, and economic opportunity programs cannot be justified by general and often superficial references to the dangers of inflation. Inflation may indeed dictate firm control of the total Federal budget, but the Committee has serious doubts about priority choices reflected in the 1970 Federal budget. In fact, the Committee holds strongly to the premise that, even in times of economic uncertainty, care must be taken to protect, or for that matter even expand, programs that represent long-term investments in the basic health and wellbeing of our society. This bill represents an important step in that direction.

I urge the President simply to follow suit—to release all funds for education, and health which the Congress has seen fit to appropriate; funds which educators and health personnel very much anticipate and which they very badly need. The President should realize that he has no statutory authority to withhold funds. As long as he does, he is repudiating not only the acts of the Congress, but the wishes of the American people.

SENATOR RANDOLPH COMMENDS SENATE ACTION ON EDUCATION FUNDS

Mr. RANDOLPH. Mr. President, the U.S. Senate has today responded to the needs, desires, and well-being of all Americans in providing a reasonable appropriation level for the continuation of federally aided education programs for fiscal year 1970. With this contribution to the inadequate financial resources in the field of education, we have endeavored to assure that more Americans will have access to quality education.

The 1960's, as in previous decades, have been years of rapid development on all fronts which have required higher educational standards and specialized training programs for success in the marketplace. As we face the 1970's these demands will continue to accumulate. Our educational community must not only keep pace but must also anticipate new developments.

As the ranking majority member of the Senate Labor and Public Welfare Committee and its Subcommittee on Education, I have actively supported and participated in the development of legislation which provides basic support of education as well as the implementation of innovative approaches.

However, these authorizations mean little without the necessary financial commitment of the Federal Government. The Senate has approved funding for the continuation of guidance, counseling, and testing in elementary and secondary schools; instruction equipment for both the elementary and secondary level and higher education; a $20 million increase over the House passed appropriation for public and community libraries, librarian training, and college libraries; college construction; development of educational personnel, student aid; and advanced funding for title I of the Elementary and Secondary Education Act which provides financial assistance to local educational agenies for the eduation of children of low-income families. We have also committed our support to the continuing development of an effective vocational education program, including consumer and homemaking education at a level which would be approximately $200 million over the recommendation of President Nixon.

Our action increases the proposed appropriation for the Office of Education approximately $300 million over that passed by the House of Representatives making a total package of $4.5 billion. The President's recommendation was $3.4 billion.

Mr. President, the Senate has spoken. It has placed a high priority on the maintenance of an effective education program for all Americans. It is difficult in these days of inflation and budgetary restrictions to adequately meet the financial requirements of the many and varied programs of the Federal Government. However, it is impossible to justify cutbacks in areas which so vitally affect the the future of the citizens of the United States both individually and collectively. Educational opportunity and responsibility cannot be deferred. This particularly applies to our young citizens, for inadequate educational development today can never be recovered.

I commend the chairman of the Appropriations Subcommittee on Labor, and Health, Education, and Welfare (Mr. MAGNUSON). He has been an effective leader in our effort to provide realistic Federal aid to education.

EDUCATION APPROPRIATIONS

Mr. MONDALE. Mr. President, the will of the American people is being reflected this year in the educational appropriations the Congress is providing. First, the House of Representatives added $1.045 billion to the administration's indaequate budget request for education. Now today, the Senate is increasing educational appropriations by an additional $320 million. The Congress is finally responding to the millions of Americans who feel that education deserves a position of high national priority.

I wish particularly to express my ap-

preciation to Senator WARREN MAGNUSON, chairman of the Senate Labor-HEW Appropriations Subcommittee for his leadership of this fight on behalf of education. Under his leadership, the Senate has added desperately needed funding for such vital programs as bilingual education, dropout prevention, educational opportunity grants, the Teacher Corps, libraries and community services, education for the handicapped, and higher education construction.

The question now, as we are all aware, is whether or not the funds voted for education's vital needs will be released by the administration for the benefit of the children of this Nation. In appropriating these necessary funding increases for education, the Congress acted responsibly. The administration must now act in an equally responsible manner and insure that these education funds are spent. To do otherwise would betray the commitment which Congress and the American people have made to education. To do otherwise would cripple our efforts to provide quality educational opportunities to the children of this Nation.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nominations on the executive calendar, beginning with new reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. CIRCUIT JUDGES

The bill clerk proceeded to read sundry nominations of U.S. circuit judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. DISTRICT JUDGES

The bill clerk proceeded to read sundry nominations of U.S. district judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 608, H.R. 14794.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H.R 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I address an inquiry to the distinguished majority leader.

The transportation appropriations bill has just been laid before the Senate. What is the remaining order of business for this session?

Mr. MANSFIELD. Mr. President, as the distinguished minority leader knows, as well as I, after the Department of Transportation appropriations bill is disposed of, it is our expectation that we will then turn to the consideration of either the supplemental or the foreign aid appropriations bills.

Following the disposition of those measures the Senate will have concluded the call of the calendar as far as appropriations bills are concerned.

I understand that the principal amendment to the transportation appropriations bill will have to do with the SST. I have tried to get a limitation of time for debate on this amendment; so far unsuccessfully. However, hopefully it will be possible to get an agreement later in the day.

It is the hope of the joint leadership that we will be able to finish the transportation appropriations bill later this evening and at least get started on either the foreign aid or supplemental appropriations bills in the hope that we can fulfill our duty and get these measures to conference and pave the way to an early and meaningful adjournment.

Mr. SCOTT. Mr. President, I would like to say Merry Christmas to the majority leader if we can do that.

Mr. President, I ask the majority leader how many conference reports remain undisposed of in the Senate.

Mr. MANSFIELD. There are the Environmental Quality Board, water pollution, and coal mine safety.

I would like to make a special plea, if it is possible, that the conference report on the coal mine safety bill—which I understand has been concluded—be brought up before we adjourn this year.

As the distinguished Senator from West Virginia (Mr. RANDOLPH), who is in the Chamber, and his colleague, also the distinguished Senator from West Virginia (Mr. BYRD), know this is of vital importance to the coal mining industry. And I hope that something can be done.

I know that the ranking member of the full committee, the distinguished Senator from West Virginia (Mr. RANDOLPH) has been working with might and main to achieve that end.

Mr. RANDOLPH. Mr. President, if it is appropriate to respond to the statement of the majority leader, I point out that it is our understanding that the House proposes to bring up the conference report at approximately 5 o'clock this afternoon.

Mr. MANSFIELD. That is good news.

Mr. RANDOLPH. And if the coal mine safety measure is disposed of in the House—and we trust it will be—we hope to be able to come to the Senate with the measure tomorrow. That is our desire.

Mr. MANSFIELD. I thank the Senator.

Mr. MAGNUSON. Mr. President, if the Senator will yield, I announce that we will begin the conference on the HEW appropriations bill at 2 o'clock tomorrow afternoon, and the conferees have notice thereof.

Mr. MANSFIELD. Mr. President, then there is the medical libraries bill in conference and the military construction appropriations bill, which I hope will be settled around 10 or 11 o'clock tomorrow morning.

There is then the tax reform tax relief bill, which I hope will be agreed to by the conferees before the end of the week and hopefully by the House before we can reach it.

There is also the foreign assistance authorization bill which I understand has been agreed to in conference.

There is the Office of Economic Opportunity measure which I understand is still in conference as well as the Defense appropriations bill.

And I assume that the export regulations measure is still in conference.

After today the HEW appropriations bill will be in conference.

Mr. SCOTT. Mr. President, is the distinguished majority leader prepared to announce as yet the date on which it is expected that Congress will reconvene for the second session?

Mr. MANSFIELD. Why does not the distinguished Republican leader announce it? We have already discussed it.

Mr. SCOTT. Mr. President, with the consent of the distinguished majority leader, it is my understanding that Con-

gress will reconvene on the 19th of January. I hope that will give Senators an opportunity for some well-needed rest.

Mr. MANSFIELD. I concur.

Mr. FULBRIGHT. Mr. President, I want to ask the majority leader a question. I have not been able—and I assume it has not yet been prepared—to see the report on the foreign aid appropriations bill.

The conferees on the legislation did agree at about 2:30.

I hope that the majority leader will not seek to call up the appropriations bill on foreign aid until we have had an opportunity to look at the report and see what the committee has done.

I have not seen it yet.

If it is not too inconvenient, I wish the majority leader could take up the supplemental appropriations bill before the foreign aid appropriations bill so that we might have a chance to look at it.

Some Senators would like to prepare amendments to that bill, we think. We will not know until we have seen it.

Mr. MANSFIELD. Mr. President, I hope that the distinguished chairman of the Foreign Relations Committee will keep an open mind on this matter. And if he has an open mind, and I think he has, anything in the appropriations bill which is not in the authorization bill is subject to a point of order and, I believe, can be knocked out.

I would like to have a determination of that statement, if I may, from the Chair. And I make that parliamentary inquiry.

The PRESIDING OFFICER. As long as there is no legislation contained in it, it cannot be knocked out on a point of order.

Mr. MANSFIELD. This concerns a matter which I understand has been eliminated in the conference report as far as both Houses are concerned. If it is not in the conference report, how can it be in the appropriations bill?

The PRESIDING OFFICER. The clerk will read paragraph 1 of rule 16.

The legislative clerk read as follows:

RULE XVI

AMENDMENTS TO APPROPRIATION BILLS

1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

Mr. MANSFIELD. Mr. President, I wish to serve notice that if there are items included in the foreign aid appropriations bill which have not been agreed to by both Houses in the authorization process there will be considerable debate.

ORDER FOR RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will there be some time provided for the transaction of routine morning business since we have had some requests for a morning hour.

Mr. MANSFIELD. I would prefer not to do so, unless there is a lapse in the business. I think the sooner we dispose of the appropriations bill, the better off we will be. However, if a lapse occurs and we can do nothing else, then we could transact morning business.

Mr. SCOTT. I will perhaps renew the request tomorrow morning then.

Mr. MANSFIELD. That will be satisfactory.

Mr. STENNIS. Mr. President, may I ask the leader about the continuation of business for this evening. I do not know, but it might not take more than an hour and a half to complete the bill.

Mr. MANSFIELD. May we have order? Will Senators be requested to take their seats and cease conversations?

The PRESIDING OFFICER. There will be order in the Senate. The Senators will remain quiet.

Mr. STENNIS. Mr. President, it may be that we will finish the Transportation appropriations bill within an hour and a half or 2 hours. Perhaps it will take 2½ hours.

Several Senators want to know—and I would like to know myself—if there are any other matters to be taken up tonight if we get through at 7 or 7:30 tonight.

Mr. MANSFIELD. It is the intention of the joint leadership to continue with the bill, the Senate concurring, until it is finished tonight. And then it is anticipated that we will take up either the foreign aid appropriations bill or, if that is not possible or the questions are too difficult to answer at the moment, again with the concurrence of the Senate, perhaps turn to the supplemental appropriations bill.

I would prefer the foreign aid bill, and I would prefer it in a clean form so that some of the questions that have already been raised will not necessarily be raised again.

Mr. STENNIS. Whatever the leadership desires.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. STENNIS. Mr. President, before we take up this bill, it will be necessary for everyone to be able to hear.

Mr. SCOTT. Mr. President, I make the point of order that there are too many staff conferences going on on the floor, and this simply has to stop if we are going to complete the business.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The point is well taken. Attachés will please take their seats, and Senators will please take their seats.

Mr. STENNIS. Mr. President, I suppose 15 Members have asked me to yield to them for a special purpose. I have asked them to let us get to the bill and get to the major amendment.

I invite the attention of Senators to the appropriation bill for the Department of Transportation and related agencies for fiscal year 1970. A copy of the report and of the bill are on the desk of each Senator.

Several matters will come up for amendment. One will be a major amendment somewhat controversial, and it will relate to the SST.

In substance, it will be to strike out the $80 million in the bill for the SST. I believe orderly procedure will best be served, if it is agreeable to the Senate, by taking up that amendment first after we have a few preliminary remarks.

Mr. President, the committee made the following major additions to the House bill: $100 million over the House bill total of $4,419,279,000 for the Federal highway trust fund. The new total of $4,519,279,000 provides the full amounts of the budget request for the construction program. This is money to liquidate obligations previously incurred under authorizations in the Federal-Aid Highway Acts for the interstate and ABC program. The $4.519 billion is the approximate figure that is in the budget. The States all have been previously notified. I do not think there is anything to do but put the $100 million back in. I understand that there can be some delay just in writing checks, and $100 million would be involved, but that would not be saving any money. It would just be delaying an obligation. The committee thought we ought to put in the full amount and meet the thing squarely, and then it would not be a matter of picking up $100 million in the next supplemental bill next year.

Another addition not in the House bill is $50 million for grants-in-aid for airports for fiscal year 1970—not requested in the budget nor provided for in the House bill. It consists of the major portion of the $59 million unappropriated authorizations for airports for fiscal year 1968, 1969, and 1970. The explanation of that is very simple. This concerns fiscal year 1970. We made a small appropriation for fiscal 1970 last year. There was no recommendation for this item in this year's budget because of the pending airport airways bill. We are going to tax the users of airports, the airlines and the passengers and create a trust fund. Out of that new tax we are going to make these grants to the airports.

The bill has been reported by the Committee on Commerce and now is pending before the Committee on Finance, which also must look into it, and presumably the user charge bill will be reported favorably by the Finance Committee. But that will not be passed until next year. In the meantime, the airport grant program would go without any consideration. It is one of the oldest and very best Federal-aid programs. It will be the little airports that are going to get cut off. So we propose to put in here this $50 million of unused authorizations in the place of waiting for the new user's

tax, which has not been passed and which will take awhile to accumulate any money, even if it is passed next year. This $50 million would allow for the issuance of grant offers for airport improvement projects that can be approved, based on fiscal year 1970 sponsor requests that cannot be included in the currently announced program.

We also have added in this bill $18,400,000 for Coast Guard acquisition construction and improvements, which is $1.6 million less than the budget estimate and for which the Department requested restoration. The House took this money out based on estimated cutbacks in construction under the President's construction curtailment order.

Of course, the Coast Guard is in a sense, a semimilitary organization. A great deal of its duty is nonmilitary. In the military construction patterns for this year we have taken the position that we appropriate the sum we thought necessary and then the Executive order would control the extent of the construction. The Coast Guard indicated that these items are really needed now, and we thought they should be restored. I know of no other agency of the Government which gets more for the dollar in its construction projects than the Coast Guard.

This restoration would make available a total funding for the Coast Guard construction program, of $75.7 million.

The committee also made several reductions from the House bill. They include $15,958,000 for the SST, which leaves a recommended $80 million in the bill. That $15,958,000 was taken off because of the difference in time when the estimates were made when this bill probably will be signed.

We think it will not cripple the program in any way to sustain this reduction, and it should be made. We do not intend, however, to slow the development of the SST prototypes. The Senate bill includes a lesser amount, since nearly half of the fiscal year will be over before the funds are provided.

The committee reduced by $20 million the House allowance of $220 million for the urban mass transportation fund for 1971, for a new total of $200 million.

The budget had included a request for $250 million for this purpose on an advance funding basis.

The committee went along with several significant changes made by the House in the area of air safety.

It will be remembered that last year we had a great need for extra controllers to be employed and additional aircraft equipment. The 1970 budget originally requested funding for 2,800 additional air traffic control operations personnel. In November, the President recommended the hiring of 1,000 more controllers. These are in addition to the 2,800. The House allowed both these recommendations and the full Senate committee concurred. This provides a total of 49,315 personnel, an increase of 5,015 over fiscal year 1969, of which 3,800 are controllers.

The acute shortage has been in connection with controllers and equipment. This new number is about as many as could be absorbed this year.

The committee also concurs with the House recommendation that $224 million be provided for facilities and equipment for the Federal Aviation Administration. The $224 million is $90 million more than the $134 million requested in the budget. The 1970 budget request provides only for en route automation equipment for the air traffic control centers. The additional $90 million included by the House and recommended by the full committee would be expended for such items as long-range radar, terminal area radar, communications, and new control towers.

We thought this extra money was well justified. The House had gone into it thoroughly. We went into this additional need last year and this year in our hearings and we even made some inspection trips.

The full committee recommendations total $6,771,841,000 for the Department of Transportation and related agencies. The committee recommendation is $157,441,000 over the House allowance and $764,000 under the 1970 budget estimate.

The accompanying report details in full all the items in the bill.

Mr. President, a special word by way of repetition as to the committee recommendation of $157,441,000 over the House allowance. Of that amount, $100 million is for the highway trust fund that has already been committed; $50 million is for airport grants, which has just been covered; and then, there are these back and forth items where we took out some and made a few additions. That makes up the difference.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio who has an emergency situation, for 5 minutes to speak on an extraneous matter, with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRETARY LAIRD OFF BASE

Mr. YOUNG of Ohio. Mr. President, Secretary of Defense Melvin R. Laird stated earlier this week, according to news reports, that the Pentagon will bring to trial any present or former U.S. soldiers if an investigation reveals they took part in the alleged massacre of civilians of the Vietnam hamlet of Mylai.

Very definitely, Americans reading the ghoulish accounts of the massacre, which was cold-blooded murder, cannot escape a feeling of grave concern and to some degree personal guilt for this atrocity.

We know that unarmed civilians—a few old men and more than 100, probably several hundred, women, children, and babies—were shot down or murdered by hand grenades thrown into their huts in Mylai early in the morning of March 16, 1968. There is conclusive evidence that First Lieutenant Calley ordered the shooting and personally killed a number of civilians. In the entire village but three weapons were found. Furthermore, there is believable evidence that there was an investigation, so-called, by officers of our Armed Forces of this massacre within a month following its occurrence and that it was covered up or whitewashed and no action was taken by General Westmoreland or any officers of his command.

Very definitely, any officer allegedly guilty of aiding and abetting in the destruction of this hamlet "and everything in it" should be thoroughly investigated and court-martialed.

However, Secretary of Defense Laird now makes a claim that Pentagon will bring to trial former U.S. soldiers who participated. Secretary Laird would do well to read the Bill of Rights of our Constitution before making any claim that Pentagon will bring to trial former soldiers who are now in civilian life.

Very definitely, Paul Meadlo of Indiana and others who admittedly shot and killed some of these civilians on order of their officers and who are no longer in the Army but are now in civilian life cannot be court-martialed. Furthermore, young men such as Paul Meadlo now in civilian life cannot be placed on trial before any tribunal created by officials of the Defense Department seeking to assume ex post facto authority to bring civilians to trial. Secretary Laird should really read the Bill of Rights, and Supreme Court decisions on the jurisdiction of military courts, and then cool it.

Paul Meadlo is one of the young soldiers who participated in this cold-blooded murder on orders of Lieutenant Calley. He said in the presence of his father and his mother that he "shot and killed some civilians—women, children, and babies." Then, on the following day he stepped on a land mine and lost his foot. Young Meadlo said he believed that to be the punishment of God. He was honorably discharged from the Army due to combat disability. Returning to Indiana, following talking to his wife and with his father and mother, young Meadlo said he felt he had to purge his mind of the horror in which he had participated. He said "little children were begging and saying, 'No, No.' Mothers were hugging their little children. They were waving their arms and begging." Another young former soldier, Mike Terry, private from Utah, gave this account:

> We saw a woman in Pinkville soon after we surrounded the hamlet. We ran and chased her. She fell down. Then we kicked her. Then another soldier shot her.

Army Sergeant Bernhardt reported that the killing of more than 100 civilians, perhaps as many as 300, took about 20 minutes. He said:

> My company commander ordered that the village and its occupants be destroyed.

The Supreme Court has definitely settled any claim that the Pentagon can bring charges against former soldiers. The United States has no extradition treaty whatever with Saigon militarist regime or with the Government of South Vietnam. Therefore, Paul Meadlo and all others who participated cannot be extradited from the United States and placed on trial in South Vietnam. Therefore, Paul Meadlo and all these former soldiers now in civilian life are

definitely immune from prosecution for their part in the Mylai massacre.

I take a dim view of Pentagon permitting statements to be made that charges will be instituted against these men. Furthermore, those in the Pentagon who assert that the Army should drop charges against Lieutenant Calley because of the adverse publicity of these cold-blooded murders which he perpetrated and participated in should be silenced. If there was any validity to that claim, then the more atrocious the crime committed and the more publicity given in newspapers, over the radio, and on television, the more likely that charges would be dropped on the spurious claim that a fair trial cannot be granted such a man when the truth is evident and presumption great that he committed numerous murders.

Mr. President, the most recent statements made by Lt. Col. Reid Kennedy, the Army officer designated to preside over the trial of Lt. William L. Calley, Jr., indicate that he has been called judge so frequently that his judicial arrogance exceeds that of the Federal judge in Chicago who is making a hippodrome of the trial over which he has been presiding for a number of months.

Lieutenant Colonel Kennedy claiming a high judicial authority has given an order that the Department of Justice investigate four news organizations—Life, Time, the Associated Press, and the National Broadcasting Co., for publishing statements made by participants in the Mylai massacre. He also makes complaint against Ronald Haeberle and Herbert L. Carter, both former soldiers and now civilians. This so-called judge even told newsmen that President Nixon "might have prejudiced the people who will try the case." This, for the reason that President Nixon in his television address to the American people expressed his sorrow over the Mylai massacre. Evidently, he did not refer to it as an alleged massacre. Officials of the news media and all lawyers of course know the absurdity of the arrogant claims made by this puffed-up lieutenant colonel with an obviously inflated ego. However, young Americans who were at Mylai as soldiers but who are now civilians might be intimidated by this fellow. In fact, no doubt that is his purpose.

Young men such as Paul Meadlo and other soldiers who were in Mylai on orders of their commanding officers and presumedly obeyed the orders given them should know that Pentagon officials and this Lieutenant Colonel Kennedy have no authority whatever over them.

Secretary Laird knows, and Lieutenant Colonel Kennedy should know, that the United States has no extradition treaty whatever with the Government of South Vietnam. Therefore, civilians who were in the Army on March 16, 1968, cannot be extradited. They cannot be placed on trial for murder.

The Pentagon which has not given evidence of much brainpower in recent years cannot devise in 1969 any new laws that would permit the trial, conviction, and imprisonment of any person now a civilian who participated in a crime while in the Armed Forces in March of 1968. The absurdity and outrageousness of Lieuteant Colonel Kennedy's allegations that publicity from the President down given to this atrocity and those who participated in it is likely to prevent a fair trial of Lieutenant Calley and therefore he could not be brought to trial exceeds all bounds. If this were the law of our land then a criminal such as Sirhan Sirhan, whose crime of assassination was witnessed by millions and then discussed for months over the radio, in the press, in magazines, and on TV, should have gone scot free, under that theory of this so-called judge.

Lieutenant Colonel Kennedy's publicity and being called judge has gone to his head. Any lawyer representing a former soldier who is now a civilian or any news media would bring this fellow down to earth, but quick.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. STENNIS. Mr. President, I had told the Senator from Vermont that I would yield to him at this time. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, there is one item which interests me.

Mr. STENNIS. Mr. President, may we suspend until the Senate is in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. AIKEN. One of the items which interested me is the increase of $90 million which the House and the Senate are both recommending for facilities and equipment. There is an increase there. As I read the testimony of the FAA before the Senate committee, I note they use the Burlington, Vt., airport as an example of an airport where the radar is now considered obsolete by FAA standards and also, I believe, the distance measuring equipment is also obsolete.

Mr. STENNIS. Yes.

Mr. AIKEN. I understand if this $90 million remains in the bill there is no reason to doubt that the Burlington Airport radar system, the internal radar equipment and distance measuring equipment will be replaced to meet the modern requirements of the FAA.

Mr. STENNIS. I do not see any reason to doubt it. We have $90 million allowed to be spent. The Burlington Airport was the first illustration of the problem presented to us. They said the equipment was obsolete.

Mr. AIKEN. That is right.

Mr. STENNIS. They said it did not meet requirements for terminal radar and that the airport had to have this equipment. I certainly hope and expect it to be taken care of.

Mr. AIKEN. The airport is becoming more important each year as its air passengers increase. There are many commercial corporation planes which have connections with cities in the West which fly out of that airport. It already has over 100,000 passengers a year leaving it.

I thank the Senator from Mississippi. I believe there is no doubt that inasmuch as the FAA used this airport as an example, they intend to correct the deficiencies there.

Mr. STENNIS. I hope that the airport will get the equipment it needs and that it will continue to grow.

Mr. President, the Senator from Florida (Mr. HOLLAND) has mentioned a matter to me which he says can be handled fairly briefly, and I yield to him at this time.

Mr. HOLLAND. Mr. President, I invite the attention of the Senator from Michigan (Mr. HART) also to this matter, concerning section 309 in the bill, which was added in the House.

It states:

SEC. 309. None of the funds provided under this Act shall be available for the planning or execution of programs for the construction of any airport in the State of Florida until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades.

Mr. President, the fact is that Florida is a pretty big State. In fact, it is the largest State in area east of the Mississippi—58,000 square miles.

On page 508 of the committee hearings, it shows that there are 35 applications for aid for various airports in Florida. I cannot say that that means 35 separate ones because I do not know what the applications are for aid in 1970, totaling $27 million.

The purpose of the amendment is to prevent further construction on the new Miami jetport out of the Everglades in an area north of the Everglades National Park, so I am advised by the Representatives of my State in the other body.

The difficult situation is that the amendment as drawn applies to the entire State of Florida.

As the Senator so well knows, we have airports at Pensacola, Panama City, Tallahassee, Gainesville, Ocala, Tampa, St. Petersburg, Daytona Beach, Orlando—and many others that I cannot think of right now—which have no relation at all to the basin that the problem affects. That is the basin out of Lake Okeechobee, the basin that lies just north of the Everglades.

Mr. President, I have an amendment to strike this particular amendment with the request that the conferees work out appropriate language completely to safeguard against the problem of any increased construction of the new Miami jetport, because I think it is the appropriate thing to do.

It is fairer to work it out carefully. There may be some other airport request in here that bears on this subject, but I do not know of any such and I do not believe there is any such. I would not want to overlook any such, if it did contribute to the harming of the ecology of the Everglades National Park. I would rather have that amendment considered to strike section 309 and have the able conference committee work out this mat-

ter with the aid of FAA and with the aid of its own staff in such a way as completely to safeguard the ecology of the Everglades National Park, which is my own project. I happen to be the one who had more to do with setting up the Everglades National Park than anyone else and I have been trying to safeguard it over since that time.

The amendment goes much too far. I have discussed this matter with the Senator from Michigan (Mr. HART) who was kind enough to write me advising me that he had an interest in the amendment.

My own preference would be to proceed as I had expected, to strike section 309, and have it reworked in conference as I have suggested.

If the Senator from Michigan prefers any other course, I should like to work with him because I think we are interested in exactly the same objective, which is the protection of the Everglades National Park.

Mr. STENNIS. I am very glad to get the comments of the Senator from Florida. I did not know there was any opposition.

I yield now to the Senator from Michigan (Mr. HART), if he wishes to make a response.

Mr. HART. Mr. President, was it the Senator's assurance that there was no opposition to retention of section 309?

Mr. STENNIS. The Senator from Florida had agreed to the substance of section 309 insofar as it applied to the Everglades. We decided, as a procedural matter, that perhaps we could strike the language and if we could not get an amendment worked out, we would add more language to cover the Everglades. So we proposed to strike out that section and take it to conference and work out one that would cover the Everglades. I did not know of any interest in any other. The current language covers almost the whole State.

Mr. HOLLAND. It covers it entirely.

Mr. HART. Let me explain how I became involved. This is a reminder of the difficulties under which we have to operate as we attempt to close this session of Congress.

Today, I was advised that the committee had stricken section 309. I then contacted the Senator from Florida that a number of us, the Senator from Wisconsin (Mr. NELSON) among them, would offer an amendment to reinstate section 309.

Subsequently, when the Senator from Florida (Mr. HOLLAND) reacted to that, he told me—which was correct—that the committee had retained section 309. That, of course, would satisfy the interest of those of us concerned about the Miami jetport.

Now that I see the language, I do intend to agree with the concern voiced by the Senator from Florida (Mr. HOLLAND), that before any airport can be constructed in Florida, a study would have to determine that it would not affect adversely the ecology of the Everglades.

I would hope that, rather than strike the section, in anticipation that the conferees would be able to develop language to protect against specific damage that we are apprehensive may occur, that together we might be able ourselves to develop the language. This might take 10 minutes, 5 minutes, or——

Mr. CASE. Mr. President, will the Senator from Tennessee yield?

Mr. STENNIS. I yield. Just let me say first, that I just learned that the new language is being typed up now in the form of an amendment to this section.

Mr. HOLLAND. Mr. President, will——

Mr. CASE. I am the ranking minority member.

Mr. STENNIS. I yield to the Senator from New Jersey, Mr. President.

Mr. CASE. It might be well for me at least to put on record my complete agreement with the Senator from Michigan, the Senator from Wisconsin, and the Senator from Florida in this matter, except as to procedure, it would be unwise to strike the section and give the appearance of disagreement by the Senate with the objective with which we are not in disagreement. I suggest to the Senator from Mississippi that we pass this over temporarily and come back and look at the language and be prepared to see if we cannot agree.

Mr. HOLLAND. Mr. President, I have no objection to that, except this: I do not know where these 35 airport applications in Florida are from. It may be quite possible that one of them may affect one of the peripheral airports that touch on the Everglades other than this. I do not know. If Senators will be satisfied with just mentioning the Miami jetport, which is their principal concern—it certainly is mine—we would have no difficulty getting the language. My difficulty is that I do not know where these 35 applications stated in the hearings are from.

Mr. HART. Mr. President, I think our concern is with the Everglades, not with a particular airport.

Mr. CASE. That is right. That is why I do not think we will have difficulty arriving at language to take care of the situation.

Mr. HOLLAND. Mr. President, I am willing to pass it over.

Mr. STENNIS. Mr. President, I think we should try to get language rather than strike it out, because that may be misunderstood in some quarters. Get what language we can, and we will insert it and go to conference with it.

Mr. HOLLAND. I am quite willing to do that, but I have already said—I think the RECORD will show clearly—that the Senator from Florida, speaking for all the Florida delegation, is quite willing to have the language worked out, but thinks it can be done better in study in conference. I am willing to do it this way. I say again, I do not know where the 35 applications are from.

Mr. CASE. But we know where the Everglades are, and that is what we are interested in protecting from whatever incursions, not just Miami.

Mr. MAGNUSON. Mr. President, if I may comment on what the Senator from New Jersey said, what bothered me in committee was that everything was focused on the Everglades. I am in sympathy with what we are trying to do there, as you all know. There are some other areas in this country where we should be concerned. I want to suggest that, if we are going to do this in Florida, we ought to extend the language to cover other places.

We have a serious conflict between the State of Washington and the State of Oregon because of an effort to dredge and fill in the Columbia River for the purpose of building an airport. The Columbia River is the greatest free flowing river in my part of the world. The Everglades needs to be protected. I want to preserve it. But in my State they are tampering with one of the greatest rivers in the world. They want to build an airport in the middle of the Columbia River. If we are going to adopt a rule, we should apply it across the Nation.

Mr. CASE. I stand shoulder to shoulder with the Senator on that.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Virginia.

Mr. SPONG. In line with what the distinguished gentleman from Washington has just said, I would agree that some legislation must be written that would be applicable to the entire country. I might suggest that the airport and airways development bill in the Commerce Committee, momentarily referred to the Finance Committee, might be the proper vehicle.

Mr. MAGNUSON. That is what the Senator called my attention to the other day.

Mr. SPONG. Yes.

Mr. CASE, Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. CASE. When that matter comes before the committee for consideration, I would like to be able to suggest a Department of the Environment, which seems to me to be a solution of the problem we are discussing in the Senate at this time.

Mr. SPONG. I thought I would advise the Senate that the Senator from Washington (Mr. MAGNUSON), the Senator from Michigan (Mr. HART), and I have the problem under consideration.

Mr. STENNIS. Mr. President, it seems there is a nationwide interest here. That is the main reason why we ought to work out some kind of substitute language. I do not see how we can work out the whole language on an appropriation bill.

If we can pass that over to see if there is some language to cover the Florida situation, and ask the other Senators to agree to have legislation on the others——

Mr. MAGNUSON. Mr. President, if the Senator will yield, I agree that we should do something about these controversies in this bill, but when we do reach a decision, we ought to start thinking about the other maters mentioned by the Senator from New Jersey, the Senator from Virginia, and other Senators. We have a grave threat to the majestic Columbia River. The trouble is any action taken here would have to be retroactive, because they have already made some official decisions.

Mr. STENNIS. This colloquy has been helpful. It would be helpful to anyone interested in the problem that the Senator from Virginia referred to, and also

it would be helpful to the legislative committee.

Mr. President, I have a short statement on the major item in the bill, the SST, to which there is going to be an amendment. I thought it would expedite matters if I made that brief statement, and the Senator from Wisconsin, if he is ready, could offer the amendment, and we would be at issue.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. STENNIS. I yield.

H.R. 15095, SOCIAL SECURITY AMENDMENTS—BILL HELD AT DESK UNTIL FURTHER NOTICE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill (H.R. 15095) to amend the Social Security Act to provide a 15-percent across-the-board increase in benefits under the old-age, survivors, and disability insurance program, be held at the desk until further notice.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. SCHEUER of New York, and Mr. STEIGER of Wisconsin, to be additional managers on the part of the House at the conference asked by the House on the disagreeing votes of the two Houses on the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The message also informed the Senate that the Speaker had appointed Mr. ASHLEY, of Ohio, as a manager, on the part of the House, at the conference on the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, vice Mr. BARRETT, excused.

The message announced that the House had passed the joint resolution (S.J. Res. 117) to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 9233) to amend title 5, United States Code, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10105) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. Moss, Mr. MURPHY of New York, Mr. BLANTON, Mr. SPRINGER, Mr. KEITH, and Mr. HARVEY were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DULSKI, Mr. HENDERSON, Mr. OLSEN, Mr. UDALL, Mr. CORBETT, Mr. GROSS, and Mr. BUTTON were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14916) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes, and it was signed by the Acting President pro tempore.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. STENNIS. Mr. President, the SST program has had many reviews since 1961 and has probably been the subject of more detailed analyses by top-level administrators and legislators than any other aircraft program in history. The hearings conducted recently by the House Appropriations Transportation Subcommittee dealt extensively with the SST, with 348 pages of the hearing record devoted to SST issues. Spirited debate on the SST was held by the House on November 18 and the RECORD shows that an amendment introduced to strike the funds from this bill was defeated by a 126 to 64 vote.

Our subcommittee has studied the report of the House committee including the minority report submitted by one member of the House Appropriations Committee, and has conducted its own review in sufficient depth to assure that all major issues surrounding the SST have been considered. The Senator from Wisconsin (Mr. PROXMIRE) testified before the Transportation Subcommittee and reported in very able fashion his objections to the program.

We believe that the Nation must move forward on this important program. We have seen great advancements in air transport since the advent of the jet airliner in 1959, and the SST represents the next logical step in commercial aviation. Designing and building superior transport aircraft is a typically American enterprise, and one that has brought us vast economic benefits.

The United States produces over four-fifths of all jet airliners in use by the free nations of the world. The wide-bodied air transports such as the Boeing 747, the Lockheed L–1011, and the McDonnell-Douglas DC–10, will go into operation in the near future. These large-capacity subsonic airplanes will vastly improve air transportation during the next decade. Looking to the 1980's we see that improvements over these subsonic carriers must come from another step forward in speed which historically has been the continuing aim of transportation developments. Britain, France, and Russia have recognized the importance of supersonic travel and presently are about 5 years ahead of the United States in SST developments.

That is a significant fact, Mr. President. One can evaluate it one way or the other, but it is a big event. It should have tremendous impact.

We should not dally any longer in our bid to enter this significant market. Even though they are ahead now, we have better technical capabilities as a result of our strong aerospace industry and experience in high-speed flight. The U.S. SST's higher speed, greater capacity and comfort, and greater profitability favor its support by the majority of the world's air carriers, and therefore assures its rightful place in the worldwide commercial aviation of the future—assuming, of course, that a second-generation Concorde does not preempt the U.S, SST's advantages. With the 4,000-mile range of the initial production model, the SST can be used on 90 percent of the international routes. Subsequent improvements could extend that range, just as the range of the subsonic jets has grown over the years. Thus, the SST represents an important advancement for this Nation not only in the field of aviation, but also in the international trade market and for our overall national well-being.

This committee, therefore, recommends that $80 million be approved. In arriving at this recommendation the committee notes that $662 million, including the amount recommended here, of Government appropriations are estimated to be required to support this program through the entire prototype development phase. The committee also notes we have already appropriated $623 million. The total magnitude of the fund requirement, some $1.6 billion, is too great to expect private industry to finance the development from its own resources, $1,285 million is to be provided by the Government, and the remainder by contractors and the airlines.

Mr. President, in committees of which I happen to be a member, this matter has been back and forth for several years. I am thoroughly convinced that we are having to go into this matter of research on the prototype now because, during a

long period, we were not producing a new long-range bomber.

Commercial aviation has benefited tremendously, in the last 25 years, from the very fine program we have had in the military. It has brought in the B–47, the B–52, the B–58, and a great many other related aircraft with great success, and the overflow from that program was what produced the commercial airliners. But for quite a few years, we have not been engaged in this military development, so there had to be some kind of a substitute for it.

As I have stated, it costs so much it was just too big a bite for any firm in industry to undertake. Therefore, I think we did well in filling the void by moving in and getting a start.

This matter was held up 1 year—and that will be gone into later—because of a problem, which has now been overcome, with reference to production.

If the plane is a success, and we think it will be, by 1990, the United States will have gotten its mony back, if we sell 300 planes and if it should go to 500, we might make a profit, but I shall not emphasize that. The way the thing is set up, there will be a reimbursement if we sell as many as 300 planes.

Mr. President, lest someone should be misled, I ask unanimous consent to correct a printing error at page 16 of the reported bill. I ask unanimous consent that on page 16, lines 20, 21, and 22, the words "of which not to exceed" and "shall be available for research, development, and demonstration grants," which were stricken in error, be restored to the bill.

Mr. CASE. But the figure there should be $20 million instead of $25 million?

Mr. STENNIS. Yes, the figure should be $20 million, as it appears in the bill now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill, as thus amended, be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason of agreement to this request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, after the word "determine", strike out "$11,500,000" and insert "$11,750,000"; and, after the amendment just above stated insert a colon and *"Provided,* That whenever the Secretary determines that staff functions being performed elsewhere in the Department could be performed more economically and effectively by the Office of the Secretary, he may, during the current fiscal year, transfer such functions to the Office of the Secretary."

On page 2, line 21, after the word "statistics", strike out "$8,000,000" and insert "$14,000,000".

On page 5, at the beginning of line 5, strike out "$57,300,000" and insert "$75,700,000".

On page 5, line 20, after the word "aircraft", strike out "$25,900,000" and insert "$26,600,000"; and, on page 6, line 3, after the word "appropriation", strike out the colon and *"Provided further,* That none of the funds appropriated herein shall be available for a Selected Reserve programed to be in excess of 15,000 personnel on June 30, 1970".

On page 2, line 21, after the word "statistics", strike out $8,000,000" and insert "$9,800,000".

On page 8, after line 14, insert:

"GRANTS-IN-AID FOR AIRPORTS

"For grants-in-aid for airports pursuant to the provisions of the Federal Airport Act, as amended, for the fiscal year 1970, $50,000,000, to remain available until expended."

On page 9, line 1, after "(31 U.S.C. 529)", strike out "$95,958,000" and insert "$80,000,000"'.

On page 9, line 20, after the word "vehicles", strike out "$1,650,000" and insert "$1,687,000"; in line 21, after the word "with", insert "not to exceed"; and, in the same line, after the amendment just above stated, strike out "$12,467,000" and insert "$12,627,000".

On page 10, line 5, after the word "exceed", strike out "$59,012,000" and insert "$59,230,000".

On page 10, line 16, after the word "expended", strike out "$4,419,279,000" and insert "$4,519,657,000"; and, in line 20 after the word "and", strike out "$3,533,765,964" and insert "$3,634,143,964".

On page 12 line 13, after "5 U.S.C. 3109", strike out "$27,550,000" and insert "$30,550,000"; and, in line 14, after the word "with", strike out "$2,000,000" and insert "$2,100,000".

On page 12, line 22, after the word "exceed", strike out "$2,000,000" and insert "$2,100,000".

On page 13, at the beginning of line 11, strike out "$18,000,000" and insert "$30,000,000"; and, in line 13, after the word "and", strike out "$6,050,000" and insert "$18,050,000".

On page 14, line 18, strike out "$1,000,000" and insert "$1,050,000".

On page 15, at the beginning of line 5, strike out "$10,000,000" and insert "$12,000,000"; and, after the amendment just above stated, insert a comma and "of which $150,000 shall be available only for a feasibility study of extending a transit line to Dulles International Airport,".

On page 16, line 19, after the word "expended", strike out "$220,000,000" and insert "$200,000,000"; and, in line 20, after "1971", strike out "of which not to exceed $25,000,000 shall be available for research, development, and demonstration grants" and insert "of which not to exceed $20,000,000 shall be available for research, development, and demonstration grants".

On page 18, line 22, after "5 U.S.C. 3109", strike out "$25,000,000" and insert "$25,254,000".

On page 20, line 11, after the word "of", strike out "$65,000,000" and insert "$75,000,000".

On page 20, line 16, after the word "of", strike out "$12,000,000" and insert "$29,000,000".

On page 20, line 21, after the word "of", strike out "$3,000,000" and insert "$13,000,000".

AMENDMENT NO. 430

Mr. PROXMIRE. Mr. President, I call up my amendment No. 430, and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE's amendment (No. 430) is as follows:

On page 8, line 19, strike all language through page 9, line 2.

(The language sought to be stricken is as follows:)

CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, and advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), "$95,958,000" *$80,000,000,* to remain available until expended.

Mr. PROXMIRE. This amendment is cosponsored by the Senator from Virginia (Mr. BYRD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from New York (Mr. GOODELL), the Senator from Wisconsin (Mr. NELSON), and the Senator from Ohio (Mr. YOUNG).

Mr. President, this amendment strikes $80 million that is now in the bill for the supersonic transport. With all respect to the distinguished chairman of the subcommittee—and I have great respect for him—and to the two extremely able and distinguished Senators from Washington, I think I can successfully maintain that the supersonic transport really has no justification. The long-term costs will be enormous. The chances of returning a profit to the Government, or of the Government getting its money back, I think I can show, are virtually nil.

Here is a project which private industry has shunned and refused to handle. After going over this matter in some detail, I have concluded there are just two strong persuasive arguments for the SST. One of them is the distinguished senior Senator from Washington (Mr. MAGNUSON), and the other is the distinguished junior Senator from Washington (Mr. JACKSON). As we know, they are two highly popular Senators. Everyone in this body knows how they feel about the SST. They have been very persuasive in the past, and I am sure they will be very persuasive here. But I hope Senators will consider the matter on its merits, because I think the merits of my amendment are strong.

Mr. President, I do not like to downgrade any kind of program in any way, and I apologize for using the vernacular, but I think one can properly say, in the vernacular, that the SST is really a turkey. It is a bomb. We can say, with justification, that the FAA, on this program, laid an egg. The Joint Economic Committee, in its conclusion on this project, called it a white elephant.

As to the benefits of this program, when I asked the representatives of the FAA, when they appeared before the Appropriations Committee and the Senator from Mississippi very graciously invited me to sit with the members of the committee to question the FAA on the project, and I asked them what were the benefits of this program, the single benefit to which they could point was that it would shorten the time to fly overseas.

In other words, it would make it possible to fly from San Francisco to Melbourne in less time than it takes now. I submit, Mr. President, that the 5 or 6 percent of Americans who fly regularly at all—and far less than 1 percent fly regularly overseas—are far more interested in the time it takes to fly from San Francisco to Los Angeles, or from New York to Chicago, or from Denver to St. Louis, than they are in the time it takes

to fly from San Francisco to Melbourne. I think we should recognize that the overwhelming majority of Americans do not fly, and that only a tiny, microscopic percentage of the people fly overseas with any degree of regularity—far less, as I say, than 1 percent.

Mr. President, we are all very much aware of the fact that we are operating in an inflationary period, and that there is great restraint on the budget. There are a number of Senators who feel that that restraint is a mistake, that the President should not hold down the budget the way he is. But he is doing it. He has made it clear to us that he is going to hold down expenditures on the budget to $192.9 billion. That means that if we spend in one area, we cannot in another. It is fine to say, "I'm for the SST, but I am also for other programs." If we go ahead and spend this money on the SST, it means we will not have the money for some of the other programs which, it seems to me, should rate far, far higher.

I think we all recognize that we have many thousands of people in this country who do not get enough to eat. We have a situation in which our ghettoes, a couple of years ago, were on the verge of explosion because we have done too little in them.

We face the worst housing shortage in 20 years, and this year, because of high-interest rates and because we are so limited in our housing program because of limitations on the budget, we are losing further ground in housing.

We all know how very urgently we require funds for education. We just acted on a bill in that area, and we are conscious of the fact that President Nixon feels, rightly or wrongly, that he must hold back some of those funds. The reason he feels he has to hold them back is because we are spending money in other areas like the SST.

We know the need for antipoverty action and medical research.

Mr. President, I think that every Senator, having been elected to office and recognizing himself as a politician, must be aware of the taxpayer revolt in the country. Whether they are from Alaska or Washington or Wisconsin or anywhere else, the taxpayers are unhappy with the burden they have to pay.

I think we have to realize that to the extent we spend $80 million this year in this program, and it will be far more than that before we are through, this will increase the tax burden. And it is exactly this kind of Government spending which is inflationary. Every economist agrees that Federal spending is inflationary, especially spending of this kind that does not reach the kind of economic need that the spending in the manpower training field meets, for example.

It seems to me that we can argue that this is a senseless allocation of our resources and that the SST should not have the top priority, but should be at the bottom of our priorities.

Mr. President, in order to get a more objective perspective on the SST than one might get from this Senator, who admittedly has been opposed to the SST for a long time, or from some of the proponents of the SST, I suggest that we recognize what the ad hoc committee appointed by President Nixon, who is an advocate of the SST, a committee consisting of competent experts, concluded about the SST.

Mr. President, before we get into that, let me point out that in the bill there is a provision for reducing the amount of funds available for mass transportation and reducing it substantially below what the House measure could provide.

I recognize that the committee is in a position in which they have to make that kind of an unfortunate decision. However, what that does is to prolong the time that it takes millions of people who live in or outside of our cities to get to work. That amount of money is reduced because of the stringency of our budget.

How would those people feel about the fact that we will spend hundreds of million of dollars within the next few years for a program that will save time for a tiny, microscopic portion of extremely wealthy people to fly overseas when we fail to provide the money for the other people to get from their little homes in the suburbs to the city or from the city to the suburbs if they are employed there?

The fact is that more than two-thirds of the people of America live in the urban areas. Yet, we cut the funds for mass transportation in the bill and cut them sharply.

We should take a look at what happened over the last few days or the last few weeks in the health area. The Senator from Washington (Mr. MAGNUSON) was very generous in his bill with respect to the health area. I think he did a fine job. We enthusiastically supported him.

But it is the President who decides how much money will be spent. And the President has felt so constrained by the limitation on his budget that he has agreed to limit his budget to $192.9 billion.

He has indicated that he will cut back on dental research, arthritis, child health, mental health, and hospital and health care centers, a $104 million cutback from this latter program alone.

As we know, the administration felt constrained because of the limitation in the budget to cut back on Job Corps centers which has had a devastating effect on thousands of young Americans who did not have much of a chance, and the Job Corps centers gave them some kind of a chance.

The model cities program was cut back 42 percent.

Let me give one other brief example of the priorities involved here.

The Department of Transportation has been authorized to proceed with funding of a prototype automobile, an automobile that would incorporate all of the best safety standards that technological progress has made available. The amount provided was $5 million, not the $1.3 billion which is provided for the SST. It is only $5 million for the development of safe automobiles. And 300 times as much for the SST. Think of that.

Last year 55,000 Americans were killed, 150,000 permanently disabled, and some 4 million were casualties on the highways.

Yet, we propose to spend $1.3 billion on a project to save a few jetsetters a couple of hours' flying time when they go overseas.

One of the most startling and surprising developments in the whole situation was called to my attention just recently when I discovered that the SST not only has a high priority in the budget, but also has an extraordinarily high priority in getting scarce material.

This is something that I do not believe has been revealed to the country or to the Senate before.

Mr. President, not only is the SST an example of the distorted priorities given to nonessential activities, but it is also an example of how our military needs can be jeopardized by the foolish allocation of national resources to the SST.

Last October I learned that the SST has obtained the highest priority rating under the Defense Production Act. As you know, the Defense Production Act authorizes the President to establish priorities for scarce materials needed by the military, atomic energy, military assistance, stockpiling, and directly related programs.

The highest priority rating is called "DX." The next highest is "DO." Of the 16 programs with an approved "DX" rating, 14 are military; 2 are nonmilitary. Of the two, one is the Apollo program. The other is the SST.

The significance of this fact is that there are many military programs without a DX rating, and the question is whether it is possible for a military program to be deprived of certain materials at the same time that the SST, with its higher priority rating, is able to obtain those same materials.

On October 31, I directed a letter to Barry J. Shillito, Assistant Secretary of Defense, in which I raised this issue. My question to Secretary Shillito was whether there is a possibility for military users to be deprived of certain materials, such as titanium and nickel, because of their diversion to such programs as the SST and other civilian aircraft.

Secretary Shillito, in his response, confirmed my understanding of the facts and underlined my worst fears that the SST represented an obstacle to national defense.

Secretary Shillito states in his letter:

> It is possible for a military program to be delayed while a production conflict with rated civilian aircraft is being resolved.

Secretary Shillito assures me that because of the limited amount of materials involved in the current SST program and because of the procedures which exist to solve production resource conflicts, that it is doubtful any serious delays in a military program will occur.

However, the point is whether it is possible at the present time for the SST to interfere with military programs. I have been informed by sources within the Pentagon that not only is it possible for delays to occur because of civilian priority ratings for scarce materials, but

that such delays have already occurred. The fact is that once a conflict over materials arises, once a military program runs into a bottleneck because certain materials are not available at the time they are needed, that the damage because of delays has already happened. Expeditious as the expediting procedures may be, they take time, and once any amount of time has been spent attempting to resolve a conflict between military and nonmilitary users of materials, the military user has suffered a delay.

Although I have been critical of military programs, especially weapons systems, I recognize the importance of weapons production once it has been decided to go ahead with the program. It is ridiculous and outrageous for a weapons system program to have to be interrupted and delayed, at great cost to the taxpayer, because materials cannot be obtained, while those same materials are being diverted to a program such as the SST.

This is one further instance demonstrating how cockeyed our national priorities are.

With unanimous consent, I am inserting in my remarks copies of the correspondence between Secretary Shillito and myself.

I ask unanimous consent to have the correspondence between Secretary Shillito and myself on this matter printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT ECONOMIC COMMITTEE,
Washington, D.C., October 31, 1969.

Hon. BARRY J. SHILLITO,
Assistant Secretary of Defense, Installations and Logistics, Department of Defense, Washington, D.C.

DEAR MR. SECRETARY: I understand that under the Defense Production Act certain nonmilitary users of materials have obtained priority ratings, of DO or higher, and that in some instances military users have lower priority.

For example, I am informed that the SST program is rated DX, whereas the military users do not have this highest priority.

Would you verify these facts and also provide me with information concerning the kinds of materials used by the SST contractors under the DX rating, and whether in your view there is a possibility for military users to be deprived of certain materials such as titanium and nickel because of their diversion to such programs as the SST and other civilian aircraft.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., December 15, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in reply to your letter of October 31, 1969 which requested verification whether certain nonmilitary users have obtained priority ratings of DO or higher while some military users have lower priority, citing the SST program DX rating as an example. You also inquired about the kinds of materials used in the SST under the DX rating, and asked if it was possible for military users to be deprived of materials, such as titanium or nickel, due to their diversion to such programs as the SST and other civilian aircraft.

The priorities and allocations powers of the President under the Defense Production Act of 1950, as amended, have been delegated by the Director, Office of Emergency Preparedness (OEP) to the Secretary of Commerce and is administered by the Business and Defense Services Administration (BDSA), Department of Commerce. The programs authorized for priorities and allocations by the Act are military, atomic energy, military assistance, stockpiling, and directly related activity. Such programs as are considered to be directly related activities and which are sponsored by the Department of Defense or the Atomic Energy Commission and approved by the Office of Emergency Preparedness, may be assigned the DO priority rating.

As you know, DX and DO are the two industrial priority ratings that may be applied to national defense prime and subcontracts and purchase orders under the Defense Production Act of 1950, as amended, and the implementing rules and regulations of the BDSA. Only the President can approve a program to be of highest national priority within his priorities and allocations authority under that Act, thus entitling it to the automatic use of the DX industrial priority program rating on applicable contracts and orders. All other rateable orders carry the DO rating. As a matter of information of the 16 approved DX programs, 14 are military programs and the other two are the SST and APOLLO programs. With regard to the SST program, the DX authority is limited to research and development and construction of two prototype aircraft which was approved by the President as a program of highest national priority on April 1, 1966.

The DO priority rating has been authorized by the OEP for use on certain civil air programs. These are: (1) the production of heavy civil air carrier aircraft; (2) maintenance, repair and operating supplies (MRO) for participating airlines approved by the FAA; (3) civil air navigation facilities; and (4) construction at airports where there is a joint tenacy with military activities, on a case-by-case basis, provided each such case is sponsored by DoD. OEP presently is considering the question of whether or not to renew beyond June 30, 1970 the existing DO priorities and allocations authorities for these civil air programs.

With respect to your question concerning the kinds of materials used by the SST contractors under the DX rating, I have been informed that the basic structure weight of each prototype is estimated to be about 171,200 pounds. Some 137,000 pounds of titanium will be contained in the airframe and about 23,300 pounds of alloy steel in the landing gear, with smaller amounts of various materials for tires, brakes, etc. The four engine propulsion system is expected to weigh about 51,400 pounds, including a total of about 45,000 pounds of high-strength, high-temperature steels having substantial nickel content with the balance consisting of the various materials normally used for such items as controls, starters, fuel systems, shock mounts, etc. The total fixed equipment weight of about 56,300 pounds is to consist of the various materials used for seats, instruments, flight controls, hydraulics, electrical and electronics items, environmental control systems, insulation, etc. It should be noted that the foregoing amounts are rough estimates of necessity, since the two prototype aircraft are still in the design stage.

You also questioned whether we believe there is a possibility for military users to be deprived of certain materials because of their diversion to the SST and other civilian aircraft. It is possible for a military program to be delayed while a production conflict with rated civilian aircraft is being resolved. Although DX rated orders automatically take precedence over all DO rated and nonrated orders when there is a production conflict, we do not at this time believe the SST R&D program will cause any serious delay in any military program because of the limited amount of materials involved in two aircraft.

DO rated orders accepted by a supplier are scheduled for production in the sequence in which the orders are received. Because of the large dollar volume of DO rated civil aircraft orders and the capability of the civil aircraft industry to place early orders, favorable positions are assured in the production scheduling sequence. Thus, there is a much greater possibility that production conflicts will arise between civil aircraft and military programs. However, if there are no production conflicts among DX and DO rated orders, then these orders may be delivered in accordance with the required delivery dates regardless of the rating.

When there are production resource conflicts among rated orders, the national priorities and allocations system has a Special Assistance Expediting Procedure for solving them. The procedure provides for review of the conflicts, their impacts, and appropriate resolutions on a case-by-case basis by use of one-time DX ratings, directives, orderboard scheduling techniques or other established actions.

I trust that the information answers your questions and will be helpful.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense.

Mr. PROXMIRE. Mr. President, in recent days two of the most distinguished members of the Republican Party have spoken out on the need and the urgency to reorder our national priorities. Milton Eisenhower, Chairman of the Violence Commission, and John Gardner, former Secretary of HEW and now Chairman of the Urban Coalition, both emphasized that far too much emphasis has been given to military spending, the space program, the SST, and that vital domestic problems have been too often swept under the rug. As Mr. Gardner said:

> We are anxious but immobilized . . . we know what our problems are, but seem incapable of summoning our will and our resources to act . . .

I implore the Senate to heed these words. It should not be as difficult to do so here as it might have been with other programs. Where military programs are involved—such as with the ABM—there is always the gnawing concern about our national security. Where the space program is concerned, questions of national prestige arise. But here, there is no such overriding issue in the background. The issue pure and simple here is: does the Federal Government belong in the business of developing a commercial plane wholly for private use? I submit that it does not.

COSTS PROBABLY WILL EXCEED THE ESTIMATED $1.285 BILLION

Mr. President, a word about overall costs on this project. The Federal Government's share of building the two prototype SST's is estimated at $1.285 billion. Of this amount, $623 million has been appropriated to date; an additional $662 million will be required to complete the Government's participation.

However, these cost estimates only encompass phases I, II, and III—that is,

planning, research and development and design competition, and design and construction of two prototype planes. Beyond phase III, there is a substantial likelihood that the Government may become extensively involved in phase IV, the certification stage, and phase V, the early part of the production stage. It has been predicted by Booz, Allen & Hamilton, financial consultant to the FAA, that the Government will probably have to fund the major share of the program costs for phases IV and V. According to the consultant estimates, this could result in an additional cost to the government of another $1.3 billion. This would put the total government investment in the SST at $2.6 billion.

It is true that since 1966 the FAA has changed the contracting schedule somewhat, so that the later phases in the SST development no longer overlap with the earlier phases. According to the FAA, this makes it less likely that the Government will become involved in phases IV and V. But this Senator, for one, is convinced that if the airlines display the same reluctance to fund this project at the completion of the phase III stage that they are displaying now, the Government will be left with a very expensive Hobson's choice: should we permit our $1.3 billion investment to go down the drain, or should we protect it by expending another $1.3 billion on phases IV and V?

There is good reason to believe that the latter choice would win out. In the House report accompanying this year's SST appropriations, the House Transportation Subcommittee took note of the fact that $623 million has already been spent on this plane. Canceling the program now, the committee noted, would cause the loss of all of the $623 million already expended. In other words, we need not concern ourselves with the merits of this project—just continue to throw good money after bad. I am greatly concerned that a similar argument could carry the day several years from now, after the Government has invested $1.3 billion on the two prototypes, and it becomes clear that the airlines still have no interest in becoming heavily involved financially—to the tune of another $1.3 billion—in the certification and production stages. It should be noted that the airlines are under no legal obligation to do so.

Moreover, if there are major cost overruns on this plane, as there inevitably will be if our experience with the development of military aircraft is a good guide, the Government investment would go still higher. For example, in procuring the Lockheed C–5A transport plane, increased expenses have driven the cost up by $2 billion—well over 50 percent above the original estimated cost. And compared to the SST, the C–5A was a relatively simple research and production problem.

I wish I could report that an overrun of 50 percent such as this were unique, and not likely to recur. But unfortunately, extremely high overruns in the development of new weapons systems—and in particular, new airplanes—have become all too commonplace. If such an overrun were experienced on the SST, and if the Government becomes involved in phases IV and V as predicted, the cost of the SST could well soar above $4 billion.

This Senator is not saying that costs will run that high. But the Senate should take this possibility into account before agreeing to appropriate $80 million for the SST this year. In particular, we should be wary of the argument that since the United States now stands near the halfway point in its participation in the SST program we ought to see it through to its finish. The short answer is, if costs soar to $4 billion, or anywhere near it, it would mean that we stand not at the halfway point, not even at the one-third mark, but at a point no more than one-sixth of the way along. If the SST cannot be justified, and I strongly believe that it cannot, it makes eminent good sense to stop now, when more than 80 percent of the cost still lies ahead of us.

GOVERNMENT HAS NO BUSINESS SUBSIDIZING A COMMERCIAL PLANE

Aside from the strict issue of the gigantic cost involved, there is another, more fundamental question here: what business does the Government have subsidizing the development of a plane designed solely for commercial use? To my knowledge, this is a situation without precedent. I know of no previous instance where the Government has become involved to anything approaching a 90-percent interest in a similar commercial venture.

I do, however, know of one previous instance where private developers attempted to interest the Government in helping to develop a commercial aircraft. In June 1951, the Budget Bureau submitted a request to Congress for $600,000 for the purpose of transport aircraft development. The money was to be used "to encourage the development of improved transport aircraft, particularly in the turbine-powered category." Special emphasis was to be placed on the integration of jet transports—commercial—into the traffic-control system. In other words, Congress was being asked to help the airlines develop jets for commercial travel.

The Senate provided the Commerce Department with $597,500 of the requested $600,000. But the House Appropriations Committee displayed much more sense, and denied the request entirely. Here is what the House said in denying these funds:

> The budget estimate of $600,000 contained in House Document No. 178 for expenses relating to the development of improved transport aircraft is denied. It was testified that this testing would contribute very little to national defense, but would be primarily for the benefit of the commercial airlines. *This type of aircraft development should be carried out and financed by the plane manufacturers and the commercial airlines rather than the federal government.* (Emphasis supplied).

In conference, the House prevailed, and no funds were provided to develop a commercial jet. The rest of the story is familiar to all of us. The airlines went on to develop commercial jets themselves, from the 707's through the 727's and now to the 747's, the jumbo jets. It has been one of the most spectacular success stories of modern industry. Somehow the airlines managed to find the money to invest in these new projects, and their return has been a very handsome one on this investment, and a well deserved one too.

I see no reason why the same criteria cannot be applied to the SST. Perhaps it is more expensive than aircraft that have been developed heretofore. But this has been true of every new airplane; as airplanes get bigger, and faster, and more complex, they inevitably cost more. But if the demand is there, and the public is willing to pay for it, the airlines will find a way to finance it. And if the demand isn't there, and the public would not pay the fares necessary to insure adequate returns, then the Government has no business financing it.

Lt. Gen. Elwood R. Quesada emphasized this strongly when he appeared before the President's ad hoc committee this spring. Lieutenant General Quesada was Chairman of the FAA from 1958 through 1961, the period when the SST was first undertaken by the FAA. Gen. Quesada had this to say about the Government taking over the development of a commercial plane:

> I have very serious reservations about the Federal Government assuming the major burden of developing a commercial airplane. Serious reservations.
>
> I gag, if I may use my own term, at the Federal Government by its positive action replacing economic demand. I feel that a supersonic transport or any other commercial device should be the product of economic demand.

I could not agree with General Quesada more. I, too, have serious reservations. The Government is taking all the risk on this plane, and the airlines are going to sit back to see whether it will work, and return a profit. If it can—which I doubt—the airlines will jump in and reap a handsome profit. If it cannot the airlines will simply decline to enter the market, and the Government will be left holding the bag. From the airlines' point of view, this amounts to "heads I win, tails you lose," and the Government gets the short end of the stick.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. The Senator mentioned General Quesada, whom I regard as a friend of mine and with whom I have discussed this matter on various occasions. He is devoted to what we generally call the private enterprise system.

What amazes me about the sponsorship of this program are certain Members who on other occasions profess a great confidence and great faith in the private enterprise system. But this is strictly socialism, bringing the Government in to sponsor a questionable project, so that if it fails, it is on the taxpayers.

Mr. PROXMIRE. Exactly.

Mr. FULBRIGHT. The risk is all on the taxpayer, is it not?

Mr. PROXMIRE. It is, indeed.

Mr. FULBRIGHT. And there is no difference in the way we are doing it from the way the Russians developed their

SST. Is there any substantial difference? It is all a Government project.

Mr. PROXMIRE. The difference is that 10 percent of the money is put up by private industry, but the opportunity for private industry to make a profit is very substantial; and they can make a profit while the Government is suffering a substantial loss.

Mr. FULBRIGHT. But 90 percent of the risk is taken by the taxpayers.

Mr. PROXMIRE. It is not only taken, but also, it is a risk in which the Government loses while private industry makes a profit, and a big one.

Mr. FULBRIGHT. The Senator spoke a moment ago about commercial enterprise. If this has any real validity, the commercial enterprise ought to take the risk.

Mr. PROXMIRE. Of course they should.

Mr. FULBRIGHT. Boeing is a big company, and there are other big companies. I would only question the Senator's saying there never was any Government assistance to Boeing in the 707. I recall some Government contracts on tankers that led to the development of the 707.

Mr. PROXMIRE. There is no question that there has been an enormous benefit to commercial enterprise from the military, but nothing like this.

Mr. GRAVEL. I would like to find out if the Senator knows of any project approximating a billion dollars that has been handled by private industry in the history of our economy.

Mr. PROXMIRE. It depends on what the Senator means by "project."

Mr. GRAVEL. The Senator stated this is a sum of money which the private sector of the economy could easily handle. I would like to know if at any time in their history the private sector of the economy has taken on a billion-dollar-plus obligation and prosecuted such a program.

Mr. PROXMIRE. May I say, one, when you look for precedents in our economy it is hard to find that sort of thing because we have grown so much and because we are so much larger and affluent than we were. We are twice as large economically as we were 10 or 12 years ago. In addition, we have a number of corporations in this country which are far bigger than billion-dollar corporations. We have General Motors which makes well over a billion dollars. The sales of General Motors, I understand, are $12 to $13 billion.

I do not say it might not be necessary and desirable for the aviation industry to come together with the Government and work out something like the communications satellite. I have proposed that; and it might be necessary in order to get a Government guarantee. But this is a 90-percent obligation for the Government at Government risk, and although there is the big possibility of a loss to the Government, there could be a profit with Boeing.

Mr. GRAVEL. I submit there is no history of such a program being undertaken by the private sector. The closest thing we would have would be the pipeline which is being built in Alaska at a cost of $1 billion. And that has come under some criticism.

Mr. PROXMIRE. As we all know, the 747 was a very, very expensive operation. It may be somewhat less than the SST but the airlines are growing. Boeing and Lockheed and the other producers are growing in size and in capacity to finance this project. There are many ways this could be done if there is a likelihood of a payoff, but not when there is a likelihood it will fail.

Mr. GRAVEL. The Senator, in stating this could be done by the private sector, developed simplistic facts of economics.

Mr. PROXMIRE. That is correct.

Mr. GRAVEL. There are many sectors in our economy which work in that way. Farming is one of them.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly without losing his right to the floor so that I may ask unanimous consent that there be a recess for 2 minutes so we can all go down and furnish a quorum to the Committee on Appropriations and then return; otherwise we will never get it.

Mr. MAGNUSON. Mr. President, reserving the right to object, I first ask unanimous consent to have printed in the RECORD General Quesada's statement of December 9, 1969.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

QUESADA NOT OPPOSED TO NIXON'S SST PROGRAM

Contrary to impressions left by press reports, former FAA Administrator Lt. Gen. Elwood R. Quesada (USAF-Ret.) is not opposed to the development of a supersonic transport, he has informed The DAILY.

"I have never opposed nor do I now oppose the President's program," he said.

It is known that Gen. Quesada was considerably upset by what he considered to be a distortion of his views by one wire service which had used excerpts of his March testimony before the President's ad hoc review committee, released by a staunch opponent of the SST program, Rep. Henry S. Reuss (D-Wis.).

During the House consideration of federal funds for SST, Reuss inserted in the *Congressional Record* on Nov. 17 the transcript of the testimony which Gen. Quesada gave before the President's ad hoc review committee on March 12, even before the Nixon Administration had preferred its SST program.

Reuss distributed excerpts of the Quesada testimony to the press, all of the excerpting leading to the impression that Quesada was critical of the program. In fact Reuss referred to the "document" as being "highly critical."

Gen. Quesada did not have a written statement when he appeared before the review committee. He was one of many called to answer questions. His entire discussion was "off the cuff," and he answered questions.

It is no secret that Gen. Quesada has his own ideas about how the SST program should proceed. After all, it was under his regime at FAA 1958–61 that the project got started with the blessing of President Eisenhower. Basically Gen. Quesada wants the program developed under private enterprise and not to proceed under what he called "forced draft." He expressed himself as being opposed to the government providing 90% of the funds. On the other hand, he made no mention of the present government-industry pact by which the government is to recoup its investment through royalties.

It was a long and rambling bit of informal discussion, from whch excerpts could be taken to indicate that he was an opponent of the program, but his intention, as he has explained to friends, was to give his opinions on procedures in an area where many opinions would be natural. As to his over-all thinking, however, there is no doubt, as the following excerpts (which Reuss eliminated from his press release) would indicate:

"I certainly hope that a supersonic transport program will proceed. I hope so very fervently. But I would like for it to proceed more under the economically free enterprise system than apparently it is now, at least apparently to me."

And again: "I would like to see a supersonic program proceed, obviously. But I would like to see it proceed under what I call more orderly, more economic and more controlled—and avoid what I observe to be a forced draft."

More to the point is this excerpt: "Now, I do not mean to imply, although what I have said could be construed so, I do not mean to imply that there should not be a supersonsic transport program."

What General Quesada was trying to get across to the ad hoc committee was his idea that the U.S. should not rush into an SST just because the Soviet Union and the French and British are proceeding rapidly with theirs. He thinks the foreign competition is healthy but he thinks the U.S. should not try to be directly competitive but to take time to build a quality and economically viable airplane. He thinks NASA needs to be more deeply involved in the U.S. project. He also believes a decade should elapse between the introduction of the 747 and the American SST, and in this he is close to being on target, for 1980 is a more likely inaugural date for the American SST than anything closer.

Gen. Quesada reportedly told one friend: "You will not find me a detractor of the Nixon Administration program, either privately or publicly."

Seven airlines have signed formal agreements to use and help finance development of the Dallas-Fort Worth Regional Airport, scheduled to open in 1978.

Mr. PROXMIRE. Mr. President, I yield to the distinguished majority leader.

ORDER FOR RECOGNITION OF SENATOR GOLDWATER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Arizona (Mr. GOLDWATER) be recognized for not to exceed 20 minutes at the conclusion of the prayer tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 6 o'clock and 14 minutes p.m., the Senate took a recess until 6:16 p.m.

On the expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. SPONG in the chair).

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. GOLDWATER. Mr. President, I ask the Senator from Wisconsin if he will yield to me for a few comments.

Mr. PROXMIRE. Before I yield to the Senator from Arizona I do wish to say to the Senator from Alaska that I am not relying entirely on the argument I made with regard to whether or not private industry could finance the SST by itself. But I am arguing about the timing of this matter, and the priority, and whether or not this is the way to solve the problem when we have a supersonic transport which has not yet solved the sonic boom problem. I think the sonic boom problem can be solved in the future with new design, but until they get that new design, it will not be able to fly over land and it may not be able to use some airports. For that reason it would be a serious blunder.

Mr. GRAVEL. I think the Senator spoke of something that is very important when he talked about priorities. With the tremendous increases in population which we are undergoing, we are only postponing the time when we will starve.

I submit not to move ahead with this program is the first step toward our becoming a second-rate power. Whether we build a supersonic transport, there will be a supersonic transport built in this world. Maybe Russian supersonic transports will help sustain the Russian economy. They have a very difficult load to carry in their search for hard currency; but if you want to make it easier for them, this is a way to do it.

To talk of postponing this program is more critical. As the design now exists we could take the lead. We were behind when the Comet came out in Britain and we moved ahead with new aircraft. But if we delay now we can see the second generation of these aircraft to be produced by the French and the British.

I have read where the balance of payments will not be affected. I think that is an important part of the argument. I disagree with the statement. I think the balance of payments will be affected and that will affect our ability to feed the hungry people in this country.

Mr. PROXMIRE. The Senator may take any position he wishes with respect to the balance of payments. However, the President has asked the leading experts in this Government, the Council of Economic Advisers, Treasury Department, and Commerce Department and what was their conclusion on the effect of the SST on our balance of payments. They said negative. It will hurt them. That is documented.

Mr. GRAVEL. Will the Senator explain that to me, because I think it is wrong.

Mr. PROXMIRE. Well, the administration is favoring the project in spite of the committee's advice. But he asked the experts and that is what they told him, that this will hurt our balance of payments.

Mr. GOLDWATER. Will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. I have some remarks to make on this subject when the Senator has finished, but I wanted particularly to get in here on the discussion as to the costs.

I might say in reply to my good friend from Arkansas that I am probably the greatest champion of free enterprise in this body. But I think this body, along with the other body and the rest of the Federal Government, must take some blame for the growing improbability that from the new technological advances of today and tomorrow they can be handled by so-called private enterprise.

Insofar as allowing costs to go up, as a result of inflation, that is the fault of our Government, too, and not of private enterprise.

The expenditure required on this plane is about twice the net worth of Boeing. I do not believe it could be financed by them, even if Boeing were willing to go ahead and try to finance it. I am told it is in the report, that if 300 of these planes are sold, the Government will get back every cent put into it; and if 500 are sold, we will actually be making a profit.

So, I cannot agree that this will be economic disaster to do this. We have talked about the high cost of the airplane but I would point out again that this is the fault of the Government's past, under the days of Secretary McNamara when we had no development or research on high thrust engines to take 65,000 pounds apiece and we were behind in engine production because he did not allow research and development. He stopped research on the B–70 and all we got for it was that we lost one to a museum in Dayton, Ohio.

The F–12, a mach–3 aircraft, is now bottled up and pickled.

The SR–71, which I have flown at mach 3.1, is not a research type of airplane. But we are flying it. We have gone through a long period of no build-up in the supersonic days, and we are beginning only now to pay off. We are going to pay off now. I might suggest to my good friend from Wisconsin, who is so worried about priorities, that when someone comes on this floor with an idea as to how to solve our city problems, I shall be the first one to stand up and defend it, and vote for it.

I do not care what the cost will be but, so far, no one has come up with an idea.

Here is an idea which is not only workable but, in my judgment, very necessary.

Thus, I merely want to say that in my opinion the report is correct when it says that we can get our money back if we proceed with developing the plane at this time.

Mr. PROXMIRE. Let me say to the Senator from Arizona that I am about to come to the part in my speech that it is unlikely that we will get our money back.

Several Senators addressed the Chair.

Mr. PROXMIRE. Mr. President, I yield first to the Senator from Arkansas and then I shall be happy to yield to the Senator from Montana (Mr. METCALF).

Mr. FULBRIGHT. Mr. President, the Senator from Washington offered a statement in which General Quesada says he unequivocally endorses the SST program. I want to set the record straight. This is a long statement. I am afraid that the public, for lack of time, would not read it all. I read from about the middle of the document to prove that General Quesada unequivocally endorses the SST.

It reads:

> It is no secret that Gen. Quesada has his own ideas about how the SST program should proceed. After all, it was under his regime at FAA 1958–61 that the project got started with the blessing of President Eisenhower. Basically Gen. Quesada wants the program developed under private enterprise and not to proceed under what he called "forced draft." He expressed himself as being opposed to the government providing 90% of the funds. On the other hand, he made no mention of the present government-industry pact by which the government is to recoup its investment through royalties.

And he says later in his statement:

> I certainly hope that a supersonic transport program will proceed. I hope so very fervently. But I would like for it to proceed more under the economically free enterprise system than apparently it is now, at least apparently to me.

Mr. MAGNUSON. Mr. President, the Senator mentioned me. Will the Senator yield?

Mr. FULBRIGHT. Not yet. I will in a minute——

Mr. MAGNUSON. All right. All of us would like to have proceeded that way but we cannot proceed that way.

Mr. FULBRIGHT. I said——

Mr. MAGNUSON. Read the last paragraph.

Mr. FULBRIGHT. I said it was under the private enterprise——

Mr. MAGNUSON. Read the last paragraph.

Mr. FULBRIGHT. Mr. President, I do not yield to the Senator from Washington.

Mr. STENNIS. Mr. President, regular order. Regular order.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. The Senator offered this and says he unequivocally endorses the SST. I am reading from the document that the Senator from Washington himself offered.

Mr. MAGNUSON. Read it all.

The PRESIDING OFFICER. The Senate will be in order. The regular order has been called for. Is the Senator from Wisconsin yielding to the Senator from Arkansas for purposes of a question?

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield to me for a question?

Mr. PROXMIRE. I yield to the Senator from Arkansas for a question.

Mr. FULBRIGHT. Does not the Senator believe that the proper interpretation of this endorsement is that General Quesada believes it should proceed, but

not under forced draft with the Government providing 90 percent of the funds, but by private enterprise?

Mr. PROXMIRE. I have not had a chance to read that document.

Mr. FULBRIGHT. I just read it.

Mr. PROXMIRE. From what the Senator has read, I do not know how one could conclude anything else.

Mr. MAGNUSON. That is the trouble. The Senator will not read it all.

Mr. FULBRIGHT. I will read the——

Mr. MAGNUSON. Read the last part.

Mr. FULBRIGHT. "Seven airlines have signed formal agreements to use and help finance development of the Dallas-Forth Worth Regional Airport, scheduled to open in 1973." There is the last line.

Here is another:

General Quesada reportedly told one friend: You will not find me a detractor of the Nixon administration program, either privately or publicly.

Mr. MAGNUSON. That is right. Read the second paragraph.

Mr. JACKSON. Yes, read the second paragraph, just that one sentence right at the beginning. He makes it very clear.

Mr. FULBRIGHT. It is very clear that he endorses the program and that it should be financed by private enterprise.

Mr. MAGNUSON. This Senator hoped it would be but it is not possible.

Mr. FULBRIGHT. That is what I believe. The Senator from Wisconsin also believes this. I had assumed that the Senator from Arizona (Mr. GOLDWATER) would also do that. I was surprised to hear him say, "so-called" private enterprise a moment ago. I did not know we got to the point that we have so-called private enterprise.

Mr. GOLDWATER. It has always been that.

Mr. FULBRIGHT. I thought it was private enterprise.

Mr. MAGNUSON. Mr. President, regular order. Regular order. The Senator from Arkansas is making a speech instead of asking a question. Regular order, Mr. President.

Mr. FULBRIGHT. All right, I should like to ask the Senator from Wisconsin one other question. How much difference in elapsed time will it make between Washington and Alaska, flying in an SST or a new Boeing 747?

Mr. PROXMIRE. May I say to the Senator from Arkansas that the answer to that, on the basis of FAA testimony, is that it would make absolutely no difference whatsoever—not 1 minute's difference.

Mr. FULBRIGHT. What?

Mr. PROXMIRE. The reason being that they have promised they will not fly at supersonic speeds over land.

Mr. FULBRIGHT. Then why would this be an advantage? If the plane flies over Alaska and lands there, that means that Alaskan citizens will have to pick up their part of the costs of this airplane, will it not?

Mr. PROXMIRE. Exactly, but there are some who say that when one flies over land that is not heavily populated, it might be permissible to fly at supersonic speeds. The committee report deals with that specific point. It says it would be a serious mistake to fly at supersonic speeds over any land area because of the danger of doing a great deal of damage to the wildlife below.

Mr. GRAVEL. I should like to enlighten my good friend from Arkansas, who comes from the midcontinent, a little bit about the geography of the globe. He may find that the SST could fly from Europe to Alaska, from Alaska to the West Coast of the United States, to Australia, which would be of great economic benefit to Alaska. So if that is my motivation, it is a very provincial one. But I have a broader motivation—the future of this Nation. I think the motivation is very apt. I think gentlemen who pursue a program of retrenchment in the face of advancements in other parts of this world are very shortsighted.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Montana.

Mr. METCALF. The Senator from Wisconsin asked, Where are the airplanes going to land? They can land at Glasgow Air Base in Montana. That base is going to be changed because of a change in weapons systems. There is an area that is not heavily populated, and there is an area that can already accommodate every single plane, not only on the assembly line but on the drawing board.

So when the Senator from Wisconsin asks, Where are they going to land? They can land at the Glasgow Airport. People can come there and take planes to other parts of the Nation. So when the Senator says there is no place for the planes to land, there is a base there that can take care of any plane in America, a base where we can train any pilot, and it is an airport that is away from populated centers.

Mr. PROXMIRE. I agree that the plane can land at Glasgow, Mont., and that may be one of the few places where it can land. Technically it can land any place, but the point I am going to make later, and what we have not recognized, and what the committee mentioned, is that we have not only a sonic boom, but a noise problem on the ground. If that plane should land in Baltimore, or at O'Hare, or at Kennedy Airport, it would be a very difficult problem. But it may not be able to land at very many places.

Mr. GRAVEL. Mr. President, will the Senator yield on the point of sound?

Mr. PROXMIRE. I yield.

Mr. GRAVEL. I understand the airplane will climb at a more rapid rate and bring about less noise to the communities involved.

Mr. PROXMIRE. Let me come to that point later.

Mr. GOLDWATER. Mr. President, if the Senator will yield, the rate of climb of this airplane is so rapid that mach 1 would not be reached until 40 miles, at which time it would be approaching 40,000 feet, and the sonic boom would go out. That does not mean it will not be heard on the ground. I live in the central part of Arizona, where the SR–71 comes over three times a week at mach 3, a higher speed than this aircraft will fly at. We have learned to live with that boom. It is not a clap. We have made great advances in that technology. It is not a clap; it is a boom. When we get the oscilloscope to show a smoother rather than a sharp change in the noise level, we will be in good shape.

These engines, with 65,000 pounds thrust, are going to be quieter than the present engines. One of the benefits of the new 747 is that it has very quiet engines. The industry is working toward this end. Its purpose is not to fly over land; its purpose is to fly over oceans in intercontinental flights.

Mr. PROXMIRE. On the ground there is no question that the SST is far noisier than the 747 and the other jet planes. It is so noisy that the ad hoc committee was convinced that there would be many complaints around airports and it would be difficult for them to land there. There is no question that it could land at Glasgow, Mont.

Mr. GOLDWATER. The worst one we have is the A–37 or T–37 that we use as a trainer, but people cannot hear it. It drives one crazy with supersonic sound.

Mr. CASE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CASE. I asked the Senator to yield because he was talking about the boom. This is of particular interest to me I call the attention of the Senator and the Senate to a discussion of this matter on pages 9 and 10 of the report. The Senator is quite correct that we have been assured by everybody that this plane will not be flown over inhabited territory until the sonic boom is licked. There is a little vagueness about the assurance, because people then begin to talk about the terrible pressures. The committee was not satisfied, as I am not satisfied completely, with the assurances that were given. So the committee stated that fact in the report and pointed out its own belief that the plane should not be flown over inhabited territory so long as the sonic boom is a factor.

Mr. GOLDWATER. I agree that that is proper, although I do not share the apprehension about the sonic boom. I did a paper on this problem several years ago, and there have been great advancements in this problem since that time. It takes about 70 pounds per square inch to break a window pane, and the most we could develop on the mach 1 was 7 pounds. If a house has loose glass, if the glass is not put in properly with putty, yes, there can be some damage, but the greatest damage, the very severe damage, is to the human being.

A very interesting study has been made by the Air Force involving families of doctors off the runway at Edwards Air Force Base. The final results have not been published, but we came up with interesting comments on what could happen with sonic boom. The only real damage done was with our RF–100's in Canada, which came with a new glass administration building facing the plane, and it disappeared. If a pilot is aiming at something, there is a real problem, but when he is flying at 60,000 to 80,000 feet, people can hear him on the ground. It is a shaker, but it does not tear things

up. In a relatively few years aircraft will be flying without the boom at all.

Mr. PROXMIRE. I shall deal with the sonic boom problem later in my speech. Before I come to that, I want to say to the Senator from Arizona that I think it is a credit to the people of Arizona, who are a stalwart and sturdy people, that they can get along with the sonic boom. The fact is that sonic boom flights were flown over Milwaukee for several months a few years ago. I was almost drowned in mail from protesters of the flights. Claims were made against the Government for damage to property.

In Oklahoma, when a test of the effect of the sonic boom on the population was made, it was found that 27 percent of the people said they could not possibly learn to live with the sonic boom. It was unendurable.

Now we are getting into a new area of pollution—sound pollution. We have water pollution and air pollution, and now we are beginning to have sound pollution.

One reason why this program has been able to move along in Congress is that solemn assurance was given that the supersonic planes would not fly over land.

My argument against this program—and I agree with the Senator from Arizona that the sonic-boom problem will be solved—is that when the problem is solved, the hundreds of millions of dollars we will have spent on it will be worthless. This plane we would fund tonight will be obsolete because of its sonic boom. A wholly new design will be required. We will have wasted hundreds of billions.

The planes that will fly without causing a sonic boom will be the ones that will get the brass ring. Certainly we should not fund hundreds of millions of dollars for a plane that will not be acceptable for flights over land, where the real payoffs will be.

Mr. GOLDWATER. This is the real reason why the aircraft industry is in trouble. For years, we have not brought out any new aircraft. If we now say, "Let us not build the supersonic plane; let us wait until we have fooled around with a handful of SR–71's"—we have today just one large supersonic plane, the only one that goes through mach 3—we will never achieve results.

Mr. PROXMIRE. We have just appropriated $80 million this year to go ahead with a supersonic bomber. We can get a lot of good, solid experience to determine the effects of the sonic boom from this experience.

Mr. GOLDWATER. The Senator from Wisconsin is saying we should wait until 1978 before we build a supersonic transport. But keep in mind that Russia has one. I will not say that it is the best in the world. It also is made of titanium. The British and the French have one. Continental Airlines has ordered six. So we are not talking about something that will be built in 1978.

If we wait that long, I agree with the Senator from Alaska that the country which has this plane for sale is the country that is going to begin to take our regular aircraft industry away from us, and they are already doing it.

I might point out that the French, with their greatly improved fighter, are now selling their Mirage to other countries that historically have looked to us for aircraft, and we are beginning to see foreign airplanes flying on our airlines.

I do not think this is serious yet, but if we ever allow any other country to get something better than we have, even if we do not sell that type of plane, we are going to be hurt in the other fields of aviation. It is just like if we did not have Cadillacs, we could not sell Fords.

Mr. PROXMIRE. Mr. President, the Senator from Nevada has been waiting for me to yield to him, but I think in fairness to the Senator from Mississippi, who is handling the bill, and other Senators, I should not continue to yield further at this point. I shall yield to the Senator from Nevada (Mr. CANNON), and to other Senators briefly, and then I wish to finish with my speech.

Mr. CANNON. I thank the Senator for yielding to me.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CANNON. I would simply like to respond to two points which the Senator made. One was the unacceptable noise level in and around the airports.

In the first place, there will be a lower level of noise in and around the airports with this plane than with the existing planes today. The noise level of engines has been reduced markedly. The 747 noise level is not as high as that of the 707. They are making a great deal of progress in this line, and that will be included in the development of the supersonic transport.

Moreover, this plane is never going to fly at supersonic speeds around airfields. You do not fly planes at their maximum speed around any airfield; you fly in accordance with the patterned flight, which means that on takeoff and landing, and within the restricted area around a field, you would be flying at a speed of about 250 knots, maybe slightly more than that, but somewhere in the neighborhood of 250 to 300 knots.

Mr. PROXMIRE. That is correct, of course, but may I say to the Senator from Nevada that the finding of the ad hoc committee was as follows:

> On the ground the SST is significantly noiser than the 707, the 100 perceived noise decibel contour extending about 5000 feet in all directions—

Mr. MAGNUSON. What page is that?

Mr. PROXMIRE. That is at page 32602 of the CONGRESSIONAL RECORD.

Mr. MAGNUSON. That is assuming that you run your engines at full thrust. You are not going to run your engines to top speed on the runway. You do not go at supersonic speed on a takeoff.

Mr. PROXMIRE. All I am saying is that they are substantially noiser than the present plane. I shall discuss that later.

Mr. MAGNUSON. Is that a formal report of the ad hoc committee?

Mr. PROXMIRE. This is the formal report of the ad hoc committee.

Mr. MAGNUSON. Which division?

Mr. PROXMIRE. The Technological Subcommittee.

Mr. MAGNUSON. Oh, the subcommittee. Who is on that subcommittee?

Mr. PROXMIRE. I shall get to the identity of the members of the committee in just a minute.

Mr. MAGNUSON. Put it in the RECORD. They did not make a formal public report at all.

Mr. PROXMIRE. Correction. This was the report of the environmental and sociological panel of the ad hoc Supersonic Transport Review Committee.

Mr. MAGNUSON. Oh. This is the Secretary of the Interior and the Secretary of Health, Education, and Welfare. They are not airplane experts.

Mr. PROXMIRE. And of the Office of Science and Technology.

Mr. MAGNUSON. They all turned around and now support the President.

Mr. PROXMIRE. Of course they back up the President. They are appointed by the President.

Mr. MAGNUSON. But that is not what the ad hoc committee said.

Mr. CANNON. Mr. President, if the Senator will yield further, here is the DOT comment on that particular thing. It reads as follows:

> At the two community measuring points, established by the FAA, the SST is projected to be substantially quieter than the presently operating large intercontinental subsonic jet transports, such as the Boeing 707–320B.

That is a fact, Mr. President. You cannot dispute it. These engines that are coming along have a lower noise level. They are soundproofed, so to speak, more than the engines in the past, and this is DOT's comment on the report from which the Senator read.

Mr. PROXMIRE. That may be their conclusion, but the ad hoc committee, which has no ax to grind——

Mr. MAGNUSON. That is not the ad hoc committee. State who it is. There were four subcommittees, and the Senator is talking about only one subcommittee.

Mr. PROXMIRE. There were four subcommittees.

Mr. MAGNUSON. There are four all told.

Mr. PROXMIRE. I have it in the RECORD here. It is four.

Mr. MAGNUSON. Why is the Senator talking about, the Secretary of Health, Education, and Welfare? I just got through with him a couple of hours ago. And Russell Train; he knows a great deal about airplane development.

Mr. CANNON. Mr. President, the real area of noise on this airplane in the ground environment is at takeoff, and there will be a raised level of noise at the takeoff from the time they start the takeoff roll until they get up to altitude; but the rate of climb is extremely high, much higher than that of any transport aircraft we have today, and as far as the airports are concerned that are required to handle it, this is one of the design criteria; the airplane would have to be able to use existing airports. It can use them from the standpoint of weight, it can use them from the standpoint of

length of runway, and from the standpoint of total handling capabilities. So the talk about airports not being able to handle the SST is just not a fact.

Mr. PROXMIRE. I do not say they cannot handle it. What I say is that their conclusion is there will be many protests in these areas, including legal actions.

Mr. MAGNUSON. Whose conclusion?

Mr. PROXMIRE. But let me go ahead with my presentation.

Mr. CANNON. One further thing, if I may. We have protests now. People move in around airports, and start protesting because of the noise. At Los Angeles, they have the biggest problem in the country, perhaps, because of noise, because people have moved in all around the airport. They bought out an extension off the end of the runways, clear out to the ocean, to eliminate a part of that.

But that is a part of the problems we have to live with, whether it is an SST, a 707, or a 747. Those problems are no greater around an airport for this airplane than for existing airplanes, and they are perhaps less, because of the progress now being made in reduction of the noise level.

Mr. PROXMIRE. Mr. President, in answer to the Senator from Nevada, let me say that the Department of the Interior should not be demeaned here, and the Department of Health, Education, and Welfare should not be demeaned. Their representatives are capable people.

Mr. CANNON. I did not say they were not.

Mr. PROXMIRE. But a Senator has in this debate ridiculed the capability of experts on health from HEW, from the Department of the Interior, which has the responsibility for the environment, and from Office of Science and Technology which keeps up with technological advances. But this panel of experts, consisting of representatives of those three agencies, said this:

> On the basis of the information summarized above, the panel is of the opinion that noise levels associated with SST operations will exceed 100 perceived noise decibels over large areas surrounding SST airports. It can be expected, therefore, that significant numbers of people will file complaints and resort to legal action, and that a very high percentage of the exposed population will find the noise intolerable and the apparent cause of a wide variety of adverse effects.

As I say, that is the opinion of people who have studied this problem, and did not have an ax to grind.

Mr. MAGNUSON. Nobody studied it at all.

Mr. PROXMIRE. And who are recognized as competent in this particular area.

Mr. GOLDWATER. Mr. President, before the Senator leaves that point, the Senator from Nevada touched on this, but I think for the record we should make it a little more clear:

When you run a jet engine at 100 percent of its rated thrust, or 103 or 104 percent, you can get a terrific noise level; and if you ever ran a 65,000 pound engine at full thrust on the ground, you could hear it for many miles.

But even in some of our more modern aircraft, like the C–141, which has large engines, they do not resort to 100 percent thrust on takeoff; they use as little as 92 or 93 percent, and the great boost in sound comes in the last 5 percent.

As to the 65,000-pound engine which will be in the ship, I doubt that they will use over 90 percent for takeoff. It is only when they get altitude and want to go at mach 1, 2, or 3, that it goes up and starts pulling 100 percent that if one were there, he could hear the engine and it would make a noise. However, at that altitude all one hears on the ground is the boom. That is not from the engine. It is from the airplane going through the different speeds of sound.

Mr. PROXMIRE. Mr. President, it has been argued by a number of Senators that the program is likely to break even or even make a profit for the Federal Government. How do we determine whether that is true? We have been after the FAA and others to make an estimate of whether it will make out or make a profit or lose money.

Just how this can work out in practice was calculated in a recent paper by Prof. John Walgreen, an economist who assisted former Secretary of Defense McNamara in reviewing the SST for the Johnson administration. Professor Walgreen's paper states flatly that the Government will lose $1 billion on its SST investment.

Professor Walgreen's analysis assumes that airline travel will increase at the rate of 10 percent a year; that airline passengers value their time at a rate equal to their hourly earnings before taxes; that per capita income will grow at a rate of 2.5 percent per year; that the SST will weigh 675,000 pounds and cost $40 million each; that development cost of the SST through the certification stage will run $2.4 billion; that fares will be set to provide a 20 percent pretax yield on all airline investment; and that SST flights will be restricted to over-water routes because of the sonic boom. Based on these assumptions, Professor Walgreen calculates that 139 SST's will be sold—this is a number far below the 500 planes that the FAA hopes will eventually be sold.

But my point is not to get into the argument over the exact number of planes that will be sold—although Professor Walgreen's estimates are based on sound analysis and appear reasonable. My point is this: if 139 planes are sold, the U.S. Government would lose $1,183 billion in cash losses. However, at the same time, the sale of 139 SST's would give Boeing a net manufacturing profit of $150 million.

Mr. GRAVEL. Mr. President, who is Mr. Walgreen? Is he an economist that has done some work? Who does he represent himself to be?

Mr. PROXMIRE. I identified him as a Defense Department economist. He was in the Defense Department as an economist several years ago. He is not with them at the present time. He was with the Defense Department before, as I understand it.

Mr. GRAVEL. What is he doing now?

Mr. PROXMIRE. He is a professor at Wheaton College.

Mr. GRAVEL. Has he written any papers with respect to air transportation? Is he recognized as an economist in that field?

Mr. PROXMIRE. I do not have a record on his complete background. He was in the Defense Department under Senator GOLDWATER's good friend, Robert McNamara, the Secretary of Defense. He made the study in January of this year.

Mr. GRAVEL. Was he employed under a Defense Department contract when he made the study?

Mr. PROXMIRE. No; he was not.

Mr. GRAVEL. How did he get paid if he was making a study for the Defense Department?

Mr. PROXMIRE. He had worked for the Defense Department.

Mr. GRAVEL. But he was an economist and was working as an economist for the Defense Department?

Mr. PROXMIRE. I am not sure whether he was hired in that capacity. He is an economist, and he was employed by the Defense Department.

Mr. GRAVEL. We do not know his credentials. He could have been working as a broom pusher for the Defense Department and then have gone to college and acquired his doctorate.

Mr. PROXMIRE. He was not a broom pusher. His report was written in January of this year. He was appointed to assist former Secetary of Defense McNamara.

That is all the identification I have.

Mr. GRAVEL. He might have had lunch with and discussed the problem with the Secretary.

Mr. PROXMIRE. I was very careful to identify his qualifications.

Mr. GRAVEL. He is in some American college and has made some statements which the Senator is putting forth as authoritative.

Mr. PROXMIRE. I am specifying what his assumptions are.

We are having a great deal of trouble finding out how many SST's are going to be sold. However, on the basis of his assumptions, which are as good as the assumptions of anyone else, we will sell 139 to 225 SST's, and not anything like 300 or 500.

Mr. GRAVEL. I wonder if he has analyzed the growth of economy in India and in other countries where people 10 years from now might have a great desire for world travel because their economies will be much improved.

Mr. PROXMIRE. He made the assumption that airline travel would increase 10 percent.

Mr. GRAVEL. Is that a correct assumption?

Mr. PROXMIRE. It may not be right. I am not arguing that. I have given the information that I was supplied with. The Senator from Alaska does not feel they are reasonable. However, I feel that they are fairly reasonable.

Mr. GOLDWATER. Mr. President, does the Senator from Wisconsin know why the Defense Department made a study on a domestic airline?

Mr. PROXMIRE. I do not know why that was done. I think it is very useful that they made the study. I think one of the reasons is that they were constantly questioned as to whether this would have

any military advantage or be of any use to the military. The answer we have consistently gotten from every Secretary of Defense has been that this is of no military value at all.

Mr. GOLDWATER. I do not think it has ever been held that it would be. However, the surprising thing to me is that we should be asked to put any credence in a report made by perhaps the noted economist in the country that is prepared for a man only opposed to research in the SST field. He did not develop a single plane when he was in office. He stopped the research on the SST engine and on the only plane that could have helped.

Mr. PROXMIRE. If they want to come up with any kind of documented basis to justify the argument that we would sell 300 or 500 SST's, I wish they would do so. I have come up with an analysis from one whom I believe to be a competent economist.

He is a professor in a college which is accredited. On the basis of his assumptions, we would not sell enough of the SST's for the government to come out on the matter. We would lose money.

Mr. GOLDWATER. I do not question his background. I question the fellow he was working for. However, that is beside the point.

Can the Senator tell me—and I believe he is on the committee—why the committee uses such specific language when they say:

Specifically, if 300 SST's are sold the U.S. Government will recoup its entire investment. If, as anticipated, 500 SST's are sold, the government will earn a billion dollar profit.

I do not know who obtained those figures. However, does the Senator have any figures on that?

Mr. PROXMIRE. I am not on the subcommittee. I have accepted the figures. They are stipulated too.

Mr. GOLDWATER. Does the Senator question these figures?

Mr. PROXMIRE. I have not questioned them at all.

Mr. GOLDWATER. The Senator has two sets of figures.

Mr. PROXMIRE. No. Those figures do not differ from the ones I have given. They say if there is a sale of 300 planes, if there is a sale of 500 planes. That assumption can be made. They do not say 300 planes will be sold.

Mr. GOLDWATER. So the Senator is not in disagreement with the committee report in that area.

Mr. PROXMIRE. No. I think it is perfectly possible that if 300 are sold, the Government will break even, and that if 500 are sold, there will be a substantial return.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MURPHY. I am interested in the man who made this report. Had he ever made a similar report having to do with the aircraft industry?

Mr. PROXMIRE. I do not know. I do not know this man. I do know that he was asked by the Secretary of Defense to make a report. He did. He is an economist. He is teaching economics at Wheaton College, and that is all I know about him.

Mr. MURPHY. What is the year of the report?

Mr. PROXMIRE. It was made in January of this year, I believe.

Mr. MURPHY. January of 1969?

Mr. PROXMIRE. Yes.

Mr. MURPHY. And it was ordered by Secretary McNamara?

Mr. PROXMIRE, No. If I said that, I retract it. It was not ordered by Secretary McNamara. What I should say is that he worked in the Department of Defense under Secretary McNamara. Several studies were made at the time. He may have been studying the SST at that time or he may not. But he did make a study which was completed in January of this year.

Mr. MURPHY. Would the Senator's staff be able to supply the information as to whether or not he had been involved in the B–70?

Mr. PROXMIRE. Whether or not he had been involved in what?

Mr. MURPHY. The B–70 program, which the Senator will recall Secretary McNamara objected to, and which was really an experimental program.

Mr. PROXMIRE. No. All I know about this man is that he did make studies of the supersonic transport when he was in the Defense Department years ago, and he completed a paper in January of this year on the supersonic transport, and these were his conclusions.

Mr. MURPHY. I thank the Senator.

One further example: If FAA's assumptions about the value placed on the traveler's time are used—that is, 1½ times hourly earnings rather than equal to hourly earnings—then Walgreen calculates that 225 SST's would be sold. This would result in a net loss to the Federal Government of $552 million. Boeing, on the other hand, would be basking in a $1.689 billion profit from the sale of 225 SST's.

These figures, I believe, make it abundantly clear just how much of a "heads I win, tails you lose" arrangement the Government has let itself in for. The Government is taking virtually all the risk—it will not pass the break-even point until the 300th SST is sold; only the industry has the real chance for a windfall profit. I know of no other industry which has ever had such a gigantic favor bestowed upon it by the Federal Government.

PRESIDENT'S AD HOC COMMITTEE REPORT ON THE SST IS DEVASTATING

Mr. President, I would like to turn now to the President's ad hoc committee to review the SST—its genesis, and its reasons for rejecting every argument advanced in the SST's behalf.

The ad hoc committee was appointed by President Nixon on February 19, 1969, for the purpose of investigating all national interest questions associated with SST will weigh 675,000 pounds and cost report back on the advisability of continuing development of the SST prototype.

The review committee consisted of four working panels: a balance of payments and international relations panel, consisting of representatives from Treasury, Commerce and State; a technological fall-out panel, consisting of representatives from the Office of Science and Technology, Defense, and NASA; an environmental and sociological impact panel, consisting of representatives from HEW, Interior, and the Office of Science and Technology; and an economics panel, consisting of representatives from the Council of Economic Advisers, Labor, and Commerce.

Mr. President, the conclusions of these panels are virtually unanimous: neither by virtue of balance of payments, nor economics and design, nor employment considerations, nor environmental effects, nor passenger safety, nor technological fallout, nor national prestige, can the SST be justified. These conclusions have been buttressed—also virtually unanimously—by the opinions of the various executive departments whose views were solicited on the SST.

I invite the Senate's attention to each of these considerations. Without a doubt, the SST has been given a failing grade on every single account.

Balance of payments: The President's ad hoc panel on balance of payments and international relations was directed to consider the impact of the go-ahead for an American SST on this country's balance-of-payments situation. It was recognized by all that the sale of American SST to foreign airlines would bring capital into the United States, and that this would help the Nation's balance of payments. However, the critical question was: Should travel by Americans abroad—which would undoubtedly increase with an America SST—be taken into account as a negative factor? And, if so, would this offset the positive impact of selling American SST's abroad?

The panel unhesitatingly said "Yes" to both questions.

With respect to its decision to include the offsetting portion of U.S. travel abroad, the panel noted:

The amount of export contribution (a *plus* item) which a U.S. SST makes to the U.S. balance of payments depends in considerable part on the additional U.S. travel abroad (a *minus* item in our balance of payments) *induced by the time savings on an SST*. Since the *plus* item depends substantially on the *minus* item, both (as well as other relevant items) must be considered in appraising U.S. balance-of-payments impact.

Both Treasury, the State Department, and the Council of Economic Advisers concurred that the negative effect of U.S. travel abroad should be taken into account. Having determined to consider this factor, the panel then concluded that not only would this reduce the favorable impact of foreign sales, but would actually wipe it out and leave a negative balance:

If the U.S. over-all balance of payments is considered, there is substantial reason for delay in proceeding to the next stage of the SST project—prototype production. The reason lies in the large adverse effect on the U.S. travel deficit of a U.S. SST in the absence of a commercially viable Concorde *plus* doubt about the Concorde's becoming a commerically viable plane.

Even a more conservative estimate from revised underlying assumptions is likely to

indicate an adverse impact of speed-induced supersonic travel on the U.S. travel account considerably greater than the estimated beneficial impact of supersonic aircraft sales on the U.S. aircraft account.

These conclusions should set to rest the doubt over whether the balance-of-payments argument can justify the SST. Treasury, the State Department, the CEA, and the ad hoc panel agree: It cannot.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I ask for attention for the speaker. I know that no one means to be discourteous, but he is entitled to attention. Let us have better order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRAVEL. Mr. President, may I ask the Senator to yield on that point?

Mr. PROXMIRE. I yield.

Mr. GRAVEL. What the Senator is saying is that these people have made a recommendation that there is no effect on the balance of payments, because if we do not build it, people are not going to go abroad and spend the money.

Mr. PROXMIRE. May I say to the Senator that the conclusion was that it will have a negative effect, an adverse effect, and the adverse effect could go as high as $59 billion by 1990. It probably would not. That probably was too high, but it would be substantial.

Mr. GRAVEL. Would the Senator not expect that if the American tourist is going to go abroad, he will find a way to go abroad?

Mr. PROXMIRE. The argument was that if the SST is a success, and it may not be, and if it is not a success it would not have an effect——

Mr. GRAVEL. The Russian——

Mr. PROXMIRE. If the SST is a success and the Americans can produce a cheaper, better, more efficient SST than the French, English, or the Russians and can produce them in greater numbers, and if this were the case, because of the time saved, because conceivably you could get the cost down, many more Americans would travel abroad. What would they do when they went abroad? There would not be many Asians coming to this country to buy; nor would there be many French or Russians. These experts in the Commerce Department, Treasury Department, and the State Department studied this for many days and weeks and concluded that we would lose in our balance of payments from the SST, that far more would be spent abroad by Americans.

Mr. GRAVEL. They are wrong, and I think it is misleading, because the American people are going to travel abroad, whether on a French, a Russian, or a British airplane. They are going to spend money abroad, and it is going to be a drain on our balance of payments. But the biggest drain on our balance of payments is going to be when TWA, Pan-Am, and the other American airlines have to take American dollars and spend them in Britain, France, and Russia. I have flown in Russian aircraft, and if that is a fast way to get to a place, I will take a Russian aircraft, and so will many other Americans.

I submit that it is a detrimental factor to our economy. When the theory of balance of payments is advanced that it operates the other way, I think it does not.

Mr. PROXMIRE. The Senator from Alaska may be right. He feels very strongly about this. He is committed to this. But the experts from the Commerce Department, the Treasury Department, and the Council of Economic Advisers, who were selected to give their best objective opinion in this area, concluded that we would have a loss on our balance of payments; and they made a careful analysis of what this would do in increasing American travel abroad. They concluded there would be more Americans traveling abroad.

Mr. GRAVEL. The Senator is saying that the American will not travel abroad if we do not have an American SST, that he will refuse to buy a Russian product or a French product. Is that what the committee is saying?

Mr. PROXMIRE. What the committee, I think, is saying—they found that it would not be commercially viable, it would not be economically attractive; that if we did not build the SST and they had to resort to the Concorde, they would fly the 747, an American plane. If we build our SST transport, more will travel abroad and spend more money.

Mr. GRAVEL. I submit that the committee is wrong. I submit the interpretation is wrong.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MAGNUSON. The trouble is there was no real committee. This was a group or a panel of one or two individuals. The Treasury never issued a formal statement on this matter. The Commerce Department never issued a formal statement on this matter. This discussion of balance of payments is the funniest economic discussion I have ever heard. If the plane is going to be so good to cause this problem—the Senator from Wisconsin said it is not going to be this good; there is a contradiction.

Mr. GRAVEL. Neither is the British plane or the Russian plane any good; and nobody is going to want to fly in them at a fast rate of speed to Europe or to any other continent.

Mr. PROXMIRE. I do not think it will work, but I may be wrong. I have been wrong before.

Mr. GRAVEL. If it is, it will be at the expense of our industrial minds and at the expense of our rating in the world as a superpower.

Mr. PROXMIRE. That is nonsense. It will not affect our rating in the world as a superpower. This country has an economy twice as big as the Russians, which is the next biggest. This country has just sent men to the moon, which gives us an enormous advantage.

There is no comparison as far as being ahead in one kind of aircraft and going to the moon and being superior in all other areas; and saying that because they have a certain plane before us we will be a second-rate power.

Mr. MAGNUSON. I remember that the Senator wanted to cut the NASA appropriation every year. I have been the chairman. I do not want to interrupt the Senator because I will put in the RECORD answers to every point he has made. I think they are good answers. I would like somebody to say the committee said this, or the Treasury said this, or the Commerce Department said this. I have never read anything from the Secretary of Commerce, the Secretary of the Treasury, or the Secretary of State. I read one statement by Mr. Houthhaker who said this is going to be a white elephant, but not an airline company in the country said that. The Senator said something about the fact that people would not travel on it. People are going to travel abroad, whether it is on American planes, British planes, or French planes. I have served for many years on the Committee on Appropriations. I think I have some knowledge of all these programs. Some programs are called social programs. Sometimes I wonder what people are thinking when they say, "You cannot do this because you have to do something over here." The Senator knows that all of these things can be cut out over here and because that is done it does not mean that the money can be moved over here. They all have to stand on their own feet.

This is the only thing that bothers me. We just finished with a bill where we were pretty generous in what we were doing. But someone has to pay the taxes to pay for the bill. American air superiority means just that.

The Senator keeps quoting these people—somebody from Wheaton College, but he did not report it to the Department of Defense. But he is against the supersonic transport. I would like to have him give the reasons. The same is true with respect to the Secretary of Commerce.

Mr. PROXMIRE. If the Senator will permit me to answer, the Senator brought up this man Walgreen. I never said he represented the Department of Defense. I said who he was. I said the Treasury Department made an answer to the Council of Economic Advisers. The letter is dated March 18, 1969, Under Secretary Paul Volker said:

> We would be opposed to further heavy commitments of Federal funds at this stage. Proceeding to prototype production would not be prudent at this time.

He has a long letter.

Mr. MAGNUSON. I talked with him. He voted against the Space Agency's appropriation bill.

Mr. PROXMIRE. The Senator is shifting the scenery. He said they do not take a position.

Mr. MAGNUSON. The Senator should ask Secretary Kennedy what he thinks about it.

Mr. PROXMIRE. Mr. Kennedy was not appointed by President Nixon to be on our panel. Mr. Houthhaker is a member.

Mr. MAGNUSON. One member is all you have of the Council of Economic Advisers.

Mr. PROXMIRE. There are only three members. They could not have all three of them working on this. He spoke for the Council of Economic Advisers. He said that in his reports.

Economics and design: In consider-

ing the economics of an American SST, experts have encountered a tremendous amout of difficulty in coming up with reliable estimates. The President's Ad Hoc Economics Panel took note of this, and questioned the feasibility of building the SST, given the enormous amount of uncertainty:

The Economic Subcommittee is struck by the large amount of uncertainty connected with the SST program. Almost every economic aspect of the program reflects unverifiable matters of judgment with great variance in the opinion of experts. Probably the single most uncertain aspect of the whole program relates to the uncertainty as to whether an SST can be built in the given time that will meet the specifications of being efficient, safe, and economical.

The Panel observed that the large element of doubt could lead to cost escalation:

These comments do not mean that we believe that the plane cannot be built to meet the specifications at the forecasted costs but simply that there is a large element of doubt. If the forecasts turn out to be incorrect, costs could escalate considerably.

I might reiterate that, given these uncertainties, the cost escalation of which I spoke earlier—escalation which could conceivably drive costs as high as $4 billion—is well within the realm of possibility. I cannot emphasize strongly enough the experience of my own Joint Economic Committee on encountering cost overruns and I strongly urge the Senate to heed the warning of the Ad Hoc Panel on Economics and keep this in mind in considering the SST appropriations requests.

The SST's design and specifications also have an important bearing on whether the Government can recoup its investment in the SST. The contract between the Government and the industrial manufacturers calls for royalty payments to the Government. The Government expects to recoup its investment out of these royalty payments. But the definition of what will constitute a "royalty-bearing airframe" for purposes of recouping the Government investment when and if the SST's go on the market is so worded that the Government might have to write off most of its investment even if the SST is successful.

The SST airframe is defined for purposes of recoupment as one principally of titanium structure and that achieves or is designed to achieve a maximum safe cruising speed of not less than mach 2.2 nor more than mach 3.1.

This section of the contract—entitled "Financial Plan for Future Phases of the SST Development Program"—is directed 10 and 15 years into the future. Suppose another metal is developed with properties making it superior to titanium. In fact, a better alloy may already have been found. The Air Force has been conducting extensive experiments with boron filament. What is to prevent Boeing from abandoning titanium in favor of boron filament, if that proves superior, 1 or 2 years after the production stage of the SST program had been launched?

Similarly, what is to prevent them from trimming here or adding there in order to push the top safe cruising speed a hair above the mach 3.1 specified in the contract?

The airframe definition represents an outrageous blunder on the part of the FAA. It can have nothing but unfortunate consequences. It will result in one of two things: Preventing the contractor from adopting desirable major changes to improve the plane's performance, or bringing about the complete nullification of the royalty plan for repaying the Government investment because the production model airframe is not covered by the narrow definition in the contract.

Finally, another loophole which could hamper the Government recouping on its investment was recognized by the President's Ad Hoc Economics Panel. The Panel noted that Boeing is free to set the price of the SST, and would undoubtedly set the price to maximize its own profits. This might not, however maximize the number of SST's sold. Since Government royalties are based on a per'plane basis, Boeing's pricing policies could well inflict a loss on the Federal Government—while earning a healthy profit for Boeing:

It should be noted that by the terms of the FAA-Boeing contract, Boeing establishes the price of the plane. Given the demand model specified, Boeing . . . could make more money at a price of $40 million than at a price of $37 million. In fact, Boeing could maximize its profits if it charged about $48 million. Such a price would reduce sales of planes to something under 350. This would in turn reduce government royalties to the point that the government barely got its money back.

The Ad Hoc Panel's cautionary words are well worth heeding.

Basically, the question is, Will the SST be profitable? It seems to this Senator that we should not have to answer this question. If the SST is profitable, let the airlines develop it themselves. And if it is not, the Government has no business developing it. As matters stand now, if the SST earns a profit, the airlines stand to gain; if it loses, the Government will bear the brunt of the loss.

Employment. Both the President's Ad Hoc Panel and the Department of Labor acknowledge that construction of an American SST would employ thousands of persons. But neither finds this a compelling reason to give the SST the green light.

According to the panel, the sudden demand for as many as 100,000 workers, in a period of relatively full employment such as we now have, could prove inflationary:

Under the FAA base case the SST program may generate total employment, both direct and indirect, in excess of 100,000 workers, an unknown proportion of which will result from relative declines in other parts of the aerospace industry. This employment will be highly concentrated in professional, managerial, skilled, and semi-skilled occupations which in a period of full employment, when these skills are in short supply, may prove inflationary. Very few unskilled workers will be required. However, such employment should not be considered as a justification for proceeding with the program but only as a dividend from it.

The Labor Department concurs, pointing out that the demand for jobs would occur in the professional and technical areas where shortages already exist:

The net employment increase from SST production would likely be negligible and would occur in the professional and technical categories where shortages already exist. The project would have practically no employment benefits for the disadvantaged hardcore unemployed with low skill level.

Quite clearly, creation of new jobs constitutes no justification for the SST.

Environmental effects: The most obvious impact that the SST will have on the environment is the sonic boom. No solution has been found to this problem. Even the FAA, which is prepared to mask over all the SST's other difficulties, is quite candid on this point:

There is no prospect of construction of a commercially useful SST capable of operating regularly over populated areas in the foreseeable future.

However, the FAA in the past has made statements which demonstrate an incredibe indifference to the magnitude of the sonic boom. The following statement from an FAA brochure suggests that the FAA's attitude is that the public is just going to have to live with the sonic boom, no matter how destructive or disturbing it may be.

Individuals tend to accommodate themselves to an initially disturbing noise once it becomes a pattern of daily life. There are noises today in cities and in small towns that are taken for granted which, if they were introduced as new noises, would cause disturbances for an initial period of time.

The FAA refuses to recognize that there is just no parallel between the loud din of everyday life in the 20th century and the destructive menace of the sonic boom. Unsound buildings in every city would crumble to the ground like the "one-hoss shay" after repeated boomings. Ancient monuments and historic shrines like this honored building would be particularly susceptible. The west front of the Capitol, we have been told by the Architect, is so unstable that it could be demolished by the impact of a crash at National Airport. Imagine what the effect of 10 or 20 loud sonic booms every day, week in, and week out, might be. This is not science fiction. Much damage has already been done by military supersonic flights, yet the planes involved were comparatively small and the areas subjected to the booms sparsely populated. The size and weight of the plane are the primary variables in determining the size of the boom. The prehistoric cliff dwellings in Mesa Verde National Park, as one example, have been seriously damaged by sonic booms, the Interior Department disclosed not long ago.

During the extensive sonic boom tests over Oklahoma City 3 years ago, the average boom intensity reached during any of the 1,253 supersonic flight runs over the city never exceeded 1.6 pounds per square foot, and most of the time not more than 1.2 pounds per square foot. Yet, the FAA, which conducted the tests, received nearly 5,000 formal dam-

age claims and a total of more than 15,000 complaints of all kinds. The FAA said that in an opinion survey it did at the time, 27 percent of the residents polled said the booms were intolerable and that they could never learn to live with them. That 27 percent should be compared with the fact that only 22 percent of our people on the basis of our estimates will use the SST.

However, the SST's proponents say all this is no obstacle. We will simply fly the SST on transoceanic routes.

I am far from convinced that this will solve the problem. For one thing, the bread and butter routes for the major airlines have always been the overland routes. There is no reason to expect the advent of the SST to change this. The President's ad hoc panel on the environment expressed considerable concern over the economic pressure to fly the SST on overland routes if transoceanic routes fail to produce a profit:

The Panel is cognizant of statements and reports to the effect that supersonic flight over U.S. continental land areas is not contemplated at this time and that SST design and development is proceeding on this assumption. However, the Panel is very concerned about the economic pressures that will be exerted if it is subsequently found that the economic success of the aircraft depends on overland flights at supersonic speeds.

Second, even with transoceanic flights, the occasional superbooms of two and three times normal intensity that would inevitably be produced by nearly every SST flight might be enough to ban the SST's from flying over heavily traveled sealanes as well. If this happened, the SST would be so restricted it probably would not carry enough payload to buy the chewing gum stewardesses hand out before takeoff, SST advocates who admit the sonic boom effect would prevent flights over populated land areas have been arguing that SST ocean flights would be enough to make the plane a commercial success. The FAA has said that even with boom restrictions on overland flights, 500 SST's would be sold by 1990. They seem to discount any possibility of sealane restrictions. But, if the sonic boom can cause severe damage on land, then it can cause damage at sea, too. The shipping and fishing industry is not likely to accept incessant disruptive booming without protest. And they by no means lack political clout.

Last, even if we assume that the SST could fly the transoceanic routes, and that such routes would produce a reasonable return, what about landing? The SST has to take off and land in populated areas, even if it doesn't have to fly over them at supersonic speeds.

And here, the ad hoc panel on the environment has another discouraging finding to report: on the ground, the SST is significantly noisier than the Boeing 707. A circular contour of 100 PNdb—perceived noise in decibels—extends some 5,000 feet in all directions from the SST as it rolls down the runway. The panel concludes:

On the basis of the information summarized above, the panel is of the opinion that noise levels associated with SST operations will exceed 100 PNdb over large areas surrounding SST airports. It can be expected, therefore, that significant numbers of people will file complaints and resort to legal action, and that a very high percentage of the exposed population will find the noise intolerable and the apparent cause of a wide variety of adverse effects.

Mr. GOLDWATER. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. GOLDWATER. I have great respect for Mr. Schaefer and his findings, but I must say that in this field he is disagreed with more than he is agreed with. This is something that has interested me for some years. The Air Force is very much interested in it, too. None of our scientists have come up with any such predictions. The danger, if there is any danger, from jet engines is not from contrails, which are a result of the condensation of moisture, which disappear, but the discharge of black exhaust that we see around the airports. The scientists I have visited with on this say that we do not have enough aircraft flying in our country to bring about an environmental effect such as the Senator is describing, and Dr. Schaefer has forecast. It is an interesting forecast, but I do not believe, listening to other scientist friends of mine, that we could ever have this come about, especially from high-altitude flying. The particles the Senator speaks of just are not there.

Contrails can be caused at any altitude if there is a sufficient amount of compression. We find it on wing tips, on propeller tips, in the compressors of turbine engines. When they reach the altitude where the moisture will form and be compressed, it goes out. There is nothing dirty about it.

Mr. PROXMIRE. May I say to the Senator that I think that is a temperate and thoughtful statement and I appreciate it. I think, however, that we should be concerned with what was the finding of the expert panel appointed by President Nixon on the basis of the recommendations of Professor Schaefer.

Here is what the panel had to say:

The widespread use of supersonic transports will introduce large quantities of water vapor into the stratosphere. . . . The introduction of this additional water vapor into the stratosphere can produce two effects which may be important:

(1) Persistent contrails might form to such an extent that there would be a significant increase in cirrus clouds;

(2) There could be a significant increase in the relative humidity of the stratosphere even if there were no significant increase in the extent of cirrus cloudiness.

Both effects would alter the radiation balance and thereby possibly affect the general circulation of atmospheric components.

Once again, there are exports from the Department of Interior, HEW, and the Office of Science and Technology. These were people appointed by the President, giving their expert and unbiased views, as appointed by President Nixon who is sympathetic with the SST and who favors its development.

Hazards to passengers: The President's ad hoc panel on the environment cited a number of potential hazards facing the would-be SST passenger; among them the stresses associated with rapid accelerations, gravitational changes, and reduced barometric pressure:

There is an urgent need to carefully evaluate the inherent operational and environmental hazards that will be encountered while accelerating from zero to Mach 3 and cruising at supersonic speeds in a hostile environment. Passengers and crew will be vulnerable to a number of potentially serious physical, physiological, and psychological stresses associated with rapid acceleration, gravitational changes, reduced barometric pressure, increased ionizing radiation, temperature changes, and aircraft noise and vibration.

In addition, the panel voiced concern over the very considerable radiation hazard, and the effect of continued exposure upon the SST crew:

The radiation hazard would be approximately 100 times greater than at ground level. A flight crew exposed for 600 hours annually will accumulate 0.85 rem (roentgen-equivalent-man) from this source alone. When this value is compared with the maximum permissible dose of 0.5 rem for the general public, the question arises whether SST crews should be placed in the category of radiation workers and kept under close surveillance. The advisability of allowing pregnant women, especially in the first trimester, to travel in these planes, and of limiting diagnostic x-rays for individuals who fly SST's also need to be considered.

Mr. GOLDWATER. Mr. President, if the Senator from Wisconsin will yield briefly again, I think the scientists are doing what a lot of us are prone to do, and that is to take the maximum. I do not believe we could put enough aircraft in the air actually to form cirrus clouds.

In World War II, with the heavy bombers, where we had formations of as many as a thousand pulling contrails, I do not think that anybody made a report that there was any detecting of a layer of clouds formed from them. I do not think anyone made a report that there was any detection of a layer of clouds forming and they were flying at an altitude of above 35,000 feet. We can see these contrails and one might think that they would grow into a cloud, but if there is any wind at all, and there would be great winds in this situation, they would drift off.

I do not attach any danger to that at all. The theory is correct. If a total cloud cover could be collected over the United States, it would change the atmosphere. It would change our climate. It might even bring some water to Arizona. Who knows.

Mr. PROXMIRE. Once again the remarks of the Senator from Arizona are thoughtful and temperate, and I do appreciate what he has said. We ought to recognize that we are taking a risk. We do not know what the answer is. This is a low-priority project if there ever was a low-priority project. Yet we are seeking $80 million to go ahead with a plane that will be able to fly a little faster overseas, for the benefit of only a few. In addition to the tremendous cost to the taxpayer, we have a serious sonic boom. We have a really serious danger. It may be that the chances are only 20 or 30 percent, but there is a serious danger in the pollution of our atmosphere.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I will yield in just a moment.

Here is what the panel said as far as the crew is concerned:

The radiation hazard would be approximately 100 times greater than at ground level. A flight crew exposed for 600 hours annually will accumulate 0.85 REM (roentgen-equivalent-man) from this source alone. When this value is compared with the maximum permissible dose of 0.5 REM for the general public, the question arises whether SST crews should be placed in the category of radiation workers and kept under close surveillance.

Mr. President, I do not bring this in as any scare finding, but I say once again here is a finding by a panel of competent experts who are warning us that there is a very serious health hazard. I am sure crews would not be allowed to fly under those circumstances, but here is another reason why it could fail and lose us this enormous investment if we insist on going ahead with it without getting more breakthroughs in this area.

Now I yield to the Senator from Arizona.

Mr. GOLDWATER. I may point out that flying in a modern jet transport has health hazards also. Already airlines are having trouble as a result of the experience of people flying in humidity zero, who drink too much coffee. A good friend of mine, a psychiatrist, has been hired by the airlines to make a study of the problem of flying east to west and west to east. In fact, it will be found that most pilots on airlines who are over 40 years old are flying north to south and south to north.

So there are hazards today of an environmental nature because of the problems of aircraft, but they are not problems we cannot overcome.

With respect to the problem of vibration, we cannot have vibration in an aircraft that flies that fast. It would have to be eliminated before it got off the ground.

The noise level of the aircraft would probably be less than the noise level today. If this were turned over to Ralph Nader, he would make a big thing out of it.

Mr. PROXMIRE. The Senator makes a good point. There are dangers in everything we do. There are plenty of dangers in automobiles and flying at subsonic speed, but the dangers here appear to be of a different nature. The effects of 100 times the ordinary radiation exposure on a crew seem to me to justify giving us some concern.

It would be different if it were said that we have to make progress, that we cannot be afraid of what might happen.

The fact is that we are going ahead with the AMSA, the supersonic bomber, in which all this can be studied. Then when we make a breakthrough on the health effects of supersonic speed, we will be in a far better position to proceed with a plane that can solve the problems, and not be faced with the difficult and serious difficulties I have outlined.

Technological fallout: In a number of quarters I have seen it argued that we should build the SST because its technology will improve our national research and development posture. I have always found such arguments totally without merit. Why build one airplane or weapons system for the purpose of developing or doing research or something else?

In any event, the President's ad hoc panel on technological fallout lays this argument to rest:

Although past experience has in many cases demonstrated that predictions of technological fallout can be extraordinarily conservative when projected over a number of years into the future, we nevertheless find claims for technological fallout from the SST Program to be generally unconvincing.

The Department of Labor concurs:

Technological spill over benefits appear to be negligible.

Mr. President, I submit that if the Senate decides to approve funds for the SST, it ought to do it on the basis of the SST's own merits, such as they are, and not on the basis of some hoped-for but unexpected side benefits which developers might stumble upon.

National prestige: I suspect, Mr. President, that national prestige is the real reason for President Nixon's decision to request funds for SST development. Every other possible justification has been thoroughly considered and completely dismissed by the President's ad hoc committee.

The competition is there. Both the Concorde, built by the Anglo-French alliance, and the Russian version of the SST, are already well underway. The challenge to American ingenuity has been made. Can we meet the challenge?

I strongly urge this subcommittee not to be swayed by an emotional argument such as this. A vote against the SST isn't an unpatriotic vote, or a vote against the American industry, or anything of that nature. A vote against the SST is a vote for commonsense.

Mr. President, in response to arguments on behalf of national prestige, I ask—how many times must we prove ourselves? Just 4 months ago, the United States succeeded in landing two Americans on the moon. Yesterday saw the conclusion of another successful American flight to the moon. Our industry is second to none; our standard of living is the envy of the world; our political processes have set the standard for many of the world's emerging nations. But this country must recognize that it cannot be first in everything; our resources are just not infinitely expandable.

The American drive to succeed has brought this country to where it is today. I am all for it. I would not have it any other way. But there are limits. We have to draw the line somewhere.

I am pleased to see that the State Department concurs in this view. In a letter dated March 26, 1969, the Department stated:

It would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of U.S. prestige, or the like.

Of course, even if we do go ahead with the SST now, it is quite clear that this is a race that we cannot win. The Concorde and the Russian SST are already off the ground, and are expected to be operational by the early 1970's. The U.S. SST cannot be operational until the latter part of the decade at the earliest. Clearly, this is a race that the United States cannot win anyway. Why get into it?

Moreover, there are tangible benefits to holding back development. Developers of the SST say that the American SST is designed to be a second generation SST. If that is the case, logic dictates that we wait until the Concorde—or the Russian version—is developed, and find out how those first generation SST's work out.

Mr. President, American industry can win the SST race, but not with this one kind of plane, which we know now cannot solve the sonic boom problem. As long as we cannot solve the sonic boom problem, as long as we have the sonic boom, we cannot make productive flights. The plane that is going to win, the plane that is going to take the brass ring, the plane that is going to pay off, the plane that is going to beat the French, English, or Russian plane is a plane that is designed in such a way that the sonic boom can be eliminated or greatly reduced.

There are real prospects for that, and many experts feel that we can have that kind of breakthrough and have it in a relatively short time.

For example, a study was made by Dr. Scott Rethorst, president of the Vehicle Research Corp., of Pasadena, Calif., which demonstrates that major reductions in the sonic boom are achievable.

This finding was studied by the SST and Sonic Boom Committee of the National Academy of Sciences and also by the President's Scientific Advisory Committee. Both believed that the Vehicle Research Corp., proposal was promising, and arranged for tests pursuant to a contract with the Air Force. Furthermore, an independent study at Cornell University has also been conducted, and they reached the same conclusion.

But it is too late to incorporate that breakthrough into this SST. All this investment will be lost, so that to go ahead with this supersonic transport now, under those circumstances, will cost the taxpayer billions of dollars and the taxpayer will lose that money unless we have a breakthrough. To go ahead now, it seems to me, is unwise.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. GRAVEL. Is there any indication at all when they think the time for a breakthrough will be?

Mr. PROXMIRE. There is no way to tell. It could come in a year or two, but we may not have the breakthrough.

Mr. GRAVEL. It might also be in the next 8 years, and of course this airplane will not be operable for 8 years.

Mr. PROXMIRE. Yes, and the finding of the panel is that these so-called competitive foreign planes cannot compete. They cannot fly over land; that American tourists and others who would use the planes will use the 747.

Mr. President, let me just briefly men-

tion one sentence or so from each of the agencies whose views were solicited by the President.

The Council of Economic Advisers said:

We do not believe that our prestige abroad will be enhanced by concentration on white elephants. Our recommendation, therefore, is that no funds for prototype construction be included in the 1970 budget.

You can argue all you want to about how the Council of Economic Advisers are not experts on aviation. The fact is that they are the best economists the President of the United States can find, and they are experts on our economy.

Mr. MAGNUSON. Yes, but the Council did not say that. One member said it.

Mr. PROXMIRE. Let me read what Mr. Houthhaker said——

Mr. MAGNUSON. But he is only one member.

Mr. PROXMIRE. He is one member, and let me read what he said:

The opinion of the Council of Economic Advisers on this proposal is determined primarily by the great uncertainties,

And so on. He did not say, "That is what I say." He said this is what the opinion of the Council of Economic Advisers is.

Mr. MAGNUSON. Well, I do not want to argue with the Senator.

Mr. PROXMIRE. He sees the other two members every day, and I do not think he would make that statement without consulting them. He is not irresponsible.

The Department of Labor said:

No case can be made on economic grounds for proceeding with SST development.

The Labor Department, incidentally, is qualified to speak on the impact this would have on the economy, and on employment.

The Treasury Department—and their views have been challenged, but they made the statement:

We would be opposed to heavy further commitment of Federal funds at this stage.

The Office of Science and Technology in the executive office of the President said:

On the whole, I come out negative on the desirability of further government subsidy for the development of this plane, and would suggest that the possibility be explored of turning the remainder of the development and, of course, all other production expenditures, over to private enterprise.

That is Dr. DuBridge, from the Office of Science and Technology.

So here is an extremely risky project, for which the taxpayer is asked to be the patsy. The chance of an overrun is immense. It is more than possible, it is very probable—and a big overrun. The chance of not coming out at all is great. If they sell 139 planes, or 200 planes, or 250 planes, Boeing makes a profit, but the taxpayer loses.

The threat to our environment, even if it succeeds pretty well—as a matter of fact, the more it succeeds, the greater the threat to the environment—in terms of sonic boom and atmospheric pollution, is very serious. The sonic boom problem may be solved with another plane, but not with this one. To the extent that this one succeeds, and preempts the area, we will have to live with the sonic boom.

But above all, Mr. President, on this question of buyers, even if every question is resolved for the SST, what do we buy? We buy a commercial plane. Who benefits? The less than 1 percent of the population who fly overseas regularly. What is the benefit? A few hours saved.

Our other priorities, in housing, in education, in poverty, in tax relief, and the effect this will have on inflation—all of these things, it seems to me, should persuade any reasonable Senator that this is something we can certainly postpone this year.

And, Mr. President, we all know from the editorials we have read in the newspapers, whether conservative, liberal, or middle of the road, that this has become a symbol of waste, a symbol of misplaced priorities. The American people recognize, when you say "supersonic transport," that the Government is foolishly going ahead with a program to benefit a very few people, at enormous cost, for which they are likely to have to pay.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, there are many things I could say in answer to the Senator from Wisconsin, and the committees he refers to, which he did not read at all. There is not one—the committees never did suggest, any of them, that we should stop the production of this airplane, and I will put that in the RECORD.

I do not know anything about Mr. Walgreen, or Mr. Booz, or those people. I suppose they have their own opinions. I did not hear about Booz tonight, or that old report.

But I have some things that the Senator brought up to which I have replied in writing in the form of stating issues and answers, and there are a lot of things that he said that could be possible, and I ask unanimous consent to put that response in the RECORD at this point.

There being no objection, a document entitled "SST Issues and Answers" was ordered to be printed in the RECORD, as follows:

SST. ISSUES AND ANSWERS

President Nixon has announced his strong support for the supersonic transport development program. The appropriations bill to finance the joint government-industry development project is now before the Congress.

The SST program is controversial. It has strong support and considerable opposition. There also is quite a bit of confusion about the U.S. SST program and the operational aspects of the airplane.

Listed below are some of the issues which have been raised against the SST—and the answers relevant to that issue.

THE ISSUE

Pressing social needs in many areas should make the SST program a low-priority item. We should spend the money elsewhere.

The answer

SST proponents are aware of other national priorities. However, the SST program can be a plus factor in providing jobs and a substantial tax base to support other national needs. The prototype development program will provide direct employment for about 20,000 people at peak activity in early 1971, and about half of these people will work for subcontractors and suppliers in states throughout the nation.

The production program for commercial SSTs will employ about 50,000 people at peak production. About half of these will be subcontractor and supplier employees with companies in most of the continental United States. If the secondary—or "multiplier" effects are considered, the SST production program will provide employment at peak activity for more than 150,000 people.

THE ISSUE

The government is giving a subsidy with taxpayer's money to support what will be a commercial venture.

The answer

The money being provided for the prototype production program is *not* a subsidy. It is an investment in the future. The government's share of the development costs will be repaid in full by the time the 300th SST is sold, and when 500 SSTs are sold the government will receive an additional return of about $1 billion on its investment.

THE ISSUE

If the SST program is so promising, why not let private industry finance the program? Why should the government be involved?

The answer

The amount of money required for the development of two SST prototype aircraft will amount to about $1.5 billion, including substantial contributions by private industry. The government's share is about $1.2 billion. Including facilities, Boeing will commit $211 million for the prototype program; General Electric $91 million. The airlines have invested about $60 million at risk, plus an additional $20 million in delivery position payments.

This is a lot of money. No private company has the financial reserves for such a commitment. The $1.5 billion sum (which includes $307 million for the competitive design phase) is an amount equal to twice the net worth of The Boeing Company. By comparison, Boeing's investment in the 707 prototype was $16 million, which seemed like a tremendous risk to the company 15 years ago. The SST program is a joint venture with the government, the manufacturers and the airlines sharing the risks and the rewards if the program is successful.

THE ISSUE

Why do we need an SST? Present subsonic jets are fast enough.

The answer

This same sort of argument was advanced when the first commercial jet transports were under development. History has proved that the traveling public welcomed the new level of speed and comfort provided by jet transports. The 200-mile-an-hour speed increase provided by the subsonics compares with a 1,200-mile-an-hour increase with the U.S. SST. Flight times on long-range, overwater route (where the SSTs will be used) will cut travel time more than half. Time is a valuable commodity. The SST will save huge chunks of time for intercontinental travelers. If one pushed this "who needs it" argument to the extreme, we would still be walking (or perhaps riding horses) and the sail-driven Clipper Ships would remain as queens of the seas.

THE ISSUE

So SSTs are inevitable. Why do we need one now? Why not wait for a few years until our nation's priorities and its bank accounts are in better shape?

The answer

The rest of the world isn't waiting. The technology "genie" isn't native to the United States, and it can't be stoppered in a bottle because we're afraid of it or don't understand

it. The proper utilization of technology is the key ingredient. The French/British Concorde and the Russian Tu–144 are in flight test programs and have flown supersonically. The Concorde will enter the market in 1973, according to French officials. Seventy-four Concordes have been ordered by major airlines, more than half by U.S. carriers. Airlines have to compete, and they *will* compete with the aircraft required. They would prefer U.S. equipment, but they will use what is available.

THE ISSUE

So foreign-built SSTs are flying. What difference does that make? If they're that far ahead why not let them have the market? We can't catch up anyway.

The answer

The most recent government and industry studies indicate that we are talking about a $25 billion SST market between now and 1990. The U.S. SST can capture about $20 billion of this market. We are behind, but if we proceed now we will be competitive because the U.S. SST will carry more than twice as many people 400 miles an hour faster to their destination. The same situation prevailed in 1952 when British Comets introduced jet travel. The Boeing 707 did not enter commercial service until 1958 but within two or three years it (and the DC–8) had taken over a major share of the market. Between 80 and 90 percent of the aircraft flying for airlines of the Western nations are built in the United States. The reasons: the U.S. builds a better, more efficient airplane.

There's another side to the coin. It shows that we should proceed now. The French, British and Russians are gaining valuable experience from their flight test programs. Our present U.S. SST design is far superior to theirs, but knowledge being gained by foreign manufacturers could enable them to develop a second generation Concorde or Tu–144, offering comparable performance to the U.S. product before we are well advanced in our production program. If that were to happen our share of the potential market would be seriously threatened. We can meet that competitive threat if we move forward on our present schedule which would provide U.S. SSTs for commercial service in 1978.

THE ISSUE

The SST will have an unfavorable effect on the nation's balance of payments because U.S. tourists will travel overseas and spend their money.

The answer

If so inclined, U.S. tourists will travel overseas in Concordes (or even Tu–144s) to spend their money. Actually, the foreign tourist coming *to* the United States also spends money, and the number of foreign visitors coming into the United States has been increasing in recent years.

But more important, the *sale* of U.S. SSTs to world airlines will bring in about $12 billion (the sale of 500 SSTs by 1990 includes 270 sales to foreign airlines). If our nation did not have an SST, domestic airlines would be forced to purchase foreign equipment, resulting in a net unfavorable balance of trade amounting to about $16 billion.

THE ISSUE

The SST will create high sound levels around airports and its sonic boom will disturb millions of people every day. The boom will also destroy buildings, etc.

The answer

No one in the United States or other populated areas around the world will hear a sonic boom created by the SST. Secretary of Transportation John Volpe has made that clear. The SST will be flown at supersonic speeds only over the oceans and unpopulated areas such as the polar regions. The entire SST program is based on that premise.

The SST's design is such that it can fly efficiently for hundreds of miles at subsonic speeds. On takeoff from gateway airports the SST will not reach supersonic speed until it is about 100 miles away from the coast. Actually, at the cruise altitude at supersonic flight (60,000 to 70,000 feet) the boom created over the oceans by the SST will not be severe—only about 1/25th of that required to break windows, for example. However, the issue is academic. No one in populated areas will hear the sonic boom.

Now, let's talk about engine noise. The GE engines are by far the most powerful ever built. They will make more noise on the airport than present engines, but this great power will permit them to rise quickly over the community on takeoff and the engine sound will be less than today's jets at the same distance from the end of the airport. Using today's yardsticks for measuring sound, the U.S. SST will be significantly quieter than today's jets on both the climb-out and the approach path. On the airport the "sideline" noise is still a problem. The FAA knows it, we know it and General Electric knows it, and we are devoting intensive efforts on sound suppression devices. We know what has to be done and we believe we can meet the "on airport" noise level requirements for the production airplanes.

THE ISSUE

The SST will cost so much to operate that airlines can't afford it.

The answer

A year or so ago our studies indicated that direct operating costs for the SST would be fairly high. During the past year we have devoted considerable time to an in-depth economic study. We separated out all the cost factors (fuel, maintenance, crew costs, turn-around time, load factors), and developed a mathematical model of world airline operations in the 1980 time period. We fed this information into a computer and "flew" some 500 SSTs on long-range routes, using flight schedules of today's airlines. The results surprised us, because they showed that the *total operating costs* of the U.S. SST were substantially better than the 707-type aircraft, and were competitive with the 440-seat 747 in the early 1980s. In fact, the U.S. SST will be more economical to operate than the 747 in the late 1980s.

THE ISSUE

The SST is an advanced aircraft that is too complicated to build and won't be suitable for today's airports even if we build it.

The answer

The U.S. SST *is* an advanced technology aircraft—the only advanced technology commercial aircraft under design in the United States today. That's why the prototype production program is so important. The prototypes are flying test beds which will demonstrate systems design in actual flight conditions.

Even so, the design itself is simple and straightforward. It will be a fixed-wing delta with a wide wing span and conventional tail. This design makes it possible to utilize high lift devices similar to these in use on other Boeing jets. The Boeing design offers excellent low-speed capability, which is very important for commercial operations. The fixed-wing U.S. SST has behind it more than 2,000,000 engineering man-hours of design analysis in wind tunnels, computers and configuration studies.

The SST is designed for operations from existing international airports. No modifications to runways will be necessary. By the time it enters commercial service in 1978, airports and loading docks will have been developed to take care of the 747 and the other large capacity subsonic jets. The SST will use these same facilities.

RADIATION HAZARDS

Flight crews will be exposed to radiation hazards.

Comment

Passengers will be subjected to less radiation exposure per SST trip than the same trip in subsonic aircraft due to difference in exposure duration.

Radiation exposure levels of 0.5 rem per year are considered by the U.S. Federal Radiation Council to be acceptable for the general public. Study by British Ministry of Technology (RAE TR 68286) concludes that the accumulated radiation dose of Mach 3 SST pilot flying 600 hours/year at high latitudes would be 0.61 rem/year, and at low latitudes 0.25 rem/year. From a practical point of view, normal crew scheduling employed by the airlines results in a given crew flying several different routes in a year, most of which would be in an area of much lower radiation intensity. This operational practice precludes the possibility that an SST flight crew would exceed the radiation level established for the general public.

Reference

Ad Hoc Report of the Environmental and Sociological Panel, Page 14, Paragraph 6 of *Hazards to Passengers and Crew.*

Statement

The radiation hazard would be approximately 100 times greater than at ground level. A flight crew exposed for 600 hours annually will accumulate 0.85 rem (roentgen-equivalent-man) from this source alone. When this value is compared with the Maximum Permissible Dose of 0.5 rem for the general public, the question arises whether SST crews should be placed in the category of radiation workers and kept under close surveillance.

Comment

Passengers will be subjected to less radiation exposure per SST trip than the same trip in subsonic aircraft due to difference in exposure duration.

Radiation exposure levels of 0.5 rem per year are considered by the U.S. Federal Radiation Council to be acceptable for the general public. Study by British Ministry of Technology (RAE TR68286) concludes that the accumulated radiation dose of a Mach 3 SST pilot flying 600 hours/year at high latitudes would be 0.61 rem/year, and at low latitudes 0.25 rem/year. From a practical point of view, normal crew scheduling employed by the airlines results in a given crew flying several different routes in a year, most of which would be in an area of much lower radiation intensity. This operational practice precludes the possibility that an SST flight crew would exceed the radiation level established for the general public.

Major solar flares can be avoided by the warning provided by existing radiation observing systems associated with the civil and military space programs. As a further precautionary device, or, if deemed desirable, as further backup, cockpit instrumentation can be installed to monitor exposure and for further protection to the crews and passengers from major solar flares. On-board radiation monitoring devices are now in the advanced development stage.

SUPERSONIC NOISE ISSUE

1. Noise level at airport and over community

Comment

Due to the good climb performance of the SST and higher altitudes attained quickly after takeoff, the noise produced over the communities under the flight path during takeoff will be comparable to or less than that produced by large intercontinental subsonic jets such as the Boeing 747 or Douglas DC–8 commercial jet transport. To put this in proper context it should be understood

that a current subsonic jet such as the 707–320B exceeds the 100 PNdB level for a distance of 18¾ miles as compared with 13 miles for the SST.

Similarly, the SST will no more or generally less noisy than today's large subsonic jet airplanes during approach to landing. This is primarily because of the noise reduction provided by the SST engine inlets and the design of its engines.

2. Route restriction due to noise

Comment

As regards sonic boom and the U.S. SST: On September 23, 1969, Secretary Volpe stated at a White House news conference, concerning proceeding with the SST: "May I just say one additional thing in regard to the comments of the President. He has told me, and he wants the American public to know, that this supersonic transport will not be allowed to fly over populated areas unless and until the noise factor comes within acceptable limits. This is a very important point. We recognize that the state-of-the-art today is such that we are not certain that it could fly over populated areas with a noise factor level below that which we feel is acceptable . . ."

SST program determinations have been based upon the assumption that supersonic flight will be limited to overwater operations.

3. Company efforts on noise

Comment

Both Boeing and G.E. recognize that it is imperative to reduce noise levels both on the airport and out over the community as much as possible for the production SST. Accordingly, the Boeing Company is conducting a noise reduction program which encompasses the total system approach of both airframe/engine design operation in noise reduction. The program is coordinated with the engine contractor to assure compatibility between noise programs conducted by both contractors. The General Electric Company is also conducting an extensive noise reduction and advance technology program directed towards achieving lower engine noise levels.

4. Noise and sonic boom being ignored?

Comment

The SST contracts with both Boeing and General Electric contain, for the first time in aviation history, requirements for noise limitation and advanced study or research and development for noise reduction. To our knowledge, no like contracts for either civil or military aircraft contain such recognition for considering noise reduction throughout design and construction. The U.S. SST program has obtained through many comprehensive study programs and tests, the most extensive and accurate, sonic boom data in the world. Through data thus derived, the policy has been established that the SST will be restricted to supersonic operation over water or uninhabited land areas. All program decisions have been based on this assumption for the past three years.

5. Assure public of sonic boom restrictions

Comment

The United States SST has been designed to permit efficient subsonic flight while it is operating over inhabited land areas. The Secretary of Transportation, Mr. John A. Volpe, clearly stated on 23 September 1969, that commercial supersonic flight will not be permitted until the noise factor can be made acceptable. Similar statements have also been made by other officials and it is now a matter of National Policy that commercial transport aircraft will not be permitted to generate sonic booms over inhabited land masses.

EXCESSIVE NOISE LEVEL IMPACT ON POPULATION

Reference

Report of the Environmental and Sociological Panel of the Ad Hoc Supersonic Transport Review Committee, Page 13, Paragraph 2.

Statement

On the basis of the information summarized above, the panel is of the opinion that noise levels associated with SST operations will exceed 100 PNdB over large areas surrounding SST airports. It can be expected therefore, that significant numbers of people will file complaints and resort to legal action, and that a very high percentage of the exposed population will find the noise intolerable and the apparent cause of a wide variety of adverse effects.

Comment

Due to the good climb performance of the SST and higher altitudes attained quickly after takeoff, the noise produced over the communities under the flight path during takeoff will be comparable to or less than that produced by large intercontinental subsonic jets such as the Boeing 747 or Douglas DC–8 commercial jet transport. To put this in proper context it should be understood that a current subsonic jet such as the 707–320B exceeds the 100 PNdB level for a distance of 18¾ miles as compared with 13 miles for the SST.

Similarly, the SST will be no more or generally less noisy than today's large subsonic jet airplanes during approach to landing. This is primarily because of the noise reduction provided by the SST engine inlets and the design of its engines.

ROUTE RESTRICTION DUE TO NOISE

Reference

Report of the Environmental and Sociological Panel of the Ad Hoc Supersonic Transport Review Committee, Page 1, Paragraph 5, Last Sentence.

Statement

For this reason the Panel believes it is essential that the public be formally assured by appropriate authorities that commercial supersonic flight over land will not be permitted and that SST design, development, and economic considerations are and will remain restricted to over water routes.

Comment

As regards sonic boom and the U.S. SST:

On September 23, 1969, Secretary Volpe stated at a White House news conference, concerning proceeding with the SST: "May I just say one additional thing in regard to the comments of the President. He has told me, and he wants the American public to know, that this supersonic transport will not be allowed to fly over populated areas unless and until the noise factor comes within acceptable limits. This is a very important point. We recognize that the state-of-the-art today is such that we are not certain that it could fly over populated areas with a noise factor level below that which we feel is acceptable. . . ."

SST program determinations have been based upon the assumption that supersonic flight will be limited to overwater operations.

DELAY PROGRAM TO DEVELOP NOISE SUPPRESSORS

Reference

Letter from Department of Health, Education, and Welfare, Charles C. Johnson, Jr., Paragraph 2, Page 1.

Statement

The noise problem weighed heavily in the findings of the Panels on Balance of Payments (p. 5) and Economics (p. 8), and Environmental and Sociological Impact (p. 12). Dr. Seamans and Mr. Muse, DOD R&E, believe noise and sonic boom potential are deterrents to the program and should be considered in the decision, not after the program goes forward. They have received approximately two hundred letters from people who think it is a deterrent. Mr. Train states that far more research is needed with respect to engine noise and noise suppressants. Mr. Volcker suggests that over the next year attention should be directed primarily to "the extent to which the noise problem may be resolved satisfactorily" among other things. Dr. DuBridge raises serious questions about the solvability of the noise problem and doubts that any reduction in noise levels which might be achieved would offset more rigid standards which a "more sensitive" public will demand.

Comment

Sonic boom has been considered in the decision to go forward with the program. Secretary of Transportation, John A. Volpe, stated on 23 September 1969 during a White House press conference that because of the sonic boom, the SST now under development would be restricted to subsonic flights over land.

SST noise has also been considered in the decision to go forward with the program. In fact, it has been recognized since the beginning of the program that the SST will probably generate more noise on the airport during takeoff than today's large subsonic jets due to its much more powerful engines. Use of maximum power for takeoff may increase the airport noise over that of today's long range international jets, but coupled with the aerodynamic characteristics of the B2707–300 design it provides the capability to climb rapidly after takeoff. Therefore, in comparison with today's subsonic jets, the SST arrives over the community at a relatively higher altitude where a power reduction can safely be made. This procedure gives a corresponding reduction in community noise.

Both Boeing and G.E. recognize that it is imperative to reduce noise levels both on the airport and out over the community as much as possible for the production SST. Accordingly, the Boeing Company is conducting a noise reduction program which encompasses the total system approach of both airframe/engine design operation in noise reduction. The program is coordinated with the engine contractor to assure compatibility between noise programs conducted by both contractors. The General Electric Company is also conducting an extensive noise reduction and advance technology program directed towards achieving lower engine noise levels.

NOISE AND SONIC BOOM BEING IGNORED

Reference

Letter from Office of the Director of Defense Research and Engineering, T. C. Muse, 20 March 1969, Paragraph 3.

Statement

Also the last Sentence, Page 4, Paragraph 2, implies that we are going to ignore the noise and sonic boom potential in the decision, but will give it consideration after the program goes forward. It seems to me that this is a deterrent to the program and should be considered in the decision. As an indication, I (actually Dr. Seamans) have received a couple of hundred letters from people who think it is a deterrent.

Comment

The SST contracts with both Boeing and General Electric contain, for the first time in aviation history, requirements for noise limitation and advanced study or research and development for noise reduction. To our knowledge, no like contracts for either civil or military aircraft contain such recognition for considering noise reduction throughout design and construction.

The U.S. SST program has obtained through many comprehensive study programs and tests, the most extensive and accurate sonic boom data in the world. Through data thus derived, the policy has been established that the SST will be restricted to supersonic operation over water or uninhabitated land areas. All program decisions have been based on this assumption for the past three years.

ENVIRONMENTAL AND SOCIOLOGICAL PROBLEMS MINIMIZED

Reference

Letter from Department of Health, Education and Welfare, Charles C. Johnson, Jr., 20 March 1969, Paragraph 3.

Statement

The draft report, transmitted with your memorandum of March 18, has just been received. In my opinion the summary does not convey the sense of the Environmental and Sociological Panel report, and does not adequately reflect the concerns of the members of this panel. We will comment further on this matter in a separate letter.

Comment

The above reference by itself requires no comment. However the "separate letter" referred to does. It alleges that environmental factors relating to the SST are not being recognized in the development program. The facts are that the so-called "environmental and sociological problems" associated into the SST are well known. In fact, these alleged problems are the design criteria that are used to design a U.S. SST which is safe for the world's airlines, and whose operating performance is superior to that of any comparable airplane.

The Administrator of the FAA is charged with the responsibility to define aviation standards with respect to aircraft and public safety and to insure that these standards are met. The environmental factors referred to have been, and will continue to be considered in every step of development of the SST.

ASSURE PUBLIC OF SONIC BOOM RESTRICTIONS

Reference

Summary of Report of the Environmental and Sociological Panel, 20 March 1969, Page 1, Paragraph 2.

Statement

The effects of sonic boom are such as to be considered intolerable by a very high percentage of the people affected. The Panel is very concerned about the economic pressures that will be exerted if it is subsequently found that the economic success of the aircraft depends on overland flights at supersonic speeds. The Panel believes it is essential that the public be formally assured by appropriate authorities that commercial supersonic flight over land will not be permitted.

Reference

Letter from Office of Science and Technology, Lee A. DuBridge, 20 March 1969, Paragraph No. 4, Page 2.

Statement

The sonic boom problem is, of course, quite unsolved, and even at best will cause enormous public concern. Surely we must have a policy statement that there shall be no supersonic operations by the SST over any populated areas.

Comment

The United States SST has been designed to permit efficient subsonic flight while it is operating over inhabited land areas. The Secretary of Transportation, Mr. John A. Volpe, clearly stated on 23 September 1969, that commercial supersonic flight will not be permitted until the noise factor can be made acceptable. Similar statements have also been made by other officials and it is now a matter of National Policy that commercial transport aircraft will not be permitted to generate sonic booms over inhabited land masses.

POLLUTANTS IN ATMOSPHERE

Reference

Letter from United States Department of the Interior, Russell E. Train, 21 March 1969, Page 2, Paragraph 5.

Statement

It is my understanding that operation at subsonic speeds, including speeds necessary for takeoff and landing, results in inefficient fuel combustion with a resulting heavy discharge of pollutants into the atmosphere. Both atmospheric pollution and ground contamination seem likely to result.

Comment

The combustion efficiency of the SST engines at takeoff and subsonic cruise (as well as supersonic cruise and all other flight conditions) will be over 98 per cent so that there will not be a heavy discharge of pollutants into the atmosphere. Since all the products of combustion will be gaseous, neither atmospheric or ground contamination will result. In fact, due to progress in combustion design, there will be none of the discharges of black smoke currently visible on subsonics.

Mr. MAGNUSON. I wish to comment on some of the things he mentioned here, as to which my experience and my information have been entirely different. I shall put all of my general statement on the supersonic transport in the RECORD, because I do not think there is any use of belaboring this. The panel reports cover about 500 pages in the hearings, and we heard them all. I merely want to say that I am sure the Senate understands what this is all about. There are many things that we could spend all evening here arguing about, in answering some of the statements that were made, and I think I can answer them very successfully, and some of the rest of them. not only me, because I am not an expert on airplanes. I am not an expert on these things.

Mr. President, this country must maintain its superiority in the field of air transportation. This is the reason why this country must proceed with the supersonic transport program. The reasons for maintaining air superiority are obvious.

When President Kennedy first called me to the White House in 1961 to discuss the supersonic transport, he said that we should start on the SST because the British and the French were beginning and he also had word that the Russians were proceeding on a similar program.

The British-French Concorde on October 1, 1969, flew its first supersonic test flight. The Concorde will carry 128 passengers, fly at a speed of mach 2.05—1,350 miles per hour—and has a range of 4,000 miles. The Russian TU–144 had its maiden supersonic flight in June of 1969. This airplane will carry 120 passengers, fly at a cruise speed of mach 2.35—1,550 miles per hour—and has a range of 4,000 miles.

The competition is keen between the Concorde and the TU–144, but it may be that the Russians will be first to fly an SST into Kennedy field. Both planes will be in service 4 or 5 years before an American SST.

Commercial SST travel will soon be a reality. The question is: Will the U.S. SST, the Concorde, or the Tu–144 dominate the air?

The U.S. supersonic transport will be a larger, faster, and a more profitable plane. It will carry 298 passengers, fly at a speed of mach 2.7—1,800 miles per hour—and have a range of 4,000 miles. Airlines would rather fly the U.S. SST since it will be a greater moneymaker than the Concorde. Already, 122 delivery position reservations have been made for U.S. SST's. Of that number, 58 have been foreign-flag carriers and 64 from U.S. carriers. These carriers have made a substantial financial contribution of risk money to the SST development program.

On April 29, 1967, President Johnson authorized the FAA to sign contracts with Boeing and General Electric to begin prototype construction of two supersonic transports. These contracts were signed on May 1 and a budget amendment was forwarded to the Congress to finance construction for fiscal year 1968.

Congress has already appropriated $623 million for the SST. Of that total amount $200 million was appropriated in fiscal year 1967 for prototype construction and in fiscal year 1968 $142 million was appropriated to allow prototype work to proceed. No appropriation was required in 1969 due to delay in the program due to design modifications.

This year's appropriation will allow for continuation of prototype development, construction, and testing. If we proceed we can expect our SST prototype to be in the air in 1972.

To deny this current request would have a serious effect on the SST program. The program slippage would be 12 to 15 months and would add additional millions of dollars in expenses due to the escalation of prices and materials. The market for the U.S. SST would also be reduced since the airlines would be forced to buy more Concordes and, consequently, adversely affect our balance-of-payments position.

As of this date, Boeing has signed agreements with the airlines to contribute risk money. Some $60 million of risk money has been contributed by the airlines. If this year's appropriation should not go forward, it would be a breach of faith with the airlines and any future financial support would be hard to come by.

The SST is a partnership program between the Government, the airlines, and the manufacturers. The manufacturers, Boeing on the airframe and General Electric on the engine, will have nearly $300 million invested in the program during the prototype phase. The basic reason the Government is involved in this program is that it is a high-risk program beyond the financial potential of the manufacturers. This is the first commercial SST to be built in this country and presents certain risks. The effort is large, involving approximately $1,515 million for the construction and testing of two prototypes. This is approximately twice the net worth of the airframe manufacturer. There will be a long dry period before profit is possible.

The SST contracts call for the Government to recoup its investment. The Government will receive a royalty payment on each plane sold and on the sale of 300 planes the Government will receive its investment back; on the sale of 500 planes the Government will receive its investment plus a billion dollars profit from royalties. Contrary to statements of some of the critics, there are no loopholes whereby the Government would never get a cent back.

The sonic boom does present probably the biggest problem in the development of a supersonic aircraft. At this time it is the policy of the U.S. Government to

restrict SST's to subsonic flights over land. The sonic boom will not be allowed over populated areas. Current conservation market projections indicate that a minimum of 500 U.S. SST's will be needed for the over-water market alone. This is merely the projected market for the U.S. share of the SST world market. Charles Rivers Associates reevaluated the previous market forecasts and previous methodology and incorporated more up-to-date statistical information. Their report indicates a very favorable over-water market of 805 U.S. SST's by 1990. Boeing and FAA estimates clearly indicate that a fleet of 500 United States SST's by 1990 is entirely feasible. Boeing indicates that the currently defined SST would not require increases in relative fare structure to produce a reasonable profit for the airlines.

The SST program has many positive factors. The balance-of-payments positions of this country will be enhanced since half our sales are projected to be to foreign buyers. With a market of 500 aircraft this could result in a favorable balance of payments of $17 billion.

The SST will create jobs. There are approximately 50,000 jobs associated with the manufacturers of this plane, and, using the ordinary rule of thumb and multiplier effect, 200,000 to 250,000 jobs would be created by this program.

Mr. President, the SST will be in commercial service in the 1970's. People will ride on the SST in the same way they flocked to jets when they first entered into commercial service. The question is whether they will ride on a U.S. SST, the Concorde, or the Tu–144. We are already behind on this program. To deny this appropriation would put us further behind and cost us a great deal more in the long run.

Mr. President, one of the Nation's most important developmental programs, the civil supersonic transport project has been the object of much criticism. Much of the criticism has been based on misinformation, unsubstantiated charges, a general misunderstanding of the nature of the program.

Many of the critics urge the project be delayed or even permanently shelved. Perhaps unwittingly, these people are actually advocating that the United States relinquish its world superiority in commercial aviation.

A delay in the U.S. supersonic transport project at this point would be a great boost to the British-French combine which will have a plane in service by 1973, 5 years before the American transport will be in service. Currently, 74 aircraft delivery positions have been reserved for the Concorde; 38 of these by seven major U.S. airlines; 36 by nine foreign carriers. It is estimated that the Russians have sold 20 Tu–144's and that they presently are seeking orders in Holland, Pakistan, India, and Japan. Pan Am president, Najeeb Halaby, recently said his company would consider purchase of supersonic aircraft from the Russians if forced by events.

The current market for supersonic aircraft is an estimated $25 billion. The U.S. SST could capture an estimate $20 billion of that market with its superior aircraft if the SST is completed and in service by 1978.

The U.S. long-time domination in this vitally important area of commerce and technology must not be sacrificed simply because some prefer to see the United States stand still and fail to meet the opportunities and challenges of civil aviation in the next decade. Their cries for economy are, in reality, hollow.

Critics fail to realize the undeniable adverse impact on the U.S. economy should the U.S. airlines turn to foreign manufacturers for the transports they will need in the 1970's. They fail to see the consequences of an ailing American air transport industry on employment, tax revenues, and balance of payments. They fail to admit that carriers and air travelers of the future will demand supersonic transportation regardless of whether the airlines are manufactured abroad. But perhaps most importantly they fail to realize the impact of an entirely new technology—developed by American scientists, engineers, and technicians—on the lives of every American in the decades to come.

No; we must not sit back complacently while progress in commercial aviation continues its inexorable advance. Rather, the United States must continually move ahead to maintain its commanding lead in this exciting and challenging project of the future.

The grave issue of priorities has been raised by critics of the SST program. They claim that this money should be spent upon our pressing social needs. I have been voting for the social needs of this country for 33 years. I know of the tragic necessity for solutions to these problems. But I also know that we have to have some economic programs to keep business alive and prospering; to provide new job opportunities and to preserve the health of one of America's great industries.

The SST age is now. It is a question of timing and we cannot control that timing. I personally wish we could have done this earlier when competing requirements were less pressing, but we did not and, therefore, the issue is squarely before us: Can we support our domestic needs and still maintain our world superiority in air transport. I say we can, I say we must.

Have we forgotten that the kind of job created by this program is the type of employment sought after by America's workingmen. Have we forgotten about the great pool of scientific talent in this country which cries out for exciting missions. I say we have forgotten unless we move ahead boldly with the SST program.

Almost 9 years ago our late President John F. Kennedy called upon the American people to land a man on the moon in this decade. Critics thought it impossible but courageous men with great skill and daring accomplished that important goal. President Kennedy at the same time challenged this country to enter into the competition to create a commercial supersonic transport. Today we stand at the threshold of fulfilling this goal—a goal concurred in by former President Johnson and by President Nixon. U.S. superiority in air transportation is dependent on fulfillment of this goal.

Mr. President, I have probably voted and recommended more money for environment than any man in the U.S. Senate, and I am going to continue to do so. There is only one thing that I just cannot understand; if we are going to have to buy $6 billion worth of airplanes overseas, as against the overseas people buying $6 billion worth of ours, I cannot understand why that does not help the balance-of-payments deficit, unless I was not taught good arithmetic.

Then there is the man down at the Treasury Department who says if people are going to travel, they are going to travel anyway. I just cannot understand that. The panel made some reports, the Secretary of the Interior had a man on the panel, and I do not think he knows as much about it—I know very little about air technology, but I am sure he knows less, and he made a recommendation, and the Treasury—that group in the Treasury were the ones who wanted us to pass the bill 2 or 3 years ago to stop people from traveling, and that landed in the Commerce Committee. It never even got on a subcommittee.

Republicans and Democrats alike, Americans are going to travel. That is a part of our balance-of-payments deficit. I do not know how you are going to stop them from traveling, and I think the only question here is whether they are going to travel on an American plane or whether they are going to travel on a French or a British plane.

In the great argument here made by the Senator from Wisconsin—and I want to correct the RECORD on this—he keeps referring all the time to Boeing. Boeing is only half of this contract. He never once referred to General Electric, which is producing a great big engine, which is 50 percent of it. And another thing—just listen to me, he has talked to you long enough—there are over 5,000 subcontracts, in every State of the Union. I do not know what kind of jobs they are going to create, but they are going to create some jobs. Boeing is really the main manager of the airplane. They pick up these things all over; they do not make them all up there.

I never even knew that Boeing was going to get this contract, when President Kennedy called me down there—I have said this many times—and said, "We ought to get going, we are way behind."

And another thing, I hope there will not be any impression that we cannot sell these airplanes. There are already orders for more than 127, now. And all the American airlines—in this same thing the Senator has been quoting, there is letter after letter from them, where they think it is not only feasible, but they are willing to risk their money and pay for it. They are going to pay for it.

Every airline is interested. And we even have orders from Air France on the books to get a position. There are a lot of arguments that could be made.

I wish this could be done privately. No one could do it. It was so big that even one country in Europe could not do it alone. They had to put two countries together to do it. And if anyone has an austere budget, it would be Britain. However, that was their No. 1 priority. And it was the No. 1 priority for France. They want to get back into air priority and create funds for their social needs.

To me it is as simple as that, whether it is Boeing, Lockheed, Douglas, or any other company.

I got sold on the idea a long time ago. President Kennedy after talking with the Senator from Colorado (Mr. ALLOTT) and me, at a time when it was a part of NASA—and it still is in a sense—went to Colorado and made his speech at the Air Force Academy and pulled the figure out of the air that the Government should pay 75 percent. That is about what it means now.

Mr. STENNIS. Mr. President, I make inquiry as to whether we could have a unanimous-consent agreement on time now.

We have had a very good debate here. I want everyone to have an abundance of time in which to make any presentation he wishes. This is a very important matter.

The pending bill contains approximately $6.7 billion. So it is not a minor bill. I think we have all of the items virtually settled.

I commend the Senator from Wisconsin for his very fine presentation. It is well that all the major points be debated again in the pending bill.

Mr. President, I wonder if we are down to the point where we might obtain a unanimous-consent agreement to limit debate on the SST amendment.

Mr. JACKSON. Mr. President, would it be in order to indicate who wants time?

Mr. STENNIS. Mr. President, without having a quorum call, I do not think we ought to trim this down to a matter of a few minutes.

Mr. CASE. Why do we not see what happens? We may be able to have a vote at 8 o'clock.

UNANIMOUS-CONSENT AGREEMENT

Mr. STENNIS. Mr. President, I think the Senator from Arizona (Mr. FANNIN) has some remarks to make. Some other Senators want to make some remarks also.

Mr. President, I ask unanimous consent that on the SST amendment, the time be limited to 20 minutes to the side, the time for the amendment to be in charge of the Senator from Wisconsin and the time against the amendment to be in charge of the chairman of the committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. BYRD of Virginia. Mr. President, I support the amendment offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The amendment would reduce the appropriations by $80 million.

I favor the amendment for three basic reasons.

First, I feel that in this time of high inflation we cannot justify an expenditure of $80 million for this SST program.

Second, I feel that the sonic boom problem fully justifies a postponement of the project.

Third, and perhaps more important, I feel that this ratio of 85 percent of the cost to be paid by the taxpayers and 15 percent of the cost to be paid by the private companies is inappropriate. Of the cost of the program 85 percent is to be paid by the taxpayers, and only 15 percent by the private companies.

I do not believe that can be justified. And for these three reasons, I enthusiastically support the amendment offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 minutes.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from Mississippi for yielding.

No one really doubts anymore that the age of supersonic air transportation will begin in the early 1970's. Fundamental issues once discussed, which arose out of doubts as to whether supersonic travel was wise or necessary, have all been settled, and they need not be debated anymore. The Concorde and the Russian supersonic transport are flying. Thus, if the United States and its industry ever had an opportunity to postpone or slow down the arrival of the supersonic age, that opportunity has long since been lost.

Recognition of these facts tends to clarify, and to provide a firm base for, current public discussion of the U.S. supersonic transport.

Starting from this base, we need to be careful to recognize the supersonic project for what it is, and for what it is not. It was not undertaken to provide a glittering triumph for U.S. industry and Government. It was not undertaken merely for the purpose of maintaining the prestige of the United States. It was not undertaken to provide the airlines of the United States with a fascinating new vehicle. It was undertaken to achieve a very cold and very hard economic objective on behalf of the people of the United States. The judgment as to whether the project should continue has to be based upon these same cold, hard realities. The question that constantly must be before us is whether this investment in the economic future of the United States is a good one or is not. Let us look at the facts:

If the SST program is not pursued and supersonic technology is exploited in other countries, we will lose both new jobs and new tax revenues from the U.S. economic base. U.S. aircraft exports have been running at about $1.25 billion per year—the largest single factor in our favorable balance of trade. Delay in the U.S. offering of a supersonic transport could do irreparable damage to this favorable balance of trade element. With foreign-built-only SST's, the total negative effect on the aircraft import and export account in the U.S. balance of trade could reach $16 billion by 1990.

Former Senator A. S. "Mike" Monroney, who so ably chaired the Senate Commerce Committee's Aviation Subcommittee, has said "you can't calculate how much of a boost to the economy a successful SST program would represent—in terms of employment—in taxes, on the national balance of trade—and all the other economic fringe benefits that come from an infusion of billions of dollars into the economic cycle."

Because the Government faces the difficult problem of setting national priorities, it is only natural that some would urge the SST program be delayed in favor of projects presumed to bring more immediate social benefits. However, social development and technological development are not mutually exclusive. Both are essential for the economic and social health of the nation. Now is the time to invest in the development of the SST if we want to support social programs in the 1970's.

Depending upon the number of SST's built, $20 to $50 billion of economic growth will result over the next 5 to 10 years. To build these new aircraft, 250,000 new jobs will be created. And one of the most important economic facts about the SST investment is that the new jobs will be created just as soon as the prototype development program begins.

The 250,000 new jobs break down as follows: There will be 50,000 for prime contractors and 100,000 for subcontractors. These 150,000 jobs would create another 100,000 jobs in nonmanufacturing industries such as wholesale and retail trade; professional and business services; finance, insurance and real estate; transportation; communication and other public utilities; and agriculture.

These 250,000 new jobs, with an estimated payroll of two and a half billion dollars, are estimated to represent one of every 50 new civilian jobs created by 1975. Few programs can claim so great a contribution to employment.

P. L. Siemiller, president of the International Association of Machinists, has said "the United States supersonic transport program is an investment in the future of America. During the coming decades, it will provide jobs and opportunities for hundreds of thousands of our citizens—not just in the aerospace industry alone, but in all industries."

The question has arisen as to why the Government is participating in the SST program. The answer is that a program of such magnitude cannot be financed by industry alone. It is estimated that the cost of the development of two prototype SST aircraft—the next phase of the SST program—will amount to about $1.5 billion, or just about twice the net worth of the manufacturer of the airframe. Thus, the SST program has been conceived as a joint venture with the Government, the manufacturers, and the airlines sharing the costs, the risks, and the benefits.

The money being provided for the prototype production program is not a subsidy, but an investment in the future.

The Government's share of the development cost will be repaid in full by the time the 300th SST is sold. An additional $1 billion in royalties will be paid with the sale of the 500th SST.

The U.S. SST is a good example of the type of R. & D. which has dramatically stimulated the economy of the last 20 years. It is a program which will help insure our well-being domestically and internationally today and in the decades ahead. It will offer a clear return in terms of employment and in recovery of the investment with interest to the U.S. Government. It meets every test of an essential national undertaking.

Mr. President, I oppose the amendment to delete the provision for the civil supersonic aircraft development.

Mr. PROXMIRE. Mr. President, I do not know whether we have sufficient Senators on the floor, but I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I yield to the Senator from Washington whatever time he may desire.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, there will be a supersonic transport no matter what is decided here today. However, the question before the Senate and this Nation is whether or not the United States will be in the forefront of this next round of aviation technology.

The age of supersonic transport is upon us, and what we are deciding is whether the United States will move ahead or give up the aviation leadership it has held since the Wright brothers.

The coming together of market and technology have created the SST. Experts see a $25 billion market of overseas and overpolar routes for a faster than sound aircraft over the next 20 years.

The governments of two countries, England and France, have united to produce an entry, the Concorde, which will attempt to obtain a share of that huge market. The government of another, Russia, has developed the Tu–144. Two prototype Concordes and the Tu–144 are flying and have already achieved supersonic speeds. Three American Presidents have supported an American SST. The U.S. version is ready to leave the drawing board and become real.

So there is no question that there will be an SST. Actually, there is an SST. There are three of them, one constructed by Britain, another by France, and a third by the U.S.S.R. They are flying and their makers are learning how to improve them. They are refining their aircraft in efficiency and economy in order to meet what they expect will be the most overwhelming competition either will face—the U.S. SST.

What we are developing in this country is an aircraft capable of flight at a cruise speed of 1,800 miles per hour, covering a range of 4,000 miles and carrying 300 passengers.

It is an aircraft capable of visiting San Francisco, Honolulu, Tokyo, and Hong Kong, and then winging back over the same route all within one 24-hour period.

The SST comes on the scene as demand grows to reach the distant points on the globe. The Los Angeles-Sydney flight, long and tedious in conventional jets, will be trimmed by 9 hours. Seattle-Tokyo will be cut by 4½ hours and the flight from London to Tokyo will be trimmed from 16 hours to 8 hours. New York-Rome is cut by 3½ hours.

The SST by 1990, even though operating under restrictions on overland flight, will be competing for a market nearly twice as large as the total of free world air travel now.

American industry is a leader in most forms of technological activity. In few areas has it proved so dominant as in aircraft. The American conventional jet, although it had been preceded in flight by 5 years by the British Comet, today fills 80 to 85 percent of the market in the free world. Four out of five jet transports in the Western World are made in the United States.

Employing nearly 1½ million Americans, and paying among the highest wages in industry, U.S. aerospace companies have competed vigorously with Government-financed foreign companies and claimed the market in subsonic jets. U.S. aircraft exports of $1.25 billion are the largest single factor in our balance of trade.

In moving from propeller-driven aircraft to jet transports, the intercontinental traffic in the 1950's flowed to the new, faster aircraft just as it will to the SST. The experience at that time was that passenger demand produced such high load factors that the economic success of this transportation innovation was quickly assured.

Why is the U.S. Government involved in the production of the SST?

As we stated above, our competitors are totally federally financed, the Tu–144 by the U.S.S.R. and the Concorde by two governments.

The cost of the prototype development of two SST's is $1.2 billion.

No U.S. firm has the financial capability of financing through private borrowing such an investment. Yet, the American contractors are contributing more than $300 million to the cost of the prototype construction, and the airlines are contributing $80 million as downpayments toward purchases.

American industry has faith in the success of this program to the tune of an investment of some $350 million in risk capital.

The Government, incidentally, has first call on return of its investment. The private companies must wait to get their money back. Full Government recovery will occur when the 300th aircraft is delivered, and the Government will continue to pick up royalties in excess of its investment. If the market is in the range of 500 aircraft, as indicated by current economic studies, the Government stands to receive about $1 billion in excess of its invested funds.

Considering that a preponderance of the jet transports flying in the free world today are made in this country, our abdication of leadership in this exciting next round of jet technology would be an enormous windfall for our foreign competitors and would do enormous economic harm to ourselves. We would be handling over a $17 billion plum. Instead of entering a market of sales of 300 to 500 aircraft—at a cost of some $40 million each—it is estimated that U.S. airlines would be importing at least $12 billion in SST's from foreign manufacturers by 1990. We would be underwriting advanced technology abroad at our own expense.

I do not think that the Senate wants to be making decisions here today that will leave our country at the short end of these economic odds in the years ahead.

In the context of our balance-of-payments situation, the export of one SST equals:

The importing of 20,000 Volkswagens.

The importing of 10 million transistor radios.

And the expenditure of 23,000 U.S. tourists in Europe for 1 month.

And we are talking about selling abroad at least 270 of these aircraft.

The sincerity and the enthusiasm of our foreign competitors can not be overstated. A group of American air executives visited Moscow last summer where they got their first look at the Soviet SST, the Tu–144. They also received an earful of the Soviet sales pitch. They came home frankly impressed by both. One U.S. airline official announced that he would begin negotiations for a Soviet SST if our country does not enter the market.

The visitors to Russia were quite convinced that the Russians are itching to enter into the highly competitive multibillion dollar international aviation business. They believe that their SST is the instrument to put them into the jet transport field that has been dominated so long by the United States.

It is believed by many experts that the Soviet Union will put out such bait for foreign SST purchases as favorable financial terms and more importantly, traffic rights over the Soviet Union. The shortest route between Europe and the Far East is over the Soviet Union, and that alone is quite an incentive to purchase the Tu–144 or its follow-on, the Tu–244.

The Soviets are pressing for foreign sales and are talking particularly to such international carriers as Japan Air Lines, Air India, Pakistan Air Lines and KLM, the Dutch airlines. Some 20 Tu–144's have been ordered already by Iron Curtain countries.

The Anglo-French Concorde has buyers for 74 aircraft, including orders from seven U.S. airlines.

While the Americans in Moscow describe the Soviet jet as a "good representative SST prototype," the U.S. air leaders think we can outdistance the field just as we did in the subsonic competition.

Applying the added speed, range and size of the American SST to the international routes, it is estimated that this Nation can obtain at least $20 billion of the $25 billion world market.

This program has come under close scrutiny of Congress on many occasions over recent years, and only this month received the approval of the Transportation Appropriations Subcommittee and

the full Senate Appropriations Committee.

Those who are rightfully concerned with the priorities of this Nation have reviewed this program. They have seen that scientific innovation in this country is a major employer. The aerospace industry is the largest single production element in our economy with a total national working force bigger than the automobile industry or steel.

The SST building program itself at full production lends an estimated 150,000 jobs in this country directly and indirectly.

Certainly jobs are an important part of our social concerns and the enhancement of employment opportunity must rank high in the priority of our tasks. The SST offers much in our efforts to obtain equal opportunity jobs and for job training. It promises to produce tax revenues of some $7 billion to pour into other priority Government programs.

The SST will repay its taxpayer investors in both dollars and in jobs. The SST investment is "seed" money for the future.

In maritime and rail transportation the United States does not hold the world leadership it enjoys in the air. Our merchant marine has slipped badly. Foreign nations have been the leaders in railroad ingenuity and accomplishment.

In air transport, we have built a better product and sold it at a competitive price. Our national security as well as our commerce has been enhanced by our genius in the aerospace field.

The investment proposed today is small indeed in relation to the return to this Nation in dollars, jobs, leadership, and security.

Mr. STENNIS. Mr. President, I yield to the Senator from Alaska. How much time does the Senator desire?

Mr. GRAVEL. Five minutes.

Mr. STENNIS. I yield 5 minutes to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I think all the issues have been covered in the debate and in the exchange with the Senator from Wisconsin. I should like to make one statement, in addition.

In my mind, the only possible legitimate argument we can have in this area is one of priorities. Those who say that the SST program should not be high on the list of priorities say it because it affects only a few people, supposedly—the few people who can afford to travel to Europe, to Asia, and can afford to cross the large bodies of water. That is misleading, because the SST does not affect only a few people. It affects many people. That is why it should be high on the priority list of this Nation.

This is how it affects many people. It is part of the aerospace industry, a substantial part of the aerospace industry. We have put a man on the moon, and we have gone through a great deal of soul-searching as to what we are going to do next with this aerospace industry, because the people want to change the tilt and bring it down to a greater benefit for the people. That is true.

What are you going to do with this gigantic industrial infrastructure that has been built up? Put them all out of work?

If that is the case, then I submit that those who pursue social causes now for the poor and the hungry will have many more people for whom to pursue it.

So, if we realize that we are talking about sustaining national industrial capacity and not a chauvinistic feeling that the United States must feel superior to other nations in air travel, our argument is not that flimsy. Our argument affects thousands and millions of people who live off this. Without this program, these people will not have employment.

The argument of inflation has been made, that this causes inflation. My theory of fighting inflation is not under the misery and unemployment of people. I think we are sophisticated enough in our economy to fight inflation with other methods, and I think that using the argument of inflation to say that this is going to cause employment and some wealth in circulation is no argument at all.

I submit—and I stated this earlier in our colloquy—that if this Nation veers away from this program, there will be SST's in the world, but they will not be American SST's and Americans will not be employed in building them. They will be Russian, French, and British. If we have any foresight at all, we must realize that this priority, for those reasons, is a proper priority, alongside of hunger, housing, and the others.

Mr. STENNIS. Mr. President, I do not know of anyone else who wishes to speak in opposition to the amendment.

Does the Senator from New Jersey wish to say anything?

Mr. CASE. Mr. President, I think the Senator from Mississippi has been most generous, and I think he has handled this matter with skill, diplomacy, and style. I would be very happy to have him yield his time, if the Senator from Wisconsin would do so, also.

Mr. STENNIS. I have a brief summary.

Mr. President, I do not know of any item that has been debated more or more thoroughly investigated by the Scientific community, by three presidents who have passed on this matter, and by many Senate and House committees.

I have already given one of the major points as to why it was decided that the Government had to go into this matter. I wish it did not. I wish it could be private enterprise altogether. But our absence of research in this field by the military in the last 8 or 10 years has created this void.

This was recommended by the late President Kennedy. It went over into the Johnson administration, where it was considered two or three times. President Nixon came into office in January, and he ordered a thorough, complete, and exhaustive reconsideration—investigation of everything that had happened and reconsideration from the standpoint of the economy, science, and technology, all the items that we ordinarily classify as science. Then he had a number of experts make judgments and, finally, the recommendation came to him, and he gave a very firm recommendation in October of this year.

So the Nixon administration had this matter under advisement for almost 9 months. With this $80 million we will pass the half-way mark with this appropriation. We have spent approximately $623 million already. As I said this bill provides for an appropriation of $80 million. The current estimated total cost to the Federal Government is $1.285 billion.

Something has been said about the estimates of our selling 300 SST's. If this plane turns out to be a success, according to the testimony, it would certainly have a high probability of the sale of as many as 300; 127 already are on order. It is estimated that the sale of 300 would recoup the Government investment. We do not know whether it will be a success. No one knows. We do not know whether there will be 300 ordered, but those things are strong probabilities.

I think we have had a splendid debate on the matter.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senator from Wisconsin has made the case. There is very little additional substantive information I could give. The Senator from Wisconsin has spent a great deal of time on this matter, not only this year, but last year. I wish to associate myself with his conclusions about the urgency and the priority for this plane.

Mr. President, if we had no problems in the great cities, and I speak not only of New York, but also Newark, as revealed today, and in other of our cities, and if we were looking for something to do with excess funds, this would be a good project. This would be a good project for the man who has everything. This is the kind of gadget for a nation which has everything and cannot think of anything it needs. If we did not have polluted air, polluted water and political systems in our big cities, as revealed today, I think I could support the SST.

But I think we have many problems, a great many problems, not only in my State, but in nearly every State in the Union, and they are problems which have greater priorities than this.

This is the gadget which would enable the Senator from Alaska to get home 1 hour or 30 minutes before he would in a DC–6. It would be helpful, but I am not about to authorize $1.2 billion for his convenience. It takes me 4 hours to get to Arkansas because I have no nonstop flights; which is about the same time it takes him to get to Anchorage in a 707 today. It takes him about the same time it takes me to get to Little Rock, and I do not expect to go to Little Rock in an SST. About the only time I have an opportunity to read a book is when I go by plane. I never get the time around here.

In any case, it seems to me this is the ultimate in the degeneration of modern technology. It will be a contribution to the pollution of the air. It is like other planes. It will have a thrust of three or four times as much which will mean it will discharge three or four times as much unconsumed carbon products. This is a luxury the country cannot afford.

Mr. President, I am not going to re-

peat all the arguments about what some committee or subcommittee did. The arguments are there. We know the difficulties which may be overcome technologically, but in the meantime we continue to neglect far more important problems in this country.

I feel very sad about this country. I have done all I know how to do in my limited intelligence to help this country. We have another problem following this one which only emphasizes our problems, foreign and domestic.

Here we have an instance of a highly developed internal lobby which can overcome the interests of the general public. With reference to our balance of payments, we will have a $10 billion deficit this year and nobody can understand why. A special interest group or a lobby then comes in and they write off this approximately $1.5 billion.

Wait until Senators see the foreign aid appropriation that will come into this Chamber, probably after the completion of this bill.

We have a far greater need in connection with the rehabilitation of cities, with the control of air and water pollution, with the development of adequate programs for education. All of these funds have been cut back.

Mr. President, I am opposed to it. This is an extravagance I cannot afford. It is a tragedy to keep going down that road. If this were the only pipeline to the Treasury without a constructive purpose, that would be one thing, but there are too many. We only got 19 votes against this last time; tonight I hope we get 20. I hope Senators will take these matters a little more seriously because accumulatively they are ruining this country.

Mr. PROXMIRE. Mr. President, I wish to summarize my position very briefly but before I do I want to say that one point that has not been made here is that the overwhelming majority of American people in every State, on the basis of every poll I have seen, oppose this project. The Educational Television Network made a survey. They tried to frame the question objectively, and the vote was 86 percent opposed and 14 percent in favor. Most of the States are listed. They found the people in California, for example on the SST were 784 against and 84 in favor; Florida had 143 against and 18 in favor; Illinois had 249 against and 26 in favor; Massachusetts had 248 against and 125 in favor; New York had 549 against and 45 in favor. In the State of Washington there were 81 against and 52 for. In other words, the reaction in the State of Washington in spite of the noble right of the Senators from Washington is that they do not want the SST. I have here a petition signed by 300 people from the State of Washington.

I ask unanimous consent that this survey and the Washington State petition be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATION RESPONDS TO THE ADVOCATES ON THE SST

In response to the nationwide public television broadcast debating the question, "Should Congress Provide Funds to Develop an American Supersonic Transport," the Advocates heard from 4323 individuals from 46 states. Of the people writing in: 14 percent favored building an SST, 86 percent were opposed.

During the October 26 broadcast Assistant Secretary of Transportation Paul Cherington, Pan Am President Najeeb Halaby, and CAB Chairman Secor Browne as witnesses in favor of an American SST, while Prof. William Baxter of Stanford University, formerly of the FAA, and Prof. Lester Lane of Carnegie-Bellon University spoke for the opposition. Senator Frank E. Moss, as yet uncommitted, was the principal guest to whom the arguments were addressed.

The Advocates, a new, live, Sunday evening public affairs television series (10:00 p.m. EST), seeks to bring people into politics. Each week arguments are heard on both sides of an important "decidable question." At the end of each broadcast, viewers are encouraged to act on the question. The Advocates' staff has undertaken to tabulate views received and pass them on to the respondents' elected officials. The Advocates, as a program, takes no position on any issue debated.

The following is a detailed breakdown of the mail response to our SST broadcast:

State	Pro	Con	Total
Alabama	7	7	14
Arizona	14	70	84
Arkansas		2	2
California	84	784	868
Colorado	8	43	50
Connecticut	6	30	36
Delaware	5	7	12
Florida	18	143	161
Georgia	1	15	16
Illinois	26	249	275
Indiana		15	15
Iowa	3	26	29
Kansas	1		1
Kentucky	2	14	16
Louisiana	4	10	14
Maine	2	22	24
Maryland	23	47	70
Massachusetts	125	248	373
Michigan	11	50	61
Minnesota	3	110	113
Mississippi	3	3	6
Missouri	5	37	42
Nebraska	1	44	45
Nevada	4	6	10
New Hampshire	1	16	17
New Jersey	11	90	101
New Mexico	4	13	17
New York	45	549	594
North Carolina	6	17	23
North Dakota		7	7
Ohio	11	93	104
Oklahoma	8	41	49
Oregon	15	148	163
Pennsylvania	30	184	214
Rhode Island	4	12	16
South Carolina		7	7
South Dakota	2	12	14
Tennessee	4	27	31
Texas	11	52	63
Utah	1	26	27
Vermont	1	4	5
Virginia	12	17	29
Washington	52	81	133
West Virginia	1	8	9
Wisconsin	10	196	206
Wyoming		7	7
Washington, D.C.	12	16	28
Unknown	24	98	122

CITIZENS LEAGUE AGAINST THE SONIC BOOM,
Cambridge, Mass. December 11, 1969.

DEAR SENATOR PROXMIRE: Will the enclosed letter from Seattle and 364 signatures on a STOP THE SST petition (also from that Boeing region) be helpful to you in your all-out fight?

(Note the editorial from the *UN. of Washington* DAILY . . . entitled the SST).

Dr. Shurcliff is out of town at the moment, and will find and read your Dec. 8th letter when he returns.

Sincerely,

SARAH S. INGELFINGER.

SEATTLE, WASH.,
December 5, 1969.

Dr. WILLIAM A. SHURCLIFF,
Citizens' League Against the Sonic Boom, Cambridge, Mass.

DEAR DR. WILLIAM A. SHURCLIFF: Please find the enclosed a petition to halt development of the SST for use in your campaign. This petition was circulated at the Environmental Learn-In Fair held November 25 on the University of Washington campus because I felt that Seattle residents who oppose the SST should have an opportunity to express their feelings, particularly since many local and state government officials and leaders, including Mayor Wes Uhlman, Representative Brock Adams, and Senators Warren Magnuson and Henry Jackson, seem to assume that their constituents will automatically favor construction of the SST as a boon to the economy of the Puget Sound region.

As you can see, the petition has 364 signers, 296 of whom are residents of the state of Washington. These signatures were obtained in the course of a single day.

I am also enclosing a copy of an editorial opposing the SST which recently appeared in the University of Washington DAILY.

I hope these provide sufficient evidence that not everyone in the Pudget Sound area, which stands to gain the most economically from the SST, is in favor of the project.

Best of luck in your efforts.

Sincerely yours,

JOHN LANDAHL,
Ecology Action of Puget Sound.

[From the University of Washington Daily, Nov. 20, 1969]

THE SST

This state's senators and representatives, local business figures and Seattle's two newspapers have been enthusiastic the last few days over the probable passage of the Nixon administration's appropriation for the Supersonic Transport plane (SST).

This is not surprising, as the Boeing Company is one of two prime contractors on the project. The SST is expected to create many new jobs in the area and give Boeing a much needed economic boost.

But there is another aspect to the SST question.

Nixon's request for an additional $662 million (the Kennedy and Johnson administrations had already spent some $500 million) followed by only a few weeks an "economy drive" by the administration in such areas as education, welfare, housing, and health.

Pleading poverty, the administration ordered cuts in all domestic programs. School aid was cut, as was assistance to libraries, housing, medical research, college construction.

The SST venture also represents a new relationship between the government and industry. In a speech to the National Space Club, Air Force Maj. Gen. J. C. Maxwell, director of the SST project of the Federal Aviation Agency, said, "What makes our SST program unique is that the government is, perhaps for the first time, acting in what the classical economists call the role of the entrepreneur. The government is organizing the undertaking and assuming risks in the expectation of getting its money back and sharing in profits should they be significant."

The government is paying nearly all of the initial costs of the SST. Of the $1.51 billion needed for initial research and development, the federal government will be paying $1.29 billion, 90 per cent of the total. The remaining 10 per cent will be paid by the aircraft manufacturers—principally Boeing and General Electric—and the airline companies.

Actually, the 10 per cent will be smaller, since the aircraft manufacturers can deduct

it from their income tax and the airlines, principal beneficiaries of the project, can deduct payments under special tax breaks.

The Nixon SST program can be best called corporate welfare, welfare for the rich. For in effect the U.S. government is giving Boeing an interest free loan for $1.5 billion.

Supposedly, the government will receive royalties on each plane Boeing sells starting with plane 101. According to its figures, the government will get back its initial investment after 300 planes are sold. But there's a further catch.

Boeing may not be able to sell 300 SST planes. Federal laws prohibiting the SST from flying over the continental U.S. (because of sonic booms) are a strong possibility. This has already had an effect on the market for the SST.

In the last years of the Johnson administration a blue ribbon committee, headed by Secretary of Defense Robert McNamara, concluded that it would be a mistake to build the giant plane. A study by the U.S. Treasury showed little confidence in the economics of the SST and likened the project to "wild-cat oil-drilling venture."

These factors make it unlikely that the $1.5 billion interest free loan will ever be paid in full. If this is the case, the taxpayer will have to pick up the tab. If the market predictions for the SST have been over-optimistic, if an airline is unable to meet its payments or if Boeing gets into financial trouble, then the taxpayer will also pay the bill. There's one more catch.

The total cost of the SST before one airplane is built will be some $4–5 billion. The $1.5 billion is only for research and development. Boeing is supposed to raise the additional $2.5–$3.5 billion for production facilities, equipment and raw materials. That figure is many times the Boeing Company's assets and most likely the government will have to help raise the additional money.

As the situation stands now the Nixon administration has taken money from much-needed domestic programs in order to help a single corporation build an airplane which is of doubtful commercial value.

Indeed, the SST program will create more jobs, but just as many jobs would be created if the Nixon administration would spend the same amount on much needed housing, health care facilities and public transportation in the Seattle area.

But, the government can't do that. That would be welfare and that's not good, unless it's welfare for giant corporations.

STOP THE SST

We hereby state our opposition to the development and operation of the SST on the grounds that such an aircraft will create intolerable noise pollution (thereby endangering our mental and physical health), pollute the upper atmosphere with combustion products (which threaten to alter global weather patterns), and hasten the exhaustion of our already-depleted supplies of aviation-grade kerosene (because the SST will burn 40% more fuel per passenger-mile than conventional jet airliners), while aggravating rather than reducing our nation's airport congestion and ground transportation problems.

To avoid any adverse effects on the economy of Seattle, we suggest that Boeing be given the money saved by not building the SST to use to develop means of controlling technology and solving urban and environmental problems (such as transportation problems).

William J. Berngen, Paul Waggoner, Christine M. Grubb, Karen Wipried, J. A. Wagan, Khesroal Salime, Janvaor Neil, Frederick L. Campbell, Fred H. Pallod.

Peggy Groth, Victor A. Nelson, Helen E. Maneao, Allison J. Fowler, Julie Perkins, Gary S. Salagaws, Bruce A. Menge, Edward O. Guenard, Jr., Scott Keesling, Arnie Gooder, Bryon Fiyita.

Gert Gruenwoldt, Deborah Seymour, George E. Rennar, Daniel M. Warner, John Z. Landahl, Richard J. Thomas, Dave Miller, Ron Tachell, Edith Walden, John Mallon.

Fred Dables, Larry Porter, Fannie Canall, Carolyn Raleigh, Steve Rowland, Paul Nelsen, Tom Larsen, Charles E. Ross, John B. Caskey, Jack Atulxon.

Fedel Rorend, Deborah Ashby, Tom Hinckley, Dern A. DiRosa, G. Edward Quimby, Chrystal Brand, Wendy Wasnor, Barbara Garner, John T. Gaspurach, Jeff Hurlow.

Evet L. Gaydin, Mark F. Gailrock, George T. Ulberg, J. R. Henrve, Tana Quigley, Paul Leirten, John R. Dick, Raull T. Williams, Ronald K. Sipherd, Francie Symond.

Michael M. Morton, Bob Corpuz, Sidney Sherbon, Woodruff Benson, Kent Daniels, Patricia Cole, Tim Gaby, James L. Skutz, Bob Towner, Malcolm Taran.

Margaret Pelz, Bob Clifford, Robert Koski, Sue Pickard, Elizabeth V. Rietson, Mary S. Hartsborn, Joanne H. Williams, William E. Mitchell, Georgette M. Michks, Michael N. Dole, Frank E. Brown.

James Russell, Gene P. Wood, Steve Hudjiak, Ann Gilbert, Maria Bold, Katherine Arnold, Ralph D. White, Okie Cooley, Earl Bennett, Wayne Weiss.

Gary Schwartz, David Loring, Daniel Karpen, M. Raberry, Carolyn Platt, Peggy Duban, Philip Johnson, Doug Jawbrum, David McMustrie, Richard Registry, Jr.

Jerry Wetzel, Sherry Ford, Jonathan Gaye, William C. Taylor, Dennis Clark, Mike Duroveckie, Jan Moline, Jane Wickman, Ben Waxler, J. S. Bradshaw, David Staffings.

Rev. R. Kenneth Sethway, Dawn Dovtrich, Linda Anderson, Dennis Shanhan, Scott Breen, Lesley Keaton, Virginia Jorgensen, Richard L. Messinger, Gayle Countryman, Mary L. Davis.

Judith Cousineau, Richard Brinkman, Anne Saperstein, Kristie Fleiders, Christina Kahn, Ric Cocke, Arthur K. Krautz, Ronald E. Gill, Rojas Kane, Evan C. Brown.

John Kupersmith, Richard Sharp, Don Newman, Vonda Schellsberg, Michael Mandealte, Wanda Braithwaite, Barbara Heinrich, Keith Sauer, James B. Callis, Charles Phistan, Garland Bellamy.

Debbie Fisher, Susan P. Shenn, Louise A. Dunlop, Pat Kielberg, Patty Sims, George Fenk, John S. Schultz, Milane Sutinen, Cosandra Appuari, Jeff Yuser.

Meryl Gonnasor, Robert Bydyl, John J. Russell, William Nim, David G. Colewell Jr., Richard A. Croley, James H. Banker, Kathy Husbaud, Thomas Allison, Patty West.

Robert O. Myler, Bruce Palmer, Rochelle Brisots, Kenneth A. Kishputnik, Willard Sohniodas, Marty Hedman, W. J. Van Folken, Andrea Hammond, Jack A. Dalon, Scott E. Warren.

Shirley Entwistle, Mike Entwistle, Doug Dipple, Janet Dipple, Arthur C. Achitt, Frank V. Westerlund, Karen Heintz, Barb Clements, Pia Lonbardo, Juanita Collins.

Gregory L. Branch, Mike McMossengle, Homer E. Spruce, Richard M. Arout, Jim Williams, Rachel Martin, Neil C. Johannsen, Susan G. Meyers, Barbara Whitson, Joan Reid.

Richard D. Conway, Robert A. Mowrey, Holly Worten, Greg Albertson, Peter Tromp, James P. Wimbish, Tim Herron, Brian Daverki, Charles L. Smith, Suzanne Smith.

Martin Haggland, Michael S. Johnson, Peggy Heironimus, Richard N. Carter, Mary Paramore, Susan Swenson, Dauna Koval, Elizabeth J. Perry, Mercer J. Lindemaier, Richard A. Hunter.

Deborah Gage Halsey, B. Ronald Frost, Kerry J. Acher, Pamela Roe, Valerie Brackett, Ralph M. Becker, Susan E. Burnett, Elzelvia J. Callis, Ralph Hagerd, Harold Strong.

Koon Woon, Mike Peiffer, Susan Baer, Larry Murphy, Blair Knudsen, Kristin Nicholls, Peter Nicholls, Larry DeCalla, Joanne Hedland.

Joyce Micell, Richard Smith, Melissa Gorman, E. R. Thorson, Constance Miller, Gene T. Arnold, J. L. Goltz, B. Phillips, Mary Louise Crosby, Dave Haiann.

Charlotte Fox, Jeffrey Wilson, H. S. Sandstone, Glen Oliver, Jacque Beechel, Floyd Nance, Karen Ranheim, Jane Melton, Jeffrey J. Casey, Merryl Casey.

Earl L. Montgomery, Stephen Adams, Richard C. Armstrong, Frederick J. Neumeyer, Lawrence H. Mattes, Philip E. Haley, William E. Hallren, Kim Lazare, Peter Barnes, Lawrence Stone.

Sue R. Samson, Lorin Macke, Slangve Bayless, Bill Rubin, Carolyn A. Marble, James A. Booze, Mike Russell, Mark Tilton, Gail Irvine, James V. Mohalt.

Michael Brunson, Lawrence E. Goss, Jr., Hazel Wolf, William Bergson, Greg Cox, Jacque Yetter, Sandra M. Frost, Frank D. Moore, Florence D. Kent, David L. Kent.

Janine Clock, Thomas R. Eaton, Carol Eaton, Rachel Evans, John Stater, Robin T. Wallis, Jerome Parker, Nancy Allen, Maurice E. DeVois, Dan Smith.

Dennis E. Pitman, Beth Stevenson, Digne B. de Lorez, Jane Goldsworthy, Barbara Shaw, Wendy Klee, Leann Schneider, Sandy Brown, Mike Fried, Michael Toner.

Darlyn Rundberg, Mina Oisianalec, Robert French, Victor A. Williams, Dwight Lee, Donna Anderson, Donna M. Gordon, Daniel E. Parthlen, Martin Passionore, James Knudson.

J. Ladington, Kathy Franz, Phyllis J. Senter, Brian, Backus, William Mackey, Roger Almsham, Patty Chatburn, Robert J. Morgan, Bob Pyle, Mona Hidwall.

Tom Benson, John Alcock, Elsie Ehlers, Olga Gull, Kim Gill, Tom Matterson, William W. Restow, Susan M. Williams, Jill Rutherford, Ivan M. Brown, III.

Michael L. LaPlatney, Lucretta A. Chadwick, JoAnne Pife, Janet Randall, Janet E. Edbaugh, Dennis Des Chene, Dennis R. Paulson, Patricia Brooks, A. A. Cunningham, Mary Lynn Paulson.

Douglas W. Potte, Sharon M. Potter, Elizabeth Morrison, Susan C. Palmer, Alan W. Ginsberg, Pauline T. Dyer, William G. Clark, Casey Cannody, Edward R. Dougherty.

Edward T. Mossman, Jerry Katz, Charles B. Jones, Jr., John Troberg, Mr. & Mrs. E. T. Toy, Clare Bucher, David Thomson, Richard M. Emery, Elizabeth Clark, Laura Wright, Laura Stanley, John G. Moore.

Mr. PROXMIRE. Now, Mr. President, I would like to conclude by pointing out that this is the first time we have had a debate on the SST after a panel of experts has been appointed by the President to make recommendations with regard to the problems involved in connection with the SST.

I submit those recommendations are overwhelmingly against our further funding this project and for this amendment. The experts conclude the SST would not help but hurt our balance of payments; that it would be uneconomical. They found that under the contract the Government would probably lose and the Boeing Co. and General Electric would get even if only 239 or 250 planes were produced. They found that the atmosphere can be and will be polluted, in addition to the sonic boom. They found it would not give us additional prestige.

Mr. President, I conclude by saying, as the distinguished Senator from Arkansas concluded, that what this really comes down to is a matter of priorities. Where should we spend the taxpayer's money? We know there has been a taxpayer revolt in this country and there is great concern about waste in Government.

At a time when we are trying to hold down spending, for us to go ahead with a $1.285 billion project, the benefit of which would be only to the people who fly overseas in order to save a few hours, would be an unfortunate and tragic waste.

If the Senator from Mississippi is prepared to yield back his time, so am I.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Montana.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, December 16, 1969, be approved.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that later this evening there may be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT FOR H.R. 9366 TO LIE ON THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 9366, an act to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office, and for other purposes be permitted to lie on the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. The pending question is the amendment of the Senator from Wisconsin to strike from the bill $80 million for the SST. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. This is a direct vote for or against the amendment.

The PRESIDING OFFICER. Up and down. A vote "yea" would strike it from the bill.

Mr. TOWER. Mr. President, I urge Senators to leave in tact in the appropriations for the Department of Transportation funds marked for further development of the supersonic transport plane.

Congress first appropriated money for development of the SST some 8 years ago. To date $623 million has been appropriated for the project. We are at a watershed point now with an expenditure of $662 million necessary to see the project through to fruition. By continuing now, we will be able to demonstrate the SST in its first flight sometime toward the end of 1972, just 3 short years from now. Construction of two prototypes is scheduled to begin in 1970.

If we fail to appropriate funds sufficient to support the project we risk abdicating the market to our competitors: the British and the French, with their Concorde. The impact on our balance of payments would be adverse and substantial. On the other hand, if we provide the funds requested by President Nixon, the airlines of the world will be able to place their orders with an American firm and expect delivery sometime in 1978. Our competitors already enjoy a 4-year lead and to delay further would be to forfeit the market with an estimated minimum potential of $25 billion by 1990. I am informed that American producers hope to hold their foreign competitors to sales of about $5 billion of that market.

I think it should be kept in mind that while the use of Government funds is required simply because of the sheer size of the undertaking, this is not a grant situation whereby the Government is not reimbursed. By delivery of the 300th SST, the Government will have been repaid in full and it will continue to receive royalties on each SST delivered. Depending on sales this will amount to between $1 billion and $3 billion of added revenues flowing into the Treasury. By way of comparison, to date there has been an initial order of 122 SST's by the world's airlines.

Initially, I had some questions, which I think were shared by some Senators, concerning how perfectly the SST would integrate into present traffic patterns, how great would be the demands made on our pre-SST airports, how competitive fares would be on the SST versus the 747's. Evidence that has been presented to me has removed any initial doubts I may have had.

I have heard evidence presented that the SST can be integrated into any traffic control pattern existant now or which may be developed in the future. The total operating costs of the SST will be completely competitive with operating costs of the 747—making it possible to have identical fare schedules on both types of flights, if that is deemed advisable at the time they are put in operation.

Furthermore, as my colleagues are well aware, air traffic congestion for flights between domestic points, is at its zenith evenings between the hours of 5 and 7 o'clock. This happens to coincide with the optimum hour of departure for most Europe-bound flights for over-night service. With the new supersonic transports cutting travel time between east coast and European points to, roughly, 2 hours there will not need to be the customary evening jam-up and the conflict between embarkations for domestic and foreign points. The SST will allow travelers to depart virtually at any time throughout the day.

Mr. President, we have a sizable commitment in the SST program. We are at the halfway point on this project, and I believe it to be a worthwhile project. I shall support the project by my vote here today.

Mr. SPONG. Mr. President, on the basis of an extensive review of the findings of the administration's SST Ad Hoc Review Committee, I have concluded that I cannot support continued appropriations for the development of a supersonic transport.

Misgivings over continued SST development are expressed throughout the report of the President's committee. The views expressed in the report effectively answer the argument in support of the program.

The report casts serious doubt on the contention that the SST would have a favorable impact on our balance of payments. In addition, it asserts that the sonic boom from the aircraft is likely to be considered intolerable by a high percentage of the people affected. While supersonic flight over the continenal United States is not contemplated at the present time, the committee expressed concern over pressures which might be exerted if it is found that the economic success of the aircraft is dependent upon overland flights at supersonic speeds.

The reports suggests there would be only minimum beneficial side benefits, described as technological fallout, from SST development. The committee panel which investigated that aspect of the program said:

> We believe technological fallout to be of relatively minor importance in this program and therefore should not be considered either wholly or in part as a basis for justifying the program.

A representative of the Department of Labor who served as a member of the committee commented that the net employment increase from SST production would likely be negligible. Significantly, he said any increase in employment—

> Would occur in the professional and technical categories where shortages already exist. The project would have practically no employment benefits for the disadvantaged hard-core unemployed with low skill levels.

The airlines themselves, who have contributed many millions of dollars to support SST research and development, now seem unwilling to venture any additional risk capital on the program. Their skepticism is based on the apprehension that they would have to charge premium fares for SST travel, that the final cost per aircraft will range in the $40 to $50 million bracket, that flights will be restricted to overwater operations, and that the aircraft could not meet existing or proposed airport noise criteria.

Mr. President, a nation which has landed four men on the moon need have no fear of losing its prestigious position as the world's leader in aviation. The sole advantage of the SST is speed. In my view, the disadvantages of continued development at this time far outweigh the justification advanced by the administration.

Accordingly, I support the amendment of the Senator from Wisconsin (Mr. PROXMIRE) to delete the $80 million recommended by the Appropriations Com-

mittee for SST development in fiscal 1970. I hope the amendment will be adopted.

Mr. McINTYRE. Mr. President, at a time when we hear discussion of national priorities, I am especially aware that too many worthwhile programs compete against one another for Government funds. In all too many cases, the choice of which one gets the money is based on traditional vested interests rather than true national need.

This is especially true in the area of military spending, where I think we are finally coming to grips with the problem and beginning to evaluate these programs reasonably. I have been particularly active in this area, making a special effort in my capacity as a member of the Senate Armed Services Committee, and the chairman of its Research and Development Subcommittee, to scrutinize the military budget to make sure that the money we spend on military programs is absolutely necessary.

At the same time, I think it is important to note the crucial difference between SST and military programs. The SST is truly a peaceful enterprise which can have a beneficial effect on the Nation in several ways.

It will help solve our balance-of-payments problem. If we build the SST, we will be able to save $6 billion in what our airlines would be forced to spend on buying supersonic aircraft overseas. In addition, through the sale of our SST overseas, we would earn more than $11 billion on the credit side of our balance of payments. The program will provide more than 50,000 direct jobs to American workers and, indirectly, in excess of 150,000 jobs.

While the British-French combine and the Russian airplanes are fully subsidized by their governments, U.S. Government participation in the American program is in the form of a loan. As the aircraft are produced, royalties will be paid to our Government so that when 300 planes are sold, the government will have all of its money back; and when 500 planes are sold, the Government will earn about $1.1 billion on its investment. It is estimated that there is a minimum demand for at least 500 of these planes for use in supersonic overseas flights and subsonic flights over land. While this is going on, the economic activity generated will produce close to $7 billion in State, local, and Federal taxes.

Perhaps the most compelling argument for going ahead with the program—which has been approved by three successive Presidents—is that the market for aircraft could well be lost to American industry and workers if we do not proceed. The British-French and the Russian planes are well advanced and will be flying in the very near future. If we don't meet the competition, we could lose our markets in areas, where we have been preeminent for many years.

While I am critically aware of the need to assign our national priorities and have taken a very searching view of the military budget, I have to conclude that, in view of the above cited considerations, we would be extremely short-sighted if we dropped this program in midstream. We will lose the many benefits it holds for our economic and employment picture.

Mr. METCALF. Mr. President, we are considering the SST appropriation today. We are again being asked to approve a very sizable appropriation—this year it is $80 million for an undertaking whose merits have been severely criticized by scientists, economists, and top Government officials. At every stage of its development, the wisdom of proceeding with this gigantic commitment of governmental resources—amounting to at least $4 billion before the plane is commercially viable—has been questioned. Yet we proceed mindlessly on, committing ourselves to a program which presents grave technological problems which according to the Council of Economic Advisers probably cause an adverse impact on our balance of payments, whose financial projections shift constantly from from year to year, and which will benefit a handful of people compared to those who will share the burden of its expense, discomfort, annoyance, and further invasion of their peace and quiet.

One can only wonder why we persist in the face of all the very substantive objections which have been raised to this project. If it is "for the prestige of the United States," that is a shibboleth I, for one, would like to dispose of once and for all: in a report to the President's SST Ad Hoc Review Committee the State Department stated in no uncertain terms that "it would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of U.S. prestige, or the like." If the worldwide prestige of this country is going to turn on the technical gadgetry of the SST then we and indeed the world, have lost our way in the wilderness.

In defending the SST, its advocates always invoke "the idea of progress." "One cannot turn back the clock," they assert pragmatically, while all doubters are likened to foes of the industrial revolution. I think it is time that this argument was met squarely, and raise some fundamental questions as to the direction of our technological development and the attitude and standards with which we evaluate such development.

At this point, I would just like to say a word about an organization which supplied much of the technical material to which I will be referring. The Environmental Defense Fund is an organization, composed of scientists and lawyers, which is devoted to protecting our environment from deterioration and degradation through active participation in the legal process. EDF has managed to put together a working alliance of scientists who are deeply concerned with and sensitive to environmental problems and environmental lawyers who translate those scientific concerns into effective theories. The field in which EDF has done the most effective job, although one that is not yet completed, is in achieving rationale control over pesticides.

Basically, what we are discussing in the SST controversy, is the impact of technology on man's environment. And we are slowly coming to realize—perhaps too slowly for our own survival—that this planet's environment is truly a seamless web in which the effects of any one dislocation or disruption are felt, ultimately, throughout the whole. This realization is perhaps just another variant of what has been called the ecologic ethic: namely, that we can never do merely one thing. Every single action that we take in this technological age reverberates throughout the environment. And we can no longer fool ourselves that any single intervention in the fantastically complex system which constitutes our world's ecology can be focused exclusively on only one element of that system.

Thus, whether we are talking about a manufacturing plant which will pollute the atmosphere, or an airplane which will fly through the air at 1,800 m.p.h., we must recognize that the fruits of such technological sophistication will have a multifaceted impact on a complex ecological system.

This is not to say, by any means, that every innovation is to be rejected, or that we must search until we discover the slightest effect of every new project being contemplated. But what is necessary is a different philosophical framework for all the new machines, processes, and projects being offered by science and technology. I think we must discard what have been our presumptions in favor of "newness" and innovation. We must adopt a far more critical and searching attitude toward what is presented from what has been up to now our passive acceptance: do we really need food additives that are nonnutritive but make food last longer or look more colorful; oil drilling in hazardous areas really more efficient in terms of other damage they may do; is it necessary to spend $4 billion so that a small number of businessmen and vacationers can fly at 1,800 miles per hour—at the expense of the taxpayer.

Given the overcrowdedness of our world, the pollution of our waters, air, and countryside, and the depletion of some of our most precious natural resources, we must reverse the presumptions and put the burden of proof on those who seek to introduce new products of their technology. Every proponent of new technology must be able to prove, on the basis of thorough and extensive research, that no negative or detrimental effect will flow from the technology he is proposing. Thus, he must satisfactorily demonstrate at the outset that a given food additive will have no harmful long-term effects on humans; that a new method of undersea oil drilling will not disturb surrounding marine life, among other things; and that the 1,800 m.p.h. SST will not cause environmental effects which far outweigh any benefits to be realized.

Let us examine, in detail, the very serious environmental problems caused by the SST. To my knowledge, not a single one of them has been solved and some have not even been sufficiently explored so that we know the dimensions of the problem.

The most serious environmental problem—that we know about—associated with the SST is that of sonic boom. As one of the working panels of the President's SST Ad Hoc Review Committee understated the issue:

All available information indicates that the effects of sonic boom are such as to be considered intolerable be a very high percentage of the people affected.

The most graphic description I have seen of the concept of "sonic boom" is contained in the excellent "SST and Sonic Boom Handbook" prepared by Dr. William A. Shurcliff of Harvard who has labored to apprise the public what is involved in the SST. He describes it this way:

The sonic boom is a sudden pressure disturbance, or shockwave, in air. When an SST flies at great altitude over a house, the pressure near the house remains normal for awhile . . . As the shockwave strikes the house, the pressure increases almost instantaneously—in about 0.003 seconds—buffeting the entire house and knocking it sidewise . . . jarring everything in the house. The pressure wave actually enters the house and is reflected back and forth within each room. Within about 0.020 second the pressure decreases smoothly, and indeed becomes somewhat below normal pressure. Then, again very suddenly, the pressure rises. It rises to the normal pressure, and remains normal thereafter.

* * * * *

Because the plane is traveling at a speed faster than sound can travel in air (faster than the typical air molecules travel), the air in front of the plane does not know the plane is coming: there is no gentle advance pressure to signal its approach. Even when the plane has advanced to within one-half inch of a given bit of air, this air does not know the plane is approaching, and remains motionless. Then, suddenly, the plane arrives: this air must move out of the way in a few millionths of a second. Its motion is extremely energetic; enormous local compression and heating occur; and a highly energetic shockwave spreads out in a cone behind the advancing plane. The energy in the shockwave from the plane as a whole is enormous; the power radiating outward in this wave amounts to approximately 10,000 to 50,000 horsepower, comparable to the power requirement of an ocean liner such as the Queen Elizabeth II.

This shockwave travels far, jolting everything it strikes. It continually spreads outward, always with the SST at the apex. The cone is invisible, is constantly and rapidly spreading, and has a diameter of about 40 to 60 miles before it becomes spread so far that the pressure rise is no longer significant.

What does this mean to the American public? It means that when the SST and the Concorde are fully operational, about 65 million people in the United States would be exposed to an average of 10 sonic booms per day—26 million people receiving 10 to 50 booms, and 39 million receiving 1 to 9 booms. The reason for this is that the area struck by sonic booms is not confined to the region directly below the flight path of the plane but rather that it extends to about 25 miles on either side, and this 50-mile area is called the sonic boom carpet.

I am not sure that anyone can describe a sonic boom, because the intensity and so-called "startle effect" can simply not be simulated. However, the loud, sudden sound, which characteristically makes everyone jump in reaction, has been compared to a present-day, four-engined turbofan jet at an altitude of about 200 feet during approach to landing or at 500 feet with takeoff power, or the noise from a truck at maximum highway speed at a distance of about 30 feet. If you have ever tried to sleep in a motel several hundred feet from a busy highway, and multiply that annoyance severalfold coupled with the abrupt suddennness, you may get some idea of what a sonic boom is like. Dr. Kryter of Stanford, in an article published in Science has, based upon testing predicted that 25 percent of the people subjected to sonic booms would resort to other than legal means of redress.

Among the adverse physiological reactions caused by booms are: increased heart rate, secretion of gastric fluids, irritability and excitability, glandular trouble, and "chronic noise syndrome." Moreover, studies at the State University of New York have shown that repeated random and unpredictable noises produce irritation, frustration, and dramatic declines in work efficiency even after stopping of the noise.

A few limited, and much criticized, studies have been conducted among test population. The conclusions, as summarized by the report of the Special Study Group on Noise and Sonic Boom in Relation to Man, of the Secretary of the Interior, are, and I quote:

Extensive research at Edwards Air Force Base, Oklahoma City, and in France, shows that, even after some years of continued exposure to sonic booms, 30% of the people exposed to booms at levels anticipated for the SST would find the booms to be "intolerable" or "unacceptable" and an additional 50% would find them "objectionable".

In addition to the above, there have been other disasters which could not be compensated in money. In 1966, a boom from an Air Force plane struck the Canyon de Chelly National Monument in Arizona, loosened an estimated 80 tons of rock which fell on ancient Indian cliff-dwellings and caused irreparable damage. In France, there has been serious damage to many historic chateaux, basilicas, and stained glass windows which dated back hundreds of years: masonry was cracking and collapsing; stained glass windows were breaking and loosening or bending outward from their sashes; and in several instances roof covering materials were blown away.

While it is very difficult to estimate what amount of damages would be caused by regularly scheduled commercial SST flights, some very rough estimates have been made. The Department of the Interior's study concluded that the damage might exceed $80,000,000 per year, and Senator Proxmire has previously given a figure of $3,000,000 per day.

Much of the defense given by SST proponents to the sonic boom problem—for which admittedly there is no satisfactory technological solution yet—is that FAA constantly assures us there will be no overland flights of SST. Frankly, I cannot accept this answer. At best, it is completely unrealistic and naively underestimates the incredible economic pressures which will be exerted to extend the SST's operations to overland flights. From every recent economic analysis I have seen, and they are not all totally consistent, the SST will have serious financing problems even after the prototypes are constructed. Obviously, restriction of SST to flights will greatly reduce the potential markets to be served, will reduce if not wipe out any operating profits, and will also eliminate government recoupment of its investment through royalties. Thus, pressure will come from economy-minded officials as well as profit-oriented businesses to extend the SST's routes. And who at that point in the 1970's will be exerting pressure on behalf of the beleagured citizens who will have to be suffering through sonic booms every day in a world grown ever noisier? If we cannot now, at this early stage, when there has been a "minimal" investment in this plane, successfully press our case demonstrating the horrors of the boom, do we really think we'll do any better after an investment of several billions?

While I wish to discuss certain other environmental problems, I have purposely put so much emphasis on the boom because that, more than any of the other difficulties posed by the SST, seems to symbolize the truly terrifying assault which modern technology is making on man and his environment. To never escape from the constant cacophony of everyday life—to be deprived of the serene joy of total silence—that is a form of psychological punishment and invasion of individual privacy far more fearsome than "loss of prestige" or refusal to accept "progress at any cost."

The radiation hazard on SST flights is estimated to be approximately 100 times greater than on ground level. Ionization from cosmic radiation is at a maximum at the very 60,000- to 80,000-foot altitudes where the SST will cruise. Because the skin of an airplane is not a protection against ionization from cosmic radiation, rather it is just the reverse since the plane causes multiplication of the damaging particles by the process of shower production, the radiation levels within the SST cabin will be very high. At cruising altitudes, the radiation levels have been set at 1 or 2 millirems per hour, whereas the usual limit on dose allowed to the public is 500 millirems in an entire year. Moreover, as one of the working panels of the President's SST Ad Hoc Review Committee pointed out: a flight crew exposed for 600 hours annually will accumulate 0.85 rem from this source alone; when this value is compared with the maximum permissible dose of 0.5 rem for the general public, the question arises whether SST crews should be placed in the category of radiation workers and kept under surveillance. Several years ago, the Chief of the FAA Aeromedical Applications Division indicated that SST crews would run the risk of shortening their lifespan 5 to 10 percent because of radiation exposure, a particular hazard for pregnant women, expecially during the first few weeks of their pregnancy when it is often not yet discovered. With the ever-increasing levels of radiation in our atmosphere, should we now be developing a plane which will subject passengers, and especially crew, to significantly increased radiation exposure?

Another environmental problem raised by the SST, and one on which we have woefully inadequate data is the effect of water vapor in the stratosphere. It is acknowledged that widescale commercial

use of supersonic transports will release great quantities of water vapor into the atmosphere. One estimate of the results of this situation is that with 300 SST's operating over the United States and North Atlantic flying as low as 60,000 feet, which is possible for the SST, the tails of the continual contrails might produce a 100-percent cloud cover in certain areas.

Apart from the issue of cloud cover, the release of so much water vapor could significantly increase the relative humidity of the stratosphere. Both these effects, in turn, could affect the general circulation of atmospheric components, including dispersion of pollutants from SST engine discharges as well as higher levels of contamination from the ordinary run of local pollutants.

The final serious environmental factor which must be considered in weighing the utility of the SST is the very great problem of airport noise—as distinct from sonic boom. There is general acknowledgement of the fact that the engine noise of SST's at takeoff and landing will be far louder than from any other commercial planes, except the Boeing 707.

Thus according to estimates provided by the FAA itself, a community directly under the flight path of the SST will be assaulted with noise of 111 PNdB—perceived noise in decibels—on takeoff and 109 PNdB on landing. To give some standard of comparison, aircraft noise in the vicinity of 100 PNdB is considered unacceptable in the areas surrounding metropolitan airports. A noise level of 100 PNdB is the approximate noise level 50 feet from trucks or motorcycles at maximum highway speed or in the course of acceleration, or 200 feet from a diesel train going 30 to 50 miles per hour. Moreover, Professor Karl D. Kryter, of the Stanford Research Institute, a worldwide authority on noise and sonic booms, has pointed out that "after an initial adjustment, a person becomes less, rather than more, tolerant of continued exposure to aircraft noise."

Intense noise, over a prolonged period of time, can have all sorts of detrimental physical and physiological effects. In addition to permanent hearing loss, bodily fatigue, irritability and nervousness, reduction in job efficiency because of disruption and interference, there may be adverse effects upon other organic, sensory and physiologic functions. And in the simplest of human terms—why are we going to subject our citizens to this kind of environmental harassment, especially when just last year this Congress passed legislation requiring FAA to set acceptable noise limits for airport noise? This question is particularly relevant in light of the fact that there seems to be no technological solution to the airport noise problem. The pallid answer offered by one of the President's Review Committee Working Panels is that "land use planning in the vicinity of airports is the only satisfactory solution to this problem." This is no more than an admission of defeat, and is not going to bring much satisfaction to the many, many thousands living and working in the vicinity of airports whose land use has not been programed into the existence of SST travel.

Again, let me return to the basic issue presented to us: are we going to adopt an extraordinary costly new program—one of extremely doubtful commercial and international necessity—when the proponents of that program have completely failed to carry their burden of proving its harmlessness, of proving that its many so-called "side-effects" will not cause extensive damage and discomfort to Americans, and of proving that its operation will not bring about all sorts of unknown dislocations in our cloud cover and atmosphere. Only after these questions have been answered fully and affirmatively should we consider going ahead with this program and examining whether, in the scheme of urgent priorities facing this Nation, a $4 billion commitment for international travel can be morally justified.

Mr. CANNON. Mr. President, I must agree with Representative CONTE'S statement when he commented on President Nixon's Ad Hoc Review Committee's report on the SST. He said:

If I had stopped my research there, I would have come out against the SST.

I must emphasize that the President not only named this committee, but also overruled it, and for many very good reasons.

As a start, it was written before any of the presently flying SST's had gotten off the ground. I believe the ad hoc committee did not believe the Concorde would be commercially viable. I think it, as well as the Russian SST, will be viable.

I understand that most, if not all, of us recently received a letter setting out detracting statements from members of the committee that at first blush would make it appear rather foolish to go ahead with this aircraft.

Let us consider some of these statements.

The Council of Economic Advisers:

We do not believe that our prestige abroad will be enhanced by a concentration on white elephants . . . our recommendation, therefore, is that no funds for prototype construction be included in the 1970 budget.

I would define a white elephant as something of little value or use. Without belaboring this statement, airlines who concede that the Concorde and the TU-144 are economically inferior to the U.S. SST advise they must purchase and operate these aircraft in order to meet competition.

The Department of Labor:

No clear case can be made on economic grounds for proceeding with the SST development.

The complete sentence this is taken from reads:

The range of uncertainty with respect to the economic benefits from the SST is such that no clear case can be made on economic grounds for proceeding with the SST development.

The Department of Labor ended its letter by recommending that available funds be applied to "further refinement of the economic and market studies."

I think that translates into something like: "We do not have enough information to make a judgment."

Further, there can be anywhere from 50,000 to 100,000 jobs from this joint Government-business venture. The Labor Department is afraid these will all be concentrated in professional, managerial and skilled occupations.

Mr. President, there will be those kind of jobs in the program, but lots of others, too. When the so-called "multiplier effects" results in around 100,000 jobs, they will include substantial numbers of semiskilled and unskilled workers.

The Department of Interior:

The justification for proceeding with the program is not now apparent.

In the same paragraph that includes the above you will find the following:

The Department of the Interior has no special capability for evaluating such matters as the technological fallout resulting from the program or its implications for balance of payments.

That is quite a statement, but it did not stop them from trying to kill the whole program.

They finally say they are worried about environmental impact of the SST and urge continuing research.

That is fine; I am for continuing research and continuing efforts in this field. In fact, we must have such efforts to survive. But let us fit the SST into this problem.

The Ad Hoc Committee worried about the effects of water vapor on climate. The National Academy of Sciences reported:

Our tentative conclusion based upon four flights per day for 400 supersonic transport airplanes is that neither additional cloudiness (contrails) nor water vapor absorption of a long-wave radiation will be sufficient to disturb appreciably either stratospheric properties or the large-scale circulations that are influenced by its thermodynamic state.

Further, you will note discharges of black smoke currently visible on the subsonics. The discharges from these new engines will be gaseous, so there will be neither atmospheric nor ground contamination.

As to the sonic boom, Secretary Volpe has stated all overland flights would be subsonic.

The Treasury Department:

We would be opposed to heavy further commitment of federal funds at this stage.

I might only add here that the Treasury Department is usually against "heavy further commitment" at any stage.

The Treasury Department discloses the basis for its concern in the same report by stating:

While we are not competent to make a technical judgment, our convictions on this score are reinforced by what appear to be substantial doubts that the Concorde will prove to be an economically viable aricraft.

They thought risks to U.S. leadership offered by the Concorde appeared small.

I will just say that two Concordes are flying, as is one Russian SST.

The Office of Science and Technology, Dr. DuBridge:

On the whole, I come out negative on the desirability for further government subsidy for the development of this plane and would suggest that the possibility be explored of turning the remainder of the development

and, of course, all of the production expenditures over to private enterprise.

This is the kind of a subsidy, if that is what it should be called, that we can stand more of. If all goes well, the Government will get its money back plus a nice profit.

On completion of the initial testing of the prototypes, which will be in 1972, the two principle contractors, Boeing and General Electric, will have more than $200 million invested in the risk part of the program plus another $170 million in plant and equipment. The airlines at the same time will have invested approximately $80 million for 122 reserve delivery positions of which almost $59 million will be at their risk. This totals $459 million.

By the completion of 100 hours of test by the prototypes the Government will have put into the venture $1,200,000,000, so at this stage we have totaled $1,659,000,000. In addition, and this figure does not show in the total, since 1958 Boeing has put in $20,000,000 of its own funds in development costs.

By contract, the Government's prototype investment should be recovered by means of royalty payments on the sale of production articles. The royalty rates are fixed to accomplish full return to the United States by the sale of 300 airplanes. Delivery of 500 airplanes in accordance with program estimates will produce royalty returns approximating $1 billion in excess of the original investment. Sales beyond 500 will, of course, provide further returns at a rate of 6 percent running for 15 years after the start of delivery. The Government also acquires some rights in that they may elect to license the design of the aircraft for second source manufacturing.

The potential dollar benefits to the United States by 1990 is estimated to reach $7.6 billion as follows: $2.2 billion through royalties on the 500 airplane program, $2.9 billion through corporate and personal income taxes and $2.5 billion through income taxes of secondary employment through the multiplier affect. The venture should also generate $1.3 billion in State and local taxes and an international balance of payment gained of $16 billion. These, of course, are estimates.

State Department:

It would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of U.S. prestige, or the like.

They are entitled to their opinion. The British, French and Russians are already buying first generation SST prototypes. Airlines of the world are committed to operate them in the mid–1970's. If the United States fails to compete for this market it would sacrifice 50 years of world leadership in this field and pay a fearsome economic penalty.

Mr. HARRIS. Mr. President, I have listened earnestly to the arguments concerning the supersonic transport.

This decision is one which cannot be made in a vacuum; it must be made with a full understanding and consideration of other matters, including the present state of the American economy and other calls upon our revenues and resources.

During the first 8 months of this year, the Consumer Price Index on meat, fish, and poultry went up almost as much as in all the previous 8 years combined. Inflation must, therefore, be a foremost consideration for each of us, and we must continue to do everything we can to hold down Government expenditures wherever possible, so as to produce a surplus in the budget which fiscal responsibility requires.

Moreover, each of us surely is increasingly conscious of the burden of responsibility each of us bears for the crying needs of this country, as for example in the fields of education and health, so basic to the future and well-being of so many Americans and of America itself.

With those considerations in mind, and having listened to this discussion very attentively, I am compelled to decide to vote for the pending amendment. The total Federal investment required for the supersonic transport, according to page 8 of the committee report, would be $1.285 billion. The pending amendment would strike this year's recommended appropriation of $80 million.

I believe that we can take another look at this matter later and make another judgment about it, considering the economy and other revenue needs at that time. Those considerations now as well as others—require support for the pending amendment, in my opinion, and I hope the amendment will be adopted.

THE SST, THE PUBLIC HEALTH, AND SONIC BOOM

Mr. NELSON. Mr. President, I support the amendment to the Department of Defense appropriation bill—H.R. 14794—proposed by the senior Senator from Wisconsin (Mr. PROXMIRE). My colleague's amendment would delete from the bill the $80 million appropriation for the development of two supersonic transport prototypes. I most heartily agree with the Senator's judgment that the public interest would be better served by delaying for at least a year, and perhaps forever, the building of an American SST.

The SST, while in supersonic flight at the altitudes now feasible and contemplated will create shockwave "carpets" at least 50 miles wide at the earth's surface along its flight path. Too little is known about the effects of these "carpets" of sonic boom on persons, animals, and property, when experienced on a recurring basis over long periods of time. Enough is known, however, to have caused even the stanchest proponents of the SST to concede that the aircraft cannot initially be operated over populated areas.

My concern, Mr. President, is that we also do not know enough about the implications of SST operations over the oceans and polar regions. What will be the effect on polar wildlife? What will be the effect on surface navigation and the health and comfort of all those who use ships?

And what will be the eventual impact on populated areas? All Senators are familiar with the pressures that build up to place considerations of economics and technology ahead of environmental quality. I profoundly mistrust the supposition that a nation which has permitted the gross degradation of its air and water quality by industrial interests will forever—or even for very long—be resolute in protecting itself from the further environmental intrusion the SST's sonic boom will present, once the aircraft are flying.

Therefore, the time to protect ourselves is now, before the aircraft are flying, before the big investments are made, before the economic interests are coalesced, and the political lobbies and mindsets are cast in concrete.

Mr. President, we should build no prototype SST until we are far more certain than anyone now can be that the environmental costs of regular supersonic flight will be bearable. We should also be sure that all the economic and social costs of the SST will be fully internalized—that is, that the fares will fully reflect all costs, including full and prompt compensation for everyone on the ground who is injured by sonic boom. The machinery for such compensation, much less the disposition to pay it, is not now in evidence.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

On this question yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRANSTON (when his name was called). On this vote I have a pair with the Senator from Hawaii (Mr. INOUYE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. RIBICOFF (when his name was called). On this vote, I have a pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. YOUNG of Ohio (when his name was called). On this vote, I have a pair with the Senator from New Mexico (Mr. ANDERSON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. SPONG (after having voted in the affirmative). On this vote, I have a pair with the Senator from South Dakota (Mr. MUNDT). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. ERVIN (when his name was called). On this vote I have a pair with the Senator from South Carolina (Mr. HOLLINGS) who, unfortunately, is confined to a hospital by illness. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. TYDINGS (when his name was called). On this vote I have a pair with the Senator from Missouri (Mr. SYMINGTON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "yea"; if I were

at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. MATHIAS (after having voted in the negative). On this vote I have a pair with the Senator from New York (Mr. GOODELL). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness and his pair has been previously announced.

The Senator from New York (Mr. GOODELL) is necessarily absent and his pair has been previously announced.

The result was announced—yeas 22, nays 58, as follows:

[No. 251 Leg.]

YEAS—22

Allen	Fulbright	McGovern
Brooke	Gore	Mondale
Burdick	Harris	Muskie
Byrd, Va.	Hart	Nelson
Case	Hartke	Proxmire
Church	Hatfield	Smith, Maine
Cook	Holland	
Eagleton	Hughes	

NAYS—58

Aiken	Gravel	Pearson
Allott	Griffin	Pell
Baker	Gurney	Percy
Bayh	Hansen	Prouty
Bellmon	Hruska	Randolph
Bennett	Jackson	Saxbe
Bible	Javits	Schweiker
Boggs	Jordan, N.C.	Scott
Byrd, W. Va.	Jordan, Idaho	Smith, Ill.
Cannon	Magnuson	Sparkman
Cotton	McClellan	Stennis
Curtis	McGee	Stevens
Dodd	McIntyre	Talmadge
Dole	Metcalf	Thurmond
Dominick	Miller	Tower
Eastland	Montoya	Williams, Del.
Ellender	Moss	Yarborough
Fannin	Murphy	Young, N. Dak.
Fong	Packwood	
Goldwater	Pastore	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—8

Cranston, for.
Ribicoff, for.
Young of Ohio, for.
Spong, for.
Ervin, for.
Tydings, for.
Mansfield, against.
Mathias, against.

NOT VOTING—12

Anderson	Inouye	Mundt
Cooper	Kennedy	Russell
Goodell	Long	Symington
Hollings	McCarthy	Williams, N.J.

So Mr. PROXMIRE's amendment was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McINTYRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, for the information of the membership, I believe that is the last amendment that will require a rollcall vote, but there are other amendments that will require short explanations, and perhaps one voice vote. Several Members have matters they want to mention.

Mr. President I yield to the Senator from West Virginia (Mr. RANDOLPH), who has a matter of concern to his committee.

Mr. President, I believe, if we may have order, we can move along better. I expect to ask for a rollcall.

Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senate will be in order. We would like to move along. The Senate is not in order. Senators will please come to order.

The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I respectfully request the Chair to bring order to the Chamber before I speak briefly.

The PRESIDING OFFICER. The Senate is not in order. Senators will please take their seats and refrain from conversation.

The Senator from West Virginia may proceed.

Mr. RANDOLPH. Mr. President, the able chairman of the subcommittee, the Senator from Mississippi (Mr. STENNIS), earlier this evening, in bringing before us matters of importance connected with appropriations for the Department of Transportation, discussed the emphasis and a very proper emphasis, on continuing the highway programs of the United States.

As we meet here this evening, there are recurring rumors, which are beyond just the category of rumors, that the administration, at least in some quarters, and possibly there will be an announcement from the White House itself, indicates it wants a cutback in the highway programs in the respective States.

Mr. President, the appropriations approach in the measure before us has been stated by its chairman in a very factual and helpful way, but because of the situation which I have just mentioned, it is important, I think, for States to realize that the proposal contained in the House passed version of H.R. 14794, to cut the fiscal 1970 fiscal year appropriations from the highway trust fund by $100 million below the estimate would be unwise.

Not only would such action seriously damage the highway program, it is uncertain that this reduction in highway spending would contribute toward anti-inflationary efforts.

It could even contribute to more inflationary pressures in the long run.

The 1970 budget estimate of $4,530,000,000 from the highway trust fund is derived from the need for money to pay for road construction which has already taken place.

The Federal Aid Highway Act of 1968 expanded the scope of our vital highway construction program, especially in the area of relocation assistance for those displaced by new roads. This enlargement, of course, made additional expenditures from the highway trust fund essential. In addition, any spending cutback now would further delay completion of the entire program.

If we are to seriously and effectively act to reverse the inflation that is weakening our economy, the need is for measures that will have an immediate and noticeable result. A reduction of $100 million in the funds available to pay bills coming due would have little, if any, immediate consequence. It would only place an added burden on the States to carry the cost of our national highway program.

In addition to the very serious economic implications of this proposal, we also should consider the impact of the resulting unemployment of construction crews and the disruption that would be felt in State highway departments where schedules and plans would have to be discarded and redrawn.

Mr. President, there are ample opportunities for cost cutting by the Federal Government. Such reductions can contribute to stopping inflation, but they should not be on a wholesale, across-the-board basis. More specifically, programs of broad significance domestically, such as those financed through the highway trust fund, must be allowed to continue functioning smoothly.

The House of Representatives has approved the $100 million highway reduction, with the belief, as expressed by the Appropriations Committee, that no serious damage would result to the construction program.

Even if this is true, there are other serious aspects. The language of the House committee report constitutes a concession by the Congress that the President has the authority to withhold money from the highway trust fund.

As I explained on December 1 in a letter to my distinguished colleague from Mississippi (Mr. STENNIS), this is a situation that concerns me, for it is in conflict with section 15 of the Federal Highway Act of 1968 expressing the sense of Congress against the impoundment of apportioned funds.

I urge the Senate to approve the action of the Committee on Appropriations which reinstated the $100 million. Condoning this cut in the highway trust fund would have set an unfortunate precedent for the future with far larger sums held back in later appropriations bills.

The Congress has made clear its opposition to the withholding of money from the highway trust fund. I am confident that it does not desire retreat from this position—a right position, Mr. President.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I have some promises out, on other amendments. Did the Senator from Indiana want to say something on this issue?

Mr. BAYH. If the Senator will permit me to compliment my committee

chairman for 1 or 2 minutes, I should like to do so.

Mr. STENNIS. I hope the Senator can be brief.

Mr. BAYH. I appreciate the Senator's permitting me to put this in the proper perspective in the RECORD.

I compliment the Senator from West Virginia. As a mere novitate member of the Public Works Committee, I have sat by his side as we have seen a previous administration attempt to manipulate highway construction, in an effort to cause some unexplainable impact on the economy.

I concur in the Senator's assessment. If he will recall, I introduced—and we ultimately obtained, in 2 weeks' time, some 52 cosponsors—a Senate resolution which I think had something to do with turning the attitude of that previous administration around, and I would concur in his advice as to the proper course when this administration comes to that point. I think his argument is valid. As to dipping into a trust fund which is assigned and paid for with every gallon of gasoline and every purchase of highway equipment, I think the Senator is aware of the tremendous burden this imposes on contractors, particularly small contractors who are just getting by and cannot afford the suspension.

I should like to make one further observation. We as a nation have become tolerant—I think that is perhaps the best word—of an annual loss of some 50,000 lives on our highways, every year. Tens of thousands of people are injured, some of them permanently. It costs us $9 or $10 billion in property damage and medical costs every year, and we have ample proof that the best way to stop this carnage on our highways is to build better highways.

I think that is a better reason than any other for proceeding, and I pledge my support in any small way or large way that I can offer it, and compliment the Senator for bringing this matter to the attention of the Senate.

Mr. STENNIS. Mr. President, we have a matter of unfinished business; before we get to other amendments, we have an amendment by the Senator from Florida, that I believe we can settle. It has already been discussed. The Senator from Michigan is interested in it, and if we may have his attention, I yield to the Senator from Florida for the purpose of proposing an amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, earlier in the day I called attention to the fact that I had sent to the desk an amendment to section 309. I ask that it be reported at this time.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Florida (Mr. HOLLAND) proposes an amendment as follows:

On page 21, beginning on line 9, strike out all through line 15.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. HOLLAND. Mr. President, I think this matter has been worked out, but I want the background to appear in the RECORD at this point. Section 309, hastily written on the floor of the House of Representatives, does a very grave injustice to the State I represent in part. That section reads:

SEC. 309. None of the funds provided under this Act shall be available for the planning or execution of programs for the construction of any airport in the State of Florida until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades.

Mr. President, I have learned from my own delegation members in the other body that what the author of the amendment intended to do was cut off any construction funds for airports that were sought to be constructed that would in any way adversely affect the ecology of the Everglades National Park—though the wording found in section 309 is simply "the Everglades."

I thought that the best way to handle this would be to strike section 309 and let the matter be handled by the able conference committee, with a full statement by me on the floor that I expected them to work out the best wording possible to completely protect the Everglades National Park from any adverse effects from airport construction.

I still have that motive, and I have therefore asked that this amendment be reported.

I should say to the Senate, however, that the distinguished Senator from Michigan and other Senators who are interested, as I am, in protecting the Everglades National Park, have joined with representatives from my office in drafting an amendment or a substitute for my motion, which I think adequately cares for the situation.

I ask that my distinguished friend, the Senator from Michigan, at this time, if he cares to do so, offer his substitute.

Mr. STENNIS. Mr. President, I am glad to yield to the Senator from Michigan. This concerns a matter of a floor amendment in the House. We did not realize how exclusive it was. It excluded everything in the State of Florida.

Mr. HART. Mr. President, I send an amendment to the desk on behalf of myself and the able Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The bill clerk read as follows:

On page 21, strike line 11 and insert in lieu thereof "for any further construction of the Miami jetport or of any other air facility lying south of Lake Okeechobee in the drainage basins contributing water to the Everglades National Park."

The PRESIDING OFFICER. Is this a perfecting amendment?

Mr. HART. It is a substitute if, in fact, the Senator from Florida has called up his amendment, and I understood he has.

The PRESIDING OFFICER. It is not a proper substitute. It may be offered as a perfecting amendment if it is acceptable to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am willing to accept it as either a substitute or a perfecting amendment for this reason.

I do not have complete assurance that this will take care of the situation. I am perfectly willing, however, because it seems to me that this is the best that has become available at the present time with the knowledge we have to take care of an objective that is as dear to me as it is to the Senator from Michigan or the Senator from Wisconsin.

This is to protect the Everglades National Park from any adverse affects from airport construction in the area that contributes water to the Everglades National Park.

Mr. President, as I understand it the modification, substitute, or perfecting amendment would make it clear that there was not to be any additional construction out of Federal funds for the Miami jetport, out of the funds appropriated by this bill, and likewise that if there were any other airport construction planned in the drainage basin immediately north of the Everglades National Park which contributes water to that basin, it also would be banned from the application of any funds made available by the act for airport construction. The purpose of all of us is to protect the park from adverse effects from airport construction.

I am not sure that this meets all the requirements we are interested in. For that reason, I want to make it clear that I agree to this with the complete understanding that if there be discovered between now and the conference, reasons why this substitute does not completely protect the Everglades National Park——

The PRESIDING OFFICER. If I may interrupt, I have discussed this matter with the Parliamentarian.

The amendment of the Senator from Florida seeks to strike the language of a section in the bill. And the amendment offered by the Senator from Michigan is to interject some language in that section.

So the proper procedure would be for the Senator from Florida to withdraw his amendment and permit the Senator from Michigan to offer his amendment. And the Senator from Florida might renew his amendment later in case the amendment of the Senator from Wisconsin does not carry.

Mr. HOLLAND. Mr. President, I shall certainly do that. I want to make it clear for the RECORD as to why I object so strenuously to section 309 as it came from the House.

We have some 30 or 40 airports in the State of Florida—I do not know how many—which are entitled to Federal funds and have used Federal funds. They extend all the way from Pensacola, some 700 miles away from the basin which affects the Everglades National Park, through such areas as Panama City, Tallahassee, Jacksonville, Gainesville, Ocala, Daytona Beach, Orlando, and others which I cannot now recall.

We also have a considerable number of airports in south Florida which are not affected in the way that we are trying to protect against, because they are east of the dikes that cut off the Everglades National Park from the east coast

of Florida. And they are west of the divide which cuts off part of the Great Cyprus Swamp from that part that drains into the gulf.

I just want to make it very clear that there are 35 airports in Florida now applying for some Federal aid, mostly for improvements, and they lie literally all over the State.

The amendment written into the bill in the House with a limited objective affects every airport in our State.

I think the Senators agree with me that the amendment was unnecessary and completely unfair, and that it should be greatly limited by whatever measure is enacted here.

Mr. President, I withdraw my amendment so that the Senator from Michigan can offer his perfecting amendment.

The PRESIDING OFFICER. The amendment is withdrawn. And the amendment of the Senator from Michigan is before the Senate.

Mr. STENNIS. Mr. President, it is abundantly clear as to what the objection is. And it is abundantly clear that the language in the bill is too broad. The matter has been worked on, and the committee will be ready to accept the amendment if the gentlemen agree on it.

Mr. President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized. His amendment is before the Senate.

Mr. HART. Mr. President, I ask unanimous consent that the Senator from New Jersey (Mr. CASE) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I concur with the Senator from Florida. Our objective is to assure that there is no environmental damage to the Everglades National Park by the interjection of airport facilities close by or a proposed site anywhere else in the drainage basin.

I ask the Senator from Florida if he does not agree with me that if in conference it is clear that this objective requires language stronger than the amendment I have offered, that language should be offered in conference.

Mr. HOLLAND. Mr. President, I certainly do, because as the one who conveyed 850,000 acres of land belonging to the State of Florida to the Federal Government for the Federal Government to set up the Everglades National Park and as one who has steadfastly supported that park throughout my 24 years in the Senate, I think I have as much interest in its preservation as any other Senator or any other person.

If the language is not strong enough, I think it should be strengthened.

I have made it abundantly clear that I doubt the wisdom of trying to write an amendment on the floor to cover such a complex situation.

I hope that we have been successful in meeting our objective. If it proves that we have not been, I have asked the chairman of the committee in conference to make sure that this objective is observed.

Mr. STENNIS. Mr. President, what the Senators have said about the amendment is very relevant and important. However, the committee cannot guarantee what will come back from conference. We just do the best we can to carry out these objectives.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan (Mr. HART).

The amendment was agreed to.

Mr. STENNIS. Mr. President, I yield to the Senator from Rhode Island (Mr. PELL), who has a matter of importance.

Mr. PELL. I thank my gracious colleague and friend, the Senator from Mississippi.

Mr. President, I send to the desk an amendment in behalf of the senior Senator from Massachusetts and myself.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 15, line 5, strike out "$12,000,000", and insert in lieu thereof "$20,640,000".

On page 15, line 7, immediately after "Airport," insert the following: "and of which $8,640,000 shall be available only for road bed improvement for the Boston-New York demonstration project,".

Mr. PELL. Mr. President, this amendment adds a certain sum of money to the high-speed ground transportation program. Specifically, it adds $8.64 million to this program.

We have heard a great deal this afternoon and this evening about men going to the moon. We have heard about the high speeds they will be going—supersonic speeds, in fact—all at the expense of courtesy of the unfortunate American taxpayer. But the taxpayer always gives himself the short end of the stick.

Throughout the country we have developing megalopolises, developing areas of population concentration, where the average person who foots the tax bill is moving back and forth to his place of work or for pleasure; and as he travels on our railroads, he is buffeted about often on tardy, filthy railroads, discouraged by the management, who do all they can to get him off them. But he persistently wants to travel by railroad. He has to do so in some areas, because the population concentration is such that it is not worthwhile to take a plane for 100 or so miles.

What we seek to do here is to provide the money that would straighten out some of the rails of one portion of the megalopolis, on the northern portion, between Boston and New York. By doing this, it would automatically add speed to the railroads. It would add a saving of some 320,000 passenger-hours to the time of commuters in a single year.

In offering this amendment, I do so not as a parochial matter, because the problems of megalopolises all over the country which will come in 10 or 20 years will be solved or not solved as to how good a job we do in the Northeast. So far, we have done a pretty poor job when it comes to really giving people the kind of travel that our technology is able to provide and that our people deserve. Moving one step ahead in this direction would be the adoption of this amendment.

Studies by the Office of High Speed Ground Transportation in the Department of Transportation indicate that an expenditure of $8.64 million for roadbed improvement will reduce the actual running time of the Turbo train by a total of 13 minutes and increase estimated passenger revenues by an estimated $19.6 million in a 10-year period.

The approximately 1.6 million passengers who travel between Boston and New York annually would receive the benefits of those expenditures.

The appropriations for the high-speed ground transportation, as reported to the Senate by the Appropriations Committee, now stands at a level of $12 million. The authorization for 1969 is $21,200,000.

An expenditure of $8.64 million would also greatly increase the safety and comfort of all trains traveling the Shore Line route. It would not only aid the Turbo train demonstration, but it would do much to reduce the danger of further derailments, such as have occurred in the recent year along the Shore Line route.

Consequently, I would ask that the 1970 appropriations for the Office of High-Speed Ground Transportation program be increased by $8.64 million for road bed improvements. The magnitude of the safety, the economic, and engineering benefits of such a small expenditure would far outweigh the budgetary costs of that expenditure for the Federal Government.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. PASTORE. I would hope that the chairman of the committee, who is a very understanding man and has been very generous with the whole program of high-speed transportation, would take this amendment to conference.

This is tied in with the whole program of high-speed transportation. You cannot develop a fast train unless you develop the proper kind of trackage. Certain curves must be eliminated.

This is not a budgeted item—we discussed it in committee—and for that reason, of course, it was not included in the bill. I realize it is not budgeted, but it has been studied by my junior colleague, and I think it is a fair amount. I would hope that the chairman of the committee would see fit to take this amendment to conference.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SCOTT. Mr. President, I am well aware of the very diligent work and the very great amount of time the distinguished junior Senator from Rhode Island has put into the whole question of rapid transit, particularly in the improvement of the unfortunate rail systems which exist in many parts of the country.

I thought the other day, when I heard how much materiel of war comes down from China to North Vietnam over the railroads, that perhaps the way to stop that would be to send some of the former management of the New Haven Railroad up there and put them in charge. [Laughter.]

But, short of that, I cannot imagine what that particular management could accomplish.

In any event, what the Senator has proposed is urgent; and while it is not budgeted, it has been discussed in committee. It is desirable that we move rapid transit along the way as rapidly as we can, because the problem of moving people in and out and to and from the cities is rapidly becoming nearly insoluble.

I am happy to support the Senator's amendment.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MURPHY. Mr. President, I congratulate my distinguished colleague, the Senator from Rhode Island, and the minority leader.

In my opinion, this is without question, one of the most important problems that must be solved. In California they have been working very hard on a rapid transit to bring people from the outer areas into the city of San Francisco. They have made great progress. They have done great research. I think it is possible and plausible and feasible. It not only must be done, but it can be done.

I think the recommendation by the Senator from Rhode Island is modest and practical, and I associate myself with his amendment.

Mr. STENNIS. Mr. President, this is an important matter, but we have not had 1 minute of hearings. Also there is no budget recommendation by which to be guided. The Department has not developed the facts about this matter.

In spite of the fact that the Senator from Rhode Island has studied this matter a great deal and knows something about the subject, we have had nothing before the committee from the Department of Transportation.

I have been a strong supporter, as has the entire committee, of the Metroliner and the other high-speed projects for the Northeast corridor, and we have learned to look to the junior Senator from Rhode Island and the senior Senator from Rhode Island on these matters.

The senior Senator from Rhode Island was a member of our subcommittee for a time, and he contributed to the subject. The element of changing the roadbed and paying the cost of it is new. There is some question about the authorization.

Mr. PELL. We checked it out, and the authorization is still a half million dollars or more.

Mr. STENNIS. We do not know what we are getting into; how much is involved. The whole subject of these train experiments has been going on for years.

I believe the Budget Bureau ought to submit this item in next year's budget. There is not much time now. The conference has to be held tomorrow or the next day.

I think it is more prudent to give this matter favorable, warm praise now, but not to have a vote—with the promise to give it our utmost consideration next year to find out where we are going and how much will be involved, and how much this $8 million would impliedly commit us to in additional amounts. I say that with great deference to the Senators who live in the area of the northeast corridor.

Mr. CASE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. CASE. As the chairman knows, my State and our part of the country needs this sort of thing very much. If it were possible to have an early consideration of it by our subcommittee, after report from the administration and the agency, I would certainly be willing to do that. Personally, I would like to vote tonight, but I understand the chairman's responsibilities. Therefore, I think it might be better to defer the matter.

Mr. STENNIS. I think it is important. I say to the junior Senator from Rhode Island that if he gets together the strong proof I have mentioned, there will be supplemental bills in January and February; and, for my part, I would be willing to vote to submit it on a supplemental, with the Senator's proof.

Mr. PELL. I appreciate very much the advice, kindness, and courtesy of the Senator from Mississippi, and I will follow his advice on the belief and trust that it will be considered shortly.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of the legislative discussion, a table showing the actual savings in hours as related to the expenditure in dollars.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

POSSIBLE ROADBED IMPROVEMENTS

	Cost	Track miles	Minutes saved
Welded rail:			
Woodlawn, New York to New Haven, Connecticut	$9.23	141	16.3
(A) Woodlawn, New York to New Rochelle	2.08	32	3.9
(B) New Rochelle Junction to Rye, New York	.910	14	1.7
(C) Rye, New York to New Haven, Connecticut	6.24	96	10.7
Curves:			
Kingston, Rhode Island	.6		
East Greenwich, Rhode Island	.2		
Total	.8		.7
Foxboro, Massachusetts to Sharon, Massachusetts	1.6		1.7
Total	2.4		2.4
Suggested packages:			
(A) Welded Track—Rye, New York to New Haven, Connecticut	6.24		10.7
(B) Curves—Rhode Island and and Massachusetts	2.40		2.4
Total	8.64		13.1

Mr. PELL. Mr. President, I ask unanimous consent that I may withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STENNIS. Mr. President, the Senator from Nevada has a matter for discussion.

Mr. CANNON. Mr. President, I am very happy to see that the committee recognized the problem we have had in the shortage of air controllers in the past few years. I would like to ask the chairman this question. As I understand it the original request approved by the Bureau of the Budget was for 2,800 air controller positions, and the committee increased that number to 3,800 for the coming year. Is that correct?

Mr. STENNIS. The Senator is correct. There was a late budget estimate on the last 1,000.

Mr. CANNON. The administration recognized that this was a critical problem and requested an additional 1,000 slots so that we would have in training this year 3,800 air traffic controllers to alleviate this serious problem.

Mr. STENNIS. The Senator is correct.

Mr. CANNON. The training location has been in Oklahoma City. I wonder if the committee provided for adequate facilities so they can handle the load to train these additional controllers that are so urgently needed.

Mr. STENNIS. The Senator is referring to the Oklahoma City facility?

Mr. CANNON. There is a training facility in Oklahoma that has been operating at full capacity. I want to be sure the committee has provided that they will be able to expand their facility and take care of the training of these air controllers so that they can alleviate the shortage.

Mr. STENNIS. The Senator is correct. There was no specific budget request in the bill for the Oklahoma City facility. We did discuss a new lease that will be coming up soon. I am glad the Senator is interested in this matter. He is most knowledgeable on this subject matter. I thank the Senator.

Mr. CANNON. I thank the Senator and I am grateful that the committee has taken care of this serious problem.

Mr. STENNIS. Mr. President, I wish to recognize the Senator from Indiana, who has a matter concerning highway safety that I think is important.

Mr. HARTKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 12 line 14 strike the figure "$30,-550,000" and insert in lieu thereof the figure "$31,050,000".

Mr. HARTKE. Mr. President, this amendment would increase the appropriation for the Department of Transportation appropriation bill to increase the appropriation for the traffic and highway safety program by $500,000. The purpose of this amendment is to enable the National Highway Safety Bureau to add an additional 25 new employees above the level authorized by the Appropriations Committee in the

Washington, D.C., Office of the Bureau.

Originally, I had requested 50 new employees but I had a discussion with the Senator from Mississippi and he persuaded me that maybe we could compromise this matter at 25 new employees.

Last month the Senate passed a bill which would authorize the appropriation of $23 million for the implementation of the National Traffic and Motor Vehicle Safety Act of 1966. This bill also contained a provision which would earmark $2.8 million of the sums appropriated in fiscal 1970 for the employment of additional personnel. It was the committee's intention that this sum would be adequate to pay for the hiring of approximately 150 new employees. However, the appropriations bill presently before the Senate would add only an additional 61 new positions in the National Highway Safety Bureau. My amendment would increase that figure to 86.

The Commerce Committee's report on the authorization bill documents the urgent need for additional funding and personnel for the Highway Safety Bureau. That report cites the following examples:

First. Since the initial new vehicle safety standards were issued in 1967 there has been only one major new car safety standard issued each year during 1968 and 1969.

Second. The uniform tire quality grading system required under title II of the act to be established by September 9, 1968, is still at least 1 year away from completion.

Third. The experimental safety car program authorized under section 106 of the act is limping along with only two professional employees. The first vehicle is still at least 2 years away from completion.

Fourth. Only one professional employee is presently assigned to develop used motor vehicle safety standards. No used car standards have been issued to date, even though the act specifies that the initial standards were to be issued prior to last June.

Fifth. Only nine engineers are monitoring the entire defect notification program in which 14 million vehicle owners have been notified of safety related defects over the past 3 years. There are over 50 pending investigations of vehicles which may contain safety related defects or failures to comply with the safety standards.

Sixth. Only one professional employee is assigned full time to schoolbus safety programs.

Seventh. Only one professional employee is assigned to the field testing of the highly promising air-bag restraint system.

The report goes on to state that these examples are "merely indicative of the disturbing lack of emphasis that has been given to a program that could undoubtedly return a spectacular payoff in the saving of lives, the reduction of injuries, and the lessening of property damage." I would hope that my amendment, which in a modest fashion attempts to give our highway safety program higher budgetary priority, would be favorably acted upon. The annual toll of 55,000 persons killed and 2 million injured in motor vehicle accidents must be reduced.

Mr. President, I have discussed this matter with the Senator from Mississippi and I think it is a measure that is worth the consideration of the Senate.

Mr. STENNIS. Mr. President, on the matter of the proposal of the Senator from Indiana that $100,000——

Mr. HARTKE. I beg the Senator's pardon. This is the $500,000 for the National Highway Safety Bureau. It would increase the number of employees by 25 rather than 50 as was stated in the original amendment.

Mr. STENNIS. Mr. President, this is a very important matter. The committee gave it a full review. With respect to these 25 new employees I believe it would be worthwhile to review the positions a second time. I am going to ask the Senator from Nevada and the Senator from Kansas, who are members of our committee, to try to make a quick review in regard to the 25 new employees, if this amendment is accepted.

On the other item——

The PRESIDING OFFICER. The Senator has only presented one matter.

Mr. STENNIS. The Senator has another item for $100,000. The committee is willing to take that to conference but there is a complication parliamentarywise. The Senator from Connecticut has an amendment that is within this same body of money. If the amendment of the Senator from Indiana is adopted now that would preclude him from having any consideration. I thought maybe they should be considered together and if we reach an agreement it would avoid a parliamentary situation.

The PRESIDING OFFICER. There is one amendment before the Senate now for $500,000.

Mr. RIBICOFF. Mr. President, I move to substitute my amendment now on the desk and add it to the amendment of the Senator from Indiana, which is in connection with the same line, in the same budget item.

Mr. HARTKE. Mr. President, to clear the matter up, I ask unanimous consent that if the amendment which is presently before the Senate is adopted it not preclude the Senator from Connecticut from proceeding with another amendment in the same line in the bill.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, we should have some explanation before we agree.

The PRESIDING OFFICER. The Senator from Indiana presented his explanation.

Mr. STENNIS. That was the unanimous-consent request; that one would not preclude the other.

The PRESIDING OFFICER. That is the request.

Mr. STENNIS. It has not been adopted yet.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

Mr. HARTKE. Mr. President, these 25 additional employees would be used in the District of Columbia office of the Bureau. That is where the deficiency is. I want to make that clear and that they will not go into the field.

Mr. JORDAN of North Carolina. May I ask the Senator, Are they needed? They do not do anything over there now but mess around with some figures and draw pictures. [Laughter.]

Mr. STENNIS. Mr. President, the committee will accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. HARTKE. Mr. President, I send another amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At title II, related agencies, for the NTSB, for salaries and expenses, at page 18, line 3, strike $5,000,000 and insert in lieu thereof $5,100,000.

Mr. HARTKE. Mr. President, this is the matter which the Senator from Mississippi previously referred to, which is within the budget. Basically, the situation is bad enough without cutting back on the budget figure. This would provide for an additional three members for the National Transportation Safety Board, which is doing an outstanding job in safety, and through this provision would make it possible for the Board to make surface investigations, especially on the handling of hazardous materials.

We have reached an agreement with the Senator from Mississippi that this is certainly meritorious, and accordingly, I ask for its immediate consideration.

Mr. STENNIS. Mr. President, let me ask the Senator a question on the last item. Was it authorized by the Commerce Committee?

Mr. HARTKE. Authorized. The difficulty we are faced with is that the authorizations will go up according to the action of the committee but that has not been taken into account. All that is in this amendment is the amount which was originally in the budget submitted by the President and was cut back by the House, but it is authorized.

Mr. STENNIS. The question was raised concerning the additional employees the Senator is talking about. Were they authorized?

Mr. HARTKE. No. Not authorized in the final legislation. Authorized in the measure. The fact is, there is authorization for 150 new employees in the measure which has already passed the Senate but it has not been reported back from the conference.

Mr. STENNIS. If it passed the Senate, then we will take those to conference and give them a quick, hard look; but we do not feel bound to fight for them unless there is strong supporting proof.

Mr. HARTKE. I shall be glad to submit all the proof the Senator needs. I will get it from the Commerce Committee which held the hearings. I am certain there will be enough proof for the Senator.

Mr. STENNIS. I thank the Senator from Indiana.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. HARTKE. Mr. President, I ask unanimous consent to have printed in

the RECORD an article published in the Wall Street Journal for today entitled, "Safety Road Block—Federal Effort To Cut Highway Toll Hindered by Money, Staff Pinch," and written by Albert R. Karr.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAFETY ROADBLOCK: FEDERAL EFFORT TO CUT HIGHWAY TOLL HINDERED BY MONEY, STAFF PINCH—SOME GAINS MADE, BUT PLANS FOR TOUGHER RULES FALTER; NEW CHIEF MAY GET ACTION—DETROIT CITES OWN PROGRESS

(By Albert R. Karr)

WASHINGTON.—In 1965, the year before national vehicle and traffic safety laws were passed with much ballyhoo, there was a record-shattering 49,000 deaths and 1.8 million disabling injuries in traffic accidents.

Since then, a batch of vehicle safety standards have been put into effect, 14 million cars and trucks have been recalled by manufacturers to repair defects and the Federal Government has prodded states to buttress their driver and highway safety programs. The upshot?

This year the National Safety Council looks for new records. Despite a modest drop in the death rate per 100 million miles of auto travel, more than 56,000 traffic fatalities and more than two million disabling injuries are expected.

What happened to the war on highway tragedy promised by the 1966 laws resulting from nagging by Ralph Nader and seeming alarm in Congress and the Johnson Administration? The Government performance since those days, snaps one Congressional motor-safety expert, has been "scandalous."

"There's tremendous potential for saving lives and reducing injuries at a manageable cost," he asserts, "but this just hasn't emerged." He and others contend the vehicle safety standards written so far have been largely weak, auto recalls haven't touched major safety problems and state response to Federal prodding has been spotty.

IMPACT OF BUDGET HOLD-DOWN

From the start, Congress was reluctant to furnish money and people for the National Highway Safety Bureau. This year President Nixon's budget hold-down hit the young agency especially hard.

The 20 original passenger-car safety standards, considered modest by many, were written early in 1967 and were expected to be only the forerunners of a massive improvement program. But they constitute the bulk of the bureau's standards-drafting accomplishment.

Without more money and manpower, safety advocates say, the agency had been ill equipped to cope with the auto industry's horde of engineers in trying to hammer out stronger vehicle safety requirements. At other times, as the critics see it, agency officials have been too deferential to a balky industry.

Plans for major advances like auto speed governors and vehicles structures that won't crush in a collision, promised in the early days of the Safety Bureau, have lain dormant. Still far from attainment are other goals like used-car safety standards (due by law back in September 1968) and a comprehensive crash-testing program to provide a comparison of how each make of car will come through an accident.

NEW DIRECTOR

But now the highway safety program may be shifting into higher gear. Transportation Secretary John Volpe is moving the Safety Bureau out of his department's Federal Highway Administration, where it has been a stepchild in an agency largely concerned with building roads. And after drifting for 10 months without a director, the bureau will soon be taken over by Douglas W. Toms, head of Washington state's Motor Vehicle Department and an enthusiastic safety advocate. He has big plans—whether or not he can execute them remains to be seen.

Mr. Toms wants to speed up the bureau's standards-writing and compliance program. He'll seek a "quick payoff" in such areas as better "packaging" of auto passengers. Among the possibilities are car structures that prevent passengers from being crushed in a collision or roll-over; bumpers that absorb crash impact better; wrap-around seats and extensive interior padding. Mr. Toms also aims to reduce drunk driving, said to cause nearly half of all traffic deaths. "There's no doubt in my mind that we can rapidly accelerate the safety program," he says.

To be sure, there have been some highway safety gains in the past three years. Government safety experts say a few features now required on autos have clearly saved lives; among these are headrests, seat belts and windshields that won't shatter so completely that occupants can be thrown out and that reduce head cuts. Steering columns that collapse in an accident, rather than remaining rigid and possibly crushing the chest, also have prevented some driver deaths.

DEATH RATE SLIPS

The downtrend in the overall highway death rate also offers some encouragement. With more people traveling more highway miles, the rate this year has declined to 5.2 deaths per 100 million miles of travel from the 5.5 rate in 1965.

Beyond that, the Government's safety push has persuaded auto makers to work more vigorously to build safer cars.

Most General Motors and a few Chrysler Corp. cars now have a rail inside the door to protect passengers from side collisions. Ford has developed an antiskid braking system, Chrysler an automatic rear window defroster. And auto makers are working with the Safety Bureau to find ways to install "air bags" that will automatically fill with air and protect passengers from colliding with steering wheels or dashboards in a collision.

Thomas Mann, president of the Automobile Manufacturers Association, contends that there has been "a whole lot more progress in the last five years in improving the safety of the vehicle" than in increasing the roadway driver and pedestrian contributions to safety. He adds: "Nearly every innovation that I know of in automotive safety came from the industry."

Nonetheless, Government testing of cars, tires and replacement equipment, which in recent weeks began to disclose manufacturers' failures to meet standards and brought moves toward legal penalties, has been helpful, says Francis Armstrong, head of the bureau's compliance-testing activity. "Now they know we're looking over their shoulder, they're making a determined effort to make sure we don't find too much wrong," he says.

But most Government highway safety advocates agree that the safety program has not lived up to its advance billing, and crusader Nader has called for "more rigorous oversight by Congress."

The critics say scarcity of funds looms large in the record so far. The Safety Bureau's annual budget is about $25 million; the Defense Department spends that much on public relations. The bureau's financing does seem small against the scope of its assignment: More than 50,000 traffic deaths a year, easily exceeding total American war deaths in Vietnam, now just under 40,000.

DEATHS BY "ONES AND TWOS"

For its efforts to cut the highway toll, the Safety Bureau has a staff of 518; by contrast, the Federal Aviation Administration, for which safety is a major concern, has a staff of 48,000. (Total aircraft deaths last year were 1,750.) One explanation of the difference may be that the public is less aroused about the piecemeal death that occurs on the highways.

"Inconveniently . . . the children and adults already killed died by ones and twos instead of in crowds," says Dr. William Haddon Jr., former Safety Bureau director. "It is not macabre to prefer that they had been smashed down in headline-grabbing groups of 100 or 300, because when patterns for that sort of mass tragedy emerge, as in airline crashes, public reaction can be fierce and sustained, bringing pressure on Government for well-funded programs to prevent future deaths."

When the Safety Bureau was set up, its plan was to have a staff of 2,000 by now; instead, it has a fourth of that figure. "The law was one of the best consumer safety laws ever devised, but it's just never been properly funded or manned to do the job," says a Senate aide.

The bureau's staff has a four-year backlog of work in writing new and revised safety standards. It is still checking initial test failures of 1968-model cars and equipment, while only lately starting 1969 and 1970-model testing. Only 25 persons handle the entire compliance-testing program. Says Mr. Armstrong, the program's head: "We're monitoring the largest individual segment of American industry with a handful of people."

INSPECTIONS AT PLANTS

Bureau officials say they should be testing far more cars and components for safety, operating plant-site inspection stations and doing their testing early in the model year to cut off unsafe production as it occurs. The Government should have its own testing facilities, they add, rather than relying on outside contractors to run the tests.

The safety program's money difficulties increased when President Nixon imposed general budget curbs. In the early days of the new Administration, Secretary Volpe sent Federal Highway Administrator Frank Turner a memo saying "proposed personnel increases, particularly in the NHSB, should be reviewed carefully."

Mr. Volpe says now that he wasn't singling out the Safety Bureau for emphasis in curbing expenses. He also contends it has been adequately financed, observing that it hasn't had a permanent director or otherwise been organized to make good use of any added money. "We're determined to stop this slaughter on the highways," he vows.

But Mr. Nader and other critics contend the safety program hasn't received enough backing from either Mr. Volpe or Mr. Turner, and one Safety Bureau official says its efforts have suffered from the need to go through "two staff levels" higher up.

Critics say the most notable example of the problem created by layers of bureaucracy involved reports of wheel failures on certain 1960–65 General Motors trucks, resulting in some injuries. After investigating, the Safety Bureau was ready to demand that GM notify purchasers of a safety defect, in a recall action. But Mr. Volpe held up the move, and the Transportation Department and GM agreed to a compromise: GM would pay only for replacement of the wheels on some 50,000 trucks whose owners had campers or other special bodies attached, on the reasoning that such customer "overloading" was responsible for the wheel failures and that the wheels posed no danger on other trucks.

BUREAU ENGINEERS DISSENT

Safety Bureau engineers insisted that the wheels were inherently defective, that many failures occurred without overloading and that GM should notify all 217,000 owners that the wheels had a safety defect and should recall all of them. The final agreement permitted GM, in a letter to owners, to stick by its contention that customer overloading was to blame.

Mr. Volpe and Mr. Turner argue that there's doubt as to whether a safety-related wheel defect existed and that any order directing GM to notify all the truck owners of a defect was open to challenge that could have tied up the matter in the courts for years.

Top-level backing aside, auto safety is turning out to be an elusive goal. "We're 30 years late in getting to the problem, and I don't think anyone really understood the magnitude of the job," says Robert Brenner, acting Safety Bureau director. One obstacle: Lack of hard data on crash and death causes.

The core of the auto safety program is still the 20 standards drafted in early 1967. Though they were regarded as only a first step, the further requirements written since then have largely involved tinkering with such things as door latches and auto hoods, or extending car standards to trucks and buses.

Not all these rules have been to the liking of auto manufacturers, of course. They objected to some of the standards originally proposed as unworkable and won some compromises. But outside Detroit safety advocates deem the present requirements rather mild.

"The standards we've issued without question have been easy ones," says Mr. Brenner. A source close to the bureau is less charitable. "All the standards the bureau has written are junk," he says. "Its job for the past six months has been cleaning up the junk."

FAILING A SECOND TIME

In testing vehicles and equipment, the bureau is discovering "ambiguities" in the standards that make some requirements useless. In several instances, parking brakes failed to hold the car being tested on a grade as the brake standard requires. The parking brakes were usually applied with foot-pedal force of 160 to 180 pounds, which the bureau and testing contractors considered reasonable. But the car makers said their own tests have not shown any failures, noting they had set the brakes with much greater force. The stickler: The standard doesn't say what force should be used to set the parking brakes, so the bureau had to go back to the drawing board.

While critics consider many of the original standards mild, testing against even these modest requirements is yielding a failure rate that Mr. Armstrong calls "sufficient to cause us concern." By the bureau's complex system of recording test results, roughly 10% of all 1968 model vehicles, tires and other equipment tested failed to meet the Federal requirements. Of 25 car failures, 14 are under investigation for possible penalty action or recall. And in retesting of those tires that failed the first time, 23% failed again.

Even where the standards are strong and fully met by manufacturers, advancing the cause of safety can be slow going. An important feature like the collapsible steering wheel takes five to seven years to get installed on half of all the vehicles on the road, Mr. Brenner says. That particular item, required on new cars as of Jan. 1, 1968, is on only about 10% of U.S. cars and trucks today, he adds. Ultimately, advocates say, this improvement could save 12,000 lives a year.

Critics contend the Safety Bureau has been far from venturesome in pushing tougher requirements on the auto manufacturers. Mr. Brenner admits the bureau has been ready to accept a quick, if modest, step forward instead of holding out for broader, slower advances. "I'll take a quarter of a loaf if I can get it today, even though I get a lot of brickbats for not going after the whole loaf," he says.

Officials say one reason their rules lack clout is that manufacturers often put up a wall of objections buttressed by complicated technical arguments, and the thinly staffed Safety Bureau isn't equipped to assess Detroit's contentions.

Moreover, bureau men complain, manufacturers don't provide enough data for use in drafting standards. "The industry doesn't furnish it, and we don't have the authority to demand it," one official says.

For about two years, the bureau has been trying to develop a standard requiring installation of governors to prevent cars from being able to travel at the high speeds that increase fatality rates, along with another standard to eliminate dangerous spear-like protrusions on the outside of cars. Both of these have met opposition from auto makers and their allies as entailing a host of difficulties.

The speed-control proposal brought 147 negative replies out of 150 comments. Some who objected raised the question of whether a malfunctioning governor might dangerously lock a car at top speed or whether a speed control might limit a car's ability to accelerate when necessary in passing. As for exterior protrusions, no meaningful standard can be written until more research is done, GM said.

Mr. RIBICOFF. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 12, line 14, in lieu of "$31,050,000" insert "$3,550,000".

On page 12, line 16, strike out the period and quotation marks and insert in lieu thereof quotation marks and ": *Provided*, That $7,000,000 of this appropriation shall be available until expended only for the development and testing of a prototype safe highway passenger vehicle pursuant to section 106 of the National Traffic and Motor Vehicle Safety Act of 1966."

Mr. RIBICOFF. Mr. President, this amendment would add $7 million to the appropriation for the Highway Safety Bureau and specify that it would be used for the development and testing of a prototype safe car.

The Traffic Safety Act of 1966 authorizes the Secretary of Transportation to develop and test prototype safe cars. To date, one-half million dollars has been spent on the project, which is insufficient. The prototype safe car program should be given top priority. I understand that in the pending appropriation the Department of Transportation intends to use $1 million for further work on a prototype safe car, which could be very important in the field of highway safety.

The Department estimates that the $7 million is needed to complete the entire project, the construction and testing 14 family sedans. This will take 3 years. The amendment would provide full funding and would give the department a green light to go ahead as rapidly as possible and would signify our intention that the Department give this project much greater emphasis and attention.

I see on the wire services today where the President's Air Quality Advisory Board and the Secretary of Health, Education, and Welfare intend to ask for $45 million next year to test pollution devices on cars. It would seem to me that this effort could be combined with the Safety Bureau's work on prototype vehicles.

Mr. MURPHY. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. MURPHY. Do I correctly understand that we are now asking for taxpayers' dollars to build and test an automobile?

Mr. RIBICOFF. In 1966, Congress authorized the building of prototype safe cars for the purpose of testing and experimenting with important safety features in automobiles; $500,000 has already been expended for that purpose; $1 million is now intended to be used out of the $30 million in the appropriations.

To complete this work will take $7 million. It will not be spent next year. It will take a period of 3 years to expend the entire $7 million.

But by funding it now, we give assurance that the Bureau of Traffic Safety may proceed with its plans. Seventy-five percent of the deaths and serious injuries take place in automobiles going less than 60 miles an hour. The purpose of these prototypes is to develop and engineer safety features which could be used, and should be used, to cut down such casualties. Once the safety features are developed, they will be made available to all the manufacturers, and will be used, to develop safety standards for the automobile manufacturers.

Mr. STENNIS. I would stress all the automobile manufacturers.

Mr. RIBICOFF. Yes.

Mr. MURPHY. May I say that work in this field is going on and has been going on. Just last month, in my office, I saw a new bumper which has been developed by an aircraft manufacturer. It was a very excellent idea. My point is, do we need the Government to give this the impetus it needs, or can we accomplish this needed job without Government funds? I believe we owe it to the taxpayers to make certain that, in this difficult period of inflation, that these funds are essential.

Mr. RIBICOFF. Respectfully, sir, having worked in this field since 1955, as Governor, as Secretary of Health, Education, and Welfare, and as a U.S. Senator, may I say that outside of the pressure put on the automobile industry by Government, the automobile industry has not become involved, and refuses to become involved with regard to safety developments? They became concerned about safety only after pressure by Congress and a set of hearings were held, under the chairmanship of the Senator from Washington (Mr. MAGNUSON), and the laws were passed in 1966.

Now we are moving forward. When you talk about the airplane manufacturers, it could very well be that the prototype safe car will be contracted out to an airplane manufacturer, because there are many safety features in an airplane that the automobile could well adopt, and should adopt.

So it will be private industry that will do the work, but the discoveries made and the knowledge gained about safety features will be made available to all the automobile manufacturers.

Mr. STENNIS. Mr. President, this prototype car project is different from the

other one. This car has already started.

I feel we can take this amendment to conference with the understanding that, unless the Secretary gives a prompt, firm recommendation on it, under his responsibility, we will not move any further on it, or if he wanted to apply $1 million or $2 million, that would be the end of it so far as the Senate would be obligated.

If the author of the amendment is willing to have the amendment adopted on that basis and if the Senate is willing, we can take it to conference on that basis, particularly on the ground that it is already started.

I am not too knowledgeable on the subject. I am interested in highway safety, especially since I was once a district attorney and a judge, and tried so many automobile accident cases. Highway safety seems to be getting worse instead of better.

Mr. RIBICOFF. Mr. President, the Senator from Mississippi is most fair. It should be left to the Secretary of Transportation. He has just appointed a safety director. Mr. Toms, of the State of Washington, is most capable.

Mr. President, I would be willing to take my chances on this amendment.

Mr. STENNIS. Under the circumstances, Mr. President, I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut (putting the question).

The Chair is in doubt. Those in favor will please stand and be counted.

Mr. COOK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from New York (Mr. GOODELL) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator of Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS) and the Senator from Illinois (Mr. PERCY) are detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL) and the Senator from New York (Mr. JAVITS) would each vote "yea."

The result was announced—yeas 52, nays 29, as follows:

[No. 252 Leg.]

YEAS—52

Baker	Hart	Muskie
Bayh	Hartke	Packwood
Bible	Holland	Pastore
Burdick	Hughes	Pell
Byrd, Va.	Jackson	Prouty
Byrd, W. Va.	Jordan, N.C.	Proxmire
Cannon	Jordan, Idaho	Randolph
Case	Magnuson	Ribicoff
Church	Mansfield	Sparkman
Cranston	Mathias	Spong
Dodd	McClellan	Stennis
Eagleton	McGee	Stevens
Ellender	McGovern	Talmadge
Ervin	McIntyre	Tydings
Fong	Metcalf	Williams, N.J.
Fulbright	Mondale	Yarborough
Gravel	Montoya	
Harris	Moss	

NAYS—29

Aiken	Dole	Saxbe
Allen	Dominick	Schweiker
Allott	Fannin	Scott
Bellmon	Gore	Smith, Maine
Bennett	Gurney	Smith, Ill.
Boggs	Hansen	Thurmond
Brooke	Hatfield	Tower
Cook	Miller	Williams, Del.
Cotton	Murphy	Young, N. Dak.
Curtis	Pearson	

NOT VOTING—19

Anderson	Hruska	Nelson
Cooper	Inouye	Percy
Eastland	Javits	Russell
Goldwater	Kennedy	Symington
Goodell	Long	Young, Ohio
Griffin	McCarthy	
Hollings	Mundt	

So Mr. RIBICOFF'S amendment was agreed to.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, as far as I know there are no other amendments.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 14794) was read the third time.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Anthony E. Papa, of Florida, to be U.S. marshal for the District of Columbia; and William M. Johnson, of Georgia, to be U.S. marshal for the southern district of Georgia.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session for action on a nomination which has just been reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. MARSHAL

The assistant legislative clerk read the nomination of Anthony E. Papa, of Florida, to be U.S. Marshal for the District of Columbia for a term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, are there further nominations at the desk?

The PRESIDING OFFICER. There are no further nominations at the desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. SPONG. Mr. President, I am pleased to note that this transportation appropriations bill earmarks $150,000 for a feasibility study of rapid rail transit service to Dulles Airport.

I believe the chairman of the Transportation Appropriations Subcommittee—Senator STENNIS—and the other members of the committee are to be congratulated on their farsighted recognition of the value of this project. As the sponsor of the amendment to the subway bill which authorized this study, I would also note with satisfaction that the project has the personal endorsement of Transportation Secretary John Volpe.

The study will consider the feasibility and cost as well as some preliminary engineering questions of constructing a Dulles Airport extension of the main

metro system, utilizing the median strip of the Dulles access highway. This is right-of-way already owned by the Federal Government, a factor which should substantially reduce construction costs. The study would also consider the question of providing local commuter service along the line.

I am confident that this study will show that a rapid rail extension to Dulles Airport is not only feasible, but would be a substantial spur to the development of that facility and of the surrounding communities.

At the present time, Cleveland, Ohio, is the only city in the United States with such an airport transit line. For the benefit of the committees considering this legislation, I asked a member of my staff to meet with transit officials in Cleveland and to prepare a brief report on the results of their first year's operation of the airport line. I ask that that report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so so ordered.

(See exhibit 1.)

Mr. SPONG. Mr. President, briefly, the report indicates that use of the line is exceeding the highest expectations of its planners. According to preliminary passenger figures, it is operating today about 80 percent above the feasibility level or the level necessary to meet maintenance and operating costs. In short, it appears the new service has been a very profitable investment for the Cleveland transit system, and is more than paying its way.

Beyond its feasibility and value as an extension of the metro system, a Dulles Airport rail transit line could be expected to yield other benefits not available to Cleveland. With only one airport—Cleveland Hopkins International—passengers have little choice about where they will catch their flights. The transit service makes it more convenient for them to get there but it is not likely to influence in any way their decision to use the airport.

The situation in the Washington metropolitan area, of course, is different. Here a passenger can choose among three airports—National, Friendship, or Dulles. Given the transportation problem involved in traveling to Dulles, about 65 percent of the passengers each year choose to use National.

Dulles International Airport was constructed in 1962 at a cost to the Federal Government of about $110 million. Although it was intended to be the major jet port for the National Capital region, the failure to provide adequate access facilities has prevented it from realizing more than a fraction of its potential.

This year, Dulles will accommodate less than 12 percent of the total air carrier passengers in this area—1.7 million—as compared to about 67 percent for National—9.9 million. By 1975, Dulles' share of the area's air traffic will still be less than 20 percent.

These passenger figures are reflected in the sizable deficits the Federal Government has had to underwrite each year at Dulles. Since its opening, the airport has operated at an average annual loss of about $7 million, and as far ahead as projections are made the losses will remain substantial.

I believe that an extension of rapid rail service to Dulles will substantially improve its utilization and hasten the day when that facility begins to realize its enormous potential.

Again, I want to congratulate the Senator from Mississippi and the members of his committee for their favorable consideration of this study.

EXHIBIT 1

REPORT ON CLEVELAND AIRPORT RAPID TRANSIT EXTENSION

BACKGROUND

In 1961, the Cleveland Rapid Transit System undertook a study of the feasibility and cost of extending its service an additional four miles to Hopkins International Airport. The study (updated in 1965) showed that with 8,010 one-way, daily passengers the extension would return sufficient revenue to meet maintenance and operating costs. Of this number, it was estimated that only 3,303 would be new passengers; the rest would be old riders who would find it more convenient to continue on to the airport or to one of the two local stops on the line.

Capital costs including purchase of right-of-way and equipment and construction of track and stations was set at $18.6 million. Two-thirds of this ($12.4 million) was financed by an Urban Mass Transportation Act grant from the Department of Housing and Urban Development. The remaining cost was shared by Cuyahoga County ($5.1 million) and the City of Cleveland ($1.2 million).

Groundbreaking took place on June 30, 1966. The line was constructed on right-of-way purchased from the New York Central Railroad for approximately $500,000. In addition to the airport station, two local stations (Puritas and Brookpark) were constructed along the four-mile route, each with parking spaces for 1250 cars and loading areas for feeder bus service. The line was opened for service on November 21, 1968.

DESCRIPTION

With the completion of the airport extension, airport users are able to travel from downtown Union Station to the airport—a distance of 11.5 miles—in about 20 minutes for a cost of 40 cents. The same trip by taxi would take 45 minutes in rush-hour traffic and cost about $6. Limousine fare is $1.60.

Originally, the airport line was served by 20 new Pullman stainless steel cars, but this number was increased to 30 to accommodate the unexpectedly heavy demand for the service. The cars seat 80 passengers and are equipped with baggage storage racks at both ends. Their maximum speed is 60 m.p.h.

Trains depart from the airport and from the downtown terminal every ten minutes and operate between the hours of 5:30 a.m. to 12:30 a.m. the next morning. There are 8 local stops between the terminal and the airport each averaging less than 30 seconds. Airport passengers emerge from the train only a few steps away from the main ticket counters.

FIRST YEAR'S OPERATION

Turnstile counts indicate that over the first year's operation the number of passengers is running about 40 percent above the breakeven figure of 8,010 cited in the feasibility study, or approximately 11,300 passengers a day. As the new service established itself, the average climbed significantly. Thus, through November of 1969 the daily count stood at about 14,400 or 80 percent above the feasibility figure.

About one-third of the traffic on the extension was generated by the airport itself, with the remaining two-thirds divided between the two local stations. The estimated passengers using the stations were:

Airport: 1,427,880 or 3,912 a day.

Locals: 2,704,650 or 7,410 a day.

There is some imprecision about these figures since they are based on turnstile counts only at the three stations on the airport extension. No counts have been made of passengers paying their fare at the terminal end of the line. To compensate for this, the turnstile counts have been doubled. This is not an entirely satisfactory procedure, but it should yield a reasonably valid approximation of actual traffic.

A more detailed study of the operation has been conducted by the Department of Transportation; and, its report is expected to be released in the Spring of 1970.

CONCLUSION

As the first airport rail transit line in this country, Cleveland's experience will be closely studied by other cities interested in improving transportation to their own airports. The consensus of all those who have knowledge of the first year's operation seems to be that the line has been highly successful both in terms of serving the airport's needs and the needs of surrounding communities and industries.

Mr. HART. Mr. President, it has been said, with a certain amount of truth, that the economy of this Nation literally and figuratively rolls on the wheels of our vehicles.

Today, there are more than 100 million vehicles on our highways, a figure which indicates that our motor vehicle industry is a major national resource.

Let me cite some figures, and I do so with a good deal of pride for they reflect the considerable achievements of an industry based in my home State.

Seven of every 12 jobs in our Nation are directly related to the automobile industry.

Last year, the industry's retail sales totaled $90 billion. The annual sales of car dealers alone came to $52.8 billion.

There is one passenger car for every 2.34 persons in the United States. By 1980, it is estimated that there will be one car for every two people or 128 million passenger cars on our highways.

In short, the auto industry's contributions to economic growth, transportation and raising the standard of living is probably unmatched by any other industry in our Nation.

And as the motor vehicle industry has grown, so too has the importance of the privately owned vehicle. Now such vehicles are the backbone of our national transportation system, and for many people, a car is a necessity, not a luxury.

When a product moves into the necessity class, its impact affects individual pocketbooks as well as society as a whole.

This is true of the increased use of auto vehicles.

For example, in 1968, the national cost of vehicle accidents was 55,300 killed, 10,000 injured each day and an economic loss of $11.3 billion.

This toll is 10 times greater than the toll from all crimes of violence, three times greater than the total of U.S. servicemen killed in Vietnam in 1965, 1966, and 1967.

The cost of these accidents was almost one-half the Pentagon budget for the Vietnam war.

What factors affect these costs? The Senate Antitrust and Monopoly Subcommittee during the past 3 years has attempted to evaluate some of them.

We examined oil import quotas and learned that 5 cents may be added to the cost of each gallon of gasoline because of this system. We looked into some of the reasons for the rising costs for automobile repairs. We are currently studying the increasing premium rates and availability of automobile insurance.

I do not think it is necessary for me to remind the Members of this body or the millions of vehicle-owners about the frustrations they face daily in operating their private vehicles: highway congestion, inadequate parking, air pollution that has risen to dangerous levels, faulty repairs and a consistently rising cost which seems to be aggravated by the inflationary squeeze.

All of these things require that we reassess the allocation of our national resources. We must put into perspective our total effort to deal with these costs. Certainly, our first priority must be the deaths and injuries which are a national disgrace. But as the consumer feels the inflationary pinch, we must make every reasonable effort to deal with the escalating costs associated with our transportation system.

Mr. President, I look forward to the Department of Transportation and all other responsible governmental agencies, Federal and State, to undertake vigorously appropriate steps to reduce all those costs associated with this industry.

It is important that we give the Department of Transportation the funds it needs to tackle these pressing problems.

Mr. YARBOROUGH. Mr. President, I am much pleased that the Senate version of the Transportation appropriations bill retains the sum of $4 million to complete the construction of the Chamizal Memorial Highway which is located along the border between Mexico and the United States at El Paso, Tex. This important project was first authorized in 1966 for the purpose of constructing a border highway in the city of El Paso along the international border to the international bridge which separates the United States and Mexico. This highway is a very important part of the Chamizal settlement. The $4 million contained in the appropriations bill will complete this highway.

Mr. President, upon its completion, this highway will serve as a vital link between our country and Mexico. I commend the Senate Appropriations Committee and particularly the chairman of the Subcommittee on Transportation, Senator STENNIS, for retaining these funds in this bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Ohio (Mr. YOUNG) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from New York (Mr. GOODELL) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) are detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. GOLDWATER), the Senators from New York (Mr. JAVITS and Mr. GOODELL), and the Senator from Nebraska (Mr. HRUSKA) would each vote "yea."

The result was announced—yeas 80, nays 1, as follows:

[No. 253 Leg.]

YEAS—80

Aiken	Fong	Murphy
Allen	Fulbright	Muskie
Allott	Gore	Packwood
Baker	Gravel	Pastore
Bayh	Gurney	Pearson
Bellmon	Hansen	Pell
Bennett	Harris	Prouty
Bible	Hart	Randolph
Boggs	Hartke	Ribicoff
Brooke	Hatfield	Saxbe
Burdick	Holland	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Jackson	Smith, Maine
Cannon	Jordan, N.C.	Smith, Ill.
Case	Jordan, Idaho	Sparkman
Church	Magnuson	Spong
Cook	Mansfield	Stennis
Cotton	Mathias	Stevens
Cranston	McClellan	Talmadge
Curtis	McGee	Thurmond
Dodd	McGovern	Tower
Dole	McIntyre	Tydings
Dominick	Metcalf	Williams, N.J.
Eagleton	Miller	Williams, Del.
Ellender	Mondale	Yarborough
Ervin	Montoya	Young, N. Dak.
Fannin	Moss	

NAYS—1

Proxmire

NOT VOTING—19

Anderson	Hruska	Nelson
Cooper	Inouye	Percy
Eastland	Javits	Russell
Goldwater	Kennedy	Symington
Goodell	Long	Young, Ohio
Griffin	McCarthy	
Hollings	Mundt	

So the bill (H.R. 14794) was passed.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. CASE, Mrs. SMITH of Maine, and Mr. ALLOTT conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I must say that the distinguished Senator from Mississippi (Mr. STENNIS) has served this body far beyond the call of duty during these past few weeks. Steering first the immense Defense appropriations measure both through committee and on through the Senate followed by the funding bill for the Department of Transportation and related agencies, he deserves the highest commendation of the Senate. Both of these measures required the highest degree of care and diligence—the degree applied so characteristically by the Senator from Mississippi on all proposals to which he lends his support and leadership. Evident today in the discussion of the Transportation measure was the same able and outstanding advocacy that has become the trademark of Senator STENNIS in this body. the Senate again is deeply in his debt.

Equally to be recommended for his outstanding support and cooperation on this proposal was the distinguished senior Senator from New Jersey (Mr. CASE). His strong and able efforts assured the efficient disposition of this bill this evening.

Notable also was the contribution of the distinguished Senator from Wisconsin (Mr. PROXMIRE). His own strong and sincere views are always most welcome.

I know the hour is late but I simply wish to extend my gratitude to the entire Senate for joining to assure the disposition of this bill this evening.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on proposals for improving internal audit in the Department of State dated December 16, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for savings and better service to map users through improved coordination of federally financed

mapping activities, Geological Survey, Department of the Interior, dated December 17, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CLAIM OF ANTHONY P. MILLER, INC.

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of Anthony P. Miller, Inc., against the United States, dated December 16, 1969 (with an accompanying report); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A letter, in the nature of a petition, signed by Walter S. Sheppard, of Jamaica, N.Y., praying for a redress of grievances; to the Committee on Post Office and Civil Service.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. BYRD of West Virginia, from the Committee on Appropriations, with amendments:

H.R. 15209. An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91-616).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MUSKIE:

S. 3250. A bill for the relief of Jerzy Kasmala; to the Committee on the Judiciary.

By Mr. DODD:

S. 3251. A bill for the relief of Iraj Gozarkhah; to the Committee on the Judiciary.

By Mr. TOWER:

S. 3252. A bill to amend the Internal Revenue Code of 1954, as amended; to the Committee on Finance.

(The remarks of Mr. TOWER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PERCY (for himself, Mr. AIKEN, Mr. ALLOTT, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. COOK, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GOODELL, Mr. GRIFFIN, Mr. GURNEY, Mr. HANSEN, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. PACKWOOD, Mr. PEARSON, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mrs. SMITH of Maine, Mr. SMITH of Illinois, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, Mr. WILLIAMS of Delaware, Mr. YOUNG of North Dakota, Mr. BAYH, Mr. BIBLE, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CHURCH, Mr. CRANSTON, Mr. DODD, Mr. EASTLAND, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HOLLAND, Mr. HUGHES, Mr. JACKSON, Mr. JORDAN of North Carolina, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MONTOYA, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SPARKMAN, Mr. STENNIS, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 3253. A bill to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969; to the Committee on Public Works.

(The remarks of Mr. PERCY when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

S. 3252—INTRODUCTION OF A BILL TO AMEND THE TAX CODE TO INCREASE THE CORPORATE SURTAX EXEMPTION

Mr. TOWER. Mr. President, the President of the United States has shown a great determination to curb inflation. I have been pleased to join in the fight with him because I feel that there is no more serious problem in our Nation today than the steady erosion of the purchasing power of the dollar.

But one segment of the economy is bearing a particularly harsh burden in the inflation fight. The small businessmen across the land have suffered more from the monetary restrictions which have characterized the Government's efforts to curb inflationary demand than any other group. While a prime borrowing rate of 8½ percent is enough to dissuade almost any business organization from borrowing, it is particularly onerous to the small businessman. It is a particular problem to him, Mr. President, because a high prime rate goes hand in hand with scarce money, and when there is not enough lending money to go around, it is the small businessman who gets cut off first.

The large banks give preference to their largest customers. Now, I do not suggest that this is an unnatural or a wrong course of action on the part of the bank. No, it is simply economic reality. But we should recognize that reality, Mr. President, and realize that it forces the small businessman to bear a proportionate share of the costs of the war against inflation.

This does not mean that we should abandon the war or that it is being waged incorrectly. But it does mean that we should attempt to give the small businessman an opportunity to survive. We can best do this, Mr. President, not by instituting a massive new Federal program, but by simply updating a provision of the present tax laws. That provision is the corporate surtax exemption.

In 1938, Congress recognized that corporations should have the benefit of at least a portion of their earnings before they began paying full corporate taxes. At that time, the amount of earnings which would be taxed at lower rates was set at $25,000. Thus, small corporations earning less than $25,000 were better able to compete with larger ones because of a tax advantage.

Mr. President, the bill I now introduce would simply update that 1938 provision by increasing the corporate surtax exemption to $100,000.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3252) to amend the Internal Revenue Code of 1954, as amended, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILL

S. 3151

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that, at the next printing, Mr. BAYH, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. MANSFIELD, Mr. MONDALE, Mr. MOSS, Mr. PROUTY, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. YOUNG of Ohio, Mr. KENNEDY, Mr. CHURCH and Mr. TYDINGS be added as cosponsors of S. 3151 to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA—AMENDMENT

AMENDMENT NO. 434

Mr. MOSS. Mr. President, in September of this year I introduced a bill S. 2893, to help preserve historical and archaeological data.

The bill amended the 1960 act, which provides for the salvage of historical and archaeological remains being flooded or destroyed by dams constructed by or with the assistance of the Federal Government. The bill extends coverage to all Federal and federally assisted or licensed programs which alter the terrain and thus potentially cause loss of scientific, prehistorical, historical, or archaeological data.

S. 2893 is sponsored by the Society for American Archaeology and the Committee on the Recovery of Archaeological Remains. Early in November my office made arrangements for a series of meetings between the principal Federal agencies affected by this proposed legislation and representatives of these two groups. These meetings revealed some misunderstanding about the intent of the legislation.

As a result, I am today submitting an amendment in the nature of a substitute for the original bill. The amendment makes it clear that agencies may take the

necessary steps to conserve archaeological resources within the framework of their own administrative procedures rather than being required always to work through the Secretary of the Interior. If an agency wishes to utilize the resources of the Secretary of the Interior, it is authorized to transfer funds—not to exceed 1 percent of its total program—to that Secretary to cover archaeological costs. The only substantive change in my new bill raises the maximum transfer limit to 1 percent rather than one-tenth of the 1 percent in the original bill. I feel that 1 percent is a more realistic figure.

It is my understand that these changes meet most of the questions raised by the archaeological community and the Federal agencies concerned and will provide a more effective and more readily administered law.

I am gratified that the same Senators who cosponsored the original bill have agreed to cosponsor the substitute: Mr. ALLEN, Mr. BIBLE, Mr. CRANSTON, Mr. EAGLETON, Mr. FANNIN, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. HARTKE, Mr. HATFIELD, Mr. KENNEDY, Mr. MCCARTHY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. SCOTT, Mr. THURMOND, Mr. YOUNG of Ohio, Mr. BAYH, Mr. MCGEE, Mr. CHURCH, Mr. GOODELL, and Mr. WILLIAMS of New Jersey.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 434) was referred to the Committee on Interior and Insular Affairs.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 435

Mr. FULBRIGHT (for himself Mr. AIKEN, Mr. CASE, Mr. CHURCH, Mr. COOPER, Mr. PELL, Mr. MANSFIELD, Mr. SPARKMAN, and Mr. WILLIAMS of Delaware) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. FULBRIGHT when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

GEN. GEORGE H. DECKER'S SECOND RETIREMENT

Mr. MANSFIELD. Mr. President, the trade associations which represent the wide range of American business have a vital role to play in our economy and in the processes of Government here in Washington. Their leaders therefore bear a very considerable responsibility for the effective functioning of our democratic free enterprise system.

I wish to commend a public-spirited American who has ably discharged that responsibility on behalf of a great American industry. I speak of Gen. George H. Decker, the retiring president of the Manufacturing Chemists Association.

During his 6 years with the association, General Decker has given it inspiring and forward-looking leadership. He took office at a critical time for the industry, a time of widespread apprehension about the overall effect of chemicals on our environment.

General Decker and his associates have recognized that there are serious problems in this field, which urgently require attention. They have worked with us in Congress in seeking to evolve measures and methods which will meet these problems, while at the same time making it possible for the chemical industry to push forward with its dazzling technological progress, which has yielded such rich dividends for America and Americans.

In the effort to safeguard the quality of our water, our air, and our soil, the chemical industry, under General Decker's leadership, has made a vital contribution—both for the cooperative spirit it has shown and the essential technical expertise it has contributed. If that effort succeeds—and it must—a good share of the credit should go to General Decker and the statesmanlike course he set for the industry.

This is, of course, General Decker's second retirement. Seven years ago, he retired as Army Chief of Staff, and on that occasion was awarded the Distinguished Service Medal. That is indeed a high honor. But equally significant, I believe, is the high regard in which he is held by all those who served under him in uniform and all those who have come to know him in civilian life. They would want, I am sure, to join me in wishing him many happy and healthy years to come.

DANGEROUS TIGHT MONEY POLICY

Mr. HARRIS. Mr. President, as I have said before, this administration is steering an alarming and dangerous course with its continued tight money policy which has driven interest rates upward to intolerable levels.

An article written by Richard F. Janssen and published in the Wall Street Journal on Tuesday, December 9, 1969, and an article written by Hobart Rowen and published in the Washington Post on the same day report in some detail about the fact that two members of the Federal Reserve Board believe that this tight money policy must be loosened up.

These articles concern the viewpoints and votes of Sherman J. Maisel and George Mitchell, members of the Federal Reserve Board, who, it is reported, have been dissenting for some time from the current highly restrictive money policy of the Board, backed by the Nixon administration.

In the hope that Senators will find this information useful in continuing to work to reverse the high interest rate program now in effect, I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MAISEL SAYS RESERVE BOARD MAY PROVOKE "FINANCIAL CRISIS" UNLESS POLICY IS RELATED

(By Richard F. Janssen)

WASHINGTON.—The Federal Reserve Board majority is risking a "financial crisis" that could upset its anti-inflation effort, dissenting member Sherman J. Maisel said in an interview.

Mr. Maisel said the board would be able to follow an anti-inflationary policy longer if it would make a "mid-course correction" that ends the rapid shrinkage of financial liquidity.

It is in hopes of winning public understanding for his view that the board could ease money market conditions without abandoning the anti-inflation fight, Mr. Maisel explained, that he decided to respond to previous requests to elaborate on his opposition to prevailing board policy.

Mr. Maisel and board member George W. Mitchell, as the board reported yesterday, dissented for the second consecutive time at the Sept. 9 Open Market Committee meeting. At that time, the policy-setting committee decided "to maintain the prevailing firm conditions in money and short-term credit markets," and there are indications that there hasn't been any change made at more recent meetings.

THIRTEEN LINES FOR DISSENTERS

Mr. Maisel, stressing that he is speaking only for himself and not for Mr. Mitchell, noted that the official report of the Sept. 9 meeting devotes about nine pages to the majority view and only 13 lines to the dissenters.

Through "more public debate," Mr. Maisel asserted, the board "can get rid of the box" he finds it getting deeper into—prolonging the present policy for fear that such evidence of ease as lower interest rates would touch off a new surge of borrowing and business expansion. The board would have to support such extra lending by being more generous with new reserves, he reasoned, thus making it difficult for the board to avoid underwriting a new round of inflationary overheating.

A key factor in his difference with the majority, Mr. Maisel made clear, is disagreement over how to measure the impact of monetary policy. The majority, he observed, stresses such money-market-condition factors as the interest rates on "Federal funds," or excess reserves that banks borrow from each other, and "net borrowed reserves," a measure of the extent to which banks resort to borrowing from the Federal Reserve System.

SIZE OF "MONETARY AGGREGATES"

Because these indicators have remained roughly the same, he notes, the majority reasons that its policy has neither tightened nor loosened credit for several months. But in his own view, Mr. Maisel says, the board has actually been causing "a continued increase in the restrictiveness of monetary policy." This is shown, he argues, by the "monetary aggregates." These include the narrow money supply of cash and private checking account deposits, the broader money supply which includes bank time deposits, bank reserves and the deposits of all financial institutions.

These aggregates are either growing at far less than their normal pace or decreasing, Mr. Maisel observes. Since the overall economy is still expanding, he adds, its "liquidity," or readily available cash, is becoming precariously low. These measures would have to "come back up considerably," he argues, if the Government is to attain its goal of having the gross national product, or total output of goods and services, climb at about 5% to 6% annual rate.

If the majority continues to prevail and the aggregates don't move up, Mr. Maisel suggests, four possible situations could de-

velop. The possibility of a "severe recession" isn't very likely, he says. But he cautions that there could well be "a financial crisis" in at least some credit markets, "high sectoral costs" such as a housing slump so severe that shortages drive up prices and rents more steeply, and confirmation of the "standard forecast" of a downturn for portions of the economy subject to monetary influence.

Any of these situations could be overcome, Mr. Maisel figures, by a big enough change in Federal Reserve policy. But if the board waits until they occur and then continues to focus on money market conditions, he warns, "it is likely to overshoot" by easing credit too massively.

The longer the board continues its current course, Mr. Maisel contends, the harder it will be to make a "mid-course correction," and the more likely it will be that the board will "go to the opposite extreme." The board ought to be willing to leave the money markets less certain about day-to-day fluctuations, he said, and "try to increase certainty that you're going to stick with a logical policy for an extended time."

If his own approach were adopted, Mr. Maisel said, the economy's liquidity might still decrease slightly, but not as rapidly as it has been. Interest rates might even come down some, he suggested, if the fear of a financial crisis were removed.

In voting eight to two to retain a firm credit policy at the Open Market Committee's Sept. 9 meeting, the majority noted indications "that the rate of real economic growth was slowing, but it was agreed that the persistence of strong inflationary pressures and expectations militated against a relaxation of monetary restraint at present," the statement said. But the committee's report noted that "a number of members emphasized the desirability of avoiding any (further) firming" in this policy.

Reports on the committee's deliberations are issued about 90 days after each meeting. To ease credit, the Federal Reserve generally buys existing Treasury securities on the market with newly created funds; when tightening credit, the system typically sells such securities from its portfolio, thus leaving commercial banks with less lendable cash.

MONEY MANAGERS SPLIT ON MONETARY POLICY—MINORITY FEEL IT'S TOO TIGHT

(By Hobart Rowen)

A basic policy split among the 12 men who manage the nation's monetary policy has emerged, and is likely to grow deeper in the next several months.

The 12 includes the seven governors of the Federal Reserve Board and five regional Federal Reserve Bank presidents who on a rotating basis represent all 12 presidents. This group forms the Federal Open Market Committee that meets in Washington about every three weeks.

A minority of the OMC feel that existing monetary policy is excessively tight, and could even lead to a financial crisis—although they think odds are against that.

But even more significantly, there is a growing belief that in deciding whether money policy should be tightened or loosened, the OMC should pay more attention to the big monetary aggregates (money supply, demand deposits, total reserves, and bank credit), and less to the traditional federal reserve concern with short-term interest rates and money market conditions.

It is a bow in the direction of Milton Friedman, but short of his single-minded focus on the sole importance of the money supply to the exclusion of other considerations.

The argument surfaced anew yesterday with publication by the Fed of OMC minutes for Sept. 9, which showed Governors Sherman J. Maisel and George Mitchell for the second month in a row dissenting from the current highly restrictive money policy.

These minutes are published with a 90-day lag. It was learned, however, that there has been no change in Fed policy—or in the majority and minor views—in the most recent sessions.

Many economists, in and out of government, and many business analysts have suggested lately that an overly tight monetary policy as being pursued by the Fed will lead to a recession in 1970.

SUPPORT FOR EXISTING POLICY

Except for Governors J. Dewey Daane and J. W. Robertson, who were absent, all of the others voted in September to continue—but not make firmer—the then existing policy. (In August, Daane and Robertson voted with the majority along similar lines of division.)

Maisel and Mitchell, argued, however, that monetary restraint in effect was actually tightening up, if the key aggregates were taken into consideration. Maisel yesterday elaborated by citing figures showing sharp contradictions in the growth of the aggregate measures. For example, the most inclusive definition of money supply is showing a contraction (minus 3.1 per cent) for the second half of 1969. (See table.)

Taking the monetary aggregates as a group, Maisel pointed out (along with the fact that long-term interest rates have been rising, these figures show that monetary policy has really grown tighter.

WANTS RESTRAINTS EASED

He advocates easing restraints to a level of about two-thirds the 1957–67 average, which he would label "normal." Thus, in terms of the narrowly defined money stock, he would permit a growth of about 3 per cent, then watch it closely for any necessary adjustments.

Maisel and Mitchell fear that if the Fed keeps to present policy, it makes it more probable that when an attempt is made to reverse direction, the Fed will once again "overshoot" the necessary target and reinflate the economy.

Maisel feels that the private markets tend to get carried away after a turn in Fed policy; in 1968, for example, actual reserves were enlarged by 50 per cent more than anyone at the Fed envisaged.

The dissenting governors think that the risk of an over-reaction would be mitigated by making the turn now, instead of engaging in a game of "chicken" with financial markets, in which the Fed says that it will not loosen up until there is a financial crisis, and the market says, in effect, that it doesn't believe the government would permit one.

There are indications that some of the presidents of the regional Fed banks, who until now have been following the course set down by Chairman William McC. Martin, are shifting their ground toward consideration of the aggregates.

It is possible that the drift may become more pronounced after Martin leaves his post in January, after 18 years at the helm. Obviously, much will depend on the new stimulus injected by his successor, Arthur F. Burns.

Maisel said that it was possible to find four basic reasons for the Fed to shift from a sole focus on money market conditions and short-term interest rates to include more attention to the monetary aggregates: 1) the general Friedman view that insufficient weight has been given to money supply; 2) the Keynesian view that over-reliance on money policy may lead to a recession; 3) the squeeze developing on liquidity means that a prospect of a financial crisis exists; and 4) even without a general recession, monetary tightness may be causing crises in various sectors of the economy, such as housing, and state and local ability to finance necessary projects.

ALREADY GONE TOO FAR

Because there is probability that all of these arguments are true to a degree, Maisel has been insisting in private, the Board's existing policy has already gone too far. He would guide money market operations so as to pump more reserves into the system.

But the OMC so far has been focusing on the inflationary expectations in the economy. The OMC minutes for September noted that there were indications "that the rate of real economic growth was slowing, but it was agreed that the persistence of strong inflationary pressures and expectations militated against a relaxation of monetary restraint at present."

The opponents of this policy suggest that although few will say it openly, a free translation of the OMC majority's words is that a depression will be necessary to reverse inflationary expectations and to reduce prices. They (the minority) say that that is a "bad target for monetary policy."

In essence, then, the debate is over what should trigger Fed decisions to pump up or restrict the supply of money and reserves. The conventional wisdom, still being followed by the Fed, relies largely on "conditions" in the short-term money market, and on price developments; some policymakers also take balance of payments considerations into account.

MAISEL-MITCHELL ARGUMENT

The Maisel-Mitchell argument is that this standard has proved to be inadequate. More attention must be paid as well, they say, to the actual supply of money and credit in various forms.

In a speech yesterday in New York to a Business Week conference, Mitchell said "there is no doubt, in my opinion, that financial aggregates will steadily become more useful in guiding policymakers and the judgments of those who are searching for clues to policy changes."

Like Maisel, however, he rejects the Friedman notion of tagging the money supply alone as the single determinant of policy: "I believe we are a long way from being able to specify a particular aggregate as a 'North Star' for monetary navigation."

U.S. POLICY IN THE MIDDLE EAST

Mr. FULBRIGHT. Mr. President, on December 12 I placed in the CONGRESSIONAL RECORD the speech of Secretary of State Rogers on U.S. policy in the Middle East. That speech was delivered on December 9 to the 1969 Galaxy Conference on Adult Education.

I again put the speech in the RECORD on December 15, in order to provide a basis for the insertion also in the RECORD of a press report from Israel indicating that Israeli Premier Golda Meir had accused the American Secretary of State of "moralizing" on the subject of the Middle East peace. I also placed related news articles in the CONGRESSIONAL RECORD at that time, commenting that I thought the attack on our Secretary of State was "rather unseemly" when at the same time the United Jewish Appeal is reported to be seeking to raise $500 million of tax deductible funds in the United States for the use of a foreign government.

I raise the subject again at this time in order to note that the silence of supporters of Secretary Rogers' "balanced" policy in the Middle East is deafening.

The vigor with which the administration's policies in Asia are supported—policies about which I have many doubts—is not noticeable in support of the Secretary of State's carefully developed remarks in trying to promote peace in the Middle East.

I am pleased to find myself in agreement with the Secretary of State, and to report that agreement publicly. Yet, strange as it may seem, I suspect that this public endorsement of Secretary Rogers' remarks will make me a target for attacks as reprehensible as those directed at the Secretary.

It is shocking to find that the subject of peace in the Middle East is one upon which American citizens are not viewed as either patriotic or unbiased unless they endorse and even embrace the policies of a single foreign government.

Secretary Rogers is to be commended for his balanced statement. I hope he will not be intimidated in pursuing policies in the Middle East which seem to most objective observers to be without prejudice to either of the warring parties there.

It is regrettable that the Israeli are no more even-handed or balanced than the Arabs—or vice versa.

Unnecessary though it may seem, but partly to rebut the criticism I know I will be subjected to for making this statement, I want it clearly understood that I support the existence and independence of Israel. Indeed, I believe the interests of the United States would be served by a settlement in the area which would assure firm and stable boundaries between Israel and her Arab neighbors and thus provide opportunity for the people in the area to develop.

THE HUNGER-MALNUTRITION PROBLEM

Mr. PERCY. Mr. President, from December 2 to December 4, 3,000 people with greatly divergent backgrounds—black Americans, Mexican-Americans, Indians, doctors, social activists, representatives of industry, the hungry, and the professionals who work with them—assembled in Washington. They were called together by President Nixon to participate in the first White House Conference on Food, Nutrition, and Health.

It was a controversial conference which generated heated emotions both from those who chose not to believe that hunger existed amidst our affluence and from those who knew from the emptiness in their stomachs that it did. It was praised as a positive step in focusing attention on the problems of the hungry and malnourished and in developing solutions to them. And it was criticised as more talk and no action, just another diversion to forestall feeding the poor. Finally, it was a potentially explosive conference rife with dissent and the threat of confrontation.

Yet, to the credit of the administration, Dr. Jean Mayer and his staff, and the invitees, out of this White House Conference came numerous solid recommendations which could fulfill the President's call "to put an end to hunger in America for all time." These were recommendations proposed and adopted not just by a vocal group of radicals but by the majority of the highly knowledgeable invitees who composed the Conference panels and task forces.

They ranged from concrete proposals concerning the safety of food additives and the relationship between nutritional deprivation and intelligence to a dramatic plan for combating hunger and poverty now. This plan was adopted as the conference action statement and provided the following:

First. The President is called upon to declare a national hunger emergency and to use his executive authority to distribute food to the hungry.

Second. The remedy for hunger and malnutrition is a minimum guaranteed level of cash assistance along with the provision of meaningful jobs with living wages.

Third. As interim measures only, present food programs must be reformed and immediately expanded.

Fourth. A national free lunch and breakfast program must be available to schoolchildren through secondary school.

Fifth. All responsibilities for hunger and malnutrition relief must be shifted from the Department of Agriculture to the Department of Health, Education, and Welfare with corresponding shifts in congressional committee responsibilities.

I endorse the principles and priorities outlined by the White House Conference in this platform. The scope of the recommendations indicate that those who lauded the calling of the conference were right; something of value has emerged from it. It is now up to us in the Congress and the President to insure that the criticism of the conference is rendered invalid. We can only do so by acting, by working now for the implementation of many of these proposals.

There are several ways in which Congress can meet its responsibility to the poor and the hunger. The first is by extending the school lunch program which currently provides less than half of the 7 million eligible children with a free or reduced-price meal. For far too many of these children, it is the only hot meal they receive all day.

In conjunction with this legislation, the Congress must expand the food stamp program along the lines of the substitute bill passed by the Senate. It is imperative that the most needy in every county receive free food stamps. Finally, the Congress should give early consideration to the welfare reform proposal submitted by the President during the next session.

The President too has a responsibility for eradicating hunger, malnutrition, and their debilitating effects. His response to the White House Conference in ordering the operation of a food program in every county by June indicates his cognizance of this responsibility and his commitment to meet it. So does his family assistance plan which would provide every family with a guaranteed level of family assistance. These are major steps, but many more must be taken. I urge President Nixon to continue his efforts by careful consideration and implementation of priorities established by his White House Conference on Food, Nutrition, and Health.

Mr. President, we must remember that the hunger-malnutrition problem is a future national hazard with profound effects upon the development of our sociey and our economy. An infant suffering from severe malnutrition can fail to synthesize protein resulting in up to a 20-percent loss in his brain cell growth. This may result in irreversible retardation that may confine him to a lifetime of welfare dependency, a lifetime of adding to the burgeoning welfare roles.

A child who comes to school hungry may not suffer from a diminution of intelligence; he may well be unable to pay attention and learn. This too will diminish his potential productivity and contribution to society.

It is estimated that it would cost the government approximately $475 to feed his child properly while it would cost nearly $1,516 to pay for his welfare expenses and hospitalization if his hunger were not alleviated. I for one would rather make the $475 investment which can only provide a substantial long-run return.

Finally, the hunger-malnutrition problem is a national disgrace. That a country with nearly a trillion-dollar economy with a $4 billion expenditure to insure that food will not be grown has hungry men, women, and children is shameful. It is our shame and we must act now to erase it.

NEW COMMITTEE ESTABLISHED BY BERNARD FENSTERWALD, JR.

Mr. BAYH. Mr. President, Mr. Bernard Fensterwald, Jr., a former longtime and well-known Senate staff member, has established a new organization which has the objective of conducting an independent investigation into political assassinations. Largely at his own expense he has launched a widespread and exhaustive search from a Washington, D.C., based office into the background factors and intricacies involved in the series of untimely and tragic murders of prominent figures which have plagued the United States in recent years.

Recently the Washington Post published a most interesting article describing "Bud" Fensterwald's new activities and outlining in some detail his previous career as a Senate employee during much of the past decade. Because of the widespread interest in this unhappy facet of American politics and as a tribute to the dedicated service he has rendered to the Senate, I ask unanimous consent that the article, which was written by Shelby Coffey III, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 23, 1969]

BUD FENSTERWALD: HE RUNS THE TOWN'S OTHER CIA

(By Shelby Coffey III)

There have been periods when Bernard Fensterwald, Jr. has stood near the hot center of power in Washington, when he was quoted and sought by an admiring press corps. Back in 1965, when Fensterwald was general

counsel of a Senate subcommittee investigating the abuses of government invasions of privacy he and Bobby Kennedy lashed out at each other in public and in private.

Now Bud Fensterwald's pale eyes narrow slightly when he says "I know what I'm doing is unpopular." What he is doing, aside from private law practice, is pursuing a pastime that has sometimes come to be associated with a legion of fools and opportunists: he is investigating the assasinations of Robert and John Kennedy and of Martin Luther King.

But Bud Fensterwald is no ordinary conspiracy-seeker, looking to turn a fast review of flaws in the Warren Report into an instant paperback and cheap publicity.

These days, he tries to arrive at his offices on 15th street at about "7 o'clock in the morning when things are quiet" to pore over documents addressed to his own CIA—the Committee to Investigate Assassinations. CIA is a loose confederation of people who have written or worked on the various conspiracy theories.

At his own expense Fensterwald took an "8,000 mile junket" last May, traveling to Los Angeles, Dallas, New Orleans, Atlanta and Memphis among other locations. He talked with James Earl Ray's lawyers, examined slides of John Kennedy's assasination, visited with the controversial Jim Garrison, and dozens of others, either fascinated or peripherally (or not so peripherally) connected with the three major political murders of the Sixties.

In a recent brief, breezily-styled "progress report" to his fellow CIA members ("There is no implication at all in the title," says Fensterwald with a bit of a wry grin), the Executive Director declared that funds were "Generally non-existent!!" and that the venture needed angels but none had materialized.

As the report mentions the assortment of famous and obscure Fensterwald had talked with, an optimism emerges—there were a number of "fascinating leads" to be chased after and explored and not enough time to do it all in. But there is always a chance "next trip."

To friends and acquaintances who find Fensterwald's recent activities strange, he replies with the certainty of a man who is utterly convinced of not only the correctness but the need for his work.

He feels there may be more political assassinations if the earlier ones are not solved. He resents the statement of former Chief Justice Earl Warren that there will be things that we will not know about the death of John Kennedy until 2039. "My people don't go in with any preconceived notions," says Fensterwald. "We just look for the inaccuracies." To document them he traveled to London early in November to look into the stay of James Earl Ray in that city.

He does not feel that there is any immediate physical danger in his consuming avocation; but he has set aside a sum of money for the investigation into his death should he vanish someday. He has also placed copies of his most important evidence in "places that would be very difficult to get to."

This kind of talk upsets some people, particularly those who know of Fensterwald's background—an impeccable blend of a proper Southern Jewish family, trips to Europe as a child, Harvard, Harvard Law, a good World War II record as a Naval Lieutenant and the makings of a creditable career at the State Department.

"I guess part of it is that I'm a rebel," says Fensterwald, who has had several political horses shot out from under during his career of public service.

Beginning in 1961 Fensterwald was staff director of the Subcommittee on Antitrust and Monopoly and as such assisted the late Sen. Estes Kefauver (D-Tenn.) in the hearings which sent several top electrical company executives to jail for price-fixing. (Today, a Herblock cartoon depicting Kefauver as a sheriff in a cathouse full of sinning electrical companies decorates a wall in Fensterwald's smallish offices.)

He also helped conduct Kefauver's inquiries into excessive profits of drug companies, coordinated the "first last and only" liberal filibuster against the government letting AT&T take over Comsat, and gained a considerable audience among civil libertarians when, as chief counsel for a Senate Judiciary sub-committee, he led a series of investigations into Government invasions of privacy.

Post Office mail surveillance, Internal Revenue Service eavesdropping and illegal wiretapping were probed, partially denied by officials, partially admitted by officials. It was during this period that he clashed with the late Sen. Kennedy over whether or not the latter had authorized certain wiretaps as Attorney General. The hearings aroused furious controversy at times and finally were "the ones that did us all in," as Fensterwald puts it these days, only a trace of edge ramrodding through his professionally modulated, slightly Southern-accented voice.

That part of Fensterwald's career is not a totally uncommon one in the lunges, escapes and clawings of Capitol Hill. It is the almost ritual tale of the relentless, perhaps somewhat obsessed, investigator bloodhounding after one or another of America's malefactors (in this instance, certain government agencies themselves). The tales filled columns of newspapers and magazines, sometimes making a few minutes of the prime-time evening news, and all the while building the career of the sponsoring senator. First comes that sort of power and publicity, then the fall. The plummet may come from the quiet guillotine of an offended Power or it may come in the 180-degree reversal of the voracious lights of the media. The investigators become the suspects; their idealism smacks of decay before an intrigued national audience. On such events are journalistic prizes won and careers shattered or drastically altered.

These were two of the results when *Life* magazine printed an article in 1967 portraying then-Sen. Edward Long (D.-Mo.) as linked to the Teamster Union. Long at the time was chairman of the Senate subcommittee on Administrative Practices and Procedures (which Fensterwald heads) and the implication was that the hearings had been held as a circuitous method of building a case to free teamster chief Jimmy Hoffa.

The investigation lost much of its press coverage as well as its momentum. Long was defeated the next year in his bid for reelection and the *Life* author, William Lambert won the Worth Bingham Investigative Reporting Medallion. Bud Fensterwald retired the next year to private law practice—which both he and several friends say he had intended to do anyhow.

Naturally enough,—since he feels that certain damaging material was illegally leaked to *Life*—he continued work on a book on "the way the Government railroads certain people" into jail or disgrace. The book was originally called *"Big Brother Is a Mother"* and is now tentatively titled simply, *Big Mother*. Fensterwald says he is having some trouble finding a publisher.

In his office where pictures of the famous line 16 walls, (Senators Kefauver and Long in the places of honor; Birch Bayh, Phillip Hart, Ted Kennedy, Everett Dirksen and Ambassador Sargent Shriver on the far wall), Bud Fensterwald leans back, a glass of beer in hand and says no, he isn't bitter about the *Life* article, that you have to expect these turnabouts in political work.

Without a trace of inflection his dry voice concludes that it was ironic that he had gone to such pains to avoid working on matters that would be a direct help to Hoffa's case as well as to several other politically explosive cases. A little later he says he has not become cynical about our form of government; it's just that certain parts and certain agencies have "corrupt, venal and vindictive" elements. Then the middle-aged father in him emerges—"some of my own children are talking anarchy," he says.

His reddish face twists a little in puzzlement and concern and the man who has given nearly 20 years to public service declares: "Sometimes I think I'm one of the few people around who does believe in our system of government."

Bud Fensterwald has always been well-endowed to be one of the elite who not only believes in but leads certain parts of the American government.

Fensterwald grew up in Nashville, Tenn. the son of a wealthy family of clothing merchants and this factor of possessing an independent fortune has played an important part in his career. As one of his assistants on the Judiciary Committee recalls, "working for Bud was not like working for an ordinary boss. He was not involved in jealously guarding his prerogatives; he allowed a lot of freedom for his staff to move into new areas on their own."

The assistant feels that his relaxed attitude was due in part to the fact that Fensterwald did not have to worry with the harsh choices involved in getting and spending while trying to carve out a career in government. He did not have to scramble after a well-fortified niche in the Civil Service.

Another factor was the honed and polished intellect that Fensterwald brought to his tasks. This could be seen in his Harvard years, when, as an ill-prepared freshmen, he was told by a kindly Dean that he might as well take his clothes home with him as the Christmas break. "I was failing everything," Fensterwald recalls.

But Fensterwald's parents had seen his departure for college as the necessary flight "from the nest" and had in fact forbade him to take the accepted route of many sons of Nashville upper-middle class—that of attending Vanderbilt and living at home.

Fensterwald declined the Deans' invitation to tumble back into the nest and instead drudged and toiled through the rest of the year. It is a measure of his determination as well as his brillance that when he graduated from Harvard in 1942, it was *magna cum laude* in International Law.

Like many of his classmates, Fensterwald chose the Navy during World War II. He was the officer who went in with the first wave of landing craft in several amphibious invasions in the Southwest Pacific. When he describes those days, he does not dwell on the excitement and fear and humor—the more typical sort of war remembrances—but rather on the mechanics involved setting up amphibious operations in the dark, on the logistics, methods and problems. One senses a mind concerned with machinations and methods.

Fensterwald joined the post-war stampede back to the campus and into marriage: He returned to Harvard Law School and married a Wave he met in Washington.

He again concentrated in International Law while in law school and in 1949 went on to receive a Masters degree in the same vast subject from the School of Advanced International Studies.

Thus primed and groomed for a career in international affairs, secure in the connections that Harvard, an excellent academic record, and a private income bring, and couched in the idealism that many bright young war veterans of the time brought to government in those days, Fensterwald joined the legal staff of the State Department in 1950. It was an auspicious start.

For the State Department as a whole, how-

ever, the early Fifties were a period of painful ferment and criticism; and Bernard Fensterwald became involved in some of the more harrowing trials of the department.

When the Bricker Amendment (which would have returned almost all foreign policy decisions to Congress) was introduced, Fensterwald was one of State's men assigned to Capitol Hill to help defeat the bill. There he met and worked with Sen. Kefauver, who was one of the few outspoken opponents of the bill. Fensterwald counts it as one of his proudest moments when the Bricker Amendment failed to pass the Senate by an extraordinarily small margin. "It would have passed the state legislatures like . . . through a tin horn," says Fensterwald today, "It would have returned us to an era like that under the Articles of Confederation."

He was also involved in work at the United Nations, for which he held great hope. When speaking of his feelings then, a weariness tinges his voice—the failure of the UN to become the dynamic force in world politics has been part of the disillusioning of Bernard Fensterwald.

Another part of that process was his view of the bitterness and what he calls "terror" summoned forth during the heyday of the Joe McCarthy investigations. Fensterwald was assigned to help read classified documents for some of the State Department career men whose security clearances had been suspended. He passed on the information to aid suspended officials in their defense. "A lot of the old China hands had written the very reports they were not cleared to read. It was a very ironic situation . . . I imagine they thought of me as some sort of a pimp for the work I was doing."

In 1956, discontented at the State Department, still savoring the acid aftertaste of the McCarthy years and interested by his contact with life of Capitol Hill, Fensterwald decided to join the Vice Presidential campaign of Estes Kefauver as a speechwriter on foreign affairs. It was, he realized from the start, an almost hopeless campaign. Still, "something might have happened," and of course then, recalls Fensterwald, "I would have risen" at the State Department.

After something did not happen, Fensterwald's boss asked him to return to the State Department, but Secretary of State John Foster Dulles blocked his re-entry.

Fensterwald says he expected not to be able to return but it must have been something of a blow to a man who had spent so much of his life in preparation for a career at State. He decided to move to the Hill as the Administrative Aide to the late Sen. Thomas C. Hennings (D-Mo.). He was happier in 1959 when he moved to be the Chief Counsel of the Subcommittee on Constitutional Amendments. "That's very high-toned work for a lawyer," says Fensterwald, who is very proud of the three amendments which he worked on and who is helping Sen. Birch Bayh work on the amendment to abolish the Electoral College. He still relishes discussing the implications and possibilities involved in various proposed amendments.

In 1961 Fensterwad was not selected for a top job at State and the implication was later made by *Life* that this had embittered Fensterwald against the Kennedys. "A lot of baloney," is the way Fensterwald talks about the allegation today. "A lot of people wanted jobs down there . . . Each major Democrat on the Hill was supposed to get one major appointment; and it was obvious that Kefauver's was going to be Rand Dixon, a good friend of mine." Dixon took over as head of the Federal Trade Commission and Fensterwald took Dixon's place as Staff Director of the Senate Antitrust and Monopoly Subcommittee.

This was a crucial turn in the career. Now Fensterwald speaks a little wistfully about going back to State; he says he keeps close contact with a lot of old friends there and that he has "talked over" a couple of different posts but none that quite fit, and these days he doubts that he will ever get back to State since he is pursuing the assassination investigation so diligently. "They don't like controversial people down at State; and that's as it should be."

After moving over to the Senate Subcommittee on Administrative Practice and Procedure, Fensterwald burrowed into the work on government invasions of privacy. He hired a top accounting agency to do all of his tax returns since he expected and says he received a very thorough check of his income tax returns after starting to investigate Internal Revenue "snooping" practices. During the period, says one reporter who followed him, he did an awful lot of good work . . . maybe he got a little obsessed with what he was doing . . ."

After the Warren Report came out, Fensterwald began keeping a file on the matter, but he feels that it was the assassinations of Robert Kennedy and Martin Luther King which mobilized him to the extent he is today. He can't exactly put his finger on the wispy "why" of what he is doing except that he feels he is a serious investigator and "someone has to."

So Bud Fensterwald spends his time and personal fortune tracking down both the gossamer and what he is convinced is the reality of undisclosed conspiracies in the three assassinations.

He ponders, broods, spills over with examples of inconsistencies, tries to keep the phone bills down. He sends reply forms with carbon papers attached to various correspondents so that he will have file copies immediately upon return of the reply. He says a large anonymous network of informants—"many of them great admirers of the Kennedys"—report to him each day as he sits in the sixth floor of the office building which has an all-weather "Offices for rent" sign outside.

One friend and admirer of Fensterwald's abilities puts it this way: "Yes, he is obsessed with the investigation, but in the best sort of way. I always felt like he had scattered his talents . . . perhaps because he was wealthy . . . But I think if anybody can crack this thing, it's Bud . . . I've never seen a more brilliant man when he sets his mind to something."

STRENGTHENING LAWS AGAINST PORNOGRAPHY—STATEMENT BY SENATOR GOLDWATER BEFORE A HOUSE SUBCOMMITTEE ON THE JUDICIARY

Mr. GOLDWATER. Mr. President, it was my pleasure to testify this morning before a subcommittee of the House Committee on the Judiciary holding hearings on the subject of pornographic material going through the mails. The chairman of the subcommittee is the distinguished gentleman from Wisconsin, Mr. KASTENMEIER.

I feel certain that the subcommittee will propose legislation for this now vacant field.

I ask unanimous consent that my remarks, prepared by my able legal assistant, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STRENGTHENING THE LAWS AGAINST PORNOGRAPHY

(Statement by Senator BARRY GOLDWATER, December 17, 1969)

Mr. Chairman and Members of the Subcommittee, it is a privilege to have the opportunity to appear before you today to discuss the ways in which Congress can strengthen the nation's laws against the distribution of pornographic materials in the mails and other channels of commerce. I am very encouraged by the willingness of the subcommittee to come to grips with this problem, and I only wish that my colleagues in the Senate would become as active in this field as you are.

Mr. Chairman, the first thing I want to do is to reject as utter nonsense the ridiculous idea promoted by a few self-styled trend setters who claim that all legal barriers against pornography have been removed in Denmark and that this proves such controls are not needed here. These spokesmen for absolute permissiveness make the further allegation that Great Britain is about to follow the Danish example by repealing its obscenity laws too. The implication is that we should get with it by doing the same in this country.

Mr. Chairman, these statements are nothing short of being bald-faced distortions of the truth, not to say poor jobs of journalism.

This tripe has been printed by the liberal press in such articles as the one entitled "Sex Seems Routine at Pornography Fair," which appeared in the Washington Post on October 22nd. The story contained the flat, unqualified statement that "the last antipornography laws were repealed July 10th" in Denmark.

The word has also been picked up as gospel truth by liberal commentators such as Lawrence Speiser, Director of the American Civil Liberties Union, who told the House Subcommittee on Postal Operations that "it might take comfort in knowing that Denmark recently repealed all of its obscenity laws."

Mr. Chairman, these people simply don't know what they are talking about. In the first place, the law that went into effect in Denmark last July restated and reaffirmed a broad prohibition against the sale of pornographic pictures and objects to minors who are under 16 years of age. The provision has been construed so tightly that the automatic vending of sexual materials is banned in Denmark since there is no way to determine the age of the buyer in such transactions. The law to which I am referring is set forth in section 234 of the Danish Penal Code, as amended June 4, 1969.

In addition, Article 232 of the Danish Penal Code, which establishes the punishment due for violations of public decency, can be used against persons who force obscene material on others and against persons who mail obscene letters. A major purpose of this law is to prevent publishers from sending illustrated pornographic advertisements to people who have not requested them.

Furthermore, the new Danish law has left untouched the network of stringent local controls that apply throughout the cities and towns of Denmark.

For example, article 10, section 3 of the Police Regulations of Copenhagen contains provisions forbidding the delivery of offensive publications and pictures to persons other than those who have expressly ordered them. Similar prohibitions are set forth in the authoritative Model Regulations for the Municipalities, which is the Danish guidebook to municipal laws.

These ordinances restrict the distribution of offensive advertisements. The sender may be convicted whether he has used a special messenger or the regular postal services. He is guilty even if the outside cover is inoffensive so long as the contents are pornographic.

Thus, we can see that far from there being no legal restraints on pornography in Denmark, the true state of the law there actually confirms the need for passing criminal statutes of the type which this subcommittee has before it.

The facts are equally revealing when we examine what has occurred in Britain. What has happened is that a working committee of the government subsidised Arts Council has urged Parliament to repeal many of the British controls on pornography.

What has not happened is this. The report has not been endorsed by the Arts Council itself. Nor has it been approved by any branch of the government. In fact, the British Embassy reports that "the Home Secretary is very unlikely to take any action" on the report.

Nor have the recommendations made in the report been accurately portrayed. For even though the membership of the committee was heavily weighed with publishers and writers, the committee decided that Britain should not repeal the Children and Young Persons Act of 1955, which protects minors from exposure to harmful publications.

What's more, the committee found that Britain should keep its laws against unsolicited mailings and blatant street displays. The Chairman, John Montgomerie, has explained the committee's position by saying that people should be protected against having "pornography thrust upon them."

Mr. Chairman, herein lies the core of the American public's anger against obscenity. People sense that unless action is taken—swiftly and effectively—to help them "turn off" the unsolicited filth which is being thrust upon them in their own homes, the very quality of their lives will be endangered.

The threat which provokes citizens across the land is one that strikes at the very heart of each individual's last fortress of personal liberty—his right and his ability to prevent the entry into his home of intrusions that shock or offend himself or his family.

There is no question that most Americans are deeply concerned by the outpouring of indecent materials that bombards their homes.

In the last three years alone more than a half-million persons have filed complaints with the Post Office Department specifically objecting to unsolicited obscene mailings.

The latest quarterly statistics reveal that these protests have jumped to a projected total of a quarter-million annually. This stands as the highest figure ever received by the Postal Service since it started keeping records of such complaints.

The actual number of Americans who demand action against the smut peddlers can only be estimated. But, the results of a recent Gallup poll give us a pretty good clue. According to this poll, 85 out of every 100 adults say they favor stricter laws dealing with obscenity in the mails. Translated into population figures, this means that one hundred million Americans are dissatisfied with the existing obscenity control laws.

Mr. Chairman, one hundred million Americans can't be wrong. In fact, the problem is greater than most people imagine.

Smut has become a major industry. The traffic in pornographic books, magazines, films, and cards exceeds a billion dollars in a single year. By comparison, the total business of the United States Government Printing Office is only $17 million annually.

According to Assistant General Wilson, who is in charge of the Criminal Division at the Department of Justice, the smut market is dominated by approximately 15 to 20 large dealers.

The Chief Postal Inspector confirms this finding. He estimates that 95% of the complaints which the Post Office Department gets about obscenity in the mails is caused by the unsolicited mass mailings of fifteen distributors.

A really ominous development that is just coming to light is the entry of organized crime into the field of hard-core obscenity. A newly formed Joint Strike Force that was set up in July among Federal, State, and local law enforcement officials in New York City has uncovered convincing evidence showing the infiltration of the big crime mobs into the smut market.

Daniel Hollman, the aggressive young Justice Department attorney who is in charge of the Strike Force, tells me that the United States has won two indictments in April and November of this year against several close associates of the New York mob family who are accused of shipping pornographic films, playing cards, pamphlets, and drawings across State lines. In the February case alone more than $1 million worth of obscene material was seized by the F.B.I.

Mr. Chairman, it is clear that the problem is nationwide. It is also one which involves a major traffic in the channels of interstate commerce. The problem is so massive and grave that individual citizens must seek assistance at the national level.

Today, I would like to focus my attention on one of the areas where I think Federal help is called for—the protection of children from exposure to material which is obscene as to them.

Mr. Chairman, in my opinion, the present situation represents a clear and present danger to the young people of America. The record is clear that the channels of commerce are being swamped with pornographically and sexually-oriented material which is knowingly sent to minors or is sent with a reckless disregard as to whether or not, it will get into the hands of minors.

There are children under 18 living in six out of every ten American homes. Nationwide there are 71 million children in this age group. And yet, there is no national law which is now aimed squarely at protecting minors from obscenity.

That society has a legitimate interest in regulating the dissemination to children of material which is objectionable as to them, but which could not be regulated as to adults, has been decided by the second *Ginsberg* case in 1968 (390 U.S. 631).

That a legislature may properly determine that children need protection from obscene matter has also been settled by the *Ginsberg* decision. The Court looked squarely at the question whether a State can reasonably find that obscene matter will impair the moral, ethical, and mental health of children and concluded that "The possibility of harmful effects to youth cannot be dismissed as frivolous."

Common sense will tell most people that the exposure of young children to material that portrays sexual promiscuity or abnormal behavior might undermine their normal development.

The record contains persuasive statements that confirm this danger. For example, in 1963 the New York Academy of Medicine published a report on the medical aspects of indecent publications sold at newsstands and circulated by mail, in which it said that the reading of salacious literature "encourages a morbid preoccupation with sex and interferes with the development of a healthy attitude and respect for the opposite sex."

Mr. Chairman, I am aware that the medical profession does not adhere to this view universally. I have also noted the conclusions set out in certain law review articles and medical journals that not much research exists to show what effect pornography has on the social actions of individuals.

However, what these articles fail to consider is the wealth of expert testimony which is available from psychiatrists, law enforcement officers, and other professionals who have had contacts with consumers of obscenity.

The prevalent view held by these persons has been succinctly expressed by Doctor Donald Hammersley, Chief of the Professional Services Wing of the American Psychiatric Association, who has kindly prepared a bibliography at my request covering some studies in the obscenity field.

Doctor Hammersley commented on this research material as follows:

"I don't believe any of these references offer positive proof that pornography has a bad effect on children. I believe psychiatrists would agree that, in general, glorification of perverse, sadistic, and anti-social activity in material available to children could adversely affect a child's psychological development."

This pretty well sums up the generally accepted view that the potential for corruption is definitely present in obscene materials. Clearly, none of the sceptics can point to any emperical evidence that would prove the opposite.

Mr. Chairman, with your consent, I will offer for the record the instructive bibliography which the American Psychiatric Association has compiled on this point.

Mr. Chairman, at this time I would like to emphasize my belief that Congress is not limited to one ground alone in order to act on legislation to protect children.

Whether or not we conclude that pornography is harmful to children, there is a second concept which I believe offers a strong basis for enacting a special law with respect to minors. This is the power of Congress to protect the Constitutional guaranty of freedom of privacy.

To my mind, privacy deserves one of the highest spots on the list of individual freedoms. It embodies the essence of the sanctity of a man's home and the right to enjoy the privacies of his life. In short, it stands as the bulwark of a man's right "to be let alone."

The right of privacy has been distinguished as a distinct and separate right in American law for the past 80 years and is regularly gaining expanded interpretations.

The reason for this is easy to see. As rapid improvements in the means of communications and transportation have continued to bring people closer and closer together, these same developments have made it increasingly simple for each person's life to be intruded upon by others who seek to exploit by unfair means.

Thus it is that the Courts now recognize the authority of the State to protect a man's feelings as well as his limbs. The exercise of this power is particularly strong when the threat to privacy involves an invasion of a man's home.

There is a Supreme Court decision close at hand. In *Breard* v. *Alexandria*, 341 U.S. 622 (1951), the Court considered the validity of a municipal ordinance forbidding persons from going uninvited upon private residences to solicit orders for the sale of magazines. The Court upheld the ordinance as a proper means to protect householders against "uninvited intrusions into the privacy of their homes."

A major doctrine announced by the Court is that when the right of free speech collides with the personal right of privacy, there has to be an adjustment of both rights. In the words of the Court, the privilege to engage in interstate commerce or free speech cannot be permitted to crush "the living rights of others to privacy and repose."

The most recent enunciation of the rule was made by a three-judge Federal court convened in California to consider section 4009 of title 39, the pandering advertisement law. In upholding the power of Congress to restrict mailings of pandering advertisements, the Court said:

"To require a commercial enterprise to strike a name from a mailing list seems little burden to impose to guarantee that dimension of privacy to an individual, otherwise helpless in his home, to 'turn off' pandering advertisements which may be erotically arousing or sexually provocative to him and his family."

Mr. Chairman, I am convinced that the right of parents to raise children in their own way will be recognized as being one of the

important dimensions of the right of privacy. There is no question that the indiscriminate distribution of smut to minors is undermining the ability of parents to educate their children in a decent way as to the purpose and meaning of sex. Nor is there any question that the vast majority of parents seek and need our help in shielding their families against the massive sales efforts of a billion dollar smut industry.

With this said, Mr. Chairman, I would like to turn to an examination of the specific provisions which it would be appropriate to include in a child-oriented statute. I have sponsored a bill, together with the Senator from Alabama (Mr. ALLEN) and nineteen other Senators which I believe would make a significant dent in the illicit traffic generated by the smut peddlers.

But rather then describing the features of our proposal, I believe the best way to approach the subject would be to discuss the provisions of related bills which are pending in this Committee. H.R. 11009, by Mr. CELLER, and H.R. 11031, by Mr. MCCULLOCH, both are intended to control the distribution of smut to children and I will direct my remarks to these bills in the remainder of my statement.

Mr. Chairman, the first suggestion I have to make is that the definition section of the bills should be tightened up so that it follows the standards applied by the New York State statute that was upheld in the second *Ginsberg* case.

Unfortunately, the provision set out in subsection (a) of each bill omits certain essential elements that have been traditionally required by the courts as a test of obscenity.

For example, the statute would allow the material under question to be considered standing alone, although the usual court standard is to view the objectionable matter "taken as a whole" in the setting in which it appears. Obviously, the omission of this element can cause a significant difference in the decision of whether or not an item is obscene. Looked at by itself, one picture in a magazine or one line in a book may appear indecent. But when taken in the context of the article or story to which it belongs, it may seem proper.

For this reason, I am afraid that unless the proposal is changed it will be applicable on its face to many legitimate magazines, newspapers, and books that no one wanted to cover.

An even greater oversight than this has been made, for whoever put the definition language together has left out what has to be the truly basic standard applied in every court decision on obscenity. I refer to the absence of any requirement that objectionable material must appeal to the prurient interest of the consumer.

Consequently, I suggest that the subcommittee adopt an amendment that will make the bill conform to the standards set forth in the New York statute.

In my view this change is absolutely crucial to the validity of the entire law. I urge my friends to read the case of *Interstate Circuit* v. *Dallas*, 390 U.S. 768 (1968) if there are any doubts about tampering with the Constitutional definition of obscene matter.

In this case the Court held that an ordinance of the city of Dallas was invalid because the standards used to define restricted matter were not definitely and narrowly drawn. The Court decided that this was so even though the law had been adopted for the purpose of protecting children.

The Court made a distinction between the New York Statute and the Dallas one, noting that the New York statute had been drawn "in accordance with tests this Court has set forth for judging obscenity."

That this approach will be effective is proven by the fact that the conviction upheld in *Ginsberg* involved the sale to a youngster of four "girlie" magazines. If the Court is unwilling to find that pictorial magazines are harmful to minors, I am certain it will find that the utter garbage which is infesting the mails is likewise obscene when sent to minors.

Mr. Chairman, the second amendment I suggest for your consideration is designed to keep the impact of the bill on target. Remember that the source of national outrage about smut is caused by a few major dealers engaged in commercial exploitation.

But the way subsection (b) is now worded, it would bring within its reach the case of relatives or friends who use the mails and interstate carriers without any purpose of material gain.

To close this loose provision, I recommend that the proposed law be amended to hit at persons who distribute illicit products for compensation or other commercial gain. This would be similar to a requirement in the New York statute and would meet the suggested form included in the Model Penal Statute drafted by the American Law Institute.

The third change which I hope the subcommittee will consider is whether the criminal sanctions of the bill should be expanded to reach the manufacturer and producer of pornographic materials.

The only person who is covered by subsection (b) is the one who deposits matter in the mail or transports merchandise in commerce, for delivery to a minor. This means that the film maker or printer who really turns out this stuff will not be covered by the law if he contracts with a separate publisher or distributor who handles the mailing or shipping of his product.

There is a major smut mill in Phoenix that performs just this kind of service on behalf of distributors in many different States, and I think the law should be stretched far enough to reach its kind of operations. I am referring to the Valley Paperback Manufacturers, Inc., which is engaged in a $4 million annual business printing indecent books by the ton for 14 United States publishers.

According to the Phoenix police department's special investigation bureau, Valley Paperback takes completed printing plates from the publishers, runs off an estimated 35,000 sex books each day, and ships them back to the publisher by truck, mail, and REA. The publisher then panders the items to the public.

Saul Simkin, president of the company, bragged to an Arizona Republic reporter that "I have the most beautiful operation of its type in America today . . . Sex is here to stay and nobody is ever going to tell me what to print, ever."

In order to shake up the brazen activities of operators of this kind, I feel the subcommittee should examine whether it is feasible to expand the scope of subsection (b) by making it a crime to print or manufacture lewd material if the accused knows or intends that such material will be deposited in the mail or transported in commerce in violation of the statute.

The next amendment I would like to discuss again involves the inherent Constitutional validity of the proposed statute.

Mr. Chairman, in my opinion subsection (c) of the proposed law is incapable of passing muster in the courts.

This provision says that indecent matter which is sent to a household where a child resides shall be considered as having been intended for delivery to a minor. An exception is granted only when the material is sent in an envelope or wrapper that "completely conceals the contents" and is "clearly, specifically, and personally addressed to an adult."

Frankly, Mr. Chairman, I cannot see how the courts will allow the lawmakers to pull themselves up by the bootstraps in this manner, and I must caution the subcommittee against adopting the provision.

It must be remembered that we are not talking about situations where the dealer can actually see the customer. Here where the business is conducted through the mails or in interstate commerce, the distributor does not see who his customer is.

Therefore, he cannot be charged with knowing the age of the person who opens the mail unless there is additional, reasonable proof of this presumed fact.

Mr. Chairman, I must inquire, how is the sender supposed to keep up the running account of each birth and change in age of family members that he must be aware of in order to know at which homes children are residing? And, if a minor does live at a residence where a dealer sends his product, can it fairly be said that the item is designed for delivery to him if he is only ten months old?

There is only one conceivable way in which subsection (c) might make sense and that depends on whether it will meet the criteria laid down by the Supreme Court for statutory presumptions. On the basis of the high court decision in the recent case of *Leary* v. *United States* (89 S. Ct. 1532), I fear that subsection (c) will not make it.

The Court announced in *Leary* that it will not uphold a statutory presumption unless the presumed fact is more likely than not to result from the proved fact.

Applying this test to subsection (c), the proved fact would be that lewd material was sent to a home where a child resides. The presumed fact would be that the product was meant to be delivered to the child.

In order for this to be a rational inference, it must be shown that most mailings and interstate shipments of smut are in fact received by persons who are younger than 18.

Next it must be shown that most dealers in smut are aware of this fact and have deduced that unless their product is mailed in the exact form described in subsection (c) it will be delivered to a child.

Mr. Chairman, after a long study of existing materials, I am persuaded that there simply is not any direct or circumstantial data available from which either of these conclusions may follow.

In the course of my search for evidence, I have been in touch with the Bureau of the Census, the Post Office Department, the Justice Department, the Commission on Obscenity and Pornography, and the Library of Congress to learn if they have any information bearing on whether most smut mail and deliveries are intended for or opened by children. In each instance the reply was negative. Mr. Chairman, I ask that these replies be printed at the end of my statement.

The result is the same if we turn to private sources. This is the conclusion which I reached after discussing the question at length with officers of two national associations representing firms active in the mail advertising industry.

Again, I must report that the response was negative. Neither the Mail Advertising Service Association nor the Direct Mail Advertising Association knew of any evidence from which it may be concluded that most mail of a commercial advertising nature is opened by minors.

In fact, the only information that came to light points the opposite way. According to a National Consumer Survey made for the Direct Mail Advertising Association in 1964, mail advertisements are opened by the head-of-the-family in 75% of American homes. This certainly refutes the idea that children open most of such mail.

Mr. Chairman, I wish to underline for the record that the member firms of these two associations are reputable companies, who refuse to have anything to do with the smut trade. They do possess a world of expertise about the direct advertising field and have been very generous in helping me pursue this investigation.

Even if the evidence had been different, there are other problems which might crop up. For example, I suspect that the United States attorneys would be hard put to explain to a court the difference between the requirements that an envelope or wrapper be "clearly, specifically, and personally" addressed. I assume that for an envelope to be "personally" addressed, it must show the name of the person to whom it is directed. But what reasonable distinctions in construction can the court give to the other terms?

Webster's defines "specific" to mean "precise" or "accurate." Applying this usage to the bill would mean that a person can be liable for conviction because of a misspelled name or an erroneous initial.

What then of "clearly?" I wonder what could be more clear than the personal name of the addressee. In his search for a distinct interpretation, perhaps the judge looking over this word will decide that the only meaning left open is for all envelopes or wrappers to be free of smudges and marks.

In any event, I feel it is apparent that the use of this triumvirate of requirements is open to challenge on the ground of vagueness.

Mr. Chairman, the final amendment that I wish to propose is the inclusion of a provision which preserves concurrent jurisdiction for the States in the anti-obscenity field.

The question of whether Congress intends to occupy the field to the exclusion of State and local laws should not be left for the courts to interpret. Congress has chosen to add a nonpreemption feature in fifteen of the Federal criminal statutes it has enacted during the past five years, and I suggest that similar language be put in the pending legislation.

Mr. Chairman, I would like to offer for the record a list identifying these fifteen statutes.

Mr. Chairman, this concludes my statement.

FISH-FARMING IN ARKANSAS

Mr. FULBRIGHT. Mr. President, probably the fastest growing agricultural industry in Arkansas is fish farming. Recently released figures show that gross sales of fish produced in the State this year totaled $16.1 million.

Government-supported research and technical aid have helped to make this rapid growth possible and I am pleased to have sponsored and supported some of the legislation which brought this about.

Fish farming was still virtually unknown when the Fish Farming Experimental Station at Stuttgart, Ark., began operation in 1961. Operated by the Department of Interior, work at the station is concentrated on broad, applied research to obtain practical information on the raising of food fish and bait fish.

A second unit, at Kelso, Ark., is being developed to test, prove, and demonstrate research findings at the Stuttgart and Marion, Ala., laboratories.

Technical assistance provided by the stations' staffs has been a major factor in the development of fish farming. Advice on spawning, stocking rates, feeding, disease control, and water management are provided at the Stuttgart laboratory. An extension biologist answers requests for information and assistance. A free diagnostic service provides assistance in disease control problems and each year a training course is provided for State and Federal biologists whose work is related to fish culture.

Mr. Leland DuVall, of the Arkansas Gazette, has recently written an article on the continuing growth of commercial fish farming, particularly catfish farming. It is an unusual and rare pleasure these days to be able to report some activity that is going well and in which our Government is playing a constructive and useful role.

Mr. President, I ask unanimous consent to have Mr. DuVall's article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, Dec. 13, 1969]

CATFISH FARMING GROWING RAPIDLY

(By Leland DuVall)

Even though "fish farming" still is an unidentified business species—no one seems to know whether it should be classified as agriculture or recreation—there is no mistaking the growth rate. Figures released this week by the Soil Conservation Service show that fish production is expanding rapidly and may turn out to be the fastest growing crop in the state.

Dr. Roy Grizzell, SCS biologist, said gross sales of fish produced in Arkansas this year totaled $16.1 million. All segments of the business registered significant growth.

Even though fish has not gained a listing in the farm crops for which the Statistical Reporting Service keeps figures, the $16.1 million in sales would give the commodity 12th spot in the standing. Wheat, which is in 11th place, had sales last year of $16.5 million.

Grizzell's figures indicate that fish had a value almost double that of "farm" chickens—not to be confused with commercial broilers—for which sales were $8.8 million. Tomatoes for the fresh market were valued at $4.3 million and stood 13th; oats ranked next in line with $3.1 million and corn was 15th at $2.4 million. Hogs ranked 10th, just above wheat, at $18.9 million and the present expansion rate in fish would indicate that the product might move up to that spot in a couple of years.

The report showed that 394 commercial producers shared the sales. Total land area devoted to all types of fish farming rose to 29,110 acres from 22,782 acres in 1968.

Commercial catfish production expanded faster than any other segment of the business. The land area used for the "crop" increased 80 percent to 10,749 acres and gross sales rose from $3.1 million to $4.5 million. Sales of catfish alone—if the Statistical Reporting Service chooses to break the figures down to species—would have ranked 13th, slightly above the volume of tomato sales.

Minnow production still accounts for a major part of the income and sales this year totaled $9.1 million from 18,361 acres, compared with $7.3 million from 16,844 acres last year. The value of minnow sales exceeded that of farm chickens.

The production of catfish fingerlings for stocking purposes also expanded significantly this year. The sales volume was $2.4 million from 1,602 acres, compared with $1.5 million from 1,025 acres in 1968.

Lincoln is the leading fish producing county in Arkansas. This year, the county had 1937 acres stocked to catfish and 369 acres in minnow production. For minnows alone, Lonoke County was the leader with 10,213 acres stocked to the crop. Ashley County had 889 acres in catfish production and Lawrence County grew the crop on 677 acres.

Six catfish processing facilities are in operation in Arkansas and Grizzell said all except one of them were installed in the last 14 months.

The rapid expansion of catfish production can be attributed to the oldest of all economic reasons: The demand simply exceeds the supply and growers are struggling to restore the balance.

Persons familiar with the business have warned repeatedly that fish farming is not a short-cut to riches. The initial investment can be rather large and the growing and marketing process can encounter hazards. At this point in the development many questions still are unanswered and many problems have not been solved. Relatively little work has been done on breeding and science of genetics has not been applied on a significant scale to the task of improving fish. It seems fair to say that fish farmers still are producing "wild" catfish that are not significantly different from those that live in streams and lakes around the state.

At this point, however, no one can predict accurately just how many clean, high-quality dressed catfish could be sold in the regional and national market. All the producers know is that they have encountered no difficulty in disposing of their harvests and many markets still cannot be supplied.

So long as this condition exists, we can expect catfish production to continue to expand.

THE AMENDED PAY BILL

Mr. MOSS. Mr. President, late on Friday evening the Senate passed the amended pay bill for the postal workers and the classified civil service of the Federal Government under the able leadership of the senior Senator from Wyoming (Mr. MCGEE), chairman of the committee, and the senior Senator from Hawaii (Mr. FONG), the ranking Republican member of the committee. I wish to commend these two able Senators for the long, devoted, and intelligent effort that they made to work out a compromise bill which gives prospect of a salary adjustment at once where it is so sorely needed, and a promise of a further adjustment on the first of July in an attempt to bring the Civil Service and postal employees up to comparability.

It was necessary to compromise the bill in order to avoid a threatened presidential veto. Of course, we are not certain now that a veto has been avoided, but the bill has been brought into a position where it is believed that the President will now accept it. The adjustment is made largely at the lower-income levels, where the impact of inflation is most severe. Most important, the classified Civil Service has been included to avoid the criticism of discrimination of one classification of workers against another classification. Although the amount involved for each of the workers is far too small, and I certainly would have supported a greater increase, I am convinced that this is the best we can get without a Presidential veto. It is more important to get a pay raise through than to try to gain a political advantage of quarreling about who cut off the increase. So I associate myself with the chairman and with the Senator from Hawaii and commend them highly.

OIL ISSUES

Mr. PROXMIRE. Mr. President, for the first time in a long time the oil industry is going to have some of its many subsidies examined and changed.

Congress has modified, albeit in a minor way, some of the oil industry's tax subsidies and the Cabinet Task Force on Oil Import Control apparently is going to modify the oil import quota program subsidy.

I think it is important that we are all aware of the issues involved in the proposed changes and, therefore, ask unanimous consent that a series of articles by David Francis be printed in the RECORD at the conclusion of my remarks. These articles were published in the Christian Science Monitor, which has a well-deserved reputation for fairness.

When the pressure comes from the oil industry to protect its many subsidies we ought to be prepared with all the facts, not just the "facts" from those who are seeking to retain their subsidies at the expense of the American taxpayer and consumer. I commend these articles as being fair and impartial and urge that they be read by every Senator because, as sure as I am standing here, the proponents of oil subsidies will be inundating Congress and the Nation with carefully prepared presentations of those "facts" they care to recognize. I ask that everyone compare the facts, measured and quantified in these articles, with the emotional arguments of national security, and so forth, of the oil subsidy seekers. After comparing these two "fact sheets," I think only one conclusion can be reached.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SENATE LIBERALS ZERO IN ON TAX LOOPHOLES OF OIL INDUSTRY

(By David R. Francis)

WASHINGTON.—There was no room for latecomers in the Senate Finance Committee hearing room Oct. 1. It was jammed with oil lobbyists and other observers.

The topic of a long parade of witnesses was taxes on oil and gas production.

They were a concerned lot. Not since creation of the oil-depletion allowance in 1926 has there been such a strong possibility that the oil industry will lose a portion of its extraordinary tax privileges.

"This is the first time we are really looking down their throats . . .," quipped Martin Lobel, legislative assistant to Sen. William Proxmire (D) of Wisconsin.

Senator Proxmire is one of a group of liberal senators attempting to reduce the size of the tax loopholes benefiting the oil industry.

In testimony to the Finance Committee Sept. 30, he described the tax privileges of the oil industry as "the most glaring inequities in the entire tax structure."

Even the oil industry expects to see its taxes go up. One oil lobbyist guessed that the Senate Finance Committee might reduce the infamous 27½ percent depletion allowance to 23½ percent. The House has already passed legislation trimming it to 20 percent.

THREE-TIER ALLOWANCE?

The "ringleaders" of the liberals in the Senate, in addition to Mr. Proxmire, are Sens. Edward W. Brooke (R) of Massachusetts, Edward M. Kennedy (D) of Massachusetts, George McGovern (D) of South Dakota, Thomas J. McIntyre (D) of New Hampshire, Walter F. Mondale (D) of Minnesota, Edmund S. Muskie (D) of Maine, Gaylord Nelson (D) of Wisconsin, Claiborne Pell (D) of Rhode Island, and Stephen M. Young (D) of Ohio.

They have proposed a three-tier depletion allowance. This would allow the full 27.5 percent depletion allowance on the first $5 million of gross income from oil and gas properties, 21 percent on the gross income from $5 to $10 million, and 15 percent for everything over $10 million.

The goal of this proposal is to protect the small, independent oil producers. They have been doing most domestic exploration, if the continental shelf and Alaska are excluded.

At the same time, stated Senator Proxmire, it "would require the major oil companies that have been enjoying fantastic profits to pay their fair share of the tax burden."

ASSOCIATION SPLIT HINTED

Cleverly, this proposal also has split the oil industry. It has received the backing of the Kansas Independent Oil & Gas Association, the second largest state association of independents with 1,300 members.

The even more important association in Texas, the Texas Independent Producers and Royalty Owners Association, has taken no position on the Proxmire proposal. It is reportedly split. Some of its members are executives with major oil companies and would naturally oppose such a sliding scale.

With this division in the oil industry and the enormous pressures on Congress for tax reform, Senator Proxmire's office reckons his proposal already has the solid backing of 34 senators. Twenty other senators are ranked as "doubtful." And the remaining 46 are not necessarily all opposed. So his proposal has a chance.

Mr. Lobel figures it depends partially upon what the Finance Committee proposes. If the committee cuts back the depletion allowance by a modest amount—say to 23.5 percent—it may present a "low enough profile" that Senate liberals will have a more difficult time cutting it further.

Chairman of the Senate Finance Committee is Sen. Russell B. Long (D) of Louisiana. With major oil interests active in his state, the Southern Senator is an open defender of the status quo in oil taxation. He is expected to work for as small a reduction in the federal tax privileges as he thinks possible.

A majority of his committee in the past has voted against reduction of depletion allowances.

OPPOSITION RECALLED

Only three of the 13 committee members who were in the Senate in 1964, when the last vote on the oil-depletion allowance was taken, voted against depletion. They are Abraham A. Ribicoff (D) of Connecticut, Albert Gore (D) of Tennessee, and John J. Williams (R) of Delaware.

Senator Long personally has financial interests in various oil investments. But he maintains that these personal interests parallel the interests of his state.

Noting that the gas-and-oil industry is the largest employer in Louisiana, he said in a Senate speech last year: "If I were against the oil and gas industry, I suppose I could expect the strongest kind of opposition, because after all, that industry involved a lot of jobs and a lot of investments in the state."

Senator Long has promised to report the tax-reform bill out of committee by the end of this month. But the seven Republicans on the 17-man panel are reportedly opposed to that schedule, hoping to delay the bill until 1970.

In any event, when it does reach the floor of the Senate, Mr. Proxmire is expected to offer his proposal as an amendment.

Then a new test of the power of the oil lobby, once regarded as one of the most powerful in Washington, will occur.

According to the Congressional Quarterly, oil companies have spent more than $500,000 on a newspaper-advertising campaign to try to convince the American people that the oil industry pays its fair share of taxes and that oil imports quotas are justified.

With the disappearance from the Senate of some of the oil industry's most powerful protectors—Lyndon B. Johnson, Sam Rayburn, and former Sen. Robert Kerr of Oklahoma—the oil interests must seek more public support. But the oil-depletion allowance has become such a symbol of tax privilege, the advertising campaign undoubtedly faces rough going in changing people's minds.

HOW "TEX SMITH" HELD HIS INCOME TAX TO $397

(By David R. Francis)

WASHINGTON.—This is an actual case from the files of the Internal Revenue Service. A taxpayer, let's call him "Tex Smith," has an income of $924,722 one year. But he paid only $397 in taxes.

That's the same amount of taxes a single man with a salary of $3,400 would pay.

How did Tex manage to pay only .04 percent of his income in taxes?

Primarily, he took advantage of the excess percentage depletion allowance on his oil and gas operations.

Tex declared a salary of $50,000, dividends of $1,022,312, interest of $676, capital gains of $26,519, a farm profit of $10,683, and a loss of $185,468 on his oil and gas operations before excess depletion.

PERSONAL DEDUCTIONS

However, excess percentage depletion for Tex amounted to $862,042. And he had personal deductions such as contributions, interest, state and local taxes, and medical bills totaling $41,141.

As a result, Tex made a contribution to the United States Treasury of only $397 that year.

Here's another example of the impact of tax loopholes for the oil industry. Atlantic Richfield Company earned over $465 million between 1964 and 1967. Yet it did not pay 1 cent in federal income taxes.

"Imagine," exclaimed Sen. William Proxmire (D) of Wisconsin at Senate Finance Committee hearings last week, "gigantic Atlantic Richfield paid less in federal income taxes than the janitor who cleaned this room last night!"

It is this type of extreme case that arouses the emotions of ordinary middle-class and poor taxpayers. It appears enormously unfair.

Yet, without blushing, the oil industry defends these loopholes as necessary incentives for assuring the nation adequate supplies of oil and gas. It argues that state and local taxes make the industry's total taxes about average for all industry.

Critics, in effect, term these defenses "rubbish." Some say the incentives are so generous they have attracted an excessive amount of capital into the oil industry. They maintain there could be much cheaper ways of providing incentives for oil exploration. And they dispute the tax claims of the industry.

These arguments will be discussed in more detail in subsequent articles in this series.

First, look at the cost of the oil and gas loopholes to federal revenues. Former Undersecretary of the Treasury Stanley S. Surrey called these "tax expenditures"—government expenditures made through the income-tax system.

For all extractive industries—oil and gas plus the mining industry—the revenue loss to the American taxpayer as a result of the percentage depletion allowance was $1.3 billion in 1968.

Most of this tax expenditure benefited the oil and gas industry.

CAPITAL COSTS RECLASSIFIED

Another loophole permits certain capital costs necessary to bring a mineral deposit into production to be deducted as current

expenses rather than spread over the useful life of the property. This cost another $300 million.

State Senator Proxmire: "This money was spent by the American taxpayers just as surely as if Congress had appropriated the money—with only one important difference: No one examined the expenditure to see who was getting it and whether it was worth the cost."

This year, a Treasury study indicates, the back-door spending of these two loopholes will amount to $1.7 billion.

That is some three times what was budgeted in fiscal 1969 for federal law enforcement. It is 15 times as much as the cost of running the federal judicial system, 3 times the budgeted amount for school-lunch and food-stamp programs, and 5 times as much as is budgeted for low-rent public housing.

ADVANTAGES ITEMIZED

The more important tax advantages provided the oil industry are these:

1. Intangible drilling costs.

These include such costs of developing a well as wages, fuel, repairs, hauling supplies, and other expenses that do not have a salvage value. These "intangibles" may be deducted from gross revenues the first year.

In other industries, firms must capitalize such expenses and write them off over a number of years.

2. Percentage depletion.

Businesses in the extractive industries may deduct a flat percentage of gross revenues of each property before paying taxes, unless this figure totals more than 50 percent of the net income of the property before deducting the depletion allowance. In the case of the oil and gas industry, this percentage is 27.5 percent. It ranges down to 5 percent for other minerals.

Unlike ordinary depreciation on machines and buildings in other industries, the depletion allowance goes on as long as the life of the mine or well even when it far exceeds capital costs.

There are other tax gimmicks that are used by oilmen. Here's an example.

Suppose a corporation derives all its income from an oil well, a gusher that produced revenues of $1 million the first year. But it was deep and cost $800,000 to drill.

Intangible expenses amounted to $700,000. Production expenses were $20,000. These are immediately deducted from the revenues, leaving $280,000 in profits.

The oil company would not pay income taxes on $280,000. He would pay them on $140,000.

OIL SOLID IN ADVANCE

This is because of the 50 percent net-income limit on the depletion allowance. Without this limit, his depletion allowance would have been $275,000.

This being a waste of a good tax break, the tax lawyer uses a technique known as "carved out" production payments to save more tax money.

He knows that next year, assuming revenues of $1 million again and production expenses of $20,000, the oil company could take the full percentage depletion allowance of $275,0000. Its taxable income would be $705,000.

So it sells most of the second year's production in advance. during the first year. Thus it boosts its first-year revenues to, say, $1.9 million, from which can be deducted $720,000 of intangibles and operating expenses. This leaves a net income of $1,180,000.

On this, the tax lawyer can claim the full depletion allowance of $522,500, since the 50 percent ceiling amounts to $590,000.

Next year the oil company will have relatively little income and it can claim against this its full operating costs. In some cases—not this example—the result might even be a loss.

A Treasury study under the aegis of Mr. Surrey asserted that this gimmick "produced tax benefits that are far in excess of the advantage Congress intended to grant."

The comment also applies to an even more complex form of production payment called the "ABC deal."

Other tax provisions, such as foreign tax credits, are involved in the current controversy over tax reform. They apply to other companies besides those in the oil and gas industry.

DOES OIL PAY ITS SHARE IN TAXES?

(By David R. Francis)

WASHINGTON.—Since July the oil industry has spent more than $500,000 to persuade the public that the percentage-depletion tax loophole is justified.

The money has been poured into a series of advertisements in 135 newspapers across the country.

One of the key arguments in the ads is that the total taxes of the oil industry—federal, state, and local—are more than proportionate to those paid by other industries.

But are they?

The ads are carefully worded. Says one: "The oil industry pays not a smaller but about a 20 percent greater share of its gross revenues in direct federal, state, and local taxes than the average for all industry. And that doesn't include the heavy gasoline taxes you pay at the pump."

This figure was obtained from a study by the Petroleum Industry Research Foundation, Inc., New York. It is financed by the oil industry, with seven independent oil marketers on its board.

TAXES TALLIED

The study found that in 1966 the industry paid a total of $2.5 billion in domestic taxes. These include federal income, state income, severance and production, property and ad valorem, payroll, pipeline, and miscellaneous.

The figures, as far as one can tell, are probably reasonably accurate.

But then the foundation study compared these tax totals with gross domestic revenues of the oil industry.

"That," says Martin Lobel, legislative assistant to Sen. William Proxmire (D) of Wisconsin, "is really fallacious. It is very misleading."

Adds Arthur W. Wright, economics professor at the University of Amherst: "It is an irrelevant thing to compare."

COMPARISON USED

According to these two, the proper comparison would be the proportion total taxes are of domestic net revenues when these net revenues are computed with ordinary cost depletion.

Gross revenues are the return from total sales, investments, fees, etc. By using this comparison, the level of taxation for the oil industry appears to match that of other industries.

Net revenues equal gross revenues minus the ordinary costs of doing business (operating income before taxes).

Although admitting that the federal tax burden is relatively low, the foundation study maintains that total domestic taxes averaged 5.1 cents per dollar of gross revenue for the years 1964 and 1965. The tax burden for all United States business corporations was about 4.5 cents per dollar of gross revenue in both these years.

Professor Wright likened this comparison to ranking an industry on its profit margin on sales. From an investor's standpoint, the only useful comparison is profit as a percentage return on net worth or investment.

Chain food stores, for instance, received only a 1.1 percent return on sales last year, but a 11.5 percent return on net worth. They depend on high turnover and low margins on sales for their profits.

By comparison, the oil industry has a very high percentage return on sales. According to figures of First National City Bank, it got 9 percent in 1968. Drug companies got 9.5 percent. Mining companies (which also enjoy percentage depletion) got 12.6 percent and public utilities 13 percent.

All other industries had a lesser return on sales. The average was 5.4 percent.

The oil industry's high profit on sales is a result of its relatively low unit labor costs. Since taxes are to some extent based on profits, oil industry's taxation over gross revenue figure works out relatively high.

This correspondent has not been able to find any study which compares total domestic taxes and net domestic revenues for the oil industry.

It would be a difficult task. Most international oil companies do not separate their domestic and foreign revenues in their public financial statements. The Petroleum Industry Research Foundation had to get these figures in confidence.

CASH FLOW PROVIDED

Oil companies do, however, keep two sets of books. They use one for tax purposes and a second set for public consumption. In the public statistics, they use ordinary depletion.

Mr. Lobel worked out the total tax burden—federal, state and foreign severance, production, and property taxes—of Atlantic Richfield. It came to 27.1 percent of net income in 1967.

That compares with just the federal tax borne by the average manufacturing company of more than 40 percent. They too pay state and local taxes.

Atlantic Richfield paid no federal taxes in 1967. This makes it exceptional among the major oil companies. Yet it seems unlikely that other oil companies pay more in total taxes as a proportion of net revenues than other industries, considering the low level of federal taxation.

Senator Proxmire asserts that the oil industry pays less in total taxes than most industries pay in federal taxes alone.

Relatively low taxation does not necessarily mean that the oil industry makes extraordinary profits, though it does provide huge cash flows. With this money the industry has been able to expand rapidly into the chemical industry, and the majors have bought up many of the independents.

INVESTMENTS INVOLVED

But profits in 1968, as measured by First National City Bank, were 12.9 percent of net worth. That is slightly less than the 13.1 percent for total manufacturing.

This, however, does not surprise the economist. Prof. Walter J. Mead, professor of economics at the University of California, Santa Barbara, told a Senate antitrust subcommittee last spring:

"The effect of favored tax treatment is to reduce tax costs for oil companies relative to firms in other industries. These measures taken together substantially raise the expected after-tax profit rates on oil-industry exploration and development investments in what would otherwise be submarginal uses of scarce capital. Investment in petroleum exploration and development is indeed expanded to the point where the after-tax return is approximately equal to that which may be obtained on alternative uses of capital. . . ."

The question is whether these tax subsidies misallocate investment resources.

No one disputes the fact that the oil industry pays less federal taxes than industry as a whole. A Treasury study found that in 1965 the oil industry paid 21.1 percent of its total net income to the United States and foreign governments in taxes. That compares with 37.5 percent for all industry.

And that total industry figure would be dragged down slightly by the inclusion of the oil industry in it.

The Internal Revenue Service reports that only 44 to 51 percent of the oil industry's actual income (depending on how one treats the tax loopholes) is considered to be taxable income. That compares with an average of 97 percent for all manufacturing concerns, excluding the refining industry.

"OIL STATES" BENEFIT

To the extent that citizens of Texas, Oklahoma, Louisiana, and California, the chief oil states, benefit from the tax loopholes, they are being subsidized indirectly by the taxpayers of the states with little or no oil production.

Knowing this, oil-state congressmen aren't about to give up the depletion allowance and other loopholes without a fight.

And the oil industry benefiting from tax loopholes worth about $1.7 billion a year to it and other extractive industries, figures $500,000 of defensive advertising a sound investment.

Like many advertising claims, however, the oil industry's ads may be factually the truth, but not the whole truth.

CRITIQUE STRIKES SPARKS—OIL FIRMS DEFEND SECURITY ROLE

(By David R. Francis)

WASHINGTON.—When the oil industry defends its federal tax privileges, its key argument is that they serve to promote national security.

Thus it was a major shock to the industry last winter when a Treasury-sponsored study concluded, in effect, that the percentage-depletion allowance and the expensing of intangibles are a waste of federal tax expenditures. Any increase in security, the study indicated, is marginal.

The study, by the CONSAD (Research Corporation of Pittsburgh), was first referred to in supplementary material to the tax-reform studies and proposals of the Treasury under President Johnson.

The Treasury tax-reform studies were never endorsed by President Johnson, but they were forwarded to Congress and printed Feb. 5.

COMMITTEE SET UP

The press then smoked out the CONSAD report, using the Freedom of Information Act. It was printed by Congress March 11 as the fourth volume of the Treasury tax-reform studies.

Immediately the oil industry, through the Mid-Continent Oil and Gas Association, set up a committee of economists and econometricians to review the report. By April 25, the association submitted its critique to Rep. Wilbur D. Mills (D) of Arkansas, chairman of the House Committee on Ways and Means.

The critique concluded that the CONSAD report could be given "no credence."

In turn, the 41-page Mid-Continent critique came under fire, Dr. William A. Steger, president of CONSAD, told this correspondent he regarded the critique as "unprofessional." He added that it is "so replete with inconsistencies and out-of-context references that it appears to be an outright attempt to obfuscate, confuse, and mislead."

Government officials say the Mid-Continent critique is "nit-picking."

A prominent oil-industry economist admitted privately that the critique was "not very impressive."

INDUSTRY COUNSELED

Dr. Arthur W. Wright, a professor of economics at the University of Massachusetts, told the Senate Finance Committee Oct. 1: "It is to be regretted that this task force [the Mid-Continent economists] did not attempt to set forth a reasoned justification of the petroleum industry's traditional arguments in favor of percentage depletion and other special tax benefits enjoyed by the industry."

Professor Wright held that rather than merely criticizing the CONSAD report, the industry should accept a major share of the "burden of proof" that the tax benefits are justified.

However, Thomas A. Martin, executive vice-president of the Mid-Continent Oil and Gas Association, said that the industry had no plans for doing its own economic study of the rationale of the national-security argument. He argued that the industry, with its thousands of decisionmakers, does not lend itself to this sort of evaluation.

The CONSAD report was about 18 months in preparation. It cost the Treasury about $130,000. It is basically econometric, combining mathematics and economics.

It is one of the first major intellectual studies of the national-security argument of the oil industry.

The heart of this argument is that the nation needs extra productive capacity or "reserves" as security against the risks of war or other emergencies. It is assumed that special tax benefits are needed to encourage the creation of such reserves.

At the Senate Finance Committee hearings Oct. 1, oil man after oil man trotted forth this security thesis.

The CONSAD report, however, held that complete elimination of percentage depletion, which is equivalent to a reduction of nearly 12 percent in the wellhead price of oil from the point of view of oil producers, would lead to a 3 percent reduction in the level of reserves producers would wish to hold.

Knocking out another tax privilege, the expending of intangibles would be the equivalent of a 15 percent increase in the cost of replacement reserves. This would lead to a further reduction of 4 percent in the reserves producers would wish to hold.

CRITIQUE ANALYZED

Thus the long-run effect of removing the tax loopholes would be reduction of 7 percent in the level of reserves held by oil producers. If, under present conditions, oil producers hold reserves equal to 12 times current annual production, under normal income-tax treatment, they would strive to hold only slightly more than 11 times current production.

Since no emergency is likely to last 11 years, let alone 12, the CONSAD report hits the security argument hard. A modern nuclear war might not last 12 days.

Of course, the oil industry generally refers to some Middle Eastern crisis when it speaks of the security problem.

Curiously, the Mid-Continent critique maintains that the level of reserves desired by the industry is fixed technologically by the level of production. If this is so, it becomes difficult for the industry to argue that tax loopholes build reserves relative to production.

Comments Professor Wright: "The critique . . . actually has the effect of denying the traditional national-defense argument . . ."

Actually, Congress shows no sign of wiping out the oil industry's tax advantages. If the Treasury's current proposals were adopted in total, it would raise industry taxes by $600 million.

The major oil loopholes will cost the government about $1.7 billion this year. This amount is increasing by about $200 million each year with the growth of the oil industry.

Unless signals change, it is unlikely that Congress will knock out even the $600 million in loopholes suggested by the Treasury. It probably will be considerably less than that.

To some extent the industry may be moving away slightly from the defense argument. With the Alaska oil find and major oil strikes being made in other parts of the world than the Middle East, it is more difficult to argue that the United States must pay $1.7 billion in tax incentives each year for the sake of security.

In addition, the tar sands in Canada, oil shale in this country, and the use of coal to make liquid gasoline are coming closer to the realm of economic feasibility. These resources will provide reserves for many hundreds of years.

But even if the more narrow issue of the adequacy of liquid petroleum reserves is considered, the CONSAD report casts considerable doubt on the contention that tax incentives increase reserves.

OIL FIRMS LINK TAX CHANGES TO GASOLINE PRICES

(By David R. Francis)

WASHINGTON.—Will the price of gasoline go up if the oil industry's tax advantages are reduced?

If oil import quotas were not relaxed to let in more cheap foreign oil, the answer is probably "yes."

Nothing is free in economics. If the industry, to take the extreme, were to lose all its tax privileges of nearly $1.7 billion this year, that amount would have to come out of someone's pocket.

It could come out of the profits of oil companies or individuals investing in oil ventures. It could reduce the level of royalties oil companies are willing to pay for leases, including the leases granted by state and federal governments.

Or, the higher tax costs could be passed along to the consumer in higher prices.

MIXTURE MOST LIKELY

Probably, economists figure, the results would be a mixture of these effects.

Profits of the oil companies would come down somewhat for a while until they succeeded in hiking prices sufficiently to restore their profit margins.

Individual oil entrepreneurs would lose their tax shelters. They would probably be hit hardest.

Oil industry critics, such as Dr. Arthur W. Wright, professor of economics at the University of Massachusetts, Amherst, argue that the present system creates a lack of fairness in the tax system.

"Taxpayers with similar incomes should bear similar tax burdens," he maintains. "The effective tax rate should not depend on the source of one's income: earnings from minerals and earnings from other sources should be taxed alike."

TAX SYSTEM AT STAKE

If the unfairness of the system is not corrected, he continued, "We run the risk of undermining the faith of the American people in their self-assessment tax system."

In the case of individuals, use of tax loopholes for the production of natural resources can circumvent the progressivity of tax rates. Some wealthy oil men, instead of paying a greater proportion of their income in taxes on the basis of their ability to do so, will pay little or no federal taxes. In other words, they may pay less taxes than a poor man.

The industry, in its current advertising campaign, makes a point of noting that higher taxes "might very well result in consumers having to pay more for gasoline, heating oil, and other petroleum products."

Presumably, however, those not benefitting from the oil-industry tax privileges would save on their tax burden.

ROYALTY REDUCTION POSSIBLE?

The Treasury has reckoned that gasoline prices might go up by 0.5 cents a gallon if Congress approves the House bill plus the changes suggested by the Treasury in oil taxation. That compares with a boost in

prices of about 0.6 cents per gallon last spring when the oil companies boosted the domestic price of crude.

This calculation assumes that some of the industry's increased taxes might be paid through a gradual reduction in royalties. The state of Alaska, for instance, might have got less than the approximately $900 million it got on the sale of North Slope oil leases. Private land owners would also receive reduced royalties on new agreements.

A Treasury tax-reform study published last winter reckoned that complete abolition of percentage depletion would result in extra costs to drillers of about 70 cents a barrel. If tangibles were not deductible immediately, another 25 cents a barrel would be added to the oil producers' costs.

$29 A YEAR AVERAGE

If this increase were spread over all products, the price of gasoline might rise by 2.5 cents per gallon, the Treasury figured. Since people can't easily do without gasoline or find substitutes (in the terms of the economist, the demand is relatively inelastic), oil companies might boost gasoline prices more than 2.5 cents and other products proportionately less.

But this is a maximum figure and assumes that oil companies make no attempt to reduce other costs (royalties, etc.) or profits.

The Treasury figures are fairly close to those of an industry source. The Petroleum Industry Research Foundation calculated that the abolition of percentage depletion, if passed on completely into gasoline prices alone, would hike the price by 2.5–3 cents per gallon.

In 1967 that maximum figure worked out to an average of $29 a year for each of the 47 million car-owning families in the United States. Since these families account for 78 percent of all United States families, the price increase would be widely distributed.

Then the study went on to argue that any increase in gasoline prices would have a regressive effect—it would hit lower-income groups more than those with higher incomes. This is because lower-income groups tend to spend a larger proportion of their income on gasoline for such necessities as driving to and from work.

The foundation worked out a table finding that those with incomes of $3,000 before taxes pay 2.7 percent of their income for gasoline. For the $3,000 to $5,000 group it is 3.4 percent, and the $5,000 to $7,500 group it is 3.3 percent.

PRICE MOVES POSSIBLE

For those in the $7,500 to $10,000 group the percentage is 2.8. For the $10,000 to $15,000 group it is 2.3 percent and for those above $15,000 only 1.4 percent.

However, this mildly regressive feature should be more than offset by the progressive side of the tax reform bill. The legislation would make the rich (including the oil-rich) pay more taxes. And the revenues resulting from loophole-closing would enable the bill to remove the federal tax burden from 5.8 million poor people.

Of course, any tendency for prices to rise could be quickly blocked by letting in more foreign oil or dropping federal support for market prorationing by the two key oil states.

Nor does Congress show any indication of removing all the oil industry's tax advantages. Up to now, the tax privileges have been sacrosanct. If a change is made and the disaster forecast by the industry does not come about, it will be even harder to argue against further reduction in the loopholes.

'There is the psychological impact," a witness for the industry, William J. Spencer, executive vice-president of First National City Bank of New York, told the Senate Finance Committee this month.

"Once the gate to change has been opened, investors become increasingly nervous. These tax changes are not only retroactive; they cast shadows before them."

INVESTOR EFFECT CITED

He concluded: "Any undermining of the existing tax structure will inevitably have a more than proportionate effect on investor expectations, and therefore on capital availability."

Mr. Spencer and other industry witnesses often spoke of the special risks involved in the oil industry.

Professor Wright rebutted: "Most pleas from oil and mineral producers for tax assistance show a disturbing lack of faith in the ability of market processes to adapt to risks.

"What is needed is more faith in the American market economy, and less reliance on public expenditures through the tax system."

TREASURY TOOK WRONG CUE—OIL-FIRM TAX PLEA BACKFIRED

(By David R. Francis)

WASHINGTON.—In battling to retain the tax privileges of the oil industry, the Independent Petroleum Association of America really led with its nose on one occasion last spring.

It submitted to the Treasury Department an analysis of the impact of the so-called "limit on tax preferences" on 56 individuals, trusts, and estates heavily using percentage depletion and intangible drilling costs. These are two tax loopholes of particular value to the oil industry.

The intention was to show that the group's taxes would increase so dramatically they would do less drilling for oil.

But it backfired. What struck Treasury officials was the small amount of taxes this relatively wealthy group paid.

The group had a total income of $35,340,000. (It may have been somewhat more or less, as the computation left out long-term capital gains and net operating loss carryforwards.) But they paid taxes on only $1,145,000 of that sum.

TAX BENEFITS ADDED UP

Various tax loopholes enabled the group to escape from paying taxes on the remainder. The right to deduct intangible drilling and development costs immediately eliminated $18,433,000. Percentage depletion in excess of cost knocked out $13,849,000.

Three other tax loopholes saved a smaller amount of income from federal taxation.

Then the group noted that the Treasury's proposal for a limit on these tax preferences would mean they would have to pay taxes on $15,065,000 of a total of $34,195,000 in tax preferences. That would increase the tax burden of the group decidedly. (But that tax load would still not approach that of individuals with similar income from non-preferential sources.)

From here the group went on to argue that the reduced income of the group, particularly as a result of being unable to deduct intangible drilling costs at once, would have reduced drilling by the group drastically.

ARGUMENT SUMMARIZED

The arguments of the independents for their tax breaks were summarized by H. A. True Jr. head of True Oil Company, Casper, Wym., before the Senate Finance Committee Oct. 1. Speaking for the IPPA, he stated:

"The domestic industry's activities in searching for and developing United States petroleum resources have declined to inadequate levels, imperiling the nation's economic progress and future security. Assurance of adequate oil and gas supplies to meet future requirements requires much more—not less—domestic exploration and drilling.

"If proposed tax changes were approved, total expenditures for United States exploration and development would decline to only $2.4 billion by 1980, compared with a required expenditure of $8.3 billion—a deficiency of $5.9 billion yearly or more than 70 percent.

"These tax changes would have a devastating effect on independent producers, many if not most of whom would be forced to liquidate their properties and discontinue exploration and drilling. Competition and the multiplicity of effort that has been a key factor in discovery of new resources would be seriously lessened.

WARNING DISCOUNTED

"The resulting 1980 deficiency in United States crude oil production would result in the United States being dependent on foreign sources for over 50 percent of the nation's requirements—an intolerable situation from the standpoint of national security."

Commented one government official: "According to the Independent Petroleum Producers Association, the sky is always on the verge of collapsing."

There is a tendency of any group threatened with loss of its tax privileges to predict catastrophe.

The IPPA prediction took the House proposals for tax reform, figured out how much more taxes the oil industry would have to pay, added to this an extra amount for the psychological impact on investors, and concluded that oil and gas exploration and drilling would decline by that amount. Then it applied those figures to projections of domestic demand and supply of crude oil. It assumed new oil reserves would be related to the amount of money spent.

Dr. Wilbur A. Steger, president of Consad Research Corporation of Pittsburgh, regards this method of analysis as "naïve." His firm did a study on the impact of a complete loss of tax privileges for the oil industry on reserves of oil and gas. It found the impact rather minor.

The IPPA analysis, Dr. Steger noted, does not look at prices, royalties, and other factors.

OTHER CHANGES POSSIBLE

But the research economist admits that the Consad economic model examined the total industry and not the impact of tax changes on segments of the industry.

There may be a tendency for the big oil companies to get bigger at the expense of the small firms. The big companies have extra tax benefits on their overseas production and financial advantages from the use of all import quotas.

The loss of tax privileges could hurt marginal oil producers.

A study by the Bureau for Business and Economic Research at the University of Oklahoma concluded that reductions in the tax privileges, especially the ability to write off intangible drilling costs immediately, "Will lead to a severe curtailment of exploratory drilling activities of the independent oil operators in Oklahoma, and in turn, will hurt the Oklahoma economy considerably."

The study was financed by the American Petroleum Institute.

SHARP QUESTION POSED

If the independents are right in claiming to be hit especially hard by loss of their tax privileges, the question remains for Congress: does the national interest require tax protection of the independents? If so, does that protection need to be granted to the whole industry? Is there a more efficient way of encouraging exploration?

The wife of one independent oil operator writes from Texas: ". . . the United States is now on the road to an eventual oil famine." She argues, like Mr. True, that unless the independents find more domestic oil, the nation will be overly dependent on foreign oil.

Says economics professor Arthur W. Wright of the University of Massachusetts: "There is an attempt to play on this emotion over small business—that the independent is some ideal American type. I can't see any intrinsic reason for keeping a lot of small firms in business."

He added: "People who worry about the amount of oil reserves in this country are charlatans. It is like worrying about the earth falling out of orbit."

Professor Wright was referring to the fact that the domestic industry has a surplus of capacity at present and the potential of drawing upon enormous reserves of shale oil and coal for petroleum at some point in the future.

INEQUITIES SEEN—CRITICS QUESTION PRIVILEGES OF OIL-INDUSTRY LAWS INCLUDING FOREIGN-TAX-CREDIT PROVISIONS

(By David R. Francis)

WASHINGTON.—Proposition 1: Tax advantages are given to the petroleum industry to encourage domestic exploration and development for the sake of national security of this nation's chief source of energy.

Proposition 2: "It seems clear that the future security of the United States and the free world will depend on ready access to diverse and growing foreign sources of oil. In the case of the United States, the best way to provide future access to sufficient foreign-source petroleum is to encourage U.S. companies to continue to search for and develop these resources in diverse foreign areas."

The latter proposition is a quote from the testimony of Emilio G. Collado, executive vice-president of Standard Oil Company of New Jersey, before the Senate Finance Committee Oct. 1. The first proposition is the standard argument of oil men for their tax breaks.

Mr. Collado was defending the extension of tax privileges to the foreign operations of U.S. oil companies.

The problem is that the two propositions don't square with each other.

PROXMIRE RAISES ISSUE

Sen. William Proxmire (D) of Wisconsin says: "If national security is really the basis for all the tax incentives enjoyed by the oil industry, I cannot understand why the Internal Revenue code gives greater tax incentives for foreign exploration and development than it does for domestic exploration and development."

In this country the ownership of land generally includes the rights to any minerals under the surface. Thus oil companies pay royalties to the landowners for the right to extract the oil.

These royalties are deductible as business expenses. So they cost the companies, in effect, about 50 cents on the dollar.

In the major oil lands abroad, the oil below surface usually belongs to the state. Thus payments for the right to extract oil (and other minerals) can be made in the form of taxes. According to U.S. tax law, these payments to foreign governments can be offset dollar-for-dollar against U.S. taxes owed.

FOREIGN ADVANTAGES SEEN

Other factors being equal, it is far more advantageous from a tax viewpoint for a major oil company to explore and produce oil abroad than in the United States.

Dr. Walter J. Mead, professor of economics at the University of California, Santa Barbara, told the Senate antitrust subcommittee last spring: "In effect, the American Government pays about 100 percent of the foreign royalty charges."

Added Dr. Mead: ". . . If the purpose of depletion allowance was to stimulate domestic production, that purpose is partly nullified by the second tax gimmick, that of U.S. credit for foreign taxes paid."

Queried Senator Proxmire: "Why should U.S. taxpayers be required to pay taxes to these foreign governments, just because of a quirk in these foreign governments' law?"

He said that these tax laws had made "a monster" that in the name of national security provided greater tax incentives to explore for foreign oil sources.

As with most tax problems, the situation is even more complex.

INTERNATIONAL COMPLEXITIES

There are international complexities. The United States claims tax jurisdiction over its citizens (corporate or individual) on their operations abroad. Some nations, such as the Netherlands and France, do not, at least in the case of direct investment.

There are financial oddities. Because U.S. oil companies operating abroad can claim percentage depletion and intangibles in reckoning their U.S. tax base, they attempt to switch as much income as possible to their producing operations.

This means they declare losses or minor profits on their refining and marketing subsidiaries in Europe. In effect, they overcharge these subsidiaries for their oil and for shipping. The shipping subsidiaries use tax havens, such as Panama, where they generally escape all corporate-income tax.

From 1963–67, for instance, the relatively small German oil company, Wintershall, paid more in taxes to the German Government than the subsidiaries of four majors marketing in West Germany—Esso, Mobil, British Petroleum, and Shell.

The majors could shift their profits back to the producing companies where they could use the depletion allowance and intangibles. Wintershall did not have this possibility. It even uses more expensive domestic oil to a large extent.

Because of this tax situation, it is virtually impossible for independent refineries—those not owned by the majors or national oil companies—to do business in Western Europe.

Another assertion of the tax critics is that the tax situation operates to the disadvantage of the independents.

Tom L. Schwinn, executive vice-president of the Kansas Independent Oil & Gas Association, complained to the Senate Finance Committee: "Because of the relative profitability of foreign oil, the major international companies are spending ever-increasing percentages of their exploration dollar in foreign countries."

His group has advocated the elimination of tax privileges for overseas production.

COMPANIES LINKED

But this is a minority of the independents. One factor is that the independents are really not that independent. They mostly sell their crude to the majors. The majors are participants in a large number of the wells drilled by the independents.

Thus it is difficult for the independents to take a strong stand against the interests of the majors, some oil experts contend.

Finding a solution to the tax differential is not easy, tax officials admit.

The House-passed tax-reform bill made two changes in the foreign tax credit.

One change was designed to assure that oil companies and others could not deduct losses on overseas operations against income earned in the United States in one year, and then use the foreign tax credit to avoid paying U.S. taxes on that operation in succeeding years.

For instance, an oil company might spend a lot on exploration and development when it first moves into a new territory. Using the intangibles provision permitting the deduction of most drilling expenses in the first year, it could declare a loss that could be applied to U.S.-earned income.

DOUBLE BENEFIT?

In succeeding years it would be producing and subject to foreign taxes. These could be claimed against United States taxes dollar-for-dollar.

The House and the Treasury held that this confers a double benefit on the oil companies. In effect, the foreign-tax credit would be larger than the United States tax in a similar domestic situation.

Another provision of the House bill was designed to disallow foreign credit on the portion of foreign taxes regarded as "disguised royalty." That portion would be allowed only as a deduction.

Another provision of the House bill eliminated percentage depletion with respect to foreign oil and gas production.

All three of these measures were knocked out of the bill by the Senate Finance Committee.

However, a group of liberal senators led by Senator Proxmire will try to restore on the floor the House provision regarding first-year operating losses. They also will attempt to substitute a Treasury proposal for the second provision dealing with the foreign-tax credit. This proposal would try to prevent the oil companies from using excess tax credits in their oil production for sheltering income from such other operations as shipping, marketing, chemicals, and refining.

The revenue gains from these two provisions would be minor—perhaps $50 million.

The Proxmire group also intends to restore the House provision wiping out percentage depletion on foreign production. According to Senator Proxmire's office, the group includes 34 hard-core supporters plus possibly 20 others.

Because the oil companies have such large excess foreign-tax credits, tax officials maintain that elimination of the depletion allowances would not increase the taxes of United States oil companies by much. It would just decrease the excess.

The cost of producing oil in the Middle East may run about 12 cents a barrel. But taxes on this could amount to 85 or 90 cents a barrel. Thus the tax credits become enormous.

In individual cases, where loss of the depletion allowance did increase United States taxes, the oil-producing nations would just step up their tax until the foreign-tax credit again offset any United States taxes due, the Treasury argues.

The Treasury is planning a major study of the problem of taxation of foreign income. It is due sometime next year.

Senator Proxmire's group plans to again tackle the problem at that time to see if it can get more revenues from U.S. firms operating abroad. At present, the billions of dollars of direct investment abroad produce perhaps only $100 million or so of U.S. tax revenues, it is estimated at the Treasury.

UNEASY WAIT—WHILE CABINET TASK FORCE READIES RECOMMENDATIONS, U.S. PETROLEUM INDUSTRY SORTS OIL-IMPORT RUMORS

(By David R. Francis)

WASHINGTON.—The oil industry is waiting for the report of the Cabinet task force on oil imports.

Since the present import quotas help keep the domestic prices of crude oil far above the world price, the task force recommendations will be of vital importance to the industry.

The staff of the task force is working on the final sections of its report. Some major decisions on reform of the quota system have yet to be made by the Cabinet group. The goal is to have the work completed by next Thursday.

The President will make the final decisions.

The task force has been keeping its work under tight security controls. Its library, for instance, lately has been closed while por-

tions of the report are prepared in that room.

"Everyone wants to know what the report will contain," says Minor S. Jameson Jr., executive vice-president of the Independent Petroleum Association of America (IPAA). "You get a new rumor about it every hour."

With billions of dollars at stake, the industry is understandably nervous.

MINOR CHANGES SEEN

The trade press has had reports that the task force will suggest only minor changes in the program, responding to intense pressure from the oil industry for maintaining the status quo.

Such reports apparently stirred a group of 17 senators and 76 representatives to put their signatures to a letter demanding substantial liberalization of the quota system, if not its abolishment. Led by Sen. William Proxmire (D) of Wisconsin, the group this week sent the task force chairman a letter citing "nationwide popular demand for this change" and "concentrated efforts on the part of major oil companies and their representatives to persuade you to support the status quo."

However, the staff of the task force expects the Cabinet members to do more than that, and the staff is submitting studies highly critical of the present system of import controls. Staff members have analyzed many alternatives to quotas and suggested variations on the quota theme.

It has not been decided what proportion of the staff studies will be incorporated in the task-force report. Some may be used as appendixes. Since the staff includes some academics, it seems likely that any significant material left out of the report would eventually appear elsewhere.

Under these circumstances, an attempt by the administration to maintain the status quo would prompt intense criticism.

Chairman of the task force is Secretary of Labor George P. Shultz. Other members are the Secretaries of State, Defense, Interior, Treasury, Commerce, and the director of the Office of Emergency Preparedness.

Other rumors say the group will recommend a system for auctioning of "tickets" allowing a refiner or other user of cheap foreign oil to sell to the highest bidders.

NUMEROUS CHANGES SUGGESTED

Another says that the task force will suggest a "preferential tariff." Presuambly this would permit western-hemisphere oil to enter this nation freely with a low duty. Oil from less "secure" parts of the world would face either quotas or much higher tariffs.

These are but rumors. The task force isn't about to scoop itself even if all decisions have been made.

The existing quota system has come under intense fire. It is attacked for sheltering gross inefficiencies in the domestic oil industry. Its administration has been arbitrary, with officials having the power to dispense huge fortunes to individual companies. The system tends to have oil-producing states constantly fighting with nonoil-producing states.

A spokesman for the task force insisted the body was trying to examine the issue "on its merits."

Petrochemical companies have put themselves against quotas because they mean higher costs for their "feed stocks."

Not even the oil industry is fully satisfied with the quota system. Its submissions to the task force suggest numerous changes, though retention of the basic system is sought.

Last spring the Senate antitrust and monopoly subcommittee held the first indepth Congressional analysis of the import-quota program since it began 10 years ago. Chairman of the subcommittee, Sen. Philip A. Hart (D) of Michigan, concluded that the program could be criticized on these grounds:

"It has destroyed competition. It has brought about much higher prices than would prevail under free competition. It has failed in its stated purpose of stimulating discovery and enlarging our domestic reserves. And it has worked serious economic hardships on important geographic areas of our country."

FIRM SELLS DOCUMENT COPIES

Senator Hart held that without the quota system consumers would be paying close to 5 cents a gallon less for gasoline and 3 to 4 cents a gallon less for home-heating oil.

By contrast, the IPAA in its submission to the task force stated: "Expansion of the domestic industry by limitations on imports is the most efficient, practical, and reliable means of achieving petroleum self-sufficiency in the interest of national security."

Some 10,000 pages of submissions have been filed with the task force. Much of it is old hat to the oil industry. But there is sufficient interest that one firm, Eastern Photoprint Company, has been busy selling copies of the documents at 12 cents a page.

Since the value of oil-import allocations, or "tickets," comes to about $1 million a day, payment of $1,200 or so for a full set of the task force submissions may not be expensive for an interested firm.

PRODUCERS FELT SQUEEZE

These tickets are dispensed by the Interior Department's Oil Import Administration. The value of tickets has been running about $1.25 a barrel—the approximate difference between domestic and world prices for crude oil.

Until the mid-1950's, state limitation of crude production had managed to maintain the price of oil at a level fairly satisfactory to producers. About that time, however, imports from low-cost sources in the Middle East and Venezuela were beginning to squeeze domestic producers.

Politicans from the oil states exercised their muscle in Washington. At first President Eisenhower tried to curtail imports on a voluntary basis. Instituted on July 1, 1957, the program required existing importers (under the threat of a mandatory program) to accept quotas established by an oil-import administration. Newcomers had to apply for permission to import.

The voluntary program broke down because of loopholes for unfinished oils and finished products and a lack of workable standards for the admission of newcomers.

"AN ECONOMIC DECISION"

Thus, in March, 1959, President Eisenhower imposed mandatory controls under an obscure section of the 1958 Trade Agreements Act that authorized such action if imports threatened to impair national security.

Actually, as his aide Sherman Adams recalls in his memoirs, Mr. Eisenhower's action "was primarily an economic decision brought on by an economic emergency."

Though modified somewhat since, the various provisions of the quota program indicate that its purpose remains primarily protectionist.

For instance, the import ceiling of 12.2 percent of domestic production of crude oil and natural-gas liquids for the area east of the Rockies embraces overland imports from Canada and Mexico.

These overland imports are free of licensing and company allocation requirements, but they are within the overall ceiling. It is difficult to argue that crude oil being piped from Canada is less secure than oil being shipped from the Gulf to the East Coast and thus subject, theoretically, to submarine attack.

About 21 percent of this nation's crude-oil requirements come from other countries, mostly from Canada, Mexico, and Venezuela. Not even 3 percent comes from the volatile Middle East.

Even the Department of the Interior, regarded by some as the pawn of the oil industry, proposes that national security would permit free access for western-hemisphere oil to United States markets and would allow the rest of the world access to the extent of 10 percent of demand.

OIL-IMPORT QUOTA COSTS DEBATED—ESTIMATES OF ANNUAL PRICE TAG RANGE FROM $0 UP TO AS HIGH AS $7.2 BILLION

(By David R. Francis)

WASHINGTON.—How much does the oil-import system cost?

Well, it costs either nothing, $1 billion, $2.2 billion, $6.2 billion, $7.13 billion or $7.2 billion per year.

These are all answers to the question reached by various economists. The conclusions reflect the bias and assumptions of the source.

For instance, the conclusion that there is no net economic cost to the United States from the oil-import quota program was reached in a study by Sherman H. Clark, director of energy and resources economics of the Stanford Research Institute.

But it was paid for by Louisiana Land & Exploration Company, an oil firm, and it has been rejected by academics as of little value.

SOME DOUBT OBJECTIVITY

The $1 billion figure was suggested by Secretary of the Interior Walter J. Hickel in a speech last month as the "net cost to the nation." The $2.2 billion was proposed by his staff in the submission of the Department of Interior to the Cabinet task force on oil-import control.

Many consider the Interior Department to be the voice of the oil industry in Washington.

To continue through the list, the $6.2 billion amount was estimated by Charles River Associates of Cambridge, Mass., an economic research firm, in a study for the Office of Science and Technology.

The $7.13 billion sum was reached when economists at the Bureau of Mines applied Charles River methodology to projections by the Interior Department of expected domestic production, consumption, and imports of oils and natural gas liquids in 1975 with and without the quota program.

Thus, curiously, one division of the Interior Department came up with a much higher estimate than official cost figure.

PRICE MAKES A DIFFERENCE

Finally, the $7.2 billion figure was calculated by Dr. John M. Blair, economist for the antitrust subcommittee of the Senate Judiciary Committee. That subcommittee held extensive hearings this spring and summer on the oil-import quota program and other government involvement in oil marketing.

These differences are more than academic. If the cost of the quota system is nothing, there is not so much point in reform. If it is $7 billion, that is a lot of money to pay each year for "national security" or to subsidize oil interests. With the higher figure, the interest in cheaper alternative ways to provide security or assist the oil industry becomes more intense.

Recognizing this point, the Charles River Associates report stirred up a storm when it was submitted to the task force. Several of the oil companies or associations offered rebuttals.

James Burrows, a research associate at CRA claimed that only the Standard Oil Company (N.J.) rebuttal was "intelligent," though, in his view, it did not refute the CRA conclusions.

"The other ones were so awful they weren't even worth looking at," he commented.

INDUSTRY COMMENT SOUGHT

The Office of Oil and Gas at the Department of Interior also criticized the CRA re-

port, saying it "does not provide an adequate base for the determination of United States oil-import policy."

The task force, however, regarded the CRA report as important enough to ask for comment from the industry. Indeed, some of the task force staff believe the CRA figures are a good approximation for the cost of the import program.

One important reason for the differences in the cost figures is that there are two ways of looking at cost.

The first way is the cost to the consumer. This is measured by the increased price the consumer of oil products must pay because of the import-quota system.

Dr. Blair, for example, used the East Coast value of import tickets (the paper authorizing a firm to import so many barrels of oil) as the basic savings per barrel on imported oil. Then he multiplied this per barrel figure times the basic quantity consumed in the nation (domestic consumption of crude oil and natural gas liquids less consumption of residual oil, which is imported now without quota limitations).

In figures, Dr. Blair multiplied a savings per barrel of $1.75 times consumption of 11.85 million barrels per day, less $.09 from savings per barrel to account for pipeline charges on imported oil. The total was $7.2 billion.

ALTERNATE MEASURE POSSIBLE

The other way of looking at the cost is to calculate the "resource cost." This measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States because of the import program.

Noting this distinction, Mr. Hickel maintained that only the resource cost was relevant in determining the most efficient program to achieve national security. This, he reckoned, was about $1 billion annually.

Martin Lobel, a staff assistant to Sen. William Proxmire (D) of Wisconsin, commented: "This is an absurd way of looking at it. If you use that way, public welfare programs cost nothing."

Senator Proxmire wrote Dr. Paul McCracken, chairman of the Council of Economic Advisers, to ask if consumer costs should be considered. Dr. McCracken replied in the affirmative.

Mr. Hickel admits that consumer costs are important from the point of view of "fairness."

INEFFICIENCY A FACTOR?

Another major weakness in the Hickle figure, according to Mr. Lobel, is that it does not include the cost to the nation of the inefficient use of resources resulting from market-demand prorationing—the allotment of production among wells by oil states in order to maintain high prices for crude.

The Charles River Associates report put this cost in 1968 at $2.3 billion. It calculated the total resource cost at $3.9 billion.

CRA assumed that prorationing by states could not survive if imports were admitted freely. Standard Oil Company (N.J.) maintained prorationing costs should not be included. Academics generally agree with CRA.

The most important way prorationing fosters economic inefficiency is by allowing marginal, high-cost wells to produce as much as they desire while restricting the output of efficient low-cost wells. As a result, average costs per well are much greater than they otherwise would be.

VAST WEALTH INVOLVED

There are several other ways it adds to the cost of producing oil.

On the equity side of costs, the import-quota system means immense transfers of wealth within the nation.

CRA figures that the $3.9 billion of the extra cost of domestic oil as compared with world petroleum prices went to domestic oil producers last year. Some $500 million went to refiners, who get the "tickets" to buy cheap imported crude and which they can sell or refine for the higher-priced domestic market. About $200 million is transferred to Canadian producers because they, too, benefit from high domestic prices.

Much of the money going to producers may be passed on to the owners of oil-producing property, rather than labor in the oil industry, CRA says.

LOW TAXES AT STAKE?

Another consumer impact of the quota system is a geographic redistribution of income from the East Coast and the Midwest to the Gulf Coast states.

In a sense, the high costs of electricity and fuel oil in New England have enabled Texas and Louisiana to keep their property taxes relatively low. Much of the cost of schools and other services in these states comes from various taxes on oil production. If the price of oil in the United States was at the world level, the oil-producing states could not tax their oil properties as much.

This is why the quota issue tends to put congressmen from non-oil-producing states against congressmen from oil states.

The CRA report admits that "the adjustment of the industry toward free trade might cause severe hardships to some geographical areas."

Under such circumstances, it seems unlikely that the task force will recommend an immediate change to free trade in oil. It will likely urge a moderate shift in that direction.

PROBING THE OIL-IMPORT QUOTA SYSTEM—WASHINGTON EXPOSED TO ALTERNATIVES TO PROTECTIVE PLAN—PROBABLY FOR FIRST TIME SINCE IT WAS ADOPTED A DECADE AGO

(By David R. Francis)

WASHINGTON.—For the first time since the oil-import quota system was instituted some 10 years ago, the government has taken more than a fleeting glance at alternatives.

The Cabinet task force on oil-import control has available some moderately comprehensive studies of the costs and other factors involved in alternative means for providing "security" for the nation's largest source of energy.

Since 1959, the quota program has cost some $40 to $50 billion, it is estimated. They have paid this much more than world prices for the oil products they consume.

There have been numerous assertions about alternatives. For instance, in its submission to the task force, the Standard Oil Company (N.J.) stated: "Practical lower cost alternatives to import controls do not exist." Apparently, however, such claims have been largely a matter of faith or bias, with little engineering or economic evidence to back them up.

Thus the oil industry was shaken this year when two studies calculated the costs and other pros and cons of various alternatives. One was done for the Office of Science and Technology by Charles River Associates, Inc., a Cambridge economic research firm. The other document was a series of papers done by the staff of the Bureau of Mines.

CHANGE SEEN POSSIBLE

Though many of the alternatives appear undesirable, some are quite attractive. It may well be that the task force will suggest an alternative method for keeping a reasonably safe supply of oil.

Some of the alternatives that have been discussed follow. They are listed according to their feasibility and desirability as judged by a few economists not in the pay of the industry:

A program that gives free access for Western Hemisphere oil to United States markets.

In effect, this would completely open the American market to oil from Venezuela. Canadian oil already enters freely, though under some informal growth restraints.

Venezuelan oil would be no more subject to submarine attack than oil being shipped from the Gulf Coast to the East Coast, and less than tanker oil from the North Slope in Alaska. Chances of both the Middle East and Venezuela shutting down production at the same time are considered slim.

Such a new system could be accomplished by exempting all Western Hemisphere countries from a quota. Or the government could introduce a preferential tariff for imports from the hemisphere.

With a tariff system, the government could virtually establish the price of crude oil by setting the level of tariffs.

According to the Interior Department, Venezuelan oil has about a $1 advantage over the domestic price of oil; Canadian oil 50 cents. Thus Canadian oil would suffer to some extent.

PRODUCER REACTION A QUESTION

With a quota system that permitted free entry of hemispheric oil, the price probably would depend on what the major oil-producing states do with their prorating system. They likely could tighten production limits to offset the increased flow of oil from Venezuela.

A Western Hemisphere system might delay the end of prorationing. The Interior Department has been expecting demand for domestic crude to catch up with supply by 1972 if the present rules stay in effect. North Slope oil isn't expected to be a major factor until at least 1975.

ENLARGE THE QUOTA FOR IMPORT OIL

This might be combined with a free market or preference system for the Western Hemisphere. The Interior Department suggests that as much as 10 percent of the nation's petroleum requirements could come from outside the hemisphere without great security risks.

The oil companies themselves reckon that the quotas will have to be enlarged because of insufficient domestic supply.

The effect on domestic prices of enlarged quotas would depend on the rapidity and size of the change.

Total elimination of the quota is considered unlikely. It would have too great an impact on the industry and oil states.

Construct an emergency storage capacity sufficient to replace imports should these be cut off.

A study by the Bureau of Mines calculated that the cost of building and maintaining in salt-dome storage a 6- or 12-month strategic supply of crude oil would be 39 cents per barrel per year.

Reckoning on providing 5 million barrels of crude oil daily from this underground storage by 1975 and 6 million barrels daily by 1980, the total cost for a six-month supply for the 10 years from 1971 to 1980 would be $1.1 billion and $2.3 billion for a 12-month supply.

COST DEBATED

This is far less than the cost of the quota system. But it would mean direct appropriations by Congress. And Congress is much more willing to spend the public's money indirectly than directly.

Aboveground storage in steel tanks would be considerably more expensive.

The Charles River Associates report reckoned that without North Slope oil and without any rationing of oil products, and storing enough oil to help out, Western Europe too, the cost would be 54 cents per barrel per year of $2.7 billion a year. That is still less than the cost of the present program.

Standard Oil Company (N.J.) says it would cost more, though it doesn't say how much more.

A study by the Bureau of Mines puts the price at 98 cents per barrel per year.

The Bureau of Mines thus reckons the

total cost at $6 billion for a six-month supply deliverable at a rate of 6 million barrels per day by 1980 or $12 billion for a 12-month supply. That is also far cheaper than the import quota program.

CONSTRUCT PLANTS CAPABLE OF CONVERTING COAL TO FLUID FUELS

A Bureau of Mines paper notes that recent studies indicate that producing costs of synthetic crude from coal are now only slightly higher than from crude petroleum. Various technical advances could close the gap "sometime in the near future."

The bureau estimated it would cost $400 million to build a plant with 100,000 barrels per day capacity. By 1980 some 10 could be completed. The later ones might be profitable.

Since coal reserves are adequate to provide oil for hundreds of years, it is within reason that the task force might recommend increased government efforts to make coal conversion plants economical. However, such plants would not offer much relief to the security problem for several years.

THE EXTRACTION OF OIL FROM OIL SHALE

Various studies indicate this is a more costly process than conversion of coal into oil, and thus a less likely solution.

REPLACE THE QUOTA SYSTEM WITH EITHER DIRECT SUBSIDIES FOR EXPLORATION OR SPECIAL TAX INCENTIVES TO ENCOURAGE EXPLORATION FOR NEW RESERVES OF CRUDE OIL

These are considered relatively expensive if the percentage of imports is to be maintained at the same level as today.

However, total industry expenditures for oil exploration plus development in this country amount to about $3.3 billion a year. This is less than most estimates of the consumer cost of the oil-import quota program.

In other words the government could pay for the entire exploration and development of oil and the people would be better off as a whole than under the import quota system. Reduced oil product prices would more than offset the extra tax bill.

Most independent economists reckon that the security risk has been grossly exaggerated by the oil industry. Middle East countries could not survive economically for long without oil revenues. More and more oil is being discovered in various parts of the world—Indonesia, West Africa, Latin America, perhaps the Yellow Sea and offshore New Zealand, the North Sea, Australia, and so on. Such diversity reduces the risk of being cut off totally from foreign crude supplies.

Yet it is generally acknowledged that it would be wise for both economic and security reasons (and perhaps to help the balance of payments) to limit imports of crude to some extent.

Presumably in the next few days or weeks the task force will suggest a new limit line on imports and spell out how this should be done.

YEAR-OLD NEWS FROM TIME MAGAZINE

Mr. GOLDWATER. Mr. President, for Senators who have not yet read the December 19 issue of Time magazine, I invite attention to an article appearing on page 17, in which I and six other Senators are referred to as members of the "Stingy Silent Seven." I might point out that this is not an extremely serious matter with me, but it comes under the heading of assisting the publishing business by helping a news magazine correct its more glaring errors.

Mr. President, we are all aware of how zealously Time magazine and other periodicals keep watch over everything we say or do and call attention to even the smallest of our mistakes.

It strikes me then that it is about time we put the shoe on the other foot for a while. Time's story says that, while most of Washington worries about inflation, seven Senators found a miraculous way to beat it. The article goes on to say—and I quote it directly:

Each reported to Congress last week that he had spent absolutely nothing getting elected in 1968. Such a feat of legerdemain is not restricted by ideology or party; the Stingy Silent Seven include Arizona's Barry Goldwater, Georgia's Herman Talmadge, California's Alan Cranston, Arkansas' J. W. Fulbright and South Dakota's George McGovern.

Mr. President, if any legerdemain is involved in this situation, it resides in the magazine's own bag of tricks. For example, there is no requirement of any kind for senatorial candidates to file reports with Congress a year after they are elected. What the magazine was referring to is the fact that the seven Senators listed did not spend any of their personal funds on their campaign for election in 1968. This they made known to the Secretary of the Senate, not last week but 1 year ago. Why it took Time magazine a full year to catch up with these reports is not explained. However, I believe the answer may be that Time depends on Congressional Quarterly to do its research, and Congressional Quarterly only recently got around to publishing its full report on the statistics of the 1968 senatorial elections.

Time's story makes no mention of the amounts of money that were expended in the election of the seven Senators by campaign committees which reported in detail to the proper State officials.

Mr. President, these snide little stories which carry an erroneous impression are all too numerous in the newspapers and so-called news magazines of the day. I, for one, plan to make it a practice to call attention to these cases when and where they occur.

GREAT LAKES SHORELINE EROSION

Mr. NELSON. Mr. President, a front-page article in today's Wall Street Journal tells of several homeowners who are losing the battle to protect their homes and land against rising water on the Great Lakes. It is clear that there are no feasible courses of action open to these citizens. Ironically, the only source of aid is Federal assistance after the damage has been done and the area has been declared a disaster area.

To alleviate the problem, I have introduced a bill that authorizes the Corps of Engineers to provide matching funds to assist private property owners in coordinated erosion control projects, such as construction of seawalls and jetties.

Hearings have begun on a companion bill introduced in the House, and I am hopeful that hearings will begin on my bill some time in the first few months of next year.

I ask unanimous consent that the article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RISING WATERS: LEVEL OF GREAT LAKES MOVES SHARPLY HIGHER, PERILING THE SHORELINE—EROSION RUINS SOME HOMES; BEACHES DISAPPEAR FAST; PROTECTION OFTEN COSTLY—BUT EXTRA DEPTH AIDS SHIPS

(By Lewis M. Phelps)

SOUTH HAVEN, MICH.—The view of Lake Michigan from the living room of Michael Blake's two-bedroom house on a bluff here is about the most panoramic that any homeowner along the eastern shore can boast.

Trouble is, the view is not through a window but through the wall and part of the floor. The west half of Mr. Blake's living room crumbled off the bluff into the lake this fall, and there's every likelihood that more pieces of the house will take the plunge in coming months.

Mr. Blake is just one of a growing number of losers in a battle against rising water on the Great Lakes. Homes, highways and beaches have been flooded or nibbled away, causing property damages that experts say are already much higher than the $62 million loss in 1952, the last time the lakes went on a high-water rampage.

The Great Lakes' water levels fluctuate unpredictably from year to year, depending on precipitation and evaporation rates. Surveys by the U.S. Army Corps of Engineers show variations of four to six feet in lake levels. This year rain-swollen Lake Erie rose a record 4.05 feet above the level officially regarded as "normal," and Lakes Michigan and Huron, now three feet above normal, are at near-record levels.

What's worse, Army engineers say, the water in these lakes probably will rise even higher next spring and summer. (Lakes Superior and Ontario have locks that help control the water level, so they aren't causing any problems.)

ERODING THE SHORELINE

Last spring Lake Erie flooded several hundred homes in Eastlike, Ohio, three times. In July, Lake Michigan surged up the mouth of the St. Joseph River at Benton Harbor, Mich., and destroyed a 100-ship marina; it is costing the owners $100,000 to rebuild.

But the biggest problem is erosion, since most of the shoreline around the Great Lakes consists of sandy beaches and soft clay bluffs. As lake waters rise, they cover offshore sand bars that normally impede waves and thereby offer some protection to the shore. When storms come up, as they do with particular ferocity in the fall and early winter, the high water waves now crash directly ashore, gnawing the ground out from under whatever is built there.

That's what happened to Mr. Blake's house. He bought the place in July 1968, assured that the 90-feet-high bluff on which it stood hadn't eroded at all in the last 18 years. No sooner had he finished a $6,000 remodeling job late this summer than the 30 feet of land between his house and the edge of the bluff peeled away, along with his west wall.

Mr. Blake, a 50-year-old engineer, didn't even have a chance to move into his new home from the modest white-board cottage he owns in South Haven. "I'd like to sell that lake property," he says, "but that half a house out there is a symbol of doom."

Some beaches are disappearing with startling rapidity. Chicago beaches shrink 25 feet for every foot that Lake Michigan rises, says a parks engineer. The Rev. Gordon L. Ingram, a Presbyterian minister in a Chicago suburb, wistfully recalls sunning himself just six months ago on a 150-foot beach in front of his summer home in Winthrop Harbor, Ill., near the Wisconsin border. Today the beach is gone and the lake is swirling ominously around the foundation of his A-frame cottage.

BREAKWATERS ARE COSTLY

One cure for shoreline erosion is a concrete and rock breakwater, if it's made big enough. But construction costs can be staggering. The Michigan Highway Department will soon let bids for a seawall to protect one mile of Interstate 94 near St. Joseph; the estimated cost is more than $2 million.

Homeowners are trying less expensive solutions. In the resort community of Palisades Park, Mich., Emerson Welles recently paid $8,500 for a structural steel seawall to backstop an inadequate concrete retaining wall that he built several decades ago to keep his summer cottage from falling into the lake. Solid as the steel wall may seem, storm-powered waves have ripped away its top section twice since Labor Day.

Other lakefront residents are trying different tactics. Carl Kuyat of St. Joseph, Mich., bought 600 truckloads of rubble at $10 each from an old county courthouse that was being razed and spread the stuff over the bluff in front of his home in hopes of slowing erosion. Two of his neighbors have covered their bluffs from top to bottom with junked cars and trucks, stirring complaints from more fastidious but equally vulnerable nearby residents.

Another St. Joseph resident, a music teacher named Mrs. Genevieve Rae Hahne, is spending $10,000 to move a duplex apartment building she owns away from the bluff edge. She now is worrying about losing her $50,000 combination home and music studio on an adjacent lot. She shows a visitor one corner of her home that now has just one inch between it and the drop of the bluff; a year ago there was 75 feet of ground between them.

Homeowners in Kenosha, Wis., Willowick, Ohio, and other Great Lakes communities have built jetties extending into the water to deflect the currents and allow sand beaches to build up in the still water. But the jetties collect the sand only on one side, leaving the shore on the other side more barren and susceptible to erosion than normal. Other defensive measures, such as offshore construction of elaborate louvered steel walls that are supposed to keep beach sand from washing away or the planting of deep-rooted trees by the shore, also have proven inadequate.

Homeowners are on their own in fighting high water. Insurance companies "won't touch" flooding or erosion coverage, agents say, and the Great Lakes area isn't under consideration for inclusion in the Federal flood insurance program now being developed.

The Corps of Engineers will offer only advice, unless public property is threatened by the lakes. Only Ohio among the eight Great Lakes states offers financial help—one-third of the cost of private protective projects and two-thirds the cost of public undertakings. Local governments in troubled areas plead lack of funds for assistance, though some cities occasionally lend heavy equipment to homeowners shoring up their beaches.

Nor is there much comfort for imperiled shore dwellers in a long-range proposal to control the levels of all the Great Lakes. A Federal study that originally was supposed to be finished in 1973 is a year behind because of financing problems, says Leonard J. Goodsell, executive director of the Great Lakes Commission, an eight-state organization that studies Great Lakes problems. Interim reports indicate that controlling high water on Lakes Michigan, Huron and Erie would cost $20 billion. Mr. Goodsell says he doesn't expect construction of control systems could start before 1985.

Not everyone is unhappy with the sudden rise in water levels. Steamship operators, in fact, are delighted. They can load about 125 extra tons of cargo on a typical ship for every inch the lake rises and still not run aground along the most shallow parts of their routes.

Inland Steel Co. has been loading its ore carriers to full capacity since spring, says Riley P. O'Brien, fleet manager. Five years ago, when lake levels were low, his ships were running at 20% below capacity and he had to charter extra vessels to make up the difference, he says.

MANDATORY OIL IMPORT QUOTA SYSTEM

Mr. TOWER. Mr. President, the December issue of Legion, the official publication of the American Legion, contains comments by the distinguished Senator from Alaska (Mr. STEVENS), on the mandatory import quota system. As a Senator from the State which replaced my own State of Texas as No. 1 in size and may one day replace it as the No. 1 petroleum-producing State in the United States, the Senator from Alaska has had ample opportunity and reason to appreciate the need for the retention of the quota system. I found his comments in Legion to be accurate and persuasive. So that all Senators will have an opportunity to read them, I ask that they be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

VIEWS BY A CONGRESSMAN ON THE MANDATORY IMPORTS QUOTA SYSTEM

(By Senator Ted Stevens)

Our national security requires that we have ready access to a dependable, secure and long-term supply of energy at minimum cost. At present, and for the foreseeable future, the single largest and most important domestic energy source is petroleum. It is essential that our future supply of petroleum be secure. History proves that foreign sources of supply are not.

In the years following WW2, many United States oil interests were appropriated in Iraq, Argentina, Cuba and other countries. And in 1957, when the Suez Canal was nationalized by Egypt, our supply routes were jeopardized. In 1967, during the Arab-Israeli war, there was a cutoff of petroleum supplies to Europe, which resulted in immense damage to the British economy. This year, U.S. oil holdings in Peru were seized.

In 1959, President Eisenhower issued a proclamation which commenced a program to balance the importation of less expensive foreign crude oil with the assurance of a dependable domestic reserve. This proclamation had one main purpose, that of national security. It is my firm opinion that world affairs have not stabilized sufficiently in the decade between 1959 and today, particularly in the oil-rich Middle East, to justify the abandonment of this program which is so essential to our national security.

The economic justification of maintaining a reliable oil import quota system is especially illustrated in my own state of Alaska. Presently, the oil industry is engaged in an incredibly expensive program on the North Slope of Alaska. The 800-mile main pipeline alone will cost almost $1 billion. The petroleum industry's payroll in my state in 1969 is estimated at $90 million. When production reaches its capacity in Alaska, more than one-quarter of a billion dollars will be received annually by our state in royalty income.

These investments by our domestic oil industry are not unique to Alaska. This industry could not have undertaken such huge investments if the possibility of continuous change in the oil industry were likely. The oil import program and the depletion allowance are the main threads of the economic fabric of this industry. Without them, the industry must readjust, and, in the end, the consumer will pay if these incentives are altered.

Without the oil import quota, foreign oil production and manipulation of supply will drastically affect our domestic market prices, and, if this occurs, the price of gasoline for your car will go up and up and up.

The maintenance of a stable quota level insures a high level of domestic exploration in production activity on the part of the oil companies in this country, and further insures this nation the capability to meet its needs without dependence on foreign nations.

WCBS–TV, CHANNEL 2 IN NEW YORK CITY, ADVOCATES USER TAX ON POLLUTERS

Mr. PROXMIRE. Mr. President, WCBS–TV, channel 2 in New York City, recently made some very interesting comments on the water pollution bill that I introduced 3 weeks ago. In an editorial, WCBS–TV stated:

Every time you pay a toll on a highway or pay a federal gasoline tax, you are paying a user tax. The logic behind such a tax is this: those who use up public facilities and resources should bear the burden of financing and maintaining them.

A similar approach is now being proposed as an answer to our growing water-pollution problem. Senator William Proxmire, Democrat from Wisconsin, has introduced a bill—S–3181—that would tax industries according to the amount of wastes they dump into streams, lakes and rivers.

In other words, industries would have to pay a user tax on water. The more they used our waters for dumping waste products, the more tax they would have to pay.

My bill would impose effluent charges upon industries that pollute the water. Imposing these charges would give industry an incentive to cut down on the waste it discharges. The desire to keep the cost of doing business to a minimum would encourage business to keep its wastes to a minimum.

The effluent charge theory, then, is similar to that of a user tax. Those who pollute should pay.

I ask unanimous consent that the WCBS–TV editorial of December 1, 1969, on the subject "Environment 23" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ENVIRONMENT 23

(By Peter Kohler)

Every time you pay a toll on a highway or pay a federal gasoline tax, you are paying a user tax. The logic behind such a tax is this: those who use up public facilities and resources should bear the burden of financing and maintaining them.

A similar approach is now being proposed as an answer to our growing water-pollution problem. Senator William Proxmire, Democrat of Wisconsin, has introduced a bill—S–3181—that would tax industries according to the amount of wastes they dump into streams, lakes and rivers.

In other words, industries would have to pay a user tax on water. The more they used our waters for dumping waste products, the more tax they would have to pay. The revenue thus raised—an estimated 1.5 billion—would be used to finance waste treatment plants and other pollution control measures.

In the opinion of WCBS–TV, this is the most sensible legislative approach yet suggested for reducing water pollution, because

it does more than just raise revenue for sewage treatment plants. By taxing those who pollute streams, substantially taxing them, we hope, Senator Proxmire's bill could discourage inefficient waste-disposal practices. Pollution would hurt profits.

Now, a good example of the kind of pollution problem the Proxmire approach could improve is the Passaic River Valley in New Jersey, a river so polluted that federal officials have called it a disgrace to the United States. The Passaic River basin is little more than a sewer line for more than a million people living in Newark and other municipalities and for some 700 separate industries.

Should the Proxmire bill become law, these 700 industries would be faced with additional pollution tax and thereby would be encouraged to reduce the amount of wastes they discharge. And the money thus raised would help the Passaic River Valley Sewerage Commissioners improve inadequate waste treatment facilities.

In my opinion, the Proxmire bill should be enacted by Congress because it provides an effective approach not only for handling water pollution, but also for curbing solid wastes and air pollution as well.

The principle here is simple and sound. Those who pollute our environment should pay for cleaning up the damage they do.

FORMER MARINE CORPS CHAPLAIN

Mr. DOLE. Mr. President, we hear many accounts these days of occurrences and developments among our fighting men in Vietnam. There are some stories of savagery, reports of compassion and dispatches concerning a variety of human experiences and involvements. An article published recently in the Topeka State Journal relates the story of a former Marine chaplain, Davis Thomas, which I feel illuminates the often-clouded realities of the Vietnamese involvement.

Mr. President, I ask unanimous consent that the article written by Charles Zin, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIFE WORTH LITTLE—CHAPLAIN TELLS OF RED TERROR

(By Charles Zin)

A former U.S. Marine Corps chaplain said this week that "fast and easy solutions to the Vietnam war scare me."

Chaplain Davis Thomas, who served in the Marines as an enlisted man in World War II, then, after 10 years schooling as a civilian, returned to the corps as a chaplain, said an immediate withdrawal of troops would not bring peace to Vietnam.

Chaplain Thomas is a Seventh-Day Adventist minister who this year is participating in the Pastoral Care and Counseling program at the Menninger Foundation. He also is serving as chaplain at Brewster Place.

The chaplain said the "meaning of life" sought by college youth in campus demonstrations has been found by many young men after they arrived in Vietnam.

MEANING DISCOVERED

"As a chaplain, I saw kids who were bored to death in the United States come alive and discover what living is all about when they began working with the Vietnamese people," he said.

Chaplain Thomas said the young men found, while helping the Vietnamese improve their living conditions and health facilities, "what the college kids have been seeking. They found a meaning in life," he said.

"What worries me about the campus unrest is this," he said. "Do these kids really understand the terrorism inflicted on these people by the Viet Cong Communists?"

Thomas, who has been a chaplain in the Marines for 12 years, said he was confused about what the war was all about when he first went to Vietnam.

He said he was attached to an aviation unit and "wherever there were Marines on the ground, we went to serve them."

"I learned quickly what the war was about when I went out on a new operation with an outfit of Marines," he said.

He said the unit had set up a command post in a village surrounded by the Communists.

"Intelligence had told them the village was completely controlled by the Communists," he said. The information also described several underground storage bunkers in the village."

Chaplain Thomas said the Marines discovered in the village that the Communists had built the bunkers and had imposed a "tax" of 50 per cent of the neighboring farmers' rice crop to fill them.

CHILDREN MAIMED

"They used terrorism to enforce their demands," he said. "If a farmer did not deliver the grain they demanded, the Communists would take his child out in front of the whole village and cut off the child's arm. If the farmer still did not deliver what they thought he should, the Communists then would kill him in front of the whole village," the chaplain said.

"I immediately saw a parallel between the Communist operation in Vietnam, and the operation of the big crime syndicates here in the United States," he said.

He said Communist agents had begun, 20 years ago, to go into the villages and "buy off" village leaders.

"They would tell them, 'Now look, we're the good guys, see? You support us, and we'll take care of you'," he said.

"Then they made it a case of do as they said, or else!" he added.

Chaplain Thomas said the biggest job a chaplain has in Vietnam is to bring about tolerance by Americans of Vietnamese living standards that, to the Americans, is almost intolerable.

"It is very difficult to understand the Asian mind," he said. "Their respect for human life is much less than ours. They wouldn't hesitate to take a man's wife out and cut off her arm just to emphasize a point they wanted to make," he said.

"The real immorality of the war, and it began about 1965, was the fact we didn't go in to clean up the area as quickly as possible and then help the people rebuild their country, as we have in every war the United States ever has fought.

"Part of the immorality is in the fact we stayed in South Vietnam, without ever trying to get South Vietnamese forces into the north," he said. "They could have done a lot of good with frogman raids on North Vietnamese harbors that would have reduced the intensity of the fighting, and consequently have reduced the casualties," he said.

MODERN ARMS SUPPLIED

"When I went over there the Communists were fighting with makeshift weapons, had no replacement parts, and little means of getting supplies," he said.

"Within a year, the picture changed. Ships from Communist China and Communist Russia brought in new arms and sophisticated weapons for the Viet Cong Communists," he said.

"This Vietnam situation is a highly complex thing. It is not easy to come up with an answer," he said. "I do know one thing. Pulling the troops out immediately is not the answer. That would result in a bloodbath in which millions of people would be killed."

EXPERIENCE NEW

Chaplain Thomas said his most vivid memory of Americans at war in Vietnam was not of the battles or the fighting.

"Vietnam is the first war the Marines ever were in where Marines went into a country, sat down and lived among the people," he said. "It has been a new experience. I have seen Marines pitch in and help clean up villages and build sanitary facilities, distribute tons of clothing, soap, and other things we take for necessities, but which were unknown to the Vietnamese before the Americans arrived."

PETITION FOR PRAYER IN PUBLIC SCHOOLS AND SPACE

Mr. TOWER. Mr. President, recently I received from 1,630 taxpaying citizens of the Brazosport region of Texas a petition in support of nondenominational prayer in public schools and in space. I believe that this is an expression of opinion which is shared by many citizens. Accordingly, I recently submitted a concurrent resolution regarding prayer in space. I ask unanimous consent that the petition be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

The Congress of the United States,
Washington, D.C.

HONORABLE SIRS: As taxpayers, we demand our civil rights and freedom to have nondenominational prayer and Bible reading in our public schools and in space.

Sincerely,

1630 Taxpayers (individual signatures)
Brazosport Area, Freeport, Clute, and Lake Jackson, Texas.

VIETNAM: AN OPEN ENDED COMMITMENT?

Mr. GOODELL. Mr. President, I welcome the President's announced withdrawal of 50,000 more troops.

The President's announcement confirms, however, that the timing of American withdrawals remains at the mercy of Hanoi and Saigon.

I remain steadfast in my belief that all American troops should be withdrawn from Vietnam by December 1, 1970.

Today's editorial in the Washington Post entitled "Vietnam: A Winning Position?" contains an excellent analysis of some disturbing implications of the President's statement. The editorial points out that some of the President's assertions suggest, in the Post's words, that—

> We are engaged in an open-ended exercise in confidence building which will end, presumably, only when we are absolutely positive that the South Vietnamese have acquired the capacity, with or without a formal settlement, to guarantee their own salvation, free of Communist influence, forever.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VIETNAM: A "WINNING POSITION"?

For President Nixon to summon Britain's Sir Robert Thompson as a witness on behalf of his war policy is not quite like the British

Government, in the dark days of World War II, citing the counsel of the retired commander of the U.S. Marine detachment in Nicaragua. But it is not all that different either, meaning no disrespect to Sir Robert, a legitimate authority on counter-insurgency, the very model of a British military officer, and a dogged sort of chap who made a brilliant reputation as a leader of the British effort to put down the insurgency in Malaya in the 1950's. Sir Robert knows a lot about Vietnam as well as the Malaya of a decade ago—more than enough to appreciate the differences. A state of emergency was first declared in Malaya in 1948 and ended 12 years later in 1960—which is more time than most Americans, if we are any judge, are prepared to give to even a modest, and gradually declining effort in Vietnam. All told, some 40,000 British forces engaged in the Malayan campaign at the peak of the fighting in the mid-fifties, and only about half of these were ground forces. The enemy numbered 8,000 insurgents in Malaya and they were mostly Chinese, which is to say distinguishable; in Vietnam's insurgency, friend and foe are counted in the hundreds of thousands and the indigenous forces are all Vietnamese. And so it goes; the British were hardened to this sort of thing; Americans are not—leaving aside the vast discrepancy in cost and casualties between the British effort in Malaya and the American effort in Vietnam.

So it is at least a little puzzling, in one sense, that the President should be offering as his chief witness at this stage of the game a British expert whose last major published work on the matter at hand was a deeply pessimistic book entitled "No Exit From Vietnam." True he has since reviewed the war on the ground at the President's request and returned "cautiously optimistic" (Mr. Nixon's words), so perhaps he sees an exit for us now. But the President conspicuously omitted any indication that Sir Robert has changed the view that has been regularly attributed to him—that it is going to take another 10, or maybe 15, or perhaps even 20 years of American effort in one form or another, however diminishing, to put this thing right. All the President told us is that Sir Robert's report is "in line with my own attitude" and in this sense the report, and Mr. Nixon's use of it, are not just puzzling; they are deeply disquieting.

It is disturbing not only because it suggests a timetable far longer than most Americans are likely to tolerate, even with a limited commitment of "residual forces" in Vietnam. The President is noncommital on timing, of course, and he has decided to withdraw another 50,000 troops by next April, which is all to the good, even when coupled with ominous reports of a significant increase in the number of enemy replacements now heading down through North Vietnam to the South. On the critical question of what he will do if this infiltration becomes more than the forces at hand can deal with, we have no answer, only a reiteration of an earlier warning to Hanoi that if "increased enemy action jeopardizes our remaining forces . . . I shall not hesitate to take strong and effective measures . . ."

That is one cause for disquiet. Another is the curious quotation from Sir Robert: "A winning position in the sense of obtaining a just peace (whether negotiated or not) and of maintaining an independent, non-Communist South Vietnam *has been achieved, but we are not yet through.*" What is that all about? If the first part of the sentence is to be taken literally, we ought to be able, finally, to adopt Senator Aiken's celebrated formula—Declare Victory, and come home. But obviously it is not to be taken on its face, because Sir Robert, whose views, remember, are in line with Mr. Nixon's attitude, goes on to say:

"We are in a psychological period where the greatest need is confidence, a steady application of the 'do it yourself' concept with continuing U.S. support in the background will increase the confidence already shown by many South Vietnam leaders."

So we are engaged in an open-ended exercise in confidence-building which will end, presumably, only when we are absolutely positive that the South Vietnamese have acquired the capacity, with or without a formal settlement, to guarantee their own salvation, free of Communist influence, forever. That is a tall order, in our view—as witness Laos. It is also beyond anything we ought reasonably to be expected to do, however low the cost. For this way we perpetuate a commitment which will always be subject to call at increased cost if things go awry. There are some things these countries have to do for themselves, President Kennedy used to say, and so did President Johnson in the early days, and this is a first principle which Mr. Nixon ought to cling to if he is serious about American disengagement from the war.

It is all very well to argue about tactics: about a more adventuresome negotiating effort on our part, about putting more pressure on the Saigon government to broaden its base. There is also something to be said for going hard the other way and working for "Vietnamization," under the existing government. But there is hardly any point in arguing these tactical alternatives until we have decided what the ultimate aim is supposed to be. If we are not going to be prepared to say to the South Vietnamese at some point, and at some risk, that we have done all that an outside power can do and the rest is up to you—which is oddly enough what Sir Robert is almost saying—then he may well have been right the first time and there is no safe exit from Vietnam.

PROPOSED AMENDMENT OF RANDOLPH-SHEPPARD ACT FOR THE BLIND

Mr. TOWER. Mr. President, I have recently joined with the Senator from West Virginia (Mr. RANDOLPH) as a cosponsor of S. 2461, a bill to make certain improvements in the Randolph-Sheppard Act for the blind. This legislation was signed into law more than 33 years ago, and under its provisions, the blind have been given the opportunity to rise above their handicap and to prove to others that they can be capable, self-supporting, taxpaying citizens.

The opportunity for blind persons to operate vending facilities on Federal Government property has been a classic example of the mutual benefit derived by bringing together two groups in need.

Since the enactment of the Randolph-Sheppard Act in 1936, the vending stand program has been amended only once. It is now again time to make revisions in this program to meet the needs of a changing situation. I am happy to support the changes recommended in Senator RANDOLPH'S bill.

DEDICATION OF A GIANT RESERVOIR ON MOLOKAI, HAWAII

Mr. FONG. Mr. President, on the island of Molokai in the State of Hawaii, we have just completed and dedicated the world's largest nylon-reinforced butyl rubber-lined reservoir. The economy of labor, time, and money in this type of installation offers new hope for water-poor countries all over the world. Rain harvesting becomes a practical reality at manageable cost. Water itself becomes a money crop.

When filled, in about 2 years, the Kualapuu Reservoir will contain 1½ billion gallons of water. It will irrigate 16,000 acres for the growing, not only of our State's famous pineapples, but also such crops as potatoes, tomatoes, and mangoes. With food for consumption and export, with the creation of many farm jobs for its citizens, Molokai's agricultural economy should flourish. It is additionally visualized that an expansion of the Molokai irrigation project would make possible a tourist, residence, and business development on the island's western tip supporting an eventual population of 30,000.

The reservoir represents the final construction phase of the Molokai irrigation project which began 10 years ago as an effort to harvest the rain which falls, not on the plain where it is needed, but on the coastal side of the mountains. Instead of draining into the ocean as before, much of the rainfall will now be channeled through a 5-mile tunnel and 4.4 miles of transmission pipeline through the mountains and to the reservoir.

The project has been a cooperative effort from conception to completion. A project of the Department of Land and Natural Resources, State of Hawaii, it has been financed by $5.4 million in State of Hawaii funds and by $4.5 million in a loan from the Federal Bureau of Reclamation. The loan will be repaid through the sale of water.

The project has received strong and generous support from Congress which had to first enact legislation authorizing the project and then approve appropriations so the loan could be made by the Bureau of Reclamation. In 1962, when the application for the Molokai project was before the Senate Interior Committee, I testified for it. In the same year, I also asked the Senate Appropriations Committee for funds to proceed with the project.

There has also been close cooperation between the individuals involved, particularly in the marshalling of skills and technologies from the companies of different industries which developed the lining for the reservoir. It is the unique construction of this lining that makes the reservoir practical.

Because it is only 1/32-inch thick, and so is light enough for easy handling, the 104-acre lining was installed in less than 2 months. Its toughness and durability, deriving largely from a specially woven nylon-reinforcing scrim, ingeniously sandwiched in butyl, permitted the contractor to guarantee its life for 20 years.

As one marvels at the creation of this huge reservoir, where everything is manmade but the water, one asks about the creator. He is David F. Wisdom of Honolulu. Head of his own firm, which contracted for the installation of the reservoir, he has been the driving force behind it. He personally trained the work force. He invented much of the equipment used. He was the catalyst who brought together the skills of the companies which provided the components of the lining.

Working with Mr. Wisdom, who has installed more than 80 smaller reservoirs in Hawaii and other Pacific islands, and who understands the chemistry and unstable nature of volcanic soil, J. P. Stevens & Co., Inc., developed a nylon weave which would permit the finished lining to give, but not tear, under the tremendous pressure of 50 feet of water. This weave: 210 denier warp, 22 threads to the inch; 420 denier fill, 14 threads to the inch; prevents vertical or horizontal stretch but permits the lining to give diagonally under pressure without tearing. The nylon yarn was made by Allied Chemical Co., the butyl rubber by Enjay Chemical Co., and the laminating was done by Hodgman Rubber Co. of Framingham, Mass.

Hawaii is proud of this example of how Federal, State, and private resources have cooperated in a wholly new technique for the harvesting and husbanding of irrigation water.

TRIBUTE TO DR. DONALD MARK CHANG

Mr. FONG. Mr. President, I wish to pay tribute to one who was formerly a member of my staff and who is now minority counsel of the Judiciary Subcommittee on Refugees and Escapees. He will leave Washington after adjournment to return to his native Hawaii.

When Dr. Donald Mark Chang returns to the State of Hawaii, he will become a vice president of the First Hawaiian Bank, one of Hawaii's two largest banks. He will be responsible for economic analysis, legal work, legislation, and legislative liaison with both Federal and State governments, and in planning and development.

Dr. Chang is leaving Washington only because of his intense devotion to his native State. I can understand that the time comes when a man must go home, and Dr. Chang feels he has reached that time.

Dr. Chang has performed an outstanding task in helping me on such issues as the various civil rights bills, the important gun control bill, the major reforms I have helped to effectuate in immigration policies, and economic analysis.

Dr. Chang's interests have been wide ranging. Admirably equipped by education and training, as he is a graduate of Yale Law School and has a doctorate in economics and Christian ethics, Dr. Chang has rendered me invaluable assistance during the last 7 of my 10 years in the U.S. Senate.

I know I will miss him deeply, for he has been a loyal staff member and a meticulous worker. I know also that Capitol Hill will miss him, for he has a legion of friends here.

I realize, of course, that we part only temporarily. I know he will always be an advocate for the State of Hawaii with a real concern for the welfare of his State and the Nation.

In view of the fact that Dr. Chang is well known by many Senators and their staffs, I am making this statement for the RECORD to acknowledge his faithful and valuable service to me, to the Judiciary Committee, and to the Senate.

As he leaves Washington to assume his new duties in Honolulu, which I know he will perform well, I extend to him and his charming wife, Millie, my personal best wishes for much success, happiness, and Aloha.

OPERATION BREAKTHROUGH HAS A LONG WAY TO GO

Mr. PROXMIRE. Mr. President, during Senate consideration of the landmark 1968 Housing Act, I proposed an amendment that HUD construct 1,000 units each of at least five different housing prototypes over a 5-year period—or a total of 25,000 units—to test whether new housing construction techniques could bring substantial reductions in housing construction costs. The amendment was agreed to, and the funding for the units was provided in the bill.

My proposal was based on a unanimous recommendation of the Douglas Commission, officially called the National Commission on Urban Problems, which had both done detailed work on housing needs and which in its hearings and studies had been dismayed at the lack of housing production and the absence generally of modern techniques and mass production methods in housing.

SECTION 108 AND OPERATION BREAKTHROUGH

When Secretary Romney and Assistant Secretary Finger came into office, they proposed to carry out the substance of the Proxmire amendment through what is now called "Operation Breakthrough." They have combined section 108 with funds appropriated for housing research and development and have received more than 200 proposals from planning and industrial groups. Yesterday the Secretary announced that some 37 organizations who had submitted proposals would enter into final negotiations for production in eight cities throughout the country.

The point is, of course, that if significant reductions in housing costs can be brought about through industrialized housing under mass production conditions in Operation Breakthrough, there is then a vast potential market under the goals of the Housing Act of 1968 which call for 26 million new housing units over a 10-year period.

Thus, a significant point was reached yesterday in the Secretary's announcement.

NO HOUSING YET BUILT

However, before we let our optimism outrun our judgment, let me point out that no housing under the program has yet been built. In the past, the programs for new technology have almost universally ended in failure. Real cost cutting has not been accomplished. No mass production has taken place. They usually end up with a few prototypes at very high costs.

This program is still in the planning and negotiation stage. Costs have not yet been reduced. Housing production this year is down. The need for low and moderate income housing has, in fact, gotten worse.

The real test will be when we actually get volume production of decent housing in a suitable environment at reduced costs. The test is whether our housing goals are actually achieved.

This will take a change in the nature of the building industry, the introduction of mass production techniques, and the end to restrictive building codes and practices, restrictive zoning ordinances, and land limitations.

MONETARY AND FISCAL AUTHORITIES MUST CHANGE, TOO

It will also take a vast change in the attitude of the Federal Reserve Board, the Treasury Department, and the Budget Bureau. I say that because housing, and almost housing alone, has been forced once again to carry the brunt of the anti-inflation policy.

The most restrictive housing practices in this country are not those of labor or industry. The most restrictive housing practices in the country, measured by their stifling effect on housing production, are the policies of the Federal Reserve Board, the Treasury of the United States, and the Budget Bureau who have constantly failed to put housing production and housing goals on the economic front burner where they belong. Their policies have not merely been neutral. Their policies have had antagonistic and hostile to housing production and housing goals.

NEED TO MEET HOUSING GOALS

Before our housing goals can be met we must not only shift to more efficient production methods, but we must change, once and for all, the policies of the fiscal and monetary authorities in this country who are primarily responsible for the fact that the richest country in the world still needs 11 million new housing units to meet the minimum housing needs of the people of the Nation.

I ask unanimous consent that an article on yesterday's "Operation Breakthrough" announcement, published in the Wall Street Journal, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROMNEY PICKING 20 FIRMS FOR HOUSING JOBS IN "BREAKTHROUGH" DRIVE; EIGHT CITIES NAMED

WASHINGTON.—Secretary Romney of the Department of Housing and Urban Development announced the start of final negotiations with potential participants in "Operation Breakthrough," the Nixon Administration's major program designed to solve the nation's housing needs.

Mr. Romney termed the announcement a "significant" step from planning toward production of more housing of low and moderate cost. He said the first prototype units under the program may be completed by the end of next year.

Operation Breakthrough seeks to accelerate subsidized housing production by bringing together new technology, such as factory-built housing, and large land areas aggregated by state and local officials.

Out of 218 site proposals received, Mr. Romney selected for final negotiation land areas in these eight cities: Indianapolis; Jersey City; Kalamazoo, Mich.; Macon, Ga.; Memphis; Sacramento, Calif.; St. Louis, and Wilmington, Del. Sites will be chosen later in the state of Washington and in Texas.

THIRTY-SEVEN SELECTED

Of 236 housing-system proposals submitted, HUD selected 37 organizations for further negotiations. From these, 20 will be chosen for contract awards by the end of January. The 37 named by HUD are:

Alodex Corp., Memphis; Aluminum Co. of America, Pittsburgh; Ball Bros. Research Corp., Boulder, Colo.; Bechtel Corp., San Francisco; Henry C. Beck Co., Atlanta; Boise-Cascade Corp., Boise, Idaho; Christiana Western Structures, Los Angeles; Descon-Concordia, Montreal; Development Corp. of America, Boston, and Dow Chemical Co., Houston.

Also, Forest City Enterprises Inc., Cleveland; General Electric Co, Philadelphia; Hercules Inc., Wilmington, Del.; Home Building Corp., Sedalia, Mo.; Housing Development Co., Cleveland; Keene Corp., New York; Levitt Tech. Corp., Lake Success, N.Y.; Martin Marietta Corp., New York; Material Systems Corp., Washington, D.C., and Mid-City Developers Inc., Washington, D.C.

Also, Module Communities Inc., Yonkers, N.Y.; National Homes Corp., Lafayette, Ind.; Omniform Inc., Hartford, Conn.; Pemtom Inc., Bloomington, Minn.; Redman Industries Inc., Dallas; Relbec Corp., Rio Piedras, Puerto Rico; Republic Steel Corp., Youngstown, Ohio; Ring Bros.' Consortium, Los Angeles; Rouse-Wates, Columbia, Md., and Schultz Homes Inc., Toledo.

Also, Sectra America, Cambridge, Mass.; Shelley System, San Juan; Sterling Homex Corp., Avon, N.Y.; Techcrete Consortium, Cambridge, Mass.; TRW Systems Group, Redondo Beach, Calif.; U.S. Steel Corp., Pittsburgh, and Urban Systems Development Corp., Arlington, Va.

COMMENT ON FANNIE MAE

Mr. Romney said 365 proposals in another category—individual components of a housing system, or ideas that aren't yet ready for prototype construction—were still being evaluated. But he did mention these organizations as being under consideration for contracts: Habitat Group, Rio Piedras, Puerto Rico; Aitken, Collins & Associates, Berkeley, Calif.; Dano Modules Inc., Chicago; George Washington University, Washington, D.C., and Ross, Hardies, O'Keefe, Babcock, McDugald & Parsons, Chicago.

The Secretary also discussed the future of the Federal National Mortgage Association, currently involved in controversy. Fannie Mae President Raymond Lapin, recently fired by President Nixon, is fighting in court his dismissal.

"There is absolutely no question about our proceeding on schedule" with the transfer of Fannie Mae from Government to private status, Mr. Romney declared, in an attempt to reassure jittery stockholders in the association. This transfer is supposed to be completed next spring.

He also expressed the view that it would be "entirely wrong" for the HUD Secretary to undertake to run Fannie Mae. But he did say that even when the agency achieves private status there must continue to be "an effective working relationship" between it and HUD. And Mr. Romney emphasized that despite the controversy over Mr. Lapin's dismissal, there will be "no change in the basic program of Fannie Mae support of the housing market."

CLASHES BETWEEN POLICE AND BLACK PANTHERS: THE SITUATION MUST BE DEFUSED

Mr. MUSKIE. Mr. President, in the days which have followed the deaths of two leaders of the Black Panther Party in Chicago, many black and white leaders in America have called for investigations by responsible Government agencies. The Justice Department has responded with an announcement of a "preliminary investigation," and a number of private groups have announced their intentions to conduct inquiries of their own.

The Justice Department may help provide some much-needed answers to the allegations which have been made concerning the Chicago incident, but the questions, doubts, and suspicions raised by more than 2 years of battles between the Panthers and the police demand much more searching inquiries.

Each time shots are fired between the police and the Panthers, the polarization between black and white widens. Violent confrontations, provoked by either side, drive us further away from a society where Americans can trust each other and live together in peace.

We cannot afford to waste any time in defusing this confrontation and stepping away from the brink—not only by determining what happened in Chicago, but also by finding ways to prevent what has happened in Chicago, New York, Cleveland, and Los Angeles from happening again.

I hope that the gravity of this situation will not be dismissed with preliminary investigations and inquiries.

All Americans must make a real effort to restore peace and security to our cities. Dr. Milton Eisenhower, Chairman of the National Commission on the Causes and Prevention of Violence, has said that the internal threat of violence to American society is as great as it is from "any possible combination of external forces." We must communicate our differences to one another, explain our disagreements, and find ways to bring out the best in America without yielding to the worst.

AN EXAMPLE THAT WILL POINT THE WAY

Mr. PROXMIRE. Mr. President, in his proclamation that declared December 10 to 17 Human Rights Week, President Nixon stated what I consider to be the best reason that the Nation has for ratifying the Human Rights Convention on Political Rights for Women, on Genocide, and on Forced Labor. The President's words were:

> Let us act so as to provide an example that will point the way in the struggle to promote respect for human rights throughout the world.

The key phrase in this statement, I feel, is "an example that will point the way." The Nation has for years served as an example of what freedom and liberty stands for. With few exceptions, the Nation has not only affirmed these rights through rhetoric, but through action. In other words, the Nation has served as an example to the rest of the world on the true meaning of human rights for all its people.

Our example to the world on human rights, however, is deficient in one major area, that of affirmation of these rights through ratification of the international treaties. Many nations have placed their name on these conventions, but we have not. For this country to consider and ratify the Human Rights Conventions on Political Rights for Women, on Genocide, and on Forced Labor will, as the President said, "provide an example that will point the way in the struggle to promote respect for human rights throughout the world."

THE PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

Mr. CANNON. Mr. President, I regret that, due to a prior commitment of long standing, I was unavoidably absent when the Senate considered H.R. 6543, the Public Health Cigarette Smoking Act of 1969.

I supported the bill in committee and am in full accord with changing the date when the Commission could take action from July 1, 1972 to July 1, 1971, with a provision that Congress would be informed of any proposed action in advance.

In committee I also opposed the insertion of the word "excessive" in the warning on the package and am pleased that the Senate removed it.

When we consider that cigarette smokers have a 70-percent higher death rate from coronary heart disease, a 500-percent higher death rate from bronchitis and emphysema, and a 1,000-percent higher death rate from lung cancer than do nonsmokers, it is no wonder the bill passed.

SENATOR HART INTERVIEWED

Mr. HARRIS. Mr. President, this morning on the NBC "Today" show, the distinguished Senator from Michigan (Mr. HART) was interviewed concerning the urgent need to pass an extension of the Voting Rights Act of 1965 in preference to the bill recommended by the Nixon administration.

In this very excellent and informative interview, Senator HART pointed out the great impact for good the Voting Rights Act of 1965 has had in helping to make democracy real for hundreds of thousands of black people in this country. Senator HART made clear what a terrible and sad step backward it would be if this act, the most effective civil rights bill in history, is not extended but is allowed to expire or to be watered down and confused, as would occur with the adoption of the administration's position.

Senator HART has done an excellent service in setting forth these matters in the "Today" show interview. I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the text of the interview was ordered to be printed in the RECORD, as follows:

THE "TODAY" SHOW INTERVIEW OF SENATOR PHILIP A. HART, DECEMBER 17, 1969

HUGH DOWNS. In 1965, Congress passed a Voting Rights Act that applied to states where less than half of those eligible were actually registered to vote in 1964. In practice, this meant Louisiana, Mississippi, Alabama, Georgia, North and South Carolina and Virginia.

Today, there is a fight in Congress over whether to extend this act or to substitute a new law favored by the Nixon Administration which would apply to all fifty states.

The Administration Bill passed the House by a close vote. But its critics say that it would be less effective than the 1965 Act in guaranteeing the voting rights in the six states just mentioned where the right to vote was restricted for many years.

But today, we've asked Senator Philip A. Hart, a Democrat of Michigan, a member of the Judiciary Committee and an opponent of the Administration's bill, to talk about voting rights.

He's in Washington with "Today" editor, Bill Monroe.

Gentlemen.

BILL MONROE. Good morning, Hugh.

Perhaps it should be said that Senator Hart, as you've noted, is on one side of a two-sided question, and we had hoped to have somebody opposing Senator Hart's viewpoints here today. And over the past two days, we've asked a number of senators, who might have been appropriate opponents, to be here, but none of them could make it this morning.

This might possibly be due to the fact that the senators have been kept busy this week, but we're glad to have Senator Hart. And I'll try to ask him one or two questions that his critics might ask him.

Senator . . .

Senator PHILIP A. HART. Maybe the critics felt that you would be an even more effective debater than even they.

MONROE. Senator, what main provisions are in the 1965 Act that apply to these seven states?

HART. A device that triggers automatically the suspension of literacy tests and other tricky devices . . .

MONROE. In those states?

HART. In those states, or in any state. They call this a regional bill. It really isn't a regional bill. It would apply in Michigan if Michigan had literacy tests, and if less than fifty percent of the age group eligible to vote neither voted nor were registered to vote in 1964.

It just so happens that the states that were enumerated—the seven of them—fall below that fifty percent measure.

MONROE. Of course, everybody knew what states would be affected before the law was passed.

HART. Yes, everybody knew where the problem was. And that was the way that the law was designed to respond to a problem . . .

MONROE. What else does the bill do in solving . . .

HART. It triggers it, and then it requires that those states come to a federal court and prove that any new law that they want to write with respect to registration or voting procedures is not discriminatory.

It suspends the right of a state to enact a new law until it's established that it is not one more step in a hundred year pattern of discrimination against the blacks.

These two things would go out the window with the Nixon Bill. And our argument is "why repeal success?" Of all the civil rights bills that Congress ever passed, the most effective one is the 1965 Voting Rights Act. And that's the one they'd torpedo.

MONROE. Wouldn't you feel some sense of resentment if you were an official, or perhaps a citizen, of one of these southern states and knew that a law was directed at your state, particularly in view of what Congressman Gerry Ford has said, that five of these states have since brought their eligibility quotient up above the formula of 1964. And yet, you would continue to apply the law to them.

HART. They brought it up as a result of the 1965 Voting Rights Act in 1968. Now you're going to repeal the act that was the prod. That doesn't make sense.

MONROE. But don't you . . .

HART. Now, would I feel resentful? I suppose it would depend.

We are all the captives of geography and history. Maybe if I was resentful of the efforts to make real the Fifteenth Amendment promise that no state will deny or abridge one's right to vote—if I felt that the Fifteenth Amendment was undesirable, then, sure, I'd be offended if the federal government tried to deliver the promise of the Fifteenth Amendment.

If I thought it made good sense, if I thought it was helpful to the general community good to make sure that black and white alike had every right to vote, then I would not at all be offended: I would welcome the assist.

MONROE. Of course, the '65 Act was passed on a formula that more or less expressed reality at the time, that some southern states had less than half of the eligible voters registered.

But in five of those states in 1969, more than half of the eligible voters are registered; and yet you would continue to apply the '64 formula.

HART. For two reasons. When the 1965 Bill was first written, it was based on a recommendation of the Civil Rights Commission which urged that we make this triggering device applicable for ten years. You see, you're attempting to undo historic attitudes. The registration rolls may have changed, but have the attitudes changed?

And we thought that ten years would be a useful device to insure that there was sufficient strength in the minority group on the voting list to prevent the recurrence of discriminatory, regressive practice once the trigger was gone. That's one reason that I think the 1968 ought not be adopted.

Second, once the 1965 Bill is washed out, then it again can become a game of chasing the legislatures. The pattern is very clear. The imagination is limitless when it comes to figuring out ways to make it tough to register and to vote. And to suspend the right of a state, even though the formula has been met in '68, to change the law, I think, still makes sense.

I again repeat, why repeal the success. For years the Congress has been pursuing the goal of delivering the promise of the Fifteenth Amendment by telling the government to go to court if there is a discriminatory device or a pattern—go to court, get it corrected. We did that in the Acts of 1957, 1960 and 1964.

The end of all that effort from 1957 to 1965: only thirty-six thousand new registrants had occurred in the seven states among minority groups.

Since 1965, we have added 800,000 registrants, from twenty-nine percent, I think it was, to fifty-two percent of the adult population: but only because of the 1965 Act. And the 1968 election was the first such election subsequent to that act.

The act has driven the registration up, but I insist that it has not changed the basic desire among influential people to have some regression if we get rid of the '65 law.

To argue that it is directed at a region, and therefore is wrong, is technically not true. It's directed at Michigan, too.

Second, it permits a state to come in and get out of the automatic suspension if it can prove that it is not a device that is being used to discriminate. Alaska got out. Alaska was under the formula of the bill when we wrote it. Alaska came to court, got out. Counties in Arizona and Idaho got out. I think a North Carolina county got out.

It doesn't lock them in if in fact they can prove that they weren't shortcircuiting the Fifteenth Amendment.

MONROE. Senator Hart, Senator Scott has suggested that a possible compromise might be to extend the 1965 Act in regard to certain of its features that would apply to these seven states only; and at the same time to make the ban on literacy tests a national ban affecting all states, and to include from the Administration Bill in the compromise a provision in the Administration Bill to allow people to move from state to state and still vote in presidential elections if they're in their new location by September 4th.

Would you approve of this general idea?

HART. I think the idea of insuring that a person, simply because he's moved just before a national election, would nonetheless have a right to vote is a good one. Fine. And it responds to a problem.

Lifting literacy tests across the country—well the truth is there's never been a single complaint that literacy tests, except in these seven affected states, were used to discriminate because of race, color, or previous condition of servitude. If you want to lift them, all right.

Recognize that the Administration Bill lifts them automatically so a state cannot reestablish them on proof that they're not used to discriminate, whereas in the '65, as I've mentioned, states can come in and prove that they were not being improperly used.

MONROE. Are you going to wind up with a filibuster on this Voting Rights Bill?

HART. Well, if the track record continues, yes. I think that we've never had a civil rights bill which wasn't filibustered. And it's a constant worry. It inhibits a majority in making its answer. You may have a majority, and that's the answer that the majority would give you. But if you know that you need two-thirds in order to get it to a final vote, then you have to trim back. And this is unfortunate.

MONROE. Thank you very much Senator Philip Hart of Michigan, a member of the Judiciary Committee.

OIL IMPORT TASK FORCE STUDY

Mr. HANSEN. Mr. President, only last week we were debating an amendment to the tax reform bill which would give the President authority to impose quotas and nontariff barriers to the importation of any commodity from a foreign country at such levels that were found to disrupt the domestic market or cause injury to industries, firms or workers in the United States. I noted in that debate and the vote that followed to give the President that authority by 65 yeas to 30 nays, that several of the stanchest advocates of doing away with oil import quotas, rose in support of tightening quotas on imports of shoes and textiles that affect employment in their States.

Among these were two distinguished Senators, the junior Senator from Maine and the junior Senator from New Hampshire, who have decried the evils of the oil import quota program but praised the efforts of the senior Senator from New Hampshire and supported his amendment.

I could not agree more with Senator MUSKIE's comments in support of American policy which he said, "also ought to be concerned with import competition in our own markets when that competition promotes disruptive conditions which are destructive to the health and survival of American industry."

He had particular reference to shoe and textile imports and I was also happy to support the amendment on the same policy principles when he said:

We are talking about a policy which will enable American industry to adjust to import competition in our own markets when that competition is disruptive, when that com-

petition takes place under conditions in which foreign imports are given a better break, in our own market, than our own goods.

I hope that those who cry out for cheaper heating oil and gasoline from cheaply produced foreign crude oil will heed their own warnings about the dubious blessings of cheap imports.

It seems entirely inconsistent to me that we should have minimum wage laws on one hand and cheaply produced foreign imports displacing our more highly paid workers on the other.

It does not make sense to spend Federal funds for unemployment to the workers of an industry that has been disrupted or displaced by imports when a realistic approach to the problem such as that proposed in the Cotton amendment could prevent such disruptions.

I commend the junior Senator from New Hampshire for his continued efforts on behalf of the domestic shoe industry and his support of the Cotton amendment in saying that he thought that it is time we realized that the United States cannot be the world's consumer any more than we can be the world's policeman.

Another important factor that I hope the Cabinet members of the task force will carefully consider in their examination of the task force report and recommendations is the legislative history of the oil import program.

Shortly after World War II, when the Nation was catching up from war shortages, oil imports became a problem. They doubled and tripled and quadrupled until finally in the early 1950's a voluntary program was agreed to. But this did not work too well or too long when the agreements were circumvented in various ways.

Mr. President, for those who may not be familiar with the background leading to the establishment of the mandatory oil import program in 1959, I would recommend that they study the report of the House Committee on Interior and Insular Affairs following extensive hearings on the mandatory oil import program, as that program relates to the domestic petroleum industry, on May 13, 14, and 16, 1968.

I submit that the Cabinet members of the task force may wish to consider the report of that committee along with the task force report before making any final recommendations to the President.

While few of the many who testified in those hearings were doctors of philosophy or professors of economics, they did represent all segments of the petroleum industry as well as the public and industries served by petroleum and its products.

I ask unanimous consent that the committee findings and recommendations from the report of those hearings be printed in the RECORD.

Mr. President, I concur in the findings and recommendations of that committee and hope the Cabinet members of the task force will give adequate weight to those recommendations in whatever recommendations are made to the President.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

COMMITTEE FINDINGS

The following points summarize the findings of the Subcommittee on Mines and Mining with regard to the present status of the mandatory oil import program, its effect upon the domestic petroleum industry, and its effectiveness in the enhancement of our Nation's security:

1. The need for control of foreign crude and unfinnished oils in order to assure a healthy U.S. petroleum industry is as great today, from the standpoint of national security, as when the plan was conceived originally. The steady decline in the industry's exploratory effort over recent years and demonstrable inadequacy of known petroleum reserves accumulated have rather alarming implications from the standpoint of the Nation's security in times of emergency.

2. While the voluntary and mandatory oil import program has been helpful, its stated objective of preserving a "vigorous and healthy domestic petroleum industry for purposes of national security" has not been achieved. U.S. exploration and development has been declining for the past 10 or 11 years and even more alarming are the indications that unless steps soon taken to reverse this trend it will continues at an accelerating rate. Instead of finding more than 4.5 billion barrels per year, which the Department of the Interior indicates are needed to meet future demands and maintain a stable resreve-production ratio, only 2.6 billion barrels per year have been found and developed during the past 7 years.

3. There is substantial evidence that the import program is weakened by the injection into the program of special treatment provisions, particularly since 1965. The profusion of these special treatment provisions threatens to undermine the program by destroying confidence in its administration and by creating special situations which permit imports both within and without the controlled levels.

4. The program is plagued by instability and frequent changes which create uncertainty and lack of a sense of direction. This makes it extremely difficult for segments of the industry to arrange their long-term expansion programs or to develop long-range plans.

5. The import program legally has only one basis for its existence; i.e., to protect the Nation's security by promoting a strong domestic oil industry capable of dealing with unforeseen emergencies. We find that the program is being used for many allen purposes. Many of these are undeniably worthwhile, yet all of them should be accomplished by means other than the oil import program. These include such activities as (*a*) economic aid to insular possessions and territories; (*b*) improvement in the Nation's exports; (*c*) enhancement of the competitive capabalities of the petrocehemical industry; and (*d*) abatement of air pollution.

6. The program is beset by procedural irregularities in its administration. Some actions have been taken by the Secretary and the Oil Import Appeals Board without benefit of adequate notice or public hearings.

7. Declining exploration activity and declining crude reserves are endangering the health and well-being of the domestic petroleum industry and seriously endanger the national security of this Nation.

8. The import program is becoming increasingly complex and is burdened with confusing definitions and regulations so that participants are never sure as to how certain regulations should be interpreted or how they might be affected by future actions. These ambiguous definitions have resulted in conflicting decisions for like situations.

9. The relationship that controlled imports bear to domestic production—12.2 percent—has been adhered to as far as controlled imports are concerned but weakened by the exceptions permitted outside the 12.2-percent limit. Thus, the effectiveness of the entire program is weakened. The exceptions tend to be increasing at a rapid rate. In addition, total imports of oil into the United States exceeded 26 percent of domestic production for the year 1966. In many respects this is a more significant figure than the 12.2-percent limitation.

COMMITTEE RECOMMENDATIONS

1. The mandatory oil import program must not be weakened by use for purposes unrelated to the preservation of national security, regardless of the merits of the alien objectives. This includes projects such as improvement of the economic conditions in any particular geographic area, improvement of competitive conditions for any industry, alleviation of air pollution, economic hardships, or any other unrelated purposes.

2. All inequities in the program should be removed so that the Government is administering a plan that is equitable and fair for all who are governed by it. Features that should be carefully reviewed include the extent of the sliding scale method of allocation, the historic guarantee feature, special provisions for northern tier refiners, allocations to refiners located in insular possessions, allocations to customers of the petroleum industry and other allocations for purposes not basic to national security.

3. The program should be simplified to the greatest extent possible to eliminate the present chaotic condition which causes serious inefficiencies in the planning and operations of the entire petroleum industry.

4. Rules of procedure should be strengthened and observed so as to eliminate decisions made without benefit of adequate notice and public hearings. Amendments and changes to the regulations should be made in a formal, uniform manner; the granting of relief by the Oil Import Appeals Board should be done in accordance with established procedures of the Administrative Procedures Act.

5. Canadian sources of crude oil should continue to be considered within the scope of our national security planning and therefore should receive special treatment. However, participation of Canadian crude oil in our growing U.S. market must not be disproportionately greater than the growth enjoyed by domestic producers. In the past, informal methods of managing such control have been arranged by the Department of the Interior and the Canadian Government. Such a method of control may well be continued but must be improved to prevent Canadian imports from consistently exceeding estimates.

6. It is the view of the committee that any program authorized under the national security provisions of the Trade Agreements Extension Act should be administrated strictly in accordance with the purposes of that act and not extended to unrelated matters, notwithstanding the merit of such other programs.[1]

THE SENATE FOOD STAMP BILL: A REPLY TO SENATOR AIKEN

Mr. McGOVERN. Mr. President, for each of the 7 years in which I have served in the Senate it has been my great privilege to be a member of the Committee on Agriculture and Forestry. During that time, I have had the opportunity to work closely with the distinguished senior Senator from Vermont (Mr. AIKEN). Like the other members of the Agriculture Committte, I have found the ranking Republican member of that committee to be without equal in

[1] Representative Kupferman, except for the air pollution aspect, took no part in the committee discussion.

his zeal for those causes in which he believes. His support for any project is an asset of rare worth—his opposition not to be taken lightly.

As much as I value the recommendations and wise counsel of Senator AIKEN, I have had to differ with him over the question of reforming our present family food programs. The goal toward which we would direct these programs is, of course, identical. There is not the slightest doubt that the senior Senator from Vermont seeks, as I do, to put an end to hunger and malnutrition in every part of this land.

Perhaps it is even as a direct result of his deep commitment to that end that he has been so unrelenting in his attacks on the bipartisan food stamp bill recently passed by the Senate.

But I must suggest to the Senator from Vermont that, in his zeal to advance his own formula, he has unwittingly misrepresented the Senate food stamp bill. I would further suggest to the Senator that those who share the belief that hunger must be ended immediately, as he and I most certainly do, must be extremely careful about the charges we direct at each other's proposals, lest we discredit the entire antihunger effort and play into the hands of those who propose to do nothing at all.

In a statement delivered in this Chamber Monday, Senator AIKEN properly noted that the food stamp bill passed by the Senate is a more "far-reaching" proposal than is the bill favored by the administration. The Senate bill would provide more food stamps, more quickly, at lower cost to the hungry, than would the President's plan.

But Senator AIKEN also delivered a sweeping indictment which does not square with the actual provisions of the food stamp bill considered and passed by the Senate in September. On each of the following points the Senator was in error:

1. The Substitute bill approved by the Senate would actually make persons of wealth eligible to receive benefits, . . .

In fact, the Senate bill specifically authorizes the Secretary of Agriculture to set an eligibility limit as low as $4,000 per year for a family of four. This level is identical to that recommended by the administration in testimony before the Agriculture Committee and the Select Committee on Nutrition. The Senate bill also authorizes the Secretary to establish an income ceiling above which no family could receive stamps.

2. The (Senate) Food Stamp proposal would not be a food bill but a broadly based welfare program providing Government scrip for the purchase of countless non-food items.

Under the actual wording of the Senate bill, participants would be able to use their stamps only for the purchase of food and for such products as the Secretary may determine to be necessary for personal cleanliness, hygiene, and home sanitation. It is easy to dream up frivolous items which are only remotely connected to hygiene and to claim that these items will be available for purchase with food stamps. But this charge ignores the fact that the Secretary of Agriculture will be the person who establishes what items are available under the terms of the Senate bill. The history of the food stamp program, the legislative history of the Senate bill, and the history of basic sanity in the Department of Agriculture all strongly suggest that items such as soap, detergent, and toothpaste will be made available by the Secretary, while clothing, housing, and pleasure boats will not. It is obvious that the Senator is pulling someone's leg when he suggests that Secretary Hardin or any other Secretary could use Food Stamp authorizations to justify pleasure boat purchases:

3. Twenty-Five billion dollars annually would be a more realistic estimate (of the cost of the Senate Food Stamp bill).

The Senate food stamp bill contains an authorized ceiling of $1.25, $2, and $2.5 billion for fiscal years 1970 through 1972, respectively.

To charge that it would cost $25 billion per year simply plays into the hands of those who seek no bill at all. The entire poverty gap in the United States is only $10 billion. The food-income gap is less than $4 billion. Even if food stamps were given free to every poor person in the country, the cost could not possibly approach even half of the wild $25 billion estimate offered by Senator AIKEN.

4. The Substitute (Senate bill) also contains a loosely drawn requirement of an affidavit for eligibility that could open the door to widespread abuse and corruption.

The so-called self-certification provision in the Senate bill is similar to the certification process recommended by the President for his family assistance program. Pilot programs have shown that cheating under self-certification plans is lower than cheating on income tax payments. Self-certification would end the costly, humiliating snooping now required for certification of food stamp recipients. It would lower administrative costs. It would not preclude careful investigation of applicant affidavits, and it certainly would not "open the door to widespread abuse and corruption."

While I believe that Senator AIKEN was excessive in his criticism of the Senate food stamp bill, he was absolutely correct in praising the President for his initiatives in the battle against hunger. As the Senator knows, I too have publicly praised the President for his initiatives against hunger.

Our differences—those between myself, Senator AIKEN, and the President—have been, and must remain, nonpartisan disagreements over the relative merits of alternative programs.

It is in this spirit—in the attempt to confine discussion of the Senate food stamp bill to the merits of that bill—that I have spoken today. I hope that this sort of discussion will continue because I believe that it was just this sort of reasoned debate which resulted in passage of a strong food stamp bill in the Senate and will result in final enactment of an equally strong bill in the near future.

THE FOLLY OF RHODESIAN SANCTIONS

Mr. DODD. Mr. President, the U.N. General Assembly, in December of 1966, acting at the request of Prime Minister Harold Wilson of Great Britain, voted to impose mandatory economic sanctions against Rhodesia on the grounds that it was a minority government. This decision, regrettably, had the support of our own State Department.

Today we are paying a very high price for this folly.

A recent article in Metals Week points out that, by closing our doors to Rhodesian chrome ore, we have made ourselves heavily dependent on the Soviet Union for our supplies of this vital metal. In fact, of the 486,000 tons of chromite imported in 1968, Russia supplied 335,000 tons. Moreover, the price we are now paying because of the seller's market we have created by our own action is 80 percent higher than the price in effect before sanctions were imposed in January 1967.

I am not suggesting that we should approve the policy of the present Rhodesian Government. As those who know my record are aware, I have all my life been a stanch advocate of civil rights in our own country and of freedom for peoples living under colonial rule and for the captive nations of Europe. But the imposition of U.N. sanctions against Rhodesia because it refused to accede to the principle of majority rule was a very grave blunder which may ultimately lead to the destruction of the United Nations.

If sanctions were to be invoked against every government that violates human rights and denies political or racial or religious justice to its citizens, we would find ourselves in a condition of permanent war, not merely with the Communist bloc, but with the majority of the governments represented in the U.N.

Mr. President, I ask unanimous consent to have printed in the RECORD the article published in Metals Week of December 1.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME TO EXAMINE THE RHODESIAN BOYCOTT

The price of Russian chrome ore is up another $10 for 1970. Turkish ore is going up a like amount. The reason for the increase, and the increases of 1968 and 1969, is, quite simply, the Rhodesian boycott.

Since the boycott went into effect in Jan. 1967, and US ferroalloy producers were cut off from their prime source of chrome ore, Russian prices have increased by over $25 a ton, or 81%. Russia is now our major supplier of metallurgical grade chrome ore and is in a position to dictate the market. Of the total of 486,000 tons of metallurgical grade chromite imported in 1968, Russia supplied 335,000.

These are simple, straightforward facts. This has been but one result of the Rhodesian boycott. Perhaps it is time to examine what some other results of this boycott have been.

In the first place, Union Carbide and Foote Mineral have lost their valuable Rhodesian mines. And second, they must buy Russian ore at much higher prices to keep up their ferrochrome production. This translates into higher costs for the US steel industry.

And while US ferrochrome producers have to buy Russian ore, South African ferrochrome producers take in cheaper Rhodesian ore, and then turn around and undersell US producers in the US market. In 1968, some 45% of all ferrochrome imported into the US came from South Africa. It might be added that over 50% of US chemical grade chrome

ore (below 46% Cr_2O_3) also comes from South Africa.

So, who has benefited? Russia and South Africa—not exactly two of our closest allies. And who has lost? U.S. ferrochrome producers, the U.S. steel industry, and, ultimately through inflation, the U.S. consumer. And Rhodesia? By all accounts her economy is humming and any inconvenience caused by the boycott is minimal.

It is not an economic issue, but rather a moral issue, supporters of the boycott maintain. If so, is what Rhodesia is doing to her blacks any worse that what Russia did to the Czechs? And is South Africa's apartheid policy any less severe than Rhodesia's limited representation? If we do not intend to boycott Russian or South African products because we disapprove of the way these nations behave, what right do we have to impose sanctions on Rhodesia?

And moral considerations aside, the boycott just plain isn't working.

STANLEY GAFFIN: AN ABLE ADVISER

Mr. BROOKE. Mr. President, Robert L. Kunzig, Administrator of General Services, has recently formed a National General Services Public Advisory Council for the purpose of creating greater public involvement in the operations of the General Services Administration.

I am delighted to learn that Massachusetts is ably represented on the Council by Mr. Stanlay Gaffin of Newton, Mass.

Mr. Gaffin, who heads his own public accounting firm in Boston, has a great deal of experience in business affairs. He received both his bachelor of science and his masters degree in business administration from Boston University, and became a certified public accountant in Massachusetts in 1951.

Mr. Gaffin is a member of the American Institute of Certified Public Accountants, the New England Association of Credit Executives, the Massachusetts Society of Certified Public Accountants, the New York Credit and Financial Management Association, and is vice president of the Jewish Big Brother Association of Boston.

Administrator Kunzig is indeed fortunate to have obtained the services of this outstanding citizen.

MERRY CHRISTMAS TO FRANCES G. KNIGHT, DIRECTOR OF THE PASSPORT OFFICE

Mr. McINTYRE. Mr. President, sometimes we get up-tight in the Senate in these closing, crowded, and hectic days.

At one point we are turned on and at another time I fear we get turned off.

Then comes something bright, cheerful, in season and yet thoughtful.

Such a document has just come to me from Mrs. Frances Knight, the Director of the Passport Office. I imagine that most Senators received the same letter from Mrs. Knight, but in the flood of mail coming into the office these days it might have been missed. Therefore, I am taking the liberty of highlighting it in this way.

Mrs. Knight wishes us all a Merry Christmas and Happy New Year and then goes on to point out why she may not be sharing the same height of merriness.

She points out that her burdens are budget cuts, reduced personnel, lack of administrative support, lack of understanding of the changing travel patterns, a group of "johnny-come-lately experts on passports" who sit in their bureaucratic ivory towers and do not know what she is facing down at the working level, and even mass overseas transportation provided by the SST.

I certainly pose as no authority on the passport office, but I am impressed by the arguments Mrs. Knight makes, and I for one am concerned that I might have unknowingly contributed to her unhappiness at this time of year when joy and happiness are supposed to be the order of the day.

Her closing lines are:

We hope your Christmas will be Merry and Bright and that the New Year will bring you Health and Happiness and all the other good happenings which seem destined to pass us by.

I for one want to wish Mrs. Knight a Merry Christmas and a Happy New Year. And I mean it.

I might say, "Yes, Mrs. Knight there can be a Santa Claus." You present your case well, and we are really not all Scrooges.

I ask unanimous consent that Mrs. Knight's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEASON'S GREETINGS

CHRISTMAS, 1969.

DEAR SENATOR McINTYRE: If this Christmas letter is late reaching you, chalk it up to the fact that I've had a hard time getting into a "Merry Christmas and Happy New Year" mood.

The Passport Office ends 1969 in a bruised and battered condition, thanks to arbitrary budget cuts resulting in reduced personnel; lack of administrative support; lack of an understanding of the changing travel patterns of U.S. citizens, and a total indifference to the predictable results of the forthcoming mass travel capability of the jumbo jets and the SST.

We are surrounded by a plethora of johnny-come-lately experts on passports in the upper echelons of the bureaucracy who in the past year have thwarted Passport Office attempts to gear itself to the challenge of tremendous increases in international travel.

While the following facts may take the edge off a "Merry Christmas" greeting—you should know them, if for no other reason than that you, as a taxpayer, are paying for the mistakes in judgment by the "experts" in administration and management who are "not with it."

Consider this: In 1969 the Passport Office issued 1,810,000 passports. That was a 17.9% increase over 1968. At the peak of our busy season, June 1969, we were 45% over June 1968. In addition, we renewed 184,000 passports to full five year validity without charge. Our budget was $5,676,132 for Fiscal Year 1969, and we brought into the U.S. Treasury $16,550,703 in fees—a net profit of $10,874,571. Despite our increased workload and our pleas for assistance, authority to hire 22 permanent employees required in fiscal 1969 was denied for over a year. Then under the pressure of public criticism, authority was reluctantly granted, but too late to rescue us from costly overtime and a heavy backlog of work. Now, a year and a half later, most of these positions still remain unfilled. Twenty-four more permanent positions requested for fiscal 1970 were denied outright. We have had a number of resignations by temporary employees who refused to work under so much pressure. Passport Office regulars put in 17,000 hours of overtime, resulting in employee fatigue, sickness and a high percentage of errors.

Virtually every recommendation for improvement in our personnel and fiscal positions has been turned down. Our third request for three additional passport agencies, sorely needed, has been denied. We have been denied funds for research into a new passport concept for the future; we have been denied the minimum personnel required in 1970 to operate this office and its ten field agencies. All our protests against these arbitrary decisions have been greeted with a deafening silence.

Currently, the outlook for 1970 is dismal, indeed. As a result of a totally inequitable fiscal policy, the issuance of passports will be delayed at least two weeks, if not more, in the forthcoming year. We will have difficulty recruiting temporary employees and, undoubtedly, we will have some resignations from our professional staff. Perhaps we are not overly bright, but it is increasingly difficult for us, in the Passport Office, to figure out why a Federal Government operation making a net profit of over ten million dollars annually cannot get sufficient funds for staff, equipment and expansion to serve U.S. citizens who are paying for such services.

Under these circumstances, it is mighty difficult to develop a "Merry Christmas" and "Happy New Year" spirit. However, we hope your Christmas will be Merry and Bright and that the New Year will bring you Health and Happiness and all the other good happenings which seem destined to pass us by.

Sincerely,

FRANCES G. KNIGHT,
Director, Passport Office.

ACQUISITION OF MISSILE SITES FOR SAFEGUARD SYSTEM

Mr. STENNIS. Mr. President, during the debate on December 15 on the Defense appropriations bill, the senior Senator from Louisiana (Mr. ELLENDER) requested that I place in the RECORD the authority enacted in prior years for the acquisition of missile sites for the Safeguard system.

This authority has been set forth in two past Military Construction Acts with subsequent funding in the Military Construction Appropriations legislation. In the fiscal year 1969 Military Construction Authorization Act (82 Stat. 367) there is contained the following language which was presented and approved for the Safeguard sites:

CONUS various locations: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, utilities, and real estate, $227,460,000.

I might note, Mr. President, that as of February 28, 1969, there had been appropriated for the military construction program for the Army anti-ballistic-missile system a total of $344.4 million. Of this amount about $200 million was not obligated as of February 28, 1969.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

Mr. BYRD of West Virginia. Mr. President, for the purpose of having the

bill become the pending business, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 610.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. There will be no votes on the bill tonight. It will be further considered when the Senate meets tomorrow.

AMENDMENT NO. 435

Mr. FULBRIGHT. Mr. President, on behalf of myself and Senators AIKEN, MANSFIELD, CASE, COOPER, PELL, SPARKMAN, WILLIAMS of Delaware, and CHURCH, I send to the desk an amendment which I ask to have printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. FULBRIGHT. Mr. President, by way of explanation I want to say that I have discussed this question with the chairman of the Appropriations Subcommittee on Foreign Operations as well as with the chairman of the Committee on Appropriations. And in the process, I have learned something that I did not know before. I thought maybe the Senate would be interested in it.

The amendment states the principle that underlies the legislative process—or so I thought—which is that no money may be appropriated unless authorized by law. The appropriation bill has been laid before the Senate and does purport to appropriate more than the conference report which has been agreed upon by the conferees of the two Houses.

The Senator from Wyoming (Mr. MCGEE) and the chairman of the full committee have agreed that this will be cut back.

What I did not know, is that appropriation bills generally, not just this one, but any appropriation bill, may go beyond any authorization bill and be honored by the Comptroller General.

I think it will be a useful exercise to discuss this tomorrow with the chairman of the subcommittee and with any other Senator who cares to participate, with the view of offering at a later date, a permanent change in the basic law for the guidance of the Comptroller General. I think that most Members of the Senate believe as I did that the legislation authorizing any particular program is controlling in the way of a limitation on the amount that could be appropriated. That is the principal reason I have offered the amendment.

Mr. MCGEE. Mr. President, the Senator from Arkansas and I have agreed to have a colloquy on this matter when the bill is up for consideration tomorrow morning. I did not want the RECORD to stand as suggesting that the Appropriations Committee might have done something devious here.

We marked up the bill before the conferees had reported from the authorizing committees. Therefore, we are in agreement that we need to do something to correct the uncertainties in regard to the authorizing process on the one hand and the appropriating process on the other. I believe we can do that in the colloquy.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. ALLOTT. I should like to ask how it happens that on the day of December 17 we still have not received an authorization for the foreign aid appropriations from the Foreign Relations Committee and the corresponding committee in the House?

Mr. FULBRIGHT. What did the Senator say?

Mr. ALLOTT. I am relying upon the statement of the chairman of the Foreign Relations Committee. How does it happen that on December 17 we are still waiting, or have been up to the time this bill was marked up, on an authorization committee?

Mr. FULBRIGHT. Does the Senator mean the conference report?

Mr. ALLOTT. For an authorization for this legislation.

Mr. FULBRIGHT. The bill has been passed by the Senate and by the House, and the conference has been agreed to by the conference committee, but the House must act first.

Mr. ALLOTT. When was it agreed to?

Mr. FULBRIGHT. It was agreed to today.

Mr. ALLOTT. How can the Appropriations Committee be placed in a negative position on December 17, when we are waiting for an authorization?

Mr. FULBRIGHT. I do not think the Senator understood my remarks.

Mr. ALLOTT. I understood the Senator's remarks all too well.

Mr. FULBRIGHT. Then, if the Senator does, he does not need to ask me any questions.

I should like to proceed with my remarks. I do not yield any further at this time.

Mr. ALLOTT. I thank the Senator for yielding to me. I am glad to be informed about this matter.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. As I tried to say earlier, I had consulted with the Senator from Wyoming, the acting chairman of the committee, and in the process I discovered that it is a fact that an appropriation bill may appropriate more than its corresponding authorization bill authorizes and it is valid and legal. I did not know that prior to this time, and I have been informed by a number of people with whom I have consulted that they did not know about it, either.

I do not suggest any deviousness on the part of the Senator from Wyoming. It is a difference of opinion. In this case there is an item that amounts to $50 million for the Republic of Korea, and is carried in the appropriation bills of both houses, I believe. This item has not been authorized and is not carried in the conference report. In other words, here is an item of $50 million specifically earmarked in the appropriation bill, if I understand it correctly, for the Republic of Korea, and it has not been authorized. In fact, the Committee on Foreign Relations specifically eliminated this amount, and the Senate concurred in this elimination. In the conference report there was no allowance made for this item. Yet, I am informed by the staff members that if this item stays in this appropriation bill and, of course, it is in the House bill, as I understand it, it will carry an appropriation of $50 million to the Republic of Korea, without its ever having been authorized by the authorizing committees. Is that not correct?

Mr. MCGEE. The $50 million to Korea was in both the House authorizing legislation and in the House appropriations bill. In conference, however, the authorizing committees chose to drop that item, apparently.

Mr. FULBRIGHT. That is correct.

Mr. MCGEE. But it was legitimately before our Appropriations Committee at that moment, when we marked up the bill, because it had come to us from the Appropriations Committee of the House.

Mr. FULBRIGHT. I understand. The Senator is correct. I did not mean to leave any other impression.

It still means the authorization bill which has been agreed upon in conference does not carry that item, and it was not in the committee.

This again illustrates a slightly different aspect of the matter I have already mentioned, which is that an appropriation can be made by the appropriating process for a figure which has not been authorized and yet be valid. Therefore, I think it is a very useful procedure to raise this matter and discuss it for the information of the Senate. Furthermore, speaking for myself, I think that the legislating process, if it is to mean anything and have any significance for the Members of the Senate, ought to have some significance and that we should not just go through empty exercises and leave it all to the appropriating committees.

Mr. PELL. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. PELL. The Senator has been in the Senate longer than I have. I wonder if he would enlighten me as to the function of an authorizing committee. If the Appropriations Committee can pass either more funds or less funds, as it chooses, then it would seem to me that the only function of the authorizing committee is to set a guideline and give advice. Is that correct?

Mr. FULBRIGHT. If this is true, as I have stated it, and believe it to be, we have a very limited function to play. We can refine a matter and reduce some of the issues, but the final decision on the magnitude of any program is really left to the Appropriations Committee.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. DOMINICK. Is it not a fact that there cannot be legislation on an appropriation bill and that that is a rule of the Senate?

Mr. FULBRIGHT. That is a rule more

honored in the breach than honored in the practice, because the House has developed a highly refined process by which they call the most complicated legislation a limitation. Once the House has put any kind of legislation on an appropriation bill, it is not subject to a point of order in the Senate. So there is as much legislation in most appropriation bills as there is in a legislative bill.

Mr. DOMINICK. House language is not subject to a point of order. Any legislation put in by the Senate on an appropriation bill is subject to a point of order. Will the Senator agree to that?

Mr. FULBRIGHT. Stated in that fashion, it is correct. But the Senator will find that in practice it is very easy to overcome it by a change of wording and call it a limitation. I will ask the Parliamentarian of the Senate, if the Senator wishes me to do so.

Mr. DOMINICK. Does the Senator know of any instance in which, with an authorization bill approved by conference and reported back well ahead of when the appropriation bill comes out, the appropriation bill has ever exceeded the authorization?

Mr. FULBRIGHT. I do not. I was quite surprised even in this case. I grant the circumstances of the lateness of the bill, and I may say to the Senator that the authorization bill did not come over from the House, until late November. We acted on it quite promptly after it came from the House.

Mr. DOMINICK. I was not criticizing the Senator. I was criticizing the fact that we did not get through the appropriation bills early enough so the Appropriation Committee would know the final result.

Mr. FULBRIGHT. I said earlier that I did not mean this as a personal reflection upon the Senator from Wyoming. I was under the impression that regardless of the timing of the action by the committee, the authorization in effect set a ceiling upon the appropriation, that an appropriation larger than an authorization would not be legally binding. But I now find that it is binding. Of course, we know they can cut it below, if they wish.

Many Representatives and Senators have complained that the Executive does not have to spend the money we appropriate, and this is true. There have been many complaints about that, too, because the Executive sometimes does refuse to spend it.

As I have said, I believe it will give us an opportunity either to change the rule of the Senate or to change the basic legislation guiding the Comptroller General.

Mr. President, I will discuss it further in the morning, and the Senator from Wyoming and I intend to have a colloquy regarding the matter.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 10 o'clock and 10 minutes p.m.) the Senate took a recess until tomorrow, Thursday, December 18, 1969, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate, December 17 (legislative day of December 16), 1969:

ASSISTANT SECRETARY OF DEFENSE

Gardiner Luttrell Tucker, of Virginia, to be an Assistant Secretary of Defense.

U.S. ATTORNEY

Whitney North Seymour, Jr., of New York to be U.S. attorney for the southern district of New York for the term of 4 years.

CONFIRMATIONS

Executive nominations confirmed by the Senate, December 17 (legislative day of December 16), 1969:

U.S. CIRCUIT JUDGES

John J. Gibbons, of New Jersey, to be a U.S. circuit judge, third circuit.

Joe McDonald Ingraham, of Texas, to be U.S. circuit judge, fifth circuit.

U.S. DISTRICT JUDGES

Philip C. Wilkins, of California, to be U.S. district judge for the eastern district of California.

George H. Barlow of New Jersey to be U.S. district judge for the district of New Jersey.

Leonard I. Garth, of New Jersey, to be U.S. district judge for the district of New Jersey.

U.S. ATTORNEYS

John L. Briggs, of Florida, to be U.S. attorney for the middle district of Florida for the term of 4 years.

Eugene E. Siler, Jr., of Kentucky, to be U.S. attorney for the eastern district of Kentucky for the term of 4 years.

Hosea M. Ray, of Mississippi, to be U.S. attorney for the northern district of Mississippi for the term of 4 years.

U.S. MARSHALS

Loren Wideman, of Florida, to be U.S. marshal for the southern district of Florida for the term of 4 years.

George A. Locke, of Washington, to be U.S. marshal for the eastern district of Washington for the term of 4 years.

Anthony E. Papa, of Florida, to be U.S. marshal for the District of Columbia for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Wednesday, December 17, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Unto you is born this day in the city of David a Saviour, who is Christ the Lord.—Luke 2: 11.

O God, our Father, who hast brought us again to the glad season when we commemorate the birth of Jesus Christ; grant that Thy spirit in Him may be born anew in all our hearts and that we may joyfully welcome Thee to rule over us. Open our ears that we may hear again the angelic chorus of old; open our eyes that we may see the star that shines forever in our sky; open our lips that we may sing with uplifted voices, "Glory to God in the highest and on earth peace, good will among men."

As we enter the portal of this new day help us to be faithful in the discharge of our duties, honorable in our dealings, and loving in mind and heart; to the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14916) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate agreed to the House amendments Nos. 1, 5, 7, 10, 11, 13, and 14, to the foregoing bill.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from a committee:

DECEMBER 16, 1969.

Hon. JOHN W. MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Please accept my resignation from the District of Columbia Committee, effective December 16, 1969.

With kindest personal regards, I am,

Sincerely,

FRANK HORTON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 756) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 756

Resolved, That Earl F. Landgrebe, of Indiana, be and he is hereby elected a member of the standing committee of the House of Representatives on the District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NIXON POLICY BACKED

(Mr. WIDNALL asked and was given permission to address the House for 1

minute to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, recently the New York Times carried a letter from Dean Acheson, who served as President Truman's Secretary of State.

Mr. Acheson commented on a typical Times editorial, which called on Vietnam protestors to focus their protests on Congressmen.

Mr. Acheson's reaction is included. It is worth reading.

NIXON POLICY BACKED

WASHINGTON,
November 17, 1969.

To the EDITOR:

In your lead editorial of Nov. 17—"Demonstrating Against the War"—you conclude: "The responsible course for war foes is to focus their energies on more manageable forms of protest—for example, political action directed at members of Congress . . ."

Surely the most responsible course for "war foes"—and surely that term includes all of us—is to focus on finding out what the issue is, if, indeed, there is one. No one, including your esteemed selves, has yet proposed a quicker and more practicable manner of ending our participation in the war than that being followed by the President—the steady withdrawal of American forces and the steady strengthening of Vietnamese forces.

General MacArthur was ordered on Dec. 14, 1945, to return as expeditiously as possible all our three million Japanees prisoners of war in China. With an average haul of 800 miles and all Japanese ships at his disposal, this task took him fourteen months.

The logistics of moving a half million men and a mountain of war material 8,000 miles, to say nothing of the impediment (should we press the panic button) of the one million refugees who fled the Communists from the North, would be formidable.

If there is a better plan than the President's let's hear it.

DEAN ACHESON.

CREATE A STANDING COMMITTEE ON THE ENVIRONMENT

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINSHALL. Mr. Speaker, water and air quality, weather modification, waste disposal, pesticides, herbicides, acoustic problems add up to a massive threat to our Nation, a domestic physical danger unequaled by anything else except the mass slaughter on our highways.

Ecological problems are so vast and complex they must be accorded the intensive scrutiny only a professional staff of experts and a membership of dedicated Representatives can give. Man threatens to destroy his own environment and we cannot afford fragmentation in our fight on pollution. Yet Government programs dealing with these problems currently are considered by committees already burdened with completely unrelated legislative tasks. The problem demands the concentrated attention of a standing House committee and I today am joining in introducing legislation to create such a committee. Congress must be the leader in the battle to salvage our environment and creation of a House Committee on the Environment solely dedicated to that goal is essential.

GETTING APPROPRIATIONS THROUGH ON TIME

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, I hope all Members who have not as yet had time to do so, will take a careful look at my House Resolution 557 to break the appropriations logjam in this House. I have written each Member individually about this, but during the holiday season in particular the mail has a way of piling up.

This proposal is extremely simple, but it would effectively enable us to get our appropriations bills through and on to the other body before July 1 in succeeding years. It would amend the House rules—rule XXI—to provide that points of order may not be made against appropriations measures for lack of a prior authorization on and after June 1 in each year.

This gives authorizing committees 5 months to complete action on authorizations. This is enough time. If they have not done the job by June 1 the Appropriations Committee may bring its bills to the floor.

Mr. Speaker, I urge cosponsorship and early adoption of this change in the rules in the interest of restoring some semblance of order to the chaos that we find ourselves in at this time. It is all so unnecessary—and so avoidable—by the simple adoption of House Resolution 557 which does not require action by the other body.

ADDITIONS TO LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I am glad the distinguised minority leader is here because I take this time to advise the House that we are adding to the program tomorrow House Resolution 572 to authorize additional investigative authority for the Committee on Education and Labor.

Further, Mr. Speaker, I would also like to say that we are hopeful of an adjournment that will be as early as possible, but also to state that when we do adjourn sine die we expect to adjourn to come back on January 19.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield, did the gentleman say "January 19"?

Mr. ALBERT. Monday, January 19.

Mr. GERALD R. FORD. I am very grateful for that information, and I concur with the selection of that date.

Mr. ALBERT. January 19 is District Day, and I hope there is no District business on that day.

Mr. GERALD R. FORD. Mr. Speaker, would the distinguished majority leader yield?

Mr. ALBERT. I will be glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman for yielding further, and I wonder if the distinguished gentleman from Oklahoma could tell us the sequence of the legislative activity for today and tomorrow?

Mr. ALBERT. After the preliminaries we will have a conference report on the Coal Mine Safety Act, and then we will go on with the consideration of the resolution to take up H.R. 15091.

Whether we will take up the third item on the whip notice or not today has not yet been decided.

Mr. GERALD R. FORD. That is H.R. 14944?

Mr. ALBERT. That is right.

Mr. GERALD R. FORD. For the protection of the executive mansion, and so forth?

Mr. ALBERT. That is correct—and we will take up conference reports just as soon as they are ready.

Mr. GERALD R. FORD. May I say this to the distinguished majority leader, I would hope under the circumstances that the mine safety conference report would not come up today. The gentleman from Illinois (Mr. ERLENBORN), who has been active and most constructive in the formulation of this legislation and who has been a conferee is very concerned about the conference report being considered now and he knows the facts better than I do. I object to the conference report being scheduled today, without any prior notice that the papers are coming to the House for action first. I object because a copy of the conference report was not delivered to the gentleman from Illinois (Mr. ERLENBORN) until 10 or 15 minutes prior to the convening of the House this morning.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman yield to me?

Mr. ALBERT. I am glad to yield to the gentleman.

Mr. PERKINS. First let me state that during my time in the Congress, never has the writing of a conference report dragged out so long with the staff on both sides of the aisle. On all occasions during these proceedings the gentleman from Illinois has had access to the working papers, and on all occasions he could by the exercise of care, obtained what was in this report, upon request. On all occasions minority counsel had participating access to the writing of the report.

The conference report was never dedelivered to me until last night. But the conference report was delivered to the chief attorney for the minority of the Committee on Education and Labor yesterday at approximately 1 p.m. We all know here that we have to move these conference reports near the end of the session. I did not know myself that the House would go first until 10:30 o'clock last night when I talked with Senator WILLIAMS and he said that he had an agreement with Senator JAVITS. Then I

said, "If you have an agreement, then we will go first."

I talked to the Speaker yesterday and I told the Speaker that we had to move this conference report at the earliest possible moment.

The gentleman from Illinois (Mr. ERLENBORN) heard me so state last night, even though I did not mention to him a more definite time.

But it is common knowledge that the session is near an end and on a conference report, I think we all must take notice and cognizance of the fact that it may be called up and disposed of just as soon as it is available.

Now, I made a unanimous-consent request yesterday.

The SPEAKER. The time of the gentleman from Oklahoma (Mr. ALBERT) has expired.

LEGISLATION ON MINE SAFETY

(Mr. PERKINS asked and was given permission to address the House for 1 minute.)

Mr. PERKINS. Mr. Speaker, I do not know of any member of the committee who has done more diligent work than the gentleman from Illinois (Mr. ERLENBORN), as has the gentleman from California (Mr. BELL), and when I made the unanimous-consent request yesterday it was with the belief that the gentleman from Illinois was as anxious as I to see the conference report filed.

Now I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I wish the minority leader would have asked me a question or two before he brought up the subject matter that he is now discussing.

The chairman of the full committee has told you a little about the trials and tribulations of this piece of legislation.

Since November 20, after a practically unanimous decision on every feature of this bill in the conference, it has been played with at the insistence of certain individuals who tried to rewrite this whole bill to suit their purposes which were often contrary to the decisions of the conferees.

During every minute of the last 7 weeks action has been delayed on this bill, and every day that this bill does not become the law of the land we are standing on a stack of dynamite that could blow sky high. Any mine can blow without a moment's warning, except by pursuing the provisions of this act. Warning devices, for instance, will be installed to give a maximum time of warning.

The SPEAKER. The time of the gentleman from Kentucky has expired.

COAL MINE SAFETY ACT—THE CONFERENCE REPORT

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I should like to make several observations. A few moments ago the gentleman from Kentucky, the chairman of the committee, himself said that this was a conference report of magnitude. In the same breath he conceded that the conference report was not delivered to the gentleman from Illinois (Mr. ERLENBORN) until 15 minutes before the House met. That is the fact whether the gentleman concedes it or not. It is the fact.

A conference report of the magnitude about which the gentleman speaks ought to have exposure to a member on our side on the conference committee for more than 15 minutes. That is point No. 1.

Second, when the unanimous-consent request was agreed to last night before we adjourned, it was the understanding of every Member on our side that the Senate would act on the report first. They would take the papers. We now come here, without any prior notice, not one bit of prior notice, and we find that the papers have arrived here first and the House is scheduled to act first. Nobody told us about the change in program.

Third, about 10 days ago the gentleman from Kentucky protested strongly about being surprised with an amendment to be offered to the OEO or poverty bill, and as a result of being taken by surprise, as he alleged, he called off consideration of that legislation for a week or more. What is good for the goose is good for the gander, I believe. On this occasion, we have been caught by surprise, without previous information on the part of the gentleman from Illinois. Under these circumstances the gentleman from Kentucky ought to give us at least 24 hours to take a look at the report.

COAL MINE SAFETY ACT—THE CONFERENCE REPORT

(Mr. DENT asked and was given permission to address the House for 1 minute.)

Mr. DENT. Mr. Speaker, while there may be an element of surprise, I might say to the House that the first element of surprise was that the Senate finally went along and we got it reported out before the session ends.

I started to tell you that this bill has been before our committee, and the gentleman from Illinois has been with me in its consideration since January. He knows every word of this report, the same now as he did yesterday. Last night he was told that there was a controversy about which we knew nothing, up until that moment, that we had to consider the report first. This was not a decision made by the Democratic leadership; it was made by the Senate, and I understand at the insistence of a member of the minority. This of course cut down the time for all to reread the report.

I worry enough of the dangers involved in everyday mining, that I beg you to act upon this legislation whether we go first, second, third, or last, in order to expedite passage of this needed safety legislation.

The instantaneous monitor called for in this act will warn against imminent danger that may save us from another Farmington disaster. Every day we sit tight on this piece of legislation we are endangering some man's life. I ask all the Members, What is the delay for? Will there be any better understanding tomorrow of what is in this report than there is today? Of course not.

LEGISLATION ON MINE SAFETY

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, I would hope that the minority leader would withdraw his objection and let us proceed today with this conference report for this reason.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield, I have not objected. I am simply stating the facts and objecting to the lack of prior notice.

Mr. PUCINSKI. Mr. Speaker, there is a substantive objection that my colleague from Illinois has to this report, and it is entirely possible we will have to go back to conference. I do not know. It is going to be up to the will of the House.

The chairman of the committee, the gentleman from Kentucky, has said the report was delivered to the minority counsel yesterday at 1:30. I have the highest regard for my colleague, the gentleman from Illinois. I do not think anybody was trying to pull anything over his eyes.

I must say this in all honesty, that I was under the impression until late last night that the Senate was going to act first, and we would have ample time to discuss this conference report and work it out. I believe the gentleman from Kentucky acted in good faith when he did what he did yesterday and in doing what he is doing today.

Mr. Speaker, all we want to do is proceed with this conference report. My colleague, the gentleman from Illinois, will have an opportunity to state his objections to the conference report. It is entirely possible the House will instruct us to go back. I do not know.

But today is Wednesday. We have Thursday and Friday. I do not know what the program is for the next week. I am sure every Member of this House wants to have this conference report approved before we adjourn for the Christmas holidays, because of the imminent dangers to coal miners described so eloquently by the gentleman from Pennsylvania. I think all of us on this floor can agree that no one knows better these dangers than the gentleman from Pennsylvania (Mr. DENT).

Mr. Speaker, I hope we can proceed with the conference report and if the House instructs us to go back to conference, we can do so Thursday and Friday and still have the bill back for final action before we leave for the Christmas holidays.

LEGISLATION ON MINE SAFETY

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, this conference report has been in the drafting stage for several weeks since the conferees supposedly reached agreement. As a matter of fact, new language has been

drafted almost daily—new legislative language, and some which I firmly believe is not within the agreement of the conferees, which was reached some weeks ago.

The first time what is the most controversial section of this bill was made available to me in the form that it is supposed to be in the RECORD this morning was when it was given to my counsel late yesterday afternoon, about 4 o'clock. And he informs me this morning that upon comparing it with the conference report as printed in the RECORD, he finds it is not an accurate copy. So I can tell this House I have not seen a full and accurate copy of the conference report before seeing it in the RECORD this morning.

Some of the language in the other sections I never did see until this morning, until I saw the copy which was printed in the RECORD, which was delivered late to my office.

Yesterday it was my intention to object to any request for leave to file the conference report. The chairman of the committee, without consulting any Member of the minority side, got that unanimous consent and filed the conference report at about 11:30 last night.

This morning I was informed by sources other than the majority and other than my chairman that he intended to call up the conference report as the first order of business. I was not, until I reached the floor of this House, informed by the chairman that he intended to call up the conference report today.

Mr. Speaker, I think this is a shabby way to be treated by the chairman of my committee and a shabby way to engage in the legislative process.

LEGISLATION ON MINE SAFETY

(Mr. BURTON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of California. Mr. Speaker, I think the discussion we are having this afternoon should be put in this context.

There are a good many provisions in this bill, but I believe it is admitted by all that there is no quarrel with any of the sections of the bill except the black lung payment. It has been that feature and that feature alone which for more than 3 weeks the conferee staffs have been unable to construct agreeable language on.

As to the meaningful provisions of the black lung payment, the gentleman from Illinois and this Member have been in constant contact. The gentleman from Illinois was aware of any of the basic judgments made with reference to this one section.

And let me say this: One of the problems of the conferees was that the conference agreement had to be severely restricted. The provisions agreed to had to be severely cut back to conform to the rules of this House. Hence they were. So the provision before the House today is more restrictive or conservative, if you please, than that which the conferees agreed to.

The fact is that the black lung payment before us this morning, I assert and affirm, is virtually a twin brother cut down from the very black lung payment approved by this House earlier this year.

LEGISLATION ON MINE SAFETY

(Mr. DANIELS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. DENT. I want to answer one charge made by the ranking minority member about the unanimous-consent request. That came about because, as you know, we have been anxiously awaiting any break through the barrier we have been up against. If the gentleman is charging shabby treatment in the manner this bill has been handled, I would suggest he lay the charge of shabby treatment where it belongs.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. DENT. The gentleman from New Jersey has the floor.

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Before the gentleman's minute is up?

Mr. ARENDS. I will wait until the minute is up.

Mr. DENT. I was going to say, I do not often take this kind of action, but if I am cut off I will guarantee there will be no unanimous-consent request agreed to as long as this House is in this session.

The SPEAKER. The Chair and the gentleman from Illinois have reached an agreement. The gentleman does not press his point of order at this moment.

Mr. DANIELS of New Jersey. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. DENT. The unanimous consent was asked for at the opportune moment during the regular session of the Congress because the Speaker gave us information that we could get it onto the calendar today if we could get the report printed. The report was ready, completely ready, 4 weeks ago, but every day we got a request to hold up the report from the Senate asking for a change of "if," "and," or "wherefore."

When I walked on the floor after I had been advised by the Speaker that we would be calendaring the bill today the chairman of the committee had a matter before the House, and I whispered to him that if we could get unanimous consent to file the report we would come 1 day closer to getting this bill through. If there is anybody at fault, it is my fault, not the chairman's.

There was no intent to ignore the ranking Member or any other Member. I feel deeply about the legislation. I pray you will help me make coal mining safer.

The SPEAKER. The time of the gentleman from New Jersey has expired.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, may I now renew my point of order that a quorum is not present. Since this minute has expired and since it is a terribly interesting discussion, I am sure the other Members would like to hear all of this discussion. Therefore, Mr. Speaker, I renew my point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 329]

Abbitt	Gallagher	Nichols
Andrews, Ala.	Gilbert	O'Hara
Baring	Gray	Ottinger
Bolling	Hall	Pelly
Celler	Hanna	Pollock
Clark	Hansen, Wash.	Powell
Clay	Hébert	Quie
Conyers	Heckler, Mass.	Rees
Cunningham	Kirwan	Reid, N.Y.
Davis, Ga.	Leggett	Rivers
Dawson	Lipscomb	Rooney, Pa.
Dickinson	Long, La.	Scheuer
Diggs	McCloskey	Steed
Downing	McEwen	Teague, Calif.
Foley	Martin	Teague, Tex.
Ford, William D.	Monagan	Tunney
	Moorhead	Whalley

The SPEAKER. On this rollcall 383 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 13000, FEDERAL SALARY COMPARABILITY ACT OF 1969

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object—and I do not intend to object—would the gentleman from New York, the chairman of the committee, give us any information as to whether it is the hope or intention of the House conferees to conclude action on this legislation prior to adjournment, or whether it is something that will carry over and be considered in the conference after we reconvene in January?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. DULSKI. It is the opinion of the committee that we will ask for a conference and will not do anything on it until the year 1970.

Mr. GERALD R. FORD. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. DULSKI, HENDERSON, OLSEN, UDALL, CORBETT, GROSS, and BUTTON.

JOINT STATEMENT BY CHAIRMAN DULSKI AND SUBCOMMITTEE CHAIRMAN UDALL ON PENDING VERSION OF FEDERAL SALARY COMPARABILITY ACT OF 1969

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, with regard to the legislation (H.R. 13000) just sent to conference, I submit for the RECORD the following joint statement on behalf of myself as chairman of the Committee on Post Office and Civil Service and the gentleman from Arizona (Mr. UDALL), the chairman of the Subcommittee on Compensation:

JOINT STATEMENT BY CHAIRMAN DULSKI AND SUBCOMMITTEE CHAIRMAN UDALL

The pending version of the Federal Salary Comparability Act of 1969—previously passed by the House and now returned to the House after much surgery in the Senate—bears little resemblance to our original legislation.

The bill was drafted and sponsored by the gentleman from Arizona (Mr. UDALL) and a bipartisan group of 17 colleagues on our Post Office and Civil Service Committee. It passed the House on October 14 by a record vote of 311 to 51.

The Senate has completely revised the concept of our bill and approved only token provisions. Final action in the Senate came by voice vote after short discussion last Friday evening.

There is pressure from some sources, notably in the Senate, for the House to accept the Senate version and send it to the White House for Presidential action.

However, White House disapproval is foredoomed.

The President has made it clear he will veto any employee pay bill lacking provision for a postal corporation. The Vice President reiterated the veto promise in a speech to the Governor's Conference over the weekend.

Thus, if the House were to accept the Senate version and send it to the White House before adjournment, it would be an act of futility. The President could pocket-veto the bill, and the House and Senate would have no chance to consider overriding the veto. All the efforts of the two Houses would go down the legislative drain.

The only logical approach for the House, therefore, is to send H.R. 13000 to conference with the Senate. In that way, the conferees can work their will and report back to their respective Houses.

When the final version goes to the White House early next year, the Congress again will be in session and will be prepared to act accordingly if the President should exercise his veto power.

No one will gain anything by sending the present emasculated Senate version to the White House this week.

We have no intention of asking our Committee to start out from scratch in the new year. H.R. 13000 will remain alive by our decision.

REVOLVING FUND OF THE CIVIL SERVICE COMMISSION

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9233) to amend title 5, United States Code, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission, and for other purposes, with a Senate amendment thereto, and consider the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 4, after line 3, insert:

"SEC. 2. The provisions of section 8341(e) of title 5, United States Code, as amended by section 206(b) of Public Law 91-93 (83 Stat. 140), shall be effective as of October 20, 1969.

"SEC. 3. Section 8340 of title 5, United States Code, is amended by adding the following at the end thereof:

"'(g) Each annuity payable from the Fund based on involuntary separation and having a commencing date after November 1, 1969, but before January 2, 1970, shall be increased, from the commencing date of the annuity, by 5 percent.'"

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MOTION OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HENDERSON moves to concur in the Senate amendment with an amendment as follows: In the Senate amendment strike out section 3.

The motion was agreed to.

The Senate amendment, as amended, was concurred in.

A motion to reconsider was laid on the table.

WHAT HAS CONGRESS DONE TO HELP SOLVE THE PROBLEMS OF THE PEOPLE?

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I was very happy to hear the majority leader announce that we will not come back until January 19 after we adjourn—I hope Saturday night. When the Members go home, if they have any towns over 20,000 in population in their districts, they might as well figure that they are going to spend much of their time answering questions on the housing crisis, high interest—unemployment, small business problems, water and air pollution, and so forth.

Members are going to be asked, "What have you done as to lower interest rates?"

They are going to be asked, "What have you done to help small business?" In other words the curbing of Federal building—post office construction—highway transportation, et cetera, are other grips on the minds of millions over the Nation.

They are going to be asked, "What have you done to help people get employment? Why do we have such big unemployment?"

Now, I have some good news for the Members. The Rules Committee spent 4 hours in session yesterday, and the Democratic members unanimously reported out a bill which had been unanimously passed by the Democratic members on the Banking and Currency Committee. This legislation if passed by the House today and eventually enacted into law will contribute greatly to a solution of most of our economic problems.

Mr. Speaker, I wish to read to the Members a resolution unanimously adopted by the Democratic House steering committee at our special meeting this morning:

ENDORSEMENT OF H.R. 15091

The House democratic steering committee met this morning and approved the following Resolution:

"Be it resolved by the Democratic steering committee of the House of Representatives, That the Congress should promptly enact H.R. 15091, which will be debated on the House floor today, to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes."

RAY MADDEN,
Chairman.

So, Mr. Speaker, I hope H.R. 15091 is passed unanimously here so that we can all go home and say that we have really done something and enacted legislation for the benefit of the people.

RESIGNATION OF AND APPOINTMENT OF CONFEREE ON EXPORT CONTROL ACT

Mr. PATMAN. Mr. Speaker, with respect to the Export Control Act, the gentleman from Pennsylvania (Mr. BARRETT) was appointed as a conferee. He would like to be excused from that Therefore, Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may be excused and the Speaker may be allowed to appoint another conferee in lieu of him.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair appoints as the additional conferee in lieu of the gentleman from Pennsylvania (Mr. BARRETT), the gentleman from Ohio (Mr. ASHLEY).

The Clerk will notify the Senate of the action of the House.

JUSTICE AND FAIRNESS FOR GI'S

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, I take this 1 minute to comment on reports that have been available to the Education and Labor Committee on financial aid in upward bound prison programs—and committee testimony—this morning on GI financial aid under the Veterans' Administration. I tried to find the distinguished chairman of the Committee on Veterans' Affairs. I know of no person in the United States who has done more for veterans than the very distinguished gentleman from Texas (Mr. TEAGUE). I have extremely high regard for him.

But, Mr. Speaker, the facts are that we are paying an enrollee in the OEO upward bound prison program $175 a

month, plus, I repeat, plus tuition, fees, and books when he is paroled and enrolled in a college. But to a GI, we pay only $130 a month from which he must pay for his tuition, fees, and books when he is discharged and enrolls in a college to further his education. There is $175 a month plus tuition and fees to a prison parolee and only $130 which must include all tuition and fees to a GI.

This hardly seems the wise way to legislate—to pay to a person who has committed a crime against society a much larger amount than to a GI who was, for example, drafted and sent to Vietnam. If this be the way Congress intends to mete out justice then I want no part of it.

I mention this now, Mr. Speaker, to urge the House conferees to increase the GI college benefits to the largest amount possible not only to say to the veterans "a grateful nation does indeed appreciate your loyalty, your service, your patriotism," but also to make it somewhere near as easy for them to continue their education as we now are doing for prison parolees to continue theirs.

It is really incredible to me that the past administration and now the present administration allows this to continue.

I am one Member of this House who thinks that the veteran who has served in Vietnam or Korea is entitled to, at a minimum, as good treatment. So I am pleading for equity and justice and understanding.

TO PROMOTE SAFETY OF EMPLOYEES AND TRAVELERS UPON RAILROADS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 14, strike out "operation" and insert "movement".

Page 4, line 10, strike out all after "device" down to and including "means" in line 12.

Page 6, line 3, strike out "district" and insert "United States".

Page 6, line 4, after "him" insert "; but no such suit shall be brought after the expiration of two years from the date of such violation".

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 10105, NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10105) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, MURPHY of New York, BLANTON, SPRINGER, KEITH, and HARVEY.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 3016—ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Speaker be permitted to add two additional conferees on the part of the House on S. 3016, the Economic Opportunity Act Amendments of 1969.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, but in view of the large number of members already on this conference, apparently most of the Committee on Education and Labor will serve thereon.

Is the conference to be held in the armory or the stadium?

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, I might say to my distinguished colleague that we are trying to obtain a large structure. I do not know whether we will be able to accommodate everyone that wants to participate but I may say to the gentleman that there are not many issues to be decided.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following additional conferees: Messrs. SCHEUER and STEIGER of Wisconsin.

The Clerk will notify the Senate of the appointment of the additional conferees.

PRESIDENT NIXON'S VIETNAM ANNOUNCEMENT

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, on Monday evening President Nixon once again went before the American people to give them a progress report on our Vietnam peace effort. And once again, Mr. Speaker, the President spoke with a candor and openness which the American people both expect and deserve from their leaders. The President's desire to keep the people periodically informed on various developments will go a long way in restoring the faith and the confidence of the people in their Government. I think the President is to be commended on helping to close the credibility gap which in the past cast a shadow of confusion and misunderstanding over our Vietnam policy.

It is unfortunate that no progress has been made in the negotiations since he last addressed us on November 3.

The President went on to say, however, that progress on another front was quite encouraging. The Vietnamization process is going ahead at a quite favorable rate. Consequently, despite some increase in enemy infiltration, the President was able to announce a further American troop reduction of 50,000 to be completed by next April 15. This means that the American troop ceiling has been reduced by 115,000 since the President took office in January of this year. The President described this further reduction as a risk for peace which he was willing to take. But at the same time he warned the enemy against taking any risks in the opposite direction.

Mr. Speaker, I think it is significant that the President has kept faith with the American people in proceeding on an orderly basis with the peace plan he announced on November 3. The reduction announced last night is one more step in the implementation of that plan to bring a just peace to Vietnam. The President noted that the response of the American people to that plan has been highly favorable and positive and he expressed his appreciation for that support.

Mr. Speaker, I too join with the President in the sincere hope that the day is not far off when the Christmas message of "peace on earth" will be a reality.

LOWER INTEREST RATES, FIGHT INFLATION, HELP HOUSING, SMALL BUSINESS, AND EMPLOYMENT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 755 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 755

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15091) to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the text of the joint resolution (H.J. Res. 1034) as an amendment in the nature of a substitute for the bill. At the conclusion of the consideration of the bill H.R. 15091 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California, (Mr. SISK), is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Florida (Mr. LATTA), pending which I yield myself 10 minutes.

Mr. Speaker, House Resolution 755 provides an open rule wi th 2 hours of general debate for the consideration of H.R. 15091, to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes.

The resolution also makes it in order to consider the text of House Joint Resolution 1034 as an amendment in the nature of a substitute for the bill.

I might say that the joint resolution which I believe was introduced yesterday provides for a 2-month extension of the authority to limit the rates of interest on dividends payable on time and savings deposits and accounts. In other words, there would be a simple extension for 60 days of regulation Q. Regulation Q, as I recall, expires on December 22, I believe, and this is of some urgency and this would extend it, through the proposed substitute which we do make in order it is extended until February 22.

The purpose of H.R. 15091 is to extend the authority to impose interest rate ceilings. In addition, the bill contains a number of other provisions which are intended to lower interest rates, fight inflation and to help housing, small business, and employment.

Inflation continued at close to a 6-percent annual rate. The latest projections are for further inflationary rises in business investment in the months ahead. It is intended that H.R. 15091 will correct this situation by allowing the Federal Reserve to increase reserve requirements, and other controls over commercial paper and Eurodollar borrowing by commercial banks and bank holding companies, thus calming down the inflationary boom.

High interest rates are devastating to the homebuilding industry and its financial intermediaries. H.R. 15091 is intended to aid housing by allowing Federal Home Loan banks to improve the conventional mortgage market by secondary operations, and by liberalizing mortgage lending restrictions for national banks.

The bill would provide discretionary authority to the President to authorize the Federal Reserve Board to control extensions of credit, particularly consumer credit, and unnecessary bank business lending. This will enable specific attacks on inflationary areas, and thus make unnecessary the present across-the-board supertight money which threatens to cause unemployment and recession.

Mr. Speaker, the bill would increase FDIC and FSLIC bank and savings and loan association insurance from the existing $15,000 to $25,000, thus encouraging deposits which can be re-lent for necessary uses, and would extend existing authority for establishing maximum rates by banks and savings and loan associations on savings and time deposits.

H.R. 15091 would direct the administration to make available $70 million in SBA funds to small business investment companies in order that they may, in turn, invest in small businesses.

Mr. Speaker, specifically this is what the bill, H.R. 15091, is intended to accomplish.

I would like for just a moment to lay the cards on the table because I think today we are going to be faced with some partisan bickering which unfortunately, I am afraid, is not in the best interests of the country.

Here I assess no blame on Republicans any more than I do upon Democrats. I hold no candle for the procedures of the Committee on Banking and Currency in the handling of this bill.

On the other hand, I do not criticize the distinguished gentleman from Texas, the chairman of the committee, because I think he is sincerely concerned about doing something in the best interest of America and in our economy. But I do think in all fairness that we should recognize that probably in the handling of this particular piece of legislation, there might be said to be a plague on both your Houses.

The Committee on Rules spent all day yesterday listening to a series of statements and counterstatements—some completely contradictory—by members of the Committee on Banking and Currency on this particular piece of legislation.

I am going to say quite frankly, Mr. Speaker, I think this squabbling is a bit tragic, when our country is faced with a serious economic crisis that I believe we are faced with, and I know many men—many leaders in Government who are far more experienced and who are far more expert in this area than I am—agree that we truly have a crisis so far as our economics are concerned and so far as the well-being of our Nation is concerned.

I agree, and I am sure we would all agree, that the basic objective that is sought to be achieved to lessen strains on our economy to eliminate and to stop inflation and to improve our employment picture and to increase the availability of housing and increase the availability of credit for the American farmer and for all facets of our economy are the same—whether we be Democrats or whether we be Republicans.

Now it is reasonable to assume that we can—and it certainly was evident yesterday that we do—disagree as to the methods to achieve that result. But in spite of the fact I said I already anticipate some bloodletting here on the floor this afternoon, I would hope that some time—and today would be a good day to start—that we might lay aside some of the partisan bickering and some of the almost unbelievable charges that I heard in the Committee on Rules yesterday—and decide to get down to the nitty-gritty of this subject to see if there are some things that we can do.

I can assure my colleagues, and I am sure you know it as well as I do, that there are people who have far more expertise than I have—that the American people are alarmed and concerned about this situation.

This morning I received telegrams and telephone calls from banks and lending institutions across this country taking one position—if you have not seen them, I am surprised because at this moment you are getting bombarded—at least I have been—with telegrams from the building industry and from people who are concerned.

Yet, we are all basically desirous of attaining the same objective and that is—to get our economy on the straight and narrow and to begin to increase our ability to construct the kind of economic order that this country desperately needs.

I think in the final analysis, we had all better realize that the American people are going to hold us accountable.

I think they are going to hold this administration accountable. Now, you can go back home and blame the previous administration, and I am sure they share in the blame, or even the one before that or the one before that. But I am firmly convinced that our country, from the standpoint of economic strains, is probably faced with the most serious situation that this country has been faced with since 1929. I know I have some young colleagues—and congratulations to you—that do not remember 1929, 1930, and 1931.

We talk about the Hoover administration, and I become sympathetic with Herbert Hoover because he had to take the rap for what amounted to almost the total collapse of this Nation. I do not know whether Mr. Nixon may at some point, if we fail to meet our obligations, have to bear that burden or not. But I know it was not solely Mr. Hoover's fault that we went through the most terrible depression this Nation has ever faced.

At the same time we in the Congress, whether we be Democrats or Republicans, in my opinion, cannot avoid our share of the responsibility.

I do not know what the results of the proposed bill reported by the Committee on Banking and Currency Committee will be. I know that it is an attempt, a sincere and a dedicated attempt by a number of people to try to place some restraints on inflation and try to make it possible for a great many Americans to buy a home—and I am talking about Americans who want to buy homes in the area of $10, $15, and $20, even up to $30,000. I know that under the present situation it is utterly impossible for them to buy such a home. It is impossible for any builder in this country to build such a home, because you cannot do it on 10- to 12-percent money, and that is what you are faced with.

I know that farmers across this country are in the worst shape they have been in many, many years, purely because they cannot today borrow money at a reasonable rate. The farmer today, when he walks in a bank, is either turned down or must pay 10 percent, 11 percent, or 12 percent for money. This is exactly the situation our country is in, and this administration and this Congress—one Democratic controlled, the other Republican controlled—are going to be held accountable to the American people next year, and let us not kid ourselves about it.

So all I would urge to my colleagues is that we give serious thought to this situation. I indict my Republican friend, my good friend, BILL WIDNALL, for only one thing, and that is that despite all the opposition yesterday to the bill which the committee has brought out, they offered no alternatives. Most of you know that I am not partisan, and I do

not propose to be partisan in this case. All I am saying to my good friend, the gentleman from Tennessee (Mr. BROCK) who made an excellent statement before our committee, the gentleman from New Jersey (Mr. WIDNALL) and others on the Republican side is that, for goodness sake, if this is not the answer, and it may not be, then come up with something, because believe you me the American people will not long stand by and endure the situation that is rapidly worsening in this country.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am happy to yield to the gentleman from Georgia.

Mr. BLACKBURN. I appreciate the gentleman's yielding. In light of the gentleman's comment about the lack of any alternative to be proposed by the minority, I wish to state at this juncture that in the committee, at the time we were presented with this legislation, we understood that we were going to be asked to vote out a simple extension of regulation Q, to which no possible alternative was necessary. Therefore, the minority side was not prepared to discuss this legislation because we had never seen it before. In fact, the legislation did not even have a number or sponsor when it was presented to the minority.

I thank the gentleman for yielding.

Mr. SISK. I thank my good friend, who himself made a good statement to our committee. I appreciate what he has said. All I am saying basically is that there were no alternatives discussed before the committee. I recognize the importance of an extension of regulation Q. I understand. As I said earlier, I am not defending anything that transpired in the committee. If I were a Republican, I would probably be as mad as heck—I will put it that way—but that is beside the point.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. SISK. Mr. Speaker, I am happy to yield to the distinguished chairman of the Committee on Rules. I would like to say the gentleman is one of the leaders who has been calling attention for months and for years to the condition in which we now find ourselves.

Mr. COLMER. Mr. Speaker, I appreciate the gentleman's commendation. I was not seeking that.

I merely wanted to ask a question about the bill and the comments before the Rules Committee yesterday. The gentleman referred earlier to the fact that the Committee on Rules spent 4 hours yesterday, and there was great controversy about the bill and the necessity for anything beyond the extension of provision Q. There was testimony also that there were no hearings held on the bill itself, but there were hearings on some component parts of it back some years ago.

With this in mind and the controversy between the parties, the Rules Committee thought it wise to make in order the simple resolution for extending provision Q, which expires and which is therefore a matter of some urgency, and at the same time to give the House an opportunity to work its will.

In other words, what I am trying to say to my friend and to the House is that the Rules Committee, after listening to this discussion for 4 hours, decided in fairness that the House should have an opportunity to vote to extend the bill on provision Q for 60 days and an opportunity to make further study of the bill. In other words, the Rules Committee wanted to be perfectly fair about it.

Mr. SISK. Mr. Speaker, I thank my friend, the distinguished chairman of the Committee on Rules for his comment. This is, of course, exactly what we did. I might say, without any pride of authorship, that I moved the reporting of this bill and making in order of the substitute, because I do feel that this House in its own wisdom should make these decisions after having listened to a discussion of the subject.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from California for yielding.

Is it true, as someone has said on the floor this afternoon, that there is a provision in this bill that could require the gentleman from California, if he has $5,000 to lend to me, to take out a license before he could make such a loan?

Mr. SISK. If in the opinion of the President the situation and the crisis should become so great as to require the invocation of absolute ceilings and such procedures, he could require that. That is correct. The statement of the gentleman is correct, if the President chooses to do so.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from New York.

Mr. CELLER. Mr. Speaker, did the Rules Committee consider the enormous power that is granted to the President under this bill, which is really taking a tremendous amount of power away from the Federal Reserve, when we say that the President shall have the power to control any—and the word "any" is used—form of credit or, in any nature or form whatsoever, to curb inflation?

Does the gentleman know of any bill which has given the President such enormous power, where we have the Federal Reserve Board which was set up for the purpose of controlling inflation?

Does the gentleman think the President should have that power?

Mr. SISK. Mr. Speaker, if I can briefly comment to my friend, the gentleman from New York, I am not aware that we have ever in the Congress given in this area this broad authority. Of course, the Congress has given, as the gentleman knows better than I do because he was here during many of those years, broad authority during World War II years and so on in connection with wage and price controls and regulations of our monetary system.

However, I would have to say, so far as I personally know, I know of no case myself when the Congress has given as broad authority as would be represented in this to direct the Federal Reserve in the handling of credits within the United States.

Mr. CELLER. Does the gentleman know whether or not the Banking and Currency Committee considered the effect and the nuances of this power granted to the President?

Mr. SISK. It is my understanding, from statements of the committee, that they have held over a period of time extensive hearings in which Mr. Martin of the Federal Reserve, the head of the FDIC and of other financial agencies, such as the Secretary of the Treasury, and so on, have been heard, and they have listened to statements on a whole variety of problems in connection with these matters. Since this particular bill was introduced there was no such hearing, as we understand it.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Wisconsin.

Mr. REUSS. May I have the attention of the distinguished chairman of the Judiciary Committee, the gentleman from New York. May I assure him that his fears, happily, are entirely unfounded, and that the sacred independence of the Federal Reserve is in no way impaired or touched by this bill. The gentleman from New York apparently read from a description of the bill. If he will refer to the language in the bill, as I do, section 205, pages 14 an 15, the authority is solely as follows:

> Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

Then it goes on to say:

> The Board may—
> The Board may—
> The Board may—

In no case is the Federal Reserve required to do that which the President may authorize it to do. Its independence is maintained, and the gentleman's fears are certainly without ground.

Mr. SISK. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. In view of the colloquy which has just taken place between the distinguished chairman of the Judiciary Committee and the gentleman now in the well I should like to report that in the hearings which were held yesterday the chairman of the committee himself referred to this provision of the bill as the "shotgun in the corner."

I know the gentleman from New York has long been interested in the subject of gun control. I would hope, as debate proceeds this afternoon, he would be interested in controlling that kind of unbridled discretion of power to be lodged in any President, be he Republican or Democrat.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from New Jersey (Mr. WIDNALL), the

ranking minority member of the committee.

Mr. WIDNALL. I just take this time to try to clarify something for the gentleman from New York (Mr. CELLER). In answer to his question about hearings on the control section of this bill, there were no hearings on the bill at all. We had 7 minutes of discussion within the committee on this bill that encompasses so much.

On the control section, I want to emphasize, we had no testimony at all. It has far broader scope than anything that has ever been in force in our previous history.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield briefly to the gentleman from New York.

Mr. CELLER. I should like to ask the gentleman from New Jersey: Does he believe the use of the word "may" will cure this situation?

Mr. WIDNALL. No, I do not.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. LATTA. Mr. Speaker, let me say at the outset, if the Members have not already gathered from the colloquy which has just taken place, this is no way to legislate. Certainly I believe the Rules Committee should shoulder some of the blame, because we had discussed many times in the Rules Committee that we were not going to consider such controversial legislation in the closing days of the session.

I was amazed, as a member of that committee, that we did, in fact, consider legislation of such magnitude in the closing days of this session.

Now, let us not be hoodwinked by the title of this legislation. Let us look at the title. No one can be against the title.

It says: "to lower interest rates and fight inflation"—who is against that? No one—"to help housing"—who is against that? No one—"small business, and unemployment, and for other purposes."

Well, now, we have to examine the "other purposes" in this bill to see what it really means. Certainly what it really means is that we are going to go further than we did during World War II in controlling credit, if I may correct a statement made by my colleague from California.

If you will look at the report on page 65, the bottom of the page, reads as follows:

> This is far broader credit control authority than has ever before been granted, not excepting World War II, when the Congress invoked only consumer and real estate credit controls in the field of credit. This goes even further than a scatter-gun approach—this is blindly pulling the trigger and swinging the barrel and the victim would be our whole economy, which means all of us.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. LATTA. If the gentleman wants to correct his statement, I will be happy to yield to him.

Mr. SISK. I do not desire to correct the statement, but I did not mean to imply that this did not go further. The gentleman from New York asked a question, and I said as far as I knew it does not.

Mr. LATTA. I thank the gentleman.

I only wanted to correct the record so that it shows this legislation goes further than the legislation we had in World War II. Now I ask you, as responsible Members of this body, do we want to pass legislation of this magnitude in the closing days of this session, send it over to the other body, go into conference, and then try to pass it? I do not think we do.

Mr. CELLER. Mr. Speaker, will the gentleman yield briefly?

Mr. LATTA. I will be happy to yield.

Mr. CELLER. As I understand it, in the other body, when the bill was passed, sponsored by Senator PROXMIRE, it contained no such provision of the type that I adverted to, namely, the inordinate powers granted to the President. That was not in the Senate bill whatsoever.

Mr. LATTA. The gentleman is absolutely correct.

Mr. STANTON. Will the gentleman yield at that point?

Mr. LATTA. I yield to the gentleman.

Mr. STANTON. If I might have the attention of the gentleman from New York——

Mr. CELLER. Yes, sir.

Mr. STANTON. I was delighted to see that the gentleman from New York is familiar with the bill that the other body passed on this subject last month. He has mentioned it, and I believe he will find in the description of the committee report—and I will be glad to send a copy over to him if he does not have it—something that in my opinion showed they have logically handled the subject which is before us today. They extended regulation Q and in addition to that have taken care of the big problems that the Federal Reserve Board wanted in a couple of instances regarding the Eurodollar borrowing. And in addition to that they go into the subject of additional money for the home market by direct purchase from the Treasury. The gentleman will well spend his time if he can study the Senate-passed version of this particular legislation.

Mr. LATTA. Mr. Speaker, I would like to read from a copy of the letter which was sent to the members of the Committee on Banking and Currency on December 3 presumably from the chairman's office.

> Committee notice dated December 3, 1969.
> To all members of the House Banking and Currency Committee from Wright Patman, Chairman.
> Thursday, December 4, 3:30 p.m. The full committee will meet in executive session at 3:30 p.m. on Thursday, December 4, in Room 2128, Rayburn Building—
>
> Now get this—
>
> to consider Regulation Q legislation and related matters.

And, lo and behold, when the members get into this committee meeting they are handed this legislation to consider. Now, it is no wonder that the members on the minority broke a quorum, as alleged. Had I been a member of that committee, I would have done likewise. This is not the type legislation to which the chairman referred in his notice, unless he wants to stick it all under "related matters."

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. No, I refuse to yield further until I complete my remarks. I will be happy to yield to the gentleman, however, if he wants to change this notice.

Mr. REUSS. That is what I had in mind.

Mr. LATTA. Would you like to see it?

Mr. REUSS. To complete the story of the notice, the gentleman should inform the House that prior to the time that notice was sent out all members of the committee, Republicans and Democrats alike, were sent a copy of the broad measure and invited to cosponsor it. So they had the provision before them and knew what it was. While I commend them upon their jogging ability in breaking a quorum, that does not detract from the fact that there was adequate notice.

Mr. BROCK. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Tennessee.

Mr. BROCK. I think the record should be made clear that I for one—and I think I speak for most of the minority, if not all—received no such notice and no such request to cosponsor such legislation. As a matter of fact when the notice was sent out no bill had ever been introduced. When we went into the committee room the next day, there was not even a copy of the bill in front of us. There was simply a mimeographed copy of what they proposed to have in the bill. That is what the committee considered. Also, we have not had any hearings whatsoever on this legislation.

Mr. LATTA. Mr. Speaker, as a Member of this House let me say I think we have legislation before us today, which would impose strict credit controls on the entire country. If we are going to seek credit controls, we ought to say so in the title of the bill instead of trying to hide behind a glorified title, "to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes."

Let me say that on yesterday I asked in the Rules Committee just how this legislation was going to pump money into the savings and loan institutions back home and into the banks. I need not tell you that the savings and loan institutions do not have any money to loan for housing nor do the banks.

If they do not have the money in the first place, what good is credit control going to do toward increasing housing? We are all interested in housing. But how is this legislation going to put money into our savings and loan institutions and the banks in the first place? No one seems to know.

Certainly, we need housing. We need money to loan. We need lower interest rates and so forth. But we also need some responsible legislating in this area in order to achieve our objections.

Today, if we are going to legislate, certainly the responsible place to start would be to pass a joint resolution as we have provided for in the rule to extend the rate control authority of Public Law 89–597. I think that is where we ought to start, without coming up with unprecedented credit controls as provided in this legislation.

Now, let me just read some of the

provisions of this bill that comes before you under this glorified title.

If you will turn to page 14, which we have already discussed in part, section 205, authority for institution of credit controls.

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize—

And there has been quite a play on the question of "may." The authority is there, whether it is "may" or "shall." No one disputes that fact—

the President may authorize the Board to regulate and control any or all extensions of credit.

My dear friends, that includes an extension of credit from your aunt Jane to you or from you to your aunt Jane.

Let me read further:

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

Then there is section 206, extent of control:

The Board, upon being authorized by the President under section 205 and for such period of time as he may determine, may by regulation—

(1) require transactions or persons or classes of either to be registered or licensed.

Now, that covers your Aunt Jane if she wants to loan any money. I do not think we want to do that. I do not know whether the committee really read this language line for line before they reported it out, or I do not think they would have left it in the bill. In our haste to adjourn, we must not fail to read these bills as the people back home are going to be covered by it.

Mr. BROWN of Michigan, Mr. Speaker, would the gentleman yield?

Mr. LATTA. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, would the gentleman agree that under the control authority which is included in this bill that controls could be imposed upon the housing industry, for instance, the home buying populace, which would practically cut off the activities of the housing industry?

Assuming an affirmative answer, I would suggest that when the housing industry indicated support for this bill, it had read only the title because certainly no one—no one in this House or any other body could oppose this legislation, or indeed touch it, if they did not read beyond the title for it is all motherhood.

Mr. LATTA. Mr. Speaker, let me go on a little further. Perhaps some of the Members have not had an opportunity to find out what is really in this bill. Extent of control on page 15, No. (2);

The Board may prescribe appropriate limitations, terms, and conditions for any such registration or license—

For making loans.

(3) provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act—

Now, that is broad authority.

(4) prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit—

Maximum amount of credit—

which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

My colleagues, do we really want this type legislation in America today, or any other day, where we can have some board telling the American people, the amount of credit which may be extended to them? I do not think we are ready for that in our free society. I do not know whether even the members of the committee want this, but it is in this bill. I continue:

(7) prescribe the maximum rate of interest—

Now, we have heard a lot of talk about a national usuary law, but here it is, page 16, item (7):

(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payment, maximum period between payments, the terms and conditions of any extension and any other specification or limitation of of credit—

I do not think they have left out a thing—

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

They are going to tell you how much you have to put down. They are going to get into the market value and the purchase price, etc., in this legislation.

Yet, the innocent looking title says it is to: "To lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes."

But I do not read anything in that title about these controls—provisions.

Then item (9) says:

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

That concludes that all inclusive section 206 which is on pages 15 and 16 of the bill.

Mr. Speaker, I am certain that before this bill is passed in this body—and I have all the faith in the world that you will do this—that this legislation will be drastically amended so that the American people will not be saddled with these proposed controls.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman.

Mr ANDERSON of Illinois. Mr. Speaker, I congratulate the gentleman on the very excellent statement that he has just made.

I think if there is one responsibility that the Committee on Rules of this House has, it is that in connection with the hearings it holds on legislation, it should try to determine whether or not it has had the kind of mature consideration in the legislative committee that would warrant sending it to the floor.

The gentleman has made the point and made it very well, that hearings were not held on this legislation. I would point out in that regard that in an effort to substitute for these hearings or to suggest why hearings were not held this report is very unique in that it goes back and quotes portions of hearings that were held almost three years ago on entirely unrelated matters. You have an excerpt from hearings on the extension of the defense production act. You have an excerpt from hearings dealing with H.R. 11601, the consumer credit protection act. Those are bills dealing with entirely different subject matters and not relating to this particular piece of legislation.

That certainly is no substitute for hearings on this bill, and I think the gentleman would agree for the kind of hearings we have a right to expect on legislation that is as important in its implications as this legislation is.

I would like to make a further point, if the gentleman will yield further, that there is not a single agency report, in this report from the committee. There is nothing from the Federal Reserve Board, there is nothing from the Federal Home Loan Bank Board, there is nothing from those two financial and regulatory agencies which would have to administer and to carry out the very farreaching provisions of this bill.

I think, therefore, that the hearings on this matter, which the gentleman referred to, were certainly most inadequate, indeed nonexistent.

Mr. LATTA. I could not agree more with the gentleman. I want to thank him for his contribution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman.

Mr. GROSS. I would like to join in commending the gentleman from Ohio for the lucid statement and alaysis of this bill that he has made.

Were it not for the use of this vehicle to extend regulation Q, I would think we would be doing a service, not only to the House of Representatives but to the country, to defeat this rule. But in view of the fact, apparently, that it is necessary to extend regulation Q in some manner, this may be the vehicle necessary to do that.

This is power that no President should seek. Apparently, the present President did not seek this power. This is power that no President should seek. This is power that any President should repudiate and refuse to use if granted to him.

Permit me to read from page 18 of this bill under title III, concerning the Small Business Administration Activity, these words:

In the event that insufficient appropriated funds are available to carry out the provisions of this section, request for the necessary funds shall be promptly made by the Small Business Administration and

cleared by all components of the executive branch having any functions with respect to such requests.

In other words, the request can be made, without regard to the Bureau of the Budget, for unlimited funds. We might just as well dispense with the Bureau of the Budget in connection with this agency.

I have no ax to grind with the Small Business Administration, but this is unconscionable language—this and the untrammeled delegations of power which the gentleman has read and discussed.

Mr. Speaker, I thank the gentleman for yielding.

Mr. LATTA. I thank the gentleman for his contribution. Let me say that the Rules Committee did take cognizance of the fact that we had to extend Regulation Q, and that is provided for in the rule. We have to have pass this rule so that we can extend Regulation Q.

Mr. SISK. Mr. Speaker, does the gentleman from Ohio desire to yield further time? I would like to conclude with a brief statement, and then I intend to move the previous question.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Speaker, I wish to compliment the gentleman from Ohio (Mr. LATTA) on his presentation to the House. I also wish to compliment the gentleman from California (Mr. SISK) for his very constructive statement at the beginning of the debate on the rule. We are in extremely critical times, and every Member of the House should be fully aware of what he is doing in voting on a bill such as the one the rule would make in order. It is extremely important. It would have very far-reaching consequences as far as the economy is concerned, and it demands the very best of our understanding. It did not have any time for consideration before the committee, which is rather shameful, in my opinion.

Mr. SISK. Mr. Speaker, I yield myself 1 minute.

I wish to join my colleague, the gentleman from Illinois (Mr. ANDERSON) in his statement with reference to the duties, obligations, and responsibilities of the Rules Committee. We do have a responsibility to determine the handling of legislation and the question of whether or not adequate hearings have been held and so on. I generally have taken the position that unless these kinds of procedures have followed, we have a legitimate right to turn down a rule and send the bill back to the committee.

As I have said, I generally agree with the comments made by the gentleman from Illinois (Mr. ANDERSON). I do wish to say, however, that this legislation was brought to us as an emergency. I think we all recognize the essential nature of regulation Q. Without it, chaos would result. This is a vehicle. The Committee on Rules had to decide what was the best way to develop this situation, and it was our determination that we should bring the bill to the floor, permit the committee to present its side of the question, and give the House the opportunity then to determine whether or not they wish to get into this subject, whether or not we would proceed with an emergency extension of regulation Q, or to what extent we wish to preserve some of the new regulations and the new regulation that is included in this legislation.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15091, to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes.

The SPEAKER pro tempore (Mr. VANIK). The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15091, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I consider this one of the most important bills that has been presented to the 91st Congress, 1st session. Six months ago the prime rate was raised automatically by one bank, by one of the Wall Street banks. It is generally true that a big bank in New York will raise the prime rate, and then all the other banks follow. It is true that we could not prove a conspiracy, that the bankers got together and had an unconversational understanding that they would follow on these increases made by the large bank, but that has been done in the last 50 years.

That raise on June 9 from 7.5 percent to 8.5 percent in the prime rate was not needed, was not necessary and was not justified, and, whether intended or not, it amounted to picking the pockets of the American people for an additional $15 billion a year—just that one raise. It means that the 55 million families in the United States, the people we are really working for and I hope not against, will have each family to pay several hundred dollars this year extra, in addition to their interest rates and taxes, just to make that additional $15 billion payment this year.

The way to arrive at that is to consider that there is a public and private debt in this Nation equal to more than $1.51 trillion, and 1 percent of that amount is $15 billion.

The rate was raised on June 5 of this year. Since that time our country has been in jeopardy. Our whole homebuilding industry is virtually at a dead standstill. Nothing has been done except in the opposite direction for construction of homes. People have had a terrible time trying to get credit.

Remember, 8.5 percent is not the rate we would get if we were to ask for a loan. That is the rate the best borrowers get, such as General Motors, the Rockefellers, the Mellons, and the Fords. Only people like that would get the 8.5 percent. Other people who go in and ask for a loan from the same New York bankers, would hear them say: "We will let you have the 8.5 percent, just like the prime rate, but you will have to keep on deposit here a minimum of 20 percent of the money you borrow, which we will get the free use of."

That means the banks will get 10.20 percent instead of 8.5 percent.

It has become the traditional practice, if there is a project like an apartment house that one wants to build, for the bankers to say: "You will have to sweeten this up some. In addition to the 10.20 percent interest, we will want to get part of the action, part of the equity. We notice you will get something every year for 20 years. We want half of that and some other things."

That has absolutely stopped commerce in many areas of our country. The burden imposed upon those who would borrow is entirely too much and too onerous.

Our distinguished friends on the minority side have not said anything about it. I have not heard a single one of them say that that rate ought to be rolled back or that the rate should be reduced. There has been no clamor for better, lower intesert rates. I have not heard a single one. Perhaps I just was not here. At least, no campaign has been carried on.

All during that time it was becoming more and more impossible for the people who would be home owners to get a fair loan at a reasonable rate of interest for the purpose of constructing a home for themselves and their families. I refer to persons receiving $13,000 a year or less, during that 6-month period from the time interest rates went up to that rate which is against conscience, really. It has become worse all the time.

We can say that the clothing we buy is inflationary. Suppose it is. There are certain things one must have to exist. Whether it is inflationary or not, we can offset it in some other way.

May I invite attention to the fact that housing is important to a family, just as food and clothing are. It is just as necessary. There must be a proper environment to rear the children. Of course that is a necessity which is just as important as food and clothing. One must have adequate housing, adequate shelter.

This bill we are considering today is for housing. Today, in the present market, those who are rich and affluent are getting their houses constructed. They have no trouble. They have plenty of money. They can pay the prices for the $50,000, $75,000 and $100,000 houses being built now. There is no letup in that type of construction.

But what about the person who receives $13,000 or less today in salary? He cannot even qualify for a construction loan or a housing loan. He is out of the market.

How long are we going to permit this to happen? Are we in favor of equality? Are we against discrimination against classes and groups? There is a definite discrimination against the poor and the low-income groups in our policies today on interest rates and the construction of homes.

Whether we intend it that way or not—and certainly many of us did not intend it that way—we are permitting the affluent, the very rich, to have all the housing that they want, with no restrictions as to materials, labor, or professional services at all. But there is a discrimination against the little people, the worst type of discrimination. It is made impossible for them to get a loan from their Government or from anyone connected with the Government that would enable them to buy a home.

I am not talking about the affluent types, with homes of $50,000, $75,000, $100,000 or more, but just about the types who want homes of $15,000 or $13,500, something to house the little family in this country.

I believe it is necessary that we meet that obligation and that price. We still have a bill here.

We had several bills that we were considering. The first bill was H.R. 13937, which was introduced on this regulation Q, right after the President sent up a message in August that he would like to have it extended. We had a hearing on that bill.

Of all the fallacious arguments I have ever heard on the floor of the House, it is about the committee not having had any hearings on this bill and only 7 minutes of discussion. It is absolutely fallacious, absolutely wrong, absolutely untrue.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I want to point out in the light of the recent statement relative to the fact that there have not been hearings on this bill, that on October 20 and 21 of 1969 there were hearings held on both days to extend for 1 year the authority for more flexible regulation at minimum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues. Certainly we have had adequate hearings on this. Many other times we have had hearings on other sections of the bill.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I cannot yield right now. I will state to the distinguished gentleman from New York I know the questions you want to raise, but I am not ready to answer them now. I will yield to you when I am through. I hope that the gentleman will accept that, but I refuse to yield at this time.

Now, then, we not only had hearings on every part of this bill, but we had comprehensive hearings, although it was on different bills, but we did exactly what is traditional in the Congress of the United States for a committee to do. They have one bill with a lot of different amendments to it. The way to get it considered intelligently is just to present one clean bill. That is what it is called. There is a definite name for it—a clean bill. You take what the committee agreed on and you put it into a bill. They have already had hearings on it and have already agreed to it. And you put it into a clean bill and introduce it not for the purpose necessarily of holding hearings, no, but for the purpose of considering what the committee has agreed to in the past. That is exactly what we did here.

Then we sent a copy of the bill to each Member of the House, to Republicans and Democrats on the committee, and asked each one if they would like to be a cosponsor of this bill. That was days before we met to consider the bill. We met to consider the bill on December 4. Then when our Republican friends, although they had not been cosponsors and also 20 of our 21 Democrats were cosponsors—when our Republican friends began to realize that we were seriously going to consider that bill, they deliberately broke a quorum. They absolutely got up and walked out of the building. They made it impossible to give further consideration to it. Not only that, but we called other meetings. We have had an awfully hard time getting consideration of this. Do you know why? It is because of the high-interest crowd that likes to see big money made out of little people. They object to it. They do not like it a bit. They do not use arguments based on logic and reason to try to defeat it, but they use excuses—excuses—this excuse and that excuse. There is no reason used, but they use procedure. They just cannot take the procedure. They do not like that.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I respectfully suggest to the gentleman that he wait until I get through. You gentlemen have had a field day here today, and I did not say a word. You went ahead and had your say. Now give me a chance.

So on December 4 we had that hearing and the minority deliberately counted the number and counted the number necessary to break up the committee and deliberately walked out of the committee room. I saw you walk out. You do not deny it. You did it for the purpose of breaking a quorum and making it impossible for us to consider a bill that would give adequate housing to the people of the United States and to lower interest rates and deter inflation. That was not a good move on the part of the minority. Not at all. I will state that it is not traditional with them. They do not do that often. In fact, that is the most deliberate thing I have ever seen happen in the committee. But it was unnecessary at that time. They could have stayed there and said, "We are in favor of housing and here is our plan. We have a plan for housing; we have a plan for lower interest rates; we want that considered too." And, it would have been considered. But you did not say a word about it. You did not say anything about any plan for more housing, you did not say anything about any plan for lower interest rates and you did not say anything about a plan to stop or deter inflation. You were just against what was proposed.

Now, I do not think that is any compliment to a Member of Congress and certainly not to a great political party to never offer any remedy. You know there are wrongs in this country. The wrongs are that the people are being absolutely held up on interest rates. They are being charged interest rates that are against the conscience, absolutely against the conscience. They are even closing up schools in this country because they cannot pay the high interest rates. We ought to be progressive. They are destroying the public free school system. The public free school system will not survive if your philosophy prevails in this country. You never offer anything for more housing; you never offer anything to help education; you never offer anything to lower interest rates. That kind of philosophy is bad.

Now, I have served in this Congress for a long period of time. I have had very fine relationships with every Member of this body. I suspect that I have served with at least 3,000 or 3,500 Members of Congress. Out of that number, of course, about one-half of them, I assume, were members of the other party. I will have to confess that I have never known a member of either party, Democrat or Republican, that I did not personally and individually like. I never hated any one of them and certainly I did not hate any member of the Republican Party, because I knew they came here with the same responsibilities I had and that is to represent my constituents properly and adequately and do the best I could to make sure that they were properly represented.

However, during the last few years in this country a lot of selfishness and greed are coming to the front. There is just a different—I would not say breed of cats, breed of dogs, or breed of human beings because I do not want to low rate myself that much, but I would just say there are different people coming to the front. Some of them have more of the propensity of Ebenezer Scrooge than certainly they do for the people generally. They come out here openly and blatantly in broad open daylight and oppose a housing bill that will fully meet the housing need without any doubt. This bill will give you housing dollars, a minimum of $6 billion, and you can get the money now and go to work. You can get the country off dead center.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. The gentleman talked and I sat there and listened. You sit and listen while I talk.

Mr. WIDNALL. Will the gentleman yield for a question?

Mr. PATMAN. No, I will not yield.

There is $6 billion which would be made available in this bill if enacted as introduced. Why should you object to that without offering some reason or an alternative? You have had 6 months since the interest rate was raised against all conscience to 8½ percent. It is just a robbery rate. That is all it is. You have had 6 months and you have not presented a program for any housing for low- and moderate-income groups. You have not offered any plan for lowering interest rates although the Secretary of the Treasury said they would come down soon—it would not be long before interest rates would go down he said. It has been 6 months and instead of going down they have been going up ever since.

So, in this body or in Congress or any other organization there are two types of groups. There is one group which you might consider a construction group, a working group, trying to take care of the people and they are working deliberately and hard trying to do something in the way of formulating programs that will solve some of the serious problems for the people of this country.

If that group is working, trying to do something, why should they be deterred just by talking about procedure, and excuses? If they are going to be deterred they ought to be deterred by a group on the other side that has something to offer, and say this is my plan. We will be glad to consider the plan, but they do not have any plans, and that is what you might call the wrecking crew.

Now, in Congress you can be on the construction gang, or you can be on the wrecking crew.

I submit that on this bill we are a construction gang, we are trying to help the people, we are trying to find housing, lower interest rates, stop inflation, and to do the many other useful things that will help solve the problems that are now present that should be solved in the interest of those 55 million families that compose this country.

When we do things to help these 55 million families we are helping American, we are doing our duty, we are doing the right thing, but when we are doing things that are harmful to those things, make them pay extortionate interest rates, usurous interest rates, not give them a home to live in, not giving the people a home to live in, not making it possible for them to borrow money at reasonable rates of interest to build for themselves and their families a home, which is just as necessary as food and clothing, then we are not doing our duty.

So if there is a wrecking crew around, and just using excuses on procedures and things like that without going to the basic issue, why, I think that this House should overlook all that, blow it away, blow it aside, and think about the main issue. The main issue here is to do what is best for the United States of America, and the 55 million families that compose it. And that is what we are doing here today.

Now, what are we doing on this? Making the Federal Reserve System put up $6 billion in the buying of housing paper to let people get this money at a low rate of interest, at a rate that the Federal Reserve Board discounts, at a rate which would not be over 6 percent—that would be rolling interest rates back 2.5 percent, at least, and then that money can be used for that good purpose of building homes. It will go right into the housing market, it will not go any other place, not a dollar of it. The people who are getting this money would be taken care of if they were to fail to use that money for the purposes intended, to build homes with it, so that the money will go there.

Now, why should we not do that? The Federal Reserve is an instrumentality of the Government. Nobody questions that. If they do they are wrong, because it is, and it has been testified too many times. Why should not an instrumentality of the Government that is doing business principally with the big banks of the country that have been refusing to permit money to be used for housing loans, they have not done that, they have not permitted it to be used, but they have been using money, the same money that they could use for housing, they have been borrowing it to be used to buy out interest on gambling operations like Resort International. That is a big concern domiciled in the Bahamas, it operates all over the world. Some of this money has been used to buy up at one time 750,000 shares of stock which was in that great international banking institution that could have gone into housing, but it did not.

That money could be used to help these families. I have not heard the people who are fighting this little man's housing bill, as you might call it, to help little people and small businesses, I have not heard those people talk about that at all. It has been in the newspapers on the front page all over the Nation, but I have not heard the people who are opposing this home bill say a word against it.

Furthermore, you take speculation, there are all kinds of speculation where hundreds of billions of dollars is used a year through loans, most of them big banker loans.

Of course, that can be used for housing or some of it can be used for housing—but not any of it has been permitted to be used for housing.

Then there are the conglomerates and the mergers of big business that are just squeezing out the little fellows and they are using the money for that. They could use the money for housing, but they do not permit it to be used for that purpose.

Then there is all kinds of money used for inflationary plant expansion, but none of it is for housing—they do not have it for that.

Then as to the stock market—they have plenty of money—but none of it for housing.

They have lots of money for the high-interest loan companies like loan sharks. They have plenty of money for them, but no money for housing—none—and none is proposed.

Then there are things like luxury loans having to do with world travel and the expansion of that all over the world. There is lots of money for that, but no money for housing, for the little family, for the people who build this country in time of peace and who save it in time of war. There is no money for them—they only do the work during peacetime and they only go to the front and save our country in time of war, but they do not get any of these benefits. They do not even get a fair and square deal. They are discriminated against all the way through.

Therefore, my friends, I would remind you that there are a lot of things going on here that do not come to the surface—and there is all this talk just talking about the procedure and talking about the excuses and excuses and not getting down to the basic issue. Why do you not offer something? Why do you not try to stop these high interest rates? Why do you not try to get adequate money for housing?

I will tell you why you cannot get some money for housing.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. Not at this point, I just have to ask you to wait.

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 330]

Abbitt	Foley	Ottinger
Andrews, Ala.	Gubser	Pelly
Ashley	Hall	Powell
Baring	Hanna	Railsback
Bolling	Hébert	Rivers
Clark	Hicks	Scheuer
Conyers	Kirwan	Smith, Calif.
Corbett	Lennon	Steed
Cunningham	Lipscomb	Tunney
Davis, Ga.	McCarthy	Weicker
Dawson	McCloskey	Whalley
Dwyer	Martin	Wilson,
Edwards, Calif.	Mikva	Charles H.
Evins, Tenn.	Murphy, N.Y.	
Fascell	O'Hara	

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15091, and finding itself without a quorum, he had directed the roll to be called, when 391 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose; the gentleman from Texas (Mr. PATMAN) had consumed 26 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I shall conclude very soon.

I would like to call your attention to one thing that has kept housing paper from selling—the interest not being sufficient—up to 8 percent and 9 percent. The truth is and it is important for every Member to know if he does not already know it, interest rates do not

affect corporations in this country. They can pay 15 percent if they want to—or 20 percent. I have known people to go into a large bank and want a considerable loan for a small business. The official would ask him if he is an individual and he would say, "Yes," and the official would say, "Well, we cannot do business with you that way, but we can incorporate you if you sign these papers, then we can charge you a realistic rate."

That means any rate, if a corporation pays 20 percent, then they get a tax deduction on that and it means they have only paid an effective rate of 10 percent. If they pay 15 percent, it means they only pay an effective rate of 7.5 percent.

So that is the reason you cannot get money for housing, because these corporations are using it. They do not mind paying it because they get a tax deduction on it.

Now then, I have a letter, and you have one on your desk today from a very knowledgeable and sophisticated and public spirited group, the National Association of Home Builders. They endorse this bill 100 percent and they ask the Members of the House to vote for it.

This is what they say:

NATIONAL ASSOCIATION
OF HOME BUILDERS,
Washington, D.C., December 16, 1969.

DEAR CONGRESSMAN: You have immediately before you an excellent opportunity to help remedy the severe crisis in which the housing industry now finds itself. H.R. 15091, which will be on the floor tomorrow, provides this opportunity.

On behalf of this industry, which has suffered 90% of the effects of the present fight against inflation, I urge your affirmative vote for H.R. 15091. I also urge your affirmative vote for restoring Sections 2 and 3 to the bill which were deleted by the Banking and Currency Committee.

This bill, especially with Sections 2 and 3 restored, will go a long way toward providing the Administration with the means of relieving the unprecedented shortage of long term mortgage money now confronting the Nation. This shortage, and the extremely high interest rates that accompany it, must be corrected if this Nation is to supply decent housing its citizens so urgently need and if we are to meet the housing goals established by the Congress in the 1968 Housing Act.

H.R. 15091 will help correct the imbalance of capital available for housing by continuing the authority of the Federal Reserve Board and other Federal financial regulatory agencies to set the maximum interest rates which may be paid on savings accounts; enabling the Federal Reserve to regulate borrowings by banks in the commercial paper market as well as the Eurodollar market; and empowering the Federal Home Loan Banks to provide a secondary market for conventional mortgages.

Most important, however, is section 2 of H.R. 15091, struck by the Committee, which would better enable the Federal Reserve System to support the obligations of such key housing oriented agencies as the Federal National Mortgage Association and the Federal Home Loan Bank Board. Section 2 would express the sense of Congress that the Federal Reserve support the obligations of these agencies when it is nceessary to assist the Nation in meeting the housing goals established by the Congress in 1968.

Again, I must emphasize strongly how urgent your support for H.R. 15091 is to meeting the housing needs of our Nation.

LOUIS R. BARBA,
First Vice President and Acting President.

I also have a telegram here from the labor organization—the AFL–CIO—which strongly endorses this bill.

It reads as follows:

AFL–CIO,
Washington, D.C., December 17, 1969.

Hon. WRIGHT PATMAN,
House Banking and Currency Committee, Washington, D.C.:

The AFL–CIO strongly endorses H.R. 15091 as introduced and urges its adoption and adoption of amendments to be offered that would include directives to the Federal Reserve to assist the Nation in meeting the housing goals of the 1968 Housing Act. We support the bill's provisions as introduced that would direct the Federal Reserve to purchase $6 billion in housing notes. Only by such specific action can Congress reverse the disastrous downward spiral in housing construction and aid the critical shelter needs of millions of Americans.

ANDREW J. BIEMILLER,
Director, Department of Legislation.

Mr. Chairman, at this time I will yield to the gentleman from New York (Mr. CELLER).

Mr. CELLER. I want to say to the gentleman that the attempt on the part of you as chairman and your colleagues on the committee to control Eurodollars and the issuance of commercial paper in the interest of deflation is indeed commendable. I would like, however, to get a bit of clarification, if I may. As I understand it, when the Federal Reserve Board issued so-called regulation Q, there was some doubt about whether they could issue those regulations controlling the commercial paper issued by banks, bank holding companies, and affiliates of banks. Do I correctly understand that section 6 of title I would give the Federal Reserve such authority?

Mr. PATMAN. That is the purpose of it, and it is supported by the Federal Reserve.

Mr. CELLER. Second, as I understand, there was $30 billion of commercial paper issued during the year 1969 up to date. This was quite inflationary. There was $3 billion of that issued by bank and bank holding companies, and $27 billion was issued by nonbanks——

Mr. PATMAN. That is correct.

Mr. CELLER. And nonbank holding companies. Where is the authority in this bill to control the issuance of that type of commercial paper by the Federal Reserve or some other authority? Where in this bill is that authority to control?

Mr. PATMAN. I do not have the bill before me, but the gentleman from Wisconsin (Mr. REUSS) has it, and I will yield to him to respond to the gentleman.

Mr. REUSS. That authority, I will say to the chairman of the Judiciary Committee, is contained in title II.

Mr. CELLER. The standby authority?

Mr. REUSS. That is correct. It would require, of course, that the President authorize it and that the Fed, in the exercise of its independent judgment, would go along.

Mr. CELLER. That goes back to my original thought. Since you gave the authority over the banks for the issuance of commercial paper and the affiliates of banks for the issuance of commercial paper, why did you not give the same authority to the Federal Reserve to control the issuance of commercial paper by nonbanks, such as the Commercial Investment Trust, Walter Heller & Co., and organizations like that? You have given "standby authority" to do this? It involves in my humble opinion stupendous, inordinate power to the President over our economy. I question such vast grant of power.

Mr. REUSS. The authority given in section 6 is also just standby authority.

Mr. PATMAN. May I say to the gentleman that I think when we reach that point in the bill, suppose you ask for recognition and we will bring that out. We intend to show that the provision covers that point, and if it does not cover it, we will offer an amendment to cover it.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding. The gentleman has spoken at length about provisions in the bill which will make it mandatory for the Federal Reserve, through the Federal Open Market Committee, to purchase within a 12-month period $6 billion worth of mortgage credit paper held by the Federal home loan banks, the Farmers Home Administration, and the Federal National Mortgage Association. The gentleman has said that there is no opposition to this. Looking at a copy of the bill, I find the committee struck this language. If there is no opposition, how, except by a majority of the committee, could this language have been removed from the committee bill?

Mr. PATMAN. All right. There are 14 Democrats and 14 Republicans, and five Democrats voted with the 14 Republicans.

Mr. WAGGONNER. In other words, 19 members voted to exclude and 14 to keep?

Mr. PATMAN. That is correct, but on passage of the bill 20 members voted for it.

Mr. WAGGONNER. But this language was not in the bill which passed the committee?

Mr. PATMAN. That is correct.

Mr. WAGGONNER. Let me ask the gentleman a question or two on this subject. I would like to have concise answers to these questions because this is important. The gentleman has talked about the problems of inflation in this country and high interest rates. I am as concerned about it as the gentleman from Texas is. I want to build homes as much as anyone. I do not want to feed the fires of inflation.

Mr. PATMAN. I realize that.

Mr. WAGGONNER. Would you tell me where if the $6 billion in this language is reinserted by rejecting the committee amendment this $6 billion to purchase mortgages for homes previously built—where this money is going to come from?

Mr. PATMAN. It will come from the Federal Reserve open market operations.

That will be at 6 percent. That is the New York discount rate. That will be 6 percent. That is lowering the interest rates by 2.5 percent to 6 percent. We can definitely say if we vote for this bill that we voted for $6 billion in housing money and at 6 percent, which is 2.5-percent less.

Mr. WAGGONNER. I understand 6 percent is the present discount rate to the member banks in the Federal Reserve System.

Mr. PATMAN. That is correct.

Mr. WAGGONNER. But answer me this question. Does the Federal Reserve System have on hand and available for use within this 12-month specified period $6 billion to purchase this paper?

Mr. PATMAN. Yes, sir; it has the power.

Mr. WAGGONNER. That is not what I asked. I asked: Do they have this money available? I know they have the power to create money.

Mr. PATMAN. They do not have any stack of money, a pile of money.

Mr. WAGGONNER. Will it be necessary for them to create it?

Mr. PATMAN. They have it just as they do when they increase the money supply through open market operations.

Mr. WAGGONNER. Answer the question: Will it be necessary for the Federal Reserve to purchase $6 billion for this sort of paper, will it be necessary for them to create $6 billion of additional money?

Mr. PATMAN. That is the power of the Federal Reserve.

Mr. WAGGONNER. Will it be necessary? I know they have the authority.

Mr. PATMAN. They can buy $650 billion worth of money, if they want to.

Mr. WAGGONNER. I ask the gentleman, if he will not answer me, if he will yield to some other member of the committee to answer me.

Mr. PATMAN. No; not until we get to the other side.

Mr. WAGGONNER. Then the gentleman will not answer whether they will have to create it.

Mr. PATMAN. Yes, sir.

Mr. WAGGONNER. They will have to create it? In other words start the printing presses rolling.

Mr. PATMAN. They never have the money. They get the Bureau of Engraving and Printing bills, like the gentleman has in his pocket, to pay it if they have to.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Chairman, the gentleman from Louisiana asked about where the money was coming from for that provision. There is a section here that disturbs me very much, but I would like to ask the gentleman about it.

Mr. PATMAN. I would be glad to have the gentleman ask it.

Mr. COLMER. Mr. Chairman, where will this money come from? At the bottom of page 18, talking about the Small Business Administration activity, this is what I want to comment on. It says:

> In the event that insufficient appropriated funds are available to carry out the provisions of this section, request for the necessary funds shall be promptly made by the Small Business Administration and cleared by all components of the executive branch having any functions with respect to such requests.

What does that mean?

Mr. PATMAN. I can explain that. The Congress has been generous with the Small Business Administration. All Members on both sides have supported the Small Business Administration, and we made possible $140 million this year, and they have not got the use of it. So we are putting $70 million, we have appropriated and made available $70 million of the $140 million now, because they need it now.

Mr. COLMER. Mr. Chairman, if the gentleman will pardon me, yes, he provides for that $70 million here.

Mr. PATMAN. Yes, sir.

Mr. COLMER. I think we are all in accord that we are all for the Small Business Administration. I think the gentleman has done a great job. But the gentleman does not stop there. He says if that is insufficient, then they can go ahead and carry out the provisions of this additional funding. Where do they get it? That is what I want to know.

Mr. PATMAN. If the gentleman will pardon me, I will use more time than I should, but I will yield to the gentleman from Texas (Mr. WRIGHT) and to the gentleman from Wisconsin (Mr. REUSS); and the gentleman from Wisconsin (Mr. REUSS) will answer this question. Will that be satisfactory?

Mr. REUSS. Mr. Chairman, it will be satisfactory with me, and I hope the gentleman will wait.

Mr. PATMAN. Mr. Chairman, we will do it that way, because time is of the essence.

Mr. COLMER. It is all time, whether it is the gentleman's or that of the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, if the chairman of the committee would be kind enough to take out of my future time 1 minute, I am sure we can answer the gentleman from Mississippi now.

Mr. PATMAN. I yield to the gentleman.

Mr. REUSS. Mr. Chairman, I understand the question of the gentleman from Mississippi. It is a good question, and there is a good answer to it. The answer is that it will not be necessary to appropriate any additional funds because there is now already appropriated, in the business loan and investment revolving fund of the Small Business Administration, $140 million.

The best evidence of that is just a few weeks ago they removed some $15 million from that fund without batting an eyelash. We are saying, "Take $70 million to help out small business in this country."

Mr. COLMER. And they are going to get this $70 million from the revolving fund?

Mr. REUSS. Exactly, sir.

Mr. COLMER. All right. You provide for that.

I do not understand this language that you are going to request additional funds and these administrative offices have to deliver them. That raises a second question, if I may ask it, in the interest of time.

It would seem to me that this is getting into a question of the division of power here, when you order the executive department to do something, when the Congress directs him to do it, not authorized but directed.

Mr. REUSS. Not really, I say to the distinguished chairman of the Rules Committee, because the Small Business Administration has within the past few weeks shown that it is adept and skillful in taking from that fund. We simply say, "More of the same."

Mr. PATMAN. I cannot take more time. I will have to ask that the Members do what I requested before, because I do not wish to use an hour of the time.

I yield now to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I thank the gentleman for yielding. I should like to commend the gentleman from Texas, the chairman of this great committee, and the members of the committee, for having brought this bill to us. Too long have we neglected our responsibility to begin a rollback of these disastrously high interest rates which are terribly hurting the economy of the United States.

I commend the committee for bringing this bill to us today. If we should fail to pass it the House would be acquiescing in the raising of interest rates to the highest levels we have ever had.

Mr. Chairman, I rise in support of this bill. The hard money policy of deliberate high interest rates is a disastrous policy, and clearly congressional initiatives are needed to reverse it.

The purpose of the bill is to make housing and necessary credit available to Americans at other than prohibitive costs.

Interest rates are at their highest level in the history of the Nation. They have risen at an astronomical and unprecedented rate in the past 12 months. They have had absolutely no measurable effect for their intended purpose of lowering prices. In fact, it seems clear that higher prices have resulted from this ill-conceived and misguided policy.

The depression in the housing industry which has come about as a result of high interest rates is only one facet of the economically depressive effects of this policy.

Cities and municipal governmental units throughout the Nation are finding it increasingly more difficult to sell municipal bonds for necessary improvements. Where it is possible to sell bonds at all, the interest rates are so exorbitant that citizens of every such town will necessarily have to pay many, many millions of dollars in extra taxes simply in order to pay the extra interest on the bonds.

Unless the escalation in interest charges is halted and reversed, we may have a crisis in urban America due to the inability of the homebuilding industry to provide the necessary housing and the inability of the cities to provide necessary municipal services. All of this has come upon us a direct result of this deliberately restrictive policy.

It can be very clearly established from the record of the past 25 years that high interest rates have never halted inflation except in those cases where they brought about severe recession and painful unemployment.

If inflationary dangers warrant, it would be far better for the President to establish some wage-price guidelines, or for the Congress to approve credit restrictions which would require a minimum downpayment on all major purchases, than to continue in the ill-begotten policy of artificially contrived high interest rates.

It is time for Congress to take whatever action it can to reverse this trend, and this bill should be one step in that direction.

Mr. PATMAN. I thank the gentleman.

Mr. Chairman, H.R. 15091 is a bill to lower interest rates and fight inflation, to help housing, small business, and employment.

This bill gives the 91st Congress—in the closing days of this first session—an opportunity to take the leadership in providing the American public relief from the twin burdens of inflation and high interest rates as well as substantially assist residential housing.

Mr. Chairman, the House of Representatives has a responsibility to act on these economic issues. It cannot shirk its duty and pass the buck to someone else. The issue is before us.

I hope that this bill is not blocked, weakened, or defeated out of partisanship or out of pure timidity. Let me be frank. Many of our Republican colleagues—and I do not mean this in any personal way—have been dragging their feet, using every tactic in the book to prevent a House vote on this issue. They have walked out of committee meetings to break quorums, they have objected to the committee sitting while the House was in session, and they have failed to show up for key meetings on the bill. They sought to block the bill in the Rules Committee.

Despite these tactics, H.R. 15091 has reached the floor. And now I hope our Republican friends will drop partisanship and join us in this fight against inflation and for more housing and a better opportunity for the small businessman. The economic problems besetting the average American are not partisan and I ask for support from both sides of the aisle on this vital piece of legislation.

I do not know whether the Republican obstruction has been prompted from the White House. I hope this is not the case.

Many of us on the Banking and Currency Committee regret greatly that the administration has not come forward with a specific program to combat these high interest rates, and to put the housing industry back on its feet. But it has not and we offer H.R. 15091 as an anti-inflation, anti-high-interest-rate package.

This Congress—if it values its political future and its good reputation—cannot afford to twiddle its thumbs while it waits for the Secretary of the Treasury to decide if and why he should oppose high interest rates. We cannot go back to our home districts and tell the people we did nothing about interest rates, nothing about inflation, and nothing about housing because the President did not ask us to. The people expect us to stand up and act on our own as Members of the U.S. House of Representatives.

During this debate, the opponents of this anti-inflation bill will claim that this legislation came as a great surprise, without hearings—out of the blue.

This will be the purest form of unadulterated hogwash ever tossed out on the floor of the House.

If the provisions and intent of this bill are a surprise to anyone on the Banking and Currency Committee then they have not been attending committee meetings and they have not been listening to the witnesses.

Relief for the housing industry is a major part of this bill and it is inconceivable that any member of the committee would claim that the Banking and Currency Committee and its subcommittees have not explored the housing question from A to Z. There are reams of testimony from every expert in the land on the need for more mortgage credit.

Surely we do not need more hearings to prove that the housing industry is flat on its back and that we need an immediate injection of mortgage credit. We do not need more hearings; we need action.

It is true that H.R. 15091 was introduced as a clean bill after hearings on H.R. 13939, the original bill. The introduction of a clean bill is a normal procedure pursued by most committees of the House to simplify and expedite the consideration of major bills.

But the basic point is that the committee has considered in one form or another all of the subject matter contained in H.R. 15091. Much controversy is being generated about title II which would give the President standby authority to impose controls over excessive use of credit.

As I hope the opponents of this legislation recall, the question of standby credit controls was discussed at length during the investigation of the banks' prime rate increase last June. This was discussed with William McChesney Martin, Chairman of the Federal Reserve Board, and at that time he stated in reply to a question put by the gentlewoman from Missouri (Mrs. SULLIVAN):

> Mr. MARTIN. Mrs. Sullivan, as I testified some time ago, I think it would have been desirable or would be desirable for us to have this authority on a standby basis. We have to weigh all the other factors when we initiate it. As you know, regulation W was taken away from us, and we have advocated on a number of occasions that we have the standby authority, and it has been denied us, so we have no authority to operate there. I think in a period like this, it would be very desirable for us to have standby authority.

The bill would provide discretionary authority to the President of the United States to authorize the Federal Reserve to control extensions of credit, both business and consumer credit. This will enable, if the President desires, specific attacks on inflationary areas and thus make unnecessary the present across-the-board supertight money which has created such havoc in the housing market.

This section of the bill would empower the Federal Reserve, on request of the President, to prescribe the maximum rates of interest, the maximum maturity, the minimum periodic payments, the down payments, and other terms of credit transactions. The President would be empowered to call for these controls "for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume."

Mr. Speaker, the President of the United States—as well as the Vice President—has said much about inflation and the need to control it. Through this bill, the Congress of the United States is giving him an important tool by which he may place his words into action.

Mr. Chairman, the bill also provides—

First. For Federal Home Loan Banks to establish a secondary market operation for conventional mortgages. This section was wholeheartedly endorsed in a press conference called yesterday by Mr. Preston Martin, President Nixon's newly appointed Chairman of the Federal Home Loan Bank Board. This also has the full endorsement of the National Association of Home Builders, and the savings and loan industry. In fact, Mr. Chairman, I do not know where the opposition is on this.

Second. The imposition of reserve requirements and other controls over commercial paper and Eurodollar borrowing by commercial banks, thus calming down the inflationary boom in unnecessary bank lending.

Third. Liberalizing mortgage lending restrictions for national banks by increasing conventional loan limits from the now maximum 25-year maturity to 30 years and allow loans up to 90 percent of the appraised property value. Present law limits bank loans to 80 percent of value.

Fourth. For an increase in FDIC and FSLIC bank and savings and loan association insurance from the existing $15,000 to $25,000, thus encouraging deposits which can be used to make loans for housing and other necessary purposes.

Fifth. That the Small Business Administration shall be directed to make available $70 million to small business investment companies—SBIC's. Despite a congressional mandate to SBA to lend money to small business investment companies so that they may in turn invest in small businesses, the administration has refused to lend one penny, despite a $140 million revolving fund which they admit they could use by a stroke of the pen. The bill would cure this by requiring the SBA to release at least $70 million to the SBIC's.

Sixth. For the revision of insurance requirements for savings and loan institutions, freeing an additional $250 million for homebuilding.

Seventh. For the extension of the existing authority of the Federal Reserve Board and the Federal Home Loan Bank Board to establish flexible interest rates by banks and savings and loan associations on savings and time deposits. This authority expires on December 22.

Eighth. The bill also provides temporary Federal regulation of interest rates paid on savings in State-chartered thrift institutions in Massachusetts. The authority would be in existence until the State of Massachusetts adopts regulations of interest rates paid by these institutions.

In addition to the bill as reported, I plan to seek restoration of sections which would require the Federal Reserve to purchase at least $6 billion in housing mortgages either in the open market or directly from the Federal housing agencies. This would provide an immediate and meaningful injection of credit where it is needed most—in the homebuilding industry. I hope that I will have the support of the majority of the House in the effort to restore these sections to the bill.

This provision was originally in H.R. 15091 as introduced by 20 of the Banking and Currency Committee's 21 Democrats. All we are asking is that a small part of the Nation's credit be allocated to build homes. All we are asking is that some of the credit be allocated to the Nation's most depressed segments of the economy.

Mr. Chairman, the purchase of $6 billion in housing paper is not inflationary in any sense. The Federal Reserve can tighten up on unnecessary business lending in order to compensate for the credit allocated to homebuilding. The Federal Reserve can stop the big banks from financing gambling casinos in the Bahamas and the financing of conglomerate acquisitions so that the American people may be housed in decent and healthful homes.

Mr. Chairman, the vote to provide $6 billion in Housing credit will be a clear and absolute test of the House of Representatives' will to help the homebuilding industry.

Mr. Chairman, the rule on this bill allows a resolution introduced by the gentleman from New Jersey (Mr. WIDNALL) to be in order as a substitute for H.R. 15091. The Widnall resolution is simply a 60-day extension of the authority of the Federal Home Loan Bank Board and the Federal Reserve System to set flexible limits on the amount of interest that banks and savings and loans may pay on deposits.

Of course, Mr. Chairman, this authority needs to be extended and this is included in H.R. 15091. But the extension of the so-called regulation Q authority is an empty shell without the rest of H.R. 15091.

The passage of this empty resolution would be a mockery. It would be a vote against more housing, a vote against small business, and a clear indication of the House's abdication of responsibility.

The Widnall substitute should be defeated so that the House may work its will on H.R. 15091.

Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The gentleman from Texas has consumed 42 minutes.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

I had hoped to have the chairman of our committee again clarify the statement he made not once but several times when he was in the well of the House, in which he spoke about $6 billion being in this bill for housing. He still has not answered where it is in the bill.

Mr. PATMAN. Does the gentleman want me to answer it?

Mr. WIDNALL. Point out to me where it is in the bill.

Mr. PATMAN. The amendment, section 3 of the bill, was stricken out by the vote which I indicated, but it is alive in this bill. When they read that section I am going to rise in opposition to it. I hope the House will sustain the section 3 which provides for the $6 billion, which, incidentally, is at 6 percent interest.

If the gentleman has been wanting to vote to roll back interest rates, this is an opportunity to do so.

Mr. WIDNALL. The gentleman is verifying what I am saying. There is no provision in this bill now providing $6 billion for mortgages.

Mr. PATMAN. A rollcall can be called for it. It can be debated.

Mr. WIDNALL. That is not what I said.

Mr. PATMAN. I know, but it is in it to that extent.

Mr. WIDNALL. The record should show there is nothing in this bill at the present time stating it.

Mr. PATMAN. Do not say that, because the bill is going to be read. It is a committee amendment. When it is read I will stand up in opposition to it and ask for a record vote on it. A record vote will of course be forthcoming in the House. It is alive. It is here. The $6 billion you can vote for. When you vote for it you vote for $6 billion of housing at an interest rate of 6 percent.

Mr. WIDNALL. Mr. Chairman, to my colleagues in the House I regret that I have to make the kind of a talk I am going to make now. I have been in the House of Representatives for 20 years. I have enjoyed my relationship with all of the Members of the House during that time. I simply have to report that I have never seen a bill come before the House for consideration with such high-handed methods employed as well employed in connection with the so-called consideration of this bill before the House Committee on Banking and Currency.

We received on December 3, 1969, a notice of an executive session of the committee to consider, as I recall it, the rate control of regulation Q and "other related matters." This was a notice for our executive session. When we appeared at that executive session the following day we discovered that the chairman was going to try to force out of the committee with no hearings, no consideration, no ability for the members of the committee, including the minority, an opportunity to see the bill. There was no bill that had been printed. There was no numbered bill that had a Member's name on it at that time. We had some mimeographed sheets which purported to be what was going to be offered. We discovered that the intent was immediately, without real consideration, without witnesses or testimony, to vote the bill out to the House floor.

As a result of this knowledge, we walked out of the committee, very reluctantly, and I hesitate to do this at any time in the future. However, this was forced upon us so that we would at least have some chance to see what was going on and what was being offered of major import to the people of the country and with a very major impact on the economy.

When we went back into session at a later time we plead for witnesses to be brought before the committee. We wanted testimony from the Government, particularly from the Treasury and from others, and from those who would be affected by the credit controls. We were denied this ability. The statement was made that we had had hearings before the committee in the past which covered these things. And this just plain was not true. We had had some hearings in 1966 covering some portion of the matter contained in the bill, but there was a great deal of new matter which had never been considered by the committee and that was of such major importance that to bring it to the floor of the House without discussion and without the benefit of the knowledge of key witnesses who would know the impact on the economy and what it would do as far as the economy was concerned would have been disastrous, we believed.

Mr. PATMAN. Would the gentleman yield on that point?

Mr. WIDNALL. Not at this point.

We should understand that in August of this year the administration requested a simple extension of regulation Q to September 22 of 1970.

This was well known by our committee chairman and others.

We finally reached almost September 22 when it was necessary to have a continuing resolution to extend the power until December 22, 1969, a 3-month extension.

Instead of going ahead and having committee hearings on this and what has proven to be "and related matters," we had no hearings.

We reached the point on December 3 when the chairman and others started to worry about the shambles which would be created if regulation Q was not extended. If we do not extend regulation Q, after the 1st of January I think you would see chaotic conditions in the savings and loan industry. Also, it would materially affect mutual savings banks and we would have produced the very conditions that we want to avoid completely in stabilizing the economy and furthering the growth of housing in the United States.

We are now at the point where this bill is here before you, holding regulation Q as hostage, in order to get through many unproven sections of the bill that have not been properly considered by the committee and where no opportunity has been given to anyone to testify.

In our statement, the statement of the minority which appears on the last page of the report, you will see a sum-up of what I have just said.

In line with the conduct of the majority which was very unusual I would like

to point this out: Even permission had been obtained to file a report by midnight on the following Saturday, 2 days later, after our committee meeting. This permission had to be obtained immediately after the introduction of the measure and before the committee had considered the bill—before the committee had even considered the bill.

At every stage of the operation with respect to this it has been sickening as far as our normal legislative procedure in the House of Representatives is concerned.

We are proud of the fact that we have been pointing this out to the country through our own minority views, and statements have been made by the minority members.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Ohio.

Mr. STANTON. I would simply like to emphasize for the benefit of so many members here of the committee, and ask the ranking minority member if it is not true what he just pointed out—and I do this for the benefit of the majority members of our committee whom I refuse to believe had knowledge of this, that a meeting was called on Tuesday for executive session on regulation Q and out of that we have this meeting. The meeting was called for 3:30 p.m. in the afternoon.

Prior to the first meeting on this legislation the chairman of this committee appeared before the House of Representatives asking unanimous consent before we even had a number on this particular bill that this bill be reported out 2 days later. Am I correct?

Mr. WIDNALL. That is correct.

The provisions in the bill will be discussed during the general debate. I think it is of high importance that the Members give good attention to it because it can have far more impact on our future economy than I believe any other measure that will be considered by the House.

We do know that no part of the rest of the bill under consideration was requested by the administration. We do know of the urgency of the request to extend the regulation Q authority. I am going to yield later to other members of our committee who will have some very pointed things to say in connection with the bill and the provisions that it contains.

This is just highly unusual. The control authority, the voluntary control authority that is imposed here, as has been pointed out earlier, is greater than ever has been granted in the history of our Republic, even during wartime—and I challenge the Members on the other side to produce any facts to the contrary. This has a scope that could effect every single person in the United States, the authority that will be given to the President of the United States, not requested by the President of the United States.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I will not yield.

Mr. PATMAN. I wanted to accept the challenge.

Mr. WIDNALL. Mr. Chairman, I did not yield to the gentleman.

Mr. Chairman, it is my hope that when we get through the debate that serious enough consideration will have been given by all Members so that when we reach the point of final action they will be able to completely understand what is in the bill, and what will be proposed in the motion to recommit.

These will all be explained later during the course of the debate.

Mr. Chairman, I will now yield 10 minutes to the gentleman from Tennessee (Mr. BROCK).

Mr. BROCK. Mr. Chairman, I think the thrust of the minority position, and that of some of the members of the majority today, will demonstrate that there is a very great crisis facing this country, not only in homebuilding, but in our total economic structure. This crisis demands on the part of all of us a sense of responsibility in terms of analyzing the effect of our actions, not upon our own political future, but upon the course and direction of this Republic.

Mr. Chairman, I would ask each Member some questions about the exercise of responsibility in a legislative body.

Is it an exercise of responsibility to imply by innuendo that there is a giant conspiracy among the banking institutions of this country to destroy the Nation's economy in order to dominate it?

Is it an exercise of responsibility to, by allegation or innuendo, imply that Members of this body are under undue or sinister influence on the part of financial institutions?

Is it responsible to charge the minority of this body with being obstructionists, when the chairman of the majority in his own words says, "that even if something is unparliamentary," and I quote directly from the hearing of the committee, "and it will furnish housing money, I am going to vote for it anyway right now because it is a must"?

Is it an exercise of responsibility to claim that hearings were held on every section of this bill when, in fact, they were not?

I defy any Member of this body to cite me the time and place.

Is it an exercise of responsibility to charge that there are Members in the Congress of the United States who represent, and who are in fact, and I quote "high interest boys"?

Is it an exercise in responsibility to say that there is $6 billion in this bill for housing when, in fact, there is not?

Is it an exercise in responsibility to title a bill, a bill to lower interest rates when, in fact, it will raise them—and a bill which will provide money for housing—when in fact it will take money away from housing?

Is it an exercise of responsibility to go before the Committee on Rules and say, "You do not need to explain this bill—just read the title—that is all that matters"?

If that were the case, I would hope that the chairman, the next time the right-to-work bill comes up, I would hope he would vote for that because that also has a nice title.

What is the problem? The gentleman from New Jersey stated it. Regulation Q is being held hostage in this bill in an effort to perpetrate a fraud on the American people.

Regulation Q affords the Federal Reserve authority to put a ceiling on time and savings deposits in order to prevent another repetition of the 1966 rate war which created disintermediation and outflow of savings in deposit moneys from the savings and loan institutions. If we allowed this authority to lapse, it could create more than a crisis—a collapse in many segments of our financial institutions.

Regulation Q must be extended. We cannot tolerate any tactic which would lead to its noncontinuation.

But what else is in the bill? What else is being used by this hostage. Well, some of them have been mentioned.

There is a section here which I think most of us generally would agree with which allows the Federal Home Loan Bank Board to create a secondary mortgage market for conventional mortgages. That is fine. There is nothing wrong with that—except—except that in this particular time when interest rates are expected to hit 9 percent next year on conventional mortgages, and these mortgages were issued at 6 percent, most of them. To put these mortgages on the market at 6 percent, they would have to sell them at about a 30-percent discount.

Is it responsible—fiscal responsibility for a bank or savings and loan or any other institution to loan $1,000 and then to sell the note for $700? How many times can they do that before they go broke? Have you done them a favor? Have you created money? No. In a declining market you can do that, but not in a market that is going up—and there is no indication that this market is not going up next year.

There is a section in this bill which is innocuously called "credit control." The plea is made again and again in the report—eight times this report cites hearings held on credit control. But what you are not told is that it was consumer credit control—a very small part of credit control.

This credit control controls every form of credit. If you want to loan money to your brother and if there was this authority, you would have to be registered by the Federal Reserve and they not only could tell you how much you could loan but on what terms and at what prices and over what period of time.

Here credit is controlled under the most categorically granted authority that has ever been given to an American President—ever, in the history of this land.

Let us think about what we are really doing. Is it responsible talk to talk about helping the poor people with credit control?

Let me tell you. Let me read you something from the Washington Post—which is not exactly a smalltown conservative newspaper. This is a direct quotation. This committee tried to impose credit controls before, and the House voted it down 275 to 73, if I remember correctly.

Here is the quotation from the Washington Post:

[From the Washington Post, Apr. 3, 1966]

LID ON CONSUMER CREDIT?

Congress should take a long and hard look before going along with the House Banking Committee in granting the President standby authority to control consumer credit. The capacity of the American economy to produce goods and services has grown by more than 50 percent since the Korean war, the last time in which consumer credit controls were imposed. There is now an ample supply of consumer goods. But price increases will be accelerated if the impending threat of credit controls leads to an outburst of anticipatory buying.

Another objection to consumer credit controls is that they clearly discriminate against the buyer without ready cash. In practice the brunt of credit controls would fall upon those in the lowest income brackets, the families least able to accumulate down payments. One can sympathize with the House Banking Committee's desire to create a defense against inflation in the event of an emergency. But there is not much to be said for what would amount to a special tax on the poor.

That is what is in your bill. I had not heard that explained by the majority.

The last section of the bill is another very small part of this "little old bill." All it does is to mandate SBA to mandate the President of the United States to mandate the Bureau of the Budget and other agencies to give $70 million to the SBA without the appropriation process of the Congress being resorted to.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the chairman of the committee.

Mr. PATMAN. Under the standby provisions the gentleman has mentioned, that would be entirely up to the President. If he does not use it, nobody can compel him to use it. It is entirely up to him. If the conditions are surveyed, including the considerations the gentleman has mentioned, I am sure he could be persuaded to consider all those factors in making his order.

Mr. BROCK. I would accept your logic except I do not think it would be an exercise of legislative responsibility to abdicate that responsibility, and if you do not agree with me, go out and talk to any one of the 7 million college kids in America today and see how they feel about being sent to Vietnam under the Korean Emergency Act, which this Congress has never repealed. What is good for the goose, as someone said earlier, is good for the gander. If we are going to exercise responsibility, let us do it. Let us stand up like men, take the criticism, and do what needs to be done under the circumstances of a given situation.

Now, the last title I was referring to, which would mandate the expenditure of $70 million, violates, in my opinion, every prerogative of the Congress.

I urge support of the recommittal motion.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. I thank the gentleman from New Jersey for yielding me a few moments.

Mr. Chairman, I merely wish to make a few observations about the general economic situation we find ourselves in and the position which has been taken by the Chairman of the Federal Reserve Board, Mr. McChesney Martin.

Mr. Chairman, it does not matter on which side of the political aisle we sit today, and it does not matter how we may have voted in the past on expensive spending programs, whether those programs involve domestic spending, foreign spending, foreign financing, or domestic financing. These things are not in debate today. But the fact of the matter is that this country has spent itself into economic hard times, and we are having to survive this period of economic hard times.

The question is, What do we do in this period of economic trial and tribulations?

I presented that question in general to Mr. William McChesney Martin when I asked him some questions about just which way we go from now.

Mr. Chairman, with regard to the desirability of credit controls, I would like to insert in the RECORD at this point the statements of the Honorable William McChesney Martin, Jr., Chairman, Board of Governors of the Federal Reserve System:

Chairman PATMAN. Mr. Blackburn.

Mr. BLACKBURN. Thank you Mr. Chairman. To me, the real issue that we are facing in the Congress is this: Are we going to move toward a controlled economy or continue a free economy. Don't you think that is the big issue we must face?

Mr. MARTIN. I think that is a basic issue.

Mr. BLACKBURN. And when we say we are going to move against interest rates per se, what we are saying in effect is that we are not going to have a free economy any more, that we are going to move towards a controlled economy. Would you agree with that?

Mr. MARTIN. I do.

Mr. BLACKBURN. And those of us who do believe in the frequency and do believe that our Nation has prospered well under a free economy would be extremely reluctant to take moves towards a controlled economy. Don't you agree, Mr. Chairman?

Mr. MARTIN. I think it would be a mistake.

Mr. BRASCO. Would the gentleman yield?

Mr. BLACKBURN. I will be happy to yield when I complete my line of questioning.

Mr. BRASCO. Thank you. You are generous as always.

Mr. BLACKBURN. Mr. Chairman, would you not say that there are several aspects to inflation? The one which I call the mechanics of inflation deals with fiscal and monetary policy. If the Government embarks on a course of great deficit spending, if the Federal Reserve Board loosens up credit restrictions and lowers the prime rate to make easy money available, those are the mechanics of inflation; and, in my mind we embarked on a mechanics of inflation back in 1965 and 1966 and continued up through 1968, but the people of the country had not yet developed the psychology of inflation. Would you agree with that?

Mr. MARTIN. I agree with that completely.

Mr. BLACKBURN. In other words, we had the best of both worlds. We had the mechanics of inflation in which money was available at low interest rates. People could build apartments and borrow money without having to cut the lender in on part of the proceeds from the rentals, because the people of the country had not adjusted themselves to the thought that inflation was a part of our national policy. Would you agree with that?

Mr. MARTIN. That is right. We had a progressive deterioration of our budget at a time when we were having relative prosperity of a type we had never had before. We were using deficit financing.

Mr. BLACKBURN. All right, sir. Now the psychology, however, tends to follow the mechanics, does it not?

Mr. MARTIN. It does.

Mr. BLACKBURN. And so what we have done now, and the question of what the Congress could do by showing yesterday to the people of the country and the world that this Congress is not going to continue to follow the mechanics of inflation, it is going to take a little time for those mechanics to have an effect on the psychology, do you not think?

Mr. MARTIN. I do.

Mr. BLACKBURN. Now, regarding the discussion we heard earlier about the profit motivated borrowers being the ones who are running the interest rates up, just how long can the businessman borrow money at extremely high interest rates for capital improvements, if the little man that we are all very much concerned about is unable to buy his products?

Mr. MARTIN. That is the key to it.

Mr. BLACKBURN. That is going to be the ultimate break, will it not?

Mr. MARTIN. Right.

Mr. BLACKBURN. So what we have got to do is tolerate this period of uncertainty when the psychology of inflation is continuing even though the mechanics of inflation are being used as they should be used to control it?

Mr. MARTIN. That I think is what our basic policy, fiscal and monetary restraint is at the moment.

Mr. BLACKBURN. So if the Congress wants to do something, I think the Congress certainly took a right step yesterday when it voted to continue the surtax. Do you agree with that?

Mr. MARTIN. I agree with that.

Mr. BLACKBURN. And don't you think that although we will have a period of many months, perhaps 6 or 8 months in which, due to the built-up psychology of inflation, we will continue to see no dramatic change, but the mechanics will begin to make themselves felt perceptibly perhaps within a year.

Mr. MARTIN. I agree with that.

Mr. BLACKBURN. Thank you, Mr. Chairman.

Let me make this one last question, Mr. Chairman.

Chairman PATMAN. Mr. Chappell is next.

Mr. BLACKBURN. Mr. Martin, let me ask you this one last question. Regarding the discussion about placing a ceiling on interest rates, Would that not have the effect of running dollars out of the country?

Mr. MARTIN. Under these conditions, yes, because they would get more abroad, that is correct.

Mr. BLACKBURN. People are going to take their money where they can get the greatest return, and if we put a limit on what they can be paid in this country, they are going to see that their dollars go out of the country where they can be better invested.

Mr. MARTIN. They are going to look for the highest return, no question.

Gentlemen, we live in a land that has been remarkable for its prosperity. Indeed this country has produced the greatest wealth for the greatest number of people, both in percentage of population and in absolute numbers, that any society has ever created before on the face of this earth. I think in large measure, in fact in primary measure, the reason for this prosperity is because we have had confidence in a free market economy, in which money can move where the demand is the greatest. The fact that we are having difficult times at the moment is no reason to kill the goose.

When we find ourselves faced today

with legislation which would permit the President of the United States such powers, whether he be Democrat or Republican or Federalist or whatever, the question comes to my mind: Do we have the right as the spokesmen for the people of this country to turn around and delegate such broad authorities to any President, no matter what his political label may be?

I recall yesterday the question was asked: What is the matter with you Republicans? Do you not trust your President? Mr. Chairman, it is not a question of trust. It is a question of legislative responsibility. If we are going to assume this is the basis for future legislation, then we can just pass a general act saying that all legislative responsibilities are delegated to the President, and we can go home and lead a happy life, but we will never have to explain the reasons why we are running for office again.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, it seems to me the Democratic Congress seems to be more interested in trusting the Republican President than the Republicans were in trusting the previous Democratic President. This is quite a change in our history.

Mr. BLACKBURN. I do not notice any particular change. I think what we are doing is trying to pass legislation under a label. Let me put this rather facetious observation. If we are going to pass this legislation because of the very appealing label it bears, then any one of us could introduce legislation and put a title on it and say it is a Law To Improve Love and Happiness Throughout the Land. In the process of passing such a bill we could authorize the Federal Government to manufacture LSD and pot and a few other things and distribute it free.

Mr. Chairman, no one would seriously argue for a minute that laws should be passed, because they have an appealing title—and that is the only thing that is appealing about this legislation. It is the title.

Mr. BARRETT. Mr. Chairman, if the gentleman will yield to me, I will be glad to yield to him whatever time I take out of my allotted time.

The gentleman has said there have been no hearings on this bill. We had hearings on October 6, 1969, and on October 20 and October 21.

Mr. BLACKBURN. Before which committee?

Mr. BARRETT. The Banking and Currency Committee. We have 172 pages of testimony by those who testified before the committee, those who asked questions and those who made relevant remarks as to what is being said here today in the best interests of the people or America.

Mr. STANTON. Mr. Chairman, will the gentleman yield on that point?

Mr. BLACKBURN. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, this is the second time the gentleman from Pennsylvania has brought up the fact that we have had hearings in October on this particular bill. I know the gentleman from Pennsylvania is a very fair man, and I know he would be the first to admit that the bill on which hearings were held was another bill. I would say to the gentleman, since he made the point twice now, and for the benefit of the House, we know the bill that is before us, and we know the departments it affects, and I would simply like to say that the bill that was before us, was five lines long.

It is a simple five-line bill, H.R. 13939, which was before us, and a simply extended regulation Q. This was the point the gentleman from Pennsylvania made about the hearings.

Mr. BLACKBURN. Did the bill then under hearing contain credit controls?

Mr. STANTON. Absolutely not.

Mr. BLACKBURN. Did it contain provisions that would require the executive branch of the Government to approve additional appropriations for the Small Business Administration?

Mr. STANTON. Absolutely not.

Mr. BLACKBURN. Did it contain anything other than the extension of regulation Q?

Mr. STANTON. I would say the gentleman hit it right on the head.

Mr. BLACKBURN. I thank the gentleman for his observation.

I should like to end with these comments from Mr. Martin, Chairman of the Federal Reserve Board:

> The way to get interest rates down is to end the inflation that has been raising them. Then we can return to a sustainable rate of economic growth, consistent with the national goals of price stability and full employment of our human and material resources. This is the path back to lower interest rates, even though in the short run actions taken to curb inflation add to upward interest rate pressures through restraint on the supply of credit.
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> Essential to the abatement of present credit market pressures is a resurgence in the public's willingness to save in the form of fixed income financial assets—a development which depends on restoration of a stable economic environment, so that the real value of fixed dollar assets will not continue to be seriously eroded through inflation.

The answer to our inflation problem is not props and quiltwork patterns of Rube Goldberg invention. It is not makeshift patchwork on an existing economic system. It is to give revitalization to the very basic things that built this economy; that is, restoring the confidence of the people of this country in their dollar.

We are moving in that direction today. Every indication is that we will achieve this goal. Do not allow us to be stampeded in this the 11th hour and the 50th minute of this session of Congress into taking actions which could bring disaster to our country.

Mr. PATMAN. Mr. Chairman, I yield 10 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, the President of the United States carries around with him at all times a little black box which he alone, and no one else, may activate to blow up half the world and bring down atomic war to every city in this country. We trust him with that power. We depend upon him to use it with care and responsibility.

But several Members of the President's political party do not trust him, apparently, to have the power to ask—and I emphasize, the word is "ask"—the Federal Reserve Board to consider—and I repeat the word is "consider"—regulating the downpayment on a refrigerator, or to consider setting a temporary ceiling on interest rates.

The Members have been treated to a great show of horror over the things in this bill, particularly the standby, selective, discretionary credit controls. But I hope the Members will recognize the fact that 20 members of the Banking and Currency Committee—none of us a Bolshevik or an anarchist—have cosponsored this bill. What is it we have recommended?

First. It increases the insurance on bank deposits to $25,000. Is that bad?

Second. It continues Regulation Q. Is that bad?

Third. It clarifies the power to regulate commercial paper issued by the banks, as contemplated by the Federal Reserve. Is that bad?

Fourth. It expands the lending authority of the Small Business Administration. I do not think that is bad.

Fifth. It regulates the use of Eurodollars in this country. Is that bad?

Sixth. It creates a secondary mortgage market for conventional mortgages now owned by savings and loans. I ask you, is that bad?

They are some of the provisions in the bill, in addition to standby credit controls.

Two of the provisions of this bill were introduced originally by me as separate bills, and were incorporated into this committee bill to fight inflation. One is the provision I mentioned dealing with the insurance of bank deposits and savings and loan shares. My bill had proposed raising the coverage under the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation from $15,000 per account to $20,000 per account. A committee amendment raised the ceiling to $25,000, and I am glad to support the higher figure.

The second feature of this bill which grew out of a separate bill of mine is title II to authorize standby credit controls. This is one of the most important parts of this bill. I repeat that this is a bill which was put together by all of the majority members of the Committee on Banking and Currency to give the President of the United States, whether he asked for it or not, the tools that he should have in order to fight inflation and to correct the distortion in the credit supply in this country.

This is an antirecession bill, an antiinflation bill, a prohousing bill, and a prosmall business bill. The controls on credit contained in this bill would be standby controls. Only the President could activate them. He would have to decide that we were in the kind of inflationary situation which requires controls on either consumer credit or real

estate credit, or on business credit, including commercial paper.

Mr. PATMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. Yes. I am glad to yield to the chairman of the committee.

Mr. PATMAN. In listing the things this bill would do, we should add that it would give the President the authority to lower interest rates on housing from 8½ to 6 percent, in section 2, which we will vote on later.

Mrs. SULLIVAN. Thank you. In connection with the standby credit controls the President does not have to use this power. He can use it as selectively as he likes. He does not have to control all credit at one time, or at any time. He can decide, for instance, that we only need controls on commercial paper. These are the IOU's which are sold by finance companies and corporations, or by other institutions or firms, to raise cash at very high interest rates, or which are purchased by those same firms in order to obtain a high return for cash that they have in temporary surplus.

The testimony we have had on this practice is that it is completely uncontrolled, and is raising interest rates for everyone. The corporations can afford to pay whatever interest is charged because it is a business expense, and they can write it off on their taxes.

But what about housing, small business, and everybody else? Interest rates are a critical factor in those fields. Besides regulating commercial paper, the President could recommend to the Federal Reserve Board under this bill that it should regulate any other form of credit, any specific form of credit, or all credit; and the regulating would be done by the Federal Reserve Board, which would set the maximum terms of the loans, their maturities, the downpayments, and the interest rates, and so on. The Federal Reserve Board would have the full responsibility for deciding upon and setting the actual terms of the regulations under the credit control title of this bill the Federal Reserve Board is not noted for being socialistic or antibusiness.

The Federal Reserve Board exercised some powers of this nature during World War II, and during the first year of the Korean war under regulation W, which applied to consumer credit and to real estate credit. It administered that regulation fairly and with a deep understanding of the importance of preventing credit inflation. It was not a popular regulation, but it helped to stop inflation. It put reasonable ceilings on credit terms, and the people abided by it and so did business, although perhaps grudgingly. But those controls worked.

This bill goes further than World War II and the Korean war powers with reference to credit controls. This bill applies to all forms of credit, including business credit, which is now the most inflationary of all, and commercial paper, which is not subject to any regulation at all. Mr. Chairman, I say to the ladies and gentlemen of the House, if you want to provide the tools to save this economy from runaway inflation, leading to an economic collapse, but to provide the tools without trying to dictate how or when they should be used—leaving that judgment to the President of the United States to whom all of us entrust our very lives and safety—then title II is a responsible and desirable way to do it.

We have studied this issue in depth in the Committee on Banking and Currency for many years. The hearings have been extensive. The evidence is convincing. Part of this background is incorporated in our committee report—excerpts from the transcripts of some of our hearings over the past 3 years, and also the relevant portions of our committee report in 1966 on the Defense Production Act, including the dissenting views filed at that time. We went into this issue thoroughly in our prime rate hearings this year. This, I repeat, is a standby power—a powerful weapon to have on hand to fight inflation, to be used only when the President, upon considered analysis, decides he must use it, and then it is up to the Federal Reserve Board to exercise its judgment as to how the controls should work, or whether they should be used at all.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to discuss some of the phases of the bill and the proposed amendment to try to reinstate the $6 billion purchasing power of the Federal Reserve Board through the Homeowners Loan Bank.

As you know, the bill as it was reported from the committee provided that the Federal Reserve Board shall during the next year buy these $6 billion worth of bonds. It was stricken in committee as the gentleman from Texas (Mr. PATMAN) has stated on the floor. This mandate was in the bill, irrespective of the ability of the Federal Reserve Board to buy these bonds.

I have before me the most recent report of the Federal Reserve Board and a balance sheet as of October 31, 1969. I hope that the gentleman from Louisiana (Mr. WAGGONNER) is here and I shall answer the question that he raised.

The balance sheet of the Federal Reserve—consolidated balanced sheet—indicates that the Federal Reserve Board has $149 million in cash in bank as of October 31, 1969. Now, the assets of the Federal Reserve System is a total of $74 billion. Of this $74 billion, $53 billion is invested in Government securities, $10 billion in gold, and the other $10 billion in other miscellaneous assets. But $53 billion, of course, are Government securities which have been acquired as a result of open market operations in order to stabilize the market with reference to U.S. securities. Now, can anyone tell me how the bank can acquire the money to buy $6 billion worth of these bonds? I once asked Chairman Martin where he would get the money and he said, "Why, we would just create credit."

By the way, creating that credit is the very thing that this bill is seeking to stop in this unprecedented power to be given to the President.

If you do not have the money and you do not want to issue credit, all you could do is to inflate the currency.

This Federal Reserve report also shows that the currency issue is $45 billion by the Federal Reserve Board. They have $10 billion in gold. Had the old law obtained that you could not issue currency without having 25 percent in gold with which to back it up, you could not issue any new currency. However, since we took the controls off currency the Federal Reserve Board has issued $5 billion worth of currency, over and above the old gold requirement limitation.

If you give them this mandate that they must buy $6 billion worth of bonds this year they, of course, will have to issue $6 billion more worth of currency, and our currency outstanding then will be $51 billion, and we will then be well on the road to fiat currency.

Now, Mr. Chairman, I would say that I like the Senate bill, personally. The Senate bill says that the Treasury is authorized to buy out of Treasury funds, out of tax money, $4 billion worth of home owner loan bonds. I think the thing they are trying to do, and we are all trying to do, is to get money into the housing market. The way to do it is the Senate version, which as I said I like. It is not inflationary, and it is not issuing fiat currency.

I do not know why the committee in their infinite wisdom did not take the Senate bill instead of trying to thrust this bill on the American people, because the Senate bill in my opinion is a pretty sensible piece of legislation.

Mr. Chairman, I have one more point on the report of the Federal Reserve here. Our chairman has said, and I think he said it in committee, that the banks have done nothing to help the housing market. If you consider the report here, on the consolidated balance sheet of all the banks in the country, it shows that while banks are organized to issue commercial paper they have only loaned $95 billion to industry, and commerce, and banks have loaned $65 billion in the housing market on real estate. And if you think that the banks have not done a thing to loan that money——

Mr. BARRETT. Mr. Chairman, will the gentleman yield at that point?

Mr. JOHNSON of Pennsylvania. No, Mr. Chairman, I do not have sufficient time remaining to yield to the gentleman from Pennsylvania.

Mr. Chairman, let me say something about this bill:

If they had held hearings on it, and could point out how the Federal Reserve Board would raise this $6 billion, if they had held hearings that told us how this secondary market operation would work, I think we would have been for this bill. I am sorry that they did not take the Senate version, which is sensible and sound, and if they had we would not be in the trouble we are in right at this moment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Chair will state that the gentleman from New Jersey (Mr. WIDNALL) has 23 minutes remaining, and the gentleman from Texas (Mr. PATMAN) has 9 minutes remaining.

Mr. WIDNALL. Mr. Chairman, I now yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, we have heard here this afternoon that 20 Members of the House sponsored the bill

that is before us. However, what you have not been told is that a number of those 20 Members voted to strike various parts of this bill during committee consideration.

What is really good about this bill that is before us? There really is only one good thing about it, and that is the extension of Regulation Q.

Right now there is no money in this bill for housing. We have heard that the section that was stricken out by the committee to provide $6 billion for housing is going to be offered as an amendment, and put back in the bill.

Stripping all of the foliage off the arguments, it simply means that $6 billion in printing-press money is going to be pumped into housing. What this is going to cause is an increasing upward spiral of inflation, just like one of the Apollos taking off the launching pad.

Then what is the Federal Reserve Board going to have to do to try to retain at least a little value in the U.S. dollar? The Federal Reserve Board is then going to have to raise the discount rate which now is down to 6 percent, and under these circumstances it could go to 6.5 or 6.75 percent.

So what is this going to do to interest rates? Organizations like Fannie Mae right now are borrowing money on the private market and buying mortgages so that savings and loans and other companies can continue to put money into mortgages.

Just as soon as we get this increase in inflation and this increase in interest rates, organizations like Fannie Mae are going to be paying 6½ percent or 6¾ percent for their money, buying mortgages so that savings and loans and everybody else can be lending this money out at 9 percent and 10 percent.

So, do not kid yourselves. We are not going to stop inflation and we are not cutting down on interest rates. We are going to be doing exactly the opposite.

We have heard the statement here today from the chairman of the committee, the gentleman from Texas (Mr. PATMAN), to the effect that corporations can borrow money today, but nobody can borrow money for housing.

Yet, the homebuilders are cited as favoring this bill. I ask you, what are the major homebuilding companies in this country today, if they are not corporations? Yes, they are corporations.

Of course, title II gives great power to the Federal Reserve Board with authorization by the President. How many times have we all sat here on the floor of the House and listened to the chairman of the Committee on Banking and Currency rail at the Federal Reserve Board for irresponsibility and for malfeasance and misfeasance in office.

Yet, suddenly there is a great about-face. Now we are going to give the Federal Reserve Board greater power than they have ever dreamed of—greater power than they have ever asked for—greater power than they want.

Of course, when we get down to title III of the bill where we are going to increase the spending of the Small Business Administration by $70 billion—this is little more than a joke.

Just 2 weeks ago the Administrator of the Small Business Administration, the SBA, appeared before the Committee on Banking and Currency and he asked for authority for the SBA to insure $40 million worth of loans from private sources—the money to be put into small business investment corporations—the only kind of institution we have that can lend money to marginal small businesses in depressed areas and keep them in business.

Some of the very same majority Members who have spoken here today about how $6 billion is not going to have an inflationary effect on our economy accused the Administrator of the SBA of wanting to cause inflation by just guaranteeing loans from private sources to the tune of $40 million.

If you are looking for a tool that can control inflation, if you are looking for a tool that will lower interest rates, if you are looking for a tool that will preserve our economy, you are not going to find it in this bill, H.R. 15091, and I urge its defeat.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Chairman, one of the greatest threats to our country is inflation. Because of that threat, it is gratifying that the House will have an opportunity to vote today on H.R. 15091, legislation which would go a long way towards not only fighting inflation but to rebuild the homebuilding industry in this country.

The legislation before this body today might be considered as a nonconventional approach to the monetary problems of this country. It should be noted, however, that conventional solutions to our monetary problems have not worked and so we must turn to other approaches rather than standing by hopelessly while approaches that have worked in the past no longer can solve the problem.

President Nixon has stated that he will do everything within the power of his administration to combat inflation. I support the President in his efforts and I want to make certain that he has available every tool with which to wage the fight.

This is why I feel that we should provide the President with consumer credit control authority so that if there is a need to use this authority, it will be available. The consumer credit control authority is permissive—not mandatory, and although the President has not asked for such authority I am certain that he would not want to disregard this valuable tool if he intends to wage a full scale fight on inflation.

Some have contended that consumers do not want credit controls. However, survey after survey and poll after poll has clearly shown that most Americans favor any approach that will reduce prices and stop inflation, including credit controls. A recent poll of small businessmen indicated that a majority of them would not be opposed to credit controls. In short, the man on the street and the man behind the counter in the shop is willing to sacrifice to battle inflation and if it is necessary to invoke consumer credit controls, it is my feeling that the American people are willing to accept such a policy.

I do not feel that it is necessary at this point to discuss all of the provisions of this legislation. The distinguished chairman of the House Banking and Currency Committee, the gentleman from Texas, has explained the provisions of the bill most clearly. Quite simply then, the question is whether or not this Congress will vote for legislation to lower interest rates, fight inflation, help housing, small business and employment.

Every Member of this House has received hundreds of letters complaining about inflation and interest rates. Today, we have an opportunity to take affirmative action so that we can tell our constituents who have written that the House of Representatives of the U.S. Congress is vitally concerned about our monetary situation and will take any legitimate step to solve the problems.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. BARRETT) 1 minute.

Mr. BARRETT. Mr. Chairman, I just want to point out that in 1966 we married the VA and FHA mortgages—they go together.

At that time they were at 5¼ percent.

Since 1966 interest rates have gone up steadily—and this is all we are asking for today—to put these in with regulation Q.

There should not be any argument on either side of the aisle. Builders cannot get money for the high-income level and high-priced housing.

What we are asking for here today is to get money for those 6 million people who are living in substandard homes.

Back in 1959 we had an interest rate of 5¼ percent.

On March 3, 1966, the interest rate rose to 5½ percent.

One month after that on April 11, 1966, the interest rate went up to 5¾ percent.

In the 10th month, third day, of 1966, the interest rate went up to 6 percent.

In the fifth month, first day, of 1968, the interest rate went up to 6¾ percent.

In the first month, the 24th, 1969, the interest rate went up to 7½ percent.

Mr. Chairman, we are told that today a person cannot buy a home for $12,500, that he must pay $20,000. He buys it for $20,000 with a 30-year mortgage, and for that he pays close to $4,000 additional on the $20,000 home.

We are attempting to get money into the mortgage market today to aid the people in low- and moderate-income families.

Mr. Chairman, the passage of H.R. 15091, and its enactment into law is particularly vital at this time. Early this year it became apparent that inflation presented a serious threat to the economy of our country.

While the Congress has continuously tried to keep interest rates from climbing a series of actions in and out of Government earlier this year have thwarted those efforts.

On January 24, 1969, the rate of interest on FHA and VA guaranteed loans was increased from 6¾ percent to 7½ per-

cent. It was contended that this was necessary to provide funds for the homebuilding industry; but, it has proven to be of little benefit for that purpose. The most recent figures, for November 1969, on the annual rate of housing starts is 1.287 million. This is down, not only from the October 1969 rate of 1.372 million, but almost a half million from the 1.733 million of a year ago, in November 1968, and at a time when we should be building at a 2.6 million annual rate.

What the increase in mortgage rates did was to increase the actual cost of housing under these programs to the home buyer. Assuming the purchase of a $20,000 house with a 30-year mortgage—this increase in interest rates raises the final cost of the house by almost $4,000. This $4,000 could have purchased nearly an acre of ground.

At the same time the banking interests had been allowed full latitude of action in the money marketplace. It was only after the New York banks raised their prime interest rate to 8½ percent that an attempt was made to curtail the activities in the money market. This was like locking the barn door after the horses were gone.

Despite the imposition of supertight monetary policies over the past 6 months, inflation continues at close to a 6 percent annual rate. And, Preston Martin has already predicted upward pressure for increased interest rates next year—which will have further inflationary effect. Our failure to act now would be most harmful to the economy of the country and not in the best interests of the American public.

In 1966, the Congress gave the financial regulatory authorities flexible authority to set interest rate ceilings on savings accounts, time deposits, and certificates of deposits; authorized higher reserve requirements for member banks of the Federal Reserve System; and permitted open market operations in direct or fully guaranteed obligations of any agency of the United States. This authority, originally effective for a period of 1 year has been periodically extended and would expire on December 21, 1969. The bill extends this authority to March 22, 1971.

In addition to the extension of the authority to impose interest rate ceilings, H.R. 15091, as reported, contains a number of other provisions which are intended to lower interest rates, fight inflation, and to help housing, small business and employment.

As I said at the outset of my remarks, the passage of this bill is particularly vital at this time. It is vital because of the growing concern that present policies are about to achieve the unimaginable and most undesirable situation of continued inflation and a recession.

The supertight money attack on inflation is not only failing to curb inflation, it is working great hardship on the homebuilding industry, as I pointed out, on savings institutions, on small business, on hundreds of thousands of Americans who are kept from gainful employment and the millions who exist at the lower end of the scale of economic employment.

The continued high rate of inflation and upward pressure on interest rates results from the ability of the large banks to obtain funds from the Eurodollar and commercial paper markets, which they relend at high rates of interest. This has become a serious deterrent to the Federal Reserve Board authority to carry out its monetary policy. In the bill before us the committee has taken action to control this practice of borrowing funds abroad in the Eurodollar market.

Mr. Chairman, last June, the Committee on Banking and Currency held extensive hearings on the increase to 8½ percent in the prime rate the commercial banks charge their best customers. When William McChesney Martin, Jr., Chairman of the Board testified, I asked him about this matter of the Eurodollar borrowing by the large commercial banks and he said that the Federal Reserve was very much concerned over this developing practice. He stated that at the time the Federal Reserve was considering measures to bring this practice under the Board's control. At the present time, the Federal Reserve Board has issued regulations to establish reserve requirements against these Eurodollar borrowings. Under the regulation the Federal Reserve Board is limited to establishing a 10 percent reserve requirement against such borrowings. These borrowed Eurodollars can be channeled through foreign-owned banks as well as foreign branches of the U.S. banks; thereby precluding the Federal Reserve from establishing reserve requirements against these borrowings. If the 10 percent reserve requirement does not prove effective, I believe that the Federal Reserve Board should have the additional authority contained in this bill to establish reserve requirements of up to 22 percent on funds borrowed.

As I illustrated earlier, the present tight money policies have been particularly harmful to the homebuilding industry and the supply of funds for this basic component of our economy. The Congress last year set housing goals for the next 10 years to achieve the goal of a decent home and a suitable living environment for every American family. To meet that goal, on an annual basis, it was recognized that definite governmental action would be required to increase over preceding years the number of housing units to be built in 1969 and succeeding years. Yet, when early this year it became apparent that not only would there not be an increase in housing units built, but the number might well fall short of last year—nothing was done to rectify the situation. It is now clear that the number of housing units constructed this year will be substantially less than last year.

The bill before us proposes to aid homebuilding by allowing Federal home loan banks to improve the conventional mortgage market by secondary market operations, and by liberalizing mortgage lending restrictions for national banks. It is hoped that the use of this authority will increase the availability of funds for the homebuilding market, tend to a lowering of mortgage interest rates, and thereby enable our young married couples and the low- and moderate-income families to acquire much needed housing.

The bill also provides discretionary authority to the President to authorize the Federal Reserve Board to control extensions of credit, particularly consumer credit, and unnecessary bank business lending. This authority is needed to enable specific attacks on inflationary areas, and thus make unnecessary the present across-the-board supertight money which threatens unemployment and recession.

As part of the effort to lower interest rates by increasing savings deposits, which can be re-lent, insurance of accounts in banks and savings and loans would be increased from $15,000 to $25,000.

Another area of our economy which is suffering because of tight money and high interest rates is the small business community. This suffering is due to the failure to use the tools and means which are readily available. There is available a $140 million revolving fund in the Small Business Administration for loans to small business investment companies, which in turn invest in small businesses. The administration has failed to make use of this fund. The bill would direct the administration to make available $70 million of the funds to small business investment companies.

Mr. Chairman, the bill before us, H.R. 15091, to lower interest rates and fight inflation, to help housing, small business and employment—is vital to our economy as an anti-inflationary measure. It will provide the necessary authority and tools to our Government to attack this critical problem which is of great concern to the people of our Nation.

As responsible legislators we must act now. We must pass this bill. To do otherwise would be the same as shutting our eyes to the reality of our present economic situation.

I strongly urge passage of the bill.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, this legislation is the first bill of this year that responsibly seeks to curtail inflation, provide funds for the housing and small businesses of this Nation.

This bill will curtail inflation. It will provide the Federal Reserve with the powers to curtail the use of commercial paper which has grown 1,000 times in the last 3 years to a level of $30 billion, outside the pale of governmental control.

Mr. Chairman, we are heading for a recession, indeed, a depression as well. We are being led down the proverbial road in a handbasket.

Currently, under the tight money, high-interest rate policy, small business, housing, and the working people generally, are suffering. Big business never has trouble getting loans. They can pay the rate and write it off on their taxes.

This is good legislation. It will, I repeat, curtail inflation, provide funds for housing and small business.

It has been said today that no hearings have been heard on this legislation before us. We have heard testimony ad nauseum over the years on all sections of this bill.

Mr. Chairman, let us dispense with all diversionary tactics and get down to the basic, fundamental issues here.

The issues are simple and direct. Shall this House enact legislation to provide funds for housing, curtail inflation, lower interest rates, and provide funds for small business? Or shall we not?

The American people will know when the roll is called for, and I trust all Members will be favorably recorded on H.R. 15091 along with sections 2 to 3.

Mr. PATMAN. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I rise in support of the bill and compliment the chairman and the committee for bringing the bill forth.

There is one thing that seemed to me to need clarification in the remarks of the gentleman from Pennsylvania. As I understand, the money that would be made available under the proposed amendment would not be to homebuilders but rather to those purchasing homes. These are not corporations. These are the people in my district who are suffering most from tight money.

Mr. PATMAN. Mr. Chairman, since the minority has indicated that they have no additional speakers, to close the debate I yield the remaining time to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, the bill has been subjected to a most exhaustive debate. The Clerk stands ready to read, and I think I can most usefully employ my time by inviting any questions that there may yet remain in the minds of Members on either side.

Are there any quesitons from the minority?

Are there any questions from the majority?

Mr. Chairman, I yield back the remainder of my time.

Mr. HANNA. Mr. Chairman, early last month I inserted in the RECORD an editorial that appeared in the London Economist. The point made by the Economist was frightening, yet it seems the noted magazine was accurate.

The Economist predicted that the present high interest, tight money policies of the administration would cause a recession while the rate of inflation continued unabated. According to the Economist:

> Under Mr. Nixon, the growth rate is down to 2 per cent, and inflation is up to 5½% . . . Under the rules of the fundamentalist economics that some Republicans still believe in, it should have been impossible for this simultaneous slowing of growth and quickening of inflation to happen, or at any rate to go on for so long. It is going on because, although America is no longer suffering from a demand-pull inflation (a fact that the American Treasury and the Federal Reserve seem to have failed to note), it is suffering from a cost push inflation.

This is precisely our problem. Unfortunately, the administration has failed to note this reality. As a result, our national economy is being subjected to a severe policy that has been unable to control inflation, but has effectively damaged important components of the economy. At this moment, high interest rates are crippling America's housing industry, damaging school programs, hurting the poor, playing havoc with consumer budgets, and causing the deterioration of the savings industry. In addition, vitally needed public services are being postponed because no one will finance them at voter-approved interest ceilings.

During this past year I have repeatedly called upon this administration to look at the real facts in the economy. Many in the Congress have made similar attempts to awaken the President and his economic policy planners. We have urged they roll back high interest rates, control Eurodollar borrowing, reduce consumer credit, and raise regulation W standards. We have, time after time, asked the Federal Reserve to look to managing the supply of money rather than tightening it every time the rate of inflation increases. All this has been to no avail, and as a result today many vital segments of our economy are in the midst of a growing crisis.

Unless Congress acts immediately to reduce the disastrous impact these policies are having in selected areas, and unless we change the direction of present policies, we will enter the 1970's in a critical condition. The legislation we are considering today is an important step toward restoring balance. H.R. 15091 addresses itself to almost every facet of the present mess. This legislation is urgently required. More important, it must be implemented immediately. Every pressure must be exerted upon the President in order to convince him to reconsider his announced intention not to use the powers conferred upon him by the bill.

Before I review the key provisions of this landmark measure, I wish to report upon the growing concern over the extent of the problem.

During this last year, the House Committee on Banking and Currency has been examining, in depth, solutions to problems of restoring balance while cooling inflation. We have held extended hearings in Washington on these issues. And we have taken the time and energy to hold hearings around the Nation. We have heard from the experts and the people. They have all told us the same story and have literally begged us to do something before it is too late.

The committee has now held hearings on these economic issues in Newark, Los Angeles, and Atlanta. Since California is my home State, I am most familiar with the hearings held in Los Angeles and wish to take just a few minutes to report on what is happening there.

When the people of southern California were advised through the media that the committee would take local testimony on the problems of high interest rates and inflation the response was overwhelming. In 2 days of testimony, the committee heard 111 witnesses. Every segment of the community came to testify.

The report we heard was amazing. High interest rates were hurting the areas of the economy least able to afford setbacks.

The mayor of Los Angeles told us important airport and sewer bonds were going unsold. Absolutely necessary facilities were being postponed because it cost too much to finance them. The mayor directed our attention to a 12-story steel skeleton across the street from the hearing site. This skeleton would eventually be a much needed addition to city hall, if financing could be arranged. At that moment, it could not because interest rates were too high. The mayor feared that the delay would allow inflation to work its will, causing the construction costs to skyrocket.

The city of Los Angeles is caught in the unenviable grip of both inflation and high interest. Postponing needed public services because high interest rates prevent reasonable financing allows inflation to raise the cost of the service. In the end, the taxpayer not only does not get the service when he needs it he pays a higher price for the same service when he eventually does get it.

This is the story of almost every municipal government in California. The present policies prevent them from providing vital services and facilities and insure they will pay increasingly higher prices if the voters agree to finance the project at usurious rates.

This not only hurts the middle-income taxpayer who must pay an increasingly higher tax bill caused by high interest rates and inflation, but also has severely crippling social consequences.

Literally dozens of southern California citizens told us the depressing story of the negative impact postponing these needed services was having in the poorer communities.

School officials at every level, including the University of California and the California State colleges, recited a discouraging litany. The high cost of bonding is severely damaging California's ability to support quality public education. District after district filed statements, all telling the same story. Vital programs are being indefinitely postponed because the districts cannot market their bonds. There are no bidders for school bonds because the voter-approved interest rates they offer are not high enough. Educational services throughout California are being curtailed because high interest rates are preventing funds from going to the schools.

This Chamber has heard me often enough this year on the crisis in America's housing industry. The crisis is worsening. Housing starts are down miserably. The vacancy factor is almost nonexistent. Mortgage money, when available, can only be obtained by paying staggering rates—in California some conventionals are now going at more than 9 percent.

I represent one of the fastest-growing areas in California. It has always been difficult to keep up with the housing demands in my area—now it is impossible. Each month I receive a statement from the local FHA office reporting on housing construction activity. I have just received the latest report. Housing starts in my area are down 51 percent compared to this time in 1968. The demand has not diminished, just the money. There is now a housing crisis in California.

During the hearings in Los Angeles California's director of housing told the committee that the State is meeting only two-thirds of the demand for new housing. And once again the people unable

to obtain housing are the one's who need it the most.

California savings institutions, the major source of mortgage money, are now in the throes of their worst year in history. I remember many of the leaders of the industry telling me in 1966 that they doubted if they will ever see a worse year; 1969 is worse. In 1966 the California industry did manage to pull out with a net gain in savings. That will not be the case in 1969. Outflow from savings accounts has been at an alltime high and the deficit could range as high as $1 billion.

After hearing 111 witnesses ask for immediate relief from the high-interest policy of the administration, there is no question in my mind about the necessity to pass H.R. 15091. At the end of my remarks, I will attach just a few excerpts from the Los Angeles testimony. If any of my colleagues has any doubt about the need for this legislation, I invite them up to my office to read the full transcript of the Los Angeles hearing. The transcript, particularly the portions I am going to attach to my remarks today, represents a rather dramatic demonstration of concern over the present high-interest rate policies of the administration.

Now I would like to turn my attention to the legislation and analyze what, H.R. 15091 attempts to accomplish.

The bill deals with a number of the problems now critically affecting the economy. Briefly the bill: First, extends rate control authority to noninsured institutions; second, renews rate control authority over all member institutions until March 22, 1971; third, creates a secondary mortgage market in conventional instruments through the Home Loan Bank Board; fourth, changes the FSCIC premium schedule so that savings institutions will have more liquidity resulting in new loans; fifth, closes a loophole that permits bank holding companies to pay higher than permissable regulation Q rates on CD's; sixth, allows the Federal Reserve to establish reserve requirements on Eurodollar borrowings; seventh, increases savings account insurance from $15,000 to $25,000; eighth, permits higher mortgage loans by banks; ninth, gives the President standby authority for selective credit; and tenth, provides $70 million in additional funds for direct lending by the Small Business Administration.

With the exception of the additional funds for the SBA, the measure deals in three areas: first, interest rate control; second, assistance to the housing and savings industries; and third, credit control.

The rate control provisions, for the most part, extend already existing law. In 1966, the first real tight money year, Congress passed legislation which gave the Federal Reserve and the Home Loan Bank Board the authority to establish ceilings on the various interest bearing savings instruments. The policy at that time proved absolutely necessary. 1969 finds the market squeezed tighter than ever and the need to extend the authority is obvious.

A new grant of authority is being given the Federal Reserve in the area of Eurodollar borrowing. Certain domestic institutions have been getting around reserve requirements by borrowing dollars from banks abroad. This is both a risky and dangerous process to allow to go unregulated. The Fed will be authorized to establish reserve requirements on these borrowings.

The second major area covered by the bill's provisions concerns much needed assistance to the housing and savings industries. Four changes in existing law are made. Each of these changes will either directly pump or draw capital into the depressed housing market.

The item that will probably receive the most notice is raising the rate of insurance on savings deposits from $15,000 to $25,000. The purpose for doing this is to attract dollars into savings accounts. The added insurance should make these accounts much more attractive. New savings dollars strengthen the savings and loan industry while providing additional liquidity for housing.

The one feature that will probably put the most money into the mortgage market however, will be the creation of a secondary market for conventional mortgages through the home loan banks. The secondary market in conventional mortgages is long overdue. Most of the paper written by savings and loans are conventional, and opening a secondary market in this paper should generate substantial liquidity. While there are no firm estimates, this secondary market in conventionals can generate billions in new funds.

The most immediate injection of funds into housing will come from an amendment I offered during committee markup. My amendment will, in effect, put as much as $200 million back into savings institutions and ultimately housing. The amendment reschedules FSCIC premiums payments by considering December 31, 1969, the date at which time the primary reserve will have been considered as reaching 2 percent of insured accounts and creditor obligations standards. This will mean that savings associations will not prepay in 1970 the 2 percent premiums for a secondary reserve. The associations will then be able to realize a net reduction in operating costs. This savings can then be passed along in the form of new money for loans on mortgages.

An additional feature of the amendment permits already prepaid premiums to the secondary reserve be applied to premium payments into the primary reserve. This will provide an additional savings. Both the primary and secondary reserves of FSCIC are in very solvent condition, each containing more than $1 billion.

At this point in the RECORD, I would like to include an excerpt from the committee report which details the effects of my amendments.

Section 5 of the bill would, if enacted, simplify the premium structure of the Federal Savings and Loan Insurance Corporation and more importantly make more funds available for housing in the present credit squeeze.

Currently, the regular annual premium of an insured FSLIC institution is one-half of 1 percent of the accounts of its insured members and its creditor obligations. Creditor obligations by and large include FSLIC member loans from the Home Loan Bank system. It is significant to note that there is no comparable payments made by commercial banks who are members of the Federal Deposit Insurance Corporation. FDIC member banks pay a premium only on deposits and not their other obligations.

In addition to the regular annual premium paid by an insured savings and loan association, each such association must also pay certain additional premiums which are in the nature of prepayments on its regular premiums. These payments are equal to 2 percent of the net annual increase in its insured account and they are credited to the secondary reserve of the FSLIC. Currently, the primary reserve of the corporation amounts to $1.1 billion and the secondary reserve, which is in fact an additional premium in the nature of prepayments with respect to future premiums, amounts to more than $1.5 billion.

Under the time schedules as set forth in section 404 of the National Housing Act, the additional premiums in the nature of prepayments are to cease permanently when the primary reserve is, at the close of any December 21, at least 2 percent of the insured accounts and creditor obligations of all insured institutions. When this occurs, regular premiums are to be omitted for years beginning with May 1 following such a close.

Also, under the first sentence of subsection (g) of section 404, if at the close of any December 21, the 2 percent referred to above has not been reached but the aggregate of the primary reserve and the secondary reserve is at least 2 percent of the insured accounts and creditor obligations of all insured institutions, the prepayments are dispensed with during the year beginning with the next May 1, and during that year insured institutions may use their pro rata shares of the secondary reserve toward payment of their regular premiums for premium years beginning in that year. This situation is thereafter to continue until the prepayments permanently cease or until, at the close of a December 31, the aggregate of the two reserves is not at least equal to 1¾ percent of the insured accounts and creditor obligations of all insured institutions.

The basic effect, therefore, of section 5 of H.R. 15091 would be to bring the reserve ratio in the regular premium to 2 percent by December 31, 1969, and advance by a full year the provisions of the law which terminate the required prepayment of insurance premiums. Thus, savings and loan associations in 1970 would not be required to make prepaid premiums and could use existing prepaid premiums to pay regular annual premium requirements.

The economic impact as far as the home mortgage market is concerned would, therefore, be as follows:

Savings and loan associations insured by the FSLIC make regular premium payments of over $100 million a year and prepaid premiums, depending on savings growth, of between $100 million and $200 million a year, so that the effect of the amendment would be to achieve a cash savings of several hundred million dollars, which would be available for home mortgage lending.

The fourth vehicle in the bill increasing mortgage liquidity permits banks to offer 90 percent loans and 30-year mortgages on the purchase of new houses. It is hoped that by increasing the attractiveness of the loan terms, banks will apply a greater share of their loans to home mortgages.

These four provisions, if passed and implemented immediately, will have a positive impact on the ailing housing market. Together they represent a concerted attempt to pump some much needed liquidity into a component of our economy that has almost all but dried up.

None of these measures can be considered inflationary. All utilize established vehicles and present resources in an attempt to redirect capital into an area of critical need.

The standby credit control provision of the bill will be the most controversial. The President has already indicated he will not use them.

Yet there is considerable evidence that certain selective controls are critically needed. At the beginning of my remarks I quoted the Economist's view that we are in a "cost-push" inflationary cycle. High costs are spiraling the cycle ever upward. During the Los Angeles hearings, one noted economist from Occidental College suggested this type of cycle breeds what he called an "inflationary psychology."

No matter how tight money, or high the interest, he said, consumers will buy now rather than postpone their purchase because they are afraid that a postponement will cause them to pay a higher price for the product later. Inflationary pressures, according to this "psychology" cause people to buy since they do not believe prices will be coming down. This type of psychology is feeding inflation.

In order to dampen this type of spiraling consumer spending, selective credit controls could be utilized. A consumer rarely considers the high rate of interest he pays on a short term loan for the purchase of nondurable goods. His major concerns are the down payment, and the monthly payments. Both of these should be increased on a selective, short term basis until consumer spending subsides.

There is ample precedent for these types of selective controls. These tools should be available to the President for utilization when he considers the situation warrants such controls. The President, having a broader range of inflation controlling tools at his disposal, will be able to balance his policy rather than continue with the heavy handed approach he is now embarked upon.

The bill we are discussing today is timely—in fact it may be overdue. It covers a lot of territory—territory that has been carefully examined and reexamined by the Banking Committee.

Our economy is sick and the present prescription is not working. It is now time for a new diagnosis and remedy. H.R. 15091 is part of the remedy.

The excerpts from the Los Angeles testimony follow:

STATEMENT OF GILBERT W. LINDSAY, COUNCILMAN, NINTH DISTRICT, CITY OF LOS ANGELES

Mr. LINDSAY. Thank you, Mr. Chairman Patman, Mr. Gettys, and my very good friend, Mr. Hanna.

Mr. HANNA. Thank you, Gil.

Mr. LINDSAY. It is indeed a great pleasure to have this opportunity to appear before you at your invitation which I am glad to hold in my hand. I am very happy that our very fine representative in Congress from California is here, Mr. Hanna, a friend of all of the people here in Southern California and well loved.

Mr. Chairman and honorable members of this committee, it is an appreciated honor to come before you to present what I believe to be the honest feelings and desires of the citizens of the Ninth Councilmanic District of the City of Los Angeles—incidentally, while I'm elected and speak primarily for the Ninth Councilmanic District, which includes the total eastern part of the city and all of downtown Los Angeles, I speak for the total City of Los Angeles having been elected by the people of this city—with regard to the items communicated in your communication to me in November of this year.

Mr. Chairman, as you know, persons who live in what has been revealed as a depressed areas, are affected most severely by inflation. We have a large number of senior citizens who live on fixed incomes. As a consequence, inflation reduces their buying power. The homes in which many of these senior citizens live are in need of repair, paint and other rehabilitative measures because of inflation and because of their low, fixed income, these persons are unable to borrow from the major lending institutions to bring their property up to standard.

As indicated when speaking of inflation, senior citizens as well as those young people who are just beginning family life find themselves strapped and frustrated because of the inflationary spiral has pushed the interest rate on both consumer goods and home financing out of reach of the average person. Even if there were institutions willing to lend money, the interest rate makes borrowing prohibitive. As of this date, especially in my district where the 1965 riots affected greatly the business and efforts of many entrepreneurs, we find ourselves sadly lacking in those businesses and agencies that make a community vibrant.

Mr. Chairman, between First Street and Central Avenue completely to the end of my district, going south to Florence Avenue, which is 7200 South, there is not one theatre south of Seventh Street; there is not one bowling alley within that specified area and no skating rinks; there are few, if any, first-class restaurants that the average person could afford to patronize.

So great has been the frustration that it is difficult to interest the people in organizations and programs designed to alleviate these conditions. I would also like to call to this committee's attention the great number of home owners who are in serious trouble because of lack of funds for rehabilitative repairs and over-extension in the area of mortgage or credit buying. If there are any supportive measures that could be brought into play to assist these people and other people like them, I would consider a visible demonstration of the true democratic process that made our country the greatest in the world.

Again, I wish to thank this committee, and you, Mr. Chairman, for having been allowed to make this brief, but very serious and honest appraisal of the effects of inflation, high interest rates, tight money, rising consumer prices and the scarcity of mortgage credit in the Ninth Councilmanic District of Los Angeles. And I might add in the total City of the Angels.

Thank you very much, Mr. Patman, Mr. Gettys, our distinguished friend Congressman Hanna.

Chairman PATMAN. Thank you very much.

We have as our next witness the distinguished Mayor of the City of Los Angeles.

Mr. HANNA. Would the gentleman yield.

Mr. Chairman, I would like to extend a personal welcome to Mayor Sam Yorty.

Chairman PATMAN. Certainly, sir.

Mr. HANNA. And, I am sure you remember that he was one of our colleagues back in Congress, and we are delighted to be back with you. And I ask unanimous consent that the Mayor's presentation appear at the first place in the record of this committee.

Chairman PATMAN. Without objections so ordered. He was listed first, but he was unavoidably detained. We are very glad to have you, and we greet you too as a former colleague whom we remember so well in Congress. We have been missing you the last few years, but you have been doing a good job as a Mayor of the great City of Los Angeles.

STATEMENT OF CHARLES R. LEMENAGER, DIRECTOR, CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Mr. LEMENAGER. Mr. Chairman, Mr. Gettys, Mr. Hanna, it is certainly a pleasure being here today, and I want to thank you for allowing me to summarize my remarks very briefly, and I will file the report with the committee staff.

You have heard a lot of people in these hearings tell you about the housing crisis that we are involved in. And California certainly is a very typical state as far as the housing crisis is concerned.

As we travel around California, we find vacancy rates in our metropolitan areas of one percent; one and a half, half a percent, and this is presenting some very serious problems for our lower income people, but it just isn't limited to low and moderate income people. It is affecting some of the upper income or average income people so far as mobility is concerned, because our housing experts all agree that we need a vacancy rate somewhere in the area of five to six percent if we are going to have a healthy market and have the housing to take care of the mobility of the population.

Here in California we project our housing needs over the next five years as being somewhere around a million point three new units needed by the middle of 1975. And we are actually producing something like a million and a half, I mean 150,000 units right now, which means that we are producing only two-thirds the amount of the housing that we need to take care of the citizens. Obviously, we are going to have to increase our production. And we have seen some breakthroughs here in California. We are on the verge of some breakthroughs as far as construction and production is concerned so far as factory-built housing. We just passed a law in the legislature, the first of its kind in the United States, where state government will preempt local government so far as housing needs are concerned and is going to allow factory production of housing. It is going to help expand the labor market. One of the big things we can see in terms of shortage is a shortage of skilled labor in terms of the amount of production that we are going to need. And so we——

Mr. GETTYS. Does that include mobile homes?

Mr. LEMENAGER. Yes.

Chairman PATMAN. Prefab housing of all types, I assume.

Mr. LEMENAGER. Yes. Our state has preempted mobile homes up until now but now we have expanded that into factory built housing so as to—see, California has a minimum housing code but we also have strong home rule which means many of our communities have a variation in their code. Or even if they have a uniform code, they have a variation in their administration and interpretation of the code. So it's been virtually impossible for fabricators to come in and really produce it in the numbers that they can in the various jurisdictions because of this variation.

Chairman PATMAN. What you are talking about is prefab houses.

Mr. LEMENAGER. Yes, sir.

Chairman PATMAN. Prefabricated. That applies to mobile homes as well as the conventional type homes?

Mr. LEMENAGER. Yes, sir. So the way has been cleared, and we are on the verge of a breakthrough there. But we are going to need some real breakthroughs in housing economics and finance as you well know. That the state can't do too much about that, and that is why I am glad to see this committee here getting all the testimony and getting as many people involved as possible.

We feel that, number one, we have got to curtail inflation, and we have got to in turn permit a reduction in interest rates from their current unprecedented high levels. And

so we would strongly favor that the federal budget be kept in surplus, which this we feel is number one.

We feel that investments by mortgage oriented-savings institutions must be made competitive with other savings and investment opportunities. And we feel that the pension and trust funds, which represent a tremendous source of capital for mortgages, be brought into the housing credit field in meaningful amounts. So in those lines we would suggest that the arrangements or the regulations governing the selling of long term mortgaged securities should be issued just as soon as possible in order to attract more pension and trust fund investment in the public home mortgages.

We also feel that the competitive position of the savings and loans should be strengthened by allowing these thrift institutions a spread of one percent in all their saving instruments over the rate now permitted commercial banks.

And fourth, we feel that to help prevent disintermediation for mortgage-oriented institutions, federal agency issues should be reserved for the major money markets and not sold in denominations of less than $25,000.

Congress must give housing a higher priority in their appropriations also. We strongly urge that Congress appropriate the full amount requested at least by the Administration for HUD housing assistance programs.

And last, but not least, we strongly agree with a previous witness that I just heard in terms of a loss of accelerated depreciation we feel could be disastrous as far as this section 236 housing program, which is just barely beginning to get off the ground. And also the National Housing Partnerships would obviously be nowhere if we didn't have that accelerated tax depreciation. So those two programs hold great promise for developing publicly assisted housing, and we would like to see funds appropriated to them. And we would also like to see the tax retained on accelerated depreciation. Those are my remarks, in brief, sir.

STATEMENT OF JOSEPH E. HARING, CHAIRMAN, DEPARTMENT OF ECONOMICS, OCCIDENTAL COLLEGE

Mr. HARING. We are very pleased to be here, Congressman Hanna, and happy to give you our testimony about tight money.

My name is Joseph Haring, and I am Chairman of the Department of Economics at Occidental College, and my colleague, Joseph Humphrey, is Dean at Occidental College.

We have been making a study of monetary policy in recent years and have spent the last couple of years on some special studies and are convinced that neither fiscal policy nor monetary policy as it is presently written in the laws and in the practices of our institutions will control inflation. Raising taxes and raising the interest rate and exercising tight money policy succeeds in reducing employment, creating unemployment perhaps but doesn't have any noticeable effect on prices even though these two policies have been devised with the purpose of controlling prices. And the reason that prices are not controlled, we believe, is that the consumer has, and the investor have an inflationary psychology about spending. They believe that it is better to spend now because tomorrow prices will be higher. And the facts that have been accumulated since 1960 bear this out.

The rate of inflation makes the cost, the effective cost of borrowing money not significantly different from zero. And if they are thinking about housing, the rate of inflation far surpasses the rate of interest. They are better off to buy now and worry about the future later. But our principal point would be that——

Mr. GETTYS. Mr. Chairman, could I interrupt there?

Mr. HARING. Yes, sir.

Mr. GETTYS. As a professor of economics, what do you think of the theory of the inflation psychology? Do you think that the individual is right in coming to the conclusion that it is not going to get any cheaper?

Mr. HARING. Well, unless Congress writes some new laws, and he's probably very wise to borrow money. Unless you write some new laws to change our monetary institution, everybody with a little bit of knowledge about the subject is going to keep on borrowing and spending and creating more inflation.

Mr. GETTYS. You think he's making a wise choice?

Mr. HARING. Yes, unless something changes. Up to now, the facts have supported him that he was very wise.

Mr. GETTYS. I agree with you.

Mr. HARING. And the problem with tight money is that it has a very differential effect on borrowers. The big corporations can borrow at will at the prime rate and the banks dare not restrict them. Consumers can borrow at will up to and often far beyond their credit standing, because the banks make so much money lending to them. And the people who get squeezed are the home buyers and the small business men who do not have A–1 credit rating. The banks because we have tight money feel forced to restrain their loans. The only people that they put it out to are the small business men and the home buyers and that means that the tight money presses unfairly, in a grossly unfair manner on these two sectors and scarcely touches the big spenders, scarcely touches the people with deeply imbued inflationary psychology at all.

And I have got a suggestion to make about what kind of law Congress ought to write to alleviate or reduce this inflationary psychology, inflationary psychosis, and the suggestion is that Congress write laws that provide guidelines for the Federal Reserve system to exercise monetary policy, that the proposal for a national commission on financial institutions that you among others, Congressman Hanna, recommended actually be put into life. And consider this, that interest rates should be indexed, tied to the price in connection, to the consumer price index in the United States. That is to say if the going rate of interest were five percent and we had six percent inflation like we did last year, then the borrower would have to expect to pay 11 percent on his money. If we had no inflation, we might only have to pay five percent. If prices went down, we might have to pay four percent or three percent. And that would take all the speculative joy out of those people who borrow at fixed rates of interest and invest in a highly inflationary economy.

And it would by law require the banks to treat everybody equally according to this index formula and stop the rationing process that has a very unequal effect, a very unequal impact on borrows.

Mr. GETTYS. Right there, I believe right now we are considering the allocation of credit, and you are talking about a reverse discrimination sort of situation there, aren't you?

Mr. HARING. As a matter of fact, the current laws written by Congress give banking a strong incentive to ration money to their best customers, and their best customers are not home buyers. The best customers are not the small businessmen and so they suffer.

Mr. GETTYS. They allocate it to places where the interest rate is higher if you get the money, and then where it hurts the little man.

Mr. HARING. That is right, where it will hurt the small businessman and the home buyer but it doesn't hurt the big corporations and it doesn't hurt the free-spending consumer who is buying beyond his head sometimes.

Mr. HANNA. But it does provide read out, as these ladies have testified, of prices which then hit upon the man who really doesn't have much credit at all, which is the poor man.

Mr. HARING. That's right. You squeeze the businessman and the home buyer. You don't affect the consumer at all. In fact, he gets it from the inflation in spite of the tight money which is supposed to be stopping inflation, which it does not stop inflation in this world of ours.

Mr. GETTYS. And you would restrict rather severely the so-called independence of the Federal Reserve Board, right?

Mr. HARING. No. I think that they ought to be independent, but you ought to give them some guidelines. They need to have some guidelines about how much money they should create and within what ranges the lending should occur, and the principles on which members should lend, particularly that the bonds and houses and other forms of debt securities be indexed, so that the speculator cannot cover up his sins and mistakes and errors and carelessness with inflation.

Mr. GETTYS. You have a very interesting theory. I am delighted to hear it.

Mr. HARING. We have written it out and given it to your staff. I hope you will include it in the testimony.

Mr. HANNA. We certainly will. We will include it in the record following both of your statements.

Mr. HARING. Now, Dr. Humphrey has a statement he would like to make.

PATTERSON UNIFIED SCHOOL DISTRICT,
Patterson, Calif., November 24, 1969.

Mr. MONROE SWEETLAND,
National Education Association,
Burlingame, Calif.

DEAR SIR: The Patterson Unified School District voters approved a $1,880,000 bond issue on May 20, 1969 at a legal maximum interest rate of 5 percent. In spite of every effort at our disposal, we have not been able to sell the bonds and there are no prospects that we will.

The situation in the District is serious. Classes are meeting in multipurpose rooms and other areas not adequate for classrooms.

Many of the buildings were constructed prior to the Field Act. As an example, the high school was erected in 1914 and a large elementary school in 1921.

When the high school was built in 1914, it contained eight classrooms. Today the same building houses fifteen classrooms in the basement and other areas not adequate for classrooms.

Yours very truly,

EUGENE MAXWELL, Ed. D.,
District Superintendent.

ESCONDIDO UNION SCHOOL DISTRICT,
Escondido, Calif., November 25, 1969.

Mr. MONROE SWEETLAND,
National Education Association,
Burlingame, Calif.

GENTLEMEN: Following are our answers to the two questions asked in your letter of November 20:

1. We have $2,000,000 of unissued five percent interest bonds, passed by the voters April 15, 1969. We are presently attempting to sell through the San Diego County Board of Supervisors $385,000 of these bonds.

The Bank of America, our only buyer, has written a letter saying they will not bid. The Board of Supervisors has tried to discourage us, but our Governing Board is going ahead, mainly to prove the voters that five percent bonds will not sell.

2. The Escondido Union School District is growing at the rate of about one school every

eighteen months. We are already six or eight months behind in our schedule, due both to our and the State's bond selling ability.

Our need for new bonds (seven percent interest bearing) is urgent. We intend to have another bond election on March 17, 1970, probably for $2,000,0000 again. We must have salable bonds in order to stay bonded to capacity (five percent of our assessed valuation) in order to qualify for State Aid funds.

By the time our bond issue is passed and the bonds have been sold we will be over a year behind our building needs, and we will have additional double sessions above the 35 or 40 we now have.

Very truly yours,

T. F. MILLER,
Finance Director.

SAN JOSE UNIFIED SCHOOL DISTRICT,
San Jose, California, November 21, 1969.

Mr. MONROE SWEETLAND,
Legislative Consultant, National Education Association, Burlingame, Calif.

DEAR MR. SWEETLAND: In reply to your communication of November 20 relative to the ability of this district to sell bonds, we can indicate that of a $9,500,000 bond issue voted in February 1969, we have been able to dispose of only $2,500,000. This bond issue was voted to replace schools that do not comply with the California Field Act. Consequently, failure to dispose of the bonds at the current five per cent limitation makes it impossible for us to proceed with the implementation of replacing these pre Field Act schools.

Obviously, the district would welcome any effort on the part of the federal or state government that would make it possible to dispose of these bonds.

Sincerely yours,

GEORGE M. DOWNING,
Superintendent of Schools.

NEWPORT-MESA
UNIFIED SCHOOL DISTRICT,
Newport Beach, Calif., November 26, 1969.

Mr. MONROE SWEETLAND,
National Education Association,
Burlingame, Calif.

DEAR MR. SWEETLAND: The following information is submitted in reply to your letter of November 20, 1969.

In February, 1969, voters of the Newport-Mesa Unified School District approved a fifteen million nine hundred thousand dollar bond issue. Since that time, the district has been able to sell only six million nine hundred thousand dollars and this on a single and, we believe, somewhat gratuitous bid from the Bank of America of exactly 5%, the maximum authorized interest rate. We now see no possibility whatever of selling the remaining nine million dollars at 5% interest in the foreseeable future.

This is a growing school district and sale of the remaining bonds in the immediate future is essential if the district is to provide adequate facilities for a steadily growing enrollment.

On February 10, 1970, the district is going to seek voter approval for the sale of the remaining nine million dollars in bonds previously approved at an interest rate not to exceed 7%, the newly established maximum allowable in the State of California. Should voter approval not be forthcoming, the district's ability to meeet the educational needs of the community in the near future will be severely impaired.

Sincerely,

ROY O. ANDERSEN,
Administrative Assistant, School Facilities.

EVERGREEN SCHOOL DISTRICT,
San Jose, Calif., November 24, 1969.

Mr. MONROE SWEETLAND,
Legislative Consultant, National Education Association, Burlingame, Calif.

DEAR MR. SWEETLAND: In answer to the questions in your letter of November 20, 1969, regarding the delay in needed school construction due to the inability to sell school bonds at the current interest rate, I submit the following:

1. We have not been able to sell the bonds which the voters authorized by an 84% approval at the April 15, 1969 election due to the fact of the limit of 5% interest. However, we are holding an election on December 9 asking the voters to increase the interest rate to 7% on those bonds authorized at the April 15 election.

2. Our construction needs are very urgent. We are a fast growing school district experiencing additional enrollment of 500–600 children each year. Therefore, we need to build a minimum of one school building or 30,000 square feet of classroom space per year. Currently, we had planned to call for bids on 30,000 square feet of space in October or November, but, unfortunately, due to the inability to sell local school bonds and the State's inability to do the same, our school building program is at a standstill.

Our District is located on the southside of San Jose in an area which has been primarily agricultural oriented, however, it is rapidly becoming a suburban area of San Jose. In the past 7 years we have constructed 6 schools and during the period of 1970–1975, we expect to build or have need to build an additional 10 schools. Our enrollment is estimated to be 9,416 in September 1976.

Enclosed is a copy of our letter to Parents and Voters used in the April 15, 1969, Bond Election Campaign.

Sincerely,

GEORGE V. LEY VA,
District Superintendent.

Mr. FULTON of Tennessee. Mr. Chairman, there is strong medicine in this legislation before us to help remedy the serious illness which afflicts America's housing industry.

The housing picture in America is a shambles. We have a national housing goal of 2.6 million units. However, it looks as though our actual production for this year is going to fall below 1.4 million. This situation is intolerable. It has depressed the housing industry. It has seen interest rates skyrocket. It has caused unemployment. It could adversely affect the entire economy.

While every consumer in America feels deeply the pressure of rising inflation, it is the housing industry and the home-buying public which feels most deeply the effects of the tight money policy which is being used to combat inflation.

This legislation before us does more to alleviate the latter than any brought before this body to date. At the same time, I believe it seeks to hold in balance current efforts to stem inflation through monetary and fiscal policy.

The bill, of course, goes beyond housing. It is also designed to fight inflation and assist small business and employment.

Nonetheless, the provisions relating to housing are of great importance and worthy of favorable consideration.

The first provision would create, through the regional banks of the Federal Home Loan Bank System, a secondary market for home mortgages. This is very similar to legislation which I am sponsoring and I am delighted to see it incorporated in this bill. Though there is no way to determine exactly the dollar impact this provision will have on the homebuilding industry, the committee has stated the figure, "could be in the billions of dollars."

The second provision would change the insurance premium accounting for the Federal Savings and Loan Insurance Corporation which, in effect, would free several hundred millions of dollars to the savings and loan industry, making these funds available for home mortgage lending.

A third provision would further increase the amount of funds available for home buying by permitting national banks to grant mortgage loans of up to 90 percent of appraised value over 30 years. The current regulation permits only 80 percent financing over 25 years.

The final provision would increase the insurance coverage on deposits in federally insured banks and shares in federally insured savings and loan associations. The increase would be from the current $15,000 to $25,000. This is designed to attract more funds into these institutions, making them available for residential home construction.

Mr. Chairman, for several months now there has been a great deal of discussion and expression of commitment in the Congress over the need for independent action on the part of the legislative branch to ease the credit squeeze which has all but paralyzed the homebuilding industry.

This bill is designed to do just that. Perhaps more is or will be needed. Nonetheless, passage of this legislation would be a fine start. I urge favorable consideration.

Mr. BRASCO. Mr. Chairman, I rise in support of H.R. 15091.

The time has come for Congress to take strong and unequivocal action to curb inflation while at the same time providing immediate assistance to areas of our economy which are in a depressed state. These include particularly the housing industry and small business.

The present administration's policy of fighting inflation is a very unsophisticated and uneven one. It consists of a very tight money policy and across-the-board budget cuts. This has a very uneven impact on our economy. Big business and big banks have simply raised money by selling commercial paper at very high interest rates. Commercial banks have also raised billions of dollars worth of funds at very high interest rates in the Eurodollar market. Many of these same banks have used funds raised in this way for unproductive purposes such as providing funds for takeover bids by conglomerates and lending money for stock market speculation.

At the same time the housing market is in a virtual depression because it has no readily available way to raise funds at such high interest rates.

What this bill does is to give the administration the tools it needs to curb the inflationary use of credit, while at the same time providing for adequate sources of credit to depressed areas of our economy such as the homebuilding industry and small business.

The time for talk is over. The time for forceful congressional action is upon us. Therefore, I urge the adoption of H.R. 15091.

Mr. REES. Mr. Chairman, section 4 of the bill before us, H.R. 15091, is, in my opinion, a most important section of this legislation. This section, too, has been condemned by our minority brethren

because they argue that hearings have not been held on this concept.

It takes no genius to read this short section of the bill and understand what is its intent. For those of us familiar with housing legislation, it will become readily apparent that this section is very similar and almost identical to the law which gives FNMA the authority to deal in the secondary market for the purchase and sale of FHA and VA insured mortgages.

This section of the legislation would provide the Home Loan Bank Board with the authority to engage in secondary mortgage market operations involving exclusively insured institutions of the FSLIC and FDIC.

The minority views on this legislation uses such horrendous scare words as "bail out," "irresponsible," and other scarey demagoguery verbage. We are told in the minority views that an irresponsible board could bail out a wide variety of home lenders "stuck with billions upon billions of dollars of low interest rate mortgage." I do not consider Dr. Preston Martin, Chairman of the Federal Home Loan Bank Board, irresponsible, nor do I consider the savings and loan industry irresponsible. This legislation provides another tool for the home loan bank system to help assist the home mortgage market—nothing more, and nothing less.

The minority condemns this language because there is no legislative history in back of it. Further, they say that the language contained in the bill before us on this section is incomplete. If it is incomplete, then the law regarding the Federal National Mortgage Association is incomplete. And, I do not think our minority friends would make this argument because they fully supported the legislation which changed the Federal National Mortgage Association into its current mode of operation.

Further, we are led to believe that there is no support for this legislation. However, the savings and loan industry itself supports this legislation and perhaps if our minority friends had taken the time away from their efforts to write demagoguery speeches on this legislation to read this morning's Washington Post, they will find that the Chairman of the Federal Home Loan Bank Board, the Honorable Preston Martin, in a news conference yesterday stated:

> The Home Loan Bank Board . . . is eager to establish a secondary market for conventional mortgages.

The news story goes on to say that Preston Martin said:

> The Federal Home Loan Bank Board would begin detailed planning for such a market if authorizing legislation currently before Congress is passed.

The language and scare tactic used by the minority in their views on this section of the legislation before us attempts to tell us that we do not know, and have no idea as to how this secondary market will operate. Certainly, the experience of FNMA and its ability in the current tight money market to, in fact, keep the FHA–VA home mortgage market alive almost single-handedly is experience enough to provide the Home Loan Bank Board with a model for its operations.

The auction system which FNMA has designed functions well. The same system could be available to the Home Loan Bank Board. This procedure provides complete equality and arms-length bargaining. No savings and loan association would have to sell its paper to the Home Loan Bank Board secondary market operation unless it wanted to. The Home Loan Bank Board, in creating its secondary market operations, need only accept for purchase that paper which it cared to under the rules and regulations it would promulgate.

Mr. Chairman, H.R. 15091 is good legislation in its entirety, Section 4 of the bill, which would provide the home loan bank system with secondary mortgage authority, is excellent legislation, in my opinion. To repeat, it is supported by the Federal Home Loan Bank Board, as announced by its Chairman yesterday. It is supported by the savings and loan industry. We have not heard—and there has been ample time to hear it—any opposition to this section of the bill, except that contained in the minority views in the report on this legislation and I, for one—as I am sure most Members of this House will have to agree—cannot accept the demagoguery contained in the minority views on this subject, but must accept the intrinsic logic and reasoning behind this legislation which will assure an increase in the amount of funds made available for home mortgage lending.

Mr. BROYHILL of Virginia. Mr. Chairman, one of the most serious problems confronting this Nation today is the acute shortage of housing. In our efforts to curb the devastating inflationary spiral, the housing and mortgage industry seem to be the only segment of the economy bearing the brunt. Unless some relief is provided in the near future, I feel that the damage caused by efforts to prevent inflation are going to be greater than the results of inflation itself.

I received a letter from a friend of mine of many years who is a prominent builder as well as mortgage banker in northern Virginia who makes an accurate examination of this problem. I feel it may be helpful to my colleagues to review Mr. Arthur Pomponio's letter, which follows:

FIRST FUNDING CORP.,
Arlington, Va., December 5, 1969.

Hon. JOEL T. BROYHILL,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR JOEL: As you know, I have been a builder and mortgage banker in the Northern Virginia area for the past thirty-three years. I have been dedicated to the purpose of providing individual housing and multiple housing for a multitude of people all through these years.

I am in complete sympathy with the problems of inflation and the multitude of problems confronting the leaders of our Country. All of you at the moment are deeply involved with pressures and considerations for changes of our tax laws, but it appears to me that no one wishes to recall that our forefathers left Europe and came to this great Country because of a very fundamental necessity of life; housing, known as shelter, and a stake in it.

America provided this opportunity for this huge immigration and now our children and their children expect this in a normal way of life in this Country of ours.

Wed to this concept with the incentive of free enterprise and the profit system in America, the realization that this aspect was a necessity to encourage the businessmen to invest heavily in shelter has made America the only Country in the world with the largest degree of decent housing whether individual or multiple, owned by our people.

Now with the hysteria of less than 100 people who did not pay taxes, and careful examination will indicate that their investments were not in the real estate field, our leaders are willing to sacrifice the existing tools that encouraged and provided millions of jobs in an industry that must be vibrant, must be committed by our leaders such as yourself, as a number one must in this Country.

I have read volumes of testimony by a multitude of experts, some who were knowledgeable in this field and some who are dedicated to the principal of destroying anything good in America. The experts who have lived with this industry have all concluded their testimony that our leaders must broaden the tax benefits as related to housing or we will find ourselves in such a critical housing crunch that exists in a multitude of our cities and creeping into our urban areas even now.

I ask you to test the market right here in the Metropolitan Washington area. Hear with your own ears as to what type of individual housing is available for rent or sale and/or what is available in the multiple housing market. You will be astounded to find that if all of you leaders destroy the tax benefits as presently exist, our Government, like that of England and France, will be the principal landlords or we will truly have a revolution on our hands.

As a man who has been dedicated to the purpose of assisting a multitude of others in providing sound, reasonable shelter, I beg that you investigate the crippling effects that the law, as suggested by the Senate and which the Senate is presently considering, which will be disastrous.

I do not write as a greedy, disgruntled citizens, but as an individual who is proud to be part of this great Country of ours. Let not the possibility of a few extra votes distort sound thinking on your part. Weigh the pros and cons before a vote is taken on this most vital issue.

With kindest personal regards,

ARTHUR POMPONIO,
President.

Mr. FEIGHAN. Mr. Chairman, more than ever before people everywhere have been confronted with the disappointments and frustrations brought on by our continuing inflation. The inflationary spiral which has reached alarming proportions, has affected even those who confine their purchases to the supermarket. The skyrocketing prices of food are perhaps more noticeable because so many more people are affected.

The legislation we are considering today contains several anti-inflationary measures which will be of great assistance to the homebuilding industry, savings institutions, small businesses, and the hundreds of thousands of Americans who are now kept from gainful employment as well as the millions of Americans who exist at the lower end of the economic scale.

The bill authorizes the Federal Reserve Board to impose reserve requirements and other controls over commercial paper and Eurodollar borrowings by commercial banks. H.R. 15091 liberalizes restrictions on mortgage lending by national banks and allows Federal home loan banks to provide additional funds

to savings and loan associations for conventional mortgages. In addition, the bill provides the President with discretionary authority to authorize the Federal Reserve Board to control expansions of credit, including bank business lending found to be unnecessary. Other provisions will extend existing authority for establishing maximum rates of interest that banks and savings and time deposits; increase the maximum limit of Federal Deposit Insurance Corporation and Federal Savings and Loan Insurance Corporation insurance from the existing $15,000 to $25,000; direct the President to release $70 million voted by Congress for small business activities to the Small Business Administration for lending to small business investment companies.

H.R. 15091 is most timely and demands our unqualified support.

Mr. DONOHUE. Mr. Chairman, this bill, H.R. 15091, is a very timely and well-directed legislative effort to further our urgent national objectives to more rapidly and sensibly curb inflation, reduce astronomical interest rates, revive the faltering housing industry, eliminate the growing despair of small business and prevent threatening unemployment expansion.

A great many economic authorities are warning us that the present inflation control policies of tight money and high interest rates are too restricted, too little and too slow to do the job that must be done without inviting the visitation of extreme hardships upon millions of American families and numerous businesses and industries, particularly small business and the housing industry.

This measure is designed to prevent any further deteriorating developments in our faltering economic stability by the application of several tempering provisions that would—

Authorize the Federal Reserve Board to impose reserve requirements and other controls over commercial paper and Eurodollar borrowings by commercial banks;

Liberalize restrictions on mortgage lending by national banks;

Allow Federal home loan banks to provide additional funds to savings and loan associations for conventional mortgages;

Provide the President with discretionary authority to authorize the Federal Reserve Board to control expansions of credit, including bank business lending found to be unnecessary;

Extend existing authority for establishing maximum rates of interest that banks and savings and loan associations can pay on savings and time deposits;

Increase the maximum limit of Federal Deposit Insurance Corporation and Federal Savings and Loan Insurance Corporation insurance from the existing $15,000 to $25,000; and

Direct the President to release $70 million voted by Congress for small business activities to the Small Business Administration for lending to small business investment companies.

Mr. Chairman, there appears to be very little doubt that the present trend of our ever rising inflation and ever higher interest rate economy is in further need of prompt and reasonable restraint and repair. The testimony and voices of many of our leading economists have recommended the adoption and application of the remedial provisions outlined above. In order to restore national confidence by lightening the burden and anxiety of our working people in trying to provide for their families, strengthening small business, and reviving the housing industry and its related industries, I hope that this promising proposal will be accepted in substance and approved by the House.

Mr. ASHLEY. Mr. Chairman, I noticed in the December 15 issue of the New York Times a large advertisement by a savings bank offering free gifts for the opening of a savings account, which are of such retail value that I am fearful that they violate the congressional intent of regulating interest paid to depositors under regulation Q.

These gifts are offered under New York Banking Department regulations and are available on accounts of $100 or more and $1,000 or more. The wholesale value of the gifts appear to be a 1-percent addition to the interest paid, or possibly more. The retail value, of course, would be substantially higher.

For $1,000 accounts they offer 17-jewel watches, luggage, toasters, and blenders. For accounts of $100, they offer radios, clocks, and so forth. These gifts are in addition to the 5-percent interest these banks pay.

If regulation Q is to be effective then the Federal Government must place some reasonable limit on the value of giveaways. The regulations should not only be reasonable but should also be uniform. In other words, they should apply to commercial banks and savings banks alike, as well as savings and loan associations. For example, the regulations of the Federal Home Loan Bank Board limits the value of a giveaway to $2.50. On the other hand, I know of no such similar regulations by the Federal banking agencies.

I am informed that the banking agencies are looking at this problem and are hopeful that a uniform regulation can be promulgated. I fully believe that such a regulation is long overdue and they should be adopted immediately in order to prohibit the circumvention of regulation Q. In a competitive economy such additional payments for savings will grow by leaps and bounds. Already we have heard rumblings from other States that banks expect to offer giveaways at retail values of $30 and $40 and more. Now is the time for the Federal Government to halt such distortions of the intent of Congress and to place uniform ceiling on gifts that may be offered by all financial institutions.

Mr. OTTINGER. Mr. Chairman, I rise in strong support of H.R. 15091 as reported by the Committee on Banking and Currency under the leadership of its chairman, the gentleman from Texas (Mr. PATMAN). I urge my colleagues to defeat attempts to emasculate its provisions, so essential to housing and small business programs.

This legislation is an effective and meaningful attempt to undo the terrible damage wreaked upon the housing industry by the administration's economic policies. In its attempts to curb inflation, the administration has brought the housing industry to the brink of a recession that will be averted only by passage of the bill before us.

By overreliance on monetary policy, the administration has forced interest rates to record levels, and at a time when 4.3 million substandard housing units scar our urban areas, new housing construction is at a virtual halt for lack of mortgage funds. The effects are being felt throughout the economy.

No fancy J. Walter Thompson labels such as "Protest Breakthrough" can obscure the fact that this administration is undermining our national housing goal.

H.R. 15091 would help counteract the administration's misguided economic policies in the following ways:

First, by providing the Federal Reserve Board with the authority to impose reserve requirements and other controls over commercial paper and Eurodollar borrowings at fantastically high rates by commercial banks which add to the inflationary spiral in interest rates;

Second, by liberalizing mortgage lending restrictions for national banks so that these financial institutions will have an incentive to make home mortgage loans;

Third, by allowing the Federal Home Loan Banks to improve the conventional mortgage market through secondary mortgage operations, thereby providing additional funds to savings and loan associations to lend for housing; and

Fourth, by providing discretionary authority to the President to authorize the Federal Reserve to control unnecessary extensions of credit, particularly unnecessary consumer credit and unnecessary bank business lending. By this device the President, if he desires, could restrict lending to consumers and businesses only for essential purposes. For example, banks could be restricted to lending to businesses for productive economic purposes and not for such things as conglomerate business takeovers or unnecessary inventory buildups.

This legislation would also provide remedies for the administration's policy which has raised interest rates to all-time highs. It would do this by, first, extending existing authority for establishing maximum rates of interest that banks and savings and loans could pay on savings and time deposits; second, increase FDIC and FSLIC bank and savings and loan association insurance from existing $15,000 to $25,000. This would have the effect of encouraging deposits which could be lent for necessary uses, including home mortgages; and third, by increasing the amount of funds available for home mortgages, of course there would be an increase in residential construction, thereby taking this industry out of its recession and, of course, in the process increasing employment not only for home construction, but also for all industries which depend on sales to the home construction industry.

Finally, the administration's tight money, high interest rate policy has severely hurt small business in our coun-

try by closing off small business from a source of funds.

This legislation would direct the Executive to carry out the congressional mandate to the effect that $70 million of funds now available in the Treasury earmarked for small business activities be made immediately available for the Small Business Administration to lend to small business investment companies.

Mr. MATSUNAGA. Mr. Chairman, as one who is deeply concerned about the Nation's continued inflationary course, I rise in support of H.R. 15091, a bill designed to lower interest rates and fight inflation, and to help housing, small business, and employment.

Basically, the proposed legislation would give the ship of state a four-pronged thrust to free it from the economic shoals, where it is in danger of running aground, and send it into safer waters for smoother sailing.

First of all, H.R. 15091 would provide the Federal Reserve Board with necessary authority to impose reserve requirements and other controls over commercial paper and Eurodollar borrowings by commercial banks. Bank practices of borrowing at extremely high interest rates in this area have added to the inflationary spiral in interest rates.

Second, in order to encourage the making of home mortgage loans, the proposed legislation would liberalize mortgage lending restrictions for national banks.

Third, H.R. 15091 would allow Federal home loan banks to improve the conventional mortgage market by secondary operations. This provision is intended to provide additional funds for savings and loan associations to lend for housing.

Finally, the bill we are considering would give discretionary authority to the President to authorize the Federal Reserve Board to control unnecessary extensions of credit, particularly unnecessary consumer credit and unnecessary bank business lending. We would hope that the President, in the exercise of his sound discretion, would by this means help to restrict loans to consumers and businesses for essential purposes only.

H.R. 15091 also contains two ancillary remedies to curb rising interest rates, both of which are designed to encourage residential construction by increasing the amount of money available for home mortgages. The first of these remedies would increase to $25,000 the existing statutory limit of $15,000 for deposits insured by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation. It is anticipated that the raising of the level of maximum deposit insurance would encourage savings and provide lending institutions with increased funds for home mortgage lending.

The second remedy would extend existing authority for establishing maximum rates of interest that banks and savings and loan institutions are allowed to pay on savings and time deposits.

Mr. Chairman, as we direct our attention in the closing days of the first session of the 91st Congress to measures which are designed to halt continuing inflation and to avert a recession which appears to be just around the corner, let us not forget the Nation's small businessmen. In this age of conglomerates and corporate giants, small businesses, the sustenance of which is vital to our economic well-being, ought to be given necessary financial aid. Because of current tight money and high interest rates, small businesses are being cut off from available sources of funds. This bill would make $70 million of appropriated funds immediately available to the Small Business Administration for the purpose of making loans available to small business investment companies.

H.R. 15091 is the chart that will enable the Nation to steer clear of waters which would bring economic disaster. A safe course on that chart is clearly marked. To ignore that course would be foolhardy. Mr. Chairman, if we are to halt inflation and avoid economic disaster we are left with but one choice—and that is to pass this bill.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 15091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO EXISTING ACTS

SECTION 1. So much of section 7 of the Act of September 21, 1966 (Public Law 89-597; 12 U.S.C. 461 note) as precedes paragraph (1) thereof is amended to read as follows:

"SEC. 7. Effective March 22, 1971,"

SEC. 2. (a) Paragraph (2) of section 14(b) of the Federal Reserve Act (12 U.S.C. 355) is amended to read as follows:

"(2) Under the direction and regulations of the Federal Open Market Committee, to buy and sell in the open market, or to deal directly with the issuing agency in the purchase and sale of, any obligation which is a direct obligation of, or fully guaranteed as to principal and interest by, any agency of the United States."

(b) It is the sense of the Congress that the authority conferred by section 14(b)(2) of the Federal Reserve Act be used to assist the Nation in meeting the housing goals contained in the Housing and Urban Development Act of 1968.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of section 2 be dispensed with since it is printed in the bill.

Mr. STEPHENS. Mr. Chairman, is this section 2?

Mr. PATMAN. It is the committee amendment.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, line 2, strike all of section 2.

Mr. PATMAN. Mr. Chairman, I would like to be heard in opposition to that amendment.

Mr. Chairman, this is an amendment to strike section 2. That was a close division in our committee. I think it is the most important provision in the bill, that and section 3.

The 14 members of the majority voted to keep this amendment, and 14 members of the minority voted to strike it out, but five members of the majority voted to strike it out, and that gave a majority, and it was stricken out.

The reason I think it should be kept in with the other parts of the bill is because it is all a package. It disturbs the package. The package here is to lower interest rates on housing loans. This section 2 provides the Federal Reserve will buy on the open market this paper, and then section 3 provides there will be $6 billion at the New York Federal Reserve rate, which is 6 percent. In other words, there is a definite reduction in housing paper right there. Nobody can dispute that.

There is an injecting of $6 billion into the housing market. There is no question about that.

So, Mr. Chairman, I ask that the House support the restoration of this provision, section 2; that section 2 be retained in the bill, and that we defeat the committee amendment.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge the House to support the committee amendment, to vote aye on the committee amendment.

I would like to take a few minutes to explain just what is in the proposal we struck in committee. The proposal was to mandate the Federal Reserve to purchase $6 billion worth of home loan bank loans from the Home Loan Bank Board.

The chairman of the committee says this $6 billion purchase would reduce interest rates. I would reluctantly have to disagree. I think it is going to raise interest rates, and I will explain why.

The chairman stated in a colloquy with the gentleman from Louisiana on this floor that in order to acquire the $6 billion necessary to accomplish this transaction, they would have to create the money. There is an alternative route. They could refuse to buy $6 billion worth of U.S. Treasuries and force the Treasury onto the open market. If the Treasury has to go on the open market for $6 billion worth of securities, that will force interest rates up because of the additional demand on the money in this country.

The alternative route is worse. The chairman says we will have to create $6 billion. We will create it by printing it. The minute we take those notes, those $6 billion and add them to the reserve portfolio of the financial institutions of this Nation, that reserve portfolio is available then for direct loan to any area of the economy. The financial impact of creating $6 billion, using it to buy loans, and in turn adding this paper to the Federal Reserve System reserve account could be $40 to $50 billion.

We are not talking about $6 billion. We are talking about a whole lot more money than that in terms of impact. We are talking about an input of created money into this economy of a magnitude which could have as much as a 5 or 10 percent inflationary impact from that one input alone—5 or 10 percent on top of our current inflationary situation.

Gentlemen, that is irresponsible. That is irresponsible.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

Would not the gentleman agree that to take the course of action which is con-

templated if the committee amendment is now sustained would be a direct reversal of the policy which presently prevails by this administration in the area of monetary restraint?

Mr. BROCK. Of course it would.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the chairman.

Mr. PATMAN. The gentleman has emphasized too much creation of money. That is the only way the Federal Reserve has, just like the banks also create money.

Mr. BROCK. There is a difference.

Mr. PATMAN. May I continue?

Mr. BROCK. The banks are strictured by a limit on what they can create. The reserve requirements are set by the Federal Reserve. The Federal Reserve does not have a restriction and can create an unlimited amount.

Mr. PATMAN. If a person goes down to the bank and asks to get a $100 loan, then that person gives them a note and they give him credit, and he draws out $100 cash. The bank has the same in deposits. The assets of the bank have not been changed. He has gotten $100. That is creating money. That is the way the Federal Reserve does it, exactly the same way.

Mr. BROCK. That is right; that is inflationary. The only difference is that a bank can create money only up to a point, because the bank is required to maintain a fixed reserve behind deposits in the loan accounts.

Mr. PATMAN. That is correct, but as to the expansion the gentleman talks about, he brings up a good point about the reserves.

Mr. BROCK. When one adds money to the reserves of the financial structure of this country those reserves can be multiplied 6 or 8 or more times.

Mr. PATMAN. That is right; 22 times, sometimes.

Mr. BROCK. If we want to say 22 times, then this could have $198 billion worth of financial impact, with the passage of this bill.

Does the chairman seriously indicate something like that is feasible?

Mr. PATMAN. The Federal Reserve has the right to change the reserve requirements. If it begins to get inflationary they can raise the reserve requirements and hold it down. They have all that power. It is perfectly safe, I assure the gentleman.

Mr. BROCK. There is no assurance given that this will go into housing. But there is every assurance in the world that it is going to be inflationary. There is every assurance, and the gentleman knows that.

Mr. PATMAN. They have to put it into housing. Otherwise they would lose their privilege.

Mr. BROCK. I do not agree.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. STEPHENS. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, I agree that what we are doing today is no way to legislate, but we are here, and we are legislating. The reason for how we got here seems to me to be rather immaterial.

The committee reported out a palatable bill. It was a palatable bill that had 20 votes for it. Because we had an amendment that knocked out section 2, which we are talking about specifically, and an amendment that knocked out section 3, which comes immediately hereafter, I and many others voted for the bill.

Section 2, which is at point right now, is only the authority for the Federal Reserve to invest in housing paper. That is already in the authority that the Federal Reserve has. There is no need to put it into this bill, because when we do, we tie it in with the next amendment, section 3, which is the amendment that requires the Federal Reserve to buy $6 billion worth of paper.

The original bill in 1967, which gave flexible rates authority to the agencies of the Government, was my bill. Mr. PATMAN in his bill that year added things that changed the Federal Reserve Board. The House did not accept those. The next year the chairman introduced my bill, and we passed it without any argument whatsoever about those flexible rates.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I have only 5 minutes, but I will be glad to yield to you.

Mr. BARRETT. The gentleman knows that we need housing and it has to be low-cost housing in the farm areas, and we have supported the gentleman so that we could have low-cost housing in the farm areas. We are asking you here today to help us to get housing in the urban areas, where we have a great need because we have so much substandard housing.

Mr. STEPHENS. I would like to answer the gentleman. I have supported him. I know that the gentleman has supported me and the Farmers Home Administration, too. I am glad to say that I have had some hand in those proposals. I appreciate his action, letting me sponsor rural housing legislation. But I also have supported his housing proposals 100 percent, which help the urban communities. My district is half and half, half urban and half rural, and there is no difference between urban and rural housing. We have 50 percent more slums in rural housing than we have in cities, but I am as much for one as I am for the other. If you look at my record, you will find that what you say now is a red herring to divert attention from my objective in my amendment because I have supported both.

Mr. BROWN of Michigan. Will the gentleman yield?

Mr. STEPHENS. Let me finish this one point, and then I will yield.

The two amendments that I have, knock out the requirement that the Federal Reserve Board mandatorily buy $6 billion worth of paper in housing. It is for the purpose of preserving the duty that the Federal Reserve Board has to advise upon and to guide our monetary policy. If we are going to tell the Federal Reserve Board how they must do it, then we are setting a precedent. The next thing you know there will be someone who will say that we ought to make the Federal Reserve Board invest in highway paper. When we do that and tell the Federal Reserve Board what to do, then we are taking away their advisory authority. So I ask you sincerely to vote to support the committee amendments to delete section 2 and the subsequent amendment, section 3. I ask that it be done on both sides of the aisle for the purpose of protecting the Federal Reserve Board.

Mr. BROWN of Michigan. Will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

I appreciate the recitation of the activities of the committee. Of course, the committee adopted the gentleman's amendment that is presently before us. I think the gentleman said that by the adoption of his amendment the bill became palatable. I can assume that he would consider the bill unpalatable without his amendment?

Mr. STEPHENS. That is correct.

Mr. BROWN of Michigan. Therefore I would ask the gentleman, if the committee amendment is not adopted, then I assume he intends to oppose the bill?

Mr. STEPHENS. I would have to find out what the alternatives are as to whether I vote for anything.

Mr. BROWN of Michigan. I thank the gentleman.

Mr. STEPHENS. Let me conclude by saying this, Mr. Chairman: When I say that this is no time to legislate, I feel like I ought to be home already. I have gotten to the point like a little boy in school when the teacher was asking him about the Shakespeare play "Macbeth." The teacher was trying to find out whether the little boy had read the assignment regarding the play. She asked him what it was that Macbeth said to Macduff, thinking that she would get the response in which Macbeth said:

> Lay on, Macduff, and damn'd be him that first cries "Hold, Enough!"

The little boy got up and replied: "I think he said, 'Hold on, Macduff. Damned if I don't believe I have had enough.' "

Mr. BARRETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I am glad to yield to the chairman of the committee.

Mr. PATMAN. Mr. Chairman, I would like to call attention to the fact that this provision, section B in title II, is a very important provision. If the gentleman's motion prevails, it will also strike it out. I believe we will agree, when I read, that it is very important:

> It is the sense of the Congress that the authority conferred by section 14(b)(2) of the Federal Reserve Act be used to assist the Nation in meeting the housing goals contained in the Housing and Urban Development Act of 1968.

That is the action that provides for 2.6 million units a year. We have only about one-half of them now. If you strike this out, you are striking out a very valuable provision, one where we are saying it is the sense of Congress that the Federal Reserve shall support housing to the extent of providing the housing that the

Congress has already said is absolutely necessary for the people of this country; that is, 26 million units over 10 years time or 2.6 million units a year.

All we are saying is that it is the sense of Congress that the Federal Reserve cooperate and help us in doing that. I just wonder if you want to strike that out. I think it would be a bad mistake.

Mr. GROSS. Mr. Chairman, I move to strike the last two words.

Mr. Chairman, the consideration of this bill now becomes quite interesting. I notice that this bill was introduced by Mr. PATMAN for himself, Mr. BARRETT, Mr. REUSS, Mr. STEPHENS, and others. I believe we have heard from three of them. Mr. STEPHENS on one side and Mr. BARRETT and Mr. PATMAN on the other. However, they now seem to differ upon important provisions of the bill as introduced.

I do not see how, having introduced a bill carrying $6 billion—and that always interests me when I look at $6 billion in one place—it seems to me that it is rather important to inquire of these gentlemen as to what they were thinking about when they teamed up to put this bill together. Why are you now divided on this issue?

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Georgia.

Mr. STEPHENS. At the time I put my name on the bill it was with the distinct understanding, and so stated, that I would be at liberty to offer any amendment to any part of the bill. That is why I put my name on the bill.

Mr. GROSS. Apparently it was not the kind of bill you wanted to introduce at the time you introduced it.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas, briefly.

Mr. PATMAN. The bill was introduced by 20 Members. Mr. STEPHENS is one of them. He is correct in saying that he reserved the right to oppose certain provisions and, of course, had the liberty to do that.

Mr. GROSS. Of course.

Mr. PATMAN. And, when the bill came up these two items were the only ones stricken out that were meaningful. Mr. STEPHENS and four other Members voted against them. Of course, we are glad to have his support of the rest of the bill and they are all supporting the rest of the bill although the gentleman from Georgia is not supporting these two provisions.

Mr. GROSS. The gentleman is not saying there is a little trading going on here now?

Mr. PATMAN. No. This is a very important part of the bill because it rolls back interest rates to 6 percent on housing and provides $6 billion immediately.

Mr. GROSS. I did not want to sit here and think that there was something going on that did not meet the eye.

Now, as to title II, which is the authority for credit control and the unholy delegation of power which it contains.

Mr. Chairman, I have sat in this House and listened to the gentleman from Texas a good many times during the years I have been here. I have heard him stand here and castigate the Federal Reserve Board up one side and down the other. He spilled blood all over the carpet. Sometimes it was so red you could not distinguish the pattern in the carpet down here in the well of the House. He gave the Federal Reserve Board unshirted hell. Now he wants to delegate in this bill unconscionable power to the same Federal Reserve Board. Will the gentleman please explain that?

Mr. PATMAN. I would be very delighted to do so.

Mr. GROSS. I do not suppose you would want me to take a special order during which you could castigate the Federal Reserve Board?

Mr. PATMAN. No; I do not want you to yield me that much time. I have not been against the Federal Reserve Board on everything. On some things I have. I was for them on the consumer rules and regulations on credit and on the Holding Company Act. The administration took the position that it wanted the Federal Reserve Board to control the Holding Company Act.

I took the position that only the Federal Reserve could, because they have been doing a good job under the Holding Company Act, and I voted for it, and my views were sustained on that. So I am not against them all the time, but I am against them some of the time. I am for them when they are right and against them when they are wrong. They are wrong this time.

Mr. GROSS. I am going to await the next appearance of the gentleman in the well of the House on the subject of the Federal Reserve Board to see how he performs after giving that group almost untrammeled power.

This marriage of the gentleman with the Federal Reserve Board on this bill today is—I would not say it is a shotgun marriage—but it is unholy to say the least.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is with some reluctance that I speak out on this bill because no bill could have a more persuasive title—"To lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes."

These indeed are desirable goals, and goals that I seek as a Member of this body. However, I feel compelled to speak today in favor of the committee amendment.

No one could be more concerned about the needs of housing than I as the wife of a gentleman who spent many years as a homebuilder and as one who spent many hours doing the legal work, searching the titles, preparing for and handling the paper passings.

I am aware of the needs in the homebuilding field, and the great need for housing throughout this country.

However, as a Member of this body I feel a responsibility also to question whether or not the mechanisms proposed will actually achieve the goals which we so desire. Unfortunately, I feel as a new member of the Committee on Banking and Currency, that I was not given the benefit of expert witnesses on this subject since no hearings were ever held on this bill. No witnesses came before our committee on this conglomerate bill who were able to guide a new member, or an old member, for that matter. Testimony has been mentioned which relates back to 1966 hearings on other bills prior to my great privilege of serving in this body, and so that also was not of any help to me.

Subsequently, even as late as this afternoon, I sought some illumination on the wisdom of the provisions which have been mentioned in the section before us now, and I called the Federal Reserve—and I should like to report back to the Members the information which I have received.

It seems that the operation of having the Federal Open Market Committee get into the housing market for the direct purchase of obligations is not a new idea. As a matter of fact, it has been debated, discussed, and also rejected by the Senate just as recently as last June. And in a letter from Secretary Fowler to Senator SPARKMAN dated June 18, 1968, right on this subject, the Secretary then said:

> This proposal would be extremely dangerous, unwise and counterproductive. It would provide a major break with regard to the traditional role of the Federal Reserve in our economy, and that the overwhelming bulk of informed financial opinion recognizes the dangers involved in such a course.

I was also informed this afternoon that this concept has been debated and discussed by as prestigious a group as the Bipartisan Mortgage and Interest Rate Commission, quite recently by the Dusenberry Commission which on two separate occasions rejected this concept.

I would just like to say at this point that I do not feel sufficiently knowledgeable to say that this concept is unwise. But what is patently obvious to me is that without in depth testimony and careful consideration by the committee, a precipitous move of this nature would be calamitous.

Mr. PATMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I am very happy to yield to the gentleman.

Mr. PATMAN. The gentlewoman, I am sure, would not object to my pointing out that when this lost in the Senate, it was by one vote only.

Mrs. HECKLER of Massachusetts. It is the wisdom of the argument which I prefer to refer to, Mr. Chairman.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 37, noes 31.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 3. During the twelve month period which begins on the date of enactment of this Act, the authority conferred by section 14(b)(2) of the Federal Reserve Act shall be exercised in the direct purchase of obligations of the Federal home loan banks, the Farmers Home Administration, and the Federal National Mortgage Association in the

aggregate amount of $6,000,000,000 bearing interest at the lowest discount rate in effect at the Federal Reserve Bank of New York at the time of purchase. This subsection does not limit the power or discretion of the Federal Open Market Committee as to other or additional purchases from the same or other issuers, or in the open market.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 16, strike out all of section 3.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, may I say we must evaluate this situation very carefully. We do not want the lack of housing money and the lack of adequate housing to continue in our country when there is a way of providing for the money. You have to have money. You might just as well talk about nothing else except the money when you talk about housing. This is talking about the money.

If you have the $6 billion, which this provides, and I hope you will listen to this because this is very important—this $6 billion will be provided for housing instead of providing it for speculation and for gambling and for many other different purposes—exactly the same kind of money. All we are doing is forcing the allocation of at least $6 billion of Federal Reserve credit for housing.

Now listen to this language—bearing interest at the lowest discount rate in effect that the Federal Reserve Bank of New York at the time of purchase—and that means 6 percent today.

There is no question but that rate will remain in the foreseeable future at 6 percent under this amendment. This is definitely $6 billion for low-income housing—for the people who cannot buy a house now. There are more irate citizens in America today because there is no opportunity for them to buy a house and that is the most important, other than any other question except high interest rates.

Those are two subjects that dominate every meeting where economic questions are discussed in America today. They have a right to be irate about the interest rates of 8½ percent and more. They have a right to be disturbed because there is plenty of money for everything else—for speculation and for gambling and for mergers and for conglomerates and creating money for every purpose except for housing.

How can you say that it is not right to use the same kind of money that has the same backing as all other money for the use of something that is very necessary in the lives of 55 million families in this country? They cannot properly rear and educate their children unless they have an environment that is satisfactory, and shelter, housing, is one of the requisites and necessary aspects of environment. And so this is the only vote that you will be able to cast before you go home for Christmas in favor of housing. Are you going to tell your constituents that you had an opportunity to act and failed to do so, or voted against the measure? Or are you going to tell them, "I had an opportunity to reduce housing interest rates over 8½ percent to 6 percent, but the bill was not brought up the right way. There was objection. Members talked too long. They did not give right consideration."

What do you care about consideration if it gets homes for your people at reasonable rates of interest? You have it here. This is the question: Are you going to vote for housing money at a reasonable rate of interest, 2½ percent less than what it is now, to reduce the rates on all housing loans? Do you want to do that, or do you want to say, "Oh, that is unorthodox. I do not believe in it. The bankers tell me it is unorthodox. Besides, it is unparliamentary. I am not going to vote for it"?

I feel so desperate about this thing that I would take a little unorthodox doctrine in a strained way, and I would take the parliamentary question and I would evaluate it carefully as against human needs. I would evaluate both, the question of being unorthodox and parliamentary. I would evaluate those elements with the human needs of this Nation. If you do that, my friends, you will not vote to strike out this provision. You will vote to leave it in there, because that is a definite vote. Nobody can say to you that you are against housing.

You can say, "Why, here is a vote—I voted for that $6 billion." If they say that you are for high-interst rates, you might say, "No, here is a bill for which I voted that provides for lower interest rates. It will lower the interest rate." I do not think Members will take that responsibility. I hope you do not. Let us give it a trial. Let us send the bill to the other body, and if they have another method that is better, they can put it on the bill, and when it comes back here we will accept it. But do not hit the poor people of this Nation on the nose, knock them out, and say, "I am against you. I had the privilege of voting on a $6 billion program."

I know housing is on dead center.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

To clarify exactly how Members would like to vote on this measure, I think what the chairman was saying, if I may have the attention of the chairman, is that to sustain his position, Members should vote "no." Is that correct?

Mr. PATMAN. I think Members should vote against the Senate amendment, which would be "no" on the committee amendment. It would be "no."

Mr. BROCK. That is correct. If you are opposed to the $6 billion mandatory feature, your vote would be a "yea" vote.

Mr. PATMAN. That is correct.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this one section, section 3, which you will find on page 2 of the bill, deals with the Federal Open Market Committee. The Federal Open Market Committee buys and sells short- and medium-term Government securities. I think their portfolio is something like $54 billion. The Federal Open Market Committee is the day-to-day regulator of monetary affairs in the United States.

They can affect the interest rate, they can affect the amount of money in the economy by buying or selling these short-term and medium-term Government securities they have in their portfolio. The only type securities they do have are straight Treasury notes. They do not have any securities from the many Government agencies that issue securities, such as the Home Loan Bank Board that issues securities to put more money into the mortgage market, or the FNMA that issues securities for secondary mortgage market.

I feel it would be a mistake in the monetary policy of this country to give two or three different duties to the Open Market Committee. The Federal Open Market Committee should be a strict monetary regulation committee and should not have to deal with other types of preferred paper which at any one time is considered to be priority paper.

If this amendment passes, I do not believe it will put one nickle into the housing market. The reason I do not is that both FNMA and the Home Loan Bank Board are under the jurisdiction of the administration, and those who are running these two agencies are appointed by the administration.

If this amendment passes, it will merely mean these agencies will not sell $6 billion worth of money in their regular markets, but would go to the open market as they would be mandated to do.

This would not create new money. It merely means we use one method instead of another to sell Government securities.

Does it save money? I do not think it does. I checked in the market today in medium-term obligations and on the FNMA and the Home Loan Bank Board debentures and I found interest rates about the same. The Home Loan Bank Board and the FNMA can go to the open market today, and they will sell those securities at about the same price, give or take a quarter of a point, as the open market is buying and selling Treasury notes. I do not think this amendment really accomplishes anything.

If we pass this amendment, $6 billion will go into the market, but if we do not pass it, those same $6 billion will go into the market, as they do now under current FNMA and the Home Loan Bank Board practices.

I think this amendment is tinsel, and it is a very dangerous precedent to mix up a policy on the types of specified government securities we should sell through the Open Market Committee. I think we should sell Treasury notes and not mix up specific securities which represent a crisis now and what might be a crisis tomorrow. I think the amendment is tinsel, and I think it is dangerous. I ask for an aye vote on the committee amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I tell the gentleman he is in error about the open market purchase. The gentleman did not mention the long-term housing problem. When we had this before our committee

a few years ago, we advocated the Federal Open Market Committee buy housing paper, and the Chairman of the Federal Reserve Board said if we would put that sense of Congress in, they would buy the housing paper. We put it in, and a year later, before the Joint Economic Committee, I was interrogating the gentleman from the Federal Reserve. They bought some housing paper on a repurchase basis, but only a very small amount. So they had the power to do it, but just quit buying it at all.

For that reason, after telling us they would buy it, we are now trying to make this mandatory. Does the gentleman not think that is fair, when they told us they would do it, and then when we put it in the law, they would not help us at all? That is the only way we can do it.

Mr. REES. There have been sales of FNMA and sales of Home Loan Bank Board paper and debentures in the market all along. There has not been any cessation of sales, and the interest rate on the medium- and long-term securities, I think, represents just about the interest rate that the Open Market Committee buys and sells securities for.

Mr. PATMAN. This is different. This is more of a negotiated deal by Congress. This is a limit of 6 percent. The gentleman is talking about sales where it would be bid up to 9 percent or 10 percent. The limit here is 6 percent.

Mr. REES. If the limit is 6 percent, they will not be able to sell them.

Mr. STEPHENS. Mr. Chairman, I rise in support of the committee amendment.

I will not take the full 5 minutes because the argument I used on section 2, the first amendment, applies here. I tried to cover both of them at the same time.

The amendment on which we have already supported the committee is not the important amendment. This amendment upon which we are now called to vote is the most important part of the two amendments we have been discussing. I say that we do need to do more in the field of housing. We do need to reduce interest rates. I agree wholeheartedly with that.

However, the proper way to do that is through appropriations, through fighting for more approriations for housing and for other agencies that will help on housing, and also insisting upon budgetary recommendations which will provide an orderly and higher amount of funds that will go into housing and in support of the housing market.

In conclusion of my statement I say this: if Members want to help destroy the effectiveness of the Federal Reserve, then they should vote "no" and against the majority of the committee. If they want to have an effective Federal Reserve to continue to operate, then they should vote "aye" with the majority of the committee.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 30, noes 29.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. PATMAN. Mr. Chairman, in order to save time, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point. I assume that we would take up the committee amendments first, or as we get to them.

The CHAIRMAN. The Chair will state to the gentleman that the committee amendments will be taken up first if the request is granted.

Is there objection to the request of the gentleman from Texas?

There was no objection.

The remainder of the bill is as follows:

SEC. 4. The Federal Home Loan Bank Act is amended by adding at the end thereof the following:

"SEC. 26. (a) The purpose of this section is to improve the depth and liquidity of the secondary home mortgage market.

"(b) To carry out the purpose of this section, the several Federal Home Loan Banks, under the direction of the Board and acting through such agencies and instrumentalities as the Board may deem appropriate, are authorized, pursuant to commitments or otherwise, to purchase, service, sell, or otherwise deal in mortgages which are—

"(1) originated by members or by any institutions whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation, or

"(2) approved by the Board for the purposes of this section."

(d) Section 11(h) of the Federal Home Loan Bank Act (12 U.S.C. 1431(h)) is amended (A) by inserting "(1) pursuant to section 26 of this Act, (2)" immediately before "in obligations of the United States,", (B) by inserting "(3)" immediately before "in obligations, participations,", and (C) by inserting "(4)" immediately before "in such securities".

(e) Section 16 of the Federal Home Loan Bank Act (12 U.S.C. 1436) is amended (A) by inserting "(1) pursuant to section 31 of this Act, (2)" immediately before "in direct obligations", (B) by inserting "(3)" immediately before "in obligations, participations,", and (C) by inserting "(4)" immediately before "in such securities".

SEC. 5. (a) Effective as of the close of December 31, 1969, section 404 of the National Housing Act is amended

(1) by striking out "plus any creditor obligations of such institution" in subsection (b)(1), and the amendment made by this subdivision (1) shall be applicable also to any then unexpired portion of any then current premium year under subsection (b)(1).

(2) by striking out "and creditor obligations" in subsection (b)(2).

(3) by striking out "and its creditor obligations" in subsection (c).

(4) by striking out "and creditor obligations" each place it appears in subsection (g). The condition in the first sentence of that subsection shall be deemed to be met as of the close of December 31, 1969. The words "such year" in that sentence shall be deemed to include also the year beginning January 1, 1970.

(b) The Federal Savings and Loan Insurance Corporation is authorized by regulation or otherwise

(1) to make such provisions as it may deem advisable with respect to the order in which and the extent to which the components of a pro rata share of its secondary reserve shall be applied or be deemed to have been applied in the case of a reduction of such share through a use under the second sentence of section 404(e) of the National Housing Act or the first sentence of section 404(g), a transfer of part of such share under the third sentence of section 404(e), or otherwise.

(2) to take such action, including without limitation such adjustments and refunds and such deferrals of premium payments and other payments, as it may determine to be necessary or appropriate for or in connection with the implementation of this section or other legislation amending or supplementing said section 404.

SEC. 6. (a) Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting after the word "interest," the following: "to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit for the purposes of this section,".

(b)(1) The fourth sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors is authorized for the purposes of this subsection to define the terms 'time deposits' and 'savings deposits', to determine what shall be deemed a payment of interest, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this subsection and to prevent evasions thereof."

(2) Section 18(g) of such Act is further amended by inserting after the fifth sentence the following: "The provisions of this subsection and of regulations issued thereunder shall also apply, in the discretion of the Board of Directors, to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business. As used in this subsection, the term 'affiliate' has the same meaning as when used in section 2(b) of the Banking Act of 1933, as amended (12 U.S.C. 221a(b)), except that the term 'member bank', as used in such section 2(b), shall be deemed to refer to an insured nonmember bank."

(c) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "or dividends" after "interest".

SEC. 7. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end thereof a new sentence as follows: "The Board may, however, prescribe any reserve ratio, not more than 22 per centum, with respect to any indebtedness of a member bank that arises out of a transaction in the ordinary course of its banking at the end of thereof a new sentence as received or credit extended by such bank to a bank organized under the law of a foreign country or a dependency or insular possession of the United States.".

SEC. 8. Effective for the period beginning on the date of enactment of this Act and ending March 22, 1971, section 24 of the Federal Reserve Act (12 U.S.C. 371) is amended

(1) by changing, in clause (3) of the third sentence of the first paragraph, "80" to read "90" and "twenty-five" to read "thirty", and

(2) by striking in the first sentence of the third paragraph the comma before "shall" and inserting in lieu thereof "or, to the extent authorized by regulations issued by the Comptroller of the Currency, in the case of a large construction project not to exceed 5 years,".

SEC. 9. (a) The following provisions of the Federal Deposit Insurance Act are amended by changing "$15,000", each place it appears therein, to read "$20,000":

(1) The first sentence of section 3(m) (12 U.S.C. 1813(m)).

(2) The first sentence of section 7(i) (12 U.S.C. 1817(i)).

(3) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(4) The fifth sentence of section 11(i) (12 U.S.C. 1821(i)).

(b) The amendments made by this section

are not applicable to any claim arising out of the closing of a bank prior to the date of enactment of this Act.

SEC. 10. (a) The following provisions of title IV of the National Housing Act are amended by changing "$15,000", each place it appears therein, to read "$20,000":

(1) Section 401(b) (12 U.S.C. 1724(b)).

(2) Section 405(a) (12 U.S.C. 1728(a)).

(b) The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(d) of the National Housing Act, where the appointment of a conservator, receiver, or other legal custodian as set forth in that section becomes effective prior to the date of enactment of this Act.

TITLE II—AUTHORITY FOR CREDIT CONTROL

Sec. 201. Short title

This title may be cited as the Credit Control Act.

Sec. 202. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply to the provisions of this title.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to any person who extends, or arranges for the extension of, credit, whether in connection with a loan, a sale of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

(h) The terms "extension of credit" and "credit transaction" include both loans and credit sales.

(i) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(j) Any reference to any requirement imposed under this title of any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

Sec. 203. Regulations

The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Sec. 204. Determination of interest charge

Except as otherwise provided by the Board, the amount of the interest charge in connection with any credit transaction shall be determined under the regulations of the Board as the sum of all charges payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

Sec. 205. Authority for institution of credit controls

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

Sec. 206. Extent of control

The Board, upon being authorized by the President under section 205 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records, and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payments, and any other specification or limitation of the terms and conditions of any extension of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

Sec. 207. Reports

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this title, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this title. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this title including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

Sec. 208. Injunctions

Whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this title.

Sec. 209. Civil penalties

(a) For each willful violation of any regulation under this title, the Board may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

Sec. 210. Criminal penalty

Whoever willfully violates any regulation under this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

TITLE III—SMALL BUSINESS ADMINSTRATION ACTIVITY

SEC. 301. The Small Business Administration shall promptly increase the level of its financing functions utilizing the business loan and investment fund established under section 4(c)(1)(B) of the Small Business Act (15 U.S.C. 633(c)(1)(B)) by $70,000,000 above the level prevailing at the time of enactment of this Act. A substantial proportion of this increase shall be applied to loans and investments to foster the growth of small business investment companies which service businesses owned and operated by persons in economically disadvantaged segments of the population. In the event that insufficient appropriated funds are available to carry out the provisions of this section, request for the necessary funds shall be promptly made by the Small Business Administration and cleared by all components of the executive branch having any functions with respect to such requests. The Small Business Administration shall submit to Congress a monthly report of its implementation of this section.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, after line 2, insert the following:

"SEC. 2. The authority conferred by section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g) shall also apply with respect to noninsured banks in any State if (1) the total amount of time and savings deposits held in all such banks in the State, plus the total amount of deposits, shares, and withdrawable accounts held in all building and loan, savings and loan, and homestead associations (including cooperative banks) in the State which are not members of a Federal home loan bank, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of that State a bank supervisory agency with authority comparable to that conferred by this section, including specifically the authority to regulate the rates of interest and dividends paid by noninsured banks on time and savings deposits, or if such an agency exists it has not issued regulations in the exercise of that authority. The authority conferred by section 18(g) may not be exercised with respect to noninsured banks after July 31, 1970, and may only be exercised to limit the rates of interest or dividends which those banks may pay on time and savings deposits to maximum rates not lower than 5½ per centum per annum. Whenever it appears to

the Board of Directors that any noninsured bank or any affiliate thereof is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of that section or of any regulations thereunder, the Board of Directors may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the noninsured bank or affiliate thereof is located to enjoin such acts or practices, to enforce compliance with this section or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment, which is printed in the bill and goes to line 15 on page 4, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Chairman, this amendment is the so-called Massachusetts amendment. This includes the mutual savings and loan associations of Massachusetts. They have a unique situation there. This will take care of them. The State worked with the Federal authorities in getting this amendment into the proper form. Every faction was consulted, and they agreed to it. Mr. HARRINGTON and Mrs. HECHLER sponsored the amendment, and there was no objection to it. I hope it is agreed to, because it is very much in the public interest.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. STANTON. This is the amendment that was offered by Mrs. HECHLER in the committee?

Mr. PATMAN. Yes. And by Mr. HARRINGTON.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment. Page 4, after line 15, insert the following:

"SEC. 3. (a) The authority conferred by section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) shall also apply with respect to nonmember building and loan, savings and loan, and homestead associations, and cooperative banks in any State if (1) the total amount of deposits, shares, and withdrawable accounts held in all such nonmember associations and banks in the State, plus the total amount of time and savings deposits held in all banks in the State which are not insured by the Federal Deposit Insurance Corporation, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks.

"(b) In addition to any other penalty provided by the Federal Home Loan Bank Act or any other law, any institution subject to this section, which violates a rule promulgated pursuant to this section and section 5B of the Federal Home Loan Bank Act shall be subject to such civil penalties, which shall not exceed $100 for each violation, as may be prescribed by the Federal Home Loan Bank Board by rule. Any such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

"(c) Whenever it appears to the Board that any nonmember institution is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section and section 5B of the Federal Home Loan Bank Act or of any regulations thereunder, the Board may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the institution is located to enjoin such acts or practices, to enforce, compliance with these sections or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

"(d) All expenses of the Board under this section shall be considered as nonadministrative expenses."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, line 1, after "SEC. 4." insert "(a))".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, line 3, strike "26" and insert "31".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, line 11, insert after "are" the following: "originated by members or by any institutions whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, strike lines 15 through 20.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, line 21, strike "(d)" and insert "(b)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, line 23, strike "26" and insert "31".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, line 3, strike "(e)" and insert "(c)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, line 5, strike "26" and insert "31".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 9, line 23, strike "for the purposes of this section".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 11, line 20, strike "$20,000" and insert "$25,000".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 12, line 10, strike "$20,000" and insert "$25,000".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 18, line 18, after the period strike the remainder of the line down through and including "tion." on line 23.

The committee amendment was agreed to.

Mr. WIDNALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this time to explain the motion to recommit which I will offer at the appropriate time.

What it substantially will be is the Senate bill which has been approved by the Senate and which was sent over to our committee but never considered before our committee, with two changes.

The Senate bill extends until September 22, 1970, the authority and my motion to recommit would extend it to March 22, 1971, in accordance with the original bill.

It also would eliminate sections 6 and 7 of the bill as passed by the Senate. Let me point this out to Members of the House. Section 1 of the Senate bill extends the authority, as I just said, to March 22, 1971. That is the flexible authority to regulate the rates of interest paid by financial institutions on time and savings deposits. Failure to extend that authority could precipitate another rate

war between banks and savings and loan institutions such as we had in 1966.

Section 2 extends limited rate control authority over non-federally-insured financial institutions. In those States where uninsured deposits are greater than 20 percent of the total deposits and the State banking commissioner lacks comparable authority, this is a very important section.

Section 3 increases from $1 to $4 billion the authority of the Home Loan Bank System to borrow from the Treasury. In addition the section indicates it is the sense of Congress that the authority be used to help stabilize the mortgage market during periods of tight money.

Section 4 permits the Federal Reserve Board to limit the rates paid on commercial paper obligations issued by the holding company affiliates of commercial banks. Through this device large commercial banks have been able to raise funds by offering rates higher than rates permitted under the Board's regulation.

Section 5 gives the Federal Reserve Board authority to establish reserve requirements for Eurodollars produced from foreign-owned banks. Heretofore commercial banks had been able to evade the regulations of the Federal Reserve Board by borrowing from the Euro market. This would stop back-gap operations.

Mr. Chairman, I believe this is a creative and a strong bill. It was passed substantially by the Senate in order to allow us to meet obligations of continuing the regulation Q authority which has to be done unless we are going to have a shambles in the economy.

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. WIDNALL. I yield to the gentleman from Texas.

Mr. PATMAN. Now, you stated $4 billion here that they can borrow from the Treasury. But, there is no requirement that the Treasury will have to furnish it?

Mr. WIDNALL. That is correct.

Mr. PATMAN. That is right. In other words, you are saying if they do not have it they cannot borrow it.

Mr. WIDNALL. That is more than you have in your bill now.

Mr. PATMAN. Oh, no. We have the $6 billion and lower interest rates.

Mr. WIDNALL. You do not have the $6 billion in the bill. The $6 billion has been removed from the bill.

Mr. PATMAN. We will have it on a record vote.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Is it not true that we should adopt the motion to recommit because it is substantially the Senate version and there would be very little to be resolved in conference. Therefore, we could better assure ourselves of terminating this session of Congress at an earlier time; whereas, if we adopt the bill now before the House we may be here for some time while the conferees are trying to resolve the differences.

Mr. WIDNALL. The gentleman is correct.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Tennessee.

Mr. BROCK. Is it not also true that if we pass the Senate bill, as amended, there will be $3 billion available for immediate assistance to homebuilding; whereas, in the current bill there is absolutely not one thin dime?

Mr. WIDNALL. That is corrcet.

Mr. REUSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to reply to the proposed motion to recommit. I urge Members to vote against the motion to recommit, and to vote for the bill which, in its present form as it emerges from the committee, carries the unanimous support of all the majority members of the House Committee on Banking and Currency.

Mr. Chairman, there has been much talk today about lack of hearings, even though we have had about a year of hearings; about the lack of notice, even though we have had abundant notice of our bill; but here it is proposed in the motion to recommit to vote for a bill passed by the other body which is not before the House, and which I doubt more than two or three people on this floor have seen.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield at that point?

Mr. REUSS. Mr. Chairman, I cannot yield now. I will presently.

Mr. Chairman, let me recapitulate just what the democratic bill to lower interest rates, and fight inflation, to help housing, small business, and employment does:

We have had in this country now for more than a year a policy of supertight money. That has been the administration's sole way of fighting inflation. This has not even laid a glove on the big financial institutions. They have been able to buy out of the tight money by repatriating the Eurodollars, and by issuing commercial paper. With this enormous lending power, they have expanded their marginal lending for consumer durables financing, for business conglomerate takeover, for unnecessary business inventory expansion and capital expansion. That kind of lending is up 10 percent, and at a time when we have had a boiling inflation at the annual rate of 6 percent.

Housing, wage earners, small business, State and local governments, they are the ones who have suffered.

The Democratic bill before us seeks to give the President the power to do something about it—to control inflation without ruining half the economy in the process. It does this by permitting him to put reserve requirements on Eurodollars and on commercial paper; and by giving him the power which Mr. Martin has urged to have the Federal Reserve, if it deems fit, impose controls on consumer credit. It directly helps housing by broadening the secondary mortgage market, and by empowering the banks to do what the Federal Reserve urges—to increase their lending for housing. It puts definitely needed money into small business.

The issue is very clear. If you believe in lower interest rates, if you believe in fighting inflation, if you believe in helping small business, housing, State and local governments, and the wage earner, then vote against the motion to recommit and vote for the committee bill, and give President Nixon the finest Christmas present that a Democratic Congress could possibly give a Republican President.

Mr. WIDNALL. Mr. Chairman, would the gentleman yield?

Mr. REUSS. I yield to the gentleman from New Jersey.

Mr. WIDNALL. I would like to point out to the gentleman that the Senate bill, S. 2537, was referred to our committee before the present bill was taken up by the Committee on Banking and Currency. The Senate had full hearings on their bill.

Mr. REUSS. As we had on our bill.

Mr. WIDNALL. We had no full hearings on our bill. I just want to make the point that a great deal of consideration has been given to the Senate bill, which has passed.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. Mr. Chairman, I yield to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, every Member of the House knows what our builders are up against. When the homebuilders came up to Washington for help just a few months ago every Member was sympathetic and all Members said they would like to help, but their hands were tied. Their hands would be untied today with this piece of legislation if it is passed the way we passed it in the Committee on Banking and Currency. Their votes today will tell just how much they want to help the builder build much-needed housing.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BROCK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to just point out some erroneous impressions: The Senate bill which is the recommittal motion does have the same authority this bill does—control of Eurodollars and commercial paper.

I want to point out there is just one significant difference between the bill you have before you now and the bill we are going to offer you in the recommittal.

You have heard all day long about the plight of the homebuilder and the plight of the homeowner. Let me make it abundantly clear that this bill has no money in it whatsoever for any homebuilder or any homebuyer for that matter.

In contrast, the Senate bill provides for an increase of the Treasury authority from $1 to $4 billion to purchase these obligations. If you want to help homebuilding, vote for the recommittal.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word and rise in support of the bill and in opposition to the proposed substitute. Mr. Nixon may very well need this legislation next spring and he may be grateful to Congress for giving him the tools with which to fight inflation.

Mr. Chairman, I would merely like to point this out to the Members of the House.

Last Friday I included in the RECORD on page 38947 a copy of a full page ad which appeared in the New York Times by Merrill Lynch suggesting three ways in which investors can save on their 1969 taxes.

If you read this ad, you may fully appreciate why the President may need the legislation being proposed by the gentleman from Texas.

There is strong reason to believe that the administration may fall short by as much as $20 billion of anticipated revenue from taxes for 1969.

The loss of the stock market values in 1969 is now in excess of $100 billion. This loss of value will be reflected in a lower tax yield to the Federal Government by "tax selling" in the closing days of 1969. In other words, at an estimated rate of 20 percent, it is entirely possible the Government could fail to receive as much as $20 billion it had expected to collect when estimates were made last year.

It is entirely possible, well meaning as a lot of people are, that this administration may find itself with a deficit of as much as $15 billion for the fiscal year 1970. You and I know if the Government will have to go into the money market to borrow $15 billion next year, there are going to be great inflationary pressures on the rest of the economy.

So I would like the House to consider this. If you do not believe what I am saying and if you do not agree with what I am saying, I suggest that you look at the CONGRESSIONAL RECORD at page 38947 for last Friday and read the full page ad by Merrill Lynch that I put in the RECORD. It describes in detail how investors can save substantial taxes by claiming a loss through "tax selling." Read what they had to say about "tax selling" before December 31. Draw your own conclusions of what effect this will have on the anticipated revenues for 1969 and what impact it is going to have on the budget. Then realize that the President may very well, even though today there is some objection to this legislation, be very pleased that he got this standby legislation when he may need it next spring. Because, if we do have to go into the money markets to borrow $15 billion or whatever the deficit may be to meet operating expenses, we all know that we would have new flames to fire inflation.

Even if the President tries to curtail expenditures, as he may well have to do, it would not be enough to avoid a deficit if tax selling does reduce our anticipated revenue from taxes in 1969.

So I submit to my colleagues in all honesty and sincerity that this bill may very well be a bill that the President will need very desperately next spring when we see the full impact of tax selling and a loss in anticipated revenues that we had expected in 1969. We had expected in 1969 revenues of $197½ billion and we have a budget of $192 billion. I believe the President was sincere when he said he was going to try to have a $5½ billion surplus. But when you consider this tax selling and its impact on the anticipated revenue of $197 billion, you see this matter could be out of the President's hands.

So I say to my colleagues to consider carefully the consequences if we fail to act on this standby legislation which I believe the President needs and might use next spring.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. STANTON. Mr. Chairman, I am very happy that the gentleman has yielded to me because he makes an excellent point.

When you vote, if you vote for the bill passed out of the committee, you vote for mandatory credit controls. Do not let anybody on the other side think otherwise.

Mr. PUCINSKI. I believe the record is clear that these are standby controls which the President may or may not use at his discretion. I also believe the assistance provided in the bill to the home construction industry can help us avoid a full-scale recession in the construction industry.

Mr. MELCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is no more important economic task confronting us than getting the cost of money—interest rates—back down to a reasonable level. The danger signals to our national economy are out, and they are grave.

Treasury notes are yielding returns in excess of 8 percent and the bond market is described by financial houses as a "once in a lifetime opportunity" for investors.

The attractions are no less enticing than the gingerbread that led Hansel and Gretel to the witch's oven in Grimm's fable. Hansel and Gretel escaped and the witch was burned. That is a fable. This is for real and we all may be burned.

Individuals and families who once deposited money in savings accounts in local banks and savings institutions, keeping the money available for loans locally, are now turning to sound, safe and higher return investments in governments and blue ribbon bonds.

The savings institutions, banks, and trust fund administrators, large and small, must, in meeting their responsibility and trust, direct an increasing part of their investments to the safety, surety, and high income yields of these securities.

The tight money, high interest policy advocated by so many within and without the administration is, in my judgment, an ill-conceived device for controlling inflation. The fruits of this policy are reflected in the current high Treasury note and bond markets, and mounting Government interest costs. On the other hand, the harvest of these modern record high interest rates are to be found in a dangerously declining stock market, a dried-up homebuilding industry, a rising unemployment rate, and a great acceleration in the rate of agricultural and small business failures, or resort to existence out of accumulated capital if they are fortunate enough to have a little.

The bountiful harvest from high interest rates for a few people can mean ruin for untold millions.

The President and the administration, while concentrating on developing a course to bring peace in Vietnam, have neither heeded advice nor reflected a concern for the effect on the people of the Nation of a money policy that is almost out of hand.

The theory that rising interest rates and tight money will control inflation should be discounted, if not wholly discredited. Interest is built into the cost of everything we buy; concerns capitalized long ago on low-cost money and widen their margins, basing their charges on the current interest level. Utilities want their rates raised to offset increased bond interest costs. Supplies of goods are shortened by the inability of small businesses to maintain levels of operation for lack of capital, putting further pressure on prices.

Out in Montana, stockmen are shortening up on their feeding operations for lack of capital to buy feeders, or inability to make a profit, after interest, on the money they can borrow. That will mean more unfed, lightweight cattle ultimately going to market, smaller beef tonnages and more pressure on prices.

Since Treasury notes have been in the vanguard of the advance in interest yields, the first thing we should do is direct the Federal Reserve bank system and any Government trust funds with assets to invest, to act immediately to absorb Treasury bills, Treasury notes, and Treasury bonds at lower interest levels. We should release impounded funds and relax restraints on loan programs and money supplies for home building, small business and farm and ranch operating capital while reducing expenditures for military hardware, space exploration, supersonic transports, military establishments abroad, and every other nonessential, luxury, or postponable items.

I am not advocating senseless penny-pinching in such areas as medical research, environmental controls, education, or human nutrition; nor am I proposing cuts, as in the case of education, which will force the burden of essential programs on local taxpayers. I do support the recent action of the House and Senate that reduced the level of military expenditures by $9 billion.

I expect to support every measure which will hold down interest levels, and I call on the administration to implement savings voted by Congress, reduce Treasury expenditures on nonessentials, and turn the tide on the interest rate climb, especially as it affects Federal securities, with every available technique or tool.

This bill is a partial answer to high interest rates and the lack of home building and to provide more credit authority for the Small Business Administration. It is a positive step and should be taken by this House.

Mr. BURLISON of Missouri. Mr. Chairman, I move to strike the requisite number of words. I desire to ask a question of the distinguished ranking minority member of the committee. Is there anything in the substitute bill, the Senate bill, which would put a limitation on the amount of interest that could be charged to those borrowing money?

Mr. WIDNALL. No; there is not. There is none in the other bill, either.

Mr. BURLISON of Missouri. It is my understanding, my interpretation of the

other bill that there is a limitation of 6 percent, a maximum of 6 percent.

Mr. WIDNALL. That is not so. It is not in the bill.

Mr. BURLISON of Missouri. I wish to make this observation, if I may, for purposes of further questioning. It is my understanding that regulation Q places a limitation on the amount that depositors can get on their deposits in savings and loan associations or in banks. Is that true? I would like an explanation of why we place a limitation on the amount of money that depositors can get, while we place no limitation on the interest rate which the banks and the savings institutions will receive on the money that they lend out. I have never been able to understand that. I wonder what the explanation for it is.

Mr. WIDNALL. At the present time we are endeavoring to limit the amount for the protection of the depositors, but such a provision as the gentleman refers to is not in this bill.

Mr. BURLISON of Missouri. I thank the gentleman, but I would submit that this is the type of protection that the depositor can do without.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. DON H. CLAUSEN. Mr. Chairman, regarding the legislation under discussion, I would like to take this opportunity to relate to my colleagues the drastic effects that the present tight money situation is having on my district.

Quite frankly, my district and many others in this Nation that are dependent on the homebuilding industry, are today facing economic distress. While much of the economy is experiencing rampant inflation, there are far too many areas that are faced with the prospect of a very real recession.

The fiscal mismanagement policies of the previous administration, which led to the unprecedented $25 billion deficit in 1968, caused the runaway inflationary trends of 1969. This inflationary spiral, as everyone agrees, has to be checked in order to protect fixed-income groups, the small businessman, the average workingman and those who are forced to exist on Social Security and pensions.

I believe the Nixon administration is taking the necessary steps to break down the "inflation psychology" that prevails across the Nation.

However, I do believe we need an interim program directed specifically to helping the housing, homebuilding, and forest product oriented industries and the communities economically dependent on these industries through this inflation-checking, transitional period.

I strongly believe that the housing sector of our economy has taken the brunt of the attack against inflation. This segment of the economy has been forced to absorb a disproportionate share of the impact of stringent fiscal management policies. The Federal Reserve Board has estimated that the homebuilding industry is absorbing 60 to 70 percent of the impact of tight money. And, when that industry accounts for only 3 percent of the gross national product, the result is totally unrealistic.

Mr. Chairman, this Nation is faced with the worst housing shortage we have experienced since the years immediately following World War II. It is estimated that the housing starts in 1969 will total approximately 1.3 million units. According to the timetable established by the Housing and Urban Development Act of 1968, we should be constructing at least 1.8 million units this year.

I submit that efforts to control inflation are running counter to our commitment to provide every American with suitable living quarters, especially those families in the low-income category.

We cannot and must not downgrade the priority that absolutely must be given housing in our total economy. The resultant effect of a continuation of present policies will seriously impair or financially ruin a great many homebuilders, lumber and plywood manufacturers and distributors which will, in the final analysis seriously inhibit the capabilities of the entire industry to respond to our housing goals when the present tight money trend is checked and hopefully reversed.

Everyone must share the responsibility for the current problems. While I do not like to be partisan in this matter, I must say that the same Democratic majority that created most of the unnecessary Federal spending proposals in the past are screaming the loudest today. We tried to tell you then that "the chickens would come home to roost." You cannot spend, spend, and spend and expect to retain fiscal responsibility.

In my judgment, we must see that everyone cuts back proportionately in their spending habits in order to maintain stabilized prices. A new set of priorities must be established. But housing should not be required to assume the grossly disproportionate share of the total fiscal and inflation-checking burden.

For years I have held to the view that we must cut back nonessential spending in order to permit the release of funds for the mortgage market. This must be synchronized with noninflationary and orderly economic growth policies of both public and private sector institutions.

In July of this year, I worked with a select housing task force that offered certain recommendations to relieve the plight of the housing industry. I would like to present to my colleagues some of our findings and recommendations because I believe they will serve as a guide to Members of Congress as they listen to this debate. I hope it will influence your voting pattern accordingly.

In addition, we have been working with the Senate Banking and Currency Committee and, in my opinion, genuine progress is being made.

The recommendations listed are short term only. We must commit ourselves to developing methods whereby we can provide a steady, continuing flow of funds into the mortgage market so that the housing sector of the economy is not forced to bear the burden of stringent monetary policies.

Following are some of the task force's recommendations:

First, extend the flexible authority to regulate the rates of interest paid by financial institutions on time and savings deposits;

Second, increase the authority of the Home Loan Bank Board to borrow from the Treasury; and

Third, strengthen the authority of the Federal Reserve Board to administer regulation Q.

The Senate committee has stated:

> Our national housing goals rank equally with the objectives of the Full Employment Act and should not be abandoned or ignored during periods of restrictive fiscal and monetary policies.

In other words, Mr. Chairman, we can provide full employment and meet the goals of providing adequate housing for all Americans and, at the same time, continue our efforts to curb inflation.

As I stated earlier, it is totally unrealistic and unacceptable to expect one segment of our economy to pay the price of the previous administration's fiscal mismanagement.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15091), to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes, pursuant to House Resolution 755, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. PATMAN. Mr. Speaker, I demand a separate vote on section 2 and also section 3 of the bill, commencing on page 1, and down to the end of page 2. That is two amendments.

The SPEAKER. The Chair would like to inquire of the gentleman, does the gentleman mean the amendments striking out sections 2 and 3 of the bill?

Mr. PATMAN. I am opposed to striking out the provision which the committee had stricken out.

The SPEAKER. Is the gentleman asking for a separate vote on the striking out of section 2 and section 3?

Mr. PATMAN. That is correct.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

> Amendment: Page 2, strike out lines 2 through 15.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. STEPHENS) there were—ayes 52, noes 56.

Mr. STEPHENS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Michigan will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, is this rollcall vote on both section 2 and section 3, or just on section 2?

The SPEAKER. The rollcall vote is on the amendment to strike out section 2. Section 3 will come later.

Mr. GERALD R. FORD. I thank the Speaker.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 231, nays 172, answered "present" 1, not voting 29, as follows:

[Roll No. 331]

YEAS—231

Abernethy	Eshleman	Miller, Ohio
Adair	Findley	Minshall
Anderson, Ill.	Fish	Mize
Andrews, N. Dak.	Fisher	Mizell
Arends	Flynt	Monagan
Ashbrook	Ford, Gerald R.	Montgomery
Aspinall	Foreman	Morse
Ayres	Fountain	Morton
Baring	Frelinghuysen	Mosher
Beall, Md.	Frey	Myers
Belcher	Fuqua	Nelsen
Bell, Calif.	Galifianakis	Nichols
Bennett	Gettys	O'Neal, Ga.
Berry	Goldwater	Passman
Betts	Goodling	Pettis
Biester	Griffin	Pirnie
Blackburn	Gross	Poage
Boland	Grover	Poff
Bow	Gubser	Pollock
Bray	Gude	Preyer, N.C.
Brinkley	Hagan	Price, Tex.
Brock	Haley	Purcell
Broomfield	Hammer-schmidt	Quie
Brotzman	Hansen, Idaho	Quillen
Brown, Ohio	Hansen, Wash.	Railsback
Broyhill, N.C.	Harsha	Rarick
Broyhill, Va.	Harvey	Rees
Buchanan	Hastings	Reid, Ill.
Burke, Fla.	Heckler, Mass.	Reifel
Burleson, Tex.	Henderson	Rhodes
Burton, Utah	Hogan	Riegle
Bush	Horton	Roberts
Button	Hosmer	Robison
Byrnes, Wis.	Hunt	Rogers, Fla.
Cabell	Hutchinson	Roth
Caffery	Jarman	Roudebush
Camp	Johnson, Pa.	Ruppe
Carter	Jonas	Ruth
Cederberg	Jones, N.C.	Sandman
Chamberlain	Keith	Satterfield
Chappell	King	Saylor
Clancy	Kleppe	Schadeberg
Clausen, Don H.	Kuykendall	Scherle
Clawson, Del	Kyl	Schneebeli
Cleveland	Landgrebe	Schwengel
Cohelan	Landrum	Scott
Collier	Langen	Sebelius
Collins	Latta	Shriver
Colmer	Leggett	Sikes
Conable	Lennon	Skubitz
Corbett	Lloyd	Smith, Calif.
Cowger	Lujan	Smith, N.Y.
Cramer	Lukens	Snyder
Crane	McClory	Springer
Daniel, Va.	McClure	Stafford
Davis, Ga.	McCulloch	Stanton
Davis, Wis.	McDade	Steiger, Ariz.
Dellenback	McDonald, Mich.	Steiger, Wis.
Denney	McEwen	Stephens
Dennis	McKneally	Stuckey
Derwinski	McMillan	Talcott
Devine	MacGregor	Taylor
Dickinson	Mahon	Teague, Calif.
Dorn	Mailliard	Thompson, Ga.
Downing	Mann	Thomson, Wis.
Duncan	Marsh	Utt
Dwyer	Mathias	Van Deerlin
Edwards, Ala.	May	Vander Jagt
Edwards, La.	Mayne	Waggonner
Erlenborn	Meskill	Wampler
Esch	Michel	Watkins
		Watson
		Weicker
Whalen	Wilson, Bob	Wydler
Whitehurst	Wilson, Charles H.	Wylie
Whitten	Winn	Wyman
Widnall	Wold	Zion
Wiggins	Wyatt	Zwach
Williams		

NAYS—172

Adams	Gallagher	Nix
Addabbo	Garmatz	Obey
Albert	Gaydos	O'Hara
Alexander	Giaimo	O'Konski
Anderson, Calif.	Gibbons	Olsen
	Gilbert	O'Neill, Mass.
Anderson, Tenn.	Gonzalez	Ottinger
	Gray	Patman
Annunzio	Green, Oreg.	Patten
Ashley	Green, Pa.	Pepper
Barrett	Griffiths	Perkins
Bevill	Halpern	Philbin
Biaggi	Hamilton	Pickle
Bingham	Hanley	Pike
Blanton	Harrington	Podell
Blatnik	Hathaway	Price, Ill.
Boggs	Hawkins	Pryor, Ark.
Brademas	Hays	Pucinski
Brasco	Hechler, W. Va.	Randall
Brooks	Helstoski	Reid, N.Y.
Brown, Calif.	Hicks	Reuss
Brown, Mich.	Holifield	Rodino
Burke, Mass.	Howard	Roe
Burlison, Mo.	Hungate	Rogers, Colo.
Burton, Calif.	Ichord	Rooney, N.Y.
Byrne, Pa.	Jacobs	Rooney, Pa.
Carey	Johnson, Calif.	Rosenthal
Casey	Jones, Ala.	Rostenkowski
Celler	Jones, Tenn.	Roybal
Clark	Karth	Ryan
Clay	Kastenmeier	St Germain
Conte	Kazen	St. Onge
Corman	Kee	Scheuer
Culver	Kluczynski	Shipley
Daddario	Koch	Slack
Daniels, N.J.	Kyros	Smith, Iowa
de la Garza	Long, La.	Staggers
Delaney	Long, Md.	Stokes
Dent	Lowenstein	Stratton
Diggs	McCarthy	Stubblefield
Dingell	McFall	Sullivan
Donohue	Macdonald, Mass.	Symington
Dowdy		Teague, Tex.
Dulski	Madden	Thompson, N.J.
Eckhardt	Matsunaga	Tiernan
Edmondson	Meeds	Udall
Eilberg	Melcher	Ullman
Evans, Colo.	Mikva	Vanik
Farbstein	Miller, Calif.	Vigorito
Feighan	Mills	Waldie
Flood	Minish	Watts
Flowers	Mink	White
Foley	Mollohan	Wolff
Ford, William D.	Moorhead	Wright
	Morgan	Yates
Fraser	Murphy, Ill.	Yatron
Friedel	Murphy, N.Y.	Young
Fulton, Pa.	Natcher	Zablocki
Fulton, Tenn.	Nedzi	

ANSWERED "PRESENT"—1

Hull

NOT VOTING—29

Abbitt	Evins, Tenn.	Moss
Andrews, Ala.	Fallon	Pelly
Bolling	Fascell	Powell
Cahill	Hall	Rivers
Chisholm	Hanna	Sisk
Conyers	Hébert	Steed
Coughlin	Kirwan	Taft
Cunningham	Lipscomb	Tunney
Dawson	McCloskey	Whalley
Edwards, Calif.	Martin	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Martin for, with Mr. Edwards of California against.

Mr. Pelly for, with Mr. Hanna against.

Mr. Lipscomb for, with Mr. Fallon against.

Mr. Cunningham for, with Mr. Tunney against.

Until further notice:

Mr. Hébert with Mr. Cahill.

Mr. Rivers with Mr. Hall.

Mr. Sisk with Mr. McCloskey.

Mr. Moss with Mr. Taft.

Mr. Steed with Mr. Whalley.

Mr. Abbitt with Mr. Andrews of Alabama.

Mr. Fascell with Mr. Evins of Tennessee.

Mr. Kirwan with Mr. Conyers.

Mr. Dawson with Mrs. Chisholm.

Mr. BINGHAM, Mr. LONG of Maryland, Mr. WALDIE, and Mr. SLACK changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 2, beginning on line 16, strike all of section 3.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 162, noes 115.

Mr. PATMAN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 233, nays 170, answered "present" 1, not voting 29, as follows:

[Roll No. 332]

YEAS—233

Abernethy	Derwinski	McClure
Adair	Devine	McCulloch
Anderson, Ill.	Dickinson	McDade
Andrews, N. Dak.	Dorn	McDonald, Mich.
	Dowdy	
Arends	Downing	McEwen
Ashbrook	Duncan	McKneally
Ashley	Dwyer	McMillan
Aspinall	Edwards, Ala.	MacGregor
Ayres	Erlenborn	Mahon
Baring	Esch	Mailliard
Beall, Md.	Eshleman	Mann
Belcher	Findley	Marsh
Bell, Calif.	Fish	Mathias
Bennett	Fisher	May
Berry	Flynt	Mayne
Betts	Ford, Gerald R.	Meskill
Biester	Foreman	Michel
Blackburn	Fountain	Miller, Ohio
Blanton	Frelinghuysen	Minshall
Bow	Frey	Mize
Bray	Fuqua	Mizell
Brinkley	Galifianakis	Monagan
Brock	Gettys	Montgomery
Broomfield	Goldwater	Moorhead
Brotzman	Goodling	Morse
Brown, Ohio	Griffin	Morton
Broyhill, N.C.	Gross	Mosher
Broyhill, Va.	Grover	Myers
Buchanan	Gubser	Nelsen
Burke, Fla.	Gude	O'Neal, Ga.
Burleson, Tex.	Hagan	Passman
Burton, Utah	Haley	Pettis
Bush	Hammer-schmidt	Pickle
Button		Pirnie
Byrnes, Wis.	Hansen, Idaho	Poage
Cabell	Harsha	Poff
Caffery	Harvey	Pollock
Camp	Hastings	Preyer, N.C.
Carter	Heckler, Mass.	Price, Tex.
Casey	Henderson	Purcell
Cederberg	Hogan	Quie
Celler	Horton	Quillen
Chamberlain	Hosmer	Railsback
Chappell	Hunt	Rarick
Clancy	Hutchinson	Rees
Clausen, Don H.	Jarman	Reid, Ill.
	Johnson, Pa.	Reifel
Clawson, Del	Jonas	Rhodes
Cleveland	Jones, N.C.	Riegle
Collier	Keith	Roberts
Collins	King	Robison
Colmer	Kleppe	Rogers, Fla.
Conable	Kuykendall	Roth
Corbett	Kyl	Roudebush
Cowger	Landgrebe	Ruppe
Cramer	Landrum	Ruth
Crane	Langen	Sandman
Daniel, Va.	Latta	Satterfield
Davis, Ga.	Lennon	Saylor
Davis, Wis.	Lloyd	Schadeberg
Dellenback	Lujan	Scherle
Denney	Lukens	Schneebeli
Dennis	McClory	Schwengel

Scott	Stuckey	Whalen
Sebelius	Talcott	Whitehurst
Shriver	Taylor	Whitten
Sikes	Teague, Calif.	Widnall
Skubitz	Teague, Tex.	Wiggins
Smith, Calif.	Thompson, Ga.	Williams
Smith, Iowa	Thomson, Wis.	Wilson, Bob
Smith, N.Y.	Utt	Winn
Snyder	Van Deerlin	Wold
Springer	Vander Jagt	Wyatt
Stafford	Waggonner	Wydler
Stanton	Wampler	Wylie
Steiger, Ariz.	Watkins	Wyman
Steiger, Wis.	Watson	Zion
Stephens	Weicker	Zwach

NAYS—170

Adams	Gaydos	Nix
Addabbo	Giaimo	Obey
Albert	Gibbons	O'Hara
Alexander	Gilbert	O'Konski
Anderson, Calif.	Gonzalez	Olsen
	Gray	O'Neill, Mass.
Anderson, Tenn.	Green, Oreg.	Ottinger
	Green, Pa.	Patman
Annunzio	Griffiths	Patten
Barrett	Halpern	Pepper
Bevill	Hamilton	Perkins
Biaggi	Hanley	Philbin
Bingham	Hansen, Wash.	Pike
Blatnik	Harrington	Podell
Boggs	Hathaway	Price, Ill.
Boland	Hawkins	Pryor, Ark.
Brademas	Hays	Pucinski
Brasco	Hechler, W. Va.	Randall
Brooks	Helstoski	Reid, N.Y.
Brown, Calif.	Hicks	Reuss
Brown, Mich.	Holifield	Rodino
Burke, Mass.	Howard	Roe
Burlison, Mo.	Hungate	Rogers, Colo.
Burton, Calif.	Ichord	Rooney, N.Y.
Byrne, Pa.	Jacobs	Rooney, Pa.
Carey	Johnson, Calif.	Rosenthal
Clark	Jones, Ala.	Rostenkowski
Clay	Jones, Tenn.	Roybal
Cohelan	Karth	Ryan
Conte	Kastenmeier	St Germain
Corman	Kazen	St. Onge
Culver	Kee	Scheuer
Daddario	Kluczynski	Shipley
Daniels, N.J.	Koch	Slack
de la Garza	Kyros	Staggers
Delaney	Leggett	Stokes
Dent	Long, La.	Stratton
Diggs	Long, Md.	Stubblefield
Dingell	Lowenstein	Sullivan
Donohue	McCarthy	Symington
Dulski	McFall	Thompson, N.J.
Eckhardt	Macdonald, Mass.	Tiernan
Edmondson		Udall
Edwards, La.	Madden	Ullman
Eilberg	Matsunaga	Vanik
Evans, Colo.	Meeds	Vigorito
Farbstein	Melcher	Waldie
Feighan	Mikva	Watts
Flood	Miller, Calif.	White
Flowers	Mills	Wilson, Charles H.
Foley	Minish	
Ford, William D.	Mink	Wolff
	Mollohan	Wright
Fraser	Morgan	Yates
Friedel	Murphy, Ill.	Yatron
Fulton, Pa.	Murphy, N.Y.	Young
Fulton, Tenn.	Natcher	Zablocki
Gallagher	Nedzi	
Garmatz	Nichols	

ANSWERED "PRESENT"—1

Hull

NOT VOTING—29

Abbitt	Evins, Tenn.	Moss
Andrews, Ala.	Fallon	Pelly
Bolling	Fascell	Powell
Cahill	Hall	Rivers
Chisholm	Hanna	Sisk
Conyers	Hébert	Steed
Coughlin	Kirwan	Taft
Cunningham	Lipscomb	Tunney
Dawson	McCloskey	Whalley
Edwards, Calif.	Martin	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Coughlin for, with Mr. Evins of Tennessee against.

Mr. Martin for, with Mr. Edwards of California against.

Mr. Pelly for, with Mr. Hanna against.

Mr. Lipscomb for, with Mr. Fallon against.

Mr. Cunningham for, with Mr. Tunney against.

Until further notice:

Mr. Hébert with Mr. Cahill.
Mr. Rivers with Mr. Hall.
Mr. Sisk with Mr. McCloskey.
Mr. Andrews of Alabama with Mr. Taft.
Mr. Abbitt with Mr. Whalley.
Mr. Dawson with Mr. Moss.
Mr. Fascell with Mr. Steed.
Mr. Kirwan with Mr. Powell.
Mr. Conyers with Mrs. Chisholm.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WIDNALL. Mr. Speaker, I am opposed to the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WIDNALL moves to recommit the bill H.R. 15091 to the Committee on Banking and Currency with instructions to report the same back to the House forthwith with the following amendment: Strike all after the enacting clause and insert in lieu thereof:

That section 7 of the Act of September 21, 1966 (Public Law 89-587; 80 Stat. 823), is amended to read:

"SEC. 7. Effective March 22, 1971—

"(1) So much of section 19(j) of the Federal Reserve Act (12 U.S.C. 371(b)) as precedes the third sentence thereof is amended to read as it would without the amendment made by section 2(c) of this Act;

"(2) The second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act;

"(3) The last three sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are repealed; and

"(4) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed."

SEC. 2. (a) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end thereof the following new sentences: "The authority conferred by this subsection shall also apply to noninsured banks in any State if (1) the total amount of time and savings deposits held in all such banks in the State, plus the total amount of deposits, shares, and withdrawable accounts held in all building and loan, savings and loan, and homestead associations (including cooperative banks) in the State which are not members of a Federal home loan bank, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by this subsection, including specifically the authority to regulate the rates of interest and dividends paid by such noninsured banks on time and savings deposits, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board of Directors with respect to such noninsured banks prior to July 31, 1970, to limit the rates of interest or dividends which such banks may pay on time and savings deposits to maximum rates not lower than 5½ per centum per annum. Whenever it shall appear to the Board of Directors that any noninsured bank or any affiliate thereof is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this subsection or of any regulations thereunder, the Board of Directors may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the noninsured bank or affiliate thereof is located to enjoin such acts or practices, to enforce compliance with this subsection or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be grateful without bond."

(b) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended to read as follows:

"SEC. 5B. (a) The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on the rates of interest or dividends on deposits, shares, or withdrawable accounts that may be paid by members, other than those the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, by institutions which are insured institutions as defined in section 401(a) of the National Housing Act, and by nonmember building and loan, savings and loan, and homestead associations, and cooperative banks. The Board may prescribe different rate limitations for different classes of deposits, shares, or withdrawable accounts, for deposits, shares, or withdrawable accounts of different amounts or with different maturities or subject to different conditions regarding withdrawal or repayment, according to the nature or location of such members, institutions, or nonmembers or their depositors, shareholders or withdrawable account holders, or according to such other reasonable bases as the Board may deem desirable in the public interest. The authority conferred by this subsection shall apply to nonmember building and loan, savings and loan, and homestead associations, and cooperative banks in any State if (1) the total amount of deposits, shares, and withdrawable accounts held in all such nonmember associations and banks in the State, plus the total amount of time and savings deposits held in all banks in the State which are not insured by the Federal Deposit Insurance Corporation, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by the first two sentences of this subsection, including specifically the authority to regulate the rates of interest and dividends paid by any such association or bank on deposits, shares, or withdrawable accounts, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board with respect to such nonmember associations and banks prior to July 31, 1970, to limit the rates of interest or dividends which such associations or banks may pay on deposits, shares, or withdrawable accounts to maximum rates not lower than 5½ per centum per annum.

"(b) In addition to any other penalty provided by this or any other law, any institution subject to this section which violates a rule promulgated pursuant to this section shall be subject to such civil penalties, which shall not exceed $100 for each violation, as

may be prescribed by said Board by rule and such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

"(c) Whenever it shall appear to the Board that any nonmember institution is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any regulations thereunder, the Board may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the institution is located to enjoin such acts or practices, to enforce compliance with this section or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

"(d) All expenses of the Board under this section shall be considered as nonadministrative expenses."

SEC. 3. Section 11(i) of the Federal Home Loan Bank Act (12 U.S.C. 1431(i)) is amended—

(1) by striking out "$1,000,000,000" and inserting in lieu thereof "$4,000,000,000";

(2) by striking out the last sentence thereof and inserting in lieu thereof the following: "Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon terms and conditions as shall be determined by the Secretary of the Treasury and shall bear such rate of interest as may be determined by the Secretary of the Treasury taking into consideration the current average market yield for the month preceding the month of such purchase on outstanding marketable obligations of the United States."; and

(3) by adding at the end thereof a new paragraph as follows:

"It is the sense of Congress that the authority provided in this subsection be used by the Secretary of the Treasury, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates and that any funds so borrowed will be repaid by the Home Loan Bank Board at the earliest practicable date."

SEC. 4. (a) Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting after the word "interest," the following: "to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit for the purposes of subsection (j),".

(b)(1) The fourth sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors is authorized for the purposes of this subsection to define the terms 'time deposits' and 'savings deposits', to determine what shall be deemed a payment of interest, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this subsection and to prevent evasions thereof."

(2) Section 18(g) of such Act is further amended by inserting after the fifth sentence the following: "The provisions of this subsection and of regulations issued thereunder shall also apply, in the discretion of the Board of Directors, to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business. As used in this subsection, the term 'affiliate' has the same meaning as when used in section 2(b) of the Banking Act of 1933, as amended (12 U.S.C. 221a(b)), except that the term 'member bank', as used in such section 2(b), shall be deemed to refer to an insured nonmember bank."

(c) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "or dividends" after "interest".

SEC. 5. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end thereof a new sentence as follows: "The Board may, however, prescribe any reserve ratio, not more than 22 per centum, with respect to any indebtedness of a member bank that arises out of a transaction in the ordinary course of its banking business with respect to either funds received or credit extended by such bank to a bank organized under the law of a foreign country or a dependency or insular possession of the United States.".

Mr. WIDNALL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 193, nays 206, answered "present"—1, not voting 33, as follows:

[Roll No. 333]

YEAS—193

Abernethy	Chamberlain	Frelinghuysen
Adair	Clancy	Frey
Anderson, Ill.	Clausen, Don H.	Fulton, Pa.
Andrews, N. Dak.	Clawson, Del	Goldwater
Arends	Cleveland	Goodling
Ashbrook	Collier	Gross
Ayres	Collins	Grover
Baring	Colmer	Gubser
Beall, Md.	Conable	Gude
Belcher	Conte	Haley
Bell, Calif.	Corbett	Halpern
Berry	Coughlin	Hammer-schmidt
Betts	Cramer	Hansen, Idaho
Biester	Crane	Harsha
Blackburn	Daniel, Va.	Harvey
Bow	Davis, Wis.	Hastings
Bray	Dellenback	Heckler, Mass.
Brock	Denney	Hogan
Broomfield	Dennis	Horton
Brotzman	Derwinski	Hosmer
Brown, Mich.	Devine	Hunt
Brown, Ohio	Dickinson	Hutchinson
Broyhill, N.C.	Dowdy	Jarman
Broyhill, Va.	Duncan	Johnson, Pa.
Buchanan	Dwyer	Jonas
Burke, Fla.	Edwards, Ala.	Keith
Burleson, Tex.	Erlenborn	King
Burton, Utah	Esch	Kleppe
Bush	Eshleman	Kuykendall
Button	Findley	Kyl
Byrnes, Wis.	Fish	Landgrebe
Camp	Flynt	Langen
Carter	Ford, Gerald R.	Latta
Cederberg	Foreman	Lujan
Lukens	Poage	Springer
McClory	Poff	Stafford
McClure	Price, Tex.	Stanton
McCulloch	Quie	Steiger, Ariz.
McDade	Quillen	Steiger, Wis.
McDonald, Mich.	Railsback	Talcott
McEwen	Rarick	Teague, Calif.
McKneally	Reid, Ill.	Thompson, Ga.
MacGregor	Reid, N.Y.	Thomson, Wis.
Mailliard	Reifel	Utt
Marsh	Rhodes	Vander Jagt
Mathias	Riegle	Wampler
May	Robison	Watkins
Mayne	Roth	Watson
Meskill	Roudebush	Weicker
Michel	Ruppe	Whalen
Miller, Ohio	Ruth	Whitehurst
Minshall	Sandman	Whitten
Mize	Satterfield	Widnall
Mizell	Saylor	Wiggins
Montgomery	Schadeberg	Williams
Morse	Scherle	Wilson, Bob
Morton	Schneebeli	Winn
Mosher	Schwengel	Wold
Myers	Scott	Wyatt
Nelsen	Sebelius	Wydler
O'Konski	Shriver	Wylie
Passman	Skubitz	Wyman
Pettis	Smith, Calif.	Zion
Pirnie	Smith, N.Y.	Zwach
	Snyder	

NAYS—206

Adams	Gallagher	Nix
Addabbo	Garmatz	Obey
Albert	Gaydos	O'Hara
Alexander	Gettys	Olsen
Anderson, Calif.	Giaimo	O'Neal, Ga.
Anderson, Tenn.	Gibbons	O'Neill, Mass.
Annunzio	Gilbert	Ottinger
Ashley	Gonzalez	Patman
Aspinall	Gray	Patten
Barrett	Green, Oreg.	Pepper
Bennett	Green, Pa.	Perkins
Bevill	Griffin	Philbin
Biaggi	Griffiths	Pickle
Bingham	Hagan	Pike
Blanton	Hamilton	Podell
Blatnik	Hanley	Preyer, N.C.
Boggs	Hansen, Wash.	Price, Ill.
Boland	Harrington	Pryor, Ark.
Brademas	Hathaway	Pucinski
Brasco	Hawkins	Purcell
Brinkley	Hays	Randall
Brooks	Hechler, W. Va.	Rees
Brown, Calif.	Helstoski	Reuss
Burke, Mass.	Henderson	Roberts
Burlison, Mo.	Hicks	Rodino
Burton, Calif.	Holifield	Roe
Byrne, Pa.	Howard	Rogers, Colo.
Cabell	Hungate	Rogers, Fla.
Caffery	Ichord	Rooney, N.Y.
Carey	Jacobs	Rooney, Pa.
Casey	Johnson, Calif.	Rosenthal
Celler	Jones, Ala.	Rostenkowski
Chappell	Jones, N.C.	Roybal
Clark	Jones, Tenn.	Ryan
Clay	Karth	St Germain
Cohelan	Kastenmeier	St. Onge
Corman	Kazen	Scheuer
Culver	Kee	Shipley
Daddario	Kluczynski	Sikes
Daniels, N.J.	Koch	Slack
Davis, Ga.	Kyros	Smith, Iowa
de la Garza	Landrum	Staggers
Delaney	Leggett	Stephens
Dent	Lennon	Stokes
Diggs	Long, La.	Stratton
Dingell	Long, Md.	Stubblefield
Donohue	Lowenstein	Stuckey
Dorn	McCarthy	Sullivan
Downing	McFall	Symington
Dulski	Macdonald, Mass.	Taylor
Eckhardt	Madden	Thompson, N.J.
Edmondson	Mahon	Tiernan
Edwards, La.	Mann	Udall
Eilberg	Matsunaga	Ullman
Evans, Colo.	Meeds	Van Deerlin
Farbstein	Melcher	Vanik
Feighan	Mikva	Vigorito
Fisher	Miller, Calif.	Waggonner
Flood	Mills	Waldie
Flowers	Minish	Watts
Foley	Mink	White
Ford, William D.	Mollohan	Wilson, Charles H.
Fountain	Monagan	Wolff
Fraser	Moorhead	Wright
Friedel	Morgan	Yates
Fulton, Tenn.	Murphy, Ill.	Yatron
Fuqua	Murphy, N.Y.	Young
Galifianakis	Natcher	Zablocki
	Nedzi	
	Nichols	

ANSWERED "PRESENT"—1

Hull

NOT VOTING—33

Abbitt	Fallon	Moss
Andrews, Ala.	Fascell	Pelly
Bolling	Hall	Pollock
Cahill	Hanna	Powell
Chisholm	Hébert	Rivers
Conyers	Kirwan	Sisk
Coughlin	Lipscomb	Steed
Cunningham	Lloyd	Taft
Dawson	McCloskey	Teague, Tex.
Edwards, Calif.	McMillan	Tunney
Evins, Tenn.	Martin	Whalley

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Coughlin for, with Mr. Evins of Tennessee against.

Mr. Martin for, with Mr. Edwards of California against.

Mr. Pelly for, with Mr. Hanna against.

Mr. Lipscomb for, with Mr. Fallon against.

Mr. Cunningham for, with Mr. Tunney against.

Mr. Pollock for, with Mr. Fascell against.

Until further notice:

Mr. Hébert with Mr. Cahill.

Mr. Rivers with Mr. Hall.

Mr. Sisk with Mr. Taft.

Mr. Andrews of Alabama with Mr. Lloyd.

Mr. Steed with Mr. McCloskey.

Mr. Abbitt with Mr. Whalley.

Mrs. Chisholm with Mr. Kirwan.

Mr. Conyers with Mr. Dawson.

Mr. McMillan with Mr. Teague of Texas.

Mr. Powell with Mr. Moss.

Mr. MELCHER and Mr. CELLER changed their votes from "yea" to "nay."

Mr. O'KONSKI changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 260, nays 136, answered "present" 3, not voting 34, as follows:

[Roll No. 334]

YEAS—260

Adams	Caffery	Esch
Addabbo	Carey	Evans, Colo.
Albert	Carter	Farbstein
Alexander	Casey	Feighan
Anderson, Calif.	Celler	Fisher
	Chamberlain	Flood
Anderson, Tenn.	Chappell	Flowers
	Clark	Flynt
Annunzio	Clausen, Don H.	Foley
Ashley		Ford, William D.
Aspinall	Clay	
Barrett	Cleveland	Fountain
Bennett	Cohelan	Fraser
Bevill	Conte	Friedel
Biaggi	Corbett	Fulton, Pa.
Biester	Corman	Fulton, Tenn.
Bingham	Culver	Fuqua
Blanton	Daddario	Galifianakis
Blatnik	Daniels, N.J.	Gallagher
Boggs	Davis, Ga.	Garmatz
Boland	de la Garza	Gaydos
Brademas	Delaney	Gettys
Brasco	Dent	Giaimo
Brinkley	Diggs	Gibbons
Brooks	Dingell	Gilbert
Broomfield	Donohue	Gonzalez
Brown, Calif.	Dorn	Gray
Broyhill, Va.	Dowdy	Green, Oreg.
Burke, Mass.	Downing	Green, Pa.
Burleson, Tex.	Dulski	Griffin
Burlison, Mo.	Dwyer	Griffiths
Burton, Calif.	Eckhardt	Gude
Button	Edmondson	Hagan
Byrne, Pa.	Edwards, La.	Haley
Cabell	Eilberg	Halpern
Hamilton	Mink	Roybal
Hanley	Mize	Ruppe
Hansen, Wash.	Mollohan	Ryan
Harrington	Monagan	St Germain
Harvey	Moorhead	St. Onge
Hathaway	Morgan	Schadeberg
Hawkins	Morse	Scheuer
Hays	Mosher	Schneebeli
Hechler, W. Va.	Murphy, Ill.	Shipley
Heckler, Mass.	Murphy, N.Y.	Shriver
Helstoski	Natcher	Sikes
Henderson	Nedzi	Slack
Hicks	Nelsen	Smith, Iowa
Holifield	Nichols	Snyder
Howard	Nix	Stafford
Hungate	Obey	Staggers
Ichord	O'Hara	Stephens
Jacobs	O'Konski	Stokes
Jarman	Olsen	Stratton
Johnson, Calif.	O'Neal, Ga.	Stubblefield
Jones, Ala.	O'Neill, Mass.	Stuckey
Jones, N.C.	Ottinger	Sullivan
Jones, Tenn.	Passman	Symington
Karth	Patman	Taylor
Kastenmeier	Patten	Teague, Tex.
Kazen	Pepper	Thompson, Ga.
Kee	Perkins	Thompson, N.J.
Kluczynski	Pettis	Thomson, Wis.
Koch	Philbin	Tiernan
Kyros	Pickle	Udall
Landrum	Pike	Ullman
Langen	Poage	Van Deerlin
Leggett	Podell	Vander Jagt
Lennon	Pollock	Vanik
Long, La.	Preyer, N.C.	Vigorito
Long, Md.	Price, Ill.	Waggonner
Lowenstein	Pryor, Ark.	Waldie
McCarthy	Pucinski	Watson
McDade	Purcell	Watts
McDonald, Mich.	Quie	Whalen
	Randall	White
McFall	Rees	Whitehurst
Macdonald, Mass.	Reid, N.Y.	Whitten
	Reifel	Wilson, Charles H.
Madden	Reuss	
Mahon	Riegle	Wolff
Mann	Roberts	Wright
Matsunaga	Rodino	Wyatt
Meeds	Roe	Wydler
Melcher	Rogers, Fla.	Wyman
Mikva	Rooney, N.Y.	Yatron
Miller, Calif.	Rooney, Pa.	Young
Mills	Rosenthal	Zablocki
Minish	Rostenkowski	Zwach

NAYS—136

Abernethy	Eshleman	Michel
Adair	Findley	Miller, Ohio
Anderson, Ill.	Fish	Minshall
Andrews, N. Dak.	Ford, Gerald R.	Mizell
	Foreman	Montgomery
Arends	Frelinghuysen	Morton
Ashbrook	Frey	Myers
Ayres	Goldwater	Pirnie
Baring	Goodling	Poff
Beall, Md.	Gross	Price, Tex.
Belcher	Grover	Quillen
Bell, Calif.	Gubser	Railsback
Berry	Hammer-schmidt	Rarick
Betts		Reid, Ill.
Blackburn	Hansen, Idaho	Rhodes
Bow	Harsha	Robison
Bray	Hastings	Roth
Brock	Hogan	Roudebush
Brotzman	Horton	Ruth
Brown, Mich.	Hosmer	Sandman
Brown, Ohio	Hunt	Satterfield
Broyhill, N.C.	Hutchinson	Saylor
Buchanan	Johnson, Pa.	Scherle
Burke, Fla.	Jonas	Schwengel
Burton, Utah	Keith	Scott
Bush	King	Sebelius
Byrnes, Wis.	Kleppe	Skubitz
Camp	Kuykendall	Smith, Calif.
Cederberg	Kyl	Smith, N.Y.
Clancy	Landgrebe	Springer
Clawson, Del	Latta	Stanton
Collins	Lloyd	Steiger, Ariz.
Colmer	Lujan	Steiger, Wis.
Conable	Lukens	Talcott
Cramer	McClory	Teague, Calif.
Crane	McClure	Wampler
Daniel, Va.	McCulloch	Watkins
Davis, Wis.	McEwen	Weicker
Dellenback	McKneally	Widnall
Dennis	MacGregor	Wiggins
Derwinski	Mailliard	Williams
Devine	Marsh	Wilson, Bob
Dickinson	Mathias	Winn
Duncan	May	Wold
Edwards, Ala.	Mayne	Wylie
Erlenborn	Meskill	Zion

ANSWERED "PRESENT"—3

Collier	Cowger	Hull

NOT VOTING—34

Abbitt	Fallon	Pelly
Andrews, Ala.	Fascell	Powell
Bolling	Hall	Rivers
Cahill	Hanna	Rogers, Colo.
Chisholm	Hébert	Sisk
Conyers	Kirwan	Steed
Coughlin	Lipscomb	Taft
Cunningham	McCloskey	Tunney
Dawson	McMillan	Utt
Denney	Martin	Whalley
Edwards, Calif.	Moss	Yates
Evins, Tenn.		

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Moss for, with Mr. Coughlin against.

Mr. Hanna for, with Mr. Martin against.

Mr. Fallon for, with Mr. Pelly against.

Mr. Rivers for, with Mr. Lipscomb against.

Mr. Edwards of California for, with Mr. Cunningham against.

Mr. Yates for, with Mr. Denney against.

Until further notice:

Mr. Hébert with Mr. Cahill.

Mr. Abbitt with Mr. Hall.

Mr. Steed with Mr. Utt.

Mr. Rogers of Colorado with Mr. Taft.

Mr. Tunney with Mr. McCloskey.

Mr. Andrews of Alabama with Mr. Whalley.

Mr. Conyers with Mrs. Chisholm.

Mr. Evins of Tennessee with Mr. McMillan.

Mr. Fascell with Mr. Kirwan.

Mr. Dawson with Mr. Powell.

Mr. COLLIER changed his vote from "nay" to "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from the further consideration of the bill (S. 2577) to provide additional mortgage credit, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2577

An act to provide additional mortgage credit, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966 (Public Law 89-587; 80 Stat. 823), is amended to read:

"SEC. 7. Effective September 22, 1970—

"(1) So much of section 19(j) of the Federal Reserve Act (12 U.S.C. 371(b)) as precedes the third sentence thereof is amended to read as it would without the amendment made by section 2(c) of this Act;

"(2) The second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act;

"(3) The last three sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are repealed; and

"(4) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed."

SEC. 2. (a) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end thereof the following new sentences: "The authority conferred by this subsection shall also

apply to noninsured banks in any State if (1) the total amount of time and savings deposits held in all such banks in the State, plus the total amount of deposits, shares, and withdrawable accounts held in all building and loan, savings and loan, and homestead associations (including cooperative banks) in the State which are not members of a Federal home loan bank, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by this subsection, including specifically the authority to regulate the rates of interest and dividends paid by such noninsured banks on time and savings deposits, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board of Directors with respect to such noninsured banks prior to July 31, 1970, to limit the rates of interest or dividends which such banks may pay on time and savings deposits to maximum rates not lower than 5½ per centum per annum. Whenever it shall appear to the Board of Directors that any noninsured bank or any affiliate thereof is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this subsection or of any regulations thereunder, the Board of Directors may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the noninsured bank or affiliate thereof is located to enjoin such acts or practices, to enforce compliance with this subsection or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond."

(b) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended to read as follows:

"SEC. 5B. (a) The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on the rates of interest or dividends on deposits, shares, or withdrawable accounts that may be paid by members, other than those the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, by institutions which are insured institutions as defined in section 401(a) of the National Housing Act, and by nonmember building and loan, savings and loan, and homestead associations, and cooperative banks. The Board may prescribe different rate limitations for different classes of deposits, shares, or withdrawable accounts, for deposits, shares, or withdrawable accounts of different amounts or with different maturities or subject to different conditions regarding withdrawal or repayment, according to the nature or location of such members, institutions, or nonmembers or their depositors, shareholders or withdrawable account holders, or according to such other reasonable bases as the Board may deem desirable in the public interest. The authority conferred by this subsection shall apply to nonmember building and loan, savings and loan, and homestead associations, and cooperative banks in any State if (1) the total amount of deposits, shares, and withdrawable accounts held in all such nonmember associations and banks in the State, plus the total amount of time and savings deposits held in all banks in the State which are not insured by the Federal Deposit Insurance Corporation, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by the first two sentences of this subsection, including specifically the authority to regulate the rates of interest and dividends paid by any such association or bank on deposits, shares, or withdrawable accounts, or if such agency exists it has not issued regulations in banks prior to July 31, 1970, to limit the rates of interest or dividends which such associations or banks may pay on deposits, shares, or withdrawable accounts to maximum rates not lower than 5½ per centum per annum.

"(b) In addition to any other penalty provided by this or any other law, any institution subject to this section which violates a rule promulgated pursuant to this section shall be subject to such civil penalties, which shall not exceed $100 for each violation, as may be prescribed by said Board by rule and such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

"(c) Whenever it shall appear to the Board that any nonmember institution is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any regulations thereunder, the Board may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the institution is located to enjoin such acts or practices, to enforce compliance with this section or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

"(d) All expenses of the Board under this section shall be considered as nonadministrative expenses."

SEC. 3. Section 11(i) of the Federal Home Loan Bank Act (12 U.S.C. 1431(i)) is amended—

(1) by striking out "$1,000,000,000" and inserting in lieu there of "$4,000,000,000";

(2) by striking out the last sentence thereof and inserting in lieu thereof the following: "Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon terms and conditions as shall be determined by the Secretary of the Treasury and shall bear such rate of interest as may be determined by the Secretary of the Treasury taking into consideration the current average market yield for the month preceding the month of such purchase on outstanding marketable obligations of the United States."; and

(3) by adding at the end thereof a new paragraph as follows:

"It is the sense of Congress that the authority provided in this subsection be used by the Secretary of the Treasury, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates and that any funds so borrowed will be repaid by the Home Loan Bank Board at the earliest practicable date."

SEC. 4. (a) Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting after the word "interest," the following: "to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit for the purposes of subsection (j),".

(b) (1) The fourth sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors is authorized for the purposes of this subsection to define the terms 'time deposits' and 'savings deposits', to determine what shall be deemed a payment of interest, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this subsection and to prevent evasions thereof."

(2) Section 18(g) of such Act is further amended by inserting after the fifth sentence the following: "The provisions of this subsection and of regulations issued thereunder shall also apply, in the discretion of the Board of Directors, to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business. As used in this subsection, the term 'affiliate' has the same meaning as when used in section 2(b) of the Banking Act of 1933, as amended (12 U.S.C. 221a(b)), except that the term 'member bank', as used in such section 2(b), shall be deemed to refer to an insured nonmember bank."

(c) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "or dividends" after "interest".

SEC. 5. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end thereof a new sentence as follows: "The Board may, however, prescribe any reserve ratio, not more than 22 per centum, with respect to any indebtedness of a member bank that arises out of a transaction in the ordinary course of tis banking business with respect to either funds received or credit extended by such bank to a bank organized under the law of a foreign country or a dependency or insular possession of the United Stats.".

SEC. 6. Section 708(b) of the Defense Production Act (50 U.S.C. 2158(b)) is amended by striking out everything after "United States", the first time it appears, and inserting a period in lieu thereof.

SEC. 7. Section 708(f) of the Defense Production Act (50 U.S.C. 2158(f)) is repealed.

AMENDMENT OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PATMAN: Strike out all after the enacting clause of the bill S. 2577, and insert in lieu thereof the provisions of H.R. 15091, as passed, as follows:

TITLE I—AMENDMENTS TO EXISTING ACTS

SECTION 1. So much of section 7 of the Act of September 21, 1966 (Public Law 89-597; 12 U.S.C. 461 note) as precedes paragraph (1) thereof is amended to read as follows:

"SEC. 7. Effective March 22, 1971,"

SEC. 2. The authority conferred by section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) shall also apply with respect to noninsured banks in any State if (1) the total amount of time and savings deposits held in all such banks in the State,

plus the total amount of deposits, shares, and withdrawable accounts held in all building and loan, savings and loan, and homestead associations (including cooperative banks) in the State which are not members of a Federal home loan bank, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of that State a bank supervisory agency with authority comparable to that conferred by this section, including specifically the authority to regulate the rates of interest and dividends paid by noninsured banks on time and savings deposits, or if such an agency exists it has not issued regulations in the exercise of that authority. The authority conferred by section 18(g) may not be exercised with respect to noninsured banks after July 31, 1970, and may only be exercised to limit the rates of interest or dividends which those banks may pay on time and savings deposits to maximum rates not lower than 5½ per centum per annum. Whenever it appears to the Board of Directors that any noninsured bank or any affiliate thereof is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of that section or of any regulations thereunder, the Board of Directors may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the noninsured bank or affiliate thereof is located to enjoin such acts or practices, to enforce compliance with this section or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

SEC. 3. (a) The authority conferred by section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) shall also apply with respect to nonmember building and loan, savings and loan, and homestead associations, and cooperative banks in any State if (1) the total amount of deposits, shares, and withdrawable accounts held in all such nonmember associations and banks in the State, plus the total amount of time and savings deposits held in all banks in the State which are not insured by the Federal Deposit Insurance Corporation, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of that State a bank supervisory agency with authority comparable to that conferred by the first two sentences of this subsection, including specifically the authority to regulate the rates of interest and dividends paid by any such association or bank on deposits, shares, or withdrawable accounts, of if such an agency exists it has not issued regulations in the exercise of that authority. The authority conferred by that section may not be exercised with respect to nonmember associations and banks after July 31, 1970, and may only be exercised to limit the rates of interest or dividends which those associations or banks may pay on deposits, shares, or withdrawable accounts to maximum rates not lower than 5½ per centum per annum.

(b) In addition to any other penalty provided by the Federal Home Loan Bank Act or any other law, any institution subject to this section which violates a rule promulgated pursuant to this section and section 5B of the Federal Home Loan Bank Act shall be subject to such civil penalties, which shall not exceed $100 for each violation, as way be prescribed by the Federal Home Loan Bank Board by rule. Any such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or and such recovery.

(c) Whenever it appears to the Board that any nonmember institution is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section and section 5B of the Federal Home Loan Bank Act or of any regulations thereunder, the Board may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the institution is located to enjoin such acts or practices, to enforce compliance with these sections or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

(d) All expenses of the Board under this section shall be considered as nonadministrative expenses.

SEC. 4. (a) The Federal Home Loan Bank Act is amended by adding at the end thereof the following:

"SEC. 31. (a) The purpose of this section is to improve the depth and liquidity of the secondary home mortgage market.

"(b) To carry out the purpose of this section, the several Federal Home Loan Banks under the direction of the Board and acting through such agencies and instrumentalities as the Board may deem appropriate, are authorized, pursuant to commitments or otherwise, to purchase, service, sell, or otherwise deal in mortgages which are originated by members or by any institutions whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation."

(b) Section 11(h) of the Federal Home Loan Bank Act (12 U.S.C. 1431(h)) is amended (A) by inserting "(1) pursuant to section 31 of this Act, (2)" immediately before "in obligations of the United States,", (B) by inserting "(3)" immediately before "in obligations, participations,", and (C) by inserting "(4)" immediately before "in such securities".

(c) Section 16 of the Federal Home Loan Bank Act (12 U.S.C. 1436) is amended (A) by inserting "(1) pursuant to section 31 of this Act, (2)" immediately before "in direct obligations", (B) by inserting "(3)" immediately before "in obligations, participations,", and (C) by inserting "(4)" immediately before "in such securities".

SEC. 5. (a) Effective as of the close of December 31, 1969, section 404 of the National Housing Act is amended

(1) by striking out "plus any creditor obligations of such institution" in subsection (b)(1), and the amendment made by this subdivision (1) shall be applicable also to any then unexpired portion of any then current premium year under subsection (b)(1).

(2) by striking out "and creditor obligations" in subsection (b)(2).

(3) by striking out "and its creditor obligations" in subsection (c).

(4) by striking out "and creditor obligations" each place it appears in subsection (g). The condition in the first sentence of that subsection shall be deemed to be met as of the close of December 31, 1969. The words "such year" in that sentence shall be deemed to include also the year beginning January 1, 1970.

(b) The Federal Savings and Loan Insurance Corporation is authorized by regulation or otherwise

(1) to make such provisions as it may deem advisable with respect to the order in which and the extent to which the components of a pro rata share of its secondary reserve shall be applied or be deemed to have been applied in the case of a reduction of such share through a use under the second sentence of section 404(e) of the National Housing Act or the first sentence of section 404(g), a transfer of part of such share under the third sentence of section 404(e), or otherwise.

(2) to take such action, including without limitation such adjustments and refunds and such deferrals of premium payments and other payments, as it may determine to be necessary or appropriate for or in connection with the implementation of this section or other legislation amending or supplementing said section 404.

SEC. 6. (a) Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting after the word "interest," the following: "to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit,".

(b)(1) The fourth sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors is authorized for the purposes of this subsection to define the term 'time deposits' and 'savings deposits', to determine what shall be deemed a payment of interest, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this subsection and to prevent evasions thereof."

(2) Section 18(g) of such Act is further amended by inserting after the fifth sentence the following: "The provisions of this subsection and of regulations issued thereunder shall also apply, in the discretion of the Board of Directors, to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business. As used in this subsection, the term 'affiliate' has the same meaning as when used in section 2(b) of the Banking Act of 1933, as amended (12 U.S.C. 221a(b)), except that the term 'member bank', as used in such section 2(b), shall be deemed to refer to an insured nonmember bank."

(c) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "or dividends" after "interest".

SEC. 7. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end thereof a new sentence as follows: "The Board may, however, prescribe any reserve ratio, not more than 22 per centum, with respect to any indebtedness of a member bank that arises out of a transaction in the ordinary course of its banking business with respect to either funds received or credit extended by such bank to a bank organized under the law of a foreign country or a dependency or insular possession of the United States.".

SEC. 8. Effective for the period beginning on the date of enactment of this Act and ending March 22, 1971, section 24 of the Federal Reserve Act (12 U.S.C. 371) is amended

(1) by changing, in clause (3) of the third sentence of the first paragraph, "80" to read "90" and "twenty-five" to read "thirty", and

(2) by striking in the first sentence of the third paragraph the comma before "shall" and inserting in lieu thereof "or, to the extent authorized by regulations issued by the Comptroller of the Currency, in the case of

a large construction project not to exceed 5 years,".

SEC. 9. (a) The following provisions of the Federal Deposit Insurance Act are amended by changing "$15,000", each place it appears therein, to read "$25,000":

(1) The first sentence of section 3(m) (12 U.S.C. 1813(m)).

(2) The first sentence of section 7(i) (12 U.S.C. 1817(i)).

(3) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(4) The fifth sentence of section 11(i) (12 U.S.C. 1821(i)).

(b) The amendments made by this section are not applicable to any claim arising out of the closing of a bank prior to the date of enactment of this Act.

SEC. 10. (a) The following provisions of title IV of the National Housing Act are amended by changing "$15,000", each place it appears therein, to read "$25,000":

(1) Section 401(b) (12 U.S.C. 1724(b)).

(2) Section 405(a) (12 U.S.C. 1728(a)).

(b) The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(d) of the National Housing Act, where the appointment of a conservator, receiver, or other legal custodian as set forth in that section becomes effective prior to the date of enactment of this Act.

TITLE II—AUTHORITY FOR CREDIT CONTROL

Sec. 201. Short title

This title may be cited as the Credit Control Act.

Section. 202. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply to the provisions of this title.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to any person who extends, or arranges for the extension of, credit, whether in connection with a loan, a sale of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

(h) The terms "extension of credit" and "credit transaction" include both loans and credit sales.

(i) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(j) Any reference to any requirement imposed under this title of any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

Sec. 203. Regulations

The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Sec. 204. Determination of interest charge

Except as otherwise provided by the Board, the amount of the interest charge in connection with any credit transaction shall be determined under the regulations of the Board as the sum of all charges payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

Sec. 205. Authority for institution of credit controls

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

Sec. 206. Extent of control

The Board, upon being authorized by the President under section 105 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any such registration or license for violation of any provision thereor or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage envision or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payments, and any other specification or limitation of the terms and conditions of any extension of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

Sec. 207. Reports

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this title, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this title. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this title including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

Sec. 208. Injunctions

Whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this title.

Sec. 209. Civil penalties

(a) For each willful violation of any regulation under this title, the Board may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

Sec. 210. Criminal penalty

Whoever willfully violates any regulation under this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

TITLE III—SMALL BUSINESS ADMINISTRATION ACTIVITY

SEC. 301. The Small Business Administration shall promptly increase the level of its financing functions utilizing the business loan and investment fund established under section 4(c)(1)(B) of the Small Business Act (15 U.S.C. 633(c)(1)(B) by $70,000,000 above the level prevailing at the time of enactment of this Act. In the event that insufficient appropriated funds are available to carry out the provisions of this section, request for the necessary funds shall be promptly made by the Small Business Administration and cleared by all components of the executive branch having any functions with respect to such requests. The Small Business Administration shall submit to Congress a monthly report of its implementation of this section.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read: "To lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 15091) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2577

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the House insist upon its amendment to the bill (S. 2577) and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, SULLIVAN, REUSS, WIDNALL, BROCK, and STANTON.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, an-

nounced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 13111. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 13111) entitled "An act making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. HOLLAND, Mr. COTTON,, Mr. FONG, Mr. BOGGS, and Mr. YOUNG of North Dakota. to be the conferees on the part of the Senate.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks and include relevant extraneous matter on the bill just passed

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT ON S. 1075, NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Mr. DINGELL submitted the following conference report and statement on the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers:

CONFERENCE REPORT (H. REPT. No. 91–765)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1075), to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland,

range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accodance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments, and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $700,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes."

And the House agree to the same.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
WAYNE N. ASPINALL,
W. S. MAILLIARD,
JOHN P. SAYLOR,
Managers on the Part of the House.

HENRY M. JACKSON,
FRANK CHURCH,
GAYLORD NELSON,
GORDON ALLOTT,
LEN B. JORDAN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for technical clarifying, and conforming changes, the following statement explains the differences between the House amendment and the substitute agreed to in conference.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

First section and section 2

Section 1 of the Senate bill provided that the bill may be cited as the "National Environmental Policy Act of 1969". Section 2 of the Senate bill contained a statement of the purpose of the bill. There were no similar provisions in the House amendment. The conference substitute conforms to the Senate bill with respect to these two sections.

TITLE I—NATIONAL ENVIRONMENTAL POLICY

Section 101

The Senate bill contained a recognition by Congress of (1) the critical dependency of man on his environment, (2) the profound influences which the factors of contemporary life have had and will have on the environment, and (3) certain specified goals in the management of the environment which the Federal Government should, as a matter of national policy, attain by use of all possible means, consistent with other essential considerations of national policy. The House amendment (in the first section thereof) contained a general statement of national environmental policy, but did not include specified policy goals. The first section of the House amendment also stated that the Federal Government should achieve the general policy in cooperation with State and local governments and certain specified public and private organizations and that financial and technical assistance should be among the means and measures used by the Federal Government to achieve the policy. Under the conference agreement, the language of the House amendment is substantially retained in section 101(a) of the conference substitute; the language setting forth the specified organizations with which the Government should cooperate was dropped in favor of "other concerned public and private agencies".

The national goals of environmental policy specified in the Senate bill are set forth in section 101(b) of the conference substitute.

Section 101(c) of the conference substitute states that "Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment". The language of the conference substitute reflects a compromise by the conferees with respect to a provision in the Senate bill (but which was not in the House amendment) which stated that the Congress recognizes that "each person has a fundamental and inalienable right to a healthful environment . . .". The compromise language was adopted because of doubt on the part of the House conferees with respect to the legal scope of the original Senate provision.

Section 102

This section of the conference substitute is based on section 102 of the Senate bill. There was no comparable provision in the House amendment. Under the conference substitute, the Congress authorizes and directs that, *to the fullest extent possible:* (1) the Federal laws, regulations, and policies be administered in accordance with the policies set forth in the bill; and (2) all Federal agencies shall—

(A) utilize a systematic, interdisciplinary approach to insure integrated use of the sciences and arts in any official planning or decision-making which may have an impact on the environment;

(B) in consultation with the Council on Environmental Quality, identify and develop methods and procedures to insure that unquantified environmental amenities will be considered in the agency decision making process, along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation or other major Federal actions a detailed statement by the responsible official on the environ-

mental impact of the proposed action, any adverse environmental effects which can not be avoided should the proposal be adopted, alternatives to the proposed action, the relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved (Under the conference substitute, the responsible Federal official, prior to making any such detailed statement, shall consult with and obtain the comments of any Federal agency having jurisdiction by law or special expertise with respect to any environmental impact involved and the comments of any such agency, together with the comments and views of appropriate State and local agencies shall thereafter be made available to the President, the Council on Environmental Quality, and the public under the provisions of section 552 of title 5, United States Code, and shall accompany the proposal through the subsequent review process. The conferees do not intend that the requirements for comment by other agencies should unreasonably delay the processing of Federal proposals and anticipate that the President will promptly prepare and establish by executive order a list of those agencies which have "jurisdiction by law" or "special expertise" in various environmental matters. With regard to State and local agencies, it is not the intention of the conferees that those local agencies with only a remote interest and which are not primarily responsible for development and enforcement of environmental standards be included. The conferees believe that in most cases the requirement for State and local review may be satisfied by notice of proposed action in the Federal Register and by providing supplementary information upon request of the State and local agencies. To prevent undue delay in the processing of Federal proposals, the conferees recommend that the President establish a time limitation for the receipt of comments from Federal, State, and local agencies similar to the 90-day review period presently established for comment upon certain Federal proposals.);

(D) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long range character of environmental problems and, where consistent with the foreign policy of the United States, lend support to programs and other ventures designed to maximize international cooperation in anticipating and preventing a decline in the world environment;

(F) make available to State and local governments and individuals and organizations advice and information useful in restoring, maintaining and enchancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality.

As noted above, the conference substitute provides that the phrase "to the fullest extent possible" applies with respect to those actions which Congress authorizes and directs to be done under both clauses (1) and (2) of section 102 (in the Senate bill, the phrase applied only to the directive in clause (1)). In accepting this change to section 102 (and also to the provisions of section 103), the House conferees agreed to delete section 9 of the House amendment from the conference substitute. Section 9 of the House amendment provided that "nothing in this Act shall increase, decrease or change any responsibility or authority of any Federal officials or agency created by other provision of law." In receding from this House provision in favor of the less restrictive provision "to the fullest extent possible", the House conferees are of the view that the new language does not in any way limit the Congressional authorization and directive to all agencies of the Federal Government set out in subparagraphs (A) through (H) of clause (2) of section 102. The purpose of the new language is to make it clear that each agency of the Federal Government shall comply with the directives set out in such subparagraphs (A) through (H) unless the existing law applicable to such agency's operations expressly prohibits or makes full compliance with one of the directives impossible. If such is found to be the case, then compliance with the particular directive is not immediately required. However, as to other activities of that agency, compliance is required. Thus, it is the intent of the conferees that the provision "to the fullest extent possible" shall not be used by any Federal agency as a means of avoiding compliance with the directives set out in section 102. Rather, the language in section 102 is intended to assure that all agencies of the Federal Government shall comply with the directives set out in said section "to the fullest extent possible" under their statutory authorizations and that no agency shall utilize an excessively narrow construction of its existing statutory authorizations to avoid compliance.

Section 103

This section is based upon a provision of the Senate bill (section 102(f)) not in the House amendment. This section, as agreed to by the conferees, provides that all agencies of the Federal Government shall review their "present statutory authority, administrative regulations, and current policies and procedures to determine whether there are any deficiencies and inconsistencies therein which prohibit full compliance with the purpose and provisions" of the bill. If an agency finds such deficiencies or inconsistencies, it is required under this section to propose to the President not later than July 1, 1971, such measures as may be necessary to bring its authority and policies into conformity with the intent, purposes, and procedures of the bill. Section 103 thereby provides a mechanism which shall be utilized by all Federal agencies (1) to ascertain whether there is any provision of their statutory authority which clearly precludes full compliance with the bill and (2) if such is found, to recommend changes in their statutory authority which will enable full compliance with the bill. In conducting the review noted above, it is the understanding of the conferees that an agency shall not construe its existing authority in an unduly narrow manner. Rather, the intent of the conferees is that all Federal agencies shall comply with the provisions of section 102 "to the fullest extent possible," unless, of course, there is found to be a clear conflict between its existing statutory authority and the bill.

Section 104

This section, which was not in the House amendment and which is corollary to the actions taken by the conferees with respect to sections 102 and 103 of the conference substitute, provides that nothing in such sections 102 or 103 shall affect the specific statutory obligations of any Federal agency—

(1) to comply with criteria and standards of environmental quality;

(2) to coordinate or consult with any Federal or State agency; or

(3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Section 105

This section declares that the policies and goals set forth in the bill are supplementary to those set forth in existing authorities of Federal agencies. The effect of this section, which is a slightly revised version of section 103 of the Senate bill, is to give recognition to the fact that the bill does not repeal existing law. This section does not, however, obviate the requirement that the Federal agencies conduct their activities in accordance with the provisions of this bill unless to do so would clearly violate their existing statutory authorizations.

TITLE II—COUNCIL ON ENVIRONMENTAL QUALITY

Section 201

Section 201 of the conference substitute, which conforms, except for a date change, with the language of section 2 of the House amendment, requires the President to submit to the Congress annually, beginning July 1, 1970, an Environmental Quality Report which will set forth an up-to-date inventory of the American environment, broadly and generally identified, together with an estimate of the impact of visible future trends upon the environment. Such report shall also include a review of the programs and activities of the Federal, State, and local governments, as well as those of nongovernmental groups, with respect to environmental conditions, together with recommendations for remedying the deficiencies of existing programs, including legislative recommendations.

Section 202

This section of the conference substitute establishes in the Executive Office of the President a Council on Environmental Quality composed of three members appointed by the President by and with the advice and consent of the Senate. One of the members shall be designated by the President as the chairman of the Council. The Senate bill would have created a three-member Board of Environmental Quality Advisors in the Executive Office of the President. (The Senate bill would also have provided for an additional officer, a Deputy Director, in the Office of Science and Technology to assist with environmental problems. The establishment of this additional office is not retained in the conference substitute.) Section 3 of the House amendment would have established a Council on Environmental Quality with five members. The conference substitute provision is basically the House provision but with the membership of the Council reduced to three.

Section 203

The provisions of section 203 of the conference substitute (which were contained in both the Senate bill and the House amendment) permits the Council to hire such officers and employees as are necessary to carry out the purposes of the Act and also permits the Council to hire such experts and consultants as may be appropriate.

Section 204

The House amendment set forth the following duties and functions of the Council on Environmental Quality—

(1) to assist the President in the preparation of the Environmental Quality Report;

(2) to gather information on the short- and long-term problems that merit Council attention, together with a continuing analysis of these problems as they may affect the policies stated in section 101;

(3) to maintain a continuing review of Federal programs and activities as they may affect the policies declared in section 101, and to keep the President informed on the degree to which those programs and activities may be consistent with those policies;

(4) to develop and to recommend policies to the President, on the basis of its activities, whereby the quality of our environment may be enhanced, consistent with our social, economic and other requirements;

(5) to make studies and recommendations relating to environmental considerations, as the President may direct; and

(6) to report at least once each year to the President.

The conference substitute contains the functions and duties listed above and also adds the following functions and duties (which, under the Senate bill, would have been the responsibilities of other Federal agencies)—

(1) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality; and

(2) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes.

Section 205

Section 205 of the conference substitute sets forth those public and private organizations with which the Council on Environmental Quality shall consult in carrying out its functions and duties under the Act and states that the Council should utilize, to the fullest extent possible, the services, facilities, and information of public and private organizations and individuals in carrying out such functions and duties. Section 205 conforms to the language in section 7 of the House amendment, with the exception that the conference substitute provision specifies that the Council shall consult with the Citizen's Advisory Committee on Environmental Quality which was established in May, 1969, by Executive Order.

Section 206

This section provides that the Chairman of the Council on Environmental Quality shall be compensated at the rate provided for at Level II of the Executive Schedule Pay Rates, and that the other members of the Council shall be compensated at the rate provided for in Level IV of such Rates. This section conforms with the rates of compensation provided for in both the Senate bill and House amendment.

Section 207

This section of the conference substitute authorizes the appropriation of not to exceed $300,000 in fiscal year 1970, $700,000 in fiscal year 1971, and $1,000,000 in each fiscal year thereafter, to carry out the purposes of the Act. Under the House amendment, the same amounts were authorized to be appropriated except with respect to fiscal year 1971, for which $500,000 was authorized. The Senate bill authorized $1,000,000 to be appropriated annually.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
W. S. MAILLIARD,
JOHN P. SAYLOR,
Managers on the Part of the House.

CONFERENCE REPORT ON S. 2917, FEDERAL COAL MINE HEALTH AND SAFETY ACT

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. ERLENBORN. Mr. Speaker, reserving the right to object, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ERLENBORN. It is my intention to make a point of order against the conference report. I understand that this must be made before the statement on the part of the managers is read. Am I correct?

The SPEAKER. In response to the parliamentary inquiry, the gentleman's understanding is also the understanding of the Chair. The gentleman is correct.

Mr. ERLENBORN. If I do not object to the unanimous-consent request for dispensing with the reading of the report, will I be protected in my point of order before the statement of the managers is read?

The SPEAKER. The gentleman could reserve a point of order, and he could exercise it at the conclusion of the reading of the statement of the managers on the part of the House.

Mr. ERLENBORN. Mr. Speaker, I reserve the point of order against the report and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 16, 1969, page 39462.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ERLENBORN. Mr. Speaker, I renew my point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ERLENBORN. Mr. Speaker, I made a point of order against the conference report in that in several instances matters not in disagreement between the House and the Senate were amended in the conference report, and the conference report includes matters that were not included in either the House or the Senate version of the bill. I would like to be heard on that point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I cannot yield at this time.

Mr. BURTON of California. It would be a little easier if those of us on this side of the aisle could get a copy of the gentleman's objections.

Mr. ERLENBORN. I am sorry, I do not have additional copies.

Mr. Speaker, section 401, part B, of the conference report refers to total disability due to pneumoconiosis from working in coal mines as a disease that would come under the terms of this measure. The term "pneumoconiosis" is defined as a chronic dust disease of the lung. Both the House and Senate bills make only complicated pneumoconiosis as the basis for payments.

The SPEAKER. Will the gentleman state again the section of the report to which he makes reference?

Mr. ERLENBORN. Section 401 of the conference report. All of title IV of the conference report, section 401 and the other sections in title IV.

Mr. Speaker, there was no disagreement between the House and the Senate as to complicated pneumoconiosis being the sole basis that is compensable under both the House and the Senate versions of the bill. This matter was not in disagreement. But in the report of the conference, simple pneumoconiosis was made compensable. This not only violates the provision that matters in disagreement cannot be amended, but it brings in coverage for an additional disease that was not contemplated, or stage of the disease that was not contemplated in either the House or the Senate version.

Moreover, title IV itself, of which section 401 is a part, carries the caption "Black Lung Benefits," a designation which is applicable only to coal dust pneumoconiosis and not to other forms of the disease, such as silicosis.

Thus the conference report goes beyond both bills in providing compensation for every kind of pneumoconiosis, and thus a number of diseases other than those attributable to black lung or complicated pneumoconiosis, which is coal-dust-complicated pneumoconiosis. Consequently by referring to diseases of the lung caused by dust, other diseases such as silicosis, which were not covered in either the House or the Senate version, are now being made compensable.

Secondly, Mr. Speaker, section 412(c) provides that benefit payments under title IV shall not be deemed income under the Internal Revenue Code. This provision was in neither bill nor in any provision similar in substance. Neither bill addressed itself to the taxability of the compensation paid under those bills. This section 412(c) is entirely new matter that was not contained in either bill in any fashion whatsoever.

Third, Mr. Speaker, section 413(c) requires the miner to file a claim under the applicable State workmen's compensation law subject to certain conditions prior to filing a claim under this section. No such requirement was contained in either bill.

Fourth, Mr. Speaker, section 421(a) provides that after January 1, 1973, claims for benefits shall be filed pursuant to applicable State workmen's compensation laws. Similarly the other provisions of section 421(a) are tied to this prior application by the applicant under State workmen's compensation laws. No such requirements were contained in either bill. This is entirely new matter.

Fifth, Mr. Speaker, section 422(a) of the conference report provides that certain provisions of the Longshoremen and Harbor Workers' Compensation Act shall be applicable to coal mine operators in a State whose workmen's compensation law has not been approved by the Secretary of Labor. Subsections 422 (b), (c), (d), (e), (f), (g), (h), and (i) are related to subsection (a). None of these are in either bill. No reference was made in either bill to the Longshoremen and Harbor Workers' Compensation Act. This is entirely new matter.

Sixth, Mr. Speaker, section 423 of the conference report requires the coal mine

operator to pay disability benefits in a State which has no workmen's compensation or whose law is not on the approved list of the Secretary of Labor. This, by the way, imposes new duties on the Secretary of Labor to approve or disapprove the provisions of State workmen's compensation laws. It, in effect, requires the Secretary of Labor to blacklist or make a list of States who do not have State workmen's compensation laws that he feels grant sufficient compensation. This is an entirely new duty on the Secretary of Labor that was not contemplated or provided for by either bill. It also requires the operator if he is self-insured to comply with regulations of the Secretary of Labor. No such provision was contained in either bill. It sets forth certain mandatory provisions that must be in the contract of the operator if he has a policy from an insurance company providing for payment of such benefits. No such provision was in either bill. This section imposes an obligation to pay workmen's compensation and industrial disease compensation, imposes these conditions on a mine operator, and no such imposition was made by either bill.

Seventh, Mr. Speaker, section 424 of the conference report requires that if the operator is neither self-insured nor covered by a policy or has not paid benefits in a reasonable time or there is no operator who was required to pay such benefits, the Secretary of Labor shall pay these benefits to the claimant who is eligible, and the operator shall be liable to the United States in a civil action for the amount so paid by the United States.

None of these provisions was in either bill. It provides a new cause of action to the United States against the operators that was not contemplated in either bill.

Mr. Speaker, there are many precedents holding that matters not in disagreement between the House and the Senate cannot be amended by the conference committee. There are many precedents for that.

In addition, the precedents are clear that the conference committee's jurisdiction is limited to those matters that were in disagreement, and the conference committee may not draw provisions that go outside those that were contemplated by either bill.

When a bill is sent to conference, matters in disagreement between the Houses, and only matters in disagreement between the Houses, are before the conferees. I cite volume 8, section 3253 of Hinds' Precedents. This rule has always been very strictly construed.

Conferees are restricted to the literal difference between the two Houses. The insertion of any extraneous matter, even though germane, is subject to a point of order. I cite volume 8, sections 3254 and 3258 of Hinds' Precedents.

It is clear, Mr. Speaker, from this short statement of only a few of many precedents—and I have others here and I am prepared to present them—that if any matter is placed in the conference report which goes beyond the literal differences between the two versions of the bill, which imposes new duties upon agencies or departments of Government, or grants new causes of action or new compensation not contemplated by either bill as passed by the two Houses, even though germane, these matters render the conference report subject to a point of order if the managers have exceeded their authority.

I am prepared, Mr. Speaker, if it is desired, to cite additional precedents.

The SPEAKER. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. PERKINS. Mr. Speaker, I certainly desire to be heard.

The SPEAKER. The Chair will hear the gentleman.

Mr. PERKINS. Mr. Speaker, we feel that we are clearly within the rules of the House. The word "pneumoconiosis" is not limited in the Senate bill. The Senate bill embraces the provisions to which the gentleman from Illinois objects.

In this regard, the Senate bill, in section 502, gave broad grant of authority to the Secretary of Health, Education, and Welfare to "develop and promulgate interim disability standards governing the determination of, among other things"—and I am quoting—"the methods and procedures to be used in disbursing such benefits, and such other matters as the Secretary deems appropriate."

What the conference report does is restrict and nail down what the Senate left to the Secretary's discretion.

I yield to the distinguished gentleman from Michigan, Mr. O'HARA.

Mr. O'HARA. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The Chair will hear the gentleman.

Mr. O'HARA. Mr. Speaker, I wish to emphasize the point made by the chairman of the Committee on Education and Labor that the language of the conference report objected to represents a definition of terms that is consistent with the differences betwen the House and Senate versions. In section 502, as the distinguished chairman has pointed out, the Senate left to administrative discretion the definition of the terms with respect to which the gentleman from Illinois has raised some question. The conference report by defining such terms has not gone beyond the Senate bill which on that point was entirely openended. I would like to point out as well, Mr. Speaker, that the House bill is a complete substitute for the Senate bill; that the bill went to conference after the House had stricken all after the enacting clause; and that in such conferences all matters in either bill are at issue.

In the Rules and Practices of the House of Representatives, in section 913, it is stated that:

> Where one House strikes out of a bill of the other all after the enacting clause and inserts a new text, conferees may discard language occurring both in the bill and the substitute, and exercise a wide discretion in the incorporation of germane amendments and may even report a new bill germane to the subject.

Mr. Speaker, the point of order to the conference report should be overruled.

Mr. BURTON of California. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER. The gentleman is recognized.

Mr. BURTON of California. Mr. Speaker, initially one of the objections is clearly out of order for the reasons stated by the gentleman from Michigan (Mr. O'HARA); I refer to section 412(c) as to whether or not the benefits should be subject to the Internal Revenue Code. This is clear because we have long since agreed that we were going to write a clear history that for the House portion of this bill these payments were not to be workmen's compensation payments. It was also inferentially clear that the benefits received under this bill were to be recognized as payments for disability such as are payments given in the traditional workmen's compensation area and therefore not income as made clear by section 412(c). Although this is not the proper point—and I shall deal with this more at length later in the debate—I would hope everyone on the floor would not gather by the distinguished gentleman from Illinois' remarks that the bulk of the amendments suggested that render this bill subject to some question in the mind of the gentleman from Illinois—I would hope there would be no impression of any kind whatsoever that it was the majority that in any instance except by receding to demands of the other side to clarify procedures——

Mr. ERLENBORN. Mr. Speaker, a point of order.

Mr. BURTON of California. I would hope that no one within the hearing range of any one of us would think it was the majority that imposed these sections.

Mr. ERLENBORN. Mr. Speaker, a point of order.

Mr. BURTON of California. Rather it was the majority that acceded to the minority's demands.

Mr. ERLENBORN. Mr. Speaker, a point of order.

Mr. BURTON of California. But because this is not the time to state such matters, I will simply not pursue that vein.

The SPEAKER. The gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I had intended to make a point of order that the gentleman was out of order and was not addressing himself to the point of order that was raised. I would like an opportunity to respond to the statements of the gentleman on the other side concerning the point of order.

The SPEAKER. The Chair will state to the gentleman that at this time the Chair declines to cut off discussion of the point of order.

Mr. ERLENBORN. Mr. Speaker, I would like to be heard.

Mr. DENT. Mr. Speaker, I would like to be heard on some points made by the gentleman from Illinois.

First of all, the gentleman will recall that the day of the conference was the 20th day of November. It was a matter of urgency——

Mr. ERLENBORN. Mr. Speaker, a point of order. The gentleman is not addressing himself to the point of order.

The SPEAKER. The Chair suggests that anyone who speaks address himself

to the point of order. The gentleman from Pennsylvania will confine his remarks to the point of order.

Mr. DENT. I am coming to that, sir, but it takes the background in order to bring the point of order into focus.

The SPEAKER. The Chair has stated that the gentleman may be heard and at this point the gentleman's remarks should be addressed to the point of order.

Mr. DENT. I thank the Chair very kindly for his indulgence and I would like a little indulgence from the gentleman from Illinois.

In the instructions of the conferees, well known to the gentleman from Illinois and every other member of the conference, there was instruction by the spokesmen for the minority on the other side of the Hill in which the staffs were given explicit orders to delve within the confines of the understanding we had come to, and write the total disability clauses that were discussed.

If you will note in the manager's report, the language contained in the description of complicated pneumoconiosis of total disability both descriptions and words and language appear in the House version on page 31 which is as follows:

Compensation shall be paid under this subsection in respect of total disability of and individual from complicated pneumoconiosis which arose out of or in the course of his employment in a coal mine—

And then we go over to the next page in the House bill and restate it in reverse so that there would be no misunderstanding of what was intended in the House bill, and we say:

For purposes of this subsection, any individual who suffers from complicated pneumoconiosis shall be deemed to be totally disabled.

The gentleman from the Senate decided that in their version there was an opportunity to pay compensation where there was total disability caused by complicated pneumoconiosis.

We do not necessarily pay for phase 1 of pneumoconiosis to which the gentleman alluded. We may not pay for phases 2 or 3. Neither one of these phases of pneumoconiosis or black lung or whatever you want to call it, necessarily crippled a man to the extent of destroying a man's ability to earn a living in any other occupation. So, the language in this act is directed toward making sure that a person entitled to the compensation shall be paid and a person who is totally disabled or has chronic and advanced pneumoconiosis deprives him of the ability to work in some job where his breathing is so badly disturbed by this respiratory disease that he cannot perform his duties to the best of his ability and to earn a full living.

I say to the gentlemen of the House we gave wide latitude to the staffs of the Senate and House members.

We gave a great deal of latitude particularly to the minority views, and I have always believed that the minority has every right that a majority has, and in some cases more. And most every word that is written into this title IV came from the minority.

Now, if it was the intent, Mr. Speaker, of the minority staff representatives to write language that later could be challenged on a point of order, if that was the purpose then the purpose has been served well by those who served that purpose, but it was not the purpose of the majority.

The majority came before the House and offered a piece of legislation designed to do exactly what 391 Members of the Congress approved. This bill does represent then what the conferees wanted to do, and I do not believe that the point of order is well taken.

The SPEAKER. The Chair is prepared to rule.

Mr. ERLENBORN. Mr. Speaker, could I be heard further?

The SPEAKER. Does the gentleman from Illinois desire to be heard further?

Mr. ERLENBORN. I do very briefly, Mr. Speaker.

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, my good colleagues addressed themselves only to the first of my several points of order against the conference report, and have alluded to language in the Senate bill. I would like to read some of the language of the Senate bill, section 501:

It is, therefore, the purpose of this title to provide, on a temporary and limited basis, interim emergency health disability benefits, in cooperation with the States, to any coal miner who is totally disabled and unable to be gainfully employed on the date of enactment of this Act due to complicated pneumoconiosis.

Now, that is the clear statement of the purpose of the Senate bill, to give compensation only for complicated pneumoconiosis.

The gentleman from Michigan alluded to section 502 of the Senate bill where the Secretary was given authority to develop and promulgate interim disability benefit standards.

Mr. Speaker, I submit this does not widen the coverage of the bill to any disease other than complicated pneumoconiosis, and the conference report in extending benefits to simple pneumoconiosis, silicosis, and other diseases goes beyond the scope of either bill.

The SPEAKER. The Chair is prepared to rule.

The Chair will state that the Chair had advance notice that the points of order would be raised, and had an opportunity to investigate the matter of the points of order involved therein.

The Chair has had the opportunity to examine the Senate bill and the House amendment thereto, as well as the provisions of the conference report.

The gentleman from Illinois (Mr. ERLENBORN) has raised a point of order against the conference report on S. 2917 and has cited several instances wherein he contends the conferees have exceeded their authority by either including matter that was not in controversy or going beyond the differences between the provisions of the Senate bill or the House amendment.

The Chair notes that the overall problem of pneumoconiosis and the benefits payable to persons totally disabled thereby is certainly within the matters is disagreement which the conferees could act upon.

The provision appearing in section 412(c) of the conference report is in neither the Senate bill nor the House amendment thereto, but the Chair notes that the subject of benefits is certainly included in both bills. As well as how those benefits are to be treated. While the provision cited by the gentleman from Illinois is new language, it is nevertheless germane to the subject of disability compensation which is before the conferees and does not enlarge the subject matter committed to them.

Another argument raised by the gentleman has received the close attention of the Chair. As pointed out by the gentleman, part C of title IV of the conference report sets up a new Federal workmen's compensation program for disability payments after December 31, 1972, where State programs are not adequate under State workmen's compensation laws, under a mechanism by which the mine operator would become liable for the payment of disability benefits.

The Chair finds that the subject of financing of disability benefits was a matter before the conferees.

The Chair has studied the precedents and finds them to be consistent that where one House has stricken all after the enacting clause of a bill and inserted an entire substitute therefor, the entire subject matter is committed to the conferees who may report any provision germane thereto providing that it remains within the broad outlines of the matter committed to conference.

The Chair believes that the controlling precendents are found in Hinds Precedents, V, section 6421 and Canons Precedents, volume VIII, section 3248.

The Chair is of the opinion that the conference report is germane and that the conferees have not exceeded their authority. Therefore, the Chair overrules the point of order.

The SPEAKER. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the conference report that we submit to the House today on S. 2917, Federal Coal Mine Health and Safety Act, is the greatest step forward taken in any industry to assure safe working conditions. I think that it is fitting that in this most hazardous occupation that we have taken such great care throughout the congressional deliberations through the committee action and the action of the House and the action of the conference committee to make certain that the requirements for industry practice will most effectively assure healthy and safe working conditions in mines consistent with current technology. I believe the conferees have been successful in retaining those provisions of the bill which passed the House on October 29 by 389 yeas to only four negative votes—which assure those objectives.

The conference establishes a 3-Omg dust standard effective 6 months after its enactment; retains provisions permitting miners to transfer from a position in the mine to another position where physical examination discloses evidence of pneumoconiosis so as to eliminate his exposure; retains those provisions with respect to the X-ray program; retains

those provisions with respect to the promulgation of mandatory health and safety standards; and in general retains the comprehensive health and safety features approved by this body on October 29.

With respect to the compensation of miners who have become disabled because of black lung disease the conference substitute provides for the payment of benefits for the death of a miner or for his total disability due to this dread disease and intends that its provisions be construed liberally in providing benefits to these people.

Coal miners and former coal miners who are totally disabled due to pneumoconiosis will receive benefits at a rate equal to 50 percent of the minimum monthly payment to which a disabled Federal employee in grade GS–2 would be entitled at the time of payment.

Widows of coal miners and former coal miners whose deaths are due to pneumoconiosis or whose death occurred while receiving benefits under this part shall receive benefits at the rate prescribed for totally disabled miners.

The rates prescribed above are increased for dependents at the rate of 50 percent for one dependent—widow or child—75 percent for two dependents, and 100 percent for three or more dependents.

The following presumptions will be used in establishing entitlement:

First. If a miner who is suffering from pneumoconiosis was employed for 10 years or more in an underground coal mine, there will be a rebuttable presumption that the pneumoconiosis arose out of such employment.

Second. If a miner worked 10 years in such a mine and died of a respirable disease, there will be a rebuttable presumption that his death was due to pneumoconiosis.

Third. If a miner is suffering from or dies from an advanced irreversible stage of pneumoconiosis it will be irrebuttably presumed his death or total disability was due to pneumoconiosis.

Claims filed before December 31, 1972, will be processed by the Secretary of Health, Education, and Welfare in a manner similar to that he uses for processing claims for disability under the Social Security Act. If the claim is filed after December 31, 1971, benefits under that claim may be paid only until January 1, 1973.

Claims filed on or after January 1, 1973, will be processed under the appropriate State workmen's compensation law if the Secretary of Labor has determined it has adequate coverage for pneumoconiosis. He will, generally speaking, determine a State law to have adequate coverage for pneumoconiosis if the benefits under such law and the criteria for determining eligibility are not less favorable to the claimant than those applicable to claims filed before January 1, 1973.

Where the applicable State workmen's compensation law does not provide adequate coverage for pneumoconiosis, the persons entitled to benefits will be paid—so far as applicable—under the terms of the Longshoremen's and Harbor Workers' Compensation Act and provided under part C of title IV of the bill.

Mr. Speaker, in his letter of today, the Secretary of Labor quoted a portion of his remarks before the Select Subcommittee on Labor on June 3, 1969. I would like at this time to quote an additional paragraph of those remarks of the Secretary:

> As to the subject of black lung disease, that is a matter of tremendous concern to us all. We have done some things about that. We have other ideas, and we will be bringing them forward shortly.

It is now December 17, 1969, or nearly 6 months later, and the Secretary has not brought any ideas to us. Instead of coming up with ideas of how to help those poor miners, widows, and children, they tell us to abandon title IV of the bill and to abandon these poor people who are trying to eck out a living with the meager amount of money they are able to scrape together. In the interim, the House passed the 1969 Federal Coal Mine Health and Safety Act with a very broad Federal benefits provision section for miners afflicted with black lung. That was on October 29, 1969. Earlier that month, the Senate also passed a broad Federal benefits provisions.

That was 2 months ago. Since then, we did not hear from the administration until late last week when Secretary Hickel gave us a cost range of this program of between $154 million. This is typical of Interior's estimates of costs. When we were concerned with the cost of replacing electrical equipment in mines, we were given an initial estimate of $150 to $300 million. That range, however, after a few weeks of pencil sharpening, was reduced to less than $50 million. I can only wonder what Interior would do if we gave them a few more days on their most recent guesses.

Still, he does not give us his ideas for helping the miner afflicted with this terrible disease and his poor widow. Rather, he now tells us 2 months after passage by both Houses, and on the day the conference report is filed, the administration tells us that a Federal benefits program for poor people "is inappropriate for the Federal Coal Mine Health and Safety Act of 1969." Mr. Speaker, I say we must meet the needs of these disabled miners regardless of the cost.

I cannot idly sit by and allow miners who walk a few steps and must stop and bend over to catch their breath because they have black lung. We must provide some relief. These miners and their widows cannot wait for the States to act. In many States this wait would be forever.

Even more importantly, this legislation transcends petty arguments over costs. What is at stake here is the health and safety of the coal miners of this country who have been waiting for passage of this bill since that terrible tragedy at Farmington, W. Va., over a year ago. If the provisions of this bill are properly administered, we should greatly reduce and, hopefully, eliminate future black lung claims with the control provided here of the cause of this disease—coal dust.

Let us pass this bill today for the miners of the past, present, and those of tomorrow.

Mr. Speaker, I want, at this time, to comment on remarks made about my handling of this conference report within the last 24 hours. I had considerable discussions with both majority and minority members of my committee yesterday, including the gentleman from Illinois (Mr. ERLENBORN), and Members of the Senate. It was my intention to file this report and to have the other body consider it just as would be the normal case. I found out later that the gentleman from Illinois (Mr. ERLENBORN) was well aware of the fact that the Senate would not act first at least 1½ hours earlier than myself. Further, when I asked unanimous consent to file the report by midnight of last night, one of the members of the minority on my committee, the gentleman from California (Mr. BELL) who has shown a keen interest in this legislation and contributed to making it the landmark legislation it is, was on the floor when I made my motion and raised no objection.

Thus, I feel that those who contend that the minority was not consulted in this matter, particularly the gentleman from Illinois (Mr. ERLENBORN), either did not state the facts accurately or were not fully appraised of the participation of other members of the minority. I also want to make it abundantly clear that I did not take advantage of any member of the minority in this matter, but, on the contrary, I believe if the gentleman from Illinois (Mr. ERLENBORN) had apprised me of the decision of the Members of the other body when he knew of it, much unnecessary work could have been avoided.

At this point, I believe we should emphasize how much this landmark Health and Safety Act for workers was the product of long and hard work of the Congress. In September of 1968 and again in January and March of this year, the Interior Department recommended proposals to protect coal miners, but we quickly found that these were not adequate given the health and safety record of this industry over the past 17 years. The hearings held in both Houses clearly demonstrated to all of us that a far more comprehensive measure was needed for our miners and their families than anything the agencies downtown were proposing or even dreamed of. To illustrate how much this legislation is the product of the Congress, I will list some of its principal features that were not included in any Interior proposal as follows:

HEALTH STANDARDS

The Congress determined very early in its consideration of this measure that a 3-milligram respirable dust standard for underground coal mines was not only necessary for the miners, but also attainable within a short time. The Interior Department, last January, first proposed a 3 standard, but left it up to the Secretary to prescribe the schedule for achieving it. Later in March, the Department proposed a 4.5-milligram standard effective 6 months after enactment, but provided an enforcement procedure that would

probably result in most mines maintaining the dust level at 5.5 milligrams.

Congress, on the other hand, prescribes in this legislation a 3 standard effective 6 months after enactment with meaningful enforcement procedures that parallel those applicable to safety standards. At the same time, we were not satisfied that this dust level would protect the health of miners and established a 2-milligram standard effective 3 years after enactment. We also directed the Secretary of Health, Education, and Welfare to begin almost immediately to establish lower dust levels which could accelerate even the 3- and 2-milligram standard timetable.

Also, the Department provided that if a miner shows substantial evidence of black lung, he shall be transferred to another area of the mine where the dust level is 2 milligrams or less. The conference report before us today provides for such a transfer where there is any evidence of this disease, after the operative date of title II, to an area where the level is 2 milligrams or less, and, effective 3 years after enactment, to an area where the level is 1 or lower.

The Department's proposal would have permitted multiple shift measurements of respirable dust indefinitely. The conference reported bill requires single shift measurements 18 months after enactment.

The conference report, unlike the Department's proposal, would establish the noise standard under the Walsh-Healey Public Contracts Act and direct that it be improved further.

SAFETY STANDARDS

The conference reported bill, unlike the Department's proposals, would:

Require a minimum quantity of air to the working face;

Require the Secretary to prescribe the minimum velocity and quantity of air reaching the working face to control methane;

Require that the Secretary prescribe the maximum respirable dust level for intake aircourses;

Require preshift examinations for all shifts, not just production shifts;

Provide for the proper installation of roof bolts;

Provide for the control of one of the most dangerous sources of methane, namely methane coming from the gob areas;

Require ventilation system and methane and dust control plans;

Provide for the separation of intake and return aircourses from belt haulageways;

Provide for expanded protection in the use and maintenance of electrical equipment and high, medium, and low voltage circuits;

Limit the number of temporary splices to one;

Provide that mine maps be available to the Department of Housing and Urban Development and to surface owners and lessees;

Provide for the use of automatic couplers or haulage equipment;

Provide against inundations in mines located under bodies of water;

Provide for self-rescue devices adequate to protect mines for 1 hour or more;

Prescribe improved methods of assuring adequate oxygen underground;

Provide for a check-in and check-out system;

Provide for the prevention and suppression of ignitions on electric face equipment;

Provide for standards to control explosive gases, other than methane; and Provide an adequate supply of potable water for the miners.

BLACK LUNG BENEFITS

Here, as I have said, is one of the most significant provisions of the bill that was initiated in the Congress to help poor miners suffering from this dread disease and the widows and children of these miners. As a matter of fact, as I have stated, the administration, for the first time, today sent a letter from Secretary Shultz opposing these black lung benefit payments for miners affected with this disease, their widows and their children. Imagine, 2 months after this benefits provision passed overwhelmingly in both Houses, the administration on the day of final passage opposes one of its most important provisions and even threatens veto. Where have they been for the last 4 months?

In summary, these are just a few of the examples of what the Congress has done to protect and help miners and their families. We can all be proud of our efforts to save lives and to bring some benefits to those people who have been forgotten in the past.

Finally, I want to admonish both the Secretary of the Interior and the Secretary of Health, Education, and Welfare that they must begin now to carry out the mandates of this legislation in a manner that will provide the greatest health and safety possible to miners and the greatest benefits possible to miners with pneumoconiosis who are totally disabled and the widows of miners with this disease. I can assure both Secretaries that hearings will be held on the progress of this legislation and its achievements before the end of July 1970 by my committee.

A summary follows:

SUMMARY OF MAJOR PROVISIONS

TITLE I—GENERAL

(1) Grants authority for the promulgation of mandatory health and safety standards to the Secretary of the Interior (hereinafter referred to as the "Secretary"). The Secretary promulgates all mandatory standards, but is responsible for developing and revising only mandatory safety standards. The Secretary of Health, Education, and Welfare (HEW) is responsible for developing and revising mandatory health standards. No standard promulgated by the Secretary shall reduce the protection afforded miners below that provided by the interim mandatory health and safety standards contained in titles II and III, respectively.

(2) Provides opportunity for a representative of miners, whenever he has reasonable grounds to believe that a violation of a mandatory health or safety standard exists or an imminent danger exists in a mine, to obtain an immediate inspection of such time.

(3) Provides a minimum of at least four annual inspections of each mine. Also provides a minimum of one spot inspection during every five working days of a mine (A) that liberates excessive quantities of methane or other explosive gases during its operations, (B) in which a methane or other gas ignition of explosion has occurred which resulted in death or serious injury at any time during the previous five years, or (C) the Secretary believes has especially hazardous conditions.

(4) Establishes the procedural mechanism for finding dangerous conditions or violations of standards in mines, and for the issuance of notices and orders—including withdrawal orders—relative to such.

(5) Provides administrative and judicial review procedures.

(6) Establishes civil penalties of up to $10,000 for operator violations of a standard or any other provision of the Act. Establishes a civil penalty of up to $250 to a miner who violates specified provisions of the Act (smoking, carrying of matches, etc.). Establishes criminal penalties to any operator who willfully violates a standard or knowingly violates or fails or refuses to comply with orders. Upon conviction, such operator shall be punished by a fine of not more than $25,000 and/or imprisonment for not more than one year for the first conviction, and for subsequent convictions, by a fine of not more than $50,000 and/or imprisonment for not more than five years. Also establishes similar civil and criminal penalties to any director, officer, or agent of a corporate operator for like violations, failures, or refusals. Criminal penalties are also established for false statements, representations, or certifications relative to the Act, and for the introduction and delivery in commerce of any equipment for use in a coal mine which is falsely represented to be in compliance with the provisions of the Act.

(7) Provides for limited pay guarantees to miners idled by a withdrawal order.

(8) Prohibits the discharge or other discrimination against a miner for exercising rights under the Act.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

(1) Establishes interim mandatory health standards effective six months after the date of enactment of the Act.

(2) Requires each operator to take accurate samples of the amount of respirable dust in the mine atmosphere. The samples are transmitted to the Secretary and analyzed and recorded by him.

(3) Establishes a 3.0 milligram per cubic meter of air (mg/m^3) dust standard effective six months after enactment. Extensions of time to comply with the standard (permits for noncompliance) may be granted by the Panel (established by section 5) for a period not to exceed twelve months from the effective date of the standard.

(4) Establishes a 2.0 mg/m^3 dust standard effective three years after enactment, but the Panel may grant permits for noncompliance to an operator for a period not to exceed three additional years from the effective date of the standard.

(5) The Secretary of Health, Education, and Welfare has the continuing authority, beginning one year after enactment, to further reduce the dust standard below the levels established by the Act to levels which will prevent new incidences of respiratory disease and the further development of such disease in any person.

(6) Each operator shall cooperate with the Secretary of Health, Education, and Welfare in making a chest x-ray available to each miner within eighteen months after enactment, again three years later, and at such subsequent intervals determined by the Secretary of Health, Education, and Welfare but not to exceed every five years. Each workers who begins work in a coal mine for the first time shall be given a chest x-ray at the commencement of his employment and again three years later. If the second x-ray shows evidence of the development of pneumoconiosis, the worker shall be given an additional x-ray two years later. The x-rays may

be supplemented by other tests deemed necessary by the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare is also responsible for reading, classifying, and recording all results of x-rays and other medical tests.

(7) Any miner who shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine where the respirable dust concentration is not more than 2.0 mg/m³. Effective three years after enactment, the option of transfer shall be to an area of the mine where such concentration is not more than 1.0 mg/m³, or if such level of concentration is not attainable in the mine, to an area where the concentration is the lowest attainable below 2.0 mg/m³. Any miner so transferred shall not receive less than the regular rate of pay received by him immediately prior to transfer.

(8) Incorporates the noise standard prescribed under the Walsh-Healey Public Contracts Act, and provides authority to the Secretary of Health, Education, and Welfare to improve upon such standard.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

(1) Establishes interim mandatory safety standards effective three months after the date of enactment of the Act.

(2) Establishes detailed requirements to provide for safer working conditions in underground coal mines. These include requirements with regard to roof support, ventilation, combustible materials and rock dusting, electrical equipment, trailing cables, grounding, underground high-voltage distribution, underground low- and medium-voltage alternating current circuits, trolley and trolley feeder wires, fire protection, maps, blasting and explosives, hoisting and mantrips, emergency shelters, communications, escapeways, and other miscellaneous matters.

(3) Establishes requirements for the use of permissible equipment in all underground coal mines. Requires that all electric face equipment at gassy mines and all such small equipment at all mines be permissible within 15 months after enactment. It is also required that, in the case of mines not previously classified as gassy which are below the watertable, such large equipment must be permissible in 15 months, but the Panel may grant extensions of time (permits for noncompliance) of not to exceed in the aggregate an additional 33 months if the Panel determines, based on specified criteria, that the operator is unable to comply with the permissibility requirements because of unavailability of permissible equipment. In the case of such mines which are located entirely above the watertable, it is required that such large equipment be permissible within 51 months after enactment but the Panel may grant extensions of not to exceed 2 additional years on a mine-by-mine basis because of unavailability of such equipment.

TITLE IV—BLACK LUNG BENEFITS

(1) Provides for the payment of benefits for death or total disability due to pneumoconiosis.

(2) Coal miners and former coal miners who are totally disabled due to pneumoconiosis will receive benefits at a rate equal to 50 percent of the minimum monthly payment to which a disabled Federal employee in grade GS–2 would be entitled at the time of payment. This represents approximately $136 per month. Widows of coal miners and former coal miners whose deaths are due to pneumoconiosis or whose deaths occurred while receiving total disability benefits, receive benefits at the rate prescribed for totally disabled miners. The rates prescribed above are increased for dependents at the rate of 50 percent for one dependent (widow or child), 75 percent for two dependents, and 100 percent for three or more dependents. The benefits for miners and widows will be reduced on account of payments under the workmen's compensation, unemployment compensation, or disability insurance laws of the State and, in the case of miners only, on account of excess earnings, as provided under the Social Security Act for benefits payable under that Act.

(3) The following presumptions are used in determining entitlement:

A. If a miner who is suffering from pneumoconiosis was employed for 10 years or more in an underground coal mine, there will be a rebuttable presumption that the pneumoconiosis arose out of such employment.

B. If a miner worked ten years in such a mine and died of a respirable disease, there will be a rebuttable presumption that his death was due to pneumoconiosis.

C. If a miner is suffering from or dies from an advanced irreversible stage of pneumoconiosis, it will be irrebutably presumed his death or total disability was due to pneumoconiosis.

(4) Claims filed before December 31, 1972, will be processed by the Secretary of Health, Education, and Welfare in a manner similar to that he uses for processing claims for disability under the Social Security Act. If the claim is filed after December 31, 1971, benefits under that claim may be paid only until January 1, 1973. Claims filed on or after January 1, 1973, will be processed under the appropriate State workmen's compensation law if the Secretary of Labor has determined it has adequate coverage for pneumoconiosis. He will, generally speaking, determine a State law to have adequate coverage for pneumoconiosis if the benefits under such law and the criteria for determining eligibility are not less favorable to the claimant than those applicable to claims filed before January 1, 1973. Where the applicable State workmen's compensation law does not provide adequate coverage for pneumoconiosis, the persons entitled to benefits will be paid (so far as applicable) under the terms of the Longshoremen's and Harbor Workers' Compensation Act.

(5) In the case of claims filed on or after January 1, 1973, no payments of benefits may be made after seven years after the date of enactment of the Act.

TITLE V—ADMINISTRATION

(1) Provides authorization for appropriations for health and safety research to be carried out by the Secretary of Health, Education, and Welfare and the Secretary, respectively.

(2) Requires the Secretary to expand programs for the education and training of operators, agents, thereof, and miners in accident-control, healthful working conditions, and in the use of coal mining equipment and techniques.

(3) Provides for economic assistance to any small business concern operating a coal mine to meet the requirements imposed by the Act. Such assistance shall be given by the Small Business Administration.

(4) Specifies qualifications and training requirements for employees of the Secretary; particularly inspectors.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from California.

Mr. BURTON of California. Mr. Speaker, it would be fair to state, on behalf of the House conferees on both sides, we had had, up to and through the conference committee, a very constructive relationship, and it is further the case that it is the fault of no Member of this House on either side that we were informed last night about 9:30 that the other body, in their infinite wisdom, handed us an "either or else" set of procedures to follow; and is it not further the fact that the gentleman from Illinois (Mr. ERLENBORN), our distinguished subcommittee chairman, the gentleman from Pennsylvania (Mr. DENT), and myself, learned of this about 9:30 or so last night, even before the distinguished chairman of the full committee learned of it, and that the only way to cut our way through this situation, because we were not able to come to grips with any kind of dialog or communication with the other body, was to accede to the gentle nudge—although some stronger language was communicated to us from the gentlemen working on the other side of the Capitol—and so, lamentably for all of us who have worked so long and constructively together, we find ourselves at this rather late hour of the evening, due to other procedural difficulties, in a good deal more disagreement than any of us had as we walked out of the conference committee room at the conclusion of the conference.

Mr. ERLENBORN. Mr. Speaker, will the gentleman from Kentucky yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield me time to address myself to the conference report?

Mr. PERKINS. Yes. I yield the gentleman now 7 minutes.

Mr. ERLENBORN. Is that all the time the gentleman intends to yield?

Mr. PERKINS. No, I may yield more.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 7 minutes.

Mr. ERLENBORN. I agree with the gentleman from California (Mr. BURTON) that we have had a constructive relationship among the members of the subcommittee. I regret that the events subsequent to the conference have disturbed that relationship and forced me to take the action I have today. No good purpose will be served in assessing blame on any individual, but I will assert that this whole matter has been badly handled in the last few days.

Mr. Speaker, I am opposed to this conference report for one simple reason. The conferees met and reached agreement, and the broad outlines of that agreement as to what should be in this conference report, title IV, has been violated. There are matters in this which were never discussed by the conferees. There are new matters brought in, new obligations on the part of the Secretary of Labor, new causes of action against the mine operator, new duties on the Secretary of Labor never contained in either bill, never discussed by the conferees, and never agreed to by the gentleman from Illinois.

Mr. Speaker, to reinforce the fact that I did not know what was in this report, the only time I was delivered a copy—actually delivered to my counsel—of title IV of this report was last night, at about 4 o'clock in the afternoon. That was not an accurate copy of what was in title IV of the report as filed about 11:30 last night. That report would not have been filed at 11:30 last night had not the gentleman from Kentucky gotten unanimous consent to file the report without

first asking any Member of the minority if he had objection to the unanimous-consent request.

Again to reinforce what apparently is the attempt to push through something that was never contemplated by the conferees and to foreclose an opportunity for this House to work its will, the gentleman from Kentucky came on the floor of this House this afternoon intending to call up this conference report earlier in the afternoon, and had never informed me nor any other Member of the minority that it was his intention to call up the report for consideration. Every attempt has been made by the gentleman from Kentucky to preclude an opportunity for the minority to know what was in the report and to have an opportunity to inform this House of the provisions that have been put in this report.

Mr. Speaker, I am opposed, as is this administration opposed, to the provisions of title IV of this report. A copy of the letter from the Secretary of Labor Shultz was delivered to me and to the gentleman from Ohio (Mr. AYRES) and to the gentleman from Kentucky (Mr. PERKINS) outlining the position of the administration.

I am also authorized to say that if this conference report is approved and this bill becomes law with the provisions that are now in title IV, with the cost implications to the Treasury of the United States, that the President may be required to veto the bill.

I warned the gentleman from Pennsylvania and the gentleman from Kentucky when we had this matter in subcommittee that to include pneumoconiosis compensation in the mine health and safety bill was endangering the passage of this bill, and I think what I have just informed the Members concerning a possible veto of the bill is confirmation of what I said many months ago.

Mr. Speaker, I think the largest figure as to the possible cost that was ever given as an estimate, prior to the drafting of this new title IV in the conference report, was in the neighborhood of $30 million or $40 million. Some of my colleagues estimated it might be as high as $50 million to $60 million. Now the Bureau of Mines estimates it to be as high as $385 million annual cost to the Treasury, and the minimum figure they now estimate the cost of this to be is $150 million to the U.S. Treasury.

Beyond this, additional impositions are put on the State unemployment compensation systems. It was made very clear in this House when this bill was passed that this was not intended to be a workmen's compensation provision. This was special temporary relief for pneumoconiosis compensation, but now we are going to have this new provision and the Secretary of Labor will be required to pass upon the adequacy of State workmen's compensation provisions, and issue, in effect, a blacklist of those which in his judgment do not have sufficient compensation for the workers, and require that even after this program expires—as was contemplated in both bills that it would expire because it was to be temporary only—that the State workmen's compensation laws cover pneumoconiosis, or in the event they do not, that the mine operator has a new obligation, never contemplated, to pay workmen's compensation benefits to the miners.

It creates a new cause of action by the United States against coal mine operators if they do not pay this compensation, something never contemplated by the draftsman of this bill in the first place, if he was being honest with the Members of this House and with the members of our committee—if he was honest with the Members of this House when they explained the terms of this bill and carefully told us this was not to be a compensation provision.

This will be the first intrusion into the State operated workmen's compensation laws, not by implication, as I claimed when the bill was under consideration on the floor of the House, but now as drafted by the staff and by a few of the Members outside of the scope of the agreement of the conferees, expressly an intrusion into all workmen's compensation laws.

I am distressed my point of order was overruled. I am going to make a motion to recommit this bill for the purpose of reconsidering title IV. I make it clear that neither this administration nor I nor any Member of the minority is opposed to coal mine health and safety; but we are opposed not only to the provisions of title IV but we also are opposed to the kind of underhanded, behind the scenes, dealings that have brought us to the point where this is being considered today, where it almost passed earlier today without the minority having an opportunity to be heard on the floor of the House.

I hope you will support my motion to recommit not because of your political considerations, not because of your political philosophy——

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I will not yield to the gentleman.

Not because of your lack of concern or great interest in the coal miners and in this problem of pneumoconiosis, but so that you can sustain the dignity of this House and the legislative process. This is a travesty upon the legislative process. Unless my motion to recommit is agreed to and we send this bill back to the conference where the conferees can work their will, this will have been a very black day for the House of Representatives and the legislative process.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the distinguished chairman of the subcommittee, who is an authority in this area, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I should first like to say to the gentleman from Illinois that there were no cloak and dagger episodes in this whole deal. There was nothing underhanded. If there was, the underhandedness came from your side of the table, because I did not attend any of the markup sessions, because the instructions of the conferees were to the staff of both sides to write within the confines of the understandings of the conferees. So I did not commingle with the conferees' staff at any time. They wrote the language that they felt was jusitified and cleared it with their own Senators and Congressmen.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DENT. Wait until I am through. I want to get this off my mind.

I am sure this opposition, the reason for it, to this legislation is probably best explained by the very letter the gentleman failed to read, the letter I have just been handed, written by Mr. Shultz, the Secretary of Labor.

It is not a question of language. It is not a question of misunderstanding. It is not a question of whether or not there were any transgressions on the part of the conferees or their staffs. It is simply a question of a firm, philosophical belief—I hate to put this down so plainly and bluntly—of those who are now directing the administration.

We believe—

Says Secretary Shultz—

that the solution to this problem is through any necessary improvement in the system of State workmen's compensation laws. * * * [The] "know-how [is in the hands of the States] in the workmen's compensation field. It is our present judgment that reliance should continue to be placed on that system of State laws." We continue to support that position.

Early in the days when this legislation was before the subcommittee we heard witnesses from all over these United States and the one deplorable fact that was brought out time after time was that the States had not done anything to relieve the situation that former miners find themselves in in Iowa, Michigan, California, New York, and in every State of the Union. There was a drop of from 600,000 to 135,000 miners in this country. These miners from the anthracite and bituminous regions of our great coal-mining States are scattered all over these 50 States. There is no responsibility on the part of Georgia and Mississippi to pass a compensation law to pay for a miner's lung disease contracted in one of the mining States. There is no way that we can deprive a man of his property without due process of law by easily trying to assess the cost of pneumoconiosis payments to an operator who has a miner who has worked for 10 or 12 or 15 or 20 years for different operators in different States or in different sections of States. You cannot do that. We found that out in our State, and we passed the last workable law and the only law that has taken care of its miners and those of neighboring States. We paid for it out of the general fund because we knew that these men were crippled and totally disabled. In many States they have no relief whatsoever.

Now, Mr. Speaker, I deny that this is an open compensation law and defy anybody to point out where it is. After 7 years no person who contracts pneumoconiosis and then files a claim can be paid by the Federal Government. We give 7 years because of the time lag in order that the people who might have the disease would have an opportunity to come in and be examined. We tightened it up so that there could be only one agency of the Government to read the findings of the X-rays in order that all would be treated alike.

Mr. Speaker, I have told this House—and I want you to know this—that I never deliberately mislead anybody. I

would not do that and I have not done it in 39 years of being a legislator, and I will not start now.

I told this House time after time that this is a one-shot compensation deal, dealing with a subject matter that is the whole lifeblood of the coal industry. There are 15,000 coal miners needed in this country in the next 18 months. Are you going to work in the coal mines? Are you going to recruit these miners in these great United States to meet the need for fuel in this country in the future? No, you are not. And you will not get any new miners—or old miners, either—to go into the mines unless you give them some security against death by explosion, death by roof falls, and death from the complications of the most dreadful of all diseases. Have you ever heard a coughing coal miner in the stillness of the night hacking away with blood coming out of his mouth and nostrils and with no care? Some have spent $180 a month for oxygen, and with nowhere to get it and depending on the charity of a charitable organization such as the Red Cross and the Salvation Army, and a man goes begging who was giving his substance to this country to make it what it is today, to build for those of us who have luxuries which we enjoy.

Yes. I know your philosophy. It is spelled out in the letter of your Secretary of Labor, who does not say the things said by the ranking minority members that sections were nongermane to the intent. Oh, no. No such language is in this letter. The plain coldblooded statement of fact is there that we oppose payment, the payment of compensation to the distressed miners of this country unless their State passes a law on it. How do you force the States to pass a law? By a statement? You cannot force them and no one else can.

These men are suffering and they are dying, and I want to give you another little bit of information that might ease your cold hearts. Eighty-five percent of all the deactivated miners in the Appalachia region are over 65 years of age, and you are worrying about what millions it is going to cost you. Their funeral services will cost more than you pay for compensation.

Let me give you some figures. These figures come from the Secretary of Health of this great Nation of ours after the only study ever made—and I have given you these figures and you know you have heard them; I gave them to the conference and they have heard them; there is nothing secret about them and you can get them. At one point a Senator came before us and told us that the cost would be as much as $180 million a year.

Gentlemen, if you took every miner in these United States and if you paid him $5,000 a year and bought his wife a chinchilla coat, you would not spend that much money.

Finally, after a little bit of fact finding, he came down to $154 million and yesterday he came down to $124 million. And, let me tell you the truth and when the truth is known to you, our Secretary of Health, Education, and Welfare, in a Public Health Service survey made in 1963 and carried through to 1965, the only authentic survey made in the field of pneumoconiosis in this great country of ours, and it was made by the Department of Health, Education, and Welfare, and it was found that 3 percent of all the active coal miners throughout the Appalachian region where the heart of black lung exists, only 3 percent of the active coal miners have the chronic and advanced stage of pneumoconiosis. That is one category paid under our provision.

If you take the 110,000 miners working underground in this country, and the only ones susceptible to the disease, the figure would go to 3,300 miners. We have a total top figure in this bill of $272 a month. And, if you count everyone of these 85 years of age or 65 years of age or 75-year-old miners and gave them credit for a wife and two children and if you paid them the top payment of $272 a month, you would be paying out something over $32.3 million for that part of the provision.

The SPEAKER pro tempore (Mr. FLOOD). The time of the gentleman from Pennsylvania has expired.

Mr. PERKINS. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. DENT. I do not know what the total cost of this provision will be, but I do know the costs being thrown around here are outrageous and unsubstantiated. We have proven that, and evidence of that proof will appear at the conclusion of my remarks.

Now, let us go a little further. It has been said on this floor that this is an invasion of States' rights, that we are injuring the State systems. You do not have any State systems. You do not have any State programs. If you did, we would not have to have this legislation. But what do we do?

Dr. Monroe Berkowitz of Rutgers University, a renowned expert in the field appeared before the committee and said:

> This would constitute an endorsement by Congress of the State system. Some inducement of this sort is vital to the continuing health of our State system of workmen's compensation. It would express a judgment by Congress that the system is worth preserving and that it is good enough to cover all. Only if States do not act would obviously second-best solutions be brought into play. If this legislation were completely successful, not one person would ever be added to the coverage of the Longshoremen's and Harbor Workers' Act.

Certainly it is a second-best solution, because if it was a first-best solution these miners would have had their compensation payments during these last years of degradation, disease and despair. No, it is not the best we can give, but I say that any opposition to this bill today is an opposition to paying some little recompense to the men who go down into the bowels of the earth, if you will, and give us the fuel that makes and has made this Nation what it is—that built its farms and its mills, and made millionaires out of many of the people—these same men who today are poverty stricken.

Come with me, will you, hand in hand, come and take a walk through the back valleys of Pennsylvania and of West Virginia, and I will show you what a coal mine looks like, and I defy any of you to stand up in the face of a small, degradated coal town and a little coal mining family in a shanty like the one I was born in, and tell me you would vote against this because your philosophy says it is not the business of the Federal Government.

The Federal Government was constituted to do for the States and the people of the States that which the States do not do for themselves.

And in that context I will leave you with this admonition, and I leave it with you because I know it to be true, and I know it is true because I know our coal miners and I know their fiber and I know their being—you defeat this bill and there will not be a coal miner in the mines of this country within 15 days.

Mr. Speaker, I will now be brief in discussing this conference report. The House passed the coal mine health and safety bill October 29, and the conference committee met and agreed on November 20—the anniversary of the Farmington tragedy. The conference committee debated the provisions of the House amendment to the bill passed in the other body with one consistent objective: the highest degree of health and safety protection to the miner. I am proud of our agreement and satisfied that it represents the best we could have even hoped for. I believe we can all take pride in this product with the knowledge that its ramifications will extend to every coal mining community in the Nation, and will afford a greater measure of security and relief to miners and their families.

Mr. Speaker, the major provisions of the bill may be summarized rather succinctly. They follow:

TITLE I—GENERAL

First. Grants authority for the promulgation of mandatory health and safety standards to the Secretary of the Interior—hereinafter referred to as the "Secretary." The Secretary promulgates all mandatory standards, but is responsible for developing and revising only mandatory safety standards. The Secretary of Health, Education, and Welfare is responsible for developing and revising mandatory health standards. No standard promulgated by the Secretary shall reduce the protection afforded miners below that provided by the interim mandatory health and safety standards contained in titles II and III, respectively.

Second. Provides opportunity for a representative of miners, whenever he has reasonable grounds to believe that a violation of a mandatory health or safety standard exists or an imminent danger exists in a mine, to obtain an immediate inspection of such mine.

Third. Provides a minimum of at least four annual inspections of each mine. Also provides a minimum of one spot inspection during every 5 working days of a mine that liberates excessive quantities of methane or other explosive gases during its operations, in which a methane or other gas ignition or explosion has occurred which resulted in death or serious injury at any time during the previous 5 years, or the Secretary believes has especially hazardous conditions.

Fourth. Establishes the procedural

mechanism for finding dangerous conditions or violations of standards in mines, and for the issuance of notices and orders—including withdrawal orders—relative to such.

Fifth. Provides administrative and judicial review procedures.

Sixth. Establishes civil penalties of up to $10,000 for operator violations of a standard or any other provision of the act. Establishes a civil penalty of up to $250 to a miner who violates specified provisions of the act—smoking, carrying of matches, and so forth. Establishes criminal penalties to any operator who willfully violates a standard or knowingly violates or fails or refuses to comply with orders. Upon conviction, such operator shall be punished by a fine of not more than $25,000 and/or imprisonment for not more than 1 year for the first conviction, and for subsequent convictions, by a fine of not more than $50,000 and/or imprisonment for not more than 5 years. Also establishes similar civil and criminal penalties to any director, officer, or agent of a corporate operator for like violations, failures, or refusals. Criminal penalties are also established for false statements, representations, or certifications relative to the act, and for the introduction and delivery in commerce of any equipment for use in a coal mine which is falsely represented to be in compliance with the provisions of the act.

Seventh. Provides for limited pay guarantees to miners idled by a withdrawal order.

Eighth. Prohibits the discharge or other discrimination against a miner for exercising rights under the act.

TITLE II.—INTERIM MANDATORY HEALTH STANDARDS

First. Establishes interim mandatory health standards effective 6 months after the date of enactment of the act.

Second. Requires each operator to take accurate samples of the amount of respirable dust in the mine atmosphere. The samples are transmitted to the Secretary and analyzed and recorded by him.

Third. Establishes a 3.0 milligram per cubic meter of air—mg./m.^{3}—dust standard effective 6 months after enactment. Extensions of time to comply with the standard—permits for noncompliance—may be granted by the Panel—established by section 5—for a period not to exceed 12 months from the effective date of the standard.

Fourth. Establishes a 2.0 mg./m.^{3} dust standard effective 3 years after enactment, but the Panel may grant permits for noncompliance to an operator for a period not to exceed 3 additional years from the effective date of the standard.

Fifth. The Secretary of Health, Education, and Welfare has the continuing authority, beginning 1 year after enactment, to further reduce the dust standard below the levels established by the act to levels which will prevent new incidences of respiratory disease and the further development of such disease in any person.

Sixth. Each operator shall cooperate with the Secretary of Health, Education, and Welfare in making a chest X-ray available to each miner within 18 months after enactment, again 3 years later, and at such subsequent intervals determined by the Secretary of Health, Education, and Welfare but not to exceed every 5 years. Each worker who begins work in a coal mine for the first time shall be given a chest X-ray at the commencement of his employment and again 3 years later. If the second X-ray shows evidence of the development of pneumoconiosis, the worker shall be given an additional X-ray 2 years later. The X-rays may be supplemented by other tests deemed necessary by the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare is also responsible for reading, classifying, and recording all results of X-rays and other medical tests.

Seventh. Any miner who shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine where the respirable dust concentration is not more than 2.0 mg/m^3. Effective 3 years after enactment, the option of transfer shall be to an area of the mine where such concentration is not more than 1.0 mg/m^3, or if such level of concentration is not attainable in the mine, to an area where the concentration is the lowest attainable below 2.0 mg/m^3. Any miner so transferred shall not receive less than the regular rate of pay received by him immediately prior to transfer.

Eighth. Incorporates the noise standard prescribed under the Walsh-Healey Public Contracts Act, and provides authority to the Secretary of Health, Education, and Welfare to improve upon such standard.

TITLE III.—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

First. Establishes interim mandatory safety standards effective 3 months after the date of enactment of the act.

Second. Establishes detailed requirements to provide for safer working conditions in underground coal mines. These include requirements with regard to roof support, ventilation, combustible materials and rockdusting, electrical equipment, trailing cables, grounding, underground high-voltage distribution, underground low- and medium-voltage alternating current circuits, trolley and trolley feeder wires, fire protection, maps, blasting and explosives, hoisting and mantrips, emergency shelters, communications, escapeways, and other miscellaneous matters.

Third. Establishes requirements for the use of permissible equipment in all underground coal mines. Requires that all electric face equipment at gassy mines and all such small equipment at all mines be permissible within 15 months after enactment. It is also required that, in the case of mines not previously classified as gassy which are below the watertable, such large equipment must be permissible in 15 months, but the Panel may grant extensions of time—permits for noncompliance—of not to exceed in the aggregate an additional 33 months if the Panel determines, based on specified criteria, that the operator is unable to comply with the permissibility requirements because of unavailability of permissible equipment. In the case of such mines which are located entirely above the watertable, it is required that such large equipment be permissible within 51 months after enactment but the Panel may grant extensions of not to exceed 2 additional years on a mine-by-mine basis because of unavailability of such equipment.

TITLE IV—BLACK LUNG BENEFITS

First. Provides for the payment of benefits for death or total disability due to pneumoconiosis.

Second. Coal miners and former coal miners who are totally disabled due to pneumoconiosis will receive benefits at a rate equal to 50 percent of the minimum monthly payment to which a disabled Federal employee in grade GS–2 would be entitled at the time of payment. This represents approximately $136 per month. Widows of coal miners and former coal miners whose deaths are due to pneumoconiosis or whose deaths occurred while receiving total disability benefits, receive benefits at the rate prescribed for totally disabled miners. The rates prescribed above are increased for dependents at the rate of 50 percent for one dependent, widow or child, 75 percent for two dependents, and 100 percent for three or more dependents. The benefits for miners and widows will be reduced on account of payments under the workmen's compensation, unemployment compensation, or disability insurance laws of the State and, in the case of miners only, on account of excess earnings, as provided under the Social Security Act for benefits payable under that act.

Third. The following presumptions are used in determining entitlement:

A. If a miner who is suffering from pneumoconiosis was employed for 10 years or more in an underground coal mine, there will be a rebuttable presumption that the pneumoconiosis arose out of such employment.

B. If a miner worked 10 years in such a mine and died of a respirable disease, there will be a rebuttable presumption that his death was due to pneumoconiosis.

C. If a miner is suffering from or dies from an advanced irreversible stage of pneumoconiosis, it will be irrebuttably presumed his death or total disability was due to pneumoconiosis.

Fourth. Claims filed before December 31, 1972, will be processed by the Secretary of Health, Education, and Welfare in a manner similar to that he uses for processing claims for disability under the Social Security Act. If the claim is filed after December 31, 1971, benefits under that claim may be paid only until January 1, 1973. Claims filed on or after January 1, 1973, will be processed under the appropriate State workmen's compensation law if the Secretary of Labor has determined it has adequate coverage for pneumoconiosis. He will, generally speaking, determine a State law to have adequate coverage for pneumoconiosis if the cash benefits under such law and the criteria for determining eligibility are not less favorable to the claimant than those applicable to claims filed before January 1, 1973. Where the applicable State workmen's compensation law does not provide adequate coverage for pneumoconiosis, the persons entitled to bene-

fits will have their claims processed, so far as applicable, under the terms of the Longshoremen's and Harbor Workers' Compensation Act.

Fifth. In the case of claims filed on or after January 1, 1973, no payments of benefits may be made after 7 years after the date of enactment of the act.

TITLE V—ADMINISTRATION

First. Provides authorization for appropriations for health and safety research to be carried out by the Secretary of Health, Education, and Welfare and the Secretary, respectively.

Second. Requires the Secretary to expand programs for the education and training of operators, agents thereof, and miners in accident control, healthful working conditions, and in the use of coal mining equipment and techniques.

Third. Provides for economic assistance to any small business concern operating a coal mine to meet the requirements imposed by the act. Such assistance shall be given by the Small Business Administration.

Fourth. Specifies qualifications and training requirements for employees of the Secretary; particularly inspectors.

Mr. Speaker, I would like to take an additional minute to discuss title IV of the conference report—the title providing for black lung benefits. When we began considering a coal mine health and saftey proposal early this year, I think it fair to say that this provision was not generally thought of as likely to be included in the final bill. A similar provision was in fact included in the bill passed by the House and it was done because of the tremendous effort and tenacity put forth by the gentleman from New Jersey (Mr. DANIELS) and the gentleman from California (Mr. BURTON). The gentleman from New Jersey gave this provision life when he led it through his subcommittee and was gracious enough and concerned enough about the ultimate claimants to ask that it be incorporated into the health and safety package. The gentleman from California was absolutely uncompromising in his determination to fight the battle for the provision beyond that, and existence of the provision in the conference report is a testimony to his success.

Mr. Speaker, there is only one State that now provides an assistance program of any significant scope, and that is the Commonwealth of Pennsylvania. The citizens of that State, through their taxes, provide the general revenues for the program. It is my understanding that Pennsylvania's program is the only one funded through general revenues. Other such programs are funded by employer contributions and are essentially workmen's compensation programs. The conference report contains a maintenance of effort provision which provides that no benefits shall be paid under this provision to the residents of any State which, after the date of enactment, reduces the benefits payable to persons eligible to receive benefits under this provision, under its State laws which are applicable to its general work force with regard to its State laws which are applicable workmen's compensation, unemployment compensation, or disability insurance.

Mr. Speaker, we are talking about laws which apply to a State's general work force and not laws for a segment of the work force. We are also talking about programs that are, in fact, workmen's compensation, unemployment compensation, or disability insurance. This literal interpretation is also intended to apply to sections 412(b) and 422(g)—the offsetting provisions. We are not talking about State programs funded through general revenues. Any State that has such programs could reduce benefits payable to persons eligible to receive them under this provision. If the State did not so reduce the benefits, such benefits could not be offset or deducted from payments under this provision.

This should be made unmistakably clear. The language of the conference report and the appropriate amplification of that language in the statement of the managers on the part of the House says as much.

Mr. Speaker, it is time to act on this bill. Its provisions are long overdue and our miners have waited and suffered long enough.

Mr. Speaker, if I may pay one final tribute, the gentleman in the Chair, the gentleman from Pennsylvania (Mr. FLOOD), has labored over this bill with a concern for miners and their families that can only come from living among them. Before the thought of a new coal mine health and safety law gained popular support, DAN FLOOD was the most persistent and tenacious advocate of a better law. He recognized the shortcomings of the existing law, and overcame every obstacle in fighting for a proposal that provided meaningful protection to the miner.

His imprint is indelibly inscribed on this bill. Even though he is not a member of the Committee on Education and Labor, he managed to put provisions in the bill that are solely his. The gentleman testified before our committee and before the Senate committee in support of strong coal mine health and safety legislation, and also for the provisions granting benefits to miners disabled due to pneumoconiosis and to the widows of those who died from the disease. I can well recall his impassioned pleas for these miners and widows, and I think it is fair to say that DAN FLOOD should certainly enjoy this Christmas with the knowledge that his role in this effort was major in every respect.

Mr. Speaker, I now include in the RECORD our response to Secretary Hickel's estimate of the costs of the black lung benefit provision. They follow:

RESPONSE TO HICKEL LETTER

The following comments are directed to the letter of December 12, 1969, from Secretary of the Interior Walter J. Hickel to Senator Jacob K. Javits regarding the estimated cost of Title IV of the conference report on the Federal Coal Mine Health and Safety Act. They are particularly directed to the estimates contained in "Plan I" of the letter—the estimated cost of a program similar to that provided in title IV.

The assumptions made in estimating the cost of the program are inaccurate in the light of available and relevant information.

(1) The first and basic assumption in the Hickel estimate is that the experience of title IV will be similar to the Pennsylvania law. Although the criteria for determining eligibility for receiving total disability benefits under title IV and the Pennsylvania statute are similar, the actual implementation of the two provisions may not be identical. For instance, as of December 1, some 25,579 miners were on Pennsylvania's benefit rolls. Presumably, they were all totally disabled due to pneumoconiosis. Presumably also, they were totally disabled according to the Social Security Act definition (the qualification in title IV). And yet, the fact is that only a fraction of those miners were receiving Social Security disability insurance, and there are presently only about 20,000 individuals throughout the United States receiving such disability insurance for all respiratory diseases.

(2) The Hickel estimate then progresses from that first assumption to expand the Pennsylvania experience to all potential claimants in the United States. It begins with the 25,579 Pennsylvania miners. Two thousand additional miners are arbitrarily added to that figure with the statement that 2,000 miners will be transferred within the next 18 months from Pennsylvania's workmen's compensation program to its pneumoconiosis benefit program. The reason for the 18 months is never explained. The more relevant date is the present and not 18 months from now, or July 17, 1971. In any event—in the interest of fairness—if the 2,000 miners should be added to the present benefit total, then an appropriate number should be subtracted from that total on account of the death of miners now on the rolls. The Pennsylvania experience is 187 deaths per month of miners receiving such benefits. Over 18 months then, some 3,366 miners could be expected to be dropped from the Pennsylvania rolls because of their death.

The Hickel estimate is exaggerated on this point then, by 5,366 miners.

(3) The Hickel estimate then takes the inflated figure of 27,579 miners and expands it nationwide. It does so by taking that proportion who are bituminous miners (38%)—thereby arriving at a figure of 10,500 miners—and multiplying that figure by a multiple of 4. The multiple was determined by stating that Pennsylvania has approximately 25% of the Nation's underground bituminous miners. This is quite correct, but irrelevant. The appropriate multiple should be derived by projecting the man-years of exposure for disabled Pennsylvania miners to the man-years of exposure in the coal-producing states. During the period 1930–1950, these figures were 1,940,441 and 6,828,725, respectively. The correct multiple then, should be about 3.5.

Using the Hickel multiple of 4, the total number of bituminous miners in the inactive population who meet the Pennsylvania criteria is estimated at 42,000. Using the more appropriate multiple of 3.5, that figure would be 36,750. It is obvious that the error is becoming more aggravated with each such inaccurate assumption or statistical technique.

(4) The Hickel estimate then adds 2,400 miners to the total. That number supposedly represents those active miners who have complicated or advanced pneumoconiosis. The assumption must be that all 2,400 miners will leave their jobs if offered benefits under this program, because the miner's earnings would offset his benefit allowances if he continued to work. It is highly unlikely that all 2,400 miners will do so. A more realistic assumption is that about 10%, or 240 of the 2,400 active miners, presently afflicted with complicated pneumoconiosis—would retire.

(5) After anthracite miners are added to the escalating Hickel total, it is 61,400 bituminous and anthracite miners eligible for benefits. Some 7,000 miners are then subtracted from that total. The 7,000 represent those who are on or will qualify for State workmen's compensation, thereby offsetting

Federal cost. The actual figure is nearer 10,000—according to State figures—than 7,000.

(6) A multiple for dependents of eligible miners is then applied to the 54,000 total. The assumption is made that each miner has 1.5 dependents. According to information from the United Mine Workers retirement fund, the figure or multiple should be 1.2 dependents for each miner. This inaccurate multiple, when applied to the total, represents an error of 16,320 individuals.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of this conference report, and I do so because it is a good report and I too, like my colleague, the gentleman from Pennsylvania, JOHN DENT, come from an area of coal mines, coal miners, and coal towns.

This bill is the price being paid by the Congress of the United States on behalf of the American conscience. It is a part of the price that we, the present citizens of this country, must pay for crimes of the past. It is a little effort to square accounts for what the country did not do before. Heretofore, Mr. Speaker, we followed the practice of getting the most out of our miners and our coal—get it out—get paid and to ——— with all thought of tomorrow.

Mr. Speaker, it is our privilege to sit here in the Halls of the Congress tonight. The lights are bright, not only here in the Halls of Congress, on Capitol Hill, but throughout Washington and throughout our land, not cognizant of the fact that about 80 percent of those lights are generated by coal. Whether you folks realize it or not, this country is today short 15,000 coal miners.

Companies will give you a college education, if you will just promise to come back and tell them you will work for the coal mines afterwards, and you cannot get the young people to accept this offer or without a college education to go into the coal mines.

I have lived in communities where the people have said, "Look, I work in the coal mines, and I have just one desire, and that is I do not want my children to work in the coal mines."

If we expect to have the kind of economy that we have developed, and if we expect to have electricity throughout the length and breadth of our land; if we expect to have the good things of this country and our world, then we had better pass this conference report. If we do not, I can tell you it will be less than 15 days until every miner in this country walks out of the mines and their newly elected president, their national officers, the President of the United States, the Congress of the United States, yes the Supreme Court of the United States will not get them to go back into the mines.

And you just try and get somebody else to go down in a mine and mine coal.

There is not one of you in this room, except maybe a half dozen who have ever been down in a mine and who know what it is to operate the complex machine of a modern-day mine. That is what we, the Congress, are faced with if we fail to adopt this conference report.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. BRAY. Mr. Speaker, I certainly intend to support this conference report. I do not have any mine within 50 miles of my present district, but 15 years ago I did represent many of the mines in the State of Indiana and, in fact, I was very active on the mine safety bill of 1953, I believe it was.

I am going along with this conference report, and I think it would be fine if we all did so.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to my colleague, the gentleman from Pennsylvania.

Mr. McDADE. I thank my distinguished colleague for yielding.

Mr. Speaker, I want to associate myself with the remarks the gentleman has made and to express my unequivocal support of this conference report. I urge all of my colleagues to recognize the enormous debt that we owe to the coal miners of this Nation and to pass this most important and humane piece of legislation.

Mr. WAMPLER. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Virginia.

Mr. WAMPLER. Mr. Speaker, I rise in support of this conference report.

I think this is very important legislation. It is designed to meet one of the real needs of our time. We have heard some talk this evening about States' rights. I think there is also such a thing as States' responsibilities, and when a State cannot or will not do those things which it should do, I think we here in the Congress have the responsibility of acting accordingly.

Mr. Speaker, I urge the adoption of this conference report.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, I commend the gentleman most warmly for his excellent statement and for his initiative in this regard along with the gentleman from West Virginia (Mr. HECHLER), the gentleman from Pennsylvania (Mr. DENT) and other Members on both sides.

Mr. Speaker, this bill is a vital bill. It has been far too long delayed. I think it is absolutely essential that this conference report be supported.

Mr. SAYLOR. Mr. Speaker, let me say to you unless you have been in a coal town and unless you have seen a miner come out of a mine—black, yes, black from the dirt of the coal—and see him try to walk home from the tipple to his house which may be only a couple of hundred yards away, and to see him stagger along, fighting for his breath, hang on to a telephone post or some kind of post along the way, and cough and spit, and sit down all out of breath and fight to get his breath, wave off the efforts of his fellow miners, telling them this is his problem, to leave him alone—wondering if he will gain enough strength to get home—yes, that is what we have done to human beings in this country in coal mines in the past.

What this conference report does is to try to compensate a little bit for the ills of the past.

I think it is rather fortunate that this conference report is brought up during the advent season. Let me remind you of the words of our Master who said:

If you have done it to these my children, you have done it unto Me.

I hope we have as big a vote in support of this conference report as we did on the original bill.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I wish to associate myself with the remarks of the distinguished chairman of my subcommittee, the gentleman from Pennsylvania (Mr. DENT), who has worked so hard and tirelessly to bring this legislation to a fruitful conclusion.

I suggest that this bill, when finally passed by Congress, will be a monument to his compassion for his fellow men. This country owes him a great debt of gratitude.

Mr. Speaker, I reject completely the threat of a Presidential veto. With all due respect to my colleague, the gentleman from Illinois, I think any suggestion that the President may veto this bill is an unfortunate intimidation of the legislative branch of Congress. We have our responsibility and the President has his. If the President wishes to veto this bill when the time comes, he has his rights and he can exercise those rights at the proper time. But I believe it is an intrusion on the right of the legislative to threaten a veto even before Congress has had an opportunity to use its own judgment and work its will. I will tell you this—you study this bill and you will see what it does and you are going to find that this is landmark legislation. I was proud to sign the conference report on this bill and I might say to my colleagues that at no point did anybody come to me and say there were provisions in this conference report that went outside of the scope of discussion in the conference.

I doubt very much if the President will veto this bill after he familiarizes himself with all of its provisions. And if he does, he will have to make every effort to override the veto.

I think this is a good bill. I congratulate the chairman of the subcommittee (Mr. DENT) and I congratulate the chairman of the full committee (Mr. PERKINS) for bringing this bill before us today. Once we get this bill through this House, I think all of us can be proud of the contribution we made. I am not surprised that some of the conglomerates that are buying up coal mines might be opposed to some of this legislation, but as my friend said here a moment ago, unless we bring some meaningful safety standards into the coal mines of America, we will not have any coal mines. I am proud of the fact that I insisted on bringing the Public Health Service into these coal mines for the first time to establish safety standards for the American coal miner. We can now look forward to some decent standard to protect the health of our miners.

I will tell you that this is a bill that every one of us can vote for and can support with pride, because it is meaningful legislation for the health of this coun-

try and the future growth of this country. I urge adoption of the conference report.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, I think the first point should be to establish my credibility and to recognize that there is more emotionalism then factual evidence being presented in the conference report today. I came from a coal mining town. My father's health was directly impaired by the black lung disease. So the intent of my remarks should be taken with that in mind.

I also favored the provisions of the House bill provision concerning black lung compensation. But I stand opposed to title IV as it now is, and I think those Members, especially those from coal mining districts, should be aware of what we are attempting to do here today, and that is to instruct the conferees to go back and to provide that they bring back in title IV the same language that left the House.

I make that statement for this particular reason: When this bill passed the House, and as stated in the committee report, there was no indication that there should be a broad base involvement of workmen's compensation acts in every State in the Union under this title. As it now stands, under title IV, we are opening the door to Federal intrusion into the total workmen's compensation program in the country.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. ESCH. I will not yield at this time; instead of yielding to the gentleman from California, I would like to read the gentleman's remarks on October 29 of this year on the floor of this House when he rose in opposition to cutting out the compensation feature of title IV. At that time he quoted from the committee report—

> Mr. BURTON. It is intended, as the committee report so very emphatically and unambiguously states:
>
> This payment program is not a Workmen's Compensation program. It is not intended to be so. It contains none of the characteristic features which mark any Workmen's Compensation plan, and it is clearly not intended to establish a Federal prerogative or precedent in the area of payments for death, injury, or the illness of other workers.

I stand ready to support a coal mine safety bill. I stand ready to support a strong compensation bill for people who have been affected by black lung disease. But let us instruct the conferees to come back, not with an open-door provision on workmen's compensation, but with a very limited and well drawn provision that will allow us to pass this bill and see it enacted into law.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I commend the gentleman from Michigan for his statement and wish to associate myself with his remarks. I was one of those on this floor who opposed the amendment at the time it was offered by the gentleman from Iowa (Mr. SCHERLE) and supported the pneumoconiosis conference provision. I am distressed by the action of the conference. I believe the position of the House on this question should be upheld.

The SPEAKER pro tempore (Mr. FLOOD). The time of the gentleman has expired.

Mr. PERKINS. Mr. Speaker, does the gentleman from Michigan wish more time?

Mr. ESCH. Yes, I do.

Mr. PERKINS. I yield the gentleman 2 additional minutes.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Speaker, I wanted the gentleman from Michigan to yield during his statement because for those who read the RECORD, there is no difficulty in finding this gentleman's observations. In my opinion the gentleman in the well, the gentleman from Michigan (Mr. ESCH) has stated in all accuracy that he had previously established his credentials and his concern for the black lung victims. There can be no challenge on any account on that question. It was for that purpose I sought to have the gentleman from Michigan yield to me, because I am very much aware not only of the most constructive contribution the gentleman from Michigan made, but similarly the contribution made by the gentleman from Wisconsin (Mr. STEIGER). If they have changed their attitude on this portion, one can clearly know it is precisely for the grounds they state and not because of their indifference to the plight of these black lung miners and their widows.

Mr. ESCH. Mr. Speaker, will the gentleman not concur that it would be very possible for the conferees to go back, before we finish this session—as we have many other conferences going on also—and next week come back with the provision that title IV, part C be stricken, so that we can assure that we get an adequate black lung compensation provision without opening up the question of State workmen's compensation? Would the gentleman not concur that would be possible?

Mr. BURTON of California. The gentleman from Michigan quoted me earlier in his remarks and quoted me accurately. Those sentiments were mine in the conference, as I hope would have been attested to by now. They are still my sentiments, but in any conference we have to accept and to give and take with the other body. We did that, upholding, I believe, the bulk of the thrust of the House bill. We simply did not win all. I wish we could have.

Mr. ESCH. Mr. Speaker, I appreciate the gentleman's remarks. I hope he will support the motion to recommit.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I wish to explain that when I offer my motion to recommit, it will be to instruct the conference to insist upon section 110(b) of the bill as it passed the House which is the pneumoconiosis compensation provision.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished Speaker of the House (Mr. MCCORMACK).

Mr. MCCORMACK. Mr. Speaker, I am very happy to be a Member of this House today while this bill is in its final passage through this body. I am confident that the clear majority of the Members of the House will reject the motion to recommit with instructions.

I can remember when I first came here the situation that confronted millions of human beings just like ourselves, those who came from other parts of the United States and who worked in the mines. Behind those human beings were their wives and their families.

I can remember as a member of the Ways and Means Committee, in the early 1930's, the legislation coming before that committee, legislation that was then on its way through the long journey of progress for those who worked in the mines, to which the gentleman from Pennsylvania (Mr. SAYLOR) has so graphically referred today. My heart was with them then, and my heart is with them now.

I saw them occupying a position of what I called economic slavery. They worked in the mines, they lived in company-owned houses, they bought in company-owned stores, and they were denied, through economic pressure and blacklisting and many other conditions, the right to organize.

I can remember the legislation that came out of the Ways and Means Committee by a vote of 13 to 12 in the 1930's, and I am very glad that I was one of those constituting the 13 in the Ways and Means Committee who voted for the early legislation in those years.

That was a painful journey. Today we have before us the culmination of the long, hard journey in the effort to bring justice to those who work in the mines, and in bringing justice to those who work in the mines, also bringing justice to the wives and to the families.

I am very glad to be a Member today, when this bill is up. I congratulate the chairman of the committee and the members of the committee, and the members of the conference committee. I hope that this bill will pass the House by an overwhelming vote, conveying to the miners of today a message from this body that we realize the problems which confront them and that we are doing everything possible to try to bring justice to them.

So, Mr. Speaker, I join with my colleagues in sending a message to those who work in the mines that we from all parts of the United States have extreme and favorable consideration for them.

Again I congratulate the committee, and I congratulate the Members of the House, when this conference report will be adopted, because it is another step in the cause of justice. It is another step in the consideration of human beings.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, I was one of the four who voted against this bill

when it first came to the House floor. That was not because I am against safety; not at all. But I am totally and unequivocally opposed to Federal workmen's compensation.

I was pleased tonight to hear my colleague from Illinois (Mr. ERLENBORN) confirm those fears I expressed when the bill was on the floor. Up until today the proponents of this bill carefully avoided using the term "Federal workmen's compensation" for fear of States' rights usurpation, and perhaps even the possible total defeat of the bill.

One can call it anything he wants, it is still Federal workmen's compensation. It is benefits that will be paid for by the Federal Government.

This foot-in-the-door approach will relegate the jurisdiction of the States in the field of workmen's compensation to purely administrative functions. This is only the beginning.

No other disease, no injury, nothing at all is covered in this bill other than "black lung" or pneumoconiosis under the provision of Federal workmen's compensation. That term alone should frighten the Members. Much less should they vote for it.

When this bill was on the House floor it was sold on the premise that it was a coal mine safety bill. No one in this body is against coal mine safety. We all voted for that. But the inclusion of Federal workmen's compensation was not mentioned. Many Members voted for it without ever knowing that it was a provision of the bill.

Once again, the total estimate of this measure was given at $40 million. We have had varying figures, from $40 million to as high as $400 million. This, I believe, would exceed any type of support we could give this bill.

The statement was made a short time ago that we cannot get men to work in the mines. We cannot get men to work on the farms in Iowa. This bill is not a handicap.

There are three States, Virginia, West Virginia, and Pennsylvania, that have developed laws as far as pneumoconiosis is concerned.

I believe it is the responsibility of the States to take care of their own. I am not asking anybody in this Chamber to take care of my people back in Iowa who are incapacitated by inhaling dust from working in grain elevators, or any other disease.

We do have sympathy and compassion for the coal miners and are making provisions for a safety bill. However, I believe we defeat our purpose if we vote for this measure based on renumeration to be paid by Federal workmen's compensation, a real Pandoras box.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Well, Mr. Speaker, I hear the wolves howling. I fly in the face of the gods even for 2 minutes. I take this 2 minutes, Mr. Speaker, because I am from the hard coal fields—the anthracite fields. Now, you have heard about black lung and pneumoconiosis. Well, I speak for the anthracite miner's asthma. Did you ever hear of that? Anthracosis. Just as deadly and just as disastrous. I would not attempt to gild the lily and approach the speech of my friend from Pennsylvania (Mr. DENT). I knew him in Harrisburg. I knew him when. The right man in the right place at the right time as chairman of this subcommittee—DENT of Pennsylvania.

I just want to tell you soft coal people that there is still hard coal. Maybe we can only use it to make dress shirt studs any more, but when I first came here 25 years ago I had 30,000 men in my district in the hard coal fields. Today I have 3,500. But I have 25,000 retired miners spitting out their guts and their lungs in the coal buckets all through my district from miner's asthma. Now put that in your pipe and smoke it. Do you think FLOOD, with my reputation in this House, would be particeps criminis to an indictment that has been laid against this committee? I do not think you do, or I would not be standing here.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. BURTON).

The SPEAKER. The gentleman is recognized for 5 minutes.

Mr. BURTON of California. The mine workers do not want this bill to go back to conference. I am led to believe on good information that the local operators do not want this bill to go back to conference. I hope the majority of my colleagues do not want it to go to conference, and I hope we turn down the motion to recommit.

I am particularly gratified that the black lung benefit provision—a lonely orphan several months ago—will be the law of the land, if the recommit motion is defeated.

An explanation of the bill summary will be inserted at this place in the RECORD, along with cost estimates presented by Secretary of Interior, Mr. Hickel.

Time will tell whether these last-minute estimates were straight forward—or whether they were—as is my opinion—politically motivated and White House dictated. This ignoble effort to deny any meaningful help to black lung widows and miners deserves our flat rejection.

The House payment provisions have been around for 5 months—is not it suspicious that the administration waited until the last 5 days—more than 1 month after the conference concluded, to come up with their estimates?

The material referred to follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., December 12, 1969.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request, estimates of the Federal costs of the benefit provisions of the Federal Coal Mine Health and Safety Act of 1969 have been developed. These estimates were developed after consultation between this Department and the Department of Health, Education, and Welfare; the Department of Labor, and the Bureau of the Budget.

Several major problems in preparing cost estimates developed. The language of the draft provision of the bill does not define the term "total disability due to pneumconiosis". It simply provides that the Secretary of Health, Education, and Welfare, shall, by regulation, prescribe standards for determining whether a miner is totally disabled due to pneumoconiosis. The standards established by Health, Education, and Welfare for such determination are an essential element in determining the cost of this program. From conversations with the Committee staff, it is not clear just what the intention is with respect to the establishment of criteria for determining eligibility due to total disability from pneumoconiosis. If the standards established by Health, Education, and Welfare allow those miners to qualify under this program who do not otherwise qualify for disability benefits under the social security program, the cost to the Federal Government could be in the neighborhood of $300 million or more during the first year. If, on the other hand, the standards established by Health, Education, and Welfare are similar to the standards established under the social security program, based on the Pennsylvania experience which is administered under comparable standards, the cost to the Federal Government could be in the neighborhood of $150 million or more during the first year. If the standards established by Health, Education, and Welfare are to be somewhere in between, the cost of course could range between these two figures.

The figures attached to this letter have been computed on the basis of both assumptions set out above. Any attempt to offset these costs by benefits otherwise payable for total disability under the social security program is extremely difficult. No exact figures are available indicating the number of miners presently receiving total disability benefits due to pneumoconiosis. Also various assumptions were made regarding the age of the potential beneficiaries, the number of dependents, mortality rates and other influencing factors. It must be understood that the assumptions underlying the attached figures may have introduced a margin of error into the estimates, the magnitude of which is unknown.

The estimates do not reflect State costs, which in future years would be considerable, nor do they consider Federal administrative costs of determining eligibility and making payments. It may cost $8,000,000 or more, including the cost of medical services, to make initial determinations of disability due to pneumoconiosis. In addition, there would be a continuing cost of preparing and issuing benefit checks.

Sincerely,

WALTER J. HICKEL,
Secretary of the Interior.

ESTIMATED FEDERAL COST OF BENEFIT PAYMENTS

PLAN I

Assume:

1. The Federal benefit provision will be similar in experience to the Pennsylvania Pneumoconiosis Benefit Law. The criteria for benefits are:

(1) The miner must have X-ray evidence of pneumoconiosis.

(2) The miner must be completely disabled—not able to engage in any gainful employment.

A. On 10/1/69, 25,579 miners were on Pennsylvania's benefit rolls. Two thousand will be transferred in the next 18 months from workmen's compensation to benefit payment by virtue of having exhausted benefits under workmen's compensation. Total on benefits 7/17/71: 27,579.

B. Based on workmen's compensation data, 62 percent of those compensated are anthracite miners, and 38 percent are bituminous minors. $27,579 \times 38\% = 10,500$ bituminous. $27,579 \times 62\% = 17,079$ anthracite.

C. In 1952 and 1969 Pennsylvania had approximately 25 percent of the underground bituminous-coal miners. $10,500 \times 4 = 42,000$. Total number of bituminous miners in the

inactive population who meet the Pennsylvania criteria.

Anthracite miners (see plan I for basic data):

Employed in 1952—120,000. All are no longer employed in anthracite mines. Assume 60 percent mortality. Number of survivors in 1969—48,000.

Assume 75 percent are over 61 and eligible for benefits	36,000
Assume 50 percent of those less than 61 are eligible for benefits	6,000
Assume of the 6,000 presently in the anthracite workforce, 20 percent would qualify	1,200
Total	43,200
Presently receiving State workmen's compensation	2,500
Total	40,700

Total bituminous miners	99,500
Total anthracite miners	40,700
Total	140,200

Assume each case has 1.5 dependents. Federal payment is $2,657.

Total cost of miner benefits: 140,200 × $2,657 = $374,000,000.

Widow cost—$9,650,000.

Total $383,650,000 ($374,000,000 + 9,650,000).

PLAN II

Criteria for total disability:

1. X-ray evidence of pneumoconiosis.
2. Evidence of physical impairment.
3. Age.

Population at risk in 1952:

1. Bituminous-coal miners	400,000
2. Anthracite miners	120,000
Total	520,000

Mine population in 1952 and 1969:

1952 work force				1969 Work force	
Age group	Number of men	Surviving in 1969	Age 1969	Number of men	Age group
20 to 24	48,000	47,000	37 to 41	9,600	20 to 24
25 to 29	60,000	57,000	42 to 46	12,600	25 to 29
30 to 34	56,000	52,000	47 to 51	11,200	30 to 34
35 to 44	104,000	94,000	52 to 61	20,800	35 to 44
45 to 54	76,000	56,000	62 to 71	15,200	45 to 54
55 to 59	36,000	17,000	72 to 76	7,200	55 to 59
60 to 64	20,000	6,000	77	4,000	60 to 64
Total	400,000	329,000		80,000	

Assume 95% of surviving men in 1952 work force now over 61 are eligible for benefits	75,000
Assume of the surviving men in the 52/61 age group in the 1952 work force, 10,000 are still in the work force and that 25% of the remaining group are eligible for benefits. $\frac{94{,}000-10{,}000}{4}=21{,}000$	21,000
Assume that in the present work force the number of eligibles is the same as the number with pneumoconiosis 80,000 × .10 = 8,000	8,000
	104,000
Total bituminous miners presently on State workmen's compensation plan	4,500
	99,500

D. In the active miners, the Public Health Service found 3 percent with X-ray evidence of advanced pneumoconiosis. 80,000 × .03 = 2,400.

E. Total bituminous miners eligible for benefits. 42,000 + 2,400 = 44,400.

F. There are no anthracite mines in any State other than Pennsylvania.

Number of anthracite miners on the Pennsylvania benefit roll: 17,079.

G. Total number of bituminous miners and anthracite miners eligible for benefits. 44,400 + 17,000 = 61,400.

H. Assume 7,000 men (4,500 bituminous miners and 2,500 anthracite, miners) are on or will qualify for State workmen's compensation. 61,400 − 7,000 = 54,400 Total eligible miners.

I. Assume each miner has 1.5 dependents. Federal payment is $2,657. 54,400 × $2,657 = $145,000,000.

J. Widows benefits $9,650,000.

Total: $154,650,000 ($145,000,000 + $9,650,000)

SUMMARY

Plan I

The Federal benefit provision will be similar in experience to the Pennsylvania Pneumoconiosis Benefit Law.

The criteria for disability are:

1. The miner must have X-ray evidence of pneumoconiosis.
2. The miner must be completely disabled—not able to engage in any gainful employment.

First year cost without offsets: $154,650,000.

Twenty-year cost without offsets: $1,200,000,000.

Plan II

Criteria for disability:

1. X-ray evidence of pneumoconiosis.
2. Evidence of physical impairment.
3. Age.

First year cost without offsets: $383,650,000.

Twenty-year cost without offsets: $2,980,000,000.

SUMMARY OF MAJOR PROVISIONS

TITLE I—GENERAL

(1) Grants authority for the promulgation of mandatory health and safety standards to the Secretary of the Interior (hereinafter referred to as the "Secretary"). The Secretary promulgates all mandatory standards, but is responsible for developing and revising only mandatory safety standards. The Secretary of Health, Education, and Welfare (HEW) is responsible for developing and revising mandatory health standards. No standard promulgated by the Secretary shall reduce the protection afforded miners below that provided by the interim mandatory health and safety standards contained in titles II and III, respectively.

(2) Provides opportunity for a representative of miners, whenever he has reasonable grounds to believe that a violation of a mandatory health or safety standard exists or an imminent danger exists in a mine, to obtain an immediate inspection of such mine.

(3) Provides a minimum of at least four annual inspections of each mine. Also provides a minimum of one spot inspection during every five working days of a mine (A) that liberates excessive quantities of methane or other explosive gases during its operations, (B) in which a methane or other gas ignition or explosion has occurred which resulted in death or serious injury at any time during the previous five years, or (C) the Secretary believes has especially hazardous conditions.

(4) Establishes the procedural mechanism for finding dangerous conditions or violations of standards in mines, and for the issuance of notices and orders—including withdrawal orders—relative to such.

(5) Provides administrative and judicial review procedures.

(6) Establishes civil penalties of up to $10,000 for operator violations of a standard or any other provision of the Act. Establishes a civil penalty of up to $250 to a miner who violates specified provisions of the Act (smoking, carrying of matches, etc.). Establishes criminal penalties to any operator who willfully violates a standard or knowingly violates or fails or refuses to comply with orders. Upon conviction, such operator shall be punished by a fine of not more than $25,000 and/or imprisonment for not more than one year for the first conviction, and for subsequent convictions, by a fine of not more than $50,000 and/or imprisonment for not more than five years. Also establishes similar civil and criminal penalties to any director, officer, or agent of a corporate operator for like violations, failures, or refusals. Criminal penalties are also established for false statements, representations, or certifications relative to the Act, and for the introduction and delivery in commerce of any equipment for use in a coal mine which is falsely represented to be in compliance with the provisions of the Act.

(7) Provides for limited pay guarantees to miners idled by a withdrawal order.

(8) Prohibits the discharge or other discrimination against a miner for exercising rights under the Act.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

(1) Establishes interim mandatory health standards effective six months after the date of enactment of the Act.

(2) Requires each operator to take accurate samples of the amount of respirable dust in the mine atmosphere. The samples are transmitted to the Secretary and analyzed and recorded by him.

(3) Establishes a 3.0 milligram per cubic meter of air (mg/m^3) dust standard effective six months after enactment. Extensions of time to comply with the standard (permits for noncompliance) may be granted by the Panel (established by section 5) for a period not to exceed twelve months from the effective date of the standard.

(4) Establishes a 2.0 mg/m^3 dust standard effective three years after enactment, but the Panel may grant permits for noncompliance to an operator for a period not to exceed three additional years from the effective date of the standard.

(5) The Secretary of Health, Education, and Welfare has the continuing authority, beginning one year after enactment, to further reduce the dust standard below the levels established by the Act to levels which will prevent new incidences of respiratory disease and the further development of such disease in any person.

(6) Each operator shall cooperate with the Secretary of Health, Education, and Welfare in making a chest x-ray available to each miner within eighteen months after enactment, again three years later, and at such subsequent intervals determined by the Secretary of Health, Education, and Welfare but not to exceed every five years. Each worker who begins work in a coal mine for the first time shall be given a chest x-ray at the commencement of his employment and again three years later. If the second x-ray shows evidence of the development of pneumoconiosis, the worker shall be given an additional x-ray two years later. The x-rays may be supplemented by other tests deemed necessary by the Secretary of Health, Education, and Welfare. The Secretary of Health, Edu-

cation, and Welfare is also responsible for reading, classifying, and recording all results of x-rays and other medical tests.

(7) Any miner who shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine where the respirable dust concentration is not more than 2.0 mg/m³. Effective three years after enactment, the option of transfer shall be to an area of the mine where such concentration is not more than 1.0 mg/m³, or if such level of concentration is not attainable in the mine, to an area where the concentration is the lowest attainable below 2.0 mg/m³. Any miner so transferred shall not receive less than the regular rate of pay received by him immediately prior to transfer.

(8) Incorporates the noise standard prescribed under the Walsh-Healey Public Contracts Act, and provides authority to the Secretary of Health, Education, and Welfare to improve upon such standard.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

(1) Establishes interim mandatory safety standards effective three months after the date of enactment of the Act.

(2) Establishes detailed requirements to provide for safer working conditions in underground coal mines. These include requirements with regard to roof support, ventilation, combustible materials and rock dusting, electrical equipment, trailing cables, grounding, underground high-voltage distribution, underground low- and medium-voltage alternating current circuits, trolley and trolley feeder wires, fire protection, maps, blasting and explosives, hoisting and mantrips, emergency shelters, communications, escapeways, and other miscellaneous matters.

(3) Establishes requirements for the use of permissible equipment in all underground coal mines. Requires that all electric face equipment at gassy mines and all such small equipment at all mines be permissible within 15 months after enactment. It is also required that, in the case of mines not previously classified as gassy which are below the watertable, such large equipment must be permissible in 15 months, but the Panel may grant extensions of time (permits for noncompliance) of not to exceed in the aggregate an additional 33 months if the Panel determines, based on specified criteria, that the operator is unable to comply with the permissibility requirements because of unavailability of permissible equipment. In the case of such mines which are located entirely above the watertable, it is required that such large equipment be permissible within 51 months after enactment but the Panel may grant extensions of not to exceed 2 additional years on a mine-by-mine basis because of unavailability of such equipment.

TITLE IV—BLACK LUNG BENEFITS

(1) Provides for the payment of benefits for death or total disability due to pneumoconiosis.

(2) Coal miners and former coal miners who are totally disabled due to pneumoconiosis will receive benefits at a rate equal to 50 percent of the minimum monthly payment to which a disabled Federal employee in Grade GS–2 would be entitled at the time of payment. This represents approximately $136 per month. Widows of coal miners and former coal miners whose deaths are due to pneumoconiosis or whose deaths occurred while receiving total disability benefits, receive benefits at the rate prescribed for totally disabled miners. The rates prescribed above are increased for dependents at the rate of 50 percent for one dependent (widow or child), 75 percent for two dependents, and 100 percent for three or more dependents. The benefits for miners and widows will be reduced on account of payments under the workmen's compensation, unemployment compensation, or disability insurance laws of the State and, in the case of miners only, on account of excess earnings, as provided under the Social Security Act for benefits payable under that Act.

(3) The following presumptions are used in determining entitlement:

A. If a miner who is suffering from pneumoconiosis was employed for 10 years or more in an underground coal mine, there will be a rebuttable presumption that the pneumoconiosis arose out of such employment.

B. If a miner worked ten years in such a mine and died of a respirable disease, there will be a rebuttable presumption that his death was due to pneumoconiosis.

C. If a miner is suffering from or dies from an advanced irreversible stage of pneumoconiosis, it will be irrebutably presumed his death or total disability was due to pneumoconiosis.

(4) Claims filed before December 31, 1972, will be processed by the Secretary of Health, Education, and Welfare in a manner similar to that he uses for processing claims for disability under the Social Security Act. If the claim is filed after December 31, 1971, benefits under that claim may be paid only until January 1, 1973. Claims filed on or after January 1, 1973, will be processed under the appropriate State workmen's compensation law if the Secretary of Labor has determined it has adequate coverage for pneumoconiosis. He will, generally speaking, determine a State law to have adequate coverage for pneumoconiosis if the cash benefits under such law and the criteria for determining eligibility are not less favorable to the claimant than those applicable to claims filed before January 1, 1973. Where the applicable State workmen's compensation law does not provide adequate coverage for pneumoconiosis, the persons entitled to benefits will have their claims processed (so far as applicable) under the terms of the Longshoremen's and Harbor Workers' Compensation Act.

(5) In the case of claims filed on or after January 1, 1973, no payments of benefits may be made after seven years after the date of enactment of the Act.

TITLE V—ADMINISTRATION

(1) Provides authorization for appropriations for health and safety research to be carried out by the Secretary of Health, Education, and Welfare and the Secretary, respectively.

(2) Requires the Secretary to expand programs for the education and training of operators, agents thereof, and miners in accident-control, healthful working conditions, and in the use of coal mining equipment and techniques.

(3) Provides for economic assistance to any small business concern operating a coal mine to meet the requirements imposed by the Act. Such assistance shall be given by the Small Business Administration.

(4) Specifies qualifications and training requirements for employees of the Secretary; particularly inspectors.

The SPEAKER. The gentleman yields back 4½ minutes.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I have not spoken on this bill before although I represent most of the coal mining area in Ohio and practically all of the deep coal mining area. I was born in a little town that became a coal mining center about the time that I was in kindergarten. The first funeral that I ever attended was a double funeral, you might say—a Catholic mass in the morning and a Protestant funeral in the afternoon when the teacher took the whole first grade to the funerals of the fathers of two of our classmates. I have lived with that kind of a danger to the people who are my neighbors and friends all of my life.

Now, Ohio has a pretty fair mine safety law. I had something to do with the first one when I was in the State senate, but I do not believe the argument of the gentleman from Iowa that if the States do not do it, we should not do it, which he seems to imply. I think we ought to do this and I think this bill ought to pass. I do not think it ought to be recommitted and I think that not only the coal miners and their families do not think so, but I do not think anyone in Ohio thinks so.

Mr. Speaker, I want to congratulate the chairman (Mr. PERKINS) and the chairman of the subcommittee (Mr. DENT) as well as the members of the subcommittee and the conference committee. I think they have done the best job they could in a very difficult situation. I think it is a job that will be good for people and good for all Americans. I hope we pass this bill here tonight.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. I thank the gentleman from Kentucky for yielding to me.

Mr. Speaker, as one of the cosponsors of a bill which was considered—and I think all of my colleagues from the State of West Virginia introduced similar bills because they knew the importance of this subject—I remember in 1952 when we had this bill on the floor, the mine safety bill, I made the remark that the time for dilly-dallying was strictly past. And, Mr. Speaker, I say that tonight, the time for dilly-dallying about this bill is now over.

This bill should not be recommitted because it is fraught with danger if it is recommitted. It may not come back to this floor. Further, I believe exactly what has been said here to the effect that if it is not passed before we go home, you are not going to find many coal miners working in this Nation by next week.

Mr. Speaker, I wish to take this opportunity to congratulate the distinguished gentleman from Kentucky, the chairman of the full committee, the distinguished gentleman from Pennsylvania (Mr. DENT), chairman of the subcommittee and all members of the Committee on Education and Labor and others who have had a part in bringing this legislation to the floor.

Mr. Speaker, I am speaking for all Members of the West Virginia delegation when I say this.

That we hope that this bill will not be recommitted but will be passed overwhelmingly.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, this is a magnificent piece of legislation. It is strong and effective in its terms. It is a tribute to the initiative and hard work of Congress, and particularly my good friends the gentleman from Kentucky (Mr. PERKINS) who so ably chairs the full committee, the gen-

tleman from Pennsylvania (Mr. DENT) who chairs the subcommittee and so eloquently addressed the House earlier this evening, and the gentleman from California (Mr. BURTON), who played a major role in fashioning the compensation features of the bill along with the gentleman from New Jersey (Mr. DANIELS).

This bill was drafted in Congress, it originated in Congress, it was perfected in Congress, and the tougher provisions of the bill all came as a result of the insistence of Congress. Had the Congress followed the advice of the executive branch, this would have been a milk and water piece of legislation instead of a brick and mortar piece of legislation. Had the Congress followed the advice of the executive branch, there would have been little protection for the health and safety of the coal mines of this Nation.

That is why it is passing strange that we should suddenly at the 11th hour, at 1 minute before midnight, have unveiled to us a letter of opposition to this bill from the Secretary of Labor. Even more startling is the threat of a Presidential veto which has emanated from the minority side. The White House had no part in initiating or framing this landmark legislation. Every action taken by the White House during the consideration of this legislation was in the form of trying to weaken, delay or eliminate provisions for the protection of the coal miners. Now it ill behooves the President and a member of the President's Cabinet to send messages here at the last minute in an effort to stall or kill this legislation.

The major drive for this legislation began immediately after the tragic fire and explosions at Consol No. 9 Mine in Farmington, W. Va., resulting in the deaths of 78 miners on November 20, 1968. Passage of this legislation is a fitting monument to the memory of the 78 miners who lost their lives at Farmington. Their widows have waited 13 months since Farmington for the passage of this legislation. Everyone would acknowledge that without that tragic accident, we would not even be considering mine health and safety legislation this year. Therefore, in tribute to these men, I hope the President will invite to the signing of this landmark legislation the widows of the 78 coal miners who died at Farmington.

We have heard many references tonight to the dignity of the House of Representatives. We have also heard references to the rights of the States. But what about the dignity and rights of the coal miners working in the pits, the thousands who are suffering from black lung, the thousands who have been crippled in mine accidents, the widows and families left behind when the breadwinner is killed in the most hazardous occupation in the world? The last comprehensive mine safety law was passed in 1952. The miners have waited for 17 years. Let us not nitpick any further. I say this because I agree with those who state that if Congress does not act before Christmas, there will be a major strike in the coalfields.

There is a major challenge ahead in the manner in which this legislation is administered and enforced. Congress has provided a sturdy framework for action, but if the administrative agencies charged with administering this law are timid in their approach toward enforcement, the dangers to the health and safety of coal miners will increase. I am frank to state that one of the major reasons I became disenchanted with the top leadership of the United Mine Workers of America was the fact that down through the years they have exerted very little initiative and pressure toward improving the safety laws or regulations. Furthermore, even after the Farmington disaster, the top leadership of the United Mine Workers of America bluntly stated that in their judgment it would not be possible to enact any health protection or coal dust standard for the miners this year. Later, they took the same timid approach toward the enactment of compensation for victims of black lung. For a long time, they clung to the obviously gaping loophole provided by the Federal Coal Mine Safety Board of Review. These facts are a matter of record. It took the pressure of the candidacy of Joseph A. Yablonski to awaken the leadership of the United Mine Workers of America to their legislative responsbilities to the coal miners, and then the old leadership began to wake up and become more active.

Now that the election of December 9 is a thing of the past, the real question is whether President W. A. Boyle and the leadership of the United Mine Workers of America intend to insist on a strict enforcement of this law for the benefit of the coal miners, or whether they will in a self-satisfied fashion lapse back into their cozy relationship with the coal operators and interpret the election results as a mandate for inaction. I honestly feel that the strength of the pending legislation will depend not only on the vigor with which the administrative agencies proceed with enforcement, but also on the degree to which the United Mine Workers of America from top to bottom keeps a vigilant watch on the manner in which this legislation is administered. They must beef up their safety staff, they must beef up their legal staff, and insure that the health and safety of every coal miner receives maximum protection under the law.

Mr. BURTON of Utah. Mr. Speaker, the health and safety of over 144,000 Americans is riding with us on the vote we are about to take. These Americans are coal miners—citizens who live with danger each day of their lives. They are badly in need of help—help which we can give them through the legislation we are debating new.

In addition to detailed safety standards, this legislation prescribes health standards which place limits on the amount of coal dust permitted in the mine atmosphere—something that will curb what is known as black lung disease.

This legislation will provide payments for retired and active miners who now have an advanced stage of this horrible disease; and will provide benefits to surviving dependents of miners whose death was due to such a disease.

The mines in my State of Utah—as well as mines anywhere in the United States—would be inspected by a Federal mine inspector at least four times a year; and if any of these mines are found to be in a dangerous condition, the inspector would have the authority to order the mine workers withdrawn until the danger is eliminated.

Miners in my district have been discouraged by the lack of legislation in previous years, and while this bill does not contain all the provisions I would hope it would, still it is the best that our mining experts have been able to come up with to enable this House and the other body to form some sort of agreement.

Mr. RYAN. Mr. Speaker, this Congress is about to send to the desk of the President for signature, the coal mine health and safety bill which in a virtual single motion lifts the miners of this Nation and their families into the 20th century in terms of safety regulations and health benefits.

My distinguished colleague from California (Mr. BURTON), though his district is most remote from any mine, saw in the plight of the sufferers from the dread black lung disease and in the plight of their widows and children, a national problem, a national disgrace, to which there must be provided a national solution. The invaluable and unswerving support of Congressman JOHN DENT as subcommittee chairman, as well as the support of many of our colleagues from the coal mining areas and others has brought this problem to national attention and now to the threshold of national solution. I am pleased to participate in this effort.

It would be difficult to pinpoint in time the specific moment PHIL BURTON came to grapple with this issue. Certainly, his knowledge and concern did not stem from any pressing need with which he could be personally aware in his metropolitan district in San Francisco. Yet, I know that for many, many months now, PHIL BURTON has tirelessly and ceaselessly led a creative and determined fight to bring the black lung benefit issue through committee, to this floor, through conference and back to this floor from whence it will almost certainly be passed on to the President for signature.

I know that others in the course of the debate on this measure have cited PHIL's valuable contribution. I know also that his role has been noted in editorials in both the New York Times and the Charleston, W. Va., Gazette. I would, however, be remiss if I did not cite for the RECORD at this time, this example of PHIL BURTON's deeply imbedded concern for humanity which coupled with his skill and perserverance has not only awakened the conscience of this Nation to the problem of the black lung disease but has successfully moved us along a course which will compensate to some degree those who suffer and will also establish health standards to see to it that the number of those who suffer from this disease does not grow.

I am inserting in the RECORD at this time, the text of the editorial of the New York Times of October 31, 1969, entitled, "Landmark in Mine Safety," and the

text of the editorial from the Charleston, W. Va., Gazette of November 13, 1969, entitled, "Mining on Way to Civilization":

[From the New York Times, Oct. 31, 1969]

LANDMARK IN MINE SAFETY

Like the Triangle Shirtwaist fire of 1911 in this city, the mine explosion that killed 78 men in Farmington, W. Va., a year ago will go down as a turning point in the nation's progress toward industrial safety. That place in history was assured with the passage by the House of Representatives this week of a mine health and safety bill even stronger than the far-reaching one already approved by the Senate.

Mining will never be an unhazardous occupation; no law could accomplish that miracle. But the House bill goes far toward reducing the dangers and guaranteeing reasonable compensation to those disabled by their work underground. The conference committee should have a relatively easy task of reconciling the two versions now that both chambers have made clear their refusal to be sidetracked by the once omnipotent industry lobbyists.

Special credit for the excellent outcome in the House belongs to Representatives John H. Dent of Pennsylvania, Phillip Burton of California and Ken Hechler of West Virginia. Thanks to their efforts and to the tragic death of the 78 Farmington miners, a century of underprotection for the men of the coal fields is about to be remedied.

[From the Charleston Gazette, Nov. 13, 1969]

MINING ON WAY TO CIVILIZATION

Excavating coal from the bowels of the earth will never be a hazard free occupation. But the chances for physical injury on the job and the menace to health caused by constant exposure underground to dust will be substantially reduced, once the mine safety legislation fashioned in the 92nd Congress has been sent along to President Nixon for his signature.

The House of Representatives and the Senate should have no difficulty resolving differences on a mine bill that arose, contends The New York Times, out of last year's disaster killing 78 West Virginia miners. Like the Triangle Shirt Waist Fire of 1911 in New York City, The Times says Farmington's tragedy "will go down as a turning point in the nation's progress toward industrial safety."

Special credit for the legislation must be bestowed upon the following congressmen: Rep. John H. Dent of Pennsylvania, Phillip Burton of California, and West Virginia's Ken Hechler, all Democrats. "Thanks to their efforts . . ." observes The Times, "a century of under-protection for the men of the coal fields is about to be remedied."

Hechler and Dent represent coal mining constituencies, and despite the fact that automation has radically cut the size of the work force in the nation's coal fields, miners still outnumber coal operators; therefore, it might have been expected that these two lawmakers would have fought hard on behalf of reform legislation—although many congressmen from coal districts took no part in formulating an effective bill for fear of making enemies. Rep. Burton, however, has neither coal miners nor coal diggers in his district. His effort to civilize an industry that has needed to be civilized for decades was strictly a matter of conscience.

The main point, of course, is that at long, long last the American miner is on the threshold of being protected by law in a manner somewhat commensurate with his constant contribution to the energy requirements of his country.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. ERLENBORN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ERLENBORN moves to recommit the conferences report on the bill S. 2917 to the committee on conference with instructions to the managers on the part of the House to insist upon the position of the House with respect to section 110(B) of the bill as passed by the House of Representatives.

Mr. PERKINS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 83, nays 259, not voting 91, as follows:

[Roll No. 335]

YEAS—83

Adair	Esch	Mathias
Anderson, Ill.	Ford, Gerald R.	May
Arends	Foreman	Mayne
Ashbrook	Frelinghuysen	Meskill
Ayres	Frey	Michel
Belcher	Goldwater	Minshall
Betts	Goodling	Mizell
Blackburn	Gross	Morton
Bow	Grover	Nelsen
Brinkley	Gubser	Poff
Brock	Hammer-schmidt	Price, Tex.
Brown, Mich.	Hutchinson	Quie
Brown, Ohio	King	Railsback
Bush	Kleppe	Robison
Byrnes, Wis.	Kuykendall	Roth
Clancy	Kyl	Ruth
Clawson, Del	Landgrebe	Scherle
Collier	Langen	Scott
Collins	Lloyd	Steiger, Wis.
Conable	Lukens	Teague, Calif.
Cramer	McClory	Thompson, Ga.
Crane	McClure	Thomson, Wis.
Davis, Wis.	McCulloch	Vander Jagt
Dennis	McDonald, Mich.	Wiggins
Derwinski	MacGregor	Wold
Devine	Mailliard	Wydler
Dickinson	Mann	Wylie
Edwards, Ala.		
Erlenborn		

NAYS—259

Abernethy	Burton, Calif.	Dulski
Addabbo	Burton, Utah	Duncan
Albert	Button	Eckhardt
Alexander	Byrne, Pa.	Edmondson
Anderson, Calif.	Cabell	Edwards, La.
Andrews, N. Dak.	Caffery	Eilberg
Annunzio	Camp	Eshleman
Ashley	Carey	Evans, Colo.
Aspinall	Carter	Farbstein
Beall, Md.	Casey	Feighan
Bell, Calif.	Chamberlain	Findley
Bennett	Clark	Fish
Bevill	Clay	Fisher
Biaggi	Cleveland	Flood
Biester	Cohelan	Flowers
Bingham	Colmer	Foley
Blatnik	Conte	Ford, William D.
Boland	Corbett	Fountain
Brademas	Culver	Fraser
Brasco	Daddario	Friedel
Bray	Daniel, Va.	Fulton, Pa.
Broomfield	Daniels, N.J.	Fuqua
Brotzman	Davis, Ga.	Galifianakis
Brown, Calif.	de la Garza	Garmatz
Broyhill, N.C.	Dent	Gaydos
Burke, Fla.	Diggs	Gettys
Burke, Mass.	Dingell	Giaimo
Burleson, Tex.	Donohue	Gibbons
Burlison, Mo.	Dorn	Gilbert
	Dowdy	Gonzalez
	Downing	Gray
	Green, Pa.	Griffin
	Griffiths	Gude
	Hagan	Haley
	Halpern	Hamilton
	Hanley	Hansen, Idaho
	Hansen, Wash.	Harrington
	Harsha	Harvey
	Hathaway	Hawkins
	Hays	Hechler, W. Va.
	Helstoski	Henderson
	Hicks	Hogan
	Holifield	Horton
	Howard	Hull
	Hungate	Hunt
	Jacobs	Jarman
	Johnson, Calif.	Johnson, Pa.
	Jones, Ala.	Jones, N.C.
	Jones, Tenn.	Karth
	Kastenmeier	Kazen
	Kee	Keith
	Kluczynski	Koch
	Kyros	Latta
	Leggett	Long, Md.
	Lowenstein	Lujan
	McCarthy	McDade
	McEwen	McFall
	McKneally	Macdonald, Mass.
	Madden	Mahon
	Marsh	Matsunaga
	Meeds	Melcher
	Mikva	Miller, Calif.
	Miller, Ohio	Minish
	Mink	Mize
	Mollohan	Monagan
	Montgomery	Moorhead
	Morgan	Morse
	Murphy, Ill.	Murphy, N.Y.
	Myers	Natcher
	Nedzi	Nichols
	Nix	Obey
	O'Hara	O'Konski
	Olsen	O'Neal, Ga.
	O'Neill, Mass.	Ottinger
	Passman	Patten
	Pepper	Perkins
	Pettis	Philbin
	Pickle	Pike
	Pirnie	Pollock
	Preyer, N.C.	Price, Ill.
	Pryor, Ark.	Pucinski
	Purcell	Quillen
	Randall	Rarick
	Reid, Ill.	Reid, N.Y.
	Reifel	Reuss
	Rhodes	Riegle
	Rodino	Roe
	Rogers, Fla.	Rooney, Pa.
	Rosenthal	Rostenkowski
	Roudebush	Roybal
	Ruppe	Ryan
	St Germain	St. Onge
	Sandman	Satterfield
	Saylor	Schadeberg
	Scheuer	Schneebeli
	Schwengel	Shipley
	Shriver	Skubitz
	Slack	Smith, Iowa
	Snyder	Springer
	Stafford	Staggers
	Steiger, Ariz.	Stephens
	Stokes	Stratton
	Stubblefield	Stuckey
	Symington	Talcott
	Taylor	Thompson, N.J.
	Tiernan	Udall
	Vanik	Vigorito
	Waggonner	Waldie
	Wampler	Watkins
	Watson	Watts
	Whalen	White
	Wolff	Wyatt
	Wyman	Yatron
	Young	Zablocki
	Zion	Zwach

NOT VOTING—91

Abbitt	Evins, Tenn.	Rivers
Adams	Fallon	Roberts
Anderson, Tenn.	Fascell	Rogers, Colo.
Andrews, Ala.	Flynt	Rooney, N.Y.
Baring	Fulton, Tenn.	Sebelius
Barrett	Gallagher	Sikes
Berry	Green, Oreg.	Sisk
Blanton	Hall	Smith, Calif.
Boggs	Hanna	Smith, N.Y.
Bolling	Hastings	Stanton
Brooks	Hébert	Steed
Broyhill, Va.	Heckler, Mass.	Sullivan
Buchanan	Hosmer	Taft
Cahill	Ichord	Teague, Tex.
Cederberg	Jonas	Tunney
Celler	Kirwan	Ullman
Chappell	Landrum	Utt
Chisholm	Lennon	Van Deerlin
Clausen, Don H.	Lipscomb	Weicker
Conyers	Long, La.	Whalley
Corman	McCloskey	Whitehurst
Coughlin	McMillan	Whitten
Cowger	Martin	Widnall
Cunningham	Mills	Williams
Dawson	Mosher	Wilson, Bob
Delaney	Moss	Wilson, Charles H.
Dellenback	Patman	Winn
Denney	Pelly	Wright
Dwyer	Poage	Yates
Edwards, Calif.	Podell	
	Powell	
	Rees	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Sisk with Mr. Smith of California.
Mrs. Green of Oregon with Mrs. Dwyer.
Mr. Delaney with Mr. Widnall.
Mr. Rooney of New York with Mr. Bob Wilson.
Mr. Mills with Mr. Jonas.
Mr. Ichord with Mr. Cederberg.
Mr. Rivers with Mr. Hall.

Mr. Boggs with Mr. Martin.
Mr. Barrett with Mr. Mosher.
Mr. Rogers of Colorado with Mr. Cahill.
Mr. Blanton with Mr. Taft.
Mr. Tunney with Mr. Utt.
Mr. Fallon with Mr. Weicker.
Mr. Hébert with Mr. Williams.
Mr. Poage with Mr. Denney.
Mr. Moss with Mr. Cowger.
Mr. Abbitt with Mr. Pelly.
Mr. Corman with Mr. Lipscomb.
Mrs. Sullivan with Mrs. Heckler of Massachusetts.
Mr. Sikes with Mr. Smith of New York.
Mr. Steed with Mr. Cunningham.
Mr. Fascell with Mr. Coughlin.
Mr. Evins of Tennessee with Mr. Broyhill of Virginia.
Mr. Adams with Mr. Hosmer.
Mr. McMillan with Mr. Don H. Clausen.
Mr. Andrews with Mr. Whitehurst.
Mr. Anderson of Tennessee with Mr. Winn.
Mr. Brooks with Mr. Stanton.
Mr. Baring with Mr. Berry.
Mr. Celler with Mr. Dellenback.
Mr. Flynt with Mr. Buchanan.
Mr. Podell with Mr. McCloskey.
Mr. Chappell with Mr. Whalley.
Mr. Edwards of California with Mr. Conyers.
Mr. Fulton of Tennessee with Mr. Rees.
Mr. Yates with Mrs. Chisholm.
Mr. Hanna with Mr. Dawson.
Mr. Landrum with Mr. Lennon.
Mr. Long of Louisiana with Mr. Patman.
Mr. Roberts with Mr. Whitten.
Mr. Wright with Mr. Ullman.
Mr. Kirwan with Mr. Dorn.

Messrs. MADDEN, CABELL, and STEPHENS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 334, nays 12, not voting 87, as follows:

[Roll No. 336]

YEAS—334

Abernethy	Burlison, Mo.	Downing
Adair	Burton, Calif.	Dulski
Addabbo	Burton, Utah	Duncan
Albert	Bush	Eckhardt
Alexander	Button	Edmondson
Anderson, Calif.	Byrne, Pa.	Edwards, Ala.
	Byrnes, Wis.	Edwards, La.
Anderson, Ill.	Cabell	Eilberg
Andrews, N. Dak.	Caffery	Eshleman
	Camp	Evans, Colo.
Annunzio	Carey	Farbstein
Arends	Carter	Feighan
Ashley	Casey	Findley
Aspinall	Chamberlain	Fish
Ayres	Clancy	Fisher
Beall, Md.	Clark	Flood
Belcher	Clawson, Del	Flowers
Bell, Calif.	Clay	Foley
Bennett	Cleveland	Ford, Gerald R.
Betts	Cohelan	Ford, William D.
Bevill	Collier	
Biaggi	Colmer	Foreman
Biester	Conable	Fountain
Bingham	Conte	Fraser
Blackburn	Corbett	Frelinghuysen
Blatnik	Cramer	Frey
Boland	Crane	Friedel
Bow	Culver	Fulton, Pa.
Brademas	Daddario	Fuqua
Brasco	Daniel, Va.	Galifianakis
Bray	Daniels, N.J.	Gallagher
Brinkley	Davis, Ga.	Garmatz
Broomfield	de la Garza	Gaydos
Brotzman	Dent	Gettys
Brown, Calif.	Derwinski	Giaimo
Brown, Mich.	Devine	Gibbons
Brown, Ohio	Dickinson	Gilbert
Broyhill, N.C.	Diggs	Goldwater
Burke, Fla.	Dingell	Gonzalez
Burke, Mass.	Donohue	Goodling
Burleson, Tex.	Dowdy	Gray
Green, Pa.	MacGregor	Rodino
Griffin	Madden	Roe
Griffiths	Mahon	Rogers, Fla.
Grover	Mailliard	Rooney, Pa.
Gubser	Mann	Rosenthal
Gude	Marsh	Rostenkowski
Hagan	Mathias	Roth
Haley	Matsunaga	Roudebush
Halpern	May	Roybal
Hamilton	Mayne	Ruppe
Hammer-schmidt	Meeds	Ruth
	Melcher	Ryan
Hanley	Meskill	St Germain
Hansen, Idaho	Michel	St. Onge
Hansen, Wash.	Mikva	Sandman
Harrington	Miller, Calif.	Satterfield
Harsha	Miller, Ohio	Saylor
Harvey	Minish	Schadeberg
Hastings	Mink	Scheuer
Hathaway	Minshall	Schneebeli
Hawkins	Mize	Schwengel
Hays	Mizell	Sebelius
Hechler, W. Va.	Mollohan	Shipley
Helstoski	Monagan	Shriver
Henderson	Montgomery	Skubitz
Hicks	Moorhead	Slack
Hogan	Morgan	Smith, Iowa
Holifield	Morse	Snyder
Horton	Morton	Springer
Howard	Murphy, Ill.	Stafford
Hull	Murphy, N.Y.	Staggers
Hungate	Myers	Steiger, Ariz.
Hunt	Natcher	Steiger, Wis.
Hutchinson	Nedzi	Stephens
Jacobs	Nelsen	Stokes
Jarman	Nichols	Stratton
Johnson, Calif.	Nix	Stubblefield
Johnson, Pa.	Obey	Stuckey
Jones, Ala.	O'Hara	Symington
Jones, N.C.	O'Konski	Talcott
Jones, Tenn.	Olsen	Taylor
Karth	O'Neal, Ga.	Teague, Calif.
Kastenmeier	O'Neill, Mass.	Teague, Tex.
Kazen	Ottinger	Thompson, Ga.
Kee	Passman	Thompson, N.J.
Keith	Patten	Thomson, Wis.
King	Pepper	Tiernan
Kleppe	Perkins	Udall
Kluczynski	Pettis	Vander Jagt
Koch	Philbin	Vanik
Kuykendall	Pickle	Vigorito
Kyl	Pike	Waggonner
Kyros	Pirnie	Waldie
Langen	Poff	Wampler
Latta	Pollock	Watkins
Leggett	Preyer, N.C.	Watson
Lloyd	Price, Ill.	Watts
Long, Md.	Price, Tex.	Whalen
Lowenstein	Pryor, Ark.	White
Lujan	Pucinski	Wilson, Charles H.
Lukens	Purcell	
McCarthy	Quie	Wold
McClory	Quillen	Wolff
McClure	Railsback	Wyatt
McCulloch	Randall	Wydler
McDade	Rarick	Wylie
McDonald, Mich.	Reid, Ill.	Wyman
	Reid, N.Y.	Yatron
McEwen	Reifel	Young
McFall	Reuss	Zablocki
McKneally	Rhodes	Zion
Macdonald, Mass.	Riegle	Zwach
	Robison	

NAYS—12

Ashbrook	Dennis	Landgrebe
Brock	Erlenborn	Scherle
Collins	Esch	Scott
Davis, Wis.	Gross	Wiggins

NOT VOTING—87

Abbitt	Cunningham	Long, La.
Adams	Dawson	McCloskey
Anderson, Tenn.	Delaney	McMillan
	Dellenback	Martin
Andrews, Ala.	Denney	Mills
Baring	Dorn	Mosher
Barrett	Dwyer	Moss
Berry	Edwards, Calif.	Patman
Blanton	Evins, Tenn.	Pelly
Boggs	Fallon	Poage
Bolling	Fascell	Podell
Brooks	Flynt	Powell
Broyhill, Va.	Fulton, Tenn.	Rees
Buchanan	Green, Oreg.	Rivers
Cahill	Hall	Roberts
Cederberg	Hanna	Rogers, Colo.
Celler	Hébert	Rooney, N.Y.
Chappell	Heckler, Mass.	Sikes
Chisholm	Hosmer	Sisk
Clausen, Don H.	Ichord	Smith, Calif.
	Jonas	Smith, N.Y.
Conyers	Kirwan	Stanton
Corman	Landrum	Steed
Coughlin	Lennon	Sullivan
Cowger	Lipscomb	Taft
Tunney	Whalley	Wilson, Bob
Ullman	Whitehurst	Winn
Utt	Whitten	Wright
Van Deerlin	Widnall	Yates
Weicker	Williams	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Sisk with Mr. Smith of California.
Mrs. Green of Oregon with Mrs. Dwyer.
Mr. Delaney with Mr. Widnall.
Mr. Rooney of New York with Mr. Bob Wilson.
Mr. Mills with Mr. Jonas.
Mr. Ichord with Mr. Cederberg.
Mr. Rivers with Mr. Hall.
Mr. Boggs with Mr. Martin.
Mr. Barrett with Mr. Mosher.
Mr. Rogers of Colorado with Mr. Cahill.
Mr. Blanton with Mr. Taft.
Mr. Tunney with Mr. Utt.
Mr. Fallon with Mr. Weicker.
Mr. Hébert with Mr. Williams.
Mr. Poage with Mr. Denney.
Mr. Moss with Mr. Cowger.
Mr. Abbitt with Mr. Pelly.
Mr. Corman with Mr. Lipscomb.
Mrs. Sullivan with Mrs. Heckler of Massachusetts.
Mr. Sikes with Mr. Smith of New York.
Mr. Steed with Mr. Cunningham.
Mr. Fascell with Mr. Coughlin.
Mr. Evins of Tennessee with Mr. Broyhill of Virginia.
Mr. Adams with Mr. Hosmer.
Mr. McMillan with Mr. Don H. Clausen.
Mr. Andrews with Mr. Whitehurst.
Mr. Anderson of Tennessee with Mr. Winn.
Mr. Brooks with Mr. Stanton.
Mr. Baring with Mr. Berry.
Mr. Celler with Mr. Dellenback.
Mr. Flynt with Mr. Buchanan.
Mr. Podell with Mr. McCloskey.
Mr. Chappell with Mr. Whalley.
Mr. Edwards of California with Mr. Conyers.
Mr. Fulton of Tennessee with Mr. Rees.
Mr. Yates with Mrs. Chisholm.
Mr. Hanna with Mr. Teague of Texas.
Mr. Landrum with Mr. Lennon.
Mr. Long of Louisiana with Mr. Patman.
Mr. Roberts with Mr. Whitten.
Mr. Wright with Mr. Ullman.
Mr. Kirwan with Mr. Hastings.
Mr. Gallagher with Mr. Sebelius.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter in connection with the conference report on mine safety.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS—CONFERENCE REPORT

Mr. MAHON submitted the following conference report and statement on the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-766)

The Committee of Conference on the disagreeing votes of the two Houses on the Amendments of the Senate to the bill (H.R.

15090) "making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 5, 7, 9, 17 and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 13, 14, 15, 16, 19, 30, and 32, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,445,900,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$39,000,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,620,000,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,490,300,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,484,600,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,405,800,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,596,820,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,186,400,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,060,600,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 8, 10, 11, 20, 22, 24, 26, 27, 29, 31, 33, 34, 36, 38, 40, 41, 43 and 44.

GEORGE MAHON,
ROBERT L. F. SIKES,
JAMIE L. WHITTEN,
GEORGE W. ANDREWS,
DANIEL J. FLOOD,
JOHN M. SLACK,
JOSEPH P. ADDABBO,
GLENARD P. LIPSCOMB,
WILLIAM E. MINSHALL,
JOHN J. RHODES,
GLENN R. DAVIS,
FRANK T. BOW,
Managers on the Part of the House.

RICHARD B. RUSSELL,
JOHN MCCLELLAN,
ALLEN J. ELLENDER,
JOHN STENNIS,
HENRY M. JACKSON,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—MILITARY PERSONNEL

Military personnel, Army

Amendment No. 1: Appropriates $8,107,000,000 as proposed by the Senate instead of $8,312,000,000 as proposed by the House.

Military personnel, Navy

Amendment No. 2: Appropriates $4,368,400,000 as proposed by the Senate instead of $4,370,000,000 as proposed by the House.

Military personnel, Air Force

Amendment No. 3: Appropriates $5,823,000,000 as proposed by the Senate instead of $5,835,300,000 as proposed by the House.

Reserve personnel, Army

Amendment No. 4: Appropriates $306,700,000 as proposed by the Senate instead of $308,000,000 as proposed by the House.

Reserve personnel, Navy

Amendment No. 5: Appropriates $131,400,000 as proposed by the House instead of $127,900,000 as proposed by the Senate.

Reserve personnel, Air Force

Amendment No. 6: Appropriates $81,200,000 as proposed by the Senate instead of $83,400,000 as proposed by the House.

TITLE III—OPERATION AND MAINTENANCE

Operation and maintenance, Army

Amendment No. 7: Appropriates $7,214,447,250 as proposed by the House instead of $7,185,841,000 as proposed by the Senate.

In agreeing to the financing of International Military Headquarters from Defense appropriations, the conferees require that the Director of the Bureau of the Budget conduct a study to determine where these functions should be provided for in future budgets.

The conferees direct that the Tactical Automatic Digital Switching System and the Random Access Digital Address System of the Army be discontinued immediately.

Amendment No. 8: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment.

Operation and maintenance, Navy

Amendment No. 9: Appropriates $5,037,300,000 as proposed by the House instead of $5,129,200,000 as proposed by the Senate.

The conferees are in agreement that the fixed-wing training of helicopter pilots by the Navy and Air Force is to be discontinued by December 31, 1970.

The conferees feel that the morale and retention rate of Navy personnel is of paramount importance and recommend that ship repair work be performed in, or as near as possible to—up to 300 miles of—the home port of the vessel when it cannot be accomplished at the home port itself.

Amendment No. 10: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment.

Operation and maintenance, Marine Corps

Amendment No. 11: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment.

Operation and Maintenance, Air Force

Amendment No. 12: Appropriates $6,445,900,000 instead of $6,454,500,000 as proposed by the House, and $6,445,000,000 as proposed by the Senate.

The House conferees direct that $10,600,000 of the reduction in Operation and Maintenance, Air Force and $963,000 of the reduction in Research, Development, Test, and Evaluation, Air Force, for Automatic Data Processing operations be applied against the Phase II Base Level Data System. Also, that funds involved in Other Procurement, Air Force, for the purchase of Phase II Base Level Data equipment can be used only for the system leased during fiscal year 1969.

Operation and maintenance, defense agencies

Amendment No. 13: Appropriates $1,069,400,000 as proposed by the Senate instead of $1,074,600,000 as proposed by the House.

Operation and maintenance, Army National Guard

Amendment No. 14: Deletes language as proposed by Senate.

Amendment No. 15: Appropriates $297,800,000 as proposed by the Senate instead of $300,000,000 as proposed by the House.

Operation and maintenance, Air National Guard

Amendment No. 16: Deletes language as proposed by Senate.

National Board for the Promotion of Rifle Practice, Army

Amendment No. 17: Retains language as proposed by House.

Claims, Defense

Amendment No. 18: Appropriates $39,000,000 instead of $41,000,000 as proposed by the House and $37,000,000 as proposed by the Senate.

TITLE IV—PROCUREMENT

Procurement of equipment and missiles, Army

Amendment No. 19: Appropriates $4,254,400,000 as proposed by the Senate instead of $4,281,400,000 as proposed by the House.

With respect to the MBT–70 Main Battle Tank program, the conferees took note of the fact that the Deputy Secretary of Defense had advised the Chairman, Senate Appropriations Committee, that he would not approve development of the MBT–70 under the current design. By January 15, 1970, a decision on a new austere version of the MBT–70 and other options available will be made. The Deputy Secretary noted also that the basic agreement between the Governments of the United States and the Federal Republic of Germany prescribes that unilateral termination by either nation must be preceded by a 60 day notice of intent to terminate. For these reasons, the conferees have not acted on the question of terminating the international agreement until after the report of the Secretary of Defense, containing this decision, is transmitted to Congress.

Amendment No. 20: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds. This same action is proposed in connection with amendments numbered 22, 24, 26, 27, 29, 31, 33, 34, 36, 38, 40 and 41.

Procurement of aircraft and missiles, Navy

Amendment No. 21: Appropriates $2,620,000,000 instead of $2,696,600,000 as proposed

by the House and $2,465,500,000 as proposed by the Senate. The amount of $8,500,000 proposed by the Senate for F–14A aircraft advanced procurement is denied. The Committee of Conference expects the Navy and the contractor to reach a suitable contractual agreement to carry out the intention of the conferees.

The amount of $9,500,000, as proposed by the Senate, is provided for the Shrike ARM missile, and the $14,500,000 proposed by the Senate for modification of existing A–6 aircraft to the tanker configuration is also provided. The $5,000,000 for spare aircraft engines proposed by the Senate is denied, but the amount of $5,000,000 for KA–6D tanker modification spares is provided.

The conferees agreed to the reduction of $25,600,000 for the Standard ARM missile and to the unspecified reduction of $80,000,000 based on available balances as proposed by the Senate.

An amount of $491,500,000 is approved for Poseidon missiles instead of $323,500,000 as proposed by the Senate.

Amendment No. 22: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

Shipbuilding and conversion, Navy

Amendment No. 23: Appropriates $2,490,300,000 instead of $2,588,200,000 as proposed by the House and $2,242,770,000 as proposed by the Senate.

The amount of $110,000,000 is provided for advance procurement of five SSN–688 class high speed nuclear submarines as proposed by the House. The conferees are in agreement that the funds provided are based upon the assumption that there will be five such submarines in the fiscal year 1971 new construction program instead of four.

The amount of $77,900,000 is provided for advance procurement funding of four DXGN nuclear frigates, as proposed by the Senate.

The amount of $354,700,000 is provided for the conversion of four Polaris submarines to the Poseidon configuration, including $153,978,000 in advance procurement funds and $5,180,000 for outfitting and post delivery of previously funded conversions. The fact that the conferees agreed to provide the long leadtime funds does not constitute a commitment to the future conversion of any specific number of submarines. The Department is to report to the Congress prior to the obligation of funds for long leadtime items.

The amount of $13,230,000 is provided for eight harbor tugs and four repair, berthing, and messing barges, as proposed by the House.

Amendment No. 24: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

Other procurement, Navy

Amendment No. 25: Appropriates $1,484,600,000 instead of $1,461,800,000 as proposed by the House and $1,524,600,000 as proposed by the Senate.

The amount of $126,300,000 is approved for the MK–48 torpedo program as proposed by the Senate.

The amount of $240,800,000 is provided for "Communications and Electronics" as proposed by the Senate, and the amount of $69,900,000 is provided for SSBN support.

Amendment No. 26: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

Procurement, Marine Corps

Amendment No. 27: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

Aircraft procurement, Air Force

Amendment No. 28: Appropriates $3,405,800,000 instead of $3,434,700,000 as proposed by the House and $3,380,800,000 as proposed by the Senate.

Amendment No. 29: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

Missile procurement, Air Force

Amendment No. 30: Appropriates $1,448,100,000 as proposed by the Senate instead of $1,431,000,000 as proposed by the House.

Amendment No. 31: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

Other procurement, Air Force

Amendment No. 32: Appropriates $1,576,200,000 as proposed by the Senate instead of $1,636,000,000 as proposed by the House.

Amendment No. 33: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

Procurement, Defense agencies

Amendment No. 34: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, development, test, and evaluation, Army

Amendment No. 35: Appropriates $1,596,820,000 instead of $1,575,300,000 as proposed by the House and $1,600,820,000 as proposed by the Senate. The conferees agreed as follows:

(a) To restore $3,520,000 of the $5,600,000 reduction made by the House for various caseless ammunition program, as proposed by the Senate.

(b) Agreed to the restoration of $10,000,000 of the House unspecified reduction of $118,100,000.

(c) Agreed to a restoration of $3,000,000 of the House reduction of $5,000,000 for the Air Defense Control and Coordination System.

(d) Agreed to a restoration of the $5,000,000 reduction for the LANCE missile system, as proposed by the House.

(e) Agreed to a reduction of $4,000,000 in the request for Military Astronautics and Related Equipment, as proposed by the House.

With respect to Project Mallard, it is the sense of the conferees that the Department should not embark on this development program at this time. The Department of Defense is strongly urged to explore as soon as practically possible the discontinuance of this international development effort through the mutual consent of the participating countries.

Amendment No. 36: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

Research, development, test and evaluation, Navy

Amendment No. 37: Appropriates $2,186,400,000 instead of $2,040,400,000 as proposed by the House and $2,193,251,000 as proposed by the Senate.

The amount of $1,977,000 is provided for the Crane Heavy Lift Helicopter, as provided by the House, and the amount of $8,000,000 is provided for the Condor air-to-surface stand-off missile as proposed by the Senate.

The amount of $10,000,000 is provided for the Underwater Long-Range Missile System as proposed by the Senate, and the amount of $19,659,000 is provided for "Military Astronautics and Related Equipment" as proposed by the House.

The conferees agreed to the restoration of $12,500,000 of the House general unspecified reduction of $26,000,000, reflecting a general reduction of $13,500,000 in the revised budget estimate.

The amount of $441,500,000 is provided for the F–14 aircraft development as provided by the Senate.

Amendment No. 38: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

Research, development, test, and evaluation, Air Force

Amendment No. 39: Appropriates $3,060,600,000 instead of $3,056,900,000 as proposed by the House and $3,062,026,000 as proposed by the Senate. The sum agreed to includes $2,000,000 for the A–X close support aircraft and $1,700,000 for the Special Purpose Communications program. The $1,700,000 provided is the sum obligated under the Continuing Resolution. No additional funds are provided and the Special Purpose Communications program is to be terminated.

A total of $474,000 is included for the SHAPE Technical Center under the agreement on the funding of International Military Headquarters.

Amendment No. 40: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

Research, development, test, and evaluation, Defense Agencies

Amendment No. 41: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment, which deletes House language limiting availability of funds.

TITLE VI—GENERAL PROVISIONS

Amendment No. 42: Retains language as proposed by the House providing authority for certain payments in connection with International Military Headquarters.

Amendment No. 43: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur. The section will provide limitations as proposed by the Senate with respect to balances of old accounts in lieu of terminations as proposed by the House.

Amendment No. 44: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment prohibiting the use of funds to finance the introduction of American ground combat troops into Laos or Thailand.

GEORGE MAHON,
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JOHN J. RHODES,
GLENN R. DAVIS,
FRANK T. BOW,

Managers on the Part of the House.

HIGH ENERGY PHYSICS AND THE NATIONAL ACCELERATOR LABORATORY

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, it was announced recently that France would honor its commitment to join with Austria, Belgium, Germany, Italy, and Switzerland in financing the construction of the proposed highest energy accelerator in the world, a 300-billion-electron-volt machine. It is common knowledge that the research programs in Europe which require the spending of the equivalent of hundreds of millions of dollars have been in serious difficulties the past few years. For France, which has been plagued with severe economic problems, to follow through with its prior decision to support the program can only point to the strong conviction all European nations have that high energy physics is indeed the new frontier of physical research. I would like to point out that at present the highest energy accelerator in the world is the Russian 76-billion-electron-volt facility at Serpukhov. The 333-billion-electron-volt alternating gradient synchrotron at the AEC's Brookhaven National Laboratory has the highest energy in the United States.

The Congress recently voted $70 million in appropriations for the National Accelerator Laboratory at Batavia, Ill., for fiscal year 1970. Those responsible for designing and constructing the laboratory had requested $96 million and indicated that a minimum of $89 million would be necessary to keep construction on projected cost and time schedules. If it is really the intent of the Congress that the United States return to the forefront of high energy physics research, this reduction of $26 million below the original request is false economy, since this cut, if not restored in the fiscal year 1971 appropriations, will cause about a year's delay and an estimated increase of $30 million for the project.

However, more than money is at stake in constructing the National Accelerator Laboratory on schedule, Dr. Robert Rathbun Wilson, the Director of the Laboratory, has listed rather succinctly nine reasons for carrying out the project as planned:

Timeliness: It will be the right instrument, for the right problems at the right time, but only if it is built soon enough.

Welfare of the Country: Scientific preeminence is a vital factor in the cultural and technological health of our country. The 200 BeV machine, if finished soon enough, will help to maintain that preeminence.

Scientific Need: There are definite important scientific problems that we know can be answered by the use of the 200 BeV machine. Many of these can be done only with a 200 BeV machine. Other questions are susceptible to partial and expensive answers by the use of inadequate instruments.

International Standing: Soviet physicists now have an operating 76 BeV machine, while the United States' present top is only 33 BeV. Our 200 BeV accelerator should come into operation before the European 300 BeV machine and with enough time to insure and maintain a leading position—if built on schedule.

Scientific exploration: In scientific discovery there is no second prize—just a bag to be left holding.

Quality of the accelerator: Our present schedule wil provide the United States with the most advanced research facility in the world.

Quality of the participants: Outstanding scientists will only associate themselves with a vigorous project. Too little, too late will draw mediocre people who will perform mediocre experiments and at a very much higher cost.

Direct cost: A delay in the schedule will incur a large additional cost.

Eventual cost: In the light of the 300 BeV European machine, delay of even one year suggests that the scope of the American effort should be reviewed. This would almost certainly lead to a reorientation of the project to a larger and hence more expensive machine.

I would like to add one more thought. The State of Illinois has acted aggressively to keep its part of the bargain. The State acquired and turned over to the Federal Government a 6,800-acre site which cost some $26 million. Both State and local governments have worked hard to provide those adequate services so necessary to the success of the project. The State and local governments have sacrificed much to carry out their commitments in keeping with the proposed schedule. It would certainly seem that the Federal Government should try to do the same.

TV POLITICAL ADVERTISING RATES CUT

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, I think most of us here will agree that we live in an age when television exposure is an essential ingredient in any political campaign. Television is an effective medium for presenting a candidate and his views. It is effective for discussion of issues; for helping the voter be aware of positions, stands, and proposals; for presenting the candidate "live and in color" to great numbers of the people he is asking to serve—many more than the candidate can meet personally or address at rallies.

For these reasons, political television advertising has helped mold in the United States the most informed electorate the world has ever known. For these same reasons, most candidates must make use of television where it is available to them if they have any hopes of success.

On the other side of the coin, television is expensive. Purchase of television time has driven campaign costs at all levels to highs we would not have dreamed of even a few years ago. The costs of television have come to dominate political fundraising and spending, and even selection of candidates. This is a matter which has greatly concerned me for some time, and I know most of my colleagues share that concern.

With this in mind, I was deeply pleased last week when I learned that Leake Television, Inc., with television stations in Tulsa, Okla., and Little Rock, Ark., has cut its political advertising rate by one-third.

James C. Leake, chairman of the board of Leake Television, Inc., stated in announcing the new political rates:

It is our position that anyone should be able to run for political office. Therefore, to do our part to insure that the use of television is available to all candidates, it will be our policy henceforth to reduce all rates to bona fide candidates by 33 per cent.

Mr. Speaker, I believe Mr. Leake deserves a sincere thanks from all Americans in setting forth this new and enlightened policy. I salute him, and I hope that he is only the first of many of the men who control the television medium who adopt this unselfish and public spirited approach.

RADIO AND TELEVISION TIME SHOULD BE MADE AVAILABLE FOR CANDIDATES FOR PUBLIC OFFICE

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Speaker, I want to commend the gentleman from Oklahoma (Mr. EDMONDSON) for his remarks about radio and television stations KTUL and KATV.

Of course, in the gentleman's broadcast area he probably has many television stations.

In my particular area we have probably 35 Members of Congress, 20 of them from one city alone. The television rates in the area almost make it prohibitive for candidates running for public office in New York to buy substantial amounts of television time.

I, therefore, commend these two television stations for cutting their political advertising rates by one-third. However, I would like to make the statement that I have made on many of our channels in the New York area and that is public television time should not be available for purchase but that public officials and candidates running for office in a broadcast area should have the opportunity to appear on television at the expense of the television channel. That is, time should be made available to all candidates running for public office.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I am glad to yield to the gentleman from California.

Mr. HOLIFIELD. The same situation exists in many large metropolitan areas like San Francisco and Los Angeles. The rates are prohibitive. The gentleman is striking at the heart of this thing. The television licensees are using for their own profit a public communication channel. Therefore, the public interest time should include the availability of time for public servants and for candidates for Federal offices to come before the public on a public service basis and not on a cost for time which is so high, that it is prohibitive.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I think the gentleman from California is making a very fine point. I think television stations should be encouraged to give public service time for all candidates, but I think it is also a good step in the right direction to lower advertising rates and that should be commended.

Mr. MURPHY of New York. It is certainly a step in the right direction.

A SALUTE TO LEAKE TELEVISION, INC.

(Mr. KEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEE. Mr. Speaker, I wish to join in this salute to James C. Leake and Leake Television, Inc. I hope this is just the first in a series of announcements of this nature.

Political advertising on television is useful and necessary—and costly. I believe Mr. Leake has demonstrated an awareness of these facts when he announced as his reason for cutting political advertising rates by one-third that he wants to insure that the use of television is available to all candidates.

His action is clearly to the benefit of the public, which relies a great deal on television for information. It also will benefit the public in the areas his television stations serve by helping to slow down the mushrooming costs of political candidacy and making it possible for able candidates with limited resources to run for elective office.

A STEP IN THE RIGHT DIRECTION

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL. Mr. Speaker, this is exceptionally good news which has been called to our attention today. It is good news to learn that an owner in the television industry is as aware as those of us in politics and government of the increasing costs of political campaigning.

There has been much discussion of these costs, and the need for more and larger political contributions which go with the costs.

There have been newspaper and magazine articles on the role television is playing in political campaigns, both from the standpoint of effectiveness and costliness. Most Americans are aware of these problems, but until today I have not been aware of anyone who has done anything about it.

Now we hear about Mr. Leake who has taken a very firm and dramatic step toward doing something about it. I hope he is a bellwether in the industry.

PROPOSED RAISING OF THE "TECUMSEH"

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, midst all the talk of national priorities, some specific projects frequently get lost in the shuffle. This all too frequently occurs when the projects are not of an urgent nature or do not affect masses of people. One such project is the raising of the *Tecumseh*, the U.S. Navy's ironclad monitor that went down in 38 feet of water while trying to run past the shore guns of Fort Morgan in the famous Battle of Mobile Bay.

Now, Mr. Speaker, all this took place back in 1864. Since then the old *Tecumseh* with all hands has been lying offshore for these 105 years. The Smithsonian Institution has a four-phase plan for raising the vessel including interment of the human remains of the ship's crew.

However, defense needs in Vietnam, space shots, the urban crisis, and many other national problems have scuttled any hope for salvaging the historic artifact. Although technical assistance would be available from the Smithsonian and the Navy Department, private funds would be necessary to cover the major cost of the project.

This is good. The Federal Government should not be in the business of financing everything that comes along. If it were, taxes would be even higher than they are today. But no; this country has survived on the principle of private industry, and private industry is what is necessary to bring the *Tecumseh* to the surface. The Government, as it has offered to do, should provide its assistance where necessary, to help the project along.

This project, I believe, is greatly worthwhile. Sometimes, not only today's youth, but some of us older folk, need a reminder of the conflicts and difficulties that have taken place in the past. Battles that have been fought, struggles that have been won, all in the cause of human rights and freedoms. Although the Civil War was a devisive point in our history, the country has survived to this day, thereby proving the strength of our constitutional system and the courage of the American people.

The study of our historic past is probably the cornerstone of patriotic fervor and pride in our country. By reflecting on our past struggles and achievements, we draw strength to go forward and meet the challenges of the future. Our past history is like a marker, that when lined up with our future goals, keeps us on the right path.

I hope that I will one day be able to see the *Tecumseh* restored. It will take the efforts of private citizens interested in keeping the memory of our historic past alive for this and future generations. If this aspect of the American spirit should die, then no amount of Federal funds will be able to hold the country together. Dollars do not buy a strong democracy.

FRANK HOWARD: DEAN OF COLLEGE FOOTBALL COACHES

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, Frank Howard, dean of American football coaches is relinquishing active coaching at Clemson University to devote his full time to his duties as athletic director.

Coach Howard is one of the greatest coaches in the history of American football. When he first came to Clemson, one wondered if the rickety stands seating only a handful of spectators would collapse before the end of the game. Mud or red dust was everywhere and the lack of equipment and facilities was appalling. Today Clemson has one of the most magnificent stadiums and colosseums in the United States. Its athletic facilities are second to none. Howard's is a success story in the Horatio Alger tradition.

When Frank Howard first came to Clemson, almost 40 years ago, he brought the Clemson Tigers and South Carolina football national fame. Howard literally took the Tigers from the cow pasture to national prominence.

Perhaps the highlights of Howard's great career were January 1, 1949, when the greatest Gator Bowl game of all time was played in Jacksonville, Fla., and Clemson defeated a powerful Missouri team, 24 to 23; on January 1, 1950, in the Orange Bowl when he defeated the undefeated Hurricanes of Miami, 15 to 14; on January 1, 1959, when his Tigers outplayed the Nation's No. 1 team, the powerful LSU Tigers, in the Sugar Bowl, finally losing 7 to 0; and on December 19, 1959, when his underdog team outplayed and crushed the cochampion of the Southwest Conference, TCU, 23 to 7 in the Bluebonnet Bowl.

Frank Howard's teams won more Atlantic Coast Conference championships than any other team since the conference was founded, winning five titles and being cochampion once. His overall record as head coach is 165 victories.

In the sports world, Frank Howard is a national and even an international figure. He coached for the Armed Forces overseas, conducted many football clinics, and coached in various post-season bowls. In his almost 40 years of coaching, he has influenced the lives of as many young Americans on the gridiron as perhaps anyone in the history of our country.

Mr. Speaker, above all, Frank Howard is a great patriotic American who is dedicated to those principles and ideals that made our Nation great. He believes in courtesy, discipline, and character. His "boys" carried the principles of courage and fearlessness on to the battlefields of Europe, Korea, and Vietnam. They have stood out for America in war and in peace. In World War II, more Clemson graduates and Howard-coached men were officers of the Armed Forces of our country than any other college except Texas A. & M.

Mr. Speaker, the news media throughout the Nation and the Armed Forces network announced Coach Howard's recent decision. Splendid tributes have appeared in the Nation's leading newspapers and on radio and television. Among those paying high tribute to Coach Howard were Bear Bryant, Bobby Dodd, Paul Dietzel, Jim Dooley, Earle Edwards, "Peahead" Walker, and Bob King.

Among the many tributes was a splendid editorial which appeared in the Greenville, S.C., News. I commend it to the attention of my colleagues here in the Congress and the American people:

THE BARON'S RETIREMENT

The fact that Frank Howard is front page news this morning speaks for itself. His retirement is of great general interest, ranking right up there with the textile imports amendment, the Vietnam war, taxes and other subjects of importance to people.

Nobody in South Carolina asks "Frank Who?"

Nobody needs to be told that Frank Howard has been Clemson University's head football coach for 30 years. The Bashful Baron of Barlow Bend is better known than many successful politicians, businessmen, scientists and other famous South Carolinians.

Everybody from schoolboy to grand-daddy realizes Frank Howard made Clemson a nationally-known gridiron power, winning championships and bowl bids and developing several All-America and other great stars who now hold their own niches in football history. And the Baron's fame as banquet speaker and conductor of grid clinics is widespread.

The man has become a living legend whose outspoken comments, country-style wit and "feuds" (many of them carefully contrived) with other grid coaches are a part of gridiron lore. They'll be telling stories for years about Frank Howard and Peahead Walker, and recounting numerous incidents in Clemson's Death Valley when the tobacco-chewing Baron prowled the sidelines.

Whenever and wherever football fans gather, the name of Frank Howard is bound to come up before the session gets far along. He is part and parcel of the game itself, one of those strong individuals who have stamped their own image on an entire era of the sport.

Quite possibly the era of the Frank Howards is passing. The trend seems to be away from the colorful, rugged-individual mentor and toward the corporation executive type coach who organizes staffs and platoons and applies scientific techniques. If so, a great deal of the warmth and inspiration which made college football great for participants and fans will be lacking in the future.

It goes without saying that Frank Howard has been good for football in this area. It also is true that he has been good for Clemson University and for the entire State of South Carolina as an ambassador of good will all over the country.

As he retires from active coaching, it is fair to ask but impossible to answer the question—how many Americans were introduced to Clemson University and the State of South Carolina by Frank Howard and the great football teams he produced? The number has to be legion.

Like all coaches good enough to stay with the game for any length of time, Frank Howard has had his fine years and bad. He has been praised and assailed. But the sum total of his career is all to the good, for football, for Clemson and for South Carolina.

For that reason, Clemson men everywhere and all South Carolinians are delighted that the Bashful Baron will remain as the university's athletic director. We haven't heard the last of his "cornball" wit, and we confidently expect him to be an even better ambassador of good will for Clemson and for the state now that he no longer shoulders the burdens of coaching.

But college football in this area will be different next year because of his retirement as active coach—and Death Valley will never be the same again without him pacing the Clemson sideline.

NEW APPROACHES TO JUNK MAIL OFFERED BY GALLAGHER

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, I rise today to introduce legislative concepts of inviting simplicity which may be of considerable assistance in the continuing debate over what must be done about the problem of junk mail. Let me immediately state that I do not regard this legislation as a polished bill; rather, it points the way toward a more constructive and meaningful debate and, hopefully, may provide key provisions for those congressional committees now wrestling with the problem of pornography sent through the mails.

INVASION OF PRIVACY AS AN INDIVIDUAL DECISION

One of the central facts I have learned during the 5 years I have been closely identified with the issue is that it is virtually impossible to impose a single universal standard on what constitutes an invasion of personal privacy. What is personal to one citizen is frequently openly advertised by another; what one discusses willingly in one context may be regarded as deeply intimate in another.

This is especially true in unsolicited mail. Many people enthusiastically welcome it, others find it yet another of the irritations of modern life, and some claim it to be a direct invasion of their personal privacy. Charitable and nonprofit organizations employ the direct mail industry to gain funds to carry forward their worthwhile work, and it is an indisputable fact that direct mail is an aid to legitimate businesses.

THREE NEW APPROACHES

Recognizing these facts, my new approaches to the direct mail industry are based upon the idea that the individual has the right to control, at least to some extent, the content of his mailbox. My legislation builds upon the foundations laid by others by adding the dimension of personal choice, of individual action, and of citizen responsibility.

The bill I introduce today is keyed to the new idea that each piece of unsolicited mass mail must contain identifying information clearly specifying where the sender got the name of the recipient. It also gives the individual the option of filing a form with the Postmaster General stating that he does not wish to receive any mass mailings, generated by registered mailing list brokers, or that he only wishes to receive those pieces of mail relating to nonprofit, charitable solicitations.

The third original idea is that the individual may write directly to the ultimate source and direct his name to be removed from that particular list. This provision is enforceable, for the Postmaster General may enter the dispute if those who control the list do not abide by the citizen's wishes. Under current legislation, the citizen may now write to the Postmaster General and request his name be removed from a list if he finds the offering to be pornographic; my original concept allows him to write directly to the source which generated the mail by giving out his name. Further, it removes the necessity for the individual to find the mailing pornographic.

The two most frequently heard complaints about unsolicited mass mailings are, "How did they get my name?" and "How can I get off that list?" The new concepts embodied in my legislation provide the answer to both those questions and, by giving the individual the option to take action himself, puts power back in the hands of the citizen.

Mr. Speaker, I would regard this as an extremely important and vitally necessary alternative for the Congress to recognize. All around us we hear slogans which are huckstered by antidemocratic forces and which can destroy the foundations of our Republic. "All power to the people" and similar catch phrases mean, in reality, all power to the particular leader who mouthes them. Their accompanying corollary is the direct denial of basic civil rights of anyone who opposes the sloganeer. This is a grave threat to the basic American principles of tolerance and compromise of conflicting views on public policy.

We must recognize, however, the existence of a legitimate and very real feeling of powerlessness on the part of many of our citizens. Such inflammatory phrases are fueled by the widespread sense of dehumanization and depersonalization in modern society. I introduce these legislative concepts today for I continue to believe that the Congress must direct itself to devising ways to put a sense of personal control over the ways in which strangers manipulate intimate facts about the individual.

It is this desire which caused me to initiate congressional consideration of the credit reporting industry, to introduce a resolution to establish the Select Committee on Technology, Human Values, and Democratic Institutions, and why I have spoken out for more than 3 years about the dangers of misapplying computer technology. Protecting the space where the individual's basic human nature resides, reenforcing what I call "the intellectual imperative," must become the focal point of legislative concern.

POSSIBLE ASSISTANCE IN THE BATTLE AGAINST PORNOGRAPHY

This powerlessness I mentioned is particularly distressing to many constituents who have communicated with me about their difficulty in preventing pornography coming through the mails. These are law-abiding citizens who are trying to raise their children in a clean and wholesome atmosphere; yet, they cannot keep from their mailboxes what they regard as disgusting obscenity, camouflaged as "sophisticated adult material." Indeed, I am always amazed that some of the most blatant is termed "sophisticated"; that some of the most puerile is called "adult."

The Congress has addressed itself to

the pornography question and a bill which passed the 90th Congress allows the individual to write the Postmaster General to have such material removed from his mails. Unfortunately, this provision is now widely regarded as being ineffective and the Supreme Court is now considering constitutional questions about it.

There are new bills now circulating on Capitol Hill and many hearings have been held. One idea which is attracting influential support is to have each piece of mail which may be regarded as obscene to be clearly labeled as such on the envelope. This attractive idea may however, be self-defeating. It does not take a particularly acute observer of human nature to know that the label itself may be the most persuasive form of advertising and it is not hard to imagine younger members of a family fighting to be the one to open such a provocative piece of mail.

I would hope that one positive effect of the new concepts I introduce today will be to assist in the war on obscene mailings. Because it does not require the citizen to make an evaluation of pornography and thus enter the thicket of constitutional questions before he may direct mail to be stopped, it will avoid at least one opposing argument. By not referring to pornography, it may be a valuable tool in controlling it.

Let me make it very clear that I believe the flood of filth now flowing into many homes must be stopped. I support effective legislation which would accomplish that purpose. But the fact is that the exchanging selling, or renting of names in order to mail pornography represents but a tiny fraction of the activities of the mailing list industry and an infinitesimal portion of direct mailing generally.

Mr. Speaker, I believe it is important that we find a way to focus on the more general problem; that we do not let the obvious stench rising from obscenity to mask the more subtle odors of mounting citizen irritation over junk mail.

WHAT IS THE MAILING LIST INDUSTRY

Perhaps the best way to describe this industry is to let it speak for itself. The April 1968 issue of its trade journal, The Reporter of Direct Mail Advertising, contains the following offerings:

The National Demographic Information List . . . 100,000 names now ready for testing; total compilation expected to reach 3.5 million verified names . . . in addition to normal information the National Demographic List offers you: verified titles, single or married persons, either sex or occupation codes: Professional & Executive; retail sales and clerical; skilled, unskilled . . . whether wife works or not . . . number of dependent children . . . list is completely computerized, available by any one or any combination of the factors above . . . .

The List . . . One million, seven hundred thousand of the best credit-checked spenders you'll ever find, the American Express Credit Card List.

Mr. Speaker, one could cite many other examples, but these two point up the most obvious features of mailing lists. Using the computer, it is now possible to create an incredibly sophisticated confluence of personal attributes and habits. Virtually any human activity can be the source of a list, and can have your name permanently and inescapably embedded in someone's moneymaking computer.

Even if the individual chooses not to receive direct mailings, his name is now added to a list. If you have declined a piece of direct mail or have indicated displeasure with a specific mailing, your name is added to a "sorehead" list. The people so labeled are prime recipients for solicitations offering animal repellents, burglar alarms, and bomb shelters.

This brief and admittedly incomplete description of what the industry is suggests a very real problem in drafting legislation to deal with it. Pornography aside, there may be first amendment difficulties with any attempt to control it. A vast majority of the information is on what can be termed the public record—drivers licenses, memberships in professional societies, "good payers" in computerized credit bureaus, and so forth. This is why I stated earlier that my bill is offered more in the spirit of stimulating useful debate and providing some possible insights for eventual legislation than it is offered as the totally perfect answer to all the ramifications of the mailing list industry.

OTHER POTENTIAL BENEFITS

Mr. Speaker, it is possible that another benefit of these approaches will be to take one small burden from our already overburdened Post Office Department. The basic provision of my legislative concepts is to give the individual the opportunity to contact directly the source which originally generated or compiled his name. While this is an enforceable provision, merely having the power of the Postmaster General and the Department of Justice looming in the background may make it unnecessary for the Post Office to become involved in any specific dispute.

When Timothy J. May testified on behalf of the Post Office Department before the Subcommittee on Postal Operations, headed by my distinguished colleague, the Honorable ROBERT NIX, of Pennsylvania, he expressed concern about the already existing administrative responsibilities:

We get many requests, oftentimes from Congressmen, demanding that we find out how their names got on a particular mailing list.

Aside from revealing that Congressmen are as powerless as the rest of the populace in this matter, I think it is important to note that my concepts will remove any responsibility from the Post Office to determine how the individual's name appeared on a particular list.

And by allowing the individual to write directly to the source responsible for a mailing, this legislation will let the individual vent and rage he may feel. It is important to provide a person with an occasional safety valve and I would suspect that merely the pleasure in composing and sending an angry letter to those responsible will be a very valuable emotional release for many citizens.

In addition, it is not inconceivable that a valuable side effect of this legislation would be to improve the quality of the offerings of direct mail solicitations. If the commercial organization which rents or sells its list is aware that its identity as the generating source will be clearly specified in each piece of mail, it will probably exercise a greater degree of care in selecting who may use its names and what may be offered. If, for example, a card saying, "The Diners Club felt you would be interested in this offer," were to be included, the name and image of the Diners Club, could be adversely affected if the mailing were repugnant to many of its cardholders. This side effect might not diminish the extent of junk mail, but it could improve the content.

CONCLUSION

Mr. Speaker, I believe these new approaches could have a number of valuable impacts on the mailing list industry, the operations of the Post Office, and on individual privacy. By not focusing on the issue of pornography, it makes it clear that the mailing of obscenity is not the prime purpose of the direct mail industry and would bypass some constitutional tangles. By providing the individual with the opportunity to have the Post Office direct register mailing list brokers to send either nothing at all or just nonprofit, charitable solicitations, it might well cut down on the number of direct mailings and, at the same time, make those which do reach the home more effective. By providing the citizen direct access to the ultimate source of his name, I suspect that the Post Office Department might not be administratively involved in the vast majority of the cases.

Of paramount importance, Mr. Speaker, my new legislative ideas would buttress privacy in the age of the computer. Since the vast majority of these lists are computerized, we can use the ease of entering and altering data in a computer to protect the privacy of our citizens rather than to invade it. Note that we would not be legislating what an invasion of privacy is—a task I am coming to increasingly believe may be almost impossible—we would permit the individual to make that determination for himself.

By allowing the individual to recapture a measure of control over the exchange of his name, address, and personal characteristics, I believe we may help to alleviate the disenchantment with the legislative process and strengthen the true foundations of our Republic—citizen control and citizen responsibility. If a man's home can truly be called his castle, he must have the opportunity to raise the drawbridge on occasion by protecting his mailbox from things he regards as unsuitable for himself and his family.

Mr. Speaker, my bill follows:

H.R. 15309

A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, to provide for the removal of names from mailing lists, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 53 of title 39, United States Code,

relating to the several classes of mail, is amended by adding at the end thereof the following new section:

"§ 4061. Registration of mailing list brokers; furnishing of information by suppliers, buyers, and users of mailing lists

"(a) Each broker engaged in the sale or exchange of mailing lists for profit shall register with the Postmaster General, within — days of enactment, a registration statement in such form and detail as the Postmaster General shall determine, respecting (1) the name under which he is or intends to do business, (2) the scope and general character of the business transacted or to be transacted, (3) the relationship, if any, of the mailing list operation with other business undertakings, (4) the location of his principal business office, and (5) the names and addresses of the directors and the chief executive officers where the broker is a corporation, association, partnership, or other such entity.

"(b) Each individual and each corporation, partnership, or other business organization or association using, buying, selling, leasing, renting, exchanging, or otherwise making available to others for profit any list of addresses or other similar mailing list shall on request furnish the Postmaster General, in such form and detail and at such time as he shall determine, information respecting (1) the name of the individual, corporation, partnership, or other business association or organization, and (2) the identity of individuals having a financial interest in any such organization or association, including the responsible officers and employees thereof. Records shall be kept for a period of not less than five years and postal officials upon request shall be permitted to examine such records and particulars of transactions or mailings pertaining to any such address or mailing list;

"(c) Any person may file with the Postmaster General an application for a form, to be furnished to him by the Postmaster General, upon which that person may indicate his desires with respect to the following :

"(1) that he does or does not wish his name to be on any mailing list of any broker registered with the Postmaster General;

"(2) that he wishes his name to be only on those mailing lists of that broker which is to be made available to nonprofit charitable organizations.

Such person may transmit that information to the Postmaster General. The Postmaster General shall transmit the above information to each mailing list broker and order that broker to remove the name of that person from the mailing list. If the Postmaster General believes that the broker is not complying with that order, the Postmaster General shall request the Attorney General to make application in district court of the United States for an order directing such compliance in accordance with the provisions of section 4009 of this title;

"(d) All circulars, letters printed in identical terms, advertisements, and similar material constituting solicitations for the orders of goods or services shall not be carried in the mails and shall be disposed of as the Postmaster General directs unless such matter contains or bears the name and address of the sender and information disclosing whether or not the name of the addressee, or the occupant and the address, was obtained from a mailing list and, further, information as to the appropriate party or parties (including mailing list brokers) for the addressee or occupant to notify that the addressee or occupant wishes his name removed from that list. If the addressee or account continues to receive such mail from that sender after notification that he does not wish to continue to receive such mail, he may file with the Postmaster General statement that he has given appropriate notice that he does not wish to receive such mail. The Postmaster General shall transmit a copy of that statement to the sender, including any mailing list broker, and notify the sender to discontinue sending such mail to that person, and notify the mailing list broker to remove the name of that person from the mailing list. If the Postmaster General believes that his notice is not being complied with, he shall request the Attorney General to make application in a district court of the United States for an order directing such compliance in accordance with the provisions of section 4009 of this title;

"(e) As used in this section—

" 'broker' means any person who engages either for all or part of his time, directly or indirectly, as agent, dealer, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in mailing lists owned, rented, or used by another person;

" 'registration statement' means the statement provided for in this section, and includes any amendment thereto and any report, document, or memorandum filed as part of such statement or incorporated therein by reference;

" 'supplier' means to include broker, owner, and compiler;

" 'buyer' shall mean any person who buys mailing lists or buys the use of such lists through leasing or renting agreements;

" 'user' shall mean any person who uses mailing lists supplied by someone else, or the person performing the acts and assuming the duties of handling, compiling, sending by mail or by messenger lists of names to be used for his own benefit, or the benefit of another, for profit;

"(f) The Postmaster General shall make appropriate rules and regulations to carry out the purposes of this section.".

(b) The table of contents of such chapter 53 is amended by inserting—

"4061. Registration of mailing list brokers; furnishing of information by suppliers, buyers, and users of mailing lists."

immediately below

"4060. Foreign publications free from customs duty.".

SEC. 2. (a) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new section:

"§ 1735. Mailing list brokers, suppliers, buyers, and users.

"Whoever, being required by section 4061 of title 39, United States Code, to furnish information to the Postmaster General, fails or refuses to furnish such information as the Postmaster General shall request under such section, shall be fined not more than $5,000, or imprisoned not to exceed one year, or both."

(b) The table of contents of such chapter 83 is amended by inserting

"1735. Mailing list brokers, suppliers, buyers, and users."

immediately below

"1734. Editorials and other matter as 'advertisements'.".

SEC. 3. The foregoing provisions of this Act shall become effective on the —— day following the date of enactment of this Act.

POLITICALLY MOTIVATED REPLACEMENT OF U.S. DISTRICT ATTORNEY MORGENTHAU

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise, and extend his remarks, and include extraneous matter.)

Mr. RYAN. Mr. Speaker, today President Nixon and Attorney General Mitchell in effect fired Robert M. Morgenthau as U.S. attorney for the southern district of New York by nominating a replacement for him. In doing so, they have sought to remove from office an able public servant, one whose exemplary conduct, and administration have made the U.S. attorney's office for the southern district a leader in achieving just and effective law enforcement.

That the President and his Attorney General have thereby raised political partisanship over merit is ironical.

Republican Members of Congress themselves, in the House Republican task force on crime report issued in July 1968, highly praised Mr. Morgenthau for the administration of his office. Obviously, even the judgment of the administration's own congressional membership, including the Republican Senators from New York who have urged that Mr. Morgenthau not be deposed, is to be ignored.

Despite championing "law and order," the administration, by its action, seeks the removal of a conscientious U.S. attorney who has regarded his office as above politics as evidenced by his prosecution of prominent Democrats.

To deprive the southern district of New York of Robert Morgenthau's services is pure politics, without any redeeming justification. It does New York City a disservice, and it does just and effective law enforcement a disservice.

COMMENDATION OF YOUNG AMERICANS FOR FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LUKENS) is recognized for 60 minutes.

(Mr LUKENS asked and was given permission to revise and extend his remarks and include extraneous matter.)

GENERAL LEAVE

Mr. LUKENS. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks and include extraneous matter for 5 legislative days on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LUKENS. Mr. Speaker, I have asked for this special order today that I might commend the activities witnessed this past weekend of the members of Young Americans for Freedom. YAF has, in the past, impressed me with their concern for, and their realistic approach toward, the problems that beset this Nation. I am proud to be joined by many of my colleagues in congratulating the members of this fine organization throughout the United States for their "Vietnam: Alternative Weekend, December 12–13, 1969," during which time they distributed several million copies of the "Tell It to Hanoi" tabloid, the text of which follows:

VIETNAM: A TIME FOR CHOOSING

Political procrastination, indecision, attrition, disillusionment and despair are the

ingredients that have transformed Vietnam into America's death wish. All the facts, figures, and historical precedents have blurred and blended in a plethora of "involvement debates."

Now in 1969 we are faced with a situation that has degenerated to the point, that humanitarians of 1966, then concerned about napalmed children, now wave Viet Cong flags in hopes of a Communist victory. These 1966 humanitarians petitioned for bombing halts in order that North Vietnam might show good faith. Today these 'Americans' demand unilateral withdrawal and the surrender of Southeast Asia to the Communists.

Their conscience qualms regarding napalm victims have been muted in order to accept the inevitable, Communist perpetrated Asia bloodbath of the seventies. In essence, many Americans have brought Chamberlainian peace thirty years after it was proven counterfeit.

The retreat has begun with the battle lost. To these "patriots" the choice is simple; gas or electrocution. America can effect a staged withdrawal a la Nixon or turn tail and run a la McGovern.

Others have perceived a different choice however. In December of 1961 the late John F. Kennedy wrote to the president of South Vietnam, 'The situation in your embattled country is well known to me and the American people. Our indignation has mounted as the deliberate savagery of the Communist program of Assassination, kidnapping and wanton violence becomes clear . . . the campaign of force and terror now being waged against your people and your government is supported and directed from the outside by the authorities at Hanoi'.

Soon President Kennedy chose. He raised the United States' Commitment in South Vietnam from 775 men to 40,000 men. From that tragic day in Dallas until very possibly today political procrastination, indecision and attrition have been our policies.

A Bug-Out Will Beget Treachery

(By Walter J. Conlon)

Fyodor Dostoevsky once observed that, whereas the man who teaches that two plus two equals four will put his students to sleep, his erroneous counterpart who incessantly proclaims that two plus two equals five, or three, or the cube root of the Euler constant, will gain the undying allegiance of starry-eyed millions. The thrust is obvious: fiction is infinitely more exciting than fact.

It is with this in mind that I approach my task. I really do not expect to make many converts to my position. Perhaps it is left to the campus conservative to play the part of Cassandra, condemned by Apollo to prophesy unbelieved by all who heard her words. Perhaps indeed, the left and the benevolent innocents who parrot their slogans are the wave of the present. If this is the case, so be it.

But, what of the future? That is, what will be in store for the left—and for the country—after the inevitable Vietnam bugout they so earnestly desire comes to pass?

So let us look forward to the day when the Left scores success. Nixon capitulates, and begins an immediate pullout of all American forces from Southeast Asia. Then what?

If the *sforzando* chorus of innocents is to be believed, then we will have peace. Poverty and "racism" will be eradicated *hesto presto;* all men will love one another; and, each to our own thing, we will all live happily ever after. Such are the beliefs of the naive, innocent love generation of America 1969. In case you may have forgotten, such also were the beliefs of their intellectual ancestors of England and France 1938.

Euphoria is exhilarating and disillusionment is dastardly, but disillusionment is infinitely less dastardly before it is too late. Realistically, what would be the long-range consequences of a Red takeover in South Vietnam?

As far as the South Vietnamese are concerned, the answer does not require excessive conjecture. Just check your history books and see what happened when the Communists took over the countries they hold now: mass deportations and executions, show trials, overflowing slave-labor camps. "Oh, but the North Vietnamese Communists are not like that!" returns our chorus of innocents. "They are Nationalists!"

Well, so what? Hitler was a nationalist, too. And what evidence do we have to believe that the North Vietnamese Reds will be any more humane than were their honored heroes, Mao Tse Tung and Joseph Stalin? You may or may not recall that the former, according to Guiness' Book of World Records, supervised the execution of twenty million peasants during the collectivization drives of the fifties; the later, by his own admission to Churchill at Yalta, had ten million peasants starved during the winter of 1932–33 alone.

But, alas, this is all irrelevant to our domestic innocents. After all, our national priorities demand that more attention be given "racism" in Chicago and air pollution in Dubuque (or vice versa) than to the lives and liberty of 16 million South Vietnamese. According to this perverse and isolationist world view, we should really be concerned with the deleterious effect of the war on the home front.

Well, what would be the effect of a Vietnam surrender on the home front? Of course, there would be an initial alleluia chorus that the boys were coming home; but when the stark reality of an American defeat sinks into the public consciousness, joy will turn to horror. For the first time in our history, our armies will have been sabotaged and our allies betrayed by the treachery on the home front. Adolf Hitler's rise to power was largely due to the adroit usage of a "stab in the back" explanation of Germany's defeat in World War I. In his case, the thesis was a typical National Socialist lie; if we give up the ghost in Vietnam, it will be indisputable fact.

And the innocents' joy will turn to horror. An outraged public seeking out the culprits guilty of treason will initiate a search for scapegoats that will make the Joseph McCarthy era after the betrayal of China look like mild stuff. When this inevitable reaction comes, the George McGoverns, the Charles Goodells, and the J. William Fulbrights among us may find themselves hard pressed to insure their physical survival.

My dissenting brothers, stop and take a good look at what you are doing. You cannot win more than a pyrrhic victory. In the process of pursuing the short shortsighted goal of peace at any price, you might very well bring down the ancestral American system of freedom and democracy which we all hold most dear.

Reading List for the Serious Dissenter

The following list of reading material is provided for those who wish seriously to reflect on the Vietnam war. The time for super-simplistic solutions has passed. Be careful, however. It is possible that to think about Vietnam will encourage conclusions somewhat different from those that the organizers of the "Moratoriums" have in mind.

Our Vietnam Nightmare, by Marguerite Higgins, Harper and Row.

The Two Vietnams: A Political and Military Analysis, by Bernard Fall, Praeger.

Vietnam Witness, by Bernard Fall, Praeger.

Why Vietnam? by Professor Frank N. Trager, Praeger.

Can We Win In Vietnam?, by Herman Kahn, Praeger.

No Exit from Vietnam, by Sir Robert Thompson, David MacKay, Co.

John Steinbeck on Charley as SOB

Saigon.—Do you remember my telling you that any mistakes might be beauties but they would be my own? Well, I've only been two weeks in Vietnam but of that time I have spent 10 days out of 14 in the field from base camp to forward position, to patrol, to assault operation. I've covered a lot of country and have seen many things ugly and/or beautiful with my own eyes. I haven't been to the Delta yet.

Anyway I'm cocked and set to make some generalities which the home guard commandos can shoot down if they wish. In New York, in other places and in those full-page advertisements in the New York Times as well as in political speeches aimed at U.S. foreign policy. I have heard and read that we are interfering with the internal affairs of a foreign country—that this is essentially a civil war and that the Vietnamese people should be allowed to settle it for themselves, that the V.C. is an organized army of Boy Scouts, selling their lives to free people from the intolerable pressure of a ruling class backed up by the brutal and imperialist soldiery which delights to kill and maim women and children.

My first generality item is that this is pure horse manure, and I base this on what I myself, have seen.

The V.C. has much the same selfless impulse, the same gentle democratic direction and uses the same methods for gaining his ends as the Mafia does in Sicily. The parallel is very close. Terror and torture are his weapons. He bleeds the people he is saving of everything movable, kidnaps whole villages for forced labor, recruits the young men and holds the parent hostage. He murders any opposition noisily or secretly. He impales living bodies on sharpened stakes, slashes stomachs so that a man drags his intestines on the ground before he dies. He tosses grenades in markets where poor people gather to buy food.

* * * * *

If a village refuses to pay his tax (the Mafia or Costa Nostra would call it protection) he burns the houses. And lately he has a refinement. A man suspected of communicating, only suspected, is taken to a village center. His neighbors are forced to look on while he is taken apart little by little, starting with fingers and toes but carefully so that bleeding will not give him quick release, and when they have finished, he is a ghastly mound of butcher's meat. You don't believe it? I could show you photographs but no American paper would dare print them for fear of disturbing the comfortable self satisfaction of its readers.

I wish I could take the people who have written me hate-letters calling me murderer, through some the sweet and tender activities of the National Liberation Front which is what Charley calls himself. But I suspect their stomachs couldn't stand it.

I would like them to see the refugee camps we help to build and help to maintain. These people did not run from us. They ran to us. Doesn't it make any impression that there are no reverse refugees. Nobody runs north to escape the brutality of the South Vietnamese and the brutal Americans. Why is that?

* * * * *

Of course this is a most complicated situation. The new party line word is so many of my hate-letters is simplistic. Well if this is

simplistic, comrades, make the most of it, *Charley is a pure SOB. His purpose is domination of the land and the minds of poor people and he will stop at no horror, no lie, no trick to achieve it.*

This is a simplistic generalization. I can go into its complicative opposite if you wish, but meanwhile if you hear someone celebrating the misunderstood and mistreated V.C., just punch him in the nose for me, will you?

But this is not a pretty war and Charley sets the pace. Our kids are learning to fight back. *But how I would like to run a protest parade down a V.C. trail. Charley puts paddy peasants over a suspected path before he goes in. Maybe the Peace Marchers might like to serve in this capacity. Sorry to be so vehement but I've seen a boy with punji wounds.*

Yours,

JOHN.

THE MASSACRE OF HUE

"At first the men did not dare step into the stream," one of the searchers recalled. "But the sun was going down and we finally entered the water, praying to the dead to pardon us." The men who were probing the shallow creek in a gorge south of Hue prayed for pardon because the dead had lain unburied for 19 months: according to Vietnamese belief, their souls are condemned to wander the earth as a result. In the creek, the search team found what it had been looking for—some 250 skulls and piles of bones. "The eyeholes were deep and black, and the water flowed over the ribs," said an American who was at the scene.

The gruesome discovery late last month brought to some 2,300 the number of bodies of South Vietnamese men, women and children unearthed around Hue. All were executed by the Communists at the time of the savage 25-day battle for the city, during the *tet* offensive of 1968. The dead in the creek in Nam Hoa district belonged to a group of 398 men from the Hue suburb of Phu Cam. On the fifth day of the battle, Communist soldiers appeared at Phu Cam cathedral, where the men had sought refuge with their families, and marched them off. The soldiers said that the men would be indoctrinated and then allowed to return, but their families never heard of them again. At the foot of the Nam Hoa mountains, ten miles from the cathedral, the captives were shot or bludgeoned to death.

Shallow Graves. When the battle for Hue ended Feb. 24, 1968 some 3,500 civilians were missing. A number had obviously died in the fighting and lay buried under the rubble. But as residents and government troops began to clean up, they came across a series of shallow mass graves just east of the Citadel, the walled city that shelters Hue's old imperial palace. About 150 corpses were exhumed from the first mass grave, many tied together with wire and bamboo strips. Some had been shot, others had apparently been buried alive. Most had been either government officials or employees of the Americans, picked up during a door-to-door hunt by Viet Cong cadres who carried detailed blacklists. Similar graves were found inside the city and to the southwest, near the tombs where Viet Nam's emperors lie buried. Among those dug out were the bodies of three German doctors who had worked at the University of Hue.

Search Operation. Throughout that first post *Tet* year, there were persistent rumors that something terrible had happened on the sand flats southeast of the city. Last March, a farmer stumbled on a piece of wire; when he tugged at it, a skeletal hand rose from the dirt. The government immediately launched a search operation. "There was certain stretches of land where the grass grew abnormally long and green," Time Correspondent William Marmon reported last week from Hue. "Beneath this ominously healthy flora were mass graves, 20 to 40 bodies to a grave. As the magnitude of the finds became apparent, business came to a halt and scores flocked out to Phu Thu to look for long-missing relatives, sifting through the remains of clothes, shoes and personal effects. "They seemed to be hoping they would find someone and at the same time hoping they wouldn't, said an American official." Eventually, about 24 sites were unearthed and the remains of 809 bodies were found.

The discovery at the creek in Nam Hoa district did not come until last month after a tip from three Communist soldiers who had defected to the government. The creek and its grisly secret were hidden under such heavy jugle canopy that landing zones had to be blasted out before helicopters could fly in with the search team. For three weeks, the remains were arranged on long shelves at a nearby school, and hundreds of Hue citizens came to identify their missing relatives. "They had no reason to kill these people," said Mrs. Le Thi Bich Phe, who lost her husband.

Negligible Propaganda. What triggered the Communist slaughter? Many Hue citizens believe that the execution orders came directly from Ho Chi Minh. More likely, however, the Communists simply lost their nerve. They had been led to expect that many South Vietnamese would rally to their cause during the *Tet* onslaught. That did not happen, and when the battle for Hue began turning in the allies' favor, the Communists apparently panicked and killed off their prisoners.

The Saigon government, which claims that the Communists have killed 25,000 civilians since 1957 and abducted another 46,000, has made negligible propaganda use of the massacre. In Hue it has not had to. Says Colonel Le Van Than, the local province chief: "After *Tet*, the people realized that the Viet Cong would kill them, regardless of political belief." That fearful thought haunts many South Vietnamese, particularly those who work for their government or for the Americans. With the U.S. withdrawal under way, the massacre of Hue might prove a chilling example of what could lie ahead.

BUG OUT?

"The first consequence, as anyone can foresee, will be the cold-blooded massacre of a couple of million South Vietnamese who have put their faith and trust in the United States. If anyone doubts this, he had better study the hideous massacre of about 3,500 old men, women and children that was perpetrated by the Communists when they occupied the city of Hue for a couple of weeks."

—JOSEPH ALSOP.

REDS DOMINATE "PEACE" MOVEMENT

(By Rowland Evans and Robert Novak)

The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since summer by advocates of violent revolution in the U.S. who openly support Communist forces in Viet Nam.

Accordingly, whatever happens here Saturday, the Nov. 15 march on Washington will mark a postwar high water mark for the American far left. Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

Moreover, heavy-handed Nixon administration reaction by Deputy Attorney General Richard G. Kleindienst assures that any violence on Saturday will be blamed by liberals on the government, and the avoidance of violence will be credited by these same liberals to the self-restraint of the far left.

Although liberals belatedly spent this week in frantic eleventh-hour efforts to co-opt Saturday's march, they had plenty of advance warning, The New Mobilization Committee to End the War in Vietnam (New Mobe), sponsors of the march, was formed last July in Cleveland with an executive committee dominated by supporters of the Vietcong.

The executive committee is moderate when compared with the 60-member steering committee, studded with past and present Communist Party members (including veteran party functionary Arnold Johnson). Far more important than representation by the largely moribund American Communist Party, however, is inclusion on the steering committee of leaders in its newly invigorated Trotskyite movement.

The steering committee began eclipsing the executive committee in recent weeks under the leadership of the Trotskyite Socialist Workers Party and its fast growing youth arm, the Young Socialist Alliance. Fred Halstead of the Socialist Workers Party took over planning for a march calculated to end in violent confrontation.

Participating in planning sessions were elements even more violence-prone than the Trotskyites: extreme SDS factions calling themselves the revolutionary brigade. Wild scenarios for storming the White House, the Justice Department, and the South Vietnamese Embassy were prepared.

Furthermore, the New Mobe was in closer contact with Communist Vietnamese official circles than is generally realized. Ron Young, a member of the New Mobe steering committee, journeyed to Stockholm Oct. 11–12 for a meeting attended by representatives of the North Vietnam government and the Vietcong. Reporting on plans for Nov. 15, Young urged a worldwide propaganda campaign to boost the demonstration.

The link between Hanoi and elements of the New Mobe was again demonstrated Oct. 14 when Premier Pham Van Dong of North Vietnam sent greetings to American antiwar demonstrators. Halstead, the Trotskyite leader, drafted a friendly reply to Hanoi approved by a majority of the New Mobe's steering committee. Its transmission was blocked only by the intervention of Stewart Meachem of the American Friends Service Committee, one of the New Mobe's moderates.

Thus far-left orientation of the New Mobe for weeks has worried liberal doves, including the youthful leaders of the peaceful Oct. 15 Moratorium. Sen. Charles Goodell of New York, emerging as a leading congressional foe of the war, attempted—without success—to reduce extremist influence inside the New Mobe and argued against including far leftists on the steering committee.

But the liberals, having forgotten the fate of popular front movements a generation ago and unwilling to repudiate any antiwar forces, would not actually break with the New Mobe. Any chance of that was eliminated by President Nixon's relatively hardline speech Nov. 3 and government strategy laid down at the Justice Department by Kleindienst.

Goodell and Sen. George McGovern of South Dakota, after much deliberation, accepted invitations to address the demonstration in hopes of moderating it. Similarly, moratorium leaders this week have tried to insinuate themselves into control of the march. But the march remains essentially a project of the far left, constituting a tragic failure of leadership by liberal foes of the war.

TOP-RANKING DEFECTORS ANTICIPATE RED TERROR

SAIGON.—The highest-ranking Communist defectors in South Vietnam have said that a coalition government with the National Liberation Front would be the sure downfall of the present Saigon government.

These defectors, who fled the Viet Cong and North Vietnamese army ranks last year, believe that a reign of terror would follow a Communist takeover, but not before the world had been lulled into thinking that the coalition government was working smoothly.

"Do not forget the first coalition in 1945 and 1946 (in North Vietnam)," one defector said recently. "In the north, I was told that more than 10,000 died at the hands of the party."

"You will see the deaths in the south will be a thousand times greater. But by that time your Western press will have believed peace is here and they will have gone home and will not be around to see it happen.

"The other Westerners will also have to leave and get away from the dangers. Only the Vietnamese will be left, for there is nowhere for them to go this time. There are 3 million people on the blood debt list and you will have condemned them."

The views of our defectors, who held the rank of colonel or lieutenant colonel, were expressed in a series of interviews. In addition to their military duties, they served as high-ranking political cadres.

As such, they received privileged information on the political intentions of the NLF and Hanoi. The four officers have been members of the Communist Party for an average of a little more than 20 years.

Although the interviews were conducted separately, the thinking expressed was remarkably similar.

Col. Tran Van Dac, a political officer who commanded 8,000 Viet Cong troops in last year's Tet offensive, said, "If South Vietnam should have a coalition government, there would be no future for it as a country."

He said the NLF would only seek a few positions at the higher levels, adding:

"The basic principle for them remains getting and keeping control of all lower institutions—in the hamlets, villages, districts and provinces.

"They will appear to have only a few people to fill key positions at central levels. Outwardly it will seem fair and they will seem to cooperate, but they will rely on the prevailing position they have with their control over the provinces, districts and villages . . . to overthrow the coalition government.

"At the beginning, they will appear to accept almost everyone. Then all they have to do afterward is to quietly purge the ranks, all ranks. They have ways to eliminate."

The colonel said that when senior members of the party talked:

"We did not even use the term coalition. We use the term with the enemy only for the purposes of deceiving him.

"From the Communist point of view, the idea of coalition means simply that it is an opportunity to mix in for the sole purpose of taking over."

Lt. Col. Le Xuan Chuyen, former commander of a Viet Cong division, said that the plan for taking over South Vietnam was made 10 years ago."

"The north has three targets, one after the other," he said. "First, the north wanted a complete bombing halt. Second they want a cease-fire between South Vietnamese and NLF troops. And if this happens, you cannot avoid the third one, and that will be a coalition government, because one will lead to another."

Chuyen and the others believe the United States made a mistake when it entered into peace negotiations in Paris and halted the bombing of North Vietnam.

"The allied political weapons are inferior to those of the Communists," Chuyen said. "But the allied weapons are superior. Why should you exchange your superior weapons for inferior ones?

"When I first heard of the complete bombing halt, I thought it must be a joke and I laughed, but when I realized that the United States was serious, I was dumbfounded by the stupidity."

Lt. Col. Phan Viet Dung, who commanded a North Vietnamese regiment, said, "And of course the Americans will be unable to begin the bombing again for fear of world opinion."

Lt. Col. Huynh Cu, the commander of a North Vietnamese training base, said the bombing halt "was a great victory over the aggressors. This was just what the north needed to boost sagging morale.

"Many people were having doubts about the claims made to them by the regime. In some areas, relations between the population and the regime were reaching dangerous proportions.

"They can use the bombing halt to gain back support from those who were beginning to doubt the wisdom of party leadership. For you see, the bombing halt will prove the party was right."

On the tacit agreement with Hanoi for the bombing halt—no massive infiltration across the demilitarized zone and no shelling of major cities—Dung said:

"This is like any other kind of trading. If you give something, you must get something. But what are you going to get in exchange? They will give you nothing but words. To believe them would be a mistake."

The colonel quoted a noted Japanese Communist as stating:

"The Westerners believe war and peace are two different things. The Westerner thinks it is right to deceive people in wartime but not in peacetime.

"The Communist believes that it is also right to deceive people in peacetime when making agreements with the enemy as well as in wartime because the Communist believes war and peace are the same thing."

He added, "Mao said that the closer to peace, the greater the danger. Now is the time to be most alert. At this time it is most difficult for you to see what is going on. The idea of peace may blind you."

Nixon Gives Public a Taste of Steak

(By Kenneth Elvin Grubbs, Jr.)

(The following appeared in the Philadelphia Bulletin November 7 along with three other disparate views of representatives of American youth groups. The features were written immediately after President Nixon's November 3 speech. Some critical references to the news media, noted the author, were edited out of this article.)

For the first time in all my years of President-watching—years for the most part that have been adolescent ones—I experienced the frightening feeling that the Chief Executive was not putting us on, or was not trying to assuage us with a rosy, eventual detente-with-the-Reds sort of world view that used to be the pablum LBJ fed us while our brothers were dying for Southeast Asia and for America.

No, fellow Americans, we were being fed steak.

If I can stop the culinary analogy before it gets out of hand, we were given the straightest presidential speech, I suspect, that we've had probably for a decade.

And for God's sake, an American President told us we were in Vietnam to ward off an otherwise inexorable march of Communists to take over South Vietnam—an historical abomination which would, in the minds of most conservatives, lead to a sealing off of the hemisphere by totalitarians.

In somewhat veiled terms President Nixon faulted Lyndon Johnson for dragging the war this long and for the naive negotiation syndrome. About time. About time also that, for the benefit of his saner critics, he quoted President Kennedy in behalf of our original commitment.

And isn't it nice—nice in terms of fighting the good fight with his emotional critics who find "atrocities" as the only argument against "the war"—that he cited to millions of Americans at prime the atrocities, I mean sickening, sadistic atrocities, committed by the enemy at Hue.

That was little publicized, wasn't it? Three thousand South Vietnamese buried alive, decapitated or tortured in even more unspeakable terms, because they were defined by Uncle Ho and company as "counterrevolutionary."

Now Mr. Nixon's speech felt good; but we obviously need to tone up with more of those hard-core pronouncements.

Just as the President signed off, after having detailed as best he could his plan for "Vietnamization," CBS news decided to air its very own footage of an atrocity committed by a South Vietnamese soldier against a captured enemy.

The captive, held on the ground, was stabbed in the stomach; some blood gushed from the wound, enough to make a viewer queasy, and the victim reportedly was shredded by a South Vietnamese knife.

We were spared witnessing that, the kind reporter said, himself stabbing the Nixon plan in its soft underbelly.

One wonders where the hell CBS was during the siege of Hue; why are there no reporters accompanying the NLF or VC?

Endurance, friends, endurance.

Vietnamization: What Does It Mean?

(A review by Ronald B. Dear)

The policies of the Johnson administration in Vietnam since 1965 were ill-conceived and have been the cause of much of the legitimate frustration over the conduct of the war.

This is a conclusion expressed in a new book by Sir Robert Thompson. Thompson, who is generally considered the world's foremost authority on counter-insurgency warfare, was the principal architect of the British victory over the Malayan Communist guerrillas in the late 1950's, and headed the British Advisory Mission to South Vietnam from 1961 to 1965. ("No Exit from Vietnam", David McKay Company, Inc., New York, $4.50).

The American military strategy since 1965 totally failed to grasp the nature of a "Peoples' Revolutionary War." Instead of concentrating on building a stable South Vietnamese government capable of controlling and eliminating the guerrilla insurgency throughout the countryside, the Johnson policy was one of "destruction of the enemy's main forces on the battlefield."

"The net effect of the 'search and destroy' strategy combined with a fixation on the infiltration routes was to disperse American forces in a positional instead of a mobile role all over the mainly unpopulated areas of the Vietnamese map." While American troops were winning on the casualty charts, the organization and structure of the enemy within South Vietnam was never threatened.

". . . the military strategy,, because it was not related to a winning aim, was largely irrelevant to the political results. At the very best, because it held some ground and helped maintain the existence of South Vietnam, the strategy might have achieved a stalemate. But in a People's Revolutionary War, if you are not winning you are losing, because the enemy can always sit out a stalemate without making any concessions. It was therefore, a no win strategy." Thompson suggests a counter-strategy unrelated to conventional warfare—the strategy that worked in Malaya. It will involve the systematic replacement of American troops with South Vietnamese—with the emphasis on quality rather than quantity.

The American aim should be revised to read: "To establish, at a cost acceptable to the United States, South Vietnam as a free, united and independent country which is politically stable and economically expand-

ing." This does not require a defeat of the North but only that its design to take over the South should be frustrated. To achieve the aim does, however, leave a long-haul, low-cost strategy as the only option. If this is the meaning of President Nixon's Vietnam policy, it should be worth a try. But in the meantime, Americans should be wary of any attempt to substitute "peace" for freedom anywhere in the world. The serious dissenter would do well to read "No Exit From Vietnam."

Mr. Speaker, on this same weekend, the members of Young Americans for Freedom and of the National Student Committee for Victory in Vietnam conducted teach-ins urging students to support President Nixon's efforts to attain a lasting and just peace, pointing out the reasons for our involvement in Vietnam, and showing the consequences of an irresponsible, immediate withdrawal. They circulated petitions on over 600 college campuses. These petitions will be presented to the North Vietnamese delegation to the Paris peace talks, to show that there is a large body of students who do not call for an immediate sellout to communism in Vietnam. I submit this petition for insertion in the proceedings at this point:

TELL IT TO HANOI

We, the people of the United States of America, call upon the government of North Vietnam to:

1. Renounce military victory in the South;
2. Agree to negotiate cease-fire under international supervision;
3. Agree to free elections in South Vietnam under international supervision;
4. Declare that they will abide by the political decision that results from free elections and renounce, as we have, all military bases in the South;
5. Support the right of the South Vietnamese to determine their own future without outside interference.

Our government agrees with and supports these points. We ask you to join us in our desire for the peaceful conclusion of the Vietnam war.

[Lines for signatures.]

The completed petitions will be sent to the North Vietnam delegation in Paris. Return to: "Tell It To Hanoi" c/o Y.A.F., 1221 Massachusetts Ave., NW., Washington, D.C. 20005.

I urge all of my colleagues in the House of Representatives and all Americans to join with Young Americans for Freedom in their responsible approach to conclude the war and attain lasting peace and freedom for the people of Vietnam.

Mr. FOREMAN. Mr. Speaker, I commend the distinguished gentleman from Ohio (Mr. LUKENS), for his forthright leadership in the recognition of the Young Americans for Freedom on their "Tell It to Hanoi" program.

I appreciate and commend the clean-cut, dedicated, outstanding young people, members of the Young Americans for Freedom, on their work and efforts toward the restoration and preservation of a strong, free America and a meaningful, lasting peace in Southeast Asia. Young Americans for Freedom typify the responsible voice of youth today.

Mr. STEIGER of Arizona. Mr. Speaker, Young Americans for Freedom has made a significant contribution to the Nation through its activities in acquainting many Americans—most especially youths—of the moral, political and military imperatives in supporting President Nixon's program of continuing to aid South Vietnam against North Vietnamese and Communist aggression.

No organization of younger adults has more stanchly resisted acceptance of the intellectual fallacies and simplistic temptations voiced by the purported humanitarians who would have the United States renege on its word, deny an ally and retreat to a posture of isolationism. Peace would not be served, YAF members realize, by acquiescence to such reasoning. Members of this organization are realist and rational enough to be able to learn from the lessons of history and to ignore the siren call of taking the easy way out.

In a concerted effort this past weekend, Young Americans for Freedom distributed several million copies of a carefully documented and intellectually honest paper "telling it as it is" on why it is vital to United States and Western interests to continuing providing assistance to South Vietnam. The cause of peace is well served by such efforts. In a follow-up action, petitions signed by Americans are to be sent to the North Vietnamese delegation in Paris requesting their Government to: First, renounce military victory in the South; second, agree to negotiate cease-fire under international supervision; third, agree to free elections in South Vietnam under international supervision; fourth, declare that they will abide by the political decision that results from free elections and renounce, as we have, all military bases in the south; fifth, support the right of the South Vietnamese to determine their own future without outside interference. Polls, mail, interviews all indicate that the "silent majority" of Americans support the President's initiatives to create a climate in which a just, honorable peace can be obtained for South Vietnam. I believe that the North Vietnamese delegation can expect an avalanche of petitions bearing American names.

North Vietnam will disregard the sentiments of this majority at its own peril. I would like to commend Young Americans for Freedom on their constructive service to the Nation and the cause of a just peace. It is time for more citizens to display the same.

Mr. ADAIR. Mr. Speaker, I rise to commend the efforts of Young Americans for Freedom in supporting the President in his quest for a just and honorable peace in Vietnam. The theme of their campaign is "Tell It to Hanoi." My understanding is that their endeavors on some 600 campuses in recent days have been very successful. This is no small thing. A student these days supporting an honorable end to the war in Vietnam runs certain risks. The radical elements on our campuses have demonstrated that they are not averse to using violence on those with whom they disagree. Further, students espousing the position taken by Young Americans for Freedom on this matter are inevitably subjected to ridicule and scorn by some members of the faculty who know all the answers to the Vietnam problems—safe and snug behind their lecture podiums. Therefore, I salute these young people who are working in a constructive manner to support our President and who dare to challenge the arrogance of our campus radicals.

Mr. BUCHANAN. Mr. Speaker, I am pleased to join with my distinguished colleague from Ohio (Mr. LUKENS) in commending the members of Young Americans for Freedom for their recent efforts to put the "silent majority" on record in support of President Nixon's policy to bring about a just and lasting peace in Vietnam. Most importantly, the Young Americans for Freedom are taking the initiative to see that the North Vietnamese delegation in Paris is aware of the extent of support in this country for the President's peace efforts as well as the strong resolve on the part of our Nation's citizens that the people in South Vietnam should be guaranteed the right to determine their own future through free elections.

During recent weeks the members of Young Americans for Freedom have distributed petitions on over 600 college campuses, affording the many students who support our Nation's efforts to guarantee the freedom and self-determination of the South Vietnamese people an opportunity to stand up and be counted. The petitions, which will be sent to the North Vietnam delegation in Paris, call upon the Government of North Vietnam to: First, renounce military victory in the South; second, agree to negotiate cease-fire under international supervision; third, agree to free elections in South Vietnam under international supervision; fourth, declare that they will abide by the political decision that results from free elections and renounce, as we have, all military bases in the South; and fifth, support the right of the South Vietnamese to determine their own future without outside interference.

Mr. Speaker, we have heard from those who do not support our President's efforts for a lasting peace in Vietnam. They made their views known loud and clear during the recent moratorium activities, as they had every right to do under our Nation's Constitution. Those who feel otherwise, however, have an equal right to be heard on this important issue and I sincerely appreciate the efforts being undertaken by Young Americans for Freedom toward insuring that these people are given an effective means to express their convictions.

On Monday night of this week, the President reiterated his disappointment over the lack of progress at the Paris negotiating table. There is little doubt in my mind that this situation will not improve so long as Hanoi has reason to believe that the people of the United States do not support their President's efforts toward peace in Vietnam and that they are willing to "sue for peace at any price." The North Vietnamese will take no steps toward peace so long as they believe that the United States will be forced in time by its own citizens to abandon the principles of peace and self-determination for which we have fought so long in this unfortunate war. It is my profound hope that this misguided belief will be dispelled through such actions as those now being taken by the Young Americans for Freedom.

I commend the thousands of young people who have participated in this worthwhile endeavor initiated by the Young Americans for Freedom and am certain that millions of Americans share my appreciation for their actions.

LEGISLATION TO ENCOURAGE STATE AND LOCAL TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 15301, H.R. 15302, and H.R. 15303, bills to provide financial incentives to States and localities to reform their tax structures.

Under these bills, the Federal Government would reimburse State and local governments for half of their revenue lost under tax reform. The measures are aimed at inducing governments to make sales, property, and income tax more progressive. The revenue received from the Federal Government could be used for programs to benefit low-income persons.

It is no secret that the sales and property taxes are regressive measures which hurt the low- and middle-income families at the expense of the wealthy. As inequitable as the Federal income tax system is, it pales by comparison with the tax structures of many State and local governments. This is particularly important as the State and local tax bite is increasing at a much faster rate than is that from the Federal Government.

TABLE 1.—FEDERAL AND LOCAL TAX COLLECTIONS

[Dollars in billions]

	1960	1968	Percent change
Actual:			
Federal	$99.8	$165.2	66
Local	$53.3	$100.4	88
Per capita (in dollars):			
Federal	484	667	38
Local	242	421	74

There is a great deal of talk of tax reform at the Federal level, and this is all to the good. But the biggest tax bite of all comes at the State and local level and reform is needed there most of all. Federal tax relief for low- and middle-income families means little if the State and the cities continue to prey on these very people.

The property tax is the most regressive tax of all. According to figures compiled by the Tax Foundation for 1965, the average family with an income under $2,000 paid three times the percentage of their incomes in taxes as the family earning over $15,000.

TABLE 2.—FEDERAL, STATE AND LOCAL TAXES AS A PERCENTAGE OF TOTAL INCOME FOR ALL FAMILIES BY INCOME CLASS—1965

	Under $2,000	$2,000 to $2,999	$3,000 to $3,999	$4,000 to $4,999	$5,000 to $5,999	$6,000 to $7,499	$7,500 to $9,999	$10,000 to $14,999	$15,000 and over	
Federal Individual income tax	1.9	3.1	4.5	6.4	6.9	7.7	8.8	10.0	16.1	8.3
State and local:										
Property	6.9	5.2	4.7	4.2	4.2	3.8	3.5	3.3	2.4	3.8
Sales, excise, etc	6.1	5.5	5.6	5.2	5.1	4.8	4.4	4.0	2.6	4.6
Individual income tax	.2	.2	.3	.5	.6	.6	.8	.8	1.3	.7

Source: Tax Foundation, Inc., Tax Burdens and Benefits of Government Expenditures by Income Class, 1961 and 1965, table 7.

The most visible example of the severe hardship imposed on low income households is the burden imposed on elderly householders. With retirement, the flow of income drops sharply and a yearly property tax bill of, say, $500 that once could be taken in stride becomes a disproportionate claim on the income of an elderly couple living on a pension of $1,500 a year. By the same token, if the flow of income falls sharply as a result of the death or physical disability of the breadwinner, or unemployment, then again payment of the residential property tax can become an extraordinary tax burden.

A study by the Wisconsin Tax Department in 1965, for example, found that over 5,000 elderly households were forced to turn over more than 20 percent of their total money income to the residential property tax collector. This Wisconsin study also revealed that there were 841 households headed by elderly persons who were paying out on the average 55 percent of all of their total money income to the local property tax collector. These householders were obliged to draw on their savings to pay this tax on shelter. Compared to the average family's property tax burden—3 to 4 percent of household income, this situation not only violated the ability-to-pay principle, it produced a catastrophic family expense situation.

From the standpoint of ability to pay, the general sales tax is an upside down revenue measure. The burden declines as income rises. This is because a person's nutritional needs do not correlate with his income. For 1965, the average family with an income under $2,000 paid 2½ times the percentage of its income in sales tax than did the family earning over $15,000. See Table 2. It is clear from this that a tax on food is a tax on the poor people who spend a greater proportion of their income on food. The flat-rate State income tax can impose a major hardship on the poor. They may be paying the same percentage of their income to the State as the more well-to-do, but the amount represents a more significant bite out of their income. What makes it doubly significant is that it is the fastest growing of any of the local taxes.

The three bills I have introduced would provide financial incentives to the States to reform these tax structures. One would stimulate property tax rebates for low-income property owners and apartment dwellers. The second would stimulate State and localities to exempt food from the sales tax or provide a rebate to the poor for the payment of sales taxes on food. The third would encourage States to adopt standard deductions at least as liberal as those found in the Federal income tax.

In all three cases, the Federal Government would reimburse the State and localities for one-half the revenue lost on a formula basis. States which already have taken action to establish any of the reforms set forth in these bills would be eligible to receive the Federal compensation as well. If all three bills were adopted, payments to States and localities would run approximately $2 billion the first year of the program. I have introduced them separately to emphasize that each reform could be undertaken separately, taking into account the Federal resources available to finance them.

In order to bring the payment of the property tax more in line with the ability to pay principle, State governments should reimburse those property owners and renters forced to make an extraordinary tax contribution in relation to their limited income.

The point must be emphasized that an affluent society should be able to finance its public services without forcing low-income households through the property tax wringer. A model for State action can be found in Wisconsin's and Minnesota's plan calling on the State to reimburse those elderly homeowners and renters for that part of their property tax bill excessive in relation to household income. The results of this program in Wisconsin are suggested in table 3.

TABLE 3.—WISCONSIN'S "CIRCUIT BREAKER" SYSTEM FOR PROTECTING LOW INCOME HOUSEHOLDERS FROM PROPERTY TAX OVERLOAD SITUATIONS 1966

Household income class	Number of beneficiaries	Average household income	Average taxes before relief	Average taxes after relief	Percent of tax burden relieved	Tax burden before relief [1] (percent)	Tax burden after relief [1] (percent)
$0	146	$0	$210	$54	75	----------	----------
$1 to $499	1,373	302	174	47	73	58	16
$500 to $999	7,788	790	175	50	71	22	6
$1,000 to $1,499	13,947	1,259	199	98	51	16	8
$1,500 to $1,999	14,423	1,749	221	130	41	13	8
$2,000 to $2,499	11,274	2,232	239	166	31	11	8
$2,500 to $2,999	7,021	2,728	266	216	19	10	8
$3,000 to $3,500	3,317	3,200	284	269	5	9	8

[1] Tax burden is expressed as the percent of household income allocated to pay taxes before and after the relief program. Property taxes include rent paid in lieu of taxes.

Source: Wisconsin Department of Revenue—Kenneth E. Quindry and Billy D. Cook, "The Effects on Income Redistribution and Residential Property Tax Regressivity of the Wisconsin Homestead Relief Program—Its Antipoverty Role and Possible Extensions" (manuscript to be published).

H.R. 15301 would reimburse a State one-half of the cost incurred in extending aid to those homeowners and renters found to be carrying an extraordinary tax load in relation to their household income. If Wisconsin-type guidelines were broadened to cover all homeowners and renters, not just the elderly, Federal reimbursement costs would probably approximate $200 million assuming that all 50 States join this program.

In order to remove the regressive stinger from the sales tax, a State can exempt purchases of food for home consumption or tax them, or drugs, at a lower rate. This, unfortunately, is a costly approach. Such exemptions can cut sales tax collections by as much as 25 percent or more where tax enforcement is not effective. Another approach is to provide personal credits against the income tax for food and drugs sales tax payment with refunds for those persons whose income is either too low to take full advantage of the tax credit or below the income tax filing requirement. Indiana, for example, has a system where each person is granted an $8 sales tax credit. This figure is based on an "assumed" food and drug purchase of $400 for each person multiplied by Indiana's 2 percent for the year from which I am taking my data sales tax rate. Thus, a family of four is automatically entitled to a $32 reduction on its Indiana individual income tax or a cash refund of $32 if it has no State income tax liability.

A second approach which is even more sophisticated is the diminishing sales tax credit. Hawaii pioneered this approach in 1965 with its credits for consumer-type taxes ranging from $18 per qualified exemption for taxpayers having a income of less than $1,100 to $.45 per exemption for those with incomes of $6,-300 or more. This vanishing type of credit scores high from the standpoint of maximizing tax yield. See table 4 for an analysis of these various reforms and table 5 for a list of States with sales tax reforms.

TABLE 4.—ESTIMATED EFFECTIVE SALES TAX RATES FOR A 2-PERCENT SALES TAX UNDER ALTERNATIVE EXEMPTION PLANS, BY SELECTED INCOME CLASSES

Income class	Average family size	Average annual income after taxes	Alternative 1, no exemption		Alternative 2, exempting food [1]		Alternative 3, $6 credit per person		Alternative 4, diminishing credit [2]	
			Sales tax	Effective rate	Sales tax	Effective rate	Sales tax (after credit)	Effective rate	Sales tax (after credit)	Effective rate
Under $1,000	1.2	$704	$14.90	2.12	$9.76	1.39	$7.70	1.09	$2.90	0.41
$1,000 to $1,999	1.6	1,532	23.02	1.50	13.90	.91	13.42	.88	7.02	.46
$2,000 to $2,999	2.4	2,510	35.38	1.41	23.20	.92	20.98	.84	16.16	.64
$3,000 to $3,999	2.5	3,480	45.88	1.32	31.04	.89	30.88	.89	25.88	.74
$4,000 to $4,999	3.0	4,487	60.56	1.35	42.58	.95	42.56	.95	42.56	.95
$5,000 to $5,999	3.4	5,476	71.52	1.30	50.40	.92	51.12	.93	51.12	.93
$6,000 to $7,499	3.7	6,700	85.74	1.28	61.78	.92	63.54	.95	63.54	.95
$7,500 to $9,999	4.0	8,557	106.04	1.24	79.06	.92	82.04	.96	90.04	1.05
$10,000 to $14,999	4.3	11,510	134.68	1.17	104.56	.91	108.88	.95	126.08	1.09
$15,000 and over	3.7	21,567	199.02	0.92	158.42	.73	176.82	.82	199.02	.92

[1] Food prepared in the home.
[2] Diminishing credit per person equal to $10 if average annual income after taxes is less than $2,000; $8 if between $2,000 and $3,999; $6 between $4,000 and $7,499; $4 between $7,500 and $9,999; $2 between $10,000 and $14,999; no credit if income is $15,000 or over.

Source: Analysis of alternative sales tax exemption plans prepared for the Indiana Senate Finance Committee by Charles F. Bonser, resident director, Commission on State Tax and Financing Policy, Jan. 18, 1965.

TABLE 5.—STATE USE OF PERSONAL INCOME TAX CREDITS AND CASH REBATES TO MINIMIZE OR OFFSET THE REGRESSIVITY OF SALES AND PROPERTY TAXES [1]

State	Type of credit	Year adopted	Amount of credit	Law	Administrative procedure
Colorado	For sales tax paid on food.	1965	$7 per personal exemption (exclusive of age and blindness).	Ch. 138, art. 1, (secs. 138-1-18 and 138-1-19 added by H. B. 1119, laws 1965, effective June 1, 1965)	Credit to be claimed on income tax returns. For resident individuals without taxable income a refund will be granted on such forms or returns for refund as prescribed by the director of revenue.
Hawaii	For consumer-type taxes.	1965	Varies, based on income [2]	Ch. 121 (secs, 121-12-1 and 121-12-2 added by Act 155, laws 1965)	The director of taxation shall prepare and prescribe the appropriate form or forms to be used by taxpayers in filing claims for tax credits. The form shall be made an integral part of the individual net income tax return. In the event the sales tax credits exceed the amount of the income tax payments due, the excess of credits over payments due shall be refunded to the taxpayer.
Indiana	For sales tax paid on food.	1963	$8 per personal exemption (exclusive of age and blindness).	Ch. 50 (ch. 30, sec. 6d added by H. B. 1226, laws 1963, 1st special sess., effective April 20, 1963).	Credit to be claimed on income tax returns. If an individual is not otherwise required to file a return, he may obtain a refund by filing a return, completing such return insofar as may be applicable, and claiming such refund.
Iowa	For sales taxes paid.	1967	Varies, based on income [3]	Ch. 422 (sec. 18 added by H.B. 702, laws 1967).	Tax credit or refund to be claimed on income tax return. If an individual is not otherwise required to file a return, he may obtain a refund by furnishing the department of revenue with proof of his taxable income and the number of his personal exemptions.
Massachusetts	For consumer-type taxes.	1966	$4 for taxpayer, $4 for spouse, if any, and $8 for each qualified dependent.[4]	Ch. 62 (sec. 6b added by ch. 14, acts 1966).	Same as Indiana.
Minnesota	For senior citizen homestead relief.[5]	1967	Varies with income from 75 to 10 percent of property tax or equivalent rent not to exceed $300 (maximum credit $225).	Ch. 32 (H.B. 27) art VI	Tax credit or refund to be claimed on income tax return. Department of taxation shall make available a separate schedule for information necessary to administration of this section and the schedule shall be attached and filed with the income tax return. Cash refund granted if property tax credit exceeds State personal income tax liability.
	Tax relief for renters.	1967	3.75 percent of the total amount paid by claimant as rent, not to exceed $45.[6]	Ch. 32 (H.B. 27) art XVII	Same as above.
Nebraska	For sales tax paid on food.	1967	$7 per personal exemption (exclusive of age and blindness).	H.B. 377, laws 1967	Credit to be claimed on income tax returns. Refund will be allowed to the extent that credit exceeds income tax payable but no refund will be made for less than $2.
Wisconsin	For senior citizen homestead tax relief.	1963	Varies, based on income and amount of property tax or rental payment.	Ch. 71 (sec. 7109 (7) added by ch. 566 (A.B. 301) eff. June 10, 1964. ch. 580 (A.B. 907) repealed and recreated sec. 71. 09(7) effective Dec. 19, 1964.	Tax credit or refund to be claimed on income tax return. The department of taxation shall make available a separate schedule which shall call for the information necessary to administering this section and such schedule shall be attached to and filed with the Wisconsin income tax form. Cash refund granted if property tax credit exceeds State personal income tax due.

[1] If a taxpayer has no State personal income tax liability or a tax liability insufficient to absorb the entire credit (a negative tax credit situation) he is entitled to the appropriate cash refund. If the taxpayer's State personal liability is equal to or greater than the tax credit, his personal income tax liability is reduced by the amount of the credit (a positive tax credit situation).
[2] The credits for consumer-type taxes are based on "modified adjusted gross income" (regular taxable income plus exempt income such as social security benefits, life insurance proceeds, etc.) and range from $20 per qualified exemption for taxpayers having a modified adjusted gross income of less than $1,000 to $1 per exemption where such income is between $5,000 and $6,999.
[3] Ranges from $12 per qualified exemption for taxpayers having taxable income under $1,000 to 0 where such income is over $7,000.
[4] Credits are only allowed if total taxable income of taxpayer and spouse, if any, does not exceed $5,000 for the taxable year.
[5] All homeowners residing in their own homes are allowed a direct reduction of their property taxes due by means of the homestead property tax credit. This credit amounts to 35 percent of the tax levy, excluding the amount levied for bonded indebtedness, to a maximum credit of $250. Since senior citizen homeowners also receive this credit the amount of the homestead property tax credit must be applied against the amount of the senior citizen income tax credit claimed. Local governments are reimbursed for their tax loss from the State property tax relief fund.
[6] Elderly may choose this relief or senior citizen relief but not both.

H.R. 15302 would reimburse a sales tax jurisdiction—States and local governments—one-half of the amount of revenue currently foregone as a result of either exempting food purchases or making appropriate tax credit and refund adjustments. This "reward" approach would both strengthen the revenue position of those jurisdictions now exempting food and provide a powerful incentive to the other sales tax States to pull the regressive stinger from their State and local levies. If all 44 sales tax States had exempted food purchases, Federal reimbursement grants would have approximated $850 million in 1966.

TABLE 6.—HYPOTHETICAL FEDERAL PER CAPITA GRANT FOR STATE GENERAL SALES TAX EXEMPTION OR CREDIT FOR FOOD TAX PAYMENTS

[Dollar amounts in millions]

State	State general sales tax rate, Jan. 1, 1967 (percent)	State general sales tax collection, 1966	Estimated population, Dec. 31, 1965 [1]	Estimated cost of exempting food [2]	Grant (⅓ of exemption cost) Amount	Grant (⅓ of exemption cost) Percent of State general sales tax collection
19 States exempting or allowing a credit for food: [3]						
California (exempt)	3	$1,099.4	18,763,000	$168.9	$84.5	7.7
Colorado (credit)	3	98.7	1,973,000	17.8	8.9	9.0
Connecticut (exempt)	3.5	136.4	2,854,000	30.0	15.0	11.0
District of Columbia (food 1 percent)	3	42.3	804,500	7.2	3.6	8.5
Florida (exempt)	3	283.1	5,873,000	52.9	26.5	9.4
Hawaii (credit) [4]	4	93.5	714,500	8.6	4.3	4.6
Indiana (credit)	2	[5] 163.7	4,902,000	29.4	14.7	9.0
Maine (exempt)	4	52.3	988,000	11.9	6.0	11.5
Maryland (exempt)	3	127.3	3,567,000	32.1	16.1	12.6
Massachusetts (exempt)	3	[6] 16.5	5,366,000	48.3	24.2	(7)
Minnesota (exempt)	[8] 3		3,565,500	32.1	16.1	(7)
Nebraska (credit)	[9] 2.5		1,466,500	11.0	5.5	(7)
New Jersey (exempt)	[10] 3		6,836,500	61.5	30.8	(7)
New York (exempt)	2	[11] 298.4	18,166,500	109.0	54.5	[12] 16.7
Ohio (exempt)	3	354.2	10,276,000	92.5	46.3	13.1
Pennsylvania (exempt)	5	599.3	11,552,000	173.3	86.7	14.5
Rhode Island (exempt)	4	45.7	894,500	10.7	5.4	11.8
Texas (exempt)	2	240.8	10,652,000	63.9	32.0	13.3
Wisconsin (exempt)	3	92.1	4,153,000	37.4	18.7	20.3
Mean	3.1	3,743.7	113,367,500	998.5	499.3	[13] 10.8
Median	3.0					
26 States taxing food:						
Alabama	4	$166.7	$3,490,000	$41.9	$21.0	12.6
Arizona	3	96.2	1,613,500	14.5	7.3	7.6
Arkansas	3	84.4	1,957,500	17.6	8.8	10.4
Georgia	3	227.2	4,408,500	39.7	19.9	8.8
Idaho	3	28.4	693,000	6.2	3.1	10.9
Illinois	3.5	669.5	10,684,000	112.2	56.1	8.4
Iowa	2	114.0	2,753,500	16.5	8.3	7.3
Kansas	3	113.4	2,242,000	20.2	10.1	8.9
Kentucky	3	126.9	3,181,000	28.6	14.3	11.3
Louisiana	2	139.4	3,568,500	21.4	10.7	7.7
Michigan	4	657.7	8,297,000	99.6	49.8	7.6
Mississippi	3.5	121.0	2,324,500	24.4	12.2	10.1
Missouri	3	243.8	4,503,000	40.5	20.3	8.3
Nevada	2	23.4	447,000	2.7	1.4	6.0
New Mexico	3	67.0	1,025,500	9.2	4.6	6.9
North Carolina	3	188.2	4,957,000	44.6	22.3	11.8
North Dakota	2.5	23.6	651,000	4.4	2.2	9.3
Oklahoma	2	74.1	2,470,500	14.8	7.4	10.0
South Carolina	3	106.1	2,564,500	23.1	11.6	10.9
South Dakota	3	26.9	692,500	6.2	3.1	11.5
Tennessee	3	177.7	3,864,500	34.8	17.4	9.8
Utah	3	53.8	999,000	9.0	4.5	8.4
Virginia	[14] 2		4,481,500	26.9	13.5	(7)
Washington	4½	[6] 296.6	2,985,000	37.6	18.8	6.3
West Virginia	3	[5] 54.5	1,803,000	16.2	8.1	14.9
Wyoming	2½	18.6	334,500	2.5	1.3	7.0
Mean	2.9	3,899.1	76,991,500	715.3	357.7	[15] 8.8
Median	3.0					
Grand total (44 States (mean)	3.0	7,642.8	190,359,000	1,713.8	856.9	[16] 9.7

[1] Average of estimated population for July 1, 1965, and July 1, 1966 (excluding Armed Forces overseas).
[2] Based on an estimated cost of $3 per capita per year for each 1 percent of tax.
[3] Includes the District of Columbia which taxes food at 1 percent of (⅓ of the general sales tax rate).
[4] Assuming that Hawaii's diminishing type consumer tax credit meets the antiregressitivity objective of the proposed Federal sales tax grant.
[5] Excludes "business and occupation gross receipts taxes" in Indiana, Washington, and West Virginia.
[6] Partial year collections. Tax effective Apr. 1, 1966.
[7] New sales tax effective after beginning of fiscal year 1966, not available.
[8] New sales tax effective Aug. 1, 1967.
[9] New sales tax effective June 1, 1967.
[10] New sales tax effective July 1, 1966.
[11] Partial year collections. Tax effective Aug. 1, 1965.
[12] Based on estimated full year collections. Fiscal year 1966 collections increased by 9.1 percent.
[13] Average for the 13 States and the District of Columbia with full year collections.
[14] New sales tax effective Sept. 1, 1966.
[15] Average for the 25 States with full year collections.
[16] Average for the 38 States and the District of Columbia with full year collections.

A flat rate State income tax can be made progressive with a sufficient personal exemption. The size and nature of that personal exemption has an extremely important bearing on the productivity and incidence of an individual income tax. Since the personal exemptions in use today do not vary with size of income, they contribute to the progressiveness of the tax. A flat-rate income tax with personal exemptions is "progressive" as that concept is usually defined because with such a tax the yield-income ratio rises as income rises. Table 7 illustrates this principle. The 5-percent flat-rate income tax shown in the example is "diminishing-progressive" because the tax ratio—the "effective rate"—starts at zero and approaches—but never quite reaches—5 percent as income rises.

TABLE 7.—EFFECT OF A 5 PERCENT FLAT-RATE INCOME TAX WITH A $1,000 PERSONAL EXEMPTION ON THE TAX OWED BY A SINGLE TAXPAYER AT SELECTED INCOME LEVELS

Income	Personal exemption	Taxable income	Tax rate (percent)	Tax owed	Tax income ratio
$900	$1,000	[1] —$100	5	0	0.0000
$2,000	1,000	1,000	5	$50	.0250
$3,000	1,000	2,000	5	100	.0333
$5,000	1,000	4,000	5	200	.0400
$10,000	1,000	9,000	5	450	.0450
$20,000	1,000	19,000	5	950	.0475
$100,000	1,000	99,000	5	4,950	.0495

[1] Or zero.

H.R. 15303 would provide a direct Federal per capita grant to the State or local government for a personal exemption of at least $600 applied to the income tax. Just as the sales tax grant would reimburse a State one-half the cost of a food exemption, a $3 per capita income tax grant—for each 1 percent tax—would reimburse a jurisdiction one-half the cost of a $600 personal exemption.

TABLE 8.—HYPOTHETICAL FEDERAL PER CAPITA GRANT ADJUSTED FOR 1965 STATE PERSONAL INCOME TAX EFFORT

State	Estimated population, Dec. 31, 1965 [1] (thousands) (excluding Armed Forces overseas)	Basic grant Per capita	Basic grant Total (thousands) (before adjustment)	State personal income tax effort [2]	Total grant (adjusted) Amount (thousands)	Total grant (adjusted) As percent of 1966 State personal income tax collection
United States	194,837	$3	$584,513	3.0	$1,082.2	25.4
Alabama	3,490	3	10,470	1.9	19.9	37.3
Alaska	262	3	788	4.8	3.8	19.8
Arizona	1,613	3	4,841	1.4	6.8	31.3
Arkansas	1,957	3	5,873	2.2	12.9	47.1
California	18,763	3	56,289	1.6	90.1	19.8
Colorado	1,973	3	5,919	[3] 3.5	20.7	25.1
Connecticut	2,854	$3	$8,562	0	0	
Delaware	508	3	1,526	5.5	$8.4	16.8
District of Columbia	804	3	2,414	3.0	7.2	18.1
Florida	5,873	3	17,619	0	0	
Georgia	4,408	3	13,226	1.9	25.1	31.3
Hawaii	714	3	2,144	[3] 5.6	12.0	23.0
Idaho	693	3	2,079	4.4	9.1	31.2
Illinois	10,684	3	32,052	0	0	

Footnotes at end of table.

TABLE 8.—HYPOTHETICAL FEDERAL PER CAPITA GRANT ADJUSTED FOR 1965 STATE PERSONAL INCOME TAX EFFORT—Continued

State	Estimated population, Dec. 31, 1965 [1] (thousands) (excluding Armed Forces overseas)	Basic grant		State personal income tax effort [2]	Total grant (adjusted)	
		Per capita	Total (thousands) (before adjustment)		Amount (thousands)	As percent of 1966 State personal income tax collection
Indiana	4,902	$3	$14,706	[3] 2.7	$39.7	22.2
Iowa	2,753	3	8,261	2.7	22.3	25.7
Kansas	2,242	3	6,726	3.0	20.2	27.7
Kentucky	3,181	3	9,543	2.6	24.8	35.6
Louisiana	3,568	3	10,706	1.0	10.7	35.1
Maine	988	3	2,964	0	0	
Maryland	3,567	3	10,701	2.7	28.9	18.1
Massachusetts	5,366	3	16,098	[3] 3.2	51.5	19.7
Michigan	8,297	3	24,891	[4] 2.2	54.8	[5]
Minnesota	3,565	3	10,697	5.4	57.8	26.1
Mississippi	2,324	3	6,974	.8	5.6	57.7
Missouri	4,503	3	13,509	1.5	20.3	24.7
Montana	704	3	2,112	2.9	6.1	28.9
Nebraska	1,466	3	4,400	[5] (3.0)	13.2	[5]
Nevada	447	3	1,341	0	0	
New Hampshire	675	3	2,025	0	0	
New Jersey	6,836	3	20,510	0	0	
New Mexico	1,025	3	3,077	1.4	4.3	32.3
New York	18,166	3	54,500	4.3	234.4	18.4
North Carolina	4,957	$3	$14,871	3.9	$58.0	35.1
North Dakota	651	3	1,953	1.7	3.3	35.9
Ohio	10,276	3	30,828	0	0	
Oklahoma	2,470	3	7,412	1.3	9.6	31.7
Oregon	1,927	3	5,783	5.9	34.1	23.1
Pennsylvania	11,552	3	34,656	0	0	
Rhode Island	894	3	2,684	0	0	
South Carolina	2,564	3	7,694	2.8	21.5	40.6
South Dakota	692	3	2,078	0	0	
Tennessee	3,864	3	11,594	0	0	
Texas	10,652	3	31,956	0	0	
Utah	999	3	2,997	3.9	11.7	30.8
Vermont	401	3	1,203	5.5	6.6	30.6
Virginia	4,481	3	13,445	3.3	44.4	26.9
Washington	2,985	3	8,955	0	0	
West Virginia	1,803	3	5,409	1.4	7.6	32.1
Wisconsin	4,153	3	12,459	6.0	74.8	23.4
Wyoming	334	3	1,004	0	0	

[1] Average of estimated population for July 1, 1965, and July 1, 1966.
[2] Effort is defined as State personal income tax collections in 1966 as a percent of Federal taxable income in 1965, X100.
[3] Effort based on actual State collections adjusted upward to account for State sales tax credit.
[4] Based on an estimate of $290,000,000 ("gross" income tax liability before deducting property and municipal income tax credits) related to 1965 Federal taxable income.
[5] New State income tax. No collections fiscal year 1966. The tax effort figure used for Nebraska is the U.S. average.

These proposed Federal reimbursement grants are designed to help those States that help themselves, or to be more specific, to reward those States that are willing to go the extra mile in constructing an equitable and productive revenue system. For example, in 1966 the State of Wisconsin spent approximately $5 million granting relief to homeowners found to be carrying extraordinary property tax burdens in relation to their income. That State also exempted food purchases from its retail sales tax and made relatively intensive use of the personal income tax. Thus, under this reimbursement plan, Wisconsin for that year would receive $2.5 million for its property tax effort, $18.7 million as sales tax reimbursement—table 6, and $74.8 million—table 8—for its income tax effort—or a reimbursement total of approximately $95 million to be used for programs to benefit low-income persons.

By contrast, its neighbor Illinois would receive nothing, because in 1966, Illinois made no effort to help those property owners carrying extraordinary burden. It did not exempt food from its 3.5 percent State sales tax, nor did it impose a personal income tax. There is every reason to believe, however, that Illinois would be encouraged by these plans to exempt food and impose a personal income tax.

To put the matter more sharply, while tax sharing arrangements would tend to reduce the pressure on States to "shape up" their revenue systems, these reimbursement grants would hurry State tax reform efforts along.

It should also be noted that these reimbursement grants could help local governments in general and the big cities in particular. New York City, for example, exempts food from its 3 percent sales tax and imposes an individual income tax with personal exemptions. New York City, therefore, should be entitled to a sales tax reimbursement estimated at approximately $35 million and a per capita income tax grant of approximately $40 million. This type of direct Federal grant to cities could be made while avoiding the trauma involved in devising a Federal revenue sharing plan with a local "pass-through" provision.

The text of the three bills follows:

H.R. 15301

A bill to encourage State and local governments to reform their tax systems so as to decrease the property tax burden of low-income taxpayers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Property Tax Reform Act of 1970".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) State.—The term "State" means a State or the District of Columbia.

(2) The term "jurisdiction" means a State or political subdivision of a State.

(3) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(4) Qualifying Personal Income Tax.—The term "qualifying personal income tax" means an income tax imposed on individuals which—

(A) (i) allows as a deduction in determining taxable income personal exemptions for the taxpayer, his spouse (unless she files a separate return), and his dependents, and provides an aggregate deduction in the case of a return on which personal exemptions are claimed for taxpayer, spouse, and two dependents of at least $2,400,

(ii) provides for computation of tax by means of tables which are designed to impose amounts of tax equivalent to the amount of tax which would be imposed if deductions for personal exemptions were allowed in accordance with clause (i), or

(iii) allows as a credit against tax, personal exemption credits for the taxpayer, his spouse (unless she files a separate return), and dependents, and provides for an aggregate credit in the case of a return on which a personal exemption is claimed for the taxpayer, his spouse, and two dependents, in an amount not less than the tax imposed (in absence of the credit) on the first $2,400 of taxable income, and

(B) does not limit the number of personal exemptions allowed on account of dependents who are children of the taxpayer.

SEC. 3. REIMBURSEMENT TO JURISDICTIONS PROVIDING PROPERTY TAX RELIEF TO LOW-INCOME TAXPAYERS.

(a) Entitlement to Reimbursement.—If the Secretary determines that a jurisdiction has established a qualifying property tax relief program which meets the requirements of subsection (b) and that such jurisdiction will expend the proceeds of any reimbursement to which it is entitled under this section for the purposes specified in section 4, then the Secretary shall reimburse such jurisdiction under subsection (c) for a portion of its revenue loss in each fiscal year arising out of the operation of such program.

(b) Qualifying Property Tax Relief Program.—For purposes of this section—

(1) Definition.—The term "qualifying property tax relief program" means—

(A) a program established by a State by law which provides for credit against income taxes imposed by a jurisdiction in such State, or a cash rebate, or both, or

(B) a program established by a jurisdiction (other than a State) which provides for credit against a qualifying personal income tax imposed by such jurisdiction,

to low-income households in such State or jurisdiction, the direct or indirect property tax burden of which is considered by such State or jurisdiction to be extraordinary in relation to the income of such household. Under such a program, no household's direct and indirect property tax burden may be considered extraordinary in relation to its income unless its income does not exceed $1,000, or unless such tax burden exceeds 5 percent of its income. Such a program may provide that only households a principal member of which has attained the age of 65 are eligible for benefits under the State's program.

(2) Income limitations.—The program must establish income limitations for households considered to be low-income households, but in establishing such limitation it may not include any household which ranks above the lowest quartile in income in the jurisdiction.

(3) Direct and indirect property tax burden.—The term "direct and indirect property tax burden" means (A) real property taxes imposed on the principal residence of a household, if such residence is owned (and such taxes are paid) by a member of the household; or (B) if such residence is not owned by a member of such household, 25 percent of any rental paid with respect to such residence.

(4) Household; household income.—The membership of a household, and the income of a household shall be determined under the law of the jurisdiction which receives reimbursement, but the income of a household must include wage and salary disbursements, other labor income, proprietors' and rental income, interest and dividends, and transfer payments.

(c) Amount of Reimbursement.—The Secretary shall pay for each fiscal year to each jurisdiction which has a qualifying property tax relief program an amount equal to the lesser of—

(1) 50 percent of the revenue foregone by such jurisdiction during such fiscal year by reason of the operation of such program, or

(2) 2 percent (1 percent in the case of a program limited to households the principal member of which has attained the age of 65) of the aggregate amount of real property taxes collected by such jurisdiction and the political subdivisions (if any) of such jurisdiction during such fiscal year.

In determining revenue loss for purposes of paragraph (1), any revenue loss attributable to a credit or a rebate (or both) to any household in a fiscal year in excess of $500 shall be disregarded.

SEC. 4. USE OF PROCEEDS.

(a) Programs Benefiting Low-Income Residents.—The Secretary may pay a jurisdiction the amount to which it is entitled under section 3 for a fiscal year only if he receives assurances from such jurisdiction that such amount will be used for programs which the Secretary determines (in accordance with regulations prescribed by him after consultation with the Secretaries of Health, Education, and Welfare and of Housing and Urban Development and with the Director of the Office of Economic Opportunity) benefit the low-income residents of such jurisdiction.

(b) Pass-Through Requirement.—If a jurisdiction collects a tax with respect to which reimbursement is made under this Act, and if a portion of such tax is required to be transferred by the jurisdiction to another jurisdiction, the Secretary shall by regulation require that such portion of such reimbursement as he determines to be equitable to be transferred to such other jurisdiction.

SEC. 5. ADMINISTRATION.

(a) Application, Etc.—

(1) A jurisdiction which desires to receive payment under this Act for a fiscal year shall make an application therefor at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation. Payment may be made to a jurisdiction only if its application for payment is approved by the Secretary. The Secretary may not finally disapprove any application submitted under this Act, or any modification thereof, without first affording the jurisdiction submitting the application reasonable notice and opportunity for a hearing.

(2) Whenever the Secretary, after reasonable notice and opportunity for a hearing to a jurisdiction which is receiving reimbursement under section 3, finds that—

(A) such jurisdiction no longer has a qualifying property tax relief program, or

(B) the proceeds of such reimbursement are not used in the manner provided by section 4,

the Secretary shall notify such jurisdiction that it will not be eligible to participate in the program under this Act until he is satisfied that the jurisdiction has a qualifying property tax relief program or will use the proceeds of the reimbursement under section 3 in the manner provided in section 4, as the case may be.

(b) Judicial Review.—

(1) If any jurisdiction is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under subsection (a)(1) or with his final action under subsection (a)(2), such jurisdiction may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the jurisdiction is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(c) Payment.—Payment of an amount to which a jurisdiction is entitled for a fiscal year shall be made at such time after the close of the fiscal year as the Secretary shall prescribe by regulation.

(d) Fiscal Year.—For purposes of determining eligibility for, and the amount of, assistance provided a jurisdiction under this Act, any reference in this Act to "fiscal year" shall be considered to be a reference to the annual accounting period of such jurisdiction.

SEC. 6. EFFECTIVE DATE.

Payment may be made under this Act with respect to fiscal years beginning after the date of enactment of this Act.

H.R. 15302

A bill to encourage State and local governments to reform their tax systems so as to decrease the sales tax burden of low-income taxpayers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Sales Tax Reform Act of 1970".

SEC. 2. DEFINITIONS

For purposes of this Act:

(1) State.—The term "State" means a State or the District of Columbia.

(2) The term "jurisdiction" means a State or political subdivision of a State.

(3) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(4) Qualifying Personal Income Tax.—The term "qualifying personal income tax" means an income tax imposed on individuals which—

(A)(i) allows as a deduction in determining taxable income personal exemptions for the taxpayer, his spouse (unless she files a separate return), and his dependents, and provides an aggregate deduction in the case of a return on which personal exemptions are claimed for taxpayer, spouse, and two dependents of at least $2,400,

(ii) provides for computation of tax by means of tables which are designed to impose amounts of tax equivalent to the amount of tax which would be imposed if deductions for personal exemptions were allowed in accordance with clause (1), or

(iii) allows as a credit against tax, personal exemption credits for the taxpayer, his spouse (unless she files a separate return), and dependents, and provides for an aggregate credit in the case of a return on which a personal exemption is claimed for the taxpayer, his spouse, and two dependents, in an amount not less than the tax imposed (in absence of the credit) on the first $2,400 of taxable income, and

(B) does not limit the number of personal exemptions allowed on account of dependents who are children of the taxpayer.

SEC. 3. REIMBURSEMENT TO JURISDICTIONS PROVIDING CERTAIN SALES TAX RELIEF.

(a) Entitlement to Reimbursement.—If the Secretary determines that a jurisdiction collects a retail sales tax, that such jurisdiction affords sales tax relief for a fiscal year in accordance with subsection (b), and that such jurisdiction will expend the proceeds of any reimbursement to which it is entitled under this section for the purposes specified in section 4, then the Secretary shall reimburse such jurisdiction under subsection (c) for a portion of its revenue loss in such fiscal year arising out of the operation of such program.

(b) Sales Tax Relief Requirements.—

(1) In general.—In order for a jurisdiction to receive reimbursement for a fiscal year under this section, such jurisdiction must—

(A) collect no sales tax on food or collect a sales tax on food at a rate lower than the rate on other items, or

(B) collect a qualifying personal income tax (as defined in section 2(5)) under which there is allowable (i) a credit (in addition to any allowable credit which satisfies the personal exemption requirement under section 2(5)(B)), (ii) a cash rebate, or (iii) both such a credit and rebate, to each low income individual in such jurisdiction in an amount not less than the product of $300 times the jurisdiction's food sales tax rate times the number of personal exemptions allowed the taxpayer for himself, his spouse, and his dependents, or

(C) in the case of a jurisdiction which does not collect a qualifying personal income tax, allow a cash rebate to each low income individual in such jurisdiction, in an amount not less than the product of $300 times the jurisdiction's food sales tax rate times the number of persons in such individual's family (including such individual, his spouse, and his dependents) who do not claim rebates on their account.

(2) Low-income taxpayer.—For purposes of this section, a jurisdiction must establish income limitations for individuals considered to be low-income individuals. In establishing such limitation the jurisdiction may not include any individual whose income ranks above the lowest quartile in income in the jurisdiction.

(3) Amount of income.—The income of an individual shall be determined under the law of the jurisdiction which receives reimbursement. The income of an individual must include wage and salary disbursements, other labor income, proprietors' and rental income, interest and dividends, and transfer payments.

(c) Amount of Reimbursement.—The Secretary shall pay each fiscal year to each jurisdiction—

(1) which is entitled to reimbursement by reason of subsection (b)(2)(A) for such fiscal year an amount equal to the product of the population of such taxing jurisdiction times $150 times the adjusted sales tax rate for such jurisdiction,

(2) which is entitled to reimbursement by reason of subsection (b)(2)(B) for such fiscal year an amount equal to one-half of the revenue foregone by such jurisdiction by reason of the operation of the provision described in such subsection.

(3) which is entitled to reimbursement by reason of both such subsections an amount equal to the sum of the amounts determined under paragraph (1) and paragraph (2), and

(4) which is entitled to reimbursement under subsection (b)(2)(C) an amount equal to 50 percent of the cost of providing cash rebates.

For purposes of paragraph (1), the adjusted sales tax rate for a jurisdiction is the general sales tax rate for such jurisdiction less the food sales tax rate (if any) for such jurisdiction.

SEC. 4. USE OF PROCEEDS.

(a) Programs Benefiting Low-Income Residents.—The Secretary may pay a jurisdiction the amount to which it is entitled under section 3 for a fiscal year only if he receives assurances from such jurisdiction that such amount will be used for programs which the Secretary determines (in accordance with regulations prescribed by him after consultation with the Secretaries of Health, Education, and Welfare and of Housing and Urban Development and with the Director of the Office of Economic Opportunity) benefit the low-income residents of such jurisdiction.

(b) Pass-Through Requirement.—If a taxing jurisdiction collects a tax with respect to which reimbursement is made under this Act, and if a portion of such tax is required to be transferred by the taxing jurisdiction to another taxing jurisdiction, the Secretary shall by regulation require that such portion of such reimbursement as he determines to be equitable to be transferred to such other jurisdiction.

SEC. 5. ADMINISTRATION.

(a) Application, Etc.—

(1) A jurisdiction which desires to receive payment under this Act for a fiscal year shall make an application therefor at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation. Payment may be made to a jurisdiction only if its application for payment is approved by the Secretary. The Secretary may not finally disapprove any application submitted under this Act, or any modification thereof, without first affording the jurisdiction submitting the application reasonable notice and opportunity for a hearing.

(2) Whenever the Secretary, after reasonable notice and opportunity for a hearing to a jurisdiction which is receiving reimbursement under section 3, finds that—

(A) such jurisdiction no longer has a sales tax relief program which meets the requirements of section 3(b), or

(B) the proceeds of such reimbursement are not used in the manner provided by section 4,

the Secretary shall notify such jurisdiction that it will not be eligible to participate in the program under this Act until he is satisfied that the jurisdiction has a sales tax relief program which meets the requirements of section 3(b) or will use the proceeds of its reimbursement under section 3 in the manner provided in section 4 (as the case may be).

(b) Judicial Review.—

(1) If any jurisdiction is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under subsection (a)(1) or with his final action under subsection (a)(2), such jurisdiction may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the jurisdiction is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(c) Payment.—Payment of an amount to which a jurisdiction is entitled for a fiscal year shall be made at such time after the close of the fiscal year as the Secretary shall prescribe by regulation.

(d) Fiscal Year.—For purposes of determining eligibility for, and the amount of, assistance provided a jurisdiction under this Act, any reference in this Act to "fiscal year" shall be considered to be a reference to the annual accounting period of such jurisdiction.

SEC. 6. EFFECTIVE DATE.

Payment may be made under this Act with respect to fiscal years beginning after the date of enactment of this Act.

H.R. 15303

A bill to encourage State and local governments to adopt more equitable personal income taxes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Income Tax Reform Act of 1970."

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) State.—The term "State" means a State or the District of Columbia.

(2) The term "jurisdiction" means a State or political subdivision of a State.

(3) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(4) Qualifying Personal Income Tax.—The term "qualifying personal income tax" means an income tax imposed on individuals which—

(A)(i) allows as a deduction in determining taxable income personal exemptions for the taxpayer, his spouse (unless she files a separate return), and his dependents, and provides an aggregate deduction in the case of a return on which personal exemptions are claimed for taxpayer, spouse, and two dependents of at least $2,400,

(ii) provides for computation of tax by means of tables which are designed to impose amounts of tax equivalent to the amount of tax which would be imposed if deductions for personal exemptions were allowed in accordance with clause (i), or

(iii) allows as a credit against tax, personal exemption credits for the taxpayer, his spouse (unless she files a separate return), and dependents, and provides for an aggregate credit in the case of a return on which a personal exemption is claimed for the taxpayer, his spouse, and two dependents, in an amount not less than the tax imposed (in absence of the credit) on the first $2,400 of taxable income, and

(B) does not limit the number of personal exemptions allowed on account of dependents who are children of the taxpayer.

SEC. 3. PERSONAL INCOME TAX EFFORT GRANTS TO TAXING JURISDICTIONS.

(a) Entitlement to and Amount of Grant.—Subject to section 4, if a jurisdiction collects a qualifying personal income tax (as defined in section 2(4)) for a fiscal year, the Secretary shall pay to such jurisdiction an amount for such year equal to the product of the population of such jurisdiction times $3.00 times the personal income tax effort index.

(b) Personal Income Tax Effort Index.—For purposes of this section, the personal income tax effort index of a taxing jurisdiction is a number equal to 100 times the aggregate amount collected by such taxing jurisdiction under its personal income tax, divided by the aggregate adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1954) of the individuals residing in such taxing jurisdiction.

SEC. 4. USE OF PROCEEDS.

(a) Programs Benefiting Low-Income Residents.—The Secretary may pay a jurisdiction the amount to which it is entitled under section 3 for a fiscal year only if he receives assurances from such jurisdiction that such amount will be used for programs which the Secretary determines (in accordance with regulations prescribed by him after consultation with the Secretaries of Health, Education, and Welfare and of Housing and Urban Development and with the Director of the Office of Economic Opportunity) benefit the low-income residents of such jurisdiction.

(b) Pass-Through Requirement.—If a jurisdiction collects a tax with respect to which a grant is made under this Act, and if a portion of such tax is required to be transferred by the jurisdiction to another jurisdiction, the Secretary shall by regulation require that such portion of such grant as he determines to be equitable to be transferred to such other jurisdiction.

SEC. 5. ADMINISTRATION.

(a) Application, Etc.—

(1) A jurisdiction which desires to receive payment under this Act for a fiscal year shall make an application therefor at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation. Payment may be made to a jurisdiction only if its application for payment is approved by the Secretary. The Secretary may not finally disapprove any application submitted under this Act, or any modification thereof, without first affording the jurisdiction submitting the application reasonable notice and opportunity for a hearing.

(2) Whenever the Secretary, after reasonable notice and opportunity for a hearing to a jurisdiction which is receiving a grant under section 3, finds that—

(A) such jurisdiction no longer has a qualifying personal income tax which meets the requirements of section 2(4), or

(B) the proceeds of such grant are not used in the manner provided by section 4,

the Secretary shall notify such jurisdiction that it will not be eligible to participate in the program under this Act until he is satisfied that the jurisdiction has a qualifying personal income tax which meets the requirements of section 2(4) or will use the proceeds of its grant under section 3 in the manner provided in section 4 (as the case may be).

(b) Judicial Review.—

(1) If any jurisdiction is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under subsection (a)(1) or with his final action under subsection (a)(2), such jurisdiction may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the jurisdiction is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of facts by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new

or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(c) Payments.—Payment of an amount to which a jurisdiction is entitled for a fiscal year shall be made at such time after the close of the fiscal year as the Secretary shall prescribe by regulation.

(d) Fiscal Year.—For purposes of determining eligibility for, and the amount of, assistance provided a jurisdiction under this Act, any reference in this Act to "fiscal year" shall be considered to be a reference to the annual accounting period of such jurisdiction.

SEC. 6. EFFECTIVE DATE.

Payment may be made under this Act with respect to fiscal years beginning after the date of enactment of this Act.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, in 1968 per capita income was $4,278 for each U.S. citizen, the highest figure for any major country in the world. The next highest was Sweden's $3,130.

SUBVERSIVE INFILTRATION OF ARMED FORCES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, in previous remarks I have alluded to the obvious infiltration of our Armed Forces by subversives, and have suggested that either the Committee on Internal Security or the Committee on Armed Services conduct appropriate inquiries into this vital question.

Dr. Fred Schwarz, of the Christian Anti-Communist Crusade, has performed another of his great services to freedom by making available to the American people the text of remarks by Andy Stapp, of the subversive "American Servicemen's Union" before a Black Panther conference in Oakland, Calif. Dr. Schwarz has also correctly related this particular type of subversion to that which occurred in the Armed Forces of both Germany and Russia in the last days of World War I, as an essential part of the Bolshevik revolution in both nations.

I call to the attention of our colleagues the mounting of a well financed campaign to discredit those who are loyal to our country and faithful to their oath in the military service. Such is the explantation of both the Mylai propaganda and the previous attack on the Green Beret officers.

I also call to the attention of our colleagues the Communist history of David Rein, the local attorney representing Roger Priest in the naval court-martial case, and to the obvious security problem which this involves.

I include Dr. Schwarz' December 1 bulletin as part of my remarks:

COMMUNIST INFILTRATION OF THE MILITARY

Infiltration and subversion of the military forces are regarded by the communists as essential for a successful revolution. It was the Bolshevik infiltration of the Russian army which enabled Lenin and his cohorts to seize power in Russia.

Ominous progress has been made recently by the communists in their efforts to infiltrate the United States armed forces. They are operating through an organization called the "'American Servicemens Union" whose chairman is Andy Stapp. Stapp made a speech at the Conference for a United Front Against Fascism called and conducted by the Black Panthers in Oakland, California, July 18–20, 1969.

During this speech Stapp 1) associated the American Servicemens Union with the North Korean Communists and all communist enemies of the United States. This is the practical application of the communist doctrine of Proletarian Internationalism; 2) claimed that the present American Government is fascist; 3) boasted that the American Servicemens Union has chapters on 60 large military installations in the United States and 40 overseas; 4) exulted over numerous rebellions that have taken place at American bases on Long Binh, DaNang, Ft. Bragg, and Ft. Dix; 5) stated the tactics of the ASU were modeled on the tactics of the Bolsheviks within Russia; 6) emphasized the major objective was to foment strife between the officers and the GI's; 7) bragged that they were going to unite with the Black Panthers for a violent revolution.

The text of his speech is as follows:

"I am going to run down tonight about the GI revolt and rebellion that has been going on in the U.S. army in the last year and the organizing drives that we are undertaking. But before I do that, I've got something real important here.

"The Korean people have asked the American Servicemens Union to send their greetings to the revolutionary young people in America, and they sent us a letter which I am going to read. I can't think of a better place to read it than here where we are fighting the same kind of fascism that the Koreans have been faced with for 20 years in the U.S.-supported puppet government of South Korea. Here's the letter:

" 'Dear Andy: We plan to print an article on American GI's used as policemen against hungry South Korean workers. Your contributions will be of great service to deepening the friendly ties between the peoples of Korea and America, and become a big blow to the U.S. imperialist aggressors. Our thinking is that the ASU and Peoples Korea will combine efforts in chopping the head off U.S. imperialism and tearing its limbs in concert with the revolutionary people the world over. You will readily agree with us in this respect, I believe. Right On! The 40,000,000 Korean people led by Marshall Kim il Sung, the great leader of the revolution, firmly stand behind the American people in mutilating the U.S. ruling circle, wholly supporting the ASU. You will find enclosed copies of the words of Marshall Kim il Sung.

" 'The Democratic Peoples Republic of Korea is the banner of independence and freedom of our people and also a powerful weapon of building socialism and communism, and the great anti-imperialist revolutionary cause of Asian, African and Latin American peoples is invincible. You will find it interesting, I am sure, if you will kindly contribute an article on the anti-imperialist, anti-U.S. strategy and tactics of Marshal Kim il Sung, dealt with in the aforementioned work of Peoples Korea for worldwide publication. It will be translated into Korean, Japanese, Russian, Chinese, Spanish, Arabian, as well as English.

" 'Your contributions will greatly encourage the Korean people in their struggle to achieve an independent, peaceful unification of the Fatherland, accomplishing the complete victory of socialism and communism, and defending world peace, and will contribute toward the strengthening of the anti-imperialist, anti-U.S. joint action, and deepening the friendly relations between the Korean and the American people. You may kindly inform members of your ASU of the Korean people and their leader, Marshal Kim il Sung. Thank you very much in anticipation. Our militant greetings to members of the American Servicemens Union and the American people through the ASU chairman and its members.

" 'Sincerely yours, (signed) Jen Yong, Editor-in-Chief of the Peoples Korea.'

"Well, the Koreans have known about fascism for a long time—first the Japanese Fascists, then the U.S. imperialists who brought fascism to their country in 1945 and murdered millions of them in the Korean war, and now in the United States itself and around the world the troops of the U.S. imperialist army are also learning how to fight against fascism, the same fascism that the Koreans are fighting against. The ASU is playing a leading role in this fight, in this organizing drive. *We have chapters of the American Servicemens Union on 60 large military installations in the United States and 40 overseas.* And these guys know what repression is—we have more than 150 union brothers in the stockade now. *Just as the Bolshevik Party organized through the Soviets in 1917 against the Czar and the oppression in Russia, the American Servicemens Union is organizing Soviets within the U.S. imperialist army.*

"Now by organizing, we mean organizing against white racism, and we are organizing against the imperialist war. Concretely, if you are organizing against white racism and against imperialist war, that means you are organizing against the officer class. In reality, that's what it means, that you are organizing against the officers. Because when a GI, who is a member of the American Servicemens Union, refuses to fight in Korea or go to Vietnam, or go to Chicago like some of the black guys did last summer during the Democratic National Convention, it means that you are going to come into a head-on conflict with the brass, and this is the primary contradiction within the army right now between the enlisted personnel and the officers.

Who are these army officers? Well, it's the same as the class contradictions within American society at large. The officers are just the bosses. They come from the upper middle class; and those who don't come from the ruling class, cross lines and join it. This clique of officers (less than one-sixth of the army) dominates it now and sets the tone for the army. This was recognized very well, I thought, in the Weatherman proposal, which pointed out that army officers are the class enemy. This is something that the American Servicemens Union has been organizing around for two years. The most important thing now in the U.S. Army is for guys to be able to get together and stand up against these officers, and not stand at rigid attention and feel that they have to button all their buttons and salute and stammer out 'Sir', 'Yes sir', and 'No sir', but to get together and say, 'Listen you ———, we are demanding our rights and that includes the right to get rid of you.' And what I am saying about officers in the U.S. imperialist army has been true of every capitalist army.

"I am sure many of you have seen the film, The Potemkin, about the revolt in the Russian fleet in the Black Sea in 1905 when

the rank and file sailors rose up against their officers; and their demand, which was simply a demand for food that didn't have worms in it, ultimately, through the leadership of the Bolsheviks, led to a proletarian revolution in that country; and it started with the rank and file guys standing up against the officers.

"We got a case right now of an ASU GI, named Roger Priest, who was distributing Black Panther Party literature, and also distributed this handbill and it showed a picture of Wheeler, and above it said, 'Does this pig speak for you?' and because Roger did that, he faces 36 years in prison for sedition, treason, trying to overthrow the government, and all kinds of ——— disrespect for General Wheeler, etc. And that's where the contradiction is, just for simply putting out this leaflet. We've had ASU GI's put out a leaflet over a year ago saying the guys had a right to get together and make demands on the officers. These guys were sentenced to three years in prison each, on a disloyalty charge, meaning they were disloyal to the officer class.

"I'm not going to take up a lot of time tonight talking about all the rebellions that have been taking place in Long Binh and DaNang and Fort Bragg, rebellions out of Fort Dix—every one of them has had an anti-officer basis. At Fort Dix they kept the guys without water after keeping them standing in the sun for hours and hours inside the stockade; then they tried to deny them water, and the guys rose up in a mass rebellion inside the stockade; and out of this, four members of the American Servicemens Union are facing very heavy charges on that. There are other guys also facing heavy charges, and it was an anti-officer rebellion.

"There are elements trying to work with GI's now that have a phony line that you can organize army officers—that the oppressor and the oppressed should both be organized by the revolutionaries. It's like saying you should organize the bosses. We consider this to be counterrevolutionary. This is a counterrevolutionary line. The only line that is going to lead to victory and revolution is a proletarian line in the army. That means organizing against the officers.

"Now it was a long time ago that Marx pointed out something so true, and that is that the state, stripped of all the ———, all the parliaments and the congress and all that ———, stripped of all that, the State is nothing but organized violence. Lenin called the congress a 'talk shop'. Nothing is really decided there. It's the pigs, the cops, who decide things; and it's the army, that's where the State really is, and the army is a State on wheels. That's where the power of U.S. imperialism is—it's in the U.S. Army because even the ——— civilian pigs—there are those cops who run so ——— fast when the GI's turn on them. They are going to be burning their uniforms.

"The real power is in the three million-man army. Now the Pentagon is where this fascism is. It's a snake pit of fascism—just like the pig department. Now, just as the Pentagon is the breeding ground of fascism, the bourgeoisie know that you can't have a fascist dictatorship unless they've got the army completely under their thumb. And they know that whoever can command the allegiance of the rank and file troops, that command is going to be decisive in revolution or counterrevolution, and right now the American Servicemens Union is building an army within an army, a workers' militia inside the U.S. army, and along with the Panthers and others we are going to make that revolution. Power of the people!"

Historically, successful infiltration of the military has signified an advanced stage of the communist revolutionary process. It is difficult to exaggerate the present danger. There is cause for concern and even alarm, but panic must be avoided. The laws must be strengthened where this is necessary and applied meticulously to preserve internal peace.

AIDING CZECHOSLOVAK REFUGEES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I have been greatly concerned about the plight of Czechoslovak refugees since the Russian invasion of 1969 which caused so many of them to flee from their homeland.

I have proposed through House Concurrent Resolution 457 that the President take steps to ease the plight of these refugees both by action and by expressing the national policy in his position as Chief Executive.

A more specific type of help has recently been demonstrated in my own congressional district at the Cheshire, Conn., plant of the Waterbury Farrel Manufacturing Co. where six Czechoslovak refugees have been enlisted for a training program in which the company has cooperated with the American Fund for Czechoslovakian Refugees. The company hopes to expand the program to 25 refugees in the near future and 30 to 60 eventually.

To receive these men and to make a place for them in our affluent society constitutes citizenship at the highest level. I am proud of this action and I include herewith a laudatory editorial from the New Haven Register which appropriately compliments all concerned:

A BETTER LIFE FOR SOME CZECHS

There is something that Americans can do to ease the frustration felt by their inability to free Czechoslovakia from the grip of Soviet Union oppression. While the threat of nuclear war does not enable the U.S. to liberate the enslaved nation, there is an opportunity to help those Czechoslovakians who have left their homeland in quest of freedom.

At the Cheshire plant of the Waterbury Farrel Manufacturing Company, six Czechoslovakian refugees are seeking fulfillment of the promises that went down the drain with the inflexible socialism. And there are at least 20,000 other refugees waiting in Austria for a place where they can build a new life.

The six refugees came to Waterbury Farrel under a training program which has seen the company co-operating with the American Fund for Czechoslovakian Refugees. The company hopes to expand the program to at least 25 refugees in the near future and 30 to 60 eventually. The only requirement involved in placement is provision of adequate housing and good environment.

This is a program that could work to the mutual advantage of the refugee and the company that trains them. Many of the trainees are skilled in trades pursued in their homeland, which boasted a thriving economy before Communist red tape destroyed initiative.

Their lives were risked by those Czechoslovakians who chose to start anew far from their native land rather than endure a circumscribed existence. Their faith in democracy deserves the kind of generous response that has made America a symbol of hope.

THE NICKEL PROBLEM

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on behalf of many small manufacturers in my district I want to express my gratification over the announcement of the release of 20 million pounds of nickel from the Government stockpile. A short time ago we were able to obtain 4,500 tons of nickel from the Treasury Department and this of course had provided some relief from the critical shortages created by the Canadian strikes.

The Office of Emergency Preparedness has, I think, worked out an effective program to make nickel available now, not only to the defense contractors but also to the small manufacturers and their employees who had suffered serious damage and whose production programs were at times threatened with curtailment. Under the program outlined, the stockpile nickel will be loaned for release with the understanding that it will be returned in 18 months. Again, on behalf of nickel consumers in my district I want to express my appreciation to the officials of the Office of Emergency Preparedness, the Treasury Department, and the Business and Defense Services Administration of the Department of Commerce with whom I have worked to bring about this development which will have an immediate and favorable effect on Connecticut production and employment.

POLLUTION TARNISHES THE GOLDEN STATE

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, California's image long has been one of a land of opportunity, of a sunshine mecca bounded by whitecap mountains and sparkling beaches, of rich farmlands, of bright city streets lined with towering palms.

That California may soon exist only in myth. For today, environmental pollution seriously tarnishes the Golden State.

California's air, California's water, California's soil, California's beaches, California's ocean waters—all are slowly, steadily, deteriorating in quality.

And the immediate prospect for improvement is not encouraging—given current statewide levels of recognition of these dangers as well as the ability of the State and its residents to combat them.

Certainly as the State's population continues to soar, demands for scarce resources will zoom, and as that demand rises, environmental quality implications become increasingly important.

For years, Californians—like most other citizens—took for granted that certain vital resources would always be available either free or at reasonably low costs. The land was rich, the wild water would flow, the air would clean itself. If there was pollution, the remedy was simple: the State was huge, living densities sparse, and you could move away or find some new, or relatively untapped, source. There was always more.

Take a prime example: water supply for southern California has been a long-time problem. But, with relatively under-utilized northern water resources readily available, it was easy to devise means so as to divert water down to the south.

Yet, as the State's population concentrated more and more into three distinct regions—San Francisco-Oakland-Sacramento; Los Angeles-Orange County-Santa Barbara; and, San Diego—resource demands, especially for water, intensified. These urban regions competed both with each other and with the largely agricultural inner areas of the State for resources—and everyone wanted their resources cheap.

Vision was purely short range. Resources were needed now, the future could wait. There is always more.

Pollution does not happen overnight. The process is slow, tedious, but steady. And hard to notice—unless you look for it.

The search for good water deepened. Secondary effects to getting the water were ignored. The need was for water for the cities, and that was most important. The result: salinity hazards now endanger thousands of prime agricultural land and overall effects are massive throughout numerous ecological systems.

Smog did not just appear one day. More Californians meant more cars, meant more coal or oil-burning power facilities, meant more industrial waste, meant more backyard trash to burn.

Then there was the "California style of life." Prompted by existing construction technologies and by the seemingly endless expanse of land, growth was horizontal, not vertical. This led to increased traveling time and more use of air polluting vehicles; it led away from conventional mass transit systems and built freeways instead. Add that to the State's quickly gained affluence, the rise of the two- and three-car family, and all the ingredients for air pollution came together.

At first, smog was a joke. The sky was muddy some days; eyes watered; clothes hung outside grayed. Everyone laughed. There was always more air. It will clean up when the wind is right.

But it did not. The smog got worse. The laughs became gagged. And suddenly California's air was not taken for granted.

The effect of air pollution is not felt only in cities. Recent reports note desert communities beset by smog; other studies indicate forest growth severely effected by air pollution. And given nature's delicate balance, the overall implications can be immense—reach into every community in the State, touch every life form.

Over the past two decades, billions of dollars have been allocated to try and solve California's air pollution. If there is a joke, then it is on us, and the laugh has been costly indeed.

Yet, air pollution stands as but one of the dangers facing California, and it may not even be the most threatening. All California's resources are in immediate peril, and the need for positive action to counter these hazards is imperative.

I believe, and know, that the battle for quality environment in California can be won. Man's technology produced much of the problem and it can be harnessed to both eradicate the pollution and improve the condition of the world we live in.

But, we must resolve to meet these dangers. Not a single California resource can be taken for granted. The cost to halt pollution and to improve resources may be staggering. Citizens may be forced to accept new living styles, styles which conserve resources and which charge high prices for them. This must be done. There is no other way.

California's problems, unfortunately, are not unique. They just are vivid. What happened in California now is apparent and easily seen, though less easily understood. However, it could happen anywhere else. And it probably is.

That is why I now wish to insert in the RECORD an article from the current issue of the Washington Monthly by Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University in St. Louis.

I consider this article the most powerful study I have ever read detailing the environmental quality crisis in California. As much as the article is revealing—and it is—it also is a desperate cry for action on a wide scale—local, statewide, and national, private and public.

I strongly endorse Dr. Commoner's recommendations and his conclusions. If he is right—and I think he is—future environmental quality policy must be strong, and it may be extremely expensive: Yet, we have no choice but to accept it.

As the article asks, "Can We Survive?" We can and we must. The article follows:

CAN WE SURVIVE?

(By Barry Commoner)

No one can escape the enormous fact that California has changed. What was once desert has become the most productive land in the world. The once-lonely mountain tops are crisscrossed with humming power lines. Powerful industries, from old ones like steel to the most modern aerospace and electronic operations, have been built. California has become one of the most fruitful, one of the richest places on the surface of the earth. This is all change, and it is good.

But there are other changes in California. Its vigorous growth has been achieved by many men and women who came to give their children a healthy place to live. Now, however, when school children in Los Angeles run out to the playing fields, they are confronted by the warning: "Do not exercise strenuously or breathe too deeply during heavy smog conditions." For the sunshine that once bathed the land in golden light has been blotted out by deadly smog. In a number of California towns the water supplies now contain levels of nitrate above the limit recommended by the U.S. Public Health Service; given to infants, nitrate can cause a fatal disorder, methemoglobenemia, and pediatricians have recommended the use of bottled water for infant formulas. The natural resources of California, once a magnet that attracted thousands who sought a good life, now harbor threats to health. Beaches that once sparkled in the sun are polluted with oil and foul-smelling deposits. Rivers that once teemed with fish run sluggishly to the sea. The once famous crabs in San Francisco Bay are dying. Redwoods are toppling from the banks of eroding streams. All this, too, is change, and it is bad.

Thus, much of the good that has been produced in California, through the intelligence and hard work of its people, has been won at a terrible cost. That cost is the possible destruction of the very capital which has been invested to create the wealth of the state—its environment.

The environment makes up a huge, enormously complex living machine—an ecosystem—and every human activity depends on the integrity and proper functioning of that machine. Without the ecosystem's green plants, there would be no oxygen for smelters and furnaces, let alone to support human and animal life. Without the action of plants and animals in aquatic systems, there would be no pure water to supply agriculture, industry, and the cities. Without the biological processes that have gone on in the soil for thousands of years, there would be neither food crops, oil, nor coal. This machine is our biological capital, the basic apparatus on which our total productivity depends. If it is destroyed, agriculture and industry will come to naught; yet the greatest threats to the environmental system are due to agricultural and industrial activities. If the ecosystem is destroyed, man will go down with it; yet it is man who is destroying it. For in the eager search for the benefits of modern science and technology, we have become enticed into a nearly fatal illusion: that we have at last escaped from the dependence of man on the rest of nature. The truth is tragically different. We have become not less dependent on the balance of nature, but more dependent on it. Modern technology has so stressed the web of processes in the living environment at its most vulnerable points that there is little leeway left in the system. We are approaching the point of no return; our survival is at stake.

These are grim, alarming conclusions; but they are forced on us. I am convinced, by the evidence. Let us look at some of that evidence.

A good place to begin is the farm—on which so much of California's prosperity is based. The wealth created by agriculture is derived from the soil. In it we grow crops which convert inorganic materials—nitrogen, phosphorus, carbon, oxygen, and the other elements required by life—into organic materials—proteins, carbohydrates, fats, and vitamins—which comprise our food.

The soil, the plants that grow in it, the livestock raised on the land, and we ourselves are parts of a huge web of natural processes—endless, self-perpetuating cycles. Consider, for example, the behavior of nitrogen, an element of enormous nutritional importance, forming as it does the basis of proteins and other vital life substances. Most of the earth's available nitrogen is in the air, as nitrogen gas. This can enter the soil through nitrogen fixation, a process carried out by various bacteria, some of them living free in the soil and others associated with the roots of legumes such as clover. In nature, nitrogen also enters the soil from the wastes produced by animals. In both cases the nitrogen becomes incorporated into a complex organic material in the soil—humus. The humus slowly releases nitrogen through the action of soil microorganisms which finally convert it into nitrate. In turn, the nitrate is taken by the roots of plants and is made into protein and other vital parts of the crop. In a natural situation the plant becomes food for animals, their wastes are returned to the soil, and the cycle is complete.

This cycle is an example of the biological capital that sustains us. How has this capital been used in California?

The huge success of agriculture in California is a matter of record; it forms the largest single element in the state's economy. To achieve this wealth a vast area in the center of the state has been transformed

from a bare desert into the richest agricultural land in the nation. How has this been done? How has this transformation affected the continued usefulness of the soil system, especially the nitrogen cycle?

When the first farmers came to the San Joaquin Valley, they found fertile soil and sunshine; only water was needed to make the valley bloom. This was obtained first from local streams and later, increasingly, from wells which tapped the huge store of water that lay beneath the entire Central Valley. As the bountiful crops were taken, the soil, originally rich in nitrogen, became impoverished. To sustain crop productivity, inorganic nitrogen fertilizers were added to the soil. But with the loss of natural soil nitrogen, humus was depleted; as a result the soil became less porous, and less oxygen reached the roots, which were then less efficient in taking up the needed nutrients from the soil. The answer: more nitrogen fertilizer, for even if a smaller proportion is taken up by the crop, this can be overcome by using more fertilizer to begin with. California now uses more nitrogen fertilizer than any other state—an average of about 450 pounds per acre in 1959.

One of the rules of environmental biology is: "Everything has to go somewhere," and we may ask: Where did the extra nitrate added to the soil, but not taken up by the crops, go? The answer is clear: The unused nitrate was carried down into the soil, accumulating at greater and greater depths as the water table fell due to the continual pumping of irrigation water.

With the water table falling, agriculture in the Central Valley was headed for disaster; recognizing this fact, the state constructed the Friant-Kern Canal, which began to supply the valley with above-ground irrigation water beginning in 1951. Irrigation water must always be supplied to soil in amounts greater than that which is lost by evaporation; otherwise salts accumulate in the soil and the plants are killed. So, following the opening of the new canal, the valley water table began to rise toward its original level—carrying with it the long-accumulated nitrates in the soil.

Now there is another simple rule of environmental biology that is appropriate here: "Everything is connected to everything else." The valley towns soon learned this truth, as their drinking water supplies—which were taken from wells that tapped the rising level of underground water—began to show increasing concentrations of nitrate. In the 1950's, the Bureau of Sanitary Engineering of the California Department of Public Health began to analyze the nitrate content of city water supplies in the area. They had good reason for this action, for in July, 1950, an article in the *Journal of the American Water Works Association* had described 139 cases of infant methemoglobenemia in the United States identified since 1947; 14 cases were fatal; all were attributed to farm well water contaminated with more than 45 ppm of nitrate.

At first, only a few scattered instances of high nitrate levels were found in valley water supplies. However, a study of 800 wells in southern California counties in 1960 showed that 88 of them exceeded the 45 ppm limit; 188 wells had reached half that level. In that year, the U.S. Public Health Service recommended that a nitrate level of 45 ppm should not be exceeded, warning:

"Cases of infantile nitrate poisoning have been reported to arise from concentrations ranging from 66 to 1100 ppm. . . . Nitrate poisoning appears to be confined to infants during their first few months of life; adults drinking the same water are not affected, but breast-fed infants of mothers drinking such water may be poisoned. Cows drinking water containing nitrate may produce milk sufficiently high in nitrate to result in infant poisoning."

In Delano, a 1952 analysis showed only traces of nitrate in the city water supply: in 1966, analyses of three town wells obtained by the Delano Junior Chamber of Commerce showed nitrate levels of 70–78 ppm. In 1968, a study by the Water Resources Board, made in reply to a request by State Senator Walter W. Stiern, showed:

"Nitrate concentrations in groundwater underlying the vicinity of Delano are currently in excess of the limit . . . recommended by the U.S. Public Health Service . . . similar geologic and hydrologic conditions occur in other areas of the San Joaquin Valley and the state generally."

So agricultural wealth of the Central Valley has been gained, but at a cost that does not appear in the farmers' balance sheets—the general pollution of the state's huge underground water reserves with nitrate. Fortunately, there appear to be no reports of widespread acute infant methemoglobenemia in the area as yet. However, the effects of chronic exposure to nitrates are poorly understood. We do know that in animals nitrate may interfere with thyroid metabolism, reduce the availability of vitamin A, and cause abortions. Moreover, there is evidence that even small reductions in the oxygen available to a developing human fetus—which might occur when the mother is exposed to subcritical levels of nitrate—result in permanent damage to the brain. In sum, the success of agriculture in the Central Valley has been won at a cost which risks the health of the people.

Nor does the nitrogen problem end there. Much of the nitrogen fertilizer applied to the soil of the Central Valley finds its way into the San Joaquin River, which drains the irrigated fields. As a result, the river carries a huge load of nitrate into the San Francisco Bay-Delta area. Here the added nitrate intrudes on another environmental cycle—the self-purifying biological processes of natural waters—bringing in its wake a new round of environmental destruction. The excess nitrate—along with excess phosphate from agricultural drainage and municipal wastes—stimulates the growth of algae in the waters of the Bay, causing the massive green scums that have become so common in the area. Such heavy overgrowths of algae soon die off, releasing organic matter which overwhelms the biological purification processes that normally remove it. As a result, the natural balance is destroyed; the water loses its oxygen; fish die; the water becomes foul with putrefying material. In the cooler words of the Department of Interior report on the San Joaquin Master Drain, "Problems resulting from nutrient enrichment and associated periodic dissolved oxygen depression are numerous in the Bay-Delta area."

So the agricultural practices of the great Central Valley have overwhelmed the natural nitrogen cycle of the soil with massive amounts of fertilizers; once this cycle was broken, the rivers were contaminated with nitrate. Reaching the Bay-Delta area, the excess nitrate has destroyed the natural balance of the self-purifying processes in these waters, with the foul results that are only too well known to those who live in that once-sparkling natural area.

This much is known fact. But once the natural cycles of the Bay-Delta waters are disrupted, other biological disasters may soon follow. At the present time, in a number of regions of the Bay-Delta waters, the bacterial count exceeds the limit recommended by the California Department of Public Health for water contact sports. This may be due to the entry of too much untreated sewage. But experience with the waters of New York harbor suggests another, more ominous, possibility which connects this problem, too, to the drainage of nutrients from agricultural areas, as well as from treated sewage. In New York harbor, in the period 1948–1968, there has been a 10–20-fold increase in the bacterial count despite a marked improvement in the sewage treatment facilities that drain into the bay. Here too there has been an increase in nitrate and phosphate nutrients, in this case largely from treated sewage effluent. The possibility exists that bacteria, entering the water from sewage or the soil, are now able to grow in the enriched waters of the bay. If this should prove to be the case, changes in water quality such as those which have occurred in the Bay-Delta area may lead to new, quite unexpected, health hazards. The soil contains many microorganisms which cause disease in human beings when they are first allowed to grow in a nutrient medium. There is a danger, then, that as the Bay-Delta waters become laden with organic matter released by dying algae (resulting from overgrowths stimulated by agricultural and municipal wastes), disease-producing microorganisms may find conditions suitable for growth, resulting in outbreaks of hitherto unknown types of waterborne disease.

Nor does the nitrogen story quite end here. We now know that a good deal of the excess nitrogen added to the soil by intensive fertilization practices may be released to the air in the form of ammonia or nitrogen oxides. In the air, these materials are gradually converted to nitrate and carried back to the ground by rain. In 1957, a national study of the nitrate content of rainfall showed excessively high levels in three heavily fertilized regions: the Corn Belt, Texas, and the Central Valley of California. There is increasing evidence that nitrate dissolved in rain can carry enough nutrient into even remote mountain lakes to cause algal overgrowths and so pollute waters still largely free of the effects of human wastes. Recent pollution problems in Lake Tahoe may originate in this way.

I cite these details in order to make clear a profound and inescapable fact of life: that the environment is a vast system of interlocking connections—among the soil, the water, the air, plants, animals, and ourselves—which forms an endless, dynamically interacting web. This network is the product of millions of years of evolution; each of its connections has been tested against the trial of time to achieve a balance which is stable and long-lasting. But the balance, the fine fabric of physical, chemical, and biological interconnections in the environment, is a delicate one; it hangs together only as a whole. Tear into it in one place—such as the soil of the Central Valley—and the fabric begins to unravel, spreading chaos from the soil to the rivers, to the Bay, to remote mountain lakes, to the mother and her infant child. The great Central Valley has become rich with the fruits of the land, but at a cost which has already been felt across the breadth of the state and which is yet to be fully paid.

Nor do we yet know how the destructive process can be halted, or if indeed it can be. In Lake Erie, where the natural balance of the water system has already been largely overwhelmed by excessive nutrients, no one has yet been able to devise a scheme to restore its original condition. The Bay-Delta waters may suffer the same fate. The recently released Kaiser Engineers' report on the San Francisco Bay-Delta Water Quality Control program predicts that the drainage of agricultural nutrients (nitrogen and phosphorus) from the San Joaquin will continue unabated for at least the next 50 years if present agricultural practices persist. The report proposes a system which, to control only the deleterious effects of the drainage in the Bay-Delta area, will cost about $5 billion in that period. And even at that cost the plan will only transfer the problem to the ocean—where the waste nutrients are to be discharged—which can only bring disaster to

this last remaining natural resource, on which so many of our future hopes must rest.

The root of the problem remains in the soil, for if the disrupted balance is not restored there, its destructive effects will only spread into further reaches of the environment. Tragically, each year of continued over-fertilization of the soil may make recovery increasingly difficult. For example, we know that inorganic nitrogen nutrients stop the nitrogen-fixing activity of microorganisms and may eventually kill them off or at least encourage them to mutate into non-fixing forms. If the natural fertility of the soil is ever to be restored, we may have to rely heavily on these microbial agents; but this becomes less and less possible as we continue to use massive amounts of fertilizer. In effect, like a drug addict, we may become "hooked" on continued heavy nitrogen fertilization and so become inescapably locked into a self-destructive course.

This same tragic tale of environmental disaster can be told of another prominent feature of California agriculture—insecticides. One important aspect of the biological capital on which agricitural productivity depends is the network of ecological relationships that relate insect pests to the plants on which they feed, and to the other insects that, in turn, prey on the pests. These natural relations serve to keep pest populations in check. Pests which require a particular plant as food are kept in check by their inability to spread onto other plants; the other insects which parasitize and prey upon them exert important biological control over the pest population.

What has happened in attempts to control cotton pests—where the great bulk of synthetic insecticide is used in the United States—shows how we have destroyed these natural relations and have allowed the natural pest-regulating machinery to break down. The massive use of the new insecticides has controlled some of the pests that once attacked cotton. But now the cotton plants are being attacked instead by new insects that were never previously known as pests of cotton. Moreover, the new pests are becoming increasingly resistant to insecticide through the natural biological process of selection, in the course of inheritance, of resistant types. In Texas cotton fields, for example, in 1963 it took 50 times as much DDT to control insect pests as it did in 1961. The tobacco budworm, which now attacks cotton, has been found to be nearly immune to methylparathion, the most powerful of the widely used modern insecticides.

California, too, has begun to experience environmental disaster from teh intensive use of insecticides. Consider only a single recent example. In 1965 the rich cotton fields of the Imperial Valley weer invaded by the Pink Bollworm from Arizona. The Department of Agriculture began an "eradication" program based on a fixed schedule of repeated, heavy, insecticide sprays. The Pink Bollworm was controlled (but by no means "eradicated"); however, the cotton plants were then attacked by other insects which had previously caused no appreciable damage—the beet army worm and the cotton leaf perforator. The insecticide had killed off insects that were natural enemies of the army worms and perforators, which had in the meantime become resistant to the sprays. Catastrophic losses resulted. The problem is now so serious that Imperial Valley farmers have proposed the elimination of cotton plantings for a year in order to kill off the new pests, which cannot survive a year without food.

California is beginning to experience the kind of insecticide-induced disaster already common in Latin American experience. In the Cañete Valley of Peru, for example, DDT was used for the first time in 1949 to control cotton pests. Yields increased—temporarily. For soon the number of insects attacking the cotton grew from 7 to 13 and several of them had become resistant to the insecticides. By 1965, the cotton yields had dropped to half their previous value, and despite 15–25 insecticide applications, pest control was impossible. Productivity was restored only when massive insecticide application was halted and biological control was reestablished by importing insects to attack the pests.

These instances are, again, a warning that present agricultural practices may be destroying the biological capital which is essential to agricultural productivity—in this case, the natural population of insects that attack insect pests and keep them under the control of a natural balance. Again, if the ecologically blind practice of massive insecticide treatment is allowed to continue, there is a danger of permanently losing the natural protective insects—and agriculture may become "hooked" on insecticides.

And here too we see disaster spreading through the environmental network. In 1969, the Food and Drug Administration seized two shipments of channel jack mackerel, an ocean fish originating from Terminal Island, Los Angeles, because of excessive residues of DDT and related insecticides. Insecticides draining off agricultural lands into the Bay-Delta area have caused levels of DDT which exceed the amount allowed by the FDA to appear in the bodies of striped bass and sturgeon. It is possible that the recent decline in San Francisco Baby crabs may be due to the same cause. Spreading through the food chain, DDT has begun to cause disastrous declines in the population of birds of prey, and there is some evidence that gulls are being affected as well. The latter would extend the web of disaster even further, for the gulls are vital in controlling waste in shoreline waters.

Now let me follow the track of environmental disaster from the farm to the cities of California. Again, nitrogen is a valuable guide, this time, surprisingly enough, to the smog problem. This problem originates with the production of nitrogen oxides by gasoline engines. Released to the air, these oxides, upon absorption of sunlight, react with waste hydrocarbon fuel to produce the noxious constituents of smog. This problem is the direct outcome of the technological improvement of gasoline engines: the development of the modern high-compression engine. Such engines operate at higher temperatures than older ones; at these elevated temperatures the oxygen and nitrogen of the air taken into the engine tend to combine rapidly, with the resultant production of nitrogen oxides. Once released into the air, nitrogen oxides are activated by sunlight. They then react with waste hydrocarbon fuel, forming eventually the notorious PAN—the toxic agent of the smog made famous by Los Angeles.

The present smog-control technique—reduction of waste fuel emission—by diminishing the interaction of nitrogen oxides with hydrocarbon wastes, enhances the level of airborne nitrogen oxides, which are themselves toxic substances. In the air, nitrogen oxides are readily converted to nitrates, which are then brought down by rain and snow to the land and surface waters. There they add to the growing burden of nitrogen fertilizer, which, as I have already indicated, is an important aspect of water pollution. What is surprising is the amount of nitrogen oxides that are generated by automotive traffic: more than one-third of the nitrogen contained in the fertilizer currently employed on U.S. farms. One calculation shows that farms in New Jersey receive about 25 pounds of nitrogen fertilizer per year (a significant amount in agricultural practice) from the trucks and cars that travel the New Jersey highways. Another recent study shows that in the heavily populated eastern section of the country, the nitrate content of local rainfall is proportional to the local rate of gasoline consumption.

Thus, the emergence of a new technology—the modern gasoline engine—is itself responsible for most of the smog problem and for an appreciable part of the pollution of surface waters with nitrate. And no one needs to be reminded that smog is a serious hazard to health. Again we see the endless web of environmental processes at work. Get the engines too hot—for the sake of generating the power needed to drive a huge car at destructive speeds—and you set off a chain of events that keeps kids off the playground, sends older people to a premature death, and, in passing, adds to the already excessive burden of water pollutants.

This is some of the tragic destruction that lies hidden in the great panorama of the changing California environment—costs to the people of the state that do not appear as entries in the balance sheets of industry and agriculture. These are some of the great debts which must be paid if the state's environment is to be saved from ultimate destruction. The debts are so embedded in every feature of the state's economy that it is almost impossible to calculate them. Their scale, at least, can be secured from the figure produced for the water quality-control system which will transfer the pollution problem of the Bay-Delta area to the ocean: $5 billion over 50 years, and continuing at $100 million a year.

At what cost can the smog that envelops Los Angeles be cleared up—as it surely must if the city is to survive? Start with the price of rolling back air pollution that risks the health and well-being of the citizens of the Bay area, the Peninsula, and San Diego. And do not neglect the damage already done by smog to the pine forests in the area of Lake Arrowhead. Nitrogen oxides have just been detected in Yosemite Park; what will it cost if the state's magnificent forests begin to die, unleashing enormous flood problems? How shall we reckon the cost of the huge redwoods on the North Coast, which need for their secure footing the soil built up around their roots during annual floods, when these floods are stopped by the new dams and the trees begin to topple? How shall we determine the cost of the urban spread which has covered the richest soil in the state? What will it cost to restore this soil to agriculture when the state is forced to limit intensive, pollution-generating fertilization, and new lands have to be used to sustain food production? What is the price of those massive walls of concrete, those freeways, which slice across the land, disrupting drainage patterns and upsetting the delicate balance of forces that keeps the land from sliding into ravines? Against the value of the new real-estate developments on landfills in San Francisco Bay, calculate the cost of the resulting changes in tidal movements, which have decreased the dilution of the polluting nutrients by fresh water from the sea and have worsened the algal overgrowths. Or balance against the value of the offshore oil the cost of a constant risk of beach and ocean pollution until the offending wells are pumped dry. Finally, figure, if possible, what it will cost to restore the natural fertility of the soil in central California, to keep the nitrogen in the soil, where it belongs, and to develop a new, more mixed form of agriculture that will make it possible to get rid of most insecticides and make better use of the natural biological controls.

If the magnitude of the states environmental problems is staggering, perhaps there is some consolation in the fact that California is not alone. Most of Lake Erie has been lost to pollution. In Illinois, every major river has been overburdened with fertilizer drainage and has lost its powers of self-purification. Automobile smog hangs like a pall over even Denver and Phoenix. Every major city is experiencing worsening air pollution. The entire nation is in the grip of the environmental crisis.

What is to be done? What can be done? Although we are, I believe, on a path which can only lead to self-destruction, I am also convinced that we have not yet passed the point of no return. We have time—perhaps a generation—in which to save the environment from the final effects of the violence we have already done to it, and to save ourselves from our own suicidal folly. But this is a very short time to achieve the massive environmental repair that is needed. We will need to start, now, on a new path. And the first action is to recognize how badly we have gone wrong in the use of the environment and to mobilize every available resource for the huge task of saving it.

Yet all the marvelous knowledge in our universities and laboratories seems now to stand helpless, while the air becomes fouler every day, beaches covered with oil, and precious water and soil more heavily laden with pollutants.

But there is another crisis—one that has struck the nation's entire scientific community. This crisis, like the environmental one, is also man-made and disastrously shortsighted; it is the drastic curtailment of the funds for research and education.

What a tragedy! At the very moment that the nation has begun to sense the urgency of the environmental crisis, when the first steps in the large and urgent task must be taken in the laboratories and classrooms of our universities, the tools are denied the men who would use them.

The huge undertakings listed here cannot even be begun unless we drastically reorganize our priorities. We cannot continue to devote the talent of our engineers and the competence of our workers to the production of overpowered, pollution-generating cars that do violence on the road and in the ecosystem. We cannot burden our productive resources with a monstrous device like the SST—which, if used in the U.S., will bring the violence of airport noise to 60 million Americans. We cannot continue to waste manpower and resources on weapons that become obsolete before they are produced—and which, if ever used, will destroy this planet as a place for human life. In a crisis of survival, business as usual is suicide.

The environmental crisis has brought us to a great turning point in this nation's history. We have become a nation that wields the greatest power in the history of man; power in the form of food, industrial plants, vehicles, and the weapons of war. We have also become a nation beset by violence; on the battlefield, on the highways, in personal encounters, and, more fundamentally, in the destruction of the natural, harmonious fabric of the environmental system which supports us. It is this fundamental violence to the world in which we live which divides us, as we compete among ourselves for the earth's goods, unaware that each of us, in our own way is thereby contributing to the destruction of the whole that supports us all.

The time has come to forge a great alliance in this nation: All of us now know that if we are to survive, the environment must be maintained as a balanced, harmonious whole. We must all work together to preserve it. If we fail, we shall abandon the place where we must live—the thin skin of air, water, soil, and living things on the planet Earth—to destruction. The obligation which our technological society forces upon all of us, young and old, black and white, right and left, scientist and citizen alike, is to discover how humanity can survive the new power which science has given it. Every major advance in the technological competence of man has enforced new obligations on human society. The present age of technology is no exception to this rule of history. We already know the enormous benefits it can bestow, and we have begun to perceive its frightful threats. The crisis generated by this knowledge is upon us.

We are enormously fortunate that our young people—the first generation to carry strontium 90 in their bones and DDT in their fat—have become particularly sensitive to this ominous paradox of the modern world. For it is they who face the frightful task of seeking humane knowledge in a world which has, with cunning perversity, transformed the power that knowledge generates into an instrument of catastrophe.

The environmental crisis is a grim challenge. It also is a great opportunity. From it we may yet learn that the proper use of science is not to conquer nature, but to live in it. We may yet learn that to save ourselves we must save the world that is our habitat. We may yet discover how to devote the wisdom of science and the power of technology to the welfare, the survival of man.

IRRESPONSIBLE COLUMNIZING ON ORDERLY MARKETING

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, Marquis Childs' attempt to tie needed restrictions on floods of cheap foreign imports to the prospect of further fueling the fires of inflation in this country is irresponsible columnizing. Reasonable restrictions on as yet unrestricted imports, especially in the cheap footwear field, are unrelated to the price spiral involved in the inflationary process.

In a current column, Mr. Childs paints a dark picture of lobbyists seeking preferential consideration against the public interest when the truth of the matter is that tens of thousands of American workers and whole U.S. industries are fighting for their lives because they sell a product that has a high labor cost. Abroad this cost is but a fraction of what it is in this country. Left to unrestricted competition in the U.S. market there will be a gradual and inescapable loss of shoe production to low-cost labor areas outside of the United States of America except for a few high-quality specialized lines.

It is the responsibility of this Government and of its legislative branch in particular, to insure that this does not happen by imposing reasonable restrictions on future imports of footwear, textiles, and certain other imports. This can be accomplished by enactment of orderly marketing legislation. This law should be passed now—with or without administration support.

Mr. Childs' position would surrender U.S. jobs to foreign nations by the thousands. It would spell the end of the road for hundreds of American factories. His description of Senator PERCY'S characterization of Senator COTTON'S amendment to authorize the President to block imports, as "an unconscionable surrender of legislative power to the executive" is a gross example of grandstanding by overstatement on the part of one who knows better. Congress cannot keep a currently flexible eye on import figures with attendant import controls or relaxation thereof. The committee mechanism is not that flexible. This is clearly for the executive branch. What the Senator really is complaining about is the prospect of a policy of doing something to protect American workers and American industry. Apparently he, too, wants to turn it all over to foreign production if they can make it cheaper.

Worthy of consideration here is not only the American worker but the American consumer. Clearly, the cheapest of cheap foreign imports are not good for American feet. Any podiatrist will confirm this fact.

Curiously, even many of the luxury shoe imports end up costing American taxpayers more than what they would pay for the corresponding American luxury shoe. Construction of higher priced shoes abroad has changed in many areas so that they are difficult to repair in the United States of America. A shoe repairman demonstrated this to a constituent of mine recently, showing him a heel from a woman's shoe that had been imported. The plastic heel was a molded one. It was installed by drilling the heel proper with approximately a $\frac{3}{16}$-inch drill in five places and then driving in the plastic heel that had five plastic pins molded onto its thin plastic heel plate. When this thin plastic heel plate wears out it has to be replaced. The only alternative that shoe repairman has in this country is to replace it with materials on hand. Being faced with a heel that has five holes in it and therefore lacks sufficient surface to use nails, to have material on hand that would meet the import design would necessitate hundreds of styles of heel stock that are beyond his capability.

Now it is both in the junk class and luxury class of footwear imports that shoe repairmen are running into problems. This is a justifiable item deserving of attention on the part of those who are so interested in consumer protection these days. It deserves widespread publicity.

Mr. Speaker, it is becoming a fair question these days—Does the administration really want to help the shoe industry? If it does, the road is open. It is easy. Just pass the word that the light is green for an orderly marketing law. I venture to say it would not take 30 days for this to become a reality.

Those who espouse the irresponsible course of continued unrestricted foreign imports such as Mr. Childs does in his column, have, over the years, been responsible for more troubles for the working men and women of this country than Carter has pills. If they had their way, wages in the United States would be forced down to European levels and eventually toward Oriental levels as production from the Far East steps up to gleefully feast in the American market.

Union members can well ask themselves and their leaders which side their bread is buttered on in this raging controversy. The answer is not in continued unrestricted reciprocal trade. This is demonstrably true in the shoe and textile industries.

I am including the Childs column at this point in the RECORD to show just how grossly the situation can be misstated by those who seek to raise spec-

ters of financial loss in the mind of the general public should Congress provide a measure of protection for critically hurt domestic industries. This has always been the clarion call of the free traders. Against this must be matched the fact that in simple truth those seeking minimum protections are merely calling for an orderly future rise in imports checking unrestricted floods against which no U.S. industry can plan. Legislation which I introduced in January, H.R. 733, will accomplish just that.

The United States must not become a dumping ground for cheap foreign goods at the expense of the jobs of millions of Americans, many of whom have no other skills. There is a crisis in the U.S. shoe industry today. Can it be that those of Mr. Childs' persuasion do not know this? Or knowing it, do not care?

FRESH IMPORT RESTRICTIONS COULD INTENSIFY INFLATION

(By Marquis Childs)

With the surge of Christmas shopping nobody is looking, but if certain powerful lobbies have their way the cost of basic items in the householder's budget will take a sharp jump in the New Year. The prospect is for more rather than less inflation as the spiral of rising prices becomes a political issue hardly second to the Vietnam war.

The immediate threat is in shoes. The pressure for a quota on foreign imports has grown to such a volume that 72 senators signed a petition to President Nixon calling for "voluntary" quotas. Needless to say, voluntary quotas are a fiction, since once the United States turns on the heat the shoe-exporting countries have no choice but to accept.

From Italy, Spain, France and Britain come specialized and expensive footwear. Japan and Taiwan export low-cost shoes that, according to retailers opposing the quota, are unavailable from domestic makers. It is at the bottom of the scale that the rise in prices—perhaps as much as 15 to 25 per cent—would be most immediate if a quota greatly limits foreign imports.

Last spring the shoe industry is reported to have collected a kitty of $300,000 to lobby for a "voluntary" quota. The 72 senatorial signers to the petition to the White House is one measure of the success of the drive. Of that total, 20 signers are from big exporting states that would feel the backlash of certain reprisals from the countries feeling the pinch of an imposed quota.

Using the battered "tax reform" bill as a vehicle, Sen. Norris Cotton (R-N.H.), one of the strongest backers of a shoe quota, threw in an amendment giving the President broad powers to block imports from almost any nation. It was adopted by a vote of 65 to 30 after Sen. Charles Percy (R-Ill.), called it an "unconscionable" surrender of congressional powers to the executive.

The shoe industry is only the latest to move with powerful leverage against the free trade policy of the '60s. A "voluntary" quota on cotton textiles already imposed is hurting developing countries, notably South Korea and Taiwan, where American aid has been an important factor. A "voluntary" steel quota puts a limit on imports from Japan.

In his round-the-world trip early in the year Secretary of Commerce Maurice Stans made the threat clear that unless nations greatly curtailed their exports to this country in certain fields, conspicuously textiles, Congress in an increasing wave of protectionism would clamp on tariff restrictions. Pressed by Japanese newsmen to say whether other "voluntary" quotas were impending, Stans said: "At the present time it is not our intention to seek voluntary negotiations for any other commodities than textiles."

Within trade circles there was immediate speculation that after textiles Stans would respond to the demands of other industries, shoes first. And this was underscored when Senate Minority leader Hugh Scott came out of the White House to say that the President considered shoes as being "fully as urgent as textiles."

Here, as in almost every other area, the question is where Mr. Nixon really stands. How far is he willing to go in pushing for solutions that are in the national interest but that have active opposition from powerful minority interests? In his trade message to Congress the President's rhetoric on behalf of keeping the channels clear and free in America's own self-interests was unexceptional.

Rhetoric is not enough. In a speech that got too little attention John Gardner, head of the Urban Coalition on Action Council, said what is widely felt here but seldom expressed that if there is to be action in solving the nation's problems the President must show far greater urgency. He must move with the kind of vigor he employed in putting over the antiballistic missile and in trying to get the Senate to approve the Haynsworth nomination to the Supreme Court.

That the price spiral is continuing upward there can be little doubt. Cutting back or eliminating competitive imports will only kick it up faster.

The rhetoric dispensed with one hand hardly conceals the counter maneuvers or the careful indifference on the other hand. In trade, in hunger, in a half-dozen areas that is the tragic duality of the Nixon administration.

ST. LAWRENCE SEAWAY: A BOONDOGGLE GOING TO POT

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in a Wall Street Journal article last Friday, the St. Lawrence Seaway was characterized as "deeply in debt, in disrepair, and almost obsolete—it may just go to pot." Fifteen years ago during the log-rolling authorization debate for the seaway I apologized to my colleagues in this Chamber for being a "purveyor of gloom" about the economic prospects for the seaway. All has come to pass; after 10 years of operation, the $500 million white elephant is slowing drowning in its own economic miscalculations.

My gloomy prognostications of 1954 were based on the expected loss of jobs and the adverse impact the seaway would have on the industries served by the St. Lawrence area. Fortunately, the impact on jobs and industry has been less than I anticipated—not because the seaway did not try to capture business, but because in a market economy, businessmen just do not buy a pig-in-a-poke. Nevertheless, the American public has poured $500 million into the St. Lawrence and any way you cut the pie, it has been an expensive experiment.

The Journal article points out there is a cry being raised to wipe out the seaway debt. What then? Another investment by the American people to bail out something that should be abandoned? The seaway is a monument to Government's inability to properly assess economic risk before plunging ahead with the expenditures of public money. The plight of the St. Lawrence Seaway serves a graphic lesson of what happens when traditional American, market-risk, economic philosophy is thrown over for industrial socialization. I can think of no finer tribute to the Socialists of this country who have foisted one after another of such projects on an unsuspecting public than to let the seaway fill up.

I have appended to my remarks a copy of the Wall Street Journal article concerning the economic woes of the St. Lawrence Seaway:

DIRE STRAITS: ST. LAWRENCE SEAWAY, COMPLETING 10TH YEAR, IS AWASH IN PROBLEMS—ITS TRAFFIC IS OFF, DEBT IS UP AND IT IS GETTING OBSOLETE; SOME SHIPS CURTAIL RUNS—STEEL SILOS TRAVEL BY RAIL

(By Jim Hyatt)

CLEVELAND.—The last ocean-going vessel leaves the St. Lawrence Seaway this weekend, ending the 2,300-mile water routes' 10th season of operation. It has not been a very good year.

For the St. Lawrence Seaway, heralded a decade ago as a "second Mediterranean" or a "fourth seacoast" for the U.S., is a flop at this point. Shippers shun it. Shipbuilders curse it. Ship operators ignore it. It is deeply in debt, in disrepair and almost obsolete. Its traffic this year probably will be the lowest since 1964, and some people worry about its future.

"The seaway won't be shut down," insists one backer of the project. And then he adds, "But it may just go to pot."

The seaway, a joint U.S.-Canadian project that cost $500 million to build, is an engineering wonder. A channel-and-lock system that bypasses rapids, lifts ships 600 feet from the time they enter the seaway at the mouth of the St. Lawrence River in the Atlantic Ocean to the time they reach Lake Superior.

WHAT WENT WRONG?

A big ship can make the trip from the Atlantic to Duluth in eight days, and about the only problem the seaway builders envisioned was one of traffic jams as everybody rushed to use the wondrous new route. They pictured huge ocean-going vessels docking in such previously landlocked places as Chicago, Milwaukee and Cleveland. They figured seaway ships, with their low rates, would take cargo away from the railroads. They saw vast markets opening up for Midwestern-made goods, and they saw the Midwest being showered with foreign-made manufactures transported cheaply to its doorstep by ship.

But none of these things has come to pass. The main problem, say people who are expert in the affairs of the seaway, is that everybody underestimated the difficulty of persuading shippers to abandon rail transport for moving goods to and from East Coast ports. So insignificant is the seaway's presence here in Cleveland, for example, that the Port of Cleveland handles only 3% of the goods manufactured for export in the area.

"It's like water wearing away rock," complains Richard Shultz, executive director of the Port Authority of Cleveland.

All told, seaway ships carried about 40 million tons of cargo this year, it's estimated, off sharply from the 48 million tons of 1968. Seaway officials attribute part of the decline to a strike of iron-ore workers in Canada, but some observers say the total would have been down even without the strike. The 1968 total was up from 1967 but was below the peak of 49.2 million tons of 1966. The dearth of business is causing some American-flag

carriers to cut back on their seaway operations and some have indicated they might pull out of the Great Lakes entirely. "We can't cruise like a taxicab looking for business," asserts one shipping official. "The cargo just isn't there."

BEWARE OF THE MUD

Scarcity of cargo isn't the shipping lines' only complaint. Until recently, they maintain, many seaway ports weren't dredged to the maximum 27-foot depth of the rest of the seaway. What's more, they say, that 27-foot depth is no longer enough. Many old ships would get stuck in the mud if they came into the seaway fully loaded, and some new ships don't have a chance. New container-ships under construction have 33-foot drafts—and are 10 feet too wide for the 80-foot locks. Estimates of the cost to modernize the seaway to handle these big new ships range up to $5 billion.

The decline in traffic on the seaway could turn into a vicious cycle. The shipping lines say they want to cut service because the shippers don't have much to ship. And shippers say one reason they don't use the seaway much is that the number of ships available is decreasing, making schedules erratic.

In mid-October, for instance, Lubrizol Corp. of Cleveland needed quick shipment to Liverpool, England, of 150 drums of a petroleum additive. But the next possible sailing from Cleveland was three weeks off, and even then a ship would call here only if enough cargo were available to make a stop worthwhile. So the company spent an added $1,300 to ship the drums by rail to New York, where they were loaded on a ship scheduled to arrive in Liverpool two days before the earliest date any ship might show up in Cleveland.

Anchor Hocking Corp. of Lancaster, Ohio, says it has halved its seaway tonnage in recent years because of the haphazard sailing schedules.

WHAT WILL HAPPEN IN 2009?

The less tonnage hauled, the more the seaway falls in debt. The seaway is committed to repaying the U.S. and Canada its capital costs as well as to meeting its operating expenses. Legislation requires this capital to be repaid by the year 2009, but based on current traffic projections and present tolls the seaway will instead be $821 million in debt by then, according to Sen. Walter F. Mondale of Minnesota.

Sen. Mondale thinks the seaway's only problem is its commitment to repay its capital costs. "The financial framework of the seaway is unfair and unreasonable and discriminates against the nation's fourth seacoast," he states. At the moment, the seaway is $20 million behind in debt payments, and one Congressman says it is "dangerously close to going bankrupt."

Sen. Mondale and some other members of Congress think that the U.S. should cancel the existing debt and that the seaway should simply be required to turn over to the Treasury any money it takes in beyond its operating costs. Such a proposal doesn't sit well well with everyone. "Holy hell will break loose" if pro-seaway members try to eliminate the debt, asserts one source who favors the Eastern ports.

Another solution, of course, would be to increase tolls, and Sen. Mondale fears possible 30% to 60% rises. But Leonard Goodsell, executive director of the Great Lakes Commission, an association of officials of Midwestern states, says an increase of only 10% would "knock us out of a lot of world markets."

It's questionable, however, how many markets there are to be knocked out of. In an appraisal of the seaway, the Canadian Imperial Bank of Commerce says: "Neither the fear that the seaway would allow foreign manufacturers to flood the markets of the St. Lawrence Basin nor the hope that it would enable producers there to greatly expand their markets has been realized."

At the moment, the seaway tolls do provide some real bargains. One example: A recent shipment of power transformers from Oil City, Pa., to LeHavre, France, cost the shipper $1,387 a ton through Cleveland, compared with $2,232 a ton had the transformers been shipped by rail to New York and then to France. Rail rates for some goods, however, are designed to encourage use of East Coast ports, as seaway backers see it. It costs nine times as much per mile, for instance, to ship steel silos by train from Kankakee, Ill., to Chicago than from Kankakee to New York.

Seaway officials cite the high rail rates to Great Lakes ports as just one of the problems they are fighting. They also complain that Congress has blocked the St. Lawrence Seaway Development Corp. from using any funds for advertising and promotion. This ban means the seaway is "operating with its hands tied behind its back," asserts H. D. Doan, president of Dow Chemical Co. and chairman of the seaway's 10th anniversary observance.

OPERATION BREAKTHROUGH ANNOUNCEMENT

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, today Housing and Urban Development Secretary George Romney announced the opening of the final round of negotiations on Operation Breakthrough housing design and site proposals. The Department had originally intended to make the final selections known in mid-November, but the national interest and response to the program has been so overwhelming that it has taken HUD longer than originally anticipated to sift through all the proposals. I think this response augurs well for Operation Breakthrough, which is an attempt to introduce new systems of housing construction and marketing to meet our national housing goal.

Today, Secretary Romney announced the names of 37 housing system organizations selected from a total of 236 full housing systems proposals or type A proposals. Following further negotiations, about 20 of these will be chosen to build prototypes on some 10 sites around the Nation. The Secretary has also named the 11 site proposals which have been chosen for further negotiations; these have been selected from 218 site proposals. And some 365 type B proposals are still under consideration. These cover research and development concepts for various "hardware" and "software" components for the housing systems.

Mr. Speaker, I wish to commend HUD on the outstanding progress it has made thus far with Operation Breakthrough. The national response is a clear indication of the time, effort, and weight which HUD has given this new program which was initiated in May of this year. At this point in the RECORD I include the HUD news release, the list of 37 type A proposals selected for further consideration, and a press release my office issued last week:

BREAKTHROUGH ANNOUNCES SITES, POTENTIAL PLANNERS, BUILDERS

The Department of Housing and Urban Development today announced the start of final evaluations and negotiations with proposers seeking to participate in Operation Breakthrough, HUD's major program to help solve the Nation's housing problems.

Secretary George Romney, announcing the detailed discussions and negotiations, said that National interest in the program had exceeded expectations, and many more proposals were submitted than were anticipated.

"To assure that the very best selection is made from the very large number of good plans, further discussions are necessary," Romney said. "We want to be certain that every phase of the program is fully clarified and understood. We want no possible misunderstanding to threaten the success of the program.

"Detailed discussions and negotiations are being held with localities offering prototype sites, as well as with site planners, and prospective producers of housing systems.

"At the conclusion of these talks, HUD will make final arrangements for sites and enter into contracts with site planners and producers of the housing systems finally selected.

"However," he emphasized, "we are now confident that improved approaches in all aspects of the housing business—management, financing methods, land planning, and development, housing system technology, and company strength—are available in the combinations of companies selected for further negotiations.

"These housing concepts are in the forefront of today's available housing production technology. They will take the housing industry from the construction, financing, and management methods of the past, to the production, financing, and management methods of the present and the future.

"They cover a wide range of materials, and include some systems that are already in production, some that are nearing production, and some that still require design, testing, and performance evaluation before production can be started.

"We are also convinced that the sites and the site planners selected for further negotiation offer the opportunity to demonstrate to the Nation how modernization of building, housing and zoning regulations, and improved land use can lead to even greater improvements in housing systems. . . . This is only the beginning of the progress that must, and can be, made."

Negotiations will be conducted with the proposers and local officials of the following prototype sites: Indianapolis, Indiana; Jersey City, New Jersey; Kalamazoo, Michigan; Macon, Georgia; Memphis, Tennessee; Sacramento, California; St. Louis, Missouri; Wilmington, Delaware (New Castle County).

In addition, HUD is still considering proposed sites in the States of Washington and Texas. The sites chosen followed thorough examination of the 218 sites proposed.

In all cases, FHA site engineers and appraisers inspected and evaluated the sites. Regional Office officials added their suggestions and evaluations. And for many of the proposed sites, HUD officials made follow-up inspection trips.

"In addition to the Operation Breakthrough plan to develop prototype sites, HUD plans to work with site proposers and community groups to arrange for housing to be developed on all suitable proposed sites in accordance with community needs," the Secretary added.

Eleven site planners, of 82 organizations that submitted proposals, have been selected for further discussions and negotiations. (Their names are listed separately). Each of the planners finally selected will be responsible for preparing an overall plan for

a designated site that effectively combines the housing systems selected for that site into good, attractive, livable, community environments.

A list of the 37 housing system organizations with whom further discussions and negotiations are planned is attached. The prime contractor, or consortium (group) names are also shown as well as the subcontractors or team members.

HUD officials said they expect to finally select about 20 of these housing system organizations under consideration.

These organizations were selected from 236 proposals submitted to HUD for Type A (full housing systems). The proposals were evaluated on the basis of building system designs, production methods, financial capability, management, land use design, and other factors. These building concepts include some now in production; some that are new approaches for the proposing organization, although not wholly new concepts; some that are new concepts; and some foreign systems that will be adapted to U.S. methods and designs.

The 365 Type B proposals are still being evaluated. These cover advanced research and development of ideas or concepts not yet ready for prototype construction, or which provide individual elements of a total housing system. These include "hardware" items, as well as "software" elements concerned with management, financing, site development, and user needs.

The Type B proposers being named today for further talks are: Ross, Hardies, O'Keefe, Babcock, McDugald & Parsons, of Chicago, Ill., to prepare a manual on practical methods for overcoming obstacles that bar new income housing; and George Washington University of Washington, D.C., to develop feasible recommendations for improvement in real property tenure and transfer practices to reduce closing and financing costs.

Three Type A full housing systems proposals that are being considered for Type B contracts are The Habitat Group of Rio Piedras, Puerto Rico; Aitken, Collins & Associates of Berkeley, California; and Dano Modules, Inc. of Chicago, Illinois.

During this negotiation period, discussions will be held with consultants in specific areas to obtain their comments on the various concepts selected for possible contract awards. HUD officials said their schedule calls for the final selections to be made in about a month.

Preliminary letter contracts will be awarded to site planners so they can assist HUD in further evaluation of the housing systems, and to help in matching housing systems to prototype sites.

Mr. Harold B. Finger, HUD Assistant Secretary for Research and Technology, has the overall responsibility for all negotiations and discussions. Mr. Alfred A. Perry, Program Director of Operation Breakthrough, is his personal representative in the negotiations.

OPERATION BREAKTHROUGH—
TYPE A PROPOSALS

HOUSING SYSTEMS ORGANIZATIONS SELECTED FOR FURTHER DISCUSSION, EVALUATION, AND NEGOTIATIONS

Alodex Corp., Memphis, Tenn.; Ellers, Reaves, Fanning & Oakley, Inc., Memphis, Tenn.; Cambridge Seven Assoc., Inc., Cambridge, Mass.; Low and Rodin, London, SWI, England; Building Design Partnership, London WIP 2DA, England.

Aluminum Co. of America, Pittsburgh, Pa.; Christian Frey, San Francisco, Calif.; Component Bldg. Systems, Ltd.

Ball Bros. Research Corp., Boulder, Colo.; Borg-Warner Corp., Chicago, Ill.; Mr. Elliott H. Brenner, AIA, Lafayette, Ind.; Mr. Leo E. Zickler, Indiana.

Bechtel Corp., San Francisco, Calif.; Stressed Structures, Inc., Denver, Colo.; Building Systems Dev., Inc., San Francisco, Calif.

Henry C. Beck Co., Atlanta, Ga.; Balency-MBM-U.S. Corp., New York, N.Y.; Raymond D. Nasher, Dallas, Tex., Borg-Warner Corp., Chicago, Ill.

Boise-Cascade Corp., Boise, Id.; Dalton-Dalton-Little, Cleveland, Oh.; Frank Hall Assoc.; Computer Applications, Inc.; National Bldg. Agency; David Crane Assoc.; Brevard Engineering.

Christiana Western Structures, Los Angeles, Calif.; B. A. Berkus Assoc.; Mutual Ownership Dev. Fndn.

Descon/Concordia—A joint venture between: Concordia Mgmt., Ltd., Montreal, Canada; Descon Mgmt Corp., Ltd., Montreal, Canada.

Dev. Corp. of Am., Boston, Mass.; San-Vel Concrete Corp., Littleton, Mass.; Stull Assoc., Inc., Boston, Mass.

The Dow Chemical Co., Houston, Texas; Rohr Corp., Chula Vista, Calif.; Daniel Const. Co., Greenville, S.C.; Geometrics, Inc., Cambridge, Mass.

Forest City Enterprises, Inc., Cleveland, Ohio; Forest City Materials Co., Kent, Ohio; Thomas J. Dillon & Co., Inc., Akron, Ohio; Top Roc Corp., Hudson, Ohio; Barbitta-James & Assoc., Akron, Ohio.

General Electric Co., Philadelphia, Pa.; Hugh Gibbs, FAIA, & Donald Gibbs, AIA, Long Beach, Calif.; Leon Julius, AIA, Washington, D.C.; Candeub, Fleissig & Assoc., Newark, N.J.; FCH Services, Inc., Washington,, D.C.

Hercules, Inc., Wilmington, Dela.; Modular Structures, Inc., Bethesda, Md.; Armstrong & Salomonsky, Architects, Richmond, Va.; Harlan, Betke & Meyers; Univ. of Utah.

Home Building Corp., Sedalia, Mo.

Housing Development Co., Cleveland, Ohio; Architectural Computer Systems, Inc., Cleveland, Ohio; Concrete Bldg. Systems Co., Cleveland, Ohio; John David Mgmt. Co., Cleveland, Ohio; Kinsdale Construction Co., Cleveland, Ohio; Palevsky Industries, Inc., Cleveland, Ohio; Thomas G. Snavely Co., Cleveland, Ohio; Plaskolite Corp., Cleveland, Ohio; Zaremba & Sons, Cleveland, Ohio.

Keene Corp., New York, N.Y.; Formigli Corp., Philadelphia, Pa.; Alvin E. Gershen Assoc., Trenton, N.J.; Robert Hughes Assoc., Ltd., Montreal, Canada; Lennox Industries, Inc., Marshalltown, Iowa; Node-4 Assoc., Brooklyn, N.Y.; Ryan Inc. of Wisc., Janesville, Wisc.; Warner, Burns, Toan & Lunde, New York, N.Y.; Wickes Corp., Saginaw, Mich; Winston Development Corp, Chicago, Ill.

Levitt Tech, Corp., Lake Success, N.Y.; B. A. Berkus Assoc., Inc., Los Angeles, Calif.; The Stanley Works, New Britain, Conn.; Auerbach Corp., Philadelphia, Pa.; Dunham-Bush, Inc., Hamilton-Howe, Inc., Los Angeles, Calif.; Simpson Timber Co., Seattle, Wash.

Martin-Marietta Corp., New York, N.Y.; Precast Systems, Inc.; U.S. Gypsum Co.; Lennox Industries; C. F. Murphy Assoc.; Wiss, Janney, Elstner & Assoc.; The Consulting Engineers Group, Inc.

Material Systems Corp., Washington, D.C.; U.S. Financial, San Diego, Calif.; Skidmore, Owings & Merrill.

Mid-City Developers, Inc., Washington, D.C.; Neil Mitchell Assoc., Inc.-Internat'l Const. & Marketing, Cambridge, Mass.; Kaufman & Broad, Inc., Los Angeles, Calif.; Building System Development, Inc.-TRW.

Module Communities, Inc., Yonkers, N.Y.; Celanese Corp.; American Standard, Inc.; Industrialized Bldg. Systems, Inc.; Paul Weidlinger; Consentini Assoc.; Skidmore, Owings & Merrill; Hudson Institute; F. D. Rich Co.

National Homes Corp., Lafayette, Ind.; Edward Durell Stone & Assoc., New York, N.Y.; Edward D. Stone, Jr. & Assoc., Ft. Lauderdale, Fla.; Prof. James W. Whitehead, Rutgers Univ.; Semer, White & Jacobsen, Washington, D.C.; Praeger-Kavanagh-Waterbury, New York, N.Y.; Consentini Assoc., New York, N.Y.; Computer Applications, Inc., New York, N.Y.

Omniform, Inc., Hartford, Conn.; Siporex-Cellular Concrete Assoc., Old Lyme, Conn.; The Tappan Co., Mansfield, Ohio; Kohler Co., Kohler, Wisc.; R&G Sloane-Susquehanna Corp., Cleveland, Ohio; Metrostudy Corp., New York, N.Y.; Ador/Hilite-Div. of Rusco Industries, Fullerton, Calif.; A. O. Smith Consumer Products, Kankakee, Ill.; Glidden-Durkee-Div. of SCM Corp., New York, N.Y.; Square D. Company, Lexington, Ky.; Sterling Radiator Co., Inc., Westfield, Mass.

Pemtom, Inc., Bloomington, Minn.

Redman Industries, Inc., Dallas, Texas.

Relbec Corp., Rio Pierdas, P.R.; Rexach Const. Co., San Juan, P.R.; Internat'l Basic Economy Corp., New York, N.Y.; Larsen & Nielson, S.A., Lausanne, Switzerland.

Republic Steel Corp., Youngstown, Ohio; Schmitt Homes, Inc., Strongsville, Ohio; American Standard, Inc., Louisville, Ky.; The Tappan Co., Mansfield, Ohio; Climatrol Industries, Inc., Milwaukee, Wisc.; Emerson Electric Co., St. Louis, Mo.

The Ring Bros' Consortium, Los Angeles, Calif.; Ring Bros., Los Angeles, Calif.; Modular Concepts, Inc., Gardena, Calif.; Flintkote Co., Riverside, Calif.; Formica Corp., Los Angeles, Calif.; Pratt & Lambert, Inc., Orange, Calif.; R&G Sloane Mfg. Div.-Susquehanna Corp., Sun Valley, Calif.; Day & Night Mfg. Co., La Puenta, Calif.; Simpson Timber Co., Seattle, Wash.; I.T.E. Imperial.

Rouse-Wates; Rouse Development Co. of the Rouse Co., Columbia, Md.; Wates Systems, Inc. (USA) of Wates Ltd. (London, England).

Scholz Homes, Inc., Toledo, Ohio.

Sectra America; Ecodesign, Inc., Cambridge, Mass.; Gilbane Bldg. Co., Providence, R.I.; John Laing Const., Ltd., London, NW7, England; The Planning Services Group, Cambridge, Mass.

Shelley System, San Juan, P.R.; Shelley Engineering Corp.; Hampton Development Corp.; Shelley Equipment & Finance; Caribilt Const. Co., Inc.; Shelga Corp.; U.S. Home & Development Corp.

Stirling Homex Corp., Avon, N.Y.

Techcrete Consortium; Arthur D. Little, Inc., Cambridge, Mass.; Carl Koch & Assoc., Inc., Boston, Mass.; Aetna Life & Casualty, Hartford, Conn.

TRW Systems Group, Redondo Beach, Calif.; Bldg. Systems Development, Inc., San Francisco, Calif.; Mid-City Developers, Inc., Washington, D.C.; Kaufman & Broad, Inc., Los Angeles, Calif.

United States Steel Corp., Pittsburgh, Pa.

Urban Systems Development Corp., Arlington, Va.; Hellmuth, Obata & Kassabaum, St. Louis, Mo.; Nat'l Urban League, New York, N.Y.; Chase Manhattan Bank, New York, N.Y.; Princeton Univ. Research Center for Urban & Environmental Planning, Princeton, N.J.; Westinghouse Info. Systems & Westinghouse Research Labs., Pittsburgh, Pa.

ANDERSON PRAISES CONFERENCE REPORT ON HOUSING BILL

WASHINGTON, D.C.—Congressman John B. Anderson (R-Ill.) today praised the House-Senate Conference Report on the Housing and Urban Development Act of 1969. The House of Representatives is today considering adoption of the report on the $4.9 billion housing authorization.

"I am especially pleased that the conferees have agreed to the amendment I introduced in the House which encourages the Secretary of HUD to eliminate restraints against the use of new technologies and materials in producing low-cost, high-quality housing," said Anderson. "This will give Secretary Romney a very essential weapon in

his fight to provide this nation with adequate housing. It is unconscionable in this age of moon shots that we are actually falling behind in meeting the basic shelter needs of our people."

The Anderson amendment is popularly referred to as the "Breakthrough Amendment" because it is aimed at ensuring the success of "Operation Breakthrough," a new HUD program launched in May of this year by Housing Secretary Romney. Operation Breakthrough is an attempt to enlist private industry in the design and construction of quality housing on a volume basis to meet the nation's critical housing shortage. HUD is currently considering some 650 such proposals from which 10 to 20 will be selected to be built as prototypes on eight to ten sites around the nation.

"My amendment directs the Secretary to assure, to the extent feasible, that there are no restraints by labor practices, building codes or zoning ordinances against the use of these new techniques which are crucial to the success of meeting our national housing goal of 26-million units in the next decade," explained Anderson. "This goal includes the need for six-million publicly assisted units in the next ten years, and HUD must be given every tool necessary to implement it."

MANAGING FOR CHANGE IN THE SEVENTIES

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, recently the International City Management Association, formerly known as the International City Managers Association, held its 55th annual conference in New York City. The theme of the conference was "Managing for Change in the '70's."

The ICMA has worked with cities and city managers since 1914 for the improvement of all aspects of local government administration. Although it is primarily a professional association of managers, it has always seen its mission as encompassing the administrative practices and procedures of local governments. For years, I have known of the ICMA's good work since Dade County is represented by a past official of the Association, Dade County Manager Porter Homer.

Under the able leadership of their executive director, Mark Keane, the ICMA is continuing to conduct a variety of programs, including research, training, information, publications and public affairs, which strive to meet the needs of today's urban administrator. In line with this endeavor, the ICMA invited three highly recognized management strategists, representing the disciplines of business, academia, and urban administration, to present papers on their involvement with city problems.

One of these papers was presented by Frank J. Carr, the director of the Westinghouse Information Systems Laboratory. Mr. Carr, himself an able administrator, is directing the Washington Corp., into applying its vast resources to solving urban problems. He combines the experience of many years of public administration problem solving with advanced computer-based technology to aid city, county, region, and State administrators in solving and defining their problems.

I was most impressed with Mr. Carr's speech which I feel contains a good deal of insight into a problem that concerns us all. Therefore, Mr. Speaker, I urge you and my colleagues to read Mr. Carr's paper as we are all concerned with managing for change in the 1970's.

The item follows:

MANAGEMENT STRATEGIES

(A background paper prepared by Frank J. Carr, director, Westinghouse Information Systems Laboratory, Pittsburgh, Pa., for discussion at the 55th annual conference of the International City Management Association, October 14, 1969)

Fundamentally, managers are people who control the use of resources. The problems of a manager are to identify the tasks before him and organize the available resources to accomplish these tasks. His problems are much more acute today than they were a century ago. As Margaret Mead has pointed out, "No one will live all his life in the world into which he was born, and no one will die in the world in which he worked in his maturity." The manager is faced not only with the problems and opportunities offered by new technologies, but he must carry out his work in a rapidly changing environment. This is clearly as true for the urban manager as it is for the business manager.

In a large measure, a manager's work itself creates change. In business, as in other areas, we are concerned with creating change that promotes the objectives of the enterprise. This function calls for a basic vision of the purposes of the enterprise and a continuing evaluation of its relations to its internal structure and external environment. Management strategies are the pragmatic techniques that are employed to assure that the organization maintains a proper relation to its environment.

Ultimately these strategies result in performance. Along the way, objectives are formed and plans are created to direct an organization's technology towards bringing products or services to customers in the face of competitors who are trying to do the same thing.

Because your environments differ, each of you must develop your own strategies. Today, I would like to discuss planning strategy, dealing with changing technology, and strategy for people—based on personal experience reaching back over 15 years and on the observations of others.

PLANNING STRATEGY

Generally, the formulation of management planning strategies rests on three actions:

(1) Analysis of past, present, and future trends, leading to an understanding of the bounds within which action may be taken.

(2) Setting of desirable objectives within what is possible.

(3) Formulation of plans that define the steps in utilizing resources to achieve the objectives.

The procedure begins, then, with a careful analysis of environmental factors, followed by an analysis of capabilities.

Environmental analysis

The first steps in making an environmental analysis are to interpret the underlying causes of historic patterns, to describe current performance, and to make future projections. In business, the important areas are three:

(1) Customers—market volume, customer mix, pricing.

(2) Competitors—market share, customer preference, and product cost, as well as competitive marketing and product development actions.

(3) Technology—particularly advances expected within the planning horizon, with a quantitative estimate of their effect on current and projected operations.

In municipal planning, parallels to customers may be found in public demand and special-interest groups. In case you do not feel you have competitors, let me suggest that your major customers, the citizens of your community, have other uses for their tax dollars. These alternative uses represent competition, in the sense that the word is used here.

The assumptions you make regarding the future wants and needs of the people whom you serve are of particular importance. These assumptions will determine the future nature of your activities. You should make explicit the assumptions you consider most important, based upon the preceding analysis.

"Potentials" are statements of the outside limits of performance that you could not be expected to achieve but against which you could be measured. In business, an example is the dollar value of the total market or total demand for which a company will be competing. In municipal governments, an example might be the maximum possible usage of a rapid transit system. The potentials should be identified and tabulated for each area being served within the period of the planning horizon. The assumptions regarding potentials are important, because potentials furnish the basis for quantitatively specifying future results and establishing management controls.

Within the broad range of potentials, particular opportunities should be identified. An opportunity is an economic choice which is unusually attractive from a return-on-investment or cost/effectiveness standpoint. At this point, we are beginning to combine the actual or potentially available resources of money, competence, and facilities with the measures of expected impacts on performance and environment. It is important that potentially available resources be considered here, so that they may be acquired to fully develop opportunities.

The demonstrated existence of an opportunity is not an adequate basis for the decision to seek it out. Opportunity without competence is a garden path. What is needed is not simply competence but "distinctive competence." The "distinctive competence" is truly distinctive may hold the real key of an organization is more than what it can do; it is what it can do particularly well. The effort to find or create a competence that to success and future growth and development. In the municipal environment this is illustrated by decisions on what services to provide directly and what services to encourage outside organizations to provide.

Capability analysis

Having pursued the environmental analysis to the point where it is becoming clear where future efforts and programs should be directed, we must now turn to a more explicit evaluation of capabilities. Here, the chief evaluation areas are skills and resources. Because a company's strength exists primarily in experience in making and marketing a product line, the evaluation process begins by examining the company's current product line and the function it serves in its markets. This strength constitutes a resource for growth and diversification. Identifying the skills that underlie whatever success has been achieved is a necessary step in evaluating this resource.

The evaluation must be conducted using competitors as a frame of reference. Therefore, we specifically look at our relative strengths, highlighting distinctive competence—special attributes which make a company different from and better than its competitors—and also relative weaknesses. When problems are identified, we give particular attention to defining them carefully. It is particularly desirable that the statements of problems be structured so that specific business plans can be directed towards the solution of specifically identified problems. For example, "unsatisfactory profits" might be a clear characterization of a company's posi-

tion, but problems should be defined in terms of the underlying causes of the condition, unsatisfactory product features, high product or indirect costs, etc. It is these underlying problems which subsequent plans will aim to solve. In addition to the definition of a problem, an appropriate quantitative description of its magnitude should be given. For example, an identified cost problem should indicate how far out of line costs are.

In business, competitive information is sometimes lacking. In this case, a basis for comparison may be found in other divisions of one's own company, with similar activities, or with related but different activities. A municipality would have a similar basis for comparison—between departments, with other cities, and with private suppliers of the same services.

Strategic objectives

A strategic objective is a statement of what an organization hopes to accomplish with respect to its environment. Based upon the preceding environmental and capability analyses, and only after these analyses, would we formulate strategic objectives. In business, the following objectives will generally be included:

(1) A clear definition of products in functional rather than literal terms, saying what they do rather than what they are made of

(2) Clearly designated markets and market segments for which products are now or will be designed

(3) Types and categories of customers, including size, location and distinctive characteristics

(4) Identification of the channels through which these customers and markets will be reached

(5) The satisfaction provided customers by the products and services they receive and the manner in which the products and services are marketed and delivered

(6) The means by which the operation will be financed (when the means will change over time, the appropriate periods should be indicated)

(7) Techniques, skills, and facilities required in this type of business

(8) The size and kind of organization which is to be the medium of achievement, expressed in terms of characteristics which will clearly differ from the competitors' and of characteristics which mark a significant departure from current practices.

Planning objectives

Planning objectives are developed by first identifying those problems and opportunities which have unusually high impact upon achievement of strategic objectives, then formulating one or more actions to counter the problem or capitalize on the opportunity. It is important that you restrict yourself to those five to ten problems or opportunities which are characterized by the greatest potential effect upon future performance.

The actions to be formulated are those which would yield a large payoff relative to the time and effort involved, or those which are crucial to the survival of the business. These actions constitute the planning objective towards which the major plans and programs of the organization are to be directed.

Planning objectives are not restricted to development and facilities programs; they include organizational changes, product transfers, changes in distribution channels, or a variety of other types of business action. The criterion for listing planning objectives is not the type or magnitude of expenditures involved, but the importance of the action upon performance.

DEALING WITH CHANGING TECHNOLOGY

Technology may be broadly thought of as the ways in which work is done. In this sense, new management techniques of processes which people can follow in doing their jobs are just as must a part of the technology that managers should be interested in as are products and services.

Ten years ago, the Ford Foundation and the Carnegie Foundation sponsored two independent studies of business education in the United States. The Gordon-Howell report, Higher Education for Business, and the Pierson Report, The Education of American Businessmen, were reviewed by Leonard S. Silk who, at the time, was Senior Editor of Business Week. In Mr. Silk's words, "They suggest that most business schools, because of their adherence to outworn doctrines, may not be meeting the requirements of business firms for competent, imaginative, flexible and creative managers, prepared to deal with the unsolved problems of tomorrow, rather than repeat the routines of yesterday."[1]

Both reports recommended that the focus of business studies should be upon managerial decision-making "with emphasis upon the application of scientific knowledge to business problems." This, the authors of the two reports felt, would provide an organizing concept for business education and research that was sorely needed.

The influence of these two reports has literally revolutionized business education around the world. Business school faculties became obsolete overnight. In many schools, plans were put into effect which substantially changed the makeup of these faculties within a few years. No schools of any significance were unaffected by the recommendations.

The reports not only represented an evaluation of American business education, but also an evaluation of a new technology which had been introduced into the business scene during the 10 years prior to the reports. These post World War II developments, now referred to as "information technology," have two components: the computer; and decision-making techniques that had their genesis in operations research. In the 10 years since the reports, both of these components have blossomed and are fulfilling their early promise as significant management tools. I would like to use this experience to illustrate how a manager can introduce new technology into his organization.

In the application of any technology, it is necessary to "smooth" the environment. For example, the success of the automobile has depended greatly upon the effectiveness of the way in which the environment has been smoothed through the building of roads. The automobile becomes a problem only when the environment becomes inadequate (as in the case of traffic-clogged streets).

A more meaningful illustration of the introduction of a new technology occurs when one considers the problems associated with the application of computers—the most important technological introduction of the mid-Twentieth Century.

The most difficult part of the computer's environment is man himself. The first problem of the manager in applying computer technology is to smooth this part of the environment, and he has to begin with himself. We should not be concerned here with what the computer should be used to do, nor how it should do it. Rather, we should be concerned with what the manager should do and with giving suggestions of how he should proceed. Consequently, most of what follows can be viewed as dealing with the problem of smoothing man's portion of the computer's environment.

Most unpleasant experiences with the use of computers have resulted from the failure of management to recognize the strategic considerations involved in introducing such a major technology into an organization. With respect to introducing computers into an organization. I have found that my own guidelines fall into five categories:

(1) Management viewpoint.

(2) Factors which lead to successful computer utilization.

(3) Major source of problems in application of computers.

(4) The role of education.

(5) Selected action recommendations and thoughtful observations.

The point of view taken by the manager is critical in developing a management strategy. The three most important considerations to remember are:

(1) The computer is a data handling device—not simply a computation device.

(2) The computer represents a big investment; it should be used in solving big problems, not trivial ones.

(3) Everyone will be affected by the computer; no part of the organization will be immune.

An excellent study, made over five years ago, provided some conclusions about the specific factors which lead to successful utilization of computers that are just as valid as they were then.[2] These factors were:

(1) The quality of executive leadership provided to the computer systems effort.

(2) The soundness of the planning and control tools used in managing the effort.

(3) The degree of operating management involvement.

(4) The caliber of the computer systems manager.

(5) The caliber of the computer systems technical staff.

It is also important to recognize the major sources of past problems in utilizing computers. The following statement, although made in the context of process control computers rather than data processing computers, is especially valid:

"In the application of computers by humans, there are at least three things which cloud our vision. Most commonly, these are the desire to try to do too much; the conviction to believe what we want to believe; and the impulse to react rather than plan. These three factors, or syndromes, are really more significant in the application of computers . . . than all of the brilliant design engineering and scientific breakthrough that has occurred in the past two decades."[3]

Education has always been a powerful force in change, and it plays an equally important role in computer systems. However, the purpose of education must be understood if it is to be effective. One objective in computer education is to remove the psychological block that an unknown quantity like the computer develops in people. This goal can be achieved only through training-type sessions that explain how a computer works and through "hands-on" exercises that place the student in an active role with a particular computer. This question, then, is not one of depth or length of time, but of effectiveness in the design of such a program.

A manager attempting to develop a management strategy for utilizing computers will not do an effective job unless he goes through this type of educational experience. Although this is not enough to assure that he will do a good job, he certainly can do better with it than without it.

As a manager, you must also define your role in the utilization of computers. Here again, education can help enormously, but it is more difficult to be specific about what kind of program would be most helpful. An appropriate course of study would seem to

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[1] Leonard S. Silk, The Education of Businessmen, Supplementary Paper No. 11, Committee For Economic Development, December 1960.

[2] John T. Garrity, "Top Management and Computer Profits," *Harvard Business Review*, July–August 1963.

[3] Bates H. Murphy, "Computers Are For People," *Automation*, December 1968.

be one that would start with an elaboration of the items covered in this section and that would lead to case studies of computer utilization in municipalities. This suggestion is offered as one which might be developed into a self-study or training program which your association might want to sponsor. In any case, it should follow the basic education in computer techniques described earlier.

Finally, I would like to make the following action recommendations and observations:

(1) Get started; startup costs are high, but they don't improve if you wait.

(2) Expect costs to increase; look for the return in increased effectiveness of operations.

(3) Be precise about the changes you expect will happen and the benefits to be accrued; otherwise, they will not happen.

(4) Don't assume or hope you will get someone's cooperation when the time comes; if you get his commitment early, it's less expensive to overcome his opposition during planning and it may turn out he is right and you are wrong.

(5) Get the right people on the job, and don't assume the man with the overall responsibility should or should not be the technical expert; both types have done well.

(6) If the lead man is not the technical expert, he should have at least two sources of technical advice; otherwise, the leadership will, in fact, pass over to the lead technical man under him, because the technology gene is dominant.

(7) Don't berate the computer type; he has been responsible for most of what has happened (both good and bad), but when it has been bad, he generally was not given the proper leadership.

(8) The computer revolution has evolved more because opposition was overcome than because acceptance was won; without overcoming opposition, acceptance could not materialize, but real progress (i.e., maximum benefits) were realized after acceptance rather than before.

(9) Self interest on all sides, including that of the computer system proponents in an organization, is the single major problem you must face.

(10) Get into the heart of the operations of the city; if you wander around on the shoreline, just getting your feet wet, you will, in fact, create more problems for yourself than you will solve.

I have just presented one way a manager can introduce a new technology (in this case, computers), but I would like to reiterate that each organization and the injection of each new technology is unique in the way it must be handled, so each of you must develop your own strategy in dealing with new technology.

STRATEGY FOR PEOPLE

As mentioned earlier, in developing an overall business strategy, the manager must be true to himself in analyzing the capabilities of his organization. He must identify the skills and talents required and the quantity and number of people needed who possess these skills. He selects the key people who, in turn, assist him in further careful selection as the numbers grow. In the selection process, he will review the organization's previous experience, including sources, costs, and permanency of hires; review the current recruiting scene; consider his organization's advantages and disadvantages; and develop a recruiting program.

A key management strategy is to remember that the best recruiting is done within the organization itself—by avoiding losses of qualified personnel. Accordingly, the manager will develop and maintain a personnel retention program by establishing policies and practices which will guarantee good employe relations. He will be particularly cognizant of policies and practices in the following areas:

(1) Salary administration.
(2) Placement and work assignments.
(3) Performance appraisal practices.
(4) Communications programs.
(5) Recognition of special efforts by employes.
(6) Employe training and development programs.

If the manpower needs are specific, and the selection and retention programs are soundly developed with total involvement by management, the manager will be successful in staffing the organization.

SUMMARY

I have reviewed a few of the lessons that we in the private sector have learned in recent years. Our school has been the competitive business environment in which we find ourselves—an environment of growing demands for new and better services, of continuously rising costs, and of rapidly changing technology. Our teacher has been the constant pressure for improved cost-effectiveness in all of our activities.

Your teacher would appear to be the same—unless your current budget includes adequate funding for all of the services you consider necessary or desirable. Your school would appear to be the same—unless your municipality has no demands for new and better services, is not faced with continuously rising costs, and cannot benefit from new technology. Are the lessons learned in business management not equally applicable in municipal management?

LEONARD HICKS: EXCITING JOURNEY, BIG REWARDS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, success stories are a part of the American way of life. In fact the United States is the greatest success story in the history of the world. We especially like to read a success story when the subject of it is a friend and the son of a friend. We particulraly like to read such a success story when it involves a subject which not only relates to the health and happiness of people but tends to encourage more understanding and friendship among the people of the world and, therefore, contributes to peace—such a subject is tourism and an organization which has comfortable and agreeable living accommodations awaiting the traveler when he or she arrives at his or her destination.

The worldwide organization representing hotels and the man who has made it and now heads this great organization are the subject of an interesting and informative article in the current issue of the Bahamian Review. The article tells how Leonard Hicks, the son of the late Leonard Hicks of Chicago, one of the outstanding hotelmen of the Nation, has built a great universal organization representing hotels in securing tourist travel. It is the story not only of a successful business but of a successful man, in his family life as well as his personal life. It is the story of what vision, hard work, and a warm and understanding heart in respect to other people can accomplish. The article reveals the genuineness of Leonard Hicks' interest in other people by telling the story of how he and his lovely and talented wife have adopted 15 youngsters, each in need of help and each from a different country where poverty is severe and a chance to earn a decent living is slim. The children continue to live in their native countries where they will remain until they complete their education but Mr. Hicks hopes to make their dreams come true by providing them financial support and a wide horizon of opportunity. We learned that Leonard Hicks is never too busy to concern himself with the individual problems of these children in 15 different countries of the world.

Leonard Hicks lives in Miami and in my district, I am pleased to say, and he has helped the Greater Miami area immeasurably by keeping our great tourist center in close and throbbing contact with a large part of the world population. He has developed a relationship between Miami and the Bahamas which he and many believe makes each complement the other in tourism. This article quotes a maxim which Leonard Hicks lives, passed on to him by his great father. The maxim is, "Success Is a Journey, Not a Destination."

Leonard Hicks has made the journey of life not only a happy venture for him but he has made it a happier venture for vast numbers of his fellow citizens of the world.

Mr. Speaker, the article in the current issue of the Bahamiam Review immediately follows my remarks.

LEONARD HICKS: EXCITING JOURNEY, BIG REWARDS

(By Ethel Blum)

The success of the Hicks Organization did not happen overnight. It took Leonard Hicks more than two dozen years of determined hard work to achieve what is known internationally as a "success story." The rigid road he followed in business has also been the pattern for his personal life—hard work, study, travel and no half-way measures about anything.

Three months after his discharge from the U.S. Army in 1945, Hicks opened his first hotel representation office in Chicago. With 20 hotels on his books and some borrowed capital, he was able to show a profit within his first year of operation, setting a precedent for a phenomenal growth pattern which reached bookings of $101,024,527 last year.

Hicks' romance with the Bahamas was largely responsible for his Miami office and his own move to South Florida. In anticipation of a tremendous tourist explosion in the Bahamas and Caribbean, he decided to devote his personal time toward building and promoting this market. His vision proved correct. Last year, the Hicks offices booked $19,911,924 into the Bahamas.

"The Bahamas had the ingredients people were looking for in the ever expanding leisure time field—marvelous climate and a nearby 'foreign' atmosphere."

"The way I looked at it, and still do" adds Hicks, "is that Florida and the Bahamas are next door neighbors that complement each other. What is good for one is good for the other. Some Florida hotelmen regard the Bahamas as a threat, but I feel that Bahama hotels bring people into the Florida area as well as to their own Islands."

Although the New York Hicks office books more business into the Bahamas, Hicks points out that the Miami office is the only one that can fill Bahama hotel rooms at a moment's notice.

When Hicks took over representation of his first resort property in the Bahamas 15 years ago, less than 90,000 tourists visited the

Islands annually. The latest figures reported by the Bahamas Ministry of Tourism show that more than one million visitors came to the Bahamas by air and sea during the first nine months of 1969.

The Bahamas have earned their place in the tourist sun, says Hicks. "The Ministry of Tourism has done a fantastic job in encouraging visitors. They realize that tourism is not like turning a faucet on and off. It develops momentum over a period of time and the flow must be nurtured with just the right pressures exerted to increase the volume."

"L. H." as he is affectionately called by many of his employees, credits much of his success to a good choice of parents. The senior Hicks was one of the most popular hotelmen of his era and the younger Hicks is cast from just as unique a mold.

A third generation hotel man, he likes professionals and his dedication to perfection is sometimes less than diplomatic. In his organization that stretches around the globe, he is exuberant, yet forceful; considerate of his employees, yet demanding of results. But what he demands of his employees and executives is nothing more or less than he demands of himself. He has a completely equipped office in his home on an inlet off Biscayne Bay, a short drive from his Miami office. There he finshes jobs he is frequently unable to get to in his busy bank building office. The incompleted tasks are toted home in "boodle bags" packed by his secretary.

Hicks firmly believes that much of his organizations' growth must be attributed to the fact that he has surrounded himself with competent people. To attract and keep high level personnel, his staff members are among the highest paid in the industry. The organization also has a substantial profit sharing system in addition to other employee benefits.

The physical pattern of the Hicks offices around the globe follow a similar format. Hicks is a man who likes comfort and pleasant surroundings and he assumes his employees feel the same way about working in beautifully appointed offices with the latest mechanical and technical facilities at their fingertips. The offices present the quiet elegance of richly paneled walls and choice art works, but they also have meeting rooms for visiting hotel men and the Miami and New York offices house theatres built expressly for orientations or presentations to the travel industry by hotel sales teams or individual managers. Office space is also provided for visiting hotel managers where they can meet with prospective clients in privacy.

To the ordinary traveler, hotel representatives is still somewhat of a mystery, but Hicks explains it simply as doing the job of the hotel manager or sales manager if he could be in 15 places at one time. "It's damned hard work, demanding but fun. We strive to increase the sales volume of the properties we represent, provide a reservation and marketing network and among other services present the image of the property to the public, the association executive, the corporate executive and the travel agent."

The Hicks Organization consists of 16 corporations stretching from Honolulu to Frankfurter (none are franchised), plus affiliate offices in six cities in the Far East. Over 100 major cities are covered by the Hicks' reservations and marketing network. The newest office in Frankfurt, Germany opened October 1, 1969.

Last year a Hotel Management Division was formed under the direction of Ray Watson, a veteran hotelier. It does not affect the representation organization, but provides a service that complements those already offered. Affiliate management groups have been announced in London with others soon to be announced in Canada, Bangkok and Hawaii.

Hicks maintains no "main office" for fear of subordinating the total picture to the problems of individual offices. These remain the complete responsibility of the various office managers.

To keep in close touch with his far flung organization, Hicks airmails recorded messages. He has found this system of communication overcomes time zone differences and enables recipients to absorb messages at their own convenience. Following a similar pattern in residences, Hicks maintains a home in Miami and apartments in New York, Chicago, Washington, Los Angeles, Florence, Italy and two in the Bahamas (one in Nassau and the other in Freeport). This makes traveling to these focal points on the globe possible at a moment's notice for the executive who claims the world as his hobby.

Hicks is unemotional about his success, grateful but not overawed by it. He learned his trade well and did well by it. At 29 he was the youngest president of the International Hotel Sales Management Association. He has been recognized in the Congressional Record, received numerous awards for his promotional efforts in the travel industry and for his civic contributions, but he has somehow managed to remain an astonishingly normal person. At the 41st Annual Convention last year of the 4,000-member Hotel Sales Management Association, Leonard Hicks was one of the four persons honored by being named to the "HSMA Hall of Fame." He has authored five Sales Books and donated them to the Association. He serves as Chairman of the HSMA Educational Foundation and is in the process of writing his sixth book.

In addition to his strenuous business pursuits, Hicks is an active sportsman and his shelves are lined with trophies attesting to the handball, boxing and golf prowess of his younger days. His varied activities require excellent physical condition and a light daily work out is part of his Miami area routine.

A convenience demanded by his heavy schedule is a complete barber shop in his home. The barber chair in which his favorite barber attends him is one of his favorite gimmicks. It was installed on the same floor of the Hicks' home as the art studio built for his wife Dorothy, an accomplished portrait artist who studies every year in Florence, Italy.

The Leonard Hicks Organization is a relatively youthful team with the average executive group age at 43 and the overall corporate average at 32. Many languages are spoken in most offices with nationalities of personnel sounding like a mini-United Nations, another pattern followed by the Hicks "family."

Having no children of their own, Mr. and Mrs. Hicks "adopted" fifteen youngsters, each in need of help and each from a different country where poverty is often severe and a chance to earn a decent living is slim. The children live in their native countries where they will remain until they can complete their education, but the Hicks Organization hopes to make their dreams turn into reality through encouragement, financial support and visions of wide horizons. Chains of correspondence with the children have been established and Mr. Hicks is never too busy for a growing youngster's individual problems.

While Hicks is a successful man in the broadest sense of the word, he still feels that real success is measured by accomplishment. A soft spoken, emotionally happy man, he says that the "joy of doing is what really counts."

A recognized travel authority, Hicks looks at the future. With transportation continuing to shrink the world, the international tourism picture has just begun to develop, according to Hicks. He is convinced that the Bahamas will continue to receive more than their proportionate share of the business, so long as they continue to earn it.

"Several ingredients are necessary for the continued development of tourism," says Hicks who has seen the world many times and is in a position to analyze the market. "A healthy political attitude and a welcome mat for the visitor is required and the Bahamas have both. Tourists travel in order to get away from the problems of home. They look for fun, relaxation and escape from their daily involvements. They will go where they are wanted."

With a note of caution, he adds, "Tourism to the Bahamas is everyone's job, not just the hotel industry, the Ministry of Tourism, the travel agent, or the hotel rep. It is the job of the government, the airline or steamship carrier, the customs inspector, the cab driver, the doorman, the room clerk and yes, the man on the street whose economy depends in some measure on tourism. People don't have to go anywhere . . . they may go once, but they return over and over again, then you have a successful resort area."

You could call Leonard Hicks an original man in the true sense of the word. He refuses to fit into a mold and despite his many successes has remained an independent man who forms his judgments without concern for the approval of other people. He feels that all individuals deserve respect and he gives it. As a result, he receives a great deal of respect in return. A remarkably modest man, he says he has learned more from his failures than from his successes.

And always with him, wherever he goes, is the maxim passed on to him by his father . . . "Success is a journey, not a destination."

THE AMERICAN INDIAN

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALEY. Mr. Speaker, much has been written recently about the plight of the American Indian. I regret that much of the interest displayed is by persons who have expressed little or no interest in Indians in the past, by persons who have little knowledge about Indian history, and by persons who have little knowledge about the efforts of the United States to help the Indians. The comment tends to be emotional rather than rational; and some of it appears, unfortunately, to be designed primarily to gain publicity.

The problem needs to be put in perspective. As chairman of the Subcommittee on Indian Affairs, I have spent many hours, days, weeks, months, and years in an effort to help the Indians improve their social and economic conditions. I believe that I am as sympathetic as anyone to their needs, and I sincerely want to help them. In my opinion, it is a disservice to the Indians to distort the facts and to state half-truths.

Some basic facts need to be restated. Although they are vaguely known, they tend to be ignored in appeals to the emotions.

The Indians were badly treated during the earlier periods of our history. There is no dispute about that fact, and most Americans regret this part of our history. The past is past, however, and at some point the effort to make amends must be regarded as completed. We cannot beat our collective breasts and tear our thinning hair forever. At some

time the Indians must be regarded in the context of present day circumstances.

It should be noted that practically all of the Indians who were the subject of mistreatment in the past are no longer living. It is their descendants with whom we are concerned, and the Government is not guilty of mistreating them. During the present century the Government's approach to the Indians has been constructive rather than oppressive.

I should also point out that our country is the only country in the world that has set up a system that allows the aboriginal inhabitants to sue the Government and recover just compensation for the lands that were taken from them by conquest. The Indian Claims Commission was established for that purpose in 1946, and it is in the process of adjudicating all of the remaining tribal claims. Many millions of dollars have already been awarded, and many of the cases are not yet completed.

Many people also fail to realize that the Indians are not a single unified group. They are divided into many different tribes, with different histories, different needs, different desires, different organizations, and different cultures. They cannot be forced into a uniform mold. On the contrary, the needs of each tribal group must be considered separately. The hundreds of statutes on our books reflect this fact. While some of our legislation is general in nature, most of it is tailored to meet the needs of a particular tribe. This approach places a severe burden on the Congress, because in a sense it must function as a local legislature for each tribe. Although this is burdensome, it is appropriate. The tribes are different and their different needs should be recognized.

There is also a frequent failure to realize that Indians today are full citizens of the United States and the States where they reside. This was not always so. Today, however, they are entitled to vote and to participate in all Federal and State programs without discrimination.

Although Indians are eligible to participate in all general programs, Indians are the only ethnic group for whom the Federal Government provides special services that are not provided for others. This fact is frequently overlooked.

I sometimes hear this question asked: "How does it happen that after 150 years of Federal control over Indian affairs the Indians are still so poverty-stricken?" Another version of the question is: "Why does the Federal Government not take care of all the financial needs of the Indians?" While I frequently question the efficiency of the Bureau of Indian Affairs and the Secretary of the Interior, these questions are really unfair. We do not yet have a welfare state that provides all essential services from the cradle to the grave, and I hope we never will. There is still room in this country for individual initiative. There is still a place for private charitable and philanthropic work. This is as true of Indian communities as it is of non-Indian communities.

Emphasis is frequently placed on the increasing amounts of money spent by the Federal Government on Indian programs. A few years ago it was less than $100,000,000 per year. Now it is almost one-half billion dollars per year. While these facts are correct, constantly increasing expenditures are not the answer to the problem.

I am not sure there is any single answer, and I know there is no simple answer. There is a general consensus that our ultimate goal is to raise the educational and economic level of all Indian communities to a point where the individual Indians can manage their own affairs without special Federal assistance, and where the Indians can participate on a plane of equality at all levels of our social and political life. While this goal is easily stated, the means for attaining it are much more elusive.

Several conflicting philosophical attitudes are involved. For example, Indian reservation resources cannot possibly support all of the Indians living on or near the reservations. Either more jobs must be brought to the reservation, or some of the Indians must leave the reservations and seek jobs elsewhere. Indians are free to live and work where they desire. Although there is a limit to the creation of jobs on the reservations, some people want to encourage the Indians to remain on the reservations and rely on welfare subsistence in order to preserve a tribal community. Others feel that Indian cultural values can be preserved without keeping the Indians isolated as an ethnic group. No other minority group in this country is encouraged to maintain ethnic identity in this manner.

Another philosphic conflict is the desire to get as many special benefits as possible for Indians as a group in contrast to a desire to distinguish between those members of the group who need special help and those who do not.

Another conflict involves the desire to educate Indian children in the regular public schools, rather than educate them in segregated Federal schools on the various reservations. In many cases the latter is the only realistic alternative because of location and transportation problems, but in other cases there is a choice.

Another conflict involves cost-sharing between the Federal and State Governments. Indians are citizens and are entitled to all State and local services that are provided for citizens generally. In some cases, however, efforts are made to place the entire financial burden on the Federal Government.

Another conflict involves the desire to foster and expand tribal governments as separate political entities outside the Federal-State system; that is, to let tribal governments operate as enclaves within the boundaries of, but not a part of, the States. Historically, this was necessary in the earlier days, but it is not necessary in many instances today.

Another philosophic conflict involves an emotional use of the phrase "self-determination," which is used to mean that each Indian tribe should have the right to determine for itself the extent to which a particular Federal law should be changed or applied to that tribe. This is a distortion of the phrase and ignores the fact that no other ethnic or minority group has that privilege, and the fact that no special interest group has a right, under the guise of self-determination, to require the Federal Government to continue or discontinue any particular program.

Without further elaboration, I hope that I have said enough to show the need to marshal the facts carefully when considering a specific legislative proposal concerning Indians, and to refrain from an emotional approach based on wrongs inflicted on a different people in a different century. I also hope that persons sincerely interested in helping the Indians will offer specific suggestions rather than generalized criticisms of the past.

PRESIDENT URGES MEMBERS OF CONGRESS TO JOIN IN FIGHT AGAINST INFLATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include a letter from the President of the United States.)

Mr. GERALD R. FORD. Mr. Speaker, there has just been delivered to me a letter from the President of the United States, appealing to Members of this Congress to join with him in bringing inflation under control through firm budget and fiscal policies. I understand that a similar letter was sent to the distinguished Speaker and, while the hour is late and time does not permit me to read it in full, I commend the thoughtful and statesmanlike statement of President Nixon regarding the current state of our economy to each of my colleagues. We have equal responsibility with the executive branch for protecting the American consumer and the American saver against runaway prices and the steady erosion of his dollars. I hope we will face up to this responsibility in the remainder of this session and throughout the New Year.

The text of the President's letter follows:

THE WHITE HOUSE,
Washington, December 17, 1969.

HON. GERALD R. FORD,
Washington, D.C.

DEAR CONGRESSMAN FORD: When government spending gets out of hand, consumer prices go out of sight. To combat rising prices, I proposed last April to hold down Federal spending to $192.9 billion, cutting $4 billion from the programs proposed by the prior administration.

The integrity of the $192.9 billion budget total was seriously threatened in the summer by Congressional actions and by increases in uncontrollable payments such as interest on the public debt. To hold the line, I directed a further cut of $3½ billion in controllable budget outlays. Six out of seven dollars of this reduction was in Defense, a cut which last week concurred in by the House of Representatives.

The Congress, in midsummer, also expressed its concern for overall fiscal responsibility, fixing a ceiling of $191.9 billion on total budget spending. This is one billion dollars less than my own target.

The Congressional limit, however, was a rubber ceiling. It provided—quite appropriately—an allowance for further increases in those uncontrollable payments, but it also—quite wrongly—removed the incentive for the Congress to exercise continued restraint by

providing that increase spending later enacted by the Congress would be added to the ceiling and decreases taken away. The *only* significant decrease the Congress has considered thus far is the defense cut we had already made last summer. Every other major change has been up—more spending, which would have the effect of driving prices upward.

Furthermore, the legal allowance for uncontrollables was limited to $2 billion. But committed government payments in 1970 are likely to exhaust that $2 billion allowance and go an additional $2 billion beyond. Interest cost on the public debt has mounted by another $½ billion. In addition, quite apart from newly proposed Social Security benefit increases, existing Social Security, Medicare and similar benefit payments fixed by law will add another billion dollars to the April estimate. Still another $½ billion overrun is imminent, reflecting increased spending because of the loss of offsetting offshore oil receipts, and a potential shortfall in the sale of government financial assets, due to the persistence of high interest rates. In all, about six billion dollars in fixed, built-in increases have swelled government spending since we took office in January.

Therefore, both the Congressional ceiling and my own fiscal target are in jeopardy. The responsible path toward protecting the buying power of the consumer's dollar is clear. But the Congress has not appeared to be willing to take that path.

Congressional actions that have already passed at least one House could add about $4 billion to Federal spending this fiscal year. Such spending includes:

—Increased educational aid provided by the Labor–HEW appropriations bill.

—A premature civilian and military pay raise, following on the heels of substantial raises just this past summer.

—A 15 per cent increase in Social Security benefits in place of my 10 per cent recommendation, and effective months earlier.

—New legislation, worthy though it may be, to benefit veterans, children and others.

In addition, a billion dollars this year has been lost through Congressional inaction on Administration requests to make the postal system self-supporting and to permit sales of certain financial assets of the Farmers Home Administration and the Veterans Administration—actions which do not affect at all the benefits of these programs.

Taken together, this combination of action and inaction would load an additional five billion dollars onto an already overheated economy.

In spite of these actions that increase *expenditures*, recent Senate tax actions to increase personal income tax exemptions and retain part of the investment credit would, if approved, actually take $1.6 billion away from *revenues*.

The Congress appears to be well on its way to substituting tax reduction for tax reform. This will harm rather than help the average taxpayer. Sugar-coating a bitter pill is understandable, but all sugar coating and no pill will not help the patient. A tax cut for some citizens would mean a rise in prices for every citizen.

In a situation without parallel in our history, we came into the month of December, almost halfway through the fiscal year, with most of the regular appropriation bills yet to be passed. If the Administration is to achieve its goal of slowing down the rise in prices, it will have to reserve funds on many popular spending programs. The other course—of appealing to sundry interests—would run directly counter to the public interest.

A dollar of spending does not add just one dollar to the spending stream: It is spent, and in turn provides income to someone else to spend again, multiplying its effects. Every dollar released through reduced taxes or increased expenditures will produce several dollars of additional price pressures in the economy as those who receive the initial benefit in turn spend the money. A billion dollars of Federal spending or tax relief can add many times that amount to the escalation of our rising price levels. And inflation—the hole in everybody's pocket—is the most unfair tax of all.

If the American people do not believe that their government will maintain its commitment to a responsible fiscal policy, inflationary expectations will raise prices and interest rates further.

In a year that is already half gone, the Administration's ability to make expenditure cuts in the few areas where we have discretion is quite limited. Significant cuts would adversely affect the proper execution of ongoing government programs.

With the full loss of the surtax by July 1, revenues for the year beginning that day must be calculated from a base $8½ billion lower than the present base. At the same time, increases in uncontrollable Federal payments will raise next year's budget expenditures substantially—probably above $200 billion—quite apart from further Congressional spending actions or Administration initiatives to meet critical national challenges.

The achievement of a sound prosperity with steady economic growth demands restraint now. New Federal programs and increased benefit payments would be dissipated by ever-rising prices.

The Congress, along with the Executive Branch, carries the responsibility for the economic health of the nation.

This budget whipsaw—and the proposed increase in spending and reduction of revenues does whipsaw the consumer—comes at a particularly ironic time in the course of economic events. While restoring order in an economy racked by inflation for over five years requires the patience of Job, the fact is that some results have already been showing up:

—Retail sales have been relatively flat since midsummer.

—Business inventories have been piling up more rapidly, and this may require some further easing of production schedules.

—The consumer price index was rising at the rate of 6.4% per year in the first half of 1969, but the rate has dropped to 5.3% per year since June.

This is tangible evidence that we are beginning to make some progress in relieving those excess pressures on the economy that have been driving up the cost of living.

We are now, therefore, at a critical moment. If we persevere in strong, responsible fiscal policies, we can expect to see confidence building steadily in the year ahead—confidence that government really does intend to manage economic policies responsibly. The way we handle the Federal budget will determine whether millions of consumers can balance their family budget.

Unfortunately, reluctance by the Congress to come to grips with the need to hold down prices is recreating doubts about the will of government to persevere. An increase in personal exemptions or further large increases in Federal expenditures, let me repeat, do not make people better off in an economy already under pressure. They simply guarantee that price tags in the grocery stores, and the cost of living generally, will be higher.

These actions go a long way toward explaining why our financial markets find it hard to believe that Washington is capable of responsible budget policy.

Recently high quality bond issues could be marketed only at interest rates in excess of 9 per cent. It is difficult to develop a flourishing mortgage market when high grade corporate bond yields are at these levels. Why are bond rates so high? Contrary to what some believe, the primary reason is not Federal Reserve policy. Interest rates are high because savers and managers of money are insisting that nominal rates be high enough to give them a worthwhile rate of return after the inflation which they are assuming will continue.

We stand at the crossroads of credibility. If we can regain a fiscal grip on ourselves and carry through with a strong budget and fiscal policy, we can build on the growing evidence that policies of 1969 are beginning to exert a stabilizing effect. But if we miss this opportunity, it will be a long time before the public will ever believe that government can manage its finances in any way other than to produce sustained and serious inflation.

For this reason, I urge the Congress to join with the Executive Branch in a continuing display of determination to hold down spending and maintain revenue so as to contain the cost of living, no matter what the cost in political popularity. At stake is nothing less than the future of the American economy.

Sincerely,

RICHARD NIXON.

TROOP STRENGTH CUT IN VIETNAM PERMITS REDUCTION IN DRAFT CALL

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's cutback of an additional 50,000 in our troop strength in Vietnam has produced a side effect which will help to make Christmas 1969 more merry for all Americans.

I refer to Secretary of Defense Laird's announcement that the troop withdrawal will permit a similar reduction in the total size of our Armed Forces and thus will mean a 10-percent reduction in the 1970 draft call.

This 10-percent cut in the draft call strengthens the possibility that roughly one-third of the men whose names were recently drawn in the "luck of the draw" lottery will never be inducted into the Armed Forces. And the steady reduction we are seeing in the total size of Armed Forces points also toward the day when we can go to an all-volunteer Army and do away with the draft.

I agree with the Defense Secretary's warning that there will probably be difficult days ahead for the South Vietnamese forces who are gradually taking over the combat burden from us in Vietnam. But I think the evidence to date indicates that the program of Vietnamization so vigorously pushed by the President is proceeding on schedule.

I would also observe that even those Americans most inclined to doubt it are now convinced the President has a carefully drawn plan to end the Vietnam war.

Mr. Speaker, I believe that President Nixon has done a tremendous job of dealing with the Vietnam problem and that he deserves the praise and thanks of all of us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SISK, for December 18, 1969 through January 5, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BINGHAM, for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. STAGGERS, for 60 minutes, on Thursday, December 18; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. DANIEL of Virginia) to revise and extend their remarks and include extraneous material.)

Mr. GONZALEZ, for 10 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. BINGHAM, for 60 minutes, December 18.

Mr. SIKES, for 30 minutes, December 18.

Mr. SIKES, for 30 minutes, December 19.

Mr. MILLER of Ohio (at the request of Mr. PETTIS), for 5 minutes today; to revise and extend his remarks and include extraneous material.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PHILBIN in four instances and to include extraneous matter.

Mr. BURTON of Utah (at the request of Mr. SAYLOR) to extend his remarks on the conference report on mine safety.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. MANN.
Mr. CONYERS in six instances.
Mr. LONG of Maryland in two instances.
Mr. RIVERS in two instances.
Mr. PEPPER in three instances.
Mr. ALBERT in two instances.
Mr. WALDIE.
Mr. BURKE of Massachusetts.
Mr. MARSH.
Mr. VAN DEERLIN.
Mr. THOMPSON of New Jersey.
Mr. KLUCZYNSKI.
Mr. FOUNTAIN.
Mr. YATES.
Mr. MOSS in two instances.
Mr. JONES of Tennessee.
Mr. TEAGUE of Texas in ten instances.
Mr. PURCELL in two instances.
Mr. RYAN.
Mr. FEIGHAN in two instances.
Mr. BOLAND.
Mr. OTTINGER in two instances.
Mr. GONZALEZ in two instances.
Mr. COLMER in two instances.
Mr. KOCH in two instances.
Mr. PICKLE.
Mr. DANIELS of New Jersey in ten instances.
Mr. CORMAN.
Mr. DULSKI in six instances.
Mr. MOORHEAD in two instances.

(The following Members (at the request of Mr. PETTIS) and to include extraneous material:)

Mr. ERLENBORN.
Mr. PETTIS.
Mr. ASHBROOK.
Mr. EDWARDS of Alabama.
Mr. WYMAN in two instances.
Mr. WHALLEY.
Mr. SKUBITZ in three instances.
Mr. BROOMFIELD in four instances.
Mr. HOSMER in two instances.
Mr. MCCLURE in two instances.
Mr. FOREMAN.
Mr. ROUDEBUSH in three instances.
Mr. WEICKER.
Mr. BROTZMAN.
Mr. LANDGREBE in two instances.
Mr. KUYKENDALL.
Mr. KEITH in two instances.
Mr. NELSEN.
Mr. WIGGINS.
Mr. MYERS.
Mr. DERWINSKI in two instances.
Mr. THOMPSON of Georgia.
Mr. MORSE in two instances.
Mr. BROYHILL of Virginia.
Mr. WOLD.
Mr. LUKENS in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found a truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14916. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1108. An act to waive the acreage limitations of section 1(b) of the Act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park;

S. 2734. An act granting the contest of Congress to the Connecticut-New York Railroad Passenger Transportation Compact;

S. 3169. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 90. Joint resolution to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation thereof.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, December 18, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1419. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for savings and better service to map users through improved coordination of federally financed mapping activities. Geological Survey, Department of the Interior; to the Committee on Government Operations.

1420. A letter from the Comptroller General of the United States, transmitting a report on the opportunities for more effective use of an automated procurement system for small purchases, Department of the Navy; to the Committee on Government Operations.

1421. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1422. A communication from the President of the United States, urging Congress to hold down spending and maintain revenues (H. Doc. No. 91–205); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as folows:

Mr. POAGE: Committee on Agriculture. H.R. 6244. A bill to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen; (Rept. No. 91–762). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs, H.R. 10184. A bill to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.; with amendments (Rept. No. 91–763). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11372. A bill to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., an for other purposes", approved June 18, 1956 (70 Stat. 290); with an amendment (Rept. No. 91–764). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee of Conference. Conference print on S. 1075 (Rept. No. 91–765). Ordered to be printed.

Mr. MAHON: Committee of Conference. Conference report on H.R. 15090 (Rept. No. 91–766). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. REUSS, Mr. SAYLOR, Mr. FEIGHAN, Mr. MCCLOSKEY):

H.R. 15300. A bill to amend section 8(c) of the Federal Water Pollution Control Act relating to reapportionment of unobligated funds; to the Committee on Public Works.

By Mr. FARBSTEIN:

H.R. 15301. A bill to encourage State and local governments to reform their tax systems so as to decrease the property tax burden of low-income taxpayers; to the Committee on Ways and Means.

H.R. 15302. A bill to encourage State and local governments to reform their tax systems so as to decrease the sales tax burden of low-income taxpayers; to the Committee on Ways and Means.

H.R. 15303. A bill to encourage State and

local governments to adopt more equitable personal income taxes; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 15304. A bill to establish an Office of Consumer Affairs to advise the President with regard to all matters affecting the interests of consumers, to have central responsibility for coordinating all Federal programs and activities affecting consumers, and to assure that the interests of consumers are considered by Federal agencies; to establish a Consumer Advisory Council to advise the Director of the Office of Consumer Affairs on matters relating to the consumer interest; and to establish a Consumer Protection Division within the Department of Justice to represent the interests of consumers in administrative and judicial proceedings; to the Committee on Government Operations.

By Mr. PODELL:

H.R. 15305. A bill to amend title II of the Social Security Act to provide for the payment of social security benefits on a semimonthly basis; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 15306. A bill to establish a Select Commission on Nationality and Naturalization; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 15307. A bill to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 15308. A bill to delay for 1 additional year any reduction in certain pension or dependency and indemnity compensation payable under title 38 of the United States Code resulting from increases in insurance benefits under the social security amendments of 1967; to the Committee on Veterans' Affairs.

By Mr. GALLAGHER:

H.R. 15309. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, to provide for the removal of names from mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LUKENS (for himself, Mr. BUCHANAN, Mr. CARTER, Mr. DON H. CLAUSEN, Mr. COWGER, Mr. FISH, Mr. FISHER, Mr. FRIEDEL, Mr. LUJAN, Mr. POLLOCK, and Mr. SNYDER):

H.R. 15310. A bill to exclude from gross income the first $750 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 15311. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. STAGGERS:

H.R. 15312. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.R. 15313. A bill to amend title 10, United States Code, to provide for the rank of major general for the Chief of the Dental Service of the Air Force; to the Committee on Armed Services.

By Mr. BROTZMAN (for himself, Mr. ARENDS, Mr. NELSEN, Mr. TIERNAN, Mr. POLLOCK, Mr. SCOTT, Mr. PELLY, Mr. ESCH, Mr. BRADEMAS, Mr. MATHIAS, Mr. LUKENS, Mr. MCKNEALLY, Mr. STOKES, and Mr. MATSUNAGA):

H. Res. 757. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. BEALL of Maryland, Mr. MORSE, Mr. SHRIVER, Mr. DEVINE, Mr. KUYKENDALL, Mr. THOMSON of Wisconsin, Mr. BUSH, Mr. SANDMAN, Mr. HASTINGS, Mr. ADAIR, Mr. GOODLING, Mr. FRELINGHUYSEN, Mr. DANIELS of New Jersey, and Mr. BUTTON):

H. Res. 758. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. MINSHALL:

H. Res. 759. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. DONOHUE:

H.R. 15314. A bill for the relief of Dr. Ghansham P. Massand; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 15315. A bill for the relief of Aveleen Elfredia Hughes; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 15316. A bill for the relief of Miss Ljiljana Nikodinovic; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

358. The SPEAKER presented petition of Bedingfield, Grant & Bedingfield, attorneys at at law, Coos Bay, Oreg., attorneys for Larry Lucas, Agness, Oreg., relative to the proposed plan of the Forest Service, Department of Agriculture, for the Rogue River in Oregon under the Wild and Scenic Rivers Act (Public Law 90-542); to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

RESOLUTION PAYS TRIBUTE TO SERVICEMEN

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mrs. HANSEN of Washington. Mr. Speaker, I am proud to be a cosponsor of the House resolution which "pays the highest tribute to the American serviceman who has has given his life or has been wounded in the Vietnam conflict" and which "commends each serviceman and veteran of Vietnam for his individual sacrifice, bravery, dedication, initiative, and devotion to duty."

I believe it is important that this position be plainly stated and that it be widely known that this resolution passed the House unanimously last Monday.

Furthermore, we should note that under the House rules, only 25 Members could be cosponsors of the actual resolution which passed—H.R. 661. But that is only part of the picture. There were a total of nine bills—each with a similar message—which were before the Committee on Armed Services. I was a cosponsor of H.R. 662, which contained the same thanks for "the bravery and dedication" of our servicemen.

In addition to the unanimous vote, we should point out carefully that a total of 152 Members of Congress joined as cosponsors of this declaration. Under House rules, the public should know, each of those nine resolutions is considered passed.

The resolution made clear in its wording, sponsorship, and vote that our servicemen have maximum support from the House of Representatives.

SOCIAL SECURITY AMENDMENTS OF 1969

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. HANNA. Mr. Speaker, in March of this year, a noted task force reported to the Special Senate Committee on Aging the following conclusion:

The average social security benefit payable to an elderly couple who retired in December 1950—even though it has been adjusted over the years—would now purchase a significantly smaller fraction of the Retired Couple's Budget for a Moderate Standard of Living than at the time of retirement.

What this means is that the cost of living has been rising at such a pace, even though social security payments have increased more than 100 percent since 1950, a retired couple actually can purchase less now than he did 20 years ago.

The Department of Labor has determined that a retired couple can have a moderate standard of living with an income of around $340 a month. A poverty, or what has been termed a "lower budget" for an elderly couple averages $220 a month.

Breaking these figures down, the Department of Labor would allow about $15 a week for food for retired couples living at the lower budget. Housing transportation, clothing are similarly scheduled.

Now, of course, these figures are just for the lower budget $220 a month. Present social security benefits are almost 100 percent less than the minimum poverty budget. Today most retired couples depend upon social security for the major portion of their budget. The maximum payment of $118 per month of the retired poor is supplemented by State welfare—old-age assistance—checks. In no instance do welfare payments bring their recipients up to the minimum poverty budget.

In other words, the majority of elderly Americans receive a monthly income that

is less than what the Department of Labor considers to be a poverty budget. At the conclusion of this statement, I will attach a report, complete with tables, that was released by the Department of Labor late in October of this year. The report identifies the costs of living for the elderly. It defines the types of budgets and indicates the costs of each.

One additional item needs to be discussed. The average budgets included in the report take into account the differences in the cost of living in various sections of the country. In my home State of California, an elderly retired couple will find the lower budget costing from 5 to 8 percent more than the average. As a result an older couple in California at the poverty level will find it much more difficult to make ends meet.

Most of these people have really never been able to enjoy the raises in social security that Congress has provided in the past two decades. Most States reduce the amount of old-age assistance payments in direct ratio to the rise in social security payments. When you couple that hard fact with a 4.5-percent rate of inflation in the past year, the elderly poor are being crushed with no real relief in sight.

The 15-percent raise we are talking about really does not solve the depressing financial squeeze now hurting millions of older Americans. The average raise amounts to around $17 per month per couple. With the Consumer Price Index increasing at almost one-half percent a month, 15 percent will not begin to even keep the recipients even with the pace of rising prices. Since 1955, the rise in benefits has not equaled the rise in prices and 1969 will be no exception.

The current conditions in our economy have most seriously hurt those on a fixed income. Older Americans depending on social security for the major part of their income have been hurt more than other groups.

A 15-percent raise is the very least we can do. A 15-percent raise is a minimum gesture and no one is entitled to slap themselves on the back with self-congratulations for their generosity. It is merely a holding action. Hopefully, it will prod us into a meaningful program in the immediate future. If we cannot do better soon, the suffering will be tragic.

The report and tables follow:

THREE BUDGETS FOR A RETIRED COUPLE

"In spring 1967, it cost a retired couple almost $2,700 to maintain the level of living specified in the lower budget, roughly $3,900 to live at the intermediate level, and about $6,000 to meet the requirements of the higher budget."

These findings are from "Measuring Retired Couples' Living Costs in Urban Areas," an article that will appear in the November issue of the *Monthly Labor Review*. A research bulletin—*Three Budgets for a Retired Couple in Urban Areas of the United States*—will be published later in 1969 by the U.S. Department of Labor's Bureau of Labor Statistics.

Rising prices between spring 1967 and spring 1969 have added about 9 percent to the cost of goods and services required to sustain the retired couples.

Lower and higher budgets for a retired couple are available for the first time. The intermediate budget (formerly the moderate budget) is a sequel to the retired couple's budget, autumn 1966, which was published in June 1968.

The budgets have been developed to meet the needs of public assistance agencies, voluntary social and welfare agencies, businesses, labor unions, and individuals concerned with retirement planning.

The retired couple is defined as a husband, age 65 or over, and his wife, self-supporting, living independently in a separate dwelling, and enjoying reasonably good health.

The budgets are based on the manner of living and consumer choices of the 1960's. They permit the couple to maintain its health and well-being, and to participate in community activities. The goods and services were selected as follows: nutritional and health standards, as determined by experts, were used for the food-at-home and housing components. However, the selection among the various kinds of foods and housing arrangements were based on actual choices made by families as revealed by surveys of consumer expenditures. In the absence of standards the choices reported in the BLS Survey of Consumer Expenditures were used for housefurnishings, household operation, clothing, personal care, reading, recreation, meals away from home, and alcoholic beverages.

The style of living provided by the lower budget differs from the intermediate and higher levels in this manner: A smaller proportion of couples own their homes, dwelling units lack air conditioning, couples rely more on public transportation, they perform more services for themselves, and they make greater use of free recreation facilities.

By contrast, the higher budget assumes the largest proportion of homeowners, provides new cars for some couples, allows more household appliances and equipment, and more paid services than at the intermediate level.

Also, a majority of the items common to the three budgets are in greater quantity and of better quality at each higher level of living.

Total budget costs in urban United States in spring 1967 averaged $2,671 at the lower level, $3,857 at the intermediate, and $6,039 at the higher.

Consumption items—food, housing, transportation, clothing, personal care, medical care, and other family consumption in the lower budget cost $2,556. In addition, an allowance for gifts and contributions amounted to $115.

The intermediate budget required $3,626 for consumption items plus $231 for gifts and contributions, while the higher budget needed $5,335 for goods and services and $398 for gifts and contributions. Additional allowances are made in the high budget of $71 for life insurance premiums and $235 for personal taxes.

FOOD

Total food costs at spring 1967 prices averaged $789 for the lower budget, $1,048 for the intermediate, and $1,285 for the higher.

Of total food costs in the lower budget, $735 was for food at home. Compared with the two higher budgets, the lower food allowance calls for larger quantities of potatoes, dry beans and peas, flour and cereal, and smaller quantities of meat, and poultry and fish.

The family also has an allowance of $54 which permits them to enjoy a restaurant meal about once a month.

In the intermediate budget, food for home consumption cost $937 and restaurant meals and snacks—$111. At the top level the couples required $1,115 for food consumed at home, and $170 for meals outside the home.

HOUSING

Urban U.S. housing costs ranged from $939 in the lower budget to $2,066 in the higher level. The middle group housing costs amounted to $1,330.

Shelter—the major expense in the housing total—required an average annual outlay of $704 for the lower budget, $849 for the intermediate, and $1,188 for the higher level. These amounts are based on the average costs for rented and owned dwellings.

Rental housing which had 2 or 3 rooms were specified for 40 percent of the couples at the lower level, 35 percent of the middle level, and 30 percent of the higher level couples. The renters' cost included rent plus estimated costs of fuel and utilities, where these were not part of the rent, and insurance on household effects.

The majority of the families at all budget levels lived in 5- or 6-room mortgage-free homes. Typical homeowner costs for these couples include taxes, insurance, fuel and utilities, and routine repair and maintenance charges. The higher budget provides for greater utility usage and a larger repair and maintenance allowance than the intermediate and lower budgets.

TRANSPORTATION

Transportation costs stepped up from $191 at the lower budget level to $382 for the intermediate, and $682 for the higher. These allowances provide for ownership and operation of an automobile for some of the couples at each budget level—except for lower budget families in Boston, Chicago, New York, and Philadelphia who rely on public transit.

The budget level and city size determined whether couples owned an automobile and how much they patronized public transit. In the lower budget it was assumed that car owners bought 6-year-old cars, intermediate group owners bought 2-year-old cars as did 45 percent of the higher budget families. For the remaining 55 percent of the higher budget couples, the purchase of a new car was specified.

CLOTHING AND PERSONAL CARE

Clothing costs—replacement of the clothing, and materials and services—averaged $134 for the lower budget couple. The intermediate budget couple needed $234 and the higher $371, at spring 1967 prices.

The clothing allowances for husband and wife were about the same in the lower and intermediate budgets. At the higher level, however, the wife's allowance averaged about $20 more than the husband's.

Personal care costs moved from $83 for the lower budget to $123 for the intermediate, and to $178 for the higher budget. These costs constituted about 3 percent of the total family consumption for the three budgets.

MEDICAL CARE

The lower budget couple required $294 to cover its total medical costs for a year. This was only $2 less than the intermediate budget couple's $296, and $5 less than the top level cost of $299. Although there is only a $5 difference between the lower and the higher allowances, in the lower budget medical costs accounted for 12 percent of total family consumption, compared with only 6 percent of family consumption for the higher budget.

The medical care costs include hospital and medical insurance provided by the Federal Medicare program. Also included in the costs are eye examinations and eye glasses, drugs, and a physical checkup for Medicare enrollees not using Medicare services within a year.

OTHER CONSUMPTION

In the lower budget, "other consumption"—reading, recreation, tobacco, alcohol, and miscellaneous expenses—cost $126. For these same items, the intermediate budget required $213 while the higher budget totaled $454.

At the lower level, the largest single cost in "other consumption" was reading ($46), while at the intermediate and higher levels, costs for recreation—$81 and $256, respectively—accounted for the largest portions of the item.

Tobacco—cigars or pipes—and alcohol allowances are part of "other consumption" costs. No allowance was made for cigarettes in view of the findings of the U.S. Public Health Service concerning the effects of cigarette smoking on health.

LIVING COST DIFFERENCES AMONG CITIES

The new budgets provide a wide variety of total budget costs and comparative living cost indexes (tables 1–6) for major categories of consumer goods and services.

All indexes relate to costs for families established in the areas. They do not measure differences in costs associated with moving from one area to another, or costs incurred by recent arrivals in the community.

Within each budget, the intercity indexes reflect differences among areas in price levels, climatic or regional differences in the quantities and types of items required to provide the specified level of living, and differences in State and local taxes.

The annual cost of the lower budget in spring 1967 amounted to $3,110 in Honolulu and $2,334 in small Southern cities. In relative terms, with U.S. urban average costs equal to 100, this constitutes a range of 87 to 116, or 33 percent. For the other two budgets, Honolulu families spend $4,429 for the intermediate and $7,219 for the higher. In small Southern cities, families averaged $3,222 for the middle budget and $4,827 for the higher.

Of the mainland cities, the lower and intermediate budgets total costs were highest in Hartford—$3,022 and $4,343, respectively. The highest cost mainland city for the higher budget was Boston—$7,198.

For all three budgets, food, rental shelter, and transportation were most expensive in Honolulu, medical care in Los Angeles, and clothing in Portland, Maine. The cost of homeownership was highest in New York for the lower and middle budgets and in Boston for the higher budget.

PUBLICATIONS

"Measuring Retired Couples' Living Costs in Urban Areas" appears in the November issue of the *Monthly Labor Review*. Single copy price 75 cents, annual subscription $9.

The *Three Budgets for a Retired Couple in Urban Areas of the United States 1967–68*, Bulletin No. 1570–6, will become available later in 1969.

Other published bulletins in the series are:

Bulletin 1570–1, *City Worker's Family Budget for a Moderate Living Standard, Autumn 1966*. Price 30 cents.

Bulletin 1570–2, *Revised Equivalence Scale* for estimating budget costs for families of different size, age, and type. Price 35 cents.

Bulletin 1570–3, *Pricing Procedures, Specifications and Average Prices, Autumn 1966*, used for the moderate standard of the city worker's budget. Price 75 cents.

Bulletin 1570–4, *Retired Couple's Budget for a Moderate Living Standard, Autumn 1966*. Price 35 cents.

Bulletin 1570–5, *Three Standards of Living for an Urban Family of Four Persons, Spring 1967*. Price $1.00.

Publications can be purchased from the regional offices of the Bureau of Labor Statistics and the Superintendent of Documents, Washington, D.C. 20402.

TABLE 1.—ANNUAL COSTS OF A LOWER BUDGET FOR A RETIRED COUPLE,[1] SPRING 1967

Area	Total budget costs[2]			Cost of family consumption									
						Housing (shelter, house furnishings, household operations)							
							Shelter						
	Renter and owner combined[3]	Renter families	Homeowner families	Total[3]	Food	Total housing[3]	Renter and owner combined[3]	Renter families[4]	Homeowner families[5]	Transportation[6]	Clothing and personal care	Medical care	Other family consumption
Urban United States	$2,671	$2,723	$2,636	$2,556	$789	$939	$704	$756	$669	$191	$217	$294	$126
Metropolitan areas[7]	2,730	2,785	2,694	2,613	796	991	746	801	710	172	221	298	135
Nonmetropolitan areas[8]	2,492	2,536	2,462	2,385	769	783	578	622	548	248	207	281	97
Northeast:													
Boston, Mass	2,757	2,710	2,789	2,639	835	1,109	852	805	884	47	218	290	140
Buffalo, N.Y	2,944	2,938	2,948	2,817	816	1,085	833	827	837	249	237	293	137
Hartford, Conn	3,022	3,065	2,993	2,892	851	1,121	885	928	856	250	227	298	145
Lancaster, Pa	2,704	2,702	2,705	2,588	827	919	689	687	690	210	216	289	127
New York-northeastern New Jersey	2,803	2,706	2,867	2,683	845	1,142	898	801	962	33	223	301	139
Philadelphia, Pa.-New Jersey	2,620	2,588	2,641	2,508	837	983	744	712	765	47	214	290	137
Pittsburgh, Pa	2,680	2,762	2,625	2,565	802	885	652	734	597	228	224	285	141
Portland, Maine	2,778	2,766	2,786	2,659	802	967	710	698	718	216	237	287	150
Nonmetropolitan areas[8]	2,764	2,827	2,722	2,645	829	952	754	817	712	263	217	286	98
North-central:													
Cedar Rapids, Iowa	2,778	2,862	2,722	2,659	783	1,006	755	839	699	226	228	289	127
Champaign-Urbana, Ill	2,818	2,916	2,753	2,697	794	1,053	812	910	747	219	217	295	119
Chicago, Ill.-northwestern Indiana	2,664	2,798	2,574	2,550	806	1,048	801	935	711	43	227	295	131
Cincinnati, Ohio-Kentucky-Indiana	2,595	2,660	2,551	2,483	783	858	625	690	581	224	204	278	136
Cleveland, Ohio	2,828	2,929	2,761	2,707	778	1,054	809	910	742	236	227	274	138
Dayton, Ohio	2,689	2,845	2,585	2,574	777	948	706	862	602	219	216	281	133
Detroit, Mich	2,656	2,846	2,529	2,542	804	849	607	797	480	236	228	286	139
Green Bay, Wis	2,663	2,655	2,668	2,549	755	930	682	674	687	221	224	292	127
Indianapolis, Ind	2,850	2,969	2,770	2,728	786	1,077	826	945	746	228	224	275	138
Kansas City, Mo.-Kansas	2,691	2,810	2,611	2,576	799	894	647	766	567	239	220	295	129
Milwaukee, Wis	2,795	2,864	2,749	2,675	768	1,036	797	886	751	228	224	287	132
Minneapolis-St. Paul, Minn	2,775	2,849	2,726	2,656	775	1,012	772	846	723	232	228	276	133
St. Louis, Mo.-Illinois	2,757	2,830	2,708	2,639	820	953	711	784	662	242	215	287	122
Wichita, Kans	2,709	2,818	2,637	2,593	799	936	684	793	612	230	214	286	128
Nonmetropolitan areas[8]	2,560	2,635	2,510	2,450	788	829	623	698	573	240	224	275	94
South:													
Atlanta, Ga	2,462	2,566	2,393	2,357	738	752	489	593	420	221	210	292	143
Austin, Tex	2,462	2,593	2,374	2,356	733	787	545	676	457	220	194	295	127
Baltimore, Md	2,616	2,736	2,536	2,504	729	896	641	761	561	238	214	293	134
Baton Rouge, La	2,422	2,542	2,342	2,318	742	714	476	596	396	239	206	285	132
Dallas, Tex	2,511	2,573	2,469	2,403	725	813	574	636	532	228	202	302	133
Durham, N.C	2,554	2,634	2,501	2,444	713	893	651	731	598	218	205	287	128
Houston, Tex	2,531	2,610	2,478	2,422	745	798	549	628	496	246	198	302	133
Nashville, Tenn	2,536	2,573	2,512	2,427	710	857	600	637	576	222	209	291	138
Orlando, Fla	2,572	2,780	2,434	2,462	706	925	673	881	535	213	198	290	130
Washington, D.C.-Maryland-Virginia	2,802	3,014	2,661	2,682	775	1,015	772	984	631	243	221	291	137
Nonmetropolitan areas[8]	2,334	2,359	2,317	2,234	732	692	487	512	470	246	188	280	96
West:													
Bakersfield, Calif	2,650	2,714	2,607	2,536	781	854	612	676	569	243	216	318	124
Denver, Col	2,710	2,723	2,701	2,594	797	922	671	684	662	225	230	296	124
Honolulu, Hawaii	3,110	3,455	2,880	2,976	985	1,066	762	1,107	532	272	215	293	145
Los Angeles-Long Beach, Calif	2,818	2,993	2,702	2,697	781	971	739	914	623	243	226	339	137
San Diego, Calif	2,736	2,836	2,669	2,619	763	948	708	808	641	238	208	325	137
San Francisco-Oakland, Calif	2,926	3,062	2,835	2,800	816	1,016	774	910	683	259	244	324	141
Seattle-Everett, Wash	2,971	3,102	2,884	2,843	851	1,051	787	918	700	257	239	309	136
Nonmetropolitan areas[8]	2,703	2,734	2,683	2,587	819	881	663	694	643	264	227	292	104

[1] A husband age 65 or over and his wife.

[2] The total cost of the budget includes an allowance for gifts and contributions.

[3] The total represents the weighted average costs of renter and homeowner families. The weights in the lower budget were 40 percent for families living in rental dwellings; 60 percent for homeowners.

[4] Average contract rent plus the cost of required amounts of heating fuel, gas, electricity, water, specified equipment, and insurance on household contents.

[5] Taxes; insurance on house and contents; water, refuse disposal, heating fuel, gas, electricity, and specified equipment; and home repair and maintenance costs.

[6] The average costs of automobile owners and nonowners were weighted by the following proportions of families; Boston, Chicago, New York, Philadelphia, 100 percent for nonowners; all other metropolitan areas, 45 percent for car owners, 55 percent for nonowners; nonmetropolitan areas, 55 percent for car owners, 45 percent for nonowners.

[7] For a detailed description see the 1967 edition of "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

[8] Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 2.—ANNUAL COSTS OF AN INTERMEDIATE BUDGET FOR A RETIRED COUPLE,[1] SPRING 1967

Area	Total budget costs[2]			Cost of family consumption									
						Housing (shelter, house furnishings, household operations)							
							Shelter						
	Renter and owner combined[3]	Renter families	Homeowner families	Total[3]	Food	Total housing[3]	Renter and owner combined[3]	Renter families[4]	Homeowner families[5]	Transportation[6]	Clothing and personal care	Medical care	Other family consumption
Urban United States	$3,857	$3,976	$3,793	$3,626	$1,048	$1,330	$849	$968	$785	$382	$357	$296	$213
Metropolitan areas[7]	3,997	4,124	3,928	3,757	1,064	1,425	904	1,031	836	378	362	300	228
Nonmetropolitan areas[8]	3,440	3,538	3,388	3,234	1,002	1,046	683	781	631	394	342	283	167
Northeast:													
Boston, Mass	4,258	4,276	4,248	4,003	1,142	1,621	1,075	1,093	1,065	360	354	292	234
Buffalo, N.Y	4,217	4,259	4,194	3,964	1,089	1,520	980	1,022	957	442	385	296	232
Hartford, Conn	4,343	4,464	4,278	4,083	1,173	1,557	1,035	1,156	970	445	366	300	242
Lancaster, Pa	3,925	4,005	3,882	3,690	1,136	1,302	819	899	776	392	348	291	221
New York–northeastern New Jersey	4,265	4,256	4,270	4,009	1,173	1,682	1,137	1,128	1,142	247	368	303	236
Philadelphia, Pa–New Jersey	3,993	4,015	3,981	3,754	1,124	1,430	921	943	909	330	348	292	230
Pittsburgh, Pa	3,884	4,020	3,811	3,651	1,080	1,273	774	910	701	414	362	287	235
Portland, Maine	4,035	4,062	4,020	3,793	1,104	1,364	836	863	821	407	388	289	241
Nonmetropolitan areas[8]	3,828	3,957	3,759	3,598	1,117	1,255	887	1,016	818	410	361	288	167
North-central:													
Cedar Rapids, Iowa	4,019	4,146	3,950	3,778	1,007	1,479	924	1,051	855	409	370	292	221
Champaign-Urbana, Ill	4,053	4,208	3,969	3,810	1,042	1,506	993	1,148	909	397	356	297	212
Chicago, Ill.-northwestern Indiana	3,945	4,156	3,831	3,709	1,034	1,454	933	1,144	819	335	367	297	222
Cincinnati, Ohio-Kentucky-Indiana	3,765	3,888	3,699	3,539	1,021	1,269	763	886	697	402	337	281	229
Cleveland, Ohio	4,057	4,279	3,938	3,814	1,010	1,506	988	1,210	869	422	372	277	227
Dayton, Ohio	3,791	4,000	3,679	3,564	1,004	1,296	800	1,009	688	401	357	284	222
Detroit, Mich	3,870	4,133	3,728	3,638	1,060	1,265	726	989	584	424	370	288	231
Green Bay, Wis	3,825	3,812	3,832	3,596	974	1,337	840	827	847	411	362	295	217
Indianapolis, Ind	4,065	4,194	3,995	3,822	1,021	1,507	984	1,113	914	417	367	278	232
Kansas City, Mo.-Kansas	3,881	4,051	3,789	3,648	1,032	1,302	771	941	679	434	359	298	223
Milwaukee, Wis	4,040	4,132	3,990	3,798	1,015	1,496	969	1,061	919	411	364	289	223
Minneapolis-St. Paul, Minn	3,972	4,107	3,899	3,734	1,014	1,425	910	1,045	837	419	366	279	231
St. Louis, Mo.-Illinois	3,974	4,096	3,909	3,736	1,073	1,379	861	983	796	436	350	289	209
Wichita, Kans	3,863	3,968	3,796	3,632	1,018	1,324	814	937	747	432	350	288	220
Nonmetropolitan areas[8]	3,555	3,682	3,486	3,342	1,003	1,142	766	893	697	382	370	278	167
South:													
Atlanta, Ga	3,593	3,804	3,479	3,378	995	1,103	597	808	483	403	348	294	235
Austin, Tex	3,574	3,801	3,451	3,360	972	1,155	678	905	555	405	320	297	211
Baltimore, Md	3,781	4,024	3,650	3,554	981	1,276	738	981	607	421	357	295	224
Baton Rouge, La	3,504	3,671	3,414	3,294	995	1,030	569	736	479	436	329	287	217
Dallas, Tex	3,655	3,801	3,577	3,436	978	1,188	710	856	632	411	335	304	220
Durham, N.C	3,667	3,789	3,601	3,447	952	1,249	776	898	710	404	339	289	214
Houston, Tex	3,679	3,796	3,616	3,459	1,003	1,170	674	790	611	440	326	304	216
Nashville, Tenn	3,702	3,835	3,631	3,480	949	1,254	752	885	681	408	347	293	229
Orlando, Fla	3,668	3,967	3,507	3,448	941	1,273	786	1,085	625	396	328	292	218
Washington, D.C.-Maryland Virginia	3,995	4,228	3,870	3,756	1,045	1,393	849	1,082	724	431	370	294	223
Nonmetropolitan areas[8]	3,222	3,289	3,186	3,029	964	912	564	631	528	395	311	282	165
West:													
Bakersfield, Calif	3,815	3,948	3,744	3,586	1,001	1,267	765	898	694	431	355	321	211
Denver, Colo	3,887	3,994	3,829	3,654	1,035	1,318	795	902	737	419	372	297	213
Honolulu, Hawaii	4,429	4,922	4,163	4,164	1,267	1,530	939	1,432	673	476	352	295	244
Los Angeles-Long Beach, Calif	4,019	4,263	3,888	3,778	1,017	1,389	870	1,114	739	430	371	342	229
San Diego, Calif	3,853	4,001	3,774	3,622	995	1,310	810	958	731	419	342	328	228
San Francisco-Oakland, Calif	4,182	4,414	4,058	3,931	1,068	1,448	915	1,147	791	455	397	327	236
Seattle-Everett, Wash	4,273	4,484	4,159	4,017	1,107	1,522	942	1,153	828	458	385	311	234
Nonmetropolitan areas[8]	3,672	3,790	3,609	3,452	1,039	1,159	772	890	709	407	376	294	177

[1] A husband age 65 or over and his wife.
[2] The total cost of the budget includes an allowance for gifts and contributions.
[3] The total represents the weighted average costs of renter and homeowner families. The weights in the intermediate budget were 35 percent for families living in rental dwellings; 65 percent, for homeowners.
[4] Average contract rent plus the cost of required amounts of heating fuel, gas, electricity, water, specified equipment, and insurance on household contents.
[5] Taxes; insurance on house and contents; water, refuse disposal, heating fuel, gas, electricity, and specified equipment; and home repair and maintenance cost.
[6] The average costs of automobile owners and nonowners were weighted by the following proportions of families: New York, 25 percent for car owners, 75 percent for nonowners; Boston, Chicago, Philadelphia, 40 percent for car owners, 60 percent for nonowners; all other metropolitan areas, 60 percent for car owners, 40 percent for nonowners; nonmetropolitan areas, 68 percent for car owners, 32 percent for nonowners.
[7] For a detailed description see the 1967 edition of "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.
[8] Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 3.—ANNUAL COSTS OF A HIGHER BUDGET FOR A RETIRED COUPLE,[1] SPRING 1967

Area	Total budget costs			Cost of family consumption												
						Housing (shelter, housefurnishings, household operations)								Personal taxes		
							Shelter									
	Renter and owner combined[2]	Renter families	Homeowner families	Total[3]	Food	Total housing[4]	Renter and owner combined[3]	Renter families[6]	Homeowner families[7]	Transportation[5]	Clothing and personal care	Medical care	Other family consumption	Renter and homeowner combined	Renter families	Homeowners families
Urban United States	$6,039	$6,350	$5,906	$5,335	$1,285	$2,066	$1,888	$1,449	$1,076	$682	$549	$299	$454	$235	$285	$214
Metropolitan areas[8]	6,342	6,701	6,187	5,571	1,305	2,232	1,287	1,588	1,158	697	545	303	489	284	342	258
Nonmetropolitan areas[9]	5,137	5,303	5,065	4,629	1,225	1,569	892	1,033	831	639	560	286	350	92	117	81
Northeast:																
Boston, Mass	7,198	7,312	7,149	6,217	1,375	2,840	1,823	1,916	1,783	675	526	295	506	446	467	437
Buffalo, N.Y	6,626	6,938	6,492	5,791	1,310	2,364	1,364	1,619	1,255	747	569	298	503	332	389	307
Hartford, Conn	6,860	7,244	6,695	6,002	1,432	2,433	1,461	1,784	1,322	760	545	303	529	339	400	313
Lancaster, Pa	6,027	6,141	5,977	5,304	1,371	1,955	1,048	1,144	1,006	670	527	294	487	256	274	248
New York-Northeastern New Jersey	6,917	7,079	6,849	6,012	1,418	2,609	1,618	1,750	1,562	617	550	304	514	385	415	273
Philadelphia, Pa.-New Jersey	6,372	6,827	6,176	5,557	1,365	2,284	1,324	1,703	1,161	591	519	295	503	329	405	296
Pittsburgh, Pa	6,078	6,333	5,968	5,338	1,311	1,990	1,058	1,272	966	699	537	290	511	271	312	253
Portland, Maine	6,069	5,980	6,107	5,380	1,319	1,995	1,035	959	1,067	693	575	292	506	217	204	223
Nonmetropolitan areas[9]	5,724	5,685	5,741	5,102	1,366	1,855	1,165	1,133	1,179	660	568	291	362	170	163	173

Footnotes at end of table.

TABLE 3.—ANNUAL COSTS OF A HIGHER BUDGET FOR A RETIRED COUPLE,[1] SPRING 1967—Continued

Area	Total budget costs			Cost of family consumption										Personal taxes		
						Housing (shelter, housefurnishings, household operations)										
							Shelter									
	Renter and owner combined[2]	Renter families	Homeowner families	Total[3]	Food	Total housing[4]	Renter and owner combined[3]	Renter families[6]	Homeowner families[7]	Transportation[5]	Clothing and personal care	Medical care	Other family consumption	Renter and homeowner combined	Renter families	Homeowners families
Urban United States—Continued																
North Central:																
Cedar Rapids, Iowa	$6,412	$6,861	$6,219	5,590	$1,249	2,284	$1,330	$1,696	$1,173	$725	$568	$294	$470	$334	$417	$298
Champaign-Urbana, Ill	6,288	6,494	6,200	5,553	1,291	2,229	1,332	1,507	1,257	722	551	300	460	250	281	237
Chicago, Ill.-Northwestern Indiana	6,248	6,943	5,950	5,519	1,275	2,268	1,337	1,924	1,085	639	567	299	471	246	354	200
Cincinnati, Ohio-Ky.-Ind	5,724	5,884	5,655	5,078	1,265	1,847	959	1,094	901	680	524	284	478	196	221	185
Cleveland, Ohio	6,234	6,544	6,101	5,489	1,236	2,219	1,288	1,551	1,176	714	574	279	467	264	311	243
Dayton, Ohio	6,030	6,582	5,794	5,307	1,225	2,099	1,192	1,656	994	672	554	287	470	256	344	218
Detroit, Mich	6,377	7,120	6,058	5,608	1,304	2,231	1,279	1,900	1,013	719	570	291	493	279	401	226
Green Bay, Wis	6,161	6,291	6,106	5,353	1,198	2,139	1,232	1,337	1,187	699	562	298	457	338	363	328
Indianapolis, Ind	6,304	6,377	6,272	5,553	1,264	2,231	1,309	1,370	1,283	713	568	281	496	266	278	260
Kansas City, Mo.-Kansas	6,088	6,423	5,944	5,361	1,264	2,023	1,084	1,363	964	741	555	300	478	256	312	232
Milwaukee, Wis	6,305	6,496	6,224	5,460	1,264	2,172	1,268	1,422	1,202	698	561	292	473	366	403	351
Minneapolis-St. Paul, Minn	6,226	6,481	6,118	5,430	1,247	2,143	1,224	1,428	1,137	716	562	281	481	320	371	299
St. Louis, Mo.-Illinois	6,031	6,094	6,003	5,317	1,334	1,953	1,042	1,095	1,019	758	542	292	438	246	256	241
Wichita, Kans	6,025	6,322	5,898	5,299	1,244	2,017	1,100	1,346	994	746	539	291	462	244	295	223
Nonmetropolitan areas[9]	5,265	5,314	5,244	4,726	1,227	1,658	974	1,016	956	617	595	281	348	115	122	112
South:																
Atlanta, Ga	5,475	5,948	5,272	4,908	1,224	1,689	788	1,192	615	689	535	297	474	130	199	100
Austin, Tex	5,515	5,872	5,362	4,940	1,188	1,758	905	1,210	775	727	495	299	473	135	187	112
Baltimore, Md	6,012	6,206	5,929	5,314	1,231	2,057	1,085	1,245	1,016	709	537	298	482	230	264	216
Baton Rouge, La	5,569	5,912	5,422	4,983	1,274	1,668	831	1,123	706	764	505	289	483	143	194	121
Dallas, Tex	5,949	6,664	5,641	5,284	1,226	2,010	1,149	1,757	888	731	517	306	494	200	307	153
Durham, N.C	5,560	5,734	5,485	4,932	1,169	1,774	908	1,051	846	708	518	291	472	189	220	176
Houston, Tex	5,995	6,741	5,674	5,320	1,243	2,019	1,123	1,756	851	780	501	306	471	207	320	158
Nashville, Tenn	5,728	6,000	5,611	5,110	1,161	1,932	1,027	1,258	927	720	531	295	471	166	207	146
Orlando, Fla	5,590	5,808	5,495	5,000	1,170	1,873	980	1,166	900	692	502	294	469	146	178	131
Washington, D.C.-Maryland-Virginia	6,240	6,605	6,084	5,493	1,282	2,137	1,178	1,479	1,049	725	568	296	485	270	334	243
Nonmetropolitan areas[9]	4,827	5,089	4,714	4,388	1,177	1,410	754	979	658	642	527	284	348	40	77	23
West:																
Bakersfield, Calif	5,978	6,283	5,847	5,307	1,232	1,983	1,049	1,309	938	774	526	324	468	204	249	184
Denver, Colo	6,154	6,565	5,978	5,444	1,324	2,100	1,150	1,494	1,003	710	546	300	464	233	300	204
Honolulu, Hawaii	7,219	8,072	6,853	6,204	1,594	2,436	1,344	2,030	1,050	815	521	298	540	481	648	409
Los Angeles-Long Beach, Calif	6,487	7,377	6,105	5,706	1,269	2,301	1,356	2,103	1,036	758	551	344	483	284	427	222
San Diego, Calif	6,127	6,548	5,947	5,425	1,230	2,147	1,216	1,574	1,063	732	507	332	477	226	289	199
San Francisco-Oakland, Calif	6,540	6,870	6,399	5,751	1,341	2,205	1,232	1,511	1,113	796	588	330	491	289	340	267
Seattle-Everett, Wash	6,497	6,725	6,399	5,717	1,367	2,192	1,177	1,370	1,094	793	568	314	483	282	317	267
Nonmetropolitan areas[9]	5,519	5,794	5,401	4,909	1,285	1,714	982	1,208	885	660	597	296	357	173	222	152

[1] A husband age 65 or over and his wife.
[2] The total cost of the budget includes an allowance for gifts and contributions.
[3] The total represents the weighted average costs of renter and homeowner families. The weights in the higher budget were 30 percent for families living in rental dwellings; 70 percent for homeowners.
[4] The total includes an allowance of $53 for lodging away from home city. The allowance is the same for all areas. This allowance is not shown separately or included in any of the housing subgroups.
[5] The average costs of automobile owners and nonowners were weighted by the following proportions of families: Boston, Chicago, New York, Philadelphia, 75 percent for car owners, 25 percent for nonowners; all other metropolitan and nonmetropolitan areas, 100 percent for car owners.
[6] Average contract rent plus the cost of required amounts of heating fuel, gas, electricity, water specified equipment, and insurance on household contents.
[7] Taxes; insurance on house and contents; water, refuse disposal, heating fuel, gas, electricity, and specified equipment; and home repair and maintenance costs.
[8] For a detailed description see the 1967 edition of "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.
[9] Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 4.—INDEXES OF COMPARATIVE COSTS BASED ON A LOWER LEVEL BUDGET FOR A RETIRED COUPLE, SPRING 1967 [1]

[U.S. urban average costs=100]

Area	Total budget costs			Cost of family consumption									
						Housing (shelter, house furnishings, household operation)							
							Shelter						
	Renter and owner combined[2]	Renter families	Homeowner families	Total[2]	Food	Total[3]	Renter and owner combined[4]	Renter families[5]	Homeowner families[6]	Transportation[7]	Clothing and personal care	Medical care	Other family consumption
Urban United States	100	100	100	100	100	100	100	100	100	100	100	100	100
Metropolitan areas[8]	102	102	102	102	101	106	106	106	106	90	102	101	108
Nonmetropolitan areas[9]	93	93	93	93	97	83	82	82	82	130	95	96	77
Northeast:													
Boston, Mass	103	100	106	103	106	118	121	106	132	25	100	99	111
Buffalo, N.Y	110	108	112	110	103	116	118	109	125	131	109	100	109
Hartford, Conn	113	113	114	113	108	119	126	123	128	131	105	101	115
Lancaster, Pa	101	99	103	101	105	98	98	91	103	110	99	98	101
New York-Northeastern New Jersey	105	99	109	105	107	122	127	106	144	17	103	102	111
Philadelphia, Pa.-N.J	98	95	100	98	106	105	106	94	114	24	99	98	109
Pittsburgh, Pa	100	101	100	100	102	94	93	97	89	120	103	97	112
Portland, Maine	104	102	106	104	102	103	101	92	107	113	109	98	119
Nonmetropolitan areas[9]	104	104	103	104	105	101	107	108	106	138	100	97	78
North Central:													
Cedar Rapids, Iowa	104	105	103	104	99	107	107	111	104	118	105	98	101
Champaign-Urbana, Ill	106	107	104	106	101	112	115	120	112	115	100	100	95
Chicago, Ill.-Northwestern Indiana	100	103	98	100	102	112	114	124	106	22	105	100	104
Cincinnati, Ohio-Kentucky-Indiana	97	98	97	97	99	91	89	91	87	117	94	95	108
Cleveland, Ohio	106	108	105	106	99	112	115	120	111	124	104	93	110
Dayton, Ohio	101	105	98	101	98	101	100	114	90	115	100	95	105
Detroit, Mich	99	104	96	99	102	90	86	105	72	124	105	97	111
Green Bay, Wis	100	98	101	100	96	99	97	89	103	116	103	99	101
Indianapolis, Ind	107	109	105	107	100	115	117	125	111	119	103	94	110
Kansas City, Mo.-Kans	101	103	99	101	101	95	92	101	85	125	102	100	102
Milwaukee, Wis	105	105	104	105	97	110	113	115	112	119	103	98	105
Minneapolis-St. Paul, Minn	104	105	103	104	98	108	110	112	108	122	105	94	105
St. Louis, Mo.-Ill	103	104	103	103	104	102	101	104	99	127	99	98	97
Wichita, Kans	101	103	100	101	101	100	97	105	92	121	99	97	102
Nonmetropolitan areas[9]	96	97	95	96	100	88	88	92	86	126	103	94	75

See footnotes at end of table 6.

TABLE 4.—INDEXES OF COMPARATIVE COSTS BASED ON A LOWER LEVEL BUDGET FOR A RETIRED COUPLE, SPRING 1967 [1]—Continued

[U.S. urban average costs=100]

Area	Total budget costs [2]			Cost of family consumption									
						Housing (shelter, house furnishings, household operations)							
							Shelter						
	Renter and owner combined [3]	Renter families	Homeowner families	Total [3]	Food	Total [3]	Renter and owner combined [4]	Renter families [5]	Homeowner families [6]	Transportation [7]	Clothing and personal care	Medical care	Other family consumption
Urban United States—Continued													
South:													
Atlanta, Ga.	92	94	91	92	94	80	69	78	63	116	97	99	114
Austin, Tex.	92	95	90	92	93	84	77	89	68	116	89	100	101
Baltimore, Md.	98	101	96	98	92	95	91	101	84	124	99	100	107
Baton Rouge, La.	91	93	89	91	94	76	68	79	59	125	95	97	105
Dallas, Tex.	94	94	94	94	92	87	81	84	80	119	93	103	105
Durham, N.C.	96	97	95	96	90	95	92	97	89	115	94	98	102
Houston, Tex.	95	96	94	95	94	85	78	83	74	129	91	103	105
Nashville, Tenn.	95	94	95	95	90	91	85	84	86	116	96	99	110
Orlando, Fla.	96	102	92	96	89	99	96	117	80	112	91	99	103
Washington, D.C.-Md.-Va.	105	111	101	105	98	108	110	130	94	127	102	99	109
Nonmetropolitan areas [9]	87	87	88	87	93	74	69	68	70	129	87	95	77
West:													
Bakersfield, Calif.	99	100	99	99	99	91	87	89	85	128	100	108	98
Denver, Colo.	101	100	102	101	101	98	95	90	99	118	106	101	99
Honolulu, Hawaii	116	127	109	116	125	114	108	146	80	143	99	100	116
Los Angeles-Long Beach, Calif.	106	110	103	106	99	103	105	121	93	127	104	115	109
San Diego, Calif.	102	104	101	102	97	101	101	107	96	125	96	110	109
San Francisco-Oakland, Calif.	110	112	108	110	103	108	110	120	102	136	112	110	112
Seattle-Everett, Wash.	111	114	109	111	108	112	112	121	105	134	110	105	108
Nonmetropolitan areas [9]	101	100	102	101	104	94	94	92	96	138	104	99	83

TABLE 5.—INDEXES OF COMPARATIVE COSTS BASED ON AN INTERMEDIATE LEVEL BUDGET FOR A RETIRED COUPLE, SPRING 1967 [1]

[U.S. Urban Average Costs=100]

Area	Total budget costs			Cost of family consumption									
						Housing (shelter, house furnishings, household operations)							
							Shelter						
	Renter and owner combined [3]	Renter families	Homeowner families	Total [3]	Food	Total [3]	Renter and owner combined [4]	Renter families [5]	Homeowner families [6]	Transportation [7]	Clothing and personal care	Medical care	Other family consumption
Urban United States	100	100	100	100	100	100	100	100	100	100	100	100	100
Metropolitan areas [8]	104	104	104	104	101	107	106	106	107	99	101	101	107
Nonmetropolitan areas [9]	89	89	89	89	96	79	81	81	80	103	96	96	78
Northeast:													
Boston, Mass.	110	108	112	110	109	122	127	113	136	94	99	99	110
Buffalo, N.Y.	109	107	111	109	104	114	115	106	122	116	108	100	109
Hartford, Conn.	113	112	113	113	112	117	122	119	124	116	103	101	113
Lancaster, Pa.	102	101	102	102	108	98	96	93	99	103	98	98	104
New York-Northeastern New Jersey	111	107	113	111	112	126	134	117	146	65	103	102	111
Philadelphia, Pa.-New Jersey	104	101	105	104	107	107	108	97	116	86	98	99	108
Pittsburgh, Pa.	101	101	100	101	103	96	91	94	89	108	102	97	110
Portland, Maine	105	102	106	105	105	103	98	89	105	106	109	98	113
Nonmetropolitan areas [9]	99	100	99	99	107	94	105	105	104	107	101	97	79
North Central:													
Cedar Rapids, Iowa	104	104	104	104	96	111	109	108	109	107	104	98	104
Champaign-Urbana, Ill.	105	106	105	105	99	113	117	119	116	104	100	100	100
Chicago, Ill.-Northwestern Indiana	102	105	101	102	99	109	110	118	104	88	103	100	104
Cincinnati, Ohio-Kentucky-Indiana	98	98	98	98	97	95	90	91	89	105	95	95	107
Cleveland, Ohio	105	108	104	105	96	113	116	125	111	110	104	93	107
Dayton, Ohio	98	101	97	98	96	97	94	104	88	105	100	96	104
Detroit, Mich.	100	104	98	100	101	95	85	102	74	111	104	97	109
Green Bay, Wis.	99	96	101	99	93	100	99	85	108	108	102	99	102
Indianapolis, Ind.	105	105	105	105	97	113	116	115	116	109	103	94	109
Kansas City, Mo.-Kans.	101	102	100	101	99	98	91	97	87	113	101	100	105
Milwaukee, Wis.	105	104	105	105	97	112	114	110	117	107	102	98	104
Minneapolis-St. Paul, Minn.	103	103	103	103	97	107	107	108	107	110	103	94	108
St. Louis Mo.-Ill.	103	103	103	103	102	104	101	102	101	114	98	98	98
Wichita, Kans.	100	100	100	100	97	99	96	97	95	113	98	97	103
Nonmetropolitan areas [9]	92	93	92	92	96	86	90	92	89	100	104	94	78
South:													
Atlanta, Ga.	93	96	92	93	95	83	70	83	62	105	98	99	110
Austin, Tex.	93	96	91	93	93	87	80	93	71	106	90	100	99
Baltimore, Md.	98	101	96	98	94	96	87	101	77	110	100	100	105
Baton Rouge, La.	91	92	90	91	95	77	67	76	61	114	92	97	102
Dallas, Tex.	95	96	94	95	93	89	84	88	81	108	94	103	103
Durham, N.C.	95	95	95	95	91	94	91	93	90	105	95	98	101
Houston, Tex.	95	95	95	95	96	88	79	82	78	115	92	103	101
Nashville, Tenn.	96	96	96	96	91	94	89	91	87	107	98	99	107
Orlando, Fla.	95	100	92	95	90	96	93	112	80	104	92	99	103
Washington, D.C.-Md.-Va.	104	106	102	104	100	105	100	112	92	113	104	99	105
Nonmetropolitan areas [9]	84	83	84	84	92	69	66	65	67	103	87	95	77
West:													
Bakersfield, Calif.	99	99	99	99	96	95	90	93	88	113	100	108	99
Denver, Colo.	101	100	101	101	99	99	94	93	94	110	104	100	100
Honolulu, Hawaii	115	124	110	115	121	115	110	148	86	125	99	100	114
Los Angeles-Long Beach, Calif.	104	107	102	104	97	104	102	115	94	113	104	115	108
San Diego, Calif.	100	101	99	100	95	99	95	99	93	110	96	111	107
San Francisco-Oakland, Calif.	108	111	107	108	102	109	108	119	101	119	111	110	111
Seattle-Everett, Wash.	111	113	110	111	106	114	111	119	106	120	108	105	110
Nonmetropolitan areas [9]	95	95	95	95	99	87	91	92	90	106	106	99	83

See footnotes at end of table 6.

TABLE 6.—INDEXES OF COMPARATIVE COSTS BASED ON A HIGHER LEVEL BUDGET FOR A RETIRED COUPLE, SPRING 1967 [1]

[U.S. urban average costs—100]

Area	Total budget costs [2]			Cost of family consumption									
						Housing (shelter, house furnishings, household operations)							
							Shelter						
	Renter and owner combined [2]	Renter families	Homeowner families	Total [2]	Food	Total [3]	Renter and owner combined [4]	Renter families [5]	Homeowner families [6]	Transportation [7]	Clothing and personal care	Medical care	Other family consumption
Urban United States	100	100	100	100	100	100	100	100	100	100	100	100	100
Metropolitan areas [8]	105	106	105	104	102	108	108	110	108	102	99	101	108
Nonmetropolitan areas [9]	85	83	86	86	95	76	75	71	77	94	102	96	77
Northeast:													
Boston, Mass	119	115	121	117	107	137	153	132	166	99	96	99	111
Buffalo, N.Y	110	109	110	109	102	114	115	112	117	109	104	100	111
Hartford, Conn	114	114	113	112	111	118	123	123	123	111	99	102	116
Lancaster, Pa	100	97	101	99	107	95	88	79	93	98	96	98	107
New York-northeastern N.J	115	111	116	113	110	126	136	121	145	90	100	102	113
Philadelphia, Pa.-N.J	105	107	105	104	106	111	111	118	108	87	95	99	111
Pittsburgh, Pa	101	100	101	100	102	96	89	88	90	102	98	97	112
Portland, Maine	100	94	103	101	103	97	87	66	99	102	105	98	111
Nonmetropolitan areas [9]	95	90	97	96	106	90	98	78	110	97	103	97	80
North Central:													
Cedar Rapids, Iowa	106	108	105	105	97	111	112	117	109	106	103	99	103
Champaign-Urbana, Ill	104	102	105	104	100	108	112	104	117	106	100	100	101
Chicago, Ill.-Northwestern Ind	103	109	101	103	99	110	113	133	101	94	103	100	104
Cincinnati, Ohio-Ky.-Ind	95	93	96	95	98	89	81	76	84	100	95	95	105
Cleveland, Ohio	103	103	103	103	96	107	108	107	109	105	105	94	103
Dayton, Ohio	100	104	98	99	95	102	100	114	92	98	101	96	104
Detroit, Mich	106	112	103	105	101	108	108	131	94	105	104	98	109
Green Bay, Wis	102	99	103	100	93	104	104	92	110	102	102	100	101
Indianapolis, Ind	104	100	106	104	98	108	110	95	119	105	103	94	109
Kansas City, Mo.-Kans	101	101	101	100	98	98	91	94	90	109	101	101	105
Milwaukee, Wis	104	102	105	102	98	105	107	98	112	102	102	98	104
Minneapolis-St. Paul, Minn	103	102	104	102	97	104	103	98	106	105	102	94	106
St. Louis, Mo.-Ill	100	96	102	100	104	95	88	76	95	111	99	98	97
Wichita, Kans	100	100	100	99	97	98	93	93	92	109	98	98	102
Nonmetropolitan areas [9]	87	84	89	89	96	80	82	70	89	90	108	94	77
South:													
Atlanta, Ga	91	94	89	92	95	82	66	82	57	101	97	99	105
Austin, Tex	91	92	91	93	92	85	76	84	72	107	90	100	104
Baltimore, Md	100	98	100	100	96	100	91	86	94	104	98	100	106
Baton Rouge, La	92	93	92	93	99	81	70	78	66	112	92	97	106
Dallas, Tex	98	105	96	99	95	97	97	121	83	107	94	102	109
Durham, N.C	92	90	93	92	91	86	76	73	79	104	94	98	104
Houston, Tex	99	106	96	100	97	98	94	121	79	114	91	103	104
Nashville, Tenn	95	94	95	96	90	94	86	87	86	106	97	99	104
Orlando, Fla	93	91	93	94	91	91	82	80	84	101	92	99	103
Washington, D.C.-Md.-Va	103	104	103	103	100	103	99	102	97	106	103	99	107
Nonmetropolitan areas [9]	80	80	80	82	92	68	63	68	61	94	96	95	76
West:													
Bakersfield, Calif	99	99	99	99	96	96	88	90	87	113	96	108	103
Denver, Colo	102	103	101	102	103	102	97	103	93	104	99	100	102
Honolulu, Hawaii	120	127	116	116	124	118	113	140	98	119	95	100	119
Los Angeles-Long Beach, Calif	107	116	103	107	99	111	114	145	96	111	100	115	106
San Diego, Calif	101	103	101	102	96	104	102	109	99	107	92	111	105
San Francisco-Oakland, Calif	108	108	108	108	104	107	104	104	103	117	107	110	108
Seattle-Everett, Wash	108	106	108	107	106	106	99	95	102	116	103	105	106
Nonmetropolitan areas [9]	91	91	91	92	100	83	83	83	82	97	109	99	79

The family consists of a retired husband and wife, age 65 years or over.

[2] The total represents the weighted average costs of renter and homeowner families. See the weights cited in footnote 4.

[3] The lower and intermediate budgets do not include an allowance for lodging away from home city, but the higher budget includes $53 for all areas. These costs are not shown separately or included in any of the housing subgroups.

[4] The average cost of shelter is weighted by the following proportions: Lower budget, 40 percent for renters, 60 percent for homeowners; intermediate budget, 35 percent for renters, 65 percent for homeowners; higher budget, 30 percent for renters, 70 percent for homeowners.

[5] Average contract rent plus the cost of required amounts of heating fuel, gas, electricity, water, specified equipment, and insurance on household contents.

[6] Taxes, insurance on house and contents, water, refuse disposal, heating fuel, gas, electricity, specified equipment, and home repair and maintenance costs.

[7] The average costs to automobile owners and nonowners in the lower budget are weighted by the following proportions of families: New York, Boston, Chicago, and Philadelphia, 100 percent for nonowners; all other metropolitan areas, 45 percent for automobile owners, 55 percent for nonowners; nonmetropolitan areas, 55 percent for owners, 45 percent for nonowners. The intermediate budget proportions are: New York, 25 percent for owners, 75 percent for nonowners; Boston, Philadelphia, and Chicago, 40 percent for owners, 60 percent for nonowners; all other metropolitan areas, 60 percent for owners, 40 percent for nonowners; nonmetropolitan areas, 68 percent for owners, and 32 percent for nonowners. The higher budget proportions are: New York, Boston, Philadelphia, and Chicago, 75 percent for owners, 25 percent for nonowners; all other areas, 100 percent for automobile owners. Intermediate budget costs for automobile owners in autumn 1966 were revised prior to updating to spring 1967 cost levels.

[8] For a detailed description, see the 1967 edition of the Standard Metropolitan Statistical Areas, prepared by the Bureau of the Budget.

[9] Places with population of 2,500 to 50,000.

TABLE 7.—ANNUAL COSTS OF CONSUMPTION FOR 3 LEVELS OF LIVING FOR A RETIRED COUPLE, URBAN UNITED STATES, SPRING 1967, AUTUMN 1968, AND SPRING 1969 [1]
(ESTIMATED ON THE BASIS OF THE CONSUMER PRICE INDEX)

	Spring 1967	Autumn 1968	Spring 1969 [1]	Percent change, spring 1967 to spring 1969
Lower:				
Food	$789	$835	$851	7.9
Housing	939	986	1,010	7.6
Transportation	191	200	205	7.3
Clothing and personal care	217	234	240	10.6
Medical care	294	321	334	13.6
Other family consumption	126	135	137	8.7
Total family consumption	2,556	2,711	2,777	8.6
Intermediate:				
Food	1,048	1,111	1,131	7.9
Housing	1,330	1,400	1,433	7.7
Transportation	382	400	412	7.9
Clothing and personal care	357	387	396	10.9
Medical care	296	323	337	13.9
Other family consumption	213	229	231	8.5
Total family consumption	3,626	3,850	3,940	8.7
Higher:				
Food	1,285	1,363	1,387	7.9
Housing	2,066	2,183	2,239	8.4
Transportation	682	713	735	7.8
Clothing and personal care	549	595	608	10.7
Medical care	299	326	339	13.4
Other family consumption	454	484	495	9.0
Total family consumption	5,335	5,664	5,803	8.8

[1] The budget estimates for spring 1969 reflect a slower rise than the 9.6-percent increase in the CPI because a majority of the retired couples live in mortgage-free homes. Therefore, their budgets were not affected by the sharp rise in mortgage interest rates. Data for spring 1969 will be revised later to reflect the spring 1969 repricing of goods and services that make up the budgets.

COMPUTERIZATION OF COURT DOCKETS

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, December 16, 1969

Mr. MATHIAS. Mr. President, on December 9, I had the pleasure of speaking to a meeting of the Pentagon and Capitol Hill chapters of the Federal Bar Association on the subject of backlogs in our courts.

In stressing methods of coping with this problem other than merely increasing the number of judgeships, I mentioned the value of computerization of court dockets.

I am pleased to say that the city of Baltimore, under a grant from the Federal Law Enforcement Assistance Administration, is developing a model system of this type. The project will, it is hoped, encompass even more than docketing in an attempt to simplify and expedite the administrative side of the judicial process.

A computerized docket in the Common Pleas Court of Philadelphia has served as a guide for the Baltimore undertaking. As a member of the Committee on the Judiciary, I have been deeply troubled by backlog problems in Maryland and across the Nation. I applaud the Baltimore and Philadelphia efforts. I ask unanimous consent that an article about the Philadelphia plan contained in the December 1969, issue of Judicature, published by the American Judicature Society, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMPUTER STREAMLINES CASELOAD AT PHILADELPHIA COMMON PLEAS COURT

(By Edward J. Blake and Larry Polansky)

A complex, innovative transition to computer-assisted court operations has been completed at the Common Pleas Court of Philadelphia. This has provided a range of immediate improvements even as work continues toward development of a comprehensive system that will encompass all aspects of the administration of justice.

Installed in June and fully operational by September of 1968, the new computer system has already helped achieve a significant decrease in criminal cases outstanding—particularly serious cases—and has helped reduce a heavy backlog of civil cases, and, for the first time, supplied timely statistics to court administration to facilitate operational decisions.

Equally important, from the point of view of court management, has been the demonstrated ability to respond quickly and positively to a changing workload that doubled data processing activities almost overnight.

This new workload resulted from a Constitutional Court consolidation of Common Pleas and County Courts and the creation of a new Municipal Court of record as of January 1, 1969. The reorganization and the installation of a computer system both represented a response to the extremely heavy burdens placed on the court system by such developments of the recent past as rising crime rates and automobile litigation, and higher court decisions resulting in increases in pretrial evidence hearings and post-trial motions.

While court facilities had to be expanded, this move alone was not considered sufficient to meet the overall problem, since the total effect of such changes would be impeded without proper control and record keeping support.

Under the direction of President Judge Vincent A. Carroll and Court Administrator Edward J. Blake, Esq., studies began in January 1967 toward the development of an advanced computer system which would go beyond routine accounting and clerical tasks to assist in court management. In November of 1967 Larry P. Polansky was appointed deputy court administrator for data processing, specifically to design and implement the new system.

The IBM System/360 Model 30 was selected, with auxiliary equipment including three 2311 magnetic disk units, a magnetic tape unit, and a high-speed printer. A basic philosophy in designing the system was to anticipate future needs. Thus, a data base was created to readily accommodate on-line (directly linked to the computer) terminal devices when such devices are put into operation at various local and remote offices. This system extension is scehduled for implementation by December 31, 1969.

BACKLOG ANALYZED

By September 1968, the computer was producing a range of information which permitted the first systematic analysis of the court's caseload. In the civil area it was possible to document the exact composition of the backlog.

Further, it became possible to document a prime cause of case backlog—attorneys individually involved in a large number of cases, and therefore frequently engaged or otherwise unavailable. This condition had been suspected, but until documented, it was all but impossible to work out a solution or even to provide proof of the problem.

During 1968, the computer was used to establish two separate systems for the Common Pleas Court—civil and criminal. Pennsylvania's new judiciary article, effective January 1, 1969, merged the Common Pleas, County, and Orphans Court into a 56-judge Common Pleas Court. The prior magistrate system was replaced by the Municipal Court, which will eventually be staffed wholly by law-trained judges. Not included is the Traffic Court, which is a separate operation. In December 1968, it was decided to extend computer operations to the new Municipal Court, which began activities on January 1, 1969. A unique opportunity was afforded by the creation of a new court and the availability of a computer system. Therefore, the new court of record was fully automated. This meant that the computer workload was more than doubled overnight. There were no funds for new personnel or equipment. Nevertheless, the computer began functioning as a "clerk" for the new court on the effective date.

There are now, in effect, four separate computer systems—serving civil and criminal cases for the Common Pleas Court, and civil and criminal cases for the Municipal Court. The systems for both courts are basically similar. Thus when a case is appealed from the Municipal Court to the Common Pleas Court the system can follow the progress internally.

The data base—or automated master file—for the civil systems includes the following information:

Present status of each case, type of trial requested, court term and number, the date a certificate of readiness was filed by either party's attorney; type of case, any insurance company involved, whether a minor is involved, complete names of attorneys, complete disposition data, continuance information including number of times continued, complete trial data, and miscellaneous information such as plaintiff demands and defendant offers.

HOW THE CIVIL SYSTEM WORKS

As certificates of readiness are filed by either party, copies are sent to the data processing department where cards are punched and fed into the computer. The magnetic data base is automatically updated, and a daily trial listing of available cases—which does not carry definite date and courtroom assignments—is produced. The list is sent to the Philadelphia legal newspaper by 3 p.m. of the same day. It is published and distributed to law offices early the following morning.

Attorneys for the top 20 cases on the list must appear in a call room at 10:00 that morning. They declare themselves ready to go to trial, or ask for a postponement. The computer program lists the top 150 cases by priority, which means—in effect—the oldest cases in which the attorney is not otherwise engaged are always listed first. Postponements are not normally granted, since the case has had about five days to work its way into the top 20.

Of the 20 cases called each day, about 15 are found ready for trial, and of these, approximately 12 are assigned to a courtroom. A trial worksheet produced on the computer follows the case into the courtroom, and is used by the judge to indicate its disposition. The worksheet carries the names of the principals, attorneys, whether a minor is involved, and the number of trial days estimated.

Information on cases which actually go to trial flows back to the data processing department on a daily basis to update the data base. Similarly, cases which are held over are repeated in the trial listing for the following day.

If the attorney is engaged, his name is entered in the engaged pool listing. This is also produced daily and shows, for each attorney on the list, the number of cases he has in the engaged pool, those for which he is solely responsible, those for which he has joint responsibility, and those for which he is not responsible for postponement though he is the attorney of record.

As settlement notices, the results of trial calls, and trial results are received, they are also punched into cards and put through the computer, and a daily case results report is produced. This indicates settlement, continuances, cases originally scheduled for a nonjury trial, which were transferred for jury trial, cases stricken by the judge, and cases actually under way, with the name of the judge indicated.

A final daily routine captures and prints information on attorney changes, and objections to published listings. The daily published list of cases certified as ready for trial provides attorneys with an opportunity to correct any errors well before the case reaches the top 20. This fact alone has significantly increased the number of cases ready for trial on the date indicated.

In addition, the monthly report to each attorney on the status of every case in which he is involved has been an invaluable tool for the bar and the court.

Settlement conference schedules are also produced on the computer. The system's program of instruction does an excellent job of producing week-long conflict-free schedules for ten judges hearing ten or more cases each day. Here, too, a computer-produced worksheet accompanies the case into the conference room.

The engaged attorney's report has been a major tool in attacking the heavy backlog of cases. It is used by court administration officers, the Board of Judges, and the Bar As-

sociation as a basic document and also as a tool for exploring operational improvements.

Reports are also furnished, about six to ten times yearly, to every attorney whose name appears in the system. These reports have been well received, since they notify the attorney of the relative position of all his cases and provide the opportunity to make necessary corrections well in advance of the trial.

The Pennsylvania Supreme Court permits judges a maximum of 60 days for cases held under advisement; a special monthly report lists these automatically and, in fact, shows when and before which judge the case went to trial.

Special monthly reports list all cases by court term and number, each attorney's cases, dispositions month and year to date, and cases awaiting adjudication 60 days or over.

THE CRIMINAL SYSTEM

Equivalent information is developed for the criminal divisions of both courts. The data base for criminal activities includes: master docket records reflecting the grand jury's bill of indictment, offense description, names of attorneys and assistant district attorneys, police medical data (such as sobriety tests), disposition, length of sentence, records on each courtroom for control purposes, bonding company information, and alias records. In each category, information is complete. Trial listing data include the number of times the defendant was listed for trial, first date and last date tried. Trial information covers the type of trial, number of days, the name of the judge, date of sentencing, institution to which remanded, amount of fine or restitution, and any court costs.

Since the system can identify any other bills which might be related to a defendant, multiple cases can be tried at the same time. Periodically, police photo file data are reviewed for relevance to cases pending.

Bills of indictment are punched into cards and passed through the system to create the automated criminal files and, as a by-product, to produce grand jury new bill lists, documentation for the quarter sessions clerk, district attorney dockets showing the name, case number, charges, etc., to record all subsequent actions on the docket book, and alphabetical index cards for the quarter sessions clerk. Also produced is information for the police department relating to previous arrests.

Arraignment schedules are produced weekly, identifying defendants incarcerated or awaiting trial and defendants admitted to bail in serious offense cases.

At the present time, no attempt is made to eliminate attorney conflicts, because the time of a criminal case may range from one half hour to more than one month. The system schedules for conference every open case, providing even workloads, and automatically produces defendant subpoenas and attorney notices.

At conferences held for scheduling purposes, an attempt is made to set a trial date satisfactory for all concerned, and blank date subpoenas are provided on which dates and courtroom numbers are entered. The criminal case listings published daily are not on a "top 20" basis. Major cases are scheduled into a "pool" room for courtroom assignment and date, and others are scheduled to a "room certain." The result of this activity shows up in a daily report of conference results. Cases continued are automatically rescheduled for trial by the computer or for further conference if they constitute a major case. Every significant action in a criminal case from arrest to sentencing is recorded in the computer and is available for quick review by court administration.

ATTORNEY REPORTS

There are approximately 6,000 attorneys practicing in the Philadelphia area, and each of them has been assigned a computer number, defendant name, next action date and type, conflict indicator, and other data for each case. In addition, an end run summary provides the number of cases in the system for each attorney and indicates whether any conflict exists in his case load. A clear picture of current workload is provided via the detail list to the attorney and via the summary list to court administration.

Produced daily are reports on bail activity, the following day's trial lists (which often run to 50 copies or more, and are printed on a high-speed printer), the following week's trial lists, and a report of trial results by courtroom. Continuance cases generally are automatically reassigned new trial dates by the system according to judge and room availability. Reassignment lists are produced weekly, along with voluntary defender notices, attorney letters, and subpoenas.

Every day, a room availability list is printed showing all available open dates in the future. Weekly reports list all cases in court term and number sequence, and by defendant in alphabetical sequence. In addition, weekly room control reports indicate other volume and content of the entire scheduled future workload. Monthly and annual reports produced for various state agencies list and summarize by categories deferred indictments—which are primarily fugitive cases with bench warrants issued—deferred sentence cases, and dispositions for the period.

Civil arbitration activities are another new part of the Common Pleas Court, and are also handled automatically. The system provides random, equitable selection of arbitration panels, assignment of cases, preparation of vouchers for panelist payments, and recording of all activity, dispositions and mailings for required notices.

It should be noted that the computer system also incorporates statistics on court-fixed asset inventories and personnel.

With this wealth of information, never before available in current and comprehensive form, it has been possible to analyze case loads outstanding and take action to reduce them. We can now measure a reduction of one to two years in the civil case backlog, with every reason to hope for continued improvement.

It is also possible to project future needs for judges and courtrooms on a realistic basis. It had become evident that building more facilities alone is not a realistic single course of action. Existing facilities must be properly controlled, insuring that they are being used to best advantage, before funds are expended for more building and personnel.

Of major importance is the vastly improved level of communications which has been established for all court-related parties. Communications have long posed a problem in court operations. While the computer system cannot get lawyers into a courtroom, it does provide far better information to attorneys and indicates to the president judge, court administrator, the bar association, and other bodies those areas in which attention is needed in order for the court calendar to be cleared.

FUTURE POTENTIAL

Equally important is the fact that the court is in an excellent position to absorb continuing changes. Task forces now at work analyzing court operations for future improvements are planning for the use of simulation programs to assist in court management decisions.

These plans are part of a vast potential for additional computer applications. The basic system is on hand for expansion into on-line terminal operations, awaiting only the availability of funds. By October 1969 the IBM Model 30 was up-graded to a larger-capacity Model 40, with TV-like visual terminals. Judgment searching, case status, courts and in the central operations center. By January 1970 we will place similar units in the criminal and civil listings offices; the arraignment courtroom; and the offices of the president judge, court administrator, administrative judges, and calendar judges.

This will permit fast retrieval of information at the point where it is needed, and eventually will lead to on-line updating of the central data base from the remote terminals. Judgement searching, case status, courtroom availablity, and other management oriented information will be instantly available.

Additional applications soon to be added, or in the planning stage, and which are not necessarily dependent on terminal operations for implementation, include:

Juvenile Court operations; probation office activities—officer workloads, follow-up on parolees and probationers, restitution accounting and inquiry into probationer status; jury selection; computer-assisted appointment of masters in divorce suits, and of defense counsel in criminal cases; "automated" dockets and indexes for clerk offices in both criminal and civil divisions; domestic relations support order payments; automated title searching.

With the continued active support and involvement of the president judge and administrative judges—who must provide the vision and support essential to success—the Common Pleas Court of Philadelphia will evolve a modern judicial data system geared to help solve the huge range of problems currently faced by the typical urban court.

CONFERENCE REPORT ON H.R. 7491—TAXATION OF NATIONAL BANKS

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 10, 1969

Mr. PATMAN. Mr. Speaker, last week the two Houses adopted the conference report on H.R. 7491, to clarify the liability of national banks for certain taxes. In adopting the report on the Senate side, some statements were made to the effect that during the conference, the language contained in the conference report was amended by the addition of two words, and allegedly these two words were "apparently inadvertently omitted from the report." Mr. Speaker, without getting into the details, the words allegedly left out of the report were "the same." The discussion on acceptance of the conference report in the other body went on to say that the Senate conferees agreed—or at least some of them agreed—with this position.

Mr. Speaker, I was most disturbed over this matter for a number of reasons because I, for one, was firm in my recollection that Senator SPARKMAN had stated that Senator BENNETT had requested the insertion of these words—"the same"—in the permanent amendment of section 5219, but after some discussion of this proposal, the proposal was not adopted.

Wishing to be completely sure of my recollection of this matter, I directed the House Banking and Currency staff to search their memory to determine whether or not I was correct in my position.

As a result of my inquiry, I received the following letter signed by Mr. Grasty Crews, assistant counsel in the Office of the Legislative Counsel of the House of Representatives who provided staff assistance to the conference.

In this letter, it should be noted that the staff director of the committee was checked with, the head of the minority staff, a counsel for the commitee, and the senior assistant counsel in the Office of Legislative Counsel of the Senate.

All of these staff people agreed that the conference committee had not adopted the change as indicated in the statement contained in the CONGRESSIONAL RECORD, page 38633 of December 12, 1969, at which point the Senate takes up the conference report on H.R. 7491.

In order to leave no doubt, the Treasury Department was contacted on this matter to determine whether or not the Department made any request for such a change in the legislation. The Deputy General Counsel of the Treasury indicated that if any such requests were made by the Department, he should have known about it and no such request, to his knowledge, had been made.

To conclude, Mr. Speaker, I do not believe that the conference report and legislative language contained therein is in any way in error. The statement of the managers on the conference report and the report itself is, in my opinion, and I believe that of the House conferees, a complete and accurate reflection of the legislative policy agreed upon at the conference.

Mr. Speaker, included along with my remarks is a letter on the subject signed by Mr. Grasty Crews II, assistant counsel in the House Office of the Legislative Counsel:

HOUSE OF REPRESENTATIVES, U.S.
OFFICE OF THE LEGISLATIVE COUNSEL,
Washington, D.C., December 15, 1969.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: You have asked for a review of the preparation of and action on House Report No. 91–728 (conference report to accompany H.R. 7491, relating to State Taxation of National Banks), insofar as relevant to the statement of Senate Proxmire, as set forth at page 38633 of the Congressional Record for December 12, 1969, that certain words "were apparently inadvertently omitted from the report," and that Senator Bennett feels that the addition of those words would have clarified the congressional intent.

It is my recollection that after Chairman Sparkman presented to the conferees a draft conference report, he stated that Senator Bennett had requested the insertion of the words "the same" in the permanent amendment of section 5219 so that the section would read as follows:

"For the purposes of any tax law enacted under authority of the United States or any State, a national bank shall be treated the same as a bank organized and existing under the laws of the State or other jurisdiction within which its principal office is located."

There was some discussion of this proposal and there was certainly no objection to the purpose for which it was offered, which was to make it clear, as Senator Proxmire put it in his remarks, that "Congress is expressing no intent about the Federal instrumentality issue concerning national banks." Although the discussion seemed to me to be somewhat inconclusive, I had the impression that the proposal was not adopted. I did not interrupt the conference for a clarification of the matter, because it seemed to me that, for reasons set forth later in this letter, no substantive legal issue was involved.

I did feel, however, that there was enough doubt in my own mind about the actual formal action of the conference that I should clarify the matter while recollections were fresh. Before leaving the room, I therefore expressly raised the question with Mr. John M. Reynolds, the Senior Assistant Counsel in the Office of the Legislative Counsel of the Senate; with Mr. Benet D. Gellman, Counsel to the House Banking and Currency Committee; and with Dr. Paul Nelson, Clerk and Staff Director of the House Committee, all of whom were present throughout the deliberations of the committee of conference. Had there been any disagreement among us, I would have pursued the matter further, but we all had the same impression, which was that the committee had not adopted the proposed change in language. Mr. Reynolds was also of the opinion that no substantive legal issue was involved. On this basis, the report was prepared and filed in the House that same afternoon, Tuesday, December 9, 1969. It was, of course, published in the RECORD for that date.

The House agreed to the conference report on Wednesday afternoon. The first inkling I had of any disagreement over whether the report fairly reflected the action of the committee came on Thursday morning, when one of the members of the House Banking and Currency staff advised me that a member of the Senate Banking Committee staff had said, first, that the committee had adopted the proposal to insert "the same" and, second, that this change was being urged by the Department of the Treasury.

As to the first point, I first consulted Mr. Orman S. Fink, the minority professional staff member of the House Banking and Currency Committee. He was present at the conference and he stated that it was his impression that the commitee had not adopted the change. I also telephoned Mr. John M. Reynolds and he confirmed what he had told me at the conclusion of the conference.

In order to leave no doubt as to the position of the Treasury, I telephoned the Deputy General Counsel, Mr. Roy T. Englert, whom I have known since the days when he was Chief Counsel in the Bureau of the Comptroller of the Currency, and for whose character and legal acumen I have the highest regard. As you know, responsibility for legislative affairs of this type rests with the Office of the General Counsel. Mr. Englert assured me that the Department had not, to his knowledge, made any request for such a change in the legislation. He stated further that Mr. Eggers (the General Counsel) was out of town and that he (Mr. Englert) should have known about it if any such request were made by the Department of the Treasury.

Mr. Englert and I then proceeded to discuss the possible legal effect of the proposed change. It was my view that it would probably make no difference in the meaning, but that if a court were compelled to make a distinction, it might construe the addition of the words "the same" to raise an implication of equality or identity for all purposes. A comparison of the definitions of "as" and "same" given in *Webster's Third New International Dictionary* seems to support this view. In other words, the addition of the words "the same" might have had a legal effect precisely opposed to that which was intended by the conferees. It was my impression that Mr. Englert concurred in this view; in any event, he left no doubt whatever that to the best of his knowledge the Department of the Treasury had not asked and was not asking that this change be made.

Following my conversation with Mr. Englert, I reviewed the entire matter with Dr. Nelson. To summarize, two eminently well qualified and completely independent attorneys had concurred in my original view that the proposed change would, at best, have failed to express with any greater clarity the intent of the Congress. Each member of the House committee staff had independently agreed with the impression of Senate legislative counsel and myself that the committee had taken no action on the proposed change. Under these circumstances, it was the judgment of Dr. Nelson and myself that we ought not to advise you to set in motion the legislative machinery to attempt to effect a change in the enrolled Act.

I deeply regret the development of any misunderstanding in regard to the action taken by a committee of conference. I find it easy to understand how anyone at this conference might have reached a conclusion different from my own in regard to the adoption of Senator Bennett's proposal. Had I been entirely sure about the matter at the time, I would not have felt it necessary to consult with others present as widely and promptly as I did. But regardless of whose recollection or judgment may be most nearly correct about the action of the committee on that proposal, it is my considered opinion that the text of the conference report, as a matter of law, is a faithful reflection of the legislative policy agreed upon at the conference.

Sincerely yours,

GRASTY CREWS II,
Assistant Counsel.

THE AGE OF REVOLUTION

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 16, 1969

Mr. FANNIN. Mr. President, in these days of campus unrest, protest, demonstrations, draft-card burning, and the rest, it is well for us to reflect occasionally on the fact that the vast majority of America's young people are hardworking, energetic, devoted to high principles and lofty goals, and willing to make important personal sacrifices to attain these goals.

Illustrative of this is the rapid growth in recent years of the guaranteed student loan programs. Ambitious students all across the land have shown themselves willing to shoulder a portion of their own education costs as they move to equip themselves for their role as tomorrow's leaders.

In this connection, a particularly impressive ceremony was held on December 4 at the Department of Health, Education, and Welfare in Washington. Secretary of Health, Education, and Welfare, Robert H. Finch paid special tribute in this ceremony to United Student Aid Funds, Inc., the Nation's leading private, nonprofit, tax-exempt student loan guarantee organization. The immediate occasion for this ceremony was the

borrowing by a student of the 250 millionth dollar which United Student Aid Funds, Inc., has endorsed—or cosigned for students, if you will—in its 9 years of operation.

Present at the ceremony with Secretary Finch were Under Secretary of the Treasury Charles E. Walker; Allen D. Marshall, president of United Student Aid Funds, Inc.; Miss Jacqueline Curran, the student at Husson College, Bangor, Maine, whose loan this fall put USA Funds' loan volume across the $250 million mark; Mr. Fred Newman, president of the Eastern Trust and Banking Co. of Bangor, the bank which made the loan to Miss Curran; and James Hackett, the loan officer at the Eastern Trust and Banking Co. of Bangor, who personally handled the transaction.

To make low-cost, long-term loans available to deserving students is a truly worthwhile undertaking. Lending institutions, as well as guarantors and the students themselves, are to be commended for the growth of this whole venture. For some thoughtful commentary on this growth and on its future direction, I would cite my colleagues to the remarks made by Mr. Allen D. Marshall, the president of United Student Aid Funds, Inc., before the Sixth National Conference of the Association of Student Governments November 27, 1969, at Atlanta, Ga.

Mr. President, I ask unanimous consent that the comments of Mr. Marshall be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

SIXTH NATIONAL CONFERENCE ASSOCIATION OF STUDENT GOVERNMENTS

(By A. D. Marshall)

I suspect that on many campuses today Emerson is frequently quoted. He said:

"If there is any period one would desire to be born in—is it not the age of revolution; when the old and the new stand side by side, and admit of being compared; when the energies of all men are searched by fear and hope; when the historic glories of the old can be compensated by the rich possibilities of the new era? This time, like all times, is a very good one, if we but know what to do with it."

Immediately one thinks this applies to changing forms of university governance and to novel teaching experiments, but it applies equally to the financing of higher education for some of the 8 million students now in post-secondary educational institutions. Only one phase, student aid, and the changes made in it in less than a decade, illustrates what I mean for the area with which I am most familiar.

Just about ten years ago a small group of men in Indianapolis decided some means were needed to aid the needy and deserving student in obtaining the necessary money to complete his college education. They commissioned Arthur D. Little & Company to study the problem. Arthur D. Little & Company soon reported back that such a plan was already in operation in Massachusetts and, with some modifications, it could be used nationwide.

Thus was born United Student Aid Funds, Inc. which guaranteed its first bank loan in February 1961.

The principles of this organization were simple. A college would deposit one thousand dollars, usually from funds that it had been lending directly to students, United Student Aid Funds would agree to guarantee $12,500 worth of bank loans to students at that institution. It would agree with the banks to keep an 8% reserve in cash and marketable securities as a guarantee fund.

A student needing aid would consult with the financial aid officer at his college who would review his budget, all the forms of aid available and, if necessary, recommend him to his home town bank for a loan that would be guaranteed.

The loan was not intended to cover all the student's expenses; it provided only the marginal money that was still needed after other sources—family support, his own savings and earnings, scholarships, and grants—had been exhausted. United Student Aid Funds did not and does not feel that it is to the advantage of a student to take on an unnecessary burden of debt. We do feel, however, that a young man or woman is more likely to appreciate his or her education, and perhaps even work harder for it, if he has a stake of his own in it.

The loan was at 6% simple interest which accrued but did not need to be paid during his college course. After graduation he would pay both principle and interest in monthly installments. While a new idea for financing an education, this system had long been used in installment buying. The student paid the loan while he was enjoying its benefits, just as the automobile purchaser does not start his monthly payments until the car is delivered.

The whole procedure involved some sacrifices for everyone; the college lost the interest on its deposit; the banks made a loan at much less than the prevailing interest on installments loans; and the student paid interest over a period of years on money spent for his education.

Notwithstanding these sacrifices, the advantages were so obvious that within a few years nearly 1,000 educational institutions and 10,000 lending institutions were participating, and over 150,000 students had been aided. It might be said the experiment was successful and the sacrifices required had kept the program to its original purpose—aid for the needy and deserving.

The passage of the Higher Education Act of 1965 and subsequent Federal legislation introduced a new element. These acts and the regulations under them practically eliminated the sacrifices. Colleges no longer needed to put up deposits for reserves. The interest rate to banks was raised to 9%. For the great majority of students the interest was paid during their college courses and during subsequent military or other forms of service.

Not only was the element of sacrifice removed, but there was introduced a real incentive to borrow. Guarantee agencies were forbidden to take into consideration the needs of the student and his family. As a matter of fact, the program was advertised as a loan plan for the middle income family.

What has been the result?

After I had finished my testimony before a Congressional Committee a year or two ago the very perceptive Chairman stated:

"I would like to say that the way you have outlined the need versus the want, and the need versus the manipulated demand—I must say to you that with a subsidy on the interest in school and after graduation, that if there is not a needs test, I think any kid that does not apply for such a guaranteed loan is not smart enough to be in college.

"They ought to change their admission standards. I heartily support some kind of need requirement. I think otherwise Congress is going to be rightly charged with creating a situation where we could have a major boondoggle, and the taxpayers would be financing home loans and everything else for fairly well-to-do people."

Of course, what one might have expected has happened. Today loans guaranteed under the program by all agencies, Federal, state and private, total about $2,260,000,000 (two-and-a-quarter billions), and loans are being made at twice the rate they were just a short time ago.

In August 1967, in testifying before a Congressional Committee, I used the estimated enrollment figures given by the Office of Education and said that, if only one-third of the students borrowed $1,000 a year for four years, at the end of 7 or 8 years there would be outstanding 23 billions of dollars in student loans, a quarter of the total consumer credit then outstanding. The annual cost to the taxpayer would be over one billion dollars.

Today we are already well on the way to the situation I described. Thus the change from an opportunity to borrow at some sacrifice to an inducement to borrow is bringing about the increase that was foreseen.

This raises some interesting questions for my generation and for your generation. You may have others.

To what extent should young men and women be encouraged to burden themselves with debt?

Is there real justification for the payment of millions of dollars annually in interest subsidies to families that could borrow in other ways, when there are so many other urgent needs for the taxpayers' money?

My generation will cease to be taxpayers in not too many years. Will your generation willingly assume the tax burden of financing this program, perhaps at the same time you are paying off your own loan?

Would it not be better to make grants to the really needy to cover most of their expenses and provide loans for only their marginal requirements?

These questions do not even cover such basic issues as the effect of billions of dollars in student loans on increasing the inflationary forces still at large.

These are some of the questions with which we are faced. The effect of programs apparently for your immediate benefit may not be to your advantage long-range.

However, don't ever consider money spent for your education wasted. Years ago Benjamin Franklin in "Poor Richard's Almanac" said: "If a man pour his purse into his head no one can take it from him."

DR. CHESTER D. BRADLEY

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. DOWNING. Mr. Speaker, December 14, 1969, was a day of significance in my district. It marked the 20th anniversary of the birth of an idea which led to the establishment of the Fort Monroe Casemate Museum. One of the participants 20 years ago, the late Col. Paul Goode, then the post commander at Fort Monroe, has gone on to his reward. The other, Dr. Chester D. Bradley, received the Army's Outstanding Civilian Service Award in ceremonies on the anniversary date last Sunday. The award was presented by Col. Henry L. Gordner, the present commander at Fort Monroe, and was signed by Gen. James K. Woolnough, commanding general, U.S. Continental

Army Command, whose headquarters is located on the historic post. The citation reads:

Dr. Bradley distinguished himself by truly meritorious service in the establishment and development of the Fort Monroe Casemate Museum during the period 12 December 1949 to 26 November 1969. Dr. Bradley has made the history of Fort Monroe his personal avocation for over twenty-five years. Often traveling abroad at his personal expense, he devoted much time to researching, writing and preparing historical displays depicting the history of Fort Monroe. Dr. Bradley's continuous efforts and selfless devotion indicate his true interest in his country and its people, and reflect great credit upon himself, the United States Army, and this Nation.

As is frequently the case, it is impossible for any such citation to tell the entire story. A far greater representation of Dr. Bradley's role in the conception and development of the museum is presented in the nomination for the Outstanding Civilian Service Award as it was forwarded to the commanding general by Colonel Gordner.

The material follows:

NOMINATION FOR OUTSTANDING CIVILIAN SERVICE AWARD

1. Dr. Chester D. Bradley, M.D., is nominated for the Outstanding Civilian Service Award for his truly meritorious service in the establishment of the Fort Monroe Casemate Museum.

2. Dr. Bradley was instrumental in the founding of the Museum which was officially established in 1951; however, his untiring and enthusiastic efforts date from 1949. The Fort Monroe Casemate Museum is recognized as an Installation Museum under appropriate Army regulations. It was founded officially in 1951 by the Post Commander and Dr. Bradley, a resident of the Peninsula who had developed an intense historical interest in Fort Monroe and the important role it has played in the Nation's history.

3. Dr. Bradley has made the history of Fort Monroe his personal avocation for over 25 years. He has devoted much time to researching, writing, and preparing historical displays depicting the history of Fort Monroe. Often traveling abroad at his personal expense, he secured new material by visiting many foreign museums, gaining ideas to improve the quality and character of the Museum exhibits and establishing both national and international interest. He has interviewed the descendants of countless people who have had significant experiences at Fort Monroe. Dr. Bradley located the personal papers of General Simon Bernard, the French General on Napoleon's staff who designed Fort Monroe, and brought the papers to the United States on loan for microfilming. He has compiled and assembled all of the historical material and collections which are now on display at the Museum. Because of his expert knowledge concerning this material, he was able to analyze, catalog, and assemble it into meaningful and educational exhibits.

4. Additionally, Dr. Bradley has written several monographs concerning Fort Monroe. His works include:

(a) "Robert E. Lee At Fort Monroe."
(b) "Black Hawk at Fort Monroe."
(c) "Edgar Allen Poe at Fort Monroe."
(d) "General Simon Bernard—Aide to Napoleon, Designer of Fort Monroe".
(e) "Is It a Fort or a Fortress?"
(f) "Fort Monroe in the Civil War."
(g) "A Short History of the Civil War."
(h) "U. S. Grant Comes to Fort Monroe."
(i) "Old Point Comfort: America's Greatest Bastion."
(j) "The Fanny: First Aircraft Carrier (1861)".
(k) "The Monitor and the Merrimack."
(l) "On to Richmond: General McClellan's Peninsula Campaign."
(m) "Abraham Lincoln at the Hampton Roads Peace Conference, 1865."

Dr. Bradley has also contributed numerous articles concerning Fort Monroe to various historical professional journals. These include "Abraham Lincoln's Campaign Against the Merrimack" which appeared in the Illinois States Journal of History; "Dr. Craven and the Captivity of Jefferson Davis at Fort Monroe" which appeared in the Virginia Medical Monthly, and "Jefferson Davis in Prison" which appeared in an issue of Manuscripts, the quarterly publication of the Manuscript Society. Dr. Bradley is recognized across the country as the expert with respect to Fort Monroe and the Virginia Peninsula during the Civil War period. He is a member of the American Historical Association.

5. In 1968 Dr. Bradley retired from medical practice and became the full-salaried curator at the Casemate Museum, having the responsibility for all modification of buildings, researching and planning, and advising the Commanding Officer, Fort Monroe, of his findings and recommendations. Under Dr. Bradley's personal guidance and direction, the Museum has grown rapidly but soundly as historical collections of relevance and merit have been located, assembled, cataloged, and displayed. Last year more than 70,000 people visited the Museum. At present, the Museum consists of six casemates, including the Monitor and Merrimack Casemate, where the epic battle between the two ironclads is recounted, complete with scale models of the two craft involved, histories of their construction and development, and items of interest concerning their commanders and crew; the Jefferson Davis Casemate where the story of the capture and confinement of the President of the Confederate States of America is told in the very cell where he was held prisoner; and the Old Fort Monroe Casemate where the history of the Fort and its more historically important activities and personages is told in a series of historical collections, photographs, drawings, and other items. The Jefferson Davis Casemate and Museum was restored to the appearance of originality in 1968. This project was undertaken and accomplished primarily because of Dr. Bradley's enthusiasm and dedication to the project.

6. Without Dr. Bradley's untiring, unselfish, and mostly uncompensated personal efforts in this endeavor, it is reasonable to state that the Fort Monroe Casemate Museum would never have attained the significance and reputation it enjoys. Dr. Bradley's dedication to his position and his accomplishments as both official and unofficial Museum Curator are worthy of the highest praise. Dr. Bradley's continuous efforts and valuable contributions to the Casemate Museum and Fort Monroe indicate his true extreme interest in this country and its people and reflect great credit upon himself, the United States Army, and this Nation.

7. Investigation discloses the absence of any information requiring action under appropriate security regulations.

8. Based on the foregoing, recommend approval of the Outstanding Civilian Service Award for Dr. Chester D. Bradley, M.D.

HENRY L. GORDNER,
Colonel, Infantry Commanding.

Dr. Chester D. Bradley is a truly remarkable man. His interest in the history of Fort Monroe was sparked by his appreciation of the care provided by an Army physician, Dr. John J. Craven, who was charged with the medical care of Jefferson Davis when the former President of the Confederacy was imprisoned at Fort Monroe in 1865. Dr. Bradley carefully researched the life and career of Dr. Craven and frequently told the story before local organizations. It was such a talk which brought him to the attention of Colonel Goode.

At the time his interest in the history of Fort Monroe began, Dr. Bradley was a practicing obstetrician and gynecologist. There is no way for a man in such a profession to predict the demands on his time, and Dr. Bradley eventually tired of having the arrival of newborn babes interfere with what had started as a hobby. He retired from his active practice to take a staff position at a State hospital in order to have more time to devote to that hobby. He later joined the staff of the Veterans' Administration Hospital at Hampton. All of this kept him physically close to the museum and enabled him to spend practically every waking moment away from hospital duty hard at work on his research or at the museum.

No community could ask for a more dedicated citizen and no segment of our Nation's history could expect a more hard-working advocate.

The presentation of the award caught Dr. Bradley completely by surprise. His response, however, was typical. Colonel Gordner pinned the metal to his jacket and then presented him with a framed copy of the citation suggesting that he might like to hang it at home. Dr. Bradley smiled and said:

I will hang it here in the museum.

He then went on to remark that it was not necessary to give him an award; after all, he had only been doing "what I enjoy doing."

LETTER OPPOSING THE MORATORIUM FROM A FATHER WHO LOST A SON IN VIETNAM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 16, 1969

Mr. THURMOND. Mr. President, it was a real inspiration to me to read a letter from a father who lost a son in Vietnam. His response to the moratorium demonstrators and war protesters represents the true patriotism, loyalty, courage, and determination of the American people.

Pfc. Gregory M. Thompson, of Las Vegas, Nev., was killed in Vietnam on May 17, 1967. He was awarded the Silver Star posthumously for heroism in ground combat.

His father Malcolm Thompson, was so outraged over the moratorium, that he wrote a letter to the Las Vegas Review Journal. It is a masterpiece of devotion and dedication to our country. He condemned the protesters for reading the names of our servicemen who lost their lives for our Nation in Vietnam. The State newspaper of Columbia, S.C., reprinted this magnificent letter by a sad father who spoke out against the agitators.

I am so strongly impressed with Mr. Thompson's letter that I shall quote a significant paragraph:

When they read the name of Gregory Mal-

colm Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them.

I commend this letter to all those who are advocating surrender and peace at any price. As I have said many times, the American people will not accept defeat and humiliation. They will not agree to discard the sacrifice of American blood for a hollow diplomatic agreement. However, Mr. Thompson gives deep meaning and substance to this view that few statements could match.

Mr. President, I ask unanimous consent that the letter be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WHEN THEY READ HIS NAME: A SAD FATHER SPEAKS OUT

(NOTE.—The letter, giving an entirely different view of the present moratorium craze, was written by the father of Pfc. Gregory M. Thompson, an 18-year-old Las Vegas (Nev.) high school graduate who was killed May 17, 1967, in Vietnam. It is reprinted from the Las Vegas Review Journal.)

When the peace demonstrators read my son's name, let them know how he felt about the Vietnam war, and how the parents who shaped him feel about it.

It is we, the parents, who said goodbye to him when he went away to fight—not the peace agitators.

It is we, the parents, who wrote long, anxious letters to him during his three months almost continuous combat—not the agitators.

It is the ones who saw his body returned in a flag-draped coffin who first should be heard—not the protesters.

These transparent propagandists were not there to see my son buried, nor do they accompany me on my trips to lay flowers on his grave.

My son was killed while fighting for his country.

America cannot be permitted to perpetually persuade its citizens to instill in their sons a sense of patriotism, loyalty and a determination to defend the oppressed, and then, after the sons have died suddenly change her mind and yield to those who killed them.

Most of the peace demonstrations and namereading ceremonies across this nation are an obvious propaganda device designed to influence the President of the United States into surrendering South Vietnam to an enemy which admittedly and openly seeks to conquer it by any and all means.

When they read my son's name to advocate peace at any price—the price being defeat—let them remember that he whose name they read did not surrender.

When these pretentious mourners read my son's name, let them realize that their grief would be better served if applied to the Viet Cong whose flag they wave even as they burn the one which graced my son's casket. Let them apply their bogus sorrow to those aggressors felled by my son as he won his posthumous Silver Star for heroism in ground combat.

And when they read the name of my son, let them know that he advocated an increase in the bombing of the ammunition depots in North Vietnam—not a cessation so that his enemy would receive unlimited war supplies with which to kill him.

When they read the name of Gregory Malcom Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them.

And when these weak, gullible ones read his name in their avowed pursuit of peace, let them remember that a peace purchased at the price of surrender is but a brief Munich-type peace lasting only until the aggressor's appetite demands more victims.

Finally, when these hypocrites read the list of the dead who defended South Vietnam, let them know that they have reached the ultimate low in the world-record of human infamy, in that they willfully and cunningly utter a dead man's name to achieve the defeat of the cause for which he died.

MALCOLM THOMPSON.

YOUTH ADVISERS

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. GOODLING. Mr. Speaker, someone once, said, "Youth will have its day," and I would like to report that this prophecy presently is coming true in the State of Pennsylvania, especially in the congressional district I represent where youth participation in community affairs is on a fast-rising curve.

Today's problems are manifold, diverse, and complex. The elders of the communities welcome this new ally. Youth has boundless energy, and its vision is sharp, attributes which can combine to exert a new effective force on today's problems. And as youth becomes fundamentally acquainted with the problems of today, it will become eminently equipped to cope with greater problems tomorrow.

An article commenting on youth advisers recently appeared in the December 13, 1969, issue of the Harrisburg Patriot. Because this article provides a perspective on the enterprise of youth in Pennsylvania's community affairs, I submit it to the CONGRESSIONAL RECORD to call attention to one of the contributions that youth is making to our society today:

YOUTH ADVISERS—THEY HAVE A PLACE IN GOVERNMENT

Youth participation in community government is growing in Pennsylvania—particularly in Central Pennsylvania.

From the capital city Gov. Raymond Shafer has appointed six youth advisers to serve with various state bodies. Mayor-elect Harold Swenson of Harrisburg says he is appointing a Youth Advisory Board. And in York the county Parks and Recreation Board has become the first in the state to name a Youth Liaison Board. On learning of this action, Gov. Shafer wrote the York board that "your concept is wonderful."

The eight members of this board are juniors or seniors in the county high schools. They represent the 4-H clubs, the United Fund, the White House Conference on Youth and Children, and Junior Achievement. At their first meeting they recommended eliminating the "liaison" from the name, adding "Just make it a Youth Board."

The youngsters have plenty of energy and vision. Already they have joined forces with a group of Spring Grove High School girls in a campaign to beautify York County. They know that wildlife and trees are being destroyed and that air and water are being polluted by careless and apathetic persons of all ages—and they don't like it.

That our young people show impatience in serving as advisers or on "liaison" committees is understandable. They are impatient for action, if not for power. And they fear that the adults in government will not let the "under 25" generation advise them.

We believe their fears are groundless. We think that those "oldsters" who are now legally and properly ensconced in office are eager to know what the younger generation thinks and wants. Serving with their elders, forgetting the title or ranks which may of necessity be bestowed upon them now, will be the quickest way of obtaining the qualifications which will entitle them—sooner than they think, perhaps—to move up front where the action is.

YAHYA KHAN MEANS BUSINESS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. SIKES. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD an important interpretive editorial from the Christian Science Monitor. It is entitled "Yahya Khan Means Business." The article follows:

YAHYA KHAN MEANS BUISNESS

Pakistan is something of a miracle. In population it is the fifth largest country in the world. Yet before it was carved out of British India in 1947 it had no identity as a unified political entity of any kind. Gandhi's and Nehru's India inherited the central machinery of government in the subcontinent. The Pakistanis had to build up an administration from scratch.

Quite apart from the difficulties presented by such a challenge under normal circumstances, Pakistan had to deal with the added complication of knitting together politically two territories physically a thousand miles apart and differing in nearly everything but their common religion of Islam.

The country's first decade of life saw its civilian politicians, with arduous labor and no little intrigue, striving to give it a constitutional framework of government and a viable economy. They partly succeeded—at least in the sense that after ten years Pakistan had enough independent vigor and identity to belie those pessimists who thought it was too artificial a creation to last. But corruption and personal ambitions clogged the machinery and hampered growth. The result was the intervention of the military (by coup) in 1958 and the installation of authoritarian government under Field-Marshal Ayub Khan.

The following ten years were very much Ayub's decade. While he succeeded in enhancing Pakistan's international identity abroad, he failed—for all his paternal and honorable efforts at home—to meet the main grievances of his fellow countrymen. The politically articulate felt more and more stifled. And the Bengalis of East Pakistan felt more and more a colonial outpost of West Pakistan. The result was the upheaval of last June which forced Marshal Ayub Khan from the scene and left General Yahya Khan, commander-in-chief of the Army, in charge.

Many thought that the latter would give Pakistan more of the same authoritarian military government and domination of the rest by Punjabis and Pathans from the West. But to his credit General Yahya Khan has now announced a crisp timetable for elec-

tions throughout the country on a one-man, one-vote basis and the drafting of a new Constitution which should give the Bengalis of East Pakistan virtual autonomy and a voice in national affairs at last commensurate with their numbers. In doing this, General Yahya Khan is honorably living up to his promises. Simultaneously he has put the civilian politicians on notice that they had better live up to their professions. And indeed, they had better.

CBW TREATY

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. DELLENBACK. Mr. Speaker, the President has resubmitted for the consideration of the Senate the Geneva Protocol of 1925 which prohibits the first use of chemical and biological weapons. The 16 of us who, on November 3, presented to the House a study entitled "CBW and National Security" are heartened by the President's action.

The concern about CBW is not confined to the Congress, but has also been expressed by respected civic organizations. In October, the League of Women Voters of the United States began to prepare an article on CBW for its newsletter, The National Voter. This publication, released December 15, with a circulation of over 160,000, advocates ratification of the Geneva Protocol. I would like to bring the perspectives set forth by the League of Women Voters to the attention of my colleagues.

The article follows:

CHEMICAL AND BIOLOGICAL WEAPONS—PRESSURE INTENSIFIES TO BAN THEIR USE OR MANUFACTURE, AND TO ABOLISH ALL STOCKPILES

There is a chance that 1970 will be the year the US joins some 65 other countries that have ratified the 1925 Geneva Protocol, which prohibits the first use in war of chemical and biological weapons. Ironically, although the US proposed and signed the Protocol—and in 1966 co-sponsored a UN resolution calling for the strict observance of its principles and objectives—the Senate has never ratified it. The US is the only nuclear power—and except for Japan, the only major industrial nation—that has not.

Concern about CBW has grown in the US during the past two years as the extent of CBW research and development has become known. Because the C and B arsenal includes mass-destruction weapons of a particularly insidious nature, other countries throughout the world are deeply disturbed by present C and B practices. The issue is expected by some to dominate the disarmament talks in Geneva this year, and it has high priority in administration and congressional circles. Hearings in the House Subcommittee on National Security Policy began on Nov. 18.

SCIENTIFIC REPORTS SEEM UNREAL

There is an air of unreality about CBW—"an eerie, creepy feeling," as Sen. Gale McGee said during Senate Foreign Relations Committee hearings in April. To understand the distinctions between the two classes of weapons and the nature of CBW risks, it is necessary to overcome reactions of horror evoked by scientific reports.

By definition, chemical warfare uses toxic chemical agents—gas, liquid, or solid—to affect humans, animals, or plants. Chemical agents include nerve gases which are lethal, quick-acting, and hard to detect and may be dispensed in spray or liquid forms—a tiny drop of one type on the skin will cause death. This was the agent that killed 6000 sheep in Utah in 1968. There are also blister gases, such as the mustard gas of World War I, which generally incapacitate rather than kill; temporarily incapacitating agents, which interfere with normal mental processes; and so-called riot-control agents. These include ordinary tear gas, "super tear gas" (causes nausea as well as irritation to eyes, nose, lungs and throat), and even stronger riot-control agents—all of which may be lethal under certain conditions. Chemical agents are considered to be tactical weapons, especially for nuclear powers, because of their instantaneous effect on victims.

Biological weapons differ in several ways from chemical weapons. They employ living organisms and their toxic products to kill, damage, or incapacitate through disease. B weapons weigh less than C weapons and may be delivered over a wider area. While much specific information about B weapons is classified, the general principles of how they operate are known. Effective means of controlling and treating large-scale disease spread by them is not known. B weapons are considered to be strategic weapons because of the delay between application and effect—that is, because there is an incubation period before disease appears.

C and B weapons are unpredictable, unreliable and difficult to control. This is particularly true of biological aerosol-type weapons because their effectiveness—and the ability to control them—is affected by poorly understood factors of resistance to infection as well as uncertainties of meteorological and atmospheric conditions. The fact that some bacteriological agents can be carried by travelers, migratory birds or animals over great distances adds to the uncertainties about their use.

CBW CAN'T DESTROY A FACTORY

Unlike other agents of mass-destruction, C and B weapons attack only living matter; their ultimate targets are people. They cannot be used to destroy a factory or a missile, but they can conceivably affect the balance of nature in an irreparable way. Their chief human victims are likely to be civilians, who would not be provided with protective devices given to military forces.

For these and other reasons the value of C and B weapons as a deterrent—one of the arguments advanced in their favor—has been questioned. Since they would leave a nuclear retaliatory capability intact, they would be highly inappropriate, if not useless, as a major strategic threat among nuclear powers, for whom they would be an added expense and hazard. For non-nuclear nations, however, they have some appeal as strategic weapons despite the fact that C and B proliferation would inevitably reduce general security for all.

One argument that has been advanced by some who favor the use of C and B weapons is that they will make war more humane. This is a matter that has been debated by technical experts. Dr. Matthew Meselson, Harvard professor of biology and consultant to the US Arms Control and Disarmament Agency, refuted this claim in his testimony before the Senate Foreign Relations Committee last April. He contended instead that they risk making war more savage.

In the first place, he said, it is naive to think that only non-lethal agents would be used. Moreover, he asserted, non-lethal chemical weapons would be used to enhance the lethal capabilities of other weapons—a charge that has been made concerning the use of tear gas in the Vietnam war as well as in World War I. Above all, he is convinced that the use of non-lethal weapons would set the stage for—and probably trigger—the use in war of more deadly chemical and biological weapons, and therefore urged that all such agents be banned.

EXPERTS REPORT TO UN

A similar conclusion was reached by the international group of experts which—with US participation—prepared a report for UN Secretary-General U Thant in accordance with a General Assembly resolution of 1968. The UN report, issued in July 1969, called for "the earliest effective elimination of chemical and bacteriological (biological) weapons." Accordingly, when he issued the report the Secretary-General urged, 1) a renewal of the appeal to all states to accede to the 1925 Geneva Protocol; 2) an affirmation that *all* chemical and biological agents be prohibited; and 3) agreement by all countries to halt the development, production and stockpiling of all chemical and biological agents for purposes of war, and to eliminate them from the arsenal of weapons.

US policy on chemical and biological weapons was somewhat ambiguous in the 1950's and 1960's, and the use of chemical agents in Vietnam has increased the inconsistencies. In June, 1969, President Nixon appointed a special study group to undertake the most comprehensive review that has ever been made of this country's CBW policies. The urgency of the need for review was highlighted by congressional and other public inquiries following several accidents and alarms related to C and B research, development and training.

PRESIDENT NIXON'S STATEMENT

On the basis of the study group's recommendations, the President said on November 25.

"As to our chemical warfare program, the United States: Reaffirms its oft-repeated renunciation of the first use of lethal chemical weapons; extends this renunciation to the first use of incapacitating chemicals . . . .

"The US shall [also] renounce the use of lethal biological agents and weapons, and all other methods of biological warfare. The US will confine its biological research to defensive measures such as immunization and safety measures. The DOD [Department of Defense] has been asked to make recommendations as to the disposal of existing stocks of bacteriological weapons."

A massive effort to inform the public and promote discussion on CBW matters is required after the years of secrecy that have shrouded the subject. The reported change by Secretary of Defense Laird from a position defending the value of both C and B deterrents to one which favors eliminating the production of biological agents will carry weight. It may also open the way to orderly debate of comprehensive CBW controls.

It is important that the US be able to present its new CBW position when the question comes up for discussion again in the UN. The debate will be shaped by earlier treaties, resolutions and working papers dating back to the Hague Gas Declaration of 1899 and including, of course, the 1925 Protocol and the Secretary-General's 1969 report.

Several new proposals have recently been offered. They are working papers only, representing negotiating positions which will probably be modified in the treaty-making process. Among the more recent international proposals is a British draft treaty aimed at "reinforcing" the 1925 Geneva Protocol by prohibiting biological methods of warfare and the production for hostile use of biological agents.

There is a Swedish proposal to declare that CBW is contrary to international law, and

Canada has recommended further study of the subject as well as commendation for previous UN stands. The USSR has proposed a ban on development, production, and stockpiling of C and B weapons, but—like the British—the Soviets leave unsolved the problem of inspection. The British draft treaty has raised other objections based on the fear that by separating the B-war and C-war issues it may strengthen the potential use of C-weapons. The Canadian resolution does little substantially to advance CBW control and the Swedish proposal introduces legal complexities about the force of customary law.

INTERNATIONAL CONTROL IS THE GOAL

Ratification of the Geneva Protocol is felt by legal and scientific experts to be the minimum and necessary first steps for the US in moving toward international control of CBW. Then it can join other nations in considering the merits and weaknesses of other proposals, and in studying whatever technical and legal problems must be overcome.

William Foster, former director of the Arms Control and Disarmament Agency, has urged US ratification as "the next logical step for us to take," and calls as well for full US support of the British proposal. This, he says, "would enable us to divest ourselves of a useless and pernicious liability." These are essential steps, in his view, to limiting the deadliness of the arsenals of the world.

AMENDMENTS TO THE FOOD STAMP ACT OF 1964

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, for several months, the Congress has been working on a food stamp program that will adequately meet the nutrition needs of our Nation's low-income households.

On September 24, the Senate approved a proposal based on amendments offered by, among others, Senator GEORGE MCGOVERN. This program offers free stamps for families with less than $60 monthly income and increased the fiscal 1970 authorization from its present $340 million to $1.25 billion.

Another change incorporated in Senator MCGOVERN's amendment is one that extends this food stamp program to the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

I am herewith offering into the RECORD a memorandum sent to me by Hon. Rafael Hernandez Colon, President of the Senate, Commonwealth of Puerto Rico. This memorandum effectively justifies extension of the food stamp program to our fellow citizens in Puerto Rico.

Since the House Agriculture Committee is presently considering various proposals for continuing the food stamp program, I commend this memorandum and urge that the House insure availability of this needed program to Puerto Rico, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

The memorandum follows:

MEMORANDUM

SAN JUAN, PUERTO RICO,
December 1, 1969.

From: Rafael Harnández Colón, President of the Senate, Commonwealth of Puerto Rico.

To: Representative FRANK THOMPSON, JR.

Subject: S. 2547 (Amendments to the Food Stamp Act of 1964).

I strongly support the provision of S 2547, as approved by the United States Senate, which extends to Puerto Rico the Federal Food Stamp Program. This is a measure that will do justice to the majority of the United States citizens in Puerto Rico who are now facing nutritional deprivation.

Puerto Rico has made in the last two decades considerable progress in the development of a modern, high-productivity economy, capable of providing, by our people's own effort, a satisfactory level of living to all Puerto Ricans. We are, however, a long way from our goal. Per capita personal income is still less than 60 per cent of the state with the lowest per capita personal income. Poverty—and its concomitant, limited educational levels—is at the roots of Puerto Rico's malnutrition problem.

This problem is made worse, in comparison with the continental United States, by food price differentials. Puerto Rico buys from the United States over 75 per cent of the foodstuff here consumed. High maritime freight rates and other factors contribute to make food prices—as well as those for many other goods and services—generally higher than the prices prevailing in the mainland, for the same items.

Economic growth, if permitted to continue at the rapid rate of recent years, will eventually enable us to solve our economic woes by our own efforts. But the solution of our food problem cannot wait. We must provide *now* for the more than one third of our population which is ill nourished. The Federal Direct Food Distribution Program, at present in operation here, is indeed a help. But, it is severely limited both in the proportion of the needy who are eligible and in the variety and quality of the items distributed. Extension to Puerto Rico of the Food Stamp Program will enable us to considerably reduce hunger and malnutrition now.

Appealing to its sense of justice and its concern for the people's welfare, I urge the United States House of Representatives to extend to low income Puerto Ricans the benefits of the Food Stamp Program, made available by the existing legislation to their fellow citizens throughout the United States, by approving S 2547.

A CHRISTMAS CAROL IN HARLEM

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. MEEDS. Mr. Speaker, these are the festive, year-ending days when the snow swirls, the tinsel glimmers, the small lights sparkle, and young thoughts are swept up in the raptures of Christmas.

But for Walter Vandermeer, of Harlem, Christmas would be like any other time. Ugly. Joyless. Cold without warmth.

Walter was 12 years old on December 1. Two weeks later he died from an overdose of heroin.

There are other Walters in Harlem, in New York, and in dozens of American cities. They are being torn apart by a system so ravaging, so cruel as to defy understanding by those of us in the white, affluent world of Christmas cakes, heaped-up presents, and overfed Santa Clauses.

We in the House can massage our consciences with memories of having passed a drug abuse education bill, an antipoverty bill, a housing bill, an education bill. But it is not enough to drive out the demons of discomfort. It will not bring back Walter Vandermeer or make Christmas any brighter for the suffering people of this country.

No; we are all rushing headlong toward disintegration by indifference. Christmas is a time to look outward, to think about the human condition. Unless it is to continue just as a momentary impulse, we in the Congress must pass the programs and appropriate the funds that are commensurate with the awesome and brutal conditions that snuffed out the life of Walter Vandermeer.

Mr. Speaker, under unanimous consent, I include in the RECORD at this point an article in today's issue of the New York Times:

BOY 12, DIES OF HEROIN DOSE IN HARLEM BATHROOM—CITY DOCTOR CALLS HIM THE YOUNGEST VICTIM—ONE OF BIG FAMILY WAS PUSHER

(By Barbara Campbell)

Walter Vandermeer, 12 years old, died Sunday morning in a locked bathroom in Harlem of an overdose of heroin. He was the youngest person to die from a heroin overdose, according to city medical officials, and had been taking heroin for perhaps two years.

Dr. Michael Baden, associate city medical examiner, said yesterday that the number of children and teen-agers dying from heroin overdoses had increased as much as 300 per cent in the last year.

Neighborhood children, according to Dr. Baden, knew Walter as a successful seller of drugs who sold heroin to support his growing habit.

The boy, who was 12 years old Dec. 1, was found Sunday afternoon in the second-floor common bathroom at 310 West 117th Street, around the corner from his home.

EQUIPMENT AT HIS SIDE

He had entered the bathroom about midnight Saturday night and locked himself in to take drugs, Dr. Baden said. Two glassine envelopes that had contained heroin; a syringe, a needle and a bottle cap, used to cook heroin, were found at his side by the police.

Mrs. Elinor Williams, a resident of the building, found his body at 4 P.M. Sunday after she had forced the lock on the bathroom door. The boy was wearing a Snoopy sweatshirt with the inscription on the back: "Watch out for me, I want to bite somebody to release my tension."

Walter's mother, Mrs. Lilly Price, interviewed in the crowded four-room apartment of a friend at 371 West 116th Street, said she had not known that Walter was taking drugs.

Mrs. Price, a welfare recipient who receives $412 a month, had moved to her temporary home with several of her 10 children, including Walter, a month ago after she was evicted from her six-room apartment for nonpayment of rent.

She said she had last seen Walter at 10 P.M. Saturday night when he left the apart-

ment and promised to bring back a Sunday newspaper.

Mrs. Price, 45, did not report Walter missing when he failed to return home Saturday night. She assumed he was staying with one of his friends.

Mrs. Price said that she had seen no sign that Walter was a heroin addict. Dr. Baden reported that the boy's body bore no marks from unclean needles but that it was still possible that he had been addicted to heroin for some time.

Dr. Baden said that Walter had been arrested for possession of drugs.

Mrs. Price, who said that Walter's father was deported to British Guiana shortly after the boy was born in 1957, also said that she could not say for sure whether Walter had been attending school for the last two years.

But the boy's godmother, Mrs. Barbara Banks, who lives at 305 West 117th Street, said that Walter had not attended school in a "couple of years." He had been expelled from Public School 76 when he was nine years old, she said.

"His mother took him to court quite some time ago," she said. "He had been having trouble. She was supposed to take him to a psychiatric clinic, but she never followed through.

"The boy was starved for attention and affection. It just got to the place where he just roamed the streets."

JUST LIKE A LITTLE HUSTLER

What Walter found in the streets, Mrs. Banks said, were friends who introduced him to heroin. "The crowd he was with—men on the avenue let him hang on the streets . . . just like a little hustler," said Mrs. Banks.

About 50 children between the ages of 14 and 16 died this year from overdoses of heroin, Dr. Baden said. Last year there were no deaths of children under 15.

The doctor said that the number of young children and teenagers becoming addicted to heroin would continue to rise.

"Its a reflection of increased use of heroin in the adolescent age group," he said. "One very important factor is the peer-group pressure. Lots of kids start using heroin because friends are using it. Using heroin is beginning to spread among the young like smoking marijuana."

About 800 heroin addicts of all ages died this year from overdoses, according to Dr. Baden. More than 200 of them were 19 and younger. The number of such deaths among teenagers has risen threefold from last year, when 72 of 700 heroin deaths were among individuals 19 and younger.

"SESAME STREET" AND THE FUTURE OF AMERICAN EDUCATION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. BRADEMAS. Mr. Speaker, I would like to call my colleagues' attention to an article by Carl Rowan which appeared in the December 15 edition of the St. Louis Globe-Democrat.

Mr. Rowan discusses the potential of "Sesame Street," the new television program for preschool children produced under the auspices of the Children's Television Workshop. In Mr. Rowan's words:

"Sesame Street" is one of the most important programs since TV was invented . . . because if these youngsters can be taught effectively through 'the tube' we may be able to break the vicious circle that lets poverty and ignorance perpetuate themselves generation after generation in certain families.

Mr. Speaker, the subcommittee which I chaired was recently privileged to see a segment of "Sesame Street" during our hearings on the Comprehensive Preschool Education and Child Day Care Act of 1969. Like Mr. Rowan, we were impressed with the possibilities for this imaginative program to make real inroads into the problem of providing intellectual stimulation to very young children in this country. I would like to commend the program to my colleagues and to parents throughout the Nation.

At this point I insert Mr. Rowan's article in the RECORD:

CAN TV BRIDGE LEARNING GAP?

(By Carl T. Rowan)

WASHINGTON.—The other evening I got to thinking about how education is the greatest of all liberating forces, and I suddenly realized that, before me, no direct member of my family had had a day of college training.

Neither mother nor father nor grandparents nor any ancestor going back through all their generations on these shores had even finished high school.

Yet, like millions of other American youngsters, my two sons assume they are going to college the way they assume they will eat and breathe over the next five years. And nothing occupies their thoughts or consumes their energies these days more than the question of how to get admitted to which college.

What got me to thinking about this transition from a time when higher training is beyond thought in a family to a time when higher education is valued, assumed, and pursued?

Television, believe it or not. A television program that isn't likely to boggle Mr. Nielsen's ratings or become THE topic of conversation at anybody's cocktail party.

I was thinking about "Sesame Street," a new experiment in educational television aimed at pre-schoolers. This program may tell us whether some 12 million three-, four-, and five-year-olds can be effectively taught by television.

That makes "Sesame Street" one of the most important programs, since tv was invented, because if these youngsters can be taught effectively through "the tube" we may be able to break the vicious circle that lets poverty and ignorance perpetuate themselves generation after generation in certain families.

No one knows exactly why one child is highly motivated educationally and another is not. No one can say with certainty what factors of environment, heredity, affluence, opportunity, or whatever combine to make learning a matter of highest value in a family or a community.

But the experts are now pretty sure that, in the learning process, the early years are critical.

According to University of Chicago psychologist Benjamin Bloom, who assessed a thousand studies of child development, half of all growth in human intelligence takes place from birth to age four and another 30 per cent occurs between ages four and eight.

Nowhere does this have greater meaning than among disadvantaged children. Maya Pines, author of "Revolution in Learning," reports that "by the age of five or six slum children trail so far behind middle-class children that from an educational point of view they are already remedial cases."

Despite this, few three- and four-year-olds in the United States receive any schooling, and only half the nation's school districts have kindergarten programs.

There have been only rare attempts to reach pre-schoolers on a mass basis, the most notable being the highly-touted project Head Start. But it affects only a small fraction of the potential audience—and at a large cost.

This is where "Sesame Street" comes in. Financed by the United States Office of Education, the Carnegie Corporation, and Ford Foundation, it is an attempt to reach the kiddie crowd on a limited budget ($8 million to research and produce the first 26-week season).

The one-hour, five-times-a-week shows are a thoroughly planned, researched, and evaluated blend of education and entertainment, Puppets, story reading, animated cartoons, fast-action films, repetition and groovy music are among techniques used to teach youngsters and hold their interest at the same time.

The program is designed to appeal to all youngsters, but its special aim, according to Executive Director Mrs. John Ganz Cooney, is "to narrow the academic achievement gap between disadvantaged and middle-class children."

To this end, efforts are being made to tie "Sesame Street" into other programs for the poor such as day-care centers and Project Head Start.

The success or failure of "Sesame Street" will do a lot to determine how eager Congress becomes to put large sums into efforts to find new ways to help children bridge the educational gap.

H.R. 8170

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. McCLOSKEY. Mr. Speaker, the National Federation of Independent Business has the largest membership of any business organization in the United States, numbering over 272,000 small businessmen.

In a period where inflation and high interest rates are combining to put immense pressure on business in general and the small businessman in particular, the federation monitors pending legislation and sends questionnaires to its members on proposals which are deemed particularly pertinent to small business.

One such bill before the House is H.R. 8170, proposing that social security recipients be entitled to retain full benefits while earning up to $4,800 per year.

The federation's membership voted, by a margin of nearly 4 to 1, to support H.R. 8170 for the reasons set forth in the following statement dated December 15, 1969:

There's not much security in a Social Security system which penalizes the elderly who try to supplement their pensions to combat inflation. This opinion emerges from a poll of the nation's independent business owners on a proposal to lift the ceiling on elderly persons' earnings.

Under the so-called Social Security "retirement test", a beneficiary can earn only $140 a month ($1,680 a year) in wages before seeing his or her Social Security benefits reduced. Many recipients are not able

to live on current benefits, averaging $100 a month, but are prevented from productive, even part-time, work by the penalty provision.

Many of the oldsters protest that they are entitled to full benefits because they paid into the fund for years, and persons with rental, dividend and other non-wage income are not penalized by reduced benefits.

President Nixon has proposed to raise the earnings test to $1,800 and reduce the amount forfeited when earnings exceed $2,800.

But the nation's independent business owners want Congress to go considerably farther. Legislation by Rep. Paul (Pete) McCloskey, Jr., of California, to permit earnings of $4,800 a year won endorsement from 76 percent of the businessmen polled by the National Federation of Independent Business.

Only 20 percent oppose the measure and 4 percent withhold their opinion.

Because of complaints, the "retirement test" was raised from $1,500 to $1,680 by the last Congress, but in view of rising cost of living and the problems faced by persons with fixed incomes, most businessmen believe a major change is necessary and overdue.

The Social Security Administration has long opposed such liberalization because of the added "cost"—money which is now withheld—amounting to several billion a year. But the Administration recently predicted a huge, growing surplus in Social Security old age, survivors and disability reserves by 1973, making possible the President's recommendation for higher benefits without an increase in taxes.

Most businessmen apparently see little equity in the present earnings limitation, when the well-to-do can collect full benefits even if their investment income runs well into the thousands.

Many small businessmen who would like to hire senior citizens for part-time or temporary work find Social Security recipients unable to justify working when their benefits will be cut back. Earning just $60 a week will reduce an old age benefit by $840 a year under the formula ($1 forfeit for each $2 earned over $1,680 and a dollar-for-dollar reduction for earnings over $2,880.).

Since the government has estimated that an elderly couple with limited needs, living outside metropolitan areas, needs more than $3,400 a year for a modest standard of living, and since the average Social Security benefit is considerably less than this, the case for liberalizing the earnings limitation is strong.

STANDARDIZE THE MAIL

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. OLSEN. Mr. Speaker, as I said last week and, in fact, for several weeks past, whether the Post Office continues to operate as a Government bureau or becomes a Government corporation, no organization will handle the varied and staggering volume of mail in years to come without standardization, sophisticated mechanization, and extra charges on nonstandard, nonmachinable pieces.

For years I have been urging the Post Office to accelerate its program for research and engineering that would lead to standardization. Yet no such program standards have ever been forthcoming. And now, to my dismay, I learn that a legislative program outlining standardization will not ever be presented to Congress prior to the first session of the 92d Congress—and that is in 1971. More and more it is a case of the Post Office doing "too little, too late."

For a while, following the passage of my bill to create a sixth Assistant Postmaster General in charge of research and engineering, I was encouraged that appropriations for this purpose were more than tripled and that the engineering people were moved from the lowest rungs of the postal hierarchy to a par with the other Assistant Postmaster Generals. I was encouraged by the numerous reports on progress under the first Assistant Postmaster for research and engineering, Dr. Leo Packer. Since Dr. Packer's departure, this research program seems to have again been deemphasized and relegated to the dark corners of the Department, while the top brass of the Post Office conducts interviews and travels about, at the expense of taxpayer, vocalizing on the many-faceted merits of the Postal Corporation

Again, I iterate, Mr. Speaker, that the most imperative need in the Post Office today is that of standardization of the mail—and a penalty in postage for pieces that are mailed that do not conform to standard sizes.

DAILY SURVEILLANCE SHEET, 1987, FROM A NATIONAL DATA BANK

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. GALLAGHER. Mr. Speaker, many quite serious critiques of the suggested National Data Bank have come to my attention since my Special Subcommittee on Invasion of Privacy brought the concept to public attention in 1966. Fortunately, I think, it is also the subject of several humorous treatments.

For example, Bob and Ray, the widely renowned and justly famed satirists, described how a National Data Bank could be used to "get" almost anybody. Their fine article has been reprinted as an appendix to Dr. Jerry Rosenberg's recently published and extremely complete description of the controversy surrounding the Bank, "The Death of Privacy."

Another example in this genre is contained in the trade publication, Computers and Automation, of October 1969. Mr. Dennie Van Tassel is the head programer at San Jose State College in California. He has recently projected what the daily surveillance sheet from a national data bank might look like in 1987. Let me point out that this is satire: Mr. Van Tassel is viewing the future with alarm, not pointing with pride to his own past.

Mr. Speaker, the war against potentially disastrous uses of the computer continues to be waged on many fronts. I am delighted to insert at this point in the RECORD, Mr. Van Tassel's provocative fantasy. I hope that when 1987 rolls around, this will not be considered as an accurate prediction; but one must be compelled to wonder. After all, 1987 is just 3 short years after 1984:

[From Computers and Automation, October 1969]

DAILY SURVEILLANCE SHEET, 1987, FROM A NATIONWIDE DATA BANK

The "Daily Surveillance Sheet" below is offered as some food for thought to anyone concerned with the establishment of the proposed "National Data Bank". Hopefully, it will help illustrate that *everyone* should be concerned.

National data bank daily surveillance sheet, confidential, July 11, 1987

Subject. Dennie van Tassel, San Jose State College, male, age 38, married, programmer.

Purchases:

Wall Street Journal	.10
Breakfast	1.65
Gasoline	3.00
Phone (328–1826)	.10
Phone (308–7928)	.10
Phone (421–1931)	.10
Bank (cash withdrawal)	120.00
Lunch	2.00
Cocktail	1.00
Lingerie	21.85
Phone (369–2436)	.35
Bourbon	8.27
Newspaper	.10

COMPUTER ANALYSIS

Owns stock (90 per cent probability).

Heavy starch breakfast. Probably overweight.

Bought 3.00 dollars gasoline. Owns VW. So far this week he has bought 12.00 dollars worth of gas. Obviously doing something else besides just driving the 9 miles to work.

Bought gasoline at 7.57. Safe to assume he was late to work.

Phone No. 328–1826 belongs to Shady Lane—Shady was arrested for bookmaking in 1972.

Phone No. 308–7928. Expensive men's barber—Specializes in bald men or hair styling.

Phone No. 421–1931. Reservations for Las Vegas (without wife). Third trip this year to Las Vegas (without wife). Will scan file to see if anyone else has gone to Las Vegas at the same time and compare to his phone call numbers.

Withdrew 120.00 dollars cash. Very unusual since all legal purchases can be made using the National Social Security Credit Card. Cash usually only used for illegal purchases. It was previously recommended that all cash be outlawed as soon as it becomes politically possible.

Drinks during his lunch.

Bought very expensive lingerie. Not his wife's size.

Phone No. 369–2436. Miss Sweet Locks.

Purchased expensive bottle of bourbon. He has purchased 5 bottles of bourbon in the last 30 days. Either heavy drinker or much entertaining.

OVERALL ANALYSIS

Left work at 4.00, since he purchased the bourbon 1 mile from his job at 4.10. (opposite direction from his house.)

Bought newspaper at 6.30 near his house. Unaccountable 2½ hours. Made 3 purchases today from young blondes. (Statistical 1 chance in 78.) Therefore probably has weakness for young blondes.

PERSONAL ANNOUNCEMENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. CONYERS. Mr. Speaker, previous commitments in my district unavoidably

prevented my voting on rollcall 323. Had I been present to vote on H.R. 15095, the Social Security Amendments of 1969, I would have voted "yea."

HOUSE CONCURRENT RESOLUTION 454

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. DERWINSKI. Mr. Speaker, I am pleased to join in support of House Concurrent Resolution 454, calling for the humane treatment and release of American prisoners of war held by the North Vietnamese and the National Liberation Front. I have also cosponsored other resolutions for this purpose.

Together with other Members I join in calling upon the North Vietnamese Communist dictatorship to specifically comply with the Geneva Convention provisions pertaining to POW's. They clearly have failed to comply with the provisions providing for identification of prisoners, free exchange of mail between prisoners and their families, proper and impartial inspection of prisoner of war camps, and release of seriously ill or injured persons.

The conduct of the North Vietnam Communists in their treatment of American POW's has properly been described as barbaric and uncivilized.

I commend Secretary of Defense Laird for the efforts he has instigated to bring the spotlight of world attention to bear upon this issue, hopefully to provide proper treatment of POW's.

I have kept in constant contact with the Defense Department relative to servicemen from my district and neighboring Illinois areas who are listed as missing in action or known to be POW's.

It is imperative that we continue our efforts through all possible channels, including world public opinion, so that our POW's in North Vietnam receive the treatment to which they are entitled under international law. I regret that the United Nations has failed to act on behalf of our POW's. It must be observed that the world body remains paralyzed as a result of opposition by Communist governments to any undertaking that does not fit into the Communist scheme of things.

Mr. Speaker, the parents, wives, and children of our POW's must also be considered. The inhumane policies of the North Vietnam Communists must not be allowed to continue. We do have the leverage in world diplomatic circles to bring sufficient pressure to bear upon the dictators of North Vietnam to abide by the Geneva convention in the treatment of American prisoners of war.

President Nixon has dramatically used his office in cooperation with wives of our prisoners of war in the effort to bring effective world pressure to bear upon the Communists so that they would abide by the Geneva Convention. It is most appropriate that the House of Representatives add its voice to this humanitarian plea.

PRESERVATION OF OUR ENVIRONMENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. KASTENMEIER. Mr. Speaker, as we enter a new decade one of the most crucial tasks this Nation, along with the rest of the world, will have to take up is the preservation of our environment. The growing recognition of the enormity of this problem by scientists around the world has, unfortunately, not been matched by equal concern on the part of those in positions of political and economic leadership. All the other problems besetting us pale into insignificance when we carefully consider the implications of the dire warnings of the world scientific community. Fundamentally, what is at stake is the continuation of human life on this earth and the preservation of man as a species.

The continued plunder of our natural resources, the increased fouling of the very air we breathe, and the pollution of our water supplies is inexorably leading us to our doom unless these processes of self-destruction are reversed. I commend to the attention of my colleagues the following article by Anthony Lewis which appeared in the New York Times of December 15. In his article, Mr. Lewis describes just a few of the "specialized examples of how we are destroying ourselves." These demonstrate only a few of the dangers to the continued existence of man on this planet. They also highlight the irony of man reaching for the stars at the same time that he is preparing his own grave back on earth. The article follows:

NOT WITH A BANG BUT A GASP

(By Anthony Lewis)

BRUSSELS.—A man who is characteristically uninformed on matters scientific was making conversation at dinner the other night with a leading European biologist. He asked how seriously he should take the new public concern about the environment. Smiling, the biologist replied: "I suppose we have between 35 and 100 years before the end of life on earth."

The ordinary citizen is probably unaware of the extent to which such apocalyptic views are coming to be held in the scientific community. An impressive indication of the feelings has just been given in the British Broadcasting Corporation's Reith Lectures by Dr. Frank Fraser Darling of the Conservation Foundation, Washington, D.C.

He took part recently, Dr. Darling said, in a discussion of conservation by experts in such fields as medicine, anthropology and architecture. They talked for a day and a half, but quite early on they "came round to a sense of impending tragedy."

"Basically it was caused by the population problem," Dr. Darling said: "None of us could see that the world would escape the horrors of famine on a large scale. But it seemed that the very large catastrophe to which we were heading would not happen as a result of any one cause, but as a culmination of several factors—famine, war, pestilence, pollution."

PROPHECIES OF DOOM

The doomsday prophets give various specialized examples of how we are destroying ourselves.

Barry Commoner, professor of botany at Washington University, St. Louis, has a grim theory on the effect of man's increasing use of nitrate fertilizers to increase agricultural productivity. Adding artificial nitrates, he points out, tends to reduce the natural production of nitrogen compounds in soil. The more fertilizer used over the years, therefore, the more is needed.

But artificial nitrates, and phosphates, run off into rivers and dramatically encourage the growth of algae. These in turn use up the oxygen in the water, making it unfit for fish and other animals. Professor Commoner's conclusion is that within fifty years the United States will face a horrible choice: It will either have to cut down on the use of artificial fertilizers, drastically reducing agricultural output, or use so much fertilizer as to cause uncontrollable water pollution.

Paul Ehrlic, professor of biology at Stanford University, has made a number of frighteningly convincing prophecies. One is that competition for food and raw materials is going to become savage among the nations as populations grow. He says that American industrial plans alone envision use of nearly all the non-Communist world's mineral reserves by the year 2000.

Then there is the atmosphere. People and engines are using up oxygen at an alarming rate: one trans-Atlantic jet burns 35 tons. We are voraciously cutting down the forests that convert carbon dioxide to oxygen, and DDT may be having an impact on the ocean's micro-organisms that similarly produce oxygen. One day, suddenly, the world's billions of creatures may literally be struggling for a last breath.

THE HEATING PROBLEM

The increasing carbon dioxide in the air gradually warms the oceans and could, it is feared, eventually melt the polar ice caps at a rate fast enough to flood the coasts of our continents. Daniel Patrick Moynihan, counselor to President Nixon, warned here this week that the atmosphere's carbon dioxide content would grow 25 per cent by the year 2000.

Professor Ehrlich believes the heating problem is so grave that by the 21st century we shall have to prohibit the use of any fuel for transportation. If men are still here, that is.

When one understands that this is not the talk of cranks, the reaction is semireligious: wonder at the tiny concerns of race and nation that still divide us. It all raises the ancient question: Will man ever have the political skill to match his emotional and intellectual power?

There are beginning political efforts to face the ecological consequences. Mr. Moynihan was here for one, NATO's new Committee on Challenges of Modern Society. It is pathetic groping so far, but there is some hope in the signs that young people everywhere are deeply concerned.

The thought of doom is difficult for anyone to take in, intellectually. It is so large that the individual tends to feel helpless. But individual concern for the preservation of life, starting at the humblest local level in resistance to some new assault on our surroundings, may be the only means to a larger political response.

Like Dr. Darling in his discussion group, we have on our consciences the knowledge that we are "among the fortunate, living in a still beautiful world."

AN OPTIMISTIC LOOK AT PACIFICATION IN VIETNAM

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. BROOMFIELD. Mr. Speaker, those of us who support the President's policy in Vietnam realize that its ultimate success hinges on the ability of the Vietnamese to assume the major burden of the conflict. In this regard, there have been a number of encouraging signs in recent weeks. I was privileged to receive an especially optimistic report from Mr. Richard Hretz, a resident of my congressional district and a Deputy provincial senior adviser with the U.S. Agency for International Development, who has just returned from Vietnam. I call my colleagues attention to the following article which appeared in the Royal Oak, Mich., Daily Tribune, based on an interview by Mr. Hretz:

NIXON "PACIFICATION" WORKING, SAYS VISITING VIET ADVISER

(By Evelyn Dysarz)

In the South Vietnamese twilight, a U.S. official watched distant flames engulf hillside hamlets.

The fires, set by Viet Cong to terrorize the mountain folk of northern Phouc Long province, also illuminated the problems facing former-Detroiter Richard Hretz. His job was to develop the economic, social and political fabric of South Vietnam despite the war.

"In my last five or six months we had almost got the problem licked," he said. "The people were coming to us for advice rather than us going to them.

"The 'pacification' program has been going very well since Nixon took over. There's been a change of emphasis from the (American) ambassador on down.

"The new name of the game is to advise the Vietnamese, but let them decide and do it. Before we would decide and build whatever was needed."

Hretz told of his two-year stay in Vietnam when he brought his wife and six children to visit her parents, Mr. and Mrs. Charles W. Lynch of Royal Oak.

Hretz is a deputy provincial senior adviser with the U.S. Agency for International Development (AID) in Vietnam. While there, his wife and children, then ranging in age from three months to nine years, live in Bangkok, Thailand.

"The normal things we would do in peacetime, such as building schools and establishing a sound political base and economic growth, we have to do under war conditions," said the 40-year-old Hretz.

"We were also responsible for training of villagers for defense of their village."

American military, Vietnamese and American civilians made up the AID program in Vietnam, he said.

TEACH TO HELP SELF

Under the "pacification" program, the officials also advised the Vietnamese how to provide public works services for themselves.

AID gave each village the equivalent of $8,000 after all village officials were elected and the village's defense, called Regional Forces, formed, he said. Use of the money, which could buy fertilizer for a growing season or finance water wells, was left up to the villagers.

"It took up to three months to convince some elected chiefs they could use the money freely," he said. "Some didn't want to spend the money because of their tremendous fear of failure, of losing face."

Two Vietnam provinces where he was stationed, both in the northern part of the country, provide studies in contrast.

FLAT FARMLAND

While in the province of Long Khang during the last part of his two-year stint, "enemy activity dropped off drastically," he said. "We were able to provide 100 per cent protection to the population" of that flat farmland area, he said.

The province, populated by Catholics who fled from North Vietnam in 1954, was 95 per cent self-sufficient, he said. Giant strides in schools, roads and the planting of a high-yield hybrid rice were made in the strongly anti-Communist province, he said.

Viet Cong activity fell off for two reasons, said Hretz. One was the introduction of the 4,000 soldiers in the 199th Light Infantry Brigade. The other comes from the attitude of Viet Cong who believe they are "winning the war on the streets of the U.S. although losing it in Vietnam. They believe they will get their goal anyway," he said.

MOUNTAIN AREA

Before coming to Long Khang, Hretz was stationed in 1968 in Phouc Long province, the mountainous home of the Montagnard tribes. There he watched the fires burn peasant villages.

South Vietnamese control of the northern province consisted of four city enclaves which were surrounded by mountains, lush "four-tier" thick jungles and Viet Cong. Helicopters connected the friendly dots on the provincial map.

In Phouc Long, said Hretz, the "struggle was to stay alive and protect the people." Ninety per cent of the population huddled into the four cities, he said, and depended on welfare for food and clothing.

BARELY SCRATCHED

"If ever there is peace, Vietnam would be a wonderful place for economic development. We've barely scratched the surface now."

With peace, Hretz sees the U.S. combat soldier leaving and the military adviser staying. "The people really must deal with the Viet Cong themselves. It's a local problem. The Viet Cong would have to fit into the political fabric or be controlled legally."

If given a free choice, Hretz thinks the South Vietnamese will form some type of democracy. They believe in the basic self-determination, he said. There would be no self-determination if the National Liberation Front ran the country, he said, but rather a "Stalinist" type of political orthodoxy.

BUDDHIST ORIENTED

"The people have a Buddhist-oriented mind which is very hard to understand," said Hretz. "They are very practical. They will accept the best they can achieve now. What they can take today, they will, and wait for tomorrow for the rest. But they never give up their ideals."

Hretz said, therefore, the Viet Cong would probably allow themselves to live under a democratic government and bide their time.

CAN ANYONE RUN A CITY?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. WOLFF. Mr. Speaker, while dismay mounts over the deterioration of the Nation's inner cities, the mayors who must handle the problems generated by this deterioration have had to bear a massive amount of criticism. In many cases, the criticism is leveled at these administrators with little consideration given to a rather looming question: "Can anyone run a city?"

Mr. Gus Tyler, a most gifted and perceptive writer, a close friend of mine for many years, took a most interesting and informative approach to this question not too long ago. Mr. Tyler, assistant president of the International Ladies Garment Workers Union and author of "The Political Imperative: The Corporate Character of Unions," presented an article which I feel is extremely insightful.

Since I feel that each one of us here, and virtually every American citizen has a stake in the future of our cities, I would like to extend my remarks to include Gus Tyler's article from the Saturday Review in the RECORD:

CAN ANYONE RUN A CITY?

(By Gus Tyler)

Can anyone run a city? For scores of candidates who have run for municipal office across the nation this week, the reply obviously is a rhetorical yes. But if we are to judge by the experiences of many mayors whose terms have brought nothing but failure and despair, the answer must be no. "Our association has had a tremendous casualty list in the past year," noted Terry D. Schrunk, mayor of Portland, Oregon, and president of the U.S. Conference of Mayors. "When we went home from Chicago in 1968, we had designated thirty-nine mayors to sit in places of leadership. . . . Today, nearly half of them are either out of office or going out . . . most of them by their own decision not to run again." Since that statement, two of the best mayors in the country—Jerome P. Cavanagh of Detroit and Richard C. Lee of New Haven—have chosen not to run again.

Why do mayors want out? Because, says Mayor Joseph M. Barr of Pittsburgh, "the problems are almost insurmountable. Any mayor who's not frustrated is not thinking." Thomas G. Currigan, former mayor of Denver, having chucked it all in mid-term, says he hopes "to heaven the cities are not ungovernable, [but] there are some frightening aspects that would lead one to at least think along these lines." The scholarly Mayor Arthur Naftalin of Minneapolis adds his testimony: "Increasingly, the central city is unable to meet its problems. The fragmentation of authority is such that there isn't much a city can decide anymore: it can't deal effectively with education or housing."

Above all, the city cannot handle race. Cavanagh, Naftalin, and Lee—dedicated liberal doers all—were riot victims. Mayor A. W. Sorensen of Omaha had to confess that after he'd "gone through three-and-a-half years in this racial business," he'd had it.

Although frictions over race relations often ignite urban explosives, the cities of America—and the world—are proving ungovernable even where they are ethnically homogeneous. Tokyo is in hara-kiri, though racially pure. U Thant, in a statement to the U.N.'s Economic and Social Council, presented the urban problem as world-wide: "In many countries the housing situation . . . verges on disaster. . . . Throughout the developing world, the city is failing badly."

What is the universal malady of cities? The disease is density. Where cities foresaw density and planned accordingly, the situation is bad but tolerable. Where exploding populations hit unready urban areas, they are in disaster. Where ethnic and political conflict add further disorder, the disease appears terminal.

Some naturalists, in the age of urban crisis, have begun to study density as a disease. Crowded rats grow bigger adrenals, pouring out their juices in fear and fury. Crammed cats go through a "Fascist" transformation, with a "despot" at the top, "pariahs" at the bottom, and a general malaise in the community, where the cats, according to P. Leyhausen, "seldom relax, they never look at ease, and there is continuous hissing, growling, and even fighting."

How dense are the cities? The seven out of every ten Americans who live in cities occupy only 1 per cent of the total land area of the country. In the central city the situation is tighter, and in the inner core it is tightest. If we all lived as crushed as the blacks in Harlem, the total population of America could be squeezed into three of the five boroughs of New York City.

This density is, in part, a product of total population explosion. At some point the whole Earth will be as crowded as Harlem—or worse—unless we control births. But, right now, our deformity is due less to overall population than to the lopsided way in which we grow. In the 1950s, half of all the counties in the U.S. actually lost population; in the 1960s, four states lost population. Where did these people go? Into cities and metropolitan states. By the year 2000, we will have an additional 100 million Americans, almost all of whom will end up in the metropolitan areas.

The flow of the population from soil to city has been underway for more than a century, turning what was once a rural nation into an urban one by the early 1900s. Likewise, the flow from city to suburb has been underway for almost half a century. "We shall solve the city problem by leaving the city," advised Henry Ford in a high-minded blurb for his flivver. But, in the past decade, the flow has become a flood. Modern know-how dispossessed millions of farmers, setting in motion a mass migration of ten million Americans from rural, often backward, heavily black and Southern counties to the cities. They carried with them all the upset of the uprooted, with its inherent ethnic and economic conflict. American cities, like Roman civilization, were hit by tidal waves of modern Vandals. Under the impact of this new rural-push/urban-pull, distressed city dwellers started to move—then to run—out. Hence, the newest demographic dynamic; urban-push and suburban-pull. In the 1940s, half the metropolitan increase was in the suburbs; in the 1950s, it was two-thirds; in the 1960s, the central cities stopped growing while the suburbs boomed.

Not only people left the central city; but jobs, too, thereby creating a whole new set of economic and logistic problems. Industrial plants (the traditional economic ladder for new ethnic populations) began to flee the city in search of space for factories with modern horizontal layouts. Between 1945 and 1965, 63 per cent of all new industrial building took place outside the core. At present, 75 to 80 per cent of new jobs in trade and industry are situated on the metropolitan fringe. In the New York metropolitan area from 1951 to 1965, 127,753 new jobs were located in the city while more than three times that number (387,873) were located in the suburbs. In the Philadelphia metropolis, the city lost 49,461 jobs, while the suburbs gained 215,296. For the blue-collar worker who could afford to move to the suburbs or who could commute (usually by car) there were jobs. For those who were stuck in the city, the alternatives were work in small competitive plants hungry for cheap labor and no work at all.

Ironically, the worthwhile jobs that did locate in the cities were precisely those most unsuited for people of the inner core, namely, white collar clerical, administrative, and executive positions. These jobs locate in high-rise office buildings with their vertical complexes of cubicles, drawing to them the more affluent employees who live in the outskirts and suburbs.

This disallocation of employment, calling for daily commuter migrations, has helped turn the automobile from a solution into a problem as central cities have become stricken with auto-immobility; in midtown New York, the vehicular pace has been reduced from 11.5 mph in 1907 to 6 mph in 1963. To break the traffic jam, cities have built highways, garages, and parking lots that eat up valuable (once taxable) space in their busy downtowns: 55 per cent of the land in central Los Angeles, 50 per cent in Atlanta, 40 per cent in Boston, 30 per cent in Denver. All these "improvements," however, encourage more cars to come and go, leaving the central city poorer, not better.

Autos produce auto-intoxication: poisoning of the air. While the car is not the only offender (industry causes about 18 per cent of pollution; electric generators, 12 per cent; space heaters 6 per cent; refuse disposal, 2.5 per cent), it is the main menace spewing forth 60 per cent of all the atmospheric filth. In 1966, a temperature inversion in New York City—fatefully coinciding with a national conference on air pollution—brought on eighty deaths. In 1952, in London, 4,000 people died during a similar atmospheric phenomenon.

The auto also helped to kill mass transit, the rational solution to the commuter problem. The auto drained railroads of passengers; to make up the loss, the railroads boosted fares; as fares went up, more passengers turned to autos; faced with bankruptcy, lines fell behind in upkeep, driving passengers to anger and more autos. Between 1950 and 1963, a dozen lines quit the passenger business; of the 500 intercity trains still in operation, fifty have applied to the ICC for discontinuance. Meanwhile, many treat their passengers as if they were freight.

Regional planners saw this coming two generations ago and proposed networks of mass transportation. But the auto put together its own lobby to decide otherwise: auto manufacturers, oil companies, road builders, and politicians who depend heavily on the construction industry for campaign contributions.

The auto is even failing in its traditional weekend role as the means to get away. On a hot August weekend this year, Jones Beach had to close down for a full hour, because 60,000 cars tried to get into parking lots with a capacity of 24,000. The cars moved on to the Robert Moses State Park and so jammed the 6,000-car lot there as to force a two-hour shutdown.

Overcrowding of the recreation spots is due not only to more people with more cars but to the pollution of waters by the dumping of garbage—another by-product of metropolitan density.

Viewed in the overall, our larger metropolises with their urban and suburban areas are repeating the gloomy evolution of our larger cities. When Greater New York was composed of Manhattan (then New York) and the four surrounding boroughs, the idea was to establish a balanced city: a crowded center surrounded by villages and farms. In the end, all New York became citified. Likewise, the entire metropolitan area is becoming urbanized with the suburbanite increasingly caught up in the city tangle.

The flow from city to suburb does not, surprisingly, relieve crowding within the central city, even in those cases where the city population is no longer growing. The same number of people—especially in the poor areas—have fewer places to live. In recent years, some 12,000 buildings that once housed about 60,000 families in New York City have been abandoned, with tenants being dispossessed by derelicts and rats; 3,000 more buildings are expected to be abandoned this year. The story of these buildings, in a city such as New York, reads like a Kafkaesque comedy. For the city to tear down even one of these menaces involves two to four years of red tape; to get possession of the land takes anther two to four years. Meanwhile, the wrecks are inhabited by human wrecks preparing their meals over Sterno cans that regularly set fire to the buildings. By law, the fire department is then charged with the responsibility of risking men's lives to put out the fire, which they usually can do. However, when the flames get out of hand, other worthy buildings are gutted, leaving whole blocks of charred skeletons—victims of the quiet riot.

Other dwellings are being torn down by private builders to make way for high-rise luxury apartments and commercial structures. *Public* action has destroyed more housing than has been built in all federally aided programs. As a result, the crowded are more crowded than ever. Rehabilitation instead of renewal doesn't work. New York City tried it only to discover that rehabilitation costs $38 a square foot—a little *more* than new luxury housing.

The result of all this housing decay and destruction (plus FHA money to encourage more affluent whites to move to the suburbs) has been, says the National Commission on Urban Problems, "to intensify racial and economic stratification of America's urban areas."

While ghetto cores turn into ghost towns, the ghetto fringes, flare out. The crime that oozes through the sores of the diseased slum chases away old neighbors, a few of whom can make it to the suburbs; the rest seek refuge in the "urban villages" of the low-income whites. Cities become denser and tenser than they were. In the process, these populous centers of civilization become—like Europe during the Dark Ages—the bloody soil on which armed towns wage their inevitable wars over a street, a building, a hole in the wall. Amid this troubled terrain, the free-lance criminal adds to the anarchy.

All these problems (plus welfare, schooling, and militant unions of municipal employees) hit the mayors at a time when, according to the National Commission on Urban Problems, "there is a crisis of urban government finance . . . rooted in conditions that will not disappear but threaten to grow and spread rapidly." The "roots" of the "crisis"? The mayor starts with a historic heavy debt burden. His power to tax and borrow is often tethered by a rural-minded state legislature. He has lost many of the city's wealthy payers to the suburbs. His levies on property (small homes) and sales are prodding Mr. Middle to a tax revolt. The bigger (richer) the city is, the worse off it is. As population increases, per capita cost of running a city goes up—not down: density makes for frictions that demand expensive social lubricants. Municipalities of 100,000 to 299,000 spend $14.60 per person on police; those of 300,000 to 490,000 spend $18.33; and those of 500,000 to one million spend $21.88. New York City spends $39.83. On hospitalization, the first two categories spend $5 to $8 per person; those over 500,000 spend $12.54; New York spends $55.19.

Expanding the economy of a city does not solve the problem; it makes it worse. Several scholarly studies have come up with this piece of empiric pessimism: if the gross income of a city goes up 100 per cent, revenue rises only 90 per cent, and expenditures rise 110 per cent. Consequently, when a city's economy grows, the city's budget is in a worse fix than before. This diseconomy of bigness and richness applies even when cities merely limit themselves to prior levels of services. But cities, unable to cling to this inadequate past, have had to step up services to meet the rising expectations of city dwellers.

The easy out for a mayor is to demand

that the federal coffers take over cost or hand over money. But is that the real answer? The federal income tax as presently levied falls most heavily on an already embittered middle class—our alienated majority. Unable to push this group any harder and unwilling to "soak the rich," an administration, such as President Nixon's, comes up with revenue-sharing toothpicks with which to shore up mountains. Nixon has proposed half a billion for next year and $5-billion by 1975, while urban experts see a need for $20- to $50-billion each year for the next decade. A Senate committee headed by Senator Abe Ribicoff calls for a cool trillion.

But even if a trillion were forthcoming, it might be unable to do the job. To build, a city must rebuild: bulldoze buildings, redirect highways, clear for mass transportation, remake streets—a tough task. But even tougher, a city must bulldoze people who are rigidified in resistant economic and political enclaves. The total undertaking could be more difficult than resurrecting a Phoenix that was already nothing but a heap of ashes.

What powers does a mayor bring to these complex problems? Very few. Many cities have a weak mayor setup, making him little more than a figurehead. If he has power, he lacks money. If he has power and money, he must find real—not symbolic—solutions to problems in the context of a density that turns "successes" into failures. If a mayor can, miraculously, come up with comprehensive plans, they will have to include a region far greater than the central city where he reigns.

A mayor must try to do all this in an era of political retribalism, when communities are demanding more, not less, say over the governance of their little neighborhoods. In this hour, when regional government is needed to cope with the many problems of the metropolitan area as a unity, the popular mood is to break up and return power to those warring factions—racial, economic, religious, geographic—that have in numerous cases turned a city into a no man's land.

Is there then no hope? There is—if we putter less within present cities and start planning a national push-pull to decongest urban America. Our answer is not in new mayors but in new cities; not in urban renewal but in urban "newal," to use planner Charles Abrams' felicitous word.

We cannot juggle the 70 per cent of the American people around on 1 per cent of the land area to solve the urban mess. We are compelled to think in terms of new towns and new cities planned for placement and structure by public action with public funds. "All of the urbanologists agree," reported *Time* amidst the 1967 riot months, "that one of the most important ways of saving cities is simply to have more cities." The National Committee on Urban Growth Policy proposed this summer that the federal government embark on a program to create 110 new cities (100 having a population of 100,000, and ten even larger) over the next three decades. At an earlier time, the Advisory Commission on Intergovernmental Relations proposed a national policy on urban growth, to use our vast untouched stock of land to "increase, rather than diminish Americans' choices of places and environments," to counteract our present "diseconomics of scale involved in continuing urban concentration, the locational mismatch of jobs and people, the connection between urban and rural poverty problems, and urban sprawl."

New towns would set up a new dynamic. In the central cities, decongestion could lead to real urban renewal, starting with the clearing of the ghost blocks where nobody lives and ending with open spaces or even some of those dreamy "cities within a city." The new settlements could be proving grounds for all those exciting ideas of city planners whose proposals have been frustrated by present structures—physical and political. "Obsolete practices such as standard zoning, parking on the street, school busing, on-street loading, and highway clutter could all be planned out of a new city," notes William E. Finley in the Urban Growth report. These new towns (cities) could bring jobs, medicine, education, and culture to the ghost towns in rural America, located in the counties that have lost population—and income—in the past decades. Finally, a half-century project for new urban areas would pick up the slack in employment when America, hopefully, runs out of wars to fight.

The cost would be great, but no greater than haphazard private developments that will pop up Topsy-like to accommodate the added 100 million people who will crowd America by the year 2000. Right now we grow expensively by horizontal or vertical accretion. We sprawl onto costly ground, bought up by speculators and builders looking for a fast buck. Under a national plan, the federal government could buy up a store of ground in removed places at low cost or use present government lands. Where private developers reach out for vertical space, they erect towers whose building costs go up geometrically with every additional story. On the other hand, as city planners have been pointing out for a couple of decades, "it has been proved over and over again by such builders as Levitt, Burns, and Bohannon" that efficient mass production of low-risers "can and do produce better and cheaper houses." Cliff dwellings cost more than split-levels.

The idea of new towns is not untested. "There is little precedent in this country, but ample precedent abroad," notes the Committee on Urban Growth. "Great Britain, France, the Netherlands, the Scandinavian countries—all have taken a direct hand in land and population development in the face of urbanization, and all can point to examples of orderly growth that contrast sharply with the American metropolitan ooze." To the extent that the U.S. has created new communities it has done so as by-products: Norris, Tennessee, was built for TVA to house men working on a dam; Los Alamos, Oak Ridge, and Hanford were built for the Atomic Energy Commission "to isolate its highly secret operations."

What then is the obstacle to this new-cities idea? It runs contrary to the traditional wisdom that a) where cities are located, they should be located, and b) that the future ought to be left to private enterprise. Both thoughts are a hangover from a hang-up with laissez faire, a Panglossian notion that what is, is best.

The fact is, however, that past reasons for locating cities no longer hold—at least, not to the same extent. Once cities grew up at rural crossroads; later at the meeting of waters; still later at railroad junctions; then near sources of raw material. But today, as city planner Edgardo Contini testified before a Congressional committee, these reasons are obsolete. "Recent technological and transportation trends—synthesis rather than extraction of materials, atomic rather than hydroelectric or thermoelectric power, air rather than rail transportation—all tend to expand the opportunities for location of urban settlements." Despite this, the old cities, by sheer weight of existence, become a magnetic force drawing deadly densities.

Furthermore, concluded Mr. Contini and a host of others, "the scale of the new cities program is too overwhelming for private initiative alone to sustain, and its purposes and implications are too relevant to the country's future to be relinquished to the profit motive alone." The report of the Urban Growth Committee stresses the limited impact of new towns put up by private developers such as Columbia, Maryland and Reston, Virginia. "They are, and will be, in the first place, few in number, serving only a tiny fraction of total population growth. A new town is a 'patient' investment, requiring large outlays long before returns begin; it is thus a non-competitive investment in a tight money market. Land in town-size amounts is hard to find and assemble without public powers of eminent domain. Privately developed new towns, moreover, by definition must serve the market, which tends to fill them with housing for middle- to upper-income families rather than the poor."

The choice before America is really not between new cities and old. Population pressure will force outward expansion. But by present drift, this will be unplanned accretion—plotted for quick profit rather than public need. What is needed is national concern for the commonwealth in the location and design of new cities: a kind of inner space program.

VETERANS DAY IN WOODBRIDGE, N.J.

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. PATTEN. Mr. Speaker, the Veterans Day ceremony on November 11, 1969, honoring the 300th anniversary of Woodbridge Township in New Jersey will long be remembered. Woodbridge has a population of 110,000, and the Veterans Alliance under Comdr. John Keitel really outdid themselves.

The festivities were covered by the National Broadcasting System and received much attention in the press throughout the metropolitan area. My good friend, the Honorable Joseph Nemyo, president of the municipal council, was master of ceremonies, and of course, the Honorable Dr. Ralph P. Barone, mayor of Woodbridge, was on hand for the ceremony which included a history of the new memorial park by Mr. Herbert Blitch, liaison officer with the Veterans Alliance. The dedication of the park was then conducted by Mr. Frank Murphy, director of parks and recreation for Woodbridge, who was assisted by Mayor Barone and Capt. Jack H. Jacobs. This park will certainly add to the beauty of this city with its recreation area and the beautiful water fountain. This fountain, surrounded by a circle of flags, is indeed a fitting tribute to our veterans.

The program was further enhanced by the music of the Woodbridge Senior High School Band under the able leadership of Casimir Urbanski. Any town would have been proud to have these young people represent them.

One high spot of the ceremonies was the honors paid to Capt. Jack H. Jacobs, who received the Congressional Medal of Honor at the White House in a ceremony on October 9. I was thrilled to take part in the presentations to Captain Jacobs by reading the citation issued by President Nixon praising Jacobs for his "conspicuous gallantry and intrepidity in action at the risk of his life." The grateful residents and organizations of Woodbridge further honored this young man

by presenting him with a new 1970 automobile and a check for $1,200 to close out his student loan. The captain had graduated from Rutgers—the State University in 1966.

Rabbi Harold Richtman and members of his Congregation Beth Sholom of Iselin, N.J., shared in the honors to Captain Jacobs by dedicating a religious school in his honor.

This was indeed a fitting Veterans Day celebration for the 300th birthday of Woodbridge Township. It will be an occasion long remembered by the proud citizens of this community.

WELCOME TREND

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. GOLDWATER. Mr. Speaker, last week the House actually approved the OEO program. I wish to draw attention to Senator GEORGE MURPHY's amendment to the war on poverty bill which I think is appropo to bring government closer to the people. I submit, for the RECORD, an editorial from the Los Angeles Herald Examiner of December 15, which I think very well describes the situation surrounding the Murphy amendment. The editorial is as follows:

WELCOME TREND

Sen. George Murphy's amendment to the War on Poverty bill is giving liberals the jitters. Because legal aid provisions of the anti-poverty program have strayed far from the Act's original intent of giving legal assistance to the poor and indigent, Murphy successfully added an amendment which would give governors the power to veto, in whole or in part, legal service projects within their states.

Now the House of Representatives is considering expanding the Murphy amendment to permit governors to veto other aspects of the War on Poverty programs in their states.

Murphy objects to the use of federal tax dollars to file costly and complex lawsuits to advance ideologies which the taxpayers of California must pay to defend.

Among these is a lawsuit arising from the Venice Beach "live-in" last spring. Tax dollars are financing that suit against the Los Angeles Police Department, and tax dollars, in turn, must be used to finance the defense.

Another local example of this "double squeeze" on taxpayers is a lawsuit filed to block redevelopment of the canals in Venice. Taxpayers will foot the huge legal costs on both sides of the case.

In case after case, the poor and indigent are used merely as impersonal instruments to try to effect so-called law reform.

There are other instances of the misuse of funds. For example, the legal aid filed for an injunction to force a school to close so that its students could participate in a Vietnam War moratorium march. Certainly this has nothing to do with the poor and indigent.

Some feel that if the Murphy amendment is extended, the War on Poverty program will die. It is an expected bureaucratic cry.

But the governor of a state is closer to the situation than a bureaucrat dispensing tax dollars from Washington. If a governor feels federal funds are being wasted, he will be doing his nation a service by vetoing such largess for his state.

If the poverty program fails because the money isn't helping eliminate poverty, the program is to blame, not the governor who vetoes it.

Murphy's amendment is a welcome trend to bring government closer to the people.

DECISION ON THIRD AIRPORT FOR CHICAGO SOON

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. DERWINSKI. Mr. Speaker, a major decision soon must be made involving a third airport to serve the Chicago Metropolitan area and the site has been the subject of tremendous speculation. Mayor Richard J. Daley is reported to favor construction of an airport in Lake Michigan.

Personally, I believe the third Chicago area airport should be located in present wide-open space located southwest of Cook County in Will County, Ill. However, it is not my intention to emphasize my opinion but rather to insert into the RECORD an editorial carried over WIND Radio—Chicago—on Wednesday, December 10, which effectively points out the pitfalls of the proposed Lake Michigan site:

THE THIRD AIRPORT

(By Philip E. Nolan)

There is increased speculation that the decision has already been made as to where Chicago's third airport will be located. Word is the powers that be want it on Lake Michigan. WIND thinks this is precisely the wrong place.

The idea, apparently, is to construct the airport 8½ miles out in the Lake off 55th Street. It requires little imagination to see this creates more problems than solutions. To name a few: interference with traffic patterns at O'Hare and Midway and the shutdown of Meigs Field. Fog and general weather conditions and the fact that such a location would create the grand champion traffic problem of all time on the South Outer Drive.

A major jumbo jet airport 8½ miles from the Lakefront will bring noise, pollution and disruption to this irreplaceable, natural resource. The Lake is already threatened with extinction by pollution. It doesn't need any additional threats.

Airports are a fact of modern life. Chicago's third airport belongs on land located as far from population centers as possible with swift public transportation available. Before the Lake Plan can be approved, it must be okehed by Chicago City Planners, the airlines and the Federal Aviation Agency. More important perhaps, it requires federal money, because landing fees won't provide enough revenue. That's your answer.

If you oppose building the airport on the Lake, write to Mayor Daley, Senator Percy and Governor Ogilvie. They have the power to block this plan. Convenience, necessity, or economics mean absolutely nothing when compared to our environment. Once that is gone, no amount of money in the world will bring it back.

WIND opposes the construction of an airport on the Lake.

JAMES A. FARLEY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. DELANEY. Mr. Speaker, the Honorable James A. Farley, chairman of the board of the Coca-Cola Export Corp., and former Postmaster General of the United States, has contributed significantly over the years to the dynamic development of this Nation. An astute and intimate Presidential adviser, and a preeminent political tactician, his role in history is secure.

I think my colleagues might find of interest some footnotes to history contributed by "Genial Jim" Farley, which were outlined in three recent articles concerning him. Under leave to extend my remarks, the articles by Bill Rives, of the Denton, Tex., Record-Chronicle; another from the Spring Valley, N.Y., News-Leader-Independent; and a third by Celestine Sibley, of the Atlanta Journal and Constitution, follow:

[From the Denton (Tex.) Record-Chronicle, Oct. 1, 1969]

JAMES A. FARLEY

(By Bill Rives)

It was difficult to believe the man was 81 years old—James A. Farley—standing there with an almost military bearing, clear-eyed, alert, responsive, showing a keen sense of humor and an irresistible charm.

Jim Farley is generally considered to be the most successful political manager in history. He was the floor general when the Democratic National Convention nominated Franklin D. Roosevelt the first time.

And he was national Democratic chairman in two campaigns.

Farley finally broke with Roosevelt after FDR decided to run for a third term and also decided to purge party members who opposed his views.

At a dinner Monday night in Hubbard Hall, Farley told a number of anecdotes and revealed interesting personal items. He said "I could talk all night," and the enthralled dinner guests would have been happy if he had done so.

Farley was a business man-politician. He still is, but not, of course, to the degree he once was. He was in Denton to visit his granddaughter, Carole Montgomery, a freshman student at Texas Woman's University.

Farley recalled that in 1939, when the Nazis were on their rise to power in Germany, he was talking in Warsaw to the Polish foreign minister, Josef Beck.

Farley said he asked the minister "if I may be so indiscreet, I'd like to ask you a question. What do you think of Hitler?"

The minister said "The question is not indiscreet, but the answer would be."

Recalling the days when he was postmaster general, Farley said he once poured a can of Carnation milk on the cornerstone of a post office at Oconomowoc, Wis., where there is a Carnation plant.

In his rambling remarks and answers to questions, Farley recounted the names of the universities from which he had received honorary degrees. It sounded like a travelogue of the United States, and the number added up to an astounding 25.

This wasn't bad for a fellow who got his high school diploma only a few months ago.

Farley said he was valedictorian in his class of 1905 in Stony Point, New York.

There were only three in the class, Miss

Norma Bower, Miss Edna Goetchlus and myself.

In those days it was necessary to have at least eight counts in Mathematics and eight counts in English, first and second year. The person who checked my second year in English examination marked my paper down from seventy-eight which was over the passing grade to seventy-three which prevented me from receiving my Regents' diploma that year.

Some months ago Farley saw Education Commissioner James V. Allen, Jr., who was then Commissioner of Education of the State of New York, "I told him I had a bone to pick with him, and related my story."

Several months later Farley received a call from Commissioner Allen advising him that the present Board of Regents had decided to give him a diploma, and they made a personal visit to his business office and presented it to him. "Today" he said "the diploma is in the library of the James A. Farley Junior High School, named for me in my home town of Stony Point."

Farley said he thinks the New York Times is the greatest newspaper in the world, "although I do seriously disagree with much of their editorial policy."

One time in Memphis, when he was urging the people of Tennessee to appeal to the members of their legislature to vote for the repeal of the 18th Amendment his walk took him past the downtown post office. He stopped and decided to look around inside. It was evening but there were a couple of windows open.

Farley went up to one of the windows and said "I'm Jim Farley. I'd like to look around the post office."

The postal clerk turned and muttered to a fellow worker: "Some damfool named Jim Farley wants to look around the post office."

His associates told him he would lose his job because of his reference to him, but Farley laughed out loud about it and assured the man his job was safe.

[From the Spring Valley (N.Y.) News/Leader/Independent, Oct. 29, 1969]

FARLEY SEES FIGHT FOR POSTAL REFORM

Spry and active for his 81 years, former Postmaster General James A. Farley returned to Rockland County for the second time in two weeks to present a self-portrait to the Rockland Historical Society.

The painting was hung in a place of honor in the old colonial home on Kings Highway which serves as the Society's headquarters and museum.

Although Farley came solely to present the painting, an alert News/Leader/Independent reporter persuaded FDR's post office head to comment on the proposals now before Congress to convert the postal system to corporate ownership. Farley didn't think much of the idea.

"If the Congress gives the Post Office more money for new buildings and new equipment that they need, I feel the post office system can be improved from within the government."

Many post office buildings in Rockland County were constructed with P.W.A. funds and bear Farley's name on their plaques.

MONEY A PROBLEM

According to Farley, money is a problem for the post office today, while during the Depression funds were available. "I was able to get a sufficient amount of money appropriated to the post office system," Farley said, "Since then the appropriations have dropped." He blames the drying up of funds on defense requirements which of necessity soaks up as much money as possible from Congress."

"The Army Engineers have the strongest lobby in Washington," Farley says, and a vast amount of money is appropriated through their efforts." The Congress is under a lot of pressure from defense—this tends to leave out appropriations for the Post Office.

Farley predicts quite a struggle ahead for the proponents of HR 11750, the radical reform bill which places the post office in the hands of a board of directors, operating with the mandate to make all classes of service pay their own way. "I think its going to be quite a struggle," he said.

Farley glanced for a moment at the portrait of a much younger, dapper fellow in a double-breasted suit staring at him from the canvas.

"I don't recognize that man at all," he said.

[From the Atlanta Journal and Constitution, Nov. 16, 1969]

BIG JIM FARLEY: HE REVEALS NEW DETAILS OF THE ROOSEVELT RIFT

(By Celestine Sibley)

Big Jim Farley received his high school diploma a few months ago.

He was thrilled because he's been feeling wistful about not having it since 1905 when he was valedictorian in a class of three at Stony Point, N.Y., High School. It also eased explanations to his three children and 10 grandchildren.

So he framed the diploma and showed it around, having his picture taken with it several times. But in the end Mr. Farley didn't hang it either in his apartment in the Waldorf-Astoria Hotel or in the Madison Avenue office where he holds forth as chairman of the board of The Coca-Cola Export Corporation.

There wasn't room, what with an 81-year accumulation of other things—pictures of presidents and governors and the like—and 25 honorary degrees from the nation's leading colleges and universities.

"They named the new Stony Point junior high school for me—the James A. Farley Junior High School," Mr. Farley related. "So I gave them my diploma."

The belated acquisition of that diploma is one of many small, warm details of living that keep the big—6 feet 2 inches—Irishman, who has been known as America's "Mr. Democrat" for 50 years, happy and optimistic through another Republican administration. (He's also sustained by the conviction that the Republicans are in for a short run to be succeeded in due season by either Hubert Humphrey or Edmund Muskie.)

He salts his conversation with anecdotes and he chuckled with pleasure as he related the diploma anecdote recently.

"I was sitting next to James E. Allen Jr. at some honorary degree-giving a year ago last March," he recalled. "He was head of the Board of Regents of New York at that time. Now he's President Nixon's U.S. commissioner of education. I told him I had a bone to pick with him."

The "bone" was that back in 1905 when young Jim Farley was preparing to deliver his valedictory address for the senior class, "two girls and myself," at Stony Point High, the board of regents reduced his grade in English by several points, rendering him ineligible for a diploma. He made the speech and felt "graduated" but he has never been able to explain the lack of a diploma to his education-minded young.

He related this to Mr. Allen mostly in fun but to his surprise and delight a few months ago the diploma arrived.

Without a doubt the new U.S. commissioner of education was as delighted with the press which the deferred diploma got as was the recipient, for "Genial Jim" Farley is a man who has a natural deftness, an ease with other human beings that win him friends wherever he goes. I know because a few weeks ago I mentioned Mr. Farley's days as postmaster general almost in passing in a column about a couple of lost packages.

Right away he wrote me a brief but graceful little thank-you note, to be followed with other notes as friends sent him more clippings and Rep. James J. Delaney of New York had the column read into the CONGRESSIONAL RECORD. In substance, Mr. Farley seemed pleased because the column "brought back memories of those never-to-be-forgotten years that I served as postmaster general." He promised to call me on the next of his thrice-a-year visits to Atlanta—and he did the day he arrived in town to attend the Coca-Cola bottlers convention.

"Then it's true, that legend about you, that you never forget a name?" I asked Mr. Farley.

He smiled. "I don't know about 'never,' " he said. "I'm interested in remembering names of people, I suppose. And I feel that I have been blessed with a pretty good memory."

Did he remember the names of the hundreds of soft drink bottlers he saw at the convention?

"I didn't know them all," he countered. "Many times the bottler would be a new man but I usually knew his hometown and somebody there he would know."

One of the famous stories about Big Jim's memory is told of the first Franklin D. Roosevelt campaign when he made a whistle stop tour of the West, talking from the rear platform of a train. Mr. Farley was his campaign manager and at the end of one of Mr. Roosevelt's speeches somebody in the crowd, according to the story, yelled, "Hello, Jim!" and Big Jim yelled back, "Hello, Frank!" making a friend for life of a local citizen who had been bragging that he "knew" Jim Farley.

I asked Mr. Farley about the story.

"It's true," he said. "I had been getting letters from a fellow who worked as a railway mail clerk between Salt Lake City and San Francisco. The Literary Digest was conducting a poll on the presidential election and this clerk would read the postcards and tell me what they said."

Mr. Farley paused and shook his head. "He shouldn't have done it," he said. "But he did."

On that Western campaign swing with the future President, Mr. Farley hadn't thought much about his railway clerk pen pal until he saw a mail train pull up on another track and stop. When he heard that "Hello, Jim!" he couldn't see where the voice came from, he knew he wouldn't know the face if he saw it, so he "took a wild chance and said, 'Hello, Frank!' " hoping it was the mail clerk.

"Mr. Roosevelt asked me who it was," Mr. Farley remembered. "I told him what I've told you. He said, 'If you guessed right you'll be hearing from that fellow.' And I did."

Frank wrote a delighted thank-you. He had been bragging to his friends that he knew Jim Farley and the "Hello, Frank" had proved it. But the next communication wasn't so happy. The Roosevelt landslide, contrary to the Literary Digest's poll findings, resulted in the folding of that magazine and subsequently in the appointment of Big Jim Farley as postmaster general. The day Mr. Farley entered his new office he found a letter on the desk beginning, "Dear Jim, you've got to help me."

His railway clerk informant had been found out—a reader of and reporter on postcards. Disciplinary action was ordered but since his actions involved the brand-new postmaster general his superiors thought Mr. Farley should be consulted.

"It was very decent of them," said Mr. Farley wryly.

Being new in office he sought all the advice he could get from experienced hands and however they worked the problem out, "Frank" was relieved and sure his friend "Jim" had saved his hide. He continued to stay in touch, even after both he and Big Jim

had departed the postal service. He even asked Mr. Farley to help him get a post-retirement job, which he did, continuing to receive his "Dear Jim" letters until Frank's death.

It was the kind of loyalty people attribute to Mr. Farley and I asked him about that quality.

"If you haven't the virtue of loyalty you haven't anything," he said emphatically. "You owe loyalty first to your church, whatever it is, then to your family, your business and your party. Loyalty and truth are the most valuable attributes you can possess and you're not entitled to any credit for them."

Even after his famous third-term split with President Roosevelt, Mr. Farley remained loyal in what he considered the important sense. He opposed Roosevelt to the point of allowing his own name to be placed in nomination at the convention and when Roosevelt was nominated he resigned his post as postmaster general and national chairman of the Democratic Party. But he supported the party's nominee.

Asked if the split ruined their long-standing personal friendship, Mr. Farley let his eyes rest reflectively on the wall opposite the window in his suite at the Regency and sighed heavily.

"Yes," he said sadly. "It did. We were never close again."

After a moment's silence he resumed, "You know Mr. Roosevelt was really a superstitious man. At the end of both his previous campaigns Roosevelt and I had ridden to Madison Square Garden with him for his final speech. We hadn't been in touch on the 1940 campaign but as it was closing the President called me and asked me if I would go to the Garden with him on that last night. I said, 'You know I will.'"

Mr. Farley met the President's train and together they rode to Madison Square Garden and mounted the platform side by side. The audience went wild.

Although he has written a book and magazine articles about the now-famous rift with President Roosevelt, Mr. Farley said he had never before told of the time when the President summoned him back from Chicago to tell him he was going to run for the third term.

"When we were alone I called him 'Boss' and I said to him then, 'Boss, you knew this before. You could have told me before I went to Chicago.' He called me Shamus, which is Irish for James. He said, 'Shamus, I told you when I could.'"

Mr. Farley said people later said he wanted to be president himself but that was not true. He had believed Mr. Roosevelt would support Tennessean Cordell Hull.

"Shamus" Farley was "born a Democrat," the son of a Grassy Point, N.Y., Irish Democrat who was killed by a horse when James was 9 years old. All the poor people in town, laborers in the brickyards along the Hudson Rover, Irish and Italian, were Democrats. Ten per cent of the population, the professional people and more affluent farmers, were Republicans.

"I believed that what I have seen proven throughout the years—that the Democratic Party was the party most concerned with the great mass of people," Mr. Farley said. "There isn't much doubt that the Democrats are responsible for more beneficial legislation for all the elements in our country, laborers of all kinds, farmers, poor people who are seeking a better education."

Shortly after his father died Mr. Farley's mother scraped together $1,500 and bought a grocery store with a saloon attached as a means of earning money to rear her six children. James worked in the saloon.

"I tapped many a keg of beer," he said, "cleaned many a bottle with buckshot."

But he never drank—or smoked.

"When I was confirmed at the age of 12 (in the Roman Catholic Church) I took a pledge that I wouldn't drink or smoke until I was 21," he said. "By the time I was 21 I was taking an interest in politics, working in my election district, and my mother persuaded me that drinking or smoking should be passed up then. It sounds corny but I did promise my mother."

Mr. Farley is still strongly bound by family ties and family considerations. His wife, the former Elizabeth Finnegan, to whom he was married in 1920, died in 1955 and he has not remarried but continues to live in their Waldorf-Astoria apartment. His son and two daughters and their 10 children are close to him, calling him every Sunday night ("Collect!") to visit. When he travels abroad, as he does nearly every year, he likes to have at least one of his college-age grandchildren with him.

He doesn't feel particularly slowed down by the fact that he was 81 years old last May 30.

For exercise he walks "unless I'm in a hurry" and works, going to his Madison Avenue office every morning at 9 o'clock and working until 5 or 5:30 p.m. every weekday and dropping by for a while on Saturday morning.

And he remains generally cheerful and optimistic about the state of the world. The country will probably never face another depression like that he and President Roosevelt fought shoulder-to-shoulder, he thinks.

"We have ways of taking charge of depressions and recessions now—agencies and tools that we didn't know anything about before."

The war in Vietnam "overshadows everything," he thinks, and that and inflation may be the things that give "Mr. Nixon his moment of truth" in 1972.

A VOTE TO EASE THE TRANSIT PROBLEM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. BIAGGI. Mr. Speaker, I give my wholehearted support to H.R. 14646, a bill designed to improve commuter passenger service between New York City and New Haven, Conn.

While much more remains to be done, I believe H.R. 14646 is a step in the right direction. In my own district, transit facilities are badly lacking for residents of the north Bronx and for those living in large apartment complexes known as Parkchester and Co-Op City.

Enactment of this bill paves the way for the formation of a Connecticut-New York interstate compact that would provide railroad passenger service on the lines of the former New Haven Railroad, now Penn Central, between New York City and New Haven, Conn. It also would provide possibilities for future transportation facilities to alleviate the pressing problem of inadequate rapid transit between cities as well as between boroughs within New York City. The compact would combine the Metropolitan Transportation Authority of New York and the Connecticut Transportation Authority as an intergovernmental agency.

The compact agencies would be authorized to acquire ownership of the railroad's assets or the right to use those assets as may be necessary for the continuation and improvement of passenger service. Further, the compact agencies would be authorized to apply for Federal, State, or local financial aid to supplement funds available to them for the operation of passenger service.

I regard H.R. 14646 as a worthy piece of legislation because it expresses an awareness of the commuter problem and proposes remedies for residents living in some sections of both New York City and Connecticut. It is my hope that we continue to tackle this problem in the future so that we relieve the burden for as many commuters as possible.

BANKING INSTITUTION EVALUATES PUBLIC PROGRAM

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. AYRES. Mr. Speaker, one of our major problems as legislators is securing unbiased evaluations of existing programs. While the Government spends vast sums for this purpose, too often we find that these departmental appraisals do not give us the entire picture.

I was, therefore, very pleased to see that one of America's greatest financial institutions, the First National City Bank of New York, through its public affairs committee, had directed its regional economics section to review public education in New York City. The entire cost of this survey and its publication was defrayed by the bank.

Mr. Thomas R. Wilcox, vice chairman of the First National City Bank, is very knowledgeable about governmental affairs. Through his chairmanship of the bank's public affairs committee he has directed its noted economists in evaluating our existing systems. Last year, this outstanding civic leader, had prepared a very valuable review of the antipoverty program.

These two reports were under the guidance of First National Bank's Vice President Jac Friedgut, a noted economist. Mr. Friedgut is a masters graduate of the Woodrow Wilson School of Public Affairs at Princeton. The study on public education was prepared principally by Economist Rosalind Landes.

While this review is one referring to New York City, I believe that many of its findings would be of value to most other metropolitan areas.

I noted the following quotation from the report that should be quite thought provoking to all of us concerned with educational needs:

Expenditures for each school include the amount of City and State money allocated to the school (exclusive of funds for capital improvements) and money from Federal aid, primarily funds under Title I and other provisions of the Elementary and Secondary Education Act. Per capita costs in the 150 schools with enrollments 90 per cent or more black and Puerto Rican averaged $839 in 1967–68, ranging from a low of $529 per pupil to a high of $1,560.

Regardless of the variations in socioeconomic characteristics of the students in these 150 schools, there is no statistical correlation between the aggregate amounts of money spent per pupil and the improvement in reading scores from one year to the next. In other words, in these 150 schools, preliminary

evidence does not appear to indicate that an expenditure of one amount is any more effective in changing a pupil's level of achievement than an expenditure of another.

The lack of correlation in black/Puerto Rican schools between changes in achievement and the absolute level of quantitative factors such as higher-salaried experienced teachers or school equipment (as indicated by per capita cost figures) raises the question of whether or not continued indiscriminate funding of these items will in and of itself necessarily increase educational output proportionately.

An interesting case in point is the More Effective Schools (MES). These schools offer a particularly intensive combination of resources to prevent and compensate for academic failure. Like Special Service schools, additional teachers and equipment are supplied, although to a much greater extent. The 21 schools in the MES program (to be increased to 31 by the new United Federation of Teachers contract) provide a host of supportive and innovative services to the children. For example, class size is reduced to a maximum of 15 in kindergarten and the first grade, 20 in the second grade, and 22 in grades three through six. Extra teachers are made available as well as guidance and medical services. The objectives of MES are to enhance.

The First National City Bank report stressed the importance of high quality school principals and states that those principals with outstanding records should be given discretionary incentive funds for their schools.

I am hopeful that other financial institutions and industries might follow this very fine example of civic responsibility. With their great economists and financial experts, they can be of valuable service to the youth of this Nation.

The American Banker in a recent article by William Zimmerman points this out.

The article follows:

[From the American Banker, Nov. 25, 1969]

BUSINESS HAS THE BIGGEST STAKE IN IMPROVING QUALITY OF PUBLIC EDUCATION, FNCB SAYS

(By William Zimmerman)

NEW YORK.—Business must undergo a radical change in its role in the educational system because it has the most to lose or gain by the quality of the schools, First National City Bank stated Monday.

In a 40-page study on public education in New York City—prepared as part of the bank's continuing exploration of urban problems—FNCB calls for a two-pronged approach by business in regard to schools: to assist in the application of business methods to school problems and to establish a "link between the high schools and the world of work."

"Such an involvement, at a minimum, might consist of career guidance, placement assistance, and some measure of work-study programs," according to the study.

The bank observes that up to this point the major orientation of business in the high schools has been to assist in vocational education programs which emphasize preparing students for blue-collar jobs.

However, the problem posed by the changing structure of the economy of New York—and increasingly, those of other cities in the nation—is that blue-collar jobs increasingly are becoming obsolete.

"It would seem to make sense to reorient our concept of vocational education more towards white-collar training rather than some of the conventional manual skills," the study noted.

At a press briefing Monday, Jac Friedgut, vice president in charge of the bank's regional economics section, noted that "we'd like to see the emphasis, as far as vocational training is concerned, shift from shop courses, such as woodworking or metal working" to courses in which students learned to work the "best" and newest business machine equipment.

The study calls for different industry groups, such as banks, estate, insurance and accountants, to devise specific educational programs "where appropriate, jointly with the public school authorities for high school vocational training. This would involve joint planning on curriculum, training of teachers by business and mutual exposure. The specific programs would have to be on a scale relevant to the anticipated employment needs of the various industries.

As an example Mr. Friedgut suggested that a group, such as the brokerage industry, that needs more people might formulate a program with the New York City Board of Education or local governing school boards to satisfy their manpower needs.

Industry people who can explain brokerage transactions could go to the schools to tell the student what being a broker is all about, and help give direction to those students who might be inclined to go into the industry, rather than on to college.

"The essence of the whole idea is to establish a link between what the youngster is doing with himself in the high school and what type of job opportunity he has once he completes his education," the report said.

In commenting on the need for business methods to be applied to school problems, the study pointed out that one task would be to devise the most efficient allocation of classroom time and space so as to minimize school overcrowding. Another work area would be to help schools institute better budgeting procedures.

Mr Friedgut reported that in the city, a group of 24 chief executives of major businesses are working with the Economic Development Council of New York City on a task force to involve businesses in school problems. Pilot projects are under way at two high schools, he noted, in which "we and others make people available to develop programs" in employment counseling and curriculum planning for vocational-type courses.

In addition, one school needs additional space, and the group is providing it with information on how to assemble real estate property on an advantageous basis, Mr. Freidgut said.

He observed that it is the bank's experience from working with hardcore unemployed individuals that it must provide the basic arithmetic and language skills that should have been developed in the class rooms. Asked if businesses should consider forming schools of their own, Mr. Friedgut noted the possibility exists that industry could be competitors of schools.

He pointed to an idea being explored by the Office of Economic Opportunity in which a "model demonstration grant" would be given in the form of coupons to the parents of children. The coupons could be redeemed at those places where the parents believed they could get the best education for their children. Under such a program, business, in effect, could compete with the schools for the Federal funds, the banker said.

The study, prepared principally by Mrs. Rosalind Landes, research associate within the regional economics section, is expected to be sent to 10,000 to 12,000 corporations, city council members, central and local boards of education, educators and city, state and Federal government people.

Other studies on urban problems prepared by the section include Metropolis New York, An Economic Survey,, and Poverty and Economic Development in New York City. Others are in preparation on housing, health and hospitals and transportation, Mrs. Landes said.

I commend the First National City Bank for this most valuable report. I feel certain that it will be of interest to my colleagues.

OF COLLEGE FOOTBALL AND SPORTSMANSHIP

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. PURCELL. Mr. Speaker, as all of us know, one of the greatest college football games in history was played on December 6 in Fayetteville, Ark. This tense battle between Texas and Arkansas was surely one of the most exciting contests on record—a most fitting conclusion for college football's 100th year.

In an article in the Dallas Times Herald of December 10, Felix McKnight offers some insights into the game which I want to share with my colleagues. As he observes, this hard fought, yet cleanly played game speaks well for the teams, the coaches, and the fans.

As humble winners and gracious losers, the Longhorns and Razorbacks represent what all Americans look for in great competitors.

The article follows:

TWAS A GOOD DAY—FOR A CHANGE

It was a magnificent day; just like all fall Saturdays used to be. It was clean, decent air America was breathing—for a change.

Suddenly there was no turmoil, no crime, no demonstration, no demands, no Vietnam protests and smears, no tawdry outcries to foul the good air.

It stayed that way for three hours—from the foothills and ridges of Fayetteville, Ark., where it all originated, to millions of homes.

No phony outsiders with their two-bit protests and sit-ins could crash this party. Nor could they invade 50 million television screens. If they had, they would have been hooted out of the place.

Not once did the television cameras turn away from the Texas-Arkansas football epic to focus on a bunch of stringy misfits encamped on a nearby hill to protest whatever they were protesting.

College football washed all the grime off the national face for those precious hours . . . and it just might have been one of the best things to happen to us in years.

Decent youngsters, about the most intelligent generation we have spawned, hollered to hoarseness over a game—not just against something. Out on the field were the two best college football teams in the land—and not a single unsportsmanlike conduct penalty was called in one of the tensest hours of grid history.

And smack in the midst of the youngsters in the stands sat the President of the United States. No special box seat; just there with the fans and as cranked up as they were.

Billy Graham started the good day with a prayer. Just the right words for a nation to ponder.

And at game's end two superb leaders of young men—Darrell Royal and Frank Broyles—stood in solitude in their dressing rooms and led prayers with their squads. Totally unaware of national television that recorded the moving moment, both prayed for God's guidance.

Coach Broyles, his most magnificent hour snatched away in the closing moments, stood like a steel rod in the silence of the Arkansas dressing room, closed his eyes and thanked God for the likes of the young men on his team. It was very normal for Frank Broyles; he is a national leader of The Fellowship of Christian Athletes.

Next door, just as Coach Royal's Longhorns concluded, in unison. The Lord's Prayer, President Nixon was swept into the middle of the nation's No. 1 team and finally was heard over the chaos.

He was just another fan, proudly telling them like a good grandstand quarterback that between halves, on network television, he had predicted that both teams would score in the second half and that Arkansas had better beware of Texas' throttled offense.

The President, who had been catching flak from Penn State supporters for days after announcing he would give the Texas-Arkansas winner a presidential plaque denoting national collegiate football supremacy, made good on his word. And he reaffirmed his belief that Texas truly is the national champion. He moved into the somber silence of the Arkansas dressing room, clasped coach Broyles' hand and addressed "you magnificent men"—reminding that he had been in their position.

"I've lost some close ones . . . and it isn't easy . . ."

The stunned Razorbacks respectfully sought a presidential handshake and thanked him for taking the time to come down and watch their game.

He departed by helicopter in the cold rain and the crowds started melting into the foothills. It was a homey, decent day for Americans. And all over a game; something we had almost forgotten.

Off the field Darrell Royal and Frank Broyles are extremely close personal friends. Their families are close because they believe in the same things. All good.

Both are fine golfers and off season tear into each other on the golf course for a minimum 45 holes per day, when time permits. Competitors, these two great coaches, in the grandest sense. And leaders of men.

The good day came to a close in a perfect frame.

Coach Frank Broyles, father of six, walked out of a bleak stadium holding the hands of twin daughters, aged 11.

And, you know . . . his head was high. So was most of America's on the clear day it had been seeking, for a change.

A PRAYER: "FOR MY CONGRESSMAN"

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. HUNT. Mr. Speaker, a close personal friend of mine and pastor of The First Presbyterian Church at Woodbury Heights, N.J., the Reverend James E. Powl, has graciously brought to my attention a personal prayer which I commend to all my colleagues. At this late hour of the first session of the 91st Congress and, in fact, throughout the course of our congressional duties the year round, it is a prayer of inspiration to which we should pay more than lip service. Likewise, it is a prayer to which each of our constituents might subscribe in their daily devotions as a constant reminder that we as men are not infallible:

FOR MY CONGRESSMAN

(By Walter L. Cook)

I pray, O God, of righteousness, for my much-abused and little-praised congressman. There have been times when I joined a chorus of critics in harsh judgment of him. Deliver me from hypocrisy of demanding a higher integrity of him, my representative, than I demand of myself.

Now I ask that Thou wilt keep him true to the convictions he expressed before his election. Grant that the nobility of his words may be matched by the quality of his acts. Bestow upon him keen insight, sound judgment, and the willingness to act according to the mandate of a healthy and enlightened conscience. Endue him with such courage and firmness of purpose that he will be able to stand for his principles in the face of the strongest opposition. In Christ's Name. Amen.

THE STATES' RIGHT TO OBSTRUCT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. RYAN. Mr. Speaker, under the rubric of the "New Federalism," the administration talks about "returning Government to the people." The States would, ideally, become leaders in meeting and solving our domestic ills.

As I have made clear by my opposition to the administration's substitute for the extension of the Voting Rights Act of 1965, and by my opposition to the Ayres substitute economic opportunity act bill, which would have turned control of the Federal antipoverty program over to the States, I regard the concept of New Federalism as an abdication of Federal responsibility, not an initiation of remedy. Instead of remedying our domestic ills, some States seek to perpetuate them. And no State has been able to come close to solving them.

I commend to my colleagues a perceptive article by John A. Hamilton, a member of the editorial board of the New York Times, which appeared in the December 15, 1969, edition of the New York Times:

THE STATES' RIGHT TO OBSTRUCT

(By John A. Hamilton)

Governor Claude Kirk of Florida, a big, hulking man, rose slowly from his seat at the Collier County schoolhouse hearing on hunger. Face flushed, eyes narrowing, he stabbed the air with the pointer he had used in presenting charts and graphic material to the Senate Select Committee on Nutrition and Human Needs and insisted that the States continue to play an important role in the administration of any Federal food program.

The committee's hearing had followed its tour of nearby migrant labor camps. Out on the flat, sandy land where the sun burned down on tiny, windowless shacks, migrant farm workers had told committee members that they sometimes did not have enough to eat.

Florida was one of seven states refusing to participate in the Federal food stamp program which enables the poor to purchase at discount prices stamps redeemable for groceries at stores. A state's refusal bars all localities from participation. Collier County was one of several hundred across the country also refusing to participate in the surplus commodity program under which surplus agricultural products are distributed free to needy families.

Thus, the poor of Collier County, migrants who helped feed the nation, were denied the benefits of food programs otherwise available to them.

Senator Javits of New York, a member of the committee, had visited the labor camps and seen the privation. At the hearing, he sharply questioned state and local officials.

"We want to give the state every opportunity," he replied to Governor Kirk, "but not to allow the thing not to be done."

PROGRAM OF ABDICATION

This exchange took place several months ago, but it is relevant to several pieces of legislation being considered by Congress now and to the general thrust of the Nixon Administration's domestic program. It is a program of abdication under a banner of "New Federalism." To surrender power, funds and programs to the states may not revitalize the states but only weaken Federal commitments.

Consider *hunger*. The select committee's food stamp bill would have brought meaningful aid to the needy and required the Department of Agriculture to provide food programs in those states and localities without them. The Administration opposed this bill. It apparently does not want a Federal agency to override the obstruction of a state or locality. Last week, in response to Administration objections after the bill had passed the Senate, a House panel rejected it.

Voting rights. Rather than seek a simple extension of the present voting rights law, which has proved extremely effective in preventing discrimination against Negroes in the South, the Administration succeeded in getting the House to adopt a substitute last week. In diluting Federal power over registration and voting, it permits the states to erect new subterfuges and barriers. Civil rights leaders term the House vote a "cataclysmic defeat."

Antipoverty efforts. Although the Administration sought an extension of the O.E.O. legislation, opponents of antipoverty efforts introduced a crippling amendment giving states control over funds and programs vital to urban areas. Republican House Minority Leader Gerald Ford favored the amendment and President Nixon urged O.E.O. Director Donald Rumsfeld to work out an "accommodation" with him.

The amendment was finally defeated and Federal leverage in an expanded antipoverty effort was preserved, but only because of the persistence of Democratic liberals, supported initially by a mere handful of Republican defectors.

It may be natural for a Republican President to favor the states over the cities when most of the cities remain dominated by Democrats and most of the states (32 of the 50) are in the hands of Republican Governors. Too, there was a time when states served as engines of change and innovation and as centers of life.

"OBSTACLES TO PROGRESS"

But now, unfortunately, states often serve as drag anchors on activity, as "obstacles to progress" in the view of Cleveland's Mayor Carl Stokes. Sometimes they refuse to participate in Federal programs essential to the urban welfare, or then deny cities needed powers of self-government, or shortchange them fiscally.

President Nixon, it should be said, holds a different view.

"For a long time," he recently told the National Governors Conference, "the phrase 'states' rights' was often used as an escape from responsibility—as a way of avoiding a problem, rather than of meeting a problem. But that time has passed."

Has it, though?

HUNGER IN AMERICA

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. WOLFF. Mr. Speaker, earlier this month Washington was the scene of a conference dedicated to the problem of hunger in the United States. Those who came to the conference represented a wide variety of backgrounds, views and considerations. Nevertheless, the issue at hand—the appalling hunger midst plenty which still exists—was considered from many angles.

During this conference, in one of the many panel discussions which went on, two doctors, Dr. Anthony Conte and Dr. Arnold Schaeffer presented a proposal which I feel offers a most innovative approach to how the Nation's affluent persons can truly help in the crusade against hunger. I, therefore, would like to extend my remarks to include this proposal in the RECORD:

FOOD BANK U.S.A.

The White House Conference on Food, Nutrition and Health has attempted to create an ambitious program to stamp out hunger in America. Yet, it also has raised a question which deserves considerable consideration "Are we unintentionally creating a class of 'forgotten Americans.' "

The paradox of 60 million Americans eating too much while 20 million Americans are without enough to eat has awakened the conscience of all Americans. They want to respond. They want to participate. They want to share.

We have seen the positive accomplishments of American public's participation in national goals. The CARE program, The March of Dimes, Aid to Biafra are only a few examples of how citizen participation has brought help to those in most unfortunate circumstances. But what about hunger in America? How can those more fortunate help in this problem.

The answer may well lie with the establishment of a Food Bank USA, a program designed to help the millions who day in and day out know nothing but hunger.

Who would participate?

The housewife who wants to lose a few pounds to get into a new dress can give meaning to that weight loss by mailing to Food Bank U.S.A. a dollar for every lb. of weight taken off.

The smoker who quits smoking can contribute the cost of cigarettes he would have smoked in a day, week, month or year.

The laborer as well as the businessman can equally participate. So can the children who see pictures of a starving child and want to help that child with their pennies, nickles and dimes.

In effect, Food Bank USA would be a vehicle that would permit each American to participate, respond, and remedy this paradox of acute hunger midst plenty.

Food Bank USA with national headquarters would become the trustee of funds solicited through these appeals and other sources such as annual Thanksgiving appeal.

In turn, the collected funds would be used to purchase food stamps for the poor with delivery earmarked by the government for families who fall outside minimum eligibility requirements. It would also give the government funds to supplement the Federal program of free and reduced meals for needy children. It would, in short, be used for programs in food, hunger and nutrition with the following two goals in mind:

(1) increase in funding of these programs.

(2) ultimately, supplying sufficient funds so that the Federal role in this food for the poor would no longer be necessary.

There are, admittedly, groups which are currently aiding the poor in their battle against hunger. For the most part however this is being done on a sectional basis.

The task is too immense and the need too urgent for leaving it on a sectional level. A national approach is necessary. Consequently, Food Bank USA could prove to be a vital instrument in unifying the fight against hunger.

Composed of citizens, some of national prominence, it would be run on a volunteer basis. Each American would be eligible for participating, and I would hope that Mrs. Richard Nixon, who has expressed considerable interest in volunteer projects would agree to serve on the Board of Directors of this program.

STOP CUTTHROAT IMPORTS THREATENING AMERICAN SHOE INDUSTRY

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. PHILBIN. Mr. Speaker, I am greatly concerned about a recent report issued by the well-known, highly respected, able executive vice president of the New England Footwear Association, Mr. Maxwell Field, touching on decreased employment and increased unemployment in the New England shoe industry, stemming largely from sharp increases in foreign imports.

Mr. Field points out that the 6 months total of these imports coming into the United States were equal to 37 percent of the U.S. shoe production, an almost unbelievable statistic.

In the first half of 1969, foreign footwear—nonrubber—increased sharply to a total of 108 million pairs, up 12 percent in pairs, and 29 percent in dollar value.

During the same period U.S. shoe production declined 12 percent—an ominous sign.

While I have been greatly concerned for a long period of time over the impact of rising foreign, shoe imports upon the American shoe economy, these latest figures revealed by Mr. Field's study are startling, and constitute both an augury and a warning, not only to the industry, but to the owners and workers who are engaged in it, and depend upon it for their livelihood.

Unfortunately, the employment of shoe workers declined in this period by 9 percent in New England from 79,000 to 72,-100.

It is a curious, but not surprising, fact that actual declines in employment were much greater in those States and cities where there is a heavy concentration of women's shoe manufacturers, thus tracing the growth and effect of growing women's shoe imports.

In Massachusetts alone, unemployment compensation claims increased 42 percent, and the figures in Maine and New Hampshire show similar decline in the employment of shoe workers.

Moreover, in some communities largely dependent on shoe factory earnings, the loss has been reflected in retail sales, and the decrease in the number of shoes made has caused a loss to Maine and New England transportation firms for the year 1968 of over $3.9 million.

Some Maine shoebox manufacturers have dropped their workload in recent months by 40 to 50 percent.

Shoe factories have shut down, unemployment claims have increased, so that in March of 1969, 35 percent of all claims for unemployment in the State of New Hampshire were attributed to the shoe industry. In April of this year 59 percent were attributed to this industry and in May 58 percent, this, in spite of the fact that this season of the year usually has peak employment in this industry.

In a word, while all other industries, without exception, show comparable figures moving in the opposite, upward direction, and increasing substantially, the shoe industry shows a sharp drop in average weekly wages from 1968 to 1969, and a sharp drop in hours worked for the same period.

Even the textile industry, another pathetic victim of cheap foreign imports, has shown a slight gain in average weekly earnings in this period.

It is time, I think, that concern should turn to alarm with respect to the dangerous, harmful, injurious effects of foreign shoe imports upon our New England shoe economy and as well upon the national shoe economy. It is incredible that a nation like ours, acknowledged leader in so many fields, should purposely pass and tolerate a law that wreaks such terrible damage upon our economy and our workers.

Some have attempted to rationalize this situation in explanation, or in favor, of rising shoe imports, but any such rationalization must include the stern warning that all is not well in the shoe industry, due to the steadily increasing, cutthroat competition from abroad being allowed to enter this Nation and compete with our great shoe industry, upon which so many people depend to maintain themselves and their families.

Various cure-alls have been suggested for this condition, and various half-way solutions and ineffective panaceas have been suggested or promised to check imports and save the shoe industry.

Some say that the industry is operating at the highest prosperity level ever and, relatively, this may be part true.

But the fact is also true that this industry and its workers are being hammered and hammered mercilessly by the flood of cheap goods coming from several large shoe manufacturing countries overseas—not only leather, but rubber and fabricated shoes—coming into the United States in such quantities as to threaten the shoe industry with chaos and destruction unless these imports are cut or substantially reduced in the near future.

The time for talk, conferences, promises, cha cha, and inadequate stopgap panaceas is long past.

The need now is for some vigorous, well-considered, fair, effective action, not designed to damage or abolish trade with other nations, but to bring realism, commonsense and real two-way foreign trade to reality, so that it cannot be said that foreign trade is a one-way street, wherein this Nation permits some

nations to load up our markets with cheaply produced shoes that no factory in this country could possibly compete with on the one hand, and on the other, furnishing grants, loans, marketing advice, and low-tariff barriers that permit these cheap goods to come into this country in large volumes, undermining prosperous, American industries and the high standards of skillful American workers, the best in the world.

Nor has it been my view that expedients solely involving voluntary agreements for rigging up quotas, inadequate tariffs and the like could be materially effective for stopping the flood of cheap shoes, or other cheap imports.

The basic, organic law, in this case, the Trade Act of 1961, must be drastically amended, so that these stultifying, insidious, destructive imports are barred, and so that fair, reasonable measures are adopted that will save the American shoe industry, and other industries similarly beset, and insure a simple, easy functioning rule of law that will keep down injurious imports in the shoe industry and other industries.

Mr. Speaker, this is the time to move, to take up this battle for justice and equity and decent treatment for the shoe business, the shoe industry, and the shoe workers and the American public, being trapped and mulcted by inferior, cheaply made foreign shoes.

If further delays occur in tackling and settling this problem, the overall shoe industy cannot help but suffer discouraging and shocking, deteriorative effects.

I hope that the shoe factory owners, distributors and the shoe workers will inaugurate and press these efforts themselves, and see to it that proper legislation is prepared and introduced that will accomplish the results required to serve the shoe industry, as well as other industries suffering from unfair, foreign competition undermining and weakening the American economy.

I am strongly pledged to assist in all efforts that are made along these lines, and hope that the shoe industry, as well as its many friends in Congress, will get on the ball, and start moving with real determination to amend existing law, so that great industry and its workers will not be swamped by a projecting deluge of cheap products flooding our markets, weakening and liquidating our industries and putting millions of people out of work.

It is time to act.

STANDARD CONDUCT RULES FOR OFFICIALS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. DERWINSKI. Mr. Speaker, the Park Forest, Ill., Reporter, an independ- jacent communities in south Cook and ent weekly serving Park Forest and ad- Will Counties, Ill., has acquired a reputation for energetic and independent editorial policy.

Clearly in keeping with this reputation is the following editorial carried in the Wednesday, December 10, edition discussing the standards for public officials:

STANDARD CONDUCT RULES FOR OFFICIALS

It is interesting to note, in the aftermath of Clement F. Haynsworth's rejected nomination to the United States Supreme Court, that only six members of the 17-member Senate Judiciary Committee, which reported out the nomination, have made financial statements as extensive as those they demanded of Haynsworth.

The situation is an example of the double standard which occurs when lawmakers fail to apply to themselves the same criteria by which they judged Haynsworth.

Financial disclosure rules which were adopted last year by both Houses of Congress disclosed some bits of interesting information—such as the fact that 61 House members own stock in firms with major defense contracts.

But the new rules require much less than full financial disclosure. In fact, members of the Senate need make public only political contributions and fees for writings or public appearances. The full financial statements are kept under lock and key—with more elaborate security precautions than the government's top secret documents.

Two members of the Senate Judiciary Committee which fought the Haynsworth appointment have made only partial disclosure of their own financial dealings. They are Sen. Birch Bayh (D.-Ind.) and Senator Robert P. Griffin (R.-Mich.). Two others who opposed the appointment have made no disclosure at all and Senator Edward M. Kennedy (D-Mass.).

Sen. Charles Percy, who was one of 17 Republican senators who voted against Haynsworth, is pushing legislation which would require full financial disclosure by legislators, candidates and their principal aides. He also has asked President Nixon to name an ethics commission to examine the whole matter of ethical questions.

We feel that both the new legislation and the idea for the commission are worthy of public support.

Those who seek public office owe it to the public to make a serious effort to establish standard rules of behavior.

NIX SUPPORTS COMPARABLE LEAVE POLICY FOR FEDERAL SEAFARING PERSONNEL

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. NIX. Mr. Speaker, I have today introduced a bill which will update Public Law 89–747, which sets the leave policy for Federal seafaring personnel at a rate not to exceed 2 days for each 30-day calendar period on extended voyages. Today, that is not enough leave time.

Today, seamen in private industry receive 90 days' leave. The Federal service must be at least competitive with private industry and I believe this is a necessary measure.

Very often we neglect in national policy what is the basis of all good government—stable and happy families. When men are away from home for long periods of time their families need them for extended periods of time at home.

I want to thank Mr. Fish and Mr. Simkins of the AFL–CIO Maritime Committee for bringing this matter to my attention. I believe that they represent a fine organization under the leadership of Joseph Curran, Thomas Gleason, and Hoyt S. Haddock.

THE DRAFT LOTTERY SYSTEM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. OTTINGER. Mr. Speaker, Public Law 91–124 authorized a system of random selection for the draft. Young men eligible for military service under this new system will be inducted beginning in January.

To assist my constituents in fully understanding this new system and in making their personal plans, I am inserting herewith, for inclusion in the RECORD, a fact sheet and some pertinent questions and answers on the lottery system:

FACT SHEET ON NEW SELECTIVE SERVICE INDUCTION PROCEDURES

BACKGROUND

President Nixon, under the authority vested in him by the Selective Service Act of 1967, as amended by Public Law 91–124 of November 26, 1969, has issued a proclamation and an executive order which directs the implementation of important changes in draft policy and procedures.

The purpose of this fact sheet is to identify these major changes in draft procedures and briefly discuss their implementation.

MAJOR CHANGES IN DRAFT POLICY AND PROCEDURES

1. The "First Priority Selection Group" during 1970

President Nixon has directed that during Calendar Year 1970 the "first priority selection group" from which inductees will be selected will consist of all registrants who were born on or after January 1, 1944, and on or before December 31, 1950, and who are classified I–A or I–A–O.

Stated another way, during Calendar Year 1970, the "first priority selection group" available for selection for induction will consist of those registrants who had attained their 19th birth date *prior* to January 1, 1970, and those registrants over age 19 who will not attain their 26th birth date *prior* to January 1, 1970, provided they are classified I–A or I–A–O.

It is important to note, however, that if a registrant in this age group (19 through 25) attains his 26th birth date during Calendar Year 1970 *before* his number has been reached by his local draft board for induction, he will be transferred out of this "first priority selection group" into a lower priority group of registrants not normally available for induction. Liability for induction of such registrants over age 26 will then, for practical purposes, be eliminated except in those instances in which the registrant has been deferred by reason of graduate student training in one of the health specialties and therefore subject to possible induction until age 35 under the so-called Doctor Draft.

On the other hand, any such registrant whose random sequence number has been reached and who would have been ordered to report for induction except for delays due to a personal appearance, appeal, preinduction examination, reclassification, or otherwise, shall, if and when found acceptable, and when such delay is concluded, be ordered to report for induction next after de-

linquents and volunteers, even if the year in which he otherwise would have been ordered to report has ended, and even if (in cases of extended liability) he has attained his 26th birth date.

2. The "First Priority Selection Group" during calendar year 1971 and later years

The "first priority selection group" during Calendar Year 1971 and each subsequent year thereafter, will consist of:

(a) Registrants who prior to January 1 of each such calendar year have attained the age of 19 but not of 20 years and are in Class I–A or I–A–O; and

(b) Those registrants who prior to January 1 of each such calendar year have attained the age of 19 but not of 26 years, and who had not previously been fully exposed to vulnerability for actual induction in the "first priority selection group" (by reason of a student deferment or otherwise).

"Full" exposure is considered to have occurred if the registrant was in the "first priority selection group" on December 31 of the calendar year and his random sequence number had not been reached by that date.

Thus, during Calendar Year 1971 and in subsequent years, the "first priority selection group" will consist of registrants in their 19th year of age and those other registrants age 20 through 25, not previously fully exposed to induction by reason of deferment or otherwise.

3. Order of call for inductees

Under previous draft selection procedures, registrants within the age group 19 to 26 who were classified I–A or I–A–O and otherwise available for induction were ordered for induction on the basis of the "oldest first system." Thus, the birth rate of registrants in the "pool" established their sequential order of call.

President Nixon has now changed this procedure by instituting a random system of selection (authorized by Public Law 91–124 of November 26, 1969). The random selection procedure, as implemented by the Selective Service System, will determine the order in which registrants in any available "pool" will be ordered first for induction.

The system now adopted by the Director of Selective Service results in a scrambling of dates of birth of each registrant and the substitution of a randomly-arrived-at sequential number for each registrant.

A national lottery was held at Selective Service Headquarters in Washington, D.C. on Monday, December 1, 1969, which established the sequence of numbers which will be observed by each local board in ordering registrants for induction from its available manpower pool.

The order of induction for registrants (ages 19 through 25) in the "first priority selection group" during 1970 has been established as follows:

RANDOM SELECTION SEQUENCE 1970

	Jan.	Feb.	Mar.	Apr.	May	June	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
1	305	086	108	032	330	249	093	111	225	359	019	129
2	159	144	029	271	298	228	350	045	161	125	034	328
3	251	297	267	083	040	301	115	261	049	244	348	157
4	215	210	275	081	276	020	279	145	232	202	266	165
5	101	214	293	269	364	028	188	054	082	024	310	056
6	224	347	139	253	155	110	327	114	006	087	076	010
7	306	091	122	147	035	085	050	168	008	234	051	012
8	199	181	213	312	321	366	013	048	184	283	097	105
9	194	338	317	219	197	335	227	106	263	342	080	043
10	325	216	323	218	065	206	284	021	071	220	282	041
11	329	150	136	014	037	134	248	324	158	237	046	039
12	221	068	300	346	133	272	015	142	242	072	066	314
13	318	152	259	124	295	069	042	307	175	138	126	163
14	238	004	354	231	178	356	331	198	001	294	127	026
15	017	089	169	273	130	180	322	102	113	171	131	320
16	121	212	166	148	055	274	120	044	207	254	107	096
17	235	189	033	260	112	073	098	154	255	288	143	304
18	140	292	332	090	278	341	190	141	246	005	146	128
19	058	025	200	336	075	104	227	311	177	241	203	240
20	280	302	239	345	183	360	187	344	063	192	185	135
21	186	363	334	062	250	060	027	291	204	243	156	070
22	337	290	265	316	326	247	153	339	160	117	009	053
23	118	057	256	252	319	109	172	116	119	201	182	162
24	059	236	258	002	031	358	023	036	195	196	230	095
25	052	179	343	351	361	137	067	286	149	176	132	084
26	092	365	170	340	357	022	303	245	018	007	309	173
27	355	205	268	074	296	064	289	352	233	264	047	078
28	077	299	223	262	308	222	088	167	257	094	281	123
29	349	285	362	191	226	353	270	061	151	229	099	016
30	164	.....	217	208	103	209	287	333	315	038	174	003
31	211	.....	030	.....	313	.....	193	011	.....	079	.....	100

Since it is probable that in many instances local boards will have more than one registrant with the same "number" for induction by reason of their having the same birth date, their sequence of induction will be determined by the first letter of their names (last name and, if necessary, first name), which have also been arrived at in a random sequence established by a supplemental drawing which also was conducted at Selective Service Headquarters on December 1, 1969. The sequence of this alphabetical drawing for Calendar Year 1970 is as follows:

1	J	14	C
2	G	15	F
3	D	16	I
4	X	17	K
5	N	18	H
6	O	19	S
7	Z	20	L
8	T	21	M
9	W	22	A
10	P	23	R
11	Q	24	E
12	Y	25	B
13	U	26	V

The relative sequence established for all registrants, ages 19 through 25, as reflected in the number assigned to their birth date, will remain with the registrant permanently. Thus, despite the fact that a new "lottery" will be held each year for young men attaining age 19 on or after January 1, 1970, 1971, 1972, 1973, et cetera, these subsequent annual lotteries will not have any effect on registrants previously lotteried.

Stated another way, once a registrant receives a lottery number to establish his sequence for possible induction, he retains that number permanently, regardless of the calendar year during which he is actually exposed to induction.

4. Transfer of a registrant from the "First Priority Selection Group" to a lower priority selection group

A question may be raised as to the period of time which a registrant must spend in the "first priority selection group" in order to discharge his prime liability for induction. Generally speaking, registrants will remain in the "first priority selection group" during the entire calendar year of exposure, i.e., from January 1 to December 31. However, because of a possible deferred status, a registrant may only spend a relatively short period of time before the end of the calendar year in this "first priority selection group" as a registrant classified I–A or I–A–O and available for induction; therefore, the regulations issued by the President indicate that only those registrants who are in the "first priority selection group" on December 31 of the year of their exposure and whose random sequence number had *not* been reached by that date, shall be assigned to a priority group which is immediately below the "first priority selection group".

Stated another way, a *deferred* registrant (one not classified I–A or I–A–O) will remain liable for transfer back to the "first priority selection group" during any given calendar year until such time as he has had the maximum possible exposure to induction by virtue of having been in the "first priority selection group" on the last day of the calendar year and providing that his particular sequence number had *not* been reached by that date.

SUMMARY

The changes in draft policy announced by President Nixon and implemented by the Director of Selective Service make no changes in the manner in which young men are required to *register* for the draft at age 18; nor do they change existing law or regulations concerning the manner in which these registrants are subsequently *classified* by their local draft boards.

The changes merely involve the manner in which registrants are *selected* and the time frame of their *vulnerability*.

During Calendar Year 1970 the ages of registrants who have maximum vulnerability for induction will range from 19 through 25. Thus during Calendar Year 1970, the only marked difference between the existing system heretofore observed by Selective Service, and the new system which will be placed into effect on January 1, 1970, relates to the manner in which these young men who are classified I–A or I–A–O and are available for induction are to be *selected* for induction. The existing system simply required that the "oldest first" in the pool be ordered for induction, the oldest first being determined on the basis of the registrant's birth date.

The new system selects registrants for induction on the basis of the sequential number assigned to the individual registrants in lieu of his birth date. As previously explained, the sequential number assigned to each registrant is one arrived at by "random selection". This number will establish the individual registrant's relative order of call.

Calendar Year 1970 is therefore a transitional period during which the Selective Service System hopes to move into the final phase of its announced policy to reduce the period of uncertainty facing young men as regards the draft from the present 19 to 26 year period down to the 19–20 year period.

The period of transition, i.e., Calendar Year 1970, is necessary so as to ensure that registrants above age 20 and below age 26 who have been given a deferred status will be given some exposure to the draft.

Beginning with Calendar Year 1971, the new system will become fully effective. At that time, the "first priority selection group" will then consist primarily of registrants ages 19 to 20 and those older registrants under age 26 who had not previously been "fully" exposed to the draft.

RANDOM SELECTION QUESTIONS AND ANSWERS

Question. Explain the drawing under the recently amended Selective Service Act.

Answer. On December 1, there was a drawing in Washington of 366 closed capsules in each of which was a slip of paper on which was written a month and day of the year, for example, May 2, June 1, etc. The order in which these capsules were drawn determines

the relative position in the national random sequence of registrants born on all the dates of the year including February 29. As September 14 was drawn first, all men born on September 14 are No. 1 in the national random sequence. As June 8 was drawn last, all men with that birthday are No. 366 in the national random sequence.

Question. How will the sequence be used by local boards?

Answer. Each local board will assign numbers to its registrants who are in I–A or who become I–A in accord with the national sequence. Some local boards may not have at any one time men with birthdays on every day. In such a case the local board would go to the next number. For instance, it might call numbers 1 through 5, then 7 and 8 because it had no men whose birthdays were on the day drawn sixth in the drawing.

Question. Why is there a drawing of the alphabet?

Answer. This drawing randomized the alphabet so that in case a local board had two or more men with the same birthday and was required to order one but not all of them for a call, it has a way to determine which comes first, second, etc., by applying the random alphabet to the names. In the drawing of December 1, 1969, the letter "J" was drawn first. So men whose names begin with "J" would be called first by the local board among men with the same number from the birthday drawing.

Question. Does everybody get a number out of the first lottery?

Answer. No—the first drawing will determine the random sequence number only for those men who prior to January 1, 1970, had attained age 19, and not 26.

Besides that, the number in which his birthday is drawn will not mean anything until he is classified I–A or I–A–O. Some men in the group who eventually will get a number out of the first drawing may not become I–A until next year or later. In that case, his number will determine his order in the national sequence in use that year. For example, if his birthday is drawn No. 80, and he is now deferred for college, but loses his college deferment in June 1971, he will be No. 80 in the national random sequence in use that year.

Question. How do new 19-year-olds get a number?

Answer. Before the end of 1970, a drawing of the 365 days of the year will be held. This drawing will determine the national random sequence to be used in 1971. The only registrants who would look to that drawing to determine where they stand in the national random sequence are those who turned 19 during 1970.

Question. How do you use more than one drawing?

Answer. The date of November 9, was drawn No. 80 in the first lottery. This may be the number of a man who was in college during 1970, but graduated and lost his deferment in June 1971.

The date of September 11 may be drawn No. 80 in the next lottery. A man born on September 11 who was available in 1971 would be No. 80 in the random order. So would the first man whose birthday of November 9 was drawn No. 80 a year earlier. If both men were in the same local board they would be called on the same call or if one, but not both were required, the random alphabet would determine which one went first.

Question. Doesn't the registrant who is in college most of the year have an advantage over the one who can't go to college and is in I–A throughout the year?

Answer. No. The key in both cases is whether his random sequence number is reached in his local board. If the random sequence number has been reached in the case of a registrant who becomes I–A late in the year, he will be inducted as soon as appeals, examinations and so forth, are concluded, even though the year has ended. There is no way he can gain an advantage by delaying his actual induction through time required for personal appearance, appeals, examination and other processing *if his random sequence number has been reached.*

Question. What about the registrant who loses a deferment or exemption just before age 26?

Answer. This is like the case in the previous question. If his number has been or is reached, and he loses his deferment just before his 26th birthday, he will, if his deferment extended his liability to age 35 as most do, be inducted at the end of all the processing steps—if he remains in Class 1–A or 1–A–O and is qualified, even though he has turned 26 during this period of delay.

Question. How does this system help a registrant know with more certainty his chances of serving?

Answer. First of all, his period of greatest vulnerability is one year, rather than seven.

Second, the order in which his birthday is drawn will tell him where he stands in the national random selection sequence. If his birthday is drawn early he knows that when he is classified I–A and found acceptable, he is almost certain to be called. He can plan his career to accommodate that possibility.

If his birthday is drawn near the end, he has relative certainty he may not be called short of unusual circumstances.

He can plan accordingly.

For the registrant whose birthday is drawn in the middle range it is not so clear, but in any event the system will give much greater certainty than is possible under the former system.

Question. Will registrants now postponed be in the random selection?

Answer. No. The postponed registrant has already been ordered for induction under the old system and will be inducted when the postponement ends.

Question. Can a man whose birthday is drawn early in the drawing still join the Reserve?

Answer. Yes. Just as now, he can join a Reserve Unit any time before the induction order is issued.

Question. What about volunteering for active duty?

Answer. The policy is to authorize enlistment for active duty at any time up to the day of induction.

Question. What is the situation of a registrant who is in I–A for the first part of the year, but enters college in September and requests and gets a student deferment?

Answer. If his random sequence number has not been reached, he goes out of the group to return when no longer deferred to the current group. If his random sequence number *has* been reached, but he has not been issued an order to report for induction, the local board may defer him for college and he would then reenter the selection group in the year he again lost his deferment.

Question. Does the lottery affect existing deferment and exemption policies?

Answer. Existing deferment and exemption policies are not affected by virtue of the lottery system.

Question. How does the lottery affect the liability of those subject to call as physicians and dentists?

Answer. Physicians and dentists are called on special calls, normally after age 26, and have extended liability to age 35 because of previous deferment as a student. Their call to service under this special call would therefore not be different from what is under present policies.

GUARANTEED STUDENT LOAN PROGRAM

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. PHILBIN. Mr. Speaker, I am greatly concerned about the current status of student loans. Thousands and thousands of students have been facing most difficult problems this year trying to get loans to start, continue, or finish their education.

In all too many instances, these applicants have been disappointed, either because the banks state that they do not have money to make these loans, or it is against current policy, or they are not in the business of handling student loans, because under current interest rates they are unprofitable.

The pending bill tends in a measure to correct that situation. In a sense, it constitutes a subsidy to the banks for making such loans, but the situation is emergent, and must be taken care of as best Congress can take care of it on a temporary basis at this time.

However, it is very clear that more effective, sweeping, permanent legislation is required before many worthy, aspiring students in this country can be accommodated and helped. It is clear to me that the banks do not want to handle this kind of business without government subsidy, and that the Government itself must take some affirmative action, either by changing the criteria of loans under the National Defense Education Act, or permitting HEW to make these loans at low interest rates. This situation is urgent. Further delay or equivocation would be gross disregard of the interests of our young students and this must never be said of this House.

The fact is that all these aspiring students whose parents are not able to assist in financing their college educations, in full, must be provided for.

It is really totally unwarranted, as well as uncalled for, and in many respects very dangerous that in our great, powerful, rich country, where fine, outstanding boys and girls are turned away from the doors of our colleges merely because they cannot get ordinary loans to finance their higher education.

This is something that the Congress must definitely provide for, not by meager, paltry, temporary palliatives, but if necessary, by direct, adequate, well-financed legislation that will insure that no worthy boy or girl in this country will be deprived of an education, because they or their family cannot borrow the money to put them through college.

Many of these young folks that I know personally are working their way through college. But with rapidly increasing costs of living and expenses, they are not able to make the grade without substantial, outside help in the form of loans, and this is where the great Congress of the United States comes in—we must meet

this critical contingency in American educational life, so that our aspiring young people can be helped, sustained, supported, and encouraged by having available to them the means of inaugurating or continuing their higher education.

After all, these young people will be the leaders of the future upon whom this great, growing Nation must depend to lead and to steer it through the crucial times ahead, when it will be faced with great problems that will determine whether freedom can be preserved, or whether the United States, like other great nations of past history will fall prey to the ravages and injustices of absolute systems of government replacing our democratic patterns, which will convert our people, students included, into vassals of the radical, police state.

Whatever the future holds for this great Nation, and I confidently believe it holds much, this Congress must do its part now to make sure that the Government will not nonchalantly turn its back upon the young people of this country in the hour of their great need, when they are seeking, working, and struggling to fit themselves educationally, and in every other way, to cope with the problems of the future, and to furnish the vigorous, astute, enlightened, and courageous leadership that will be required to maintain and preserve our democratic system, and the liberties of the individual, which we in this country prize so greatly and have always protected and retained, if necessary, with our blood and our lives.

I propose to take strong, unequivocal action to provide adequate loans at reasonable, low-interest rates to worthy students that qualify for them. Congress must no longer permit current, educational loan inadequacies to exist in this prosperous, free Nation. I urge Congress to act forthwith to help our fine, deserving, young students. No generation was ever brighter, more promising, or more deserving, and we must see to it that they receive all the help they need and deserve.

DR. EARL LEROY WOOD HONORED BY THE PRESIDENT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. RODINO. Mr. Speaker, Dr. Earl Wood, one of Newark's most public-spirited citizens, a man who has spent a lifetime serving his patients and the community at large, has received a well-deserved certificate of appreciation from President Nixon for his outstanding service on the Newark Selective Service Appeal Board No. 1. This award was recently presented to Dr. Wood by Col. Joseph T. Avella, State selective service director.

A recent Newark Evening News article follows:

Colonel Avella presented a certificate of appreciation to Dr. Wood in commemoration of his years of service, signed by President Nixon, Selective Service head Gen. Louis B. Hershey and Gov. Hughes. Others who praised Dr. Wood's contributions included Samuel J. Kaufman, chairman of the panel, who presented him a plaque.

Dr. Wood, who is 75, was active as a surgeon-specialist in Newark 30 years before retiring in 1957. A native of Chester, Pa., he was reared in Newark and served in the medical corps of both World Wars and maintained a private practice here until his retirement.

A former member of many professional medical societies, Dr. Wood was an officer of the Essex County Medical Society, a member of the American Academy of Otolaryngology, the American College of Surgeons, the American Medical Association and the Academy of Medicine of Northern New Jersey.

Dr. Wood also served as a member of the Society of Surgeons of New Jersey, the Order of Founders and Patriots of America, the Society of Colonial Wars, the University of Pennsylvania Club of New York and the Essex County Country Club. He has one son, Dr. Francis A. Wood of Newark and lives with his wife, the former Flora H. Assmann, at 225 Ballantine Parkway in Newark.

FEDERAL REVENUE SHARING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. RYAN. Mr. Speaker, the Nixon administration visualizes Federal revenue sharing as the catalyst by which the States are to become the initiators of bold new programs and the solvers of old problems. I have very serious doubts about the ability of the States to do now, or in the future, what they have been unable to do in the past. The problems of urban decay, limited employment, and educational opportunity, and inadequate housing, income, and nutrition are multiplying. They are becoming less manageable, not more amenable to 50 fragmented efforts by 50 State administrations.

As an article in the New Republic of October 4 by Prof. Louis Fisher, of Queens College, notes, intrinsic to the administration's concept is abnegation of Federal responsibility by distribution of Federal funds without reservation of Federal controls. Since anticity bias characterizes many State legislatures, whether rural or suburban controlled, the urban ghettos would continue to decay; the urban schools would continue to fester; the urban poor would continue to suffer.

I commend Professor Fisher's article, which follows, to my colleagues. I also endorse his conclusions: the Federal Government should "assume the entire cost of welfare, increase aid to education, and bring grant in aid programs up to authorized levels."

The article follows:

A CAUTIONARY WORD: FEDERAL REVENUE SHARING

(By Louis Fisher)

When congressmen ask their constituents, "Do you think the federal government should return a portion of its revenues to the states to enable them to solve more of their own problems?" 70 to 80 percent say yes. This response rests on a misconception: that revenue sharing will provide a painless source of funds. When the question is worded more honestly, the results are a little different. "Should federal income taxes be increased over federal needs to provide for tax sharing with states?" one legislator asked. 93 percent answered no.

It is a curious notion that the federal government should *begin* sharing some of its revenue with the states. Where do we suppose the money goes now—to the District of Columbia? Guam, perhaps? of course the government shares its revenue with the states. Grants-in-aid tripled during the Eisenhower years, and tripled again under the Kennedy-Johnson Administrations. Every congressional district benefits from some kind of military installation or defense contract, or public works project. It is facile to argue that "cities need financial relief; revenue sharing provides financial relief; therefore, cities need revenue sharing." The merits of revenue sharing have to be compared with other forms of financial relief: expanded grant-in-aid programs, federal assumption of welfare costs, or direct federal subsidies for municipal bonds.

What distinguishes revenue sharing is not tax relief or "sharing," which is so much flim-flam, but the distribution of federal funds without federal controls. Here are the thorns: local autonomy versus national goals, decentralization versus federal responsibility. In his proposal to share federal dollars with state and local governments (beginning with a modest $500 million in fiscal 1971 but holding out the promise of $5 billion a year by fiscal 1976), Mr. Nixon has opted for local autonomy and decentralization; no strings attached. Funds would be allocated on the basis of population with an adjustment for local tax effort.

Previous advocates of revenue sharing will not be entirely happy with this plan. Walter Heller has urged controls to make sure, for example, that states abide by the anti-discrimination provisions of the 1964 Civil Rights Act; he would also prohibit use of revenue-sharing funds for highways, already financed by a separate trust fund. Rep. Henry Reuss (D, Wis.) would make revenue sharing conditional approval of modernization plans for state governments. Other legislators have suggested limiting revenue-sharing funds to health education and welfare or giving special supplements to poorer states.

On the third of last month, the National Governors Conference proposed two more qualifications: taking account of the difficulty Western states have in increasing their tax effort, because of the large amount of nontaxable federal property in their states; and, using some of the revenue-sharing funds expected by local governments for regional projects. Thus even if a majority of congressmen favored revenue sharing, they might remain sharply divided over a concrete proposal.

It is argued that states invigorated by revenue sharing can function once again as "little laboratories" of social and economic innovation notwithstanding their irresponsibility in matters of personal liberties, reapportionment, procedural safeguards and racial discrimination. I find it hard to imaging a renaissance of responsibility in state legislatures, though I know the President believes his plan will help "to restore strength and vigor to local and state governments; to shift the balance of political power from Washington and back to the country and the people." This "back to the people" nostrum is one means of sidestepping federal responsibilities, asking the states to do what they can not or will not. How can New York unsnarl its transportation system, on the ground and in the air, without federally-supported mass transit along the Eastern seaboard? What can one state, say Ohio, do about the fouling and slow death of Lake Erie?

If revenue sharing survives these con-

ceptual infirmities, it must then tangle with Wilbur Mills, chairman of the House Ways and Means Committee, who objects to the federal government collecting money and not supervising how it is spent. For those who want a share in federal revenue, he offers matching responsibility for sharing the federal debt, a bargain the states find unappealing.

Cities have been particularly apprehensive about revenue sharing. It is said that state insensitivity to urban problems is being overcome as a result of reapportionment decisions, but the anti-city bias of state legislatures isn't dead yet. And if seniority and committee chairmanships go on being pocketed by state legislatures from rural areas, it may never be. Moreover, reapportionment is likely to shift power not to central cities but to suburbs. John Lindsay's criticism of his state's budget as "anti-urban" suggests it is premature to say that state government, even in progressive New York, is sympathetic to big-city problems.

To allay the fears of mayors, it is pointed out that states now set aside the bulk of their revenue for education, health, and welfare, and that this would continue under revenue sharing, to the cities' benefit. Mr. Nixon says, "one can reasonably expect that education, which consistently takes over two-fifths of all state and local general revenues, will be the major beneficiary" of revenue-sharing funds. What I want to know is not whether states support education, but how they support it. In rejecting, this past January, a proposal to shift from specific support of compensatory education to general block grants for education, the National Advisory Council on the Education of Disadvantaged Children concluded that "any changes that would further shift the responsibility to the states for distributing education funds would—in many states and possibly in all—diminish the impact of this necessary investment in the education of disadvantaged children." State distribution of funds, it said, "rarely, if ever, favors those sections of the state with the greatest concentration and number of educationally deprived children—the central cities."

Since we can't trust the states to distribute funds on the basis of need, it has been suggested that a certain portion of revenue-sharing funds be given directly to local governments. Mayors feel more comfortable with this "pass through" approach, but it still would not guarantee that federal funds will go where they should. Take Wisconsin. The pass-through formula is generous here (half of state revenue earmarked for municipalities). Nevertheless, Senator William Proxmire points out that it's the prosperous cities that make out best: "They get the share of the income tax they pay, and cities like Milwaukee that earnestly, desperately need it do not get it." What we need is not funds distributed on the basis of population and tax effort, but a formula that recognizes the cities' special financial problem, a problem due partly to a concentration of the aged and poor who require expensive services, and to the large number of nonresidents who rely on urban services.

The executive director of the US Conference of Mayors, John Gunther, has expressed dismay over the lack of city representation throughout the Nixon Administration. His suspicions were reinforced by the handling of federal funds for law enforcement assistance. Planning grants were released by the Justice Department to the states, with the understanding that priority would be given to major urban and metropolitan areas with high crime rates. But a study by the National League of Cities revealed that funds were being used to create "third levels of bureaucracy as a matter of state administrative convenience." Philadelphia, which accounted for almost 25 percent of the serious crimes in the state, got less than 10 percent of Pennsylvania's planning grants. Other mayors have complained that states are distributing funds to rural, urban and suburban areas on a per capita basis, regardless of crime rates.

Naturally then, large cities should find it more to their advantage to press Congress for an expansion of direct federal grants. Federal aid to New York City climbed from $578 million in 1967 to $768 million last year, and passed the $1 billion mark in fiscal 1969. This is the kind of revenue sharing that helps. Federal grants to all metropolitan areas rose from $5.6 billion in 1964 to $16.7 billion scheduled for fiscal 1970, an increase from 55 to 57 percent of total federal grants. In his April budget review, Mr. Nixon noted that federal aid to state and local governments will increase by $3.5 billion in fiscal 1970, of which the urban share is $2.8 billion, a hefty 80 percent.

One of the earlier rationales for revenue sharing was the idea of "fiscal drag." It was predicted that federal receipts would eventually outpace federal spending and produce an annual "fiscal dividend" of some $6 to $7 billion. If left unspent and used to retire the national debt, economic growth would be retarded. The remedy: distribute the dividends among the states.

The dividend never appeared because of Vietnam. Then hopes were revived last December by Charles Schultze, former budget director under President Johnson. Schultze predicted a federal dividend of $8 billion by fiscal 1971 and almost $40 billion by fiscal 1974! Tax reduction will consume some of this dividend and if inflationary pressures dictate a budget surplus for the next few years, say $5 billion a year, this must be deducted from any anticipated dividend. And if inflation subsides, the Administration is apparently committed to a budget surplus as a means of directing investment into mortgage funds, helping relieve the depressed housing market.

Other assumptions by Schultze—a cease-fire in Vietnam early in 1969 (withdrawal completed within twelve months) and a stretch-out and deferral of new weapons systems—are shaky. Vietnam drags on while Schultze has since emphasized that his projections for military spending were on the conservative side. If the Nixon Administration proceeds with the Safeguard ABM system ($11 billion and up), the AMSA manned bomber ($12 billion up), a volunteer army ($4 to $17 billion), and if testing and deployment of MIRVs sparks a new arms race, the prospect for a fiscal dividend disappears again. The peace dividend need not be, in Patrick Moynihan's language, as "evanescent" as the morning haze over Southern California, provided Congress can keep a lid on military spending. In that case, funds will be available for home consumption.

Certainly there is no reason to worry about "fiscal drag." Shortly before leaving office, President Johnson received a special cabinet report on post-Vietnam investment possibilities. Full funding of existing domestic programs would cost $6 billion more a year than we're spending. Expansion of existing programs and new programs would run another $40 billion, while "more ambitious, new proposals" (such as negative income tax and guaranteed jobs) push spending even higher.

Studies of the past eight months suggest that these projections may be on the low side. The Budget Bureau recently estimated that an adequate diet for the poor would require an additional $2.9 billion a year. Senator Charles Goodell and others have proposed that the federal government assume the entire cost of welfare, adding $10 to $15 billion to federal spending. The 1970 budget for compensatory education was almost $2 billion below authorized levels and $3 and $4 billion less than recomemnded by private studies. Mr. Nixon's "commitment to the first five years of life" requires more generous funding for hunger, welfare and education than he has recommended thus far.

Rep. Edward Koch (D, N.Y.) has attracted over a hundred co-sponsors for his mass transit bill, calling a $10 billion expenditure over the next four years. That's minimum. Federal contributions to the expanded rapid transit system in Washington, D.C. alone will run about $1.3 billion; costs of the high-speed trains between Boston and Washington are far higher. Mass transit in New York City and Chicago over the next decade may cost in excess of $4 billion. At the present rate of production Secretary Romney predicts that over the next decade we will fall more than 10 million units short of our 1968 commitment for 26 million housing units. Municipal hospitals are threatening to close because of too lean budgets and the backlog of present needs in hospital modernization stands at more than $10.7 billion. Mr. Nixon acknowledged July 10 that unless federal action is taken within the next two to three years, "we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout this country."

Estimates of what it will take to cleanse the nation's waters over the next five years go as high as $29 billion. The cost of containing air pollution is put at another $16 billion. A recent federal study on thermal pollution estimates at $1.8 billion the effort needed in this area over the next five years.

Instead of dabbling with revenue sharing, Congress should assist state and local governments in a more forthright manner: assume the entire cost of welfare, increase aid to education, and bring grant in aid programs up to authorized levels. This would take the strain off state and city budgets, releasing more funds for problems of a local nature. It is time to commit the funds needed for our undernourished public sector and ignore the siren call of revenue sharing.

WORKING MODELS FOR URBAN REDEVELOPMENT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1969

Mr. MIKVA. Mr. Speaker, the problem of revitalizing our decaying urban centers troubles all of us. Daily, we struggle to find effective ways to halt urban blight and initiate urban progress. The problem is so complex that many people have despaired of finding any workable solutions.

In light of these complex problems, I believe that my colleagues would be interested in the remarks of Mr. Ronald Grzywinski, vice chairman of the board of the Hyde Park Bank & Trust Co. Mr. Grzywinski recently addressed the Urban Coalition in Chicago on how to redevelop our cities. His address reveals a depth of understanding about this most perplexing problem.

Mr. Grzywinski explains how the bank which he represents has enabled minority businessman to found and to develop business enterprises. Though it is a relatively small institution, Hyde Park Bank & Trust has been a leader in backing up its rhetoric with action. Based on his work with the bank and other urban activities, Mr. Grzywinski sets forth some viable models for combining capital, talent, and community in the crucial effort of redeveloping urban America.

Mr. Grzywinski's timely remarks follow:

I have been asked to speak on the activities of the Urban Development Division at the Hyde Park Bank. I will do so briefly, and then turn to the broader and deeper problems of total urban economic development with which I am concerned at the Adlai Stevenson Institute.

The Hyde Park Bank is a small to medium size institution. At year-end it had total assets of $60.8 million and employed approximately 125 persons. By comparison, the Chase Manhattan Bank, second largest in the nation, had total year-end resources of $19.3 billion; approximately 315 times as large. The bank is located in the Hyde Park-Kenwood Community, approximately six miles south of downtown Chicago and the home of the University of Chicago. The community of 50,000 population is liberally oriented, racially integrated, affluent, but economically segregated. Majority ownership of the bank is through a holding company whose stock is concentrated in the hands of community residents and bank management. Illinois law prohibits branch banking.

The Urban Development Division was established in the spring of 1968, with an operating budget of $20,000 to carry it through year-end. Its primary purpose was to extend credit to black entrepreneurs for business establishment or expansion. At the time no Chicago area bank was internally organized specifically to finance and counsel minority businessmen. The Urban Development Division initially was staffed by two non-bankers hired from outside the bank. Milton Davis, formerly employed by the University of Chicago, and for three years president of the Chicago Chapter of CORE, was named director. He is now a vice president of the bank.

Our objectives in establishing the division were three:

First, to make credit available at competitive interest rates through conventional banking channels to credit-worthy black businessmen.

Second, to demonstrate to the banking community that, with appropriate diligence, counseling, and selectivity, loans to black businessmen are not categorically an unmanageable or extraordinary risk.

Third, to finance our urban development activities without sacrificing bank earnings.

To accomplish this third objective the Urban Development Division solicits deposits from major corporations, churches, government units, and philanthropic organizations which would not normally do business at a small, outlying bank. We pay the same rate of interest on their time deposits and provide the same level of service for their demand account as any other bank, but apply a major portion of our earnings on their deposit against the extraordinary expenses incurred in counseling, processing, and servicing a portfolio of loans to inexperienced, small businessmen.

To date, the Urban Development Division has made loans in excess of $1.4 million to approximately 55 businesses. At month end 2 loans were delinquent with no loss anticipated; one loan of $1,500 has been charged off, but recovery has begun and should be completed within four months. The division is supported by deposits totaling $4.6 million (8.5% of the bank total), from 54 different entities. Nineteen of the corporations are listed on the New York Stock Exchange. The full time staff has grown to five, including a fellow assigned by the Robert Kennedy Memorial. The earnings allocation on supporting deposits not only recovered the bank's initial $20,000 investment, but has completely offset the division's increased operating expenses. Activities have broadened to include the financing of community owned, profit oriented businesses and low income housing projects. The community objective is to use the profits from these businesses to finance such community projects as day care and medical care centers, manpower training facilities, supplemental police protection, sidewalk lighting, and other community needs.

Our experience has taught us several lessons:

First: The availability and use of competent counseling is as important as credit in the success of an inexperienced entrepreneur.

Second: The bank staff must have deep rapport with its clientele; a genuine feeling and understanding for the problem of black deprivation; a commitment to work together; a willingness to spend the required time looking at each credit application as it is presented, knowing in advance that many will not be bankable, but that many must be reviewed to find the viable few. Having found a promising proposition, it must be worked through to completion by exploring all the alternative financing methods. This attitude reflects a philosophical commitment to the concept of change, within and through the existing system.

Third: Fundamental credit principles must be adhered to, but with an understanding of the distinction between principle and practice. As an example, the borrower must not be allowed to become sloppy or careless in meeting loan repayment due dates, but if his business is experiencing sound and accelerated growth, or if his credit needs were legitimately underestimated, we must find ways to increase his credit supply. Also, if the credit report reveals a past history of judgments on an otherwise qualified prospective borrower, the application is not automatically denied. These judgments are investigated with the understanding that unscrupulous and exploitive merchants have often used the judgment device to force uninformed people to continue patronizing their outlets for shoddy, overpriced merchandise. We also believe that the equity to start a business sometimes may not be financially measurable; instead it might include the borrower's work experience and other personal achievements.

Fourth: Senior management must be totally committed to success. Because urban development programs are innovative, experience is lacking and failures are magnified.

Fifth: When cooperation with government agencies is required, the business leader must understand the constraints and tradition under which a public servant labors. Innovative and creative interpretations of federal regulations have not been the historical route to rich rewards. Under Bob Dwyer, and earlier, Tom Gause, the Chicago office of the Small Business Administration has moved from timid, sincere reservation to quick, cooperative responsiveness.

Sixth: Because it has senior management commitment, independent funding through supporting deposits, and the ability to clearly measure successes and failures, the staff of the Urban Development Division feels in has a mandate to plow ahead, to innovate, and to thoughtfully explore the ways in which the bank's resources can be brought to bear on the problem of inner city development.

I will turn now to some general ideas about urban economic development. The majority of this audience already knows that economic injustice and suffering are the rule rather than the exception for millions of black Americans who are unable or unwilling to move out of the nation's ghettos. It is not necessary to recount here how much deprivation manifests itself in housing, in employment, in education, in personal welfare, and safety. It is well known, at least in scope, if not in depth and intensity, to even the most casual reader of the popular press.

During the past several years, the federal government has spent vast sums attempting to remedy one or another facet of the problem, but without the urgent priority of national commitment. Foundations, commissions, some universities and other organizations have prepared volumes of detailed and heavily foot-noted analyses of the problem; some few have recommended specific action and some fewer yet have themselves acted. More recently business has begun to involve itself. However, it is my observation that all these activities, all these programs taken separately, have produced little or no visible effect. They have been a tonic, a band aid on a cancer, an attempt to treat each speckled, smallpoxed, symptom rather than the body ravaged with disease.

Urban redevelopment is a complex task requiring sophisticated planning, specialization, financing, and organization. It requires a system approach to problem solving. It requires the building of new teams of planners, financiers, executive implementors, political relations experts, and entrepreneurs. It requires the belief that there is no one best way to solve a problem, but rather many good ways. It requires bold new ideas, bold action, and bold men.

Urban redevelopment requires three basic elements: capital to seed the regenerative process; talent to intelligently do the seeding; and community control to point out the fertile ground, protect the seedlings, and harvest the fruits to be shared.

If we look around the nation today we can find many successful urban development programs. In Boston, Eastern Gas and Fuel Associates took the leading private role in a massive housing rehabilitation program. Using incentives currently available in FHA housing legislation, the company was able to combine low equity investment, depreciation, and the market potential of new gas customers to earn a profit which was large enough to assign key executives to the task. In Chicago, the Kate Maremont Foundation in partnership with the Woodlawn Organization just held its grand opening for a new low-rise, 500 unit housing project. Their community owned shopping center is under construction and, along with several community owned businesses, will contain a food supermarket owned jointly with a major food retailer.

In several cities, such major corporations as Xerox, IBM, Kodak, Aerojet General and others have assisted in establishing new ghetto based manufacturing facilities. The Rev. Leon Sullivan, starting in Philadelphia, has now established over ninety Opportunities Industrialization Centers which draw on existing Dept. of Labor grants, channeled through business corporations, to train people, helping them "to grow self confident through mastering new work skills." In California, Arcata Investment Company has started a minority group Small Business Investment Company to generate equity investments and credit in the urban ghettos. On November 6th, eighteen sponsors, including such giants as Prudential Insurance and Phillips Petroleum announced their intentions to operate similar SBICs. Commercial banks around the country are now beginning to extend urban development credit.

The purpose of the preceding recitation has been only to show that scattered models are not lacking for successful and often profitable urban development in such key areas as housing, education, job creation, equity investment, and wealth building. But as I stated earlier, all these activities are disjointed. They usually attack only a single facet, of a great need, within a single ghetto community. Truly, band aids on a cancer! The need today is to draw on the experience of these models and combine these separate and diverse efforts into a concerted, systems-oriented attack on the problem.

How do we proceed? I suggest the following:

First: The neighborhood or community is the most logical unit for development. It is manageable; the people are usually organized into a community association possess-

ing common complaints and goals for health, education, welfare, and safety. A community base of development is consistent with the current notion that place should serve residents' needs and not those of outside interests. This concept is a response to the lack of participation, the frustrated sense of powerlessness among minorities. Deteriorated housing exists within specific communities; medical, recreational, and day care needs exist within specific communities; the unemployed and underemployed are real people, not just statistics, and they live in specific communities. Urban communities have an identity, a sense of being. They are no different from the thousands of self-governing, often smaller, suburban communities we all know, except that the citizens are usually black and usually poor.

Second: The federal government has neither the talent nor the experience to effectively manage and implement an innovative, major systems project. During the past two decades, such programs for research, development, and construction have been contracted out to private industry and institutions which have developed internal systems capabilities. The ghetto economy has an inordinate need for credit, capital infusion, and wealth creation. As Ted Cross has pointed out: "The great talent of the government to achieve political and social change—and indeed its vast economic power as the largest bank in the world, must not be confused with its meager ability for the job of building production and marketing skills—and blending these skills with credit and risk capital for the creation of wealth." Moreover, when government is not leading, is not remedying a clearly understood and acknowledged social problem of staggering proportions, those of us who are deeply concerned, who are morally committed to the righteousness of social economic justice, and who perceive the ultimate wrath of failure, must not throw up our hands and say there is nothing we can do until the government enacts a viable program. The stakes are too high.

Third: More than any other institution, big business, mature industry as Galbraith says, not only possesses the resources and ability to do the job, but should also have the highest motivation. Financial bigness is one measure of potential capability. As an example of how big business is financially qualified to muster the necessary talents and resources, it is worth noting that several of the nation's largest corporations each have annual gross revenues which far exceed those of any single state. The revenue of General Motors is approximately eight times that of New York State and slightly less than 1/5 of the federal government. On the other hand, it is also worth noting that, while all business involvement in ghetto development has been infinitesimal in relation to need, Cross pointed out that the most creative urban projects have originated with entrepreneurial organizations, often dominated by a creative businessman skilled in taking risks and in entering seemingly unpredictable market situations. These are companies that are highly innovative and successful, constantly seeking new opportunities.

Business should be fully involved in developing the ghetto, not only because it represents earnings and manpower creation opportunities, but because the public expects business to become involved. There is a growing public reaction against big business based on the feeling that business is exploitive and not developmental, that it is eminently powerful but undemocratic. If big business does not respond to the desires and aspirations of the public which provides its revenues, if it fails to employ its vast resources in leading the way to social economic justice, it first will be cut off from a supply of talent, the non-self-generating factor of production, and ultimately will be subject to growing pressure for increased legislative control. If business and other institutions do not become more responsive and attuned to the just demands of society, we soon will see the formation of new, white-collar unions. These unions will not seek increased personal remuneration; instead, they will try to apply internal corporate and institutional pressure to achieve broad-based social objectives. They will demand personal sabbaticals at full pay, in order to apply the talents of industrial experience to solving the problems of poverty. They will systematically withhold educated talent from socially unresponsive institutions. And they will publicize data ranking the developmental attitudes of industrial and educational institutions competing for the same talent.

However, if farsighted business management does intend to involve itself, if the visionaries intend to commit their institutions, they must learn that business must first *earn the right* to participate in this great challenge of the 20th century. The record for selfless business development has been so dismal that big business is not trusted by the young people or by the urban community leaders; it is thought to be hypocritical, insincere, and inconsiderate of the public interest.

What can the Urban Coalition do? To answer that, let us look at the strengths and assets of the Coalition:

First: The Urban Coalition is founded on the principle of coalition. It is held in high but perhaps fading esteem by both established institutions and the leaders of the poor. As Mr. Gardner remarked at a White House dinner this past June, "The Coalition is a unique organization, bringing together diverse elements of American life."

Second: Because of its stature, the Urban Coalition should be capable of raising far more money to rebuild America than its present annual budget of $4.4 million. However, to do so, the Coalition will need a concrete plan with specifically identified goals and objectives.

Third: Because of studies such as that presented here today by Bill Kaye, and because of its field experience in various cities, the Coalition should be a comprehensive repository of acquired skills and knowledge on urban problems around the county.

In view of these assets, I suggest that the Urban Coalition redirect its major thrust along the following lines:

1. That it select six to twelve urban ghetto communities from around the country which are reasonably well organized, possess a clear understanding of their community needs, and are willing to participate in a massive community development project.

2. That the Coalition then invite several major business and educational institutions to submit bid proposals for each of the target communities. The proposals would recognize the right of community control, and would spell out in specific detail the goals, plan of action, scope of work, method of organization, financing, talent resources, and ownership sharing concepts which the institution would use in a systematic redevelopment of the community, recognizing not only the corporate need for profit, but the community's need to possess a self-generating source of profits and talent to finance and operate a variety of necessary or supplementary local social services, such as medical and day care, recreation, education, etc.

3. The Coalition would then award a development contract of sufficient size to allow that institution with the best proposal in each community to assemble staff and begin operation. In effect, the Coalition award would provide all or a portion of the risk capital required to begin the regenerative process. Thereafter, with private financing and government grants for existing programs, this type of comprehensive, systems oriented rebuilding process should be self generating. Ideally, the Coalition's initial investment would be returned over the long term from housing and business profits.

Obviously there is no guarantee that this approach will work, but there is evidence to show that it works in other applications. We cannot wait; the time for waiting has passed. We cannot go slow; we have been doing that for too long. Whole generations of Americans have been born poor and have died poor as the United States moved slowly. The Urban Coalition still has the opportunity to mold the common faith that our urban problems can be solved, but it must move. The proposal just presented allows for innovative approaches to urban problem solving. It would release the creative talents of American industry and education on our most wretched national problem.

This past spring my wife and I visited the beautiful and ancient city of Bath in southwestern England. As we were touring The Royal Cresent, a residential area of great beauty and architectural unity, we came upon this graffiti which I think is worthy of our continuing reflection: "The city is dying—look to your heads."

BUFFALO LABOR MOVEMENT'S ROLE IN CULTURAL ACTIVITIES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. DULSKI. Mr. Speaker, my home city of Buffalo, N.Y., is one of four cities where the AFL–CIO is sponsoring demonstration arts projects aimed at seeking increased participation and involvement in the arts by labor union members and their families.

Buffalo was selected as a test city in cooperation with the National Endowment for the Arts. A labor-arts organizational structure has been created and significant experimental projects are underway to pursue this basic objective. The salary of the Buffalo coordinator has been provided by the New York State Council of the Arts.

One of the early encouraging signs in Buffalo was the role of the Buffalo AFL–CIO Council in helping to save the Buffalo Philharmonic Orchestra. Faced with overwhelming obligations, there was a proposal—later aborted—to merge the Buffalo orchestra with the Rochester Philharmonic Orchestra.

The council added its full backing to public support for the orchestra and later set up a fund to help solve the orchestra's fiscal plight.

Just a few days ago, for the first time in the orchestra's history, a labor official was named to the orchestra's board of directors. He is George L. Wessel, president of the Buffalo AFL–CIO Council.

Commenting upon the labor-arts project and its relationship to the orchestra, Mr. Wessel said:

The labor movement today has more leisure time. The idea of the project is to acquaint our membership with cultural organizations like the Buffalo Philharmonic.

Although the pilot project has yet to do anything specific with the orchestra, there is a special "Salute to Labor" pops concert planned in January or February. The concert will be free for the union membership, and is intended to stimulate interest in live orchestral music.

POTENTIAL AUDIENCE

It is up to us—the Buffalo Council of the AFL–CIO—to educate our own people,"

Wessel said. "I think there is a potential audience in the labor force, but we have to acquaint them with the orchestra. We have to get them out of their homes and away from their TV sets.

In further elaboration of what is being done in Buffalo in connection with the Labor-Arts project, I include with my remarks two stories from local newspapers:

[From the Buffalo (N.Y.) Courier-Express, Nov. 3, 1968]

PROJECT TO ENRICH UNIONISTS IS TESTED

(By Joseph P. Ritz)

Don't be too surprised if your barber starts talking about the impressionist versus the realistic school of painting the next time you get a haircut. It's all part of an effort by the AFL–CIO to upgrade the cultural lives of its members.

Buffalo is one of the four test cities chosen a year ago for a two-year Demonstration Arts Project to determine whether the unions can succeed in enriching the lives of its members.

If it succeeds, presumably, programs similar to the ones in the demonstration cities will be tried nationally.

Although it was announced last year, the program was not kicked off locally until last June and a paid union official to head the program was not picked until September.

HEAD START IN BUFFALO

Harlowe Dean, national co-ordinating consultant for the program, told The Courier-Express last week, "The program is further along in Buffalo than in the other cities," principally, he explained, because it is the first city to hire a full-time coordinator. (The other cities involved in the demonstration are New York City, Minneapolis and Louisville.)

The co-ordinator, Robert J. Jarnot a high school teacher of business law until this fall, "is doing a darn good job," according to Dean.

The main thrust of the local program is to interest union members in attending the community's chief cultural offerings: such as plays at the Studio Arena Theater, concerts at Kleinhans Music Hall, performances at The Ballet Center of Buffalo.

Actually, chances are that your barber may not get down to talking about the nitty-gritty of the art world, but Jarnot has sent flyers to all union barbers in the area asking them to talk up a series of art lectures at the Albright-Knox Gallery being held this month and next, intended to introduce the public to the fundamentals of art.

PROFESSIONAL GROUPS LATER

Later, Jarnot hopes to have professional theatrical groups act in union halls and bring the Erie County and Buffalo Public Library's bookmobiles to labor meetings.

One of the things that the AFL–CIO hopes to achieve by its program is the creation of artistic works for the working man.

This brings up the question of whether a playwright or composer can write for the blue collar worker without lowering his artistic standards. That fact is, as anyone familiar with the arts is aware, great works of music and drama which have survived the test of time from Oedipus Rex to Hamlet were written for the common man of their era.

One suggestion as to why the AFL–CIO is spending so much effort and money to bring culture into the life of its members is that having gotten so much leisure time for its members in the form of shorter work weeks, holidays and vacations, it feels responsible for how they use it.

IMPROVING OPPORTUNITIES

In its official explanation of why it was creating the project, the AFL–CIO itself declared it was "concerned not only with bettering the working conditions of employes, but with improving their opportunities to share in the benefits which their labor produces."

This interest in cultural affairs by labor is no doubt beneficial both to the community and to the union members. But it also reflects a loss of spirit and spontaneity and unity of purpose which labor had in its adverse early days.

For music and art and drama and dance should make a statement. There was a time when the labor had something to say and it said it and in consequence added to American culture.

Those were the days when Joe Hill, Pete Seeger and Woody Guthrie were writing and singing songs which echoed in union halls across America. When "This Land Is Your Land" and "Solidarity Forever" meant as much to the union movement as "We Shall Overcome" and "If I Had a Hammer" does to the civil rights movement.

It's been a long time since songs were sung in union halls or in picket lines. But when they were, they contributed something to the cultural life of the nation.

[From the Buffalo (N.Y.) Evening News, June 14, 1969]

LABOR COMMENT—WILL PHILHARMONIC BE LABOR'S NEW LOVE LOST?

(By Ed Kelly)

For the area, AFL–CIO, which only recently began wading into the Niagara Frontier's pool of culture, it's now sink or swim.

To change the metaphor George Wessel, president of the central labor organization, put it this way the other day: "Only last September, organized labor in this community committed itself to the arts. Now the bomb's dropped."

The "bomb"—of major concern to all segments of the community, not just to labor—is the threat to the continued existence of the Buffalo Philharmonic Orchestra. The orchestra surely is one of the frontier's principal cultural assets, and certainly one which must be protected stoutly by labor if the latter's commitment to the arts counts for anything.

The commitment is real. Ten months ago the national AFL–CIO selected Buffalo as one of the four pilot cities (New York, Minneapolis and Louisville are the others) for establishment of a Demonstration Arts Project.

TWO-YEAR TEST

The DAP program is a two-year test aimed at interesting today's worker in activities which can give him a better understanding of the world in which he lives, and at assisting the cultural efforts of a community by broadening their bases of support.

The Buffalo project, directed by the Buffalo AFL–CIO Council, is co-ordinated by Bob Jarnot, a Teachers' Union member on leave from South Park High.

Under Jarnot, Wessel and others, links have been established between unions and such cultural resources as the Philharmonic Orchestra, the Studio Arena Theater, the Ballet Center of Buffalo, Melody Fair, the Albright-Knox Art Gallery and the Buffalo & Erie County Public Library.

Thosuands of brochures promoting the orchestra and the Studio Arena have been circulated among unionists. Placards promoting future performances have been posted in plant locker rooms, union halls, and on shop bulletin boards.

FIRST CONCERTS CONVINCE

Many a union member has attended a play or concert for the first time in his life. And liked it so much, he's returned. Again and again.

The orchestra held an "open" rehearsal for workers and their families. And is planning another. All around the area, union workers' children are hearing special orchestra performances. And loving them. And telling their parents about them.

Now, as Wessel puts it, has come the "bomb"—the disclosure that, because of financial difficulty, merger of the Buffalo and Rochester Philharmonic Orchestras is under study.

For labor, and the community, this is the crunch.

Foremost among the protesters are the Buffalo orchestra's own musicians. A Players Committee to save the orchestra has sprang up, led by 35-year-old Rodney Pierce. As he carries his Save-the-Philharmonic message about town, he's become as talented a persuader as he is an oboeist.

CONCERN FOR PHILHARMONIC

The Buffalo AFL–CIO Council has two reasons—both formidable—for doing all in its power to help save the orchestra.

The first is its commitment to the arts through the Demonstration Arts Project, which has focused a national eye on labor here. The second (perhaps even more compelling to some unionists than the first), is the traditional obligation most unionists feel to come to the aid of fellow unionists who are in a bind.

The musicians who make up the Buffalo Philharmonic Orchestra are 100 per cent union. They belong to the American Federation of Musicians (AFL–CIO), most of them through membership in the AFM's Buffalo Musicians Association, Local 92. The local is an affiliate of the Buffalo AFL–CIO Council.

With the future of the orchestra threatened, so is the future, and therefore livelihood, of the 87 union musicians who comprise it. This is a predicament which unionists everywhere can understand, sympathize with and want to do something about.

LABOR'S FIGHT, OPPORTUNITY

Rodney Pierce puts the crisis bluntly: "This is labor's fight," he tells union audiences, "and labor's opportunity.

"We aren't asking you to help just because we're members of a union, but also because you're members of this community, and the Philharmonic makes up a huge segment of our civic pride and civic identity."

The crisis already has established deep rapport—for the first time here—between the union musician and the rest of the labor movement. Each realizes the other belongs to it. Rodney Pierce's invitations to address union meetings are pyramiding.

The Buffalo AFL–CIO Council, embarking on a Save the Symphony (SOS) drive, hopes to move individual union members and individual unions to give emergency—and later regular—financial assistance to the orchestra. And, above all, to press the managements, with whom they bargain collectively, to do likewise, and in generous measure.

"We bargain with these companies," says Wessel. "We know the avenues of approach to them. It's up to us to impress on them that they as employers, just as we as employes, have an obligation to aid and enrich the community in which all of us work and live."

Ironically, one eventual aim of the AFL–CIO's Demonstration Arts Project is to enable a unionist to enjoy his leisure more fully. Right now, girding to help save the Philharmonic, leisure is something Wessel, Jarnot, Pierce et al. will find in short supply.

DESCRIPTION OF PROPOSED IMPORT-CEILING LEGISLATION

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. PHILBIN. Mr. Speaker, almost every day industries are closing in this country due to cutthroat competition from abroad. This makes proposed trade regulations of critical importance.

The proposed trade legislation is designed to provide domestic industry, agriculture, and labor with a remedy against the adverse effects of an undue rise in imports on industrial growth, employment, and profits. It is, in effect, an escape clause, revised to assure the actual availability of a remedy to industries that have suffered or stand to suffer serious injury from rising imports.

The legislation is therefore not open to any industry unless imports have made a serious market penetration.

The bill lays down two sets of criteria for determination of the question of serious injury or a threat thereof. One is for use when sufficient statistical evidence is available for the Tariff Commission to determine what share of the market—that is, of domestic consumption—is supplied by imports. The other is to be followed when the statistical evidence is not good enough to permit the calculation of the share of the domestic market being supplied by imports.

In the first of these two instances, which is to say, where the share of the market supplied by imports can be determined, a 10-percent penetration of the market will be interpreted as representing serious injury if absolute imports have doubled since 1960. A threat of serious injury, on the other hand, will be assumed if not less than a 7½-percent penetration has been made by imports.

The year from which to measure the trend of imports in terms of the share of the market—penetration—supplied by them is 1960, or the 10 most recent years, whichever is less.

In either approach, any industry, labor union, or trade association alleging serious injury would file a petition before the Tariff Commission, even as in the past under the escape clause or for adjustment assistance. The Tariff Commission would make a preliminary survey to determine whether available statistics make it possible to determine the share of domestic consumption supplied by imports—market penetration. Should this result affirmatively the Commission would proceed to determine the share of domestic consumption supplied by imports since 1960, as just stated.

If the available statistics were inadequate to make possible such a finding, the Commission would nevertheless proceed to make a finding with respect to injury, but under different guidelines. The bill under these circumstances calls for an examination of the probable adverse effects of rising imports on growth of the industry, expansion of the industry, level of profits, and the trend of employment.

Upon a finding of serious injury or a threat thereof the Commission would in this type of proceeding recommend an increase in duty to the President or an import limitation, that in its judgment would prevent or remedy the injury. The duty could not be placed at a level higher than 25 percent of the 1930 rate; and no quantitative limitation—import quota—could reduce imports below the average of the 2 most recent years.

If the President were opposed to putting the Commission's recommendation into effect he would send his reasons to Congress, and if either House by a majority vote of those present and voting sustained him within 90 days, the Commission's recommendation would be set aside. Otherwise it would be put into effect.

IMPORT CEILINGS AND QUANTITATIVE LIMITATIONS

The most distinctive part of the legislation lies in those cases in which the share of the market supplied by imports can be determined. In those cases the Tariff Commission would determine the level of imports that could be admitted into the country without going so far as to impose administrative limitations on them, and this level would be the ceiling. Only if imports subsequently should break through such ceiling in their upward surge would an administrative limitation be imposed. This need not happen if the exporting countries took care to avoid it.

It is thought that in most instances in which injury from imports occurs or threatens, statistical evidence of the share of domestic consumption supplied by the imports is adequate. The Commission could then proceed on the basis of recommending ceilings to the President instead of recommending a tariff increase, if the facts developed in hearings and investigation demonstrated deep enough a market penetration by imports to justify an affirmative finding for a ceiling under the criteria laid down in the law.

The President would proclaim such ceilings upon a finding by the Tariff Commission of the share of domestic consumption supplied by imports of the product or article in question if this share were above the 10-percent penetration level, thus meeting the criteria of a serious injury—7½ percent in the case of a threat of serious injury.

The Commission would thereafter keep the President informed of the trend of imports in terms of the share of domestic consumption supplied by them, in all instances in which a ceiling had been proclaimed. Should imports fail to rise above the ceiling level no actual administrative quantitative limitation would be established. Only if imports should rise above the ceiling for a period of 6 consecutive months—that is, above 50 percent of the ceiling for a whole year—would the President impose the limitation.

By controlling their exports to this country, the foreign countries could avoid triggering the imposition of an administrative quantitative limitation—import quota. If after such a limitation were imposed imports for a whole calendar year should fall below the ceiling, the President would rescind the administrative quantitative limitation—import quota.

The ceiling for each article for which one had been established would be revised each year to adjust the quantity to any increase or decrease in domestic consumption, thus permitting imports to grow in proportion to the dometsic consumption of the article. This proportion might be 10 percent, 12 percent, 20 percent, or whatever had been found by the Tariff Commission to be the ceiling as prescribed in the law for the particular level in each case according to the extent of market penetration.

No quantitative limitation would remain in effect over 5 years if it were imposed upon a finding of serious injury, and not over 3 years if it were imposed upon a finding of a threat of serious injury. After a year subsequent to the ending of the quantitative limitation, the industry in question could petition the Tariff Commission for a new ceiling.

NEW CONCEPT

The concept of a ceiling on the share of the market that would be available to imports is relatively new. The further provision that imports would be allowed to expand as domestic consumption might expand introduces a flexibility into quantitative limitations on imports that is very rare and would go far to remove the usual objection to import quotas on the ground that they would place trade in a straitjacket. Indeed a further element of flexibility is introduced by allowing an interval of a year or more for reestablishment of a new ceiling, after 3 or 5 years.

The principal virtues of the proposal lie in the limited nature of the cutback in the level of imports if any; the avoidance of an actual administrative limitation on imports if the exporting countries do not trigger one; the exclusion of industries that have not experienced injury from increased imports arising subsequent to a tariff reduction or reductions under one or more trade agreements, and the flexibility already mentioned.

As an effective remedy for injury from trade agreements concessions with a minimum of objectionable features the proposed approach would be unique.

One thing is certain: If some action is not taken before long, increasing imports will work such serious damage to the American economy, already plagued by high interest rates, high pressures, high prices sparking high wage demands, and serious inflationary pressures, that the country could well face a real crisis, deflated, depressed conditions in industry and severe employment, and the loss of prosperity conditions in the country. Let us be mindful of that danger.

This kind of development could gravely affect the working people of our country, our industrial structure, our national revenues, or tax and fiscal position, and create for us grave, additional problems which, added to the ones we already have, could very adversely affect the standards of living, and the future well-being of every person in the country.

The pending remedial bills are moderate, reasonable, and provide administrative measures and safeguards that we could effectively use to protect our economy against injurious, foreign competition.

Certainly something must be done as speedily as possible to provide realistic, workable controls over imports that are threatening much of our economic structure.

POW'S AT CHRISTMASTIME—WHAT ARE WE DOING FOR THEM?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1969

Mr. RARICK. Mr. Speaker, 25 years ago this morning I was taken prisoner by the German Army in the initial assault of what history records as the Battle of the Bulge. This military operation, which cost 80,000 U.S. casualties was a complete surprise attack only because of Soviet betrayal of Allied forces in the West—see my remarks of September 29, 1969, at page 27565 of the daily CONGRESSIONAL RECORD.

How well I remember those bleak and lonely days—some without food, and seldom with adequate shelter.

I remember Christmas of 1944 all too well—locked with other American soldiers in a cattle car being transported farther behind the German lines. The train itself was constantly subject to air attack by our own planes, and properly so.

That Christmas there was neither food nor water. The cold was so bitter that survival itself depended upon constant movement and inner strength.

Then, just a month later, I recall vividly my 21st birthday—in a prison compound, with its armed guards, its barbed wire, the dogs, and still the bitter cold. But by that time we had been contacted by the International Red Cross, our names had been recorded, and our next of kin had been notified of our whereabouts and welfare.

There are other Americans who will spend this Christmas of 1969 as prisoners—prisoners of war in a country which is so barbaric and uncivilized that it lacks the human decency to abide by the Geneva protocol to which it subscribed, and to allow the families of these men to know that they are alive, let alone the nature of their health.

As a former prisoner of war in Europe, I know all too well the desolate feeling of loneliness in imprisonment. However, those of us held prisoner in Europe never experienced total despair. We were confident that our countrymen at home supported us 100 percent; that we were not forgotten and that the leaders of our Government would never rest until we were freed and restored to our homeland. We knew that never in the history of the United States had Americans ever been deserted by their country.

We could hear the sounds of military action from our troops, the distant rumblings of artillery, the frequent bombing of the enemy in his base of operations, and we knew America had the will and the positive leadership to win. But most of all our morale was bolstered with the confidence that we would never be abandoned or deserted by our country. As prisoners of war in Europe, we were always heartened and reassured by the knowledge that freedom was only a matter of time.

Life in a prison camp in Germany was not pleasant—no man takes pleasure at the loss of his freedom—but as prisoners of war held by a civilized Christian nation we were at least treated within the minimum standards—with isolated exceptions—prescribed by the Geneva Convention. Further, we were captives of a nation which had not made it their national policy to mistreat prisoners of war.

How much more dismal and grim the condition of our men held captive in North Vietnam, Korea, and China. They can detect no evidence of attack on their captors. They hear no falling bombs, no advancing artillery, no evidence of impending rescue. Their only contact with the outside world is through enemy propaganda. And in that propaganda they hear and see films of leaders of their own country, supporting the position of the enemy and referring to their activities as war crimes.

They are used as trading material by the enemy's "dear American friends" in this country. Now that old-line Communist apologist Cyrus Eaton has returned from Hanoi loud in his praise of the reasonable and peaceful attitude of the Hanoi government, and its real friendship toward the American people, it certainly can be expected that the Reds will use their trading position to permit their friends here in the United States to release another few names—probably of air and naval officers—who are being held in North Vietnam.

Unless we end the hostilities in Vietnam in such a manner that we can physically recover all of our men—and this means victory—we can expect that little pieces of news of their identity and welfare will leak out from time to time for years, when it serves the Communist purpose.

This week, I received a Christmas greeting from a former enemy—a German officer—who writes that he is spending his 25th Christmas as a captive in a prisoner of war camp in Europe. All but forgotten by the world, and sustained only by the hope that his former enemies may one day show him mercy and restore him to freedom, he is totally at the mercy of the victors.

His nation was vanquished in World War II, and his extended imprisonment brings home all too well what fate is in store for a nation's fighting men held captive when it fails to win their restoration. They remain forever at the mercy of the enemy.

It is because of this tragic lesson from past wars, and my own personal travail as a prisoner of war, that I have raised my voice again and again on behalf of the Americans now held in Vietnam by the ruthless Communists.

If we withdraw or surrender in Vietnam, neither these imprisoned fighting men nor their loved ones will have any hope. They are entitled to the same measure of devotion from their government and countrymen which they demonstrated in loyaly performing their duties in combat.

I include a copy of the Christmas greeting referred to and several pertinent newsclippings relating to the Battle of the Bulge and the Soviet betrayal, as well as the current dilemma of our prisoners in Vietnam, in my remarks:

GAETA, ITALY,
December 9, 1969.

Mr. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: As the Christmas-season approaches, I make use of that occasion to wish you a merry Christmas and a happy new Year!

In the last time happened something what is of some importance in connection with my case. On November 12 my Austrian lawyer had a conference with the State Secretary of the Austrian Federal Chancellor (Prime-Minister) at Vienna. Result: the official intervention by the Austrian government to the Italian government in favour of my release will be made still before X-mas in relation to my 25th Christmas as prisoner of war.—The moment for such an official intervention is favourable at present, because the Austro-Italian friction over South-Tyrol borderland has been overcome: firstly through the exception of the "packet" (proposals by the Italian government to the South-Tyrol people) by the South-Tyrolian-peoples-party; and secondly by means of the recent meeting of the Austrian and Italian Foreign Ministers at Kopenhagen (other meetings will follow), so that now has taken place a "détente" between Rome and Vienna.

I am further on hopeful that all the efforts of my Protection Power and of my lawyers will be successful one day. Therefore, I shall pass in high spirits another Christmas as prisoner of war in Italy.

With cordial regards,

Sincerely yours,

MAJ. WALTER REDER.

[From the Christian Science Monitor, Dec. 16, 1969]

GERMAN SAYS STALIN WITHHELD BATTLE OF BULGE SECRET DATA

NEW YORK.—A retired German officer says former Soviet Premier Stalin withheld secret information from the United States and Great Britain about Hitler's plan for Battle of the Bulge counterattack, Time magazine reports in its current edition.

The result, Time says, was to prevent the Western allies from reaching Berlin before the Russians.

Quoting Hasso von Manteuffel, leader of the 5th Panzer Division, one of the spearheads in the battle, Time said:

Had Hitler been persuaded to call off his attack, Europe might have followed a different course. According to General Manteuffel, Stalin knew all about Wacht am Rein (Watch on the Rhine), the German code name for the counterattack through a security leak in German headquarters. He said nothing to his allies.

"Instead he waited until the German offensive was spent, then sent the Red Army dashing across Eastern Europe a month after the Ardennes battle began. Stalin apparently was aware that the last 200,000 members of the German army's strategic reserve were among the men committed to the Ardennes. Had those reserves been available for the Eastern Front, they might have stopped or delayed the Russians.

"U.S. soldiers, as a result, might have met the Russian troops at the Oder instead of on the Elbe, 125 miles farther west. The British would have reached the German rocket base at Peenemunde before the Russians captured its secrets. U.S. and British columns would have been first into Berlin. Moreover, the Russians would have lost the psychological advantage they have exploited throughout Eastern Europe by billing themselves as the true conquerors of the Third Reich."

The Battle of the Bulge, one of the war's costliest battles, took a toll of 8,000 American and 27,000 German soldiers. It began on the morning of Dec. 16, 1944, 25 years ago this week.

[From Time magazine, Dec. 19, 1969]

HITLER'S LAST GREAT GAMBLE

It began midsummer 1944 as a dream in the mind of Adolf Hitler. By late autumn, Wehrmacht planners had transformed the dream into battle orders. Hitler proposed to regain the offensive by deploying Germany's last reserves to smash through a lightly held sector of the Belgian front. His panzers would entrap as many as 30 U.S. and British divisions, capture the strategic supply port of Antwerp, and perhaps end the war in the West with a negotiated peace. Hitler thought of it as another Dunkirk and code-named it *"Wacht am Rhein* [Watch on the Rhine]." Allied archives would later refer to "the Battle of the Ardennes." To men who were there when the offensive began 25 years ago this week, it was "the breakthrough" or "the Battle of the Bulge"—and a time of sheer nightmare.

TWO-DAY RUSH

Today, historians describe the battle as Hitler's last great gamble, and German generals who survived the war as one of his great blunders. In interviews with several of those generals, Time's Bonn Bureau Chief Benjamin Cate learned how they sought to alter *der Führer's* plan, and how the postwar history of Europe might have changed had they succeeded.

One of the generals is Hasso von Manteuffel, who in 1944 led the Fifth Panzer Army, one of the two spearheads of the battle. Manteuffel, 72, now lives in quiet retirement near Munich. He told Cate how he and other officers under Field Marshal Gerd von Rundstedt, Commander in Chief West, protested that Hitler had set an impossible timetable by ordering a two-day rush to the Meuse, 50 miles distant. *"Das ist unwiderruflich* [This is irrevocable]," said General Alfred Jodl, Chief of Operations at supreme headquarters, slamming his fist on a conference table. Manteuffel, a dedicated bridge player, suggested that Hitler was trying for a *grosser Schlag,* a grand slam. Why not, he proposed to Jodl, settle instead for a more attainable *kleiner Schlag,* or little slam, by advancing only as far as Liège? Jodl was unmoved.

Hitler promised 300,000 troops for the attack and strong Luftwaffe support. Manteuffel recalls that during one seven-hour meeting, Hitler asked Reichsmarschall Hermann Göring how many planes he could provide. "Three thousand," Göring said instantly. "You know Göring," Hitler said to Manteuffel. "I think we shall have 2,000." The actual count was about 900.

Hitler had a strong reason for not accepting the opinions of his generals. As Siegfried Westphal, Rundstedt's chief of staff and now a steel executive, told Cate: "The generals had been wrong about both Czechoslovakia and Poland. None of us believed that such blitz campaigns were possible. Even in France, the German military predicted that the campaign would last much more than six weeks. Hitler was proved right, and ever afterward he followed his own judgment. Naturally, France was the last time he was right."

Had Hitler been persuaded to call off his attack, Europe might have followed a different course. According to Manteuffel, Stalin knew all about *Wacht am Rhein* through a security leak in German headquarters. He said nothing to his allies. Instead, he waited until the German offensive was spent, then sent the Red Army dashing across Eastern Europe a month after the Ardennes battle began. Stalin was apparently aware that the last 200,000 members of the German army's strategic reserve were among the men committed to the Ardennes. Had those reserves been available for the Eastern Front, they might have stopped or delayed the Russians. U.S. soldiers, as a result, might have met Russian troops at the Oder instead of on the Elbe, 125 miles farther west. The British would have reached the German rocket base at Peenemünde before the Russians captured its secrets. U.S. and British columns would have been first into Berlin. Moreover, the Russians would have lost the psychological advantage they have exploited throughout Eastern Europe by billing themselves as the true conquerors of the Third Reich.

QUICK REACTION

Hitler, however, could not be swayed. On the morning of Dec. 16, 1944, German artillery shattered the darkness before dawn and shook the snow-covered pines with a massed barrage. Four U.S. divisions, stretched thin along an 88-mile front, were overwhelmed. U.S. intelligence was unaware that Rundstedt had tucked 26 divisions, 1,800 armored vehicles and 2,000 pieces of artillery in the snowy groves of the Schnee Eifel, waiting for *"Null-Uhr* [zero hour]."

Stunned at first, U.S. troops quickly recovered. By doggedly holding St.-Vith and encircled Bastogne, they prevented the Germans from widening their front. Within three days, Allied Commander Dwight Eisenhower had 500,000 men en route toward the breakthrough. On Jan. 9, Hitler himself conceded failure. He had lost 27,000 killed, 38,000 wounded and 16,000 prisoners. At least 600 tanks had been destroyed. The U.S. had lost 8,000 dead, 48,000 wounded and 21,000 prisoners. Within a month the bulge had disappeared. Within two, the Allies were across the Rhine and racing through Germany.

[From the Washington (D.C.) Sunday Star, Dec. 7, 1969]

UNITED STATES IN DIFFICULT SPOT ON POW'S HELD BY REDS

(By Henry Bradsher)

The resolution calls for humane treatment of U.S. prisoners in North Vietnam and their release.

Hanoi says they are being treated humanely, but will not be released until all U.S. forces are out of Vietnam.

American officials—and former prisoners of the North Vietnamesse—say the treatment is the barbaric opposite of humane. So they go on trying to do something to help the prisoners.

The resolution which the House Foreign Affairs Committee approved Thursday is one small part of that effort. It seeks to focus public opinion in the United States and abroad on the plight of the prisoners.

But North Vietnam has seemed insensitive to the opinion of those countries which have accepted and supported U.S. efforts to obtain better treatment for the prisoners. It has been supported in its attitude by several Communist countries, although the ineffective weight of world opinion is on the American side.

The fact facing the U.S. government is that there is nothing it can do about the prisoners. They are, officials feel, being held as hostages for a price that this country will not pay—an abrupt pullout from South Vietnam.

The North Vietnamese insistence on the withdrawal of all U.S. forces before the prisoners will be released is more categoric than Hanoi's position on other aspects of a peace settlement.

The Nixon administration talks of eventually being able to withdraw combat forces, but leaving some support troops in Vietnam. Nothing official has suggested that all U.S. forces will leave within the foreseeable future.

According to the latest available figures, there are up to 1,339 U.S. prisoners in North Vietnam or in Communist hands in South Vietnam or Laos.

The Pentagon lists 323 servicemen missing and 70 believed captured in South Vietnam, and 443 missing and 341 believed captured in North Vietnam. Most of the former were ground troops, the latter airmen.

In Laos, 160 Americans are missing and two are presumed captured. Although not publicly acknowledged to be fighting in Laos, the United States has advisory forces there and makes aerial attacks.

ROGERS' EFFORTS

Most public attention has been on the airmen shot down during U.S. raids on North Vietnam from 1965 to 1968. But American statements on prisoner problems have usually applied to all the imprisoned servicemen.

Secretary of State William P. Rogers has several times sought to focus attention on the situation.

On June 5 he opened a news conference with a statement asking for humane treatment and the right for impartial observers to visit North Vietnamese prison camps. "I believe that any sign of good faith by the other side in this matter would provide encouragement for our negotiations in Paris," Rogers said.

Aides refused to explain just what Rogers meant by that, but there was no response and discouragement deepened in Paris.

Again in July, Rogers denounced Hanoi's "inhumane and inexcusable" attitude in a carefully calculated show of temper that got the desired attention from the American press but no improvement.

The administration then decided to have Lt. Robert Frishman, one of the few prisoners released by the Communists, tell his harrowing story.

American prisoners in North Vietnam, he said Sept. 2, are subject to "solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling having an infected arm which was almost lost, not receiving medical care, and being dragged along the ground with a broken leg."

By what officials insist was coincidence, there appeared to be a new wave of administration publicity for the prisoners' case last month. It began with a presidential proclamation of Nov. 9 as a Day of Concern.

Two deputy assistant secretaries, William H. Sullivan from the State Department and Dennis Doolin from Defense, testified before a House Foreign Affairs subcommittee which was considering the prisoner resolution.

"We are simply asking the Communists to live up to their own statements" that the prisoners have been treated "humanely" and "leniently," Sullivan said.

He noted that Hanoi has refused to abide by the 1949 Geneva convention on treatment of prisoners of war, denying it applies. "We have sought to avoid fruitless legal contention on this subject," Sullivan said, "because what is at stake here is the treatment and welfare and very survival of personnel who are helpless in the hands of the enemy."

U.N. APPEAL

The same week, the U.S. representative in the U.N. Political Committee appealed for proper treatment of the prisoners. It was the strongest presentation on the subject yet made to the United Nations, and some Communist nations plus Algeria and Cuba denied that it was a proper U.N. subject.

They also denied what the representative, Mrs. Rita E. Hauser, called a chilling record of prisoner treatment.

These statements brought several angry statements from Hanoi. It reiterated the "correct attitude and humanitarian policy" of North Vietnam and insisted the prisoners were war criminals, unentitled to Geneva Convention protection.

In fact, the official Hanoi newspaper Nhan Dan said, the prisoners come under "the principles laid down by the Nuremberg tribunal." It tried Nazi German war criminals after World War II.

Hanoi has not, however, repeated the threats it was making in the summer of 1966 to hold war crimes trials for the airmen who bombed North Vietnam.

The threats led to a storm of international

protests from the Pope and governments. Hanoi then "set aside" plans for trials but continued to emphasize a war crimes theme talking about the prisoners.

There was reason to believe that friends of Hanoi, possibly including U.S. leftists and the Soviet Union, advised that trials would not be helpful for the Communist cause.

Throughout U.S. efforts on behalf of prisoners, a main theme has been simply getting an accurate list of who is being held. A secretive regime in other ways, North Vietnam has refused to give this information directly.

Possible as a result of some consciousness of public pressures. Hanoi has made some names available indirectly. David Dellinger, an antiwar leader, came up recently with five previously unreported names of prisoners, and he has said he has an emissary en route to Hanoi for more names, possibly by Christmas.

The wives of missing servicemen who have appealed directly to North Vietnamese representatives in Paris for information, however, have received nothing so far but promises.

Some of them continue to sit anxiously by their mailboxes. But Hanoi has failed to show any more consideration for them than for the prisoners themselves.

CONVERSE COLLEGE GOVERNMENT INSTITUTE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 17, 1969

Mr. THURMOND. Mr. President, I invite attention to a statement by Dr. Fred Dixon, of Spartanburg, S.C., concerning the support and awareness of public education. Dr. Dixon, a fine and patriotic citizen of our State, has spent a lifetime working for good government. He is a retired U.S. Air Force colonel who has achieved many military recognitions, the former chairman and founder of the political science department of Converse College in Spartanburg, a civic leader, and a dedicated American.

Dr. Dixon is the director of the S & H Foundation Institute on State and Local Government and Constitutional Revision, which was made possible through the funds of this foundation. Converse College, one of the finest higher educational institutions in our State, has benefited greatly from these funds and the able direction of Dr. Dixon. Dr. Dixon is a concerned educator and his words will be of interest to everyone.

Mr. President, I ask unanimous consent that Dr. Dixon's statement be included in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A FOUNDATION CONTRIBUTES TO THE FURTHERING OF HIGHER EDUCATION

In June of this year Converse College, a four-year liberal arts college for women, located in Spartanburg, South Carolina received a grant of $2,000 from the S & H Foundation, sponsored by the Sperry and Hutchinson Company for the purpose of supporting an Institute on State and Local Government and Constitutional Revision.

This grant enabled the College to offer free of charge to teachers of the Social Sciences in Junior and Senior High Schools, students of Converse and of three other colleges in the city, faculty members of these institutions, and to the general public a series of eight sessions presenting the fundamentals of good government at the state and local levels. No program of this kind had previously been presented in the community, nor in the State, as far as is known. Without the grant it would have been impossible to offer this program.

The Institute was supported by leading government officials and outstanding political figures from around the State. Several outstanding academic experts also participated to contribute the underlying theoretical concepts as to the nature of good government and the requirements and problems involved in achieving it.

Each session was attended by an average of thirty five or more teachers from Spartanburg and Greenville Counties plus an additional fifty to seventy five interested students and citizens. The opportunity to attend this Institute and to participate in the question and answer periods which were a part of the format has undoubtedly provided a big contribution to the understanding of good government. Through the participation of the teachers this influence will extend to an uncounted number of students in the public schools.

Condensed versions of each program have been recorded on video tape as a public service by WSPA–TV and will be broadcast in a series of eight weekly programs a little later in the year. It is anticipated, too, that these tapes will be made available free to the Educational TV service in the State. Through this medium the impact of the Institute should be felt throughout the public school system not only for the near future but also possibly in years to come.

The contribution of the S & H Foundation is an example of the beneficial results which a public-spirited foundation can make to a furthering of public education and awareness. In view of some adverse comments which are made from time to time regarding foundations it is believed that the commendable activities of the S & H Foundation should be noted and appreciated.

The Lectureship Program, of which the Institute was a part, is one phase of the S & H Foundation's regular Program of Aid to Education. Under this program, 329 grants to 277 schools have been made over the past nine years.

In regard to the Converse College Institute the Spartanburg Herald-Journal, a local paper, commented editorially, "Anyone who participates in these discussions will be well prepared to help determine the future nature of South Carolina government."

BRIDGING THE GENERATION GAP IN HELENA, MONT.

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 17, 1969

Mr. METCALF. Mr. President, the term "generation gap" is one that we hear very frequently. All too often when our children disagree with us as parents and adults we attribute the cause of the misunderstanding to this "gap."

The existence of this gap has its virtues. It provides the stimulation for many of our youths to question constructively our actions and to seek recognition as individuals. As parents and adults, however, it is our responsibility to attempt to bridge this gap and explain to our children why we think as we do.

A distinguished jurist in Montana, Judge Lester Loble, is bridging this gap in the juvenile court in Helena. For years, Judge Loble has had an advisory committee of adults who meet privately with the juvenile and his parents and then informally advise the judge. Judge Loble has now added 12 "juveniles" from Carroll College, Helena High, and Broadwater County High School to this advisory committee.

The Helena, Mont., Independent Record of December 9 contained an article about Judge Loble's advisory committee of adults and juveniles. This innovation is said to be a first among the Nation's juvenile courts, and I think it merits the attention of the Senate.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, af follows:

A FIRST FOR LOBLE: JUVENILES GO TO COURT—BUT TO ADVISE

(By Dave Earley)

Sometimes a juvenile court has to make the "lesser of two bad choices . . ."

That is the conclusion expressed by several area "juveniles" after recently finding themselves on the other side of the bench, right up there with the judge, pondering the solution of two current juvenile cases.

It took three weeks of questioning, soul-searching, and trial-and-error. And at the end a decision which may have been a foregone, though unhappy, conclusion: "But I don't know what else we could have done."

The "juveniles" are 12 Carroll College, Helena High and Broadwater County High School students recently added to Judge Lester H. Loble's nine-adult-member juvenile court committee.

STUDENT LEADERS

They are drawn from among student body leaders and it is probable that this was their first acquaintance with juvenile court. In any event, it was a new experience for the committee.

Seating juveniles on the local advisory panel is said to be a "first" among the nation's juvenile courts and it is no surprise that the step was taken by Judge Loble.

The veteran jurist authored Montana's Lobel Law, which took certain classes of juvenile proceedings out of their former masked, "Star Chamber" status, making them public, with both press and parents invited.

JUSTICE DEPARTMENT INTERESTED

And so it is fitting that this latest innovation should occur in the Loble court. And it is no surprise that Sen. Mike Mansfield, a Congressional committee and the Justice Department have expressed interest in the new idea, and have asked to be kept informed of developments.

Judge Loble has in the past drawn considerable fire from certain of his juvenile court judicial brethren about the country. Openly voiced arguments have centered greatly around minute disquisition over this or that statistic—whether or not open court for juveniles has reduced the so-called juvenile problem.

KEEPING THE PUBLIC INFORMED

The real crux of the question, however, has been and continues to be whether society is to be informed as to what is happening to its younger members. And it remains to be seen whether this latest "offense" to the time-honored isolation of our juvenile courts—introducing young members of society themselves to the decision making process—will raise further ire.

But Helena's ground-breaking Judge has acquired considerable protective scar tissue over the years, and at the conclusion of the recent session he seemed far more interested in the response and reaction of this new "juveniles" than in (possible) more shot and shell from liberal critics.

And a sampling of opinion among the new committee members reveals enthusiasm for the idea and something else: a suddenly deepened appreciation of just how difficult juvenile problems can be—for adults.

TWO AUTO THEFT CASES

Briefly the facts of the two connected cases considered during the recent session are as follows: two auto thefts, one engineered by three boys and the other by three girls, all ranging in age from 13- to 15-years-old.

After the first session one of the boys, a 15-year-old with an extensive background of trouble, was summarily sent to Pine Hills School in Miles City.

After testimony, and private questioning by the committee of a rancher-uncle from near Havre, the other two boys were released to his custody.

Two of the girls were released to supervision of the local probation office, to continue their schooling in Helena public schools, and the third was released to the custody of a grandmother in Harlem, to attend school there.

CHAIN OF EVENTS

During the next weekend the following events occurred: one of the girls, a 14-year-old, got drunk at home. When her mother returned at about 3 a.m. she found herself locked out, and pelted with bottles thrown out through the windows.

And a day later the two boys in Havre stole a car, picked up the girl in Harlem, drove to Helena and then Great Falls, consecutively stealing three more cars with attendant breakage, and subsequently found themselves back in county jail.

In Part II of the current session Judge Loble and his committee concurred in committing two boys and two girls to correctional institutions. Net result: five committed, one apparently yet doing well on probation.

About the first decision . . .

EVERYONE LOST

"They were right in recommending leniency. I agreed with them that we had to try. We all lost, including our young defendants," said the judge.

"That first time we had to give them the chance," says Jeannie Christie, 17, Broadwater County High. "It's so sad they had to get back into trouble . . . if we could only have put them, somehow, in a good home . . ."

"Yes, I felt we were choosing the lesser of two bad choices," says Janet Harrell, 17, Helena High, "Miles City, or right back to the environment which led them into this trouble to begin with . . .

NEED HELP EARLIER

"But, then, I don't know whether a simple change of homes would help at this point . . . if we could only help them at an earlier age . . ."

"That's the trouble," sighs Jim Flanagan, adult member of the panel representing Catholic Charities, "we have to deal with them now."

"Really, you can't even say we had a choice," comments Lary Richtmeyer, 17, Broadwater County High. "As Janet said, somehow it reveals society's apathetic viewpoint . . . solving these problems by action in court . . . there should be something else, I don't know . . ."

Christie: "I think the court, this court brings it to the attention of the public . . ."

NEED SOMEONE TO IDOLIZE

Harrell: "I think, one thing, these youngsters need somebody to idolize, we all do—our parents, other adults . . . it's not just telling us what to do, lecturing, but setting an example, and because we idolize them we emulate them . . . these kids seem to have no one to copy but the ones who seem glamorous because they steal cars and do other things like that."

Richtmeyer: "Maybe they just don't know how to enjoy themselves. Our schools are sometimes at fault, maybe. Some of us are always busy with school activities, I never seem to have any spare time before about 10 o'clock at night . . . but those in the background get bored . . . maybe they get into this kind of trouble just as a challenge, to do something . . ."

Harrell: "Gee, I wish I had time to even say 'There's nothing to do . . .' "

How do you feel about the juvenile committee, and being members of it?

SERVES DUAL PURPOSE

Richtmeyer: "I'm all for it and think it serves a dual purpose. The adults learn from hearing our viewpoints. And we gain . . . learn many things about adults, the reasons for the things they do . . ."

Christie: "Oh, definitely. But it's not only the experience for us . . . I think it gives those kids a different attitude about the court . . . they come in expecting a lecture: 'How bad I've been . . .' "

Harrell: "Remember that one girl? She said she hadn't realized she'd been wrong until she saw us . . . maybe they feel its only a matter of kids against adults, until . . ."

Christie: "Yes, until they see us there and realize that not all young people feel angry and, say, let off steam by stealing a car . . ."

Harrell: ". . . we can tell them, sometimes we feel that way too . . ."

Richtmeyer: '. . . we're young people, too, and we're interested.

"And having us on the committee has stirred up a lot of interest in the school. Both Jeannie and I have been asked several times to give talks."

Christie: "It's the same at Helena High, other kids stop us in the halls and ask us what it's like, what's going on . . ."

Harrell: "Maybe we'll learn something, those of us on the committee and our classmates, about juvenile problems . . ."

THE NEW MOBILIZATION COMMITTEE

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 17, 1969

Mr. COLMER. Mr. Speaker, for the information of the membership of the House, and in order that it might receive wider publicity, I am herewith inserting in the RECORD a copy of a statement released by our able and distinguished colleague, RICHARD H. ICHORD, cataloging some recent activities of the New Mobilization Committee.

In this day of the New Left, it would seem that subversive organizations are more active than in any time since the creation of this young Republic emboldened by the sympathetic response in some areas and the judiciary. They are more and more determined, apparently, to destroy our form of government.

Mr. Speaker, I think the Congress and the country are fortunate in having, as the head of the House Committee on Internal Security, a man of the character and caliber of our colleague, Congressman DICK ICHORD. With no desire for the headlines, this sound and dedicated man conducts the affairs of this committee effectively and with dignity. He devotes many extra hours, as of necessity he must, to the task of trying to keep the country advised of the activities of these subversive organizations.

The following press release is indicative:

STATEMENT BY RICHARD H. ICHORD

WASHINGTON, D.C.—What was labeled as a weekend "teach-in" at Case Western Reserve University in Cleveland, December 13–14, was, in fact, a secret conference of the steering committee of the New Mobilization Committee to End the War in Vietnam to plan a 1970 winter-spring offensive on the so-called power structure of the people and government of the United States.

This was disclosed today by Rep. Richard H. Ichord (D-Mo.) based on information obtained by investigators for the House Committee on Internal Security of which Ichord is Chairman.

The staff report noted that the New Mobe meeting was closed to the press and public.

New Mobe leaders, following Saturday workshops on a wide-ranging list of subjects they consider to be ripe for attack, devoted Sunday to concentrating on an agenda narrowing the field to three major areas for future activity.

The first was categorized by New Mobe as the issue of "repression" and it was suggested that January and February be dedicated to building a propaganda assault based on the New Left contention that all who oppose the U.S. Government's position on Vietnam are being "repressed." It was also recommended that New Mobe back up a Black Panther demand that the United Nations investigate the alleged genocide of Panther members by police and other law enforcement personnel.

Organization of self-styled "people's juries" to conduct mock trials designed to show New Left conspirators and demonstrators as innocent and the Federal Government as the guilty party are also under consideration, as well as New Mobe support for members of the U.S. armed forces who are accused, tried or punished for opposing the war in Vietnam and for civilians who aid deserters and draft dodgers.

A second campaign, tentatively contemplated for early spring, was discussed in detail and would deal with taxes used to finance America's defense expenditures and industry's profits from making the material of war.

According to the agenda, this might include the organization of strikes and picketing of food stores to protest inflationary prices caused by expenditures for our military operations in Vietnam; group demonstrations against paying Federal income taxes to finance anything but aid to poor people; urging G.I.'s to turn back their savings bonds, and a variety of demonstrations against industries manufacturing military equipment, including disruptions of stockholders' meetings of such corporations.

A third area considered would deal with persuading draftees to resist on grounds they could not participate in war crimes. This—it was strongly urged—could feature protest demonstrations at a number of military bases on Good Friday (March 27) and Memorial Day in collaboration with anti-war sympathizers among uniformed U.S. military personnel.

As far as Committee investigators could determine, plans were not considered for centrally located actions such as the "moratorium" in Washington November 15, 1969. Instead, it appears the New Mobe leadership is more interested in coordinating simultaneous efforts in some 250 U.S. cities on a broad front of agitation.

Prominent among the more than 100 New Mobe-New Left leaders attending the Cleveland conference were men like Sidney Peck, national co-chairman of New Mobe and the former Wisconsin State Committee of the Communist Party, U.S.A.; Sidney Lens, former leader of the Revolutionary Workers League; Rennie Davis, one of the organizers of the violent demonstrations that occurred during the 1968 Democratic National Convention in Chicago; Arthur Waskow of the

Leftist-oriented Institute for Policy Studies, and many others identified with elements of the New Left movement.

The groundwork for the December meeting was laid on November 22 at a meeting in downtown Washington when New Mobe's executive committee gathered to make an assessment of their "moratorium" campaign. Minutes of that meeting reveal that New Mobe received a number of inquiries from the news media for information about their future plans. However, the executive committee decided a "decision on any such plans would be made at the Steering Committee meeting in December."

Committee investigators reported that at the November meeting, David Dellinger—one of New Mobe's eight national co-chairmen and a man who has described himself publicly as a "non-Soviet" style Communist, offered a three-point proposal for the future of the organization.

This proposal not only called for a steering committee meeting December 13–14 but also advocated the establishment of task forces to "develop program ideas which could then be discussed in depth in workshops at the Steering Committee meeting."

This proposal was adopted—an indication of Dellinger's influence on New Mobe—and task forces were set up to deal with such subjects as "G.I.'s", "Tax Refusal," "Repression and Political Prisoners", "Conspiracy", "the Draft", and "Economic Boycott".

Virtually word for word, the Dellinger list comprised the agenda for the Saturday workshops at the Cleveland meeting in December.

Chairman Ichord said the Committee staff report indicated that while New Mobe will continue its campaign to force an immediate withdrawal of American troops from Vietnam under such slogan banners as "Stop the War!", "Stop the War Machinery!", "Stop the Death Machine!", the broadened range of attack on the so-called "power structure" of the U.S. will, in Sidney Peck's stated view, cause the major political emphasis of the anti-war movement to be directed as exposing "the relationship between the racist, genecidal character of the war machine in Vietnam and the death-dealing aspects of that same machinery in the destruction of the environmental ecology at home."

Arthur Waskow, who admits a "gut preference for disorder," told the conferees in Cleveland that he believes New Mobe is the most important force on the Left now that Student for a Democratic Society, in his opinion, is collapsing. He said this would be particularly the case if college and high school students can be enlisted in New Mobe's activities.

Waskow declared that aside from anti-war actions, the New Mobe should "give a Left direction to the country" by devoting more attention to numerous domestic problems ranging from hunger to medical care, inadequate housing, air and water pollution, and any conditions viewed as irritants to the middle class and working class in America.

He concluded: "The anti-war movement, as such, no longer needs the Mobilization (except perhaps to set dates and name focal points of action). The country, however, needs and wants an intelligent Left. That need is the one the Mobe should now fulfill."

Peck told the conferees that Arthur Waskow, Stewart Meacham of the American Friends Service Committee and he were asked to draft plans for a mass national action next spring. He declared that New Mobe wants "a general work stoppage (political general strike) in New York, Detroit, and either San Francisco or Los Angeles, with a sympathetic strike or moratorium demonstrations in every city in the country, including a special call to Federal employees in major Governmental offices in Washington, D.C."

The Committee staff reports the likelihood that a further national organizing conference of New Mobe to implement a detailed program of protests will be held in the near future.

SOCIAL SECURITY RISE

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 17, 1969

Mr. KEITH. Mr. Speaker, the 15-percent across-the-board increase in social security benefits as it has just passed the House is a much-needed step in the right direction. When one considers that the cost of living has risen 9.1 percent since the last social security rise in February of 1968, and that the benefits we are now voting will not take effect until next April, then the rightness of our vote becomes obvious.

As Chairman MILLS of the Ways and Means Committee has pointed out, this measure is only a beginning, not the end, of our consideration of the social security system. Mr. MILLS has promised to undertake an extensive review of all aspects of social security—disability insurance, hospital insurance, supplementary hospital benefits, and others—and report a comprehensive reform bill to the House next March.

Among the measures to which I hope the committee will give careful consideration is one which I, along with many of my colleagues, have long advocated. It calls for a standard cost-of-living increase in social security benefits, to be applied automatically—as they generally are to civil service and military retirement benefits. Certainly, our senior citizens should not be forced to bear the brunt of inflation, by living on fixed income when wages and prices for the rest of our society are rising. Raising their social security benefits to meet the rising cost of living is not generosity—it is only fairness, and I hope that the Ways and Means Committee will recognize this in their deliberations next year.

For now, however, I applaud the step we have taken—remembering, as I say, that it is only the first of many that we must take to give our senior citizens what they deserve. Yesterday's vote, if accepted by the Senate, will do much to improve the lot of our retired citizens. The average benefit paid to a retired worker would rise from $100 to $116 a month. For a married couple, benefits would rise from $170 to $196 a month. Average widows benefits would rise from $88 to $100 monthly. A disabled worker's benefits would rise from $113 to $130 a month. And a widow with two children would find her social security check rising from $254 to $292 a month.

Some 25 million people would benefit from the increases provided in this bill.

It is, let me reiterate, a beginning to what I hope will be an extensive revamping our entire social security system. But this bill is a good beginning, and I am glad to support it.

COMMITTEE ON THE ENVIRONMENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 17, 1969

Mr. ZWACH. Mr. Speaker, I thank my distinguished colleagues for the support they have given me in proposing a Committee on the Environment. It is now my hope that the Rules Committee will hold hearings on this proposal as soon as its schedule allows. Time is of the essence in this matter because if Congress begins the push for a better environment without the necessary committee framework and professional expertise, it may never assert its proper role in this area which becomes more important to all Americans with each passing day.

HOUSE OF REPRESENTATIVES—*Thursday, December 18, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Glory to God in the highest and on earth peace among men of good will.—Luke 2: 14.

Our Heavenly Father, who hast come into this world of darkness to bring light, into this world of worry to bring peace, and into this world of fear to bring faith, may Thy blessing be upon us and upon each one of our homes this Advent season. Do Thou lead us as we seek earnestly to be worthy followers of Thy wholesome way.

Make our feet to walk along the road to Bethlehem where we may give due honor and praise to Thee whose love gave us Christmas Day. May we so make room for Thee in all our hearts that we may live at peace with one another and in good will with all Thy family.

In the spirit of Him whose birthday we celebrate we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14794. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14794) entitled "An act

making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. CASE, Mrs. SMITH, and Mr. ALLOTT to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 14794, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. BOLAND, MCFALL, YATES, MAHON, MINSHALL, CONTE, and BOW.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 14794, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 14751, MILITARY CONSTRUCTION APPROPRIATIONS, 1970

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill, H.R. 14751, making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

REQUEST FOR CONFERENCE ON DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H.R. 13111, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CONTE. Mr. Speaker, reserving the right to object, I would like to direct a question to someone on the minority side who will be handling this bill. My question is with respect to the so-called Whitten amendment which the gentleman from California (Mr. COHELAN) and I fought, which was passed by this branch by a very close vote, and which has been amended in the Senate.

Should this conference committee not go along with the so-called Scott amendment amending the Whitten amendment, I would like to know whether the right to make a motion to recommit the bill with instructions will be given to me, or to someone of like thinking or whether this motion to recommit will be taken away from us again as it was on the agricultural bill.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, if I may respond to the gentleman from Massachusetts, I think this is rather a unique question, for such a request to be made at this particular time.

I would point out to the gentleman from Massachusetts that the gentleman from Illinois has no real strong feelings one way or another on the issue but when I go into a conference I go there to uphold the position of the House, but we all know that the reason for having a conference is to have some give and take.

As I say, I have no real strong feelings to shut the gentleman from Massachusetts off from any legitimate legislative prerogatives that he might have when the appropriate time comes.

Mr. CONTE. Mr. Speaker, the reason I am doing this, and it may seem out of the ordinary to some of my colleagues, is that I want to be fair about this thing. I do not want to force a rollcall on a motion at this time if we can get some assurances that this right will not be taken away from us later. But I want to make sure that the opportunity will exist for a clear-cut expression by the House on this issue.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I should think, in response to the question asked by the gentleman from Massachusetts, that the distinguished Speaker of the House would be an interested first, second, or third party in this procedure that the gentleman is speaking of. I would think that the Speaker would have something to say about who was recognized.

Mr. CONTE. I am sure that the Speaker will use that prerogative wisely, as he has in the past.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I will be glad to yield to my friend, the gentleman from California (Mr. COHELAN).

Mr. COHELAN. I just want to say that I share the feelings of the gentleman from Massachusetts and I commend him for his great effort. I would like to express the hope, however, that the conferees will adopt the Senate amendment and come back to the House so that we can vote on the Labor and HEW appropriations and get home to our districts for the holidays.

I think the expression by the Senate is very clear. I think the House remembers well what happened last year. The Senate was in disagreement and on a floor vote in the House on three separate votes, we adopted the Senate amendment which, in effect, negated the previous action we had taken which, of course, is exactly what some of us hoped for.

Mr. CONTE. Mr. Speaker, I yield to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Speaker, I wish to commend the gentleman from Massachusetts for the statement he has made under his reservation.

I agree completely with him. Unless this House can be assured of a clear-cut opportunity to express its will on this matter, when the conference report is brought back, a motion to instruct should be offered. If we cannot get that assurance, I would, and the gentleman does not object to sending the bill to conference at this time, I would see that the gentleman will have an opportunity to prepare that motion and have it ready.

Mr. CONTE. I appreciate that and I appreciate the gentleman's offer.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Mississippi.

Mr. WHITTEN. As the gentleman knows, I am not a member of the committee and I did not hear the gentleman's earlier statement, but I did want to say to the gentleman at this time, I recall that he was very insistent on a committee on which I was a conferee to stand by the House position which we worked for a full month. I just wanted to recall that to the gentleman.

Mr. CONTE. Yes, I do recall that and, as I remarked, I have complimented the gentleman from Mississippi many, many times. The gentleman has had great experience in the practice of the law and he is one of the finest parliamentarians I have ever met. I used to have a professor Mr. O'Keefe in remedies back at Boston College law school, and he would say:

> You know, the only way you are really going to learn law and learn all about evidence is by getting your knuckles rapped in the courtroom.

In this session I have had my knuckles rapped many times. That is why I am on my feet today so that it will not happen again, so I will not have the rug pulled out from under me again.

Mr. WHITTEN. The gentleman is overgenerous as he usually is, but I thank him for the kind statement.

Mr. CONTE. I withdraw my reservation at this time.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. FLOOD)?

Mr. O'HARA. Mr. Speaker, I object.

Mr. FLOOD. Mr. Speaker——

The SPEAKER. For what purposes does the gentleman from Pennsylvania (Mr. FLOOD) rise?

Mr. FLOOD. Mr. Speaker, I would offer a motion.

The SPEAKER. The Chair will recognize the gentleman after the 1-minute speeches.

BILLION DOLLAR CHRISTMAS PRESENT

(Mr. PIKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PIKE. Mr. Speaker, sometime between now and the end of the year the Air Force has promised to give to some happy corporation a multibillion-dollar Christmas present. It is called the F–15. It is my opinion—and I might say I got this opinion from the Armed Forces Journal—that the competition has been, is, and will conclude illegally. It is in violation of section 2271, chapter 135, title 10, of the United States Code, which says in essence that the competitors in any major procurement should be told precisely what weightings should be given to each element in the competition, and further states that these weightings shall not be changed during the competition.

The Air Force says that they do not have to obey this law because it derives from a law which was passed in 1926 and is obsolete. This is the Air Force equivalent of saying rape is okay as long as you do not get prosecuted for it. Ignoring this law—and it is being ignored—allows the Air Force to come up with any winner in any competition that political expediency demands. If the Air Force can flout mandatory provisions of the law and the clearly expressed intention of Congress that contracts shall be awarded only on the basis of merit and military considerations, then perhaps the best thing for us to do at this time of the year is to kneel toward the Pentagon and join in singing, "How silently, how silently, the wondrous gift is given."

INSTRUCT LABOR-HEW CONFEREES ON VOCATIONAL SCHOOL

(Mr. NELSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSEN. Mr. Speaker, now that the conference committee on the Labor-HEW bill is about to proceed, I wish to call to the attention of the conferees on the part of the House that in the division of funds for the technical school and liberal arts college, the original passage of the bill and the report that was submitted provided there would be a division of the proceeds of the endowment of the land-grant funds.

However, HEW has ruled the act did not clearly specify that this should be done. Therefore, there has been some problem.

I am hoping that when the conferees go into session there may be some statement put in on the part of the managers that backs up the original intent of those who have sponsored this legislation. I call the attention of the managers on the part of the House to the fact that I was the author of the bill that established the liberal arts college, the vocational school and authored the legislation that qualified the two schools for land-grant funds.

I feel that I am fully aware of what was legislative intent and I do feel that clarification could be incorporated in a statement by the managers of the conference. The vocational school has done such an outstanding job and deserves our every consideration.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Washington.

Mr. ADAMS. I commend the gentleman for his remarks. I support what he said. I hope the conferees will do what the gentleman suggests.

SENATE AMENDMENT TO CUT OFF FEDERAL AID TO COLLEGES THAT FAIL TO CURB DISORDERS

(Mr. HUNT asked and was given permission to address the House for 1 minute.)

Mr. HUNT. Mr. Speaker, I was dismayed by the action taken by the other body yesterday to delete a provision added to the Labor-HEW appropriations that would, in effect, suspend Federal funds to colleges and universities whose administrations fail to effectively insure the rights of the majority of students and faculty by not cracking down on those who deliberately instigate disorderly conduct and disrupt the orderly functioning of those institutions.

In view that the vote was only 49 to 43 in favor of this action, I trust the conferees on the part of both bodies will not yield to minority pressure and will restore this provision to put much-needed backbone into those university administrations which are readily inclined to yield to intimidation by those few distraught and radical revolutionaries who would like nothing more than to close down these institutions. So long as public funds are involved, the hard-pressed taxpayer has every right for once to make a demand of his own that his financial stake in this matter is not abused. Mollycoddling adamant dissidents is a quickly passing fad that must yield to the restoration of good old American commonsense in the recognition that reasoning with the unreasonable is a one-sided flop. We ought to speed the demise of this fad.

SEASONS GREETINGS FROM THE 101 AIRBORNE DIVISION AIRMOBILE

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHADEBERG. Mr. Speaker, I am sure my colleagues would like to read a very brief note I received from a young man from my district. I read without comment for his words speak for themselves:

DECEMBER 12, 1969.

DEAR CONGRESSMAN SCHADEBERG: I'm in hopes that this card finds your family and yourself in good spirits.

Remember in June of 1968 an individual from Racine, Wis. called and asked for assistance getting in the United States Army.

I would like to say once again, thank you for all you've done for me.

You've done more than you'd suspect.

After a tour in Viet Nam and the army, one can't help but be changed.

I've learned more in the last 9½ months over here, than I could in a life time back in the "world."

The simple things of life have so much more meaning to me.

Its changed me for the rest of my life, all for the better.

I wish the people of the world could realize what a precious thing peace is. But, of course, the price of freedom will never be cheap.

I'm proud to have had the chance to serve in Viet Nam under our beautiful stars and stripes.

May we proudly fight for its honor forever.

Sincerely,

STAN CELME.

TROOP WITHDRAWAL

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I rise to applaud the speech given by President Nixon Monday night. The announced withdrawal of an additional 50,000 troops is indeed encouraging. This brings the total cuts he has initiated to 110,000. I would remind my colleagues, in this regard, that the actual troop strength was 542,000 when President Nixon took office last January.

The President was quite candid, once again, about our lack of success at the negotiating table in Paris. His satisfaction, however, with the progress of Vietnamization was obvious. It reinforced similar enthusiasm shown by our former colleague, Secretary of Defense Mel Laird, on ABC's "Issues and Answers" on December 14.

Now, as many of my colleagues know, I have often been critical of U.S. policy in Vietnam. I will, of course, continue to raise my voice when I feel it is necessary to do so.

But I must say that I am very pleased by the tone, and the substance, of President Nixon's latest remarks. For the first time in many years, our brave young troops are coming home. The withdrawals have begun, and I fervently hope the process will continue until every last one is back with us.

I fully endorse this latest move by the President to extricate us from this conflict.

CEILING ON SPENDING

(Mr. ARENDS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, President Nixon yesterday referred to the ceiling we voted on spending last spring as a "rubber ceiling."

Unfortunately, the President was right. It is elastic.

We voted a ceiling that was only as good as our word and our intentions.

Which apparently are elastic, too.

Every time we have voted appropriations to stretch that ceiling we have also stretched our credibility with the American people.

And that credibility, Mr. Speaker, does not have as much give to it as either our fiscal ceiling or apparently, our solemn intentions.

If we continue ignoring our responsibilities in an effort to buy votes and popularity, at the price of those responsibilities we may find we have also lost our credibility with the American people.

Mr. Speaker, I believe it is time we quit thinking of how we can buy the affections of the people and begin thinking about how we can preserve the economy of our country.

CHRISTMAS GIFTS FROM CAPITOL HILL TO SOLDIERS IN VIETNAM

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, I would like to take this opportunity to thank the many Members of this body and the members of their staffs for the generous support which they have given to the project of sending Christmas gifts from Capitol Hill to soldiers in Vietnam. The cash income has been very good—more than $3,000—but we still have a problem.

The work center for getting the packages together and ready for shipment, the shipment that will be undertaken by air through the generosity of the airlines beginning Saturday morning—is in room 1302 of the Longworth House Office Building which is a subcommittee room of the House Committee on Agriculture. We need some help this afternoon in order to get these packages put together for shipment by air. So if any of you have an extra girl, send her up to that room so we can get the job completed.

AUTHORIZING THE RELEASE OF CERTAIN LAND-USE RESTRICTIONS ON A TRACT OF LAND AT EL PASO, TEX.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12535) to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the city of El Paso North-South Freeway.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. GROSS. Mr. Speaker, reserving the right to object, if I remember correctly, this does not call for any expenditures from the Treasury?

Mr. BENNETT. Mr. Speaker, if the gentleman will yield, not a cent.

Mr. GROSS. The use of this land and the land to be taken for this highway purpose will revert to the Federal Government if it ceases to be used for that purpose?

Mr. BENNETT. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 12535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to release or modify on behalf of the United States the land use restrictions and reservations applicable to a tract of land, constituting a portion of a 24.25-acre parcel of land in El Paso, Texas, heretofore conveyed for National Guard and military purposes by the United States to the State of Texas by deed dated November 4, 1954 pursuant to the Act of August 30, 1954 (68 Stat. 974), so that such tract, described in section 2 of this Act may be conveyed by the State of Texas to the city of El Paso as a right-of-way for the construction of the El Paso North-South Freeway.

SEC. 2. (a) The land referred to in section 1 of this Act is located in El Paso County, Texas, being 5.975 acres of land, more or less, out and a part of section 21, black 81, township 2, Texas and Pacific Railroad Company Survey, in El Paso County, Texas, and being a portion of the same land described in a Quitclaim Deed from the United States of America to State of Texas dated November 4, 1954, recorded in volume 1206, page 369, deed records of El Paso County, Texas, said 5.975 acres of land being more particularly described by metes and bounds as follows:

Beginning at a point which is the intersection of the proposed westerly right of way line of United States Highway 54 and the south line of Hayes Avenue, said point bears south 88 degrees 05 minutes 03 seconds east, a calculated distance of 1118.74 feet from the southeast corner of the Intersection of Hayes Avenue, and Pollard Street;

thence south 88 degrees 05 minutes 03 seconds east, 120.69 feet along the said south line of Hayes Avenue to the northeast corner of the Texas National Guard, said corner being a point in the Fort Bliss Military Reservation boundary line;

thence south 01 degrees 56 minutes 18 seconds west, 110.75 feet along the said Military Reservation boundary line to a point in the common property line between the Southern Pacific Railroad Company and the Texas National Guard;

thence south 16 degrees 54 minutes 24 seconds west, 846.56 feet along the said common property line to a point which is the southeast corner of the Texas National Guard;

thence north 86 degrees 38 minutes 45 seconds west, 407.07 feet along the south line of the Texas National Guard to a point in the said proposed westerly right-of-way line;

thence north 26 degrees 52 minutes 55 seconds east, 217.95 feet along the said proposed westerly right-of-way line to a point;

thence north 34 degrees 22 minutes 55 seconds east, 260.00 feet along the said proposed westerly right-of-way line to a point;

thence north 30 degrees 32 minutes 55 seconds east, 571.20 feet along the said proposed westerly right-of-way line to the point of beginning, containing an area of 5.975 acres of land, more or less.

(b) The above legal description may be modified, as agreed upon by the Secretary, the State and the city, consistent with any changes in the right-of-way alinement for the freeway, but in no event shall the total area of this tract exceed six acres.

SEC. 3. The release and conveyance authorized herein shall be upon the following terms and conditions:

(a) That the lands described in section 2 above shall be used only for public highway and related purposes, and if such property shall ever cease to be used for such purposes, all right, title, and interest to such property shall revert to the United States, which shall have the immediate right to entry thereon.

(b) That the structures and improvements presently located on, or adversely affected by, the property to be conveyed, shall be replaced in kind and constructed, at the expense of the city of El Paso, on the adjacent remaining lands of the State of Texas: *Provided,* That the plans for such replacement facilities shall first be approved by the State and the Secretary of the Army, and that no structure shall be removed until satisfactory replacement of the same has been made available.

(c) That the relocated replacement structures and facilities shall be subject to the same restrictions, use limitations and reversionary rights of the United States as set forth in the deed of November 4, 1954, to the State of Texas of the lands involved herein.

SEC. 4. The Secretary of the Army is authorized to impose such additional terms and conditions on the release authorized by this Act as he deems appropriate to protect the interests of the United Staets. All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this Act shall be borne by the city of El Paso.

Mr. BENNETT. Mr. Speaker, this bill would authorize the Secretary of the Army, upon certain conditions, to release or modify the land use restrictions as to approximately 6 acres out of a 24.25-acre parcel of land in El Paso, Tex., conveyed by the United States in 1954 to the State of Texas for National Guard and military purposes. The objective is to enable the State to convey this 6-acre tract to the city of El Paso for the construction of the El Paso North-South Freeway.

The lands involved, together with improvements, comprise a National Guard facility and were formerly a part of Fort Bliss. Pursuant to the act of August 30, 1954 (68 Stat. 974), the Secretary of the Army, by deed of November 4, 1954, conveyed this 24.25-acre parcel of land to the State of Texas subject to the conditions that first, the property be used primarily for training the National Guard and other military purposes, and if it ceased to be so used, title would revert to the United States; second, upon a declaration of war or national emergency the United States may reenter and use said property without charge; third, all minerals, oil and gas are reserved to the

United States; and fourth, rights-of-way for roads and utilities to serve other portions of Fort Bliss are also reserved to the United States.

The city of El Paso has requested the State of Texas to convey to it approximately 6 acres of this facility for the construction of the El Paso North-South Freeway. This is a federally assisted project designated as U.S. No. 54 highway. However, by reason of the statutory and deed restrictions, the State is unable to transfer this property for highway purposes.

H.R. 12535 provides the requisite authority for the Secretary of the Army to release the restrictions and reservations upon certain specified conditions: first, the lands conveyed shall be used only for highway and related purposes, and if such use ceases, title shall revert to the United States; second, all improvements affected shall be replaced in kind on the adjacent State land at the expense of the city; third, plans for the replacement structures are to be approved by the State and the Army; fourth, no structure will be removed until a replacement is available; and fifth, replacement facilities shall be subject to the same rights of the United States as in the deed to the State of November 4, 1954.

The Department of the Army considers that the release of the 6-acre tract as provided in H.R. 12535 would not adversely affect National Guard training or future military requirements, also that the proposed freeway will not be incompatible with present or future military requirements. Accordingly, the Department of the Army interposes no objection to the enactment of H.R. 12535.

Mr. WHITE. Mr. Speaker, I represent the 16th District of Texas, which includes Fort Bliss, the area to which H.R. 12535 pertains. This legislation authorizes and directs the Secretary of the Army to release or modify the land-use restrictions on a 5.975-acre tract of land.

This land is in the path of the proposed North-South Freeway through the Fort Bliss Military Reservation. The freeway is a Federal aid project, a part of U.S. Highway 54, beginning at the Mexican border, and proceeding northward through the city of El Paso and the Fort Bliss Military Reservation to the city limits, where it connects with the present U.S. 54.

Because this highway is equally to the interest of our military installation at Fort Bliss and the civilian community, Fort Bliss has conveyed to the State of Texas all of its own land in the area, as authorized under the Federal-aid Highway program. However, there is a 24.25-acre tract, within the Fort Bliss boundaries, which was conveyed to the State of Texas by the United States, on November 4, 1954, pursuant to an act of Congress of August 30, 1954. (68 Stat. 974). The entire tract, outlined in brown on the map, was conveyed to the State with certain restrictions, the pertinent one being that, should the property cease to be used for the training of the National Guard, and for other military purposes, title would revert to the United States.

This smaller area, at the extreme edge of the tract, is the area needed for the freeway. The Texas National Guard is ready to convey this to the State of Texas Highway Department for building the freeway, but is prevented from doing so by the restrictions which state that, when the property ceases to be used for National Guard or military purposes, it shall revert to the United States. My bill would simply remove those restrictions as they pertain to this area of 5.975 acres. The remainder of this area would continue to be used for National Guard training—and the buildings and equipment located on the smaller tract would be removed, at the expense of the State of Texas and the city of El Paso, to the remaining 18 acres of the tract. The Texas National Guard has stated this will be sufficient for its purposes.

Your committee has a favorable report on this bill, from both the Department of the Army, and the General Services Administration. In each case, the Bureau of the Budget reviewed the report, and advise that, from the standpoint of the administration program, there is no objection to the presentation of the favorable report to the committee.

The General Services Administration, in its report, stated that GSA would prefer that the land be conveyed by the Army to the State of Texas under the Federal aid highway program, I would like to report that the legal staff of the Army, and of the city of El Paso and the State of Texas, investigated this possibility and reported that legislation would be necessary. The General Services Administration therefore says it has no objection to H.R. 12535, which accomplishes the desired results.

The State Highway Department of Texas recently completed construction of Interstate 10, running east and west through the city of El Paso. Its effectiveness will be increased greatly if it can be matched with a major north-south traffic artery. Among its many benefits, it will make Fort Bliss a more effective and more desirable post. It will afford the military better access to the city of El Paso, the International Airport, other major highways, and to the various Fort Bliss training facilities to the north and east in New Mexico. It will also serve to strengthen, even further, the excellent relations between the military and civilian populations of our city, a pleasant relationship which has now existed for 120 years.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJUSTING THE LEGISLATIVE JURISDICTION OVER LANDS, ETHAN ALLEN, AND UNDERHILL, VT.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 59) to authorize the Secretary of the Army to adjust the legislative jurisdiction exercised by the United States over lands within the Army National Guard facility, Ethan Allen, and the U.S. Army Materiel Command Firing Range, Underhill, Vt.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. GROSS. Mr. Speaker, reserving the right to object, am I correct in assuming that there will be no cost to the Federal Government by virtue of the enactment of this legislation and that there will be no loss of property; that is, by way of reversion to any subdivision of government in the State of Vermont?

Mr. BENNETT. The gentleman is precisely correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 59

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of the Army may, at such times as he may deem desirable, relinquish to the State of Vermont all, or such portion as he may deem desirable for relinquishment, of the jurisdiction heretofore acquired by the United States over any land within the Army National Guard Facility, Ethan Allen, and the United States Army Materiel Command Firing Range, Chittenden County, Vermont, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary. Relinquishment of jurisdiction under authority of this Act may be made by filing with the Governor of the State of Vermont a notice of such relinquishment, which shall take effect upon acceptance thereof by the State of Vermont in such manner as its laws may prescribe.

Mr. BENNETT. Mr. Speaker, S. 59 would authorize the Secretary of the Army to adjust jurisdiction now being exercised by the United States over lands within the Army National Guard facility, Ethan Allen, and the U.S. Army Materiel Command Firing Range at Underhill, Vt.

Very simply, this bill would allow State and local officials in Vermont to exercise police jurisdiction over the two military installations.

At the present time, the United States is vested with legislative jurisdiction but neither the military departments nor the U.S. attorney's office located 70 miles away can furnish sufficient staff to provide the necessary police protection. The State and local officials, while willing to do so, are without legal authority to oversee these areas for the reason that exclusive jurisdiction is held by the United States. It is well established that, as long as the United States retains ownership of the subject lands, legislative jurisdiction cannot be revested in the State unless authorized by an act of Congress. It is anticipated that the ability to utilize the combined forces of the Federal, State, and local agencies will result in effective protection and law enforcement in the reservation areas.

This measure is identical to many previous enactments on the same subject with respect to other military reservations all over the United States.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks preceding the passage of the last two bills.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks and include tabular material with regard to the veterans' legislation being considered today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CARE AND TREATMENT OF VETERANS IN STATE VETERANS' HOMES

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9334) entitled "An act to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, strike out lines 15, 16, and 17.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, this bill which passed the House unanimously on June 2, provided three amendments to the laws involving the care and treatment of veterans in State veterans homes. They first authorized the Administrator to pay each State for an eligible veteran cared for in a State home at the rate of $3.50 per day for domiciliary care, $5 for nursing home care, and $7.50 for hospital care.

The second provision authorized the Administrator on a matching fund basis for a period of 10 years to expend as much as $5 million in 1 year for the purpose of renovating and modernizing existing structures providing hospital and domiciliary care. A similar provision is already in effect for the construction of new nursing care facilities at State homes.

The last provision in the bill involved a change in the ratio of nursing care beds which is now 1½ beds per 1,000 war veteran population in a particular State. The house bill had raised this to three. The Senate deleted that provision so that the ratio remains at 1½. My motion would concur in the Senate amendment, thus leaving the ratio as it is today.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

VETERANS' EDUCATIONAL AMENDMENTS OF 1969

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11959), entitled "An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters," with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Veterans Education and Training Assistance Amendments Act of 1969".

TITLE I—INCREASE IN ALLOWANCES FOR EDUCATION AND TRAINING PROGRAMS; AMENDMENTS TO FLIGHT TRAINING AND FARM COOPERATIVE PROGRAMS

SEC. 101. Section 1504(b) of title 38, United States Code, is amended to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full-time	$160	$219	$255
Three-quarter-time	116	160	189
Half-time	80	109	124
Institutional on-farm, apprentice, or other on-job training: Full-time	138	182	219

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 335 (whichever is applicable) of this title, the subsistence allowance prescribed in Column IV of the foregoing table shall be increased by an additional $7.30 per month for each dependent in excess of two."

SEC. 102. (a) Subsection (a) of section 1677 of title 38, United States Code, is amended by striking out the material preceding clause (1), and inserting in lieu thereof the following:

"(a) The Administrator may approve the pursuit by an eligible veteran of flight training where such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation or where generally recognized as ancillary to the pursuit of a vocational endeavor other than aviation, subject to the following conditions:".

(b) The last sentence of subsection (b) of section 1677 of such title is amended by striking out "$130" and inserting in lieu thereof "$190".

(c) Section 1677 of such title is further amended by adding at the end thereof a new subsection as follows:

"(c)(1) In any case in which a veteran wishes to pursue a course in flight training under this section but does not possess a valid private pilot's license and has not satisfactorily completed the number of hours of flight instruction required for a private pilot's license, the Administrator is authorized to make a direct loan to such veteran to pursue the flight training required for a private pilot's license.

"(2) Loans made under this subsection may be made in any amount not exceeding $1,000 or 90 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight-training course are required to pay, whichever amount is less; and such loans shall bear interest at a rate determined by the Administrator, but not to exceed 6 per centum per annum.

"(3) Loans made under this section shall be repayable in equal monthly installments over a period of time not to exceed three years commencing (A) upon the failure of the eligible veteran to enter upon a course of training under subsection (a) of this section within one year after obtaining a private pilot's license, or (B) upon failure to satisfactorily complete such a course of training within one year after enrollment in a course of training under subsection (a) of this section.

"(4) Loans made under this section shall be made upon such other terms and conditions as may be prescribed by the Administrator."

SEC. 103. (a) The table (prescribing educational assistance allowance rates for eligible veterans pursuing educational programs on half-time or more basis) contained in paragraph (1) of section 1682(a) of title 38, United States Code, is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two
Institutional:				
Full-time	$190	$218	$240	$15
Three-quarter-time	140	162	184	10
Half-time	90	107	119	7
Cooperative	155	177	199	10".

(b) Section 1682(b) of such title is amended by striking out "$130" and inserting in lieu thereof "$190".

(c) Section 1682(c)(2) of such title is amended by striking out "$130" and inserting in lieu thereof "$190".

(d) Section 1682(d) of such title is amended to read as follows:

"(d)(1) An eligible veteran who is enrolled in a 'farm cooperative' training program which provides for institutional and on-farm training and which has been approved by the appropriate State approving agency in accordance with the provisions of paragraph (2) of this subsection shall be eligible to receive an educational assistance allowance as follows: $153 per month, if he has no dependents; $182 per month, if he has one dependent; $211 per month, if he has two dependents; and $10 per month, for each dependent in excess of two.

"(2) The State approving agency may approve a farm cooperative training course when it satisfies the following requirements:

"(A) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment; and the course pro-

vides for not less than one hundred hours of individual instruction per year, at least fifty hours of which shall be on a farm or other agricultural establishment (with at least two visits by the instructor to such farm or establishment each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

"(B) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

"(C) The farm or other agricultural establishment on which the veteran is to receive his supervised work experience shall be of a size and character which will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply the major portion of the farm practices taught in the group instruction part of the course.

"(D) Provision shall be made for certification by the institution and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

"(E) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency."

(e) The table (prescribing educational assistance allowance rates for eligible veterans pursuing an apprenticeship or other on-job training) contained in section 1683(b) of such title is amended to read as follows:

"Periods of training	No dependents	One dependent	Two or more dependents
First 6 months	$116	$131	$146
Second 6 months	87	102	116
Third 6 months	58	73	87
Fourth and any succeeding 6-month periods	29	43	58".

SEC. 104. (a) Section 1732(a) of title 38, United States Code, is amended to read as follows:

"(a) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (1) $190 per month if pursued on a full-time basis, (2) $140 per month if pursued on a three-quarter-time basis, and (3) $90 per month if pursued on a half-time basis."

(b) Section 1732(b) of such title is amended by striking out "$105" and inserting in lieu thereof "$155".

(c) Section 1742(a) of such title is amended to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $190 per month. If the charges for tuition and fees applicable to any such course are more than $59 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed $59 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $6.20 that the special training allowance paid exceeds the basic monthly allowance."

SEC. 105. (a) Except as provided in subsections (b) and (c) of this section, the amendments made by this title shall become effective on the first day of the second calendar month which begins after the date of the enactment of this Act.

(b) Section 101, section 102(b), section 103, except subsection (d) thereof, and section 104 of this title shall become effective as of September 1, 1969.

(c) Any veteran enrolled in a farm cooperative course under section 1682(d) of title 38, United States Code, prior to the effective date prescribed in subsection (a) of this section may continue in such course to the end of the current academic year under the same terms and conditions that were in effect prior to such effective date.

TITLE II—SPECIAL ASSISTANCE FOR EDUCATIONALLY DISADVANTAGED VETERANS; PREDISCHARGE EDUCATION PROGRAM; VETERANS' OUTREACH SERVICES PROGRAM; MISCELLANEOUS AMENDMENTS TO VETERANS' AND DEPENDENTS' EDUCATION PROGRAMS

SEC. 201 (a) Subsection (b) of section 1652 of title 38, United States Code, is amended by adding at the end thereof a new sentence as follows: "Such term also means any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field."

(b) Subsection (c) of section 1652 of such title is amended to read as follows:

"(c) The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults."

SEC. 202. (a) Chapter 34 of title 38, United States Code, is amended by—

(1) striking out "section 1678 of this title" in section 1661(c) and inserting "subchapters V and VI of this chapter";

(2) striking out section 1678; and

(3) adding at the end of chapter 34 the following new subchapters:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"§ 1690. Purpose

"It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to encourage and assist institutions of higher education and other educational institutions in the development of programs which provide special instruction, counseling, tutorial, and other educational and supplementary assistance to such veterans, and (3) to encourage and assist institutions of higher education and other educational institutions in the development of special educational programs and projects for such veterans.

"§ 1691. Elementary and secondary education and preparatory educational assistance

"(a) In the case of any eligible veteran who—

"(1) has not received a secondary school diploma (or an equivalency certificate) at the time of his discharge or release from active duty, or

"(2) in order to pursue a program of education for which he would otherwise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution,

the Administrator may, without regard to so much of the provisions of section 1671 as prohibit the enrollment of an eligible veteran in a program of education in which he is already qualified, approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 of this title; except that (1) no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined pursuant to section 1684 of this title; and (2) whenever enrollment in a special educational assistance program cannot feasibly be measured under section 1684, such a program shall be considered full-time training for purposes of this chapter when a minimum of twenty-five net clock hours per week of instruction or other supervised program work is required, and the Administrator shall prescribe the instruction or other work requirements for part-time training for any special educational assistance program.

"§ 1692. Special supplementary assistance

"In the case of any eligible veteran who is enrolled in and pursuing a course of education at an educational institution and who, because of a deficiency in his education or training, needs one or more refresher courses, counseling, tutorial, or remedial assistance, or some other form of special supplementary assistance in order to successfully pursue such course, the Administrator shall, on behalf of the veteran, reimburse the educational institution concerned the reasonable cost of providing such veteran with such special supplementary assistance. The amounts which shall be paid on behalf of an eligible veteran to any educational institution for special supplementary assistance provided him under this subchapter and the terms and conditions under which such assistance shall be provided shall be prescribed in regulations issued by the Administrator after consultation with the Commissioner of Education, but in no event shall the amounts exceed $100 per month on behalf of an eligible veteran.

"§ 1693. Grants and contracts

"(a) To carry out the purposes of this subchapter, the Administrator is authorized, in accordance with regulations issued by him after consultation with the Commissioner of Education, to make grants to and enter into contracts with institutions of higher education and other educational institutions to encourage and assist such institutions to—

"(1) plan and develop programs or projects in connection with the special educational and supplementary assistance programs authorized to be provided to eligible veterans by sections 1691 and 1692 of this title; and

"(2) plan, develop, strengthen, or conduct other special educational programs or projects for eligible veterans, including, but not limited to—

"(A) accelerated and concentrated educational programs;

"(B) educational programs extending beyond the usual period for completion of the course of study at an educational institution; and

"(C) encouraging and training such veterans to pursue public service occupations to meet community needs.

"(b) To carry out the purposes of this subchapter and those of subchapter IV of chapter 3 of this title, the Administrator is authorized, in accordance with regulations issued by him after consultation with appropriate departments and agencies of the Government referred to in section 242(6) of this title, to make grants to and enter into contracts with public and private non-profit organizations for the purpose of providing the outreach services specified in that subchapter to educationally disadvantaged eligible veterans.

"(c) There are authorized to be appropriated to carry out this section $15,000,000 for the fiscal year ending June 30, 1970, and $30,000,000 for the fiscal year ending June 30, 1971.

"§ 1694. Effect on other benefits and on approval requirements

"(a) The benefits received by or on behalf of any veteran under this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this title and shall in no way affect his eligibility or qualification for benefits under other provisions of this title or under other provisions of law.

"(b) The provisions of sections 1673(d) and 1675 of this title shall not apply in the case of programs provided under sections 1691(a)(2), 1692, and 1693 of this title.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"§ 1695. Purpose; definition

"(a) The purpose of this subchapter is to encourage and assist veterans in preparing for their future education, training, or vocation by providing them with an opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces. The program provided for under this subchapter shall be known as the Predischarge Education Program (PREP).

"(b) For the purposes of this subchapter, the term 'eligible person' means any person serving on active duty with the Armed Forces who (1) has served on active duty not less than twelve consecutive months, and (2) has twelve months or less active duty service remaining prior to the time he is expected to be discharged or released from active duty, as certified to the Administrator by the Secretary concerned.

"§ 1696. Payment of training and education expenses

"(a) The Administrator shall, under such regulations as he shall prescribe jointly with the Secretary of Defense and the Commissioner of Education, pay the education and training expenses for any eligible person who enrolls in and pursues a course of education or training offered by an educational institution if such course of education or training is required for or preparatory to any progam of education or training or any vocation such eligible person intended to pursue after his discharge or release from active duty with the Armed Forces.

"(b) The education and training expenses which the Administrator shall pay under this subchapter on behalf of any eligible person shall include the cost of determining suitability for enrollment, job placement, and career guidance, and books and supplies furnished to the eligible person by the institution. In no event shall the Administrator pay more than $150 per month for any course of education or training pursued by any eligible person.

"(c) The cost of any education or training course paid for by the Administrator under this subchapter shall be paid directly to the educational institution furnishing such course.

"(d) In no event shall education or training expenses be paid on behalf of any eligible person for any period in excess of twelve months.

"§ 1697. Approved education or training courses and institutions

"The Administrator shall pay the expenses of a course of education or training pursued by an eligible person under this subchapter only if such course and the educational institution providing such course have been approved, without regard to sections 1673(d) and 1675 of this title, by the Administrator in accordance with regulations issued jointly by the Administrator, the Secretary of Defense, and the Commissioner of Education.

"§ 1698. Educational and vocational guidance

"The Administrator shall be responsible for arranging for and coordinating educational and vocational guidance and job placement assistance to persons eligible for education and training under this subchapter.

"§ 1699. Effect on educational entitlement and benefits

"(a) Education and training expenses under this subchapter shall be paid without charge to any period of entitlement an eligible person may earn pursuant to section 1661 (a) of this title.

"(b) No person shall be eligible to receive educational benefits under this subchapter for any period for which he is receiving an educational assistance allowance under subchapter IV of this chapter."

(b) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by striking out

"1678. Special training for the educationally disadvantaged.";

and by adding at the end thereof the following:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"1690. Purpose.
"1691. Elementary and secondary education and preparatory educational assistance.
"1692. Special supplementary assistance.
"1693. Grants and contracts.
"1694. Effect on other benefits and on approval requirements.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"1695. Purpose; definition.
"1696. Payment of training and education expenses.
"1697. Approved education or training courses and institutions.
"1698. Educational and vocational guidance.
"1699. Effect on educational entitlement and benefits."

(c) Section 1681(a) of such title is amended by inserting ", except subchapter VI," immediately after "this chapter".

SEC. 203. (a) Section 1684(a) of title 38, United States Code, is amended by—

(1) striking out "and" after the semicolon in clause (2); and

(2) striking out clause (3) and inserting in lieu thereof the following:

"(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this paragraph, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year; and

"(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course.

Notwithstanding the provisions of clause (4), a veteran shall be considered to be pursuing a full-time course at a junior college, college, or university if (A) he is carrying a number of semester hours, or the equivalent thereof, necessary to be considered a full-time course under clause (3), (B) credit is granted toward a standard college degree for not less than half the number of those hours, and (C) he is carrying one or more courses not paid for under section 1692 of this title and for which no credit is granted toward such a degree but which he is required to take because of a deficiency in his education."

(b) Section 1733(a)(3) of such title is amended to read as follows: "(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such a college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under clause (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course."

SEC. 204. (a) Chapter 3 of title 38, United States Code, is amended by adding at the end thereof a new subchapter:

"SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

"§ 240. Purpose; definition

"(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of insuring that all veterans, especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration and other governmental programs, receive personalized educational, vocational, social services, and job placement assistance in order to aid them in applying for and obtaining such benefits and services, in achieving a rapid social and economic readjustment to civilian life, and in obtaining a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Veterans' Administration with the affirmative duty of seeking out eligible

veterans and eligible dependents and providing them with such services through, to the maximum extent possible, one integrated Federal program which utilizes personnel who are able to communicate with and provide such assistance in the most effective and meaningful manner and which places maximum emphasis upon personal contact.

"(b) For the purposes of this subchapter (1) the term 'other governmental programs' shall include all programs under State or local laws as well as all programs under Federal law other than those authorized by this title, and (2) the term 'eligible dependent' shall mean an 'eligible person' as defined in section 1701(a)(1) of this title.

"§ 241. Veterans assistance centers and outreach services

"(a) The Administrator shall establish and maintain veterans assistance centers at such places throughout the United States, its territories, Commonwealths, and possessions, as he determines to be necessary to carry out the purposes of this subchapter, with due regard for the geographic distribution of veterans recently discharged or released from active military, naval, or air service, the special needs of educationally disadvantaged veterans, and the necessity of providing appropriate outreach services in less populated areas.

"(b) Veterans assistance centers shall seek especially to provide the outreach services provided for in this subchapter to educationally disadvantaged veterans and such centers shall, to the maximum practicable extent, be located in communities where large numbers of those veterans reside rather than in Federal or other business-district office buildings.

"(c) Special efforts shall be made to employ at veterans assistance centers veterans who themselves reside in the community served or in similar communities and, where possible, who themselves have received assistance from such centers. Personnel assigned to such centers shall be selected with major regard to their ability to communicate with and provide the outreach services authorized in this subchapter directly to educationally disadvantaged veterans in the most effective and meaningful manner.

"(d) Those outreach services that the Administrator shall provide to all eligible veterans and eligible dependents shall include, but shall not be limited to, the following:

"(1) The distribution of full information regarding all benefits and services to which they may be entitled under laws administered by the Veterans' Administration and to which they are entitled under other governmental programs, including training and manpower programs.

"(2) Arranging for and conducting, to the maximum extent possible, person-to-person interviews to explain and answer questions regarding the programs referred to in paragraph (1), and planning an individual program of education, training, or employment as may be best suited to the eligible veteran or eligible dependent concerned, and, in the case of an eligible veteran, an individual program which will also aid him in making a rapid social and economic readjustment to civilian life.

"(3) Providing job and other appropriate referrals and job placement assistance when appropriate, undertaking especially to match the particular qualifications of an eligible veteran or eligible dependent with an available job, on-job training opportunity, or apprenticeship opportunity which is commensurate with his qualifications or vocational objectives, and, if every effort to locate such an opportunity in his home area reveals no such opportunity, furnishing him with a listing of such opportunities available in other parts of the Nation.

"(4) Providing social and other special services necessary to aid them in obtaining maximum assistance from the benefits and services to which they are entitled.

"(5) Providing aid and assistance in the preparation and presentation of claims under this title and in connection with any other governmental program.

"(6) Maintaining full records of the outreach services offered and conducting periodic followup checks to determine the success of individual assistance provided and the success of the program generally.

"(e)(1) The Administrator shall pay the reasonable travel expenses, including per diem for food and necessary lodging, of any eligible veteran or eligible dependent in connection with any interview of such veteran or dependent with an employer or training or apprenticeship director where such interview results from services provided through the outreach services program. The amount paid to any veteran or dependent under this paragraph as a per diem allowance and for travel expenses shall not exceed the amount authorized for such purposes under the Standardized Government Travel Regulations.

"(2) The Administrator shall pay a reasonable moving allowance to any eligible veteran or eligible dependent who obtains employment or is placed in a training or apprenticeship program as a result of services provided through the outreach services program, if (A) every effort made to locate suitable employment or placement in a training or apprenticeship program in the veteran's or dependent's home area has revealed no such opportunity, (B) a moving allowance or similar relocation assistance is not available under any other existing Federal program, and (C) a moving allowance is not provided as a matter of established policy by the employer or by the training or apprenticeship program in which the veteran or dependent is to participate. Such allowance may include reasonable travel expenses for the veteran or dependent and dependent members of his immediate family; reasonable expenses for moving his personal effects and household goods; and reasonable expenses for lodging for not more than a two-week period while seeking housing in the new location. In no case may the amount paid for moving the personal effects and household goods of a veteran or dependent exceed the maximum amount authorized to be paid pursuant to regulations issued by the President under section 5724 of title 5, United States Code, in connection with the transfer of an employee of the Federal Government.

"(3) The Administrator shall, after consultation with the Secretary of Labor, prescribe regulations to carry out the provisions of this subsection.

"(f) To the maximum extent possible, the Administrator shall begin providing the outreach services authorized in this subchapter to members of the Armed Forces prior to their discharge or release from active duty. Such services shall be provided such members at Army, Navy, and Air Force installations, especially those in foreign countries, pursuant to the authority of section 231 of this title.

"§ 242. Coordination with Federal and other agencies

"In carrying out the purposes of this subchapter, the Administrator shall—

"(1) utilize the facilities and services of any other Federal department or agency pursuant to proper agreement with the Federal department or agency concerned;

"(2) cooperate with and use the services of any State or local governmental agency or recognized national or other organization;

"(3) where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization;

"(4) at his discretion, make payment to cover the cost of services either in advance or by way of reimbursement as may be provided by agreement with any such Federal department or agency, State or local governmental unit or other organization;

"(5) at his discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services under contract or agreement; and

"(6) conduct studies, in consultation and coordination with the Department of Health, Education, and Welfare, the Office of Economic Opportunity, the Department of Defense, the Department of Labor, the Department of Housing and Urban Development, and the Urban Affairs Council, to determine the most effective program design to carry out the purposes of this subchapter with respect to locating educationally disadvantaged veterans and assisting and motivating them to pursue education and training under this title.

"§ 243. Reports to Congress

"The Administrator shall submit to the Congress not later than September 1 and March 1 each year a report on the activities carried out under this subchapter, each report to include (1) an appraisal of the effectiveness of the programs authorized herein and the degree of cooperation received from other Federal departments, agencies, other governmental programs, and service organizations, with particular reference to section 241(d)(6) and 242(6) of this title, and (2) recommendations for the improvement or more effective administration of such programs."

(b) The table of sections at the beginning of chapter 3 of such title is amended by inserting immediately after

"236. Administrative settlement of tort claims arising in foreign countries."

the following:

"SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

"240. Purpose; definition.
"241. Veterans assistance centers and outreach services.
"242. Coordination with Federal and other agencies.
"243. Reports to Congress."

SEC. 205. Section 1677(a)(1) of such title is amended by deleting "or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license,".

SEC. 206. Section 1681(d) of title 38, United States Code, is amended by inserting below clause (2) the following: "Notwithstanding the foregoing, the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment."

SEC. 207. Section 1712 of title 38, United States Code, is amended by—

(1) deleting in subsection (a)(3) the words "first occurs" immediately preceding "(A)" and inserting in lieu thereof "last occurs"; and

(2) adding at the end thereof a new subsection as follows:

"(e) The term 'first finds' as used in this section means the effective date of the rating or date of notification to the veteran from whom eligibility is derived establishing a service-connected total disability permanent in nature, whichever is more advantageous to the eligible person."

SEC. 208. (a) Chapter 35 of title 38, United States Code, is amended by adding at the end of subchapter VI thereof a new section as follows:

"§ 1763. Notification of eligibility

"The Administrator shall notify the parent or guardian of each eligible person defined in

section 1701(a)(1)(A) of this chapter of the educational assistance available to such person under this chapter. Such notification shall be provided not later than the month in which such eligible person attains his thirteenth birthday or as soon thereafter as feasible."

(b) The table of sections at the beginning of chapter 35 of such title is amended by inserting immediately below

"1762. Nonduplication of benefits."

the following:

"1763. Notification of eligibility."

SEC. 209. Chapter 36 of title 38, United States Code, is amended as follows:

(1) by inserting at the end of section 1772 thereof the following new subsection (c):

"(c) In the case of programs of apprenticeship where—

"(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

"(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a 'State approving agency' as such term is used in section 1683(a)(1) of this title and shall be responsible for the approval of all such programs.";

(2) by deleting section 1781 of subchapter II in its entirety and inserting in lieu thereof the following:

"§ 1781. Limitations on educational assistance

"No educational allowance or special training allowance granted under chapter 34 or 35 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training."; and

(3) by deleting in the table of sections at the beginning of such chapter the following:

"1781. Nonduplication of benefits."

and inserting in lieu thereof the following:

"1781. Limitations on educational assistance."

SEC. 210. The amendments made by this title shall become effective on the first day of the second calendar month which begins after the date of enactment of this Act, except that the amendments made by section 208 shall become effective July 1, 1970.

Amend the title so as to read: "An Act to amend title 38, United States Code, to increase the rates of vocational rehabilitation, and special training assistance allowances paid to eligible veterans and eligible persons under such title; to improve the flight training and farm cooperative programs; to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans' outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance; and for other purposes."

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in the Senate amendments with an amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Veterans Educational Amendments of 1969".

TITLE I—INCREASE IN EDUCATIONAL AND VOCATIONAL REHABILITATION SUBSISTENCE ALLOWANCES

SEC. 101. Section 1504(b) of title 38, United States Code, is amended to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full time	$130	$176	$205
Three-quarter time	95	130	153
Half time	65	89	100
Institutional on-farm, apprentice, or other on-job training: Full time	113	148	176

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 335 (whichever is applicable) of this title, the subsistence allowance prescribed in Column IV of the foregoing table shall be increased by an additional $6 per month for each dependent in excess of two."

SEC. 102. Section 1677(b) of title 38, United States Code, is amended by striking out in the last sentence thereof "$130" and inserting in lieu thereof "$170".

SEC. 103. (a) The table (prescribing educational assistance allowance rates for eligible veterans pursuing educational programs on half-time or more basis) contained in paragraph (1) of section 1682(a) of title 38, United States Code, is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two
Institutional:				
Full-time	$170	$200	$225	$13
Three-quarter-time	125	149	174	10
Half-time	79	97	110	7
Cooperative	138	162	187	10".

(b) Section 1682(b) of such title is amended by striking out "$130" and inserting in lieu thereof "$170".

(c) Section 1682(c)(2) of such title is amended by striking out "$130" and inserting in lieu thereof "$170".

(d) The table contained in section 1682(d)(2) of such title is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in Column IV, plus the following for each dependent in excess of two:
Full time	$138	$162	$187	$10
Three-quarter time	99	117	136	7
Half-time	66	78	91	4".

(e) The table (prescribing educational allowance rates for eligible veterans pursuing an apprenticeship or other on-job training) contained in section 1683(b) of such title is amended to read as follows:

"Periods of training	No dependents	One dependent	Two or more dependents
First 6 months	$105	$117	$129
Second 6 months	79	91	103
Third 6 months	53	65	78
Fourth and any succeeding 6-month periods	27	39	52".

SEC. 104. (a) Section 1732(a) of title 38, United States Code, is amended to read as follows:

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $170 per month if pursued on a full-time basis, (B) $125 per month if pursued on a three-quarter-time basis, and (C) $79 per month if pursued on a half-time basis.

"(2) The educational assistance allowance on behalf of an eligible person pursuing a program of education on less than a half-time basis shall be computed at the rate of (A) the established charges for tuition and fees which the institution requires other individuals enrolled in the same program to pay, or (B) $170 per month for a full-time course, whichever is the lesser."

(b) Section 1732(b) of such title is amended by striking out "$105" and inserting in lieu thereof "$138".

(c) Section 1732 of such title is further amended by deleting subsection (c).

(d) Section 1742(a) of such title is amended to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $170 per month. If the charges for tuition and fees applicable to any such course are more than $54 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed $54 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $5.60 that the special training allowance paid exceeds the basic monthly allowance."

TITLE II—MISCELLANEOUS AMENDMENTS TO VETERANS' AND DEPENDENTS' EDUCATION PROGRAMS

SEC. 201. (a) Subsection (b) of section 1652 of title 38, United States Code, is amended by adding at the end thereof a new sentence as follows: "Such term also means

any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field."

(b) Subsection (c) of section 1652 of such title is amended to read as follows:

"(c) The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults."

SEC. 202. (a) Section 1673(a) of title 38, United States Code, is amended to read as follows:

"(a) The Administrator shall not approve the enrollment of an eligible veteran in—

"(1) any (A) bartending course, or personality development course, or (B) any sales or sales management course which does not provide specialized training within a specific vocational field; or

"(2) any type of course which the Administrator finds to be avocational or recreational in character unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation."

(b) Section 1673 of such title is further amended by adding at the end thereof a new subsection as follows:

"(e) The Administrator shall not approve the enrollment of any eligible veteran in an apprentice or other on the job training program where he finds that by reason of prior training or experience such veteran is performing or is capable of performing the job operations of his objective at the same performance level as the journeyman in the occupation."

SEC. 203. (a) Subsection (a) of section 1677 of title 38, United States Code, is amended by striking out the material preceding clause (1), and inserting in lieu thereof the following:

"(a) The Administrator may approve the pursuit by an eligible veteran of flight training where such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation or where generally recognized as ancillary to the pursuit of a vocational endeavor other than aviation, subject to the following conditions:".

(b) Section 1677(a)(1) of such title is amended by deleting "or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license,".

SEC. 204. Section 1681(d) of title 38, United States Code, is amended by inserting below clause (2) the following: "Notwithstanding the foregoing, the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment."

SEC. 205. Section 1682 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(e) If a program of education is pursued by an eligible veteran at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such veteran under this section shall be paid at a rate in Philippine pesos equivalent to $0.50 for each dollar."

SEC. 206. Section 1684(a) of title 38, United States Code, is amended by—

(a) striking out "and" after the semicolon in clause (2);

(b) inserting at the end of clause (3) thereof the following:

"Notwithstanding the provisions of clause (3), a veteran shall be considered to be pursuing a full-time course at a junior college, college, or university if (A) he is carrying a number of semester hours, or the equivalent thereof, necessary to be considered a full-time course under clause (3), (B) credit is granted toward a standard college degree for not less than half the number of those hours, and (C) he is carrying one or more courses for which no credit is granted toward such a degree but which he is required to take because of a deficiency in his education; and"; and

(c) adding at the end thereof a new clause (4) as follows:

"(4) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year."

SEC. 207. Section 1712 of title 38, United States Code, is amended by—

(a) deleting in subsection (a)(3) the words "first occurs" immediately preceding "(A)" and inserting in lieu thereof "last occurs"; and

(b) adding at the end thereof a new subsection as follows:

"(c) The term 'first finds' as used in this section means the effective date of the rating or date of notification to the veteran from whom eligibility is devised establishing a service-connected total disability permanent in nature, whichever is more advantageous to the eligible person."

SEC. 208. Section 1723(a) of title 38, United States Code, is amended to read as follows:

"(a) The Administrator shall not approve the enrollment of an eligible person in—

"(1) any (A) bartending course, or personality development course, or (B) any sales or sales management course which does not provide specialized training within a specific vocational field; or

"(2) any type of course which the Administrator finds to be avocational or recreational in character unless the eligible person submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation."

SEC. 209. Section 1732 of title 38, United States Code, is amended by adding at the end thereof a new subsection (d) as follows:

"(d) If a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such person under this section shall be paid at a rate in Philippine pesos equivalent to $0.50 for each dollar."

SEC. 210. Section 1772 of title 38, United States Code, is amended by adding at the end thereof a new subsection (c) as follows:

"(c) In the case of programs of apprenticeship where—

"(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

"(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a 'State approving agency' as such term is used in section 1683(a)(1) of this title and shall be responsible for the approval of all such programs."

SEC. 211. Chapter 36 of title 38, United States Code, is amended as follows:

(a) by deleting section 1781 of subchapter 11 in its entirety and inserting in lieu thereof the following:

"§ 1781. Limitations on educational assistance

"No educational allowance or special training allowance granted under chapter 34 or 35 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training."; and

(b) by deleting in the table of sections at the beginning of such chapter the following:

"1781. Nonduplication of benefits."

and inserting in lieu thereof the following:

"1781. Limitations on educational assistance."

SEC. 212. (a) Section 504 of the Act of October 15, 1968, entitled "An Act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes" is hereby repealed.

(b) Section 506 of the Act of October 16, 1968, entitled "An Act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related Acts" is hereby repealed.

TITLE III—EFFECTIVE DATE

SEC. 301. The amendments made by this Act shall become effective on the first day of the second calendar month which begins after the date of the enactment of this Act.

Amend the title so as to read as follows: "To amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters; to amend chapters 34, 35, and 36 of such title to make certain improvements in the educational programs for eligible veterans and dependents; and for other purposes."

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the motion which I have made preserves the integrity of the House action while at the same time offering a real basis for compromise with the Senate on a reasonable proposal which will do justice and equity to those involved. I have proposed a slight increase in the rates which now amount to more than a 31.8-percent increase for those taking training under the so-called GI bill of rights and approximately 17 percent for those under the vocational rehabilitation program which have their educational costs paid. I hope that speedy concurrence can be had in the other body and that we can send this proposal to the White House so that the beneficiaries may have this increase at the earliest possible time.

I include the following comparative tabulation:

COMPARATIVE PRINT OF H.R. 11959 AS PASSED HOUSE; H.R. 11959 AS PASSED SENATE; HOUSE SUBSTITUTE AMENDMENT; AND CURRENT LAW

Provision	House-passed version	Senate-passed version	House substitute amendment	Present law
Vocational rehabilitation subsistence rates:				
Col. I: Type of training	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 or more dependents	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 or more dependents	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 or more dependents	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 or more dependents
Institutional:				
Full-time	$127 / $173 / $201	$160 / $129 / $255	$130 / $176 / $205	$110 / $150 / $175
Three-quarter-time	92 / 127 / 150	116 / 160 / 189	95 / 130 / 153	80 / 110 / 130
Half-time	63 / 86 / 98	80 / 109 / 124	65 / 89 / 100	55 / 75 / 85
Institutional on farm, apprenticeship or other on-job training: Full-time	109 / 144 / 173	138 / 182 / 219	113 / 148 / 176	95 / 125 / 150
Additional amount for dependents in excess of 2	$6 ($4.0 million)	$7.30 ($12.3 million)	$6 ($4.8 million)	$5.
Flight training program:				
Ancillary flight training	No provision	Provision made (Nominal)	Provision made (Nominal)	No provision.
Monthly rate of charge against entitlement	$165 ($13.2 million)	$190 ($22.3 million)	$170 ($14.9 million)	$130.
Loans for pursuit of private pilot's license	No provision	Provision made ($10.9 million)	No provision	No provision.
Repeal of equivalency alternative	Identical to provision of H.R. 6808 (No cost)	do (No cost)	Provision made (No cost)	Alternative presently contained in current law.
Educational assistance allowance rates:				
Col. I: Type of program	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 dependents / Col. V: More than 2 dependents	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 dependents / Col. V: More than 2 dependents	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 dependents / Col. V: More than 2 dependents	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 dependents / Col. V: More than 2 dependents
	The amount in col. IV, plus the following for each dependent in excess of 2:	The amount in col. IV, plus the following for each dependent in excess of 2:	The amount in col. IV, plus the following for each dependent in excess of 2:	The amount in col. IV, plus the following for each dependent in excess of 2:
Institutional:				
Full-time	$165 / $197 / $222 / $13	$190 / $218 / $240 / $15	$170 / $200 / $225 / $13	$130 / $155 / $175 / $10
Three-quarter-time	121 / 147 / 170 / 9	140 / 162 / 184 / 10	125 / 149 / 174 / 10	95 / 115 / 135 / 7
Half-time	78 / 96 / 109 / 7	90 / 107 / 119 / 7	79 / 97 / 110 / 7	60 / 75 / 85 / 5
Cooperative	133 / 150 / 184 / 9	155 / 177 / 199 / 10	138 / 162 / 187 / 10	105 / 125 / 145 / 7
	($140.2 million)	($210.6 million)	($151.0 million)	
Active duty; less than half-time	Tuition cost, not to exceed full-time rate of $165. ($10.2 million)	Tuition cost, not to exceed full-time rate of $190. ($17.4 million)	Tuition cost, not to exceed full-time rate of $170. ($11.6 million)	Tuition cost, not to exceed full-time rate of $130
Correspondence course monthly entitlement charge	$165 ($11.1 million)	$190 ($19 million)	$170 ($12.7 million)	$130.
Farm cooperative training:				
Col. I: Basis	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 dependents / Col. V: More than 2 dependents	Eliminates existing program with savings clause.	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 dependents / Col. V: More than 2 dependents	Col. II: No dependents / Col. III: 1 dependent / Col. IV: 2 dependents / Col. V: More than 2 dependents
	The amount in col. IV, plus the following for each dependent in excess of 2:		The amount in col. IV, plus the following for each dependent in excess of 2:	The amount in col. IV, plus the following for each dependent in excess of 2:
Full-time	$133 / $159 / $184 / $9		$138 / $162 / $187 / $10	$105 / $125 / $145 / $7
Three-quarter-time	96 / 116 / 134 / 6		99 / 117 / 136 / 7	75 / 90 / 105 / 5
Half-time	64 / 77 / 90 / 4		66 / 78 / 91 / 4	50 / 60 / 70 / 3
	($0.2 million)		($0.2 million)	
Korean conflict type on-farm program	No provision	Provision made (rates): $153, no dependents; $182, 1 dependent; $211, 2 dependents; $10 each dependent in excess of 2. ($0.9 million)	No provision	No provision.

Apprenticeship and other on-the-job training:

Periods of training	No dependents	1 dependent	2 or more dependents	No dependents	1 dependent	2 or more dependents	No dependents	1 dependent	2 or more dependents	No dependents	1 dependent	2 or more dependents
1st 6 months	$102	$114	$127	$116	$131	$146	$105	$117	$129	$80	$90	$100
2d 6 months	76	89	102	87	102	116	79	91	103	60	70	80
3d 6 months	51	64	76	58	73	87	53	65	78	40	50	60
4th and any succeeding 6-month periods	25	38	51	29	43	58	27	39	52	20	30	40
War orphans, widows, and wives education rates:			($11.9 million)			($19.9 million)			($13.0 million)			
Institutional:												
Full-time	$165			$190			$170			$130.		
Three-quarter-time	$121			$140			$125			$95.		
Half-time	$76			$90			$79			$60.		
Less than half-time	No provision			No provision			Tuition cost, not to exceed full-time rate of $170			No provision.		
Cooperative	$133			$155			$138			$105.		
Special restorative training	$165			$190			$170			$130.		
Increased allowances with reduction in entitlement.	Reduced 1 day for each $5.30 on tuition amount over $50 per month ($15.7 million)			Reduced 1 day for each $6.20 on tuition amount over $59 per month ($26.8 million)			Reduced 1 day for each $5.60 on tuition amount over $54 per month ($17.9 million)			Reduced 1 day for each $4.25 on tuition amount over $41 per month.		
Permits dual educational-vocational objectives	No provision			Provision made (Nominal)			Provision made (Nominal)			No provision.		
Elementary level education	No provision			Provision made (Nominal)			Provision made (Nominal)			No provision.		
Special assistance for educationally disadvantaged veterans	No provision			Provision made ($15 million)			No provision			More limited program (38 U.S.C. 1678).		
Predischarge education program	No provision			Provision made ($22 million)			No provision			No provision.		
Veterans outreach services program	No provision			Provision made ($20.5 million)			No provision			Limited program under authority of sec. 231 and 3311 of title 38, U.S.C.		
Full-time academic high school course defined	Provision made (Nominal)			Provision made (Nominal)			Provision made (Nominal)			Measured on clock-hour basis (38 U.S.C. 1684).		
Measurement of full-time college undergraduate course under chs. 34 and 35	No provision			Liberalizes 14-hour requirement ($0.9 million)			No provision			Requires 14-hour minimum.		
Notwithstanding Clause—Non-credit deficiency course counted toward full-time pursuit	No provision			Provision made (Nominal)			Provision made (Nominal)			No provision.		
Earlier initial payment for below college training	Provision made in H.R. 6808 (Nominal)			Provision made (Nominal)			Provision made (Nominal)			No provision.		
Liberalization of periods of eligibility for children under ch. 35 and certain widows and wives	Provision made in H.R. 6808 (Nominal)			Provision made (Nominal)			Provision made (Nominal)			No provision.		
Notification of eligibility of children under ch 35	No provision			Provision made (No cost)			No provision			No provision.		
Approval of interstate transportation apprenticeship programs	Provision made in H.R. 6808 (Nominal)			Provision made (Nominal)			Provision made (Nominal)			No provision.		
Modification on nonduplication of Federal benefits bar.	Provision made in H.R. 6808 ($1.5 million)			Provision made ($1.5 million)			Provision made ($1.5 million)			More stringent requirements (38 U.S.C. 1781).		
Avocational-Recreational Curb:[1]												
Applicable to veterans	Provided only in H.R. 6808			No provision			Provision made			Provides certain limitations.		
Applicable to dependents	Provided only in H.R. 6808 (No cost)			No provision			Provision made (No cost)			Provides certain limitations.		
Apprenticeship limitation[1]	Provided only in H.R. 6808 (No cost)			No provision			Provision made (No cost)			More liberal provision.		
Philippine Education Payment:[1]												
Applicable to veterans	Provided only in H.R. 6808			No provision			Provision made			More liberal provision.		
Applicable to dependents	Provided only in H R. 6808 (Savings: $1.35 million)			No provision			Provision made (Savings: $1.35 million)			More liberal provision.		
Nonduplication Law Repeals:[1]												
Public Health Service	Provided only in H.R. 6808			No provision			Provision made			Not applicable.		
Higher Education Act	Provided only in H.R. 6808 (No cost)			No provision			Provision made (No cost)			Not applicable.		
Effective dates:												
Rates	1st day of 2d calendar month beginning after date of enactment.			Sept. 1, 1969			1st day of 2d calendar month beginning after date of enactment.			Not applicable.		
Notification of children's eligibility	Not applicable			July 1, 1970			No provision			Do.		
All other provisions	1st day of 2d calendar month beginning after date of enactment.			1st day of 2d calendar month beginning after date of enactment.			1st day of 2d calendar month beginning after date of enactment.			Do.		
Farm cooperative: Savings clause	Not applicable			Provision made			No provision			Do.		
Total first Year Cost	($208 million)			($400 million)			($226.25 million)					

Note: (1) H.R. 6808 was passed by the House of Representatives May 19, 1969.
(2) The costs of all itmes through the War orphans, widows and wives education rates column are costed on a first-year basis and therefore are not identical with those shown for fiscal year 1970 on page 69 of Senate Report No. 91-487. All items below that category are for fiscal year 1970 and reflect an effective date of January 1, 1970.

[1] These provisions were contained only in H.R. 6808 as passed by the House and were not included in either the House or Senate passed version of H.R. 11959. The savings which would result from inclusion of the Philippine "peso rate" formula are not reflected in the total first-year cost figures on H.R. 11959, except in the House substitute amendment.

Mr. Speaker, as chairman of the House Veterans' Affairs Committee, I have tried to cooperate with the administration on veterans matters. I fully understand the President's desire to balance the budget and I, too, recognize that the taxpayers cannot make an unlimited commitment to veterans programs. I think my record of responsibility in this field is sufficient evidence to establish my own concern. I have tried to understand the administration's position that the Senate approved 46 percent increase in educational benefits for returning Vietnam veterans was more than the administration wanted, and I understand the Senate has been advised of the possibility of a Presidential veto. It is in an effort to cooperate and avoid a veto that has led me to insist on the House rates with only a small increase, and send this bill back to the Senate.

I should add that the Senate approval of 46 percent is completely understandable if one is to accept the President's own words that the Nation must do more to encourage Vietnam veterans in the educational field. Nevertheless, the later plea for restraint was heard, and we are attempting to cooperate with the administration request. I hope the Senate will accept the House bill and the President will sign it.

This acquiesence to the President's request on educational benefits was done in the spirit of cooperation. However, there is absolutely no basis on which I can go along with the administration actions, which if allowed to stand, will wreck the VA hospital program. The administration policies are undermining the veterans medical program to the point of dangerous dilution in quality. The administration has canceled or delayed needed construction. It has denied needed air conditioning. It has refused funds to staff and operate lifesaving modern equipment already purchased and installed that stands idle while sick and dying veterans are denied the innovative care these facilities can provide.

The Veterans' Administration hospital system has long been considered among the best of Government-operated medical facilities, and this Nation has prided itself in its service to those who have borne the burden of battle. A bipartisan attitude has long prevailed in Congress in the funding of an adequate medical program for America's veterans, and in providing for the educational and housing needs of returning servicemen. We in Congress, of both parties, have always acted in the belief that the finest medical care should be made available to those who served their country in uniform, and especially to those who returned home suffering wounds and service-connected disabilities. The construction program which is being curtailed by the Nixon administration was devised by the Eisenhower administration in cooperation with the Congress.

The present administration has broken that tradition of support for an adequate medical program for our veterans. The actions by the Nixon administration, including the failure of the White House to even respond to urgent pleas to inform the President of the seriousness of the situation, leads me to the irrefutable conclusion that the administration is willing to reduce medical care in VA hospitals to a second class status and to ignore the medical and other pressing needs of returning Vietnam veterans. We are told this is a part of the war on inflation. I take the position that the Vietnam veteran has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war too, at the expense of his health.

I have sought, through the usual channels and through a personal call to the White House, to bring to the attention of the President the deterioration and serious crisis of the VA medical care program. An earlier effort—a letter to the President of November 18—received a perfunctory acknowledgement, and my latest and most persistent plea, a personal telephone call to the White House requesting a meeting with the President to discuss the problem, has not been acknowledged.

I have waited for a week since the request for a meeting was made. That is sufficient time.

Under present budgetary and personnel ceiling policies of the Nixon administration, the entire VA hospital system faces a very grave crisis. This Congress, recognizing the need, repealed the personnel ceiling, but the administration reimposed it administratively. We are told now that the Bureau of the Budget has approved some additional positions for the VA, but many of these had to be allocated to the offices that administer other benefits. There is also the question as to whether extra funds to support these positions are being allotted.

The modest increase in appropriations for the Veterans' Administration this year was mostly eaten up by pay raises for personnel, and sufficient funds are not being made available for increased costs and increased medical needs combined with the greater demand for these services by the returning Vietnam servicemen.

The present staff-patient ratio throughout the VA hospital system is only 1.5 staff to each patient in general medical hospitals and less than one per patient in psychiatric hospitals. This compares unfavorably with the national staff ratio of 2.72 staff for each patient in general medical communities, State and local government hospitals, and three staff per patient in university and teaching hospitals.

The fiscal 1970 budget submitted by the outgoing administration provided for 4,000 additional medical personnel. Even this number would not have been sufficient to bring the staff-patient ratio to a desirable level, but it would have permitted staffing of the modern equipment in various intensive care units. The Nixon administration cut this request, reduced the budget, and now many of these innovative treatment facilities remain idle, even though Congress restored most of the funds.

The restrictions of the administration have caused some hospital wards and beds to be closed. The Nixon administration veteran policies have brought a curtailment in some hospitals of nursing care programs, a reduction in outpatient drug programs, deferral of medical equipment purchases, deferral of maintenance, reduction in food allowances, decreases in research and—worst of all—lack of sufficient personnel to properly staff hospitals and treat our veterans.

Certainly these administration actions are inconsistent with their words. The administration spokesmen say the Nation faces a medical crisis, and point to the extreme shortage of trained medical personnel. The VA hospital system is the world's largest training system for just those personnel, and the original budget included funds for the expansion of the VA education program in the medical field. Mr. Nixon cut these out. Congress has restored them, and it remains to be seen whether the administration will permit their use. And, if the administration is really serious about training other medical personnel, the VA system can provide the most economical avenue to do just that, and train them adequately.

I do not intend to sit idly by and allow the shortsighted attitude of the administration to destroy a medical program that is not only needed, but absolutely necessary, to give adequate care to veterans.

We cannot in good conscience permit the medical care of our veterans to deteriorate into a second-class operation, and unless the direction is reversed, it is about to do just that under the Nixon administration.

My committee is in the process of accumulating the details of the effects of fund reductions on the various hospitals and I expect to make this information available to Members of the House. A Senate committee is holding hearings now and receiving testimony that underscores the concern I have expressed here. I dislike resorting to reciting detailed cases involving individuals who may not have received the best treatment as a way of demonstrating the conditions that exist, but I certainly will do so if it becomes necessary.

There is not the slightest doubt in my mind that the American public expects its injured servicemen to receive the very best quality medical care and I think the American taxpayer will bear this burden with the same dignity that our soldiers bear the battle, and I serve notice here and now that I intend to exert every effort to bring these facts before President Nixon and his administration, and continue to insist that these obligations be met.

The correspondence referred to follows:

NOVEMBER 18, 1969.

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: On Veterans Day I visited the Washington Veterans Administration Hospital and was pleased to learn that you and Mrs. Nixon had toured some of the wards and greeted many of the patients earlier in the day. I am sure this was a thrilling experience for these patients to have an opportunity to meet their President and America's First Lady.

I am certain, Mr. President, that you were

as impressed as I with this most modern medical facility. The physical plant, which has been immaculately maintained since it was dedicated over four and a half years ago, ranks with the best of our nation's medical facilities. The competence and dedication of the hospital staff is likewise outstanding.

However, Mr. President, under present budgetary and personnel ceiling policies, the Washington VA hospital, like almost every other of the 165 in the VA system is facing a grave crisis. This may not be apparent from a brief Veterans Day visit; but the Veterans Administration is being compelled to attempt to operate a first-class medical care program for America's sick and disabled veterans on a second-class budget and with inadequate and arbitrary personnel limitations.

For example, the Washington VA hospital, which we both visited last Tuesday, is operating with about half the hospital staff of comparable private sector hospitals. Consider these comparisons—

The Washington VA hospital has a staff of 1.48 to each patient.

The current ratio throughout the VA hospital system approximates 1.5 staff to each patient for general medical hospitals and 0.93 for psychiatric hospitals.

Several hundred yards away from the Washington VA hospital is a comparable District of Columbia community medical facility with a staff of 3.3 to each patient.

The national staffing ratio average in general medical community and state and local government hospitals is 2.72.

Recently this Committee conducted a comprehensive survey on all VA hospitals. The survey on the Washington VA hospital revealed that at a minimum it was over two hundred personnel short. Translating this into the needs of one hospital, if it is to be staffed at a minimal acceptable ratio of 2.0 staff to each patient, the Washington VA hospital needs 14 more physicians, 94 more nurses and nursing attendants, 16 more lab and pharmacy personnel, 64 more medical administrative and supply personnel, 3 more social workers, 2 more inhalation therapists, and 10 more maintenance personnel.

This means, Mr. President, that the Veterans Administration, which operates the largest single hospital system in the world, is being forced to operate with about half the personnel-patient ratio of the other modern hospital systems elsewhere in our nation. To compound this problem, there have been large increases in VA hospital workload factors between fiscal year 1968 and fiscal year 1969 as follows:

Workload items	Fiscal year 1968	Fiscal year 1969	Change from fiscal year 1968
Admissions	670,600	689,459	+18,859
Patients treated	787,871	800,012	+12,141
Outpatient visits	6,563,787	6,947,074	+383,287
Dental examinations and treatments	920,781	960,231	+39,450
Patients receiving new prosthetic appliances	363,365	391,645	+28,280
Clinical laboratory work units	78,538,657	85,017,251	+6,478,594
Prescriptions filled	10,530,716	11,782,365	+1,251,649

Despite these soaring workloads, Mr. President, when the revised budget was submitted to the Congress in April, it contained a recommendation that over 4,000 medical personnel be cut from the budget recommended in January. In addition to modest increases to relieve other personnel shortages, the January budget included staffing for over twenty million dollars of already constructed life-preserving and life-prolonging heart, kidney, blind, and other sorely needed intensive care units which were not performing their life-saving missions because of inadequate staffing. A list of these facilities is attached.

Mr. President, both the House and Senate have rejected most of the unwise budget cuts which the Bureau of the Budget recommended in the April revised budget. Funds have been voted by the Congress for FY 1970 to take a modest step forward to increase medical personnel in VA hospitals; to maintain a modest level of construction and modernization for VA hospital facilities; and to increase VA medical education and research which is so urgently needed to help solve America's health manpower crisis. I fervently hope that your Administration will use all the FY 1970 funds appropriated by the Congress for the Veterans Administration. Otherwise, the VA medical program will fall hopelessly behind in its capability to deliver first-class medical care to America's veterans.

A survey of all VA hospitals conducted by this Committee in June 1969 revealed that in order to bring the 166 hospitals up to a minimal acceptable staffing ratio of 2.0 to each patient for general medical hospitals and 1.0 for psychiatric hospitals, over 28,000 additional hospital personnel were needed. Under present pay scales, this would cost approximately $240 million. I am aware that this cannot be realistically accomplished in one fiscal year—but we must move ahead—and I therefore urge your Administration, in planning its 1971 VA budget, to urgently consider the very grave funding and personnel deficiencies which now exist in the Veterans Administration.

I particularly hope that special attention will be given to adequately funding the medical education program in the Veterans Administration. In my opinion the VA has a vast reservoir of resources to help solve the "massive health crisis" which was the subject of your July 10, 1969 press conference. I had written Secretary Finch about this serious medical manpower problem on February 3, 1969; however, to my knowledge little if anything has been done to even plan for the full utilization of these VA resources despite promises from Secretary Finch that the Department of Health, Education and Welfare and the Veterans Administration would confer on this vital matter. By June 5, 1969, to my knowledge, no conference had been held, so I sent a wire to Secretary Finch reminding him of this Committee's interest in this problem in which he had expressed so much concern.

When Dr. Egeberg was appointed Assistant Secretary for Health and Scientific Affairs in July, by telegram and letter I called his attention to the lack of action by the Department of Health, Education and Welfare on my suggestion. In responding to my communications on July 18th, Dr. Egeberg explained that he would not return to Washington until the end of August but he stated: "When I return I shall be in immediate touch with you and with Mr. Johnson, the Administrator of Veterans Affairs, so that we can look into definitive ways to pursue the objectives you propose and which the Secretary (Finch) and I share. I reiterate my complete agreement with your view that something must be done and done quickly about health manpower, and I look forward to talking with you as soon as possible.

As of today, Mr. President, there has been no further contact with me or any member of my staff by anyone in the Department of Health, Education and Welfare or the Veterans Administration concerning this urgent matter which I consider most vital to our nation's future health needs. I cannot begin to tell you just how frustrating and disappointing, this inaction is to me and my colleagues on this Committee who have been responsible for expanding medical education in the Veterans Administration medical program. In 1968 alone, this VA program trained over 10,000 medical students and thousands of other para-medical personnel. With a little ingenuity and proper funding, this program could do so much more to solve the health needs of America's veterans and all mankind.

Mr. President, I have written to you personally because I believe you should be aware of these urgent problems. I respectfully urge you to instruct those in your Administration who are responsible for recommending funding and personnel ceiling policies for our veterans program to give a much higher priority to the programs of the Veterans Administration in the future. With the added demands of the Vietnam war, if these matters are not given immediate attention, I feel that the quality of our veterans program will rapidly deteriorate to a completely unacceptable level.

Sincerely,

OLIN E. TEAGUE,
Chairman.

THE WHITE HOUSE,
Washington, November 20, 1969.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I want to acknowledge receipt of your letter of November 18 to the President detailing the Committee survey on the status of Veterans Administration facilities.

You may be assured that your letter and its careful analysis of this matter will be called to the President's prompt attention and we will be in further contact with you shortly.

With cordial regard.

Sincerely,

WILLIAM E. TIMMONS,
Deputy Assistant to the President.

THE WHITE HOUSE,
Washington, November 24, 1969.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further response to your November 18 letter to the President and to assure you that the information you forwarded will be of assistance as work progresses on preparation of the Fiscal Year 1971 budget.

I have also been asked to let you know that both Dr. H. Martin Engle and Dr. Roger O. Egeberg will be in touch with you to discuss further the man-power training program in which you and your Committee are vitally interested.

With cordial regard.

Sincerely,

WILLIAM E. TIMMONS,
Deputy Assistant to the President.

Mr. BROWN of California. Mr. Speaker, I am happy to see progress here today moving H.R. 11959 toward final enactment. This bill originated in the Education and Training Subcommittee. I am honored to serve as chairman of that subcommittee and wish to express appreciation to my colleagues who are members: Hon. THADDEUS J. DULSKI, Hon. WALTER S. BARING, Hon. W. J. BRYAN DORN, Hon. HENRY HELSTOSKI, Hon. ROMAN C. PUCINSKI, Hon. DON EDWARDS, Hon. EDWARD R. ROYBAL, Hon. SHIRLEY CHISHOLM, Hon. SEYMOUR HALPERN, Hon. JOHN J. DUNCAN, Hon. WILLIAM H. AYRES, Hon. WILLIAM LLOYD SCOTT, Hon. JOHN M. ZWACH, and Hon. ROBERT V. DENNEY.

This bill, H.R. 11959, combines most of the provisions of another bill which our subcommittee reported earlier in the year—H.R. 6808. The Senate merged the

two bills, and there are no basic disagreements between the House and Senate on the major provisions of H.R. 6808. This is the bill that will eliminate the bar against duplicate education payments; that is, it will permit a veteran to receive his educational training allowance and at the same time receive the benefits of other Federal scholarship payments for which he may qualify.

Another provision of H.R. 6808 combined into this bill would redefine the amount of training required for veterans pursuing an accelerated high school course. We have all been greatly concerned about the large number of veterans who have not completed high school and who are not taking advantage of this bill to complete their high school education.

Last year we passed a law which provides that high school training will not be charged against a veteran's entitlement. In other words, he may receive benefits but not use up his entitlement. This bill extends this provision to veterans in elementary level education.

With this provision already in law, the provision of this bill which redefines full-time and part-time loads for high school training is of great importance. Under the present requirement of law, a veteran must attend accelerated high school classes 12½ hours a week to qualify for a full-time allowance. This is excessive since most of these individuals must work full time to support themselves and their families.

Under the provisions of this bill, high school training will be defined on a basis of credits or units similar to the method used for regular high school students. Therefore, two units would be considered as half-time training and on the accelerated basis the veteran would be required to attend only 6 to 8 hours a week and would receive a half-time allowance which under this bill would be $85 for a single man and $100 for a married man. This changed provision will create financial support and, I believe, will make possible the finishing of high school by a great many veterans.

The amendments which we have approved here today will raise education and training allowances about 31 percent. The allowance for a full-time single veteran will be $170 a month and for a married veteran $200 a month. Comparable allowances would be paid for part-time training.

The Senate passed a greater percentage increase, more in line with my own position that I would like to see veterans receive as generous allowances as we can provide. At the same time, I share the concern of the chairman growing out of the President's implied veto threat. We are in a dilemma. We want the highest rate possible for veterans but we do not want a vetoed bill.

The Senate added several other provisions which are of great interest to me. These are the outreach programs, the predischarge program for servicemen, and the program of assistance to educationally disadvantaged. If these proposals are not included in the final version adopted by Congress, I am anxious for my subcommittee to study them intensively. As a cosponsor of H.R. 11959, I am happy to see progress in the House. I hope that differences with the Senate may be reconciled soon and that increased assistance can be signed into law.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The Senate amendments, as amended, were concurred in.

A motion to reconsider was laid on the table.

COAST GUARD RESERVE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 13716) to improve and clarify certain laws affecting the Coast Guard Reserve.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) Subsection (b) of section 762 is amended by striking out the words ", but not above the grade of captain".

(2) Section 770 is amended by striking out the figure "795" in both of the places it appears and inserting in lieu thereof, the figure "798"; by redesignating clause "(9)" as "(10)"; and by adding a new clause "(9)" as follows:

"(9) the 'active duty promotion list' is as defined in section 41a of this title."

(3) Section 772 is amended by inserting before the period in the second sentence of subsection (b) the phrase "or because an excess results directly from the operation of mandatory provisions of this or other laws".

(4) Section 774 is amended to read as follows:

"A Reserve officer must be in an active status to be eligible for consideration for promotion and to be promoted under this subchapter. Officers retained in an active status and excluded from promotion by the provisions of section 787 of this title are not eligible for consideration for promotion."

(5) Section 775 is amended by adding a new subsection (f) to read as follows:

"(f) Whenever a selection board is convened to consider officers of the Women's Reserve not serving on active duty, membership of the board shall include, when reasonably available, not less than two members of the Women's Reserve not serving on active duty."

(6) Section 780 is amended—

(A) by amending subsections (c) and (d) to read as follows:

"(c) Each selection board, from among those officers whose names are submitted to it as determined by section 783 of this title, shall recommend for promotion to the next high grade:

"(1) those male officers serving in the grade of lieutenant (junior grade) or above whom it considers to be best qualified;

"(2) those male officers serving in the grade of ensign whom it considers to be fully qualified;

"(3) those officers of the Women's Reserve serving in the grade of lieutenant or below whom it considers to be fully qualified; and

"(5) those officers of the Women's Reserve serving in the grade of lieutenant commander or above whom it considers to be best qualified. The recommendation of a selection board shall be based on comparative fitness for the duties to which officers of the Women's Reserve are normally assigned.

"(d) Before convening a board to recommend officers for promotion to any grade above lieutenant (junior grade), the Secretary shall determine the total number of officers to be selected for promotion to that grade. Unless the Secretary takes action pursuant to the provisions of subsection (c) of section 772 of this subchapter, this number shall be equal to the number of vacancies existing in the grade, plus the number of vacancies estimated for the next twelve months, less the number of officers on the promotion list for that grade."

(B) by adding a new subsection (i) to read as follows:

"(i) Vacancies in all grades shall be filled by the combined total of those officers, male and female, who have been selected for promotion. Selection opportunity for officers of the Women's Reserve to grades above lieutenant commander shall be equivalent to that prescribed for male officers of the same grades. Officers of the Women's Reserve being considered for promotion to the grades of lieutenant commander or below shall be considered and selected in their order of precedence up to the number designated to be selected."

(7) Section 781 is amended to read as follows:

"Officers of the Reserve shall have rank and take precedence in their respective grades among themselves and with officers of the same grade on the active duty promotion list and the permanent commissioned teaching staff in accordance with the dates of rank as stated in their commissions. When Reserve officers and officers on the active duty promotion list or the permanent commissioned teaching staff have the same date of rank in a grade, such officer shall take precedence as determined by the Secretary.

(8) Section 782 is amended—

(A) by amending subsection (a) to read as follows:

"(a) Each officer of the Reserve in an active status not on the active duty promotion list shall be assigned a running mate who shall be the officer of the same grade on the active duty promotion list who is next senior to him in precedence as determined in the manner prescribed in section 781 of this title. Officers who are extra numbers, who have twice failed of selection, or who have not been recommended for continuation under section 289 of this title shall not be assigned as running mates under this section.";

(B) by amending clause (1) of subsection (b) to read as follows:

"(1) If a running mate is promoted from below the promotion zone, is removed from the active duty promotion list, suffers loss of numbers, or fails to qualify for promotion, the new running mate shall be the officer of the same grade on the active duty promotion list who was next senior to the old running mate or if there be no such officer then the most senior officer in that grade on the active duty promotion list. If the old running mate was on a list of selectees for promotion, the new running mate shall be on a list of selectees.";

(C) by amending clause (2) of subsection (b) by striking the words "of the regular Coast Guard, exclusive of extra numbers," and inserting in lieu thereof the words "on the active duty promotion list.";

(D) by amending clause (3) of subsection (b) to read as follows:

"(3) If an officer of the Reserve is considered for promotion at approximately the same time as his running mate and fails of selection, fails to qualify for promotion after selection, or declines an appointment after having been selected for promotion and his running mate is promoted, the new run-

ning mate shall be the next senior officer remaining in the same grade on the active duty promotion list whose name is not on a list of selectees and who is eligible for consideration for promotion.";

(E) by amending clause (4) of subsection (b) to read as follows:

"(4) If an officer of the Reserve was not considered for promotion at approximately the same time as his running mate, and the Reserve officer subsequently is considered and fails of selection or fails to qualify for promotion, such failure shall be deemed to have occurred at the same time as his running mate was considered. His new running mate shall be the next senior officer remaining in the same grade on the active duty promotion list whose name was not on a list of selectees at the time the original running mate was selected.";

(F) by adding a clause (5) to subsection (b) to read as follows:

"(5) In any situation not expressely covered by this subsection or where the assignment of a running mate would result in an inequitable change in precedence, the Secretary may assign an appropriate running mate to effect the intent of this section that no unjust benefit or detriment will result to any officer from the operation of this section.";

(G) by adding a clause (6) to subsection (b) to read as follows:

"(6) A Reserve officer on the active duty promotion list shall become the running mate of all the inactive duty Reserve officers who are junior to him and had a running mate in common with him at the time of his being placed on the active duty promotion list."; and

(H) by adding a subsection (c) to read as follows:

"(c) The Secretary is authorized to adjust, as necessary, the dates of rank of Reserve officers not on active duty so that the dates will correspond with those of the running mates assigned to them in accordance with the provisions of this section. However, the dates of rank of those Reserve officers whose names are on a list of selectees for promotion to the next higher grade at the time of enactment of this subsection, shall not be adjusted until such time as the officers have been promoted. If overpayments of pay and allowances will have resulted from the adjustment of dates of rank, such overpayments shall not be subject to recoupment."

(9) Section 784 is amended by designating the existing section as subsection (a) and by adding a new subsection (b) as follows:

"(b) Notwithstanding any other provision of law, a Reserve rear admiral shall become entitled to the pay and allowances of the upper half for duty performed from the date his running mate becomes so entitled."

(10) Section 787 is amended—

(A) by striking out the first sentence in subsection (a) and inserting in lieu thereof the sentence "Officers of the Women's Reserve in the grades of lieutenant (junior grade) and lieutenant failing of selection for promotion to the next higher grade, and all other Reserve officers after failing of selection for promotion to the next higher grade for a second time, may be retained in or eliminated from an active status in the discretion of the Secretary.";

(B) by striking out the word "Other" in the second sentence and inserting in lieu thereof the word "Those";

(C) by striking out the words between "officers" and "shall" in the second sentence and inserting in lieu thereof the words "who are not retained in an active status"; and

(D) by striking the column heading "Total commissioned service years" and inserting in lieu thereof the heading "Total years of commissioned service".

(11) Section 790 is amended—

(A) by deleting the words "or her" after the word "his";

(B) by deleting the words "in the Regular Coast Guard" after the word "mate";

(C) by deleting the word "Regular" before the words "running mate" in the two places they appear; and

(D) by deleting the words "in the Regular service" after the word "mate" in subsection (a).

(12) Section 791 is amended to read as follows:

"(a) While serving on active duty other than active duty for training, or other than for duty on a board, a Reserve officer shall not be eligible for consideration for promotion or for promotion under the provisions of this subchapter. Such an officer shall be considered for promotion and promoted pursuant to appropriate provisions contained elsewhere in this title. If so promoted, such an officer shall be considered as having been promoted under this subchapter and shall be considered as an extra number in the grade to which promoted for the purpose of grade distribution prescribed in this subchapter and shall not be counted in such distribution until he is released from active duty.

"(b) Notwithstanding provisions of subsection (a) of this section a Reserve officer who, at the time he reports for active duty has been recommended for promotion to the next higher grade under the provisions of this subchapter, shall be promoted to such grade subject to the same conditions as though selected under provisions of law applicable to a Reserve officer serving on active duty.

"(c) A Reserve officer who, at the time he is released from active duty, has been recommended for promotion to the next higher grade under provisions of law applicable to a Reserve officer serving on active duty, shall be promoted to such grade subject to the same conditions as though selected under provisions of this subchapter.

"(d) A failure of selection for promotion to the next higher grade shall be counted for all purposes regardless of whether it occurred under the provisions of this subchapter or under other provisions of law."

(13) The following new sections are added:

"§ 796. Failure of selection for promotion

"(a) A Reserve officer, other than an officer serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for his grade, fails of selection if he is not selected for promotion by the selection board which considered him, or if having been recommended for promotion by the board, his name is thereafter removed from the report of the board by the President.

"(b) An officer shall not be considered to have failed of selection if he was not considered by a selection board because of administrative error. If he is selected by the next succeeding selection board after the error is discovered and is promoted, he shall be given the date of rank and precedence that he would have held if he had been recommended for promotion by the selection board which would have considered him but for the error.

"(c) Those officers of the Women's Reserve in the grades of lieutenant and lieutenant (junior grade) who are junior to the last officer selected by a board pursuant to subsection (i) of section 780 of this title shall not be considered to have failed of selection, and the names of such officers shall be submitted to the next ensuing selection board.

"§ 797. Promotion; acceptance; oath of office

"(a) An officer who has been appointed under the provisions of this subchapter is considered to have accepted such appointment unless delivery of the appointment cannot be effected.

"(b) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5, United States Code, is not required to take a new oath upon his appointment in a higher grade.

"§ 798. Rear admiral; maximum service in grade

"A Reserve rear admiral, unless retained in or removed from an active status under other provisions of law, shall be removed from an active status on the date he completes five years of service in the permanent grade of rear admiral."

SEC. 2. (a) Reserve officers in each grade who have been recommended as qualified for promotion under laws and regulations in effect the day before the effective date of this Act but not promoted to the grade for which they were recommended shall be placed on a list in the order of their precedence, an they shall be promoted as if they had been selected for promotion in the approved report of a selection board convened under the provisions of title 14, United States Code, as amended by this Act.

(b) Reserve officers who have failed of selection for promotion to the next higher grade under laws and regulations in effect the day before the effective date of this Act shall be deemed to have failed of selection for promotion to the next higher grade under the provisions of title 14, United States Code, as amended by this Act.

(c) The enactment of this Act does not terminate the appointment of any officer.

With the following committee amendment:

On page 4, following line 19, insert the following:

"Notwithstanding any other provision of law, Reserve officers shall not lose precedence when transferred from the Reserve promotion list to the actice duty promotion list or vice versa nor shall their dates of rank be changed due to such transfers.

"Reserve officers, when on the active duty promotion list, shall be promoted in the same manner as are other officers on the active duty promotion list regardless of the length of their active duty service."

The committee amendment was agreed to.

Mr. GARMATZ. Mr. Speaker, some 5 years ago, the committee reported and the House enacted a bill to transform the promotion practices of Coast Guard Regulars to conform to that of the other armed services by substituting a best qualified for a fully qualified system. The same problems that justified such a move with respect to the Regulars now exists with respect to Reserves and that is a bulge arising out of the many commissions granted during World War II years.

The present system among the Reserves reduces the opportunity for promotion and has a bad effect on the quality of officer material available from that source.

This bill would provide a system identical with that of the other armed services and identical to that utilized for the Coast Guard Regulars which has proven so effective during the past 5 years.

I strongly urge its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. COHELAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 337]

Abbitt	Fulton, Tenn.	Podell
Andrews, Ala.	Fuqua	Powell
Ashley	Giaimo	Purcell
Baring	Goldwater	Reifel
Barrett	Green, Pa.	Rivers
Bolling	Gubser	Rooney, Pa.
Cahill	Hall	St. Onge
Celler	Hanna	Scheuer
Chisholm	Hébert	Sisk
Clay	Kirwan	Skubitz
Conyers	Kluczynski	Taft
Coughlin	Lipscomb	Tunney
Cunningham	Long, La.	Van Deerlin
Dawson	Martin	Whalley
Diggs	Moss	Wiggins
Fascell	Pelly	
Ford, Gerald R.	Pepper	

The SPEAKER. On this rollcall 383 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 15090, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1969.)

Mr. MAHON. Mr. Speaker, this is the conference report on the Defense appropriation bill for the fiscal year which ends June 30, 1970.

The bill passed the House on December 8, 1969, and passed the other body on December 15, 1969. The conference report provides $69,640,568,000. This is below the House bill by $319,480,000, and is above the Senate bill by $317,912,000.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, so as to better explain in detail the content of the conference agreement.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, the bill is not radically different from the form in which it passed the House. It does provide a cut in defense spending this year of about $3 billion, and does provide a $5,637,632,000 reduction in appropriations. Extensive detail appears in the reports of the two Houses and in the floor debate here on December 8, 1969. A summary of the actions of the two Houses compared with the budget and last year's appropriations follow:

DEFENSE APPROPRIATION BILL, 1970

SUMMARY OF APPROPRIATIONS

Item	1969 appropriation (NOA)	1970 revised budget estimate (NOA)	Passed House	Passed Senate	Conference action	Conference action compared with— 1969 appropriation	Revised budget estimate	House	Senate
Title I, military personnel	$21,427,103,427	21,641,900,000	21,057,200,000	20,831,300,000	20,834,800,000	−592,303,427	−807,100,000	−222,400,000	+3,500,000
Title II, retired military personnel	2,450,000,000	2,735,000,000	2,735,000,000	2,735,000,000	2,735,000,000	+285,000,000			
Title III, operation and maintenance	22,355,818,000	21,792,100,000	20,878,100,000	20,920,441,000	[1] 20,860,100,000	−1,495,718,000	−932,000,000	−18,000,000	−60,341,000
Title IV, procurement	20,619,500,000	20,886,800,000	18,092,148,000	17,454,818,000	17,841,848,000	−2,777,652,000	−3,044,952,000	−250,300,000	+387,030,000
Title V, research development test and evaluation	7,549,828,000	8,222,400,000	7,197,600,000	7,381,097,000	7,368,820,000	−181,008,000	−853,580,000	+171,220,000	−12,277,000
Total	74,402,249,427	75,278,200,000	69,960,048,000	69,322,656,000	69,640,568,000	−4,761,681,427	−5,637,632,000	−319,480,000	+317,912,000
Distribution by organizational component:									
Army	24,473,208,223	23,955,300,000	22,348,000,000	22,109,361,000	[1] 22,134,020,000	−2,339,188,223	−1,821,280,000	−213,980,000	+24,659,000
Navy	20,698,463,204	22,804,000,000	20,809,548,000	20,535,469,000	[1] 20,802,248,000	+103,784,796	−2,001,752,000	−7,300,000	+266,779,000
Air Force	25,058,824,000	23,959,434,000	22,359,634,000	22,244,160,000	22,268,634,000	−2,790,190,000	−1,690,800,000	−91,000,000	+24,474,000
Defense agencies	1,721,754,000	1,824,466,000	1,707,866,000	1,698,666,000	1,700,666,000	−21,088,000	−123,800,000	−7,200,000	+2,000,000
Retired military personnel	2,450,000,000	2,735,000,000	2,735,000,000	2,735,000,000	2,735,000,000	+285,000,000			
Total	74,402,249,427	75,278,200,000	69,960,048,000	69,322,656,000	69,640,568,000	−4,761,681,427	−5,637,632,000	−319,480,000	+317,912,000

[1] Prior balances transferred to fiscal year 1966.

I would now like to highlight the significant differences between the report of the conferees and the bill as passed by the house.

MILITARY PERSONNEL

With respect to military personnel, the conference report is $222,400,000 below the House bill. This reduction is in consonance with the additional troop withdrawal from Vietnam announced by the President on Monday evening, December 15.

OPERATION AND MAINTENANCE

The conferees agreed to provide for the funding of International Military Headquarters in the Defense appropriation bill rather than in the Foreign Operations appropriation. This supports the position taken in the House version of the Defense bill and is in accord with the budget proposal of the Department of Defense. This arrangement should provide the Department a better management position.

It was agreed that the training of Navy and Air Force helicopter pilots in fixed-wing aircraft was an unnecessary expense. The Army does not follow this practice and the conferees agreed that the Navy and Air Force should discontinue fixed-wing aircraft training for helicopter pilots by December 31, 1970.

PROCUREMENT

The conferees agreed to a Senate reduction of $10,000,000 in the MBT–70 Main Battle Tank program.

The $8,500,000 proposed by the Senate for advance procurement of F–14 fighter aircraft in fiscal year 1971 was deleted. As proposed originally in the House, no funds are provided committing the Congress to the support of production runs of F–14 aircraft. The conferees provided funds for three additional test aircraft in the Navy's R.D.T. & E. appropriation, as proposed by the Senate.

The conferees provided $354,700,000 for the conversion of four Polaris submarines to the Poseidon configuration instead of six conversions as proposed by the House and two conversions, and four related overhauls, as proposed by the Senate.

A total of $110,000,000 was provided in advance procurement funding for new construction of five SSN–688 class high-speed submarines in fiscal year 1971, instead of $90,000,000 for four such submarines as proposed by the Senate.

The Navy was provided a total of $126,300,000 for the MK–48 torpedo program, as proposed by the Senate. This amount is $27,800,000 more than was proposed by the House.

The conferees agreed to the funding of $10,000,000 for the procurement of the Air Force's Short Range Attack Missile—SRAM—as proposed by the Senate.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conferees strongly urge the discontinuance of the Army's Project Mallard, an international program for the development of a tactical communications system for the field armies of the four participating countries. It was also agreed that two other communications systems be discontinued.

A total of $8,000,000 was provided for the Navy's Condor air-to-surface missile, and $100,000,000 was provided for the

Underwater Long-range Missile System, both as proposed by the Senate.

The conferees agreed to provide $2,000,000 for the development of the A–X close air support aircraft for the Air Force, as proposed by the Senate.

GENERAL PROVISIONS

The conferees agreed to the language of the House bill with respect to certain payments in connection with international military headquarters. In addition, the conferees adopted the Senate language (a) limiting availability of multiyear appropriations, and (b) prohibiting the use of funds to finance the introduction of U.S. ground combat troops into Laos and Thailand.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York, Mr. Stratton.

Mr. STRATTON. Mr. Speaker, I thank the gentleman from Texas for yielding to me. It was my understanding that the conference report included a reference to the language that appeared earlier in the authorization conference report, and which was also referred to in the defense appropriation bill as it passed the House, with respect to $20 million of the money appropriated for research and development for the Army to be expended exclusively for further research on the use of the Shillelagh antitank missile in an infantry mode, looking toward its possible use in place of the Tow antitank missile, rather than developing two missiles for this purpose.

Mr. Speaker, I do not see this reference in either the section on missiles and aircraft for the Army, or in the R. & D. for the Army, and I wonder if the chairman, the gentleman from Texas, could enlighten me as to the actual decision within the conference committee on that point?

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I think I may be able to help clarify this situation for the distinguished gentleman from New York.

This was not an item that was in conference. I believe the gentleman from New York has reference to permissive language that was carried in the Senate report, which would have made it possible for the Shillelagh testing to continue. Since the item was not in controversy and was not before the conference, the language of the Senate report would prevail, and the situation would be the same as set forth in the Senate report.

Mr. STRATTON. It is my understanding that the Senate language in the report on their appropriation bill—and I am not sure of this, but it is my understanding—actually deleted any reference to the expenditure of any funds for this Shillelagh testing, on the ground that there had been specific authorization for that item. But the decision of the authorization conference report was that that item was to come out of the overall research and development funding for the Army. I had been most anxious that any language should not prevail in this conference report that would prevent the Army from carrying out these tests.

If such language were to prevail in the conference report, then the Army would be unable to continue this testing of the Shillelagh, antitank missile in the ground mode, looking toward ultimate savings in the future as a result of having just one missile in the Army for antitank purposes instead of two.

Mr. MAHON. As chairman of the conference, I would say it is my understanding that the Army would be permitted to continue with the testing of the Shillelagh as a weapon for ground forces.

Mr. STRATTON. May I ask the chairman of the committee to say whether it would be his interpretation that these remarks and our interchange here today indicate not only permission to the Army to do this testing, but also the desire of the committee and of the House, if the conference report is adopted, that that testing should continue.

Mr. MAHON. I believe that would be a fair statement.

Mr. MINSHALL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. MINSHALL. Mr. Speaker, I would like to point out to my friend, the gentleman from New York, that the Senate report on page 111, at the bottom of the page, talking about the Shillelagh problem says:

> The House bill does not provide funds for this purpose. The committee has no objection to the use of a reasonable amount to investigate the feasibility of this proposal. However, no additional funds have been provided for this purpose. The initiation of a full-scale development program for this proposal is to be considered as a matter of special interest.

Mr. STRATTON. I want to thank my friend, the gentleman from Ohio, for pointing that out. My only query was whether this language permits the Army, in fact encourages the Army, to continue this testing. It was the intention of the authorization conference committee that the Army should take these funds out of the overall research and development funds appropriated to them, and they would decide which other program they wanted to take the money from.

Mr. MINSHALL. I think it is quite clear that that is the intention, that they should go ahead.

Mr. MAHON. I think it would be true that while the committee of conference does not encourage the Army to take such steps, there is nothing to prevent the Army from initiating this kind of step in seeking the concurrence of the appropriate committees.

Mr. STRATTON. Mr. Speaker, I thank the gentleman and appreciate his helping in making this legislative history.

Mr. MINSHALL. Mr. Speaker, I have no further requests for time on this side. I would like to point out that this was a very good conference. I think the position of the House has been well maintained, and I heartily endorse the conference report.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. YATES. Did the Senate make any changes in the appropriation for Safeguard ABM?

Mr. MAHON. No changes are in the bill. The bill contains over $700 million for the Safeguard ABM program.

Mr. YATES. That is still going forward?

Mr. MAHON. Yes.

Mr. YATES. I thank the gentleman.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. DONOHUE). The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: Page 7, line 2, insert: "*Provided*, That not to exceed $142,165,000, in the aggregate of the unobligated balances of appropriations made under this head for prior fiscal years, and subsequently withdrawn under the Act of July 25, 1956 (31 U.S.C. 701), may be restored and transferred to the appropriation account under this head for fiscal year 1966."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: Page 8, line 20, insert: "*Provided*, That not to exceed $66,000,000, in the aggregate of unobligated balances of appropriations made under this head for prior fiscal years, and subsequently withdrawn under the Act of July 25, 1956 (31 U.S.C. 701), may be restored and transferred to the appropriation account under this head for the fiscal year 1966."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: Page 9, line 15, insert: ": *Provided*, That not to exceed $2,500,000, in the aggregate of unobligated balances of appropriations made under this head for prior fiscal years, and subsequently withdrawn under the Act of July 25, 1956 (31 U.S.C. 701), may be restored and transferred to the appropriation account under this head for the fiscal year 1966.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that amendments in dis

agreement numbered 20, 22, 24, 26, 27, 29, 31, 33, 34, 36, 38, 40 and 41 be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Senate amendment No. 20: Page 16, line 3, strike out: "for obligation until June 30, 1972" and insert "until expended."

Senate amendment No. 22: Page 16, line 18, strike out: "for obligation until June 30, 1972" and insert: "until expended."

Senate amendment No. 24: Page 17, line 7, strike out: "for obligation until June 30, 1974" and insert "until expended."

Senate amendment No. 26: Page 18, line 8, strike out: "for obligation until June 30, 1972" and insert: "until expended."

Senate amendment No. 27: Page 18, line 18, strike out: "for obligation until June 30, 1972" and insert: "until expended."

Senate amendment No. 29: Page 19, line 14, strike out: "for obligation until June 30, 1972," and insert: "until expended."

Senate amendment No. 31: Page 20, line 8, strike out: "for obligation until June 30, 1972" and insert: "until expended."

Senate amendment No. 33: Page 20, line 25, strike out: "for obligation until June 30, 1972" and insert "until expended."

Senate amendment No. 34: Page 21, line 14, strike out: "for obligation until June 30, 1972" and insert: "until expended."

Senate amendment No. 36: Page 21, line 25, strike out: "for obligation until June 30, 1971," and insert: "until expended."

Senate amendment No. 38: Page 22, line 7, strike out: "for obligation until June 30, 1971" and insert: "until expended."

Senate amendment No. 40: Page 22, line 15, strike out: "for obligation until June 30, 1971" and insert: "until expended."

Senate amendment No. 41: Page 22, line 25, strike out: "for obligation until June 30, 1971" and insert: "until expended;".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendments of the Senate numbered 20, 22, 24, 26, 27, 29, 31, 33, 34, 36, 38, 40, and 41 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: Page 44, line 9: Strike out:

"SEC. 642. Appropriations heretofore made available for Procurement of Equipment and Missiles, Army; Procurement of Aircraft and Missiles; Navy; Other Procurement, Navy; Procurement, Marine Corps; Aircraft Procurement, Air Force; Missile Procurement, Air Force; Other Procurement, Air Force; and Procurement, Defense Agencies shall not be available for obligation after June 30, 1972. Appropriations heretofore made available for Shipbuilding and Conversion, Navy, shall not be available for obligation after June 30, 1974. Appropriations heretofore made available under the headings Research, Development, Test, and Evaluation, Army; Research, Development, Test and Evaluation, Navy Research, Development, Test, and Evaluation, Air Force; and Research, Development, Test, and Evaluation, Defense Agencies shall not be available for obligation after June 30, 1971.

And insert:

"SEC. 642. (a) Amounts, as determined by the Secretary of Defense and approved by the Director of the Bureau of the Budget, of any appropriations of the Department of Defense available for procurement (except Shipbuilding and Conversion, Navy) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for three or more fiscal years, shall be proposed for rescission.

"(b) Amounts, as determined by the Secretary of Defense and approved by the Director of the Bureau of the Budget, of any appropriations of the Department of Defense available for Shipbuilding which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for five or more fiscal years, shall be proposed for rescission.

"(c) Amounts, as determined by the Secretary of Defense and approved by the Director of the Bureau of the Budget, of any appropriations of the Department of Defense available for research, development, test and evaluation (except Emergency Fund, Defense) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for two or more fiscal years, shall be proposed for recission."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: Page 45, line 23, insert:

"SEC. 643. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein.

The motion was agreed to.

A motion to reconsider the vote by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Defense appropriation bill, just passed, and I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the conference report in connection with the Defense appropriation bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXECUTIVE PROTECTIVE SERVICE

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 754 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 754

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 754 provides an open rule with 1 hour of general debate for consideration of H.R. 14944 to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

The purpose of H.R. 14944 is to enable the President to meet his constitutional responsibility to assure to the duly accredited representatives of foreign governments to the United States, at the seat of government, the security of person and property that the laws of this Nation assure to its own citizens.

There are 117 diplomatic missions in Washington, D.C., and the immediately surrounding area. At the present time, the protection of foreign embassies is a responsibility of the Metropolitan Police Department. Over the past 4 years incidents at embassies and crime involving diplomatic personnel have shown a marked increase and the foreign diplomatic corps has constantly complained to the Department of State concerning disturbances, harassment, and the high incidence of crime involving foreign embassies and their employees. Ambassadors and other high diplomatic officials have demanded that the National Government fulfill its obligation to maintain the security of foreign diplomatic missions located in this country.

The demands upon the Metropolitan Police Department in carrying out its citywide responsibilty to the general public for law enforcement and protection are already overwhelming and they cannot provide the necessary protection. The State Department has no security personnel even remotely qualified to meet the needs involved.

The White House Police, who are under the supervision of the Director of the Secret Service, are uniquely qualified by training and the responsibilities already assigned to them under existing

law to meet this need. Their assignment to embassy protection will center responsibility in the Federal Government, where it belongs.

H.R. 14944 will change the name of the White House Police to Executive Protective Service, which more adequately describes the functions already assigned to it as well as the function to be added here. In addition, the legislation will extend the jurisdictional area within which the Service may function to the metropolitan area surrounding the city of Washington itself. Some embassies are already located outside the city limits, and it may reasonably be assumed that other embassies will so locate in the future. To carry out its function, the Service must be able to protect these embassies as well as those located within the city proper.

In order for the Service to adequately carry out its additional authority, the number of personnel assigned to it will be increased from the present 250 to not more than 850.

Mr. Speaker, I urge the adoption of House Resolution 754 in order that H.R. 14944 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 754 provides for 1 hour of general debate under an open rule on H.R. 14944. As the gentleman from New York (Mr. DELANEY) has ably stated, the purpose of the bill is to provide increased protection to the foreign diplomatic missions accredited to the President.

There are now 117 diplomatic missions in the Washington area. In the past few years the incidence of crimes involving diplomatic personnel have greatly increased, and this fact has been brought to the personal attention of the President. In response, he has requested this legislation.

The bill reconstitutes the White House Police as the Executive Protective Service. The authorized strength is increased from 250 to 850. The force will continue to be a part of the Department of the Treasury under the direct supervision of the Director of the Secret Service.

The jurisdiction of the Executive Protective Service will extend to the Metropolitan Washington area, where the accredited foreign diplomatic missions are located. Additionally, the President may authorize protection for diplomatic personnel at places outside of Washington, but within the United States, its territories, and possessions on a case-by-case basis as he deems necessary.

The committee report stresses that local police efforts to combat crime and to carry out normal and regular duties in connection with diplomatic personnel are not superseded by this legislation. The bill seeks to insure adequate protection from such events as demonstrations or other large disturbances occurring at or near foreign diplomatic missions. Local police departments throughout the country will continue to be responsible for the protection of consular missions and traveling diplomatic personnel as a normal and regular part of their responsibilities in this field.

There are no minority views. The Department of the Treasury and the Department of State support the legislation.

Mr. Speaker, at this time I yield 10 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the rule and the legislation, H.R. 14944, which it would make in order, which would increase the White House Police force from 250 to 850.

I do so with great reluctance, Mr. Speaker, because I am ashamed as I believe every Member of this House must be ashamed, to have to admit to the world that the Capital City of the United States of America is unsafe.

The strength of our Government and the foreign governments we deal with depends largely on the protection and freedom we provide the leaders of those governments in carrying out their duties. Good government cannot exist if it has to operate in fear or amidst gunfire. It cannot exist if its leaders live in peril or lose their lives by acts of wanton radicals or psychopathic gun toters.

Unfortunately, the legislation we are considering here today does not merely, as the committee report states, assure to the duly accredited representatives of foreign governments to the United States, at the seat of government, the security of person and property that the laws of this Nation assure its own citizens. What it really does is assure the representatives of foreign governments protection it does not and cannot assure the residents of the District of Columbia or any other visitors to the Nation's Capital at this time.

The committee acknowledges that the need for expanding the protective forces for diplomatic officials has arisen because of the marked increase in incidents at embassies and crime involving diplomatic personnel. It hastens to add that the fact that necessary protection cannot be provided here is not an adverse reflection on the Metropolitan Police Department. I emphatically agree. The Metropolitan Police Department is one of the finest and best trained in the country. So why do we not face it, Mr. Speaker. If the Metropolitan Police Department was receiving the full support of the legislative and executive branches of our Government it deserves, we would today simply be adding additional manpower to that Department, if necessary, rather than attempting to build up another department responsible to the Secretary of the Treasury to do the job.

We are told that the expanded force, called the Executive Protective Service, will not be expected to provide full protection for embassy personnel, but that it will supplement protection now provided by the Metropolitan Police Department. There is no question among any of us, I am sure, about the need for additional protection, but this seems to me to be a piecemeal approach which cannot solve the real problem in the Nation's Capital.

I am concerned, Mr. Speaker, that we may, by including the protection of diplomatic personnel in the duties of the force, weaken rather than strengthen the protection we now provide the President of the United States and the Executive family. Where would they draw the line, Mr. Speaker, if riots broke out at several embassies simultaneously throughout the city and suburbs? Would they guarantee that a maximum security force remained at the White House and with the President at all times, or would they, finding all quiet at the White House, make the mistake of leaving it relatively unprotected and vulnerable while the security force was racing into all parts of the city?

I might point out that the Treasury Department expressed the same concern that I am expressing here now during their testimony in hearings conducted by the House Committee on the District of Columbia last year in an effort to solve the same problem we are talking about now. This is the problem of fragmented police protection in the District of Columbia. Do you realize that we have seven police departments operating here? We have the White House Police, the Park Police, the Metropolitan Police, the Capitol Police, the Zoo Police, the Supreme Court Police, and the Airport Police. Last year we considered legislation that would merge the first five police departments I mentioned under one commission appointed by the Congress so that we could coordinate the training and recruiting and services of protection that must be provided by these police departments with particular concern and acknowledgement of the Federal responsibility to provide protection for the foreign embassies as well as our national leaders and the American citizens and the citizens of the District of Columbia. However, here is what the Treasury representative said during those hearings last year on what I say is essentially the same problem.

The White House Police force protects the White House, Executive Offices and grounds, and the President and his immediate family. The Secretary of the Treasury is charged with the supervision of the force and he has delegated his functions to the Director of the Secret Service as it has the statutory responsibility for protection of the Chief Executive and his immediate family.

The responsibilities of the White House Polices are interwoven with those of the Treasury Department and particularly the Secret Service in every aspect of its operation and administration. To fragment the direction and supervision of the existing protective system could compromise the effective coordination of the efforts of the Secret Service and the White House Police to guarantee the physical security of the President of the United States.

The White House Police force is a highly specialized unit whose duties are related to the physical security of the Chief Executive, his family, and certain property as defined by statute. Their responsibilities are not as broad as those of the municipal police force. The officers receive special training from the Secret Service in addition to basic police training. Once on board they work under experienced senior personnel carrying out their functions as a security force under the most trying circumstances.

Mr. Speaker, what has caused the Treasury Department to change its concern about exclusive protection of the President of the United States and the Executive family?

How can we explain to our fellow Americans that we must, by special legislation, protect the occupants of the Russian Embassy, yet have no similar obligation to protect the American tourist who stops at the Statler down the street? Can we urge them to bring their children to visit their Nation's Capital, then tell them that because they are Americans we cannot guarantee them safety while here? Surely if we can protect the "rights" of criminals and killers we can find some means of guarding American citizens as well as our national leaders and those who visit us from foreign lands against their criminal acts.

This bill is an indictment of the Government of the United States, Mr. Speaker. It acknowledges that we are incapable of providing protection under the present system in the District of Columbia, then seeks to insure protection for foreign diplomatic personnel alone by augmenting a force under the executive branch. Every Member of this House must know that it will not provide a lasting solution or even the protection it seeks to provide. And I again say we ought to be ashamed to pass a bill to protect residents of other lands while admitting that we cannot protect Americans in their Nation's Capital.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, the gentleman from Virginia (Mr. BROYHILL) has raised some highly interesting questions that deserve to be answered before this debate is over.

Mr. Speaker, I am struck by the fact that the report accompanying the bill contains not a single communication from any agency of the Government in behalf of this bill. The report conforms to the Ramseyer rule, but it does not contain a single recommendation from any department or agency of Government that ought to be interested in what is involved here, and that is the addition of 600 police officers to the Secret Service force, and the cost of this increase.

Now, I wonder if the committee during the consideration of this legislation took into consideration the number of police on the Metropolitan Police force and all the other law enforcement officers in the District of Columbia?

I will put it this way: What is the authorized strength of the Metropolitan Police force? Can the gentleman in charge of this bill, the gentleman from Illinois (Mr. GRAY), give me any information?

Mr. GRAY. Mr. Speaker, will the gentleman from Iowa yield?

Mr. GROSS. Yes, of course, I will yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, there are about 5,000 and there are 800 vacancies now in the District of Columbia Police force, and they are trying desperately to find them, and they are not, and therefore we do not feel we can rely upon the District of Columbia to give them the protection the President wants.

I will be glad to explain this in detail when I speak.

Mr. GROSS. How it is planned to recruit 600 more for the Secret Service for the purpose of policing foreign embassies if the Metropolitan Police force apparently is having difficulty in recruiting up to 5,100 police in the District of Columbia?

Mr. GRAY. Will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, I have a letter here dated December 16, 1969, from the very distinguished Director of the U.S. Secret Service, James J. Riley, who will be in charge of this Executive Protection Service if it is authorized by this act, who says here that the service plans a massive recruitment effort throughout the country, using the facilities of its 70 field offices of the U.S. Secret Service.

We are also considering the suggestion made by the Civil Service Commission to provide for lateral entry of experienced policemen from other cities above the rank of private. Other sources of recruitment will be explored, including the Civil Service Commission, interagency efforts, and recruitment teams which will visit colleges and military transition centers throughout the country.

I would say that, although there are about 800 vacancies on the Metropolitan Police force, I think the attractiveness of being a member of the White House protective force would possibly be more enticing to other people from other parts of the country to come here. And the Chief of the Secret Service felt in his testimony before our committee that he would have no trouble recruiting the 600 additional men.

Mr. GROSS. Will the Secret Service be permitted to recruit in the Southern States?

Mr. GRAY. All over the United States where the Secret Service has 70 field offices, and that certainly does include the South.

Mr. GROSS. The gentleman is aware, is he not, that roadblocks have been thrown up against the Metropolitan Police carrying on recruiting in the Southern States?

Mr. GRAY. Will the gentleman yield further?

Mr. GROSS. What makes the Secret Service police any different than the Metropolitan force? Is the gentleman saying that the pay is going to be better in the Secret Service police force, or that it will have better uniforms and other equipment? What is going to be the attraction that brings recruits to the Secret Service whereas the Metropolitan Police force cannot get them?

Mr. GRAY. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield further to the gentleman from Illinois.

Mr. GRAY. First of all, the salaries will be identical with the District of Columbia Police, but this is not a Secret Service police force. I might have been misunderstood a moment ago. The Chief of the Secret Service will be in charge of the force, but the direct supervision will be the Chief of the White House Police, and the name of the police force will be the Executive Protective Service. We changed it from the White House Police force to the Executive Protective Service in order to avoid any embarrassment on the part of the President if some type of situation developed at one of the embassies, and we did not want anyone to say that it was the President's police there. So we changed the name to the Executive Protective Service, and it will be under the supervision of the Secret Service, but these people will not be hired as Secret Service employees.

Mr. GROSS. I think the gentleman from Illinois will agree with me that one of the things we do best around here is to devise euphemistic titles for bills, and promote many enterprises with the most euphemistic descriptions that we can give them.

Mr. GRAY. If the gentleman will yield further, I am glad we do something well.

Mr. GROSS. That is a dubious accomplishment, I would say to the gentleman, for often it is not only misleading; it is deceiving. I am not saying that is true in this case, necessarily.

Mr. GRAY. The gentleman makes a valid point. There is no question about it.

Mr. GROSS. Let me ask the gentleman this question, since there is not one word in the report about it: What is the cost of this new constabulary?

Mr. GRAY. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield further to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, in reply to the gentleman from Iowa, I would say that if we do not use any of the District of Columbia Police, and we recruit the entire 600 additional personnel, it would cost approximately $1 million per year. However, the bill would authorize using the District of Columbia Police and the Park Service Police, plus the fact that I want to make this very clear, that if we are now using the total of 600 people to protect the 117 embassies, and so forth, and we relieve them of that responsibility to go back to other District of Columbia duties, if we have a vacancy of 800 we really envision that this change cannot cost anything because if we hire an additional 800 police that is going to cost $1 million.

The SPEAKER pro tempore. The time of the gentleman from Iowa (Mr. GROSS) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 5 additional minutes to the gentleman from Iowa.

Mr. GRAY. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman.

Mr. GRAY. Mr. Speaker, I wanted to point out that if we use the people who are now protecting the embassies for the District of Columbia Police in place of the 800 authorized, there will be no additional cost. But if we do not relieve any

of the District Police, then the total cost of the bill would be a $1 million a year.

But as I said, I am sure when we relieve the people who are now protecting the missions in Washington for the District of Columbia Police, this will preclude the necessity of hiring additional District Police, which as I have said will not cost any additional money.

Mr. GROSS. Is the gentleman saying, "relieve the District Police?"

Mr. GRAY. Yes.

Mr. GROSS. What do you mean by—relieve the District Police?"

Mr. GRAY. If the gentleman will yield further, let me give just a brief explanation.

The gentleman from New York knows of the particular instance that happened down at the Russian Embassy recently where some type of fight or holdup occurred across the street from the Embassy. They had three District Police guarding the Russian Embassy and asked them to come in and intervene. They said, "No, we cannot, we have to stay here."

If we have a protective force in this case, protecting the Russian Embassy, that would relieve those three policemen who are now there for District of Columbia work. Then, as I said, we will not have to hire three additional District Police.

Mr. GROSS. The gentleman does not think for one moment does he, nor can he give the slightest assurance that the Metropolitan Police force will not recruit, if it can find the men, up to the 5,100 police that is their maximum authorized strength? He is not saying that as an attempt to justify these 600 additions to the Secret Service police force?

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BROYHILL of Virginia. I want to say first of all, getting back to the question that the gentleman raised first, that the difficulty of recruiting these additional policemen is under the existing law and regulations pursuant to that law, that the recruits come exclusively from the Metropolitan Police Department and the Park Police.

I think under the law they could use the civil service procedures in recruiting. They will have to do that in order to get the additional—what is it—the 500 or 600 additional men they will need, because we cannot get them to work for the Metropolitan Police Department. Because the primary reason being the police department does not have the support of the communities that they are serving.

So possibly by putting them under the Secret Service, these recruits or potential recruits that they will have the support, so to speak, of the people they serve and then they can get to work.

Second, insofar as this being in lieu of the 850 vacancies that they have now, this police force is intended, and the gentleman from Illinois I think will agree with this, to provide additional protection for these embassies and the normal protection that is provided for the rest of the American people, which is not sufficient, so it will have in the final analysis the additional numbers of policemen appointed.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. GRAY. I want to make the record very clear to my distinguished friend, the gentleman from Virginia, that this is not an additional overlapping force. This is in lieu of the policemen now being employed by the District of Columbia Police Department. This is very clear and the Chief of the Secret Service and those who testified before our committee, and I want to make the record very clear in that respect.

Mr. GROSS. Let me say to the gentleman that I am concerned about the enforcement of law and order in the District of Columbia, including the embassies.

I am not interested in an elite police force to protect the embassies to the exclusion of homes and businesses in the District of Columbia. And I am particularly concerned for the women in the District of Columbia, who are being attacked and raped on the streets by day and night.

This is where we ought to center our first attention—not upon the embassies.

Someone said a while ago that the embassies were moving out of the District of Columbia into the countryside, somewhere beyond the District of Columbia and therefore out of the jurisdiction of the Metropolitan Police force.

Are they actually moving out? If so, why are they moving out? Why? Will this new police force, this new Secret Service police force, be used to protect the International Monetary Fund's new country club just beyond the District of Columbia in Maryland? Are they going to be authorized to wet-nurse members of the new golf and country club for the International Monetary Fund and the World Bank, as well as the embassies? There are a lot of questions in connection with this subject that ought to be answered and more justification than we have had for this bill.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. RARICK. I thank the gentleman for yielding. I certainly support the bill. I believe in law and order. I wonder if the gentleman has seen the afternoon Washington Daily News, which carries a front-page story of the nightmares in the District of Columbia schools, and the recently announced plan to station National Guard officers in the various public education facilities in the District of Columbia to protect the children.

I feel we should provide the necessary protection for those at our Nation's Capital conducting business with our Government. As Congressmen, we recognize Washington is intended to be a Federal city, a neutral city, which should be safe for the representatives of our people to meet and legislate for our Nation. Yet, I tell the gentleman that I am unable to live in our Nation's Capital because I happen to be a southerner. I have no feeling of security here in Washington, if anything I feel intimidated by the environment. Yet, I do not find anyone offering me police protection. I support this legislation which I feel is born of necessity, but I question this solution.

I leave this question with my distinguished colleague. Where can it be shown that crime has been effectively controlled by the mere increase in the number of police officers?

Mr. GROSS. I thank the gentleman for his observation. Let me say that we already have more police per capita in the District of Columbia than in any other city in the world, without the addition of 600 to protect the embassies.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa.

Mr. KYL. The authorized strength of the Metropolitan Police force has been 4,100 men. It apparently will be 5,100. At this time there are 3,868 men on the force. Recruiting is easier than it has been.

Mr. GROSS. Whatever it is, I am told that we have more policemen in the District of Columbia per capita than in any other city of the world. Is that disputable?

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GRAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

The SPEAKER pro tempore (Mr. FLYNT). The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14944, with Mr. DANIELS of New Jersey in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. GRAY) will be recognized for 30 minutes, and the gentleman from Florida (Mr. CRAMER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois, Mr. GRAY.

Mr. GRAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, 194 years ago our forefathers met a few miles from Washington to plan the future and destiny of our great country. During this period we have grown to become the greatest and the

most powerful nation on the face of the earth, primarily because we have worked in unison here in this country and because of our friendships abroad, our friendships with the other nations trading with this great country.

Mr. Chairman, there are more diplomatic missions in Washington, D.C., than in any other country of the world. We have a total of 117 foreign governments doing business and operating embassies and chanceries in our Nation's Capital. We are faced today with a great paradox: We have the most beautiful and the most wonderful Capital in the world, but we also have one that is rampant with crime, with the highest crime rate of any place I know of.

Mr. Chairman, it is indeed unfortunate that freedom loving people cannot come to visit and discuss their future and the destinies of the people of this country and around the world without fear of being mugged or robbed or encountering some type of demonstration or burning or other acts of violence.

It was with this feeling that our President, your President, and my President, requested the House Committee on Public Works to establish a separate police force, to be known as the Executive Protective Service, to be able to insure that the people who are representing foreign governments in Washington, D.C., would be protected and that they could go about their business without fear.

That is the sole purpose of the legislation now before us. This would merely change the name of the White House Police force to the Executive Protective Service and simply increase the complement of 250 men to a total of 850, or an increase of 600.

This new force would be under the direct supervision of the very distinguished Director of the U.S. Secret Service, Mr. James Rowley, and the distinguished Chief of the White House Police force.

We have heard a great deal of talk here and discussion under the rule about crime in the District of Columbia. As I said earlier in my remarks, crime is rampant here. There has been a 300-percent increase in crime in Washington in the past 7½ years, but I submit to the Members that this is the responsibility of the Committee on the District of Columbia and of the District of Columbia Police.

I would say to my very distinguished friend, the gentleman from Virginia, if he feels the District of Columbia Police force is not adequate, then that committee should come forth with some additional legislation, as we are doing here. But this bill is for the protection of the embassies, chanceries, and the White House here in the District of Columbia. Our committee has nothing to do with the Metropolitan Police force.

The figure of 5,100 for the District of Columbia Police was given to me by the Appropriations Committee, and that is the most recent authorization. The gentleman from Iowa (Mr. KYL), referred to the figure of 4,100, but that is the old authorization. I merely point that out to indicate that the District of Columbia Police force is enlarging and I hope we can bring some hope of clearing away the clouds of uncertainty about protection in the Nation's Capital and bring back some sunshine and hope and peace to this city of approximately 3 million in the Washington area plus the approximately 18 million who visit here each year of which approximately 3 million are foreign visitors.

To get back to the bill before us, this would say to the President: You have the manpower to establish motorized patrols and you have the manpower to station sentries at our 117 missions, and you have the general authorization under the direction of the Secret Service to go anywhere in the United States to a foreign mission and give protection if there was advance intelligence that there was going to be trouble in one of those missions or embassies in the United States.

The Constitution gives this responsibility to the President. Furthermore, in 1963 all of our chiefs of missions gathered in Vienna, Austria, and they signed a pact. We were a signatory to this pact.

Article 40 of such pact says that the receiving state shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom, or dignity.

So the President is coming here not only with a personal feeling but also a responsibility to the 117 missions, that we give them the utmost and the ultimate in protection.

As was pointed out in the colloquy I had earlier with the gentleman from Iowa (Mr. GROSS), the total cost of this bill should not exceed $1 million the first year if we recruited all of these officers and kept all of the District of Columbia Police who are now protecting the embassies. But I feel that by relieving a lot of the officers who are now protecting the 117 missions this will preclude the necessity for recruiting additional District of Columbia Police, and thereby save some money.

Even if it did cost more, we would then be able to give the protection afforded by the Vienna Conference, and the protection we expect for our people in foreign countries.

I repeat that: the protection we expect for our people in foreign countries. As the Members know, we have reciprocal agreements, under which we expect protection by foreign governments around the world. If we are going to expect that type of service overseas we certainly have to give that type of protection at home.

I, for one, am willing to give this responsibility to the President, to give him the tools with which to carry out his responsibility. I hope this House will pass this bill without one dissenting vote today and say to the President, "We are sorry to see the large crime rate in Washington, District of Columbia, but we are for doing something about it. We are not giving it lipservice. We are protecting the embassies. We hope the District of Columbia Police can do their duty, so that we can protect all citizens."

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to my distinguished chairman.

Mr. FALLON. I thank the gentleman for yielding. I should like to ask the gentleman a question.

Is it not true that during the hearings it was brought out the President under his constitutional authority has a duty to assure these people safety and dignity in our country?

Mr. GRAY. The gentleman is eminently correct. I go one step further and state that we signed a pact at Vienna, Austria, in 1963, with all other foreign governments who have missions here, that we would do this, that we would go beyond the constitutional responsibility of the President.

We have personally told these people, by signing with them, we would give them that protection. My distinguished chairman is eminently correct.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the distinguished gentleman from Virginia.

Mr. BROYHILL of Virginia. The gentleman stated earlier that if we felt the Metropolitan Police force was not adequate we should come out with legislation to make it adequate. I do not think it is adequate. The reason why it is not adequate is because we have not been able to obtain sufficient recruitment. The reason why we have not been able to obtain sufficient recruitment is because the Metropolitan Police Department does not have the backing of the people they serve.

I promise the gentleman that we have considered legislation in the House Committee on the District of Columbia. It will be embraced in the President's crime bill, to bring the Metropolitan Police Department and the other departments under a single commissioner.

In the meantime, I agree with the gentleman that we have to do something to provide necessary protection for these foreign embassies. I regret that we have to use this piecemeal approach. We cannot get recruits necessary to provide protection unless we recruit them under some situation where the recruits are assured they will have the support of the people for whom they work.

Mr. GRAY. I appreciate the remarks of the gentleman from Virginia.

What I had reference to a moment ago, when I was talking about the Committee on the District of Columbia, is the fact that our Committee on Public Works does not have the police jurisdiction. I did not mean to impugn the motives of the gentleman from Virginia when I made that statement. I merely point out we do not have the authority to bring out a District of Columbia police bill. We are acting under our authority here to protect public buildings and grounds. This comes under the subcommittee which I have the honor to chair, the Subcommittee on Public Buildings and Grounds, because the White House and other property is under our jurisdiction. But the police of the District of Columbia are not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAY. Mr. Chairman, I yield myself 5 additional minutes for the purpose of answering any questions.

I now yield to my distinguished friend from California.

Mr. ANDERSON of California. Mr. Chairman, I thank the gentleman for yielding to me.

Earlier the gentleman mentioned the inability of the Metropolitan Police Department to recruit and that there were some 600 positions that it had not been able to fill at the present time. This would make an additional 600 police that would have to be recruited from the Metropolitan Police and the Park Police. What assurance do we have if these additional 600 members of this Executive Protective Service have to be recruited from the Metropolitan Police force or the Park Service, that it will not jeopardize the Metropolitan Police further?

Mr. GRAY. The gentleman from California raises a very good point, and I am glad he did, because inadvertently I omitted commenting on it when I made my initial remarks.

I have before me a letter dated December 16, 1969, from the Chief of the Secret Service, Mr. Rowley, and I would like to quote a part of that letter:

It is important to note that before an officer would be transferred to the Executive Protective Service—

He would have to be released by the Metropolitan Police Department or the Park Police—

Meaning that he cannot voluntarily transfer into this new force.

So if the Metropolitan Police Department is having trouble recruiting and feels that they cannot release officers from the District responsibilities to go into the new force, then the individual officer would be precluded from joining up with the new force without written permission from the Metropolitan Police or the Park Police.

Mr. ANDERSON of California. Will the gentleman yield further?

Mr. GRAY. Yes.

Mr. ANDERSON of California. My understanding is they cannot get them any place else. They can only recruit them from the Metropolitan Police and the Park Service.

Mr. CRAMER. Mr. Chairman, will the gentleman yield on that point?

Mr. GRAY. Yes. I yield to the gentleman.

Mr. CRAMER. The committee was concerned, as the gentleman knows, because he served on it, with this aspect of diluting the District of Columbia Police. So we wrote into the report on page 3 the following language which appears at the bottom of the third paragraph:

The direction of the Executive Protective Service will be a responsibility of the Director of the U.S. Secret Service, and it is contemplated that the members of the Service will be recruited under the civil service laws and regulations on a nationwide basis. It is not anticipated that the local police forces of the metropolitan area will be a primary source of recruitment.

Section 205 of title III specifically provides for such recruitment outside of the District of Columbia.

So what we are really trying to do is something that has to be done, namely, get the emphasis on recruiting from outside of the District of Columbia rather than diluting and weakening the District of Columbia Police, which has been done in the past.

Mr. GRAY. The gentleman from Florida is eminently correct. I might add to that the fact that 70 field offices of the Secret Service will be utilized throughout the United States to recruit people, and it will be a little more enticing, I believe, than the beat on 14th Street. I do not think they will have any trouble recruiting officers from all over the United States.

I yield to my friend from Iowa (Mr. GROSS).

Mr. GROSS. What is the average pay? The gentleman gave us the figure of $1 million annual cost for the 600 additions to the Secret Service. What would be the average pay? Surely the committee ascertained this when the witnesses were before them.

Mr. GRAY. The pay would be identical, as well as the authority, with that of the District of Columbia Police, and the starting salary now is a little over $7,000 per year, I believe.

Mr. GROSS. It is $7,000 a year?

Mr. GRAY. Yes.

Mr. GROSS. The $1 million per year cost would cover training, uniforms, equipment, motor cars, and all that goes with it. Is that correct?

Mr. GRAY. That was the estimate given to us by the Department of the Treasury and, as you know, the Secret Service is an agency of the Department of the Treasury. The figures were given by them, and I assume they have a breakdown on them. There is no way of knowing what the total costs are at this time.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. GRAY. Yes, I yield further to the gentleman from Iowa.

Mr. GROSS. We are dealing with a certain fact here. If we pass this legislation you would expect to get 600?

Mr. GRAY. That is right.

Mr. GROSS. Whatever happens with respect to the Metropolitan Police is quite another thing.

Do you expect to put 600 people under the jurisdiction of the Secret Service on the payroll of this country?

Mr. GRAY. Right.

Mr. GROSS. On the payroll of all the Federal taxpayers, in other words. It is not a District of Columbia obligation. So, we are dealing now with the proposal to provide a 600-man additional force to the Secret Service and all the supporting services for it.

The gentleman from Illinois (Mr. GRAY), has put a price tag or cost figure upon this request of $1 million a year. I appreciate having this information because it is not in the committee report.

Let me ask the gentleman this: Would not the District of Columbia government, if it was not providing such things as some 400 policemen at professional football games, and I do not know how many at professional baseball games, at apparently no cost to the football club or the baseball club—would the department not have the strength with which to police these embassies? In other cities the owners of football and baseball teams provide their own police.

Mr. GRAY. Most of the games to which the gentleman refers are played, of course, in the afternoon. I think the great manpower requirements here in the District of Columbia are at night. However, the gentleman has a very valid point. I am not on the District of Columbia Committee but I think the question is well worth looking into.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. GRAY. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I realize the point the gentleman from Iowa is making, but we already have an authorization of 1,000 to be secured. That is going to cost, perhaps, several millions per year in the District of Columbia. When this executive force is in place, we can relieve the District police of the necessity of obtaining some of these additional people. So, this is not a layer on another layer of police and cost.

Mr. GROSS. I think the gentleman is indulging in some wishful hoping with respect to the reduction in the Metropolitan Police force as the result of adding 600 to the Secret Service Force.

Mr. GRAY. I do not think we will have a reduction, but I think we will have a greater use of the police now protecting the embassies and we hope they will be able to turn their attention to the crime problem in the District.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I rise in support of the Executive Protective Service Act. I want to commend the gentleman for his statement.

I would like to say that I think this would be a good supplement to the Metropolitan Police because of the ability to have a broader recruiting service and being able to tap resources insofar as recruiting is concerned which is now unavailable to the Metropolitan Police. But rather than to place all the blame for the crime situation here in the metropolitan area of our police force, I would like to remind the committee that we have had before us court reform bills in the House since the middle of the summer, bills which have been sent up here by the executive branch of the Government. These court reform bills are recognized as a very essential part in our crime fight. We have police out on the streets having to deal with criminals who have been arrested and then are released to go back out on the streets, criminals who have not been tried. This goes on to the second, third, and fourth offense. So, there is no simple solution to this crime problem. Certainly, court reform and additional judges is a very important aspect of it in order that we have speedy trials of the criminals now behind bars where they belong.

Mr. GRAY. The gentleman is eminently correct and I concur in his statement.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I am delighted to yield to the gentleman from Iowa.

Mr. KYL. I would like to discuss with the gentleman a little mathematics in

order to see if I am correct on the premise of hiring 600 additional men. If they are hired at a minimum salary of $7,000 a year—actually, it is higher than that—it seems to me that that comes out to $4.2 million for salaries alone rather than $1 million if all of these 600 men are beginning police.

If all of these 600 are beginning policemen, but of course you have to have corporals, sergeants, captains, and all the rest that go with it, and their pay is higher, and then you have the contributions toward their retirement, you have their uniforms, the implements that they use, the automobiles and the motorcycles, and so on, so it would be incorrect, would the gentleman not say, that the cost of this 600-man force is going to be $1 million?

Mr. GRAY. If the gentleman is talking about additional police, then the gentleman is correct, but I have tried to say all along that this is in lieu of the police that are now working who will fill the spots of other recruits that would cost money, and the committee has estimated that the people that they are going to have to take on additionally would only cost $1 million or so the first year.

Mr. KYL. If the gentleman will yield further, the gentleman is not being logical there, because the request of the Metropolitan Police Force for extra police took into account the number of them they had to have on duty in connection with the embassy patrols, and of course the need for police officers will be decreased, that is true, but you do not get money that way. That is a little mental legerdemain.

Mr. GRAY. It is going to cost the taxpayers the same, if we relieve the 600 we will not have to hire the additional 600. This is money saved that can be spent on the new force.

Mr. KYL. The gentleman is attempting to engage in a little bit of legerdemain because we are going to have to hire 600 if you take the duties away from the Metropolitan Police Department.

Mr. GRAY. That is right. But we save that. If we do not take 600 away then we have to hire 600 additional for the District.

Mr. KYL. But I was speaking about the mathematics used by the gentleman, and then you have to reduce the authorized strength of the Metropolitan Police by that number.

Mr. GRAY. That would make sense, but we just will not fill the vacancies if they are not needed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAY. Mr. Chairman, I yield myself 1 additional minute.

Mr. RARICK. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Chairman, I thank the gentleman for yielding. I wonder if the gentleman feels that as long as we have a Supreme Court that is soft on criminals if the addition of these proposed police officers would have any effect?

Mr. GRAY. Mr. Chairman, I would say to my distinguished friend, and this is my own personal opinion, of course, that if we do not do something to tighten up the court procedures we cannot hire enough police to combat crime in the District of Columbia.

Mr. RARICK. If the gentleman would yield further, I wonder if the gentleman does not also agree that since the District of Columbia is of a limited size, geographically, and can only accommodate a limited number of people—if it would not be more feasible to export the criminal element rather than add to the population by importing more peace officers.

The criminal element, for the most part, is not in the Federal city on our Nation's business and should be removed.

We might not be able to export all the criminal element but we can reduce or abolish those many fringe benefits, financed by our taxpayers, which encourage their presence. Specifically, I refer to public housing, liberal welfare programs, and lax judicial procedures.

In other words, we of Congress—in striving to protect the people of the District—those who have business being here—are going to need to adopt more constructive policies and institute programs to remove the many attractions which have induced the criminal element to infest our Capital City.

Mr. GRAY. The gentleman is correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAY. Mr. Chairman, I yield myself 1 additional minute.

Mr. TAYLOR. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from North Carolina.

Mr. TAYLOR. I thank the gentleman for yielding. I just wish to ask the gentleman this question: If we failed to do all we can to offer this new protection to the embassies and their personnel, can we expect to continue to offer the protection that is needed to our own American people, and representatives serving abroad?

Mr. GRAY. The gentleman has put his finger right on the point. I was in Japan last December, and saw 3,500 Japanese students crowded around our American Embassy, and if it had not been for the immediate action of the police of Tokyo we could have had a very serious situation. I know money, of course, is important, and must be, but even if we are talking about $4 million a year, if we allow something to happen in Washington that is going to be embarrassing, and then we have a $10 million American facility in some foreign country burned down because of our inaction here then we will be penny wise and dollar foolish. Plus a major embarrassment to our President and the American people.

Mr. TAYLOR. Mr. Chairman, I commend the gentleman from Illinois for a fine presentation on legislation which I think we must pass.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from California, a valued member of our committee.

Mr. DON H. CLAUSEN. Mr. Chairman, actually not only is there a constitutional obligation on the part of the President to provide this protection, but it is my understanding that he has an obligation under international law to do just what the legislation is proposing.

Mr. GRAY. The gentleman is correct.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GRAY. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, I include the following letters for the information of the committee:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 8, 1969.

HON. KENNETH J. GRAY,
Chairman, Subcommittee on Public Buildings and Grounds, Committee on Public Works, House of Representatives, Washington, D.C.

DEAR MR. GRAY: It has come to my attention that an objection to the enactment of H.R. 14944 may be raised on the belief that the creation of an organization to provide embassy protection could lead to the establishment of a national police force. I want to stress that there are no grounds whatsoever in fact or in the bill for such a belief.

As you are aware, H.R. 14944, as amended by the Public Works Committee, would change the name of the White House Police force to the Executive Protective Service. In addition to the protection duties now performed by the White House Police, the new Protective Service would be authorized to provide protection of foreign embassies located in the Metropolitan area of the District of Columbia and in such other areas within the United States as the President may direct on a case by case basis. The authorized statutory strength of the Executive Protective Service would be limited to 850 members.

The protection to be provided the foreign diplomatic missions will be *preventive* in nature, not investigative. It is not authorized nor is it contemplated that the Executive Protective Service will operate as a police force. It will not and cannot usurp the responsibility of the local police department to enforce the laws relating to the protection of persons and property. The narrowly restricted responsibility granted to the Executive Protective Service by the bill is a security authority.

The ultimate responsibility for the security of foreign diplomatic missions located in this country is a Federal responsibility. It is an obligation of the central government under international law and practices. American embassies in foreign countries receive protection from the central government of the countries in which they are located. In most instances, this protection has been adequate to provide reasonable security for American diplomatic personnel stationed abroad. In order to insure the continued security of American diplomatic personnel, it is incumbent upon the Federal Government to reciprocate and insure reasonable security to foreign diplomatic missions located in this country. To this end, the foreign diplomatic corps has repeatedly petitioned the State Department and the Office of the President for increased protection due to the high incidence of crimes directed at foreign embassies and their personnel. It is not contemplated that the new Service will have a broader police role than to fulfill the purposes for which it is established. Its jurisdiction is restricted to the performance of *preventive* security functions in very limited areas of responsibility, i.e., the Executive Mansion and grounds, Presidential offices, and foreign diplomatic missions. The size and authority of the new Protective Service are restricted by statute and it is dependent upon the Congress for the appropriations

necessary for the performance of its functions.

I wish to emphasize that the Executive Protective Service will not be authorized to assume the responsibility of the local police in providng protection to foreign diplomatic personnel, or to conduct criminal investigations involving embassy personnel, or to furnish officers in adequate numbers to control demonstrations and other disturbances occurring in close proximity to foreign diplomatic missions.

Such is the extent of the jurisdiction of the new Service as it relates to diplomatic protection.

Sincerely yours,

EUGENE T. ROSSIDES.

TREASURY DEPARTMENT,
U.S. SECRET SERVICE,
Washington, D.C., August 13, 1969.

Subject: Estimated Costs—Embassy Protective Forces.

Mr. RICHARD J. SULLIVAN,
Chief Counsel, Committee on Public Works, U.S. House of Representatives, Washington, D.C.

DEAR DICK: In accordance with the request of Congressman Cramer, and pursuant to the provisions of section 2953, title 5, United States Code, there is attached an estimate of expenditures for the next five fiscal years in connection with the establishment of a special Embassy Protective Force.

The aforementioned information relates to H.R. 14944, proposed legislation pending before your Committee which, if enacted, will entail an estimated annual expenditure of appropriated funds in excess of $1,000,000.

We appreciate your assistance in the matter of the legislation pending before your Committee regarding the Embassy Protective Force. If you should need any further information, we would be most happy to supply it.

Sincerely,

JAMES J. ROWLEY.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman.

Mr. FALLON. Mr. Chairman, I rise in support of H.R. 14944, reported unanimously by the Committee on Public Works.

This legislation was requested by the Treasury Department, acting for the President of the United States. I have been advised that over the last number of months the President has received complaints from over 50 different embassies accredited to the United States involving various criminal incidents which have occurred in or about the embassies located in the District of Columbia. The embassies of these foreign nations, some 117 diplomatic missions in all, have requested the Department of State and the President to take action to find means of preventing disturbances, harassment, and the high incidents of crime involving foreign embassies and their employees.

The President, under his constitutional authority, has the duty to assure these duly accredited representatives of foreign governments to the United States that the security of their person and property will be fully provided for by this Government.

H.R. 14944, as reported, I believe will accomplish the purposes which the President desires.

The bill increases the size of the existing White House Police force from 250 to 850; it changes the name of that force to the Executive Protective Service; it gives the service new authority to protect the foreign missions located in the metropolitan area of the District of Columbia, including Maryland and Virginia; it authorizes the President to use this service to protect foreign missions located outside of the Washington area whether they be in the United States, its territories, or possessions as he may determine on a case-by-case basis.

There has been some concern that a large number of the new service will be drafted from members of the existing Metropolitan Police Force. This is not the intent of the legislation nor will this happen.

It is my personal belief and the committee's feeling that by relieving the members of the Metropolitan Police Force from their present duties of protecting these diplomatic missions and substituting for them the new Executive Protective Service, there will be an increase in police protection for the residents of the District of Columbia as the Metropolitan Police members will then be able to assume other duties than that of protecting embassies.

This is necessary legislation. There is a sense of urgency to it and, for this reason, I urge its adoption. At the same time I wish to commend those responsible for bringing this legislation to the floor today, which includes the distinguished chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Illinois, the Honorable KENNETH J. GRAY, and his counterpart, the ranking minority member of the subcommittee, the gentleman from New York, the Honorable JAMES GROVER.

May I also commend to the Members the expert testimony received from the Department of the Treasury on this matter including particularly the able Director of the Secret Service, Mr. James Rowley.

May I conclude by thanking my dear friend, the chairman of the Subcommittee on Treasury, Post Office and Related Agencies, of the Committee on Appropriations, the gentleman from Oklahoma, the Honorable TOM STEED, for his work in cooperating with the committee in bringing this legislation to the floor.

Mr. GRAY. Mr. Chairman, I yield back the balance of my time and urge the unanimous support for the bill.

The CHAIRMAN. The gentleman has consumed 22 minutes.

The Chair recognizes the gentleman from Florida (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am in wholehearted support of this legislation. I just as much support this as I supported the President's initial recommendation with regard to fighting crime nationwide which incidentally is sitting in most of the subcommittees without action today.

I think it is a crime that it is being bottled up; and as much as I supported for instance the 1,000 new metropolitan police called for by the President of the United States, trying to do something about crime running rampant in the District of Columbia; and crime running rampant as much if not more so than every city in America—and this is supposed to be the showcase of government for the world.

I support also, and have encouraged others, and to try to get out of the proper committees legislation to control crime in the District of Columbia; in addition to the add on of 1,000 more people in the police force in the District.

So, really the way I conceive this legislation is that this is a peripheral way—this is a way of accomplishing better law enforcement in the District of Columbia when the Congress to this day has absolutely refused to provide the relief needed by direct legislation.

Let me tell you exactly what I mean. Today there are hundreds of metropolitan police needed on the beats and on the streets in the District of Columbia to combat crime and the rapes and robberies that are going up at a phenomenal rate here in the District of Columbia. So they put them in a cruise car and take them off the beats and the streets, to do what? In order to economize on personnel and save money. But it does not save the poor, harassed citizen or visitor in the District of Columbia who ends up being the victim of rape and robbery in their homes and on the streets.

So hundreds of District of Columbia police are needed on the beats and on the streets of the District of Columbia to fight crime in our Nation's Capital and for those who are criticizing providing a force for the embassies, listen to this—instead of those police who are needed on the beats and on the streets of the District of Columbia, they are presently protecting the embassies of the foreign nations.

So all we are saying is—to provide a proper force to protect the embassies, which is the duty of the President of the United States and our Government in any event, and a reciprocal responsibility of other governments that they have to protect our embassies in other countries. That is our duty. So let us establish a police force that may accomplish this and relieve these hundreds of Metropolitan Police and let them go back to the beats where they belong and protect the citizens of the District of Columbia and the visitors to the District.

That is as I see this legislation. So here is an opportunity to get 600 additional well-trained police—not recruited principally from the District of Columbia Police because that approach would not accomplish the objective of better law enforcement throughout the District. But we specifically provide in the report a requirement—

It is not anticipated that the local police forces of the metropolitan area will be a primary source of recruitment.

We state that specifically. I understand that there may be an amendment proposed that will clarify further that we clearly intend for them to recruit these people from outside the District. I will say this to you, it is my opinion that they will have no problem whatsoever to recruit people for this particular service because this service is going to have prestige and is going to have a specific

job and it is going to be backed up, which is not the case in many instances, by the police in the District of Columbia.

So this will be a nationwide effort to recruit for this force and to relieve the police for the District so that those who want law enforcement in the District should cling to this legislation and support it wholeheartedly because it will relieve those law enforcement authorities in the District of Columbia to do the job they should do and have not been doing. So if we have to use this peripheral way of doing it, I am 100 percent for it, if it is going to cost $4½ million to do it, I am 100 percent for that, to get the job done even partially in solving crime or helping to solve the problem of crime in the District of Columbia so that this will relieve some of the pressure on the Metropolitan Police force which is having to provide embassy protection for some 20 to 21 embassies here in the District of Columbia today.

In addition, these police will have the same authority for arrests as does the Metropolitan Police, and if a crime takes place in their presence or to their knowledge while they are on duty with the embassy, they will have the authority to make the necessary arrests, so they will be accomplishing that dual law enforcement purpose, too.

The city police are being stretched too thin, and everyone knows it. With the hippies, the kooks, and the peaceniks forever on the march, and some of them looking for trouble, providing the White House and embassies protection is becoming an ever more difficult task for the regular city police. Under international law and practice the United States is obligated to provide this protection. We have all heard of the rising crime rate in the District of Columbia. It is my hope that maybe this measure, if it gets the support to which it is entitled, will perhaps unlock the door to some of the anticrime measures that are not being acted on at the present time. The administration has exerted efforts to combat crime in America. It has presented legislation constantly. That effort, so far, is being thwarted in the Congress. I do not think the fight against crime can be frustrated in the name of cost or anything else. The need to combat the cancer of organized crime and crime in the streets far transcends partisan considerations. The people of America want prompt action on anticrime legislation, and they are entitled to have it. So I wholeheartedly support this legislation and encourage my colleagues to do likewise.

The President of the United States is vested with the constitutional responsibility for conducting this country's foreign policy. In order to adequately perform his duties in this regard, it is imperative that he assure accredited representatives of foreign governments in the United States at the seat of government security of person and property.

I regret to say that in recent years members of the foreign diplomatic corps stationed in the District of Columbia have complained that such security is lacking. They have been plagued with disturbances, harassments, and a high incidence of crime involving their embassies and their personnel. These have prompted demands that this country begin to provide them with the same kind of protection that their governments provide our people stationed abroad.

When the President became aware of these demands, he directed that a plan be developed for placing the responsibility for the protection of the 117 diplomatic missions in the Washington area under the control of an expanded White House Police force.

At the present time, the Metropolitan Police Department has this duty. In view of the increasing burdens being placed on it, however, it is doubtful whether this law enforcement agency can any longer fulfill this essential function. Its citywide responsibilities are too great. Moreover, it is operating more than 600 men below authorized strength.

Enactment of H.R. 14944 would shift the protective burden from the shoulders of the Washington Police to a new Executive Protective Service whose job would be to give embassies and their representatives in the Nation's Capital the same kind of protection presently provided the President and his family.

This legislation would boost authorized strength of the old White House Police from 250 to a maximum of 850 men. The new Service would be under the control of the Director of the U.S. Secret Service.

Its use would be specifically limited to providing security in the Washington metropolitan area. On special occasions, however, diplomatic missions in other areas of the country could be given protection where warranted on a case-by-case basis.

The reason for this special authority is to insure that the Executive Protective Service could be used on a selective basis to protect foreign dignitaries visiting this country. In such cases, however, the Service would not replace local police. Rather, it would supplement their efforts.

The Service will be a primarily preventive force. As planned, it will consist of motorized elements whose task it will be to patrol foreign missions in the metropolitan area. These will be supplemented by fixed or short beat patrols of the more sensitive embassies.

A ready reserve will be on duty at all times. It will respond when minor altercations or disturbances cannot be handled by the men on the beat.

When major trouble appears to be brewing, the Service will call upon District of Columbia Police to assist in handling it. When the Service is operating in other jurisdictions throughout the country under the special authority of subsection 3 (5) of the bill, local police will be called in when, as, and if needed. In all cases, the same operational arrangements and working guidelines which have proven so successful in the past will continue to govern the relationships between the law enforcement agencies involved.

Within the Nation's Capital, the expanded Service will relieve hundreds of District of Columbia policemen from embassy duties. This will enable them to pursue other law enforcement activities. In other words, by expanding the White House Police force, we will, in effect, be beefing up our sorely pressed Washington police.

As for recruitment, members of the new Executive Protective Service will come under the civil service laws and regulations. They will be recruited nationwide, although it is expected that local police forces in the metropolitan area will serve as a primary source of recruitment.

In view of the National Government's responsibility for protecting the President and the foreign diplomatic corps, the proposed expansion of the White House Police envisioned by this bill makes sense. Such duties properly belong to the Federal Government. The change should have been made long ago.

During the recent moratorium, I am informed, an unruly throng assembled in DuPont Circle. From there, they began to march on the Vietnamese Embassy. Fortunately, the security forces at hand were sufficient to deal with them before they reached their goal. Had they failed, we may have witnessed the sacking or worse of the embassy of a friendly nation and ally.

Such incidents happening to our embassies abroad have always shocked and outraged me. The establishment of a highly trained and mobile Executive Protective Service will insure that they will not happen here. Foreign representatives in this country will be assured the type of protection they are entitled to and deserve.

Their dignity and security requires it. The responsibility to preserve tranquillity and safety in the United States demands it.

Mr. RARICK. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am glad to yield to the gentleman from Louisiana, who is known as a strong law-enforcement supporter in America.

Mr. RARICK. I thank the gentleman. I wonder if the gentleman and the committee have considered the possibility of transferring the Supreme Court Police to this newly proposed police force? The Supreme Court has many friends among the criminal element and should have minimal need for police protection. In this manner we can save the taxpayers money and at the same time promote international good will.

Mr. CRAMER. That would make about as much sense to the gentleman in the well as transferring the Capitol Police force, which we recently beefed up, just last year, and gave them additional authority to police Capitol Hill and Congress. I disagree with the gentleman, although, if some of the Justices were subjected to the same mob violence or criminal attacks suffered by many in the District of Columbia, they might render some different decisions.

The CHAIRMAN. Does the gentleman from Florida desire to yield additional time?

Mr. CRAMER. Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I join my colleagues on the Public Works Committee in supporting the President's request to improve the protection of foreign embassy personnel and facilities through creation of an "Executive Protection Service."

The President has the clear constitutional responsibility of providing protection of personnel and for the conduct of the U.S. relationships with foreign governments and their resident representatives; their security of person and property in the same degree that the laws of this Nation assure to our own citizens.

Under international law and practice, it is the obligation of the host government to take reasonable precaution to insure the safety of foreign diplomatic officials and the embassies of foreign governments located in the receiving state. Our embassies overseas have been receiving protection from the central government of the countries in which they are located. It is, therefore, appropriate that we have the capability to carry out our reciprocal responsibility.

There are 117 diplomatic missions in Washington, D.C., and the immediately surrounding area. At the present time, the protection of foreign embassies is a responsibility of the Metropolitan Police Department. Over the past 4 years incidents at embassies and crime involving diplomatic personnel have shown a marked increase. The foreign diplomatic corps has constantly complained to the Department of State concerning disturbances, harassment, and the high incidence of crime involving foreign embassies and their employees. Ambassadors and other high diplomatic officials have demanded that the National Government fulfill its obligation to maintain the security of foreign diplomatic missions located in this country. Recently their complaints came to the attention of the President, and the level of his concern is evidenced in the request for this legislation.

The Metropolitan Police Department cannot provide the necessary protection. This fact is not an adverse reflection on the Department. The demands upon it in carrying out its citywide responsibility to the general public for law enforcement and protection are already overwhelming.

Responsibility for providing protection of this nature might reasonably be expected to lie with the Department of State. That Department, however, has no security personnel even remotely qualified to meet the needs involved.

The White House Police, under the supervision of the Director of the Secret Service, are uniquely qualified, by both training and the responsibilities already assigned to them under existing law, to meet this need. The assignment of embassy protection to this group will center responsibility in the Federal Government, where it belongs.

Accordingly, H.R. 14944 here reported, with amendments, will change the name of the White House Police to the Executive Protective Service, which more adequately describes the functions already assigned to it as well as the function to be added here. In addition, this legislation will extend the jurisdictional area within which the Service may function to the metropolitan area surrounding the city of Washington itself. Some embassies are already located outside the city limits, and it may reasonably be assumed that other embassies will so locate in the future. To carry out its function, the Service must be able to protect these embassies as well as those located within the city proper.

The committee wishes to make it clear, however, that foreign representatives are accredited to the President; they necessarily must be so situated physically as to be in relatively close proximity to the central seat of this Government. The authority for embassy protection is limited to the metropolitan area itself, except as the President otherwise provides, on a case by case basis. Where embassies are located in Maryland or Virginia, to the extent those States comprise a part of the metropolitan area, the same cooperation with local police forces would apply as now applies with respect to the Metropolitan Police Department. In this regard, the committee would emphasize that the embassy protective function cannot, and is not intended to, assume the local police department's responsibility (whether it be in the District of Columbia, Maryland, or Virginia) to conduct criminal investigations involving embassy personnel but to furnish police officers in adequate numbers to control major demonstrations and other large disturbances occurring in close proximity to foreign diplomatic missions.

With respect to the authority granted the President to utilize the Executive Protective Service for the protection of "foreign diplomatic missions located in such other areas in the United States, its territories and possessions, on a case-by-case basis," the committee here states plainly that this authority extends only to situations of extraordinary gravity, where the local police force is totally incapable of providing a level of protection deemed essential to the international integrity of the United States, or where the protection of the President himself, for example, would be involved. This additional authority is not, and may not be construed to be, a substitute for the responsibility of local police forces to provide protection for consulates, the United Nations, and similar foreign delegations within the United States. The increased protection to be provided by the Executive Protective Service is designed primarily as a preventive measure within the Washington metropolitan area. It is not intended that this new Service assume the responsibility of other police departments to provide protection to persons and property within their respective jurisdictions.

The number of personnel assigned to the Service will be increased from the present 250 to not more than 850. Not all of this authorized increase in personnel, of course, is attributable to embassy protection. The need for increased protection for the President accounts for part of the added personnel. The direction of the Executive Protective Service will be a responsibility of the Director of the U.S. Secret Service, and it is contemplated that the members of the Service will be recruited under the civil service laws and regulations on a nationwide basis. It is not anticipated that the local police forces of the metropolitan area will be a primary source of recruitment.

The administration originally requested an open-end authorization for personnel for this Service. The committee is unequivocally opposed to any such arrangement. The duties assigned the Service are specific. A maximum of 850 should, on the basis of the information submitted to the committee, be adequate for the foreseeable future. By whatever name it is called, and however meritorious its purpose, a police force at the disposal of the Federal Executive power is an instrument upon which our philosophy of government requires tight rein. The committee has every reason to expect restrained executive use and close congressional oversight of the Service, its assignments, and its performance.

The committee has had this legislation under active consideration since May 21 last. Public hearings were held on July 24, and four extensive executive sessions followed the public hearings. We believe H.R. 14944 as reported will meet the undeniable need for embassy protection as a Federal responsibility, but with safeguards the committee considers absolutely essential.

Mr. PETTIS. Mr. Chairman, I rise today to express my unqualified support for the pending measure to authorize the establishment of a federalized police force for the protection of the Executive Mansion and the 117 embassies of foreign governments.

And, in stating my support, I also wish to deplore the conditions in this, the Nation's Capital, which make this kind of legislation necessary. I think we have reached a rather sorry state of affairs when we have to admit that the local police force is not capable of providing adequate protection for the well-being and property of the diplomatic emissaries from around the world. This is supposed to be the greatest capital city in the world but I wonder how long we will be able to maintain that image.

The incidence of thievery, vandalism, and mayhem visited upon the foreign embassies is shocking and inexcusable. Let me cite just a few examples. Last July 27, persons forced their way into the Ethiopian Embassy and broke windows, furniture, and other valuable furnishings before they were subdued and arrested; two persons attempted to enter the Russian Embassy grounds last summer, and just this month 19 persons handcuffed themselves to the Embassy fence; the Italian Embassy has reported that automobiles on its property have been tampered with, and there have been any number of incidents at the Embassies of the Vietnamese and French Governments.

To my knowledge, this is the first time

in history that the Government has been forced to institute this kind of a federalized police force for such a purpose. And one has only to glance at the daily listings of criminal activity in the local newspapers to see the reason why. The weekend list of crime in the District would fill an entire page if it were printed in the same type as the rest of the newspaper.

Even though the Washington police force has been enlarged to almost 3,900—an increase of about 500 men over the past year—the crime rate continues to climb.

The number of homicides in the first 9 months of this year have increased by 56 percent over the figure for the same period last year and that was dreadful enough. Robberies have jumped 54 percent in the same 9-month period and I think they have lost count on the number of rapes, they occur with such sickening frequency. Nobody is spared the sadists. The young shopgirl, the matron, the very old, the infirm are daily victimized.

Just within the past 24 hours I read of the pleas of some women who are seeking to have year-round daylight saving so they will have a fighting chance to reach the safety of their homes—and that is a little precarious, too—before darkness sets in. Why, some of the women who work in the downtown agencies are sacrificing an hour's pay at the end of the day in order to get a head start on the rapists and muggers they know are roaming the city after dusk.

However, we do not have to go downtown for samples of violence. There is ample evidence right here on Capitol Hill. Members of the Congress have been mugged and robbed—one attacked in his own office. Our female staff members have been murdered, raped, robbed, and terrorized; even those girls who live within two blocks of the Capitol have a justifiable fear of walking home.

This deplorable situation has created a bonanza for people in the security business. Citizens have taken to double-bolting doors, buying watchdogs, and hiring guards. There are many Members, like myself, who have found themselves forced to find persons to live in their homes while out of the city. And the foreign embassies around the city have been forced to maintain their own security forces.

Whatever the shortcomings of the local police force, I do not lay the complete blame for this situation at their doorstep. A major reason we find ourselves having to enact such a bill as we have before us today is our inaction in taking up the President's anticrime proposals.

The first session of this Congress has been at work since January 3, now January of 1970 is right around the corner and not a single one of the major recommendations on crime has been acted upon. Instead of taking measures to combat crime in the streets, we have seemed more interested largely in superficial legislation and "giveaway" aid programs.

The administration has requested $296 million this year to help States and local communities improve their police and criminal justice systems. Legislation has also been introduced to intensify the national effort against organized crime which claims as its major victims the poor. A major revision of all Federal narcotics laws also has been proposed in an effort to curb illicit narcotics trade.

Failure to deal effectively with criminals and the causes of crime has resulted in what can only be termed major disaster. Crime has quadrupled since 1944. In 1968 alone, it increased by 17 percent.

Use of drugs has grown at an even more frightening rate. Between 1960 and 1967 juvenile arrests involving the use of drugs rose almost 800 percent and the number of narcotics addicts in the United States is now estimated to be in the hundreds of thousands.

The flow of smut and obscenity through the mails has increased enormously in recent years, to the disgust of decent citizens and to the detriment of our children.

Here in the Nation's Capitol, while serious crime skyrockets, the criminal courts lack progressive, effective procedures.

Organized crime continues to wrap its tentacles about our society. It controls illegal gambling, the numbers racket and dope smuggling, and has infiltrated government and legitimate business.

We must devote new resources and knowledge to the curbing of juvenile delinquency; we must develop new techniques of prisoner rehabilitation, both institutional and extrainstitutional; we must address the urgent need for penal reform.

Control of all areas of crime is absolutely necessary if we are to maintain the internal strength and security of our Nation, if we are to be safe in our homes and on our streets and if our children are to have the protection they deserve.

We should decide now to give anticrime legislation the number one priority for the next session so our people will know that we are interested in arresting and curing the cancer of crime which now afflicts the Nation.

Many people are coming to believe that the motto of Washington is "Kill a Citizen a Day" or "Rob a Bank Daily." That may be true of many other cities before long.

Mr. GRAY. Mr. Chairman, I have no further requests for time.

Mr. CRAMER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 3 of title 3 of the United States Code is amended as follows—

(1) by striking the words "White House Police force" whenever they appear in the chapter and inserting in lieu thereof the words "Executive Protective Force";

(2) by striking the words "White House Police" whenever they appear in the chapter and inserting in lieu thereof "Executive Protective Force";

(3) by striking the second sentence and inserting in lieu thereof, the following: "Subject to the supervision of the Secretary of the Treasury, the Force shall perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following: (1) the Executive Mansion and grounds in the District of Columbia; (2) any building in which Presidential offices are located; (3) the President and members of his immediate family; and (4) foreign diplomatic missions located in the metropolitan area of the District of Columbia, and such other areas as the President may direct."; and

(4) by striking the words "two hundred and fifty" in the first sentence of subsection (a) of section 203 and inserting in lieu thereof "eight hundred and fifty".

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the bill, and that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: First page, line 8, strike out "Force" and insert "Service".

Page 2, line 2, strike out "Force" and insert "Service".

Page 2, line 6, strike out "Force" and insert "Executive Protective Service".

Page 2, line 12, strike out "and".

Page 2, strike out lines 13 and 14, and insert: "metropolitan area of the District of Columbia; and (5) foreign diplomatic missions located in such other areas in the United States, its territories, and possessions, as the president, on a case-by-case basis may direct."; and".

The committee amendments were agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I would like to ask: This 600-man addition to the Secret Service is for the purpose of being added to the 250 already in existence. Is that correct?

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, the gentleman is correct. The total complement of the White House Police force is 250 maximum, and this would add an additional 600, but I would correct the gentleman, it is not a Secret Service force.

Mr. GROSS. The gentleman can construe it any way he wants to. The additional 600 would be under the jurisdiction of the Secret Service.

Mr. GRAY. They work out of the White House Chief of Police.

Mr. GROSS. But now there will be a total force of 850, the 600 being provided ostensibly to protect the embassies.

Mr. GRAY. That is correct.

Mr. GROSS. We have 127 or 137 embassies?

Mr. GRAY. It is 117.

Mr .GROSS. It is 117 embassies. What in the world can they do with 600 men on any basis of a logical tour of duty per man, using 600 to protect 117 embassies?

Mr. GRAY. Mr. Chairman, if the gentleman will yield further, first let me remind the gentleman the additional 600 will not all be used for the 117 missions. The President wants to beef up the

White House protection and also the protection of the President and the Vice President and their families, so a small portion of the 600 would be used for those purposes.

I would remind the gentleman this contemplates three shifts per day, 7 days a week, for 365 days a year.

Mr. GROSS. Does it take 600 men on that basis to protect 117 Embassies? Surely, that would leave quite a cushion for the additions to the protection of the White House or any other function they might be called upon to perform in the Federal service.

Mr. GRAY. I would remind the gentleman these are maximum ceilings. The Chief of the Secret Service will have to come to the Appropriations Committee and justify every single body he puts on this force.

I would point out further that our very distinguished friend, the gentleman from Oklahoma (Mr. STEED), the chairman of the subcommittee, and the ranking Republican member on the committee, the gentleman from Massachusetts (Mr. CONTE), looked into this matter thoroughly. They made suggested changes. This is a compromise bill. They are coauthors of the legislation before us. They certainly will look into the shifts and how many are on them, and whether or not each man is justified, before ever one man is funded under the authorization.

Mr. GROSS. Will this require any brick and mortar for a headquarters?

Mr. GRAY. There is not a dime for construction in this bill.

Mr. GROSS. That may be, but does the gentleman know of any that would be proposed?

Mr. GRAY. I do not envision any authorization for construction of any facilities. These people will work out of the adequate space in the White House.

Mr. GROSS. There is adequate space in the White House?

Mr. GRAY. There will be three phases. The motorized police will work out of the GSA motor pool or the White House motor pool, and the second phase of it will be the foot patrols, and the third phase of it will be the stationary guard at the facility. He will report for duty and his sergeant will come around and make sure he is there. We do not need any barracks, and all that. Nobody will be domiciled there. They will be living at home and report for work to the White House directly.

Mr. GROSS. With all due respect for my friend, the gentleman from Illinois—and I do respect him—I think he has underestimated again, as he underestimated the cost of this 600-man addition, and as I think he has underestimated the cost of headquartering and maintaining this group. I think time will amply demonstrate it.

Mr. GRAY. If I did underestimate, I think my chairman, the gentleman from Oklahoma (Mr. STEED) will correct my errors.

Mr. GROSS. But that will come a little late for many of us on this floor, as many other things have come too late, including the revised estimates of more millions for the cultural castle in foggy bottom, as well as the visitors' center, and so on, up and down the line. It will come too late for the poor old taxpayers of this country.

Mr. GRAY. If the gentleman would like to have lunch with me tomorrow, I will be glad to bring him up to date at that time on the visitors' center. It is very exciting.

AMENDMENT OFFERED BY MR. MATSUNAGA

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA: Page 1, line 19, strike out the word "and",

Page 1, line 22, strike out the period and insert in lieu thereof a semicolon and the word "and".

Page 2, after line 22, add the following new paragraph:

"(65) Strike out the period at the end of the second sentence of section 203(a), title 3, United States Code and insert in lieu thereof 'and by recruitment under the civil service laws and regulation on a nationwide basis.'"

Mr. MATSUNAGA (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Hawaii?

Mr. GROSS. Mr. Chairman, reserving the right to object——

Mr. MATSUNAGA. If the gentleman will yield, I will explain to the gentleman what the amendment will do, under his reservation of objection.

Mr. GROSS. I yield to the gentleman.

Mr. MATSUNAGA. This amendment has been approved by both the majority and the minority sides of the committee.

Mr. Chairman, the amendment which I offer is really a very simple amendment. It would merely provide that the major part of the 600 additional members authorized by H.R. 14944 for the proposed Executive Protective Service would be recruited on a nationwide basis and not primarily from among members or former members of the Metropolitan Police force of the District of Columbia.

I support the bill now under consideration, for I am convinced that there is an urgent need to provide better protection for foreign embassies and their personnel in our country. As their host, we are responsible for their safety.

However, the Metropolitan Police force is severely undermanned today and is having extreme difficulty in recruiting police officers. According to testimony presented before the Rules Committee there are 800 vacancies which are yet to be filled. With the crime rate in the District on a constant increase we should not create a situation which would further decrease the Metropolitan Police force. This would tend to allow an even greater increase in crimes in the District.

Because of the greater attraction of the new Executive Protective Service, unless we limit the number of men who can be recruited from the Metropolitan Police force, we would open the floodgates and leave the District in an intolerable situation. The testimony before the Rules Committee was to the effect that only the basic cadre would be recruited from the District force and that the main part of the additional 600 officers could be recruited from areas other than the District because of the greater attraction of the new Executive Protective Service.

My amendment, therefore, would in no way interfere with the program intended by this legislation. By the same token, my amendment would protect the Metropolitan Police force from being severely crippled by mass resignations of its members who would be attracted to the new Executive Protective Service. My amendment would insure happiness all around.

I urge its adoption.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. In view of the fact that at present and for the past several years the recruitment of the White House Police has been exclusively from members of the Metropolitan Police force, I feel this additional language the gentleman proposes would certainly help to provide protection which the gentleman seeks.

Mr. MATSUNAGA. I thank the gentleman from Virginia.

Mr. GROSS. There is nothing in the gentleman's amendment—which was not read in full, as the gentleman knows—which would preclude the recruiting of potential police officers in the Southern States?

Mr. MATSUNAGA. Nothing at all.

Mr. GROSS. Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii (Mr. MATSUNAGA).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DANIELS of New Jersey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes, pursuant to House Resolution 754, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. O'HARA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 394, nays 7, not voting 32, as follows:

[Roll No. 338]

YEAS—394

Abernethy	Colmer	Green, Oreg.
Adair	Conable	Green, Pa.
Adams	Conte	Griffin
Addabbo	Corbett	Griffiths
Albert	Corman	Grover
Alexander	Coughlin	Gubser
Anderson, Calif.	Cowger	Gude
	Cramer	Hagan
Anderson, Ill.	Crane	Haley
Anderson, Tenn.	Culver	Halpern
	Cunningham	Hamilton
Andrews, N. Dak.	Daddario	Hammer-schmidt
	Daniel, Va.	
Annunzio	Daniels, N.J.	Hanley
Arends	Davis, Ga.	Hansen, Idaho
Ashbrook	Davis, Wis.	Hansen, Wash.
Ashley	de la Garza	Harrington
Aspinall	Delaney	Harsha
Ayres	Dellenback	Harvey
Beall, Md.	Denney	Hastings
Belcher	Dennis	Hathaway
Bell, Calif.	Dent	Hays
Bennett	Derwinski	Hechler, W. Va.
Berry	Devine	Heckler, Mass.
Betts	Dickinson	Helstoski
Bevill	Diggs	Henderson
Biaggi	Dingell	Hicks
Biester	Donohue	Hogan
Bingham	Dorn	Holifield
Blackburn	Dowdy	Horton
Blanton	Downing	Hosmer
Blatnik	Dulski	Howard
Boggs	Duncan	Hull
Boland	Dwyer	Hungate
Bow	Eckhardt	Hunt
Brademas	Edmondson	Hutchinson
Brasco	Edwards, Ala.	Ichord
Bray	Edwards, Calif.	Jacobs
Brinkley	Edwards, La.	Jarman
Brock	Eilberg	Johnson, Calif.
Brooks	Erlenborn	Johnson, Pa.
Broomfield	Esch	Jonas
Brotzman	Eshleman	Jones, Ala.
Brown, Calif.	Evans, Colo.	Jones, N.C.
Brown, Mich.	Evins, Tenn.	Jones, Tenn.
Brown, Ohio	Fallon	Karth
Broyhill, N.C.	Farbstein	Kastenmeier
Broyhill, Va.	Feighan	Kazen
Buchanan	Findley	Kee
Burke, Fla.	Fish	Keith
Burke, Mass.	Fisher	King
Burleson, Tex.	Flood	Kleppe
Burlison, Mo.	Flowers	Kluczynski
Burton, Calif.	Flynt	Koch
Burton, Utah	Foley	Kuykendall
Bush	Ford, William D.	Kyl
Button		Kyros
Byrne, Pa.	Foreman	Langen
Byrnes, Wis.	Fountain	Latta
Cabell	Fraser	Leggett
Caffery	Frelinghuysen	Lennon
Camp	Frey	Lloyd
Carey	Friedel	Long, La.
Carter	Fulton, Pa.	Long, Md.
Casey	Fuqua	Lowenstein
Cederberg	Galifianakis	Lukens
Chamberlain	Gallagher	McCarthy
Chappell	Garmatz	McClory
Clancy	Gaydos	McCloskey
Clark	Gettys	McClure
Clausen, Don H.	Giaimo	McCulloch
	Gibbons	McDade
Clawson, Del	Gilbert	McDonald, Mich.
Cleveland	Goldwater	
Cohelan	Gonzalez	McEwen
Collier	Goodling	McFall
Collins	Gray	McKneally
McMillan	Podell	Staggers
Macdonald, Mass.	Poff	Stanton
	Preyer, N.C.	Steed
MacGregor	Price, Ill.	Steiger, Ariz.
Madden	Price, Tex.	Steiger, Wis.
Mahon	Pryor, Ark.	Stephens
Mailliard	Pucinski	Stokes
Mann	Purcell	Stratton
Marsh	Quie	Stubblefield
Mathias	Quillen	Stuckey
Matsunaga	Railsback	Sullivan
May	Randall	Symington
Mayne	Rarick	Talcott
Meeds	Rees	Taylor
Melcher	Reid, Ill.	Teague, Calif.
Meskill	Reid, N.Y.	Teague, Tex.
Michel	Reuss	Thompson, Ga.
Mikva	Rhodes	Thomson, Wis.
Miller, Calif.	Riegle	Tiernan
Miller, Ohio	Roberts	Udall
Mills	Robison	Ullman
Minish	Rodino	Utt
Mink	Roe	Van Deerlin
Minshall	Rogers, Colo.	Vander Jagt
Mize	Rogers, Fla.	Vanik
Mizell	Rooney, N.Y.	Vigorito
Mollohan	Rooney, Pa.	Waggonner
Monagan	Rosenthal	Waldie
Montgomery	Rostenkowski	Wampler
Moorhead	Roth	Watkins
Morgan	Roudebush	Watson
Morse	Roybal	Watts
Morton	Ruppe	Weicker
Mosher	Ruth	Whalen
Murphy, Ill.	Ryan	White
Murphy, N.Y.	St Germain	Whitehurst
Myers	St. Onge	Whitten
Natcher	Sandman	Widnall
Nedzi	Satterfield	Wiggins
Nelsen	Saylor	Williams
Nichols	Schadeberg	Wilson, Bob
Nix	Scherle	Wilson, Charles H.
Obey	Scheuer	
O'Hara	Schneebeli	Winn
Olsen	Schwengel	Wold
O'Neal, Ga.	Scott	Wolff
O'Neill, Mass.	Sebelius	Wyatt
Ottinger	Shipley	Wydler
Passman	Shriver	Wylie
Patman	Sikes	Wyman
Patten	Skubitz	Yates
Perkins	Slack	Yatron
Pettis	Smith, Calif.	Young
Philbin	Smith, Iowa	Zablocki
Pickle	Smith, N.Y.	Zion
Pike	Snyder	Zwach
Pirnie	Springer	
Poage	Stafford	

NAYS—7

Chisholm	Hawkins	O'Konski
Clay	Landgrebe	
Gross	Lujan	

NOT VOTING—32

Abbitt	Fulton, Tenn.	Pollock
Andrews, Ala.	Hall	Powell
Baring	Hanna	Reifel
Barrett	Hébert	Rivers
Bolling	Kirwan	Sisk
Cahill	Landrum	Taft
Celler	Lipscomb	Thompson, N.J.
Conyers	Martin	Tunney
Dawson	Moss	Whalley
Fascell	Pelly	Wright
Ford, Gerald R.	Pepper	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.
Mr. Sisk with Mr. Lipscomb.
Mr. Rivers with Mr. Hall.
Mr. Hanna with Mr. Pollock.
Mr. Wright with Mr. Pelly.
Mr. Baring with Mr. Martin.
Mr. Fascell with Mr. Reifel.
Mr. Celler with Mr. Cahill.
Mr. Pepper with Mr. Taft.
Mr. Barrett with Mr. Whalley.
Mr. Abbitt with Mr. Landrum.
Mr. Andrews of Alabama with Mr. Moss.
Mr. Thompson of New Jersey with Mr. Conyers.
Mr. Tunney with Mr. Dawson.
Mr. Kirwan with Mr. Powell.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON S. 2577, TO LOWER INTEREST RATES, FIGHT INFLATION, HELP HOUSING, SMALL BUSINESS, AND EMPLOYMENT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (S. 2577) to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes. That is the bill passed yesterday afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. COUGHLIN. Mr. Speaker, when the votes were taken on rollcall No. 335, the motion to recommit, and rollcall No. 336, the conference report on the Federal Coal Mine Health and Safety Act, I was necessarily absent. I was a sponsor of the legislation. I firmly supported it, and supported its passage.

Had I been present, I would have voted "nay" on the motion to recommit, rollcall No. 335, and "yea" on the conference report, rollcall No. 336.

APPOINTMENT OF CONFEREES ON H.R. 13111, DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13111) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CONTE. Mr. Speaker, reserving the right to object, and I do not intend to object, let me say that we had an earlier colloquy on the floor of the House on the parliamentary situation. Since that time we have had several discus-

sions with the chairman of the subcommittee, Mr. FLOOD, who has been most gracious and most cooperative. We have also had some discussions with Members on my side of the aisle. The parliamentary situation is such, Mr. Speaker, that should I move to instruct the conferees and someone on that side moves to table the motion, we will not have a clear vote either up or down on the question of whether the House wishes to retain the Scott amendments or the Whitten amendments. Therefore, based on the conversations I had with the chairman of the subcommittee and the assurance he has given me of his cooperation, and the assurance I have from members on my side of the committee, including the ranking Republican and others on the committee——

Mr. FLOOD. I confirm these statements.

Mr. CONTE. At present it would appear that the wisest thing to do in order to try to preserve the language of the Senate would be not to move to instruct the conferees and let them work their will. Then when they come back at that time we will make a motion, I hope with the support of the leadership.

Mr. FLOOD. If I were in the position of the gentleman from Massachusetts, I would do exactly the same thing.

Mr. BOW. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. CONTE. I yield to the gentleman from Ohio.

Mr. BOW. The statement has been made that an agreement has been made with the ranking minority member. I do not know what that agreement is. No one discussed any agreement with me. I would like to be advised before any agreement is made here as to what it is.

Mr. CONTE. Certainly. I spoke with the gentleman from Illinois, and I apologize for not speaking to the gentleman from Ohio. Things were moving quite fast here.

Mr. BOW. I am still around here, and I am not hard to catch.

Mr. CONTE. As I understand it, there are Members on our side of the aisle and Members on the other side of the aisle that will support the Scott amendment individually. If we do prevail, then the issue is over with. If we do not prevail, then when the bill comes back from conference, we will have an opportunity at that time to ask for a rollcall vote on this particular amendment.

Mr. BOW. Mr. Speaker, will the gentleman yield further?

Mr. CONTE. I am glad to yield.

Mr. BOW. There is no question that you can have a rollcall vote, but I have heard some rumors around here that somebody wants to take over the prerogative of the motion to recommit. There has been no agreement on that.

Mr. CONTE. No. There has been no agreement.

Mr. FLOOD. I have never heard of that.

Mr. CONTE. If the gentleman had been in the Chamber earlier, we asked for that agreement but no one in the minority could give me that assurance.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. COHELAN. I thank the gentleman for yielding.

I merely want to say that the situation is fluid at this moment. The conferences we have been having in this intermittent period have been very awkward. We have been trying to get agreements that would give us some assurance, as the gentleman from Massachusetts has pointed out, that we would ultimately get an opportunity to obtain a clear vote on the Scott Senate amendment and, of course, the House version which was voted into the Committee of the Whole House on the State of the Union. It seems that on the basis of the information the gentleman from Massachusetts has at this moment received, he has decided that we should not follow this course of action.

This, of course, puts us in this awkward position. I want the record to be clear on this. If we fail to make a motion to instruct, we will have no parliamentary opportunity to express ourselves on this matter. Even though the inevitable motion to table will follow a motion to instruct the conferees to accept the Senate amendment and would, of course, obscure the issue.

Mr. Speaker, I am going to these lengths and am being elementary about this because neither I nor the gentleman from Michigan (Mr. O'HARA), who has been working to try to establish some agreement, have been able to make up our minds. As some of the sponsors of the Whitten amendment know, we are all most concerned. We must try to get a clear-cut record vote in the House of Representatives on this issue so we can go back to our constituents this year as we did last year and let them know how we stand on the Whitten amendment. Last year the conference came back in disagreement with the Senate amendments in three particulars and there were three rollcall votes. We adopted the Whitten amendment in the Committee of the Whole House on a teller vote, a nonrecord vote. When it came back from conference, we were in a position to get a record vote and were successful in striking the Whitten amendment. That is the issue here. We are hopeful that the House conference will come back in disagreement with the Scott amendment which was passed by the other body by a vote of 52 to 37. Such action will give us the opportunity to vote clearly on the record; an opportunity we have had in the past.

The Members of this body, especially those of us who have been here for a number of years, know the nature of the conference committee.

The composition of the conference on the other side is interesting in that seven of the nine Members voted against the Scott amendment. It may be assumed therefore that they would, of course, be willing to yield to our very persuasive and distinguished friend, the gentleman from Mississippi (Mr. WHITTEN), and his point of view. This, of course, would be reflected in the conference report. That is what it is all about.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan.

Mr. O'HARA. May I ask the gentleman from Massachusetts this question: Did I understand the gentleman to say that he had received assurances that he seemed to think were adequate if the motion to instruct were not offered, that an opportunity would be had to have a separate vote on the Scott amendment to the Whitten amendment?

Mr. CONTE. That is my understanding. I want it completely understood here that I have made no agreement on the motion to recommit in case that comes up. We have had an earlier discussion on that. We tried to receive that assurance here on the floor, but we did not receive it. However, I am assured at this time by the leadership on our side that they will support a rollcall vote to delete this from the conference report.

Mr. O'HARA. Mr. Speaker, if the gentleman will yield further for just one moment, I would like to inquire—not being an expert on appropriations conference committees—if it would be possible to bring back an amendment in disagreement if the Senate conferees were to offer to recede from their disagreement.

Mr. CONTE. Well, this is one of the very difficult porblems that we have. I would like to yield to my friend, the gentleman from Ohio, the ranking Republican Member here to respond to that. This represents a very difficult parliamentary procedure.

Mr. BOW. I would say to my friend, the gentleman from Massachusetts (Mr. CONTE), that the gentleman from Massachusetts now sitting in the chair will rule on the parliamentary procedures and not the ranking Republican member of the Committee on Appropriations.

I think we are dealing in semantics here. I would not be a bit surprised that whatever you should bring back in the way of this appropriation bill, unless there are a great deal of changes in it, we will probably be back here on the day after Christmas because I would expect a Presidential veto if it were otherwise.

Mr. CONTE. The vote in the other body on the so-called Scott amendment was 52 to 37.

I realize that seven out of the nine conferees on the Senate side voted against the so-called Scott amendment. Therefore I would imagine that the slightest breeze would topple them over. However, I also imagine the parliamentary situation would be that they would have to go back to the Senate, stating that they receded on that particular amendment, and with such a strong vote, 52 to 37 in the Senate, they would have a very difficult time getting away with it.

Mr. O'HARA. If the gentleman will yield further do we have assurances of the chairman of the subcommittee and the ranking minority member of the full committee and the ranking minority member of the subcommittee that they will endeavor to bring back an amendment in disagreement that will give the House a clear-cut vote on that issue?

Mr. CONTE. Mr. Speaker, I yield to the gentleman from Pennsylvania, because he was very clear and concise with me, and very fair.

Mr. FLOOD. Mr. Speaker, everybody in this House knows personally that I will exert myself to do just exactly what my friend requested. There is no doubt about it.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CONTE. Mr. Speaker, further reserving the right to object, I will yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I am in some state of confusion myself at the moment. I would like to ask the gentleman from Massachusetts further what does the gentleman understand the parliamentary situation to be in the event that the Senate does recede on the Scott amendment? Would the House then have to accept the language that was passed earlier in the Labor-HEW bill, namely, the Whitten amendment? Would we have to accept that precise language?

Mr. CONTE. I would imagine that might be the parliamentary situation.

Mr. ANDERSON of Illinois. Then how are we in a position to get a separate vote on that question when the conference report comes back to the House, if it is not in disagreement, if it is merely a part of the general conference report; unless there is some assurance that this would be the motion to recommit the conference report, how would we get a record vote?

Mr. CONTE. I do not see any way that you can. Of course, we are caught in this dilemma. When I offer a motion to instruct the conferees, I have been informed by the other side that they will immediately offer a motion to table. So we end up in the same fuzzy situation, in which you will not be voting on the specific issue.

Mr. ANDERSON of Illinois. Mr. Speaker, would the gentleman yield further, so that I may address a parliamentary inquiry to the Chair?

Mr. CONTE. By all means.

PARLIAMENTARY INQUIRIES

Mr. ANDERSON of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ANDERSON of Illinois. Mr. Speaker, in connection with the matter now under discussion, if in connection with the so-called Scott amendment the Senate conferees should recede and the position of the House should prevail, and the matter should then be returned to the House in the form of the so-called Whitten amendment as merely a part of the overall conference report, would it be possible then, or would the parliamentary situation be such that we in the House could obtain a separate vote on the question of whether or not we wanted the language of the so-called Whitten amendment?

The SPEAKER. The Chair will state that a motion to recommit with instructions could be made.

The question is then for recognition on the motion to recommit. But in response to the parliamentary inquiry the Chair will state that it cannot answer what might occur in the future.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield further for a further parliamentary inquiry?

Mr. CONTE. I yield further to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, my further parliamentary inquiry is this: If the motion to recommit were to concern itself solely with the amount of the appropriation, the dollar amount of the appropriation, and have no reference to the substantive matter which we are now discussing, would it be possible under those circumstances to get a separate vote on the so-called Whitten amendment?

The SPEAKER. The Chair will state that the one motion to recommit would be in order, and the Chair has no knowledge as to what that motion would be, therefore the Chair does not feel constrained to give an opinion on something that concerns the future and might or might not arise.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman from Massachusetts yield further?

Mr. CONTE. I will gladly yield further to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, obviously I am in no position to make any commitment for anybody other than myself. But it would certainly be my intention to vote against the so-called Whitten amendment, if the opportunity presented itself for such a separate vote.

I might say further that the public announcement this morning in the press that the Secretary of Health, Education, and Welfare was delighted with the action taken in the Senate yesterday by the so-called Scott amendment, I have received word this morning from two different members of the Department of Health, Education, and Welfare indicating that that is the administration position and that they are desirous of seeing the Scott amendment adopted as part of the final version of the Department of Labor and Health, Education, and Welfare appropriation bill.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. CORMAN. I want to pose a question to the chairman of the subcommittee as well as the chairman of the conference of the House, Is it not the normal position of the House conferees that they will try to preserve the position of the House?

Mr. FLOOD. Of course.

Mr. CORMAN. Then I would observe that this is very probably the only time that we will have a separate vote on the Whitten amendment. I think we have been educated very well in this session on the use of the motion to recommit to frustrate efforts to get clear cut votes on matters in dispute. I would hope that we would have a vote now, and I do not think there really is any question about the issue, even though it must come up without debate, we should have a rollcall on the motion to table.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. O'HARA. I would like to say to the gentleman, I do not think we can in any possible way get any reasonable assurance as to a separate vote when the conference report is brought back and under these circumstances I would hope that the gentleman from Massachusetts will offer his motion to instruct, and if he does not choose to do so, I would like to do so.

Mr. CONTE. Mr. Speaker, in view of this colloquy and the discussion I had with the distinguished chairman of the subcommittee, I want the record to be clear that I regret very much doing this. The chairman has been wonderful about the whole thing. However, if the Senate recedes, we would end up not being able to vote on the real issue—the Whitten amendment. I am afraid that, with seven Members out of nine having voted against the Scott amendment in the other body, we do not have much hope.

We only have one choice if we want to vote clearly on the Whitten amendment—we must act now. I understand the gentleman from Pennsylvania (Mr. FLOOD) will offer a motion to table. The parliamentary situation will be that this motion to table should be voted down.

If it is, then a motion to instruct the conferees should prevail. Therefore, Mr. Speaker, I will make my motion to instruct the conferees to accept the Scott amendment, and thus I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. FLOOD)?

Mr. COHELAN. Mr. Speaker, further reserving the right to object, I would like to make one final comment.

I should like the Members of the House to understand that this colloquy is just as pure as it can be and it makes perfectly clear that our options are limited and is essential that the House express itself in this vital issue. I therefore urge Members to support the Conte motion to instruct and to vote against the motion to recommit.

Mr. Speaker, this motion would uphold the standards and principles which have been previously established by Congress and affirmed by the courts for desegregating illegally constituted dual school systems. Those standards, founded in title VI of the Civil Rights Act of 1964, make compliance with the law contingent upon the steps taken by school officials to end unconstitutional school systems.

The Supreme Court on October 29 of this year, just a few short weeks ago, again reaffirmed its position against segregated school systems. In Alexander against Holmes County, the Court ruled that the time in which schools were to desegregate with "deliberate speed" had expired—school systems must desegregate immediately. The Court stated clearly and emphatically that segregation is a concept thoroughly alien to the will of the Supreme Court and that such a concept as applied to education is no longer constitutionally viable. The Court further stated that school districts "must terminate dual school systems once and for all and operate now and hereafter unitary schools."

The language, will, and intent of the Court is perfectly clear. Can we in conscience ignore the dictates of the Court? Can we in conscience run the risk of a

mammoth retreat in civil rights progress—and this is exactly what we would be doing if we accept the original language of the Whitten provisions of this bill.

The acceptance of this language will do no more than weaken and undermine all the good that the Congress has done in the name of civil rights. All the laws in the world will not change mentalities of bigotry, prejudice and discrimination. But the law, in this instance, is the only instrument that will affect the climate of decency and equality under which free men can live with dignity and honor. And the proper enforcement of and protection of such law is that which gives it vitality and essence.

Our action here today will determine our respect for the law and our interest in its proper and equitable enforcement. If we accept the Whitten language, Mr. Speaker, we will be rejecting a fair and effective policy by watering down HEW's authority in taking prompt and decisive action to end illegal dual school systems.

Can any reasonable man believe that there would have been any change in the dual school systems of the South without some reorganization of the school systems? Furthermore, can freedom-of-choice plans be forwarded as effective devices for ending segregation? We have all been over this many times before. The record is abundantly clear. Freedom of choice did not alter patterns of unconstitutional school segregation in the South. Surely, none of us are naive enough to believe that black people living in areas where centuries-old attitudes of hostility and prejudice are realities, are really free to choose to send their children to all-white schools. And surely none of us is naive enough to think that these attitudes will just someday disappear—human nature is not like that. Genuine equality is not something which should be given only to those who are willing to take every conceivable psychic and physical risk to attain it. Equality is something which institutions—especially those supported by public funds—should insure and protect.

To modify title VI of the Civil Rights Act of 1964, with the provisions passed earlier by this body, the Whitten amendment extends nothing but encouragement to those who seek to stop those long overdue changes in the segregated educational institutions. The Senate had the wisdom in the past and again just yesterday, to appreciate the devastating effect which the House-passed language would have on the effective integration of segregated school districts.

The Senate has acted in a constructive manner in this issue and I feel that the House cannot do less. I realize that many of my colleagues are seriously concerned about unnecessary busing, but, if we are honest, we will admit that at issue here is not indiscriminate busing, but the means to be used to end segregation. The Senate version that passed 52 to 37 took note of all the objections of the Whitten language and said that none of the means suggested by this language could be utilized except when there was a constitutional question.

These six words, "except as required by the Constitution" adds a crucial dimension to the Whitten language by subjecting it to the test of constitutionality.

Moreover, the position of the Senate-passed version of the Whitten language is consistent with the courts and the statutes in dealing with school desegregation. For both, the courts and the law, have made it explicitly clear that Federal efforts at desegregation are to be confined to unconstitutional and discriminatory situations. I reject the argument that every effort of HEW or the courts to require positive implementation of school desegregation exceeded statutory and judicial boundaries. The recent Supreme Court decision of last month reaffirms the national commitment to desegregation and illustrates the fact that there has been much unnecessary delay in desegregating schools.

There are those who would contend that anything beyond the voluntary actions of parents or children to desegregate schools is outside the context of the law. I cannot subscribe to such a restrictive interpretation. I am sustained again in my position by the recent ruling of the Supreme Court and by the public statements of no less than the President of the United States, the Attorney General, and the Secretary of Health, Education, and Welfare. Furthermore, I concur with the opinion of the courts that affirmative action upon the part of school officials is both a just and practical way of abolishing educational inequality resulting from segregation.

I support Health, Education, and Welfare in its efforts to implement title VI of the Civil Rights Act of 1964. This effort, incidentally, includes patient and persistent efforts at negotiation with local school districts. But when meaningless gestures are offered as solutions to serious problems of illegal segregation, then the sanctions of title VI should become fully operative.

I regard this approach as one which is fair and hopefully effective. It is for this reason that I ask for support of the Senate language which, if accepted, would keep this Nation moving toward the goal which was charted for it in 1954 and made clearer 10 years later in the Civil Rights Act of 1964, and which was further implemented by the Supreme Court's decision in October of this year.

Mr. Speaker, I support the motion to instruct the conferees to accept the Senate-passed amendment. It is my fervent hope that if this motion is successful, the House conferees will accept and support the will of the House as expressed in this vote.

WHAT THE SENATE LANGUAGE DOES

Mr. CONTE. Mr. Speaker, it merely makes clear that the so-called Whitten amendment can be applied only to the extent that it does not conflict with the Constitution. Without it, this body would clearly be flouting the Constitution.

EQUAL APPLICATION OF THE LAW TO NORTH AND SOUTH IS NOT THE ISSUE

It may be, as some have said, that racial imbalance in the North should be opposed to the same extent that racial segregation is being opposed in the South. But that is not the issue before us now. The Whitten amendment without the change made in the other body, would have us thumb our nose at a series of unanimous Supreme Court decisions which have made it clear that government-created segregation is unconstitutional and must be stopped.

The Whitten proposal would have us retreat to the shameful record of the past before the famous Brown decision. We cannot countenance such a retreat. What is needed is a rededication to the speedy implementation of that great decision.

BUSING TO END RACIAL IMBALANCE IS ALREADY UNLAWFUL

At least three times before, the Congress has made clear that it is opposed to "forced busing" to eliminate racial imbalance. Racial imbalance is not a condition created by Government action. In the Civil Rights Act of 1964, in the Elementary and Secondary Education Act, and in the Metropolitan Development Act of 1966, "forced busing" or other acts to eliminate this innocently created "imbalance" are prohibited.

Therefore, these sections offered by the gentlemen from Mississippi are completely superfluous and unnecessary for that purpose. But, at the same time, they would nullify the action Congress has taken to implement the constitutional mandate to put an end to segregated schools.

Another deceptive phrase is "freedom of choice." Like the phrase "right to work" it has, in practice, a true meaning completely at odds with its civil libertarian ring.

Last year in Green against School Board of New Kent County, the Supreme Court held that so-called "freedom of choice" plans are unconstitutional where they are designed to perpetuate a segregated system. These sections seek to repudiate the Green decision.

As I said before in this House, the language used is nothing but a "red herring" since "forced busing" by the use or withholding of Federal funds is forbidden now for the purpose of achieving racial balance. Therefore, for that purpose, the amendment was unnecessary.

ADMINISTRATION OPPOSED TO WHITTEN AMENDMENT

There can no longer be any doubt where the administration stands on this issue. Secretary of Health, Education, and Welfare Finch has stated that this amendment "would seriously undermine this Department's responsibilities to public education." The amendments, he went on "would cripple the efforts of this Department to enforce the mandate of the Supreme Court."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. FLOOD)?

There was no objection.

MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CONTE moves that the Managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill, H.R. 13111, be instructed to agree to the amendments of the Senate numbered 87 and 88.

PREFERENTIAL MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. FLOOD moves to lay on the table the motion of the gentleman from Massachusetts (Mr. CONTE).

The SPEAKER. The question is on the preferential motion.

The question was taken, and the Speaker being in doubt, the House divided, and there were—ayes 93, noes 96.

Mr. FLOOD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nays 216, not voting 36, as follows:

[Roll No. 339]

YEAS—181

Abernethy	Edmondson	Myers
Adair	Edwards, Ala.	Natcher
Addabbo	Edwards, La.	Nelsen
Alexander	Eshleman	Nichols
Anderson, Tenn.	Evins, Tenn.	O'Neal, Ga.
	Fisher	Passman
Ashbrook	Flood	Patman
Aspinall	Flowers	Perkins
Ayres	Flynt	Pettis
Belcher	Foreman	Pickle
Bennett	Fountain	Poage
Berry	Frey	Poff
Betts	Fuqua	Preyer, N.C.
Bevill	Gallifianakis	Price, Tex.
Biaggi	Gettys	Pryor, Ark.
Blackburn	Goldwater	Purcell
Blanton	Goodling	Quillen
Bow	Gray	Randall
Bray	Green, Oreg.	Rarick
Brinkley	Griffin	Reid, Ill.
Brock	Gross	Roberts
Brooks	Gubser	Rogers, Fla.
Broomfield	Hagan	Roth
Broyhill, N.C.	Haley	Roudebush
Broyhill, Va.	Hammer-schmidt	Ruth
Buchanan		Sandman
Burke, Fla.	Harsha	Satterfield
Burleson, Tex.	Hastings	Scherle
Burlison, Mo.	Hays	Schneebeli
Burton, Utah	Henderson	Scott
Bush	Hogan	Sebelius
Cabell	Hull	Sikes
Caffery	Hunt	Skubitz
Camp	Hutchinson	Slack
Carter	Ichord	Smith, Calif.
Casey	Jarman	Smith, Iowa
Chamberlain	Johnson, Pa.	Snyder
Chappell	Jonas	Steed
Clancy	Jones, Ala.	Steiger, Ariz.
Clark	Jones, N.C.	Stephens
Clausen, Don H.	Jones, Tenn.	Stubblefield
	Kazen	Stuckey
Clawson, Del	Kee	Taylor
Collier	King	Teague, Calif.
Collins	Kleppe	Teague, Tex.
Colmer	Landgrebe	Thompson, Ga.
Cowger	Langen	Ullman
Cramer	Latta	Utt
Crane	Lennon	Waggonner
Daniel, Va.	Lloyd	Wampler
Davis, Ga.	Long, La.	Watson
de la Garza	Lukens	Watts
Delaney	McClure	Whitehurst
Denney	McMillan	Whitten
Dennis	Mahon	Wiggins
Derwinski	Mann	Winn
Devine	Marsh	Wright
Dickinson	May	Wyman
Dorn	Mills	Young
Dowdy	Minshall	Zion
Downing	Mizell	
Duncan	Montgomery	

NAYS—216

Adams	Bingham	Byrne, Pa.
Albert	Blatnik	Byrnes, Wis.
Anderson, Calif.	Boggs	Carey
	Boland	Cederberg
Anderson, Ill.	Brademas	Chisholm
Andrews, N. Dak.	Brasco	Clay
	Brotzman	Cleveland
Annunzio	Brown, Calif.	Cohelan
Arends	Brown, Mich.	Conable
Ashley	Brown, Ohio	Conte
Beall, Md.	Burke, Mass.	Corbett
Bell, Calif.	Burton, Calif.	Corman
Biester	Button	Coughlin
Culver	Keith	Quie
Daddario	Kluczynski	Railsback
Daniels, N.J.	Koch	Rees
Davis, Wis.	Kyl	Reid, N.Y.
Dellenback	Kyros	Reuss
Diggs	Leggett	Rhodes
Dingell	Long, Md.	Riegle
Donohue	Lowenstein	Robison
Dulski	Lujan	Rodino
Dwyer	McCarthy	Roe
Eckhardt	McClory	Rogers, Colo.
Edwards, Calif.	McCloskey	Rooney, N.Y.
Eilberg	McCulloch	Rooney, Pa.
Erlenborn	McDade	Rosenthal
Esch	McDonald, Mich.	Rostenkowski
Evans, Colo.		Roybal
Fallon	McEwen	Ruppe
Farbstein	McFall	Ryan
Feighan	McKneally	St Germain
Findley	Macdonald, Mass.	St. Onge
Fish		Saylor
Foley	MacGregor	Schadeberg
Ford, William D.	Madden	Scheuer
	Mailliard	Schwengel
Fraser	Mathias	Shipley
Frelinghuysen	Matsunaga	Shriver
Friedel	Mayne	Smith, N.Y.
Fulton, Pa.	Meeds	Springer
Gallagher	Melcher	Stafford
Garmatz	Meskill	Staggers
Gaydos	Michel	Stanton
Giaimo	Mikva	Steiger, Wis.
Gibbons	Miller, Calif.	Stokes
Gilbert	Miller, Ohio	Stratton
Gonzalez	Minish	Sullivan
Green, Pa.	Mink	Symington
Griffiths	Mize	Talcott
Grover	Mollohan	Thompson, N.J.
Gude	Monagan	Thomson, Wis.
Halpern	Moorhead	Tiernan
Hamilton	Morgan	Udall
Hanley	Morse	Van Deerlin
Hansen, Idaho	Morton	Vander Jagt
Hansen, Wash.	Mosher	Vanik
Harrington	Murphy, Ill.	Vigorito
Harvey	Murphy, N.Y.	Waldie
Hathaway	Nedzi	Weicker
Hawkins	Nix	Whalen
Hechler, W. Va.	Obey	White
Heckler, Mass.	O'Hara	Williams
Helstoski	O'Konski	Wilson, Bob
Hicks	Olsen	Wilson, Charles H.
Holifield	O'Neill, Mass.	
Horton	Ottinger	Wolff
Hosmer	Patten	Wyatt
Howard	Philbin	Wydler
Hungate	Pike	Wylie
Jacobs	Pirnie	Yates
Johnson, Calif.	Podell	Yatron
Karth	Price, Ill.	Zablocki
Kastenmeier	Pucinski	Zwach

NOT VOTING—36

Abbitt	Ford, Gerald R.	Pepper
Andrews, Ala.	Fulton, Tenn.	Pollock
Baring	Hall	Powell
Barrett	Hanna	Reifel
Bolling	Hébert	Rivers
Cahill	Kirwan	Sisk
Celler	Kuykendall	Taft
Conyers	Landrum	Tunney
Cunningham	Lipscomb	Watkins
Dawson	Martin	Whalley
Dent	Moss	Widnall
Fascell	Pelly	Wold

So the preferential motion was rejected.

Mr. GALLAGHER changed his vote from "yea" to "nay."

Mr. BOW changed his vote from "nay" to "yea."

Mr. SPRINGER changed his vote from "yea" to "nay."

Mr. WIGGINS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. CONTE).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. FLOOD, NATCHER, SMITH of Iowa, HULL, CASEY, MAHON, MICHEL, SHRIVER, Mrs. REID of Illinois, and Mr. BOW.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 9366. An act to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 15149. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15149) entitled "An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCGEE, Mr. ELLENDER, Mr. MCCLELLAN, Mr. HOLLAND, Mr. MONTOYA, Mr. FONG, Mr. COTTON, Mr. PEARSON, and Mr. YOUNG of North Dakota to be conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2577) entitled "An act to provide additional mortgage credit, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. BENNETT, and Mr. BROOKE, to be the conferees on the part of the Senate.

The message also announced that Mr. PASTORE and Mr. CASE be appointed as additional conferees on the bill (H.R. 13111) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes."

TO AUTHORIZE ADDITIONAL INVESTIGATIVE AUTHORITY TO THE COMMITTEE ON EDUCATION AND LABOR

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 572

Resolved, That the second paragraph of House Resolution 200, Ninety-first Congress, is amended by inserting after "within" the following: "or outside".

Such resolution is further amended by striking out the last paragraph and inserting in lieu thereof the following:

"Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the Committee on Education and Labor of the House of Representatives and employees engaged in carrying out their official duties under sec-

tion 190d of title 2, United States Code: *Provided*, That (1) no member or employee of said committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88–633, approved October 7, 1964; (2) no member or employee of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

"Each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection."

With the following committee amendment:

Strike all after the word *"Resolved,"* on page 1, and insert in lieu thereof the following language:

"That, notwithstanding the provisions of H. Res. 200, Ninety-first Congress, the General Subcommittee on Labor of the Committee on Education and Labor is authorized to send not more than twelve members of such committee (seven majority and five minority), not more than two majority staff assistants, and not more than two minority staff assistants to the Scandinavian area, Southeast Asia, and countries on the North American continent for the purpose of making a full and complete investigation and study of (1) the circumstances surrounding the production in foreign nations of goods which are subsequently sold in the United States in competition with domestically produced goods; (2) welfare and pension plan programs; and (3) the operation by the Federal Government of elementary and secondary schools, both at home and abroad, with a view to determining means of assuring that the children of civilian officers and employees, and members of the Armed Forces of the United States will receive high quality elementary and secondary education.

"Resolved further, That, notwithstanding the provisions of H. Res. 200, Ninety-first Congress, the Select Subcommittee on Education of the Committee on Education and Labor is authorized to send not more than nine members of such committee (five majority and four minority), not more than two majority staff assistants, and not more than two minority staff assistants to Israel for the purpose of making a full and complete investigation and study of (1) Israeli educational institutions receiving United States funds to perform educational research, vocational rehabilitation services, model programs for the handicapped, adult and community services, preschool programs, higher education programs, and so forth; and (2) the applicability of Israeli programs to the improvement of United States education.

"Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the Committee on Education and Labor of the House of Representatives and employees engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided*, That (1) no member or employee of said committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88–633, approved October 7, 1964; (2) no member or employee of said committee shall receive or expend an amount of transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

"Each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country where local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection."

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution as reported grants authority for the Committee on Education and Labor to send no more than 12 members and four staff assistants to the Scandinavian area, Southeast Asia, Mexico, and Canada to make investigations in the areas of the common market, welfare and pension plan programs, and education.

As I understand it, the 12 members who are on the General Subcommittee on Labor, will be separated into three groups, with one group traveling to each of the geographical areas specified.

House Resolution 572 also authorizes the Select Subcommittee on Education to send not more than nine members and not more than four staff assistants to Israel to make an investigation and study of Israel educational institutions receiving U.S. funds to perform educational research, vocational rehabilitation services, model programs for the handicapped, adult and community services, preschool programs, higher education programs, and so forth; and the applicability of Israel programs to the improvement of education in this country.

Counterpart funds shall be made available for the use of the members while in travel status and the resolution contains the so-called Hall amendment providing that per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in another country, irrespective of differences in time zones.

House Resolution 572, as introduced, gave the Committee on Education and Labor blanket authority to travel anywhere at any time. The Committee on Rules, having original jurisdiction over the measure, deemed it advisable to amend the resolution to spell out more specifically how many members and staff personnel would be traveling and what countries would be visited.

Mr. Speaker, I urge the adoption of House Resolution 572, as amended.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, this resolution provides for members of the Education and Labor Committee to go to Europe and Asia and where else?

Mr. YOUNG. Mr. Speaker, I advise the gentleman from Iowa the resolution calls for the visits to the Scandinavian area, Southeast Asia, and countries on the North American Continent.

I understand the request will be laid before the Rules Committee, and the House Education and Labor Committee will be divided into three groups, and the groups will travel separately to those different areas.

Mr. GROSS. Do I understand they will study the common market?

Mr. YOUNG. Mr. Speaker, I will yield to the Chairman of the Education and Labor Committee for a description of his intentions in this respect.

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague, the intent of the resolution is that the general Subcommittee on Labor will study the pension and welfare systems in the Scandinavian countries and in the other countries, because that committee shortly will be conducting lengthy hearings concerning the pension and welfare plans and amendments to the present law which involve many billions and billions of dollars.

Mr. GROSS. In the Scandinavian countries, are they going to Sweden?

Mr. PERKINS. I imagine that country will be included.

Mr. GROSS. Will they embark while on this junket on a study of Sweden's free love, trial marriage and so on?

Mr. PERKINS. I do not think so. I think the Subcommittee on Labor has demonstrated in their travels in Europe and in England this last spring, when they went to study mine safety and the so-called black-lung provisions of the law, that their trip was very beneficial.

There is no sinister motive involved, no motive except to write better legislation.

Mr. GROSS. I do not know anybody who ever took a junket abroad who had a sinister motive. There are usually other motives by Members in taking a junket over the world.

But does the Chairman have any idea of the expense of this junket? Was there not a big deficit in the U.S. balance of trade for the month of November.

Mr. PERKINS. Let me say to my distinguished friend I have not been anywhere since World War II days, and I know very little about the situation.

Mr. GROSS. But the gentleman is surely interested in knowing the deficit in the balance of payments as the chairman of the committee and as the one who authorizes these trips. This will contribute to the outflow of dollars.

Mr. PERKINS. The gentleman knows there are counterpart funds involved.

Mr. GROSS. Are there counterpart funds in Sweden? Since when did we have them on our giveaway list?

Mr. PERKINS. I do not know about that. I am not able to answer that.

Mr. GROSS. The gentleman is the chairman of the committee. He has authorized this junket. I am only trying to ask a few questions.

Mr. PERKINS. I will say to my distinguished colleague that I will not refer to them as junkets. I think the general Subcommittee on Labor has a worthy purpose in going over there, which is to study the pension and welfare laws. I think the other subcommittees, such as the Select Subcommittee on Education, has a worthy motive in going to Israel to study the educational problems involved there, where we are spending millions and millions of dollars in the overseas schools. I think it behooves the House to send representatives of the committee to look into the ways the schools are being operated over there. I say to my distinguished colleague, that is their duty.

I see nothing wrong with the resolution.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Minnesota.

Mr. NELSEN. I was just going to suggest, if the Members get over to Denmark and need an interpreter, I speak the language rather fluently and I should be glad to assist the committee.

Mr. PERKINS. I was there once myself. It has been a long time ago. I hope to go back some day.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 572 as introduced provided for blanket travel authority outside the United States without any prior authorization by the House.

The resolution as reported by the Committee on Rules provides authority to the committee to undertake two investigative trips which it was testified were to be taken in the near future.

The Rules Committee, in its amended language, authorized travel to those places requested and also gave the committee its approval to send as many members to participate as was requested.

However, the Rules Committee did not believe that it should grant blanket, unrestricted travel authority to the Education and Labor Committee. To do so is to avoid its own responsibility to see that congressional travel is worthwhile and productive.

I have no further comments on this resolution as I feel it is clear on its face.

Mr. Speaker, I have no other requests for time. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I thank the gentleman for yielding.

The committee did not put too many restrictions on them, if they are going to Europe, Southeast Asia, Mexico, Canada, and other watering places. They are going to take a pretty good gallop over parts of the world, are they not?

Mr. QUILLEN. I will say to the distinguished gentleman from Iowa, the Rules Committee did put a few restrictions on the language in the resolution. Had it been reported out as requested it would have been a galloping holiday with jingle bells and Happy New Year all entwined. The resolution as introduced provided for unrestricted travel authority.

Mr. GROSS. I thank the gentleman for what the committee did to put some strings on these junketeers.

Did the gentleman say that this trip was not authorized by any other committee? What was the statement about authorizing?

Mr. QUILLEN. I say that the Rules Committee did not authorize the original resolution which came before our committee. We amended it with this restricted language.

Mr. GROSS. I see. I thank the gentleman.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 224, nays 154, not voting 55, as follows:

[Roll No. 340]

YEAS—224

Abernethy	Clark	Fulton, Pa.
Adair	Clausen,	Galifianakis
Adams	Don H.	Gallagher
Addabbo	Clawson, Del	Garmatz
Albert	Cohelan	Gaydos
Anderson,	Corbett	Gettys
Calif.	Corman	Giaimo
Anderson, Ill.	Cramer	Gibbons
Anderson,	Culver	Gilbert
Tenn.	Daddario	Goldwater
Andrews,	Daniels, N.J.	Gonzalez
N. Dak.	Davis, Ga.	Gray
Annunzio	de la Garza	Green, Pa.
Arends	Delaney	Griffiths
Ashley	Dellenback	Gubser
Aspinall	Dent	Gude
Ayres	Derwinski	Halpern
Bell, Calif.	Dingell	Hamilton
Biaggi	Donohue	Hanley
Bingham	Dorn	Hansen, Idaho
Blanton	Downing	Harrington
Blatnik	Dulski	Harvey
Boggs	Eckhardt	Hathaway
Boland	Edmondson	Hawkins
Brademas	Edwards, Calif.	Hays
Brasco	Edwards, La.	Hechler, W. Va.
Bray	Eilberg	Helstoski
Brown, Calif.	Erlenborn	Hogan
Brown, Mich.	Evins, Tenn.	Holifield
Burke, Fla.	Fallon	Horton
Burke, Mass.	Farbstein	Howard
Burleson, Tex.	Feighan	Hungate
Burton, Calif.	Findley	Jacobs
Burton, Utah	Flood	Johnson, Calif.
Byrne, Pa.	Foley	Johnson, Pa.
Cabell	Ford,	Jones, Ala.
Carey	William D.	Jones, Tenn.
Casey	Fraser	Karth
Cederberg	Frelinghuysen	Kastenmeier
Chamberlain	Friedel	Kazen
Kee	Morgan	St. Onge
Keith	Morse	Sandman
Kluczynski	Morton	Scheuer
Koch	Murphy, Ill.	Shipley
Kyros	Murphy, N.Y.	Shriver
Landgrebe	Natcher	Sikes
Leggett	Nedzi	Slack
Lloyd	Obey	Smith, Iowa
Long, Md.	O'Hara	Smith, N.Y.
Lowenstein	Olsen	Staggers
McCarthy	Ottinger	Steiger, Wis.
McCloskey	Passman	Stokes
McClure	Patman	Stubblefield
McCulloch	Perkins	Sullivan
McDade	Philbin	Symington
McEwen	Pickle	Thompson, Ga.
McFall	Pirnie	Thompson, N.J.
McMillan	Podell	Tiernan
Macdonald,	Preyer, N.C.	Udall
Mass.	Price, Ill.	Ullman
Madden	Pryor, Ark.	Van Deerlin
Mahon	Pucinski	Waggonner
Mathias	Purcell	Waldie
Matsunaga	Rees	Watts
May	Reid, N.Y.	Whalen
Meeds	Reuss	White
Melcher	Rhodes	Widnall
Meskill	Rodino	Wiggins
Michel	Roe	Williams
Mikva	Rogers, Colo.	Wolff
Miller, Calif.	Rooney, N.Y.	Wright
Mills	Rooney, Pa.	Wyatt
Minish	Rosenthal	Yates
Mink	Rostenkowski	Yatron
Mollohan	Roybal	Young
Monagan	Ryan	Zablocki
Moorhead	St Germain	

NAYS—154

Alexander	Frey	Pike
Beall, Md.	Fuqua	Poff
Belcher	Goodling	Price, Tex.
Bennett	Griffin	Quie
Betts	Gross	Quillen
Bevill	Hagan	Railsback
Biester	Haley	Randall
Blackburn	Hammer-	Rarick
Bow	schmidt	Reid, Ill.
Brinkley	Harsha	Riegle
Brock	Hastings	Roberts
Brotzman	Heckler, Mass.	Rogers, Fla.
Brown, Ohio	Henderson	Roth
Broyhill, N.C.	Hicks	Roudebush
Broyhill, Va.	Hosmer	Ruppe
Buchanan	Hull	Ruth
Burlison, Mo.	Hunt	Satterfield
Bush	Hutchinson	Saylor
Button	Ichord	Schadeberg
Byrnes, Wis.	Jarman	Scherle
Caffery	Jones, N.C.	Schneebeli
Camp	King	Schwengel
Carter	Kleppe	Scott
Chappell	Kyl	Sebelius
Chisholm	Langen	Skubitz
Clancy	Latta	Smith, Calif.
Cleveland	Lennon	Snyder
Collier	Long, La.	Springer
Collins	Lujan	Stafford
Conable	Lukens	Stanton
Conte	McDonald,	Steiger, Ariz.
Coughlin	Mich.	Stuckey
Cowger	McKneally	Talcott
Crane	MacGregor	Taylor
Daniel, Va.	Mailliard	Teague, Calif.
Davis, Wis.	Mann	Thomson, Wis.
Denney	Marsh	Utt
Dennis	Mayne	Vander Jagt
Devine	Miller, Ohio	Vigorito
Dickinson	Minshall	Wampler
Dowdy	Mize	Watson
Duncan	Mizell	Weicker
Dwyer	Montgomery	Whitehurst
Edwards, Ala.	Mosher	Whitten
Eshleman	Myers	Wilson, Bob
Evans, Colo.	Nelsen	Winn
Fish	Nichols	Wold
Fisher	Nix	Wydler
Flowers	O'Konski	Wylie
Flynt	O'Neal, Ga.	Wyman
Foreman	Patten	Zion
Fountain	Pettis	Zwach

NOT VOTING—55

Abbitt	Colmer	Hanna
Andrews, Ala.	Conyers	Hansen, Wash.
Ashbrook	Cunningham	Hébert
Baring	Dawson	Jonas
Barrett	Diggs	Kirwan
Berry	Esch	Kuykendall
Bolling	Fascell	Landrum
Brooks	Ford, Gerald R.	Lipscomb
Broomfield	Fulton, Tenn.	McClory
Cahill	Green, Oreg.	Martin
Celler	Grover	Moss
Clay	Hall	O'Neill, Mass.

Pelly	Robison	Tunney
Pepper	Sisk	Vanik
Poage	Steed	Watkins
Pollock	Stephens	Whalley
Powell	Stratton	Wilson,
Reifel	Taft	Charles H.
Rivers	Teague, Tex.	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Celler with Mr. Gerald R. Ford.
Mr. Rivers with Mr. Hall.
Mr. Teague of Texas with Mr. Martin.
Mr. Brooks with Mr. Broomfield.
Mr. Steed with Mrs. Reid of Illinois.
Mr. Barrett with Mr. Watkins.
Mr. Hébert with Mr. Jonas.
Mr. Foss with Mr. Lipscomb.
Mr. Poage with Mr. Kuykendall.
Mr. Stratton with Mr. Cahill.
Mr. Stephens with Mr. Ashbrook.
Mr. Abbitt with Mr. Berry.
Mrs. Hansen of Washington with Mr. Pollock.
Mr. Pepper with Mr. Cunningham.
Mr. Hanna with Mr. Grover.
Mr. Vanik with Mr. Esch.
Mrs. Green of Oregon with Mr. Taft.
Mr. Colmer with Mr. Whalley.
Mr. Sisk with Mr. Robison.
Mr. Fascell with Mr. Reifel.
Mr. O'Neill of Massachusetts with Mr. Pelly.
Mr. Fulton of Tennessee with Mr. McClory.
Mr. Andrews of Alabama with Mr. Baring.
Mr. Clay with Mr. Tunney.
Mr. Landrum with Mr. Kirwan.
Mr. Charles H. Wilson with Mr. Diggs.
Mr. Conyers with Mr. Powell.

Mr. WIDNALL changed his vote from "nay" to "yea."

Mr. SEBELIUS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "A resolution to authorize additional investigative authority to the Committee on Education and Labor."

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 13000) entitled "An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGEE, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. FONG, and Mr. BOGGS to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to amendments of the Senate to the bill (H.R. 11959) entitled "An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CRANSTON, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. KENNEDY, Mr. MONDALE, Mr. HUGHES, Mr. SCHWEIKER, Mr. JAVITS, Mr. DOMINICK, Mr. SAXBE, and Mr. SMITH of Illinois to be the conferees on the part of the Senate.

CONFERENCE REPORT ON H.R. 14580, FOREIGN ASSISTANCE ACT OF 1969

Mr. MORGAN submitted the following conference report and statement on the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-767)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Foreign Assistance Act of 1969".

PART I—ECONOMIC ASSISTANCE

DEVELOPMENT LOAN FUND

SEC. 101. (a). Section 202(a) of the Foreign Assistance Act of 1961, relating to authorization, is amended—

(1) by striking out "and" after "fiscal year 1968,";

(2) by inserting after "fiscal year 1969," the following: "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971,"; and

(3) by striking out "the fiscal year ending June 30, 1969" in the second proviso and inserting in lieu thereof "each of the fiscal years ending June 30, 1970, and June 30, 1971".

(b) Section 203 of such Act, relating to fiscal provisions, is amended to read as follows:

"SEC. 203. Fiscal Provisions.—Dollar receipts from loans made pursuant to this part and from loans made under the Mutual Security Act of 1954, as amended, are authorized to be made available for the fiscal year 1970 and for the fiscal year 1971 for use for the purposes of this title, for loans under title VI, and for the purposes of section 232. Such receipts and other funds made available under this section shall remain available until expended."

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 102. Section 212 of such Act, relating to authorization, is amended by striking out "$200,000,000 for the fiscal year 1969" and inserting in lieu thereof "$183,500,000 for the fiscal year 1970, and $183,500,000 for the fiscal year 1971".

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 103. Section 214 of such Act, relating to American schools and hospitals abroad, is amended—

(1) by striking out of subsection (c) "fiscal year 1969, $14,600,000, to remain available until expended." and inserting in lieu thereof "fiscal year 1970, $25,900,000, and for the fiscal year 1971, $12,900,000, which amounts are authorized to remain available until expended. Amounts appropriated under this subsection for the fiscal year 1970 shall be available for expenditure solely in accordance with the allocations set forth on pages 25 and 26 of House Report No. 91-611 and on page 23 of Senate Report No. 91-603.";

(2) by striking out of subsection (d) "fiscal year 1969 $5,100,000" and inserting in lieu thereof "fiscal year 1970, $3,000,000"; and

(3) by adding at the end of subsection (d) the following new sentence: "Foreign currencies appropriated under this subsection shall be available for expenditure solely in accordance with the allocation set forth on page 23 of Senate Report No. 91-603.".

PROTOTYPE DESALTING PLANT; PROGRAMS FOR PEACEFUL COMMUNICATION

SEC. 104. Title II of chapter 2 of part I, relating to technical cooperation and development grants, is amended by adding at the end thereof the following new sections:

"SEC. 219. PROTOTYPE DESALTING PLANT.—(a) In furtherance of the purposes of this part and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President, if he determines it to be feasible, is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project.

"(b) Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the President deems appropriate to insure, among other things, that all information, products, uses, processes, patents, and other developments obtained or utilized in the development of this prototype plant will be available without further cost to the United States for the use and benefit of the United States throughout the world, and to insure that the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving science and technology in the field of desalination.

"(c) In carrying out the provisions of this section, the President may enter into contracts with public or private agencies and with any person without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529 and 41 U.S.C. 5).

"(d) Nothing in this section shall be construed as intending to deprive the owner of any background patent or any right which such owner may have under that patent.

"(e) In carrying out the provisions of this section, the President may utilize the personnel, services, and facilities of any Federal agency.

"(f) The United States costs, other than its administrative costs, for the study, design, construction, and operation of a prototype plant under this section shall not exceed either 50 per centum of the total capital costs of the facilities associated with the production of water, and 50 per centum of

the operation and maintenance costs for the demonstration period, or $20,000,000, whichever is less. There are authorized to be appropriated, subject to the limitations of this subsection, such sums as may be necessary to carry out the provisions of this section, including administrative costs thereof. Such sums are authorized to remain available until expended.

"(g) No funds appropriated for the Office of Saline Water pursuant to the appropriation authorized by the Act of July 11, 1969 (83 Stat. 45, Public Law 91-43), or prior authorization Acts, shall be used to carry out the purposes of this section.

"SEC. 220. PROGRAMS FOR PEACEFUL COMMUNICATION.—(a) The President is authorized to use funds made available under section 212 to carry out programs of peaceful communications which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural, and community development purposes in the less developed countries.

"(b) In carrying out programs in the fields of education, health, agriculture, and community development, the agency primarily responsible for part I shall, to the extent possible, assist the developing countries with research, training, planning assistance, and project support in the use of television and related technologies, including satellite transmissions. The agency shall make maximum use of existing satellite capabilities, including the facilities of the International Telecommunications Satellite Consortium.

"(c) In implementing activities under this section, the agency primarily responsible for part I shall coordinate closely with Federal, State, and local agencies and with nongovernmental educational, health, and agricultural institutions and associations within the United States."

HOUSING GUARANTIES; OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 105. Chapter 2 of part I of such Act, relating to development assistance, is amended by striking out title III and title IV and inserting in lieu thereof the following new titles:

"TITLE III—HOUSING GUARANTIES

"SEC. 221. WORLDWIDE HOUSING GUARANTIES.—In order to facilitate and increase the participation of private enterprise in furthering the development of the economic resources and productive capacities of less developed friendly countries and areas, and promote the development of thrift and credit institutions engaged in programs of mobilizing local savings for financing the construction of self-liquidating housing projects and related community facilities, the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible investors as defined in section 238(c), assuring against loss of loan investments for self-liquidating housing projects. The total face amount of guaranties issued hereunder, outstanding at any one time, shall not exceed $130,000,000. Such guaranties shall be issued under the conditions set forth in section 222(b) and section 223.

"SEC. 222. HOUSING PROJECTS IN LATIN AMERICAN COUNTRIES.—(a) The President shall assist in the development in the American Republics of self-liquidating housing projects, the development of institutions engaged in Alliance for Progress programs, including cooperatives, free labor unions, savings and loan type institutions, and other private enterprise programs in Latin America engaged directly or indirectly in the financing of home mortgages, the construction of homes for lower income persons and families, the increased mobilization of savings and improvement of housing conditions in Latin America.

"(b) To carry out the purposes of subsection (a), the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible investors, as defined in section 238(c), assuring against loss of loan investment made by such investors in—

"(1) private housing projects in Latin America of types similar to those insured by the Department of Housing and Urban Development and suitable for conditions in Latin America;

"(2) credit institutions in Latin America engaged directly or indirectly in the financing of home mortgages, such as savings and loan institutions and other qualified investment enterprises;

"(3) housing projects in Latin America for lower income families and persons, which projects shall be constructed in accordance with maximum unit costs established by the President for families and persons whose incomes meet the limitations prescribed by the President;

"(4) housing projects in Latin America which will promote the development of institutions important to the success of the Alliance for Progress, such as free labor unions, cooperatives, and other private enterprise programs; or

"(5) housing projects in Latin America, 25 per centum or more of the aggregate of the mortgage financing for which is made available from sources within Latin America and is not derived from sources outside Latin America, which projects shall, to the maximum extent practicable, have a unit cost of not more than $8,500.

"(c) The total face amount of guaranties issued hereunder or heretofore under Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969, outstanding at any one time, shall not exceed $550,000,000: *Provided*, That $325,000,000 of such guaranties may be used only for the purposes of subsection (b)(1).

"SEC. 223. GENERAL PROVISIONS.—(a) A fee shall be charged for each guaranty issued under section 221 or section 222 in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

"(b) The amount of $50,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued hereunder, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of this title and of prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to section 221 or section 222 or heretofore pursuant to prior Latin American and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969; and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this subsection.

"(c) Any payments made to discharge liabilities under guaranties issued under section 221 or section 222 or heretofore under prior Latin American or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in subsection (b) (excluding amounts required for purposes other than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under such guaranties as long as funds are available, and finally out of funds hereafter made available pursuant to subsection (e).

"(d) All guaranties issued under section 221 or section 222 or heretofore under prior Latin American or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(e) There is hereby authorized to be appropriated to the President such amounts, to remain available until expended, as may be necessary from time to time to carry out the purposes of this title.

"(f) In the case of any loan investment guaranteed under section 221 or section 222, the agency primarily responsible for administering part I shall prescribe the maximum rate of interest allowable to the eligible investor, which maximum rate shall not be less than one-half of 1 per centum above the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. In no event shall the agency prescribe a maximum allowable rate of interest which exceeds by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by such Department. The maximum allowable rate of interest under this subsection shall be prescribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of subsection (f).

"(g) Housing guaranties committed, authorized, or outstanding under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (b).

"(h) No payment may be made under any guaranty issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(i) The authority of section 221 and section 222 shall continue until June 30, 1972.

"TITLE IV—OVERSEAS PRIVATE INVESTMENT CORPORATION

"SEC. 231. CREATION, PURPOSE, AND POLICY.—To mobilize and facilitate the participation of United States private capital and skills in the economic and social progress of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment corporation (hereinafter called the 'Corporation'), which shall be an agency of the United States under the policy guidance of the Secretary of State.

"In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

"(a) to conduct its financing operations on a self-sustaining basis, taking into account the economic and financial soundness of projects and the availability of financing from other sources on appropriate terms;

"(b) to utilize private credit and investment institutions and the Corporation's guaranty authority as the principal means of mobilizing capital investment funds;

"(c) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

"(d) to conduct its insurance operations with due regard to principles of risk management including, when appropriate, efforts to share its insurance risks;

"(e) to utilize, to the maximum practicable extent consistent with the accomplishment of its purpose, the resources and skills of small business and to provide facilities to encourage its full participation in the programs of the Corporation;

"(f) to encourage and support only those private investments in less developed friendly countries and areas which are sensitive and responsive to the special needs and requirements of their economies, and which contribute to the social and economic development of their people;

"(g) to consider in the conduct of its operations the extent to which less developed country governments are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

"(h) to foster private initiative and competition and discourage monopolistic practices;

"(i) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments objectives of the United States;

"(j) to conduct its activities in consonance with the activities of the agency primarily responsible for administering part I and the international trade, investment, and financial policies of the United States Government; and

"(k) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas.

"SEC. 232. CAPITAL OF THE CORPORATION.—The President is authorized to pay in as capital of the Corporation, out of dollar receipts made available through the appropriation process from loans made pursuant to this part and from loans made under the Mutual Security Act of 1954, as amended, for the fiscal year 1970 not to exceed $20,000,000 and for the fiscal year 1971 not to exceed $20,000,000. Upon the payment of such capital by the President, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

"SEC. 233. ORGANIZATION AND MANAGEMENT.—(a) STRUCTURE OF THE CORPORATION.—The Corporation shall have a Board of Directors, a President, an Executive Vice President, and such other officers and staff as the Board of Directors may determine.

"(b) BOARD OF DIRECTORS.—All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors ('the Board') which shall consist of eleven Directors, including the Chairman, with six Directors constituting a quorum for the transaction of business. The Administrator of the Agency for International Development shall be the Chairman of the Board, ex officio. Six Directors (other than the President of the Corporation, appointed pursuant to subsection (c) who shall also serve as a Director) shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall not be officials or employees of the Government of the United States. At least one of the six Directors appointed under the preceding sentence shall be experienced in small business, one, in organized labor, and one in cooperatives. Each such Director shall be appointed for a term of no more than three years. The terms of no more than two such Directors shall expire in any one year. Such Directors shall serve until their successors are appointed and qualified and may be reappointed.

"The other Directors shall be officials of the Government of the United States, designated by and serving at the pleasure of the President of the United States.

"All Directors who are not officers of the Corporation or officials of the Government of the United States shall be compensated at a rate equivalent to that of level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the business of the Corporation and may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time, while away from their homes or usual places of business.

"(c) PRESIDENT OF THE CORPORATION.—The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In making such appointment, the President shall take into account private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

"(d) OFFICERS AND STAFF.—The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. Other officers, attorneys, employees, and agents shall be selected and appointed by the Corporation, and shall be vested with such powers and duties as the Corporation may determine. Of such persons employed by the Corporation, not to exceed twenty may be appointed, compensated, or removed without regard to the civil service laws and regulations: *Provided,* That under such regulations as the President of the United States may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those otherwise authorized by law, including those authorized by section 5108 of title 5 of the United States Code.

"SEC. 234. INVESTMENT INCENTIVE PROGRAMS.—The Corporation is hereby authorized to do the following:

"(a) INVESTMENT INSURANCE.—(1) To issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved—

"(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

"(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government; and

"(C) loss due to war, revolution, or insurrection.

"(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make such arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions thereof) or with multilateral organizations for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder: *Provided, however,* That liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this title and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the total project financing.

"(3) Not more than 10 per centum of the total face amount of investment insurance which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

"(b) INVESTMENT GUARANTIES.—To issue to eligible investors guaranties of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however,* That such guaranties on other than loan investments shall not exceed 75 per centum of such investment: *Provided further,* That except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project shall not exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty: *Provided further,* That not more than 10 per centum of the total face amount of investment guaranties which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

"(c) DIRECT INVESTMENT.—To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 1415 of the Supplemental Appropriation Act, 1953, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Director of the Bureau of the Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as reasonably feasible under the circumstances then pertaining.

"No loans shall be made under this section to finance operations for mining or other extraction of any deposit of ore, oil, gas, or other mineral.

"(d) INVESTMENT ENCOURAGEMENT.—To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private organizations or private investors: *Provided, however,* That the Corporation shall not finance surveys to ascertain the

existence, location, extent or quality, or to determine the feasibility of undertaking operations for mining or other extraction, of any deposit of ore, oil, gas, or other mineral. In carrying out this authority, the Corporation shall coordinate with such investment promotion activities as are carried out by the Department of Commerce.

"(e) SPECIAL ACTIVITIES.—To administer and manage special projects and programs, including programs of financial and advisory support which provide private technical, professional, or managerial assistance in the development of human resources, skills, technology, capital savings and intermediate financial and investment institutions and cooperatives. The funds for these projects and programs may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 632(a) or from other sources, public or private.

"SEC. 235. ISSUING AUTHORITY, DIRECT INVESTMENT FUND AND RESERVES.—(a) (1) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a) shall not exceed $7,500,000,000.

"(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 234(b) shall not exceed in the aggregate $750,000,000, of which guaranties of credit union investment shall not exceed $1,250,000: Provided, That the Corporation shall not make any commitment to issue any guaranty which would result in a fractional reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 234(b) or similar predecessor guaranty authority.

"(3) The Congress, in considering the budget programs transmitted by the President for the Corporation, pursuant to section 104 of the Government Corporation Control Act, as amended, may limit the obligations and contingent liabilities to be undertaken under section 234 (a) and (b) as well as the use of funds for operating and administrative expenses.

"(4) The authority of section 234 (a) and (b) shall continue until June 30, 1974.

"(b) There shall be established a revolving fund, known as the Direct Investment Fund, to be held by the Corporation. Such fund shall consist initially of amounts made available under section 232, shall be available for the purposes authorized under section 234(c), shall be charged with realized losses and credited with realized gains and shall be credited with such additional sums as may be transferred to it under the provisions of section 236.

"(c) There shall be established in the Treasury of the United States an insurance and guaranty fund, which shall have separate accounts to be known as the Insurance Reserve and the Guaranty Reserve, which reserves shall be available for discharge of liabilities, as provided in section 235(d), until such time as all such liabilities have been discharged or have expired or until all such reserves have been expended in accordance with the provisions of this section. Such fund shall be funded by: (1) the funds heretofore available to discharge liabilities under predecessor guaranty authority (including housing guaranty authorities), less both the amount made available for housing guaranty programs pursuant to section 223(b) and the amount made available to the Corporation pursuant to section 234(e); and (2) such sums as shall be appropriated pursuant to section 235(f) for such purpose. The allocation of such funds to each such reserve shall be determined by the Board after consultation with the Secretary of the Treasury. Additional amounts may thereafter be transferred to such reserves pursuant to section 236.

"(d) Any payments made to discharge liabilities under investment insurance issued under section 234(a) or under similar predecessor guaranty authority shall be paid first out of the Insurance Reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to section 235(f). Any payments made to discharge liabilities under guaranties issued under section 234(b) or under similar predecessor guaranty authority shall be paid first out of the Guaranty Reserve as long as such reserve remains available, and thereafter out of funds made available pursuant to section 235(f).

"(e) There is hereby authorized to be transferred to the Corporation at its call, for the purposes specified in section 236, all fees and other revenues collected under predecessor guaranty authority from December 31, 1968, available as of the date of such transfer.

"(f) There is hereby authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the insurance and guaranty fund or to discharge the liabilities under insurance and guaranties issued by the Corporation or issued under predecessor guaranty authority.

"SEC. 236. INCOME AND REVENUES.—In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

"(a) payment of all expenses of the Corporation, including investment promotion expenses;

"(b) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 235, and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the Board may determine; and

"(c) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers, and additions under subsections (a) and (b) hereof.

"SEC. 237. GENERAL PROVISIONS RELATING TO INSURANCE AND GUARANTY PROGRAMS.—(a) Insurance and guaranties issued under this title shall cover investment made in connection with projects in any less developed friendly country or area with the government of which the President of the United States has agreed to institute a program for insurance or guaranties.

"(b) The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance or guaranty issued under this title, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance or guaranty is to be made, and any right, title, claim, or cause of action existing in connection therewith.

"(c) All guaranties issued prior to July 1, 1956, all guaranties issued under sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1966, and all insurance and guaranties issued pursuant to this title shall constitute obligations, in accordance with the terms of such insurance or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(d) Fees shall be charged for insurance and guaranty coverage in amounts to be determined by the Corporation. In the event fees to be charged for investment insurance or guaranties are reduced, fees to be paid under existing contracts for the same type of guaranties or insurance and for similar guaranties issued under predecessor guaranty authority may be reduced.

"(e) No insurance or guaranty of any equity investment shall extend beyond twenty years from the date of issuance.

"(f) No insurance or guaranty issued under this title shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the extent provided by such insurance or guaranty.

"(g) No payment may be made under any guaranty issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(h) Insurance or guaranties of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company, or other credit institution.

"(i) Claims arising as a result of insurance or guaranty operations under this title or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

"(j) Each guaranty contract executed by such officer or officers as may be designated by the Board shall be conclusively presumed to be isssued in compliance with the requirements of this Act.

"(k) In making a determination to issue insurance or a guaranty under this title, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance or guaranty upon the balance of payments of the United States.

"SEC. 238. DEFINITIONS.—As used in this title—

"(a) the term 'investment' includes any contribution of funds, commodities, services, patents, processes, or techniques, in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of commodities or services pursuant to a lease or other contract;

"(b) the term 'expropriation' includes, but is not limited to, any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project;

"(c) the term 'eligible investor' means (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States or any State or territory thereof and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, or other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided*, however, That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per

centum of the total of issued and subscribed share capital, required by law to be held by other than the United States owners: *Provided further*, That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time a claim arises as well as at the time the insurance or guaranty is issued; and

"(d) the term 'predecessor guaranty authority' means prior guaranty authorities (other than housing guaranty authorities) repealed by the Foreign Assistance Act of 1969, sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (exclusive of authority relating to informational media guaranties).

"SEC. 239. GENERAL PROVISIONS AND POWERS.—(a) The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof.

"(b) The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 234 (a), (b), and (d). Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this title as may be determined by the President.

"(c) The Corporation shall be subject to the applicable provisions of the Government Corporation Control Act, except as otherwise provided in this title.

"(d) To carry out the purposes of this title, the Corporation is authorized to adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible, or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to indemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; to require bonds of officers, employees, and agents and pay the premiums therefor; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 231(c)); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise the priority of the Government of the United States in collecting debts from bankrupt, insolvent, or decedents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; and to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

"(e) The Auditor-General of the Agency for International Development (1) shall have the responsibility for planning and directing the execution of audits, reviews, investigations, and inspections of all phases of the Corporation's operations and activities and (2) shall conduct all security activities of the Corporation relating to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Auditor-General shall report to the Board. The agency primarily responsible for administering part I shall be reimbursed by the Corporation for all expenses incurred by the Auditor-General in connection with his responsibilities under this subsection.

"(f) In order to further the purposes of the Corporation there shall be established an Advisory Council to be composed of such representatives of the American business community as may be selected by the Chairman of the Board. The President and the Board shall, from time to time, consult with such Council concerning the objectives of the Corporation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 of the United States Code, for travel and other expenses incurred by them in the performance of their functions under this section.

"SEC. 240. AGRICULTURAL CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROJECTS.—(a) It is the sense of the Congress that in order to stimulate the participation of the private sector in the economic development of less developed countries in Latin America, the authority conferred by this section should be used to establish pilot programs in not more than five Latin American countries to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. Agricultural credit and assistance for self-help community development projects should include, but not be limited to, material and such projects as wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities, and looms and other handicraft aids.

"(b) To carry out the purposes of subsection (a), the Corporation is authorized to issue guaranties, on such terms and conditions as it shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations in not more than five Latin American countries assuring against loss of not to exceed 25 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

"(c) The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $15,000,000. Not more than 10 per centum of such sum shall be provided for any one institution, cooperative, or organization.

"(d) The Inter-American Social Development Institute shall be consulted in developing criteria for making loans eligible for guaranty coverage under this section.

"(e) The guaranty reserve established under section 235(c) shall be available to make such payments as may be necessary to discharge liabilities under guaranties issued under this section.

"(f) Notwithstanding the limitation contained in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities incurred under this subsection. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.

"(g) The Corporation shall, on or before January 15, 1972, make a detailed report to the Congress on the results of the pilot programs established under this section, together with such recommendations as it may deem appropriate.

"(h) The authority of this section shall continue until June 30, 1972.

"SEC. 240A. REPORTS TO THE CONGRESS.—(a) After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year.

"(b) Not later than March 1, 1974, the Corporation shall submit to the Congress an analysis of the possibilities of transferring all or part of its activities to private United States citizens, corporations, or other associations."

ALLIANCE FOR PROGRESS

SEC. 106. Section 252(a) of such Act, relating to authorization, is amended to read as follows:

"SEC. 252. AUTHORIZATION.—(a) There is authorized to be appropriated to the President for the purposes of this title, in addition to other funds available for such purposes, for the fiscal year 1970, $428,250,000, and for the fiscal year 1971, $428,250,000, which amounts are authorized to remain available until expended, and which amounts, except for not to exceed $90,750,000 for each such fiscal year, shall be available only for loans payable as to principal and interest in United States dollars. In order to effectuate the purposes and provisions of sections 102, 251, 601, and 602 of this Act, not less than 50 per centum of the loan funds appropriated pursuant to this section for any fiscal year shall be available for loans made to encourage economic development through private enterprise."

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 107. Section 292, relating to authorization, is amended by striking out "fiscal year 1969, $50,000,000" and inserting in lieu thereof "fiscal year 1970, $75,000,000, and for the fiscal year 1971, $100,000,000,".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 108. (a) Section 301(c) of such Act, relating to general authority, is amended to read as follows:

"(c) No contributions by the United States shall be made to the United Nations Relief and Works Agency for Palestine Refugees in the Near East except on the condition that the United Nations Relief and Works Agency take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism."

(b) Section 302(a) of such Act, relating to authorization, is amended by striking out "fiscal year 1969, $135,000,000" and inserting in lieu thereof "fiscal year 1970, $122,620,000, and for the fiscal year 1971, $122,620,000".

(c) Section 302(b) of such Act, relating to Indus Basin development, is amended by

inserting "(1)" immediately after "(b)" and by adding at the end thereof the following new paragraph:

"(2) There is authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1970, $7,530,000, and for use in the fiscal year 1971, $7,530,000, which amounts shall remain available until expended."

(d) Section 302 of such Act is further amended by adding at the end thereof the following new subsection:

"(e) There is authorized to be appropriated $1,000,000 for the fiscal year 1970, and $1,000,000 for the fiscal year 1971, to provide added contribution to the United Nations Relief and Works Agency for expansion of technical and vocational training of Arab refugees."

SUPPORTING ASSISTANCE

SEC. 109. Section 402 of such Act, relating to authorization, is amended by striking out "fiscal year 1969 not to exceed $410,000,000" and inserting in lieu thereof "fiscal year 1970 not to exceed $414,600,000, and for the fiscal year 1971 not to exceed $414,600,000".

CONTINGENCY FUND

SEC. 110. Section 451(a) of such Act, relating to the contingency fund, is amended by striking out "fiscal year 1968 not to exceed $50,000,000, and for the fiscal year 1969 not to exceed $10,000,000" and inserting in lieu thereof "fiscal year 1970 not to exceed $15,000,000, and for the fiscal year 1971 not to exceed $15,000,000".

PART II—MILITARY ASSISTANCE

MILITARY ASSISTANCE AUTHORIZATION

SEC. 201. Section 504(a) of the Foreign Assistance Act of 1961, relating to authorization, is amended—

(1) by striking out "$375,000,000 for the fiscal year 1969" and inserting in lieu thereof "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971"; and

(2) by adding at the end thereof the following new sentence: "Amounts appropriated under this subsection shall be available for cost-sharing expenses of United States participation in the military headquarters and related agencies program."

SPECIAL AUTHORITY

SEC. 202. Section 506(a) of such Act, relating to special authority of the President, is amended—

(1) by striking out "1969" in the first sentence and inserting in lieu thereof "1970 and the fiscal year 1971"; and

(2) by striking out "in the fiscal year 1969" in the second sentence and inserting in lieu thereof "in each of the fiscal years 1970 and 1971".

RESTRICTIONS ON TRAINING FOREIGN MILITARY STUDENTS

SEC. 203. Chapter 2 of part II of such Act, relating to military assistance, is amended by inserting at the end thereof the following new section:

"SEC. 510. RESTRICTIONS ON TRAINING FOREIGN MILITARY STUDENTS.—The number of foreign military students to be trained in the United States in any fiscal year, out of funds appropriated pursuant to this part, may not exceed a number equal to the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the immediately preceding fiscal year."

PART III—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

SEC. 301. Section 610(a) of the Foreign Assistance Act of 1961, relating to transfer between accounts, is amended by inserting immediately after "funds made available for any provision of this Act" the following: "(except funds made available pursuant to title IV of chapter 2 of part I)".

SEC. 302. Section 612 of such Act, relating to use of foreign currencies, is amended by adding at the end thereof the following new subsection:

"(d) In furnishing assistance under this Act to the government of any country in which the United States owns excess foreign currencies as defined in subsection (b) of this section, except those currencies generated under the Agricultural Trade Development and Assistance Act of 1954, as amended, the President shall endeavor to obtain from the recipient country an agreement for the release, on such terms and conditions as the President shall determine, of an amount of such currencies up to the equivalent of the dollar value of assistance furnished by the United States for programs as may be mutually agreed upon by the recipient country and the United States to carry out the purposes for which new funds authorized by this Act would themselves be available."

SEC. 303. (a) Section 620(s) of such Act, relating to prohibitions against furnishing assistance, is amended to read as follows:

"(s) (1) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this Act, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended:

"(A) the percentage of the recipient or purchasing country's budget which is devoted to military purposes;

"(B) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

"(C) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile system and jet aircraft for military purposes, from any country.

"(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision."

"(b) Section 620(v) of such Act is repealed.

SEC. 304. Section 624(d) of such Act, relating to the duties of the Inspector General, Foreign Assistance, is amended—

(1) by inserting in paragraph (2)(A), after the words "under part I of this Act", the following: "(including the Overseas Private Investment Corporation), and under part IV of the Foreign Assistance Act of 1969 (the Inter-American Social Development Institute)";

(2) by inserting in paragraph (5), before the period at the end of the first sentence, the following: "and part IV of the Foreign Assistance Act of 1969"; and

(3) by inserting in the first sentence of paragraph (7), immediately after "programs under part I or II of this Act, "the following: "and part IV of the Foreign Assistance Act of 1969,".

SEC. 305. Section 634(a) of such Act, relating to reports and information, is amended—

(1) by inserting in the first sentence, after the words "concerning operations", the following: "(other than those reported pursuant to section 240A)"; and

(2) by striking out of the last sentence the following: "on the operation of the investment guaranty program and".

SEC. 306. Section 636(f) of such Act, relating to use of funds, is amended by inserting immediately before the period at the end thereof the following: "or by the Corporation established under title IV of chapter 2 of part I with respect to loan activities which it carries out under the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended".

SEC. 307. Section 637(a) of such Act, relating to administrative expenses, is amended by striking out "fiscal year 1969, $53,000,000" and inserting in lieu thereof "fiscal year 1970, $51,125,000, and for the fiscal year 1971, $51,125,000".

SEC. 308. Section 643 of such Act, relating to savings provisions, is amended by inserting after "section 642(a)" and "section 642(a)(2)" each time they appear the following: "and the Foreign Assistance Act of 1969".

PART IV—INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

SEC. 401. INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE.—(a) There is created as an agency of the United States of America a body corporate to be known as the "Inter-American Social Development Institute" (hereafter in this section referred to as the "Institute").

(b) The future of freedom, security, and economic development in the Western Hemisphere rests on the realization that man is the foundation of all human progress. It is the purpose of this section to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Institute, primarily in cooperation with private, regional, and international organizations, to—

(1) strengthen the bonds of friendship and understanding among the peoples of this hemisphere;

(2) support self-help efforts designed to enlarge the opportunities for individual development;

(3) stimulate and assist effective and ever wider participation of the people in the development process;

(4) encourage the establishment and growth of democratic institutions, private and governmental, appropriate to the requirements of the individual sovereign nations of this hemisphere.

In pursuing these purpose, the Institute shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal and child care, family planning, housing, free trade union development, and other social and economic needs of the people.

(c) The Institute shall carry out the purposes set forth in subsection (b) of this section primarily through and with private organizations, individuals, and international organizations by undertaking or sponsoring appropriate research and by planning, initiating, assisting, financing, administering, and executing programs and projects designed to promote the achievement of such purposes.

(d) In carrying out its functions under this section, the Institute shall, to the maximum extent possible, coordinate its undertakings with the developmental activities in the Western Hemisphere of the various organs of the Organization of American States, the United States Government, international organizations, and other entities engaged in promoting social and economic development of Latin America.

(e) The Institute, as a corporation—

(1) shall have perpetual succession unless sooner dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) may make and perform contracts and other agreements with any individual, corportation, or other body of persons however designated whether within or without the United States of America, and with any government or government agency, domestic or foreign;

(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid;

(5) may, as necessary for the transaction of the business of the Institute, employ, and fix the compensation of not to exceed one hundred persons at any one time;

(6) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as it finds to be necessary to its purposes, whether within or without the United States, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property;

(7) shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(8) may, with the consent of any board, corporation, commission, independent establishment, or executive department of the Government, including any field service thereof, avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section;

(9) may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise, and make advances, grants, and loans to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Institute in furtherance of its purposes;

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and

(11) shall have such other powers as may be necessary and incident to carrying out its powers and duties under this section.

(f) Upon termination of the corporate life of the Institute all of its assets, shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

(g) The management of the Institute shall be vested in a board of directors (hereafter in this section referred to as the "Board") composed of seven members appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board. Four members of the Board shall be appointed from private life. Three members of the Board shall be appointed from among officers or employees of agencies of the United States concerned with inter-American affairs. Members of the Board shall be appointed for terms of six years, except that of the members first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

(h) Members of the Board shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses not in excess of $50 per day, and for transportation expenses, while engaged in their duties on behalf of the corporation.

(i) The Board shall direct the exercise of all the powers of the Institute.

(j) The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Institute may be conducted and in which the powers granted to it by law may be exercised and enjoyed. A majority of the Board shall be required as a quorum.

(k) In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Institute as the Board finds to be for the best interests of the Institute, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Institute.

(l) The chief executive officer of the Institute shall be an Executive Director who shall be appointed by the Board of Directors on such terms as the Board may determine. The Executive Director shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(m) In order to further the purposes of the Institute there shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable concerning developmental activities in the Western Hemisphere. The Board shall, from time to time, consult with the Council concerning the objectives of the Institute. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this subsection.

(n) The Institute shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this section. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interests of any corporation, partnership, or organization in which he is directly or indirectly interested.

(o) When approved by the Institute, in furtherance of its purpose, the officers and employees of the Institute may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries.

(p) The Secretary of State shall have authority to detail employees of any agency under his jurisdiction to the Institute under such circumstances and upon such conditions as he may determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

(q) The Institute shall establish a principal office. The Institute is authorized to establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere in any of which locations the Institute may carry on all or any of its operations and business.

(r) The Institute, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

(s) Notwithstanding any other provision of law, not to exceed an aggregate amount of $50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

(t) The Institute shall be subject to the provisions of the Government Corporation Control Act.

PART V—AMENDMENTS TO OTHER ACTS

SEC. 501. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by striking out "Development Loan Fund;" and inserting in lieu thereof "Overseas Private Investment Corporation;".

SEC. 502. (a) Section 3343(b) of title 5, United States Code, relating to details of personnel to international organizations, is amended—

(1) by striking out "3" and inserting in lieu thereof "5"; and

(2) by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "except that under special circumstances, where the President determines it to be in the national interest, he may extend the 5-year period for up to an additional 3 years."

(b) Section 3581(5) of such title, relating to reemployment rights of personnel who transfer to international organizations, is amended by striking out "the first 3 consecutive years after entering the employ of the international organization" and inserting in lieu thereof the following: "the first 5 consecutive years, or any extension thereof, after entering the employ of the international organization".

(c) Section 3582(a) of such title, relating to rights of personnel who transfer to international organizations, is amended—

(1) by inserting in clause (1), before the semicolon at the end thereof, a comma and the following: "except that such service shall not be considered creditable service for the purpose of any retirement system for transferring personnel, if such service forms the basis, in whole or in part, for an annuity or pension under the retirement system of the international organization"; and

(2) by striking out clause (2) and inserting in lieu thereof the following:

"(2) to retain coverage, rights, and benefits under chapters 87 and 89 of this title, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund and the Employees' Health Benefits Fund, as applicable, and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapters 87 and 89 of this title,".

(d) Section 3582(b) of such title, relating to rights of employees transferring to international organizations, is amended—

(1) by striking out, ", except a Congressional employee," in the first sentence;

(2) by striking out of clause (1) "3 years" and inserting in lieu thereof "5 years, or any extension thereof,"; and

(3) by inserting at the end thereof the following new sentences: "On reemployment, he is entitled to be paid, under such regulations as the President may prescribe and from appropriations or funds of the agency from which transferred, an amount equal to the difference between the pay, allowances, post differential, and other monetary benefits paid by the international organization and the pay, allowances, post differential, and other monetary benefits that would have been paid by the agency had he been detailed to the international organization under section 3343 of this title. Such a payment shall be made to an employee who is unable to exercise his reemployment right because of

disability incurred while on transfer to an international organization under this subchapter and, in the case of any employee who dies while on such a transfer or during the period after separation from the international organization in which he is properly exercising or could exercise his reemployment right, in accordance with subchapter VIII of chapter 55 of this title. This subsection does not apply to a congressional employee nor may any payment provided for the preceding two sentences of this subsection be based on a period of employment with an international organization occurring before the first day of the first pay period which begins on or after the date of enactment of the Foreign Assistance Act of 1969."

(e) Section 3582(c) of such title, relating to rights of employees transferring to international organizations, is amended by striking out "3 years" and inserting in lieu thereof the following: "5 years, or any extension thereof,".

(f) Section 3582(d) of such title, relating to agency contributions to retirement and insurance programs for personnel who transfer to international organizations, is amended to read as follows:

"(d) During the employee's period of service with the international organization, the agency from which the employee is transferred shall make contributions for retirement and insurance purposes from the appropriations or funds of that agency so long as contributions are made by the employee."

SEC. 503. Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) by inserting at the end of section 5314, relating to level III of the Executive Schedule, the following:

"(54) President, Overseas Private Investment Corporation.";

(2) by inserting at the end of section 5315, relating to level IV of the Executive Schedule, the following:

"(92) Executive Vice President, Overseas Private Investment Corporation."; and

(3) by inserting at the end of section 5316, relating to level V of the Executive Schedule, the following:

"(128) Auditor-General of the Agency for International Development.

"(129) Vice Presidents , Overseas Private Investment Corporation (3)."

And the Senate agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
DANTE B. FASCELL,
W. S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.
J. W. FULBRIGHT,
JOHN SPARKMAN,
FRANK CHURCH,
G. D. AIKEN,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enactment clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for clarifying, clerical, and necessary conforming changes, the differences are noted below:

AUTHORIZATION OF FUNDS

FOREIGN ASSISTANCE AUTHORIZATIONS

(In thousands)

Section number	Economic assistance	Executive request fiscal year 1970	House	Senate	Conference agreement	Difference (H=House S=Senate)
101	Development loans	675,500	425,500	350,000	350,000	H—75,500
102	Technical cooperation and development grants	224,500	200,000	167,000	183,500	H—16,500 S+16,500
103	American schools and hospitals abroad	12,900	23,400	25,900	[1] 25,900	H+2,500
	Local currency			3,000	[2] 3,000	H+3,000
106	Alliance for Progress	553,500	437,500	419,000	428,250	H—9,250
	Loans	(437,500)	(337,500)	(337,500	(337,500)	S+9,250
	Grants	(116,000)	(100,000)	(81,500)	(90,750)	H—9,250 (S+9,250)
104	Desalting plant for Israel		[3] 40,000	[4] 40,000	[5] 20,000	H—20,000 S—20,000
108	International Organizations and programs	142,220	122,620	142,202	122,620	S—19,600
	UNRWA and U.N. Peacekeeping	[6] (19,600)	[7] (19,600)	[6] (19,600)	[7] (19,600)	
	Arab refugees		1,000	1,000	1,000	
	Indus Basin	7,530	7,530	7,530	7,530	
109	Supporting assistance	495,000	[8] 414,600	420,000	[8] 414,600	S—5,400
110	Contingency fund	40,000	15,000	20,000	15,000	S—5,000
307	Administrative expenses: AID	54,250	52,250	50,000	51,125	H—1,125 S—1,125
	Total economic assistance	2,205,400	1,739,400	1,645,650	1,622,525	(H—116,875) S—23,125
201	Grant military assistance	425,000	454,500	325,000	[7] 350,000	(H—104,500) S+25,000
	Total economic and military assistance	2,630,400	2,193,900	1,970,650	[8] 1,972,525	H—221,375 S+1,875

[1] For fiscal year 1971, the bill authorizes $12,900,000.
[2] Not authorized for fiscal year 1971.
[3] This sum was on a grant basis.
[4] This sum was on a loan basis.
[5] This sum is on a grant basis, limited to fiscal year 1970 funds.
[6] Included in international organizations and programs.
[7] Included in supporting assistance.
[8] Includes UNRWA and U.N. peacekeeping operations.

The House bill repealed part I of the Foreign Assistance Act of 1961, as amended, which includes the basic authority for economic assistance. In lieu of existing law, the bill restructured and amended the language. The changes made by the House bill were, for the most part, more in form and organization than in substance.

Although the Senate amendment did amend various provisions of existing law, it followed closely the organization of the 1961 Act.

After reaching agreement as to what it regarded as the substantive differences between the two bills, the committee of conference decided to retain the language and structure of existing law, including as amendments the language agreed to in conference and not including those provisions of the House bill which were essentially revisions or updating of present law.

Substantive changes in the House bill agreed to by the committee of conference are as follows:

ASSISTANCE TO MEXICO TO HELP SUPPRESS ILLEGAL TRAFFIC IN DRUGS (HOUSE SEC. 204(a)(2) OF THE ACT)

The House bill made available $500,000 of technical assistance funds to be used solely to furnish assistance to the Mexican Government to help suppress illegal drug traffic.

The Senate amendment did not contain a comparable provision.

The managers on the part of the House accepted the Senate contention that this program did not meet the criteria set forth in the law for the use of technical assistance funds. Further, they believed other agencies of Government were better equipped and financed to engage in this type of operation than the Agency for International Development. Therefore, the House receded from its position.

PROTOTYPE DESALTING PLANT (HOUSE—SECTION 209 OF THE ACT; SENATE—SECTION 101 OF THE BILL)

The House bill authorized the appropriation of not to exceed $40 million for a U.S. contribution to finance not more than 50 percent of the cost of building and operating a water treatment and desalting plant in Israel.

The Senate amendment did not include any reference to a desalting plant, but the report of the Committee on Foreign Relations stated that $40 million of the authorization for development loans "is to be used only for assistance in the development of a water treatment and desalting prototype plant in the Middle East if the executive branch finds the project to be feasible."

The committee of conference accepted the House language with two amendments: (1) an authorization of $20 million instead of $40 million and (2) a requirement that the President determine that development of such a plant is feasible.

The managers on the part of the House believe that an authorization of $20 million should be enough to cover the U.S. share of the cost during the early phases of the project and that it is essential that funds be available on a grant rather than a loan basis.

It is the understanding of the House conferees that because of the developmental and experimental nature of this project, it will not be subject to the requirements of section 611 of the Foreign Assistance Act or section 101 of the Appropriations Act which apply to water related capital projects.

AMERICAN SCHOOLS AND HOSPITALS ABROAD (HOUSE—SECTION 304(b) OF THE ACT; SENATE—SECTION 103 OF THE BILL)

The House bill authorized appropriations of a total amount of $23,400,000 for assistance to U.S. schools and hospitals abroad, including specific authorizations for certain designated institutions.

The Senate amendment authorized a total of $25,900,000, together with $3 million of foreign currency, for this purpose but did not name the institutions included. The report of the Foreign Relations Committee, however, designated the institutions which were included.

Those institutions named in the House bill were listed in the Senate report, which included three more.

Funds for these additional institutions were authorized by the Senate amendment.

The managers on the part of the House agreed to the inclusion of the additional institutions approved by the Senate.

OVERSEAS PRIVATE INVESTMENT CORPORATION (HOUSE—SECTIONS 321–332 OF THE ACT; SENATE—SECTIONS 231–240(a) OF THE BILL)

The House bill and the Senate amendment contained identical language which had the effect of permitting the Corporation to employ not to exceed 20 persons who may be appointed, compensated or removed without regard to the civil service laws and regulations. The language is sufficiently broad to authorize compensation beyond the range of salaries set by the Classification Act. It was the intent of both Houses to limit to not more than eight those who may be compensated at a rate not in excess of that for GS–18. The remaining 12 are not to receive compensation in excess of the rate authorized for GS–15.

CONTRIBUTIONS TO THE MIDDLE EAST (HOUSE—SEC. 452(C) OF THE ACT)

Section 452(c) of the House bill authorized the appropriation of such funds as the President may request with a 5 year period for programs and projects in the Middle East directly related to peacekeeping activities, resettlement and vocational training of refugees, rehabilitation of war damage to public facilities, and programs of health, education, agriculture and community development, upon a determination by the President that a peaceful settlement had been attained in the Middle East.

The Senate amendment did not include a comparable provision.

The House receded.

The Managers on the part of the House were persuaded by the Senate conferees that the Congress should not authorize funds for this area or for such purposes until the situation in the Middle East was clearer than at present and the use to be made of any funds could be more precisely reviewed.

MILITARY ASSISTANCE (HOUSE AND SENATE—SECTION 504 OF THE ACT)

The House bill authorized a total of $454,500,000 for military assistance, of which $350,000,000 was for worldwide allocation, $50 million for Korea, and $54,500,000 for the Republic of China.

The Senate amendment authorized a total of $325,000,000 without any allocation to specified countries.

The managers on the part of the House agreed to an authorization of $350,000,000 without specifying any country allocation.

They found it impossible to obtain agreement to a larger total for military assistance and believed that any specific additional allocation for Korea or the Republic of China would result in a drastic curtailment of the worldwide authorization which would be detrimental to the national security.

INTERNATIONAL MILITARY HEADQUARTERS (SENATE—SECTION 504(a) OF THE ACT)

The Senate amendment included a requirement that amounts appropriated for military assistance should be available for the expenses of U.S. participation in international military headquarters, and that no part of any funds made available under any other provision of law could be used for such expenses.

The House bill did not contain a comparable provision.

The managers on the part of the House accepted a compromise which authorized the use of military assistance funds for this purpose but deleted the prohibition against the use of funds which might otherwise be available for such expenses. This should permit the Department of Defense to draw on any funds which might be available to it, including military assistance funds, to finance the U.S. contribution to such headquarters.

LIMITATION ON CHANGE IN PROGRAM (HOUSE—SECTION 504(C) OF THE ACT)

The House bill amended section 504 of the Foreign Assistance Act to require that the military assistance program for any country in any fiscal year shall not be increased beyond 20 percent of the amount justified to the Congress, or $1,000,000, whichever is greater, unless the President determines such an increase is essential to the national interest.

The Senate amendment did not contain a comparable provision.

The House receded and accepted the deletion of this section.

The program has been operating since the beginning without such a provision in the authorization bill, and the managers on the part of the House were not convinced that it should be enacted under existing circumstances.

RESTRICTIONS ON TRAINING FOREIGN MILITARY STUDENTS (SENATE—SEC. 510 OF THE ACT)

The Senate amendment contained a provision that limited in any fiscal year the number of foreign military students to be trained in the United States whose training was financed out of military assistance funds, to a number no greater than one-half the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the immediately preceding fiscal year.

The House bill did not have a comparable provision.

The Senate conferees receded and accepted a House amendment which permits the training of foreign military personnel in the United States in a number equal to the number of foreign civilian trainees who come here in the preceding fiscal year under the Mutual Educational and Cultural Exchange Act of 1961.

To have accepted the Senate language would have resulted in a drastic reduction in the training program. The managers on the part of the House believe that such training is necessary to achieve operational capability and readiness and is an important complementary element to our military assistance program.

DIVERSION OF RECIPIENT COUNTRY'S ASSETS TO MILITARY PURPOSES (HOUSE—SECTIONS 620(S) AND 620(V) OF THE ACT)

The House bill contained a revision of subsections 620(s) and 620(v) of the Foreign Assistance Act, which prohibited assistance to countries diverting their own resources to military purposes or which purchased sophisticated weapons systems.

The managers on the part of the Senate receded, accepting the House revision as including the essential elements of both subsections.

PROHIBITION OF MILITARY ASSISTANCE TO GOVERNMENTS OPPOSED TO DEVELOPMENT OF DEMOCRATIC INSTITUTIONS (HOUSE—NEW SECTION 620(V) OF THE ACT)

The House bill contained an amendment to section 620 of the Foreign Assistance Act that included a statement expressing disapproval of the provision of military assistance to any government denying freedom to its people and advocating the termination of military assistance to any government which comes into power through means other than through constitutional processes.

The Senate amendment did not include comparable language.

The House receded, accepting the deletion of this provision.

The committee of conference found itself unable to find acceptable language that expressed disapproval of infringement of liberty or of dictators but which would take into account all of the special circumstances which bear on U.S. policy in the various situations which confront us at the present time.

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE (HOUSE—SECTION 6 OF THE BILL)

The House bill contained a section creating the Inter-American Social Development Institute. The bill authorized the availability of not more than $50,000,000 of economic assistance funds for fiscal year 1970 to carry out the programs of the Institute. For subsequent fiscal years an open ended authorization of appropriations was included.

The Senate amendment did not contain a comparable provision.

The conferees accepted the House language with an amendment that permits the use of $50,000,000 of economic assistance funds not limited to fiscal year 1970 and deletes the open ended authorization for subsequent years. In view of the lateness in the fiscal year and the problems of transferring appropriate programs from AID to the Institute, the conferees were of the opinion that the availability of $50,000,000 was sufficient. Funds for subsequent years will require authorization. The conferees also deleted the word "Advisory" from the name of the Council.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
DANTE B. FASCELL,
W. S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON H.R. 15149, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. PASSMAN, ROONEY of New York, Mrs. HANSEN of Washington, Messrs. COHELAN, LONG of Maryland, MCFALL, MAHON, SHRIVER, CONTE, Mrs. REID of Illinois, and Messrs. RIEGLE and BOW.

PRESIDENTIAL COMMISSION TO INVESTIGATE ALLEGED MASSACRES AT MYLAI

(Mr. COHELAN asked and was given permission to address the House for 1 minute.)

Mr. COHELAN. Mr. Speaker, I and 32 of my colleagues have just now introduced a bill to establish a Presidential Commission which will be directed to make a full investigation of the alleged massacres at Mylai, Vietnam, in March of 1968.

That these reports have shocked the American people is an understatement. I am not, nor are my colleagues who

have cosponsored this bill, making any prejudgments as to the guilt or innocence of any individuals, nor am I casting doubt on the integrity of the Armed Forces.

I have the utmost confidence that justice will prevail and the guilt or innocence of all parties will be established by the military tribunals.

The American people have been confronted with a crisis of conscience and confidence, however. The events of the past few weeks clearly indicate that an untoward and unusual event took place in Mylai in early 1968. I cannot accept unverified news reports as evidence, but neither can I dismiss such reports. If we are to insure the continued honor of our armed services—an honor that is justly deserved—an independent commission must make a full investigation and full report to the American people.

Any lingering doubt about this incident would be disastrous to the conscience of a people which prides itself for its reliance on the rule of law. As we have witnessed in the past, time alone can exaggerate rumor and totally distort the truth. Time alone also renders the truth difficult to find as witnesses are dispersed and the memory fades. It is for this reason that we must act now to establish this fact-finding commission.

I have full confidence in the Army investigation, but feel that full vindication in the eyes of the American people and the rest of the world can only come if an independent investigation is conducted.

The Commission authorized in this bill will be composed of 15 persons: Five Members of the House of Representatives, five Members of the Senate and five distinguished citizens, all appointed by the President. This Commission will have full subpena powers and a staff adequate to conduct a full investigation of all such actions involving military personnel in South Vietnam.

Since this investigation will be conducted concurrently with judicial actions against certain personnel, firm protections are provided for all individuals. These protections include the sealing of evidence during the course of the investigation, executive sessions for the taking of testimony, and representation by counsel for those who desire it.

I am convinced it is absolutely necessary that the questions raised by the Mylai incident be fully explored and aired to the satisfaction of the American people and the world at large.

I invite all my colleagues in this body to join in the introduction of this bill.

CHRISTMAS AND THE COAL MINERS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute.)

Mr. HECHLER of West Virginia. Mr. Speaker, what kind of a Christmas will it be for the coal miners? What kind of a Christmas will it be for the widows of the 78 men who lost their lives at Farmington?

Mr. Speaker, if the President vetoes the coal mine health and safety bill it would be just like placing loose razor blades in the Christmas stockings of hundreds of thousands of coal miners and their families.

The Federal Government, through Democratic and Republican administrations, shares the responsibility for failing to protect either the health or safety of those who work in the coal mines. Federal inaction has produced this terrible coal dust disease called pneumoconiosis. Now when Congress, over the objections of the administration, takes the initiative both to prevent the disease and take care of those miners who suffer from black lung, we are faced with the heartless threat of a Presidential veto.

If the President vetoes this bill, the Christmas lights will go out not only in the coal fields but all over the Nation. For too long, the coal miners have paid the price in broken bodies, and lungs whose tissues have been eaten away by coal dust. I have talked with hundreds of coal miners in the past few days, and I know how they feel. If the President vetoes this bill, there will be a major walkout in the coal fields. Furthermore, the sympathies of people throughout the Nation are on the side of justice for the coal miners. If the President dares to veto this bill, we have the votes to override such a veto.

I do not know who is giving the President the bad advice he is getting. But I would merely suggest that the President stop listening to those who have prevented meaningful legislation in the past, stop listening to the pressures of the coal operators, and stop listening to those special interests who are putting dollar signs on the life, limbs and lungs of the coal miner. In the spirit of this Christmas season, I trust that the President will consider the human values and sign the coal mine health and safety bill.

THE COURT OF APPEALS DECISION IN THE CASE OF BOORDA, ARCHULETA, AND HOLLEY AGAINST SUBVERSIVE ACTIVITIES CONTROL BOARD

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, my office has received numerous inquiries with respect to a decision rendered last Friday by the Court of Appeals for the District of Columbia Circuit—Chief Judge Bazelon, Judge Wright, and Judge McGowan—in the case of Boorda, Archuleta, and Holley against Subversive Activies Control Board. This is a significant case and I think it important to bring the matter to the attention of the House.

In this case, proceedings had been instituted before the Board by the Attorney General in July of 1968, against the three named individuals under relevant provisions of the Subversive Activities Control Act of 1950, as amended, to make determinations with respect to the membership of each of them in the Communist Party. It will be recalled that in proceedings under that act, the Communist Party had been previously determined to be a "Communist action" organization; that is, an organization operating within the United States under the control of the Soviet Union to advance the objectives of the world Communist movement. The Board made its determination finding each of the named individuals to be members of the Communist Party. They then appealed to the Court of Appeals for the District of Columbia circuit. That court, on December 12, 1969, reversed the Board and held the disclosure provisions of that act to be void on the alleged basis that the disclosure of Communist Party membership is "constitutionally protected" by the first amendment, except for those who join "with the specific intent to further illegal action."

The effect of the decision was not only to reverse the determinations made in the cases of Boorda, Archuleta, and Holley but also to stay 15 additional cases not yet determined that had been instituted this year, with commendable diligence, by the present Attorney General. The necessary result is that these cases must remain in abeyance and no additional cases instituted until and unless action is taken by the Supreme Court to reverse the action of the court of appeals.

The action of the court of appeals appears to me to be clearly in defiance of the prior determination on the same subject by the highest court of the land in *Communist Party* v. *Subversives Activities Control Board*, 367 U.S. 1 (1961), which squarely upheld the registration provisions of section 7 of the act "insofar as they require Communist-action organizations to file a registration statement containing the names and addresses of its present officers and members." Despite the fact that all of the Justices in that case, with the exception of Justice Black, supported this requirement as not repugnant to the first amendment, nevertheless the court of appeals last Friday reached a contrary result and voided section 13(g)(2) of the act. It seeks to justify its departure from the clear pronouncement in the Communist Party case on the basis of a number of other cases which it cited, none of which appears to be in point, and which had been previously considered and differentiated by the Supreme Court in its decision in the Communist Party case.

Without doubt, it seems to me, the court of appeals has ignored the prior pronouncement of the Supreme Court by which it should have been bound. While I do not believe it appropriate at this time to detail the Communist Party case in which all of the issues here pertinent were thoroughly discussed and disposed of by the Supreme Court in opinions which cover 202 pages of the official reports, I have noted certain principal points upon which I base this conclusion in my letter of yesterday to the Attorney General, requesting that he apply for writ of certiorari. In my remarks today, I would like to emphasize that the action of the court of appeals seems clearly in violation of the canon of judicial discipline which requires an inferior court to adhere to the precedents established by a superior court.

In making this comment, I believe I do so with some basis in fact. It appears that the judges themselves were conscious that their course of action might

be construed to be in disregard of the prior holding of the Supreme Court. In footnote 15 of their decision, they have noted a suggestion that the validity of the decision in Communist Party had been "eroded," citing cases which do not sustain this conclusion, although with respect to which they say they "express no opinion." Nevertheless, it appears that their action speaks more clearly than their words of disavowal.

One, of course, may speculate why these particular judges took the course they did. However, I do not believe that one may ascertain the "specific intent" which formed the basis for their action—at least in any greater degree than they could expect others to ascertain an individual's "specific intent" with respect to his membership in the Communist Party. We do know that their action in nullifying important aspects of the congressional program for coping with the dangers posed by the world Communist movement—dangers which have by no means abated within recent years—again demonstrates the frustration which this Congress and the public can experience, particularly by what appears to me in this instance to be ill-advised and undisciplined court action.

It seems clear to me that an application for certiorari, with the hope that the Supreme Court will vindicate its prior holding, is the only course that remains open to Congress to cope with the neat result of the decision of the court of appeals. I do not believe that any effective amendment can be made to the Subversive Activities Control Act to accord with the decision of the court of appeals and still preserve the basic disclosure purposes of the act which had previously been upheld by the Supreme Court. It seems obvious to me that if the act were amended to require proof of "specific intent to further illegal action" as a condition for disclosure of Communist Party membership, the disclosure purposes of the act could not be accomplished under that impossible requirement. There is no present law, as Justice Frankfurter observed in the Communist Party case, which in general makes pursuit of the objectives of the world Communist movement a crime. Hence, it would not be practicable to prove a "specific intent to further illegal action" when such action has not been made illegal. Nor has Congress chosen to make membership a crime as a means of coping with the Communist movement. There is some serious doubt, under recent decisions of the courts, whether that could be done without a constitutional amendment. In any event, if the Government were able to prove that individual membership was entertained with a specific intent to further illegal action, I think we would all agree that the individual should be prosecuted for criminal conspiracy, or some other crime, rather than coping with his action by a determination of his membership for disclosure purposes only.

Accordingly, on yesterday I addressed a letter to the Attorney General urging him to make immediate application to the Supreme Court for a writ of certiorari, and to prosecute this application vigorously to an early determination. I feel certain that the present Attorney General will fulfill his responsibilities and will give my request due consideration. As a matter of interest to the Members, I include with my remarks a copy of the December 12 decision of the court of appeals and a copy of my letter to the Attorney General:

U.S. COURT OF APPEALS, FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22,514—*Simon Boorda, Petitioner* v. *Subversive Activities Control Board, Respondent*

No. 22,522—*Robert Archuleta and Wayne Dallas Holley, Petitioners* v. *Subversive Activities Control Board, Respondent*

(Petitions for review of order of the Subversive Activities Control Board)

[Decided December 12, 1969]

Mr. John J. Abt, of the bar of the Court of Appeals of New York, *pro hac vice*, by special leave of court, with whom *Mr. Joseph Forer* was on the brief, for petitioners.

Mr. Kevin T. Maroney, Attorney, Department of Justice, with whom *Mr. J. Walter Yeagley*, Assistant Attorney General, *Messrs. Frank R. Hunter, Jr.*, General Counsel, *Charles F. Dirlam*, Assistant General Counsel, Subversive Activities Control Board, and *Mrs. Lee B. Anderson*, Attorney, Department of Justice, were on the brief, for respondent.

Mr. Lawrence Speiser filed a brief on behalf of American Civil Liberties Union, as *amicus curiae* urging reversal.

Before BAZELON, *Chief Judge*, WRIGHT and MCGOWAN, *Circuit Judges*.

BAZELON, *Chief Judge*. These are petitions under § 14(a) of the Subversive Activities Control Act [1] to set aside orders of the Subversive Activities Control Board determining that each of the several petitioners is "a member of the Communist Party of the United States of America, a Communist action organization." The fact of membership is not at issue.[2] Instead, petitioners attack the Board's construction, and the constitutionality, of the Act. The Board erred, they argue, in taking official notice of its prior determination that the Communist Party is a Communist-action organization, and in not allowing petitioners to demand a redetermination of the status of the Party in the proceedings against them. Additionally, they claim that the Act is constitutionally defective in allowing public disclosure of an individual's membership to be made without a finding that the individual concerned shares in any illegal purposes of the organization to which he belongs. We find this second argument persuasive.[3]

I

Under the Act, when the Attorney General has "reason to believe . . . that any individual is a member of an organization which has been determined by final order of the Board to be a Communist-action organization," he is to file a petition with the Board seeking a determination "that such individual is a member of such Communist-action organization." § 13(a). After hearing, the Board is to make a written report including its findings of fact. If it determines that the "individual is a member of a Communist-action organization," it shall issue and serve him with an order "determining such individual to be a member of a Communist-action organization." § 13(g)(2).[4] Petitioners argue that the difference in language between the two subsections is critical: that is, they would read § 13(a) as instructing the Attorney General to institute proceedings before the Board whenever it comes to his attention that an individual belongs to any organization "which *has been determined by final order of the Board* to be a Communist-action organization." But § 13(a)(2) requires the Board to determine that the "individual *is* a member of a Communist-action organization," and this language is said to imply that, during the course of the hearings on a petition to determine an individual's membership, the Board must not only find that the individual is a member of a named organization, but must also redetermine that the organization is in fact a Communist-action organization.[5] Support for this construction is sought in § 13(b) and (i), which provide for redetermination, not more than once each calendar year, of the status of individuals and organizations against which Board orders are outstanding. Petitioners would read these subsections to allow an individual to reopen the status of an organization of which he is a member in a § 13(b) petition for redetermination. Therefore, they argue, § 13(g) should be read in the same way, and an individual should be allowed to litigate the status of an organization of which he is alleged to be a member during the course of the initial proceedings against him.

On its face, § 13(b) does not compel the construction sought by petitioners. It provides, in pertinent part:

"Any organization as to which there is in effect a final order of the Board determining it to be a Communist-action or Communist-front organization and *any individual as to whom there is in effect a final order of the Board* determining such individual to be a member of a Communist-action organization *may, not more often than once in each calendar year*, file with the Board and serve upon the Attorney General *a petition for a determination that such organization no longer is a Communist-action or Communist-front organization, or that such individual no longer is a member of a Communist-action organization, as the case may be.*" (emphasis added). This language is not entirely free from ambiguity, but it seems to imply that an individual, in a § 13(b) proceeding, may contest only the fact of his membership in a named organization against which an order is already outstanding.[6] The limitation of petitions to one per calendar year is at least an indication that Congress intended that no particular issue should be relitigated more than once each year.[7] Allowing individual members of an organization to reopen the complex question whether the organization to which they belong is a Communist-action organization would be to open the door to substantial delaying tactics without providing a corresponding benefit to anyone.[8] Absent any support in the legislative history for petitioners' construction of § 13(b) [9] we cannot conclude that it was intended to allow individuals to contest the status of the organizations to which they belong.

Deprived of any support from § 13(b), petitioners' construction of § 13(g) must likewise fail. That construction would require us to read identical statutory language [10] in substantially different ways without any apparent support for such a different construction in the legislative history.[11] It would raise a serious risk of inconsistent adjudications; that is, of opposite determinations of the same question (whether a given organization is a Communist-action organization) in proceedings against different individuals.[12] That § 13(a) allows individual proceedings to be consolidated is no assurance that they would be. The Board did not err in holding that petitioners may not challenge the status of the Communist Party in the instant proceeding.

We must therefore face the constitutional

Footnotes at end of article.

question. Petitioners argue that § 13(g)(2) of the Act[13] is invalid because it provides for public disclosure of the fact of their membership in the Communist Party whether or not they intend to further any of the Party's illegal, as well as its legal and constitutionally protected aims.[14] The Board's primary response to this argument is that it is foreclosed by the Supreme Court's decision in *Communist Party v. Subversive Activities Control Board*, 367 U.S. 1 (1961).[15]

The Supreme Court in the *Communist Party* case was presented with the question whether the First Amendment prohibited the requirement, set forth in § 7 of the original Act,[16] that organizations found to be dominated by a foreign power and intending the illegal overthrow of existing government could be required to file registration statements including the names and addresses of their members.[17] Individual members of the Communist Party were not parties to the action, but the Court allowed the Party standing to "assist those rights of its members, such as anonymity, which are necessarily infringed by the very act of *its filing a registration statement*, and which could not be otherwise asserted than by raising them here." 367 U.S. at 81.

The Court examined the structure of the Act, and found that the registration and disclosure requirements of § 7 did not attach "to the incident of speech, but to the incidents of foreign domination and of operation to advance the objectives of the world Communist movement." *Id.* at 90. Since regulation was premised on constitutionally unprotected conduct, the Court was required to balance "the value to the public of the ends which the regulation may achieve" against "the impediment which particular governmental regulation causes to entire freedom of individual action." *Id.* at 91; *see United States v. O'Brien*, 391 U.S. 367, 377 (1968). Although the Court did not consider the incidental infringement of First Amendment rights to be insubstantial, *see* 367 U.S. at 102, it concluded that the importance of the government's interest in disclosing the names of those who desired to further the illegal aims of Communist-action organizations justified the requirement that such organizations make public their membership lists. *Id.* at 102–03.

The present case, however, stands on an entirely different footing. Of course, in both cases the class of persons upon whom disclosure ultimately operates is the same—all members of the organization, whether innocent or guilty. But § 7 of the original Act on its face dealt directly with organizations at least some of whose members shared in the illicit, constitutionally unprotected aims of the organization. *See id.* at 23–27, 42–55. Of course it would hardly have been practicable to require the organizations themselves to distinguish in their membership lists between innocent and guilty members. Therefore, the disclosure provisions were viewed as attaching to the incidents of foreign domination and illicit purpose, characteristics of the organization and of some but not all of its members. Innocent members were unavoidably caught up in a net designed to disclose the guilty. But § 13(g)(2) operates directly on individuals; consequently, the "operative facts upon which [the statute] depends," *United States v. Robel*, 389 U.S. 258, 263 (1967), must be facts characteristic of the individual upon whom the statute operates. Under § 13(g)(2), disclosure attaches to mere membership in a Communist-action organization, whether or not the member whose affiliation is to be publicized has engaged in, or has any intent to further, the illicit ends of the organization. If mere membership, to which disclosure attaches, is constitutionally protected, the balancing test is inapplicable. *Communist Party, supra*, 367 U.S. at 90.[18] Consequently, the question for decision is simply whether the statute infringes protected rights. *De Jonge v. Oregon*, 299 U.S. 353, 364–65 (1937).

It seems clear to us that mere membership in the Communist Party is protected by the First Amendment. For it is "now beyond dispute," *Bates v. Little Rock*, 361 U.S. 516, 523 (1961), that "an individual's right of association . . . is protected by the First Amendment." *United States v. Robel*, 389 U.S. 258, 263 (1967) When a "quasi-political part[y] or other group . . . may embrace both legal and illegal aims," *Scales v. United States*, 367 U.S. 203, 229 (1961), affiliation with and membership in that group are constitutionally protected except for those who join "with the 'specific intent' to further illegal action." *Elfbrandt v. Russell*, 384 U.S. 11, 17; *see Noto v. United States*, 367 U.S. 290, 299–300 (1961). "Assuming that some members of the Communist Party . . . had illegal aims and engaged in illegal activities, it cannot automatically be inferred that all members shared their evil purposes or participated in their illegal conduct." *Schware v. Board of Bar Examiners*, 353 U.S. 232, 246 (1957). For "men in adhering to a political party or other organization notoriously do not subscribe unqualifiedly to all of its platforms or asserted principles." *Schneiderman v. United States*, 320 U.S. 118, 136 (1943).[19] Therefore the fact that some members of the Communist Party may be engaged in activity not protected by the First Amendment does not mean that the protected activity of their members may be infringed. If rights are abused, "legislative intervention can find constitutional justification only by dealing with the abuse. The rights themselves must not be curtailed." *De Jonge v. Oregon, supra*, 299 U.S. at 364–65.

Since the disclosure provisions of § 13(g)(2) attach solely to constitutionally protected rights, the only remaining question is whether they operate to discourage or penalize the exercise of those rights. We believe that they do. "Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." *NAACP v. Alabama*, 357 U.S. 449, 462 (1958). In the present situation, we cannot assume that disclosure of an individual's membership in the Communist Party will not operate as a substantial burden upon the exercise of his right of free association.[20] Therefore, the disclosure provisions of § 13(g)(2) must fall as contrary to the First Amendment. *United States v. Robel, supra*; *De Jonge v. Oregon, supra*.

III

We would be led to the same conclusion under the balancing test as enunciated in the *Communist Party* case.[21] The Court in that case sustained the disclosure provisions of § 7 of the original Act, which like the present statute made no distinction between innocent and guilty members. But disclosure in that case was sought from the Party, not from individuals,[22] and consequently there was available no practicable, less intrusive alternative to disclosure of the names of all members: to ask the Party itself to distinguish between those of its members who did and who did not share its illegal aims would be to ask the impossible. But proceedings under § 13(g)(2) are on a case-by-case basis, rendering it feasible to distinguish in each case between protected and unprotected membership. *Scales v. United States*, 367 U.S. 203 (1961). Therefore, in weighing the public interest in disclosure, we must weigh a different quantity: since innocent members may easily be separated from guilty ones, the public interest in exposure of the guilty cannot be used to justify exposure of the innocent. *See Keyeshian v. Board of Regents*, 385 U.S. 589, 606–07 (1967); *Shelton v. Tucker*, 364 U.S. 479, 488 (1960). Since the First Amendment precludes the government from claiming an interest in public disclosure of the associations of innocent members of Communist-action organizations,[23] *Elfbrandt v. Russell*, 384 U.S. 11, 17 (1966), the governmental interest to be weighed in this case is nil.[24]

Since § 13(g)(2) of the Subversive Activities Control Act is contrary to the First Amendment, the orders issued in these cases cannot stand. The cases must be remanded to the Subversive Activities Control Board with instructions to dismiss the petitions.

It is so ordered.

FOOTNOTES

[1] Title I of the Internal Security Act of 1950, 64 Stat. 987, *as amended* 50 U.S.C. §§ 781–798 (1964 & Supp. IV, 1969). Unless otherwise indicated, all references are to the Act as amended.

[2] Petitioners have refused to respond to the allegations of membership on the ground that the statute under which proceedings were had is unconstitutional.

[3] We do not, therefore, consider petitioners' other constitutional claims.

[4] If the Board determines that an individual is not a member of a Communist-action organization, it shall issue and serve upon the Attorney General "an order denying the determination sought by his petition." § 13(h)(2).

[5] Petitions for determination that an individual is a member of a Communist-action organization apparently cannot be brought until the organization in question has been determined by the Board to be a Communist-action organization. *See* § 13(a).

[6] Of course, a petitioner in a § 13(b) proceeding could argue that there was no longer a Board order outstanding against an organization of which he was a member.

[7] The limitation of § 13(b) petitions to one per year was contained in the original act and carried over in the 1968 amendments. But it is of some relevance that the House Report on the 1968 amendments indicated substantial concern over delay in Board proceedings. *See* H.R. Rep. No. 733, 90th Cong., 1st Sess. 10 (1967).

[8] An organization may, of course, reopen the question of its status once per year under § 13(b), this should provide at least some remedy for the organization's members.

[9] Petitioners have directed us to no such material, nor have we been able to unearth any.

[10] The phrase "is a member of a Communist-action organization," appearing in § 13(b) and (g)(2) of the Act.

[11] As originally enacted, § 13(g)(2) spoke of "a Communist-action organization (*including an organization required by final order of the Board to register under § 7(a)*)" (emphasis added). 64 Stat. 1000. The italicized phrase is missing from the section as amended in 1968. But the House Report on the amendments describe them as simply "conforming amendments" to bring the Act in line with Albertson v. SACB, 382 U.S. 70 (1965). We do not believe that the House intended the radical alteration in Board proceedings sought by petitioners. *See* H.R. Rep. No. 733, 90th Cong., 1st Sess. 23 (1967).

[12] A "basic objective" of the Act is to provide public information concerning Communist activities. *See* H.R. Rep. No. 733, *supra* note 11, at 3. A regular pattern of inconsistent determinations based not on changed circumstances but solely on the particular evidence adduced at different proceedings would hardly advance this objective.

[13] Section 13(g) provides:

"If, after hearing upon a petition filed under subsection (a) of this section the Board determines—

* * * * *

"(2) that an individual is a member of a Communist-action organization it shall make a report in writing in which it shall state its findings as to the facts and shall issue and

cause to be served on such individual an order determining such individual to be a member of a Communist-action organization."

All such orders are a matter of public record. § 9(a).

[14] Neither petitioners nor the Board suggest that § 13(g)(2) could be construed so as to apply only to those members of Communist-action organizations who share in the group's illegal aims, and we believe they are correct. United States v. Robel, 389 U.S. 258, 262 (1967); Aptheker v. Secretary of State, 378 U.S. 500, 511 n. 9, 515–16 (1964); *see* Killian v. United States, 368 U.S. 231 (1961).

[15] It has been elsewhere suggested that Supreme Court cases subsequent to the decision in *Communist Party* have eroded its validity. Note, *Civil Disabilities and the First Amendment*, 78 Yale L.J. 842 (1969); *See* United States v. Robel, 389 U.S. 258 (1967); Keyeshian v. Board of Regents, 385 U.S. 589 (1967); Elfbrandt v. Russell, 384 U.S. 11 (1966). In view of the disposition made here, we need express no opinion on this point.

[16] That section has since been repealed. Act of January 2, 1968, Pub. L. No. 90–237, § 5, 81 Stat. 766.

[17] The Court in *Communist Party* phrased the issue as follows:

"The Communist Party would have us hold that the First Amendment prohibits Congress from requiring the registration and filing of information, including membership lists, by organizations substantially dominated or controlled by the foreign powers controlling the world Communist movement and which operate primarily to advance the objectives of that movement: the overthrow of existing government by any means necessary and the establishment in its place of a Communist totalitarian dictatorship."

367 U.S. at 88–89. It pointed out that "our consideration of any other provisions than those of § 7, requiring Communist-action organizations to register and file a registration statement, could in no way affect our decision in the present case." *Id.* at 77.

[18] *See also* United States v. Robel, 389 U.S. 258, 268 n. 20 (1967), where the Supreme Court explicitly rejected any attempt at "balancing" in dealing with § 5 of the Act:

"It has been suggested that this case should be decided by 'balancing' the governmental interests expressed in § 5(a)(1)(D) against the First Amendment rights asserted by the appellee. This we decline to do. We recognize that both interests are substantial, but we deem it inappropriate for this Court to label one as being more important or substantial than the other. . . ."

Petitioners suggest that this footnote implies that the approval of "balancing" in *Communist Party*, *see* 367 U.S. at 91, has since been withdrawn. But the Court once again resorted to a balancing test in United States v. O'Brien, 391 U.S. 367, 377 (1968). It appears, then, that balancing may be appropriate when a statute is directed at constitutionally unprotected conduct, and infringes upon protected conduct only as an unavoidable side effect of an otherwise unexceptionable purpose. But where, as in *Robel*, "the operative fact upon which [the statute] depends is the exercise of [a right] protected by the First Amendment," 389 U.S. at 263, the First Amendment precludes a resort to "balancing."

[19] The Board relies upon Adler v. Board of Education, 342 U.S. 485, 494–95 (1952), for the contrary proposition. But the Supreme Court in Keyeshian v. Board of Regents, 385 U.S. 589, 595 (1967) pointed out that "pertinent constitutional doctrines have since respected the premises" of that decision.

[20] There is no direct evidence in the record in this case as to the degree of harassment that one named as a member of the Communist Party may suffer as a result. But although it is true that the Supreme Court has in some cases relied solely on record evidence to establish such a possibility, *e.g.*, Shelton v. Tucker, 364 U.S. 479, 486 n.7 (1960), Bates v. Little Rock, 361 U.S. 516, 520–22 (1960), NAACP v. Alabama, 357 U.S. 449, 462 (1958), it was willing to state in *Communist Party* that "the public opprobrium and obloquy which may attach to an individual listed with the Attorney General as a member of a Communist-action organization is no less considerable than that . . . in *N.A.A.C.P.* and *Bates*." 367 U.S. at 102. And in American Communications Ass'n v. Douds, 339 U.S. 382, 402 (1950), the Court noted:

"Under some circumstances, indirect 'discouragements' undoubtedly have the same coercive effect . . . as imprisonment. . . . A requirement that adherents of particular religious faiths or political parties wear identifying arm-bands, for example, is obviously of this nature."

[21] "Against the impediments which particular governmental regulation causes to entire freedom of individual action, there must be weighed the value to the public of the ends which the regulation may achieve." 367 U.S. at 91.

[22] This difference was used in *Communist Party* to distinguish Shelton v. Tucker, 364 U.S. 479 (1960). *See* 367 U.S. at 92–93.

[23] We are not dealing here with a legislative investigation the primary purpose of which is to inform Congress with respect to matters properly within its concern. In such cases, some disclosure to the public may be justified as a necessary incident of disclosure to Congress. *Cf.* Watkins v. United States, 354 U.S. 178, 187 (1967) United States v. Rumely, 354 U.S. 41, 56–58 (1953) (concurring opinion).

[24] In the *Communist Party* case, the Court sustained the disclosure provisions of § 7 of the original Act because "the mask of anonymity which [the] organization's members wear serves . . . to enable them to cover over a foreign-directed conspiracy, infiltrate into other groups, and enlist the support of persons who would not, if the truth were revealed, lend their support."

367 U.S. at 102–03. In other words, the government's interest in disclosure was considered to be its interest in disclosure of the names of guilty members of the Party, *i.e.*, those who shared the purposes found by the Court not to be constitutionally protected. But, as pointed out above, there was in that case no practicable way of distinguishing between innocent and guilty members, and a refusal to consider the public interest in disclosure of the guilty members would have meant that the interest could not have been protected at all. *See* 367 U.S. at 88–89.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNAL SECURITY,
Washington, D.C., December 16, 1969.

Hon. JOHN N. MITCHELL,
Attorney General,
Department of Justice,
Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: I am much disturbed by the extraordinary result reached last Friday by the Court of Appeals (Chief Judge Bazelon, Wright, and McGowan, Circuit Judges) in the cases of *Boorda, Archuleta, and Holley* v. *Subversive Activities Control Board*. It seems to me that this decision voiding the disclosure provisions of the Subversive Activities Control Act relating to individual Communist Party membership, is both irrational and contrary to a prior determination on the same subject by the highest court of the land. Its impact in nullifying important aspects of the congressional program for coping with the dangers posed by the world Communist movement—dangers which have by no means abated within recent years—cannot remain unchallenged. I am writing to urge that immediate application be made to the Supreme Court for a writ of certiorari and that the application be vigorously prosecuted for early determination.

In *Communist Party* v. *Subversive Activities Control Board*, 367 U.S. 1 (1961), the Supreme Court squarely and unequivocally upheld the registration provisions of section 7 of the Subversive Activities Control Act "insofar as they require Communist action organizations to file a registration statement containing the names and addresses of its present officers *and members*." (Page 103). All of the justices, with the exception of Justice Black, supported this requirement as not repugnant to the First Amendment, although the court split 5–4 on other issues not here pertinent. Despite this ruling, and the reasoning in support of it, the Court of Appeals reached a contrary result and voided section 13(g)(2) of the Act on the ground that the disclosure of Communist Party membership is "constitutionally protected" by the First Amendment except for those who join "with the 'specific intent' to further illegal action."

To justify its departure from the clear pronouncement in *Communist Party*, the Court of Appeals cited a number of cases, none of which appeared to be in point, as a basis for its engrafting on the case, and the Act, a requirement of specific intent to further illegal action as a condition precedent to the disclosure of individual membership. All of these cases, namely, *U.S.* v. *Robel*, 389 U.S. 258; *Scales* v. *U.S.*, 367 U.S. 203; *Elfbrandt* v. *Russell*, 384 U.S. 11; *Noto* v. *U.S.*, 367 U.S. 290; *Schware* v. *Board of Bar Examiners*, 353 U.S. 232; *Schneiderman* v. *U.S.*, 320 U.S. 118; *DeJonge* v. *Oregon*, 299 U.S. 353; *Keyeshian* v. *Board of Regents*, 385 U.S. 589, and *Shelton* v. *Tucker*, 364 U.S. 479, involved either criminal prosecutions or situations in which employment or other civil disabilities were sought to be imposed. Cases of this sort, as well as *Bates* v. *Little Rock*, 361 U.S. 516 and *NAACP* v. *Alabama*, 357 U.S. 449, cited by the Court of Appeals in support of its more general proposition that "mere membership in the Communist Party is protected by the First Amendment," were considered and differentiated in *Communist Party*. (See page 96f, 101–103).

Indeed, the argument accepted by the Court of Appeals in *Boorda, et al.* had been previously advanced by the Party and was rejected in *Communist Party*. In that case it had been urged "that under the compulsion of the First Amendment the Act must be read as reaching only organizations whose purpose to overthrow existing government is expressed in illegal action or incitement to illegal action." Mr. Justice Frankfurter, speaking for the Court said, "We think that an organization may be found to operate to advance objectives so defined, although it does not incite the present use of force. Nor does the First Amendment compel any other construction. The Subversive Activities Control Act is a regulatory, not a prohibitory statute. It does not make unlawful pursuit of the objectives which section 2 defines. In this context, the Party misapplies *Yates* v. *United States*, 354 U.S. 298, and *Dennis* v. *United States*, 341 U.S. 494 on which it relies." (Pages 55f.) The same reply must be made to the Court of Appeals which seeks to apply *Scales* and *Noto*. These cases, like *Yates* and *Dennis*, involved prosecutions under the Smith Act.

The Supreme Court emphasized that in a number of situations "in which secrecy or the concealment of association has been regarded as a threat to public safety and to the effective, free functioning of our national institutions," Congress has met the threat by requiring registration or disclosure even among groups concerned exclusively with political processes irrespective of any purpose or intent to effect illegal action, citing the Federal Corrupt Practices Act, upheld

in *Burroughs* v. *U.S.*, 290 U.S. 534, the Federal Regulation of Lobbying Act, upheld in *U.S.* v. *Harriss*, 347 U.S. 612, and the Foreign Agents Registration Act, considered in *Viereck* v. *U.S.*, 318 U.S. 236. (Pages 97–102.)

It is thus clear that the registration requirement compelling disclosure of membership was upheld by the Supreme Court on the ground of the organization's foreign control and because of the harmful impact of its organizational activities on our society, without regard to whether or not its members shared its ultimate purposes or entertained any specific intent to effect illegal action. Finally, while recognizing that congressional power in this sphere, as in all spheres, is limited by the First Amendment, the Court admonished that "when existing government is menaced by a world-wide integrated movement which employs every combination of possible means, peaceful and violent, domestic and foreign, overt and clandestine, to destroy the government itself—the legislative judgment as to how that threat may best be met consistently with the safeguarding of personal freedom is not to be set aside merely because the judgment of judges would, in the first instance, have chosen other methods. Especially where Congress, in seeking to reconcile competing and urgently demanding values within our social institutions, legislates not to prohibit individuals from organizing for the effectuation of ends found to be menacing to the very existence of those institutions, but only to prescribe the conditions under which such organization is permitted, the legislative determination must be respected." (Pages 96–97.) This admonition was ignored by the Court of Appeals.

I would greatly appreciate knowing what conclusion your Department reaches on my request.

With kind personal regards, I am

Sincerely yours,

RICHARD H. ICHORD,
Chairman.

RESEARCH PROJECTS

(Mr. DADDARIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DADDARIO. Mr. Speaker, the act authorizing fiscal year 1970 military research and development has been recently signed into law by the President. That legislation contains language which may affect in a fundamental way our mechanisms for allocating Federal resources for the support of scientific research and development activities. I refer to section 203, which states:

None of the funds authorized by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function.

This provision was adopted without discussion of its implications for the future of American science, which must have thoughtful and imaginative implementation if it is not to be severely injured. Section 203 has also triggered a crisis which our Subcommittee on Science, Research, and Development has been developing and with which it has been intimately concerned since the early 1960's.

That crisis stems to a considerable extent from undue dependence of the scientific community upon military support.

I fear that there exists today a very real danger that research in the universities and elsewhere, now funded from defense appropriations and which should be continued in the national interest, will be fatally disrupted by a mechanistic and legalistic application of the strictures of section 203.

We must not lose sight of the fact that basic research is good for the country, not just for the Department of Defense. We must further see to it that support for basic research is divorced from partisan and passionate argument such as that with which it is presently involved so that basic research activity remains sufficient to meet the needs of the precarious times we face.

Congress must give urgent and immediate thought to arrangements that will identify and provide for the orderly, uninterrupted transfer and continuation of any research adversely affected by section 203, which should still be carried on in the national interest.

We have long been concerned that the mission-oriented agencies, under financial pressure, would be forced to give up much of their research. Recognizing this problem, we restructured the National Science Foundation in 1968 so it would be able to fill the gap. Specifically, we made arrangements whereby the Secretary of Defense and the Secretary of State, for example, may request the Foundation to do certain basic but unclassified research.

It was our purpose in this restructuring to allow transfers to be effected gradually over a number of years. Section 203 has the purpose of accelerating that process dramatically. Without careful, well-planned, and immediate action, however, it can cause major disruption.

Whatever basic research the Department of Defense does, it must in some way decide for itself. Research it is doing beyond that, and which, because of its nature, the country needs, ought to be carefully reviewed and handled in a special way.

Most importantly, we must be very careful that, in making program transfers, our most talented young people are not adversely affected. It would be especially unfortunate if competition between the recognized high-quality transfer projects and the new projects of our younger investigators resulted in alienation of these new young talents. We can ill afford a lost generation of science skills.

SUBCOMMITTEE'S INVOLVEMENT

Long before the distinguished Senate majority leader spoke out against Defense Department research, our subcommittee had been examining the question of scientific research and its relationship to the goals, objectives and functions of Federal agencies. We have made numerous recommendations to this body. It has been the subject of the distinguished report done for the Committee on Science and Astronautics by the National Academy of Sciences in 1965, entitled "Basic Research and National Goals." It has been the topic of discussion at two of our formal annual meetings of the Committee's Panel on Science and Technology, in 1966 and 1967.

The conclusions drawn from all of these efforts have shown a basic consensus that mission-oriented agencies have a responsibility—an obligation—to conduct a certain amount of basic research so as to be able to innovate in the applied area and to insure the capability to meet future needs.

DEFINITIONS

By basic research I mean research which at present may only vaguely seem as presenting prospects for direct application. Nonetheless, such basic research is a vital investment in our national future. It is directed not at solving the problems of today but at providing the knowledge for meeting unforeseen problems of tomorrow. It is a means of insuring that we have what Churchill called the tools to do the job.

Let me elaborate. We have an obligation today to the future, particularly when we are in competition with an economic system and an ideology which emphasizes the benefits of long-range planning. I do not have to remind this body of the fact that three of the most significant scientific and technological developments of the century—nuclear fission, radar and jet propulsion—were all based upon fundamental work done mainly from abroad. It is true that since then, we have done well. Nonetheless, until the massive mobilization of American science during World War II, we routinely looked to Western Europe for the scientific ground breaking needed by our technologies. And since that time, much of the finest fundamental research—including Charles Townes' laser—has been supported with funds from mission-oriented agencies with no firm goals in mind.

It is axiomatic that no modern American corporation would dare to cut itself off from future-oriented research. It is this research, often not related to products and services of the day, that so often will determine the profit-and-loss statement and the industrial standing of the company 10 years later. Similarly, the future of this Nation cannot rest upon an accidental, ad hoc science policy. We have to plan and make provisions for the future. This is the raison d'etre for our faith in and support of basic research.

OUR DECENTRALIZED SYSTEM

Since World War II we have successfully relied upon the principle that each department and agency which needs science and technology shall both carry on the short-term research and development to resolve immediate problems and also sponsor and conduct the exploratory research which can well shape its future. We have always thought it more healthy for our agencies and for the health of American science that each agency fund a certain amount of high-quality future-oriented research without regard for an immediate connection with present problems. Our own investigation shows that such involvement is necessary and vital. Our agency heads are responsible not only for meeting the issues of the day, but for preparing to meet the issues of tomorrow. For this, they have to look and work ahead.

Dr. Lee DuBridge, the President's Science Adviser, testified recently before my subcommittee:

We encourage every agency which has major technological enterprises under way to spend a portion of its funds to support fundamental science. Such agencies select those areas of fundamental science which appear to be most relevant to their agency missions, although the term "relevance" needs to be interpreted broadly since the results of science are always in part unforseeable.

The pluralistic system of supporting science has served us well. That system has in many ways provided an open market place where ideas could compete for attention. We do not claim that it is free from fault. But it does have many years of success behind it. So far, no other system suggested to replace it has received tangible support.

It would be a national tragedy were other Federal agencies to adopt the theme of section 203 and find their research limited to short-term, well-defined, highly visible needs. This was the fate of the buggy whip makers and the wagon craftsmen who kept on working to improve their whips and wagons long after the internal combustion engine had arrived. Our departments must continue to sponsor and carry on future-oriented research that can and will respond to the new discoveries and progress in science.

RESPONSIBILTIY FOR RELEVANCE

If "relevance" is to be emphasized, an appropriate question is: who should have the responsibility for determining the degree of relevance of research to the goals, objectives and functions of our Federal agencies?

I believe this is the first responsibility of the mission-oriented agencies themselves. It is they who must continue to assume the primary responsibility for demonstrating the functional relevance of the research they support. This point was emphasized by Mr. Elmer Staats, the Comptroller General, in his recent testimony before Congress—

I believe that the determination on individual research projects, after these guidelines have been established, has to be made pretty much within the Defense Department. We may want to test some of these . . . but it is somewhat a subjective kind of judgment in many cases.

While I agree that outside advice may be needed for questioned projects, I doubt if it is a proper role of the National Academy of Sciences to place itself in an adjudicating position with regard to relevance—an idea that has been suggested by the distinguished Senate majority leader. Perhaps the Secretary of Defense should request, as an alternative, that the Academy make a review in collaboration with the already constituted Defense Science Board, which does have extensive knowledge of defense needs. Or, for that matter, the President could decide to convene a special study panel from among the members of his President's Science Advisory Committee to undertake such a review. And this Congress should most certainly be involved in the determination—having made the recommendation to which we have referred.

The point is, however, that as we go about apportioning our national resources for scientific research, we must continue to realize that "relevance" itself needs to be interpreted broadly. And I repeat again—it is the primary responsibility of the individual mission-oriented agency to make the judgment, according to its own view as to its future needs and potential problems. This does not mean improvement should not be fostered. The hearings of our subcommittee into the way in which our science resources are administered and organized is, in fact, aimed in this very direction.

A TIME OF TRANSITION

Today, our mission-oriented agencies account for some 80 to 85 percent of the total Federal support for basic research. This is, in itself, largely the result of historical circumstance.

The National Science Foundation, when it was established in 1950, was conceived as the principal agent for the support of fundamental research in the Federal Government. However, from its earliest days, the Foundation never received funds to carry out this role adequately. Instead, while the NSF was being formed and, afterwards, as it grew, basic research being performed in mission-oriented agencies was jealously guarded. Much of this work would have been done in the NSF had it been formed earlier. But it was not, and thus our philosophy of decentralized science support took form, with the Defense agencies becoming a major source of funds.

Now we are in a period of transition. Many of the mission-oriented agencies are beginning to retrench in their support for basic research. This retrenchment is caused not so much out of belief that basic research is no longer relevant to their functions or missions, but is the result of severe budgetary stringency. In this process, much good has come, and, as anticipated, the National Science Foundation is playing a key role.

Already the National Science Foundation has been asked to take responsibility for $19 million in research projects, largely from the Department of Defense. In addition, and estimated $20 to $30 million in projects is also being considered for transfer to the Foundation because of mission agency budget cutbacks. It is apparent that the total could easily reach $200 to $300 million in the near future.

Section 203 not only compounds this problem, but presents two very serious potential dangers.

First, it is clear that American science is already in an unhealthy situation. It is rapidly being backed into a situation whereby no "new starts" will be possible. Because of the present decline in funding for research, Section 203 has the potential of encouraging not only the Department of Defense, but other mission-oriented agencies, to cut back their support for university research more heavily than they might otherwise under the same circumstances. As a result: improvements in the quality of our college and university science departments and curricula must be terminated or delayed indefinitely; scientifically excellent projects are continued at the expense of new and innovative projects; and our most promising and talented young students are discouraged from entering the scientific profession. These are things the Nation can ill afford to let happen.

Second, there is the dangerous effect of creating an even more intense polarization between the Defense Department and the university community. The Senate majority leader has pointed out that the intention of section 203 is not to "ban the Defense Department from sponsoring research in universities." Nonetheless, the seed has been sown. And such a polarization would work to the detriment of both the Defense Department and the universities.

We must recognize that much current criticism is against military participation in research. At the same time, many of these programs are necessary to the country, and our research effort should not suffer simply because a military label has been attached. There must be a gradual adjustment here in the best interests of the country—as we on the Science Committee have stressed time and time again.

The interaction between the Department of Defense and the university-based research community is of profound significance and importance to the Nation and its future defense position. The unique resources of scientific excellence in the university community are of critical importance if we are to meet effectively the increasing complexity of our national security problems.

It is obvious that if this relationship is not continued the Department of Defense will necessarily move elsewhere to fill the need. In turn, this will have the effect of removing the academic community from its critical role of informally monitoring such activities and through which it has provided balance and judgment in the past.

Similarly, the universities themselves have a unique opportunity through interaction with the Defense Department to make important inputs into the shaping of our future national security policies.

The level and degree of this interaction is a most delicate problem. Having had the opportunity of testifying before the Pounds Panel in its deliberations on the future of MIT's two off-campus research laboratories, I am keenly aware of the great sensitivities of this issue. There is no question in my mind about the pressing needs to begin to apply our great scientific and technological expertise to the many civilian problems that confront this Nation. However, we must be ever mindful of the need to balance these efforts with those necessary to maintain the national security.

TRANSITION MECHANISMS

Mr. Speaker, there may be some areas of work which have been or are being supported by the Department of Defense that could be more properly supported by the National Science Foundation. Scientific research is a dynamic process subject to continual change. Similarly, agency mission requirements are also subject to change. Our guidelines and criteria for support of research in the mission agencies should, therefore, re-

flect the dynamic nature of these changing requirements.

Nonetheless, given the present fiscal stringency and the reductions in agency budgets, it is clear that some of the highest quality research will have to be either terminated or transferred. Of course, it is one thing to talk generally about arrangements to effect a smooth and orderly transfer, and another to see that such arrangements actually materialize. One thing required, beyond coordination between the agencies involved, is close collaboration between them and the committees of Congress. We all have an obligation to see that programs worthy of support are transferred and that such transfers are, indeed, planned and not just accidental. Such arrangements should also provide for transfer of projects as on-going entities, complete with funds, equipment and facilities.

For the Defense research affected by section 203 which should be continued in the national interest, and for which the National Science Foundation or other agencies do not have funds in their fiscal year 1970 budgets to take over, it becomes important that the Defense appropriations provide some funds for transfer. Then, adjustments can be made in the various fiscal year 1971 budgets which will be presented to the Congress next month in the President's budget message.

Such arrangements should be possible. Consider, for example, the National Science Foundation. The present statutory authority of the National Science Foundation provides for exactly this eventuality. Section 3(b) of this statutory authority states:

> The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation or national security by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of scientific activities. Such activities when initiated or supported pursuant to requests made by the Secretary of State or the Secretary of Defense shall be financed solely from funds transferred to the Foundation by the requesting Secretary as provided in section 15(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate Secretary.

Should such a funding procedure be followed on a large scale by the mission-oriented agencies, new statutory authority would probably be desirable. But this does illustrate that there is a feasible procedure for funding mission-oriented research through the National Science Foundation, and that the Congress has favorably considered the issue in the past.

Nonetheless, we should not focus solely upon the question of transferring projects from the Department of Defense to the National Science Foundation. Other agencies, such as the Departments of Housing and Urban Development, Transportation, and Commerce need to expand their own research and development efforts.

SUMMARY

No matter how much we may be concerned about the effects of section 203, it is now a matter of law. How it is administered by the Defense Department and how the Congress and the General Accounting Office will oversee its implementation are the matters now before us.

It is critical that any transfers be effected in an orderly, time-phased manner. When necessary, these should extend over a number of years.

Fiscal year 1970 is virtually half gone and the Defense appropriations are not yet made. Even were the bill signed into law this afternoon, the Bureau of the Budget and the departments would still need time to allocate the funds to the research administrators. By the time this is done, we will be well into the third quarter of the fiscal year.

I further propose as a matter of policy that the Congress relate section 203 to the fiscal year 1971 budget, which is even now being prepared, rather than to expect it be given full effect in the remaining quarter of this fiscal year.

The problem we are faced with is far too serious and far too long range to be dealt with summarily. This is especially so since budget cuts already made have caused intensive review of science programs, and further action should be carefully accomplished with long-range objectives in mind.

BLACK PANTHERS—THE RED CANNON FODDER

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, within the past few days we have heard from all the spokesmen and bleeding hearts of the left, both new and old, in support of a sinister organized crime gang—the so-called Black Panthers.

These criminals, bent on guerrilla revolution in the cities in support of the larger scale Communist plan to take over the United States from within, have suddenly been lofted into the role of folk heroes of the revolution.

One of the national television networks chimed in this morning with the frank admission that the failure of the diversionary tactics of the so-called peace movement would lead in 1970 to a student and "intellectual" attack on the practice of apartheid in the Republic of South Africa and on civilized government in the Republic of Rhodesia.

It is plain that the Black Panthers are being used—for the benefit of the very leftists whom they should most fear—in an effort to set up a diversionary attack intended to tie down the local police and occupy the attention of the people of the Nation, while the more nefarious operations of the left resume.

Testifying before an Appropriations Committee of the House this spring, J. Edgar Hoover called the Black Panthers one of the most active of the black extremist groups. Unite this revolutionary group with such organizations as the theoretical Republic of New Africa and the Black Muslims; and then supply the internationally indoctrinated leadership, which such groups have never been able to produce internally, and there is a real and significant threat to the internal security of the Nation. I don't care what the news media may say to explain away this violent threat to our people.

It is paradoxical that some who denounce Arabs as Communists would rush to the defense of Black Panthers—an identified Communist front.

This is the reason for the sudden interest of the left in the Panthers, in open warfare against our police, and in the further destruction of the few remaining sections of the Internal Security Act.

Americans would do well to pay attention.

I include in my remarks several current and pertinent news clippings:

[From the Washington (D.C.) Post, Dec. 16, 1969]

PANTHER SLAYINGS: "CURFEW" AND PROBE—CITIZENS ACT

(By William Grieder)

An extraordinary citizens' "commission of inquiry" to investigate the violent clashes between police and Black Panthers was announced yesterday by 28 prominent civil rights leaders, legal figures and church officials, including former Attorney General Ramsey Clark and former Supreme Court Justice Arthur J. Goldberg.

The citizens' group intends to direct "a searching inquiry" into incidents in Chicago, Los Angeles, New York, Detroit and other cities where local police and the militant black organization have battled in recent months.

Goldberg and Roy Wilkins, executive director of the NAACP, told a New York press conference that the 28 "conveners" of the inquiry "are profoundly disturbed" by the events. The most recent clashes in Chicago and Los Angeles, their statement said, "have raised grave questions over the whole range of civil rights and civil liberties as applied to the Black Panthers."

The Black Panthers contend that 28 of their leaders have been slain in what they charge is a systematic series of raids on Panther headquarters in various cities staged by local police with help from federal officials.

The Justice Department has denied any role in the shootouts and has initiated a preliminary investigation under its Civil Rights Division. The local police departments involved have all contended that the Black Panthers started the shooting during legal searches of the Panther quarters.

As a citizens' group, the "commission of inquiry" will have no legal standing and no power of subpoena to gather evidence on the cases, but it will be supported by funds from civil rights organizations and the services of some prominent lawyers.

Jack Greenberg, director-counsel of the NAACP Legal Defense and Education Fund, said the group will meet Saturday to decide on its procedures.

The probe may include public hearings and field investigations. Norman Amaker, first assistant counsel of the Defense Fund, will serve as staff director. All 28 signers are available to serve on the commission, but a smaller number will probably be chosen, Greenberg said.

In addition to Goldberg, Wilkins, Clark and Greenberg, the signers include Clifford Alexander, former chairman of the U.S. Equal Employment Opportunity Commission; Richard G. Hatcher, mayor of Gary, Ind.; Louis Pollak, law dean at Yale University; Cynthia Wedel, president of the National Council of Churches; Sam Brown, coordinator of the Vietnam Moratorium Committee; Phillip Hoffman, president of the American Jewish Committee; Georgia State Rep. Julian Bond;

A. Philip Randolph, vice president of the AFL–CIO; John Pemberton, executive director of the American Civil Liberties Union, and Whitney Young, Jr., executive director of the Urban League.

Both Greenberg and Goldberg avoided any suggestion that the inquiry has been initiated out of a fear that the federal authorities or local law enforcement officials would not make a thorough investigation.

"There is room for a citizens' inquiry to satisfy everybody that there isn't any question that the rules of law are being observed," Goldberg said in a telephone interview. "This would be a reassurance to people on all sides."

Alexander, now an attorney in Washington, said the Justice Department has had the Black Panther organization under surveillance and "they're looking at it from a different viewpoint obviously than this group might."

[From the Washington (D.C.) Evening Star, Dec. 16, 1969]

UNITY IN ADVERSITY: PANTHERS WIN SYMPATHY

(By Mary McGrory)

In adversity, the Black Panthers, a sort of underworld in the civil rights movement, is accomplishing something that no other group has been able to do. They have united the black community in outrage and white liberals in concern.

A citizens' committee of inquiry announced yesterday in New York shows that the outcasts have acquired, perhaps too late, possible friends of the most impeccable respectability.

Arthur Goldberg and Roy Wilkins are co-chairmen of the committee. Neither could be accused of militancy or even previous sympathy for the least beguiling of the extreme black organizations.

REGULARLY REVILED

Others on the committee have been regularly reviled by young black militants who rather admire the ranting, gun-toting Panthers.

Sociologist Kenneth Clark is a member. So is A. Philip Randolph, who mourned before a Senate committee a summer ago that he could not go into the ghetto and talk to the young blacks.

The American Jewish Committee and the American Jewish Congress are also represented, perhaps signalizing a moratorium on black-Jewish hostility recently chronicled in New York. Former Atty Gen. Ramsey Clark; Louis Polak, dean of the Yale Law School, and George Lindsay, brother of New York's mayor, are others on the 26-man panel who could not be suspected of fostering lawlessness.

All accepted with alacrity the invitation to investigate the predawn shootouts in two American cities on the theory that the Panthers, whatever their views and habits, have constitutional rights like other citizens.

NEW RESONANCE

The "genocide" charges that figure so largely in extremist rhetoric have acquired a new resonance in the ghetto. The fear is that the black community, which has been quiescent and divided since the riots following the death of the Rev. Martin Luther King Jr., can be radicalized by incidents in two cities with enthusiastic advocates of law and order, Mayors Sam Yorty of Los Angeles and Richard J. Daley of Chicago.

The Nixon administration, which has announced a breakthrough welfare program, has not addressed itself otherwise to the black citizenry. Its recent moves to delay school integration and dilute voting rights have not been particularly reassuring.

Julian Bond, the young member of the Georgia State Legislature, who is a member of the inquiry committee, put the worst black suspicions about the Black Panther raids to a group of students at George Washington University yesterday:

"The Black Panthers are being decimated by political assassination arranged by the federal police apparatus." He said later that the police, who are known as "pigs" to the Panthers, were carrying FBI warrants to search for guns.

A Washington lawyer active in civil rights said, "when the police move against a group, injustices to individuals almost always result."

ONE OF FIRST TASKS

One of the first things the committee will have to do is to find out the size of the Panther organization. Accounts vary from a maximum of 5,000 with 35 chapters to 1,500 with probably 10 chapters. The leader, Bobby Seale, is in jail.

The top spokesman, Eldridge Cleaver, is in exile in Algiers.

FBI Director J. Edgar Hoover once described the group as "the greatest threat to the internal security of the country" among civil rights groups.

There are facts available, some of them in a staff report issued by the National Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower. That report stated:

"The Panthers were founded in Oakland, Calif., in 1966 as the 'Black Panther party for Self-Defense.' They advocate armed patrols. They despise authority, especially the police, and one of their demands is for U.N. observers in the ghetto to observe the actions of police. They have a history of violent confrontation with the police, having been attacked by off-duty officers in Oakland and Brooklyn last year."

The report quoted Oakland Panther leader Huey P. Newton, who was convicted of shooting a white policeman, as saying, "The Panther never attacks first, but when he is backed into a corner, he will fight back viciously."

ROMANTIC APPEAL

Newton also told staff interviewers that the Panthers had their gentler side.

They have been serving ghetto breakfasts, and they have a romantic appeal to angry young blacks.

Newton described a street school for the Panther Youth Corps, for boys from 10 to 13. They were not taken into the headquarters because of the prevalence of guns and other weapons, but were instructed outside in black history or mathematics, and to maintain membership had to show good report cards.

The report credits the Panthers with helping keep Oakland cool after the King assassination "not from any desire to suppress black protest—rather it stemmed from a sense that the police are waiting for a chance to shoot down the blacks."

Now with fears mounting that the Panthers seem about to be exterminated, they have aroused a rather wide range of black and white citizens to demands that they be allowed to exist.

"When," asked a successful, moderate black, "did the government ever move this way against the Mafia?"

[From the Washington (D.C.) Evening Star, Dec. 16, 1969]

CHICAGO BLACKS SET "CURFEW" BARRING WHITES

CHICAGO.—Spokesmen for a coalition of black groups in Chicago have proclaimed an unofficial curfew barring whites from Negro areas of the city from 6 p.m. to 6 a.m., but several black leaders have denounced the move.

The curfew announced yesterday, is part of the reaction to the deaths Dec. 4 of two Illinois Black Panther party leaders, Fred Hampton, 21, and Mark Clark, 22, who were shot during a raid by police searching for illegal weapons.

And in New York yesterday, an unofficial commission to investigate allegations of a national extermination plot against the Black Panthers was announced by former Supreme Court Justice Arthur J. Goldberg and Roy Wilkins.

RECENT CLASHES CITED

Citing recent clashes between Black Panther militants and police in Chicago and Los Angeles, Wilkins, executive director of the National Association for the Advancement of Colored People, said:

"If the Panthers are at fault, our investigation will bring it out. If the police are at fault, the investigation will bring it out."

Goldberg, former ambassador to the United Nations and onetime U.S. Supreme Court Justice, said he hoped for cooperation from Panthers and law enforcement agencies, although the commission would have no official government sanction. He promised an "orderly, dispassionate inquiry."

JUSTICE ORDERS PROBE

The Justice Department has ordered an investigation into the Chicago shootings.

Both the Justice Department and the FBI have denied a Panther charge that there is a national conspiracy of law enforcement against the party.

The Rev. C. T. Vivian and Earl Doty declared the Chicago curfew in the name of the newly created United Front of Black Community Organizations, which claims 100 member groups.

Vivian said, "No whites will be permitted to enter the black community during these hours and those who are in the black community will be expected to leave by the 6 p.m. deadline."

He said the new front includes the group he leads, the Coalition for United Community Action, composed of some 60 organizations which last fall shut down construction sites to press demands for more black jobs in the building trades unions.

Police said no incidents connected with the curfew were reported last night.

[From the Washington (D.C.) Sunday Star, Dec. 14, 1969]

CLEAVER SEEKS ENTRY TO UNITED STATES TO ASSUME PANTHERS ROLE

Self-exiled Black Panther Eldridge Cleaver is trying to arrange his return to the United States where his armed revolutionary party—reeling under police pressure—is hurting for leadership.

Twenty-four hours after two Panthers were slain in a shoot-out with Chicago police, sources said Cleaver contacted U.S. diplomatic officials in Algiers and asked for a passport to return to the United States where he is wanted on a fugitive warrant.

Cleaver didn't get the passport, the sources added, but in later discussions was told he could get a certificate of identity that would allow him to travel to the United States.

As Cleaver was making the inquiries in Algiers, there were signs that the Panthers are revolutionaries on the ropes.

LEADERS JAILED

A police raid on Panther headquarters in Los Angeles Monday resulted in a four-hour gun battle that left three policemen and three Panthers wounded. A score of Panthers were arrested.

Two Panther leaders—Huey P. Newton and Bobby Seale—already were in jail. Stokeley Carmichael quit the party last summer and Dave Hilliard, Panther chief of staff, faces trial on a charge of threatening the life of President Nixon.

If Cleaver returns to California, he faces imprisonment as a parole violator and for

jumping bail on charges of assault with intent to kill and assault with a deadly weapon. But the deepening Panther-police crisis presumably has increased pressure on him to give up his self-proclaimed exile.

NEED FOR LEADER CITED

Black leaders say the police raids have brought an upsurge in sympathy for the group, yet the Panthers are without the widely known leaders needed to take full advantage of it.

"No matter what kind of following you've got, if you can't keep a leadership, you can't keep an organization together," said radical lawyer Terence "Kayo" Hallinan of San Francisco. "It just keeps flying apart."

[From testimony of John Edgar Hoover, Director, Federal Bureau of Investigation, before the House Subcommittee on Appropriations, on April 17, 1969]

BLACK PANTHER PARTY

Mr. HOOVER. One of the most active black extremist groups is the Black Panther Party. It originated in Oakland, Calif., in 1966 and now has extended its activities to numerous cities throughout the United States.

Its members gained notoriety initially because of their practice of carrying rifles and pistols in plain view on the streets of Oakland while on "defense patrols" to prevent alleged police brutality.

On May 2, 1967, a group of Black Panther Party members armed with rifles, shotguns, and handguns invaded the chamber of the California State Assembly, while that body was in session, to protest pending gun legislation.

More recently its "minister of defense," Huey Newton, is appealing his conviction on Sept. 8, 1968, for having shot and killed an Oakland police officer who had stopped him in connection with a motor vehicle violation in October 1967.

On still another occasion, eight other members of this black extremist organization were arrested for complicity in a gun battle with Oakland police on April 6, 1968, during which one Black Panther Party member was killed. Thirteen rifles, four handguns, and four shotguns were confiscated from the participants.

Leroy Eldridge Cleaver, minister of information of the Black Panther Party, achieved notoriety rivaling that of Stokely Carmichael during 1968. A parolee who was freed in December 1966 after serving 9 years in California prisons, Cleaver was returned to prison in April 1968 due to his involvement in a gun battle with Oakland, Calif., police. He was again released after 2 months following a court ruling that his parole had been improperly revoked for political activity. This decision was overruled by higher California courts and Cleaver was scheduled to return to prison on November 27, 1968. He failed to appear and on December 10, 1968, a Federal fugitive warrant was issued charging him with unlawful flight to avoid confinement.

Cleaver ran as presidential candidate of the Peace and Freedom Party and in this capacity made a series of speeches on college campuses. These received widespread publicity because of their extreme obscenity and calls for revolutionary action by black people.

Another active Black Panther Party leader is George Mason Murray, minister of education. He is also a member of the Central Committee of the San Francisco State College Black Student Union. The latter organization has been deeply involved in the campus agitation which has plagued that college during the current school year.

The political philosophy of the Black Panther Party is based in part on the writings of Mao Tse-tung of Communist China. It advocates that its members study the teachings of Mao Tse-tung. Instructions have been given to members on the making and the use of Molotov cocktails. Members have also been instructed in guerrilla warfare tactics in preparation for a showdown with established authority. It is reported that in the near future scheduled training sessions in California will teach guerrilla warfare tactics to selected members from all parts of the United States.

PRESIDENT TO BE LET DOWN BY AIDES

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Speaker, the President of the United States is about to be let down by some of the people he employs to advise him. So are the American people. A group of his aides plan to meet this weekend on our national goals—a research study he established shortly after taking his oath of office. Their houseguests will curl your hair.

Our Nation's future depends, Mr. Speaker, on the vision of those who peer into it and who, in turn, give the President the benefit of their 20–20 foresight. I cannot believe he will get a true picture of this Nation's needs, Mr. Speaker, from a group of bleary-eyed malcontents invited to the White House to represent the District of Columbia, all of whom have uttered various dissertations on public affairs which range from sabotage to revolution.

I refer, Mr. Speaker, to the likes of Julius Hobson, an avowed Marxist-Leninist; Marion Barry, a SNCC graduate now under investigation by a grand jury; and Mrs. Willie Hardy, whose latest venture in establishing our national goals was a trip to Canada to confer with our enemy from Hanoi. These three, and perhaps others of like ilk have been invited by Presidential aides to confer this weekend on White House grounds about our future well-being.

Not only is the President being sabotaged, Mr. Speaker, but the American people as well, when a group of his aides find it necessary or convenient to turn to the likes of a Hobson, a Barry, or a Hardy for advice and consent on what lies ahead for the American people. This trio of malcontents, Mr. Speaker, is disruptive, disdainful, and destructive to the common good. And I consider it a public service to inform the President of the political puerility of his staff aides who have invited them to the White House.

THE 1969 FEDERAL ASSISTANCE PROGRAM CATALOG

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, as you know, I have again developed in my office up-to-date information on Federal assistance programs. This catalog, which is far more complete than the one we prepared last year, will be delivered next week to the office of each Congressman.

As I state in the foreward, I believe this 1969 listing is the most comprehensive compendium of Federal assistance programs ever compiled. I found by our definition that there are 1,315 programs, 225 more than I reported to the House last year.

All the agencies, especially the Department of Health, Education, and Welfare, were most cooperative this year in supplying the data for this catalog, as were the vast majority of them last year. The principal difference is that we were able to get full information on HEW's 392 programs.

My reason for collating this information has been threefold. First, I wanted to gather data that would be of assistance to my State and local officials. In fact, as an illustration of the critical need for better information on Federal programs, I understand there has been a great demand for these catalogs in the executive branch itself: HEW has ordered 1,800 copies of the listing, and the Department of Housing and Urban Development has ordered 2,000 copies; the Department of the Interior has ordered 100 copies, and the Department of Transportation has ordered 250 copies. If the principal agencies have placed such substantial orders, it seems clear to me that there is not even an adequate flow of information within the Federal Government itself.

The second reason I have assembled this information is to prove that such data could be prepared rather easily. I have, of course, introduced the Program Information Act, H.R. 338 and S. 60 in the other body, which would require the executive branch to publish this catalog yearly with periodic updating. If one congressional office can complete the task, it seems to me such an undertaking should not prove too burdensome to the Federal Government.

I hope that next year we can succeed in getting action in committee on the Program Information Act so that it can be brought to a House vote. More than 180 Congressmen and 14 Senators have already cosponsored this legislation.

Finally, and most important, I think anyone who will take the time to examine the 1,315 programs in the catalog will see there is a serious need for consolidation and restructuring of much of our Federal aid. The taxpayer's dollar is not being used effectively, and it is up to us in the Congress to correct this situation.

I would like to thank my distinguished colleagues for unanimously authorizing the printing of House Document 91–177, the "1969 Listing of Operating Federal Assistance Programs." I am particularly grateful to the Honorable JOHN H. DENT, who introduced legislation to order the printing of this information; to the Honorable JERRY L. PETTIS, who worked actively for its passage; to the House Administration Committee, chaired by the Honorable SAMUEL N. FRIEDEL, and the Senate Committee on Rules and Administration, chaired by Senator B. EVERETT JORDAN.

CONGRESSIONAL STAFF REPORTS SAVE MONEY

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, I will take only half a minute. I want to pay my respects to the gentleman from Delaware (Mr. ROTH) for the report that he has made on all of the Federal programs—the great proliferation of programs. I do this because there was a similar report that was paid for by the Office of Economic Opportunity that cost the American taxpayers over $1 million. I honestly believe that if we compare the report assembled by the congressional staff of Mr. ROTH, it will compare very, very favorably to the report that has cost over $1 million when the contract was leased out to some outside firm. I just suggest that the Members of Congress might look at all of the contracts that are given and realize that within our own offices we have the capability, we have the dedication and the integrity and the honesty to do reports that would be valuable to this House as we make decisions. It might also allow us to keep track of the proliferation and keep it in some kind of check.

THE PERIL TO THE SHORELINE OF THE GREAT LAKES

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, many of us in Congress have expressed concern for the rapidly eroding shorelines of this Nation. As sponsors of H.R. 12712 and other similar bills, we recognize that the conditions caused by this erosion is injurious to the purity of the water, to the health of the people, to the recreational benefits of the communities. And to the tax basis of the local government.

The Wall Street Journal of yesterday, in a lead article, brought attention to the particular problems we are facing in the Great Lakes. It is a very comprehensive article and one that fully explains the need for consideration of the bill designed for the protection of the shoreline.

RISING WATERS: LEVEL OF GREAT LAKES MOVES SHARPLY HIGHER, PERILING THE SHORELINE—EROSION RUINS SOME HOMES; BEACHES DISAPPEAR FAST; PROTECTION OFTEN COSTLY—BUT EXTRA DEPTH AIDS SHIPS

(By Lewis M. Phelps)

SOUTH HAVEN, MICH.—The view of Lake Michigan from the living room of Michael Blake's two-bedroom house on a bluff here is about the most panoramic that any homeowner along the eastern shore can boast.

Trouble is, the view is not through a window but through the wall and part of the floor. The west half of Mr. Blake's living room crumbled off the bluff into the lake this fall, and there's every likelihood that more pieces of the house will take the plunge in coming months.

Mr. Blake is just one of a growing number of losers in a battle against rising water on the Great Lakes. Homes, highways and beaches have been flooded or nibbled away, causing property damages that experts say are already much higher than the $62 million loss in 1952, the last time the lakes went on a high-water rampage.

The Great Lakes' water levels fluctuate unpredictably from year to year, depending on precipitation and evaporation rates. Surveys by the U.S. Army Corps of Engineers show variations of four to six feet in lake levels. This year rain-swollen Lake Erie rose a record 4.05 feet above the level officially regarded as "normal," and Lakes Michigan and Huron, now three feet above normal, are at near-record levels.

What's worse, Army engineers say, the water in these lakes probably will rise even higher next spring and summer. (Lakes Superior and Ontario have locks that help control the water level, so they aren't causing any problems.)

ERODING THE SHORELINE

Last spring Lake Erie flooded several hundred homes in Eastlake, Ohio, three times. In July, Lake Michigan surged up the mouth of the St. Joseph River at Benton Harbor, Mich., and destroyed a 100-ship marina; it is costing the owners $100,000 to rebuild.

But the biggest problem is erosion, since most of the shoreline around the Great Lakes consists of sandy beaches and soft clay bluffs. As lake waters rise, they cover offshore sand bars that normally impede waves and thereby offer some protection to the shore. When storms come up, as they do with particular ferocity in the fall and early winter, the highwater waves now crash directly ashore, gnawing the ground out from under whatever is built there.

That's what happened to Mr. Blake's house. He bought the place in July 1968, assured that the 90-feet-high bluff on which it stood hadn't eroded at all in the last 18 years. No sooner had he finished a $6,000 remodeling job late this summer than the 30 feet of land between his house and the edge of the bluff peeled away, along with his west wall.

Mr. Blake, a 50-year-old engineer, didn't even have a chance to move into his new home from the modest white-board cottage he owns in South Haven. "I'd like to sell that lake property," he says, "but that half a house out there is a symbol of doom."

Some beaches are disappearing with startling rapidity. Chicago beaches shrink 25 feet for every foot that Lake Michigan rises, says a park engineer. The Rev. Gordon L. Ingram, a Presbyterian minister in a Chicago suburb, wistfully recalls sunning himself just six months ago on a 150-foot beach in front of his summer home in Winthrop Harbor, Ill., near the Wisconsin border. Today the beach is gone and the lake is wirling ominously around the foundation of his A-frame cottage.

BREAKWATERS ARE COSTLY

One cure for shoreline erosion is a concrete and rock breakwater, if it's made big enough. But construction costs can be staggering. The Michigan Highway Department will soon let bids for a seawall to protect one mile of Interstate 94 near St. Joseph; the estimated cost is more than $2 million.

Homeowners are trying less expensive solutions. In the resort community of Palisades Park, Mich., Emerson Welles recently paid $8,500 for a structural steel seawall to backstop an inadequate concrete retaining wall that he built several decades ago to keep his summer cottage from falling into the lake. Solid as the steel wall may seem, storm-powered waves have ripped away its top section twice since Labor Day.

Other lakefront residents are trying different tactics. Carl Kuyat of St. Joseph, Mich., bought 600 truckloads of rubble at $10 each from an old county courthouse that was being razed and spread the stuff over the bluff in front of his home in hopes of slowing erosion. Two of his neighbors have covered their bluffs from top to bottom with junked cars and trucks, stirring complaints from more fastidious but equally vulnerable nearby residents.

Another St. Joseph resident, a music teacher named Mrs. Genevieve Rae Hahne, is spending $10,000 to move a duplex apartment building she owns away from the bluff edge. She now is worrying about losing her $50,000 combination home and music studio on an adjacent lot. She shows a visitor one corner of her home that now has just one inch between it and the drop of the bluff; a year ago there was 75 feet of ground between them.

Homeowners in Kenosha, Wis., Willowick, Ohio, and other Great Lakes communities have built jetties extending into the water to deflect the currents and allow sand beaches to build up in the still water. But the jetties collect the sand only on one side, leaving the shore on the other side more barren and susceptible to erosion than normal. Other defensive measures, such as offshore construction of elaborate louvered steel walls that are supposed to keep beach sand from washing away or the planting of deep-rooted trees by the shore, also have proven inadequate.

Homeowners are on their own in fighting high water. Insurance companies "won't touch" flooding or erosion coverage, agents say, and the Great Lakes area isn't under consideration for inclusion in the Federal flood insurance program now being developed.

The Corps of Engineers will offer only advice, unless public property is threatened by the lakes. Only Ohio among the eight Great Lakes states offers financial help—one-third of the cost of private protective projects and two-thirds the cost of public undertakings. Local governments in troubled areas plead lack of funds for assistance, though some cities occasionally lend heavy equipment to homeowners shoring up their beaches.

Nor is there much comfort for imperiled shore dwellers in a long-range proposal to control the levels of all the Great Lakes. A Federal study that originally was supposed to be finished in 1973 is a year behind because of financing problems, says Leonard J. Goodsell, executive director of the Great Lakes Commission, an eight-state organization that studies Great Lakes problems. Interim reports indicate that controlling high water on Lakes Michigan, Huron and Erie would cost $20 billion. Mr. Goodsell says he doesn't expect construction of control systems could start before 1985.

Not everyone is unhappy with the sudden rise in water levels. Steamship operators, in fact, are delighted. They can load about 125 extra tons of cargo on a typical ship for every inch the lake rises and still not run aground along the most shallow parts of their routes.

Inland Steel Co. has been loading its ore carriers to full capacity since spring, says Riley P. O'Brien, fleet manager. Five years ago, when lake levels were low, his ships were running at 20% below capacity and he had to charter extra vessels to make up the difference, he says.

THE REGIONAL DEVELOPMENT INCENTIVE ACT OF 1970

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUPPE. Mr. Speaker, today, I am introducing the Regional Development Incentive Act of 1970. The goal of this act is to take a major step forward to revitalize rural America, and at the same time, relieve the population pressures on our urban areas. This legislation provides a 20-percent tax credit on certain new investment in plant and equipment to encourage industry to expand into the depressed and lagging regions of America. The tax credits will provide plant location decisionmakers with the possibility of a direct, immediately realized

financial incentive to expand into areas that have been substantially ignored in the past. I am convinced corporate managers will take advantage of the opportunity for substantial tax savings. This, in turn, will provide a stimulus to the local economic base of the poorer regions of this Nation, and indeed could have a massive impact on the economy of rural America.

The need for a program of this nature is great. The massive migration from countryside America to urban America has created a demographic and economic imbalance. Our rural areas have been depleted of economic and human resources. Our cities, on the other hand, are jammed with people and have become increasingly unable to cope with the growing violence and social decay.

As the Congressman from a rural Michigan district, I have witnessed firsthand the plight of many countryside towns. The young and well-educated move away; and the average age of the population becomes ever older. For those who remain, job opportunities are few and often limited in potential. The skills of the work force become obsolete, and the welfare rolls grow ever larger. The tax base for these communities erodes to the point where it is difficult to provide even basic community services.

While retarding our rural economy, the population shift has congested our urban areas to the point of crisis. City air and water are becoming polluted from uncontrolled filth, crime, turmoil, and racial strife are on the upswing. Highways are jammed, inner city transportation is breaking down, land use is inefficient, and social services are inadequate.

To some extent, the U.S. Government has contributed to this country's population imbalance. U.S. fiscal policy has failed to recognize that there are substantial economic variations between the regions of this Nation. Too often many Government economists seem to view the economy as a monolith, and positive actions to stimulate the economy are applied to the whole Nation, rather than directed to lagging sectors. The 7 percent tax credit for example, was a nationwide program simply to encourage investment—it did little to aid the economically ill regions of America. In fact, it may have worked to make the strong regions even stronger with little impact on the weaker regions. Furthermore, Government activity may attract private capital to areas that have less need for artificial stimulus. One economist noted that "through a system of subsidies to mass transit, thruways, slum clearance, housing and the like, Government has actually fostered private investment where it may not have belonged."

Actions to slow the economy, such as restricting the money supply or raising the interest rates, have a severe impact on depressed regions. In this fashion, again, U.S. fiscal policy serves to widen the economic gap between rural and urban areas, and fosters increased migration to the cities.

In recent years the Government has taken some cognizance of the fact that a geographic economic imbalance does exist. The results, however, have not been impressive. The first major attempt to redress this imbalance was undoubtedly the Federal effort to maintain an agricultural economy in many of these rural areas. Crop price supports, soil bank and all manner of schemes and programs proved incapable of meeting the challenge. Under President John Kennedy the area redevelopment adminstration came into being which recognized the need to look beyond a farm economy to bolster some lagging areas of the Nation. Under President Johnson we saw the ARA change to the economic development administration. In addition, the Farmers Home Administration, the Rural Electrification Administration, and other Government agencies have attempted to prop up sagging rural economies.

Perhaps the greatest contribution of the Federal Government toward recognizing that some regions of our Nation lag behind other regions came in 1965. That was the year Congress passed both the Appalachian Regional Development Act and the Historic Public Works and Economic Development Act which established the so-called title V regional commissions. For the first time a framework was created whereby the Federal Government and State governments would work together in a joint effort to stimulate sluggish economies across multistate areas. While, inadequate financing, has limited the regional commissions, I firmly believe that these 1965 acts may yet provide a direction to revitalizing rural America.

The result of all of the Federal Government's direct spending programs has, however, been minimal. It is true that in some areas of the Nation the direct infusion of these Federal dollars has made possible in infrastructure in which industries can—and sometimes do—develop. However, there is no guarantee that such expenditures by themselves will lead to increased industrial employment. The only guarantee is that many hours will be spent in bureaucratic paper passing and general Government redtape. Add to this the hard fact that the Federal expenditure gap and monolithic fiscal policies discriminate against rural America and one comes to the realization that the net result of Federal activity is to abet the unhealthy national process of rural to urban migration.

Our Government programs to aid rural areas have not, then, been sufficient to break, or even slow, the dynamics of excessive centralization of population, social services, public and private economic activity. Yet, clearly as a matter of economy and equity, we must promote growth in our lagging rural regions to provide the opportunities that will permit these regions to share in the national prosperity and, at the same time, to make a greater contribution to overall national growth. The time has come for a new national commitment and a new program to trigger dynamic new growth in rural America. This is precisely what the Regional Development Incentive Act proposes to do.

Utilizing tax policy to assist specific regions of the Nation is a revolutionary concept which runs counter to the direct Federal expenditures philosophy of the past several decades. It was thus greatly satisfying to note that earlier this month the U.S. Senate voted favorably on an amendment offered by Senator STEVENS to keep the 7-percent investment credit for poorer regions of the Nation. While I felt the language of the Stevens amendment to be somewhat imprecise and the amount insufficient to do the job required, the principle is precisely that of the Regional Development Incentives Act. I want to make it clear that I am not being critical of Senator STEVENS, but congratulate him for his important contribution. Indeed, his amendment which has been incorporated in the Senate Tax Reform Act is similar to legislation I introduced earlier this year to exempt depressed areas from repeal of the 7-percent investment tax credit. That earlier legislation is the forerunner of the Regional Development Incentives Act which I am introducing today.

The underdeveloped areas covered by my bill include the Appalachia region, the Four Corners region, the Coastal Plains region, the New England region, the Ozarks region, and the Upper Great Lakes region. Other economically depressed counties are also included.

Summarizing, the bill provides a 20-percent tax credit incentive for business and industry which chooses to make future expansions in the designated regions. The credit will apply both to new industries and to industrial expansions, the bill incorporates proper restrictions to prevent a raid on the Treasury. For example, metropolitan areas in excess of 300,000 are excluded since their problems require a different approach. The investment credits are limited to growth-generating industries. Credit will not be extended to industries which simply relocate their facilities from one region to another.

All of us have learned this session just how complicated and troublesome tax legislation can be. By contrast, this act is purposely designed to be short and readily understood. In combination with existing Federal programs it will have a significant impact on rural America, making it possible for these vast and vital regions to share more fully in future national growth. Previous efforts using direct Federal funds have been helpful in building infrastructure in which industry can develop, but it has not always led to significant industrial growth. Using the industrial expansion tax credit, the Government can, for the first time, guarantee that implementation of this act, while temporarily reducing tax revenues, will lead directly to more industry and more jobs. This is a guaranteed no-waste Federal program.

There is ample evidence that such a tax incentive can pay for itself in a very few years. The increased economic activity generated by the tax incentives will, in time, more than cover the loss in tax revenues.

Above all, the act will enlist the ingenuity, technology and resources of private enterprise in the mission to restore a better distribution of economic opportunity for the American people and a better balance to the American economy.

I include the text of my bill in the RECORD at this point:

H.R. 15327

A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically depressed regions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 40 as 41 and by inserting after section 39 the following new section:

"SEC. 40. CREDITS FOR INVESTMENT IN CERTAIN ECONOMICALLY DEPRESSED REGIONS.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter, the amount determined under the succeeding subsections of this section.

"(b) DETERMINATION OF AMOUNT.—

"(1) GENERAL RULE.—The amount of the credit allowed by subsection (a) for the taxable year shall be equal to the lesser of—

"(A) 20 percent of the qualified investment (as defined in subsection (c)), or

"(B) $5,000,000.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—Notwithstanding paragraph (1), the credit allowed by section 38 for the taxable year shall not exceed 50 percent of the liability for tax for the taxable year.

"(3) LIABILITY FOR TAX.—For purposes of paragraph (2), the liability for tax for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 35 (relating to partially tax-exempt interest),

"(C) section 37 (relating to retirement income), and

"(D) section 38 (relating to investment in certain depreciable property).

"(4) CARRYBACK AND CARRYOVER OF UNUSED CREDITS.—

"(A) ALLOWANCE OF CREDIT.—If the amount of the credit determined under subsection (b)(1) for any taxable year exceeds the limitation provided by subsection (b)(2) for such taxable year (hereinafter in this subsection referred to as 'unused credit year'), such excess shall be—

"(i) a section 40 credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) a section 40 credit carryover to each of the 7 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by subsection (a) for such years, except that such excess may be a carryback only to a taxable year beginning after December 31, 1969. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of clauses (i) and (ii) such credit may be carried, and then to each of the other 9 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATION.—The amount of the unused credit which may be added under subparagraph (A) for any preceding or succeeding taxable year shall not exceed the amount by which the smaller of the limitations provided by subsections (b)(1)(B) or (b)(2) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (b) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and attributable to taxable years preceding the unused credit year.

"(c) QUALIFIED INVESTMENT.—For purposes of this section, the term 'qualified investment' means, with respect to any taxable year, the aggregate amount of the basis (as certified under subsection (f)(2)) of each certified development property (as defined in subsection (e)(1)) placed in service by the taxpayer during such taxable year.

"(d) EARLY DISPOSITION, ETC., OF CERTIFIED DEVELOPMENT PROPERTY.—If during the taxable year any property which was certified development property placed in service during the preceding taxable year or the second preceding taxable year is disposed of (or otherwise ceases to be development property with respect to the taxpayer), then the tax under this chapter for the taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under subsection (a) for such preceding taxable year which would have resulted solely from treating such property as property which is not certified development property. For purposes of carrying out this subsection, the Secretary or his delegate shall prescribe regulations which shall include rules similar to the rules contained in sections 46(c)(4) and 47(a)(3) and (4), 47(b), and 47(c).

"(e) DEFINITIONS.—For purposes of this section.—

"(1) CERTIFIED DEVELOPMENT PROPERTY.—The term 'certified development property' means development property (as defined in paragraph (2)) which is certified for purposes of this section by the Secretary of Commerce under subsection (f).

"(2) DEVELOPMENT PROPERTY.—The term 'development property' means tangible property—

"(A) which is located in a development area (as defined in paragraph (3)),

"(B) which consists of (i) a plant or structure, or (ii) machinery or equipment relating to and located at a plant or structure,

"(C) the original use of which began with the taxpayer and which was placed in service in a taxable year beginning after December 31, 1969 and before January 1, 1975,

"(D) with respect to which depreciation is allowable under section 167,

"(E) which has a useful life (determined at the time such property is certified under subsection (f)) of three years or more; and

"(F) which is used predominately in a development business (as defined in paragraph (4)).

"(3) DEVELOPMENT AREA.—The term 'development area' means an area (A) outside any standard metropolitan statistical area the population of which exceeds 300,000 but (B) within—

"(i) the Appalachian region (as defined by section 403 of the Appalachian Regional Development Act of 1965),

"(ii) an economic development region designated under section 501(a) of the Public Works and Economic Development Act of 1965,

"(iii) a redevelopment area designated under section 401 of such Act, or

"(iv) an area designated under the authority of section 102 of such Act.

Any determination for purposes of this paragraph shall be made as of the time of certification under subsection (f) on the basis of the most recent data available at such time.

"(4) DEVELOPMENT BUSINESS.—The term 'development business' means a trade or business consisting of—

"(A) manufacturing,

"(B) providing goods and services for recreational purposes or to tourists or vacationers,

"(C) mineral processing (including oil refining but excluding extraction of minerals, oil, or gas), or

"(D) pulp and paper processing (excluding wood harvest operations),

except that such term does not include any trade or business described in section 7701(a)(33) (defining regulated public utility).

"(f) CERTIFICATION.—

"(1) GENERAL RULE.—Upon application made by a taxpayer, the Secretary of Commerce may certify property for purposes of this section in such manner, at such time, and subject to such conditions as the Secretary of Commerce and the Secretary of the Treasury (or his delegate) may jointly prescribe by regulations. The Secretary of Commerce may not certify any property under this subsection unless he determines—

"(A) that such property is development property,

"(B) that there is a market condition with sufficient national or regional demand to meet additional expansion,

"(C) that the property to be certified will not be placed in service in connection with the relocation of an existing plant or facility, and

"(D) that such property when placed in service, and any industrial process to be conducted at such property will be in compliance with Federal, State and local laws respecting air, water, and noise pollution.

Such certification shall state the amount of the basis of the property which may be taken into account for purposes of subsection (c).

"(2) BASIS LIMITATIONS.—In the case of any property, only that portion of the basis attributable to construction, reconstruction, erection, or acquisition by the taxpayer after December 31, 1969 may be certified under paragraph (1). In the case of property which consists of an addition, expansion, or reconstruction of property which had been placed in service prior to the certification (referred to in this sentence as 'existing property'), the amount of basis certified under the preceding sentence shall be reduced by the amount of depreciation allowed under section 167 (for the latest taxable year ending before certification) with respect to such existing property.

"(g) REGULATION.—The Secretary shall prescribe such regulations as may be necessary to carry out this section. Such regulations shall provide for rules similar to the rules contained in the last sentence of section 46(a)(3), and in sections 46(a)(4) and (5), 46(d), and 48(e) and (f)."

(2) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 40. Credit for investment in certain economically depressed regions

"SEC. 41. Overpayments of tax."

(b) The amendments made by subsection (a) of this section shall apply with respect to taxable years beginning after December 31, 1969.

SEC. 2. The Secretary of Commerce shall submit 2 years after the date of the Act and thereafter a report annually to the Senate and House of Representatives with respect to the carrying out of this Act, including the amount of credits against income tax allowed by reason of the amendments made by the first section of this Act, the economic effects of such credits, and the cost to the Federal Government by reason of such credits.

ARTHUR BURNS STATEMENT URGENTLY NEEDED TO SLOW DOWN TAX SELLING

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, I was very pleased to see Dr. Arthur Burns, the soon-to-be new Chairman of the Federal Reserve Board, today announce that when he formally takes over after the first of the year he is going to move toward trying to ease credit to reduce skyrocketing interest rates. His statement earlier today had an electrifying effect. The stock market went up 13 points.

I am very pleased to see the administration is trying to do something to stem the tide of "tax selling" that has been anticipated in the last 3 weeks of December.

I made a statement on the floor the other day that if the high rate of "tax selling" continues the administration could conceivably lose as much as $20 billion in anticipated revenues in 1969, thus creating a substantial deficit and creating new inflationary pressures next year.

I am pleased to see that apparently somebody reads the CONGRESSIONAL RECORD in the White House.

The administration could not have moved any sooner to slow down tax selling.

It is most interesting to see that a statement about interest rates would have his kind of effect and impact on the stock market.

Those who continue to argue that there is no correlation, no relationship between skyrocketing interest rates and inflation ought to look at the demonstration in the stock market today. The minute an official statement was made that an effort will be made to reduce interest rates the entire economy rebounded.

I congratulate Dr. Burns for initiating this action. I hope the stock market will continue to rise in the next 3 weeks so that we can see a substantial discouragement of tax selling. Tax selling is, of course, at this point the most critical threat to the Nation's economy. I would be most pleased to have been wrong in my prediction that tax selling can deny the Government of revenue it expected from taxes. Nothing would please me more to see us wind up 1969 with a surplus instead of a deficit.

TRIBUTE TO DR. ANDREW STEVENSON

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia (Mr. STAGGERS), is recognized for 60 minutes.

Mr. STAGGERS. Mr. Speaker and Members of the House, today we would like to take a few minutes to pay respectful tribute to a man who has served this Nation and its elected representatives with honor and with distinction and with unfailing devotion. That man is Dr. Andrew Stevenson, recently retired from the professional staff of the Committee on Interstate and Foreign Commerce of the House of Representatives.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman.

Mr. ADAMS. I thank the chairman for yielding to me.

I want to join in the chairman's remarks in paying tribute to Andy Stevenson who served on this committee so well. I want to give my personal best wishes to him for his future activities and my gratitude to him for the help he has given to me personally on this committee, and what I have seen him do for other members of the committee during his tenure while I have been there. I know we are going to miss him, and I want to wish him and his family well.

I thank the chairman for yielding to me.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman from Minnesota.

Mr. NELSEN. I thank the gentleman for yielding.

I think all of us realize that part of our success as Congressmen is certainly due to the competent staff that we may have. And, likewise, any one of our committees is effective only if effective and able staff persons work with us on committee business.

Dr. Stevenson has conducted himself with dignity and competence over a period of many years and has been a most valuable supportive member of our committee. He has given complete bipartisan help in every instance that I can recall.

Mr. Speaker, I certainly want to join with our chairman in wishing him well in his retirement. Further, I thank the chairman for his thoughtfulness in bringing this matter to the attention of the Members of the House so that we might pay tribute to a servant that deserves our most sincere thanks.

Mr. STAGGERS. I thank the gentleman from Minnesota for his remarks.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts, a member of the committee.

Mr. KEITH. Mr. Speaker, I appreciate the chairman of the Committee on Interstate and Foreign Commerce yielding to me at this time.

Mr. Speaker, in my 11 years as a member of the Committee on Interstate and Foreign Commerce I have learned, together with other members of the committee, to like, respect, and, in fact, love Andy Stevenson.

Most of us in the Congress rely on the expertise of such professional staffers as we deal with the most difficult problems of conducting our Nation's business. Andy Stevenson has served us—and the country—extraordinarily well in this capacity.

His knowledge and willingness to help has been invaluable to the committee as it discharges its responsibility of overseeing the regulatory agencies. More than any other man whom I have met in my 11 years in Washington, Andy Stevenson has been able to comprehend the intricate nature of the relationships between government and the private sector. He has worked diligently to preserve the balance which is necessary if our free enterprise system is to function effectively. I have been privileged to have had the benefit of his counsel and advice all of these years. It has been one of the real joys of my experience here as a Member of Congress.

So, it is with a great deal of pleasure and satisfaction that I join with the chairman of the committee and other members of the committee in paying tribute to Andy Stevenson. It is my hope that he has in his retirement years, further time and good health to enable him to continue his study of public policy issues and to enjoy the rest he has earned. It is also my earnest hope that from time to time he will keep in touch with those of us who are still in the harness so that we might have the benefit of his views and counsel.

Mr. STAGGERS. I thank the gentleman from Massachusetts for his kind remarks.

Mr. MACDONALD of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts a member of the committee.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I thank the chairman for yielding to me at this time.

Mr. Speaker, I rise to join the chairman of our committee and all the other Members who are here this evening to pay tribute to a man whom I think stands as an example to all those people who like to serve the public interest of the United States and who do not want to go the route of running for and holding an elective office. I can think of no man who exemplifies in a better way, self-sacrifice and the ability to help those of us who have to deal not just in the legislative field, but in other fields, as well. A person who has given all of his time to help the committee that he chose to serve on to become what it is, the most outstanding committee in this Congress, than Dr. Stevenson.

My experience with Dr. Stevenson—or Andy Stevenson as he is better known—goes back some 15 years. I must confess that when I first came to Congress I had held no prior elective office, and I was certainly not very wise in the ways of legislation, and the legislative process. There was no one man whom I leaned on more and who helped me more than any other individual, that individual was Dr. Stevenson.

Mr. Speaker, I think that I have a unique relationship with Dr. Stevenson, as we are among those of the very few remaining veterans of the people who served on the Committee on Interstate and Foreign Commerce, who took a very adventurous and inspiring trip during which we crossed both Poles—the North Pole, and then landed down at the South Pole. And even in those extremities of our world Andy's always wise guidance and counsel was invaluable.

To Andy Stevenson and his beloved wife, Betty, I can only wish the best in the years to come. I will not echo what has been said, that Andy Stevenson is going into retirement, because I certainly hope that the wisdom and the knowledge and the desire to serve that Dr. Stevenson has shown throughout his entire career will not be lost to the public interest—certainly not to the members of the Committee on Interstate and Foreign Commerce who have leaned on his knowledge and ability for so long.

I certainly hope that his great fount of knowledge will not be lost to us, and that from time to time, when the occasion arises, we can call on his great fund of knowledge and experience, and that he will be available to us. I certainly feel sure that because of his devotion, both to the Congress and, more especially, perhaps, to our committee and to the Members on both sides of the aisle, that he will respond to our call for assistance.

So, Mr. Speaker, to Dr. Stevenson I do not say "hail and farewell," I merely say "hail."

Again, I thank the gentleman for yielding.

Mr. STAGGERS. I thank the gentleman from Massachusetts for his comments.

I will now yield to the gentleman from Ohio (Mr. BROWN) Mr. Speaker.

Mr. BROWN of Ohio. Mr. Speaker, the late Speaker of the House, Sam Rayburn, who served at one time on the Committee on Interstate and Foreign Commerce—and certainly he was one of the great Members to serve in this, the greatest deliberative body in the world—suggested that the Committee on Interstate and Foreign Commerce was the greatest committee of substantive legislative jurisdiction in Congress. As a member of that committee I believe those words are surely true.

Like the gentleman from Florida (Mr. ROGERS) I am proud to be a second-generation member of that great committee, because of my father, when he first came to Congress 30 years ago also served on the Committee on Interstate and Foreign Commerce. And also like the gentleman from Florida, I had heard from my predecessor of the work of Dr. Stevenson. I have since learned this firsthand, and have been impressed and awed frequently by his knowledge and his bipartisan service to that committee.

Mr. Speaker, I think perhaps the greatest compliment that could be paid to Dr. Stevenson is that in the heat of legislative battle and discussion, when the issues are joined and philosophies contend in the art of compromise between the members of the committee who feel strongly one way and the other on the decision we are in the process of making, Dr. Stevenson always stood above the storm in a nonpartisan way, because good parliamentary procedure facts and careful legislative draftsmanship know no partisanship.

It was his responsibility to give us the depth and the breadth of his experience and his limitless knowledge of the facts on which we made our judgments in the committee. He always served us well in that regard during the time I served on the committee, and I am sure in the many, many years that he served on that committee preceding my service there.

I wish that the opportunity existed for those of us who are in the Congress, and particularly for those of us who are junior Members, to be injected with the knowledge of our seniors and predecessors—both those who are Members of Congress, and those who serve as staff members of the committee. Certainly if we could be thus infused with knowledge and ability all of us would be glad to have a transfusion from Andy.

The people who serve as the staff of the legislative committees and the staffs in the offices of Members of Congress are the anonymous people, who sometimes I believe, really run this country of ours; because they are the people on whom we rely for experience and information as elections change the membership of this body. They continue on sometimes, little known to the public, and frequently even little known to an aware press.

In Dr. Stevenson, our committee is losing its most distinguished staff member of this most important committee in this most outstanding assembly. I think all of the very capable staff members on that committee would concede that point at this moment—although they may have some feelings as to who is the most distinguished staff member next week. But, in any event, we have lost the services not only to the committee but to this Congress of a very fine and a very greatly talented gentleman.

While I regret to see him go, he certainly has earned the opportunity for retirement and I know we all join in wishing him well.

Mr. STAGGERS. I thank the gentleman from Ohio.

Mr. Speaker, I yield to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I appreciate the chairman yielding and I am delighted to be able to say a few words in behalf of my good friend, Dr. Andy Stevenson.

Andy is a real pro. He is respected throughout the city of Washington by those who have had any association with him. He has great ability and he probably can recall more facts and more figures and more background information than anyone on our committee, and perhaps in the Government.

When you couple that with 20 to 30 years of experience, you have a valuable man—and that is what Andy is—he is just an extremely valuable and good public servant.

I have been thinking about some of the things that come to my mind, when you realize that he has left our committee and that this very able man is not around to call up and ask for information. What are some of the things you remember?

I believe the first thing I recall would be that he was a real gentleman. He has great poise. He simply would not get excited. He would not take sides. He would not become involved in individual controversies but he would always conduct himself as a gentleman and as a great scholar, and as an objective adviser in legal and legislative matters.

Time after time, and again and again in committee when we would become ensnarled in some kind of problem, they would turn to him invariably and say to Andy, "How say you, counselor?" The doctor would straighten us out.

The second thing I recall about him is that he was in that rather unique position that invariably regulatory agencies wanted to know on any given matter how did Andy feel about it. I have had commissioners and board members and those connected with other agencies invariably ask me when we had a problem before us, they would say, "What does Andy think; what does he feel about it?" Because he knew and they knew that we would also always go back and say, What is your judgment on that? Do we have our facts rights?

I think the fact that he has this great respect of these agencies, that is an indication in itself that he is a very accomplished gentleman.

That same capability extended to industry. Those who came to testify naturally would testify for their particular industry or business. That was to be expected. But they also knew if they got off into left field or if they were making charges that could not be substantiated, they would always know that he, Andy, knew differently and would always get somebody by calling their hand or raising a proper question.

The third factor is that Andy always encouraged new Members. I have been privileged to go with him to lunch or to have conferences in his offices, to meet him in off-hours, or talk about a particular item of legislation. Invariably he would want you, not only as a new Member, but as a regular member of the committee, to inquire why you could not make a change. He would encourage you to challenge. He would want you to raise questions, to know why you could do it, why we would have to accept these statements, either by the agencies or the industry itself. That would give a man encouragement that he ought to participate in the legislative process.

Andy would pull you out. He would not say, "You do it," but he would give you that kind of encouragement.

Lastly, I think he had the acceptance and respect of everybody—agencies, industry, and his own extremely able staff. He did operate in the public good. He just would not take sides. He would not try to become involved personally. But he always thought in terms of what is in the public interest. It is because of that basic outlook he was such an extremely valuable member.

So, we have said farewell to him in a sense. I understand the chairman today said he hopes he might be back with us on a limited or special basis. I hope he is back with us a lot because he is a great, good and valuable person. We need more men like him in government.

Mr. STAGGERS. I made the statement that I would like to have him back as a consultant to our committee. He would render invaluable service. He has told us that he will, and I am hopeful he will come back so that we may have the benefit of his great knowledge and experience.

Mr. PICKLE. I thank the chairman. And I thank Dr. Stevenson for a life of dedicated service to the public good.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker and Mr. Chairman, the recollections of the gentleman from Texas have prompted me to recall my own earliest memory of Dr. Stevenson's value to our committee. When I was fortunate enough to win a place on the Committee on Interstate and Foreign Commerce 7 years ago, I was assigned, not by choice, to the Subcommittee on Commerce and Finance. During the first few months I was on that subcommittee we were given purview over the first improvement on the reform of the stock market that had been contained in the Securities and Exchange Commission Act of 1935. Some of my fellow members of the committee may give me an argument on this, but I should imagine that on the subject of the stock market I acted from a greater wellspring of ignorance than on any other subject that comes before our committee. I am getting some assistance from my colleagues nearby, suggesting other areas that might compete, I suppose, with this claim.

I do recall that Dr. Stevenson, by his kindness and his knowledge, first of all saved me from betraying my ignorance too much. But beyond that he saved me from becoming a victim of my ignorance. The legislation that came from that committee, the subcommittee and the full committee, was, as usual, marked by the strong hand and the guidance of Andy Stevenson.

I would just like to extend a welcome to him. I know he is a longtime resident of Washington, D.C. He will find he will get no younger in retirement. He may feel younger for a few months, but if and when the rigors and discomforts of advancing years begin to overtake him, I hope that he will remember there is a happier climate out in Southern California to which he can repair, and he will find the warmest welcome possible from this old colleague of his.

Mr. STAGGERS. I thank the gentleman from California. I yield to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I wish to commend our distinguished chairman and my good friend for having taken this special order to pay tribute to a distinguished American and to a good friend of all of us who serve on the great Committee on Interstate and Foreign Commerce.

I am sure my colleagues here know this is the committee in which Sam Rayburn took vast pride. All of us who have had the privilege of serving on that committee regard it as the greatest of the many great committees that exist in this House. We recognize the enormous breadth of legislative responsibility of this committee and the great responsibilities it has under the rules and the very broad duties it carries under the rules of this body. Indeed, it is interesting to note in the history of this body the Committee on Interstate and Foreign Commerce is the oldest and first of the committees of the Congress which was established when this body was created many long years ago.

Like my friend and colleague, the gentleman from Florida, Mr. PAUL ROGERS, and the gentleman from Ohio (Mr. BROWN), the son of another Member who served in this body for many years, and like many others of my colleagues, I not only learned of this institution but learned about the people who served here, and I remember this committee has given many distinguished leaders to this body. The great Sam Rayburn was one among others. Our colleague, Mr. BROWN of Ohio and our colleague, Mr. ROGERS of Florida served on this great committee. I know they as I learned the traditions and glories of this great body and the great committee on which we served.

Mr. Speaker, one of the greatest strengths of that committee has always been the outstandingly able and dedicated staff we have had working for us in the public interest. I remember well when I came to the Congress that one of the earliest acquaintances I made was Dr. Andrew Stevenson. I have had the benefit of his counsel for many years while serving on this committee. His counsel was wise and given well. One of the greatest compliments I can give him is that he was always careful of the interest of the country.

I have enjoyed his friendship and I have enjoyed his presence, and like most of my other colleagues, I will miss him in retirement. It is my hope that Dr. Stevenson will have a happy and enjoyable retirement and a long one. It is also my hope that he will come back and visit his old friends on the Interstate and Foreign Commerce Committee from time to time. If there are difficult and hard issues with which he is so thoroughly familiar which arise from time to time, I hope he will give us his counsel from time to time on that committee.

I commend my friend, the distinguished chairman of the Committee on Interstate and Foreign Commerce for taking this time. He is standing before this body and he is truly an outstanding and worthy successor of the other great chairman. I am proud today that he does this not only for his friend, but also for my friend.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL).

Mr. Speaker, I yield now to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Speaker, I thank the gentleman for yielding to me at this time.

I join, Mr. Speaker, as a new member of the committee in the expression of deep appreciation and affection for Dr. Stevenson. I think this demonstration of esteem by the committee members today is a fitting tribute to the man, Dr. Stevenson, who is held in great respect and admiration by the members of the committee.

I am sorry I will not have the benefit of many years of serving with him that the others have had over the years, but as the chairman has indicated today, we may be able to call on Dr. Stevenson for assistance in some matters in the years ahead.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Rhode Island and all who took part in this hour.

Mr. Speaker, I shall summarize my remarks and insert the remainder in the RECORD. The hour is late, but I would like to continue briefly.

Mr. Speaker, I have asked for this time in order to discuss with the House the recent retirement on October 31 of Dr. Andrew Stevenson, a member of the professional staff of the Committee on Interstate and Foreign Commerce for 22 years. It seems to me that Dr. Stevenson's retirement should give occasion to the House and its Members, to consider the proper role and functions of a professional staff of a committee of the House.

In 1946, the Congress adopted the Legislative Reorganization Act, an act designed to streamline and improve procedures of the Congress. One of the reforms adopted as a result of that act was the granting of authority to each standing committee of the House and of the Senate to employ four professional staff members who would be selected without regard to partisan considerations and solely on the basis of fitness to perform their responsibilities. The law prohibited any work other than committee work being assigned to the professional staff members, and also stated that they may not engage in any other employment while so serving.

Dr. Andrew Stevenson was a true professional's professional. His knowledge and competence and experience in the fields in which he served as an adviser to the committee is outstanding. He always served with diligence, with integrity, and the only criterion by which he was guided was the public interest and carrying out the intent of the committee.

Dr. Stevenson was initially appointed to the staff of the committee on March 16, 1947. The appointment was made by the Honorable Charles Wolverton, a Republican chairman of the committee. The Congress has changed its political complexion several times since March 16, 1947, so that Dr. Stevenson served on the staff under a total of two Republicans and four Democratic chairmen. I do not know what Dr. Stevenson's politics are; I do not think any other Member of the House knows; I understand that he has never been asked in 22 years what his politics are, and I do not think that any member of the Interstate and Foreign Commerce Committee has ever cared. We have always known that Dr. Stevenson's advice to the committee was based entirely upon the criterion of the public interest, and the best manner of serving the interests of the committee.

Dr. Stevenson brought great experience to the committee. He was born in Chicago, Ill., on August 5, 1906, educated in the public schools of Lake Bluff, Ill., Skagway, Alaska, and Nichol Senn High School in Chicago from which he graduated in 1922. He was awarded a bachelor of arts degree in 1926 from the College of Wooster where he was a member of Phi Beta Kappa. He entered graduate school in Yale University in the field of transportation receiving a master's degree in 1928 and a Ph. D. in 1930.

He served as the Strathcona fellow in transportation and as an assistant in

transportation at the Yale University Graduate School from 1927 to 1929. He served as associate professor of economics and transportation in Kalamazoo College from 1929 to 1932 and thereafter served as lecturer on Government and business at Catholic University Graduate School from 1938 to 1941.

He had direct experience in the field of transportation, serving as assistant to the president of the Chicago, Springfield & St. Louis Railway, Jacksonville & Havana Railroad in 1925 and 1926. He served as a clerk in the president's office of the Atchison, Topeka & Santa Fe Railway in 1926 and 1927, and served as vice president of the Nevada-Manhattan Corp. from 1932 to 1935, working for the merger of six California and Nevada Shortline railroads into a proposed Mid-Pacific Railroad. It is of interest here that Dr. Stevenson's Ph. D. thesis dealt with the subject "The Shirtline Shippers' Interest in Railroad Consolidation" in 1930.

In March 1935, Dr. Stevenson began the first of over 34 years of service with the Federal Government as an economist on problems and statistics in the fields of transportation, utilities, and finance for the Central Statistical Board. During the summer of 1935 he was on loan to the Federal Power Commission to review and approve special electric rates and power studies.

In November 1935, he began 6 years of employment with the Securities and Exchange Commission, serving as chief securities analyst concerned with registration of new securities under the Truth-in-Securities Act of 1933. He served as a member of the joint Government-industry committee looking toward revised legislation in 1940 and 1941.

From February to July of 1941, he was on loan to the National Resources Board for a report on transportation in wartime, and served as a consultant on transportation, utilities, and finance in 1940 and 1941 to the National Defense Advisory Commission.

From September 1941, to January 1942, he served in the office of production management as the chief of the automotive, transportation and farm equipment branch in charge of programs, priorities, allocations, and controls for these industries.

From January 1942, to October 1943, he served as the director of the Transportation Equipment Division of the War Production Board in charge of production and allocation of new railroad and transit equipment and maintenance supplies for domestic carriers, and for the military services. From October 1943 to November 1945, he served as executive assistant to the operations' vice chairman and to the chief of operations of the War Production Board concerning transportation matters, studies on reconversion and the elimination of controls, and was in charge of operations controls and their elimination for all industries, including transportation. In November 1945, he was appointed as a member of the Price Adjustment Board of the Department of the Navy, and also served as a member of the War Department Price Adjustment Board, dealing with renegotiation of contracts and remained in that position until he was appointed to the staff of the Interstate and Foreign Commerce Committee.

During the period of his service on the professional staff of the committee. Dr. Stevenson served as an adviser on all matters relating to the Securities and Exchange Commission, and legislation relating thereto; on all matters relating to transportation by rail, bus, truck, barge, and pipeline; on legislation and reports dealing with newsprint and its availability; on the Weather Bureau; communications satellites; on legislation involving the Federal Power Act; on oil and gas; and on numerous other subjects. A review of the legislation on which he has worked for the committee would be such a long list as to be overwhelming. Suffice it to say that the Interstate and Foreign Commerce Committee is one of the busier committees of the House, and Dr. Stevenson has served as an adviser, as a consultant, and as a professional staff member on a substantial part of this legislation.

His work with the committee embraced many more subjects than just legislation, however. Each committee is charged with exercising legislative oversight over the agencies for which it is responsible, and Dr. Stevenson always kept abreast of all activities of the agencies having jurisdiction over the subjects he covered for the committee.

He did more than just keep abreast of the agencies, however. As I can personally attest, he kept the chairman and the committee abreast of developments. As an illustration, we all know that the United States retains a presence in Antarctica today. This fact arises from action taken by this committee at Dr. Stevenson's suggestion. During the International Geophysical Year, the United States engaged in scientific activities in Antarctica, which were planned to be dropped in 1958. Dr. Stevenson suggested that, in exercise of its responsibilities over civil aviation, communications, weather, and—at that time—scientific activities generally, a subcommittee conduct an on-the-spot study of scientific activities in the Arctic and Antarctic. After this study was completed, the subcommittee reported to the President its views concerning the scientific activities being conducted, and as a result the decision was made to continue them.

This merely serves as an illustration of the type of activities conducted by the professional staff members of our committees. In the case of Dr. Stevenson, a listing of similar accomplishments would be as overwhelming as a listing of legislation he has worked on.

On December 16, 1933, Dr. Stevenson married the former Elizabeth Otis. They have two sons, Andrew, a teacher of physics at Morgan State College in Baltimore, and James, a teacher of mathematics at Bucknell.

Dr. Stevenson resides at 9208 Jones Mill Road, Chevy Chase, Md.

Dr. Stevenson's career, as these few brief remarks have shown, has been a busy one, dedicated to the best interests of his country. He deserves a rest and relaxation, but I would be less than honest if I did not say in closing that he is one of the finest men I have ever known, and we would like to have him back with the committee in whatever capacity he is willing to serve with us.

Mr. Speaker, on December 18, 1969, the Committee on Interstate and Foreign Commerce met, and adopted a resolution of appreciation for Dr. Stevenson's dedicated public service. I will include in my remarks at this point in the RECORD the text of that resolution:

RESOLUTION OF APPRECIATION EXTENDED TO DR. ANDREW STEVENSON

Whereas Dr. Andrew Stevenson served as a member of the professional staff of the House Committee on Interstate and Foreign Commerce, from March 16, 1947, through October 31, 1969, with outstanding dedication, devotion, competence, and skill; and

Whereas, in that capacity, and as professional staff coordinator, he has rendered service to the committee and to his country with unselfish tirelessness, integrity, and ability; and

Whereas his retirement brings a sense of loss to the members of the committee and the committee staff, and a realization of the excellent quality of the service he has rendered: Now, therefore, be it

Resolved by the Committee on Interstate and Foreign Commerce, That an expression of esteem and good wishes for his future, and and an expression of deep regret at his retirement, be extended to Dr. Andrew Stevenson in the name of all the members of the Committee he has served with such unselfish devotion and integrity.

Dr. Stevenson is more than a high-class professional expert. We used to have a phrase that represented the highest tribute we would pay to a man. We used to say, of the one whom we delighted to honor, that "He is an officer and a gentleman."

As an officer of the Government Dr. Stevenson has represented the United States in innumerable complex and delicate situations. As a gentleman he has inspired all his numerous acquaintances with respect and love. That is how I feel about him myself. It has been an education in proper official conduct and in desirable human relations for those who know him.

I accept his retirement from official life with the deepest regret. Dr. Stevenson has earned retirement, however, and we do not wish for him anything less than long years of happy contemplation of the service he has rendered the Nation and the good life he has led. May all of us profit from his example. In the future may the United States enjoy the devoted services of other individuals whose lives are patterned on the model of Dr. Stevenson.

As I remarked to one of the gentleman who spoke, we have implored Dr. Stevenson to come back to our committee as a consultant. He and his gracious, charming and lovely wife have been friends of mine, as I know they have been of practically every member of this committee. For them to sever relations completely would be certainly hard for me to take, and certainly we would miss them. I am hopeful he will come back and join with us.

We have a saying back home which I believe sort of applies to Dr. Stevenson:

that he believes in gentlemanliness—honest, chivalrous, clean-minded, God-fearing manliness. He believes in man, the masterpiece of God's creation, the finest of all fine things in the world. He believes in God, the infinite architect of the universe and the compassionate ruler of destiny.

I believe he has always held before him the words of that saying in the poem in living his life. I will only give part of it:

I have to live with myself, and so
I want to be fit for myself to know.
I want to be able as the days go by
Always to look myself in the eye.
I don't want to stand with the setting sun
And hate myself for the things I have done.
I want to go out with my head erect.
I want to deserve every man's respect.

And may the Lord who is above us in the heavens watch over the goings in and goings out of Andy and Betty and his family from this day henceforth and, forevermore, protect them and be with them always.

Mr. Speaker, I would like to say at this time I have several remarks to put in the RECORD concerning Dr. Stevenson. One of them is by our beloved Speaker, Mr. MCCORMACK, which I will put in the RECORD as well as one by the minority leader on our committee, Mr. WILLIAM SPRINGER, and one by Mr. BROTZMAN, a member of the committee. I know several others have signified that they wish to put remarks in the RECORD on the subject of Dr. Andrew Stevenson.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MCCORMACK. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I will be delighted to yield to the Speaker.

Mr. MCCORMACK. I thank the gentleman for yielding and I wish to associate myself wholeheartedly with his remarks about Dr. Stevenson. I have known him as long as he has been on the staff of the House, and Dr. Stevenson is one of the finest examples of a dedicated profesional staff member ever to serve with the House during my tenure in the House.

There have been numerous occasions when I have called on Dr. Stevenson for advice or information, and I have always found his advice and his recommendations to be fair, impartial, and objective. His background, his knowledge, and his experience are outstanding. His service to the Committee on Interstate and Foreign Commerce, to the House of Representatives, and to the American people, can best be characterized by the one word, superb.

I am pleased that the committee today adopted a resolution of appreciation for Dr. Stevenson's service, and I concur in the sentiments expressed therein.

His retirement brings to me a great sense of loss. I wish him well in his retirement, and hope he enjoys many happy and useful years with his lovely wife, Betty.

Mr. SPRINGER. Mr. Speaker, Dr. Stevenson, Andy to us, has been the backbone of this committee for more years than most of us who serve as members. He has since 1947 been completely devoted to his job and to every member of this committee, whoever they have been over the years. He has long been recognized as the most capable and dedicated staff professional on the Hill.

Committee members have always sought Andy's advice on anything touching the work of the committee. In doing so, they knew that what he would give them was the truth and the very best information available. They also knew that they could expect no pat answer, no colored information or answers designed to tell them what they might wish to hear. What we always got from Andy was the unvarnished facts whether pleasant or unpleasant, whether agreeable to our individual views or otherwise. You might say he has been the ever-present conscience of the Interstate and Foreign Commerce Committee and in large measure responsible for the continuing reputation of this committee for industry and integrity. To carry such a burden is a large order for any man. To Andy it came naturally. And like the star performer, he made it look easy. His colleagues on the staff and those of us who have been around for awhile know that the likes of him will not be easy to find. He is a one-of-a-kind man.

It is not that Andy's talents and his character were hid under a bushel. Far from it. Every lobbyist and every lawyer who represented segments of the industry affected by the actions of this committee knew Andy. He scared them stiff. They knew that he knew more about what they were supposed to know than they knew themselves. And they also knew that phony arguments and unsound positions would be burst like nickel balloons. And most of all they knew that there was no way in the world to influence Andy Stevenson.

Elsie and I have known both Andy and Betty socially for many of these years. We know them to be a devoted couple with a fine family of which they can be justly proud. We like them both and are glad to have had the chance to associate with them in other than profesional contacts.

I am sure that I speak for many of us when I say that we will sorely miss Andy. We are sorry he has retired because we will see less of him. On the other hand, it is nice to contemplate that the Stevensons can now travel at will. I know they enjoy it. And since nothing we say now can lure Andy back to the daily grind we can and do wish him every bit of luck his service to us and the country deserve. And that is a heap of luck. We also wish him pleasant skies and soft landings for many years to come.

(Mr. OTTINGER asked and was given permission to address the House for 1 minute.)

Mr. OTTINGER. Mr. Speaker, I rise to pay tribute to one of the very fine staff members on the Committee on Interstate and Foreign Commerce, Andrew Stevenson, who is retiring this year. He has always been exceedingly helpful. He is an exceedingly able man and available to every member of the committee. It will be hard to see him go. I wish him well and good luck for the future.

Mr. BROTZMAN. Mr. Speaker, one of the most rewarding aspects of being a Member of the House of Representatives is to work with and know a person of the caliber and ability of Dr. Andrew Stevenson. Dr. Stevenson has served as a member of the professional staff of the House Committee on Interstate and Foreign Commerce from March 16, 1947, through October 31, 1969. I found him to be a dedicated, skillful public servant possessed of a pleasant, winning personality. While we, in the Congress, will miss Dr. Stevenson's able assistance, I want to join his multitude of friends and admirers in wishing him and his charming wife a fruitful and well-deserved retirement.

Mr. BROYHILL of North Carolina. Mr. Speaker, I am pleased to join with Chairman STAGGERS and other members of the Interstate and Foreign Commerce Committee in paying tribute on this occasion to Dr. Andrew Stevenson. I came to know Dr. Stevenson shortly after becoming a member of the committee in 1963 and through the years have found him to be unusually capable and cooperative in handling my questions and problems concerning committee legislative matters. Dr. Stevenson has made the personal decision to retire as an active member of the professional staff of the committee and I am sorry to see him go. I know that it will be difficult to replace him. He has a brilliant mind and a tremendous store of knowledge that has been useful to us all as we have considered complicated legislation in many fields. I want to wish him well and I certainly hope that we will be seeing more of him as he visits Capitol Hill on occasion.

THE FUTURE OF MICRONESIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 60 minutes.

Mr. BINGHAM. Mr. Speaker, last April I discussed at some length on the floor of the House the situation in Micronesia, that huge area of the Southwest Pacific with less than 100,000 inhabitants which the United States administers as a "strategic trust territory" under the U.N. Charter. I pointed out the growing dissatisfaction with the U.S. administration on the part of many Micronesians, and I urged that the United States take steps promptly to start moving toward allowing the islanders to determine their own political future as we are obligated to do under the terms of the trusteeship agreement we entered into.

Yesterday I was privileged to host a luncheon at which these same problems were discussed. Present at the luncheon were representatives of the executive branch charged with responsibilities concerning the trust territory and our relationship with the United Nations, Members of Congress from various committees concerned with different aspects of the matter, including the Interior and Insular Affairs Committee, the Appropriations Committee, the Foreign Affairs Committee, the Armed Services Committee, and representatives of the press.

Also attending the luncheon were Prof. Thomas Franck and Dr. Edward Weisband, director and associate director, respectively, of New York University's distinguished center for international studies, and the author of a "policy paper" released yesterday by the center, Prof. Stanley A. de Smith, of the London School of Economics and Political Science. The title of Professor de Smith's paper is "Options for Micronesia: A Potential Crisis for America's Pacific Trust Territory."

I append at this point the text of a press release concerning Professor de Smith's paper issued by the New York University Center for International Studies. The preliminary text of his paper will be inserted following my remarks under this special order.

The press release follows:

MICRONESIA'S RIGHT TO CHOOSE INDEPENDENCE

The people of Micronesia must be allowed a free choice between independence and continuing association with the United States, according to a British expert in international law.

Professor Stanley A. de Smith made his recommendations in a paper published December 17, 1969, by the Center for International Studies of New York University. The title of the paper is: "Options for Micronesia: A Potential Crisis for America's Pacific Trust Territory."

In reviewing the alternatives open to the United States, Professor de Smith concludes that "Given the general climate of opinion in the United Nations, it is essential that 1) Micronesia be given a genuine independence option and 2) the conduct of a referendum on the status issue be supervised or observed by United Nations' representatives."

Micronesia's future status should not be determined by its convenience as a substitute for United States military bases on Okinawa, according to Professor de Smith, nor should a choice be accompanied by an American threat to cut off economic aid if the Micronesians should choose independence.

"If these principles are applied without procrastination," Professor de Smith writes, "there is every possibility that the people of Micronesia will determine their future by opting for free association with the United States."

The Micronesians at this time seem to prefer to retain an association with the United States, Professor de Smith reports. Professor de Smith visited the Pacific Trust Territories recently while he was a Senior Fellow of the Center for International Studies of New York University, which sponsored his study.

Professor de Smith writes that a Commission appointed by the Congress of Micronesia recommended internal self-government in free association with the United States. If negotiations for such future political status should fail, the Commission recommended that Micronesia should seek full independence as a unified state.

Professor de Smith observes also that "America's self-image (as) that of a noncolonial, indeed anticolonial power . . . is no longer credible in much of the inaptly named 'third world' . . . In such a context, the United States must surely handle the problem of Micronesia with delicacy and finesse, unless, of course, it is prepared to thumb its nose at United Nations' opinion in defense of an issue inessential to national survival."

De Smith, who is Professor of Public Law at London School of Economics and Political Science, has had extensive experience as constitutional advisor to the British Government during its decolonization program. His paper was adapted from a larger work entitled "Microstates and Micronesia: Problems of America's Pacific Islands and Other Minute Territories." This work will be published in January, 1970 for the Center for International Studies by the New York University Press.

While I do not agree with all of Dr. de Smith's points, I believe his paper represents a serious study done by a recognized expert in the relatively new field of "decolonization" and deserves attention and study. Some might object and say: "This is an American problem; why should we have to have a Britisher tell us what to do?"

My own view is that in any case we should listen to advice from whatever quarter. In this particular case there is the added fact that the problem is not just an American one; it concerns the United Nations and, especially, the Government of the United Kingdom, which is a member of the Trusteeship Council and a permanent member of the Security Council and as such will be one of the governments that will pass judgment on whatever final arrangements the United States may propose for Micronesia under the terms of our Trusteeship Agreement. In addition, of course, the British—and Professor de Smith in particular—have had a lot of experience with the process of decolonization, both with respect to colonies and protectorates and with respect to trust territories.

I might add that I arranged for Professor de Smith to present his conclusions to a group on Capitol Hill at the request of the director of New York University's Center for International Studies, which I serve as a member of the center's President's Council. I felt that, by doing so, I would be helping to air a most difficult, and potentially dangerous problem, of which most Americans are not even aware.

I fully recognize that, for a number of years now, representatives of the executive branch, especially in the Interior and State Departments, and Members of Congress, especially in the Committees on Interior and Insular Affairs, and in the Appropriations Committees, have devoted a great deal of study and attention to the problem. Last year, for example, the Subcommittee on Territorial and Insular Affairs, headed by my able colleague, the gentleman from New York (Mr. CAREY), made a lengthy and arduous on-the-ground study of conditions in the trust territory. As a result of these activities, and also in response to the recommendations of the U.N. Trusteeship Council over the years, there have been extensive political developments in the islands, including the creation of an elected Congress of Micronesia, and much progress has been made in providing more adequate funds for the economic, educational, and social development of the trust territory.

However, I do not believe we have been moving fast enough, especially in the political arena. We have not, for example, responded to the request of the Micronesians, endorsed by the Johnson administration, that a Presidential commission should be established to explore the ways and means for ascertaining the wishes of the Micronesian people as to their political future.

I am very much afraid that, if we continue on our present deliberate course, concentrating mainly on improving the material conditions of the islanders, we will before long have a political crisis on our hands that may very well jeopardize our future in the whole area. That is why I believe we should pay serious attention to the views of a disinterested outsider such as Professor de Smith.

The text of the policy paper referred to follows:

OPTIONS FOR MICRONESIA: A POTENTIAL CRSIS IN AMERICA'S PACIFIC TRUST TERRITORY

(By Stanley A. de Smith)

I

For Micronesia, 1968 was a year of lopsided achievement. The number of Peace Corps volunteers rose to seven-hundred, a high proportion of them involved in teaching English and promoting community development. On the whole the Micronesians were very pleased to have them. Jet airline services, linking Saipan and Guam with Truk and Majuro, swept into the Territory. Before long aircraft would carry parties of Japanese and American tourists from district to district. High school enrollments were bounding forward, and more than three-hundred Micronesian students were going on to further education outside the Territory. But the base of the economy remained weak and the splendid development plans for district centers have yet to get off the ground. This was hardly surprising, inasmuch as the United States Congress had not in fact appropriated more than twenty million dollars for annual grants to the Territory till fiscal year 1968, and the cost of making good the years of neglect in these remote and scattered islands would be enormous. However, a higher annual ceiling of fifty million dollars was promised for fiscal years 1970 and 1971; if these sums were indeed to be appropriated and spent on worthwhile projects, this would mark a great leap forward.

1968 was also a year of ostensibly modest constitutional changes. One of these changes, the exclusion of government employees from membership of the Congress of Micronesia, made little difference in practice; but the fact that so many Congressmen were willing to surrender well-paid government jobs in order to remain in politics on a low salary showed clearly enough that Congress had come to stay. More significant, perhaps, was another feature of the Fourth Amendment to Secretarial Order No. 2882.[1] The salaries of Micronesian Congressmen were in the future to be paid out of funds appropriated by the United States Congress itself.[2] Obviously this gesture was not intended merely to make more funds available for the appropriation by the Congress of Micronesia. It indicated the direction in which thoughts were turning in Washington. Micronesian Congressmen accepted this change without enthusiasm. But then, many of them had drawn salaries as employees of the Territorial Government before this without being reduced to docility.

II

1968 saw the first fruits of serious local thinking about the ultimate political status of Micronesia. The story goes back to August 1966, when the Congress of Micronesia petitioned the President of the United States "to establish a commission to consult the people of Micronesia to ascertain their wishes and views, and to study and critically assess the political alternatives open to Micronesia." In 1967 the Congress of Micronesia provided for the establishment of its own Future Political Status Commission. About the same time, the President submitted to the United States Congress a proposal to set up a com-

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mission to examine the issues with a view to enabling "the people of the Trust Territory freely to express their wishes as soon as possible, and not later than June 30, 1972, on the future status of the Trust Territory."

The President's Status Commission would consist of a chairman and eight members appointed by the President, four members chosen by the President of the Senate, and four chosen by the Speaker of the House of Representatives; it would be required to submit its report and recommendations within eight months of the provision of appropriations.[3] Minor disagreements arose in Congress over the Commission's composition and the target date. A joint resolution to establish a Commission failed to pass in 1967, again in the election year of 1968 and yet again in 1969. But in January 1968 members of the Subcommittees on Territorial and Insular Affairs of both the House of Representatives and the Senate visited Micronesia and held discssions with the Micronesian Future Political Status Commmission.

These discussions were not published. It is understood, however, that the Micronesians found the American senators more flexible than the members of the House Subcommittee. The prevailing view on the House Subcommittee is said to have been that independence and statehood were equally unrealistic goals for Micronesia, that its best course would be to elect to become an unincorporated territory of the United States like Gaum. In the meantime Micronesia could not expect to be allowed either to appropriate federal grants in aid or to obtain free entry for its products into the United States.

Meanwhile the Future Political Status Commission had not been idle. At its first meeting, in November 1967, it elected as Chairman Representative (now Senator) Lazarus Salii of Palau, the prime mover in this local initiative. It met again in January and April 1968, the meetings lasting some six days each. In May 1968 Representative Salii and Senator Bailey Olter visited the United Nations, Puerto Rico and the United States Virgin Islands in company with a State Department official. At the end of June 1968 the Commission produced its first Interim Report, a document of one-hundred-twenty-five pages.

The Commission, under the terms of the joint resolution authorizing its appointment, consisted of a Congressman from each administrative district. Its terms of reference were (a) to develop and recommend methods of political education, (b) to present the alternative options open to Micronesians, (c) to recommend procedures to determine the wishes of the people, (d) "to undertake a comparative analysis and to select areas of study of the manners and procedures whereby the Commonwealth of Puerto Rico, Western Samoa, and Cook Islands, and other territories and developing nations have achieved their self-government, independence, or other status", and (e) to perform any necessary ancillary functions. The mention of "independence" in the terms of reference and also in the preambular recitals to the joint resolution, and the omission of any express reference to American unincorporated territories, were no doubt carefully calculated.

The Interim Report was inconclusive but unusually interesting. The Commission had not yet held public hearings; nor examined all the issues. It asked the regular session of Congress for renewal of its mandate. This was quickly granted without dissent; Congress appropriated the relatively large sum of seventy thousand dollars for the purpose, to enable the Commission to travel farther afield. Clearly the Interim Report had made a favorable impression.

The Report concentrated on identifying alternative constitutional destinations open to Micronesia. In an appendix it summarized the recent political history of the Commonwealth of Puerto Rico, Western Samoa, the Cook Islands, the Philippines, and Guam, in that order. Analyzing these particular cases, the report pointed out that the territories, upon determination of their present status, had not been economically self-sufficient and that determination of status had not significantly encouraged investment or economic growth. Each of them, neglected by the metropolitan government, had looked to local agitation for a change of status and for constitutional reform. In some of them external factors such as United Nations attitudes, or indirect pressures exerted within the metropolitan power structure by the dependent territory throughout the cultivation of influential friends, had been important. This analysis was cautiously objective, but its gist was not understood to appraise independence as a panacea for Micronesia's ills. However, there was no detailed examination of the circumstances in which an option for independence might be to Micronesia's advantage.

In other appendices, the Commission set out its recommendations for a review of Secretarial Order No. 2882, and its comments on a bill for an Organic Act for the Trust Territory, which Representative Patsy Mink of Hawaii had introduced into the United States Congress (the bill was not passed into law). These recommendations and comments probably influenced to some degree the Fourth Amendment to the Secretarial Order, issued three months later. The Commission also concluded that although it should cooperate with the Presidential Status Commission were it formed, Micronesians should not sit as members of the Presidential Commission.

The Commission recognized the importance of the question of political education, for Micronesians generally lacked adequate understanding of the present institutions of government and were not in a position to make an informed choice of their future status. But is was pointless to put forward detailed recommendations on the matter at that time, if only because the Commission itself was still in the process of evaluating the merits of various alternative types of status. One notes that in January 1969 a special committee on Government Organization was constituted by the Congress of Micronesia to examine ways of improving the efficiency of the Trust Territory Government. The committee heard testimony from officials and others, and decided to travel to all districts in March. It would be in a position to promote the diffusion of information and perhaps to indicate how best to prepare the people for subsequent self-determination.

The Interim Report gave preliminary consideration to nine possibilities. Three were concerned with the Territory's future geographical limits, six with the ultimate political status of the Territory, assuming retention of existing boundaries; there was some overlap between the several options.

On the question of geographical limits, the courses considered were the expansion of Micronesia to include island areas not yet within its boundaries; the division of Micronesia (perhaps uniting part of the Territory with another political entity); and the maintenance of present Micronesian boundaries.

The expansion of Micronesia to include other areas (e.g. Guam, Nauru, American Samoa, the Cook Islands, the Gilbert and Ellice Islands) presupposed a willingness to unite on the part of the others. Nothing in any of these territories except Guam evidenced any wish to create such a union, or that union would bring with it economic advantages. The question of union with Guam would, however, require further investigation.

My own impression was that no body of opinion in Micronesia except that represented by the Popular Party in the Marianas—now, for the time being, a minority party in its own district—wanted union with Guam. The Popular Party wanted the Marianas detached from the rest of Micronesia for this purpose; in Guam itself, opinion seemed more favorable to merger with the Marianas than with the Trust Territory as a whole.[4] It is of some interest that neither in this context nor elsewhere in the Interim Report was any express reference made to the possibility of union with Hawaii, despite the fact that Governor Burns of Hawaii[5] and other influential figures in that state[6] were known to favor the incorporation of Micronesia within Hawaii. The emphasis in this section of the Interim Report was on the expansion rather than the absorption of Micronesia. By implication, the Commission was unwilling to see Micronesia lose its identity by subordination to another entity.

The Commission felt that, on the whole, a division of the Territory offered little; moreover, fragmentation was opposed both by the United States and by the United Nations. But the decision to proceed on the assumption that the Territory would be preserved as an entity was "a begrudging and tentative conclusion."[7]

The wording reveals differences of opinion within the Commission. This is not surprising. Not only did the Commission include a separationist from the Marianas, but nationalist sentiment in other parts of Micronesia is weak and, as the Commission put it, "embryonic". Were a plebiscite conducted there and then, offering each district the option of separate independence, this option would probably have attracted a very large vote. Local particularism is a potent force in Micronesia. People are more aware of what divides them from their neighbors in other districts than of what unites them. These sentiments are not confined to the apolitical majority; they are shared in some degree by the more sophisticated. Among resolutions passed by the Congress of Micronesia in 1968 was one congratulating the diminutive but wealthy Republic of Nauru on the attainment of independence. A number of prominent Micronesians hanker after the same goal for their own districts. But they are practical enough to be pessimistic, especially as such miniscule and impoverished entities could hardly maintain a viable independence without offering strategic facilities to a foreign country hostile to the United States. One has only to state the problem to see that it would be almost impossible to resolve. Moreover, if each district decided to go its own way, and the United States and the United Nations were to concur, it is quite certain that some of the new microstates would be left to moulder in stagnation. And if strategic potential is to be used as a bargaining counter in negotiations about ultimate status, there is at present (quite apart from the attitude of the Administering Authority) a sufficient number of Micronesians with an interest in maintaining the Territory's geographical integrity to quash any serious separatist agitation. If a district has a valuable asset, pressure will be for an auction on behalf of the people of the whole Territory.

On the provisional assumption that the Territory would remain one, the Commission set out four main alternative destinations: independence; the status of a freely associated state or protectorate; integration with a sovereign state; and (perhaps surprisingly) continuance as a trust territory. The Commission made comments on these several possibilities but offered no recommendations.

The Commission briefly stated the implications of independence, but in so delicate a manner as to give no direct offense to the Administering Authority. It went on to observe that lack of money and manpower, and general economic underdevelopment, pre-

Footnotes at end of article.

sented serious obstacles to independence in the near future, unless one form of economic and political dependence were exchanged for another. The Commission concluded with the cryptic observation that "in considering an independent Micronesia . . . some thought must be given to the continuing strategic interest of the United States in Micronesia." [8] One could assume that these words were not composed in a spirit of altruism. Micronesians would not voluntarily eschew independence merely in order to safeguard the interests of the United States. The passage implied that American presence in Micronesia might well be worth a great deal of money to the United States, especially if the Ryuku Islands (including Okinawa) were to be evacuated soon; that an option for independence would not inevitably prove an economic catastrophe, despite serious risks (of which the present unpopularity of foreign aid in the United States Congress, and the unpredictability of future strategic appreciations are the most obvious); and that nobody could be sure of American reactions to a vote in favor of independence. One can at least be sure—and the Micronesians are aware of this—that the United States Government would prefer Micronesia *not* to opt for independence; and that it can be persuaded to invest a good deal of money in developing Micronesian resources in the hope of influencing the outcome.

The Commission dwelt even less expansively on the status of what it called a "free associated state", which it equated with a protectorate. It had not studied, at that time, arrangements for the British associated states in the Caribbean. One of the appendices described rather sketchily the constitutional and economic position of the Cook Islands.

The next group of possible destinations were forms of integration with a major power. "The logical choice for integration", in the words of the Report, "is with the United States." Such a choice would practically guarantee continued support for development programs and for the supply of skilled personnel not available in Micronesia. Three forms of "integration" were mentioned: Commonwealth status after the style of Puerto Rico; integration as an unincorporated territory; and integration as an incorporated territory. The Report did not deal with the possibility of separate statehood for Micronesia (except in passing, when it referred to the status of an incorporated territory as the "highest next to statehood" within the American system) nor, as we have pointed out, did it mention the question of union with Hawaii.

The present writer's own impression is that most of the members of the Commission were attracted to the idea of Commonwealth status but not to territorial status. They did not wish to be latter-day Guamanians or appendages of Hawaii; nor, for that matter, did they appear to be enamored of the concept of American citizenship or liability to the draft, which the Puerto Ricans enjoy. But Puerto Rico's wide measure of internal autonomy coupled with a de facto right of self-determination, viewed against a background of impressive economic development and participation in a range of American social welfare programs, had much to commend it. Why the Commission distinguished Commonwealth status so sharply from free association according to the Cook Islands model was not clear. The Cook Islanders have retained New Zealand citizenship and free access to New Zealand; the economy is heavily subsidized by New Zealand; and the Islands have an explicit constitutional right to opt for independence. It is true that the Cook Islands do not enjoy high living standards, and they do not share fully in the social benefits of New Zealand, but then the islands are very remote and poor in resources, and New Zealand is a fairly small and not particularly rich country. Moreover, it is open to the Cook Islands Legislature to enact measures for reasonable protective discrimination in favor of the indigenous inhabitants.

Finally, there was the possibility of remaining a trust territory indefinitely. Such a decision might expedite economic development by leaving United States exposed to pressure; if the status issue were resolved, there is a danger that Micronesia would be allowed to fall back into oblivion.

This last suggestion would be unattractive to the United States Government, to international opinion and to a growing number of educated Micronesians.[9] If such a state of affairs were to come to pass, it would be a by-product either of disagreement with the United States or within Micronesia on the status issue, or of failure to persuade the United Nations that the trusteeship agreement should be terminated—for example, because the Micronesians had opted for a status less than sovereign independence.

III

In July 1969 the Micronesian Future Political Status Commission issued its final Report. It came down in favor of an internally self-governing state in free association with the United States. If negotiations for free association were to fail, the Commission recommended that Micronesia ultimately opt for independence as a unified state.[10]

During the preceding few months there had been several developments. First, the Commission had engaged Professor James W. Davidson of the Australian National University, Canberra, as its constitutional consultant. Davidson, a New Zealander, was entirely independent of the Territorial Administration. He had been one of the architects of the Cook Islands free association scheme and Western Samoa's independence constitution. In 1967 he had advised Hammer de Roburt in Nauru during the difficult but successful negotiations for independence. His appointment to advise the Micronesian Commission was an astute and significant move.

Second, the Fourth Amendment to the Secretariat Order which had originally constituted the Micronesian Congress provided for a number of significant changes in the legislature. Government officers and employees and members of district legislatures were now disqualified from membership in Congress (they had previously been permitted to serve because of a dearth of suitably qualified candidates); a salary of three thousand five hundred dollars per annum was provided for each member of Congress [11] (compensation of members had previously been fixed at sixteen dollars per day plus travelling allowances); and the length of regular legislative sessions was increased from thirty to forty-five days per year, with provision for an additional regular session of up to fifteen days in alternate years. The fact that, in the future, salaries would be paid out of American congressional appropriations underlined the difficulties implicit in an option for independence. However, with the Congress of Micronesia now a body of salaried members and with the length of its usual sessions for 1969 now doubled, the status of Micronesian Congressmen had been enhanced rather than diminished in their own eyes and the eyes of the electorate. As professional legislators, they became more, not less, self-assertive.

Third, the Status Commission had broadened its horizons by talking to the political leaders of Nauru and the Cook Islands, and visiting American Samoa, Western Samoa, Fiji, and Australian New Guinea.

Fourth, it conducted public hearings in each of the six districts in order to sound local opinion and further political education.

Fifth, the election results in the Marianas (the Popular Party's candidate had been narrowly, but surprisingly, defeated) had probably reduced the future dimensions of the problem created by the separatist movement in that district. (However, see footnote 4 for evidence that in November 1969 this problem still remained).

Sixth, in April 1969 the Commission issued a Statement of Intent, virtually a synopsis of the conclusions contained in its Report three months later.

Seventh, in May 1969 the new Secretary of the Interior, the new Director of the Office of Territories,[12] and high-ranking defense officials visited Micronesia. The ball was already in their court, and they were in a position to assess the nature of America's problems.

Eighth, it was becoming increasingly likely that the United States would (i) relinquish its political status in Okinawa, where it had massive bases, and (ii) phase out its commitment in Viet Nam, during the next few years. The net result would probably be an increase in the strategic "denial" value of Micronesia to the United States. But it was impossible to predict how the change of government in Washington and the introduction of new faces among those responsible for the Territory's affairs [13] would affect the Administration's policies.

IV

The 1969 Report of the Future Status Commission was far more decisive and explicit than the Interim Report. It summarily dismissed integration with Japan as being neither advantageous nor practicable. It rejected the idea of integration with the United States,[14] while recognizing the economic benefits that incorporation with the American constitutional system would bring. The disadvantages, paramount in the eyes of the Commission, were five: other United States citizens would have equal rights to acquire land [15] and conduct business in Micronesia; Micronesia would lack control of its own affairs; Micronesians would be subject to United States taxes; they would have fewer opportunities to hold key positions in the government; there would be intensified Americanization, which would diminish the prospect of preserving Micronesian cultures. The Report failed to make clear, however, that some of these consequences would flow only from complete integration—e.g. as part of the State of Hawaii. Guam, an unincorporated territory of the United States, has a large measure of internal self-government; Guamanians hold most of the key positions in the Administration; the tax system is not the same as on the mainland. But to the Micronesians (except in the Marianas) America is no more than a generous and helpful friend. Most Micronesians, unlike Guamanians, do not *want* to be incorporated into the great American family; they do not feel that they are or ought to be Americans. Nor do they wish to have their hands tied by the Pentagon. Their aversion to territorial status rests to a large extent on a distaste for the situation in Guam, which they see as inimical to self-respect. To the members of the Status Commission, a merger with Guam imposed by the United States while Micronesia was still a trust territory would be unacceptable.

Nevertheless, the Commission took note of sentiment in the Marianas District in favor of an immediate merger with Guam,[16] and of interest shown at its public hearings in all districts in relationships with Guam. It dealt judiciously with the separatist movement on the Marianas, and went so far as to declare that it "would not oppose a political union which reflects the freely-expressed desire of a majority of the residents of the district." [17] But it also commented that it was ultimately for the United States and the United Nations to resolve this question, and expressed the hope that separation would not be embarked upon till all possibilities for partnership had been explored.

Footnotes at end of article.

The Commission foresaw a growth in cooperation between Guam and the Trust Territory, and thought it "not impossible" that Guam and Micronesia might one day comprise a single political unit.[18] But first the Trust Territory had to become a self-governing state in free association with the United States. If the people of Guam were to join the people of the Trust Territory in a movement towards full internal self-government, the question of a future union could be carefully discussed.[19] This part of the Commission's Report was cautiously and somewhat vaguely worded, perhaps for the purpose of securing unanimity on a contentious issue. Union between a self-governing Micronesia and Guam may indeed not be "impossible," but there would have to be big changes of attitude in both territories before it could be seriously contemplated.

On the central issues, the Commission shed the reticence it had shown in 1968. Micronesia had to become fully self-governing "because the continuation of a quasi-colonial status would prove degrading to Micronesia and unworthy of America." [20] But America had strategic interests in the area. For this purpose it needed to use the Micronesians' most precious asset, their land; and it should be prepared to pay an appropriate price, freely negotiated with Micronesians, for such facilities. The price would entail the provision of material and human aid to the Micronesian Government, and the representation and protection of Micronesia in international affairs. In return, Micronesia would accept some relinquishment of land for American military purposes, the social consequences of the presence of American military personnel, and the prospect of being a target in a future war.

The Commission envisaged the following procedure. First, a formal request by the Congress of Micronesia to the United States Congress for the passage of an enabling Act similar to the Act under which Puerto Rico's Commonwealth (or free association) constitution was adopted by the people; second, negotiations by Micronesian representatives with the Federal Government in Washington; [21] third, the adoption of an extensive program of political education in Micronesia, inspired by the initiative of individual members of the Congress of Micronesia; fourth, the election of a Constitutional Convention in Micronesia to determine the future constitution; fifth, submission of both the constitution prepared by the Convention and the question of political status accompanying it to a referendum of the people. If the proposals were rejected by the people, trusteeship would have to be prolonged till a satisfactory solution was reached. If the proposals were rejected by the voters of a single district, the Congress of Micronesia "should take this into careful consideration and attempt to resolve it." [22] The Commission was clear that the constitution could not be one handed down by the Administering Authority, and that close consultation with the United Nations should be maintained.

The Commission did not offer detailed suggestions for the future structure of internal self-government, but noted a consensus that the interests of each district ought to be taken into account; that no district or group of districts be allowed a dominating position by reason of numerical superiority; and that unity must be compatible with decentralization and the recognition of diversity. It might be desirable to vest executive power in a council representing all districts instead of concentrating that power in one individual.

Perhaps the best section of the Report was the succinct appraisal of the advantages and and disadvantages of independence.[23] An independent Micronesia would need to have close ties with a major power, presumably the United States, and would depend on that power for grants in aid and rental for leased strategic bases. An attempt by that power to exert undue pressure on an independent Micronesia would be more difficult than if Micronesia were its associated state. Its authority in an independent Micronesia would be defined by treaty. As an independent state Micronesia could, if it wished, take part directly in the affairs of international organizations; it would have more freedom of manoeuvre. The Commission also thought that a decision to opt for independence would assist the growth of national pride and a sense of Micronesian identity. Independence, moreover, would be an outcome acceptable to the United Nations.

On the other hand, the absence of a formal constitutional link with the United States would leave Micronesia in a perilous economic position as one among many claimants for foreign aid.

Even if the American Government felt a sense of obligation, their sympathy might not be shared by Congress. As an independent state, Micronesia could not expect duty-free entry for its exports to the United States or so ready a supply of American expert advisers, though it would be free to seek assistance elsewhere. However, independence would probably mean a fall in Micronesia's already low living standards. Given the "grim realities" of Micronesian conditions, the Commission recommended independence "only as a second alternative to be considered if self-government in free association with the United States should not be possible." Earlier in the Report the Commission had stressed that failure in the negotiations with the United States should not lead to "an abrupt and immediate plunge into the hardships and uncertainties of independence", but to a lengthy prolongation of the Trusteeship Agreement while the the basis for viable Micronesian independence was being established.[24]

In two respects the Commission seems to have been unrealistic. First, independence would be more likely to lead to insular fragmentation than to national unity, except possibly in the very short term. One clear advantage of association with the United States would be that America could be expected to apply coercion to a secessionist island group. It might be more reluctant to do so at the invitation of an independent Micronesian Government. Second, it is hard to believe that the United Nations would recognize the validity of an act of self-determination which did not offer the Micronesians the *option* of voting for independence.

The Report is markedly vague on the type of association arrangement the Commission had in mind. From its omissions one may perhaps infer that the Commission favored a relationship with the United States less close than that of Puerto Rico but not quite as loose as that between New Zealand and the Cook Islands. Nothing in the Report suggests that the association arrangements should include a provision (which exists in the Cook Islands and the British associated states) for termination at the instance of either party. Presumably this omission reflects the fear that Micronesia might one day be cast adrift to fend for itself. But the independence option cannot be dismissed so easily. Again, the Report seems to assume that Micronesians (unlike Puerto Ricans) would not be American citizens, but should enjoy free access to the United States and the American market, whereas American citizens would not enjoy corresponding rights of access to Micronesia; and that the United States Government and Congress would lack paramount authority in Micronesia (as New Zealand lacks paramount authority in the Cook Islands) except in relation to external defense and international relations. However, it is understandable that the Micronesians should seek the best of all available worlds. It is also understandable that, whatever the Report may say, continued association with the United States would be, for many Micronesians, a second best, a sacrifice of their emotional preference for independence.

v

America's self-image has been and still is that of a noncolonial, indeed anticolonial, power. For a number of reasons this image is no longer credible in much of the inaptly named "third world." [25] American interests have demanded support for a western alliance with colonial powers; military intervention in small countries menaced or thought to be menaced by Communist subversion or take-overs; the maintenance of foreign bases; and the adoption of positions in the Middle East and Southern Africa too moderate to satisfy inflamed passions. In addition, the United States remains subject to the hostile scrutiny of the Committee of Twenty-Four because of its "colonial" stance in Guam, the Virgin Islands, American Samoa and Micronesia. It has the disadvantage of being wealthy in a world of poor nations; it is accused of neo-colonialism. It houses the United Nations in New York, where delegates can observe for themselves a wide gulf between riches and squalor, surges of black revolutionary sentiment, and violent manifestations of social disorder.

The international image of the United States may improve; it may deteriorate. In any event, the influence wielded by the United States at the United Nations and in the world at large is more impressive than America's popularity. Its success (for what it is worth) in securing the exclusion of Communist China from the Chinese seat at the United Nations for so many years bears testimony to this fact. But in such a context the United States must surely handle the problem of Micronesia with delicacy and finesse, unless, of course, it is prepared to thumb its nose at United Nations opinion in defense of an interest inessential to national survival.

Relations between the United States and the Trusteeship Council have been amicable. The comments of the 1967 Visiting Mission to Micronesia were far from being uniformly uncomplimentary. At the conclusion of the debate on Micronesia in the Trusteeship Council in June 1968 the Senior American representative, a newcomer to these proceedings, was moved to observe that he had "never met a group of members of any [United Nations] body who could surpass, or even match in courtesy, cooperation and diligence, the members of this Council." [26] The Trusteeship Council is now a waning force.

Its proceedings attract little attention. At the Council's second meeting on Micronesia in May 1968 none of the sixty-six seats in the press gallery was occupied. Attendance in the public gallery—admittedly on a wet morning—varied from one to four. One spectator fell asleep. However, the Trusteeship Council, provided that it survives, may play an important role in the process of self-determination for Micronesia, if only because among the organs of the United Nations it is the least unsympathetic to American viewpoints and by far the best informed about the problems of the area. A Visiting Mission from the Trusteeship Council is going to Micronesia early in 1970. It may well be the last. America's interests dictate that the Visiting Mission's Report be generally favorable. That Report is unlikely to be favorable to the Administering Authority unless there are clear signs that (i) preparations for an act of self-determination are on their way and (ii) Micronesians will be left to choose their own ultimate status and not have that status thrust upon them.

It does not follow that America must totally endorse the recommendations of the Micronesian Future Political Status Commission or offer a blank cheque to Micronesia.

Footnotes at end of article.

Given the general climate of opinion in the United Nations, it is essential that (1) Micronesia be offered a genuine independence option and (2) the conduct of a referendum on the status issue be supervised or observed by United Nations representatives. There is no precedent for a trust territory opting for a status other than independence in its own right or as part of a contiguous independent state.

If Micronesia is not going to opt for independence, moderate anti-colonial opinion at the United Nations must at least be satisfied that the Micronesians really do not want independence. This cannot be demonstrated unless the Micronesians are offered the option, even if they would prefer not to be offered it. And the offer (which could be post-dated) should not be accompanied by threats of cessation of all economic aid if the Micronesians were to vote for independence; otherwise the people's choice of an association arrangement might be justly criticized as having been made under duress. It must be borne in mind too that, since the Anguillan episode, free association is widely regarded as colonialism masquerading under a thin disguise.

Termination of the Trusteeship Agreement must be approved not only by the United States Government (see Agreement, Art. 15) and Congress, but also by the Security Council. The General Assembly has no *locus standi*, since Micronesia is a strategic trust territory. If the Administering Authority purported to terminate the Agreement unilaterally, this would be ineffective in international law.[27] The United Nations Charter is strangely silent on the procedure to be adopted; but we can assume that (1) any resolution to terminate the Agreement must be passed by the Security Council and (2) each permanent member of the Security Council would have a right of veto. In addition, the matter would probably be construed as sufficiently important to require an affirmative vote of nine of the fifteen members of the Security Council, including the concurring votes of the permanent member.[28] The onus of satisfying an anti-colonial majority of the Security Council will not easily be discharged.

Perhaps the United States will be able to come to an understanding with the Soviet Union. If, however, Peking has occupied the Chinese seat by the time the issue comes before the Security Council, the prospects of a veto will be very real. For this reason alone the United States will be well advised to treat the question of ultimate status as urgent. If, moreover, things go wrong at the United Nations, if a referendum cannot be conducted with the blessing of the United Nations, or if its outcome is unacceptable to the Security Council, the United States will remain saddled with a trust territory for which it is no longer prepared to be internationally accountable. This state of affairs, leaving the United States barraged by international criticism and harried by ungrateful wards, ought to be avoided if possible.

The United States should therefore be accommodating to the Micronesians. It should, however, make clear that any association arrangement submitted to the people for approval must include provision for unilateral termination of the arrangement, enabling the Micronesians subsequently to proceed to independence if they so wished. Preferably that option for unilateral termination should extend to the Micronesians alone. But it would be asking a good deal of the United States not to insist on a reciprocal right to terminate the association.

The Micronesians ought not to be offered the choice of fragmentation. There is no dearth of particularist sentiment, and to legitimize it would be to encourage it, to the detriment of the Territory as a whole. To afford the Marianas the option of seceding to join Guam would be very badly received at the United Nations. Possibly the least unsatisfactory solution to this problem would be for the Constitution of Micronesia to provide that within a prescribed period *after* Micronesia had attained associated status (or independence) a referendum be held on the issue in the Marianas District.

From all this it follows that the United States should be prepared to risk its own interests in Micronesia in order not to thwart Micronesia's desire for autonomy and thereby antagonize the great bulk of international opinion. Temptation to palm Micronesia off with territorial status, either as a new unincorporated territory or as part of Guam, must be firmly resisted. Micronesians outside the Marianas do not want such a status. The annexation of a trust territory by a Western Administering Authority is without precedent and the status of an unincorporated territory is regarded by the United Nations as more "colonial" than that of a trust territory. True, America's defense interests could be better protected by the annexation of Micronesia than by any other constitutional arrangement. The embarrassment of seeing "immature" Micronesia leapfrog the Virgin Islands, Guam and American Samoa by achieving full internal self-government in a sudden bound would also be avoided. Again, there is a lot of ocean within the boundaries of Micronesia, which might yield wealth to be exploited one day, and the economic future of the Micronesians would become less uncertain. But the international image of the United States would be gravely damaged by such an imposition.

The general guide-lines for the United States to follow have been indicated by the Report of the Future Political Status Commission. An outsider would be presumptuous to prescribe the manner in which a scheme for association should be negotiated. Clearly, United States congressional leaders must be brought into the picture at an early stage; enabling legislation will be required, and it must not be allowed to suffer the fate of the joint resolutions on the Presidential Status Commission[29] or the dismal delays in implementing proposals for constitutional change in the Virgin Islands.

Meanwhile, development aid to Micronesia must somehow produce tangible results. This will at least help to dispel the pervasive sense of pessimism in Micronesia. Rome cannot, and yet it must, be built in a day and a half; and it must be built in the hearts and minds of Micronesians. Above all, Micronesians who are in politics must feel that they have a meaningful voice in shaping their country's destiny. Leading members of the Congress of Micronesia must be brought into closer association with the Territorial Government, participating directly in the formation and implementation of local policy decisions.

Their views on the question of Micronesia's future status—views which, by modern international standards, are distinctly moderate—must be listened to with the greatest respect in Washington. And within an agreed framework, the elected representatives of the Micronesians must then be allowed to evolve, in a Constitutional Convention, their own form of government, free from external constraint. If these principles are applied without procrastination, there is every possibility that the people of Micronesia will determine their future by opting for free association with the United States.

FOOTNOTES

[1] Secretarial Order No. 2882 is the instrument whereby the Congress of Micronesia had originally been constituted in 1964.

[2] Travel and subsistence allowances were to be met out of local funds appropriated by the Congress of Micronesia. At the same time, the salary of the Legislative Counsel to the Congress became payable out of the funds appropriated by the Congress of Micronesia instead of the High Commissioner's budget.

[3] See CONGRESSIONAL RECORD, vol. 113, pt. 18, pp. 23809–23810.

[4] An unofficial plebiscite taken in Guam in November 1969 has shown, however, that there is substantial opposition in that island to merger with the Marianas. Nonetheless another unofficial plebiscite taken in the Marianas a few days after the poll in Guam indicated that merger with Guam was still the preferred course for the district, despite the opposition of Guam.

[5] The Governor's views are reported in the *Guam Daily News*, July 5, 1968, p. 4.

[6] See *Reports on Pacific Affairs 1965:* Hearings before the Subcommittee on Territorial and Insular Affairs of the Committee on Interior and Insular Affairs, House of Representatives, 89th Congress, 1st Session (August 5–11, and September 7, 1965) (Serial No. 16–54–164, Washington, D.C.).

[7] Interim Report, p. 17.

[8] Interim Report, p. 21.

[9] Though many persons to whom the members of the Trusteeship Council's Visiting Mission of 1967 spoke had asked them: "Why is the United Nations rushing us? What is the hurry?" (Report, T/1658, S. 317).

[10] In July 1968 I had intimated to certain members of the Commission that if I had been asked to advise them, my own provisional inclination would have been to advise them broadly along such lines. I have no reason to suppose, however, that this informal and tentative expression of opinion carried any real weight.

[11] The Speaker of the House and President of the Senate were to receive an extra five hundred dollars per year.

[12] After the inauguration of the Nixon Administration, Mrs. Elizabeth P. Farrington replaced Mrs. Ruth G. Van Cleve.

[13] High Commissioner William R. Norwood, a conscientious and respected public servant, was replaced in 1969 by Edward E. Johnson, a businessman and chairman of the Hawaii State Republican Party. Initial reactions in Micronesia were cool. Peter Coleman, the well-liked district administrator for the Marianas, and former Governor of American Samoa—he is a part-Samoan—was appointed to the new post of Deputy High Commissioner for the Territory.

[14] Report, 48–49.

[15] The possibility of an American Samoan solution was not considered in the Report, perhaps because the constitutionality of protective discrimination in favor of the Samoans was questionable.

[16] In the Marianas Islands District (and particularly in Saipan, the most populous island in the District), desire for union with Guam is based partly on ethnic, linguistic, cultural and religious affinity; partly on the hope of sharing the economic benefits (in particular, the high minimum wage rates) accruing to Guam as an unincorporated territory and defense bastion of the United States; and partly on dissatisfaction with the relative anonymity of the Marianas in the new constitutional order. There is resentment at the material diminution of the status and resources of the Saipan municipality and the Marianas' contribution to the Territory's revenue exceeds the funds granted them by the Congress of Micronesia (a situation which may be aggravated when a territorial income tax is imposed). On Saipanese separatism see generally Reports of the United Nations Visiting Missions for 1961 (T/1582, 55–69), 1964 (T/1628, 245–248, 284–291) and 1967 (T/1658, 321–324).

[17] Report, 37.

[18] *Ibid.*, 38.

[19] *Ibid.*, 39–40.

[20] *Ibid.* 8 (Statement of Intent.)

[21] Preliminary discussions were taking place in the fall of 1969.

[22] Report, 43.

[23] *Ibid.*, 45–48.

[24] *Ibid.*, 25.

[25] See, on these matters, two penetrating articles by Kenneth Twitchett, "The Ameri-

can National Interest and the Anti-Colonial Crusade," 3 *International Relations* (David Davies Memorial Institute of International Studies, London) (1967), 273–295, "The United States and *le Tiers Monde*," *ibid.* (1968), 328–354.

[26] United Nations Document T/PV.1341 (June 19, 1968), 62.

[27] See *Advisory Opinion on the International Status of Southwest Africa* (1950) I.C.J. Reports 128.

[28] See Charter, Article 27 (3) as amended; Geoffrey Marston, "Termination of Trusteeship" 18 *International and Comparative Law Quarterly* 1–40 (1969), 13.

[29] Three days after the presentation of the Future Political Status Commission's Report, the Congress of Micronesia adopted a joint resolution "urgently" requesting the President and Congress of the United States ". . . to give serious consideration to the future political status of Micronesia and the ways in which this status should be finally resolved . . ." This Joint Resolution was laid before the United States Congress as a petition. See Congressional Record—Senate, p. 20963 (July 28, 1969).

Mr. Speaker, on several occasions I have discussed on this floor the situation in Micronesia, the Trust Territory of the Pacific Islands. I have taken this time primarily to call the attention of the Members and others who read the CONGRESSIONAL RECORD to a report prepared under the auspices of the Center for International Studies of New York University.

Mr. CAREY. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I am glad to yield at this time to my colleague from New York (Mr. CAREY).

Mr. CAREY. Mr. Speaker, I understand the gentleman's purpose today to be to call the attention of the Members to a report to which he refers which was prepared by a scholar, evidently, Prof. Stanley de Smith, of Cambridge University, who I understand is the constitutional adviser to the British Government. I appreciate the gentleman's effort to assist us in gathering information which will assist the committee of which I am chairman, the Territories Subcommittee, in our deliberations with regard to the Trust Territory of Micronesia and other areas under the U.S. flag. I also appreciate as a former member of the subcommittee of the Committee on Interior that the gentleman maintained an active interest in this area and the wide periphery of his interest in the Congress so as to include the affairs of our Government in the trust territories as well as the other foreign relations of our Government. We are fortunate to have his valuable experience as our former representative to the trusteeship Council of the United Nations where he served with great distinction in that body. I merely state that I do not question Dr. de Smith's competence in this field. I might add as a citizen of the United States that we can always look to a citizen of a constitutional monarchy like Great Britain, our ally in the world, for advice on many of our foreign deliberations. I might say, while not trying to be facetious but observing pertinently, that I would observe Dr. de Smith would know a great deal about colonization and decolonization, since the country of his origin practiced so much of it over the centuries, and we owe our existence to the fact that we were able to decolonize ourselves through a revolution.

Mr. Speaker, I will not take any more of the gentleman's time now because I will be following his special order with a special order during which I will take an hour to give my own comments on Dr. de Smith's report and also say that as we go on we will be leaning on many more authorities to help us steer what we hope will be a true course. Since we have heard from Dr. de Smith on the matter of colonization as a British subject, I might invoke my prerogatives as chairman to invite to testify before the subcommittee another constituted authority who is a Member of the British Parliament by the name of Bernadette Devlin, who may be able to advise us as to what Great Britain might do in terms of decolonization of the six counties of Northern Ireland.

I thank the gentleman for yielding.

Mr. BINGHAM. I thank the gentleman for his contribution and for his comments.

I would just like to say that I certainly agree with him in his remarks about the sad record that we have witnessed as far as the Government of the United Kingdom is concerned toward the six counties of Northern Ireland.

On the other hand, I think in many areas of the world the Government of the United Kingdom has established in recent years since World War II particularly a quite remarkable record of granting independence and granting help to many of the territories previously under its administration, territories that included colonies, protectorates, and several trust territories under the United Nations trusteeship system.

As I pointed out in my prepared comments, I think it is appropriate that a representative of the British Government comment upon this subject.

We have in Micronesia an international obligation as the gentleman very well knows and any arrangements that we may ultimately submit for approval to the United Nations with regard to the disposition of our trusteeship in Micronesia will have to be approved by the Government of the United Kingdom, both as a member of the trusteeship council and as a member of the Security Council.

So, I think it is appropriate that we pay attention to comments from outsiders. As the gentleman from New York knows at the present time the primary obligation of administering the trust territories is in the hands of the United States. As I have also pointed out in my remarks, I think it is pertinent to say at this time that the great Committee on Interior and Insular Affairs, and particularly the gentleman's subcommittee of which he is the distinguished chairman, has the responsibility for legislation affecting the trust territory, as it does with reference to other territories.

There are implications to the total problem of Micronesia that I think are of great interest to other committees, including the Committee on Foreign Affairs of which I am a member, especially insofar as its relationship with the United Nations is concerned, and also the Committee on Armed Services, since the islands in question occupy certainly a very strategic part of the Pacific Ocean.

Mr. UDALL. Mr. Speaker, most Americans would be surprised to know that the United States has held in trust since 1947 scores of widely scattered Pacific islands making up the little-known nation of Micronesia. These islands were originally placed under Japanese mandate in 1919, with the exception of Guam, Wake, Nauru, and the Gilbert Islands, which Japan later invaded and held during the early part of World War II. They were retaken by American forces in 1942–43, and we have stayed there ever since.

Micronesia has prospered and matured politically for 23 years under our care. Now, many believe, is the time to offer the citizens of this quickly emerging nation the chance to be self-governing. This call for independence leads me to believe that the United States has carried out its trustee duties well, that we have succeeded, in line with the United Nations Charter, to encourage political economic, social, and educational advancement leading to independent government.

As a member of the Interior Committee, and as one who has taken an interest in our territories, I urge the administration and the Congress to consider seriously the recommendations of the Micronesian Future Political Status Commission. In its recent report, the commission suggests that the time for self-government of this once piecemeal colony is rapidly approaching and that a Micronesian national referendum be held to determine its future political ties with the United States.

There are many urgent reasons for following this general plan of action. But perhaps the most important is to demonstrate to the world community once again that even in this crucial period in Asian history, we desire no colonial possessions for economic, political or military advantage.

Once again, I urge my colleagues to give serious consideration to the Micronesia question.

GENERAL LEAVE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from New York?

There was no objection.

U.S. ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. CAREY) is recognized for 15 minutes.

Mr. CAREY. Mr. Speaker, I rise in response to the remarks of the gentleman from New York (Mr. BINGHAM) concerning the U.S. administration of the Trust Territory of the Pacific Islands.

While I have not had occasion to study

the "Policy Paper on Options for Micronesia: A Potential Crisis in America's Pacific Trust Territory" prepared by Prof. Stanley de Smith of Cambridge University and constitutional adviser to the British Government on its decolonization program, released to the press yesterday, I am aware of its critical import. Perhaps, upon further study of this policy paper, I shall, at some future time express further comment thereon.

At this time, however, it is most important I believe to allay any fear or alarm my colleagues may sense by the remarks of the gentleman from New York (Mr. BINGHAM) and the "Potential Crisis" as referred to in the paper of Professor de Smith. There is no crisis developing in the U.S. administration of the Trust Territory of the Pacific Islands. The only crisis, whether it be potential or developing, in the Trust Territory of the Pacific Islands is in the views and expressions of those who wish to see it as a crisis.

Suffice it to say that in all history the cause-and-effect relationship between people and their actions have always constituted a "potential crisis." This poor choice of words results in an inaccurate implication.

The remarks of the gentleman from New York and the expressions of Professor de Smith trouble me to the extent that they imply an unresponsive or irresponsible attitude upon the House Committee on Interior and Insular Affairs and its Subcommittee on Territorial and Insular Affairs of which I happen to be the chairman. I am more troubled by the gentleman's support of Professor de Smith's statements, which I am advised attempt to characterize the United States as a colonial power and impugn the international relations of this great Nation.

For these reasons, Mr. Speaker, I would like to first briefly tell this body and all the world of the record of the United States, and in particular the Congress of the United States, in the evolution of our territorial responsibilities.

In 1787, the fathers of this Nation ordained in the Constitution of the United States that the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States.

Since that time the sovereignty of the United States has been extended over noncontiguous areas not by the exercise of colonial power, but through negotiation and treaties of purchase or cession. In 1867 the United States acquired Alaska. Between 1900 and 1904, the islands of American Samoa were ceded to the United States. In 1917, the Virgin Islands were purchased from Denmark, and in 1947 the United States became the administering authority of the Trust Territory of the Pacific Islands. The trust territory is not a territory of the United States, and in that sense is different from those areas which I have mentioned, which are, or have at some time been, territories of the United States.

In 1946 the Republic of the Philippine Islands achieved its sovereign independence. In 1952, the territory of Puerto Rico attained commonwealth status. In 1959, the territories of Hawaii and Alaska achieved statehood.

It is worth pausing for the moment to reflect on the fact that this is an exemplary record and the United States, and in particular the Congress, should be commended for having displayed the creativity and flexibility so necessary in dealing with the people, their culture, and the desired political status of these areas. There has been no preordained path for each to follow. The course has been simply what the majority of the residents of each of these areas chose to follow—and that chosen course has been what the United States has extended them the privilege of following.

The result has been that this Nation, the Congress, and more specifically, the House Committee on Interior and Insular Affairs, has experienced and successfully dealt with the political status of noncontiguous areas ranging from sovereign independence, in the case of the Philippines, through commonwealth status to statehood.

As I have previously mentioned the situation in the Trust Territory is uniquely different in that it is not a territory of the United States. This area is administered by the United States under a trusteeship agreement with the Security Council of the United Nations. Under this agreement as administering authority the United States has undertaken to promote the economic, educational, social, and political advancement of the people of the Trust Territory of the Pacific Islands.

The area of the trust territory approximates the size of the continental United States, involving 2,141 islands and atolls in the Western Pacific Ocean of which 97 are inhabited, having a population of approximately 92,000 people.

Upon execution of the Trusteeship Agreement the civil administration of this area was entrusted to the Secretary of the Navy and remained so until 1962, when by Executive order, the responsibility for administering the trust territory was vested in the Secretary of the Interior. During this period, Congress has provided for the continuance of the civil government in the trust territory by increasing the appropriation authorization from a level of $4,271,000 in 1952 to $50,000,000 in fiscal year 1970 and 1971.

Since 1965 with the establishment of the Congress of Micronesia, a bicameral legislative body of popularly elected Micronesians and with the substantial increase in authorized appropriations for continuance of the civil government in the trust territory in 1967, there has been significant progress in the educational, social, and political advancement of the people of the trust territory. The progress in these areas has been remarkable considering the level of appropriation. And, with this progress came the age of enlightenment to the Micronesian people. The result has been an awakening and awareness on behalf of the Micronesian people to the complex problems of providing adequate public works, buildings, and facilities throughout the trust territory, of establishing and changing the economic structure from a barter to a money economy throughout the trust territory. And, in this growing awareness has come the political desire for more self-government.

The primary responsibility for administering the trust territory has been and remains today, an executive branch responsibility. Congress has continually and since 1962, the Subcommittee on Territorial and Insular Affairs, has kept abreast of the economic, educational, social, and political advancement of the Trust Territory of the Pacific Islands. My subcommittee has constantly sought greater performance from the executive branch in its administration of these islands, particularly in the areas of public works and economic development. At the same time, the subcommittee has been acutely aware of the growing political expressions in the trust territory and has continually sought the executive branch position on the question of political status for the trust territory.

Let me make it abundantly clear that the executive branch has not as yet come forth with its position on the political status question. And, it should also be clearly understood that the executive branch has been unable to coordinate such a position among the executive departments involved.

The House Committee on Interior and Insular Affairs has consistently taken the posture that the executive departments involved, State, Interior, and Defense, should present a unified position on the question of political status to the Congress in order that Congress through the House Committee on Interior and Insular Affairs can take that position or alternatives to the people of the trust territory.

Because the executive departments were not able to agree on such a position or the alternatives, they fostered an executive communication during the 89th and 90th Congresses which was introduced by the gentleman from New York (Mr. BINGHAM) to establish a Commission on the Future Political Status of the Trust Territory of the Pacific Islands. To those of us who have been closely involved with the administration of the trust territory, it is clear that this executive communication was and is requesting the Congress to take the responsibility for making a decision which is properly the function of the executive branch of Government. In this instance the executive branch chose not to rely on the axiom of the executive proposes and the legislature disposes. The Status Commission proposal is merely a ruse for the executive departments to avoid their responsibility.

Since January, the Nixon administration has constantly been made aware of our committee's willingness and desire to deal with the political status question concerning the Trust Territory of the Pacific Islands. We have asked that legislation on this question be sent to the Congress. We are aware of the work being done to formulate this legislation both here in Washington and in the Trust Territory of the Pacific Islands. We are not aware from the reports to our committee or from members of the committee who have been to the trust territory this year or from the Department of the Interior of any "potential crisis."

On the contrary, the reports to our committee show that the report of the Micronesian Future Political Status

Commission has not been adopted by the Congress of Micronesia or the people of the trust territory. Reports to our committee also indicate that the members of the Micronesian Future Political Status Commission are not unanimous in their decision regarding the future political status of Micronesia. Moreover, the reports to our committee concerning the most recent discussions with the members of the Micronesian Future Political Status Commission, here in Washington, D.C., concerning their future political status, is that the discussions were recessed by the Micronesians in order to return home and further discuss the question before a decision is made.

From these reports, and the constant surveillance and experience of the members of the House Committee on Interior and Insular Affairs in this question, I see no reason for alarm or fear of a potential crisis for this Nation in its administration of the Trust Territory of the Pacific Islands.

Mr. Speaker, I rise also to respond in part to the valuable contribution which has been made by my colleague, the gentleman from New York (Mr. BINGHAM) with reference to this problem. However, I would like to add this addendum to what I have previously covered. That is, I would not like my colleagues in reading the RECORD to be totally convinced that in our deliberations in regard to the Trust Territory of the Pacific Islands that we will have to in a sense get approval or have at all times and in any event the understanding and guidance of other nations with regard to our actions there. The unique document which gives us the strategic Trust Territory of Micronesia permits this wide latitude in our operations in this area. It was wisely drawn to have that effect. It is a fact that if we desire to do so we could hold a referendum there and suggest various forms of associations, or the people could suggest various forms of associations with us. We could work out a form of association on the part of Micronesia and, in fact, one of our colleagues, the gentleman from Washington (Mr. MEEDS), has a bill which, if enacted, would do this.

But just to complete the record, and make it entirely accurate, I would like to make it perfectly clear at this time that with regard to the document under which we hold the strategic trust we can follow a number of options with regard to the eventual disposition of this area in the interest of its inhabitants and in our national interest, and we should not have to have the approval or any kind of understanding with any other nation to effectuate that possible development.

Mr. Speaker, I yield back the balance of my time.

QUESTIONING MIDDLE EAST FOREIGN POLICY

The SPEAKER pro tempore (Mr. PRICE of Illinois). Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 20 minutes.

Mr. FISH. Mr. Speaker, last Sunday, December 14, I had an opportunity to speak before the B'nai B'rith of the city of Poughkeepsie, in my district, to give in effect a wrap-up of the first session of the 91st Congress, dealing with changes in direction both in domestic and foreign policies. With regard to the foreign policy portion of my remarks, I said:

In Foreign Affairs too there is a change. President Nixon in his Inaugural Address stated that we were moving from a period of confrontation to one of negotiation. The start of the long delayed S.A.L.T. (Strategic Arms Limitation Talk) talks is one indication of this new move. Vietnam is another. President Nixon has instituted two major changes in the policy which has dominated activity in that part of the world for over 10 years. He is conducting a phased troop withdrawal, not dependent upon what happens at the Paris Peace Talks, and had de-escalated from a policy of maximum military pressure to one of protective reaction to enemy attack. I have been among the backers of this policy.

One reason I have favored the President's position is because of the realization that our foreign policy is largely of a piece. A retrenchment and realignment in Vietnam is essential, and even if gradual will cause major adjustments elsewhere. Precipitous flight could, I believe, lead to a total deterioration of the credibility of our position in every area of contention. Even now, in spite of the Administration's policy of gradual but steady withdrawal, I believe signs of change—deterioration if you will—can already be observed.

In a speech last Tuesday night before the 1969 Galaxy Conference on Adult Education, Secretary of State William Rogers spelled out this country's position on the Middle East—a position which I confess I find perplexing.

At the start of the four power talks—which broke down and gave way to the bi-lateral talks between the Soviet Union and the United States—there was a clear pledge by the Administration that Israel's vital interests would be preserved—and that the four power talks would not lead to a sell-out of Israel. In May it was the position of our Administration that withdrawal of Israeli-occupied Arab lands must occur only with mutual consent of the parties directly involved, based upon a face-to-face settlement involving recognized, definable and just boundaries. These were our stated objectives in May.

Following the first announcement by the U.S. of what appeared to be a softening of the U.S. position on the Middle East, America was strongly denounced by Nasser. The December 9 speech by Secretary Rogers, proposed as a base for negotiations a pull back by Israel to its pre-1967 boundaries, plus joint Israeli-Jordan control of Jerusalem. Following this the Soviet Union stated that they too wished peace—although there was no indication of any Arab concession such as recognizing the right of Israel to exist—but added they were continuing their program of arming the Arab countries.

The Rogers' policy statement is too new to be fully clear, but as one who joined a Sense of Congress resolution in January of 1969, opposing the one-sided condemnation of Israel by the United Nations; as one who joined with a clear majority of the Congress on the occasion of Israel's 21st birthday, in which the Congress reaffirmed its conviction that peace could come only through direct Arab-Israel negotiations, I must view the recent statement by our Secretary of State with a great deal of concern.

Mr. Speaker, I must confess that I do not know why our Secretary of State chose in the first place to make a public statement such as his December 9 speech. It was obvious that the conditions set forth would be shot down not only by the Arabs and Israelis, but by the Soviet Union as well. Unfortunately the political realities of such a pronouncement and the reactions to it are to harden the positions of the respective parties and make it almost impossible for them to move in the direction of the concept proposed.

Aside from this, Mr. Speaker, I think it would be well for us to recall the language of the declaration signed by a clear majority of both the House and the Senate, which stated: "The United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers." Clearly, this declaration by the Congress is at odds with the recently stated policy of our State Department.

Mr. Speaker, the realities of the Middle East today involve matters that are not easy for U.S. policy to resolve. They include Arab intransigence, and adherence to a myth that Israel does not exist. They include the open support and sanctuary by Arab States of terrorist bands whose strength and influence has grown alarmingly. They include the fact that the Soviet Union stands to gain from the subjugation of the State of Israel the century-old dream of the Czarist regimes of a sphere of influence in North Africa, the Middle East and the gateway to the Indian Ocean. More important, Mr. Speaker, is the fact that the vital interests of the United States are at stake in this region. It is in the interests of our national security that an independent, viable, secure Israel exist in the Middle East.

In the light of these realities, it seems to me only prudent and consistent that the United States, while working toward direct negotiations between Israel and the Arabs of their disputes, should assist militarily and with economic assistance our friends in the Middle East. We have this opportunity now to respond affirmatively to the requests by Israel Prime Minister Golda Meir. These are: A further commitment to sell Phantom jets and other aircraft to counter the continuing Soviet buildup of Arab strength and, secondly, the request for financial assistance in the form of long-term loans to finance defense purchases.

MAINTENANCE OF U.S. SOVEREIGNTY AND JURISDICTION OVER PANAMA CANAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Texas. Mr. Speaker, in recent months certain elements in the Republic of Panama have renewed their attack on the jurisdiction of the United States over the Panama Canal and the Canal Zone. I believe the Congress has the clear responsibility to take whatever legislative action it deems necessary to insure that the United States retains its rightful sovereignty over both the canal and the Canal Zone.

In my view, the interest of the House of Representatives on this issue should

be clearly registered and forcefully stated by the adoption of a resolution expressing the American people's desire that the United States maintain its sovereign jurisdiction over the canal and the Canal Zone. To facilitate matters, I am today introducing a resolution which spells out what I think is the continuing interest, and the position of this country and the American people on this issue.

Our involvement in the Panama Canal has deep historical roots. In 1903, the United States and the Republic of Panama entered into a treaty to insure the construction across the isthmus of a ship canal of Panama, which would connect the Atlantic and the Pacific Oceans. Under the terms of that treaty, the Republic of Panama granted for all time to the United States, the full use, occupation, and control of a zone of land in the Isthmus of Panama and certain underwater land for the construction, maintenance, operation, and protection of the Panama Canal. The Republic of Panama also granted to the United States exclusive jurisdiction over the canal area and the Canal Zone. In return, the United States gave Panama what has amounted to almost $12 million; plus, we have invested almost $5 billion in the canal and the Canal Zone.

Through the years, the Panama Canal has grown in importance to the United States. It provides our shipping industry a vital commercial link to world markets. It opens foreign trade doors for our Nation. Approximately 70 percent of all canal traffic originates or terminates in U.S. ports. In this connection, canal operations net us more than $40 million annually, a substantial bonus for U.S. balance of payments.

The Panama Canal also constitutes a vital strategic asset for both national and hemispheric defense. Without free access to and full use of the canal, the flexibility and responsiveness of our water-based military forces would be dealt a severe blow. In addition, any disruption in canal operations would reduce the flow of foreign strategic materials that are normally supplied to the United States by way of the isthmus passage.

Mr. Speaker, in spite of the economic and strategic importance of the Panama Canal, representatives of the United States acting under the auspices of previous Democrat administrations have negotiated with Panamanian representatives three new treaties concerning U.S. rights in Panama. If these three treaties are ratified, certain changes will be made that will be clearly contrary to our national interest. Chief among them are:

First. Our original treaty with the Republic of Panama would be nullified. This would invalidate the rights, power, and authority that the United States has in Panama.

Second. A weak and perhaps inefficient form of international administration would be substituted for present U.S. control over the Canal Zone.

Third. U.S. ability to defend the canal in times of crisis, or to otherwise insure its security would be severely compromised.

Fourth. The United States would be forced to abandon both the $5 billion in capital investment it presently has in the Canal Zone; plus, we would lose the $40 million balance-of-payments bonus we receive each year from canal operations.

Fifth. The United States would be forced to renounce its sovereign jurisdiction over the canal and give exclusive rights to the canal to the Republic on or before the last day of this century.

Sixth. The United States would be entitled to construct, at its own expense, a second "sea-level" canal across the isthmus. Within 60 years after the opening of such a canal, all ownership rights would have to accrue without charge to the Republic of Panama.

Mr. Speaker, I believe that these changes would strike a mortal blow to our national interest in the Panama Canal and the Canal Zone. I believe further that my views are shared by a majority of my colleagues and the American people. The resolution I am introducing today will provide us all with an opportunity to formally, forcefully, and directly register our views on this vital matter.

I request permission to have the resolution printed in the RECORD at this point.

The resolution follows:

RESOLUTION

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; and

Whereas under the Hay-Pauncefote Treaty of 1901 between Great Britain and the United States, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas by the terms of the Ha-Bunau-Varilla Treaty of 1903, between the Republic of Panama and the United States, under the authority of the perpetuity of use, occupation, control, construction, maintenance, operation, sanitation and protection for said canal was granted to the United States; and

Whereas the United States has paid the Republic of Panama almost $50,000,000 in the form of a gratuity; and

Whereas the United States has made an aggregate investment in said canal in an amount of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure or United States abandonment; and

Whereas under Article IV, Section 3, Clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of the Canal Zone traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in a proposed treaty under the terms of which the United States would shortly relinquish its control over the Canal; and

Whereas there is reason to believe that the present dictatorship in control of the Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty; and

Whereas the present study being conducted by the Atlantic-Pacific Interoceanic Canal Study Commission may result in a decision to utilize the present canal as a part of a new sea level canal; and

Whereas any action looking toward an agreement with the Government of Panama which would affect the interest of the United States in the Canal would be premature prior to the submission of the report of the Commission in any event;

Resolved by the House of Representatives, that it is the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the United States Government in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other sovereign nation or to any international organization.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, in 1967 civil aviation miles flown in the United States totaled 1,833,598,000—well over one-half of the world figure of 3,287,200,000.

NINETY-FIRST CONGRESS, FIRST SESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, the first session of the 91st Congress moved toward adjournment in a flurry of activity inspired by the Democratic congressional leadership's efforts to take the sting out of President Nixon's charges that they had dragged their feet on many of his more meaningful legislative proposals, particularly in the domestic area.

My participation in this session was as active as in the previous sessions in which I have been privileged to represent the people of the Seventh District of Pennsylania. As this is written, my attendance record was 95.46 percent. I responded to 315 quorum and record votes out of 330. My prime effort, at all times, is to serve, conscientiously and diligently, the people of this district in an effort to solve all problems encountered at the Federal level. To do this effectively, I return to Delaware County almost every weekend and see constituents.

Letters are the best way in which to contact me when you have a problem, inquiry, request, or criticism. Letters give me a written record for my files and help to avoid errors.

VIETNAM DEESCALATION

President Nixon's determination to systematically reduce U.S. troop participation and to turn the military responsibility for the war over to the South Vietnamese continues despite substantially increased North Vietnamese infiltration.

Five months after his decision to withdraw the first 25,000 troops, and 3 months after his decision to withdraw another 35,000 by December 15, Mr. Nixon, that day, announced that he would withdraw another 50,000 by April 15, 1970. That meant that, by April 15, he shall have

withdrawn a total of more than 110,000 men.

This meant, further, that during his first 11 months in office, Mr. Nixon had dramatically reversed the tide of military acceleration which he inherited by reducing authorized U.S. troop strength from 549,000 on his inauguration day to 489,000 by December 15, with the promise of reducing that to less than 439,000 by next April 15.

There is no doubt that President Nixon is accomplishing that which all Americans desire; namely, the disengagement of U.S. troops from the Vietnam war. Some may disagree with his timetable, but none can disagree with the fact that he is successfully achieving his objective.

As the President put it on December 15:

> This reduction in our forces is another orderly step in our plan for peace in Vietnam . . . I shall not be satisfied until we achieve the goal we all want—an end to the war on a just and lasting basis.

SOCIAL SECURITY BENEFITS

On December 15, the House passed, with my support, a bill providing a 15-percent increase in social security benefits.

Earlier, President Nixon, who had proposed a 10-percent increase in social security benefits, had indicated that he would not veto a 15-percent increase if it reached his desk as legislation separate from tax reform. And Senate leaders had indicated that they were amenable to that proposition.

This 15-percent increase means that the approximate 25 million people benefiting from social security payments can enjoy a more adequate standard of living. These include such people as our senior citizens, widows with minor children and disabled workers.

FOREIGN AID

After World War II, the United States started a foreign aid program to help those nations ravished by war. To date, this program has cost us over $182 billion. This program has been a major factor in running our national debt up to over $360 billion with an annual interest payment of $16.7 billion. This means that our national debt is now over $57 billion more than the combined debt of all other nations. These huge expenditures for foreign aid have created a deficit in our balance of payments and have been a major cause of inflation.

It is long past the time when the money we are devoting to foreign aid should be used right here at home. This is why I voted against the Foreign Aid bill which, on December 9, squeaked through the House by the slim margin of 200 to 195. The new budget requests in the first 6 months of this calendar year totaled more than $10 billion for foreign assistance in the form of loans, grants and credits. I believe the original purpose of foreign aid has been more than fulfilled.

ANTIPOVERTY PROGRAM

There is much evidence that the so-called antipoverty program is a gigantic failure. Billions of dollars have been spent on this program. Much of this money has been spent for large salaries in top-heavy administration. The job training and educational programs have been inefficient and have not produced results. Under this program the impoverished people have received little actual assistance.

I have voted for many Federal expenditures that actually helped people. I have voted for increased expenditures for food stamps, low cost housing, job training under the Department of Labor, better education at all levels, improved health services, and other worthy programs.

Due to the ineffectiveness of the antipoverty program, on December 12 I voted against the bill to extend the life of the Office of Economic Opportunity which conducts this program.

DISTRICT OF COLUMBIA CRIME BILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, I doubt if there is any Member of the House who is not intensely concerned about the crime situation in the Nation's Capital. The overwhelming vote today to augment the law-enforcement forces in the Capital City indicates this concern. To our increasing alarm we have noted a steadily increased rate of crime here.

The FBI's Uniform Crime Report released December 12 showing crimes in the District of Columbia for the first 9 months of 1969 compared with the first 9 months of 1968 highlight the problem:

	Murder, non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny $50 and over	Auto theft
Washington, D.C.:							
1968	128	183	5,633	2,316	13,350	5,503	8,219
1969	200	259	8,656	2,687	16,367	8,345	8,115

President Nixon, on January 31, 1969, made the Washington crime problem the subject of one of his very first messages to Congress. Later the Attorney General offered for our consideration various legislative proposals responding to the District of Columbia crime problem. I was very pleased to cosponsor these bills. These and other anticrime bills are pending before subcommittees of the House District of Columbia Committee under the chairmanship of the gentleman from Mississippi (Mr. ABERNETHY) and the gentleman from Texas (Mr. DOWDY).

I am highly pleased to have the opportunity to be serving on these two subcommittees.

As a freshman member of the District Committee, it has been deeply gratifying to me that the distinguished chairman of the committee, the gentleman from South Carolina (Mr. MCMILLAN) and the distinguished minority leader of the committee, the gentleman from Minnesota (Mr. NELSEN), have allowed me to participate actively in the crime bills before the committee.

On October 3, I summarized some of these bills and I will not repeat the arguments made at that time in support of these bills. I will, however, briefly describe them.

These bills deal with court reorganization, bail reform, strengthening the bail agency, a public defender system, and creation of a new code of juvenile procedure for the District of Columbia.

I was pleased to cosponsor with the gentleman from Maryland (Mr. GUDE) and the gentleman from Virginia (Mr. BROYHILL) a bill to create an interstate compact on juveniles. This bill has been approved by the House and is pending in the other body.

Today, I have introduced six additional crime bills and I have asked for this opportunity to explain these proposals and why I feel their enactment is important.

H.R. 15339 would amend the law to cover imitations of guns as well as actual guns for premium punishment when committing a crime when armed.

On December 27, 1967, Congress amended the District of Columbia Code, section 22–3202, to provide that a person who commits a "crime of violence when armed with or having readily available, any pistol or other firearm, or other dangerous or deadly weapon" may, in the discretion of the sentencing judge, receive an additional term of imprisonment "up to life." The statute as amended reads as follows:

> If any person shall commit a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, or other dangerous or deadly weapon, including but not limited to, sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, metallic or other false knuckles, he may in addition to the punishment provided for the crime be punished by imprisonment for an indeterminate number of years up to life as determined by the court. If a person is convicted more than once of having committed a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearms, or other dangerous or deadly weapon, including but not limited to, sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, metallic or other false knuckles, then, notwithstanding any other provision of law, the court shall not suspend his sentence or give him a probationary sentence.

The statute was designed to deter the increasing number of armed crimes in the District of Columbia by providing the sentencing judge with discretion to impose life sentences for those who frightened their victims with a weapon. In applying this statute, however, one significant problem has arisen in cases where the gun used in a crime of violence is not recovered. A majority of the robbery cases in the District of Columbia involve defendants who are arrested at least several days subsequent to the crime on an arrest warrant obtained after a photographic identification is made. Generally, in these cases, the gun used in the robbery is not recovered. The prob-

lem then arises whether the defendant can be charged and convicted of armed robbery under the District of Columbia Code, section 22–3202. In most of these cases, the Government can produce the victim who will testify that the robber had a weapon that looked like a pistol; however, the Government will be unable to show that the pistol was real, operable, and loaded—not an imitation or blank pistol. The statute is silent on these types of cases.

There is a substantial question whether the District of Columbia Code, section 23–3202 covers cases where the Government cannot show that the unrecovered gun was real, operable and loaded. Of course, the Government can argue first, that if the unrecovered gun looked like a pistol to the victim and was used as an aid to the robber in perpetrating the robbery, then a prima facie case is made out and the issue of whether the unrecovered pistol is a "pistol" under the statute should be submitted to the jury, and second, that the unrecovered pistol is an "other dangerous or deadly weapon" because it could be used to "pistol whip" a victim much like a blackjack, a billy or metal knuckles which are specifically enumerated in the statute. However, the problem still remains in interpreting the statute with respect to unrecovered guns.

Since the majority of robbery cases in the District involve unrecovered guns, the significance of the problem is maximum. If the District of Columbia is to get the full benefits of the District of Columbia Code, section 22–3202, it is necessary for Congress to clarify the statute to alleviate the problem discussed herein.

It makes little difference to the victim of a rape or robbery that subsequent to the crime it is determined that the weapon used was an imitation or blank pistol. At the time of the rape or robbery, the victim feared being shot or beaten with the weapon. That fear is not diminished by what is subsequently learned. In order to give the citizens of the District the protection they deserve, the proposed amendment to the District of Columbia Code, section 22–3202 is necessary.

The existing District of Columbia Code, section 22–3213 provides:

> This chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

The proposed amendment to District of Columbia Code, section 22–3202, in my bill H.R. 15339 would modify section 22–3213 in its application to section 22–3202.

One of these bills, H.R. 15340, would allow evidence of prior convictions to be introduced to impeach the credibility of a witness.

The Luck doctrine of the U.S. Court of Appeals for the District of Columbia circuit provides that trial judges have discretion to limit or ban impeachment of a witness's credibility through introduction of prior convictions where, as the court said:

> The cause of truth would be helped more by letting the jury hear the defendant's story than by the defendant's forgoing that opportunity because of the fear of prejudice founded upon a prior conviction.

My bill would allow the prosecution to introduce prior convictions to impeach a witness' credibility. In other words, it would undo the obstacle which the Luck doctrine places in the way of the prosecution.

Convictions which carry a penalty of 1 year or more would be admissible as would any conviction relating to dishonesty or false statement, regardless of the term of imprisonment.

To give an advantage to rehabilitated individuals, however, evidence of a conviction would be inadmissible if a period of more than 10 years has elapsed since the expiration of the term of punishment.

Another of these bills, H.R. 15341, would amend certain provisions of the criminal law in the District of Columbia relating to rape. It would allow a judge to sentence a person convicted of rape to any term of years or for life. For so-called statutory rape, the sentence would be up to 30 years.

Presently, the District of Columbia Code provides that—

> Whoever has carnal knowledge of a female forcibly and against her will, or carnally knows and abuses a female child under sixteen years of age, shall be imprisoned for not more than thirty years: *Provided*, That in any case of rape the jury may add to their verdict, if it be guilty, the words "with the death penalty," in which case the punishment shall be death by electrocution: *Provided further*, That if the jury fail to agree as to the punishment the verdict of guilty shall be received and the punishment shall be imprisonment as provided in this section.

On April 8, 1968, the U.S. Supreme Court in *United States* v. *Jackson*, 390 U.S. 570, ruled that a substantially identical death penalty provision in the Federal Kidnaping Act, 18 United States Code, section 1201(a), was unconstitutional since it placed an impermissible burden—the threat of the death penalty—on the exercise of a defendant's right to a jury trial and tended to coerce a defendant to either plead guilty or be tried without a jury. The United States has conceded that under Jackson the death penalty proviso of the District of Columbia Code, section 22–2801, is invalid—see Government's opposition to petition for extraordinary writ to restrain prosecution under the District of Columbia Code, section 22–2801, at 2, *Hill* v. *United States*, No. 21, 747, D.C. Cir., May 3, 1968. Thus, the maximum penalty that now can be imposed in the District of Columbia for rape is 30 years. In light of the fact that prior to Jackson the maximum sentence that could be imposed under the District of Columbia Code, section 22–2801, was death. I feel that the statute should be amended to allow the imposition of a life sentence in forcible rape cases.

H.R. 15342 would make it unlawful for a person to use force to resist an arrest by an individual he has reason to believe is a police officer whether or not such arrest is lawful.

Although there is no decision in the District of Columbia that squarely holds that a person may use force to resist an unlawful arrest, it is commonly thought that the early English rule which permitted a person to use force to resist an unlawful arrest prevails in the District of Columbia.

The modern rule has been recently succinctly articulated by the Superior Court of New Jersey:

> (A) private citizen may not use force to resist arrest by one he knows or has good reason to believe is an authorized police officer engaged in the performance of his duties, whether or not the arrest is illegal under the circumstances obtaining. *State* v. *Koonce*, 89 N.J. Super. 169, 184, 214 A. 2d 428, 436 (1965).

Both the Uniform Arrest Act and the Model Penal Code have also recognized the modern view of the law. Section 5 of the Uniform Arrest Act provides:

> If a person has reasonable ground to believe that he is being arrested by a peace officer, it is his duty to refrain from using force or any weapon in resisting arrest regardless of whether or not there is a legal basis for the arrest.

Section 3.04 of the Model Penal Code (official draft 1962) provides in pertinent part:

> (a) The use of force is not justifiable under this Section:
> (1) To resist an arrest which the actor knows is being made by a peace officer, although the arrest is unlawful; . . .

The modern rule that a person may not use force to resist an unlawful arrest is required by sound public policy:

> (A)n appropriate accommodation of society's interests in securing the right of individual liberty, maintenance of law enforcement, and prevention of death or serious injury not only of the participants in an arrest fracas but of innocent third persons, precludes tolerance of any formulation which validates an arrestee's resistance of a police officer with force merely because the arrest is ultimately adjudged to have been illegal. Force begets force, and escalation into bloodshed is a frequent probability. The right or wrong of an arrest is often a matter of close debate as to which even lawyers and judges may differ. In this era of constantly expanding legal protections of the rights of the accused in criminal proceedings, one deeming himself illegally arrested can reasonably be asked to submit peaceably to arrest by a police officer, and to take recourse in his legal remedies for regaining his liberty and defending the ensuing prosecution against him. At the same time, police officers attempting in good faith, although mistakenly, to perform their duties in effecting an arrest should be relieved of the threat of physical harm at the hands of the arrestee.
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> The concept of self-help is in decline. It is anti-social in an urbanized society. It is potentially dangerous to all involved. It is no longer necessary because of the legal remedies available. *State* v. *Koonce*, 89 N.J. Super. 169, 183–84, 214 A.2d 428, 435–436 (1965).

In today's urbanized society, there is no valid reason for a rule allowing the use of force to resist an unlawful arrest:

First. Today, one arrested and accused of a crime is taken immediately, after being processed by the police, before a commissioner or judge. Fed. R. Crim. P. 5(a). The person arrested is assured of a hearing with the advice of counsel. Fed. R. Crim. P. 5 (b) and (c). And the person arrested is entitled under the Bail Reform Act of 1966 to be released either on his own personal recognizance or subject to certain conditions to assure his court appearance—18 United States Code, section 3146.

Today, a person arrested need not fear the hardships that one might have endured during early English times when most arrests were made by private citizens. Then, long imprisonment could follow an illegal arrest because "bail for felonies was usually unattainable, and years might pass before the royal judges arrived for a jail delivery. Further, conditions in the English jails were then such that a prisoner had an excellent chance of dying of disease, or physical torture before trial"—Warner, the Uniform Arrest Act, 28 Va. L. Rev. 315, 330 (1942). Self-help was essential for the individual in days of yore because the processes of law were inadequate to protect him. Today, of course, this is no longer true.

Second. Today, because of modern firearms and other dangerous weapons, the possibility of serious injury to both the arresting police officer and the resister is great. "Today, every peace officer is armed with a pistol and has orders not to desist from making an arrest though there is forceful resistance"—Warner, supra, 28 Va. L. Rev. at 330. Accordingly, the resister will most likely not succeed in his attempt to escape and may suffer serious injury as a result. Successful resistance is usually only possible by shooting the officer or inflicting serious bodily harm on him. Usually, the result of an individual forcibly resisting arrest will be his failure to escape arrest and injuries to both him and the police officer.

Third. To permit the individual to forcibly resist an arrest on the basis of his judgment as to its legality is to permit him to act in folly. The individual is in no position to make an intelligent decision as to the legality of the arrest for "he cannot know what information, correct or incorrect, the officers may be acting upon." *United States* v. *Di Re*, 332 U.S. 581, 594 (1947). In those rare instances where resistance is actually being offered in the belief that the arrest is illegal, the resister is invariably only acting on the belief that he is innocent of the crime. But it is the difficult question of probable cause, not innocence or guilt, which determines the legality of an arrest. As District Judge Hart remarked in a recent case:

(T)he idea that every time a person is arrested, he can determine in his own mind whether there was probable cause for his arrest, a matter that the courts in this country, including the Supreme Court, spend months and months and months arguing about in given cases . . . and use all force arguing to resist the arrest is . . . perfectly absurd, and I don't believe it is the law. *United States* v. *Montgomery*, Cr. No. 1191–66, Tr. 50.

Fourth. Society's interest in protecting the entire community from the threat of physical harm also demands that an individual peacefully submits to an arrest, regardless of its legality. It is the street altercation between the police officer who is attempting to perform his duties and the individual who forcibly resists that, in our urban society, has increasingly become the springboard to general rioting. The report of the National Advisory Commission on Civil Disorders is sprinkled with examples of riots being ignited by individuals forcibly resisting arrest and assaulting police officers. See report of the National Advisory Commission on Civil Disorders, Chapter 1, "Profiles of Disorder," 1968:

The former rule [of allowing forcible resistance to illegal arrests] . . . [has] led to riots and violence by fostering a belief on the part of many people that they were the sole judges as to whether their arrest was or was not proper. (*People* v. *Burns*, 18 Cal. Rptr. 921, 922 (Super. Ct. App. Dept. 1962)).

We know of no valid reason for the antiquated doctrine allowing the use of force to resist an illegal arrest. As the late Judge Learned Hand stated:

The idea that you may resist peaceful arrest . . . because you are in debate about whether it is lawful or not, instead of going to the authorities which can determine, . . . [is] not a blow for liberty, but, on the contrary, a blow for attempted anarchy. 1958 Proceedings, American Law Institute, p. 254. Cited in *United States* v. *Heliczer*, 373 F. 2d 241, 246 n. 3 (2d Cir.), *cert. denied*, 388 U.S. 917 (1967).

Another of the bills I have introduced today, H.R. 15343, would amend the District of Columbia Code's burglary provisions to include parking meters, coin telephones, vending machine, money changer or other device which is designed to receive currency.

The loss from professionals who pilfer all types of coin-operated machines is enormous. National figures steadily rising amount to one-half percent of the gross sales from such machines.

Being professionals, they take just enough so that if they are caught, they will come under a petty larceny charge. These thieves are well-organized and some work this racket nationally with even keymaking machines in their vehicles.

My bills would make these offenses felonies.

One of these bills, H.R. 15350, would provide a presumption that sentences would run consecutively unless the judge specifies that they should run concurrently.

Under present law, in the absence of a specification of consecutiveness, multiple sentences operate concurrently, even if they are imposed at different times, at different places, for entirely unrelated criminal offenses. *Borum* v. *United States*, 409 F. 2d 433 (D.C. Cir. 1967), certiorari denied, 395 U.S. 916 (1969). Thus, if a judge imposing sentence for rape upon a defendant who has previously been sentenced for an unrelated housebreaking fails to state explicitly that the sentences are to run consecutively, either because of inadvertence or because he simply was unaware at the time of the prior conviction, the sentence for rape runs concurrently with the sentence previously imposed, the intention of the sentencing judge to the contrary notwithstanding. This has happened.

In Borum against United States, supra, the defendant, who had been recently convicted of two separate housebreakings and a robbery, was convicted of pistol whipping an 80-year-old occupant of a house and raping a visiting female neighbor. In imposing sentence, however, the judge by oversight failed to specify that it was to run consecutively to the sentences previously imposed, nor did he state that the sentence was to run concurrently. To clarify the record, he recalled the defendant only 5 days later, and explained that he had intended that the sentence he imposed should run consecutively to those the defendant was already serving and filed a commitment order to that effect. This order was reversed on appeal because the judge had failed to use the magic word "consecutively" when sentence was pronounced, and his silence on the issue required the sentences to run concurrently.

My bill is designed to prevent the reoccurrence of such an undesirable result by providing that a sentence for one offense is deemed to run consecutively to a sentence previously imposed for an unrelated offense unless the judge provides to the contrary. This proposal, moreover, is consistent with what should be the general rule. Concurrent sentences for unrelated criminal offenses have no deterrent effect whatsoever. This is particularly true for defendants who are arrested on strong evidence and released prior to trial under the Bail Reform Act of 1966. Aware that they will be convicted and imprisoned, but also aware of the current practice against imposing consecutive sentences should they again be arrested and convicted, there is absolutely no deterrent to their going on a spree of criminal activity, so as to be able to "eat, drink, and be merry" before imprisonment.

There may, of course, be instances in which a judge concludes that concurrent sentences would be in the best interest of society and the individual. My proposal would permit such a sentence. It only requires the judge to specify that the sentence run concurrently. Should he fail to do so, by oversight, this can be corrected because under present law a defendant can seek a reduction of sentence. It is only the prosecution which cannot seek an increase.

For offenses arising out of the same act or transaction, whether or not consecutive sentences may be imposed depends on the intent of Congress. Since Congress in enacting legislation rarely specifies its intent on this matter, the courts have long adhered to the rule that Congress did intend to permit consecutive sentences for offenses arising out of the same transaction when each offense "requires proof of a fact which the other does not"—*Blockburger* v. *United States*, 284 U.S. 299, 304 (1932); *Gore* v. *United States*, 357 U.S. 386 (1958); *Morgan* v. *Devine*, 237 U.S. 632 (1915).

Recent decisions by the U.S. Court of Appeals for the District of Columbia have retreated from this settled principle of law, however, by prohibiting consecutive sentences for offenses arising out of the same transaction in the absence of some plain indication of congressional intent. Since, as already explained, Congress rarely manifests its intent, the result is that the power of trial judges to impose consecutive sentences has been seriously circumscribed, even in cases involving brutal, serious offenses—see, for example, Smith against United States, decided on May 7, 1969 (D.C. Cir.), in which, though the defendants

assaulted their female victim with a curling iron and hammer and then threw her down a flight of stairs, the court refused to allow consecutive sentences to be imposed for convictions, under separate, independent provisions of law for assault with a dangerous weapon and assault with intent to kill. In other cases in which congressional intent was found not clear despite the offenses being defined in separate provisions, the court applied a so-called rule of lenity to resolve all ambiguities in favor of defendants and thereby prohibit consecutive sentences. *Ingram* v. *United States*, 353 F. 2d 872 (D.C. Cir. 1965); *Davenport* v. *United States*, 353 F. 2d 882 (D.C. Cir. 1965).

To obviate the need for the courts to flounder around searching for a legislative intent which is hardly ever expressed, my bill would clarify the legislative intent by codifying the long-established Supreme Court case law principle and permit a court, for offenses arising out of the same transaction, to impose consecutive sentences in its discretion when each offense requires proof of a fact which the other does not.

I hope these bills will receive expeditious attention and will be enacted into law.

This week, the House and Senate, in approving appropriations for the District of Columbia, included $150,000 to finance the Commission To Revise the District of Columbia Criminal Code. I am honored to have been appointed to this Commission, along with the distinguished gentleman from Texas (Mr. DOWDY), by the Speaker (Mr. MCCORMACK). I look forward to participating in the important work of this Commission now that it has at last been funded.

It is imperative that the Congress move with all deliberate speed in all areas of anticrime legislation.

I am optimistic that the House District of Columbia Committee, which has been laboring diligently for many months on anticrime legislation will bring to the floor early in the next session a broad spectrum omnibus crime bill to give added impetus to the war on crime in the Nation's Capital.

I hope that my colleagues in the House will give this legislation prompt and enthusiastic support.

ACCURATE PRESS COVERAGE ON THE NECESSITY FOR INVESTIGATION OF MYLAI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SIKES) is recognized for 30 minutes.

Mr. SIKES. Mr. Speaker, some American newspapers, and particularly some of the local press, have reached a new level of irresponsibility in their reporting of the Mylai tragedy and in their reporting of the actions of the Armed Services Committee of the House in trying to find the truth of that tragedy. Previously I have not spoken out on this issue. I have not taken and probably will not take any part in the investigation. But I must speak out when I see the press slandering a great committee and its chairman by alleging that the Armed Services Committee is going to cover up the Mylai case and that Chairman RIVERS has been pressured into burying the investigation.

The Washington Star on Saturday, December 13, in a front page story said that the Army had prevailed upon the House Armed Services Committee to call off its investigation of the Mylai massacre. The appointment of a special subcommittee under Representative F. EDWARD HÉBERT was described in another paper as "a graceful burial of the whole Mylai investigation."

The very unfair implication has been repeated that the Armed Services Committee is interested only in protecting the military and is attempting to cover up or whitewash the facts.

This is a grossly unjust attack on the reputation of this great committee.

The idea that the committee will cover up the Mylai story is a curious editorial conclusion, indeed, since it was only earlier this month the press disclosed that the Mylai matter was first brought to light by the actions of Chairman RIVERS of the Armed Services Committee. At that time, the papers quoted Representative UDALL, of Arizona, as saying that the Rivers intercession helped bring the case into public view.

Mr. HÉBERT has assured me that he will conduct a complete and thorough investigation of the Mylai incident and its implications as to the Army's command structure, and anyone who knows his great record as an investigator in the House can hardly doubt that he will succeed. There is not enough firepower in the whole U.S. Army to pressure F. EDWARD HÉBERT into burying a hearing or covering up the truth, and Chairman RIVERS knew that when he appointed Mr. HÉBERT to head this subcommittee.

It also requires a special pair of blinders to recent history to say that the Armed Services Committee under Chairman RIVERS is interested only in protecting the military leadership or covering up the facts.

Was it a coverup when the Armed Services Committee brilliantly exposed the shabby Army performance in the procurement of the M–16 rifle?

Was it a whitewash when the Armed Services Investigating Subcommittee conducted a searching probe and issued a searing report on the Army's "snafu" with the Sheridan tank?

Was it burying the facts when the committee exposed the Navy's errors in the sinking of the submarine *Guitarro?*

I could name many other cases where the Armed Services Committee through vigorous and forthright investigation has brought the services and the Department of Defense to task, bringing the truth to light and saving the taxpayers millions of dollars in the process. From its investigation of the *Pueblo* through its exposure of the fallacies in the Defense Department's cost reduction program and irregularities in the LOH helicopter program, the committee has established an unexcelled reputation for investigative excellence, and I cannot stand by and see that record besmirched or remain silent when grossly unfair charges are made against Chairman RIVERS, under whose leadership the record was made.

That distinguished record will be enhanced by the present investigation if the press will strive equally for accuracy and fairness. The confusion in some of the papers and the conflicting stories about this situation have been almost beyond belief.

I would point out to the Members of the House that the investigation by the Armed Services Committee is to date the only investigation of the Mylai situation not being conducted by an agency of the U.S. Army. There are many things that have been evaluated—including the Army's own capacity to investigate itself. It is right and proper for the Armed Services Committee of this House to conduct an inquiry. That investigation is only beginning. It will be a full and thorough investigation. It will be a long and detailed and arduous piece of work. And I think the American press owes it to the people and to those whose constitutional rights may be involved to avoid trying to make a three-ring circus of this investigation and to allow it to proceed with the dignity that so serious a problem deserves.

I think I can properly point to the fact that new information is beginning to reach the news columns which indicate the charges of a massacre at Mylai by American forces may have been grossly overexaggerated. The matter is now under detailed investigation and eventually the facts will be brought out. The case was first presented piecemeal and through random charges by individuals who are no longer in the service and it appears that some of them may have been prejudiced.

The essential facts are that Mylai has been a Communist center for years and that Vietcong living in and around the village have been a thorn in the side of American forces. It was decided to eliminate the village in order to get rid of the problem. There is no evidence that orders were ever issued to kill noncombatants. However, during the ensuing battle it appears that many noncombatants, including women and children, were killed. This, unfortunately, is a frequent occurrence in warfare in heavily populated areas, and it is not confined to Vietnam. Some of the Vietnamese probably were killed by ground forces as the village was overrun, but they were not necessarily killed intentionally. The majority may have been killed by bombs and artillery fire before the assault was begun by ground forces, although the attacks were timed to avoid such deaths. The incident is an extremely unfortunate one, and whatever part of it is true reflects no credit on American forces. However, it now appears there are two sides to the story. It is significant that such charges against U.S. forces are extremely rare. On the contrary, massacres are a usual procedure in Communist tactics but this unhappy situation does not seem to capture U.S. headlines. It is encouraging to note that friends of the U.S. armed services are fighting back and are attempting to insure that all of the facts are made known.

DEATH OF JOHN T. REARDON, OF WATERTOWN, CONN.

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. MONAGAN. Mr. Speaker, I am sorry to note the death of one of the outstanding citizens of the Waterbury metropolitan area and a warm personal friend of mine for many years, John T. Reardon of Watertown, Conn.

John Reardon lived a life of service. He gave himself completely and enthusiastically to his job as a teacher and to his voluntary work on behalf of the community of Watertown, the Waterbury area, and the State of Connecticut.

As head of the Taft School history department for 37 years, he was an inspiring and brilliant teacher through the years when the school had a preeminent place in secondary education in the Nation. As an active member of the Democratic Party, he was always willing to serve the community in important posts and his life of public service was eloquent proof of his belief that our democratic system requires active participation for its successful operation.

An active athlete when young, he played baseball with the late Joseph P. Kennedy, and it is interesting to note that the death of these two teammates at Boston Latin School came so close together.

In these days when our problems require the best efforts of our best men, Jack Reardon will be sorely missed. I grieve the loss of a true and constant friend.

The summary of Mr. Reardon's career, which appeared in the Hartford Courant of December 16, 1969, follows:

JOHN T. REARDON DIES; SERVED TAFT SCHOOL LONG

WATERTOWN.—John T. Reardon, 79, of 99 Nova Scotia Hill, retired head of the history department at Taft School from 1917 until 1954, died Sunday at Waterbury Hospital.

Mr. Reardon had long service on the Democratic Town Committee and for 15 years was a member of the Board of Education. He was president of the Watertown Golf Club and until Friday had been supervising plans for the club's expansion.

Three times Democratic candidate for the State Senate from the 32nd District, Mr. Reardon had been active in educational matters since his retirement from Taft.

He formed the Secondary School Society for International Cooperation and the Society for Educational Public Service.

He was a founder of the Connecticut Historical Association and was chairman of the Watertown Foundation scholarship committee and the Connecticut State Golf Association scholarship committee which has assisted 44 young men to attend college since 1954.

Born in Dorchester, Mass., Mr. Reardon lived 52 years in Watertown. He was graduated from Boston Latin School where he played baseball with the late Joseph P. Kennedy, and Dartmouth College, where he won the Tuck Fellowship for foreign study. After a year of graduate study at Yale, he took his masters at American Academy, Rome, Italy, where he won the Grand Prix de Rome.

He leaves his wife, Louise Brower Reardon of Watertown and a sister, Mrs. John Kenilley of Quincy, Mass.

The funeral will be today at St John's Church at 11 a.m. The Hickox Funeral Home, 195 Main St., is in charge of arrangements.

There will be no calling hours. Memorial contributions may be made to the Litchfield County University Club Scholarship fund.

GENERAL LEAVE TO EXTEND

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks after my own on the subject on which I have spoken, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ADMINISTRATION MAKES SERIOUS ERROR IN ATTEMPTING TO DISMISS MORGENTHAU

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, yesterday the White House announced that it planned to dismiss Robert Morgenthau as U.S. attorney for the southern district of New York.

Mr. Speaker, I am greatly distressed by this announcement. It is ill-timed and there is simply no reason for this action against such a great American and such an outstanding public official.

Mr. Speaker, today I issued a release criticizing the administration's action, particularly as it relates to our hearings on the secret foreign bank accounts.

Mr. Speaker, I place in the RECORD a copy of this release:

WASHINGTON, D.C., December 18.—Chairman Wright Patman today charged that President Nixon's attempted dismissal of United States Attorney Robert Morgenthau is a serious blow to the House Banking and Currency Committee's efforts to control the use of secret foreign bank accounts by criminal elements in this country.

"At the time of the White House's announcement, the Administration was surely aware that the Banking and Currency Committee is working closely with Mr. Morgenthau on hearings on legislation involving the secret accounts in foreign financial institutions," Mr. Patman said. It is incredible that the Administration would seek to dismiss Mr. Morgenthau under these circumstances."

Mr. Patman said that the move against Mr. Morgenthau "casts great doubt on the Administration's determination to fight organized crime."

"Mr. Morgenthau's record as a prosecutor and an investigator is unparalleled in the history of law enforcement and it is indeed sad that the Administration is seeking to remove such an outstanding public servant," the Texas Democrat said. "His work has been invaluable to the Banking and Currency Committee in its investigation of the secret numbered accounts."

Mr. Patman said that the Administration, after initially cooperating with the Banking and Currency Committee, has apparently turned its back on the problems of the secret foreign accounts. He said the Committee staff had consulted with Administration officials at all levels in an attempt to reach agreement on a legislative package which would control the use of secret foreign bank accounts by United States citizens for illegal purposes.

"Now the Administration has gone so far as to attempt to silence the U.S. Attorney most responsible for uncovering these illegal activities," Mr. Patman said.

Mr. Patman noted that the Treasury Department has reversed its previous assurances of support for the legislation and that the comments of other agencies of the Executive Branch have been suppressed and censored.

VIOLENCE, EXTORTION, AND BRIBERY—LIBERALS CANNOT WHITEWASH THEIR MISTAKES

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the apologists for the incompetents in our society continue to blame all of the ills of poverty on the citizens who are supporting their families, all of the evils of crime and violence on the law-abiding and decent people of the country, and while loudly proclaiming their doctrine of absolute equality, just as loudly insist that a Negro child cannot learn if his schoolmate is another Negro, but only if he is seated next to a white child.

The Americans who are paying the bills for all of this kind of foolishness are awakening to the facts of life, and recognize that a number of the pitiful poverty-stricken are poverty-stricken simply because they feel they are too good to work, and would far rather spend the money given to them for wine than for food and clothing.

Americans are tired of the same sorry excuse that there is crime because of "conditions"—and that to relieve the crime waves, we should amend the criminal laws to make them more "relevant" to the times. For example, it is actually urged that the increase in the crime—I repeat, crime—of possession and use of marihuana, can be solved simply by repealing the criminal laws on the subject. This is tantamount to solving the terrible problem of crimes of violence in the District of Columbia by a quick repeal of the laws against armed robbery, kidnaping, and rape, or to solve the population explosion by just quit counting.

Taxpayers are sick and tired of contributing their own hard-earned money to feather the nests of the unproductive—let alone the destructive—portion of our population. The grant of more than $28 million of the taxes paid by honest Americans for the repair and reconstruction of the areas of the Nation's Capital burnt out in 1968 by the criminal element, the welfare hangers-on, and the looters and rioters, who go totally unpunished, is something that the people of my district are thoroughly disgusted about.

The necessity to triple the White House Police force for the protection of foreign embassies here in our Nation's Capital is a national disgrace in itself and points out that the present approach to crime has but encouraged more of the same.

The serious consideration of winter daylight saving time for Washington, because it is unsafe for female employees to return to their homes once the sun has set, would be unbelievable only a few years ago.

But the truth of the matter is that enforced equality always levels down, not up. And a further truth is that when blackmail and extortion are found to be profitable, criminals will continue to pursue that path rather than work.

Finally, in a related vein, the leftists and so-called liberals who have destroyed the Nation's Capital in less than 20 years, by making it a subsidized sanctuary for the unfit and the criminals—driving decent citizens to the suburbs—are now promoting the same thing for all of our cities, and to the balance of the countryside as well.

All the violence commissions and Kerner reports in the world—prepared by the liberals to confuse most Americans—will not prevent parents from doing what they know is necessary to safeguard the health and welfare of their children.

A case in point, and one for which the people of this country will no longer stand, is the murder of a 14-year-old Chicago schoolgirl, resisting an assault by Negroes on a moving bus.

The liberal-left are finding that verbose reports can no longer explain away their failures. When are they going to admit to their responsibility for the violence and lawlessness rampant in our country?

I include the following pertinent newsclippings in my remarks:

[From the Washington (D.C. Post, Dec. 14, 1969]

$28.1 MILLION GRANTED FOR AREAS IN RIOT

(By Anne Hebald)

Washington will receive an additional $28.1 million from the federal government to rebuild three of the city's corridors damaged in the April, 1968, riots.

Secretary of the Department of Housing and Urban Development George W. Romney announced the grant yesterday at groundbreaking ceremonies for the city's first apartment project that relies on a federal subsidy of mortgage interest rates to reduce rents.

The 108-unit building, on 7th Street NW between R and S Streets, will be the first low and moderate income housing to be built in any of the capital's riot-damaged corridors.

The $28.1 million grant, which Romney said was approved Friday, brings to a total of $57.8 million the amount allocated to Washington for urban redevelopment this year.

Earlier this year, HUD approved $29.7 million for the rebuilding of downtown Washington and the Shaw area.

The announcement took the crowd by surprise. After a moment of stunned shock, smiles broke out throughout the gathering.

Mayor Walter E. Washington was asked, after the ceremony, how he felt about the news of the additional $28.1 million. He beamed and said, "It's great, it's just great."

The estimated damages to real property in April 1968 were $4,257,216 in Shaw, $1,799,326 in the H Street NE. corridor and $6,647,119 on 14th Street NW.

Romney told an enthusiastic crowd of about 200 community residents that the new grant would be divided between the Shaw, H Street and 14th Street NE. corridors:

$4.2 million in Shaw.

$9.8 million in H Street.

$14.1 in 14th Street.

In Shaw, the approved plans for renewal cover 650 acres on which 15 sites have been chosen for new buildings. About 900 residential units are planned, as well as a new junior high school and public library.

Eight city blocks, which had been damaged but not demolished, are marked for rehabilitation. These blocks contain an estimated 850 dwelling units.

On H Street, about 280 acres will be included in the redevelopment area. Five new sites will be used for slightly more than 500 residential units.

The new construction is planned on lots now vacant and to replace buildings damaged in 1968. Two blocks containing about 200 existing but rundown residential units will be improved.

In the 14th Street N.W. corridor, the area most seriously damaged by the riots, which followed the assassination of Dr. Martin Luther King Jr., about 340 acres will be affected by renewal projects.

Bounded by Florida Avenue on the south, Spring Road on the north, 11th Street on the east and 15th and 16th Streets on the west, the first proposals call for building on 16 sites that would create between 800 and 1,000 new dwelling units.

COMMERCIAL SITES

In the 14th Street corridor, five commercial sites are envisioned: three near the intersection of 14th Street and Park Road, where a major community center has been proposed, and two at 14th and Belmont Road.

Four blocks in this corridor are marked for rehabilitation of existing buildings. These include about 850 residential units.

The three corridor rehabilitation plans are currently at three different stages of planning. The Shaw plan, which includes the site of yesterday's groundbreaking, has been formally approved by HUD.

The H Street plan will receive final HUD approval within the next week to ten days, Romney announced yesterday.

The 14th Street plan, however, has not yet been approved by the city. But it is assured of federal support once the District government submits a formal application, Romney said. A special meeting of the City Council is scheduled for Wednesday and adoption of the 14th Street plan is on the agenda.

As he stood bare-headed in the cold noontime sun, Romney said in his address, "Ordinarily it takes two years to go from RLA (the Redevelopment Land Agency) to groundbreaking. In this (Shaw) project," he said, "it's taken nine months and that's pretty good bureaucratic speed."

Romney recalled the day, last Jan. 31, when President Nixon, Mayor Washington and he visited damaged parts of 7th Street N.W. Following his tour of the riot-torn Shaw neighborhood, the President ordered, on April 8, a "new priority on rebuilding the riot-scarred neighborhood of America's major cities."

Two hundred million dollars was then promised for rebuilding the nation's cities.

[From the Evening Star, Dec. 13, 1969]

PRESIDENT ASKS FUNDS FOR EMBASSY POLICE UNIT

President Nixon has asked Congress to provide a $4.75 million supplemental appropriation for the 1970 fiscal year to finance an adequate federal police force for protection of foreign diplomatic missions.

The appropriation would be contingent upon the passage of a bill authorizing the Executive Protective Service, which would be essentially an expansion of the White House police force.

The augmented force would protect foreign diplomatic missions as well as the White House.

The protection of foreign diplomatic missions will be under the direction of former Metropolitan Police Department Chief John B. Layton. The 33-year veteran of the police force resigned in May to accept a job as special assistant to the U.S. chief of protocol.

In a letter yesterday to the Senate, Nixon said such legislation is necessary because of "the inordinate number of complaints relating to crimes and disturbances directed against foreign missions and their personnel."

He said the responsibility for protecting foreign diplomatic missions—"a recognized obligation of a host government"—rightly belongs to the federal government.

In an accompanying letter, Budget Director Robert P. Mayo said the Metropolitan Police Department now provides protection for foreign diplomatic missions in Washington on an "actual need" basis. But he added that the local police department, "because of the many other demands being placed upon it, is finding itself unable to provide fully the protection required."

The new executive protective service would have as its nucleus the 274 members of the White House police. The proposed supplemental appropriation would finance the addition of 300 police officers during the remainder of this fiscal year and 95 Secret Service personnel.

For the 1971 fiscal year starting next July 1, the administration plan calls for an additional 214 police officers—making a total of 514 more than the present White House police force.

Statistics released yesterday by the Federal Bureau of Investigation point up the crime problem in the District. They show that crime in the District during the first nine months of this year increased more than 25 percent over the corresponding period last year.

Homicides in the District jumped 56 percent, according to the FBI figures, which also show an increase in forcible rapes, robberies, aggravated assaults, burglaries, and larcenies involving $50 or more.

[From the Evening Star, Dec. 17, 1969]

IMPACT ON CRIME DEBATED—DAYLIGHT SAVING IN WINTER?

(By William Delaney)

On a darkened downtown sidewalk at 5:20 p.m., Mary Green anxiously scans the 12th Street traffic, hoping to see her husband's car.

"I just don't like going home in the dark," she says, shaking her head. "I think it's quite dangerous for most females."

Mrs. Green, a collector for Central Charge Service, is glad she had a direct ride home from work. If she took the bus, she'd have to walk three blocks from a 14th Street stop to her home on Missouri Avenue NW—past an area where she says a rape occurred in the early evening darkness last winter.

But, like most office workers in America's crime plagued cities, Mrs. Green has no choice but to go home in the dark during these midwinter evenings, when the sun sets before 5 p.m.

She hopes America will adopt daylight saving time in the winter, too.

She would "feel better," she says, if tonight's sunset came an hour later, at 5:48, with twilight lingering 15 or 20 minutes longer.

Mary Green's hope seems to be shared by a big majority of downtown Washington pedestrians,both women and men, according to a random survey conducted during a recent evening rush hour.

DISCUSSED AT WORK

"They all talk about it," said Dorothy Page, referring to her colleagues at the Food and Drug Administration.

Miss Page, an FDA science aide whose home on Luzon Street NW is two blocks from her bus stop, is a firm advocate of winter daylight time. "As long as I have to walk those two blocks in the darkness," she said, "I'd rather do it in the morning."

The reason such a proposal hasn't surfaced as a major public topic is understandable to District Police Chief Jerry V. Wilson.

Outside the nation's urban areas Wilson notes, "daylight time is politically unpopular" with many Americans, even on the April-to-October basis prescribed by the Uniform Time Act of 1966.

Farmers and other outdoor workers generally don't like it, because it keeps them at their jobs until late in the summer evenings.

WOULD "FEEL SAFER"

Most of the Washington area residents questioned by The Star based their support of winter daylight time on the reason cited by Mrs. Green. People would "feel safer," they said, if they didn't have to be on the streets after dark.

But some offered other reasons for favoring the change.

C. C. Segors of Hyattsville, a Post Office Department worker, argued that "it would speed up traffic" in the evenings, when the rush-hour flow seems less staggered than in the mornings.

A few of those polled, like Chesapeake & Potomac Telephone employee Nancy Stacy of Arlington, simply want to see an end to the confusion about which way to turn the clocks each spring and fall.

For these reasons, and to smooth the time difference with Continental Europe, Great Britain is now in the second winter of a three-year experiment with year-round daylight time.

A LITTLE MORE SUN

Interestingly, this gives Londoners a few more minutes of evening sun than Washingtonians now have, though London is 782 miles closer to the arctic and thus has an hour and a half less of winter daylight.

In Congress, the House Interstate and Foreign Commerce Committee has a handful of time-change bills, most of them from Midwestern congressmen who want to whittle down the present half year of daylight time to only the midsummer months.

One bill—H.R. 7587—proposes year-round daylight time. Introduced in February by Republican Craig Hosmer in behalf of his sun-loving California constituents, it is a poor bet to make it out of committee.

POLICE SKEPTICAL

Several top District police officials say they doubt whether pushing daylight an hour later would have any significant effect on either crime or traffic problems. Some, however, wouldn't mind seeing the idea tried, if only to make citizens feel a little more secure.

Chief Wilson, who says he can't recall hearing any discussion of the proposal, points out that winter daylight time might simply transfer the problems of darkness to the morning rush hour.

Capt. Ralph Stines, head of the Robbery Squad, thinks it's worth a try.

"The thieves just wait for the dark," he says, and police statistics tend to bear him out.

Last December, for example, robberies rose from a level of 90 an hour at 5 p.m. to a daily peak of 166 by 6 p.m.

In July, the evening surge started at 8 o'clock and peaked by 10, while in October the graph goes up between 7 and 8.

"DOUBLE DAYLIGHT"

William Katzenstein, who heads the police department's Operational Planning Division, thinks one benefit of pushing back the darkness might be to make police saturation patrols easier, by concentrating robberies in a shorter period.

"Personally," he says, "My ideal would be daylight saving time in the summer and an additional hour—double daylight—in the winter."

OBJECTIONS DISCOUNTED

The British experiment with year-round daylight time has been blamed for some loss of productivity in the construction industry, according to a spokesman for the British Embassy here. But over-all, he says, the objections to the changeover "weren't as great as had been anticipated."

The questions of it and when America will ever make such a changeover were perhaps best answered by Sandra Hagen of the D.C. Congress of Parents and Teachers, who said her organization would probably favor year-round daylight time if the idea ever came up for formal discussion.

"I think the reason people don't discuss it," she said, "is that they feel uneasy tampering with time."

[From the Washington Daily News, Dec. 18, 1969]

THE NIGHTMARE OF D.C. SCHOOLS

(By Richard Starnes)

Enter the dirty, tombstone-colored building and you walk into a nightmare world where an aura of diffuse terror falls into step beside you.

There is a sound in the air that bespeaks Kafka's madhouse, a subdued keening, a wordless language that murmurs violence, despair, savagery and dread. The sound is an overture to hysteria, an obbligato written for the destruction of a society.

There are warders wherever you look, but it isn't a prison. There is the unmistakable stink of lunacy on the place, but it is not an asylum. Where you are is a public school. It might be any one of a hundred in Washington (or, perhaps, in any other American ghetto, circa 1969).

It may be unfair to single out one school, for its most awful crime is that it is fairly typical. This one happens to be Shaw Junior High, and it is a monument to an unprecedented epoch of murder, rape, extortion and fear that has all but destroyed the public school system in the nation's capital.

IN RIOT AREA

Shaw sits in the middle of Washington's "charcoal alley"—the central ghetto that was burned and pillaged in the riots of April, 1968. Because it is so typical of the disaster that has overtaken the public schools here it is worth a closer look. But it is a look that should be taken within this perspective:

The District of Columbia school system, in the words of its acting superintendent, has been "seriously crippled" by vandalism and thefts, security of children has reached "a horrible point," classroom intruders have posed a "severe" threat to education.

At Cardozo High School, 13th and Clifton streets nw, two to three purse snatchings occur in the school cafeteria every day, despite the fact that a policeman is on duty during school hours. Last winter at Cardozo an assistant principal was shot and killed by youths who robbed the school bank.

At Hart Junior High, 601 Mississippi-av se, the score since school opened in September is two burglaries, one safe cracking, 20 assaults, an equal number of cases of extortion, more than a score of lockers looted, and an undetermined amount of teaching equipment stolen or vandalized.

An epidemic of robbery, beating and extortion has created a reign of terror for children attending public schools in the area of Bolling Air Force Base and the U.S. Naval Station in southeast Washington. Mrs. Gladys Ford, president of the Military Parents Association, told authorities that career service men were quitting the military rather than expose their children to the jungle atmosphere. "Our children are being robbed and beaten every day," she said.

On the first day of school a Paul Junior High teacher was knocked unconscious. It was the third such episode in less than a year, and teachers threatened a march on the Capitol to demand protection.

In the Anacostia (far southeast) area of the city one girl was put on tranquilizers after young thugs tore off her shirtwaist and bra during a robbery.

Early this week at Anacostia High School (scene of a shootout with .45s last year) a pupil was shot and critically wounded in a washroom.

A class at Monroe Elementary School (725 Columbia road nw) was held at gunpoint just after the start of the current school year and a teacher's purse was looted of the $2 it contained.

A teacher at McFarland Junior High School (Iowa-av and Webster-st nw) told a Congressional inquiry two months ago that he spent most of his time as a jailer, cop and disciplinarian. Three weeks after school started this fall he was beaten up by five drunken youths who invaded his classroom and began over-turning desks. A policeman advised him to ". . . get yourself a club" if it happened again.

Since much of the violence comes from dropouts and truants most school officials try to restrict access to the school to pupils who are actually attending classes. This has led to the chaining and padlocking of all but one or two exits in a number of schools, a clear violation of the law that has alarmed Fire Department officials. Altho fire marshals have made representations to principals of the schools involved the practice has not stopped.

BLACKBOARD JUNGLE

A durable—almost heroic—first witness to this nightmare is Percy Ellis, principal of Shaw Junior High, a Negro who goes everywhere in his seedy old school at a dead run, who takes cheerless pride in telling it like it is, and who might make a fruitful source for some latter-day Gibbon recording the decline and fall of the American civilization. Mr. Ellis has a round, smooth face that mirrors tragedy, elation, moody reflection and ominous forboding with the quick fluency of a performer schooled in Chinese drama.

With the quick hands of a welterweight, Mr. Ellis intercepts a skinny black child who is sidling along a corridor.

"What are you doing with those rubber bands on your wrist?" he demands. "Take them off. Throw them in the waste basket."

With the expertise of an old cop he frisks the child, and then tells him to return to his home room. When the child is gone Mr. Ellis answers a question posed by a visitor naive in the ways of the blackboard jungle.

HALLWALKER

"Why did I take the rubber bands? Because I have two good eyes and I want to keep them. These hallwalkers use rubber bands as slingshots, and their ammunition is staples. We haven't had any eyes put out yet, and I'd like to keep it that way."

Another question elicits the information that a "hallwalker" is a youth—truant or dropout—who invades the school but does not attend classes.

In Mr. Ellis' office a tray of untouched lunch, a wilted sandwich and a sagging piece of cherry pie, bears additional witness that the principal of a District of Columbia public school has no more time for lunch than the master of a burning passenger vessel would.

But all this is prologue. The real message of archetypal Shaw is the ominous shadow of the future that it casts.

"Something happened six months ago," Mr. Ellis tells his visitor. "It became different, much more difficult, almost unmanagable." Three veteran women teachers have come to the principal's office now—women like those for whom the word "dedicated" first was coined—and in deference to them Mr. Ellis takes rare recourse to euphemism. "Since school started I've been called s.o.b. and m.f. more times than in all my 21 years in the schools before. They stop you in the halls and want to fight you. And it is going to get worse. Something is happening."

VOLATILE

One of the teachers, bright, articulate and (curiously, like so many others in the front line of Washington's school system) a chain smoker, takes up the dreadful hard kernel of the story.

"There is something unusually volatile about Shaw," she muses. "So often we have been the first wave of whatever is going to happen. Ten years ago it was gangs, and every boy wore the uniform jacket of his gang or club. Then, long before it began to happen elsewhere, the gangs disappeared at Shaw. After that, say two years ago, we began having fires . . ." The sentence hangs unfinished in the air, while everyone in the room is reminded that 20-odd months ago the riot fires consumed a great deal of the ghetto area around Shaw. "And now . . ." Again she lets her listeners complete the sentence themselves.

* * * be more than 25 per cent. Almost everyone agrees that one cause is a creaking, time-encrusted bureaucracy that is unable to deal with the explosive problems that confront it. While Congress, the city's perennial scapegoat, is not wholly blameless, a good case can be made that the bulk of the blame lies elsewhere.

Sen. William Proxmire, D-Wis., a member of the Appropriations Committee considering the school system's $185 million annual budget, recently offered figures to show that Washington was "right on top" in per capita expenditure per pupil. At $982 per year, according to Sen. Proxmire, the nation's capital compares favorably with Cleveland's $800, Boston's $885 and Atlanta's $772.

"HISTORY OF NEGLECT"

Benjamin J. Henley, the city's acting superintendent of schools (another worn-out chain smoker) is quick to admit the manifest ailments that afflict the schools, and cities "a long history of neglect" to explain them.

"We have urgent needs in employment, housing, education and health," he told a recent visitor to his top floor office in one of Washington's newest high rise buildings. "In the far southeast overcrowding is almost unbelievable. We need staff development—all of us need re-training."

Why the terribly physical toll on school buildings? Why more than $200,000 worth of broken windows in the schools every year?

"The schools represent the power structure," Mr. Henley replies slowly. "The schools are an agency to which people turned with hope, and it has not done what was hoped for. If we could handle the materials that are needed quickly enough, if we had a mechanism that really made teachers think that their feelings were being taken into account, if we could respond quickly to critical situations, morale could be helped measurably."

Now Shaw is a place of aimless violence, where hallwalkers sow terror, where burly assistant principals stand guard at doors and stairways, where little children are drilled in the safest method of reacting to extortion.

EXHAUSTION

Like chain smoking, exhaustion is another hallmark of the people who are trying to keep Washington's public schools from slipping the last inch into the inferno. At 5 p.m. it is dark outside, and the lurking shadows in the hallways contain a malignant promise that is enough to raise the hair on a veteran of Vietnam, Watts and other way-stations in our hard hat society. But Percy Ellis is still at it, explaining, preaching, like some despairing ancient mariner unwilling to miss an opportunity to tell a man from the other side what is happening here, where it is at.

"The (Teachers') union is responsible for a lot of this," he says. "This isn't a 9 to 5 job here. It takes dedication. Like those three great ladies who were here earlier. But we aren't getting that kind any more, we're getting a new breed. They won't take hall duty, which is the only thing that keeps us alive here. They won't offer that extra effort that is a minimum requirement here.

"We are trying to hold back disaster, and with them everything is a grievance. Two or three a week. Children in Shaw need self-respect, for example, and we know that a child's opinion of himself, his morale, is conditioned by his appearance. Until two or three months ago we had a necktie rule here; it was difficult to enforce, yes, but it was a valuable thing. But they made a grievance out of it, and we got orders from the superintendent's office to stop it. Things have gotten worse since."

RACIAL IMBALANCE

Not everyone who was interviewed during a week-long survey of the beleaguered Washington schools agreed that the Washington Teachers Union (WTU) was a major factor in the coming collapse of the system. But most agreed with Mr. Ellis about a number of other elements in the gathering disaster.

From a number of different vantage points, everyone alludes to the fact that integration has been a failure in Washington. The schools here are between 93 and 94 per cent black. Even busing, which is done to a limited extent, cannot redress the imbalance. Some experts (among them the voluble Percy Ellis) vow that no improvement can be expected until whites are somehow encouraged to return to the city. Others insist the problem is not one of race, but of poverty, and point to an unemployment rate among ghetto youths.

IMPROVE READING

Mr. Henley sighs ponderously and lights another cigaret. "If I could have one wish I would have every teacher given the skills needed to improve reading in our schools. We would reduce dropouts. We would convince the community that we are doing what we are supposed to be doing."

In spite of the bubbling of the volcano beneath him, Henley says he is convinced things are getting a little better. "Student unrest is lessening," he insists. "We've been thru two moratoriums this fall with no problems. We have had a championship football game without incident."

Not unexpectedly the Washington Teachers Union takes a somewhat different attitude toward the convulsion that has beset the school system. WTU President William Simons cautiously concedes "Yes, there is a problem. But nevertheless a learning program is going on for many children. The problem that does exist is a shortage of classroom facilities, too-large classes. The average is 35, it should be 25, and 20 for the very early grades."

(But again Shaw's tough-minded Percy Ellis: "Teacher-student ratios are meaningless. We have 1,300 enrolled in Shaw, and on an average day 20 per cent will be absent. Some classes might show as many as 45 on the books, but you visit the room and you'll find eight or 10 actually attending.")

DISCIPLINE

WTU defends its intervention in the great necktie dispute, calling a dress code "absolutely unnecessary." But it turns out that during contract negotiations for Washington's 8,000 teachers (of whom about half belong to WTU) the union opposed a dress code for teachers. "We could hardly oppose it for teachers and accept it for the children," a union spokesman said.

The next witness, is the Proxmire committee. "Whatever the problems of the District school system," a recent committee paper said, "the committee suggests that they are perhaps not wholly related to the present level of resources being committed to it.

"The children of the District of Columbia are entitled to better educational advantages than they are receiving. The schools have both the personnel and financial means to mold a system of public education second to none."

And at the locked and guarded door of Shaw, a final word from Principal Ellis:

"Discipline has vanished from the homes and from the schools. It is in fact now impossible to fire or transfer a teacher. And nothing can be accomplished without discipline. Above all else, we need discipline, discipline, discipline."

[From the Chicago Tribune, Dec. 6, 1969]

GIRL PUSHED TO DEATH FROM A MOVING BUS

Linda Cicero, 14, a sophomore at Siena High school, was pushed to her death from a moving bus at 3737 Chicago av. yesterday, apparently when two girls tried to rob her.

Witnesses said Linda, who lived at 3811 Division st., was shoved out of the exit door toward the rear of the Chicago transit authority bus. They said she was struggling with two Negro girls who had demanded that she give them money.

Maxwell street homicide detectives were questioning witnesses.

The driver of the bus, Alvin E. Johnsey, 28, of 737 N. Central av., said he saw in his rear view mirror as Linda fell out and the rear wheels of the bus ran over her. He pulled the bus to the curb immediately. The two Negro girls fled when the bus stopped.

The exit door had been opened by someone who pulled the emergency knob.

[From the Washington Daily News, Dec. 17, 1969]

VIOLENCE COMMISSION RAPPED

(By Samuel J. Taranto)

So who elected the ultra-liberals who make up the so called "Violence Commission." They have recently made the ridiculous request that Americans spend billions and billions of dollars to solve domestic problems after the Vietnam War because, for some reason, that is supposed to solve our problems and "allegedly" keep people from committing violent acts.

This reminds me of another ultra-liberal Commission known as the "Kerner Commission" which claimed the reason for urban riots was white racism.

It is an established fact that poor people are not committing the violent crimes in America, or anywhere for that matter. This old cliche is worn out and won't work anymore because we're not going to be fooled by this leftist propaganda.

You couldn't consider the assassins of the Kennedy brothers in a state of poverty. You couldn't consider the aircraft hijackers a bunch of "poverty stricken" people. Those hard-core militants who started urban riots are not from poor black families.

And observe the chaotic conditions on university campuses. Those are "white" revolutionaries from upper class families. In fact, most of the radical revolutionaries from the far left are from the high class and wealthy families. Many are sons and daughters of millionaires.

While President Nixon rode in the inaugural parade last January, "violent" type revolutionaries threw things at the President's car, obviously aiming to injure the President. Certainly they were not from poor families. They were, in fact, mostly students.

We accept the fact that the Mafia and the Cosa Nostra are violent organizations. Does the "Violence Commission" feel we should spend billions on the Mafia, so that they will allegedly "mellow?"

You can't expect to solve crime and violence by "bribing" and paying off criminals and crackpots. That is what the Violence Commission practically advocates. As a man from a "poor" background, I totally disagree with much of the philosophical thinking of

the Violence Commission. Let them come out here among the average people and see exactly what causes violence. They won't find the answer in their cozy offices. Besides all that, they are elected.

[From the Sunday Star, Dec. 14, 1969]

THE VIOLENCE REPORT: A DARK CONCLUSION

(By William Delaney)

"Tonight, our nation faces, once again, the consequences of lawlessness, hatred and unreason in its midst . . ."

Lyndon Johnson looked into the television cameras at the White House and spoke as a man who had seen too much.

At that moment, Robert Kennedy lay dying in Los Angeles, dying the same violent death that had thrust Johnson into the presidency five years earlier in Dallas.

Johnson had seen that first Kennedy assassination, seen the pictures of the later Oswald and King assassinations, seen his own capital engulfed like scores of other American cities in defiant, race-proud flames of hate, consumed daily by a smoldering, colorless fear of armed bandits in the night. This was the civilization that he presided over, that sent him more than 1,000 death-threat letters a month, that dared him to set foot in the citadels of academic freedom, that kept him from announcing his visits to other than military bases.

And so that night before the cameras, sickened, angered and deeply perplexed, the beseiged President did the only thing he could do: he appealed for calm and reason.

Then he went one step further. He told the people he was forming yet another presidential study commission—this time, "to learn why we inflict such suffering on ourselves and, I hope and pray, how to stop it."

Thus was born the National Commission on the Causes and Prevention of Violence.

* * * * *

Last Wednesday evening, as sheets of rain washed the streets of Richard Nixon's capital, Lyndon Johnson's 13 sages officially ceased their $1.6-million probe into the darker side of American life.

And what they found, this generally moderate-to-conservative group of legislators and leading professionals, is very dark indeed.

So dark that the commission, in its 338-page final report to Nixon, proclaimed the current lack of domestic peace and justice a "graver" threat to the nation's survival than any external threats, serious as those may be.

In a conclusion reminiscent of those of the 1965 presidential Crime Commission and the 1967 Kerner Commission on racial disorders, the Violence Commission called for a reordering of national priorities to combat the internal threat, with a $20-billion-a-year increase in "general welfare" spending when the Vietnam war is over.

Drawing on some 10,000 pages of published research by its seven task forces and five investigatory study teams, the commission specifically said:

America has always been a relatively violent nation. "Considering the tumultous historical forces that have shaped the United States, it would be astonishing were it otherwise."

Today America clearly leads the world's advanced nations in both violent crimes and group violence, ranks among the highest in actual and attempted assassinations.

The nation is more vulnerable to violence today than ever before, largely because of haphazard urbanization, racial discrimination and a "dislocation of human identity created by an affluent society."

To combat violence, a twin approach is needed: redress of legitimate social ills and grievances, and vast reforms in America's underfinanced, uncoordinated police courts-corrections system.

One commission member summed it up succinctly: "It's comforting to reach the moon, but it's more comforting to be able to shop around the corner without a police escort."

And with that, the Violence Commission rested its case with the people.

* * * * *

What the commission said, and how it said it, was largely the doing of two men.

The first, of course, was Johnson, who assembled what he felt was a cross-section of thoughtful Americans to serve on the panel, and charged them with a task that "may be beyond the frontiers of human knowledge."

The second was the man Johnson picked as chairman, Dr. Milton S. Eisenhower, president emeritus of Johns Hopkins University.

Blessed with his brother's famous, guileless smile, a political centrist of unquestionable personal and intellectual character, he proved to be the key arbiter and tone-setter during the commission's 50 meetings, according to knowledgeable sources.

The choice of Eisenhower also was fortuitous in an ironic way.

With Nixon's election, the Eisenhower commission was assured of respectful attention from Johnson's successor, at the very least.

As for the commission membership, it appeared to be on the moderate-to-conservative side, hardly the sort of group an outsider would expect to recommend, as it did unanimously, a post-war reversal of the defense-domestic spending ration and reduced penalties for marijuana possession.

"When we were appointed," a key commission figure recalls, "the liberal reaction was at best unfriendly. It was expected that we would serve as a whitewash."

As the commission began probing the many-facets of violence, five members generally emerged as a conservative bloc: longshoreman-philosopher Eric Hoffer, Sen. Roman Hruska, R-Neb., Rep. Hale Boggs, D-La., Chief Judge Ernest W. McFarland of the Arizona Supreme Court, and Houston lawyer Leon Jaworski.

The liberal core consisted of Sen. (blank); Dr. W. Walter Menninger of Kansas, a psychiatrist at the famous Menninger clinic; U.S. District Judge A. Leon Higginbotham of Philadelphia, vice chairman of the commission, and lawyer Patricia Roberts Harris, Johnson's former ambassador to Luxembourg. Higginbotham and Mrs. Harris were the panel's two Negro members.

The others, according to insiders, were less predictable: Terrence Cardinal Cooke, Catholic archbishop of New York; Chicago lawyer Albert F. Jenner Jr. and Rep. (blank), the latter a Kerner Commission veteran.

* * * * *

The whole labor initially was given a legal lifespan of one year, but Johnson, naturally, preferred to see the final commission report on his desk before he left the White House last Jan. 20.

Under this pressure to dissect a topic of almost boundless limits, the commission an its executive director, Washington attorney Lloyd Cutler, began whittling "violence" int seven task force topics—its history in A- ica, its role in protests, its relationship to firearms, etc. A scholarly expert was assigned to direct each.

The same plan was followed with later special investigative reports into specific turbulent events, the most celebrated being the Walker Report on the 1968 Democratic National Convention disorders in Chicago.

"It was decided," said a commission spokesman, "that whatever they wrote, we would publish, making only consentual changes. This way, the scholars' work wouldn't end up on a shelf the way a lot of the Kerner Commission material did."

It also was decided that all these research studies, as well as the commission's own conclusions on various aspects of violence, would be made public as soon as they were completed.

"If we presented it all at once," the spokesman explained, "it would be a one-day sensation, like the Kerner report. Too much for the press and the public to digest."

* * * * *

By fall of last year, the commission was in high gear in its starkly modern Federal Office Building No. 7 headquarters behind Blair House.

As the 50 staff members and task force leaders pressed more than 500 consultants for reports, commission members themselves staged public hearings two days a week for nine weeks, taking testimony from FBI director J. Edgar Hoover, SDS founder Tom Hayden, Yale president Kingman Brewster Jr., Black Panther founder Huey Newton (via tape recorder) and some 150 others ranging from network presidents to criminologists.

* * * * *

It was the eye-opening impact of those hearings, in addition to Eisenhower's leadership, that contributed most to the commission's judiciously open approach to later policy statements, according to an informed source.

On only two statements were the commissioners less than unanimous.

A bare 7–6 majority opposed non-violent civil disobedience as a tactic of dissent, fearing that it may lead to anarchy.

And four of the conservatives dissented mildly, backing state controls only, when the panel urged a federal system of handgun licensing designed to remove more than 90 percent of the privately held handguns in the nation.

Along with the Walker Report and its "police riot" key phrase, the gun recommendation generated by far the commission's heaviest feedback from citizens. Eisenhower called the gun letters "the most vitriolic" he'd ever received.

* * * * *

Two of the staff reports—Walker's and the Skolnick report on "The Politics of Protest"—also tested the commission's aim not to tamper with the scholars' research products. But both reports, including Skolnick's "myth of peaceful progress" theory, were released without comment.

Still, mused one source half-jokingly, "After the Walker Report, I think Johnson may have come to regret the commission."

* * * * *

Hard as the commission pushed the reports, Johnson left office with only a preliminary sketch of the commission's work.

Even with a six-month extension granted by Nixon last spring, after Eisenhower's illness during his brother's funeral here, the panel's full-steam drive to complete its work went down to the wire last week.

And there are still three reports to be published in the next two months.

* * * * *

What, then, of the commission's legacy? What will result from its work?

In a gloomy statement last week, vice chairman Higginbotham called for a "national moratorium" on presidential study commissions in such fields as race, crime, poverty and the urban crisis. The landscape, he said is "littered with the unimplemented recommendations of so many previous commissions."

Regardless of whether its recommendations are followed, a commission staff leader is confident that it has already had an impact on American life.

First, it is providing massive new resource data in such fields as firearms use, worldwide assassinations, and violence in American history.

Second, "We've literally launched hun-

dreds of people doing papers and books" in a previously barren academic field. "That may be the most important thing we do."

Finally, he credits commission recommendations with blocking a bill last summer to punish students in campus disorders, with contributing to more subdued police handling of radical crowds this year (in reaction to the Walker Report), and with toning down the level of violence in this fall's network television programming.

"I don't think you can judge for another five years the value of what we've done," he added. "The value of the Crime Commission report is still rising, and that's been several years.

"We have provided a consensus for change."

As for whether the commission's 81 recommendations will actually result in change, Eisenhower notes Nixon's promise "to study with concern every part of this report."

"It does take strong action from the President to get results on a study of this sort," Eisenhower added.

His view, in contrast to Higginbotham's, is doggedly optimistic, as one would expect.

But Eisenhower added tht if the bulk of recommendations haven't begun to put into effect five years from now, "I will be one of the most disappointed men in America."

[From the Washington Post, Dec. 14, 1969]

IT'S TIME TO ATTACK ROOTS OF VIOLENCE

(By James J. Kilpatrick)

The week of the Black Panther shootouts happened also to be the week in which the National Commission On the Causes and Prevention of Violence wound up its work. In the midst of a season of peace on earth, good will towards men, we are asked to ponder once again the why of violence in American life.

The problem is real; and the problem is growing. Last year 588,000 violent crimes were reported to police across the country. Authorities believe at least that many more were never reported at all. The commission's "fair guess" is that perhaps 2.4 million offenders were involved in these crimes. It is a guess that numbs the mind.

No such conditions obtain elsewhere. Our homicide rate, as the commission noted, is more than twice that of second-ranking Finland, and from four to 12 times higher than the rates in a dozen other advanced countries, including Japan, Canada, England, and Norway. We lead the civilized world in rape, robbery, and assault. The past decade has seen a 200 percent increase in arrest rates of boys, 10 to 14, on robbery charges.

What has produced this appalling picture of America today? The commission's principal answer lies in its study of race and poverty in the central cities. Violent crime is largely an urban phenomenon; and within the major cities it is largely the work of young black males. What drives them to robbery, assault, murder, rape? What virus infects the Panther group?

If I read the commission correctly, a combination of environmental factors is responsible. In the span of a couple of generations, at least five stabilizing influences have disintegrated: Home, family, neighborhood, school and employment. The typical child of the black slums is reared with little loving attention from his parents. The father is "sometimes or frequently absent, intoxicated, or replaced by another man." He is often unemployed, unfair in his discipline, or treated without respect by others. No wonder, the commission remarks, that a slum child grows up with resentment of such authority figures as police officers and teachers.

The chaos of a slum household might be relieved by tranquility in the schools or by stable employment opportunities. It seldom happens. Good teachers rarely remain long in the ghettoes; fearful for their personal safety, or discouraged by the intellectual poverty around them they tend to depart. The swift efficiencies of automation eliminate jobs for unskilled labor. Some slum children escape by luck, industry, and exceptional character. Others find themselves on an escalator down. And they turn to crime.

In times past, as the commission acknowledges, other racial and ethnic groups have encountered inner-city poverty and risen above their environment—the Irish, Chinese, Jews, Europeans. But their upward movement came in a simpler day, when cities were smaller and religion loomed larger. They were victims of discrimination, true, but not the enduring, pervasive discrimination that has affected the American Negro.

Other causes play a part. The U.S. has "the highest gun-to-population ratio in the world." Television, motion pictures, the mass media, tend to glorify violent themes. Our prison system, starting with juvenile detention homes, fails to exert a rehabilitative influence; in any given year, half of all offenders are repeaters. Clogged courts grind out their verdicts slowly. Overburdened police cannot keep pace with demands upon them.

Add to all this the erosion of law that results from massive civil disobedience. Consider the influence of pornography, eating away at the social and moral fabric. Give account to the temptations that stem from affluence. Perhaps we should marvel, the commission remarks that the situation is not worse.

The situation is intolerable. "Order is indispensable to society," the commission observes, and "law is indispensable to order." No greater responsibility lies upon government at every level, and upon the people in every community, than the responsibility of attacking the causes of violence and reversing the dark tides that swirl across our cities.

REMARKS BY ASSISTANT SECRETARY OF AGRICULTURE PALMBY BEFORE THE ANNUAL CORN AND SORGHUM RESEARCH CONFERENCE OF THE AMERICAN SEED TRADE ASSOCIATION

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, I think all of us see the strong temptations for this and other nations to place protective barriers in the way of a freer trade among nations. World trade policy and domestic agricultural policies of various countries, including the United States, are at a critical point.

The increasing involvement by governments in pricing of exports encourages a tendency to set export prices on the basis of destination. The relationship of the export price to the domestic price and the cost of production is obscured when this happens.

World trade could go either toward more protectionism or toward greater liberalism. The Nixon administration is committed to a freer trade concept, but to achieve this as a nation we will need help from all who can help.

I commend the recent remarks of Assistant Secretary of Agriculture Clarence D. Palmby before the Annual Corn and Sorghum Research Conference of the American Seed Trade Association. He speaks to this topic frankly and with knowledge. I include Mr. Palmby's remarks at this point in the RECORD:

It is easy to forget that as recently as 1940 the U.S. average yield of corn was still below 30 bushels per acre. This year, farmers are harvesting an acre yield of 81 bushels.

It is easy to forget that as recently as a decade ago the U.S. average yield of grain sorghum was around 35 bushels. In 10 years, sorghum yields have gone up some 20 bushels.

Many elements have contributed to the spectacular efficiency of America's corn and sorghum industries. *But first the seed.*

I congratulate the American seed trade for its outstanding contributions to agriculture. Without the rise in grain yields that you have done so much to generate, we would have a vastly different agriculture today—a vastly poorer America in terms of the we eat—the quality of diet available even to people of modest means.

Once again, I am pleased to have a place on the program of your annual Corn Sorghum Research Conference. I have looked forward to being here. I want to talk with you about something that has been on my mind for some time.

Since returning to Government service a little less than a year ago, I have found myself more and more impressed by the fact that the world agricultural community is standing at *a point of decision* in terms of its future development. The decision is this:

We have the opportunity—our Nation and others—to move rather rapidly now to a commercial world agriculture. Parts of the world are now emerging from a subsistence economy. Other areas have the opportunity to move away from an agriculture administered by Government. Modern industrial complexes are offering job opportunities to more people.

The opportunity is present—to develop a world agricultural economy based on economic comparative advantage. This would imply less Government interference in trade and in pricing. It would mean a truly international trading economy that could do a great deal for the growth of national economies around the world.

On the other hand, the world may miss this golden opportunity. It may move further into protectionism—and this would be a disaster.

The Nixon Administration is dedicated to a freer trade concept—based on economic comparative advantage. We are pursuing this objective in a number of ways—and it is certainly true that a variety of approaches is needed, by the U.S. and by other countries.

For example, the United States supports the Organization for Economic Cooperation and Development (OECD), headquartered in Paris, and The General Agreement on Tariffs and Trade (GATT), officed in Geneva. This is good, but supporting or belonging to international forums does not in itself contribute to a lessening of trade problems and impediments. New initiatives are needed. We need a constructive examination of internal agriculture policies within industrially developed countries, with a goal of improving and increasing the international climate for trade. We need a full appreciation of the fact that trade is trade regardless of whether we are talking about agricultural commodities or industrial products. They go hand in hand.

We are eager, therefore, to discuss trade problems in international forums—or, in instances, on a bilateral basis.

The fact is that there is increasing government interference in agriculture and trade, around the world. There is more involvement by governments in the pricing of exports. There is a growing tendency to set prices on the basis of destination—which means that there may be little relationship between the export price, the domestic price, and the cost of production.

In the short run at least, this will continue. At the same time, we are not reconciled to it. We will continue to do everything we can to persuade other trading nations to liberalize and rationalize their trade policies. Meanwhile, we hope to administer our own domestic policies in such a way as to permit our farm products to compete in the world.

Because of our historic involvement in the European market, we have been watching with acute interest the possibility that the United Kingdom and other nations may be admitted to the Common Market. The U.S. and other members of the so-called "outer seven"—the European Free Trade Area—are possibilities for future membership; and the outcome of these negotiations could be critical to our trade with those nations.

If those countries do enter the community, the terms of their admission will of course be crucial as far as we are concerned. If the Community is expanded to a dozen or more members, will this mean that present restrictive agricultural policies will be extended to these additional areas? Or would it mean that the broadening of membership might cause the Community's trading policies to be tempered or even recast?

These are timely questions. They are critical questions as far as we are concerned. They are the reasons why we are watching with such intense interest the negotiations between EEC and its possible new members.

Our European friends have often said that we should not be concerned about our corn and sorghum exports. They point out that their imports of U.S. corn and soybeans have trended upward quite rapidly during the 1960's. Even since the "harmonization" of EEC grain policies in the middle 60's, imports of these commodities from the U.S. have increased. Therefore, they say, we in the U.S. have nothing to worry about.

The rightful answer is that our grain and soybean exports to Europe *should* expand and any time they do not expand we should be concerned. We have a true economic comparative advantage in producing soybeans, corn, and milo. In order for the U.S. to continue to increase our over-all trade with Europe, Japan, and other countries, we must continue to expand our sales of those commodities in which we do enjoy a comparative advantage. Otherwise they in turn cannot expect to expand or even to maintain their sales of industrial items to the United States.

The European Community has made heavy sales of feed wheat to central European countries at prices that have no relationship to world corn prices. Also, the EEC has been feeding wheat at record levels internally. Couple these facts, and they add up to a matter of considerable concern to farm and trade interests in this country.

As I look at it, there is a growing body of thought among U.S. opinion-makers—including many in Congress—that we should definitely expect a growth in our exports of corn and soybeans. This means that European actions to produce and use more of their grain for feed, with the announced goal of lessening the need for U.S. corn, would be looked upon unfavorably by many Americans. Such actions, without downward price adjustments in Europe, would likely lead to a demand for import restrictions on many items imported into the U.S.

The mood here, as I read it, is that growth in the market for imported industrial items into this country simply cannot continue unless normal growth is allowed for our export products to Europe, Japan, and other industrially developed countries. This feeling, it seems to me, is growing. I find it sad that trends abroad should encourage this type of protectionist reaction in a Nation that has traditionally supported a liberal trade policy.

To summarize the export situation very briefly, our exports of corn and sorghums in the past marketing year, which ended September 30, were disappointing. But exports in the current marketing year are brighter—particularly for corn.

A major problem for corn and sorghum exports has been, of course, the large increase in world stocks of wheat available for export. The demand for milling wheat from the world market declined. There has been, as a result of these pressures, a deterioration in world wheat prices. There has been increased feeding of wheat—not only in the EEC, as I mentioned, but also in Spain and the United Kingdom.

Even in the United States, use of wheat for feed is growing. In 1966 and 1967, we were feeding less than 100 million bushels of wheat a year. In the current marketing year, we will feed an estimated 225 million bushels.

To summarize: U.S. corn exports were off about 15 percent last year, and sorghum exports were off 36 percent.

Looking ahead: Export prospects in the new marketing year seem considerably brighter for corn. We are not likely to increase exports of sorghum, but the opportunity for future growth in sorghum exports is certainly great. This depends primarily on our product being available the year-round at prices that are acceptable in relation to corn or grain from other countries.

In the current marketing year, world trade in feed grains should run somewhat above last year. Meanwhile, the present corn loan level in the U.S. is allowing corn to move into use at unprecedented levels. And—supplies are shorter than usual in the other principal exporting countries, Argentina and South Africa.

The upshot is that corn exports in 1969–70 will be an estimated 600 million bushels or more.

Japan continues to be a major factor in the U.S. outlook. Import demand for feed grains in that country will expand this marketing year, as it has in recent years. Japanese imports of grain for feed from all sources are expected to increase at the rate of 25 to 30 million bushels per year.

Now, if I may introduce a change of subject—I would like to talk with you about something we have discussed several times before. It is not unrelated to export policy; in fact, there is a great deal of relationship between our market development efforts and the condition of the commodity that we export.

Much has been said in recent years about the condition of U.S. corn arrivals in Great Britain and other importing countries. Consistent with this problem, let me quote a few lines to you from a U.S. Department of Agriculture report:

"For several years an increasingly large number of more or less forcible and persistent representations were made to the Secretary of Agriculture and other officers of the Federal Government, to the effect that much of the grain, and especially the corn, that was being exported from the United States was not being delivered abroad in a satisfactory condition, that it was not of the quality represented by the inspection certificates accompanying the shipments, and that material injury was in consequence being done to the export grain trade of the United States."

When do you think that report was submitted? In 1969? In 1968? The paragraph I just read is from a USDA circular entitled "American Export Corn (Maize) in Europe" and *dated February 8, 1910!*

The report also included the following paragraph:

"Several shipments or parcels, amounting in all to 79,847 bushels of badly discolored heat-damaged corn, sometimes known as 'mahogany,' which had been artificially dried before shipping, were also examined in Europe. These shipments bore certificates as 'rejected corn' 'dried'. . . . The moisture content of this corn varied from 13.2 to 17.4 percent. Such corn is used almost entirely for distilling purposes on the continent of Europe."

Finally, under "Observations and Recommendations", the Report said:

"There are two means by which the moisture content in any part or the whole of a ship's corn cargo may be increased during transit: (1) the transfer of moisture by air currents caused by changes in temperature; and (2) by chemical changes within the corn kernel."

What all this proves is that, although things change, they sometimes remain the same. It is apparent that, despite all our progress in shipping and handling, we still have problems in corn quality—after 60 years!

I think it is fair to say that these problems, if and as they exist, are caused more often than not by our rapidly changing technology. I am thinking particularly of the great increase in the amount of field shelling and kiln drying.

It is quite evident that we cannot ship to other countries corn that has higher quality than it possessed at the time it was sold by the farmer to the first receiver. Of necessity, following receipt of corn after the first exchange of hands, the needs for blending may result in the incorporation of wider ranges of moisture levels than may be desirable. This may add to our problem.

I have discussed this problem with you many times, along with other aspects of production and handling of grains. The problem is large enough that each segment can participate in trying to improve the condition of our corn so it can be handled and shipped without undue depreciation. All of us can help.

I know that you are concerned about one situation that has been present the past few years. This is the fact that the competition for maximum yields sometimes leads to high levels of moisture in corn in normal harvesting periods. To the extent that varieties may lead to poor quality under farm conditions, the seed trade shares a responsibility.

There does seem to be some progress in developing corn for good handling qualities as well as for good yields and feeding quality. There may be promise in some of this work.

The problem for the United States in supplying corn of almost any quality and condition is a most difficult one. It is difficult because the price for corn traded in the entire world market is established at Chicago. Other suppliers price their corn in relation to U.S. prices. Need I say more?

In closing, let me reiterate that world trade policy and the domestic agricultural policies of various countries are at a critical point in their history. The world's nations could go either way—toward more protectionism or to more liberalism in their trade policies. This is a key question, not only in terms of world trade, but also in relation to future economic development of countries that need to trade in order to develop.

So we need all the help we can muster to move the world toward more liberal trade policies. Also, we need to gear our own agriculture—in production, marketing, pricing, and merchandising—to meet the requirements of the world market in the 1970's.

The U.S. is maturing as an export nation. But we will never be really mature as an exporter until we are able to look at overseas outlets as being as important to us as are the commercial poultry producer and the commercial corn processor in this country.

We have not yet attained that degree of sophistication.

THE U.S. GOVERNMENT'S HISTORICAL PROGRAMS

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, recently it was my privilege to attend the national meeting of the Southern Historical Association and convention, in Washington, D.C. During that time, Dr. Walter Rundell, Jr., of the Department of History at Iowa State University, presented a paper entitled "The U.S. Government's Historical Programs" Because this paper is obviously the result of some very thorough research, evaluations and is abundant with historical activities that are little known and has special recommendations for Members of Congress, I include it in the CONGRESSIONAL RECORD for perusal, study, and consideration by my colleagues and others who may chance to read this very important and worthwhile dissertation:

THE U.S. GOVERNMENT'S HISTORICAL PROGRAMS

(By Walter Rundell, Jr., Department of History, Iowa State University) *

The involvement of the United States government in historical publication dates back almost to the beginning of the republic. While this paper focuses mainly on the government's current programs for writing history, it is important to understand something of the initial efforts in publishing historical sources. As early as 1799 the government printed the journals of the Continental Congress, and then in 1818 came the journal of the Constitutional Convention. Two years later the secret journals of the Continental Congress followed. The State Department published *Diplomatic Correspondence* in 1832, and supplemental volumes appeared in 1888. In 1833 the government contracted with Matthew St. Clair Clarke and Peter Force to publish *The Documentary History of The American Revolution,* which became popularly known as Peter Force's *American Archives.* This nine-volume set appeared between 1837 and 1853.[1]

Almost concurrent with Peter Force's *American Archives* was the issuance of *American State Papers* by Gales and Seaton, publisher of the *Annals of Congress.* Between 1832 and 1861, under government contract Gales and Seaton put out thirty-eight volumes of *American State Papers,* covering some topics from 1789 to 1823 and others to 1838. The documents are classified under these rubrics: Foreign Relations, Indian Affairs, Finance, Commerce and Navigation, Military Affairs, Naval Affairs, Post Office Department, Public Lands, Claims, and Miscellaneous.

Shortly after the *American State Papers* were inaugurated, the government realized its obligation to print the papers of some distinguished statesmen. The first of these projects was the Madison papers in 1840. In the next decade came the Adams, Jefferson, and Hamilton papers. Then in 1865, a second series of Madison's writings appeared.[2] Judged by modern standards of documentary editing, the aforementioned publications were crudely edited.

The Department of State undertook the publication of its major documentary series, *Foreign Relations,* in 1861. From the first volume through those for 1913, the series was uneven and unsystematic in the coverage of diplomatic affairs, for there were no scholarly standards for editing. Yet the inauguration of such an annual series was unique, for it indicated a desire for open diplomacy and quick publication of the diplomatic record. Scholarly standards were imposed in 1921, which meant that the volumes for 1914 on were appreciably better.[3] In 1888 Secretary of State F. Bayard proposed the publication of his department's historical manuscript collection. President Cleveland's approval and support of the project notwithstanding, Congress refused to appropriate the necessary funds. Unable to fulfill this first objective, the Department of State undertook a helpful expedient. In 1893 the Department's Bureau of Rolls and Library began publishing a series of calendars, indexes, catalogs, and other finding aids for its holdings.[4]

During the last third of the nineteenth century the government was involved in planning and publishing this country's greatest documentary monument, *The Official Records of the War of the Rebellion.* As early as 1879 radical defects in the plan of compilation were detected.

Nonetheless, publication of the original edition continued a decade, with a total of seventy-nine volumes. Soon after the deficiencies in the original became apparent, a revised edition was planned, and its first volume appeared in 1881. For eight years, then, there was concurrent publication of the revised and discredited editions. No reason was ever given for the continuation of the first edition beyond 1881. An Army officer later commented: "Why the first edition, thus condemned to abandonment for its imperfections, was not forsaken at this time instead of being permitted to continue its superfluous career for eight years longer, is one of those inscrutable mysteries of departmental life which baffle alike the speculations of the philosopher, the investigations of the historian, and the imprecations of the soldier." The 128 volumes, plus atlas, of the revised edition were completed by 1901. Cost of the entire project was $2,858,514.67, not including salaries of Army officers assigned to the project.[5] After this publication of the records of the Union and Confederate Armies was well under way, the government realized that a companion set for the naval forces was necessary. *The Official Records of the Union and Confederate Navies in the War of the Rebellion* were printed in thirty volumes between 1894 and 1927.[6]

At the end of the nineteenth century Congress published James D. Richardson's compilation of *Messages and Papers of the Presidents* in ten volumes. The set covered the period 1789 to 1897. Unfortunately, it omitted some important messages as well as all the working papers, which often were more important than the formal documents. Through some hazy arrangements, a commercial publisher also brought out the set and added supplements through the Coolidge administration. This 1789 to 1929 edition consisted of twenty-five volumes.[7]

Another highly important documentary series inauguarated by the Department of State in 1931 was the *Territorial Papers of the United States.* Clarence E. Carter edited the twenty-six volumes which appeared between 1934 and 1962. In 1950 the National Archives assumed responsibility for the series, which so far has dealt with territories east of the Mississippi River, Louisiana, Arkansas, and Missouri. The first of two Wisconin Territory volumes, prepared by the current editor, John Porter Bloom, will appear shortly.

To commemorate the bicentennial of George Washington's birth, a federal commission selected John C. Fitzpatrick to compile and edit Washington's out-going correspondence. While his edition improved upon the work of Jared Sparks and Worthington C. Ford, it suffered from an inadequate budget that obviously limited the scope of the project. The thirty-nine volumes, published between 1931 and 1944, omitted incoming letters and thereby left the work only partially done. We have great expectations for an authoritative edition of the Washington papers from Donald Jackson, now on the staff of the University of Virginia.[8]

Our expectations for this forthcoming edition of the Washington papers stem from the editor's proven competence,[9] and the fact that he will follow the editorial trail blazed by the big five—the Jefferson, Adams, Franklin, Madison, and Hamilton papers. The projects have proceeded with guidance and financial assistance from the National Historical Publications Commission.[10] Since its revitalization in 1950, the National Historical Publications Commission has been an important force in establishing and promulgating the modern scholarly canons of documentary editing.[11] For the last twenty years, it has been associated with virtually all the important editorial monuments to famous Americans.[12] Since 1965 the National Historical Publication Commission and geographically diverse repositories have co-sponsored the microfilming of research collections of national significance. Approximately seventy-five are now available. Like the Library of Congress' microfilms of presidential papers, these may be borrowed on inter-library loan.[13]

The willingness of the federal government to publish documents related to its own history is entirely understandable. From the beginning of our government, and indeed from the inception of revolutionary thought, the shapers of our history have been invested with a sense of their moral rectitude. They felt that they were acting according to the highest principles of self-government and therefore the published records of their activities could constitute a noble lesson for other nations and a wholesome reminder to American citizens of their heritage of freedom. Hence, there seemed to be little danger involved in sponsoring documentary history.

To move from a program of reproducing records to one of interpreting them required more courage and entailed somewhat more risk. It was one thing to print the manuscript records of the past, even allowing for subjective editorial decisions, for citizens then could read the actual documents and draw their own conclusions. But for the federal government to sponsor historical programs that would result in secondary, interpretive works was another matter. Those who envisioned the latter program must have realized they faced two potential—and often very real—types of critics. First would be Congressmen who would appropriate funds for the program. They might fear that historical scholars on the federal payroll would present the past in a partisan light, perhaps discrediting some current political theory or effort. Or Congressmen with some longevity might also be uneasy about investigation of episodes in which they took a hand.[14] Beyond the Congressional barrier lay the scholarly community, with inbred prejudices about official histories. "How could an investigation be pure and disinterested," academic critics would ask, "when the historian gets paid by the organization whose history he is writing?" Not only were such considerations faced at the outset; they have kept vigil over most, if not all, the historical activities in the federal government.

These programs for producing interpretive histories of governmental operations emanate from the executive branch, and most relate to departmental operations. The only exception is the Supreme Court history now being written under the supervision of the Library of Congress. This project is supported by funds from the Oliver Wendell Holmes Devise. Of the twelve executive departments, the following have some type of historical program: Defense, Interior, State, Agriculture, Labor, Transportation, and Health, Education, and Welfare. Some independent executive agencies, such as the Atomic

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Energy Commission, National Aeronautics and Space Administration, and USIA, likewise have historical offices. By far the most extensive program is that of the Department of Defense. Within this vast enterprise, each service, including the Marines, has its historical program, as does the Office of the Secretary of Defense and Joint Chiefs of Staff. Unlike most government historians, those with the Joint Chiefs of Staff expect no public recognition for their work, since they realize from the outset that all their research and writing must be for the files. Their highly classified products are available only to those with the requisite security clearances within the military establishment. Hence these historians must possess what Leon Blum once termed the requisite for an ideal civil servant, a passion for anonymity.[15] This quality, I hardly need add, is one not ordinarily associated with historians.

Easily the largest and most active historical program within the Department of Defense is that of the Army. The Army's historical consciousness was amply documented by the monumental *Official Records of the War of the Rebellion*. After this project was completed, the Army proposed a publication of Revolutionary War documents. Although the government had spent around $3,000,000 on the Civil War Army records, in 1913 Congress appropriated only $32,000 for the collection and publication of Revolutionary documents.[16] The Army's historical concern with World War I was primarily documentary, since Secretary of War Newton D. Baker opposed official interpretive history.[17] Between the wars, the Historical Section of the Army War College edited records of the American Expeditionary Forces, whose seventeen volumes were published in 1948 as the *United States Army in the World War, 1917–1919*.

Impetus for significant historical coverage of the second World War came from President Roosevelt. On March 4, 1942 he directed the Bureau of the Budget to name a committee on records of war administration to preserve "an accurate and objective account of our present experience." [18] The Army responded in mid-summer by assigning historical officers for the Services of Supply (John D. Millett), Army Ground Forces (Kent Roberts Greenfield), and Army Air Forces (Clarence B. Lober).[19] Then in August 1943 the Army consolidated the program by establishing the Historical Branch within G–2, the staff office responsible for intelligence. This consolidation enabled the Army to extend its historical coverage to overseas theaters.[20] A search went out for professional historians already in uniform to man the section. With the headquarters unit established, the War Department provided historical units for overseas theaters. These combat historians recorded their own observations, interviewed key figures, and collected other important documentary data. The War Department had also prescribed periodic historical reports prepared by various military units. From these reports, the observations and writings of field historians, and the gigantic volume of records produced and preserved during the war, the Army produced the magisterial series entitled *United States Army in World War II*. Supervising the series was the Office of the Chief of Military History, an outgrowth of the G–2 historical branch. Since the beginning of this Office, the Chief has been a general whose duties have been administrative, as have those of most of the other military personnel in the Office. The actual historical research and writing has been under the direction of the chief historian, a civilian. The three chief historians have been Walter L. Wright, Jr., Kent Roberts Greenfield, and Stetson Conn. The professional staff working under them have been civilian historians, cartographers, edtiors, and librarians. Most of the historians have had military experience, usually in the theaters they have written about. To recruit qualified professionals for the World War II series, the Army considered authorship credit indispensable.

While the Office of the Chief of Military History has coordinated and directed the Army's history of World War II, until 1962 it did not have sole responsibility for the program. Before the reorganization of that year, the chiefs of the Army's administrative and technical services maintained their own historical offices and were responsible for the histories of their components in World War II. Between 1945 and 1962, the Surgeon General, Chief Signal Officer, Chief of Engineers, Chief of Transportation, Chief of Ordnance, Quartermaster General, Chief of Finance, and Chief Chemical Officer had historians on their staffs, and most of these services are represented in the official series.[21] Moreover, some have published histories for periods other than World War II, notably the Quartermaster and Surgeon Generals. Offices lacking a historical program for World War II were those of the Adjutant General, Chief of Chaplains, Provost Marshal, and Judge Advocate General.[22]

From the scholarly standpoint, what has been the result of the Army's tremendous effort to record its World War II history? The series includes studies on strategic planning, logistics, defense of the Western hemisphere, manpower, training, combat in all theaters, and the technical and administrative services. In any undertaking of this scope, there are obvious differences in approach and quality. The combat volumes contain more built-in plot and excitement than do those dealing with field laundries or spare parts for tanks. It is manifestly easier to maintain reader interest when dealing with General Patton's daring armored tactics than with methods of loading cargo ships. For all the innate differences in the seventy-odd volumes, they represent a high level of historical scholarship. Based as they are on the original sources, they form the foundation for any subsequent investigation of this subject. Because of the books' workmanlike quality, future historians will not have to undertake this level of investigation again. Through its critical evaluations, notably in the *American Historical Review*, the profession has generally recognized the solid contributions these volumes made. One would wish, however, that the *Mississippi Valley Historical Review* had seen fit to assess the books with standard reviews rather than mere mention in "Book Notes." Whether intentional or not, the *Mississippi Valley Historical Review* evaluated the series along with such contributions as *My Mother Used to Say: A Natchez Belle of the Sixties* [23] and *Great Train Robberies of the West*.[24] In 1967 the *Journal of American History* reversed this policy with signed reviews.

With the reorganization of the Army's historical activities in 1962, the Office of the Chief of Military History was charged with winding up the World II history, supervising historical offices in major commands, as well as with maintaining several other important activities. It has published two monographs on the Korean War, four in a miscellaneous Army Historical Series, and is preparing volumes on the Army's role in the Vietnamese conflict.[25] In addition, it has written studies concerning the Army's involvement in civil disturbances, such as the use of federal troops during the integration of Central High School in Little Rock and the University of Mississippi.[26]

Of current interest is the Office of the Chief of Military History project on the history of integration in the armed forces. Its significance lies in the fact that it is the first historical study undertaken on a Departmental basis and that the Army got the assignment. Similar studies concerning matters common to the entire Department of Defense should follow.

The Navy's historical program originated in the Navy Department library in 1882 when the librarian began the collection and publication of the *Official Records of the Union and Confederate Navies*. Later known as the Office of Naval Records and Library, the unit is now the Naval History Division. The Navy published seven monographs on World War I, including the *History of the Bureau of Engineering* (1922, 176 pp.) and *The American Naval Planning Section, London* (1923, 537 pp.). Between the wars the Office prepared two significant documentary publications, *Naval Documents Related to the Quasi-War Between the United States and France* (1935–38, 7 vols) and *Naval Documents Related to the United States Wars with the Barbary Powers* (1939–45, 7 vols.)

When considering the Navy's history in World War II, we naturally think first of Samuel Eliot Morison's monumental fifteen-volume *History of United States Naval Operations in World War II*.[27] Although this history, based on primary sources, was supported by the Navy Department, it was published commercially.[28] The Naval History Division, directed since 1956 by retired Rear Admiral Ernest M. Eller, is responsible for many specialized volumes on World War II dealing with such topics as operations, logistics, administration, and chronology. Bureaus, such as those of Ordnance, Personnel, Medicine and Surgery, Ships, and Yards and Docks, published multi-volumed histories of their World War II activities. Moreover, the great number of historical studies published by the U.S. Naval Institute in Annapolis qualify as quasi-official history.[29] An example of the Navy's recent historical publications is William B. Clark's edition of *Naval Documents of the American Revolution*, of which four volumes have appeared. Perceptive reviewers criticized deficiencies in the first two volumes,[30] but the third met more enthusiastic response.[31]

While the Marine Corps' historical section began in 1919, its significant publications date only from World War II. Prior to and during the early years of that war, the historical office functioned chiefly as a reference service and was attached to different parts of the Corps headquarters.[32] The first fruits of its World War II historical program were fifteen monographs published between 1947 and 1955, dealing with individual campaigns, such as those of Tarawa, Bougainville and the Northern Solomons, Guadalcanal, Saipan, Tinian, New Britain, Iwo Jima, and Okinawa. Beginning in 1958, the office began publishing a projected five-volume *History of U.S. Marine Corps Operations in World War II*. These books treated the Pacific war chronologically and profited from being based on Japanese, as well as American sources.[33] Concurrent with its work on World War II, the Historical Branch began a series on Marine involvement in the Korean War. Of a projected five-volume *U.S. Marine Operations in Korea*, four had been published by 1962.[34]

The historical consciousness of the newest of the armed services, the Air Force, was nurtured by its parent, the Army. In fact, the Army Air Forces' historical program begun in 1942 remained intact through the establishment of the Air Force. Before the 1947 "unification" of the services into a single Department of Defense, which rather anomalously created the Air Force as a third and coequal branch along with the Army and Navy, the Army Air Force had begun work on its World War II history. Edited by Wesley Frank Craven and James Lea Cate, *The Army Air Forces in World War II* comprised seven volumes, published between 1948 and 1958. The first five volumes dealt largely with operations; the sixth was concerned with high-level organization (no pun intended), procurement of materiel, and personnel. Volume VII was something of a catch-all, covering the Air Transport Command, Weather Serv-

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ice, Airways Communications System, and demobilization. This series, written from official records and reflecting that viewpoint, was published by The University of Chicago Press. Futrell's study of the Air Force in the Korean War used the same approach.[35]

In 1949 the Air Force Historical Division moved to the Air University, Maxwell Air Force Base. Since then, it has published a long series of USAF Historical Studies dealing with World War II, the post-war period, the Korean conflict, and subsequent events. In administering the service's program, the Historical Division required each major command and numbered air force to maintain a historical office.

This extensive field program, manned by some 200 full-time civilian and military personnel, is far larger than that of the other services. These field offices have prepared semi-annual histories of their organizations. Among those involved, there has been some doubt about the effectiveness of these six-month reports. The reservations concern the length of the period under review and the consequent inability to deal with the major issues in sufficient perspective. Presently, the Air Force's historical program is undergoing a significant reorganization which may result in more sophisticated publications. The fact that a retired major general, R. A. Grussendorf, was recalled to active duty to establish the Office of Air Force History in Washington indicates increased emphasis on the program. Further indication of a change of direction is that command historians, once attached to information offices, now submit annual histories directly to their chiefs of staff.[36] This reorganization incorporates the principal suggestions made by an advisory committee on the Air Force historical program.[37] Some of the encouragement for the reorganization apparently has stemmed from the Department of History at the Air Force Academy, which is keenly conscious of the need for the Air Force to have a meaningful historical program attested to by serious publications, informative to the military, the community of scholars, and the public.

Combining its various components, the Department of Defense clearly maintains the largest federal historical operation. It is somewhat ironic that the government of this "peace loving" nation has devoted far more resources to its military history than to the study of its more pacific operations. This development no doubt reflects our imitation of the European governments that inaugurated official military history in the nineteenth century rather than any deliberate policy of slighting civil administrative history. Nonetheless, as the works of Leonard D. White demonstrated so eloquently, the latter field is rich for tillage and we are the poorer because of the traditional imbalance.

The second largest historical activity in terms of manpower and publications is the Department of State's.[38] Its Historical Office, directed by William M. Franklin, belongs to the Bureau of Public Affairs. The State Department began its documentary publications in 1861 with *Foreign Relations of the United States*, but as noted previously, the series did not bear the stamp of professional preparation until the 1914 volumes appeared. As an indication of the nation's major diplomatic concerns through the years, *Foreign Relations* constitutes a valuable asset to students of diplomatic history and to the profession generally. When Dean Dusk was Secretary of State, he agreed in principle to keep the publications within twenty years of the present, a goal proposed by the Department's advisory committee. As an injunction to those editing the volumes, a sizeable banner in the Historical Office once proclaimed: "Hold that 20-Year Line." The passage of years and the crumbling line may have resulted in the banner's removal. Concerned scholars have repeatedly urged the Department of State to support this publication program sufficiently to hold the twenty-year line,[39] but there is no real evidence that the leadership in the Department feels any urgency about the situation. By real evidence, I mean sufficient funding for the necessary staff to accomplish the job. The best intentions of the Historical Office—and I think they have been amply manifested—cannot accelerate publication of the annual volumes. It requires an adequate staff. The problem concerns not merely the volumes themselves, but access to State Department records in the National Archives. Until the annual volumes come out, researchers cannot examine records for that year. So the further *Foreign Relations* lags, the less access scholars have to needed information. The profession must keep pressure on the Department of State and Congress to provide sufficient support for this important documentary publication as well as for others that have languished because funds were withdrawn. Another challenge the series faces as it enters the post-World War II period is the greatly inflated volume of pertinent materials, not only within the State Department files, but also in those of other departments, agencies, and private individuals. It will require coping with greater amounts of complex documentation, as well as with materials from increasingly higher levels.[40]

As the *Foreign Relations* series indicates, the State Department's historical publications have been largely documentary. An important, continuing series of digests of international laws affecting the United States was launched in 1887.[41] Between 1931 and 1948, Hunter Miller's eight-volume edition of *Treaties and Other International Acts of the United States of America* appeared. Further work in this series, which comes only to 1863, was suspended for lack of funds. The Department has published numerous other compilations of treaties and conference proceedings. Unlike the military historians, the government's diplomatic historians have written few analytical, interpretive volumes. The most notable of these are by Carlton Savage,[42] Harley A. Notter, *et al.*,[43] and William M. Franklin.[44]

In the popular mind, the historical program of the Department of the Interior's National Park Service evokes images of articulate, uniformed park guides who seem to possess an encyclopedic knowledge of the events connected with their particular site. Sometimes this narrative flows forth by rote, and the professional historian is struck by the lack of an analytical or conceptual framework. Nonetheless, such information greatly benefits the numerous visitors to important historic sites.

On the scholarly level, the National Park Service's historical program centers in the Washington office, where Robert M. Utley is Chief Historian. This office has consolidated the work of the National Survey of Historic Sites and Buildings and the park historical research function. This includes the preservation, development, and interpretation of some 169 areas of national historical significance, such as famous battlegrounds and frontier military posts. The Division of History has designated 800 National Historic Landmarks, thereby recognizing their importance and encouraging their preservation. The Division's two types of publications have met with considerable popular approval.

Its Historical Handbook Series contains several dozen pamphlets on individual sites. Like all the Park Service's offerings, they are well-illustrated with photographs and maps. The National Survey has published volumes dealing with historic places within different regions, such as *Soldier and Brave: Indian and Military Affairs in the Trans-Mississippi West*[45] and *Colonials and Patriots: Historic Places Commemorating Our Forebears, 1700–1783*.[46] Each contains historical narrative that lends meaning to the discussion of sites. Since the National Park Service's historical program applies only to its own functions, it provides no coverage for other important operations of the Department of the Interior. With our growing sensitivity to the needs of American Indians in the areas of conservation and reclamation, it is regretable that the Department has provided no historical treatment of these concerns.

For several decades the Department of Agriculture has maintained a historical program, but only recently has it been identified as such. Until the USDA allowed historians to sail under their own colors, Mrs. Clio of the cabbage patch—or should we say Clio of cabbages and cotton—was treated as a function of agricultural economics. Notwithstanding whatever limitation this placement may have been, the USDA historians have played an important role in the development of agricultural history as a specialty within the discipline. A name early associated with agricultural history was that of Everett E. Edwards, who was in charge of the USDA historical program from the 1920s until his death in 1952.

In 1930 the USDA published his *Bibliography of the History of Agriculture in the United States*, a definite work for its time. A decade later the Yearbook of Agriculture contained his perceptive "American Agriculture—*the First 300 Years*." After Edwards' death, Wayne D. Rasmussen took charge of the program and was responsible for the centennial history entitled *Century of Service: The First 100 Years of the United States Department of Agriculture*.[47] Authors of the book were Gladys Baker, Rasmussen, Vivian Wiser, and Jane M. Porter. Some Congressmen denounced the volume, questioning the ability of government historians to write objectively. The critics' allegation was that this scholarly account of the USDA's operations was a partisan tool.[48] Fortunately, their attempts to enjoin distribution of the book were foiled by the Department's leadership. Besides the publication of books, articles, and bulletins, the office prepares staff studies for the Secretary that present historical background for current policy decisions. Several other Departments have studied this unusual function.[49] In a different dimension, this office has for many years served as a secretariat for the Agricultural Historical Society.

Among the newer departmental historical programs are those in Health, Education, and Welfare; Labor; and Transportation. Within Health, Education, and Welfare, the Department has historical offices in the Social Security Administration, National Library of Medicine, and National Institutes of Health. Since its inception in 1963, the Social Security Office has been headed by Abe Bortz. Like the Labor Department's program, it has not yet produced any major publication. Soon, however, it will publish a 100-page guide to social security records. Its oral history project, consisting of more than 150 interviews, also nears completion.[50] Jonathan Grossman launched the Labor Department's historical efforts in 1963. He serves as a consultant to the Secretary and maintains a bibliography on the history of labor in America. The Department of Transportation's historical program began in 1967, although that of its component, the Federal Aviation Administration, predates it seven years.

Two independent agencies, the Atomic Energy Commission and the National Aeronautics and Space Administration, have developed substantial historical activities during their comparatively brief existence. The first, and highly acclaimed, product of the AEC historical office was *The New World, 1939/1946*, Volume I of the official history of the AEC. The second volume, *Atomic Shield, 1947–1952*, has just appeared.[51] Richard G. Hewlett, Chief Historian of the AEC and co-author of these works, is now preparing a book on Rickover and the nuclear navy.[52]

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NASA's historical program began in 1959 under the leadership of Eugene M. Emme. Two years later Emme launched the official publications with his *Aeronautics and Astronautics: An American Chronology of Science and Technology in the Exploration of Space, 1915–1960*.[53] This has been followed by similar annual chronologies and chronologies devoted to the Mercury, Gemini, and Apollo projects.[54] Since 1966 the office has published several monographs, some written under contract by private scholars, rather than being undertaken by the permanent staff. A good example is *This New Ocean: A History of Project Mercury*, by Swenson, Grimwood, and Alexander.[55]

The only approach to a formal history of the legislative branch began in 1962 with the founding of the United States Capitol Historical Society. This organization, whose sole president has been Representative Fred Schwengel (R.-Iowa), bears no official relation to the government and receives no appropriated funds. It has emphasized a historical awareness of the Capitol as a building. To accomplish this end, it has published the highly successful guidebook, *We, the People*. With funds from the sale of over two million copies, the Society has undertaken the compilation of a comprehensive, scholarly bibliography on the Capitol, which will bear the imprint of the University of Oklahoma Press. Several members of the Board of Trustees, myself included, hope to persuade the Society to broaden its scope to include the study of legislative history. By making fellowships available for such investigations, both on the pre- and post-doctoral level, the Society could make a great contribution to American historiography.

In considering the federal government's historical programs, attention must not be restricted to those agencies which publish their own histories. Without the facilities of the government's great repositories, the National Archives and the Library of Congress, little official history could be written. And without the use of these repositories, unofficial history of many aspects of the American experience is likely to be deficient. In their support of all serious investigation into the nation's past, these agencies constitute a vital part of the government's historical program. Probably the most concrete contribution these agencies make to historical study, besides the obvious fact of collecting and maintaining original sources, is in their preparation of finding aids. Within the National Archives system, which includes the presidential libraries and Federal Records Centers,[56] finding aids range from preliminary inventories to elaborate guides to special categories of records, such as the Kenneth W. Munden and Henry P. Beers *Guide to Federal Archives Relating to the Civil War*.[57] This *Guide*, like Beers' more recent one dealing with Confederate records,[58] cites secondary publications based on the sources, thus performing a valuable bibliographical service.

Although the compilation of *Writings on American History*, Volume II of the American Historical Association's *Annual Report* is not directly related to the work of the National Archives and its National Historical Publications Commission, the NHPC in 1951 assumed responsibility for this publication. It should be noted that both volumes of the AHA *Annual Report* (*Proceedings* and *Writings*) have always been published by a government agency. The fact that the most recent volume of *Writings* is for 1958 indicates the pressing need for this discipline to apply computer techniques to its bibliographical apparatus.[59]

In addition to the previously mentioned documentary publication of the National Archives, and those sponsored by the National Historical Publications Commission, some of the presidential libraries have undertaken their own publication programs. The Roosevelt Library has published two volumes on *Franklin D. Roosevelt and Conservation*[60] and three volumes on *Franklin D. Roosevelt and Foreign Affairs*.[61] The Harry S. Truman Library Institute has initiated a series of research projects supported by private funds. Donald R. McCoy, Director of Studies for the Institute, gave first priority to civil rights during the Truman administration.

With the assistance of Richard Ruetten, he has prepared a manuscript on this topic. The Eisenhower Library as yet has undertaken no monographic or documentary publications, but it has initiated an impressive series of conferences for historians. To popularize the Library as an educational and cultural institution, the staff held conferences in 1969 dealing with Western history and the twenty-fifth anniversary of D Day. In connection with the meetings, the Library assembled thematic art exhibits. These conferences may well have been inspired by the series the National Archives began in 1967. They have dealt with polar records, statistical records, captured German documents, and diplomatic history. A two-day conference on the history of the U.S. territories begins Monday, November 3, and another on urban history is scheduled for spring 1970. To keep the academic profession abreast of its programs and plans, the National Archives inaugurated *Prologue: The Journal of the National Archives* in the spring of 1969. Its articles will encompass the entire Archives establishment, including the presidential libraries and Federal Records Centers.

The newest of the presidential libraries, the Johnson Library in Austin, assured itself a vast quantity of documentation when the President required all executive agencies to prepare histories of their activities during his tenure. This rush project prevented any real analytical syntheses, but it did provide in one place much of the raw data, with some guides to its import, that future historians will use. Like other presidential libraries, the Johnson Library has an active oral history program.

For American historians engaged in original research, the Library of Congress' Manuscript Division offers a tremendous variety of Riches, ranging from presidential papers to the official files of the American Historical Association and the National Association for the Advancement of Colored People. In an effort to aid researchers locate needed information, the Library of Congress has prepared extensive finding aids to its own holdings, as well as to those of other institutions. In 1918 it issued the first guide that made a substantial effort to incorporate data on manuscripts throughout the country, the *Check List of Collections of Personal Papers in Historical Societies, University and Public Libraries, and Other Learned Institutions in the United States*. A popular revision came in 1924 entitled *Manuscripts in Public and Private Collections in the United States*. These guides were not nearly so comprehensive nor helpful as Philip M. Hamer's *A Guide to Archives and Manuscripts in the United States*,[62] prepared under the auspices of the National Historical Publications Commission, but they were important as pioneering efforts. Another significant biographical contribution was *A Guide to the Study of the United States of America* (1960). When the Library of Congress undertook compilation and publication of the *National Union Catalog of Manuscript Collections* (6 vols. 1962–68), it provided the vehicle for a complete reporting of manuscripts in the country. Unfortunately, the completeness depends on the cooperation of repositories, and the method of cumulating data and indices is antiquated, but the Library of Congress must be applauded for furnishing the opportunity for achieving bibliographical control over our vast array of primary sources. Among the Library of Congress' most important documentary publications have been the *Journals of the Continental Congress, 1774–1789*[63] and the *Records of the Virginia Company*.[64]

A comparatively recent venture of the Library of Congress, the Center for the Coordination of Foreign Manuscript Copying, promises—and indeed has already delivered—great help to historians. This center, headed by George O. Kent, serves as a clearinghouse for information on the availability of photocopied manuscripts in the United States. It seeks, moreover, to assist scholars in planning photocopying projects abroad so that duplication, with its attendant wastes to both repository and copier, may be avoided. Twice a year *News From the Center* apprises readers of copies of foreign manuscripts in this country and research conditions in foreign archives. Another publication important to historians is the *Quarterly Journal of the Library of Congress*. While its scope transcends our discipline, some of its most significant articles are historical.

In recent years the Smithsonian Institution has offered increased support for the study of history in the forms of postdoctoral visiting research associateships, predoctoral internships, and research assistantships. The collections of the Institution have long been available for research, but the inducement of financial aid to study specific collections has been a positive attraction for historians, especially those interested in American studies and the history of science and technology. Students of American history have too often ignored the kind of non-literary documentation offered by museums. Whatever attraction the Smithsonian may have for visiting researchers, its primary mission is to advance and diffuse knowledge through its corps of resident scholars. Researchers in several fields have long profited from the Smithsonian's specialized publications. Beginning in 1966 the Institution strove for a general audience through the *Smithsonian Journal of History*. Its erratic publication schedule proved a great disappointment, and in the summer of 1969 the Institution decided to kill the *Journal* and divert funds elsewhere.

The sheer size of the government's historical program is an impressive indication of its commitment to history. But governmental agencies do not necessarily construe this as a commitment to publication, nor even as a service to the taxpayers who support it. The military offices stress that their histories are primarily for internal consumption and secondarily for the public.[65] Perhaps the recent record should encourage official military historians to take less pride in our martial accomplishments and to seek to render a wider service to the citizens of the nation, who, after all, make their work possible. My argument is not that official historians have worshipped false gods, for the scholarly quality of their work has generally been sound. The time has come, it seems to me, for those directing the government's historical programs to put social utility ahead of any kind of parochial interest. This obviously is more easily said than done for civil servants, but unless it is done, I fear that the commonwealth will suffer.

One of the problems now besetting service histories is just this matter of parochialism. Military policy since World War II has been formed above the levels of individual services. The nation's political, military, and diplomatic decisions have often been shaped and determined by the National Security Council, the Central Intelligence Agency, and the Joint Chiefs of Staff. More often than not, official historians writing for publication do not have access to records from these agencies, so anything they write reflects a decidedly low level of operations. Even within the Department of Defense, there has been little coordination of the history of military activities since 1947, when the Department was created. The historical staff of the Office of the Secretary of Defense would be the logical agency to exercise leadership in

Footnotes at end of article.

writing a departmental history, but it has not done so. Even if such a history could not be published immediately because of security restrictions, preliminary research and writing should be under way. Inaction now means that the type of history that should be written may remain undone.

Aside from the scholarly activity that results in publication, almost all governmental historical offices maintain reference services, both for internal and public use. Many assemble reference files that enable the research which can later lead to publication. Several historical agencies administer museums, which can be an excellent means of communicating a sense of the past. These activities are manifestly important, but I submit that the prime responsibility of official historians in a democratic society should be to write and publish history that explains governmental operations to intelligent citizens. Otherwise, government history serves mainly itself and not the public that sustains it.

Because of their knowledge of agences' operations and records, government historians frequently are commandeered into nonhistorical duties. Career administrators usually have little appreciation for the historian's task and the fact that long periods of concentration are required to produce decent history. They find it easy to use historical talents in writing speeches, preparing reports, and the like. Unfortunately, some historians are willing to be diverted and use this as an excuse for not fulfilling their primary obligation. Since the government has a considerable investment in official history, the profession, through its various organizations, must maintain pressure on the government to insure that its official historians do not become burdened with other responsibilities.

The amount of the government's investment in official history is no real indication of its effectiveness nor of whether taxpayers get their money's worth. Those programs that can be judged by their serious publications have usually measured up to scholarly criteria.

While the finished products reflect objective scholarship, in the process of research and writing, government historians are sometimes subjected to pressures—subtle and not-so-subtle—to engage in special pleading, or at least to present the history of their particular employer in the best possible light.[66] It has been easy for hostile critics to label them "court historians." It is a credit to the integrity of the government historians that they can usually withstand these pressures, but subjection to them drains away creative energy and often delays the entire process.

One problem that accounts for many delays in writing official history is access to classified records. Since I have dealt with this elsewhere,[67] I shall not belabor it here. Suffice it to say that the government badly needs a coordinated, unified system of classifying and downgrading its records. Historians within the government should have easy access to all agencies' records, excepting only those obviously deserving security classifications. And the government should establish a central office to facilitate the access of both official and private historians to the necessary documents. This office could also bring much needed coordination to the entire federal historical effort. If Nixon and subsequent presidents follow Johnson's cue in requiring agencies to prepare their histories during a particular administration, this cannot help having a profound impact on the government's historical operations. Then there would be even greater need for such an office located high within the executive branch.

Finally, questions must be raised concerning the cost and utility of the government's historical programs. In comparison with other governmental expenditures, the cost is negligible and it would be easy to avoid raising the issue. But many wonder today if it is wise to assume that governmental expenditures are beyond the power of our analysis, if not comprehension. Certainly, the information presented by the government's historical programs is a positive contribution to scholarship and justifies their existence. But academic historians, as scholars and citizens, must concern themselves with the governmental aspect of the profession. They must be aware of the time and money necessary to produce official histories and of their intended audiences. The profession should strive to promote a comprehensive governmental historical program that would reflect accurately the role of the government in American life.

In view of these considerations, what recommendations may be made concerning those departments without historical programs? These include Treasury, Housing and Urban Development, Post Office, Commerce, Justice, as well as the legislative branch and the lower federal courts. As one vitally interested in the welfare of the profession and conscious of the need to apprise historians of non-teaching career opportunities, I could say that all major governmental agencies would be well advised to have historical programs. Some existing programs, however, have not established their worth through publications, and although the process of governmental history is admittedly slow, it is not unreasonable to expect from most official historians some token of scholarly publication after several years on the public payroll. Consequently, before any agencies establish new historical offices, they should enunciate their goals clearly, employ historians capable of achieving these goals, give them the requisite support and see that they produce. Lest this analysis of the government's historical programs seem too stringent, we must remember that these programs are possible only through public support. Therefore their entire operation, from the beginning of research to the published product, is a matter of public, as well as professional, concern.

FOOTNOTES

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[1] Worthington C. Ford, "Publication of Historical Material by the United States Government," *Report of the Librarian of Congress, 1904* (Washington: Government Printing Office, 1904), pp. 171–82.

[2] For full titles and bibliographical data, cf. *A National Program for the Publication of Historical Documents: A Report to the President by the National Historical Publications Commission* (Washington: [NHPC], 1954), pp. 100–02.

[3] Cf. William M. Franklin, "The Future of the *Foreign Relations* Series," paper delivered on June 16, 1969 at a National Archives conference on the documentation of foreign affairs; Richard W. Leopold, "The *Foreign Relations* Series: A Centennial Estimate," *Mississippi Valley Historical Review*, XLIX:4 (March, 1963), 595–612.

[4] Ford, *op. cit.*

[5] Hollis Chenery Clark, "Report on Publication of Revolutionary Military Records," *Annual Report of the American Historical Association, 1915* (Washington: Government Printing Office, 1917), p. 194.

[6] The government's Civil War Centennial Commission, presided over by Allan Nevins, launched important bibliographical and monographic series, the latter popularly known as the Impact Series.

[7] Laurence F. Schmeckebier and Roy B. Eastin, *Government Publications and Their Use* (rev. ed., Washington: Brookings Institution, 1961), pp. 309–313.

[8] For general information on printed historical sources, cf. L. H. Butterfield, "Archival and Editorial Enterprise in 1850 and 1950: Some Comparisons and Contrasts," *Proceedings of the American Philosophical Society*, XCVIII: 3 (June 1954), 159–70; *A National Program for the Publication of Historical Documents, op. cit.*; David D. Van Tassel *Recording America's Past* (Chicago: University of Chicago Press, 1960); L. H. Butterfield and Julian P. Boyd, *Historical Editing in the United States* (Worcester, Mass.: American Antiquarian Society, 1963); *A Report to the President Containing a Proposal by the National Historical Publications Commission* (Washington: [NHPC], (1963); Lester J. Cappon, "A Rationale for Historical Editing Past and Present," *William and Mary Quarterly*, 3rd Ser., XXIII: 1 (Jan. 1966), 56–75; L. H. Butterfield, "Editing American Historical Documents," *Proceedings of the Massachusetts Historical Society*, LXXVIII (1966), 81–104.

[9] Cf. Donald Jackson, ed., *Letters of the Lewis and Clark Expedition, With Related Documents, 1783–1854* (Urbana: University of Illinois Press, 1962) and *The Journals of Zebulon Montgomery Pike: With Letters and Related Documents* (Norman: University of Oklahoma Press, 1966).

[10] Cf. Adrienne Koch, "The Historian as Scholar," *Nation*, CXCV: 17 (Nov. 24, 1962), 357–61.

[11] Cf. Waldo G. Leland, "The Prehistory and Origins of the National Historical Publications Commission," *American Archivist*, XXVII: 2 (Apr. 1964), 187–94.

[12] Cf. Oliver W. Holmes, "Recent Writings Relevant to Documentary Publication Programs," *American Archivist*, XXVI: 1 (Jan. 1963), 137–42.

[13] One hundred thousand reels of microfilmed presidential papers are in forty-five states and four foreign countries. Letter, Elizabeth E. Hamer to author, Aug. 1, 1969. Cf. Wayne C. Grover, "Toward Equal Opportunities for Scholarship," *Journal of American History*, LII:4 (Mar. 1966), 715–24.

[14] Cf. U.S., Congress, House, Committee on Appropriations, *Hearings . . . Department of Agriculture Appropriations for 1964*, 88th Congress, 1st session, 1963, pp. 2379–84.

[15] For the attribution of this phrase, cf. Barry D. Karl, *Executive Reorganization and Reform in the New Deal* (Cambridge, Harvard University Press, 1963), p. 282, n. 20.

[16] Clark, *op. cit.*, p. 195.

[17] Elizabeth B. Drewry, *Historical Units of Agencies of the First World War*, Bulletins of the National Archives, No. 4, July 1942, p. 11.

[18] Quoted in Victor Gondos, Jr., "Army Historiography in the Second World War," *Military Affairs*, VII:1 (Spr. 1943), 60.

[19] *Ibid.*; Bell I. Wiley, "Historical Program of the U.S. Army, 1939 to Present," Office of the Chief of Military History manuscript file, n.d.

[20] Gondos, "Army Historiography: Retrospect and Prospect," *Military Affairs*, VII:3 (Fall 1943), 133–40; Wiley, *op. cit.*

[21] The Surgeon General and Chief of Engineers still maintain historical offices, despite the 1962 reorganization.

[22] For comments on problems involved in writing official military history, cf. Hugh M. Cole, "Writing Contemporary Military History," *Military Affairs*, XII:3 (Fall 1948), 162–67; Col. C. P. Stacey, "The American Forces in Action Series," *Military Affairs*,

XIII:1 (Spr. 1949), 47–49 [deals with the highly successful pamphlets for wounded soldiers]; "Guide to the Writings of American Military History," *Military Affairs*, XIV:1 (1950), 1–52, XIV:4 (Win. 1950), 201–28; Wayne C. Grover, "The National Archives and the Scholar," *Military Affairs*, XV:1 (Spr. 1951), 5–10; Kent Roberts Greenfield, "Accessibility of U.S. Army Records to Historical Research," *Military Affairs*, XV:1 (Spr. 1951), 10–15; Kent Roberts Greenfield, *The Historian and the Army* (New Brunswick, N.J.: Rutgers University Press, 1954); M. C. Helfers, "The United States Army's History of World War II," *Military Affairs*, XIX:1 (Spr. 1955), 32–36; Arthur A. Ekirch, Jr., "Military History: A Civilian Caveat," *Military Affairs*, XXI:2 (Sum. 1957), 49–54; Bell I. Wiley, "Kent Roberts Greenfield: An Appreciation," *Military Affairs*, XXII:4 (Win. 1958–59), 177–80; Louis Morton, "The Writing of Official History," *Army*, XI:10 (May 1961), 38–39; Benedict K. Zobrist, "The Ordnance Field Historian and Current Military History," *Military Affairs*, XXV:4 (Win. 1961–62), 203–06; Martin Blumenson, "Can Official History Be Honest History?" *Military Affairs*, XXVI:4 (Win. 1962–63), 153–61; Stetson Conn, "The Pursuit of Military History," *Military Affairs*, XXX:1 (Spr. 1966), 1–8; Charles B. MacDonald, "Official History and the War in Vietnam," *Military Affairs*, XXXII:1 (Spr. 1968), 2–11.

[23] XLVI:3, p. 556.

[24] XLVI:2, p. 351.

[25] Cf. Army Regulation 870–5, Military History—Responsibilities, Policies, and Procedures, Sept. 10, 1968.

[26] Robert W. Coakley, *Operation Arkansas* (Washington: Office of the Chief of Military History, 1967); Paul J. Scheips, *The Role of the Army in the Oxford, Mississippi Incident, 1962–1963* (Washington: Office of the Chief of Military History, 1965).

[27] Boston: Little Brown, 1947–65.

[28] Cf. Robert G. Albion, "The Navy's War History," *Military Affairs*, VII:4 (Win. 1943), 245–47; Albion, "Report of Progress on Historical Work in the Armed Services, *Military Affairs*, VIII:2 (Sum. 1944), 123–35.

[29] James M. Merrill, "Successors of Mahan: A Survey of Writings on American Naval History, 1914–1960," *Mississippi Valley Historical Review*, L:1 (June 1963), 79–99.

[30] George Athan Billias, review of Vol. I, *Journal of Southern History*, XXXI:4 (Nov. 1965), 450–52; Billias, review of Vol. II, *American Historical Review*, LXXXIII:1 (Oct. 1967), 216–17; D. Alan Williams, review of Vol. I, *Virginia Quarterly Review*, XLI:4 (Aut. 1965), 624–27; Ira D. Gruber, review of Vol. I, *William and Mary Quarterly*, 3rd Ser., XXII:4 (Oct. 1965), 660–62.

[31] Samuel E. Morison, review of Vol. III, *U.S. Naval Institute Proceedings*, XCV:7 (July 1969), 127–28; Neil R. Stout, review of Vol. III, *American Historical Review*, LXXIV:5 (June 1969), 1711–12. Vol. IV has not yet been reviewed.

[32] Henry I. Shaw, Jr., "The Historical Publications of the U.S. Marine Corps," July 1965 (processed).

[33] Lt. Col. Frank O. Hough, Maj. Verle E. Ludwing, and Henry I. Shaw, Jr., *Pearl Harbor to Guadalcanal* (Washington: Government Printing Office, 1958). Henry I. Shaw, Jr., and Douglas T. Kane, *Isolation of Rabaul* (Washington: Government Printing Office, 1963). Henry I. Shaw, Jr., *et al.*, *Central Pacific Drive* (Washington: Government Printing Office, 1966).

[34] Cf. Roy Appleman's critical review of IV, *American Historical Review*, LXVIII:4 (July 1963), 1164–65.

[35] Robert F. Futrell, *et al.*, *The United States Air Force in Korea* (New York: Duell, Sloan, and Pearce, 1961).

[36] Letter, Gen. J. P. McConnell, Chief of Staff, U.S. Air Force, to HEDCOM (Maj. Gen. Ohman), Mar. 15, 1969; Letter, Maj. Gen. R A. Grussendorf, Chief, Office of Air Force History, to Hq Comd USAF (COMDR), Apr. 14, 1969; AF Regulation 210–3, Apr. 8, 1969.

[37] [Report of] "Advisory Committee on the Air Force Historical Program," Dec. 16, 1968. Copies of cited Air Force documents were lent by C. R. Rowdybush, Historian, Seventh Air Force, APO San Francisco 96307.

[38] Cf. G. Bernard Noble, "The Department of State and the Scholar," *Military Affairs*, XV:1 (Spr. 1951), 1–5.

[39] William W. Bishop, Jr., Robert H. Ferrell, Philip E. Mosley, Robert E. Osgood, Robert B. Stewart, Robert R. Wilson, and Richard W. Leopold, "Report of Advisory Committee on 'Foreign Relations,' 1964," *The American Journal of International Law*, LIX:4 (Oct. 1965), 914–18; Walter Rundell, Jr., "Restricted Records: Suggestions from the Survey," *AHA Newsletter*, VII:5 (June 1969), 42.

[40] Cf. Stephen Ambrose, review of *Foreign Relations of the United States: Diplomatic Papers, 1945*. Volume IV, *Europe*, in *American Historical Review*, LXXIV:5 (June 1969), 1749–50.

[41] Francis Wharton, *A Digest of the International Law of the United States*, 3 vols. (2d ed., Washington: Government Printing Office, 1887).

[42] *Policy of the United States Toward Maritime Commerce in War*, Vol. I: 1776–1914, Vol. II: 1914–1918 (Washington: Government Printing Office, 1934, 1936).

[43] *Postwar Foreign Policy Preparation, 1939–1945* (Washington: Government Printing Office, 1950).

[44] *Protection of Foreign Interests: A Study in Diplomatic and Consular Practice* (Washington: Government Printing Office, 1947).

[45] New York: Harper and Row, 1963.

[46] Washington: Department of the Interior, 1964. Subseqeunt volumes in this series published by the Department include *Founders and Frontiersmen: Historic Places Commemorating Early Nationhood and the Westward Movement, 1783–1828* (1967); *Prospector, Cowhand and Sodbuster: Historic Places Associated with the Mining, Ranching, and Farming Frontiers in the Trans-Mississippi West* (1967); and *Explorers and Settlers: Historic Places Commemorating the Early Exploration and Settlement of the United States* (1968). Sales figures, as of July 15, 1969, are as follows: *Soldier . . .*, the entire trade printing of 3,500; now out of print. *Colonials . . .*, 27,910. *Prospector . . .*, 22,934. *Founders . . .*, 8,362. *Explorers . . .*, 11,165. Letter, Utley to author, July 31, 1969.

[47] Washington: USDA, 1963.

[48] U.S., Congress, House, Committee on Appropriations, *Hearings . . . Department of Agriculture Appropriations for 1964, op. cit.*

[49] Letter, Wayne D. Rasmussen to author, July 28, 1969.

[50] Letter, Abe Bortz to author, Aug. 12, 1969.

[51] Richard G. Hewlett and Oscar E. Anderson, Jr., *The New World* (University Park: Pennsylvania State University Press, 1962); Hewlett and Francis Duncan, *Atomic Shield* (University Park: Pennsylvania State Press, 1969).

[52] Letter, Hewlett to author, Aug. 2, 1969.

[53] Washington: NASA, 1961.

[54] James M. Grimwood, *Project Mercury: A Chronology* (Washington: NASA, 1969); Ivan D. Ertel and Mary Lou Morse, *The Apollo Spacecraft: A Chronology*, Vol. I, *Through November 7, 1962* (Washington: NASA, 1969.)

[55] Loyd S. Swenson, James M. Grimwood, and Charles C. Alexander, *The New Ocean: A History of Project Mercury* (Washington: NASA, 1966); Robert L. Rosholt, *An Administrative History of NASA, 1958–1963* (Washington: NASA, 1966); Alfred Rosenthal, *Venture into Space: Early Years of Goddard Space Flight Center* (Washington: NASA, 1968); Constance McL. Green and Milton Lomask, *Vanguard: A History* (Washington: NASA, 1969); Edwin P. Hartman, *Adventures in Research: A History of the Ames Research Center, 1940–1965* (Washington: NASA, 1970).

[56] Cf. Richard S. Kirkendall, "Presidential Libraries—One Researcher's Point of View," *American Archivist*, XX:4 (Oct. 1962), 441–48; Kirkendall, "A Second Look at Presidential Libraries," *American Archivist*, XXXIX: 3(July 1966), 371–86; Gerald T. White, "Government Archives Afield: The Federal Records Center and the Historian," *Journal of American History*, LV:4 (Mar. 1969), 833–42; H. G. Jones, *Records of a Nation* (New York: Atheneum, 1968); Philip C. Brooks, *Research in Archives* (Chicago: University of Chicago Press, 1969).

[57] Washington: National Archives, 1962.

[58] Beers, *Guide to the Archives of the Government of the Confederate States of America* (Washington: National Archives, 1968).

[59] Cf. Dagmar H. Perman, ed., *Bibliography and the Historian* (Santa Barbara: Clio Press, 1968).

[60] Hyde Park, New York: Franklin D. Roosevelt Library, 1957.

[61] Cambridge: Harvard University Press, 1969. Francis L. Loewenheim has charged that the Roosevelt Library deliberately withheld from him certain documents published in this series because of the impending publication by the Harvard University Press. As a result of his allegations, twenty leading historians have called upon Congress to investigate the presidential libraries. Cf. "20 Historians Assail Presidential Libraries," Washington *Post*, Sept. 2, 1969, p. A2.

[62] New Haven: Yale Univ. Press, 1961.

[63] Worthington C. Ford, *et al.*, eds., 34 vols., 1904–37.

[64] Susan Myra Kingsburg, ed., 4 vols., 1906–35.

[65] Cf. MacDonald, *op. cit.*

[66] Cf. Morton, *op. cit.*

[67] "Restricted Records: Suggestions from the Survey," *AHA Newsletter*, VII:5 (June 1969), 39–43.

THE LATE BELOVED EVERETT McKINLEY DIRKSEN

(Mr. ARENDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ARENDS. Mr. Speaker, it is no exaggeration to say that no man served in the Congress of the United States with greater distinction than our late beloved Senator Everett McKinley Dirksen. His contribution is almost beyond measure. Many people likened him to Abraham Lincoln, another son of Illinois, and in many respects he was the Lincoln of our day.

There should be a memorial to this truly great man. No more fitting memorial would be the naming of the new proposed Federal building and the existing Federal building and U.S. courthouse in Chicago after him. It was in the Federal building that Senator Dirksen had his office in Chicago. It was to this office that people from across the State would come for guidance and assistance. None were turned away. All were always given the best he had to offer for he was in the truest sense a man of and for the people.

I am today introducing a bill, on behalf of myself and other Members of Congress, to name these two buildings in Chicago after Senator Dirksen. Knowing the high regard which the American people of both political parties held for the late Senator, I am quite confident that all will join in supporting this proposal.

ON THE POSSIBILITIES OF TAX TREASON

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, yesterday the Attorney General requested the resignation of one of the greatest U.S. attorneys in recent times: Mr. Robert M. Morgenthau. This request comes with 2 years left to Mr. Morgenthau's term and while he is in the middle of major investigations of national importance, involving organized crime and public officials.

To quote this morning's Washington Post:

> The Nixon administration's attempt to fire Robert M. Morgenthau as U.S. attorney for the Southern District of New York is widely viewed here as the result of political pressure generated by the prosecutor's widespread investigations of white-collar crime and organized racketeering which could involve many prominent members of the business and political world.
>
> Recently, as Morgenthau's probes into financial dealings involving the use of foreign banks picked up steam, the reports of pressure from Washington have become more frequent.

I hope, Mr. Speaker, that everyone who is concerned about crime—not just the very serious and dangerous crime on the street, but the multibillion-dollar crimes of the rich and the syndicates—will support Attorney Morgenthau and the continuation of his probes.

I propose, Mr. Speaker, that the files which the U.S. attorney of the southern district of New York has accumulated on the use of Swiss banks by American citizens to evade U.S. tax laws be subpenaed by the House Ways and Means Committee to determine the extent of the use of international tax loopholes by Americans. It is incumbent upon Congress to utilize this evidence of tax abuse before it disappears.

The use of foreign secret bank accounts to avoid taxation is a form of tax treason which no American should tolerate.

I have today requested Chairman WILBUR MILLS, of the Ways and Means Committee, to initiate committee action on this critical matter.

HOBBY FARMING

(Mr. OBEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OBEY. Mr. Speaker, family farmers should not have to compete against someone who does not have to make a profit to stay in business. In an attempt to do something about that, I am introducing in the House of Representatives today legislation which would prohibit agricultural grants-in-aid or farm assistance payments for persons who farm only for tax purposes. Senator NELSON is today introducing companion legislation in the Senate. It is time that we eliminate the tax advantages which benefit the wealthy who use farms as tax shelters and milk the Federal Treasury for upward of $600 million per year. And it is time that we prohibit these tax dodge farmers from gaining the economic benefits of farm programs as well.

Last January I had the opportunity to attend a seminar on corporation farming in Des Moines, Iowa, where the main issues discussed were the invasion of corporate and nonfarm interests into the agricultural sector of our Nation. At the end of that conference a statement was issued which read in part:

> An alarming trend in our time is the massive invasion of agriculture by corporate and non-farm interests . . . made possible and abetted by the availability of virtually unlimited capital and credit in the hands of those corporate giants, and by the provisions of tax laws which make it possible for corporations and the investors who are not primarily engaged as farm operators to take advantage of tax-loss deductions on their farm operations against income produced from non-farm enterprises.
>
> The activity of corporate and non-farm interests in agriculture has resulted in commodity market price manipulation, unrealistically high prices for farm land, and the driving of farm families off the land.

Mr. Speaker, a number of us in Congress have introduced legislation which we believe would go far in dealing with this corporate invasion in agriculture, an ever increasing occurrence which we look upon with grave concern. In particular, this legislation included the Metcalf and Culver bills which would have limited tax-loss deductions as a writeoff against nonfarm income to $15,000, with a dollar reduction in the writeoff allowed for each dollar of nonfarm income over $15,000. I support the Metcalf-Culver bills, and included a provision of this sort in the tax reform legislation which I introduced shortly after my election to Congress last April.

The need for such legislation is, I think, obvious. There is a marked tendency for example, for farm losses to increase as adjusted gross income increases. In 1966, in fact, the average farm losses reported by 88 millionaires were in excess of $40,000, something one should not expect from those who are otherwise prudent and successful businessmen and investors.

On almost any day we can see advertisements in the Wall Street Journal telling how farm investment for wealthy people results in tax shelters that enable them to avoid millions of dollars in taxes.

To quote from the report of the Senate and House committees which studied the tax reform legislation:

> The utilization of these tax advantages by high-income taxpayers is not merely a theoretical possibility.

It is a real threat, Mr. Speaker, and one we attempted to deal with in the tax reform legislation which recently was debated in the House and Senate.

Among other provisions, the House-passed tax reform bill contained a provision establishing an excess deductions account. The EDA was established to prevent individuals from using farm losses to convert ordinary income, taxed on a graduated scale, into capital gains, which of course are taxed at much lower rates. However, under the tax bill passed by the House, only losses in excess of $25,000 would be added to the EDA and it would apply only if the person had a nonfarm income of $50,000 per year or more. This method would still leave the tax-dodge farmer free to use the full amount of his farming losses to reduce the taxes he would otherwise have to pay on his nonfarming income.

Unfortunately, the provision adopted by the Senate Finance Committee was little better. Under that bill, a taxpayer whose nonfarm income is less than $50,000 could deduct his farm losses in full, and one with more than $50,000 of nonfarm income would be allowed to deduct his losses in full up to $25,000, and one-half of everything over this.

Both the Senate and House tax reform bills generally agreed also on a "hobby farm" provision which included a rule under which a taxpayer could not deduct losses arising from an activity if it was carried on without an expectation of realizing a profit. Where the losses of such an activity—including farming—were more than $25,000 in 3 out of 5 consecutive years, then the activity is presumed to have been carried on without the expectation of a profit, unless the taxpayer can show to the contrary.

In his attempt to amend the Senate bill, Senator METCALF pointed out that the House EDA provisions would raise about $20 million and would affect about 3,000 persons. If approved as an amendment to the Senate tax reform legislation, his amendment would have raised about $205 million in revenue and would have affected about 14,000 persons.

Mr. Speaker, even this was no panacea and Senator METCALF pointed out himself that his amendment, while much better than the House proposal, would still have affected only 2 percent of the 770,000 taxpayers who claim farm losses on their income tax returns. The important point, however, is that it would not affect the legitimate farmers who claim legitimate losses.

When the tax reform bill was presented to the House in August, I said at that time that I considered the tax-loss farming provisions unsatisfactory. Senator METCALF'S amendment did not pass the Senate, and the bill which did pass the Senate a few days ago is also inadequate to deal with this matter.

It is for this reason that I am introducing today additional provisions to the coalition farm bill which I cosponsored several weeks ago. My amendment will simply assure us that tax-dodge and hobby farmers—both in farming to avoid taxes and not to make a profit—will not get the same farm program benefits as the legitimate farmers who actively work their fields and provide this Nation with an abundant supply of food and fiber.

Although there are not many statistics available on this matter, I have received information from the Internal Revenue Service indicating that in 1966, 264,000 farmers reporting losses on their operations had received $272 million in farm program payments.

Mr. Speaker, I have already pointed out that many persons with very high incomes, including some whose incomes reach $1 million or more, claim tax

losses for farming operations. Figures compiled by the USDA indicate that in 1968 over 56 percent of our farmers receive only 11 percent of all farm payments, and most of these receive between $200 and $499 per year. Now we know that a number, and I suspect a growing number, of hobby farmers are not only milking the Federal Treasury by claiming tax losses, they are at the same time accepting grants-in-aid or assistance payments for not farming when they had no intention of doing so in the first place. I think this practice ought to be stopped. It is unfair, and it is unfairly giving the whole farm program a bad name. To correct that, I am using a vehicle which has already been accepted in principle by the Senate and the House in the tax reform bills passed by the two houses—that persons who farm without an expectation of realizing a profit should be prohibited from using their "hobbies" to gain tax benefits.

If the addition to the coalition farm bill which I am introducing today were adopted, no person who has a loss of $10,000 or more in 3 years out of 5 could obtain the benefits of the various farm programs extended in this major farm legislation, unless he could prove that he is in business to make a profit. This includes the wool program, feed grains, cotton, wheat, rice, soybeans and flax.

I would like to point out, however, that my proposals would not prohibit any persons from receiving cropland adjustment payments—CAP. Under this cropland conservation program, farmers receive payments for diverting acres of land from crops to conservation uses. The concern over soil, water, and wildlife conservation makes it apparent, I think, that any attempts to conserve our land are necessary and ought to be encouraged. To qualify for CAP payments a person must be actively farming for a period of 3 years and he must have a history of crop production. If any person under this program has farm losses, but wants and can qualify to divert acres into conservation uses, I believe he ought to be allowed to do so.

Mr. Speaker, this legislation is not intended nor would it penalize the family farmer who may legitimately incur losses from sales. In fact, it is meant to protect him from unfair competition. It would affect the so-called "farmer" who loses at least $30,000 in a 5-year period, and who cannot show that he is in business with an expectation of making a profit.

This measure is not a cureall for the corporate invasion into agriculture whose tentacles seem to be extending each year, and I will continue to support the measures proposed by Senator METCALF and Representative CULVER. But I believe this measure is a first step. With its adoption we will be telling tax-dodge farmers and investors that farm assistance programs were not established for their benefit, but to help stabilize farm income and assure the consumer an adequate supply of quality agricultural products. Wealthy nonfarmers should not be allowed to use farming as either a tax dodge or as a means to obtain Federal assistance payments designed for totally different purposes.

Mr. Speaker, since I am already an author of the coalition farm bill (H.R. 14014) I am using that measure as a vehicle to introduce the legislation which I am proposing today. My proposal, which appears below, will appear as title XI of that legislation, and will affect titles II, wool; title III, corn and feed grains; title IV, cotton; title V, what; title VI, soybeans and flax seed; and title X, rice.

The new title follows:

TITLE XI—LIMITATION ON BENEFITS FOR HOBBY FARMERS

SEC. 1201. (a) If the net operating loss incurred by any person from farming operations exceeds $10,000 in each of any 3 years in any 5-year period, then unless the person establishes to the contrary that he was operating with an expectation of realizing a profit, that person shall be deemed to be carrying on farming operations in the last year of such 5-year period without an expectation of profit.

(b) No person who, pursuant to subsection (a) of this section, is deemed to be carrying on farming operations in any year without an expectation of profit may be provided any benefits the following year under any laws amended by titles II, III, IV, V, VI, or X of this Act.

MILITARY CONSTRUCTION APPROPRIATIONS—CONFERENCE REPORT

Mr. SIKES submitted the following conference report and statement on the bill (H.R. 14751) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–770)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14751) "making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, and 7; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$287,228,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$300,028,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$284,327,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$33,915,000"; and the Senate agree to the same.

ROBERT L. F. SIKES,
JOHN J. MCFALL,
EDWARD J. PATTEN,
CLARENCE D. LONG,
GEORGE MAHON,
E. A. CEDERBERG,
CHARLES R. JONAS,
FRANK T. BOW,
Managers on the Part of the House.

MIKE MANSFIELD,
ALAN BIBLE,
WILLIAM PROXMIRE,
RALPH W. YARBOROUGH,
RICHARD B. RUSSELL,
STUART SYMINGTON,
J. CALEB BOGGS,
JAMES B. PEARSON,
HIRAM L. FONG,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14751) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1, Military construction, Army: Appropriates $287,228,000 instead of $240,446,000 as proposed by the House and $297,597,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Fort Holabird, Md.: Building alteration (National Agency Check Center)	+$489,000
Fort Knox, Ky.: Armor and reconnaissance instruction facility	+2,830,000
Fort Rucker, Ala.: USAAVNS maintenance instruction facility	+3,636,000
Fort Bliss, Tex.: Guided missile maintenance buildings	+2,004,000
Fort Riley, Kans.: Road	+1,023,000
Aberdeen Proving Ground, Md.: Automotive instruction buildings	+1,966,000
Utilities and roads	+346,000
Atlanta Army Depot, Ga.: Storage modernization	+572,000
Letterkenny Army Depot, Pa.: Radiographic inspection facility	+1,049,000
Pueblo Army Depot, Colo.: Radiographic inspection facility	+1,026,000
U.S. Military Academy, West Point, N.Y.: Cadet activities center	+16,814,000
Brook Army Medical Center, Tex.: Administrative and classroom building	+9,891,000
Europe: Ammunition storage	+2,500,000
Reduction due to unobligated balances	+8,000,000
Fort Dix, N.J.: Elevated steam line, reception center	−75,000
Fort Polk, La.: Light vehicle driving range	−216,000
Army Map Service, Washington, D.C.: Alter building for computer	−134,000
Fort Lee, Va.: Post office	−284,000
Fort Bliss, Tex.: Main post office	−436,000

U.S. Army Military Academy, West Point, N.Y.: Hospital and utilities (deficiency) — −$3,399,000
Fort J. M. Wainwright, Alaska: Survival measures — −820,000

The conferees have approved a cadet activities center, in the amount of $16,814,000, at the United States Military Academy, with the proviso that before any contract for the construction of this center is awarded, the Army must make a full report to the Committees on Appropriations of the House of Representatives and the Senate. This report should set forth the extent of competition obtained in the bidding for this project and the measures taken by all concerned with this construction to ensure that fair value is obtained for the construction dollars spent. The Army should make every effort to construct this center within the amount allowed.

Amendment No. 2, Military Construction, Navy: Appropriates $300,028,000 instead of $271,605,000 as proposed by the House and $305,377,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Naval Underwater Weapons Research and Engineering Station, Newport, R.I.: Mark 48 weapons system test center	+$754,000
Naval Air Rework Facility, Quonset Point, R.I.: Engine parts coating shop	+1,063,000
Fleet Antiair Warfare Training Center, Dam Neck, Va.: Computer building addition	+493,000
Naval Air Rework Facility, Norfolk, Va.: Cleaning and corrosion treatment building	+1,254,000
Naval Training Center, Orlando, Fla.:	
Recruit barracks	+8,285,000
Mess hall	+2,023,000
Naval Shipyard, Charleston, S.C.: Waterfront services facilities	+200,000
Naval Air Station, Chase Field, Tex.: Transmitter and receiver building and land acquisition	+791,000
Naval Air Station, Kingsville, Tex.: Aircraft maintenance hangar	+2,681,000
Naval Air Station, Lemoore, Calif.: Aircraft systems training building	+956,000
Naval Air Station, North Island, Calif.: Helicopter overhaul and repair shop	+1,620,000
Naval Training Center, San Diego, Calif.: Service school barracks	+3,335,000
Naval Shipyard, Bremerton, Wash.: Woodworking shop	+4,000,000
Marine Corps Auxiliary Landing Field, Bogue, N.C.:	
Utilities	+352,000
Combat vehicle maintenance shop	+136,000
Marine Corps Base, Camp Lejeune, N.C.:	
Alterations for ADP installation	+103,000
Weapons maintenance shop	+425,000
Electronic maintenance shop	+506,000
Utilities and roads	+683,000
Marine Corps Air Station, Cherry Point, N.C.:	
Aerial gunnery range improvements	+1,631,000
Barracks	+352,000
Marine Corps Air Station, El Toro, Calif: Barracks	+3,554,000
Marine Corps Recruit Depot, San Diego, Calif.: Barracks	+5,601,000
Navy Public Works Center, Guantanamo, Cuba: Electric powerplant	+$2,898,000
Naval Construction Battalion Center, Gulfport, Miss.:	
Enlisted men's barracks	+4,430,000
Controlled humidity warehouse	+3,381,000
Stock receiving facility	+2,088,000
Fire station	+234,000
Supply operations facility	+545,000
Retail supply issue	+413,000
Utilities	+540,000
Telephone exchange/command center	+357,000
Reduction due to unobligated balances	+12,000,000
Naval Support Activity, New Orleans, La.: Reconstruction of wharf	+544,000
Navy Supply Corps School, Athens, Ga.: Training building	+2,920,000
Naval Construction Battalion Center, Davisville, R.I.: Regimental headquarters building	+621,000
Naval Station, Guantanamo Bay, Cuba: Enlisted men's club	+1,108,000
Marine Corps Base, Camp Lejeune, N.C.: Base post office	−536,000
Naval Hospital, Camp Pendleton, Calif.: Hospital	−19,805,000
Reindeer Station: (Classified)	−9,556,000
Naval Air Station, New York, N.Y.: Boiler fuel conversion	−228,000
Naval Supply Center, Norfolk, Va.: Fumigation building	−96,000
Naval Undersea Warfare Center, San Diego, Calif.: Launch and repair facility	−725,000
Naval Station, Adak, Alaska: Community center	−3,219,000
Marine Barracks, Washington, D.C.: Land acquisition	−459,000
Marine Corps Supply Center, Barstow, Calif.: Sanitary landfill	−64,000
Navy Public Works Center, Guam: Electric power plant and land acquisition	−9,396,000
Naval Air Facility, El Centro, Calif.: Photographic laboratory	−250,000
Naval Air Station, LaMoure, N.D.: Transmitter facility (OMEGA) price reduction	−120,000

Amendment No. 3, Military Construction, Air Force: Appropriates $284,327,000 instead of $253,505,000 as proposed by the House and $302,349,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Kirtland AFB, N. Mex.: Survivability/vulnerability test simulation facility	+$669,000
Keesler AFB, Miss.: Data processing plant	+342,000
Lackland AFB, Tex.: Composite recruit training and housing facility	+7,789,000
Sheppard AFB, Tex.: Data-processing plant	+155,000
Barksdale AFB, La.: Data processing plant	+237,000
Davis-Monthan AFB, Ariz.: Runway access taxiway	+609,000
Loring AFB, Me.: WAF dormitory	+545,000
George AFB, Calif.: Airman dormitory	+1,950,000
Luke AFB, Ariz.:	
Operational apron	+3,714,000
Airman dormitory	+1,206,000
Nellis AFB, Nev.:	
Addition to operational apron	+$1,203,000
Squadron operations	+1,318,000
Relocate utilities	+318,000
Addition to aerospace ground equipment shop	+128,000
Hahn AB, Germany: Maintenance hangar	+544,000
Lakenheath RAF, United Kingdom: Target intelligence training facility	+115,000
Mildenhall RAF, United Kingdom: War readiness material storage (POL)	+1,019,000
Upper Heyford, United Kingdom: War readiness material storage (POL)	+468,000
Dover AFB, Del.: Aircraft maintenance dock	+1,380,000
Elmendorf AFB, Alaska: Alter squadron operations	+100,000
Reduction due to unobligated balances	+15,000,000
Eglin AFB, Fla.: Officers open mess	+953,000
Keesler AFB, Miss.: Refueling vehicle depot	+135,000
McGuire AFB, N.J.: Officers open mess	+1,085,000
Offutt AFB, Nebr.: Extend runway	+1,743,000
Foreign leases	+753,000
Holloman AFB, N. Mex.: Addition to research data center	−295,000
Sheppard AFB, Tex.: Library	−338,000
Travis AFB, Calif.: Security fence	−137,000
Tinker AFB, Okla.: Alter avionics shop	−410,000
Tonopah AFS, Nev.: NCO open mess	−166,000
Wadena AFS, Minn.: Sewage treatment system	−56,000
Key West NAS, Fla.: Alert facility	−79,000
Perrin AFB, Tex.: Non-Destruct inspection laboratory	−122,000
McClellan AFB, Calif.: Alter heating plant	−151,000
Brooks AFB, Tex.: Human resources research facility	−197,000
Los Angeles AFS, Calif.: Base communications	−258,000
Western Test Range, Vandenberg AFB, Calif.: Power and environmental systems facility	−2,105,000
Satellite Control Facilities: Electric power plant—Kodiak, Alaska	−1,750,000
Elmendorf AFB, Alaska: Field training facility conversion	−100,000
Hickam AFB, Hawaii:	
Post office	−221,000
Walkway-bridge	−50,000
K.I. Sawyer AFB, Mich.: Civil engineering pavement and grounds facility	−342,000
March AFB, Calif.: Numbered AF HQ	−4,210,000
Offutt AFB, Neb: Utility supervisory control system	−376,000
Wurtsmith AFB, Mich.: Non-Destruct inspection laboratory	−156,000
Cambria AFS, Calif.: Sewage treatment and disposal system	−47,000
Empire AFS, Mich.: Sewage treatment and disposal system	−99,000
Yokota AB, Japan: Hazardous parking area	−435,000
Howard AFB, C.Z.: Covered aircraft corrosion control facility	−556,000

Amendment No. 4, Military Construction, Defense Agencies: Appropriates $33,915,000

instead of $28,720,000 as proposed by the House and $43,165,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Defense Atomic Support Agency: Sandia Base, N. Mex.: Plastics and special fabrication shop	+$121,000
Defense Supply Agency: Defense Depot, Ogden, Utah: Warehouse lighting	+575,000
Defense General Supply Center, Richmond, Va.: Warehouse lighting	+295,000
Various: Department of Defense emergency construction	+2,500,000
Reduction from unobligated balances	+1,750,000
Defense Atomic Support Agency: Sandia Base, N. Mex.: Install adequate fire protection, Building 2000	−46,000

Amendment No. 5, Family Housing, Defense: Appropriates $688,476,000 as proposed by the Senate instead of $689,801,000 as proposed by the House.

Amendment No. 6, Family Housing, Defense: Authorizes not to exceed $30,461,000 for the construction of Army family housing as proposed by the Senate instead of $31,061,000 as proposed by the House. The conferees are in agreement that 150 units of family housing contained in the House-passed bill should be deleted from Fort Leavenworth, Kansas and an additional 150 units included at Fort Carson, Colorado. This change was made in the Senate bill in order to reflect the authorization action taken by the Congress.

Amendment No. 7, Family Housing, Defense: Authorizes not to exceed $41,989,000 for construction of family housing for the Air Force as proposed by the Senate instead of $42,714,000 as proposed by the House.

ROBERT L. F. SIKES,
JOHN J. MCFALL,
EDWARD J. PATTEN,
CLARENCE D. LONG,
GEORGE MAHON,
E. A. CEDERBERG,
CHARLES R. JONAS,
FRANK T. BOW,
Managers on the Part of the House.

DEPARTMENT OF TRANSPORTATION—CONFERENCE REPORT

Mr. BOLAND submitted the following conference report and statement on the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–771)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14794) "making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes," having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 10, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 11, 12, 22, 24, and 26, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,600,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,000,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$66,500,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,650,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$85,000,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$59,121,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$29,550,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,050,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,050,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,000,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,050,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,000,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$214,000,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,600,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,000,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$66,500,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,650,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$85,000,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$59,121,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$29,550,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,050,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,050,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,000,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,050,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,000,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$214,000,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,050,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,127,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$70,000,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$18,000,000"; and the Senate agree to the same.

Amendment numbered 31: That the House receded from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,000,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: for any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 14, and 15.

EDWARD P. BOLAND,
JOHN J. MCFALL,
SIDNEY R. YATES (except) on numbers 8 and 9),
GEORGE MAHON,
WILLIAM E. MINSHALL,
SILVIO O. CONTE,
FRANK T. BOW,
Managers on the Part of the House.

JOHN STENNIS,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
ALAN BIBLE,
CLIFFORD P. CASE,
MARGARET CHASE SMITH,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

OFFICE OF THE SECRETARY

Amendment No. 1: Appropriates $11,600,000 for salaries and expenses instead of $11,500,000 as provided by the House and $11,750,000 as provided by the Senate. The increase is to provide ten positions for the Office of the Assistant Secretary for Environment and Urban Systems.

Amendment No. 2: Reported in disagreement.

Amendment No. 3: Appropriates $11,000,000 for Transportation Planning, Research, and Development instead of $8,000,000 as provided by the House and $14,000,000 as provided by the Senate.

COAST GUARD

Amendment No. 4: Appropriates $66,500,000 for Acquisition, Construction, and Improvements instead of $57,300,000 as provided by the House and $75,700,000 as provided by the Senate.

Amendment No. 5: Appropriates $25,900,000 for Reserve Training as proposed by the House.

Amendment No. 6: Provides limitation of 15,000 personnel for the Selected Reserve on June 30, 1970, as proposed by the House.

FEDERAL AVIATION ADMINISTRATION

Amendment No. 7: Appropriates $9,650,000 for Operation and Maintenance, National Capital Airports instead of $9,500,000 as provided by the House and $9,800,000 as provided by the Senate.

Amendment No. 8: Appropriates $50,000,000 for Grants-in-Aid for Airports as proposed by the Senate.

Amendment No. 9: Appropriates $85,000,000 for Civil Supersonic Aircraft Development instead of $95,958,000 as proposed by the House and $80,000,000 as proposed by the Senate.

FEDERAL HIGHWAY ADMINISTRATION

Amendment No. 10: Appropriates $1,650,000 for the Office of the Administrator, Salaries and Expenses, as proposed by the House instead of $1,687,000 as proposed by the Senate.

Amendment No. 11: Inserts language as proposed by the Senate.

Amendment No. 12: Provides transfer of $12,627,000 from the appropriation for "Federal-Aid Highways (Trust Fund)" as proposed by the Senate instead of $12,467,000 as proposed by the House.

Amendment No. 13: Provides $59,121,000 for the Bureau of Public Roads, Limitation on General Expenses, instead of $59,012,000 as proposed by the House and $59,230,000 as proposed by the Senate.

Amendments Nos. 14 and 15: Reported in disagreement.

Amendment No. 16: Appropriates $29,550,000 for Traffic and Highway Safety instead of $27,550,000 as proposed by the House and $37,550,000 as proposed by the Senate. The increase allowed over the House bill amount shall be allocated to the highest priority research projects.

Amendment No. 17: Provides transfer of $2,050,000 from the appropriation for "State and community highway safety (Liquidation of contract authorization)" instead of $2,000,000 as proposed by the House and $2,100,000 as proposed by the Senate. The increase allowed over the House bill amount includes provision for five additional positions.

Amendment No. 18: Deletes language inserted by the Senate.

Amendment No. 19: Provides for advance of $2,050,000 from State and Community Highway Safety (Liquidation of Contract Authorization) to the appropriation "traffic and highway safety" instead of $2,000,000 as proposed by the House and $2,100,000 as proposed by the Senate.

Amendments Nos. 20 and 21: Appropriate $25,000,000 for Forest Highways (Liquidation of Contract Authorization) instead of $18,000,000 as proposed by the House and $30,000,000 as proposed by the Senate.

FEDERAL RAILROAD ADMINISTRATION

Amendment No. 22: Appropriates $1,050,000 as proposed by the Senate instead of $1,000,000 as proposed by the House.

Amendment No. 23: Appropriates $11,000,000 for High-Speed Ground Transportation Research and Development instead of $10,000,000 as proposed by the House and $12,000,000 as proposed by the Senate. The conference agreement includes six positions in addition to those provided by the House.

Amendment No. 24: Inserts language providing $150,000 for a feasibility study of extending a transit line to Dulles International Airport as proposed by the Senate.

URBAN MASS TRANSPORTATION ADMINISTRATION

Amendment No. 25: Appropriates $214,000,000 instead of $220,000,000 as proposed by the House and $200,000,000 as proposed by the Senate. The increase over the Senate amount is for Capital facilities grants. This provides the full budget request of $176,000,000.

Amendment No. 26: Limits funds available for research, development, and demonstration grants to $20,000,000 as proposed by the Senate instead of $25,000,000 as proposed by the House.

TITLE II—RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

Amendment No. 27: Appropriates $5,050,000 for salaries and expenses instead of $5,000,000 as proposed by the House, and $5,100,000 as proposed by the Senate. The funds will provide for all 11 new positions requested in the budget.

INTERSTATE COMMERCE COMMISSION

Amendment No. 28: Appropriates $25,127,000 for salaries and expenses instead of $25,000,000 as proposed by the House, and $25,254,000 as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

Amendment No. 29: Limits obligations for "State and community highway safety" to $70,000,000 instead of $65,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

The conferees are in agreement that the National Highway Safety Bureau should require that, in the matching process, both Federal and State funds be applied to the cost of additional safety efforts and that the Bureau's practice of using expenditures for existing State activities for matching purposes be discontinued.

Amendment No. 30: Limits obligations for "Forest highways" to $18,000,000 instead of $12,000,000 as proposed by the House and $29,000,000 as proposed by the Senate.

Amendment No. 31: Limits obligations for "Public lands highways" to $8,000,000 instead of $3,000,000 as proposed by the House and $13,000,000 as proposed by the Senate.

Amendment No. 32: Provides amended language prohibiting any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades.

EDWARD P. BOLAND,
JOHN J. MCFALL,
SIDNEY R. YATES,
(except on numbers 8 and 9)
GEORGE MAHON,
WILLIAM E. MINSHALL,
SILVIO O. CONTE,
FRANK T. BOW,
Managers on the Part of the House.

TO LOWER INTEREST RATES, FIGHT INFLATION, HELP SMALL BUSINESS, AND EXPAND THE MORTGAGE MARKET—CONFERENCE REPORT

Mr. PATMAN submitted the following conference report and statement on the bill (S. 2577) to provide additional mortgage credit, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-769)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2577) to provide additional mortgage credit, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—AMENDMENTS TO EXISTING ACTS

SECTION 1. Section 7 of the Act of September 21, 1966 (Public Law 89-587; 80 Stat. 823) is amended to read:

"SEC. 7. Effective March 22, 1971:

"(1) So much of section 19(j) of the Federal Reserve Act (12 U.S.C. 371(b)) as precedes the third sentence thereof is amended to read as it would without the amendment made by section 2(c) of this Act.

"(2) The second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act.

"(3) The last three sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are repealed.

"(4) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed."

SEC. 2. (a) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end thereof the following new sentences: "The authority conferred by this subsection shall also apply to noninsured banks in any State if (1) the total amount of time and savings deposits held in all such banks in the State, plus the total amount of deposits, shares, and withdrawable accounts held in all building and loan, savings and loan, and homestead associations (including cooperative banks) in the State which are not members of a Federal home loan bank, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by this subsection, including specifically the authority to regulate the rates of interest and dividends paid by such noninsured banks on time and savings deposits, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board of Directors with respect to such noninsured banks prior to July 31, 1970, to limit the rates of interest or dividends which such banks may pay on time and savings deposits to maximum rates not lower than 5½ per centum per annum. Whenever it shall appear to the Board of Directors that any noninsured bank or any affiliate thereof is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this subsection or of any regulations thereunder, the Board of Directors may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the noninsured bank or affiliate thereof is located to enjoin such acts or practices, to enforce compliance with this subsection or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond."

(b) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended to read as follows:

"SEC. 5B. (a) The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on the rates of interest or dividends on deposits, shares, or withdrawable accounts that may be paid by members, other than those the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, by institutions which are insured institutions as defined in section 401(a) of the National Housing Act, and by nonmember building and loan, savings and loan, and homestead associations, and cooperative banks. The Board may prescribe different rate limitations for different classes of deposits, shares, or withdrawable accounts, for deposits, shares, or withdrawable accounts of different amounts or with different maturities or subject to different conditions regarding withdrawal or repayment, according to the nature or location of such members, institutions, or nonmembers or their depositors, shareholders or withdrawable account holders, or according to such other reasonable bases as the Board may deem desirable in the public interest. The authority conferred by this subsection shall apply to nonmember building and loan, savings and loan, and homestead associations, and cooperative banks in any State if (1) the total amount of deposits, shares, and withdrawable accounts held in all such nonmember associations and banks in the State, plus the total amount of time and savings deposits held in all banks in the State which are not insured by the Federal Deposit Insurance Corporation, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by the first two sentences of this subsection, including specifically the authority to regulate the rates of interest and dividends paid by any such association or bank on deposits, shares, or withdrawable accounts, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board with respect to such nonmember associations and banks prior to July 31, 1970, to limit the rates of interest or dividends which such associations or banks may pay on deposits, shares, or withdrawable accounts to maximum rates not lower than 5½ per centum per annum.

"(b) In addition to any other penalty provided by this or any other law, any institution subject to this section which violates a rule promulgated pursuant to this section shall be subject to such civil penalties, which shall not exceed $100 for each violation, as may be prescribed by said Board by rule and such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

"(c) Whenever it shall appear to the Board that any nonmember institution is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any regulations thereunder, the Board may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the institution is located to enjoin such acts or practices, to enforce compliance with this section or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

"(d) All expenses of the Board under this section shall be considered as nonadministrative expenses."

SEC. 3. Section 11(i) of the Federal Home Loan Bank Act (12 U.S.C. 1431(i)) is amended—

(1) by striking out "$1,000,000,000" and inserting in lieu there of "$4,000,000,000";

(2) by striking out the last sentence thereof and inserting in lieu thereof the following: "Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon terms and conditions as shall be determined by the Secretary of the Treasury and shall bear such rate of interest as may be determined by the Secretary of the Treasury taking into consideration the current average market yield for the month preceding the month of such purchase on outstanding marketable obligations of the United States."; and

(3) by adding at the end thereof a new paragraph as follows:

"The authority provided in this subsection shall be used by the Secretary of the Treasury, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates and that funds so borrowed shall be repaid by the Home Loan Bank Board at the earliest practicable date."

SEC. 4. (a) Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting after the word "interest," the following: "to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit,".

(b)(1) The fourth sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors is authorized for the purposes of this subsection to define the terms 'time deposits' and 'savings deposits', to determine what shall be deemed a payment of interest, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this subsection and to prevent evasions thereof."

(2) Section 18(g) of such Act is further amended by inserting after the fifth sentence the following: "The provisions of this subsection and of regulations issued thereunder shall also apply, in the discretion of the Board of Directors, to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business. As used in this subsection, the term 'affiliate' has the same meaning as when used in section 2(b) of the Banking Act of 1933, as amended (12 U.S.C. 221a(b)), except that the term 'member bank', as used in such section 2(b), shall be deemed to refer to an insured nonmember bank."

(c) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "or dividends" after "interest".

SEC. 5. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end thereof a new sentence as follows: "The Board may, however, prescribe any reserve ratio, not more than 22 per centum, with respect to any indebtedness of a member bank that arises out of a transaction in the ordinary course of its banking business with respect to either funds received or credit extended by such bank to a bank organized under the law of a foreign country or a dependency or insular possession of the United States."

SEC. 6. (a) Effective as of the close of December 31, 1969, section 404 of the National Housing Act is amended

(1) by striking out "plus any creditor obligations of such institution" in subsection (b)(1), and the amendment made by this subdivision (1) shall be applicable also to any then unexpired portion of any then current premium year under subsection (b)(1).

(2) by striking out "and creditor obligations" in subsection (b)(2).

(3) by striking out "and its creditor obligations" in subsection (c).

(4) by striking out "and creditor obligations" each place it appears in subsection (g). The condition in the first sentence of that subsection shall be deemed to be met as of the close of December 31, 1969. The words "such year" in that sentence shall be deemed to include also the year beginning January 1, 1970.

(b) The Federal Savings and Loan Insurance Corporation is authorized by regulation or otherwise

(1) to make such provisions as it may deem advisable with respect to the order in which and the extent to which the components of a pro rata share of its secondary reserve shall be applied or be deemed to have been applied in the case of a reduction of such share through a use under the second sentence of section 404(e) of the National Housing Act or the first sentence of section 404(g), a transfer of part of such share under the third sentence of section 404(e), or otherwise.

(2) to take such action, including without limitation such adjustments and refunds and such deferrals of premium payments and other payments, as it may determine to be necessary or appropriate for or in connection with the implementation of this section or other legislation amending or supplementing said section 404.

SEC. 7. (a) The following provisions of the Federal Deposit Insurance Act are amended by changing "$15,000", each place it appears therein, to read "$20,000":

(1) The first sentence of section 3(m) (12 U.S.C. 1813(m)).

(2) The first sentence of section 7(i) (12 U.S.C. 1817(i)).

(3) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(4) The fifth sentence of section 11(i) (12 U.S.C. 1821(i)).

(b) The amendments made by this section are not applicable to any claim arising out of the closing of a bank prior to the date of enactment of this Act.

SEC. 8. (a) The following provisions of title IV of the National Housing Act are amended by changing "$15,000", each place it appears therein, to read "$20,000":

(1) Section 401(b) (12 U.S.C. 1724(b)).

(2) Section 405(a) (12 U.S.C. 1728(a)).

(b) The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(d) of the National Housing Act, where the appointment of a conservator, receiver, or other legal custodian as set forth in that section becomes effective prior to the date of enactment of this Act.

SEC. 9. (a) Section 708(b) of the Defense Production Act of 1950 (50 U.S.C. 2158(b)) is amended by striking out everything after "United States", the first time it appears, and inserting a period in lieu thereof.

(b) Section 708(f) of that Act (50 U.S.C. 2158(f)) is repealed.

TITLE II—AUTHORITY FOR CREDIT CONTROL

Sec. 201. Short title

This title may be cited as the Credit Control Act.

Sec. 202. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply to the provisions of this title.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to any person who extends, or arranges for the extension of, credit, whether in connection with a loan, a sale of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any rental-purchase contract and any contract or arrangement for the bailing or leasing of property when used as a financing device.

(h) The terms "extension of credit" and "credit transaction" include loans, credit sales, the supplying of funds through the underwriting, distribution, or acquisition of securities, the making or assisting in the making of a direct placement, or otherwise participating in the offering, distribution, or acquisition of securities.

(i) The term "borrower" includes any person to whom credit is extended.

(j) The term "loan" includes any type of credit, including credit extended in connection with a credit sale.

(k) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(l) Any reference to any requirement imposed under this title of any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

Sec. 203. Regulations

The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or revision thereof, or to facilitate compliance therewith.

Sec. 204. Determination of interest charge

Except as otherwise provided by the Board, the amount of the interest charge in connection with any credit transaction shall be determined under the regulations of the Board as the sum of all charges payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

Sec. 205. Authority for institution of credit controls

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

Sec. 206. Extent of control

The Board, upon being authorized by the President under section 205 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payments, and any other specification or limitation of the terms and conditions of any extension of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

(10) prescribe maximum ratios, applicable to any class of either creditors or borrowers or both, of loans of one or more types or of all types

(A) to deposits of one or more types or of all types.

(B) to assets of one or more types or of all types.

(11) prohibit or limit any extensions of credit under any circumstances the Board deems appropriate.

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this title, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this title. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this title including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

Sec. 208. Injunctions

Whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this title.

Sec. 209. Civil penalties

(a) For each willful violation of any regulation under this title, the Board may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

Sec. 210. Criminal penalty

Whoever willfully violates any regulation under this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

TITLE III—SMALL BUSINESS ADMINISTRATION ACTIVITY

SEC. 301. The Small Business Administration shall promptly increase the level of its financing functions utilizing the business loan and investment fund established under section 4(c)(1)(B) of the Small Business Act (15 U.S.C. 633(c)(1)(B)) by $70,000,000 above the level prevailing at the time of enactment of this Act. The Small Business Administration shall submit to Congress a monthly report of its implementation of this section.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to lower interest rates and fight inflation; to help housing, small business, and employment; to increase the availability of mortgage credit; and for other purposes."

And House agree to the same.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
H. S. REUSS,
Managers on the Part of the House.
JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON A. WILLIAMS,
EDWARD W. BROOKE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2577) to provide additional mortgage credit, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate-passed bill proposed to extend Regulation Q authority to September 22, 1970, and provided for legislative authority for regulation of commercial paper borrowings by banks and bank holding companies. Further, the Senate-passed bill would have provided necessary authority to limit Eurodollar borrowing; would have reinstated Korean War-type voluntary credit restraint programs; and would have provided authority for the Secretary of the Treasury to make available to the Home Loan Bank Board an amount of up to $4 billion.

The House struck out all of the Senate bill after the enacting clause and substituted a new text and an amendment to the title. The committee of conference agreed to a substitute for the House amendment, and to a substitute for the amendment to the title.

Except for technical, clarifying, and con-

forming language, the analysis which follows explains the difference between the House amendment and the conference substitute.

EXTENSION OF REGULATION Q AUTHORITY

The managers on the part of the House insisted upon and prevailed in their position that Regulation Q authority should be extended to March 22, 1971, in place of the Senate provision which would have provided an extension of this authority to September 22, 1970.

EXTENSION OF FEDERAL DEPOSIT RATE CONTROL AUTHORITY TO NONFEDERALLY INSURED FINANCIAL INSTITUTIONS

The language contained in both the Senate and House bills was almost identical. The language provided for extension of Federal Deposit rate control authority to non-federally insured financial institutions where State officials lack comparable authority and non-insured savings deposits in the State exceed 20 percent of total savings deposits. This authority is temporary in nature, giving State Governments an opportunity to adopt comparable deposit rate control authority for state banking institutions not insured by a Federal agency. The provisions of the House and Senate bills were adopted without objection in both Houses on the recommendation of Members of both bodies from the State of Massachusetts. This provision has effect only in the State of Massachusetts. None of the provisions of this section apply to credit unions. The House accepted the Senate language.

SECONDARY MARKET AUTHORITY FOR THE FEDERAL HOME LOAN BANK SYSTEM

The managers on the part of the Senate insisted upon and prevailed in their position that while in concept this authority may be worthwhile, there are so many unknowns as to how the program would operate that this provision should not be enacted at this time and should be reserved for further study.

CHANGING INSURANCE PREMIUM ACCOUNTING FOR THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

The managers on the part of the House insisted upon and prevailed in their position that this section contained in the House amendment would simplify the premium structure of the FSLIC and, more importantly, make additional funds available for housing without in any way jeopardizing the soundness of the FSLIC insurance fund.

LEGISLATIVE AUTHORITY FOR REGULATION OF COMMERCIAL PAPER BORROWING BY BANKS AND BANK HOLDING COMPANIES

The language regarding this authority was similar in both Senate and House bills, except that the House language provided not only authority for the Federal Reserve Board, under Regulation Q, to regulate the amount of interest which could be paid on the issuance of commercial paper by banks and bank holding companies, but also granted power for the Federal Reserve Board to apply reserve requirements on the issuance of such paper. The House language prevailed in conference.

LEGISLATIVE AUTHORITY TO LIMIT EURODOLLAR BORROWING

The Senate and House language in this instance was identical. This language would allow the Federal Reserve Board to establish reserve requirements on Eurodollar borrowing by commercial banks.

NATIONAL BANK MORTGAGE LOAN LIMITS

The House language provided that over the next fifteen months national banks would have the authority to make mortgage loans up to 90 percent of the appraised value of the property and to permit maturities of up to 30 years instead of the present limits of 80 percent for 25 years. There was no similar language in the Senate bill. The Senate prevailed in its position, due to the fact that there had been no indication whatsoever that national banks wanted, or would take advantage of this liberalized authority to provide funds for residential home mortgages.

INCREASE IN FDIC AND FSLIC INSURANCE

The House amendment provided for an increase in the maximum insurance protection under FDIC and FSLIC deposit insurance programs from the existing $15,000 to $25,000. The Senate had no comparable provision. The House prevailed in its desire to increase this insurance for both programs but accepted a Senate amendment limiting the increase to $20,000 rather than $25,000.

STANDBY AUTHORITY FOR SELECTIVE CREDIT CONTROL

The House amendment provided for Presidential standby authority to request the Federal Reserve to institute selective credit controls when necessary to curb inflation. The comparable Senate provision provided for the suspension of the antitrust laws to permit reinstatement of the Korean War-type of voluntary credit control agreements. The conferees decided that both provisions should be included in the legislation, based on the rationale that the President should have all necessary powers and discretion to fight inflation, including standby credit control authority and the right to encourage voluntary agreements to restrain credit. By providing both of the different types of authority found in the Senate and House versions of the legislation, it was felt that the President would be afforded the broadest possible spectrum of alternatives in fighting inflation, curbing unnecessary extensions of credit, and channeling credit into housing and other essential purposes.

SMALL BUSINESS ADMINISTRATION LENDING AUTHORITY

The House amendment provided authority for the use of $70 million of direct lending by the Small Business Administration in its small business investment company loan program and further directed that these monies be released from funds now available and appropriated for this purpose in the SBA business loan and investment revolving fund. The Senate bill contained no comparable language. The Senate conferees agreed to accept the House language with an amendment to eliminate any possible constitutional question that might be raised concerning the procedure for clearing appropriations within the Executive Branch. The conferees were insistent upon the principle contained in Title III of the House bill that $70 million of funds be made available immediately for the SBIC program out of the existing business loan and investment fund.

FEDERAL HOME LOAN BANK BOARD BORROWING AUTHORITY

The Senate bill substantially amended section 11(i) of the Federal Home Loan Bank Act. That section contains authority for purchase by the Secretary of the Treasury of obligations of the Federal Home Loan Banks. The Senate amendment increased the amount of this borrowing authority to $4 billion. Under existing law, the limit is $1 billion. The Senate also amended the provision of this section relating to the terms and conditions of such purchases. Existing law provides—

Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the making of such purchase.

The conference substitute, like the Senate amendment, provides—

Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon terms and conditions as shall be determined by the Secretary of the Treasury and shall bear such rate of interest as may be determined by the Secretary of the Treasury taking into consideration the current average market yield for the month preceding the month of such purchase on outstanding marketable obligations of the United States.

The House insisted upon the addition of a further amendment to section 11(i) to make sure that additional borrowing authority will be of some practical assistance to the housing industry. This amendment is in the form of a new paragraph, added at the end of section 11(i), which requires the Secretary of the Treasury to use the authority—when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates. . . .

The Senate amendment had contained a provision expressing the sense of Congress as the use of the new authority, but the managers on the part of the House prevailed in their insistence that the new authority not be granted unless it was modified by an express direction as to the circumstances of its utilization. The determination of whether and when these circumstances arise obviously involves the exercise of judgment, and the responsibility for this decision rests ultimately with the Secretary.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. POLLOCK (at the request of Mr. ARENDS), for today on account of official business as a member of the House Committee on Merchant Marine and Fisheries.

To Mr. PEPPER (at the request of Mr. SIKES), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LUJAN) and to revise and extend their remarks and include extraneous matter:)

Mr. FISH for 20 minutes, today.

Mr. PRICE of Texas, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. WILLIAMS, for 10 minutes, today.

Mr. HOGAN, for 1 hour, today.

Mr. CAREY, for 15 minutes, today.

Mr. GONZALEZ (at the request of Mr. BURLISON of Missouri), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BINGHAM during his special order and to include extraneous matter.

Mr. MADDEN in two instances.

Mr. CONTE to extend his remarks immediately prior to the vote on his motion to instruct conferees.

Mr. COHELAN to revise and extend remarks made in House this afternoon.

(The following Members (at the request of Mr. LUJAN) and to include extraneous matter:)

Mr. TALCOTT in five instances.
Mr. SNYDER in three instances.
Mr. BRAY in five instances.
Mr. ARENDS.
Mr. LANGEN in three instances.
Mr. SCHADEBERG.
Mr. LANDGREBE.
Mr. WYMAN in two instances.
Mr. THOMPSON of Georgia.
Mr. ESCH.
Mr. BROYHILL of Virginia in four instances.
Mr. CUNNINGHAM in three instances.
Mr. PRICE of Texas.
Mr. GUBSER.
Mr. MORSE.
Mr. FINDLEY.
Mr. MESKILL.
Mr. VANDER JAGT.
Mr. HOSMER.
Mr. MCCLORY.
Mr. BIESTER.
Mr. PETTIS.
Mr. SHRIVER in four instances.
Mr. HORTON.
Mr. NELSEN.
Mr. KEITH.

(The following Members (at the request of Mr. BURLISON of Missouri) and to include extraneous matter:)

Mr. GIAIMO in three instances.
Mr. CORMAN.
Mr. GONZALEZ in two instances.
Mr. RARICK in three instances.
Mr. JOHNSON of California in two instances.
Mr. STEPHENS.
Mr. ROYBAL in six instances.
Mr. DULSKI in six instances.
Mr. HOLIFIELD.
Mr. VANIK in two instances.
Mr. WOLFF.
Mr. OTTINGER.
Mr. BENNETT in two instances.
Mr. BIAGGI in two instances.
Mr. GALIFIANAKIS.
Mr. CHAPPELL.
Mr. BINGHAM in two instances.
Mr. SCHEUER.
Mr. DANIELS of New Jersey in 10 instances.
Mr. ROGERS of Florida in five instances.
Mr. MILLER of California in five instances.
Mr. HAGAN in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8449. An act to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

ADJOURNMENT

Mr. BURLISON of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Friday, December 19, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1423. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report on management of the logistics airlift system contracted for by the Air Force, was taken from the Speaker's table, referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee of conference. Conference report on H.R. 14580 (Rept. No. 91–767). Ordered to be printed.

Mr. HENDERSON: Committee on Post Office and Civil Service S. 2325. An act to amend title 5, United States Code, to provide for additional positions in grades GS–16, GS–17, and GS–18; with an amendment (Rept. No. 91–768). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee of Conference. Conference report on S. 2577 (Rept. No. 91–769). Ordered to be printed.

Mr. SIKES: Committee of conference. Conference report on H.R. 14751 (Rept. No. 91–770). Ordered to be printed.

Mr. BOLAND: Committee of conference. Conference report on H.R. 14794 (Rept. No. 91–771). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARENDS (for himself, Mr. SPRINGER, Mr. COLLIER, Mr. MICHEL, Mr. DERWINSKI, Mr. ANDERSON of Illinois, Mr. FINDLEY, Mr. MCCLORY, Mrs. REID of Illinois, Mr. ERLENBORN, Mr. RAILSBACK, and Mr. CRANE):

H.R. 15317. A bill to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969; to the Committee on Public Works.

By Mr. BRAY:

H.R. 15318. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. COHELAN (for himself, Mr. KOCH, Mr. ADAMS, Mr. LEGGETT, Mr. WALDIE, Mr. MCCARTHY, Mr. BOLAND, Mr. DADDARIO, Mr. MOSS, Mr. CLAY, Mrs. MINK, Mr. FRASER, Mr. STOKES, Mr. KASTENMEIER, Mr. REES, Mr. HAWKINS, Mr. DIGGS, Mr. HOWARD, Mr. LOWENSTEIN, Mrs. CHISHOLM, Mr. BURTON of California, Mr. MIKVA, Mr. FARBSTEIN, Mr. RYAN, and Mr. BROWN of California):

H.R. 15319. A bill to establish a Commission to study and investigate incidents of alleged mistreatment or other misconduct directed against citizens of South Vietnam by U.S. troops operating in Mylai 4 hamlet, Quang Nai Province on or about March 1968; to the Committee on Armed Services.

By Mr. COHELAN (for himself, Mr. ROYBAL, Mr. ROSENTHAL, Mr. SCHEUER, Mr. ST. ONGE, Mr. HELSTOSKI, Mr. OTTINGER, Mr. MEEDS, and Mr. KYROS):

H.R. 15320. A bill to establish a commission to study and investigate incidents of alleged mistreatment or other misconduct directed against citizens of South Vietnam by U.S. troops operating in Mylai 4 Hamlet, Quang Nai Province on or about March 1968; to the Committee on Armed Services.

By Mr. CORMAN:

H.R. 15321. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. FRASER:

H.R. 15322. A bill to provide for the exchange of governmental officials between the United States and the Union of Soviet Socialist Republics; to the Committee on Rules.

By Mr. HORTON (for himself, Mr. FULTON of Pennsylvania, Mr. HELSTOSKI, Mr. KYROS, Mr. OTTINGER, Mr. ROBISON, Mr. RODINO, Mr. WIDNALL, and Mr. WOLFF):

H.R. 15323. A bill to extend the fourth-class mail rate for books and educational materials to photographic prints mailed to and from amateur photographers and nonprofit photographic exhibitions, photographic societies, and photographic print study groups; to the Committee on Post Office and Civil Service.

By Mr. MCFALL:

H.R. 15324. A bill to authorize and foster joint rates for international transportation of property, to facilitate the transportation of such property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 15325. A bill to exclude from gross income the first $750 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 15326. A bill to improve farm income and insure adequate supplies for agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

By Mr. RUPPE:

H.R. 15327. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. ST. ONGE:

H.R. 15328. A bill to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 15329. A bill to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism by providing for the development of specialized curriculums, the

training of educational personnel, and research and demonstration projects; to the Committee on Education and Labor.

By Mr. SEBELIUS:

H.R. 15330. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. SPRINGER:

H.R. 15331. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Education and Labor.

By Mr. STAFFORD (for himself, Messrs. CONTE, HARVEY, MORSE, MOSHER, ROBISON, and RIEGLE):

H.R. 15332. A bill to establish a Commission to study and investigate incidents of alleged mistreatment or other misconduct directed against citizens of South Vietnam by U.S. troops operating in Mylai, Quang Nai Province on or about March 1968; to the Committee on Armed Services.

By Mr. ULLMAN:

H.R. 15333. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDABBO:

H.R. 15334. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 15335. A bill to amend section 105 of the Clean Air Act to authorize increased grants to be made to certain air pollution control agencies not now eligible therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT (for himself, Mr. ADAIR, Mr. BARING, Mr. BEVILL, Mr. BROCK, Mr. BUCHANAN, Mr. BYRNE of Pennsylvania, Mr. CARTER, Mr. CORBETT, Mr. DANIEL of Virginia, Mr. DENT, Mr. DUNCAN, Mr. FISHER, Mr. FULTON of Pennsylvania, Mrs. GREEN of Oregon, Mr. KING, Mr. KUYKENDALL, Mr. LEGGETT, Mr. LUKENS, Mr. MADDEN, Mr. MATSUNAGA, Mr. RARICK, Mr. WHITEHURST, and Mr. YATRON):

H.R. 15336. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

By Mr. CLARK:

H.R. 15337. A bill to declare and determine the policy of the Congress with respect to the primary authority of the several States to control, regulate, and manage fish and wildlife within their territorial boundaries; to confirm to the several States such primary authority and responsibility with respect to the management, regulation, and control of fish and wildlife on lands owned by the United States; and to specify the exceptions applicable thereto; and to provide procedure under which Federal agencies may otherwise regulate the taking of fish and game on such lands; to the Committee on Merchant Marine and Fisheries.

By Mr. GALIFIANAKIS:

H.R. 15338. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 15339. A bill to amend certain provisions of criminal law applicable in the District of Columbia with respect to added punishment for committing a crime when armed; to the Committee on the District of Columbia.

H.R. 15340. A bill to amend title 14 of the District of Columbia Code with respect to competency of witnesses; to the Committee on the District of Columbia.

H.R. 15341. A bill to amend certain provisions of criminal law applicable in the District of Columbia with respect to rape; to the Committee on the District of Columbia.

H.R. 15342. A bill to amend certain provisions of criminal law applicable in the District of Columbia with respect to resisting arrest; to the Committee on the District of Columbia.

H.R. 15343. A bill to amend certain provisions of criminal law applicable in the District of Columbia with respect to burglary in the second degree; to the Committee on the District of Columbia.

By Mr. LONG of Louisiana:

H.R. 15344. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORHEAD:

H.R. 15345. A bill to create a Federal Insurance Guarantee Corporation to protect the American public against certain insurance company insolvencies; to the Committee on Banking and Currency.

By Mr. MURPHY of Illinois:

H.R. 15346. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

By Mr. O'KONSKI:

H.R. 15347. A bill to authorize the payment of legal fees for accused persons in connection with the events alleged to have occurred at Mylai 4, Republic of Vietnam, during March 1968; to the Committee on Armed Services.

By Mr. SCHEUER (for himself, Mr. BINGHAM, Mr. BOLAND, Mr. BROWN of Michigan, Mr. BURTON of California, Mr. BUTTON, Mrs. CHISHOLM, Mr. CLAY, Mr. EDWARDS of California, Mr. ESCH, Mr. HOWARD, Mr. KOCH, Mr. MATSUNAGA, Mr. MIKVA, Mr. OTTINGER, Mr. POWELL, Mr. THOMPSON of New Jersey, and Mr. TUNNEY):

H.R. 15348. A bill to amend the Education Professions Development Act to permit training of school board members; to the Committee on Education and Labor.

By Mr. STAGGERS:

H.R. 15349. A bill to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives on the National Railroad Adjustment Board, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.R. 15350. A bill to provide that certain sentences imposed for the conviction of crimes in the District of Columbia shall be deemed to be imposed to run consecutively; to the Committee on the District of Columbia.

By Mr. THOMPSON of New Jersey:

H.R. 15351. A bill to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission; to the Committee on House Administration.

By Mr. WHITTEN:

H.J. Res. 1036. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PRICE of Texas:

H. Res. 760. Resolution relating to the maintenance of United States sovereignty and jurisdiction over Panama Canal; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNE of Pennsylvania:

H.R. 15352. A bill for the relief of Leopold Morse Tailoring Co.; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 15353. A bill for the relief of Ottorino Ferrini; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 15354. A bill for the relief of Anthony P. Miller, Inc.; to the Committee on the Judiciary.

SENATE—*Thursday, December 18, 1969*

(Legislative day of Tuesday, December 16, 1969)

(Legislative day of Tuesday, December 16, 1969)

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou creator and restorer of life, we thank Thee for Thy mercies which are new every morning. We thank Thee for work to do and that it may be done for others in this place. Enable Thy servants here, upon whose judgment rest solemn responsibilities of public welfare, to keep ever before them the vision of Thy higher kingdom. Renew them in weariness, reinvigorate them in fatigue, and give them inner compensation for long, strenuous, and confining hours. Help them to bear the fret of care, the sting of criticism, and unapplauded toil. May the highest truth of Christmas illuminate every duty, and may they be given strength to follow the One who came to set men free.

In His name we pray. Amen.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona is recognized for not to exceed 20 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 1 minute, without losing any time or his right to the floor?

Mr. GOLDWATER. I yield.

Mr. MANSFIELD. I thank the distinguished Senator from Arizona, and I assure him that if he needs a few more minutes, the time will be available.

Mr. GOLDWATER. I thank the Senator.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of

the proceedings of Wednesday, December 17, 1969, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HORSE PROTECTION ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 606, S. 2543.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. A bill (S. 2543) to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, after the enacting clause, strike out:

SEC. 2. (a) A horse shall be considered to be sored if, for the purpose of affecting its gait, a blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse, or if burns, cuts, or lacerations have been inflicted on the horse, or if a chemical agent, or tacks, nails, or wedges have been used on the horse, or if any other method or device has been used on the horse, including, but not limited to chains or boots, which may reasonably be expected currently (1) to result in physical pain to the horse when walking, trotting, or otherwise moving, or (2) to cause extreme fear or distress to the horse.

And, in lieu thereof, insert:

SEC. 2. (a) A horse shall be considered to be sored if, for the purpose of affecting its gait—

(1) a blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted on the horse;

(3) a chemical agent, or tacks, nails, or wedges have been used on the horse; or

(4) any other method or device has been used on the horse, including, but not limited to chains or boots;

which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or otherwise moving, (B) to cause extreme fear or distress to the horse, or (C) to cause inflammation.

On page 3, line 14, after the word "burdens", insert "such"; in the same line, after the word "commerce;", insert "and"; on page 4, line 4, after the word "in", strike out "commerce." and insert "commerce, unless such person can establish that he took all reasonable precautions to prevent the showing or exhibiting of such sored horse"; in line 18, after the word "States," insert "or such other person or persons as the Secretary of Agriculture (hereinafter referred to in this act as the 'Secretary') may by regulation designate"; in line 21, after the word "Secretary", strike out "of Agriculture may by regulation prescribe. in order to enable the representatives of said Secretary to determine whether any horses were moved to or from such show or exhibition in commerce, the identity of the owner or exhibitor of any horse at the show or exhibition, and other facts necessary for the effective enforcement of this Act, and the"; on page 5 line 2, after the amendment just stated, insert "The"; in line 3, after the word "exhibition", insert "or such other person or persons as the Secretary may by regulation designate"; in line 5, after the word "Secretary", strike out "of Agriculture"; after line 7, strike out:

SEC. 6. Any person who violates any provision of this Act shall be fined not more than $500 or imprisoned not more than six months, or both.

And, in lieu thereof, insert:

SEC. 6. (a) Any person who violates any provision of this Act or any regulation issued thereunder, other than a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this subsection, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who willfully violates any provision of this Act or any regulation issued thereunder shall be fined not more than $2,000 or imprisoned not more than six months, or both.

On page 6, line 5, after the word "Secretary", strike out "of Agriculture"; in line 6, after the word "a", insert "willful"; in line 11, after the word "Secretary", strike out "of Agriculture shall"; in line 12, after the word "Act," insert "shall utilize"; in line 13, after the word "practicable", strike out "utilize"; in line 14, after the word "Secretary", strike out "of Agriculture"; in line 16, after the word "consent", insert "and with or without reimbursement"; in line 18, after the word "Secretary", strike out "of Agriculture"; after line 20, insert a new section, as follows:

SEC. 10. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. Nor shall any provision of this Act be construed to exclude the Federal Government from enforcing the provisions of this Act within any State, whether or not such State has enacted legislation on the asme subject, it being the intent of the Congress to establish concurrent jurisdiction with the States over such subject matter. In no case shall any such State take any action pursuant to this section involving a violation of any such law of that State which would preclude the United States from enforcing the provisions of this Act against any person.

On page 7, after line 11, insert a new section, as follows:

SEC. 11. On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four-calendar-month period thereafter, the Secretary shall submit to the Congress a report upon the matters covered by this Act, including enforcement and other actions taken thereunder, together with such recommendations for legislative and other action as he deems appropriate.

At the beginning of line 19, change the section number from "10," to "12"; and in line 20, after the word "sums" insert "not to exceed $100,000 annually,"; so as to make the bill read:

S. 2543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Horse Protection Act of 1969".

SEC. 2. (a) A horse shall be considered to be sored, for the purpose of affecting its gait—

(1) a blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted on the horse;

(3) a chemical agent, or tacks, nails, or wedges have been used on the horse; or

(4) any other method or device has been used on the horse, including, but not limited to, chains or boots;

which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or otherwise moving, (B) to cause extreme fear or distress to the horse, or (C) to cause inflammation.

(b) As used in this Act, the term "commerce" means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

SEC. 3. The Congress hereby finds (1) that the practice of soring horses for the purposes of affecting their natural gait is cruel and inhumane treatment of such animals; (2) that the movement of sored horses in commerce adversely affects and burdens such commerce; and (3) that horses which are sored compete unfairly with horses moved in commerce which are not sored.

SEC. 4. (a) It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) It shall be unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored if that horse or any other horse was moved to such show or exhibition in commerce.

(c) It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored, if any horse was moved to such show or exhibition in commerce, unless such person can establish that he took all reasonable precautions to prevent the showing or exhibiting of such sored horse.

SEC. 5. (a) Any representative of the Secretary of Agriculture is authorized to make such inspections of any horses which are being moved, or have been moved, in commerce and to make such inspections of any horses at any horse show or exhibition within the United States to which any horse was moved in commerce, as he deems necessary for the effective enforcement of this Act, and the owner or other person having custody of any

such horse shall afford such representative access to and opportunity to so inspect such horse.

(b) The person or persons in charge of any horse show or exhibition within the United States, or such other person or persons as the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") may by regulation designate, shall keep such records as the Secretary may by regulation prescribe. *The* person or persons in charge of any horse show or exhibition, *or such other person or persons as the Secretary may by regulation designate,* shall afford the representatives of the Secretary access to and opportunity to inspect and copy such records at all reasonable times.

SEC. 6. (a) Any person who violates any provision of this Act or any regulation issued thereunder, other than a violation the penalty for which is prescribed by subsection (b) of the section, shall be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this subsection, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who willfully violates any provision of this Act or any regulation issued thereunder shall be fined not more than $2,000 or imprisoned not more than six months, or both.

SEC. 7. Whenever the Secretary believes that a willful violation of this Act has occurred and that prosecution is needed to obtain compliance with the Act, he shall inform the Attorney General and the Attorney General shall take such action with respect to such matter as he deems appropriate.

SEC. 8. The Secretary in carrying out the provisions of this Act, shall utilize, to the maximum extent practicable, the existing personnel and facilities of the Department of Agriculture. The Secretary is further authorized to utilize the officers and employees of any State, with its consent, and with or without reimbursement, to assist him in carrying out the provisions of this Act.

SEC. 9. The Secretary is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 10. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. Nor shall any provision of this Act be construed to exclude the Federal Government from enforcing the provision of this Act within any State, whether or not such State has enacted legislation on the same subject, it being the intent of the Congress to establish concurrent jurisdiction with the States over such subject matter. In no case shall any such State take any action pursuant to this section involving a violation of any such law of that State which would preclude the United States from enforcing the provisions of this Act against any person.

SEC. 11. On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four-calendar-month period thereafter, the Secretary shall submit to the Congress a report upon the matters covered by this Act, including enforcement and other actions taken thereunder, together with such recommendations for legislative and other action as he deems appropriate.

SEC. 12. There are hereby authorized to be appropriated such sums, not to exceed $100,000 annually, as may be necessary to carry out the provisions of this Act.

Amend the title so as to read: "A bill to prohibit the movement in interstate or foreign commerce of horses which are 'sored', and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–609), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 2543, the Horse Protection Act of 1969, is designed to end the inhumane practice of deliberately making sore the feet of Tennessee walking horses in order to alter their natural gait. It would do so by prohibiting the shipment of any horse in commerce, for showing or exhibition, which a person has reason to believe is sored; by making unlawful the exhibiting of a sored horse in any horse show or exhibition in which that horse or any other horse was moved in commerce; and by prohibiting the holding of any horse show in which a sored horse is exhibited if any of the horses in that show were moved in commerce.

NEED

The Tennessee walking horse is a magnificent animal, distinguished by its proud, high skipping gait or "walk." As a class Tennessee walkers have become exceedingly popular and now number approximately 25,000.

The horse's distinctive "walk" may be achieved through patient, careful training and is the result of both the trainers' skill and the horse's natural breeding. Unfortunately, however, it was discovered about 20 years ago that the "walk" could also be created artificially. If the front feet of the horse were deliberately made sore, the intense pain which the animal suffered when placing his forefeet on the ground would cause him to lift them up quickly and thrust them forward, reproducing exactly the desired gait.

This soring is usually done by applying a blistering agent, such as oil of mustard, to the pastern area of the horse's leg and by wrapping this area with chains or metal rollers. Then, during a show, the sore is covered by a boot, used ostensibly to protect the horse's foreleg, but now valued because it rubs against the sore and heightens the pain even further.

The soring may also be accomplished in several other ways—nails, wedges, or even injections are sometimes used—but the effect is still the same. The "walk," with its handsome stride—or "big lick" as it is known among walking horse enthusiasts—is achieved cheaply, without the long and difficult training period. It can make a mediocre horse perform like a champion.

That this method of producing the "big lick" is a particularly cruel and inhumane practice does not appear to matter to walking horse owners and trainers. With increasing frequency they have "sored" horses in order to achieve the desired gait and win the blue ribbon. The result has been that many of these animals have been cruelly mistreated, and persons who refuse to sore their horses have been faced with a difficult dilemma: either they must forgo most opportunities to compete successfully in horse shows, or they must devote their attentions to a different breed of horse. Moreover, the practice of soring, besides inflicting great pain on the individual horse, may seriously harm the breed itself. Because Tennessee walking horse champions are particularly valuable as studs, if a champion was created by means of soring, that practice may actually weaken, over a period of time, the breed's natural ability to "walk" in its distinctive fashion.

This bill should help end the unnecessary and inhumane practice of soring horses—something the Tennessee walking horse exhibitors have not done by themselves. By making unlawful the showing or exhibition of sored horses and imposing significant penalties for violations, the bill, in its practical effect, will make it impossible for persons to show sored horses in nearly all horse shows. This denial of the opportunity to win ribbons should destroy the incentive which presently exists for owners and trainers to painfully mistreat these magnificent animals.

PROVISIONS

There follows a section-by-section summary of the provisions of S. 2543, and a discussion of the committee's interpretation of these various provisions where appropriate.

Section 1.—Section 1 of the bill contains its short title: the Horse Protection Act of 1969.

Section 2.—Section 2 of the bill defines the term "commerce" and describes what is meant by the term "soring." It states that a horse shall be considered to be sored if, for the purpose of affecting its gait, a blistering agent is applied internally or externally to any of the legs, ankles, feet or other parts the horse; burns, cuts, or lacerations have been inflicted on the horse; a chemical agent or tacks, nails, or wedges have been used on the horse; or any other method or device has been used on the horse, including, but not limited to, chains or boots; which may reasonably be expected either to result in physical pain to the horse when walking, trotting, or otherwise moving; to cause extreme fear or distress to the horse; or to cause inflammation. The committee would point out that not only must one of these soring techniques produce physical pain to the horse, cause extreme fear or distress to the animal, or cause inflammation, but it must also be used for the purpose of affecting its gait. In addition, the committee would emphasize that the secretary is to exercise his discretion in interpreting this definition so as not to apply it to beneficial therapeutic treatment by a veterinarian which is designed to relieve pain or lameness or to restore a lame or disabled horse's normal gait.

Section 3.—Section 3 of the bill contains the congressional finding that the soring of horses for the purpose of affecting their natural gait is a cruel and inhumane practice, that the movement of sored horses in commerce adversely affects and burdens such commerce, and that horses which are sored compete unfairly with horses that are moved in commerce which are not sored.

Section 4.—Section 4 set forth some of the violations of the bill. It makes it unlawful for any person to ship, transport or otherwise move, or to deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored. It also makes unlawful the showing or exhibiting of a sored horse in any horse show or exhibition in which that horse or any other horse was moved to such show or exhibition in commerce. Finally it makes it unlawful for any person to conduct a horse show or exhibition in which there is shown or exhibited a horse which is sored, if any horse was moved to such show or exhibition in commerce, unless such person can establish that he took all reasonable precautions to prevent the showing or exhibiting of the sored horse.

It will be noted that violations are centered upon the horse show rather than on the individual horse which is shipped interstate. The reason for this policy is twofold. It will allow the Department of Agriculture to ad-

minister the law without unreasonable burden, and it focuses upon the principal institution—the show or exhibition—which serves to perpetuate the practice of soring. Thus the bill places responsibility on the persons conducting a horse show, as well as on those who participate in it, to make sure that there is compliance with the law.

However since it would be unfair to impose liability upon an individual who is conducting a horse show in which a sored horse happens to be exhibited after he has made a conscientious and concerted effort to see that this does not occur the bill provides that such a person may escape liability once he establishes that he took all reasonable precautions to prevent the showing or exhibiting of the sored horse. The Committee intends that the term "reasonable precautions" will be construed to include at the minimum the examination of each horse to be exhibited by one or more qualified an independent veterinarians as the horses enter the exhibition area or shortly before they are actually exhibited.

Section 5.—In order to facilitate the effective enforcement of the bill subsection 5(a) would authorize any representative of the Secretary of Agriculture to inspect horses which are being moved or have moved in commerce as well as horses which are at any horse show or exhibition within the United States if any horse in such show or exhibition was moved in commerce. The subsection further provides that the owner or other person having custody of any such horse shall afford such representative access to the horse and an opportunity to inspect it. A refusal to permit such inspection would constitute a violation of the bill and would expose an individual to the penalties established in section 6.

Subsection 5(b) provides that the person or persons in charge of any horse show or exhibition within the United States, or such other persons as the Secretary of Agriculture may by regulation designate, shall keep such records as the Secretary may by regulation prescribe. It also provides that the person or persons in charge of the horse show or exhibition, or such other person or persons the Secretary may by regulation designate, shall afford the representatives of the Secretary access to the records and an opportunity to inspect and copy them at all reasonable times. Again a failure to keep the required records or to provide access to them would represent a violation of the bill and would expose an individual to the penalties established in section 6.

Since the committee believed that it could not anticipate all of the problems which might arise in the administration of the bill, it amended the original language of subsection 5(b) in order to provide the Secretary with a more general rulemaking authority. Nevertheless, the committee would anticipate that the Secretary's initial regulations will include a requirement that records be kept which will enable representatives of the Department of Agriculture to determine whether any horses were moved to or from a show or exhibition in commerce. In addition, the initial regulations should require that records be kept which will assist enforcement officials in ascertaining the name and address of the owner or exhibitor of any horse present at the show or exhibition, and which will help the Department's representatives to determine the identity and qualifications of any veterinarians who examined the horses at the show or exhibition and the approximate time at which such horses were examined.

Section 6.—Subsection 6(a) of the bill provides that any person who violates any provision of the act or any regulation issued thereunder, other than a violation subject to a criminal penalty under subsection 6(b), shall be assessed a civil penalty by the Secretary of not more than $1,000 for each violation. This subsection further provides that no penalty shall be assessed unless the person is given notice and opportunity for a hearing with respect to the violation. The subsection also gives the Secretary the authority to compromise any civil penalty. Should any person fail to pay the civil penalty which the Secretary has assessed, the bill provides that the Secretary shall request the Attorney General to institute a civil action in the U.S. district court to collect the penalty.

Subsection 6(b) of the bill provides that if any person willfully violates any provision of the act, or any regulation issued thereunder, he shall be fined not more than $2,000 or imprisoned for not more than 6 months or both.

The present section 6 of the bill represents a marked revision of the enforcement section of the original bill which provided only criminal penalties. The committee decided to establish civil penalites for nonwillful violations because it believed that this would produce more frequent enforcement efforts than would imposition of a criminal penalty for a first violation. At the same time, however, it retained the criminal penalties for willful violations, anticipating that second or third time violators would customarily be subject to criminal prosecution. And since persons acquitted in a criminal proceeding could still be subject to a civil penalty for a nonwillful violation under subsection 6(a), the committee felt that it had adopted a more flexible and effective enforcement system.

In addition, the committee increased the maximum penalties which could be recovered under the bill from $500 to $1,000 for nonwillful violations and $2,000 for willful violations. It did so in order to provide a more realistic deterrent to persons who might consider violating the bill, for the committee learned through the hearings that the rewards from soring—measured in terms of stud fees for a champion—could easily exceed $100,000. Thus, both the size of the penalties and the method of enforcement provided in the amended section 6 should bear a more reasonable relationship to the nature of the violation and the need for effective enforcement than did the provisions of the original bill.

Section 7.—Section 7 provides that whenever the Secretary believes that a willful violation of the act has occurred, he shall inform the Attorney General and the Attorney General shall take such action as he deems appropriate. Customarily, of course, this would involve the institution of criminal proceedings in an appropriate U.S. district court.

Section 8.—Section 8 directs the Secretary of Agriculture, in administering the bill, to utilize, to the maximum extent practicable, the existing personnel and facilities of the Department of Agriculture. The committee hopes that the enforcement program established by this legislation will not require the hiring of a significant number of new employees by the Department or the acquisition of any new facilities. This section would also authorize the Secretary to utilize the officers of any State, with its consent and with or without reimbursement, to assist him in carrying out the provisions of the bill.

Section 9.—This section contains a general authorization for the Secretary of Agriculture to issue such rules and regulations as he deems necessary in order to carry out the provisions of the act.

Section 10.—A new section 10 was added to the bill by the committee in order to clarify the relationship of this legislation to State law. This section first emphasizes that the bill is not intended to preempt the laws of any State with respect to soring, unless the provisions of State law conflict with this bill and cannot be reconciled with it. In other words, after this legislation has been enacted a State will remain free to enact its own antisoring law and to enforce it. However, the language also makes clear the committee's intention that any State law which permits or condones soring is to be preempted by the bill.

Second, this new section should also adequately express the committee's intention that even if a State has an antisoring law and an enforcement program under that law, Federal officials would still be entirely free to enter the State and enforce the Federal law concurrently. Moreover, the committee is aware that a person who has shown or exhibited a sored horse or conducted a horse show in which a sored horse is shown or exhibited could be subject to penalties under both a State and the Federal statute. The committee intends that these dual violations should exist and it values this arrangement because it will enable the Federal Government to take action when the penalties actually assessed by a State are inadequate to punish an offender or to effectively deter others from committing similar offenses. Nevertheless, if State enforcement does adequately serve these functions, the committee would not expect that an individual would normally be subject to additional Federal penalties.

Third, since judicial decisions with respect to the constitutionality of a dual prosecution under both State and Federal laws for similar offenses arising out of the same set of facts appear to be in a state of flux, the committee, without expressing any opinion on this area of the law, has attempted to anticipate the possible resolution of this question by including language which says that no State may undertake any enforcement action which would preclude the United States from enforcing the provisions of the bill against any person. In other words, if the judicial decisions continue to uphold the view that an individual may be penalized for a violation of both the Federal and a State antiscoring law concurrently in both jurisdictions, this provision will have no effect on State action. But if in the future the courts should decide that once an individual has been prosecuted in one jurisdiction, the second jurisdiction will be precluded from bringing any enforcement action against that individual for a similar offense arising out of the same set of facts, this provision indicates the committee's intention that the Federal action should take priority. In those circumstances, a State would be prohibited from commencing an enforcement action unless the Federal Government had waived any interest in the case. And the committee would anticipate that such a waiver would be granted on a case-by-case basis in which the appropriate Federal official considered, among other factors the vigor with which State officials have pursued earlier violations where a waiver had been granted.

The committee believes, however, that since nonwillful violations under this bill are subject to civil penalties, a future judicial decision which prohibits dual Federal-State criminal prosecutions for similar offenses arising out of the same fact situation might still permit the Federal Government to collect a civil penalty from an individual who has already been criminally prosecuted by a State. If this is the case, section 10 should have no effect on State enforcement actions dealing with nonwillful violations. But should the courts decide that the combination of both a Federal civil penalty action and a State criminal prosecution would be unconstitutional, then the committee's earlier comments on Federal priority would still prevail.

However, even if the courts should prohibit dual Federal-State criminal prosecutions but permit collection of a civil penalty in one jurisdiction after a criminal prosecu-

tion had taken place in another, the jurisdictional conflict would still exist with respect to willful violations. As mentioned earlier, in this situation the Federal criminal prosecution would take precedence over any State action. Absent a Federal waiver in a specific case, the State woud be prohibited from acting. The committee realizes, however, that it may be difficult to determine initially whether a particular violation was committed willfully. Therefore, it would anticipate that if this confused jurisdictional situation should arise in the future, the Secretary of Agriculture, under the authority delegated to him under section 9, would issue regulations to help guide both State and Federal officials in determining when a possible offense should be regarded as being willful for the purpose of deciding which jurisdiction should initiate enforcement proceedings.

Section 11.—Section 11 provides that after the expiration of 30 calendar months following the date of enactment of this act, and every 24 calendar months thereafter, the Secretary of Agriculture is to submit to the Congress a report on the administration of the act, including a summary of enforcement and other actions taken thereunder together with such recommendations for legislative and other action as he deems appropriate. The committee would also anticipate that the Secretary would append to this report a compilation of States antisoring statutes, and that he would include in the report an analysis of the effectiveness with which the various State laws are being enforced and a specific discussion of Federal enforcement efforts in States with antisoring laws. In the event any of the jurisdictional problems discussed in this report in connection with the provisions of section 10 materialize, the committee also expects that the report would include a summary of the instances, if any, in which the Federal Government has waived its right to enforce this bill and a description of the penalties subsequently obtained by a State under its own statute.

Section 12.—Section 12 would authorize the appropriation of such sums, not to exceed $100,000 annually, as may be necessary to carry out the provisions of the bill.

COSTS

S. 2543 would authorize the appropriations of not more than $100,000 annually to carry out the provisions of the bill.

The amendents were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to prohibit the movement in interstate or foreign commerce of horses which are 'sored', and for other purposes."

Mr. TYDINGS. Mr. President, Senate passage of S. 2543 marks a significant step in my long effort to outlaw the cruel practice of soring Tennessee walking horses.

These horses are magnificent show animals. Known for its high stepping gait or "walk," the Tennessee walking horse has achieved great popularity. Anyone who has seen these horses cannot but be impressed by the grace and beauty of their stride.

The walk is achieved through patient and careful training. It is the result of both the trainer's skill and the horse's natural breeding. Unfortunately, it was discovered some 15 years ago that if the front feet of the horse were deliberately made sore, the pain of setting his feet upon the ground would cause the horse to lift them up quickly, thrusting them forward, in exactly the desired gait.

The walk with its handsome stride, or "big lick" as it is known among walking horse enthusiasts, could thus be achieved without the long and difficult training period. It could make a mediocre horse perform like a champion.

That it was particularly cruel and inhumane did not seem to matter. Soring, as the practice is called, is the deliberate infliction of pain to the horse's foot in order to affect his gait.

It is a vicious practice, harmful to the horse and debasing to the individual who does it. The St. Louis Post Dispatch rightly terms soring a "monstrous practice which is a disgrace to civilized men."

Hearings by the Commerce Subcommittee on Energy, Natural Resources, and the Environment revealed that soring is widespread throughout the industry. The reason is clear. Sored horses can win and winning is the name of the game. A trainer who does not sore his horse is at a competitive disadvantage. Everyone therefore does it. The responsible individual who does not want to resort to soring must if he is to compete effectively. As the Washington Evening Star notes, such cruelty is "particularly despicable when dumb animals are victimized for the sake of a blue ribbon." But, as we all know, the desire to win leads men to do things they might not otherwise.

Soring, of course, is condemned by everyone. Yet it is condoned as well. Neither the industry involved, and it is a billion-dollar industry, nor the States in which it occurs, the practice is by no means limited to Tennessee, appear either willing or able to put an end to soring.

It is perhaps regrettable that Federal legislation is required to stop soring, but it is a fact.

The measure we have just passed, if enacted by the House, and I urge them to do so quickly, would put an end to soring.

The bill makes unlawful the shipment in interstate commerce of a sored horse, the showing of a sored horse in a horse show, or the conducting of a horse show in which a sored horse participates.

Violation of the act may result in a civil penalty of up to $1,000 assessed by the Secretary of Agriculture. Provision is made in the legislation for proper notification and an opportunity for a hearing, as well as for judicial review. A willful violation may result in a criminal penalty of up to $2,000 and imprisonment for not more than 6 months, or both.

It is a strong bill, but a fair bill. It places no undue administrative or financial burden on anyone. It is directed toward no particular State nor seeks to punish a particular industry. Rather, it is aimed at a particularly cruel practice and seeks to eliminate what everyone agrees is a monstrous way to treat a horse.

The bill provides that a person who conducts a horse show is not in violation of the act if he can establish that "all reasonable precautions" were taken to prevent participation of a sored horse. This covers the situation where a sored horse slips through by accident, a situation that might occur in a large show where hundreds of horses participate. This change was suggested at the hearings by the American Horse Shows Association. It adds an acceptable flexibility to the bill.

Another change is the inclusion of section 10 which provides for concurrent jurisdiction of State and Federal laws regarding soring. This change was suggested at the committee's executive session. It means neither law preempts the other. The Federal law is still applicable if there is a parallel State regulation, and vice versa. This amendment enables us to avoid the emotional subject of State versus Federal law. It states either or both are valid and thereby suggests that soring be stopped promptly.

I should add here that the definition of soring has been carefully drafted. There should be no confusion as to its meaning. The phrase "for the purpose of affecting its gait", modifies the clause explaining how soring is accomplished. This would and does exclude pain inflicted for medicinal purposes. Let me make the record explicit. Soring as defined in this bill does not include therapeutic treatment by a veterinarian. I recognize that pain or fear may result from doctor's care, and that possibly this would affect the horse's gait. The bill does not forbid this kind of care. Such a prohibition is contrary to the general thrust of the measure, as commonsense would indicate. The bill aims at, and the definition covers, the infliction of pain and/or fear in order to alter the stride of the horse, not to prevent an act of kindness.

The bill has the full support of the American Horse Shows Association and the American Horse Protection Association. At the hearings on S. 2543, the Department of Agriculture, which will administer the act and report back to Congress on its effect, testified that it had no objections to the bill's enactment. The Humane Society of the United States and the Committee on Humane Legislation also endorsed the bill. Moreover, it received most favorable editorial comment in the Washington Evening Star, Nashville Tennessean, Memphis Press-Scimitar, St. Louis Post-Dispatch, and Christian Science Monitor.

The passage of the bill represents the culmination of a 3-year effort to secure legislation protecting the Tennessee walking horse from this cruel practice. The bill was first introduced in May 1966 and then again, with a new Congress, in May 1967. It now focuses on the horse show rather than on a single prohibition on interstate shipment. This permits the Department of Agriculture to administer the law without unreasonable burden and places a responsibility—and properly so—on those conducting a horse show as well as those who enter horses in them.

Recently soring has received considerable public attention. Its cruelty has been exposed and is now undeniable, as is the need for an effective law prohibiting soring. S. 2543 is such a law. Soring has no place in any civilized society. The practice should be outlawed. It is now pain-

fully obvious that only a Federal law will do this effectively.

I commend the Senate for its sensitivity to the cruel wrong that is perpetrated on the walking horse. I applaud its willingness to act, and know that I am joined in this by my colleagues who cosponsor this measure, Senators CASE, GOODELL, GRAVEL, MOSS, NELSON, PELL, PROXMIRE, RANDOLPH, SCOTT, SPONG, THURMOND, and YOUNG of Ohio.

VIETNAM—WAR OF THE PASSES

Mr. GOLDWATER. Mr. President, today I would like to share with the Members of the Senate some of the impressions and observations of the situation in Southeast Asia which I gained during a trip to the Vietnam theater and from which I returned on Monday of this week. At the outset, I should like to explain that my tour of Vietnam was in connection with the Air Force's Military Affiliate Radio System (MARS) in which I have been greatly interested for some time. Twenty-five volunteers operate a MARS station at my home in Arizona. This station has long been used in transmitting messages to and from military personnel in Vietnam and elsewhere in the world. In fact, over 41,000 calls have been completed.

However, Mr. President, my remarks here today are not directed at the MARS program. This is a subject which I intend to deal with specifically and in some detail at a later date. Rather, my purpose today is to give the Senate the benefit of the information and observations I picked up from officers and men directly involved in the air combat operation. Although my purpose in visiting Vietnam was the MARS program, it was inevitable that I should meet and visit in many parts of the war zone with men I had known throughout my life as an Air Force officer and young men whom I had met while they were going through the Air Force bases such as Luke and Williams. Many of these young men today are flying missions and commanding squadrons in Vietnam.

Mr. President, let me be very candid in these remarks. I wish to state that I believe some major and costly mistakes have been made in Vietnam and I believe we are continuing to make some mistakes in the conduct of this unhappy and frustrating war.

It reminds me of other mistakes which I believe have been made by my country in three wars over the past three decades. These mistakes have one thing in common. They were all political mistakes involving military operations. It has been 28 years since the United States became involved in World War II. In those 28 years we have made some great strides forward in the field of foreign policy, but we have also taken some backward steps. For example, our entry into World War II was inevitable and inescapable as well as correct and just. But students of that war must recognize that President Roosevelt made a fundamental mistake in demanding unconditional surrender of the Axis powers. Some historians believe that this political mistake made by civilian politicians in the field of military procedure may have prolonged World War II by 12 to 18 months.

This may have been one of the first times that we as a nation came face to face with the problems involved in political considerations having a direct effect on military objectives in time of war.

Next, in consideration of Korea, I believe history will find President Harry Truman was entirely correct in deciding that this country should enter that conflict in defense of human freedom. But I also think that history will hold him severely to account for his decision which overrode the military judgment of men like Gen. Douglas MacArthur and limited American action to the territory south of the Yalu River.

This decision, which prevented American forces from attacking enemy supply depots and air fields which were feeding the assault against American fighting men, was also a political decision reached by nonmilitary men who were fearful of further straining American relations with Red China.

Now, within the memory of most of my colleagues in this body, we have seen entered into the history books two political mistakes made in the field of strategic judgment affecting the issue of war and peace.

With this understanding, it perhaps is easier to recognize the mistakes, again political in nature, which have prolonged the fighting in Vietnam and presented our Government with an almost insoluble international problem. Vietnam started out as a promise. It was a promise made by President Eisenhower to assist the people of South Vietnam if their Government should be challenged by Communist aggressors. This promise, made in good faith by a man who understood well the problems of war and military operations attendant to war, was honored. President Eisenhower honored that commitment by supplying to the Government of South Vietnam a handful of expert military advisers, a small amount of equipment, and the moral and diplomatic support of the strongest nation in the world.

When President John Kennedy assumed office and began taking military advice from Defense Secretary Robert McNamara, the decision was made to send some 16,000 troops to Vietnam. This, I believe, marked the official beginning of our active and substantive involvement in the Vietnam war as a virtual combatant. Unfortunately, President Kennedy did not live long enough to put into effect a policy to which I believe he would have committeed our Nation; namely, a policy aimed at winning a military victory in Vietnam.

In the months following President Kennedy's assassination, there was considerable confusion over whether our objective in Vietnam was to bring about a military victory for the anti-Communist forces. During the 1964 campaign, I, as the Republican nominee for President, tried repeatedly to get President Johnson to enter into a public discussion with me on the problem of Vietnam so that it could be ascertained for the benefit of the enemy that, regardless of which one of us was elected, a decision would be made to win that war and to escalate our effort to bring about that conclusion.

Of course, I was not successful. President Johnson did not appear interested in the strategic value of confronting our enemies with the psychological fact of a united resolve to win a victory regardless of which political party controlled our Government.

At the time President Johnson was heavily influenced, I am convinced, by Secretary McNamara and others in the Government who distrusted our military experts and who argued strongly for civilian direction of even the most routine military operations and decisions. At one time it was reliably reported that American forces could not even fly a bombing mission until the Secretary of Defense and the President personally approved of the target.

And, of course, this was the prelude to another political mistake. This time our official policy became one which was described as a "limited war." Many prominent people, myself included, sought time and again, to explain that a policy of limited war—on the basis of all our historical experience and all the sum total of military strategy—was self-defeating.

I, myself, considered this policy as tragic a mistake as the unconditional surrender which became the American objective in World War II. Time and again the experience of Korea was cited together with the historical concept of war as the last and final instrument of national policy. It seemed to make no difference to those in charge of our national destiny that we had become perhaps the first Nation in the world to go to war without a firm resolve to win.

The trouble with a limited war is the obvious fact that no one can be sure the enemy will play our kind of game. It stands to reason that plain logic dictates the fact that if we announce a policy of limited warfare, our enemy's obvious move is to go all out. He has nothing to lose. He becomes immediately the judge of everything we do. He becomes dictator of such vital factors as where and when and under what conditions the war will be waged.

Another political blunder was made, in my opinion, when the bombing of the North was stopped on November 1, 1968. This has enabled the North Vietnamese to establish an immense inventory of weapons North of the DMZ. Again in my opinion, and it is one I share with many military experts, the war in Vietnam was at a point where the end could be seen when this halt was called.

I could not help but think of these facts of history the other night while listening to President Nixon give his latest progress report to the American people on the war in Vietnam. I must emphasize here how impressed and proud I was of our President for stating the case starkly and honestly. I believe that under the former administration we had become so used to optimistic predictions that never came true that the entire credibility of a government was called into question. Mindful of what I saw and heard in Vietnam, I was especially impressed with Mr. Nixon's understanding of the adamant and unreasonable

stand of the North Vietnamese. He made no bones about the fact that the enemy is still insisting on conditions which would humiliate the United States and impose communism on the people of South Vietnam. And I especially liked his flat declaration that these are conditions that we cannot and will not accept.

In all honesty I must say that I am concerned at the rate with which we are withdrawing our troops from South Vietnam. While I believe sincerely in the Nixon policy of "Vietnamization of the war," I personally think that it may take longer than the administration seems to expect. But I would remind you that the President mentioned the fact that withdrawing troops at a time when infiltration from the North seems to be increasing involves an element of risk.

From my own observations, I believe the risk is quite considerable. Since we stopped the bombing of North Vietnam in November 1968, the avenues of infiltration have been widened and the opportunity for running untold tons of equipment and thousands of troops down from the North have been greatly facilitated. Also, the enemy has stockpiled mile after mile and tons of equipment North of the DMZ all of which are destined for the South.

This brings me to the major point which I want to stress here today. I believe we must understand thoroughly just what kind of a war we are conducting at the present time in Vietnam and under the restrictions which our efforts to bring about a reasonable and peaceful response from Hanoi have placed on our fighting men.

Mr. President, we are fighting a "war of the passes." This is a war made necessary by the bombing halt and by our preoccupation with the concept of limited war. These passes for which we battle are the high roads over which the supplies, the gunpowder, the weapons used to kill American fighting men move into the war zone from sanctuaries in the North. Our mission quite simply is to block those passes. We are not interested in the real estate. We merely want to deny these avenues to the trucks and other vehicles which are bringing the sinews of war to our enemies. We are fighting a war to stop supplies moving through these passes rather than a war directed at the reservoirs which hold these supplies in the North. And so long as the sources of these supplies go untouched, our task in the passes is a little like trying to hold back the tides. No matter how much of the supplies and equipment we destroy in the passes, more of the same will be coming through later so long as the railroads continue to run down from China into North Vietnam and the Communist ports controlled by Hanoi remain open to supply ships from Russia and other European countries.

I noticed in the morning press and I heard on the morning television we have finally admitted there is a buildup in the infiltration of supplies to the South. In fact, there has been a letdown in the number of troops but never in the number of trucks. I can make this statement now without fear of violating classification. The night I was near a particular point, 600 enemy trucks were counted. Our problem is in knocking them out.

In the following statement I want to make it perfectly clear that I do not criticize the powerful efforts being made by our Air Force pilots to stop this traffic. They are superb but face the problems of weather and night attacks, plus the never-ending warehouse north of the DMZ in Vietnam.

I suggest that the "war of the passes" in Vietnam will go on for many months, perhaps for additional years, unless one of two things happens. The first would be a negotiated settlement of the war at the Paris peace talks—an unlikely prospect according to our President—and second would be a resumption of the bombing to the North, a determination to destroy the rail lines from China and the port of Haiphong, plus all other avenues of supply.

In all honesty I have reached this conclusion about the war in Vietnam: Unless we resume the bombing in the North, I can see no way that we can win this war. I even question whether we could, without such action, extricate ourselves from the involvement with any degree of honor and any assurance that South Vietnam will not be treated to the kind of bloodbath which overtook the unfortunate city of Hue when the Communists gained control.

The President has reached a fork in the Vietnam road. One offshoot would lead to complete pullout, which he will not do, and the other would lead to a never-ending war which neither the President nor the American people would allow. His problem then is to find another road. Bringing the combat men home as Vietnamization takes place is a right and wise move if not done too rapidly. But as much as the situation is taken over by the Vietnamese, there still remains the flood of supplies from the north and the Vietnam air force is far short of the ability to handle this problem. Only we, with our B–52's, our tactical aim of the Air Force and the Navy can do the job. And I sincerely hope the President will take this action so that the war will end—end shortly and the calm of peace will settle where men die today because of the mistakes of the past.

I want to take this opportunity to thank the distinguished majority leader for his kindness in permitting me to make these remarks this morning.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. DOLE. Mr. President, I listened with great interest to the Senator from Arizona because he knows what he is talking about. He has been there and discussed the situation with those on the field.

I am wondering whether we can continue the Vietnamization policy and still resume the bombing. Is it inconsistent with bringing back our ground troops and resuming the bombing? I understand the Senator to say we can do both.

Mr. GOLDWATER. Yes, because I believe we should never have engaged our ground forces in Southeast Asia. I think that was a mistake. I think it was a theater the air could handle and can today. I think the President's formula of replacing American fighting men with Vietnamese as they become ready is a wise one and it can continue at the time we bomb the North.

Mr. DOLE. Your suggestion, then, is compatible with the efforts of President Nixon to Vietnamize the war?

Mr. GOLDWATER. Yes, and I was happy to hear in his talk the other night that he left himself an option, as he has before. He has told Hanoi and Paris that we better see some peaceful action or we can exercise these options.

Mr. DOLE. Because we did stop the bombing, does the Senator see a greater risk for American pilots if it is resumed?

Mr. GOLDWATER. Yes. At the outset we would have to resort to high strategic bombing by B–52's to avoid hits from the numerous SAM sites. They have covered North Vietnam with SAM sites. It would be very difficult and costly for tactical air to take up missions before strategic air had softened the place up.

Mr. DOLE. Again I wish to commend the Senator from Arizona for taking the time to inform us about his recent visit to Vietnam.

Mr. GOLDWATER. I thank my good friend the Senator from Kansas.

Mr. President, I yield the floor.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the pending business which the clerk will state.

The BILL CLERK. A bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2577) to provide additional mortgage credit, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. WIDNALL, Mr. BROCK, and Mr. STANTON were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the

amendments of the House to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination under new report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. MARSHAL

The bill clerk read the nomination of William M. Johnson, of Georgia, to be a U.S. marshal for the southern district of Georgia for the term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I notice one other nomination on the Executive Calendar, that of Henry J. Tasca, of Pennsylvania, to be Ambassador to Greece, and I ask the majority leader when it is expected that that nomination will be taken up.

Mr. MANSFIELD. Yes, indeed. It will be taken up either late this afternoon or tomorrow. It will be taken up before we adjourn this session of Congress.

It is being delayed a little bit further only because two or three additional Senators have asked that that be done. There is a limit, of course, to the amount of time we can delay the nomination, but it will be taken up either today or tomorrow, without fail.

Mr. AIKEN. That is a good idea, and I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, again I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare and the Committee on Banking and Currency both be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

Mr. McGEE. Mr. President, may I ask the Chair, What is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 15149, the foreign aid appropriations bill.

Mr. McGEE. I thank the Chair.

Mr. President, the pending measure contains recommendations for new obligational authority amounting to $2,821,313,000. That sum is $250,140,000 over the amount allowed by the House, $858,251,000 under the budget estimate, and $114,224,000 under the appropriations for fiscal 1969.

For title I of the bill——

Mr. FULBRIGHT. Will the Senator kindly repeat that last figure for me?

Mr. McGEE. $114,224,000 under the appropriations for last year.

Mr. FULBRIGHT. 1969?

Mr. McGEE. 1969.

For title I of the bill, the committee recommends $2,131,280,000 for fiscal year 1970. This sum includes $1,681,280,000 for economic assistance, $375 million for military grant aid and $75 million to be added to the reserves of the Overseas Private Investment Corporation, more commonly known as OPIC.

In addition to the funds provided in title I, the bill also contains appropriations for the Peace Corps, for administration of the Ryukyu Islands, for the Cuban refugee program, for the migrants and refugee program, and for three international banks; namely, the Asian Development Bank, the Inter-American Development Bank, and the International Development Association.

Mr. President, the committee has also approved the increases in the limitations on program activity and administrative expenses, requested by the executive branch in Senate document 91–43, for the Export-Import Bank of the United States.

Mr. President, the complete details of the committee action on the pending measure are set out in the committee's report which each Senator has in his possession.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall have been considered to have been waived by reason of agreement to this request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, after "202", strike out "$313,800,000" and insert "$398,620,000".

On page 2, line 11, after "world-wide", strike out "$150,000,000" and insert "$186,000,000".

On page 2, line 12, after the word "Progress", strike out "$75,000,000" and insert "$90,000,000".

On page 2, line 14, after the word "organization", strike out "$88,800,000" and insert $122,620,000"; in line 15, after "(section 401 (a) (1))", insert a comma and "of which not less than $14,000,000 shall be available only for the United Nations Children's Fund"; in line 19, after the word "Congress", insert a comma and "except projects or activities relating to the reduction of population growth"; and, on page 3, line 1, after the word "regime", strike out the colon and *"Provided further,* That none of the funds contained in this paragraph shall be available for transfers authorized by section 202 of the Foreign Assistance Act of 1969".

On page 3, line 6, after "section 304(b)", strike out "$24,050,000" and insert "$24,550,000".

On page 3, in the matter after line 7, in the line "Weizmann Institute, Israel", strike out "3,000,000" and insert "2,500,000"; in the line "Merkaz Lechinuch Ichud, Israel", strike out "1,900,000" and insert "1,400,000"; in the line "Hadassah (expension of medical facilities in Israel)", strike out "5,000,000" and insert "4,000,000"; after the line "Hospital and Home for the Aged, Zichron-Yaakov, Israel", insert "Beth Yaacov Avat Girl's School ------1,200,000"; after the amendment just above stated, insert "Educational Center of Galilee------800,000"; and, after the amendment just above stated insert "Hospital in Chemke, Nigeria------500,000".

On page 3, at the beginning of line 8, insert:

"American schools and hospitals abroad (special foreign currency program): For assistance authorized by the Foreign Assistance Act of 1961, as amended, $3,000,000 for the University of North Africa, Tangier, Morocco; $1,000,000 for the Vocational School for the Underprivileged in Israel; $500,000 for the Weizmann Institute, Israel; $500,000 for the Merkaz Lechinuch Ichud, Israel; and $1,000,000 for Hadassah (expansion of medical facilities in Israel) in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States."

On page 4, after line 4, strike out:

"Prototype desalting plant: For expenses authorized by section 209(f), $20,000,000."

On page 4, line 11, after "section 452 (b)", strike out "$300,000,000" and insert "$439,600,000".

On page 4, line 16, after "section 453 (a)", strike out "$10,000,000" and insert "$17,500,000".

On page 4, line 18, after "section 204 (b)", strike out "$200,000,000" and insert "$337,500,000".

On page 4, line 23, after "section 203 (e)", strike out "$265,000,000" and insert "$400,000,000".

At the top of page 5, insert:

"Overseas Private Investment Corporation, reserves: For expenses authorized by section 325(f), $75,000,000 to remain available until expended."

On page 5, after line 3, insert:

"Overseas Private Investment Corporation, capital: For expenses authorized by section 322, such amounts as are authorized to be

made available under said section, such amounts to remain available until expended.

On page 5, line 17, after "section 637(a)", strike out "$50,000,000" and insert "$51,250,000".

On page 5, line 22, strike out $3,500,000" and insert "$3,730,000".

On page 6, line 18, after "sections 504(a)", insert "and"; in the same line, after "504(d)", strike out "and 504(e)"; in line 21, after "United States", strike out "$454,500,000" and insert "$375,000,000"; in line 22, after the word "which", strike out "not less than $54,500,000 shall be available solely for the Republic of China and"; and, in line 23, after "$50,000,000", insert "shall be available".

On page 13, line 7, after the word "than", strike out "$8,000,000" and insert "$10,000,000".

On page 15, after line 7, strike out:

"SEC. 119. The President is directed to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes from any country other than Greece, Turkey, the Republic of China, the Philippines, and Korea, unless the President determines that such purchase or acquisition of weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress."

On page 15, at the beginning of line 18, change the section number from "120" to "119".

On page 16, after line 13, strike out:

"SEC. 121. None of the funds contained in Title I of this Act may be used to carry out the provisions of section 401 (a)(2) of the Foreign Assistance Act of 1969."

On page 16, after line 16, strike out:

"TITLE II FOREIGN MILITARY CREDIT SALES

"FOREIGN MILITARY CREDIT SALES

"For expenses, not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act (82 Stat. 1320), $275,000,000."

On page 17, at the beginning of line 1, change the Title number from "III" to "II".

On page 17, at the beginning of line 8, strike out "$95,000,000" and insert "$98,450,000".

On page 18, line 2, after the word "appurtenances", strike out "$14,000,000" and insert "$18,790,000"; and, in line 4, after the word "exceed", strike out "$3,100,000" and insert $3,151,000".

On page 21, at the beginning of line 7, change the title number from "IV" to "III".

On page 21, line 19, after the word "exceed", strike out "$2,537,343,000" and insert "$3,427,413,000"; and, in line 20, after the word "exceed", strike out "$1,972,200,000" and insert "$2,420,000,000".

On page 21, line 25, after the word "exceed", strike out "$5,280,000" and insert "$5,548,000".

On page 22, at the beginning of line 19, change the title number from "V" to "IV".

Mr. McGEE. Mr. President, I ask unanimous consent that printing errors in the committee amendments on pages 6 and 10 of the reported bill be corrected.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I believe the pending item in relation to the bill is an amendment submitted last night by the chairman of the Foreign Relations Committee (Mr. FULBRIGHT).

Mr. FONG. Mr. President, I commend the distinguished chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations for doing an outstanding job in guiding the Foreign Assistance Act of 1969 through the committee hearings and markup sessions. His broad experience in and keen understanding of foreign affairs were very instrumental in forgoing the appropriations bill that we have before us. It has been a distinct pleasure and privilege for me to work with the senior Senator from Wyoming on this important matter, and I want to associate myself with the remarks he has made in support of the appropriations for the Foreign Assistance Act of 1969.

Mr. President, it is a fact that in the past few years interest among many Americans in the problems of the less developed countries of the non-Communist world and the U.S. effort to assist these countries have declined.

The reasons for this decline in interest and participation are both numerous and varied. They include: A growing preoccupation with pressing domestic problems and needs; a continuing Vietnam war demanding tremendous outlay in dollars and lives; an easing of "cold war" pressures; numerous reports of waste in and mismanagement of assistance programs; conflicting reports on the effectiveness of development assistance in achieving goals; dissipation of agricultural and industrial progress by rapid population increase and a lack of demonstrated appreciation by recipient nations.

More and more Americans have been learning at home and overseas that there are few tasks more difficult than that of trying to help others progress and advance. At the same time, we are also learning that efforts to do so can be preconceptions, a desire for quick results, and a tendency to oversimplify the problems and the possible remedies for them.

And the problems that we are faced with at home are making many Americans question even harder our assumptions on assisting development in the needy countries, including our will to continue to support this development. It should be brought out that no single rationale or assumption, but many, underlie our interest in our program of foreign aid.

It is generally agreed, however, that one of the main reasons for our participation is that, as the most powerful free country in the world, the United States has a fundamental interest in a peaceful and improving world environment. Today, many speak of the community of nations, suggesting a new world order in which narrow conceptions of sovereignty and self-interest are replaced by a consciousness of the interdependence of nations. This in turn suggests the need to contribute to the building of an orderly and prosperous world community in which a reasonable level of material welfare comes within reach of all the peoples of all nations.

Just as we have learned that we can be neither safe nor comfortable in a nation sharply divided between the well-off and the deprived, so must we also recognize that no wealthy nation can be safe or comfortable in a world where a majority of mankind is still impoverished and in need of hope and assistance.

Though great is our desire to help the developing nations of the world to achieve self-sufficiency in the shortest possible time, increasing and continuing deficits in our national budget, greater demands of our people to ameliorate pressing needs at home, and self-imposed cuts in our own budget, have accounted in a large measure for this, the smallest request for the AID program submitted by any administration in the past 10 years.

Mr. President, while contributing to the progress of the developing countries, our AID program in the main does not send money abroad—it sends U.S. goods and services. In recent years almost all the money we appropriate to the Agency for International Development remains in this country to purchase American goods or to pay U.S. companies, universities, and other private groups for American technical and professional services to carry out projects overseas.

As an example, in the field of commodity procurement, AID's predecessor agencies in 1960 bought $423 million worth of U.S. goods—only 41 percent of their total financing of commodities. In fiscal year 1968 AID funds bought $1,141 million worth of commodities—over 98 percent of AID-financed commodity procurement—from all 50 States.

Besides providing direct benefits to U.S. firms and the communities in which they are located, the AID program now has a positive direct impact on the U.S. balance-of-payments problem. This happy turnabout began in fiscal year 1966. In fiscal year 1961 the AID program was responsible for a net outflow of $851 million. In fiscal year 1970, it is estimated that the program will result in a net inflow of $197 million. And the amount of this net inflow will continue to rise, principally because of the growing receipts of interest and principal repayments on past development loans.

Mr. President, in weighing the pros and cons of our foreign aid program in general and the Foreign Assistance Act of 1969 in particular, I have come to the conclusion that the merits of this program far outweigh the demerits of it. I am convinced the United States cannot and will not abrogate its responsibility as a member of the "community of nations." For it is impossible to think about where the United States will be a decade from now without thinking about where the rest of the world will be. Where the world will be a decade from now will have a lot to do with whether the peaceful revolution in economic and social development now taking place in most areas of the world maintains a satisfactory momentum or not. I sincerely believe that it is in our national interest to help to see that it does.

I, therefore, respectfully urge my colleagues to support the foreign aid appropriations bill before us.

AMENDMENT NO. 435

Mr. FULBRIGHT. Mr. President, I call up the amendment which I submitted for printing last night.

The PRESIDING OFFICER. The clerk will read the amendment.

The BILL CLERK. Mr. FULBRIGHT for himself and other Senators proposes on page 24, line 2, to strike out the period and insert: "and no funds appropriated by this Act may be expended to the extent that such funds exceed those authorized to be expended for the fiscal year ending June 30, 1970.".

Mr. FULBRIGHT. Mr. President, to provide the necessary background I shall make a brief statement about the amendment.

Yesterday the Senate and House conferees reached agreement on a foreign aid authorization bill. The conference report will be acted on first by the House and it will come before the Senate in due course.

I expect it to arrive some time later today.

The amounts in the foreign aid appropriation bill for a number of programs are greater than the authorizations agreed to in conference, which will shortly become law. The amounts above the program authorizations total an additional $105,125,000 in dollars and $3,000,000 in foreign currencies. The programs and the amounts above the authorization figure are as follows:

Worldwide technical assistance, $2,500,000.

Supporting assistance, $25,000,000.

Contingency fund, $2,500,000.

Development loans, $50,000,000.

Administrative expenses, $125,000.

Military aid, $25,000,000.

And the bill authorizes a dollar appropriation for a hospital and home for the aged and $1,000,000 in foreign currencies for a vocational school when neither project was approved by the House Committee on Foreign Affairs or the Senate Committee on Foreign Relations. In addition, three hospitals or school projects for which an authorization of dollars was provided, in the authorizing bill, are listed in the appropriation bill to receive both dollars and foreign currencies.

My amendment seeks to insure that appropriations for foreign aid are made within the ceiling, on amounts and projects, set by the authorizing legislation. This is not a simple matter of paring down amounts to authorized program ceilings. It involves a principle which should be of concern to every authorizing Committee of the Congress. For the Appropriations Committee to recommend bills containing amounts higher than those authorized, or funds for projects not authorized, makes a mockery of the legislative process and the work of the legislative committees. I realize that we are under heavy pressure to finish our business, but the Senate should never sacrifice orderly procedure for expediency. If the approach taken in the foreign aid appropriations bill were followed to a conclusion, it would be possible, theoretically, for the Appropriations Committees to initiate new weapons systems which had not been authorized by the Armed Services Committee, and to appropriate more for authorized projects than the law allowed. If this practice were carried to its extreme, the authorizing committees might as well close up shop and turn the entire legislative function over to the Appropriations Committee.

In addition, I have a second amendment which would strike out the specific authorization of $50,000,000 in military aid for South Korea. The Committee on Foreign Relations has consistently rejected attempts to authorize aid money by country for two basic reasons: one, on the theory that the executive branch should have flexibility in administering the aid program within the broad policy limits set by Congress; two, because of a firm belief that Congress has neither a duty nor is it temperamentally suited to divide up, in a sensible way, $2 billion of the taxpayers' money among the 92 countries slated to get some kind of foreign aid this year. The foreign aid authorization bill passed by the House included specific authorizations of $50 million in military aid for Korea and $54.5 million for Taiwan—in addition to the large amounts already slated for these countries in the administration's program.

Mr. President, I wish to add also that neither of these items had been approved by the Budget nor, I believe, even had been submitted to the Bureau of the Budget for the President's consideration.

The Committee on Foreign Relations rejected this attempt to specify recipients of additional military aid and, in accordance with past practice, voted a lump sum authorization to be distributed as the administration believes to be proper.

I wish to say further, of course, that in submitting other programs the administration does submit, and where the programs have a justification for the amounts, they are asked and are expected to adhere reasonably close to those programs. This has been the uniform practice over the years, but it has never been the practice to set it out in law, which, in effect, means the administration has flexibility, the point being that Congress is not called upon to earmark money for a specific country.

The administration was left with the freedom to establish its own priorities—which means that any, or all, of the amount Congress provided could be given to Korea or the Republic of China. No questions were raised on the Senate floor about the committee's decision. And the committee's position prevailed in the conference yesterday. The conference agreement was to authorize $350 million in military aid for use in accordance with the administration's priority list, for which they submitted justifications for their recommendation.

The specification of $50 million for Korea in the appropriation bill is in direct conflict with the spirit and intent of the agreement on the authorization bill. If this attempt succeeds, a Pandora's box of pressures will have been opened. I hope that the Senate will reject this approach, and I hope the Senate will accept the amendment which I have sent to the desk with regard to this matter.

Yesterday, the chairman of the subcommittee, the distinguished Senator from Wyoming (Mr. MCGEE), and the chairman of the full committee, with whom I discussed this matter, and who said he had no objection to my offering this amendment, both agreed that they intended to reduce, as I recall it—if I state this incorrectly, I hope to be corrected—the amounts which are above those provided in the conference agreement, either on the floor or in conference.

I said to the chairman—I believe to both chairmen; I know certainly to the chairman of the full committee—I did not think it was proper that it be left to the conference to insure it would be under the authorized amount, and I thought that ought to be done in the Senate itself.

In addition to that matter, which deals with the specific number and specific items I have already mentioned, which are above the conference figures, there is this very troublesome parliamentary situation in regard to Korea:

I do not believe the amendment now before us comes to grips with the Korean issue. Therefore, I shall submit a technical amendment to deal with the specific case of Korea, because, due to a legislative situation which, I am frank to say to my colleagues, I did not understand very thoroughly, if the House of Representatives, in an appropriation bill, makes a special rule to put in an authorization for a spending program, and it is adopted by the House of Representatives and comes over here, it is not subject to a point of order and it does not matter that it is not in the authorization, as distinguished from an appropriation bill. I had always been under the impression that an authorization bill was the final limit upon an appropriation bill, and I only recently learned of this rule, which, principle shall I say, is an exception to the general principle that authorization bills set down not only the policy guidelines, but also the spending limits.

In other words, I had thought the Comptroller General would not approve an expenditure on any of these projects if it went beyond the authorization bill, even though the appropriation bill provided otherwise; but I found out that was not the case.

Mr. MCGEE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the chairman.

Mr. MCGEE. I wonder if we could have it understood that we will consider the Senator's pending amendment first and separately, and then proceed to the amendment on Korea.

Mr. FULBRIGHT. Yes.

Mr. MCGEE. So that we can keep the two matters separate.

Mr. FULBRIGHT. Absolutely.

Mr. MCGEE. Then I wonder if it would be possible for me to respond briefly, first, to the Senator's first amendment.

Mr. FULBRIGHT. Yes. I did not mean to confuse the two. The second does bear upon the general question.

Mr. SCOTT. Mr. President, will the Senator permit me to interrupt for a brief unanimous consent request?

Mr. FULBRIGHT. I yield.

COMMITTEE MEETING DURING SENATE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that the Committee on Public Works be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

Mr. McGEE. Mr. President, the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) and I have discussed this matter at great length in advance of bringing it to the floor. We had some brief colloquy on it last night, as a closing matter of business on the Senate floor, and that updated it somewhat in regard to our action that is pending here this morning.

Let me say first that the whole question surfaces suddenly here because of the lateness of the hour in the session, and because after the Senate Appropriations Committee received the appropriation bill from the House of Representatives, we were advised that we were then entitled to proceed with our function as an appropriating committee. It was, furthermore, explained to us that under those circumstances the lack of an action from conference by the authorizing committees entitled us to make the best guesses that we could, consistent with the bill sent over from the House of Representatives; and this our appropriating group tried to do. We have recommended a higher sum than the authorizing committees only because we did not have their figure until a day after we had finished our markup of the bill.

The rules of the Senate permit appropriations to be made in excess of amounts authorized. However, members of the Appropriations Committee respect ceilings established by authorizing legislation, but as I indicated, we were not able to do so because authorizing legislation had not been agreed to at the time it was necessary for the Appropriations Committee to act on the bill.

Because of the uncertainties that hang over this issue and the confusions that have flowed from it, we have agreed with the distinguished chairman of the Committee on Foreign Relations to tailor or adjust our recommended figures in accord with the authorizing legislation which, thought I guess it is not yet officially transmitted to the Senate floor, we have an understanding on.

I have in my hand, Mr. President, a list of those adjusted figures to conform to the figures passed on by the two authorizing committees. The major areas where adjustments are required are the very obvious large segments of the bill of development loans and supporting assistance.

The adjustment on the development loans was a downward slash of $50 million. We appropriated $400 million in development loans. The authorization is $350 million, and we will cut ours back to $350 million. For supporting assistance, our figure was $439,600,000, and theirs was $414,600,000, so we will cut ours back the necessary $25 million to conform to that figure.

In the remainder of the bill, the other adjustments are very minor ones in their totals, and rather than take the time of the Senate to repeat them, I have recorded them on a summary statement which I send to the desk at this time.

It is my understanding with the Senator from Arkansas that for the purposes of discussion, and for purposes of debate on this floor and amendment from this floor, these new figures will be considered the thrust of the Appropriations Committee proposal. I ask unanimous consent, Mr. President, that these figures replace the ones now pending in the bill.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Does the Senator wish to reserve the right to object?

Mr. FONG. I want to speak to this point.

Mr. FULBRIGHT. Why not reserve the right to object?

Mr. FONG. Reserving the right to object, Mr. President, and I shall not object, to supplement what the distinguished Senator from Wyoming has said, it was never the intent of the committee to go over the amount as set by the authorization bill. Since we had no figures to go by, we had the understanding that if the authorization figures were lower than the figures we had set, we would accept those figures.

So I subscribe to the statement of the distinguished chairman of the Appropriation's Subcommittee on Foreign Operations.

The PRESIDING OFFICER. Is it the intention of the Senator from Wyoming that the amendments he has sent to the desk be considered en bloc, and that the Fulbright amendment be set aside temporarily for that purpose?

Mr. McGEE. If we might have unanimouse consent to do that, just to keep the record clear, to set it aside long enough to insert the new figures.

Mr. FULBRIGHT. Yes. I had hoped that, by unanimous consent, he could make his figures conform to the figures of the conference report, which I believe have been checked.

However, the amendment I offered does not change any amounts. It is a limitation that in any case the Comptroller General, in effect, as I understand it, would not be authorized to exceed, or to honor vouchers above the figures in the conference report. That is the intent of the amendment which I offer and which I assume will be adopted as soon as this change is made.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, I would appreciate the Senate having the benefit of a listing of the specific sections in the proposal.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read the amendments, as follows:

On page 2, line 10, strike "$398,620,000" and insert "396,870,000." On page 4 line 11, strike "$439,600,000" and insert "414,600,000." On page 4, line 16, strike "17,500,000" and insert "15,000,000."

On page 4, line 23, strike "400,000,000" and insert "350,000,000".

On page 5, line 17, strike "51,250,000" and insert "51,125,000".

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc at this time while the Fulbright amendment is pending? Without objection, the amendments will be considered and agreed to en bloc.

Mr. FULBRIGHT. Mr. President, reserving the right to object, this is a rather unusual procedure. Will this preclude further amendment regarding these items?

Mr. McGEE. Mr. President, may I inquire of the Parliamentarian whether we did not ask in the beginning for a unanimous-consent agreement that this not preclude any subsequent amendments?

The PRESIDING OFFICER. That was for the purpose of considering the bill as amended by the original committee amendment.

Mr. McGEE. Mr. President, I renew my unanimous-consent request and ask unanimous consent that this not preclude further amendments to these figures.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FULBRIGHT. Mr. President, we are back where we started. An amendment is still in order, even though this has been done to adjust the balance.

The PRESIDING OFFICER. Amendmay be made to any part of the bill.

Mr. McGEE. Mr. President, on the present amendment, we had a rather extended discussion with the Parliamentarian on the amendment and on the principle involved here. It was suggested to us that perhaps the expeditious way to meet the problem at stake, so that we can sort out the appropriate authorizing processes from the appropriating processes in respect of the authorizing ceilings, would be that it would be very much in order to amend the directives to the Comptroller General in the future, rather than having to pinpoint in each appropriation bill a need for an amendment of this sort to establish the principle as the will of the Senate.

Is that the understanding of the Senator from Arkansas?

Mr. FULBRIGHT. Mr. President, we discussed with the Parliamentarian the fact that this would be the most efficient way to meet the permanent need.

It was not my understanding that in doing that, we would preclude the adoption of this amendment in order to accomplish only what I believe is the general understanding.

Mr. McGEE. The Senator is correct. It would not preclude it.

Mr. FULBRIGHT. We did also discuss the problem of changing rule XVI of the Senate. But we tentatively thought that

this might open up a wide and very controversial area. It has proved to be rather controversial in the past when we got into the rules. That is why we concluded that the basic law covering the Comptroller General would probably be the most feasible way in which to do it.

Mr. McGEE. Mr. President, I would hope that the Senate could refer this particular question concerning its procedures to the proper committee of the Senate so that we might have a recommendation from the correct legislative group for the Senate to consider and act upon, I would hope, early in the forthcoming session of Congress.

Mr. FULBRIGHT. Mr. President, I will try to prepare proposals with regard to that basic legislation. I am not prepared to do it today. We have only discussed it today. However, I will prepare the proposals and will deliver them to the proper committee after the first of the year.

Mr. McGEE. Mr. President, in light of our colloquy here, I ask the Senator one additional question.

Is it the intention of the Senator to insist now on the adoption of the pending amendment, or in the light of the colloquy describing our intent and good faith in cutting back those items, would it be the intention of the Senator to let the record speak for itself and we would proceed to the constructive legislation early in the next session?

Mr. FULBRIGHT. My understanding was there would be no objection to the adoption of the amendment.

I believe the chairman of the full committee is agreeable and it would be agreed to and would be a precedent for the further consideration of other bills which I said I would introduce with respect to the Comptroller General.

Mr. MANSFIELD. Mr. President, in my opinion a vital principle is at stake as far as the committee system of the Senate is concerned. I think that the sooner we strike at this weakness the better off we will be. If we do not face up to this, then I would suggest that we abolish all legislative committees and all appropriations committees and consider a reduction in the number of the Members of the Senate. Certainly we will not be needed here if what we do in performing our legislative tasks can be overturned by an action of the Appropriations Committee which in turn ties the hands of the GAO, the only arm of Congress which is supposed to act as a check against what is being done and what is not being done in the field of appropriations.

This is a vital matter, and the sooner we face up to it, beginning now, the better off we will be.

I think we ought to have it on every appropriation bill from here on out until we get it in the law as an instruction to the GAO.

Mr. AIKEN. Mr. President, I suggest that if we get to that, we change the name of the Appropriations Committee to the Presidium because it would be more appropriate.

Mr. MANSFIELD. And we could change the name of "foreign aid bill" to the "foreign aid bill for the benefit of American businessmen."

Mr. AIKEN. Mr. President, if the legislative branch is to consider how the executive branch spends each dollar, we might as well eliminate the executive branch. Perhaps a good many of us would think that would be a good idea. However, the Founding Fathers did not think so, and I think we should stick by them for awhile yet.

When it comes to the authorizing committees, I think we are working very close to the system which some of the advocates of the proposed method seem to deplore and take umbrage at.

Mr. WILLIAMS of Delaware. Mr. President, I concur in what the majority leader has said. I think this is very important.

It is my understanding that this rule only applied to measures which had passed Congress or to funds which had been authorized by the standing legislative committee.

The Appropriations Committee heretofore has recognized that principle. In the last few days we had an HEW appropriation bill brought before the Senate where the Appropriations Committee pointed out that they were delayed because the authorization bill had not cleared Congress.

If they did not have to wait for such authorization or pay any attention to them after they were enacted, then we would not need any authorization committee.

Could the Appropriations Committee act in March on what they wanted to appropriate, and the legislative committee then act some time later or perhaps not act at all?

I think that the Senate should have faced up to this proposed new ruling, and act now to sustain the Senate Rules as they have heretofore been interpreted.

I do not think under the rules of the Senate that the Appropriations Committee has any right to exceed the actual authorization that has been approved by either the House or the Senate.

Mr. FULBRIGHT. Mr. President, if the amendment is attached to the bill it would leave the appropriations conferees this freedom to act within the framework of this authorizing legislation.

Mr. WILLIAMS of Delaware. That is correct.

Mr. FULBRIGHT. Whereas under the existing practice the appropriations committees are not restricted to the terms of the authorizing acts.

I am frank to say that I did not realize that. I had assumed that no matter when they were passed, authorization bills would be controlling as to the upper limits. I did not know that was so until the matter came up and the staff began to inquire with the Comptroller General and others. But it was my understanding with the chairman of the full committee—and perhaps the chairman of the subcommittee did not understand it—that this amendment, which has been prepared very carefully, would be attached to this bill simply as a precedent and the beginning of a process that would be followed until we got a change in the basic law with regard to the Comptroller General. If that is made and if we supply this through the basic legislation affecting the Comptroller General, I am informed—I have consulted with the Parliamentarian and others—that it would be settled in the law.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. I think that the distinguished Senator from Wyoming, the chairman of the subcommittee, is acting entirely within the limitations as they are laid down at the present time.

Mr. FULBRIGHT. He is. He is quite right.

Mr. MANSFIELD. And this would be a way to strengthen his position, I would think, and clarify the status of situations such as this so far as the Senate is concerned.

I repeat: It is the principle which is the most important matter here, and if it can be applied with respect to the Committee on Foreign Relations, it can be applied to every other legislative committee in this body. I think it would mark the demise of the Senate as a functioning institution.

Mr. FULBRIGHT. The Senator from Wyoming is acting within the rules, or whatever it may be called—the tradition.

What has happened—I did not realize it—is that the House, in an appropriations bill, can do almost anything they please with the rules. They can have special rules. They put legislation in an appropriation bill, and this has the effect of making it just as authoritative as a legislative committee. It is both a legislative and appropriation bill, and when it comes to the Senate, a point of order cannot be made. If it goes through and is finally adopted, it is considered to be of equal significance as an authorization bill as approved by a legislative committee. This is quite unusual—at least, it is to me. I did not realize this could be done.

Mr. WILLIAMS of Delaware. It is unusual, in my understanding of the rules, and that is why I support this amendment.

Mr. FULBRIGHT. I thank the Senator.

Mr. President, that is all I have about the matter.

I have called up the amendment. Is it the pending business?

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The question is on the adoption of the pending amendment.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. McGEE. I think we are united very strongly in our feelings that we have to make sure that we take the right step to protect the authorizing process and to make sure that it is not strained or abused or violated by the appropriating processes in this body. Nobody disagrees with that. We have tried to arrange an agreement that would enable us to take that step.

I am a little concerned that, having made this specific commitment from this committee at this time—and the amendment can only apply to this particular appropriation today, anyway, and we have taken care of that—this protects

the time lag between now and whenever we can get this change in legislation affecting the Comptroller General which I hope will be very soon in the next session. But I am a little disturbed that we would now proceed to attach the amendment, the point of which we have accepted and spelled out carefully in the RECORD.

It seems to me that, because of existing rules, we are perfectly in order to proceed without the amendment now. I obviously had misunderstood the chairman of the Committee on Foreign Relations last night, but I had understood him to say in our discussion here that once we can spell this out and agree on our procedure and get the figures cut back to the authorizing level, there would be no need to proceed with the amendment.

In view of the history behind this, I would think that this body would be better advised not to tack this on to this bill at this time; because we have resolved this point in the bill and we have made it abundantly clear that our order of business ought to be to move ahead with clearing up the instructions to the Comptroller General.

Mr. FULBRIGHT. I regret it very much if the Senator misunderstood me. This is not a matter just for gentlemen's agreements. This is a matter of law. The Senate has to go to conference with the House, and this is always an uncertain matter.

I did not mean to say—if I did, I certainly did not mean to—that the principle would be served merely by a colloquy on the floor. The colloquy was necessary to state the reasons why this has arisen and to show that the Committee on Appropriations was acting in good faith—that is the purpose served by the colloquy; that we were not trying to override it; that it was simply because of the unfortunate circumstances of timing that led to this discrepancy in the amount.

However, the basic principle, which has already been described by the majority leader so well, is a principle of law that will cover not only this bill but, I hope, all other appropriation bills as well. I think it is very important that it be adopted by the Senate and that it serve as a precedent for future bills. I would hope that on any bill of any consequence, certainly one in which I am interested, this would be so. I cannot understand why the Senator would object to it. There has been no objection to it on principle.

Mr. McGEE. I am not objecting on principle. I am objecting to the procedure now, inasmuch as we went one step further.

Mr. FULBRIGHT. I do not think the Senator had any alternative there.

Mr. McGEE. Under the rules of the Senate, we could go to conference with a higher figure. But we have agreed to accept the amounts authorized out of deference to the Senator.

Mr. FULBRIGHT. I do not think the Senator could have got this bill through the Senate with those figures. The Senate would have to act on those figures, and I do not think it would for a moment accept them.

Mr. McGEE. Whether or not the Senate accepts any of our figures is a prerogative of the Senate, no matter how low or how high. So that that is not the point.

Mr. FULBRIGHT. I do not quite know what the point is.

Mr. McGEE. The point is that we went one step further and tailored these figures in advance, without controversy, without votes, without amendments, in order to conform to the Senator's request. We think the point made by the Senator is an extremely astute one and should have been made long ago. Because the point has now been made and the good faith has likewise been demonstrated, I just raised the question of the wisdom of attaching that, in view of our agreement that we are going to change the whole order of procedures with the Comptroller General.

Mr. FULBRIGHT. I regret it, but I see no harm that would ensue. I think we ought to have the yeas and nays on the amendment.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

ORGANIZED CRIME CONTROL ACT OF 1969—REPORT OF A COMMITTEE—INDIVIDUAL AND SUPPLEMENTAL VIEWS (S. REPT. NO. 91-617)

Mr. McCLELLAN. Mr. President, the President's Crime Commission concluded its analysis of organized crime in the United States in 1967 with this observation:

> In many ways organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hardworking businessmen, by collecting usury from those in financing plight, by maiming or murdering those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying upon a few. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers. (The Challenge of Crime in a Free Society, The President's Commission on Law Enforcement and Administration of Justice at 24, 1967).

Mr. President, it is with these sobering and disturbing observations in mind that I am pleased to report to the Senate today in behalf of the Judiciary Committee S. 30, as amended, the Organized Crime Control Act of 1969. This action culminates a year of detailed study, hearings, and consultations, and it is the product of one of the most thoroughly bipartisan efforts in which I have ever had the pleasure to participate.

The process began early this year when I introduced S. 30, on January 15, 1969, and continued through the introduction of seven separate bills, which were drafted to deal with different aspects of organized crime, and which were introduced by Senators on both sides of the aisle. Impetus, too, was given to our efforts by the President's "Message on Organized Crime," which was sent to the Congress on April 23, 1969.

The bill that I now report in behalf of the Judiciary Committee to the Senate consists of 10 substantive titles, and it embodies what is, in our judgment, the best of the recommendations for dealing with organized crime of the President's Crime Commission, the National Commission on the Reform of Criminal Laws, the American Bar Association Project on Minimum Standards of Criminal Justice, the Model Penal Code, the Model Sentencing Act, and the various witnesses who testified before our subcommittee or with whom we were in consultation throughout the United States. The bill has been endorsed in principle by such diverse and concerned groups as the National Chamber of Commerce and the International Association of Chiefs of Police, and every title of the bill now has, I am pleased to report, the support of the Department of Justice.

Mr. President, I sincerely hope the Senate will have an opportunity to act on this important measure, if not in the next few days, at least as soon as we return from the holidays in early January. Now, however, I should like to outline for the Senate its major provisions.

TITLE I—GRAND JURY

This title establishes special grand juries authorized to sit for extended terms in the major metropolitan areas of our Nation. At the conclusion of its term the grand jury is authorized, subject to careful safeguards, to issue grand jury reports, so that our citizens may be fully informed on the dimensions of organized crime and its attendant governmental corruption and inefficiency.

TITLE II—IMMUNITY

This title unifies and expands Federal law dealing with the granting of immunity from self-incrimination in legislative, administrative, and court proceedings.

As the compulsory process of the grand jury makes a witness available to give testimony, these provisions will work to guarantee that the privilege against self-incrimination will not frustrate an investigation at the outset.

TITLE III—RECALCITRANT WITNESSES

This title codifies existing Federal civil contempt law designed to deal with recalcitrant witnesses in grand jury and court proceedings. It authorizes the taking of such actions as are necessary to secure testimony from witnesses who would, through their contemptuous conduct, unlawfully thwart an investigation.

TITLE IV—FALSE DECLARATIONS

This title creates a new false declaration provision applicable in grand jury and court proceedings.

This provision will facilitate such prosecutions by eliminating outmoded evidentiary restrictions rooted in history, but today constituing only an impediment to the truth-finding process.

TITLE V—WITNESS PROTECTION FACILITIES

This title authorizes the Attorney General to protect and maintain Federal or State organized crime witnesses and their families.

All too often in the past, where wit-

nesses have decided to cooperate with the Government, they have, unfortunately, subjected themselves to the possibility of the fearsome retribution of the forces of organized crime. This title meets society's obligation to protect those witnesses who seek to do their duty.

TITLE VI—DEPOSITIONS

This title authorizes, subject to constitutional safeguards, the taking of depositions in criminal cases.

A deposition, taken in such a fashion that it may be used at trial, since it preserves the witnesses' testimony, removes a major incentive from the forces of organized crime to kill or mutilate those who would testify against its operations.

TITLE VII—LITIGATION CONCERNING SOURCES OF EVIDENCE

This title regulates litigation seeking to suppress reliable and material evidence at trial. It limits direct access to government files by a defendant seeking to vindicate a claim of improper police behavior by requiring a court screening before such files are made available to the defendant. It also places a statute of limitations on the derivative evidentiary consequences of law enforcement conduct to foreclose litigation over stale claims made to harass or confuse the true issue of guilt or innocence.

TITLE VIII—SYNDICATED GAMBLING

This title would assist the States in the control of illegal gambling by making it unlawful to obstruct the enforcement of criminal law of a State to conceal an illegal gambling business. Such illegal gambling businesses affecting commerce are also made federally unlawful. In addition, a National Gambling Commission is set up.

Gambling is the lifeblood of organized crime. If we can constrict that lifeblood, we will be able to constrict organized crime itself. In addition, it is in this area that the forces of organized crime are most vulnerable to law enforcement investigative techniques. If we can remove the syndicate gambler from circulation, we will have at the same time eliminated the extortioner, the corrupter, the robber, and the murderer—the gangster himself.

TITLE IX—RACKETEER INFLUENCED ORGANIZATIONS

This title would prohibit the infiltration of legitimate organizations by racketeers or the proceeds of racketeering activities, where interstate or foreign commerce is affected. Civil remedies, paralleling those now available in the antitrust field, are also authorized to prevent such activity.

Organized crime's threat to the viability of our free enterprise system is as serious as its threat to our integrity and decency. It must be responded to by every lawful law enforcement technique available to us.

TITLE X—DANGEROUS SPECIAL OFFENDER ORGANIZATIONS

This title provides for increased sentence—up to 30 years—for dangerous adult special offenders—the "recidivist," the "professional" offender, and the "organized crime" leader.

Rehabilitation or deterrence are not realistic goals with these hard core offenders. To protect itself, society has no choice but to seek to incapacitate, through long-term imprisonment, those who would destroy us.

Mr. President, the President's Crime Commission in 1967 concluded its study of organized crime with these words:

> The extraordinary thing about organized crime is that America has tolerated it for so long. (Ibid.)

Mr. President, the time for toleration is at an end. For too long now society has ignored this enemy within, debated what responses to make to it, and delayed the implementation of vigorous control measures. I suggest that the time for action is now.

Mr. President, I now submit the report on S. 30, and I ask unanimous consent that the report be printed, together with the individual views of the Senator from Maryland (Mr. TYDINGS) and the supplemental views of the Senator from Pennsylvania (Mr. SCOTT), and individual views of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Michigan (Mr. HART).

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed together with individual and supplemental views requested by the Senator from Arkansas.

REPLY TO SENATOR GOODELL ON GRAND JURY REPORTS

Mr. McCLELLAN. Mr. President, it was not possible for me to be on the Senate floor December 9, 1969, at the time the junior Senator from New York remarked on S. 30, the "Organized Crime Control Act of 1969." I was at that time engaged in conference committee meetings on appropriations bills and was not given an opportunity to see the remarks before delivery. I now have had the opportunity, however, to read the Senator's remarks, and I welcome his expression of support for the bill. In the hearings process, in the Subcommittee on Criminal Laws and Procedures and in the full Judiciary Committee, we have fashioned legislation that I believe contains, as the Senator noted, "many useful provisions which will increase the capacity of law enforcement officials to cope with the powerful, resourceful and illusive criminal elements that pose such a serious threat to the welfare of the Nation."

Mr. President, I particularly welcome the support of the junior Senator from New York, for New York, perhaps more than any other single State, has had to face one of our Nation's most aggravated organized crime problems. Over half of our known narcotics addicts live in New York City, each a victim of organized crime. Six of the 26 identified families of La Cosa Nostra operate in New York State; five in New York City alone. Two thousand of the estimated 5,000 members of La Cosa Nostra make their home in New York. Indeed, a subcommittee review of some 2,992 serious charges leveled against 386 leaders of organized crime indicated that 40 percent of those offenses occurred in the State of New York.

Mr. President, New York has, in addition to our Nation's most aggravated organized crime problems, a law enforcement leadership that has traditionally pioneered in developing legal techniques to respond to the special challenge of organized crime. As I am sure that the junior Senator from New York is aware, it was in 1935 that a New York County grand jury, dissatisfied with the service furnished it by the district attorney, called upon Governor Lehman to appoint a special prosecutor. Governor Lehman responded by appointing Mr. Thomas Dewey, who then went on to establish in New York County his nationwide reputation as a "racket buster." It was Dewey, and men under him, who first developed the "racket bureau" concept, which now underlies the successful Federal "strike force" approach to the investigation of organized crime. Incidentally, Mr. President, it was in New York City itself that the first Federal-State strike force was recently established. In addition, it was in New York that the technique was first perfected of granting witnesses immunity from self-incrimination to secure testimony in organized crime cases.

It was in New York, too, that court-order wiretapping and electronic surveillance were first brought to bear on the problem of organized crime, and I note that title III of last year's Omnibus Crime Control Act, which authorized its use on the Federal level, was modeled on that experience. Mr. Dewey, it should be recalled, was able to secure through wiretaps the conviction for compulsory prostitution of Charles "Lucky" Luciano, the organizational genius who put together a large part of organized crime in the form that it exists today. It has been in New York, too, that the grand jury report has been used most effectively as a device to inform citizens of the special dangers associated with organized crime. Mr. Dewey, in 1946, then Governor of New York, vetoed legislation that would have denied grand juries report, writing powers, calling these powers "one of the most valued and treasured restraints upon tyranny and corruption in public office."

In another connection, it was in that same year that a New York County grand jury report dealing with the infiltration of legitimate boxing by organized crime led to the enactment of section 9133 of the New York Code, which made it a crime in New York to act as an undercover manager or matchmaker. Subsequently, Frankie Carbo, a member of the Lucchese "family" of La Cosa Nostra in New York City, was convicted, through the use of wiretaps, by District Attorney Frank Hogan, of New York County, in 1958, for this very offense. Lastly, I note that Mr. Hogan, characterized by the President's Crime Commission as "one of the country's most outstanding" prosecutors endorsed, in a statement before the subcommittee, the report writing provisions of S. 30, which are, he noted, modeled on New York law—a law, incidentally, that was passed in 1964 by the New York Legislature and signed by Governor Rocke-

feller to restore report writing powers to New York grand juries after a court decision had restricted them. In Mr. Hogan's words, the New York law has authorized reports under safeguards that "insure fair and proper administration of this power."

Mr. President, it was in this context that I was disappointed to learn that the junior Senator from New York had tentatively decided to oppose the restoration to Federal grand juries of their historic report writing powers. I would hope that after the Senator has had the opportunity to read S. 30 as reported, and the committee report, he might be led to reexamine his position in light of the careful attempt we have made to meet all legitimate objections to grand jury reports and our pressing need to make an adequate response to the challenge of official corruption by organized crime in New York and throughout the Nation. The restoration of these powers to Federal grand juries has been endorsed by such diverse groups as the National Chamber of Commerce, the International Association of Chiefs of Police and the National Association of Counties. Mr. President, these last two endorsements are most significant.

If the grand juries are to comment on inefficiency and corruption, it will be, sadly, in some cases, police chiefs themselves who will be the subjects of these reports. In addition, we may realistically expect that some members of the National Association of Counties will likewise be the subjects of reports. Yet these two groups felt compelled, in light of the challenge of organized crime and the need for greater information in our communities on its dimensions, to endorse in principle the report-writing provisions of S. 30. I note, too, the cogent testimony of the National Association of Counties in response to an objection similar to that raised by Senator GOODELL, that Federal grand juries should not comment on State matters:

> Federal grand jurors are usually drawn from the communities or districts wherein the misconduct has taken place. . . . The jurors are citizens of those communities just as much as they are citizens of the United States, and they have precisely the same interest in such matters as they would have if they were sitting on State or local grand juries.

Mr. President, it is not my intention to take up and respond to each of the objections raised by the junior Senator from New York. Each of them was considered in detail in our hearing process and rejected in the subcommittee, and again in the full committee. I would like, however, to draw the attention of this body to the position of the U.S. Department of Justice on these provisions of S. 30 as introduced and to excerpts from a scholarly article by Mr. Richard H. Kuh that appeared in the Columbia Law Review in 1955. The Department supports the report-writing powers of S. 30 as now drafted. I commend the Senate to the entire text of Mr. Kuh's article, but I only want to incorporate in the RECORD those portions immediately relevant to the objections voiced by the junior Senator from New York.

Mr. President, I ask unanimous consent that the position of the Department of Justice and excerpts from the Columbia Law Review appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Columbia Law Review, Vol. 55, December 1955, No. 8, pp. 1104–1122]

(By Richard H. Kuh)

THE GRAND JURY "PRESENTATION": FOUL BLOW OR FAIR PLAY?

I. HISTORY OF GRAND JURIES AND GRAND JURY REPORTS

The opposition to grand jury reports contends that they pervert the historic purpose for the jury's existence. Allegedly, the jury's proper function is to serve as a buffer between the individual and the power of the state, to protect the citizenry from despotic prosecution.[8] A jury report does not protect a person from an improper charge; further, opponents of reports urge, it of itself constitutes an improper charge in that the persons criticized are deprived of a judicial forum in which the truth or falsity of the attack may be determined.[9]

The history of the grand jury, herein considered, reveals three fallacies in this argument. (1) The original purpose of the grand jury was not to serve as a buffer against despotic prosecution. Rather, the grand jury increased the power of the king in an age when there was little regard for personal rights. (2) When later in its history the jury became such a buffer, the need for protection from *formal* criminal charges continued to be all important. The trial that followed the grand jury's accusation, although no longer based on superstition, included few of the protections now guaranteed. Criticism without indictment, however, did not then and does not now expose persons to a trial of this nature. (3) The grand jury has had a reporting function apart from, and in addition to, its indicting functions for the past several hundred years.

A. Origins of the Grand Jury

Historians find institutions analogous to the indicting jury in various cultures antedating the Norman conquest, although no actual link has been established between any of these pre-Norman bodies and the grand jury.[10] The Athenians utilized an accusatory body prior to the start of the Christian era. The Saxons, who settled in England in the fifth to seventh centuries, the Scandinavians, in the eighth century, and the Franks, in the ninth, may have had similar groups of accusing persons. But the ancestral body of the modern grand jury was created in the reign of Henry II.

This monarch's position in history rests on his centralization of feudal England of governmental power.[11] Of great importance in bestowing power on royal courts was the creation of the earliest form of the grand jury in 1166 by the Assize of Clarendon.[12] This assize established bodies of laymen charged with reporting, under oath, those persons accused or believed to be robbers, murderers, thieves, or harborers of such criminals. Reports were made to the royal sheriff and royal justices, before whom the prisoners could defend themselves by swearing to their denials and submitting to the ordeal by water.

Use of this progenitor of the grand jury was not the only mode of charging crime in twelfth century England. Private accusations could still be made. But although no private accuser might come forward, this Grand Assize had the responsibility of determining community repute, and making charges premised on it. This undertaking, *inter alia*, strengthened the royal power.[13] The assize was clearly not designed to guarantee any individual rights, nor were such rights in any way strengthened as its by-product. This new instrument for charging crime only increased the number of persons standing trial by the established methods, which made no provision for individual rights.[14]

For the first two hundred years of its existence, the Grand Assize had little to do with the safeguarding of individual rights. The logic of using persons drawn from the locale of the crime to determine the truth (or possibly the feelings of the community) was gradually recognized, and hence the petit jury slowly developed from the Grand Assize. Trial by ordeal and compurgation were finally abandoned, partially because of church dissatisfaction with methods that, having no logical relationship to guilt or innocence, too often resulted in the acquittal of persons deemed to be heretics.

B. Development as a protection against tyranny

During the next three hundred years, it apparently became a grand jury function to lodge all charges of crime whether or not private accusers came forward. The grand jury also adopted the custom of hearing witnesses in private.

Two cases which arose in 1681, and in which departure from this custom of secrecy was forced, marked the start of the grand jury's role as an alleged protector against tyranny. The cases were heard at a time of political unrest.[15] Indeed, it is against this background of suspicion and of nearly equal struggle between the king and a delicately balanced Parliament that *Colledge's* case[16] and the *Earl of Shaftesbury's* case[17] must be evaluated. In each case, the grand jury that first heard the evidence of treason, presented by the royal prosecutor, refused to indict, returning the bill of indictment endorsed "ignoramus" or "we know nothing of it." These cases are celebrated for establishing the grand jury as a bulwark against despotism.[18] In the light of the times, however, it is not unlikely that in fact each defendant was guilty of treason. The "ignoramus" endorsement by the grand jurors before whom each case was initially presented may, at least in part, be explained by the fact that their political beliefs were similar to those of the accused. Thus the action by these two juries may mirror practical politics rather than any lofty refusal to charge crime because of inadequate evidence.

Moreover, as the later history of *Colledge's* case proved, an indictment in 1681 was generally tantamount to a speedy conviction in a trial lacking all the safeguards now assured by "due process of law." Hence, protection from false indictment made the difference between life and death. Protection from a false jury report does not have this acute significance.

A half century after these two English cases, the early stirrings of American reaction to British colonial rule were mirrored by a New York colonial grand jury. Peter Zenger, publisher of the *Weekly Journal*, savagely attacked the colony's English governor, William Cosby. In 1734, Cosby sought to have Zenger indicted for criminal libel. The grand jury twice refused to indict. Thereafter, Zenger was charged with libel in an information. The prominent New York attorneys who represented him in habeas corpus efforts were disbarred by the Chief Justice of New York's Supreme Court. But Zenger—through the able services of his distinguished Philadelphia lawyer, Andrew Hamilton—was acquitted.[19]

Regardless of the political motivation, the action of the two 1681 grand juries and of the New York colonial grand jury has been celebrated as heroic conduct protecting the rights of the citizen from tyranny. This view of these events is not wholly unfortunate: an official body with power to protect against

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government excesses and to negate improper actions of tyrants is desirable. Grand juries, by refusing to indict, clearly have those powers. Nothing in these seventeenth and eighteenth century cases, however, affords any precedent barring a jury from taking the affirmative action of reporting on the derelictions of government officials.

C. Early use of the grand jury report

An objection voiced today to the grand jury report is that the secrecy obligation of the jury is violated when, without charging crime, it issues a report. This objection ignores the historic fact that grand jury reports were utilized during the years when the jury was developing as an instrument against despotism.

In 1683, an English grand jury in Chester without returning a formal indictment charged certain Whigs, including the Earl of Macclesfield, with disloyal and seditious conduct. The Earl sued the members of the grand jury for libel.[20] In defense, on oral argument, it was urged that "it is the constant universal practice" of grand juries to present to court any matters concerning the business of the county, and that this was commonly done in "every assizes and sessions." [21] In answer to this, plaintiff's contention was to the effect that "the law never did impower a jury or any other, to blast any man's reputation without possibility to clear it," and that grand juries may lodge only specific charges of crime. The defense also urged that if a grand jury learned of any national danger, the juror's oaths bound them to make "prudent and discreet representations of their fears, and the grounds and reasons of them." [22] The court, without opinion, unanimously found for the defendants, apparently sustaining the propriety of grand jury reports.

Sidney and Beatrice Webb have set forth specific instances of early grand jury inquiries into misconduct of royal officers.[23] They mentioned grand jury reports in the seventeenth and eighteenth centuries criticizing constables and justices for their abusive market practices. They also referred to reports on horseracing and cockfighting, on the supervision by the justices of houses of correction, on the use by innkeepers and vendors of false drink measures, on the improper care of bridges, gaols, highways, and other county property, and on justices of the peace who accepted excessive fees. A Gloucestershire grand jury in 1678 noted the increasing beggar nuisance and suggested that the constables, and others so charged, enforce the law. In 1697, a county coroner was criticized by an Essex County grand jury for "vexing" a coroner's jury that failed to follow his direction to find a verdict.

This grand jury practice of issuing reports on matters of public concern was followed in the American colonies. In New York in 1688, a grand jury urged that persons selling liquor should keep lodgings.[24] Subsequent New York colonial grand juries reported on highway repair and other matters of state proprietorship. Grand juries in New Jersey rendered reports on matters of public affairs as early as 1680.[25] In Virginia, it was common practice for grand juries to express their opinions on colonial administration.[26]

D. The opposition to grand jury reports

There are four objections that the adverse authorities assert when holding against grand jury reports. Three of these—that reports violate secrecy oaths, that they expose the jurors to libel actions, and that they violate the separation of powers principle—appear to be without merit.

1. *Secrecy.* If a grand jury indicts or dismisses after an arrest has been made, knowledge of the jury action, and hence of some of the facts adduced, ordinarily soon becomes public. But as indictment and dismissal are concededly proper functions of the grand jury, it is not contended that they violate the secrecy oath. Similarly, if reporting is a proper grand jury function, it cannot become improper because of necessity it departs from secrecy.

Indeed, one of the principal advantages of grand jury secrecy has greater strength in connection with grand jury reports than in connection with indictment.[56] Secrecy, in affording protection to grand jury informers, facilitates the collection of information. Trials following indictments are likely to reveal informers as witnesses—thus partially vitiating this benefit of secrecy—but reports need never reveal the informers. Another reason for grand jury secrecy—to prevent persons about to be indicted from fleeing—has no application to reports. The fear of flight cannot arise when a report is publicized since no criminal action is contemplated against those criticized in it.

The violation of grand jury secrecy in the public interest by ways other than formal indictment has ample precedent. Where the general welfare requires it, grand jury minutes will be made public.[57] Such a revelation may, of course, be far more harmful than a report, as it exposes testimony unsifted for the elimination of hearsay and ill-founded canards. How much more logical it is to permit the temperate and well based conclusions of a grand jury to be expressed in a report written for the benefit of the public. If jurors' oaths are not violated when a court makes public the minutes of testimony taken before them, they are not violated when with court sanction a careful report dedicated to the public interest becomes a matter of public record.

2. *Libel.* Another argument that raises itself by its own bootstraps is that jurors, by reporting, may expose themselves to libel actions.[58] If a report is a proper judicial utterance, it is privileged and cannot give rise to a libel recovery. Moreover, even in jurisdictions in which reports are considered improper, it has been held that grand jurors do not, by reporting, expose themselves to libel actions; their good faith belief that criticism was a proper jury function clothes their action with privilege, even though such action exceeds the jurors' proper authority.[59]

3. *Separation of powers.* Another argument urged against reports is that they contravene the constitutional separation of powers. It is contended that the grand jury, an arm of the court, should not charge executive or legislative officers with conduct other than criminal and that the efficiency of these branches of government is not the concern of the jury. One historical flaw in this argument must be noted. Almost three hundred years ago, the grand jury developed into a check on the possible abuse of the executive power. Yet today, when it reports on other governmental abuses, it is criticized as violating the separation of powers principle. Historically, the grand jury has for centuries exercised both the reporting and indicting functions. As both roles have long been ascribed to the judicial branch of government, the exercise of the reporting function by this department is no more violative of the separation of powers principle than is the indictment of a governmental official for criminal conduct in the performance of duties.

It has never been contended that courts abuse their trust when, noting statutory defects, they suggest to the legislature that it consider amendment.[60] In criticizing public officers and calling for improvements, the grand jury performs an analogous function. It does not remove these persons from office, or assume their duties by its criticism, any more than a court legislates when it makes suggestions to the legislature. Success of the separation of powers principle depends to some extent on the interaction and cooperation of the arms of government, not on their total isolation from each other.[61] This mutual assistance is achieved when the grand jury exercises its historic public function of *suggesting* improvements.

The only serious argument against grand jury reports is that they charge wrongdoing while effectively denying the use of a judicial forum in which to reply. This argument requires full consideration and evaluation against the background of our contemporary society.

III. CURRENT USE OF GRAND JURY REPORTS

The proper scope of the grand jury's reporting function is determined by a synthesis of three factors, the first two of which—the jury's history and the judicial reception of jury reports—have already been considered. The third factor is our contemporary society. Two facets of this society must be considered. One is the present day role of the grand jury as an investigator of official misconduct; the other is the injury inflicted on a person subjected to jury criticism that cannot be answered in a judicial forum.

A. The grand jury as an investigator of official misconduct

As Chief Justice Vanderbilt of New Jersey has noted, government today "has taken on a complexity of organization and of operation that defies the best intentions of the citizen to know and understand it." [62] Part of this new complexity is attributable to the greatly expanded hierarchy of public employees. As this hierarchy grows, its branches are ever further removed from those officials who are directly answerable to the electorate. At the same time detailed familiarity of the public with the activities of even the elective officials steadily decreases. As this breach between the public and its servants widens, a need develops for new modes of policing the growing body of public employees to protect their ranks from the encroachment of the corrupt, the neglectful, and the incompetent. This need has in recent years been met by an outburst of probing bodies of questionable efficiency. Although these bodies have received the greatest notoriety in the federal field, their counterparts exists on state, city, and local levels. It is not a function of this paper to analyze in detail the weaknesses of such free-swinging investigatory groups; it will suffice for the instant purposes to contrast their fitness to conduct serious investigations of official misconduct with that of the grand jury, whether state or federal, which always acts subject to enforceable restraints.

Investigatory committees, whether of the legislative or of the executive arm of government, suffer common defects. Their members, being either elected or appointed by elected officials, ordinarily are not completely free of political motivation. Elected officials and profesisonal investigators are apt to find their own personal interests best fostered by publicity. Consequently, investigations are most often either conducted in full public spotlight, or are punctuated by frequent reports to the public of interim results. The hearings conducted and the ensuing reports are often uninhibited by the limitations imposed by rules of evidence. As the outcome of all these investigations is probably influenced by political considerations, partiality and a deliberate lack of thoroughness are apt to be present.[63]

These defects are not necessarily found in all such investigations. However, there exists no immediate check, no supervision, no overseer to guarantee that legislative or executive committees act fairly while conducting their investigations and before making public the results of their activities.

Similar weaknesses exist as to inquiries privately fostered. Newspaper conducted investigations are ordinarily not impartial. Their reports are likely to be in line with the prevailing editorial policy and are, at least in part, designed to sell papers. Private organizations, whether lawyers' or veterans' associations, or other publicly spirited groups,

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often bestir themselves to investigate only because of a preconception as to how their studies will turn out. A further severe limitation on private inquiries is that they depend wholly on the willing cooperation of the persons supplying the necessary information since subpoena power is lacking.

Grand juries appear better suited than either legislative or executive committees or private bodies to police the conduct of public officials. Because of the breadth of grand jury authority, contentious refusals to answer questions alleged to be beyond the scope of the investigation [64] will probably not hamstring investigations. The combination of subpoena power and secrecy permits testimony to be taken with minimum embarrassment and, indeed, with minimum risk of reprisals to the subpoenaed witnesses.[65] Although the rules of evidence need not be strictly enforced by investigating grand juries ferreting out leads, these rules are generally enforceable by court review as to the public emanations of the jury, whether indictments or reports.[66] The jurors, non-professionals, ordinarily are not dually engaged in both investigating the misconduct of public officials and in fostering their own public careers.[67] The effect of any unworthy ambitions of the states attorney on an investigation may be minimized by the mature judgment and at least nominal control exercised by the non-political lay jurors. Most significantly, the grand jury is not an autonomous group, completely the master of its own investigation. Its action is subject to immediate control by the court of which the jury is but an arm.[68]

Grand juries may be misled into rendering reports outside of their competence by a judge and a prosecutor, one of whom ignores the proper limitations on jury action, while the other passively tolerates this abuse.[69] But since judges are ordinarily appointed or are elected for longer terms than other public officials, they should tend to be less concerned with public relations. Furthermore, jury, prosecutor, and judge all exist as an immediate restraint on each other's conduct. Should such cross checks prove ineffective, the appellate courts may be available.

B. Injury inflicted by reports

That the grand jury can be an effective body for the investigation and report of public officials' inaction and wrongdoing has been widely noted.[70] It is then necessary to consider whether the weight given to a jury report so seriously harms persons criticized therein as to merit the appellation "foul blow" that it has been given.[71] It is submitted that although criticized individuals may be injured by reports which they cannot publicly answer in a judicial forum, the lack of such a forum is no longer as significant as it once was.

In the first place, urbanization has diminished the importance of the courthouse as a gathering place for community entertainment. Public interest in judicial spectacles is currently fed by radio, newspapers, magazines, television, and motion pictures, so that—indirectly—the courtroom now plays to its largest audiences.[72] But the courtroom has no unique advantage with these media. They are available for the lodging and refutation of charges of wrongdoing, whether or not such charges originate in a judicial forum. Notorious examples of their unprecedentedly broad use were the 1954 "Army-McCarthy" hearings which went on for many weeks with complete coverage by all communications media.[73]

Indeed, even when charges are pending in a judicial forum, their pre-trial or concurrent "litigation" out of the courtroom and in the public press—whereby the opinions of the great public "jury" are molded—is a common, if unfortunate, phenomenon.[74] It also bears witness to the litigants' recognition of the importance of the public, as well as the judicial, forum. This great public jury is, of course, available to hear the case of anyone criticized in the grand jury report whose denials are sufficiently newsworthy. Whether or not charges or answers originate in a judcial forum, their good or harm can be similarly amplified. Thus, in reality, the importance of the judicial forum for the determination of charges of ineptitude has yielded place to the broader forum created by our mass media of public information.

Secondly, persons criticized in grand jury reports have an advantageous position in the public forum absent in a judicial forum. The jury, its report issued, has spoken. It can speak again (if, indeed, with the rendering of its report it has not been dismissed) only through the cumbersome method of meeting, having its membership consider a further report, and having such a report accepted and filed by the court. In this additional utterance, the jury is still bound by rules of evidence and by the limitations on the scope of a report. Persons criticized are subject to none of these restrictions. Dynamic denials and countercharges can be issued, unlimited by rules of evidence or even basic requisites of truth. If sufficiently dramatic, they may outplay in their news-worthiness—and hence in their command of the public forum—the original grand jury charges. Thus, the alleged unfairness of depriving persons criticized of a judicial forum in which to raise their defenses may in some instances actually cloak them with their most effective means of defense: the freedom to deny and make countercharges without fear of eventual judicial discrediting of their position.[75]

Thirdly, the report is not the only type of grand jury action that injures persons without affording them the opportunity of vindication in a judicial forum. An indictment that is not prosecuted, or one that is quietly dismissed, has similar damning effect while not providing full opportunity for publicized vindication.[76] Nor does an indictment naming persons as co-conspirators, but not as defendants, offer an opportunity for vindication.

Finally, the good to the public resulting from justifiable charges of wrong-doing made against public officials may counterbalance whatever harm is done to the affected individuals. As Judge Learned Hand noted over thirty years ago:

> No doubt grand juries err and indictments are calamities to honest men, but we must work with human beings and we can correct such errors only at too large a price. Our dangers do not lie in too little tenderness to the accused. Our procedure has been always haunted by the ghost of the innocent man convicted. It is an unreal dream. What we need to fear is the archaic formalism and the watery sentiment that obstructs, delays, and defeats the prosecution of crime.[77]

In today's climate, the presence or absence of a *judicial* forum does not determine the harm to the individual that may be done by charges of his incompetence and neglect.

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DEPARTMENT OF JUSTICE COMMENTS ON S. 30

TITLE I—GRAND JURY

Title I makes various changes in the law affecting the summoning, term, and powers of grand juries which would strengthen the powers and independence of grand juries. While we support most of the provisions contained in this Title, we have alternate proposals to offer as to certain others. Our views with respect to each Section of this Title will be set forth separately.

Section 101 seeks to amend 18 U.S.C. 3321 (Number of grand juries; summoning additional jurors) by adding at the end thereof the following new sentence: "Members of a grand jury shall be selected in accordance with the provisions of Chapter 121." This provision refers to the chapter of Title 28 which specifies the manner of selecting jurors. For clarity it is recommended that the phrase "Title 28" be added after the words "Chapter 121."

Section 102 would amend 18 U.S.C. 3322, which incorporates by reference Rule 6(a), Federal Rules of Criminal Procedure, which provides that "The Court shall order one or more grand juries to be summoned at such times as the public interest requires", to require the convening of a grand jury at least once during each eighteen month period by each district court. While the Department favors the convening of a grand jury at least once during each eighteen month period where the needs of justice require it, we are not aware that any serious problem exists in this regard in any district.

The difficulty we have experienced in some districts, however, is obtaining a sufficient number of grand juries to accommodate at the same time the general needs of the district and the special needs of the typically lengthy organized crime investigation. To remedy this problem, we recommend that present Section 2322 of Title 18 be amended to provide in addition that a grand jury be impaneled in each district court in which the Attorney General certifies in writing to the chief judge of the district that in his judgment such a grand jury is necessary because of major organized crime activity in the district.

We, therefore, recommend that the first sentence of the proposed revision of Section 3322 of Title 18 be amended to read as follows:

Section 3322—Summoning and term

(a) Each district court shall order one or more grand juries to be summoned at such time as the public interest requires, or whenever the Attorney General certifies in writing to the chief judge of the district that in his judgment a grand jury is necessary because of major organized crime activity in the district.

Section 102 would also amend Section 3322 of Title 18 to provide that a grand jury may, by majority vote, extend its term of eighteen months for additional periods of six months, not to exceed a total term of thirty-six months. This provision appears to be desirable on several grounds. It would have the effect of stimulating prosecutors and investigators to take effective and timely action against organized crime in their districts. It would also insure that grand juries would stay in session long enough for the unusually lengthy period of time often required to build an organized crime case. Lastly, it would eliminate the possibility of arbitrary termination of a grand jury by supervisory judges.

Section 103 would amend Section 3324 of Title 18, which incorporates by reference Rule 6(c) of the Federal Rules of Criminal Procedure, in five respects. Rule 6(c) presently states that "The court shall appoint one of the jurors to be foreman and another to be deputy foreman." There then follow other provisions which are not affected by the proposed amendment.

The proposed Section 3324(a) would provide that "Each grand jury when impaneled shall elect by majority vote a foreman and deputy foreman from among its members." While this proposal changes the existing rule, this is purely a matter of statutory law and policy. This provision appears to be desirable in that it increases the independence of the grand jury by removing it from any possible restrictive influence present as a result of selection by the court or at the court's direction by court personnel. In practice, the court or his delegate (the court clerk) examines the case history of each juror as to his education, profession, civic activities, etc., and many are interviewed personally. By this process a foreman and deputy foreman are selected. This screening process, however desirable, makes a person foreman who is acceptable to the court even though such a

person may not reflect the attitudes or have the concerns of the community at large or the grand jury in particular.

Proposed Section 3324(b) provides that "It shall be the duty of each grand jury impaneled within any judicial district to inquiry into each offense against the criminal laws of the United States alleged to have been committed within the district which is brought to the attention of the grand jury by the court or by any person." This provision is a statutory recognition of existing case law holding that the inquisitorial powers of a grand jury are virtually unlimited and that the grand jury can initiate a case on its own and investigate any alleged violation of Federal law within its jurisdiction. See *Hale* v. *Henkel*, 201 U.S. 43 (1906); *Blair* v. *United States*, 250 U.S. 273 (1919); *United States* v. *Hartke-Hanks Newspapers*, 254 F. 2d 366 (C.A. 5), *cert. denied*, 357 U.S. 938 (1958); *In Re Grand Jury Investigation (General Motors Corp.)*, 32 F.R.D. 175 (S.D.N.Y.), *appeal dismissed*, 318 F. 2d 533 (C.A. 2), *cert. denied*, 375 U.S. 802 (1963); *United States* v. *Smyth*, 104 F. Supp. 283 (N.D. Calif.) (1952); *United States* v. *Gray*, 187 F. Supp. 436 (D.C.D.C. 1964). Consequently, we can see no objection to this proposal.

Section 3324(c) provides that no person shall be deprived of opportunity to communicate to the foreman of a grand jury any information concerning any offense against the criminal laws of the United States alleged to have been committed within the district. Section 1504 of Title 18, United States Code, presently makes it an offense for anyone to attempt to influence the action or decision of any grand or petit juror upon any matter pending before it by a written communication. This provision is apparently intended to make it clear that no violation of this Section is committed by a person who merely communicates to the foreman of a grand jury any information regarding any offense against the laws of the United States. This provision could well encourage wider organized crime and we, therefore, support it.

Section 3324(d) provides that when the grand jury determines by majority vote that the volume of its business exceeds its capacity to fulfill its obligations, it may apply to the district court to impanel an additional grand jury. Upon such application and a showing of need, the district court shall order an additional grand jury to be impaneled. If the court refuses to hear the application or refuses to impanel a new grand jury, the grand jury may appeal to the chief judge of the circuit who shall have jurisdiction to order a new grand jury impaneled. This provision seems reasonable, especially since the grand jury must make a showing of need to the court before the request may be granted. We support this provision.

Section 3324(e) provides that whenever a grand jury determines by majority vote that any attorney or investigative officer or agent appearing on behalf of the United States before the grand jury for the presentation of evidence with respect to any matter has not performed or is not performing his duties diligently and effectively, the grand jury may transmit to the Attorney General a written request, along with the reasons therefor, for a new attorney, agent or investigator. The Attorney General is then required to promptly inquire into the merits of the application and to take appropriate action to provide for prompt and effective representation on behalf of the United States.

The Department is opposed to this provision on several grounds. First, it is felt that the provision is unnecessary since sufficient control over such personnel already exists in the Department. As a practical matter, moreover, the grand jury can at present undoubtedly make such a complaint to the Attorney General and appropriate action will be taken where merited. Second, it is felt that placing such an express power in the grand jury has too great a potential for mischief and might well tend to unduly limit the discretion of attorneys charged with investigation of unpopular or sensitive matters. Third, this provision could also be expected to invite the making of unfounded, though perhaps good faith, complaints in those hard or close cases where the layman grand jury refuses to accept the legal judgment of an experienced prosecutor that the evidence is insufficient as a basis for an indictment. For these reasons, then, the Department does not feel that this provision should be enacted.

Section 104 would amend Chapter 215 of Title 18, United States Code, by adding at the end thereof a new section, Section 3330, entitled "Reports". This new Section 3330 would allow the grand jury, on majority vote of its members, to submit the court a report: (1) concerning noncriminal misconduct, nonfeasance, or neglect in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action, or (2) stating that after investigation of a public officer or employee it finds no misconduct, nonfeasance, or neglect in office by him, provided that such public officer or employee has requested the submission of a report, or (3) proposing recommendations for legislative, executive, or administrative action in the public interest based upon stated findings. Such a report shall be submitted to the court who will approve and accept it for filing only if the report is based on facts revealed in the course of an authorized investigation and is supported by the preponderance of the evidence. A report concerning noncriminal misconduct of a public official can be accepted only if the named individual had been afforded an opportunity to testify before the grand jury prior to the filing of the report. Any other report must not be critical of a named individual.

A public official may file an answer to a report critical of him and may also file an appeal to the circuit court. At the expiration of an appropriate time as set forth in the provision the United States Attorney must deliver a true copy of the report for appropriate action to the public officer or agency having removal or disciplinary power over the public officer named therein, but if a criminal action is pending the court may seal the report until the matter is disposed of. If the court is not satisfied that all these requirements are met, it may direct that additional testimony be taken before the same grand jury, or it may direct that the report be sealed and not filed as a public record. Finally, this provision defines public officer or employees as "any officer or employee of the United States, or any State or political subdivision, or any department, agency, or instrumentality thereof."

This proposal would substantially change existing Federal law and procedure. See in general, *Orfield, The Federal Grand Jury*, 22 F.R.D. 343, 402 (1958). Two cases which are particularly illustrative of present judicial thinking that any grand jury action beyond indicting or refusing to indict is beyond the power of the grand jury are *Application of United Electrical Radio and Machine Workers*, 111 F. Supp. 858 (S.D.N.Y. 1953), and *In Re Petition for Disclosure of Evidence Before October 1959 Grand Jury*, 184 F Supp. 38 (E.D. Va. 1960). In the former case, the court held that a grand jury report which made recommendations to the NLRB was beyond the powers of the grand jury, an abuse of the principle of separation of powers and a violation of the secrecy provision of Rule 6(e), Federal Rules of Criminal Procedure. In the latter case, the court held that a grand jury report on noncriminal conduct of state officials was likewise beyond the power of the grand jury, an infringement upon the provinces of State and local Governments and a violation of the secrecy provision of Rule 6(e).

While the problem of secrecy under Rule 6(e) can be remedied by statute, the other problems must await judicial testing.

The present proposal also goes beyond that of the President's Commission on Law Enforcement and Administration of Justice which recommended:

When a grand jury terminates, it should be permitted by law to file public reports regarding organized crime conditions in the community.

It is noted that this recommendation restricts the use of a report: (1) until the grand jury terminates, (2) to organized crime conditions, and (3) in a presumably general context. This type of report would apparently be unobjectionable in view of the dicta by the court in *Application of United Electrical Radio and Machine Workers* (*supra*) at 869, that "We are not here concerned with reports of a general nature touching on conditions in a community. They may serve a valuable function and may not be amenable to challenge."

We believe that considerations of public policy and interest favor some expansion of the grand jury's power in this area, and though we recognize there are constitutional problems involved, we do not believe they are of an insuperable nature.

The history of the growth and development of the grand jury system discloses that the issuing of reports has been an historic grand jury function in England for almost three hundred years. The practice of rendering reports on matters of public concern was also followed in the early American colonies, and today, despite the weight of authority against it, reports are authorized either by statute or by judicial decision in such States as New York, California, Illinois, New Jersey, Florida, and Tennessee. Despite this, however, and despite the fact that the grand jury has been described by the Supreme Court as a "prototype" of its ancient British counterpart, *Blair* v. *United States*, 250 U.S. 273, 282 (1919), its power to issue reports has not survived intact with its virtually unchallenged investigatory power.

The principal objections to the use of grand jury reports seem to be that they violate the traditional secrecy of grand jury proceedings, they expose grand jurors to libel actions, they violate the principle of separation of powers, and, perhaps most importantly, they charge wrongdoing while effectively denying the use of a judicial forum in which to reply. Upon close examination, the first three of these reasons do not appear to have much merit. The problem of secrecy under Rule 6(e) of the Federal Rules of Criminal Procedure may, of course, be solved by statutory amendment. There is in fact already ample precedent under Rule 6(e) for violation of grand jury secrecy when the general welfare requires it. See, for example, *In Re Petition for Disclosure of Evidence Before October 1959 Grand Jury*, 184 F. Supp. 38 (E.D. Va. 1960), where Federal grand jury minutes were made available to Commonwealth Attorney for use in state grand jury proceedings.

The libel objection can perhaps be discounted as the least troublesome since, in light of recent Supreme Court decisions on this subject, grand jurors actions in this regard are undoubtedly privileged.

The argument that the grand jury reports contravene the principles of separation of powers proceeds on the theory that the grand jury, being an appendage of the court, should not invade the province of the legislative or executive branches and charge them with misconduct or inefficiency. This argument loses much of its force, however, when it is considered that historically the grand jury has for centuries exercised both the reporting and indicting functions, and the exercise of its reporting function is logically no more violative of the separation of powers principle than is the indictment of a governmental official for criminal conduct in the

performance of his duties. In criticizing public officers and calling for improvements in the legislative and executive branches, moreover, the grand jury performs a function analogous to the court's function when it notes statutory defects and suggests that the legislature consider amendment. As New Jersey's late Chief Justice Arthur T. Vanderbilt observed, success of the separation of powers doctrine depends to some extent on the interaction and cooperation of the arms of Government, not on their total isolation from each other. See *Vanderbilt, The Doctrine of the Separation of Powers and Its Present Day Significance, 43–45 (1953).*

Finally, on this point, it may be observed that since so much of Title I changes the basic character of the grand jury that in effect it is no longer merely an arm of the court, but a more independent body, the separation of powers argument is no longer a valid objection.

Perhaps the most serious objection to grand jury reports is the charge that they are essentially lacking in fairness since they make a charge of wrongdoing but deny the "accused" a judicial forum in which to reply. In an attempt to meet this criticism, the New York legislature enacted a statute, New York Code of Criminal Procedure, Section 253(a), effective July 1, 1964, which contains elaborate safeguards such as allowing a named individual an opportunity to testify before the grand jury and file an answer prior to the filing of a report, as well as allowing an appeal to a higher court before filing. The constitutionality of this New York statute was upheld in *In Re Grand Jury, January 1967,* 277 N.Y.S. 2d 105 (1967).

Since the present proposal is almost word for word identical in its substantive provisions with the New York statute, we feel that it meets the necessary test of fairness against the charge that it makes an accusation without providing an adequate judicial forum for a denial.

In sum then, we believe this revival of the grand jury's historical report making power, as narrowly circumscribed in this proposal, is constitutionally sound and we support it as being in the interest of good and effective Government.

In accord with recommendation of the President's Commission, we would suggest that the grand jury also be allowed to file general reports on organized crime conditions in the community. This would be accomplished by adding the following new subsection at the end of the proposed new Section 3330(a):

(4) regarding organized crime conditions in the district, provided it is not critical of an identified or identifiable person.

Finally, in order that the regular business of the grand jury may be conducted with dispatch and without interruption, and in secrecy, we would recommend that this proposal be amended to include the phrase "upon the conclusion of its term." In line with this suggestion, the first sentence of new Section 3330(a) would be amended to read, in pertinent part as follows:

a majority of its members, may, upon conclusion of its term, submit a report . . .

FOOTNOTES

NOTE—Footnotes 1 to 7 not printed in RECORD.

[8] Sec. 4 BLACKSTONE, COMMENTARIES *349–50; 2 STORY, *op. cit. supra* note 1, at 564; New York, FOURTH REPORT OF THE COMM'RS ON PRACTICE AND PLEADINGS, CODE OF CRIM. P. XXXV (1849). See also Hoffman v. United States, 341 U.S. 479, 485 (1951); Hale v. Henkel, 201 U.S. 43, 59 (1906); Charge to Grand Jury, 30 Fed. Cas. No. 18,255 at 993 (C.C.D. Cal. 1872).

[9] The most frequently cited opinion supporting this position is the dissent of Mr. Justice Woodward in Jones v. People 101 App. Div. 55, 59, 92 N.Y. Supp. 275, 277 (2d Dep't), *appeal dismissed,* 181 N.Y. 389, 74 N.E. 226 (1905). For other New York authorities taking the same position, see, *e.g.,* Matter of Healy, 161 Misc. 582, 597–98, 293 N.Y. Supp. 584, 600–01 (County Ct. 1937); People v. McCabe, 148 Misc. 330, 333–34, 266 N.Y. Supp. 363, 366–67 (Sup. Ct. 1933); Matter of Gardiner, 31 Misc. 364, 374–75, 64 N.Y. Supp. 760, 767 (Gen. Sess. 1900). For similar reasoning in other states, see, *e.g., In re* Hudson County Grand Jury, 14 N.J. Super. 542, 545–46, 82 A.2d 496, 497 (L. 1951); State v. Bramlett, 166 S.C. 323, 326–30, 164 S.E. 873, 874–76 (1932); Hayslip v. State, 193 Tenn. 643, 647–49, 249 S.W. 2d 882, 884, *cert. denied,* 344 U.S. 879 (1952).

[10] In preparation of this section on the early history of the grand jury, the following have been consulted: ADAMS, THE ORIGIN OF THE ENGLISH CONSTITUTION 106–35 (2d ed. 1920); EDWARDS, THE GRAND JURY 1–44 (1906); FORSYTH, HISTORY OF TRIAL BY JURY 1–196 (new ed. 1875); 1 HOLDSWORTH, A HISTORY OF ENGLISH LAW 312–27 (3d ed. 1922), 10 *id.* 146–51 (1938); PLUCKNETT, A CONCISE HISTORY OF THE COMMON LAW 16–19, 86–88, 102–21 (3d rev. ed. 1940); 1 POLLOCK & MAITLAND, THE HISTORY OF ENGLISH LAW, 136–53, 2 *id.* 598–662 (2d ed. 1903); STEPHEN, A HISTORY OF THE CRIMINAL LAW OF ENGLAND 184–86, 250–58 (1883); THAYER, A PRELIMINARY TREATISE ON EVIDENCE 24–84 (1898); Green *The Centralization of Norman Justice Under Henry II,* in 1 SELECT ESSAYS IN ANGLO-AMERICAN LEGAL HISTORY 111–38 (1907); Stephen, *Criminal Procedure From the Thirteenth to the Eighteenth Century,* in 2 SELECT ESSAYS IN ANGLO-AMERICAN LEGAL HISTORY 443–89 (1908).

[11] In centralizing power, control over the courts was of much importance. See ELIOT, MURDER IN THE CATHEDRAL 78–79 (pt. II, 2d scene) (2 ed. 1936).

[12] Latin text in STUBBS, SELECT CHARTERS OF ENGLISH CONSTITUTIONAL HISTORY 170–73 (9th rev. ed. 1913), translation in ADAMS & STEPHENS, SELECT DOCUMENTS OF ENGLISH CONSTITUTIONAL HISTORY 14–18 (1901).

[13] Henry II soon discovered that the creation of a centralized bureaucracy necessitated the setting up of machinery to minimize corruption. Four years after the promulgation of the Assize of Clarendon, Henry ordered certain of his barons to conduct an inquest of his sheriffs, bailiffs, archbishops, bishops, earls, barons, stewards, foresters, and other officers to ascertain that the royal funds were being dealt with properly, and that royal property was being protected. Inquest of the Sheriffs, Latin text in STUBBS, *op. cit. supra* note 12, at 175–78, translation in ADAMS & STEPHENS, *op. cit. supra* note 12, at 18–20.

[14] The assize expressly provided for trial by the orderal by water, wherein the accused was slowly lowered by rope into a body of water. His innocence was vindicated by his sinking; if he floated, he was found guilty. For those who might survive this ordeal, the assize specifically provided the imposition of banishment and outlawry. These sanctions were invoked although the accusation and submission to the ordeal, not necessarily based on direct evidence of guilt, might have been solely premised on the local opinion that the prisoner was guilty. If convicted, punishment was the loss of a foot, supplemented in 1176 by a provision of the Assize of Northampton to include the loss of the right hand. See Latin text in STUBBS, *op. cit. supra* note 12, at 179–81, translation in ADAMS & STEPHENS, *op. cit. supra* note 12, at 20–23.

[15] By 1681, the Puritan dictatorship of Cromwell had been replaced for some twenty-one years by the Restoration of the Stuart rulers. In 1679, the Exclusion Bill had been introduced; it was designed to bar succession to the throne of Charles II's younger brother, James, a Catholic. It barely missed becoming law in 1680 when, passed by the House of Commons, it was rejected by the Lords. At the same time rumors of a plot to assassinate the king and to establish his bastard son, the Protestant Duke of Monmouth in his stead, discredited his opponents and strenghtened his pro-Catholic government. For this background, against which these two 1681 cases should be considered, see ADAMS, CONSTITUTIONAL HISTORY OF ENGLAND 334–61 (1920); 2 HALLAM, THE CONSTITUTIONAL HISTORY OF ENGLAND 303–468 (new ed. 1897); 2 OGG. ENGLAND IN THE REIGN OF CHARLES II 559–656 (1934).

[16] The Trial of Stephen Colledge, at Oxford, for High Treason, [1681] 8 How. St. Tr. 550. In this case, an array of witnesses before a Middlesex grand jury stated that Colledge spoke threateningly against Charles II and participated in a plot to kill him. After the jurors returned the already prepared bill of the royal prosecutor with the indorsement "ignoramus," they replied on questioning by the presiding justice as to their reasons that it was "according to their consciences and that they would stand by it." The jury foreman was subsequently sent to the tower and later forced to flee England. The case was then presented to an Oxford grand jury, which indicted; Colledge was forced to plead without seeing a copy of the indictment and without the assistance of counsel. Papers outlining his intended defense were taken from him and given to the prosecution, and the attorney who helped him prepare the papers was held under bail. At his trial Colledge contended that his Protestant faith was the reason for his prosecution. He was convicted and executed.

[17] Proceedings at the Old-Bailey upon a Bill of Indictment for High Treason, against Anthony Earl of Shaftesbury, [1681] 8 How. St. Tr. 759. This case for treason was presented to a London grand jury three months after Colledge's head had been set upon Temple Bar as a warning to others. The London jury returned the prosecutor's bill indorsed "ignoramus." Shaftesbury sought to prosecute his accusers for conspiracy, but was met by their motion that they not be tried in London, where the sheriff and others were Shaftesbury's friends. He fled to Holland, and soon died there. Shaftesbury's treason, and his role as Monmouth's champion, were satirized by Charles II's poet laureate. See DRYDEN, ABSALOM AND ACHITOPHEL. A POEM (1681).

[18] See SOMERS, THE SECURITY OF ENGLISHMEN'S LIVES (1681). The author's partisanship, however, may be indicated by the fact that once James II had been forced to flee, Somers was knighted for his legal services in helping to establish the legality of the reign of William and Mary.

[19] HEARTMAN, JOHN PETER ZENGER AND HIS FIGHT FOR THE FREEDOM OF THE AMERICAN PRESS (1934); MORRIS, FAIR TRIAL 69–95 (1952); THE TRIAL OF JOHN PETER ZENGER, OF NEW YORK, PRINTER (1765).

[20] Proceedings between Charles Earl of Macclesfield and John Starkey, Esq., [1684–85] 10 How. St. Tr. 1330.

[21] *Id.* at 1355.

[22] *Id.* at 1371.

[23] S. AND B. WEBB, ENGLISH LOCAL GOVERNMENT FROM THE REVOLUTION TO THE MUNICIPAL CORPORATIONS ACT: THE PARISH AND THE COUNTY 448–456 (1906). See also 10 HOLDSWORTH, A HISTORY OF ENGLISH LAW 146–51 (1938).

[24] GOEBEL & NAUGHTON, *op. cit. supra* note 1, at 361–63.

[25] See *In re* Camden County Grand Jury, 10 N.J. 23, 41–44, 89 A.2d 416, 426–428 (1952).

[26] SCOTT, CRIMINAL LAW IN COLONIAL VIRGINIA 70–71 (1930).

NOTE.—Footnotes 27 to 55 not printed in the RECORD.

[56] The authorities are in agreement that the purpose of grand jury secrecy is *not* the protection of the accused. Secrecy serves (1) to encourage the free expression of witnesses

by affording them maximum freedom of disclosure without fear of reprisals from outsiders, (ii) to prevent perjury by witnesses who come forward to controvert or reinforce other testimony of which they learn, (iii) to conceal the jury's interest in order to prevent prospective defendants from escaping, (iv) to prevent disclosure of investigations that result in no grand jury action, and (v) to assure the grand jury freedom from outside interference. See United States v. Amazon Industrial Chemical Corp., 55 F.2d 254, 261 (D. Md. 1931); United States v. Smyth, 104 F. Supp. 283, 303–40 (N.D. Cal. 1952); Howard v. State, 60 Ga. App. 229, 236, 4 S.E.2d 418, 423–24 (1939); Bennett v. Stockwell, 197 Mich. 50, 56–57, 163 N.W. 482, 484 (1917).

[57] *In re* Grand Jury Proceedings, 4 F. Supp. 283 (E.D. Pa. 1933) (minutes of investigation which led to indictments for violation of the prohibition laws released on United States Attorney's application for use in proceedings re beer license revocation); In the Matter of Quinn, 293 N.Y. 787, 58 N.E.2d 730 (1944) (affirmance of order divulging minutes of investigation which led to report criticizing official for his negligence); In the Matter of Crain, 139 Misc. 799, 250 N.Y. Supp. 249 (Gen. Sess. 1931) (minutes of market investigation conducted by New York County District Attorney released to investigators into the conduct of that office); In the Matter of the Attorney General, 160 Misc. 533, 291 N.Y. Supp. 5 (County Ct. 1936) (minutes of state investigation which led to grand jury report concerning banking operations released, for use in connection with federal criminal trial, on application of United State Attorney General); *In re* People *ex rel.* Sawpit Gymnasium, 60 N.Y.S.2d 593 (Sup. Ct. 1946) (minutes of investigation which led to grand jury report concerning police collusion in gambling operation released on application by village seeking to stop conditions. See also Note, 27 N.Y.U.L. REV. 319 (1952).

[58] In Posten v. Washington, A. & Mt. V.R.R., 36 App. D.C. 359 (1911), the appellate court held that the grand jury was without any authority to report, and hence its members were exposed to actions in libel. That decision relied on the often cited case of Rector v. Smith, 11 Iowa 302 (1860), in which, however, the court had stated that the lack of malice would be a good defense.

[59] The conditional privilege of grand jurors to report on misconduct of public officers, honestly believing such reports proper and in the performance of their duty, was sustained in Rich v. Eason, 214 S.W. 581 (Tex. Civ. App. 1919). In Alabama where reports are improper, "fair" comment on the activities of public officials by grand juries was held to be privileged. Parsons v. Age-Herald Publishing Co., 181 Ala. 439, 61 So. 345 (1913). See also *Ex parte* Robinson, 231 Ala. 503, 504, 165 So. 582, 582–83 (1936), 17 B.U.L. REV. 438 (1937). See Dession & Cohen, *supra* note, 28, at 709–10 (1932).

[60] See, *e.g.*, Hoadley v. Hoadley, 244 N.Y. 424, 437, 155 N.E. 728, 733 (1927); First State Bank v. Hidalgo Land Co., 114 Tex. 339, 343, 268 S.W. 144, 146 (1925); 102 U. PA. L. REV. 254, 257–58 (1953).

[61] See VANDERBILT, THE DOCTRINE OF THE SEPARATION OF POWERS AND ITS PRESENT-DAY SIGNIFICANCE 43–45 (1953). See also Note, 37 MINN. L. REV. 586, 588–89 (1953).

[62] See *In re* Camden County Grand Jury, 10 N.J. 23, 65, 89 A.2d 416 443 (1944).

[63] For an excellent critical analysis of congressional investigations, see TAYLOR, GRAND INQUEST; THE STORY OF CONGRESSIONAL INVESTIGATIONS (1955). For the prosecutor's view of the contrasting roles of investigating commissions and committees, and of the public prosecutor, see REPORT OF THE DISTRICT ATTORNEY, COUNTY OF NEW YORK, 1949–54, 17–19 (1955).

[64] See Dession & Cohen, *supra*, note 28, at 700–02; Note, 39 CALIF. L. REV. 573, 574–75 (1951).

[65] See note 56 *supra*. The advantage of hearing witnesses publicly, with the possibility that this may provoke strangers to come forward and give the lie to false statements, has been recognized. See People v. Jelke, 308 N.Y. 56, 62–63, 123 N.E.2d 769, 771–72 (1954). This possibility, however, is probably outweighed by the advantages afforded by secrecy.

[66] See note 39 *supra*, and notes 95 and 96 *infra*.

[67] There may be some danger that handpicked grand jurors, not drawn from the same broad base as petit jurors may be politically influenced. See Morse, *A Survey of the Grand Jury System*, 10. ORE. L. REV. 217, 236–39 (1931).

[68] For discussion of the manner in which a grand jury's action can be controlled by the court, see part V, text at notes 117–41 *infra*.

[69] One New York Grand Jury, impanelled in December, 1949 by a Kings County Judge, filed thirteen reports in almost four and a half years of existence. Successfully completed prosecutions for police corruption, bookmaking, and waterfront racketeering were initiated by this grand jury. The jury's story is told, complete with the full text of each of the reports, in the 154-page printed REPORT OF SPECIAL INVESTIGATION BY THE DISTRICT ATTORNEY OF KINGS COUNTY AND THE DECEMBER 1949 GRAND JURY (1954) (page references are to this report). The success of the investigation does not, however, render proper the interim filing of the periodic "progress reports." The intemperate language contained in several of the reports ascribed criminal conduct to some persons who were not formally charged with crime, was unfair to innocent persons who were tarred with broad brush strokes intended for their colleagues, and detracted from the dignity of both the grand jury and the court.

Two years after the jury's inception, and long after its normal term had expired, it launched into a new and major field of investigation, the waterfront, although no reason appears why a new and less professional corps of jurors could not have handled such an investigation. Apparently while this jury was still in existence a second jury, under the aegis of the same Kings County Judge, assumed an expert role concerning youthful delinquents and issued a series of reports in that field. One such report pitted the jurors' expertise against that of a state commission which had conducted an extensive study of youth in the state courts. This was the thirteen-page report of the holdover October 1952 Kings County Grand Jury entitled "A Critique of the Report of the Subcommittee on Youth and Family in the Courts," issued Jan. 19, 1955. See account in N.Y. Times, Jan. 20, 1955, p. 33, col. 8.

[70] In the course of a dissenting opinion in Hurtado v. California, 110 U.S. 516, 538, 554–55 (1884), Mr. Justice Harlan noted that the grand jury, since free of control by the electorate and free from the public clamor, was ideally suited to the impartial and nonmalicious consideration of charges. The grand jury report has been considered a healthy check on autonomous units of government, giving the inhabitants an opportunity to express themselves thereon. 10 Holdsworth, *op. cit. supra* note 23, at 149. See also ORFIELD, CRIMINAL PROCEDURE FROM ARREST TO APPEAL 187 (1947); WILLOUGHBY, PRINCIPLES OF JUDICIAL ADMINISTRATION 193–94 (1929); NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT, REPORT ON PROSECUTION 37 (1931); Medalie, *supra* note 28, at 7; Miller, *Informations or Indictments in Felony Cases*, 8 MINN. L. REV. 379, 405 (1924); Morse, *supra* note 67, at 333–38; 4 STAN. L. REV. 68, 78 (1951).

[71] See People v. McCabe, 148 Misc. 330, 333, 266 N.Y. Supp. 363, 367 (Sup. Ct. 1933); Comment, 52 MICH. L. REV. 711, 716–20 (1954).

[72] In 1954, the murder trial of Dr. Samuel Shepard in a Cleveland Court of Common Pleas received tremendous coverage in all media of mass communication. Similarly, in 1955, the second trial of Minot F. Jelke III, on the felony charge of living on the earnings of prostitution, also received detailed coverage.

[73] Throughout their duration, these hearings were directly televised on a nation-wide television network; this coverage was supplemented by nightly summaries of the highlights, on both radio and television; newspaper coverage was similarly extensive. For an account of this spectacle, see STRAIGHT, TRIAL BY TELEVISION (1954).

[74] See Brownell, *A Free Trial and a Free Press*, 132 N.Y.L.J. Nos. 66, 67, p. 4, col. 1 (Oct. 4–5, 1954); Ludwig, *Journalism and Justice in Criminal Law*, 28 ST. JOHN'S L. REV. 197 (1954). On May 11, 1954, by resolution, the Association of the Bar of the City of New York called on the ABA to amend § 20 of the Canons of Professional Ethics to make comment on pending cases by counsel improper. See account in N.Y. Times, May 12, 1954, p. 27, col. 5. Thereafter, on June 26, 1954, by resolution, the N.Y. State Bar Association similarly directed that action be taken to amend the canons. See account of N.Y. Times, June 27, 1954, p. 1, col. 1.

[75] The New York grand jury report on police recruiting and the Municipal Civil Service Commission of April 29, 1954, *supra* note 5, criticized an expert on police matters for certain charges he had made that, in part, had given rise to the jury's investigation. After the report was issued, and the jury had passed out of existence, this expert issued press statements critical of the jury, its report, and the district attorney. See N.Y. Times, May 1, 1954, p. 36, col. 5.

[76] See *In re* Camden County Grand Jury, 10 N.J. 23, 66–67, 89 A. 2d 416, 444 (1952).

[77] United States v. Garsson, 291 Fed. 646, 649 (S.D.N.Y. 1923).

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

Mr. ELLENDER. Mr. President, I attended most of the hearings held on the bill now before the Senate. With respect to the question of whether or not the amounts involved in various categories were authorized, we had an understanding in committee that in regard to the amounts placed in the bill we would have to await the decision of the conferees on the authorizing bill in respect to foreign aid.

This matter has come up on many occasions and most of the overages were settled in conference because on many occasions the authorizing legislation was still pending before final action was taken by the committee. As an example, this year we had an appropriation of $750 million for the food stamp program. The authorization had not yet been enacted by Congress but the Senate had acted on an authorization of $750 million. As the Presiding Officer well knows, the conferees waited until the House had acted upon the bill so that no point of order could be made to the $750 million. Finally, the House came out with an authorization of $610 million and it was then that the conferees on the Agriculture bill for this year met and adopted

the $610 million that was finally authorized by the committee.

In regard to the foreign aid bill, we had an understanding with the chairman—in fact, the whole committee knew about it—that we would proceed to put in the bill the figure agreed upon by the subcommittee. I did not favor all of the amounts that were suggested, but I spoke to the chairman in committee and out of committee, that I felt that if, as, and when the conferees made their decision as to the amount in each category, that that could be attended to either in conference or when the committee considered the bill.

As I understand it, the chairman of the committee has reduced all of the items in keeping with the authorizations made by the Foreign Relations Committee. Yesterday the distinguished Senator from Arkansas presented a proposed amendment, and I felt at that time that an amendment of that kind would be good if it applied to all bills. But I have just learned, instead of applying to all bills, it applies only to this one.

Mr. FULBRIGHT. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. I am willing to make it apply to all of them. I thought other people might think it was presumptuous of me to do that. But I am more than willing to accept an amendment that would make it apply to all of them, if it is possible to do so. I may have said that I think it should apply. I understood that it would apply. I thought it was the rule, but it turns out that it is not the rule. But the only reason I offered it to this bill is that it was a special responsibility of my committee. With the Senator's assistance, I am more than willing to make it apply to all of the appropriation bills if it can be done.

Mr. ELLENDER. That is it. Can it be done on the bill and not be legislative in character?

Mr. FULBRIGHT. Yes. The Parliamentarian said last night that this is not subject to a point of order; that this is not legislation.

The PRESIDING OFFICER. The Chair would inform the Senator from Arkansas that this one is not subject to a point of order, but if applied to all bills, it would be subject to a point of order.

Mr. ELLENDER. That is the point I wish to make, Mr. President.

Mr. FULBRIGHT. If the Senator will yield further, I would be perfectly willing to offer it to all that come up, one by one. I am not trying to welsh on the proposal that way.

Mr. ELLENDER. I understand the position of the Senator from Arkansas, but personally I had in my mind the question as to whether we could make this apply to all bills, and I felt that in order to make it apply to all bills it would be necessary to put legislation in the Senator's amendment. But the point I wish to emphasize at this time is simply this: that the chairman of the Subcommittee for Foreign Appropriations agreed—in fact, the whole committee agreed—that they would go along and put into the bill the amounts authorized by Congress when the bill came up for consideration before the Senate or in conference, and we would agree to limit the appropriation in each category. Since that has been done, I do not see any point in attaching the amendment to the bill. I want to make that plain. But, if it were possible to make it apply to all, I would be for that. It strikes me an act to that effect might be advisable, and I want to tell my good friend from Arkansas that I will do all I can to try to enact a bill that would make this principle apply to all bills that come before Congress.

Mr. AIKEN. Mr. President, it appears to me that if we do not adopt this amendment now, we are, in effect, agreeing that the Appropriations Committee does have the power to exceed authorization amounts which have been agreed to by Congress. We do not know when any new legislation would be enacted. It might be 6 months. It might be 6 years. By that time, we do not know what sort of government we might be having here.

In the matter of the authorization bill itself, the conferees on the Committee on Foreign Relations approved a lump sum for military assistance which could be used for Korea or for any other part of the world where military assistance appeared to be needed most at the time.

I, for one, did not feel that we were in a position to tell the executive branch exactly where such emergencies or such needs might occur from month to month, unless we wanted to be continuously legislating on these matters.

We also included in the bill funds for the additional items which the Appropriations Committee brought forth. Several of them, can be seen on page 3 of the foreign aid appropriation bill, but we did not undertake to tell the executive branch that it must use the funds for that or any particular purpose, although it was clearly understood why the amounts were added.

Thus, last week, I took exception to a proposal which would have told the Government of South Vietnam that we would give them $80 million a year for 4 years if the South Vietnamese Government would enact legislation which we approved of.

Now I think we are trying to tell the executive branch of our own Government the same thing.

I disapprove of that, too.

The executive branch should be held accountable for the manner in which it uses the money, but Congress should not attempt to tell the executive branch in detail when, where and how it should spend every dollar.

If we agree this morning that the Appropriations Committee has authority to submit legislation which exceeds the authorization, we are in effect abdicating our authorization power.

As I remarked a few months ago, the Appropriations Committee would, in effect, become a presidium.

If one reads the constitution under which the Soviets operate, it reads very nicely, but the Presidium has such power that whatever it recommends to both Soviet Houses, the Presidium gets approved every time, and usually it is by unanimous action.

We do not want to work in that direction.

The time to stop this trend is now.

Mr. STEVENS. Mr. President, I have looked through the pending bill with interest to ascertain if there was anything in the bill that was for the support of the General Assembly of the United Nations, because I have a great feeling concerning a resolution adopted by that assembly on December 15, I am informed, which I ask unanimous consent be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION, UNITED NATIONS GENERAL ASSEMBLY

Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: Report of the Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction

Brazil, Ceylon, Chile, Ecuador, Guatemala, Kuwait, Mauritania, Mexico and Trinidad and Tobago; revised draft resolution

The General Assembly,

Recalling its resolution 2467 A (XXIII) to the effect that the exploitation of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries,

Convinced that it is essential, for the achievement of this purpose, that such activities be carried out under an international regime, including appropriate international machinery.

Noting that this matter is under consideration by the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction,

Recalling its resolution 2340 (XXII) on the importance of preserving the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, from actions and uses which might be detrimental to the common interests of mankind,

Declares that, pending the establishment of aforementioned international regime:

(a) States and persons, physical or juridical, are bound to refrain from all activities of exploitation of the resources of the area of the sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction;

(b) No claim to any part of that area or its resources shall be recognized.

Mr. STEVENS. Mr. President, I would like to read one portion of it. This is a resolution of the First Committee of the General Assembly, which states the following. The resolution—

Declares that, pending the establishment of the aforementioned international regime:

(a) States and persons, physical or juridical, are bound to refrain from all activities of exploitation of the resources of the area of the sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction;

(b) No claim to any part of that area or its resources shall be recognized.

Mr. President, that is directly contrary to the existing state of international law.

I ask unanimous consent that there be placed in the RECORD at this point a sur-

vey of coastal state mineral jurisdiction and the continental margin in the North Sea Continental Shelf cases which involved Germany, Denmark, and the Netherlands.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COASTAL STATE MINERAL JURISDICTION AND THE CONTINENTAL MARGIN

SURVEY OF NATIONAL PRACTICE

To date, 102 nations,[1] including 98 coastal nations, have recognized the principle of the coastal state's jurisdiction over adjacent offshore mineral resources. Forty nations (36 of them coastal) have asserted this principle by ratifying the Convention on the Continental Shelf.[2] The other countries have done so by one or more of the following methods: (1) by domestic legislation, (2) by agreement with other nations, or (3) by granting offshore concessions.[3]

Of the 98 coastal nations which have asserted their general jurisdiction over offshore minerals, at least 39 have done so with respect to specific submarine areas which, according to available information, appear to be beneath waters deeper than 200 metres. In most cases, this has been done by the issuance of deep-water leases; [4] in others by decree, agreements with neighboring states or offers of such agreements,[5] or announcements of national policy.[6] At least 14 coastal nations have granted leases which include areas beyond both the 200-metre isobath and 50 nautical miles from shore.[7]

A summary of this national practice appears below. Compilation of this information is complicated by (1) the variety of ways in which assertions of offshore seabed jurisdiction have been made, (2) apparent inconsistencies between law and practice in several nations, and (3) the fact that some nations have asserted seabed jurisdiction by more than one method. This summary is not limited to the practice of members of the United Nations.

ANNEXED LISTS

I. Parties to Geneva Convention on the Continental Shelf (40).

II. States, not parties to the Convention, which have made declarations or enacted legislation concerning jurisdiction over the continental shelf (49).

A. Adopted the Convention's definition (8).

B. Adopted the exploitability criterion (3).

C. Adopted other definitions (15).

D. Adopted shelf concept in general legislation or proclamation, but no precise definition (23).

III. Other states and territories, not parties to the Convention, which have granted offshore concessions in apparent absence of general legislation (19).

IV. States (whether or not parties to the Convention) which have granted offshore concessions for areas in which waters deeper than 200 metres have been provisionally identified (31).

V. Practice of the United States.

I. Parties to Geneva Convention on the Continental Shelf (40)[8]

Albania, Australia, Bulgaria, Byelorussian SSR, Cambodia, Colombia, Czechoslovakia, Denmark, Dominican Republic, Finland, France, Guatemala, Haiti, Israel, Jamaica, Kenya, Madagascar, Malawi, Malaysia, Malta. Mexico, Netherlands, New Zealand, Poland, Portugal, Romania, Senegal, Sierra Leone, South Africa, Sweden, Switzerland, Thailand, Trinidad and Tobago, Uganda, Ukrainian SSR, USSR, United Kingdom, United States, Venezuela, Yugoslavia.

Footnotes at end of article.

II. States, not parties to the Convention, which have made declarations or enacted legislation concerning juridiction over the continental shelf (49)

A. Adopted the Convention's Definition (8)

1. Argentina: National Executive Power, Law No. 17,094–M. 24 of 29 Dec. 1966 (U.N. Doc. A/AC 135/11 at p. 10).

2. Germany: Federal Republic: Proclamation on the Continental Shelf, 20 Jan. 1964.

3. Honduras: Congressional Decree No. 21 of the Constituent National Assembly, 19 Dec. 1957.

4. India: Petroleum and Natural Gas Rules, 1959, Art. 3 (U.N. Doc. A/AC 135/11/Add. 1 at p. 13).

5. Italy: Act No. 613 of 21 July 1967, Law for Exploration and Production of Liquid and Gaseous Hydrocarbons in the Territorial Sea and Continental Shelf (U.N. Doc. A/AC 135/11 at p. 38).

6. Morocco: Petroleum Code, Dahir No. 1–58–227, 21 July 1958.

7. U.A.R.: Decree on the Continental Shelf, 3 Sept. 1958 (54 Am. J. Int'l L. 497 (1960)).

8. Uruguay: Decree, 16 July 1963.

B. Adopted the exploitability criterion (3)

1. Brazil: Boletim Especial #196, 20 Oct. 1967, Embassy of Brazil.

2. Norway: Provisional Act of 21 June 1963 relating to the Exploitation and Exploration of Submarine Natural Resources (U.N. Doc. A/AC 135/11 at p. 46).

3. Philippines: Proclamation No. 370 of 20 Mar. 1968 (U.N. Doc. A/AC 135/11 at p. 47).

C. Adopted other definitions (15)

1. Canada: Statement of Canadian representative before U.N. Ad Hoc Committee on March 11, 1968 (U.N. Doc. A/AC 135/1, at p. 33), confirmed by Canadian Embassy, Washington, D.C. ("at least to the abyssal depths").

2. Chile: Presidential Declaration Concerning the Continental Shelf, 23 June 1947 (U.N. Doc. A/AC 135/11 at p. 26); Declaration Over the Maritime Zone, Santiago, 1952, ratified by Decree 432, 23 Sept. 1954 (200 miles).

3. Costa Rica: Article 1 of Decree-Law No. 803 of 2 Nov. 1949 and Article 6 of the Constitution ("submarine shelf and continental base").

4. Dahomey: Decree No. 74 of 7 March 1968 (100 miles) (U.N. Doc. A/AC 135/11/Add. 1 at p. 11).

5. Ecuador: Art. 630, Civil Code, 20 Aug. 1960 (U.N. Doc A/AC 135/11 at p. 30) (200 metre isobath), but compare Declaration of Santiago, 1952, ratified by Executive Decree No. 275, 7 Feb. 1955 (200 miles), and Supreme Decree No. 1542 of 10 Nov. 1966, amending Art. 633 of Civil Code (200 miles). (Inconsistency in article numbers appears in U.N. and P.A.U. documents).

6. El Salvador: Arts. 1 and 8, Constitution of 1962 (200 miles).

7. Germany: Democratic Republic: Declaration on the Continental Shelf of the Baltic Sea, Moscow, October 23, 1968 ("the surface and subsoil of the bed of the Baltic Sea as a shallow sea are a continuous continental shelf").

8. Ghana: Act. No. 175, The Territorial Waters and Continental Shelf Act, 19 April 1963 (U.N. Doc. A/AC 135/11 at p. 34) (100 fathoms).

9. Indonesia: Government Regulations substituting Law No. 44 of 26 Oct. 1960 on the Mining of Petroleum and Natural Gas (Continental Shelf of the Indonesia Archipelago).

10. Ivory Coast: Offshore Law, Decree 67–334 of 1 August 1967 (200 metres).

11. Nicaragua: Declaration in May 1949 under Constitution of 1948 (200 metres). Executive Decree of 5 April 1965 (200 miles) appears to apply only to living resources. The Constitution of 1 Nov. 1950 states that the National Territory includes the "continental shelf" and "submerged foundation."

12. Panama: Law No. 31 of 2 Feb. 1967 (200 miles).

13. Pakistan: U.N. Legis. Series ST/LEG/SER. B/6, Dec. 1956, at 38 (100 fathoms adopted in 1950).

14. Peru: Presidential Decree No. 781 of 1 Aug. 1947 (200 miles); Petroleum Law No. 11780 of 12 March 1952 (200 miles).

15. South Korea: Presidential Proclamation of Sovereignty Over Adjacent Seas, 18 Jan. 1952 (Continental Shelf regardless of depth of water).

D. Adopted shelf concept in general legislation or proclamation, but no precise definition (23)

1. Bahamas (U.K.): Bahamas (Alteration of Boundaries) Order in Council No. 2574, 26 Nov. 1948.

2. British Honduras (U.K.): Oil Mining Regulations, 2 Sept. 1949.

3. Brunei: The Petroleum Mining Enactment, 1963.

4. Burma: Concession Rules, 1962.

5. Greece: Petroleum Law (Law 3948) of 10 April 1959.

6. Iran: Law of 19 June 1955.

7. Iraq: Proclamation of 24 Nov. 1957 (U.N. Doc. A/AC 135/11 at p. 36).

8. Jamaica: Jamaica (Alteration of Boundaries) Order in Council (No. 2575) of 26 Nov. 1948.

9. Kuwait: Proclamation of 12 June 1949 (U.N. Doc. A/AC 135/11 at p. 39).

10. Libya: Petroleum Law of 1955.

11. Nigeria: Mineral Oil (Amendment) of 17 Dec. 1959.

12. Saudi Arabia: Royal Pronouncement of 28 May 1949; Regulations for the Ownership of Red Sea Resources, Royal Decree No. M/27 of 1 October 1968.

13. Spain: Hydrocarbons Act of 26 Dec. 1958.

Persian Gulf States

14. Bahrain: Proclamation of 5 June 1949.

15. Muscat & Oman: Offshore activity, Petroleum Press Service, June 1968 at 204.

16. Oatar: Proclamation of 8 June 1949.

Trucial States

17. Abu Dhabi: Proclamation of 10 June 1949.

18. Ajman: Proclamation of 20 June 1949.

19. Dubai: Proclamation of 14 June 1949.

20. Fujairah: Offshore activity, Petroleum Press Service, June 1966 at 274.

21. Ras al Khaimah: Proclamation of 17 June 1949.

22. Sharjah: Proclamation of 16 June 1949.

23. Umm al Qaywayn: Proclamation of 20 June 1949.

III. Other states and territories, not parties to the Convention, which have granted offshore concessions in apparent absence of general legislation: (Data from announcements and press reports)[9]

1. Angola (Portugal): Boletim Oficial Sept. 12, 1964. See also Petroleum Press Service, June 1968 at 204. (The jurisdiction of Portugal outside of its territorial seas is set forth in Law 2080 of March 21, 1956. This law applies to all overseas territories of Portugal. Basis II limits concessions to the 200-metre isobath, except "when a special law otherwise disposes.")

2. Cameroon: Petroleum Press Service, June 1968 at 204.

3. Cuba: Concession map of October 1957, reproduced in Barrows, Petroleum Legislation. Presumably expropriated.

4. Equatorial Guinea (Fernando Poo, Rio Muni): See Decreto 1043/1968 of 2 May 1968 re: Rio Muni (published 27 May 1968); Petroleum Press Service, June 1968 at 204.

5. Ethiopia: Several offshore concessions are in effect.

6. Gabon: Decree No. 375 of July 5, 1968.

7. Guyana: Two offshore concessions are in effect.

8. Japan: Petroleum Press Service, August 1968 at 305. Two offshore concessions are in effect.

9. Mauritania: Two concessions are in effect; "Oil & Gas Discoveries," February 1968, at 33–34.

10. Mozambique (Portugal): Petroleum Press Service, No. 1967 at 420. See Diario do Voerno 11 Oct. 1967, "Bases Anexas ao Decreto," No. 47,990.

11. Somalia: Concession granted 29 May 1961.

12. Spanish Sahara (Spain): Petroleum Press Service, No. 1966 at 427.

13. Sudan: Exploration licenses have been granted for deep-water metal-containing brines in the Red Sea.

14. Surinam (Netherlands): Petroleum Press Service, July 1966 at 275.

15. Timor (Portugal): Petroleum Press June 1968 at 204.

16. Togo: Petroleum Press Service, June 1968 at 204.

17. Tunisia: Petroleum Press Service, Jan. 1967 at 33.

18. Turkey: Three offshore concessions were in effect in 1966.

19. Yemen: One offshore concession was granted in 1961.

IV. States (whether or not parties to the Convention) which have granted offshore concessions, or undertaken development, in areas provisionally identified as including waters deeper than 200 meters

Note a: This listing is based in part on examination of published concession agreements, concession maps, decrees, etc., and in part on unpublished information from sources believed to be reliable.

Note b: In countries marked with an asterisk (*), the seaward boundary of concessions appears to approximate the 100-fathom isobath, but lies beyond that isobath in one or more areas.

Note c: In the 14 countries marked (#), the seaward boundary of at least one concession appears to be beyond the 200-metre isobath and more than 50 nautical miles from shore.

1. Australia.#
2. British Honduras.*
3. Canada.#
4. Cuba (concession outstanding in 1957).
5. Denmark.*
6. Equatorial Guinea.
7. Ethiopia.*
8. Gabon.#
9 Ghana.
10. Guyana.#
11. Honduras.*#
12. Indonesia.*#
13. Italy.
14. Jamaica.*#
15. Japan.#
16. Malaysia.#
17. Mauritania.*
18. Norway.#
19. Oman.#
20. Panama.*
21. Peru.*#
22. Philippines.*
23. Senegal.#
24. Spanish Sahara.
25. Sudan.
26. Surinam.#
27. Trinidad.
28. Turkey.
29. United Kingdom.
30. U.S.A.
31. U.S.S.R.

On March 13, 1969, the U.S.S.R. representative stated in the United Nations Committee on the Peaceful Uses of the Seabed Beyond the Limits of National Jurisdiction that, "In the Soviet Union drilling was being carried out in the Caspian Sea at depths of from 300 to 600 metres. . . . " (U.N. Press Release GA/3929, 13 March 1969, at p. 4).

V. Practice of the United States

The Department of the Interior, in 1961, granted a phosphorite lease off the California coast in water depths ranging from 240 to 4,000 feet (1,340 metres). This lease was subsequently surrendered.[10]

In 1963 and 1964, the Department issued oil and gas leases in water depths ranging up to 1,500 feet (457 metres).[11] In 1968, oil and gas leases issued in Santa Barbara Channel included an area in 1,800 feet of water (550 metres).

In 1968, a United States oil company drilled a well in 1,299 feet of water (395 metres), penetrating rock to a depth of 13,622 feet. This well was plugged and abandoned.

The Department has published leasing maps for areas off the California coast as far as 100 miles from the mainland, at depths as great as 6,000 feet.[12]

In 1967, the Department granted a permit to Humble Oil and Refining Company to drill 21 coreholes beneath the Atlantic Ocean in water ranging in depth from 650 feet to 5,000 feet on "the continental slope beyond the continental shelf off Florida and northward to points seaward of Cape Cod and Georges Bank." The areas in which drilling was authorized lie as far as 300 miles from the coast. The permit was not exclusive, and does not include rights to any mineral leases.[13]

The United States has asserted jurisdiction over resource development on the Cortes Banks about 100 miles from the California mainland, separated from the mainland by a trench about 1,500 metres deep.[14]

FOOTNOTES

[1] These 102 are identified in Parts I, II, and III of this Appendix. To these 102 nations may be added 5 territories which are partially self-governing, making a total of 107 jurisdictions. See note 9 *infra*.

[2] These 40 are identified in Part I of this Appendix.

[3] These 63, plus 5 territories which are partially self-governing, are identified in Parts II and III of this Appendix.

[4] 31 nations which have apparently authorized or undertaken development in water deeper than 200 meters are identified in Part IV of this Appendix.

[5] Decrees or international agreements or tenders of international agreements have been found to include water deeper than 200 metres in instances which involve eight nations, in addition to the 31 nations which have issued deep-water leases. These eight are: Chile (200 miles); Dahomey (100 miles); East Germany (Baltic Sea Decree); Ecuador (200 miles); El Salvador (200 miles); Poland (Baltic Sea Decree); Saudi Arabia (Red Sea Decree); U.S.S.R. (Baltic Sea Decree). See also Soviet announcement in the U.N. of drilling in Caspian Sea at depths of 300 to 600 metres (Press release GA/3929, 13 March 1969, p. 4).

[6] For example, Canada.

[7] These 14 are identified in Part IV of this Appendix.

[8] U.S. State Department, *Treaties in Force*, January 1, 1969 (Publication 8432).

[9] Of the 19 jurisdictions listed here, 5 are territories (Angola, Mozambique, Spanish Sahara, Surinam and Timor).

[10] *Interim Report on the United Nations and the Issue of Deep Ocean Resources*, by the Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs, H.R. Rep. No. 999, 90th Cong., 1st Sess. (1967) at 151. The memorandum opinion of the Associate Solicitor, Department of the Interior, dated May 5, 1961, concerning the application of the Outer Continental Shelf Lands Act to the lease area, is printed in the *Interim Report* at 165–68.

[11] These leases are listed in the *Interim Report* at 164.

[12] Barry, *The Administration of the Outer Continental Shelf Lands Act*, 1 Natural Resources Lawyer 38, 47 (July 1968).

[13] Geological Survey Release, "Core Drilling to Begin on Continental Slop Off Atlantic Coast," (No. 94, 229–67) May 26, 1967.

[14] Barry, note 12 *supra*, at 47.

EXTRACTS FROM THE JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE IN THE NORTH SEA CONTINENTAL SHELF CASES—GERMANY-DENMARK, GERMANY-NETHERLANDS

[1969 Rep. I.C.J. 1 (20 Feb. 1969)]

19. More important is the fact that the doctrine of the just and equitable share appears to be wholly at variance with what the Court entertains no doubt is the most fundamental of all the rules of law relating to the continental shelf, enshrined in Article 2 of the 1958 Geneva Convention, though quite independent of it—namely, that the rights of the coastal State in respect of the area of continental shelf that constitutes a natural prolongation of its land territory into and under the sea exist *ipso facto* and *ab initio*, by virtue of its sovereignty over the land, and as an extension of it in an exercise of sovereign rights for the purpose of exploring the seabed and exploiting its natural resources. In short, there is here an inherent right. In order to exercise it, no special legal process has to be gone through, nor have any special legal acts to be performed. Its existence can be declared (and many States have done this) but does not need to be constituted. Furthermore, the right does not depend on its being exercised. To echo the language of the Geneva Convention, it is "exclusive" in the sense that if the coastal State does not choose to explore or exploit the areas of shelf appertaining to it, that is its own affair, but no one else may do so without its express consent.

41. As regards the notion of proximity, the idea of absolute proximity is certainly not implied by the rather vague and general terminology employed in the literature of the subject, and in most State proclamations and international conventions and other instruments—terms such as "near", "close to its shores", "off its coast", "opposite", "in front of the coast", "in the vicinity of", "neighboring the coast", "adjacent to", "contiguous", etc.—all of them terms of a somewhat imprecise character which, although they convey a reasonably clear general idea, are capable of a considerable fluidity of meaning. To take what is perhaps the most frequently employed of these terms, namely "adjacent to", it is evident that by no stretch of imagination can a point on the continental shelf situated say a hundred miles, or even less, from a given coast, be regarded as "adjacent" to it, or to any coast at all, in the normal sense of adjacency, even if the point concerned is nearer to some one coast than to any other. This would be even truer of localities where, physically, the continental shelf begins to merge with the ocean depths. Equally, a point inshore situated near the meeting place of the coasts of two States can often properly be said to be adjacent to both coasts, even though it may be fractionally closer to the one than the other. Indeed, local geographical configuration may sometimes cause it to have a closer physical connection with the coast to which it is not in fact closest.

42. There seems in consequence to be no necessary, and certainly no complete, identity between the notions of adjacency and proximity; and therefore the question of which parts of the continental shelf "adjacent to" a coastline bordering more than one State fall within the appurtenance of which of them, remains to this extent an open one, not to be determined on a basis exclusively of proximity. Even if proximity may afford one of the tests to be applied and an important one in the right conditions, it may

not necessarily be the only, nor in all circumstances, the most appropriate one. Hence it would seem that the notion of adjacency, so constantly employed in continental shelf doctrine from the start, only implies proximity in a general sense, and does not imply any fundamental or inherent rule the ultimate effect of which would be to prohibit any State (otherwise than by agreement) from exercising continental shelf rights in respect of areas closer to the coast of another State.

43. More fundamental than the notion of proximity appears to be the principle—constantly relied upon by all the Parties—of the natural prolongation or continuation of the land territory or domain, or land sovereignty of the coastal State, into and under the high seas, via the bed of its territorial sea which is under the full sovereignty of that State. There are various ways of formulating this principle, but the underlying idea, namely of an extension of something already possessed, is the same, and it is this idea of extension which is, in the Court's opinion, determinant. Submarine areas do not really appertain to the coastal State because—or not only because—they are near it. They are near it of course; but this would not suffice to confer title, any more than, according to a well-established principle of law recognized by both sides in the present case, mere proximity confers *per se* title to land territory. What confers the *ipso jure* title which international law attributes to the coastal State in respect of its continental shelf, is the fact that the submarine areas concerned may be deemed to be actually part of the territory over which the coastal State already has dominion—in the sense that, although covered with water, they are a prolongation or continuation of that territory, an extension of it under the sea. From this it would follow that whenever a given submarine area does not constitute a natural—or the most natural—extension of the land territory of a coastal State, even though that area may be closer to is than it is to the territory of any other State, it cannot be regarded as appertaining to that State—or at least it cannot be so regarded in the face of a competing claim by a State of whose land territory the submarine area concerned is to be regarded as a natural extension, even if it is less close to it.

Mr. STEVENS. Mr. President, my State of Alaska is very vitally affected by the resolution that was adopted by the General Assembly. I feel very strongly that we should review the actions of the General Assembly when the purport to interfere with the jurisdiction of this Nation over the seabed which is the logical extension of the land mass of this continent that we claim off the coast of Alaska. The Outer Continental Shelf and Outer Continental Shelf Margin comprise an area probably about as large as our State, which, again, is one-fifth of the size of the United States as a whole.

If we were to abide by the resolution adopted by the General Assembly of the United Nations, it would mean we would forgo development of the area outside of our "national jurisdiction," which is not only in conflict with the Outer Continental Shelf Act but in conflict with the 1958 Convention whereby the coastal nations of the world agreed that a coastal nation had the right to claim the seabed under the oceans to the farthest extent that it is exploitable—is to the edge of the Continental Margin.

To adopt the position of the United Nations in relation to this area and to tie up this area in international jurisdiction would be limiting the area that our Nation could rely upon for the future for minerals, oil and gas, and living resources that inhabit the floor of the sea.

I feel very strongly that we should take a very close look at any future appropriations that deal with this activity of the United Nations. I am happy to see the Senator from Rhode Island (Mr. PELL) present on the floor at this time. I would be very pleased if we could do something to resolve the position of the United States on this matter. Our position before the United Nations on this issue was very cloudy. And, it is I feel, incumbent upon this Congress to clearly state the limits of our claim of sovereignty over the seabed adjacent to our shores.

Mr. McGEE. Mr. President, I ask unanimous consent that we might correct the figures in the adjustments to the bill that have already been acted upon.

The figures contained on page 2 of the bill, lines 11 and 12, do not add up to the total we submitted on line 10.

The figure on line 11 should be $183,500,000.

The figure in line 12 should be $90,750,000.

I ask unanimous consent that those technical corrections be made.

The PRESIDING OFFICER. Is there objection to the consideration of those amendments while the amendment of the Senator from Arkansas is pending? The Chair hears none, and the technical amendments are considered and agreed to.

Mr. FULBRIGHT. Mr. President, at the same time, I may point out that there is a typographical error on line 4 of my amendment. The word "expended" should be "appropriated." I ask unanimous consent that the amendment be modified accordingly.

The PRESIDING OFFICER. Is there objection to the requested change? Without objection, the correction will be made.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 254 Leg.]

Aiken	Gurney	Prouty
Bellmon	Hatfield	Proxmire
Bible	Holland	Ribicoff
Boggs	Hruska	Schweiker
Byrd, W. Va.	Hughes	Scott
Church	Javits	Sparkman
Cook	Kennedy	Spong
Cotton	Mansfield	Stennis
Cranston	McGee	Stevens
Dole	McGovern	Williams, Del.
Dominick	McIntyre	Yarborough
Ellender	Mondale	Young, N. Dak.
Fong	Montoya	Young, Ohio
Fulbright	Muskie	
Griffin	Pell	

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Alaska (Mr. GRAVEL), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Texas (Mr. TOWER) is necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allen	Goldwater	Miller
Allott	Goodell	Moss
Baker	Gore	Murphy
Bayh	Hansen	Nelson
Bennett	Harris	Packwood
Brooke	Hart	Pastore
Burdick	Hartke	Pearson
Byrd, Va.	Jackson	Percy
Cannon	Jordan, N.C.	Randolph
Case	Jordan, Idaho	Saxbe
Curtis	Long	Smith, Maine
Dodd	Magnuson	Smith, Ill.
Eagleton	Mathias	Talmadge
Eastland	McCarthy	Thurmond
Ervin	McClellan	Tydings
Fannin	Metcalf	Williams, N.J.

A quorum is present.

Mr. McGEE. Mr. President, now that a quorum of the Senate is present, I think it would be in order to summarize very quickly the question that is at stake in this particular vote. It is a procedural question.

The amendment proposed by the chairman of the Committee on Foreign Relations would suggest that in this appropriation bill any sums finally approved in the conference process in excess of the authorization by the two authorizing committees would automatically be reduced to the ceiling authorized by the Congress. I believe I state the point of the amendment fairly.

The reason for our objection to it on the Appropriations Committee is a simple one. We agreed that we should not appropriate beyond the authorizing level.

The only reason that this question surfaced at all was that we did not have an authorizing level when we had to meet on the House appropriations bill. So we made the best guesses we could of the range of the likely authorization. Some items turned out to be higher than the authorizing conference agreement that was arrived at late yesterday.

So, in conference with the Senator from Arkansas, I, as chairman of the Subcommittee on Foreign Operations of the Appropriations Committee agreed that we ought to correct this if we can for the future. As a first step, our committee proposed to cut back any of our recommended figures to the level authorized by the two authorizing groups. We have done so. Those have been submitted and approved as the pending figures in the legislation. We do not have a single figure over the authorizing level.

So, my position is that in view of the fact that we have worked out our first step in this matter, we ought then to take the necessary logical step which has

been explained to us by the Parliamentarian. That is for the Senate to take positive action to change the rule guiding the Comptroller General so that it applies to all appropriations operations, if that is the will of the Senate.

Whether that should be done or not will be the question that will be debated at that time. But it is our objection that now that we have made this effort to take this step forward—that we ought to be within the authorization—it is not only gilding the lily to go ahead with an amendment reminding us that that is what we ought to have done, but also, it casts the committee in the role, I think, of being at least called into question; and the committee has made every effort to abide by this proposal.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. I think that the Senator has just put his finger on the nub of the problem. I know it is not intended for this reason, but obviously this amendment, coming in at this juncture, could have the appearance of criticizing the Appropriations Committee for a situation that we have constantly condemned.

Had the legislative committees passed their own authorization bills, and had the conference agreed on this before we began to mark up the bill, we would not have had this problem at all.

The Senator from New Hampshire has raised the point, and I have raised the point several times—as a matter of fact, we wrote it in our report. This is a bad way to run a railroad, the idea that we are reporting and are being forced to report appropriation bills on many occasions even before the authorization is resolved. That is a bad practice.

I do not think our committee is of any mind to go above the authorizations. As a matter of fact, we discussed that matter at length in our committee, and we made it abundantly clear that if we were misguessing, we would correct it on the floor, to make sure that we would abide by the authorized figure agreed to in conference. To put it in now looks to me a little like punishing those who have been criticizing the very situation that confronts us now.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. HOLLAND. I certainly subscribe to what my distinguished friend, the Senator from Rhode Island, has just said, and I want to add one other point.

The practice is as old as my membership in the Senate—and I have been here nearly 24 years—that when an item comes over in a House appropriation bill, which they put in, which is not in the authorization, even if the authorization is complete, a point of order cannot be raised. We have to consider it.

We had two such items in this bill when it came over, one relating to South Korea and one relating to Taiwan. One of them we knocked out in the committee and the other one we approved.

Are we going to criticize the House for a practice as old as the Senate—that when something comes up that is not in the authorization but is regarded by that House, or later by this House, as being of sufficient importance to be handled, it can be placed in the bill?

The question is, are we going to slap at the other body because they have two items in this bill which were not authorized? I do not think we can do that, especially when our committee has approved one of those items. I feel very keenly that that item was correctly approved, because I think we should modernize or help to modernize the South Korean Army, which confronts North Korea. They are fighting by our boys in South Vietnam. They have shown extreme loyalty to us. They are friends in the Orient who have shown abundantly some gratitude for the many things we have done for them.

I do not want to vote for something which not only appears to slap at a practice that is as old as the Senate and to slap at the House in this bill, but also to slap at an objective which our Appropriations Committee already has approved and which is now in the bill, and which I think is appropriately in the bill. I would welcome an up and down vote on it.

If the Senate does not approve our helping South Korea in this military way, not in the authorization bill, that is well and good. But the committee felt that South Korea was entitled to be helped. So far as the Senator from Florida is concerned, he still feels that way and does not want to take action that appears to be a slap at the House and the Senate committee and at the same time at a practice which is age-old in Congress and is strictly in accord with the rules.

Mr. McGEE. I might say to the Senator from Florida that a pending amendment by the Senator from Arkansas will raise the direct question of the Korean issue, and there will be a vote on that. We have separated that from this principle in terms of this amendment, so that will be treated separately.

Mr. HOLLAND. It seems to me that the amendment as worded applies to every part of the bill. As I read the amendment, it says:

> No funds appropriated by the act may be expended to the extent that such funds exceed those authorized to be expended for the fiscal year ending June 30, 1970.

We all know that those items were not authorized, we all know that they caused the bill to go over the total authorized amount, and we all know that the practice exists and was approved long, long ago by the House rules and followed by the Senate. We all know that we have a rule in the Senate that, prior to authorization, if we, the Senate had passed an authorizing bill, we can put the measure in the Appropriations Committee even before the House has considered that authorization bill. We did that in the food stamp matter earlier in the year.

It seems to me that this amendment strikes in many ways at what is the normal practice in the Senate and in Congress as a whole.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield.

Mr. FONG. Now that the authorization bill has been accepted by the House-Senate conference committee has the chairman of the Foreign Operations Subcommittee, in conformity with the understanding of the Appropriations Committee, revised the figures to conform with the authorization bill?

Mr. McGEE. Every figure that was in excess of the authorization has been revised down to the authorized figure. There is no exception to that.

Mr. FONG. In other words, there is no figure here that exceeds the authorization ceiling?

Mr. McGEE. No. Even though the committee had approved a higher figure, we have agreed to adjust these figures in conformity with the authorization—as a matter of fact, as a product of the discussion between the chairman of the Foreign Relations Committee and the members of our committee.

Mr. FONG. In other words, as the bill now reads, the figures have been revised downward?

Mr. McGEE. All those figures have been revised downward.

I should explain that we did exempt military assistance, because that is going to be a separate amendment, which is pending. We did not want to confuse the two.

Mr. FONG. My understanding is that this amendment is directed only to this bill. Is that correct?

Mr. McGEE. Only to this bill. It specifies only this bill.

Mr. FONG. Has any such amendment been attached to any other appropriation bill?

Mr. McGEE. I could not say that it never has, but I have no knowledge of one having been attached to an appropriation bill.

Mr. FONG. Since this committee has already acceded to the figures of the Foreign Relations Committee, is there any need now for this provision?

Mr. McGEE. In my opinion, not only is there no need for it, but also, it really sort of kicks us in the face, after we have made this very genuine effort to address ourselves to the problem that the Senator from Arkansas has raised.

Mr. FONG. The only reason why this matter has come up is that we did not get the figures of the Foreign Relations Committee when we worked on this bill.

Mr. McGEE. That is correct. That was the only reason why it could have arisen, theoretically. It did not arise in fact because we had the tentative agreement that whenever we got those figures from conference, we would cut the figures back to whatever the level was.

Mr. FONG. In fact, if this provision is passed, it will show that the Appropriations Committee alone—not any other committee—has been slapped?

Mr. McGEE. First, it will show that this committee made a conscious effort to cooperate on this and to make the point, and then, in the face of that cooperation, received this thrust in the form of this amendment.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. COTTON. Mr. President, I commend the chairman for his statement. I doubt that many people outside Congress would know a rollcall vote could be in-

terpreted as a reprimand of this particular subcommittee of the Appropriations Committee. But the fact remains that, obviously, we have to vote for this amendment, because many of us have been constantly striving to see that we stay within the authorization. We vote for it and then, it is interpreted as a reprimand of the committee. I regret that the distinguished author or authors of this amendment insist on having a record vote.

ORDER OF BUSINESS

Mr. COTTON. Mr. President, will the Senator yield to me for one-half minute on another matter?

Mr. McGEE. I yield.

CHANGE OF CONFEREES ON LABOR-HEW APPROPRIATION BILL

Mr. COTTON. Mr. President, when the conferees were named for the Labor and Health, Education, and Welfare conference, the chairman of the subcommittee understood that the Senator from New Jersey (Mr. CASE) would have to be absent from the Senate, and, therefore, the chairman omitted naming him as a conferee. At that time it was thought we would meet today. The House will not be ready to meet until tomorrow.

It would be regrettable, therefore, to have it appear that the Senator from New Jersey (Mr. CASE), who is the second ranking minority leader, had been left out purposely.

I have been trying to contact the Senator from Washington (Mr. MAGNUSON). I shall contact him, and if he has any objection, I shall bring the matter back to the Senate, although I know he will not object to naming the Senator from New Jersey. The representation on that committee of conference will retain its balance between majority members and Republicans if the distinguished chairman of the Committee on Appropriations (Mr. RUSSELL) is put on ex officio, just as the Senator from North Dakota (Mr. YOUNG) is a member ex officio.

Therefore, I am going to ask unanimous consent that the name of the Senator from New Jersey be restored next to my own name in his position as second ranking Republican member of the committee and that the committee be counterbalanced by naming the distinguished Senator from Georgia (Mr. RUSSELL), who certainly can be represented by proxy. In that way, the balance will be retained. I give the Senate my word, because I am sure there will be no objection; but if it does meet with objection, I will bring the matter back to the Senate. I wish to add again that it had been the understanding of the Senator from Washington that the Senator from New Jersey would be out of town and could not serve.

Mr. President, I ask unanimous consent that the request I have stated above may be carried out.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Without objection, it is so ordered.

Mr. COTTON subsequently said: Mr. President, I ask unanimous consent to modify the unanimous-consent agreement I obtained before the Senator from Washington arrived on the floor by changing it as follows: Instead of adding the name of the Senator from Georgia (Mr. RUSSELL) to the conferees on the Labor-HEW appropriation bill, add the name of the Senator from Rhode Island (Mr. PASTORE).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15149) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McGEE. I would be glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, we had a live quorum to assure an adequate number of Senators. Does the Senator expect to debate this matter much longer?

Mr. McGEE. I was only trying to be courteous to Senators who had asked me to yield.

Mr. FULBRIGHT. I wonder if we could get to the vote.

Mr. McGEE. I am ready to vote.

Mr. FONG. Mr. President, in view of the fact we have revised the figures downward and conformed with the figures of the Committee on Foreign Relations, I move that this amendment be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have not been ordered.

The question is on agreeing to the motion to table.

Mr. FONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Arkansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Texas (Mr. TOWER) is necessarily absent.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Kentucky (Mr. COOPER). If present and voting, the Senator from Texas would vote "yea" and the Senator from Kentucky would vote "nay."

The result was announced—yeas 34, nays 57, as follows:

[No. 255 Leg.]

YEAS—34

Allott	Fannin	Muskie
Bellmon	Fong	Pastore
Boggs	Goldwater	Percy
Brooke	Griffin	Randolph
Cannon	Gurney	Scott
Cotton	Holland	Smith, Ill.
Curtis	Hruska	Stennis
Dodd	Jackson	Stevens
Dole	Jordan, N.C.	Williams, N.J.
Dominick	McGee	Young, N. Dak.
Eastland	McIntyre	
Ervin	Montoya	

NAYS—57

Aiken	Harris	Murphy
Allen	Hart	Nelson
Baker	Hartke	Packwood
Bayh	Hatfield	Pearson
Bennett	Hughes	Pell
Bible	Javits	Prouty
Burdick	Jordan, Idaho	Proxmire
Byrd, Va.	Kennedy	Ribicoff
Byrd, W. Va.	Long	Saxbe
Case	Magnuson	Schweiker
Church	Mansfield	Smith, Maine
Cook	Mathias	Sparkman
Cranston	McCarthy	Spong
Eagleton	McClellan	Talmadge
Ellender	McGovern	Thurmond
Fulbright	Metcalf	Tydings
Goodell	Miller	Williams, Del.
Gore	Mondale	Yarborough
Hansen	Moss	Young, Ohio

NOT VOTING—9

Anderson	Hollings	Russell
Cooper	Inouye	Symington
Gravel	Mundt	Tower

So Mr. FONG's motion to lay Mr. FULBRIGHT's amendment on the table was rejected.

Mr. FULBRIGHT. Mr. President, I am sorry the Senator from Hawaii moved to table. I did not intend to engage in a long debate. As a matter of fact, I had not said anything at that stage. I had no notice whatever that the Senator from Hawaii intended to move to table a very simple amendment. All the amendment which is now before the Senate and which is to be voted on would do is assert the principle which I had thought was already the law—I did not know it was not the law; namely, that money which is not authorized by the legislative committees may not be appropriated or spent.

It does not happen to be the law. Money can be spent, and the General Accounting Office and the Comptroller General will approve the expenditure of money that has not been authorized by the legislative committees in the regular authorization bills.

It is a very simple proposition to put into this bill a principle which I dare say 90 percent of the Senators thought was already the law. I thought it was.

This amendment is not intended, nor should it be considered, as a slap at the Appropriations Committee. I do not know why members of that committee should be so sensitive about a matter which I believe some of them thought was the law until it was brought to our attention it was not, due to the very peculiar circumstances of this matter.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. STEVENS Mr. President, I sat here this morning and overheard or witnessed

a colloquy between the Senator from Wyoming and the Senator from Arkansas. It was my understanding that we had deleted from the bill all items that were not authorized by the authorization bill. Is there some item that is not authorized by the authorization bill still in the appropriation bill?

Mr. FULBRIGHT. Yes, there is, and I have another amendment that will deal specifically with it. There is an item in this bill that is not authorized by the authorization bill. It is a specific item.

Also, prior to this morning's colloquy and the actions of the committee, the amounts were different and higher with regard to other amounts. But there is a specific item earmarking funds for Korea, and as soon as we have finished the matter now before us, I will offer an amendment on the Korean item. But that is a separate matter, and the Senator from Wyoming agrees that we should handle it separately.

But the pending amendment is a general proposition that legislation which is properly enacted is the controlling limitation upon the expenditure of funds. I had thought that was the law.

Mr. STEVENS. As I understand the ruling, as advised by the Parliamentarian, it is that this is not general legislation. It is legislation that pertains only to funds in this bill, and there were funds in the bill that were not authorized by law.

Does the Senator's amendment affect the planes for Nationalist China provided in the bill?

Mr. FULBRIGHT. That is not in either bill.

Mr. STEVENS. It is in the House bill.

Mr. FULBRIGHT. What I mean by the "bill" is the report of the conference committee, the conference report which will be voted on today in the House. It has been agreed to. It is not in that. Neither is the Korean item in the authorization bill as agreed to yesterday in conference. It is not authorized in the authorization bill.

Mr. STEVENS. Either the amendment that the Senator has offered is legislation, and is subject to a point of order, or it merely is setting forth a fact that exists in the bill.

Mr. FULBRIGHT. If the Senator wants to make a point of order, he may. I do not think it is legislation on an appropriation bill, because I confine it to this bill. I would have made it applicable to all bills, but it would have been legislation on appropriation bills. If the Senator wants to make a point of order, he may.

Mr. HOLLAND. Mr. President——

Mr. FULBRIGHT. Just a word or two before I yield the floor. I had not expected this to precipitate a great deal of objection, particularly on the part of senior members of the Appropriations Committee. I realize that in this body we do a great many things by agreement and by personal obligation, and I do not downgrade the importance of that in the least; but this is a matter of principle which should apply to all bills. It certainly should apply to this bill. I do not see why members of the committee should feel offended or should feel that this is a slap in the face. Nobody intends this as a slap against anybody. We agree that this is a government of law and not of men. We admit that as a generalization. I admit that very often we do things without law and by gentlemen's agreement, but I hardly believe that this is the kind of issue that should be decided by such an agreement. It seems to me very proper that it should be voted on.

As I said a moment ago, I personally thought this was already the law. I did not realize the complexities of appropriation bills, especially when legislative provisions are put in the House bill under a special rule and are no longer subject to a point of order in the Senate. This kind of development, while often used, had escaped my notice, possibly because no bill I had been interested in had been involved before.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. COTTON. If the Senator broadened his amendment to lay it down for all appropriation bills, and no Senator raised the point of order, it would go through, and it would be a very good thing to do. Would the Senator attempt to test that?

Mr. FULBRIGHT. The only reason why I did not raise it was that I was confident a point of order would be raised. I know of no way to anticipate the Senate in this way.

I am interested in this bill because this matter is one of the important issues before my committee. I felt a special responsibility for it.

I would certainly think the principle ought to be made applicable to all bills. Before the Senator came into the Chamber, I think, I stated I was willing and intended to offer general legislation, after the recess, to affect all bills. That was not aimed at this subcommittee, or the Appropriations Committee, either. It is the assertion of a general principle of what I had thought was already the law. I wanted to make very certain that it was.

As the Senator well knows, it is only when an occasion arises that raises a point that it is time to offer an amendment. We do not offer such an amendment apropos of nothing: we do it when something happens. In this particular case I did not assert any blame on the part of the committee.

It is a fact that the bill came out with substantially larger appropriations than had been authorized due to no fault of the committee. It was over $200 million, I think. That circumstance gives rise to asking the question. That is why we asked the question of the Comptroller General: "What is your attitude? Will you honor a voucher that had not been authorized?" He said he would, which surprised me very much.

Mr. COTTON. It is the intention of the Senator from New Hampshire, after the recess, to introduce a measure to provide that authorizations cannot be exceeded, but that if the legislative committees have failed to determine their authorizations by the first of July, the Appropriations Committee may go ahead and appropriate, and that will be the authorization. This would avoid the situation we have had on two or three different bills of trying to report appropriations when we did not know what the authorizations were.

Mr. AIKEN. May I say, that is the situation now under a continuing resolution, but the expenditure is restricted to the maximum amount which had been appropriated for the current year. We may have to have a continuing resolution on this bill before we get through, if it is not a good bill.

Mr. FULBRIGHT. Of course, that would not be a bad solution. I discussed it with the chairman of the Appropriations Committee once before. I had thought that might be the best solution, in view of the President's plan. He appointed a task force headed by a very prominent banker, Mr. Peterson, from California, and a number of other prominent people, who are studying this matter. In fact, Mr. Peterson came to see me yesterday. It would not be out of order, it seems to me, to have a continuing resolution.

Mr. AIKEN. No, I know it would not be. However, I have not seen quite eye to eye with my chairman about continuing the foreign aid program by using the continuing resolution process. I have felt we ought to try our utmost to get legislation through. However, if the bill as we finally vote on it is not good, I would have no compunction against voting against it, and then relying on a continuing resolution to continue the program for the rest of the year. I hope we do not have to do that, however.

Mr. FULBRIGHT. I hope so, too. And I hope, Mr. President, that the members of the Appropriations Committee who have voiced their views that this is a slap at them will reconsider that view. I do not think it should be so interpreted. I think this is a straightforward proposition, dealing with an important aspect of our basic, fundamental governmental practices, and I see no reason why anyone should take it personally.

The fact is, in the way we operate, that only on an occasion such as the one that has developed here, through no fault, certainly, of the Appropriations Committee, would this problem occur. The committee is very free in alleging fault on the part of the authorizing committee, but the fact is that the bill did not pass the House of Representatives until very recently, and it has been our practice to wait and take up their bill. We had hearings early in the year, the administration's bill, but we did not act upon it until the House of Representatives had acted. That happened very recently.

I might say, in review of this matter, that, having had a new administration at the beginning of the year, the foreign aid bill did not come up until late in May. I do not remember the exact date, but it was late May before the bill was sent up from the administration. I am sure next time they will send it earlier. That is what has happened in the past.

I hope the Senate will agree to the amendment.

Mr. HOLLAND. Mr. President, certainly there is nothing personal in this matter at all, as far as the Senator from

Florida is concerned. I simply want to call attention to the fact that this amendment does not mean what the distinguished Senator from Arkansas evidently meant it to mean, and that it does fly in the face of a continuous practice that has existed here since long before I came to the Senate, which is this: That when the House of Representatives includes in an appropriation bill an item that is not authorized, sometimes even over a point of order when the point of order is voted down, then that item is in the bill, and is added to the bill for the purpose of consideration by our committee, and a point of order cannot be raised to it here. There is no question about that; this has been the uniform practice with reference to appropriation bills.

The amendment of the distinguished Senator from Arkansas does not recognize that that is the case. From what I understand, the distinguished chairman of the subcommittee has reduced all the line items that are in this bill, that were also in the authorization bill, to where they are not greater, in any case, than the figures shown in the authorization bill. But the trouble is, this amendment applies not just to those line items, but to the entire bill; and the trouble is that the House of Representatives put two items in this bill, which they had the perfect right to do under their rules and under established practice, which are not in the authorization bill. They were, first, an item to modernize or help modernize the army of South Korea. I believe it was $50 million.

The second was an item for Taiwan, something to do with furnishing some planes.

The committee, of course, had to consider those two items. They were properly in the bill. They had been placed in the bill by the other House. They were in the bill when it came to us.

The committee knocked out the Taiwan item, but approved the South Korean item, because I believe it was the unanimous attitude of the committee that South Korea was entitled to some help from us, that she was over there fighting with us in South Vietnam, that she had been one of our allies who had stood by us, that she was confronted by an army that was modernized in Korea, on the north side of the line, and that it was entirely appropriate to go ahead with the modernization of the South Korean army.

Mr. President, that item is in the bill, and it is in the bill in a sufficient amount to run the total well over the authorization, even though I understand that our distinguished chairman, the Senator from Wyoming, has reduced all the line items that were in the authorization bill to where none of them exceed the same line items in the authorization bill.

Mr. President, the vice in this amendment is that it applies, not just to those line items that were authorized, but to the entire bill. I read the amendment:

> And no funds appropriated by this Act may be expended to the extent that such funds exceed those authorized to be expended for the fiscal year ending June 30, 1970.

The fact of the matter is that if we were considering only line items which were in the authorization act, there would be no vice in the amendment, and there would be no application of the amendment to the present situation, because all the line items have been reduced appropriately since the bill came from the Authorization Conference Committee. When it was before the Appropriations Committee, we did not know what the final authorization was going to be, because the conference report had not been agreed to at that time.

Mr. President, unless we intend to take action here which completely flies in the face of established custom with reference to appropriation bills, we should vote down this amendment, because the amendment, by its very terms, applies to everything in the bill, and there is no doubt about it.

My good friend the Senator from Arkansas says that he has another amendment later, addressed directly to the Korean item. That is fine, and we can, of course, pass on that at the proper time. But, if we agree to this amendment and take any action on the Korean amendment, we shall have taken action on this amendment, which does apply to the Korean item—there is no question about it—and which would require the elimination of a large part of that Korean item, or perhaps the reduction of other matters in the bill well below the action of the committee; and the committee has now conformed to the authorization bill with reference to all the line items.

So the fact is that this amendment simply flies in the face of established, lawful, proper practice; and that proper practice has placed in this bill, now, the Korean item. It is properly in the bill, and no point of order could be sustained against it. A point of order could perhaps be sustained against it on the House side. I do not know whether a point of order was raised there or not. But if it was raised, it was not sustained, because the item is now in the bill, and the adoption of this particular amendment would simply fly in the face of established practice, and as a matter of fact would look like we are questioning the right of the other body to formulate its own rules to add items in full conformity with their rules, and with ours, to an appropriation bill.

They have done it in this case, and we cannot just waive it out of the picture because it is there.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield.

Mr. FULBRIGHT. It is my understanding that on the House side, they have a rule which prevented their raising a point of order against these items. It is true that they put this item in the bill without a budget request. The administration did not request it. But some members of the House committee put the item in the bill. I do not think it had been approved at that time by the authorization committee. Perhaps it had been, but I know that it had not been approved by the Budget Bureau.

They got a special rule so that no one could make a point of order against it. This is an example of the type activity, among others, which I think justifies the amendment I have offered.

I did not intend to argue about Korea at this stage. I thought it was appropriate to do so in the amendment directed solely to that item.

In the bill there is, I believe, $164 million in military assistance, which certainly seems to be quite ample. This is what has been recommended, and it is in the bill.

In fiscal 1970, Korea is slated to get $77 million from surplus commodities. She will get $50 million in economic assistance in the Foreign Aid Act. That amounts to $291 million for this little country.

We have already given them economic and military assistance of $7.5 billion. This little country has received $7.5 billion. In addition, we have kept roughly 50,000 or 55,000 troops there and have expended vast sums on their upkeep.

They come in now and ask for another $50 million. I do not think there is any justification for it whatsoever. It seems to me that there ought to be some limit as to what we do for this country and every other country around the world.

We have paid them well for the troops they have sent to Vietnam. We have paid for all their transportation, all their upkeep, and all their modern weapons. We have given them the privilege of the PX's, which is a bonanza to them. They can go and buy unlimited quantities of luxury goods to be sold on the black market. This is well known everywhere. It is a very good economic deal for Korea.

But I think it is ridiculous. This is taxpayers' money that we are dealing with. I see no reason to go beyond what the regular rules of the Government, that is the authorization committee and the administration, provide.

This administration is certainly not anti-Korea. I think the amount that has been recommended is quite ample. And I cannot understand going overboard for these little countries just because they sent troops to Vietnam. They sent them there at our request.

We keep 50,000 troops there, and they send 50,000 troops to Vietnam. I do not know that there is any advantage in this. There would be no advantage in keeping them in Korea other than for the casualties the Koreans have suffered. I do not know how many casualties they have suffered; but Korea does not want to bring those troops home, as far as I know, I do not see why we should add another $50 million in the bill for this little country.

The same applies to the $54 million item that is in the House appropriation bill that the conferees did not authorize for Taiwan. Taiwan has gotten as much or more assistance, I expect, from our taxpayers' dollars than Korea. I have not looked it up, but Korea has received $7.5 billion. I expect that Taiwan has received about as much. But the House bill includes an item of $54 million earmarked for Taiwan. The item was not authorized.

I am told that with respect to Taiwan, which is a much smaller country—it has

only about 12 million people—we have already given them $5 billion.

We throw billions of dollars around as if they were peanuts. A billion dollars is a lot of money even in a time of inflation.

I do not understand why we go overboard for this kind of program. We still support their armaments and help to modernize their army every few years.

We do not give economic assistance to Taiwan. They have become so prosperous as a result of our investments that they do not need economic aid. They are viable and very prosperous. I guess that Taiwan is one of the most prosperous countries in the Far East.

I submit on the merits, which I did not intend to apply strictly to the bill, that I cannot accept the statement of the Senator from Florida that we are bound to accept the bill as it came from the Committee on Appropriations.

What the Senator is saying, in effect, is that all of the other Senators—75 out of 100—who are not on the Appropriations Committee might as well go fishing and forget about it, because what they do in passing legislation does not amount to a hill of beans because if the Appropriations Committee of the House wishes to do something else, we have to accept it. That is what the Senator from Florida says.

If we want to do that, we can do so, and the Senator from Florida can spend more time in Florida and enjoy the beautiful sunshine there and forget about the troubles of authorization or anything else, because it is of no significance if his principle is accepted.

The Senator is saying, "Look, the Appropriations Committee of the House must be respected. If they put in something and it gets by without a point of order, we have to accept it." They can do that in the House under their rules. And they did it in this case.

It is suggested that it would be treasonable to challenge the opinion of the Committee on Appropriations of the House, backed up by the Committee on Appropriations of the Senate. However, I am not quite ready to accept that proposition.

This is why I am offering the amendment now pending. It says that we think authorization committees have some part to play, although it is a minor part. Even though we authorize a good program, the Appropriations Committee, if it does not approve of it on the merits, does not provide the money. And the program dies. They will exercise the final death sentence in any case on any program of which they do not approve.

It seems to me that is a pretty big power. However, I just do not accept the idea that the legislative committees have no role to play in this process.

Mr. HOLLAND. Mr. President, I want to correct something that my distinguished friend the Senator from Arkansas has said. I do not have the faintest feeling that the entire Senate does not have the right to pass on the Korean item. I expect them to have an opportunity later to do so.

I am pointing out that the amendment is so broadly drawn that it applies to the Korean item and to the entire bill.

I simply point out also—and the Senator from Arkansas has pointed it up very well—that what we are asked to do here is to disapprove of the procedure in the House, not of the action of the Appropriations Committee, but of the fact that they have a Rules Committee, and that under the action of that committee they can operate in a different way from the way in which we operate here.

This is not the action of the Appropriations Committee. It is not the action of the Rules Committee. It is the action of the House of Representatives. It comes here in a legal manner as a well settled part of the bill, and whether the Senate will approve it eventually has yet to be seen.

But the Senator from Florida has never felt that the Appropriations Committee has the last word here, and he does not feel so now. He has been voted down too often on matters raised on the floor that attack items in appropriation bills.

Mr. FULBRIGHT. Very seldom.

Mr. HOLLAND. It happened a good many times in the last few days. And that is all right. That is the privilege of the whole Senate to do.

The Appropriations Committee does not arrogate to itself any power with respect to the final action on this matter. And it did not in this instance.

I simply point out to my friend the Senator from Arkansas—and I hope he will be sufficiently reasonable to analyze the situation—that his amendment as now drawn does apply not only to line items that were in the authorization bill, and which are now in good shape in the bill, but also to other items which are properly in the bill.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a correction?

Mr. HOLLAND. I will yield in a moment.

It would apply also to items that are now regularly in the bill under the proper practice, one of which has been approved by the Appropriations Committee and can be acted on, and I hope will be acted on later, as the Senate may in its discretion determine. But the amendment of the Senator goes a great deal further than he has indicated that it does, or further than my dear friend the Senator from Wyoming felt it went when, a while ago, he said he felt that since all of the line items had been drawn down if they were over the items in the appropriation bill, some of them are now no longer under the items in the authorization bill. But this other part of the authorization bill, the part affecting South Korea, is just as much a part of the bill now—legally, properly, regularly so—as are the line items that were in the authorization bill. That is the point I am making.

Mr. FULBRIGHT. The Senator keeps saying "all the items." He has not corrected the military item back to $350 million, which is the amount authorized; but he has not done that, it is my understanding, because he knew I intended to offer a separate amendment. That has not been done yet.

Perhaps I did not make the point clear. We authorized $350 million for military aid. The President, if he wishes, can give every nickel of that to Korea. In the authorization bill, we never have picked out and said, "You must spend it here, here, and here." The administration comes up and justifies an amount by talking about various programs; but the law, as passed, does not require the President to spend it for anybody.

All Presidents heretofore, all administrations, have aways said it is not good practice to specify an amount for a specific country. This creates some very difficult problems in international relations. It creates jealousies among countries. It prompts every country to come in and lobby and solicit to have their money earmarked. In a legislative way, I believe this has been against the principles not only of this administration but also of every other administration—not to specify or earmark for a special country. This is why I object to the earmarking in the bill before us.

Nothing in the authorization bill in any way inhibits the President from spending that which already is contemplated, but he can spend it all in Korea if he so decides. What is being done here is at least violating a practice of the legislative committees, of picking out an additional amount and saying that can be spent only in Korea. In other words, "If you don't spend it in Korea, you will not get it at all." The legislative committees have always frowned upon this practice, not just the Senator from Arkansas. This has been standard procedure.

So I do not quite see why the Senator from Florida gives such significance to Korea. The money car. be used if it is thought to be important. As I said a moment ago, the President did not ask for this $50 million.

Mr. HOLLAND. Mr. President, the Senator may feel that we are violating somebody's proper practice. I am just telling him that we are not. I have been serving on the Appropriations Committee a long time, and I have been giving serious consideration to what it does.

I know that the HEW bill, which we passed only yesterday, came from the House with quite a number of items that were well above the authorized amount, and we had to deal with them as the bill came from the House of Representatives; and we are in that condition with reference to this bill.

The real intent of the amendment offered by the Senator from Arkansas is to deny a practice which is universal and has prevailed since long before either of us came to the Senate, a practice under which the House of Representatives can, in the judgment of a majority of its Members, or two-thirds of its Members if a point of order is raised, and in accord with its rules add items which are not authorized to an appropriation bill first considered by the House; so that when it comes over to us, those items are included. They are regularly included, and that is the point I am making. They are part of the bill, and there is nothing unusual about this bill in that regard.

I yield to the Senator from Wyoming.

Mr. McGEE. Mr. President, I have reflected rather carefully on the point that the Senator from Florida has made in regard to the language of the pending amendment and its relevance to the Ko-

rean issue. I think that perhaps I did respond a little too broadly to that earlier this morning.

Is it the Senator's point that if we adopt this amendment, Korea would already be out of order and this body would not have the chance to consider the issue as a separate issue, as proposed by the Senator from Arkansas?

Mr. HOLLAND. No; it can be considered. But if we adopt this amendment, either a large part of the Korean item will have to go out or we will have to knock out some other items in order to make way for the Korean item; because the military item of $50 million is a good deal more than could be incorporated in the bill and still come within the purview of this amendment. The Senator from Arkansas knows that is the case, and I am glad that the Senator from Wyoming has stated that it is the case. It is.

I think we should vote on this matter, but we should remember when we vote that what we are doing is questioning an established practice and the right of the other body to include items of this kind under its own rules.

Then the Senate can come along, if it wishes, and knock out any part of this bill, including the Korean item, on a special attack to that part. The Senate has a right to do that, if it wishes to do so. But this amendment would force just the course of action which the Senator from Wyoming has indicated.

Mr. McGEE. I am ready to vote, Mr. President.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. MONTOYA. Mr. President, I should like to direct a question to the Senator from Florida.

Is it not a distinct certainty that if the amendment offered by the distinguished Senator from Arkansas is adopted, it would automatically knock out the Korean item in this bill and that in order to reinstate it, a positive amendment would be required?

Mr. HOLLAND. It certainly knocks out a part of it, and possibly all of it. I have not seen the full amount. It knocks out any part of it which could not come under the roof of the amount.

Mr. McGEE. It would knock out half of it.

Mr. MANSFIELD. Mr. President, I have only a few words to say on this amendment, and I do not intend to refer to Korea, Taiwan, Lebanon, Greece, Turkey, Egypt, Honduras, Israel, or any other part of the world affected by this bill. This is a matter of principle; a principle that reaches to the very core of the Senate as an institution. For it is the Senate as an institution operating by and under a committee system that, in my opinion, is here at stake.

I did not know until yesterday that an appropriations committee could reach beyond the carefully worked out decisions of an authorization committee with respect to the formulation of legislative objectives—including the overall financial commitment that we are willing to put behind those objectives. I did not know until yesterday that the General Accounting Office—the arm between the executive and legislative branches—which is independent, which is accountable to us only, would honor vouchers for sums expended by the Government in excess of those authorized to be appropriated as agreed upon by Congress.

So the issue has nothing to do with any country or with any particular aspect of this bill. Certainly it has nothing to do with the able and distinguished chairman of the subcommittee, the Senator from Wyoming (Mr. McGEE). The circumstances in a word were unavoidable.

But it does have something to do with the committee system as it operates in the Senate.

I would hope most sincerely that this amendment would be adopted, because something vital is at stake; and I would hope that as soon as possible an all-embracing amendment to the GAO Act would be adopted by the Senate and would make what we are attempting to do now applicable to all funding proposals. This is most important. Forgetting the foreign aid measure now before us altogether, this issue and the principle involved concerns the Senate as an institution and the coequal status of each Member regardless of the State he represents or the committees for which he is assigned.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Does the Senator mean that he thinks we should question the right of the other body to proceed under its rules to add items, as it has through the years, to literally dozens of appropriation bills?

Mr. MANSFIELD. Mr. President, I have listened to the arguments of the Senator from Florida. What the other body does is its own business. But what this body does is our business, and that is what I am interested in.

Mr. GRIFFIN. Mr. President, I send to the desk an amendment to the pending amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The amendment will be stated.

The bill clerk read as follows:

On page 24, line 2, strike out the period and insert: "and no funds appropriated by this or any other Act may be expended to the extent that such funds exceed those authorized to be appropriated".

Mr. GRIFFIN. Mr. President, I realize that this could be subject to a point of order as legislating upon an appropriation bill, but I suggest, in line with the words of the distinguished majority leader, that this is a very appropriate time to adopt this as a general principle, and I would hope no one would raise the point of order.

I voted for the motion to lay on the table the amendment as it was proposed by the Senator from Arkansas primarily because this subcommittee had cut back on the figures and it would appear we were taking a slap at this subcommittee in this situation. But what we are really talking about is a matter of general principle. We can hope there will be some general legislation in the future but I think we have an excellent opportunity here to make it clear that we are not taking a slap at a particular subcommittee in cutting back, if no one raises the point of order.

Mr. MANSFIELD. Mr. President, I agree completely with the distinguished Senator. This is the way to face up to it. I hope no point of order is raised. This is a matter of principle and the usefulness and the worthiness of the committee system, the legislative committee system, as it is supposed to operate in this body. I would not care if this had to do with any other committee, the principle is still there and nothing in this proposal is meant to impugn anything to the chairman of this committee, or any other committee.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. COTTON. Mr. President, the Senator from New Hampshire made that suggestion and expressed the hope there would not be a point of order raised. I do not see why a point of order should be raised. I think the Senator's point is exactly right.

Mr. McGEE. Mr. President, I want to remind Members of the Senate that we have agreed to take the step toward achieving this precise goal; that we agreed to cut back all our appropriations; that we agreed to make the first order of business, going about this in the proper legislative ways.

I would hope we bear in mind the orderly way to do this would be not to accept this amendment but to vote the legislation referred to earlier as soon as possible by employing orderly legislative processes rather than by this route, which would not have occurred to us at all.

Under the rules of the Committee on Appropriations, I am compelled to raise a point of order.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am happy to yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I commend the distinguished assistant minority leader for his proposal. I hope there will not be a point of order made. I think it is a laudable suggestion, and I think it comes at the appropriate time.

Notwithstanding that there may be internal strife or conflict over the meaning of his amendment, or the previous one and the circumstances that gave rise to it, the important thing is, as the majority leader pointed out, is that the legislative committees have no reason to exist unless the authorizing process is matched to the appropriating process.

The reason I rise is that I think this is an appropriate substitute which is now offered. I will support it if a point of order is not made. I think it underscores the remarks of the Senator from Washington (Mr. MAGNUSON) some weeks ago when he pointed out we should thoroughly examine the method of appropriations. I personally hope we will reach the time when we authorize during the first half of the year, take a specified vacation to go home for a week, and then come back and appropriate and put the Govern-

ment on a calendar year basis. But for the moment I think this is the way to approach it.

Mr. PASTORE. Mr. President, will the Senator yield for a moment?

Mr. GRIFFIN. I had promised to yield to the Senator from Hawaii.

Mr. PASTORE. I know I have been seeking recognition for about one-half hour. I suggest the Senator keep his promise and I will obtain the floor in my own right.

Mr. FONG. Mr. President, I would like to ask the minority whip this question: Do we have the right to legislate for the House of Representatives? The House of Representatives, through its Appropriations Committee, has forwarded to us a bill. Before it comes to this body it has to be voted on and approved by the House. Are we saying to the House of Representatives that this procedure is illegal?

Mr. GRIFFIN. I would respond by saying it has always been the understanding up until yesterday that we could not appropriate funds which had not been authorized, although that was in the rules of both Houses. The only thing I am trying to do is to make sure that rule will be observed.

Mr. FONG. That had been my understanding also. I thought we could only pass in the Appropriations Committee on matters that have been authorized. However, I found to my astonishment that that is not so. Now, we are trying to tell the House of Representatives that with respect to what has gone on for many, many years—the practice of circumventing the authorization committee and sending the matter to the Senate—we will not be in a position when we go to conference, to negotiate an agreement with them and that these matters are absolutely out.

I think it is the gist and the import of this amendment, as proposed by the distinguished Senator from Arkansas and as now amended by the distinguished Senator from Michigan that, if we pass this amendment, we would be telling the House that, "The procedures, you used to pass this appropriations bill, even though it came not from an authorizing committee but from the appropriating committee, is not legal and, therefore, we will not deal with the appropriations bill, even to the point that we will not confer with you."

The PRESIDING OFFICER. The Chair wishes to inquire of the Senator from Michigan if he had yielded to the Senator from Wyoming for the purpose of making his point of order.

Mr. GRIFFIN. I did not. I will yield the floor if he insists at a later point.

I would like to reply to the Senator from Hawaii that we are not trying to change the rules of the House. The Senate has something to do with making laws, and this is part of the process of making laws. What we are doing is consistent and appropriate as far as the Senate is concerned.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am trying to yield so that the Senator from Rhode Island can be recognized.

Mr. PASTORE. I would hope we would not keep yielding for making speeches to and fro and that we would follow an orderly process and give everyone an opportunity to speak.

Mr. GRIFFIN. I yield to the Senator from Hawaii.

Mr. FONG. Mr. President, what we are really trying to do is tell the other body that their procedure is illegal; that whatever they do we are not going to confer with them. This is a matter which passed the House of Representatives. It is before the Senate, and now we are putting in a provision which says, "If you exceed what the authorizing committees have done, we will not confer with you." This is the import of the matter.

Mr. President, since the bill has been passed by the House of Representatives, even though it was by the Appropriations Committee and not by the authorizing committee, we have to deal with the House of Representatives.

Mr. GRIFFIN. With the hope that the Senator from Wyoming will not raise a point of order, I yield the floor.

Mr. PASTORE. Mr. President, let me say in answer to what has been said by the distinguished Senator from Hawaii, that only yesterday afternoon we wrote a permanent piece of legislation into a supplemental bill, against which the Senator from Hawaii voted and against which I voted. It had an all-encompassing effect, just as the Senator from Michigan suggests. Thus, there is precedent for what the Senator from Michigan is trying to do.

All I am saying is that the rules of the committee are that the Senator in charge of a bill must raise a point of order when any legislation is suggested to an appropriation bill. I think he is compelled to do so.

I am saying, at this juncture, that I shall vote against it, for the simple reason that, if we are going to write new language into a bill at all, it should apply to every appropriation bill, if it is going to become law.

Let us not make it the law on this particular bill, but let us make it the law that will affect every appropriation bill and then this will go to the House; and, if the House accepts it, then it becomes the law that binds them, too. If they refuse to accept it—and I believe that they will refuse to accept it—it will not be the law at all.

Mr. McGEE. Mr. President, may I ask what the pending item is?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment offered by the Senator from Arkansas.

Mr. McGEE. Mr. President, I read the following rule passed by the Appropriations Committee:

> Any member of the Committee on Appropriations who is in charge of an appropriation bill is authorized and directed to make points of order against any amendment offered in violation of Senate Rules on the floor of the Senate to such an appropriation bill.

Under this rule of the committee, a rule I did not write—perhaps I was not even born when the committee adopted it—nonetheless, I am compelled to raise a point of order in regard to the amendment of the Senator from Michigan.

The PRESIDING OFFICER. The Senator is making a point of order?

Mr. McGEE. The point of order is that it is legislation on an appropriation bill. I have no choice in raising that point.

The PRESIDING OFFICER. Under all precedents of the Senate this would be legislation on a general appropriation bill. The Chair sustains the point of order.

Several Senators addressed the Chair.

Mr. McGEE. Mr. President, may I ask the leadership if it might be possible to agree upon a time limitation on the pending matter?

Mr. MANSFIELD. How much time?

Mr. McGEE. Five minutes to a side.

Mr. FULBRIGHT. Mr. President, I would prefer to have a vote. We have already had enough debate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on the——

Mr. FULBRIGHT. Let us vote on this now. I will not agree to a time limitation. I want to see how the vote comes out of this.

Mr. MANSFIELD. Let us get the 10 minutes and not go beyond.

Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes, with 5 minutes to a side to be equally divided——

Mr. FULBRIGHT. Mr. President, I do not want any more debate. I want to see how the vote comes out. All right, I do not object.

Mr. McGEE. Mr. President, I am ready to yield back my time.

Several Senators addressed the Chair.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. BAKER. Do I correctly understand that a point of order has been made against the Griffin substitute?

The PRESIDING OFFICER. And the point of order was sustained.

Mr. BAKER. Then the business before the Senate now is the amendment offered by the distinguished Senator from Arkansas; is that correct?

The PRESIDING OFFICER. The Senator from Tennessee is correct.

Mr. McGEE. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama (Mr. SPARKMAN) for appointment of conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL MORTGAGE CREDIT

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2577.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2577) to provide additional mortgage credit, and for other purposes, which was to strike out all after the enacting clause, and insert:

TITLE I—AMENDMENTS TO EXISTING ACTS

SECTION 1. So much of section 7 of the Act of September 21, 1966 (Public Law 89-597; 12 U.S.C. 461 note) as precedes paragraph (1) thereof is amended to read as follows:

"SEC. 7. Effective March 22, 1971,"

SEC. 2. The authority conferred by section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) shall also apply with respect to noninsured banks in any State if (1) the total amount of time and savings deposits held in all such banks in the State, plus the total amount of deposits, shares, and withdrawal accounts held in all building and loan, savings and loan, and homestead associations (including cooperative banks) in the State which are not members of a Federal home loan bank, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of that State a bank supervisory agency with authority comparable to that conferred by this section, including specifically the authority to regulate the rates of interest and dividends paid by noninsured banks on time and savings deposits, or if such an agency exists it has not issued regulations in the exercise of that authority. The authority conferred by section 18(g) may not be exercised with respect to noninsured banks after July 31, 1970, and may only be exercised to limit the rates of interest or dividends which those banks may pay on time and savings deposits to maximum rates not lower than 5½ per centum per annum. Whenever it appears to the Board of Directors that any noninsured bank or any affiliate thereof is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of that section or of any regulations thereunder, the Board of Directors may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the noninsured bank or affiliate thereof is located to enjoin such acts or practices, to enforce compliance with this section or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

SEC. 3. (a) The authority conferred by section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) shall also apply with respect to nonmember building and loan, savings and loan, and homestead associations, and cooperative banks in any State if (1) the total amount of deposits, shares, and withdrawable accounts held in all such nonmember associations and banks in the State, plus the total amount of time and savings deposits held in all banks in the State which are not insured by the Federal Deposit Insurance Corporation, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of that State a bank supervisory agency with authority comparable to that conferred by the first two sentences of this subsection, including specifically the authority to regulate the rates of interest and dividends paid by an such association or bank on deposits, shares, or withdrawable accounts, or if such an agency exists it has not issued regulations in the exercise of that authority. The authority conferred by that section may not be exercised with respect to nonmember associations and banks after July 31, 1970, and may only be exercised to limit the rates of interest or dividends which those associations or banks may pay on deposits, shares, or withdrawable accounts to maximum rates not lower than 5½ per centum per annum.

(b) In addition to any other penalty provided by the Federal Home Loan Bank Act or any other law, any institution subject to this section which violates a rule promulgated pursuant to this section and section 5B of the Federal Home Loan Bank Act shall be subject to such civil penalties, which shall not exceed $100 for each violation, as may be prescribed by the Federal Home Loan Bank Board by rule. Any such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

(c) Whenever it appears to the Board that any non-member institution is engaged or has engaged or is about to engage in any acts or practices, which constitute or will constitute a violation of the provisions of this section and section 5B of the Federal Home Loan Bank Act or of any regulations thereunder, the Board may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the institution is located to enjoin such acts or practices, to enforce compliance with these sections or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

(d) All expenses of the Board under this section shall be considered as nonadministrative expenses.

SEC. 4. (a) The Federal Home Loan Bank Act is amended by adding at the end thereof the following:

"SEC. 31. (a) The purpose of this section is to improve the depth and liquidity of the secondary home mortgage market.

"(b) To carry out the purpose of this section, the several Federal Home Loan Banks, under the direction of the Board and acting through such agencies and instrumentalities as the Board may deem appropriate, are authorized, pursuant to commitments or otherwise, to purchase, service, sell, or otherwise deal in mortgages which are originated by members or by any institutions whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation."

(b) Section 11(h) of the Federal Home Loan Bank Act (12 U.S.C. 1431(h)) is amended (A) by inserting "(1) pursuant to section 31 of this Act, (2)" immediately before "in obligations of the United States,", (B) by inserting "(3)" immediately before "in obligations, participations,", and (C) by inserting "(4)" immediately before "in such securities".

(c) Section 16 of the Federal Home Loan Bank Act (12 U.S.C. 1436) is amended (A) by inserting "(1) pursuant to section 31 of this Act, (2)" immediately before "in direct obligations", (B) by inserting "(3)" immediately before "in obligations, participations,", and (C) by inserting "(4)" immediately before "in such securities".

SEC. 5. (a) Effective as of the close of December 31, 1969, section 404 of the National Housing Act is amended

(1) by striking out "plus any creditor obligations of such institutions" in subsection (b)(1), and the amendment made by this subdivision (1) shall be applicable also to any then unexpired portion of any then current premium year under subsection (b)(1).

(2) by striking out "and creditor obligations" in subsection (b)(2).

(3) by striking out "and its creditor obligations" in subsection (c).

(4) by striking out "and creditor obligations" each place it appears in subsection (g). The condition in the first sentence of that subsection shall be deemed to be met as of the close of December 31, 1969. The words "such year" in that sentence shall be deemed to include also the year beginning January 1, 1970.

(b) The Federal Savings and Loan Insurance Corporation is authorized by regulation or otherwise

(1) to make such provisions as it may deem advisable with respect to the order in which and the extent to which the components of a pro rata share of its secondary reserve shall be applied or be deemed to have been applied in the case of a reduction of such share through a use under the second sentence of section 404(e) of the National Housing Act or the first sentence of section 404(g), a transfer of part of such share under the third sentence of section 404(e), or otherwise.

(2) to take such action, including without limitation such adjustments and refunds and such deferrals of premium payments and other payments, as it may determine to be necessary or appropriate for or in connection with the implementation of this section or other legislation amending or supplementing said section 404.

SEC. 6. (a) Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting after the word "interest," the following: "to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit,".

(b)(1) The fourth sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors is authorized for the purposes of this subsection to define the terms 'time deposits' and 'savings deposits', to determine what shall be deemed a payment of interest, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this subsection and to prevent evasions thereof."

(2) Section 18(g) of such Act is further amended by inserting after the fifth sentence the following: "The provisions of this subsection and of regulations issued thereunder shall also apply, in the discretion of the Board of Directors, to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business. As used in this subsection, the term 'affiliate' has the same meaning as when used in section 2(b) of the Banking Act of 1933, as amended (12 U.S.C. 221a(b)), except that the term 'member bank', as used in such section 2(b), shall be deemed to refer to an insured nonmember bank."

(c) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "or dividends" after "interest".

SEC. 7. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end thereof a new sentence as follows: "The Board may, however, prescribe any reserve ratio, not more than 22 per centum, with respect to any indebtedness of a member bank that arises out of a transaction in the ordinary course of its banking business with respect to either funds received or credit extended by such bank to a bank organized

under the law of a foreign country or a dependency or insular possession of the United States.".

SEC. 8. Effective for the period beginning on the date of enactment of this Act and ending March 22, 1971, section 24 of the Federal Reserve Act (12 U.S.C. 371) is amended—

(1) by changing, in clause (3) of the third sentence of the first paragraph, "80" to read "90" and "twenty-five" to read "thirty", and

(2) by striking in the first sentence of the third paragraph the comma before "shall" and inserting in lieu thereof "or, to the extent authorized by regulations issued by the Comptroller of the Currency, in the case of a large construction project not to exceed 5 years,".

SEC. 9. (a) The following provisions of the Federal Deposit Insurance Act are amended by changing "$15,000", each place it appears therein, to read "$25,000":

(1) The first sentence of section 3(m) (12 U.S.C. 1813(m)).

(2) The first sentence of section 7(1) (12 U.S.C. 1817(1)).

(3) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(4) The fifth sentence of section 11(1) (12 U.S.C. 1821(1)).

(b) The amendments made by this section are not applicable to any claim arising out of closing of a bank prior to the date of enactment of this Act.

SEC. 10. (a) The following provisions of title IV of the National Housing Act are amended by changing "$15,000", each place it appears therein, to read "$25,000":

(1) Section 401(b) (12 U.S.C. 1724(b)).

(2) Section 405(a) (12 U.S.C. 1728(a)).

(b) The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(d) of the National Housing Act, where the appointment of a conservator, receiver, or other legal custodian as set forth in that section becomes effective prior to the date of enactment of this Act.

TITLE II—AUTHORITY FOR CREDIT CONTROL

Sec. 201. Short title

This title may be cited as the Credit Control Act.

Sec. 202. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply to the provisions of this title.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to any person who extends, or arranges for the extension of, credit, whether in connection with a loan, or sale of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

(h) The terms "extension of credit" and "credit transaction" include both loans and credit sales.

(i) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(j) Any reference to any requirement imposed under this title of any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

Sec. 203. Regulations

The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Sec. 204. Determination of interest charge

Except as otherwise provided by the Board, the amount of the interest charge in connection with any credit transaction shall be determined under the regulations of the Board as the sum of all charges payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

Sec. 205. Authority for institution of credit controls

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

Sec. 206. Extent of control

The Board, upon being authorized by the President under section 205 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payments, and any other specification or limitation of the terms and conditions of any extension of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

Sec. 207. Reports

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this title, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this title. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this title including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

Sec. 208. Injunctions

Whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this title.

Sec. 209. Civil penalties

(a) For each willful violation of any regulation under this title, the Board may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

Sec. 210. Criminal penalty

Whoever willfully violates any regulation under this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

TITLE III—SMALL BUSINESS ADMINISTRATION ACTIVITY

SEC. 301. The Small Business Administration shall promptly increase the level of its financing functions utilizing the business loan and investment fund established under section 4(c)(1)(B) of the Small Business Act (15 U.S.C. 633(c)(1)(B)) by $70,000,000 above the level prevailing at the time of enactment of this Act. In the event that insufficient appropriated funds are available to carry out the provisions of this section, request for the necessary funds shall be promptly made by the Small Business Administration and cleared by all components of the executive branch having any functions with respect to such requests. The Small Business Administration shall submit to Congress a monthly report of its implementation of this section.

And amend the title so as to read, "An Act to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes."

Mr. SPARKMAN. Mr. President, S. 2577 has been sent to us from the House. I ask unanimous consent that the Senate disagree to the House amendment, agree to a conference requested by the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Chair appoints the following conferees: Mr.

SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. BENNETT, and Mr. BROOKE.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15149) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 435 as modified by the Senator from Arkansas (Mr. FULBRIGHT). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

On this vote, the Senator from Kentucky (Mr. COOPER) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 62, nays 28, as follows:

[No. 256 Leg.]

YEAS—62

Aiken	Gore	Nelson
Allen	Griffin	Packwood
Baker	Hansen	Pearson
Bayh	Harris	Pell
Brooke	Hart	Prouty
Burdick	Hartke	Proxmire
Byrd, Va.	Hatfield	Randolph
Byrd, W. Va.	Javits	Ribicoff
Cannon	Jordan, N.C.	Saxbe
Case	Jordan, Idaho	Schweiker
Church	Kennedy	Smith, Maine
Cook	Magnuson	Smith, Ill.
Cotton	Mansfield	Sparkman
Cranston	Mathias	Spong
Dole	McCarthy	Thurmond
Dominick	McClellan	Tydings
Eagleton	McGovern	Williams, N.J.
Fannin	Miller	Williams, Del.
Fulbright	Mondale	Yarborough
Goldwater	Murphy	Young, Ohio
Goodell	Muskie	

NAYS—28

Allott	Fong	Montoya
Bellmon	Gurney	Moss
Bennett	Holland	Pastore
Bible	Hruska	Scott
Boggs	Hughes	Stennis
Curtis	Jackson	Stevens
Dodd	Long	Talmadge
Eastland	McGee	Young, N. Dak.
Ellender	McIntyre	
Ervin	Metcalf	

NOT VOTING—10

Anderson	Inouye	Symington
Cooper	Mundt	Tower
Gravel	Percy	
Hollings	Russell	

So Mr. FULBRIGHT's amendment was agreed to, as follows:

On page 24, line 2, strike out the period and insert: "and no funds appropriated by this Act may be expended to the extent that such funds exceed those authorized to be appropriated for the fiscal year ending June 30, 1970.".

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ATTACKS ON AMERICAN PEACE CORPS VOLUNTEERS IN ETHIOPIA

Mrs. SMITH of Maine. Mr. President, today I received a very disturbing letter from a young man of Portland, Maine—a Peace Corps Volunteer recently returned from Ethiopia.

He urges that all Peace Corps Volunteers be brought back home from Ethiopia because it is no longer safe for them to be there because of the physical attacks made on them by the Ethiopian students they have been teaching and trying to help.

He reports that many of the Peace Corps Volunteers are convinced that Peace Corps usefulness in Ethiopia has ended.

He reports that he has made these observations and recommendations to the Peace Corps officials in Washington.

This young man knows whereof he speaks for he was attacked and beaten by the very Ethiopian students he was teaching and helping.

I have asked the Director of the Peace Corps for a report on this matter.

I ask unanimous consent to place in the RECORD at this point the letter and the detailed report that Mr. Craig Johnson, 38 Prospect Street, Portland, Maine, has made to me and obviously to many others since both are in printed rather than personal form.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PEACE CORPS,
Portland, Maine, December 14, 1969.

Senator MARGARET CHASE SMITH,
Washington, D.C.

DEAR SENATOR SMITH: I am a Peace Corps Volunteer who has recently returned from Ethiopia. I want to bring some recent political developments in Ethiopia and their implications to your attention. I feel that the political situation in many third world countries and the role that the Peace Corps plays in these countries is generally misunderstood by people in the United States and that it is vital that this misunderstanding be corrected.

Another volunteer and I were severely beaten last month by our students in Adwa, a small town in northern Ethiopia. The statement which I'm enclosing with this letter was distributed to all volunteers in Ethiopia and describes the events leading up to the beating. I and the other Adwa volunteers have since terminated. Since we left Ethiopia less than a week ago several other beatings have occurred, one leaving a volunteer with a broken jaw. The volunteers remaining in Ethiopia are badly scared. It is likely that a large number of volunteers will come home in the next few weeks. A large number of teachers are experiencing open hostility in their schools and many now fear for their personal safety.

The reasons for the beatings are in all cases the same: violent anti-Americanism on the part of university and secondary school students. This anti-Americanism is directed against Peace Corps Volunteers in particular because they are so conspicuous.

Young Ethiopians, particularly students, are deeply frustrated about their political and economic system. They see their country's problems, its poverty, lack of schools and job opportunities and aren't able to do anything about them, because despite the trappings of a parliamentary democracy all power really resides with the Emperor and the feudal power structure. The students also see the United States as being the primary support for the Emperor, supplying him with generous amounts of military and technical aid. It is a fact that the U.S. Army is very conspicuous in Ethiopia, with a large communications base in Asmara and various military, advisory and mapping missions at work throughout the country. The students feel that the American government is interested only in supporting the anti-Communist status quo in the world today, be it democratic or undemocratic (and Ethiopia is certainly not democratic). Students this year have been referring to Ethiopia as the "second Vietnam". They are convinced that if a popular revolution breaks out and the Emperor gets into trouble the United States will send troops and planes to support the Emperor and suppress the reform-minded students, just as they feel the United States has done in Vietnam. A persistent story in Ethiopia is that the U.S. Army played a part in helping to suppress the attempted coup d'etat in 1960 against the Emperor by blackmailing Ethiopian pilots at Debre Zeit into supporting the government. It isn't important whether in fact Ethiopia could become a second Vietnam but rather that such arguments are plausible and believed by the majority of Ethiopian students. In their frustration they believe that Americans stand between them and real change in their country. They look to Tanzania or Communist China as a model for development. In Tanzania the Peace Corps was asked to leave. Ethiopian students have decided that they want the Peace Corps out too. The more politically aware believe that at best Peace Corps Volunteers are sent by the government to make friends at the grass roots level to camouflage the more devious designs of U.S. foreign policy. At worst they accuse volunteers of being paid by the CIA. In such a situation it is impossible to teach, much less to achieve a sense of understanding when mistrust runs so deep.

A backlog of hate is being built up against Americans among those young Ethiopians who will someday lead the country. It is being built up despite the best efforts of volunteers to work and relate to people as individuals and to dissociate themselves from the policies of the State Department. But the bitter frustration students feel about their country and the role the United States seems to play in it is greater than many volunteers recognize. To understand such frustration you must put yourself in the place of a secondary school student who has sacrificed and worked to stay in school. If he is lucky and talented he may reach the twelfth grade (about 10% of the 10% of the Ethiopian school-age children in school do). But then less than 10% of all twelfth graders are accepted by the universities in Addis Ababa. If a student fails to make it to the university his future is a dead end. There are no jobs available for him. His situation is worse than that of high school dropouts in the United States because his expectations have been raised so high. He can't go back to the village or the farming life of his parents, so he usually drifts to the big cities such as Addis Ababa or Asmara looking for some sort of work. It is

against this bleak backdrop of frustration and hopelessness that the students' anti-Americanism must be seen. They feel that Americans are preventing them from solving the problems they see in their country. They come to hate volunteers more and more, not as individuals but as symbols of an oppressive American presence in Ethiopia which is holding them back and supporting the present government. The sooner Americans leave Ethiopia, the sooner they feel they can begin to solve their own problems. Although I don't like being beaten, I don't blame them for the way they feel.

Many university students are ardently pro-Marxist or Maoist. One teacher at the university estimated that about 25% of the students are active radicals and violently anti-American, about 50% sympathize but aren't militant, and the remaining 25% are either apolitical or support the monarchy. Recently the snack bar at the university was renamed the "People's Bar" and the campus magazine "Struggle" is filled with references to the enlightenment of the enslaved Ethiopian proletariat, to give some idea of the radical tenor of the campus. Such communist feelings however seem to be mostly nationalistic in form. They are simply a convenient, well-packaged ideology which allows students to vent their hostility towards the present system in Ethiopia. Many students I have talked with want rights and privileges which are not usually found in communist systems—freedom of the press and freedom to travel abroad, for example. It is clear to me that their disillusionment with the United States is not based so much on a rejection of democracy as on the hypocrisy they see in American foreign policy. The United States boasts of its liberties at home but refuses to allow others to exercise them abroad. In seeking to manipulate world affairs to its own advantage the United States is willing to deny democracy to people in other countries. Much of the third world, especially students, see the United States as being committed to the status quo, as long as it is anti-Communist, be it democratic and progressive or not. Whether or not this is a fair representation of U.S. foreign policy, it is the way a great many nationalist-minded people in the third world see us. Why else does the United States give military assistance to countries such as Greece and Ethiopia if it believes in free elections and the responsibility of a government to its people? In the eyes of many foreign students the United States has abandoned those ideals which once made American democracy the model for revolutionaries the world over.

I along with many other volunteers feel that Peace Corps usefulness in Ethiopia has ended. We as volunteers are a conspicuous and very vulnerable target for students who want to strike out against the Emperor. There is a proverb in Amharic which aptly describes the situation: "Don't beat the donkey, beat the load he carries". Students have physically beaten several volunteers in the past few weeks, and many more volunteers have felt the hate and hostility of their students in the classroom. More beatings are likely now that violence has been used and has been successful in forcing at least some volunteers to leave the country. The more radical students will push for a final expulsion of Peace Corps, possibly with more violence. As we recommended to Peace Corps officials in Washington we feel all volunteers should be brought home from Ethiopia. It's doubtful that this will come as an administrative decision but more likely as an individual one as volunteers resign from the Peace Corps and come home.

I hope you see the explosiveness of the current situation in Ethiopia, and some of the reasons behind it. I hope too that if you have a chance you will comment on some of the ideas in this letter. Should you want more information you might talk with any of the many returned Ethiopian volunteers currently in Washington, or write to me in Maine.

Hoping that you will find the situation in Ethiopia worthy of your attention,

CRAIG JOHNSON.

PEACE CORPS, ETHIOPIA.

A PERSONAL MESSAGE TO ALL PEACE CORPS VOLUNTEERS IN ETHIOPIA FROM CRAIG JOHNSON, DICK OBERMANNS, AND DEB KENDALL

On Friday November 14 Dick and I were severely beaten by our eleventh grade students on our way back to school. We want to use this statement to explain the events leading up to the beating and the implications we think the situation in Adwa has for all of Peace Corps Ethiopia.

The beating followed an incident involving discipline in one of my morning classes. It was the period after mid-morning recess, and students were straggling back into class five and ten minutes after the bell had rung. After trying several times to begin the lesson I decided to shut the door and not allow any more latecomers to enter. It was well-understood in my classes that if a student is more than five minutes late he can't enter without a note from the director. Up until Friday I had no problem enforcing this rule. In a few minutes another student came and asked permission to enter. I told him that he had to go to the director for an excuse. I asked him to leave, but he refused. I asked him again to leave, but he said "Is it by force, sir?" At that point I made a mistake. I became angry, threw him bodily out of the room and shut the door. The rest of the class began to get up but I ordered them back to their seats and, still quite angry, began to explain the need for discipline and rules in the classroom. In the confusion the student who had come late had slipped back into class and taken his seat in the front row. The director heard the commotion and came quickly down to my class. I briefly explained what had happened. He then became angry and kicked and slapped the same student out of the class. At this point the student went to the other section of the eleventh grade and called them out. Dick was teaching them at the time. The other eleventh graders came storming down to my class and called them to the other classroom for a meeting. The meeting went on straight through lunch, and some angry words were coming out of the room. One of the leaders of the eleventh grade who was acting as informal mediator between the director and the students came up to me about twenty minutes before the bell and advised me to go home. He said that all the girls were crying and that the boys would kick and beat me if I tried to go to class. I wasn't worried, because I didn't believe such a thing could happen. I thought I probably wouldn't teach for a few days while the students cooled off. In the meantime I planned to stay out of their way, unless they asked me to talk with them. I felt that most of the students (basically a good bunch of kids) would see the incident as a question of student-teacher discipline and not as American prejudice against Ethiopians. I hadn't had any real discipline problems with them or the twelfth graders (although other teachers had) and felt that my classes respected me. How wrong and naive I was was shown by the beating that soon followed.

While returning to school after lunch Dick and I were surrounded by a group of about forty of our eleventh graders who came pouring down from the school. I said that I wouldn't teach them if they didn't want me to, but that I had to go to the school to sign in and was willing to talk to them anytime they wanted. Most of the students (some of whom had lived with Peace Corps or worked with me last year in the debating club) were smiling and I was completely unafraid. Then the student who had been sent out in the morning counted "One. Two. Three!" in English. The others behind us pinned our arms and began to pummel us with stones, sticks and fists. After a minute or two we were left bleeding in the dust with cuts and bruises all over our heads and upper bodies. Dick's left ear was half torn, off, and both our glasses were broken and smashed. Still in our bloodstained shirts and ties we were taken to the Adwa hospital. After being given first aid, meeting with the araja governor and describing what had happened to the police, we were taken by the local Luthernan minister to Asmara. The other volunteers came to the hospital within minutes, so we were sure they were all right. Dick's ear and scalp required more than twenty stitches, and my lip and scalp required six. We were both thankful we had not been injured more seriously.

The beating came after a series of disturbing events which, had we been more observant, might have given us some clues as to what was coming. The previous week Phil Whitcomb and Dave Davis decided to leave Shire (about sixty km. up the Gonder road from Adwa) in the face of intense student-teacher hostility. They felt that their EUS teachers had been the primary cause of the sudden change of feelings towards them in the school. This news set us on our guard. We knew that the EUS students from Shire and Adwa had been meeting almost weekly in Axum. All of us had noticed a certain aloofness in the six EUS teachers in Adwa, with the exception of the girl who was vivacious and friendly. We dismissed this as shyness. Deb however said her ninth graders were telling her that the EUS teachers were using their classes to preach against the Peace Corps, US imperialism and the Ethiopian government. When she walked into her classes she often found such questions as "Where is the second Vietnam? Ethiopia" and "Which is better, capitalism or communism? We think communism, don't you?" written all over the board. We decided to give EUS the benefit of the doubt, since we had little real evidence against them. But last week we had direct proof that their shyness was really vitriolic anti-Americanism. In the teachers' room I found a copy of the USIS pamphlet with the Apollo 11 moon pictures covered with slogans such as "Down with exploitors (Americans)", "Long live Chairman Mao", "Long live the People's Republic of Vietnam", "Capitalist pigs! We hate you. Devils" and "Exploiting the moon. Why? Because the Earth has been exploited" scribbled all over the pictures. I became angry, because it seemed to me that what they had done was a not-so-subtle insult to us, defacing the pictures and leaving them for the other teachers to see. Mostly I was angry because they were attacking us behind our backs and refused to face us. We confronted them with the magazine after school. At first they denied writing anything, but finally said "What of it?" and said we really were dupes of the US imperialism which was strangling the third world. They were pretty polemical, and we never really got beyond the "exploitor" stage, but at least we felt the problem had been brought out into the open. We asked them to get to know us as individuals and not to do anything which would jeopardize our work in the school. They seemed somewhat embarrassed that we were so frank. We invited them all over for tea the next day after school, and they came. At first we talked about school clubs, etc., but soon we worked into a freewheeling political discussion covering Marx, Mao and US imperialism. Our opinions were radically different, but this time at least there was genuine conversation and not just name-calling. After almost four hours we broke up, exhausted but smiling and apparently good friends. Both groups seemed to feel that the discussion had cleared the air. After that there

was no shyness among us at all, and we cooperated with each other on several matters, including the procedure for setting up the student council. We hoped we had forestalled for the time being the problem which had driven Phil and Dave out of Shire. We felt we could live with the pressure that was being brought to bear.

Up until Friday we had no real indication how deep anti-American feelings ran among the students. We all considered ourselves good teachers (as I'm sure most Peace Corps teachers do) and took a real interest in our students. We knew they were very curious about Kagnew Base in Asmara, and were convinced there were missiles there. We could only say we didn't think this was true. Other sources of resentment among especially the more intelligent students were rumors of new US bases in Massawa and elsewhere, the abundance of what they considered to be USIS propaganda, and the war in Vietnam. Some of my better students asked me if the US would send troops to defend the Emperor if a popular revolution broke out. They seemed convinced the US would, just as it had done in Vietnam (thus the feeling, "Ethiopia: the Second Vietnam"). Even if some of these rumors were false they were plausible and, most importantly, most of the students seemed to believe them. This hostility towards the US however didn't seem to be directed against us personally. We felt we could give and take with the students and were generally well-liked by them.

Dick's situation was somewhat different. During a week when the eleventh grade was on strike demanding electives, two of Dick's tenth grade classes refused to study history and walked out. He also had trouble with the eleventh grade. The Friday preceding the beating several students in 11A (the same section in which the discipline incident later occurred) used the opportunity of a class-time debate on Vietnam to air a variety of charges against Peace Corps and American "imperialism" in general. Dick did not think the students meant what they said seriously, but rather as an embarrassment to him. This section had more than its share of disturbers who frequently disrupted the class.

We now suspect that the disciplinary incident in the morning was a staged provocation designed to whip the students into rage against the Americans. I believe that many of my eleventh graders did not agree with the idea of a beating, but were afraid to go against the older activists in the class lest the same thing that happened to us would happen to them. Moreover, we believe that, directly or indirectly, the beating was provoked by the EUS teachers. After our confrontation the previous week, perhaps they continued to agitate against us while appearing outwardly friendly. We have no way of knowing. If indeed the EUS kept faith with us, the students had still been sufficiently stirred up against Peace Corps to conceive the plan on their own. However, the fact that all EUS left Adwa for Asmara on Friday morning, without the director's permission and just before the beating occurred, suggests foreknowledge of the event and a desire not to be around when it took place. Bruce MacWithey, the rural development volunteer in Adwa, mentioned afterwards that three students had told him the day before that they were going to "knock" Mr. Obermanns. He didn't take this threat seriously and so didn't tell us about it. All of this suggests to us that the beating may have been planned well in advance of Friday's disciplinary incident.

We feel Peace Corps is definitely not wanted in Ethiopia by the two groups with whom we are supposed to work most closely: our host country counterparts (EUS) and the secondary students. That has now been made clear to us in the most unequivocal terms.

We emphasize that this is not a localized incident. Tigre had a reputation of being somewhat more peaceful that other parts of the Empire. Yet the EUS will soon be able to unite the Empire's secondary school students, with the same national goals. Their message was not that we should leave Adwa because of a local disciplinary problem, but that all Peace Corps should leave Ethiopia because they are Americans and leave now! While we remain in Ethiopia we will only remain conspicuous targets for the very real frustrations young Ethiopians feel about their political and economic system. No matter how good a job we feel we are doing as individuals, our experience has made it clear that we are first and foremost symbols of an oppressive American presence which nationalist-minded young Ethiopians deeply resent.

As much as we may have become attached to Ethiopia or to our particular regions and towns—and there was no group of volunteers more in love with their town than we were with Adwa—we have to face the reality that this is not our country. Its future belongs to the EUS and the students, to its own educated class. That class has clearly demonstrated to us that it wants PC/Ethiopia out now. They mean this message to reach all provinces of the Empire. If we decide that we know what is best for Ethiopia, better than its own university-educated people, we are guilty of a colonialist mentality. We are engaging in the very same well-meaning paternalism that is said to justify the American direction of the war in Vietnam.

We may plead that our town, our region is a special case, not related to the problems of the whole Empire, or better understood by us than the Addis-centered EUS. This attitude supports the continued debilitating regionalism and works against the necessary unification of Ethiopia. The EUS are apparently trying to unite the students by choosing an external (foreign) presence in their country for all students to focus hatred upon. In so doing they will be drawn together by their opposition to a common external foe. This is a common phenomenon in "third world" countries to aid in creating a healthy, modern nationalism out of disparate tribal interests. We may not agree with the methods the EUS have chosen to carry out their policies, but may their success not be beneficial to Ethiopa?

We must re-examine our reasons—both idealistic and practical—for joining Peace Corps/Ethiopia. For us to leave Ethiopia suddenly in mid-year will cause considerable practical difficulties, with the draft, marking time before graduate school or employment opportunities open up, explanations to friends. The idealistic considerations, however, now seem to us to outweigh the first set. Our job is to help Ethiopians help themselves in Education, Health and Agriculture. They have rejected our offer of help, first politely and now forcefully. We will not help them by staying. Either our work will become less effective, or its purpose singularly our own. To stay would be to fly in the face of the most basic Peace Corps philosophy.

Ask what kind of a job we can do whose benefits will outweigh the hate that is being built up against Americans simply by our continued presence here. Consider also that what happened in Shire and Adwa will probably not remain isolated. Similar violent means may be used against other PCV's—in other provinces, lower levels of schools and in other lines of work.

For those reasons we recommend to Dr. Murphy, Joe Blatchford and all Ethiopian volunteers individually that we leave by Christmas, 1969. For the Adwa volunteers our constructive work and purpose here was ended by a volley of rocks on November 14th. To stay any longer would be to compromise our own ideals and the future of the Peace Corps in all parts of the world.

We recognize of course that we have no right to decide anything for anyone besides ourselves. Each volunteer (most of whom Dick, Deb and I know personally) must decide what he should do, given the particular situation in his town. We can only appeal to you to think about what happened to us, since we so strongly feel Peace Corps presence in Ethiopia has outlived its usefulness and will only lead to more violence and bad feelings in the future.

Sincerely,

CRAIG JOHNSON.
DICK OBERMANNS.
DEB KENDALL.

ASMARA, ETHIOPIA, *November 17, 1969.*

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Arkansas (Mr. FULBRIGHT), for himself and Mr. AIKEN, proposes an amendment as follows:

On page 6, in lines 21 through 24, strike out "$375,000,000, of which $50,000,000 shall be available only for the Republic of Korea" and insert in lieu thereof "$350,000,000".

Mr. FULBRIGHT. Mr. President, this amendment has the effect of making that item conform to the authorization bill.

In the Senate report of the Appropriations Committee, on page 15, there appears the following reference to the military assistance program:

The committee recommends $375,000,000 for military assistance which is the same as the sum recently authorized in the Senate authorization bill and $74,500,000 under the House allowance.

That is in error, Mr. President. The authorization bill recently approved by the Senate was for $325 million, $50 million under the amount that the Appropriations Committee thought we had approved.

Then, in the conference with the House of Representatives, the amount of $350 million was agreed to. What my amendment does is cut back this amount to the amount of the authorization conference report, which should be over here this afternoon.

My second amendment would strike out specific authorization of $50 million in military aid for South Korea. The Committee on Foreign Relations has consistently rejected attempts to authorize aid money by country for two basic reasons. One, on the theory that the executive branch should have flexibility in administering the aid program within the broad policy limits set by Congress; two, because of a firm belief that Congress has neither a duty nor is it temperamentally suited to divide up, in a sensible way, $2 billion of the taxpayers' money among the 92 countries slated to get some kind of foreign aid this year. The foreign aid authorization bill passed by the House included specific authorizations of $50 million in military aid for Korea and $54.5 million for Taiwan—in addition to the large amounts already

slated for these countries in the administration's program.

The Committee on Foreign Relations rejected this attempt to specify recipients of additional military aid and, in accordance with past practice, voted a lump-sum authorization to be distributed as the administration saw fit. It was left with the freedom to establish its own priorities—which means that any, or all, of the amount Congress provided could be given to Korea or the Republic of China. No questions were raised on the Senate floor about the committee's decision. And the committee's position prevailed in the conference yesterday. The conference agreement was to authorize $350 million in military aid for use in accordance with the administration's priority list.

The specification of $50 million for Korea in the appropriation bill is in direct conflict with the spirit and intent of the agreement on the authorization bill. If this attempt succeeds a Pandora's box of pressures will have been opened. I hope that the Senate will reject this approach.

As I say, the conference agreed on $350 million. This principle of specifying amounts for specific countries and specific programs, it seems to me, will lead the Senate into a disastrous program. Once begun, we will see no end to it. There will be a multiplication of supplications to individual Senators from abroad, for the suppliants' particular countries, all of them having very appealing cases, and it will be extremely difficult to deal with this kind of matter on a country-by-country basis in the legislation.

For example, Mr. President, I received just yesterday a letter which, in a sense, indicates a little of the problem that is involved. This is a letter soliciting me to make contributions to a "Radio Free Asia," of which the chairman of the board is a man named You Chan Yang, Ambassador at Large of the Republic of Korea. I asked the committee staff to check on who Mr. Yang was, and they found he is a former Korean Ambassador here. He also is a former Boston pediatrician who is retired and who is now living here in Washington, according to my States information, and this organization has been set up, modeled, I presume, after the Radio Free Europe, which has been widely publicized and has gathered millions of dollars from private sources, although it is also supported by Government agencies.

One of the principal purposes of this Radio Free Asia is, of course, to fight communism, and they solicit in a most appealing manner that I send them a contribution. I assume they have sent this all over the United States; that is the way these things are usually done. This letter was obviously prepared, I believe, on a modern computer, and it contains the kind of language I have already described. It says:

I know that you are anxious to do all you can to help the Americans being held prisoners in Communist North Vietnam.

As you know, American prisoners have been subjected to brutal suffering by torture, isolation, degradation and public humiliation at the hands of the Communists.

I cannot imagine what this self-styled ambassador at large here can do about that. But he says:

Because of the extreme urgency of the situation, I could not wait until I heard from you before I committed ROFA's money to this fight.

In other words, he has already committed his own funds, and he is appealing to me to help make him whole. He says:

I took a risk in the hope that you would want to help. Please don't let us and the American boys down.

If you could possibly send ROFA your Christmas gift today, we would be able to begin our campaign immediately to aid these helpless American boys.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter from which I have been reading.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
December 8, 1969.

Hon. J. W. FULBRIGHT,
Washington, D.C.

DEAR FRIEND: Since you are active in the fight against Communism in Washington, I know that you are anxious to do all you can to help the Americans being held prisoners in Communist North Vietnam.

As you know, American prisoners have been subjected to brutal suffering by torture, isolation, degradation and public humiliation at the hands of the Communists.

With the help of anti-Communist Americans such as you, Radio of Free Asia (ROFA) is fast becoming one of the most important weapons against Communism in all of Asia.

ROFA began its anti-Communist broadcasting in 1966. Each week we broadcast over 44 hours into Red China and North Korea, using powerful 500,000 watt transmitters located in Seoul, South Korea.

Radio of Free Asia is now preparing to mount a massive effort to bring this inhumane treatment to the attention of the American people and to the world. Our campaign will take three different approaches:

First—we want you and others to mail the enclosed post cards to your Senators urging them to take a firm stand and publicly denounce Hanoi's cruelties to American prisoners.

Second—we will make carefully planned mailings of the Reader's Digest article to people such as clergymen, radio and TV newscasters, editors and educators—asking them to speak out against the evils of Communism—as evidenced by the maltreatment of U.S. prisoners.

Third—we will broadcast into Red China and North Korea the truth about how inhumanely Communism treats all captive people.

Our purpose is to bring tremendous pressure to bear during the Christmas season on the North Vietnamese to stop torturing, beating and starving American prisoners.

You can have a significant part in making Christmas and all of 1970 a lot happier for an American G.I. confined in a dark, disease-infested Communist prison. The G.I. you may be helping may be someone who lives near you.

Because of the extreme urgency of the situation, I could not wait until I heard from you before I committed ROFA's money to this fight.

I took a risk in the hope that you would want to help. Please don't let us and the American boys down.

If you could possibly send ROFA your Christmas gift today, we would be able to begin our campaign immediately to aid these helpless American boys.

Sincerely,

YOU CHAN YANG,
Ambassador at Large, Republic of Korea, Chairman of the Board.

P.S.—Our finances are very tight. I am writing to you today in the prayerful hope that you will come to our aid and to the aid of the American prisoners of war.

Mr. FULBRIGHT. Mr. President, this letter is very offensive to me. Last June, I went to a great deal of trouble, as other people have, to try to do something about these prisoners, and I used the best methods I know of, with the approval and knowledge of the State Department and of other governments as well. But to have a man send letters like this, at Christmastime, appealing on that basis, seems to me to be extremely objectionable.

I think when you pick out, in an aid bill, a specific country, and say, "We are going to give you so much money, and going to give someone else so much," you are creating competition among them, or jealousy. As a matter of fact, with regard to Korea, I asked, in behalf of the committee, a long time ago, to have supplied to us what is called the Brown letter, which is the basic commitment of this Government to Korea to pay for their troops in Vietnam.

I was refused that letter. It never has been supplied to the committee. One of the grounds was, "If we give it to you, and it is made public, then other countries supplying troops will be jealous; if we pay the Koreans more than we pay the Philippines, it will create problems for us."

But that is now what we are getting into in this field. I think it is extremely bad practice.

I also ask unanimous consent to have printed in the RECORD a letter of February 28, 1968, this one from Kim Sung Eun, the minister of national defense of the Republic of Korea.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINISTRY OF NATIONAL DEFENSE,
REPUBLIC OF KOREA,
Seoul, Korea, February 28, 1968.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR MR. SENATOR: Permit me to bring to your attention the two most recent incidents: the North Korean commando team infiltrating into Seoul on 21 January 1968 to assassinate President Park, and the highjacking of the USS PUEBLO and her entire crew by the North Koreans on 23 January 1968.

These incidents or provocations are not just happenings without premeditation. These incidents have been done under a complete plan by the North Koreans.

The North Korean intention for the communization of the Republic of Korea (ROK) is backed up by plans for guerrilla operations in the rear area of ROK to join with their (North Korean) overt armed attack against ROK in 1970. These two incidents are merely preliminaries to such intentions.

We should know more about how North Koreans are preparing for war and how they are conducting their infiltration activities since the 1953 Armistice was signed.

To highlight the major areas of concern in connection with the North Korean war preparations:

a. *Significant quantity of both conventional and sophisticated equipment received from USSR:* The North Korean military strength includes approximately 500 fighter aircraft including over 30 MIG–21 supersonic fighter bombers, 24 well-camouflaged and covered air bases (14 operational, 6 in reserve, 4 underground), 186 sea craft (including 4 submarines and 60 high-speed torpedo boats), 66 surface-to-air missile sites, 3 surface-to-surface(ship) missile sites, 13 radar sites, a total of 14,814 artillery pieces including 2,016 field artillery pieces (24 203mm cannons included), 3,459 mortars, 7,768 anti-tank guns, and 1,571 antiaircraft guns, 886 tanks including T–54 type, 19 well-equipped infantry divisions supported by 28 artillery, tank and other support units (brigade or regimental size each).

b. *Incountry arsenal for production of weapons:* The North Koreans have converted a significant portion of civilian factories to production of military hardware such as rifles, machine guns, mortars, artillery pieces, grenades, etc.

c. *Red Guard Militia of 1.2 million—organized and trained:* This militia constitutes a reserve strength to augment the 400,000 regular forces of North Korea and are trained periodically. In addition, all government officials up to the level of vice minister are undergoing combat training several days each week.

d. *Reorganization of military structure—completed:* The North Korean military structure has been changed into a war time system. Each unit commander is being trained to have capabilities required for commanders two or three levels higher, i.e., a platoon leader is being trained for duty as a company and battalion commander, or a battalion commander for regimental or division command duties.

e. *Military installations hardened:* To the best of our knowledge, all of the North Korean aircraft are placed in underground shelters without loss of their operational capability and all ammunition and fuel supplies are stored underground. The fortification of positions along the De-Militarized Zone (DMZ) and along the east and west coasts are also hardened. In addition, second and third defense lines north of the DMZ are being constructed underground.

f. *Dispersion of cities:* The 1.2 million population of Pyongyang (Capital of North Korea) was cut down to 700,000 with the dispersion of even educational institutions not to mention other facilities. The North Koreans established many shelter facilities which can accommodate 50,000 persons each. The emergency food and other materials for one year operations are stored in many places throughout North Korea.

g. *Civil industries underground:* In view of anticipated air and coastal bombardment, almost all industrial facilities have been located inland and placed underground without regard to the production costs involved.

h. *Training:* Until 1965, North Korea conducted training primarily for defense but since 1966 they have been conducting command post exercises, field training exercises, aerial combat exercises, on a 24-hour basis, with the assumption of overt armed attack on ROK.

Guerrilla operations have been characterized by:

a. *Organization:* North Koreans have recently unified their entire anti-ROK guerrilla operations structure placing it under command of General Huh Bong Hak (North Korean Regular Army). One guerrilla batallion at each base in North Korea is being trained for complete harassment in one province in ROK. One battalion has a strength of 300 men and there are a total of 8 battalions since there are 8 provinces in ROK. These 8 battalions comprise the 124th Guerrilla Unit which sent the 31-man armed commando team into Seoul to raid the residence of President Park, known as Blue House. In addition, there are 283rd Guerrilla Unit and 17th Foot Reconnaissance Brigade with similar missions. The total of these units including the 124th Guerrilla Unit is 15,000 men, who have completed their training.

b. *Training:* Personnel of guerrilla units, dedicated Communists, are selected from the North Korean units and are undergoing rigid physical fitness training such as wrestling, Karate, boxing, etc. Those who have received special training can run 10 kilometers per hour at night while carrying a pack weighing 66 pounds. They make up commando teams sometimes to conduct training in company and battalion level guerrilla operations which are designed for subversive activities and psychological warfare in rear areas of ROK, airborne operations (with gliders, etc.) to prevent movement along main supply route and block sea ports along ROK south coast, harassment in rear areas, raids against atomic munitions storage areas as well as missile sites, and jungle warfare.

c. *Objective:* We must note that having failed in their attempts at takeover of ROK by long term underground operations, the North Koreans shifted tactics to secure bases in ROK rear areas for short term guerrilla harassing activities. This is an indication of their preliminary efforts in their attempts to communize ROK in 1970. By that time, their efforts will be continuously strengthened to make ROK into a second Vietnam.

d. *Ways and means:* There has been a change in training and operations from individual training to group training, from individual infiltration to group infiltration, with a corresponding change in quantity and quality of equipment, and from long term underground operations to short term build-up of guerrilla base areas. The composition of the guerrilla force is 30 percent born in ROK and 70 percent born in North Korea. For sea infiltration, well camouflaged high speed boats are used effectively.

North Korean preparations for conventional and guerrilla warfare are completed or are being completed. Their schedule is as follows:

1967—*Testing stage:* By infiltrating armed agents into ROK they tested our reactions as well as their tactics. During 1967, there were 319 violations in the DMZ area and 37 infiltrations within the rear area of ROK. Notable incidents occurring during 1967 included sinking of the ROK Navy ship PE 56 on 19 January, blowing up of 2nd US Division barracks near the Imjin River on 22 May, two incidents of railway destruction which caused derailing of railroad cars on 5 September and 13 September, machine gunning of US Engineer troops in their camp located immediately south of Panmunjom on 28 August, etc. A total of 126 ROK and US personnel were killed and 265 ROK and US personnel were wounded as a result of these and other incidents.

1968–1969 *Harassing and subversion stage:* By creating a situation resembling Vietnam at a time when the United States was becoming actively involved in the war in 1965, North Koreans are seeking an opportunity to launch an overt armed attack upon ROK in 1970.

1970—*Completion stage:* Within 1970, North Koreans plan to communize the entire ROK by means of both all-out war and guerrilla war.

The Republic of Korea is a nation restored from Communist hands by the blood of so many young men from America and other allies. Its security and independence is now being challenged anew by vicious Communist provocations steadily on the increase. If this situation is left alone, we should expect another Korean War within two or three years.

I take this opportunity to express my heartiest appreciation for the priceless assistance so generously rendered us by our American friends. I am keenly aware that such assistance has contributed vitally to the preservation of freedom and peace in Korea.

Certainly, I am reluctant to ask for additional burden to be borne by our American friends to whom we are already indebted so much. But I am sure you will understand that under the existing circumstances, I feel I must solicit your timely support and assistance in meeting those intensified, tangible challenges threatening our survival, so that our mutual efforts in the cause of freedom may prove worthy in the end. In this connection, President Johnson's recent measure calling for an immediate Congressional approval of $100 million additional military aid to Korea is a source of inspiration.

In view of the fact that 80 to 90% of the MAP are spent for operating costs, plus an annual increase in prices by 4 to 6 percent, an overall increase in MAP level should be considered in order to provide for the increased requirements due to stepped-up communist activities against ROK.

I am confident that after carefully considering all the facts, you will do what is necessary to prevent another VIETNAM from occurring here in Korea.

Thank you for your attention given to this statement. Please accept my high personal regard and best wishes.

Yours very sincerely,

KIM SUNG EUN,
Minister of National Defense.

Mr. FULBRIGHT. I assume this is direct from Seoul, Korea, from the minister of national defense, who wrote me a long letter. I have put the whole letter in the RECORD, but I want to read only two or three paragraphs, which seem to me wholly inappropriate for a foreign government, or a minister of a foreign government, to write a Member of the Senate, a legislator of this country, and make applications such as these for more funds. I shall read just a paragraph or two.

He says:

I take this opportunity to express my heartiest appreciation for the priceless assistance so generously rendered us by our American friends. I am keenly aware that such assistance has contributed vitally to the preservation of freedom and peace in Korea.

Certainly, I am reluctant to ask for additional burden to be borne by our American friends to whom we are already indebted so much. But I am sure you will understand that under the existing circumstances, I feel I must solicit your timely support and assistance in meeting those intensified, tangible challenges threatening our survival, so that our mutual efforts in the cause of freedom may prove worthy in the end. In this connection, President Johnson's recent measure calling for an immediate Congressional approval of $100 million additional military aid to Korea is a source of inspiration.

We have a law in this country on foreign agents' registration. A loyal American, representing a foreign country in lobbying in Congress to get money for them, must register if he abides by the law and must state who his employer is, and so forth. It is not a very effective law, but we have spent a good deal of time in my committee in terms of trying to make it more effective.

I think we improved it. However, here we have them circumventing the act. We have the officials of a foreign government writing directly to Members of the Senate—and I assume that they have written to all Members of the Sen-

ate—soliciting additional funds for their country.

If we are going to adopt the practice of inserting in an appropriation bill specific sums for specific countries, all we are doing is simply creating an incentive for every country to begin this practice. And to carry out the entire program in this manner, I think, would lead to a scandalous situation in our own country.

As I have already said, there is already a very large amount of money in the bill for Korea. It is not identified for that purpose, but it is understood—as indicated by the administration—to be for Korea.

It seems to me it is an ample amount in view of what has already been given to Korea. Under the Brown letter, vast sums have been given to Korea, ostensibly for the purpose of modernizing their fighting forces. We have been modernizing their troops that are fighting in Vietnam. But under the Brown letter, we agreed to give them very large additional sums to modernize their own troops in their own country, based upon a great many other privileges and payments.

This was gone over by the respective committees and by the administration. As I say once more, this particular item was not recommended in the budget. What the budget recommended for Korea was contemplated in what is carried in the regular bill.

I do not see an excuse for doing this. This has become a kind of a grab bag, as I have already said.

The President and his advisers, if they choose, can make available more money if, in their opinion, it is deemed justifiable for the modernization of Korea's armed forces.

I hope that the Senate will not start this practice of specifying sums, above the authorization to which I have already referred, and for a specific country, as in this case.

Mr. PELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PELL. Mr. President, speaking to the Senator as the chairman of the Committee on Foreign Relations, is it not correct that this matter was considered within our committee?

Mr. FULBRIGHT. Yes; indeed it was. It was the occasion for a great deal of discussion. Both the Korean and Taiwan items were discussed.

Mr. PELL. So what has happened here is that a matter, which was very clearly and specifically discussed in the committee and, decided on in the committee, namely, not to give an additional $50 million to Korea, was then arbitrarily reversed by the Appropriations Committee as being an error of judgment on our part, and the item was inserted in their language.

It would seem to me in the light of the Senator's earlier amendment, which I am glad to say prevailed almost 2 to 1, that the Senate believes that the limits set by the authorizing committees, should be followed. I realize technically under the rules of the Senate these limits may be considered as guidelines in that the Appropriations Committee has the technical power to vote less money or more money. In fact the Senate does not agree with this rule and has just decided that the authorizing committee does have the responsibility here.

Mr. FULBRIGHT. The Senator is quite correct. What we are doing in the amendment is reconciling the item with what the conferees agreed to. Not only did the Foreign Relations Committee consider it, as the Senator has said, and strike it out, but the conferees did the same. It is not in the conference authorization.

Mr. PELL. Mr. President, what we have here is more than a specific issue. It is a question of principle, that when a matter has been decided by the authorization committee, the Appropriations Committee, no matter whether its members agree or disagree with the authorizing committee, is bound by the limits set by the authorizing committee.

I hope that the Senators when they vote on the issue will realize that the matter was fully considered by the authorizing committee and was struck out.

I was struck by the reference of the Senator from Vermont (Mr. AIKEN) to a presidium.

It would seem to me that if a Senate committee were to have all the power presently shown by inserting this $50 million item, it really would be a presidium.

Fortunately, until now the Appropriations Committee has been made up of fair-minded and decent men and they have not overextended themselves in this manner.

But if this amendment is rejected, it would give them carte blanche to go ahead and act like a presidium.

I commend the Senator from Vermont on his analogy.

Mr. AIKEN. Mr. President, I agree with what the chairman of the committee has been saying. The fact that the conference committee report does not specify an item particularly for Korea does not mean that we are denying funds to Korea.

Mr. FULBRIGHT. The Senator is absolutely correct.

Mr. AIKEN. But as far as I am concerned, I felt that the Defense Department, the State Department, and the President were better able to determine where and how much of this appropriation should be spent better than I was or better than the committee was.

Mr. FULBRIGHT. I want to make that very clear. There is more than three times this amount contemplated in the existing bill for Korea for military assistance.

Mr. AIKEN. Mr. President, I am satisfied that the administration will do for Korea what is needed to be done for Korea.

I hope no one thinks we were taking the position of denying funds to Korea.

The fact remains that I do not approve of our undertaking to tell the executive branch when, where, and how it should spend every dollar of the money appropriated.

If the Senate is going to do that, we might as well do away with the executive branch and hire a large staff on the Hill and do all the work here.

I think people in the executive branch are perfectly competent to make the decisions, much more competent than I am in this particular area.

As a matter of fact, I was the member on the committee who thought that we should provide $375 million for military assistance, rather than $350 million. This would allow for any unusual conditions in Korea. However, the majority did not agree with me.

Mr. FULBRIGHT. The Senator is correct. I remember that, and I very much appreciate the fact that the Senator is a cosponsor of the amendment.

The Senator will remember another item that was changed in the last amendment with respect to international military headquarters, so that actually it worked out that the $31 million that we thought was going to be devoted to paying for our participation in these facilities may now be taken from other funds. So, this item is larger for the purpose of assistance to Korea than we originally thought.

Mr. AIKEN. Mr. President, as a result of some of our decisions on the amounts, the administration will have the 2-year extension it desired.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Mr. President, I am also a member of the committee and took part in the deliberations. There is the converse of the proposition which should be established. I would not myself wish—and I hope that my chairman would not—to inhibit the Foreign Relations Committee, if in its judgment this was required, from doing what the Appropriations Committee did—based upon a foreign policy judgment or a clash of wills with the administration.

We really have two principles at stake here. One is the principle of authorization by the legislative committee, in which I am all with my chairman. The other is the principle of some independent role by Congress in respect of the foreign policy of the Nation. I would not wish, by anything that the chairman said here, to foreclose us from that privilege.

In this particular case, as the Senator from Vermont (Mr. AIKEN) has said so eloquently, the committee came to the judgment that a purse of money, as it were, for this purpose was the most desirable in our Nation's interest. In another given situation, we might or we might not. I would hope that we would not make this some major policy precedent which would limit our own judgment in respect of what ought to be done as a Foreign Relations Committee.

Mr. FULBRIGHT. The committee has expressed itself on many occasions, as the Senator knows. But when we are dealing with countries which are very sensitive in this area and very jealous, as one knows, whenever the committee felt very strongly about a matter of this kind, it usually dealt with it in a report or in the form of a consultation with the administration, and did not put it into the law.

Over the years—it is not recent—that has been the general practice, and by and large I think it has been successful. There may have been some cases in which it was not.

Mr. JAVITS. That is my feeling. But I still would not want to shut the door in a given case to giving us full legislative authority. I can hardly conceive of how we could do any less. There may be a situation in which, to assert the independent judgment of the committee, we might have to name a country, and I would not want the Senate to feel—for myself—that this would be denied to us by the position we take here.

Mr. FULBRIGHT. In the conference report this year, the Senator well knows we did this in the case of Israel, which is, I would say, an exception to what is generally a good rule.

Mr. JAVITS. I thank my colleague.

Mr. FULBRIGHT. I yield the floor, Mr. President. I am ready to vote.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SECRET WAR

Mr. FULBRIGHT. Mr. President, extensive newspaper stories on American activities in Laos are no substitute for the administration, which formulates and undertakes those activities, making a full disclosure to the American people about a war it has undertaken to fight.

In the first place, newspapermen do not have access to all the facts—they can report what they are told directly, or indirectly through rumors; they can report what they see. The results of reporting efforts—as seriously as they may be undertaken—are oftentimes nowhere near the truth in fact or tone and thus misleading as those of us in public life, written about all the time, should be the first to acknowledge.

Today's Wall Street Journal, in its extensive article about Laos, illustrates my case.

"The war here costs the United States about $200 million a year," the story says. It is my hope that when the declassified record is released from Monday's executive Senate session it will still contain the amount for Laos in the Defense appropriations bill which you all will recall was many times that figure.

Today's article almost casually relates:

In the past six months, these bombings of (northern Laos not connected to the Vietnam war) have increased at least tenfold. These bombers fly out of Thailand.

Those two simple sentences have great import to the American process. How many sorties come out of Thailand to bomb north Laos? Under what authority are they undertaken? What understandings exist with the Thais to permit this and with the Lao that require them to be secret? Does any President have the right to undertake such activities?

Questions such as these cannot be debated in a newspaper because no newspaper can get the answers. The Senate should debate them and the people should be able to listen for it is their money and the lives of their sons that are involved.

As bothered as I am about the lack of facts, I am more concerned about the tone of articles such as today's on Laos. The headline reads: "The Secret War, U.S. Role in Laos Is Big. But Another Vietnam Is Not Likely To Develop."

Mr. President, that attitude about Laos, fostered by administration officials who are pressing the secrecy about our activities, shows a complete lack of understanding about the Vietnam war experience.

Have we become so callous about death and war that unless it promises to involve 500,000 of our men and kill 30,000 we can calmly pass it off as under control or in "low profile."

The writer of today's article wrongly cites $200 million as the yearly cost of the Laos war and then chalks it off cavalierly as "less than America spends on one week's fighting in neighboring Vietnam." It is nothing to be concerned about, he implies, as if that $200 million were not desperately needed in this country for a myriad of Government programs.

I mention this not because I want to attack the writer of the article. I do it because I know this is the attitude of the foreign policy officials in our Government who push our Laos policy with that argument and whose judgment is clouded by the ability to get funds and authority in the shadow of the Vietnam debacle.

Mr. President, in more ways than not Laos has already turned into a Vietnam if you consider the latter a war we undertook where we could not win and fear to lose; if you consider it a war we began at a low level of involvement and failed to comprehend the enemy's ability to escalate in pace with us; if you consider it a war where we have become tools rather than the allies of a regime that could not govern without us; if you consider that there was for a time no limit on the escalation we were willing to undertake; and if you consider it an involvement we never should have undertaken in the first place.

Laos will never become a Vietnam in only one major way—the number of Laotians killed will never equal the number of Vietnamese for there are only 3 million Lao to begin with.

I would suggest, however, that for Americans there is one element of our Laos involvement that makes it worse than Vietnam.

Until now, Laos, because of the official secrecy surrounding it, has offered a precedent to administration planners—military and civilian alike—who feel it their mission to oppose with force of arms what they believe are Communist incursions anywhere in the world whether we have a treaty commitment or not, without recourse to Congress.

It is for that reason that I wish the secrecy policy on Laos to end. In that sense I believe the administration should be talking no more Lao along with no more Vietnams.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article to which I have referred, written by Mr. Peter R. Kann, datelined Vientiane, and published in the Wall Street Journal of December 18.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SECRET WAR: U.S. ROLE IN LAOS IS BIG, BUT ANOTHER VIETNAM IS NOT LIKELY TO DEVELOP—AMERICA FINANCES AN ARMY, COMMITS NO FIGHTING MEN; U.S. JETS AND PILOTS USED—THE ENEMY: NORTH VIETNAM

(By Peter R. Kann)

VIENTIANE, LAOS.—Gen. Vang Pao is a cocky little former sergeant in the French army who now heads a clandestine, U.S.-backed army of mountain tribesmen here. Resplendent in a fancy field uniform and bedecked by so many medals that he almost appears armor-plated, he sits for an interview.

Are U.S. jets bombing in Laos? he is asked. No, he says, though his voice is periodically drowned out by U.S. jets flying overhead. Are his troops armed with U.S.-made M–16 rifles? he is asked. No, he says, though the very men guarding him are carrying M–16s. Are U.S. helicopters supporting his war effort? he is asked. No, he says, though he boards a U.S. chopper after concluding the interview.

The interview says much of life in Laos. This Southeast Asian country is a comic-opera kingdom playing host to a tragedy. Given their choice, the three million Laotian people would prefer to doze under a parasol, much like the three-headed elephant emblazoned on their national flag. But they are involved in a war, a war that has been largely imported by outside powers who won't even admit to being at war.

The war periodically makes headlines in America, as it has this month. The Senate Monday decreed that no money in a big new defense appropriations bill can be used to finance introduction of American ground combat troops into Laos or Thailand, a stand endorsed by President Nixon. The President, asked at a press conference last week about the U.S. role in Laos and "the people are entitled to know everything that they possibly can"—and then he said little.

ANOTHER VIETNAM UNLIKELY

Just what *is* going on here? There is a war. The U.S. is deeply involved. But another Vietnam is unlikely. The war here is like a secondary act in a three-ring circus, with Vietnam, of course, in the center ring. This lesser war is less costly, less fierce and less interesting than the main act. But it's worth glancing at now and then.

The war here costs the U.S. about $200 million a year, which is less than America spends on one week's fighting in neighboring Vietnam. It is being fought in the air and on the ground. The air war is being carried out by U.S. planes and U.S. pilots, who are bombing the North Vietnamese supply route into South Vietnam. This President Nixon admits publicly. U.S. pilots also are bombing areas in the rest of Laos, and this President Nixon doesn't admit publicly. In the past six months, these bombings of other areas have increased at least tenfold. These bombers fly out of Thailand.

The ground war is not being fought by U.S. troops, and sources say it is inconceivable that U.S. combat soldiers will ever be sent here. Rather, the ground war is being fought by the Armee Clandestine, or AC, the Meo mountain tribesmen under the command of Gen. Vang Pao. This army, estimated at anywhere from 15,000 to 40,000 soldiers, is fully financed by the U.S., though only a few hundred U.S. military "attaches" and CIA agents are on hand to oversee the operation. (The discrepancy in troop estimates is typical of the shadowy nature of the war in Laos.) The U.S. pays, trains and equips the AC; it provides the AC with

helicopter mobility and tactical bombing support.

Americans plan and direct operations—at least at staff level. The army is hard-fighting, especially by Laotian standards, and it has suffered heavy casualties. In the past year alone, 11% of its men have been killed or wounded.

THE ENEMY: NORTH VIETNAM

The enemy here is the North Vietnamese. The Laotian Community Party (Neo Lak Hak Sat) and its fighting arm, the Pathet Lao, have been waging a "liberation war" ever since Laos achieved its independence in 1954 after the defeat of the French at Dienbienphu. But these days the Pathet Lao are supported—indeed, very nearly supplanted by the North Vietnamese. By U.S. estimate, there now are 50,000 North Vietnamese Army (NVA) troops here, 35,000 of them in combat units.

The Laotian war is inextricably wound up with the war in Vietnam, yet the two situations are almost reverse images in several key respects. In Vietnam, the war is being fought largely for control of population; here the war is being waged mainly for territory. In Vietnam, the U.S. often finds itself fighting a conventional war against the enemy's guerrillas; here the U.S.-backed troops are the guerrillas and the North Vietnamese often find themselves fighting a conventional war, much to their discomfort.

Diplomats here say neither side is close to holding a winning hand in this war, and many of them question whether either side really wants to "win." Hanoi is generally considered to be using Laos just as a pawn in its efforts to achieve a favorable outcome in South Vietnam. The U.S., not really concerned about "winning hearts and minds" or "nation building" or even wiping out the Pathet Lao, rather seems to be waging a defensive or delaying action aimed at stymieing North Vietnamese moves here until such time as peace is achieved in Vietnam. Peace in Laos will then naturally follow, these diplomats assert.

NO LONG-TERM COMMITMENT

Since the U.S. doesn't admit its military involvement here, it can hardly brag about any successes. But, in the view of a number of non-U.S. diplomats here, the American involvement has paid reasonable dividends at a bargain price.

The U.S. has proved capable of organizing a guerrilla army that is more at home in Laotian terrain than are the North Vietnamese, these diplomats say. U.S. air power, they add, has proved effective against enemy troops and positions, such as on the Plaine des Jarres, a strategic high plateau that had been in Communist hands from 1964 until bombing raids in August. And, say defenders of U.S. action here, there is no long-term commitment to involvement in the fighting here.

The U.S. campaign is being carried out precisely the way a counter-insurgency war should be fought, say these defenders (not all of whom are Americans). The U.S., they assert, should continue to do exactly what it is doing until Hanoi decides to talk instead of fight.

But, at the moment, nobody is really winning and nobody is losing here—except, of course, the Laotians, a charming, gentle people who deserve, but perhaps don't expect, better. There are no reliable statistics on anything in Laos, but it's estimated that up to half a million people have become war refugees since 1962. Hardest hit have been the mountain tribesmen of the north, many of whom now subsist on bags of rice dropped from U.S. planes.

The Laotians, whose country has been a battleground for years, are a peace-loving people. "The Laotians just aren't warlike. Their idea of war is avoiding, not seeking contact," says one European diplomat. The Royal Laotian army, says one Western military officer, "is without a doubt the worst army I have ever seen—it makes the South Vietnamese army look like Storm Troopers."

The Royal Laotian army is a hodgepodge of rightists, neutralists and simple opportunists that has been fighting the Pathet Lao off and on since Dienbienphu. The fighting has continued despite the Geneva accord of 1962, which was reached after the Royal Laotian government had come even closer than usual to total collapse. The accord called for a neutralized Laos under a tripartite regime led by a largely figurehead king and a neutralist prime minister. The agreement also called for removal of all foreign military forces from Laos.

A POOLSIDE ASSESSMENT

The Royal Laotian army and the Pathet Lao continue to fight, though the war now has been largely taken over by the North Vietnamese and the U.S.-backed army of tribesmen. Laotian men are in short supply, and the two ragtag armies contain youths as young as 13 years old. The manpower shortage is such that defectors from the Pathet Lao sometimes are simply issued new scraps of uniforms and immediately assigned to a Royal Laotian army unit.

The Laotians seem content to accept their lot. The men in the Royal Laotian army earn 2,350 kip, or less than $6 a month. The Pathet Lao conscripts earn even less and often wind up little more than beasts of burden, packing supplies for the North Vietnamese troops here. (The mountain tribesmen in the U.S.-backed Armee Clandestine make considerably more than the men in either local army.)

"The Lao are a very easy people. They work, remain poor, accept it and are happy. In other countries, they would strike or revolt, but not here. We are lucky they are Laotians," one cynical Laotian general says of his countrymen as he sips Scotch beside the swimming pool of his villa on the outskirts of Vientiane.

There seems to be remarkably little awareness of social injustice among most Laotians, perhaps because the poor here have always been poor and have not yet approached the stage of "rising expectations." Laos, roughly the size of Oregon and the shape of California, remains basically a feudal country run by a score of elite families who divvy up the most important and lucrative government jobs and business concessions.

This elite doesn't want to share its riches. The king, for example, refused to let workers from the American Agency for International Development resettle hapless war refugees on unused royal lands until the Americans promised to build roads to one of the royal family's private, profit-making timber concessions.

AN ANTICORRUPTION "DRIVE"

The Laotian government barely exists, much less functions, outside the larger towns. The occasional programs or policies launched by the central government generally sink without a trace. One European diplomat recounts a recent anticorruption drive: "They sacked three postal employes, who were promptly resettled in another ministry. End of drive."

Prince Souvanna Phouma, the neutralist prime minister, earlier this year announced plans for a dynamic new neutralist political party. But, says one diplomat here, "it emerged for a few weeks as a debating club and then disbanded." There is an annual effort at military reform: "Once a year, some rich old colonels, who used to be bright young colonels, present a sweeping reform plan which is accepted, ignored and forgotten. And everyone is happy," says a Westerner here.

There are Americans and others here who believe that the lackadaisical Laotian government is living on borrowed time. Someday, they say, if not in a year then in a decade, the lamb-like Laotians will demand a better deal from life, and when that happens the Pathet Lao will be the beneficiaries.

Few observers here doubt that if the Laotians were left alone they somehow could settle their differences, at least for a time. On the face of it, peace in Laos should be far easier to achieve than peace in Vietnam. Animosities between Communists and anti-Communists in Laos are not nearly as intense as in Vietnam.

The Laotian king is accepted as titular head of the country by all contending groups. The Geneva settlement of 1962 is still basically acceptable to the Communists. Souvanna Phouma, the aristocratic and autocratic prime minister around whom the Geneva accord was shaped, probably could again make himself acceptable to the Communists by some subtle political maneuvering. (He has deftly managed to survive a series of plots, counterplots and coups among various rightest and neutralist factions since he came to power, though once an American ambassador had to rescue him from an outhouse where he had been unceremoniously confined by dissident generals.) Indeed, in name at least, a coalition government, including Communist ministers, still exists here.

A MAJOR BATTLE IS EXPECTED

And yet fighting continues here—and at a quickened pace. It is the dry season here now, which is the fighting season, and there is talk that within the next few months the North Vietnamese will launch a major attack against the U.S.-backed Armee Clandestine. The attack, if it comes, will be as much for political as for military reasons, sources say. The Armee Clandestine is the only effective anti-Communist force in Laos, and the propaganda value of its defeat would outweigh the military value.

The consensus among diplomats here is that if Hanoi decided on a full-scale effort to take over Laos, using several crack divisions of the North Vietnamese Army, the effort probably would succeed. "If they're willing to put in the resources they can take anything they want in this country—or all of it," says a senior U.S. official.

There are many theories on how the U.S. would react to such an attack, but no one suggests that Washington would send in ground combat troops. Most sources doubt that Hanoi will try to overrun the country, however. For one thing, the North Vietnamese would have to divert heavy assets from the more important war in Vietnam. For another, the North Vietnamese are outsiders here and could hardly look like anything but an army of foreign conquerors if they marched, say, into Vientiane.

HANOI'S POSITION

Hanoi has made some gains in fighting here. Last March at least 10 NVA battalions were used to capture the relatively (for Laos) important military center of Muong Soui, in north central Laos. This was widely viewed as military escalation.

But Hanoi cannot be entirely pleased with its current role in Laos. To influence the future political shape of Laos (when the time comes to form a new coalition government), the Communists must take and occupy territory. This requires main-force units, not guerrilla fighters. To jolt the U.S. position in the fighting in Vietnam or the talking in Paris, the Communists need dramatic victories like Muong Soui. This also requires main-force units.

But North Vietnam is finding it difficult to move these soldiers and their supplies. To move rice and arms and men, the NVA must depend on the few roads that twist through the rugged mountains. To mount major military campaigns, the NVA must use as staging areas the few easily traversible plateaus like the Plaine des Jarres. But roads and flatlands are vulnerable to U.S. air power.

As the fighting drags on, the unfortunate Laotian people try to get by as best as possible. They can't really ignore the war. Their plight may best be summed up by the monumental arch that bestrides the main avenue of otherwise unmemorable Vientiane.

Begun nearly a decade ago, the arch has grown in tiers, like some whimsical wedding cake, encompassing the wildest fancies of waves of Laotian artisans and swallowing up tons of U.S.-donated cement destined for more practical projects. This rococo masterpiece, replete with every imaginable architectural superfluity, remains, of course, unfinished.

But its name was changed recently—from Monument to Victory to Monument for the Dead.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BOLAND, Mr. MCFALL, Mr. YATES, Mr. MAHON, Mr. MINSHALL, Mr. CONTE, and Mr. BOW, were appointed managers on the part of the House at the conference.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

Mr. DODD. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. FULBRIGHT. I would like the yeas and nays ordered.

Mr. DODD. Mr. President, in view of the statement by the Senator from Arkansas that he desires to have the yeas and nays, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I strongly oppose the pending amendment.

I believe it would be interpreted as an unfriendly attitude on the part of the Senate if we strike from the appropriation bill the item earmarking $50 million for military aid to South Korea.

There is overwhelming justification for this appropriation.

First, there is the fact that the North Korean Communist government maintains a massive military establishment and that it continues to engage in numerous provocative and warlike actions directed against the Republic of South Korea and against the U.N. forces there.

The warning signs have been out for some time now. Within the past 2 years there has been the seizure of the *Pueblo*, the attempted assassination of President Park, the shooting down of an unarmed American plane 100 miles at sea and, within the past week, the hijacking of a South Korean passenger plane.

Second, there is the fact that, despite the grave peril on their own frontiers, our South Korean allies have contributed 50,000 men to the Vietnam war. These forces have borne themselves with remarkable effectiveness and courage, and they have carried a heavy share of the battle. Moreover, on a per capita basis, the South Korean contribution in manpower substantially exceeds our own.

Third, there is the fact that the authorization reported by the Senate-House conferees is already $75 million below the figure requested by the administration, as essential to our national security interests.

Mr. President, if this amendment carries, it will seriously undercut our entire position in the Far East.

It would be an affront to our South Korean allies.

It would directly increase the danger of war in Korea by encouraging Kim Il Sung, the mad Communist dictator of North Korea, to believe that we are ready to abandon our South Korean allies.

Mr. President, I am very reluctant to get into this discussion. I wish it had never taken place.

What the Senator from Arkansas has said about leaving the allocation of military aid funds to the discretion of the President makes a great deal of sense. It may be better in most cases to do it in that way, rather than on a country by country basis. I am sure the President would exercise his great care and caution in allocating such aid.

What troubles me is that this discussion is going to be interpreted, particularly in the Far East, as a lack of sympathy on the part of the Senate with the problems of South Korea.

I hope I am mistaken about that, but I fear I am not. For that reason, I think we are in a most unfortunate posture.

South Korea has been our ally, has fought with us on her own territory, and she is fighting with us in Vietnam. These facts alone, I think, make many of us feel a special concern for that little country in the Far East.

My own view is that one of the worst things that could happen to us would be the belief—on the part of the Asians, in particular—that there is a lack of sympathy in the United States for the Government of South Korea.

I am fearful that if this amendment is adopted, that is exactly what will happen.

I do not know why the administration asked for this item. I assume it did.

If I may have the attention of the Senator from Arkansas, I should like to ask him a question.

The PRESIDING OFFICER. The Senator from Connecticut wishes to ask a question of the Senator from Arkansas.

Mr. DODD. I do not know and I wish the Senator could tell me if the administration asked for this item?

Mr. FULBRIGHT. This item was not. There is a very substantial sum already in the bill.

Mr. DODD. I know that.

Mr. FULBRIGHT. There is a very substantial sum already in the bill that they recommended. This was put in by the House Appropriations Committee without any budget request.

Mr. DODD. I thank the Senator for that information.

Mr. FULBRIGHT. There is nothing in the report to justify it.

Mr. DODD. I understand that. I do not know how it got there.

I hope the Senator will give me his reaction to what I have said.

I feel that the people in the Far Eastern area will say that this is a change and that we are unsympathetic to the plight of those people.

Mr. FULBRIGHT. I do not think there is any basis for that.

Mr. DODD. I do not imply that the Senator is unsympathetic to the Koreans. I do not know any Senator who is. But I am afraid that will be the interpretation placed on the Senator's amendment, and that our enemies will make a lot of it.

They will taunt our South Korean allies and say, "There are your American friends. They obviously do not consider you very important. As soon as they can dump you, they will do so."

It would be a tremendous propaganda boon for our enemies. I hope I am wrong, but I am dreadfully afraid that it would be exploited by them and encourage them to rash action. For that reason, I wish we could somehow deal with this matter without this kind of an amendment.

Mr. President, I have said everything I can say about this matter. I know that the chairman of the Committee on Foreign Relations said it is not his purpose, and I am sure it is not, to prohibit further military aid to South Korea. He said that, in recommending a total authorization of $350 million in military aid, the administration wants that amount of money in Korea to dispose of as it sees fit.

This may be true in a formal sense. But I say again for the record, and I hope for the interest of Senators, that if this amendment is agreed to it could have a profound political impact.

Instead of underscoring our determination to help South Korea defend itself against North Korean Communist aggression, this amendment might suggest to North Korea that we are growing indifferent to the fate of South Korea; and the North Korean Communists, in consequence, would probably become more belligerent in their attitude toward South Korea, hijack more planes, sink more ships, and shoot down more planes.

This is my great fear. For that reason I think it would be a dreadful mistake to agree to the proposed amendment at this critical juncture.

Since the amendment already approved makes it essential that the figures in the appropriation bill conform with those agreed to by the authorization conferees, there is no economy of any kind to be effected by approving the pending amendment.

The only real purpose accomplished by this act would be political. It would be anti-South Korean, and it would be so interpreted by our friends and by our enemies.

I urge the defeat of the amendment. The brave South Korean people, who have suffered so much for their own freedom and who have fought so courageously on our side, deserve better than this.

Mr. MILLER. Mr. President, I rise in opposition to the amendment.

It was my privilege to visit the Republic of South Korea in 1966 and, again, in November of 1969. On both occasions I had an opportunity to see with my own eyes the equipment being used by the military services of the Republic of South Korea and also to be informed by our own intelligence sources of the nature of the military threat posed by the North Korean Communists.

Also, as all of us should know, the North Korean leaders are among the most hostile and aggressive Communists in the world. Not a week goes by without an incident provoked by North Korea—either around the DMZ or along the shores of South Korea, and many of these incidents have resulted in the death of our own American soldiers and of our South Korean allies.

The situation has grown increasingly hostile and dangerous, particularly because the North Korean military forces are equipped with the latest in weapons and aircraft. For South Korea to continue to avoid attack—or, to put it another way—for North Korean leaders to be deterred from making a miscalculation and launching an attack, the Republic of South Korean simply must have military equipment equal in quality to that of North Korea. That is what the point at issue is all about.

And it comes down to this. If the Senate wishes to run an increasing risk of war—of attack by North Korea on our ally, South Korea, then vote for this amendment. If the Senate does not wish to do so, then vote down the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote take place on the pending amendment not later than 5 minutes from now.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on any further amendments, if there are any further amendments, there be a time limitation of 30 minutes, to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. FONG. Mr. President, the manager of the bill, the Senator from Wyoming (Mr. McGEE), probably would like to speak. May he be given as much time as he wishes to speak?

Mr. MANSFIELD. On the pending amendment?

Mr. FONG. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, in South Korea we have a very reliable, strong, and dependable ally. She has sent 40,000 troops to Vietnam. She is also willing to have America store nuclear weapons there when we remove them from Okinawa. She has in every respect been a very strong ally of the United States.

Although the administration did not ask for this item it has come to us and it has been reported favorably from the committee. I think we should not delete it. If we delete it, it would suggest to South Korea that maybe she is not the strong ally we think she is. I ask Senators to vote against the amendment.

The PRESIDING OFFICER. Does the Senator from Wyoming desire to speak on the amendment?

Mr. McGEE. How much time is remaining?

The PRESIDING OFFICER. Unanimous consent was given that the vote take place not later than 5 minutes from that time, which was approximately a minute and a half ago, except that permission was given for the Senator from Wyoming to speak.

Mr. McGEE. Mr. President, I have no extensive remarks to make. I intend to oppose the amendment for the very reason I think the need in South Korea for these additional funds has been clearly demonstrated. The Department of Defense made it very clear that the funds would be put to good and constructive use, and inasmuch as the House Committee on Appropriations as well as the House authorizing committee had included these funds in the original sum that this body would be well advised to stand by these allies.

Therefore, I oppose the pending amendment.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. CANNON. Mr. President, I wish to ask the Senator if it is not a fact that to strike out this provision, as the amendment suggests now, would certainly be a clear indication that we do not intend to support South Korea which has really been our strongest ally in the Far East.

Mr. McGEE. The Senator is exactly right and it comes at a very critical moment when all kinds of pressures are being exerted to try to split or create defects in the ranks. I think it is important.

Mr. CANNON. We are doing everything to help them up on the border and, in turn, they are helping us in South Vietnam by providing troops. They provide the only substantial number of troops beside our own that are in Vietnam, outside of the South Vietnamese. I think it would be unfortunate if we took this precipitate action now to strike an apparent assist to South Korea from the bill because it could be misinterpreted as a departure from assisting a country that has been a great ally.

Mr. JAVITS. Mr. President, will the Senator from Wyoming yield at that point?

Mr. McGEE. I yield.

Mr. JAVITS. I say to the Senator from Nevada (Mr. CANNON) and all my colleagues that I do not believe it would be fair, in the absence of the Senator from Arkansas (Mr. FULBRIGHT), to leave it as it is because there were developed, in a speech by the Senator from Arkansas, in colloquy, among the Senator from Vermont (Mr. AIKEN), myself, and other Senators, two points which bear upon what was said. One, that Korea will undoubtedly not suffer. There are adequate resources in the $350 million for military assistance to Korea. The objection was to naming it as a country. This has been a longstanding policy objection in the Foreign Relations Committee. Whatever the Senate may do about this amendment I think it would be unfortunate to leave the impression if the amendment were to prevail, that it is a significant rebuff to Korea. It has been made crystal clear in the debate that there are adequate amounts in the $350 million. It was not intended for Korea to suffer as a result of the principle which the Foreign Relations Committee feels, and the Senator from Arkansas contends for, as well as the Senator from Vermont, that an individual country designation should not be made.

Mr. DODD. Mr. President, I want to compliment the Senator from Nevada (Mr. CANNON) on the views he has just expressed. I also want to compliment the Senator from Wyoming (Mr. McGEE) and the Senator from Hawaii (Mr. FONG) on their contributions to the discussion.

In answer to the Senator from New York, I do not know whether the Senator was in the Chamber when I was trying to make the point that we are going to suffer a terrific political and propaganda setback if this amendment is passed, because then our enemies and North Korea in the first instance, will be encouraged to say that the U.S. Senate is changing its attitude toward South Korea.

We do not want that to happen. But I am sure that it would happen if this amendment is adopted. And we cannot afford to run this risk.

Mr. McGEE. Mr. President, at this time, tensions have sprung up all along the 38th parallel and tests have been run against us on the part of North Korea solely to find a weakness or a breakthrough or an exposure of any American intentions to back away.

I think that the symbolism here is perhaps even more important than the actual number of dollars and I would hope that the Senate would reject the pending amendment.

Mr. President, may I ask, how much time remains?

The PRESIDING OFFICER. When the Senator from Wyoming yields the floor, the vote on the amendment will take place.

All time has expired. The question is on agreeing to the amendment of the Senator from Arkansas. The yeas and nays have been ordered——

Mr. ALLOTT. Mr. President, would the Chair be so kind as to inform me which amendment is pending?

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Arkansas. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 6, in lines 21 through 24, strike out "$375,000,000, of which $50,000,000 shall be available only for the Republic of Korea" and insert in lieu thereof "$350,000,000".

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. BAKER. May I inquire if the reduction from $375 million to $350 million was in accord with earlier proceedings held today?

Mr. McGEE. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from Alaska (Mr. GRAVEL). If he were present and voting, he would vote "nay"; if I were permitted to vote, I would vote "yea." Having already voted in the affirmative, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana, (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his famliy.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 38, nays 47, as follows:

[No. 257 Leg.]

YEAS—38

Aiken	Hartke	Pell
Brooke	Hatfield	Prouty
Burdick	Hughes	Proxmire
Byrd, Va.	Javits	Randolph
Case	Jordan, Idaho	Ribicoff
Church	Kennedy	Schweiker
Cranston	Mansfield	Smith, Maine
Eagleton	Mathias	Spong
Ellender	McGovern	Tydings
Fulbright	Mondale	Williams, N.J.
Goodell	Moss	Williams, Del.
Gore	Muskie	Young, Ohio
Hart	Nelson	

NAYS—47

Allen	Ervin	Montoya
Allott	Fannin	Murphy
Baker	Fong	Packwood
Bayh	Goldwater	Pastore
Bellmon	Griffin	Pearson
Bennett	Gurney	Saxbe
Bible	Hansen	Scott
Boggs	Holland	Smith, Ill.
Cannon	Hruska	Sparkman
Cook	Jackson	Stennis
Cotton	Jordan, N.C.	Stevens
Curtis	Magnuson	Talmadge
Dodd	McClellan	Thurmond
Dole	McGee	Yarborough
Dominick	McIntyre	Young, N. Dak.
Eastland	Miller	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, for.

NOT VOTING—14

Anderson	Inouye	Percy
Cooper	Long	Russell
Gravel	McCarthy	Symington
Harris	Metcalf	Tower
Hollings	Mundt	

So Mr. FULBRIGHT'S amendment was rejected.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McGEE. Mr. President, I have agreed to respond to general questions that Senators want to raise about the bill. It is my understanding that the Senator from New York has some questions.

Mr. JAVITS. Mr. President, I noted with interest that the committee omitted an item which was provided for by the House of Representatives, entitled "Prototype Desalting Plant," with the amount of $20 million. This item is dealt with at page 12 of the committee report.

I think it is important, Mr. President, to point out that though the committee assigns as the reasons for not funding this project Secretary Rogers' thought that it was not feasible at this time, it is a fact that this imaginative project was not suggested or recommended by the State Department in the first place.

Mr. McGEE. Mr. President, I say to the Senator from New York——

Mr. JAVITS. I am not quite through. I was waiting because the Senator was busy.

Mr. McGEE. The Senator from New York knows I stand ready with an answer, whatever his question.

Mr. JAVITS. I know. I would just like to, if I may, lay the facts on the table.

This particular item did not originate with the State Department. Hence, it was not to be expected that the State Department could be looked to for confirmation of its feasibility or desirability. It originated in the other body, in the House authorization bill. Subsequently, I might say, due to the understanding of the Senator from Wyoming himself, it appeared in slightly different form in the authorization bill of this body.

In both cases, it was approved in the authorization process, and now is, I believe, a part of the authorization contained in the bill agreed upon in conference.

The important thing I am trying to do here in the Senate is to establish the factual foundation in the record, so that Senators will have heard about and understand the justification, should the appropriations conferees come to the conclusion that it ought to be included.

The project essentially is a pilot plant undertaking, which follows from an amendment introduced by the Senator from Wisconsin (Mr. NELSON) with 21 Senators including myself as cosponsors. Its aim is to provide for a joint venture with Israel in a critically important area, to wit, the desalting of sea water, for the purpose of making fresh water.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. It is a joint venture between two countries, with each country putting up an equal amount, and with Israel, in this case, putting up an additional $60 million for related equipment.

The reason for choosing Israel was threefold: One, it was willing, and has unique technology experience and capabilities in this field. Two, it is in an area where it can be tested practically, because of the tremendous need of water in the whole Middle East. Therefore it could be a prototype for the whole Middle East—as well as the whole United States, which also needs water. Three, the costs involved for us are very much lower than they would be if we did it all by ourselves. Also the techniques would be the most advanced techniques upon which the parties could agree. That involves our own Interior Department. If they could not agree, obviously the United States would not go into it. For all of those reasons, Mr. President, I think the project has commended itself very highly to both authorizing committees and to the House of Representatives and the Senate members as a whole.

I only make this statement so that we might have a factual record here in the Senate. I can appreciate a much better reason than that assigned in the report why the Appropriations Committee felt it could not act, because, again, this was uniquely a Congressional matter. It not being a State Department or an administration recommendation, the Appropriations Committee had no authorization when it acted.

The matter will be in conference, so really it was proper for the Appropriations Committee of the Senate not to deal with it.

I ask unanimous consent that a memorandum detailing the situation as it affects this project be printed in the RECORD, together with a copy of the amendment introduced by the Senator from Wisconsin (Mr. NELSON), with 21 Senate sponsors, of whom I am one.

There being no objection, the items requested were ordered to be printed in the RECORD, as follows:

MEMORANDUM—PROPOSED DESALTING PLANT IN ISRAEL

1. ORIGIN OF THE PROJECT

The project was developed after five years of joint study and research initiated by President Johnson in 1964.

It was recommended by George D. Woods, former president of the World Bank, who was

the head of the U.S. negotiating team, and was submitted to Congress by the Johnson Administration on January 17, 1969. (See the attached statement by Max N. Edwards, then Assistant Secretary of the Interior, on the significance of the project.)

The United States would put up $40 million to cover half the cost of construction and operation of the desalting plant for five years. Israel would contribute an equal amount. In addition, Israel would put up an estimated $60 million for the power plant.

2. WHY THIS PROJECT IS IMPORTANT TO THE UNITED STATES

The world needs to produce large quantities of fresh water for agriculture in order to augment the world's food supply and to help avert a hunger crisis. That requires large-scale efficiently operated plants to reduce the cost of desalted water to prices that farmers can afford to pay. The United States needs experience and knowledge for use in water deficient areas in our own country and to assist less-developed countries around the world.

3. WHY BUILD THE PLANT IN ISRAEL?

The argument has been made that this project should be deferred for fiscal reasons and because further research needs to be done in this country.

In our judgment it would be economical to undertake this project in Israel because new processes can be tried out there at a much lower cost than in the United States. In addition, Israel would be making its own contribution in funds and technological proficiency.

Israel anticipates a critical water shortage in the 1970s and she has an urgent need to develop new water resources. She has know-how in desalting techniques and she has experience in the management and use of her existing water supply.

During the hearings on this project in the House, testimony was submitted by two top authorities: Dr. Abel Wolman, who served as chairman of the National Water Resources Board, and Philip Sporn, who has served the U.S. government as consultant on many U.S. commissions. Both men strongly recommend the project.

Wolman said:

"Israel is one of the few countries in the world which, because of necessity, has an excellent inventory of its fresh water resources. . . . This tiny country has perhaps done more developmental work in the minute use of drops of fresh water for agricultural purposes than almost any country I know . . ."

He said that labor costs for maintenance, operation and construction are very much less than in the United States and that it would be to the advantage of the United States to learn what economy of size would mean in the operation of such a plant under skillful and intelligent management.

And Sporn said:

"The fruits of this experiment would be valuable in many parts of the United States and in many other countries which, as a matter of national interest and as a humanitarian matter, we have dedicated ourselves to help."

THE SIGNIFICANCE TO THE UNITED STATES

The outgoing Johnson Administration recommended action to build a large prototype desalting plant in Israel in a letter sent to Congress, on Jan. 17, 1969, by Max N. Edwards, who was then Assistant Secretary of the Interior.

The letter stressed the benefits of the proposal to the United States.

Excerpts:

"The proposal provides the opportunity for the United States to participate in a technologically advanced water desalting program to further its objectives of developing large-scale desalting processes. The United States will receive and have available for domestic and worldwide use all of the project information, technical data, and operating experience resulting from this project. The United States, its officers and employees, will be granted permanent rights to receive data and will have access to the plant for the purpose of observing its operation and improving science and technology in the field of desalination. It will be expected that the waterplant will be procured from United States sources. . . .

". . . In previous presentations of the saline water program to the Congress, the need for participation in the study, design, construction, and operation of such large-scale prototype desalting plants has been emphasized. Briefly, the basic reasons for such participation are as follows:

"1. To develop advanced desalting technology for design and for hardware construction.

"2. To demonstrate desalting practices and to gain operating experience with a large plant. Only through actual operation will it be possible to establish the economics of water costs, study the effects of different modes of operation, investigate pretreatment methods, and resolve operating and maintenance problems, all of which determine the price of the water.

"3. As a necessary intermediate step for eventual larger projects in all parts of the world, and specifically in the United States. This project will serve as a pilot operation for the technology and plants required before the turn of the century by our own southwest.

"The proposed financial contribution towards the capital and operating costs of this project is less than any other presently available alternative for obtaining similar technology.

"The project to be authorized by this legislation offers a unique opportunity to achieve the objectives we have just set forth. The Government of Israel has conducted a comprehensive national study of the availability and quality of its water resources. They have concluded that new incremental sources of fresh water must be made available by the mid-1970s in order to maintain their industrial and economic growth. Therefore, Israel has had a continuing interest in desalting and specifically in the United States desalting program. . . .

"Participation in this specific project provides an excellent opportunity to study a system of water use for agriculture. Israel is unique in having a fully integrated water system serving the bulk of the nation's irrigated agriculture and other uses, and it provides in effect a 'water management laboratory'. The impact of decisions involving such matters as water prices and quantities, water allocation to different uses, value and kind of crops and areas of development can be related to the cost and quantity of desalted water, and, indirectly, to other water supplies.

"In summary, while the project is vital to Israel in terms of water supply and power, its significance to the United States is the opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to development of low cost desalination processes. We believe we should take advantage of this opportunity and we urge the early enactment of this proposal. . . ."

NELSON AMENDMENT—S. 2847

Cosponsors: Senators Nelson, Case, Eagleton, Goodell, Harris, Hart, Hartke, Hatfield, Javits, Kennedy, Magnuson, McGee, Mondale, Muskie, Pell, Ribicoff, Saxbe, Schweiker, Scott, Tydings, Williams (N.J.), Yarborough, Young (Ohio).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purpose of the Foreign Assistance Act, as amended, and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advance concepts which will contribute materially to low-cost desalination in all countries, including the United States, the Secretary of State is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the Secretary deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project.

SEC. 2. Any agreement entered into under first section of the Act shall include such terms and conditions as the Secretary deems appropriate to insure, among other things, that all information, products, uses, processes, patents, and other developments obtained or utilized in the development of this prototype plant will be available without further cost to the United States for the use and benefit of the United States throughout the world, and to insure that the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving the science and technology in the field of desalination.

SEC. 3. The Secretary of State shall be responsible for the conduct of the technical aspects of the project.

SEC. 4. In carrying out the provisions of this Act, the Secretary may enter into contracts with public or private agencies and with any person without regard to sections 3648 and 3709 of the Revised Statutes.

SEC. 5. Nothing in this Act shall be construed as intending to deprive the owner of any background patent or any right which such owner may have under that patent.

SEC. 6. In carrying out the provisions of this Act, the Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency.

SEC. 7. The United States costs, other than its administrative costs, for the study, design, construction, and operation of a prototype plant under the Act shall not exceed either 50 per centum of the total capital costs of the facilities associated with the production of water, and 50 per centum of the operation and maintenance costs for the demonstration period, or $40,000,000, whichever is less. There are authorized to be appropriated, subject to the limitations of this section, such sums as may be necessary to carry out the provisions of this Act, including administrative costs thereof. Such sums shall remain available until expended.

Mr. McGEE. I thank my friend from New York.

Mr. President, in the wake of the action just taken by the Senate on the rollcall vote, I should like to suggest that we have accepted a limitation or ceiling on the military assistance appropriation consistent with that which was brought out of conference, and consistent with the impact of the Fulbright amendment adopted this morning in regard to it.

To follow through on that, so that we can adhere to our action this morning, I ask unanimous consent that, on page 6 of the bill, lines 21 and 22, the figure "$375 million" be adjusted to read "$350 million," in accordance with the conference authorization.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, this is the question I tried to propound to the Senator from Arkansas this morning. His response to me was that there are no funds in the authorization bill for Korea. Is this the adjustment for Korea?

Mr. FULBRIGHT. Mr. President, the Senator misunderstood me. I have never said that. There are very large funds in the bill, aside from this, for Korea.

Mr. STEVENS. I have just corrected the record. I am sorry to state this to the Senator from Arkansas. I will be glad to get the record back. That was the reason I raised the question, because I said specifically——

Mr. FULBRIGHT. Oh, it is not earmarked. I am sorry; I misunderstood the Senator. No funds are earmarked. We do not earmark them for these countries as a general practice.

Mr. STEVENS. Well, now, we have just refused to adopt the amendment offered by the Senator from Arkansas, which would have taken out the earmarking for Korea.

Mr. FULBRIGHT. That is correct.

Mr. STEVENS. And I also note that the language on page 7, where it says: "That none of the funds appropriated in this paragraph shall be used to furnish sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, the Republic of China, the Philippines, and Korea does in fact contain an authorization to turn some of this equipment, in terms of equipment, over to Korea and to Nationalist China, or Taiwan.

I shall not object if the Senator tells me that the funds involved in this reduction do not involve either Korea or Taiwan. Do they?

Mr. FULBRIGHT. I misunderstood the Senator. The authorization bill does not pick out and specify or earmark funds for countries. But the administration, in presenting these programs, states that this is their justification. It is for a very large amount, three times as much as this amount here, intended for Korea, but it is not earmarked.

That is the usual practice, and has been for 20 years. The only way this varies from that is that here it is earmarked. But there is nothing in what the Senator is asking to do that would prevent Korea getting its money. In the first place, we have already earmarked $50 million by the last vote. Korea will get, in addition to that, other funds which the administration intends for Korea.

Mr. McGEE. And may I add to that response, for I think it will clarify it a bit, in the ceiling imposed by the authorization conference report, that figure was still $25 million above our general, worldwide authorization in the military area.

The moneys, therefore, that this last vote would reserve for Korea would come in part out of that, and the rest of it presumably, as determined by the administration, would come from foreign military assistance funds.

Mr. STEVENS. Mr. President, the House bill authorized $454,500,000 for worldwide military assistance. As I understand the measure, the Senate would authorize $350 million worldwide.

Mr. McGEE. That is correct.

Mr. STEVENS. I can understand that one part, the $54,500,000, is for Taiwan. But where is the balance that the reduction is related to?

It seems to me that the conference committee that the Senator from Arkansas has under his wing, if he will pardon the expression, on the authorization bill has now been completed. I have not seen that. However, I am informed that it has, in fact, reduced the authorization for some of these items. And this is to comply with that action.

Why is it necessary to do this?

Mr. ELLENDER. Mr. President, when we had the foreign aid bill before the Senate yesterday, there was an understanding that the authorization for military assistance would be reduced in accordance with what the conferees would provide.

And the conference in the authorization bill did provide $350 million instead of the $375 million that we had in the bill.

This is simply to put it back under the authorization that was agreed to yesterday.

Mr. STEVENS. Have the House conferees agreed to this?

Mr. McGEE. The House conferees have agreed to the $350 million. This makes it consistent with the earlier action of the Senate this morning on the Fulbright amendment.

Mr. AIKEN. Will the Senator yield?

Mr. McGEE. I yield.

Mr. AIKEN. Mr. President, under the bill as agreed to by the conference, up to $350 million was available for Korea if the President and his administration should decide that is where the military assistance budget should be spent. However, the vote just taken reduces the amount available for any other country—Thailand, Vietnam, or Laos—by $50 million, because we earmarked $50 million alone for Korea.

Perhaps Korea is where we need it most. However, in the event it is not needed in Korea, the military assistance for the other countries has been reduced by $50 million. And at the present time it seems that it might be needed in other Asian countries as much as in Korea, although I do not know.

I leave that decision to the President, the Defense Department and the State Department. They know a lot more about it than I do. However, I want to emphasize that military assistance has just been reduced by $50 million because we earmarked money for Korea.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McGEE. Mr. President, are there further amendments? I am ready for third reading.

Mr. DOMINICK. Mr. President, will the Senator yield for a short question?

Mr. McGEE. I yield.

Mr. DOMINICK. Mr. President, did the Foreign Relations Committee receive any evidence or testimony on allegations which I have recently heard that UNICEF is now supplying aid and money to North Vietnam?

Mr. McGEE. We received no testimony on it.

I am advised by the staff that the Foreign Relations Committee has received no testimony to that effect.

I did read something to that effect in one of the releases from the John Birch Society. But I have not seen anything in testimony.

Mr. DOMINICK. This was in a newspaper column. I did not know whether there was anything to it.

Mr. McGEE. I saw it in one of the speeches circulated from Belmont. However, that is the only thing I saw.

Mr. DOMINICK. The committee did not have any evidence on that?

Mr. McGEE. Not that I know of.

Mr. DOMINICK. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. McGEE. Would the Senator be willing to wait for a third reading?

Mr. BYRD of Virginia. I do not think I would have an amendment. However, I would like to have an understanding of to matter before I forgo the opportunity to offer an amendment.

Mr. President, on page 17 in dealing with the funds for the Peace Corps, there is an item of $98,450,000, of which not to exceed $30,100,000 shall be available for administrative expenses.

That is more than 30 percent of the total. I wonder if the Senator has information as to what the administrative expenses of the agency have been running.

Mr. McGEE. Mr. President, I think that the point the Senator is getting at is a very good one. It is that as the total comes down, why do the administrative expenses not come down also?

This question was put bluntly by the committee in the hearings. And the explanation, which to the chairman, at least, seemed very valid, was that the fixed costs of administering a program, whether $95 million or $120 million, are generally not very flexible.

It is that which is currently being reflected in the seeming disproportion of the two figures, with the total coming down. We were satisfied after the hearing that there was no deliberate padding in an attempt to expand the empire of the Peace Corps through the administration in my disproportionate way.

Mr. BYRD of Virginia. It would be fair to say, I assume, that of our total appropriations for the Peace Corps, $98 million, roughly one-third would be for administrative expenses.

Mr. McGEE. The Senator is correct. It would be a much lower percentage if we had $150 million. It would be about the same expenses, in other words.

Mr. BYRD of Virginia. Mr. President, I am speaking of the present time, the year for which we are legislating. Of the total amount we appropriate, roughly one-third will go for administrative expenses.

Mr. McGEE. The Senator is correct. The administrative expenses, I am re-

minded, is not to be associated with the administration of the program in Washington alone. This is naturally a significant part of it. However, in each country there has to be a fixed administrative operation. Sometimes it is only one or two persons. However, there is a fixed amount, regardless of whether we have two trainees in that country or 122. It is rather a constant factor.

Mr. BYRD of Virginia. The point I am trying to develop, which I think has been developed, is that roughly one-third of all the money appropriated for the Peace Corps is utilized for administrative expenses.

On page 21, the limitation on the Export-Import Bank, the figures which are used on line 19, one figure being $3,427,-413,000, and the other figure being on line 20, $2,420,000,000, do I read it correctly that that limitation applies to existing appropriations? It is not a new appropriation?

Mr. McGEE. That is not a new appropriation. They are limitations placed by the Congress on the operations of the banks. As the Senator knows, the Bank is subject to close congressional scrutiny.

Mr. BYRD of Virginia. Mr. President, I thank the Senator.

On page 9 of the committee report, multilateral organizations and programs, the figure totals $122 million. I take it that all of that is for the United Nations. Am I correct in that assumption?

Mr. McGEE. Most of that is for the United Nations. The lists that the Senator will note at the top of page 9 mentions five separate small groups that are also included under that general heading. However, the great bulk goes to the U.N. development program and some related agencies.

Mr. BYRD of Virginia. Mr. President, are the last five not United Nations connected, or are they entirely separate from the United Nations?

Mr. McGEE. They are affiliated but separate from the United Nations.

Mr. BYRD of Virginia. What are the special contributions for Vietnam? Is that a United Nations program?

Mr. McGEE. It is independently administered, as I recall. If the Senator will wait a moment, I will verify that.

As I remember, this had to do with some medical and food assistance. However, I will have the information in just a moment.

Mr. McGEE. I will read from the justification made to the committee, which will explain the point:

In May 1968, the United States entered into a funds-in-trust arrangement with the World Health Organization (WHO) following a request from the Vietnamese Government to WHO for assistance in establishing a National Institute of Public Health. WHO will provide the experts to train technicians, while the Government will provide the site for the Institute. Subsequently the Netherlands agreed to contribute $500,000 to WHO for this project. The plan of Operations for the project was signed on November 24, 1968.

The United States also is exploring with UNICEF the possibility of helping establish an Institute of Social Welfare, to which the Dutch have already contributed $355,000 a funds-in-trust basis.

The Institute will train relocation and rehabilitation specialists to help with the problems of Vietnamese displaced by the war.

It is proposed that $1 million be made available in FY 1970 as the U.S. contribution to special UN projects in Vietnam.

It is a public health institute that is being established there, and we are participants in it with the Netherlands.

Mr. BYRD of Virginia. I thank the Senator.

One additional question: In regard to the assistance to refugees, the total committee recommendation is $87 million. I assume that the bulk of that applies to Cuban refugees.

Mr. McGEE. That is correct. It is all for Cuban refugees.

Mr. BYRD of Virginia. I thank the Senator.

Mr. FULBRIGHT. Mr. President, I should like to ask a question in regard to the military sales.

The report states that that is dropped because it has not been authorized. I would assume from that that there is no danger of its being revived in conference.

Mr. McGEE. It is my understanding, in view of the adoption of the Fulbright amendment this morning, that that would be deleted from the bill. However, it is in the bill passed by the House.

Mr. FULBRIGHT. Good.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. McGEE. Mr. President, I had promised the Senator from Colorado that we would respond to three or four relevant questions he wanted to raise. I wonder if I might suggest the absence of a quorum until we locate him.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. HOLLAND. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. HOLLAND. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, I would like to speak in support of an item contained in the House version of the appropriation for foreign assistance. The House bill appropriates $20 million for the construction of desalinization plant in Israel. This would be a joint project between the United States and the state of Israel.

My interest in this desalting project is a logical continuation of my cosponsorship of a bill introduced by Senator NELSON on August 13 of this year. This earlier initiative which I supported would have provided $40 million for desalting and power plant in Israel, with Israel contributing $100 million.

The need for such a facility is still with us, and is, in fact, growing daily. The world's rising population is gradually depleting all possible natural water resources, making it essential to create the necessary desalting plants. Israel is plagued with an especially acute problem. Within the next decade—the 1970's—all of Israel's sources of natural water will be effete. Already 95 percent of Israel's water resources have been exhausted. We simply cannot allow ourselves to postpone some form of preventive action, only to awake some morning and realize that there is no available water supply and that we have not taken the precaution of creating pure water from the massive sources of salt water.

The project which we construct in Israel is only a small example of what will be required throughout the world, if it is to remain a habitable place for its hundreds of millions of people. It also is only a projection of what we shall have to begin doing here in the United States. Although our population might not be rising at so rapid a rate as the populations of many other countries, our need for fresh water is soaring. Our rising standard of living, continuing industrialization, and new agricultural methods which demand intensive irrigation make it essential that more and more fresh water sources are available. For example, the United States uses approximately 360 billion gallons of water a day—this is a rate which increases by 25,000 gallons per minute, and which, in 20 years, is expected to triple. If we are to confront this worldwide problem and make some reasoned approach to solving it, we must now acknowledge that desalinization, from all indications, presents the greatest promise for ending the threat of water shortages. Consider simply the fact that almost 75 percent of the earth's surface is covered with water, but this water, since it contains about 3½ percent salt, cannot be used in the same way that natural water is used. If we, therefore, can reduce the salt content of the world's ocean waters, we shall have opened vast new reservoirs of usable water. For years, this was the logical solution. Only recently, however, have we developed the technical expertise to make lowering the salt content of ocean waters feasible. Now this knowledge must be fully exploited. My amendment would hopefully be a pattern for a massive followup program of desalting plants throughout the world. Already 20 countries have such plants, but clearly many more will be needed.

This seems to me to be the ideal time finally to begin shifting the focus of our foreign assistance program. For many many years I have encouraged the Senate to reconsider the military orientation of our foreign assistance program. In a world so plagued by violent hostilities which consume human and material resources at a pathetically disproportionate rate, to all humanitarian efforts, how can we ever hope to make America a nation that is truly seeking peace? How can America be a symbol of all that is good and gentle in a country, unless we stop concentrating 80 percent of our foreign assistance on military expenditures? Now we have the opportunity to use our foreign aid funds in a manner which will further not only the economic development of a country, but also the hope for

peace, and the spirit of peace. When one places his major emphasis on a program which has social and economic benefits, and which is out of the realm of the military, then the old theory about a "self-fulfilling prophecy" can take hold. That is, since our major concern focuses upon nonviolent programs instead of, for example, providing arms or military training to a foreign government, perhaps we can, therefore, lessen the tendency of one state to carry out violent actions against another state.

Although the scope of this one desalting project in Israel is relatively small when viewed against our entire foreign assistance appropriations, the essential point is that it offers an example of the kind of actions we can be taking to prevent a worldwide tragedy—such as a great water shortage—and at the same time to encourage socially oriented and peaceful foreign assistance projects.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Without objection, it is so ordered.

Mr. McGEE. Mr. President, I understand that the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 55, nays 35, as follows:

[No. 258 Leg.]

YEAS—55

Aiken	Dodd	Holland
Allott	Dominick	Hughes
Baker	Eagleton	Jackson
Bayh	Fong	Javits
Bellmon	Goodell	Kennedy
Bennett	Gore	Mathias
Boggs	Gravel	McGee
Brooke	Griffin	McIntyre
Cannon	Hansen	Metcalf
Case	Harris	Miller
Cotton	Hart	Mondale
Cranston	Hatfield	Moss
Muskie	Proxmire	Sparkman
Nelson	Randolph	Spong
Packwood	Ribicoff	Williams, N.J.
Pastore	Saxbe	Yarborough
Pearson	Schweiker	Young, N. Dak.
Pell	Scott	
Prouty	Smith, Ill.	

NAYS—35

Allen	Fannin	McGovern
Bible	Fulbright	Montoya
Burdick	Goldwater	Murphy
Byrd, Va.	Gurney	Smith, Maine
Byrd, W. Va.	Hartke	Stennis
Church	Hruska	Stevens
Cook	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dole	Long	Tydings
Eastland	Magnuson	Williams, Del.
Ellender	Mansfield	Young, Ohio
Ervin	McClellan	

NOT VOTING—10

Anderson	McCarthy	Symington
Cooper	Mundt	Tower
Hollings	Percy	
Inouye	Russell	

So the bill (H.R. 15149) was passed.

Mr. McGEE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. HOLLAND. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, the motion is agreed to and the Chair appoints Mr. McGEE, Mr. ELLENDER, Mr. McCLELLAN, Mr. HOLLAND, Mr. MONTOYA, Mr. FONG, Mr. COTTON, Mr. PEARSON, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, with his handling of this appropriations measure for our foreign assistance programs, the distinguished senior Senator from Wyoming (Mr. McGEE) has added another outstanding achievement to his already abundant record. It is difficult enough to take charge of a vast funding proposal. The task is made even more difficult when such a measure concerns an area that increasingly has come under attack over the years. Nevertheless, Senator McGEE handled the job with the same high degree of skill and ability, that has marked his years of public service with the greatest distinction. The Senate is deeply grateful.

The South is grateful as well for the splendid cooperation and support of the distinguished Senator from Hawaii (Mr. FONG). As the ranking minority member of this Appropriations Subcommittee he joined to assure the swift and efficient disposition of the matter.

Also to be commended for their contributions on this proposal were the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Vermont (Mr. AIKEN), the Senator from Idaho (Mr. CHURCH), and the many others who joined the discussion. Their cooperation and the cooperation of the entire Senate assured the prompt consideration of this matter with full regard for the views of every Member.

CHANGING THE LIMITATION ON THE NUMBER OF APPRENTICES AUTHORIZED TO BE EMPLOYEES OF THE GOVERNMENT PRINTING OFFICE

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9366.

The Presiding Officer laid before the Senate H.R. 9366, to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office, and for other purposes, which was read twice by its title.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The bill was ordered to a third reading, was read the third time, and passed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Frank Charles Carlucci III, of Pennsylvania, to be an Assistant Director of the Office of Economic Opportunity, vice Theodore M. Berry;

Wesley L. Hjornevik, of Texas, to be Deputy Director of the Office of Economic Opportunity;

Dr. Jesse Leonard Steinfeld, of California, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgean General of the Public Health Service; and

Donald S. Lowitz, of Illinois, to be an Assistant Director of the Office of Economic Opportunity.

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Arthur F. Burns, of New York, to be a member of the Board of Governors of the Federal Reserve System.

By Mr. EASTLAND, from the Committee on the Judiciary:

William J. Schloth, of Georgia, to be U.S. attorney for the middle district of Georgia; and

Gerald J. Gallinghouse, of Louisiana, to be U.S. attorney for the eastern district of Louisiana.

By Mr. BURDICK, from the Committee on the Judiciary:

Barrington D. Parker, of the District of Columbia, to be U.S. district judge for the District of Columbia.

EXECUTIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate go into executive session to consider nominations which were reported earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICE OF ECONOMIC OPPORTUNITY

The legislative clerk read the nomination of Wesley L. Hjornevik, of Texas, to

be Deputy Director of the Office of Economic Opportunity.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Frank Charles Carlucci III, of Pennsylvania, to be an Assistant Director of the Office of Economic Opportunity, vice Theodore M. Berry.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Donald S. Lowitz, of Illinois, to be an Assistant Director of the Office of Economic Opportunity, vice James D. Templeton, resigned.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Dr. Jesse Leonard Steinfeld, of California, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service, for a term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM

The legislative clerk read the nomination of Arthur F. Burns, of New York, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1970, vice William McChesney Martin, Jr., term expiring.

Mr. JAVITS. Mr. President, today the distinguished counselor to the President, Arthur F. Burns, appeared before the House Banking and Currency Committee in connection with his nomination as Chairman of the Board of Governors of the Federal Reserve System of the United States.

Mr. President, we are indeed fortunate that this distinguished and balanced economist, whom I have known for more than two decades, will soon move into the crucial position which has been so importantly filled with distinction by William McChesney Martin since the early 1950's.

Dr. Burns will be picking up the reins at the Fed at a time when there is widespread controversy over the role being played by the Fed. At immediate issue is the unusually tight monetary policy that the Fed has maintained since late spring which has perhaps moved this economy to the brink of serious recession. The time is upon us for a new creative monetary policy which will move our economy back from this brink while at the same time continuing to curb the price inflation which has seriously distorted our economy since the peak of the Vietnam buildup.

Dr. Burns is eminently qualified to walk this dangerous tightrope. His sound and mature judgment, his modern economic ideas, and his widespread experience at the highest levels of our Government, are the qualities this Nation and world will need in the crucial months and years ahead.

Dr. Burns will need and deserve our support in the period ahead.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Arthur F. Burns to be a member of the Board of Governors of the Federal Reserve System.

The nomination was confirmed.

U.S. ATTORNEY

The legislative clerk read the nomination of William J. Schloth, of Georgia, to be U.S. attorney for the middle district of Georgia for the term of 4 years vice Floyd M. Buford. resigned.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Gerald J. Gallinghouse, of Louisiana, to be U.S. attorney for the eastern district of Louisiana for the term of 4 years, vice Louis C. LaCour.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Barrington D. Parker, of the District of Columbia, to be U.S. district judge for the District of Columbia vice Joseph C. McGarraghy, retired.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resumed the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 15209, supplemental appropriations, 1970, which is the last of the appropriation bills to be considered.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. H.R. 15209, supplemental appropriations, 1970.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOYD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I am happy to report to the Senate the supplemental appropriations bill for fiscal year 1970, which is the last appropriation bill to be considered in this session of the Congress.

Relatively speaking, the sums recommended by the committee for appropriantion in this bill are not large—$267,437,318, an increase of $23,211,385 over the House Bill and $47,160,534 under the budget estimate.

The budget estimates submitted to the Senate for consideration in connection with this bill total $314,597,852. The amount recommended by the House of Representatives is $244,225,933. Subsequent to the passage of the bill by the House, additional supplemental budget estimates were submitted by the executive branch to the Senate in the amount of $16,050,591, which the House did not consider.

Mr. President, a large portion of the amounts contained in the budget estimates and in the Senate bill relate in one way or an other to the effects of Hurricane Camille last August.

For the Small Business Administration, the committee recommends an appropriaiton of $175 million, which amount is required to accommodate the existing and anticipated loan demands of victims of natural disasters.

Under the Department of Agriculture, the committee concurs in the House recommendation of $3.7 million for the Soil Conservation Service. These funds are required for emergency conservation practices resulting from damages caused in 12 counties in Virginia by Hurricane Camille.

For the Federal Labor Relations Council, under the Civil Service Commission, the House recommended an appropriation of $250,000. The committee has increased this sum to $400,000, which is the amount of the budget estimate. These funds will finance the staff and services for the Federal Labor Relations Council and the Federal Services Impasses Panel, created by Executive Order No. 11491, dated October 29, 1969. The purpose of this Council is to help establish effective labor-management relations in the Federal service.

For the Commission on Population Growth and the American Future, the committee has recommended the full amount of the budget estimate of $1,443,000—to finance an inquiry into and to make recommendations about the probable course of population growth in the United States between now and the year 2000.

For the Trust Territory of the Pacific Islands, the committee has provided an appropriation of $8,380,000 for grants, subsidies, and contributions for health services, education, public affairs, resources and development, and other purposes.

For necessary Federal activities in connection with the proposed trans-Alaska pipeline, the committee has made the following recommendations:

For the Bureau of Land Management, $1.5 million;

For the Geological Survey, $700,000; and

For the Bureau of Sport Fisheries and Wildlife, $205,000.

Several Members of the Senate brought to the attention of the committee important programs which required funding, and the committee has sympathetically considered the following requests: $309,000 has been included in the bill for the care and preservation and to plan appropriate storage and a display exhibit relating to the steamboat *Bertrand* at the DeSoto National Wildlife Refuge in Nebraska.

The committee also approved a $220,000 request for the initiation of a bear management program in Yellowstone National Park, and $75,000 to reconstruct certain streets in Harpers Ferry, W. Va.

The committee has also approved the request of $190,000 to initiate the restoration of the Frederick Douglass House in Washington, D.C., and has provided an additional $1 million for increased contract medical care for Indians.

The subcommittee was requested to provide funds for Federal participation in the construction of a new community hospital in Fairbanks, Alaska, and under the head of "Indian Health Facilities" is recommending an appropriation of $1,952,000.

For the John F. Kennedy Center for the Performing Arts, the committee has concurred in the House action, which will provide $7.5 million additional funds to match gifts for continuing construction of the Center.

Under Gallaudet College, the House recommended an appropriation of $314,000 to expand security guard services and to install a new lighting system and provide better fencing. The committee has stricken this entire sum from this bill, inasmuch as an identical amount for this purpose was included in the Departments of Labor and Health, Education, and Welfare appropriation bill for fiscal year 1970, which has just passed the Senate.

For the Immigration and Naturalization Service, the committee concurs in the House recommendation of $869,000. The committee has also concurred in the allowance of the House of $700,000 for the Bureau of Narcotics and Dangerous Drugs.

Under the Environmental Science Services Administration, the committee is recommending and appropriation of $800,000 for the *Nantucket* weather ship, and $1,200,000 is recommended for this same purpose under the U.S. Coast Guard. This will provide a total of $2 million for this important weather forecasting facility.

The committee has included in the bill $4,250,000 for the U.S. Secret Service. These funds are to provide for 624 new positions for the protection of foreign diplomatic missions in the Washington, D.C., area. Of these additional positions, 514 will be police officers and 110 support personnel.

The committee concurs in the action of the House and recommends an appropriation of $8,750,000 for the Bureau of Customs. These funds will provide the Treasury Law Enforcement Training School with additional instructors, space, and equipment necessary to train new agents and to hire 915 additional personnel for a more effective program against the smuggling of drugs, marihuana, and narcotics.

Mr. President, that completes my opening statement on the bill. I wish to express my gratitude to the able senior Senator from Nebraska (Mr. HRUSKA), who so effectively worked on this bill during the subcommittee hearings and conducted several of the hearings in connection therewith, and whose valuable assistance to me is very much appreciated.

I also wish to express gratitude to the other members of the subcommittee on both sides, who have worked so diligently and have been so helpful in bringing this important bill to the floor.

I now yield to my able colleague from across the aisle (Mr. HRUSKA), for his opening statement.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, I thank the Senator from West Virginia for his kind comments and his compliments. I wish to say that, while these hearings have not been long, they were hearings well directed to the topics before us, and further thanks should be extended to the chairman for his clear description of the outline and substance of the provisions of the bill. It will not be my purpose to repeat any of the details thereof.

The hearings and the money allowances in this bill devoted themselves principally and primarily to the disaster of Hurricane Camille, which has already been referred to. The remainder of the items are that type of item which arises between regular bills for appropriations in their respective fields. There were some which could wait until next year's regular bill, or the supplemental bill which will be referred to Congress right after the first of the year, and in those instances they were deferred, to give us an opportunity to have further hearings on them and consider them in more pertinent context.

Some items originally in the estimates have been taken care of already in the regular appropriation bills, notably in the District of Columbia appropriation bill, so that was a factor also.

Aside from that, there are two sections in the bill devoted to other subjects. One is the availability of funds in the interim between the sine die adjournment of Congress and the actual enactment of the bill, and also the last section in the bill, with which we shall perhaps deal in a little greater detail later in the debate.

Again, I express my appreciation for the splendid leadership furnished by the chairman of the subcommittee.

Mr. BYRD of West Virginia. I thank my colleague. I am very grateful for his remarks.

Mr. President, I am about to propound a unanimous-consent request, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of further amendment, provided that no point of order shall be waived by reason of this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, line 8, after "October 29, 1969,", strike out "$250,000" and insert "$400,000"; and, in line 13, after the word "exceed", strike out "$100" and insert "$150".

On page 3, line 18, after the word "Procurement", strike out "$500,000" and insert "$2,500,000"; and, in the same line, after the amendment just above stated, insert a comma and "to remain available until June 30, 1972".

At the top of page 4, insert:

"TEMPORARY STUDY COMMISSIONS

"COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

"SALARIES AND EXPENSES

"For expenses necessary for the Commission on Population Growth and the American Future, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $1,443,000, to remain available until expended: *Provided*, That this paragraph shall be effective only upon the enactment into law of S. 2701, 91st Congress, or similar legislation."

On page 4, line 17, after the word "resources", strike out "$1,000,000" and insert "$1,500,000".

On page 5, line 4, after the word "Islands", strike out "$7,500,000" and insert "$8,380,000".

On page 5, line 13, after the word "resources", strike out $205,000" and insert "$414,000".

On page 5, line 15, after the word "Construction", strike out "$2,200,000" and insert "$2,600,000".

On page 5, after line 16, insert:

"NATIONAL PARK SERVICE

"MANAGEMENT AND PROTECTION

"For an additional amount for 'Management and Protection', $220,000.

At the top of page 6, insert:

"MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

"For an additional amount for 'Maintenance and Rehabilitation of Physical Facilities', $75,000, for reconstruction of certain streets in Harpers Ferry, West Virginia."

On page 6, after line 5, insert:

"CONSTRUCTION

"For an additional amount for 'Construction', $190,000, to remain available until expended."

On page 6, after line 9, insert:

"DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE"

On page 6, after line 11, insert:

"HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

"INDIAN HEALTH SERVICES

"For an additional amount for 'Indian Health Services', $1,000,000."

On page 6, after line 16, insert:

"CONSTRUCTION OF INDIAN HEALTH FACILITIES

"For an additional amount for 'Indian Health Facilities', $1,952,000, to remain available until expended."

On page 7, after line 12, strike out:

"CHAPTER IV
DEPARTMENT OF HEALTH EDUCATION, AND WELFARE

"GALLAUDET COLLEGE

"SALARIES AND EXPENSES

"For an additional amount for 'Gallaudet College, Salaries and expenses', $75,000.

"CONSTRUCTION

"For an additional amount for 'Gallaudet College, Construction', $239,000."

At the top of page 8, change the chapter number from "'V" to "IV".

On page 8, after line 2, insert:

"SENATE

"SALARIES, OFFICERS AND EMPLOYEES
OFFICE OF THE VICE PRESIDENT

"For an additional amount for 'Office of the Vice President', $24,966."

On page 8, line 13, change the chapter number from "VI" to "V".

On page 9, line 14, strike out "$418,000" and insert "$618,000".

On page 9, line 17, after the word "construction", strike out "$440,000 and insert "$3,582,000".

On page 9, after line 18, insert:

"OFFICE OF STATE TECHNICAL SERVICES

"GRANTS AND EXPENSES

"For an additional amount for 'Grants and expenses', including grants as authorized by the State Technical Services Act of 1965 (79 Stat. 679), as amended (82 Stat. 423), $5,000,000."

On page 10, after line 8, insert:

"UNITED STATES SECTION OF THE UNITED STATES-MEXICO COMMISSION FOR BORDER DEVELOPMENT AND FRIENDSHIP

"SALARIES AND EXPENSES

"For necessary expenses of the United States Section of the United States-Mexico Commission for Border Development and Friendship, including expenses for liquidating its affairs, $159,000, to be available from July 1, 1969, and to remain available until January 31, 1970."

On page 10, line 18, change the chapter number from "VII" to "VI".

On page 10, after line 20, insert:

"OPERATING EXPENSES

"For an additional amount for 'Operating expenses', $1,200,000."

On page 11, line 5, change the chapter number from "VIII" to "VII".

On page 11, after line 18, insert:

"UNITED STATES SECRET SERVICE

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and Expenses,' including purchase of an additional forty-two motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year, $4,250,000: *Provided*, That this paragraph shall be available only upon enactment into law of H.R. 14944, 91st Congress, or similar legislation."

On page 13, line 6, change the chapter number from "IX" to "VIII".

On page 13, at the beginning of line 12, insert "in Senate Document Numbered 91–48, and"; and, in line 13, after "Ninety-first Congress", strike out "$24,491,433" and insert "$25,021,852".

At the top of page 14, change the chapter number from "X" to "IX".

On page 14, at the beginning of line 3, change the section number from "1001" to "901".

On page 14, at the beginning of line 12, change the section number of "1002" to "902".

On page 14, after line 14, insert a new section, as follows:

"SEC. 903. The appropriations, authorizations, and authority with respect thereto in this Act, the Department of Defense Appropriation Act, 1970, the District of Columbia Appropriation Act, 1970, the Foreign Assistance and Related Agencies Appropriation Act, 1970, the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1970, the Military Construction Appropriation Act, 1970, and the Department of Transportation Act, 1970, shall be available from the sine die adjournment of the first session of the Ninety-first Congress for the purposes provided in such appropriations, authorizations, and authority. All obligations incurred during the period between the sine die adjournment of the first session of the Ninety-first Congress and the dates of enactment of such Acts in anticipation of such appropriations, authorizations, and authority are hereby ratified and confirmed if in accordance with the terms of such Acts or the terms of Public Law 91–33, Ninety-first Congress, as amended."

On page 15, after line 7, insert a new section, as follows:

"SEC. 904. In view of and in confirmation of the authority invested in the Comptroller General of the United States by the Budget and Accounting Act of 1921, as amended, no part of the funds appropriated or otherwise made available by this or any other Act shall be available to finance, either directly or through any Federal aid or grant, any contract or agreement which the Comptroller General of the United States holds to be in contravention of any Federal statute."

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Mr. President, I should like to say to the Senator that I have made a request of him that, since I shall be engaged in a conference on the poverty program next door, I would hope no unanimous consent as to limitation of time will be requested. I am very cognizant of the problems of the Senate, and normally it would be proper to arrive at a time limitation, but interested Senators are so dispersed that it is impossible to consult with all Senators who would wish to be heard upon the question which I shall raise, and I do not even know that I shall necessarily raise the point of order, or whatever other procedure is adopted, but it is just by way of safeguarding the rights of myself and everyone concerned. I know the Senator well, and know he will protect us fully, even though momentarily no one may be on the floor who is directly concerned.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HRUSKA. Has this to do with the limitation of time?

Mr. JAVITS. Yes, it has to do with the limitation of time only, and also, of course, that we do not have third reading, or past the point where we can pertinently raise the issue.

The issue, as the Senators know—and we might as well set it of record—relates to section 904 of the bill.

Mr. BYRD of West Virginia. Mr. President, I say in response to the able Senator from New York that I shall make no request regarding a limitation of time unless the Senator is on the floor, or until after I have had an opportunity to confer with him.

Mr. JAVITS. I thank the Senator. I assure the Senator there will be no dilatoriness on the matter. It is just a matter of giving everyone an opportunity, and I am confident it will be done within the day; there is no desire to delay the matter at all.

Mr. BYRD of West Virginia. Of course, if the Senator does make the point of order, I shall raise the question of germaneness.

Mr. JAVITS. I understand that. I have already ascertained the rule, and that it is necessary that Senators make their speeches and state their views before anything is done; therefore, in this particular instance, I did not wish a time limitation.

But I accept the assurance of the Senator that all interested Senators will be apprised, and assure him that the whole thing will not represent any material length of time, because we still must be free to do what we need to do in the interim.

Mr. BYRD of West Virginia. Mr. President, very well. I know that we can depend upon the assurances of the Senator that no great length of time will transpire as a result of the efforts that are being made to get other Senators together and have consultations.

I want to say to the Senator however, that as far as I am concerned, I am ready to vote on the bill. And I do not intend to provoke any long discussions or at least I do not intend to talk at length. I am ready to vote at any time.

If Senators have questions concerning any item in the bill, this would be a good time to ask them. And if Senators have amendments to press on any money item in the bill, this would be a good time to offer them.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside so that the able Senator from Connecticut may bring up an amendment of the House to a Senate bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. RIBICOFF. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 740.

The PRESIDING OFFICER laid befor the Senate the amendment of the House of Representatives to the bill (S. 740) to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes which were, on page 3, line 1, strike out "speaking;" and insert "speaking."; on page 3,

strike out lines 2 through 6, inclusive, and insert:

(c) The Chairman may invite the participation in the activities of the Committee of any executive department or agency not represented on the Committee, when matters of interest to such executive department or agency are under consideration.

On page 3, line 7, strike out "(c)" and insert "(d)";

On page 3, line 17, strike out "(d)" and insert "(e)."

On page 6, lines 21 and 22, strike out "(including traveltime)"

On page 7, after line 6, insert:

SEC. 9. Subchapter III of chapter 73 of title 5, United States Code, shall apply to the employees of the Committee and the employees of the Advisory Council.

On page 7, line 7, strike out "SEC. 9." and insert "SEC. 10."

On page 7, line 7, after "appropriated" insert "for fiscal years 1970 and 1971".

On page 7, line 9, after "heretofore" insert "and hereafter".

On page 7, line 13, strike out "SEC. 10." and insert "SEC. 11.".

On page 7, after line 17, insert:

SEC. 12. This Act shall expire five years after it becomes effective.

Mr. MONTOYA. Mr. President, the bill before us, S. 740, is essentially the same measure which this body passed unanimously on September 25, 1969. S. 740, you will recall, is a bill which I introduced on January 11, to establish the Cabinet Committee on Opportunities for Spanish-Speaking People. I was joined on this measure by 40 of our colleagues as cosponsors.

The purpose of this new Cabinet Committee, which my bill would establish, would be to assure that Federal programs are reaching all Spanish Americans, Mexican Americans, Puerto Rican Americans, Cuban Americans, and all other Spanish-speaking and Spanish-surnamed Americans, to provide the assistance they need, and to seek out new programs that might be necessary to handle programs that are unique to such persons.

Mr. President, I will not repeat here the reasons for the need to establish this Cabinet Committee. These reasons are well known by this body already.

The Committee on Government Operations has held extensive hearings on the problems of the Spanish-speaking American and has found a need for this legislation. As I have stated earlier, S. 740 was approved unanimously by this body this fall.

I am pleased to see that the House has seen fit to take up consideration of this bill and to pass it during this session. The House, however, has made a number of amendments, and it will be up to the Senate to either agree to the amendments or ask for a conference. Mr. President, I urge my colleagues, as principal sponsor of this measure, to accept the amendments made by the House, pass the bill, and send it to the White House for immediate signature.

Mr. President, in order to have the record straight on the amendments proposed by the House, I wish to inform the Members of this body that the Honorable CHET HOLIFIELD, acting chairman, House Subcommittee on Executive and Legislative Reorganization, which held hearings and recommended the amendments to this bill, consulted with me on these amendments prior to reporting the bill to the full committee. I believe that the amendments which have been proposed are amendments which will improve the bill, and I accepted them all wholeheartedly, with one exception. The one exception, Mr. President, is the amendment approved by the House adding a new section 12 providing that "this Act shall expire 5 years after the Program becomes effective." Mr. President, I expressed by displeasure to Congressman HOLIFIELD of this 5-year limitation to the existence of the committe because I do not feel that the problems which the committee must adress itself to can be solved in 5 years, or even 10 years. The problems confronting Spanish-speaking Americans have been centuries in the making and cannot be solved overnight.

I reluctantly agreed to this latter provision, however, with the understanding that the legislation authorizing the new Cabinet Committee would be reviewed at the end of the 5 years to determine the progress which the Cabinet Committee will have made and that the Cabinet Committee would most definitely be extended at that time. Mr. President, I ask unanimous consent to insert at this point in the RECORD a copy of my letter of December 1, to Congressman HOLIFIELD explaining my views on this particular amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., December 1, 1969.

Hon. CHET HOLIFIELD,
Acting Chairman, House Subcommittee on Executive and Legislative Reorganization, Washington, D.C.

DEAR CHET: This is to confirm our telephone conversation of this morning regarding proposed changes by the House Subcommittee on Executive and Legislative Reorganization to S. 740, a bill which I introduced and which has been passed by the Senate to establish the Cabinet Committee on Opportunities for Spanish-Speaking People.

As I understand it, Chet, the House Subcommittee recommended four changes in S. 740 as passed by the Senate when it reported the bill to the full Committee on November 26, 1969, as follows:

(1) *Page 3.*—strike out lines two through six and add a new subparagraph (c) authorizing the Chairman to invite the participation of other executive departments or agencies;

(2) *Page 6.*—on lines 21 and 22, strike out the phrase "(including traveltime)";

(3) *Page 7.*—on line eight, insert "for Fiscal Years 1970 and 1971" at the beginning of the line; and on line nine after the word "Heretofore" and before the word "made", insert the phrase "and hereafter"; and

(4) *Page 7.*—after line 17, insert a new section, Section 11, to read as follows:

Sec. 11. This Act shall expire five years after it becomes effective.

Chet, as I discussed with you, as author of S. 740, I have no objection to change one, two and three described above if the House Subcommittee feels the amendments are necessary. I do have strong reservation about proposed change number four, above, namely limiting the life of the Committee to only five years.

If a time limit must be placed on the life of the Committee, I would prefer to see a more realistic life span such as 10 years for example. However, in view of the objections which have been raised within the House Subcommittee to establishing the Committee initially beyond a five year time span, and in view of your own strong recommendation that this change be accepted by the Senate in order to have S. 740 passed by the House, I reluctantly agree to accept this provision.

I would like the record to show, however, that by this action, neither I nor the House Committee on Government Operations wish to leave even the slightest impression that the work of the new Cabinet Committee on Opportunities for Spanish-Speaking People can be accomplished in five years, nor that the life of the Cabinet Committee should not be continued beyond that time until the work which it needs to do is completed. When I introduced S. 740, I thought about placing a definite time limit on the existence of the Cabinet Committee. During my testimony on S. 740 before the Senate Government Operations Committee, I made reference to the fact that this new Cabinet Committee should not be in existence forever.

I, too, felt that the Cabinet Committee should be operating within some specific time frame. However, when one contemplates the length of time our Spanish-speaking citizens have suffered; their distrust of many of our Federal and local government agencies brought about by past insensitivity to their problems; their employment and housing problems; and their inequality in educational opportunities, we realize the enormity and difficulty of the task of the Cabinet Committee and the impossibility of placing a definite time limit on solving these problems.

To meet these problems, the new Cabinet Committee will have to work diligently but with patience. Their work can certainly not be accomplished in five years. I would be the first to wish that it could, for this would mean that in five years the Spanish-speaking people of this country would no longer be a disadvantaged group.

I believe that by authorizing appropriations for only two years as the House Subcommittee has proposed, that Congress will be assured of at least biannual reviews of the Cabinet Committee's accomplishments. This should ensure against any footdragging on the part of the Cabinet Committee in meeting their responsibilities and should make the need for a definite time limit a less urgent one.

With the above comments in mind, and because of the urgent need to enact this enabling legislation, I will support the changes being proposed by the House Subcommittee. I have also discussed this matter with Senator Abraham Ribicoff's Subcommittee on Executive Reorganization and have received assurances of the Subcommittee's support for these changes. Thus, if the House will approve S. 740 with the above changes, the Senate, I am confident, will accept the amendments without the need for a conference. This should ensure enactment of S. 740 during this Session of Congress.

On another amendment, I have been contacted by representatives of the Inter-Agency Committee on Mexican American Affairs, asking if I would have the House include language in S. 740 authorizing the new Cabinet Committee to accept donations of funds and goods. In checking with the Legislative Reference Service of the Library of Congress, I was informed that Federal agencies need specific legislative authority before being able to accept donations. Safeguards are usually provided to ensure there is no misuse of such donations. Should the House Government

Operations Committee agree to include such an amendment in S. 740, I would have no objection to it, and am confident that Senator Ribicoff would likewise approve it.

Chet, I wish to thank you and the other members of the Subcommittee and the full Committee for your every cooperation on this bill. I realize that you received the bill in your Committee only last week on re-referral from the House Foreign Affairs Committee. You have certainly worked expeditiously and diligently in reporting the measure out. For this, you have my every appreciation. I also wish to thank you for the opportunity to comment on the proposed changes by the House on this bill.

Kind regards.

Sincerely,

JOSEPH M. MONTOYA,
U.S. Senator.

Mr. MONTOYA. Mr. President. I mention the above as background because I feel it is imperative that the legislative history of S. 740 clearly indicate that it is not the intent of Congress that the committee should lapse at the end of 5 years. No one wishes any more than I that all the problems confronting Spanish-speaking Americans could be solved in the next 5-year period. If so, there would be no need to continue the Cabinet Committee, and it should lapse. However, the problems are too great and the solutions are not easy. It will take more than 5 years; it may well take more than a decade to resolve these problems. The Cabinet Committee should be held to account at the end of the presently authorized 5-year period to insure that they are effectively serving the purpose for which they were established, and the life of the Cabinet Committee must be extended.

Mr. President, with that, I urge my colleagues to adopt the amendment proposed by the House in order that we may be able to enact this legislation prior to the adjournment of this session of Congress. We have kept this Cabinet Committee in limbo for far too long. We must provide them with their authorization and their directive so that they may go about their work in earnest.

In closing, I wish to again reiterate the thought which I have expressed on so many occasions before that this Cabinet Committee should be the spokesman for the Spanish-speaking American to the administration and not the spokesman for the administration—whichever party the administration should represent—to the Spanish-speaking people.

The problems of the Spanish American are not political in nature, and they cannot be solved by playing politics. Instead, the problems can only be prolonged by such tactics. It is my fervent hope that the Cabinet Committee will be about its work in a diligent manner, solving the problems that need to be solved and doing so in a bipartisan basis.

I intend to provide them every measure of assistance I can in the Congress. And I also intend, as principal sponsor of the authorizing legislation, to maintain a continuing surveillance over the activities in order that together, with the assistance of others, we can attain our goal as promptly as possible and better conditions not only for all Spanish-speaking Americans, but for all Americans.

I would also wish to express my gratitude and appreciation to Senator ABRAHAM RIBICOFF, chairman of the Senate Subcommittee on Executive Reorganization of the Government Oeprations Committee, for his cooperation in scheduling early hearings on this bill and for assisting in its expeditious approval by the Senate. My thanks also go to Congressman CHET HOLIFIELD, who reported the bill out the week following the time it was referred to him and his subcommittee for action. He worked extremely hard to bring this measure before the House in short order. Without the assistance of Senator RIBICOFF and Congressman HOLIFIELD, we would not have the opportunity to vote on this bill today.

Mr. President, I urge the approval of the House amendments to S. 740.

Mr. RIBICOFF. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SUPPLEMENTAL APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I just want to make it clear that I am ready to proceed, and that the quorum was not to accommodate me in any way. I just want to make it clear, if there is any misunderstanding.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from New York

Mr. JAVITS. The Senator is absolutely correct. The quorum was for the purpose of giving notice to Senators who may desire to be heard upon this very important question. I take full responsibility for it.

One other point, Mr. President, on another subject: We had a debate here in respect of the appropriation for HUD, the Housing and Urban Development Administration, on the adequacy of urban renewal funds, and the bill was then under the management of the Senator from Rhode Island (Mr. PASTORE). We very deeply felt that the urban renewal funds provided were inadequate, not only as to the need but also as to the urgent requirement of plans which would be very seriously interfered with. The stock of housing in the country would be materially curtailed if the plans did not proceed.

In view of the very strong opinion of Senator PASTORE and our great confidence in him, those who felt as I did stayed our hand from any effort to increase the amount of the urban renewal funds, with the understanding that when a supplemental came along—the time of the supplemental not being expressly designated—we would have an opportunity to deal with the question again, based upon a specified set of facts as to the exact parameters of the requirement, within the strict limitations as I have stated.

This is the first supplemental that has come along since that time, and we have endeavored, with the Secretary of HUD, to get the kind of figures that could be used as a basic representation to the Senate for the purpose of seeking supplemental appropriation for urban renewal funds. The Secretary advises us that he will be unable to give us the kind of figures he wants to give us in terms of accuracy and predictability, and in terms of the kind of figures we want, until January.

I make this statement only to explain that this is an ongoing matter of action for me and the others interested, and that we will seek the earliest opportunity with relevance to the essential factual data to bring about an adequate appropriation for that purpose.

Mr. BYRD of West Virginia. Does the Senator wish to include in this bill moneys for the item?

Mr. JAVITS. I just explained that I——

Mr. BYRD of West Virginia. I am sorry. I was speaking with another Senator.

Mr. JAVITS. I just explained that we do not have the kind of figures that we promised Senator Pastore, who joined us in the request, we should have. But I did not want to let the first supplemental go by since that debate without accounting for why we were not moving now on this one, and without pointing out that we would move probably early in January or certainly in January, as soon as we had the necessary factual basis; because the kind of definition figures we want are rather strict, and the Secretary wants to be very sure of his ground before giving us the information.

I emphasize that this does not represent any initiatory action by him. It will be our action, but he will give us at our request—joined in by Senator PASTORE and other Senators—the basic factual data upon which we may proceed.

Mr. BYRD of West Virginia. Very well. I want the Senator to know that I am sympathetic toward the item; and at such time as he and other Senators have secured the information they are seeking, as chairman of the Subcommittee on Deficiencies and Supplementals, I will be glad to have a hearing and to be as helpful as I can.

Mr. JAVITS. I thank the Senator.

Mr. BYRD of West Virginia. I yield to the Senator from Arkansas.

THE NIGHTMARE OF THE DISTRICT OF COLUMBIA SCHOOLS

Mr. MCCLELLAN. Mr. President, on yesterday, when we had under consideration H.R. 13111, making appropriations for the Department of Labor and Health, Education, and Welfare, in opposing an

amendment offered by the distinguished minority leader, the Senator from Pennsylvania, I said, among other things, at page 39535 of the RECORD:

Today it is not a question of improving education. The effort is centered upon integration in education. Look at the schools in Washington, D.C., if we want an example.

As integration of schools was forced, many white people moved away. Dislocations and disruptions occurred. And today we have an intolerable condition in the Nation's Capital, an educational jungle where teachers' lives are not safe, where pupils are not safe, and where lawlessness and violence reign to such an extent that the doors of school buildings today are padlocked for protection and safety of those on the inside.

Mr. President, in today's Washington Daily News there is a front page article by Richard Starnes entitled, "The Nightmare of the District of Columbia Schools." The article conclusively supports and confirms the above statement that I made in my address to the Senate yesterday. It is not just a horrible situation that prevails here in the schools, it is alarming and distressing. This article demonstrates the need for immediate acton to provide safety for the school personnel in the District of Columbia.

What I said yesterday about school conditions was an exaggeration. Obviously it was an understatement of the terrible conditions that prevail. They are worse than I stated them to be.

Mr. President, I ask unanimous consent to have printed in the RECORD the article which was published today in the Washington Daily News entitled, "The Nightmare of the District of Columbia Schools."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NIGHTMARE OF DISTRICT OF COLUMBIA SCHOOLS

(By Richard Starnes)

Enter the dirty, tombstone-colored building and you walk into a nightmare world where an aura of diffuse terror falls into step beside you.

There is a sound in the air that bespeaks Kafka's madhouse, a subdued keening, a wordless language that murmurs violence, despair, savagery and dread. The sound is an overture to hysteria, an obbligato written for the destruction of a society.

There are wardens wherever you look, but it isn't a prison. There is the unmistakable stink of lunacy on the place, but it is not an asylum. Where you are is a public school. It might be any one of a hundred in Washington (or, perhaps, in any other American ghetto, circa 1969).

It may be unfair to single out one school, for its most awful crime is that it is fairly typical. This one happens to be Shaw Junior High, and it is a monument to an unprecedented epoch of murder, rape, extortion and fear that has all but destroyed the public school system in the nation's capital.

IN RIOT AREA

Shaw sits in the middle of Washington's "charcoal alley"—the central ghetto that was burned and pillaged in the riots of April 1968. Because it is so typical of the disaster that has overtaken the public schools here it is worth a closer look. But it is a look that should be taken within this perspective:

The District of Columbia school system, in the words of its acting superintendent, has been "seriously crippled" by vandalism and thefts, security of children has reached "a horrible point," classroom intruders have posed a "severe" threat to education.

At Cardozo High School, 13th and Clifton streets nw, two to three purse snatchings occur in the school cafeteria every day, despite the fact that a policeman is on duty during school hours. Last winter at Cardozo an assistant principal was shot and killed by youths who robbed the school bank.

At Hart Junior High, 601 Mississippi-av se, the score since school opened in September is two burglaries, one safe cracking, 20 assaults, an equal number of cases of extortion, more than a score of lockers looted, and an undetermined amount of teaching equipment stolen or vandalized.

An epidemic of robbery, beating and extortion has created a reign of terror for children attending public schools in the area of Bolling Air Force Base and the U.S. Naval Station in southeast Washington. Mrs. Gladys Ford, president of the Military Parents Association, told authorities that career service men were quitting the military rather than expose their children to the jungle atmosphere. "Our children are being robbed and beaten every day," she said.

On the first day of school a Paul Junior High teacher was knocked unconscious. It was the third such episode in less than a year, and teachers threatened a march on the Capitol to demand protection.

In the Anacostia (far southeast) area of the city one girl was put on tranquilizers after young thugs tore off her shirtwaist and bra during a robbery.

Early this week at Anacostia High School (scene of a shootout with .45s last year) a pupil was shot and critically wounded in a washroom.

A class at Monroe Elementary School (725 Columbia road nw) was held at gunpoint just after the start of the current school year and a teacher's purse was looted of the $2 it contained.

A teacher at McFarland Junior High School (Iowa-av and Webster-st nw) told a Congressional inquiry two months ago that he spent most of his time as a jailer, cop and disciplinarian. Three weeks after school started this fall he was beaten up by five drunken youths who invaded his classroom and began over-turning desks. A policeman advised him to ". . . get yourself a club" if it happened again.

Since much of the violence comes from dropouts and truants most school officials try to restrict access to the schools to pupils who are actually attending classes. This has led to the chaining and padlocking of all but one or two exits in a number of schools, a clear violation of the law that has alarmed Fire Department officials. Altho fire marshals have made representations to principals of the schools involved the practice has not stopped.

BLACKBOARD JUNGLE

A durable—almost heroic—first witness to this nightmare is Percy Ellis, principal of Shaw Junior High, a Negro who goes everywhere in his seedy old school at a dead run, who takes cheerless pride in telling it like it is, and who might make a fruitful source for some latter-day Gibbon recording the decline and fall of the American civilization. Mr. Ellis has a round, smooth face that mirrors tragedy, elation, moody reflection and ominous forboding with the quick fluency of a performer schooled in Chinese drama.

With the quick hands of a welterweight, Mr. Ellis intercepts a skinny black child who is sliding along a corridor.

"What are you doing with those rubber bands on your wrist?" he demands. "Take them off. Throw them in the waste basket."

With the expertise of an old cop he frisks the child, and then tells him to return to his home room. When the child is gone Mr. Ellis answers a question posed by a visitor naive in the ways of the blackboard jungle.

HALLWALKER

"Why did I take the rubber bands? Because I have two good eyes and I want to keep them. These hallwalkers use rubber bands as slingshots, and their ammunition is staples. He has not had any eyes put out yet, and I'd like to keep it that way."

Another question elicits the information that a "hallwalker" is a youth—truant or dropout—who invades the school but does not attend classes.

In Mr. Ellis' office a tray of untouched lunch, a wilted sandwich and a sagging piece of cherry pie, bears additional witness that the principal of a District of Columbia public school has no more time for lunch than the master of a burning passenger vessel would.

But all this is prologue. The real message of archetypal Shaw is the ominous shadow of the future that it casts.

"Something happened six months ago," Mr. Ellis tells his visitor. "It became different, much more difficult, almost unmanageable." Three veteran women teachers have come to the principal's office now—women like those for whom the word "dedicated" first was coined—and in deference to them Mr. Ellis takes rare recourse to euphemism. "Since school started I've been called s.o.b. and m.f. more times than in all my 21 years in the schools before. They stop you in the halls and want to fight you. And it is going to get worse. Something is happening."

VOLATILE

One of the teachers, bright, articulate and (curiously, like so many others in the front line of Washington's school system) a chain smoker, takes up the dreadful hard kernel of the story.

"There is something unusually volatile about Shaw," she muses. "So often we have been the first wave of whatever is going to happen. Ten years ago it was gangs, and every boy wore the uniform jacket of his gang or club. Then, long before it began to happen elsewhere, the gangs disappeared at Shaw. After that, say two years ago, we began having fires . . ." The sentence hangs unfinished in the air, while everyone in the room is reminded that 20-odd months ago the riot fires consumed a great deal of the ghetto area around Shaw. "And now . . ." Again she lets her listeners complete the sentence themselves.

Now Shaw is a place of aimless violence, where hallwalkers sow terror, where burly assistant principals stand guard at doors and stairways, where little children are drilled in the safest method of reacting to extortion.

EXHAUSTION

Like chain smoking, exhaustion is another hallmark of the people who are trying to keep Washington's public schools from slipping the last inch into the inferno. At 5 p.m. it is dark outside, and the lurking shadows in the hallways contain a malignant promise that is enough to raise the hair on a veteran of Vietnam, Watts and other waystations in our hard hat society. But Percy Ellis is still at it, explaining, preaching, like some despairing ancient mariner unwilling to miss an opportunty to tell a man from the other side what is happening here, where it is at.

"The (Teachers') union is responsible for a lot of this," he says. "This isn't a 9 to 5 job here. It takes dedication. Like those three great ladies who were here earlier. But we aren't getting that kind any more, we're getting a new breed. They won't take hall duty, which is the only thing that keeps us alive here. They won't offer that extra effort that is a minimum requirement here.

"We are trying to hold back disaster, and with them everything is a grievance. Two or three a week. Children in Shaw need self-respect, for example, and we know that a child's opinion of himself, his morale, is conditioned by his appearance. Until two or

three months ago we had a necktie rule here; it was difficult to enforce, yes, but it was a valuable thing. But they made a grievance out of it, and we got orders from the superintendent's office to stop it. Things have gotten worse since."

RACIAL IMBALANCE

Not everyone who was interviewed during a week-long survey of the beleaguered Washington schools agreed that the Washington Teachers Union (WTU) was a major factor in the coming collapse of the system. But most agreed with Mr. Ellis about a number of other elements in the gathering disaster.

From a number of different vantage points, everyone alludes to the fact that integration has been a failure in Washington. The schools here are between 93 and 94 per cent black. Even busing, which is done to a limited extent, cannot redress the imbalance. Some experts (among them the voluble Percy Ellis) vow that no improvement can be expected until whites are somehow encouraged to return to the city. Others insist the problem is not one of race, but of poverty, and point to an unemployment rate among ghetto youths that may be more than 25 per cent. Almost everyone agrees that one cause is a creaking, time-encrusted bureaucracy that is unable to deal with the explosive problems that confront it. While Congress, the city's perennial scapegoat, is not wholly blameless, a good case can be made that the bulk of the blame lies elsewhere.

Sen. William Proxmire, D-Wis., a member of the Appropriations Committee considering the school system's $185 million annual budget, recently offered figures to show that Washington was "right on top" in per capita expenditure per pupil. At $982 per year, according to Sen. Proxmire, the nation's capital compares favorably with Cleveland's $800, Boston's $885 and Atlanta's $772.

HISTORY OF NEGLECT

Benjamin J. Henley, the city's acting superintendent of schools (another worn-out chain smoker) is quick to admit the manifest ailments that afflict the schools, and cites "a long history of neglect" to explain them.

"We have urgent needs in employment, housing, education and health," he told a recent visitor to his top floor office in one of Washington's newest high rise buildings. "In the far southeast overcrowding is almost unbelievable. We need staff development—all of us need re-training."

Why the terribly physical toll on school buildings? Why more than $200,000 worth of broken windows in the schools every year?

"The schools represent the power structure," Mr. Henley replies slowly. "The schools are an agency to which people turned with hope, and it has not done what was hoped for. If we could handle the materials that are needed quickly enough, if we had a mechanism that really made teachers think that their feelings were being taken into account, if we could respond quickly to critical situations, morale could be helped measurably."

IMPROVE READING

Mr. Henley sighs ponderously and lights another cigaret. "If I could have one wish I would have every teacher given the skills needed to improve reading in our schools. We would reduce dropouts. We would convince the community that we are doing what we are supposed to be doing."

In spite of the bubbling of the volcano beneath him, Henley says he is convinced things are getting a little better. "Student unrest is lessening," he insists. "We've been thru two moratoriums this fall with no problems. We have had a championship football game without incident."

Not unexpectedly the Washington Teachers Union takes a somewhat different attitude toward the convulsion that has beset the school system. WTU President William Simons cautiously concedes "Yes, there is a problem. But nevertheless a learning program is going on for many children. The problem that does exist is a shortage of classroom facilities, too-large classes. The average is 35, it should be 25, and 20 for the very early grades."

(But again Shaw's tough-minded Percy Ellis: "Teacher-student ratios are meaningless. We have 1,300 enrolled in Shaw, and on an average day 20 per cent will be absent. Some classes might show as many as 45 on the books, but you visit the room and you'll find eight or 10 actually attending.")

DISCIPLINE

WTU defends its intervention in the great necktie dispute, calling a dress code "absolutely unnecessary." But it turns out that during contract negotiations for Washington's 8,000 teachers (of whom about half belong to WTU) the union opposed a dress code for teachers. "We could hardly oppose it for teachers and accept it for the children," a union spokesman said.

The next witness is the Proxmire committee. "Whatever the problems of the District school system," a recent committee paper said, "the committee suggests that they are perhaps not wholly related to the present level of resources being committed to it.

"The children of the District of Columbia are entitled to better educational advantages than they are receiving. The schools have both the personnel and financial means to mold a system of public education second to none."

And at the locked and guarded door of Shaw, a final word from Principal Ellis:

"Discipline has vanished from the homes and from the schools. It is in fact now impossible to fire or transfer a teacher. Nothing can be accomplished without discipline. Above all else we need discipline, discipline, discipline."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 59) to authorize the Secretary of the Army to adjust the legislative jurisdiction exercised by the United States over lands within the Army National Guard Facility, Ethan Allen, and the U.S. Army Materiel Command Firing Range, Underhill, Vt.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9334) to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance and special training allowance paid to eligible veterans and persons under such chapters, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes; and that the House receded from its disagreement to the amendments of the Senate numbered 8, 10, 11, 20, 22, 24, 26, 27, 29, 31, 33, 34, 36, 38, 40, 41, 43, and 44 to the bill and concurred therein.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the city of El Paso North-South Freeway; and

H.R. 13716. An act to improve and clarify certain laws affecting the Coast Guard Reserve.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the city of El Paso North-South Freeway; to the Committee on Armed Services.

H.R. 13716. An act to improve and clarify certain laws affecting the Coast Guard Reserve; to the Committee on Commerce.

SUPPLEMENTAL APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I would hope we could get on with our consideration of this bill. We have only Friday and Saturday remaining in this week. This is the last appropriation bill, and once this bill has been acted upon by the Senate all that will remain will be conference reports and noncontroversial measures which may be called up by unanimous consent.

I know all Senators want to get home; some Senators have reservations on planes. We all want to get home to see our families. There is an excellent chance that we can get out of here sine die Saturday night if we pass this bill today. If the bill goes longer than today, then the chance is lessened for our being able to get out of here this week. We will be coming back, I understand, on the 19th of January. Every additional day we can rest in December will give us more opportunity to be with our families and grandchildren and allow our staffs to be with their families, the hap-

pier everyone is going to be at Christmas time, and the more refreshed all of us will be when we come back on January 19.

I am ready to vote on the bill——

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield, because we have a speaker ready?

Mr. BYRD of West Virginia. I yield the floor.

Mr. FONG. Mr. President, the revised Philadelphia plan established by the Department of Labor has provided a significant motivation to employer, union, and minority groups within a number of cities for the voluntary negotiation of an agreement by which minority individuals may be granted significant opportunity for employment within the construction industry. The discussions surrounding the negotiation of such voluntary plans as well as the implementation of those plans have provided a significant channel for civil rights tensions. It is believed that the elimination of the Philadelphia plan would reduce the incentives for such negotiations to the detriment of minority employment opportunity.

The experience in Philadelphia with the revised Philadelphia plan has been excellent. The Department of Health, Education, and Welfare has approved the award of 14 contracts pursuant to the Philadelphia plan and has held a significant number of prebid conferences. No significant contractor or union objection to the Philadelphia plan has been heard in prebid conferences or with respect to the award of any specific contract.

The present controversy between the Department of Labor, supported by the Attorney General, and the Comptroller General does not involve a dispute between Congress and the executive branch. Instead, the apparent controversy revolves around the interpretation of the intent of Congress in its enactment of the Civil Rights Act of 1964. The Comptroller General has interpreted that legislation in one way and the Attorney General in another manner. Thus, the matter involves only an interpretation of the intent of Congress and in no way can be interpreted as a conflict between the executive and congressional branches. Indeed, the Attorney General's opinion follows the wishes of Congress as expressed in the Civil Rights Act of 1964 as he interprets those wishes.

The conflicting interpretations of the Attorney General and the Comptroller General are most properly resolvable in the courts rather than before Congress. There exists a number of avenues for court review, for instance, a grantee of Federal funds may seek a declaratory judgment to determine whether the revised Philadelphia plan is legal. A contractor who does not receive payment because of a disallowance by the Comptroller General may sue the Federal Government in the Court of Claims for payment.

The Comptroller General has stated that the Philadelphia plan is illegal. He may be right. If he is correct, then we should support him. He is our representative—the congressional watchdog.

But there is also the opinion of the Attorney General and the opinion of the solicitor of the Labor Department and their opinions are contrary to the opinion of the Comptroller General. They may be right also in their interpretation as to what the intent of Congress is.

Thus, here we have a plan which the Comptroller General says is illegal, and the Attorney General and the solicitor of the Labor Department, on the other hand, say it is not illegal.

Mr. PEARSON. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield.

Mr. PEARSON. What mechanism, institution, or implementation of this plan gave rise to the circumstances by which the Comptroller General would issue any opinion as to the legality of the plan?

Mr. FONG. As I understand it, 14 contracts were let, pursuant to the Philadelphia plan, by the Department of Labor. The goal, as they say, is to reach a certain number of minority employees who would be employed, and the Comptroller stated that the plan was illegal.

Mr. PEARSON. Well, who requested the opinion of the Comptroller? I do not think he makes it a practice of issuing opinions.

Mr. FONG. That, I am not aware of.

The Senator from North Carolina (Mr. ERVIN) had a hearing on this matter. Probably he could inform the Senator as to how this matter came before the Comptroller General.

Mr. PEARSON. Actually, I am very much interested in what the Senator from Hawaii said, that there is really no conflict between Congress and the executive branch, since the Comptroller General and many Senators feel that it is.

I was concerned and interested to know by what means, at whose request, or under what circumstances, the legal department, the arm of Congress, issued an opinion.

Mr. FONG. I cannot answer that question.

Mr. PEARSON. What were the circumstances by which the Attorney General was called to issue his opinion?

Mr. ERVIN. Mr. President, complaints were made to the Comptroller General by the Association of General Contractors of America. Complaints were made by the General Building Contractors Association, Inc., of Philadelphia, Pa. Complaints were made by the Guild of Construction Trades, AFL–CIO.

Mr. PEARSON. May I inquire of the Senator from North Carolina by what procedures were these complaints filed with the Comptroller General and why were they filed with his office?

Mr. ERVIN. Because the United States Code, section 65 of title 31, places under the control of the Comptroller General the duty of seeing that all financial transactions of the Federal Government are consummated in accordance with laws, regulations, or other legal requirements. And also because section 64, title 31 of the United States Code provides that all balances of contracts shall be certified by the GAO from the settlement of all public accounts and provides that the certification of the GAO shall be final and conclusive upon the executive branch of the Government, and the Comptroller General did not want people to be entering into contracts which he considered to be illegal and put in a position where he would have to deny payments of public accounts.

Mr. PEARSON. To whom did the Comptroller General issue an opinion, to the Congress or those who filed the complaints?

Mr. ERVIN. He advised the Secretary of Labor about it. He sent a long letter, giving his opinion, to the Secretary of Labor, simply because he conceived that it was his public duty to see that no contracts were made by the Department of Labor or with the Department of Labor which violated an act of Congress.

Mr. PEARSON. May I assume, if the Senator will yield further, that the Secretary of Labor then asked the Attorney General of the United States to grant him his opinion in regard to these contracts?

Mr. ERVIN. The Attorney General wrote an opinion to the Secretary of Labor in which he states that if the Philadelphia plan is forbidden by the Civil Rights Act of 1964, title VII, it is invalid. That is what the Attorney General says. The Attorney General undertook to say that contractors who contract with the Government are not covered by the Civil Rights Act of 1964, title VII.

Subsection (b) of section 2000 E, states:

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of Title 26: *Provided*, That during the first year after the effective date prescribed in subsection (a) of section 716, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers: *Provided further*, That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin and the President shall utilize his existing authority to effectuate this policy.

The Attorney General states in his opinion, in the first place, that these contractors, the people who seek contracts with the Government, are not covered by the act, although the act provides that all contractors, all employers employing at least 25 men, in a business affecting interstate commerce, are covered. So that first position of the Attorney General is without validity.

Then the Comptroller General said that subsection (j) of section 2000(e)(2) of title 42, United States Code, showed that the Philadelphia plan is contrary to

the act of Congress. That is title VII of the Civil Rights Act of 1964 and reads:

Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

The Attorney General's opinion is very peculiar on this point——

Mr. PEARSON. Mr. President, if the Senator will yield just a moment, I think he has really answered my question. I would just like to make this one point: that is—with the help of the Senator from North Carolina—that the means by which the opinions were rendered first by the Comptroller General and then by the Attorney General of the United States, it seems to me, indicate there is some conflict between Congress and the executive branch of the Government. I am not sure that is terribly important. Perhaps the fact that there is a conflict of opinion between lawyers—which is always the case—is not so important as it is to find some way to find jobs and economic opportunities for the minorities in this country.

Underneath all the real issues here, I think we have the conflicting issue between an arm of Congress and the executive branch of the U.S. Government.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I would like to make one more statement and then yield the floor.

Mr. JAVITS. Mr. President, will the Senator yield? The facts are wrong.

Mr. FONG. Mr. President, I have the floor.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. FONG. I am very happy to yield to the Senator from New York.

Mr. JAVITS. The fact is that the Comptroller General did not rule at the request of the contractors. His own letter is the best evidence of that. His letter, addressed to the Secretary of Labor, dated August 5, 1969, reads as follows:

Questions have been submitted to our office by Members of Congress.

That is why he ruled. He was asked by Members of Congress, and so he ruled. So the Attorney General ruled when requested by the Secretary of Labor. It is just as simple as that.

Second, the statement was made that the Attorney General's opinion held that the contractors were not bound by the Civil Rights Act of 1964, but he held no such thing. I quote from the opinion:

Nothing in the Philadelphia Plan requires an employer to violate section 703(a) . . .

which is the kernel of the Civil Rights Act of 1964. The letter is plain and explicit. On my own time, I will try to elucidate this point. I did not want to let the record stand here with these statements unrefuted.

Mr. FONG. Mr. President, this matter embraces not only the opinions of the Attorney General and the Labor Department and the Comptroller General, but when one looks at the legalities involved, he will find the issue embraces the whole question of civil rights. There is no reason why this matter should be debated at this time, when all of us are ready to go home and to be with our families at Christmas. There is no reason why this matter could not be left over until January, when we come back, and take it up at that time. I cannot see any harm in deferring the matter until January, when we can have a full-fledged debate on this question.

The Labor Department has just issued a release relative to the rider which we have placed on the supplemental appropriations bill, which reads:

THE REVISED PHILADELPHIA PLAN

Last night the Senate Appropriations Committee tacked a rider on the Supplemental Appropriations Act which would end the Philadelphia Plan.

The Revised Philadelphia Plan constitutes the most effective, and indeed, the only effective means developed to date to deal with the nation's commitment to equal employment opportunity in the construction industry. The experience under the Plan has been excellent. Fourteen contracts containing the Plan's provisions have already been awarded and no significant objection has been raised in the locality to the award of these contracts.

The legality of the Department of Labor's Philadelphia Plan has been challenged by the Comptroller General despite a formal opinion of the Attorney General that the Plan is legal under the Civil Rights Act and a legitimate exercise of the Department's responsibility under Executive Order 11246.

The Senate Committee on Appropriations has added to a supplemental appropriations bill a Section 904 entitled "The Philadelphia Plan." Section 904 states that no fund appropriated by any act of Congress shall be available to finance any contract or agreement which the Comptroller General of the United States holds to be in contravention of any Federal statute.

It is clear that this proposed legislation is directed specifically against the Department of Labor's Revised Philadelphia Plan, although it has far broader implications.

If the Senate of the United States enacts the proposed Section 904, the Department's Philadelphia Plan will be rendered totally ineffective. In addition, the Comptroller General has stated, despite contrary opinions by courts throughout the land, that the entire concept of affirmative action in the employment field is illegal.

Thus, Section 904, proposed as a rider to an appropriations bill, would, if enacted, destroy one of the most effective civil rights tools available to this Government and would set back the course of civil rights. The Senate of the United States could not possibly be contemplating any more disastrous piece of legislation at this time in our nation's history. The defeat of Section 904 is an absolute necessity.

The appropriation rider would end this program, which is just beginning to demonstrate its merits. Questions of the validity of this Plan should be settled not by an appropriation rider or by the opinion of the Comptroller General. They should be determined by the courts in the same way as other issues affecting the civil rights of our citizens.

I have received from the Solicitor of the Department of Labor a paper entitled "Effects of the Rider to the Supplemental Appropriation Act." It reads:

1. The rider would transfer effective administrative control over wage determinations under the Davis-Bacon Act, the Walsh-Healey Public Contracts Act and the Service Contract Act to the Comptroller General. If he determined that a determination was improperly made, no funds could be used to finance the contract that incorporated that wage determination.

2. The rider would oust the jurisdiction of Contract Boards of Appeals in many instances. Regardless of decisions of a Board in favor of the contractor, the agency would not be able to make payment if the Comptroller General held any term of the agreement in violation of Federal law.

3. The rider would oust the jurisdiction of the Court of Claims. The Comptroller General has never considered himself bound by the judgment of the Court of Claims. If the Court of Claims entered a judgment for a contractor, funds would not be available to pay that judgment if the Comptroller General did not agree with the decision of the court on the legality of the contract.

4. All agency rules and regulations on the implementation of Title VI of the Civil Rights Act could be enforced only if the Comptroller General agreed on their legality—regardless of decisions of the courts.

Mr. President, it can be seen that this rider to the supplemental appropriation bill has broad implications. I do not think we could give to it the attention it deserves at this time in our legislative progress, because we are almost on the eve of sine die adjournment.

If the Comptroller General is correct, and since he is an arm of Congress, we as Senators should support him. But he may not be correct. If the Attorney General is correct, then, if we adopt this rider, we would have done an injustice to the whole Civil Rights program under the Philadelphia plan.

I feel that we should wait; that this is not the time to debate this issue. It is a highly important issue and should be carefully debated. It deserves research on the part of all Members of the Senate.

This matter came before the committee only yesterday. I have not really had an opportunity to go deeply into it. I think it would be unwise for us at this time to try to enact the provisions of the rider in the appropriation bill now before the Senate. This is a far-reaching question. The spirit and effect of the Civil Rights Act would be lessened if the Philadelphia plan were to be adopted as a rider.

Mr. President, I ask unanimous consent to have printed in the RECORD the rider to the supplemental appropriation bill; document "A" of the U.S. Department of Labor; the paper entitled "Sequential Steps Indicating How the Philadelphia Plan Operates"; and document "B," the order to the heads of all agencies of the Department of Labor from Arthur Fletcher, Assistant Secretary for Wage and Labor Standards.

There being no objection, the items

were ordered to be printed in the RECORD, as follows:

SEC. 904. In view of and in confirmation of the authority invested in the Comptroller General of the United States by the Budget and Accounting Act of 1921, as amended, no part of the funds appropriated or otherwise made available by this or any other Act shall be available to finance, either directly or through any Federal aid or grant, any contract or agreement which the Comptroller General of the United States holds to be in contravention of any Federal statute.

[Document "A"]

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., June 27, 1969.

MEMORANDUM

To: Heads of all agencies.

From: Arthur A. Fletcher, Assistant Secretary for Wage and Labor Standards.

Subject: Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction.

1. *Purpose*: The purpose of this Order is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and Federally-assisted construction contractors and subcontractors.

2. *Applicability*: The requirements of this Order shall apply to all Federal and Federally-assisted construction contracts for projects the estimated total cost of which exceeds $500,000, in the Philadelphia area, including Bucks, Chester, Delaware, Montgomery and Philadelphia counties in Pennsylvania.

3. *Policy:* In order to promote the full realization of equal employment opportunity on Federally-assisted projects, it is the policy of the Office of Federal Contract Compliance that no contracts or subcontracts shall be awarded for Federal and Federally-assisted construction in the Philadelphia area on projects whose cost exceeds $500,000 unless the bidder submits an acceptable affirmative action program which shall include specific goals of minority manpower utilization, meeting the standards included in the invitation or other solicitation for bids, in trades utilizing the following classifications of employees:

Iron workers.
Plumbers, pipefitters.
Steamfitters.
Sheetmetal workers.
Electrical workers.
Roofers and water proofers.
Elevator construction workers.

4. *Findings:* Enforcement of the nondiscrimination and affirmative action requirements of Executive Order 11246 has posed special problems in the construction trades. Contractors and subcontractors must hire a new employee complement for each construction job and out of necessity or convenience they rely on the construction craft unions as their prime or sole source of their labor. Collective bargaining agreements and/or established custom between construction contractors and subcontractors and unions frequently provide for, or result in, exclusive hiring halls; even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter, most people working in these classifications are referred to the jobs by the unions. Because of these hiring arrangements, referral by a union is a virtual necessity for obtaining employment in union construction projects, which constitute the bulk of commercial construction.

Because of the exclusionary practices of labor organizations, there traditionally has been only a small number of Negroes employed in these seven trades. These exclusionary practices include: (1) failure to admit Negroes into membership and into apprenticeship programs. At the end of 1967, less than one-half of one percent of the membership of the unions representing employees in these seven trades were Negro, although the population in the Philadelphia area during the past several decades included substantial numbers of Negroes. As of April 1965, the Commission on Human Relations in Philadelphia found that unions in five trades (plumbers, steamfitters, electrical workers, sheet metal workers and roofers) were "discriminatory" in their admission practices. In a report by the Philadelphia Local AFL–CIO Human Relations Committee made public in 1964, virtually no Negro apprentices were found in any of the building trades classes: [1] (2) failure of the unions to refer Negroes for employment, which has resulted in large measure from the priorities in referral granted to union members and to persons who had work experience under union contracts.

On November 30, 1967, the Philadelphia Federal Executive Board put into effect the Philadelphia Pre-Award Plan. The Federal Executive Board found that [2] the problem of compliance with the requirements of Executive Order 11246 was most apparent in Philadelphia in eight construction trades: electrical, sheetmetal, plumbing and pipefitting, steamfitting, roofing and waterproofing, structural iron work, elevator construction and operating engineers; and that local unions representing employees in these trades in the Philadelphia area had few minority group members and that few minority group persons had been accepted in apprenticeship programs. In order to assure equal employment opportunity on Federal and Federally-assisted construction in the Philadelphia area, the plan required that each apparent low bidder, to qualify for a construction contract or subcontract, must submit a written affirmative action program which would have the results of assuring that there will be minority group representation in these trades.

Since the Philadelphia Plan was put into effect, some progress has been made. Several groups of contractors and Local 543 of the International Union of Operating Engineers have developed an area program of affirmative action which has been approved by OFCC in lieu of other compliance procedures, but subject to periodic evaluation. The original Plan was suspended because of an Opinion by the Comptroller General that it violated the principles of competitive bidding.

Equal employment opportunity in these trades in the Philadelphia area is still far from a reality. The unions in these trades still have only about 1.6 percent minority group membership and they continue to engage in practices, including the granting of referral priorities to union members and to persons who have work experience under union contracts, which result in few Negroes being referred for employment. We find, therefore, that special measures are required to provide equal employment opportunity in these seven trades.

In view of the foregoing, and in order to implement the affirmative action obligations imposed by the equal employment opportunity clause in Executive Order 11246, and in order to assure that the requirements of this Order conform to the principles of competitive bidding, as construed by the Comptroller General of the United States, the Office of Federal Contract Compliance finds that it is necessary that this Order, requiring bidders to commit themselves to specific goals of minority manpower utilization, be issued.

5. *Acceptability of Affirmative Action Programs:* A bidder's affirmative action program will be acceptable if the specific goals set by the bidder meet the definite standards determined in accordance with Section 6 below. Such goals shall be applicable to each of the designated trades to be used in the performance of the contract whether or not the work is to be subcontracted. However, participation in a multi-employer program approved by OFCC shall be acceptable in lieu of a goal for the trade involved in such training program. In no case shall there by any negotiation over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

6. *Specific Goals and Definite Standards:*

a. *General.* The OFCC Area Coordinator, in cooperation with the Federal contracting or administering agencies in the Philadelphia area, will determine the definite standards to be included in the invitation for bids or other solicitation used for every Federally-involved construction contract in the Philadelphia area, when the estimated total cost of the construction project exceeds $500,000. Such definite standards shall specify the range of minority manpower utilization expected for each of the designated trades to be used during the performance of the construction contract. To be eligible for the award of the contract, the bidder must, in the affirmative action program submitted with his bid, set specific goals of minority manpower utilization which meet the definite standard included in the invitation or other solicitation for bids unless the bidder participates in an affirmative action program approved by OFCC.

b. *Specific Goals.*

(1) The setting of goals by contractors to provide equal employment opportunity is required by Section 60–1.40 of the Regulations of this Office (41 CFR § 60–1.40). Further, such voluntary organization of businessmen as Plans for Progress have adopted this sound approach to equal opportunity just as they have used goals and targets for guiding their other business decisions. (See the Plans for Progress booklet Affirmative Action Guidelines on page 6.)

(2) The purpose of the contractor's commitment to specific goals is to meet the contractor's affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee.

c. *Factors Used in Determining Definite Standards.* A determination of the definite standard of the range of minority manpower utilization shall be made for each better-paid trade to be used in the performance of the contract. In determining the range of minority manpower utilization that should result from an effective affirmative action program, the factors to be considered will include, among others, the following:

(1) The current extent of minority group participation in the trade.

(2) The availability of minority group persons for employment in such trade.

(3) The need for training programs in the area and/or the need to assure demand for those in or from existing training programs.

(4) The impact of the program upon the existing labor force.

7. *Invitation for Bids or Other Solicitations for Bids:* Each Federal agency shall include, or require the applicant to include, in the invitation for bids, or other solicitation used for a Federally-involved construction contract, when the estimated total cost of the

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[1] Marshall and Briggs, *Negro Participation in Apprenticeship Programs* (Dec. 1966), pg. 91.

[2] These findings were based on a detailed examination of available facts relating to building trades unions, area construction volume and demographic data.

construction project exceeds $500,000 a notice stating that to be eligible for award, each bidder will be required to submit an acceptable affirmative action program consisting of goals as to minority group participation for the designated trades to be used in the performance of the contract—whether or not the work is subcontracted. Such notice shall include the determination of the range of minority group utilization (described in Section 6 above) that should result from an effective affirmative action program based on an evaluation of the factors listed in Section 6c. The form of such notice shall be substantially similar to the one attached as an appendix to this Order. To be acceptable, the affirmative action program must contain goals which are at least within the range described in the above notice. Such goals must be provided for each designated trade to be used in the performance of the contract except that goals are not required with respect to trades covered by an OFCC approved multi-employer program.

8. *Post-Award Compliance:* a. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the goals set forth in the affirmative action program are being met, the contractor or subcontractor will be presumed to be in compliance with the requirements of Executive Order 11246, as amended, unless it comes to the agency's attention that such contractor or subcontractor is not providing equal employment opportunity. In the event of failure to meet the goals, the contractor shall be given an opportunity to demonstrate that he made every good faith effort to meet his commitment. In any proceeding in which such good faith performance is in issue, the contractor's entire compliance posture shall be reviewed and evaluated in the process of considering the imposition of sanctions. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its affirmative action program, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

b. It is no excuse that the union with which the contractor has a collective bargaining agreement failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in Federally-involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations and orders.

9. *Exemptions:*

a. Requests for exemptions from this Order must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

b. The procedures set forth in the Order not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within thirty days.

c. Nothing in this Order shall be interpreted to diminish the present contract compliance review and complaint programs.

10. *Authority*: The Order is issued pursuant to Executive Order 11246 (30 F.R. 12319, Sept. 28, 1965) Parts II and III; Executive Order 11375 (32 F.R. 14303, Oct. 17, 1967); and 41 CFR Chapter 60.

11. *Effective Date*: The provisions of this Order will be effective with respect to transactions for which the invitations for bids or other solicitations for bids are sent on or after July 18, 1969.

APPENDIX

(For inclusion in the Invitation or Other Solicitation for Bids for a Federally-Involved Construction Contract When the Estimated Total Cost of the Construction Project Exceeds $500,000.)

NOTICE OF REQUIREMENT FOR SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

1. It has been determined that in the performance of this contract an acceptable affirmative action program for the trades specified below will result in minority manpower utilization within the ranges set forth next to each trade:

Identification of trade

Range of minority group employment

2. The bidder shall submit, in the form specified below, with his bid an affirmative action program setting forth his goals as to minority manpower utilization in the performance of the contract in the trades specified below, whether or not the work is subcontracted.

The bidder submits the following goals of minority manpower utilization to be achieved during the performance of the contract:

Identification of trade

Estimated total employment for the trade on contract

Number of minority group employees

(The bidder shall insert his goal of minority manpower utilization next to the name of each trade listed.)

3. The bidder also submits that whenever he subcontracts a portion of the work in the trade on which his goals of minority manpower utilization are predicated, he will obtain from such subcontractor an appropriate goal that will enable the bidder to achieve his goal for that trade. Failure of the subcontractor to achieve his goal will be treated in the same manner as such failure by the prime contractor prescribed in Section 8 of the Order from the Office of Federal Contract Compliance to the Heads of All Agencies regarding the Revised Philadelphia Plan, dated June 27, 1969.

4. No bidder will be awarded a contract unless his affirmative action program contains goals falling within the range set forth in paragraph 1 above, provided, however, that participation by the bidder in multi-employer program approved by the Office of Federal Contract Compliance will be accepted as satisfying the requirements of this Notice in lieu of submission of goals with respect to the trades covered by such multi-employer program. In the event that such multi-employer program is applicable, the bidder need not set forth goals in paragraph 2 above for the trades covered by the program.

5. For the purpose of this Notice, the term minority means Negro, Oriental, American Indian and Spanish Surnamed American. Spanish Surnamed American includes all persons of Mexican, Puerto Rican, Cuban or Spanish origin or ancestry.

6. The purpose of the contractor's commitment to specific goals as to minority manpower utilization is to meet his affirmative action obligations under the equal opportunity clause of the contract. The commitment is not intended and shall not be used to discriminate against any qualified applicant or employee.

7. Nothing contained in this Notice shall relieve the contractor from compliance with the provisions of Executive Order 11246 and the equal opportunity clause of the contract with respect to matters not covered in this Notice, such as equal opportunity in employment in trades not specified in this Notice.

8. The bidder agrees to keep such records and to file such reports relating to the provisions of this Order as shall be required by the contracting or administering agency.

[From the U.S. Department of Labor, Wage and Labor Standards Administration, Washington, D.C., December 1969]

SEQUENTIAL STEPS INDICATING HOW THE PHILADELPHIA PLAN OPERATES

INTRODUCTION

This paper portrays the actual administration of the Philadelphia Plan by the Office of Federal Contract Compliance (hereinafter referred to as OFCC) and by those Federal agencies having Federal and Federally-assisted construction projects in the five county Philadelphia area. It does not purport to contain an explanation of the carefully devised procedure under which ranges of minority manpower utilization are established. A detailed explanation of the method by which the ranges were devised for the Philadelphia area is set forth in OFCC Memorandum dated June 27, 1969, and OFCC Order dated September 23, 1969 (copies of which are annexed hereto, marked "A" and "B," respectively, and incorporated herein).

Further, this paper does not purport to answer such legal questions as have been raised concerning the validity of the ranges. A complete explanation of the legal basis for the ranges is contained in the Opinion of the Attorney General dated September 22, 1969, and Legal Memoranda prepared by the Solicitor of Labor.

STEPS IN ADMINISTRATION OF THE PHILADELPHIA PLAN

Step 1: The Philadelphia Plan became applicable, as set forth in Section 10 of OFCC Order of September 23, 1969, with respect to transactions for which the invitations for bids or other solicitations for bids were sent on or after September 29, 1969. Prior to this date, OFCC Memorandum of June 27, 1969, and OFCC Order of September 23, 1969, were disseminated to those Federal agencies which it was anticipated would be involved in the administration of the Philadelphia Plan. (A list of these agencies is contained in the document, annexed hereto marked "C," and incorporated herein.)

Step 2: Those Federal agencies, listed in document "C" referred to above, are required to notify applicants, contractors and subcontractors of the content and the operation of the Philadelphia Plan. All such agencies are responsible for monitoring the progress of the Plan, from the initial stages of a project through to its completion, receiving reports from contractors, determining whether proper records are being kept, and obtaining compliance. In discharging this responsibility, OFCC is responsible for general policy direction of the agencies' efforts

and for eliminating any possibility of duplication of effort.

Step 3: Every Federal agency responsible for administration of the Philadelphia Plan includes and requires all applicants for Federal assistance, as defined by Executive Order 11246, to include copies of OFCC Memorandum of June 27, 1969, and OFCC Order of September 23, 1969, in each invitation or other such solicitation for bids. All project advertisements include a statement that the project is subject to the Philadelphia Plan and that the contractor and subcontractors must be Equal Opportunity Employers as required by Executive Order 11246 and regulations promulgated thereunder.

Step 4: Normally, pre-bid conferences are held to discuss technical and other aspects of a particular project. At each such conference, those in attendance are given a detailed explanation of how the Plan operates and are afforded an opportunity to ask any questions they might have concerning the Plan. Every bidder can receive specific guidance as to how to prepare and submit his goals for each of the designated trades.

Step 5: In preparing and submitting his goals, a contractor uses the format contained in the Appendix to OFCC Order of September 23, 1969. (This Appendix is a part of document "B.") After reviewing his own labor force needs and those of prospective subcontractors, the bidder chooses and inserts his goals of minority manpower utilization next to the name of each trade listed for those years during which it is contemplated he will perform any work or engage in any activity under the contract. The goals, which are the result of the contractor's own determination of his ability to employ minority persons in the trades listed in the Philadelphia Plan, in this form are then submitted by the contractor and are included as part of his bid.

If a portion of the project is to be subcontracted, the contractor must include appropriate goals in each subcontract and these goals become the goals of his subcontractor. However, the prime contractor is not accountable for the failure of his subcontractor to make every good-faith effort to meet his goals. A subcontractor is accountable for his own effort to comply with the requirements of the Plan. Therefore, any such goals should be selected by a contractor only after consultation with all known subcontractors.

Step 6: All bids and goals submitted are reviewed by the administering agency. To be eligible for the award of the contract, the bidder must select goals for each trade and for every year which he is involved on the project falling within the ranges set forth in the Order of September 23, 1969. The lowest responsive and responsible bidder who submits goals within the established ranges is awarded the contract by the administering agency. In no instance are there any negotiations over the provisions of the specific goals submitted by a bidder after the opening of the bids and prior to the award of a contract. At any post-award conference and at other times after the award of the contract, the Federal agency administering the project is available for consultation and to assist the contractor in meeting his commitment. Additional assistance will be provided, where needed, in regard to training, recruitment, career and work counseling, community relations and in such other areas as may be necessary.

Step 7: Every contractor and subcontractor is required to keep a record of his employment practices. This record must be available upon inspection of the project by the responsible Federal agency. Any such record should include those documents necessary to establish compliance with the terms of the Philadelphia Plan. Where a contractor or subcontractor has not achieved his chosen goals, such record should include documentation of those steps taken in a good faith effort to meet his commitment.

Step 8: Each agency is to review contractor's and subcontractor's employment practices at various intervals during the performance of a contract. A report of each review is to be made to OFCC by the responsible Federal agency. If all goals are being met, the contractor or subcontractor is presumed to be in compliance with the terms of the Philadelphia Plan and the Executive Order. If a contractor or subcontractor fails to meet the goals, he will be given the opportunity to demonstrate that he made every good-faith effort to meet his commitment.

Step 9: In the event that a contractor or subcontractor has not met his commitment, he shall be so informed in writing by the responsible Federal agency. A conference shall be scheduled at which the contractor or subcontractor will be given an initial opportunity to demonstrate that he has made a good-faith effort. If after the meeting the agency is of the opinion that the contractor or subcontractor did not make every good-faith effort to fulfill his commitment, he will be given a reasonable time to take corrective action.

(OFCC Order of September 23, 1969, in Section 5, sets forth specific criteria for determing good faith and provides guidance to a contractor or subcontractor as to some of those activities which would constitute a minimum level of effort.)

Step 10: Before the sanctions of cancellation, termination, suspension or debarment are imposed against any contractor or subcontractor, he will be given the further opportunity to request a formal hearing. All such hearings will be conducted in accordance with the requirements of Executive Order 11246 and regulations promulgated thereunder. In each case the Director of OFCC, or the appropriate agency head, shall appoint a hearing examiner who shall hear all the facts and report his findings to the agency head for a decision or to the Director of OFCC for a final determination.

Only after these steps, including a formal hearing (where requested) and a determination by the Director of OFCC of inadequate good-faith efforts in meeting the requirements of the Philadelphia Plan, will sanctions be imposed by the Federal Government.

[Document "B"]

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., September 23, 1969.

ORDER

To: Heads of all agencies.
From: Arthur A. Fletcher, Assistant Secretary for Wage and Labor Standards.
John L. Wilks, Director, Office of Federal Contract Compliance.
Subject: Establishment of Ranges for the Implementation of the Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction.

1. *Purpose:* The purpose of this Order is to implement Section 6 of the Order issued on June 27, 1969 by Assistant Secretary of Labor Arthur A. Fletcher to the Heads of Agencies outlining a "Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction." Section 6 of the June 27 Order provides for the determination of definite standards in terms of ranges of minority manpower utilization. This Order also affirms and in certain respects amends the Order of June 27.

2. *Background:* The June 27 Order requires a bidder on Federal or Federally-assisted construction in the Philadelphia area on projects whose cost exceeds $500,000 to submit an acceptable affirmative action program which shall include specific goals of minority manpower utilization within the ranges to be established by the Department of Labor, in cooperation with the Federal contracting and administering agencies in the Philadelphia Area, within the following 7 listed classifications:

Iron workers, plumbers, pipefitters, steamfitters, sheetmetal workers, electrical workers, roofers and water proofers, elevator construction workers.

Since that time the Department has determined that minority craftsmen may be adequately represented in the classification and title "roofers and water proofers". For this reason, such classification is hereby temporarily excepted from the provisions of the "Revised Philadelphia Plan," subject to further examination of that trade.

Pursuant to a notice of hearing issued on August 16, 1969, representatives of the Department of Labor conducted a public hearing in Philadelphia on August 26, 27, and 28, 1969 for the purpose of obtaining information and data relevant to the establishment of ranges for the purpose of effectuating the above-referred to June 27, 1969 Order. Section 6 of such Order provides that the following factors, among others, will be used in establishing these ranges:

(a) The current extent of minority group participation in the trade.

(b) The availability of minority group persons for employment in such trade.

(c) The need for training programs in the area and/or the need to assure demand for those in or from existing training programs.

(d) The impact of the program upon the existing labor force.

Having reviewed the record of that hearing and additional relevant data gathered and compiled by the Department of Labor, the following findings and Order are made as contemplated by the Order of June 27, 1969.

3. *Findings (a) Minority Participation in the Specified Trades*—The over-all construction industry in the five county Philadelphia area has a current minority representation of employees of 30%. Comparable skilled trades, excluding laborers, have a minority representation of approximately 12%. The construction trades in the Philadelphia area have grown and developed under similar conditions concerning manpower availability and under identical economic and cultural circumstances. Despite that fact, there are few minorities in the above-designated six trades. The evidence adduced at the public hearing indicates that the minority participation in such trades is approximately 1%. In the June 27 Order, it was found that such a low rate of participation is due to the traditional exclusionary practices of these unions in admission to membership and apprenticeship programs and failure to refer minorities to jobs in these trades. The most reliable data available relates to minority participation in membership in the unions representing employees in the six trades. That data reveals the following:

(1) *Iron workers:* The total union membership in this craft in the Philadelphia area in 1969 is 850, 12 of whom (1.4%) are minority group representatives.

(2) *Steamfitters:* Total union membership in the Philadelphia area in 1969 stands at 2,308, 13 of whom (.65%) are minority group representatives.

(3) *Sheetmetal workers:* Total union membership in the Philadelphia area in 1969 stands at 1,688, 17 of whom (1%) are minority group representatives.

(4) *Electricians:* Total union membership in the Philadelphia area in 1969 stands at 2,274, 40 of whom (1.76%) are minority group representatives.

(5) *Elevator construction workers:* Total union membership in the Philadelphia area in 1969 stands at 562, 3 of whom (.54%) are minority group representatives.

(6) *Plumbers and pipefitters:* Total union membership in the Philadelphia area in 1969

stands at 2,335, 12 of whom (.51%) are minority group representatives.

Based upon these figures it is found and determined that the present minority participation in the six named trades is far below that which should have reasonably resulted from participation in the past without regard to race, color and national origin and, further, that such participation is too insignificant to have any meaningful bearing upon the ranges estabilshed by this Order.

(b) *Availability of minority group persons for employment:* The nonwhite unemployment rate in the Philadelphia area is approximately twice that for the labor force as a whole and the total number of nonwhite persons unemployed is approximately 21,000. There is also a substantial number of persons in the nonwhite labor force who are underemployed. Testimony adduced at the hearing indicates that there are between 1,200 and 1,400 minority craftsmen presently available for employment in the construction trades who have been trained and/or had previous work experience in the trades. In addition it was revealed at the hearing that there is a pool of 7,500 minority persons in the Laborers Union who are working side by side with journeymen in the performance of their crafts in the construction industry. Many of these persons are working as helpers to the journeymen in the designated trades. Also, testimony at the hearings established that between 5,000 and 8,000 prospective minority craftsmen would be prepared to accept training in the construction crafts within a year's time if they would be assured that jobs were available to them upon completion of such training.

Surveys conducted by agencies of the U.S. Department of Labor have provided additional information relative to the availability of minority group persons for employment in the designated trades.

Based upon the number of minority group persons employed in the designated trades for all industries (construction and non-construction) and those minority group persons who are unemployed but qualified for employment in the designated trades, a survey by the Manpower Administration indicated that minority group persons are now in the area labor market as follows:

Identification of trades and number available:	
Ironworkers	302
Plumbers, pipefitters and steamfitters	797
Sheetmetal workers	250
Electrical workers	745

A survey by the Office of Federal Contract Compliance indicated that the following number of minority persons are working in the designated trades and those who will be trained by 1970 by major Philadelphia recruitment and training agencies and those working in related occupations in non-construction industries who would be qualified for employment in the designated trades with some orientation or minimal training:

Identification of trades and number available:	
Ironworkers	75
Plumbers, pipefitters	500
Steamfitters	300
Sheetmetal workers	375
Electrical workers	525
Elevator constructors	43

Based upon this information it is found that a substantial number of minority persons are presently available for productive employment.

(c) *The need for training:* Testimony at the public hearing revealed that there is a need for training programs for willing minority group persons at various levels of skill. Such training must necessarily range from pre-apprenticeship training programs through programs providing incidental training for skilled craftsmen who are near the brink of full journeyman status.[1] As discussed above, between 5,000 and 8,000 minority group persons are in a position to be recruited for such training within a year's time.

Testimony at the public hearings revealed the existence of several training programs which have operated successfully to train a number of craftsmen many of whom are now prepared to enter the trades in the construction industry. In order to further assure the availability of necessary training programs, the Manpower Administration of this Department has committed substantial funds for the development of additional apprenticeship outreach programs and journeyman training programs in the Philadelphia area. It plans to double the present apprenticeship outreach program with the Negro Union Leadership Council in Philadelphia. Presently, this program is funded for $78,000 to train seventy persons. An additional $80,000 is being set aside to expand this program. In addition, immediate exploration of the feasibility of a journeyman-training program for approximately 180 trainees will be undertaken. Both these programs will be directed specifically to the designated trades.[2]

(d) *The impact of the program upon the existing labor force:* A national survey of the Bureau of Labor Statistics indicates that the present annual attrition rate of construction trade membership due to retirement is 2.5% per year based upon a total working life of 44 years per employee in each of the above-designated trades.

Based on national actuarial rates for the construction industry published by the National Safety Council, the average disability occurrence rate resulting from death or injury is 1% per year. A conservative estimate of the average rate at which employees leave construction crafts for all reasons other than death, disability and retirement is 4% per year.

Therefore, each construction craft should have approximately 7.5% new job openings each year without any growth in the craft. The annual growth in the number of employees in each craft designated under this "Revised Philadelphia Plan" has been and is projected to be as follows:

(1) *Iron workers:* The average annual growth rate since 1963 has been approximately 10%. It is projected that an average annual growth rate in employment will be 3.69% in the near future.[3]

(2) *Plumbers and pipefitters:* The average annual growth rate since 1963 has been approximately 7.38%. It is projected that an average annual growth rate in employment will be 2.9% in the near future.

(3) *Steamfitters:* The average annual growth rate since 1963 has been approximately 2.63% and is projected to be approximately 2.5% for each of the next four years.

(4) *Sheetmetal workers:* The average annual growth rate since 1963 has been approximately 2.06% and is projected to be approximately 2.0% for each of the next four years.

(5) *Electricians:* The average annual growth rate since 1963 has been approximately 4.98% It is projected that an average annual growth rate in employment will be 2.2% in the near future.

(6) *Elevator Construction Workers.* The average annual growth rate since 1963 has been approximately 2.41% and is projected to be approximately 2.1% for each of the next four years.

Adding the rate of jobs becoming vacant due to attrition to the rate of new jobs due to growth, the total rate of new jobs projected for each craft is as follows:

Percentage of annual vacancy rate

Identification of trade:	
Ironworkers	11.2
Plumbers and pipefitters	10.4
Steamfitters	10
Sheetmetal workers	9.5
Electrical workers	9.7
Elevator construction workers	9.6

Therefore, it is found and determined that a contractor could commit to minority hiring up to the annual rate of job vacancies for each trade without adverse impact upon the existing labor force.

(e) *Timetable:* In an effort to provide practical ranges which can be met by employers in hiring productive trained minority craftsmen, this Order should be developed to cover an extended period of time.

The average length of Federally-involved construction projects in the Area is between 2 and 4 years. Testimony at the hearing indicated that a 4 year duration for the "Plan" is proper.

Therefore, it is found and determined that in order for this Order to effect equal employment to the fullest extent, the standards of minority manpower utilization should be determined for the next four years.

(f) *Conclusion of findings:* It is found that present minority participation in the designated trades is far below that which should have reasonably resulted from participation in the past without regard to race, color, or national origin and, further, that such participation is too insignificant to have any meaningful bearing upon the ranges established by this Order.

It is found that a significant number of minority group persons is presently available for employment as journeymen, apprentices, or other trainees.

It is found that there is a need for training programs for willing minority group persons at various levels of skill. There exist several training programs in the Philadelphia area which have operated successfully to train craftsmen prepared to enter the construction industry and, in addition, the Manpower Administration of this Department has committed substantial funds for the development of other apprenticeship outreach programs and journeyman training programs in the Philadelphia area.

Finally, it is found that a contractor could commit himself to hiring minority group persons up to the annual rate of job vacancies for each trade without adverse impact upon the existing labor force in the designated trades.

Based upon these findings, a range shall be established by this Order which shall require contractors to establish employment goals between a low range figure which could result in approximately 20% of the workforce in each designated trade being minority craftsmen at the end of the fourth year covered by this Order.[4]

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[1] Testimony adduced at the hearings indicates that the traditional duration of training to develop competent workmen in the crafts may be longer than necessary to successfully perform substantial amounts of craft level work.

[2] Memorandum from Arnold R. Weber, Assistant Secretary for Manpower to Arthur A. Fletcher, Assistant Secretary for Wage and Labor Standards, dated September 18, 1969.

[3] Projections of the annual growth rate in employment in the designated trades is based on a study by the Commonwealth of Pennsylvania, Department of Labor and Industry, Bureau of Employment Security, entitled *1960 Census and 1970, 1975 Projected Total Employment.*

[4] Assuming the same proportion of minorities are employed on private construction projects as Federally-involved projects, the lower range should result in 2,000 minority craftsmen being employed in the construction industry in the Philadelphia area by the end of the fourth year.

In addition, trained and trainable minority persons are or shall be available in numbers sufficient to fill the number of jobs covered by these ranges, there being 1200 to 1400 minority persons who have had training and 5000 to 8000 prepared to accept training within a year.

Such minority representation can be accomplished without adversely affecting the present work force. Based upon the projected Annual Vacancy Rate, the lower range figure may be met by filling vacancies and new jobs approximately on the basis of one minority craftsman for each non-minority craftsman. [5]

4. *Order:* Therefore, after full consideration and in light of the foregoing, be it *ordered:* That the Order of June 27, 1969 entitled "Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction" is hereby implemented, affirmed, and in certain respects amended, this Order to constitute a supplement thereto as required and contemplated by said Order of June 27, 1969.

Further ordered: That the following ranges are hereby established as the standards for minority manpower utilization for each of the designated trades in the Philadelphia area for the next four years:

Range of minority group employment until Dec. 31, 1970

[Percent]

Identification of trade:	
Ironworkers	[1] 5–9
Plumbers and pipefitters	5–8
Steamfitters	5–8
Sheetmetal workers	4–8
Electrical workers	4–8
Elevator construction workers	4–8

Range of minority group employment for the calendar year 1971 [2]

[Percent]

Identification of trade:	
Ironworkers	11–15
Plumbers and pipefitters	10–14
Steamfitters	11–15
Sheetmetal workers	9–13
Electrical workers	9–13
Elevator construction workers	9–13

[1] The percentage figures have been rounded.

[2] After December 31, 1970 the standards set forth herein shall be reviewed to determine whether the projections on which these ranges are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in federally involved construction shall be specifically reviewed from time-to-time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased for contracts after bids have been received.

Range of minority group employment for the calendar year 1972

[Percent]

Identification of trade:	
Ironworkers	16–20
Plumbers and pipefitters	15–19
Steamfitters	15–19
Sheetmetal workers	14–18
Electrical workers	14–18
Elevator construction workers	14–18

[5] The one for one ratio in hiring has been judicially recognized as a reasonable, if not mandatory, requirement to remedy past exclusionary practices. *Vogler* v. *McCarty, Inc.*, 294 F. Supp. 368 (E.D. La. 1967).

Range of minority group employment for the calendar year 1973

[Percent]

Identification of trade:	
Ironworkers	22–26
Plumbers and pipefitters	20–24
Steamfitters	20–24
Sheetmetal workers	19–23
Electrical workers	19–23
Elevator construction workers	19–23

The above ranges are expressed in terms of man hours to be worked on the project by minority personnel and must be substantially uniform throughout the entire length of the project for each of the designated trades.

Further ordered: That the form attached hereto as an Appendix is hereby made a part of this Order and in accordance with the findings specified above, amends the Appendix of the Order of June 27, 1969.

Each Federal agency shall include, or require the applicant to include, this form, or one substantially similar, in the invitation for bids or other solicitations used for a Federally-involved construction contract where the estimated total cost of the construction project exceeds $500,000.

5. *Criteria for measuring good faith:* Section 8 of the June 27 Order provides that a contractor will be given an opportunity to demonstrate that he has made every good faith effort to meet his goal of minority manpower utilization in the event he fails to meet such goal. If the contractor has failed to meet his goal, a determination of "good faith" will be based upon his efforts to broaden his recruitment base through at least the following activities:

(a) The OFCC Area Coordinator will maintain a list of community organizations which have agreed to assist any contractor in achieving his goal of minority manpower utilization by referring minority workers for employment in the specified trades. A contractor who has not met his goals may exhibit evidence that he has notified such community organizations of opportunities for employment with him on the project for which he submitted such goals as well as evidence of their response.

(b) Any contractor who has not met his goal may show that he has maintained a file in which he has recorded the name and address of each minority worker referred to him and specifically what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not employed by the contractor, the contractor's file should document this and the reasons therefor.

(c) A contractor should promptly notify the OFCC Area Coordinator in order for him to take appropriate action whenever the union with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

(d) The contractor should be able to demonstrate that he has participated in and availed himself of training programs in the area, especially those funded by this Department referred to in Section 3(c) of this Order, designed to provide trained craftsmen in the specified trades.

6. *Subcontractors:* Whenever a prime contractor subcontracts a portion of the work in the trade on which his goals of minority manpower utilization are predicated, he shall include his goals in such subcontract and those goals shall become the goals of his subcontractor who shall be bound by them and by this Order to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to meet such goals or to make every good faith effort to meet them. However, the prime contractor shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor of any refusal or failure of any subcontractor to fulfill his obligations under this Order. Failure of the subcontractor to achieve his goal will be treated in the same manner as such failure by the prime contractor prescribed in Section 8 of the Order from the Office of Federal Contract Compliance to the Heads of All Agencies regarding the Revised Philadelphia Plan, dated June 27, 1969.

7. *Exemptions:* a. Requests for exemptions from this Order must be made in writing, with justification to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

b. The procedures set forth in the Order shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within thirty days.

c. Nothing in this Order shall be interpreted to diminish the present contract compliance review and complaint programs.

8. *Effect of this order:* In the case of any inconsistency between this Order and the June 27, 1969 Order prescribing a "Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction", this Order shall prevail.

9. *Authority:* This Order is issued pursuant to Executive Order 11246 (30 F.R. 12319, September 28, 1965) Parts II and III; Executive Order 11375 (32 F. R. 14303, Oct. 17, 1967); and 41 CFR Chapter 60.

10. *Effective date:* The provisions of this Order will be effective with respect to transactions for which the invitations for bids or other solicitations for bids are sent on or after *September 29, 1969.*

APPENDIX 1

(For inclusion in the Invitation or Other Solicitation for Bids for a Federally-Involved Construction Contract When the Estimated Total Cost of the Construction Project Exceeds $500,000.)

NOTICE OF REQUIREMENT FOR SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

1. It has been determined that in the performance of this contract an acceptable affirmative action program for the trades specified below will result in minority manpower utilization within the ranges set forth next to each trade:

Range of minority group employment until December 31, 1970

[Percent]

Identification of trade:	
Ironworkers	5–9
Plumbers and pipefitters	5–8
Steamfitters	5–8
Sheetmetal workers	4–8
Electrical workers	4–8
Elevator construction workers	4–8

Range of minority group employment for the calendar year 1971

[Percent]

Identification of trade:	
Ironworkers	11–15
Plumbers and pipefitters	10–14
Steamfitters	11–15
Sheetmetal workers	9–13
Electrical workers	9–13
Elevator construction workers	9–13

APPENDIX 2

Range of minority group employment for the calendar year 1972

[Percent]

Identification of trade:	
Ironworkers	16–20
Plumbers and pipefitters	15–19
Steamfitters	15–19
Sheetmetal workers	14–18
Electrical workers	14–18
Elevator construction workers	14–18

Range of minority group employment for the calendar year 1973

[Percent]

Identification of trade:	
Ironworkers	22–26
Plumbers and pipefitters	20–24
Steamfitters	20–24
Sheetmetal workers	19–23
Electrical workers	19–23
Elevator construction workers	19–23

2. The bidder shall submit, in the form specified below, with his bid an affirmative action program setting forth his goals as to minority manpower utilization in the performance of the contract in the trades specified below, whether or not the work is subcontracted.

The bidder submits the following goals of minority manpower utilization to be achieved during the performance of the contract:

Identification of trade	Estimated total employment for the trade on the contract until Dec. 31, 1970	Number of minority group employees until Dec. 31, 1970
Ironworkers		
Plumbers and pipefitters		
Steamfitters		
Sheetmetal workers		
Electrical workers		
Elevator construction workers		

APPENDIX 3

Identification of trade	Estimated total employment for the trade on the contract for the calendar year 1971	Number of minority group employees for the calendar year 1971
Ironworkers		
Plumbers and pipefitters		
Steamfitters		
Sheetmetal workers		
Electrical workers		
Elevator construction workers		

Identification of trade	Estimated total employment for the trade on the contract for the calendar year 1972	Number of minority group employees for the calendar year 1972
Ironworkers		
Plumbers and pipefitters		
Steamfitters		
Sheetmetal workers		
Electrical workers		
Elevator construction workers		

Identification of trade	Estimated total employment for the trade on the contract for the calendar year 1973	Number of minority group employees for the calendar year 1973
Ironworkers		
Plumbers and pipefitters		
Steamfitters		
Sheetmetal workers		
Electrical workers		
Elevator construction workers		

(The bidder shall insert his goal of minority manpower utilization next to the name of each trade listed for those years during which it is contemplated that he shall perform any work or engage in any activity under the contract.)

3. The bidder also submits that whenever he subcontracts a portion of the work in the trade on which his goals of minority manpower utilization are predicated, he shall include his goal in such subcontract and those goals shall become the goals of his subcontractor who shall be bound by them to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractors to meet such goals or to make every good faith effort to meet them. However, the prime contractor shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor of any refusal or failure of any subcontractor to fulfill his obligations under this Order. Failure of the subcontractor to achieve his goal will be treated in the same manner as such failure by the prime contractor prescribed in Section 8 of the Order from the Office of Federal Contract Compliance to the Heads of All Agencies regarding the Revised Philadelphia Plan, dated June 27, 1969.

4. No bidder will be awarded a contract unless his affirmative action program contains goals falling within the range set forth in paragraph 1 above, provided, however, that participation by the bidder in multi-employer programs approved by the Office of Federal Contract Compliance will be accepted as satisfying the requirements of this Notice in lieu of submission of goals with respect to the trades covered by such multi-employer program. In the event that such multi-employer program is applicable, the bidder need not set forth goals in paragraph 2 above for the trades covered by the program.

5. For the purpose of this Notice, the term minority means Negro, Oriental, American Indian and Spanish Surnamed American. Spanish Surnamed American includes all persons of Mexican, Puerto Rican, Cuban or Spanish origin or ancestry.

6. The purpose of the contractor's commitment to specific goals as to minority manpower utilization is to meet his affirmative action obligations under the equal opportunity clause of the contract. This commitment is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's attention that the goals are being used in a discriminatory manner, he must report it to the Area Coordinator of the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate sanction proceedings may be instituted.

7. Nothing contained in this Notice shall relieve the contractor from compliance with the provisions of Executive Order 11246 and the Equal Opportunity Clause of the contract with respect to matters not covered in this Notice, such as equal opportunity in employment in trades not specified in this Notice.

8. The bidder agrees to keep such records and to file such reports relating to the provisions of this Order as shall be required by the contracting or administering agency.

Mr. JAVITS. Mr. President, I am about to suggest the absence of a quorum, only for the purposes of notifying Senators again that we are engaged in this debate so that an ample opportunity may be afforded, if any is further required, to permit them to participate.

I shall then, if the Chair will recognize me, proceed to discuss the matter myself, for a very few minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PEARSON in the chair). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this is a very serious question which we have before the Senate, because it not only involves a very profound question of policy on the part of the United States in the field of discrimination in employment opportunities, which would be serious enough without anything else, but it involves a very serious question of conflict between two Government agencies, and yet a third serious question of constitutional law.

As if any more questions were needed, Mr. President, it goes again to the issue which we encountered in the foreign aid bill, and which we encountered yesterday with the HEW bill. That is the extent to which the Appropriations Committee should legislate for all committees.

Mr. President, there is absolutely no question that this is legislation on an appropriation bill. So that Senators may be advised—and I would deeply appreciate it if the attachés would advise them—as I see the procedure, it will be as follows:

In due course I, or some other Senator, will make a point of order that this is legislation on an appropriation bill. When such a point of order is made, it is my understanding that before the Chair rules, the manager of the bill will raise the issue of germaneness; that is, that it is germane to the bill for various other reasons, which are supposedly contained in the bill.

That question, as I understand it, is not decided by the Chair, but by the Senate. The question will then be put to the Senate in the following terms: "Is it the sense of the Senate that the amendment incorporated in section 904 is germane to this measure?"

A vote of yea will sustain the germaneness. Therefore, it will remain part of the bill unless otherwise stricken by an amendment or a motion to strike.

A vote of nay will affirm that it is not germane, and it will therefore be stricken from the bill because it does not fall under the rules.

It is therefore, because of this rather summary situation, Mr. President, that the debate on this particular proposition must be made before that point is reached, as once the debate has been had, no further debate is possible.

Mr. President, the Philadelphia plan, or the revised Philadelphia plan that has been the subject of considerable debate and discussion by me and others, I really think becomes in an interesting way the lesser rather than the greater part of the debate.

It has been quite thoroughly explored in many ways. The greater part of the debate, I think, now occurs on the unbelievable scope of this particular

amendment insofar as its effect on the law is concerned, and even in its effect upon the administrative hierarchy of the U.S. Government and the absolute power—the power to even defy courts—which is vested in the Comptroller General of the United States by this provision. And, in a sense, it is made even more unwise, and perhaps even unfair, because it is incorporated in a supplemental appropriation bill.

Mr. President, we all know that there is no line-item veto in the President. He has to take it or leave it. And it is very unusual for the President to veto an appropriation bill. So, there is an additional factor added, notwithstanding the fact that this is permanent legislation. I beg the Senate to understand that this is permanent law. It is as stringent as I have described, and incidentally this is not my opinion, but it is the opinion of the Attorney General of the United States, quite apart from the Philadelphia plan. I will read the opinion as to the effect on many things, not just on the Philadelphia plan, but also on his Department and on the Comptroller General. If we put this into effect and make it law, the Comptroller General is hereby given authority to defy the courts.

I have pointed out that it is permanent law. It reads as follows, page 15, lines 10 to 12:

No part of the funds appropriated or otherwise made available by this or any other Act . . .

Mr. President, that is pretty broad stuff. And, in my judgment, it raises grave questions as to whether it is retrospective or prospective or both.

Mr. President, I do not see how anyone will decide that except the Comptroller General who, by virtue of this paragraph, is not bound by the courts. It provides: "which the Comptroller General of the United States holds."

That is the key word, "to be in contravention of any Federal statute."

So he holds it to be in contravention of any Federal statute, and he, in fact, controls the purse strings of the United States. Then he, the top man in this country—and perhaps the 7 days in May have arrived—of all people is the real ruler of the country, the Comptroller General of the United States.

It is almost inconceivable that a measure of such size and scope should come to us in a supplemental appropriation bill as permament legislation with the breadth and the impact that this has. And what is perhaps a little more inconceivable—and I think the Senator from Hawaii (Mr. FONG) was right about it—is that it should come at this time in the session when one look at the Chamber, which ought to be packed and ringing with debate whether we are right or wrong, tells us the whole story about the seriousness of what is proposed.

It is apparent to the onlooker that there is a lack of interest in the matter.

I pointed out that this was not my opinion, but that it was the opinion of the Attorney General of the United States.

The Attorney General wrote to the minority leader today. This has just burst upon us. As the Senator from Hawaii said, it just came up yesterday in an effort to kill the Philadelphia plan, which is the real purpose of the provision—we all know that. But they would be killing a lot of other things with the same shot.

This would be Napoleon Bonaparte with grapeshot clearing the whole street and not just the Philadelphia plan.

Mr. President, I ask unanimous consent that the letter from the Attorney General be printed at this point in the RECORD. I will be reading from it, and I do not want people to say that I read only certain parts of it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., December 18, 1969.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I am writing to express my concern with respect to the provisions of Section 904 of H.R. 15209, the Supplemental Appropriation Bill, 1970, presently under consideration in the Senate.

Section 904 provides:

"In view of and in confirmation of the authority invested in the Comptroller General of the United States by the Budget and Accounting Act of 1921, as amended, no part of the funds appropriated or otherwise made available by this or any other Act shall be available to finance, either directly or through any Federal aid or grant, any contract or agreement which the Comptroller General of the United States holds to be in contravention of any Federal statute."

The Comptroller General, under present law is authorized to settle and adjust all claims by or against the Government of the United States, 31 U.S.C. 71, and to settle the accounts of accountable officers of the Government, 31 U.S.C. 72, 74. In the performance of this function he has, historically, been required to determine the legality of expenditures and the availability of appropriations to make such expenditures.

His determinations of law are not, however, binding on affected private parties or the courts, *Miguel* v. *McCarl,* 291 U.S. 442, 454–55 (1934).

The provisions of Section 904, if I understand them correctly, would alter present law in at least two respects. First, they would prohibit, or could be construed to prohibit, any Federal payment to be made on any contract entered into or containing any provision in violation of Federal law. The prohibition would operate without regard to the nature or gravity of the violation, responsibility of the contractor, or any other equitable consideration. This would impose a harsher rule on those who contract with the Government than at present. Now, not every illegality or irregularity invalidates a contract, and even where the contract itself may be invalidated, a contractor in appropriate circumstances will be entitled to be paid the value of his services. *New York Mail and Newspaper Transportation Co.* v. *United States,* 154 F. Supp. 271 (Ct. Cl. 1957), *cert. denied,* 355 U.S. 904 (1957); *Crocker* v. *United States,* 240 U.S. 74 (1916). Furthermore, this harsh rule would be applied not only to those who contract directly with the Federal Government, but to those who deal with Federal grantees.

Section 904 alters existing law in another significant respect. It provides that the Comptroller General's determination as to the legality of any contract is binding whether or not such determination is later upheld by the courts. As I read the Section it would be fruitless for a contractor to sue in the Court of Claims on a contract held by the Comptroller General to be illegal, since even if the court agreed with the plaintiff's view of the law, this Section would prevent payment being made to satisfy a judgment in his favor.

I am, of course, not indifferent to the effect which this provision would have on the functions of this Department in advising the President and the officers of the Executive Branch on questions of law arising in the course of their duties. 28 U.S.C. 511, 512. In executing the laws, the Executive Branch must of necessity interpret them. Such interpretations may, on occasion, conflict with the view held by the Congress; but in such case our system provides as ready correctives new legislation or resort to the courts. Because of the limited time available, I have limited myself to what seem to me to be these serious practical objections. I am bound to say, however, that the authority to be vested in the Comptroller General under Section 904 would, in my view, so disturb the existing allocation of power and responsibility among the several branches of the Federal Government as to raise serious questions as to its constitutionality.

I therefore urge that Section 904 be deleted from the bill.

Sincerely,

JOHN M. MITCHELL,
Attorney General.

Mr. JAVITS. Mr. President, the Attorney General says.

The provisions of Section 904, if I understand them correctly, would alter present law in at least two respects. First, they would prohibit, or could be construed to prohibit, any Federal payment to be made on any contract entered into or containing any provision in violation of Federal law. The prohibition would operate without regard to the nature or gravity of the violation, responsibility of the contractor, or any other equitable consideration. This would impose a harsher rule on those who contract with the Government than at present. Now, not every illegality or irregularity invalidates a contract, and even where the contract itself may be invalidated, a contractor in appropriate circumstances will be entitled to be paid the value of his services.

The Attorney General then cites some cases and a U.S. Supreme Court case.

Mr. President, I continue to read:

Furthermore, this harsh rule would be applied not only to those who contract directly with the Federal Government, but to those who deal with Federal grantees.

Section 904 alters existing law in another significant respect. It provides that the Comptroller General's determination as to the legality of any contract is binding whether or not such determination is later upheld by the courts. As I read the Section it would be fruitless for a contractor to sue in the Court of Claims on a contract held by the Comptroller General to be illegal, since even if the court agreed with the plaintiff's view of the law, this Section would prevent payment being made to satisfy a judgment in his favor.

Mind you, Mr. President, a supplemental appropriations bill in the last days of the session, a measure from the Appropriations Committee contains permanent law giving this kind of power.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PEARSON. Mr. President, would the letter of the Attorney General or the opinion of the Attorney General offer some foundation for the Senator's assertion of the broad concept that under

the language of the bill the Comptroller General would be the final and last word, even above the opinion of the court? I do not really think that is the meaning of the language.

It says there that the Comptroller General must make a judgment upon the payment of funds as to whether the contracts are illegal in reference to a given statute and that statute of law as it is interpreted by the court.

So he looks not at just the statute that he measures it by, but he also looks at it as it is interpreted by the opinion of any court in the land.

Mr. JAVITS. Mr. President, I wish I could agree with the Senator. However, let us remember that the jurisdiction of the courts is within the Judiciary Act of 1789, which establishes the jurisdiction of the lower Federal courts.

There is only one constitutional court, and that is the Supreme Court of the United States. Therefore, we have passed laws time and again which deprive the courts of jurisdiction and make a decision on an administrative problem final.

With the fundamental equity power of the court with relation to some kind of crookedness or fraud, or something of that sort, it seems to me that with the absolute unqualified statement here contained, "which the Comptroller General holds" and that is the key word, "to be in contravention of any Federal statute", I do not see that a court would have jurisdiction to challenge it. He could say to 16 courts who seek to mandate him to do something, "Congress told me that if I hold it, that is it."

It seems to me that that is a power which certainly one Senator could prevent. I should think that I would be violating my oath of office if I did not fight this tooth and nail, and I hope that a majority of the Senate would feel the same way before surrendering such power to one official of the United States, the Comptroller General, dignified and important and consequential as he may be.

As I have said, I am buttressed in my feeling that this is not qualified by the fact that the Attorney General feels the same way. Also, the Attorney General says, as his third reason for grave concern in opposition to this section:

> I am bound to say, however, that the authority to be vested in the Comptroller General under Section 904 would, in my view, so disturb the existing allocation of power and responsibility among the several branches of the Federal Government as to raise serious questions as to its constitutionality.

He then points out, and I should like to read it to the Senate, the power of his own office:

> I am, of course, not indifferent to the effect which this provision would have on the functions of this Department in advising the President and the officers of the Executive Branch on questions of law arising in the course of their duties. 28 U.S.C. 511, 512. In executing the laws, the Executive Branch must of necessity interpret them. Such interpretations may, on occasion, conflict with the view held by the Congress; but in such case our system provides as ready correctives new legislation or resort to the courts. Because of the limited time available, I have limited myself to what seems to me to be these serious practical objections.

Then he goes on with the phrase I read before:

> I am bound to say, however, that the authority to be vested in the Comptroller General under Section 904 would, in my view, so disturb the existing allocation of power and responsibility among the several branches of the Federal Government as to raise serious questions as to its constitutionality.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PEARSON. Without regard to whether the legal opinion of the Comptroller General is correct or whether the opinion of the Attorney General of the United States is correct, there does seem to be a dispute between the two. Is that accurate?

Mr. JAVITS. That is correct.

Mr. PEARSON. And that constitutes a conflict, aside from the very important issue of civil rights, a conflict of opinion between the executive branch of the Government and the congressional branch of the Government of the United States.

Mr. JAVITS. I would not quite go that far, for this reason: It constitutes a conflict between the Attorney General and the Comptroller General. I would not say Congress, because Congress is going to have a chance to speak on this right now.

The Comptroller General is an arm of Congress, but this bill submits the issue to Congress. Section 904 seizes us of the question. It is we now, not the Comptroller General, who are going to pit ourselves against the Attorney General. That is a very important point. We are going to decide today, in the Senate, and in the other body, on the conference report, if this carries through conference, that we are going to take on this issue and we will have decided.

The men who drew section 904 were no fools, because giving the Comptroller General this absolute authority is the way Congress can decide the issue. If the President signs this bill, then the Comptroller General becomes our agent, not generally in fiscal matters, but he becomes our agent to kill the Philadelphia plan or to kill anything else he does not like—we give him that power—when he holds that it is in contravention to a Federal statute, no matter what the Attorney General holds and, I think, no matter what the courts hold. We give him that power.

So you have Congress; you do not have just the Attorney General. It is Congress. We are now seized of it, and we are going to act, yea or nay, in a relatively short time.

Mr. PEARSON. I ask the Senator from New York if the same argument cannot be made on the other side. If the Comptroller General, an arm of Congress, makes a judgment determination that the payment of funds is illegal, in his opinion, but at any time the Attorney General of the United States, an officer of the executive branch of Government, determines otherwise, then an arm of Congress is just negated; his opinion is of no use whatever.

Mr. JAVITS. Not at all, because it is very well known and it is hornbook law that whatever the Attorney General does, he is only the legal adviser, the lawyer. His client is the United States, and the United States can be sued, at least in certain cases.

Mr. PEARSON. The executive department of the United States.

Mr. JAVITS. Exactly. The executive department of the United States can be sued in court in most cases, and the decisions of the courts are binding.

Again, it must be remembered that even in that, we can nullify what the courts do if we do not appropriate the money to pay a judgment. So we still have the ultimate residual power as a coordinate branch.

Mr. PEARSON. Which we have exercised by establishing an agency, the Comptroller General's office, an arm of Congress, giving him certain powers, and among those is the determination of whether the pay-out of funds is in fact proper and legal in every respect.

Mr. JAVITS. Exactly. But here we give him a mandate of absolute power.

In other words, if we are going to depend upon the normal power of the Comptroller General to be an arm of Congress and deal with questions of legality and illegality, rather a twilight zone of a governmental authority—who prevails, the Attorney General or the Comptroller General?—then there is nothing I could do about it, nothing I would want to do about it, because this is one of the normal struggles within the executive and congressional departments with which we are all familiar. Somehow or other, they resolve themselves.

The fact is that, notwithstanding the Comptroller General's ruling so far, under the Philadelphia plan they have already made 14 contracts with contractors who are expending a good deal of money, who I assume are over 21, and who feel that, somehow or other, they will get paid some way and that the views of these respective agencies will be reconciled. But we are not letting it alone. If we were letting it alone, there is nothing I could do about it or anybody else could do about it.

We have had these crises in our country before. But we are acting now. We are not just leaving it to the Comptroller General. We are saying affirmatively to the Comptroller General: "We now tell you that your opinion is to be paramount. We are deciding that question; and if you hold—only you hold—that it is in contravention of a Federal statute, that is supreme; you don't pay."

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. JAVITS. Let me finish my thought.

That is an extra, new, added fortification of the authority which under this constitutional system would really pit Congress—not the officials, but Congress—against the executive branch. Aside from the fact that I think it is completely unwise in terms of this plan, we are now arguing only the question of governmental organization and governmental power. Should Congress place this tremendous authority in this or any other act? That is what this section re-

lates to. It has been pointed out by the Senator from Hawaii (Mr. FONG) that this does not apply only to the Philadelphia plan. It applies to a whole series of other matters which are completely and directly affected, and I will go over those again, because I think it is very important.

Should Congress give this kind of grant of absolute authority, overriding everybody's else's authority, to the Comptroller General? I think it is extremely unwise, and I argue very strong against it.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PEARSON. The question is not only whether or not we are going to give this enormous power to the Comptroller General to control everything. The question is twofold: Do we give this enormous power to the Attorney General of the United States, an officer of the executive department, to exercise it not only within the executive department but also the congressional branch?

Mr. JAVITS. No. I cannot go along with that, because the Attorney General has no power comparable to what we would be giving the Comptroller General if we pass this. The Attorney General is a lawyer——

Mr. PEARSON. The Attorney General would have that power if we defeated this.

Mr. JAVITS. He would not. The Attorney General has only the authority to advise the agencies of the Federal Government. But any agency is amenable to suit in the Court of Claims. Many are amenable to suits in the district courts and various other ways; whereas, what we are doing here, I have pointed out, by the ambit of this provision, is to immunize a particular official for any kind of supervisory judgment except our own, if we withdraw it.

Mr. PEARSON. If the Senator will yield one more time I will not interrupt him again. However, the Senator did comment that this was a norm. If the Senator will refer to page 19 of the report he will find it is stated:

> The Comptroller General has exercised the delegated congressional power over the obligation and expenditure of appropriated funds for almost 50 years without serious challenge from the Attorney General of the United States or any other officer of the Executive Branch.

This is something quite new; this is something quite important. I am sorry this came up in relation to a civil rights matter. I think that clouds the matter and makes the debate we are having today a rather technical one, a procedural one, and not worthy really of the attention we are giving it; but our laws and not procedures are the foundation of the rights of the parties.

Mr. JAVITS. I think the Senator is right about procedures. The procedure we established by this amendment is such as to give him a grant of power which, if he had it, he would not exercise, but we give it to him and practically order him to exercise it, giving him complete autonomy in everything else.

I would like to point out the effects of such authority. I shall read from a memorandum which has been prepared on this subject.

EFFECTS OF THE RIDER TO THE SUPPLEMENTAL APPROPRIATIONS ACT

1. The rider would transfer effective administrative control over wage determinations under the Davis-Bacon Act, the Walsh-Healey Public Contracts Act and the Service Contract Act to the Comptroller General. If he determined that a determination was improperly made, no funds could be used to finance the contract that incorporated that wage determination.

2. The rider would oust the jurisdiction of Contract Boards of Appeal in many instances. Regardless of decisions of a Board in favor of the contractor, the agency would not be able to make payment if the Comptroller General held any term of the agreement in violation of Federal law.

3. The rider would oust the jurisdiction of the Court of Claims. The Comptroller General has never considered himself bound by the judgment of the Court of Claims. If the Court of Claims entered a judgment for a contractor, funds would not be available to pay that judgment if the Comptroller General did not agree with the decision of the court on the legality of the contract.

4. All agency rules and regulations on the implementation of Title VI of the Civil Rights Act could be enforced only if the Comptroller General agreed on their legality—regardless of decisions of the courts.

In short, all that really amounts to is that by adopting this rider you so lock in this absolute authority which, I may say, the Comptroller may have or may not have. With respect to the statement that this has been done for almost 50 years without serious challenge, naturally one might say, "This has been a system which worked." The system has worked and I want it to continue to work; but I say by this rider they are interrupting the rhythm of the system and the way it works, and you are throwing a new factor in which will very much bedevil this system. Just because you are shooting at one figure on a broad street you are mowing down everything on the street.

Mr. PEARSON. The Senator makes the point that the wording of the bill, particularly the last line, refers to "any contract or agreement" which the Comptroller General of the United States holds to be in contravention of any Federal statute. He makes the argument that the opinion of the Comptroller General in relation to a statute gives him such enormous power he would not be subject to a decision or the judgment of the court.

I take it that it is because of the word "statute." The Senator does not see it in that light. I wonder if the Senator would have objection if we changed "Federal statute" to "Federal law," which would be the statute properly interpreted by all courts having jurisdiction.

Mr. JAVITS. As long as you give the Comptroller General the absolute power, and if you change Federal statute to Federal law you would be giving him more power—I am not aware now, standing on my feet, how the courts define the phrase "Federal law." However, all you would be doing would be expanding it beyond the statute to whatever determination is included in Federal law, whether it is a decision, or anything else.

I have dealt with the generic question or power, which is a peripheral question, but very important from the blunderbuss way in which it is drawn, and its universal application now and in the future will make it permanent law in the appropriation bill just because the idea is to nullify the Philadelphia plan. I would much rather that it would say the Philadelphia plan is a nullity. Then, if we cannot present the stronger case we lose, or if we do present the stronger case we win. However, I wish to address myself next to what has been done here; the erection of this enormous piece of lethal machinery to knock off the Philadelphia plan.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. JAVITS. I shall yield to the Senator from Nebraska who wishes to argue this phase. I will argue the Philadelphia plan, its merits and whether it is constitutional, but before that I thought it proper at the threshold to question why this 155 millimeter howitzer is used to knock off a small target, the Philadelphia plan. I am sure we will find some other way to do what needs to be done. The Nation is not going to sink if the Philadelphia plan is knocked out. But this makes an enormous piece of law to deal with a relatively reasonable question upon which men can differ. The Attorney General and the Comptroller General differ on it.

Before I yield, I wish to say this is one case where the President came out foursquare. He is backing the Attorney General and he wants the Philadelphia plan to stand, and he made that unequivocally clear today. I did want to say that, since it is very important.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PEARSON. I have raised the questions which I have raised, not in relation to the Philadelphia plan; I think there are many issues here. The conflict of different branches of Government is a fundamental issue. I do not want my comments to indicate any lack of enthusiasm for any plan, whether it is the Philadelphia plan or not.

Mr. JAVITS. I thank the Senator. I knew that to be so.

Mr. HRUSKA. Mr. President, it is with some interest that I followed the colloquy being conducted between Senator JAVITS and Senator PEARSON. There is some question raised as to the efficacy of this amendment, section 904, and its purpose. It has been referred to by Senator JAVITS as a blunderbuss destroying several laws and practices when the real target is a single program. The question is raised, "Why use a howitzer to zero in on such a relatively small, although highly important, Philadelphia plan?"

Mr. President, I submit it is not only the Philadelphia plan that is involved. We are faced with a situation of much greater scope and a question of much greater urgency. Here we confront a situation in which the Comptroller General has undertaken to say that the expenditure of public money pursuant to any contract entered into under the Philadelphia plan is illegal and shall not be paid out; and we have a member of the executive, the Attorney General, saying

it is legal and the Department of Labor should go ahead with it.

We face squarely the question of deciding whether the actions of the Secretary of Labor, based on the advice of the Attorney General, will prevail, or whether it will be the Comptroller General's opinion which will prevail. I submit that the Comptroller must prevail.

It was said a long time ago in debate on passage of the Budget and Accounting Act of 1921:

> If he, the Comptroller, is allowed to have his decisions modified or changed by the will of an executive, then we might as well abolish the office.

Where will the original decision be made with reference to whether congressional intent and congressional provisions will mean one thing or mean another? Congress says, "That power will reside in the Comptroller General, who is an arm of the Congress, not in the Attorney General, not in any appointee of the President, not in any other Secretary of the Cabinet, but someone outside the executive department." That is very well written into the law. Those who see in section 904 a major change in our constitutional form of government, are not taking into consideration existing law. Nor do they look at the exact language of section 904, which states in pertinent part:

> In view of and in confirmation of the authority vested in the Comptroller General of the United States by the Budget and Accounting Act of 1921 as amended, . . .

Consider the language contained in section 904, and the language contained in title 31 of the United States Code, section 44, which I cite in pertinent part:

> Balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government.

Then we turn to section 74 of the same title which starts out:

> Balances certified by the GAO upon the settlment of public accounts shall be final and conclusive upon the executive branch . . .

This is the law. All that section 904 is designed to do is reaffirm congressional support for the authority already invested in the Comptroller General under this act when his power over appropriations and expenditures is challenged.

The Federal statute is contravened by the contract agreement in question. That is what is involved in this matter. In practical terms, the questions is whether Congress will lose its appropriating power by appropriating $2 million, $19 million, $21 million, $69 million, or even $1 billion, and send it downtown and, regardless of the opinion of the Comptroller General, regardless of what the plain legislative intent and the plain language of the law, if the Secretary decides to reallocate an appropriation contrary to congressional intent, this action will totally nullify our power to appropriate.

This same issue was before the Congress in the early part of this century. In 1921, the Budget and Accounting Act was passed. The post of Comptroller General of the Congress of the United States was created. As was wisely observed by former President Cleveland:

> If the Comptroller General does not agree with what I believe the law to be, and if I do not want to agree with what I believe the law to be in regard to this appropriation, I can always get a new Comptroller General.

As a result the Comptroller was made independent of the executive.

It was a very handy arrangement for the President and the Executive Department to have the Comptroller in their power but not for the body that holds the appropriating processes pursuant to the Constitution. That is the real issue here.

The purpose of section 904 is to reaffirm our intent and say it is still the law of the land. That is its purpose. I hope that the Congress will affirm it and will approve it.

Mr. JAVITS. Mr. President, I think the Senator has made, very eloquently, the best argument for striking the provision, if we take the Comptroller General to have the power he says he has. I am a lawyer, and I never advise my clients to confirm something they have. Why rock the boat? Maybe Congress will turn it down. Does that mean the Comptroller General will lose the power the Senator claims he has? In addition, it it said that this is the way in which the Congress has been run. On the contrary, since the days of Attorney General Moody in 1921, when he ruled on this very question that the Senator is referring to, the legal opinion held at that time, "I am unable to agree to the proposition that the act of 1894," which is the predecessor of the one the Senator is referring to, "establishes a rule which is universal without exception under all circumstances," and so forth. It is quite a comprehensive opinion.

The fact is, at the very best, this question has been in the twilight zone for both. They have inevitably gotten together to settle it. That is why I argue against the provision now, because what we are trying to do by this provision in the supplemental bill, in the closing days of the session, without hearings, or evidence, which is extrapolated because somebody wants to kill off the Philadelphia plan, we are making a broad scale effort to use the Senator's word "confirmation" of the absolute authority in the Comptroller General. I just do not think that is a provident way to legislate. I will deal with the substantive question of the Philadelphia plan later.

When the Senator speaks about the fact that we would be surrendering—whatever that might mean—our authority over appropriations, we must remember that in addition to the Comptroller General, there are the courts, and the fact that the President of the United States does not have to spend a single dollar to appropriate. Let us remember that. He does not have to spend a single dollar we appropriate. He can impound it and he has done that time and time again. That is pretty tough control. The only thing that can be done about it is to impeach him or defeat him at the next election. But that is the way our Government works. We have never, in this Government, sought to give absolute power, as is given in this amendment. We have always been willing to leave things a little slack.

Mr. HRUSKA. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I do not yield yet.

I do not think that this is provident legislation in terms of a Congress of the United States, because what the Senator is saying to the Comptroller General is, "Now we can confirm that you are right and the other fellow is wrong, and what you hold is the end of the matter, no matter what any court says or anyone else—and that is it."

I just do not think that that is the way in which relative balancing of the powers and authorities of the three branches of government can be run wisely.

Let that Comptroller General be a little worried about his authority. Let that Attorney General be a little worried about his authority, too. We have always felt that everyone should be amenable to the courts. I cannot say it is universal because all of a sudden and quickly, I have been preparing for this argument while we have been having quorum calls. That is as much notice as we have had. No matter how vigilant we are, this thing burst upon the world yesterday.

I believe that the argument of the Senator from Hawaii (Mr. FONG) is the best of any. Why bring this thing into the supplemental appropriation bill in the last days of a session even if you are right and I am wrong. But I am a pretty fair lawyer and so are many others here. There is at least some serious question here as to whether we are giving or are vesting our Comptroller General with power—absolute power, which could be disruptive to the Government. I think it is improvident, whatever there may be in the Philadelphia plan.

I think this is really the very best argument one can make on this provision. Often one has to vividly bring before his colleagues the implications of something. I really doubt that the men who wrote this provision intended that it should be as broad, sweeping, and all-encompassing as it is; but it is.

We had a situation very much like it the other day, on the Defense appropriation bill, when we were considering a provision, and Senators were arguing, "Well, do not worry about what it says. The Department will understand when they read the legislative history." This was not satisfactory to many of us and we said, "If you mean something, say it."

That is the situation with respect to this matter. The fact is that this provision, by its terms, as far as we can read the terms, vests considerable authority in one official of the Congress, without which authority he has lived very satisfactorily for 50 years.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. I merely want to say that there is a little more to it than what the Senator has said. Perhaps he said it when I was not present in the Chamber. I am one of the Senators who opposed this amendment in the committee, first of all, for the reason given by the distinguished Senator from Hawaii. We are dealing with a very sensi-

tive issue. It is not a legalistic issue. It involves a great deal more than that, and we understand it does.

There is no question at all about the fact that the Comptroller General is the arm of the Congress and responsible to the Congress and that he speaks for the Congress. Under the law of 1921 he has certain definite responsibilities, and we want to protect that law as much as we can. But we have to look at this issue, intricate as it is, with a little more depth than I am afraid we can do in one afternoon or several days. It needs to be gone into very thoroughly.

What we are confronted with is the fact that this Nation suffers with a difficult situation, a very distressing one, which erupted in Philadelphia not too long ago. Because the administration has the responsibility of doing something about it before it erupts all over the country, it initiated a plan it thought would solve the problem for the time being.

It is true that, under the civil rights law, the quota system could not be used, for the simple reason that a quota was barred. So they used the approach of a goal—unless we construe it to be a quota. Here is where the Attorney General and the Comptroller General disagree, and I think reasonable men can disagree.

The fact remains that the administration, in trying to bring about a solution of this tremendous problem, initiated the so-called Philadelphia plan.

In the process of arguing as to who should have jurisdiction, whether it should be the Comptroller General or the Attorney General, we are disrupting that program, which I think is essential for the stabilization of the situation, which has become a quite irritable one and a serious one in the Nation.

I quite agree with the Senator from New York. I believe the action of the committee—and I said so at the time—was a little too precipitate. This matter was pending before the Judiciary Committee, and nothing happened. It was called to my attention only 2 or 3 days ago. I have mixed feelings about it. I certainly want the Comptroller General to have the authority he has. I certainly do not want to deny the Congress any of the responsibilities it must have under constitutional law. At the same time we are confronted with the problem of equal opportunity of employment. That is a very important question.

Congress initiated the Davis-Bacon Act to equalize wages throughout the country because of differentials in certain areas of the country. We did it in the public interest. Perhaps in the public interest we will need not only the Philadelphia plan, but the New York plan, the Boston plan, and we may even need the Miami Beach plan. I do not know. I really do not know. But the fact remains that what we are doing today, in essence, is rejecting the administration plan to meet a very tragic situation that erupted in Philadelphia. I think we ought not to forget that.

There is nothing in the language before us that mentions the word "Philadelphia," but, by indirection, it throws out the Philadelphia plan. This question ought to be gone into in quite some depth. It has been pending for 2 or 3 months, or perhaps 3 or 4 months, whatever the case may be. Certainly there have been only limited hearings on it. All I know is that a lawyer from the Comptroller General's office came and said, "This is the interpretation I give it." Attorney General Mitchell gave it another interpretation.

Here we are caught in between. We are caught between disagreement of two agencies as to whether or not the law is being properly construed.

In the process, what are we doing? For all practical purposes, we are rejecting the Philadelphia plan. I say to the Senate this afternoon, this will not be the end of it. Certainly, this will not be the end of it. We had better proceed with fairness, caution, and coolness.

I think the better part of judgment would be to wait until we came back in January, go into this question in detail and depth, and clear up the question of who is the proper authority.

Mr. JAVITS. Mr. President, I love my colleague from Rhode Island. If I needed any confirmation of it, it has been illustrated now. What he says makes sense, and I am grateful to him for having given me a minute's rest.

Mr. PASTORE. That is why I did it.

Mr. JAVITS. And for the intercession of his very sage and very wise comments.

May I say to him in fairness that there have been a couple of days of hearings. The Senator from North Carolina (Mr. ERVIN) had hearings in the Subcommittee on Separation of Powers. As a matter of fact, I testified expressly on the Philadelphia plan. Without any question, that is the place where this matter should be gone into, deliberated, dealt with, and reported in legislation.

Mr. PASTORE. Can the Senator tell me why the committee did not reach a conclusion, after holding hearings?

Mr. JAVITS. I think that is the way it should be done. I do not think the Senator held enough hearings to his satisfaction, or perhaps the committee has been too busy, but hearings were held. I myself was a witness. There were quite a few other witnesses, from industry, and elsewhere. That is the proper forum in which that particular question should be decided. It is a legal question.

Mr. PASTORE. Senators know that today, on the very principle involved here, we overrode the manager of the foreign aid appropriation bill because we said the Appropriations Committee had no business getting itself mixed up in the changing of the basic law. Did we not say that in essence?

Mr. JAVITS. Exactly.

Mr. PASTORE. And that point was sustained by the Senate. Now we are doing just the opposite.

Mr. JAVITS. I am very grateful to my colleague from Rhode Island.

Mr. President, to accommodate the Senator from Colorado—I have only completed half of my argument on the ambit of the provisions, rather than the merits of the Philadelphia plan and its constitutionality—I yield the floor to allow the Senator from Colorado, if the Chair will recognize him, to address himself to this subject.

Mr. HRUSKA. Mr. President, will the Senator yield.

Mr. JAVITS. I yield.

Mr. HRUSKA. Reference was made by the Senator from New York to Attorney General Moody's opinion. He referred to it as an opinion rendered in 1921. More accurately, it is the written memorandum by Attorney General Moody in 1904, under the old act. That is the year and the memorandum to which reference was made. I think the RECORD ought to be clear.

Mr. JAVITS. Let us put it in the RECORD.

Mr. HRUSKA. What the law was in 1904 was radically changed by the Budget and Accounting Act of 1921. If the Senator wants to check into it, I have the memorandum before me.

Mr. JAVITS. I will put the whole thing in the RECORD. I think the Senator is absolutely right. As I explained to the Senator—and I think it is one of the biggest arguments in this debate—and as the Senator from Rhode Island (Mr. PASTORE) has said, those of us who were not apprised of what was going on literally had to stand on our feet and prepare. The Senator knows I am not underdiligent when it comes to work, but it was physically impossible to do what should have been done in this case.

Mr. HRUSKA. I am glad to have the Senator lead into that question, because I should like to comment on it very briefly. I shall expand further later.

Those questions were raised in the Appropriation Committee. "Why right now?" and "Why in an appropriation bill?"

The fact is that not only the Philadelphia plan is involved. A similar series of contracts is being negotiated, and very likely will soon be in effect, in Boston and in some seven, eight, or nine additional cities.

Mr. President, that presents quite a problem. Being aware of that problem, and having the question before us as to where this authority resides, if the Congress sits here doing nothing, and those contracts are entered into, then the question will be raised, when the time comes to debate the legality of those plans, "Did not the Congress acquiesce in a practice along that line? Is the Government not estopped from objecting?" The Congress knew what was going on and yet they raised no objection. Here these contractors are, putting bricks and stone together, and signing rate contracts and everything.

In view of these considerations, I think that this bill is a legitimate vehicle for saying this is the time and place to confront this issue.

With that, I join the Senator from New York in saying the Senator from Colorado ought to be allowed to speak and get back to his conference on another appropriation bill.

Mr. JAVITS. I have one myself.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Colorado be permitted to yield for a unanimous-consent request and a bit of legislative action at the re-

quest of the Senator from California (Mr. CRANSTON) without losing his right to the floor. It will only take a minute or two.

Mr. ALLOTT. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS EDUCATIONAL AMENDMENTS OF 1969

Mr. CRANSTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11959.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives, announcing it had agreed to the amendments of the Senate to the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters, with amendments, in which it requested the concurrence of the Senate.

Mr. YARBOROUGH. Mr. President, on October 23, 1969, the Senate passed its version of H.R. 11959, the Veterans Education and Training Assistance Amendments Act of 1969, and sent it to the House for action. For nearly 2 months this important bill which directly affects the lives of thousands of our veterans has been in the House without action being taken on it. Now as this session of Congress is in its final hours, the House has passed a bill which does not include many of the important provisions of the Senate version of this bill. Specifically, this bill which the House passed today does not include the important 46-percent increase in education and training allowances for veterans participating in the cold war GI bill education and training programs. This 46-percent increase was proposed by me in my bill, S. 338. The purpose for this increase was to bring cold war GI bill benefits in line with those paid to veterans under the Korean GI bill. The Senate adopted S. 338 and made it title I of H.R. 11959. This bill has received the enthusiastic support of every major veterans organization in America as well as countless numbers of veterans who are using these important benefits.

I firmly believe that this increase of 46 percent in allowances is necessary to increase participation in GI bill programs and to assure the veterans of Vietnam and the cold war era to full economic equality with veterans of the Korean conflict.

In addition to these important increases in education and training allowances, the Senate version of H.R. 11959 also contained the following new programs:

First, a new farm cooperative program, similar to the one provided for under the Korean conflict GI bill which was originally introduced by me as S. 1998.

Second, a new flight program which would authorize low interest loans of up to $1,000 to veterans wishing to obtain a private pilot's license;

Third, a new education and training program designed to prepare high school and elementary school dropouts for advanced training and higher education; and

Fourth, a new veterans outreach program designed to advise veterans of their rights and assist them in obtaining them.

These programs which were incorporated into the Senate version of H.R. 11959 were the result of long and thoughtful study by the Subcommittee on Veterans Affairs under its distinguished chairman, Senator CRANSTON, and the full Labor and Public Welfare Committee. The subcommittee held hearing on these important measures on June 24, 25, 26, August 8, and August 12. The testimony presented at these hearings clearly demonstrated the need for these new programs. This bill obtained wide bipartisan support as evidenced by its approval by the Senate by a vote of 77 to 0.

The House, unfortunately, has not seen fit to recognize the need for the 46-percent increase and the new programs contained in the Senate version of H.R. 11959. Instead of accepting the Senate version of H.R. 11959, the House today passed a bill which is woefully inadequate to meet the needs of our veterans. More specifically the House bill: First, rejects the important 46-percent increase in education and training allowances and substitutes an approximate 30-percent increase. This would amount to only a $5 increase over its 27-percent increase in the original House bill; second, excludes completely: the farm cooperative program, the new flight program, the new veterans outreach program, and the new prep program for educationally disadvantaged veterans.

I cannot see how the new House bill can be acceptable to the Senate or the veterans who are depending on Congress to enact this important legislation.

Therefore, I urge the Senate to reject the House version of H.R. 11959 and I call on the House to meet in conference with the Senate immediately so that an acceptable bill can be worked out before the end of this academic semester.

Mr. CRANSTON. I move that the Senate disagree to the amendments of the House to the amendments of the Senate, request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CRANSTON, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. KENNEDY, Mr. MONDALE, Mr. HUGHES, Mr. SCHWEIKER, Mr. JAVITS, Mr. DOMINICK, Mr. SAXBE, and Mr. SMITH of Illinois, conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FLOOD, Mr. NATCHER, Mr. SMITH of Iowa, Mr. HULL, Mr. CASEY, Mr. MAHON, Mr. MICHEL, Mr. SHRIVER, Mrs. REID of Illinois, and Mr. BOW, were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PASSMAN, Mr. ROONEY of New York, Mrs. HANSEN of Washington, Mr. COHELAN, Mr. LONG of Maryland, Mr. MCFALL, Mr. MAHON, Mr. SHRIVER, Mr. CONTE, Mrs. REID of Illinois, Mr. RIEGLE, and Mr. BOW were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, and it was signed by the Acting President pro tempore.

SUPPLEMENTAL APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Mr. ALLOTT. Mr. President, I thank the Senator from Nebraska and the Senator from New York for yielding to me. The only reason for the request is that we are involved in the transportation bill conference at the moment, and there are certain matters there requiring my presence at this time.

Mr. President, it is unfortunate that this particular question should come up in connection with a discussion of the so-called Philadelphia plan. Personally I support what the President is trying to achieve through the implementation of this plan. I have supported civil rights measures for 15 years in the Senate and for 4 years as Lieutenant Governor of my State. I did it before that as district attorney, and I shall continue to attempt to develop the civil rights aspect of our life as far as I can.

The question here is not—and I want to make this clear—the correctness of the Philadelphia plan. The question is whether we are going to permit the derogation and diminishment of the powers of the Comptroller General as an independent arm of Congress. As I say, it is unfortunate, that the particular area which would be immediately affected is one which, even at this moment, I feel so very strongly about.

First of all, this issue has developed because, in substance, the Attorney General has said to the Comptroller General, "Even though you do not think that obligations made in connection with the Philadelphia plan are in accord with the 1964 Civil Rights Act, I do."

I ask unanimous consent that the pertinent portion of the Civil Rights Act be printed in the RECORD at this point.

There being no objection, the portion of the statute was ordered to be printed in the RECORD, as follows:

Nothing contained in this title shall be interpreted to require any employer * * * to grant preferential treatment to any individual or to any group because * * * of an imbalance which may exist with respect to the total number or percentage of persons of any race * * * or national origin employed by any employer [or] referred * * * for employment by any * * * labor organization * * * in comparison with the total number or percentage of persons of such race * * * or national origin in any community * * * or in the available work force in any community * * *.

Mr. ALLOTT. This part of the law is known as the prohibition against "quotas," and it was this provision which was the catalyst which brought up the present controversy. The issue has developed over the simple question of the use of the word "quotas."

The Attorney General contends that what they have set up is not quotas, but targets or goals, and they use as their parameters 19 to 23 percent. Now if a man employs 100 employees, and he fixes the number between 19 and 23, he can call it a target or a goal, but I do not think anyone can say that it is not a quota. It may not be stated as a specific quota or as a specific number, but the facts are that you are dealing with quotas and goals. So this is how the situation arises.

I have not heard all of the speeches because of my other responsibilities of the moment; but a statement has been made here to the effect that what we are doing is setting up the Comptroller General as a sort of supergod in the matter of the Government.

Nothing can be further from the truth. Any ruling of the Comptroller General may be appealed. It can be taken to the courts. The word of the Comptroller General is binding only upon the executive branch of the Government, not on anyone outside of it.

But unfortunately, the Comptroller General cannot go to court himself. He is not given that power by statute; and strictly speaking, within the context of the 1921 statute, I do not think he could employ counsel to defend himself if, by some legal machination, he became involved in a law suit.

Thus the Comptroller General is not a supergod in Government. He is the arm of Congress, and that is all he is; and thank God we have such an arm in the Government. If we did not have that arm, we in Congress would be subject to the will and whim of the executive branch.

A hundred times on this floor this year I have heard Senators complain bitterly about the arrogation of power by various people in the executive branch. It is an old story, because it has occurred in previous administrations, both Republican and Democratic. But, Mr. President, if a constituent of ours enters into a contract or bids on a contract with an agency of the Government, and we think that somehow he has been unfairly treated in the letting of those bids, we can appeal to the Comptroller General to review the legalities of the bidding for and the letting of any such contract.

If we go to the department itself, we run into the very advocates who created the misdeed about which we are complaining. So, we have this independent arm of the Government here for this purpose. And what a grand job it has done over the years.

Mr. President, I think there are many questions about which I could wax as oratorical, hopefully, as the Senator from New York. I could speak with all of the emotion with which he speaks on civil rights questions. However, I wonder, even with the Philadelphia plan, how we could enforce a quota or a target when a man is unable to procure the workers through the unions which supply them. Does he then become liable for breach of contract for failing to fulfill his contract? I doubt it.

If the Attorney General can overrule the decision of the Comptroller General in this case—and I want to divorce it from the emotional issue—he can overrule the decision of the Comptroller General in any case which is referred to him. So, we are not just talking about one case here. We are talking about the whole field of Government activity.

That is a price that we in Congress cannot afford to pay—to take the authority we have given to the Comptroller General and give it to the Attorney General or any other branch of the Government.

And there is one great difference between this and the other branch of the Government. We cannot do away with the Attorney General. If he rules adversely on a proposition which is submitted to him, we cannot get rid of him. He just about has to be a completely dishonest man—which we have not had, thank God—in order to get rid of him.

There is one thing, however, that Congress can do. And that is that if the Comptroller General becomes irresponsible and unresponsive to the law of this land and unresponsive to the common honesty and ethics which we want in our Government, we can always change the law which created his office and diminish his powers, or we can replace the Comptroller General.

So, there is one great difference in this situation and in dealing with the Attorney General's office. And I must say that despite the Attorney General's ruling in this matter, I have the greatest respect for him. However, I do not agree with him in this case. I think his lawyers and legal counsel have overstepped themselves in an attempt to extend a statute beyond what we ever intended.

I have already pointed out that the Comptroller General cannot sue or be sued. And if he makes a mistake, or if he makes an error, the people who are aggrieved always have had recourse to the courts. However, we cannot always influence an Attorney General and convince him of our side of the question.

Mr. President, I want to close these very brief remarks by referring to two sections of the statute, and I shall ask unanimous consent that they be printed in the RECORD, although the distinguished Senator from Nebraska has already had them printed in the RECORD at another point.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD section 44 of title 31 and section 74 of title 31 of the United States Code.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

§ 44. Certain powers and duties transferred to General Accounting Office; conclusiveness of balances certified by Comptroller General.

All powers and duties which on June 30, 1921, were conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with this chapter and sections 71, 471, 581, 581a of this title, be vested in and imposed upon the General Accounting Office and be exercised without direction from any other officer. The balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government. The revision by the Comptroller General of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1921. (June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24.)

§ 74. Certified balances of public accounts; conclusiveness; suspension of items; preservation of adjusted accounts; decision upon questions involving payments.

Balances certified by the General Accounting Office, upon the settlement of public accounts, shall be final and conclusive upon the Executive Branch of the Government, except that any person whose accounts may have been settled, the head of the Executive Department, or of the board, commission, or establishment not under the jurisdiction of an Executive Department, to which the account pertains, or the Comptroller General of the United States, may, within a year, obtain a revision of the said account by the Comptroller General of the United States, whose decision upon such revision shall be final and conclusive upon the Executive Branch of the Government. Nothing in this chapter shall prevent the General Accounting Office from suspending items in an account in order to obtain further evidence or explanations necessary to their settlement.

The General Accounting Office shall preserve all accounts which have been finally adjusted, together with all vouchers, certificates, and related papers, until disposed of as provided by law.

Disbursing officers, or the head of any executive department, or other establishment not under any of the executive departments, may apply for and the Comptroller General shall render his decision upon any question involving a payment to be made by them or under them, which decision, when rendered, shall govern the General Accounting Office in passing upon the account containing said disbursement (July 31, 1894, ch. 174, § 8, 28 Stat. 207; June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24; Oct. 25, 1951, ch. 562, § 3 (1), 65 Stat. 639.)

Mr. ALLOTT. In these, particularly in section 74, it says in essence, that the balances certified by the General Accounting Office upon the settlement of public accounts shall be final and conclusive upon the executive branch of the Government, except that with respect to any persons whose accounts may have been settled, the head of the Executive Department or the Board or Commission, may obtain a revision of the said account. The language is contained in the law.

Now, we have not by this section, nor by the action of the Appropriations Committee, enlarged the powers of the Comptroller General. However, because we have been presented unwillingly with this direct challenge to the arm of Congress, we have no choice but to accept that challenge and say he is our arm and we expect to uphold him.

The Senator from Nebraska has already pointed out the necessity for action now.

The necessity for immediate action is that before Congress can act upon this, there will be 10, 20, or maybe 100 contracts entered into. And how do we recall those contracts? How do we put 100 or 10 or 50 people in litigation all over the country because Congress refuses to deal with this question affirmatively and forcefully at this time?

This is our protection. This is our arm, and God forbid, Mr. President, that we in the Senate will ever deprive him of the power we have given him until that day comes, and I do not think it ever will, when somehow he oversteps the authority in this act and jeopardizes the confidence of Congress in the Comptroller General.

I do not know how many Comptroller Generals have served since I have been a Senator. I have had occasion to disagree with their decisions. But I have always had the assurance that even though I could not get a Secretary on the phone, even though I could not talk to the counsel for a department in the executive branch, I always had the resource left to sit down in my office and say, "Mr. Comptroller General, these facts have come to my attention, and I refer them to you for a decision."

Every Comptroller General within my knowledge has utilized the power given to him by Congress with the greatest of discretion and the greatest of regard for the powers which Congress has invested in him.

Mr. President, I point out in conclusion to my fellow Senators that if we start down this path today by refusing to complete this particular section in the law, we are leaving the door wide open for the Attorney General to reverse the decisions of the Comptroller General or to modify the decisions of the Comptroller General any time he wishes.

And when that time has occurred and Congress has opened that door, we will no longer have an independent arm of the Government. We will have instead an agency which is the slave and the workman and at the order of the executive branch of the Government.

I thank the Senator for yielding to me.

Mr. JAVITS. Mr. President, I have a conference going on on the poverty bill.

Mr. ALLOTT. I have a conference going on in which the Senator is very much interested in some of the items, I am sure.

Mr. JAVITS. I noticed with the greatest of interest that when the Comptroller General wrote to the committee telling them about this imbroglio of the Philadelphia plan—and, by the way, it does revolve around the Philadelphia plan; does it not?

Mr. ALLOTT. Yes. The Philadelphia plan was only the catalytic agency for this.

Mr. JAVITS. That is what he says in his letter.

He did not ask for this broad grant of power. He sent the Senator a suggested provision in which he said he just confined it to the Philadelphia plan. I will hand it to the Senator.

That would have posed the straight issue of civil rights, without all the complications introduced by the very sweeping language of the committee.

I wonder if the Senator could enlighten us. Why did not the committee, if they were going to do anything about this, just go ahead with his provision? That is what he asked for. He did not want any broad, sweeping authority like the one contained in this supplemental.

Mr. ALLOTT. I know the Senator is a very brilliant New York lawyer and I am just a country lawyer——

Mr. JAVITS. That is a sure way to try to decapitate the Senator from New York. [Laughter.]

Mr. ALLOTT. I just want to say that, in my opinion, the language contained in this bill—and I want this legislative record to be clear—does not expand the authority of the Comptroller General one iota. The Senator will note that it begins with the words "In view of and in confirmation of the authority invested in the Comptroller General by the act of 1921."

Mr. JAVITS. May I say to my colleague that more liberty has been lost on that argument than on any other single argument of which I know—that it did not expand the authority, notwithstanding the words which say that whatever the Comptroller General holds is the supreme law of the land. I am sorry, but I cannot agree, and I hope very much the Senate is not ensnared by the same idea.

Mr. ALLOTT. Let us just look at it. We do not expand his authority outside the areas which he has now, which is to pass on bills which come to the Federal Government to finance, either directly or through any Federal aid or grant, any contract or agreement. If he makes an error, those contracts or agreements are still subject to the courts.

Two things are written in there: He is restricted to the areas of accounting and payment, and he is restricted to the general powers laid out in the Budget and Accounting Act of 1921.

Mr. JAVITS. I do not want to detain the Senator, but I cannot agree with him. The Comptroller General has held time and again that he is not even bound by the Court of Claims, and we confer that authority in him by the clause the Senator did not read, "which the Comptroller General of the United States holds to be in contravention of any Federal statute."

I wish I could agree with the Senator, but I cannot. I point out again, as a critically important item of evidence, that the Comptroller General, himself, did not ask for any such authority. All he asked for was a pinpointed resolution about the Philadelphia plan.

Mr. ALLOTT. That is entirely correct. I know that the Senator is very devious—not in a bad sense, but because he is a very clever man—and of course the concept of this argument is to get us off on issues other than the power of the Comptroller General.

My purpose is to say that we are beginning the denigration and the deterioration of the independent arm of Congress, and that is the whole point of my discussion.

I thank the Senator for yielding.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS obtained the floor.

Mr. McGEE. Mr. President, will the Senator yield to me briefly?

Mr. JAVITS. I yield to the Senator from Wyoming without losing my right to the floor.

FEDERAL SALARY ACT OF 1969

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13000.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McGEE. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McGEE, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. FONG, and Mr. BOGGS conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Mr. McCLELLAN. Mr. President, the Department of Labor, on June 27, 1969,

issued the revised Philadelphia plan, so-called because it was to be applied initially to the Philadelphia area and subsequently to other areas of the Nation.

The plan provides that there shall be included in invitations for bids on both Federal and federally assisted construction projects in the Philadelphia area:

First, specific ranges of minority group employees in each of six basic skilled construction trades;

Second, designation by the bidder of the specific number of minority group employees, within such ranges, that he will employ in each of the skilled trades on the job; and

Third, failure to "make every good faith effort" to attain the minority group employment "goals" he has specified in his bid, may result in the imposition of sanctions including the termination of his contract.

More specifically, the plan requires that by 1973, employment from among minority groups would be 22 to 26 percent for ironworkers; 20 to 24 percent for plumbers, pipefitters, and steamfitters; and 19 to 23 percent for sheetmetal, electrical, and elevator construction workers. The plan also provides that these percentages would rise each year.

Despite the fact that the Comptroller General, on August 5, 1969, issued a decision finding that the Philadelphia plan contravened the 1964 Civil Rights Act and that he would be required to so hold in passing upon the legality of expenditures of appropriated funds under contracts made subject to the plan, the Secretary of Labor is continuing to apply and enforce it.

Mr. President, the Comptroller General's ruling is consistent with a fundamental principle of constitutional law, that neither the President nor a department head at the President's direction or with his approval, has the authority to act at variance with valid statutory provisions. The Supreme Court, throughout the history of this Nation, has consistently struck down Executive orders which contravene the provisions of a valid statute enacted by the Congress. (See for example *Kendall* v. *U.S.*, 12 Peters 524; *U.S.* v. *Symonds*, 120 U.S. 46; *Little* v. *Barreme*, 2 Cranch 170). As Justice Frankfurter stated in the Steel seizure cases (343 U.S. 579, 585):

> Where Congress has acted the President is bound by the enactment.

And Justice Holmes declared in *Myers* v. *United States* (272 U.S. 52, 177):

> The duty of the President to see that the laws be faithfully executed is a duty that does not go beyond the laws or require him to do more than Congress sees fit to leave within his power.

When the Congress enacted the Civil Rights Act of 1964, and therein promulgated our national policy on equal employment opportunity, it became the constitutional responsibility and obligation of the executive branch of our Government to carry out that policy in accord with the intent of Congress as expressed in the statute. In its enunciation of that policy Congress made clear, both in the statutory language and in the legislative history, that the law was not to be interpreted as requiring the introduction of quota or other representative or preferential hiring requirements into the employment process. Indeed, it was generally conceded by the sponsors and floor managers of the legislation that any such preferential employment requirements were inherently discriminatory; that they would constitute discrimination in reverse and would be violative of the 1964 Civil Rights Act.

Mr. President, I do not believe that anyone can read the language of the Civil Rights Act of 1964, or its legislative history, without coming to the irrevocable conclusion that it makes unlawful the establishment of quota or other preferential employment requirements with respect to minority groups—or majority groups for that matter.

The language of section 703(j) of title VII—the Equal Employment Opportunity title of the act—is so clear that one does not have to be a lawyer to understand it. It provides in pertinent part as follows:

> Nothing contained in this title shall be interpreted to require any employer * * * to grant preferential treatment to any individual or to any group because * * * of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin, employed by any employer or referred for employment by * * * any labor organization * * * in comparison with the total number or percentage of persons of such race, color, religion, sex or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

Clearly, as the Comptroller General pointed out to the Secretary of Labor, section 703(j) establishes the prohibition against requiring any employer to hire or employ a specified proportion, number, or percentage of his employees from certain racial or national origin groups. Thus did the Congress declare that the introduction into the employment process of quota or other preferential hiring requirements based on race, color, religion, sex, or national origin, is unlawful and prohibited.

The legislative history of the 1964 Civil Rights Act is replete with statements by the sponsors and floor managers of that legislation explaining that title VII is intended to prohibit the use of race or national origin as a basis for hiring. For example, in the CONGRESSIONAL RECORD, volume 110, part 5, page 6549, former Senator Hubert Humphrey explained title VII as follows:

> Contrary to the allegations of some opponents of this title, there is nothing in it that will give any power to the Commission or to any court to require hiring, firing, or promotion of employees in order to meet a racial 'quota' or to achieve a certain racial balance.
>
> That bugaboo has been brought up a dozen times; but it is nonexistent. In fact the very opposite is true. Title VII prohibits discrimination. In effect, it says that race, religion, and national origin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualification, not race or religion.

In an interpretative memorandum of title VII submitted jointly by Senators JOSEPH CLARK and CLIFFORD CASE, floor managers of that legislation in the Senate, it is stated:

> It has been suggested that the concept of discrimination is vague. In fact it is clear and simple and has no hidden meanings. To discriminate is to make a distinction, to make a difference in treatment or favor, and those distinctions or differences in treatment or favor which are prohibited by section 704 are those which are based on any of the five forbidden criteria: race, color, religion, sex, and national origin. Any other criterion or qualification for employment is not affected by this title.
>
> There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, whatever such a balance may be, would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race. It must be emphasized that discrimination is prohibited as to any individual. While the presence or absence of other members of the same minority group in the work force may be a relevant factor in determining whether in a given case a decision to hire or to refuse to hire was based on race, color, etc., it is only one factor, and the question in each case would be whether that individual was discriminated against.
>
> There is no requirement in title VII that employers abandon bona fide qualification tests where, because of differences in background and education, members of some groups are able to perform better on these tests than members of other groups. An employer may set his qualifications as high as he likes, he may test to determine which applicants have these qualifications, and he may hire, assign, and promote on the basis of test performance.
>
> Title VII would have no effect on established seniority rights. Its effect is prospective and not retrospective. Thus, for example, if a business has been discriminating in the past and as a result has an all-white working force, when the title comes into effect the employer's obligation would be simply to fill future vacancies on a non-discriminatory basis. He would not be obliged—or indeed, permitted—to fire whites in order to hire Negroes for future vacancies, or once Negroes are hired, to give them special seniority rights at the expense of white workers hired earlier.

In the CONGRESSIONAL RECORD, volume 110, part 6, page 7218, the following answers were offered to the objections raised during debate on the provisions of title VII, by Senator CLARK:

> Objection: Under the bill, employers will no longer be able to hire or promote on the basis of merit and performance.
>
> Answer: Nothing in the bill will interfere with merit hiring or merit promotion. The bill simply eliminates consideration of color from the decision to hire or promote.
>
> Objection: The bill would require employers to establish quotas for nonwhites in proportion to the percentage of nonwhites in the labor market area.
>
> Answer: Quotas are themselves discriminatory.

Mr. President, it should also be noted that title VI of the Civil Rights Act of 1964, entitled "Nondiscrimination in Federally Assisted Programs" is applicable to precisely the same employers and the same federally assisted programs to which the Philadlphia plan is being applied. Not only does that plan contravene the congressional policy expressed in title VI with respect to nondiscrimination in employment practices,

it also directly violates the congressional mandate addressed to all executive departments and agencies, which is set forth in section 604 of title VI. That section expressly provides:

> Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization, except where a primary objective of the Federal financial assistance is to provide employment.

It is hardly necessary to add that the promulgation and implementation of the revised Philadelphia plan in the face of section 604 of title VI, constitutes, in effect, a nullification of that title, and its enactment by the Congress becomes nothing more than a gesture in futility.

Title VII, because it, too, applies to the same employers who are covered by the Philadelphia plan, is likewise reduced to a nullity wherever that plan is put into effect.

Furthermore, because those employers would necessarily have to give consideration to race, color, and national origin in order to meet their commitments respecting minority hiring requirements of the Philadelphia plan, they would, because of that fact, be in violation of the Civil Rights Act, which obligates them to hire and employ without regard to the individual's race, color, religion, sex, or national origin.

Mr. President, it will be a sorry day for this Nation, if the executive department can so far usurp the legislative powers of the Congress, that it can supplant and nullify laws that Congress has enacted, by executive orders, rules, regulations, and other impositions and requirements.

The Secretary of Labor has stated that the Comptroller General, in ruling that the Philadelphia plan is invalid, has ignored Executive Order 11246 as an independent source of law. Such a statement represents an apparent failure on the Secretary's part, to recognize the fact that under our Constitution all legislative power is vested in the Congress.

Mr. President, the Supreme Court, in upholding the Congress' power to legislate, has repeatedly emphasized the fact that the President's function in the legislative process, is limited to recommending legislation he thinks wise and the vetoing of legislation he considers bad. And the Court has been equally emphatic in pointing out that the President's constitutional duty to faithfully execute the laws, begins and ends with the laws that Congress has enacted—see, for example, *Youngstown Steel* v. *Sawyer, supra.*

Mr. President, the Civil Rights Act of 1964 was the legislative product of lengthy and intensive deliberation and legislative compromise by the Members of both Houses of Congress. Executive Order 11246, issued by President Johnson in 1965 and cited as the authority for the Philadelphia plan is the product of unilateral Executive judgment and decision. The Executive order and the Philadelphia plan do not constitute an implementation of the Civil Rights Act or the congressional intent which was enunciated therein. The plan's requirement that certain Government contractors meet prescribed racial employment quotas is simply an example of the overreaching exercise of Executive power. Clearly, the Executive is attempting to achieve objectives beyond those intended by the Congress, by means expressly prohibited by the statute.

It is one thing for the President to issue an executive order which properly implements a law enacted by the Congress and accords with the congressional policy therein enunciated. It is quite a different thing for the President or any head of an executive department or agency to issue an order which contravenes an enactment of Congress, and conflicts with the congressional policy set forth.

The Labor Department has sought to justify the Philadelphia plan by trying to distinguish between quotas, goals, and ranges, but neither these exercises in semantics nor anything short of a law duly enacted by Congress—which I am sure will not be forthcoming—can justify the Philadelphia plan.

Mr. BROOKE. Mr. President, the so-called Philadelphia plan was designed to implement the intent of Executive Order 11246, promulgated by President Johnson on September 24, 1965. Under this order, all Federal Government contracts and Federally-assisted construction contracts were required to contain specific language obligating the contractor and his subcontractors not to discriminate in employment because of race, color, religion, sex, or national origin.

This is no new concept in American jurisprudence. Evidence of this intent is clear in the Constitution, which talks not only about the general principles of justice, the blessings of liberty, and the general welfare, but which also speaks specifically of freedom of religion, due process of law, equal protection, and the privileges and immunities of all citizens. It is clear in the various Civil Rights Acts passed since 1957, which provide protection specifically against discrimination in accommodations, voting, and employment. It is embodied in the National Labor Relations Act which forbids discrimination by labor unions and employers, and in the regulations issued by the Department of Labor pertaining to applicants, trainees and apprentices. The Government of the United States does not condone discrimination on the basis of external factors unrelated to individual capabilities.

Since 1965, however, we have learned that simple prohibition of discrimination is not enough. Overt acts of discrimination not only are becoming less common; they were never the heart of the problem to begin with.

The real problem of discrimination in America is what the Civil Rights Commission has referred to as "systematic discrimination," but what I prefer to call "systemic" or "intrinsic" discrimination. Discrimination against minorities, particularly in the employment field, is built into the very structure of American society. Three black children in four in America attend an essentially segregated school from the day they enter kindergarten. Negro children, on an average, complete little more than 10 years of school, as compared to 11.5 for white children. Their schools are for the most part of poorer quality—they are older and lack the facilities enjoyed by students in predominantly white institutions. Funds for job training equipment, for laboratory facilities, for typewriters and teaching aids, simply are not available in many of the schools attended by blacks. A Negro student is more likely than his white counterpart to find his formal education irrelevant to his surroundings. It goes without saying that it does not, in far too many cases, prepare him to compete for jobs or for higher educational opportunities. These circumstances are changing, to be sure, but for the vast majority of nonwhite youngsters in America they are still a tragic fact of life.

Once a black child has left school, he is two and a half times more likely to be unemployed, even in jobs requiring the most basic skills. The latest statistics issued by the Department of Labor, in fact, indicate that unemployment among black males under 21 years of age ranges between 30 and 45 percent in most of our largest cities. And because of this lack of preparation for society, the unemployed person is often more likely to turn to crime, to serve in prison, to become a drag upon his community.

Even those blacks who survive the system, however, find obstacles placed in their way which do not confront most other Americans. If a minority applicant seeks employment in construction or trucking or other similar occupations, he will find that employment is often based upon union recommendation. The union passes the word to its members that an employer is looking for men; those members are predominantly white, and the social patterns are such that they will pass the word along to predominantly white friends. Thus employment opportunities in the trades have been systemically closed to minority persons.

The same is true, to a great extent, in the so-called white collar jobs. Until very recently, most companies recruited on the larger college campuses. Few thought to visit the more than 100 Negro colleges scattered throughout the United States—the colleges where more than half of the Negro college graduates still receive their training. Here again, there is no question of deliberate discrimination, but a pattern of discrimination is an intrinsic part of the system.

There are other barriers as well. There is no reason, for instance, why a laborer on certain construction jobs must have a high school education. It is desirable, of course. It is assumed that in order to work effectively with others a man should have some of the basic understanding which can be gained through years of formal schooling. But it is not essential, and it is particularly not essential when it closes employment opportunity to large numbers of young blacks who left school for reasons totally unrelated to understanding of others or to their work capabilities. Compensatory programs can and should be provided either through work or through other organizations, but as a general rule, job qualifications which are not substantially

related to job responsibilities unfairly penalize minority persons.

The policy of assigning minority employees to "traditional" jobs or departments is also an informal, systemic barrier to full opportunity in employment. This has been true throughout our society: Negroes have been clerks and custodians but not salesmen and executives, nurses aides but not nurses, teachers in black schools but not in white ones, security guards but never supervisors. These conditions are slowly changing, but even now a past history of discrimination on the part of some employers deters many qualified minority persons from applying for positions.

These are the kinds of situations which the Philadelphia plan and now the Boston plan as well are designed to overcome. Prohibition of discrimination is not enough; positive action is necessary.

In considering what kind of positive action might be employed without hurting present employees or dealing with them unfairly, the drafters of the plan have devised a simple yet effective formula. Present employees will not be affected at all by the plan; their jobs will be as secure as they have always been. The plan does, however, seek to establish a formula for hiring minority members on future jobs. It has been determined by the Department of Labor that each construction craft should have approximately 7.5 percent new job openings annually due to death, disability, retirement, and loss of workers for any other reason. Operating solely on the basis of these anticipated new job openings, the Office of Federal Contract Compliance, working in conjunction with the Federal contracting agency, will devise a set of criteria for minority employment for each contract. These standards will be clearly spelled out in the bids and each contractor who desires to bid on the Government contract in question will be obligated to include in his proposal a statement of his goals for attaining these standards. Once the contract is awarded, checks will be conducted to determine whether the employer is in fact living up to his obligation.

I favor this approach for two basic reasons. First, because, as I have stated above, I believe that positive efforts to eliminate discrimination are essential. But second, I appreciate the fact that there is no question of the Federal Government dictating to the States, the cities, or the local contractors. There are, in fact, no Federal standards involved. There is simply a statement of Federal intent, embodied in Executive Order 11246, with the mechanics to be worked out on the local level, taking into account local factors such as: the current extent of minority group participation in the particular trade; the availability of minority group persons for employment in such trade; the need for training programs in the area; and the impact of the program upon the existing labor force. Even then, after all these criteria have been taken into account, the contractor and subcontractors are still allowed leeway in meeting the minority employment targets, and need only demonstrate that they have made a good faith effort to do so.

Mr. President, nothing could be fairer, more equitable, or ultimately more beneficial for all concerned. The spirit of the law has for too long been ignored in the field of equal employment opportunity. I welcome the promulgation of the Philadelphia plan. The people of Boston have welcomed the promulgation of a similar plan in that community. I applaud the administration's unequivocal support for these efforts, and I hope to see plans worked out to achieve similar results in other communities all across our country. Only through such means can we truly make America a land of opportunity for all our people.

Mr. JAVITS. Mr. President, I shall not detain the Senate more than 10 minutes.

I believe we have discussed adequately what I consider to be and what others consider to be an improvident grant of authority to the Comptroller General, or at least locking in his authority in this way, in an absolute way, in every conceivable appropriation act, present and future, in a supplemental bill in the last days of the session. That alone is sufficient reason to reject the provision.

Mr. President. I wish to address myself to the Philadelphia plan, as such. I did not wish to contradict the Senator from Colorado (Mr. ALLOTT) because he is anxious to get away. Nevertheless, the central reason that the amendment is before us is the Philadelphia plan.

I call attention to the letter of the Comptroller General to the committee dated December 2, 1969, addressed to the Senator from West Virginia (Mr. BYRD).

Mr. President, the letter states:

> I want to bring a matter to your attention which I think is of the utmost importance to the Congress and the General Accounting Office. This involves the Philadelphia Plan promulgated by the Department of Labor to increase the number of minority group workers in certain construction trades.

The letter goes on to say what he wants the Appropriations Committee to do. He submits to the Appropriations Committee a pinpoint provision, nothing like this broad locking in of absolute authority which is contained in section 904. It is a pinpointed provision directed toward the Philadelphia plan and it seeks to declare illegal or improper any plan like the Philadelphia plan. That is the central core.

Mr. President, I respectfully submit this is the central purpose of the amendment before us and the only conceivable reason I can see that it was drawn on the broad basis it was drawn, as to the whole broad power of the Attorney General is that it was only done so because the drafters did not want to make it a civil rights issue if they could avoid it. They wanted to make it an issue of the quarrel between the Attorney General and the Comptroller General. But this is the essence of what it is getting at, and this is what the Comptroller General asked for.

That leads me to the merits of the Philadelphia plan. The Philadelphia plan was drawn only by way of implementing an Executive order. This applies only to Government contractors.

The Civil Rights Act of 1964 deals with questions of discrimination in employment on the question of race and sex, but this matter applies only to contractors. The Philadelphia plan implemented an Executive order of the President which sought to bring about some affirmative action by Government contractors which would bring about a greater measure of equality of opportunity in respect of employment, certainly a very legitimate effort by the United States.

In that respect, I should like to quote from the Executive order indicating what we mean by saying an affirmative effort. The Executive order says:

> The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

Now this is the pertinent sentence:

> The contractor will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to race, color, religion, sex, or national origin. Such action includes but is not limited to the future employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoffs in terms of rates of pay and other forms of compensation.

It was in implementation of that concept that the Philadelphia plan provided that part of the competitive bidding—this is a very important point—in respect to this whole matter—part of the competitive bidding on any Government contract in the Philadelphia area, on the part of seven specified crafts, where there had been a serious record of discrimination in employment, on the ground primarily of color, that part of the competition should be a goal which the individual bidding contractor set for himself as to the number of minority people he could bring into employment on that particular job in performing that particular contract, and that that was competitive bidding. And then Government, in deciding what contractor they would award the contracts to, would take that factor into consideration as an element of the award.

Now if the contractor was absolutely bound to that goal—and certain norms were specified by the Department of Labor, and certain parameters were considered they would have in that particular community—if the contractor were absolutely bound by that as an obligation, then we might construe it as a quota—an indirect quota. But that is not the case. The only thing the contractor has to show by way of performance is good faith—that he tried to perform. They give him various guidelines as to what good faith means, which are practicable and entirely within the outlines of union-management activities.

If the Government makes a charge against a contractor in that regard, that he has not used good faith, he does not thereupon assume the burden of proof. The burden of proof remains with the Government. The only issue is good faith—not that he performed—but good faith in trying to perform. The only thing shifted is the burden of going for-

ward; that is, he has to come forward to show what he did about good faith, but final proof that he did not do what he was supposed to do, which was good faith, still remains with the Government.

It seems to me, and to the Attorney General, and to the President of the United States, to the Secretary of Labor, and to many authorities throughout the country, that that was nothing more than a reasonable implementation of the affirmative effort aspects of the original Executive order which dealt with this whole question.

Now as to the argument of the Senator from Colorado (Mr. ALLOTT), how could a contractor meet a goal if, let us say a union cracked down and said that it would not take in any Negroes, or if they had to take in nonunion men, they would go out on strike, that is part of what is meant by the good faith aspect, if he does his best to show that he has performed his obligation. If he is frustrated he still gets his money for the contract. It seems to me that that is the turning point, the fulcrum to demonstrate that this was a matter of goals, that it was a matter of affirmative effort within the establishment of reasonable requirements, that it did not represent a quota for which the contractor should be penalized for reasons beyond control, or to which he was bound as a contractor. It is the good faith aspect.

This has rarely been emphasized by the opponents of the Philadelphia plan.

What is the virtue of the plan? In other words, why promulgate it at all? The endeavor was to require a contractor to utilize his resourcefulness in his relationships with labor, and the fact that they control a certain amount of employment and could take the initiative in order to improve what was a bad situation in many local unions, regarding the letting in of Negroes and other minorities into a union so that they could get jobs, with many consequences which have been detailed in testimony, and so forth.

Now I am deeply convinced, and many others in the country are convinced, that this plan was creative, and ran counter to no law. That it was a creative effort to do something which needed so urgently to be done—and which had been frustrating in terms of the feeling, theretofore, that, well, the union would not let them in, that unions were hard to move, that they moved slowly when they did move at all. There are some notable exceptions, such as the exception in the New York area, under the gifted leadership of Harry Van Arsdale and Pete Brennan, two outstanding labor leaders with enlightened minds. So it was an effort to "get off the dime" in that regard. It was a creative effort.

I respectfully submit, considering the pressure and difficulties under which we labor in respect to equal employment in the country, that the Philadelphia plan was not only lawful, but desirable and that the Congress should not, by this indirect action of an enormous and arbitrary vesting of authority in the Comptroller General, abort it.

That is exactly what we would be doing, Mr. President, in my judgment. I think that is the essence of the argument. As I say, I testified before the subcommittee of which the Senator from North Carolina (Mr. ERVIN) is the chairman. We had a very tough go on the thing. The Senator from North Carolina is not a man to let one go without searching questions and presentations of points of view, which will undoubtedly happen again and again.

The matter should be vested in the proper legislative committee and it seems to me that is where it should be decided. If we get any suggestions from them for legislation, that is the way the issue should be handled on the basis of that kind of record and not by indirection in the last days of Congress on a supplemental appropriation bill, which is exactly what is being attempted.

Again I say, let us not get diverted by the issue of the power or lack of power of the Comptroller General. The fact is, if he has the power claimed for him, he has it, and he does not need this particular provision. The purpose of the provision is to abort the Philadelphia plan. I think, therefore, for two reasons—one, that there is danger of a much broader vesting of authority than anyone really wants, including Congress and, two, the aborting of a desirable effort, which looks promising in the building construction field, that Congress should turn down the provision.

When I began, I said that the procedure I would use would involve the making of a point of order which the Senator from West Virginia (Mr. BYRD) would then challenge on the ground that the provision was germane, with a vote on that.

I am afraid that that is confusing and Senators will not know whether to vote yea or nay or anything like that.

Therefore, I shall propose at the proper moment, when everyone else has had his say, to move to table the provision—we all understand that—with the understanding that it will be a matter of deferring action on it, so that it does not occur in this bill, with the realization that it will come before us at an appropriate time, and in an appropriate way.

The PRESIDING OFFICER. The Senator may not move to table, but a motion to strike out would be in order.

Mr. JAVITS. I understand it has been agreed to as original text. All right. In that case, I will stick to the original design and make the point of order against the amendment. But, before I do that, I should like to yield the floor so that any other Senator who wishes to speak, may do so.

Mr. President, apparently no Senator wishes to be heard on the subject, and I therefore now make a point of order against section 904 on the ground that it is legislation on an appropriation bill.

Mr. BYRD of West Virginia. Mr. President, section 901, which was proposed by the Bureau of the Budget and which was included in the bill by the House committee and approved by the House of Representatives, is a general provision which amends restrictions or provisions in all of the appropriation bills which have previously been approved by the Congress for fiscal year 1970.

Public Law 91–114, approved November 10, 1969, increased the maximum travel allowances of Government employees traveling on official business within the continental United States from $16 to $25 per day and from $30 to $40 per day when travel is performed under certain unusual circumstances.

Inasmuch as the section which was approved by the House amends restrictions contained in all of the appropriation acts, it is in order in the Senate for a general provision restricting the funds in all of the appropriation acts to be included in this bill.

Section 904, which the committee has proposed, is in order in this bill since the House has already opened the door on restrictions and limitations relating to all of the other appropriation bills. Therefore, Mr. President, I raise the question of germaneness.

The PRESIDING OFFICER. Under rule XVI, paragraph 4, the Chair is required to submit the question to the Senate to be determined without debate.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. A "yea" vote on this ruling will be a vote to retain the provision in the bill; a "nay" vote will be a vote to strike it from the bill as nongermane. Is that correct?

The PRESIDING OFFICER. The Chair will first put the question. The question is: Is it the judgment of the Senate that the section is germane to the bill?

Mr. JAVITS. I now repeat my inquiry.

The PRESIDING OFFICER. A "yea" vote would hold the section to be germane, and it would stay in the bill. A "nay" vote would hold it to be not germane to the bill.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, if the manager of the bill is willing, I am willing to call off the quorum call and go ahead and vote.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. So that Senators may be clear on the matter of voting, will a vote of "yea" be a vote to retain section 904 in the bill, and a vote of "nay" be a vote to strike section 904 from the bill?

The PRESIDING OFFICER. The Senator is correct. The question is, Is it the judgment of the Senate that section 904 is germane to the bill?

Mr. BYRD of West Virginia. Mr. President, I ask that the Senate be in order, and that the well be cleared of Senators and staff members.

The PRESIDING OFFICER. The Senate will be in order. Senators and staff members will take their seats.

On this question, the yeas have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARTKE (when his name was called). Mr. President, on this vote I have a pair with the Senator from South Carolina (Mr. HOLLINGS). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. RIBICOFF (when his name was called). Mr. President, on this vote I have a pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Texas would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 52, nays 37, as follows:

[No. 259 Leg.]

YEAS—52

Aiken	Ervin	Pearson
Allen	Fannin	Prouty
Allott	Fulbright	Proxmire
Baker	Goldwater	Randolph
Bennett	Gore	Saxbe
Bible	Gurney	Smith, Maine
Burdick	Hansen	Sparkman
Byrd, Va.	Holland	Spong
Byrd, W. Va.	Hruska	Stennis
Cannon	Jordan, N.C.	Stevens
Cook	Jordan, Idaho	Talmadge
Cotton	Long	Thurmond
Curtis	Magnuson	Williams, Del.
Dodd	Mansfield	Yarborough
Dole	McClellan	Young, N. Dak.
Dominick	Metcalf	Young, Ohio
Eastland	Miller	
Ellender	Murphy	

NAYS—37

Bayh	Hart	Moss
Bellmon	Hatfield	Muskie
Boggs	Hughes	Nelson
Brooke	Jackson	Packwood
Case	Javits	Pastore
Church	Kennedy	Pell
Cranston	Mathias	Schweiker
Eagleton	McCarthy	Scott
Fong	McGee	Smith, Ill.
Goodell	McGovern	Tydings
Gravel	McIntyre	Williams, N.J.
Griffin	Mondale	
Harris	Montoya	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Hartke, against.
Ribicoff, against.

NOT VOTING—9

Anderson	Inouye	Russell
Cooper	Mundt	Symington
Hollings	Percy	Tower

The PRESIDING OFFICER. So in the judgment of the Senate the amendment is germane.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, during the course of his remarks the Senator from New York has emphasized that if section 904 is adopted, the power of the Comptroller General will then preclude any appeal to the courts by a party who feels he is adversely affected by an opinion issued by the Comptroller General. I do not agree with the conclusion of the Senator from New York, because opinions of the Comptroller General are only binding on the executive branch.

Nevertheless, I have an amendment at the desk. I call it up now and ask that it be stated. It is an amendment which will make it indubitably clear that section 904 will in no way preclude any review of any action taken by the Comptroller General.

The amendment merely reaffirms the situation with regard to judicial review which has existed for almost 50 years. The amendment is not necessary, in reality, except to reassure Senators that the Comptroller General will not have authority to override Federal courts.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 15, end of line 15, insert: "*Provided*, That this section shall not be construed as affecting or limiting in any way the jurisdiction or the scope of judicial review of any Federal court in connection with the Budget and Accounting Act of 1921, as amended, or any other Federal law."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the language in the bill may be modified to include the language which has just been read by the clerk.

Mr. GRIFFIN. Mr. President, reserving the right to object, did the Senator say that the language in the bill be modified?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. GRIFFIN. That would be tantamount to adopting the language.

Mr. BYRD of West Virginia. Not exactly, because if the language were to be so modified, it could still be stricken on a motion to that effect.

Mr. GRIFFIN. It would be tantamount to the adoption of the amendment the Senator sent to the desk. Is that correct?

Mr. BYRD of West Virginia. I am asking to modify the language in the bill. That is all I am asking to do. I can move to do it.

Mr. GRIFFIN. That is quite a request. I object.

Mr. JAVITS. Mr. President, if the Senator would yield, there is no point in asking unanimous consent to do it unless the Senator really asks unanimous consent for its adoption.

The Senator from Michigan, after all, would have the right to propose a substitute or an amendment to the amendment or any other way he wanted to deal with it.

Mr. BYRD of West Virginia. Mr. President, I offer this as an amendment to the language in the bill, and I move its adoption.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I would hope that the Senator, in the course of his discourse, would enlighten us as to the existing power, if any, of the courts to review decisions of the Comptroller General; because the language of his amendment is based upon an existing power, as it says, to limit, and so forth. So that I think we would have to know the underlying basis for the Senator's amendment.

Mr. BYRD of West Virginia. I just stated, Mr. President, the underlying basis for my amendment. Section 904 of the bill does not give authority to the Comptroller General to override any Federal Court. Decisions of the Comptroller General are not binding on the courts. Any money judgment rendered by a court is payable from an indefinite appropriation made for that purpose or from an appropriation made by Congress if over $100,000. Section 904 does not change the situation one iota insofar as the courts are concerned.

There have been numerous cases over the years in which the Comptroller General has found a payment illegal but a court has held otherwise. When this has happened, payment has been made. That is the way it should be.

It is wrong to say that the Comptroller General would ignore a judicial ruling. If a judicial decision is rendered, the Comptroller General will follow that decision.

The Budget and Accounting Act says that opinions of the Comptroller General are final and conclusive on the executive branch. It does not say one word about the judicial branch. But because of the concern that was stated by the Senator from New York when he spoke earlier in the afternoon—concern which I think is unwarranted—to the effect that the power of the Comptroller General under the committee language would preclude any appeal to the courts by a party who feels he is adversely injured by any opinion issued by the Comptroller General, I have offered to add language to the bill to provide as follows: I maintain that this amendment is not needed, but I am offering this amendment to reassure the Senator from New York and other Senators on the point. My amendment to the committee language would read as follows:

Provided, That this section shall not be construed as affecting or limiting in any way the jurisdiction or the scope of judicial review of any Federal court in connection with the Budget and Accounting Act of 1921, as amended, or any other Federal law.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. The question has arisen whether section 904 as written will in any way change the existing statute with reference to appellate procedures, appellate review, when the Comptroller General makes a decision. We thought we had it quite clearly put into section 904—that is, the Senator from Colorado was particularly instrumental—in the first few words of section 904—namely, "In view of and in confirmation of the present authority of the Comptroller General, the following shall be the law."

It was thought that that would nail it down quite certainly. There is some question about it. It seems to me that the additional language which the Senator seeks now to insert into the bill will dispel that beyond any doubt whatever, and that whatever appellate review characteristics now attach to the law will be retained in their full text and in their full intent.

Is that not correct?

Mr. BYRD of West Virginia. The Senator is absolutely correct.

Mr. GRIFFIN. Mr. President, I send to the desk an amendment to the amendment of the Senator from West Virginia and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

At the end of the amendment offered by Mr. BYRD add the following paragraph:

"If such holding of the Comptroller General is contrary to a formal opinion of the Attorney General, the holding of the Comptroller General shall, at the suit of the Attorney General, be reviewable in accordance with 5 U.S.C. 701–706, and in such event the court shall stay the decision of the Comptroller General pending final judicial determination of the issue."

Mr. GRIFFIN. Mr. President, the amendment offered by the distinguished Senator from West Virginia may or may not be meaningful. There is a good deal of disagreement among lawyers as to what power the courts now have to review holdings by the Comptroller General. It is clear, however, that if section 904 were left as the committee has written it, Congress would be saying that a holding by the Comptroller General would be in effect the law of the land.

I think it is very important to note that this language in a supplemental appropriation bill is very broad. It says:

No part of the funds appropriated or otherwise made available by this or any other act shall be available to finance, either directly or through any Federal aid or grant, any contract or agreement which the Comptroller General of the United States holds to be in contravention of any Federal statute.

Ordinarily, we look to the courts to be the final arbiter as to what is or is not in contravention of a Federal statute. But here, Congress itself purports to give to the Comptroller General the final and binding authority to hold as to whether or not a Federal statute has been contravened.

Mr. President, this is a very dangerous and far-reaching provision—aside from the merits or demerits of the so-called Philadelphia plan. I would hope that the Senate realizes that the language of section 904 is not limited by any means to the Philadelphia plan. It reaches far beyond, seeking to give the Comptroller General, in effect, nonreviewable judicial powers.

The amendment of the Senator from West Virginia is of uncertain meaning. He would be more acceptable if we amend it to make it clear that in a situation where the Attorney General of the United States disagrees with the Comptroller General, that conflict could be resolved by the courts. That is all my amendment does.

Is not that the way that a dispute in such a situation should be resolved? Is that not what the courts are for?

If the Byrd amendment, as modified, was accepted, then section 904—even though in my humble opinion it should not be a part of an appropriation bill—it would be acceptable.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. HOLLAND. Would not the words that the Senator suggests to add change the original meaning and the present meaning of the 1921 act, which specifically holds in two different places that the decision of the General Accounting Office, or the Comptroller General, is final and conclusive insofar as the executive department is concerned? The Attorney General is part of the executive department.

I am quite willing to concede that there have been many suits, and I hope there always will be a door open for any litigant not a part of the executive department who feels that he has been injured by a decision of the General Accounting Office. But the purpose of the 1921 bill was to assure Congress of control, so far as the executive department was concerned, in the spending of money made available by Congress.

The matter that the Senator has suggested would take away entirely the final and conclusive and binding effect, it seems to me, of the decision of the Comptroller General which is provided for so clearly by the 1921 act.

I ask the Senator if that would not be the result of the words he seeks to add.

Mr. GRIFFIN. It seems to me that the Senator from Florida is making the case that the amendment of the Senator from West Virginia, has little or no meaning; that there is no judicial review in the situation which the Senator from Florida has described.

Mr. HOLLAND. Mr. President, that is my understanding of the meaning of the 1921 act.

Mr. GRIFFIN. My amendment simply seeks to provide some method for additional judicial review in a situation in which the Attorney General disagrees with the Comptroller General.

Mr. HOLLAND. The point I am making is that the 1921 Act very clearly makes the decision of the legislative branch, as represented by the Comptroller General, final on the question of the propriety of the disbursement as between Congress and the executive department. It does not go further than that at all. It does permit, of course, access to the courts by any aggrieved party. That access has been had dozens of times, if not hundreds of times. I hope the courts are open to such cases. But the purpose of the bill was to give Congress the assurance that their agent would have the final say between Congress and the executive department on the propriety of the particular expenditure.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. HRUSKA. Mr. President, I wish to ask the Senator from Florida this question. Is it not further true that the purpose of the amendment of the Senator from West Virginia is to assure that those appellate procedures now existent in the bill and existent since 1921 will be preserved and maintained?

Mr. HOLLAND. That is the purpose. I think it is not necessary for him to add those words. I think it is provided already by the committee provision. But I understand the Senator from West Virginia was simply trying to assure the Senator from New York, who has doubts on this matter—although he is the former Attorney General of the State of New York and he should have known of the fact—that many cases have been brought by parties who claimed they were aggrieved by the decision of the General Accounting Office.

Those cases sometimes upheld the General Accounting Office and sometimes they ruled otherwise. There has never been any deprivation of the right of private parties to go to court where the General Accounting Office makes a rule. But the purpose of the act of 1921, as I understand it, was to hold that the General Accounting Office, or the Comptroller General, when he made a decision as to the propriety of a particular expenditure under an appropriation and the terms of that appropriation as made by the Congress, was final so far as an executive department was concerned. It was an effort to preserve balance between the executive department on the one hand and the legislative department on the other hand, which has full control of the power of appropriating. It was to follow through to be sure that money was being expended in the way it was appropriated. At least, that was and still is my understanding.

Mr. HRUSKA. Is it not true that present appellate procedures would be supplanted by the amendment of the Senator from Michigan since it creates new procedures which have not been tested? This amendment would introduce an uncertain factor into the bill rather than the certainty present as the result of the 1921 act.

Mr. HOLLAND. Of course, the Senator is correct. This would introduce new legislation into the 1921 act.

Mr. HRUSKA. The Senator is correct.

Mr. HOLLAND. Whereas, the provision coming from the committee is simply to call attention to the fact that this is the law and to have the executive department think again. Let us remember that the author of the executive agreement was the former President Johnson. I do not think any of us would say he was unwilling to use power if he had the power. I do not think any of us would feel

his Attorney General would not have been willing to uphold his decision to use the power, I say that respectfully.

But this effort to use this power has not come until we have a new administration and a new Attorney General who is new to government and who has not realized yet the purpose of the 1921 act is to continue and preserve the balance of power by having the arm of the legislative branch to be the final, conclusive voice as to the propriety of an expenditure, which can only be made under an appropriation made by Congress.

Mr. GRIFFIN. Mr. President, on the desks of many Senators there is a copy of a letter from the Attorney General.

Mr. President, I ask unanimous consent that the full text of the letter be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRIFFIN. Mr. President, in his letter dated today, Attorney General John Mitchell states in part:

The provisions of Section 904, if I understand them correctly, would alter present law in at least two respects. First, they would prohibit, or could be construed to prohibit, any Federal payment to be made on any contract entered into or containing any provision in violation of Federal law. The prohibition would operate without regard to the nature or gravity of the violation, responsibility of the contractor, or any other equitable consideration. This would impose a harsher rule on those who contract with the Government than at present. Now, not every illegality or irregularity invalidates a contract, and even where the contract itself may be invalidated, a contractor in appropriate circumstances will be entitled to be paid the value of his services. *New York Mail and Newspaper Transportation Co.* v. *United States*, 154 F. Supp. 271 (Ct. Cl. 1957), *cert. denied*, 355 U.S. 904 (1957); *Crocker* v. *United States*, 240 U.S. 74 (1916). Furthermore, this harsh rule would be applied not only to those who contract directly with the Federal Government, but to those who deal with Federal grantees.

And the Attorney General continues:

Section 904 alters existing law in another significant respect. It provides that the Comptroller General's determination as to the legality of any contract is binding whether or not such determination is later upheld by the courts. As I read the Section it would be fruitless for a contractor to sue in the Court of Claims on a contract held by the Comptroller General to be illegal, since even if the court agreed with the plaintiff's view of the law, this Section would prevent payment being made to satisfy a judgment in his favor.

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., December 18, 1969.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I am writing to express my concern with respect to the provisions of Section 904 of H.R. 15209, the Supplemental Appropriation Bill, 1970, presently under consideration in the Senate.

Section 904 provides:

"In view of and in confirmation of the authority invested in the Comptroller General of the United States by the Budget and Accounting Act of 1921, as amended, no part of the funds appropriated or otherwise made available by this or any other Act shall be available to finance, either directly or through any Federal aid or grant, any contract or agreement which the Comptroller General of the United States holds to be in contravention of any Federal statute."

The Comptroller General, under present law is authorized to settle and adjust all claims by or against the Government of the United States, 31 U.S.C. 71, and to settle the accounts of accountable officers of the Government, 31 U.S.C. 72, 74. In the performance of this function he has, historically, been required to determine the legality of expenditures and the availability of appropriations to make such expenditures. His determinations of law are not, however, binding on affected private parties or the courts, *Miguel* v. *McCarl*, 291 U.S. 442, 454–55 (1934).

The provisions of Section 904, if I understand them correctly, would alter present law in at least two respects. First, they would prohibit, or could be construed to prohibit, any Federal payment to be made on any contract entered into or containing any provision in violation of Federal law. The prohibition would operate without regard to the nature or gravity of the violation, responsibility of the contractor, or any other equitable consideration. This would impose a harsher rule on those who contract with the Government than at present. Now, not every illegality or irregularity invalidates a contract, and even where the contract itself may be invalidated, a contractor in appropriate circumstances will be entitled to be paid the value of his services. *New York Mail and Newspaper Transportation Co.* v. *United States*, 154 F. Supp. 271 (Ct. Cl. 1957), *cert. denied*, 355 U.S. 904 (1957); *Crocker* v. *United States*, 240 U.S. 74 (1916). Furthermore, this harsh rule would be applied not only to those who contract directly with the Federal Government, but to those who deal with Federal grantees.

Section 904 alters existing law in another significant respect. It provides that the Comptroller General's determination as to the legality of any contract is binding whether or not such determination is later upheld by the courts. As I read the Section it would be fruitless for a contractor to sue in the Court of Claims on a contract held by the Comptroller General to be illegal, since even if the court agreed with the plaintiff's view of the law, this Section would prevent payment being made to satisfy a judgment in his favor.

I am, of course, not indifferent to the effect which this provision would have on the functions of this Department in advising the President and the officers of the Executive Branch on questions of law arising in the course of their duties. 28 U.S.C. 511, 512. In executing the laws, the Executive Branch must of necessity interpret them. Such interpretations may, on occasion, conflict with the view held by the Congress; but in such case our system provides as ready corrective new legislation or resort to the courts. Because of the limited time available, I have limited myself to what seem to me to be these serious practical objections. I am bound to say, however, that the authority to be vested in the Comptroller General under Section 904 would, in my view, so disturb the existing allocation of power and responsibility among the several branches of the Federal Government as to raise serious questions as to its constitutionality.

I therefore urge that Section 904 be deleted from the bill.

Sincerely,

JOHN M. MITCHELL,
Attorney General.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the Senator from New York.

Mr. JAVITS. Mr President, I think we are now again demonstrating what a terrible mistake it is to legislate so serious a matter in this atmosphere. I wish to explain why.

The power of the Comptroller is contained in the Budget and Accounting Act and it reads as follows:

Balances certified by the General Accounting Office upon the settlement of public accounts shall be final and conclusive upon the executive branch of the government.

I shall read that again, because I think it is very important:

Balances certified by the General Accounting Office upon the settlement of public accounts shall be final and conclusive upon the executive branch of the government.

One could say a certified balance, nonetheless, ran afoul of some Federal law. It is very possible. The whole thing could be secret. The contractor may go into court and say that the balance may be final on the executive department but not on him. That is obvious. No one has had a chance to read the case law. Let us assume it is done. So that is where it stands now. Let us assume the contractor can go in and challenge it. It is binding on the executive department. But now we are giving him this power.

Page 15, line 14 reads:

Any contractor or agreement which the Comptroller General of the United States holds—

That is a tough word—

to be in contravention of any Federal statute.

I say that is not just binding on the executive department but everybody: The contractor, the executive department, the judicial department, and everybody concerned. In other words, you are really making fundamental changes in a broad and sweeping provision of law the authority which the Comptroller General has now. He has no authority to hold anything according to the strict interpretation of the contract. Maybe that enters into his decision when he refuses to certify. But here, if we give him that power, he can defy anyone. If he holds it to be in contravention, that binds everyone, the contractor, as well as the executive department.

Now, my friends, this is a critically important difference. It is very important. A few sweeping changes can be made. I do not even argue against it. I just say, do not do it now here in this context. If you have already decided one of the questions in this section, at least throw an express protection to one of the coequal sections for the Attorney General to challenge it.

Mr. BAKER. Mr. President, I rise to put a question or two as to the legal consequences of the second amendment, as to what the amendment of the Senator from West Virginia and the Senator from Michigan provide. But before that, I should like to express a personal opinion, that I do not believe the sponsors of the bill have said that either one of the amendments adds or detracts one whit from the effectiveness of section 904. I would ask particularly with reference to the amendment in the nature of a substitute, as I understand it, as offered by the distinguished Senator from Michigan.

Mr GRIFFIN. My amendment is to the amendment of the Senator from West Virginia. Thus, his language would be retained with the additional language of my amendment.

Mr. BAKER. Very good. The amendment to the amendment of the distinguished Senator from Michigan provides that if a holding of the Comptroller General as contemplated by section 904, is contrary to the opinion of the Attorney General and because there is precedent that there would be a contrary opinion by two agencies, then, in that event, then this is reviewable according to the provisions of title 5, section 705 of the United States Code.

My question is: Have we not limited rather than expanded the course of judicial review by both amendments?

Mr. GRIFFIN. I think my answer to that question was already given that it is not a substitute but an amendment to the amendment of the Senator from West Virginia. The Senator from West Virginia, by his language, preserves whatever judicial review now exists—whatever that may be.

However, in the event there is a conflict between the holding of the Comptroller General and the Attorney General, my amendment makes it clear that a right of review exists in that situation.

Mr. BAKER. The amendment to the amendment, as proposed by the Senator from Michigan, provides that "if the holding of the Comptroller General is contrary to the opinion of the Attorney General." Might I ask if the effect would be equally applicable in different circumstances, especially if the holding of the Attorney General were contrary to a later filed opinion by the Comptroller General; namely, the opposite situation of that literally described in the amendment?

Mr. GRIFFIN. Well, as I understand it, so long as the Attorney General's opinion conflicts with an opinon of the Comptroller General, it would be reviewable under my amendment.

Mr. BAKER. Would it not be a broader guarantee of the right to appeal if we did not include these two conditions precedent, that there be a dispute between the Comptroller General and the Attorney General, so that we are limited to this section of the code rather than to the section of the code which guarantees due process?

Mr. GRIFFIN. I think the Senator might have a good point if I had offered it as a substitute. But as it is not a substitute, we are not taking away anything that now exists but are only adding an additional opportunity for review.

Mr. BAKER. If I could make this additional point, and then I would be happy to conclude this colloquy with my thanks to the Senator from Michigan. I have no desire to oppose either the amendment to the amendment, but I reiterate that I frankly think they add or detract little if anything from the substance and effect of section 904.

However, I would ask if it might not be appropriate to consider modifying the language of the amendment to the amendment so that the right of review is not limited to title 5, section 701, so that a dispute between the Comptroller General and the Attorney General is not condition precedent to the right of review.

Mr. GRIFFIN. Certainly such a modification would broaden the amendment, but accepting such a modification would be a decision for the Senate.

If I might just make one further point before yielding to the Senator from West Virginia (Mr. BYRD) and the Senator from Nebraska (Mr. HRUSKA), the able Senator from New York (Mr. JAVITS) put his finger on the point that in my opinion, is unanswerable. The language of section 904 is so broad as to make the Comptroller General's holdings determinative not only as to the executive branch but as to private parties as well.

Although there is a right of review for private parties, what is the scope of that right. The language of section 904, if enacted, would be the Congress last word on the subject.

If a contract or agreement was held by the Comptroller General of the United States to be in contravention of any Federal statute, the only question before a court under the language of section 904 would be simply what was the holding of the Comptroller General of the United States? If he held that a contract or agreement was in contravention of Federal statute, the court might very well say, "We have reviewed the facts of this case and find that the Comptroller General held that it was in contravention. As his ruling is final, the appeal is denied."

Mr. HRUSKA and Mr. BYRD of West Virginia addressed the Chair.

Mr. GRIFFIN. I do not know which Senator to yield to first. But I shall yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, what the Senator from Michigan has just said is pure sophistry, and I should like to describe it in that way, because the amendments were clarified in conference especially as to review and what the authority was that was vested in the Comptroller General. These things are, therefore, now legislated. There is nothing in the amendment, nor in the law, which puts the Comptroller General over the decision of any court, from the act of 1921 and followed ever since then. It has served its purpose well. It is not the holding of the Comptroller General which is binding upon the courts. It is the holding of the Attorney General that is binding upon the executive department, until the court gets hold of it through a private litigant, which is the only way Congress can assure itself of having its power eroded away by the executive department.

Now then, the Senator from Michigan, as I understood the amendment, said that his amendment does not change anything from what now prevails. If that is the extent of the description he would like to hold onto, I would respectfully call his attention to this fact: That the Comptroller General has to be represented by the Attorney General. That is the only way he can get into court. The amendment of the Senator from Michigan poses this very interesting spectacle. Here would be one holding of the Attorney General, and on the same subject a totally 180-degree angle difference by the Comptroller General.

So what would we have? We would have the suit referred to a Federal district court for review, and the one who would represent the Government in that case would be the Attorney General, and the one who would represent the Comptroller General in that suit would be the Attorney General, and I think the only thing that would be the ultimate would be to make him the judge, too, so we could have all the proceedings in that one room and justice would be done. What a travesty.

The point of the argument is that not only is it ludicrous, but it is a great and tremendous change from what we have had.

It should be clear that section 904 does not give authority to the Comptroller General to override any such act. In fact, the amendment to the amendment of the Senator from West Virginia puts on track all over again that the 1921 Budget and Acounting Act remains intact and complete, as it has been since 1921; and it has a pretty good record.

Mr. GRIFFIN. Mr. President, it is my understand that this amendment was drafted in the office of the Attorney General. I am pleased to be advocating his case for he is a good lawyer. This amendment—or a similar amendment—is an absolutely necessary addition to the legislation now before the Senate.

I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I merely wanted to ask the able Senator the question as to who, in his opinion, would represent the Comptroller General if such a situation arose as described in the amendment to the amendment. The able Senator from Nebraska answered the question, because Congress has authorized only the Department of Justice and a few other agencies to handle legislation involving the United States. The Comptroller General has not been granted this authority. As a result, in any case involving one of the Comptroller General's decisions, in any case in which one of the decisions goes to court, the Comptroller General must be represented by the Attorney General. Obviously, where there is a difference between the Comptroller General and the Attorney General, certainly the view of the Comptroller General would not be advocated by the Attorney General.

So I ask the question, Who would represent the Comptroller General in the event of a suit by the Attorney General?

Mr. GRIFFIN. The Senator from West Virginia raises substantially the same question as the Senator from Nebraska. It is not unique to have differences of opinion arise among or between branches of our Government. Although it is true that the Attorney General usually represents agencies of the Government and indeed in some cases, the Congress, or the committees of Congress, this is not necessarily the case.

It is my understanding that the Comptroller General is primarily an arm

of the legislative branch, and, as such, is separate and distinct from the executive branch. In such a situation, it is not necessary that in every situation the Attorney General represent him where a conflict exists between the Comptroller and a branch of the Government.

It would be entirely appropriate for the Congress, confronted with such a case, to provide representation for the Comptroller General. Congress could take whatever action was necessary to assure proper representation of what is essentially an arm of the Legislature.

That would be the way it should be done—and the way it would be done if this amendment were adopted.

Mr. ERVIN. Mr. President, I would like to ask the Senator from Michigan a question.

Mr. GRIFFIN. I am glad to yield.

Mr. ERVIN. Does the Senator from Michigan agree with the Senator from North Carolina that the Comptroller General is an agent of the Congress?

Mr. GRIFFIN. That is my understanding.

Mr. ERVIN. So if the amendment of the Senator from Michigan were adopted, it would be, in effect, the Attorney General suing the Congress of the United States for the purpose of making an agent of the Congress do differently?

Mr. GRIFFIN. In such a case, the question would be the meaning of the particular statutes passed by the Congress. It is not unusual that such decisions pertaining to the meaning of legislation would ultimately be made by the courts.

After all, the courts are established to determine the meaning of the acts of Congress and to resolve conflicts.

Mr. ERVIN. Will the Senator yield further?

Mr. GRIFFIN. I yield.

Mr. ERVIN. If a ruling of the Comptroller General were contrary to the congressional content, the orderly remedy would be for somebody to introduce a bill in the House or a bill in the Senate to change the law on which the Comptroller General made his ruling, rather than give the Attorney General power to bring a lawsuit against the Comptroller General, who is required to pass on the legality of every Federal expenditure, in every case where the Comptroller General is either authorized by the Attorney General or forbidden by the Attorney General. It would be unseemly for one branch of the Government to be suing the other all the time.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I ask this question before the yeas and nays are called. If the amendment to the amendment offered by the able Senator from Michigan (Mr. GRIFFIN) is voted down, the vote would then recur on my amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment of the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I move to lay on the table the amendment to the amendment offered by the able Senator from Michigan.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Michigan to the amendment of the Senator from West Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE (when his name was called). Mr. President, on this vote I have a pair with the Senator from South Carolina (Mr. HOLLINGS). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON) and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. PACKWOOD) is detained on official business.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 53, nays 35, as follows:

[No. 260 Leg.]

YEAS—53

Aiken	Ellender	Murphy
Allen	Ervin	Pearson
Allott	Fannin	Prouty
Baker	Fulbright	Proxmire
Bennett	Goldwater	Randolph
Bible	Gurney	Saxbe
Burdick	Hansen	Smith, Maine
Byrd, Va.	Holland	Sparkman
Byrd, W. Va.	Hruska	Spong
Cannon	Hughes	Stennis
Church	Jordan, N.C.	Stevens
Cook	Jordan, Idaho	Talmadge
Cotton	Long	Thurmond
Curtis	Mansfield	Williams, Del.
Dodd	McClellan	Yarborough
Dole	McIntyre	Young, N. Dak.
Dominick	Metcalf	Young, Ohio
Eastland	Moss	

NAYS—35

Bayh	Harris	Mondale
Bellmon	Hart	Montoya
Boggs	Hatfield	Muskie
Brooke	Jackson	Nelson
Case	Javits	Pastore
Cranston	Kennedy	Pell
Eagleton	Magnuson	Ribicoff
Fong	Mathias	Schweiker
Goodell	McCarthy	Scott
Gore	McGee	Smith, Ill.
Gravel	McGovern	Williams, N.J.
Griffin	Miller	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hartke, against.

NOT VOTING—11

Anderson	Mundt	Symington
Cooper	Packwood	Tower
Hollings	Percy	Tydings
Inouye	Russell	

So the motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, the vote now recurs on the amendment which I offered. And I am willing to have a voice vote on the amendment if there are no further efforts to amend it.

Mr. JAVITS. Mr. President, I have an amendment to the amendment. It reads as follows:

Strike out the period at the end and add: "and actions hereunder shall be subject to judicial review as provided by Chapter 7 of Title 5 of the U.S. Code."

I shall complete my argument in 2 minutes.

Chapter 7 of title 5 of the United States Code gives the right of judicial review to any person aggrieved.

Mr. President, let us bear in mind that the whole problem is a very new impression. It just really happened here. And everyone seems to agree that they do not want the Comptroller General to be out from under the courts if he is going to function. This is not in the House bill. It will give all concerned an opportunity creatively to examine it to see that the right of judicial review is really preserved.

My information is—and I represent to the Senate that it is solely information, no research or anything else, because we cannot do it in the time available—that not every action of the Comptroller General can be reviewed. The parties are not eligible to sue. And there are certain problems, even before the Court of Claims, and I cannot represent to the Senate what they are. But they do bear upon the fact that the amendment of the Senator from West Virginia proceeds on the assumption that there is jurisdiction now, because he says that the exemption is not limited. He says there is jurisdiction. I do not know what it is, and I doubt that anyone will tell us within the time compass we have.

I hope that for the purpose of a creative action here that he will take it to conference and that the Senator might consider accepting the concept and principle that what we are after is that the Comptroller General's word on this shall be subject to court review. I could be wrong, but I have tried to ask the Senator to accept that principle. Perhaps in a conference this thing can be articulated in a sensible way.

Mr. SCOTT. Mr. President, I think the Senate has shown its concern that the function of the Comptroller General shall not be impaired. It has exhibited an awareness of its investment in the independence of the Comptroller General. And this has now been made abundantly manifest, no matter how individual Senators may have voted.

At the same time there underlies the concern of the Attorney General and of the Secretary of Labor in the continuance of the process of negotiation and agreement, because these methods in the American system are superior to the great danger and the immense risk involved in the frustration of any section or sector of the American people which might turn them into the streets, or it might lead them to fear that the functioning of our judicial procedure is inadequate to protect their concern for their right to employment and equal employment under the law. The last thing I want to see in America is people to think that the laws are not adequate, that the protection of the law has failed them, and that, therefore, there remains for them only this dreadful arbitrament of confrontation through violence.

In order to avoid that, I think this is our last best chance, as offered by the Senator from New York, to at least indicate that now that we have worked our will, we have exhibited our confidence in the Comptroller General, and we have said that we do not want his prerogatives impinged or derogated, we can at least say that the functioning of lawful procedures, including the rights of review and appeal, shall be preserved as they are in other instances under the United States Code. And that is all I understand the Senator from New York is proposing. He is simply sugesting that a right of review exists.

Bearing in mind that this goes to conference, I think it will be very helpful if the distinguished Senator from West Virginia could bring himself to accept this amendment. It would be very helpful in securing a final and reasonable conclusion of the conferees of the two Houses, that the right to review at least be secured.

For that reason, I support the suggestion and the amendment of the Senator from New York.

Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, this would constitute a very real departure from the law. The law not only provides that the decision of the General Accounting Office shall be "final and conclusive upon the executive branch of the Government," but also, it has this additional provision:

> Except that any person whose accounts may have been settled, the head of the executive department or of the board, commission, or establishment not under the jurisdiction of the executive department to which the account pertains, or the Comptroller General of the United States, may, within a year, obtain a revision of said account by the Comptroller General of the United States, whose decision upon such revision shall be final and conclusive upon the executive branch of the Government.

Mr. President, anybody who is affected by the GAO order has this right of appeal already under this provision. He has it for a year, and the decision of the Comptroller General in this case, as in the original case, is final and conclusive upon the executive branch of the Government, but only upon the executive branch of the Government. It does not preclude anybody from going to court. They have gone to court in repeated instances.

The provision offered by the Senator from New York offers a different kind of review, a review by the court, which is completely inconsistent with the provisions of the 1921 act, which already provides for a review, but with the same provisions that are applicable in the original case, that the decision of the Comptroller General shall be—I quote again:

> Whose decision upon such revision shall be final and conclusive upon the Executive Branch of the Government.

Mr. President, the 1921 act was a very carefully drawn, carefully worked out effort to prevent a clash between the legislative branch, represented by the Comptroller General, and the Executive Department; and to leave control of these decisions in one who represents the legislative branch, which alone has the power to make appropriations.

The amendment suggested by the Senator from New York would completely change that picture and would instead throw any decision of the GAO upon anybody's complaints, whether Executive or otherwise, into a court for review.

Personally, I do not want to give up any of the vital portions of the 1921 act. I think they have been very salutary. I think they have preserved the independence of Congress in the field of appropriations and seeing through to the proper use of those appropriations, and the amendment of the Senator from New York would bring about a completely different result.

Mr. President, I would not want to see us depart from the present law in that very vital regard, and that is exactly what the Senator from New York proposes in his amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I am ready for a vote on the modifying language offered by the able Senator from New York. I am opposed to the language and I am ready for a vote. I had hoped to arrive at some language which we could accept but the amendment by Mr. JAVITS would place the Comptroller General under the Administrative Procedures Act, and we cannot accept this.

Mr. JAVITS. Mr. President, I ask for the yeas and nays?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. RIBICOFF (after having voted in the affirmative). Mr. President, I have a pair with the distinguished Senator from Georgia (Mr. RUSSELL). If he were present and voting he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. MAGNUSON (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from South Carolina (Mr. HOLLINGS). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 40, nays 44, as follows:

[No. 261 Leg.]

YEAS—40

Bayh	Harris	Montoya
Bellmon	Hart	Moss
Boggs	Hartke	Muskie
Brooke	Hatfield	Nelson
Case	Hughes	Pastore
Church	Jackson	Pearson
Cook	Javits	Pell
Cranston	Jordan, Idaho	Schweiker
Dole	Kennedy	Scott
Eagleton	Mathias	Stevens
Fong	McGee	Williams, N.J.
Goodell	McGovern	Yarborough
Gravel	Miller	
Griffin	Mondale	

NAYS—44

Aiken	Ervin	Murphy
Allen	Fannin	Prouty
Allott	Fulbright	Proxmire
Baker	Goldwater	Randolph
Bible	Gore	Saxbe
Burdick	Gurney	Smith, Maine
Byrd, Va.	Hansen	Sparkman
Byrd, W. Va.	Holland	Spong
Cannon	Hruska	Stennis
Cotton	Jordan, N.C.	Talmadge
Curtis	Long	Thurmond
Dodd	Mansfield	Williams, Del.
Dominick	McClellan	Young, N. Dak.
Eastland	McIntyre	Young, Ohio
Ellender	Metcalf	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Magnuson, for.
Ribicoff, for.

NOT VOTING—14

Anderson	McCarthy	Smith, Ill.
Bennett	Mundt	Symington
Cooper	Packwood	Tower
Hollings	Percy	Tydings
Inouye	Russell	

So Mr. JAVITS' amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, the vote now recurs on my amendment. I am willing to accept a voice vote on it.

Mr. PASTORE. Mr. President, I think, in view of the modification of the language that was reported by the committee, which is an improvement on it, we should have a recording of it and I, therefore, ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Utah (Mr. BENNETT), the Senator from Illinois (Mr. SMITH) and the Senator from Oregon (Mr. PACKWOOD) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 73, nays 13, as follows:

[No. 262 Leg.]

YEAS—73

Aiken	Dominick	Jordan, Idaho
Allen	Eagleton	Kennedy
Allott	Eastland	Long
Baker	Ellender	Magnuson
Bayh	Ervin	Mansfield
Bellmon	Fannin	McClellan
Bible	Fong	McGee
Boggs	Fulbright	McGovern
Brooke	Goldwater	McIntyre
Burdick	Gore	Metcalf
Byrd, Va.	Gravel	Miller
Byrd, W. Va.	Gurney	Mondale
Cannon	Hansen	Montoya
Church	Hart	Moss
Cook	Holland	Murphy
Cotton	Hruska	Muskie
Curtis	Hughes	Pastore
Dodd	Jackson	Pearson
Dole	Jordan, N.C.	Pell
Prouty	Spong	Williams, Del.
Proxmire	Stennis	Yarborough
Randolph	Stevens	Young, N. Dak.
Saxbe	Talmadge	Young, Ohio
Smith, Maine	Thurmond	
Sparkman	Williams, N.J.	

NAYS—13

Case	Hartke	Ribicoff
Cranston	Hatfield	Schweiker
Goodell	Javits	Scott
Griffin	Mathias	
Harris	Nelson	

NOT VOTING—14

Anderson	McCarthy	Smith, Ill.
Bennett	Mundt	Symington
Cooper	Packwood	Tower
Hollings	Percy	Tydings
Inouye	Russell	

So the amendment of Mr. BYRD of West Virginia was agreed to.

Mr. JAVITS. Mr. President, I should like, for the information of the Senate, just to state that I think we have fought as hard as we can within this frame of reference at this time, on what I think was a very important issue, an issue which I think the President feels very strongly about. As I stated in the course of the debate, I feel that we have had a fair and square effort in every way, by attempted amendment. The first vote was essentially a strike-out vote to test this issue. The result of that vote was obviously the will of the Senate, and I do not propose to delay the Senate any further with another motion to strike, or all the things that might be done. I feel that after all these rollcalls, we know what the Senate wants.

I can only hope—and I speak only as an American now, not even as a Senator—that the sponsors of the bill, the manager, and the minority and majority conferees will look at this thing and really think it through. I think we are doing a most unwise and improvident thing, in a most unwise and improvident way.

It is my duty to say that, and I let the matter rest there.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator. I appreciate his letting Senators know that they can depend on no further argument, debate, or votes on this particular controversial issue.

I think, now, that we might get on with the discussion of the money amendments. If there are any to be offered by any Senators, I shall be happy to discuss money amendments now, after which we ought to have a rollcall vote on final passage.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 6, line 16, strike out the figure "$1,000,000" and insert in lieu thereof "$3,000,000".

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the amendment.

Mr. BYRD of West Virginia. Mr. President, will the Senator wait for that? We might be able to accept his amendment, and avoid having the yeas and nays.

Mr. HARRIS. Mr. President, I shall, I think, ask for the yeas and nays, but I shall not do it right this minute.

Mr. President, this amendment is a very simple one. I think it is one that Senators will wish to support. It would increase the supplemental appropriation for Indian health services by $2 million. This increase would be for what is commonly referred to as direct care and would be consistent with the $1 million increase recommended by the Committee on Appropriations for contract care.

The $2 million would be used to provide, for 300 additional hospital personnel at a cost of approximately $1,720,000; for additional supplies and materials costing $200,000; and for additional equipment at a cost of $80,000.

The need for this increase in the supplemental appropriation is overwhelming. It is estimated that in order to meet the staffing requirements for Indian hospital facilities that 225 to 250 employees per 100 average daily patients hospitalized and 120 employees per 100,000 outpatient visits are needed. The figures for 1968 show that the Indian Health Service was staffed with only 164 employees per 100 average daily patients and 47.8 employees per 100,000 outpatient visits, clearly below a suitable ratio of employees to patients.

Although the figures are shocking, what the figures actually mean to the Indian population is even more shocking. It is not uncommon in an Indian hospital to have one nurse responsible for more than one floor, with reliance often being placed upon members of a patient's family, untrained in medical care, to assist.

Nor is it uncommon for physicians in Indian hospitals to have a patient load far exceeding other physicians and for those physicians going to field stations or clinics to see as many as eighty patients a day.

By reason of a lack of funds, it is not uncommon for Indian patients who are seriously ill to be transported to an Indian hospital, or from one hospital to another in the back seat of an automobile rather than in an ambulance.

These incidents and many other equally shocking occurrences were reported to the Oklahoma congressional delegation by Indian leaders earlier this year. As a result of their report, Representatives ED EDMONDSON and JOHN N. HAPPY CAMP on behalf of the House Committee on Interior and Insular Affairs inspected certain Indian hospitals in Oklahoma. A report prepared by Representative EDMONDSON dated October 11, 1969, sets forth what he and Representative CAMP discovered, and I ask unanimous consent that this report be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON CONGRESS

(By Representative ED EDMONDSON)

OCTOBER 11, 1969.

WASHINGTON.—Inspections of three Oklahoma Indian hospitals operated by the United States Public Health Service have brought to light drastic shortages of medicine and medical supplies, confirming reports recently brought to Oklahoma's congressional delegation by Indian spokesmen.

Hospitals at Pawnee, Tahlequah and Claremore, although staffed by dedicated personnel who are reaching thousands of Indians

at clinics in addition to their hospital duties, are simply not receiving the funds essential to good health care for their patients.

These are the unavoidable conclusions from an unannounced inspection of the Claremore hospital which Congressman John N. Happy Camp and I made last week on behalf of the House Committee on Interior and Insular Affairs—followed by staff inspections of the Pawnee and Tahlequah facilities this week.

FUNDING SHORTAGES CRUCIAL

The story at each of these hospitals is basically the same. Funds are so short—with funding on a 30-day basis and requisitions for supplies and equipment often long delayed—that adequate medical treatment is sometimes impossible. Here are some of the glaring examples:

At Claremore, a posted "out list" for use by doctors and nurses includes such basic drugs as buffered aspirin, librium, and vasodilan. Vitamin supplies were depleted and food purchases cut so deeply that nutritious diet for patients is actually in danger. Services of expert consultants in difficult cases have been drastically curtailed.

At Pawnee, tests for tuberculosis have been discontinued because necessary supplies are not provided; influenza shots cannot be given to more than 600 Indian students at Chilocco School because the vaccine is not available.

At Tahlequah, essential anti-biotics are "low in supply" or "out". The same can be said for certain anesthetics, IV sets for intravenous fluids, and other surgical supplies. No immunization shots are being given more than 400 Indian students at Sequoyah school because of shortages.

PROBLEM CLEARLY DEFINED

The blame for these conditions is squarely on the shoulders of the federal government which has long assumed major responsibility for Indian health both by law and treaty. Congress has failed to appropriate adequate funds to meet rising hospital and drug costs, and administrative spending ceilings have reduced available funds even further.

The situation is so bad currently that these hospitals are being financed on a month-to-month basis. As of October 6 and 7 when the hospitals were visited, October funding allocations had not been received. Missing drugs cannot be replaced until the allocation is received, and then if history is any indication, there will not be enough money for full replacement.

At Tahlequah, for instance, more than $15,000 in drugs were dispensed in August and September. Only $5,400 was allocated for drug purchase during the same period. At this rate, this hospital will for all practical purposes, be out of medicine within 60 days.

FACILITIES SHAMEFUL

The problem goes deeper than drug and operating fund shortages, which can be corrected by Congress in short order if it is the will of Congress to do so. Major expenditures must be made to replace and remodel the hospitals themselves. Funds must be committed for future years.

The Claremore hospital is not accredited. Accreditation was denied in 1960 with the comment that the hospital is "a hazardous, dangerous building and should not house hospital inpatients." Provisional accreditation was awarded in 1967 because a new building was being planned. This was withdrawn last February.

Tahlequah may be in its last year of accredited status. Several dangerous conditions exist at the hospital, any one of which is sufficient to deny accreditation. The hospital was accredited last year only because plans to correct the problems were on the drawing board. The funding situation this year is such that the hospital cannot in good faith offer hope of early improvement.

ADVISORY GROUP REPORT

These hospitals are staffed and operated by the Indian Health Service of the United States Public Health Service. The doctors, nurses, and administrators are doing a first-rate job within the limitations imposed on them. They must, however, wonder how the PHS can tolerate such conditions in facilities of its own.

The inspection trip came as a result of an eloquent plea delivered to the Oklahoma Congressional delegation last month by the Oklahoma City Area Advisory Board, Indian Health Service.

This group of tribal leaders brought to Washington a story of inadequacy and dangerous drug and equipment shortages. Our field inspection of three hospitals confirmed their story.

WHAT CAN BE DONE?

Congressman Camp and I have reported our findings to Chairman Wayne Aspinall of the House Committee on Interior and Insular Affairs, and Chairman James Haley of the Indian Affairs Subcommittee.

Steps are being taken to determine how much money is needed immediately to alleviate the current drug and equipment crisis, and how quickly Congressional action appropriating these funds can be taken.

We are also exploring the needs for fiscal year 1971 and subsequent years, and the Area Advisory Group has indicated it will return to Washington to make its plea early next year before the Appropriations Committees in the House and Senate.

We are hopeful administration ceilings on essential expenditures at these and other Indian hospitals will be revised upward without delay, to meet the actual crisis now in prospect.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. HARRIS. I am happy to yield to the Senator from California.

Mr. MURPHY. I inquire of the Senator, is some of this money to be used for the California rural health demonstration project which is about to run out of money?

Mr. HARRIS. Exactly so. This amendment would add an additional $2 million to an item for which $1 million is presently provided, which would be available for Indian health services all over the country.

I have only very brief remaining remarks, which I think will explain the situation clearly to the Senator and to the Senate.

The report confirmed the earlier report of the Indian leaders that such basic drugs as buffered aspirin, librium, and vasodilan were not available in one hospital and that the same hospital was short of drugs for the treatment of diabetes.

It is inconceivable that needed immunization shots were denied to some 1,000 Indian children in the State of Oklahoma alone because of a shortage of drugs.

Representatives EDMONDSON and CAMP, during their inspection of the Claremore Indian hospital, obtained a list of the drugs that the hospital was either "out of" or "short of."

I think Senators would be appalled to see this list of basic drugs that this hospital, a very important Indian hospital in northeastern Oklahoma, was either "out of" or "short of," and I ask unanimouse consent that the list be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Doctors.—Below are items we are out of or short of. They are so labeled (available—suggested). Substitutes are listed adjacent to item.

Fulvilin (out).

Mylanta (out), possible substitute, AMT Tablets.

Librium 10 mg, (out), possible substitute, Pb 32 mg, Stelazine, Meprobamate, Thorazine.

Chewable Vitamins (out).

Phisohex 120 cc and gallon, (out).

Phenobarb ½ gr (out).

Cortisporin Otic, (short) (found some!)

Darvon 65 mg, (out), possible substitute, Aspirin, (headache) Fiorinal

Actifed, (out), possible substitute, Pseudophed Tabs, liquid.

Vasodilan Tabs, (out), possible substitute, Nicotinic Acid.

Buffered Aspirin, (out), possible substitute, Plain ASA.

Ampicillin suspension, (short), possible substitute, plenty—penicillin suspension.

Ampicillin I.V. (500 mg) (out).

Dilantin 100 mg capsules, (short).

Ampicillin 250 mg capsules, (short).

Gantrisin Tablets, (short), possible substitute, (We have plenty Triple sulfa tabs, liquid).

Diabinese Tablets, (short).

Ferrous Sulfate Tabs, (short).

Hydrocortisone Ointment, (short).

Kaopectate, (short).

Mr. HARRIS. Based upon information gained of the Indian health situation in Oklahoma and other information which the Indian Health Service has on health needs in other States, it is obvious that additional funds are needed.

In order to reverse the downward trend in program levels and make some inroad into the unmet health requirements of the Indian people, it is estimated that 300 positions need to be added in fiscal year 1970, together with additional funds required for supplies and equipment.

The health needs of the Indian in this Nation are crucial. An additional appropriation of $2 million will help eliminate the seriousness of the present situation, and is a minimum step which we should take. I think it is unfortunate that this sum is not more as well as the additional amount for contract needs. The report of the committee indicates that the current available appropriation is sufficient only to provide for two-thirds of known needs. With the increase in costs of providing medical care, the increase I am requesting, as well as the one provided by the committee, will do little more than let us operate at the present level, which is clearly inadequate. I therefore urge the adoption of my amendment.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. MURPHY. Mr. President, I ask the permission of my distinguished friend, the Senator from Oklahoma, that I may join him as a cosponsor of his amendment.

Mr. HARRIS. Mr. President, I ask unanimous consent that the names of Senators BURDICK, HANSEN, CANNON, HATFIELD, STEVENS, MONTOYA, WILLIAMS of New Jersey, BAYH, MCGOVERN, and

MURPHY may be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I know of the Indian program in California. It is an excellent program. It is badly in need.

Mr. President, I am pleased to cosponsor and support this amendment adding $2 million to Indian Health Services, of the Department of Health, Education, and Welfare. This amendment is of great interest to me for California has the second largest Indian population in the Nation. One-sixth of the total Indian population in the country resides in my State, and they represent the State's fastest-growing minority. It has been estimated that California's Indian population doubled between 1950 and 1960, from 19,947 to 39,017. It is estimated that at present there are 100,000 or more Indians in California, and this represents an increase of 150 percent over the 1960 census count. My city of Los Angeles has been called, because of its large Indian population, the Indian capital of the world.

California Indians, in general, for the last decade, have not been able to participate in Federal programs for Indians. Beginning in the early 1950's a movement developed to terminate the special relationship and the special programs of the Federal Government for Indians. As a result, California Indians, since 1955, have been denied health services and since 1958, the benefit of Federal Indian education programs.

As a member of the Senate Labor and Public Welfare Subcommittee on Indian Education, I am aware of the great needs of the California Indians. In testimony before the subcommittee I have strongly urged the restoration to California Indians of Johnson-O'Malley education funds. The committee in its report, "Indian Education: A National Tragedy—A National Challenge," followed my recommendation and urged the restoration of Johnson-O'Malley funds to California. The Interior Department has made the decision to restore such funds to my State and progress has been made. It is my understanding that present plans call for the establishment of a director of Indian education in the California State Department of Education this year and the development of a comprehensive plan for special teacher training, curriculum development, and student counseling. The State is presently looking for a person to fill this position.

In the health area, California Indians, as I previously mentioned, were terminated from Federal health services in 1955. Mr. President, as this body well knows, the Federal Government has not terminated its special relations with the American Indians, nor should they. In fact, as appropriations and programs reveal, the reverse is true. The Federal Government is becoming involved in assisting Indian reservations in long-range economic development. Federal appropriations for health and other programs for Indians have increased. For example, the appropriation for Indian health in 1954–55 was $25 million. In 1969–70, this sum reached $100 million. Yet, Mr. President, with one-sixth of the Indian population of the country, California Indians receive none of these funds. If California Indians were to receive a proportionate share of Federal Indian health funds, based on the percentage of funds they received prior to termination, California's share would be $15 million. What is the equity of such a policy? There is none.

In 1967, the bureau of maternal and child health, of the California State Health Department, undertook a pilot project designed to improve Indian health. A commitment of $150,000 was made to the State department by the Public Health Service of the Department of Health, Education, and Welfare. At Governor Reagan's request, nine areas were surveyed and four were to be selected to participate. But the survey found that all nine wanted to participate and that there was a great need for such a program in all nine areas. As a result, the State of California requested additional funds so as to include all the areas. The request was approved and they secured a 1-year, $245,000 grant. The Public Health Service gave the State additional funds to continue the program until June 30, 1969. Thus, the State has received a total of $330,000 over 18 months for demonstration projects in each of the rural Indian reservation areas. The objectives of the program are community health education and the better utilization of existing health facilities. The projects, which are administered by the tribal council on subcontracts from the California Department of Public Health, have been successful in obtaining health coverage for many Indians not previously covered, in securing valuable assistance from the medical community and have been of help in other Indian-sponsored community organization projects. The projects have received almost unanimous support from groups and organizations in California which are interested and active in Indian matters.

Mr. President, there is no question there is great need for health services by California Indians. Since 1955, the health of California Indians has deteriorated in communicable diseases as well as chronic diseases. The death rate for influenza and pneumonia is twice that of the total population; tuberculosis, six times; accidents, four times; and cirrhosis of the liver, four times. Indian mothers fail to receive adequate prenatal care and their life expectancy is 20 years less than the average for all Californians. Seventy percent of the California Indian families, with an average size of six persons, earn less than $3,000 annually.

Mr. President, the health status of the Indian in California indicates a need for participation in the Federal programs. The California rural Indian health demonstration projects have been successful, have been instrumental in saving several lives by helping people who need assistance on a timely basis, and have conducted successful health educational campaigns. Therefore, I strongly urge the Senate to allow this program to continue. The need is there, the program is working, and equity demands that California Indians be allowed to continue these rural health projects. It would be indeed unfortunate if their projects were not continued. There has been a good response in the Indian community to them and a good rapport developed between the Indians and public and private agencies. Dr. George C. Cunningham, in a letter to me, put it this way:

> The urgency of this case in my mind stems from the fact that governmental and private agencies working with the Indians have lacked consistency, integrity and continuity. Having overcome the initial skepticism of the Indian communities and won their confidence, we would have a real problem restoring services if there was any hiatus of funding.

Thus, I urge the Senate to adopt the amendment, and I hope this will enable the funding of the much needed and successful California rural health project. As I understand it, about $300,000 is needed for this California project. Secretary Finch in cooperation with Governor Reagan and me, sent Mr. Forrest Gerard to examine this project. His report was most glowing and laudatory and those additional funds will help make available the funds for the California rural health demonstration project.

Mr. HARRIS. Mr. President, I am very grateful to the Senator from California. The amendment would add $2 million for Indian health services all over America, including the State of California.

Mr. President, I yield to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. MONTOYA. Mr. President, I commend the Senator from Oklahoma for taking the lead in this particular matter of providing money for health care for the American Indian.

I happen to serve on the Apppropriations Subcommittee for the Department of the Interior and Related Agencies which handles health care for American Indians. We provided an increase this year.

I felt at that time, however, that the increase we provided was not adequate enough. A few days ago, I had a visit from the Governor of Acoma Pueblo in New Mexico. And he and his delegation apprised me of the great need for health care in the Acoma Reservation.

This is something that is sorely needed not only in Oklahoma and New Mexico, but also all over the country.

The Indian is the forgotten individual in this country healthwise. His life expectancy, according to the last figures, is about 49 years, whereas other Americans have a life expectancy of close to 70 years at the present time.

I think it is about time that we in Congress take full cognizance of our responsibility to the American Indian.

I think the amendment offered by the Senator from Oklahoma will render a great public service. I think it will provide sorely needed health care all over the country.

I know that the Senate has been sympathetic to the American Indian. How-

ever, sometimes we get buried in fiscal figures which are involved in appropriations and we do not meditate over the great needs of the silent people of this country.

We do not do this willingly. However, the American Indian needs our help. And I think it is about time that we do something about it. I am not trying to cast any aspersions on my good friend, the Senator from West Virginia. I think my good friend, the Senator from West Virginia, is very sympathetic to the needs of all Americans.

I merely rise to commend the Senator from Oklahoma for taking the lead in securing this vitally needed appropriation of $2 million additional for health care for the American Indian.

Mr. HARRIS. Mr. President, I appreciate very much the eloquent and influential words of my distinguished friend, the Senator from New Mexico who has such wonderful record in this field.

Mr. President, I yield to the distinguished Senator from Arizona who also has evidenced great concern in this area.

Mr. FANNIN. Mr. President, I thank the Senator from Oklahoma for yielding.

Mr. President, I have great concern for the Indian people all over the United States. I have visited Indian hospitals in the last few months.

Mr. President, I would like to recite a little story of a visit I made to an Indian hospital at Winslow, Ariz., 2 months ago. They did not have the needed facilities. They did not have the personnel. In fact, I was told that when they wanted to move a patient, they would call one of the officers in the police department to come up and assist them.

I checked to see why they would be so short of funds. I found that this was generally true in other Indian hospitals in Arizona. I think this is a very needed additional amount of money that should be appropriated for this just cause.

I wholeheartedly support the distinguished Senator from Arizona.

Mr. HARRIS. I am pleased to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I will take only a moment. I thank the distinguished Senator from Oklahoma for yielding.

I very much support the effort he is making. This will address itself to a very vital need in this country.

Mr. BYRD of West Virginia. Mr. President, the testimony during the hearings was to the effect that there has been a gradual increase each year over the last several years during which we have had a specific mental health program. It was indicated during the hearing that there was $19 million in the regular bill and there would need to be an additional $1 million included in order to bring the funding up to the fiscal year 1969 level.

Mr. President, the able Senator from Minnesota (Mr. MONDALE) had asked for an additional $1 million. So, the subcommittee and the full committee accepted Mr. MONDALE'S recommendation. And the bill therefore carries an additional $1 million, to bring the funding up to the fiscal year 1969 level.

Mr. President, I think that the Senator from Oklahoma has made a very sound case for $2 million in additional money.

I am happy to accept the amendment. The Senator has a right to ask for a rollcall vote if he wants to. Or perhaps other Senators would like to have one. However, I am happy to accept the amendment and will do the best I can to hold it in conference.

I would like to get by without a rollcall if we could in the interest of saving time. However, if the Senator wishes to have a rollcall vote, he may.

Mr. HARRIS. Mr. President, I am deeply grateful for what the Senator has said. Other Senators are interested in the amendment and would like to have a rollcall vote. I therefore ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McGOVERN. Mr. President, I strongly support the proposal by the Senator from Oklahoma (Mr. HARRIS) to increase funds for Indian health services. No group of Americans is more urgently in need of improved medical care than the Indian citizens across the Nation. I know, as chairman of the Senate Subcommittee on Indian Affairs and as a lifelong South Dakotan, of the desperate physical plight of the Indian people.

Every additional dollar invested in improved medical care will be returned several times in the form of a healthier, stronger, and more creative citizenry.

I commend Senator HARRIS for his leadership in proposing this amendment to assist the American Indian.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BAKER), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. PACKWOOD), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Illinois (Mr. SMITH) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 263 Leg.]

YEAS—80

Aiken	Goodell	Mondale
Allen	Gore	Montoya
Allott	Gravel	Moss
Bayh	Griffin	Murphy
Bellmon	Gurney	Muskie
Bible	Hansen	Nelson
Boggs	Harris	Pastore
Brooke	Hart	Pearson
Burdick	Hartke	Pell
Byrd, Va.	Hatfield	Prouty
Byrd, W. Va.	Holland	Proxmire
Cannon	Hruska	Randolph
Case	Hughes	Ribicoff
Church	Jackson	Saxbe
Cook	Javits	Schweiker
Cotton	Jordan, N.C.	Scott
Cranston	Jordan, Idaho	Smith, Maine
Curtis	Long	Sparkman
Dodd	Magnuson	Spong
Dole	Mansfield	Stennis
Dominick	Mathias	Stevens
Eagleton	McClellan	Talmadge
Ellender	McGee	Thurmond
Ervin	McGovern	Williams, N.J.
Fannin	McIntyre	Williams, Del.
Fong	Metcalf	Young, N. Dak.
Fulbright	Miller	

NAYS—0

NOT VOTING—20

Anderson	Inouye	Smith, Ill.
Baker	Kennedy	Symington
Bennett	McCarthy	Tower
Cooper	Mundt	Tydings
Eastland	Packwood	Yarborough
Goldwater	Percy	Young, Ohio
Hollings	Russell	

So Mr. HARRIS' amendment was agreed to.

EFFICIENT AND EFFECTIVE USE OF REVOLVING FUND OF THE CIVIL SERVICE

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9233.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 9233) to amend title 5, United States Code, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission and for other purposes, which was in the Senate amendment, strike out the following:

SEC. 3. Section 8340 of title 5, United States Code, is amended by adding the following at the end thereof:

"(g) Each annuity payable from the Fund based on involuntary separation and having a commencing date after November 1, 1969, but before January 2, 1970, shall be increased, from the commencing date of the annuity, by 5 percent."

Mr. McGEE. Mr. President, I move that the Senate concur in the House amendment to the Senate amendment extending to Civil Service retirement annuitants an increase from November 1, 1969, to January 2, 1970.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

SUPPLEMENTAL APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Mr. MANSFIELD. Mr. President, it is my understanding that there are one, two, or three amendments which will not take much time, after which we will vote on the pending bill. Then, it is the intention of the leadership to bring up the conference report on the coal mine safety measure. Tomorrow we will take up the Department of Defense Appropriation conference report, the Tasca nomination, and other conference reports, as they become available.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly?

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on final passage so all Senators will know that there will be a record vote.

The yeas and nays were ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, so that Senators will be aware of the time tomorrow, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The first order of business will be nominations on the calendar.

SUPPLEMENTAL APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Mr. DODD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. HART in the chair). The amendment will be stated.

The legislative clerk read as follows:

At the end of the provisions relating to the Department of State, add the following:

"ADMINISTRATION OF FOREIGN AFFAIRS
SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses, administration of foreign affairs,' $310,000, to be made available only to the Passport Office, Bureau of Security and Consular Affairs, and any amount allocated to such office under the Department of State Appropriation Act, 1970, shall not be reduced as the result of the appropriation of this additional amount."

Mr. DODD. Mr. President, I can be very brief about this amendment because it is very simple. The amendment calls for an appropriation of $310,000 for the Passport Office of the State Department. I can be very brief because there is no need for a long speech.

The head of that office, Miss Frances G. Knight, stated the facts all too clearly in a message which all of us received. It was sent to all Members of Congress and the distinguished Senator from New Hampshire (Mr. MCINTYRE) had it printed in the RECORD yesterday.

As Miss Knight says:

The Passport Office ends 1969 in a bruised and battered condition, thanks to arbitrary budget cuts resulting in reduced personnel; lack of administrative support; lack of understanding of the changing travel patterns of U.S. citizens; and a total indifference to the predictable results of the forthcoming mass travel capability of the jumbo jets and the SST.

I cannot understand how we can spend taxpayers' money on a plethora of new programs and far-reaching activities yet fail to provide American taxpayers a service which is owed to them. The passport situation in my State is absolutely abominable. The clerks of court up there will no longer accept passport applications in many areas, which means most applicants have to go to Hartford.

But Connecticut is only one example. I suspect that my colleagues from Michigan and Texas know only too well the disastrous situation which exists in Detroit and in Dallas, Houston and Fort Worth when citizens try to secure passports. It is equally bad in Alaska and New York. Other States are more fortunate in having adequate personnel for the moment.

But, Mr. President, I stress the words "for the moment." If Frances Knight is correct, there may be long lines of people stretching across the country waiting to get their passports. This amendment which I submit is very simple. It will merely earmark sufficient funds for the Passport Office to insure that the American taxpayer will always be able to get his passport in timely fashion.

Miss Knight is known throughout the Government as one who runs an extraordinarily efficient office.

She is a dedicated public servant.

This Congress must not be the cause of terminating the good work being done in what is perhaps the only truly well run office in the whole Federal bureaucracy.

Furthermore, Mr. President, may I call the attention of my colleagues to the fact that the Passport Office is perhaps the only agency of the Federal Government which makes a profit on its yearly operations, a profit which is a savings to the taxpayer. In fiscal 1969, the budget for the Passport Office was $5,676,132. The Passport Office brought into the U.S. Treasury $16,550,703. This is a net profit of $10,874,571.

Mr. President, the Passport Office needs $310,000 in additional funds if it is to meet its obligations to the American taxpayer. We ask only $310,000 for an agency which is bringing a profit to the taxpayers of some $10.8 million.

I hope this amendment will be agreed to.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. MURPHY. Mr. President, I am interested in the remarks of the distinguished Senator from Connecticut. I know something of this situation. In past years it has been my understanding that there is no department in the Government that has worked with greater efficiency than the Passport Office. I had great reason to deal with that office on many occasions in my former employment. I got to know the Director. I cannot understand why this office should be denied the funds necessary to carry on a job which has been doing such an outstanding job.

I am glad that the distinguished Senator from Connecticut raised this question tonight. If the Senator is urging help for this particular office under the present directorship, I would like enthusiastically to join him and be associated with him in whatever he has in mind.

Mr. DODD. I thank the Senator from California.

Mr. MCCLELLAN. Mr. President, will the Senator yield?

Mr. DODD. I am happy to yield to the Senator from Arkansas.

Mr. MCCLELLAN. Mr. President, I would like to have my name added as a cosponsor of the amendment of the Senator from Connecticut. I think there is great merit in this request for an increase in funds. This is a situation developing that is going to become very distressing, if it is not already so. I think that this money is urgently needed and that it should be appropriated. Therefore, I trust the distinguished chairman of the committee will consider accepting the amendment. I do not think anyone here objects to it. If the chairman would accept it, it would expedite the situation in view of the time element involved.

Mr. DODD. Mr. President, I wish to thank the distinguished senior Senator from Arkansas for his support of the amendment. I am very grateful.

Mr. President, I ask unanimous consent that the names of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Kansas (Mr. DOLE), the Senator from Alaska (Mr. GRAVEL), and the Senator from California (Mr. MURPHY) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCINTYRE. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I yield.

Mr. MCINTYRE. Mr. President, I wish to commend the distinguished Senator from Connecticut for grabbing the ball and running with it here. Miss Knight's letter was so appealing and her case was so well stated that I could not help but have it printed in the RECORD. I, too, would like to be added as a cosponsor of the amendment.

Mr. DODD. I thank the Senator.

Mr. President, I ask unanimous consent to have the name of the Senator from New Hampshire (Mr. MCINTYRE) and the name of the Senator from Michigan (Mr. HART), who is now presiding, added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I know of no objection to the amendment.

I have discussed this with the ranking minority member. The Senator from Nebraska will speak for himself on it, but I think we are all prepared to accept the amendment.

Mr. HRUSKA. Mr. President, I not only have no objection but I should like

to commend the distinguished Senator from Connecticut for bringing up this item and for relieving the situation which has developed.

The moneys allowed are well within the fees taken, and we will have rendered a proper service in consideration thereof. Thus I commend the Senator for bringing the matter up and would heartily concur with the chairman of the subcommittee in regard to its being allowed.

Mr. DODD. I am very grateful to the Senator from Nebraska for his support.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, I have an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, line 13, insert the following: and renumber chapters accordingly:

"CHAPTER IV—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"For expenses necessary to improve health and safety in the Nation's coal mines, $10,000,000.

"CHAPTER V—DEPARTMENT OF THE INTERIOR

"For expenses necessary to improve health and safety in the Nation's coal mines, $15,000,000."

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. RANDOLPH. Mr. President, the Coal Mine Health Safety Act, as Senators know, is hallmark legislation. The efforts of many Members in this Chamber and in the other body have contributed to the effective effort to pass a strong measure.

Those who have labored on this legislation, the Senator from New Jersey (Mr. WILLIAMS), Senator JAVITS, and Labor and Public Welfare Committee members, Representative DENT, and many others, in both bodies, are very desirous that we provide funding as soon as possible, and we must not hamper the enforcement program and research effort. Also, the beginning of the disability payments at a later date. I have discussed this amendment with the able Senator (Mr. BYRD) who is manager of the pending bill, and others of the leadership.

Mr. President, I state again that the need is now. The chairmen of the Subcommittees on Labor of the House, Mr. DENT, and the Senate, Mr. WILLIAMS of New Jersey, who successfully managed the new Coal Mine Health and Safety Act to the point where all that remains is the adoption of the conference report by the Senate, have called attention to the need for appropriations to begin administration of our measure.

We believe that a supplemental appropriation of $15 million for the Bureau of Mines in the Department of the Interior and $10 million for the Department of Health, Education, and Welfare would be timely and appropriate in the pending measure. I have offered, with the able junior Senator from Pennsylvania (Mr. SCHWEIKER), an amendment to include those amounts in this bill.

I am informed, I must explain, that the Bureau of Mines may determine its requirement for the balance of fiscal 1970 to be approximately $9 million for enforcement requirements of the act and $16 million for research.

Consequently I feel that the Senate should know that we have an obligation to make an appraisal of the Bureau of Mines progress in meeting its responsibilities and likewise make an assessment of its fiscal position when the first supplemental of 1970 is under development early next year.

Mr. President, we must not hamper either the enforcement program or the research efforts of the Bureau of Mines or the Department of Health, Education, and Welfare in meeting the requirements placed on them to improve the health and safety of the coal miners of this Nation and to begin in an adequate manner the program of disability payments provided in the coal mine health and safety measure.

We are grateful, I emphasize, to the Senator from West Virginia (Mr. BYRD) who has given effective aid in the Coal Mine Health and Safety Act, for his cooperation. Our colleague, the manager of this bill, has agreed to the amendment.

Mr. BYRD of West Virginia. Mr. President, I have discussed this amendment with the Senator from Nebraska (Mr. HRUSKA) and we concur in its acceptance. The amendment puts back language which the committee had subtracted in title 4, but the amendment now being offered restores the language of chapter 4.

Therefore, Mr. President, I ask unanimous consent that the clerk may be allowed to re-number the titles and make other technical changes that would be necessitated by acceptance of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I am gratified to yield to my helpful colleague from Pennsylvania.

Mr. SCHWEIKER. I want to say that I strongly support the efforts of the Senator from West Virginia, as well as the distinguished chairman of our committee, and other committee members, in regard to the pending amendment.

I personally believe that the bill is the most significant piece of industrial health safety legislation to come out of Congress in several decades.

I believe that this is a very important start and am very proud to be a cosponsor of the amendment, and thank the Senator from West Virginia (Mr. RANDOLPH) very much for yielding to me, and for his leadership.

Let me add that the amendment would provide badly needed additional funds to the Departments of Interior and Health, Education, and Welfare, in order that they might lose no time in carrying out the provisions of the new coal mine health and safety legislation.

The Department of the Interior would receive an additional $15 million for the Bureau of Mines for the balance of this fiscal year. This, if anything, is a modest increase, since it is estimated that all the new safety provisions will mean an annual cost of $47 million over the current operating budget of the Bureau of Mines.

Of this amount, about half would be used for enforcement purposes, such as the hiring of additional mine inspectors. The remaining half would go into a stepped-up program of coal mine safety research that the new legislation requires the Bureau of Mines to conduct.

In addition, the Department of Health, Education, and Welfare would receive under this amendment $10 million. About $3.5 million is needed to promote health research on the black lung program and start the massive lung X-ray program for miners provided for in the bill. And $6.5 million will be needed in order to fill some of the first compensation claims to be filed by those disabled miners and their families eligible for compensation under the new bill.

Mr. President, this is indeed a reasonable request for added funds and failure to provide them would undermine the start of the comprehensive coal mine health and safety program which this body and the other body have already supported so vigorously.

Mr. GRIFFIN. Mr. President, I realize that the hour is late and I understand the Senate interest is in getting on with this, but at the very least, I would like to register the concern of the administration as to the final result of the conference on coal mine safety legislation.

The administration advocated and supported meaningful coal mine safety legislation.

There is disappointment, frankly, with the final result. The cost of this legislation will be considerably higher than was anticipated—in the neighborhood of $300 million.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of the Interior and the Secretary of Labor to the Senator from New York (Mr. JAVITS) and other material which provides an analysis of the Coal Mine Safety legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C.

Subject: Title IV, coal mine safety bill.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: We have consistently supported the principle that workers must be provided with adequate protection under workmen's compensation laws and that the State system of such laws should be continued and, where needed improved.

When I testified on June 3, 1969, before the Select Subcommittee on Labor, I said "We do wish to support the State system. I agree with you that there are many inadequacies in the system, and we have to develop a way of getting at those inadequacies."

When the Under Secretary of Labor testified on March 26, 1969, before the House General Labor Subcommittee of the Committee on Education and Labor in connection with the Federal Coal Mine Health and Safety Act, he supported the then existing section of the bill that would provide a motivation for the States to act in meeting the miners'

needs through improvement in State compensation law.

While we have consistently supported the improvements in State workmen's compensation law, we do not believe that superimposition of a Federal system is necessary to compensate coal miners who are disabled because of pneumoconiosis.

With its provision for a Federal take over of compensation payments, it is our considered judgment that the benefit section as set forth in Title IV of the Federal Coal Mine Health and Safety Act of 1969 is not the proper approach for the protection of the workers.

We believe that the solution to this problem is through any necessary improvement in the system of State workmen's compensation laws. In his testimony on March 26, 1969, the Under Secretary of Labor said: "Workmen's compensation has traditionally been provided through a system of State laws. The states possess procedures and know-how in the workmen's compensation field. It is our present judgment that reliance should continue to be placed on that system of State laws." We continue to support this position.

In addition to the fact that Title IV if enacted into law would constitute an intrusion into the State workmen's compensation system, we are troubled by the cost of the proposed program. We are here considering a program that over the next few years will cost many hundreds of millions of dollars. Our concern as to the potential cost of Title IV is based on the ongoing experience of the Commonwealth of Pennsylvania. In December of 1965, the Commonwealth of Pennsylvania began a limited version of the benefit program as outlined in Title IV. Title IV, however, would be much more costly in that it would provide benefits at a higher rate of compensation and to additional categories of people.

The Pennsylvania Act presently applies to miners who are totally and permanently disabled primarily due to pneumoconiosis. When the Pennsylvania program was under study prior to enactment, the best estimates were that between 5 and 8 thousand claimants would eventually become qualified. Since January 1966, the Commonwealth has processed more than 45,000 claims, and benefits are presently being paid to 25,600 miners. In addition, there is a backlog of approximately 4,000 claimants who will probably qualify under the Pennsylvania law. The cost implications of such numbers are obvious.

If this Title should be enacted into law the Congress would be singling out one group of workers who have contracted a specific disease for payment of special workmen's compensation benefits. Unfortunately, there are other categories of workers who are subject to other diseases in their occupational trade or process. State law now applies to these workers. Should the Federal Government enact a special benefit program for the coal miners other groups of workers would seek similar protection. A hodgepodge mixture of State and Federal compensation law could ensue.

For these reasons, we believe that Title IV is inappropriate for the Federal Coal Mine Health and Safety Act of 1969.

Sincerely,

GEORGE P. SHULTZ,
Secretary of Labor.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., December 12, 1969.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request, estimates of the Federal costs of the benefit provisions of the Federal Coal Mine Health and Safety Act of 1969 have been developed. These estimates were developed after consultation between this Department and the Department of Health, Education, and Welfare; the Department of Labor, and the Bureau of the Budget.

Several major problems in preparing cost estimates developed. The language of the draft provision of the bill does not define the term "total disability due to pneumoconiosis". It simply provides that the Secretary of Health, Education, and Welfare shall, by regulation, prescribe standards for determining whether a miner is totally disabled due to pneumoconiosis. The standards established by Health, Education, and Welfare for such determination are an essential element in determining the cost of this program. From conversations with the Committee staff, it is not clear just what the intention is with respect to the establishment of criteria for determining eligibility due to total disability from pneumoconiosis. If the standards established by Health, Education, and Welfare allow those miners to qualify under this program who do not otherwise qualify for disability benefits under the social security program, the cost to the Federal Government could be in the neighborhood of $300 million or more during the first year. If, on the other hand, the standards established by Health, Education, and Welfare are similar to the standards established under the social security program, based on the Pennsylvania experience which is administered under comparable standards, the cost to the Federal Government could be in the neighborhood of $150 million or more during the first year. If the standards established by Health, Education, and Welfare are to be somewhere in between, the cost of course could range between these two figures.

The figures attached to this letter have been computed on the basis of both assumptions set out above. Any attempt to offset these costs by benefits otherwise payable for total disability under the social security program is extremely difficult. No exact figures are available indicating the number of miners presently receiving total disability benefits due to pneumoconiosis. Also various assumptions were made regarding the age of the potential beneficiaries, the number of dependents, mortality rates and other influencing factors. It must be understood that the assumptions underlying the attached figures may have introduced a margin of error into the estimates, the magnitude of which is unknown.

The estimates do not reflect State costs, which in future years would be considerable, nor do they consider Federal administrative costs of determining eligibility and making payments. It may cost $3,000,000 or more, including the cost of medical services, to make initial determinations of disability due to pneumoconiosis. In addition, there would be a continuing cost of preparing and issuing benefit checks.

Sincerely yours,

WALTER HICKEL,
Secretary of the Interior.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—ESTIMATED FEDERAL COST OF BENEFIT PAYMENTS

SUMMARY

Plan I

The Federal benefit provision will be similar in experience to the Pennsylvania Pneumoconiosis Benefit Law.

The criteria for disability are:

1. The miner must have X-ray evidence of pneumoconiosis.
2. The miner must be completely disabled—not able to engage in any gainful employment.

First year cost without offsets, $154,650,000.

Twenty-year cost without offsets, $1,200,000,000.

Plan II

Criteria for disability:

1. X-ray evidence of pneumoconiosis.
2. Evidence of physical impairment.
3. Age.

First year cost without offsets, $383,650,000.

Twenty-year cost without offsets, $2,980,000,000.

Assume:

1. The Federal benefit provision will be similar in experience to the Pennsylvania Pneumoconiosis Benefit Law. The criteria for benefits are:

(1) The miner must have X-ray evidence of pneumoconiosis.

(2) The miner must be completely disabled—not able to engage in any gainful employment.

A. On 10/1/69, 25,579 miners were on Pennsylvania's benefit rolls. Two thousand will be transferred in the next 18 months from workmen's compensation to benefit payment by virtue of having exhausted benefits under workmen's compensation. Total on benefits 7/17/71, 27,579.

B. Based on workmen's compensation data, 62 percent of those compensated are anthracite miners, and 38 percent are bituminous miners.

27,579x38% = 10,500 bituminous.

27,579x62% = 17,079 anthracite.

C. In 1952 and 1969 Pennsylvania had approximately 25 percent of the underground bituminous-coal miners.

10,500x4 = 42,000, total number of bituminous miners in the inactive population who meet the Pennsylvania criteria.

D. In the active miners, the Public Health Service found 3 percent with X-ray evidence of advanced pneumoconiosis—80,000 × .30 = 2,400.

E. Total bituminous miners eligible for benefits—42,000 + 2,400 = 44,400.

F. There are no anthracite mines in any State other than Pennsylvania. Number of anthracite miners on the Pennsylvania benefit roll, 17,079.

G. Total number of bituminous miners and anthracite miners eligible for benefits—44,000 + 17,000 = 61,400.

H. Assume 7,000 men (4,500 bituminous miners and 2,500 anthracite miners) are on or will qualify for State workmen's compensation—61,400 + 7,000 = 54,400 total eligible miners.

I. Assume each miner has 1.5 dependents. Federal payment is $2,657—54,400 × 2,657 = $145,000,000.

J. Widows benefits, $9,650,000, for a total of $154,650,000 ($145,000,000 + $9,650,000).

Criteria for total disability:

1. X-ray evidence of pneumoconiosis.
2. Evidence of physical impairment.
3. Age.

Population at risk in 1952:

Bituminous-coal miners	400,000
Anthracite miners	120,000
Total	520,000

Mine population in 1952 and 1969:

Age group	1952 work force: Number of men	1952 work force: Surviving in 1969	Age 1969	1969 work force: Number of men	1969 work force: Age group
20 to 24	48,000	47,000	37 to 41	9,600	20 to 24
25 to 29	60,000	57,000	42 to 46	12,600	25 to 29
30 to 34	56,000	52,000	47 to 51	11,200	20 to 34
35 to 44	104,000	94,000	52 to 61	20,800	35 to 44
45 to 54	76,000	56,000	62 to 71	15,200	45 to 54
55 to 59	36,000	17,000	72 to 76	7,200	55 to 59
60 to 64	20,000	6,000	Over 77	4,000	60 to 64
Total	400,000	329,000		80,000	

Assume 93% of surviving men in 1952 work force now over 61 are eligible for benefits, or 75,000.

Assume of the surviving men in the 52 to 61 age group in the 1952 work force, 10,000 are still in the work force and that 25 percent of the remaining group are eligible for benefits, or 21,000.

(94,000 less 10,000 divided by 4, equals 21,000.)

Assume that in the present work force the number of eligibles is the same as the number with pneumoconiosis—80,000 times .10 equals 8,000.

Total bituminous miners presently on State workmen's compensation plan, 4,500 for a total of 99,500.

Anthracite Miners (See Plan I for basic data):

Employed in 1952—120,000. All are no longer employed in anthracite mines. Assume 60 percent mortality. Number of survivors in 1969—48,000.

Assume 75 percent are over 61 and eligible for benefits, 36,000.

Assume 50 percent of those less than 61 are eligible for benefits, 6,000.

Assume of the 6,000 presently in the anthracite work force, 20 percent would qualify, 1,200, for a total of 43,200.

Presently receiving State workmen's compensation, 2,500, which leaves 40,700.

Total bituminous miners, 99,500; total anthracite miners, 40,700; for a total of 140,200.

Assume each case has 1.5 dependents. Federal payment is $2,657.

Total cost of miner benefits: 140,200 times $2,657 equals $374,000,000.

Widow cost, $9,650,000.

Total cost, $383,650,000 ($374,000,000 plus 9,650,000).

Mr. GRIFFIN. Mr. President, I realize that the conference report is not before the Senate at this moment, but the amendments of the Senator from West Virginia would fund that legislation. Although there might be some technical questions raised to the amendment because the conference report has not yet been adopted. I realize that we are going to move on to the conference report yet this evening so I shall not object.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from West Virginia.

The amendments were agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, line 13, insert the following, and renumber chapters accordingly:

"CHAPTER IV

"DEPARTMENT OF LABOR

"WAGE AND LABOR STANDARDS ADMINISTRATION

"For expenses necessary to implement the Federal Construction Safety Act of 1969, (P.L. 91-54) $2,000,000."

Mr. WILLIAMS of New Jersey. Mr. President, last August, the Construction Safety Act was enacted into law—Public law 91-54—to provide for improved health and safety conditions in the building trades and construction industry in all Federal and federally financed, or federally assisted construction projects.

The enactment of the Construction Safety Act offers great hope of reducing the dreadfully high fatality and injury rates in the construction industry. Last year alone, 2,800 men were killed on construction jobs. The estimated cost of death and injury in that industry runs at a minimum of $3 billion a year. In order to enable the Department of Labor to implement the Construction Safety Act, funds are vitally necessary.

I understand that it has been estimated that the cost of administration of a safety act of this nature runs at approximately $2 per worker. There are approximately 2.1 to 2.3 million construction workers on Federal, federally financed, and federally assisted projects. It is highly appropriate, therefore, that at least $2 million be appropriated to the Department of Labor so that it may begin to fulfill the promise of this recently enacted legislation.

Mr. BYRD of West Virginia. Mr. President, I am very happy to accept the amendment and I know that I speak for the Senator from Nebraska (Mr. HRUSKA) in so doing.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 10, after line 2, insert:

"MARITIME ADMINISTRATION

"STATE MARINE SCHOOLS

"For an additional amount for 'State Marine Schools' for The Maritime Academy for the State of Michigan, $130,000."

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the name of my distinguished colleague from Michigan (Mr. HART) be added as a cosponsor.

The PRESIDING OFFICER (Mr. HART in the chair). I am delighted to ask if there is any objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, at the beginning of the fiscal year there was no Maritime Academy for the State of Michigan. Thus, there could be no request in the budget submitted for this fiscal year. But there is now a Maritime Academy serving the Great Lakes in Michigan at Northwestern Michigan College.

The authorization for this appropriation has been approved and is law. And the institution has been established by the legislature of the State of Michigan.

In accordance with the provisions of the Maritime Academy Act of 1958, under which Federal assistance is provided for State marine schools, the pending amendment would provide Federal funds for assistance to a program that is already underway.

I have discussed the amendment with the distinguished Senator from West Virginia (Mr. BYRD) and the distinguished ranking minority member of the committee (Mr. HRUSKA) and it is my understanding they have no objection.

Mr. BYRD of West Virginia. Mr. President, the Senator from Michigan states the case correctly. He discussed this matter with the Senator from Nebraska (Mr. HRUSKA) and with me, and we have agreed to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I understand that the bill is just about ready for third reading.

I ask unanimous consent, for reasons which may or may not become apparent later—this is done with the approval of the joint leadership—with the understanding that when we return to this bill it will be to come to the third reading, that the pending business be laid aside temporarily and, if there is no objection to that request, that the conference report on the Federal Coal Mine Health and Safety Act be called up.

May I say, contrary to what I said earlier, it is very possible that the Defense appropriation conference report may also come up tonight, as long as so many Senators are on the floor.

FEDERAL COAL MINE HEALTH AND SAFETY ACT—CONFERENCE REPORT

Mr. WILLIAMS of New Jersey. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal-mining industry of the United States. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of December 16, 1969, pages 39462-39481, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there obection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. WILLIAMS of New Jersey. Mr. President, on October 2, 1969, this body passed a coal mine health and safety law by a record unanimous vote of 74 to zero. Less than 1 month later, the House passed the coal mine bill by a vote of 389 to 4. Last night, at 10:30 p.m., our colleagues on the House side accepted the conference report by a vote of 333 to 12. Today, I submit to this body, the report of the committee of conference so that we may send this bill without any delay on to the President for signature and final enactment into law.

Mr. President, all 12 Senate conferees have signed the report which is in the nature of a substitute.

Before I proceed, I wish to bring to the attention of my colleagues the most gratifying complete cooperation I have received on this bill from all Senate conferees. The ranking majority member (Mr. RANDOLPH) and the ranking minority member (Mr. JAVITS) have worked with me in the development of this bill and in its passage many long hours. My colleague from West Virginia has brought

to this legislation his special knowledge of the health and safety problems in the coal mining industry and the special concerns of his constituents. My colleague from New York has brought to this bill his bipartisan desire for effective health and safety legislation. Both the majority and minority staffs have given of themselves unselfishly. They are to be commended.

The Senate conferees were successful in insisting on all provisions in the Senate bill which provided more effective protection to the coal miners. The conference report reflects an effect by the conferees of both Houses to blend the best of the Senate bill with the best of the House amendments. I firmly believe the conferees have achieved the most effective coal mine health and safety law ever considered by Congress.

Briefly, the conference report reflects the Senate conferees' insistence on the Senate's lower coal dust standard, and on the Senate's closed end conversion period for explosion-proof equipment. In addition, your conferees succeeded in retaining the Senate's more stringent penalties for criminal violations of the act.

At this point I ask unanimous consent to include a summary of the major provisions of the bill.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS

TITLE I—GENERAL

(1) Grants authority for the promulgation of mandatory health and safety standards to the Secretary of the Interior (hereinafter referred to as the "Secretary"). The Secretary promulgates all mandatory standards, but is responsible for developing and revising only mandatory safety standards. The Secretary of Health, Education, and Welfare (HEW) is responsible for developing and revising mandatory health standards. No standard promulgated by the Secretary shall reduce the protection afforded miners below that provided by the interim mandatory health and safety standards contained in titles II and III, respectively.

(2) Provides opportunity for a representative of miners, whenever he has reasonable grounds to believe that a violation of a mandatory health or safety standard exists or an imminent danger exists in a mine, to obtain an immediate inspection of such mine.

(3) Provides a minimum of at least four annual inspections of each mine. Also provides a minimum of one spot inspection during every five working days of a mine (A) that liberates excessive quantities of methane or other explosive gases during its operations, (B) in which a methane or other gas ignition or explosion has occurred which resulted in death or serious injury at any time during the previous five years, or (C) the Secretary believes has especially hazardous conditions.

(4) Establishes the procedural mechanism for finding dangerous conditions or violations of standards in mines, and for the issuance of notices and orders—including withdrawal orders—relative to such.

(5) Provides administrative and judicial review procedures.

(6) Establishes mandatory civil penalties of up to $10,000 for operator violations of a standard or any other provision of the Act. Establishes a civil penalty of up to $250 to a miner who wilfully violates specified provisions of the Act (smoking, carrying of matches, etc.). Provides criminal penalties for any operator who wilfully violates a standard or knowingly violates or fails or refuses to comply with orders. Upon conviction, such operator shall be punished by a fine of not more than $25,000 and/or imprisonment for not more than one year for the first conviction, and for subsequent convictions, by a fine of not more than $50,000 and/or imprisonment for not more than five years. Also establishes similar civil and criminal penalties to any director, officer, or agent of a corporate operator for like violations, failures, or refusals. Criminal penalties are also provided for false statements, representations, or certifications relative to the Act, and for the introduction and delivery in commerce of any equipment for use in a coal mine which is falsely represented to be in compliance with the provisions of the Act.

(7) Provides for pay guarantees to miners idled by a withdrawal order.

(8) Prohibits the discharge or other discrimination against a miner for exercising rights under the Act.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

(1) Establishes interim mandatory health standards effective six months after the date of enactment of the Act.

(2) Requires each operator to take accurate samples of the amount of respirable dust in the mine atmosphere. The samples are transmitted to the Secretary and analyzed and recorded by him.

(3) Establishes a 3.0 milligram per cubic meter of air (mg/m^3) dust standard effective six months after enactment. Extensions of time to comply with the standard (permits for noncompliance) may be granted by the Panel (established by section 5) for a period not to exceed twelve months from the effective date of the standard.

(4) Establishes a 2.0 mg/m^3 dust standard effective three years after enactment, but the Panel may grant permits for noncompliance to an operator for a period not to exceed three additional years from the effective date of the standard.

(5) The Secretary of Health, Education, and Welfare has the continuing authority, beginning one year after enactment, to further reduce the dust standard below the levels established by the Act to levels which will prevent new incidences of respiratory disease and the further development of such disease in any person.

(6) Each operator shall cooperate with the Secretary of Health, Education, and Welfare in making a chest x-ray available to each miner within eighteen months after enactment, again three years later, and at such subsequent intervals determined by the Secretary of Health, Education, and Welfare but not to exceed every five years. Each worker who begins work in a coal mine for the first time shall be given a chest x-ray at the commencement of his employment and again three years later. If the second x-ray shows evidence of the development of pneumoconiosis, the worker shall be given an additional x-ray two years later. The x-rays may be supplemented by other tests deemed necessary by the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare is also responsible for reading, classifying, and recording all results of x-rays and other medical tests.

(7) Any miner who shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine where the respirable dust concentration is not more than 2.0 mg/m^3. Effective three years after enactment, the option of transfer shall be to a position in an area of the mine where such concentration is not more than 1.0 mg/m^3, or if such level of concentration is not attainable in the mine, to an area where the concentration is the lowest attainable below 2.0 mg/m^3. Any miner so transferred shall not receive less than the regular rate of pay received by him immediately prior to transfer.

(8) Incorporates the noise standard prescribed under the Walsh-Healey Public Contracts Act, and directs the Secretary of Health, Education, and Welfare to improve upon such standard.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

(1) Establishes interim mandatory safety standards effective three months after the date of enactment of the Act.

(2) Establishes detailed requirements to provide for safer working conditions in underground coal mines. These include requirements with regard to roof support, ventilation, combustible materials and rock dusting, electrical equipment, trailing cables, grounding, underground high-voltage distribution, underground low- and medium-voltage alternating current circuits, trolley and trolley feeder wires, fire protection, maps, blasting and explosives, hoisting and mantrips, emergency shelters, communications, escapeways, and other miscellaneous matters.

(3) Establishes requirements for the use of permissible equipment in all underground coal mines. Requires that all electric face equipment at gassy mines and all such small equipment at all mines be permissible within 15 months after enactment. It is also required that, in the case of mines not previously classified as gassy which are below the watertable, such large equipment must be permissible in 15 months, but the Panel may grant extensions of time (permits for noncompliance) of not to exceed in the aggregate an additional 33 months if the Panel determines, based on specified criteria, that the operator is unable to comply with the permissibility requirements because of unavailability of permissible equipment. In the case of such mines which are located entirely above the watertable, it is required that such large equipment be permissible within 51 months after enactment but the Panel may grant extensions of not to exceed 2 additional years on a mine-by-mine basis because of unavailability of such equipment.

TITLE IV—BLACK LUNG BENEFITS

(1) Provides for the payment of benefits for death or total disability due to pneumoconiosis.

(2) Coal miners and former coal miners who are totally disabled due to pneumoconiosis will receive benefits at a rate equal to 50 percent of the minimum monthly payment to which a disabled Federal employee in grade GS–2 would be entitled at the time of payment. This represents approximately $136 per month. Widows of coal miners and former coal miners whose deaths are due to pneumoconiosis or whose deaths occurred while receiving total disability benefits, receive benefits at the rate prescribed for totally disabled miners. The rates prescribed above are increased for dependents at the rate of 50 percent for one dependent (widow or child), 75 percent for two dependents, and 100 percent for three or more dependents. The benefits for miners and widows will be reduced on account of payments under the workmen's compensation, unemployment compensation, or disability insurance laws of the State and, in the case of miners only, on account of excess earnings, as provided under the Social Security Act for benefits payable under that Act.

(3) The following presumptions are used in determining entitlement:

A. If a miner who is suffering from pneumoconiosis was employed for 10 years or more in an underground coal mine, there shall be a rebuttable presumption that the pneumoconiosis arose out of such employment.

B. If a miner worked ten years in such a mine and died of a respirable disease, there

will be a rebuttable presumption that his death was due to pneumoconiosis.

C. If a miner is suffering from, or dies from, an advanced irreversible stage of pneumoconiosis, it will be irrebutably presumed his death or total disability was due to pneumoconiosis.

(4) Claims filed before December 31, 1972, will be processed by the Secretary of Health, Education, and Welfare in a manner similar to that he uses for processing claims for disability under the Social Security Act. If the claim is filed after December 31, 1971, benefits under that claim may be paid only until January 1, 1973. Claims filed on or after January 1, 1973, will be processed under the appropriate State workmen's compensation law if the Secretary of Labor has determined it has adequate coverage for pneumoconiosis. He will, generally speaking, determine a State law to have adequate coverage for pneumoconiosis if the cash benefits under such law and the criteria for determining eligibility are not less favorable to the claimant than those applicable to claims filed before January 1, 1973. Where the applicable State workmen's compensation law does not provide adequate coverage for pneumoconiosis, the persons entitled to benefits will have their claims processed (so far as applicable) under the terms of the Longshoremen's and Harbor Workers' Compensation Act.

(5) In the case of claims filed on or after January 1, 1973, no payments of benefits may be made after seven years after the date of enactment of the Act.

TITLE V—ADMINISTRATION

(1) Provides authorization for appropriations for health and safety research to be carried out by the Secretary of Health, Education, and Welfare and the Secretary, respectively.

(2) Requires the Secretary to expand programs for the education and training of operators, agents, thereof, and miners in accident-control, healthful working conditions, and in the use of coal mining equipment and techniques.

(3) Provides for economic assistance to any small business concern operating a coal mine to meet the requirements imposed by the Act. Such assistance shall be given by the Small Business Administration.

(4) Specifies qualifications and training requirements for employees of the Secretary; particularly inspectors.

TIMETABLE OF ACTIONS BY SECRETARY OF THE INTERIOR AND SECRETARY OF HEALTH, EDUCATION, AND WELFARE

[Action and due date after enactment]

1. Publish proposed health and safety standards for surface coal mines (Sec. 101 (i)), Secretary of Interior, 15 months after enactment.

2. Publish proposed health and safety standards for surface areas of underground coal mines. (Sec. 101(i)), Secretary of Interior, 15 months after enactment.

3. Publish all interpretations; regulations, and instructions not inconsistent with this Act (Sec. 101(j)), Secretary of Interior, immediately.

4. Appoint separate advisory committee on coal mine health and safety research (Sec. 102), both secretaries, 3 months after enactment.

5. Prescribe methods, locations, intervals and manner of sampling respirable dust (Sec. 202(a)), both secretaries, jointly, 2 months after enactment.

6. Establish time schedule for reducing respirable dust concentrations below established levels, Secretary of Health, Education, and Welfare, beginning 12 months after enactment.

7. Prescribe specifications for taking chest roentgenograms (Sec. 203(a)), Secretary of Health, Education, and Welfare, within 6 months after enactment.

8. Establish and publish proposed mandatory health standards re: noise (Sec. 206), both secretaries, within 6 months after enactment.

9. Prescribe manner for testing noise level at a coal mine (Sec. 206), Secretary of Health, Education, and Welfare, within 6 months after enactment.

10. Initial approval of roof-control plans (Sec. 302(a)), Secretary of Interior, 5 months after enactment.

11. Prescribe minimum air quantity and velocity reaching working face (Sec. 303(b)), Secretary of Interior, within 6 months after enactment.

12. Prescribe maximum respirable dust level for intake aircourses (Sec. 303(b)), Secretary of Interior, within 15 months after enactment.

13. Initial approval of ventilation and methane and dust control plan (Sec. 303(o)), Secretary of Interior, within 6 months after enactment.

14. Initial approval of plan of emergency action when mine fan stops (Sec. 303(t)), Secretary of Interior, within 5 months after enactment.

15. Conduct survey of availability of permissible electric face equipment and publish same (Sec. 305(a)(5)), Secretary of Interior, within 12 months after enactment.

16. Prescribe procedures and safeguards for making repairs on high-voltage lines (Sec. 307(d)), Secretary of Interior, within 3 months after enactment.

17. Establish minimum requirements for firefighting equipment (Sec. 311(a)), Secretary of Interior, 3 months after enactment.

18. Prescribe specifications for fire suppression devices (Sec. 311(e)), Secretary of Interior, within 15 months after enactment.

19. Require that devices for warning of fires be installed on belt conveyors. (Sec. 311(g)), Secretary of Interior, within 5 months after enactment.

20. Prescribe schedule for monthly fire suppression devices on belt haulageways (Sec. 311(g)), Secretary of Interior, 3 months after enactment.

21. Prescribe illumination standards (Sec. 317(e)), Secretary of Interior, within 12 months after enactment.

22. Establish methane limits in or on surface coal handling facilities (Sec. 317(h)), Secretary of Interior, within 15 months after enactment.

23. Prescribe minimum standards for emergency medical aid, Secretary of Health, Education, and Welfare, within 3 months after enactment.

24. Prescribe improved methods re: providing adequate oxygen (Sec. 317(o)), Secretary of Interior, after operative date of Title III.

25. Establish procedures for issuing permits re: hazards from cave-ins of tunnels under water (Sec. 317(r)), Secretary of Interior, prior to operative date of title III.

26. Propose standards for preventing explosion from gases other than methane and for testing such gases (Sec. 317(t)), Secretary of Interior, within 15 months after enactment.

27. Prescribe minimum Federal standards for "certified" or "registered" persons (Sec. 318(a)), Secretary of Interior, prior to operative date of title III.

28. Establish requirements for persons qualified as electricians (Sec. 318(b)), Secretary of Interior, prior to operative date of title.

29. Establish specifications re: permissible (Sec. 318(c)), Secretary of Interior, prior to operative date of title.

30. Prescribe procedures for field testing and approval of electric face equipment (Sec. 318(i)), Secretary of Interior, prior to operative date of title.

31. Study of ways to coordinate Federal and State activities in the field of coal mine health and safety (Sec. 512), Secretary of Interior, as soon as practicable after enactment.

Mr. WILLIAMS of New Jersey. Mr. President, one of the major issues in conference concerned the program of disability benefits to victims of black lung and their widows. As I am sure my colleagues will recall, during the debates on this bill, the Senate, by a unanimous rollcall vote of 91 to 0, added to the health and safety bill a temporary black lung benefits program. It was a program which called for an initial 1-year period of full Federal funding, and 2 years of Federal-State matching, under standards established by the Secretary of Health, Education, and Welfare. The House version was drastically different in that it authorized benefits to be paid to any eligible claimant who filed his claim within the next 7 years. All these payments were to be funded from the Federal Treasury.

The bills had one major concept in common. They both recognized that the States, with rare exception such as Pennsylvania, had sorely neglected to provide any effective benefit program for the ruined victims of this dreadful disease.

Furthermore, both bills to correct this neglect, provided that Federal standards would apply to determination of eligibility for benefits.

The Senate conferees had some degree of success in getting the House to recede from the full Federal funding and complete State exclusion from a disability benefits program. I say some degree of success. Under the House amendment the Federal Treasury would have borne the responsibility for claims filed within 7 years. Although the House would not completely recede to the Senate provision, it did agree to a program under which the Federal Government would accept the financial burden for the 50,000 miners who have already been disabled and are no longer employed, or should be no longer forced to struggle through another day's work in the mines. Miners or widows filing claims within the first 2 years, would be paid benefits by the Federal Government at an average of less than $50 a week. For persons disabled thereafter, the burden would fall on the State workmen's compensation program unless the State refused to accept the responsibility. If the State chooses not to fulfill this obligation to the disabled coal miners, the employers would be required to accept the obligation in accordance with the procedures of the Longshoremen's and Harbor Workers' Compensation Act.

I believe that this is a fair and responsible provision. I believe that this bill is a most effective and responsible piece of legislation offering promise and hope to our Nation's coal miners.

I urge my colleagues to adopt the conference report.

For the benefit of my colleagues, I ask unanimous consent to include at this point a complete section-by-section analysis of the conference report.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

FEDERAL COAL MINE HEALTH AND SAFETY ACT—SECTION-BY-SECTION ANALYSIS AND EXPLANATION

The following analysis and explanation discusses all the provisions of the Federal

Coal Mine Health and Safety Act of 1969 as agreed to by the Conference Committee.

Section 1

This section cites the act as the "Federal Coal Mine Health and Safety Act of 1969."

Section 2. Findings and purpose

This section makes certain congressional findings relative to the need for, and desirability of, legislation to improve the health and safety of the Nation's coal miners. It emphasizes the fact that the operators of coal mines, with the assistance of the miners, have the primary responsibility to prevent accidents and occupational disease. It declares that the purpose of the act is to establish immediately comprehensive interim mandatory health and safety standards, to require that improved standards be developed, to require compliance by the operators and the miners, to aid the States in developing State health and safety programs, and to improve present research and training programs in this field. Thus, the overall objective of the Act is to eliminate unsafe and unhealthful conditions and practices and to provide benefits for miners and dependents afflicted by occupationally caused respiratory disease and, in accomplishing this objective, it is the intention of the conferees that it be construed liberally.

Section 3. Definitions

This section defines various terms used in the act.

The term "Secretary" means the Secretary of the Interior or his delegate.

The definition of an "operator" is designed to be as broad as possible to include any individual, organization, or agency, whether owner, lessee or otherwise, that operates, controls, or supervises a coal mine, either directly or indirectly. It does not, however, include persons whose primary responsibility is to run the mine or supervise employees such as a superintendent or foreman unless such persons meet the statutory definition of operator. These are the agents of the operator.

The definition of a "coal mine" is broad and intended to cover all areas and facilities of underground and surface, including auger, coal mines.

The definition of an "imminent danger" is broadened from that in the 1952 act in recognition of the need to be concerned with any condition or practice, naturally or otherwise caused, which may lead to sudden death or injury before the danger can be abated. It is not limited to just disastrous type accidents, as in the past, but all accidents which could be fatal or nonfatal to one or more persons before abatement of the condition or practice can be achieved.

The definition of an "accident" includes, but is not limited to, such occurrences as mine fires, ignitions, explosions, roof falls, or inundations. It also includes any other occurrence which causes injury, whether or not lost time results, or death to one or more persons.

Section 4. Mines subject to act

This section establishes that all coal mines the operations or products of which affect commerce and each operator and every miner of such mine are subject to this act. It applies to surface, as well as underground coal mines which affect commerce, including those coal mines which provide coal to the United States under contract or other agreement and to coal mines located on Federal lands.

Section 5. Interim compliance panel

This section establishes a five-member Government panel to consider applications for noncompliance permits under sections 202 and 305 of the act. The section authorizes the Panel to utilize the services, personnel and other assistance of the Departments of Health, Education, and Welfare, Interior, Commerce, and Labor in carrying out its functions without regard to any limitations in other statutes relative to providing such services, personnel, or other assistance or the funding of such assistance and to appoint hearing examiners to carry out hearings under those sections in accordance with section 554 of title 5 of the United States Code. Decisions of the Panel shall be subject to review under section 106. The Panel will continue in existence until completion of its functions under those two sections and then will terminate automatically. The Panel shall make annual reports to the Secretary for the Congress.

TITLE I.—GENERAL

Section 101. Health and safety standards; review

Subsection (a) of this section requires the Secretary, in the manner described later, to develop, promulgate, and revise improved mandatory safety standards for the protection of life and the prevention of injuries in coal mines subject to the act. He is also required to promulgate the mandatory health standards which are transmitted to him by the Secretary of Health, Education, and Welfare, as hereafter described. It is noted that responsibility for establishing any health standard under this Act rests with the Secretary of Health, Education, and Welfare.

Subsection (b) provides that no mandatory health or safety standard may be so promulgated which reduces the protection afforded miners below that afforded by the interim standards contained in titles II and III of this Act or below standards subsequently promulgated under this section.

Subsection (c) provides that when he develops mandatory safety standards, the Secretary must consult with other Federal agencies, representatives of States, appropriate representatives of coal mine operators and miners, advisory committees appointed for that purpose, and other interested persons. In developing safety standards, in addition to the attainment of the highest degree of safety protection for the miners, other considerations should be the latest available scientific data in the field, technical feasibility of the standards, and experience gained under this and other safety statutes.

Subsection (d) of this section directs the Secretary of Health, Education, and Welfare to develop and revise improved mandatory health standards for the protection of life and the prevention of occupational diseases of coal miners in the same manner as safety standards proposed by the Secretary of the Interior. When he has developed or revised a mandatory health standard, the Secretary of Health, Education, and Welfare will transmit it to the Secretary of the Interior who will publish it in the Federal Register as a proposed mandatory health standard.

Subsection (e) requires the Secretary to publish proposed mandatory health and safety standards in the Federal Register and to allow interested persons at least 30 days to submit written data or comments. Thereafter, unless an objection is filed as provided in subsection (f), the Secretary may, in the case of a safety standard, after consideration of all the data and comments which have been submitted, promulgate the standard with any modifications he deems appropriate. In the case of a health standard, unless an objection is filed, the Secretary of Health, Education, and Welfare may, upon the expiration of such 30-day period, and after consideration of all relevant data and comments transmitted to him, direct the Secretary to promulgate the standard with such modification as the Secretary of Health, Education, and Welfare may deem appropriate.

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Subsection (b) provides that no mandatory health or safety standard may be so promulgated which reduces the protection afforded miners below that afforded by the standards contained in titles II and III of the act. It is noted that responsibility for establishing any health standard under this Act rests with the Secretary of Health, Education, and Welfare.

Subsection (c) provides that when he develops mandatory safety standards, the Secretary must consult with other Federal agencies, representatives of States, appropriate representatives of coal mine operators and miners, advisory committees appointed for that purpose, and other interested persons. In developing safety standards, in addition to the attainment of the highest degree of safety protection for the miners, other considerations should be the latest available scientific data in the field, technical feasibility of the standards, and experience gained under this and other safety statutes.

Subsection (d) of this section directs the Secretary of Health, Education, and Welfare to develop and revise improved mandatory health standards for the protection of life and the prevention of occupational diseases of coal miners in the same manner as safety standards proposed by the Secretary of the Interior under subsection (c). When he has developed or rerevised a mandatory health standard, the Secretary of Health, Education, and Welfare will transmit it to the Secretary of the Interior who shall publish it in the Federal Register as a proposed mandatory health standard. This subsection clearly delineates the health responsibility of the Secretary of Health, Education, and Welfare from the safety responsibilities of the Secretary of the Interior.

Subsection (e) requires the Secretary to publish proposed mandatory health and safety standards in the Federal Register and to allow interested persons at least 30 days to submit written data or comments. Thereafter, unless an objection is filed as provided in subsection (f), the Secretary may, in the case of a safety standard, after consideration of all the data and comments which have been submitted, promulgate the standard with any modifications he deems appropriate. In the case of a health standard, unless an objection is filed, the Secretary of Health, Education, and Welfare may, upon the expiration of such 30-day period, and after consideration of all relevant data and comments transmitted to him, direct the Secretary to promulgate the standard with such modification as the Secretary of Health,

Education, and Welfare may deem appropriate.

Subsection (f) provides that during the period fixed for submission of written data and comments as described in the preceding subsection any interested person may file written objection to the proposed standards stating the ground therefore and requesting a public hearing. The Secretary will then publish in the Federal Register a notice specifying the proposed standard to which objections have been filed and hearing requested.

Subsection (g) provides that the appropriate Secretary will promptly hold a public hearing. Within 60 days after the hearing, the appropriate Secretary will make public his findings of fact in the Federal Register. The Secretary may promulgate the mandatory safety standard with such modifications as he deems appropriate. The Secretary of Health, Education, and Welfare may direct the Secretary to promulgate the health standard with any modifications the Secretary of Health, Education, and Welfare deems appropriate. If either Secretary determines after hearings that a proposed standard should not be promulgated or should be modified, he must publish his reasons therefor in the Federal Register.

The requirement of publication under this subsection serves to emphasize the point that it is the objective of this Act that both Secretaries take appropriate steps to insure that actions taken under this Act will be as public as possible.

Subsection (h) provides that mandatory standards promulgated as described above will be effective upon publication in the Federal Register unless the appropriate Secretary specifies a later date.

Subsection (i) requires the Secretary to publish proposed mandatory health and safety standards for surface coal mines and additional standards for surface work areas of underground coal mines within 12 months after the enactment of the act.

Subsection (j) provides that existing interpretations, regulations, and instructions of the Secretary and the Director of the Bureau of Mines under the 1962 act and other statutes would continue in effect until changed or modified, so long as they are not in conflict with this act. These relate to administrative instructions, interpretations, and regulations, some of which are now contained in the Federal Register. Also, there are some regulations, such as those relating to permissibility of equipment, that must continue until changed to avoid administrative problems. In some cases, items on permissibility and fire protection would be modified or superseded under this act. These instructions, interpretations, and regulations are to be published for purposes of consolidating them in one place and for information to the miners and operators.

Subsection (k) requires that copies of proposed standards and regulations be provided to the operators and the miners.

Section 102. Advisory committees

This section directs the Secretary and the Secretary of Health, Education, and Welfare to appoint two separate mandatory advisory committees in the field of coal mine health and safety research. Both committees would have Government, as well as non-Government members. It would also authorize the appointment of other advisory committees on other matters. Members of advisory committees who are not governmental employees will be paid on a per diem basis at a rate not in excess of that prescribed for grade GS–18 in the general schedule. The chairman and the majority of non-Government members must have no interests in the industry.

Section 103. Inspections and investigations

Subsection (a) of this section provides that there shall be frequent inspections and investigations in coal mines by authorized representatives of the Secretary. These inspections and investigations shall be made for the following purposes:

(1) Obtaining, utilizing, and disseminating information relating to health and safety conditions, causes of accidents and causes of diseases and physical impairments originating in coal mines;

(2) Gathering information with respect to mandatory health and safety standards;

(3) Determining whether an imminent danger exists in a coal mine; and

(4) Determining whether or not there is compliance with the mandatory health and safety standards or with any notice, order or decision issued under this title.

For purposes of determining whether an imminent danger exists in a mine and determining whether or not there is compliance with a mandatory health and safety standard or with a notice, order or decision issued under the title, no advance notice of the inspection shall be provided to any person, and the representatives of the Secretary are required to make inspections of each underground coal mine throughout its entirety at least four times a year.

Subsection (b) of this section provides that the Secretary or his authorized representatives shall have a right of entry to a coal mine for the purpose of making inspections or investigations. It provides the same authority for the Secretary of Health, Education, and Welfare, or his authorized representative for the purpose of developing improved mandatory health standards. It also provides that the provisions of the act relating to investigations and records shall be available to the Secretary of Health, Education, and Welfare, in carrying out his functions under the act.

Subsection (c) authorizes the Secretary, by agreement, to utilize the services, personnel, and facilities of any Federal agency in carrying out the act. This provision does not prohibit the Secretary from contracting for the services of State agencies. However, the Secretary may not delegate his enforcement responsibilities to State agencies and personnel.

Subsection (d) provides the Secretary with various procedures and powers necessary in connection with the investigation of accidents or other matters relating to health and safety conditions at a mine.

Subsection (e) requires the operator of a coal mine in which an accident occurs to notify the Secretary and to prevent the destruction of evidence relating to the cause thereof. The Secretary or his authorized representative is required to take appropriate action to protect the life of any person where an accident occurs in a coal mine and rescue and recovery work is necessary. In such a case he may, if he deems it appropriate, supervise and direct rescue and recovery activity.

Subsection (f) authorizes representatives of the Secretary to issue appropriate orders to insure the safety of persons in a coal mine in which an accident has occurred. The operator of such a mine must obtain the approval of such representative of any plan to recover any person in the mine or to recover the mine or to return affected areas of the mine to normal.

Subsection (g) makes it clear that if the miners in a mine have reasonable grounds to believe that a standard is being violated or an imminent danger exists, their representative has a right to an immediate special inspection by notifying the Secretary or his delegate in the quickest fashion possible, either orally or in writing. Such notification, if oral, must, however, be reduced to writing and sent to the Secretary and a copy provided the operator, except that such copy shall not contain the names of the miners or their representative if the person giving the notice so requests. The inspector need not await the receipt of such written notice. As used here and throughout the Act, the term "representative of the miners" includes any individual or organization that represents any group of miners at a given mine and does not require that the representative be a recognized representative under other labor laws. A lawyer for the miners could also be a representative.

Subsection (h) authorizes representatives of the miners to accompany the authorized representatives of the Secretary on his inspection of a coal mine. This provision shall not, however, conflict with the prohibition against advance notice of inspections.

Subsection (i) requires irregular spot inspections every five working days at mines where the Secretary finds certain hazards.

Section 104. Findings, notices, and orders

Subsection (a) provides that if an inspector finds the existence of an imminent danger in any mine, underground or otherwise, he must immediately issue a withdrawal order to the operator requiring him to withdraw the men from the mine or area thereof affected and prevent entrance by anyone to that mine or area, except those miners necessary to abate the hazard. Withdrawal must be to a safe area. The order remains in effect until an inspector determines that there is no danger. The imminent danger may be due to a violation of a mandatory safety standard or some other cause not covered by a standard, including natural causes. It should be emphasized at this point that the operator has a duty under the Act to withdraw persons from a mine or area thereof affected by an imminent danger without waiting for an inspector to order it.

Subsection (b) provides authority for an inspector to issue notices of violations of standards, providing time to abate the violation. Where abatement is not completed within the time prescribed, the inspector must issue a withdrawal order to continue in effect until the violation is abated, as determined by the inspector. Notices should be issued as promptly as possible after the violation is observed whether or not the violation is connected before the notice is issued.

Subsection (c) provides that if an inspector finds a violation of a health or safety standard that does not cause an imminent danger, but is of such a nature as could significantly and substantially contribute to any mine safety or health hazard, and if he finds that the violation is due to an unwarrantable failure to comply with the standard, he includes the finding in the notice issued by him under subsections (b) or (i) of this section. If the inspector finds, at any time within 90 days after that notice is issued, another violation which is also due to an unwarrantable failure of the operator to comply, he must issue a withdrawal order for the affected area. Once such order is issued and an inspector finds other unwarrantable failure violations, he must continue to issue such orders until an inspection finds no similar violations.

The term "unwarrantable failure" means the failure of an operator to abate a violation he knew or should have known existed.

Subsection (d) enumerates the persons permitted in an area subject to a withdrawal order.

Subsections (e) and (f) prescribe the contents of a notice or order issued by an inspector and require that it be given to the operator or his agent.

Subsection (g) authorizes an inspector to modify or terminate a notice or order except an order issued under subsection (h).

Subsection (h) provides that if an inspector finds that health or safety conditions exist in a mine which, while they do not create a problem of an imminent danger,

are of such serious nature that it is reasonable to assume that an imminent danger will result soon, and that such conditions cannot be satisfactorily corrected because of a lack of available technology, he must notify the operator of the mine or his agent of these conditions and file a copy thereof, including his findings, with the Secretary and with the representatives of the miners in that mine. On receipt of this notice, the Secretary must cause a special investigation to be made which could include another inspection and which would include an opportunity for a hearing. Once the investigation is completed, the Secretary then would make findings of fact and issue a decision either canceling the notice or ordering a withdrawal of persons from the areas affected and that such withdrawal continue until such time as the Secretary, after a hearing, determines that the conditions have been abated. The hearings under this subsection are subject to section 554 of title 5 of the United States Code and decisions of the Secretary are subject to judicial review.

This provision is designed to meet situations that may arise in the future where a particular mine or section of a mine is being operated under conditions that are considered hazardous to the health or safety of the miner, but not of the type that would require the issuance of an imminent danger order. There may be, for example, mines or areas thereof where such situations may exist or will exist as mining continues deeper and deeper below the earth's surface. Such deep mining may present considerable health or safety hazards for which there is no available technology to overcome them.

Subsection (l) provides that when the samples of respirable dust taken and analyzed as required by section 202(a) show that the dust level exceeds the applicable health standards, the Secretary or his delegate without an inspection, or an inspector during an inspection, must find a reasonable time within which to take corrective action to reduce the concentration of respirable dust to the miners in the area of the mine in which such standard was exceeded and must issue a notice fixing such time for the abatement of the violation. During that time, the operator of the mine is required to cause samples of respirable dust to be taken as described in section 202(a) in the affected area during each production shift. If, upon the expiration of the prescribed period of time, or an extension thereof, the violation has not been abated, the miners shall be withdrawn from the affected area until there is reason to believe, based on actions taken by the operator, that the applicable dust standard will be complied with when production is resumed. Once a withdrawal order is issued, the Secretary, on request of the operator, must dispatch knowledgeable employees of the Department of the Interior to assist the operator in reducing the dust level, if such knowledgeable persons are available. Such persons may require the operator to take such actions as they deem appropriate to reach the objective of controlling the dust.

Section 105. Review by the Secretary

Subsections (a), (b), and (c) establish a procedure for reviewing administratively withdrawal orders issued by an inspector, modifications or terminations of such orders by an inspector and the reasonableness of the time limits in notices, upon request made by an operator or representative of the miners. Upon making the request, the Secretary must undertake a special investigation to ascertain the facts which must include an opportunity for a public hearing pursuant to 5 U.S.C. 554. Once completed, the Secretary must make findings of fact and issue a decision promptly. The filing of an application for such review cannot operate as a stay of any order or notice.

Subsection (d) authorizes the Secretary to grant temporary stays of orders, but not notices, in nonimminent danger cases after a hearing and a finding that there is substantial likelihood that the applicant will be successful and most importantly upon a finding that such relief will not adversely affect the miners health and safety.

Section 106. Judicial review

This section provides for review of any order or decision of the Secretary or the Interim Compliance Panel, except an order or decision under section 109(a), by the court of appeals for the circuit where the mine is located or the Court of Appeals of the District of Columbia by petition filed by the aggrieved operator or representative of the miner within 30 days from the date of issuance of the decision. Such review can only be obtained after the appellant exhausts all available administrative remedies. The court must hear the petition on the record before the Secretary or Panel and their findings, under the substantial evidence rule, will be conclusive. The court's decision may be appealed to the Supreme Court.

Subsection (c) authorizes the court to grant stays in the case of any appeal from a decision of the Secretary, except one involving an imminent danger order, and in the case of any decision of the Panel after a hearing and the making of findings relative to the likelihood of the appellant prevailing and, in the case of a decision by the Secretary, findings relative to the health and safety of the miners.

Subsections (e) and (f) authorize the Department of the Interior to use its attorneys in connection with such appeals. The commencement of proceedings for judicial review will not unless so ordered by the court operate as a stay of the decision by the Secretary of the Panel.

Section 107. Posting of notices and orders

Subsection (a) of this section requires that there be maintained at each coal mine an office and a bulletin board near the entrance of the mine where notices may be posted which are required by law. Any notice, order or decision required by the act to be given to an operator may be delivered to the office of the mine and a copy shall then be immediately posted on the bulletin board by the operator.

Subsection (b) requires the Secretary to cause a copy of any notice, order or decision required by this title to be given to the operator to be mailed immediately to the representative of miners in the affected mine and to the public official or agency of the State concerned.

Subsection (c) of this section permits the Secretary to deliver any notice, order or decision to an agent of the operator of a mine, and the agent is required to take appropriate measures to insure the compliance with the notice, order or decision.

Subsection (d) requires each mine operator to file with the Secretary, and keep current, the name and address of the mine and the name and address of the person who controls or operates the mine. Each operator is required to designate an official at such mine as the principal officer in charge of health and safety at the mine. Where the mine is subject to control of a person not directly involved with its daily operation, there shall be filed with the Secretary the name and address of both the person who controls the mine and of the person having overall responsibility for the health and safety program at the mine.

Section 108. Injunctions

This section authorizes the Secretary using attorneys appointed by him to institute civil action for relief, including permanent or temporary injunctions, restraining orders, or other appropriate orders, in the U.S. district court in which a coal mine is located or in which the operator has his principal office, in a number of specified instances. These civil actions will be brought whenever such operator or his agent—

(1) Violates an order or decision issued under this Act;

(2) Interferes with, hinders, or delays the Secretary or his authorized representative or the Secretary of Health, Education, and Welfare, or his authorized representative, from carrying out the act;

(3) Refuses to admit such representative to the mine;

(4) Refuses to permit inspection of the mine;

(5) Refuses to furnish information requested by the Secretary or the Secretary of Health, Education, and Welfare; and

(6) Refuses to permit access to and copying of records.

It is provided that temporary restraining orders may be issued only in accordance with Rule 65 of the Federal Rules of Civil Procedure, except that the time limit in such orders, when issued without notice, shall be no more than seven days. In any action to enforce an order or decision, the substantial evidence rule will apply.

Section 109. Penalties

Subsection (a) of this section provides that the operator of a coal mine in which a violation occurs of a mandatory health or safety standard, or who violates any provision of this act, shall be assessed a civil penalty by the Secretary of not more than $10,000 for each violation. Each occurrence of a violation of a mandatory health or safety standard may constitute a separate offense. In fixing the amount of the penalty, the Secretary is required to consider the operator's history of previous violations, the appropriateness of the penalty to the size of the business, its effect on the operator's ability to continue in business, the gravity of the violation, whether the operator was negligent, and the demonstrated good faith in rapidly complying after notification of violation. The penalties will not be finally assessed pending the termination of all opportunities for review under this section. This subsection also makes a miner subject to a civil penalty of up to $250 for any willful violation of any standard relating to smoking underground or the carrying of smoking materials, matches, or lighters underground.

The person must be given an opportunity to obtain a public hearing before an order assessing a penalty is issued. The commencement of any proceeding under this subsection, however, shall not stay any notice or order involving a violation.

The subsection also provides that where a person fails to pay a civil penalty, the Secretary may institute a civil action in a district court to collect the penalty. The court would hear the case de novo and determine all relevant issues, except issues of fact which were or could have been litigated before a court of appeals under section 106. This provision recognizes that the facts involved in the civil penalty may already have been fully litigated by the court of appeals under section 106 and should not be relitigated here. Also, in some cases, they could have been so litigated and were not. Upon the request of the respondent in the de novo proceeding, issues of fact not litigated under section 106 which are in dispute must be submitted to a jury and, on the basis of the jury's finding, the court would determine the amount of the penalty to be imposed. The court has jurisdiction to enter a judgment enforcing the order, or modifying it, or setting it aside, or remanding it to the Secretary.

Subsection (b) provides criminal penalties against an operator who willfully violates a standard or knowingly fails or refuses to comply with or violates an order or an order incorporated in a final decision issued under this act except decisions under subsection (a) of this section or section 110(b)(2) of this title. Upon conviction, the operator is subject to a $25,000 fine and 1 year imprisonment for a first violation, and a $50,000 fine and 5 years imprisonment for subsequent violations.

Subsection (c) provides that when a corporate operator violates a standard or knowingly violates or fails or refuses to comply with an order or an order incorporated in a final decision this section would subject any director, officer, or agent of the corporation who knowingly authorized, ordered, or carried out such violation, failure or refusal to the above civil and criminal sanctions.

Subsection (d) provides that any person who knowingly makes a false statement or representation in any document filed or maintained in accordance with the provisions of this act or any mandatory health or safety standard of this act or any order or decision issued under the act shall be fined not more than $10,000 or imprisoned not more than 6 months, or both.

Subsection (e) provides penalties against any person who knowingly distributes, sells, offers for sale, introduces, or delivers in commerce any equipment which is misrepresented as complying with this Act or with the Secretary's specifications or regulations.

Section 110. Entitlement of miners

Subsection (a) provides that, if a mine or a portion of a mine is closed by an order issued under section 104, the operator must pay all miners working during the shift when the order was issued who are idled by the order full compensation for the period they are idled but not for more than the balance of the shift. If the order is not terminated prior to the next working shift, all miners on that shift who are idled by the order will receive full compensation for the period they are idled but not for more than 4 hours of the shift. The section also provides a procedure for compensating miners idled due to withdrawal orders issued for unwarrantable failures to comply with a health or safety standard. In such cases, the Secretary would, after a hearing, issue an order requiring that all miners idled by such order be compensated by the operator at their pay scale for such idle time, or for seven days, whichever is less. The order is subject to judicial review. Whenever an operator violates or refuses to comply with an order issued under section 104, all miners at the affected mine who would be withdrawn or prevented from entering the mine as a result of such order shall be paid full compensation, in addition to pay received for work performed after the order was issued, for the period beginning when the order was issued and ending when the order is complied with, vacated, or terminated.

Subsection (b) prohibits discrimination against miners for having exercised their rights under this Act or for having participated, in any way, in the enforcement of the Act. The subsection provides procedures for obtaining reinstatement and back pay for miners discharged by operators and other remedies for miners discriminated against.

Section 111. Reports

All accidents in coal mines, including unintentional roof falls, except in abandoned panels or inaccessible or unsafe areas must be investigated by the Operator or his agent to determine the cause and the means of preventing a recurrence. Records will be kept and the information shall be made available to the Secretary and the appropriate State agency. These records will be open for inspection and include manhours worked and cover periods determined by the Secretary.

Every operator is required to establish and maintain such records and to make such reports and to provide such information as the Secretary may reasonably require to permit him to perform his functions under the Act. The Secretary is authorized to compile, analyze, publish reports or information so obtained. It is also provided that all records required under the Act will be available for public inspection, except as otherwise provided. This provision is not intended to abrogate any medical privilege which may exist regarding X-ray or other medical examinations under this Act.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

Section 201. Coverage

This section provides that the requirements in the remainder of the title will be interim mandatory health standards applicable to underground coal mines until they are superseded in whole or in part by improved mandatory health standards promulgated by the Secretary. They will be enforced in the same manner and to the same extent as any mandatory health standard promulgated under the provisions of section 101. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in title I.

This section also establishes that the objective of the health standards, both the statutory standards and those promulgated by the Secretary, is to prevent other occupationally caused disease and to make the atmosphere of the active workings of underground coal mines sufficiently free from respirable dust so that each miner can work an entire life without incurring any diability from pneumoconiosis or other occupation-related disease. The provisions of this section are permanent.

Section 202. Dust standard and respiratory equipment

Subsection (a) of this section requires each operator to take samples of the amount of respirable dust in the mine atmosphere to which miners in the active workings of the mine are exposed. These samples are to be taken by a device approved by the Secretary and the Secretary of Health, Education, and Welfare and in accordance with such methods, at such places, and at such intervals, and in such manner as the Secretaries shall prescribe. The samples will be taken by the operator and transmitted to the Secretary at the operator's expense and analyzed and recorded by the Secretary in a manner which will assure application of the provisions of section 104(i) when the standard established under subsection (b) of this section is exceeded. The results of the samples will also be made available to the operator. The operator must certify to the Secretary from time to time as to the condition of the mine atmosphere in its active workings. Such certification must include a statement of the average number of working hours—that is, production hours—actually worked during each shift, the quantity and velocity of air reaching each working face, and other matters.

Subsection (b) establishes that 6 months after enactment each coal mine operator must continuously maintain the average concentration of respirable dust in the atmosphere for each miner in all the active workings of the mine during each shift at or below 3.0 milligrams per cubic meter of air. If a noncompliance permit is obtained under section 202 for any mine, this level may be set by the Panel at the lowest level possible after considering the mine conditions and technology, between 3.0 and 4.5 milligrams for any active working place in that time.

Three years after enactment, this section establishes for all mines the level of respirable dust concentrations in the atmosphere for each miner in all active workings of the mine during each shift at or below 2.0 milligrams, but where a noncompliance permit is granted for any mine, the level for any active working place in that mine may be set by the Panel at the lowest level possible after considering the mine conditions and technology, between 2.0 and 3.0 milligrams.

In all cases, the dust standard is keyed to each individual miner. The air he breathes, wherever he works in the mine, must not contain more respirable dust during any working shift than the standard permits. No permit or renewal thereof can extend the effective date of the 3.0 milligram standard beyond 18 months after enactment, or the 2.0 milligram standard beyond 72 months after enactment.

Subsection (c) specifies the information needed in each application for an initial or renewal permit, including a representation in such application by the operator and a certified engineer that the extension is needed because the technology is not yet available to reduce the dust concentrations at those working places for which an extension is requested, or because of a lack of other effective control techniques or methods, or because of a combination of these reasons.

Subsection (d) provides that 6 months after the operative date of the title and from time to time thereafter the Secretary of Health, Education, and Welfare shall publish a schedule reducing the limit of dust concentrations below that prescribed by the preceding paragraph as he determines such reductions become technologically feasible in order to prevent new incidences of respiratory disease and the further development of such disease in any person. The schedule which may accelerate the effective dates of the dust standards prescribed in this section must prescribe the maximum time necessary to achieve the new levels taking into consideration present and future advancements in technology.

Subsection (e) provides that references to concentrations of respirable dust means the average concentration of respirable dust if measured with the MRE instrument or an equivalent concentration if measured with another device. Both the MRE and other devices must be approved by both Secretaries.

Under subsection (f) the term "average concentration" means, for a maximum period of 18 months after enactment measurements of a minimum number of the same production shifts in consecutive order are permitted to obtain a statistically valid sample. At the end of this 18 month period it requires that measurements be taken over one production shift only, unless the Secretary and Secretary of Health, Education, and Welfare find, in accordance with section 101, that single shift measurements will not accurately represent the atmospheric conditions during the measured shift to which the miner is continuously exposed.

Subsection (g) requires that the Secretary conduct spot inspections to insure compliance with the dust standards at all underground mines.

Subsection (h) provides that respiratory equipment must be made available to persons who are exposed to concentrations of dust in excess of the concentration permitted under this section. The use of respirators may not be substituted for environmental control measures. And adequate supply of respiratory equipment shall be maintained at each underground mine.

Section 203. Medical examinations

Subsection (a) of this section requires operators to cooperate with the Secretary of

Health, Education, and Welfare in making available to miners an opportunity to have a chest roentgenogram within 18 months after enactment, then again within 3 years thereafter, and once every 5 years thereafter. Each worker who begins work in a coal mine for the first time shall be given as soon as possible thereafter and again 3 years later, if he is still engaged in coal mining, a chest roentgenogram. If the second such roentgenogram shows evidence of the development of pneumoconiosis he will be given, 2 years later if he is still engaged in coal mining, an additional chest roentgenogram. These roentgenograms will be given in accordance with specifications and to the extent prescribed by the Secretary of Health, Education, and Welfare and shall be supplemented by such other tests as he thinks necessary. The films will be read and classified as prescribed by the Secretary of Health, Education, and Welfare and the results of such readings and of such tests will be submitted to the Secretary, the Secretary of Health, Education, and Welfare, and at the request of the miner, to his physician.

Subsection (b) provides that if, in the course of the period during which the statutory 3.0 standard is in effect, a miner, in the judgment of the Secretary of Health, Education, and Welfare shows evidence of the development of pneumoconiosis, he shall be afforded the option of transferring to another position in any area of the mine where the dust level does not exceed 2.0 mg/m³. The same provision applies during the period in which the statutory 2.0 standard is in effect except that the respirable dust in the place to which the miner transfers must be at a level below 1.0 mg/m³ or, if such 1.0 level is not attainable, to the lowest attainable level below 2.0 mg/m³.

The Secretary of Health, Education, and Welfare, in determining whether there is evidence of the development of pneumoconiosis, is not restricted to the results of chest roentgenograms. He may and should use such other examinations as he determines will permit a diagnosis of the disease.

In order to insure that miners who are afflicted with pneumoconiosis suffer no loss in compensation, the subsection provides that each miner who transfers to another job pursuant to this subsection shall receive his old or new rate of pay, whichever is greater.

Subsection (c) prohibits requiring the miner to pay for the X-ray or other medical examination and authorizes the Secretary of Health, Education, and Welfare to perform such X-ray and other examinations on a basis of reimbursement by the operator.

Subsection (d) authorizes the Secretary of Health, Education, and Welfare to provide for autopsies.

Section 204. Dust from drilling rock

This section provides that dust from drilling rock must be controlled by the use of permissible dust collectors or by water or water with a wetting agent, or by other approved methods or devices. Approved respiratory equipment must be provided persons exposed for short periods to inhalation hazards from gas, dust, fumes, or mist. When exposure is for a prolonged period, other methods to protect such persons or to reduce the hazard shall be taken.

Section 205. Dust standard when quartz is present

This section provides that where the respirable dust in the mine atmosphere contains more than 5 per centum quartz, the Secretary of Health, Education, and Welfare must prescribe an appropriate formula for determining the applicable dust standard for such working place and the Secretary shall apply such formula in carrying out his duties under this title.

Section 206. Noise standard

This section prescribes an interim noise standard and requires the Secretary of Health, Education, and Welfare to establish improved standards. In meeting the noise standard, the operator must not require the use of any protective device or system, including personal devices, which the Secretary finds are hazardous or which will cause a hazard to the miners.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

Section 301. Coverage

Subsection (a) provides that the remaining sections of this title shall constitute interim mandatory safety standards. They will be applicable to all underground coal mines until superseded by improved mandatory safety standards promulgated under section 101, and will be enforced in the same manner and to the same extent as such mandatory standards. Orders enforcing these standards will be subject to review as provided in title I. The provisions of this section are permanent.

Subsection (b) declares that the purpose of these interm standards is to apply now, without undergoing the lengthy administrative process for promulgation of standards, mandatory safety standards. These statutory standards were developed after careful consideration of the many factors that have caused death and injury in the past and are designed to better prevent the causes of these accidents.

In addition, this section directs the Secretary to take the lead in undertaking immediately and on an accelerated basis studies, investigations, and research to further improve upon these standards to develop new standards to provide increased protection to the miners. Particular attention is called to the need for new and improved standards to protect the miner from dangers from trolley and power feeder wires, splicing, the use of trailing cables, vulcanizing electric conductors, roof control, methane, and other matters. The Secretary is authorized to enter into contracts and make grants for this purpose. The section, however, does not preclude the promulgation of improved standards under section 101 where warranted until the completion of such studies, investigation and research. Further, there should be no further need for an advisory code certainly after the first year after enactment because it is expected that the Secretary will prescribe, within that time, as standards any matter not covered by this title that were in the code and which are found to be necessary in providing adequate safety. In short, the fact that this Act prescribes many new standards should not be viewed by the Secretary or the operators or the miners as the level of safety for the next several years. There should be no moratorium on new standards. If they are needed on the operative date, publish them.

Subsection (c) gives the Secretary authority, upon petition, to waive or modify a mandatory safety standard or exception thereto in the case of any mine where its application will diminish the safety of miners, or where there exists an alternative method of achieving the result of such standard without reducing the measure of protection afforded miners but his action under this authority must be consistent with the purposes of the act and not reduce the protection afforded miners.

After an investigation, and notice and opportunity for hearing to persons affected, the Secretary shall make findings of fact with respect to the matter and publish them in the Federal Register.

Subsection (d) provides that where the interim standards provide that certain implementation actions, conditions, or requirements must be conducted as prescribed by the Secretary, the rulemaking provisions of 5 USC 553 will apply unless the Secretary otherwise provides and not the procedures set forth in this title for promulgation of standards. Such implementation actions, conditions, or requirements, as well as any actions taken or instructions issued by an inspector, will be enforced in the same manner as the standards themselves. Also, this subsection provides that, in granting any exception to a mandatory safety standard established or promulgated under this Act the Secretary or his inspector will publish his reasons therefor and make them available to the miners at the mine. If the miners believe that the exception will diminish safety, their recourse is to utilize the provisions of section 301(c).

Section 302. Roof support

This section requires that each mine operator make a meaningful and continuing effort to improve the system of roof control in the mine and the means and measures for installing supports and maintaining a safe roof.

Subsection (a) requires that all active underground roadways, travelways, and working places be supported adequately and that a roof control plan suitable to the roof conditions and mining system be adopted for each mine by the operator and submitted to the Secretary for approval. Such plan shall be periodically reviewed by the Secretary. Temporary supports shall be used when persons are required to go beyond the last permanent supports, unless temporary supports are not required in the plan and the absence of such support will not pose a hazard to the miners. The criteria that the Secretary establishes for approving such plans should be exacting and be aimed at improving the roof control system of each mine. It is incumbent on the operator to show in each case, based on past history of roof falls and inspections, how really effective his plan is. The plan and revisions must be made available to the miners, both before and after approval.

Subsection (b) requires that the method of mining used shall not expose miners to unusual danger from roof falls caused by excessive width of rooms or entries or faulty pillar recovery mcthods.

Subsection (c) requires that the operator, in accordance with the approved plan, provide for the securing of each working place against roof fall hazards by requiring an ample supply of materials near the working face and at other locations, using safety posts, jacks, or other approved devices taking down loose material and replacing dislodged supports. All supports knocked out must be replaced promptly, except in recovery work.

Subsection (d) requires that when an operator is permitted to install roof bolts in accordance with a plan, they must be tested in accordance with that plan.

Subsection (e) bars operators from recovery of roof bolts under certain hazardous conditions. Where such recovery is permitted under the approved plan, it must be carried out only in accordance with the plan and by experienced miners using temporary support.

Subsection (f) requires that where roof, face, and ribs falls are possible, it is the mine operator's responsibility to insure that tests and examinations of roof conditions are made before work or machinery is started and frequently thereafter. Where hazardous conditions are found, the operator must take corrective action immediately. If such conditions create an imminent danger, persons in the affected area, as previously noted, must be withdrawn.

Section 303. Ventilation

Subsection (a) requires mechanical ventilation of all mines and a daily examination of the ventilation equipment.

Subsection (b) requires sufficient air currents in all active underground workings of a mine to dilute, render harmless, and to carry away flammable and harmful gases and smoke and fumes. The minimum percentage of oxygen and maximum percentage of carbon dioxide is specified. It makes no distinction relative to the minimum quantity of air between bituminous coal, lignite, and anthracite mines. It requires the Secretary to prescribe the minimum quantity and velocity reaching each working face within 6 months after enactment. The inspector can require that the operator provide a greater quantity and velocity of air where he deems necessary to protect the miner's safety. The Secretary must also prescribe, within one year after the operative date of the title, maximum permissible respirable dust level in the intake aircourses with the objective of reducing this dust to the lowest attainable level as quickly as possible after such levels are prescribed. In robbing areas of anthracite mines, if the air current cannot be controlled and measurements cannot be taken, the air must have perceptible movement.

Subsection (c) requires that the operator use properly installed and maintained devices to assure positive airflow to the working face of every working section, unless an exception, which will not pose a hazard to the miners, is made, in accordance with section 301(d) of this title, by the Secretary or his representative. It further requires sufficient space between the rib and the devices, and that the brattice cloth used be of flame resistant material.

Subsection (d) sets forth requirements that the operator must follow for preshift examinations. The provisions are similar to the 1952 act provisions, except that they apply to all underground coal mines before all shifts, not just production shifts, and except for several additional requirements including (1) an anemometer or other acceptable device capable of measuring the velocity of an air current is required, (2) an examination of belt conveyors on which men are carried before each shift, (3) an examination of coal carrying belt conveyors after each shift begins, (4) a preshift examination 3 hours prior to a shift instead of 4 hours, and (5) an examination of such other hazards and violations of standards, as an inspector may require. No miner may enter the underground portion of a mine until the preshift examination is completed, the examiner's report is transmitted to the surface and actually recorded, and until hazardous conditions or standards violations are corrected.

Subsection (e) requires that the operator provide at least one examination during a shift for hazards in each working section. If any hazardous conditions are found, they must be corrected immediately. If they create an imminent danger, persons must be withdrawn or prevented from entering until the conditions are corrected.

Subsection (f) requires that the operator provide weekly examinations for hazardous conditions in specified areas, except during any week that the mine is idle. It also requires that where a mine is idle for a week, miners cannot return until the examination is made; that hazardous conditions be corrected immediately; and that, if they create an imminent danger, the miners must be withdrawn by the operators or the inspectors.

Subsection (g) requires that the operator provide that a qualified person measure and record air volume at certain specified areas at a minimum of once a week. A record of such measurements must be kept.

Subsection (h) requires the operator, at the beginning of each shift, to have tests made by a qualified person, at the face before electrically operated equipment is energized. If the methane reaches 1.0 percent, the equipment must not be operated and action must be taken to reduce the methane content below the 1.0-percent level. Also, examinations for methane must be made during the shift at a minimum of 20 minute intervals unless an inspector requires more frequent testing. Tests will be made as close as safely possible to the roof, face, or rib. The subsection also provides that where methane is found in the air of any working place at 1.0 percent or more, ventilation adjustments by the operator must be made at once. While such improvements are underway, power must be shut off and no other work permitted.

Subsection (i) requires immediate adjustments in ventilation if a split of air returning from active underground working sections contains 1.0 percent of methane or more after tests. The tests must be made at 4-hour intervals.

It also requires that men be withdrawn by the operator or inspector, if he is present, and power shut off from a portion of a mine endangered by a split of air returning from active underground workings containing 1.5 percent of methane.

In virgin coal, withdrawal of persons is not necessary when the quantity of air in a split ventilating the workings is at least twice the minimum volume of air required in section 303(b) or required by an inspector under that section, and when the methane is tested continuously by a certified person, and when the air in the split does not pass over trolley wires or trolley feeder wires, unless the methane accumulation reaches 2.0 volume per centum or more. The term "virgin territory" means that area of a mine that is being penetrated for the first time is not surrounded on all sides by previous mining, and is of such extent that there has not been sufficient mining to reduce the amount of methane liberated during the extraction process.

Subsection (j) prohibits the operator from using air passing an opening of an abandoned area to ventilate an active working place, if it contains 0.25 or more percent of methane. Examination of such air must be made during the preshift examination.

Subsection (k) requires that the operator not use air passing through an abandoned panel or area which is inaccessible or unsafe for inspection to ventilate any working place in a mine. Also, no air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any working place, except that such air may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries, if the air does not contain 0.25 percent of methane or more.

Subsection (l) directs the Secretary to require a methane monitor (approved as reliable by the Secretary after the operative date of this title) to be installed when available and kept operative on all electric face cutting equipment, continuous miners, longwall face equipment, and loading machines in all mines, except that such monitor shall not be required on any such equipment prior to the date such equipment must be permissible at various types of coal mines under section 305(a) of this act. These methane monitors must be set to deenergize automatically any electric face equipment on which installed when the monitor is not operating properly. The sensing device on these monitors shall be installed as close as possible to the working face. Such methane monitors must be set to give a warning automatically when the concentration of methane reaches 1.0 volume per centum and automatically, to denergize equipment on which it is installed when the concentration reaches 2.0 volume per centum or a lower figure set by the inspector.

Subsection (m) requires that the operator cause an inspection of idle and abandoned areas for methane, oxygen deficiency, and other dangerous conditions by a certified person as soon as possible, but not more than 3 hours before other persons may enter or work in such areas, but would permit persons, such as pumpmen, who are required regularly to enter such areas to make such examinations for themselves if they are trained and qualified in the use of instruments to detect methane and oxygen deficiency.

Subsection (n) requires that, immediately before an intentional roof fall is made, the operator cause pillar workings to be examined by a qualified person to ascertain whether methane is present. It would prohibit such falls if 1.0 percent or more of methane is present.

Subsection (o) requires a ventilation and methane and dust control plan, approved by the Secretary, to be adopted by the operator within ninety days after the operative date of this title.

Subsection (p) requires proper maintenance and care for permissible flame safety lamps.

Subsection (q) provides that, where areas are being pillared on the operative date of this title without bleeder entries or systems or some equivalent means approved by the inspector, the operator may complete pillar recovery in such areas to the extent approved by the inspector if the edges of pillar lines adjacent to active workings are ventilated so as to keep the methane content along the pillar line below 1.0 percent.

Subsection (r) requires that the operator ventilate each mechanized mining section with a separate split of air on the operative date of this title, except the Secretary may extend the time, on a mine-by-mine basis, not to exceed 9 months, if he determines that compliance is not possible on the operative date of this title.

The term "mechanized mining section" means an area of a mine (1) in which coal is loaded with one set of production equipment, and (2) which is comprised of a number of working places that are contiguous.

Subsection (s) requires that an operator cause examinations for methane by qualified persons before each shot or group of shots is fired. If methane is found in amounts of 1.0 percent or more, changes or adjustments shall be made at once. No shots may be fired if the methane is 1.0 percent or more.

Subsection (t) prescribes procedures that must be followed by the operator in the event any ventilating fan stops and would require that the operator adopt a plan to implement the procedures and provide for an orderly withdrawal of men from the working sections and for the systematic cutoff of power to the mine.

Subsection (u) requires that changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons shall be made by the operator only when the mine is idle and the power has been removed from the affected areas.

Subsection (v) requires that the mine superintendent or his assistant and the mine foreman shall read and countersign the daily reports of the preshift examiners and assistant foremen, and also the weekly reports covering examinations for hazardous conditions. It also requires them to correct hazardous conditions immediately and to withdraw the miners if the conditions create an imminent danger.

Subsection (w) requires the mine foreman and his assistants to make each day a record of the condition of the mine or portion thereof under his supervision which shall in-

clude the nature and location of such conditions and what action was taken to remedy them.

Subsection (x) requires that an operator notify the Secretary before he reopens an abandoned or inactive mine and that an inspection be made by an inspector before mining operations are started.

Subsection (y) requires that in all mines entries used as intake and return airways should be separated from belt entries. The air in belt entries should have only the minimum velocity needed to supply oxygen in adequate concentrations to be safe for men and to keep such entries free from methane in concentrations of 1.0 percent or more. If an authorized representative of the Secretary finds, in presently operated mines, that entries other than the belt entries are in condition to be used as intake and return airways the air velocities in the belt haulage entries should be limited to that needed to avoid oxygen deficiency and keep methane below 1.0 percent. The subsection requires, in the care of new mines and new mining sections, the Secretary to prescribe the standards for separation of intake and return airways from trolley haulage systems.

Paragraph (1) of subsection (z) requires that areas which are actively being pillared must be ventilated in the manner otherwise prescribed under section 303. The determination of whether an area falls under this paragraph is one for the Secretary or the inspector to make. The conference objective is to provide the greatest safety possible to persons in the area that is actively being pillared through the dilution and removal of the methane and other explosive gases that build up in dangerous quantities not only where miners are working to extract the pillars in that area but also where the pillars in that area have been extracted by such miners and where bleeders are used in that area. It is up to the operator and the Secretary or his inspectors to insure that this objective is achieved.

Paragraph (2) of subsection (z) provides that, within 12 months after enactment, all areas from which pillars have been wholly or partially extracted, and abandoned areas, shall be ventilated by bleeder entries or by bleeder systems or by equivalent means or be sealed. The conference agreement did not adopt the definition in the House amendment of "abandoned" because it was too broad and unworkable, but rather leaves it up to the Secretary or his inspector to determine on a case-by-case basis whether an area is, in fact, actively being mined or not in applying the provisions of this paragraph. The determination of which method is appropriate and the safest at any mine is up to the Secretary or his inspector to make, after taking into consideration the conditions of the mine, particularly its history of methane and other explosive gases. The objective is that he require the means that will provide the greatest degree of safety in each case. When ventilation is required, the Secretary or his inspector must be satisfied that the ventilation in such areas will be maintained so as continuously to dilute, render harmless, and carry away methane and other explosive gases within such areas and to protect the active workings of the mine from hazards of such methane and other explosive gases. In other words, he must be assured that such ventilation will be adequate to insure that no explosive concentrations of methane or other gases will be in this area. As an additional safeguard when ventilation is required, the conference agreement provides that air coursed through underground areas from which pillars are wholly or partially extracted which enters another split of air shall not contain more than 2.0 volume per centum of methane, when tested at the point it enters such other split. The managers intend that this latter provision not be construed as permitting accumulations of methane near or in the explosive range in the pillared or abandoned areas on the basis that the methane in the return does not exceed such percentage, and also expect that the Secretary will establish a lower percentage as soon as technology permits. When sealing is required, such sealing shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine.

Paragraph (3) of subsection (z) provides that, in the case of mines opened on or after the operative date of this title, or in the case of areas developed on or after such date in mines opened prior to such date, the mining system shall be designed, in accordance with a plan and revisions thereof approved by the Secretary and adopted by the operator, so that, as each set of cross entries, room entries, or panel entries of the mine are abandoned, they can be isolated from the active workings of the mine with explosion-proof bulkheads approved by the Secretary or his inspector.

It is expected that the Secretary take the lead in improving technology in this area of controlling methane accumulations in job areas and to improve upon this important provision.

Section 304. Combustible materials and rock dusting

Subsection (a) requires that the operator not allow coal dust, loose coal, float coal dust or other combustible materials to accumulate underground.

Subsection (b) requires that where excessive amounts of dust are created and are raised during mining, steps shall be taken by the operator to reduce the dust. It also would require that, in working places, particularly within 40 feet of the face, that water or other no less effective means shall be used to reduce the dispersibility of the dust and reduce the explosion hazard.

Subsection (c) requires an operator to rock dust all areas of a mine to within 40 feet of the face unless the area cannot be reached or the rock dusting cannot be done in a safe manner. Exceptions to this rule may be granted by the inspector where he determines that the mine dust is too wet or too high in incombustible content to propagate an explosion and that granting the exception will not pose a hazard to miners. All crosscuts less than 40 feet from face workings must be rock dusted.

Subsection (d) requires that, when rock dust is applied, it must be distributed on the top, floor, and sides and in such amounts that there is 65 percent inert material in the coal-dust mixture. In return air courses where float coal dust accumulates, the percentage of inerts must be 80 percent. Where methane is in the air, the percent of incombustible content of such dusts must be increased 1.0 percent for each 0.1 percent of methane, where 65 percent of incombustible is required, and 0.4 percent for each 0.1 percent methane when 80 percent incombustible is required.

Subsection (e) provides that the above subsections shall not apply to anthracite mines. Anthracite dust that has a volatile ratio of 0.12 or less will not propagate an explosion when dispersed in air.

Section 305. Electrical equipment—general

Subsection (a) is designed to insure that all electric equipment used inby the last open crosscut of a mine is permissible. It eliminates the distinction between gassy mines and the so-called nongassy mines. It requires that all electric face equipment at gassy mines and all such small equipment at all mines be permissible within 15 months after enactment. It also requires that, in the case of mines not previously classified as gassy below the watertable, such large equipment must be permissible in 15 months, but the Panel may grant extensions of time of not to exceed in the aggregate an additional 33 months if the Panel determines, based on a new application and after an opportunity for a public hearing, that the operator, despite his diligent efforts, is unable to comply with the permissibility requirement because of unavailability of permissible equipment, and, in the case of such mines entirely above the watertable, one or more mine openings of which were made and connected with other openings prior to enactment, such large equipment must be permissible within 51 months after enactment but the Panel can grant extensions after an opportunity for a public hearing, of not to exceed 2 years on a mine-by-mine basis because of unavailability of such equipment.

In any case where a mine, not classified as gassy as provided in this section, is later found to be gassy under State law and such State law requires that all electric face equipment be permissible, such State law would control and all such equipment be permissible and be maintained in permissible condition and, of course, no permit could be issued by the Panel for that mine.

Subsection (b) requires that a copy of any permit granted by the Panel must be provided to the miners and State safety officials.

Subsection (c) requires that electric face equipment which was required to be permissible prior to the operative date of this title be maintained in a permissible condition.

Subsection (d) requires that all connections to power sources, except permissible power connection units outby the last open crosscut, must be made in intake air because of the ever-present danger of sudden methane buildup in the air current which could be ignited by arcing from the power connections.

Subsection (e) provides that the operator's mine may show all major electrical features of the mine and that all changes be shown promptly on the map. The map shall be available to the inspectors and the miners

Subsection (f) requires that all power circuits and electrical equipment, except trolley wires be deenergized before work is done, except for troubleshooting and testing. Repairs on energized trolley wires must be made by persons trained to perform electrical work on such wires and to maintain them. Work on deenergized circuits must be done by a qualified person or by a person, under such qualified person's direct supervisor, who is trained to perform electrical work and to maintain electrical equipment.

Subsection (g) requires periodic inspections of all electric equipment by a qualified person to prevent hazards from developing through neglect and that all defects be repaired by the operator before the equipment is used again. A record is to be made of such examinations and it shall be available to the Secretary.

Subsection (h) requires that all wiring and control equipment be large enough for the electric current which will be carried by them without creating excessive heat which would damage the insulator.

Subsection (i) requires all splices and electrical connections in wiring made to join two ends of conductors together use connectors or clamps so as to be able to carry the necessary current without overheating and that the splices be as well insulated as the original unspliced conductors.

Subsection (j) requires that cables entering metal frames of electric equipment pass through proper fittings that will not allow the cable to be damaged by movement of the cable as the equipment is used. Insulated wires must pass through insulated

bushings which will provide additional insulation at the point that the wire enters the metal compartment.

Subsection (k) requires that all ungrounded power conductors (except trailing cables on mobile equipment, specially constructed high-voltage cables, and wires used for grounding frames of equipment), be installed on proper insulators and not allowed to touch combustible material, roof, or ribs.

Subsection (l) requires that all power conductors, except trolley wires, trolley feeder wires and bare signal wires, be installed properly, insulated and protected from mechanical damage.

Subsection (m) requires that circuit breakers or fuses of correct type and size must be installed to protect all electric equipment and circuits against electrical short circuits and unexpected surges of current. Three-phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

Subsection (n) requires that disconnecting switches be installed in all main power circuits within 500 feet of the bottom of shafts and boreholes so that the circuit can be deenergized from inside the mine. Disconnecting switches must be installed in other main power circuits entering the underground portion of the mine within 500 feet of the point the circuits enter the mine.

Subsection (o) requires that electric equipment be provided with switches or other safe controls that are safely designed, constructed, and installed.

Subsection (p) requires protection against lightning for each ungrounded exposed power conductor entering the mine. The lightning arresters must be installed within 100 feet of the point of entry and connected to a low-resistance ground field which is separated from neutral ground by 25 feet.

Subsection (q) prohibits the use of nonpermissible lighting in underground mines.

Subsection (r) authorizes an inspector to require devices on face equipment so that the equipment could be deenergized quickly in the event of an emergency.

Section 308. Trailing cables

Subsection (a) provides that trailing cables used in an underground mine be fire resistant in accordance with requirements established by the Secretary.

Subsection (b) provides that each ungrounded conductor of all trailing cables will be protected against short circuits by an automatic circuit breaker, or other no less effective device approved by the Secretary, of adequate interrupting capacity. A means of disconnecting power from trailing cables must be provided and it must be possible to determine visually that the power is disconnected. This section would prohibit the use of fused nips for short circuit protection for trailing cables.

Subsection (c) provides that when two or more trailing cables receive power from one power distribution center provision shall be made to prevent a trailing cable being accidentally connected to the wrong size circuit breaker.

Subsection (d) limits the allowable number of temporary splices in a trailing cable to one. A trailing cable with a temporary splice may be used only for 24 hours. No splice shall be allowed in a trailing cable within 25 feet of a machine, except cable reel equipment. All temporary splices must be well made and have no exposed wires or splices that heat or spark under load. A splice means the joining by mechanical means of one or more conductors that have been severed.

Subsection (e) requires that permanent splices in trailing cables be—

(1) Mechanically strong with adequate electrical conductivity and flexibility;

(2) Effectively insulated and sealed so as to exclude moisture; and

(3) Vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

Subsection (f) requires that trailing cables be clamped to machines to prevent the trailing cables from pulling against the entrance gland and placing strain on the electrical connections, and requires that the cables be adequately protected from damage by mobile equipment.

Subsection (g) requires that trailing cable and power cable connections to junction boxes not be made or broken under load.

Section 307. Grounding

Subsection (a) requires that all equipment that is conveying electric current and which can become electrically charged due to a breakdown of insulation shall be grounded so that voltages cannot exist between equipment and ground which can injure personnel coming in contact with the equipment. Methods other than grounding may be permitted only if they provide no less effective protection.

Subsection (b) requires that the frames of all off-track machines must be maintained at earth potential (that is, no difference between machine and earth voltage) by methods approved by the inspector.

Subsection (c) requires that the frames of all stationary high-voltage equipment receiving power from ungrounded delta systems shall be grounded.

Subsection (d) requires that, before maintenance work is performed on surface or underground high-voltage systems, the power shall be removed and each ungrounded conductor of the system shall be grounded, except in special circumstances under special safeguards.

Subsection (e) requires that the electric power shall be removed from unused underground power circuits on days and shifts when the mine is not working. Circuits conducting power to transformers and rectifiers and excluded from this provision.

Section 308. Underground high voltage distribution

Subsection (a) requires that high-voltage circuits entering a mine shall be protected by suitable circuit breakers of adequate interrupting capacity. Each breaker shall be equipped with devices to provide protection against overcurrent, grounded phase, short circuit, and undervoltage.

Subsection (b) provides requirements for high-voltage circuits supplying portable, mobile or stationary high-voltage equipment.

Subsection (c) requires that the grounding resistor, where required, be of the proper ohmic value so that the voltage drop in the grounding circuit between the grounded side of the resistor and equipment frames be no more than 100 volts. The grounding resistor must be rated for the maximum fault current that can be expected, and it must be insulated from ground by a voltage equal to the phase-to-phase voltage of the system.

Subsection (d) requires that, 6 months after the operative date of this title, a fail safe ground check circuit be installed with each underground high voltage resistance grounded system to remove the power in case the grounding circuit is broken, thereby assuring an effective grounding circuit whenever the circuit is energized. Extensions up to 12 months may be permitted on a mine by mine basis.

Subsection (e) requires that underground high-voltage cables used in resistance grounded systems shall have conductors provided with metallic shields around their circumferences. Each circuit shall be provided with one or more conductors to serve as a system ground circuit. To assure adequate current carrying capacity of the ground circuit, each ground conductor shall have a cross-sectional area of at least 50 percent that of the cable power conductor. Each circuit shall also be equipped with an insulated ground check conductor No. 8 (AWG) or larger in size to serve as part of the ground continuity check circuit. Cables shall be adequate for the intended current and voltage. Splices shall be made to provide continuity of all components.

Subsection (f) requires that medium and high voltage couplers shall be of the three-phase type with either a metallic shell or covered with other materials no less effective than metal as the Secretary may require. If the outer shell is metal, it must be grounded to the grounding conductor in the cable. The ground check contacts must be broken first and the ground conductors broken last when the coupler is being uncoupled. Couplers must be adequate in size for the voltage and current of the circuit.

Subsection (g) requires that single-phase loads be connected phase to phase and prohibit connecting single-phase loads between one phase and the neutral or ground conductors.

Subsection (h) requires that high-voltage cable be installed in areas of the mine that are frequently inspected and shall be protected against all mechanical damage and guarded where men work or pass under them unless they are 6½ feet or more above the mine floor or rail. High-voltage cables must be securely anchored, properly insulated, guarded at ends and placed or insulated to prevent contact with trolley or other circuits.

Subsection (i) requires that disconnecting devices with visible contacts be installed at the beginning of all branch lines.

Subsection (j) requires that circuit breakers and disconnecting switches be plainly marked so that it can readily be determined which circuit these devices are associated with, and reduce the possibility of workmen inadvertently energizing a circuit that other workmen are repairing.

Subsection (k) prohibits temporary splices in high voltage cables used as trailing cables and requires permanent splices in such cables to be made in accordance with section 306(e). All other terminations and splices of high-voltage cable shall be made in accordance with manufacturer's specifications.

Subsection (l) provides that all metallic parts of stationary, portable or mobile underground high-voltage equipment and all high-voltage equipment supplying power to such equipment receiving power from resistance grounded systems shall be effectively grounded to the high-voltage-system grounding circuit.

Subsection (m) prohibits the movement of energized power centers and portable transformers, except, when alternate sources of power to move such centers and transformers are not available, the Secretary may permit them to be moved while energized if an equivalent or greater hazard may result.

Section 309. Underground low- and medium-voltage alternating current circuits

Subsection (a) requires that section circuit breakers, complete with overcurrent, grounded phase, under-voltage, and short circuit protection, be installed to protect all low- and medium-power circuits.

Subsection (b) requires that underground low- and medium-voltage circuits contain either a direct or derived neutral which shall be grounded through a suitable resistor except under certain specified circumstances. The grounding resistor, where required, must be designed to limit the fault current to 25 amperes and be able to carry this current continuously.

Subsection (c) requires, within 6 mos. after the operative date of this title, a fail safe ground check circuit in low and medium voltage resistance grounded systems to remove the power from the circuit in case the grounding circuit becomes severed. Extension up to 12 months may be permitted on a mine-by-mine basis.

Subsection (d) requires that some device be provided other than the enclosed circuit breaker so that a workman can clearly see that the power is disconnected. Trailing cables on mobile equipment must contain a grounding conductor 6 months after the operative date of this title with one-half the cross-sectional area of the power connector. Extensions of time not to exceed 12 months may be permitted on a mine by mine basis. This grounding conductor must be maintained continuous in splices.

Subsection (e) requires that single-phase loads be connected between two phases of the alternating current circuit to prevent currents from flowing in the grounding circuit which would actuate the ground fault relay and open the circuit breaker.

Subsection (f) requires that circuit breakers be plainly marked to prevent a workman from inadvertently deenergizing the wrong circuit when repairs are to be made.

Subsection (g) requires that trailing cables on portable equipment operated from medium voltages contain grounding conductors, an insulated ground check conductor, and grounded metallic shields around the power conductors. On cable reel machines, metallic shields would not be required around the power conductors if the insulation were rated at least 2,000 volts.

Section 310. Trolley wires and trolley feeder wires

Subsection (a) requires that cutout switches be installed by the operator in trolley wires and trolley feeder wires at intervals of not more than 2,000 feet and near the start of all branch lines.

Subsection (b) requires that automatic current interrupting devices be installed to protect trolley wires and trolley feeder wires against damage by overcurrent.

Subsection (c) requires that transformers, trolley wires, and trolley feeder wires, and high-voltage cables be kept at least 150 feet from pillar workings and out by the last open crosscut.

Subsection (d) requires that trolley wires and trolley feeder wires be insulated and guarded adequately at doors, stoppings, at man-trip stations, at all points where men are required to work or pass regularly. Also, this section would require temporary guards where trackmen or other persons work in proximity to trolley wires and trolley feeder wires. The Secretary or the inspector may designate other places where trolley wires or trolley feeder wires shall be protected.

Section 311. Fire protection

Subsection (a) requires that suitable firefighting equipment adequate for the size, type and condition of the mine be provided as established by the Secretary. Also, the interpretations relating to such equipment in effect on the operative date of this title shall remain in effect until modified or superseded by the Secretary. This section would also require that an examination be made after every blasting operation to determine whether fires have been started.

Subsection (b) requires that storage places for lubricating oil and grease be of fireproof construction. It would also require that unless lubricating oil and grease are in specially prepackaged containers they shall be in portable fireproof closed metal containers or other no less effective containers approved by the Secretary.

Subsection (c) provides for fireproof structures or areas that house certain underground equipment. It also requires that all other underground structures be of fireproof construction. Also, air currents used to ventilate these structures or areas shall be coursed directly into the return.

Subsection (d) requires that where welding, cutting, or soldering is done underground it shall, whenever practicable, be conducted in fireproof enclosures. When this work is outside a fireproof enclosure, it shall be done under the supervision of a qualified person who shall make diligent searches for fire during and after such operations and shall immediately before and during such operations continuously test for methane. Also, such work shall not be conducted if the air current contains 1.0 or more percent of methane. Suitable firefighting equipment shall be immediately available during such welding, cutting, or soldering.

Subsection (e) requires that unattended underground equipment must be provided with fire suppression devices meeting specifications prescribed by the Secretary and suitable fire-resistant hydraulic fluids shall be used in the hydraulic systems of such equipment within 1 year after the operative date of this title. Such fluids shall be used in the hydraulic systems of other underground equipment unless fire suppression devices are installed on such equipment.

Subsection (f) requires that main and secondary belt drives be equipped with deluge-type water sprays or foam generators of sufficient capacity to control the fire and that such devices will automatically be actuated by a rise in temperature. Other no less effective means of controlling fire would also be permitted.

Subsection (g) requires that underground belt conveyors be equipped with slippage and sequence switches. It also directs the Secretary require automatic warning devices and fire suppression devices.

Subsection (h) requires conveyor belts acquired after the operative date of this title to be flame-resistant.

Section 312. Maps

Subsection (a) requires that the operator have an accurate and up-to-date map of the mine showing the active workings, worked out and abandoned areas, contour lines of elevations, elevations of main and cross or side entries, dip of the coalbed, escapeways, adjacent mine workings within 1,000, mines above or below, water pools, and oil and gas wells within 500 feet of the mine. The map shall be kept up to date by temporary notations and revised and supplemented on the basis of surveys made or certified by a registered engineer or surveyor.

Subsection (b) requires that mine maps shall be available upon request, to the Secretary, State coal mine inspectors, the miners operators of adjacent coal mines, persons owning, leasing or residing on surface areas and the Secretary of Housing and Urban Development.

Subsection (c) requires that a copy of the mine map shall be filed with the Secretary and would be available for public inspection when the mine closes permanently or temporarily.

Section 313. Blasting and explosives

Subsection (a) prohibits the storage or use of black powder underground. The use of unconfined shots underground is prohibited, except under special conditions and for special uses in anthracite mines.

Subsection (b) requires that the explosives and detonators be kept in separate containers until immediately before use. It would permit the firing of unconfined shots in anthracite mines provided certain stated precautions are followed.

Subsection (c) requires that permissible explosives, electric detonators, and permissible blasting devices be used in a permissible manner with permissible shot-firing units. Compressed-air blasting is allowed and more than 20 shots can be fired at one time only if the Secretary gives his approval. It specifies that only permissible explosives shall be used, how they shall be used, and under what circumstances more than 20 shots can be fired. It also describes where nonpermissible explosives can be used.

Subsection (d) requires that explosives and detonators when transported underground, be in specially designed containers.

Subsection (e) prescribes conditions under which explosives underground can be transported so that the possibility of accidental detonation is minimized. The explosives must be in special closed containers when transported in cars, on a belt, or in a shuttle car or they may be transported in equipment specially designed for transporting such materials.

Subsection (f) requires that explosives that are stored underground be kept in special containers designed to protect the explosives from accidental detonation. The containers must be kept in a dry rock-dusted location, except that in steeply pitching coal beds the containers may be placed in niches cut out of solid rock or coal to protect the container.

Subsection (g) requires that explosives stored in the working places be in closed containers, and no closer than 50 feet from the face or 15 feet from any pipeline, powerline, rail or conveyor, except, if kept in a niche, the container may be as close as 5 feet. Explosives and detonators must be stored so that they are at least 5 feet apart.

Section 314. Hoisting and mantrips

Subsection (a) requires that hoists, cages, platforms, elevators, or other devices used for transporting persons be equipped with certain safety devices, such as overwind, overspeed, and automatic stop controls, brakes capable of stopping a fully loaded cage or platform, adequately strong hoisting cable, and safety catches; that such hoisting equipment be examined daily; that a qualified hoisting engineer shall be on duty while persons are underground, except when automatically operated equipment is used.

Subsection (b) authorizes the inspector to require other safeguards for transporting men and materials, such as those in the present advisory code. It is expected, however, that efforts will be made to improve upon these also.

Subsection (c) requires that hoists and hoist ropes be capable of handling their loads safely. An indicator shall be provided to show the position of the cage, platform, skip, bucket, or cars.

Subsection (d) provides for communication between shaft sections and the surface hoist room.

Subsection (e) requires that each locomotive and haulage car be equipped with automatic brakes, where space does not permit, they shall be subject to speed reduction gear, or other devices approved by the Secretary.

Subsection (f) requires haulage equipment acquired on or after one year after the operative date, to be equipped with automatic couplers. All equipment now in the mines must be so equipped within 4 years after the operative date.

Section 315. Emergency shelters

This section authorizes the Secretary to require emergency shelters which are adequately equipped under guidelines to be established by the Secretary.

Section 316. Communications

This section requires that the operator install surface-to-underground telephone service or other two-way communication facilities between the surface and each working section that is more than 100 feet from a portal.

Section 317. Miscellaneous

Subsection (a) requires that the operator provide barriers and maintain them around locatable oil and gas wells penetrating coal beds or underground workings. The barrier must be at least 300 feet in diameter, but a greater or lesser barrier may be permitted. It provides authority for the Secretary to establish minimum Federal requirements.

Subsection (b) requires that exploratory boreholes shall be drilled in advance of working places under certain specified conditions.

Subsection (c) prohibits underground smoking in all mines and smoking in surface areas where smoking could cause a fire or explosion. It would require the operator to institute a program to prevent anyone from carrying smoking materials underground.

Subsection (d) requires that only permissible electric cap lamps shall be used by the individual miner for portable illumination underground. It also prohibits open flames underground except where specifically permitted by this statute for welding.

Subsection (e) directs the Secretary to prescribe standards for permissible lighting underground in the active workings of mines within 9 months after the operative date of the title. It also requires those standards to be complied with within 18 months after promulgation.

Subsection (f) requires that the operator provide at least two separate and distinct escapeways, at least one of which is ventilated with intake air, properly maintained to insure passage at any time, by any person, including a disabled person, and marked from each working section to the surface escape drift opening or escape shaft or slope facilities with adequate facilities in each escape shaft or slope to allow persons including disabled persons to escape quickly to the surface in event of emergency. This standard would further require that mine openings be protected to prevent surface fires, fumes, smoke, and floodwater from entering the underground portion of the mine. The standard would require that adequate facilities approved by the Secretary shall be provided in each escape shaft. This subsection also provides that no more than 20 men can work in a mine before a connection is made between two openings. During the final mining of pillars in a mine, not more than 20 men can work in the mine if only one mine opening is available. This subsection also requires that all new mines and new sections of existing mines separate the escapeway which is on intake air from the belt or trolley haulageway because mine fires often originate in these haulageways and within a relatively short time the air current is completely filled with smoke, and harmful matter. The Secretary is given the authority to determine the length of the entry which must be separated in accordance with section 301.

Subsection (g) requires that structures erected on the surface within 100 feet of any mine opening shall be of fireproof construction. However, where existing structures are not now of fireproof construction, fire doors shall be erected in the mine openings. The provision also requires that the door be tested and a record kept of such inspection.

Subsection (h) requires that methane and coal dust shall be prevented from accumulating in excessive concentrations in or on surface coal-handling facilities. Coal dust shall be prevented from entering the mine when coal is dumped at or near air-intake openings on the surface. It would provide for the establishment of limits for methane concentrations within 1 year of the operative date of this section, in or on surface coal-handling facilities.

Subsection (i) requires every operator of a coal mine to provide at his expense a program, approved by the Secretary, to train and retrain qualified and certified persons.

Subsection (j) authorizes an inspector to require protective cabs on face equipment where the height of coalbeds permits.

Subsection (k) requires that the openings of any mine declared inactive by the operator or is permanently closed or abandoned for more than 90 days, after the operative date of this bill, be sealed as prescribed by the Secretary. It would also require that openings to all other mines be protected to prevent entrance by unauthorized persons.

Subsection (l) authorizes the Secretary to require that adequate sanitary and bathing facilities be provided by the mine operator as well as a place to change and store clothes. Sanitary toilet facilities must be provided in active workings when surface facilities are not accessible.

Subsection (m) requires that the operator make proper advance arrangements for medical attention, including adequate communications and first aid for use in emergencies. It would require the operator to meet minimum standards set prior to the operative date of this title by the Secretary of Health, Education, and Welfare in making these arrangements, and require operators to file a plan with the Secretary in carrying out this requirement.

Subsection (n) requires that the operator make available to each miner a self-rescue device approved by the Secretary which will provide protection for a minimum of 1 hour against smoke, fumes, and noxious gases. Also, the miners must be trained and retrained in their use by the operator.

Subsection (o) directs the Secretary to prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

Subsection (p) requires a check-in and check-out system to provide positive identification and records of everyone working underground. The record must be kept on the surface. Also, the miner would wear an identification check on his lamp belt. The check would include his name.

Subsection (q) authorizes the Secretary to require that devices to prevent and suppress ignitions be installed on electric face cutting equipment when technologically feasible.

Subsection (r) requires permits when mining under any body of water which would provide adequate safeguards against caveins and other hazards. The subsection is limited to new mines and new working sections of existing mines located under bodies of water considered sufficiently large by the Secretary to constitute an actual or potential hazard to miners in the mine. It also requires that no permit will be needed where the new working section is located under a reservoir being constructed by a Federal agency on the date of enactment where the operator is required by such agency to operate in a manner that protects the safety of the miners.

Subsection (s) requires that an adequate supply of potable water shall be provided for drinking purposes in the active workings of the mine.

Subsection (t) requires the Secretary to propose standards, within one year after the operative date of this title, for preventing explosions from explosive gases other than methane and for testing for accumulations of such gases.

Section 318. Definitions

The section defines the various terms used in this title and title II of the act.

Subsection (a) defines the terms "certified" and "registered" to mean persons who are certified or registered by a State in which they are working in accordance with the State standards. If a State does not have such a program or if its standards do not meet the minimum Federal requirements, then the Secretary of the Interior would provide such certification or registration until the State establishes a program whose standards meet minimum Federal requirements. The minimum Federal requirements for these positions must be established as soon as possible after enactment by the Secretary.

Subsection (b) defines "qualified person" to mean depending on the context a person deemed by the Secretary to be qualified to make tests or measurements required by the Act; or a person, qualified by training, education, and experience to be a master electrician.

Subsection (c) defines the term "permissible" to cover electric equipment, such as permissible electric lamps for portable illumination, explosives, shot firing units, blasting devices, and the manner of use of all of these. In each case to meet the test of permissibility, there must be compliance with the Secretary's specifications which are prescribed to prevent accidents.

Subsection (d) defines the term "rock dust" and establishes minimum requirements for the various types of inerts that are acceptable for use in inerting coal dust.

Subsection (e) defines "anthracite" as coal with a volatile ratio equal to 0.12 or less.

Subsection (f) defines "volatile ratio" by giving the formula for its determination.

Subsection (g) contains technical terms that are commonly used and understood in the coal mining industry and are defined as follows:

(1) "Working face" means any place in a coal mine in which the work of extracting coal from its natural deposits in the earth is performed during the mining cycle.

(2) "Working place" means the area of a coal mine inby the last open crosscut.

(3) "Working section" means all areas of the coal mine from the loading point of the section to and including the working faces.

(4) "Active workings" means any place in a coal mine where men are normally required to work or travel.

Subsection (h) defines the term "abandoned areas" as sections, panels, and other areas that are not ventilated and examined in the manner required for active underground working places.

Subsection (i) defines the term "permissible" as applied to electric face equipment to mean electric equipment taken into or used inby the last open crosscut of the mine—that is the working place—or parts thereof which meets the Secretary's specifications relative to preventing the emission of a spark or arc which could cause a mine fire or explosion and which includes other features to prevent, where possible, accidents in the use of equipment.

The present regulations of the Bureau of Mines (schedule 2G) would continue until changed, but the Secretary must immediately develop practical methods, such as field testing, to facilitate approval, for permissibility both under the present regulations and under revised regulations—to account for the mines required to use permissible equipment by this Act. Such methods would recognize that the primary objective is to prevent mine fires and mine explosions from this equipment. But other safety features not related to the prevention of ignitions and explosions must not be ignored. Without sacrificing safety, some types of equipment, such as "home-made" equipment in some small mines, might be made permissible for this purpose.

Subsection (j) defines low, medium, and high voltage. Low voltage is up to 660 volts, medium voltage up to 1,000 volts, and high voltage means over 1,000 volts.

Subsection (k) defines "respirable dust" as dust particles of 5 microns or less in size.

Subsection (l) further defines the term "coal mine." The term "coal mine" is broadly

defined in section 3(h) of the act to cover all coal mines whether underground or not. In addition, this section would further define the term, in the case of underground mines, to include areas of adjoining mines physically connected underground. It is intended to apply primarily to section 305(a). Under that section, if two mines are so connected and one is gassy, then they both must be considered as gassy under this section. For this purpose, two mines separated by artificial barriers, one of which is gassy, must be considered as connected and therefore both are gassy.

TITLE IV—BLACK LUNG BENEFITS

PART A—GENERAL

Section 401

This section finds that there are a significant number of living coal miners who are totally disabled from pneumoconiosis arising out of employment in one or more underground coal mines; that there are a number of survivors of such miners whose death was due to this disease; and that few states provide benefits to such miners or survivors. It also provides that it is the purpose of this title to provide such benefits and to ensure that future adequate benefits are provided to coal miners and their dependents where disability or death occurs from such disease. It is intended that this title be construed in a manner that will assure accomplishment of this purpose and will provide benefit payments to the greatest number of eligible persons possible.

Section 402

This section defines various terms used in this title. "Pneumoconiosis" is defined to mean any chronic dust disease, whether in its advanced stages or not, of the lung, arising out of employment in one or more underground coal mines. It is anticipated that the disease will be determined by the best medical evidence possible, primarily x-rays. But pulmonary function tests, and other medical means may be used for diagnosis, as determined by the Secretary of HEW. The definition of a "miner" limits the application of this title to miners who are or were employed in underground coal mines. The parameters of the term "total disability" will be established from time-to-time by the Secretary of Health, Education, and Welfare, but he must not establish more restrictive criteria for determining disability than the criteria applicable under section 223(d) of the Social Security Act, as amended, for purposes of disability under that Act. It is expected that initially this criteria will be followed. As time goes on, the Secretary may develop more liberal criteria consistent with the purpose of this title.

Part B—Claims for Benefits Filed on or Before December 31, 1972.

Section 411

Subsection (a) directs the Secretary of Health, Education, and Welfare to pay benefits under this part to miners totally disabled due to pneumoconiosis and to widows of deceased miners whose death was due to this disease, in accordance with regulations promulgated by the Secretary.

Subsection (b) directs the Secretary to prescribe by regulation standards for determining under subsection (a) whether a miner is totally disabled due to this disease and whether his death was due to it. Such regulations must be promulgated finally in the Federal Register as soon as possible after enactment, but no later than 3 months after enactment. Such regulations shall be revised as needed.

Subsection (c) establishes certain presumptions in connection with subsection (a). If a miner who is suffering from pneumoconiosis was employed for 10 years or more in one or more underground coal mines, there will be a rebuttable presumption that the pneumoconiosis arose out of such employment. If a miner or former miner worked ten years in such mines and died of a respirable disease, there will be a rebuttable presumption that his death was due to pneumoconiosis. If a miner or former miner is suffering from, or dies from, an advanced irreversible stage of pneumonconiosis, it is irrebuttably presumed that he is totally disabled and the total disability or death was due to pneumoconiosis.

Subsection (d) makes it clear that, in the event a person does not meet the requirements for any of the above presumptions, such person may still obtain benefit payments under subsection (a).

Section 412

Under subsection (a), miners who are totally disabled due to pneumoconiosis will receive benefits at a rate equal to 50 percent of the minimum monthly payment to which a disabled Federal employee in the first step of grade GS-2 would be entitled at the time of payment. Widows of miners whose deaths are due to pneumoconiosis or whose death occurred while receiving benefits under this part receive benefits at the rate prescribed for totally disabled miners. The rates prescribed above are increased for dependents at the rate of 50 percent for one dependent (widow or child), 75 percent for two dependents, and 100 percent for three or more dependents.

Under subsection (b), the benefits for miners or their widows, will be reduced by an amount equal to payments under any workmen's compensation, unemployment compensation, or State disability insurance laws. The amount of such payment would also be reduced on account of excess earnings of a miner, but not his widow, as provided under section 203 (b) through (e) of the Social Security Act of the amount paid were a benefit payable under section 202 of such act.

Subsection (c) provides that such benefits payable shall not be deemed to be income for purposes of the Internal Revenue Code of 1954.

Section 413

Subsection (a) requires that, except as provided in Section 414, benefit claims under this part must be filed on or before December 31, 1972, to be eligible for payments. Once benefits are paid, however, on account of total disability and the miner dies, the widow will continue to receive such benefits.

Subsection (b) provides that the Secretary shall utilize, to the greatest extent possible and consistent with the purposes of this part, the personnel and procedures used to determine total disability under Section 223 of the Social Security Act, as amended. All other eligibility factors, such as, but not limited to age, required earnings shall be ignored. The purpose of this subsection is to use established machinery for the determination of total disability but in no way to be construed as imposing requirements as to quarters of earnings, age limitations, etc. Claimants under this part shall be reimbursed for reasonable medical expenses incurred by them in establishing their claims.

Subsection (c) requires that claimants also file under the applicable State workmen's compensation law before, or simultaneous with, filings under this part. This requirement, however, shall not apply in cases where the Secretary finds that such filing would be futile because the period within which a claim under the State law may be filed has expired or because pneumoconiosis is not compensable under the State law or in any other case in which, he finds, such filing to be futile.

Section 414

Subsection (a) provides that benefit claims under this part for total disability must be filed on or before December 31, 1972, and death claims must be filed within 6 months after death of the miner, or by December 31, 1972, whichever is later. Thus, where a miner who is totally disabled due to pneumoconiosis and eligible for benefits later dies, his widow continues to receive such benefits as provided in section 412 even though death occurred after December 31, 1972.

Subsection (b) requires that if a claim is filed after December 31, 1971, but before December 31, 1972, the claimant can receive benefits through to December 31, 1972, under this part.

Subsection (c) provides that benefits under this part shall not be paid for any period of disability occurring prior to the date a claim is filed. However benefits accrue from the date the claim is filed—not the date it is approved.

Under subsection (d), no benefit payments shall be made to residents of any State which, after enactment, reduces to persons eligible under this program the benefits it pays under the laws of the State which are applicable to its general work force with regard to workmen's compensation, unemployment compensation, and disability insurance, and which are funded in whole or in part by employer contributions. Benefit payments made under State programs funded by general revenues are not included in the maintenance of effort provision for the reason that they are not considered to be workmen's compensation, unemployment compensation, and disability insurance programs as such programs are generally understood. Any changes by a State in such payments or programs, including, but not limited to, the termination of such payments or programs in the case of persons eligible for benefits under this title, that are funded by general revenues subsequent to the date of enactment of this title shall not affect in any way payments under this title to eligible miners who are residents of such State.

Subsection (e) requires that benefits for widows under this part on account of death of a miner shall be paid if benefits under part B were being paid prior to his death to the deceased miner because of total disability due to pneumoconiosis, or if the miner died prior to January 1, 1973.

Part C—Claims for Benefits After December 31, 1972.

Section 421

Subsection (a) requires that on and after January 1, 1973, pneumoconiosis disability and death claims must be filed under the applicable State workmen's compensation law, except that, during any period when miners or their widows are found not to be covered by a State's workmen's compensation law which provides adequate coverage for this disease, they shall be entitled to claim benefits under this part.

Subsection (b) provides for the listing by the Secretary of Labor of such State laws that provide adequate coverage for pneumoconiosis. He shall publish such list by October 1, 1972, in the Federal Register and from time to time thereafter. During any period such State law is not so listed, it shall not be deemed to provide such coverage. Generally speaking, the Secretary will determine a State law to have adequate coverage for pneumoconiosis if the cash benefits under such law and the criteria for determining eligibility are not less favorable to the claimant than those applicable to claims filed before January 1, 1973, under part B; that the claim for benefits as filed within 3 years of discovery of disease, there are in effect provisions with respect to prior

and successor operators which are substantially equivalent to provisions contained in section 422(i), and there are other provisions as required by paragraph (F). The inclusion or failure to list a State's workmen's compensation law is subject to review in the U.S. court of appeals for the circuit in which the State is located or in the United States Court of Appeals for the District of Columbia.

Section 422

Under subsection (a), during any period after December 31, 1972, when a State's workmen's compensation law is not so listed, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as amended, except certain specified sections thereof, shall be applicable to each operator of an underground coal mine in that State, to the extent the Secretary determines them applicable, relative to claims for death or total disability benefits due to pneumoconiosis arising out of employment in such mine. The Secretary of Labor is also authorized to publish additional provisions by regulation, together with all or part of the applicable provisions of said Act other than those specifically excluded, when he believes such publication will facilitate the administration of this part and will insure that each such operator shall be liable for, and secure the payment of, benefits to eligible persons. The objective of this provision is to provide adequate flexibility in the Secretary of Labor in carrying out this provision.

Under subsection (b), the operator of an underground coal mine is made liable for benefit payments under this part in those States in which a State workmen's compensation law is not included on the list published by the Secretary of Labor.

Subsection (c) requires that during such period benefits must be paid by the operator to those persons eligible under section 412(a) of this title in accordance with the regulations promulgated by both Secretaries. However, except as provided under subsection 422(i), no such benefits are payable by such operator unless if the death or total disability due to pneumoconiosis arose in whole or in part while the miner was employed in a coal mine of the operator. It should be noted here that the term "operator" is defined in section 3 of the Act and that definition applies to this part.

Subsection (d) provides that benefits paid by an operator under this section must be paid monthly in the same amount specified in section 412(a).

Subsection (e) limits payments to claims for benefits during any period after January 1, 1973, but, in no event, for any period after 7 years after the enactment of this Act.

Subsection (f) provides that claims for benefits under this section must be filed within 3 years after discovery of total disability due to the disease, or in the case of death due to the disease, within 3 years from the date of death.

Subsection (g) requires that the benefits must be reduced by the amount of any compensation received under any Federal or State workmen's compensation law because of death or disability due to this disease, but does not affect medical benefits and related care as provided under such law.

Subsection (h) provides that the regulations of Health, Education, and Welfare promulgated under section 411 of this title will apply to claims filed under this section. In addition, this subsection directs the Secretary of Labor to establish standards by regulation, which may include appropriate presumptions, for determining whether pneumoconiosis arose out of employment in a particular mine or mines, and he may establish standards for apportioning, where appropriate, liability for benefit payments under this section among more than one operator.

Subsection (i) provides that, during any period in which this section is applicable to a coal mine, an operator who acquired it or substantially all of its assets from a person who was its operator on and after the operative date of this title shall be liable for, and secure the payment of, the benefits which would have been payable by the prior operator under this section with respect to miners previously employed in the mine if it had not been acquired by such later operator. At the same time, however, this subsection would not relieve the prior operator of any liability under this section. Also, it would not affect whatever rights the later operator might have against the prior operator. The intent of this provision is to insure that operators cannot escape liability under this section or State workmen's compensation laws to pay benefits to miners previously employed by them by the device of transferring their mines and going out of business.

Section 423

Subsection (a) requires that, during any period when a State workmen's compensation law is not listed by the Secretary of Labor as provided in this part, the operator of an underground coal mine therein must secure payment of benefits for which he is liable under this part by qualifying as a self-insurer, or providing insurance of such benefits.

Subsections b & c set forth what every policy or contract of insurance must contain to meet the requirements of subsection (a)(2), and require that they cannot be cancelled prior to the date specified in the policy or contract for its expiration without at least a minimum of 30 days notice to the Secretary of Labor and to the operator.

Section 424

Under this section, if benefits are due under section 422 and an operator liable for them has not obtained security or has not paid the benefits within a reasonable period of time, the Secretary shall pay them to the eligible person and such operator shall be liable to the United States for any payment under this title. It is specifically intended that the right of subrogation established by this section includes both active and inactive miners and to widows to whom benefits are paid under either this section or part B of this title, to the extent such miners and widows are entitled to bentfits from any operator under section 422. If benefits are due under section 422 and there is no operator who was required to secure such payment, the Secretary shall pay them to the eligible person.

Section 425

Under this section the Secretary may utilize the services of State and local agencies in connection with the administration of section 422.

Section 426

Under this section, the Secretaries of Labor and Health, Education, and Welfare are authorized to issue regulations to carry out this title. Also, both Secretaries must submit annual reports to the Congress. Finally, this section makes it clear that if a State's workmen's compensation law provides greater benefits than those payable under this title, such law shall not be construed or held to be in conflict with this title.

TITLE V—ADMINISTRATION

Section 501. Research

Subsection (a) directs the Secretary and the Secretary of Health, Education, and Welfare to conduct comprehensive studies, experiments, and demonstrations in their respective areas of expertise in the field of coal mine health and safety.

Subsection (b) provides that activities under this section in the field of coal mine health will be carried out by the Secretary of Health, Education, and Welfare while activities in the field of coal mine safety will be carried out by the Secretary of the Interior.

Subsection (c) provides that in carrying out this section and the research under sections 301(b) and 502(a) the Secretaries may use the services of public and private agencies and individuals. All information developed under the authority of this act must be made available to the general public, unless an exception or limitation is made by the Secretary of the Interior or the Secretary of HEW in the public interest.

Subsection (d) directs the Secretary of Health, Education, and Welfare to conduct research and studies on the health conditions of nonminers working with or around coal products in areas outside coal mines.

Subsection (e) authorizes separate appropriations for health and safety research to both Secretaries.

Subsection (g) authorizes grants by the Secretary of Health, Education * * * act to experiment with new techniques and equipment to improve health and safety on a finding by the Secretary that granting the exception will not adversely affect the health and safety of the miners. Subsection (g) authorizes grants by the Secretary of Health, Education, and Welfare for research and experiments on respiratory equipment.

Section 502. Training and education

This section directs the Secretary to expand programs to educate and train operators and miners relative to health and safety, and it would direct that the Secretary provide technical assistance to coal mine operators in meeting the requirements of this act.

Section 503. Assistance to States

This section directs the Secretary, in coordination with the Secretaries of Labor and Health, Education, and Welfare, to make grants to States to conduct studies and to carry out plans designed to improve State workmen's compensation and occupational disease laws as they relate to compensation for pneumoconiosis and injuries in coal mine employment, to assist the States in developing and enforcing effective health and safety laws and regulations applicable to mines in the States, and to promote Federal-State coordination and cooperation in improving health and safety conditions in the Nation's coal mines.

It provides that in order to receive the Federal assistance the State must submit an application setting forth its plans to improve State workmen's compensation laws, designating the State coal mining inspection or safety agency as the agency for administering the grant and containing assurance that it will have authority to carry out the purposes of the assistance, gives assurances that an adequate staff will be employed, sets forth the plans, policies, and methods to be followed in carrying out the grant, provide for extension and improvement of the State's program for coal mine health and safety, and prohibits advance notices of inspections, contains the usual common provisions relating to fiscal control and fund accountability and for reports to the Secretary, and meets additional conditions prescribed by the Secretary. The Secretary cannot disapprove an application without affording the State an opportunity for a hearing. If the State is aggrieved by the Secretary's decision, an appeal lies to the Court of Appeals for the District of Columbia. The section further provides that grants may be made to carry out the cost of training inspectors, and to assist States in planning and implementing other programs for the advancement of health and safety in coal mines. The Federal grant may not exceed 80 percent of the cost of the program. It authorizes the appropriation of $3

million for the fiscal year 1970 and $5 million for each succeeding fiscal year to carry out the program.

Section 504. Economic assistance

This section amends section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)) to permit loans to assist coal mine operators who qualify under that act as small business concerns in the purchasing, rebuilding, or conversion of equipment and other facilities to comply with the standards established or promulgated under this act. Loans may also be made or guaranteed for such purposes under section 202 of the Public Works and Economic Development Act of 1965, as amended.

Section 505. Inspectors; qualifications; training

This section gives the Secretary authority to appoint qualified people as inspectors. They must, in general, have practical experience in the mining of coal or as a practical mining engineer, or a good educational background. The details of the person's qualifications would be developed by the Secretary in an effort to get the most qualified people. It would authorize the Secretary to work with educational institutions and the operators and the States in developing and financing cooperative programs to train selected persons as inspectors and to train others for possible selection as inspectors. Because of the immediate need to hire qualified persons as inspectors, the statutory and other limitations on personnel would not apply to inspectors and other persons needed to carry out the provisions of this act. The Congress is aware that this Act cannot be effective without sound and vigorous administration by well-qualified and dedicated personnel. It will require a great number of well trained personnel in the next several months to insure that the Act will be properly administered from the beginning. The history and record of health and safety in this industry requires no less than such effective administration. Coal mine health and safety enforcement and research no longer can be the stepchild to mineral production or to other programs of the Department of the Interior. They must be substantially expanded and improved.

Section 506. Effect on State laws

This section provides that only State laws less stringent than this act or those in conflict with this act shall be superseded.

Section 507. Administrative procedures

This section provides that certain procedures in title 5 of the United States Code would not apply to notices, orders or decisions issued under this act because the act prescribes the procedures to be followed.

Section 508. Regulations

This section authorizes the issuance of regulations to carry out the act.

Section 509. Operative date and repeal

This section establishes the operative date of the various titles of the act and provides for the repeal of the Federal Coal Mine Safety Act, as amended. In some cases, earlier dates in a particular title and prescribed and it is the purpose of this section that those dates be made.

Section 510. Separability

This section assures the continued effectiveness of the remainder of the act in the event any of its provisions are held invalid.

Section 511. Reports

This section provides for separate annual reports and recommendations to the Congress by the Secretary and the Secretary of Health, Education, and Welfare.

This title clearly delineates the areas of responsibility in the field of health and safety research by both Secretaries. The delineation is consistent with titles I through III of the act which also establish the roles of both Secretaries and it is the intent of the Congress that this delineation be followed. It is also intended that both Secretaries take the initiative and use the broad mandates set forth in this act to improve the health and safety of miners rapidly. The annual reports required by this section must provide detailed information of the actions taken and not taken by both Secretaries in meeting these responsibilities in order that the Congress may annually assess how effective they have been.

Section 512. Special report

This section requires a special report from the Secretary on Federal-State cooperation.

Section 513. Jurisdiction; limitation

This section prohibits the temporary enjoining of any statutory health or safety standard in any proceeding in which the standard's validity is in issue.

There follows a brief summary of a timetable of actions the Congress established by this bill which Congress intends must be met with the urging and cooperation of the miners and their representatives and the operators:

TIMETABLE OF ACTIONS BY SECRETARY OF THE INTERIOR AND SECRETARY OF HEALTH, EDUCATION, AND WELFARE

[Action and Due Date After Enactment]

1. Publish proposed health and safety standards for surface coal mines (Sec. 101(i)), Secretary of Interior, 15 months after enactment.

2. Publish proposed health and safety standards for surface areas of underground coal mines (Sec. 101(i)), Secretary of Interior, 15 months after enactment.

3. Publish all interpretations; regulations, and instructions not inconsistent with this Act (Sec. 101(j)), Secretary of Interior, immediately.

4. Appoint separate advisory committee on coal mine health and safety research (Sec. 102), both Secretaries, 3 months after enactment.

5. Prescribe methods, locations, intervals and manner of sampling respirable dust (Sec. 202(a)), both Secretary, jointly, 2 months after enactment.

6. Establish time schedule for reducing respirable dust concentrations below established levels, Secretary of Health, Education, and Welfare, beginning 12 months after enactment.

7. Prescribe specifications for taking chest roentgenograms (Sec. 203(a)), Secretary of Health, Education, and Welfare, within 6 months after enactment.

8. Establish and publish proposed mandatory health standards re: noise (Sec. 206), both Secretaries, within 6 months after enactment.

9. Prescribe manner for testing noise level at a coal mine (Sec. 206), Secretary of Health, Education, and Welfare, within 6 months after enactment.

10. Initial approval of roof-control plans (Sec. 302(a)), Secretary of Interior, 5 months after enactment.

11. Prescribe minimum air quantity and velocity reaching working face (Sec. 303(b)), Secretary of Interior, within 6 months after enactment.

12. Prescribe maximum respirable dust level for intake aircourses (Sec. 303(b)), Secretary of Interior, within 15 months after enactment.

13. Initial approval of ventilation and methane and dust control plan (Sec. 303(o)), Secretary of Interior, within 6 months after enactment.

14. Initial approval of plan of emergency action when mine fan stops (Sec. 303(t)), Secretary of Interior, within 5 months after enactment.

15. Conduct survey of availability of permissible electric face equipment and publish same (Sec. 305(a)(5)), Secretary of Interior, within 12 months after enactment.

16. Prescribes procedures and safeguards for making repairs on high-voltage lines (Sec. 307(d)), Secretary of Interior, within 3 months after enactment.

17. Establish minimum requirements fore firefighting equipment (Sec. 311(a)), Secretary of Interior, 3 months after enactment.

18. Prescribe specifications for fire suppression devices (Sec. 311(e)), Secretary of Interior, within 15 months after enactment.

19. Require that devices for warning of fires be installed on belt conveyors. Sec. 311(g)), Secretary of Interior, within 5 months after enactment.

20. Prescribe schedule for monthly fire suppression devices on belt haulageways (Sec. 311(g)), Secretary of Interior, 3 months after enactment.

21. Prescribe illumination standards (Sec. 317(e)), Secretary of Interior, within 12 months after enactment.

22. Establish methane limits in or on surface of coal handling facilities (Sec. 317(h)), Secretary of Interior, within 15 months after enactment.

23. Prescribe minimum standards for emergency medical aid, Secretary of Health, Education, and Welfare, within 3 months after enactment.

24. Prescribe improved methods re: providing adequate oxygen (Sec. 317(o)), Secretary of Interior, after operative date of Title III.

25. Establish procedures for issuing permits re: hazards from cave-ins of tunnels under water (Sec. 317(r)), Secretary of Interior, prior to operative date of title III.

26. Propose standards for preventing explosions from gases other than methane and for testing such gases (Sec. 317(t)), Secretary of Interior, within 15 months after enactment.

27. Prescribe minimum Federal standards for "certified" or "registered" persons (Sec. 318(a)), Secretary of Interior, prior to operative date of title III.

28. Establish requirements for persons qualified as electricians (Sec. 318(b)), Secretary of Interior, prior to operative date of title.

29. Establish specifications re: permissible (Sec. 318(c)), Secretary of Interior, prior to operative date of title.

30. Prescribe procedures for field testing and approval of electric face equipment (Sec. 318(i)), Secretary of Interior, prior to operative date of title.

31. Study of ways to coordinate Federal and State activities in the field of coal mine health and safety (Sec. 512), Secretary of Interior, as soon as practicable after enactment.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. GRIFFIN. Mr. President, I wanted to very briefly renew the concern I expressed earlier in connection with the amendment of the Senator from West Virginia (Mr. RANDOLPH) about the cost that will be involved in this final conference report. I wish it were as reasonable as described by the distinguished Senator from New Jersey. It is a matter of serious concern.

Mr. RANDOLPH. Mr. President, last December the Members of the Congress, in effect, said that we would pass effective, strong legislation for coal mine

health and safety. That has been the commitment of Congress. It is now being completed.

Mr. JAVITS. Mr. President, the coal mine health and safety bill reported by the conference is the product of months and months of work by the members of our Committee on Labor and Public Welfare and the House Committee on Education and Labor, and their staffs. The bill now before us represents, without question, the most comprehensive health and safety legislation ever brought before the Congress. The bill is, in a true sense, a landmark; one which represents a real turning point on our attitude toward health and safety of workers in this country and particularly the years of neglect of the workers in the most dangerous industry in America: coal mining.

Equally important, for the first time, this bill recognizes the Federal responsibility toward workers who have become the victims of occupational disease, in this case one of the deadliest of all occupational diseases, coal workers' pneumoconiosis or "black lung."

Mr. President, I would like to compliment the distinguished Senator from New Jersey, who as the chairman of the Subcommittee on Labor, has given of himself unsparingly in managing the Senate bill during a period of over 9 months. I also want to pay tribute to the Senator from West Virginia (Mr. RANDOLPH) whose spirit and knowledge of the coal industry were of such help to all of us on the Senate side.

Mr. President, for the widows of the miners who died so tragically last year at Farmington, W. Va., and for the many miners who have died in past years, including the 13 months which have elapsed since the Farmington tragedy, this bill is too late. It also comes too late to help those thousands of miners who, as a result of exposure to coal dust over a period of many years, have contracted pneumoconiosis, thus being condemned to spend their declining years enfeebled and gasping for every breath.

We cannot restore the gift of life to those who have been killed, nor is there any medical process known which would restore to normalcy lungs ravaged by years and years of exposure to respirable coal dust. We can, however, do all that is possible to reduce this awful toll of life, limb, and breath in the future; furthermore, we can ensure that those unfortunate miners who have been totally disabled by black lung receive some minimal amount of benefits which would enable them and their widows and children to live with some small amount of economic security. That, in essence, is what has been done in this report.

I know that the health and safety provisions of this bill will cost money. Operators will be required to change existing practices and install new types of equipment, sometimes at considerable cost. We have attempted to moderate that cost to the extent that we could, through appropriate extensions of time, and through help in the form of small business loans, but we have not sacrificed principle. In this bill, health and safety come first, and economics follow.

The health and safety provisions contained in the bill are, in general, a merger of the strongest provisions of both the House and the Senate bills. That is particularly true with respect to the dust standards. They are not controversial and are covered in the conference report and the statement of the House managers, as well as the section-by-section analysis which has been prepared.

I do want to discuss, in some detail, title IV of the bill relating to compensation for black lung victims and their widows, because it is the part of the bill which is the most controversial. I personally have had a great deal to do with some of its provisions. At my request the Secretary of the Interior submitted cost estimates of the benefit program under title IV of approximately $150 million to $383 million. Furthermore, yesterday the administration, through the Secretary of Labor, announced its opposition to title IV on the basis of its cost and the fact that it represented an intrusion by the Federal Government into State workmen's compensation programs.

I do not believe that this program will cost what Secretary Hickel has estimated it will.

In particular, the estimate should be adjusted to reflect an average number of dependents of one rather than 1.5, at least 2,000 or 3,000 more workers than assumed in the estimate as presently receiving workmen's compensation payments, and the amounts which will be offered or recovered under section 424. With these adjustments, the actual annual cost of this bill during the first years after enactment is estimated by my staff at $80 to $100 million and certainly no more than $120 million, per year.

Furthermore, I believe that title IV should not be condemned as an invasion of States rights, but rather praised as a step to insure that the victims of this tragic occupational disease receive some bare minimum of compensation, with the cost to be borne by the Federal Government, insofar as workers for whom no employer liability can be established under traditional workmen's compensation criteria, and by the employers insofar as their responsibility can be established under such traditional criteria.

The provisions relating to benefits for victims of black lung in the House and Senate bills differed considerably. However in adopting the compensation provisions contained in their respective bills, both the House and the Senate explicitly based their action on the incontestable fact that, with the possible exception of Pennsylvania, the workmens compensation programs of the States had utterly failed thousands of coal miners throughout the country who have become totally disabled or who have died from black lung. The Senate, by an extraordinary 91 to 0 vote, agreed to establish an interim emergency program, with the States paying half the cost in the third and fourth years, pending a study and recommendations by the Secretary of Health, Education, and Welfare of a permanent solution. That study was to include the desirability of employer financing, among other things.

It will also be recalled that the compensation program originally proposed to the Senate would have been paid for, in part, with half the proceeds of the assessment which would have been imposed on operators under the bill as reported by the committee. The assessment was deleted from the bill, but only because of the point of order raised by the Senator from Vermont.

The House, by an overwhelming vote, approved what amounted to a permanent, federally financed program. Under the House bill, benefits were payable to totally disabled miners for life and to the widows of miners who died from pneumoconiosis, with a time limit of 7 years for claims to be filed by miners and no time limit at all for widows. The House program clearly would have cost more to the Federal Government than the Federal payments part of title IV of the bill reported by the conference committee.

Now, though the administration did not actively oppose the House bill, it opposes the conference bill. Previously, the administration did not indicate that it preferred the Senate to the House version of the bill.

The Secretary of Labor urges that we should encourage the States to improve their laws. But, and this is the crux of the matter, he says that in the last analysis we must continue to rely on State laws. In essence, the administration view is that Congress must refrain from doing anything to insure that disabled workers receive even a bare minimum of benefits even though under most State laws they have no entitlement to benefits.

A few months ago, the administration sent to the Congress proposed occupational health and safety legislation, which I was privileged to sponsor in the Senate. The President's message and the testimony of the Secretary on the bill made it absolutely clear that the reason this legislation is necessary is because the States and private industry are simply not doing a good enough job. The proposed occupational health and safety bill recognizes, quite properly, that where the States are now doing a good job they ought to be permitted to continue, but where they are not, the Federal Government ought to step in. Furthermore, all the States should meet Federal minimum standards.

If the Federal Government has a proper role to play in preventing occupational diseases and injuries from occurring, does it not have an equally proper role to play in endeavoring to see that the unfortunate victims of occupational diseases and injuries receive minimum adequate compensation?

Now let me be clear on one matter: I am certainly not an advocate of federalization of workmen's compensation law, either generally or with respect to black lung in particular; and the conference report does no such thing. That would have been an indefensible waste of the administrative apparatus and ex-

pertise that presently does exist in the States. Nor do I deny for a moment that the States themselves deserve full credit for the development of the workmen's compensation concept, truly one of the pioneering social reforms of this century. But we can and we should require State workmen's compensation programs to meet bare minimum standards of decency. What is involved, in the last analysis, is the principle that industry should bear the cost of benefits for its injured and diseased workers. It is on that principle that I offered the compromise adopted by the conference which reduced the 7-year fully federally funded program of the House bill to a 3-year Federal program, followed by a program based on minimum workmen's compensation benefits payable by employers under State laws, or, if the State law did not require the payment of adequate benefits, under Federal law. That is what title IV does in the case of death or total disability due to black lung.

The proposal which is embodied in title IV of the bill is, in fact, much less of an intrusion on the general principles of workmen's compensation than was the House bill, which would have covered, under a completely Federal program, active miners as well as inactive miners who filed claims within a maximum period of 7 years and widows who filed claims at any time.

Under title IV of the conference bill there is a general cutoff date of December 31, 1971, on the filing of claims for permanent Federal benefits—with certain exceptions for widows. In the case of claims filed anytime in 1972, benefits are payable under the Federal program only until December 31, 1972. Commencing January 1, 1973, claims must be filed under State workmen's compensation laws unless the applicable State law has failed to meet certain minimum criteria for adequate coverage of pneumoconiosis. If the State law fails to meet these criteria, operators will be liable to pay benefits under Federal law. The criteria which State laws must meet include payment of benefits for total disability or death due to pneumoconiosis arising out of employment substantially equivalent to or greater than the benefits payable under the federally financed part of the program; that is, $136 per month for a miner or widow with no dependents, $204 if there is one dependent, $238 if there are two dependents, and $272 for three or more dependents.

These amounts, it should be noted, are far below the 66⅔ percent of the average miner's monthly pay, the percentage recommended by the U.S. Labor Department for workmen's compensation payments in the case of total disability.

Another criterion which the State law must meet is that the standards for determining total disability or death due to pneumoconiosis must be equivalent to those established by the Secretary of Health, Education, and Welfare under the Federal benefits program. This is particularly important since it is because black lung has simply not been recognized as an occupational disease until very recently that most workmen's compensation laws have failed to provide adequate coverage to coal miners. The standards for determining total disability will, at least initally, be those applied under the OASDI program. They generally require that a person be unable to pursue gainful employment for at least 1 year before he is considered totally disabled.

Another important criterion is a statute of limitations on the filing of claims of 3 years from the discovery and it is discovery, not occurrence, of total disability due to pneumoconiosis or death due to the disease, whichever is later. This criterion is designed to insure that, to the extent possible to do so consistently with traditional workmen's compensation criteria, after December 31, 1972, the cost of benefits for at least some of the active and inactive miners and widows elegible for benefits under the federally financed program will be borne by the operators of the mines in which such miners were employed and whose pneumoconiosis arose out of their employment in such mines.

The cost of any Federal benefits to such miners and widows will be reduced either through the operation of the offset provisions applicable with respect to workmen's compensation payments under part A or, in case the miner or widow for some reason does not file a claim for such benefits, through payments by the operator liable for the benefits to the Federal Government, as subrogee, under section 424.

State laws will also have to contain provisions governing the liability of successor operators included in section 423, which are designed to prevent any operator from escaping liability to pay compensation by the simple expedient of transferring ownership of the mine prior to January 1, 1973. Just such transfers have occurred, on a wholesale basis, to escape liability under the laws of at least one State.

Finally, State laws will have to meet other minimum criteria, based on provisions of the Longshoremen's and Harbor Worker's Compensation Act as the Secretary of Labor specifies in order to insure that adequate coverage for total disability or death due to pneumoconiosis is provided, but these may not be inconsistent with the criteria I have previously mentioned. Thus, the Secretary could not require any State to raise its level of benefits above those specified in section 412.

If a State law meets these criteria, that is the end of the matter, so long as it continues to do so. If, however, the State law does not meet these criteria, then operators of mines in such States are made liable to pay and secure benefits under Federal law itself. The benefit levels are the same as those provided under the federally financed program; the standards for determining death or total disability due to pneumoconiosis are the same as those applicable under the Federal program; provisions governing the liability of successor operators apply as described above, and the appropriate sections of the Longshoremen's and Harbor Worker's Compensation Act are made applicable. The Secretary of Labor is also given the power to prescribe additional provisions, not inconsistent with the provisions of the bill, as necessary to carry out the purpose of this part.

The result of this compromise is to substantially reduce the Federal cost of the program from the House bill through the application of traditional workmen's compensation principles.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of December 17, 1969, pp. 39721–39723, CONGRESSIONAL RECORD).

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, I wish to say that we had a very good conference with Members of the House. As a matter of fact, we were in session only about 3 or 4 hours and ironed out all of our differences in that length of time, which is somewhat unusual.

Mr. President, the conference committee agreed on an appropriation of $69,640,568,000. This is an amount of $8,099,632,000 under the original budget estimate, and an amount of $5,637,632,000 under the revised budget estimate. It is $317,912,000 over the amount allowed by the Senate and $319,480,000 under the amount allowed by the House.

The results represent the best compromise that the Senate conferees could achieve. I wish to make special note of the fact that the net effect of the funding action of the conferees is an almost perfect example of the give-and-take of the American democratic system. The pluses and minuses, over all, nearly balance in what was receded by each House. This was not done by design, and no running totals influenced any decision. It was purely fortuitous. But it does represent the spirit of the conference in which each member was concerned only with what was best for our country.

I shall report on the more important

items in conference and be available for any questions that might arise.

Probably the single most important action of the conference was that connected with the conversion of Polaris submarines to Poseidon submarines and the related missile system production. It will be recalled that the budget requested funds for the conversion of six submarines during fiscal year 1970. The House went along with this, but the Senate allowed only two. The Senate's position was that in the Polaris we had a highly reliable strategic missile system and that we should not proceed too hastily in converting a system we knew had to be proven until such time as the replacement system—the Poseidon—was demonstrably proved as reliable. In the conference a compromise was effected, providing for the conversion of four submarines when it became clear that the most efficient and economical manner in which to schedule the conversion program was through the conversion of four submarines in fiscal year 1970. The conferees agreed to provide no funds for the overhaul of Polaris submarines. The net effect of these actions was an increase over the Senate bill of $250.3 million. We also agreed that the funding program agreed to was in no sense a commitment of the Congress approving a specific number of conversions of Polaris submarines in fiscal years 1971 and 1972.

Speaking personally, I would have preferred to have maintained the Senate position, for I believe it to be economically hazardous to proceed with any system until all research, development, test, and evaluation problems have been ironed out.

The second largest item on which the Senate conferees receded was its reduction of $30.4 million for international military headquarters which had been allowed in the House. The Senate's position on this matter, Senators will recall, was that the Department of Defense appropriation bill was not the proper vehicle for these funds. Rather, it was thought that these appropriations should have been included in the foreign assistance appropriation. However, as we went to conference, the funds had not been included in the House version of that bill nor in the bill as reported by the Senate committee.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. I agree with the Senator on what he has just said, and I associate myself with his statement.

It was because funds for the support of international military headquarters had not been in the House bill that the action was taken, but the jurisdiction had always heretofore been in the Foreign Relations Committee for this item, and I hope that next year it will be again.

Mr. ELLENDER. The Senator is correct. These funds have heretofore been carried in the military assistance appropriations.

Mr. FULBRIGHT. I think the action was entirely proper.

Mr. ELLENDER. Under these circumstances the Senate receded and agreed to the inclusion of the funds in the Defense Appropriations Act for fiscal year 1970 but agreed to require the Bureau of the Budget to study this matter to determine where these functions should be provided for in future budgets. In other words, it is my hope that it will go back where it properly belongs.

The Senate conferees were successful in retaining a number of important items found in the Senate bill. One of these dealt with the availability of appropriations in future years in those appropriations previously referred to as "no-year" appropriations inasmuch as these procurement and research and development appropriations for many years have been available until expended. The conference agreement accepts the Senate version of a change in this availability. "Shipbuilding and conversion" unobligated balances that are 5 years old shall be included in the budget for rescission. All other procurement unobligated balances that are 3 years old shall be similarly included in the budget for rescission. The same applies to all research, development, test, and evaluation unobligated balances, only the period is limited to 2 years. I believe these provisions to be extremely worthwhile from the standpoint of economy since these actions will have the force of placing congressional control over all such balances.

The Senate conferees were successful in retaining the amendment made on the Senate floor prohibiting the use of funds provided in this act to finance the introduction of American ground combat troops into Laos and Thailand.

Mr. FULBRIGHT. Mr. President, will the Senator permit me to congratulate him on retaining that item?

Mr. ELLENDER. I thank the Senator very much. Of course, the fact that shortly before the conference, the President stated his approval of the amendment made the job of the Senate conferees much easier.

The conferees spent considerable time in working out the disagreement related to Navy ship repair. Final agreement approved the following language contained in the conference report:

> The conferees feel that the morale and retention rate of Navy personnel is of paramount importance and recommend that ship repair work be performed in, or as near as possible to—up to 300 miles of—the home port of the vessel when it cannot be accomplished at the home port itself.

It was the view of the Senate conferees that this was an equitable adjustment of a controversial matter.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation summarizing congressional action on each appropriation included in the Department of Defense appropriation bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF CONGRESSIONAL ACTIONS ON THE DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1970 (H.R. 15090)

TITLE I—MILITARY PERSONNEL

Item	New budget (obligational) authority, fiscal year 1969	Original budget estimates of new (obligational) authority, fiscal year 1970	Revised budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Conference action	Conference action compared with— Revised budget estimate	House	Senate
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Military personnel, Army	[1] $8,409,969,223	$8,535,000,000	$8,551,700,000	$8,312,000,000	$8,107,000,000	$8,107,000,000	−$444,700,000	−$205,000,000	
Military personnel, Navy	[1] 4,455,200,000	4,526,000,000	4,508,500,000	4,370,000,000	4,368,400,000	4,368,400,000	−140,100,000	−1,600,000	
Military personnel, Marine Corps	[1] 1,534,734,204	1,580,000,000	1,577,000,000	1,518,000,000	1,518,000,000	1,518,000,000	−59,000,000		
Military personnel, Air Force	6,093,600,000	5,959,000,000	5,952,800,000	5,835,300,000	5,823,000,000	5,823,000,000	−129,800,000	−12,330,000	
Reserve personnel, Army	287,200,000	311,000,000	311,000,000	308,000,000	306,700,000	306,700,000	−4,300,000	−1,300,000	
Reserve personnel, Navy	129,150,000	139,700,000	140,400,000	131,400,000	127,900,000	131,400,000	−9,000,000		+3,500,000
Reserve personnel, Marine Corps	36,550,000	45,700,000	45,700,000	45,000,000	45,000,000	45,000,000	−700,000		
Reserve personnel, Air Force	71,800,000	87,700,000	88,200,000	83,400,000	81,200,000	81,200,000	−7,000,000	−2,200,000	
National Guard personnel, Army	320,900,000	363,500,000	363,500,000	356,800,000	356,800,000	356,800,000	−6,700,000		
National Guard personnel, Air Force	88,000,000	101,600,000	103,100,000	97,300,000	97,300,000	97,300,000	−5,800,000		
Total, title I—Military personnel [2]	[1] 21,427,103,427	21,649,200,000	21,641,900,000	21,057,200,000	20,831,300,000	20,834,800,000	−807,100,000	−222,400,000	+3,500,000

Footnotes at end of table.

SUMMARY OF CONGRESSIONAL ACTIONS ON THE DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1970 (H.R. 15090) —Continued

TITLE II—RETIRED MILITARY PERSONNEL

Item	New budget (obligational) authority, fiscal year 1969	Original budget estimates of new (obligational) authority, fiscal year 1970	Revised budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Conference action	Conference action compared with— Revised budget estimate	House	Senate
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Retired pay, Defense	$2,450,000,000	$2,735,000,000	$2,735,000,000	$2,735,000,000	$2,735,000,000	$2,735,000,000			

TITLE III—OPERATION AND MAINTENANCE

Operation and maintenance, Army	$7,963,310,000	$7,596,000,000	$7,504,500,000	$7,214,447,250	$7,185,841,000	$7,214,447,250	−$290,052,750		+$28,606,250
Operation and maintenance, Army, 1966 (appropriation to liquidate contract authorization)		(142,165,000)	(142,165,000)		(1)	(1)			
Operation and maintenance, Navy	5,376,200,000	5,383,000,000	5,323,700,000	5,037,300,000	5,129,200,000	5,037,300,000	−286,400,000		−91,900,000
Operation and maintenance, Navy, 1966 (appropriation to liquidate contract authorization)		(66,000,000)	(66,000,000)		(1)	(1)			
Operation and maintenance, Marine Corps	455,190,000	457,000,000	457,000,000	420,000,000	420,000,000	420,000,000	−37,000,000		
Operation and maintenance, Marine Corps, 1966 (appropriation to liquidate contract authorization)		(2,500,000)	(2,500,000)		(1)	(1)			
Operation and maintenance, Air Force	6,866,700,000	6,716,000,000	6,711,700,000	6,454,500,000	6,445,000,000	6,445,900,000	−265,800,000	−$8,600,000	+900,000
Operation and maintenance, Defense agencies	1,068,800,000	1,098,000,000	1,095,000,000	1,074,600,000	1,069,400,000	1,069,400,000	−25,600,000	−5,200,000	
Operation and maintenance, Army National Guard	276,164,000	306,000,000	306,000,000	300,000,000	297,800,000	297,800,000	−8,200,000	−2,200,000	
Operation and maintenance, Air National Guard	277,800,000	333,334,000	342,534,000	330,534,000	330,534,000	330,534,000	−12,000,000		
National Board for the Promotion of Rifle Practice, Army				52,750		52,750	+52,750		+52,750
Claims, Defense	38,000,000	41,000,000	41,000,000	41,000,000	37,000,000	39,000,000	−2,000,000	−2,000,000	+2,000,000
Contingencies, Defense	10,000,000	10,000,000	10,000,000	5,000,000	5,000,000	5,000,000	−5,000,000		
Court of Military Appeals, Defense	654,000	666,000	666,000	666,000	666,000	666,000			
Total, title III—Operation and maintenance	22,355,818,000	21,941,000,000	21,792,100,000	20,878,100,000	20,920,441,000	20,860,100,000	−932,000,000	−18,000,000	−60,341,000

TITLE IV—PROCUREMENT

Procurement of equipment and missiles, Army	$5,671,500,000	$5,933,000,000	$5,069,100,000	$4,281,400,000	$4,254,400,000	$4,254,400,000	−$814,700,000	−$27,000,000	
Transfer from stock funds	(510,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)			
Procurement of aircraft and missiles, Navy	2,574,300,000	3,409,000,000	3,235,500,000	2,696,600,000	2,465,500,000	2,620,000,000	−615,500,000	−76,600,000	+$154,500,000
Transfer from stock funds	(440,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)			
Shipbuilding and conversion, Navy	820,700,000	2,698,300,000	2,631,400,000	2,588,200,000	2,242,770,000	2,490,300,000	−141,100,000	−97,900,000	+247,530,000
Other procurement, Navy	2,505,600,000	2,271,000,000	2,022,700,000	1,461,800,000	1,524,600,000	1,484,600,000	−538,100,000	+22,800,000	−40,000,000
Procurement, Marine Corps	669,500,000	650,600,000	650,600,000	500,848,000	500,848,000	500,848,000	−149,752,000		
Aircraft procurement, Air Force	3,860,000,000	4,081,000,000	3,775,200,000	3,434,700,000	3,380,800,000	3,405,800,000	−369,400,000	−28,900,000	+25,000,000
Transfer from stock funds	(600,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)			
Missile procurement, Air Force	1,720,200,000	1,794,000,000	1,486,400,000	1,431,000,000	1,448,100,000	1,448,100,000	−38,300,000	+17,100,000	
Other procurement, Air Force	2,716,000,000	2,320,000,000	1,938,300,000	1,636,000,000	1,576,200,000	1,576,200,000	−362,100,000	−59,800,000	
Procurement, Defense Agencies	81,700,000	84,000,000	77,600,000	61,600,000	61,600,000	61,600,000	−16,000,000		
Total, title IV—Procurement	20,619,500,000	23,240,900,000	20,886,800,000	18,092,148,000	17,454,818,000	17,841,848,000	−3,044,952,000	−250,300,000	+387,030,000

TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, development, test, and evaluation, Army	$1,521,165,000	$1,822,500,000	$1,849,500,000	$1,575,300,000	$1,600,820,000	$1,596,820,000	$−252,680,000	+$21,520,000	−$4,000,000
Research, development, test, and evaluation, Navy	2,141,339,000	2,207,100,000	2,211,500,000	2,040,400,000	2,193,251,000	2,186,400,000	−25,100,000	+146,000,000	−6,851,000
Research, development, test, and evaluation, Air Force	3,364,724,000	3,594,300,000	3,561,200,000	3,056,900,000	3,062,026,000	3,060,600,000	−500,600,000	+3,700,000	−1,426,000
Research, development, test, and evaluation, Defense agencies	472,600,000	500,200,000	500,200,000	450,000,000	450,000,000	450,000,000	−50,200,000		
Emergency fund, Defense	50,000,000	50,000,000	100,000,000	75,000,000	750,000,000	75,000,000	−25,000,000		
Total, title V—Research, development, test, and evaluation	7,549,828,000	8,174,100,000	8,222,400,000	7,197,600,000	7,381,097,000	7,368,820,000	−853,580,000	+171,220,000	−12,277,000
Grand total	74,402,249,427	77,740,200,000	75,278,200,000	69,960,048,000	69,322,656,000	69,640,568,000	−5,637,632,000	−319,480,000	+317,912,000
Memoranda: Appropriations to liquidate contract authorizations		(210,665,000)	(210,665,000)						

[1] Includes amounts warranted by Treasury Department pursuant to Public Law 91-31.
[2] Does not include "Retired Pay, Defense." See title II.
[3] Language provision to liquidate contract authorization.

Mr. ELLENDER. I move the adoption of the conference report; and if there are any questions, I shall be glad to attempt to answer them.

Mr. FULBRIGHT. Mr. President, I ask the Senator first, what was the final money difference between the conference report and what the Senate approved?

Mr. ELLENDER. The total of $69.6 billion approved by the conferees is an increase of $317.9 million over the Senate bill.

Mr. FULBRIGHT. More than the Senate approved?

Mr. ELLENDER. That is right. In other words, without our meaning to do it, the difference was almost split between the Senate and the House.

Mr. FULBRIGHT. That often happens. I have just a few questions, but I wish to make a short preliminary statement.

Recently, I made a series of four speeches in the Senate concerning the public relations activities of the military services and the Department of Defense.

From 1952 to 1959, when budgeting categories were revised, the Congress, by law, limited the amounts that could be spent within the Department of Defense on public information and public relations. In fiscal year 1959, the last year a congressional limitation was imposed, the allowance was $2,755,000. According to data supplied to me by the Department of Defense, the three military services and the Department spent 10 times that amount for this purpose in the last fiscal year—$27,953,000.

I suggested to the Appropriations Committee that the limitation be reinstated, and that a ceiling of $10,000,000 be imposed for public affairs spending in fiscal 1970. Unfortunately, the timing of my suggestions to the committee was such that it was not possible for the committee to go into this subject in the detail it deserved before it marked up the bill. I was pleased to see, however, that the committee concurred in House cuts of $5 million in military public affairs programs. This is a step in the right direction but much more needs to be done to bring these activities under effective congressional control.

With regard to the questions, on this item of this reduction of $5 million for military public affairs programs, I believe that item was in the bills of both Houses, I believe was not in conference, but remains in the bill; is that correct?

Mr. ELLENDER. That is correct. The House made reductions totaling $5 million in the funds requested for public affairs, and the Senate concurred in those reductions.

Mr. FULBRIGHT. It was not in conference, as I understand.

Mr. ELLENDER. No. Not the $5 million.

Mr. FULBRIGHT. I have been unable to determine what the original budget request was for these programs. Does the Senator have available an estimate of the total budget request for this program, including personnel and other costs?

Mr. ELLENDER. First, let me say to the Senator from Arkansas that funds for public relation activities are not submitted as an individual budget activity, but are included in funds provided for the general housekeeping operations of the Department of Defense and the three Services. In order that the Senator's request could be considered by the full committee, the Department of Defense was requested to determine the cost of these activities and the committee was provided the total estimated cost of $34.2 million of which $15.1 million represents the cost of military personnel.

Mr. FULBRIGHT. Then that is a substantial increase over what my figures were, $27.9 million.

Mr. ELLENDER. That was the budget program for fiscal 1970.

Mr. FULBRIGHT. For the current fiscal year?

Mr. ELLENDER. Yes. However, I want to stress that $15 million of the total represents the costs of military personnel.

Mr. FULBRIGHT. And the balance is for operations and maintenance?

Mr. ELLENDER. Yes.

Mr. FULBRIGHT. I think it would be of great service, certainly to me and I believe to the Senate, if the Senator and his committee staff could induce the Department to furnish these figures in an intelligible way. What happens, I think, is that there are about nine different items, so that it is almost impossible for us to find out precisely what is involved, and since this is such an important item, I again reemphasize that I do not believe Congress ever intended that these huge agencies we create are to be given public relations funds to go out and propagandize their program to the people of this country, in the hope that it will filter back and influence Congress. It creates a kind of self-perpetuating organization, in which we are deprived, I think, of objectivity in determining these amounts.

I think it is essential that we be able to identify what these budget requests are, and how much these agencies are spending on public relations.

I also, of course, would hope that the Senator would reinstate the former practice of putting a ceiling on public relations.

Mr. ELLENDER. Mr. President, as I stated a while ago, we found that these funds are included in several different appropriations. I agree with the Senator, that it would be desirable to have these funds better identified. I have directed the staff of the committee to contact the Department of Defense and advise them of the Committee's interest. I am sure we can get this information.

Mr. FULBRIGHT. Mr. President, when the Senator says he can, I know he can, because he is the acting chairman of the only committee that can do this. I cannot. I have great difficulty in getting the information I obtain.

Mr. ELLENDER. As the Senator knows this matter came up after our subcommittee had completed its hearings. If it had been brought up while the hearings were going on, we could have gotten everything specifically.

Mr. FULBRIGHT. I agree. Mr. President, I hope the Senator understands that I am not criticizing him. I am trying to lay the basis for obtaining the information, because it pertains to a very important activity.

I think all Senators are entitled to know, and I want to know, of the activity in this area and how much is being spent. That is the only reason for these questions.

Mr. ELLENDER. Mr. President, I think the Department of Defense knows of the Senator's interest in this matter. I think that hereafter they will make these figures more available, and they will probably set them out so that everyone can see the exact amount being spent for the purpose to which the Senator refers.

Mr. FULBRIGHT. Mr. President, can I assume that the distinguished Senator from Louisiana is also concerned about the matter?

Mr. ELLENDER. I am concerned about it, and I will follow through with it.

Mr. FULBRIGHT. And the Senator will have the staff do this. I am certain from my own experience that this will be a much more efficient way than anything I could do.

Mr. ELLENDER. I can assure the Senator that when the next appropriation bill comes up, we will take a good long look at the public relation activities of the Department of Defense, and the Army, Navy, and Air Force.

Mr. FULBRIGHT. Mr. President, that was my next question on this subject.

In the consideration of the 1971 budget, which is now in preparation, the Senator will request that these items be so identified that it will be easy for us to know what they are and then be able to judge them.

I would hope that the Senator would consider seriously the reinstitution of the former practice of having ceilings on this particular activity of public relations.

Mr. ELLENDER. I assure the Senator that this matter of a limitation on the total available for public relations will be considered by the committee.

I think the Senator is perfectly right in desiring to know how much is being spent for these purposes.

Mr. FULBRIGHT. Mr. President, I thank the Senator very much. It is an important matter. The Senator is quite right. I was quite late. As a matter of fact, I did not know. I had a staff man work on the matter for some time.

It is very difficult to get this information. And as soon as it was prepared, I used it in the statements I made on the floor.

The Senator from Louisiana has certainly been most cooperative. I appreciate it very much. I am sure that with his cooperation we will get a meaningful response from the Pentagon.

Mr. McINTYRE. Mr. President, will the Senator yield for a commendation?

Mr. FULBRIGHT. I join in it.

Mr. ELLENDER. I yield.

Mr. McINTYRE. Mr. President, I say to my distinguished friend, the Senator from Louisiana and to all members of the Subcommittee of the Committee on Appropriations dealing with defense matters that this issue started for me way back in February as a member of the Armed Services Committee of the Senate.

I think as I look back to February, that the two big issues facing this Congress were whether we could reduce military expenditures and whether we could get some meaningful tax reform. I suppose

that tax reform hangs in the balance tonight. But I think a budget that is overpowering is a budget that is difficult to meet.

With the combination of the Senate and House Armed Services Committee and the two Committees on Appropriations, the cut of $8.1 billion has been sweated through and has been obtained.

I think that the Senator from Louisiana, moving in in the last minute to represent our distinguished dean of military affairs, the Senator from Georgia (Mr. RUSSELL), has done an excellent job.

I commend the Senator and his committee.

Mr. ELLENDER. Mr. President, I appreciate that very much. I say in due deference to the Defense Department that they cooperated fully with us.

I would say that a large portion of the cuts made were suggested by the Defense Department—of course, with a little prodding.

They said they could cut this out and cut that out and could do this and could do that.

In addition, we cut a few hundred million dollars additional.

Mr. McINTYRE. Mr. President, I do not want to deny any credit to the Defense Department. However, I think they were perhaps reading the handwriting on the wall.

Mr. YOUNG of North Dakota. Mr. President, the bill the House sent us was a good bill and the Senate bill was a good bill. We had some excellent staff assistance.

However, I would like to go beyond either the Johnson budget or the Nixon budget. The conference report now before us represents a cut of about $9 billion.

The services themselves asked for $109 billion. Of course, it is their responsibility to defend the United States. And this was their idea of the amount of money it would take. However, there is a vast difference between $109 billion and the amount of money Congress appropriated.

I would point out that the Joint Chiefs of Staff agreed that under all the circumstances this was a satisfactory budget. They even helped us, particularly Secretary Laird, to make these very large savings.

Mr. FULBRIGHT. Mr. President, I join in the commendation of the Senator from Louisiana and the committee.

I certainly include the staff. The staff of the committee has been most cooperative with me and with the members of my staff.

Mr. Bill Woodruff, Mr. Francis Hewitt, Mr. Guy McConnell and Mr. Edmund Hartong are all very competent people.

This is the first time, I think, in many years that the committee, working with the House committee, has turned this burgeoning budget around. And it is going in the right direction. I think it is a very healthy sign. I hope that I can be of assistance to them.

I know that the Senator from Louisiana and his colleagues have worked very hard. It is a very difficult job.

U.S. ACTIVITIES IN LAOS

Mr. President, though I do not believe it went far enough, I was pleased that the Senate, following the executive session discussion of the U.S. activities in Laos, approved an amendment prohibiting the introduction of ground combat troops into Laos or Thailand.

I am very pleased that the Senator from Louisiana has just informed us that that provision was retained in conference.

I did not initially support the language offered by the distinguished Senator from Idaho (Mr. CHURCH) because it appeared to imply Senate approval for an open-ended policy of bombing in Laos—an activity authorization which I do not believe any President has sought, nor any has Congress granted.

Since the White House—and therefore the administration—has apparently embraced the Senate amendment on ground combat troops, I now wonder what assurances can be given the American people through the Senate on the question of our bombing in Laos.

It was testified the other day, as the Senator knows, that there are very large numbers of bombing strikes mounted from Thailand going on in Laos, and particularly that bombing associated with the Laotian war rather than with the Vietnam war, or as they related it in our testimony, the Ho Chi Minh Trail.

Is there any limit on the amount of bombing we will undertake?

What are the prospects for the level of bombing in the coming months?

Why has this administration continued the secrecy surrounding disclosure about the extent of our bombing?

What are the prospects for the administration to make full disclosure to the American people as they have now done to the Senate?

In closing, I might note the attached Harris poll. Though over 50 percent of the public favored sending of advisers to meet a Communist threat in Laos, only 19 percent favored the sending of combat troops to forestall a Communist takeover.

The question was never asked about what the people thought about sending bombers—probably because either the poll takers did not know about the bombing or because they believed those polled knew nothing about bombing in Laos.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the Harris survey, entitled "U.S. Advisers for Laos Are Favored, 57 to 30."

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

U.S. ADVISERS FOR LAOS ARE FAVORED, 57 TO 30

(By Louis Harris)

The U.S. policy of sending military advisers to Laos to aid the forces there resisting a Communist take-over is supported nationally by a 57 to 30 per cent margin. However, in a showdown situation in which it appeared that only by U.S. troop intervention could Laos be kept from going Communist, only 19 per cent of the public would favor sending in American fighting men.

Laos, which borders on Vietnam, has been the scene of heightened guerrilla warfare in recent months, with an estimated 50,000 North Vietnamese troops reported to have been infiltrated there. The United States is believed to have an undercover network there of military advisers to assist the government resistance. Congressional committees have recently been holding secret hearings to determine if U.S. "adviser" activity in Laos might not be a prelude to American involvement in another Vietnam.

Fundamentally, the set of public opinion on sending military advisers to Laos is not dissimilar to what it was about South Vietnam in 1963. The public wants to see as much help as possible given to the forces resisting a Communist take-over. But, in the wake of the Vietnam experience, no more than one in five Americans is prepared to commit fighting troops. A relatively higher 37 per cent want the United States to "stay out of Laos altogether." The crucial middle ground, which holds the balance, is equally opposed to sending troops or of pulling out entirely.

Between Oct. 16 and 22, a cross-section of 1,771 people across the country was asked:

"North Vietnam has recently sent a large number of troops into Laos which is right next to South Vietnam. The United States has sent military advisers into Laos to help prevent that country from being taken over by the Communists. Do you favor or oppose the U.S. sending in military advisers to Laos?"

SENDING U.S. MILITARY ADVISERS INTO LAOS

[In percent]

	Favor	Oppose	Not Sure
Nationwide	57	30	13
Under 8th grade educated	50	28	22
High school educated	58	29	13
College educated	61	31	8

To test just how far beyond the adviser stage in assistance public opinion would go, this question was also put to the cross-section:

"If it appeared that the Communists were going to take over the government of Laos, would you favor sending in American troops to keep the Communists from taking over, continuing to send in military advisers as we are now, or staying out of Laos altogether?"

IF LAOS WERE THREATENED BY COMMUNIST TAKE-OVER

[In percent]

	Send troops	Just advisers	Stay out
Nationwide	19	31	37
By education:			
8th grade or less	22	20	36
High school	20	32	35
College	16	36	39

When asked their reasons for favoring commitment of troops, advisers, or staying out of Laos altogether, the thinking of the public was significant. Here is a summary of their volunteered reasons:

WHY STAY OUT ALTOGETHER—37 PERCENT

"We don't need another Vietnam" (15 percent).

"Leave Asia to Asians (6 percent).

"Bring home all our troops from Asia" (5 percent).

"Let them decide their future" (4 percent).

"Mind our own problems at home" (3 percent).

"We can't win a war in Asia" (3 percent).

"I'm tired of war" (1 percent).

WHY SEND IN MILITARY ADVISERS—31 PERCENT

"Only advisers, but not troops" (16 percent).

"Train Laotians to fight for themselves" (5 percent).

"Communist threat must be met" (4 percent).

"Advisers might prevent a big war" (3 percent).

"Advisers would know how far to go" (3 percent).

WHY SEND U.S. TROOPS—19 PERCENT

"Must prevent spread of Communist aggression" (9 percent).

"Send in troops to win, get it over with" (4 percent).

"Finish what we started in Asia" (3 percent).

"Stop Communists there, instead of in U.S." (3 percent).

Mr. FULBRIGHT. What the Senate did, and what the President did, very obviously was approved by a large percentage of the silent majority of the American people. But I think the bombing remains to be answered, and I hope a spokesman for the administration who announced the other day that the administration favored the amendment adopted by the Senate, would find the answers to the question of the bombing and how much they anticipate and what to expect in this request.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MANSFIELD. Mr. President, in my 27 years in Congress, I have never seen a more remarkable performance than that of the distinguished senior Senator from Louisiana (Mr. ELLENDER). He undertook the management of this bill on less than an hour's notice. He performed with distinction and credit. He had the answers and the information available for all the questions which were asked.

I want to pay my personal tribute to this Senator, who has performed with such integrity, distinction, and knowledge on such short notice in undertaking the management of one of the most difficult bills which will come before this session of the Senate.

So, to the Senator, I just want to emphasize my thanks and my gratitude; and I know I speak for all the Senate in the words I have just uttered.

I wish to pay tribute also to the members of the staff who worked so diligently on this bill, particularly Bill Woodruff, Fran Hewitt, Guy McConnell, and Ed Hartung.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Mr. SPONG. Mr. President, I am pleased that in this supplemental appropriation bill there is an additional appropriation of $3,700,000 for emergency conservation measures for runoff retardation and soil erosion prevention in Virginia. I testified on behalf of this appropriation before the subcommittee. These funds are necessary as a result of damage done to vast acreage of land in Virginia as a result of hurricane Camille.

Severe flood damage on August 19 and 20 where as much as 31 inches of rain fell in a 6-hour period caused property damage in 12 of our counties in excess of $113 million and a loss of 150 lives.

This additional appropriation will finance conservation measures required to restore damaged stream channels and preclude further damage and loss of life in the affected area.

On behalf of the people of Virginia, I express appreciation to the Senator from West Virginia (Mr. BYRD) and members of the subcommittee for their favorable response to this request.

HELP FOR SMALL- AND MODERATE-SIZED BUSINESS

Mr. HART. Mr. President, I invite attention to a small but important item included in the supplemental appropriations bill.

The Senate Appropriations Committee recommends $5 million be appropriated for the State technical services program within the Department of Commerce.

This program has received two 3-year authorizations, in each case the authorizations increasing from $10 million in the first year, to $20 million in the second year and to $30 million in the third year.

The authorization for the program this year, its fifth, is $20 million. The administration originally requested no funds for the program.

However, the Department of Commerce, using program funds, contracted with Arthur D. Little, Inc., of Cambridge, Mass., to evaluate the program.

I ask unanimous consent that the recommendations and conclusions of that study be printed in the RECORD at the end of my remarks.

In brief, the recommendation is that the program should be retained and continued.

After receiving that report, the Department of Commerce requested $5 million in this supplemental bill for this fiscal year, the minimum amount needed to keep the program operating.

Unfortunately, the House Appropriations Committee struck the item in its entirety.

My intention in speaking today is to applaud and support the action of the committee and to urge the Senate conferees to fight hard to maintain the full amount approved by the Senate.

The purpose of the program is "to place the findings of science usefully in the hands of American enterprise." This aid is most useful to small- and medium-sized busineses which cannot afford major research undertakings. The information supplied has been developed at Government expense and is available to the public.

The Michigan program costs $450,000 a year, of which $150,000 comes from Federal funds and the remainder from the State, industrial gifts and fees and in-kind services supplied by participating colleges or universities.

Eleven universities and colleges participate in the system, which is coordinated from a central office in East Lansing.

Let me give an example of how the program works in Michigan.

A small firm in my State produces a laser beam device used in siting the installation of sewerlines. The company was too small to have a full testing program, and was therefore surprised to learn after having sold a number of the devices that certain atmospheric conditions deflected the laser beam. Purchasers of the device were complaining and making claims for repayments.

The firm was unable to solve the problem and was, I am told, in danger of going out of business. By chance, one of the STSP directors learned of the problem. While the particular college at which he was located could not come up with the answer, he fed the problem into the system. A physicist at another institution supplied the answer, the defect was corrected, and the firm was able to continue in business.

This is a perfect example of how the State technical services program, operating in 46 States, helps small- or medium-sized businesses to compete with the giants of industry. At a time of growing concern over the concentration of economic power, it would seem a wise investment, indeed, to put $5 million into a program which helps get the latest scientific breakthroughs from the laboratory to small- and medium-sized businesses.

Once again, I applaud the action of the Senate Appropriations Committee, in particular, the Senator from West Virginia (Mr. BYRD), the chairman of the Supplemental Appropriations Subcommittee. I hope that other Senators will join me in urging our conferees to hold fast on this item.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

II. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

SUMMARY

Our evaluation of the STS program shows it is providing a useful and economic service in transferring technology which substantially benefits the nation. The program can be made more effective and costs reduced by concentrating the federal and state investments in efforts and services which yield the most returns. We recommend that the STS program receive continued Federal and State support with increasing emphasis on direct service to industry.

Detailed conclusions and recommendations are supported and amplified in the following sections.

B. CONCLUSIONS

1. Federal support justification

The program should receive federal support because—

Risks of innovations necessary for industrial growth are spread across a large number of companies;

Increased tax returns are obtained from successful innovations which the program helped develop; and

Social benefits are an important product.

A major block to innovation by small firms with limited technical resources is the high

risk associated with the cost of technical assistance in solving problems.

A major contribution of the program to economic development is the distribution of the costs of high-risk innovation.

2. Program benefits

The program is meeting its goals by providing technical services which result in both primary and secondary economic and other benefits to the nation.

In general, the program produces economic benefits which are greater than its cost, but the benefit-to-cost ratio can be improved.

We estimate that expected tax returns to federal, state, and local governments based on increased economic activity generated by the program will cover its cost.

Most of the successful cases interviewed produced significant secondary economic and social benefits in addition to primary benefits, such as increased sales and new jobs, and cost savings.

The program has been most helpful to small and medium sized firms which do not have broad technical and research capabilities.

The program has provided useful technical services to firms who would not or could not pay for such services.

An important effect of the program is increased awareness by program users of external technical resources and how to apply them.

3. Program content

Field services, including referral, are the most valuable part of the program. Information and educational services are secondary and discretionary activities.

In each year, a few successful cases will produce most of the benefits, while the majority of cases produce little or no benefit, which is typical of activities involving innovations.

It is not possible in most cases to predict whether a user will benefit from services.

Technology transfer was an important ingredient in almost all interviewed cases. The technology transferred was seen as new and valuable to the user, although it may have existed elsewhere for some time.

Problem-solving services provided under the program do not conflict with those available from other private or public sources.

Successful STS program personnel are aggressive risk-takers who are willing and able to make informed judgments on technical and business issues, and to commit resources in situations where a successful outcome cannot be predicted.

4. Areas for program improvement

Communications between states can be improved to facilitate more complete exploitation of useful results and technique. The OSTS has a unique contribution to make in such communication.

The program only partially benefits from other Department of Commerce activities which are directed to stimulating the growth of the economy.

C. RECOMMENDATIONS

The information we have obtained and the conclusions drawn from them have led us to make the following recommendations:

1. The program should be retained and federal support continued.

2. Problem-solving services to industry which do not participate in federally-sponsored R&D programs because of small size or nature of industry should be the central activity of the program.

3. Field services which are oriented towards problem-solving should receive increasing emphasis through increased budgets and more personnel.

4. Education, information services, and demonstrations should be de-emphasized and only used as discretionary activities in support of need-oriented field services.

5. Federal funding levels should be increased gradually in a manner which permits new personnel to be adequately trained.

6. The funding formula for the states should be revised and expanded to take into account need factors, as well as performance.

7. The OSTS should design and institute a management information system to provide continuing evaluation of program effectiveness and direction, particularly with respect to economic effects and benefits.

8. The OSTS should play a stronger role in defining and guiding program activities and methods, including program evaluation.

9. The Department of Commerce should establish regional offices for improved communication and coordination of activities between the states.

10. Organizational and geographical location of STS field offices should be reviewed in the light of increased emphasis on field services.

11. The state directors should have more flexibility in the use of funds.

12. The Department of Commerce should review other activities (such as documentation, information, and educational services) which parallel the services of STS to eliminate duplication and promote increased working cooperation.

13. The Department of Commerce should continue to obtain interview-based case histories and comparative economic studies to determine the economic benefits resulting from industrial innovations and how to maximize them through technology transfer programs.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess, awaiting the call of the Chair, with the understanding that the recess not extend beyond 10 p.m. tonight.

There being no objection, at 9 o'clock and 35 minutes p.m. the Senate took a recess, subject to the call of the Chair.

On the expiration of the recess, at 9 o'clock and 52 minutes p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. Moss in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. Before anyone answers to his name, I suggest that the attachés call all Senators so they may be here for a vote which will take place shortly.

The PRESIDING OFFICER. The attachés will notify all Senators that there will be a vote shortly.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, first, I wanted to apologize to my colleagues for the delay which in effect they have been forced to undergo this evening without knowing—the reasons beforehand. I hope they will understand the position in which the leadership found itself, after a brief statement which I will make, and which I am sure will be joined in by others, including the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished Senator from Louisiana (Mr. ELLENDER) on our side of the aisle, and others on the other side of the aisle. So I do wish to apologize to all my colleagues for this inconvenience. I can only say, in extenuation, that an unusual circumstance arose which we thought was entitled to some consideration.

Mr. President, the Senator from Nebraska (Mr. HRUSKA) is introducing an extension of the continuing resolution, at the request of the President of the United States, with reference to the Labor-HEW appropriation bill. As I understand the situation, the President feels that he will be compelled to veto the bill in its present form at the present time. He has therefore requested the leadership of the House and the Senate to defer final approval of the bill until Congress returns in January. An official letter confirming this action will be in the hands of the leadership of the House and Senate this evening.

That is all I have to say at this time. In addition to the Senators from Louisiana and Washington, the distinguished Senator from Rhode Island, on this side of the aisle, was also involved and in attendance at the meetings which have been held during the past several hours.

Mr. HRUSKA. Mr. President, I have an amendment at the desk. I ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

In line 7, page 15 change the period to a comma, and insert "except that subsection (c) of Section 102 of P.L. 91–117, as amended, is hereby repealed, and in lieu thereof the following is inserted. "(c) January 30, 1970, whichever first occurs"."

Mr. HRUSKA. Mr. President, I ask for the immediate consideration of the amendment.

The PRESIDING OFFICER (Mr. Moss in the chair). Without objection, the Senate will proceed to the immediate consideration of the measure.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. HOLLAND. Mr. President, does this refer solely to the bill mentioned by the majority leader, or does it continue the whole of the continuing resolution?

Mr. HRUSKA. The way the amendment is drawn it is a general amendment of the continuing resolution which is contained in the bill and it, therefore, would cover any contingency of any of the pending appropriation bills which have not yet been signed, and which might be vetoed, but as far as we know, the only intention of the President is the veto of the Labor-HEW appropriation bill.

Mr. HOLLAND. Am I correct in my understanding that the existing continuing resolution provides that if an act is passed, it becomes effective——

Mr. HRUSKA. On enactment.

Mr. HOLLAND. And the continuing resolution applies only to those not enacted.

Mr. HRUSKA. That is correct.

Mr. MANSFIELD. But specifically it applies to the Labor-HEW appropriation bill.

Mr. HRUSKA. I might suggest that I

be permitted to give an explanation. Then I would be glad to entertain questions. From time to time during the course of the year continuing resolutions have been approved by Congress, in order to provide for the funding of departments and agencies for which regular appropriation bills have not been enacted prior to July 1, which is the beginning of fiscal year 1970.

The present continuing resolution has for its latest effective date the sine die adjournment of the first session of the 91st Congress. That is provided for in the language which we will repeal and for which we will substitute new language.

The result of that repeal and the substitute language inserted extends the time for effectiveness of the continuing resolution until the date of enactment of any appropriation bill which fails of enactment prior to sine die adjournment, but not later than January 30, 1970. So the latest termination date in the continuing resolution, as amended, will be January 30, 1970, instead of sine die adjournment, as it now exists.

This amendment, which was read, will be inserted at line 7 on page 15, and it simply says:

In line 7, page 15, change the period to a comma, and insert "except that subsection (c) of section 102 of P.L. 91–117, as amended, is hereby repealed, and in lieu thereof the following is inserted: '(c) January 30, 1970, whichever first occurs,'."

Mr. MANSFIELD. Mr. President, may I say that those who participated in the several meetings which have been held did so with some degree of apprehension, to be honest, with a recognition of the situation in which the Senate finds itself, and with the knowledge that if this is to become effective it will take the approval of both Houses. Whether or not that will be forthcoming still remains to be seen.

I understand that the letter I have indicated from the President of the United States is on its way to the Capitol at this moment. Whether or not the letter will be satisfactory remains to be seen.

But it seemed to those of us who participated in these discussions that as a result of a direct request from the President of the United States we should give the President the consideration which is due him in his office and in his responsibilities, even though we might have some apprehension as far as we were concerned as to our particular responsibility in this matter.

We feel that the amendment which is now at the desk extending the continuing resolution is not so binding that if an agreement is not reached in both Houses it would still be valid—it would not. But we felt also that in view of this request by the Chief Executive of this Nation that we, as responsible Members of the Senate, ought to give that request the consideration which it deserved. Such consideration, I might say, should be accorded to any President of the United States.

I hope we have done the right thing. We have acted in good faith. I am sure that the President has acted in good faith. Every option, in my opinion, remains available to the Senate and to the Congress. The President simply has indicated quite strongly through intermediaries that it will be his intention to veto the Labor-HEW appropriation bill in its present form. We take him at his word.

May I add, at the same time, that the Senate passed a Labor-HEW appropriation bill that it regards as on the whole very good and vitally needed.

It is true that it contains funds which are not controllable by the President and which he must spend, of course, because of the law. He cannot impound many of those funds.

I believe that is the crux of the question. The President is interested in curbing inflation in this country. He has singled out this particular bill as one that incorporates excessive amounts for the particular programs covered. That is his prerogative as President. However, I think it should be brought out at the same time that some of the excessive amounts in the bill were incorporated at the request of the President of the United States, and I refer specifically to a $2 billion request for OEO.

Mr. MAGNUSON. And $1.117 billion for advance funding.

Mr. MANSFIELD. And $1.117 billion for advance funding.

But the President has now made this request to curb inflation in this fashion and has made his intentions known to the Congress.

It was on that basis, after long and serious consideration, that the members in the conference agreed to undertake this action tonight. I must take full responsibility on this side for what has occurred. I feel that I ought to make a fuller report to members of the Democratic Party, and because of that I am calling a caucus of the Democrats at 9 o'clock tomorrow morning in room 207.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. I think it should be clearly stated that there is nothing in this program which compels us to vitiate, compromise, or change any of our express decisions thus far. As far as I know, the conferences will be held beginning tomorrow but all we are being asked to do, before we culminate the final decision on this bill, is that we wait until we return in January after the Christmas vacation.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I think the matter has been well and properly stated by the distinguished majority leader and by the Senator from Rhode Island. We would serve no one's cause here if we were to engage either in any defensive or exculpatory statements, or any attempt to indicate either regret or blame. The House and Senate, in the normal legislative processes, have proceeded to work their will. In the items of funds to permit the operation of the OEO, both political parties, in this body, and in the other body, have felt that the war on poverty cannot be conducted without funds, that we cannot ease the condition of the disadvantaged, the left behind, or the unfortunate, unless we commit the Federal Government. In this the administration has played its part.

There are other areas where there have been legitimate and understandable differences in both parties which are not really partisan. But the differences have led to an excess of zeal arising from the finest of motives. But they have, nevertheless, led to an excess, also, of expenditures which we here are advised the President finds unacceptable in the amounts added in the other body and in the Senate.

Therefore, nothing happens in what we now propose, except deferment in action, so that we will not, through any form of precipitating a confrontation, cause a disastrous effect on the innocent. We are not going to deprive the family assistance program of funds. We are not going to cut off caseworkers without salaries. We are not going to say that because Congress has not acted, or because the President has acted, the work of the Government cannot go on.

What we are saying is that, recognizing the conditions under which we presently find ourselves, we simply ask the understanding of the Members of this body, and of the other body, to permit us to deter whatever action the Executive takes it to the 19th of January, rather than having it occur now.

In this, I am in entire agreement with what the distinguished majority leader has said, and I thank him and the Senator from Rhode Island (Mr. PASTORE) for their explanations.

Mr. BAYH. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield.

Mr. BAYH. I have not had the experience that other Senators have had as to a reasonable interpretation of the amendment, but I wonder, am I correct in believing, that by that resolution, it will be at the same rate presently expended for this?

Mr. MANSFIELD. Yes, indeed. That is understood.

Mr. BAYH. The Senator from Washington (Mr. MAGNUSON) has done such a magnificent job, and a very patient job, I must say, as have Members of both parties, although we have differences of opinion on both sides as to what should be done. But the Senator from Washington has done a great job, and I think that he should be complimented for it.

I should like to ask, is there any need for us to act this evening? Could we not wait until tomorrow to see what the differences might be between the present rate of expenditures and that to which the President objects? I think that the Senator from Pennsylvania and the majority leader do not want to get into a confrontation that will precipitate a departure from those—we do not want the result that he mentioned. Is it necessary for us to pass it this evening without any chance to compare that ourselves?

Mr. MANSFIELD. No, it is not necessary, in the opinion of the Senator from Montana. But I am frank to state that it would be advisable, in view of the informal commitments which have been made.

Mr. MAGNUSON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am happy to yield to the Senator from Washington.

Mr. MAGNUSON. I was a little bit concerned about all of this tonight, because we are having a meeting of the conference on HEW tomorrow, and we could resolve it and come back to the Senate with a report.

I do not know what started this, or why HEW was singled out for this proposed veto of the President. Some of the amounts, as the majority leader has stated, are so-called uncontrollables. They are amounts which Congress has directed to be passed on, such as welfare assistance to the States—social security is in this, and we OK'd that.

I sit in on these conferences with the majority leader and the rest of us, and they will agree with me, that before I would agree to any such resolution—I personally do not know what the Senate would do—I want a letter from the President of the United States, in black and white, saying that he will veto the HEW bill. Then, of course, we have the practical proposition, if he is going to do that, whether he would call us back and have us go all over it again. We would probably end up with the same result. I am sure it would not change at all. We would come back here right after the holidays, or right after Christmas. I have some responsibility for the comfort of my colleagues, including myself. But all of a sudden, tonight, they show up and they will veto the HEW bill; they want us to let it go; have a conference tomorrow; report it out; and then leave it here.

I am not going to be irresponsible to hundreds of millions of people in this country who are dependent upon this bill, and for holding the bill up unless the President of the United States says he will veto it. Then it becomes his responsibility. I think there is no Member of the Senate that would not agree with me on that.

The President says that he will send a letter up here. I am looking forward to it. I told him that in his letter—and the majority leader will agree—he should spell out what items in the HEW bill he is against, and what items he believes are excessive. Are they items in cancer research? Are they items such as family assistance, which the Senator from Pennsylvania just said we are not going to defer?

Well, is that too much?

What about family planning? Clinical research? Health manpower and medical research? Community colleges or vocational education? Libraries or student aid?

I do not know what this veto is all about. Why pick on HEW? But I think that the President has the responsibility. He surely has the authority. If he thinks that HEW's budget is too big, and that he should veto it, then the Senate will come back and work its will.

As a practical matter, if he wants to call us back the day after Christmas, that is all right with me. I happen to be directly involved in this. I shall not like it. No one in this Chamber will like it, of course.

But I want a letter from the President of the United States telling me—and I want to make it public—that he will veto the HEW bill. I would like to have some definitions and specifics.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. No, I will not yield. I am one that is most concerned on this. People will say to me, "Why did you not take the bill out?" We could get the bill out tomorrow. We are all ready. I would like to send it down there and have him veto it, which the President has a right to do. The President may have some good reason to veto it. I hope that he will specify what he is against, what he is for, and why the bill is excessive.

The amazing thing about it is that all the money amendments to the bill were passed in the Senate by votes of 2- or 3-to-1. The extra billion of dollars in title I was put in by the House, by a great majority. Thus, Congress has been working its will.

Someone suggested tonight that we should have a little more time to let Congress work its will. That is what we have been doing for weeks.

I do not wish to discommode any Senator. I suppose the resolution would be a stopgap. The people in conference agree that if we do not get the letter, this does not go, does it?

Mr. MANSFIELD. No. This is contingent on the letter which I understand is on the way up.

Mr. MAGNUSON. Mr. President, what we are talking about is $1,529 million over what the budget recommended. We are not far over the House figures. I could name impacted areas and a lot of other items. That is what Congress wants. The Congress is the place to appropriate the money. The President has the right to veto the bill if he does not think it is right, but he has no right to say to Congress, "I am not quite ready to veto it. I want you to hold it up until you get back. I do not want to take your vacation away from you."

I do not think Congress should be responsible for delaying this, including billions for the welfare of the country, unless we know he is going to veto it and we have to reach a practical solution.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. McGOVERN. Did I understand the Senator to say the bill is $600 million above the amount requested by the administration?

Mr. MAGNUSON. No; there is $600 million they can control.

Mr. McGOVERN. What is the difference between the administration's request and the amount in the bill?

Mr. MAGNUSON. The difference is about $1.530 billion.

Mr. McGOVERN. It is $1.5 billion?

Mr. MAGNUSON. From the revised budget requests, but a request for $3 billion was sent up by the administration itself.

Mr. McGOVERN. So it is $1.5 billion above?

Mr. MAGNUSON. This happened so suddenly; we are getting the figures and I will put them in the RECORD. The Senate bill, as passed yesterday, was $1,529,266,000 over the President's revised and amended budget.

Mr. McGOVERN. Is it not a fact that Congress reduced the defense requests sent up by the administration by somewhere around $6 billion?

Mr. MAGNUSON. I would have to defer to the Senator who handled the defense appropriation bill for an answer to that question.

Mr. ELLENDER. It is almost $9 billion from the Johnson budget.

Mr. McGOVERN. $9 billion?

Mr. ELLENDER. From the Johnson budget, and $5 billion from the Nixon budget.

Mr. MAGNUSON. We are $1.5 billion over the so-called revised budget, and we are somewhat more over the Johnson budget. That was all voted by the House and the Senate, many of them being yea-and-nay votes.

Mr. McGOVERN. I think, to keep the matter in perspective when we are talking about the inflationary impact, the country ought to understand that taking those two bills, the Defense Department appropriation and HEW appropriation, the Congress has reduced the total amounts for those bills five or six times the difference in the HEW bill. We saved five or six times in the Defense sector what we have spent on HEW.

Mr. MAGNUSON. I am not going to discuss what we have done here or there; I have learned from being on the Appropriations Committee that if we cut $1 billion from this bill, it does not mean it is going to be added to other items. Each item must stand on its own merits.

That is what Congress decreed. We have not had a conference. We will have a conference tomorrow between what the House and Senate provided. Conferences usually split the amounts down the middle. I think we have a pretty good bill to take care of the needs of the country. I do not know why this bill should be singled out for a veto, but that is the President's prerogative.

I would take $600 million out of the foreign aid program instead of this one if I were personally running the budget, which I am not; but that is a different story.

What I want to say is that I want some definite assurance, in black and white, that he is going to veto the bill as it now stands, or as it will stand tomorrow afternoon.

Mr. SCOTT. Mr. President, if the Senator will yield on that point——

Mr. MAGNUSON. $543 million was added on the Senate floor, by the vote of the Senate.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. In just a minute. If the President says he is going to veto it for certain, and why, and what items are too high or what items are too low, or how far we went over the budget, or whether the House did the wrong thing, or whether we agreed with the House, then we would have a practical problem and a resolution of the problem probably

should be forthcoming and adopted. But it should be based on the fact that we get the assurance that he is going to veto the HEW bill.

Mr. SCOTT. Mr. President, if the Senator will yield, I have just been informed that the President will send a message—I am told within the next 30 minutes—and we will have his message regarding his veto. Beyond that, I am no more able to read the executive mind than the Senator from Washington. If the Senator will be around for 30 minutes, we will have a letter.

Mr. MAGNUSON. I will be here until it is finished, if it takes to New Year's Eve.

I would like to have time out, just like everybody else, but I do not know why at this last minute somebody says he is going to veto the HEW bill. I say, "Why are you going to veto it? What item do you disagree with?"

I cannot get that information. I doubt if the letter will give me that information. I hope it does.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. YOUNG of North Dakota. I think an explanation should oe made. I heard earlier this evening on good authority that the President of the United States was going to veto the HEW bill. I took it on my own initiative to ask Bryce Harlow, the top assistant, and the Budget Director Robert Mayo to meet with us. It was not their request; it was mine. The reason I did so was that the only way we could forestall a special session right after Christmas was to amend the pending bill by putting a continuing resolution on it. That is why we had to act tonight. This was the only means to forestall having to convene right after Christmas. This was done at my initiative. The President did not ask for the meeting we had tonight.

Mr. MAGNUSON. Mr. President, the Senator from North Dakota, with his usual courtesy, came to me about 4 o'clock and said he was worried about it because he heard this. I said, "We are going to have a conference tomorrow. Why not wait until the conference tomorrow, because we will have a bill ready?" They gave us assurance that the President said he was going to veto the bill. I want it in black and white. I do not want to leave Sunday night and go wherever I am going and have all the educators, all the health people, the children in school, the social security people—everybody in America is involved in this bill. I do not want them to ask me "Why didn't you pass a social security bill?" If the President wants to hold it up, I want to say, "Don't talk to me. Send your letters and communications to 1800 Pennsylvania Avenue"——

Mr. PASTORE. 1600.

Mr. MAGNUSON. 1600. No, I am right—1800. That is where all these people working there give him advice. [Laughter.] I am right. It is 1800 Pennsylvania Avenue.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HOLLAND. Does this plan involve any different date for coming back? I think we were told yesterday it would be the 19th of January. Will there be any change in that date?

Mr. MAGNUSON. The distinguished leadership can answer that. I do not know.

Mr. MANSFIELD. No; we will still be coming back on the 19th.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ELLENDER. This has been said on two or three occasions: The conferees will meet tomorrow.

Mr. MAGNUSON. Yes.

Mr. ELLENDER. Even though this bill is amended, it would not preclude the Senate from taking up the conference report.

Mr. MAGNUSON. No.

Mr. ELLENDER. What this will do is simply give us a little holiday of about 3½ weeks. That is the purpose of it. It will simply defer passing upon the conference report, or the adoption of it, until after January 19, instead of this week. That is all it amounts to.

Mr. MAGNUSON. That may not necessarily be so.

Mr. ELLENDER. Let me say something further to my good friend from Washington: If the President should veto this bill, and we were in session now, we may not be able to override his veto; but if we wait until after the 19th and then come back here, with people desiring to have more money for their schools, and so forth, we will not have any difficulty in overriding the veto, if Congress acts upon it favorably.

Mr. MAGNUSON. I do not know. But the Senate ought to override the veto, because the majority of the money and programs that were put in the bill, the different items, were voted for overwhelmingly by the Senate.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HARRIS. Does not the Senator think we are dealing with such serious matters of national priorities in this bill that it does not require action tonight? Could we not wait and see what is in the President's message and, as the distinguished Senator from Washington has said, find out whether it is education, research, health, or what it is that is objected to, and then we will have an opportunity tomorrow, perhaps the conferees could go ahead and get a report back, and we would not need to act on a matter of such momentous importance to the country as this bill is, if we are interested in national priorities, tonight?

Mr. MAGNUSON. Well, I would like for that to happen. The Senator did not mention a couple of other programs. Pollution—air and water pollution—are in this bill.

Mr. HARRIS. That is right.

Mr. MAGNUSON. If the President wants to veto that, I would like to know, but I do not know what he objects to. He has a perfect right to object to them, but we are talking about a comparatively small sum in this great field of health, education, and welfare, as compared to other things. They ought to stand on their own feet, but I think, with a trillion dollar gross national product—I should not mention the word "trillion"; I do not understand it. $999 billion I understand better.

I think the House of Representatives and the Senate overwhelmingly, in most cases, suggest these things should be done. We are the custodians, we are the ones who have to determine what money is appropriated. We ought to have that consideration, at least until we have the conference report, and see where we are. But this will be the last appropriation bill. I am not opposed to the resolution of the Senator from Nebraska, but I want it at least understood—and I am sure I do not have to worry about the word of the Senator from Nebraska, his word is as good as his bond—that unless this letter comes, and unless the letter is specific on what he objects to, we will not know what to do. I would like to have it. Maybe in the conference we could use it tomorrow. I would like to know what he is opposed to.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MAGNUSON. Will this resolution then be dropped?

Mr. HRUSKA. No, that is not true.

Mr. MAGNUSON. Then here we are again.

Mr. HRUSKA. No, we are not. Let us recall the agreement. The agreement was that we would pass this amendment, and we would pass this bill. The enactment of the bill with this amendment would not stand in the way of either course of action which is in contemplation, either the submission of the conference report tomorrow, and voting on it tomorrow, or a deferment of action until January 19 on that conference report, when we come back.

If the bill is enacted tomorrow, the resolution falls; there is nothing for it on which to operate. If it is enacted, we shall have HEW funded between the time we adjourn sine die and the time we return on January 19. I am sure all the Members of this body would want that contingency taken care of.

Mr. MAGNUSON. By all means; we want to keep going at least at last year's level, if not the House allowance level.

Mr. HRUSKA. That is correct.

Mr. MAGNUSON. But the President has 10 days, as I understand it, to veto a bill.

Mr. HRUSKA. Surely.

Mr. MAGNUSON. Suppose we decide to pass the bill, and 10 days from tomorrow night—when we can get the bill out, I am sure—if 10 days expires, we are back in the same position. Therefore, the Senator's resolution is more important.

Mr. HRUSKA. It would not stand in the way. It would operate if the bill is not enacted. If it is enacted, it falls. But I suggest it would be advantageous to act on this bill tonight, because then we can have our conference tomorrow, and make a conference report on this bill tomorrow.

Mr. MAGNUSON. But if the President does not send up the letter——

Mr. HRUSKA. Oh, he will send up the letter.

Mr. MAGNUSON. But what is he against?

Mr. HRUSKA. Well, that is something that——

Mr. MAGNUSON. I do not mean item by item, but is it the National Institutes of Health, too much money for health? I want to know.

Mr. HRUSKA. The Senator from Washington wanted to be sure whether the bill would be vetoed, so we could take this action, and this continuing resolution amendment is necessary, if the bill is to be vetoed, in either contingency. The letter will be forthcoming.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I want to look at the letter.

Mr. AIKEN. May I ask a question?

Mr. MAGNUSON. I want to look at the letter, because I am not going to be responsible for delaying the HEW bill unless the President of the United States says in no uncertain terms why he opposes the bill.

Mr. HRUSKA. Mr. President, if that letter is forthcoming, all responsibility for this will rest on the man who says he is going to veto the bill, and it will absolve completely the competent chairman of the Subcommittee on the Health, Education, and Welfare appropriation. In the instant that the letter is sent over, the responsibility will be transferred to 1600 Pennsylvania Avenue.

Mr. MAGNUSON. Ho, ho, ho. Not with every educator in town, and every retired person, and everybody, stopping me on the street and saying, "Why didn't you pass the bill? We don't know what we are going to get, we don't know what we are going to have, we don't know what is going on in social security, medical research, and health"—they are going to come to me, and I am going to refer them to 1600 Pennsylvania Avenue.

Mr. HRUSKA. And the Senator from Washington, being the articulate man he is, will say, "The bill is not passed because I got a letter from the President," and in the meantime, the department will continue to function on the continuing resolution.

Mr. MAGNUSON. Well, I am going to have a lot of copies made, because some people will not believe what I say.

Mr. AIKEN. Mr. President, may I ask the Senator from Nebraska a question?

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. MAGNUSON. I am going to get a machine and have copies made.

Mr. AIKEN. Does the continuing resolution apply to every appropriation?

Mr. HRUSKA. Yes, it is in general language.

Mr. AIKEN. And there is no assurance that the foreign aid appropriation will ever become law. Inasmuch as the foreign aid passed the House of Representatives by a vote of 200 to 195, and that is a very small margin indeed, tomorrow being Friday, we do not know whether the conference report will be approved by the House of Representatives. If it is not, we must have this continuing resolution, or else all foreign aid expenditures will stop.

Mr. HRUSKA. The continuing resolution, as amended, will apply to any and all agencies for which a regular appropriation bill is not passed by sine die adjournment.

Mr. AIKEN. I think it is very important to have this resolution.

Mr. HRUSKA. It is, indeed.

Mr. AIKEN. And I am not thinking of HEW; I am thinking of other appropriations.

Several Senators addressed the Chair.

Mr. MAGNUSON. Mr. President, I have the floor, do I not?

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. MAGNUSON. Just a minute. I am not objecting to the continuing resolution. The only thing I want to be sure of is that if there is no HEW appropriation, on which the conferees are ready to report to the Senate and send the bill to the White House tomorrow or Saturday morning, and if foreign aid, as the Senator mentioned, is not ready, that it was not the fault of the Congress of the United States. The President says he is going to veto it.

The President says he is going to veto it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. MANSFIELD. Mr. President, if the resolution in the nature of a continuing resolution is adopted tonight, insofar as the conferees are concerned it will make not one bit of difference.

Mr. MAGNUSON. I hope it will not.

Mr. MANSFIELD. It will not, because the conferees will get together, as they had previously decided to do, to try to reach an agreement. Every option is preserved. If they decide, in the light of the President's letter, that they want to bring that bill up on the floor of the Senate tomorrow, it will be brought up.

What we are doing is acceding—if we do—to the request of the President of the United States. That is all. And that does not mean that the bill will not be brought up in this body or the other body, or both bodies, nor that it will not be up before Friday night or Saturday night. Those prerogatives remain.

This action is being proposed at the specific request of the President of the United States. I have some apprehensions, but I am prepared to take my share of the responsibility to face up to this matter and to vote on the resolution tonight. It is not only up to me; it is up to the Senate.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. SAXBE. I am going to vote against the continuing resolution. It is not the President's fault that this bill is coming out late in the session, when every Senator wants to go home. If we had done our job last summer and had got the bill out at a reasonable time, it seems to me that we would not be fighting against time now.

I think it is our responsibility to do what we are paid to do and to stay here, if we have to be here on Christmas day to work this matter out.

Mr. MAGNUSON. I do not think the bill would be any different if we had brought it out in August than it is today. It contains the right amounts. I do not want to get into an argument about this, because the Bureau of the Budget kept sending items up. As a matter of fact, the last item sent to us was on November 14. I think this results from a combination of many circumstances.

If the Senator from Ohio would ever sit there and listen to the conference on the HEW, he would understand it. It is amazing. One can hardly believe it.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HARRIS. Mr. President, what would we gain by passing a continuing resolution tonight? Is there something that would happen between now and 12 that would not be able to happen tomorrow after we had had an opportunity to see the President's message?

Mr. MAGNUSON. Mr. President, I follow the judgment of the leadership. And if we have a continuing resolution, we will have to have it on this particular bill.

Mr. HARRIS. Does the Senator think that the conference committee will meet on the supplemental appropriation bill tonight?

Mr. MAGNUSON. I do not know. I know the HEW conference will meet at 10 o'clock tomorrow morning. And the House and the Senate are not very far apart. This is the amazing thing.

I do not know what will happen in the House. I know what will happen if the President vetoes the HEW bill.

Mr. HARRIS. Mr. President, I do, too.

I do not think there is any reason for the Senate to act in advance. I do not see any reason at all for acting tonight. I do not see any reason for passing the continuing resolution.

Mr. MAGNUSON. Mr. President, I yield the floor.

Mr. HARRIS. I believe we would be well advised to wait.

Mr. MANSFIELD. Mr. President, I have been informed that the letter will be here within the next 20 minutes, hopefully.

I would again emphasize the fact that we are not giving up any of our responsibilities or our prerogatives. We were asked to consider certain factors. We did so. There was much discussion in the consideration of these factors.

And may I say to my colleagues that as far as I am concerned, and I think I have stated this previously, I am prepared to come back at any time—next week, the week after, or next month—to face up to a veto or to attend to the unfinished business of the Senate. What we decide to do here tonight will not change the prospects ahead by a fraction.

I think we have made a reasonable proposal to our colleagues. I think it ought to be acted on tonight. It ought to be decided.

I see nothing to be gained by going over until tomorrow. And as soon as that letter comes up, I want to read it immediately.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, I think we ought to clear up the point raised by the distinguished Senator from Oklahoma. The decision of the President to

veto the bill does not depend upon the outcome of the conference tomorrow.

Mr. STEVENS. Mr. President, will the Senator speak up? I cannot hear him.

Mr. PASTORE. Mr. President, I am surprised that PASTORE cannot be heard.

Mr. SCOTT. It is a long way from your aisle to Alaska.

Mr. PASTORE. Mr. President, the decision of the President, as I understood the conference this evening, does not depend upon the outcome of the conference tomorrow. The President objects to the amount that was passed by the House, which was increased by the Senate. So insofar as the conference is concerned, that is not the controlling factor.

As I understand it, the President is determined to veto the bill anyway. However, realizing the fact that next Thursday is Christmas Day and realizing the fact that if he vetoes the bill now, we will be compelled to come back soon after Christmas; and if we cannot override a veto, we will have to begin to work on a new bill.

And while we are doing that, we will have to pass a continuing resolution.

At any rate, taking all of those factors into account, the President has said:

I don't care what you do after January 19. I am going to veto the bill if it comes out in the present form.

If he is overridden, we have no problem. On the other hand, if he is not overridden, we will have to sit down and begin to work on a new bill.

And while we are working on the new bill, we will have to have a continuing resolution.

The majority leader is a sensible man. He is not ready to sell out the Democratic Party. Nor is he ready to sell out the Senate of the United States.

The majority leader has looked into this matter very deeply. I have sat in the conference. I believe that this is a fair bill and that in all probability it should be passed and that the President should sign it. However, I am not the President of the United States.

I have been the Governor of a State. I have vetoed bills. I did not have to give my reasons for it. I vetoed bills because I said I did not like the amount.

That is all the President has to say.

As soon as he has said that, our only alternative is to override his veto. If we cannot do that, we will have to begin to formulate a new bill. And in that process we will have to have a continuing resolution.

That is how simple it is. The majority leader has made it plain. If tomorrow, after the conference, we remain insistent that we want to stay here and take our chances, we are not precluded from doing that. However, because we have the last appropriation bill before us, now is the time to add the continuing resolution.

I mean that is the last clear chance that we have. And that is all that the majority leader is asking us to do.

I think we are wasting our time here. Everyone is fussing around and talking about the merits. Let us not talk about the merits. Let us talk about the procedure.

No one is being denied a chance to exercise his judgment on the merits of the bill. One can exercise his judgment tomorrow, the next day, and as long as we are here.

The majority leader is asking us to be reasonable about this. And he has looked into the matter, and made a commitment, and he has said that all the leadership hopes—and some of the members of the Appropriations Committee, including the illustrious chairman—is that we go along with the idea of the President. It is a Presidential request.

We have nothing to lose. So, let us go on with our business and cut out all of this fussing.

[Applause.]

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. MANSFIELD. Mr. President, if any of our colleagues have any suspicions that there are hidden gimmicks contained in this, I wish to state that if there are, the majority leader, the Senator from Montana, knows nothing about them.

All I know is that we have received a request from the President. That letter should be here shortly. I hope it will explain the situation, at least from the President's point of view.

We have tried to explain it from our point of view. It is not a happy situation but it must be faced up to.

My personal preference would be to face up to the bill, pass it, and take my chances on a veto. But I think any President who makes a request of the Senate is entitled to a reasonable and certainly a respectful consideration of what he requests. Even if the Senate agrees to the request its own prerogatives are preserved in fact.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, I should like to mention one other thing, and that is that the conference committees on the HEW bill and this supplemental bill include quite a number of the same Senators from both sides of the aisle. We are going to have a conference in the morning; then we are going to have a conference on HEW. We could not possibly get to the conference on the supplemental bill until tomorrow afternoon at the very earliest, I say to my friend the Senator from Oklahoma.

It seems to me that, considering the practicalities of this matter, we ought to have both of these bills ready to move ahead after the conferences, which will be comprised largely of the same Senators, who cannot sit at the same time in both conferences, obviously.

I think that the thing to do is by all means as the majority leader suggests.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

SEVERAL SENATORS. Vote! Vote!

Mr. MANSFIELD. Mr. President, let us have order. After all, this is a request of the President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. I know it is a request from the President, and this is very unusual.

Mr. MANSFIELD. Very unusual.

Mr. MAGNUSON. I have never known this to happen. Usually, the President does not veto a bill until he gets it. This is the most unusual request I have ever known. It is unusual, and perhaps it is a more practical one, because we are in the time situation we find ourselves.

Mr. SCOTT. I think that is the reason.

Mr. MAGNUSON. I have never heard of a President saying that he is going to veto a bill before it is passed or is out of conference. This is the first time in the history of the United States. Usually, a bill is sent down and is vetoed, which is the President's prerogative. Sometimes he will threaten, but this is an unusual situation, and I guess we have to face up to the practicalities of it.

The Senator from Rhode Island said a little earlier that we have nothing to lose.

Mr. PASTORE. That is correct.

Mr. MAGNUSON. I will state what we have to lose, and this is why I want the letter. I hope it shows up. We have to lose this: The people of the United States are quite concerned about every portion of this bill, and they are going to say, "Why didn't Congress pass the bill? Why didn't you just pass it, and if the President wants to veto it, let him veto it?"

As a matter of fact, the bill could be sent down Saturday and he could veto it, and we could meet on Monday and work our will on it.

Mr. SCOTT. If the Senator will yield——

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. Just a moment. We could do that, because we could get through with this conference very quickly and could send it to the White House and he could veto it, and we could vote on it.

The Senator announced that there would be a session on Sunday, did he not?

Mr. MANSFIELD. I raised the possibility, yes.

Mr. MAGNUSON. And I wanted a Lutheran minister. I need one, after this week.

The point is that we have a practical problem here, and I do not want to say that we have nothing to lose. We have a great deal to lose, if we are going to be blamed for not passing an HEW bill.

Mr. SCOTT. Mr. President, will the Senator from Montana yield to me?

Mr. MANSFIELD. I yield.

Mr. SCOTT. For a statement for elucidatory purposes.

I do not think anybody ought to rise after the Senator from Rhode Island has been so clear and so explicit. He has stated the case. But when the President's letter comes here, I think it is a proper and just surmise that, in effect, he is going to make it clear, first of all, that he is not telling the Senate what to do. He has served in the Senate, and he knows better than that. But he is going to say to the Senate, if the Senate agrees, that there are three alternatives, one of which the Senator just finished mentioning, one of which is to send the bill down immediately and receive an immediate veto; and then, in order to

continue the functioning of the HEW and Labor Departments, the Senate will be under the necessity of returning during Christmas week.

Mr. MAGNUSON. No. We could do it on Sunday or Monday. The pen is there. He can use the pen, can he not?

Mr. SCOTT. The alternatives will be, first, the veto and the necessity for returning, unless the Senate has acted to override the veto meanwhile—I will revise it to that extent, although that is not the way it will be in the letter.

Mr. MAGNUSON. Why can we not do it on Monday?

Mr. SCOTT. If the Senator will allow me to finish, in the same spirit in which I allowed him to be heard, I will reply.

I am glad to report that Sheridan has arrived from Winchester, and now I will be able to read the letter and state the alternatives.

May I ask the consideration of the Senate and be permitted to read the letter all the way through, because I want to read it myself.

Mr. MANSFIELD. I am delighted to yield for that purpose, Mr. President.

Mr. SCOTT. In effect, before I read it, three alternatives will be stated, all of which—unless the Senate overrides the veto before adjournment—require a continuing resolution. Does the Senate want a continuing resolution during Christmas week, or does the Senate want it now or on January 19?

Now I should like to read the letter:

THE WHITE HOUSE,
Washington, D.C., December 18, 1969.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I feel obliged to inform the Congress, before adjournment, that the development of the HEW-Labor-OEO appropriations has been such as to compel me to veto these appropriations when they arrive on my desk.

I send this advance notice in order to afford the Congress, if it wishes, an opportunity to enact a continuing resolution for these agencies and thereby permit them to operate without the necessity of recalling the Congress in special session.

The HEW appropriations in large part involve mandatory Federal spending. Even the level of appropriations passed by the House of Representatives is more than $1 billion above my budget request. The Senate increased the appropriations further by another $.6 billion. As much as I sympathize with the objectives of some of the programs for which the Congress has voted increased appropriations, I cannot, at this critical point in the battle against inflation, approve so heavy an increase in Federal spending.

The Congress, it appears to me, may meet this situation in one of three ways: first, by sending the Appropriations Act to me for veto, but then to return in special session immediately after Christmas; second, pass a continuing resolution for these three agencies, send the appropriations to me for veto, and then consider the veto after January 19; or, third, defer further action on these appropriations until after January 19, and provide authority to continue the current level of funding for these agencies in the interim.

The choice among these alternatives rests, of course, with Congress. In the interest of affording a respite for Congress, I suggest either of the continuing resolutions approaches. But, of course, should the special session route be preferred, I will cooperate.

Sincerely,

RICHARD NIXON.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

SEVERAL SENATOR. Vote! Vote!

Mr. MANSFIELD. Mr. President, we can vote.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HARRIS. Mr. President, I honor the sincerity of the majority leader, as does every other Member of this body. That is not the question, and I think there is still an unanswered question here, and it is this: Why is it possible that 10 minutes after 11, 1 minute following the reading of the message of the President of the United States, perhaps the most important bill considered by Congress this year, we could not lay this matter over until the morning?

May I disrespectfully disagree with the suggestion of the distinguished Senator from Nebraska that it is a question of who will bear the responsibility. That is not the question, Mr. President. The question is, What will become of the people who are served by this bill? I think this is far more a question of what this country is going to do with its priorities than it is a question of whether the President of the United States or Members of the Senate will bear the responsibility for it. I think that has been very well pointed out by the distinguished chairman of the committee as he has raised the question which we have not to this good moment heard the answer to—the question of why it is that the President of the United States desires to veto this bill, and what items in the bill he chooses to disagree with the Senate on. It seems to me this is a very basic kind of matter. I intend to vote against the continuing resolution because I think if the Senate does that it gives up a tremendous leverage it has.

I know no Member of this body will decide the fate of schoolchildren of this country, or the fate of those served by the health appropriations in this bill, or those served by antipollution funds in this bill, as pointed out by the chairman of the committee, on the basis of whether or not we will be inconvenienced. I shall not and I hope we will not take this action.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HUGHES. Mr. President, I would like to ask the question. If indeed, as the Senator from Washington stated, this is unprecedented and unknown before in American history, does anyone know if this has been done before?

Mr. MANSFIELD. Not that I know of.

Mr. MAGNUSON. I do not know. It came up so suddenly. I will ask the Library of Congress.

Mr. HUGHES. I do not know that there may not be a possible fourth alternative in light of the fact we are taking unprecedented action in connection with a bill none of us have seen in final form. The President said he is intending to veto the bill, although he has not seen it in final form. Perhaps this body could not consider overriding a veto of a bill none of us know about yet prior to the time that he presents his veto to this body.

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I think this is an unprecedented action, but on the other hand never before to my knowledge has the Senate delayed acting on appropriation bills until the week before Christmas.

I have listened with great interest to the concern of those who feel the amounts should be given to the educational institutions and other agencies. I regret they did not have that same desire before to give them that attention. If they had stayed in this country and done the job we would have had this out of the way.

Mr. STEVENS. Mr. President, I find interesting the comments of the Senator from Oklahoma. I agree 100 percent with the distinguished Senator from Rhode Island.

We are asked to continue the agencies in this bill at the same rate provided under the previous administration and by a Congress under the same leadership as we have here tonight. What was wrong with what was done a year ago that is not good enough to continue until next January 30? I cannot understand not supporting the distinguished majority leader and the distinguished minority leader at 11:15 at night in something everyone realizes must happen in any event. It seems to me the Senator from Rhode Island stated the matter clearly.

I cannot understand partisanship being brought into this matter by the Senator from Oklahoma in challenging the majority leader. I support the position of the majority leader as a courtesy to the President, and I would do the same thing if it were Lyndon B. Johnson.

Mr. KENNEDY. Mr. President, it is only with the greatest reluctance that I am going to vote against the continuing resolution. I think, as has been stated here by the Senator from Oklahoma, the Senator from Ohio, and the Senator from South Dakota, this bill involves many of the most important programs and questions that we have acted on this session.

It seems to me that to a great extent we are abdicating our responsibility by voting for a continuing resolution this evening. It seems to me we have an obligation, a responsibility based on what we have already done with this bill, the significant measures that have been voted upon by this body and sent to conference. We should not run out on that group before the conference, if we are going to accept our responsibility. If, in fact, the President does veto this measure, we will then have time to determine what further we should do as far as our final action is concerned. Even if we have to meet on Christmas Day or New Year's Day, we should not take the action suggested this evening.

We talk about enacting a continuing resolution which will abdicate our responsibility in one area, while at the same time we talk every day about regaining for the Senate its power in the field of foreign policy. I think the Senate will make a mistake if it agrees to this resolution this evening without taking any time to consider and reflect about the implications of our hasty action.

That is just one issue we are confronted with tonight. What we are saying to the American people is that we would rather have our vacation starting Saturday night and not face this problem until we come back January 19. The matters in this bill are much too important to accept that simple solution.

Mr. MANSFIELD. Mr. President, I would like to say a few words. I wish to say to my distinguished colleague from Massachusetts that in my opinion we are not abdicating one whit of our responsibility. I would not stand for it if I thought so. I can say that knowing what I say to be true. I would point out that every alternative remains.

The President has presented us with a suggestion. We do not have to be bound by what any President says because we are a separate and distinct part of this Government. We can, if we wish, meet tomorrow—and we will—and a bill will be reported by the conferees. The House can pass that conference report and so can we, with or without a continuing resolution.

As far as missing a Christmas vacation is concerned, I do not think that has entered into the mind of any Member of this body. I regret that the Senator believes it has. We are paid to work, and if need be, 365 days a year. Sometimes I think we take too much time off and complain because we are worked so hard and so long. Well, let me tell my colleagues that there are thousands of people in all of our States who would like to have this job and put in the long hours and undergo the hardships which it entails.

This resolution is a fair way to face up to such a situation as we are confronted with. It does not bind us in any way. We do not have to accept the resolution on the basis that we will consider a conference report in the latter part of January. We can consider it at any time. And the President can veto it at any time.

I think that what we ought to do is to face up to this matter and try to get a bill. We should leave it up to both Houses to do what they want to do, and act accordingly, and we should do it with or without a letter from the President of the United States.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, as one who has been sweating out this bill for many weeks at the side of the distinguished Senator from Washington (Mr. MAGNUSON), I wish to say that I admire the executive ability, the force, the drive, and the analytical reasoning that he displays. He is a great chairman.

But this is the first year that the Senator from Washington has served as chairman of this particular subcommittee. I have been serving as the ranking minority member of the subcommittee for almost 10 years. I have been sitting in conferences between the Senate and the House for nearly 10 years. Next to the Defense appropriation bill, the Labor, and Health, Education, and Welfare appropriation bill is one of the most complex, complicated, controversial appropriation bills with which we have to deal.

The assumption that we are going to meet at 2 o'clock tomorrow and come back within a few hours with everything settled and ready to put this bill on the President's desk may be true—I hope it is—but unless human nature has changed during my experience in conferences, and unless the distinguished Members of the other body have suddenly ceased to become lions and have become lambs, perhaps it will be—but it may not be—quite the simple performance that is being guaranteed.

Regarding the statement that we should stay until Christmas Day or the day after Christmas or the day before New Year's Eve, we may find ourselves having brought this complicated bill to its final consummation as Santa Claus is just approaching the chimney.

But we are informed by the House that they will not go to conference until 2 o'clock tomorrow afternoon. If this is going to be a simple vesper service, it will be the first one I have ever had the pleasure of attending. I am looking forward to it. Do not be so sure that we do not need to have an ace in the hole as a safeguard to see that those children, those families, those on welfare, and those working in the great Department of HEW receive their benefits and their pay without any cessation.

Let us be sensible. Do this thing now and protect them because we may or we may not be all through tomorrow night.

Mr. COOK. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. COOK. Mr. President, as a new Member, I have been pleased to listen to all of this discussion tonight, because it has given me a new insight into exactly how the Senate operates when it gets together at 11:20 o'clock at night.

It has amazed me to listen to the remarks of the Senator from Oklahoma and the Senator from Massachusetts, particularly the Senator from Massachusetts, when he said that what we are really trying to do is to preserve our vacations.

Well, Mr. President, I thought that the first day of the fiscal year for these United States began on the 1st of July. I might suggest that when the Senator went home in July, and when he went home in August, there was a continuing resolution; and when he went home in September, and when he went home in October, there was a continuing resolution.

Now we are saying we cannot go home until the 19th of January without a continuing resolution because, somehow or other, Christmas is there and New Year's is there.

I am sorry that the headlines tomorrow will say that the distinguished Senator from Massachusetts blamed the Senate because he wanted a vacation, because that will be the headline.

But the continuing resolution has been there since the first day of July, not starting tonight.

I might suggest again that the first day of the fiscal year for these United States began on the first of July.

The hearings on HEW began on the fourth of August.

Thus, that is what we are faced with. We are faced with reality, gentlemen, not a bunch of demagoguery.

Mr. KENNEDY. Mr. President, will the Senator from Kentucky yield?

Mr. MANSFIELD. I yield. I have the floor.

Mr. KENNEDY. The Senator said something about December 31?

Mr. COOK. I did not say the 31st.

Mr. KENNEDY. We have all next week. We have until the 31st for any kind of continuing resolution.

Mr. COOK. Let me say to the Senator that I said the 19th of January.

Mr. KENNEDY. The point I am making is that we certainly have ample time in the next day or two to pass a continuing resolution if that is our decision. But if we decide to stay in session and wait for the President to sign or veto this bill which we have not even passed yet, we can, at that time, determine whether a continuing resolution would be appropriate. In my opinion, the Congress might very well override a Presidential veto, and we would not need the resolution. Or it may be that we will want to wait to pass this bill after we reconvene in January, and in that case a continuing resolution would be necessary. But I say to my colleagues on this side of the aisle, especially, as the majority party we should take advantage of a night's rest and reflection, and consider this question in our caucus tomorrow morning when we can discuss our responsibility in this matter, and determine what our response should be. But I do not believe in a hurried midnight reaction unless there is some grave urgency, an element which is not present in this situation. We should take time to examine the alternatives and then make our decision.

Mr. COOK. I might suggest that if the Senator really wants to do it—because I intend to vote with him—if he really wants to do it, I suggest he raise a point of order because I think this is legislation on an appropriations bill, and I think that would take care of it.

Mr. MANSFIELD. Mr. President, personally, I think it is up to each individual Senator to decide how he will vote. All I ask is that we be allowed the opportunity to vote. I hope that at this time we can vote on the pending resolution without further discussion.

Mr. SCOTT. We are ready to vote.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. SCOTT. Would the Chair state the issue on which we are about to vote?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska which is the continuing resolution amendment.

Mr. SCOTT. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska, which is the continuing resolution amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the

Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BAKER), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 65, nays 10, as follows:

[No. 264 Leg.]

YEAS—65

Aiken	Fong	Murphy
Allen	Gore	Muskie
Allott	Gravel	Pastore
Bellmon	Griffin	Pell
Bennett	Gurney	Prouty
Boggs	Hansen	Proxmire
Brooke	Hart	Randolph
Burdick	Hatfield	Ribicoff
Byrd, Va.	Holland	Schweiker
Byrd, W. Va.	Hruska	Scott
Cannon	Jackson	Smith, Maine
Church	Javits	Sparkman
Cotton	Jordan, N.C.	Spong
Cranston	Jordan, Idaho	Stennis
Curtis	Long	Stevens
Dodd	Magnuson	Talmadge
Dole	Mansfield	Thurmond
Dominick	Mathias	Williams, N.J.
Eagleton	McClellan	Williams, Del.
Ellender	McGovern	Yarborough
Ervin	Miller	Young, N. Dak.
Fannin	Montoya	

NAYS—10

Bayh	Hughes	Moss
Cook	Kennedy	Saxbe
Harris	Metcalf	
Hartke	Mondale	

NOT VOTING—25

Anderson	Hollings	Percy
Baker	Inouye	Russell
Bible	McCarthy	Smith, Ill.
Case	McGee	Symington
Cooper	McIntyre	Tower
Eastland	Mundt	Tydings
Fulbright	Nelson	Young, Ohio
Goldwater	Packwood	
Goodell	Pearson	

So, Mr. HRUSKA'S amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, I ask for third reading.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed for a third reading, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, may I announce again that there will be a meeting of Democrats in Room S. 207, but at 10 o'clock rather than 9 o'clock because, beginning tomorrow, we will have nothing but conference reports, insofar as I am aware.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of coming in at 10 o'clock tomorrow morning, when the Senate completes its business tonight it stand in adjournment until 11 o'clock tomorrow morning, at which time the Tasca nomination will be taken up.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Mr. BYRD of West Virginia. I ask unanimous consent to include in the RECORD certain documentary material with respect to section 904 of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Extract from Senate Report No. 91-616 to accompany the supplemental appropriation bill, 1970]

SECTION 904—THE "PHILADELPHIA PLAN"

The following new language has been included as section 904 of the bill:

"SEC. 904. In view of and in confirmation of the authority invested in the Comptroller General of the United States by the Budget and Accounting Act of 1921, as amended, no part of the funds appropriated or otherwise made available by this or any other Act shall be available to finance, either directly or through any Federal aid or grant, any contract or agreement which the Comptroller General of the United States holds to be in contravention of any Federal statute."

The provision recommended by the committee is to reaffirm the authority of the Comptroller General delegated to him by the Congress when it enacted the Budgeting and Accounting Act of 1921, as amended. Section 304 of this act, 31 U.S.C. 74 provides that "Balances certified by the General Accounting Office, upon the settlement of public accounts, shall be final and conclusive upon the Executive Branch of the Government." Section 111 of the act, 31 U.S.C. 65 directs the Comptroller General to determine whether "financial transactions have been consummated in accordance with laws, regulations, or other legal requirements." The Comptroller General has exercised the delegated congressional power over the obligation and expenditure of appropriated funds for almost 50 years without serious challenge from the Attorney General of the United States or any other officer of the executive branch. It has been historic that where serious disagreements have arisen with the holdings of the Comptroller General, the proper recourse has been to the Congress or to the Federal courts. The committee holds that this is still true.

The Comptroller General, by letter dated December 2, 1969 informed the committee that a most serious challenge had been posed to his basic authority to determine the legality of obligations and expenditures by the executive branch.

The committee wishes to emphasize that the basic issue here is the constitutional authority of the Congress itself. It must be further emphasized that the Congress has delegated certain of its constitutional authority to the Comptroller General alone. As long as such delegation exists, it must be complete, and not be allowed to be eroded by the executive branch. Therefore the committee strongly recommends the adoption of section 904.

MEMORANDUM

To: Senator Robert C. Byrd, Chairman, Subcommittee on Deficiencies and Supplementals, Committee on Appropriations.
From: Joseph T. McDonnell, Staff Member.
Subject: Challenge to the authority of the Comptroller General, to determine the legality of the expenditure of appropriated funds (re the "Philadelphia Plan").

The question presented is *not* whether the Philadelphia Plan violates or does not violate the Civil Rights Act of 1964. The real question at issue is whether an opinion of the Comptroller General relative to the legality of the expenditure of appropriated funds is or is not ". . . final and conclusive upon the Executive Branch of the Government." (31 U.S.C. Sections 65(d) and 74.)

While it is true that the basic issue arises from the desire of the Executive Department to encourage, and possibly compel, the hiring of more members of minority groups by Government contractors, and at the same time encourage, and possibly compel, the craft unions to admit to membership more members of minority groups, these objectives are secondary to the basic question presented: Whether the Congress—acting through its agent, the Comptroller General—has or does not have the final authority to determine the legality of obligating or expending appropriated funds.

The question presented must necessarily be answered in the affirmative. To say otherwise is to deny the constitutional authority of Congress over appropriated funds and thus limit the congressional function to simply approving or disapproving budget estimates submitted by the Executive Branch.

That the constitutional authority of the Congress is far broader is amply illustrated by its unchallenged actions when approving appropriations, to impose limitations and conditions on the expenditure of said funds.

The complete authority of Congress over appropriated funds is nowhere better illustrated than by the creation in 1921 and continued existence of the office of Comptroller General, who exercises as the agent of Congress the delegated congressional authority to determine the legality of expenditures of appropriated funds.

Congress has decreed that such determinations will be ". . . final and conclusive upon the Executive Branch of the Government."

By delegating its own constitutional authority to an agent, Congress in no way limits its authority. Thus, to advance the proposition that an advisory opinion of the Attor-

ney General can over-rule an opinion of the Comptroller General is to say that the Executive Branch is the final judge of the legality of the expenditure of appropriated funds. Such a proposition is not supportable by reference to the Constitution, nor by the precedents.

While the President cannot be compelled to spend appropriated funds, this presidential power cannot be turned around to mean that the President, once Congress appropriates funds, can direct that such funds can be spent to carry out any program or to achieve any objective that the President alone determines and do so without further authorization from the Congress.

In the instant case, the Comptroller General has held that the expenditure of funds for the purposes of carrying out the so-called "Philadelphia Plan" or any similar plan is not authorized by law. The Attorney General in an advisory opinion has held contra.

Again it must be emphasized that the basic question at issue is the delegated authority of the Comptroller General to determine the legality of the expenditures of appropriated funds—which determination Congress has decreed by statute shall be "final and conclusive upon the Executive Branch."

It is submitted that the question presented must be resolved in favor of the Comptroller General. If the Executive Branch wishes to pursue the "Philadelphia Plan" or institute "plans" having the same objective, then the President should request enactment by Congress of the necessary legislative authorization. Pending such request—unless the Congress desires to completely abdicate its constitutional authority over the expenditure of appropriated funds, and substitute the Attorney General for the Comptroller General—Congress should enact the language contained in Section 1004 proposed as an amendment to H.R. 15209, making supplemental appropriations for fiscal 1970.

II

The discussion above is intended to emphasize that the basic argument in favor of including the proposed amendment in H.R. 15209 is not the merits or demerits of the "Philadelphia Plan," but rather the need for the Congress itself to re-assert its own broad authority to determine the legality of the expenditure of appropriated funds. Of course, in so doing the delegated authority of the Comptroller General is also re-asserted.

III

The following attachments are submitted for your consideration:

1. *Attachment A:* The amendment to the Mutual Security Appropriation Act for fiscal 1960, mentioned by Mr. Thomas J. Scott, and some comments thereon by GAO.

2. *Attachment B:* Statutory citations re the authority of the Attorney General to issue opinions and some comments by the GAO on their force and effect.

3. *Attachment C:* Some examples of restrictions imposed by Congress on the expenditure of appropriated funds.

4. *Attachment D:* Summary prepared by GAO on your question as to how the "Philadelphia Plan" violates the Civil Rights Act of 1964. Attached to this summary is an extract from the Comptroller General's Opinion, B–163026, August 5, 1969, in which he concludes that the "Philadelphia Plan" is in conflict with the Civil Rights Act of 1964.

5. *Attachment E:* Memorandum from GAO re contracts awarded under the "Philadelphia Plan."

FOREIGN ASSISTANCE APPROPRIATIONS

Section 111(d) of the Mutual Security Appropriation Act, 1960, 73 Stat. 720, provided that:

"(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden its being furnished pursuant to such request, and his reason for so doing."

See also, to similar effect, section 2394 of title 22, United States Code, and section 402 of the Foreign Assistance and Related Agencies Appropriation Act, 1969, 82 Stat. 1144, concerning the Office of the Inspector General and Comptroller.

The legislative history of section 111(d) of the 1960 appropriation act shows clearly that the Congress, in providing for a Presidential certification to avoid operation of the statutory injunction, did not intend to yield its prerogatives over the expenditure of appropriated funds. Senator Robertson in explaining the language of his amendment which was substantially enacted as section 111(d) made the following statements:

"In addition, and I wish to emphasize this, the amendment does not yield one iota of the constitutional right of the Congress to demand information concerning the handling of funds it has appropriated, but it makes this much of a concession to the difference of opinion between Congress and the President.

"* * * That difference is this: If the President, in keeping with the well established principle under the Constitution of the right of the President to handle foreign policy, decides that the disclosure of some phase of foreign policy would be against the public interest, he can so certify, and the Congress will not be able to get the information. But Mr. President, it is inconceivable that any President would invoke that privilege to cover up inefficiency of some minor official in some country in the expenditure of the taxpayers' money.

"I say we are not trying to settle the constitutional issue. At some future time we may have to do it, but we are not trying to do it in this bill. We are trying to arrive at a working formula which will enable Congress to have proper information about a program which costs almost $4 billion a year of the taxpayers' money." CONGRESSIONAL RECORD, volume 105, part 15, page 19256.

While recognition of the constitutional doctrine of executive privilege was thus accorded in connection with the appropriation restriction in question as it related to the withholding of information, it should be recognized that a restriction against use of appropriated funds to implement the "Philadelphia Plan" would not encounter this issue.

By decision of December 8, 1960, B–143777, the Comptroller General advised the Secretary of State that in light of the provisions of section 533A(d) of the Mutual Security Act of 1954 as added by section 401(h) of the Mutual Security Act of 1959, 73 Stat. 253, the failure to provide certain documents requested by the Chairman of the Foreign Operations and Monetary Affairs Subcommittee of the House Government Operations Committee required the conclusion that funds were not available for expenses of the office of the Inspector General and Comptroller. The Attorney General in an opinion dated December 19, 1960, advised the President that he did not agree with the Comptroller General's ruling. The matter was ultimately resolved through arrangements worked out with the Subcommittee in connection with the documents in question.

Although the decision in 1960 concerned interpretation of a statute similar to those referred to, it should be noted that the provisions there in question were not contained in an appropriation act.

ATTORNEY GENERAL OPINIONS

5 U.S.C. 3106

"Except as otherwise authorized by law, the head of an executive department or military department may not employ an attorney or counsel for the conduct of litigation in which the United States, an agency, or employee thereof is a party, or is interested, or for the securing of evidence therefor, but shall refer the matter to the Department of Justice * * *."

28 U.S.C. 511

"The Attorney General shall give his advice and opinion on questions of law when required by the President."

28 U.S.C. 512

"The head of an executive department may require the opinion of the Attorney General on questions of law arising in the administration of his department." (See 28 U.S.C. 513 regarding military departments.)

28 U.S.C. 516

"Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or office thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under direction of the Attorney General."

The Attorney General has himself stated that his opinions are advisory only and that he has no control over the action of the head of department at whose request and to whom an opinion is given. 17 Op. Atty. Gen. 332 (1855). The duty of the Attorney General is to advise, not to decide. A thing is not to be considered as done by the head of a department merely because the Attorney General has advised him to do it; and the Department head may disregard the opinion if he is sure it is wrong. 9 Op. Atty. Gen. 36 (1857).

The courts have held that opinions of the Attorney General construing statutes are not, apparently, given greater weight by courts than is conceded to departmental constructions in general. *Lewis Pub. Co.* v *Morgan*, 229 U.S. 288 (1913); *U.S.* v. *Falk*, 204 U.S. 143 (1907); *Harrison* v. *Vose*, 50 U.S. 384 (1850). Opinions as to a law held and expressed by the Attorney General are persuasive, and such deference should be accorded to them as is given to opinions of other able persons learned in the law but no more. *McDonald* v. *U.S.*, 89 F. 2d 128 (1937), certiorari denied 301 U.S. 697, rehearing denied 302 U.S. 773, rehearing denied 325 U.S. 892.

On the other hand, the Attorney General has held that the head of a department cannot require the Attorney General's opinion as to his powers to do an act unless it is his intention to be guided thereby. 3 Op. Atty. Gen. 39 (1836); 21 Op. Atty. Gen. 174 (1895); 20 Op. Atty. Gen. 724 (1894); 20 Op. Atty. Gen. 609 (1893). Although there is no statutory declaration of the effect to be given to Attorney General advice and opinion, administrative officers should regard the opinions of the Attorney General as law until withdrawn by him or overruled by the courts. 5 Op. Atty. Gen. 97 (1849); 20 Op. Atty. Gen. 719 (1894); 20 Op. Atty. Gen. 648 (1893); 7 Op. Atty. Gen. 692 (1856). See also *Berger* v. *U.S.* 36 Ct. Cl. 247 (1901).

EXAMPLES OF APPROPRIATION RESTRICTIONS

DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1969

"SEC. 509. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians except under regulations approved by the Secretary of Defense * * *.

"SEC. 514. Notwithstanding any other provision of law, Executive order, or regulation, no part of the appropriations in this Act shall be available for any expenses of operating aircraft under the jurisdiction of the Armed Forces for the purpose of proficiency flying except * * *.

"SEC. 515. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

"SEC. 517. None of the funds provided in this Act shall be available for training in any legal profession nor for the payment of tuition for training in such profession: *Provided*, That this limitation shall not apply to the off-duty training of military personnel as prescribed by section 521 of this Act.

"SEC. 521. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses for off-duty training of military personnel, nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

"SEC. 522. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense."

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION ACT, 1969

"SEC. 301. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress.

"SEC. 307. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under sec. 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific Congressional approval of such method of financial support, except * * *.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION ACT, 1969

"SEC. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

"SEC. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school: *Provided*, That the Secretary shall assign as many persons to the investigation and compliance activities of title VI of the Civil Rights Act of 1964 related to elementary and secondary education in the other States as are assigned to the seventeen Southern and border States to assure that this law is administered and enforced on a national basis, and the Secretary is directed to enforce compliance with title VI of the Civil Rights Act of 1964 by like methods and with equal emphasis in all States of the Union and to report to the Congress by March 1, 1969, on the actions he has taken and the results achieved in establishing this compliance program on a national basis: *Provided further*, That notwithstanding any other provision of law, funds or commodities for school lunch programs or medical services may not be recommended for withholding by any official employed under appropriations contained herein in order to overcome racial imbalance: *Provided further*, That notwithstanding any other provisions of law, moneys received from national forests to be expended for the benefit of the public schools or public roads of the county or counties in which the national forest is situated, may not be recommended for withholding by any official employed under appropriations contained herein."

DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1968, PUBLIC LAW 90–97, 81 STAT. 249

"SEC. 640.

"(b) During the current fiscal year none of the funds available to the Department of Defense may be used to install or utilize any new 'cost-based' or 'expense-based' system or systems for accounting, including accounting results for the purposes prescribed by section 113(a)(4) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 66a(a)(4)), until forty-five days after the Comptroller General of the United States (after consultation with the Director of the Bureau of the Budget) has reported to the Congress that in his opinion such system or systems are designed to: (1) meet the requirements of all applicable laws governing budgeting, accounting, and the administration of public funds and the standards and procedures established pursuant thereto; (2) provide for uniform application to the extent practicable throughout the Department of Defense; and (3) prevent violations of the antideficiency statute (R.S. 3679; 31 U.S.C. 665)."

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATION ACT, 1962, PUBLIC LAW 87–329, 75 STAT. 721

"SEC. 602. None of the funds herein appropriated shall be used for expenses of the Inspector General, Foreign Assistance, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering foreign assistance legislation, appropriations, or expenditures, has delivered to the office of the Inspector General, Foreign Assistance, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of the Inspector General, Foreign Assistance, relating to any review, inspection, or audit arranged for, directed, or conducted by him, unless and until there has been furnished to the General Accounting Office or to such committee or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (B) a certification by the President, personally, that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing."

INDEPENDENT OFFICES APPROPRIATION ACT, 1952, PUBLIC LAW 82–137, 65 STAT. 286

"No money made available to the Department of Commerce, for maritime activities, by this *or any other Act* shall be used in payment for a vessel the title to which is acquired by the Government either by requisition or purchase, or the use of which is taken either by requisition or agreement, or which is insured by the Government and lost while so insured, unless the price or hire to be paid therefor (except in cases where section 802 of the Merchant Marine Act, 1936, as amended, is applicable) is computed in accordance with subsection 902(a) of said Act, as that subsection is interpreted by the General Accounting Office." (Emphasis supplied.)

All except the last of the foregoing provisions generally are held to be mere restrictions upon the use of appropriations and are not subject to a point of order. Such restrictions applying to "appropriations in this or *any other act*" as in the last-quoted provision are subject to a point of order as being legislation in an appropriation act. The Philadelphia Plan restriction would have to be of the latter type unless it is inserted in each of the pertinent appropriation acts.

SUMMARY OF WHY THE "PHILADELPHIA PLAN" CONFLICTS WITH THE CIVIL RIGHTS ACT OF 1964

The public policy with respect to both employer employment practices and union referral practices is set out in subsections 703 (a) and (c) of the Civil Rights Act of 1964. These provisions of the law clearly spell out that it shall be an unlawful employment practice for an employer to consider race or national origin in hiring or refusing to hire a qualified applicant, and for a labor organization, such as a union, to consider race or national origin in referring, or refusing to refer, a qualified applicant to an employer for employment.

If there were any doubt as to the policy set out in sections 703 (a) and (c), it would be completely dispelled by the provisions of subsection 703(j) which specify that the provisions of Title VII of the act shall not be interpreted to require any employer or labor organization to grant preferential treatment to any individual or group on account of an imbalance which may exist in the employer's work force or the labor organization's membership when the racial or national origin composition of such work force or membership is compared to the total number of persons of such race or national origin in the community or section, or in the available work force in the community or section.

The legislative history of the act is replete with clear indications of the Congressional intent in these areas, and the Comptroller General's opinion of August 5, 1969, quotes more than three pages of such references as examples of such intent.

To the extent that the Philadelphia Plan will require contractors to agree to establish numerical goals of minority group employees, and to exert "every good faith effort" to attain such goals in performing their contracts, the Plan will necessarily require contractors to consider race and national origin in recruiting and hiring employees. And to the extent that the numerical goals and ranges of minority group employees set out in the Plan are directed to correcting imbalances in either, or both, the contractors work force or his union's membership, they must necessarily be considered in violation of the public policy expressed in section 703(j) of the act.

Both the Department of Labor and the Department of Justice appear to recognize that the Plan either will, or may, result in reverse discrimination against non-minority group workers. But they argue that such reverse discrimination is legal if it is necessary to correct that present results of past discrimination. The truth of the matter is that the Departments are relying upon court opinions in school, voting, and housing cases to support their conclusion, and that there are no controlling judicial precedents on the point with respect to employment practices. Not

only is the Executive branch of the Government attempting to legislate in this area, it is also attempting to interpret and apply inapplicable and conflicting opinions of the courts in a manner contrary to the intent of Congress in enacting the Civil Rights Act of 1964, and in a manner clearly not intended by the judiciary. The action of the Departments in implementing the Plan must therefore be construed as a usurpation by the Executive of the functions of both the Legislative and Judicial branches of the Government. If any additional support for this conclusion should be needed, one need only look to the provisions of subsection 706(g) of the act, which authorize the courts to order such "affirmative action" as may be appropriate when an employer or a union, pursuant to the judicial procedures prescribed by the act, has been found by the court to be engaging in unlawful employment practices.

* * * * *

Section 705(a) (42 U.S.C. 2000e–4(a)) creates the Equal Employment Opportunity Commission, and section 713(a), Rules and Regulations (42 U.S.C. 2000e–12(a)), provides that the Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of that title.

The public policy regarding labor organization practices is delineated in section 703(c) (42 U.S.C. 2000e–2(c)) wherein it is stated that it shall be an unlawful employment practice for a labor organization (1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin; (2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or (3) to cause or attempt to cause an employer to discriminate against an individual in violation of that section.

Whether the provisions of the Plan requiring a bidder to commit himself to hire—or make every good faith effort to hire—at least the minimum number of minority group employees specified in the ranges established for the designated trades is, in fact, a "quota" system (and therefore admittedly contrary to the Civil Rights Act) or is a "goal" system, is in our view largely a matter of semantics, and tends to divert attention from the end result of the Plan—that contractors commit themselves to making race or national origin a factor for consideration in obtaining their employees.

We view the imposition of such a requirement on employers engaged in Federal or federally assisted construction to be in conflict with the intent as well as the letter of the above provisions of the act which make it an unlawful employment practice to use race or national origin as a basis for employment. Further, we believe that requiring an employer to abandon his customary practice of hiring through a local union because of a racial or national origin imbalance in the local unions and, under the threat of sanctions, to make "every good faith effort" to employ the number of minority group tradesmen specified in his bid from sources outside the union if the workers referred by the union do not include a sufficient number of minority group personnel, are in conflict with section 703(j) of the act (42 U.S.C. 2000e–2(j)) which provides as follows:

"Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group *on account of an imbalance which may exist with respect to the total number or percentage of persons* of any race, color, religion, sex, or national origin employed by any employer, *referred of classified for employment by any employment agency or labor organization,* admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number of percentage of persons of such race, color, religion, sex, or national origin in any community, State, section or other area, or in the available work force in any community, State, section, or other area, or in the available work force in any area." (Italic added.)

While the legislative history of the Civil Rights Act is replete with statements by sponsors of the legislation that Title VII prohibits the use of race or national origin as a basis for hiring, we believe a reference to a few of such clarifying explanations will suffice to further show the specific intent of Congress in such respect when enacting that title. At page 6549, Volume 110, Part 5, of the Congressional Record, the following explanation by Senator Humphrey is set out:

"* * * As a longstanding friend of the American worker, I would not support this fair and reasonable equal employment opportunity provision if it would have any harmful effect on unions. The truth is that this title forbids discriminating against anyone on account of race. This is the simple and complete truth about title VII.

"The able Senators in charge of title VII (Mr. Clark and Mr. Case) will comment at greater length on this matter.

"Contrary to the allegations of some opponents of this title, there is nothing in it that will give any power to the Commission or to any court to require hiring, firing, or promotion of employees in order to meet a racial 'quota' or *to achieve a certain racial balance.*

"That bugaboo has been brought up a dozen times; but it is nonexistent. In fact, the very opposite is true. Title VII prohibits discrimination. In effect, it says that race, religion, and national origin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualifications, not race or religion." (Italic added.)

In an interpretative memorandum of Title VII submitted jointly by Senator Clark and Senator Case, floor managers of that legislation in the Senate, it is stated (page 7213, Volume 110, Part 6, Congressional Record):

"With the exception noted above, therefore, section 704 prohibits discrimination in employment because of race, color, religion, sex, or national origin. It has been suggested that the concept of discrimination is vague. In fact it is clear and simple and has no hidden meanings. To discriminate is to make a distinction, to make a difference in treatment or favor, and those distinctions or differences in treatment or favor which are prohibited by section 704 are those which are based on any five of the forbidden criteria: race, color, religion, sex, and national origin. Any other criterion or qualification for employment is not affected by this title.

"There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, whatever such a balance may be, would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race. It must be emphasized that discrimination is prohibited as to any individual. While the presence or absence of other members of the same minority group in the work force may be a relevant factor in determining whether in a given case a decision to hire or to refuse to hire was based on race, color, etc., it is only one factor, and the question in each case would be whether that individual was discriminated against.

"There is no requirement in title VII that employers abandon bona fide qualification tests where, because of differences in background and education, members of some groups are able to perform better on these tests than members of other groups. An employer may set his qualifications as high as he likes, he may test to determine which applicants have these qualifications, and he may hire, assign, and promote on the basis of test performance.

"Title VII would have no effect on established seniority rights. Its effect is prospective and not retrospective. Thus, for example, if a business has been discriminating in the past and as a result has an all-white working force, when the title comes into effect the employer's obligation would be simply to fill future vacancies on a nondiscriminatory basis. He would not be obliged—or indeed, permitted—to fire whites in order to hire Negroes, or to prefer Negroes for future vacancies, or, once Negroes are hired, to give them special seniority rights at the expense of the white workers hired earlier. (However, where waiting lists for employment or training are, prior to the effective date of the title, maintained on a discriminatory basis, the use of such lists after the title takes effect may be held an unlawful subterfuge to accomplish discrimination.)" (Underscoring added.)

At page 7218 of Volume 110 the following objections, which had been raised during debate to the provisions of Title VII, and answers thereto by Senator Clark are printed:

"Objection: Under the bill, employers will no longer be able to hire or promote on the basis of merit and performance.

"Answer: Nothing in the bill will interfere with merit, hiring, or merit promotion. The bill simply eliminates consideration of color from the decision to hire or promote.

* * * * *

"Objection: The bill would require employers to establish quotas for nonwhites in proportion to the percentage of nonwhites in the labor market area.

"Answer: Quotas are themselves discriminatory."

While, as indicated above, we believe that the provisions of the Plan affecting employers who hire through unions conflict with section 703(j) of Title VII, and that the above statement by Senator Humphrey further indicates that the act was not intended to affect valid collective bargaining agreements, we further believe that the appropriate direction of any administrative action to be taken where it is the policy of a union to refer only white workers to employers on Federal or federally assisted construction is indicated in the following question and answer set forth in the interpretative memorandum by Senator Clark and Senator Case (page 7217, Volume 110):

"Question: If an employer obtains his employees from a union hiring hall through operation of his labor contract is he in fact the true employer from the standpoint of discrimination because of race, color, religion, or national origin when he exercises no choice in their selection? If the hiring hall sends only white males is the employer guilty of discrimination within the meaning of this title? If he is not, then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

"Answer: An employer who obtains his employees from a union hiring hall through operation of a labor contract is still an employer. If the hiring hall discriminates against Negroes, and sends him only whites, he is not guilty of discrimination—but union hiring halls would be."

We believe it is especially pertinent to note

that the "Findings" stated in section 4 of the order of June 27 as the basis for issuance thereof, consist almost entirely of a recital of practices of *unions*, rather than of contractors or employers. Thus, in attempting to place upon the contractors the burden of overcoming the effects of union practices, the order appears to evince a policy in conflict with the interpretation of the legislation as stated by its sponsors.

In this connection your Solicitor's memorandum contends that the principle of imposing affirmative action programs on contractors for employment of administratively determined numbers of minority group tradesmen, when such programs are for the purpose of correcting the effects of discrimination by unions prior to the Civil Rights Act of 1964, is supported by the decisions in *Quarles* v. *Philip Morris*, 279 F. Supp. 505; *U.S.* v. *Local 189, U.P.P. and Crown Zellerbach Corp.*, 282 F. Supp. 39; and *Local 53 of Heat and Frost Insulators* v. *Vogler*, 407 F. 2d 1047. We find, however, that decisions of the courts have differed materially in such respect; see *Griggs* v. *Duke Power*, 292 F. Supp. 243; *Dobbins* v. *Local 212*, 292 F. Supp. 413; and *U.S.* v. *Porter*, 296 F. Supp. 40.

Additionally, your Solicitor's memorandum cites cases involving affirmative desegregation of school faculties (*U.S.* v. *Jefferson County*, 372 F. 2d 836 (1966), and *U.S.* v. *Montgomery County*, 289 F. Supp. 647, affirmed 37 LW 4461 (1969) in particular). However, there is a clear distinction between the factual and legal situations involved in those cases and the matter at hand. The cited school decisions required reallocation of portions of existing school faculties in implementation of the requirement for desegregation of dual public school systems, which had been established on the basis of race, as such requirement was set out in the 1954 and 1955 decisions of the Supreme Court in the *Brown* v. *Board of Education* cases (347 U.S. 483 and 349 U.S. 294). In the *Brown* cases desegregation of faculties was regarded as one of the keys to desegregation of the schools, and in the *Jefferson County* case the court read Title VI of the Civil Rights Act as a congressional mandate for a change in pace and method of enforcing the desegregation of racially segregated school systems, as required by the *Brown* decisions.

MEMORANDUM FROM GAO RE CONTRACTS AWARDED UNDER "PHILADELPHIA PLAN"

Information on file in the General Accounting Office indicates that four contracts containing the revised Philadelphia Plan have already been awarded. One of these contracts was awarded to Bristol Steel and Iron Works, Inc., in the amount of $3,986,200, as low bidder for furnishing and erecting structural steel at Children's Hospital in Philadelphia.

The remaining three contracts were for general construction work, mechanical work, and electrical work in connection with an addition to the Law School at Villanova University. The contract for general construction work was awarded to Palladino-Fleming Company as low bidder at $988,100. However, the low bids submitted by Kirk Plumbing and Heating Corporation on the mechanical work and by Robinson Electrical Company, Inc., on the electrical work, in amounts of $252,000 and $154,960, respectively, were rejected for failure to offer to comply with the Plan. Contracts for both types of work were thereafter awarded to the second lowest bidder, The Gerngross Corporation, at its bid prices of $168,791 for electrical work and $253,800 for mechanical work, or $15,631 more than the low bids.

Both the Children's Hospital and Villanova University projects are subject to grants of Federal funds by the Department of Health, Education, and Welfare.

QUESTIONS PREPARED BY SENATOR ROBERT C. BYRD AND SUBMITTED TO THE COMPTROLLER GENERAL AND THE ANSWERS THERETO:

Question. Why should we give the Comptroller General all of this power?

Answer. This provision gives the Comptroller General no additional power whatsoever. It is merely a confirmation of the authority given the Comptroller General by the Budget and Accounting Act of 1921. 31 U.S.C. 74 provides, and I quote:

"Balances certified by the General Accounting Office, upon the settlement of public accounts, shall be final and conclusive upon the Executive Branch of the Government."

This very question—that is, the finality of the Comptroller General's decision—came up during the debate preceding the 1921 Act. Let me read two of the statements made by Chairman James W. Good during those 1919 hearings:

"If he (the Comptroller) is allowed to have his decisions modified or changed by the will of an Executive—Mr. Good said—then we might as well abolish the office."

Mr. Good also observed:

"There ought to be an independent body, independent of the Executives, with an official who could say, 'This appropriation can or cannot be used for this purpose'."

Congress took care of this point by enacting the provision of the Budget and Accounting Act I just quoted.

Question. Does this provision give the Comptroller General any additional authority over expenditures which he does not already have today?

Answer. No, it does not. This provision only applies to those activities where the Comptroller General has the authority to settle the accounts of the accountable officers and to make binding decisions. It does not include Government activities which have been excluded from the Comptroller General's authority. Examples of the latter are: jurisdiction over Internal Revenue assessments and refunds, veterans' compensation payments, and the expenditures of Government corporations.

Question. Just what did the Attorney General say which conflicts with the authority of the Comptroller General?

Answer. The Attorney General, in an opinion to the Secretary of Labor, not only upheld the action of the Secretary of Labor but went on to say, and I quote:

"I hardly need to add that the conclusions expressed herein may be relied on by your Department and other contracting agencies and their accountable officers in the administration of Executive Order No. 11246."

This, in effect, tells the agencies to ignore the opinion of the Comptroller General. Now, where will this lead? If this position is allowed to stand, it will be used in other cases, and Congress might as well forget about trying to exercise its Constitutional authority.

Question. Why not let the Comptroller General take a matter to court when there is a difference between his office and the Executive Branch of the Government?

Answer. Congress has only authorized the Department of Justice, and a few other agencies, to handle litigation involving the United States. The Comptroller General has not been granted this authority.

As a result, in any case involving one of his decisions which goes to court, the Comptroller General must be represented by the Attorney General. Obviously, where there is a difference between the Attorney General and the Comptroller General, certainly the views of the Comptroller General would not be advocated by the Attorney General.

Question. What is the legal authority for the "Philadelphia Plan"?

Answer. The "Philadelphia Plan" was issued under the authority of Executive Order No. 11246, which requires affirmative action programs to be taken to assist minority groups. The Executive Order does not spell out the details of the "Philadelphia Plan". That was done by the Secretary of Labor. The Comptroller General has not questioned the authority of the President to issue the Executive Order. He has questioned the implementation of the Executive Order by the Department of Labor through the "Philadelphia Plan".

Question. Isn't what is at issue here is the power of the President to issue Executive Orders relative to the hiring of members of minority groups?

Answer. The power of the President to issue Executive Orders is not at issue. The issue here is the legality of the implementation of an Executive Order and not the Presidential power to issue the Executive Order. In fact, the Comptroller General has recognized the power of the President to issue the order. However, he is of the opinion that the "Plan" issued under the order violates the Civil Rights Act of 1964.

Question. When the Civil Rights Act of 1964 was being considered, was it intended to cover situations such as the "Philadelphia Plan"?

Answer. Section 703(j) of the Civil Rights Act of 1964 provides:

"Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group *on account of an imbalance which may exist with respect to the total number or percentage of persons* of any race, color, religion, sex, or national origin employed by any employer, *referred or classified for employment by any employment agency or labor organization*, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number of percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area." (Emphasis added.)

While the legislative history of the Civil Rights Act is replete with statements by sponsors of the legislation that Title VII prohibits the use of race or national origin as a basis for hiring, we believe a reference to a few of such clarifying explanations will suffice to further show the specific intent of Congress in such respect when enacting that title. At page 6549, Volume 110, Part 5, of the Congressional Record, the following explanation by Senator Humphrey is set out:

"* * * As a longstanding friend of the American worker, I would not support this fair and reasonable equal employment opportunity provision if it would have any harmful effect on unions. The truth is that this title forbids discriminating against anyone on account of race. This is the simple and complete truth about title VII.

"The able Senators in charge of title VII (Mr. Clark and Mr. Case) will comment at greater length on this matter.

"Contrary to the allegations of some opponents of this title, there is nothing in it that will give any power to the Commission or to any court to require hiring, firing, or promotion of employees in order to meet a racial 'quota' or *to achieve a certain racial balance*.

"That bugaboo has been brought up a dozen times; but it is nonexistent. In fact, the very opposite is true. Title VII prohibits discrimination. In effect, it says that race,

religion, and national origin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualifications, not race or religion." (Emphasis added.)

In an interpretative memorandum of Title VII submitted jointly by Senator Clark and Senator Case, floor managers of that legislation in the Senate, it is stated (page 7213, Volume 110, Part 6, Congressional Record):

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"There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, *whatever such a balance may be*, would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race. It must be emphasized that discrimination is prohibited as to any individual. While the presence or absence of other members of the same minority group in the work force may be a relevant factor in determining whether in a given case a decision to hire or to refuse to hire was based on race, color, etc., it is only one factor, and the question in each case would be whether that individual was discriminated against.

"There is no requirement in title VII that employers abandon bona fide qualification tests where, because of differences in background and education, members of some groups are able to perform better on these tests than members of other groups. An employer may set his qualifications as high as he likes, he may test to determine which applicants have these qualifications, and he may hire, assign, and promote on the basis of test performance.

"Title VII would have no effect on established seniority rights. Its effect is prospective and not retrospective. Thus, for example, if a business has been discriminating in the past and as a result has an all-white working force, when the title comes into effect the employer's obligation would be simply to fill future vacancies on a nondiscriminatory basis. He would not be obliged—or indeed, permitted—to fire whites in order to hire Negroes, or to prefer Negroes for future vacancies, or, once Negroes are hired, to give them special seniority rights at the expense of the white workers hired earlier. (However, where waiting lists for employment or training are, prior to the effective date of the title, maintained on a discriminatory basis, the use of such lists after the title takes effect may be held an unlawful subterfuge to accomplish discrimination.)" (Italic added.)

At page 7218 of Volume 110 the following objections, which had been raised during debate to the provisions of Title VII, and answers thereto by Senator Clark are printed:

"Objection: Under the bill, employers will no longer be able to hire or promote on the basis of merit and performance.

"Answer: Nothing in the bill will interfere with merit, hiring, or merit promotion. The bill simply eliminates consideration of color from the decision to hire or promote.

* * * * *

"Objection: The bill would require employers to establish quotas for nonwhites in proportion to the percentage of nonwhites in the labor market area.

"Answer: Quotas are themselves discriminatory."

While, as indicated above, we believe that the provisions of the Plan affecting employers who hire through unions conflict with section 703(j) of Title VII, and that the above statement by Senator Humphrey further indicates that the act was not intended to affect valid collective bargaining agreements, we further believe that the appropriate direction of any administrative action to be taken where it is the policy of a union to refer only white workers to employers on Federal or federally assisted construction is indicated in the following question and answer set forth in the interpretative memorandum by Senator Clark and Senator Case (page 7217, Volume 110):

"Question. If an employer obtains his employees from a union hiring hall through operation of his labor contract is he in fact the true employer from the standpoint of discrimination because of race, color, religion, or national origin when he exercises no choice in their selection? If the hiring hall sends only white males is the employer guilty of discrimination within the meaning of this title? If he is not, then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

"Answer. An employer who obtains his employees from a union hiring hall through operation of a labor contract is still an employer. If the hiring hall discriminates against Negroes, and sends him only whites, he is not guilty of discrimination—but the union hiring hall would be."

Question. What is the real distinction between the word, "quota", and the word, "goals", insofar as the "Philadelphia Plan" is concerned?

Answer. First, let me say that I think everyone agrees that "quotas" are illegal in that they are discriminatory. Now, when you require a contractor to agree to meet a "goal" of minority group workers and threaten a penalty, such as possible contract cancellation and debarment from future Government work unless he can show that he has made every good faith effort to meet his "goal", then the distinction between a "goal" and a "quota" is lost.

As the Comptroller General stated in his opinion of August 5, 1969, the question of whether the "Philadelphia Plan" is a "quota system" or a "goal system" is largely a matter of semantics. This argument tends to divert attention from the end result of the Plan—that contractors commit themselves to making race or national origin a factor for consideration in obtaining their employees.

Question. What is the legal authority for the Attorney General to issue a binding opinion in which the Attorney General states that the Department of Labor and other agencies may rely on his opinion in requiring contractors to meet the hiring provisions of the revised "Philadelphia Plan"?

Answer. The Attorney General is required to give advice to the heads of the Executive departments. However, there is no provision of law that they are binding but, of course, the Executive departments may feel that they should abide by the Attorney General's opinions. With reference to the advice furnished by the Attorney General that his conclusions could be relied on by the Labor Department and other contracting agencies in the administration of Executive Order No. 11246, such advice clearly conflicts with the Budget and Accounting Act of 1921, which gives the Comptroller General authority to decide on the legality of expenditures and makes his decisions final and conclusive upon the Executive Branch of the Government.

Question. The Comptroller General stated that the General Accounting Office was not opposed to equal employment opportunities for minority groups. Since the Civil Rights Act of 1964, Executive Order No. 11246, and the "Philadelphia Plan" all seek to achieve this goal, why is section 904 needed at this time?

Answer. The Comptroller General has made it quite clear that he is not against greater opportunities for minority groups. In fact, none of us here are. The real issue is whether the Executive Branch can take actions to achieve this objective which conflict with laws enacted by the Congress. The Comptroller General, as well as many others, believe that the "Philadelphia Plan" does conflict with Title VII of the Civil Rights Act.

The need for section 904, in my opinion, is best illustrated by a paragraph contained in the Committee report on this provision, and I quote:

"The committee wishes to emphasize that the basic issue here is the constitutional authority of the Congress itself. It must be further emphasized that the Congress has delegated certain of its constitutional authority to the Comptroller General alone. As long as such delegaton exists, it must be complete, and not be allowed to be eroded by the executive branch. Therefore the committee strongly recommends the adoption of section 904."

Question. Since the Civil Rights Act was designed to assist black people and the "Philadelphia Plan" is aimed at that objective, why is there objection to it?

Answer. The Comptroller General has made it quite clear that he is not against greater opportunities for minority groups. However, he believes that actions taken by the Executive Branch in achieving this objective must be in accord with the laws enacted by Congress. He is of the opinion, after careful research of the plan and of the Civil Rights Act of 1964, that the plan is in conflict with Title VII of the Act and is therefore unauthorized. It is not a question of helping the black people, but a question of helping them in a way which does not conflict with the laws passed by Congress and the Constitutional power of Congress itself.

Question. Why can't this matter be put off until early next Session? What would be the adverse effect of delay?

Answer. One of the cases presently involved is the question of the legality of the "Philadelphia Plan." The Comptroller General has found the plan to be in violation of the Civil Rights Act of 1964. The Attorney General thinks otherwise, and has advised the Department of Labor to go ahead with the plan. I understand that four contracts containing the "Philadelphia Plan" have already been awarded in the Philadelphia area. Also, I understand that the Department of Labor plans to extend the plan to other areas. Also, the Secretary of Transportation has adopted the "Philadelphia Plan" procedures in the awarding of highway construction contracts. Any delay in meeting this issue would allow expenditures to be made which the Comptroller General has found to be illegal. The longer Congress waits in acting on this matter, the deeper we become involved, and a precedent is being firmed up for the Executive Branch, acting on advice of the Attorney General, to in effect "call the shots" on Government expenditures, rather than the Comptroller General, the agent of Congress, exercising his clear authority under the Budget and Accounting Act of 1921.

LETTER TO SENATOR ROBERT C. BYRD FROM COMPTROLLER GENERAL AND ATTACHMENTS THERETO

DECEMBER 2, 1969.

HON. ROBERT C. BYRD,
Chairman, Subcommittee on Deficiencies and Supplementals, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: I want to bring a matter to your attention which I think is of utmost importance to the Congress and to the General Accounting Office. This involves

the "Philadelphia Plan" promulgated by the Department of Labor to increase the number of minority group workers in certain construction trades.

The basic facts are (1) the Department of Labor issued an order requiring that major construction contracts in the Philadelphia area, which are entered into or financed by the United States, include commitments by contractors to goals of employment of minority workers in specified skilled trades; (2) by a decision dated August 5, 1969, advised the Secretary of Labor that I considered the Plan to be in contravention of the Civil Rights Act of 1964 and would so hold in passing upon the legality of the expenditure of funds under contracts made subject to the Plan; and (3) the Attorney General on September 22, 1969, advised the Secretary of Labor that the Plan is not in conflict with the Civil Rights Act; that it is authorized under Executive Order No. 11246, and that it may be enforced in awarding Government contracts.

On the basis of the Attorney General's Opinion, the Department of Labor has proceeded with the Plan in the Philadelphia area, and it is planning to go ahead in several other metropolitan areas. Also, we understand that the Secretary of Transportation has adopted the "Philadelphia Plan" procedures in the awarding of highway construction contracts.

Senator Ervin, as Chairman of the Subcommittee on Separation of Powers of the Senate Judiciary Committee, held hearings on this controversy in October of this year, and I understand he is sending a letter to the Senate Appropriations Committee suggesting to the Committee that it consider an appropriation bill limitation to prevent the Plan from being carried out in the Philadelphia area and from being placed in effect in other areas.

I want to make it clear that the General Accounting Office is not against greater opportunities for minority groups. However, we believe that actions taken by the Executive Branch in achieving this objective, must be in accord with the laws enacted by the Congress. As stated in our opinion of August 5, 1969, we believe that the "Philadelphia Plan" is in conflict with Title VII of the Civil Rights Act of 1964 and is therefore unauthorized.

The Attorney General in his opinion of September 22, 1969, concluded with a statement that the contracting agencies and their accountable officers could rely on his opinion. Considering that the sole authority claimed for the Plan ordered by the Labor Department is the Executive order of the President, it is quite clear that the Executive Branch of the Government is asserting the power to use Government funds in the accomplishment of a program not authorized by Congressional enactment, upon its own determination of authority and its own interpretation of pertinent statutes, and contrary to an opinion by the Comptroller General to whom the Congress has given the authority to determine the legality of expenditures of appropriated funds, and whose actions with respect thereto were decreed by the Congress to be "final and conclusive upon the Executive Branch of the Government." We believe the actions of officials of the Executive Branch in this matter present such serious challenges to the authority vested in the General Accounting Office by the Congress as to present a substantial threat to the maintenance of effective legislative control of the expenditure of Government funds.

The opinion of the Attorney General and the announced intention of the Labor Department to extend the provisions of the Plan to other major metropolitan areas can only create such widespread doubt and confusion in the construction industry and in the labor groups involved (which may also be shared to a considerable extent by the Government's contracting and fiscal officers) as to constitute a major obstacle to the orderly prosecution of Federal and federally assisted construction. We further believe there is a definite possibility that, faced with a possibility of not being able to obtain prompt payment under contracts for such work as well as the probability of labor difficulties resulting from their efforts to comply with the Plan, many potential contractors will be reluctant to bid. Of course, if this occurs the Plan will result in restricting full and free competition as required by the procurement laws and regulations. Also, those who do bid will no doubt consider it necessary to include in their bid prices substantial contingency allowances to guard against loss.

In view of the situation I have outlined, I urge that the Senate Appropriations Committee give serious consideration to including in the Supplemental Appropriation Bill, 1970, which is now pending before the Committee, a limitation on the use of funds to finance any contract requiring a contractor or subcontractor to meet, or to make every effort to meet, specified goals of minority group employees. Language to accomplish this request is enclosed for your consideration.

I am also enclosing a copy of my decision of August 5, 1969; a copy of the Attorney General's opinion of September 22, 1969; a copy of Senator Ervin's statement of October 27, 1969; a copy of my statement of October 28, 1969, before the Subcommittee on Separation of Powers of the Senate Judiciary Committee; a copy of an article by James E. Remmert, which appeared in the November 1969, issue of the American Bar Association Journal, entitled "Executive Order 11246: Executive Encroachment," and copies of recent letters to me from Senator Ervin, Senator Russell, Senator McClellan, Senator Randolph, Senator Jordan, and Congressman Cramer. In connection with the latter expression of views, I would point out that there are other members of the Senate and of the House who support the Plan.

We are available to discuss this problem with you or the Appropriations Committee at any time.

Sincerely,

ELMER B. STAATS,
Comptroller General of the United States.

OPINION OF COMPTROLLER GENERAL RE PHILADELPHIA PLAN

AUGUST 5, 1969.

DEAR MR. SECRETARY: We refer to an order issued June 27, 1969, to the heads of all agencies by the Assistant Secretary for Wage and Labor Standards, Department of Labor. The order announced a revised Philadelphia Plan (effective July 18, 1969) to implement the provisions of Executive Order 11246 and the rules and regulations issued pursuant thereto which require a program of equal employment opportunity by contractors and subcontractors on both Federal and federally assisted construction projects.

Questions have been submitted to our Office by members of Congress, both as to be propriety of the revised Philadelphia Plan and the legal validity of Executive Order 11246 and of various implementing regulations issued thereunder both by your Department and by other agencies. In view of possible conflicts between the requirements of the Plan and the provisions of Titles VI and VII of the Civil Rights Act of 1964, Pub. L. 88-352, discussions have been held between representatives of our Office, your Department, and the Department of Justice, and your Solicitor has furnished to us a legal memorandum in support of the authority for issuance of the Executive Order as well as the revised Philadelphia Plan promulgated thereunder.

The memorandum presents the following points in support of the legal propriety of **the Plan:**

I. The Executive has the authority and the duty to require employers who do business with the Government to provide equal employment opportunity.

II. The passage of the Civil Rights Act of 1964 did not deprive the President of the authority to regulate, pursuant to Executive Orders, the employment practices of Government contractors.

III. The revised Philadelphia Plan is lawful under the Federal Government's procurement policies, is authorized under Executive Order 11246 and the implementing regulations, and is lawful under Title VII of the Civil Rights Act of 1964.

Without conceding the validity of all of the arguments advanced under points I and II, we accept the authority of the President to issue Executive Order 11246, and the contention that the Congress in enacting the Civil Rights Act did not intend to deprive the President of all authority to regulate employment practices of Government contractors.

The essential questions presented to this Office by the revised Philadelphia Plan, however, are (1) whether the Plan is compatible with fundamentals of the competitive bidding process as it applies to the awarding of Federal and federally assisted construction contracts, and (2) whether impositions of the specific requirements set out therein can be regarded as a legally proper implementation of the public policy to prevent discrimination in employment, which is declared in the Civil Rights Act and is inherent in the Constitution, or whether those requirements so far transcend the policy of nondiscrimination, by making race or national origin a determinative factor in employment, as to conflict with the limitations expressly imposed by the act or with the basic constitutional concept of equality.

Our interest and authority in the matter exists by virtue of the duty imposed upon our Office by the Congress to audit all expenditures of appropriated funds, which necessarily involves the determination of the legality of such expenditures, including the legality of contracts obligating the Government to payment of such funds. Authority has been specifically conferred on this Office to render decisions to the heads of departments and agencies of the Government, prior to the incurring of any obligations, with respect to the legality of any action contemplated by them involving expenditures of appropriated funds, and this authority has been exercised continuously by our Office since its creation whenever any question as to the legality of a proposed action has been raised, whether by submission by an agency head, or by complaint of an interested party, or by information coming to our attention in the course of our other operations.

The incorporation into the terms of solicitations for Government contracts of conditions or requirements concerning wages and other employment conditions or practices has been a frequent subject of decisions by this Office, many of which will be found enumerated in our decision at 42 Comp. Gen. 1. The rule invariably applied in such cases has been that any contract conditions or stipulations which tend to restrict the full and free competition required by the procurement laws and regulations are unauthorized, unless they are reasonably requisite to the accomplishment of the legislative purposes of the appropriation involved or other law. Furthermore, where the Congress in enacting a statute covering the subject matter of such conditions has specifically prohibited certain actions, no administrative authority can lawfully impose any requirements the effect of which would be to contravene such prohibitions.

It is within the framework of these principles that we consider the order promulgating the revised Philadelphia Plan.

The Assistant Secretary's order states the policy of the Office of Federal Contract Compliance (OFCC) that no contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Philadelphia, Pennsylvania, area (including the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia) on projects whose cost exceeds $500,000 unless the bidder submits an acceptable affirmative action program which shall include specific goals of minority manpower utilization, meeting the standards included in the invitation or other solicitations for bids, in trades utilizing the seven classifications of employees specified therein.

The order further relates that enforcement of the nondiscrimination and affirmative action requirements of Executive Order 11246 has posed special problems in the construction trades; that contractors and subcontractors must hire a new employee complement for each construction job and out of necessity or convenience they rely on the construction craft unions as their prime or sole source of their labor; that collective bargaining agreements and/or established custom between construction contractors and subcontractors and unions frequently provide for, or result in, exclusive hiring halls; that even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter, most people working the specified classifications are referred to the jobs by the unions; and that because of these hiring arrangements, referral by a union is a virtual necessity for obtaining employment in union construction projects, which constitute the bulk of commercial construction.

It is also stated that because of the exclusionary practices of labor organizations, there traditionally have been only a small number of Negroes employed in the seven trades, and that unions in these trades in the Philadelphia area still have only about 1.6 percent minority group membership and they continue to engage in practices, including the granting of referral priorities to union members and to persons who have work experience under union contracts, which result in few Negroes being referred for employment. The OFCC found, therefore, that special measures requiring bidders to commit themselves to specific goals of minority manpower utilization were needed to provide equal employment opportunity in the seven trades.

Section 7 of the Assistant Secretary's order of June 27 indicates that the revised Plan is to be implemented by including in the solicitation for bids a notice substantially similar to one labeled "Appendix" which is attached to the order. Such notice would state the ranges of minority manpower utilization (as determined by the OFCC Area Coordinator in cooperation with the Federal contracting or administering agencies in the Philadelphia area) which would constitute an acceptable affirmative action program, and would require the bidder to submit his specific goals in the following form:

Identification of trade

Est. total employment for the trade on the contract

Number of minority group employees

Participation in a multi-employer program approved by OFCC would be acceptable in lieu of a goal for the trade involved in such program.

The notice also provides that the contractor will obtain similar goals from his subcontractors who will perform work in the involved trades, and that "Failure of the subcontractor to achieve his goal will be treated in the same manner as such failure by the prime contractor prescribed in Section 6 of the Order * * *." Since Section 6 of the order contains nothing relative to "failure," we assume the intended reference is to Section 8, which reads as follows:

"Post-award compliance

"a. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the goals set forth in the affirmative action program are being met, the contractor or subcontractor will be presumed to be in compliance with the requirements of Executive Order 11246, as amended, unless it comes to the agency's attention that such contractor or subcontractor is not providing equal employment opportunity. In the event of failure to meet the goals, the contractor shall be given an opportunity to demonstrate that he made every good faith effort to meet his commitment. In any proceeding in which such good faith performance is in issue, the contractor's entire compliance posture shall be reviewed and evaluated in the process of considering the imposition of sanctions. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its affirmative action program, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a 'responsible prospective contractor' within the meaning of the Federal procurement regulations.

"b. It is no excuse that the union with which the contractor has a collective bargaining agreement failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in Federally-involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations and orders."

It is our opinion that the submission of goals by the successful bidder would operate to make the requirement for "every good faith effort" to attain such goals a part of his contractual obligation upon award of a contract. The provisions of Section 8 of the order would therefore become a part of the contract specifications against which the contractor's performance would be judged in the event he fails to attain his stated goals, just as much as his stated goals become a part of the contract specifications against which his performance will be judged in the event he does attain his stated goals.

As indicated at page 4 of the order, the original Philadelphia Plan was suspended because it contravened the principles of competitive bidding. Such contravention resulted from the imposition of requirements on bidders, after bid opening, which were not specifically set out in the solicitation. The present statement of a specific numerical range into which a bidder's affirmative action goals must fall is apparently designed to meet, and reasonably satisfies, the requirement for specificity.

However, we have serious doubts covering the main objective of the Plan, which is to require bidders to commit themselves to make every good faith effort to employ specified numbers of minority group tradesmen in the performance of Federal and federally assisted contracts and subcontracts.

The pertinent public policy with respect to employment practices of an employer which may be regarded as constituting unlawful discrimination is set out in Titles VI and VII of the Civil Rights Act, Title VI, concerning federally assisted programs, provides in section 601 (42 U.S.C. 2000d) that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

Section 703(a) (42 U.S.C. 2000e–2(a)) of Title VII states the public policy concerning employer employment practices by declaring it to be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin. Section 705(a) (42 U.S.C. 2000e–4(a)) creates the Equal Employment Opportunity Commission, and section 713(a), Rules and Regulations (42 U.S.C. 2000e–12(a)), provides that the Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of that title.

The public policy regarding labor organization practices is delineated in section 703(c) (42 U.S.C. 2000e–2(c)) wherein it is stated that it shall be an unlawful employment practice for a labor organization (1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin; (2) to limit, segregate, or classify its membership or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or (3) to cause or attempt to cause an employer to discriminate against an individual in violation of that section.

Whether the provisions of the Plan requiring a bidder to commit himself to hire—or make every good faith effort to hire—at least the minimum number of minority group employees specified in the ranges established for the designated trades is, in fact, a "quota" system (and therefore admittedly contrary to the Civil Rights Act) or is a "goal" system, is in our view largely a matter of semantics, and tends to divert attention from the end result of the Plan—that contractors commit themselves to making race or national origin a factor for consideration in obtaining their employees.

We view the imposition of such a requirement on employers engaged in Federal or federally assisted construction to be in conflict with the intent as well as the letter of the above provisions of the act which make it an unlawful employment practice to use race or national origin as a basis for employment. Further, we believe that requiring an employer to abandon his customary practice of hiring through a local union because of a racial or national origin imbalance in the local unions and, under the threat of sanc-

tions, to make "every good faith effort" to employ the number of minority group tradesmen specified in his bid from sources outside the union if the workers referred by the union do not include a sufficient number of minority group personnel, are in conflict with section 703(j) of the act (42 U.S.C. 2000e–2(j)) which provides as follows:

"Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group *on account of an imbalance which may exist with respect to the total number or percentage of persons* of any race, color, religion, sex, or national origin employed by any employer, *referred or classified for employment by any employment agency or labor organization,* admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number of percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area." (Italic added.)

While the legislative history of the Civil Rights Act is replete with statements by sponsors of the legislation that Title VII prohibits the use of race or national origin as a basis for hiring, we believe a reference to a few of such clarifying explanations will suffice to further show the specific intent of Congress in such respect when enacting that title. At page 6549, Volume 110, Part 5, of the Congressional Record, the following explanation by Senator Humphrey is set out:

"* * * As a longstanding friend of the American worker, I would not support this fair and reasonable equal employment opportunity provision if it would have any harmful effect on unions. The truth is that this title forbids discriminating against anyone on account of race. This is the simple and complete truth about title VII.

"The able Senators in charge of title VII (Mr. Clark and Mr. Case) will comment at greater length on this matter.

"Contrary to the allegations of some opponents of this title, there is nothing in it that will give any power to the Commission or to any court to require hiring, firing or promotion of employees in order to meet a racial 'quota' or *to achieve a certain racial balance.*

"That bugaboo has been brought up a dozen times; but it is nonexistent. In fact, the very opposite is true. Title VII prohibits discrimination. In effect, it says that race, religion, and national origin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualifications, not race or religion." (Italic added.)

In an interpretative memorandum of Title VII submitted jointly by Senator Clark and Senator Case, floor managers of that legislation in the Senate, it is stated (page 7213, Volume 110, Part 6, Congressional Record):

"With the exception noted above, therefore, section 704 prohibits discrimination in employment because of race, color, religion, sex, or national origin. It has been suggested that the concept of discrimination is vague. In fact it is clear and simple and has no hidden meanings. To discriminate is to make a distinction, to make a difference in treatment or favor, and those distinctions or differences in treatment or favor which are prohibited by section 704 are those which are based on any five of the forbidden criteria: race, color, religion, sex, and national origin. Any other criterion or qualification for employment is not affected by this title.

"There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, *whatever such a balance may be,* would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race. It must be emphasized that discrimination is prohibited as to any individual. While the presence or absence of other members of the same minority group in the work force may be a relevant factor in determining whether in a given case a decision to hire or to refuse to hire was based on race, color, etc., it is only one factor, and the question in each case would be whether that individual was discriminated against.

"There is no requirement in title VII that employers abandon bona fide qualification tests where, because of differences in background and education, members of some groups are able to perform better on these tests than members of other groups. An employer may set his qualifications as high as he likes, he may test to determine which applicants have these qualifications, and he may hire, assign, and promote on the basis of test performance.

"Title VII would have no effect on established seniority rights. Its effect is prospective and not retrospective. Thus, for example, if a business has been discriminating in the past and as a result has an all-white working force, when the title comes into effect the employer's obligation would be simply to fill future vacancies on a nondiscriminatory basis. He would not be obliged—or indeed, permitted—to fire whites in order to hire Negroes, or to prefer Negroes for future vacancies, or, once Negroes are hired, to give them special seniority rights at the expense of the white workers hired earlier. (However, where waiting lists for employment or training are, prior to the effective date of the title, maintained on a discriminatory basis, the use of such lists after the title takes effect may be held an unlawful subterfuge to accomplish discrimination.)" (Italic added.)

At page 7218 of Volume 110 the following objections, which had been raised during debate to the provisions of Title VII, and answers thereto by Senator Clark are printed:

"Objection: Under the bill, employers will no longer be able to hire or promote on the basis of merit and performance.

"Answer: Nothing in the bill will interfere with merit, hiring, or merit promotion. The bill simply eliminates consideration of color from the decision to hire or promote.

* * * * *

"Objection: The bill would require employers to establish quotas for nonwhites in proportion to the percentage of nonwhites in the labor market area.

"Answer: Quotas are themselves discriminatory."

While, as indicated above, we believe that the provisions of the Plan affecting employers who hire through unions conflict with section 703(j) or Title VII, and that the above statement by Senator Humphrey further indicates that the act was not intended to affect valid collective bargaining agreements, we further believe that the appropriate direction of any administrative action to be taken where it is the policy of a union to refer only white workers to employers on Federal or federally assisted construction is indicated in the following question and answer set forth in the interpretative memorandum by Senator Clark Case (page 7217, Volume 110):

"Question. If an employer obtains his employees from a union hiring hall through operation of his labor contract is he in fact the true employer from the standpoint of discrimination because of race, color, religion, or national origin when he exercises no choice in their selection? If the hiring hall sends white males is the employer guilty of discrimination within the meaning of this title? If he is not, then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

"Answer. An employer who obtains his employees from a union hiring hall through operation of a labor contract is still an employer. If the hiring hall discriminates against Negroes, and sends him only whites, he is not guilty of discrimination—but the union hiring hall would be."

We believe it is especially pertinent to note that the "Findings" stated in section 4 of the order of June 27 as the basis for issuance thereof, consist almost entirely of a recital of practices of *unions,* rather than of contractors or employers. Thus, in attempting to place upon the contractors the burden of overcoming the effects of union practices, the order appears to evince a policy in conflict with the interpretation of the legislation as stated by its sponsors.

In this connection your Solicitor's memorandum contends that the principle of imposing affirmative action programs on contractors for employment of administratively determined numbers of minority group tradesmen, when such programs are for the purpose of correcting the effects of discrimination by unions prior to the Civil Rights Act of 1964, is supported by the decisions in *Quarles* v. *Philip Morris,* 279 F. Supp. 505; *U.S.* v. *Local 189, U.P.P. and Crown Zellerbach Corp.,* 282 F. Supp 39; and *Local 53 of Heat and Frost Insulators* v. *Vogler,* 407 F. 2d 1047. We find, however, that decisions of the courts have differed materially in such respect; see *Griggs* v. *Duke Power,* 292 F. Supp. 243; *Dobbins* v. *Local 212,* 292 F. Supp. 413; and *U.S.* v. *Porter,* 296 F. Supp. 40.

Additionally, your Solicitor's memorandum cites cases involving affirmative desegregation of school faculties (*U.S.* v. *Jefferson County,* 372 F. 2d 836 (1966), and *U.S.* v. *Montgomery County,* 289 F. Supp. 647, affirmed 37 LW 4461 (1969) in particular). However, there is a clear distinction between the factual and legal situations involved in those cases and the matter at hand. The cited school decisions required reallocation of portions of existing school faculties in implementation of the requirement for desegregation of dual public school systems, which had been established on the basis of race, as such requirement was set out in the 1954 and 1955 decisions of the Supreme Court in the *Brown* v. *Board of Education cases* (347 U.S. 483 and 349 U.S. 294). In the *Brown* cases desegregation of faculties was regarded as one of the keys to desegregation of the schools, and in the *Jefferson County* case the court read Title VI of the Civil Rights Act as a congressional mandate for a change in pace and method of enforcing the desegregation of racially segregated school systems, as required by the *Brown* decisions.

The requirements of the revised Philadelphia Plan do not involve a comparable situation. Even if the present composition of an employer's work force or the membership of a union is the result of past discrimination, there is no requirement imposed by the Constitution, by a mandate of the Supreme Court, or by the Civil Rights Act for an employer or a union to affirmatively desegregate its personnel or membership. The distinction becomes more apparent when it is recognized that the order of June 27 pertains to *hiring* practices of an employer. Hiring was not at issue in the school cases, and those cases do not purport to hold that a school district must, or even may, correct a racial imbalance in its faculty by affirmatively requiring that a stated proportion of its teachers shall be hired on

the basis of race. To the contrary, the court recognized in its decision in the *Jefferson County* case (page 884) that the "mandate of Brown * * * forbids the discriminatory consideration of race in faculty selection," and such consideration is expressly prohibited by section VIII of the court's decree in Appendix A of that case.

The recital in section 6b.2 of the order (and in the prescribed form of notice to be included in the invitation) that the contractor's commitment "is not intended and shall not be used to discriminate against any qualified applicant or employee" is in our opinion the statement of a practical impossibility. If, for example, a contractor requires 20 plumbers and is committed to a goal of employment of at least five from minority groups, every nonminority applicant for employment in excess of 15 would, solely by reason of his race or national origin, be prejudiced in his opportunity for employment, because the contractor is committed to make every effort to employ five applicants from minority groups.

In your Solicitor's memorandum it is argued that the "straw man" sometimes used in opposition to the Plan is that it "would require a contractor to discriminate against a better qualified white craftsman in favor of a less qualified black." We believe this obscures the point involved, since it introduces the element of skill or competence, whereas the essential question is whether the Plan would require the contractor to select a black craftsman over an *equally* qualified white one. We see no room for doubt that the contractor in the situation posed above would believe he would be expected to employ the black applicant, at least until he had reached his goal of five nonminority group employees, and that if he failed to achieve that goal his employment of a white craftsman when an equally qualified black one was available could be considered a failure to use "every good faith effort." In our view such preferential status or treatment would constitute discrimination against the white worker solely on the basis of color, and therefore would be contrary to the express prohibition both of the Civil Rights Act and of the Executive order.

It is also contended in your Solicitor's memorandum that substantial judicial support for administrative affirmative action programs requiring commitments for contractors for employment of specified numbers of minority group tradesmen is contained in the decision of the Ohio Supreme Court in *Weiner* v. *Cuyahoga Community College District*, 19 Ohio St. 2d — (July 2, 1969). That decision upheld the award of a federally assisted construction contract to the second low bidder, as a proper action in implementation of the policies of the Civil Rights Act of 1964, after approval of award to the low bidder was withheld by the Federal agency involved for failure of the low bidder to submit an affirmative action program (including manning tables for minority group tradesmen) which was acceptable to that agency pursuant to an OFCC plan established for Cleveland, Ohio.

While the decision in *Weiner* case (which was a majority opinion by five of the justices with dissenting opinions by two) has some bearing on the issues here involved, since the decision appears to be based in substantial part on the conflicting opinions of Federal courts cited earlier we do not believe the decision can be considered as controlling precedent for the validity of the revised Philadelphia Plan.

In support of the required procedure, which is admitted at page 33 of the Solicitor's memorandum to require contractors to take actions which are based on race, the memorandum relies upon the acceptance by the courts, in school, housing and voting cases, of the use of race as a valid consideration in fashioning relief to overcome the effects of past discrimination. Aside from other distinctions, we believe there is a material difference between the situation in those cases, where enforcement of the rights of the minority individuals to vote or to have unsegregated educational or housing facilities does not deprive any member of a majority group of his rights, and the situation in the employment field, where the hiring of a minority worker, as one of a group whose number is limited by the employer's needs, in preference to one of the majority group precludes the employment of the latter. In other words, in those cases there is present no element of reverse discrimination, but only the correction of the illegal denial of minority rights, leaving the majority in the full exercise and enjoyment of their corresponding rights.

In addition it may be pointed out that in those cases the judicial relief ordered is directed squarely at the parties responsible for the denial of rights, and we therefore do not consider them as supporting requirements to be complied with by contractors who, under the findings of the Plan, are themselves more the victims than the instigators of the past discriminatory practices of the labor unions. Moreover, in the court cases the remedies are applied after judicial determination that effective discrimination is in fact being practiced or fostered by the defendants, whereas the Plan is a blanket administrative mandate for remedial action to be taken by all contractors in an attempt to cure the evils resulting from union actions, without specific reference to any past or existing actions or practices by the contractors.

While it may be true, as stated in the Plan, "that special measures are required to provide equal employment opportunity in these seven trades," it is our opinion that imposition of a responsibility upon Government contractors to incur additional expenses in affirmative action programs which are directed to overcoming the present effects of past discrimination by labor unions, would require the expenditure of appropriated funds in a manner not contemplated by the Congress. If, as stated in the Plan, discrimination in referral is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964, it is our opinion that the remedies provided by the Congress in those acts should be followed. See also in this connection section 207 of Executive Order 11246.

While, as indicated in the foregoing opinions and in your Solicitor's memorandum, the President is sworn to "preserve, protect and defend the Constitution of the United States," we question whether the executive departments are required, in the absence of a definitive and controlling opinion by the Supreme Court of the United States, to assess the relative merits of conflicting opinions of the lower courts, and embark upon a course of affirmative action, based upon the results of such assessment, which appears to be in conflict with the expressed intent of the Congress in duly enacted legislation on the same subject.

In this connection, it should be noted that, while the phrase "affirmative action" was included in the Executive order (10925) which was in effect at the time Congress was debating the bills which were subsequently enacted as the Civil Rights Act of 1964, no specific affirmative action requirements of the kind here involved had been imposed upon contractors under authority of that Executive order at that time, and we therefore do not think it can be successfully contended that Congress, in recognizing the existence of the Executive order and in failing to specifically legislate against it, was approving or ratifying the type or methods of affirmative action which your Department now proposes to impose upon contractors.

We recognize that both your Department and the Department of Justice have found the Plan to be legal and we have given most serious consideration to their positions. However, until the authority for any agency to impose or require conditions in invitations for bids on Federal or federally assisted construction which obligate bidders, contractors, or subcontractors, to consider the race or national origin of their employees or prospective employees for such construction, is clearly and firmly established by the weight of judicial precedent, or by additional statutes, we must conclude that conditions of the type proposed by the revised Philadelphia Plan are in conflict with the Civil Rights Act of 1964, and we will necessarily have to so construe and apply the act in passing upon the legality of matters involving expenditures of appropriated funds for Federal or federally assisted construction projects.

In this connection it is observed that by section 705(d) of the act, Congress charges the Equal Employment Opportunity Commission with the specific responsibility of making reports to the Congress and to the President on the cause of and means of eliminating discrimination and making such *recommendations for further legislation* as may appear desirable. That provision, we believe, not only prescribes the procedure for correcting any deficiencies in the Civil Rights Act, but also shows the intent of Congress to reserve for its own judgment the establishment of any additional unlawful employment practice categories or nondiscrimination requirement, or the imposition upon employers of any additional requirements for assuring equal employment opportunities.

We realize that our conclusions as set out above may disrupt the programs and objectives of your Department, and may cause concern among members of minority groups who may believe that racial balance or equal representation on Federal and federally assisted construction projects is required under the 1964 act, the Executive order, or the Constitution. Desirable as these objectives may be, we cannot agree to their attainment by the imposition of requirements on contractors, in their performance of Federal or federally-assisted contracts, which the Congress has specifically indicated would be improper or prohibited in carrying out the objectives and purposes of the 1964 act.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

[Opinion of Attorney General re Philadelphia plan]

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 22, 1969.

The HONORABLE, THE SECRETARY OF LABOR:

MY DEAR MR. SECRETARY: You have requested my opinion as to the legality of the Department of Labor's order of June 27, 1969, the Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction.

The Philadelphia Plan has been issued to implement Executive Order 11246 of September 24, 1965, as amended (30 F.R. 12319, 32 F.R. 14303, 34 F.R. 12986), in which the President has directed that Federal Government contracts and federally-assisted construction contracts contain specified language obligating the contractor and his subcontractors not to discriminate in employment because of race, color, religion, sex, or national origin.[1] The Secretary of Labor is responsible

[1] The essential part of the contractor's obligation under this order is:

"The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their

for the administration of Executive Order 11246 and is authorized to "adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof." E.O. 11246, § 201.

Among the undertakings required of contractors by Executive Order 11246 is to "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin." E.O. 11246, § 202(1). The obligation to take "affirmative action" imports something more than the merely negative obligation not to discriminate contained in the preceding sentence of the standard contract clause. It is given added definition by the Secretary's regulations, which require that contractors develop written affirmative action plans which shall "provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of specific goals and time tables for the prompt achievement of full and equal employment opportunity." 41 C.F.R. 60–1.40.

The Department of Labor order of June 27th is based upon stated findings relating to the enforcement of the nondiscrimination and affirmative action requirements of Executive Order 11246 with respect to the construction trades in the Philadelphia area. The Department of Labor has found that contractors must ordinarily hire a new employee complement for each construction job and that whether by contract, custom, or convenience this hiring usually takes place on the basis of referral by the construction craft unions. The Department of Labor has found further that exclusionary practices on the part of certain of these unions, including a refusal to admit Negroes to membership in unions or in apprenticeship programs, and a preference in work referrals to union members and to those who have worked under union contracts, have resulted in the employment of only a small number of Negroes in the six construction trades in the area affected by the Philadelphia Plan. Accordingly, the Department of Labor has found that special measures were required in the Philadelphia area to provide equal employment opportunity in these six specified construction trades.[2]

The Revised Philadelphia Plan requires that with respect to construction contracts in the Philadelphia area which are subject to Executive Order 11246 and where the estimated total cost of the construction project exceeds $500,000, each bidder must, in the affirmative action program submitted with his bid, "set specific goals of minority manpower utilization which meet the definite standard" included in the invitation for bids. This standard will be a range of minority manpower utilization for the trades covered by the Plan and will be determined prior to the invitation for bids by the Department's area coordinator on the basis of the extent of minority group participation in the trade, the availability of minority group persons for employment in such trade, and other stated factors. As an alternative to setting such specific goals, the bidder may agree to participate in a multi-employer affirmative action program which has been approved by the Department of Labor's Office of Federal Contract Compliance.

The Plan provides that the contractor's commitment to specific goals "is not intended and shall not be used to discriminate against any qualified applicant or employee," (§ 6(b)(2)). Furthermore, the obligation to meet the goals is not absolute. "In the event of failure to meet the goals, the contractor shall be given an opportunity to demonstrate that he made every good faith effort to meet his commitment. In any proceeding in which such good faith performance is in issue, the contractor's entire compliance posture shall be reviewed and evaluated in the process of considering the imposition of sanctions," (§ 8(a)).

In response to Congressional inquiries the Comptroller General has, in his letter to you of August 5, 1969, expressed the opinion that the provision of the Philadelphia Plan for commitment to specific goals for minority group participation is in conflict with Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, and consequently unlawful, and he has indicated further that such illegality may affect the lawfulness of expenditures of appropriated funds under contracts entered into under the terms and procedures of the Philadelphia Plan. *Cf.* 42 Comp. Gen. 1 (1962).

I have reached a contrary result, and conclude that the Revised Philadelphia Plan is not in conflict with any provision of the Civil Rights Act, that it is a lawful implementation of the provisions of Executve Order 11246, and that it may be enforced in accordance with its terms in the award of Government contracts.

Before undertaking detailed analysis of the contentions involved, it is important to consider the functions of the Executive order and the Philadelphia Plan, as well as the provisions of the Plan itself. Executive Order 11246 is a lawful exercise of the Federal Government's authority to determine the terms and conditions on which it is willing to enter into contracts.[3] That order lays down a rule which governs only those employers who enter into contracts with the United States, construction contracts financed with Federal assistance, or subcontracts arising under such Federal or federally-assisted contracts. Neither the order nor the Philadelphia Plan, which implements the order with respect to certain construction contracts, regulates the practices of employers generally. While the power of the Government to determine the terms which shall be included in its contracts is subject to limitations imposed by the Constitution or by acts of Congress, the existence of such power does not depend on an affirmative legislative enactment. In evaluating the Comptroller General's challenge to the Philadelphia Plan on the basis of conflict with Title VII of the Civil Rights Act, it is important to distinguish between those things *prohibited* by Title VII as to all employers covered by that act, and those things which are merely *not required* of employers by that act. The United States as a contracting party may not require an employer to engage in practices which Congress has prohibited. It does not follow, however, that the United States may not require of those who contract with it certain employment practices which Congress has not seen fit to require of employers generally.

The requirements which the Plan would impose on contractors may be briefly summarized.[4] The contractor must

(a) in his proposal set specific goals for minority group hiring within certain skilled trades, which goals must be within the range previously determined to be appropriate by the Secretary;

(b) he must make "every good faith effort" to meet these goals;

(c) but he may not, in so doing, discriminate against any qualified applicant or employee on grounds of race, color, religion, sex or national origin.

If a plan such as this conflicts with Title VII of the Civil Rights Act, its validity concededly cannot be sustained. But in my view no such conflict exists. Section 703(a) of the Civil Rights Act makes it an unlawful employment practice for an employer—

"(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

"(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin."

Nothing in the Philadelphia Plan requires an employer to violate section 703(a). The employer's obligation is to make every good faith effort to meet his goals. A good faith effort does not include any action which would violate section 703(a) or any other provision of Title VII. If the provisions of the Plan were ambiguous on this point, its interpretation would be governed by the principle that "where two constructions of a written contract are possible preference will be given to that which does not result in violation of law," *Great Northern Ry. Co.* v. *Delmar Co.*, 283 U.S. 686, 691 (1931). However, to remove any doubt the Plan specifies that the contractor's commitment shall not be used to discriminate against any qualified applicant or employee.

Nevertheless, it might be argued—and the Comptroller General appears to take this position—that the obligation to make good faith efforts to achieve particular goals is meaningless if it does not contemplate deliberate efforts on the part of the contractor to affect the racial composition of his work force, that this necessarily involves a commitment "to making race or national origin a factor for consideration in obtaining [his] employees," and that any such action would violate Title VII.

It is not correct to say that Title VII prohibits employers from making race or national origin a factor for consideration at any stage in the process of obtaining employees. The legal definition of discrimination is an

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race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. * * *." E.O. 11246, § 202(1).

In addition the contractor agrees to furnish required information and reports, to comply with orders and regulations implementing the Executive order, and to include these contractual provisions in subcontracts.

[2] The order of June 27, issued by the Assistant Secretary for Wage and Labor Standards, is reprinted at 115 Cong. Rec. S 8837–39. All of the findings summarized above appear in section 4 of the order, 115 Cong. Rec. S 8838. The order originally extended to seven construction trades, but one trade has been removed from coverage.

[3] The order is generally similar to its predecessor, Executive Order 10925 of March 6, 1961, which, in 42 Ops. A.G. No. 21 (1961), was held to be a valid exercise of presidential authority. See also 40 Comp. Gen. 592 (1961); *Farkas* v. *Texas Instrument, Inc.*, 375 F. 2d 629, 632 (C.A. 5, 1967). The contract compliance program under these Executive orders has received legislative recognition in the Civil Rights Act of 1964, § 709(d), 42 U.S.C. 2000e–8(d), and in subsequent appropriations legislation. The Comptroller General does not challenge the validity of Executive Order 11246, as such, but concludes that the Revised Philadelphia Plan is not a permissible implementation of the order because of an asserted conflict with Title VII of the Civil Rights Act.

[4] I put to one side the bidder's option of participating in an OFCC-approved multi-employer program, since the details of such programs have yet to be worked out and the legality of such programs has not been called into question.

evolving one, but it is now well recognized in judicial opinions that the obligation of nondiscrimination, whether imposed by statute or by the Constitution, does not require and, in some circumstances, may not permit obliviousness or indifference to the racial consequences of alternative courses of action which involve the application of outwardly neutral criteria. *Gaston County* v. *United States*, 395 U.S. 285 (1969) (*voting*); *Offermann* v. *Nitkowski*, 378 F. 2d 22 (C.A. 2, 1967) (*schools*); *Local 189, United Papermakers, etc.* v. *United States*, F. 2d —, 60 L.C. ¶9289 (C.A. 5, 1969) (*employment*).

There is no inherent inconsistency between a requirement that each qualified employee and applicant be individually treated without regard to race, and a requirement that an employer make every good faith effort to achieve a certain range of minority employment. The hiring process, viewed realistically, does not begin and end with the employer's choice among competing applicants. The standards he sets for consideration of applicants, the methods he uses to evaluate qualifications, his techniques for communicating information as to vacancies, the audience to which he communicates such information, are all factors likely to have a real and a predictable effect on the racial composition of his work force. Title VII does not prohibit some structuring of the hiring process, such as the broadening of the recruitment base, to encourage the employment of members of minority groups. *Local 189, etc.* v. *United States, supra* at ; see *Offermann* v. *Nitkowski, supra* at 24. The obligation of "affirmative action" imposed pursuant to Executive Order 11246 may require it. 41 C.F.R. 5–12.805–51(b), (c); Matter of Allen-Bradley Co., CCH Empl. Prac. Svce. ¶ 8065 (1968).

Viewed in this light, the example cited in the Comptroller General's opinion is not an argument against the legality of the Plan. The Comptroller General poses the example of a contractor requiring twenty plumbers, with a specified "goal" that five of these plumbers be from minority groups. If the contractor has filled fifteen of these posts with nonminority plumbers, says the Comptroller General, the next white applicant for one of the five vacancies will inevitably be discriminated against by reason of the fact that he is not a member of a minority group. Doubtless a part of the good faith effort required of the contractor to achieve the stated goals would have been to avail himself of manpower sources which might be expected to produce a representative number of minority applicants, so that the situation posed in the Comptroller General's example would arise but infrequently. Yet, quite clearly, if notwithstanding the good faith efforts of the employer such a situation does arise, the qualified nonminority employee may be hired. The fact that the minority employment goal was to this extent not reached would not in itself be sufficient ground for concluding that the contractor had not exerted good faith efforts to reach it.

The Philadelphia Plan addresses itself to a situation in which, according to the Department of Labor's findings, the contractors have in the past delegated an important part of the hiring function to labor organizations by selecting their work force on the basis of union referrals. The referral practices of certain unions, whether or not amounting to violations of Title VII, have in fact contributed to the virtual exclusion of Negroes from employment in certain trades in the Philadelphia area. Continued reliance by contractors on established hiring practices may reasonably be expected to result in continued exclusion of Negroes. The purpose of the Philadelphia Plan is to place squarely upon the contractor the burden of broadening his recruitment base whether within or without the existing union referral system, as he shall determine. The contractor's obligation is phrased primarily in terms of goals; the choice of methods is his, provided only that he does not discriminate against qualified employees or applicants. Unless it can be demonstrated that the hiring goals *cannot* be achieved without unlawful discrimination,[5] I fail to see why the Government is not permitted to require a pledge of good faith efforts to meet them as a condition for the award of contracts.

The Comptroller General argues that inasmuch as Title VII does not require labor organizations to achieve a racial balance in their memberships or in referrals (§ 703(j)), Executive Order 11246 cannot be used to require an employer "to abandon his customary practice of hiring through a local union" even though experience has demonstrated that the union refers very few members of minority groups. I confess I find this argument difficult to follow. Since, as stated above, the obligation of affirmative action comprehends more than bare compliance with Title VII and may under proper circumstances include an obligation on the part of the employer to broaden his recruitbase, the order would be an exercise in futility if the employer may evade this obligation by contracting away his power to perform it. Whether or not the law permits him to accept referrals only from unions which are or may be discriminating,[6] the law does not require him to do so. To comply with his affirmative action obligation an employer may be forced to depart from his customary reliance on union referrals (though this will depend to a great extent on the unions' own response to the Plan), but since the law permits an employer to obtain employees from additional sources, I see no reason why the Government is not free to bargain for his assurance to do so. In other words, the employer may have a right to refuse to abandon his customary hiring practices, but he has no right to contract with the Government on his own terms. *Perkins* v. *Lukens Steel Co.*, 310 U.S. 113 (1940); *Copper Plumbing & Heating Co.* v. *Campbell*, 290 F. 2d 368, 370–71 (C.A. D.C. 1961). Accordingly, I conclude that the Philadelphia Plan is not inconsistent with any provision of Title VII of the Civil Rights Act.

Another argument might be urged against the legality of the Philadelphia Plan. Let it be conceded, this argument runs, that the Government may lawfully require a contractor to take certain forms of affirmative action to increase employment of members of minority groups, and conceded further that on its face the Philadelphia Plan requires no more than legally permissible forms of affirmative action to achieve the goals set by the contractor in response to the bidding invitation. Nevertheless, by stating the contractor's primary obligation in terms of a numerical result, by failing to specify what "good faith efforts" will be acceptable in lieu of the achievement of such result, and by placing upon the contractor who has failed to achieve his "goal" the burden of proving that, in effect, he did all that was legally permissible to meet it, the Government so weights the procedural scales against the nonachieving contractor as to coerce him in fact, if not in law, into discriminating. In other words, although the substance of the contractor's obligation under the Philadelphia Plan may be permissible, the Plan does not provide a fair method for resolving questions regarding compliance. *Cf. Speiser* v. *Randall*, 357 U.S. 513, 520–26 (1958).

This argument appears to me to be premature and speculative at this time. It is true that the Philadelphia Plan might be clearer if it were to state what good faith efforts are expected of contractors. But the general requirements of affirmative action, particularly in the area of recruitment, have been stated elsewhere in regulations, 41 C.F.R. 5–12.805–51(b), (c), and other publications, and there is no reason to believe that the Department of Labor officials administering the Plan would be unwilling to describe to any interested contractor the kind of actions expected of him. In short, I cannot assume that any contractor who desires to participate in good faith in the Philadelphia Plan will be forced, as a practical matter, to choose between noncompliance with his affirmative action obligation and violation of Title VII. If unfairness in the administration of the Plan should develop, it cannot be doubted that judicial remedies are available. *Cf. Copper Plumbing & Heating Co.* v. *Campbell, supra.*

Finally, the Comptroller General appears to suggest that although Title VII contemplated the continued operation of the contract compliance program under Executive orders, nevertheless the substantive provisions of Title VII somehow limit and preempt those of the order. The basis for this conclusion is nowhere explained. There is no question that the Executive order cannot require what Title VII forbids, but as has been pointed out above, the Philadelphia Plan does not seek to do so. The Comptroller General argues further, in effect, that the Executive order can neither require nor forbid actions or practices which Title VII declines to interfere with. This is the inference which must be drawn from the Comptroller General's references to expression in the legislative history of the Civil Rights Act regarding what Title VII would *not* do.[7] But Title VII is not and was not understood by Congress to be the exclusive remedy for racially discriminatory practices in employment, *Local Union No. 12* v. *NLRB*, 368 F. 2d 12, 24 (C.A. 5, 1966), *cert. denied*, 389 U.S. 837 (1967), *rehearing denied*, 389 U.S. 1060 (1968). Nothing in the language or legislative history of that statute suggests that "affirmative action" may not be required of Government contractors under the Executive order above and beyond what the statute requires of employers generally.[8]

It is, therefore, my view that the Revised Philadelphia Plan is legal and that your Department is authorized to require Federal contracting and administering agencies to implement the Plan in accordance with its terms in the award of contracts in the Philadelphia area. E. O. 11246, § § 201, 205. Where a contractor submits a bid which does not comply with the invitation for bids issued pursuant to the Plan, such a bid may be rejected as not responsive. 38 Ops. A. G. 555 (1937); *Graybar Electric Co.* v. *United States*, 90 C. Cls. 232, 244 (1940). I hardly need add that the conclusions expressed herein may be relied on by your Department and other contracting agencies and their accountable

[5] The Plan provides that the goals will be determined with particular attention to the factual situation in each affected trade. Accordingly, there is every reason to assume that the goals will represent an informed administrative judgment of what an effective affirmative action plan may be expected to achieve.

[6] On the facts before me it is impossible to determine whether the present practices of the unions affected by the Philadelphia Plan are in violation of Title VII and such a determination is not necessary to the resolution of the question of the legality of the Plan.

[7] On the view I take of the question before me, it is not necessary to consider the correctness of all the Comptroller General's conclusions regarding the scope of Title VII, and my failure to do so implies neither agreement nor disagreement with such conclusions.

[8] In the one instance where the statute deals with the overlap of Title VII and the Executive order, reporting requirements, it is the order and not the statute which is accorded priority. § 709(d).

officers in the administration of Executive Order 11246. 28 U.S.C. 512, 516; 37 Ops. A. G. 562, 563 (1934); 38 Ops. A. G. 176, 178–81 (1935); *Smith* v. *Jackson*, 241 Fed. 747, 773 (C.A. 5, 1917), *aff'd*, 246 U.S. 388 (1918).

Sincerely,

JOHN N. MITCHELL,
Attorney General.

OPENING STATEMENT OF SENATOR SAM J. ERVIN, JR., CHAIRMAN, SUBCOMMITTEE ON SEPARATION OF POWERS OF THE COMMITTEE ON THE JUDICIARY, HEARINGS ON ADMINISTRATIVE AGENCIES: THE DEPARTMENT OF LABOR'S "PHILADELPHIA PLAN," OCTOBER 27, 1969

Today, the Subcommittee on Separation of Powers begins two days of hearings on the Department of Labor's revised Philadelphia Plan, a controversial effort to raise the percentage of minority group members working in six Philadelphia area construction trades.

Over the past three months, the Philadelphia Plan has become the focal point of pressures and discontent which reach far into American society. At this moment, the Labor Department and the Comptroller General of the United States are in complete disagreement about the Plan's legality. The Comptroller General, who believes the Plan conflicts with Title VII of the 1964 Civil Rights Act, has refused to allow any government funds to be spent under the Plan. The Labor Department, supported by the Attorney General, contends that the Plan is legal and intends to implement it in nine other cities, with or without the Comptroller General's approval.

During the next two days, our purpose will not be to debate the wisdom of the Philadelphia Plan, although its wisdom has been challenged in the Congress and in the streets of Chicago, Pittsburgh, and Seattle. We will not assess the social and political consequences which are inherent in any such policy. Rather, we will examine the Plan as it relates to the doctrine of separation of powers and to try to determine whether the Labor Department has usurped Congressional authority and violated legislative intent.

We will ask the Labor Department to explain, in clear English, precisely what it means by "affirmative action goal" and by "specific numerical range". That task may not be easy. The Brookings Institution, in a report called *Jobs and Civil Rights*, perpared for the U.S. Commission on Civil Rights some two years ago, aptly summarized the response of Labor Department officials when asked to define such terms:

"Compliance officials", the report found, "do everything they can to avoid directly facing questions involving preferences. The usual response when confronted with this issue is to fall back on the standard semantics that compliance is not so much a matter of set requirements as it is a matter of taking affirmative actions which produce results . . . The current approach may enable the government to go further than the Congress and public opinion would allow if its goals in this area had to be made more explicit."

Throughout the controversy over the Philadelphia Plan, one of the Labor Department's recurring arguments has been that the Plan has been misunderstood by its critics. If the Department is sincerely concerned about any misunderstandings, now is the time to clarify them. Now is the time for the Department to be more candid than in the past: to explain its policies in everyday English, not to cloak them in the misleading language which the Brookings report describes. For the Department to persist in using "the standard semantics" would be to leave its policies as unclear and confusing as ever.

I would like to point out that the Labor Department has been something less than cooperative in its dealings with the Subcommittee. On the several occasions in which the Subcommittee requested information from the Department, those requests were either ignored, answered incompletely, or answered after substantial delays. Ordinarily these would be small points, and I do not intend for them to become issues in these hearings. But if the Labor Department has in fact been misunderstood, perhaps this lack of cooperation is partly responsible for that situation.

We will also ask the Labor Department to make clear what is meant by the "good faith effort" which is required of contractors under the Philadelphia Plan. Nowhere in the Plan is that term defined. Does that "good faith effort" compel contractors to discriminate against workers who are not members of any minority group, workers with seniority in their unions, workers with the immediate skills needed to complete a Federal construction project within the contract deadline? My observation is that it does, in view of the harsh pressures which the Office of Federal Contract Compliance can bring to bear on contractors subject to the Plan.

The Subcommittee wants to be shown that the Philadelphia Plan, in forcing contractors to raise the percentage of minority group employment, does not violate Title VII of the 1964 Civil Rights Act. That act certainly does not authorize any racial quota systems, by whatever names they may be called. At this point, I want to read into the record Section 703(j) of Title VII:

"(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area."

I will also read into the record a section of the interpretative memorandum prepared in 1964 by Senators Clark and Case, the floor managers of Title VII. In their statement, in the CONGRESSIONAL RECORD, vol. 110, pt. 6, p. 7213, they stated:

"There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, whatever such a balance may be, would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race."

To me, the texts of Title VII and of the interpretative memorandum constitute clear evidence that the Philadelphia Plan contravenes the intent of the most avid proponents of the 1964 Civil Rights Act. They show that Executive Order 11246, which was designed merely to guarantee equal employment opportunity regardless of race, has been stretched beyond the limits of reason to lend legal justification to the Philadelphia Plan.

I ask the Labor Department to explain why the Philadelphia Plan does not compel contractors to hire on the basis of race. I ask the Department to show that the Plan does not ignore the intent expressed in the Clark-Case memorandum.

The Philadelphia Plan, according to the Labor Department itself, requires minority group employment of 22 to 26 per cent among ironworkers by 1973. It requires 20 to 24 per cent among plumbers, and among pipefitters, and among steamfitters. It requires 19 to 23 per cent among sheetmetal, electrical, and elevator construction workers. These percentages rise every year. It would be a travesty for the Department to claim that they are not based on race.

We want the Labor Department to explain, without resorting to semantic devices, why the Philadelphia Plan disregards the intent of Congress that Title VII should not hold contractors responsible for the membership practices of labor unions, practices over which the contractors can exercise absolutely no control.

I want to read another section of the Clark-Case memorandum into the record at this point:

Question: If an employer obtains his employees from a union hiring hall through operation of his labor contract is he in fact the true employer from the standpoint of discrimination because of race, color, religion, or national origin when he exercises no choice in their selection? If the hiring hall sends only white males is the employer guilty of discrimination within the meaning of this title? . . .

Answer: An employer who obtains his employees from a union hiring hall through operation of a labor contract is still an employer. If the hiring hall discriminates against Negroes, and sends him only whites, he is not guilty of discrimination—but the union hiring hall would be.

We would like the Labor Department to justify the Philadelphia Plan's apparent conflict with the intent of Congress that Title VII should not interfere with union seniority systems.

In debating Title VII in 1964, Senator Humphrey said that ". . . there is nothing in it that will give any power to the commission or to any court to require hiring, firing, or promotion of employees in order to meet a racial 'quota' or balance."

I believe the Philadelphia Plan requires just such a racial balance or quota, whether that quota is disguised as a "target", a "goal", a "range", or a "standard". The Brookings Institution report found, in fact, that "the compliance specialist often applies a form of *subjective quota* in deciding how hard to push a given contractor." That report was completed more than two years ago, long before the revised Philadelphia Plan was adopted.

There is something very disquieting in all of this. In a statement made in January 1967, former OFCC Director Edward C. Sylvester admitted that "there is no firm and fixed definition of affirmative action. I would say that in a general way, affirmative action is anything you have to do to get results."

In making this statement, Mr. Sylvester no doubt had the high purpose of giving effect to his desire that all citizens be guaranteed equal employment opportunity according to ability. But his emphasis on results at the expense of procedure concerns me. We seem to have forgotten the admonition of Justice Frankfurter that "the history of American freedom is, in no small measure, the history of procedure." In seeking to raise artificially the percentage of minority group workers in Philadelphia through this misuse of an Executive Order, the Labor Department is establishing a nearsighted precedent. For if we are lax today in adhering to the law, what may happen tomorrow when that practice is adopted by those who would subvert procedure to their own evil purposes? The power to twist procedure is one no good administrator should want and no bad administrator should have. We cannot allow our legal principles to be frittered away by manipulation of the law.

There is another point which concerns me greatly, a point which has largely been ignored in the arguments surrounding the Philadelphia Plan. Section 202(1) of Executive Order 11246 requires Federal contractors to hire and treat their employees "without regard" to their race, color, religion, or national origin. It seems to me that those two words, "without regard", mean exactly what they say. They are clear and unambiguous.

Since all the sections of a law must be construed together, it is in the context of those words, "without regard", that the more general concept of "affirmative action" must be placed. Yes, the Executive Order requires affirmative action, but only affirmative action which is taken "without regard" to race, color, religion, or national origin. It is here that the Philadelphia Plan is fatally defective. It compels contractors to make decisions based precisely on those four considerations. The Plan is in conflict not only with Title VII of the 1964 Civil Rights Act, it also is in conflict with the very Executive Order under which it was created.

Whatever the courts may have decided about considering race as a factor in remedying inequities, those precedents cannot apply to the Philadelphia Plan. The language of Executive Order 11246 places an ironclad ban on racial considerations in employment by Federal contractors, It is no more legal for the Labor Department to reverse the meaning of the words, "without regard", than it would be for the Department to mis-spend a Congressional appropriation.

I do not argue that the labor unions are violating the 1964 Civil Rights Act, and I want to make it very plain that this hearing is not designed to criticize labor organizations in any way. However, I must point out —and I am sure that the Labor and Justice Departments are aware—that the 1964 Civil Rights Act gives them ample tools to bring suits against labor organizations if they have sufficient evidence of discrimination and can prove it in open court. It therefore appears to me illogical and unfair that the Department of Labor prefers to attack the alleged problem of exclusion by penalizing the contractors, who play no role in the membership practices of labor organizations.

During the course of the Philadelphia Plan controversy, the Comptroller General has been accused of exceeding his authority in finding the Plan unacceptable because it violates Title VII. I want to comment on that criticism now. Under 31 U.S. Code 65, the Budget and Accounting Act of 1921, the Comptroller General is directed to determine whether "financial transactions have been consummated in accordance with laws, regulations, or other legal requirements". Without question, that statute provides the Comptroller General with the authority to check the Philadelphia Plan against any and all laws, not merely those which deal with procurement.

Finally, the Subcommittee has before it S. 931, a bill introduced by Senator Fannin, which would make Title VII the sole means of enforcement and remedy in the field of equal employment. It would suspend the use of Executive Order 11246. We welcome the comments of our witnesses on that bill.

[From the United States General Accounting Office, Washington, D.C.]

STATEMENT OF ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES, BEFORE THE SUBCOMMITTEE ON SEPARATION OF POWERS, SENATE COMMITTEE ON THE JUDICIARY, ON THE PHILADELPHIA PLAN, OCTOBER 27, 1969

Mr. Chairman and Members of the Subcommittee: We appreciate this opportunity to appear before your Subcommittee to discuss our position with respect to the revised "Philadelphia Plan." We are concerned about both the legality of the Plan and the situations which appear to have arisen as a result of our endeavors to discharge our statutory duties and responsibilities in connection with the Plan.

I believe the members of the Subcommittee are by now aware of the basic facts, which are (1) that the Department of Labor has issued an order requiring that major construction contracts in the Philadelphia area, which are entered into or financed by the United States, must include commitments by the contractors to goals of employment of minority workers in specified skilled trades; (2) that by a decision dated August 5, 1969, we advised the Secretary of Labor that we considered the Plan to be in contravention of the Civil Rights Act of 1964 and would be required to so hold in passing upon the legality of expenditures of appropriated funds under contracts made subject to the Plan; and (3) that the Attorney General on September 22, 1969, issued an opinion to the Secretary of Labor advising him of his conclusion that the Plan is not in conflict with any provision of the Civil Rights Act; that it is authorized by Executive Order No. 11246; and that it may be enforced in awarding Government contracts.

We would like to offer for the record copies of our decision and of the Attorney General's opinion.

The revised Philadelphia Plan was issued on June 27, 1969, with the announcement that it was designed to meet GAO's objections to a lack of specificity in a prior plan. The new plan is frank and direct in stating its purpose. It gives a rundown of the history of alleged discriminatory practices by the Philadelphia construction unions in admitting members; it states that the percentage of minority group membership in the unions and the construction trades is far below the ratio of minority group population to the total Philadelphia population, and it advises that the purpose of the Plan is to achieve greater participation of minority group members in the construction trades.

The Plan states that there shall be included in invitations for bids (IFBs) on both Federal and federally assisted construction contracts in the Philadelphia area, specific ranges of minority group employees in each of six skilled construction trades; that each bidder must designate in his bid the specific number of minority group employees, within such ranges, that he will employ on the job; and that failure of the contractor to "make every good faith effort" to attain the minority group employment "goals" he has established in his bid may result in the imposition of sanctions, which might include termination of his contract.

The primary question considered in our decision of August 5 was whether the revised Plan violated the equal employment opportunity provisions of the Civil Rights Act of 1964.

In the formulation of that decision, we regarded the Civil Rights Act of 1964 as being the law governing nondiscrimination in employment and equal employment opportunity obligations of employers. Therefore we considered the 1964 Act as overriding any administrative rules, regulations, and orders which conflicted with the provisions of that Act or went beyond such law and purported to establish, in effect, additional unlawful employment practices for employers who engaged in Federal or federally assisted construction.

We think the basic policy of the equal employment opportunity part of the Act is set out in pertinent part in section 703(a) as follows:

"It shall be an unlawful employment practice for any employer—

"(1) to fail ro refuse to hire * * * any individual * * * because of such individual's race, color, religion, sex, or national origin."

The basic policy of the Act as it relates to federally assisted contracts, is stated in pertinent part in section 601, as follows:

"No person * * * shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Another pertinent provision of the Act is set out in section 703(j), which provides in part as follows:

"Nothing contained in this title shall be interpreted to require any employer * * * to grant preferential treatment to any individual or to any group because * * * of an imbalance which may exist with respect to the total number or percentage of persons of any race * * * or national origin employed by any employer [or] referred * * * for employment by any * * * labor organization * * * in comparison with the total number or percentage of persons of such race * * * or national origin in any community * * * or in the available work force in any community * * *."

This part of the law is known as the prohibition against "quotas"; that is, the prohibition against requiring an employer to hire a specified proportion or percentage of his employees from certain racial or national origin groups.

It seems to have been generally accepted by Labor, Justice and minority group spokesmen that "quotas" are illegal. But in defense of the Philadelphia Plan the Department of Labor argued that the "goals" for minority group employees which would be included in IFBs and in contracts under the Plan could not violate the Civil Rights Act of 1964 because—

1. A quota is a *fixed* number or percentage of minority group members, whereas *ranges* to be established under the Plan are flexible in that the bidder may choose as his goal any number or percentage within the ranges set out in the IFB.

2. Failure to attain the "goals" does not constitute noncompliance, since such failure can be waived if the contractor can show that he made "every good faith effort" to attain the goals.

3. The Philadelphia Plan was promulgated under Executive Order 11246, not under the Civil Rights Act of 1964, and affirmative action programs under the Executive Order may properly require consideration of race or national origin if such consideration is necessary to correct the present results of past discrimination.

4. The Plan provides that the contractor's commitment to specified goals of minority group employment shall not be used to discriminate against any qualified applicant or employee.

In considering these arguments in our decision of August 5 we said that in our opinion the distinction between quotas and goals was largely a matter of semantics. The plain facts are, however, that the Plan sets a definite minimum percentage requirement for employment of minority workers; requires an employer to commit himself to employ at least a corresponding minimum number of minority workers; and provides for sanctions for a failure to employ that number (unless the contractor can satisfy the agency personnel concerned that he has made every good faith effort to attain such number). It follows, therefore, that when such sanctions are applied they will be a direct result of the contractor's failure to meet his specified number of minority employees.

In our decision of August 5 we also said that the basic philosophy of the equal employment opportunities portion of the Civil Rights Act is that it shall be an unlawful employment practice to use race or national origin as a basis for hiring, or refusing to hire, a qualified applicant. And we said the Plan would necessarily require contractors to consider race and national origin in hiring.

In reply to the Department's contention that the Plan itself says a contractor's goals shall not be used to discriminate against

any qualified applicant or employee, we expressed the opinion that the obligation to make every good faith effort to attain his goals under the Plan will place contractors in situations where they will undoubtedly grant preferential treatment to minority group employees. Later, I will address this point again.

It is our opinion that the legislative history of the Civil Rights Act shows beyond question that Congress in legislating against discrimination in employment recognized the discrimination that is inherent in a quota system, and regarded the term "discrimination" as including the use of race or national origin as a basis for hiring; the assignment of numerical ratios based on race or national origin; and the maintaining of any racial balance in employees.

In considering Labor's contention that it could properly consider race or national origin under affirmative action programs established under Executive Orders, we pointed out that while the term "affirmative action" was included in Executive Order 10925, which was in effect at the time Congress was debating the bill which was subsequently enacted as the Civil Rights Act of 1964, no specific affirmative action requirements of the kind here involved had been imposed upon contractors under authority of that Executive Order at that time. We therefore did not think it could be successfully contended that Congress, in recognizing the existence of the Executive Order and in failing to specifically legislate against it, was approving or ratifying the type or methods of affirmative action which the present Plan imposes upon contractors.

While the Labor Department cited various court cases in support of its position that reverse discrimination may properly be used to correct the present results of past discrimination, our examination of those cases showed that the majority involved questions of education, housing, and voting. We said we could see a *material* difference between the circumstances in those cases and the circumstances which gave rise to the Philadelphia Plan, since in those cases enforcement of the rights of the minority to vote, or to have unsegregated housing, or unsegregated school facilities, did *not* deprive members of the majority group of similar rights, whereas in the employment field, each mandatory and discriminatory hiring of a minority group worker would preclude the employment of a member of the majority group. In those cases which did involve Title VII of the Civil Rights Act of 1964, we found them to be concerned with practices of labor unions or with treatment by employers of their employees in matters of seniority and promotion, and even in such circumstances, we found the courts to be divided between condoning and condemning the practice.

Our decision also pointed out that the effect of the Plan was to require an employer to abandon his customary practice of hiring through a local union if there is a racial or national origin imbalance in the membership of such union, and we concluded that such a requirement would be in violation of section 703(j) of the Act. We cited numerous portions of the legislative history of the Act which supports, we think, the view that Congress intended to prohibit and preclude the sort of program and procedures which are now included in the Philadelphia Plan when it drafted section 703(j).

In this connection we expressed the opinion that it would be improper to impose requirements on contractors to incur additional expenses in affirmative action programs which are designed to correct the discriminatory practices of unions, since such requirements would result in the expenditure of appropriated funds in a manner not contemplated by Congress. And we pointed out that if unions were, in fact, discriminating, they could be required to correct their discriminatory practices under provisions of the National Labor Relations Act, under Title VII of the Civil Rights Act, and under section 207 of Executive Order 11246. We suggested use of one of these remedies.

Finally, we concluded that until the authority for any agency to impose or require conditions in invitations for bids which obligate bidders, contractors, or subcontractors, to consider the race or national origin of their employees or prospective employees, is clearly and firmly established by the weight of judicial precedent, or by additional statutes, we must consider conditions of the type proposed by the revised Philadelphia Plan to be in conflict with the Civil Rights Act of 1964, and we will necessarily have to so construe and apply the act in passing upon the legality of matters involving expenditures of appropriated funds for Federal or federally assisted construction projects.

On August 6, the day after our decision of August 5, the Secretary of Labor held a press conference at which he expressed the opinion that "interpretation of the Civil Rights Act has been vested by Congress in the Department of Justice"; that Justice had already decided that the Philadelphia Plan was not in conflict with the Act; that GAO properly could pass upon whether the Philadelphia Plan violated *procurement* law; and that Labor therefore had no choice but to follow the opinion of Justice and proceed to implement the Plan. For the record, it should be noted that the only Department of Justice opinion Labor had, at the time it issued the revised Plan and at the time the Secretary held his press conference, was one rendered in two short paragraphs by the Assistant Attorney General for the Civil Rights Division. On September 22, 1969, the Attorney General did, however, issue a formal opinion, which was essentially in the form of a critique of our August 5 decision.

The fundamental bases of the Attorney General's opinion are his contention that the Executive has atuhority to include in contracts made by the United States or financed with Government assistance any terms and conditions which are not contrary to a statutory prohibition or limitation on contractual authority; that the requirements imposed upon contractors by the Philadelphia Plan are not prohibited by the Civil Rights Act; and that the fact that the Act does not affirmatively require or authorize the imposition of such requirements upon all employers does not preclude their imposition by the Executive upon employers who enter into contracts with the Government or which are financed through Government assistance.

We believe that the argument with respect to the authority of the Executive to include terms and conditions in contracts fails to take into consideration two material factors: first, with respect to contracts executed by the Government, Congress has imposed a number of specific requirements and limitations, both procedural and substantive, entirely independent of and unrelated to the provisions of the Civil Rights Act, but which we believe to be material to the determination of the validity of the Plan; and second, with respect to contracts financed by Federal assistance, Congress has in the several acts authorizing such assistance prescribed the terms and conditions upon which it is to be furnished. With respect to the latter area, we do not believe it could be argued that the Executive has any authority from the Constitution or from any source other than those Congressional acts, and the Attorney Generals' argument is to that extent inapplicable to federally aided contracts or programs.

Considering the contractual authority of the Federal Government, it is recognized that the Executive agencies may, in the absence of contrary legislative provisions, perform their authorized functions and programs by any appropriate means, including the use of contracts. In doing so, however, they are bound to observe all statutory provisions applicable to the making of public contracts. The Attorney General's opinion states that the power of the Government to determine the terms which shall be included in its contracts is subject to limitations imposed by the Constitution or by acts of Congress, but that existence of the power does not depend upon an affirmative legislative enactment.

Second to the statutory limitation that no contract shall be made unless it is authorized by law or is under an appropriation adequate to its fulfillment (41 U.S.C. 11) the most important congressional limitation on contracting is the requirement that Government contracts shall be made or entered into only after public advertising and competitive bidding, on such terms as will permit full and free competition. The purpose of the advertising statutes is not only to prevent frauds or favoritism in the award of public contracts, but also to secure for the Government the benefits of full and free competition.

The Supreme Court of the United States has adopted the policy, as set out in the procurement laws and regulations issued pursuant thereto, that competitive bidding should obtain the needs of the Government at prices calculated to result in the lowest ultimate cost to the Government. (*Paul* v. *United States*, 371 U.S. 245, 252 (1963)). Even before the decision by the Supreme Court the rule generally applied by my predecessors and at least one of the Attorney General's predecessors, and, so far as I know, never contested by any prior Attorney General, is that the inclusion in any contract of terms or conditions, not specifically authorized by law, which tend to lessen competition or increase the probable cost to the Government, are unauthorized and illegal. The situations in which this rule has been applied have most frequently involved proposals to impose stipulations concerning employment conditions or practices.

In 1890 the Attorney General advised the President as follows; with respect to a request of a labor organization for implementation of the act of June 25, 1868, which provided that eight hours shall constitute a day's work:

"Again sections 3709, etc., require contracts for supplies or service on behalf of the Government, except for prisoners' services, to be made with the lowest responsible bidder, after due advertisement. These statutes make no provision for the length of the day's work by the employees of such contractors, and a public officer who should let a contract for a larger sum than would be otherwise necessary by reason of a condition that a contractor's employees should only work eight hours a day would directly violate the law.

"In short, the statutes do not contain any such provision as would authorize or justify the President in making such an order as is asked. Nor does any such authority inhere in the Executive office. The President has, under the Constitution and laws, certain duties to perform, among these being to take care that the laws be faithfully executed; that is, that the other executive and administrative officers of the Government faithfully perform their duties; but the statutes regulate and prescribe these duties, and he has no more power to add to, or subtract from, the duties imposed upon subordinate executive and administrative officers by the law, than those officers have to add or subtract from his duties.

"The relief asked in this matter can, in my judgment, come only through additional legislation."

On the same principle our Office has

held that a contract could not prescribe minimum wages in the absence of specific statutory authority (10 Comp. Gen. 294 (1931)); compliance with the National Labor Relations Act of 1935 could not be required by contract, nor noncompliance therewith be made ground for rejection of a bid (17 Comp. Gen. 37 (1937)); periodic adjustment of minimum wages incorporated in a contract pursuant to the Davis-Bacon Act could not be stipulated in the contract (17 Comp. Gen. 471 (1937)); provisions of a Procurement Division Circular Letter purporting to require contractors to report payroll statistics could not be incorporated in Government contracts (17 Comp. Gen. 585 (1938)); construction contracts could not contain provisions concerning collective bargaining (18 Comp. Gen. 285 (1938)); a requirement for compliance with the Fair Labor Standards Act could not be included in Government contracts (20 Comp. Gen. 24 (1940)); a low bid on a Government contract could not be rejected because the bidder did not employ union labor (31 Comp. Gen. 561 (1952)); construction contracts could not include provisions for a 40-hour workweek and overtime compensation for excess time, when the only pertinent statute merely required overtime compensation for work in excess of eight hours per day (33 Comp. Gen. 477 (1954)); and a clause requiring contractors to comply with wage, hour and fringe benefit provisions resulting from a labor-management agreement could not be included in construction contracts in the absence of statutory authorization (42 Comp. Gen. 1 (1962)).

Of course, many of those proposed requirements were subsequently authorized by Congressional enactment and, together with other similar requirements, are today accepted features of Government contracting in the social-economic area. The point is, that they were not permitted until the Congress, rather than the Executive, had determined that they should be. So far as I know there was no attempt in any of those instances by the Executive branch to disregard the decisions of the Comptroller General.

In the face of this history, we cannot agree that the Attorney General's position that the Executive may impose upon contractors any conditions which have not been specifically prohibited, is correct.

In contending that the Plan is not in conflict with any provision of the Civil Rights Act, the Attorney General attempts to reconcile provisions of the Plan which we feel are irreconcilable. As summarized by the Attorney General, the Plan requires the contractor to set specific goals for minority group hiring, and to make "every good faith effort" to meet these goals. This, however, he says does not require the contractor to discriminate, because the Plan includes the express statement that he may not in attempting to meet his goals discriminate against any qualified employee on grounds or race, color, religion, sex, or national origin. As we stated in our decision of August 5 this is a statement of a practical impossibility. The provision is, in effect, no more than a statement of the provisions of the Civil Rights Act, and it is difficult to avoid the conclusion that the Attorney General is saying that no requirement, obligation or duty can be considered contrary to law if it is accompanied by a statement that in meeting it the law will not be violated.

It should also be noted that the Attorney General confines his argument to consideration of the provisions of section 703(a) of the act, and ignores section 703(j), which in our view is an express prohibition against imposition of a program such as is included in the Plan.

Finally the Attorney General falls back on the plea that, while the Plan might be clearer if it stated what "good faith efforts" are expected, it must be assumed that the Plan will be so fairly administered that no contractor will be forced to choose between noncompliance with his obligation to achieve his goal and violation of the act. Therefore, he says, it is premature to assert the invalidity of the Plan because of what may occur in its enforcement; any unfairness in administration should be left for judicial remedy.

The foregoing would indicate that the Attorney General does not fully recognize the pressure which the Plan will impose upon contractors to attain their minority group employee goals. A failure to achieve such goals will immediately place the contractor in the role of defendant, and to avoid sanctions he must then provide complete justification for his failure. Furthermore, in the first instance at least, the question whether he made every good faith effort will be determined by the same Federal personnel who imposed the requirement. In our opinion the coercive features inherent in the Plan cannot help but result in discrimination in both recruiting and hiring by contractors subject to the Plan.

In the final sentence of his opinion the Attorney General undertook to advise that the Department of Labor "and other contracting agencies *and their accountable officers*" may rely on his opinion in their administration of Executive Order 11246. We are especially concerned by this statement. In making it the Attorney General appears to have ignored completely section 304 of the Budget and Accounting Act of 1921, 31 U.S.C. 74, which provides that "Balances certified by the General Accounting Office, upon the settlement of public accounts, shall be final and conclusive upon the Executive Branch of the Government."

In this connection, I would like to point out as emphatically as I can that I believe that one of the most serious questions for the Subcommittee's consideration is whether the Executive branch of the Government has the right to act upon its own interpretation of the laws enacted by the Congress, and to expend and obligate funds appropriated by the Congress in a manner which my Office, as the designated agent of the Congress, has found to be contrary to law.

In our decision, we informed the Secretary of Labor that the General Accounting Office would regard the Plan as a violation of the Civil Rights Act in passing upon the legality of matters involving expenditures of appropriated funds for Federal or federally assisted construction. Our jurisdiction in that respect is derived from the authority and duty to audit and settle public accounts which was vested in and imposed upon the accounting officers of the Government by the act of March 3, 1817, 3 Stat. 366, and which was transferred to the General Accounting Office by the Budget and Accounting Act, 1921, 42 Stat. 24. Under section 8 of the Dockery Act of July 31, 1894, 28 Stat. 207, as amended by section 304 of the Budget and Accounting Act (31 U.S.C. 74), disbursing officers, or the head of any Executive departments, may apply for and the Comptroller General is required to render his decision upon any question involving a payment to be made by them, or under them, which decision, when rendered, shall govern the General Accounting Office in passing upon the account containing the disbursement. A similar provision concerning certifying officers and other employees appears at 31 U.S.C. 82d, which also provides that the liability of certifying officers or employees shall be enforced in the same manner and to the same extent as now provided by law with respect to enforcement of the liability of disbursing and other accountable officers. It is within the framework of these authorities that we propose to act in the enforcement of our decision of August 5, 1969.

The Attorney General's opinion concluded with the statement that the contracting agencies and their accountable officers could rely on his opinion. Considering the fact that the sole authority claimed for the Plan ordered by the Labor Department is the Executive order of the President, it is quite clear that the Executive branch of the Government is asserting the power to use Government funds in the accomplishment of a program not authorized by Congressional enactment, upon its own determination of authority and its own interpretation of pertinent statutes, and contrary to an opinion by the Comptroller General to whom the Congress has given the authority to determine the legality of expenditures of appropriated funds, and whose actions with respect thereto were decreed by the Congress to be "final and conclusive upon the Executive Branch of the Government." We believe the actions of officials of the Executive branch in this matter present such serious challenges to the authority vested in the General Accounting Office by the Congress as to present a substantial threat to the maintenance of effective legislative control of the expenditure of Government funds.

We believe the opinion of the Attorney General and the announced intention of the Labor Department to extend the provisions of the Plan to other major metropolitan areas can only create such widespread doubt and confusion in the construction industry and in the labor field (which may also be shared to a considerable extent by the Government's contracting and fiscal officers) as to constitute a major obstacle to the orderly prosecution of Federal and federally assisted construction. We further believe there is a definite possibility that, faced with a possibility of not being able to obtain prompt payment under contracts for such work as well as the probability of labor difficulties resulting from their efforts to comply with the Plan, many potential contractors will be reluctant to bid. Of course, if this occurs the Plan will result in restricting full and free competition as required by the procurement laws and regulations. Also, those who do bid will no doubt consider it necessary to include in their bid prices substantial contingency allowances to guard against loss.

In addition to recognizing the chaotic situation which could result from use of the Plan by the Executive agencies, I believe I would not be fulfilling my duties and responsibilities if I ignored the detrimental effect upon the competitive bidding process, and the improper use of public funds which the Plan entails.

On September 23, the day following the Attorney General's opinion, Labor issued another revised Philadelphia Plan which explains, *for the first time*, the manner in which the "ranges" of minority group employment goals have been determined, and the criteria for determining whether a contractor has made good faith efforts to attain his goals.

I stress that these matters are set out for the first time in the September revision of the Philadelphia Plan primarily because our decision of August 5 gave no consideration to the adverse effect that these factors, when established, might have upon application of the rules of competitive bidding to the overall Plan.

We fully expect to receive a bid protest in some future procurement which questions inclusion of the Philadelphia Plan in the IFB and the contract, and we realize the effect a decision sustaining such a protest could have on the construction industry, the contracting agencies and the disbursing officers. But we think the question is sufficiently important to justify and require such a decision.

Basically, it has been our position that the law is to be construed as written and enforced in accordance with the legislative intent when it was enacted. We believe this is what the law requires. Also, we are part of the Legislative branch of the Government and we think this approach is the only proper one we can take.

If, following enactment of a law, it should occur that social conditions, economic conditions, the political atmosphere, or any other circumstances should change to such an extent that different treatment should be given, that different objectives should be established, or that different results should be obtained, it has always been our position that the arguments in favor of change should be presented to the Congress—and if the Congress, in its wisdom, agrees that social, economic, or political circumstances so dictate, it will enact legislation to permit or require the Executive branch to take necessary action to attain new objectives. This is the very procedure which Congress directed should be followed in this particular situation. As we pointed out in our decision of August 5, 1969, by section 705(d) of the Civil Rights Act of 1964, Congress charged the Equal Employment Opportunity Commission with the specific responsibility of making reports to the Congress and to the President on the cause of and means of eliminating discrimination, and making such *recommendations for further legislation* as may appear desirable.

We concur with the authority of the Executive branch to establish and carry out social programs or policies which are not contrary to public policy, as that policy may be stated or necessarily implied by the Constitution, by Federal statutes or by judicial precedent. But we do *not* agree that where a statute, such as the Civil Rights Act of 1964, clearly enunciates Federal policy and the methods for enforcing such policy, the Executive may institute programs designed to achieve objectives which are beyond those contemplated by the statute by means prohibited by the statute.

We therefore hope that, as a result of these hearings, there will issue from Congress a clear and unequivocal indication of its will in this matter by which all parties concerned may be guided in their future actions.

This concludes my statement, Mr. Chairman. We will be pleased to answer any questions.

[Extract from American Bar Journal, November 1969]

Executive Order 11,246: Executive Encroachment

(By James E. Remmert)

(Section VII of the Civil Rights Act of 1964, forbidding discriminatory employment practices, was the product of legislative compromise. Executive Order 11,246, issued by President Johnson in 1965 and applicable to Government contractors, was the product of unlateral Executive judgment and consequently not only forbids discriminatory employment practices but requires employers to take affirmative action to ensure against them. Will the Executive always be serving a good cause when he uses the contract power to skirt the legislative process?)

The Civil Rights Act of 1964 was made the law of the land amidst great controversy, extended debate and considerable compromise. With far less controversy or compromise and with no Congressional debate, President Johnson on September 24, 1965, signed Executive Order 11,246, the latest in a series that has played at least as significant a role in implementing the objective of equal employment opportunity as has Title VII of the 1964 Civil Rights Act.[1] Section 202(1) of this executive order, as amended, requires that every employer who is awarded a Government contract or subcontract that is not exempted by the Secretary of Labor must contractually undertake the obligation not to "discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin".

Footnotes at end of article.

Since Title VII of the 1964 Civil Rights Act had to endure the rigors of passing both houses of Congress, it is the product of compromise attendant upon the legislative process. Executive Order 11,246, by comparison, was the responsibility of only the President. Consequently, it imposes much broader substantive obligations, and the procedure adopted for its enforcement conveys to the enforcing agency significantly more authority than was given to the Equal Employment Opportunity Commission by the 1964 Civil Rights Act.

Evidence of the broader substantive obligation imposed by Executive Order 11,246 is the fact that Title VII imposes only the obligation not to do that which is prohibited, *i.e.*, discriminate on the basis of race, color, religion, sex or national origin. By comparison, Executive Order 11,246 not only requires that Government contractors and subcontractors not discriminate but also that they "take *affirmative action* to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin [Section 201(1); emphasis supplied]". Regulations issued by Secretary of Labor Willard Wirtz under authority of Executive Order 11,246 further require that Government contractors and subcontractors develop a "written affirmative action compliance program"[2] documenting the steps they have taken and setting goals and timetables for additional steps to fulfill the "affirmative action" obligation. The submission of these written programs has also been imposed as a prerequisite to the award of some Government contracts. However, on November 16, 1968, Comptroller General Elmer B. Staats ruled that "until provision is made for informing bidders of definite minimum requirements to be met by the bidder's program and any other standards or criteria by which the acceptability of such program would be judged",[3] contract awards must be made to the lowest eligible bidder without reference to the affirmative action program.

President simply took power that Congress wouldn't give

That the Executive was willing to assume by executive order significantly greater enforcement authority than Congress was willing to convey to it can be seen by comparing the adjudicatory processes under Title VII and Executive Order 11,246. If an employer disagrees with the Equal Employment Opportunity Commission over the legal requirements imposed by Title VII, or if the employer is unable to comply with the remedies proposed by the commission to rectify a discriminatory practice, he may have traditional recourse through the judicial process before any sanction is imposed. To the contrary, however, the regulations issued by Secretary of Labor Wirtz for the administration of Executive Order 11,246 provide that upon request for a hearing to adjudicate a contractor's or subcontractor's compliance with the executive order, the Secretary of Labor's designee may suspend all contracts or subcontracts held by the employer pending the outcome of the hearing.[4] In addition, as a part of the adjudicatory process, the agency responsible for investigating or supervising the investigation of a contractor's compliance and prosecuting those contractors alleged to be in noncompliance is also responsible for imposing the sanctions of cancellation and suspension from participation in Government contracts.[5] In other words, the chief investigator, prosecutor and final judge with respect to cancellation and suspension of Government contracts is the Department of Labor.

With the contract power, who needs Congress?

These substantive and procedural contrasts between Title VII of the 1964 Civil Rights Act and Executive Order 11,246 illustrate the considerable power that the Executive can acquire by pursuing a social objective through the use of the contract power in addition to or in place of legislation. Such broad and sweeping powers are premised on the concept that the Federal Government has the "unrestricted power . . . to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases".[6] This power is founded on the premise that in the absence of a Congressional prohibition or directive the Executive branch is free to enter into contracts on whatever conditions and provisions are deemed to promote the best interests of the Government.[7]

Without question, Executive Order 11,246 has done much to advance the cause of equal employment opportunity, because the Federal Government's bargaining position enables the Executive to require such terms as are found in this order as a condition to a United States Government contract. Once such a broad and sweeping obligation is accepted, the accepting contractor or subcontractor is in an untenable position to oppose steps that are required by the administering agency with respect to the conditions covered by the contract.

To illustrate the impact of this use of the Executive's contract power, one need only consider a list of the top 100 corporations and institutions holding Defense Department contracts.[8] These corporations are understandably some of the largest in the United States and collectively employ well over ten million persons. Even though the list does not include contractors with any department other than Defense or the many subcontractors involved in Defense Department prime contracts, it aptly illustrates the significant indirect control which the Executive can exert over the private sector of the economy by use of the contract power.

There is very little case law deciding the extent to which the President may by executive order impose ancillary conditions to Government contracts. Some have questioned the validity of Executive Order 11,246 on the ground that the Executive does not have the authority to impose conditions that are unrelated to the purposes for which Congress appropriated funds[9] and on the basis that the affirmative action obligation conflicts with provisions in the 1964 Civil Rights Act. These provide that preferential treatment on the basis of race, color, religion, sex or national origin is not required to correct an imbalance.[10] However, at least one federal district court[11] and two United States courts of appeals[12] have said that Executive Order 11,246 has the full force and effect of statutory law. If these courts are correct and the order is a valid exercise of the Executive's contract power, then some examination of the potential extension of this power is in order.

Although the writer is unaware of any publication listing all firms holding competitively bid or negotiated United States Government contracts or subcontracts, it is the writer's belief that the vast majority of the major commercial enterprises in this country and a great many not-for-profit institutions and smaller commercial enterprises hold one or more Government contracts or subcontracts. Consider, for example, the diverse scope of the organizations holding Government research grants, the utilities and communications services used by federal installations, the dependence of such industries as automotive, aircraft, shipbuilding and munitions on Government contracts, the heavy reliance of the construction industry on such programs as urban renewal and highway construction sponsored by federal funding, and the entrenchment of United States Government financing and deposits as a factor in the financial institutions throughout the country.

WHERE DOES THIS PRECEDENT LEAD?

Consideration should also be given to some of the possible future applications of the concept behind Executive Order 11,246. The contract power could be used to circumvent the intrastate-interstate dichotomy that has to some extent precluded complete preeminence of the Federal Government in such fields as air and water pollution control, regulation of common carriers and labor relations. One extension already suggested by the AFL–CIO is the debarment of Government contractors found to have committed flagrant unfair labor practices.

Another avenue for extension of the Executive's contract power is in areas within federal jurisdiction but which Congress has left unregulated or has regulated only to a lesser extent than that deemed desirable by the Executive. An example of this use of the contract power is found in Executive Order 11,246. In enacting Title VII of the 1964 Civil Rights Act, the Congressional consensus was that the prohibition against discrimination on the basis of race, color, religion, sex and national origin was sufficient to accomplish the objective of eliminating employment discrimination on such bases.

The Executive, however, felt that the then-existing executive order prohibiting discrimination by Government contractors did not go far enough in dealing with the objective of equal employment opportunity, and thus the affirmative action obligation was added to place a greater responsibility on Government contractors.

By using the contract power, the Executive could accomplish many objectives deemed desirable without using the legislative process so long as the particular contract clause does not conflict directly with a federal statute. Thus, this technique affords the Executive a limited bypass of the legislative process and gives it the power to give its objective "the force and effect given to a statute enacted by Congress"[13] without the concurrence of Congress.

Several questions should be answered before this procedure proliferates. The first is whether the concentration of this power in the hands of the Executive is desirable in view of the fact that it allows the President to carry an objective into effect without resort to the legislative process established by the Constitution. In this connection, it is significant to note that Congress considered sanctioning the Executive's use of the contract power to achieve equal employment opportunity but rejected the idea. The original House bill (H.R. 7152) that eventually became the 1964 Civil Rights Act, after numerous amendments, contained a Section 711(b), which read as follows:

"The President is authorized to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States."

During the consideration of H.R. 7152 by the House, Congressman Emanuel Celler (D. N.Y.) sponsored an amendment to eliminate this section of the bill. The amendment was accepted by the House, and in the course of the discussion Congressman John Dowdy (D. Tex.) voiced the view that, "Many of us felt section 711 to be a highly dangerous section of the bill and accordingly much of our debate has been predicated upon the fact that this language should be removed."[14]

With reference to Executive Order 11,246, it has been argued that although this use of the contract power is extraordinary the need for equal employment opportunity justifies this departure from traditional concepts. Those who would rush to the conclusion that the cause of equal employment opportunity does justify a departure from the legislative process would do well to remember that the sword of Executive power cuts in two directions. Thus, the first question that should be considered in connection with Executive Order 11,246 is not whether equal employment opportunity should be pursued but whether this means is consistent with the basic framework and power balance with which our form of government has successfully endured innumerable crises over the last two centuries.

HISTORY THAT SHOULD BE REPEATED

At another time in our nation's history, the Supreme Court had occasion to consider whether a crisis of similar magnitude justified an expansion of Executive power. In holding that President Truman's executive order seizing the steel mills during the Korean conflict was unconstitutional despite the pending emergency, Justice Douglas in a concurring opinion gave the sage advice that:

"The language of the Constitution is not ambiguous or qualified. It places not *some* legislative power in the Congress; Article 1, Section 1 says "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

* * * * *

"Today a kindly President uses the seizure power to effect a wage increase and to keep the steel furnaces in production. Yet tomorrow another President might use the same power to prevent a wage increase, to curb trade-unionists, to regiment labor as oppressively as industry thinks it has been regimented by this seizure.[15]"

In a separate concurring opinion in the same case, Justice Jackson expressed a similar view concerning the overreaching use of Executive power that is highly relevant and appropriate to the concept behind Executive Order 11,246:

"The opinions of judges, no less than executives and publicists, often suffer the infirmity of confusing the issue of a power's validity with the cause it is invoked to promote, of confounding the permanent executive office with its temporary occupant. The tendency is strong to emphasize transient results upon policies—such as wages or stabilization—and lose sight of enduring consequences upon the balanced power structure of our Republic.[16]"

CONGRESS DOES NOT BELONG ON THE SIDELINES

Congress should give thoughtful consideration to and develop a considered national policy on the use of the contract power exemplified by Executive Order 11,246 rather than stand on the sidelines and allow its proliferation without Congressional guidance. Congress should decide the kind of contracts and the kind of ancillary obligations that it will allow the Executive to impose in disbursing the funds that Congress appropriates. A mechanism should be established that will insure a legislative watchdog over the Executive's use of the contract power and will allow the Executive sufficient flexibility to administer efficiently the disbursement of Congressional appropriations.

With specific reference to Executive Order 11,246, Congress should eliminate the double standard that now exists between employers generally, who are required not to discriminate by Title VII of the 1964 Civil Rights Act, and employers who, as Government contractors, are subject to a different standard and a different enforcement procedure in measuring their compliance with the obligation. The identical obligation imposed by Title VII of the 1964 Civil Rights Act should apply, procedurally, substantively and with equal vigor to Government contractors without reference to the extraordinary obligation to take "affirmative action". There is no justification for the multiplicity of government agencies enforcing Title VII of the 1964 Civil Rights Act and Executive Order 11,246. At present, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance and every agency that awards Government contracts are all involved in enforcement activities. This duplication has produced inconsistent enforcement standards, confusion and a wasteful use of Government manpower and resources.

Congress should immediately take appropriate steps properly to realign Congressional and Executive authority, and in doing so it might well consider some further words from Justice Jackson's concurring opinion in *Youngstown Sheet & Tube Company* v. *Sawyer*. In referring to the overextended use of the executive order, Justice Jackson said:

"Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction."

* * * * *

"With all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations.[17]"

FOOTNOTES

[1] 42 U.S.C. § 2000c.
[2] 41 C.F.R. § 60–1.40.
[3] Comptroller General's Letter B–163026.
[4] 41 C.F.R. § 60–1.26(b)(2)(iii).
[5] 41 C.F.R. § 60–1.24 and 41 C.F.R. § 60–1.27.
[6] *Perkins* v. *Lukens Steel*, 310 U.S. 113, at 127 (1940).
[7] *Kern-Limerick* v. *Scurlock*, 347 U.S. 110 (1954).
[8] TIME, June 28, 1968, at 72.
[9] See Pasley, *The Nondiscrimination Clause in Government Contracts*, 43 VA. L. REV. 837 (1957)
[10] 42 U.S.C. § 200e–2(j).
[11] *United States* v. *Local 189, United Papermakers & Paperworkers*, 282 F. Supp. 39, 43 (E.D. La. 1968).
[12] *Farkas* v. *Texas Instrument*, 375 F. 2d 629, 632 (5th Cir. 1967), and *Farmer* v. *Philadelphia Electric Company*, 329 F. 2d 3, 8 (3d Cir. 1964).
[13] *Farkas* v. *Texas Instrument*, 375 F. 2d at 632.
[14] 110 CONG. REC. 2575 (February 8, 1964).
[15] *Youngstown Sheet & Tube Company* v. *Sawyer*, 343 U.S. 579, at 630, 633–634 (1952).
[16] 343 U.S. at 634.
[17] 343 U.S. at 653, 655.

U.S. SENATE,
Washington, D.C., November 14, 1969.

Hon. ELMER B. STAATS,
Comptroller General of the United States, Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: Permit me to acknowledge your letter of November 12, 1969, with which you enclosed a copy of your statement to the Subcommittee on Separation of Powers, Senate Committee on the Judiciary, concerning the revised "Philadelphia Plan" of the Department of Labor.

I share your opinion that the action of certain officials of the Executive Branch with respect to implementation of this plan without regard to your decision of August 5, 1969, constitutes a threat to Legislative Branch control of Federal expenditures.

I want to assure you that you will have my support in your efforts to preclude the expenditure of appropriated funds under contracts subject to the revised "Philadelphia Plan" until its legality has been established by judicial decision or Congressional action.

With best wishes, I am

Sincerely,

RICHARD B. RUSSELL.

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., November 25, 1969.

Hon. ELMER B. STAATS,
Comptroller General of the United States, Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: Thank you for your letter of November 12, 1969 en-

closing a copy of your statement before the Subcommittee on Separation of Powers of the Senate Judiciary Committee setting forth your views and recommendations on the Department of Labor "Philadelphia Plan".

As you are doubtless aware, the subject of equal employment has been of special concern to me and the members of the Committee on Public Works because of the problem situations that have arisen in the area of highway construction. Therefore, I am sure that your statement will be of even greater interest and will be most helpful to us in future consideration of the problems of equal employment.

With warm personal regards,

Truly,

JENNINGS RANDOLPH,
Chairman.

U.S. SENATE, COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., November 13, 1969.

Hon. ELMER B. STAATS,
Comptroller of the United States,
Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: I have your letter of November 12, with enclosure, and concur in the statement you submitted to the Subcommittee on Separation of Powers on the "Philadelphia Plan."

Please be assured of my continued support.

With kindest personal regards, I am

Sincerely yours,

JOHN L. MCCLELLAN,
Chairman.

U.S. SENATE,
Washington, D.C., November 13, 1969.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: Thank you for your November 12 letter and the attached copy of your October 28 statement to the Senate Judiciary Subcommittee on Separation of Powers reaffirming your conclusion that the so-called "Philadelphia Plan" is illegal and indicating that you will use the power of your office to bar spending of federal funds for contracts which include the plan's provisions in the absence of a court or Congressional ruling to the contrary.

I appreciate your letting me know of your position, and I think it is a sound one.

I feel as you do that the plan clearly goes beyond the intent of Congress in attempting to establish required levels of racial employment in a manner not authorized by the civil rights law.

With all best regards,

Sincerely,

B. EVERETT JORDAN.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 24, 1969.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
Washington, D.C.

DEAR MR. STAATS: I commend you for the forthright and compelling statement you forwarded to me concerning the revised Philadelphia Plan.

Time and again I have stressed my own reservations to the approach of the Plan. While equalization of employment opportunity for all may be a commendable aim, it should not be pursued in a manner calculated to either thwart the will of Congress or erode the separation of powers and responsibilities which has been the genius and high art of our system of Government.

Whatever the question, whatever the merits, a democratic society should never allow desirable short-term goals to obfuscate or override faithful adherence to principles and institutions which have made the country great and, more importantly, free.

When Congress, as the representative of the people, speaks, the Executive should listen. What kind of Government have we if it does not!

With kindest personal regards, I am,

Sincerely,

WILLIAM C. CRAMER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., November 17, 1969.

The Hon. ELMER B. STAATS,
Comptroller General of the United States,
Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: I want to commend you for holding fast to your position on the Department of Labor's revised Philadelphia Plan. I agree with you entirely; the Philadelphia Plan is in patent conflict with the Civil Rights Act of 1964, and its continuation does constitute a threat to maintenance of legislative control over budget expenditures by the Executive branch of government.

Several days ago, I contacted the Department of Labor and requested that the Department amplify its views on two questions: whether a contractor would be absolved of responsibility if union exclusion were responsible for his failure to meet his goal, and how the Department can justify disregarding a "final and conclusive" decision of the Comptroller General. I have been promised an answer within the next few days, and I will inform you immediately of what the Department says.

Be assured that I will continue to give you active support in your efforts.

With all kind wishes, I am

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman, Subcommittee on
Separation of Powers.

MEMORANDUM OF U.S. DEPARTMENT OF LABOR,
JUNE 27, 1969

To: Heads of all agencies.

From: Arthur A. Fletcher, Assistant Secretary for Wage and Labor Standards.

Subject: Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction.

1. PURPOSE

The purpose of this Order is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and Federally-assisted construction contractors and subcontractors.

2. APPLICABILITY

The requirements of this Order shall apply to all Federal and Federally-assisted construction contracts for projects the estimated total cost of which exceeds $500,000, in the Philadelphia area, including Bucks, Chester, Delaware, Montgomery and Philadelphia counties in Pennsylvania.

3. POLICY

In order to promote the full realization of equal employment opportunity on Federally-assisted projects, it is the policy of the Office of Federal Contract Compliance that no contracts or subcontracts shall be awarded for Federal and Federally-assisted construction in the Philadelphia area on projects whose cost exceeds $500,000 unless the bidder submits an acceptable affirmative action program which shall include specific goals of minority manpower utilization, meeting the standards included in the invitation or other solicitation for bids, in trades utilizing the following classifications of employees: Iron workers, plumbers, pipefitters, steamfitters, sheetmetal workers, electrical workers, roofers and water proofers, and elevator construction workers.

4. FINDINGS

Enforcement of the nondiscrimination and affirmative action requirements of Executive Order 11246 has posed special problems in the construction trades. Contractors and subcontractors must hire a new employee complement for each construction job and out of necessity or convenience they rely on the construction craft unions as their prime or sole source of their labor. Collective bargaining agreements and/or established custom between construction contractors and subcontractors and unions frequently provide for, or result in, exclusive hiring halls; even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter, most people working in these classifications are referred to the jobs by the unions. Because of these hiring arrangements, referral by a union is a virtual necessity for obtaining employment in union construction projects, which constitute the bulk of commercial construction.

Because of the exclusionary practices of labor organizations, there traditionally has been only a small number of Negroes employed in these seven trades. These exclusionary practices include: (1) unfair to admit Negroes into membership and into apprenticeship programs. At the end of 1967, less than one-half of one percent of the membership of the unions representing employees in these seven trades were *Negro*, although the population in the Philadelphia area during the past several decades included substantial numbers of *Negroes*. As of April 1965, the Commission on Human Relations in Phildelphia found that unions in five trades (plumbers, steamfitters, electrical workers, sheet metal workers and roofers) were "discriminatory" in their admission practices. In a report by the Philadelphia Local AFL–CIO Human Relations Committee made public in 1964, virtually no *Negro* apprentices were found in any of the building trades classes; [1] (2) failure of the unions to refer *Negroes* for employment, which has resulted in large measure from the priorities in referral granted to union members and to persons who had work experience under union contracts.

On November 30, 1967, the Philadelphia Federal Executive Board put into effect the Philadelphia Pre-Award Plan. The Federal Executive Board found that [2] the problem of compliance with the requirements of Executive Order 11246 was most apparent in Philadelphia in eight construction trades: electrical, sheetmetal, plumbing and pipefitting, steamfitting, roofing and waterproofing, structural iron work, elevator construction and operating engineers; and that local unions representing employees in these trades in the Philadelphia area had few minority group members and that few minority group persons had been accepted in apprenticeship programs. In order to assure equal employment opportunity on Federal and Federally-assisted construction in the Philadelphia area, the plan required that each apparent low bidder, to qualify for a construction contract or subcontract, must submit a written affirmative action program which would have the results of assuring that there will be minority group representation in these trades.

Since the Philadelphia Plan was put into effect, some progress has been made. Several groups of contractors and Local 543 of the International Union of Operating Engineers have developed an area program of affirma-

[1] Marshall and Briggs, *Negro Participation in Apprenticeship Programs* (Dec. 1966), pg. 91.

[2] These findings were based on a detailed examination of available facts relating to building trades unions, area construction volume and demographic data.

tive action which has been approved by OFCC in lieu of other compliance procedures, but subject to periodic evaluation. The original Plan was suspended because of an Opinion by the Comptroller General that it violated the principles of competitive bidding. * * *

6. SPECIFIC GOALS AND DEFINITE STANDARDS

a. General

The OFCC Area Coordinator, in cooperation with the Federal contracting or administering agencies in the Philadelphia area, will determine the definite standards to be included in the invitation for bids or other solicitation used for every Federally-involved construction contract in the Philadelphia area, when the estimated total cost of the construction project exceeds $500,000. Such definite standards shall specify the range of minority manpower utilization expected for each of the designated trades to be used during the performance of the construction contract. To be eligible for the award of the contract, the bidder must, in the affirmative action program submitted with his bid, set specific goals of minority manpower utilization which meet the definite standard included in the invitation or other solicitation for bids unless the bidder participates in an affirmative action program approved by OFCC.

b. Specific goals

1. The setting of goals by contractors to provide equal employment opportunity is required by Section 60–1.40 of the Regulations of this Office (41 CFR § 60–1.40). Further, such voluntary organization of businessmen as Plans for Progress have adopted this sound approach to equal opportunity just as they have used goals and targets for guiding their other business decisions (See the Plans for Progress booklet Affirmative Action Guidelines on page 6.)

2. The purpose of the contractor's commitment to specific goals is to meet the contractor's affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee.

c. Factors used in determining definite standards

A determination of the definite standard of the range of minority manpower utilization shall be made for each better-paid trade to be used in the performance of the contract. In determining the range of minority manpower utilization that should result from an effective affirmative action program, the factors to be considered will include, among others, the following:

1. The current extent of minority group participation in the trade.

2. The availability of minority group persons for employment in such trade.

3. The need for training programs in the area and/or the need to assure demand for those in or from existing training programs.

4). The impact of the program upon the existing labor force.

7. INVITATION FOR BIDS OR OTHER SOLICITATIONS FOR BIDS

Each Federal agency shall include, or require the applicant to include, in the invitation for bids, or other solicitation used for a Federally-involved construction contract, when the estimated total cost of the construction project exceeds $500,000, a notice stating that to be eligible for award, each bidder will be required to submit an acceptable affirmative action program consisting of goals as to minority group participation for the designated trades to be used in the performance of the contract—whether or not the work is subcontracted. Such notice shall include the determination of the range of minority group utilization (described in Section 6 above) that should result from an effective affirmative action program based on an evaluation of the factors listed in Section 6c. The form of such notice shall be substantially similar to the one attached as an appendix to this Order. To be acceptable, the affirmative action program must contain goals which are at least within the range described in the above notice. Such goals must be provided for each designated trade to be used in the performance of the contract except that goals are not required with respect to trades covered by an OFCC approved multi-employer program.

8. POST-AWARD COMPLIANCE

a. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the goals set forth in the affirmative action program are being met, the contractor or subcontractor will be presumed to be in compliance with the requirements of Executive Order 11246, as amended, unless it comes to the agency's attention that such contractor or subcontractor is not providing equal employment opportunity. In the event of failure to meet the goals, the contractor shall be given an opportunity to demonstrate that he made every good faith effort to meet his commitment. In any proceeding in which such good faith performance is in issue, the contractor's entire compliance posture shall be reviewed and evaluated in the process of considering the imposition of sanctions. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its affirmative action program, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

b. It is no excuse that the union with which the contractor has a collective bargaining agreement failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in Federally-involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations and orders.

9. EXEMPTIONS

a. Requests for exemptions from this Order must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C., 20210, and shall be forwarded through and with the endorsement of the agency head.

b. The procedures set forth in the Order shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within thirty days.

c. Nothing in this Order shall be interpreted to diminish the present contract compliance review and complaint programs.

10. AUTHORITY

This Order is issued pursuant to Executive Order 11246 (30 F.R. 12319, Sept. 28, 1965) Parts II and III; Executive Order 11375 (32 F.R. 14303, Oct. 17, 1967); and 41 CFR Chapter 60.

11. EFFECTIVE DATE

The provisions of this Order will be effective with respect to transactions for which the invitations for bids or other solicitations for bids are sent on or after July 18, 1969.

APPENDIX

(For Inclusion in the Invitation or Other Solicitation for Bids for a Federally-Involved Construction Contract When the Estimated Total Cost of the Construction Project Exceeds $500,000.)

Notice of requirement for submission of affirmative action plan to ensure equal employment opportunity:

1. It has been determined that in the performance of this contract an acceptable affirmative action program for the trades specified below will result in minority manpower utilization within the ranges set forth next to each trade:

Identification of trade

Range of minority group employment

2. The bidder shall submit, in the form specified below, with his bid an affirmative action program setting forth his goals as to minority manpower utilization in the performance of the contract in the trades specified below, whether or not the work is subcontracted.

The bidder submits the following goals of minority manpower utilization to be achieved during the performance of the contract:

Identification of trade

Estimated total employment for the trade on the contract

Number of minority group employees

(The bidder shall insert his goal of minority manpower utilization next to the name of each trade listed.)

3. The bidder also submits that whenever he subcontracts a portion of the work in the trade on which his goals of minority manpower utilization are predicated, he will obtain from such subcontractor an appropriate goal that will enable the bidder to achieve his goal for that trade. Failure of the subcontractor to achieve his goal will be treated in the same manner as such failure by the prime contractor prescribed in Section 8 of the Order from the Office of Federal Contract Compliance to the Heads of All Agencies regarding the Revised Philadelphia Plan, dated June 27, 1969.

4. No bidder will be awarded a contract unless his affirmative action program contains goals falling within the range set forth in paragraph 1 above, provided, however, that participation by the bidder in multi-employer program approved by the Office of Federal Contract Compliance will be accepted as satisfying the requirements of this Notice in lieu of submission of goals with respect to the trades covered by such multi-employer program. In the event that such multi-employer program is applicable, the bidder need not set forth goals in paragraph 2 above for the trades covered by the program.

5. For the purpose of this Notice, the term minority means Negro, Oriental, American Indian and Spanish Surnamed American. Spanish Surnamed American includes all persons of Mexican, Puerto Rican, Cuban or Spanish origin or ancestry.

6. The purpose of the contractor's commitment to specific goals as to minority manpower utilization is to meet his affirmative action obligations under the equal opportunity clause of the contract. This commitment is not intended and shall not be used to discriminate against any qualified applicant or employee.

7. Nothing contained in this Notice shall

relieve the contractor from compliance with the provisions of Executive Order 11246 and the equal opportunity clause of the contract with respect to matters not covered in this Notice, such as equal opportunity in employment in trades not specified in this Notice.

8. The bidder agrees to keep such records and to file such reports relating to the provisions of this Order as shall be required by the contracting or administering agency.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., September 23, 1969.

ORDER

To: Heads of all agencies.

From: Arthur A. Fletcher, Assistant Secretary for Wage and Labor Standards; John L. Wilks, Director, Office of Federal Contract Compliance.

Subject: Establishment of Ranges for the Implementation of the Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction.

1. PURPOSE

The purpose of this Order is to implement Section 6 of the Order issued on June 27, 1969 by Assistant Secretary of Labor Arthur A. Fletcher to the Heads of Agencies outlining a "Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction." Section 6 of the June 27 Order provides for the determination of definite standards in terms of ranges of minority manpower utilization. This Order also affirms and in certain respects amends the Order of June 27.

2. BACKGROUND

The June 27 Order requires a bidder on Federal or Federally-assisted construction in the Philadelphia area on projects whose cost exceeds $500,000 to submit an acceptable affirmative action program which shall include specific goals of minority manpower utilization within the ranges to be established by the Department of Labor, in cooperation with the Federal contracting and administering agencies in the Philadelphia Area, within the following 7 listed classifications:

Iron workers; Plumbers, pipefitters; Steamfitters; Sheetmetal workers; Electrical workers; Roofers and water proofers; and Elevator construction workers.

Since that time the Department has determined that minority craftsmen may be adequately represented in the classification and title "roofers and water proofers". For this reason, such classification is hereby temporarily excepted from the provisions of the "Revised Philadelphia Plan," subject to further examination of that trade.

Pursuant to a notice of hearing issued on August 16, 1969, representatives of the Department of Labor conducted a public hearing in Philadelphia on August 26, 27, and 28, 1969 for the purpose of obtaining information and data relevant to the establishment of ranges for the purpose of effectuating the above-referred to June 27, 1969 Order. Section 6 of such Order provides that the following factors, among others, will be used in establishing these ranges:

(a) The current extent of minority group participation in the trade.

(b) The availability of minority group persons for employment in such trade.

(c) The need for training programs in the area and/or the need to assure demand for those in or from existing training programs.

(d) The impact of the program upon the existing labor force.

Having reviewed the record of that hearing and additional relevant data gathered and compiled by the Department of Labor, the following findings and Order are made as contemplated by the Order of June 27, 1969.

3. FINDINGS

(a) *Minority Participation in the Specified Trades:* The over-all construction industry in the five county Philadelphia area has a current minority representation of employees of 30%. Comparable skilled trades, excluding laborers, have a minority representation of approximately 12%. The construction trades in the Philadelphia area have grown and developed under similar conditions concerning manpower availability and under identical economic and cultural circumstances. Despite that fact, there are few minorities in the above-designated six trades. The evidence adduced at the public hearing indicates that the minority participation in such trades is approximately 1%. In the June 27 Order, it was found that such a low rate of participation is due to the traditional exclusionary practices of these unions in admission to membership and apprenticeship programs and failure to refer minorities to jobs in these trades. The most reliable data available relates to minority participation in membership in the unions representing employees in the six trades. That data reveals the following:

(1) *Iron Workers:* The total union membership in this craft in the Philadelphia area in 1969 is 850, 12 of whom (1.4%) are minority group representatives.

(2) *Steamfitters:* Total union membership in the Philadelphia area in 1969 stands at 2,308, 13 of whom (.65%) are minority group representatives.

(3) *Sheetmetal Workers:* Total union membership in the Philadelphia area in 1969 stands at 1,688, 17 of whom (1%) are minority group representatives.

(4) *Electricians:* Total union membership in the Philadelphia area in 1969 stands at 2,274, 40 of whom (1.76%) are minority group representatives.

(5) *Elevator construction workers:* Total union membership in the Philadelphia area in 1969 stands at 562, 3 of whom (.54%) are minority group representatives.

(6) *Plumbers & Pipefitters:* Total union membership in the Philadelphia area in 1969 stands at 2,335, 12 of whom (.51%) are minority group representatives.

Based upon these figures it is found and determined that the present minority participation in the six named trades is far below that which should have reasonably resulted from participation in the past without regard to race, color and national origin and, further, that such participation is too insignificant to have any meaningful bearing upon the ranges established by this Order.

(b) *Availability of Minority Group Persons for Employment:* The nonwhite unemployment rate in the Philadelphia area is approximately twice that for the labor force as a whole and the total number of nonwhite persons unemployed is approximately 21,000. There is also a substantial number of persons in the nonwhite labor force who are underemployed. Testimony adduced at the hearing indicates that there are between 1,200 and 1,400 minority craftsmen presently available for employment in the construction trades who have been trained and/or had previous work experience in the trades. In addition it was revealed at the hearing that there is a pool of 7,500 minority persons in the Laborers Union who are working side by side with journeymen in the performance of their crafts in the construction industry. Many of these persons are working as helpers to the journeymen in the designated trades. Also, testimony at the hearings established that between 5,000 and 8,000 prospective minority craftsmen would be prepared to accept training in the construction crafts within a year's time if they would be assured that jobs were available to them upon completion of such training.

Surveys conducted by agencies of the U.S. Department of Labor have provided additional information relative to the availability of minority group persons for employment in the designated trades.

Based upon the number of minority group persons employed in the designated trades for all industries (construction and nonconstruction) and those minority group persons who are unemployed but qualified for employment in the designated trades, a survey by the Manpower Administration indicated that minority group persons are now in the area labor market as follows:

Identification of trades and number available:	
Ironworkers	302
Plumbers, pipefitters and steamfitters	797
Sheetmetal workers	250
Electrical workers	745

A survey by the Office of Federal Contract Compliance indicated that the following number of minority persons are working in the designated trades and those who will be trained by 1970 by major Philadelphia recruitment and training agencies and those working in related occupations in non-construction industries who would be qualified for employment in the designated trades with some orientation or minimal training:

Identification of trades and number available:	
Ironworkers	75
Plumbers, pipefitters	500
Steamfitters	300
Sheetmetal workers	375
Electrical workers	525
Elevator constructors	43

Based upon this information it is found that a substantial number of minority persons are presently available for productive employment.

(c) *The Need for Training:* Testimony at the public hearing revealed that there is a need for training programs for willing minority group persons at various levels of skill. Such training must necessarily range from pre-apprenticeship training programs through programs providing incidental training for skilled craftsmen who are near the of full journeyman status.[1] As discussed above, between 5,000 and 8,000 minority group persons are in a position to be recruited for such training within a year's time.

Testimony at the public hearings revealed the existence of several training programs which have operated successfully to train a number of craftsmen many of whom are now prepared to enter the trades in the construction industry. In order to further assure the availability of necessary training programs, the Manpower Administration of this Department has committed substantial funds for the development of additional apprenticeship outreach programs and journeyman training programs in the Philadelphia area. It plans to double the present apprenticeship outreach program with the Negro Union Leadership Council in Philadelphia. Presently, this program is funded for $78,000 to train seventy persons. An additional $80,000 is being set aside to expand this program. In addition, immediate exploration of the feasibility of a journeyman-training program for approximately 180 trainees will be undertaken. Both these programs will be directed specifically to the designated trades.[2]

(d) *The Impact of the Program Upon the Existing Labor Force:* A national survey of the Bureau of Labor Statistics indicates that

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[1] Testimony adduced at the hearings indicates that the traditional duration of training to develop competent workmen in the crafts may be longer than necessary to successfully perform substantial amounts of craft level work.

[2] Memorandum from Arnold R. Weber, Assistant Secretary for Manpower to Arthur A. Fletcher, Assistant Secretary for Wage and Labor Standards, dated September 18, 1969.

the present annual attrition rate of construction trade membership due to retirement is 2.5% per year based upon a total working life of 44 years per employee in each of the above-designated trades.

Based on national actuarial rates for the construction industry published by the National Safety Council, the average disability occurrence rate resulting from death or injury is 1% per year. A conservative estimate of the average rate at which employees leave construction crafts for all reasons other than death, disability and retirement is 4% per year.

Therefore, each construction craft should have approximately 7.5% new job openings each year without any growth in the craft. The annual growth in the number of employees in each craft designated under this "Revised Philadelphia Plan" has been and is projected to be as follows:

(1) *Iron Workers.* The average annual growth rate since 1963 has been approximately 10%. It is projected that an average annual growth rate in employment will be 3.69% in the near future.[3]

(2) *Plumbers and Pipefitters.* The average annual growth rate since 1963 has been approximately 7.38%. It is projected that an average annual growth rate in employment will be 2.9% in the near future.

(3) *Steamfitters.* The average annual growth rate since 1963 has been approximately 2.63% and is projected to be approximately 2.5% for each of the next four years.

(4) *Sheetmetal workers.* The average annual growth rate since 1963 has been approximately 2.06% and is projected to be approximately 2.0% for each of the next four years.

(5) *Electricians.* The average annual growth rate since 1963 has been approximately 4.98%. It is projected that an average annual growth rate in employment will be 2.2% in the near future.

(6) *Elevator Construction Workers.* The average annual growth rate since 1963 has been approximately 2.41% and is projected to be approximately 2.1% for each of the next four years.

Adding the rate of jobs becoming vacant due to attrition to the rate of new jobs due to growth, the total rate of new jobs projected for each craft is as follows:

Percentage of annual vacancy rate

Identification of trade:	
Ironworkers	11.2
Plumbers and pipefitters	10.4
Steamfitters	10
Sheetmetal workers	9.5
Electrical workers	9.7
Elevator construction workers	9.6

Therefore, it is found and determined that a contractor could commit to minority hiring up to the annual rate of job vacancies for each trade without adverse impact upon the existing labor force.

(e) *Timetable:* In an effort to provide practical ranges which can be met by employers in hiring productive trained minority craftsmen, this Order should be developed to cover an extended period of time.

The average length of Federally-involved construction projects in the Area is between 2 and 4 years. Testimony at the hearing indicated that a 4 year duration for the "Plan" is proper.

[3] Projections of the annual growth rate in employment in the designated trades is based on a study by the Commonwealth of Pennsylvania, Department of Labor and Industry, Bureau of Employment Security, entitled *1960 Census and 1970, 1975 Projected Total Employment.*

Therefore, it is found and determined that in order for this Order to effect equal employment to the fullest extent, the standards of minority manpower utilization should be determined for the next four years.

(f) *Conclusion of Findings:* It is found that present minority participation in the designated trades is far below that which should have reasonably resulted from participation in the past without regard to race, color, or national origin and, further, that such participation is too insignificant to have any meaningful bearing upon the ranges established by this Order.

It is found that a significant number of minority group persons is presently available for employment as journeymen, apprentices, or other trainees.

It is found that there is a need for training programs for willing minority group persons at various levels of skills. There exist several training programs in the Philadelphia area which have operated successfully to train craftsmen prepared to enter the construction industry and, in addition, the Manpower Administration of this Department has committed substantial funds for the development of other apprenticeship outreach programs and journeyman training programs in the Philadelphia area.

Finally, it is found that a contractor could commit himself to hiring minority group persons up to the annual rate of job vacancies for each trade without adverse impact upon the existing labor force in the designated trades.

Based upon these findings, a range shall be established by this Order which shall require contractors to establish employment goals between a low range figure which could result in approximately 20% of the workforce in each designated trade being minority craftsmen at the end of the fourth year covered by this Order.[4]

In addition, trained and trainable minority persons are or shall be available in numbers sufficient to fill the number of jobs covered by these ranges, there being 1200 to 1400 minority persons who have had training and 5000 to 8000 prepared to accept training within a year.

Such minority representation can be accomplished without adversely affecting the present work force. Based upon the projected Annual Vacancy Rate, the lower range figure may be met by filling vacancies and new jobs approximately on the basis of one minority craftsman for each non-minority craftsman.[5]

4. ORDER

Therefore, after full consideration and in light of the foregoing, be it *ORDERED:* That the Order of June 27, 1969 entitled "Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction" is hereby implemented, affirmed, and in certain respects amended, this Order to constitute a supplement thereto as required and contemplated by said Order of June 27, 1969.

Further ordered: That the following ranges are hereby established as the standards for minority manpower utilization for each of the designated trades in the Philadelphia area for the next four years:

[4] Assuming the same proportion of minorities are employed on private construction projects as Federally-involved projects, the lower range should result in 2,000 minority craftsmen being employed in the construction industry in the Philadelphia area by the end of the fourth year.

[5] The one for one ratio in hiring has been judicially recognized as a reasonable, if not mandatory, requirement to remedy past exclusionary practices. *Vogler* v. *McCarty, Inc.*, 294 F. Supp. 368 (E.D. La. 1967).

Range for minority group employment until Dec. 31, 1970

[Percent]

Identification of trade:	
Ironworkers	[1] 5–9
Plumbers and pipefitters	5–8
Steamfitters	4–8
Sheetmetal workers	4–8
Electrical workers	4–8
Elevator construction workers	4–8

Range of minority group employment for the calendar year 1971 [2]

[Percent]

Identification of trade:	
Ironworkers	11–15
Plumbers and pipefitters	10–14
Steamfitters	11–15
Sheetmetal workers	9–13
Electrical workers	9–13
Elevator construction workers	9–13

[1] The percentage figures have been rounded.

[2] After December 31, 1970 the standards set forth herein shall be reviewed to determine whether the projections on which these ranges are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in federally involved construction shall be specifically reviewed from time-to-time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased for contracts after bids have been received.

Range of minority group employment for the calendar year 1972

[Percent]

Identification of trade:	
Ironworkers	16–20
Plumbers and pipefitters	15–19
Steamfitters	15–19
Sheetmetal workers	14–18
Electrical workers	14–18
Elevator construction workers	14–18

Range of minority group employment for the calendar year 1973

[Percent]

Identification of trade:	
Ironworkers	22–26
Plumbers and pipefitters	20–24
Steamfitters	20–24
Sheetmetal workers	19–23
Electrical workers	19–23
Elevator construction workers	19–23

The above ranges are expressed in terms of man hours to be worked on the project by minority personnel and must be substantially uniform throughout the entire length of the project for each of the designated trades.

Further ordered: That the form attached hereto as an Appendix is hereby made a part of this Order and in accordance with the findings specified above, amends the Appendix of the Order of June 27, 1969.

Each Federal agency shall include, or require the applicant to include, this form, or one substantially similar, in the invitation for bids or other solicitations used for a Federally-involved construction contract where the estimated total cost of the construction project exceeds $500,000.

5. CRITERIA FOR MEASURING GOOD FAITH

Section 8 of the June 27 Order provides that a contractor will be given an opportunity to demonstrate that he has made *every good faith effort* to meet his goal of minority manpower utilization in the event he fails to meet such goal. If the contractor has failed to meet his goal, a determination of *"good faith"* will be based upon his efforts to broaden his recruitment base through at least the following activities:

(a) The OFCC Area Coordinator will maintain a list of community organizations

which has agreed to assist any contractor in achieving his goal of minority manpower utilization by referring minority workers for employment in the specified trades. A contractor who has not met his goals may exhibit evidence that he has notified such community organizations of opportunities for employment with him on the project for which he submitted such goals as well as evidence of their response.

(b) Any contractor who has not met his goal may show that he has maintained a file in which he has recorded the name and address of each minority worker referred to him and specifically what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not employed by the contractor, the contractor's file should document this and the reasons therefor.

(c) A contractor should promptly notify the OFCC Area Coordinator in order for him to take appropriate action whenever the union with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

(d) The contractor should be able to demonstrate that he has participated in and availed himself of training programs in the area, especially those funded by this Department referred to in Section 3(c) of this Order, designed to provide trained craftsmen in the specified trades.

6. SUBCONTRACTORS

Whenever a prime contractor subcontracts a portion of the work in the trade on which his goals of minority manpower utilization are predicated, he shall include his goals in such subcontract and those goals shall become the goals of his subcontractor who shall be bound by them and by this Order to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to meet such goals or to make every good faith effort to meet them. However, the prime contractor shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor of any refusal or failure of any subcontractor to fulfill his obligations under this Order. Failure of the subcontractor to achieve his goal will be treated in the same manner as such failure by the prime contractor prescribed in Section 8 of the Order from the Office of Federal Contract Compliance to the Heads of All Agencies regarding the Revised Philadelphia Plan, dated June 27, 1969.

7. EXEMPTIONS

a. Requests for exemptions from this Order must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

b. The procedures set forth in the Order shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within thirty days.

c. Nothing in this Order shall be interpreted to diminish the present contract compliance review and complaint programs.

8. EFFECT OF THIS ORDER

In the case of any inconsistency between this Order and the June 27, 1969 Order prescribing a "Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction", this Order shall prevail.

9. AUTHORITY

This Order is issued pursuant to Executive Order 11246 (30 F.R. 12319, September 28, 1965) Parts II and III; Executive Order 11375 (32 F.R. 14303, Oct. 17, 1967); and 41 CFR Chapter 60.

10. EFFECTIVE DATE

The provisions of this Order will be effective with respect to transactions for which the invitations for bids or other solicitations for bids are sent on or after _____, 1969.

APPENDIX

(For inclusion in the Invitation or Other Solicitation for Bids for a Federally-Involved Construction Contract When the Estimated Total Cost of the Construction Project Exceeds $500,000.)

NOTICE OF REQUIREMENT FOR SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

1. It has been determined that in the performance of this contract an acceptable affirmative action program for the trades specified below will result in minority manpower utilization within the ranges set forth next to each trade:

Range of minority group employment until December 31, 1970

[Percent]

Identification of trade:	
Ironworkers	5–9
Plumbers and pipefitters	5–8
Steamfitters	5–8
Sheetmetal workers	4–8
Electrical workers	4–8
Elevator construction workers	4–8

Range of minority group employment for the calendar year 1971

[Percent]

Identification of trade:	
Ironworkers	11–15
Plumbers and pipefitters	10–14
Steamfitters	11–15
Sheetmetal workers	9–13
Electric workers	9–13
Elevator construction workers	9–13

Range of minority group employment for the calendar year 1972

[Percent]

Identification of trade:	
Ironworkers	16–20
Plumbers and pipefitters	15–19
Steamfitters	15–19
Sheetmetal workers	14–18
Electrical workers	14–18
Elevator construction workers	14–18

Range of minority group employment for the calendar year 1973

[Percent]

Identification of trade:	
Ironworkers	22–26
Plumbers and pipefitters	20–24
Steamfitters	20–24
Sheetmetal workers	19–23
Electrical workers	19–23
Elevator construction workers	19–23

2. The bidder shall submit, in the form specified below, with his bid an affirmative action program setting forth his goals as to minority manpower utilization in the performance of the contract in the trades specified below, whether or not the work is subcontracted.

The bidder submits the following goals of minority manpower utilization to be achieved during the performance of the contract:

Identification of trade	Estimated total employment for the trade on the contract until Dec. 31, 1970	Number of minority group employees until Dec. 31, 1970
Ironworkers		
Plumbers and pipefitters		
Steamfitters		
Sheetmetal workers		
Electrical workers		
Elevator construction workers		

Identification of trade	Estimated total employment for the trade on the contract for the calendar year 1971	Number of minority group employees for the calendar year 1971
Ironworkers		
Plumbers and pipefitters		
Steamfitters		
Sheetmetal workers		
Electrical workers		
Elevator construction workers		

Identification of trade	Estimated total employment for the trade on the contract for the calendar year 1972	Number of minority group employees for the calendar year 1972
Ironworkers		
Plumbers and pipefitters		
Steamfitters		
Sheetmetal workers		
Electrical workers		
Elevator construction workers		

Identification of trade	Estimated total employment for the trade on the contract for the calendar year 1973	Number of minority group employees for the calendar year 1973
Ironworkers		
Plumbers and pipefitters		
Steamfitters		
Sheetmetal workers		
Electrical workers		
Elevator construction workers		

(The bidder shall insert his goal of minority manpower utilization next to the name of each trade listed for those years during which it is contemplated that he shall perform any work or engage in any activity under the contract.)

3. The bidder also submits that whenever he subcontracts a portion of the work in the trade on which his goals of minority manpower utilization are predicated, he shall include his goals in such subcontract and those goals shall become the goals of his subcontractor who shall be bound by them to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractors to meet such goals or to make every good faith effort to meet them. However, the prime contractor shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor of any refusal or failure of any subcontractor to fulfill his obligations under this Order. Failure of the subcontractor to achieve his goal will be treated in the same manner as such failure by the prime contractor prescribed in Section 8 of the Order from the Office of Federal Contract Compliance to the Heads of All Agencies regarding the Revised Philadelphia Plan, dated June 27, 1969.

4. No bidder will be awarded a contract unless his affirmative action program contains goals falling within the range set forth

in paragraph 1 above, provided, however, that participation by the bidder in multi-employer programs approved by the Office of Federal Contract Compliance will be accepted as satisfying the requirements of this Notice in lieu of submission of goals with respect to the trades covered by such multi-employer program. In the event that such multi-employer program is applicable, the bidder need not set forth goals in paragraph 2 above for the trades covered by the program.

5. For the purpose of this Notice, the term minority means Negro, Oriental, American Indian and Spanish Surnamed American. Spanish Surnamed American includes all persons of Mexican, Puerto Rican, Cuban or Spanish origin or ancestry.

6. The purpose of the contractor's commitment to specific goals as to minority manpower utiliaztion is to meet his affirmative action obligations under the equal opportunity clause of the contract. This commitment is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's attention that the goals are being used in a discriminatory manner, he must report it to the Area Coordinator of the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate sanction proceedings may be instituted.

7. Nothing contained in this Notice shall relieve the contractor from compliance with the provisions of Executive Order 11246 and the Equal Opportunity Clause of the contract with respect to matters not covered in this Notice, such as equal opportunity in employment in trades not specified in this Notice.

8. The bidder agrees to keep such records and to file such reports relating to the provisions of this Order as shall be required by the contracting or administering agency.

OPPORTUNITY

Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

PART I—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

SECTION 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency. The policy of equal opportunity applies to every aspect of Federal employment policy and practice.

SEC. 102. The head of each executive department and agency shall establish and maintain a positive program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in Section 101.

SEC. 103. The Civil Service Commission shall supervise and provide leadership and guidance in the conduct of equal employment opportunity programs for the civilian employees of and applications for employment within the executive departments and agencies and shall review agency program accomplishments periodically. In order to facilitate the achievement of a model program for equal employment opportunity in the Federal service, the Commission may consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this Part.

SEC. 104. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, creed, color, or national origin. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

SEC. 105. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this Part, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this Part.

PART II—NONDISCRIMINATION IN EMPLOYMENT BY GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

SUBPART A—DUTIES OF THE SECRETARY OF LABOR

SEC. 201. The Secretary of Labor shall be responsible for the administration of Parts II and III of this Order and shall adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof.

SUBPART B—CONTRACTORS' AGREEMENTS

SEC. 203. Except in contracts exempted in accordance with Section 204 of this Order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part, and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

SEC. 203. (a) Each contractor having a contract containing the provisions prescribed in Section 202 shall file, and shall cause each of his subcontractors to file, Compliance Reports with the contracting agency or the Secretary of Labor as may be directed. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Secretary of Labor may prescribe.

(b) Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this Order, or any preceding similar Executive order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.

(c) Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers or providing or supervising apprenticeship or training for such workers, the Compliance Report shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor may prescribe: *Provided,* That to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the contracting agency as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

(d) The contracting agency or the Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, creed, or national origin, and that the signer either will

affirmatively cooperate in the implementation of the policy and provisions of this Order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Secretary of Labor may require.

SEC. 204. The Secretary of Labor may, when he deems that special circumstances in the national interest, so require, exempt a contracting agency from the requirement of including any or all of the provisions of Section, also exempt certain classes of contracts, tract, subcontract, or purchase order. The Secretary of Labor may, by rule or regulation, also exempt certain classes of contracts, subcontracts, or purchase orders (1) whenever work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (2) for standard commercial supplies or raw materials; (3) involving less than specified amounts of money or specified numbers of workers; or (4) to the extent that they involve subcontracts below a specified tier. The Secretary of Labor may also provide, by rule, regulation, or order, for the exemption of facilities of a contractor which are in all respects separate and distinct from activities of the contractor related to the performance of the contract: *Provided*, That such an exemption will not interfere with or impede the effectuation of the purposes of this Order: *And provided further*, That in the absence of such an exemption all facilities shall be covered by the provisions of this Order.

SUBPART C—POWERS AND DUTIES OF THE SECRETARY OF LABOR AND THE CONTRACTING AGENCIES

SEC. 205. Each contracting agency shall be primarily responsible for obtaining compliance with the rules, regulations, and orders of the Secretary of Labor with respect to contracts entered into by such agency or its contractors. All contracting agencies shall comply with the rules of the Secretary of Labor in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this Order and of the rules, regulations, and orders of the Secretary of Labor issued pursuant to this Order. They are directed to cooperate with the Secretary of Labor and to furnish the Secretary of Labor such information and assistance as he may require in the performance of his functions under this Order. They are further directed to appoint or designate, from among the agency's personnel, compliance officers. It shall be the duty of such officers to seek compliance with the objectives of this Order by conference, conciliation, mediation, or persuasion.

SEC. 206. (a) The Secretary of Labor may investigate the employment practices of any Government contractor or subcontractor, or initiate such investigation by the appropriate contracting agency to determine whether or not the contractual provisions specified in Section 202 of this Order have been violated. Such investigation shall be conducted in accordance with the procedures established by the Secretary of Labor and the investigating agency shall report to the Secretary of Labor any action taken or recommended.

(b) The Secretary of Labor may receive and investigate or cause to be investigated complaints by employees or prospective employees of a Government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in Section 202 of this Order. If this investigation is conducted for the Secretary of Labor by a contracting agency, that agency shall report to the Secretary what action has been taken or is recommended with regard to such complaints.

SEC. 207. The Secretary of Labor shall use his best efforts, directly and through contracting agencies, other interested Federal, State, and local agencies, contractors, and all other available instrumentalities to cause any labor union engaged in work under Government contracts or any agency referring workers or providing or supervising apprenticeship or training for or in the course of such work to cooperate in the implementation of the purposes of this Order. The Secretary of Labor shall, in appropriate cases, notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever it has reason to believe that the practices of any such labor organization or agency violate Title VI or Title VII of the Civil Rights Act of 1964 or other provision of Federal law.

Sec. 208. (a) The Secretary of Labor, or any agency, officer, or employee in the executive branch of the Government designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, as the Secretary may deem advisable for compliance, enforcement, or educational purposes.

(b) The Secretary of Labor may hold, or cause to be held, hearings in accordance with Subsection (a) of this Section prior to imposing, ordering, or recommending the imposition of penalties and sanctions under this Order. No order for debarment of any contractor from further Government contracts under Section 209(a)(6) shall be made without affording the contractor an opportunity for a hearing.

SUBPART D—SANCTIONS AND PENALTIES

SEC. 209. (a) In accordance with such rules, regulations, or orders as the Secretary of Labor may issue or adopt, the Secretary or the appropriate contracting agency may:

(1) Publish, or cause to be published, the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this Order or of the rules, regulations, and orders of the Secretary of Labor.

(2) Recommend to the Department of Justice that, in cases in which there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in Section 202 of this Order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals, or groups who prevent directly or indirectly, or seek to prevent directly or indirectly, compliance with the provisions of this Order.

(3) Recommend to the Equal Employment Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Act of 1964.

(4) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Secretary of Labor as the case may be.

(5) Cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with the non-discrimination provisions of the contract. Contracts may be cancelled, terminated, or suspended absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the contracting agency.

(6) Provide that any contracting agency shall refrain from entering into further contracts, or extensions or other modification of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary of Labor that such contractor has established and will carry out personnel and employment policies in compliance with the provisions of this Order.

(b) Under rules and regulations prescribed by the Secretary of Labor, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this Order by methods of conference, conciliation, mediation, and persuasion before proceedings shall be instituted under Subsection (a)(2) of this Section, or before a contract shall be cancelled or terminated in whole or in part under Subsection (a)(5) of this Section for failure of a contractor or subcontractor to comply with the contract provisions of this Order.

SEC. 210. Any contracting agency taking any action authorized by this Subpart, whether on its own motion, or as directed by the Secretary of Labor, or under the rules and regulations of the Secretary, shall promptly notify the Secretary of such action. Whenever the Secretary of Labor makes a determination under this Section, he shall promptly notify the appropriate contracting agency of the action recommended. The agency shall take such action and shall report the results thereof to the Secretary of Labor within such time as the Secretary shall specify.

SEC. 211. If the Secretary shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this Order or submits a program for compliance acceptable to the Secretary of Labor or, if the Secretary so authorizes, to the contracting agency.

SEC. 212. Whenever a contracting agency cancels or terminates a contract, or whenever a contractor has been debarred from further Government contracts, under Section 209(a)(6) because of noncompliance with the contract provisions with regard to nondiscrimination, the Secretary of Labor, or the contracting agency involved, shall promptly notify the Comptroller General of the United States. Any such debarment may be rescinded by the Secretary of Labor or by the contracting agency which imposed the sanction.

SUBPART E—CERTIFICATES OF MERIT

SEC. 213. The Secretary of Labor may provide for issuance of a United States Government Certificate of Merit to employers or labor unions, or other agencies which are or may hereafter be engaged in work under Government contracts, if the Secretary is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the labor union or other agency conform to the purposes and provisions of this Order.

SEC. 214. Any Certificate of Merit may at any time be suspended or revoked by the Secretary of Labor if the holder thereof, in the judgment of the Secretary, has failed to comply with the provisions of this Order.

SEC. 215. The Secretary of Labor may provide for the exemption of any employer, labor union, or other agency from any reporting requirements imposed under or pursuant to this Order if such employer, labor union, or other agency has been awarded a Certificate of Merit which has not been suspended or revoked.

PART III—NONDISCRIMINATION PROVISIONS IN FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

SEC. 301. Each executive department and agency which administers a program involving Federal financial assistance shall require as a condition for the approval of any grant,

contract, loan, insurance, or guarantee thereunder, which may involve a construction contract, that the applicant for Federal assistance undertake and agree to incorporate, or cause to be incorporated, into all construction contracts paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to such grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the provisions prescribed for Government contracts by Section 202 of this Order or such modification thereof, preserving in substance the contractor's obligations thereunder, as may be approved by the Secretary of Labor, together with such additional provisions as the Secretary deems appropriate to establish and protect the interest of the United States in the enforcement of those obligations. Each such applicant shall also undertake and agree (1) to assist and cooperate actively with the administering department or agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with those contract provisions and with the rules, regulations, and relevant orders of the Secretary, (2) to obtain and to furnish to the administering department or agency and to the Secretary of Labor such information as they may require for the supervision of such compliance, (3) to carry out sanctions and penalties for violation of such obligations imposed upon contractors and subcontractors by the Secretary of Labor or the administering department or agency pursuant to Part II, Subpart D, of this Order, and (4) to refrain from entering into any contract subject to this Order, or extension or other modification of such a contract with a contractor debarred from Government contracts under Part II, Subpart D, of this Order.

SEC. 302. (a) "Construction contract" as used in this Order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The provisions of Part II of this Order shall apply to such construction contracts, and for purposes of such application the administering department or agency shall be considered the contracting agency referred to therein.

(c) The term "applicant" as used in this Order means an applicant for Federal assistance or, determined by agency regulation, other program participant, with respect to whom an application for any grant, contract, loan, insurance, or guarantee is not finally acted upon prior to the effective date of this Part, and it includes such an applicant after he becomes a recipient of such Federal assistance.

SEC. 303. (a) Each administering department and agency shall be responsible for obtaining the compliance of such applicants with their undertakings under this Order. Each administering department and agency is directed to cooperate with the Secretary of Labor, and to furnish the Secretary such information and assistance as he may require in the performance of his functions under this Order.

(b) In the event an applicant fails and refuses to comply with his undertakings, the administering department or agency may take any or all of the following actions: (1) cancel, terminate, or suspend in whole or in part the agreement, contract, or other arrangement with such applicant with respect to which the failure and refusal occurred; (2) refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and (3) refer the case to the Department of Justice for appropriate legal proceedings.

(c) Any action with respect to an applicant pursuant to Subsection (b) shall be taken in conformity with Section 602 of the Civil Rights Act of 1964 (and the regulations of the administering department or agency issued thereunder), to the extent applicable. In no case shall action be taken with respect to an applicant pursuant to Clause (1) or (2) of Subsection (b) without notice and opportunity for hearing before the administering department or agency.

SEC. 304. Any executive department or agency which imposes by rule, regulation, or order requirements of nondiscrimination in employment, other than requirements imposed pursuant to this Order, may delegate to the Secretary of Labor by agreement such responsibilities with respect to compliance standards, reports, and procedures as would tend to bring the administration of such requirements into conformity with the administration of requirements imposed under this Order: *Provided*, That actions to effect compliance by recipients of Federal financial assistance with requirements imposed pursuant to Title VI of the Civil Rights Act of 1964 shall be taken in conformity with the procedures and limitations prescribed in Section 602 thereof and the regulations of the administering department or agency issued thereunder.

PART IV—MISCELLANEOUS

SEC. 401. The Secretary of Labor may delegate to any officer, agency, or employee in the Executive branch of the Government, any function or duty of the Secretary under Parts II and III of this Order, except authority to promulgate rules and regulations of a general nature.

SEC. 402. The Secretary of Labor shall provide administrative support for the execution of the program known as the "Plans for Progress."

SEC. 403. (a) Executive Orders Nos. 10590 (January 19, 1955), 10722 (August 5, 1957), 10925 (March 6, 1961), 11114 (June 22, 1963), and 11162 (July 28, 1964), are hereby superseded and the President's Committee on Equal Employment Opportunity established by Executive Order No. 10925 is hereby abolished. All records and property in the custody of the Committee shall be transferred to the Civil Service Commission and the Secretary of Labor, as appropriate.

(b) Nothing in this Order shall be deemed to relieve any person of any obligation assumed or imposed under or pursuant to any Executive Order superseded by this Order. All rules, regulations, orders, instructions, designations, and other directives issued by the President's Committee on Equal Employment Opportunity and those issued by the heads of various departments or agencies under or pursuant to any of the Executive orders superseded by this Order, shall, to the extent that they are not inconsistent with this Order, remain in full force and effect unless and until revoked or superseded by appropriate authority. References in such directives to provisions of the superseded orders shall be deemed to be references to the comparable provisions of this Order.

SEC. 404. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this Order and of the rules and regulations of the Secretary of Labor.

SEC. 405. This Order shall become effective thirty days after the date of this Order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 24, 1965.*

EXECUTIVE ORDER 11375—AMENDING EXECUTIVE ORDER NO. 11246, RELATING TO EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the United States Government to provide equal opportunity in Federal employment and in employment by Federal contractors on the basis of merit and without discrimination because of race, color, religion, sex or national origin.

The Congress, by enacting Title VII of the Civil Rights Act of 1964, enunciated a national policy of equal employment opportunity in private employment, without discrimination because of race, color, religion, sex or national origin.

Executive Order No. 11246[1] of September 24, 1965, carried forward a program of equal employment opportunity in Government employment, employment by Federal contractors and subcontractors and employment under Federally assisted construction contracts regardless of race, creed, color or national origin.

It is desirable that the equal employment opportunity programs provided for in Executive Order No. 11246 expressly embrace discrimination on account of sex.

Now, therefore, by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered that Executive Order No. 11246 of September 24, 1965, be amended as follows:

(1) Section 101 of Part I, concerning nondiscrimination in Government employment, is revised to read as follows:

"SEC. 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, color, religion, sex or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency. The policy of equal opportunity applies to every aspect of Federal employment policy and practice."

(2) Section 104 of Part I is revised to read as follows:

"SEC. 104. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex or national origin. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission."

(3) Paragraphs (1) and (2) of the quoted required contract provisions in section 202 of Part II, concerning nondiscrimination in employment by Government contractors and subcontractors, are revised to read as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin."

(4) Section 203 (d) of Part II is revised to read as follows:

"(d) The contracting agency or the Secretary of Labor may direct that any bidder or

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[1] 30 F.R. 12319; 3 CFR, 1964–1965 Comp., p. 339.

prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Secretary of Labor may require."

The amendments to Part I shall be effective 30 days after the date of this order. The amendments to Part II shall be effective one year after the date of this order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 13, 1967.*

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BAKER), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. FANNIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH), and the Senator from Kansas (Mr. PEARSON) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 74, nays 0, as follows:

[No. 265 Leg.]

YEAS—74

Aiken	Gravel	Montoya
Allen	Griffin	Moss
Allott	Gurney	Murphy
Bayh	Hansen	Muskie
Bellmon	Harris	Pastore
Bennett	Hart	Pell
Boggs	Hartke	Prouty
Brooke	Hatfield	Proxmire
Burdick	Holland	Randolph
Byrd, Va.	Hruska	Ribicoff
Byrd, W. Va.	Hughes	Saxbe
Cannon	Jackson	Schweiker
Church	Javits	Scott
Cook	Jordan, N.C.	Smith, Maine
Cotton	Jordan, Idaho	Sparkman
Cranston	Kennedy	Spong
Curtis	Long	Stennis
Dodd	Magnuson	Stevens
Dole	Mansfield	Talmadge
Dominick	Mathias	Thurmond
Eagleton	McClellan	Williams, N.J.
Ellender	McGovern	Williams, Del.
Ervin	Metcalf	Yarborough
Fong	Miller	Young, N. Dak.
Gore	Mondale	

NAYS—0

NOT VOTING—26

Anderson	Goodell	Pearson
Baker	Hollings	Percy
Bible	Inouye	Russell
Case	McCarthy	Smith, Ill.
Cooper	McGee	Symington
Eastland	McIntyre	Tower
Fannin	Mundt	Tydings
Fulbright	Nelson	Young, Ohio
Goldwater	Packwood	

So the bill (H.R. 15209) was passed.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the supplemental appropriation bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. BYRD of West Virginia, Mr. PASTORE, Mr. HOLLAND, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. YOUNG of North Dakota, Mrs. SMITH of Maine, Mr. HRUSKA, and Mr. ALLOTT the conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the overwhelming approval of this measure by the Senate speaks better than any words of praise for this magnificent achievement of the distinguished Senator from West Virginia (Mr. BYRD). Having assumed the chairmanship of the Subcommittee on Deficiencies and Supplementals just this year, Senator BYRD rose quickly to the task making certain that all phases of Government activity are—in the final analysis—being properly and adequately funded. It is a difficult task; one that requires the highest degree of care and diligence. Surely no Member of this body exceeds Senator BYRD in those capacities. The Senate is deeply grateful.

The Senate is grateful as well to the able and distinguished Senator from Nebraska (Mr. HRUSKA) for his outstanding cooperation and support. As the ranking minority member of the subcommittee, he applied the full measure of his efforts to assure the expeditious and efficient disposition of this funding proposal.

To the many other Senators joining the discussion I wish to pay particular tribute. So to Senator JAVITS, to Senator GRIFFIN, to Senator BAKER, Senator ERVIN, Senator HOLLAND, and the many others, I extend the commendation of the Senate for their outstanding contributions to the discussions.

Mr. YARBOROUGH. Mr. President, I was unfortunately called away from the Chamber at the time of the vote on the amendment of the distinguished Senator from Oklahoma adding $2 million to this bill for medical care for the Indians. I desire that the RECORD show that, had I been present, I would have voted "yea" on that amendment.

Mr. BYRD of West Virginia. Mr. President, I wish to take just a brief moment to express appreciation to the members of the staff of the Appropriations Committee for the exemplary work which they have performed in bringing this bill to the floor; and I want to say that I should not have done the poor job that I was able to do without their assistance.

So often their work is overlooked, and I think we ought to recognize the work that was done by the very, very able staff of the Appropriations Committee. Special praise perhaps is due Mr. Tom Scott and Mr. Joe T. McDonnell. So to them and the others I extend my gratitude.

I also want to express appreciation to the ranking minority member (Mr. HRUSKA) for the fine support he gave all along the way, and to the various Members who conducted hearings because of the fact that I had to be on the floor, and was unable to attend and conduct the hearings myself at times. I thank the other members of the subcommittee for their forbearance, patience, and assistance in this regard.

Mr. President, I thank all Senators for the patience they have shown, and for the fine spirit in which they have conducted the debate on this difficult measure. I think it has been a good day for the Republic.

Mr. GRIFFIN. Mr. President, particularly because the Senator from West Virginia has described his participation and leadership in connection with this bill in a very modest way, I would not want the record not to reflect that Senators on both sides of the aisle have commented about the excellent job that the Senator from West Virginia has done in chairing and providing leadership in connection with this bill. I think the record should show that the whole Senate is indebted to him.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator. He is very gracious; I am extremely grateful.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PAN AMERICAN RAILWAYS CONGRESS ASSOCIATION

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft amendment to the joint resolution providing for membership and participation by the United States in the Pan American Railways Congress Association (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for more effective use of an automated procuremnet system for small purchases, Department of the Navy, dated December 17, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT ON DISPOSITION OF FOREIGN EXCESS PERSONAL PROPERTY

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the Department's disposition of foreign excess personal property located in areas outside of the United States, Puerto Rico and the Virgin Islands (with an accompanying report); to the Committee on Government Operations.

MIDDLE RIO GRANDE PROJECT, NEW MEXICO

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, their determinations relating to deferment of the February 1 and August 1, 1970, construction payments due the United States from the Middle Rio Grande Conservancy District, Middle Rio Grande Project, New Mexico; to the Committee on Interior and Insular Affairs.

FINANCIAL REPORT OF VETERANS OF WORLD WAR I OF THE U.S.A., INC.

A letter from the National Quartermaster-Adjutant, Veterans of World War I of the U.S.A., Inc., transmitting, pursuant to law, a financial report as of September 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest and requesting action looking to their disposition (with accompanying papers); to a Joint Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. MCGEE and Mr. FONG members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A letter, in the nature of a petition, from Mary C. Gordon, of Utica, N.Y., praying for the enactment of legislation to extend the Voting Rights Act of 1965; to the Committee on the Judiciary.

HOUSE BILL REFERRED

The bill (H.R. 15095) to amend the Social Security Act to provide a 15-percent across-the-board increase in benefits under the old-age, survivors, and disability insurance program, was read twice by its title and referred to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

S. 2660. A bill to extend and otherwise amend certain expiring provisions of the Public Health Service Act for migrant health services (Rept. No. 91-618).

By Mr. HARTKE, from the Committee on Commerce, with amendments:

S. 1933. A bill providing for Federal railroad safety (Rept. No. 91-619).

By Mr. TYDINGS, from the Committee on the District of Columbia, with an amendment:

S. 2981. A bill to revise the laws of the District of Columbia on juvenile court proceedings (Rept. No. 91-620).

By Mr. JAVITS, from the Committee on Government Operations, without amendment:

H.J. Res. 764. A joint resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity (Rept. No. 91-621).

BILLS INTRODUCED

Bills were introduced read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STEVENS:

S. 3254. A bill to amend title 5, United States Code, in order to establish certain requirements with respect to air traffic controllers; to the Committee on Post Office and Civil Service, by unanimous consent.

(The remarks of Mr. STEVENS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HATFIELD:

S. 3255. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to prescribe regulations under which air carriers will be required to reserve a section of each passenger-carrying aircraft for passengers who desire to smoke; to the Committee on Commerce.

(The remarks of Mr. HATFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. EAGLETON:

S. 3256. A bill for the relief of Dr. Pacelli Escondo Brion; and

S. 3257. A bill for the relief of Maria Badalamenti; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 3258. A bill to confer jurisdiction on the United States District Court for the District of Alaska to hear and determine the claim of the State of Alaska for a refund of a sum paid to the United States for firefighting services; to the Committee on the Judiciary.

(The remarks of Mr. STEVENS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. KENNEDY (for himself, Mr. BROOKE, Mr. COTTON, Mr. MCINTYRE, Mr. DODD, and Mr. RIBICOFF):

S. 3259. A bill to authorize the Secretary of the Interior to establish the Bunker Hill National Historic Site in the city of Boston, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. KENNEDY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CASE:

S. 3260. A bill to make it a criminal offense to travel in interstate commerce to avoid service of process or appearing before a crime investigation agency; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 3261. A bill to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released; to the Committee on the Judiciary.

S. 3254—INTRODUCTION OF AIR TRAFFIC CONTROLLERS BILL

Mr. STEVENS. Mr. President, the problems besetting air traffic control and the hard working men who man the air traffic control facilities have been brought to light in the many newspaper and magazine articles on the subject that have recently appeared. The Senate Post Office and Civil Service has held hearings on the proposed early retirement of air traffic controllers, and other bills dealing with the problem of air traffic control have been introduced.

Today, I am introducing at the request of the Anchorage professional air traffic controller employee organization a bill which was drafted by a representative of the air traffic controller of my State.

The bill provides for the formal classification of air traffic controllers into four groups based on training and experience and provides for compensation according to these classifications. It separates management and administrative tasks from air traffic control functions and provides that air traffic controllers shall not be burdened with tasks not directly related to the control of aircraft. Flight familiarization would be required of all air traffic controllers under this bill to assure that the men who control the planes are familiar with the conditions on board the aircraft they are controlling. The bill provides for premium pay and early retirement for controllers in high density facilities.

I am happy to have the opportunity to introduce this bill because it contains provisions drafted on behalf of air traffic controllers and is designed to provide the administration of the air traffic control program that the men who work in it would like to have. I think it is important for the Senate to have the opportunity to examine a bill which is a reflection of the desires of the men whom the bill is designed to assist.

I ask unanimous consent that the bill be referred to the Committee on Post Office and Civil Service, and that the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and, without objection, the bill will be referred to the Committee on Post Office; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3254) to amend title 5, United States Code, in order to establish certain requirements with respect to air traffic controllers, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Post

Office and Civil Service, by unanimous consent, and ordered to be printed in the RECORD, as follows:

A bill to amend title 5, United States Code, in order to establish certain requirements with respect to air traffic controllers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of title 5, United States Code, is amended by inserting at the end thereof the following new subpart:

"SUBPART H—AIR TRAFFIC CONTROLLERS

"CHAPTER 91—AIR TRAFFIC CONTROLLERS

"Sec.
"9101. Definitions.
"9102. Limitations on the performance of air traffic control functions.
"9103. Rating.
"9104. Management and administrative functions.
"9105. Flight familiarization.
"9106. Classification and compensation.
"9107. Premium pay and work schedule.
"9108. Sick leave.
"9109. Retirement.

"§ 9101. Definitions

"For the purpose of this subpart—

"(1) 'Secretary' means the Secretary of Transportation;

"(2) 'air traffic controller' means an employee of the Federal Aviation Administration whose duty is the control of aircraft, or who provides airport advisory inflight or preflight services to aircraft on or in the vicinity of an airport or along the airways and certain oceanic control areas, for the purpose of assuring proper separation between aircraft, minimizing delays arising from traffic congestion, and otherwise promoting the safe and efficient operation of aircraft;

"(3) 'certified air traffic controller' means an air traffic controller who has passed oral and written examinations, as prescribed by the Secretary, and who has had at least 4 years of experience in the functions of air traffic control, including such experience under supervision, or who is currently certified under section 9103 of this title;

(4) 'associate air traffic controller' means an air traffic controller who is currently rated in accordance with Federal Aviation Administration requirements for an air traffic control facility or position and who has at least 2 years of experience in air traffic control functions, including such experience under supervision, but who does not meet the requirements of paragraph (3) of this section;

"(5) 'assistant air traffic controller' means a person who—

"(A) is not more than 28 years of age when designated as an assistant air traffic controller (except that the requirement relating to age may be waived by the Secretary);

"(B) is beginning to perform the functions of air traffic control under the direct and singular supervision of—

"(i) an associate air traffic controller, in those functions which an associate air traffic controller may perform without the direct supervision of a certified air traffic controller; or

"(ii) a certified air traffic controller; and

"(C) has successfully completed a course in air traffic control at an institution of higher learning, as approved by the Secretary, or who has successfully completed the air traffic control course at the Federal Aviation Administration Academy; and

"(6) 'air traffic controller trainee' means a person employed by the Federal Aviation Administration who is attending the Federal Aviation Administration Academy and receiving instruction in air traffic control or who is receiving such instruction at an institution of higher learning approved by the Secretary.

"§ 9102. Limitation on the performance of air traffic control functions

"(a) The function of a certified air traffic controller, as defined by the Secretary, shall include all those aspects necessary for air traffic control.

"(b) The functions of an associate air traffic controller, as defined by the Secretary, shall be carried out only by a certified air traffic controller or an associate air traffic controller.

"(c) An assistant air traffic controller may perform the functions of air traffic control only if such functions are performed under the direct and singular supervision of (1) an associate air traffic controller, in those functions which an associate air traffic controller may perform without direct supervision of a certified air traffic controller, or (2) a certified air traffic controller.

"(d) An air traffic controller trainee shall not perform actual air traffic control except at the Federal Aviation Administration Academy or at certain airports with limited traffic, as determined by the Secretary.

"(e) No air traffic controller shall be required to carry out any management or administrative function (1) unless specifically appointed to perform any such function and (2) while performing functions relating to air traffic control.

"(f) All qualified air traffic controllers assigned to an air traffic control facility shall be certified or associate air traffic controllers. Therefore, the Secretary shall—

"(1) establish guidelines and procedures for rating controllers as certified or associate air traffic controllers wherever appropriate; and

"(2) assure that the guidelines and procedures guarantee that an air traffic controller shall have the opportunity to apply for either such rating when he has established minimum time-in-grade requirements in accordance with section 910 (3) and (4) of this title.

"§ 9103. Rating

"(a) Every certified or associate air traffic controller shall be required to pass an annual proficiency check by a proficiency check controller, and if found properly proficient in the duties of his position, rated as a certified or associate air traffic controller, as the case may be.

"(b) The Secretary shall prescribe the requirements for the proficiency check controllers and shall appoint such controllers from those certified controllers eligible for the position. Service as a proficiency check controller shall be considered to be service as an air traffic controller for the purpose of this subpart.

"§ 9104.

Management and administrative functions

"(a) The Secretary shall specify management and administrative positions within each air traffic control facility.

"(b) The Secretary shall appoint—

"(1) as required, management and administrative personnel within each air traffic control facility; and

"(2) watch supervisors whenever 3 or more controllers are required to perform air traffic contol duties while assigned to the same work shift or overlapping work shifts of 6 or more hours. A watch supervisor appointed under this subsection shall have complete authority over the performance of the duties carried out during the work shift to which he is assigned.

"§ 9105.

Flight familiarization

"(a) An air traffic controller shall—

"(1) be encouraged to participate in at least 2 hours each month of flight familiarization training sponsored by the Federal Aviation Administration; and

"(2) be required, for the purpose of reviewing and maintaining safety standards, to participate in a training program once each year that shall include at least 2 days of familiarization with another air traffic control facility.

"§ 9106.

Classification and compensation

"(a) Except as otherwise provided in this section, the classifications and rates of basic pay for positions of air traffic controllers shall be established by the Civil Service Commission in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of this title within the following limitations:

"(1) a certified air traffic controller shall be classified as a GS–13, GS–14, or GS–15;

"(2) an associate air traffic controller shall be classified as a GS–11, GS–12, or GS–13;

"(3) an assistant air traffic controller shall be classified as a GS–8 or GS–9; and

"(4) an air traffic controller trainee shall be classified as a GS–7.

"(b) (1) An air traffic controller shall receive pay, in addition to that authorized by subsection (a), in an amount not to exceed $3,000 each year for duties performed by him at a high density air traffic control facility as determined by the Secretary. Such pay shall be computed according to an equitable formula prescribed by the Secretary, after consultation with a cross-section of employee representatives. The formula shall take into consideration the air traffic controller complement and traffic volume as it relates to speed and usable airspace in proportion to situations of air traffic complexity.

"(2) The amount of additional pay paid under this section shall be adjusted as workload situations changes.

"(c) The provisions of this section shall not reduce the basic pay of any air traffic controller.

"(d) The classification of each air traffic controller and watch supervisor position shall be reevaluated annually and reclassified equitability. The reevaluation shall include consideration of increased modernization, increased responsibilities, and other influencing factors.

"§ 9107. Premium pay and work schedule

"(a) (1) Except as otherwise provided in subsection (d) of this section, hours of work officially ordered or approved in excess of 40 hours in any work week, or more than 8 hours in any 24-hour period, and performed by an air traffic controller are overtime work and shall be paid for in premium pay at the following rates:

"(A) For all hours in excess of 40 hours in any work week but not in excess of 48 hours, or in excess of an 8-hour work day but not in excess of 10 hours, the overtime hourly rate shall be equal to one and one-half times the hourly rate of basic pay of the air traffic controller.

"(B) For all hours in excess of 48 hours in any work week or 10 hours in any work day or any hours worked by an air traffic controller on a second scheduled day off of the work week, the overtime hourly rate of pay shall be equal to 2 times the hourly rate of such basic pay.

"(2) An air traffic controller shall be paid for a minimum of 4 hours of overtime in all instances of unscheduled overtime where the actual time is less than 4 hours but more than 15 minutes.

"(3) An air traffic controller who works less than 4 hours of scheduled overtime during any one work week shall be paid for a minimum of 4 hours for that work week.

"(4) Except as provided in paragraph (5) of this subsection, an air traffic controller must work at least 15 minutes overtime to be compensated under the provisions of this subsection.

"(5) An air traffic controller who reports for duty to perform scheduled or unscheduled overtime work, and finds that such work has

been canceled, shall be paid for a full day's overtime in accordance with paragraph (1) of this subsection.

"(6) The provisions of this subsection shall apply to air traffic controllers in lieu of the provisions of section 5542 of this title.

"(b) For the purpose of determining night differential for air traffic controllers under section 5545 of this title, and in lieu of the hours provided for in subsection (a) of such section, the Secretary shall, by regulation, establish the 8 hours determined by him to be the normal daytime hours for employees generally.

"(c) (1) Notwithstanding any other provision of this title, work performed by air traffic controller between the hours of 11:00 p.m. and before 7:00 a.m. shall be considered mid-shift work.

"(2) Mid-shift premium pay shall be paid at the rate of 25 percent of the employee's basic pay and shall be paid for the total number of hours worked during such hours. If mid-shift work performed is less than one hour but 15 minutes or more, the controller shall be paid one hour of mid-shift premium pay.

"(d) Any air traffic controller required to work on a legal public holiday shall be paid at the rate of 3 times his basic pay.

"§ 9108. Sick leave.

"An air traffic controller shall be entitled to sick leave with pay, in addition to such sick leave provided under section 6307 of this title, for such reasonable periods as may be authorized by the Secretary, if the Secretary determines that the air traffic controller is temporarily unable, based on sufficient medical evidence that is supplied by a flight surgeon and two medical doctors, to perform such duties.

"§ 9109. Retirement

"(a) Notwithstanding the provisions of section 8336 (a) and (b) of this title, an air traffic controller who is separated from the service—

"(1) after completing 30 years of service;

"(2) after becoming 55 years of age;

"(3) after serving at least 5 years as an air traffic controller in a high density air traffic control facility, as determined by the Secretray under section 9106(b) of this title, and completing 25 years of service or becoming 52 years of age; or

"(4) after serving at least 10 years as an air traffic controller in a high density facility, as determined by the Secretary under section 9106(b) of this title, and completing 20 years of service or becoming 50 years of age; is entitled to an annuity.

"(b) In the computation of an annuity under section 8339(a) of this title for an employee with respect to time served as an air traffic controller, 2.2 percent of his average pay shall be multiplied by the employee's total number of years as an air traffic controller.

"(c) Notwithstanding the provisions of section 8333(a) of this title, an air traffic controller may be retired for disability, without regard to length of civilian service, if he is found by the Civil Service Commission, in consultation with the Secretary, no longer able to carry out the duties of an air traffic controller. A finding of disability under the provisions of this section shall not preclude any individual from serving as an employee other than as an air traffic controller."

(b) The table of contents of part III of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBPART H—AIR TRAFFIC CONTROLLERS

"91—Air Traffic Controllers ..... 9101".

SEC. 2. Within 90 days following the date of enactment of this Act, the Secretary of Transportation shall designate any person performing air traffic control functions on such date, as a certified air traffic controller, an associate air traffic controller, an assistant air traffic controller, or an air traffic controller trainee, as the case may be, in accordance with regulations promulgated by the Secretary, which, wherever appropriate, need not conform to the provisions of section 9101 of title 5, United States Code, as added by the first section of this Act.

SEC. 3. (a) The amendments made by the first section of this Act shall be effective on the ninety-first day following the date of enactment of this Act, except that subsection (b) of section 9106 of title 5, United States Code, as added by the first section of this Act, shall be effective upon enactment.

(b) The Secretary of Transportation shall prescribe the formula provided under such subsection not later than six months after the date of enactment of this Act.

S. 3255—INTRODUCTION OF A BILL RESTRICTING SMOKING ABOARD AIRCRAFT

Mr. HATFIELD. Mr. President, I am introducing a bill which would restrict smoking on passenger aircraft to certain designated sections of the plane. This bill would allow those who wish to smoke to do so, but it would assure that the many nonsmokers could travel in comfort.

When we debated the Cigarette Labeling Act recently, evidence relating directly to the relationship of smoking and health was introduced. I will not revive that subject now, but refer my colleagues to the RECORD of Friday, December 12, 1969. I think we owe the distinguished Senator from Utah (Mr. Moss) our thanks for leading the discussion in such an able manner.

The purpose of this bill is very simple: it calls for the Secretary of the Department of Transportation to promulgate reasonable rules and regulations for carriers certified by the Civil Aeronautics Board so that passengers who wish to smoke would do so only in a particular section or area of the plane.

I would point out, Mr. President, one example where the nonsmokers already are given fair treatment. In most theaters, no smoking is permitted, so that nonsmokers are not annoyed by the smoke of people next to them. No mandate exists stating that those who want to should be able to light up whenever and wherever they choose to do so. On the other hand, this bill would not ban smoking completely, so that those who need to smoke still can do so.

I am sure that my colleagues here today have noticed the considerable publicity surrounding the arrival of the jumbo jets. This serves as the trigger for my action today. In the huge planes, separate compartments already are provided, and it would be simple to designate a smoking area. Mr. President, those planes seat over 450 people and, if many were smoking at once, it could be very discomforting to those who do not smoke. The rights of the nonsmokers to fly free from the danger and irritating effects of smoke must be protected. Perhaps, when the airlines see the support for such a seating arrangement, they will institute such a plan voluntarily.

On existing aircraft, even such a minor change as allowing smoking only in seats on one side of the aisle and not on the other would be a step toward alleviating the discomfort of the many nonsmokers.

In addition to the comfort of the nonsmokers, two additional benefits would be realized by enactment of this bill. First, there is a segment of people who react violently to the presence of cigarette smoke, and they would be able to fly for the first time. Second, there is some indication that cigarette tar buildup on the exhaust-overflow ducts might be a potential safety hazard. Limiting smoking to certain areas of the plane would enable the airlines more easily to keep clean those ducts in the smoking area.

Mr. President, I want to point out that this action of mine is not alone. Congressman ANDREW JACOBS, of Indiana, has introduced a similar bill in the House and he reports a favorable reaction from his constituency.

In addition, a petition was filed yesterday with the Department of Transportation and the Federal Aviation Administration calling for promulgation of a rule requiring separation of smoking and nonsmoking passengers on all commercial domestic air carriers. This petition was filed by Action on Smoking and Health—ASH—its project group: Citizens to Restrict Airline Smoking Hazards—CRASH—and John F. Banzhaf. Earlier, Mr. Banzhaf filed a petition which resulted in the nonsmoking messages on television. ASH was responsible for seeing that the FCC decision requiring the messages was enforced.

Action on Smoking and Health is a responsible group, listing such prominent sponsors as Paul Dudley White, M.D., Leona Baumgartner, M.D., and Howard law professor, Louis L. Jaffe, Esq. Many other sponsors are people whose names are familiar to us. Roger O. Egeberg, M.D. was a sponsor before he became Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare. Mr. President, at this point in my remarks, I ask unanimous consent that all the sponsors of Action on Smoking and Health be listed. They serve as individuals and their affiliation is noted only for purposes of identification.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Paul Dudley White, M.D., Professor of Medicine, Harvard Medical School.

Leona Baumgartner, M.D., Visiting Professor, Harvard Medical School.

Louis L. Jaffe, Esq., Bryne Prof. of Admin. Law, Harvard Law School.

Theodore L. Badger, M.D., Prof. of Medicine, Harvard Medical School.

Charles R. Baker, Executive Director, Institute for American Democracy.

Edward Bernays, Public Relations, Boston.

A. R. T. Denues, Ph. D., President, CANCIRO, Inc., New York City.

Frederick H. Epstein, M.D., Prof., School of Public Health, U. of Michigan.

Charles A. Evans, M.D., Ph. D., Chairman, Dept. of Microbiology, U. of Washington School of Medicine.

Emmanuel Farber, M.D., Ph. D., Chairman, Dept. of Pathology, U. of Pittsburgh Medical School.

Louis F. Fieser, Ph. D., Chemical Laboratory, Harvard University.

Dwight Emary Harken, M.D., Clinical Professor of Surgery, Harvard Medical School.

Franz J. Ingelfinger, M.D., Editor, New England Journal of Medicine.

Hollis Ingraham, M.D., Commissioner of Health, New York State.

George James, M.D., Dean, Mt. Sinai Medical School, New York City.

Edward I. Koch, U.S. Congressman, New York.

Charles W. Lantz, President, Citizens National Bank, Hollywood, Fla.

Louis Lasagna, M.D., Prof., the Johns Hopkins U., School of Medicine.

Mrs. Thomas Witt Leach, President, North American Royalties, Inc., N.D.

Walsh McDermott, M.D., Livingston Farrand, Prof. of Public Health, Cornell Medical School.

Joseph L. Melnick, M.D., Prof., Baylor U. College of Medicine.

Francis D. Moore, M.D., Moseley Prof of Surgery, Harvard Medical School.

Maurine B. Neuberger, Former U.S. Senator, State of Oregon.

Alton Ochsner, M.D., Founder, the Ochsner Clinic, New Orleans.

Richard H. Overholt, M.D., Founder, the Overholt Thoracic Clinic, Boston.

Joseph F. Ross, M.D., Prof., U. of California School of Medicine.

Arthur T. Roth, Chairman of the Board, Franklin National Bank, N.Y.C.

David Rutstein, M.D, Ridley Watts Prof. of Preventive Medicine, Harvard Medical School.

Howard R. Sacks, Esq., Dean, U. of Connecticut School of Law.

Silvan S. Tomkins, Ph. D., Professor of Medicine, City University of New York.

Ann Landers, Newspaper Columnist.

Mr. HATFIELD. Mr. President, I also want to call attention to the work done in this field by Dr. John Keshishian, a thoracic surgeon who also teaches at George Washington Medical School. Dr. Keshishian is the incoming chairman of the Committee on Smoking and Health of the Medical Society of the District of Columbia. He has done much work on his own in this area, and has indicated that his committee will be a force in this matter of smoking on passenger aircraft.

Yesterday, a news conference was held at which time the DOT-FAA petition, Dr. Keshishian's actions, and this bill and that of Representative JACOBS all were discussed. Because of my colleagues' interest in this subject, I ask unanimous consent that at this point in my remarks, the statement of John Banzhaf, Esq., and Dr. John Keshishian be printed in the RECORD.

There being on objection, the statements were ordered to be printed in the RECORD, as follows:

BANZHAF STATEMENT

Mr. BANZHAF. As soon as this press conference concludes, a formal petition will be filed with the F.A.A. and the Dept. of Transportation requesting them to promulgate a rule which would require all domestic air carriers to provide non-smoking sections for passengers who do not wish to be forced to breathe cigarette smoke. The petition is filed by Action on Smoking and Health, otherwise known as ASH, the organization primarily responsible for getting the anti-smoking messages on radio and television.

The petition is filed on our own behalf as a legal action organization concerned about the problem of smoking and as the informal legal action arm of the anti-smoking community. It is also filed on behalf of many of our contributing members and non-members who have written to us to complain about the problem of being forced to breathe air polluted by cigarette smoke, and on behalf of all other people who are concerned about or affected by the problem.

We believe that cigarette smoke in a confined area presents a health hazard to every non-smoker and an annoyance or discomfort to most. We also believe that it presents a clear and present danger to the safety and health of an estimated 30 million Americans who have a preexisting susceptibility to cigarette smoke. Finally we believe that every person has the right to breathe air unpolluted by cigarette smoke, at least in public places, and this action today is only the first in a series of steps to establish and secure the right for all non-smokers.

In our petition we show that the Administrator of the F.A.A. is required to regulate so that passengers are accorded the "highest possible degree of safety in the public interest," and that he shall be guided by the public interest and by a duty to promote the development of air commerce. We cite a large number of regulations he has issued for the purpose of safeguarding the passengers within the plane, in some cases from risks created by other passengers—thus showing that he himself has recognized this duty and that our proposed rule would be consistent with his past exercise of power. We also cite cases indicating that it may be possible for non-smokers to sue the airlines or the FAA for failing to regulate cigarette smoking.

We point out that as many as 30 million people with various pre-existing medical conditions such as asthma and emphysema are particularly sensitive to cigarette smoke and that the harm done to them by being forced to come in contact with it has been clearly established. We also cite a number of studies indicating that smoke in a confined area—that is a kind of involuntary smoking—is a health hazard to non-smokers and may cause, among other things, eye irritation, nasal symptoms, headache, coughing, sneezing, sore throat, nausea, hoarseness, and dizziness. There are also studies that show that children are adversely affected by being in a smokey environment and that an estimated 15 million children has a pre-existing susceptibility to smoke caused by a medical problem.

We have asked not for a ban on smoking but rather for the separation of smokers and non-smokers because we believe that such a separation will be effective and because it can be done without any cost to the airlines and without any inconvenience to anyone. We have spelled out at least three plans by which this can be done. We expect that the FAA will act favorably on our petition and also hope that some of the airlines will act voluntarily in view of the evidence we present in the petition. If not we are prepared to take further steps if necessary to secure this goal.

KESHISHIAN STATEMENT

Dr. KESHISHIAN. I am Dr. John Keshishian, incoming Chairman of the Committee on Smoking and Health of the Medical Society of the District of Columbia.

The purpose of this Conference is to inform you and interested parties of some proposed action to be taken concerning the practice of smoking tobacco aboard commercial aircraft within the jurisdiction of the federal regulatory bodies.

Disturbed by pernicious smoking by my fellow passengers, convinced that smoking per se is harmful to passenger and aircraft and mindful that these constitute potential health and safety hazards, I and others began to accumulate data over the past year which has convinced us that the former statements are valid; namely, that smoking constitutes a health hazard to passengers and a safety hazard to the aircraft.

John F. Banzhaf, Executive Director of ASH (Action on Smoking and Health), and his associates have also been working in this field. Their research has brought them to the same conclusion. They have promulgated a petition to the FAA which we personally endorse and which carries the approval of the Medical Society of the District of Columbia.

Certain Members of Congress and several outstanding health authorities, as well as hundreds of physicians in the United States have indicated a willingness to help in anyway possible to ameliorate this problem of smoking.

Mr. HATFIELD. Mr. President, I wish to remind my colleagues that this action would not be costly to the various airlines involved. On the other hand, I think that if one airline took the initiative in this area, the increased good will and patronage by nonsmokers would offset any slight additional costs incurred.

I believe that this is a most appropriate time for such action to be taken. Recently, we considered the relationship between cigarette smoking and health as we debated the Cigarette Labeling Act. I hope we will act with dispatch on this proposal, while those sobering statistics are fresh in our minds. While it is true that this bill does not relate directly to smoking and the health of the smoker, I do hope we will consider the safety and comfort of the many nonsmokers in the country as we study this bill.

In closing, Mr. President, I ask that at the close of these remarks may be printed, first, the wording of the bill, second, the statement of Action on Smoking and Health, and third, the Action on Smoking and Health petition to the Department of Transportation and Federal Aviation Administration.

I will be contacting the various aircraft manufacturers and airline officials about this problem and, as I hear from them, I will add their letters and comments to the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, statement, and petition will be printed in the RECORD.

The bill (S. 3255) to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to prescribe regulations under which air carriers will be required to reserve a section of each passenger-carrying aircraft for passengers who desire to smoke, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to prescribe regulations under which air carriers will be required to reserve a section of each passenger carrying aircraft for passengers who desire to smoke.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title XI of the Federal Aviation Act of 1958 (49 U.S.C. 1501–1511) is amended by adding at the end thereof the following new section:

"SMOKING ABOARD CERTAIN AIRCRAFT

"SEC. 1112. The Secretary of Transportation shall prescribe such reasonable rules and regulations as may be necessary to require that each air carrier certificated by the Civil Aeronautics Board shall designate a portion of the seating capacity of every aircraft operated by it in the carriage of passengers in air transportation as the only place abroad such aircraft where passengers will be permitted to smoke."

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TITLE XI—MISCELLENEOUS" is amended by adding at the end thereof the following:

"Sec. 1112. Smoking aboard certain aircraft."

FAA ASKED TO REQUIRE NONSMOKING SECTIONS; ASH FILES PETITION CITING RIGHT TO BREATHE UNPOLLUTED AIR

In a petition filed Wednesday, December 17 the Federal Aviation Administration and the Department of Transportation were asked to require airlines to establish nonsmoking sections to guarantee non-smokers "the right to breathe unpolluted air."

The petition charged that cigarette smoke constituted a health hazard to all non-smokers, and particularly to an estimated 30 million with pre-existing medical problems. It was filed on behalf of Action on Smoking and Health (ASH) by John Banzhaf, whose petition to the F.C.C. led to a ruling requiring free time for anti-smoking messages.

The organization charged that "unregulated cigarette smoking on airlines creates a significant health hazard for all nonsmoking passengers" and a "clear and present danger to the safety, health, and very lives of as many as 30 million people with pre-existing medical conditions." It cited a number of medical studies showing the effects of ambient cigarette smoke on nonsmokers.

One study showed that non-smokers suffered eye irritation, nasal symptoms, headache, cough, wheezing, sore throat, nausea, hoarseness, and dizziness, and that the percentage affected increased greatly for those with various particular susceptibilities. The petition estimated that over 30 million Americans suffering from chronic bronchitis, emphysema, chronic sinusitus, asthma, hay fever, and other conditions are particularly susceptible to cigarette smoke which in them can bring on a serious attack. Among other studies were those showing that children are adversely affected by cigarette smoke in confined areas, and that an estimated 15 million children are particularly susceptible because of particular medical conditions.

The petitioners asked for non-smoking sections rather than for an outright ban on smoking because they felt that the airlines could provide effective separation between smokers and non-smokers, and because such a rule would cost nothing to implement and would not inconvenience anyone. They cited three possible proposals which would meet these requirements. Under one, the two groups would be seated on opposite sides of the aircraft. Under a second, one group would be seated from the front and the other from the back. Under a third, flexible non-smoking sections would be marked before the passengers boarded.

The petition argued that the airlines owe the passenger the "highest possible degree of safety in the public interest" and that the Administrator is bound by statute to follow these standards. They cited numerous F.A.A. regulations controlling passenger conduct for the safety and comfort of other passengers. Their legal analysis suggested that private suits by non-smokers could be brought against the airlines and the F.A.A. if they permitted unrestricted smoking.

It was argued that where there is doubt as to the safety of a practice that it must be resolved in favor of the public health, particularly where this can be done without inconvenience to others. It cited the recent decision of the Secretary of Health, Education, and Welfare to restrict the sale of products containing cyclamates based upon only preliminary indications of their possible danger.

Action on Smoking and Health, which describes itself as the legal action arm of the anti-smoking community, claimed that it was bringing this action on behalf of all persons who object to being forced to breathe smoke on commercial airlines, and that it had received a large number of letters from such people. It has previously brought actions concerning the problem of smoking before the F.C.C. and the F.T.C.

The logical next step in the proceedings would be for the Administrator to publish the proposed rule in the Federal Register and invite comments from interested persons. ASH announced that it also hoped to persuade the airlines to adopt non-smoking sections voluntarily, and that this action was only an opening gun in a series of legal actions to establish the legal right of the nonsmoker to breathe air unpolluted by cigarette smoke in public places.

[Before the Department of Transportation and the Federal Aviation Administration]

PETITION FOR PROMULGATION OF A RULE REQUIRING SEPARATION OF SMOKING AND NONSMOKING PASSENGERS ON ALL COMMERCIAL DOMESTIC AIR CARRIERS

To: Honorable JOHN A. VOLPE, Secretary, Department of Transportation; Honorable JOHN H. SHAFFER, Administrator, Federal Aviation Administration.

Petitioners: John F. Banzhaf III, 530 'N' Street, S.W., Washington, D.C. 20024. (202) 554–5799; Action on Smoking and Health (ASH), 2000 H Street NW., Washington, D.C. 20006, (202) 659–4310; C.R.A.S.H. (Citizens to Restrict Airline Smoking Hazards): Steven I. Bellman, Joseph M. Chomski, Chairman, James R. Coleman, Richard Emanuel, Michael D. Grabow.

Counsel: John F. Banzhaf III, 2000 H Street NW., Washington, D.C. 20006, (202) 659–4310.

Now comes Action on Smoking and Health (ASH), Project C.R.A.S.H. (Citizens to Restrict Airline Smoking Hazards), and John F. Banzhaf III, and pursuant to 5 U.S.C. 553 (e) and 14 C.F.R. 11.25(a) petition the Administrator of the Federal Aviation Administration, and in so far as is appropriate under Department of Transportation Act, 49 U.S.C. 1651 et seq., the Secretary of Transportation, to promulgate a rule requiring all domestic air carriers to effectively separate smoking passengers from non-smoking passengers so as to prevent non-smoking passengers from being subjected to the health hazards and annoyance of being forced to breathe tobacco smoke.

Petitioners move the promulgation of the above rule for the following reasons which will be hereinafter more fully explained and developed in the body of the petition:

(1) Unregulated cigarette smoking on airlines creates a clear and present danger to the safety, health, and very lives of as many as 30 million people (30,000,000) with pre-existing medical conditions.

(2) Unregulated cigarette smoking on airlines creates a significant health hazard for all non-smoking passengers who are thereby forced to inhale the smoke created by other passengers.

(3) Unregulated cigarette smoking on airlines creates a severe annoyance for many non-smoking passengers, infringing on their rights and deterring many from flying, and may also deter courteous smokers from enjoying their flights, thus discouraging the development of civil air commerce.

I. INTERESTS OF THE PETITIONERS IN THE ACTION REQUESTED

Petitioner Action on Smoking and Health (ASH) is a national non-profit charitable, scientific, and educational organization which serves as the legal action arm of the antismoking community by utilizing legal action against the problems of smoking. ASH has in excess of 8000 individual contributing members who support its activities and whose interests in the problems of smoking ASH seeks to further. In addition, ASH is supported and sponsored by a wide variety of health, educational and social welfare organizations, and a distinguished panel of individual Sponsors including leading figures in the fields of medicine and public health, as well as other nationally known public figures. Attached and hereby made a part of this petition is a report more fully describing ASH, its supporting organizations, and its Board of Sponsors. ASH is also assisted in its work by numerous individuals and organizations such as Citizens to Restrict Airline Smoking Hazards (C.R.A.S.H.), a special project of ASH and an organization of five George Washington University Law School students who often fly and who are concerned about the problems of smoking on airlines. ASH has initiated and engaged in numerous proceedings involving antismoking messages before the Federal Communications Commission which were largely responsible for enforcement of the Commission's ruling requiring an estimated 75 million dollars a year worth of free broadcasting time for messages about the health hazards of smoking. ASH has filed a number of complaints relating to cigarette advertising and promotion with the Federal Trade Commission, and has testified and appeared through a petition for the amendment of a role in the Commission's rule making proceedings. Thus its standing to initiate and participate in actions before such agencies on behalf of the interests of its contributing members, supporting organizations, project groups, and individual sponsors has been clearly established.

Action on Smoking and Health has received numerous letters from individuals, both contributors and non-contributors, about the health hazard and annoyance created by being forced to breathe the cigarette smoke of others in confined areas. Many of these are from people with an allergy or other preexisting health problem which additionally makes smoking a clear and present danger to their immediate health and welfare. Action on Smoking and Health (ASH) therefore petitions the Secretary of Transportation and the Administrator of the Federal Aviation Administration on behalf of itself as an organization devoted to serving the public interest in the area of smoking, on behalf of its contributing members, supporting organizations, project group C.R.A.S.H., and individual sponsors who are vitally concerned and interested in the problems of smoking, on behalf of its contributing members and non-members who have specifically complained and are adversely affected by the problem of cigarette smoke in confined areas; and on behalf of all other persons similarly situated who are interested in and/or affected by the problem of cigarette smoke on commercial domestic air carriers. [See, e.g., *Associated Industries* v. *Ickes*, 134 F.2d 694 (2d Cir.), dismissed as moot 320 U.S. 707 (1943); *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925); *National Association for the Advancement of Colored People* v. *State of Alabama*, 357 U.S. 449 (1958); *Joint Anti-Facist Refugee Committee* v. *McGrath*, 341 U.S. 123 (1951); *Barrows* v. *Jackson*, 346 U.S 249 (1953); *Office of Communication of the United Church of Christ* v. *F.C.C.*, 359 F.2d 994 (D.C. Cir. 1966)].

Petitioner John F. Banzhaf III is an adult male citizen of the United States and a resident of Washington, D.C., who is vitally interested both individually and professionally with the problems of smoking. As a private citizen he filed a petition with the F.C.C. which led to a ruling requiring all radio and television stations broadcasting cigarette advertisements to devote a significant amount of time free to messages about the health hazards of smoking. He successfully defended this decision in the United States Courts [*Banzhaf* v. *F.C.C.*, 405 F.2d 1082 (D.C. Cir.

1968), cert. denied 90 S. Ct. 50 (1969)] and, through ASH, participated in the enforcement of the decision. Petitioner Banzhaf is Executive Director of ASH. He is also Executive Trustee of Legislative Action on Smoking and Health (LASH), the only anti-smoking lobbying organization, and a registered lobbyist on behalf of anti-smoking interests. In this capacity he has testified in a number of congressional proceedings. Petitioner Banzhaf flies on commercial domestic air carriers often and has frequently been subjected to being forced to breathe the smoke of other passengers which is annoying and harmful to his safety and health. He petitions the Secretary of Transportation and the Administrator of the Federal Aviation Administration on behalf of himself and all other persons similarly situated.

II. STATUTORY AUTHORITY TO PETITION

Petitioners bring this petition for the promulgation of a rule pursuant to 5 U.S.C. 553(e), 14 C.F.R. 11.25(a), and 49 C.F.R. 5.11.

5 U.S.C. 553(e) provides: "Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of rule."

14 C.F.R. 11.25(a) provides: "any interested person may petition the Administrator to issue, amend, or repeal a rule within the meaning of section 11.21, or for a temporary or permanent exemption from any rule issued by the Federal Aviation Administration under statutory authority."

With respect to any functions of powers not exercised by the Administrator and exercised by the Secretary of Transportation 49 C.F.R. 5.11 provides: "any person may petition the Secretary to issue, amend, or repeal a rule, or for a permanent or temporary exemption from any rule."

Petitioners, as demonstrated in Part I above, are clearly "interested persons" within the meaning of the acts and regulations.

III. STATUTORY AUTHORITY TO PROMULGATE PROPOSED RULES

The Federal Aviation Act of 1958 established the Federal Aviation Agency to be headed by an Administrator with broad powers including the power to issue rules for the regulation of commercial domestic air carriers. Although his primary responsibility was to "promote safety of flight of civil aircraft in air commerce" [49 U.S.C. 1421(a)], the statutory grant of power—as will be shown—was far broader and required him to give consideration to the public interest including the highest possible degree of safety for the passengers, and to the encouragement and development of civil aeronautics in the United States and abroad. The Administrator and the Agency have consistently interpreted their grant of authority very broadly, and their interpretations have been upheld. The Department of Transportation Act transferred to and vested in the Secretary of Transportation "all functions, powers, and duties of the Federal Aviation Agency", and provided that a portion of these functions, powers, and duties were to be exercised by the Federal Aviation Administrator [49 U.S.C. 1655(c)]. This Act, which consolidated in the Secretary many transportation functions heretofore fragmented, again stressed that they were to be exercised to promote the public interest and the general welfare. Petitioners therefore jointly petition the Administrator and the Secretary to promulgate the proposed rule under their authority and duty to:

(1) see that the air carriers operate with the highest possible degree of safety;

(2) protect the public interest and promote the general welfare;

(3) encourage and foster the development of air commerce.

Petitioners will demonstrate that the Administrator has repeatedly relied on one or more of these principles as a basis for statutory authority to enact regulations for the promotion and protection of passenger safety, health, and comfort. Such regulations have been directed to the conduct of passengers and the air carriers, not only with regard to the safety of the aircraft, but also with regard to the safety, health, and comfort of passengers within the aircraft itself. Petitioners' rule requiring smoking and non-smoking sections would fall within this category, thus conforming to well established Administration policy.

1. Safety

The Administrator's mandate with regard to safety is set out most specifically in 49 U.S.C. 1421(b), which states that "in prescribing standards, rules, and regulations . . . the Administrator shall give full consideration to the duty resting upon air carriers to perform their services with the *highest possible degree of safety in the public interest.*" [Italic added]. On several occasions the courts have not only recognized this duty but held the Government liable for failure to promulgate or enforce rules consistent with this standard. *Furumizo* v. *United States*, 245 F. Supp. 981 (D. Hawaii 1965); *Rapp* v. *Eastern Air Lines, Inc.*, 264 F. Supp. 673, 680 (E.D. Pa. 1967) ("the Board had to give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest."); see also *Airline Pilots Association* v. *Quesada*, 182 F. Supp. 595, 598 (S.D.N.Y. 1960) ("The Federal Aviation Act of 1958 . . . imposes upon the defendant the duty and responsibility of promulgating rules and regulations to provide adequately for the highest possible degree of safety in air commerce.") In cases involving these duties of the air carriers the courts have repeatedly reaffirmed that the "highest possible degree of safety" standard applies not only to the safety of the aircraft but also to passenger safety within the aircraft compartment. Thus in *Wilson* v. *Capital Airways*, 240 F. 2d 492 (4th Cir. 1957) a passenger was injured due to the lack of a handrail in a lavatory. The U.S. Court of Appeals for the Fourth Circuit held that an "airline company, which was a common carrier, was bound to exercise the highest degree of care and foresight for the safety of the passengers." Courts have also established that air carriers are liable for injury to a passenger caused by another passenger. In *Garrett* v. *American Airlines*, 332 F. 2d 939 (5 Cir. 1964), the court found the air carrier liable for an injury to a passenger resulting from the injured party falling over a piece of hand luggage placed in the aisle by another passenger. The court warned air carriers that "they must reasonably take cognizance of the habits, customs, and practices followed generally by its passengers insofar as such actions present hazards to its business invitees." Thus the Administrator has the power and the duty to promulgate regulations providing for "the highest possible degree of safety in the public interest" which applies to the safety of passengers within the aircraft as well as to the safety of the flight.

The "highest possible degree of safety" standard, when applied to the broad grant of authority given to the Administrator in 49 U.S.C. 1421(a)(6)[1], and viewed in light of a number of FAA regulations (Regulations section, *infra*) governing conduct within the passenger compartment, leads one to the inescapable conclusion that the power and duty to regulate the passenger's safety within the passenger compartment lies within the Act. Medical evidence (Medical section, *infra*), has shown conclusively that inhaling tobacco smoke endangers the safety and health of approximately 30,000,000 people who have pre-existing illnesses, and is an annoyance to all non-smokers. It would be incongruous, then, if the Administrator had the power to regulate the safe stowage of carry-on baggage (14 C.F.R. 121.589) in order to prevent one passenger's baggage from falling and injuring a neighboring passenger, and could not regulate the involuntary health and safety hazard one passenger can impose upon another by forcing him to inhale the smoke from his cigarette, cigar, or pipe.

Petitioner contends that the Administrator has not only the authority, but the duty as well, under 49 U.S.C. 1421(b), to promote safety in civil air commerce by requiring the effective separation of smokers from non-smokers on domestic air carriers.

2. Public interest

49 U.S.C. 1303 clearly seems to require the Administrator to follow and be guided by the public interest standard because it sets forth in detail at least five elements that he "shall consider . . . as being in the public interest." 14 C.F.R. 11.25(5) also implies that a proposed rule will be promulgated if the petition can show that "the granting of the request would be in the public interest." 49 U.S.C. 1651(b)(1) provides that "the Congress therefore finds that the establishment of a Department of Transportation is necessary *in the public interest* and to assure the coordinated, effective administration of the transportation programs of the Federal Government." [emphasis added] This concept, despite the various delineations applied to it, remains broad and somewhat flexible. By leaving the definition open-ended, Congress has given the Administrator great latitude to enable him to act with respect to a wide variety of circumstances, both foreseeable and unforeseeable, that might arise.

The term "public interest" encompasses the balancing of the needs and desires of one sector of the population with those of the remainder, so as to effectively satisfy the greatest number, while causing the least hardship (or, ideally, no hardship at all) to the smallest number. Petitioner's rule would beneficially affect a large sector of the population (Medical analysis, *infra*), while causing no harm and virtually no inconvenience to the sector wishing to smoke. The non-smokers whose health is so seriously affected that they have had to forego use of the airways would be able to fly. Non-smoking passengers who are to a lesser degree deleteriously affected by tobacco smoke will be able to patronize the air carriers without being subjected to aggravation of their physical condition. In addition, healthy passengers will not be subjected to health hazards. The passengers who wish to smoke will not be deprived of their smoking privilege. There can be no question that the benefits from the proposed rule far outweigh any possible drawbacks, thus serving the public interest.

3. Fostering and development of air commerce

49 U.S.C. 1346 defines the Administrator's authority with respect to civil aeronautics and air commerce as follows: "The Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad." Interstate and overseas air commerce, as defined by 49 U.S.C. 1301(20), includes "the carriage by aircraft of

[1] This section empowers the Administrator to promote the safety of air commerce "by prescribing and revising from time to time: (6) Such reasonable rules and regulations, or minimum standards, governing other practices, methods, and procedures, as the Administrator may find necessary to provide adequately for national security and safety in air commerce". This section is a departure from the rest of 1421(a) in that it does not deal solely with equipment, maintenance, or design.

persons or property for compensation or hire . . . or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce." The significance is that air commerce unquestionably includes business aspects, which necessarily refers to the passenger market. A separation of smokers and non-smokers would significantly enlarge the potential passenger market. The development of air commerce would be beneficially affected because the segment of the population that previously had to avoid commercial air carriers because of serious reactions to smoke would be able to utilize the air carriers, and that segment of the population that flew reluctantly, or only when they had no other choice, would fly more often. Both results would enlarge the air passenger market and further the development of air commerce thereby implementing the intent of the above sections.

4. Applicable regulations

The Administrator has demonstrated the authority and the determination to promulgate rules which regulate the conduct and affect the safety of passengers while inside the airplane. A substantial number of these regulations have been specifically designed to promote the safety, health, and comfort of the passengers during the course of the flight indicating the Administrator's interest in limiting hazards within the craft. The following regulations are similar in nature and scope to the rule requested in this petition:

1. 14 C.F.R. 25.831(b): requiring that passenger compartment air must be free from "harmful or hazardous concentrations of gases or vapors."

2. 14 C.F.R. 91.11: providing that a pilot may not allow a "person who is obviously under the influence of intoxicating liquors or drugs (except a medical patient under proper care) to be carried in that aircraft."

3. 14 C.F.R. 121.219: providing that passenger and crew compartments must be "suitably ventilated", and that "carbon monoxide concentration may not be more than one part in 20,000 parts of air."

4. 14 C.F.R. 121.265: providing that if any toxic extinguishing agent is used in the airplane's fire extinguishers, "precautions must be made to prevent harmful concentrations of fluid or fluid vapors from entering any personnel compartment"; and, "if carbon dioxide is used, it must not be possible to discharge enough gas into the personnel compartments to create a danger of suffocating the occupants".

5. 14 C.F.R. 121.285: providing that cargo may be carried in passenger compartments if it is installed in a position so as not to restrict access to emergency exits or aisles, and as long as suitable safeguards are provided to prevent the cargo from shifting; and as long as the cargo does not obscure any passenger's view of the "seat belt" or "no smoking" signs.

6. 14 C.F.R. 121.311: providing that there must be an "approved safety belt for separate use by each person over two years of age; and, that during each takeoff and landing, each passenger shall "secure himself with the approved safety belt provided him"; and, that no plane may take off or land unless "each passenger seat back is in the upright position".

7. 14 C.F.R. 121.317: providing that "no person may operate an airplane unless it is equipped with signs that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts should be fastened"; and that these signs must be "turned on for each landing and takeoff and when otherwise considered to be necessary by the pilot in command", and, that "no passenger or cabin attendant may smoke while the no smoking sign is lighted and each passenger shall fasten his seat belt and keep it fastened while the seat belt sign is lighted."

8. 14 C.F.R. 121.571: providing that before each takeoff passengers must be "orally briefed by the appropriate crew member" on smoking, use of seat belts, and location of emergency exits.

9. 14 C.F.R. 121.575: providing that no passenger "may drink any alcoholic beverage aboard an aircraft unless the certificate holder operating the aircraft has served that beverage to him"; "no certificate holder may serve any alcoholic beverage to any person aboard any of its aircraft who appears to be intoxicated"; no person may be allowed to board any aircraft "if that person appears to be intoxicated".

10. 14 C.F.R. 121.589: providing that no passenger may carry any article of baggage aboard an airplane unless that article can be stowed under a passenger seat in such a way that it will not slide forward under crash impacts severe enough to induce certain specified inertia loads.

These regulations indicate that the public interest requires that a high degree of care be exercised by commercial air carriers. Implicit in this duty of care is a recognition of the fact that individual passengers should be reasonably free from all conditions that may be harmful or annoying, including those caused by the conduct of other passengers. The Administrator has recognized the importance of regulating the conduct of each individual passenger, where such conduct, if unregulated, could adversely affect the health, safety, and comfort of other passengers. This concern and authority is clearly demonstrated by the substantive provisions of the above regulations. Therefore, since tobacco smoke, particularly in confined areas, constitutes a safety hazard and annoyance to others, its regulation would be wholly consistent with past Administration policy and well within the authority, purview and intent of the Act.

IV. MEDICAL EVIDENCE

The average smoker seems to be aware only of the harm he is causing himself. Most people, smokers and non-smokers alike, do not know that cigarette smoke in a confined area is also harmful to those who do not smoke. It has been established beyond any reasonable doubt that cigarette smoking is a severe health hazard causing an estimated 300,000 deaths a year [estimates by former Surgeon Generals Luther Terry and William H. Stewart, and Dr. D. T. Ravenholt, reported in Diehl, *Tobacco and Your Health: The Smoking Controversy* 34–35, 1969] and that inhalation of cigarette smoke can cause different forms of cancer and chronic non-neoplastic bronchopulmonary diseases, and aggravate or contribute to a variety of cardiovascular diseases and other medical conditions. [See, e.g., U.S. Public Health Service, *The Health Consequences of Smoking*, 1968.]

As a basis for its proposed rulemaking, petitioners contend that cigarette smoking is also harmful to the non-smoker because the formed inhalation of another's cigarette smoke in an enclosed environment creates:

(1) a clear and present danger to an estimated 30 million people with certain pre-existing medical susceptibilities, AND

(2) a significant health hazard and discomfort to most others.

1. Persons suffering from pre-existing medical susceptibilities

The presence of tobacco smoke, especially in a confined area, presents a serious medical threat to the millions of Americans who have certain medical susceptibilities and conditions. This smoke can directly aggravate the condition of anyone afflicted with: chronic sinusitis, asthma, hay fever, an allergy to smoke, chronic bronchitis, emphysema, and many other chronic lung diseases. The total number of people susceptible to this problem is staggering. The National Health Survey which ended in June, 1967, gave the following breakdown for lung disease in the United States:

Estimated number of persons suffering from a preexisting susceptibility to cigarette smoke

Chronic bronchitis	400,000
Emphysema	726,000
Chronic sinusitis	16,818,000
Asthma or hay fever	16,099,000
Other sensitivities to smoke*	
Total	More than 34,000,000

*Estimated to be in the millions.

Thus cigarette smoke in a confined area creates a clear and present danger to the safety, health, and very lives of as many as 30 million Americans.

According to Dr. John M. Keshishian, a thoracic and cardio-vascular surgeon at the George Washington University Hospital, the presence of tobacco smoke in the air can trigger an attack in a person plagued with chronic lung disease. This attack can result in either mild discomfort, such as a coughing spell, running eyes and nose, and impaired breathing, or a more serious attack involving extreme discomfort and great difficulty in breathing. [See attached Affidavit from Dr. Keshishian, *infra*.]

Recognized authorities have studied the effects of smoke on persons afflicted with chronic lung disease and allergies. Their research indicates the dangers which airlines currently permit their passengers to be exposed to.

Dr. Irwin Caplin, a respected allergist, sympathizes with the non-smoker exposed to cigarette smoke.

"The truly unfortunate patient is the one who develops severe asthma when he enters a smoke-filled room. It seems that cigars or pipe smoke will usually aggravate the asthmatic more than the cigarette smoke. We see many asthmatics who develop severe asthma from even one cigarette in a room or just by smelling the ashes in an ash tray. There are the patients who can be likened to the man living in Dante's inferno where there is no escape from burnt fingers. Unfortunately, the non-allergic population has no understanding of what they do to their asthmatic members of the family when they smoke in their presence. They are usually annoyed and place the asthmatic in a most embarrassing position. He must either ask them not to smoke in his presence or stay home and isolate himself from society. This is indeed a problem, and I do not know the answer. Perhaps if we could have a magic wand and make all smokers asthmatic for one hour a week and then have them sit in a room full of cigar smoke we would certainly have a population with a great deal more understanding." [Caplin *The Allergic Asthmatic*, 1968.]

Dr. J. J. Ballinger discussed cigarette smoke as an air pollutant in the August, 1968, issue of *Laryngoscope*. In an article entitled "The Effect of Air Pollutants on Pulmonary Clearance", he stated that "a recent report indicated that a single one hour exposure of mice to cigarette smoke . . . lowered their resistance to infection, as measured by mortality and survival time; also, exposure to smoke of mice infected with influenza A virus twenty-four hours previously, resulted in significantly higher mortalities, thus suggesting that *cigarette smoke can aggravate an existing respiratory viral infection.*" [Italics added.]

Precise testing of persons with allergies, as conducted by Dr. Bernard Zussman, has shown that "The problem of clinical hypersensitivity to tobacco smoke is assuming greater importance in atopic [allergic] patients, who do not smoke themselves, but who are exposed to smoke either at school, office, or home." The results of the testing showed definite allergic symptoms in these patients when exposed to tobacco smoke. With treatment, and avoidance of smoke, the symptoms disappeared. [Zussman, *Atopie*

Symptoms Caused by Tobacco Hypersensitivity, 61 Southern Medical Journal 1175 (1968).]

Additional evidence of the health hazard caused by cigarette smoke is found in a study of the effects of smoke on persons with allergies conducted by Dr. Frederic Speer. [Speer, *Tobacco and the Nonsmokers;* 16 Archives of Environmental Health, 443 (1968).] He states, "A study of both allergic and nonallergic patients revealed that intolerance to tobacco smoke is common to both groups." Strong reactions were recorded, leading to the conclusion that "The many individuals who develop symptoms from tobacco smoke need the understanding and support of the physician in helping them avoid its noxious effects." The "noxious effects" recorded included eye irritation, nasal symptoms, headache, cough, wheezing, sore throat, nausea, hoarseness, and dizziness, as shown in the table below:

REACTIONS TO TOBACCO SMOKE AS REPORTED BY 191 ALLERGIC NONSMOKERS

	Boys[1]	Men	Girls[1]	Women	Total	Percent
Patients	38	44	29	80	191	100.0
Eye irritation	30	32	22	56	140	73.3
Nasal symptoms	25	31	22	59	137	67.1
Headache	6	22	9	50	87	46.0
Cough	20	13	19	35	87	46.0
Wheezing	9	13	8	13	43	22.5
Sore throat	4	13	6	21	44	23.0
Nausea	3	5	3	18	29	15.2
Hoarseness	1	9	1	20	31	16.0
Dizziness	0	2	1	8	11	5.3

[1] Under 16 years of age.

The wide variety of ill effects caused by the inhalation of another's tobacco smoke is well summarized by F. K. Hansel in (*Clinical Allergy,* 1953):

"As a primary irritant, tobacco smoke may cause nasal obstruction, increased nasal discharge, and reduction in the sense of smell. In the lower respiratory tract it is a common cause of coughing. The tobacco tars are now recognized as important carcinogenic agents in the mouth, larynx, and bronchi.

"Tobacco is a very significant factor as a secondary irritant in patients with nasal allergy, hay fever, and bronchial asthma. Even among those allergic patients who do not smoke, tobacco may act as an irritant or primary sensitizer.

"Satisfactory results in the management of allergic patients may depend upon the complete elimination of tobacco as an etiologic (causal) agent or as a secondary factor . . .

"The structure and function of the nose exposes its membrane particularly to the irritating effects of chemical fumes, tobacco smoke, and such air pollutants as photochemical smog, . . .: They are active as secondary irritants aggravating the symptoms of patients who have allergic rhinitis and the attacks that they precipitate are essentially indistinguishable from those due to the primary causative antigen.

"There is little doubt that tobacco smoke is an important secondary factor in precipitating allergic symptoms through its action as a nonspecific irritant."

Bettina C. Hilman ["*The Allergic Child*", Annals of Allergy, Nov. 1967] reports that the National Health Survey of 1959–61 found that over 4.6 million American children have asthma. Also, that an estimated ten to twenty percent of the children in this country have one or more allergies. [As of 1968, there were almost 60 million children under 14 years of age in this country; 20% would be 12 million.] Dr. Hilman goes on to state, "The immunological load varies with the amount of exposure to offending allergens (inhalants and ingestants). The total allergic load is also influenced by the degree of exposure to offending odors, e.g., paint, hair spray, fish oil, cigarette smoke." Therefore, exposure to air contaminants, such as tobacco smoke, inhibits the control of allergies in children and may lead to dangerous allergic reactions. Even before smoking was widely recognized as a serious health hazard tobacco smoke was known to be irritating to the young hay fever and asthma patient. (Vaugh and Black, *Practice of Allergy,* 1954) Smoke was also seen to "obviously act as a non-specific irritant in many children with respiratory allergy", (Sherman and Keesler, *Allergy in Pediatric Practice,* 1957). Thus several different medical studies have shown that as many as 15 million children would be endangered by the unrestricted smoking conditions on air carriers, and, as flying becomes more popular and more widely available, more children will be exposed to these dangerous conditions. Furthermore, these studies supplement and lend further support to the earlier cited reports showing that smoking in a confined area can be dangerous to all nonsmokers.

Although it is a difficult factor to measure, the presence of smoke may psychologically affect a passenger with chronic lung disease, allergy, or other susceptibility to tobacco smoke. Extensive worry about exposure to smoke may itself bring about the symptoms of an existing malady or make the victim more susceptible to a lower concentration of tobacco smoke. "When we consider that the fumes that annoy people are certain to cause mental distress, it is not easy to assess to what extent the resultant symptoms are psychogenic." [Speer, *Tobacco and the Nonsmoker,* 16 Archives of Environmental Health 443 (1968)] Fear of a fire in flight, air crashes, or even air sickness may likewise psychologically reduce the threshold level at which a person with a pre-established susceptibility will be endangered by the cigarette smoke of others.

Thus there is general agreement within the medical profession, based upon a number of research studies, that persons with chronic sinusitus, asthma, hay fever, an allergy to smoke, chronic bronchitis, emphysema, and many other chronic lung diseases, when exposed to tobacco smoke, are seriously threatened with aggravation of their conditions. Figures provided by the National Health Survey show that more than 30 million Americans, and as many as 15 million children, are susceptible to this danger.

2. Health hazard and discomfort to all nonsmokers

The findings of a research team under the direction of Dr. Giuseppina Scassellatti-Sforzolini show that smoke from an idling cigarette contains almost twice the tar and nicotine of an inhaled cigarette. On the average, smoke from an inhaled cigarette contains 11.8 mg. of tar and 0.8 mg. of nicotine, as compared to 22.1 mg. of tar and 1.4 mg. of nicotine from idling smoke. Thus smoke from an idling cigarette may be twice as toxic as smoke inhaled by the smoker. Although the concentration of harmful substances breathed by the non-smoker is less than the concentration inhaled by the smoker himself, the exposure will be for a greater period of time; an idling cigarette contaminates the air for approximately 12 minutes while the average smoker is actually inhaling on the average for 24 seconds during his "enjoyment" of each cigarette. Thus effects due to decreases in concentration may be more than overcome by increases in exposure time. In some cases, Dr. Scassellatti-Sforzolini reports, smoking "will obviously constitute something of a menace to a . . . nonsmoking passenger." [*Nonsmokers Share Carcinogenic Risk While Breathing Air Among Smokers,* Medical Tribune, Dec. 4, 1967.] Therefore it seems obvious that in the confines of an airplane, where a nonsmoker may be required to sit next to or between two smokers, and where the air circulation is typically poor [and may be next to nonexistent, e.g., while waiting in line for takeoff], the non-smoker will be subjected to a significant health hazard to appease a smoker.

Others who have recognized the danger of smoke to the non-smoker have made similar findings. An editorial in the December 1967 issue of *Science Magazine* concerned the pollution of air by cigarette smoke. *Science Magazine* reported that "in a poorly ventilated smoke-filled room concentrations of carbon monoxide can easily reach several hundred parts per million, thus exposing smokers and non-smokers present to a *toxic hazard.*" [Emphasis added] Carbon monoxide affects the body's hemoglobin, robs the body of needed oxygen, and "commonly leads to dizziness, headaches, and lassitude." One may thus suspect that those who have a tendency to become ill on an airplane will become ill more readily if exposed to cigarette smoke. As to those who do not normally become air sick, carbon monoxide can cause dizziness and headaches, and may also act as a catalyzing agent for air sickness.

Two other harmful components of cigarette smoke are nitrogen dioxide and hydrogen cyanide. The former is an acutely irritating gas, reported *Science Magazine,* and cigarette smoke contains concentrations fifty times the level considered "dangerous." Hydrogen cyanide, a deadly agent particularly active against respiratory enzymes, is present in cigarette smoke in concentrations 160 times that considered dangerous for extended exposure. Furthermore, cigarette smoke contains acrolein, aldehydes, phenols, and carcinogens like benzo(a)pyrene, some of which have been found to have synergistic effects among the toxic agents. In its summation *Science Magazine* concludes: "when the individual smokes in a poorly ventilated space in the presence of others, he infringes the rights of others and becomes a serious contributor to air pollution."

The results of a recent German study on the amounts of tar and nicotine present in confined areas and the effects on the nonsmoker have been startling. In *Deutsche Medizinische Wochenschrift,* Volume 92, November 1967, these findings were reported in answer to a question on the effects of tobacco smoke on a non-smoker: "The test results of Harmsen and Effenberger [Harmsen and Effenberger, Archives of Hygiene and Bacteriology 141 (1957)] show the smoking of several cigarettes in a closed room makes the concentration of nicotine and dust particles in a short time so high that the non-smoker inhales as much harmful tobacco by-products as a smoker inhales from four or five cigarettes." This report was further supported by other studies including: (1) *Smoking and Health. Summary of a Report of the Royal College of Physicians of London on Smoking in Relation to Cancer of the Lung and Other Diseases,* (London, 1962); (2) H. Oettel: *Cancer Research and Fight against Cancer,* IIId Book, 6th Conference of the German Cancer Society in Berlin, from March 12th to 14th, 1959; (3) H. Oettel: *Smoking and Health,* Nachrichten aus Chemie und Technik 11 (1963), 28; (4) Journal of Medicin Rhein-

land-Pfalz 18 (1965) 217; (5) H. Oettel: *Toxic Materials in the Air, Water, and Food* (Short essay in monthly course of instruction for doctors (1967) written after a speech of the International Congress Symposium of the doctors in Davos and Badgastein on March 6th and 8th, 1967).

More evidence of the detrimental effects of tobacco smoke on the average non-smoker has been documented by Dr. Fredric Speer in Archives of Environmental Health, Volume 16, March 1968. The chart below shows that a very significant number of people not allergic or otherwise particularly susceptible to cigarette smoke can suffer severe reactions to the smoke produced by others:

250 NONALLERGIC NONSMOKERS

	Boys [1]	Men	Girls [1]	Women	Total	Percent
Patients	19	71	21	139	250	100.0
Eye irritation	9	54	14	96	173	69.2
Nasal symptoms	5	28	2	38	73	29.2
Headache	5	26	5	43	79	31.0
Cough	7	15	10	31	63	25.2
Wheezing	1	4	0	6	10	4.0
Sore throat	0	7	0	7	14	5.6
Nausea	3	6	0	14	23	9.2
Hoarseness	0	6	0	5	11	4.4
Dizziness	2	2	2	10	16	6.4

[1] Under 16 years of age.

Dr. Cyril D. Fullmer, in a report to the Annual Scientific Meeting of the Utah State Medical Association in September, 1968, also commented on the hazardous effects of tobacco smoke on non-smokers. His report originally concerned a study of the hazards of cigarette smoking to smokers but, during his study he discovered evidence of it being harmful to non-smokers as well.

A health survey in Detroit homes of children of smoking and non-smoking parents found that even healthy children are particularly susceptible to cigarette smoke. The survey concluded that smoker's children were sick more frequently than non-smoker's children, and that the presence of tobacco smoke in the environment is associated with "lessened physical health." [Cameron, Kostin, et al., *The Health of Smokers' and Non-Smokers' Children:* Preliminary Report I included in Appendix] On an airplane, it is likely that young children, often excited, restless, and frightened, will be easily affected by cigarette smoke. The report is also further evidence of the suspectibility of healthy nonsmokers to the cigarette smoke of others.

Another inconvenience created by the smoker is pure discomfort. Most non-smokers just do not like cigarette smoke being exhaled in their faces. This often results in eye irritation, coughing, and nausea. Petitioner believes that the discomfort resulting from cigarette smoke is quite apparent and needs little further explanation. For the sake of documentation. Petitioner refers the Administrator to a letter in the AMA News, April 7, 1969, written by Dr. Ralph Berg of Spokane, Washington, and resultant replies to the letter by other physicians. These letters will be found in the Appendix along with a small sample of others.

V. IMPLEMENTATION OF PROPOSED RULE

There appear to be various means by which to accomplish the objective of the proposed rule: the separation of smokers and non-smokers on commercial air carriers. Merely for the purpose of demonstrating several means by which this could be accomplished at no cost to the airlines and no inconvenience to either the smoking or nonsmoking passengers, a number of possible alternatives for implementing the proposed rule are set out below:

(1) Non-smokers would be seated from the rear of the aircraft while smokers would be seated from the front, and the order would be interchanged equitably. Thus, on all but capacity flights, there would be an effective barrier of several rows of seats between the two groups.

(2) Non-smokers would be seated on the left side of the aircraft while smokers would be seated on the right, possible alternating if necessary to achieve fairness. If one side became full the overflow could be seated at the rear of the other section. Thus, on most flights and for most passengers, the center aisle would be an effective barrier between the two groups.

(3) Blocks of seats, perhaps in group of five rows, would be labeled for the use of smokers and non-smokers alternatively by the use of easily movable markers. As these small sections filled up appropriate adjustments for the particular ratio of smokers and non-smokers could be made by the stewardesses.

Obviously, there are many alternatives not suggested in this petition that would accomplish the desired objectives. Most public transportation systems have, at one time or another, effected some means of separating smokers and non-smokers, and such separation by the air carriers would be in accordance with the statutory intent of developing a "coordinated transportation service [49 U.S.C. 1651(b)(1)]. Smoking cars on trains, and various bus regulations, have dealt with this problem. Certainly the imaginative personnel working for the Administrator, and for the major airline companies, can develop a simple, inexpensive, yet effective means of dealing with this hazardous and annoying situation without inconveniencing any of the passengers.

Enactment of Petitioners' proposed rule would have no detrimental effects on air carrier service and, indeed, would merely involve a designation of certain seats in which smoking would be permitted and would not involve any structural changes in the aircraft. There would also be no inconvenience caused in the preflight preparations. Both smoking and non-smoking passengers would purchase the same tickets, and make the same reservations, as is now done. There would be no problem of an imbalance of smokers or non-smokers, because the solutions suggested above contemplate a flexible policy.

The most significant argument in favor of smoking sections is a basic one: the use of such sections would not infringe the rights of any smoker, but would give non-smokers the rights which they have been deprived of in the past—the right to breathe unpolluted air. While no passengers would be harmed, or inconvenienced, a large number would be greatly benefitted. This clearly includes the courteous smoker who might otherwise be deterred from enjoying a cigarette by his concern for the health and comfort of passengers next to him.

VI. CONCLUSION

The Federal Aviation Administration and the Department of Health, Education and Welfare are scheduled to begin a joint 12-month study "to measure the amounts of tobacco smoke contaminants in air transport aircraft." (Department of Transportation Release No. 69–108, 19 September, 1969). This study will attempt to "measure the amounts of carbon monoxide and other impurities in both cockpit and passenger cabin areas."

The results of this study will not be reported until late in 1970 or early in 1971. There is no rational justification for the Administrator to wait for the results of this study before requiring smoking sections on airplanes. Little benefit would be gained from such a delay, particularly since the study is expected to re-confirm conditions already known to exist. Non-smokers have for too long been subjected to the unreasonable hazards caused by tobacco smoke.

This petition has presented sufficient evidence upon which the Administrator can and should conclude that tobacco smoke in the passenger compartment of an airplane constitutes a severe and substantial threat to the health, safety, and comfort of nonsmokers; so severe, and so substantial, that nothing short of the immediate enactment of the proposed rule would be an acceptable remedy.

It is elementary that where there is doubt as to the danger of an act or substance that doubt should be resolved in favor of protecting the public health and safety, particularly where this can be done with substantially no inconvenience and at no cost to any party. The health of the majority of Americans including:

(1) the 49% of all American males over 17 who do not smoke;

(2) the 66% of all American females over 17 who do not smoke;

(3) the over 30 million Americans who have pre-existing conditions making them particularly susceptible to cigarette smoke;

(4) and all non-smoking children, particularly the estimated 12 million who have pre-existing medical conditions, making them particularly susceptible to cigarette smoke; should not be wagered on the chance that an investigation would show that it might not be seriously endangered. Many of the components of cigarette smoke—e.g., nicotine—are recognized as drugs, and the law requires that with respect to drugs doubt is to be resolved in favor of the consumer. [See generally 21 U.S.C. 301 et seq.] Tobacco smoke has clearly been identified as both an irritant and as a strong sensitizer [2] and, under the Hazardous Substances Act, doubt as to these are to be resolved in favor of the public safety and health. [15 U.S.C. 1261(f)(1)(A) and 1262(a)(1).] A most striking recent example of this policy was the recent decision of the Secretary of Health, Education, and Welfare to restrict the sale of products containing cyclamate because a dosage 50 times greater than normal human consumption caused cancer in mice. Indeed, this policy is required by the statute for food additives which have been shown to be capable of causing cancer. [21 U.S.C. 348(c)(3); *see Bell* v. *Goddard*, 366 F.2d 177 (7th Cir. 1966).] Whether directly applicable or not, these statutes are a clear indication of long standing congressional intent which should be followed.

Petitioners respectfully submit that they have shown that:

(1) they are interested persons with standing to petition for the proposed rule;

(2) that the statute gives the Administrator the power, and indeed even the duty, to promulgate rules for the protection of passengers from safety hazards within the aircraft;

(3) that the Administrator has consistently utilized this power, and recognized this duty, to promulgate rules to provide for the safety of passengers from hazards within the aircraft, and that the proposed rule

[2] See, e.g., Hansel, *Clinical Allergy* (1953) ("Tobacco smoke may act as a (1) primary irritant, (2) secondary irritant in an allergic individual, (3) a primary sensitizer."

would be consistent with others previously issued;

(4) that the overwhelming weight of the medical evidence indicates that unrestricted smoking aboard aircraft creates a clear and present danger to the safety and health of an estimated 30 million people who because of pre-existing medical conditions are particularly susceptible to tobacco smoke;

(5) that a number of studies have indicated that unrestricted smoking in enclosed environments like aircraft creates an involuntary and inflicted health hazard to every passenger;

(6) that the proposed rule could be effectuated without cost to the airlines or inconvenience to passengers;

(7) and that any doubt as to safety and health of passengers must be resolved in their favor.

Therefore Petitioners respectfully request that the Secretary and the Administrator promulgate the proposed rule, and that the Petitioners be made parties to any related proceedings with the right to further support their proposed rule.

Respectfully submitted,

JOHN F. BANZHAF III,
Attorney for Petitioners.

S. 3258—INTRODUCTION OF A BILL RELATING TO JURISDICTION FOR ALASKA RAILROAD SUIT

Mr. STEVENS. Mr. President, I introduce for appropriate reference a bill that will authorize the U.S. District Court for the district of Alaska to hear, determine, and render judgment on the claim of the State of Alaska that the Goldstream forest fire near Fairbanks, Alaska, which occurred in August 1966, was approximately caused by the negligent operation of the Alaska Railroad. The State seeks to collect for damages done to the land which was burned and for the cost in controlling and extinguishing the fire.

Upon discovery of the fire in August 1966, men and materials were rushed to the fire. The cost to the State of Alaska as billed by the United States was $266,225.23. However, because the State claims that the fire was proximately caused by the negligent operation of the railroad, an instrumentality of the United States, the U.S. District Court for Alaska seeks the authority to hear and determine the claim of the State.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3258) to confer jurisdiction on the U.S. District Court for the District of Alaska to hear and determine the claim of the State of Alaska for a refund of a sum paid to the United States for firefighting services, introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3259—INTRODUCTION OF A BILL ESTABLISHING THE BUNKER HILL NATIONAL HISTORIC SITE

Mr. KENNEDY. Mr. President, I introduce for myself and for Mr. BROOKE, Mr. COTTON, Mr. MCINTYRE, Mr. DODD, and Mr. RIBICOFF, a bill to establish the Bunker Hill National Historic Site. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

On June 17, 1775, a highly disorganized band of patriots—made up of militiamen from Massachusetts, New Hampshire, and Connecticut—decided to take Bunker Hill and drive the British from Boston. Only 2 months after the opening of hostilities of the Revolutionary War it became apparent to the patriots that the British strategy was to occupy all of the hills surrounding Boston Harbor. In this way, both the city and the harbor would be secure and open to the free movement of the British military.

And so 1,200 patriots, under cover of night, were sent to seize Bunker Hill which overlooked the Mystic River from Charlestown, Mass. By mistake, the patriots arrived at Breeds Hill—a smaller hill nearer to the city of Boston—and worked through the night in preparation for battle. Working silently, they were undiscovered until daybreak—when the British warships anchored below opened an ineffective fire.

Reinforcements were sent to aid the band and they were deployed on both Breeds and Bunker hills. The British army began its attack—marching in solid lines up the hill to meet the patriots who were protected by the trenches and fences they had built in the night. By holding their fire until the British were well within range, the patriots repulsed the British twice in a bloody exchange of gunfire. Faced with a third assault by the well-armed British, the Americans who were now short of gunpowder were forced to withdraw and finally suffered defeat.

But in the light of day, defeat was turned into a moral victory as the patriots learned they had the ability to repell the enemy and inflict substantial losses while suffering few among their own men. The difference in fighting styles between the Americans and the British militia—first revealed at the Battle of Bunker Hill—was to be of great significance throughout the war and was certainly, in the early days of battle, contributory to the Americans' belief that they would emerge as the victor in their fight for independence.

The Revolutionary War gave birth to this Nation of freedom and of free men. The memory of the courage of our early patriots is treasured in the hearts of all Americans. The sites involved in the battles of the American War of Independence are a significant part of the visual history of our Nation. They should belong to the Nation—to be restored and preserved as part of our American heritage.

The bill I introduce today, with the encouragement of the Commonwealth of Massachusetts, would allow the Federal Government to accept the existing Bunker Hill Memorial on behalf of the Nation and declare it a National Historic Site.

As we approach our bicentennial year, it is appropriate to prepare the sites of the American Revolution for the education and inspiration of those millions of American and foreign visitors who will come to Massachusetts—and to the other original colonies—to share in the history of this Nation's birth.

I ask my colleagues to support this bill and other similar bills designed to make this and other historically significant sites of the Revolutionary War part of our National Park System. The Nation born on the battlefields of the Revolutionary War is, today, the greatest Nation in the world. It has achieved its greatness, in part, through a steadfast adherence to the same principals of freedom which drove our American patriots to engage in a war of independence.

The sites and the memory of that war are part of the history of every American. Surely, the remaining evidence of that history should belong to all of us. Therefore, I am pleased to introduce this bill and I hope it will have your support.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3259) to authorize the Secretary of the Interior to establish the Bunker Hill National Historic Site in the city of Boston, Mass., and for other purposes, introduced by Mr. KENNEDY, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 3259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept the donation by the Commonwealth of Massachusetts of approximately four acres of land and improvements thereon in the district of Charlestown, city of Boston, known as Bunker Hill Monument, and to establish such property as the Bunker Hill National Historic Site.

SEC. 2. The Bunker Hill National Historic Site shall be administered, protected, and developed by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

SEC. 3. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 1933

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Tennessee (Mr. BAKER), the Senator from Nevada (Mr. CANNON), the Senator from New Hampshire (Mr. COTTON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Vermont (Mr. PROUTY), the Senator from Louisiana (Mr. LONG), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Virginia (Mr. SPONG), the Senator from Rhode Island (Mr. PELL), the Senator from Kansas (Mr. PEARSON), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Connecticut (Mr. RIBICOFF), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Alaska

(Mr. GRAVEL), the Senator from Georgia (Mr. TALMADGE), the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. MURPHY), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Pennsylvania (Mr. SCOTT), be added as cosponsors of S. 1933, providing for Federal railroad safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3163

Mr. GRIFFIN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Nevada (Mr. BIBLE) be added as a cosponsor of S. 3163, to provide for a White House Conference on Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969—AMENDMENTS

AMENDMENT NO. 436

Mr. ERVIN (for himself, Mr. BAYH, Mr. BURDICK, Mr. COOK, Mr. EASTLAND, Mr. FONG, Mr. HART, and Mr. MATHIAS) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes, which was ordered to lie on the table and to be printed.

SEVERE PENALTIES FOR PROFESSIONAL DRUG MERCHANTS UNDER THE CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

AMENDMENT NO. 437

Mr. TYDINGS. Mr. President S. 3246, the Controlled Dangerous Substances Act of 1969 carries an explicit warning to professional dangerous drug merchants that the Federal Government is prepared to impose upon them penalties which in severity will match the depravity of their crime. These penalties will be at a level which should serve to deter large scale drug trafficking.

The severe professional criminal penalties are in large part a product of my efforts in the Judiciary Committee, where I offered the penalties in the form of an amendment. I am gratified that the amendment was accepted by the committee. The penalties are also a reflection of the penal provisions for professional drug merchants as set forth in S. 3071, the District of Columbia Comprehensive Drug Abuse and Narcotics Crime Act of 1969, which I introduced on October 27, 1969. The Senate Committee on the District of Columbia, of which I am chairman, is currently holding hearings on this bill.

Mr. President, there is no more despicable criminal than one who engages in large-scale importation and wholesale and retail distribution of addictive drugs. Not only does he debase the lives and exhaust the financial resources of thousands of addicts who fall victim to his drugs, but also, through them, he is responsible for ravaging society with countless muggings, robberies, and other serious crimes perpetrated to support the addicts' habits. In this regard, a recent study of men admitted to District of Columbia jail revealed that 45 percent evidenced drug use immediately prior to arrests. The major drug traffickers also rob the public purse of millions of dollars through the costs incurred in narcotics law enforcement and treatment and rehabilitation of addicts.

Unfortunately, the profits produced by this nefarious activity are great. Three hundred and fifty dollars worth of pure opium purchased abroad can be parlayed into $225,000 when sold as heroin to the addicts on our streets. For this reason, the importation and distribution of narcotics is organized crime's major illegal activity next to gambling.

Because the damage wrought upon society is so pervasive and the profits reaped in return by the criminal, so lucrative, stiff criminal sanctions are not only justified but essential to deter the activity. The past Commissioner of the Bureau of Narcotics, Henry L. Giordano, has stated that underworld drug traffickers are fearful of severe penalties and such penalties have a deterrent effect. Similarly, a report on organized crime and illicit traffic in narcotics by the Senate Committee on Government Operations concluded that "long prison terms for traffickers are essential to effective drug law enforcement."

Likewise, in 1963, the President's Advisory Commission on Narcotics and Drug Abuse recommended:

> The illegal traffic in drugs should be attacked with the full power of the federal government. The price of participation in this traffic should be prohibitive. It should be made too dangerous to be attractive.

The provisions of the act pertaining to professional criminal penalties is in the spirit of this philosophy. Section 509(b) of the act will subject professional criminals to imprisonment for no less than 5 years and up to life and a mandatory fine without limitation in an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity. The fine is designed to completely knock the professional offenders out of the drug business.

Mr. President, I believe that this provision will serve as notice that the Federal Government will give no quarter to professional drug merchants.

Mr. President, I submit an amendment, intended to be proposed by me, to the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AGRICULTURAL STABILIZATION ACT OF 1969—AMENDMENT

AMENDMENT NO. 438

Mr. NELSON. Mr. President, today I am submitting an amendment, intended to be proposed by me, to the bill (S. 3068) to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs. The amendment would prevent individuals who use farm operations as a tax shelter from receiving payments through Government farm programs. This proposal would prohibit farm payments under the wool, cotton, feed grains, wheat, rice, soybean, flax, tobacco, and other commodity programs to persons who use losses from farming as a means to avoid paying income tax on nonfarm income.

However, I want to make it abundantly clear that this bill would not penalize the family farmer who may legitimately incur losses from drought, fire, weather, or recognized losses from sales. In addition, this measure will not affect any persons who now receive payments under the cropland adjustment program (CAP) since these persons must have a history of crop production before they qualify for such payments. This program is also vitally necessary in the total effort to conserve our soil, water, and wildlife.

Our farm programs were established by Congress to assist the family farmer and sensible restrictions should be placed on farm program payments in order to insure that family farmers are the main beneficiaries of these programs.

The Internal Revenue Service has indicated that 264,000 farmers who reported losses on their agricultural operations also received $272 million in farm program payments.

I ask unanimous consent that the full text of my amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and the amendment will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 438) was referred to the Committee on Agriculture and Forestry, as follows:

AMENDMENT NO. 438

At the end of the bill add a new title as follows:

"TITLE XII—LIMITATION ON BENEFITS

"SEC. 1201. (a) Any person who is determined by the Secretary, as provided in subsection (b) to be engaged in farming operations in any year without a reasonable expectation of making a profit from such operations shall be ineligible in the immediately succeeding year for any benefits under any of the programs amended or extended by title II, III, IV, V, VI, or X of this Act, or under any other Federal program providing price support payment on any agricultural commodity.

"(b) If the net operating loss incurred by any person from farming operations exceeds $10,000 in each of any three years in any five-year period, such person shall be deemed for the purposes of subsection (a), to be carrying on farming operations in the last year of such five-year period without a reasonable expectation of making a profit, unless such person can show, in accordance with such rules and regulations as the Secretary may prescribe, that he was carrying on such operations with a reasonable expectation of making a profit.

"(c) The provisions of this section shall not apply to the payment of benefits under the cropland adjustment program provided for under title VI of the Food and Agriculture Act of 1965 or under any other conservation program if participation in such program is not dependent on reducing the acreage on the farm devoted to the production of a specific commodity."

ORGANIZED CRIME CONTROL ACT OF 1969—AMENDMENT

AMENDMENT NO. 439

Mr. CASE submitted amendments, intended to be proposed by him, to the bill (S. 30) relating to the control of organized crime in the United States, which was ordered to lie on the table and to be printed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, December 18, 1969, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 1108. An act to waive the acreage limitations of section 1 (b) of the Act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park;

S. 2734. An act granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact;

S. 3169. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 90. Joint resolution to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation thereof.

RETIREMENT OF MOST REVEREND THOMAS J. TOOLEN, ARCHBISHOP—BISHOP OF MOBILE-BIRMINGHAM, ALA.

Mr. ALLEN. Mr. President, after 42 years of outstanding leadership, the Most Reverend Thomas J. Toolen, archbishop—bishop of the Mobile-Birmingham Diocese, recently retired at the age of 83. Archbishop Tolen has been a powerful and influential voice in ecclesiastical affairs, a respected statesman of Roman Catholicism, and a beloved spiritual leader and administrator of the Alabama and Northwest Florida Diocese. His outstanding religious and civic accomplishments during a long and eventful tenure have endeared him to his parishioners and evoked the admiration and respect of the people of Alabama.

Under the circumstances, Mr. President, I would like to touch briefly on some of the highlights in the brilliant career of service of Archbishop Toolen so that the public might more fully appreciate his accomplishments.

In 1927, a young bishop from Baltimore, Md., came to serve the Catholic Church in Alabama and Northwest Florida. He has served for 42 long and fruitful years, tirelessly and with loving care.

The growth of the church under his guiding hands has been monumental. The prestige of the Catholic Church has developed remarkably during nearly a half century administration of this beloved archbishop of the Southland. Under his expert care Catholic institutions multiplied throughout the diocese. His constant concern for youth, the poor, and the orphaned marked his long career. A network of Catholic schools dot the Alabama countryside as a testimony of his regard for religious education at every level. He was instrumental in building hospitals, nursing homes, churches, and colleges. He cooperated in civic endeavors sponsored by the community.

Archbishop Toolen often traveled the length and breadth of his beloved Alabama and northwest Florida, where he learned to know and love the innumerable souls entrusted to him. His deep love for the people inspired them to labor diligently for the church, for the State of Alabama, and for the country he loves so well.

Countless accomplishments, religious and civic, mark his career as one of the greatest bishops of U.S. history. Those who know him, love him, and work with him recognize him as a holy man, an energetic prelate, and a patriot of the noblest degree.

Mr. President, Archbishop Toolen's recent retirement to honorary status was an event of great interest to the people of our State. A recent issue of the Birmingham News, Birmingham, Ala., devoted a feature article to the event. In recognition of the accomplishments of Archbishop Toolen and as a token of respect for a life of tireless effort and outstanding achievement, I ask unanimous consent that the feature article on his retirement be printed in the RECORD.

I extend my hearty congratulations and sincerest best wishes to Archbishop Toolen.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Oct. 26, 1969]

"HAPPY YEARS" FOR THE ARCHBISHOP

(By George M. Cox)

MOBILE.—It was twilight, and another busy day was nearing an end for the new titular Archbishop of Glastonbury.

In the solitude of his comfortable apartment in the episcopal residence in Mobile, he relaxed in a favorite easy chair, stroked intermittently at a crop of snow-white hair accentuating blue eyes and a ruddy complexion, and reminisced about what others see as a remarkably active and productive life.

"Regrets?"

It was in a tone of inquisitive surprise that The Most Rev. Thomas J. Toolen responded to questions about his personal post-retirement thoughts a week after Pope Paul VI accepted his resignation as the archbishop of the Mobile-Birmingham Catholic Diocese because of physical reasons.

"I have no regrets," he said firmly, "because my 42 years as head of the diocese were very happy years. They were made that way by the people I love so much."

Recognized as the nation's elder statesman of Roman Catholicism because of his long tenure as spiritual leader and chief diocesan administrator of Alabama and Northwest Florida, the 83-year-old Archbishop Toolen now has another title bestowed on him by Pope Paul—honorary Archbishop of Glastonbury, a diocese that once flourished in England but now inactive.

He will continue to live at the Cathedral Residence at 400 Government St. in Mobile.

Time, to be sure, has taken a toll on the venerable prelate.

He probably will be unable to continue his regular trips to his beloved Ireland, where his parents were born and where he has recruited many priests and sisters to serve in his diocese.

But he still intends to make as many trips as he can to Birmingham to visit his grandniece, Mrs. Al Lucas Jr., and her seven children. They are the apples of the archbishop's eye.

"She is all I have left," he says of Mrs. Lucas. "And if you want to figure our relationship closer, just get out your pencil and a computer—my sister was the grandmother of the mother of those seven wonderful children."

If the four-score and three years have cut into Archbishop Toolen's physical activities, they haven't blunted his Irish wit and enthusiasm at all.

On the day the Vatican was announcing acceptance of his resignation, Toolen was addressing a dinner of the Diocesan Council of Catholic Women in Birmingham. The news was out, and tears glistened on many a feminine face in that audience.

"This was no time to be emotional," he says. "So I just got up to the mike and started telling jokes!"

The crying stopped.

His hobby is still traveling ("depending, of course, on the doctor"). He still likes to work long days, although recent illnesses have curtailed them. "I used to get up at 4:45 in the morning," he says, "and say my Mass at 5:30. Now they make me stay in bed until 6 and say my Mass at 7:30."

Both Archbishop Toolen and his physician describe his current physical condition as exceptional. Immediately upon his recent return from Birmingham, he checked into a hospital for a head-to-toe check and came out in top shape for a person of his age.

"Of course," he explained, "I have been a diabetic for 20 years. But diabetes never kills anyone if they have sense enough to take care of themselves."

The archbishop keeps abreast of national and world affairs by reading as many newspapers and magazines as he can.

"But there's so much happening in the world today it seems that sometimes you just have to keep on reading," he laughed.

In his long service as bishop and archbishop, what does he consider his greatest accomplishment?

"Covering the diocese with churches and schools," he responded. "We have erected at least 600 buildings and see that they are kept in good shape. We have established a wonderful institution of schools and spiritual societies through which we tried to unite the people."

Any disappointments?

"None big enough to keep me awake at night. I have not had an unhappy day in Mobile or elsewhere in the diocese. We have finished everything we started and my 42 years have been happy, happy years. This is because the people I love—and I really love people—made them that way."

Archbishop Toolen rarely displays outward signs of unhappiness, but if you press him hard enough about hippies, yippies, campus riots, LSD, marijuana, attacks on policemen and sexual permissiveness, he will give you his opinion of the cause and cure.

"Some people have left God out of all things," he says. "Their principle is that there is no God. If you have no respect for God, you can have no real respect for your country or your fellow man. Sometimes I fear that all this lawlessness over the nation will eventually destroy us."

And the cure?

"Get back to church. Get back to God. If minorities refuse to respect the law of man, then the only possible hope for relief is to try to get them to respect the law of God."

Archbishop Toolen said the same minorities screaming today for freedom "want freedom only for themselves. If you argue or disagree with them, then they claim you are interfering with their freedom. These groups should recognize the fact that when they use the wonderful opportunities America has

given them, then they should at the same time accept the obligations that go with them."

Last Wednesday's moratorium against the war—how did he view that?

"It seems that a small minority has no sense of patriotism. Our boys are over there fighting and sacrificing their lives, and over here they are not receiving complete support. Some organizations simply have to be fomenting and encouraging all this unrest and agitation."

Born in Baltimore, the eminent churchman observed his 59th year as a priest last month. Prior to his resignation and the three-way division of the diocese, Archbishop Toolen directed the work of 118 parishes, 48 missions, 178 priests, 60 schools and nearly 20,000 students. He was the spiritual leader of 143,000 Catholics in Alabama and Northwest Florida.

He is a close friend of the Most Rev. John L. May, the 47-year-old auxiliary bishop of Chicago, who has been named by Pope Paul as the new bishop of the Mobile diocese. The Most Rev. Joseph G. Vath, former auxiliary to Archbishop Toolen, will become bishop of the Birmingham diocese after the Alabama separation.

There is no date yet set for the installation of either Bishop May or Bishop Vath, but ceremonies to be held in both Mobile and Birmingham probably will be attended by the Vatican's apostolic delegate, who is headquartered in Washington.

Bishop May, as president of the Catholic Extension Society, has been "very kind to the Mobile-Birmingham diocese in helping to establish missions and churches," the archbishop said.

The Most Rev. Fulton J. Sheen, D.D., who resigned Wednesday as bishop of Rochester, N.Y., is a 25-year friend of Archbishop Toolen and the two are expected to get together in Mobile, perhaps Monday. Bishop Sheen will speak at Biloxi, Miss., on behalf of Hurricane Camille victims and then will make a special trip to Mobile to see Archbishop Toolen.

Bishop Sheen was instrumental, through the raising of funds, in the erection of the Blessed Martin de Porres Hospital in Mobile and also in the rebuilding of a church for Our Lady of Fatima parish in Birmingham, which had been destroyed by fire.

In the sunset of his illustrious career, Archbishop Toolen will continue to serve the diocese in an advisory capacity whenever he is called upon.

He joins the ranks of the old soldiers, once described by a famous general as men who never die but simply fade away.

HEALTH CARE—THE EUROPEAN WAY

Mr. KENNEDY. Mr. President, this week the Philadelphia Inquirer published a series of five major articles on health care in the United States and in three representative European nations. The series, entitled "Health Care—the European Way," by Donald C. Drake, is an extensive comparative analysis of the virtues and defects of the American health care system and the systems of health care in Britain, Sweden, and Germany.

Many of us in Congress and across the Nation are deeply concerned about the current crisis in the organization, delivery, and financing of health care in the United States. Two days ago, in an address in Boston as a part of the Lowell lecture series, I had the opportunity to discuss a number of the critical issues of health policy now facing the United States, including what I believe is the growing recognition of the need for a comprehensive national health insurance system, capable of bringing high quality health care to all our citizens. In our efforts to improve our own system, we can learn a great deal from the European experience. I, therefore, ask unanimous consent that the series of articles from the Philadelphia Inquirer, including an introductory article announcing the series, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Inquirer, Dec. 7, 1969]

MEDICAL CARE ABROAD STUDIED IN FIVE-PART SERIES

Beginning next Sunday, The Inquirer will publish a series of articles examining the health care systems of European countries against the context of usage in America. The five-part series, "Health Care: The European Way," by Inquirer medicine-science writer Donald C. Drake, is part of a continuing investigation of the costs, effectiveness and administration of health care which The Inquirer began in September.

The series will compare the methods of England, Sweden and Germany with those in the United States, with the purpose of showing strengths which Americans might emulate and weaknesses they should avoid.

FIVE-WEEK TOUR

The information was accumulated during a five-week tour of the three countries and their facilities, in addition to five weeks of interviews with officials in the United States to gather comparative material.

All told, the European part of the report involved interviews with more than 60 officials, doctors and government representatives in the three countries, tours of several hospitals and health facilities, and on-the-street interviews with the people getting the care.

The five parts are:

Sunday, Dec. 14—An overview of the three systems showing how the U.S. information on these systems has been completely distorted by special interest groups that go over there only to get information to support their bias.

Monday—A study of the British system which does have many faults—the general practitioner is something of a second-class citizen in the medical community—but neither doctor nor patient would think of abandoning the system, despite what the AMA says.

Tuesday—The Swedish system. This program is probably one of the best in the world yet Sweden—both the public and private sector—spends less on health care per capita than the United States.

Wednesday—the German system. This is the least known here but is perhaps the most likely to work in this country—at least at this time, because it does most to preserve the private enterprise medical system.

Thursday—This article will pose problems that will confront the United States on the basis of what European countries already know and make some suggestions on what the U.S. course should be. One of the least tasteful thoughts is that the United States is not now and might never be in the position of guaranteeing all of its citizens the same high quality care. Perhaps a two-class system will be required. The public class will be guaranteed a high level of minimum care but the more affluent will be able to purchase additional care.

[From the Philadelphia Inquirer, Dec. 14, 1969]

HEALTH CARE—THE EUROPEAN WAY: AMERICAN MEDICINE STANDS TO GAIN MUCH FROM NATIONALIZATION

(The health care system in the United States is in serious trouble. Some authorities believe America should adopt a program similar to some of those in Europe. Others violently disagree. Amid the heated disputes, facts are scarce. This is the first of five articles on medical care written after a five-week tour of European countries as part of a continuing Inquirer investigation of the U.S. health care crisis.)

(By Donald C. Drake)

Government leaders and a lot of other important people are thinking of ways to improve the deteriorating health system in the United States.

Undoubtedly the decision-makers will consider the experience of European nations that have turned to various forms of state-supported and controlled medicine.

American medicine will be in serious trouble, however, if our legislators base their actions on the popular conceptions of European medicine held by medical leaders in this country.

America has a completely distorted view of the European systems.

The distortion has been accepted, if not fostered, by American organized medicine, which, understandably, doesn't want to lose a good thing.

The self-styled experts on the European systems base their "knowledgeable" views on cursory examinations, deliberately misleading reports in American medical publications with axes to grind and information gathered from less than authoritative gripe sessions with foreign colleagues who justifiably envy some aspects of the American system.

It's become something of a sport for medical association officials to take vacations in Europe, talk to a few physicians there and come back with the horror tales that they sought to prove their preconceptions.

Some of the myths start with misinterpretations of factual information.

Others are just out and out lies.

Many of the faults attributed to nationalized medicine are more properly blamed on European medical traditions or economic problems gripping an entire nation.

American medical journals are filled with stories written by disgruntled British physicians, giving the impression that every British doctor would like to blow up the Ministry of Health along with the National Health Service.

Interviews with more than two dozen physicians and health officials in London, however, failed to reveal one that did not think the NHS was essential, though many felt that some changes in its administration would be desirable.

American physicians are forever telling us how the Swedish citizen pays the highest taxes in the world, blaming this on their health care system.

What they neglect to mention is that the private and public sectors of Sweden spend the same or less on health care than the U.S. does and that other aspects of their highly socialized system are more responsible for the high taxes than the health care system.

Other American authorities insist that socialized medicine is wasteful and costly.

To support this contention they tell how the NHS costs the British government 130 percent more now than it did 10 years ago.

This bit of information taken by itself is disconcerting until a check of U.S. records

reveal that U.S. expenditures on health during the past decade have also increased—by exactly 130 percent.

The startling fact is that the state, local and Federal governments in the United States already spend more per capita for health care than the entire NHS when cost of living differences are ignored.

It has been frequently stated that so-called free service will result in enormously high and unnecessary usage of the system. This may be partly true, but in Germany, where patients aren't required to pay anything for hospitalization or an office visit, the utilization rate is below the average in America, where patients frequently have to pay for everything.

European medical systems have many problems but it is quite clear that the European doctor, who is frequently a victim of these problems, is more outraged by the injustices of the medical system in America than he is about the system in his own country.

European doctors, almost without exception, are shocked to read that Americans can be bankrupted by illnesses or that large segments of the American population go without care because they cannot afford to pay for it or because inadequate programs fail to reach the poor.

FEELING JUSTIFIED

The Europeans are also the victims of partial truths and misinformation about U.S. medicine but basically their antagonism to the American system is justifiable.

One British physician said he understood that Negroes died in the street because they could not afford the price of a tank of oxygen.

This, of course, is nonsense.

But it is true that a lot of Negro babies die because their mothers don't seek prenatal hospital care, refusing to endure the indignities or the long waits for a clinic visit.

The American Medical Association says that no American goes without care if he needs it.

This is not true.

It is more accurate to say that no one in America is refused medical care if he seeks it: if he leaves his ghetto and travels across town to the hospital where he might have to wait hours for a visit with a doctor, if he is willing to lose the hours at work and if he is sophisticated enough to know that the help exists if only he is persistent enough to get it.

In most European countries the philosophy has been established that top-notch medical care is a right that will be provided by the government without discrimination, and that the chances are good that the patient in the hospital bed next to yours is equally likely to be rich as poor.

BAD ASPECTS

There are, however, many aspects of European medicine that the American would find distasteful.

For instance, there is a sharp division between hospital and nonhospital physicians.

A heart victim could see a cardiologist twice a month for a year, establishing a strong rapport, only to discover that once he is hospitalized following a heart attack he will be forced to accept a strange hospital physician.

The cardiologist he knows so well has no right to practice in the hospital.

Right away this would seem to be a justifiable argument against nationalized medicine, but further investigation reveals that this is a traditional schism, one that started years before anyone ever thought of anything as humane as guaranteed medical care for all.

Proponents of socialized medicine, or the European way, are quick to say that Europe has found the answer to the health delivery problem and America should completely do away with its current system.

EXTREME POSITION

This is clearly too extreme a position to take.

There are many things about the American system that are superior to European medicine.

The most obvious example is American medical research, which is second to none in the world.

But there are other things.

American doctors are much more active in the new and promising field of preventive medicine.

Five times as many Americans as Germans seek preventive medical care. In England, a medical checkup isn't even covered by the NHS because British physicians question its value.

American hospitals are much more efficient in moving patients out of the hospital, mainly because there is a shortage of beds here.

The average length of stay in American hospitals is many days shorter than in Sweden, Germany or England, countries that have centered their health systems on the most expensive unit in the medical scheme.

Our doctors, on the average, spend more time with patients than European doctors do, even though they are much less likely to make a house call.

GROUP PRACTICE

We are far more advanced with the concept of group practice, which takes over many of the functions that outpatient clinics in European hospitals are required to perform.

Many European physicians and health officials believe that group practice, which unites specialists, complicated equipment and technicans in an effective combination, is a potent aid in holding down costs.

The European doctor who mistakenly believes that American Negroes die on the streets for want of oxygen is ignorant of the fact that the majority of Americans are covered by insurance such as Blue Cross or Blue Shield, plans which are obviously not fulfilling their obligations to society but are making American medicine a much less brutal business than many on the other side of the Atlantic believe.

Europeans generally agree that the top care provided here is the best in the world but it is provided at a great expense to a large segment of society that goes without even the most rudimentary care.

The very real danger that exists at this time is that the reformers are ready to blindly throw away many of the advantages in the U.S. system for the sake of emulating the European plans that provide care for all.

What, of course, is needed is a blending of the systems rather than a choice of one system over the other.

INCENTIVE LACKING

None of the European systems studied offered substantial incentives to doctors to do a superior job.

Many of them, in fact, reward inefficiency.

In England, it is traditional for a British GP to swiftly send a patient off to the hospital if his care requires anything more than superficial treatment.

In Sweden and Germany, patients are kept in expensive hospital beds for excessively long periods—more than twice the U.S. average—simply because there is no need to move them out and tradition says this is how it should be done.

British hospital doctors are reluctant to discharge patients because they are afraid that the overworked GP is not up to the task of handling post-hospital care.

The three systems considered in this series—English, Swedish and German—use different ways to meet the needs of the people.

But they all have things in common:

Everyone is guaranteed medical treatment in the doctor's office or hospital at no extra charge or with heavy government subsidization.

Doctors who treat public patients outside of the hospital can't follow their patients into the hospital.

They are all partly responsible for infant death rates that are below those in the U.S., which also has a comparatively short life expectancy figure.

The cost of maintaining the medical system is distributed over a large base that involves all working members of the society, not just those who are unfortunate enough to become ill.

Each of the systems, however, meets the goal of guaranteed health care differently.

In England the population is taxed and public patients receive no care from specialists outside of the hospital. The GP is the backbone of the system.

The system completely disregards the fee-for-service concept, spoken so highly of by the American Medical Association.

In Sweden, excessive usage is discouraged by the requirement that patients pay full cost for care with the guarantee that the government will reimburse them for 75 percent.

Patients usually seek specialized care—the GP does not play as significant a role as he does in England—but they cannot choose their doctors in the hospital.

In Germany, the government plays a significant but limited role by setting fee schedules for doctors and the premiums quasi-public insurance companies can charge. Little tax money is used in the health care system.

"DOCTORS LIMITED"

The system is essentially run by government-required professional organizations and the insurance companies, which represent employers and employes who pay the premiums.

A major complaint of American doctors is that a nationalized medical system would take away the prerogatives of doctors to practice medicine as they see fit and sharply curtail the amount of money they can earn.

None of the systems, theoretically, at least, dictate the way doctors should practice medicine, but in England the system is set up in such a way to hamper, if not discourage, initiative.

This is not true in the other two countries.

In Germany and Sweden, physicians are paid on the basis of fee-for-service and the harder they work, the more they get paid.

The GP makes a significantly lower salary in England, where his salary averages about $24,000 when per capita income is calculated.

In Germany and Sweden the figure is closer to $30,000 which falls below the $35,000 average in America but not significantly.

The division between hospital and nonhospital doctors in Europe seems undesirable.

LEARNING RESTRICTED

Hospitals and medical centers are the principal centers of learning and it is difficult if not impossible, for a doctor to keep up with medical advances if he is cut off from the intellectual mainstream.

It also seems foolish to separate a patient from a doctor who is intimately involved with his case when the patient needs him most—at the time his condition becomes so critical that hospitalization is required.

Contrary to reports in this country, few patients in any of the three countries feel their doctors treat them like case numbers or obligations imposed on them by the state system.

Even in Britain, where this complaint would seem to be most justified, the patients by and large are quite happy with the treatment they receive.

But then this could be accounted for by a different attitude Europeans have toward doctors. Americans might tend to see their physician more as a father figure.

If America went to a socialized or na-

tionalized form of medicine, the number of cases per patient or doctor would undoubtedly increase sharply just as they did under Medicare, when money restrictions were lifted.

But most authorities attribute such increases to the fulfillment of a need that is not being taken care of under the old system and not to malingering.

BACKLOG MISSING

Sweden has a utilization rate of doctors half that of the U.S., even though 75 percent of care is covered by the state. But then Sweden doesn't have a backlog of untreated cases nor does it have a large poverty population, which requires more than average medical treatment.

It would be foolish for the U.S. to transplant a medical system in toto from Europe because the cultures and needs are so different, but certain aspects of the various systems could be incorporated into ours—certainly the concept of guaranteed health care for all.

Most important, our leaders must be careful not to discard many of the good things that have been developed by our doctors and hospitals.

But on the other hand, they shouldn't be afraid to make changes simply because one pressure group or the other will make hysterical predictions—as some did during the formative stages of Medicare—or because the privileged position of one small segment of the society will have to be forced to give a little for the sake of all the rest of that society.

[From the Philadelphia (Pa.) Inquirer, Dec. 15, 1969]

HEALTH CARE—THE EUROPEAN WAY: BRITISH PROGRAM HELPS ALL, BUT LIMITS DOCTORS' RANGE

(By Donald C. Drake)

LONDON.—The much-publicized National Health Service in England is outrageously unfair to doctors and the level of care patients get is questionable, yet few Britishers would think of giving up socialized medicine.

Good, bad or indifferent, the fact remains that every Englishman is entitled to government-financed health care, and that one benefit is so important that it over-rides most other considerations.

Even the British general practitioner, who has every right to damn the government and bureaucrats who have turned him into a form-filling clerk, is more outraged by the American system than he is by his own.

PUBLIC ACCEPTANCE

Said one London GP in an interview:

"I certainly can understand why your doctors don't want socialized medicine, but it's beyond me how they have convinced their patients and their government that it wouldn't be in the public's interest."

Said a British medical writer who had been covering the NHS for five years:

"We in this country are horrified to read of the inhuman way your doctors criticize socialized medicine. If they knew what they were talking about, they wouldn't dare say the things they do. In the American system the primary concern is for the doctor and not the patient. In Britain the concern is for the patient."

An American visitor getting a first-hand look at the famous British system is disturbed by what he sees and hears.

Working on a five-minute appointment schedule, GPs frequently don't bother with physical exams because it takes too long for the patient to undress and dress.

"Complicated" cases that require more than 10 minutes or "sophisticated" equipment like an electrocardiograph, standard equipment in the offices of many American practitioners, are frequently packed off to the hospital.

Twenty to 30 percent of the patients in a doctor's waiting room are there only to have a variety of forms filled out, mostly to entitle them to government sickness insurance.

NHS patients must go to the hospital if they want to see a specialist, or else pay the fees of a private physician. Only private specialists practice outside of hospitals in England.

The plight of the English physician is a vivid example of what happens when the profession refuses to offer alternatives and lets the politicians take the initiative as the English doctors did during the formative stages of the NHS and the American doctors are doing now while our government considers changing the U.S. system.

American authorities discredits the British system for the wrong reasons.

They say, for instance, that the NHS should be abandoned because it has become too expensive, pointing to a 130 percent increase in its budget during the past decade. They neglect to add that expenditures for medical care in the U.S. also have jumped by exactly 130 percent since 1958.

The problem is not that the system is so expensive but that England, a nation with serious money problems, is not spending enough for the service its politicians promised the voters.

The NHS spends an average of only $67 per person each year, compared to the $145 Sweden spends annually per capita on its program and the U.S. average of $294, which includes both public and private expenditures.

SIMPLE SOLUTION

Many, though certainly not all, of the problems with the NHS could be solved by simply spending as much on health care as other nations do.

A British GP gets a ludicrously low $2.58 a year from the NHS for each patient signed up with him no matter how many times he sees the patient during that period.

The average GP has 2470 patients on his list—the most he can legally have is 3500—and he sees about 200 of them each week, almost half of them on house visits.

This compares to the American GP, who has an average of 130 office visits and makes a paltry three house calls a week.

As a result of tight finances, the most a GP is likely to make, even with additional money coming in for the performance of special screening tests and the treatment of persons under 65, is $12,000 and many GPs say this estimate is generous.

THIRTY PERCENT LEAVE

Considering that the per capital income in England is half the U.S. figure, the $12,000 would be the equivalent of $24,000, but this is $11,000 below the U.S. average and about $6000 below the average in Germany and Sweden.

Largely as a result of low income and other inconveniences, Berlin loses to other countries, by one estimate, the equivalent of 30 percent of the doctors its schools graduate each year. (Others cut this figure in half but it is still a substantial loss.)

Doctors insist they should be making about twice as much as they do but this isn't their only complaint with the system.

Another problem is that medicine has become intellectually deadening for the GP.

Hard-pressed for time, the GP is forced to send medically interesting cases to the hospital, which explains why the NHS spends 20 percent more of its budget on hospital care than the public and private sectors of American medicine do.

Since England's hospital admission rate of 71 patients per 1000 population is 37 percent below the U.S. average, the larger expenditures are accounted for by unusually large outpatient clinics and an average length of stay more than six days longer than the 8.5-day U.S. average.

One source in England said that hospital physicians are reluctant to discharge patients quickly for fear that the harried GP just wouldn't be up to the demands that the patient's post-hospital care would require, hence a costly waste of a hospital bed.

Hospital specialists do better than the GP and, especially in teaching hospitals, have more time to spend with the patient, but the schedule is still tight.

SURGEONS PROFIT

The top salary a surgeon at prestigious Guy's Hospital may make is $25,000, equivalent to an American surgeon when the per capita difference between the two nations is taken into consideration. The average salary for surgeons and other specialists, however, is considerably lower. Prestigious specialists with a large percentage of private patients can make many times $25,000 but then their practices are more like private medical care in the U.S.

In an effort to concentrate more patient care outside the hospital, the British are experimenting with a variety of group practice plans, which, at best, are only weak copies of what is already being done in the U.S.

In the growing new community of Thamesmede, which only a few years ago was a military arsenal, a prototype group practice is being set up that, unlike in the U.S., will be staffed only by GPs.

Plans call for construction of a modernistic building that will house 24 doctors, a small laboratory, operating room for minor procedures, X-ray machines and a couple of electrocardiographs.

This might sound like a modest proposal to the American accustomed to finding all this in group practices or partnerships but in England it's a break with tradition.

The doctors are to be assigned to five or six teams, which will each include two registered nurses, a social worker and visiting nurses. Since it's doubtful that any specialists will be lured from their prestigious hospitals, the GPs will specialize in obstetrics-gynecology, geriatrics, child care and general medicine.

ONE THOUSAND SERVED

Only 1000 persons live in Thamesmede now, but the population will grow to 60,000 persons, who will be served by the new setup that plans a variety of innovations such as physical checkups during the first visit to the program (this is routinely done in the U.S. but rarely in England) and computerized health records.

The optimistic hopes that the founders have for the Thamesmede project is evidence of the basic confidence that doctors have in the general philosophy of socialized medicine, if only it could be organized in a more reasonable manner.

Not one of the two-dozen doctors and health officials interviewed in England questions the concept of socialized medicine but rather indorses it.

Many feel, however, that the system is too much in the control of bureaucrats and politicians, who are more sensitive to political expediencies than to a basically sound concept and program that needs professional direction.

DEFECTORS CITED

A. H. Burffot, a clerk to the governors and chief administrator at Guy's Hospital, feels that the government should continue to decide how much money should be spent but that a board staffed by health professionals, perhaps appointed by the Ministry of Health, should direct operation of the NHS.

Other health authorities feel patients should be charged a nominal fee to discourage casual and wasteful use while some suggest establishing a system where fees would be linked to the amount of service performed by the physician.

Still others, however, disagree with this suggestion, pointing out that dentistry under the NHS is already operated on a fee-for-service principle even though many believe that British dentistry is of far lower quality than medicine.

Many American visitors to England attempt to discredit NHS by saying that an increasing number of Britishers are abandoning the government system for private insurance.

This is partly true, but mainly wrong.

Private medicine is by far smaller than the public sector, so much so that few physicians could hope to make a living without accepting a large percentage of NHS patients. Ninety-seven percent of the population is registered with the NHS.

The visitors misunderstand the growing popularity of insurance plans that augment rather than replace the NHS—plans that enable patients to see doctors on an appointment basis, get better rooms in hospitals and choose the hospital physician, which a straight NHS patient cannot.

These plans also enable patients to avoid waiting several months or years for hospital treatment of nonserious medical complaints such as hemorrhoids, varicose veins and small orthopedic problems.

The NHS is, of course, plagued by bureaucracy but so is any large organization, as physicians in any of Philadelphia's top medical centers will testify.

One GP said he did simple blood tests in his own office even though the government prohibits reimbursement for this—it's supposed to be done in the hospital—because he can get the results back immediately and can thus avoid wasting time on a second office visit.

Another physician complained that when he sent his patients to the hospital for simple tests, the lab or radiology department sent the results back by slow second-class post to save a penny or two.

"A proper solution to this problem, I should think," the physician said with British stoicism, "would be to send back only the positive results by first-class post."

GOBBLE PILLS

It's generally agreed that British doctors tend to overmedicate but the reason is simple:

It's been shown that British patients expect to get medicine from their doctors and when they don't, they tend to summon the doctor more often for house calls.

As one physician said philosophically, it takes less time to write out a prescription than to make a house call or a physical examination.

British patients tends to be more ruthless about house calls than Americans—who are lucky if their doctor doesn't have an unlisted phone number—because he knows that his GP could be called up on charges and disciplined should he refuse to respond when the patient insists.

The AMA frequently emphasizes that the British system is impersonal.

It certainly seemed so to an American visitor, but the British seem to like their doctor-patient relationships.

Interviews with numerous British patients indicated almost total satisfaction with their doctors though the young seemed more critical.

Most patients, however, thought that their doctors were very concerned about them as people as well as patients, though it's hard to appreciate how this is accomplished with such swift appointment schedules.

SYMPATHY FELT

More startling for an American to hear was patients sympathizing with the doctor and feeling sorry that he worked such long hours and got so little money.

Even the British Medical Association conceded that care has improved considerably since the NHS went into service 21 years ago. "Improvements in hospitals have been enormous," said a spokesman for the BMA, after conceding that most of the facilities date back to the Victorian era.

Dr. Scott Gale of the University of Colorado School of Medicine, studying at St. Bartholomew's, one of London's top hospitals, said care there is comparable to that found in the U.S. though he did think America's hospitals were better equipped and that the very seriously ill patients did better in the States.

A British urologist familiar with American hospitals agreed that America had more equipment but he thought that American medicine tended to be mechanized.

Dr. John Seale, an exclusive Wimpole Street doctor with a large percentage of private patients and hospital-admitting privileges, feels that the English system is too centralized and lacks money incentives, such as fee-for-service, to encourage superior performance.

He thinks no nation could afford to have a single-class medical system, but he says the NHS with all its problems is essential for England.

"The British system," he said, "is too skewed to the Utopian concept that everyone should have the best possible medical care when this is impossible."

He does not, however, prefer the American system of essentially private enterprise.

"If there are people in America who are being financially ruined by medical costs," he said, "then something should be done about it."

U.S. hospital admission rate is highest; length of stay lowest

[Hospital admissions are per 1,000 population]

England and Wales:	
Hospital admission	82
Days	14.8
Germany:	
Hospital admission	120
Days	19
Sweden:	
Hospital admission	127
Days	12.5
United States:	
Hospital admission	134
Days	8.5

[From the Philadelphia Inquirer, Dec 16, 1969]

HEALTH CARE—THE EUROPEAN WAY: SWEDEN'S SERVICES TO ALL

(By Donald C. Drake)

STOCKHOLM.—Sweden has justifiably gained an international reputation for having one of the best health care systems in the world.

Unlike Americans, few Swedes go without needed care because most, if not all, of the cost is paid for by the government.

The doctors by and large are well trained and the hospitals are mostly new and well stocked with modern equipment.

Partly because of the high quality of care, the Swedes have the lowest infant mortality rate and the longest life expectancy in the world.

Despite all this, the startling fact is that the combined public and private sectors of Sweden spend less per person for health care than the United States, with all of its problems, gaps in care and in infant mortality rate almost twice that of Sweden's.

It cost an average of only about $215 in 1967 for the health care of each Swedish citizen as compared to $250 for the American.

Cost of living differences, an extremely difficult thing to use in international comparisons, could partly account for the difference but it does not explain how Sweden can achieve its impressive results while devoting the same or a smaller percentage of its gross national product to health care than the U.S.

Looking at this more meaningful economic measure, the U.S. is spending 6.7 percent of its GNP—that is 6.7 percent of its resources—on health care as compared to between five and six percent for Sweden.

It is difficult to determine the comparative quality of care in the two countries. Most experts surveyed in Europe said that the top care provided in the U.S. is second to none in the world.

But the same experts generally agree that the overall care in Sweden is better than that provided in the U.S.

The big difference is not quality but accessibility to care.

While a large percentage of America's 30 million to 40 million poor receive inadequate care no one in Sweden goes without care because he is without funds.

A Swede can visit a doctor in his office and have 75 percent of the cost reimbursed by the government. (Sweden is currently revamping this system so that a patient will be required to pay only $1.35 for each visit.)

If the patient is affluent, the doctor may charge above government fee schedules but the government payment, geared to fee schedules determined by a lay government committee, will fall to 50 percent or less.

With only a token payment of $1.40 a day, which is covered by other forms of social insurance, hospital care is free.

Virtually all hospital beds in Sweden are for government-subsidized care and no social stigma is attached to receiving it.

Prescription drugs are also heavily subsidized by the government and some chronic drugs such as insulin for diabetes are completely free.

LITTLE POVERTY

If a Swede is completely destitute—few of them are because the country has virtually no poverty—the state will pick up the token payments and partial charges designed to discourage excess use.

Criticism of a nationalized or so-called "free" system in this country insist that such "generosity" on the government's part will encourage patients to seek unnecessary care. This doesn't seem to be borne out by the Swedish experience.

In fact, the average Swede sees his doctor an average of only 2.5 times a year, almost half the U.S. rate.

This is partly because Swedish doctors and patients question the value of the annual routine checkups, considered in Europe an American mania, and Swedish doctors are far slower to treat minor or imagined ailments.

While the average American is forever trudging off to his doctor for a checkup and a consultation for this minor ache or that, the Swede perseveres and more often than not survives without the annual assurance of good health from his doctor and the minor ache disappears without medical intervention.

This low level of utilization partly explains how Sweden can provide so much for so many with a budget comparatively smaller than America's.

It also suggests, as some U.S. officials have already said, that the U.S. cannot guarantee a similar level of minimum care to all of its citizens without expanding medical facilities, staffs and budgets far beyond present levels or denying the affluent American some of the possibly excessive care he is currently getting.

HOSPITAL USE

Asked why the utilization rate was so low, Dr. Sven Alsen, chief of the hospital division of the National Board of Health and Welfare, said that Swedish doctors were too quick to dispatch difficult cases to the hospital.

If Dr. Alsen is correct, then the U.S. has a bigger problem on this score than Sweden has because this country's admission rate is even higher than Sweden's.

Excluding obstetrics cases, which would vary with a nation's birth rate and hence confuse matters, the admission rate to short-term hospitals in Sweden is 110 per 1000 population as compared to 114.5 in the U.S.

Though it's true that once a patient goes into a Swedish hospital he'll stay there on the average 50 percent longer than the American (12.5 days as compared to 8.5), Sweden uses almost half as many staff personnel per bed as America does.

Since manpower accounts for 70 percent of a hospital's budget, this results in substantial savings.

It costs $80 a day to care for a patient in a major Stockholm hospital.

At first this would not appear to be substantially less than the cost at a comparable facility in the U.S., but the $80 not only includes the cost for outpatient care of other patients, but also the cost of services by physicians, who are all salaried by the hospital.

HIGH TAXES

Critics of the Swedish medical system are quick to point out that Swedes pay enormous taxes. This is quite true. Sweden has the highest taxes in the world.

Taxation in 1967 equaled 40.9 percent of Sweden's gross national product as compared to 28.3 percent in the U.S.

The Swedish equivalent of an $8000-a-year man pays a whopping 48 percent of his income in taxes as compared to only 29 percent for the Philadelphian but the health system is not totally to blame for this.

Sweden provides more social services than any other country in the world. College education is free as well as all other levels of schooling. The country's unemployment insurance and family and child welfare programs are among the most generous and the national pension plan provides the elderly with an income equal to two-thirds of the income earned during his 15 highest paid years.

In fact, the health program accounts for only 20 percent of taxation, falling considerably below the amount spent on pensions.

Though proponents of nationalized medicine would like to think that Sweden has a perfect plan, the system has its problems.

With 30 percent fewer doctors on a per capita basis than the U.S., the Swedish doctor doesn't spend much time with each patient.

A five-minute visit with the doctor is about par for the course though one hospital doctor said he has only three minutes for patients (he sees 100 a day) though he spends a leisurely five minutes with those he is seeing for the first time.

AVERAGE TIMES

A survey by the medical journal Medical Economics indicates that the average American GP spends 15 minutes on the first visit and 10 minutes for revisits as compared to specialists such as internists who take 25 minutes on a first visit and 15 minutes for revisits.

The nationalized system is not completely to blame for the doctor shortage but, in fact, can take credit for reacting to the problem so swiftly.

About five years ago, a government commission decided that twice as many doctors were needed and the current active physician population of 8500 will be doubled during the next decade.

Since it controls medical education, the government had little trouble in getting the added manpower, unlike the U.S., which has been trying for years to persuade the medical schools to graduate more doctors. But the number of physicians has increased by only 30 percent during the last decade.

A principal complaint by Swedish authorities is that their system is too strongly oriented toward hospital medicine, so much so that some experts believe that hospital physicians are superior to those on the outside.

Unlike the American practice, outside physicians are not allowed to cover their own patients in the hospital but must transfer their care to a salaried hospital physician.

LONG WAITS

This schism between hospital and non-hospital doctors, a tradition of European medicine not caused by the Socialistic concept, so concerns Swedish authorities that they are formulating plans to periodically rotate physicians through hospitals to familiarize them with new techniques and hopefully equalize the quality of care.

A common complaint made against socialized medicine is that patients spend hours waiting for care, as though the clinic patients in America don't have to, and that those with non-emergency complaints go for months or years without care.

This is partly true in Sweden but authorities attribute the problem to the shortage of physicians and they believe the shortcoming will be relieved when the extra doctors get out of school.

A wait of two or three hours for care in a Swedish hospital is not unusual and hospitalized patients may be detained for several days as they are slowly routed through this test or that.

The waiting time for nonemergency operations is about three months (it's three to five weeks in Philadelphia) and it is true that some patients have been waiting for years.

But these are mainly patients who want cosmetic surgery or the correction of minor orthopedic problems.

All told, Sweden has a waiting list of 80,000 patients that would take two months to dispose of but low priority cases may be repeatedly shoved to the bottom as new more serious cases arise, accounting for a wait of a year or more in a handful of situations.

One of the main reasons medical associations in this country oppose government-controlled or supervised medicine is that they are afraid the bureaucrats will not only lower medical standards but also lower physicians' incomes.

FEE SCHEDULES

Again, the Swedish experience doesn't bear this out.

Even though a lay government committee sets fee schedules, the income of a Swedish doctor is comparable to that of an American physician.

A Swedish doctor makes an average of $25,000, which is 30 percent less than the American doctor does, but then Sweden's per capita income is 25 percent less than that of the U.S. so the physician's relative economic position is roughly equivalent to the American doctor's.

The Swedish system's principle weakness is that it lacks incentives to encourage doctors and patients to make the most efficient use of manpower and facilities.

Sweden, for instance, has more than enough hospital beds and the doctor doesn't have to worry about whether the state-subsidized patient can afford care so he is under no pressure to move the patient out quickly.

Hence, Sweden has an average length of stay that is 50 percent longer than America's and the Swedish officials aren't at all happy about the extravagance.

Still, the overall utilization rate for all facilities and personnel in Sweden on a per capita basis is below that found in the U.S.

Dr. Joseph T. English, administrator of the U.S. Health Services and Mental Health Administration, puts much of the blame for the higher U.S. utilization on poor organization of medical services and the large poverty population.

It's been roughly estimated that 20 percent of Americans, mostly the poor ones, get inadequate medical service even though they need it more.

One study showed that the physician utilization rate in one ghetto doubled to six visits per year when a neighborhood health center was opened up, indicating to officials that the poor needed more care than the average American, who saw his doctor only 4.5 times a year.

CRISIS MEDICINE

If the U.S. eventually achieved a system equivalent to Sweden's, Dr. English predicted, utilization and cost would shoot up but then level off as the backlog of cases was taken care of.

Crisis medicine is costly and a well organized and accessible system such as Sweden's makes crises less likely and hence medical care becomes more economical.

Dr. English's comments pointed up something said during an interview in Stockholm with Dr. Malcolm Tottie, senior officer of the health bureau of Sweden's National Board of Health and Welfare.

It's impossible, said Dr. Tottie, to pull out health care from a system of social services saying that this constitutes health care and this does not.

Elimination of poverty with a welfare and food program, for instance, would not be considered a health measure but it would probably do more to reduce illness than any single public health measure.

Because the U.S. is behind Sweden in other social programs as well as health care, and because the U.S. has such a large poverty population, any health program that the government instituted would necessarily be more costly than Sweden's.

In the long run, however, a wise program of social services would probably result in not only economic but human savings as well.

U.S. spends more on health care than any nation, 1968

[Government sponsored program only]

PER CAPITA COST

England and Wales	$67
Germany	75
Sweden	145
United States [1]	90

PERCENTAGE OF NATIONAL RESOURCES

England and Wales	4.5
Germany	5
Sweden	5.6
United States	6.5

[1] Private and public sectors combined, $250.

[From the Philadelphia Inquirer, Dec. 17, 1969]

HEALTH CARE—THE EUROPEAN WAY: GERMANY USES DUAL SYSTEM

(By Donald Drake)

BONN.—Officials of the American Medical Association like to give speeches telling Americans how lucky they are because they don't have horrible socialized medicine like the British do.

The implication of what they say is that either a country has American-style private businessmen—doctors, or it has socialized medicine.

For some inexplicable reason, no one ever says anything about the way they practice medicine in Germany.

German medicine is an intriguing system with two highly organized forces—one representing the doctor and the other representing the patient—and the government acts only as an overseer laying down a few important ground rules.

Most Germans believe theirs is the best health system in the world.

Non-Germans might dispute this, but they can't deny that it's the oldest form of quasi-socialized medicine, having been started under Bismarck in 1884, nor can they deny that it has preserved the German physician's independence on a continent that has become

dominated by fully socialistic medical systems.

EIGHTY-FIVE PERCENT COVERED

At first sight Germany appears to be a medical utopia where both patient and doctor are doing very well.

More than 85 percent of the population is covered by state-supervised insurance companies that not only finance hospitalization but also all care given by doctors in their offices or during house calls, which American insurance firms rarely do.

The patient can choose any doctor he wants—the hallowed doctor-patient relationship the AMA is always talking about is thus preserved—though the patient must accept whatever doctor he gets once hospitalized.

The most a patient has to pay for a prescription is 68 cents; the insurance company picks up the rest.

And there is no limit to the number of visits a patient may make to his doctor nor the time he may spend in the hospital.

In short, when insured patients get sick their doctor-patient relationship is never stained by the exchange of bills or money.

It's all handled by the system and the doctor can concentrate on medicine and the patient has only to worry about getting well.

CHECKS, BALANCES

All money matters for the doctor are taken care of by government-required groups called the KVs—panels of doctors—which negotiate finances with the insurance companies.

The doctor merely checks off the services he performed and KV gets the money and sends it to him. Thus another hallowed principle of the AMA—fee for service—is preserved and presumably the doctor has a financial incentive to do a complete job.

Interwoven into this system is a variety of checks and balances to discourage doctors from taking advantage of the system, guarantee patients a minimum level of care that is quite high and help keep costs down, though not very effectively.

Big Brother in this case is the government, which plays a limited but significant role in the system.

The government sets:

—The minimum coverage that the insurance companies must provide to all subscribers.

—The maximum amount of premiums that the companies may collect from citizens.

—The fees doctors may charge.

This centralized control has helped enable Germany to hold down the cost of its health services to the equivalent of 5 percent of the gross national product as compared to 6.7 in the U.S.

By indirectly setting doctors' fees and by directly limiting insurance premiums, the government, in effect, is telling the medical community how much the German society is willing to devote to health care.

RATES SET

The control isn't completely effective—just as in every other country, medical costs in Germany are increasing along with the development of costly medical advances—but there is some control.

There is none in the U.S.

The most an insurance company can charge a subscriber under current regulations is 11 percent of his salary. Charges vary between 8 and 11 percent.

In an effort to reduce the number of medically indigent whose care would have to be paid for by other subscribers or the state, the government requires all persons who make under 900 marks a month ($268) to buy insurance and their employers to pay half of the premiums.

Persons who make over this figure may join voluntarily but must pay the total cost. The health plan must be desirable since more than 85 percent of the population buys the insurance though more than half of them don't have to.

The premium pays not only for the subscriber's own care but also partially subsidizes the care of retired persons and those who are not working, in addition to the care for all members of his family.

SICK ARE PAID

A significant portion of the money also insures a worker for up to six weeks for wages lost during illness.

This is such a costly feature of the program that the government will be able to drop the maximum premium charge to 8 percent starting Jan. 1 when all employers will be required to provide wages for the sick.

Considering that the average American devotes about 7 percent of his family budget to health care plus another 1 percent for Federal and local taxes that finance public health programs, the high-paid German citizen isn't spending much more than the American and the lower-paid German is spending much less, since half the cost of insurance is paid for by his employer.

If there were no controls of fees and insurance premiums under such a system, medical inflation would be excessive.

Fee schedules are determined by a commission representing the doctors, insurance companies, government and other interested parties.

In typically exhaustive Prussian fashion, the schedules cover 1500 different procedures, everything from the amount a doctor can charge for mileage on a house call to the cost of an injection.

For instance, a doctor gets $1.63 for an office visit, another $1.08 if he gives an injection during the visit plus an additional $1.90 if he gives advice on what the patient should do.

LESS HOURS

Doctors can legally vary charges by as much as 600 percent, depending on the patient's affluence and the doctor's experience and prestige, but with insured patients the variations run between 10 percent below fees (for the poorer patients) to about 30 percent above for the more affluent.

With such modest fees, it would seem that a German doctor couldn't make much, but he does about as well as the average American physician and he doesn't work as long either—about 50 hours a week as compared to the American 60-hour average.

Seeing 30 patients a day in his office and 10 on house calls, the average general practitioner takes home about 63,000 marks, which equals less than $16,000 but the buying power is worth more than $30,000 in Germany.

With the exception of Herr Professor in the hospital—and there is only one per department—the hospital doctor doesn't do anywhere near as well.

He makes the equivalent of $6000 a year, which explains why there is a fast turnover of junior people who leave when they realize it's unlikely that they will ever get the coveted post of chief of department who can make additional money by charging fees for private patients.

SELF-POLICING

Outside the hospital, doctors could reap a huge profit by exaggerating claims, taking a bigger percentage surcharge than they are entitled to or by requiring unnecessary office visits:

"Take this pill and come back in three days to see how you are doing."

But the doctors' organizations act as a fairly efficient policing agency in this regard because they have a vested interest. They are dealing with the government-limited money that an insurance company has and if one doctor takes more than his share, the other doctors in the group will suffer.

Automatic reviews are made of all produres that appear excessive or multiple office visits for mild complaints and the doctors' organizations are not above calling in a member to find out the reasons for irregularities.

The situation is not so good with the German hospitals, which are suffering from a price-control hangover from the war.

The hospitals don't get paid enough on a per-diem basis for the care they provide. They solve this problem wastefully by keeping the patient in the hospital longer than is needed.

LONGER STAYS

To one outside the medical fraternity this might not make sense, but it does because a hospital loses money during the initial days of a patient's stay when costly tests and procedures are being done and makes money later on when the patient is virtually nothing more than a hotel guest.

As a result of this and stuffy German medical tradition, the average length of stay is ridiculously high—more than twice that of an American hospital.

The average length of stay in a short-term, general hospital is more than 19 days as compared to 8.5 in the U.S. A German maternity case stays in an average of nine days.

Some in the system claim that German doctors feel the extra time is necessary for good medicine, but most of the newer physicians believe that the lengthy stays have no medical justification.

Another shortcoming is the peculiar prohibition that tradition and non-hospital doctors have forced onto the system preventing hospitals from having out-patient clinics.

(The only exceptions are the teaching hospitals that may have clinics for educational purposes.)

WASTE CHARGED

As a result of this ban, patients who require more care than a non-hospital physician can provide must be hospitalized in costly facilities even though they could be treated on a more economical out-patient basis.

Critics of the system claim that because of this and the fact that patients aren't required to pay anything when they visit a doctor that the system is being wastefully used.

This may be true for hospitals but it isn't borne out elsewhere.

Germans see their doctors an average of only three times a year, which is just a little above the 2.5 average in Sweden, where patients must pay 25 percent, and 4.5 in the U.S., where they pay everything. The hospitalization rate is also slightly below the U.S. average.

Even though Germans see their doctors less than Americans and even though the German doctor/patient ratio of 1.6 per 1000 is equivalent to the U.S. ratio, German physicians tend to rush patients through.

And a one-hour to two-hour wait for the swift service isn't uncommon either, prompting 10 to 15 percent of the population to buy extra private insurance.

German doctors insist that such insurance doesn't guarantee better medical treatment but only more of the amenities such as better hospital rooms, a choice of hospital doctors and appointments in the doctor's office to avoid long waits.

TOO FEW BEDS

Germany has a shortage of hospital beds, unlike Sweden, which has too many, but most of them are well-equipped.

Germany has only five heart centers capable of performing an average of 3000 open heart operations a year when there is a need for 12,000.

As a result, 9000 patients either die or, if they have enough money, go to America and pay for the care out of their own pocket.

Germans blame the shortage of heart centers on the lag of development because of World War II and not on their quasi-socialized system of medicine.

Germany also has a shortage of general practitioners, being victims of a trend to-

wards specialization that has taken over health care in Germany as well as the U.S. and many other countries.

Sticking to old-fashioned teaching methods where the student is a slave who must not contradict the great Herr Professor, German medical education leaves a lot to be desired.

Aware of the problem, about 25 percent of the schools have adopted U.S. methods and students are doing less work in the classroom and more work at the bedside.

To sum it up then, Germany seems to have a strong and effective system that officials in this country should find worthy of study, especially if they want to avoid a completely socialistic system such as exists in Great Britain.

MUCH TO STUDY

Doctors have retained much of their independence as a result of the establishment of government-required professional organizations that strongly represent members in dealings with the insurance system.

The principle of fee-for-service and the doctor-patient relationship have been preserved, allowing patients to choose their doctors.

No patient need worry about the threat of personal bankruptcy as a result of illness and all persons are guaranteed a high level of minimum care.

Furthermore, the base for the support of the system is much wider than in this country with virtually all persons contributing to its maintenance through comprehensive insurance schemes.

In considering adoption of various aspects of the German system, U.S. officials and medical leaders would be wise to avoid the German mistakes such as:

The separation of nonhospital doctors from the hospital and centers of learning.

The excessive use of hospitals with unnecessarily long stays.

And an educational system that stifles initiative and experimentation by new doctors.

It is also important that any new scheme the U.S. considers not destroy many of the strong points in America's existing system.

No other country has developed group practice to the same extent as the U.S. and many Europeans feel, as do U.S. leaders, that group practice is an effective way to provide top-notch care at the least expense.

[From the Philadelphia Inquirer, Dec. 18, 1969]

HEALTH CARE—THE EUROPEAN WAY: U.S. SYSTEM NEEDS REFORMS TO CUT COSTS AND BRING SERVICE TO ALL

(By Donald C. Drake)

Something is terribly wrong with American medicine.

The United States is spending more for health than countries with national or socialized programs, yet 20 percent of the American population goes without adequate care.

Some changes must be made, but they must be made with care.

National health insurance, which is being considered in Washington at this moment, is not by itself the answer.

It's not merely a matter of finding new ways to fund the health industry. More important is to find better ways to operate it.

The important question the legislators and decision makers must answer is:

How can Europe do so much more with so much less?

The answers are not simple but a study of the systems in Germany, Sweden and England reveal two striking things:

Europeans seek health care less often than Americans.

And the American system seems quicker to undertake measures that have not been conclusively proved on an economic or medical basis.

Organized medicine tells us that national systems encourage wasteful usage.

The evidence, if anything, suggests that doctors with a profit motive will promote more usage than doctors whose patients get so-called "free" care.

Patients in Germany, Sweden, and England see their doctors less often and are hospitalized less frequently than Americans.

CALIFORNIA PLAN

This fact could be attributed to differences in nations rather than differences in medical systems until the statistics of the highly respected Kaiser-Permanente Health Plan in Northern California are considered.

Compared to Americans throughout the nation using the traditional system, Kaiser patients visit their doctors 20 percent less often, stay in the hospital 32 percent less and are almost half as likely to be hospitalized in the first place.

The big difference between the Kaiser plan and Blue Shield and Blue Cross is that the doctor has no financial interests in extra visits or hospital stays.

In fact, since the Kaiser doctors are salaried and receive a share of the profits at the end of the year, the incentive is to practice economical medicine.

Many persons angered by the high income of doctors in the U.S. hold the simplistic view that health care costs could be held down by simply reducing physicians' incomes.

This would have only a minor effect.

If the income of the nation's 280,000 physicians was cut by more than half to a ridiculously low $17,000 annually—a foolish move that could destroy American medicine—the national expenditure for health care would be cut by a paltry eight-tenths of 1 percent.

USED MORE OFTEN

More efficient utilization of personnel, equipment and facilities would also probably have only a small effect.

There is little evidence that medicine practiced in Europe is any more efficient. In fact, there are indications that United States medicine is even more efficient, especially with prepaid group practices such as Kaiser-Permanente.

The answer seems to lie in utilization.

American doctors require more office visits, make more attempts at preventive medicine and undertake more therapy than European doctors do for their patients.

Cynics may say that doctors here do this for profit.

Undoubtedly some do. But most of them probably just don't bother to think in terms of whether a given procedure is cost effective—that is, whether the cost to society for doing the work produces sufficiently effective results to justify it economically.

A doctor may make an extra $10 or $15 if he requires a second visit, but if he orders unnecessary costly drugs, examinations or hospitalization, the costs to the patient and society are multiplied many times.

Cost effectiveness, however, is more properly a matter to be considered by administrators and government officials than by doctors, especially if a national form of medical care supported by tax dollars is set up.

IS IT WORTH IT?

Priorities must be set so that a limited amount of money can be spent most effectively.

Officials cannot delude themselves into thinking that medical automation will spare them from the distasteful task of setting these priorities by making care so cheap that society can do everything medically possible for everyone.

Everything that is medically possible is not necessarily economically justifiable.

Take the controversial question of routine physical examinations or medical screens, which are commonly done in America but infrequently in European countries.

Take just one procedure—sigmoidoscopic examinations to detect rectal cancer before symptoms appear.

The American Cancer Society and proctologists believe that routine examinations should be performed to improve the survival rate for cancer victims.

Taken by itself, this seems to be a perfectly reasonable thing to do and, should our government adopt a national health system, many specialists would undoubtedly insist that sigmoidoscopic examinations be given to all people over 45.

Some specialists charge as high as $25 for the exam, though the cost could be brought down to $6 if it were done widely. But even at this price is it cost effective?

VALUES NEEDED

If the exams were given annually as recommended, and for as little as $6, it would cost the American society $435 million a year or about $475,000 for each of the 920 lives the screen would save.

If society had only $475,000, wouldn't more lives be saved, more illness avoided or cured if the money were spent elsewhere, say for prenatal care or Pap smears to detect cervical cancer?

If routine $4 Pap smears were given to the 65 million women who should get them, it would cost society $260 million a year, but as many as 12,000 lives could be saved that would be lost otherwise. This would come to an average of $21,600 for each life.

Put in other terms, society could save 22 times as many lives by spending its limited funds on Pap screens as it could by spending the same amount on the more costly sigmoidoscopic tests with a proper yield of treatable positive cases.

It would be nice to save all the lives but medical funds are limited, no matter how rich the nation, and distasteful priorities must be set.

Interestingly, European countries encourage Pap smears, but not sigmoidoscopic examinations.

This is not to discount the value of sigmoidoscopic examinations. They certainly should be done the minute symptoms appear, and health-conscious persons who would rather spend their own money for care or prevention rather than on other things like boats or European vacations certainly should be free to have them.

TESTS ADDED

Perhaps a U.S. health program could afford routine screening and sigmoidoscopy, which is given here only to illustrate the point that cost accounting of medical work can have value, but somewhere choices will have to be made.

Sigmoidoscopy is only one example.

Medical costs are probably being pushed up a lot more than authorities realize by procedures, tests, operations and other treatments that not only have not been proved cost effective but are even questioned on medical grounds.

The medical literature is filled with procedures that have been promoted by sincere physicians blinded by their own enthusiasm only to have the work belatedly disapproved many years and many millions of dollars later.

The once-popular and now-discredited tonsillectomy, which today is done in only extreme cases, is a notorious example.

Scientific glory lies in finding new tests and therapies, not in disproving old ones. There is too little glory attached to dispatching unworthy medical procedures to the therapeutic graveyard. And so society is burdened with costly medical fads that persist with the enthusiasm of the misguided practitioner.

Today, a doctor with enough institutional pull can, for instance, in a few hours, boost society's medical bill by $25,000 to $50,000 by simply performing a heart transplant operation.

TWO-CLASS SYSTEM

This, of course, is an extreme and dramatic example. More important are the less costly procedures of a similar questionable nature that cumulatively add billions to the financial burden of the system.

Years ago medical science was so rudimentary that nothing the physician did would greatly affect a nation's economy, but now the situation has reached, or will soon reach, the point where some control must be applied, if not by the profession then by the government.

If the control is achieved by limiting the coverage of a national system to only those procedures that have been proven medically and economically justifiable, then the nation will have a two-class medical system—public and private.

A system that promises everything to everyone would strain an already burdened system to the breaking point.

The nation's leaders must determine the need and the resources available to meet that need and then tailor the program within those bounds.

If existing resources are unable to provide an adequate program, then a limited program should be started while facilities, schools, equipment and personnel are increased to provide a more ambitious program in the future.

GUIDES NEEDED

It should not be for only the providers of health care to decide, as they do now, what level will be offered. Rather, a consensus among the professional, the recipients who will pay for the care, and the government is needed.

The question of whether the program should be essentially public or private could be argued effectively either way, but it does seem essential for the government to play a central role, setting guidelines and basic requirements as it does in Germany.

What, then, should an ideal national health system involve? Here are suggestions for a system:

1. Everyone should be required to support it, either by paying premiums to government-regulated private insurance companies, as the Germans do, or by paying taxes as the English and Swedes do.

It is foolish to require Americans to support a health system at the time when they are least able to by forcing them to pay for it only when they are sick and out of work. Frequently they can't, and the burden falls to the government or hospitals and their private patients.

2. Coverage must not favor one aspect of care—as Blue Cross and Blue Shield do by paying primarily for hospital care—but rather incentives should be built in to encourage the most economical way of doing necessary jobs. This would mean that with economic delivery methods such as prepaid group practice, regional planning and extensive use of paramedical personnel and automation.

3. The AMA is probably right in saying that the fee-for-service concept should be preserved, but not necessarily in the unlimited way it would like.

Physicians in Great Britain, where there is no fee for service, generally agree that the system encourages shoddy medicine because British general practitioners receive a single fee for a patient each year regardless of how much they do for him.

The general fee-for-service concept could be indirectly preserved with plans similar to Kaiser-Permanente, where the doctors are salaried but receive a percentage of the profits at the end of the year.

4. The patient should be required to pay something when he visits the doctor to discourage unnecessary usage. This is not required in Germany or England, where doctors complain of over utilization (it's still below that of the U.S.). In Sweden, patients pay 25 percent of office visit charges and Sweden had the lowest rate of four countries.

5. It should be basically a two-tier national system. The first tier would include all doctors and hospitals who would be paid for providing a high level of minimum care to all Americans. The second tier would be the clinical research section.

Located at major medical centers throughout the nation, the clinical research section would do any procedures considered promising regardless of cost. The aim would be to make new discoveries or find cheaper ways to do existing proven procedures.

These units would be required to feed in the data from their work to a centralized agency for evaluation and comparison.

6. A well-funded agency, headed by a blue-ribbon panel of medical and economic experts above medical or governmental politics, should be established.

GUIDES NEEDED

This agency would review the data from the clinical research centers, with the hopes of moving new discoveries into the general care part of the system as soon as they had been proved medically and economically.

The agency also would review procedures being done in the general system, with the idea of exposing, and perhaps, eliminating, the useless. Since this would be a highly sensitive area, the board in charge of this agency should have great stature, equivalent to that of the National Academy of Science.

7. The system should subsidize or take over the cost of educating doctors, nurses and other personnel so that sufficient personnel would be available to provide the services promised.

8. Doctors should not be cut off from the hospitals and centers of learning as they are in Europe, where nonhospital doctors lose their patients as soon as they are hospitalized.

This practice has hurt medicine in Sweden and England.

Physicians should be encouraged to keep up with advances and participate in group practices and hospital care.

9. Finally, the system should be set up in such a way that not only will everyone have ready access to care, but those locked in ghettos would have the care brought to them.

Authorities believe that costly crisis medicine is practiced among the poor, who frequently don't get help until a condition has developed to the stage where it is very costly to handle.

Regardless of what is done, however, any national system that provides a reasonable level of care to all Americans would sharply increase the total amount spent on health care in the U.S.

State, local and Federal governments in the U.S. already are spending more per capita on health care than the entire British National Health Service, which is criticized in this country for being so costly.

MORE CARE

Difference in living standards would probably push the real value of the $67 per person the NHS spent in 1968 above $90 per person spent by the U.S. Government. But even so, it is clear that the government in America is already spending a lot on health care, which is still a predominantly private system. The total bill comes to $250 per person.

How much the $22.6 billion spent by government in 1969 would have to be increased if an adequate health program was provided is open to conjecture.

Experts say predictions are difficult.

But in any case such an ambitious program would cost a lot.

Can any civilized society, however, justify a system, such as America's, which provides the best care in the world to a small segment of the population while 20 percent of the population receives inadequate care or no care at all.

An American visiting Europe holds his head high when the subject being discussed is medical research.

American medical research is by far the best in the world.

When the topic turns to the matter of delivering health care to all the people, the pride is replaced by shame.

Government role in U.S. medical care increasing

[Billions of dollars]

Fiscal years:	
1950	12.1
1960	26.4
1966	42.3
1968	53.9

[Percentage]

1950	
Government	26
Philanthropy and others	8
Private health insurance	7
Out of pocket	59
1960	
Government	24
Philanthropy and others	8
Private health insurance	18
Out of pocket	50
1966	
Government	25
Philanthropy and others	9
Private health insurance	21
Out of pocket	45
1968	
Government	36
Philanthropy and others	8
Private health insurance	18
Out of pocket	38

SILVER MEMORIAL BRIDGE OPENED IN RECORD TIME—SENATOR RANDOLPH PRESENTS BRIDGE REPLACEMENT PROGRAM TO AVERT FURTHER DISASTERS

Mr. RANDOLPH. Mr. President, Monday of this week was the second anniversary of one of the worst highway disasters in the history of the United States. On December 15, 1967, the Silver Bridge, spanning the Ohio River between Point Pleasant, W. Va., and Kanauga, Ohio, collapsed with a loss of 46 lives.

While this tragedy stunned the Nation, it also shocked us into the realization that a new and critical look must be taken at the thousands of bridges that carry highways across water in this country. We realized that many of them were old, carrying loads for which they were never designed. We learned, through hearings by the Public Works Committee's Subcommittee on Roads which I chair, that we not only have aging bridges but that in many cases the inspection and maintenance of these vital spans was inadequate and haphazard.

It was readily apparent that the time was long past for a systematic, nationwide program to replace these older bridges that are now anacronisms in our highway transportation system and represent potential future catastrophies.

Mr. President, on December 12, I introduced legislation S. 3242, that would commit the support and the encouragement of the Congress to a comprehen-

sive program of replacing major highway bridges that are inadequate and unsafe. To underscore the urgency of the need to replace these old bridges, I have asked that $150 million in the highway trust fund be earmarked each year to assist the States in building replacement bridges.

I urge the Congress to join in a solution to the urgent national bridge problem by enacting this legislation. Only by an immediate and energetic program of replacing old bridges can we substantially reduce the possibility of having to live through the horror of another tragedy like that evening 2 years ago when the Silver Bridge fell into the icy Ohio River.

I gave considerable thought to the need for such a program on Monday as I helped dedicate a magnificent new replacement bridge across the Ohio River just south of Point Pleasant.

The new span, built at a cost of $15 million, plus a further $2.5 million for approaches, was constructed in a record time—less than half of that normally required. It was dedicated as a memorial to those who died 2 years ago on the Silver Bridge, but it can also stand as a monument to the organizational, engineering, and construction abilities of which we are capable.

It was a memorable occasion for the approximately 3,000 people who attended the ceremonies. Gov. Arch A. Moore, Jr., of West Virginia, and Gov. James A. Rhodes, of Ohio, capped the cooperation of the two States with their joint participation as the Gallia, Ohio, Academy High School and Point Pleasant, W. Va., High School bands played "Beautiful Ohio" and "The West Virginia Hills," respectively. Federal Highway Administrator Francis C. Turner spoke on behalf of the Department of Transportation which performed the leading role in the planning and financing of the new bridge.

In my remarks at the dedication-luncheon, I discussed the results of the Silver Bridge collapse, the building of the new bridge, and my bill for a stepped-up replacement program.

To assist my colleagues in understanding the scope of our national bridge problems, I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR JENNINGS RANDOLPH

It is with mixed feelings of sadness and accomplishment that we dedicate this new bridge over one of our nation's most important rivers. There is sadness because of the tragedy that made this structure necessary. But we also share the sense of achievement in what was done to build this imposing structure in record time.

It is a remarkable accomplishment that a project of this magnitude has been completed and is being opened to public use just two years after the collapse of the Silver Bridge. This ceremony today could not have taken place without the priorities assigned to the construction of the new structure, plus the cooperation and marshalling of resources that were necessary in Washington, Charleston and Columbus. I am especially grateful for the cooperation of Representative William Harsha of the Ohio 5th Congressional District. He sponsored with me in the House-Senate Conference on the Federal Aid Highway Act the amendment which made this project eligible for emergency Federal assistance on a retroactive basis. The completion of this $15 million bridge and $2.5 million in approaches in less than two years' time is indicative of our national capacity for action which can be developed when the motivation is strong.

And, indeed, there was powerful incentive, not only to replace the Silver Bridge as a vital link between West Virginia and Ohio, but to carefully investigate the critical question of bridge safety.

The shock of the catastrophe which occurred near here in 1967 alerted many officials and citizens to the real possibility that what had happened at Point Pleasant could happen elsewhere. The impact of the bridge collapse was accentuated by the rarity of the occurrence, however.

Hearings by the Senate Public Works Subcommittee on Roads, which I chair, awakened an awareness that our nation faces a serious problem with aging river crossings. We were startled to learn that approximately 150 bridges of all types fail every year. Fortunately, however, these failures are seldom accompanied by loss of life—and rarely, of course, in proportions approaching the deaths caused by the collapse of the original Silver Bridge.

We were informed in our hearings that, although new bridges now are designed to last for 50 years or longer, more than 1,000 existing major spans across navigable waters—bridges that were not built to today's better standards—are more than 40 years old. Thousands of other bridges on our Federal-aid highway system and in county and municipal street systems are more than a generation old. Most of those old spans were built to serve lighter, slower traffic—not the heavier and high-speed traffic of this period.

One expert witness told the subcommittee that there very likely would be more bridge failures were it not for what he called the "forgiveness of steel"—an undefinable quality that keeps bridge structural metal strong despite age and neglect.

But how much longer these bridges can continue to serve us is a matter of conjecture.

Our Senate Public Works Committee gave cognizance to information gained by the Special Task Force on Bridge Safety created by President Lyndon Johnson in late 1967, immediately after the collapse of the Silver Bridge. We came to understand that greater emphasis on bridge safety must be given priority. We realized that work had to begin on developing a special bridge replacement program which will enable people to provide themselves with the necessary transportation links to accommodate their free movement from place to place and support their economic, social and cultural goals.

To encourage and facilitate an attack on this serious problem, I introduced legislation on Friday of last week to establish a special fund to expedite replacement of many aging and inadequate bridges now in the highway network.

This bill would earmark $150 million a year from the highway trust fund to be used exclusively to assist states in the replacement of bridges. It would require the Secretary of Transportation to take an inventory of all bridges on Federal-aid highway systems over navigable waters in the United States. These major bridges would be classified according to serviceability and safety, and each would be assigned a priority for replacement.

My measure would allow the states to receive up to 75 percent of the cost of replacing any of these old bridges determined to be unsafe and inadequate to meet the demands placed on them. And the proposed new bridge program would give priority consideration to replacement of bridges most in danger of failure.

Only by this type of special commitment can we hope to sharply reduce the likelihood of another Silver Bridge disaster. It is imperative that we give formal recognition to the magnitude of the bridge problem and set about correcting it by replacing old, worn and inadequate spans as quickly as possible.

The impact of the Silver Bridge disaster was immediate and widespread. Bridge inspections were increased, maintenance was improved, and load limits were reduced. In some cases, like the Silver Bridge's companion upriver at St. Marys, questionable bridges have been closed rather than take chances on their failure on hazardous continued usage.

New bridge inspection provisions were written into the Federal Highway Act of 1968, as was authorization for Federal emergency relief funds to replace disaster-destroyed bridges. It was under this provision that the Federal Government was able to participate substantially in the financing of this new bridge, the first built under the amendment I sponsored with Representative William Harsha of Ohio.

The Congress is now aware of the scope of the nation's bridge situation. I believe the Federal Government will measure up to its responsibilities, as much to meet the needs of the nation as to provide a memorial to those who perished at Point Pleasant on December 15, 1967.

We acted with dispatch to change the law to enable work on this bridge to begin without undue delay, changes without which it would now be only in the conceptual stage. The accelerated construction of this bridge is as much a tribute to the members of the Congress as it is to the engineers and architects who planned and designed and the workmen who erected it and constructed its approaches.

It is my fervent hope that we will enact a law next year that will enable us to live the rest of our lives as a nation without a repetition of the events of that horrifying evening two years ago near here. Will Allen Dromoogle, in his poem, "The Bridge Builder," said:

"This chasm that has been as naught to me
To that fair-haired youth may a pitfall be;
He, too, must cross in the twilight dim,
Good friend, I am building this bridge for him."

LUTHERAN MEDICAL CENTER—COMMUNITY REDEVELOPMENT

Mr. JAVITS. Mr. President, in Brooklyn, N.Y., in a community called Sunset Park, a dramatic and unprecedented approach to human and urban conservation is about to take place which I understand may well become a model for the improvement of other urban areas through America. I should like to present to the Senate information about this attempt to improve a seriously blighted area.

The Lutheran Medical Center, an 86-year-old New York City neighborhood hospital is playing a vital role in this community-based renewal effort. This voluntary institution has set out to assume a positive role in assisting in the shaping of overall social policy in a community and demonstrate it can help move beyond individual medical care. The hospital's leadership considers its relocation in a low income, ethnically diverse community as an opportunity to help improve the quality of life in the inner city, and to serve as a vehicle with which community, Government, and private financial interests can cooperate in the renewal of one urban neighborhood.

Plans for comprehensive renewal of Sunset Park community began last June, when Lutheran Medical Center President George Adams put forward a daring proposal to relocate the entire hospital service center in an abandoned factory building located just 10 blocks from the present hospital plant. The plant, which was given to the city of New York last April, is close to the Brooklyn waterfront in the "sickest" part of the Sunset Park community. Industry, which once thrived in the area, has gradually moved out, leaving blighted conditions and decay in its wake. The immediate neighborhood has become a breeding place for poverty and disease, contributing to a downward economic plunge which affects all of Sunset Park and, inevitably, the adjacent middle-income community of Bay Ridge.

The Lutheran Medical Center's offer to move to the site was prompted in part by the urgent need to replace its present obsolete and indaquate physical plant, most of which was built before 1910. More important, however, was the firm belief of the hospital leadership that the conversion of the vacant factory into a modern, full-service medical center could restore confidence in the community, reverse its downward trends, and stimulate a new surge of prosperity in Sunset Park. They envisioned the hospital's multi-million dollar investment as the first step in a much larger project of revitalization, which would include the development of new housing and commercial, educational, recreational, industrial, and other facilities necessary to the rebirth of a healthy community.

After 6 months of intensive efforts on the part of the medical center, community groups, the city of New York, and interested individuals, the foresight of the hospital leadership has already been rewarded. What seemed like an "impossible dream" only a short time back is now on the road to becoming reality.

The first breakthrough came with the completion of a report on the feasibility and estimated costs of converting the poured concrete shell of the building into a modern medical center. The report, prepared by a well-known hospital architectural firm, concluded that this unprecedented venture in transforming an obsolete industrial structure into an important community resource was both feasible and economically sound. The architects present a detailed description of how the factory's usable floor space can house a 484-bed general hospital with extensive ambulatory care facilities, almost doubling the hospital's present bed capacity and number of employees. Large areas of unused land around the factory provide ample space for planned future development of health-related services as a day care center, geriatrics centers, extended care facilities, drug and alcohol addiction services, enlarged educational programs, doctors' offices, industrial health services and hospital staff housing.

Estimating the total cost of constructing a comparable new hospital from the ground up at about $37 million, the architects concluded that use of the existing shell will cut approximately $6 million off that amount, as well as providing a considerable financial savings on terms of planning and construction time.

The office of the mayor of the city of New York received the Lutheran Medical Center's proposal with great enthusiasm and undertook to coordinate efforts throughout the city government to make the property available to the hospital. To encourage an environment conducive to community deveolpment around the proposed hospital, the city planning commission has initiated zoning changes in the area surrounding the site, previously zoned for heavy industry.

The city provided a part of the funds to develop a comprehensive plan for rehabilitation of the Sunset Park community. The recommendations of the planners, focusing on the proposed new hospital as the hub of the redevelopment programs, will be completed by January 1, 1970.

A most important facet of this project for Sunset Park has been the active involvement of a historically fragmented community in a cooperative planning process. Early last summer, the medical center initiated meetings with leaders from throughout the community to explore their reactions to the concept of the move. Universal support was given from all organized community groups reaching across traditional ethnic, cultural and economic lines of division. A 16-member redevelopment committee, elected by representatives of more than 25 community organizations, has worked closely with the urban planners to insure a significant community input in the final recommendations for redevelopment.

In less than a year, what began as a new concept of the responsibility of a local hospital to its neighborhood has expanded into a communitywide movement that may well mark the turning point in the history of an entire urban area. The willingness of one institution to come forward as an aggressive advocate for its neighborhood, as the rallying point for a unified community effort and as a bridge between the people, their government, and private economic interests, can serve as an experimental model for future programs of renewal in urban areas throughout America.

I ask unanimous consent that the text of a letter from 40 representatives of these groups to Mayor John V. Lindsay and other city agencies, indicating their unqualified support for the project, be included in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUNSET PARK REDEVELOPMENT COMMITTEE,
Brooklyn, N.Y., November 1969.

To: Mayor John V. Lindsay, the New York City Council, the Board of Estimate, the City Planning Commission, the Department of Health, State of New York, the Health and Hospital Planning Council of Southern New York, the Brooklyn Borough President's Office, the Economic Development Agency.

The Sunset Park Redevelopment Committee and the following organizations and individuals wish to make known to all concerned their support of the Lutheran Medical Center and its plan to rebuild our community hospital. We understand that this is the first essential step in a comprehensive program of redevelopment in the Sunset Park community—including housing and other community facilities—to which the City committed itself at a public hearing before the Site Selection Board on August 18, 1969.

We know that Lutheran Medical Center has received expert opinion indicating that the American Machine and Foundry building, at 55th Street and Second Avenue in Brooklyn, can be converted into a 484-bed acute general hospital with extensive ambulatory care facilities. We know the community will save approximately $8 million by using this abandoned building, as against constructing a new hospital from the ground up. We also know that relocation at the AMF site is the only way the hospital can remain in Sunset Park.

Therefore, we urgently request that the City of New York make this building and the attached properties (assets received by the City as a gift) available to Lutheran Medical Center at no cost. We also urge the City to make available to the Medical Center on the same basis the vacant property on 56th Street between First and Second Avenues, which is also owned by the City, and such other adjoining properties as will be necessary for further expansion of the Center's comprehensive services to the community.

The Lutheran Medical Center has shared its plans for the future with the community since their inception. We endorse these plans and we support the Center's efforts to provide leadership in our neighborhood's drive to create forces which can stop the process of deterioration that has afflicted this part of Brooklyn during the last two decades.

We assume that the plans for Sunset Park which are being prepared by the City's commissioned urban planners, working together with the Sunset Park Redevelopment Committee, will be the basis for an immediate program of urban renewal in the area between 39th Street and Owls Head Park, the waterfront and Fourth Avenue. We understand that the City's subsidy of the Medical Center through the AMF building and adjacent land can be the basis of Federal and State programs in housing, community facilities and open space which in turn will generate private sector investment in our community. We see the new Lutheran Medical Center at AMF as the core of this comprehensive program of renewal and rehabilitation.

We commit ourselves to aggressively pursue this community-based effort to improve the quality of life in Sunset Park and we ask that our government officials reaffirm their commitment by immediately implementing this cooperative redevelopment program.

George Adams, Chairman, Sunset Park Redevelopment Committee; Andrew A. DeOrio, Director, St. Rocco's Youth Center, Cochairman, Planning Board No. 7; Elizabeth Perkins, President, 42d Street Block Association; Frances Murray, Executive Director, United Negro/American Association and Area Representative on the Council Against Poverty.

Sdalimaya Staiano, Chairman, Sunset Park Planning Committee; Robert Schultz, Chairman, Sunset Park Housing Coordinating Committee; Pedro Hernandez, Community Organizer; Sunset Park Family Health Center; Gonzalo P————, President, United Puerto Rican and Spanish Orgs. of Sunset Park-Bay Ridge, Inc.

Joseph Nandone, President, Sunset Park Civic Association; Kathleen Tully, Community Planning Board No. 7; Angelo Arculeo, Minority Leader, New York City Council; Guy Hanson, President, 68th Precinct, Youth Community Council; Joseph Lena, Director, L.M.R. Olympics Program.

Thomas A. Ward, 58th Street Board of Trade; Josi Elias, President, Sunset Park Health Council; Joseph J. Dowd, New York State Assemblyman (52nd A.D.); John T. Norton, Chairman, Planning Board No. 10; J. Gerald Shea, President, Bay Ridge Civic Improvement Association.

Edward F. Slattery, Assistant Pastor, Basilica of Our Lady of Perpetual Help; Herbert Gray, Executive Director, United Puerto Rican and Spanish Organizations of Sunset Park-Bay Ridge, Inc.; Wilfred Yugs, United Puerto Rican Student Organizations.

Mateo H. Lorenzo, Community Worker, Puerto Rican Community Development Project; Ellen M. Parcell, Director, Sunset Ridge Organized Community of Kings; Hertha Smagala, Community Organizer, Sunset Park Civic Association.

Paul Gold, Chairman, Brooklyn Army Terminal Development Committee representing: Bay Ridge Community Council, Anchor Savings Bank, Bay Ridge Savings & Loan Association, Brevoort Savings Bank, 86th St. Board of Trade, 5th Ave. Board of Trade, 4th Ave. Merchants Association, First National City Bank, Government Employees Union Local No. 1896, Hamilton Federal Savings & Loan Association, Kings County Lafayette Trust Co., Manufacturers Hanover Trust Co., Merchants & Manufacturers Association of Bush Terminal, Scandinavian-American Business Association.

Enrique Velez, President, Hatillo Civic and Social Club; John J. O'Connor, Pastor, St. Michael's Roman Catholic Church; Frank J. Grande, President, 43d Street Block Association; Jack Crown, President, 45th Street Block Association; Daniel M. Conroy, President, 61st Street Block Association.

Gary W. Lawson, Community Organizer, Maimonides Neighborhood Service Center; Harold Schaefer, Chairman, St. Michael's Parish Council; Rev. Allen K. ———, Pastor, Lutheran Church of St. Jacobi; Ronald Mahany, 56th Street Block Association; Charles Carita, President, 55th Street Block Association.

Farina T. Lenny, President, 56th Street Block Association; Edward R. Riley, President, 55th Street Block Association; Mana T. Medina, Manpower Coordinator for Sunset Park; Jan Matero, First Vice President, Sunset Park Civic Association; Oremand W. Ehzo, Cochairman, 68th Precinct, Youth Ccmmunity Council.

NEW OIL SLICK IN SOUTHERN CALIFORNIA

Mr. CRANSTON. Mr. President, a new oil slick today threatens the beaches of southern California. A main pipe on Union Oil Co.'s platform A is reported to have cracked sufficiently for a slow leak to spill oil into the Santa Barbara Channel. The U.S. Geological Survey district engineer in Santa Barbara told a member of my staff yesterday that the leak had gone undetected for 2 or 3 days. Apparently, the safety devices on the platform are not geared to work when there is a low pressure break in a line.

This is the same platform A from which oil has been leaking since last January when the tragic Santa Barbara blowout occurred. Oil slicks being so common in the vicinity of platform A, the new slick was not detected until a commercial fisherman's spotter plane discovered it yesterday.

Approximately 300 barrels of oil are reported to have escaped. The oil slick's size is variously estimated to cover from 13 to 50 square miles. Fortunately, the slick is moving in a southerly direction away from the beaches of Santa Barbara.

Mr. President, the failure to detect this oil leak serves to illustrate the dangers of underwater drilling. Had such a low-pressure leak occurred on land, it would have been clearly visible for immediate correction, and there would have been no damage done—just a puddle of oil on the ground.

But under water, the entirely different sequence of events and consequences to the environment give more weight to the findings of President Nixon's Panel on Oil Spills. The Du Bridge panel said very clearly:

> The nation still does not have an adequate oil spill technology and has not yet provided the means for bringing an adequate technology into being.

Even more specifically, the Du Bridge report warned that our oil spill surveillance system is inadequate and made the following proposal:

> While considerable experience has accumulated with these techniques and while much of it pertains to definition of oil slicks, there is no operational system available which can be deployed to obtain the precise data that are required for effective monitoring of oil slicks. We therefore recommend a mission-oriented R&D program aimed at developing a combination of perfected techniques that can be used by an operating team to monitor the spread of spilled oil, estimate the quantities involved, and confirm predictions developed from weather and current data.

Mr. President, I find it incredible that we are blindly plunging into the Santa Barbara Channel oil reserves before we have perfected the techniques for safe drilling or for adequate oil spill surveillance and cleanup. I see no reason why our Nation needs Santa Barbara's oil right now, instead of at some future date when its extraction will not threaten the environment.

This new spill strengthens the case made by the Du Bridge report. I urge that President Nixon move to implement the recommendations of his distinguished scientific panel. Specifically, I urge the President to consider classifying the Santa Barbara channel petroleum resources as what the Du Bridge panel calls an "escrow resource" to be held with no drilling starts for a period of time until adequate techniques and skills are perfected. The case for special treatment of the Santa Barbara channel is clearly made by the U.S. Geological Survey paper "Geology, Petroleum Development, and Seismicity of the Santa Barbara Channel Region, California," which Secretary Hickel released at the end of October 1969. In the section "Geologic Characteristics of the Dos Quadros Offshore Oil Field," the field on which platform A stands is described as "unique" because of the extremely shallow layer of porous and permeable interbedded siltstone, claystone, and sandstone. This 300-foot stratum is in unique contact with other fields where the shallowest covering is from 1,000 to many thousands of feet of relatively impermeable strata.

Combine this uniquely thin capping layer of the Dos Quadros field with the unique environmental values and beauties of the Santa Barbara coastline, and our present policy of approving evermore new drilling starts becomes incomprehensible, if not irrational.

With the preponderance of findings published this year by this administration clearly pointing toward the environmental danger of continuing on Santa Barbara oil development without our having developed adequate safeguards, I believe President Nixon has a unique opportunity to correct the errors of the past and at the same time make a dramatic turn toward a new and environmentally sane national policy of oil production. The declaration that the Santa Barbara oil resource is to be held in escrow as a reserve to meet future needs is but one step the President can take in line with the recommendations of his advisers. Another step would be to announce his support of my proposal, S. 3093, to create Federal marine sanctuaries seaward of the areas where the State of California has banned oil drilling.

I ask unanimous consent that two New York Times articles on the subject be printed in the RECORD.

There being no objection, the articles ordered to be printed in the RECORD are as follows:

[From the New York Times, Dec. 17, 1969]

SCIENTISTS TERM THE CHEMICAL TREATMENT OF OIL SPILLAGE MORE HARMFUL THAN THE "DISEASE"

(By David Bird)

Scientists and engineers have expressed concern here that attempts to control oil spills with chemical dispersants are causing more harm than the oil itself and may be creating long-term ecologic damage, such as is now being attributed to DDT and other pesticides.

The concern is expressed in reports and discussion at a three-day Joint Conference on Prevention and Control of Oil Spills, ending today at the Americana Hotel. The meeting is sponsored by the Federal Water Pollution Control Administration and the American Petroleum Institute, an industry group.

TORREY CANYON DISASTER

When the conference was planned last summer, the sponsors expected about 300 persons to attend. More than 1,000 have registered.

Their interest reflects increased public concern after two disastrous oil spills.

The first occurred in March, 1967, when the supertanker Torrey Canyon struck a reef off the southern coast of England and sent 30 million gallons of crude oil oozing toward the Cornish coast and across the English Channel to the shores of Brittany.

The second oil spill occurred early this year, when 18 million gallons leaked to the surface of the Santa Barbara Channel in California during offshore drilling operations.

At least one million tons of oil are spilled every year from tankers, manufacturing plants and refineries. Much of the effort to control the spills has centered on chemical dispersants that dissolve the oil, spreading it out so thin that it is not noticeable.

Some scientists say that the dispersants are merely an attempt to hide the visible effect of the spills and that the chemicals pose an additional danger.

A. Oda, a researcher with the Ontario Water Resources Commission, told the con-

ference yesterday that studies of dispersants since the Torrey Canyon disaster have led to the conclusion that some of them "were far more deadly and far more damaging to marine life and ecology than the oil itself."

BEACH DAMAGE, TOO

Howard J. Lamp'l of the Federal Water Pollution Control Administration said, "We firmly believe that the use of dispersants, emulsifiers and other chemicals is entirely unjustified in the cleanup of oil-polluted beaches."

He said Federal studies had shown that the oil, when "mixed with chemicals, caused penetration of the mixture into the sand at least three times the depth of the untreated oil. In oil-polluted water, Federal officials have recommended that the chemicals be used only as a last resort when it is impossible to soak up the oil with straw or similar material or to suck it up by mechanical means.

Perhaps the strongest attack on the present methods of controlling oil spills came from a biologist, Dr. Ira N. Gabrielson, who is president of the Wildlife Management Institute. He said: "The usual approach is to try to contain or isolate the floating oil—an attack that works rarely, if at all—or to remove it from the public eye by sweeping it under the ocean's surface by means of dispersants or detergents. More animal life was killed by chemicals in the Torrey Canyon accident than by the oil itself."

"Even if the detergents or dispersants are not toxic in themselves," Dr. Gabrielson continued, their action in breaking up the oil "apparently accelerates the exposure of marine life to the toxic hydrocarbons" in oil.

He noted that "some of the hydrocarbon fractions are suspected of having carcinogenic activity," that is, they are linked to cancer.

"These hydrocarbons are stable," Dr. Gabrielson said, "and they can be retained and concentrated in the marine food cycle as the lesser animals are consumed by those higher up the animal ladder. Some ultimately may end up in man."

Scientists have recently found that it is just such a concentration of DDT that stays in the food chain and has harmful effects on the life cycles of higher animals.

[From the New York Times, Dec. 18, 1969]

IN THE NATION: SEEDING THE CLOUDS

(By Tom Wicker)

It has been suggested at a meeting of the American Geophysical Union in San Francisco that a small nuclear device be detonated on the moon, so that the various quiverings and wobbles that would be set off would tell the instruments that have been planted on the lunar surface what is inside the old ball of cheese. No doubt this is of great importance to know, but can we be sure that the knowledge would be worth the possible cost?

Aside from the obvious questions about the effects of nuclear fallout in the moon's atmosphere and political fallout in the earth's atmosphere, what might be the total environmental consequences of such an explosion—for the moon itself, for those who will be visiting it from earth, for other objects in the solar system? Based on past performance, it is a good bet that there would be some unexpected and probably unwelcome result.

DUBIOUS BENEFITS

In Paris, for instance, a group of hydrologists and other scientists have been finding out a lot this week about what man has wrought in the name of progress. The new Indus and Ganges River irrigation systems, they were told, have raised the water table in the flat plains of India, and in the process have contaminated much topsoil with salt that rose from the earth with the water. The net result is a loss of arable land. The Aswan Dam is spreading disease with its irrigation waters and damaging the fertile Nile delta by interfering with the ancient silting process.

PERILS OF TECHNOLOGY

These are rather spectacular examples of the unforeseen consequences of great technological feats, but they are by no means isolated. Here in the United States, a horrid recent example is the virtual ruin of the Santa Barbara Channel off the California coast because of oil leaks from the ocean floor, set off by the latest scientific drilling techniques.

Just sixty years ago today the Wright brothers got their strange-looking crate into the air above Kill Devil Hill for the few seconds it took to introduce a whole new epoch of technology. Whatever the Wrights thought powered flight might do for man, it is a reasonably safe bet that neither they nor anyone else thought it might choke him to death. Yet, between the automobile, which at about the same time was getting a good start on creating smog, and the airplane, man may yet expire for lack of unpolluted air to breathe. And the end is by no means in sight. Wait until the Boeing 747 and the Concorde and the C–5A and the American SST with their monstrous engines get into the air, along with all the other burnt-kerosene spouters already spewing their poisons on mankind.

One of the most critical problems of this kind—although it should have been foreseen, and probably was by the kind of people who are dismissed as idealists or crackpots—is the runoff of agricultural chemicals into lake, river and stream waters. This poses the usual dilemma agonizingly; the chemicals increase food production for a starving world, but they also pollute fresh waters and kill off fish, so that the dead seas that result foul the air and earth in their turn.

PRODUCTION OR POLLUTION?

What are the relative values in such a conflict? Must men choose between Malthus and the "silent spring"? Surely, more foresight, caution and sensitivity can prevent the necessity for most such either/or choices. It may not prove literally true, as was suggested at the Paris meeting, that diverting the Yukon and Fraser Rivers south to water the American plains could tilt the earth on its axis by the weight of shifting surface water; yet that is the kind of possibility that man's almost limitless technological ingenuity now forces him to consider. Anyone who thinks, for instance, that paving over the Everglades for a jetport is damaging only to the wildlife it would kill and displace ought to remember the social and economic consequences for humans—the so-called dustbowl—that followed the indiscriminate plowing up of the Great Plains.

THE EVEREST SYNDROME

Yet indefatigable man plunges on, gripped in his tiny genius by the Everest syndrome, climbing every technological summit because it is there. It seems not in his nature to let well enough alone, even in his environment, so that in his impulse to build he plants the seeds of destruction.

Ultimately, can man master anything that really matters? Certainly not nature, and least of all, himself; rather, it is altogether likely that if the Biblical flood someday engulfs the earth, it will flow from seeded clouds. That might even be a fitting end.

INAUGURATION OF LONDON-TO-MIAMI FLIGHTS ON JANUARY 1, 1970

Mr. GURNEY. Mr. President, in 1961 Congress created the U.S. Travel Service as a part of the Department of Commerce with a view toward expanding the flow of foreign travelers to the United States. The Travel Service has attempted to bring together the transportation people, entertainment, and hotel and restaurant industries and other governmental agencies to boost the "Discover America program." The ultimate hope behind the legislation was that such a Travel Service would give us a greater part of the world travel market. It has been estimated that three-fourths of all money spent on international tourism, and 90 percent of all international travel as part of tourism, occur in the two major areas of the world that are developed and can accommodate this traffic: that is the United States and Europe. The United States has come off second best in this friendly competition so far. The simple reason is that so many Americans choose to go to Europe to vacation. It is estimated that 1967, the last year for which we have any reliable figures, the U.S. travel deficit was $2.1 billion. A substantial part of this sum can be traced to the fact many Americans, as a matter of course, spend their dollars with the foreign carriers who fly them to Europe.

There has been an encouraging development recently which might very well encourage Americans to use domestic carriers and at the same time encourage Europeans to vacation in the United States. That is the inauguration of the new nonstop air route between Miami, Fla., and London, England. We can expect that this route will bring many European travelers to the United States and to the Miami area and will also be used as a gateway for connection with Latin America. Under a bilateral agreement with the United Kingdom, the Miami-London route will be served by two airlines only, the one a British carrier, the other, a U.S.-flag carrier. National Airlines has been chosen as the American carrier for this route. This is entirely logical since National's home base is in Florida, and it has for 35 years had experience in Florida tourism and in promoting air traffic. I think this experience will result in many, many European travelers coming to the United States in years to come. The rapid growth of industry and commerce and population in my own State of Florida and indeed throughout the southeastern region of the United States, with its enormous potential for tourism and vacationing, makes this Miami-London air route a logical development. January 1, 1970, the beginning of a new decade, will mark the inauguration of this new and very promising air service. Mr. President, I am confident that the inauguration of this new service will open a new gateway for Americans going to Europe and also, significantly, for Europeans coming to visit America.

For many countries, international tourism is the single most important export industry and the source of much of their foreign exchange. This is a field that we have neglected too long. There are many, many desirable byproducts of tourism here in America over and above the dollar earnings which they result in. Bringing people here to see the glories and the wonders of our country and sending them home with the favorable impressions of our country and our people is a desirable, though unfortunately un-

derestimated, aspect of our foreign policy. For these reasons, I think that the establishment of a Miami-London route is a great step forward for the U.S. tourist industry. The president of National Airlines, Mr. L. B. Maytag, has pledged that his company spend at least $1 million in 1970 to persuade Europeans to visit America. Mr. President, I wish to congratulate the carriers, British and American, and wish them Godspeed in this happy new venture.

ADDRESS BY SENATOR McGOVERN BEFORE NATIONAL CONVENTION OF ASSOCIATION OF FARMER-ELECTED COMMITTEEMEN

Mr. EAGLETON. Mr. President, last Friday, December 12, the distinguished Senator from South Dakota (Mr. McGOVERN) visited my hometown of St. Louis, Mo., to address the national convention of the Association of Farmer-Elected Committeemen.

Senator McGOVERN has spoken eloquently on the challenges to American agriculture before and he did so again last Friday.

He understands the problems of the farmer who grows our bountiful agricultural abundance as well as the plight of the 15,000,000 hungry Americans who do not share in it.

His work in the field of hunger is well known. His service on the Agriculture Committee has produced a thoughtful understanding of our agricultural problems as well as constructive legislation to assist in their solution.

Senator McGOVERN is the principle sponsor of S. 3068, a bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs. I am proud to be a cosponsor of this legislation. I especially commend to my colleagues Senator McGOVERN's remarks regarding S. 3068.

Mr. President, I ask unanimous consent that excerpts from Senator McGOVERN's perceptive address be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

AMERICAN AGRICULTURE IN A HUNGRY WORLD

(By Senator GEORGE McGOVERN)

It is a pleasure for me to be with you and to share what I hope will be some useful ideas on the outlook for American agriculture and the challenge of a hungry world.

You are a remarkable group of people. Anyone who can be closely identified with farm programs and still get elected by the farmers is performing something of a political miracle. I know a little bit about miracles myself. The guy who said "No man is an island," has never run for office as a Democrat in South Dakota.

In any event, you and I share a concern about the health of American agriculture—not only because of its importance to our farm families and our national economy, but also because American agriculture is the lifeline of a hungry world. No problem of the 1970's will be any more urgent than the necessity of increasing world food production and reducing world population growth. If those two closely related problems are not resolved, there will be little chance for an orderly and peaceful world.

The global food-population crisis challenges America and especially American agriculture in four ways:

First, we need to undergird the economic health of our own food producers—the American family farmers.

Secondly, we need to make the best possible use of our food abundance in eliminating hunger in America. It is inexcusable that one American child should suffer the blight of hunger and malnutrition.

Thirdly, we should use our agriculture as effectively as possible in reducing hunger abroad.

Fourth, we should share more effectively our technical know-how in food production and family planning with the developing countries.

I see these four responses costing roughly $10 billion a year more than we are now investing. That $10 billion should be invested in approximately equal portions of $2½ billion in each of the four programs. I would propose that this $10 billion be secured by an equal reduction in the arms spending that now consumes $80 billion annually. We have clearly seen this year that wasteful practices in the form of fantastic cost overruns and ill-advised weapons systems are eating up billions of dollars in tax funds. I believe we could contribute more to our national defense and to world peace by strengthening our farm economy, by ending hunger and malnutrition in America, and by reducing hunger abroad. A Budget Bureau analysis tells us that malnutrition costs America three an a half times as much as it would cost to end it. And on a world scale, I believe that a few billion dollars spent on drying up the swamplands in which Communism breeds would accomplish more than the $125 billion and 40,000 American lives we have spent trying to fight Communism in Southeast Asia.

Let us look more closely at each of the factors I have mentioned beginning with the current condition of our own agriculture.

The statistics leave no room for doubt about the outlook facing family farmers in this country. Disposable personal per capita income of farm operators is only two-thirds that of the income of other Americans. You receive, respectively, 1942 prices for wheat, 1944 prices for corn, 1952 prices for livestock, and 1942 prices for cotton. Yet, you pay enormously inflated 1969 prices for all of your production and living expenses, and galloping 1969 interest rates for the credit you need to stay in business. And those interest charges are applied to a farm debt that approaches $50 billion.

The squeeze between low prices and rising costs of production is driving farmers off the land into overcrowded cities. Almost three million farm units have disappeared since the close of World War II, and the trend continues. Between 1960 and 1969, my home State of South Dakota suffered a loss of some 34,300 positions in agricultural employment. We also suffered a net loss in total population, as did several other of the Nation's most agricultural States.

We have not done very well. But even this dismal record does not describe the full extent of our difficulty. Next year, we must face the expiration of the farm program authority which has allowed us to do as well as we have.

Without new legislation, we will revert to the laws in effect prior to 1965, with a drop in farm income of at least $1 billion and probably more. Somehow, between now and the end of next year, we have to come up with the legislative guidelines for the farm policies of the 1970's, and we have to find 51 votes in the Senate and 218 votes in the House to get them passed.

I am here as an advocate of a specific approach, known as the coalition farm bill. I introduced it in the Senate on October twenty-third with a number of cosponsors, and it is also pending in the House. It was developed and is endorsed by some twenty-two national farm organizations and commodity groups, and amounts essentially to a renewal, with some substantial improvements, of the programs which have been in effect for the past four years.

For wheat, it would retain the 100 per cent of parity provisions we have now for domestic food consumption and would add a 65 cents per bushel export certificate on the 40 to 45 per cent that is shipped abroad. This would add about $375 to $400 million to wheat income.

The feed grains section would increase the loan from $1.05 to $1.15 per bushel and the direct payment from 30 to 40 cents for corn, with proportionate increases for other feed grains.

The bill extends the cotton and rice programs and the Wool Act, and continues the Class I base plan for dairy with some clarifying changes to make the program more attractive.

It provides new authority for diversion programs of soybeans and flaxseed, and also for the establishment of marketing orders for any commodity when requested by a majority of the producers.

Finally, it mandates the establishment of consumer protection reserves of wheat, feed grains, soybeans and cotton, which would be set aside in surplus periods to be held until an emergency arises and prices go over parity.

I suggest, however, that if we stick to our traditional methods of presenting farm issues to the country, then whatever is ultimately passed, if anything, will be a disappointment. And I include my own bill in that assessment. This is true because we are already compromising in advance with those who think that both our farm programs and our food cost too much. And if our farm programs are written from that point of view, then there is simply no way for the farmer to get a better deal. Any increase he gets can only come from the taxpayer, through higher price supports and payments, or from the consumer, through increased costs. If both sources are placed out of reach, then no matter how much we adjust the shape or the format of farm programs we're going to watch a continued decline in farm income.

When those of us who still believe in justice for the farmer get together, therefore, I believe we need urgently to go beyond discussions of the *content* of farm programs and the reasons why *we* believe farm income must be improved. We must discuss as well how to convince those 51 Senators and 218 Representatives and *their* increasingly *urban* constituencies—that *they* have an interest in a healthy farm economy.

This country has reaped the benefits of a revolution in farm productivity; there needs now to be a revolution in the way it views the people who brought it about.

We have some blackeyes, some borne of a misunderstanding of the reasons for farm programs and, frankly, some deserved. You all know that there are farm spokesmen who rail against programs to cure the critical illnesses that plague other parts of the country, and who close their eyes to the blight of poverty and hunger that exists even in their own areas. Each such statement tends to weaken the reservoir of interest and concern that we can expect from our city colleagues.

On the other hand, the urban population should understand that they have a vital economic interest in American agriculture. Farmers spend $37 billion each year. 16 million city people are employed in processing and marketing farm products. And there is another mutual concern between town and farm. When we ignore the economic problems of farm people we do not dispose of them; we do no more than move them to other parts of the country where their solution is immensely more difficult and more costly.

In the short period since World War II, United States population has grown by 60 million—by 44 percent. During the same period almost half of the farms disappeared. Almost 3 million farms have been wiped out, and more than 20 million people, with no local economic base to support them, have left farms and small towns for the cities. Today seventy percent of our people are jammed on top of each other on less than one percent of the Nation's land area.

But we're just getting started. Our population is expected to increase by half again in the next thirty years—another 100 million people. Unless present trends are halted and reversed, 80 or 90 million of those will find themselves in huge metropolitan areas.

There they will exist. Each new arrival will add his share to the pollution of the air and water, to the congestion of the streets, to the costs of public services, and to the crushing shortage of space—all problems we recognize as already intolerable. Each new arrival will retard efforts to enhance the quality of urban life, and each will add to the dehumanization and the discomfort of those who live there now.

Certainly farmers and city dwellers have a common interest in halting the rural to urban migration. It is time we made it a common cause.

To do so we can use less of government officials talking timidly to rural audiences about the need to have farm programs which will reduce the USDA budget and the housewives' budget at the same time.

We need less reference to welfare as the solution for those farmers who are displaced each year. We need more of the highest government officials acting as advocates before those who need persuading. And we need more of farmers themselves understanding urban problems and seeking out opportunities for involvement in their solution.

We need, too, for this country, and particularly the leaders of the Executive Branch, to begin understanding the great role our agriculture can play in the construction of a more healthy society at home and a safer society among all the world's people.

Our food surveys in recent years have told us that two-thirds of our planet's population is hungry or malnourished and that even in our own land there are 15 million of our people who are denied food to sustain strong bodies and healthy minds.

In 1966, the year when our food surpluses ran out, the Congress responded with a decision that Food for Peace should be continued and enlarged. We viewed war against hunger as important enough to be included in our production plans, rather than receiving our accidental output in excess of our own needs. We provided authority for purchases in the market, at prevailing prices, for food aid to other countries.

As you know too well, that authority has received little attention. Our world food programs still limp along at only about half of the amounts authorized, and I am told that our missions abroad are under instructions to discourage applications. A hungry world watches as we idle our food productivity, and as we meanwhile pour billions of dollars into weapons designed to control men through fear rather than to win their allegiance through our best efforts to end their suffering. The hungry and malnourished at home watch as we persist in the belief that our success as a nation depends not upon the strength and the comfort of our own people but on our ability to build an ABM, an SST or an Apollo 11.

It is time to reorder our national priorities, in directions which reflect the higher interests shared by all Americans, farmer and consumer alike.

I am convinced that the American people will respond to a clear call for a new order of public business which includes economic justice for family farms and a full share in the nation's prosperity for rural America. This in turn will enable our country to play its part in using food and technology to lay the foundations for a world at peace. That is a goal worthy of the best effort of us all.

NEW WORLD TRADE INITIATIVES—ADDRESS BY ASSISTANT SECRETARY OF COMMERCE DAVIS

Mr. JAVITS. Mr. President, I ask unanimous consent that the remarks entitled "New World Trade Initiatives by the Industrial Nations—Key to Better Life in the World of the 1970's," delivered by Assistant Secretary of Commerce Davis, be printed in the RECORD.

As the New Year approaches and as Europe in particular contemplates significant changes including United Kingdom entry into the Common Market, Secretary Davis' summing up remarks are encouraging. He states:

The United States understands and accepts gladly its responsibility to participate to the fullest extent with other nations to further world economic growth. Let us enter the new decade with determination to work together among the nations to achieve a better life for all the world of the 1970's.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEW WORLD TRADE INITIATIVES BY THE INDUSTRIAL NATIONS—KEY TO BETTER LIFE IN THE WORLD OF THE 1970'S

(By Kenneth N. Davis, Jr., Assistant Secretary of Commerce for Domestic and International Business)

It is a particular pleasure to be here with these two distinguished groups—the American Chamber of Commerce of Paris and the American Club of Paris. The opening of the new United States' Trade Center here is a most auspicious occasion, both for what it will mean in increased business contacts between our countries now, and for what it symbolizes for the future development of international trade and investment. Like the seven similar United States' Trade Centers throughout the world, we would not have planned this one if we had not seen coming growth opportunities far beyond the present levels of international business. I hope you will all visit the Trade Center soon, both to see the fine facility and meet its capable staff, and also to see its first exhibition of laser equipment. You will see new products that are particularly good examples of the kind of advanced technology which the United States has to offer and which Europe will want to utilize in its science and industry.

A TIME TO LOOK TO THE FUTURE

In only a few short weeks, we will be entering the decade of the 1970's. In the United States, a new Administration has been in office for ten months, and in France and Germany there are also new Governments. Economic issues have been high on the priority lists of the policy-makers in most of the world's capitals in recent months. The outcome of their deliberations, both in their domestic councils and in the international forums, will have great impact on the future course of the world's business affairs. And so, it is an especially appropriate time to examine the prospects for business policy and for leaders like yourselves to become more active in making your views and proposals known to government. I can assure you, we have been hearing a great deal in Washington lately from the American business community.

In looking forward with you today, I would like to discuss three main points:

First, I believe that if we objectively examine the past and also where we stand today, we will discern some basic trends in World Trade, which we can expect to continue. We should not attempt to resist the positive forces of change (new technology, in particular) but rather find ways to take maximum advantage of the great new possibilities offered.

Second, in the next decade, it will become a matter of vital necessity for the great bulk of the industrial enterprises of all nations to become international in scope. No longer will overseas markets be the interest of only large companies. And no longer will some specialized industries be able to think of their domestic market as a private preserve, secure from outside interest or competition.

Third, the time has come for a new round of dedicated efforts by governments and industry together to vastly improve the framework in which the world carries on its business affairs. I am not talking of just more tariff reductions, or only the very important non-tariff barrier discussions which are just getting underway in the GATT. I am referring to the need for good faith bargaining on a whole range of subjects, including the problems of the developing nations, international labor practices and conditions, antitrust policies, foreign investment restrictions, product safety and performance standards, and many, many more. We must not let the practical necessity of dealing with difficult short-term national or industry problems divert us from a golden long-term opportunity of utilizing the competitive global business system to carry the world forward into history's greatest period of economic well-being for all peoples.

Certainly, the most difficult immediate problem facing both the United States and France today is inflation. We are beginning to win our fight against inflation and we are confident that it will be brought under control without recession, which would have most serious consequences elsewhere in the world. We are also encouraged by the way France is attacking its problems and the progress that has been made already.

LESSONS FROM THE PAST

One of the Committees of the United States Congress is the Joint Economic Committee, with both the Senate and House of Representatives included in its membership. In December, this Committee will commence hearings on International Economic Matters, hearings similar to those held ten years ago preparatory to the Kennedy Round of tariff reductions. Recently I read through the record of those old hearings and noted the diversity of opinion as to whether tariff reduction was really a good thing for the U.S. Strong arguments were offered by some members supporting the view that the United States should not go along with tariff reductions. As we all know, the tariffs were reduced, and the results have been beneficial to all of the world. A few figures tell the story. In 1960, total exports from Free World Countries were $112.6 billion. By 1968, they had grown to $212.9 billion. The United States share in Free World exports declined from 17½% to 15%, but in dollar volume our exports rose from about $20 billion in 1960 to $34.7 billion in 1968. The EEC's share grew from 26% to 30% in the same 1960–1968 period. The EEC's exports have been growing at a very healthy 10% annual rate during this whole period. Japan's exports have grown by even more—at 15% per year. If World Trade just keeps growing as fast as in the last 8 years, by 1980 total Free World Trade will amount to over half a trillion dollars annually.

Another measure of the growth of international commerce is the increase in overseas investments by companies from many countries. In 1968, sales of foreign subsidies of United States' companies, for example,

topped $200 billion—a very large figure compared to our $34 billion in exports. To the people of the world as a whole, however, the growth in per capita income is the most rewarding yardstick. In every country, incomes rose, and in many the growth were in multiples of 3, 4 or more times. Here is the real proof that expansionist policies in international business are paying off. The only question is, how can we accelerate the process while maintaining economic stability in the world?

I have already mentioned that new technology is one of the basic forces which we must capitalize on, rather than resist. There are many, many new technologies of course. Jet aircraft, nuclear power and the computer are particularly strong examples of technologies which are bound to change the way we live and work. Does anyone doubt, for instance, that the billions of dollars worth of "Jumbo Jets" which are on order will not change our lives? Those of you who saw the first 747 land at the Paris Air Show in June got a first-hand impression of the impact of new technology!

In another field, that of communications and computers, I saw in my own company how a new technology could change our whole approach to running our worldwide business. Overseas plants and laboratories became as close together as domestic facilities from a management standpoint.

Gentlemen, I don't believe I have to tell you that even more far-reaching technological changes will be coming. The successful companies and the great nations will be the ones that adapt these new technologies to their expansion and advancement. In the 1970's, modern technology will make it as easy to do business in another country as we do today in another city in our own lands.

FURTHER INTERNATIONALIZATION OF WORLD BUSINESS

As in most industrial nations today, we work hard at encouraging more American companies to export. Even though our dollar volume of exports leads all others, as a share of national output we lag behind most European nations and Japan. We export only about 4% of our GNP while others typically export 10 to 20%. A few weeks ago, I was talking to the president of a successful Texas company and found that he did no foreign business at all—no exports, no foreign plants or licensees. "Why should I," he said, "I have plenty of business and I haven't even opened up California yet!" This attitude may be alright in a booming economy. But the day will come when he, like many others will need all the markets he can find. Of particular concern are inefficient businesses which have not kept up with modernization trends. It used to be that some businesses could go on for years without fear of falling behind. They perhaps had a unique knowledge of their product or market, or perhaps the demand was too small to attract competition from at home or abroad. With the communication and transportation facilities improvements which I have mentioned, and the growing awareness of businessmen everywhere that doing business abroad is not so difficult, competition may suddenly arrive from anywhere. This may be hard on the inefficient producer, but in the long run, it is good for the consumer and the public as a whole. Government must not choose to protect the inefficient producer, but rather to encourage and help him to become more efficient or leave the business to others.

So far, it has been the larger firms which have become accustomed to the international life. More and more, we are finding smaller companies entering the field. Exporting through foreign distributors is a well understood practice, and now, investment in overseas facilities by smaller companies is growing rapidly. The United States actively promotes its "Invest in the U.S.A." program here in Europe, with surprising interest being shown by smaller companies. We expect and hope the trend to accelerate.

NEED FOR NEW INITIATIVES BY GOVERNMENT AND INDUSTRY

From foreign government officials and business leaders visiting the United States, the most commonly heard question is "Is the United States becoming protectionist in its thinking?" The most often heard request from these same dignitaries is "Will the United States take the lead in a new initiative to keep the world moving toward trade expansion?"

It can be fairly said that in the United States today there are many who are questioning our past expansionist policies. Most of these questions stem, I believe, from the observation that many foreign markets are in part closed to United States companies. Japan in particular is felt to have been far less than fair in permitting U.S. business access to the Japanese market in anyway comparable to what we have already given Japan. In Europe, too, there are old restrictive practices still in effect and signs of new ones being constructed. The United States could far better afford to accept these onerous conditions when it was the only strong industrial nation. Today we find that, through the transfer of United States technology and through independent development by others, there are many products from many countries that can compete effectively with our own. I can assure you that the forces of international business expansion are far stronger in the United States than those who would turn back. But there is a growing sentiment being heard from both free traders and protectionists that ways must be found to advance more equitability with other nations in expanding international business activity. The new initiatives which are being called for should be joint initiatives with all of our trading partners, not from the U.S. alone.

More willingness is needed from other nations to permit and encourage wide competition in all markets, even those that have been preserved for some domestic industries in the past. As I mentioned earlier, the upcoming round of non-tariff barrier discussions in the GATT offers a critical test of every nation's sincerity in wanting expanded, freer trade. For those who have questioned our willingness to match others in moving toward freer trade, I would point to the current discussion of tariff preferences for the developing countries. The United States has just made the most liberal offer of any nation. We stand ready to provide maximum cooperation and urge the other industrial nations to join us.

SUMMING UP

I have tried today to review with you the fundamental factors that will be affecting the development of world trade in the 1970's. These factors are already influencing United States' trade policies in many areas. There is no question in our minds, but that a period of further world business growth lies ahead, and that internationalization and technological innovation will increasingly become the watchwords of businessmen and government leaders everywhere. The United States understands and accepts gladly its responsibility to participate to the fullest extent with other nations to further world economic growth. Let us enter the new decade with determination to work together among the nations to achieve a better life for all in the world of the '70's.

NICHOLAS VON HOFFMAN ON THE BLACK PANTHER PARTY

Mr. KENNEDY. Mr. President, until recent weeks the Black Panther Party has stood only as a mysterious force in the minds of most Americans. Occasionally one hears the ministrations of defiance or claims for property and justice from Panther orators. Yet, none of us has seriously considered much of what was said.

Today, during our annual season of peace, the Panthers cloak of dark conspiracy has been dramatically reformed because of tragedy and death. Blacks and whites who previously ignored or avoided Panthers and their teachings are now publicly concerned and firmly aroused because of police actions in Chicago and Los Angeles.

In a recent article by Nicholas von Hoffman in the Washington Post we read that black Congressmen "are demanding the great Panther hunt be called off". Indeed, these Congressmen are scheduling an inquiry in Chicago to get information about the Panther's confrontations with police.

Mr. President, I am also concerned about these recent actions. Mr. von Hoffman expresses what I believe is a clear view of the need for a reasoned and judicious look at this entire matter. Woefully, we are still a people who become aroused or concerned about matters only after spectacular or bizarre events snap us out of the comfortable lethargy that shadows our usual daily ventures.

I do not propose to stand in judgment of what happened in Chicago or Los Angeles. But I am painfully sensitive to Mr. von Hoffman's assertion that

> The white-controlled mechanisms of protection have been notably ineffective in keeping lower-class black leaders alive and well . . .

I am seriously concerned about the effect on all black people in America that these and other aspects of our judicial and legal processes will have. Surely we must give that a high priority in our concerns for improving life for every American.

I ask unanimous consent that Mr. von Hoffman's column published in the Washington Post of Monday, December 15, be printed in the RECORD. There is a message in that column that will serve us well if we are sincere in our claims to bring harmony to our "brothers".

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GREAT PANTHER HUNT

(A Commentary by Nicholas von Hoffman)

We Americans are mixed up in so many killings, it's not easy to separate out the routine hits from the important ones. Anybody with half a brain, however, can see the offing of Fred Hamilton, chairman of the Illinois Black Panther Party by the forces of lawnorder was the most significant rubout of 1969, a year that is making a late calendar effort to equal the carnage of 1968.

Until the gunsels gave it to Hampton in his bed, there had been two liberation movements in the black American world. There had been the one we liberal white people called "responsible" and "moderate" and the other which we spoke of as "militant," "radical" and "irresponsible." That's over.

Once Ralph David Abernathy wouldn't have been caught within miles of a Black Panther. The other day he went to Fred Hampton's funeral and spoke words of consolation over the man's body. Black Congressmen of the stripe who'd fidget and look

quiet when Rap Brown's name came up are demanding the Great Panther Hunt be called off.

This is going to confuse white people who've been told that the Panther is a predatory carnivore in a land of herbivorous ungulates. To us whites, Panthers are gangsters, Communists, murderers and racists; we believe Panthers are very dangerous people who must be disarmed immediately at all costs.

But the situation created by the latest shooting and killing in Chicago and Los Angeles is so bad we must make an effort to drop our ethnocentrism and try to imagine how a black person might look at what's happening. We look at each of these police attacks as a unique case, just as we look at Mylai as an "isolated incident." It doesn't occur to us that a black man might see a pattern in what's going on.

He will remember the Marcus Garvey liberation movement of the 1920s and the Black Muslim movement of the 1950s, both important and promising efforts at the political organization of the urban black poor by blacks themselves without hidden white financial support and control. Both movements were smashed by the white government.

We whites buy the Los Angeles police department's explanation of the attack the other day on the grounds the Panthers in the apartment had guns and fought back. A black person might remember the infantry attack launched by the L.A.P.D. in 1965 against The Honorable Elijah Muhammad's temple there. The assault, also near dawn, included firing nobody knows how many rounds of machine gun ammunition in the place. When it was over no guns were found.

You don't have to be a fanatic or a Communist or an irresponsible militant to conclude that, if the police are going to attack you with machine guns when you're unarmed, you'd do as well to try to defend yourself. In fact, a nonwhite person might decide, after comparing Chicago with Los Angeles, that it was the guns that saved the people's lives.

Consider that in Chicago there is serious reason to doubt that Hampton was armed or ready to shoot back. (The police contend he was, but police testimony about killing black radicals ought not to be given too much weight.) So Hampton—possibly unarmed—may have been burst in on and slaughtered in his bed, while in Los Angeles, where the Panthers fought, that battle went on till daylight and enough people had gathered to see and be witnesses to any murdering of unarmed men.

Some people will read this and say the writer is encouraging people to pick up guns and shoot policemen. He is not. He is as absolutely against citizens murdering policemen as he is against policemen murdering citizens. It's wrong, unlawful, insane and tragic. What we are discussing here is how it can come to pass that men would do such things.

We well-to-do white people, when we're in a serious jam, we get ourselves a lawyer, we go to court and we sue. Black people don't have money for that and if they did, getting justice or protection from these white courts is a very iffy proposition. The white-controlled mechanisms of protection have been notably ineffective in keeping lower-class black leaders alive and well: Dr. Martin Luther King (murdered), Medgar Evers (murdered), Malcolm X (murdered), Eldridge Cleaver (exiled), Stokely Carmichael (exiled), Robert Williams (exiled, returned and now jailed), Bobby Seale (jailed). The Panthers alone claim that 28 of their top people have been murdered in the last couple of years and there's no strong prima facie reason to disbelieve them, but these are the big famous names or the members of relatively large and well-known organizations. There are countless episodes of repression and violence that either go unreported or only get a couple of lines in the back of the paper. For example in September in Camden, N.J., the cops raided a garment factory run by the Black People's Unity Movement, smashed their sewing machines and put their leader in jail.

The best thing that could happen is that Attorney General Mitchell would get his mojo going and do what he's paid for instead of the opposite. Fat chance. So how are black politicals going to get protection? Perhaps the best thing would be for rich, white kids to bed down in every Panther apartment and headquarters so that the cops will have to shoot through them to get at the black cats. This was what was done in the South during the Civil Rights Movement era and it unquestionably saved a lot of black lives. Even a cracker from the Justice Department is going to think a little before he messes with a young Dupont or Rockefeller.

If this killing and jailing and beating doesn't stop, the blacks are going to shoot back. If their lower-class political organizations are smashed, they'll do it under the guise of conventional crime. This is already happening. The urban crime that the government is unable to prevent is actually an individualized, unorganized form of guerilla warfare conducted by people with little political consciousness but an overwhelming hatred for the circumstances under which they must live.

Hundreds of thousands of young black men are growing up in the cities without the Southern tradition of subservience which bred a self-hatred that caused black men to kill each other. They will fight lawnorder and they will be joined by a certain number of whites. The results will be catastrophic for everyone. Such will surely happen unless we white men learn that how we see ourselves isn't necessarily how we are. We've been told the truth about ourselves often enough but we never listen. Nearly a hundred years ago, Sitting Bull, the great Indian chief, said it right and said it straight at the Powder River Council:

"Behold, my brothers, the spring has come; the earth has received the embraces of the sun and we shall soon see the results of that love.

"Every seed is awakened and so has all animal life. It is through this mysterious power that we too have our being, and therefore we yield to our neighbors, even our animal neighbors, the same right as ourselves, to inhabit this land.

"Yet, hear me, people, we have now to deal with another race—small and feeble when our fathers first met them but now great and overbearing. Strangely enough they have a mind to till the soil and the love of possession is a disease with them. These people have made many rules that the rich may break but the poor may not. They take tithes from the poor and weak to support the rich and those who rule. They claim this mother of ours, the earth, for their own and fence their neighbors away; they deface her with their buildings and their refuse. That nation is like a spring freshet that overruns its banks and destroys all who are in its path.

"We cannot dwell side by side. Only seven years ago we made a treaty by which we were assured that the buffalo country should be left to us forever. Now they threaten to take that away from us. My brothers, shall we submit or shall we say to them: 'First kill me before you take possession of my Fatherland . . .'"

ADDITIONAL FUNDS FOR RUBELLA—GERMAN MEASLES—IMMUNIZATION PROGRAM

Mr. HARTKE. Mr. President, I was gratified by the Senate's acceptance of my amendment to the Labor-HEW appropriation's bill, H.R. 13111, providing an additional $10 million for the fight against rubella, German measles. If the battle against this terrible disease is to be won, funds sufficient to the task must be appropriated for fiscal year 1970. At present, the rubella vaccination program is dangerously underfunded. Although a safe and effective vaccine has been developed which promises to stamp out this virus disease, the U.S. Public Health Service has declined to ask for funds sufficient to immunize an adequate proportion of the children between 1 and puberty during this fiscal year.

The simple truth is that we have the means now at hand to stamp out a disease which is the No. 1 cause of mental retardation among children. We have the means now at hand to stamp out a disease which has caused congenital abnormalities in thousand of infants. All that was missing prior to the adoption of my amendment was the money to get the job done.

I am hopeful that Senators who are members of the Senate-House conference committee who are currently examing the appropriation bill for Labor-HEW, H.R. 13111, will agree with me that the inclusion of an additional $10 million to fight rubella is absolutely necessary if the nationwide war against this killer and crippler of children is to be won.

During 1964 rubella epidemic, an estimated 50,000 spontaneous abortions and still births occurred, and more than 20,000 infants were born blind, deaf, mentally retarded, or with heart disease. A like tragedy will surely occur in 1971 if Congress does not act now to insure that the rubella immunization program is a success. I submit that $10 million is a very small premium to pay in order to obtain this insurance.

UNITED STATES MUST NOT "BUG OUT" IN VIETNAM

Mr. DOLE. Mr. President, John P. Roche is a columnist and a former three-term president of the Americans for Democratic Action.

However, he is one of those who has never confused liberalism with the new left, or with the surrender of American principles.

He is not so sure, however, of his fellow liberals.

Today, in the Washington Post, Mr. Roche speaks of those liberals who opposed Senate Resolution 280. He says:

> Regrettably, opposition to this resolution can only be founded on one premise: ADA has a vested interest in an American catastrophe in Vietnam.

Later, he warns:

> If the American people ever get it through their heads that liberal Democrats are rooting for an American defeat in Southeast Asia, we will be through politically for the rest of the century.

Mr. President, it is not I, but a bona fide, card-carrying liberal who has said these things.

I would suggest that those who advocate that America bug out on its commitments should reassess their own reason-

ing. No American who loves his country can knowingly have a vested interest in an American catastrophe in Vietnam or anywhere else in the world.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CATASTROPHE POLITICS MIGHT PROVE A DISASTER FOR LIBERAL DEMOCRATS

(By John P. Roche)

The poor old Democratic Party is in worse shape today than it has been in some time—since perhaps 1956. When the Republicans have problems—as they did in 1964—there is always a good simple remedy. But the Democrats, alas, are not so easily doctored: too many of their troubles are, as my father would have put it, "in the head." The GOP can go out and get a few stitches—the Democrats need a psychiatrist.

Take the cross pressures at work on, say, Hubert Humphrey, or Ed Muskie, or Fred Harris. A tremendously articulate constituency is at work on them day and night telling them that unless the party makes Vietnam the issue, and comes out for instant withdrawal, the Democrats are through. These are mostly fine sincere people. Though the Communist Party and other sects have undoubtedly played an important organizational role in the antiwar movement, the great majority of the protesters are there on their own. (Unfortunately, the Attorney General does not seem to understand that these two propositions are not inconsistent.)

I admit that I am fundamentaly baffled by the wildly irrational response to Vietnam in intellectual circles, but there it is. So we have a situation where leading academic and cultural figures—who will always get press and media coverage—are socking it to Humphrey, Muskie, Harris, et al. And they can not be dismissed automatically as "Commies," "dupes," or just fanatics. Many of them have worked hard and loyally in past campaigns. And, I repeat (despite the fact that some of the scars on my back ache) they are fundamentally decent people, driven by a deep concern for American national interest as they see it.

I, for example, spent 21 years as a member of Americans for Democratic Action—three years as national chairman. Throughout that period ADA was the nesting place of Cold War liberals, a designation that I am proud to accept though it has recently become a term of abuse. Hubert Humphrey is also a former national chairman of ADA and—even though we left the organization—many personal ties and warm memories of past campaigns remain.

But, even making personal allowances, what can one make of an ADA decision to oppose Senate Resolution No. 280? The key section of the resolution reads that the Senate "affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the (American) people . . . for such a peace, . . . approves and supports the principles . . . that the people of South Vietnam are entitled to choose their own government by means of free elections . . . and that the U.S. is willing to abide by the results of such elections and requests the President to call upon (Hanoi) to join in a proclamation of a mutual cease-fire and to announce its willingness to honor such elections and abide by the results . . . ."

Regrettably, opposition to this resolution can only be founded on one premise: ADA has a vested interest in an American catastrophe in Vietnam. Having predicted disaster so long and stridently (national chairman John K. Galbraith, for example, announced shortly after the Tet offensive in 1968 that the Saigon government would collapse in two weeks!), ADA has reached the point of no return.

But what sense can this position make to a liberal politician? In immediate terms, he knows that if things go well in Vietnam, President Nixon wins—and if they go badly, the liberals (who got us there) lose. In broader terms, however, the impact of liberal catastrope politics would be a long-run disaster—if the American people ever get it through their heads that liberal Democrats are rooting for an American defeat in Southeast Asia, we will be through politically for the rest of the century.

Humphrey, of course, knows this—it helps to account for his occasionally schizophrenic political behavior. As chief psychiatrist of the Democratic Party—a fearful job—he deserves considerably more sympathy and understanding than he has received.

MISS MARY SWITZER

Mr. KENNEDY. Mr. President, today we learned that one of this Nation's most effective and distinguished public servants, Miss Mary Switzer, has announced her retirement.

Miss Switzer, first Administrator of the Social and Rehabilitation Service of the Department of Health, Education, and Welfare, has earned the respect and admiration of all of us who share her concerns for the quality of life in this country.

Her career began 48 years ago when she joined the Treasury Department as a junior economist. It spans the whole development of this Nation's commitment to the elderly, to the disabled, and to the health of all of our citizens. Since 1939, Miss Switzer had held position of great responsibility in this field of social significance.

It is my pleasure, and my distinct honor, to extend the great appreciation and admiration of the Commonwealth of Massachusetts to our noted native daughter.

As one who has known and worked with Miss Switzer since the beginning of the Kennedy administration, and during my service in the Senate, I offer my deep regards and warm thanks to a friend who shares my affection for the beauty of Cape Cod, and my concern for the well being of all our citizens.

I ask unanimous consent that an article describing Miss Switzer's career and published in today's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARY SWITZER: WELFARE, WORK AND WISDOM

(By Mary Wiegers)

Since Mary Switzer "came to Washington with the Harding gang," eight Presidents have come and gone.

Through all those administrations, Mary Switzer was making a steady climb from a clerk's post in the U.S. Treasury Department to the job she holds today as head of the U.S. Department of Health, Education and Welfare's Social and Rehabilitation Service.

The SRS is an agency organized in 1967 with Miss Switzer as its first head. It combines welfare and social service programs with a total annual budget exceeding $8 billion, and distributes funds to the needy, disabled, children and the aged. It also makes Miss Switzer the executive with the largest administrative responsibility of any woman in government.

Now at the age of 69, the tough-minded bureaucrat with the Boston accent is retiring. HEW Secretary Robert Finch announced yesterday that he is accepting her resignation "with regret," to be effective in mid-February.

As the announcement was being released, the gray-haired, sparkling-eyed Miss Switzer sat at a conference table outside her office and talked about her 48 years of government service.

She reflected on the future of the welfare program, and the landmark decision which merged welfare, rehabilitation and social services and what it could mean.

She recalled highlights from her career, the jobs she didn't get, the ones she did—like becoming the first person to organize a bacteriological and chemical warfare program, and the first to head federal programs for rehabilitation of the disadvantaged.

The beginning, she recalled, was pretty inauspicious. "I came in at the bottom as a junior economist in the division of statistics in the Treasury Department. If there's one thing I have no gift for, it's research." On the day the Graf Zeppelin flew over Washington, she was fired. But the Treasury Department is "paternalistic" and took her back as a mimeograph operator.

That first setback didn't last long. By 1928, Mary Switzer was handling press intelligence for the Secretary of the Treasury. By 1934 she was assistant to the assistant secretary, who supervised the Public Health Service.

In '39, when the Public Health Service was transferred to the Federal Security Agency, forerunner of HEW, Miss Switzer became assistant to the administrator. During the war, she managed the Procurement and Assignment Services for Physicians, Dentists, Sanitary Engineers and Nurses. For her work she received the President's Certificate of Merit, the first of many honors.

She also organized a research program on bacteriological and chemical warfare. "I had to do it because, strangely enough in today's light, the Army and Navy wouldn't do it. They thought it was contrary to the Geneva Convention. I've often thought how terrible it was, that I did that though I don't know. I don't see much difference between one weapon and another, though on the scale they're doing it today, it's unnecessary and unreal. Anyway we developed some good medical information valuable to researchers later on, so I suppose some good came out of it."

In 1950, Miss Switzer became head of the federal-state program for the rehabilitation of the disabled. Thirteen years later, she was made commissioner of the vocational rehabilitation administration, when HEW Secretary Anthony Celebreze thought that rehabilitation ought to be co-equal with welfare. In 1967, Secretary John Gardner sold her on the idea of merging the two areas and she was appointed head.

That merging, she felt, was an important and wise step. What she'd like to see now is a merging of services for the individual on the local level.

"The next five years are years that need the thrust in the field to get much closer interaction of these services in the community." She would like to see the individual get medical needs, welfare assistance, disability training, and so on, all in the same place, and with all the bureaus working together.

"There has to be a willingness to give up sovereignty on everybody's part to give people what they have to have. There must be decentralization of authority to regions. This big government has to have some glue—has to put things together."

The SRS, she believes, is the part of HEW that is concerned about the individual. "It's like a southern mansion with three pillars. There's health on one side, education on the other and us in the middle.

"Health and education deal mainly with institutions. And sometimes the institutionalized structure stops before they ever see a person. SRS reaches down to the individual.

"One of the most exciting exposures to

involvement was with the National Welfare Rights Organization people. During the Poor People's march, we met with them or their representatives every day for a month.

"The greatest eye opener of that was the difficulty they had getting something done on the local level."

Miss Switzer lives in Alexandria and has made it a point to take part in community affairs there. "It's essential if you have a job like mine, where you are telling people what to do in the communities. It's one thing to tell people what to do, but to do it yourself is to find out how difficult it really is.

"In the Rehabilitation Administration, I had every letter of complaint followed up immediately. Now I've adopted that program in welfare, but I've found the welfare people are not as responsive. I suppose after years in the field they became kind of tough."

On the welfare program, Mary Switzer is a firm believer that "people shouldn't get something for nothing. I think we made the biggest mistake when we saw the welfare load growing, when we didn't emphasize work."

She added that work must be made dignified and meaningful again, as it's not been "in this age of permissiveness.

"I think that one good part about Mr. Nixon's welfare program is that it doesn't put a premium on breaking up homes." In the past she explained, a man didn't work if, for instance, he had a wife and three children, because he could get more money for his family by deserting them and letting them get welfare.

"I don't see anything else that will change the present psychology of not minding dependency, except to make it more attractive to be employed."

Miss Switzer, herself, is going to continue to be employed after her retirement. On Dec. 2, she was elected vice president of the World Rehabilitation Fund, and when she leaves government service in February, she'll set up an office at 1 Dupont Circle for the fund.

She'll also work with the Association of Schools for Allied Health Professions in Washington.

"But if I want to take a day off, I'll be able to. When I feel like cooking my spiced gooseberry preserves and yellow tomato preserves, I can."

Her HEW office is filled with more than 40 awards she has received, among them the Albert Lasker award and the National Civil Service award. Sixteen colleges have given her honorary degrees. She is the first woman to serve on the board of directors of Georgetown University, and the first woman to be appointed trustee of Assumption College.

Miss Switzer was born in Newton, Mass. Her parents came from Ireland. About the one disappointment in her life was that she didn't become assistant director of the mint, a job she badly wanted at the time. "Nellie Tayloe Ross was director then, and she said no. She didn't want another woman around her. When I think of what a dead end that job would have been . . ." said Miss Switzer, her voice trailing off.

SPEEDY REPORT ON CONGRESS

Mr. PERCY. Mr. President, far too often, Members of Congress forget the very important work which is carried on at the staff level as a backup to our work in the Chamber. For example, every morning we expect and receive without fail a copy of the CONGRESSIONAL RECORD, the official record of the proceedings of Congress from the previous day.

I ask unanimous consent that an article entitled "Speedy Report on Congress," published in the Christian Science Monitor of December 3, 1969, be printed in the RECORD. The publication properly commends the members of the Government Printing Office for their fine work.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RECORD GIVES DETAILS—SPEEDY REPORT ON CONGRESS

(By Congressional Quarterly)

ROUTE TO RECORD

Congressional publications prior to the Congressional Record included:

1789–1790 — Congressional Register. An early attempt to publish record of Congressional debates. Taken down in shorthand by Thomas Lloyd of New York. Four volumes total.

1790–1825—Debate in House reported in haphazard way by some of better newspapers. Senate debates scarcely reported at all.

1834—Publication of first volume of Annals of Congress. Produced by Gales and Seaton. Brought together material from newspapers, magazines, and other sources on congressional proceedings from 1st through 12th Congress (March 3, 1789, to May 27, 1824). Forty-two volumes total.

1824–1837—Register of Debate. Produced by Gales and Seaton; directly reported congressional proceedings.

1833–1837 — Congressional Globe. Published by Blair and Rivers. Covered 23rd through 42nd Congresses (Dec. 2, 1833, to March 3, 1873). Forty-six volumes total.

1873 to present—Congressional Record. Produced by the Government Printing Office. March 4, 1873, to present.

After each daily session of Congress, the Government Printing Office (GPO) publishes the Congressional Record—the official report of congressional proceedings.

About 49,000 copies of the Record, averaging more than 200 pages a copy, are produced and delivered by 8 a.m. the following day.

The Record is produced in less than 13 hours and involves the efforts of about 2,500 of the GPO's 8,200 employees.

The proceedings of Congress were not printed systematically before 1865, when the Congressional Globe—the forerunner of the Congressional Record—took on a form and style that later became standard for the Record.

According to a 1959 Legislative Reference Service research paper on the Congressional Record, "Before 1825, debates in the House of Representatives were not reported except in a haphazard way in some of the better newspapers." The Senate debates, the report said, seldom were reported at all.

Not until 1855 were reporters of congressional proceedings and debates paid at public expense, and only in 1863 were annual appropriations established in both houses of Congress for reporting proceedings.

RECORD STARTED IN 1873

When the Government contract for publication of the Congressional Globe expired in 1873, Congress passed an appropriations act which provided that with the 43rd Congress (March 4, 1873) the Congressional Record would be produced by the GPO.

The Congressional Record chronologically reports daily what is said on the floor of both houses of Congress. Biweekly and hardbound versions also are produced to provide a corrected and permanent record. The proceedings of the House and Senate alternately appear first in each daily printing of the Record.

The Record contains four separate sections:

Proceedings of the House.

Proceedings of the Senate.

Extensions of remarks.

Daily digest—a summary of the proceedings in both houses, including a calendar of committee meetings for the following day.

MONTHLY SUMMARY

At the beginning of each month a resume of congressional activity is printed in the Record, providing statistical data for the preceding month on the following:

Days Congress was in session.

Page numbers of proceedings printed in the Record.

Page numbers of extensions of remarks.

Bills enacted into law.

Measures reported by committees.

Reports, quorum calls, votes and bills vetoed by the president.

The summary also provides information on the status of executive nominations.

Although the Record purports to print an exact account of the proceedings on the floor of both chambers, members of the Senate and the House edit and revise their remarks before they are published.

SEPARATE STAFFS

Proceedings in both the Senate and the House are taken down by separate staffs of reporters, eight in the Senate and seven in the House. The shorthand notes of the debates are read later into a Dictaphone (dictating machine) and typed by a transcriber. The typed copy is then proofread by the reporters, given an appropriate heading and sent to the members for their own editing and correction.

Reporting in the House is done on a half-hour schedule, requiring that each reporter spend five minutes of each half hour on the floor and the remaining time dictating, transcribing, and correcting his notes. The Senate operates under the same procedures, but on an hourly basis. Each Senate reporter spends 10 minutes of each hour on the floor.

Corrected transcripts of debates must be returned to the GPO by 9 p.m. the same day if they are to be included in the following day's Record.

MEMBERS EXTEND REMARKS

Following the record of floor debate in the two houses is a section for senators and representatives to extend their remarks—to add to the Record materials not actually presented on the floor.

Senators may add extraneous material—such as speeches given outside Congress, selected editorials, magazine articles or letters—to the body of the Record. Representatives must place such material in the Extensions of Remarks section.

The 1946 Congressional Reorganization Act directed the Joint Committee on Printing, which controls the publication of the Congressional Record, to incorporate into the Record a list of congressional committee meetings and hearings, their places and subject matter.

This section of the Record, titled the daily digest, summarizes the following material:

Highlights of the day's congressional activities.

Senate action.

Senate committee meetings.

House action.

House committee meetings.

Joint committee meetings.

MEETINGS LISTED

The daily digest also lists the committee meetings scheduled the day the Record is distributed.

Friday issues of the Record contain a section outlining the congressional program for the coming week, including schedules of major floor action and of House and Senate committee meetings.

Published semimonthly, the index is the key to using the Congressional Record. It is a guide to the contents and means of tracing floor action on legislation.

The index consists of two parts: an index to the proceedings, which includes material

both in the body and in the extensions of remarks section, and an index to the history of bills and resolutions.

Remarks made in heated debates may be judged offensive and edited out by a reporter or the member who made them. Grammar is often improved and the transcripts are often polished.

ADDITIONS FREQUENT

In the 1950's, members of Congress frequently inserted into the transcripts of their own remarks such words as "laughter" and "applause." Such additions have become infrequent. If they appear, the reporter has included them.

On Jan. 8, 1930, one member of Congress referred to the Congressional Record as a "catch-all, . . . a burying ground for editorials, articles, speeches, and addresses from all parts of the country relating to every conceivable subject. . . ."

Such additions in the body or the extensions section cost money. According to a staff member of the Joint Committee on Printing, one of the longest Record insertions by a member of the House was made by Rep. Royal C. Johnson (R) of South Dakota, who inserted 504 pages of names of World War I slackers. No figures on the cost of this extension are available.

In 1935, a Senate speech opposing the National Recovery Administration by Sen. Huey Long (D) of Louisiana took up 85 pages of the Record and cost $4,493.

One of the longest insertions was made by Sen. Robert LaFollette (R) of Wisconsin, who on May 5, 1914, inserted a 365-page speech on railroad rates. The cost of printing this extension, according to figures supplied by the Joint Committee on Printing, was $13,760.

CHANGES UNSUCCESSFUL

Attempts to limit what can be added to the Record have not been very successful. New York City Mayor John V. Lindsay, then a member of the House, in 1962 introduced a bill to require that two type faces be used in printing the Record—one for the actual debates and the other for all materials subsequently added to the Record. The bill, H.R. 534 was never reported by a committee.

The cost of producing the Record has increased over the years. According to officials at the GPO, the cost per page is determined by dividing the total printed pages of the daily Record, the index, the biweekly and bound volumes into the total GPO appropriation for the Record in a given fiscal year. The cost per page in 1969 was $116.

The texts of the Senate and House floor debates, matter for the extensions and daily digest sections are assembled by the GPO each night before printing. The size of the Record never can be accurately determined beforehand, since it depends on the length of floor proceedings. The only known fact is that the Record must be printed and delivered by 8 a.m., regardless of its size or how late Congress remained in session.

WORKERS MEET DEADLINE

GPO officials said that to their knowledge the Record never has missed its morning delivery deadline.

Production begins at 6:30 p.m., when "preparers" check incoming copy, note sections to be printed in specific type sizes and ascertain that the material to be printed is in proper sequential order. The copy is set by nearly 400 composing and casting machines, proofed, corrected and readied for stereotyping by 2 a.m.

The double-deck, 64-page rotary magazine presses that print the Record are supposed to be in operation by 2:15 a.m., running at 18,000 impressions an hour. These presses print 49,000 copies of the Record each day, using 36 rolls of paper weighing nearly 21.5 tons.

By 8 a.m., 34,635 copies of the Record are delivered to congressional offices: 100 are hand-delivered to the homes of members requesting such service in the Washington area; 277 are delivered to area libraries, offices and universities; 6,000 to 7,000 are mailed to individual subscribers; and 5,837 go to federal agencies. Each senator is allotted 100 copies to distribute free to his constituents; each representative is allotted 68.

HYDE SCHOOL IN BATH, MAINE

Mr. MUSKIE. Mr. President, amid all the concern over our young people on the campus of today, it is hopeful to observe some work that is already underway to prepare even younger people for the campus of tomorrow. I say this is hopeful because I believe in treating the illness, not the symptom.

For some time now, it has been my privilege to serve on the board of trustees of the Hyde School at Bath, Maine. Hyde is an independent secondary school whose headmaster and dedicated faculty are working with 120 students to achieve a pattern of education, as distinguished from just teaching and learning.

I visited the school last month and talked with both faculty and students in the course of my stay. I came away with the strong conviction that the philosophy being followed at Hyde may well be worth broad study and discussion.

Hyde School was founded 3 years ago by Joseph W. Gauld, a man who had spent nearly 20 years in secondary school teaching and administration. Over 6 years ago, he became convinced that there was in fact an illness in education that seriously needed treatment. He believed that education of the young required emphasis on the individual to develop an awareness of strengths and weaknesses so that the youngster might truly be "led forth"—or educated—instead of simply being taught without reference to his individuality.

While it is true that Hyde's method, no matter how successful, cannot be a panacea for all the ailments of our educational system, it is equally true that its experiences should be followed closely and its concepts be evaluated in the light of the problems facing our young people today.

Mr. Gauld said:

Up to now our challenges have been to conquer the earth. Now we have got to learn to live on it.

He is convinced that so much emphasis has been placed on achievement in our schools, such as high course grades, high test scores, and the like, that attitude, effort, and growth of the individual have ceased to be significant. Mr. Gauld continued:

If this is true then a school that is helping one student may well be hurting another. How many of these others give up on themselves because they cannot find anything in school they can succeed with?

The Hyde School regards the teen years as the most important in the life of a man, since it determines how he will face his problems, adjust to his shortcomings, and develop his strong points. The grading system takes into account personal growth as well as academic achievement.

The students at Hyde are encouraged to develop a capacity for responsible leadership and to have an active concern for others. Curiosity about learning and about life is stimulated, integrity is prized, and the courage to meet challenge is expected of all.

The impression of a visitor is that pioneering is once more to be observed in New England educational processes. The Hyde School is testing and examining, and sometimes changing, many of the standard practices of secondary schools. Its goal is to provide a better foundation for the student of tomorrow's college and university campus, and for a citizen better prepared to meet the problems which will face our Nation and the world in the future.

Perhaps the best measure of the task the school has set for itself is to be found in these words taken from its catalog:

Hyde School was founded . . .

On a conviction that education must promote among young people a realization of their own potentialities and a respect for themselves as individuals. We feel the growing impersonal trend in education defeats an appreciation of one's self and discourages the type of "rugged individual" that built this country. The principles on which this school is founded maintain that the qualities of self-confidence, self-discipline and perspective are more important to youth than they have ever been before.

We suggest that the following questions raised by the present educational system in this country need careful examination:

Curriculum: Has the emphasis in secondary schools on preparation for a specific college or profession narrowed education to a point where the primary concerns of character development and the discovery of meanings in life are neglected?

Teaching methods: How important is the trend toward machine—or machine-like—teaching, as opposed to the personal teacher-student relationship we believe essential to a truly liberal education?

Testing: Has a tool that started as a worthwhile aid in evaluating a student's capacities become detrimental to his incentive and a substitute for human judgment?

Specialization: In trying to cope with the "knowledge explosion" are we sacrificing to specialization such benefits as aesthetic appreciation, broad understanding, and the moral strength for leadership necessary to the education of the whole man?

Perspective: Has the educational process become so impersonal and so cumbersome that students only intellectualize today's problems without being able to tackle them with a sense of personal involvement?

There are no easy answers to these questions, nor easy solutions to the problems they raise. Nevertheless, we at the Hyde School believe that educational practices should not belittle him nor diminish his self-esteem. Even more important, education should create in the student an enthusiasm for life. This school is dedicated to such a concept of education and to the maintenance of both high academic and high human standards.

I hope, Mr. President, that Mr. Gauld and his faculty and students will continue to seek improvement in our educational system and that as the years go by we will see their success reflected in our processes of higher education. Unlike Mark Twain's weather, education is having something done about it other than just talking.

COMPLACENCY DANGEROUS IN INTERNATIONAL MONETARY AFFAIRS

Mr. JAVITS. Mr. President, in his superb article entitled "Hard Choices for the Embattled Dollar" published in the Saturday Review of November 22, the distinguished lawyer-economist, Richard N. Gardner, warns us against complacency in our international monetary affairs. Professor Gardner points to the difficulty the United States continues to face in reducing our chronic balance-of-payments deficit and warns that "huge deficits of the current magnitude cannot be sustained much longer."

He rightfully points to the necessity of new policies the "harmonize reserve policies so that central banks hold dollars, gold and SDR in agreed proportions" to prevent a variant of Gresham's law from operating through which bad money will drive out the good. The leading economist Ed Bernstein has also been in the forefront of advocating the necessity of combining the various reserve components into a consolidated reserve unit. These suggestions of Messrs. Gardner and Bernstein are worthy of serious consideration.

Prefessor Gardner also makes a strong case for linking the the SDR creation with developmental assistance as well as the need for the international community to take a new look at easing the exchange rate adjustment problem "through greater flexibility in exchange rates."

I commend Professor Gardner's article to Senators and suggest that it constitutes an agenda for international monetary problems for the 1970's.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARD CHOICES FOR THE EMBATTLED DOLLAR

(By Richard N. Gardner)

At the recent annual meetings of the International Monetary Fund and World Bank in Washington this story was circulated about a conversation among three leading experts on the world economy:

"When is the next crisis coming?" said the first.

"Things are so mixed up," said the second, "we don't even know if we're in a crisis."

"Oh yes we do," said the third. "When we have to meet on a weekend, it's a crisis!"

The story makes an important point about the unease and confusion that now prevail about the future of the dollar and the international economic system. Although a number of important steps have been taken to repair the system, the experts are still deeply divided on whether there is a crisis, and if there is one, what should be done about it.

This state of affairs is understandable. The United States has a deep balance of payments deficit by one method of accounting and a modest surplus by another. After two decades of unprecedented growth and prosperity, the Western industrial countries feel threatened by both inflation and depression. The growth in the living standards in the less-developed world as a whole is disappointingly slow. To complicate matters further, the fantastic growth in international capital movements and in the activities of multinational corporations poses new challenges to conventional economic wisdom.

The layman may be confused by the mysterious language in which experts debate these questions and may feel that the answers do not really concern him. Yet what is done to defend the dollar and the international system of payments and trade can directly affect his cost of living, his freedom to travel and invest abroad, his ability to buy foreign goods, and possibly even his chance to keep or find a job. These decisions also affect the ability of his government to deal with its urban and racial crises, to maintain troops overseas, and to play its full part in aiding less-developed countries.

The stock of gold possessed by the United States now has shrunk to about $11-billion, while foreign official and private dollar holdings have reached some $40-billion—a dramatic reversal of the situation that prevailed at the end of the Second World War. Then the United States had more than $20-billion in gold and less than $10-billion in short-term dollar obligations. This extraordinary alteration in our liquidity position has been the result of large balance of payments deficits sustained almost without interruption during the 1950s and the 1960s.

At first, the U.S. deficits were benign rather than malignant—they helped revive a devastated world economy by making dollars available as reserves to supplement the world's sluggishly growing stock of gold. Without these deficits the unprecedented growth in income, trade, and employment enjoyed by the industrialized nations since World War II would not have been possible. The problem, of course, is that such large deficits cannot go on forever; the United States cannot indefinitely be the world's central banker any more than it can be the world's policeman. In both cases, a broader sharing of responsibility is a political as well as an economic imperative.

But reducing the chronic U.S. payments deficits has proved much more difficult than anyone expected. In the first half of this year the deficit was over $5-billion by the traditional liquidity method of accounting. The total for the year probably will be close to $8 billion—an all-time high. To be sure, few experts believe it necessary to reduce the deficit to zero, since modest annual increases in foreign private dollar holdings may appropriately reflect the attractiveness of the dollar as a currency for trade and investment. The steady growth in the Eurodollar market is partly a reflection of the growing activities of U.S.-based multinational companies that need access to foreign dollar balances.

Still, huge deficits of the current magnitude cannot be sustained much longer. Much of this year's extraordinary growth in foreign private dollar holdings has been due to unusually high U.S. interest rates. (Our interest rates have actually pulled dollars out of foreign-government and central-bank holdings to feed the private demand for dollars, thus creating a U.S. payments *surplus* on the "official settlements" method of accounting.) When the interest rates decline, as they inevitably will when our economy begins to cool off, private foreign dollar holdings also will decline. Foreign governments and central banks may acquire some of them, but there is a limit—probably not too far distant—beyond which foreign countries will not want to increase dollar holdings. Beyond that point they will want to redeem their dollars in gold.

Why, after years of pledging to eliminate or reduce the deficit, does the United States now seem further than ever from this objective? One answer is the growth of the multinational company. Another is the frightening evaporation of our trade surplus. We need a surplus of exports over imports to finance our substantial payments for foreign aid, foreign military spending, and private foreign investment. In 1964 this trade surplus was about $7-billion. This year we will be lucky if it reaches $1-billion. This trade-surplus shrinkage is the most dramatic international economic consequence of our tragic military involvement in Vietnam and our failure to pay for it in time with taxation. After years of relative price stability, we have had four years of accelerating inflation—now at an annual rate of 6 per cent.

Trade figures for the last few years show eloquently how far the United States has lost its competitive position. Between 1964 and this year, U.S. imports have nearly doubled, while U.S. exports have increased by less than half. Inflation is the principal reason, but the multinational company also may be partly responsible, in that foreign markets formerly reached by exports now are being reached through foreign-based branches or subsidiaries of U.S. companies, and some of this foreign-based production is being sent back to the United States.

What is to be done about it? As always, there are those who would solve the problem by unilateral measures—by imposing import quotas or higher tariffs, by cutting off foreign aid, or even by declaring the dollar inconvertible into gold. But all of these measures would tear the fabric of international cooperation, bring foreign retaliation, and diminish our own welfare and that of other countries. If we are to avoid these regressive possibilities, we must forge a foreign economic policy equal to the new challenges that confront us. This means facing—and implementing—hard decisions on four main fronts:

First, we must bring our domestic inflation under control. This is the fundamental prerequisite for restoring our export surplus so we can resume our proper role as a long-term capital exporter and pay for reduced but essential military commitments that we decide to maintain in Europe and elsewhere. This year, notwithstanding the virtual disappearance of our trade surplus, we avoided a crisis by attracting, with high interest rates, vast amounts of foreign capital into dollar holdings. As our economy levels off and interest rates decline, we must increase our trade surplus sufficiently to make up for the outflow of these short-term funds—no mean accomplishment.

The dilemma of the Nixon administration is painfully obvious. As one member of the administration has put it, the economy must be slowed by steady pressure on the brakes—but not such drastic braking as to throw it into a ditch. Even a 4 per cent unemployment rate may mean a rate of 10 to 12 per cent in the urban ghettos. Certainly we must accept some increase in unemployment, but very fine economic tuning will be necessary to keep the social costs within acceptable bounds and prevent a slackening of inflation from becoming a depression. It is doubtful that the administration can find a depression-free inflation cure without taking a more active role than heretofore in persuading labor and management to limit wage and price increases.

Second, we must find ways of sharing our inherited role as central banker to the world. Fortunately, we have taken belated steps in this direction with the activation of the new plan for "paper gold." The International Monetary Fund will distribute $9.5-billion in Special Drawing Rights (SDRs) to its members over a three-year period beginning in 1970. The SDRs come none too soon. Almost everyone now agrees that the fantastic growth in world trade and capital flows has so greatly increased the need for international reserves that needed increases cannot be satisfied by the world's inadequate supply of gold.

To be sure, a few people still argue that the reserve problem should be met by doubling or tripling the price of gold. But this would accelerate inflation; it would increase reserves in a most arbitarary way, giving windfall profits to the gold-producing countries

(South Africa and the Soviet Union) and countries holding reserves mainly in gold (e.g., France); it would make nations less willing to hold dollars as reserves in the future; and it would undermine the whole present endeavor to adjust reserves gradually through intergovernmental cooperation in the new SDR facility.

The SDR plan makes possible financing the continued growth of trade and production mainly from SDRs rather than from continued large increases in foreign dollar holdings. Reserves thus can be created through cooperative decision-making without a further large deterioration in the U.S. liquidity position. But several problems related to the SDRs lie ahead. One is the relation between SDRs and the flow of development assistance. Some bold spirits have proposed that a portion of the SDRs be issued to international lending agencies for relending to the less-developed countries. The process of reserve creation thus could automatically provide funds for development aid without the need for annual Congressional appropriations.

Unfortunately, the more conservative European countries insisted on eliminating this very possibility during negotiation of the SDR plan, so it cannot be done in the near future—certainly not during the first three-year allocation of "paper gold." But the idea deserves to be revived. Moreover, we should certainly pursue the alternative suggestion offered by the Italian government that the developed countries (which are getting the lion's share of SDRs) promise to increase their foreign-aid contributions by some portion of their SDR allocations.

Another item of unfinished business is international reserve management. Though the SDR facility will help increase the total volume of reserves, it will not prevent dangerous shifts from one reserve asset to another. There is nothing, for example, to prevent governments and central banks from cashing their dollars and SDRs into gold. One solution to this "confidence problem" is harmonization of reserve policies so central banks hold gold, dollars, and SDRs in agreed proportions. A more ambitious approach would be to have countries turn in dollar and gold reserves to the International Monetary Fund for combining with SDRs into "consolidated reserve accounts." Countries then would have to draw proportionately on all reserves in making international settlements.

Such a plan would forestall a run on Fort Knox gold stock, but would also limit our power to pump dollars into world reserves through payments deficits. The dollar-holding countries, in return for losing their freedom to cash in dollars for gold, would receive a guarantee of the value of their dollar balances and be given a reasonable voice in deciding the total amount of new reserves to be created. They would be freed of pressure to finance our payments deficits through continual increases in their dollar holdings.

These plans involve difficult negotiations and a greater explicit surrender of national sovereignty than the United States and its trading partners have hitherto been willing to make. Yet, in the middle and long run, the United States needs the security of a consolidated reserve system, and other countries will want assurance that reserve creation will take place primarily through the SDR process, in which they have a reasonable voice, rather than through U.S. payments deficits, in which they do not.

The Nixon administration does not yet regard as a priority matter reserve consolidation or the linking of SDRs to development aid. Perhaps this is justifiable today. But the two ideas will deserve serious consideration at the highest levels of government before we are far into the 1970s.

The third area requiring leadership is improvement of the international adjustment mechanism—the system by which deficit and surplus countries restore balance in their international accounts. The U.S. and British currency plans drafted during the Second World War provided for far-reaching international control over the economic policies of deficit and surplus countries. But in negotiations before the Bretton Woods Conference of 1944 these provisions were removed because of differences over the relative emphasis on the responsibilities of deficit and surplus countries—and because of the fear that too explicit qualifications of economic sovereignty would prevent approval of any plan by Parliament and Congress.

The Bretton Woods compromise ruled out adjustment by exchange controls or by freely fluctuating exchange rates. But it said very little about how adjustment was to be achieved. The hope was that, with the aid of resources from the International Monetary Fund, deficit and surplus countries could be relied on to correct a "fundamental disequilibrium" within a relatively short time by reasonable domestic policies and by occasional changes in exchange rates. But the system hasn't worked that way.

One way to improve the international adjustment process would be to give international agencies the kind of influence over the economic policies of deficit and surplus countries that was envisaged in the original U.S. and British currency plans. There could be, for example, more regular and systematic consulation among senior government officials so that international adjustment is given greater weight in national policymaking. More progress could also be made in the adjustment of national policies on military spending, foreign aid, and private capital flows to help reduce imbalances of payments. In the years immediately ahead, however, it is unlikely that the adjustment problem will be fully resolved by measures of this kind. Economic sovereignty dies hard. Deficit and surplus countries are reluctant to sacrifice domestic economic objectives for external balance; even when prepared to do so, they do not always have the policy instruments available to get quick results. And there are limits to their willingness to adjust foreign spending in the interest of payments balance.

For these reasons the international community is taking a new look at easing the adjustment problem through greater flexibility in exchange rates. The present "adjustable peg" system of the International Monetary Fund permits changes to take place, but only after the political leaders of a country find them necessary to cure the fundamental disequilibrium. For reasons of prestige or domestic politics, national leaders are frequently reluctant to devalue or revalue a currency; as in the case of the pound sterling and the mark, they tend to postpone changes too long and to make them only after a currency crisis has developed.

In an effort to provide a greater measure of flexibility, the United States and other countries are now exploring an idea known as the "crawling peg," under which a currency could move up or down one or two percentage points a year through a series of tiny changes every week or so. The changes would occur in response to a formula, thus taking the responsibility off the shoulders of political leaders. Another suggestion being studied is to permit exchange rates to fluctuate within a "wider band"—2 per cent on either side of parity rather than the 1 per cent allowed under the present system. Although some have argued that greater exchange flexibility will unsettle the confidence of international traders and investors, a modest combination crawling peg and wider band should appeal to the financial community as a desirable substitute for the present arrangement. After all, a substantial risk of a very small rate change may be preferable to the small (but far from negligible) possibility of a very substantial change that exists at present, particularly if the new system makes exchange and trade restrictions less likely and eases the adjustment problem of a troubled world economy.

Various technical, economic, and political questions on the subject are now being studied by the International Monetary Fund. If the study yields a sufficient measure of agreement, the matter will be taken up in the "Group of Ten"—the key financial countries that negotiated the agreement on paper gold. If all goes well, a new plan for greater exchange flexibility could be ready for approval at the annual meeting of the International Monetary Fund in September 1971. Technical as this matter may seem, it could determine whether the United States can balance its international accounts without resorting to harmful trade and payment restrictions or a straight jacket on domestic growth. This is why many (though by no means all) key advisers in the Nixon administration consider the crawling peg the No. 1 priority for international monetary reform.

The fourth area where action is needed is reduction of trade barriers so that the United States can solve payments problems in a climate of trade freedom rather than trade restriction. The challenges to U.S. trade policy have never been greater than today. We have lost our traditional export surplus; key sectors of American industry, such as steel and textiles, are demanding increased protection against a flood of competitive imports. The Common Market continues a protectionist agricultural policy that threatens U.S. farm exports. Our exports of manufactures are also obstructed by a host of non-tariff barriers—for example, tax systems or government purchasing arrangements that discriminate in favor of home production. The refusal of our European trading partners to grant full equality to Japan as a trading partner has forced us to take a disproportionate share of low-cost goods. And little has been done to remove trade restrictions in Europe and the United States on the exports of the less-developed countries.

An appropriate strategy to cope with these challenges will probably have to unfold in two stages. The first stage, covering the next two or three years, should be used for modest but not unimportant action—fighting off protectionist demands, starting an international assault on non-tariff barriers, and adopting "housekeeping" trade legislation to enable us to complete and safeguard the work of the Kennedy Round of tariff renegotiations. The second stage, which could begin in 1971 but is more likely to have to wait until 1973, should involve the launching of a bold new approach to the reduction of trade barriers on a world-wide basis. The best method would be a free-trade treaty calling for annual percentage reductions in industrial tariffs across the board (for example, reductions by 10 per cent a year for ten years) and the complete elimination of non-tariff barriers.

Adoption of such a plan would eliminate or at least reduce the discrimination against American exports resulting from the European Common Market and the European Free Trade Area—a discrimination that could grow to very serious proportions if the two groups merge or make a special trade arrangement without U.S. participation. Moreover, a free-trade treaty could provide for accelerated reductions in trade barriers on behalf of less-developed countries.

The clearing away of barriers to exports and imports, however, will not be sufficient to assure cooperation between governments in support of free trade. Thanks to the growth of multinational companies, the United States now reaches foreign markets more through foreign-based production than through exports. We need to consider new ways of dealing with the problems that arise when, for example, the United States seeks to force on foreign subsidiaries of American corporations U.S. balance-of-payments con-

trols, U.S. concepts of competition, or U.S. regulations on trade with communist countries, or when there is discrimination against such firms by host governments.

At the very least, the General Agreement on Tariffs and Trade (GATT), established in 1947, should be a forum for discussion of such problems, and GATT could be amended to include some general principles in this area. Looking further ahead, we might envisage the registration and supervision of multinational corporations by an international agency. The problem of the multinational corporation can be made more manageable, of course, if these corporations become multinational in fact as well as name—with foreign participation in ownership and management of the parent company as well as in ownership and management of the foreign subsidiary.

These ideas add up to an ambitious agenda for the reshaping of international economic policy. It is far from certain that we will have the wisdom and the will to implement them—to curb our inflation without sliding into depression; to develop a more equitable system of international reserve management; to devise a new arrangement for the timelier adjustment of exchange rates; to negotiate an effective regime of free trade. Yet, we have no choice except to try. At stake is our ability to realize our most valued domestic and international objectives in the years ahead.

THE LAOS-THAILAND AMENDMENT

Mr. CHURCH. Mr. President, today's Washington Post contains an editorial commenting upon our vote last Monday which would bar the use of appropriated money to finance the introduction of American ground combat troops into either Laos or Thailand.

The editorial is not only very favorable in its reaction to our vote amending the Defense Department appropriation bill to bar funds for introduction of combat troops into either of these two Asian countries, but also urges the Nixon administration to accept "all reasonable moves in the direction of restoring congressional control over foreign commitments"—including the resolution of the Senator from Maryland (Mr. MATHIAS) which would repeal the Gulf of Tonkin joint resolution.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATE BIDS FOR LOST POWER

Once more the Senate has expressed its deep distrust of what has been going on in Southeast Asia. Its 73–17 vote to forbid the use of defense funds "to finance the introduction of American ground combat troops into Laos or Thailand" grew out of fear that the current limited military operations in those countries might escalate into large scale war. That is what happened in Vietnam. The Senate wants to make sure that it will not happen again in Laos or Thailand.

The significance of the action is not changed by the fact that the White House approved the wording of the amendment in advance. It has been obvious ever since Senator Cooper won unanimous approval of a somewhat similar restriction in September that restraints of some kind would be applied. When the Kentucky Senator again pressed his amendment this week, acting through Majority Leader Mansfield because of the illness of his mother, the Senate shied away from his language, which was deemed to be ambiguous. But the bipartisan substitute introduced by Senator Church looks in the same direction. Presumably it would leave the military free to bomb access trails used by the North Vietnamese in Laos and to give air support to the Royal Laotian Army. Only American ground combat troops in the two Southeast Asian countries would be forbidden if the conference committee should accept this Senate amendment.

The action on Monday may well contain a clue as to what the Senate will do when the more comprehensive Mathias resolution comes before it, possibly next year. Logically the Mathias resolution should have preceded the Church amendment, for it is designed to wipe out the basis for American intervention in Laos and Thailand while approving the presidential policy of liquidating the war in Vietnam. It is well to remember that the so-called Tonkin Gulf resolution, which Senator Mathias would repeal, is not restricted in its terms to Vietnam. Rather, it puts Congress on record as favoring a free hand for the President in the use of American armed forces "to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Thailand is a member of SEATO. Laos is a protocol state under its terms, although that mercurial country once refused to accept any protection through SEATO. If the Tonkin Gulf resolution is repealed and if a policy of withdrawal from Vietnam is formally approved by Congress, presumably the President would have to go to Congress for authority for any operations by American armed forces in Laos or Thailand not immediately connected with the war.

There are, of course, substantial gray areas that cannot be suddenly wiped out when Congress decides to reclaim its power to control limited wars during the liquidation of such a war. In Laos, for example, the Communists violated the Geneva agreement from the start by giving military aid to the Pathet Lao, and the United States long ago sought to counteract that move by providing equipment and training for the Royal Laotian Army. This cannot be suddenly wiped out without serious losses to the cause of stability in that country. Nevertheless, all reasonable moves in the direction of restoring congressional control over American foreign commitments should be welcomed. The administration would do well to accept the broad policy of the Mathias resolution as assurance to the country that it will not engage in secret and unauthorized military operations anywhere.

NEED TO MAINTAIN OIL IMPORT PROGRAM

Mr. PEARSON. Mr. President, I am deeply disturbed by newspaper stories of yesterday and today to the effect that the Cabinet task force on oil imports has decided to recommend to the President that the present oil import quota system be replaced by a tariff mechanism. I would hope that these press accounts are not accurate and that the task force has not made and will not in the future make a final decision to recommend the abolishment of the mandatory oil import program, because I am firmly convinced that such action would not only be disastrous to a great number of small domestic producers and inland refineries but contrary to the long-range interests of the Nation as a whole.

The present mandatory import control program was initiated by President Eisenhower in 1959 after the voluntary control approach proved inadequate. It was based on the very proper and sensible proposition that such controls were needed to preserve a healthy domestic petroleum industry for purposes of national security.

Mr. President, it would seem to me that the demands of national security still require a healthy domestic oil and gas industry and that an effective import quota program is necessary to assure the accomplishment of this goal. We must, it seems to me, maintain a ratio between domestic and imported supplies which will enable the domestic industry to meet the essential national demand.

Mr. President, most all agree that there are weaknesses and inequities in the present mandatory oil import control program. But to say as much is not to say that it should be abolished. We need to refine it and to improve it. We should not abolish it.

GOOD CONSERVATION START; NOW LET US FINISH IT

Mr. DOLE. Mr. President, we are hearing much these days in the Halls of Congress about improving the quality of the environment. I agree that solving environmental problems is essential to the future welfare of the Nation.

But all is not bad in this world. Some good things are going on. Everything that is being done in the field of soil and water conservation has a definite bearing on the environment. Much good soil and water conservation work is being done in Kansas and throughout the Nation.

An appraisal of this work in Kansas was made in an editorial published in the Wichita Eagle-Beacon of December 7. It appeared under the headline, "Good Conservation Start—Now Let Us Finish It." I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOOD CONSERVATION START—NOW LET US FINISH IT

In the midst of seemingly unsolvable problems, it's good for Americans to take an occasional backward look, to see what happened with problems that loomed up discouragingly years ago.

Back in the 1930s, when Kansas was the center of the dust bowl, and when dust storms blackened the sun and invaded homes, there were many who sincerely believed that Kansas was doomed, that the first explorers were right when they called it "the great desert."

It's refreshing, more than three decades later, to take a look at the state's beautiful countryside and clear skies. The doomsayers were wrong. But it wasn't chance that saved Kansas and other dust bowl states, it was hard and concerted work. That was well brought out when the Kansas Association of Soil Districts held its annual convention here.

Kansas has one of the leading conservation programs in the nation, a federal Soil Conservation official, William B. Davey of Washington, D.C., told the Kansas meeting. It has more miles of terraces and diversions, and more acres of grass waterways than any other state. One-fourth of the national total of stubble mulching of cropland is practiced here. Kansas leads the nation in the proportion of federal cost-sharing assistance devoted to permanent conservation measures. Its progress in small watershed development "has been inspiring."

It's nice to bask in the pleasant thought of

something accomplished, as in Kansas' soil consrvation effort. But in America today, there isn't time to bask. There are too many other pressing problems to be solved.

Another speaker to the conservationists, Richard C. Longmire, pointed out that they must look ahead to solving the big conservation problems dealing with non-agricultural usage. With the growing population, there will be more land needed for recreation, homes, schools, transportation and reservoirs. There will be more water used. There will be more need than ever for soil conservation, and for anti-pollution efforts to keep waterways clean and usable.

He urged rural soil conservationists to offer their expertise in leading to a rural-urban cooperative effort to solve these problems. It will take all the people working together, he pointed out, and it's going to take a lot of federal money. Rural conservation was accomplished by federal-state funding. New conservation needs pose a task of even larger proportions, and will demand even greater funding.

It's a good idea. It's certain that if Americans determine to solve their problems of conservation, they can do it.

After all, how long has it been since we've seen a dirty, choking, mile-high dust storm sweep across Kansas?

PERU'S MILITARY REVOLUTION

Mr. CHURCH. Mr. President, over the past 5 days the Washington Post has published a series of articles written by Post foreign correspondent John M. Goshko on the Peruvian military revolution—now 14 months old—which has had such impact on Latin America.

The Post has provided a great service in running this series. Mr. Goshko's articles go far toward dispelling some of the mystery of the Peruvian revolution. He has given us considerable background into the personalities of the generals who made the revolution and a firsthand look at the nationalism—pervading not only Peru, but much of the rest of Latin America as well—which bears such a remarkable resemblance to Nasserism. In addition, these articles dispel some of the myths that surround the Peruvian experiment with revolution, notably the regrettable idea that there is no possibility for this country to work out an accommodation with the Peruvian Government to our mutual best interests.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AMERICAS WATCH PERU'S GENERALS

(By John M. Goshko)

LIMA.—Throughout Latin America today, one cannot talk to politicians, soldiers, diplomats or intellectuals without hearing a strange new word—"Peruanismo." It means Peruvianism, and it refers to the forces at work in this Andean country since Oct. 3, 1968, when the armed forces overthrew a civilian government and replaced it with a military regime under the presidency of Gen. Juan Velasco Alvarado.

Like other Latin military juntas, the Velasco regime immediately proclaimed itself a "revolutionary government" committed to the transformation of Peruvian political, social and economic life. But where other Latin juntas have been proceeded to maintain the status quo, the Velasco government behaved in startlingly different fashion.

Despite the threat of serious economic reprisals from Washington, it began by expropriating the American-owned International Petroleum Co. In the year since, it has reinforced its radical image by seizing American fishing boats, opening diplomatic and commercial relations with the Soviet Union and other Eastern European countries, moving to nationalize communications and promulgating the most sweeping land expropriation in Latin America since Fidel Castro's takeover in Cuba.

An unceasing stream of ultranationalistic rhetoric cries "Arriba Peru"—"Up with Peru"—and shouts about "antirevolutionary" conspiracies organized by the "oligarchy" and "foreign economic interests." Not since Castro led his bearded columns into Havana 11 years ago has a movement gained as much attention as Peruanismo—the concept of a populist-oriented military that will lead the Latin masses to reform, modernity and national self-respect.

Outside observers tend to describe the Peruvian regime as "Nasserist," after the military dictatorship in Egypt. Sen. Frank Church (D-Idaho), chairman of the Senate Subcommittee on Inter-American Affairs, observed recently: "The really significant political change currently taking place in Latin America, in such places as Peru, is the rise of a kind of Nasserism."

But what Church and others regard as the basic elements of Nasserism—military authoritarianism, reformist zeal, a predisposition toward state socialism and central planning, bellicose nationalism at home and neutralism abroad—are not really that new in Latin America. A decade before the world heard of Nasser, that concept was pioneered by Argentina's Juan Domingo Peron.

However, although Peron came out of the army, he was ahead of his brother officers in his ideas and had to build his power base in the labor movement. After Peron's downfall, the populist impulse went into a decline; now, in Peru, the pendulum has started to swing left again.

A SPREADING CONCEPT

Almost every week brings new evidence of the idea's pervasiveness. In neighboring Bolivia, a military coup was led by a general who turned his back on his past record of conservatism and close association with U.S. interests to announce that his government was the "ideological brother" of the Peruvian revolution.

In Panama, another military regime has taken some lessons from Peru. Even among the region's more traditional military governments, Peruanismo is showing its influence. In Argentina, a number of junior officers face expulsion from the army on grounds that they espoused "procommunist" ideas—charges that appear to stem in part from their outspoken admiration of Peru.

When the military-backed president of Brazil was recently incapacitated by a stroke, the senior officers chose as his successor a general of traditional conservative views. But the top brass first had to stave off the challenge of younger officers backing another general whose ideas sounded strongly akin to those of Peru.

At the State Department and in the board rooms of big American corporations with sizable Latin investments, Peruanismo has provoked considerable nervousness. But there also are Americans who view the phenomenon more positively.

Richard N. Goodwin, who as an aide to President Kennedy helped to create the Alliance for Progress, wrote a generally admiring article for The New Yorker. Largely affirmative appraisals can be heard from U.S. academicians. In the journals of the New Left, there is a growing tendency to describe Velasco and his colleagues in the glowing terms once reserved for Castro and Che Guevara.

In his report on Latin America for President Nixon, Gov. Nelson A. Rockefeller described the Latin military as "a new breed of officers who frequently are a constructive force for social change." His plea that the United States accept Latin military dictatorships for what they are and assist their populist impulses was a long step away from past U.S. preachments about hemispheric democracy. And when Mr. Nixon made his Latin American policy declaration, he left the clear impression that his administration would not be provoked by Latin nationalism but would try to reach an accommodation.

Behind much of this attention is the thought that the Velasco example may inspire other Latin armed forces to break with conservatism and espouse military-directed reform. Considering the hard fact that traditional democracy and civilian leadership have not been very effective in solving Latin America's problems, it is easy to see why many people regard Peruanismo as a promising new force.

But at close range, Peruanismo turns out to be less a clear-cut ideology than a phenomenon filled with contradictions. For example:

The Velasco government says its raison d'etre is to improve the wretched conditions of the workers and peasants who comprise the bulk of Peru's 13 million people. But it is following the most conservative fiscal policies in South America—policies that will stagnate growth and increase unemployment.

In the name of land reform, it has been expropriating private farm land so fast that not even the government seems to know how much land has actually been taken. But not one peasant has yet acquired a single additional foot of land.

The regime said it seized power in part because "powerful foreign economic forces . . . had been frustrating the popular will for reform." It has talked publicly of freeing Peru from "economic colonialism" and has pointed to its expropriation of International Petroleum as proof. But it has been telling the international business community that IPC was a "special case" and has been lobbying with near desperation for new loan assistance and investment from abroad.

The government boasts of how it has brought military efficiency and discipline to Peru's governmental bureaucracy. Undoubtedly the regime has curbed bureaucratic corruption, had made civil servants get to work on time and has cleaned up some infamous paper logjams. But its desire to discredit the former administration also prompted a McCarthyite witch-hunt that drove the best-educated and most capable technocrats out of the career service. Now many top positions are filled with "yes men" for the generals.

PREFERRED OLIGARCHS

The Velasco government talks very tough about breaking the power of the oligarchy and it began its land reform program by confiscating the vast estates of the "sugar barons" of Peru's northern coast. But it seems to regard some oligarchs as more equal than others.

A much-heralded "nationalistc" measure limiting the activities of foreign banks in Peru was literally dictated by one of the most prominent oligarch families, the Prado clan, and had as its chief practical effect the protection of the Prado banking interests from foreign competition.

Another well-known family, the Miro Quesada, has transformed its rigidly right-wing newspaper El Commercio into a virtual propaganda mouthpiece for the junta. Such prominent names from the business and financial oligarchy as Cisneros, Banchero and Oleachea enjoy cordial relations with the regime and do business at the same old stands.

What all this adds up to is that Peruanismo is far from the single-minded concept that it seems to admiring outsiders. For one thing, Peru's military masters are far from unanimous on how to bring about

the revolution. Some are clearly extreme leftist and advocate very radical solutions for Peru's problems.

Probably the largest group favors state socialism but would apply it in gradual and moderate doses aimed at modifying rather than tearing down existing structures. Still others prefer the capitalistic approaches of the military regimes in Argentina and Brazil.

EXPEDIENCY RULES

Events, unfortunately, have not waited for the generals to work out a unified philosophy. Thus, despite constant talk about planning, most of what happened in the past year has resulted from seat-of-the-pants reactions to situations.

The regime had no choice but to expropriate IPC because the main pretext for its coup was public resentment of the company's special status. The move against the big sugar haciendas was prompted not by considerations of where the need for land redistribution was most urgent but by a desire to whip up popular support with a grand gesture.

The establishment of relations with Communist countries was largely an attempt to stave off U.S. sanctions over the IPC seizure by playing the old Cold War game. And fiscal austerity was forced on the regime by a huge budgetary deficit, lack of confidence among foreign investors and inability to meet payments on the foreign debt.

Finally, the generals tend to cling to the military idea that one can give an order and sit back with the assurance that it will be carried out. For example, they sought popular support by putting a ceiling on the price of such staples as potatoes. They failed to take into account that the bureaucracy lacked the resources to enforce such an edict.

As a result, Peru has a black market in potatoes. Either no potatoes are on display in grocery stores or those put out for sale at the regulated price are rotten. But the customer knows that the storekeeper has plenty of edible potatoes in the back room and that he can buy all he wants for a stiff under-the-counter price.

Similarly, the regime decided that meat importers were unnecessary middlemen, so it assumed control of all meat imports—with the result that not one lamb chop or steak was on meat counters the following day.

Sometimes this attempt to run Peru as though it were an army regiment can achieve comedy. For instance, the regime promulgated a health code that with military thoroughness informed Peruvians of the standards that would be expected of them in everything from prenatal care to burial.

Actually, many of the regulations were badly needed; they stopped the sale of harmful drugs and forced a cleanup of unsanitary restaurants and dairies. But the generals in their zeal proclaimed that "a mother's milk is the property of her child" and ordered all women to nurse their children unless they could provide medical evidence of their inability to do so.

Just how this provision was to be enforced, the code did not say. Public speculation over this point has produced a lot of crude jokes and the hiring of wet nurses continues to thrive.

LOW-KEY AUTHORITARIANISM

That incident illustrates the curious ambivalence with which most Peruvians seem to view their military government. In contrast to Brazil and Argentina, where military rule is provoking restlessness, the Velasco regime has not stirred any widespread emotions of either support or hostility.

In part, this is because Peruvians have become accustomed throughout their history to military dictatorship and the present regime has kept its authoritarianism at a fairly low key. No one has been executed, and there has not been a large number of political arrests, expulsions and strong-arm incidents.

Peru is very clearly a dictatorship, however, and most of the lapses in that direction are associated in the public mind with Gen. Armando Artola Azcarate, who as Minister of the Interior controls the police and the national security apparatus.

In contrast to most of his fellow generals, who project an image of briefcase-toting technocrats in uniform, Artola—with his bald, bullet-shaped head, his bull neck and his fondness for dark glasses—looks, acts and sounds like the movie stereotype of the Latin American dictator.

Moreover, he has a short-fused temper and the zeal of a manhunter and head-breaker of the old school. Twice Artola has closed Peru's leading magazine, Caretas, and punished its respected editor, Enrique Zileri Gibson. Zileri was first jailed without charge for several days and another time was put aboard a plane for Europe and not allowed to return for two months.

Zileri's first sin was publishing an unflattering photo of Artola and noting that the general was known behind his back as "Mamita"—a nickname deriving from the rumor that his grandmother ran a bawdy house known as "Mamita's." The other time, Zileri published the fact that the military regime had decreed a hefty pay raise for military officers, a news item that the rest of the Peruvian media found it more politic to ignore.

Most of the other strong-arm stuff that has taken place here, such as the exiling on treason charges of a prominent anticommunist journalist, Eudocio Ravines, and the use of clubs and riot hoses to break up the first signs of student or union demonstrations, seem directly traceable to Artola.

He also has been the most vocal figure in the government, outdoing even Velasco when it comes to shouting about conspiracies against the regime. And he is the chief guardian of national morals, appearing frequently on TV to harangue Peruvian youth about such evils as smoking marijuana.

Such antics have made Artola both the most feared individual in Peru and the butt of most of the jokes about the regime. Some observers think the other generals are deliberately using him as a lightning rod.

While Artola plays the bogey man role, the rest of the military is able to portray itself as a stern but benevolent force that allows political parties to keep functioning (in a powerless vacuum that has seen the closing of congress and the banning of all elections), that permits the judiciary to retain a measure of independence (it has ordered the release of several political prisoners) and that is trying to rule Peru with as little repression as possible.

OPINIONS ARE WEIGHTED

Given this situation, it is extremely difficult to gauge how Peruvians really feel about their government. The opinions one hears must be weighed against the economic and social status of the person speaking and the way he has been affected by the events of the past year.

Among the business and professional middle class, for example, Velasco has his admirers within the "salon rojo" ("parlor pink") intellectual fringe. But most members of this group are angry because the regime's economic policies have pinched their pocketbooks, worried about what all the talk of socialism bodes for their future and bitter over the austerity program's cutoff of the luxury imports that helped make middle-class life here pleasant.

At the opposite extreme, in the poverty-ridden Indian villages of the high Andean backlands, questions about the revolution usually evoke only a blank stare. These are the people who theoretically would benefit most from land reform and the proposed integration of the Indians into the mainstream of Peruvian life. But these plans still exist only on paper, and it will be a long time under the best of circumstances before they intrude on the centuries-old isolation of the sierra.

The coastal region north and south of Lima contains most of the population. And it is there—among the shop clerks, school teachers and office workers of the lower middle class, the laborers and factory workers from the barriada shanty towns ringing Lima, the small farmers and plantation hands—that the regime must seek support.

These groups have generally applauded such moves as the IPC seizure, the government's defiance of the United States, the land reform and the attention that these acts have attracted outside Peru, and there is no question that the regime's popular support is considerably stronger today than it was immediately after the 1968 coup.

MUTED HOSANNAS

Still, considering the drum-fire of rhetoric that the regime has directed to these key segments of Peruvian society, there seems to be an element of reserve in this support. When Velasco and his cabinet barn-stormed the northern coast in October to celebrate the first anniversary of the IPC expropriation, breathless accounts appeared in El Commercio and other pro-Velasco newspapers. But while almost every blank wall in every town was covered with tributes to the revolution, it was obvious that this outpouring was less a result of spontaneous enthusiasm than of advance organization.

The crowds were large, but they were swelled by a lot of people who came out mainly for the parades, the free refreshments or because there was nothing else to do. In the city of Trujillo, reporters overheard the police chief urgently telling his lieutenants that the turnout was too small and that more spectators had to be rounded up.

Whenever Velasco spoke, the crowds cheered and shouted "Viva" on cue, but there was a perfunctory ring to it all. To anyone who has seen some of the more spellbinding civilian politicians in other Latin countries, the reception hardly qualified as a demonstration of deep-seated popular support.

The crowds obviously approved of what Velasco said and wistfully hoped that all his extravagant promises might someday come true. But there were strong hints of confusion about the regime's more contradictory maneuvers, anxiety about a future that will see Peru leaving the old, familiar ways and a realization that all the tumult of the past year has not yet done anything to change the basic circumstances of the Peruvian masses.

Despite all the interest it has aroused outside Peru, Peruanismo is still confronted by a populace whose attitude says: "We're waiting to be shown."

A LAND OF EXTREMES

LIMA.—Fifth largest of the 21 Latin American countries, with an estimated population of 13 million, Peru, has all the social and economic problems common to most of its sister republics.

Approximately 88 per cent of the people are either Indians or a mixture of Indian and Caucasian strains in which the Indian blood predominates. Although recent years have seen a heavy migration of the Indians from their traditional homes in the Andean highlands to Lima and the other cities of the coast, these people still remain largely unincorporated into the mainstream of Peruvian social, economic and political life.

Peru's annual per capita income is 244, the rate of illiteracy is 39 per cent and the average life expectancy is only 46 years. Away from the coast, Peru's magnificent but forbidding terrain of precipitous mountain peaks, inaccessible rolling uplands and vine-chocked jungles make isolation a way of life and perpetuate systems of feudalism that seems out of another century.

It is a country of brutal extremes where the wealth and privileges of a tiny elite stand in stark contrast to the poverty for the many and where the surface glitter of Lima is magnified by the primitiveness of the backlands. In short, it is a country crying out for the physical development and the spiritual sense of self-purpose that the Velasco government has vowed to provide.

PERU'S MILITARY REFORMERS—II: RADICALS AND MODERATES JOIN TO SHAPE NEW LIMA POLICIES

By John M. Goshko

LIMA.—If they have done nothing else during the past year, the generals ruling Peru have proved that they are a new breed of military men—perhaps the most unusual ever seen in Latin America.

The junta headed by Gen. Juan Velasco Alvarado did seize power in the classic way, a coup. However, it has wielded this power not to defend the military's traditional allies in the conservative civilian establishment, but in a determined bid to smash the centuries-old social and economic stratification of Peruvian society.

It was a reversal of potential significance for all of Latin America. It has triggered great interest throughout the Hemisphere about the nature of his new military breed, in the forces that shaped its thinking and the directions it is likely to take.

Are the Peruvian soldiers well-schooled in the art of government and motivated by morality, patriotism and reform? Or, are they consumed by chauvinistic nationalism, unsophisticated in administration and finance and "little Castros in uniform"?

On the record of the Velasco regime's first year in power, it is possible through judicious selection of facts to make a fairly convincing case in support of either of these assessments. This is because Peruanismo—as the Peruvian experiment has come to be called—is still essentially evolutionary with many contradictory ideas and influences struggling for supremacy.

Peruanismo did not spring suddenly from nowhere. It was an inevitable, logical development of changes that have been taking place in many Latin American armed forces in the last two decades.

The most important of these changes was the transformation of the formerly ill-trained and rag-tag officers corps of the larger Latin armies into highly professional groups. As a result of this increased professionalism, the officer corps as a collective entity gradually displaced the old-style "strong man" type of general as the source of power in the Latin military.

Coupled with this evolution into a new institutional force came a rethinking of the military's political role. In this, it was heavily influenced by U.S. military advisers who taught that national development programs should be part of the arsenal—along with tanks and planes—against Castroite guerrillas.

INTERVENTIONISM TYPICAL

The typical Latin American army has always felt it had a duty to intervene in politics when it decided that civilian leaders were acting contrary to the national interest. Such interventions were usually brief and had limited objectives such as frustrating a specific policy or overthrowing a politician regarded as dangerous.

In the early 1960s, however, this doctrine began to give way to a new one—that the officers corps, with its cohesiveness, patriotism and self-image as ultimate arbiter of national values was the group best-equipped to lead national development.

This new political militarism was put to its first major test in 1964 when the army seized power in Brazil. Two years later, a similar coup followed in Argentina.

In both cases, the military immediately made clear that it would not play its old brief caretaker's role and then step aside for civilians. Both Brazil and Argentina were told that the armed forces had set themselves the goal of reforming national life and were moving in indefinitely.

The Peruvian coup, in October, 1968, was the third major link in this chain. Although the underlying motivation was the same, the Peruvian generals have elected, however, to approach the problems of development from a very different angle than their Brazilian and Argentine colleagues.

In Argentina and Brazil, the military regimes are working from the conservative premise that rapid industrialization is best achieved in close collaboration with foreign and domestic big business. Both aim essentially to creating attractive investment climates by placing on the masses the burden of austerity and dislocation inherent in the economic development process.

At least theoretically, the Peruvian military have chosen to attack many of the long-entrenched prerogatives of local big business. It is also putting its main stress on redistribution of wealth and privileges. Thus, *Peruanismo* represents a radicalization of the political militarism that began five years ago in Brazil.

The big question is how far this will go and where it will lead Peru. To answer, the personalities behind the still abstract concept of *Peruanismo* must be examined. What sort of men constitute the officer corps?

In strict military terms, many outside observers regard them as perhaps the best soldiers in Latin America. The army they command is a trim well-trained force that won the last war fought in South America, (a brief 1942 clash with Ecuador) and that more recently swiftly and ruthlessly crushed a Castroite guerrilla uprising.

55,000 MEN

The active strength of the army is estimated to be 35,000 to 40,000 men. The navy and air force each count about 10,000 men. An armed forces total of approximately 55,000 men, about 4 per cent of the population.

Peruvian officers work hard. Unlike some countries where promotions are based on political influence or rote seniority, they advance on merit. Of the generals on active duty between 1940 and 1965, about 80 per cent graduated in the top quarter of their military academy classes.

Contrary to popular supposition in the United States, most officers are not wealthy but come from lower middle-class, provincial background. Velasco is the son of a poor family and began his army career as an enlisted man.

Shortly after the Velasco government took office the president and his ministers made public declarations of their incomes and assets. What these portfolios revealed was a financial profile of the officer corps that bear far less resemblance to the landholding aristocracy than to Peru's small professional and entrepreneurial upper middle class.

Perhaps the most singular thing about the Peruvian officer corps is its emphasis on advanced military education. The army's network of officers' post graduate schools has made Peru a leader in evolving Latin military theory and doctrine.

On the cliff overlooking the Pacific in one of Lima's southern suburbs is a gray, two-story building that houses the most important of these schools, the Center for Higher Military Studies (CAEM). It is the fountainhead of the thought that produced the Peruvian revolution.

CAEM GRADUATES

Velasco and more than half of his cabinet are graduates of its one-year program. So, too, are five of the nine officers of the presidential advisory committee that serves the regime as a "think tank."

As a diplomat here points out, "Imagine a situation in which the President of the United States and the majority of top officials in his administration were all graduates of the National War College or the Command and General Staff School at Fort Leavenworth, then you have a rough idea of CAEM's importance."

Originally devoted to traditional military subjects, CAEM's curriculum has been expanded in recent years to intensive study of Peru's development problems and the military's role in their solution. "Students are exposed to courses in economics, social planning, Populism and Marxism.

Admirers credit the school with creating a new generation of uniformed technocrat managers qualified to direct civilian government. Most of the ideas being put into practice here were born in CAEM classrooms.

Others think that CAEM influence in the regime illustrates the old maxim about a little learning being a dangerous thing. In their opinion, the school gives an unsophisticated, surface view that leads to simplistic solutions.

The school's largely civilian faculty includes men with extreme leftist and ultra-nationalist predilictions. Much of the material, particularly in economics, is polemical.

The thinking at CAEM is perhaps best personified in the jolly, white-maned figure of Alberto Ruiz Eldredge, an attorney who lectures there frequently.

Many Americans here consider him a Communist. But this is a gross oversimplification. An extremely complex man, he is close in his thinking to Bertrand Russell. He says he is both a radical left-wing socialist (although he rejects Marxism as such) and an intense nationalist.

STRONGLY ANTI-AMERICAN

He is strongly anti-American, believing that "the might of the dollar" has been used to subjugate Latin America. He equates the Soviet Union with the United States as an imperialist power, but is an admirer of Fidel Castro.

For years, Ruiz Eldredge was among the most tireless advocates of expropriating the U.S.-owned International Petroleum Co.

Some persons think his influence is not as great as presumed. The relative moderation of the regime's current policies tends to support this argument. But his ideas have left a deep impression on many younger officers.

Ruiz Eldredge is not an isolated figure at CAEM. Many others have helped implant in the Peruvian officer corps an essentially statist economic outlook that tends to view development as a struggle by the poor, raw-materials producing countries to free themselves of domination by industrial nations.

The regime's first finance minister, Gen Miguel Angel Valdivia Morriberon, quickly realized that his military aides were unequipped to cope with Peru's innumerable economic problems. Accordingly, he began to rely on a group of U.S.-trained economists who were influential in the civilian government ousted by the coup.

This created a clash with the more radical CAEM-oriented officers, and Valdivia was forced out of the cabinet. His successor was considered to be much more in tune with the Young Turks, but the economic realities have slowly pushed him, too, toward more traditional economics.

The Valdivia incident was not the only clash between the radical group eager to implement CAEM and a more cautious faction that regards some of these ideas as impractical. The regime, for all its surface unity, has polarized into at least two fairly distinct camps.

CENTRAL FIGURE

The central actor in this drama is, of course, Velasco, who as commander of the army led the 1968 coup and became president of the revolutionary junta. Virtually

unknown to the public before, he remains enigmatic after a year in power.

This is partly because the Peruvian regime projects an image of representing the collective will of the officer corps rather than any one person. Shortly after the coup, the military even promulgated a special statute providing for removal of the president any time the officer corps decides it is necessary.

But Velasco is now clearly the first among equals. His somewhat erratic behavior during the past year has been responsible for much of the confusion about what *Peruanismo* really stands for.

A short, mustachioed, 59-year-old infantry officer with a gruff manner and a mercurial temper, Velasco gives outsiders very few clues about what he thinks. Unlike other Latin military dictators who have traded their braid for mufti, he wears his uniform at all times. He is fond of bull fights, tiny but strong black cigars and rather coarse barracks humor.

In his public pronouncements, he has varied between the extremes. At one point, he threw the country into near-panic by shouting from a balcony that "blood would run in the streets" if anyone tried to oppose the regime. Yet, to visitors, he repeatedly stresses the "peaceful nature of the revolution."

Similarly, on the first anniversary of the coup, he gave an address charging that a conspiracy of oligarchs and foreign business interests was trying to topple the regime. A few weeks later, in a long, reasoned speech to businessmen, he said the government wanted to develop Peru along essentially capitalistic lines.

This same kind of abrupt switch in signals has characterized his relations with the United States, his approaches to the Communist world and many of the regime's most fundamental domestic policies. For a time, in the early days of the regime, many people wrote him off as "lacking stature" and predicted he would be shunted aside by some other general.

BARRACKS POLITICIAN

His endurance has prompted considerable reassessment. To many, he now appears as an adriot barracks politican. Such maneuvering leaves unanswered the question of where Velasco stands on the aims of the revolution. The general impression is that his sympathies are with the radically inclined officers. But in recent weeks the regime has been following the more gradualist policies of the moderates.

The foreign minister, Gen. Edgardo Mercado Jarrin, has emerged as the leader of the moderates. He is probably the most cosmopolitan and is also the most openly pro-American figure in the all-military cabinet.

Increasingly allied with Mercado is the new minister of economy and finance. Gen. Francisco Morales Bermudez. He is the son of a general who was one of the Trujillo martyrs—a group of army officers who were murdered during a 1933 uprising by supporters of the Apra political party in the city of Trujillo.

Because of the reverence accorded his father's memory by the army and because he is one of the youngest generals, Morales Bermudez has long been regarded as a man to watch. His name has always figured prominently in speculation about future presidents. When he replaced Valdivia, it was assumed he would side with the radicals. Responsibility for paying the bills apparently proved sobering for him.

CONTACT WITH WORLD

Mercado and Morales Bermudez are the two cabinet ministers whose jobs make them most aware of the outside world and its role in the ultimate fate of the revolution. From where they sit, there seems to be no hope that Peru can solve its severe financial problems and pay for the revolution unless it tones down the over-aggressive, ultra-nationalistic image it now has in Western financial and diplomatic circles.

On the other side, are the CAEM-influenced radicals, mostly younger men. In the cabinet, their principal spokesmen are the minister of transport and communications, Gen. Anibal Meza Cuadra Cardenas, and the minister of mines and energy, Gen. Jorge Fernandez Maldonado Solari. To their number must also be added Gen. Jose Graham. While technically not a member of the cabinet, he heads the influential presidential advisory commission charged with formulating long-range policies.

These younger officers refer to themselves in private as "the earthquake generation." They have displaced many generals with far greater rank and seniority. When the coup took place, both Meza Cuadra and Fernandez Maldonado were obscure colonels.

Five days later, on Oct. 8, 1969—a date the Velasco government has since officially designated "The Day of National Dignity,"—it was Fernandez Maldonado who stood up before the generals and admirals in the presidential palace to read the proclamation nationalizing International Petroleum.

Fernandez Maldonado is considered the most articulate and forceful advocate of radical, nationalistic policies. Now that Morales Bermudez appears to have become a moderate, most informed opinion is that if the Peruvian revolution ever entered a more drastic second stage, Fernandez Maldonado would emerge strong man.

Although their CAEM training has given them fascination with computers and the tools and jargon of planning, the radicals do not yet seem to have a clear consensus on where they would take Peru if they had full control.

If there is a common thread of radical thinking, it is probably "devil theories" to explain Peru's problems. The radicals believe foreign and domestic interests have long conspired to steal Peru's riches.

This manifests itself in a latent streak of anti-Americanism and hostility toward private business. Even when they are on their guard and trying to speak warily before strangers, these feelings appear.

Thus, Gen. Graham, the grandson of a Scottish immigrant, will remark to a visitor: "I look like a gringo, and I have a gringo name. But I don't think or talk like a gringo." Fernandez Maldonado can say of foreign investment by that "we are reversing the sentiment that what's good for General Motors is good for the country. Now, what is good for Peru will have to be good enough for private enterprise."

There seems to be little question that the radicals would probably command the majority of the officers corps' rank-and-file in a showdown. Most political sources here think that if they wanted to push the revolution into a more extreme stage, they could compel Velasco to go along, or oust him if he balks.

Many sources close to the government, however, contend the radicals would prefer to put the burden of finding solutions to the immediate problems on the moderates and even agree that a reasonable low profile may be the best shortrun expedient.

There are those who think such a truce cannot last and that the two camps are destined to clash eventually over whether the revolution should favor capitalism or statism. If the moderates fail to stave off a financial crisis, the temptation for the radicals to take over will be great.

[From the Washington Post, Dec. 16, 1969]

PERU'S MILITARY REFORMERS—III: NATIONALIZATION OF PLANTATIONS BRINGS FEW CHANGES

(By John M. Goshko)

LIMA.—Following the coast of Peru north from Lima takes the traveler along a narrow ribbon of sandy desert so parched and windswept that one almost expects to see Lawrence of Arabia come riding over the dunes.

At frequent intervals though, the aridity is broken by swatches of vivid greenery. These oasis-like areas are created by many tiny rivers flowing out of the Andes Mountains to the east.

About 100 miles from the capital, one notices the tall stalks of sugar cane. By the time the traveler reached Trujillo, some 450 miles to the north, the profusion of cane absorbs almost every inch of land, for there is water to make things grow.

PLANTATION COUNTRY

This is the heart of a region that produces approximately 800,000 tons of sugar a year. It is plantation country, some of them small and some covering miles of land.

The biggest—the fabled Casa Grande hacienda of the Gildemeister family—is the size of Delaware. Two others are almost as big as Rhode Island.

Two of the most important, the Paramonga and Cartavio haciendas, were the property of an American firm, W. R. Grace and Co. But most belonged to a Peruvian landed gentry known as the "sugar barons."

All that came to an end last June 25, when the military government of President Juan Velasco Alvarado promulgated an agrarian reform law. Its first effect was the expropriation of the sugar estates on the northern coast.

Nothing done by the Velasco regime—not even its Petroleum Co.—has represented so bold a step toward carrying out its pledge to revolutionize the structure of Peruvian life.

MANY NEW SEIZURES

With a barrage of confiscation orders, the government has been swallowing the haciendas so rapidly that not even the officials at the Agrarian Reform Institute have an up-to-minute figure on the amount of land seized. All they can say is that hundreds of thousands of acres are now under government supervision.

Only in Fidel Castro's Cuba has Latin America seen a recent nationalization of land on such a scale.

What has been done so far in Peru has nothing to do with land reform in terms of how those who would better the lot of the Latin masses usually describe it—the transformation of a marginal peasant class into prosperous small farmers.

This is because the sugar estates, while dealing in an agricultural commodity, are really enterprises that operate along industrial lines. Their concern is with mass production, and to achieve it their workings must be geared to the economy of large-scale operations.

Hence, if the expropriated lands are to continue producing sugar in great quantity, they must be kept together as large units and operated in essentially the same manner as before.

LIKE FACTORY WORKERS

Cane cutters, refiners and other employees on sugar estates bear less relationship to farmers than to assembly-line factory workers. Each has a specific job to do and few are acquainted with other facets of the estate's operation or the techniques of more general farming.

Moreover, with few exceptions, workers in the sugar industry have no interest in the long, irregular hours and economic uncertainties of independent farming. Their preference traditionally has been for a regular work day paid on an hourly basis and such fringe benefits as the housing, schools and commissaries provided by the bigger haciendas.

For these reasons, most neutral agronomists do not regard the sugar estate nationalizations as an adequate test of the Velasco regime's ability to effect a meaningful agrarian reform. Although the government

talks of encouraging the workers to transform the estates into cooperatives, the experts contend that the cooperative framework as it is known in the United States or in Israel cannot be applied to the Peruvian sugar industry.

TOKEN SYMBOLS SEEN

There is a feeling that the estates eventually will be designated as "cooperatives," with worker representation on management councils, titular ownership in the name of the cooperative and perhaps even some form of profit sharing.

But observers think these things will amount to little more than token symbols. They see the need of a strong, centralized management. About the only thing expected to change in the foreseeable future is the shift from private to state ownership.

A visit to such haciendas as Casa Grande and Cartavio bears out this impression. In the executive offices, most of the old managers are gone (a few have stayed on as advisers for a transitional period); and their desks have been taken by officials from the Agrarian Reform Institute.

Life and work seem to go on much the same as before. The new administrators are obviously the best men the regime was able to throw into the breach. The long, hard hours they work underscore the pressure they are under from their superiors back in Lima to keep up production.

"WORKERS' STRUGGLE"

A few have been caught up in the mystique of revolution and talk about the "workers' struggle," much as Soviet agricultural managers did 30 or 40 years ago.

At Cartavio, for example, one young Peruvian who was a management executive for Grace and has signed up with the land reform program tells visitors: "Before I felt diminished as a man because I was working for a foreign master. Now I work harder for less money, but I am working for my country."

A British journalist who recently visited the Casa Grande estate tells how the local agrarian reform officials got him confused with a Pravda correspondent they were expecting. On his arrival, the Englishman was greeted by a young graduate of Lumumba University in Moscow, who embraced him boisterously shouting "tovarich" and launched into a torrent of Russian before realizing he had the wrong man.

However, most of the administrators appear to be technicians not unlike the county extension agents or instructors at a land grant college in the United States. In contrast to their bosses in Lima, they seem more interested in talking about techniques of growing and refining sugar than discussing revolution.

This air is also evident among the people who live and work on the sugar estates and who theoretically will be the big beneficiaries of expropriation. To be sure, there are those who have become ardent supporters of the revolution, and everyone likes the idea of the workers' becoming the "owners" with its implied promise of greater earnings.

NOTHING REALLY CHANGED

Still nothing has really changed for the workers except their bosses. They do the same work, collect the same pay and live in the same way as before. Some are even worried that the change might deprive them of what they already have.

Certainly, if the junta had been choosing its priorities on the basis of real economic and social need, the north coast was hardly the region where the need for land redistribution was most urgent.

To an outsider, life on the sugar estates appears feudal. On some haciendas, workers were treated like serfs. Even where the owners had a progressive outlook, the atmosphere was paternal at best.

HAVE STRONG UNION

Nevertheless, the sugar workers have what is in many respects the strongest union in Peru. Their wages and living conditions were among the best in the country's agricultural community. They were better off than those who still lead lives of peonage as tenant farmers or who work land in the mountains so marginal that they are constantly on the edge of starvation.

By contrast, an estate like Cartavio or Paramonga or Casa Grande traditionally has been a microcosm of the welfare state that provided for its inhabitants from the cradle to the grave. The work, particularly for the cane cutters, can be back-breaking and one's senses are constantly assaulted by the overpowering, sickeningly sweet, burnt molasses odor that belches from the chimnies of the refineries.

But on the estates whole towns are laid out in rows of brick and adobe houses. To a stranger, these owner-provided dwellings—usually consisting of a living-dining room, two or three bedrooms and a tiny kitchen—might seem spartan and rudimentary.

BETTER LIFE FOR MANY

To those who live in them, however, they are a considerable step up from the primitive Indian villages they came from. On the larger estates, there are commissaries where the old owners provided food at low cost, little freelance grocery stores and other shops, restaurants and corner bars, churches, playgrounds and schools.

Although the theorists of the revolution criticised these things as outmoded vestiges of paternalism, they did offer their residents a better life than most other segments of Peruvian agriculture.

So far, this life has been relatively unchanged. The big question is whether the government can keep sugar production at profitable levels, pay the workers the increased earnings promised by land reform and continue the benefits the workers now enjoy.

THE OUTLOOK NOW

Present indications are that the government, capitalizing on the work and investment of the old owners, will be able to maintain normal production, for at least a year or two. Beyond that, some pessimists think it may be in for some painful experiences.

The sugar estates have been productive in the past only because of a large investment in irrigation and other facilities and a high degree of technical management skill. The question is whether the government can afford this investment and can muster enough talent to keep things working efficiently.

There is also the unresolved problem of Peru's difficulties with the United States over the International Petroleum Corp. expropriation. Peru now sells almost three-fourths of its sugar production to the United States at the premium price established by the U.S. sugar quota.

However, failure to settle the IPC compensation impasse could trigger provisions in the U.S. law that would cut off Peru's share of the quota. Since prices on the open world market are less than Peruvian production costs, this would mean the virtual destruction of the sugar industry here.

Even if Peru surmounts the threat of a forced cutoff by Washington, there are indications the United States may phase out the preferential sugar quota system over the next few years. Thus the regime faces the possibility that someday, it will no longer have the advantage of a premium U.S. price for its sugar.

DIVERSIFYING URGED

Many persons already are urging the government either to diversify out of large-scale sugar production or find some other use for it. (Grace, for example, was primarily interested in growing sugar for more profitable manufactured items such as rum or paper made from the cane fiber residue.)

Many agronomists think the government erred by beginning agrarian reform in the sugar-growing areas. They believe the regime may find itself forced to concentrate so much attention and resources on proving it can run the estates that the extension of the program to other parts of Peru may suffer.

Why did the regime choose to begin with an attack on the sugar haciendas? The belief is that it was motivated by political considerations.

It could find no better target than the "sugar barons" whose vast holdings had long made them the most visible symbol of a landed oligarchy that represents only .8 per cent of the total number of landowners but controls 83 per cent all ariable land. Velasco had boasted: "With this move, we have broken the spine of the oligarchy."

THE JOB AHEAD

There is no doubt that the move paid off politically. However, the junta now faces the hard part of the job—moving agrarian reform into programs that will benefit small farmers raising a broader range of food and cash crops.

The blueprint for this is the June Agrarian Reform Law. Almost all experts agree that on paper it represents a carefully planned approach to the problems of land redistribution.

To finance the expropriation of land, the law provides that all payments to the former owners be in long-term bonds. This eliminated a provision in an earlier land-reform law authorizing compensation in bonds for confiscated land but stipulating that payments for all improvements and installations on the land had to be cash.

Elimination of this old requirement is of fundamental importance to the success of the junta's program. Previous governments, chronically short of cash, were unable to make any headway on land reform because they lacked funds to cover this pay-as-you-go provision.

CAN PAY LATER

Now the junta has rid itself of the need to find large-scale financing as a precondition to taking land. In effect, the law allows it to expropriate whatever land it deems necessary in exchange for what amounts to a promissory note.

Understandably, this has not endeared the program to those whose property is being taken. They charge that inflation, possible political changes and all the upheavals to which a country like Peru is subject will probably make the bonds worthless by the time they reach maturity in 20 to 30 years. They see the law as a device to allow the regime to grab land without paying for it.

INGENIOUS PROVISION

Nevertheless, the government put a rather ingenious provision in the law designed to pasify the landowners and spur development on another front. This idea is attributed to Father Romeo Luna Victoria, a Jesuit priest of radical socialist views who is influential with many of the regime's leaders.

It provides that bonds paid in compensation for expropriated land can be used for investment in Peruvian industry. The idea is that most bondholders will elect this course and thereby pour considerable capital into industrial expansion.

Although millions of dollars theoretically are involved, the government has still not completed its evaluation of the expropriated estates and payment has yet to be made to those whose property has been taken.

It is likely that an organization like Grace, which has many other interests in Peru besides sugar growing, will choose to reinvest here whatever it gets for its two lost haciendas.

EX-OWNERS GET BUSY

Where individual families of Peruvian landowners are concerned, the prospect of an amicable settlement is less clear. The Gildemeister family, for example, is known to have used its influence with the German banks that formerly financed Casa Grande's production to cut off future credit to the estate.

The Gildemeisters and the other "sugar barons" apparently hope to force the regime into a settlement more to their liking.

The main thrust of the land program is to break up big estates and end absentee landlordism through such measures as forbidding a corporation to own agricultural land and providing for the loss of land that is kept out of production by its owners.

It decrees that no farm shall be less than 7.2 acres. Most agronomists agree this is the minimum necessary to support a typical farm family.

But, while the emphasis is on the creation of small farms, the law also recognizes the economies inherent in large-scale operations and envisions the cooperative as a key mechanism for future agricultural development. The idea is that the new class of farmers will pool their efforts to market their production, buy seeds and tools, obtain credit and benefit from technical assistance.

REGIME CONTROLS WATER

Finally the regime has ended all private ownership rights to Peru's scarce water supplies. The allocation of water is to be governed by the state in ways that will advance land redistribution.

A big problem involves the massive investment in technical expertise required to make the reform work. There are between 700,000 and 1 million families in Peru eligible for the benefits of agrarian reform.

Even the most zealous members of the government concede the program will at best be able to accommodate no more than half this number in the forseeable future. Yet, this presupposes a staggering burden of money and education.

At the request of the government, the U.N. Food and Agriculture Organization recently made a study showing that Peru will have to muster a minimum of one technician active in the field for every 100 families involved in the agrarian reform.

If the program is to move ahead at the planned rate, Peru will need 600 new technician a year for the next two to three years and even more later. Yet, the country is now producing only 300 new technicians a year. To temporize with the problem at least, the EAO study recommended an immediate crash program to turn out technicians in record new numbers.

Another cost will be salaries attractive enough to induce people into this work.

But the money probably would have to come from outside sources like the U.S. aid program, the Inter-American Development Bank or the World Bank. The outlook for winning such support is not favorable.

Peru's current strained relations with Washington, coupled with the reaction against foreign aid in the U.S. Congress, make it highly unlikely that the Velasco regime can count on very much direct help from the United States, which is also the principal contributor both to the IDB and the World Bank.

PERU'S PROBLEMS

To be judged a success, Peru would have to emerge from its experiment with a new agricultural structure centered around small to medium-sized farms able to support the families on them, to bring Peru reasonably close to self-sufficiency in food production and to add to the country's over-all prosperity by producing marketable agricultural exports.

But the country is far from such a goal. Most persons would probably rate Peru's chances of making it as exceedingly slim. But, as the military men of the Velasco regime rightly point out, it probably will take two decades or more to tell whether the race has been won or lost.

PERU'S MILITARY REFORMERS—IV: LIMA'S ECONOMY IS LIKE "BEGGAR ON A THRONE OF GOLD"

(By John M. Goshko)

LIMA, PERU.—In the words of its own inhabitants, Peru is "a beggar sitting on a throne of gold." Nature made its subsoil rich in minerals and other resources, then cruelly prevented their full exploitation by covering it with physical barriers to transportation and communication.

About two-thirds of the country's 13 million people are clustered around the coastal cities and towns where the resources for earning a living are most limited. The rest—Andean Indians descended from the great Inca empire—live outside the national economy in barren isolation.

The average individual income is about $280 annually. The total national production is worth approximately $4 billion a year—less than the annual sales of some of the big international corporations that historically have dominated the Peruvian economy.

With its great extremes of poverty, with a growing and dissatisfied population, Peru is the sort of powder keg country that could easily explode into revolt.

The rumblings of discontent had reached the stage last year where they prompted the armed forces to overthrow the civilian government of President Fernando Belaunde Terry. Then the generals, acting from motives of nationalism and self-preservation, decided that their only hope of staving off upheaval lay in mounting a revolution from the top.

THREE NEW GOALS

As a result, the program of the new military regime headed by Gen. Juan Velasco Alvarado centered on three main economic goals: Creation of national prosperity through full development of Peru's resources, more equitable distribution of the resultant wealth among the masses and the lessening of foreign dominance over the economy by giving the state much greater control over the exploitation of resources.

From the outset, the Velasco regime knew that Peru by itself could not muster the capital and technical expertise necessary for so massive an undertaking. There was an even more immediate problem; the junta had inherited a severe fiscal crisis.

Budgetary deficits, depressed exports, falling foreign exchange reserves and increased debt had caused the currency to plunge 40 percent in value. This and mounting inflation had left Peru unable to meet the payments in its foreign debt service. Moreover, debased earning power and increased unemployment contributed to widespread unrest.

SCARING AWAY FRIENDS

In grappling with the immediate crisis, the Belasco regime's initial actions could hardly have been more calculated to alienate the very forces whose assistance it needed.

By expropriating without compensation the International Petroleum Co., a Standard Oil of New Jersey subsidiary, the junta showed it was really serious about governing along radical lines. This increased its domestic political support and gave it a leadership status among nationalistic forces throughout Latin America.

But it put Peru in danger of losing U.S. foreign aid and its share of the premium-price U.S. sugar quota. The mere threat of these sanctions caused Peru's stock to plummet in the eyes of the international financial community.

Nor was the regime's position helped by its bellicose stance toward Washington. It made veiled threats of responding to sanctions with reprisals against other U.S. business interests in Peru and turning to Communist countries for assistance.

CRASH AVERTED

In the end, however, the crash that seemed so imminent was averted. This was due in part to the Nixon Administration's decision to back away from a showdown and defer the invoking of sanctions.

Instead, the Administration opted for a combination of negotiations and legal moves in the Peruvian courts that enabled Washington to postpone sanctions indefinitely. This has helped lift some of the more ominous clouds of uncertainty hovering over the Peruvian economy.

Of equal importance has been the junta's ability to modify the image of wildeyed radicalism that it projected during its first months in power. This does not mean that the military is any less serious about creating a far-reaching revolution in Peruvian life.

But the generals seem more aware of the economic obstacles that must be overcome if they are to succeed in this aim. For the moment at least, the moderates in the regime are calling the shots on economic policy. The result has been not only a muting of statist ideas but the adoption of more conservative programs.

RECLAIMED PROGRAM

In fact the Velasco government has more or less adopted, as its own, the fiscal recovery program of the Belaunde government. This program aimed at arresting the recession by refinancing the foreign debt, cutting the huge budget deficit through reduced spending and increased taxes and easing the drain on foreign exchange reserves by curbs on imports.

The program also envisioned higher export earnings by attracting new foreign investment to the copper mining sector of the economy.

Through application of these measures to its own ends the regime has relieved some of the bleakness of its financial position. By reaping the benefit of the tax measures passed in the last days of the Belaunde government and by a slash in spending, the junta has reduced considerably the budget deficit.

As the result of the holddown on imports and high prices for Peruvian minerals and fishmeal exports, foreign exchange reserves reached $150 million at the end of July, up almost $64 million from the same period in 1968.

LONG WAY TO GO

But despite these improvements, Peru still has a long way to go before it is out of the woods. The most pressing problem now involves the need to refinance Peru's short-term foreign debt.

Shortly before its overthrow, the Belaunde government had arranged to reschedule this debt—about $800 million—over the five-year period from 1970 to 1975. When it grabbed power, the military charged that the 6 percent interest agreed to by Belaunde for the debt refinancing was exorbitant and represented a sellout to the U.S. and European banks involved in the deal.

Now the junta has found that, even with the refinancing, Peru will be hard pressed to meet the average annual payments of between $155 million and $170 million required over the next four years. As a result, the finance minister, Gen. Francisco Morales Bermudez, has been making desperate efforts in New York and the major European capitals to get creditor banks to stretch the refinancing for another five years to 1980.

THINGS LOOK BETTER

When the regime was talking tough about a show down with the U.S., the prospects for this didn't look promising. However, it now appears the Peruvians will get what they

want, mainly because the banks don't want to risk losing their money by having Peru default on its debt.

But the price will be high. Banking sources say the Velasco government will be lucky if it gets its own refinancing program through at a rate of 10 percent.

Now the regime faces an even greater source of concern and embarrassment. Although it came to power promising prosperity for all Peruvians, it is saddled with a recession much worse than in the darkest days of the Belaunde period.

This is partly the price the junta must pay for its fiscal recovery program. By reducing government spending to a minimum and squeezing imports so hard that even raw materials and machinery for local industry have been effected, the government in effect is carrying out a policy of enforced stagnation.

LITTLE NEW INVESTMENT

Compounding this problem is the fact that the regime's past radical image has frightened foreign investors to the point where virtually no new investment has come into Peru in the past year. For the same reason, Peruvian businessmen have found their access to traditional money markets tightening up.

Reflecting these conditions, Peru's gross national product increase was only 1.7 per cent in 1968. Since the country has an annual birth rate of 3.1 per cent, this was a deficit in terms of real growth. For 1969, the picture is even bleaker; the GNP increase by year's end is expected to be less than one per cent.

Evidence of this virtual standstill is apparent everywhere. Buildings under construction at the time of the coup look today exactly as they did a year ago, with not a single new brick added. Retail stores report the sales far down; restaurants are virtually empty.

Unemployment is estimated at about 10 per cent, even higher outside the Lima area. Partial work weeks and other forms of underemployment are common.

SEEKING INVESTMENT

To combat this situation, the regime is following the Belaunde prescription of trying to entice new investment, especially in the mining area. Velasco says his government welcomes foreign business willing to "respect Peru's laws," and is even willing to provide tax breaks and other special incentives to win investments.

Desipte such offers, the regime has shown that it can use an authoritarian stick in dealings with foreign business. This it made clear in its approach to the American mining companies whose investment is regarded as crucial.

ULTIMATUM TO MINING FIRMS

Prior to the coup, the Belaunde government had lined up about $700 million in new investment to bring several untapped copper deposits into production. But when the military came in, all this money was held back by the worried mining companies.

After trying reasonableness and getting nowhere, the general in September handed the mining companies an ultimatum: Develop the concessions to which they held title within 18 months or they would be seized.

The threat was effective. On Oct. 28, the Southern Peru Copper Corp., a consortium of U.S. mining interests, announced it had reached agreement with Peru to develop its vast Caujone copper deposit. To bring the mine into production capable of yielding 140,000 tons of copper a year, Southern Peru is expected to invest an initial $355 million, with its total development costs climbing eventually to $500 million.

The regime is expected to reach agreements soon with other U.S. companies, such as Anaconda and Northern Peru Copper, that would swell the sum of new copper investments close to $1 billion.

THE BIG "IF"

That would be the greatest economic gain scored so far by the Velasco regime—one that might provide it with a springboard for success of the revolution. But this and the other copper agreements are all continuing. Many financial sources are doubtful that Southern Peru and the other companies will find lenders willing to put $1 billion into a country that offers so many question marks as Peru. Originally, it was hoped that a large part of the financing would be assumed by the Export-Import Bank, a U.S. Government entity whose functions include assisting U.S. business abroad.

Technically, Export-Import loans are not included in the legally prescribed sanctions that could be invoked against Peru over the IPC expropriation. Even though Washington does not intend to apply sanctions, however, its relations with the Velasco regime still are far from cordial. There could be strong objections within the United States to a big Export-Import Bank loan to benefit Peru.

OTHER LOANS NEEDED

Unless the Export-Import Bank picks up a large share of the financing, there is strong doubt that Southern Peru could go ahead with its commitment to develop Caujone. Even if it gets that loan, the company still must find sufficient private banks in the United States, Europe and elsewhere willing to underwrite the rest of the financing.

When asked what will happen if the American companies cannot arrange the financing, Peruvian officials say they will be regarded as having defaulted on their agreements and will have their concessions taken away. Peru, they say, will then turn to other mining concerns in Europe or Japan to develop its copper deposits.

This, however, looks like an empty threat. There has been no real sign that European or Japanese mining concerns are interested in big investments in Peru. They, too, would face the financing problem—with probably even less chance of solving it than the Americans have.

Thus it will be several months before the question of sizable new copper investment is answered gets answered. Depending on which way the answer goes will be the further question of whether the government moderates can continue to maintain the tenuous upper hand they now hold.

SWING LEFT POSSIBLE

If the moderates can't make good on their pledge to get the economy moving through traditional means, the results could be another swing of power back to those advocating more radical approaches. Then could be expected more of the vague but alarming talk about stripping foreign companies of their mining concessions and of nationalizing such areas as banking and the fishmeal industry.

Such talk can be heard even now. However, the fact remains that a year in power has actually seen no radical economic moves by the Velasco government except for the expropriation of the IPC and the promulgation of an ambitious agrarian reform program.

There have been subtle changes, of course. The regime's current attitude of welcome contains the proviso that the state must have a greater voice in the direction of economic activity and a larger share of the profits.

But, on form, the justice seems to have decided for now that it needs foreign private enterprise to create new jobs and develop Peru's resources. Whether, in the long run, this decision will be compatible with the nationalistic impulse that originally brought the regime to power is something that will take more time to tell.

PERU'S MILITARY REFORMERS—V: U.S. RELATIONS WITH GENERALS—STILL UNEASY, STILL VITAL

(By John M. Goshko)

LIMA—Early this year, several officials of the U.S. Embassy here were quietly detached from their normal duties and assigned to an urgent secret project.

Their instructions: To plan a telephone and radio warning system that would get most of the approximately 7,000 American citizens living in Peru to the Lima airport on an hour's notice for evacuation out of the country.

At the time, the precaution seemed well-advised. In Oct., 1968, Peru's new "revolutionary" military government had confiscated an American-owned oil company. All of Latin America was waiting with growing apprehension to see whether the Nixon administration would retaliate by cutting off Peru from U.S. aid and from its shore of the preferentially priced U.S. sugar quota.

U.S. sanctions very likely would have touched off a violent outburst against the lives and property of Americans here. The results could have been the worst hemispheric crisis since U.S. Marines went to the Dominican Republic in 1965.

The two sides moved toward the April 9 deadline for the sanctions, but at the last minute Washington blinked. The sanctions were "deferred."

TENSION RELAXED

Now, eight months later, Peru still refuses to pay compensation and the Nixon administration has not ordered the reprisals prescribed by U.S. law.

Actually though, the impression that the crisis has somehow disappeared is illusory. To be sure, Washington's decision's to avoid an atmosphere of deadlines and threats has taken much of the tension from the situation.

The dispute is still very much alive, but both sides have an interest in resolving it. That interest goes far beyond the relations between the dominant power of the Western Hemisphere and a poor, relatively small Latin American country.

Among the things at stake is whether radical or moderate forces will control Peru's revolution. The moderates, who now hold a tenuous upper hand within the military government, are trying to solve problems in ways that depend to a great extent upon the goodwill and assistance of the United States.

DANGERS AHEAD SEEN

If they fail in their attempt to develop Peru within an essentially capitalist framework, they almost certainly will be displaced by others who advocate more extreme, statist solutions. These radicals are motivated more by nationalism than by Marxism, but they fear they might set Peru on a leftist course that would get out of their control and veer toward communism.

These fears are not without foundation. Orlando Castro Hidalgo, a Cuba intelligence agent who defected to the United States early this year, reportedly told U.S. officials that Cuba regards the Peruvian regime as the most promising prospect in Latin America for subversion from within.

Also on the fringes of the situation is the Soviet Union, which now has an embassy in Lima. The Russians already have started to use this toehold in an attempt to drive a wedge between American interests and the Peruvian government and push the military regime farther left.

From these cross-currents spring the 1968 coup that saw the armed forces overthrow President Fernando Belaunde Terry and replace him with the junta headed by Gen. Velasco Alvarado.

Although the coup was rooted in a complex sequence of economic and political problems, its immediate pretext was the Belaunde government's attempt to reach an accord with the Standard Oil of New Jersey's subsidiary, the International Petroleum Co., resolving a decadees oil dispute over IPC's title to an oil field in northern Peru.

Having denounced the agreement as a "betrayal of the national interest," the junta immediately expropriated the company's property. It also charged that IPC owed Peru $690 million for "illegal enrichment"—an allegation that made clear its determination not to pay for the company's seized assets.

Thus, before it had been in power a week, the Velasco regime was in conflict with the United States. By refusing to pay off IPC, it had contravened the provisions of the so-called Hickenlooper Amendment to the Foreign Aid Assistance Act and a companion amendment to the U.S. sugar quota law.

These provisions stated that unless Peru made "adequate compensation" within six months it would lose U.S. financial aid that had been flowing at the rate of $61 million a year and its share of the sugar quota, worth about $45 million annually.

JUNTA GOT TOUGH

Most observers agree that the two sides could have found a mutually face-saving solution at the outset.

Instead, the junta took refuge in nationalistic polemics where the slightest concession would appear a surrender of principle. Also in the early months, it seemed to go out of its way to hurl new provocations at Washington.

The regime talked ominously of moving against other large U.S. business interest here if the Hickenlooper sanctions were invoked. Also it resumed aggressive enforcement of Peru's claim to a 200-mile territorial waters limit, seizing U.S. fishing boats within this boundary and even riddling one with bullets.

Finally, although Peru's foreign policy traditionally had centered on close cooperation with the U.S., the generals announced a new "neutralist" position whose "sole determinant in foreign affairs would be the national interest of Peru." This was quickly followed by the opening of diplomatic relations with the Soviet Union and all other European Communist countries except East Germany.

Actually, this approach to the Communist bloc had started during the Belaunde period and was aimed at broadening the market for Peru's exports. The Velasco regime's purpose, however, was obviously to blackmail Washington; implying that application of the Hickenlooper sanctions would turn Peru to the Communists.

U.S. ATTITUDE

On the U.S. side, the early stages of the dispute were characterized by an attitude that flexibility was paralyzed by the Hickenlooper amendment. There was pressure from hardliners in the U.S. Congress, who were threatening even more punitive legislation against Peru.

There was also the feeling of many U.S. officials that the Velasco government was so heavily influenced by persons of extreme leftist and anti-American views that an accommodation seemed impossible.

The dispute was reaching serious proportions when the Nixon Administration took office. Preoccupied with other problems, it let months pass before it gave top-level attention to Peru.

Just as this joint failure of communication and diplomacy appeared to be making a collision inevitable, counter-pressures appeared.

TROUBLES IN PERU

The heady, nationalistic binge of the regime's first weeks was giving way to reality. The dispute with Washington was having economic effects that went far beyond the threatened loss of aid and sugar sales.

It was generating a lack of confidence among investors, creditors and lending institutions whose assistance was needed, both to solve the immediate financial crisis and to carry Peru through the development promised by the revolution. Wherever the Peruvians sought help—not only in New York but in the major money markets of Europe—they were told the same things: First make your peace with Washington.

At the same time it was becoming clear that Moscow was not disposed to make anything more than token gestures toward helping Peruvian development and trade.

Finally, the Velasco government started coming under pressure from other Latin American countries. The frenzied pace and rhetoric of the Peruvian revolution were attracting a lot of attention and the generals were even thinking of themselves as leaders of a new ideological force within the Hemisphere.

This had led them to believe that in a showdown they could muster a united front of all the Latin nations in forcing Washington to back away from sanctions. However, the other countries were not exactly enthusiastic about involvement that would hurt their own relations with the United States. They began to drop discreet but pointed hints that Peru should try negotiation before confrontation.

MODERATES TAKE OVER

Gradually, the confluence of all these factors shifted the upper hand in the Velasco regime to those who advocated moderation. The word was passed that Peru was willing to talk things over. The Nixon Administration, finally awake to the implications of the situation, hastily dispatched to Lima a Wall Street lawyer with experience in international negotiation, John N. Irwin.

Irwin found an atmosphere that would have disheartened most people. Suspicion, belligerance and intransigence affected the highest levels of the Peruvian government when the negotiations began last March.

Nevertheless, Irwin, a low-key individual of infinite patience, eventually succeeded in establishing a rapport with Velasco.

Irwin since has had two additional rounds of talks with the Peruvians. His efforts unquestionably have had great effect in reducing the tensions. It is known, however that he has made no progress toward a solution and is pessimistic that the Peruvians will ever give sufficient ground to remove the shadow of the Hickenlooper Amendment problem.

This leaves the question of what will happen in the future. From the U.S. standpoint, the amendment for all practical purposes has been invoked. Except for previously programmed projects, the inflow of U.S. aid has dried up, and the director of the AID mission and most of his once-sizable staff have left without replacement.

On the diplomatic side, Washington has sent an able and urbane new ambassador, Taylor Belcher, to Lima. He has energetically tried to follow Irwin's lead in reducing friction, but a decided chill remains.

The embassy staff has been noticeably reduced, with many key positions vacant.

On the other side, the Velasco regime has won considerable political prestige at home and in the rest of Latin America for its apparent victory in forcing the United States to back away from sanctions. Privately, however, the Peruvians are quite aware that their victory could turn out to be Pyhrric.

Many officials of the regime admit that the unresolved nature of the dispute continues to hinder their pursuit of the investment and credits necessary to get the sadly depressed economy working again.

While continuing to insist that the IPC issue is settled and not subject to further negotiation, they have been trying to talk softly and reasonably both to the United States and to the international business community.

Lately, there have been signs that the stirrings toward accommodation have been having something of a reassuring effect on foreign businessmen. It now seems likely that Peru will succeed in winning a badly needed refinancing of its foreign debt, and the American mining companies operating here are committing themselves to a tentative big new investment in copper production.

Still, it will be several months before any one can tell whether the moderate-directed policy of trying to get along with Washington is paying off. The radical, leftist-oriented faction of the revolution still remains strong, and a power struggle leading toward a definitive break with the United States is possible any time this group decides that the policy of accommodation is hurting the pace of reform.

This is something that the new 14-man Soviet embassy here obviously has in mind. The Russians have moved openly to revive the nearly moribund General Confederation of Peruvian Workers, which is controlled by the technically illegal Peruvian Communist Party.

In addition, the Soviets have been pressing "cultural" programs within the universities, traditionally a big source of leftist sentiment, and the Russian news agency Novosti is distributing material to newspapers. Most ominously, the Soviets are known to be working hard at cementing their ties with the radical officer factions and those civilian advisers to the regime with a strong leftist bent.

While the possibility of a sharp new swing left cannot be discounted, most observers here think Velasco was expressing the true sentiment of his government when he said in a recent speech: This government is not Marxist . . . it is nationalist, it is revolutionary, but it is non-Marxist."

Perhaps the one thing that a year in power has taught Peru's generals is that their revolution needs a patron. Everything they have committed themselves to do—refinancing the foreign debt, bringing Peru's rich but untapped mineral reserves into production, carrying out a full-scale agrarian reform—is going to cost far more money than Peru can generate on its own.

To get this money, Peru needs the friendship of a bigger and richer country that can give it cash and technical assistance from its own resources and that can use its good offices to help Peru obtain additional help from private business and international lending organizations.

By now, the Velasco regime has had ample opportunity to look around for such a friend. And it has found that inevitably and inexorably all roads lead it toward Washington.

For Peru, this could mean a tacit recognition that its nationalism can be maintained only at the price of forfeiting the aid necessary to carry out its revolution. For the United States, it would mean giving up a lot of the old paternalism and economic domination that historically characterized its relations with Peru.

If the generals found themselves going down, they almost certainly would move desperately toward the left. At the very least, this would mean new attacks on U.S. interests that could inspire echoes in other parts of Latin America.

Out of the resultant chaos could come the eventual establishment of a new beachhead for communism within the Hemisphere.

EXPANSION OF FOOD STAMP PROGRAM

Mr. DOLE. Mr. President, this morning the Nixon administration announced a major step forward in the attack on hunger in America.

Secretary of Agriculture Clifford Hardin disclosed that the food-stamp pro-

gram is being substantially expanded and will see a considerable increase both in participating counties and people receiving stamps.

I trust the significance of this action will not be lost on those who have been so vocal in their criticism of the administration's efforts in the areas of poverty and malnutrition. Without waiting for passage of new legislation, the administration has moved to reduce the cost of family allotments as far as permitted by the present law, and has in many cases more than doubled the bonus paid to very low income families.

Today's action, better than unsupported criticism, will put more food on the tables of needy Americans. Today's action, better than publicity-seeking diatribes, will move us toward the end of hunger in the United States.

Mr. President, the administration is demonstrating its commitment and dedication to eliminating hunger and malnutrition through its deeds and its programs, not merely by its rhetoric. The critics should do likewise.

ANNUAL REPORT

Mr. PERCY. Mr. President, I have been disturbed about the number of times I have heard the first session of the 91st Congress referred to in disparaging terms. We have in some respects failed to measure up to our responsibilities and have regretfully passed some irresponsible legislation. But all has not been negative. I would like, therefore, to make an accounting to my constituents of my senatorial activities during 1969 and my outlook on the vital issues now facing our Nation. This accounting could be looked upon as a year-end report to the people of Illinois. Such a report is especially timely because the past year has seen the coming to power in Washington of a new administration whose outlook in many ways reflects a needed break with previous policies and outworn solutions. The emphasis is on reform.

The most urgent priorities facing President Nixon are the need to end the Vietnam war, which in the past 5 years has taken a terrible toll in American lives and drained our national wealth; to bring about a reconciliation at home so that as a united people we may move forward to deal effectively with pressing domestic needs, and to curb the current inflation through sound fiscal management, thus laying the essential groundwork for a stable economy and a sound dollar.

These issues have been major themes in my work this year in the Senate. At the year's end, I have mixed feelings of gratification and disappointment regarding this session of Congress. It is gratifying to have been able to help launch some important legislation, much of it requested by the administration, as a member of the Banking and Currency Committee, the Government Operations Committee, the Joint Congressional Economic Committee and the Select Committee on Nutrition and Human Needs.

But the session was disappointing because its overall record was characterized by legislative lag and a failure to come to grips with the two major domestic problems facing our country—inflation and national reconciliation.

The death last summer of our beloved colleague, Everett McKinley Dirksen, was a loss for the Senate and for the people of Illinois. To commemorate the late Senate minority leader, I have introduced together with Senator RALPH SMITH legislation that would designate Interstate Highway 74 as the "Everett McKinley Dirksen Highway" for the segment of the road that runs through Illinois. I also introduced a bill to name the Federal building and courthouse in downtown Chicago in honor of Senator Dirksen and was pleased to have more than 80 Senators join me in this legislation.

VIETNAM

In 1969, President Nixon succeeded in reversing the escalation of the Vietnam war, reducing the level of violence and the number of American battle casualties. By the end of the year, the President had ordered a total reduction of 115,500 U.S. fighting men since he took office. I fully support the steps he has taken and his plan for "the complete withdrawal first of all U.S. combat ground forces."

I have continued to consult with the President, Secretary of State William Rogers, Dr. Henry Kissinger and their staffs in their effort to spur the stalemated negotiations in Paris and to bring about an early disengagement of American forces in Vietnam. I have also worked to put pressure on the Communists to reveal the names of the American captives in their hands, to treat our prisoners-of-war humanely and in keeping with international treaties, and to arrange for the exchange and release of prisoners.

As the year draws to a close, I continue to support accelerated withdrawal of American combat troops from Vietnam as a means of requiring the Government in Saigon to assume the main burden of the fighting and to bring additional non-Communist leaders into the Government, thus broadening its popularity and base of support. I also cosponsored a resolution in the Senate urging Saigon to adopt meaningful land reform.

NATIONAL SECURITY

I want the Department of Defense to be so efficient and our military policies so wise that there will be no further reason for attacks on the so-called military-industrial complex. I want the men of our Armed Forces honored for their profession, and I want our veterans adequately taken care of by a grateful people. The alleged massacre in Vietnam is shocking to us all. Justice must be done, and procedures adopted so that similar incidents can never occur again.

We must also examine anew our overall military strategy within the context of U.S. foreign policy and come to a better understanding of which commitments and what weaponry are truly necessary to the security of the Nation and what is simply just wasteful or worse. I shall continue to work for Government Accounting Office auditing of defense contracts, for a commission on national priorities, and against deployment of weapons systems which are not ready for deployment.

In March I cosponsored the Draft Reform Act of 1969, which would provide for extensive revisions in the selective service laws. It calls for random selection of inductees, establishes categories of selection, sets out broad guidelines for deferments, and vests in the President the authority to prescribe rules regarding deferments. Thereafter, I worked hard for the passage of this legislation, which recently became law.

The most vital security problem facing President Nixon and his administration—aside from the need to conclude the war in Vietnam and to prevent one in the Middle East—is a need to reach an effective accord with the Soviet Union to limit the further spread of nuclear arms. Thus, the current preliminary talks with the Russians in Helsinki must be viewed in the broader context of global arms control and the search for peace.

Great risks are involved in seeking to negotiate an arms limitation agreement with the Soviet Union. The difficulties inherent in and the necessity to verify compliance; the continuing problem of China; the large numbers of tactical short-range delivery systems on both sides; and the shifting international climate and political tensions all pose high challenges that must be overcome. Yet all the risks we will encounter in trying to forge an effective pact with the Russians must be weighed against the risks that the lack of such an agreement will impose on us in the ensuing decade.

There are hopeful signs as well as problems ahead on both sides of the barrier that divides us and the Soviet Union.

With their rapid buildup in strategic forces within the past few years the Russians are able to negotiate without conceding inferiority or exposing themselves to the possiblity of being frozen in an inferior position.

On the American side, there is an acceptance by the President and his chief advisers of the concept of nuclear "sufficiency." Our leaders realize fully that beyond a certain point additional nuclear force cannot be converted into useful political pressure.

In my judgment, President Nixon has also accomplished a great deal in moving decisively away from an ABM system ostensibly geared to defend the cities against missile attack and capable of expansion, through the expenditure of untold billions of dollars into the full-scale illusion of a "thick" ABM. To the extent that such a "thick" system is ever accepted as having achieved an effective screen against enemy missiles, it becomes an offensive weapon, since it releases our policymakers from the restraints imposed by the Soviet second-strike counterforce capacity.

Moreover, the President has managed to move us away from the "thick" system without encountering any divisive outcry from the military and its partisans in Congress. For this he also deserves high credit and earnest praise.

Nevertheless, I opposed the deployment of the Safeguard anti-ballistic-missile system at this time because it

has not been adequately tested; because I firmly believe that deployment may escalate the nuclear arms race; that because it is technically deficient, it will not increase our national security; and because it represents a long-term commitment in energy and budget that could be far better spent in the urgent task of nation-building at home.

FOREIGN AFFAIRS

President Nixon's policies abroad and particularly the doctrine of restraint announced in Guam will help greatly in preventing the outbreak of fresh Vietnam-style conflicts in Asia. In two trips to Western Europe and one trip around the world in 1969, I was convinced that the administration is highly regarded in world capitals and that American prestige is generally high.

In the turbulent Middle East, I note with satisfaction the President's determination to support Israel's legitimate aspirations for peace and security in the face of the Soviet-backed Arab States. I am urging the administration to provide credits to Israel for the purchase of modern jet aircraft, since Israel's dollar reserves have shrunk to the danger point and the Arabs have a 6-to-1 edge in jet aircraft over Israel. Should the Arabs continue to enjoy such a vast quantitative superiority in jets, they may be tempted to unleash another war. A proper balance of forces can help prevent an enlarged war.

I support the President in the arrangements he has concluded for the reversion of Okinawa to Japan in 1972, while maintaining U.S. military bases on the island. At the same time, I have spoken out strongly, both in Washington and Japan, against Japanese import quotas that bar American goods. I have told the Japanese that we cannot long tolerate discrimination against American goods at a time when we are Japan's best customer and while we provide for Japan's defense.

One of the chief threats to the stability of the dollar arises from the cost of maintaining U.S. troops overseas. Vietnam, fortunately, is being scaled down, but in Western Europe more than 300,000 U.S. troops plus their dependents cost $15 billion a year and cause a balance-of-payments drain of $1.5 billion a year. Working within the North Atlantic Assembly of NATO, a resolution I proposed was unanimously adopted in October by legislators from all the NATO countries calling for all official U.S. expenditures to provide for the common defense in various West European countries to be paid for by those countries instead of the United States. Now this proposal must be implemented by the executive branches of the governments. In this way, the United States could save large sums of money both in the Federal budget and in our balance of payments.

FOREIGN AID AND TRADE

The Senate approved legislation this year that I supported which expedites the export of peaceful nonstrategic goods to all nations and permits the United States to compete on a firmer footing with West European and Japanese industry in export markets. Goods of a military or strategic nature would still be barred from export. This legislation, I believe, will permit American firms to cut down on the burdensome bureaucratic procedures that prevent them from competing more effectively in world markets.

The United States must now take positive steps to stimulate trade. Specifically, we must make provision for liberalized adjustment aid for workers affected by rising imports, put an end to the current disparity in rates for outbound ocean freight and on domestic rail rates on goods bound for export, allow for new flexibility in the operations of the Export-Import Bank, offer tax relief for exporters and create a new international fund to insure businesses against expropriation.

I have supported the continuation of the foreign aid program, though on a reduced scale as proposed by the administration. The entire program urgently needs to be reviewed and the Foreign Relations Committee plans to study thoroughly and revamp foreign aid in early 1970. Two brighter aspects of the foreign aid program is legislation calling for the creation of a private investment corporation to help channel private money into developing countries and to remove the Government from the picture to some degree. Another encouraging provision which I cosponsored is the increasing of funds for population control from $50 to $100 million. Population control is an urgent necessity in developing countries.

GOVERNMENT ORGANIZATION

No one who has watched the activities of the 91st Congress can be satisfied with the pace at which the people's business has been conducted. While it is in the public interest to debate fully the great issues of our time, much can be done to expedite legislative matters and to improve the legislative process. Consequently, I am cosponsoring a bill to reform the operations of the Congress. This proposal would make more democratic the procedures of the Congress, reduce the influence of the seniority system, improve congressional fiscal controls and oversight on budgetary matters, develop more open procedures on appropriation matters, and generally improve housekeeping functions. In line with the above concept, I voted for easing the cloture rule in order to enable the Senate to curtail filibusters.

Moreover, on the State and local front, I have cosponsored legislation to share Federal tax revenues. Through this means, revenue collected by the Federal tax system can be passed through to State and local governments to enable them to undertake programs with high local priorities. We have learned in recent years that the Federal bureaucracy cannot solve all our social and economic problems. Centralized control frequently causes a drying up of innovative and experimental programs. Enabling State and local governments to receive sufficient sums of money to attack their individual problems not only contributes to the general welfare but also strengthens that spirit of diversity which is so essential to a more dynamic society.

In this same vein, I have cosponsored grant consolidation legislation which will enable the President to put into effect, upon congressional approval, executive reorganization plans that would streamline Federal programs. Overlapping and duplication of hundreds of Federal financial assistance programs can thus be curtailed to the benefit of States, local governments, and individual grant recipients.

ILLINOIS AFFAIRS

Not the least of my senatorial duties is to assist the governmental units of our State and the people of Illinois in dealing with the thousands of programs, services, and bureaus in the Federal Government. In 1969, my office received thousands of letters, telegrams, and telephone calls seeking help with specific and often complex Federal problems. These requests included such areas as the armed services, social security, veterans affairs, immigration, education, employment, conservation, highway, development, and postal matters.

Whenever possible, I have sought to expedite loans and grants to Illinois communities. With this goal in mind, I organized a meeting in Washington of more than 150 mayors and city managers of major cities and towns in Illinois to discuss with leading members of the Nixon administration ways of strengthening the Federal-State partnership for the development of Illinois. As an integral part of the conference, I sponsored a workshop session that dealt with specific loans and grants.

Despite severe constraints that have been imposed on the Federal budget—restraints that I support—I was moderately successful in helping to secure funding for worthwhile public projects in Illinois. Congress finally approved $70 million for the national accelerator project in Weston. The city of Danville received more than $4 million to carry forward an urban renewal project that had been stalled in the Housing and Urban Development Department. Springfield sought $1.4 million in Federal funds for a low-income housing project and our office was instrumental in obtaining the needed aid.

In an effort to be helpful to qualified Illinoisians who have sought to serve in the new administration, my office has been available as a channel between the applicants and the executive branch. I am proud of the high calibre and dedication to public service of the approximately 40 men and women, many of them young people, whom I have recommended for service on national advisory commissions.

This year, I opened a new office in Springfield to better serve the needs of downstate Illinois and to coordinate more closely with Governor Ogilvie and the State legislature.

During the year, I returned to Illinois three or four times a month, often spending the weekend meeting with constituents at "Listen-Ins" throughout the State; consulting with regional Federal officials on specific problems, such as the development of highways in the Quincy area; meeting with the Army Corps of Engineers, whose emergency dikes pre-

vented a major spring flood in the Quad-Cities area, and conferring with community leaders from all walks of life.

Over the Memorial Day weekend, I joined Governor Ogilvie in a camping tour of Shawnee National Forest. The primary purpose of the trip was to study potential development of the National Forest to aid in the economic growth of Southern Illinois. At the time, I announced my sponsorship of a 7-year $46.1 million program to build scenic roads and recreational areas in Southern Illinois to enhance the value of the National Forest. The keystone of the federally financed development program is the George Rogers Clark Scenic Drive, which would stretch for 160 miles across the National Forest from Grand Tower on the Mississippi River to Cave-in-Rock on the Ohio River.

In April, I spent a week touring 10 college campuses throughout the State. To a degree perhaps unsurpassed by any previous generation in modern times, the young people on Illinois campuses are seeking, sometimes painfully, to experience firsthand a meaningful relationship between learning and life and these campus talks resulted in a valuable exchange of views. As we move into the new decade, we have every reason to be proud of the mainstream of the new generation—with whose active participation Illinois will continue to grow and prosper.

ENVIRONMENT

Our Nation faces many urgent priorities today: quality housing, better health care for our people, a sound education system, combating crime and exercising drug control and providing ways and means to assure all those willing and able to work with an adequate income while providing financial assistance to the sick and the old.

There can be no higher priority, however, than our survival. And the fact is that our survival is being threatened today. Pollution is befouling the air we breathe, the water we drink, the sights we see and the din we hear. The problem is not made any easier by rapidly expanding birth rates which increases the burden on our society and serves to undermine our efforts to restore and preserve a harmonious environment. Increasingly, our people are becoming aware of the threatening disaster and beginning to take action.

Congress recently appropriated $800 million to provide matching grants to the States to construct water treatment plants. Technological advances have been made in recent years to curb water pollution, but they have remained largely academic due to a lack of money. This year, for the first time, Congress demonstrated its serious concern over water pollution by appropriating four times the previous level of funds. This will still leave Illinois short of matching grants to meet even current needs, but it represents a step forward. Perhaps we will be able to prevent Lake Michigan from going the way of Lake Erie and becoming a dead sea.

Forward-looking action has also been taken to fight air pollution. Congress this year extended the Clean Air Act to broaden research and to fund fuel combustion research. High sulfur content fuels and automobile fumes are a major spoiler of our atmosphere. Increasing research must be devoted to preventing all forms of air pollution and this legislation contributes to this effort. The Nixon administration has just announced a new program for the development of antipollution measures from autos and motor vehicles.

Our inland lakes and streams are not the only water sources being polluted. Pollution is caused by oil and sewage discharges from vessels and leaks or seepages from oil wells. To meet this condition, Congress is preparing to enact the Water Quality Improvement Act, which directs the Secretary of Interior to designate Federal standards of performance for marine sanitation sewage treatment devices on vessels. The act also prohibits vessels from causing oil pollution and authorizes the Secretary to enter into contracts or grants for the development of new or improved methods for prevention of pollution on the Great Lakes.

The myriad problems facing our environment are so extensive that greater efforts are required to coordinate existing and proposed new areas of action. To this end, the Water Quality Improvement Act establishes an Office of Environmental Quality to provide such direction and coordination. A similar proposal is contained in the Environmental Quality Improvement Act. An even more ambitious structure has been proposed in the creation of a Council on Environmental Quality which not only will have coordinating and directional responsibility, but will also engage in research and surveys concerning the Nation's ecological system, natural resources, and environmental quality. The establishment of some form of improved structure is almost certainly assured.

Finally, the Congress is beginning to assume greater responsibility to develop adequate family planning and population programs. The Senate has passed legislation to create a Commission on Population Growth and the American Future which the President has proposed. The work of this organization will enable the Government and the people to survey the course of population growth, the effect of population growth on the activities of government, and the means to deal with such growth. In addition, important legislation is pending to upgrade population and family planning responsibilities within the Federal Government and to authorize financial grants to expand research, training, construction, and operation grants. The success of these programs will go far in determining whether our environmental efforts will succeed.

My concern over the future of our environment has led me to sponsor the environmental legislation before the Congress and to seek its early adoption.

In the decade ahead, improvement of our environment should receive the highest priority.

HOUSING, EDUCATION, AND THE CONSUMER

The right to a decent home has finally become a recognized need. In years past, promises have been made to provide each American with adequate shelter. As a rule these promises have been broken. It is now apparent, however, that a healthy social and economic environment cannot exist without satisfactory housing conditions. In 1968, Congress enacted the Housing and Urban Development Act, calling for the construction or rehabilitation of 26 million housing units during the next 10 years. This goal is in danger, however, because of the current inflation which has dried up mortgage credit and led to a rampant increase in construction costs. Both problems are being met by the President's anti-inflation program. Additional steps are also being taken, including efforts to develop technologically improved construction methods and to increase the supply of skilled labor.

In addition, steps have been taken to provide an additional supply of money for home financing and to lower money costs. I cosponsored legislation to authorize the Treasury to make an additional $3 billion available in loan funds to savings and loan associations to increase available mortgage money.

I have also introduced a new homeownership program which is presently under consideration in the Banking and Currency Committee. This program authorizes the Secretary of Housing and Urban Development to increase mortgage limits of various mortgages insurable under the National Housing Act whenever the cost of housing increases or decreases by 3 percent or more. It removes present limitations on the making of assistance payments in existing dwellings or dwelling units in existing projects under the act and gives preferences to homeowners receiving assistance payments under the lower income housing provisions of the act for counsel in services and mortgage insurance assistance.

In the Housing Act of 1969, mortgage insurance limits on most programs were increased 10 to 20 percent. Additional assistance authority was also extended to rent subsidy, rent supplement, urban renewal program, and related program assistance for lower income families. The value of Model Cities programs was recognized through an increase of an additional $600 million for 1970 and the application of this program to smaller cities. Federal insurance program authority was also increased in order to provide greater assistance to home mortgage purchasers.

The 1969 Housing and Urban Development Act, in turn, provides on-site authorization authority for Model Cities programs as well as better funding of urban renewal, rent supplement, college housing, and homeownership and rental assistance mortgage credit programs. The National Homeownership Foundation program which I authored was initially funded this year by the Senate Appropriations Committee. Unfortunately, it was deleted in a conference with the House. But a new effort to gain funding for this important housing concept will be made next year. I was pleased with the level of funding provided for homeownership itself.

In the area of urban development, the

Senate Banking and Currency Committee on which I serve has recently reported out urban mass transportation legislation. This provision is vital to any realistic development of our urban areas which are now clogged with auto traffic, circled by cement expressways, choked with smog, and in danger of being deserted for more suburban areas. Under a compromise amendment worked out by the administration and the committee, $3.1 billion has been authorized for construction of rapid transit systems, with the funds rising from an initial amount of $80 million in 1971 through an aggregate of $1.86 billion by 1975 with the balance to be spent thereafter.

In the consumer field I have introduced comprehensive protective legislation that would establish an Office of Consumer Affairs in the Executive Office of the President. The Consumer Affairs Office would be authorized to coordinate Federal consumer operations, engage in research, represent consumers before Government agencies, initiate hearings, act upon consumer complaints, and disseminate information helpful to consumers, such as test results and technical data. The proposed legislation would also establish an independent Consumer Advisory Council to oversee and evaluate the consumer affairs of the Government. It authorizes the National Bureau of Standards to test products at the request of businessmen for the information of consumers.

I have also sponsored legislation proposed by the administration to create a Consumer Affairs Council, to establish a Consumer Protection Division within the Department of Justice, to increase the authority of the Federal Trade Commission to move against consumer fraud activities, and to ease the way for the institution consumer class action designed to protect large numbers of individuals subjected to fraudulent commercial practices.

Credit reporting practices have raised protests on the grounds that improper or unfair adverse credit reports can seriously damage a person's economic and personal welfare. To correct such abuses, the Senate recently enacted the Fair Credit Reporting Act which was reported out of Banking and Currency Committee and which I supported. Finally, I supported the Senate-passed amendments to the Hazardous Substance Act which would require the adequate labeling of childrens' toys that may be subject to electrical, mechanical, or thermal hazards.

On the vital education front, I have cosponsored a measure providing a $325 tax credit per student for anyone paying the expenses of higher education. The measure will be of most help to low- and middle-income taxpayers. It passed the Senate as part of the Tax Reform Act. I also cosponsored a bill providing incentives to banks to make available more student loans for higher education. The bill has been signed into law.

TAXES

The Tax Reform Act of 1969, as passed by the Senate, contains many excellent features which will greatly benefit low- and middle-income individuals and families while closing a number of inequitable tax loopholes. Among these are a low-income allowance removing lowest income taxpayers from the tax rolls entirely, more equitable tax treatment for single persons, tax credits for higher education, a minimum tax on those who have previously avoided paying a tax, reduction of the oil depletion allowance, and increased payment and inspection requirements for private foundations. could not, however, support as fiscally sound, an increase in personal exemptions to $800 without balancing revenue receipts against revenue losses. Moreover, this increase eliminated all tax rate reductions and eliminated any increase in the standard deduction. The effect would be to cause a $6 billion loss in the next 2 years at the very time when the President is attempting to curtail inflation. I offered an amendment which would have granted individuals a $750 personal exemption graduated over 3 years. It would also have provided tax-rate reductions and a standard deduction increase from $1,000 to $2,000. The revenue loss would have been far lower and the inflationary impact would be minimal. I also support a 15-percent increase in social security benefits. However, I could not vote for the inflationary provision which ultimately passed the Senate.

I voted against the tax bill in the hopes that sounder and fairer legislation will be worked out in conference with the House that I can fully support.

COMMERCE AND INDUSTRY

I have cosponsored legislation to improve the operations of the Small Business Investment Act, to expand sources of investment capital available to small businesses, to authorize the Small Business Administration to purchase debentures of small business investment companies—a proposal which has already passed the Senate—to develop improved equal business opportunities for business concerns situated in high risk areas, and to incresae the ceiling on loans that can be outstanding to state and local development companies. Efforts are also proving successful in placing limits on the formation of one-bank holding companies while at the same time not punishing those that were organized earlier on good faith.

I have worked to retain the business investment credit provision to enable business to receive adequate depreciation reserves to enable them to modernize the Nation's industrial plant. The phasing out of this concept has led to a move to develop more uniform and equitable depreciation rates. It is only through the encouragement and development of modern business plants that our Nation will be able to compete effectively in foreign markets in the coming decade.

A sound economy and a stable society depend in great measure on employment opportunities and job training. In May, I introduced a bill to provide a tax incentive for private employers to meet the wage costs of employees who were in need of on-the-job training before they could contribute to the business output of the employer. In addition I cosponsored another bill to provide tax incentives for private employers to offset the costs of the job training programs. I support the retention of the Job Corps and increased funding for the Equal Employment Opportunity Commission.

In December, I conducted a week of hearings to examine in great detail the status of minority enterprise in America. These hearings are among the most extensive that have ever been conducted by the Small Business Subcommittee of the Senate Banking and Currency Committee, in terms of probing the problems and opportunities of minority enterprise. We heard from struggling entrepreneurs, from Government administrators, from educators, and from representatives of the private sector who have put much of their time and money on the line to seek solutions to these problems.

In February, I introduced a bill to permit airlines to set special air fares for young people, the handicapped, military personnel, and persons aged 65 and older. The bill gained more than 40 cosponsors. The proposal would authorize the Civil Aeronautics Board to allow the airlines to charge reduced air fares to these groups on a space-available basis. In addition, the measure provides for special fares for military personnel, for persons aged 65 and older and for the handicapped, as defined by CAB regulation.

Older people face a special problem of loneliness caused, in part, by being cut off from their family and friends by the high cost of transportation. Moreover, the handicapped often also live on reduced incomes, with limited mobility and they too have special needs to be reunited more frequently with family and friends and are able to travel at off peak travel times. Our senior citizens and the handicapped often must live on pensions and other forms of fixed income and therefore deserve special consideration in traveling by air in return for traveling at times when the seats would otherwise go empty.

I am also cosponsoring the Federal Coal Mine Health and Safety legislation that provided the proper health and safety protection to the miners, and that takes cognizance of the legitimate economic interests of the coal producers.

In the area of uniform relocation assistance and land acquisition procedures, I have cosponsored legislation designed to eliminate inequities in payments made to individuals and business which are relocated or bought out by programs financed with Federal funds such as urban renewal and highway construction. The legislation provides for a uniform schedule of payment to such people to be adhered to by all Federal agencies and State agencies operating with Federal funds. The bill has passed the Senate.

Perhaps of greatest importance is the need to curtail the inflationary cycle our country presently finds itself in. It is only through this means business can operate an effective economy, make adequate profits, maintain high employment, and compete abroad on equal terms.

To support the administration's effort in this vital program, I have not pressed to implement certain legislative proposals. They may be worthy, but not at the expense of fueling inflation. I have voted against many others.

ADMINISTRATION OF JUSTICE

Nearly 50 percent of those persons arrested for criminal offenses in 1968 were under the age of 18. It is sad indeed to realize this represents only the beginning of a life that is at odd: with society and the law. What is needed today if we are to achieve meaningful results in curbing youth crime is a single body—an independent agency—to coordinate activities in the field and better equip those who work with young people to deal with "offenders." In view of soaring crime rates, I have introduced legislation in the Senate which Representative RAILSBACK of Illinois had introduced in the House to create an Institute of Continuing Studies of Juvenile Justice. By disseminating information and training individuals connected with youth crime, the Institute would most effectively use its resources to combat juvenile crime and rechannel young delinquents into living purposeful and constructive lives. This is a vital goal for our society as a whole. As the President's Commission on Law Enforcement and the Administration of Justice has said:

America's best hope for reducing crime is to reduce juvenile delinquency and youth crime.

In May, I joined the late Senator Dirksen in cosponsoring two bills aimed at controlling the traffic of pornographic materials through the mail or interstate commerce. One would protect minors from the undesirable influence of materials neither solicited nor wanted, but which are sent in such a way as to threaten the minds of children. The other extends its protections to all would-be victims since it makes it an offense to use the mail to distribute an advertisement or solicitation designed to appeal to a prurient interest in sex.

I have long advocated lowering the voting age to 18. In light of interest cosponsored a Senate joint resolution proposing an amendment to the Constitution extending the right to vote to citizens 18 years of age or older.

In February, I joined Senator BARRY GOLDWATER of Arizona in introducing a resolution to make uniform the residency requirements for purposes of voting for the President and Vice President. It also directs the States to provide for the registration of qualified residents who apply 30 days or more before a presidential election.

Recently I directed my staff to make a careful study of all the electoral college reform proposals now before the Senate in order to be certain that the soundest amendment to the Constitution is advocated for adoption.

SOCIAL REFORM

In August, President Nixon boldly proposed a wide-ranging program that would completely reform the present welfare system—a system that is burdensome to the taxpayer, degrading to the recipient and discredited in the eyes of our people. I have joined in sponsoring the administration's reforms, which are known as the proposed Family Assistance Act of 1969.

The President's assertion that "the present welfare system has to be judged a colossal failure" is amply borne out in a poll of my Illinois constituents. Ninety-nine percent of those polled strongly disapproved on the welfare program. The President's reform, if enacted and properly funded by the Congress, could, perhaps, within a generation, break the terrible cycle of poverty and dependency on the dole that is the bitter heritage of so many broken welfare families. They look forward to the day when all able-bodied Americans may work in self-respect and lead useful and productive lives. They would permit the old, the blind, the infirm and others among us whose harsh circumstances in life are beyond their power to control to live out their years in dignity under an equitable insurance-styled program. They tell the working poor that America will reward their efforts to produce and give them a hand up. The best government should be that which is closest to the people. The revenue sharing program set forth in principle under the President's plan means that overburdened States and cities will at last have a chance to offer their people the highest quality services with local control.

After the President's Family Assistance Act was introduced in Congress, I offered an amendment authorizing funds for the construction and remodeling of facilities for day-care purposes. This concept represents a breakthrough in expanding day-care programs: All existing programs provide money for training and staffing for day-care purposes but not for construction or remodeling. All too often, the greatest obstacle to the operation of day-care programs is the failure of buildings such as churches and schools to meet the code requirements for such centers. My amendment would help solve this problem. It would provide funds to public and nonprofit private groups for the establishment of day-care centers. Most of the funds would be used to build centers in low-income areas to serve children of welfare mothers receiving job training or children of working mothers.

I have also sponsored a greatly expanded food stamp program which has been enacted into law. It provides food stamps to families with incomes of up to $4,000 a year and cost-free stamps to families with incomes of less than $60 a month. My work on the Senate Hunger Committee has convinced me that malnutrition and outright hunger remains as serious problem in our Nation. Food stamps are but one means of dealing with the needs of the hungry and making sure that yet another generation of malnourished children is not consigned to a life of disease and dependency.

I have introduced an amendment to title III of the Older Americans Act that would provide $20 million for the program rather than the $9 million recommended in the revised fiscal 1970 budget. It has been fully funded in the Labor-HEW appropriations bill. With title III funds, communities are able to offer such services as home health care, transportation, personal counseling and job training for elderly citizens. In addition, they can develop recreation and hot-meal programs, which are often run with the aid of older people. There is no earthly reason why in the wealthy America of the 1970's we cannot provide better support for low-income senior citizens who are in great need of receiving our help. These people need more than a social security or welfare check to make their lives meaningful. They desperately require programs aimed at meeting their specific needs and helping them find the dignity and satisfaction that comes from full participation in their communities, despite their advanced years.

There are more than 20 million Americans aged 65 or over in this country. Of these elderly Americans, 3.2 million are restricted in their movements or confined at home; 3 million are classified as illiterate or functionally illiterate; 4.4 million live alone, often isolated from community life, and 1.2 million are hospitalized or residing in an institution. The additional funds provided by my amendment can make a significant impact. For Illinois, they will make the difference between a $700,000 grant or $318,000—a decrease of nearly 50 percent from the previous year. The title III program has been able to assist 18,000 older Americans in Illinois through such projects as senior recreation centers, health aid, adult education, transportation assistance, and referral services.

Finally, I have introduced legislation providing for the establishment of Neighborhood Health Centers as part of an effort to bring good health care to residents of low-income areas. The centers are designed to eliminate the long lines of people who all too often attempt to obtain inadequate treatment at large and distant county hospitals. The Senate Labor and Public Welfare Committee has approved a Neighborhood Health Center amendment to the Hill-Burton Construction Act that has a good chance of congressional passage.

SOCIAL SECURITY

The administration has called for a 10-percent increase in social security benefits as well as other reforms and legislation incorporating such a raise, or perhaps a still higher percentage is likely to be forthcoming from the 91st Congress.

Beyond these rate increases, however, a need exists for a major overhaul of the Nation's social security system. Consequently, I have introduced a legislative package that would substantially improve benefits for dependents and widows, eliminate the present earnings limitations for the elderly, partially refund payroll taxes for the poor and provide for cost-of-living adjustments. Moreover, we must make a comprehensive review of social security, private pensions, tax laws, and income maintenance for the elderly. In the 30 years since operation of the social security program began, there has never been a full review of its purposes, direction, and impact on the economy of the Nation and its people. Pending a basic revision of policy toward the treatment of income for retired persons, I favor several immediate and responsible steps that can be taken to correct glaring inequities and respond to the very human needs of the millions who depend on social security:

Increase social security benefits whenever the Consumer Price Index rises by

3 percent or more. Experience has amply indicated that political considerations have too often dictated congressional action and therefore increases in social security benefits have lagged behind the rising cost of living.

Increase the earnings limitation for persons aged 65 and over from the present $1,680 a year to $2,400 a year in order to be eligible to receive full social security benefits. Over a period of 7 years, this legislation would eliminate the earnings limitation for the elderly altogether.

Permit the surviving spouse of a primary beneficiary to receive a full 100 percent of social security benefits. Under present law, a man can draw 150 percent of his monthly benefits if he is married or 100 percent if he is a widower. His widow, however, can receive only 82½ percent of his total monthly allotment. This situation creates a serious injustice. A widow's expenses are hardly less costly than a man's. It is a cruel blow for a widow when she loses not only her husband but also almost half of her income at the same time.

Establish a minimum dependent benefit of $30 so that for each child an additional $30 a month would be added to the overall family benefit. The costs of raising a family of four and a family of eight are just not the same and under the existing formula large families do not receive any additional benefits to compensate for their size. This legislation is needed to reflect the added expenses which large families must incur to achieve the same living standards as smaller families.

Adopt a formula by which up to 90 percent of the social security payroll tax currently paid by workers in the lowest income groups would be refunded. For millions of low-income families, social security is an ever-present tax burden with benefits a far-distant reality. A nation committed to the principle of progressive taxation finds that the social security payroll tax is increasingly regressive because the poor pay proportionately higher percentages of their incomes.

Until some of the present shortcomings in the legislation are corrected, social security will not adequately protect those citizens it was meant to protect. Only when we rectify some of the contradictory and self-defeating provisions in the present legislation will we finally be facing up to our responsibilities to our older citizens and to society as a whole.

RURAL LIFE

I continue to be disturbed about the decline in farm income and the fact that farmers in this country are not sharing in the growing prosperity and affluence of America.

For this reason I cosponsored and supported the creation of a Commission on Balanced Economic Development to look for ways to improve the economy of rural areas in our country. This is now law.

I also supported the Rural Job Development Act of 1969 to give tax incentives to attract jobs and new industries into rural areas of the country. This bill is still pending before the Finance Committee of the Senate.

The bill offers tax credits and other financial incentives to companies engaged in both commercial and industrial production that locate in counties which have no cities of more than 50,000 population and in which at least 15 percent of the families have incomes of $3,000 or less.

The proposed measure also cites employment requirements to be met before a firm can qualify for the newly available tax incentives. Thus, a company would be required to create at least 10 new jobs in the county and to secure at least half of its entire work force from the general area.

Recently I testified before the Tariff Commission protesting the proposed imposition of higher duties on potash imports from Canada. Such higher duties would have increased the cost of fertilizer to the Illinois farmer.

I strongly oppose the proposed action of European countries which would put a tax on soybean exports from the United States to Europe. Such a tax could severely harm Illinois' substantial soybean exports to Europe. Decision on such a tax has been delayed until at least next year and I am still seeking to halt this proposed action entirely.

ETHICS IN PUBLIC LIFE

Finally, let me comment on the Haynsworth nomination, which I could not support.

It would be ironic if the ethical searchlight that has been trained on this nomination were to be put out now that the case is closed. For the doubt in the minds of our citizens—doubt that I think has swelled to the level of a crisis in public trust—is by no means confined to the judicial and executive branches. Any legislator who reads his mail knows that Congress is in trouble in the ethics department.

Can we honestly contend that Judge Haynsworth's alleged behavior departed radically from accepted rules of behavior and from ill-defined standards that are now employed in the very body that failed to confirm his nomination? Should we have a totally different code for judges and administrators than we have for legislators regarding their association, their commitments and their obligations?

In seeking confirmation, Judge Haynsworth was obliged to disclose to the Senate Judiciary Committee and, ultimately to the public, his detailed financial history. No such obligation is required today of Senators or of candidates for the Senate. Unfortunately, the zeal of Congress to disclose private holdings and thereby prevent a conflict of interest in the executive and judicial branches does not extend to itself.

To restore confidence and to meet the crisis in public trust, I believe legislators, candidates for Federal office and their top aides should be required to make public at appropriate times a detailed statement of their financial affairs on a uniform basis.

A Commission on Ethics in Public Life should be appointed by the President. The Commission should consist of members of the executive, judicial and legislative branches of Government, as well as respected citizens from all walks of life. It should examine most closely the prevailing ethical standards of these three.

When I entered public life, I systematically divested my investment portfolio of any securities that might create an apparent conflict of interest. In the absence of full disclosure rules on legislation, I am going about placing my financial affairs in a "blind trust" that will be irrevocable for my term of public office. This means I will have no control of or knowledge of my holdings. Passage of the disclosure legislation which I advocate would, of course, make public the contents of this "blind" portfolio. I recognize that a "blind trust" may be impractical for many in the Senate. Disclosure legislation for all candidates and incumbents is, of course, still necessary.

More and more questions are being asked about the legislative conflicts-of-interest. And so long as legislators continue to vote on matters in which they have a strong personal stake without disclosing that interest, concern will grow among the people and an erosion of confidence will continue in our public institutions.

CONCLUSION

In summary, I believe that the major steps taken by the Nixon administration abroad in its first year have carried us a long way toward developing a foreign policy behind which the Nation can unite.

This includes a commitment to steadily deescalate our involvement in the war in Vietnam on an orderly programed basis and to make it clear that we do not intend to police the world. We will help others achieve their legitimate objectives but not relieve them of their own responsibilities. We intend to vigorously pursue a policy of reducing the danger of a nuclear arms race if there is adequate assurance of an agreement, the integrity of which can be insured.

On the domestic front, we must continue to reform our social institutions and governmental programs to make sure that they are responsive to the needs of our people. And we must never forget that all our efforts, whether abroad or at home, can be for naught unless we maintain a prosperous economy and relentlessly curb inflation.

With strong leadership and firmness of purpose in the White House, I look forward to a bright new decade for the people of Illinois and for our Nation.

POSTAL REFORM

Mr. McGEE. Mr. President, in these closing days in the first session of the 91st Congress, I believe it is encumbent upon me as the chairman of the Committee on Post Office and Civil Service to advise the Senate of the progress your committee has made on legislation to reorganize the Post Office Department.

On April 3, 1967, Postmaster General Larry O'Brien proposed that the Post Office Department be abolished as a Cabinet department and be reestablished as a Government corporation. In 1968, the Kappel Commission, appointed by President Johnson and led by the distinguished former chairman of the board

of American Telephone & Telegraph, Frederick R. Kappel, conducted an exhaustive study of postal service and issued a four-volume report endorsing Larry O'Brien's proposal and recommending legislation for a postal corporation.

This year, 1969, the Senate committee deferred action on any postal reorganization legislation until the new administration had an opportunity to consider the O'Brien-Kappel recommendation. It was not until May 28 that the President and the Postmaster General recommended legislation. The administration bill embraced the O'Brien-Kappel proposal for a postal corporation. In the meantime, the House Committee on Post Office and Civil Service had begun hearings on postal reform earlier in the year. After conducting the most extensive hearings on postal policy that I have ever known to be conducted. Chairman DULSKI began executive committee meetings on September 18; and the House committee has been in executive session ever since. In our committee, at the specific request of the Postmaster General, we delayed any consideration of postal reorganization until the new administration had a chance to present its own program. We began our hearings on October 6 and they were concluded last month. In my judgment, we have conducted exceptionally fine hearings on postal modernization. I think every member of the committee has come to understand, in depth, the problems of the postal service that must be resolved, whether by establishing a corporation or reorganizing the present Department.

There has been intensive pressure, both from within and without the Government, to enact a corporation bill. Some administration officials urged as strongly as they possibly could that the recent Federal employees' pay bill be attached to a corporation proposal. We decided not to do that.

Since the beginning of our hearings, I have made every effort I know how to maintain a genuinely nonpartisan and nonpolitical attitude toward postal reform. My distinguished and most helpful colleague on the Republican side of the aisle, Senator FONG, has joined me in insisting that we be above Democratic or Republican viewpoints in considering this legislation, and I think that we have succeeded in our effort. I congratulate my colleagues on the committee, and the Postmaster General and his staff for their faith and good judgment in avoiding partisan politics on this issue.

One reason, the most compelling reason, that I believe partisan politics should be kept out of the issue, has been my desire to look at the whole picture with an open mind and arrive at the best judgment that I, as a Senator and a chairman, can reach. And so, as we prepare to go home for a few days, I want to advise my colleagues here on the floor and those in committee, that as early as is possible, when we come back in January, I will schedule executive sessions in the Post Office and Civil Service Committee to begin a markup of legislation to reorganize the Post Office Department.

My goal, as chairman, will be simple. I want a bill that will do all that we can do to guarantee an effective, efficient, and responsive postal service for the American public. I want the best answer to every question that we can possibly give.

No legislation has received more careful scrutiny by our committee than postal reform. We have conducted hearings. We have listened to and read the testimony of every witness who appeared before the committee. We have discussed the matter publicly and privately with the Postmaster General and with other distinguished public servants. We have reviewed the recommendations included in the corporation bill on financing, rate making, transportation, parcel post, employee-management relations and basic administration.

There are serious questions in my mind on each and every one of these vitally important issues. Those questions can be answered, and the very important economic and social problems involved in a complete reorganization of the oldest agency in our Federal Government can be resolved. But the paramount issue is the control which the people must exercise over their Government.

I believe that it is not in the national interest to separate the people farther from the Post Office as an agency of their Government, than the distance that presently exists.

In the last analysis, if the people do not like the mail service, if they are dissatisfied with the distance of a rural route or the shutting down of window service on Saturday, there is one sure-fire action that they can take; and every man in this Chamber knows that the ballot box is not only an effective means of expression, but is the whole basis of American democracy. It would be easy to embrace the administration proposal. It would avoid weeks or months of wrestling with these problems. It would probably be popular; because many citizens have not listened to expert testimony on postal problems. The public might think that something different is something better. But in my judgment, a Federal agency which serves every hamlet, village, and city; which maintains more than 32,000 post offices; which operates 30,000 rural routes; which contracts for more than 22,000 substations and star routes; and which is, in truth, the only nationwide service the Government performs, is too important and too personal to be divorced from direct and continuing control by the elected representatives of the American people. We are a board of directors that our constituents can throw out.

The beauty of the administration proposal, of course, is that we could enact it and let it go its way without direct and continuing congressional responsiblity for the results it achieves. We, here in this Chamber, could always excuse its failure blaming a "faceless bureaucracy." I personally vote against that easy alternative. Instead, and I want to make this as clear as I can to my colleagues and to others who are interested in postal reorganization: Your committee will resolve these problems. No "package submitted" is going to be the answer. No "gentlemen's agreement" from outside the committee will be the bill that we recommend. It all boils down to the first article of the Constitution of the United States, that—

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

My oath, and my colleagues' oaths require that we uphold that democratic, historic, and constitutional principle.

The committee will write the bill.

I pledge my best efforts in the coming months to achieve the goal of the very best postal service we can devise. I pledge to the employees of our postal service the best job opportunity and the most worthwhile career that a postal service can possibly offer. I don't mean just glittering generalities. I mean pay, work schedules, advancement and recognition for dedicated career service and for a very positive progressive program of effective voices for the employees in the decisions that management makes regarding all aspects of the postal service. I pledge that we will get the job done if it can possibly be done as soon as possible, but only after the best wisdom we know how to apply shall have been applied.

I reject the argument that the executive leadership of our Government or the Congress is unable to cope with the Post Office or any other problem. Like any other problem, it is not a question of machinery, it is a question of whether we want to do it.

My decision is not based on my faith or lack of faith in any individual or any circumstances surrounding the Post Office Department today. My decision is based on my faith in the principle and my commitment to the republican form of government in this country. I know we can accomplish what we want to in the Post Office just as we can accomplish what we want to in resolving any of the other problems that exist in America today. In the long run, history will probably record little of the postal reorganization problems of the late 1960's; but also in the long run, how we resolve this problem—whether we adhere to the tried-and-proven democratic procedures that are the basis of American democracy—will prove the mettle of those responsible in this Chamber, in the Post Office and in the White House itself.

REPORT OF ADVISORY PANEL AGAINST ARMED VIOLENCE

Mr. TYDINGS. Mr. President, on September 23, I asked 13 of the most distinguished experts on law enforcement in the National Capital to advise me, as chairman of the Committee on the District of Columbia, as to how we can best combat the increasing violence in the Washington area. I asked these experts, who included U.S. Attorney Tom Flannery; Deputy Chief of Police Tilmon O'Bryant; executive director of the International Association of Chiefs of Police Quinn Tamm; and other law enforcement authorities of comparable stature, to serve on the Advisory Panel Against Armed Violence I was creating.

The report of that Advisory Panel Against Armed Violence was presented

to me December 3. That report contains a comprehensive series of well thought out, practical solutions to the armed violence crisis in the National Capital area.

The panel's report underscores the accelerating rate of armed crime in the District of Columbia. It makes clear that the criminal justice system has failed dismally to meet the challenge of that crisis.

The report points out that police clearance rates for armed robberies are at near record lows; that the court process is so bogged down that dangerous criminals are free on bond, often for a year or more, awaiting trial; that the correctional system as it exists today is more likely to generate crime than reduce it; that this city's handling of juvenile crime has, if anything, contributed to an increase in the amount of armed crime committed by juveniles.

This frightening situation affects the suburban communities of Maryland and Virginia as well as the District of Columbia. Many suburbanites, for example, own or work in businesses in Washington that are constantly victimized in armed crimes. Suburbanites, like Washington residents, are forced to pay higher prices because of the incredible toll taken by armed criminals, not only in the District, but in the suburban counties as well. Narcotics flowing freely out of the District of Columbia supply the Maryland and Virginia suburbs. A recent survey by the Council of Governments indicates that nearly two out of three suburban residents never come into their National Capital. Fear of crime is a major reason for their reluctance.

When I appointed the Advisory Panel Against Armed Violence, I pledged that, as chairman of the District Committee, I would do all in my power to see to it that the panel's recommendations were expeditiously implemented. I vowed at that time not to allow this panel's report to gather dust on the shelves of unresponsive public officials.

I am pleased that some progress toward the implementation of this report has already been made. The Senate has already passed legislation that would implement some of the panel's recommendations. Yesterday the District Committee ordered reported a juvenile procedures bill that incorporates some of the most significant recommendations.

Police Chief Jerry V. Wilson has acted expeditiously to begin implementation of recommendations that concern the Metropolitan Police Department.

But I am not content with the fact that progress is being made to implement some of the panel's recommendations. To expedite the implementation of the other recommendations of this report, I have asked the Attorney General of the United States to incorporate the recommendations of the Advisory Panel Against Armed Violence into the President's crime program for the National Capital.

In a letter I have sent to Attorney General Mitchell I told him that the urgent need for many of the reforms recommended by the panel was pointed out at the recent White House meeting with congressional leaders on crime in the Washington area.

I further emphasized that the incorporation of the panel's recommendations into the President's crime program for the National Capital would greatly enhance the likelihood of their being implemented.

I have also sent copies of the panel's report to Mayor Walter Washington, Police Chief Jerry Wilson, Chief Judge Edward M. Curran of the U.S. District Court, and Chief Judge Morris Miller of the juvenile court.

I have asked each of them to act expeditiously to implement the recommendations in the report.

I believe the report of the Advisory Panel Against Armed Violence is a well-written, concise document that offers sound solutions to the armed violence crisis in the National Capital. I commend it for study by all those interested in a reduction of armed violence here. I ask unanimous consent that the Report of the Advisory Panel Against Armed Violence be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE ADVISORY PANEL AGAINST ARMED VIOLENCE, DECEMBER 1969

On September 23, 1969, U.S. Senator Joseph D. Tydings asked 13 leading Washington citizens to participate in an Advisory Panel Against Armed Violence to advise him, as Chairman of the Senate Committee on the District of Columbia, on the steps the government can take to reduce the number of armed crimes being committed in Washington, D.C. The following is the report of that panel.

Chairman: Honorable Alfred Burka, Judge, District of Columbia Court of General Sessions.

Members:

Frederick H. Evans, Past President of the Washington Bar Association.

William T. Finley, Jr., Former Assistant Deputy Attorney General of the United States.

Thomas A. Flannery, United States Attorney for the District of Columbia.

Herbert J. Miller, Jr., Chairman, 1966 President's Commission on Crime for the District of Columbia.

Paul Miller, Dean, Howard University School of Law.

Luke Moore, Former Chief Marshal for the District of Columbia.

H. Carl Moultrie, Past President, NAACP, District of Columbia Chapter.

Tilmon O'Bryant, Deputy Chief of the Metropolitan Police Department.

William E. Rollow, Secretary and General Counsel, National Capital Area Council of Sportsmen, and President, District of Columbia Skeet Shooting Association.

James C. Slaughter, Director of the District of Columbia Human Relations Commission.

Quinn Tamm, Executive Director, International Association of Chiefs of Police.

Joseph P. Yeldell, Member, District of Columbia City Council.

INTRODUCTION

Armed crime is on the rampage in the National Capital.

Today, Washington ranks behind only four of the nation's five largest cities—New York, Chicago, Los Angeles, and Detroit—in the number of robberies on its streets.

Nationally, according to the National Commission on the Causes and Prevention of Violence, about one third of all robberies involve assailants armed with guns. In the National Capital, during the first six months of 1969, according to police statistics, 52.9% of all robberies were committed with guns.

In examining the armed crime problem, the Panel studied the Report of the President's Commission on Crime in the District of Columbia. It found that if many of the recommendations of the Commission had been implemented rather than ignored, the armed crime problem here today may not have reached the proportions it has.

The Panel found that the problem of armed crimes and crimes of violence is considerably more severe than it was at the time of the D.C. Crime Commission. That Commission reported, for instance, that in 1966, 50% of all murders, 22.7% of all aggravated assaults, and 29.9% of all robberies were committed with hand guns. During the first half of this year, 68.4% of all murders, 68.2% of all aggravated assaults, and 50.3% of all robberies were committed with the same weapons. In actual numbers, there were more murders and aggravated assaults and more than twice as many robberies committed with hand guns during the first half of 1969 than during all of 1966.

The consequences of this increased armed crime on the Washington business community has been devastating. Shoppers are afraid to come downtown. Businesses are closing. And, as a result of both, the city loses needed tax revenue.

Indeed, the Panel found a very bleak picture of the armed crime crisis. It found police clearance rates for armed robberies at near record lows. It found the court dockets so jammed up that dangerous criminals are free on bond and committing armed crimes—often for up to a year while awaiting their trials. The Panel found that the prisons, as they presently operate, more often generate than prevent offenders' recidivism. It found the juvenile criminal justice system an abomination of justice that has contributed to an increase, if anything, in juvenile crime.

This Panel has recommended ways to change these intolerable situations and to better protect the public from armed crimes and crimes of violence. It urges that all of its recommendations be expeditiously implemented.

EFFECTIVE LAW ENFORCEMENT

Effective law enforcement is essential if armed crime and crimes of violence are to be reduced in the National Capital.

The greatest deterrent to street crimes and crimes of violence is the fear of getting caught. Long prison terms, for example, cease to be a deterrent to committing serious crimes if it is unlikely that the criminal will ever be caught and have to go to prison.

Unfortunately, a fear of getting caught provides little deterrent to criminals in the National Capital. Criminals committing armed robbery—the most prevalent armed crime—stand a much better chance of getting away than they do of getting caught.

Police statistics reveal that during fiscal 1968, only 24.7% of the serious crimes in the National Capital were solved. That was a record low. During the first 10 months of calendar year 1969, police have reported solving slightly more than 1,000 of the more than 5,500 robberies that have occurred here. That's a clearance rate of only 18%, even lower than the 30.3% clearance rate for robbery during Fiscal 1968.

In recent months, it has become even less risky to commit an armed robbery. During the months of July, September, and October of this year, police solved only 184 of 3,329 reported robberies, a clearance rate of little better than five percent.

As slight as the chances of a robbery suspect being arrested are, the chances of his being convicted are even slimmer. During the five-year period between Fiscal 1964 and Fiscal 1968, only 910 suspects were convicted of robbery in U.S. District Court, the felony court here. This does not include persons convicted of lesser offenses growing out of

the original charge of robbery. That's scarcely higher than the number of robberies committed in an average month.

One factor that raises the odds that a criminal will be caught is the presence of a police officer on the street. A criminal is less likely to commit a crime if he sees an officer walking a beat nearby than he is if he believes no police are close enough to stop him.

Recently, the New York City Police Department conducted an experiment which proved the value of the officer on foot patrol. An entire graduating class of recruit officers was sent as footmen to the most crime-ridden area of the City to supplement that precinct's patrol. Within days, the crime rate dropped more than 70% and remained at a low figure during the term of the experiment.

In the District of Columbia, when additional officers were placed on the street as a result of an overtime authorization during two periods earlier this year, crimes in the District of Columbia decreased. This Panel feels that it is necessary that these additional patrolmen be kept on the streets and that money should be appropriated for that purpose. It endorses the decision of Police Chief Jerry Wilson to reinstitute these patrols.

Overtime patrols should no longer be necessary, however, when the police department reaches its present authorized strength. Currently the department is 300 men short of that authorized strength. Those 300 new officers should be assigned to street patrol.

Furthermore, the Panel believes that the Metropolitan Police Department should immediately reevaluate its manpower allocations. Far too many police officers are spending their on-duty time doing clerical and administrative work off the street instead of patrolling the street. During one period, the department reported that just half of the department's man work days were spent patrolling and investigating on the street.

Nearly 40% of its man work days during that same period were spent doing administrative, clerical, semi-clerical or technical tasks inside buildings and off the street. The Panel believes that civilian workers should be hired to perform all of the administrative and clerical tasks that do not have to be performed by police. The police officers could then be freed for additional patrolling and investigation.

Another way the department could reduce its police clerical force and free more officers for street work is to proceed immediately with the actual consolidation of its 14 precincts into six districts as recommended by the International Association of Chiefs of Police. If consolidation took place, police would only have to man six stations instead of 14. The additional officers could be placed back on the streets. Although the City Council has consolidated precincts into six districts, facilities are not available and police are still operating from 14 precinct buildings. They will continue to operate in these buildings until such time as the new facilities are available. This Panel believes that the facilities should be provided on a priority basis.

Even with the hiring civilian personnel and police consolidation, the Panel feels an additional 1,000 men should be added to the police department as recommended by the President. Because of the many ceremonial and non-law enforcement duties police are called upon to perform in the National Capital, it is the opinion of the Panel that the present authorized strength of the department must be increased if police are to provide sufficient protection for the public.

In addition, the strength of the Detective Bureau is being sapped of experienced officers because recently promoted detectives are transferred to uniform details in accordance with the department's program to develop "complete" officers rather than specialists. For example, of the 45 officers presently assigned to the Homicide Squad, 10 are new and 12 have less than one year's experience. Of the remaining 23, 13 are eligible for promotion to lieutenant and sergeant and could be transferred to uniform work. Four others are uniform men assigned to that squad on special detail. As a result, if all the promotions go through and the detailed officers are returned to their permanent assignments, only six experienced officers would remain in a most important assignment. The Narcotics Squad has already suffered greatly as a result of this policy.

The Panel also finds that the removal of detectives from the precincts and their consolidation into the Criminal Investigation Divisions East and West has resulted in a marked decrease in the effectiveness of the detective bureau. When detectives were assigned to precincts there was much more communication and flow of information between the uniformed officer on the beat and the plain clothesmen. The establishment of two CID districts has not only led to an almost complete cessation of communication between uniform men and detectives, but has created an artificial barrier which has resulted in the two CID districts not communicating with each other.

The Panel feels that the Criminal Investigation Divisions East and West should be abolished and the detectives returned to the district stations.

Citizen participation and cooperation with law enforcement authorities is vital if armed crime and crimes of violence are to be reduced in the National Capital. Unfortunately, this participation has been decreased because many people feel that a criminal will retaliate against a person who testifies against him.

In addition, prosecuting attorneys indicated that it is often difficult to get witnesses to appear in court because of the financial losses they incur because they must miss work to make the court appearance. This becomes a particular hardship on witnesses when cases are continued several times.

At present, witnesses in U.S. District Court receive no more than $20 for each day they actually appear in court. The Court of General Sessions is paying witnesses only a small portion of the amount Congress authorized it to pay them. A witness testifying in the General Sessions Court is currently paid $6 per appearance, instead of the $20 authorized by Congress. This Panel feels that it is necessary to make the daily payment to witnesses, not to exceed a maximum of $50, equivalent to the daily wage lost in order to insure that witnesses in serious crimes will appear. Without witnesses, it is impossible to prosecute the crimes that are terrorizing this city.

The Panel has found that the police do not receive the respect from the community that they need to operate effectively. In crimes like armed robbery where citizen cooperation is essential, many members of the community attach a stigma to "helping police." This lack of citizens' help is reflected in the low clearance rate for robbery. To help remedy this situation, this Panel believes a major campaign, led by the Mayor, should be undertaken to urge the public to cooperate with the police.

In addition, the Panel believes that law enforcement would be more effective in the National Capital if it were better coordinated. In 1953, the Congress created by statute a Council on Law Enforcement consisting of the principal officials in the criminal justice system. That council was supposed to coordinate law enforcement efforts here and make yearly reports to the Congress. That council has been inactive for several years. This Panel recommends that it be immediately activated, with appropriate staff.

In order to improve the effectiveness of the law enforcement effort here, this Panel recommends:

1. The police department should immediately survey its officers to determine how many of its officers are performing administrative and non-police functions. Civilians should be hired to replace officers not doing police work so that more police can be freed for work on the street.

2. The police department should bolster its effort to reach its present authorized strength. In addition, the President's request for the authorization of another 1,000 policemen should be granted.

3. Facilities should be provided immediately so that actual police consolidation, as recommended by the International Association of Chiefs of Police, can be effected.

4. An intensive, long-term program, led by the Mayor, should be undertaken to urge the public to cooperate with the police department. The Mayor should utilize noted sports and entertainment personalities as well as respected community groups in this effort.

5. Until the police department reaches authorized strength, overtime patrols should be authorized for high crime areas.

6. The Criminal Investigation Divisions East and West should be abolished and the detectives returned to the consolidated district stations.

7. Witnesses appearing in serious criminal cases should be paid the money they lose by missing work to appear in court, up to a maximum of $50 a day.

8. The Council on Law Enforcement should be reactivated and supplied with appropriate staff in an effort to better coordinate law enforcement efforts.

JUVENILES

A significant and ever-increasing number of armed crimes in the National Capital is committed by juveniles.

During fiscal year 1968, nearly 40% of the serious crime in Washington was committed by youngsters under 18 years of age. And juvenile crime increased in fiscal year 1969 by 29.4% over fiscal year 1968.

Specifically, during fiscal year 1969, juveniles were arrested in connection with 29 homocides—five more than in fiscal year 1968; 304 armed robberies—121 more than a year earlier; and 230 aggravated assaults—eight more than in fiscal year 1968.

In all, juveniles were arrested 443 times for crimes involving a gun, 100 times for crimes involving a knife, and 119 times for crimes involving unknown weapons. According to Police Chief Jerry Wilson, juveniles commit 45% of the armed robberies here.

Because such a large percentage of the serious crime in the National Capital is committed by juveniles, armed violence cannot be substantially reduced until the number of armed crimes committed by juveniles is sharply curtailed.

At present, juveniles are handled under a separate criminal justice procedure. All serious crimes committed by them go through the Youth Division of the Metropolitan Police Department and the Juvenile Court. Juveniles detained pending trial or sentenced for a crime are committed to institutions operated by the Department of Public Welfare.

In rare instances, a juvenile offender can be waived by the Juvenile Court into an adult court. As a practical matter, few juveniles are waived—only 10 last year.

The way the criminal justice system operates at present is an abomination of justice and, undoubtedly, a significant contributor to armed crime. The Juvenile Court proceeds so slowly in adjudicating its cases that juveniles often feel that it is "safe" to commit a crime, since it is often several months before he even sees a judge.

In his appearance this July before the Senate Committee on the District of Columbia, Chief Judge Morris Miller testified that there were 400 cases on the Juvenile Court docket for nine months or longer that had

not even come before the court for an initial hearing. This Panel finds that situation inexcusable and intolerable.

The court process itself is an accumulation of delays. When a juvenile is arrested, he is taken to the Youth Aid Division of the Police Department. After discussing the case with his parents, the police make the initial decision of whether or not the juvenile should be detained. If he is detained, he is taken to the Receiving Home where he remains until he is brought before the Court for a detention hearing.

The greatest delays involve the juveniles who the police decide not to detain. The police take juveniles they decide to release to the intake office of the Juvenile Court.

It then takes from four to eight weeks for the juvenile to be processed by the Court's intake office. After that processing, the case is sent to the Corporation Counsel's office for the petition charging him to be written. It then takes an additional six to seven weeks for the Court clerk's office to type the petition.

After the petition is typed, the juvenile is finally scheduled for his initial hearing—his first appearance before a judge. Actually getting that hearing usually takes another three or four months. At that initial hearing, the judge sets the date for the trial. If the case is to go to a jury, it will be another 11 months before it is heard. If it is to be tried without a jury, it will be tried within six to nine months.

In cases where the juvenile is detained at the Receiving Home, the delay in seeing a judge is not as great. But detained juveniles often face long delays in the adjudication of their cases. Within a few days of his arrest, the juvenile will go before a judge for a detention hearing. He is then likely to remain in the Receiving Home—supposedly a short-term detention facility—for several months before his case is adjudicated.

Those juveniles not detained initially can be ordered detained by the judge after their initial hearing. That means that dangerous criminals who need to be detained may remain at large for several months because of the delay in bringing them to their initial hearing. As of October 20, 1969, at least 20 percent of the juveniles in detention have been there over 2 months.

The Juvenile Court is so slow in processing cases of armed crimes that 13 of the 20 homicide cases brought before that court during fiscal year 1969 are still pending. Also pending are 86 of the 186 armed robbery cases brought before the Juvenile Court in fiscal year 1969, and 84 of the 166 aggravated assault cases brought before it during that same period. That means that, taking into account dismissals and cases dismissed without a finding, more than half of the crimes of violence involving juveniles brought to the attention of the Juvenile Court during fiscal year 1969 were, by the Court's own statistics, still pending in that Court as of October 15, 1969—three and one half months after the fiscal year ended.

There is little doubt that this court process of repeated delays contributes to additional juvenile crime. Of the 1,539 juveniles referred to the court between July and September 1969, 935 or 61 percent had previously been referred to that court. Of those 935, 387 had been referred to the Court four or more times before. Most significantly, 313 of those 935—or 34 percent—were still awaiting a disposition on their previous referral to the Court. In other words, 313 juveniles were referred to the Court during that 3-month period on a delinquency charge before they had been adjudicated on their previous referral to the Court.

There is no reason that a juvenile should have to wait as long as nine or ten months to get an initial hearing. Under such conditions, neither the public safety nor the rights of the defendant to a fair trial can be protected. It is the opinion of this Panel that in no case should the time lag between the apprehension of a juvenile and his initial hearing be more than 48 hours. It is also the opinion of this Panel that if a juvenile is to be waived to an adult court, the Juvenile Court must decide on that waiver during that initial hearing.

The slow process of the Juvenile Court is not new. In 1966, the D.C. Crime Commission made specific recommendations to speed up the process. Those recommendations have been ignored by the Court. In fact, Judge Miller testified before the District Committee that the three Juvenile Court judges had never met to discuss implementation of those recommendations. The continued existence of this condition represents a shocking disregard of minimal judicial standards.

The Panel finds that the experience of the Youth Aid Division of the Metropolitan Police Department is virtually totally ignored by the Juvenile Court and its employees. The advice of an officer is never sought. A typical example is the case of one officer with more than nine years' experience as a member of the Youth Aid Division who has referred an average of 185 cases each year to Juvenile Court and yet has not been called to testify nor been asked for his opinion regarding detention or any other matter even a half dozen times during that decade. It is as if the Court considers the members of the Youth Aid Division as enemies rather than associates. The only way a police officer knows what disposition is made regarding detention or trial is when he sees the juvenile on the streets again and asks him.

The Juvenile Receiving Home, the detention facility for juveniles, is no better off today than it was three years ago when the Crime Commission exposed its deficiencies. The blame for this situation must be shared by the Juvenile Court and the Department of Public Welfare. Not only is the Court responsible for not speeding up its trial process, but it is also responsible for not revising the guidelines for pre-trial detention of juveniles as was recommended by the Crime Commission.

The significance of the Court's failure to redraft the guidelines for pre-trial detention is underscored by the fact that 35% of the juveniles detained by the police are ordered released by the Court at their detention. That means that more than a third of the juveniles stuffed into an already teeming facility need not have been put there at all had the Court issued precise guidelines concerning who should and who should not be detained.

The Department of Public Welfare is responsible for failing to establish humane living conditions for juveniles in the Receiving Home. The Receiving Home, for example, constantly has several juveniles sleeping on the floor and has not gotten beds for them. In this Panel's opinion, the staff of the Receiving Home is undertrained and undersupervised to operate an adequate detention center.

The Welfare Department is also responsible for dragging its feet in the planning of the new Receiving Home which was recommended by the Crime Commission. Twice for fiscal year 1968 and also for fiscal year 1969, the Congress has appropriated money for the planning of the new facility. The Welfare Department, however, as of November 1, had spent only $48,856 of the $425,000 appropriated and was so far behind in the planning that the requested construction funds for fiscal year 1970 were deleted from the District budget by the House Appropriations Subcommittee.

The criminal justice system for juveniles is so clogged up by delay while many dangerous juveniles are roaming the streets and the Juvenile Detention Center is overcrowded, the juvenile correctional facilities are only half full. The capacity at the Children's Center at Laurel, Maryland is 943 beds. Yet, earlier this month, the population at that facility was just 521. In other words, the judicial system is breaking down before the juveniles even get to the correctional institutions.

The Panel has found a serious deficiency in the educational program for youngsters at the Children's Center. Under current conditions, a juvenile committed by the Children's Center does not receive credit in the D.C. public schools for the work he does at that institution. Three years ago, the Crime Commission recommended that an accommodation between the Welfare Department and the public school system be worked out so that a juvenile who returned to the public schools could receive credit for the work he did at Laurel. This Panel believes that agreement should be worked out immediately.

Another serious problem in the handling of juveniles is caused by the failure to have clear-cut guidelines to determine whether juveniles are delinquent, dependent, or neglected. The Crime Commission criticized the Department of Welfare for mixing dependent and delinquent children at the same institutions. For the most part, that practice has been stopped, but there are still some instances of dependent children being sent to the Children's Center. Under the current system for determining whether a juvenile is dependent or delinquent, Welfare officials complain that they often are sent juveniles adjudicated dependent by the Court who are, in fact, delinquent.

In an attempt to bring about maximum coordination for the exchange of views and the solution of common problems among the Juvenile Court and the agencies concerned with juvenile offenders, this Panel believes it is necessary to establish immediately a Juvenile Law Enforcement Council consisting of all the Juvenile judges, the head of the Youth Aid Division of the Police, the Chief Probation Officer of the Juvenile Court, the Director of Public Welfare, a representative of the Board of Education, a member of the D.C. City Council, and a representative of the Corporation Counsel's office.

It is clear that until the criminal justice system for juveniles is made more efficient, it is unlikely that there will be a marked reduction in the number of armed crimes committed by juveniles.

While this Panel endorses the concept of the Family Court as in the Senate-passed court reorganization bill, it feels strongly that the Juvenile Court cannot wait until House action on that bill or Congressional action on the Juvenile Code Bill takes place to begin reforming itself. The reforms of the Juvenile Court must begin immediately.

To make the criminal justice system for juveniles more effective, this Panel recommends:

1. The Juvenile Court must devote all its energies to reducing its current backlog and speeding up its trial process so that juveniles arrested for serious crimes will not face the alternatives of either becoming more hardened criminals during an extended stay in an inhumane detention facility or being released from custody to prey on the citizens of this area. To fail to take the necessary steps to accomplish this end would represent a shocking disregard by the Court for minimal judicial standards. Failure on the part of the Court to respond to this recommendation will signal the necessity of Congressional intervention.

2. The Juvenile Court must establish a rule requiring that all initial hearings, whether the juvenile is detained or released, be held within 48 hours of his apprehension. If a Juvenile Court judge feels a juvenile should be waived to an adult court, he should make that decision at the initial hearing.

3. The Court must redraft its guidelines for placing juveniles in pre-trial detention. These guidelines must insure that dangerous juveniles are kept off the streets but, at the same time, be sure that juveniles are not unnecessarily detained. The appropriate police officer must be consulted regarding detention, and if the Department requests, the officer must be given an opportunity to testify. The officer must be notified of all actions taken in the Juvenile Court within 24 hours after such action.

4. The Juvenile Court and the Department of Public Welfare must work out new guidelines for determining whether a juvenile is delinquent, dependent, or neglected. Only in that way can the Welfare Department be sure that it will not mix dependent and delinquent children.

5. The Department of Public Welfare must move immediately to correct the inhumane conditions at the Juvenile Receiving Home. At the same time, it must move as fast as possible to begin construction of the new Receiving Home.

6. The Welfare Department should take immediate steps to reach an accomodation with the public schools so that juveniles can receive public school credit for work they complete at the Children's Center at Laurel.

7. The concept of the Family Court as written in the Senate-passed court reorganization bill should be adopted by the Congress.

8. A Juvenile Law Enforcement Council should be established immediately to provide needed coordination in the criminal justice system for juveniles. This Council should consist of the Juvenile Court judges, the head of the Police Youth Aid Division, the chief probation officer of the Juvenile Court, the Director of Public Welfare, a member of the Board of Education, a member of the City Council, and a representative of the Corporation Counsel's Office.

PRETRIAL DETENTION AND SPEEDY PROSECUTION

Armed violence in the District of Columbia is being aided and abetted by the inadequate operation of our criminal justice system.

At present, justice is neither swift nor certain. Persons who are apprehended for crimes of violence remain at liberty for eight months to a year. Many of them commit additional offenses with virtual impunity knowing that they will again be released on bail after the second or third offense; that the offense committed on bail will not be reached for trial for a year or so; that the sentence, if any, will probably be concurrent; and that fugitivity in the District of Columbia is a fairly secure status which can postpone the day of reckoning for many more months.

The net effect of these circumstances is tragic. The public is victimized again and again—almost without recourse. The work of the police is undercut and correctional efforts are severely impeded.

Action is imperative. In the view of this panel, we cannot await long-range remedies. We must take steps which will have immediate effect in abating armed violence.

For reasons developed more fully below, we urge:

Enactment of bail legislation to permit pretrial detention of certain defendants who pose a danger to the community;

Accelerating the disposition of cases of armed violence by expanding the individual calendar program, by prompt indictment, by decreasing time for mental exams and by speedier sentencing procedures;

Expedited appeal in cases of persons charged with more than one crime of violence;

Development of better procedures to supervise persons on bail and to secure the return of persons who become fugitive; and,

Enactment of court reorganization legislation together with the proposed increases in judicial manpower and the creation of a court executive.

Pretrial detention

There is no doubt that accused felons free on bail while awaiting trial commit a significant part of the serious crimes in this city. Judicial Council Committee studies indicate that one of every 11 defendants who is indicted and released on bail is reindicted for another felony while awaiting trial. The police report that one out of every three armed robbery suspects released on bail is arrested for another offense before he comes to trial.

Further, it appears that persons involved in certain types of crime have a much higher rate of recidivism. Specifically, the District of Columbia Crime Commission found that persons charged with robbery, burglary and narcotics offenses were more frequently indicted for additional crimes on bail than were persons charged with other offenses.

Most recently, Police Chief Jerry Wilson has highlighted the bail problem. He reported to the President that there are about 100 professional hold-up men in the District of Columbia who are repeatedly released on bail and commit additional hold-ups. In his view, legislation authorizing pretrial detention of such persons is *item number one* on any list of action to abate armed violence. In fact, he states that if 300 dangerous criminals were removed from the streets, we could "almost cure" the problem of armed violence in Washington.

However, under existing law, there is virtually no way to remove these dangerous persons from the street in any less than eight months to a year. First, the Bail Reform Act of 1966 requires the release on bail of all defendants not involved in capital crimes no matter how dangerous. The only factor which the court may consider in setting bail is the likelihood that the defendant will flee. Second, the court system is so backlogged that crimes of violence cannot be prosecuted promptly. In fiscal 1968, it took an average of nine months for bank robbery cases to come to trial, an average of eight and one-half months for robbery cases to come to trial, an average of nine and one-half months for aggravated assault cases to come to trial, an average of ten months for second degree murder cases, and an average of fourteen months for first degree murder cases.

In view of this Panel, the only immediate recourse is enactment of legislation to authorize pretrial detention of certain persons who pose a serious danger to the community. We endorse legislation which will authorize pretrial detention of hard core dangerous criminals who are awaiting trial for armed crimes. Detention should be imposed in cases where the defendant's record for violence indicates high probability of additional crimes of violence if released on bail. Further, it is absolutely essential that any system of pretrial detention include all appropriate Constitutional safeguards. Finally, detention shall not exceed 60 days.

Pretrial detention is not a "cheap" solution to the crime problem. Properly limited, it is a Constitutional, realistic approach to our crime problem. First, it takes cognizance of the fact that even if speedy trials are provided, there are still persons who pose a great danger to the community if released on bail for any period of time. Second, it recognizes that our present system of justice will not be speeded up overnight. New facilities, new judges, etc., will be slow in coming. In addition to other personnel, an adequate public defender system should be established to insure adequate representation for the defendants. Finally, pretrial detention is a realistic way to deal with repeated crime in a system which encourages delay. Speedy trial efforts simply have limited efficacy in a system where delay is often the best trial strategy.

In sum, pretrial detention offers an immediate response to armed violence and adds long-range rationality to our criminal justice system.

Accelerating dispositions

Case backlogs and protracted lapses of time between indictment and trial materially lessen chances of conviction in cases of armed violence in the District of Columbia. Witnesses disappear, recollections grow dim, and "stale" cases have little jury appeal. As a result, perpetrators of armed violence may be discharged, free to commit additional offenses.

In recent years the time between indictment and disposition in the United States District Court for the District of Columbia has more than doubled. In FY 1965, the median time from indictment to termination was 4.2 months. In 1969, it exceeded nine months.

During the same time, the backlog has nearly doubled. At the end of FY 1965, the number of criminal cases pending was 610. In FY 1969, that number was 1714. Further, with 37% increase in crime in the first half of calendar 1969 in the District of Columbia, the situation could become more acute.

In the view of this Panel, total reorganization of the District of Columbia Courts will ultimately afford prompt disposition of criminal cases. In this connection, we endorse the proposal which the Attorney General submitted to Congress.

During the next year, however, additional measures must be taken to achieve speedy prosecution in cases of armed violence. These measures include:

Expansion of the individual calendar program to include two more judges.

Earmarking cases of armed violence for accelerated presentation to the Grand Jury.

Advancing cases of armed violence for trial where ever appropriate.

Decreasing the amount of time required for pretrial mental examinations.

Accelerating the process of presentence reports as well as detaining defendants convicted of armed violence pending completion of the report.

It is admittedly a bit early to determine the impact of the individual calendar on backlogs and delays. Preliminary results, however, are most encouraging. The new calendar system appears to be increasing the number of case dispositions per judge.

Nonetheless, we are of the view that two more judges should be assigned to the individual criminal calendars to assure adequate decrease in the backlog and eliminate of protracted delays. We fear that eight judges simply cannot guarantee the necessary result.

Specifically, past experience indicates that under the central calendar system judges averaged about 15 criminal case dispositions per judge per month. At this rate eight judges would only dispose of 120 criminal cases per month—60 cases per month less than the 180 criminal indictments which are usually returned.

While we have high hopes for an increased rate of dispositions under the individual calendar, we are not confident that the rate can be increased to such an extent that eight judges can meet the incoming workload and materially decrease the backlog. We therefore recommend assignment of two additional judges commencing in January.

Turning to our recommendations for prompt indictment and advancement for trial of cases of armed violence, we note that these recommendations lie within the administrative competence of the United States Attorney. We urge the establishment of a system in his office which will identify the repeated perpetrators of crimes of violence and guarantee appropriate follow-up.

We are aware that past efforts to identify and deal specially with the worst offenders

have not been successful. However, we are of the view that a system which singles out the worst offenders has merit in terms of crime control and can be successful if vigorously pursued by all concerned.

It should also be noted that one of the serious impediments to speedy prosecution in the District of Columbia is delay in obtaining pretrial mental examinations. During the October call of the calendar the United States District Court learned that 171 defendants were awaiting mental examination. Further it was learned that the staff of St. Elizabeths Hospital was inadequate to handle the necessary examinations.

Although there has been some increase in staff assigned to these mental examinations in recent months, it still is not adequate. The trial of some defendants is delayed for many months while they wait for examinations.

This Panel appreciates the necessity for mental examinations and the need for thorough, adequate examination. However, we urge St. Elizabeths Hospital to assign adequate personnel to this service with a view to completing all examinations within 30 days of the order of the court. If assigning personnel requires additional authorization, that authorization should be requested and granted.

Finally it should be noted that acceleration of case dispositions is going to put an increased burden on those who prepare presentence reports. Thus there is the possibility of a backlog of persons awaiting sentence.

Plainly a backlog pending sentence could be as dangerous as a backlog of persons awaiting trial. Those awaiting sentence can as easily commit additional crimes as those awaiting trial. Thus we urge action to accelerate preparation of pre-sentence reports including use of photo copies of prior reports with informal updating. We also urge the Courts to utilize their authority to detain convicted defendants pending pre-sentence report and appeal.

Expedited appeals

In the District of Columbia it is not sufficient to bring a case on for trial promptly. The process of acceleration must continue through appeal.

Approximately 90% of the defendants who are convicted in the United States District Court file appeals. Although the law permits detention of these persons, many of them are released on bail pending appeal and, as shown by the 1968 Judicial Council Committee studies, those who are released on bail pending appeal have a 30% rearrest rate.

We therefore recommend that the United States Court of Appeals expedite the appeals of defendants who are convicted of crimes of armed violence and who have more than one criminal case pending.

Supervision of persons on bail

Even assuming new systems for pretrial detention and accelerated prosecution, a large number of defendants will remain on the street for many months. These defendants are persons who may well be in need of supervision and rehabilitative services. Left with no supervision or guidance, they can and do turn to serious crime.

For these reasons, this Panel concurs in the recommendations of the Judicial Council Committee on Bail and endorses the Administration's legislation to expand the Bail Agency. The President correctly concluded that "Insufficient service by the Bail Agency is one of the contributors to crime by those on pretrial release."

The Bail Agency should be able to take an active role in preventing crime among persons released on bail. It should have adequate staff and resources to supervise persons on bail, to aid in securing employment, to arrange third party custodians and, if necessary, to inform the court and the United States Attorney when a person on bail fails to comply with his conditions of release.

Our pretrial release system should operate in a manner which better protects the public. Further the pretrial release period should be the beginning of supervision and rehabilitation for the defendants—over 75% of whom are ultimately convicted.

This Panel urges enactment of the Bail Agency legislation which is now before Congress. We also urge the Bail Agency and other governmental units to implement the many administrative recommendations of the Judicial Council Committee on Bail. All of them have crime control merit.

Fugitivity

During the October review of pending criminal cases, the United States District Court learned that 221 defendants were fugitives and could not be brought to trial. These 221 persons are approximately 10–12% of all persons awaiting action by the court.

The number of additional crimes which may be committed by these defendants has not been statistically measured. However, any listing by police of persons suspected of involvement in hold-ups always includes several fugitives.

This Panel concludes that special effort should be made to locate all fugitives and bring them before the court. The United States Marshal should give priority to service of bench warrants which are issued for fugitives. The Federal Bureau of Investigation should be brought in to assist whereever appropriate.

The United States Marshal's office is woefully understaffed and does not have the necessary manpower to devote a sufficient number of men to the task of apprehending fugitives. The Panel, therefore, also recommends that the United States Marshal's office be expanded in accord with the President's message of January 31, 1969 so that it can carry out its responsibility in apprehending fugitives.

Court reorganization

Thousands of words have been written about the need for a court system which can efficiently, promptly and fairly administer justice in the District of Columbia. Numerous groups have concluded that the inadequacies of our court system are contributing to the crime problem in this city.

The problems of our court system were first highlighted by the District of Columbia Crime Commission. It found that the division of criminal jurisdiction between the District of Columbia Court of General Sessions and the United States District Court had a detrimental effect on the handling of criminal cases. Cases bounced between courts without real regard for public safety. There were problems of allocation of judicial resources and schedules for trial in one court conflicted with schedules in the other court. The Commission recommended a unified court system.

Since that time, the District of Columbia Judicial Council Committee on the Administration of Justice has offered far reaching recommendations for reorganization of the court system.

Most recently, the United States Senate has acted on court reorganization proposals submitted to it by the Administration. These proposals call for transfers of jurisdiction from the United States District Court to a newly created Superior Court for the District of Columbia. They also provide for substantial increase in the number of judges assigned to the newly created court.

This Panel has reviewed the evidence concerning the need for court reorganization. We are persuaded that court reorganization is essential to adequate crime control in the District of Columbia. Only through thoroughly reorganized, efficiently managed courts can we achieve our goal of swift and certain justice. We therefore urge Congress to enact the legislation which is before it as expeditiously as possible.

Recommendations

In sum, to make the criminal justice system more efficient in dealing with armed violence, this Panel recommends:

1. Enactment of bail legislation to permit pretrial detention of certain defendants whom the court finds likely to commit additional violent crimes if released on bail,

2. Accelerating the disposition of cases of armed violence by expanding the individual calendar program, by prompt indictment, by decreasing time for mental exams and by speedier sentencing procedures,

3. Expedited appeal in cases of persons charged with more than one crime of violence,

4. Development of better procedures to supervise persons on bail and to secure the return of persons who become fugitive, and

5. Enactment of court reorganization legislation together with the proposed increases in judicial manpower and the creation of a court executive.

Panel member William T. Finley, Jr., believes that the pretrial detention of a defendant, even if accompanied by necessary Constitutional safeguards, should not exceed 30 days, and that by far the more desirable way to handle the problem is to take every possible step to ensure speedy trial of dangerous defendants.

Panel member Dean Paul Miller dissented from the Panel's recommendation concerning pretrial detention. His separate view is found in the Appendix to this report.

NARCOTICS

Though in the past narcotics addiction has seldom been connected with armed crime, it has become increasingly clear during the past two years that there is a direct relationship between drug abuse and the commission of armed crimes.

During the Senate District Committee's hearings on narcotics earlier this year, testimony of law enforcement officials revealed that between half and three-quarters of the serious crime in the Washington area is drug-related.

Subsequently, a study conducted by the District of Columbia Department of Corrections revealed that 45% of the suspects booked into D.C. Jail, who submitted to a urine test, over a one-month period were active narcotics users.

A similar study was conducted between September 8 and October 5 by the Metropolitan Police Department at the central cell block. During that period, 1,277 prisoners were processed through the cell block. Of those, 522 refused to be tested for narcotics. Of the 755 tested, 249—or 31%—proved to be active narcotics users.

Many of those suspects whose use of narcotics was revealed by both studies were then released on bond or personal recognizance to return to the streets and to drug addiction and crime.

At a recent White House meeting on crime in the National Capital, Police Chief Jerry Wilson reported that an increased number of armed crimes were being committed by narcotics addicts.

Chief Wilson indicated that many of these crimes were committed by narcotics addicts who were released on bail. He said: "There are, at this point, some 1,600 persons out on bail release, and our data . . . indicates that about 50% of these serious offenders are probably narcotics addicts. There is no question that the narcotics addict who formerly was involved strictly in crimes against property has moved to armed robbery. There is no question."

There is absolutely no way to reduce drug-related crime as long as narcotics continue to flow freely into this area and the National Capital has no treatment programs for addicts who commit crimes.

As three Presidential Commissions in the past six years have pointed out, simply sending an addict to jail does not solve the problem. Because he will receive little or no treatment for his addiction in prison, he will be returned to the street still addicted and still in need of committing crimes to buy his drugs.

There is absolutely no way that an addict can support his habit without turning to crime. It is not unusual for drug habits in the National Capital to cost more than $50 a day. To get that money, an addict has to steal that much each day in cash or four times that much in merchandise.

By the most conservative estimate, crimes committed by narcotics addicts cost the law-abiding citizens of the National Capital area upwards of $50 million a year.

There is no question that addicts, who heretofore were involved in non-violent crimes, have turned to armed crimes and crimes of violence. One reason is that the 1968 civil disorders so flooded the market with stolen merchandise that addicts found the prices were way down for the stolen goods they tried to peddle. As a result, they began turning more to cash crimes like armed robbery and bank robbery.

Presently, the D.C. Government has no adequate treatment programs for narcotics addicts arrested for serious crimes. The District is particularly lacking in treatment facilities for addicts released on bail or personal recognizance. Under current conditions, when an addict is released on bail or personal recognizance, he is free to roam the streets without any supervision. Then when his case comes up for adjudication, the judge has no alternative but to sentence him to prison, knowing that when he is released two, three, or five years hence, he is sure to commit more serious and violent crimes.

According to Chief Wilson (at the White House meeting), there is a great need for involuntary treatment for narcotics users pending trial. He said: "We need, more than anything else, other than bail reform, to institute the involuntary hospitalization of narcotics users. We need to take them off the street."

Only in recent months has the District Government recognized the seriousness of its drug problems. It is essential that it move as rapidly as possible to establish treatment programs for narcotics addicts. In doing that, it should utilize and cooperate with ongoing private programs that have proven effective in the community.

What is urgently needed is a system in which all persons arrested for serious crimes and crimes of violence are automatically diagnosed for drug addiction. If they are found to be addicted, they should not be released on bail or personal recognizance. Rather, they should be immediately committed to treatment pending trial.

When they come to trial, this system must give the judge the option of proceeding as in any other criminal case and sentencing them to prison or committing them to treatment for the length of the sentence he would have received for the crime. If, at the end of the treatment period, however, the judge and the doctors feel an addict is still dangerous, the judge must have the power to keep him in treatment until he no longer poses a threat to his community.

Treatment programs, however, are not enough on their own to end the narcotics crime crisis in the National Capital area. That is especially true because past treatment efforts have produced poor results. It is essential that law enforcement officials concentrate their efforts on stopping the flow of illegal narcotics into this region. That means the thrust of the law enforcement effort must be made against the major traffickers in narcotics who are responsible for bringing most of the drugs into this area.

Until a major narcotics ring was cracked by law enforcement authorities this August, it had been 17 years since a major narcotics trafficker had been arrested in Washington.

One of the problems law enforcement authorities have in getting evidence against major narcotics traffickers is that major dealers often do not even touch the drugs and keep themselves well insulated from the traffic on the street.

As a result, to gather evidence against a major trafficker, it is necessary to get the small trafficker on the street to tell from whom he bought the drugs he was selling. That process must be repeated up the line until the major trafficker is finally identified and arrested. In other words, law enforcement officers need the cooperation of low-level persons involved in drug traffic in order to get evidence against major traffickers.

One way this Panel feels such cooperation could be induced would be to rewrite existing narcotics laws to include a penalty structure flexible enough that a trafficker who cooperated with law enforcers could receive less severe sentence than one who did not.

In addition, the penalties under D.C. narcotics laws must be strengthened to make it unprofitable for anyone to traffic narcotics.

It is also essential that sufficient education and preventive programs be developed to turn youngsters away from drugs before they actually begin using them. Resources of the public school system must be used in this effort.

It is clear that armed crimes committed by narcotics addicts can never be reduced until the flow of narcotics into this city is cut off and adequate treatment programs are established to cure addict-criminals of their addiction. In order to accomplish that objective, this Panel recommends:

1. District of Columbia laws against trafficking narcotics should be substantially strengthened in an attempt to knock major narcotics traffickers out of the drug business. At the same time, those laws must remain flexible enough so that a judge can penalize a narcotics offender in accordance with the seriousness of his crime. In other words, he must be able to impose a tougher sentence on a professional criminal who is a major narcotics trafficker than a youthful drug experimenter. The penalties should also be flexible enough to allow a judge to give a less severe penalty to a trafficker who cooperates with law enforcement authorities than to one who does not.

2. District of Columbia law must be revised to require an automatic diagnosis for addiction of every suspect arrested for a serious crime prior to his being released on bail or personal recognizance. If the suspect is an addict he should be placed in treatment while awaiting trial of his case. Legal alternatives must also be established to allow a judge to send an addict convicted of a serious crime to treatment or to prison, as his case requires, instead of only to prison as existing law requires.

3. The District of Columbia must undertake massive treatment programs for drug addicts. This is the approach recommended by the President's D.C. Crime Commission, and, unless it is followed, there is little hope of ever reducing crime in the National Capital area.

4. The D.C. Government must establish extensive education and preventive programs in an effort to keep youngsters from experimenting with drugs.

CORRECTIONS AND REHABILITATION

There is a definite relationship between the failure of correctional institutions in the National Capital to rehabilitate serious offenders and the increase in armed crime.

The correctional system in the District of Columbia has a prominent role in the criminal justice process. It is the designated agency for converting violent offenders to useful, productive, law-abiding citizens. As such, it has a special responsibility in helping to stem the rising tide of violent crimes committed in the city.

Statistically, the dimension of the role of the correctional system within the criminal justice process is reflected in the following statistics:

1968—nearly 9,000 offenders were committed to D.C. Jail (most jail admittees were released after trial or court hearings); 2,500 offenders were sentenced and transferred to institutions within the correctional system.

Institutional population, Nov. 12, 1969

Institution:	*Offenders*
Jail	1,122
Lorton complex	1,202
Youth center	388
Women's detention center	91
Penitentiary	186
Shaw residence	56
Work release	127
Lorton's minimum security	262
Narcotics center	32
Community treatment centers	67
Parole supervision:	
Adults	612
Youths	16

An index to the current effectiveness of the correctional system and the impact that it has on the crime problem in the District of Columbia is the number of persons who must be returned to prison for crimes committed subsequent to their release

A recent study completed by the Department of Corrections Planning and Research Division revealed that nearly 50% of the persons released from the Lorton Reformatory—the main prison facility—during 1965 were recommitted to jail for committing other crimes within three years of their release. The rate of re-arrest accelerated at the end of the second year following release of persons from the institution.[1] Moreover, among inmates who were released directly from the institution without supervision, i.e., parole or conditional release, the rate of recidivism reached 57%. Obviously, such a performance record does not contribute to the reduction of armed crime in the city.

The Panel's study of the D.C. correctional system reveals that it lacks the essential resources and indeed the authority required for effective performance of its vitally important role—that of converting criminal offenders to useful law-abiding citizens in the community.

It is the judgment of the Panel that, in order for the D.C. Department of Corrections to meet its responsibility and help reduce violent crimes, it must be completely overhauled. It must be provided with massive resources, modified correctional structure, more flexible authority to utilize correctional procedures in dealing with prisoners. Additionally, bold and innovative changes must be instituted within the system that radically depart from traditional concepts and practices of rehabilitation and offender management. The department must expand its planning and research activity and seek the cooperation of universities and colleges in the city for correctional research projects.

Finally, if the D.C. correctional system is to become an effective instrument in reducing the crime rate in the Nation's Capital, its budget requests must be given a higher priority by the Congress and top city officials.

Resources

The appalling resources of the D.C. corrections system reveal deficiencies at the threshold. The District of Columbia Jail where criminal offenders are committed to await trial is a disgrace to the Nation's Capital. This archaic structure with a capacity of 700 is currently reeling with an overcrowded population of 1122.[2] As other studies have

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documented, the District of Columbia Jail is wholly without the psychiatric, psychological, social, counseling and correctional services minimally required for the treatment of inmates. It lacks sufficient personnel necessary for adequate security and safety of the community or the inmates.[3]

This structure needs to be replaced at the earliest possible time with a modern pre-trial detention and diagnostic center where all male offenders, including juveniles, youth, and adults awaiting court action may be confined. This structure must be secure enough to protect the community and also provide a comprehensive program in which inmates may undergo a complete diagnostic study to determine if they suffer from physical and psychological illnesses. The facility should be fully staffed with highly trained correctional personnel, psychiatrists, psychologists, counselors and social workers and other experts necessary to diagnose the cause of and provide treatment for antisocial behavior.

Even persons released on bail should be required, as a condition of release, to report to the diagnostic center on an "out-patient" basis for diagnostic study and evaluation tests. Additionally, the institution should be equipped with drug treatment facilities for treatment of offenders addicted to drugs. For security purposes the facility should be equipped with the latest electronic devices for detecting escape attempts, and closed circuit television for extensive surveillance of inmates activity and conduct. It should be compartmentalized to accommodate without co-mingling juvenile offenders,[4] young adult offenders and adult offenders.

The Women's Detention Center is similarly deficient and overcrowded.[5] This facility likewise should be replaced. Females awaiting court action should be sent to a Women's Division of the new pre-trial detention and diagnostic center.

There is also need for a modern facility for convicted females requiring institutional care. This facility should be equipped with all the resources necessary for proper correctional treatment in order to maximize rehabilitative capability. It should be designed to accommodate, in addition, juvenile female offenders.[6]

The Lorton complex, comprising the Reformatory and the maximum security unit where adult male felons are confined, reflects the same deficiencies as the D.C. Jail. It is dangerously overcrowded with a population of 1500—about 200 over capacity. Security personnel are too few in number and insufficiently trained. Moreover, the complex has neither the resources nor the programs to even begin converting felons into useful citizens. Academic and vocational training is below the minimal level.[7]

The prison industry, an essential adjunct in the rehabilitative process, is out-dated and inadequately equipped to provide sufficient job training and meaningful time spent by inmates.

These negative factors create an atmosphere in which rehabilitative success is virtually impossible. The entire operation at Lorton may be characterized as a "warehousing" of offenders. Even classification of inmates is hampered by the lack of background data and other pertinent information. As a consequence, diagnosis, classification and treatment prescribed, if any, for rehabilitating offenders are frequently based upon sketchy information obtained primarily from inmates. Obviously, this is a weak reed on which to predicate a course of treatment aimed at preparing offenders for returning to the community.

The Lorton facility either should be replaced, or its physical plant completely renovated and enlarged. It should be staffed with counselors (including counselors for families of inmates), psychiatrists, psychologists, and correctional specialists essential for applying the full range of treatment and services necessary to rehabilitate the offenders to law-abiding citizens. The correctional treatment prescribed should be predicated on background data covering childhood to adulthood obtained and compiled during the offender's confinement at the pre-trial detention and diagnostic center.

Some academic and vocational training ought to be mandatory for all offenders during their confinement at the institution. Even older offenders, or those with short sentences, may benefit from this mandatory requirement if incentives are provided.[8]

College training opportunities should be expanded for offenders who qualify and who show such aptitudes.[9]

Prison industries, utilizing the latest techniques, procedures and equipment, and in cooperation with private industry, would provide meaningful and useful on-the-job training for inmates. A full schedule of activities, including mandatory academic, vocational and on-the-job training would leave no time for idleness among inmates. For diversionary purposes, this program should include sufficient recreational and hobby development.

Rehabilitative goals such as training, vocational skills, self-motivation, attitudes, and other pertinent goals should be established for each inmate under the direction of correctional experts. When, in the judgment of correctional personnel, inmates have achieved these goals, and further, when in the judgment of these officials the inmates' release from confinement will not constitute a danger to the community, the director of corrections should be empowered to petition the court for reduction of the inmate's minimum sentence. By this procedure, the offender would become eligible not only for community-based treatment, but also for supervised parole.[10]

For security purposes the new Lorton facility should be equipped with the most modern electronic devices including closed circuit television to prevent escapes and provide adequate surveillance of conduct and activity of confined offenders.

Misdemeanants requiring institutional care are presently confined in a minimum security unit at the Lorton complex (known as the Workhouse). Part of this facility is used by the Department of Health for the treatment of alcoholics. This facility, too, lacks the essential resources and skilled correctional personnel necessary for rehabilitating offenders confined.

At present, most of these misdeameanor offenders are merely held until the expiration of their sentences. Application of proper rehabilitative treatment would prevent many of these offenders from graduating to the felony class.[11] Hence, an enormous opportunity exists for rehabilitating these offenders before they escalate to felons and become more dangerous risks to the community.

The correctional treatment prescribed for these offenders should likewise be based on complete background data covering childhood through date of offense; as well as the diagnosis developed at the Pre-trial Detention and Diagnostic Center.

For this treatment to achieve the maximum rehabilitative effect, more time may be required than the average sentence given misdemeanor offenders. For this reason, it should be a statutory requirement that misdemeanants be committed to the Department of Corrections for an indeterminate period not to exceed the maximum sentence allowable under the statute—usually one year. Correctional officials could then within that allotted time apply the full range of treatment, either institutionally or community-based as the condition of the offender would indicate.

Here again, this facility should be provided with the necessary resources in personnel and equipment to provide academic and vocational training for maximizing its rehabilitative capability.

A drug treatment program likewise should be available for offenders institutionalized in this facility.

The most hopeful sign in the depressing and deplorable state of correctional institutions comprising the D.C. Corrections system is the Lorton Youth Center where young adult male offenders are sent for treatment.[12] While recent studies prepared by the Department of Corrections reveal that Youth Center has achieved 70% success rate among offenders, it, too, is now overcrowded and needs additional treatment resources.

The unit's optimum capacity is 300 inmates. Currently, 388 young offenders are confined at the Center and its monthly intake is 12 offenders. At this rate of intake, the treatment services presently provided will deteriorate resulting in a correspondingly lower success rate.

To maintain and improve the high level of correctional services currently provided youth offenders, and to preserve the interpersonal relationships existing among staff and inmates, another facility for young offenders should be constructed. Moreover, additional treatment resources should be made available to the present facility.

At present some youth referred to the Center have open felony charges pending against them. Officials at the Center believe this condition presents a formidable impediment to successful rehabilitation of these youths. This is so because the treatment program may be abruptly interrupted by another sentence which requires the confinement of the youth at the Lorton complex.[13] Youths should not be sentenced to the Youth Center until all criminal charges pending against them are adjudicated.

Modification of correctional structure

Paralleling the need for additional resources is the correlative need for modification of the correctional structure and the need for more flexible authority of offender management.

Since the D.C. corrections system is the designated agency for converting criminal offenders to useful citizens, it ought to have the rehabilitative responsibility for all criminal offenders. This would include juveniles,[14] youth and adult offenders under the umbrella of the correctional system. Separate divisions, of course, would be provided for application of correctional treatment to the several groups.

The advantages flowing from this kind of integrated structure in the correctional system are threefold:

1. It makes possible the continuity in knowledge and treatment services for all offenders irrespective of age.

2. It avoids the fragmentation of correctional capability.

3. It facilitates the shifting of correctional resources to juvenile and youth corrections in a deliberate effort to prevent youthful offenders from ascending to the prison and multiple recidivist level.

The consequences of neglect or ineffective rehabilitative efforts for juvenile offenders are graphically manifested in the escalating rate of violent crimes in the city.

Recent testimony by law enforcement officials before the Senate District Committee revealed that 40 percent of crimes of violence are committed by juveniles.

The flexible application of treatment services to all offenders which this kind of integrated program facilitates would enhance the correctional system's effectiveness in reducing crime in the city.

Closely allied to the need for a broadened structure in the correctional system is the

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necessity for more flexible authority for offender management.

A rational approach to offender rehabilitation seems to dictate that all correctional services and offender treatment programs be integrated in one agency—the correctional department. (This is no less important than the broadened responsibility for the totality of offender careers, and the supportive rationale is equally applicable.)

Under the panoply of the D.C. corrections, an array of correctional activities would be provided for offender rehabilitation. These would include—preventive correction programs,[15] first offender programs,[16] offender rehabilitation programs,[17] probation supervision,[18] institutional care (confinement), work release, study release, community-based programs, parole supervision and conditional release. To utilize effectively this comprehensive range of correctional activities embraced within the department, correctional administrators must have authority sufficiently flexible to allow them to treat each offender in accordance with his needs. Moreover, this kind of flexibility allows administrators to place offenders in program types that will yield the most effective result at the least cost. Recent studies conducted by the Planning and Research Division, Department of Corrections, revealed that its community-based programs achieved a higher success rate among offenders at less cost than conventional correctional programs (prison confinement).

Currently, the Department of Corrections utilizes Work Release programs and study release programs which enable it to place misdemeanants and felons who have served their minimum sentences in the community during the day and to confine them in jail, halfway houses or other community centers at night. Because of the high success rate achieved with the use of these programs, correctional administrators, consistent with the necessity for protecting the public from criminal offenders, should expand these programs to felons who with proper supervision in community-based programs could be converted into law-abiding citizens at no danger to the public safety.

Regarding offenders in this category, the Director of Corrections should be authorized to apply directly to court for a reduction of the minimum sentence.[19]

As to misdemeanor offenders, the Director of Corrections, and not the courts, should have the discretional authority to place these inmates in work release programs.

Correction administrators are often constricted in their application of treatment of misdemeanants because of court sentences of these offenders to work release programs. While the decision to deprive a convicted offender of his liberty is a judicial function, the Correctional Administrator using well-developed diagnostic techniques and knowledge of the relative effectiveness of various treatments with different types of offenders should make the appropriate program assignment for sentenced misdemeanor offenders.

As hereto before explained, in the discussion of minimum security resources for misdemeanor offenders, courts should be statutorily required to commit these offenders to the Department of Corrections for an indefinite period. Correctional officials would have the option to detain the person for the application of corrective treatment for the maximum time allowed by the statute.

In sum, what the Panel endorses is the establishment of a system of jurisdictional sentencing, under which the court sentences an offender to the reconstituted Department of Corrections. The offender would then be under the jurisdiction of that department until his sentence runs out. The Department, however, in accordance wtih sound rehabilitative practices, would have the flexibility to assign the offender as its sees fit to any of the programs under its jurisdiction—whether imprisonment or community based—so long as it is consistent with the public safety.

Information, research and planning

The response of the D.C. correctional system to the increase of violent crime will rest in part on the techniques of scientific management.

The evaluation of existing correctional programs, the development of new programs, and the ascertainment of cost benefits of the various treatment programs must be ongoing projects in the correctional system so that successful techniques may be identified quickly and applied broadly in the system.

The existing planning and research unit in the Department of Corrections is competent but inadequate for the expanded correctional system outlined in this report. This unit should be enlarged commensurate with the expanded responsibility of the Department. Additionally, the D.C. corrections system should seek the cooperation of all colleges located in the city for correctional research projects. Further, it should endeavor to utilize undergraduate and graduate students in the Departments of Social Work and Psychology as interns in community-based treatment programs.

Budgetary consideration

Because of the extremely prominent role the D.C. correctional system has in the criminal justice process, and the enormous impact it can have in reducing violent crimes in the city, its budgetary request for resources and capital improvement should be given priority status in the budgetary planning and development for the city.

The Panel was pleased to note the high priority status which the District of Columbia recently accorded the construction of a new jail.

Recommendations

In order to convert the correctional system in the National Capital into a model for the country, and a positive asset in the war against armed violence, the panel makes the following recommendations:

1. The existing D.C. Jail should be replaced with a modern pre-trial detention and diagnostic center completely equipped with drug treatment facilities, the latest electronic detecting devices, and closed circuit television. It should be fully staffed with correctional experts—security personnel, counselors, psychiatrists, psychologists, social workers, and physicians. Funds for this facility should be included in the D.C. supplemental budget for 1970.

All background data pertaining to offenders from childhood to adulthood, including family circumstances, educational history, medical history, employment record, police statement of offense, and pre-sentence reports should be made available to pre-trial diagnostic center and accompany offenders during the period of their custody and treatment within the system. This information should become a permanent record.

Drug addiction tests should be mandatory for all persons committed to the D.C. pre-trial and diagnostic center. Arrestees, as a condition of release on bail, should have to report to the Center for outpatient diagnostic testing and evaluation and tests for addiction and drug treatment.

2. The Women's Detention Center should be eliminated and all female inmates awaiting trial transferred to a women's division of the pre-trial and diagnostic center. A new modern facility for female offenders requiring institutional care should be constructed.

3. The existing physical plant at the Lorton complex comprising the reformatory and maximum security unit should be replaced or extensively renovated and enlarged. It should be completely equipped with the latest electronic devices to detect escape attempts and closed circuit television for surveillance of inmate activity and conduct. It must be staffed with correctional experts, security personnel, psychiatrists, psychologists, social workers, physicians and recreational specialists. It should require mandatory vocational and/or academic training for all inmates. Its program should include incentive awards for educational achievement in the form of release points that may be converted to "good time" days.

Education should be supplemented with on-the-job training in meaningful trades. Prison training industries should be modernized with the latest equipment and procedures with the cooperation of private industry. Component services should be under the control of the superintendent.

4. The minimum security unit for confinement of misdemeanants should be renovated.

This facility should be staffed with correctional experts, psychologists, psychiatrists, counselors, and social workers with adequate resources to apply a full range of correctional treatment to misdemeanor offenders. Misdemeanants sentenced to confinement should be placed in the custody of the Department of Corrections for an indeterminate period not to exceed the maximum sentence allowable under the statute.

Vocational and/or academic training should be made mandatory for all inmates. There should be appropriate incentives for educational achievement in the form of release points convertible to good time days.

5. The population of the existing Youth Center should be limited to 300 inmates. Another Youth Center with the same capacity should be constructed.

Additional treatment resources for the existing Youth Center in terms of counselors, vocational and academic instructors should be provided.

6. Community-based programs that have achieved a lower recidivism rate should be expanded.

7. All rehabilitative services and treatment programs, including preventive correction, first offender counseling programs, probation supervision, institutional care (confinement), community-based programs, work release, study release, and parole and conditional release, should be integrated under a reconstituted D.C. Department of Corrections.

Such a reconstituted Department of Corrections is necessary for the system of jurisdictional sentencing the Panel endorses to be implemented. The jurisdictional sentencing system will allow the Department of Corrections to assign an offender in accordance with sound rehabilitative practices to any of its programs—whether imprisonment or community based—consistent with the public safety.

The probation department should be converted to a pre-sentence reporting unit for the Court. The rehabilitative responsibility of the D.C. correctional system should be broadened to include all offenders, including juveniles, young adult and adult offenders. Divisions within the correctional system should be created to avoid co-mingling of juveniles with other offenders.

8. Correctional administrators should be allowed statutorily to apply to the courts for reduction of minimum sentence for felony offenders who have achieved rehabilitative goals, responded to institutional treatment, but who are not eligible for community-based treatment and/or parole.

9. The name of the Department of Corrections should be changed to the Department of Correctional Services or the Department of Corrections and Rehabilitation.

10. Correctional administrators instead of courts should be granted the discretion to place misdemeanants in work release programs.

11. The planning and research unit in the

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Department of Corrections should be expanded commensurate with the Department of Correction's expanded integrated structure and enlarged rehabilitative responsibility. It should seek the cooperation of all colleges and universities based in the city in corrections research projects and the utilization of graduate and undergraduate students in community-based and institutional programs.

12. Congress and city officials should accord the budget requests of the Department of Corrections a high priority in their budgetary planning.

FIREARMS CONTROL AND MANDATORY MINIMUM SENTENCES

This Panel believes that any meaningful attempt to reduce armed violence must include strict controls over the possession and use of firearms. Those controls must incorporate the registration of every firearm and the licensing of every firearms owner.

This Panel believes that, in this report, it is not necessary to document again the case for registration of firearms and licensing of firearms owners. Three Presidential Commissions—the President's Commission on Law Enforcement and the Administration of Justice, the President's Commission on Crime in the District of Columbia, and the National Commission on the Causes and Prevention of Violence—have, during the past five years, given close scrutiny to the subject of crimes committed with firearms.

All three have concluded that the most effective method of reducing crimes committed with firearms is the registration of the weapons likely to be used in the commission of those crimes and the licensing of the owners of those guns. Indeed, the latter two of those three commissions have even gone so far as to suggest that in the case of hand guns, only those who can demonstrate a legitimate need be allowed to possess them.

The cost of registration and licensing

One aspect of registration and licensing, however, that the Panel does feel compelled to comment upon is the cost which the community would incur if such a system were instituted. Though alarmists have suggested that the cost of registering firearms and licensing firearms owners would be astronomical, more reasonable estimates have shown that the cost is not exorbitant. In any event, it is evident that the cost of a registration and licensing system must be balanced against the cost of firearms crimes against society.

Even a small reduction in the amount of armed crime would more than make up, from a cost effectiveness standpoint, for the cost of administering a system of registration and licensing. The cost to the Nation's Capital of not having effective gun controls is measured in terms of extra police time, extra prosecutorial time, and extra prison space. It is measured in terms of the loss of earnings that results when a bread-winner is wounded in an armed robbery, the cost in terms of increased welfare payments when the head of a household is killed, and the cost of the value of property stolen or destroyed in armed crimes.

By far the cheapest approach to the problem of armed crime is to prevent it rather than to attempt to solve it after it occurs.

Moreover, those who argue against registration and licensing solely on a dollars and cents basis totally disregard the more important values of living in a community free from the fear of armed crime and without the inestimable price of the human tragedy exacted by the high rate of firearms crime. In dollars and cents, what are 126 lives worth? [20]

Firearms and serious crimes

There is no question that firearms are the principal weapons used in the most serious and tragic crimes. As the National Commission on the Causes and Prevention of Violence (the Eisenhower Commission) reported:

"The deadliness of firearms is, perhaps, best illustrated by the fact that they are virtually the only weapons used in the killings of police officers. Police are armed. They are trained in the skills of self-defense. They expect trouble and are prepared for it. Yet, from 1960 to 1967, 411 police officers were killed in the course of their official duties—76 of them in 1967 alone. Guns were used in 96% of these fatal attacks on police."

Firearms also play an increasingly deadly role in the commision of armed robberies. The Eisenhower Commission pointed out that one of every three robberies nationally was committed with a gun, and the "fatality rate of the victims of firearms robberies is almost four times as great as for victims of other armed robberies." During the first six months of this year, firearms were used in 52.9% of all the robberies, 73.7% of all the aggravated assaults, and 72.3% of all the murders in the National Capital. These percentages increase drastically every year. In Calendar Year 1968, firearms were used in 46.8% of the armed robberies, 37.3% of the aggravated assaults, and 57.8% of the murders committed in the National Capital.

The District of Columbia firearms ordinance

Last year, the District of Columbia City Council passed firearms regulations for the National Capital. These regulations took effect on February 15 of this year, and required the registration of firearms, at a cost of $2 per weapon, and set requirements for the sale and possession of firearms and ammunition.

Conviction of a non-dealer for violation of this ordinance carries a maximum fine of $300 or imprisonment for not more than ten days. Conviction of a gun dealer carries a fine or not more than $300 or imprisonment for not more than 90 days.

This Panel believes that the D.C. City Council should re-evaluate that ordinance to determine if it imposes hardships on citizens that do not serve a corresponding law enforcement interest.

In particular, the ordinance should be reviewed and, if necessary, revised to insure that any firearms owner adversely affected by the implementation of the ordinance can obtain speedy judicial review of his case. In addition, the ordinance should be reviewed to ascertain that the standards it sets for the possession of firearms are precise and not susceptible to discretionary abuse. If there is unnecessary vagueness, it should be eliminated and specific standards should be established governing who can and who cannot possess firearms.

A more effective firearms law for the District of Columbia

Because the power of the City Council to impose penalties in an ordinance is restricted, this Panel believes that Congress, in its capacity as the legislative body for the National Capital, must pass a law requiring registration of every firearm and licensing of every firearms owner in this city. Only in this way can adequate penalties be imposed to punish those who fail to comply with firearms regulations.

At the same time, however, consistent with sound law enforcement practices, this law should not preclude the enumeration of a "bill of rights" for sportsmen. This, the Panel feels, would be desirable in order to assuage the fears of those who feel that effective gun controls inevitably lead to an end to the use of guns for legitimate sporting purposes.

The registration of all guns; the licensing of all firearms owners

There are several reasons why this Panel believes that *all* firearms—rifles and shotguns as well as hand guns—must be registered and all gun owners licensed. They include:

1. The cost and inconvenience to those who have to register long guns or obtain licenses to use them is slight when balanced against the gains for the public safety.

2. The purpose of registration and licensing is to keep criminals, insane persons, drug addicts, and others who cannot be trusted to use firearms responsibly, from possessing guns. Even though long guns are primarily the weapons of sportsmen, in the hands of a criminal, an insane person, or a drug addict, long guns are deadly weapons that are likely to be misused to the detriment of society. Registration of all long guns, and licensing of their owners, is the only meaningful way to control and prevent the misuse of such weapons.

3. Long guns are the weapons of assassins, and, increasingly in civil disorders, of snipers.

4. When restrictions are imposed on the possession and use of hand guns, long guns are likely to become the weapons of the armed criminal. It takes little effort to convert a long gun into a concealable weapon by sawing off its stock and its barrel.

Cheap, unsafe handguns

Beyond the general requirements of the registration of all firearms and the licensing of all firearms owners, special controls should be imposed on one category of firearms.

It is clear that a high percentage of armed crimes are committed with cheap, unsafe hand guns that have little value to anyone with a legitimate need for a firearm. Those cheap hand guns, often referred to as "Saturday night specials", are not even dependable weapons. Most are available on the market for less than $50 and often for less than $20. No self-respecting sportsman would have one.

Until last year, the primary source of these guns was Western Europe. After the passage of legislation last year prohibiting the importation of such weapons, domestic manufacturers have begun to make and distribute them in great numbers.

The Panel conducted a study of hand guns confiscated by police during the period between September 1 and November 1 of this year. That study revealed that the vast majority of those guns—between 70 and 80%—were of the cheap, unsafe variety. They were, by and large, of such poor quality that police, security officers, or store owners interested in protecting private property would find them too undependable to use.[21]

There is little justification for the continuation of the manufacture and sale of this variety of weapon. This Panel believes it desirable to establish standards (metallurgic, safety, and cost standards) to differentiate between hand guns that are used by sportsmen and others with a legitimate need for hand guns and the "Saturday night special", the principal purpose of which seems to be the perpetration of violent acts against society.

Hand guns that cannot meet these standards, once they are established, should be taken off the market. The manufacture and sale of these weapons should be prohibited. Proper compensation should be given to those dealers who are forced to turn in supplies of such weapons. Hand guns of this type that are currently in the public domain should be condemned and, if not relinquished for compensation, confiscated. The Panel recommends a grace period—perhaps six months—during which owners who voluntarily turn in such guns will be paid the original cost or present fair market value—whichever is higher—of their guns. After the grace period elapses, guns of this type still outstanding should be confiscated, and their possession made a criminal offense.

Mandatory minimum sentences

Present D.C. law calls for mandatory minimum sentences and increased prison terms for criminals convicted for the second time

Footnotes at end of article.

of armed crimes or crimes of violence.[22] That law allows a judge to sentence a second offender for an armed crime to up to life imprisonment. Present D.C. law also has a provision which states that any person who kills another person while committing or attempting to commit an armed crime of violence is guilty of first degree murder.

The sentences handed down for armed crimes or crimes of violence by the U.S. District Court average, in practice, in excess of the mandatory minimum prescribed in the D.C. law. The mandatory minimum for second offenders convicted of armed robbery, for example, is two years. The average sentence handed down for robbery during fiscal year 1968 by the District Court judge was 93 months—or just short of eight years. In other words, the judges were handing down sentences for robbery nearly four times as harsh as the mandatory minimum sentence prescribed by law for armed robbery on the second offense.

A more relevant question is whether criminals convicted of armed crimes actually serve their sentences or whether they are released from prison after serving only a small portion of them. The study conducted by the Department of Corrections revealed that convicts sentenced to prison for robbery and released during fiscal year 1966 served 58.6% of the time for which they were sentenced. Those 80 releasees were sentenced an average of 816 years in jail. They served an average time of five years apiece. It appears that in the case of other offenses as well, those convicted of armed crimes are, on the average, actually serving greater sentences than prescribed by the mandatory minimum provisions of existing law.

The Panel believes, in general, that the disadvantages of mandatory minimum sentences on the first offense outweigh the advantages. Mandatory minimum sentences, for example, impair the flexibilty of the court in dealing with suspects accused of serious crimes.

In addition, mandatory minimum sentences often inhibit the prosecution from prosecuting or a jury from convicting a suspect who perhaps does not deserve to be sentenced to a long prison term because of the "sympathetic" circumstances surrounding his misdeed, even though he may be guilty of crime.

One alleged advantage of minimum mandatory sentences is that dangerous suspects are removed from the street for a considerable period of time. However, until the correctional facilities and post-conviction supervisory procedures are substantially improved, this advantage may turn into a disadvantage in the long run, especially since 95% of those sentenced to prison are eventually released. Another section of this report reveals in detail that a long stay in a penal institution often results in the convict's being a more hardened criminal on his release than he was when he entered the institution.

Another alleged advantage to minimum mandatory sentences is the deterrent factor on criminals. With the backlogs in the courts that exist today, however, it is questionable whether a long minimum mandatory sentence looming over the head of a person arrested for an armed crime will deter him from committing other crimes while he is out on bail, or will, in fact, contribute to his committing additional crimes. It is the opinion of this Panel, that in the absence of speedy trials or pretrial detention, mandatory minimum sentences actually contribute to the commission of additional crimes since suspects who have been arrested for one offense, and who feel they are certain to go to prison for a long time anyway, frequently are disposed to "live it up" during the months of pretrial freedom. This reckless attitude results in additional crimes of violence. This tendency is reinforced by the belief that any additional crimes of violence committed will result in concurrent sentences. This Panel feels that a better system would be one that first, produces speedy trials, and second, places a premium on a suspect's keeping his record clean while awaiting trial.

Recommendations

To reduce armed violence in the National Capital, this Panel recommends the following steps be taken concerning firearms controls and mandatory minimum sentences:

1. Immediate steps must be taken to take cheap, unsafe, undependable hand guns out of circulation. Standards must be developed immediately to isolate these guns. The manufacture and sale of such guns should be made illegal. After a grace period—perhaps six months—during which owners of such guns shall be compensated for voluntarily turning them in, all outstanding cheap hand guns should be confiscated. Thereafter, their possession should be illegal.

2. The D.C. City Council should re-evaluate the gun regulation it passed last year in order to determine that it protects the public safety and that it is not unfair to those who have a legitimate need and use for guns. After that re-evaluation, that ordinance should be revised if necessary.

3. In order to provide adequate sanctions in the District of Columbia for violation of gun controls, Congress as the legislative body for the National Capital should enact a law requiring the registration of all firearms and the licensing of all firearms owners. Only in this way can adequate penalties be imposed to punish those who fail to comply with firearms regulations. At the same time, consistent with sound law enforcement practices, this law should not preclude the enumeration of a "bill of rights" for sportsmen.

4. The mandatory minimum sentences for second and subsequent offenders now on the books were written into law in 1967 and should be tested further before they are changed. The flexibility of the court should not be impaired by new legislation requiring mandatory minimum sentences on the first offense, especially since the felony court in the District has continually imposed sentences stronger than the mandatory minimums required by law. As a result, mandatory minimums are seldom imposed and will, in effect, hamstring the court in its sentencing procedures.

Panel members Herbert J. Miller, Jr., Thomas A. Flannery and Luke Moore agreed with the recommendations of this section, but submitted additional views concerning these firearms recommendations. In addition, Panel members James C. Slaughter and William E. Rollow dissented from the recommendations concerning firearms. The separate views of Panel members Miller, Flannery, Moore, and Rollow appear in the appendix to this report.

APPENDIX A. SEPARATE VIEWS ON PRETRIAL DETENTION

(Dean Paul E. Miller dissented with the Panel's recommendation concerning preventive detention. He submitted the following dissenting opinion:)

The concept of pre-trial detention embodied in this report is unconstitutional for a number of reasons. Many of which are obvious even to the non-practicing lawyer with no particular expertise in criminal procedure. To attorneys, such as myself, who have practiced, taught and written about criminal procedure and the constitution, it is clear that the subtler aspects of this section are equally unconstitutional.

In partial explanation of my objection to this proposed legislation, let me state for your consideration the following:

(1) I believe that the presumption of innocence which attaches to the defendant in all criminal prosecutions is more than a mere evidentiary rule protecting the defendant in a criminal trial. It is my view, together with a great many others, that the presumption of innocence is not so much an evidentiary rule as one protected by the due process clauses of the 5th and 14th Amendments. It is inconceivable that this could be otherwise in light of our national heritage of fairness, our concepts of "ordered liberty," and our traditional refusal to jail persons because of anticipated but as yet uncommitted crimes.

The Statute of Westminster of 1275, the Bill of Rights in 1688, the Judiciary Act of 1789 and the 8th Amendment are a historical line clearly demonstrating that a defendant has a pre-trial right to bail. The great body of law treating of due process from Palko v. Connecticut through Griswold v. Connecticut indicate that pre-trial detention without bail violates our traditional concepts of due process advanced by such noteworthy justices as Cardozo, Frankfurter and Harlan and this great body of law, likewise, makes it clear that this particular section of legislation proposed is infected with unconstitutionality;

(2) I further believe that the proposed section violates an accused's 6th Amendment right to counsel which not only guarantees that he will have counsel present during the critical stages of the criminal proceedings but also consistent with Powell v. Alabama, that he shall have effective assistance of counsel, meaning that a defendant should have access to his attorney in the preparation of his case as well as the opportunity to participate in preparing his defense;

(3) Under the 5th Amendment "No person shall be held to answer for a capital, or otherwise infamous crime unless on a presentment or indictment of a Grand Jury, . . ." It appears to me that the effect of this "pre-trial detention of certain defendants who pose a danger to the community" would violate a defendant's right to have these matters resolved by a finding of probable cause by a duly constituted Grand Jury;

(4) It is true, that there is no definitive case law holding that the 8th Amendment precludes pre-trial detention but there is very strong language in Stack v. Boyle and Williamson v. United States, which indicate that the 8th Amendment would make this proposed section on pre-trial detention unconstitutional.

In Stack v. Boyle the Court stated, "From the passage of the Judiciary Act of 1789, 1 Stat. 73, 91, to the present Federal Rule of Criminal Procedure, Rule 46(a)(1), Federal Law has unequivocally provided that a person arrested for a non-capital offense shall be admitted to bail. This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction . . . Unless this right to bail before trial is preserved the presumption of innocence, secured only after centuries of struggle, would lose its meaning."

Further, in Williamson v. United States the Court stated, "If I assume that defendants are disposed to commit every opportune disloyal act helpful to communist countries, it is still difficult to reconcile with traditional American Law the jailing of persons by the Courts because of anticipated but as yet uncommitted crimes." Finally, in Carbo v. United States the Court stated ". . . the *imperatives of the Constitution* . . . require that the right to preconviction bail be honored."

Therefore, I submit that the proposed section is incurably unconstitutional. But, even if it were constitutional, I still could not support it for practical, humane and policy reasons. In my judgment, the punitive aspects of detention are a high price in a free society to pay for false security. Our jails are unspeakably bad, pleas of guilty are, as we all know, easily induced under such conditions, inmates are more easily compelled to "cooperate" against other felons and with the

Footnotes at end of article.

government, and defendants have already, in this jurisdiction, been illegally sent to jail by judges who for punitive reasons wish to give a defendant "a taste of jail." The cost of detention as it relates to the defendant and his family is unspeakably high in a community where the defendants are already the poorest, and on this issue, I see preventive detention as another factor producing more crime that it can ever eliminate.

These are practical reasons. On the issue of justice, I see two dangers pointed up by statistics compiled by the Vera Foundation in New York and "Bail in the United States: 1964—Report of the National Conference on Bail and Criminal Justice":

(1) It was revealed that persons who are detained pre-trial are more likely to be convicted than persons released on bail;

(2) It was shown that persons who are released on pre-trial bail are more likely to receive probation, lesser sentence, and parole than those who are detained pre-trial; and

(3) cost to the government.

For these reasons and others which I will not put in writing, I cannot in good conscience recommend this approach to solving the violence problem that exists in these United States, and I predict with certainty that the adoption of such legislation will lead to further violence and an alienation of an important section of this community.

APPENDIX B. SEPARATE VIEWS ON FIREARMS CONTROL

(Panel members Thomas A. Flannery and Luke Moore submitted these supplemental views concerning regulation of firearms:)

Registration of guns seems to be of limited law enforcement value. Any criminal who wishes to obtain a gun can easily do so on the black market, despite any registration law. However, we support legislation requiring registration of guns so long as such legislation would take proper cognizance of the right of law abiding, responsible citizens to possess guns for sporting use and their self protection in their homes.

(Panel Member Herbert J. Miller, Jr., submitted additional views concerning the Panel's recommendation on firearms control. His views were joined by Panel Members Frederick H. Evans, William T. Finley, Jr., Dean Paul Miller, and Quinn Tamm. Mr. Miller's views follow:)

I endorse all of the provisions of the majority report regarding firearms control.

In addition to the majority recommendations, however, I believe the Panel should endorse the recommendations of the President's D.C. Crime Commission and the National Commission on the Causes and Prevention of Violence (the Eisenhower Commission) regarding handguns. Both of these commissions recommended that a person be required to show an affirmative and legitimate need before being issued a license to possess a handgun. The implementation of this recommendation, in my view, would materially strengthen the efforts of law enforcement authorities to reduce armed crimes of violence.

Dissenting views of William E. Rollow

I respectfully dissent from the views of the majority on Firearms Control and Mandatory Minimum Sentences.

At the outset I should like to make crystal clear one point: virtually, every law-abiding citizen owning a firearm, including those in the District, shares an overriding desire to try to find some way to put an end to or to reduce armed and violent crime and the senseless death from dangerous instruments. No dollar cost is too high; human suffering and lives cannot be measured in dollars. Those who ligitimately own and use firearms are outraged over their misuse by the criminal element, and it is unfair to represent them as interested only in saving money or callous to crime. If I believed the majority's proposals in this regard were a reasonable and effective crime deterrent, I would support them. I do not.

The majority urges, in essence, a comprehensive federal criminal (felony) law calling for:

1. Registration of all firearms;[23]
2. Licensing of all firearms owners;[24] and
3. A legislative ban on the manufacture, sale, possession; and confiscation of all hand guns, deemed to be "cheap, unsafe" ones.

It is just plain foolishness to expect that criminals, felons, assassins, paranoids and other social misfits who should not own guns are going to step forward to turn in their weapons or incriminate themselves. If this class believed in law and order, we would not have a crime problem. Indeed, the Supreme Court has ruled that such undesirables cannot be compelled to so come forward.[25]

The Metropolitan Police Department statistics reveal beyond peradventure that the rifle and long shotgun are not crime weapons (See Exhibit A). They were used in less than 1% of murders, were involved in no manslaughters, were used in less than 1% of armed assaults, and less than 1% of robbery, respectively. Knives, blunt instruments, and the human hands were used far more often in crime (Exhibit A).

The discretionary firearms registration and licensing law passed by the City Government has been a failure.[26] About 26,500 firearms have been registered under the compulsion of the new law (which calls for licenses requiring proof of "need", and lawfulness of "intended use"), wheras about 75,000 originally had been registered at time of purchase voluntarily. Armed crime has skyrocketed.[27] In short, the law-abiding complied or moved either himself or his guns elsewhere; the criminals ignored it.

The majority points to the Reports of three Presidential Commissions, and particularly the Eisenhower Commission Report, as supporting their views as to registration and licensing of firearms.[28] This is not wholly accurate. The Eisenhower Report did not adopt a philosophy antagonistic to rifles, shotguns and their owners. It concluded that long guns were overwhelmingly used for legitimate purposes, and that their owners were decent people. It repudiated the concept of registration of long guns (sought by the majority); it urged instead a system of owner Identification Cards for owners of long guns.

As anti-crime legislation, the proposed Federal licensing-registration law of the majority will, I fear, prove just as much of a failure as has the City Council's law. As anti-gun legislation,[29] the proposed federal registration and licensing programs may prove successful in harassing and oppressing the overwhelming majority of decent law-abiding folk who own and use their firearms safely.

I disagree, also, in part with the views of the majority on minimum mandatory sentences. I concur that as to a first conviction there should be judicial discretion. But as to criminals who habitually misuse firearms or other dangerous weapons, I favor severe minimum mandatory sentences. The law-abiding should not be oppressed, while the habitual criminals are sheltered.

I concur, also, with the concept of restricting the further manufacture, sale and possession of the dangerous imported or cheaply made domestic hand gun (as distinguished from safe hand guns which are purely inexpensive in price). Consideration should be given to the adoption of a firearms "proofing standard" or imposition of excise taxes on the manufactures of these unsafe weapons. I disagree, however, with the program of confiscation of such implements from the law-abiding, urged by the majority. The law-abiding should be encouraged to get rid of their unsafe hand guns or, indeed, to sell them to the government; not because these good people constitute a danger to society, but rather because their firearms may be inherently unsafe.

I have set forth my views for proposed legislation as Exhibit B.

EXHIBIT A. PROPOSED REVISIONS TO THE DISTRICT'S GUN LAWS

1. Section 22–3203 *D.C. Code, as amended,* should be expanded by bar possession or ownership or sale of either a pistol, *or rifle or shotgun* to:

a. drug addicts;
b. convicted felons;
c. adjudicated mental incompetents;
d. minors (18 for a hand gun; 16 for a long gun);
e. aliens illegally in the United States; and
f. known agents of foreign powers.

There should be a Review Board, composed of one member of the Police force, a member of an accredited rifle, pistol or shotgun organization and a third private citizen, which should be empowered to waive the restrictions against ownership for cured addicts, reformed felons and cured mental incompetents. This Panel should have the right to impose conditions upon the waiver, such as waiving the restrictions to a reformed felon only to possess, say, a sporting shotgun.

There should also be a savings clause permitting minors to have weapons in their possession if they are in the custody of a qualified adult or if they are engaged in a supervised *bona fide* target or hunting activity (this type of clause is needed to protect the Boy Scouts, NRA, Skeet Shooting, Trap Shooting, and similar instructional programs) as well as to allow a parent to take his son hunting or to target shooting.

2. The hand gun which is inherently dangerous to the user is demonstratably the favorite (70%) weapon used in armed crime. Its further sale should be restricted as is the machine gun and sawed-off shotgun. Because of the difficulties in defining the class of weapon (either by proofing, tensile strength of metal, etc.), the problem might be best resolved by a nationwide statute which imposes a federal excise tax of $60 on all non-target, non-sporting and non-premium defensive hand guns. (The domestic manufacturers and makes of premium hand guns are relatively well known, and include the Colt, the Smith & Wessen, the Luger, and Hight Standard, and others; foreign cheap hand gun imports are already controlled by the *Gun Control Act of 1968.*) Owners of these defective and dangerous hand guns should be encouraged to voluntarily sell them to the government for their fair value. I oppose confiscatory remedies as to the law-abiding.

3. Section 22–3204 which covers the carrying of concealed pistols or other weapons capable of being concealed should be enlarged to cover the following: the possession, carrying, or transportation in any public place or public street in the District of Columbia of long guns (rifles and shotguns) should be prohibited *unless* the long gun is unloaded and either broken down and encased in a suitable gun case; or if in a vehicle, then unloaded and locked in an appropriate baggage compartment thereof; or if no such compartment exists, then unloaded and securely locked in an automobile in a truck type rack.

4. An optional voluntary firearms travel permit should be authorized issuable by the Treasury Department, at no cost to any person so desiring, and who is not disqualified (as earlier set forth). The holder of such card should be entitled to:

a. purchase of a long gun in an adjoining state to the District upon displaying such card and complying with the laws of both the state and the District.

b. the protection of the full faith and credit clause of the Constitution, or federal pre-emption should apply while the holder is travelling through or temporarily visiting

foreign jurisdictions, except for foreign jurisdictional provisions relating to:

i. the carrying of firearms,

ii. the place of discharge and manner of discharge of firearms and,

iii. hunting regulations.

In other words, the possessor of such cards would not be subject to local requirements relating to possession or ownership. Further, the possessor of such a card would be exempt from foreign jurisdictional requirements as to transporting firearms providing the firearm was unloaded and encased or broken down, and either locked in the baggage compartment or locked securely in an appropriate gun rack.

I believe a strong program could then be made to have sportsmen of the District voluntarily obtain that license.

5. Authorization should be given for free but confidential and voluntary registration of firearms (the heretofore compulsory registration would be transferred to this list). Registration might help in the recovery of stolen weapons, although the help would not be great. The lists should be available only to police groups. Again, this should be purely optional.

6. We should amend Section 22–3202 of the *D.C. Code* to provide that upon a second conviction of a crime of violence with a firearm there would be a minimum sentence of not less than ten years nor more than 25 years, and for a third conviction a minimum sentence of not less than 20 years. This amendment, however, would be conditioned upon a reformed correctional system, which would allow a broad spectrum of correctional treatment as the case suited, and not necessarily, say, 20 years in a small jail cell.

FOOTNOTES

[1] Department officials explained that this acceleration at the end of the second year is contrary to the usual trends, and was probably caused by the 1968 riots following the death of Dr. Martin Luther King.

[2] Speedy trials of offenders would alleviate part of the problem.

[3] See D.C. Crime Commission Report.

[4] Responsibility for correctional treatment of juveniles at pre-trial and post conviction stage should be placed under the Department of Corrections, but in a separate facility.

[5] The current population of the Women's Detention Center is 91.

[6] The Children's Center at Laurel with renovations may continue to be utilized for these offenders.

[7] Only 387 inmates are currently engaged in academic training; 242 in vocational training.

[8] Such an incentive may be in the form of release points that are convertible to good time days.

[9] Twenty-five inmates are presently enrolled in Federal City College courses.

[10] Half-way houses currently exist for persons who have served their minimum sentence and are eligible for parole. Statutory authority to seek reduction of minimum sentence to qualify other offenders for parole will be discussed below.

[11] It should be noted that some offenders confined in this unit as misdemeanants were originally charged with felonies that were subsequently reduced to lesser offenses for pleas of guilty. This information should be available to correctional officials to enable them to prescribe the proper treatment for these offenders. This factor should also be considered in determining the risk these offenders would present if based in community settings.

[12] We are informed that the physical layout of this Center is the model for the youth center recently constructed by the Bureau of Prisons at Morgantown, West Virginia.

[13] Currently approximately 37 young offenders are in the Center with approximately 70 felony charges pending.

[14] Presently juvenile rehabilitation is the responsibility of the Department of Public Welfare; the Mayor's Task Force on Corrections recommended that juvenile corrections be integrated with youth and adult corrections.

[15] The Department of Corrections with an integrated structure embracing all offender careers and with adequate skilled corrections personnel could devote some of its efforts to preventive correction among high risk youth who exhibit anti-social tendencies. The planning and research unit is conducting studies to determine the effectiveness of such an undertaking.

[16] See Project Crossroads, a first offender counseling program for persons charged with misdemeanor offenses but not pursued to conviction.

[17] See offender rehabilitation program funded by OEO providing counseling service for persons charged with various offenses.

[18] Probation supervision is presently the responsibility of the Probation Department, an adjunct of the court. If probation supervision is transferred to the Department of Corrections, as recommended by the D.C. Crime Commission, the Probation Department could function as a pre-sentence reporting unit for the court.

[19] Pursuant to Title 24 Sec. 201 C the Board of Parole, in its discretion may apply to the Court for this relief.

[20] The number of persons murdered with firearms in the District of Columbia during 1968.

[21] During the 60-day period between September 1 and Novmber 1, 1969, D.C. police reported that they took 545 hand guns into custody. Of those, police categorized 395 as being of the cheap, unsafe variety. Of course, these statistics cannot in themselves present a total picture of the types of hand guns used in the commission of crimes since they do not reflect the type of weapon used in crimes that are not cleared. Nevertheless, the Panel believes the data is sufficient to warrant the conclusion that the overwhelming majority of hand guns used in crimes in the Nation's Capital are of the cheap, unsafe variety.

[22] It should be made clear that a mandatory minimum sentence is a sentence that has to be served. It can not be suspended, and probation or parole cannot be granted until after the minimum is served. It is possible to have a minimum penalty prescribed by law that is not a mandatory minimum. Under D.C. law, the first robbery offense, for example, is punishable by imprisonment of two to 15 years. That is not a mandatory minimum, however, because the sentence can be suspended, or a defendant can be put on probation for the length of his sentence. For the second or subsequent offense of an armed crime, however, the court is precluded from suspending sentence or granting probation.

[23] The registration and licensing program urged by the majority, stresses the right of judicial review for the aggrieved. As a practical matter, the average citizen cannot afford to spend hundreds or thousands of dollars in legal wrangles in order to try to get a license, register a firearm, or prevent a forfeiture. He will simply be forced to bend to the government's will.

[24] Self-defense in the home was stated in the Eisenhower Commission Report to be an insufficient reason to own a hand gun. The majority imposes no such limitation on a license.

[25] *Haynes* v. *United States* (1968) 390 U.S. 85.

[26] The basic reason for the request for federal legislation duplicating the concept of the District's registration and licensing law is that the District cannot impose the felony penalties desired.

[27] Similar programs have failed in Chicago and New York City. *See* M. K. Benenson, *A Controlled Look At Gun Controls*, New York Law Forum, Vol. XIV, No. 4.

[28] The three Presidential Commissions have been extensively criticized in the Federal Congress and elsewhere for lack of objectivity and fairness. These Commissions were appointed by an Administration unsympathetic to lawful firearms use and ownership. Suffice it to say that the Federal Congress, which is far more reflective to the moods of the people, overwhelmingly has repudiated the concepts of registration and licensing. Many State legislatures have passed resolutions officially condemning such programs or have rejected them. (See e.g. Oklahoma, Alaska, Arizona, Vermont, Michigan, Texas, Pennsylvania, Kansas, Montana, California and others).

[29] The so-called sportsman's "Bill of Rights" referred to by the majority has not yet been evolved. The majority's proposal is really a limited privilege to continue to own or buy guns providing the weapons are registered and the owner is licensed. The majority's program, as thus far expounded, would set objective standards of legal classes of ownership with right of appeal (which as before noted is of little value to the poor or oppressed). Nevertheless, just as the program of licensing and registration has failed to deter crime in the District, so I also fear the now urged federal program of licensing and registration will fail. Undoubtedly then there will be pressure for more and more "reasonable" controls until the extremity of total abolition of firearms from the law-abiding is reached. (I do not mean to imply that the majority of the Panel would accede to such extreme views.)

EXHIBIT B.—WEAPONS USED IN HOMICIDE AND AGGRAVATED ASSAULTS

Weapon	Murder	Manslaughter	A. Assaults	Robbery
Air rifle	1	0	--------	0
Automobile	0	0	--------	0
Ax	0	0	--------	0
Blackjack	0	0	--------	5
Blunt instrument	0	0	--------	0
Bottle	0	0	17	38
Brass knuckles	0	0	--------	3
Brick	0	0	31	14
Can opener	0	0	0	0
Chair	0	0	6	3
Cleaver	2	0	32	6
Club	0	0	0	0
Dish	0	0	1	0
Fists	2	0	11	1,697
Flat iron	0	0	1	0
Fork	0	0	4	0
Hammer	0	0	28	1
Hands	0	0	4	1,257
Hatchet	0	0	5	1
Hot water	0	0	2	3
Ice pick	0	0	6	3
Iron pipe	0	0	41	26
Kicked	0	0	62	62
Knife	24	0	802	478
Knife, switch blade	0	0	1	3
Lamp	0	0	0	0
Lye	0	0	15	0
Razor	0	0	39	28
Revolver or pistol	130	0	886	3,781
Rifle	2	0	24	20
Rubber hose	0	0	0	0
Sharp instrument	5	0	87	23
Shotgun	3	0	60	[2] 156
Shovel	0	0	2	0
Stick	0	0	41	30
Stone	0	0	13	5
Teeth	0	0	3	1
Water glass	0	0	4	0
Other—specified and not above	21	2	205	665
Unknown	2	1	7	60
Total	192	3	2,627	8,372

[1] Reflects figures of January 9, 1969 to September 30, 1969.
[2] These figures include the sawed-off shotgun. It is estimated that very few long shotguns are so used.

KENNETH C. FOSTER, MEMBER OF PUBLIC ADVISORY COUNCIL, GENERAL SERVICES ADMINISTRATION

Mr. CASE. Mr. President, the Administrator of General Services, Robert L. Kunzig, has created a General Services

Public Advisory Council because the variety and scope of GSA activities makes it desirable to establish a special advisory committee as a formal channel of communication with the public. This enables the views of the public to reach the highest levels of policymaking officials at GSA.

I am delighted that Mr. Kenneth C. Foster, a New Jersey insurance executive, has been named to the council. He is currently executive vice president of the Prudential Insurance Co. of America.

Mr. Foster graduated from the University of Maine in 1934, and received his master's degree from Columbia in 1936, and his LL.B. degree from Newark University in 1940. His civic activities have been largely concentrated in education, mental health, and boys club work.

Mr. Foster is presently a member of the board of directors of the New Jersey Mental Health Association and chairman of the New Jersey Community Mental Health Board.

ALASKA NATIVE CLAIMS: UNFINISHED BUSINESS OF AMERICA

Mr. KENNEDY. Mr. President, the Congress has an ancient and solemn promise to keep to the native peoples of Alaska. Unless we act to honor this promise, the Alaska natives will lose their rights to the millions of acres of land they have occupied for centuries—land which is rightfully theirs.

One year from now, the Department of the Interior will undertake the systematic and wholesale dispossession of Alaska's 60,000 Indians, Eskimos, and Aleuts—unless Congress acts first. Secretary Hickel made this clear at the hearings on his nomination early this year.

The Interior Department, despite its statutory obligation to protect the property rights of the Alaska natives, has already divested them of extremely valuable lands. In September, the State of Alaska received nearly $1 billion from the sale of oil exploration rights on less than half a million acres of lands on Alaska's North Slope. These oil lands were conveyed to the State by Interior without the consent of the Eskimos, to whom the land belongs, and without compensation to them. This $1 billion is five times the annual budget of the State of Alaska.

The Interior Committee has begun its executive sessions to consider legislation to straighten out what is an emotional, difficult situation regarding the title to these millions of acres of land in Alaska. Because of the significance of the matter, I would like to present to the Members of the Senate a short analysis of the situation, as I see it now standing.

When the United States acquired Alaska from Russia in 1867, it did not purchase the land itself. Rather, it purchased only the right to tax and the right to govern. Our Government recognized, as an inherent part of well-established Federal policies as well as Supreme Court precedents, that the land belonged to its original occupants, the Indians, Eskimos, and Aleuts who then lived on the land.

Seventeen years later, the Congress established a territorial government in Alaska when it adopted the Organic Act of 1884. This act acknowledged the natives' right to an interest in the land, stating:

> The Indian . . . shall not be disturbed in the possession of any lands actually in their use or occupancy or now claimed by them.

But it specifically left for later congressional action the issue of title to the land. It is only this year that the Congress has begun to act on this century-old problem of actual title to the land.

Alaska was made a State by the Statehood Act of 1958. That act provided:

> The State and its people do agree and declare that they forever disclaim all right and title . . . to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts.

The act also provided that the State of Alaska had the right to select 103 million acres of land from the public domain, but that this right was subject to the prior aboriginal claims of the natives.

Despite this very clear expression of intent by the Congress, the State shortly after the Statehood Act of 1958 was adopted began selecting acreage out of the public domain, without regard to the aboriginal claims of the natives. This was done with the explicit cooperation of the Department of the Interior. Millions of acres of land were transferred to the State, including lands on which native villages were situated and to which the natives had actually filed aboriginal claims.

This was not stopped until 1966. By that time the Bureau of Land Management had granted title of 6 million acres of native land to the State of Alaska, and had tentatively approved the transfer of another 12 million acres. Secretary Stewart L. Udall, who had the statutory responsibility for protecting the interests of the natives, halted the transfer of this 12 million acres, and suspended the issuance of new Federal oil and gas leases on native lands pending a settlement by Congress of the issue of title to the lands.

The present Secretary of the Interior, Walter J. Hickel, was Governor of Alaska when Secretary Udall halted these further transfers in 1966. The State of Alaska, acting at Governor Hickel's direction, filed a law suit against Secretary Udall in the Federal District Court for Alaska, seeking to compel Secretary Udall to complete the transfer of certain of the native lands which he had blocked. It is not without some irony that Mr. Hickel, then the plaintiff, is now the defendant. The suit is now before the Court of Appeals for the Ninth Circuit.

In January 1969 Secretary Udall issued Public Land Order 4582. This land order made formal the informal freeze he had established in 1966. It was to last until Congress acted on the question of title to the native lands. When he appeared before the Senate Interior Committee's hearings on his nomination, Secretary Hickel indicated that he would honor Public Land Order 4582 for the duration of the 91st Congress, but that if the Congress did not act before its close, then he would continue the transfer of public domain land in Alaska to the State.

A number of bills intended to provide a framework for resolving this situation were introduced earlier this year, the most important of which were filed on behalf of the Alaska Federation of Natives. These have had the support of Alaska's two Senators. They also have the support of former Supreme Court Justice Arthur J. Goldberg, former Attorney General Ramsey Clark, and former U.S. Senator Thomas Kuchel, who have agreed to represent the federation before the Congress as a public service.

The bill introduced on behalf of the Federation of Natives has these major provisions:

First. Conveyance to the native villages of fee simple title to 40 million acres of land, with mineral rights to be held by native regional development corporations;

Second. Cash compensation in the amount of $500 million—roughly $1.50 per acre—payable over a 9-year period with interest at 4 percent; and a 2-percent residual royalty on gross revenues from Federal lands to which native title is extinguished.

Secretary Hickel, on behalf of the administration, has proposed legislation with these major provisions:

First. Conveyance to the native villages of restricted title to approximately 12 million acres of land, stripped of oil and gas rights, to be selected from the public domain at the same time as the State has an opportunity to pick its 103 million acres;

Second. Cash compensation in the amount of $500 million, payable over a 20-year period without interest.

The Federal Field Committee for Development Planning in Alaska, an independent agency of the Executive Office, recommends legislation with these major provisions:

First. Conveyance to the village of fee simple title to approximately 5 million acres of land, with full mineral rights, and protection of hunting and fishing rights over larger areas;

Second. Cash compensation ranging from a minimum of $100 million to $1 billion, the exact amount being contingent on the size of Federal oil and gas royalties in Alaska, to be paid over a 10-year period without interest.

The Interior Committee is now considering these various proposals, attempting to reach a final settlement of Alaska native land rights. I am hopeful that the Senate can complete action at an early date to honor the commitment we made so long ago. The decision the Senate makes will shape the lives and the hopes of Alaska natives for generations to come.

What I would like to focus on today are what I regard as the central features in any fair settlement—the amount of land which will be confirmed in native ownership, prior selection, development income from other assets in order to prevent the natives from becoming a class of "land poor" Indians as is the case with so many Indians in the "lower 48," and

the degree to which the natives will be permitted to control their own property.

In approaching the question of what constitutes an honorable settlement, I think we should give first consideration to what the native people themselves consider fair and reasonable.

On my visits to the villages of Alaska in connection with my work with the Senate Subcommittee on Indian Education, I learned something about the special meaning of the land to the native people. Young and old, they are of one mind: the land is their life. The land and its waters sustain the moose and caribou they hunt, the wild berries they gather, and the fish they catch. It is the foundation of their rich and varied cultures. It is a powerful source of their pride as a people. Ready to meet the challenge of the future in their rapidly changing world, they see the land as their best hope to participate in the economic growth of the State through rational commercial development.

Alaska natives seek justice, not charity. They do not ask to be given lands, but they ask for the right to retain a portion of that which belongs to them. They do not ask to be given money or compensation. But they ask, as a matter of justice, that compensation be paid to them in return for their agreement to extinguish their aboriginal claims to vast portions of this State.

The natives have valid claims to approximately 350 million acres of land in Alaska. 40 million acres represent approximately 10 percent of the land, and the natives comprise 20 percent of Alaska's population. The natives depend upon the land for their subsistence. Nonnatives use only a small fraction of Alaska's vast land mass, and that which they use is chiefly for recreation.

It has been suggested that the apportionment of 40 million acres of land among the 178 native villages would isolate the natives from the mainstream of American life. On the contrary, the natives view the land as their chief resource for sharing in the growth and development of the State and Nation. Moreover, stripping them of their land is certain to create a wall of bitterness and distrust that will stand between them and their fellow citizens for many years to come.

Many natives wish to continue a rural way of life. In a nation where individual freedom and self-reliance are highly valued, this preference should be given great weight in determining the amount of acreage to be retained.

More over, no matter what weight may be given to this preference, or what the ultimate settlement may be, the fact is that the majority of natives will be in the villages for very many years. Many natives—particularly the elderly and those with very little education—would be destitute if, because of insufficient land, they were forced to move from their homes.

On the other hand, if adequate lands are retained, the natives will be able to make a meaningful choice between village life and urban life. Those who voluntarily choose urban life—primarily the young and more educated—will do so without bitterness, and should be able to make a satisfactory transition. They will view their move as a positive choice, and not as an expulsion from their land by white men.

The second major concern I have involves the nature of the administrative practices which will be followed and the institutions which must be created under any land claims settlement legislation. In this regard, one point seems clear: The Department of the Interior and, in particular, the Bureau of Indian Affairs, should not be permitted to continue the dominant role in the conduct of native development programs. Insofar as the natives are concerned—and our subcommittee hearings confirmed that conclusion—the record of these executive agencies in Alaska is marked by inertia, lack of imagination, paternalism, the frustration of native aspirations and, in general, a complete lack of identification with, or sympathy for, native rights and needs. If we are not to repeat in Alaska the mistakes made in the rest of the United States, which seem destined to plague us yet for years to come, the Department and the Bureau must be removed from control over native lands and funds.

I am pleased to see that all the bills now before Congress call for the creation of an Alaska Native Commission and an Alaska Native Development Corporation. What we must make certain is that the legislation not only creates these new institutions, but also given the natives themselves a meaningful role in the decisionmaking process. In other words, we will not have made a true settlement with the natives if, as the administration proposes, the corporation which is to administer their assets is managed in its formative years by Presidentially appointed nonnatives. The intent of Congress should be, in the words of the bill proposed by the Alaska Federation of Natives, "to carry out the terms of this settlement promptly, with certainty, and in conformity to the real economic and social needs of Alaska natives by maximizing the participation by natives in decisions affecting their rights and property and by vesting in them as rapidly as prudent and feasible control over the lands set aside and corporations organized pursuant to this act . . ."

Time is running out for the Alaska natives and for Congress. The Senate has an opportunity to make a fair settlement in accordance with our nation's high ideals. It is perhaps the Nation's last, best chance to close with dignity and justice one of the sordid chapters in our history—our shocking treatment of America's first inhabitants in disputes over land.

WILLIAM J. DORGAN, MEMBER OF PUBLIC ADVISORY COUNCIL, GENERAL SERVICES ADMINISTRATION

Mr. CASE. Mr. President, General Services Administrator Robert L. Kunzig has recently named a Public Advisory Council at GSA for the purpose of creating public involvement in GSA operations.

The State of New Jersey is ably represented on the Council by Mr. William J. Dorgan, a New Jersey businessman and member of the Bergen County Board of Freeholders. Mr. Dorgan is a partner in Torway Warehouse, Inc., of Edgewater, N.J.

Mr. Dorgan's career of public service has spanned 20 years during which he has been mayor of Palisades Park and freeholder of Bergen County, N.J. Also, he has served in the U.S. Coast Guard.

GSA is fortunate to have obtained the services of such an outstanding citizen. Mr. Dorgan's background will prove valuable in aiding Administrator Kunzig as a member of the GSA Public Advisory Council.

U.S. COMMITMENTS IN SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, I am concerned and baffled as to the administration's objectives in Southeast Asia. On the one hand, it supported an amendment in the Defense Appropriations Act which prohibited the introduction of U.S. ground combat troops into Laos and Thailand; on the other hand, it sent us a letter opposing the repeal of the Gulf of Tonkin joint resolution on the ground that even if not needed with regard to Vietnam, the Tonkin resolution may be needed in order to perform on other U.S. commitments in that area.

It was on last Monday, December 15, that the Senator from Idaho (Mr. CHURCH) was successful in sponsoring an amendment to the Defense Appropriations Act which stated:

> None of the funds appropriated . . . shall be used to finance the introduction of American ground combat troops into Laos or Thailand without the prior consent of Congress.

On the next day, December 16, it was stated that such was the policy of the administration all the time—although I must note the cessation of air combat activity in Laos was not included in this policy.

But now I have discovered that the administration opposes a resolution (S. Con. Res. 40) submitted by the senior Senator from New York (Mr. JAVITS), which calls for the termination of the Gulf of Tonkin joint resolution as of December 31, 1970.

The administration opposes repeal of that resolution because we have other "international obligations in the area." Are these obligations that go beyond SEATO?

Here is what the administration wrote in part on December 4 in stating its unqualified opposition to the Javits-Pell resolution:

> In addition, the existence of the Tonkin Gulf Resolution has consequences for Southeast Asia which go beyond the war in Viet-Nam. The question of its termination must be considered carefully in terms of our other international obligations in the area, particularly the Southeast Asia Collective Defense Treaty which the Tonkin Gulf Resolution specifically cites.

I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., December 4, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 17 enclosing copies of Senate Concurrent Resolution 40 and requesting the views of the Executive Branch on this resolution.

We would oppose passage of this resolution, which seeks to establish the end of 1970 as the date both for a fixed deadline for withdrawal of all United States combat troops and for repeal of the Tonkin Gulf Resolution.

We believe that the establishment of a firm date for withdrawal of United States troops will not bring us closer to our goals in South Viet-Nam. The Administration hopes to withdraw United States combat troops from Viet-Nam as quickly as possible and has a plan for accomplishing this objective. Public revelation of a fixed timetable, however, would not contribute to the attainment of this objective. It would jeopardize our chances of obtaining a political settlement through negotiations and could interfere with the continuing orderly transfer of the United States share of combat to the South Vietnamese.

Further, we oppose the repeal of the Tonkin Gulf Resolution at this time. Certainly the Congress has the right to terminate this resolution if it chooses to do so. However, we do not believe that its termination would bring us any closer to peace. The Administration's commitment to terminate participation of American combat forces in the war is clear, and the basic objective of the proposed resolution, namely the disengagement of United States forces from the war, is already on the way to being achieved.

In addition, the existence of the Tonkin Gulf Resolution has consequences for Southeast Asia which go beyond the war in Viet-Nam. The question of its termination must be considered carefully in terms of our other international obligations in the area, particularly the Southeast Asia Collective Defense Treaty which the Tonkin Gulf Resolution specifically cites.

Sincerely yours,

H. G. TORBERT, JR.,
Acting Assistant Secretary for Congressional Relations.

Mr. FULBRIGHT. Mr. President, Laos, in 1962, specifically and in a formal act renounced any future protection under the SEATO treaty. Thailand, of course, did not.

I repeat my question: Are there "other international obligations in the area" of Southeast Asia that go beyond SEATO? What are they? Who made them? Is this a case in which the administration has a blank check for action in Asia that it wants to keep handy for some future contingency?

THE PAST DECADE'S EXPERIENCE IN WHEAT PRODUCTION

Mr. DOLE. Mr. President, I invite the attention of the Senate to an article written by Roderick Turnbull. Turnbull analyzing the past decade's experience in wheat production and world wheat markets. His observations and insights are highly informative, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERESTING WHEAT DECADE CLOSING

(By Roderick Turnbull)

At the beginning of the 1960s, the United States had a record wheat surplus. Actually, the peak carryover was on June 30, 1961 when the total was 1.4 billion bushels, including a billion bushels of the hard red winter variety.

Ten years later, the nation again has a huge carryover—the projection for next June 30 is around 900 million bushels. Obviously, the wheat problem hasn't been solved although many things have happened in the last decade.

One of the major developments is that while in 1960 the United States owned 62 per cent of the wheat stocks held by the Big Five Exporters, this year our percentage is only 39. The surplus has been spread around.

With the decade of the 1960s coming to a close, the Foreign Agricultural service of the Department of Agriculture has reviewed world trade in wheat over the last 10 years. Its report helps revive memories of some rather dramatic developments.

In 1960, the report relates, world wheat production was 8.2 billion bushels and 1.6 billion bushels moved in world trade. In 1968–69, production had reached 10.3 billion bushels, up 25 percent, while world trade was at 1.7 billion bushels, a little more than in 1960. But it wasn't as high as it was in the mid 1960s when world trade in wheat reached a peak of 2.3 billion bushels. These figures include flour.

Also, in 1960, four nations, the United States, Canada, Australia and Argentina, overshadowed all others in exports. They were the Big Four, possessing a large part of the world's exportable stocks. The U.S. alone accounted for nearly 70 percent of their holdings.

Now, 10 years later, we have an addition, with rising production in the European Economic Community—mainly France. Thus now the USDA speaks of the Big Five.

Among the most dramatic developments in the 1960s was the emergence of the Soviet Union and mainland China as importers. China has continued to be a steady buyer, while the Soviet Union is in and out of the market. The United States sold 65 million bushels of wheat to the Soviets for cash in 1964. Canada and Australia sold much more to the Russians.

About the same time, severe shortages of food grains were developing in India and Pakistan. In 1965–66, India imported 262.7 million bushels of which 93 percent came from the United States on concessional terms. The next year, India imported 238 million bushels with 72 percent coming from the United States.

Japan also had entered the market in a big way and was buying large quantities of wheat and other grains.

As most farmers and grainmen will recall, in the middle 1960s, world stocks of grain were regarded as dangerously low. At the same time, talk was rampant about a pending world food shortage. Books began to appear on the subject from all over. U.S. exports of wheat reached an all-time high of 867 million bushels in 1965–66, and on July 1, 1966, our carryover had dropped to 425 million bushels, the lowest level since 1952. It looked as if our wheat problems were over.

The world was fairly well convinced a food shortage really was upon us and nearly every country tried to do something to avert it. The United States increased its acreage allotment for the 1967 crop 32 percent, bringing the total up to 68.2 million acres. The 1967 harvest was 1.5 billion bushels. In Canada, wheat acreage in the middle 1960s reached 29.7 million, up 20 percent from 1960. Both Australia and Argentina increased their acreages.

Then along came the Green Revolution, the development of the high yielding wheat varieties from Mexico and the rices in the Philippines. The new varieties were greeted with good growing weather in India and Pakistan. Both countries cut down on their imports. At the same time, on occasion, the Soviet Union joined the ranks of the exporters. Some smaller countries which never had exported wheat before got into the business.

West Europe which was importing about 450 million bushels a year at the beginning of this decade has cut this down to around 300 million.

The United States closes the decade with the lowest wheat acreage allotment in history—45.5 million acres, 50 percent below the 1966–67 peak of 68.2 million acres. Total exports are down, but actually commercial sales for dollars still are above those of the first half of the 1960s. The commercial volume last year was 276 million bushels.

All the things that have happened in the 1960s, most of which were nonpredictable, suggest that no one really knows what is coming in the 1970s. Obviously, things could happen elsewhere in the world that would improve the U.S. wheat farmer's position.

That position right now isn't very good in the opinion of Glen Hofer, Washington, executive vice-president of the National Association of Wheat Growers. He has just returned to Washington after attending a series of state conventions of wheat organizations and reports that in general each group wants to keep the present wheat program, with price improvements. What the wheat farmers want, of course, is more money.

"I am increasingly convinced," Hofer says in his latest report from Washington, "that our dryland wheat producers are going broke."

Some people might question whether that statement is a good endorsement of the wheat program which has been in effect now for five years, but the grower groups contend they would be worse off without it.

OIL SPILLS ON NATIONAL AND COASTAL WATERS—DANGERS ASSOCIATED WITH THE USE OF CHEMICALS IN THE TREATMENT OF ACCIDENTAL OIL SPILLS

Mr. KENNEDY. Mr. President all of us are aware of the tragic and costly effect of accidental oil spills on our national and coastal waters. This year, the Senate has responded to this situation in a meaningful way. Section 12 of S. 7 the Federal Water Pollution Control Act of 1969 is devoted to this matter.

The Subcommittee on Air and Water Pollution of the Public Works Committee—after extensive hearings—prepared this section which incorporates most of the provisions recommended by those who testified in favor of Federal guidelines and programs in this area of growing concern.

During the Senate debate on this section, I offered only one amendment which I felt was required in addition to the committee recommendations. My amendment, which was accepted by the Senate, requires the Secretary of the Interior, under the authority of section 104 of this bill, to develop and publish standardized specifications and other technical information on the chemicals used in oil spill cleanup efforts by June 30, 1970.

S. 7 is now in conference. It is my firm hope that the conferees will retain my amendment. To further inform those

Senators and Members of the House charged with the responsibility for the conference report, I ask unanimous consent that an article published in yesterday's New York Times be printed in the RECORD.

The article effectively points out the fears of scientists and engineers regarding the inappropriate use of chemicals in oil spill cleanup operations.

I hope that all who share a concern in this matter will realize the need for the publication of Federal guidelines as soon as possible so that we need not fear the catastrophic damage to fish and wildlife and to the ecological balance of our waters as a result of the application of unsuitable chemicals to disperse oil formed as the result of similarly destructive oil spills.

It is also appropriate to include in the RECORD an article written by Tom Wicker which appeared in the New York Times today reminding us to seriously consider the effect of our growing technological capabilities on our environment—and, today, on the environments of other planets—before we apply it to shape the world and the universe in which we live. I ask unanimous consent that it also be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The New York Times, Dec. 17, 1969]

SCIENTISTS TERM THE CHEMICAL TREATMENT OF OIL SPILLAGE MORE HARMFUL THAN THE "DISEASE"

(By David Bird)

Scientists and engineers have expressed concern here that attempts to control oil spills with chemical dispersants are causing more harm than the oil itself and may be creating long-term ecologic damages, such as is now being attributed to DDT and other pesticides.

The concern is expressed in reports and discussions at a three-day Joint Conference on Prevention and Control of Oil Spills, ending today at the Americana Hotel. The meeting is sponsored by the Federal Water Pollution Control Administration and the American Petroleum Institute, an industry group.

TORREY CANYON DISASTER

When the conference was planned last summer, the sponsors expected about 300 persons to attend. More than 1,000 have registered.

Their interest reflects increased public concern after two disastrous oil spills.

The first occurred in March, 1967, when the supertanker Torrey Canyon struck a reef off the southern coast of England and sent 30 million gallons of crude oil oozing toward the Cornish coast and across the English Channel to the shores of Brittany.

The second oil spill occurred early this year, when 18 million gallons leaked to the surface of the Santa Barbara Channel in California during offshore drilling operations.

At least one million tons of oil are spilled every year from tankers, manufacturing plants and refineries. Much of the effort to control the spills has centered on chemical dispersants that dissolve the oil, spreading it out so thin that it is not noticeable.

Some scientists say that the dispersants are merely an attempt to hide the visible effect of the spills and that the chemicals pose an additional danger.

A. Oda, a researcher with the Ontario Water Resources Commission, told the conference yesterday that studies of dispersants since the Torrey Canyon disaster have led to the conclusion that some of them "were far more deadly and far more damaging to marine life and ecology than the oil itself."

BEACH DAMAGE, TOO

Howard J. Lamp'l of the Federal Water Pollution Control Administration said, "We firmly believe that the use of dispersants, emulsifiers and other chemicals is entirely unjusted in the cleanup of oil polluted beaches."

He said Federal studies had shown that the oil, when "mixed with chemicals, caused penetration of the mixture into the sand at least three times the depth of the untreated oil. In oil-polluted water, Federal officials have recommended that the chemicals be used only as a last resort when it is impossible to soak up the oil with straw or similar material or to suck it up by mechanical means.

Perhaps the strongest attack on the present methods of controlling oil spills came from a biologist, Dr. Ira N. Gabrielson, who is president of the Wildlife Management Institute. He said: "The usual approach is to try to contain or isolate the floating oil—an attack that works rarely, if at all—or to remove it from the public eye by sweeping it under the ocean's surface by means of dispersants or detergents. More animal life was killed by chemicals in the Torrey Canyon accident than by the oil itself."

"Even if the detergents or dispersants are not toxic in themselves," Dr. Gabrielson continued, their action in breaking up the oil "apparently accelerates the exposure of marine life to the toxic hydrocarbons" in oil.

He noted that "some of the hydrocarbon fractions are suspected of having carcinogenic activity," that is, they are linked to cancer.

"These hydrocarbons are stable," Dr. Gabrielson said, "and they can be retained and concentrated in the marine food cycle as the lesser animals are consumed by those higher up the animal ladder. Some ultimately may end up in man."

Scientists have recently found that it is just such a concentration of DDT that stays in the food chain and has harmful effects on the life cycles of higher animals.

[From the New York Times, Dec. 18, 1969]

IN THE NATION: SEEDING THE CLOUDS

(By Tom Wicker)

It has been suggested at a meeting of the American Geophysical Union in San Francisco that a small nuclear device be detonated on the moon, so that the various quiverings and wobbles that would be set off would tell the instruments that have been planted on the lunar surface what is inside the old ball of cheese. No doubt this is of great importance to know, but can we be sure that the knowledge would be worth the possible cost?

Aside from the obvious questions about the effects of nuclear fallout in the moon's atmosphere and political fallout in the earth's atmosphere, what might be the total environmental consequences of such an explosion—for the moon itself, for those who will be visiting it from earth, for other objects in the solar system? Based on past performance, it is a good bet that there would be some unexpected and probably unwelcome result.

DUBIOUS BENEFITS

In Paris, for instance, a group of hydrologists and other scientists have been finding out a lot this week about what man has wrought in the name of progress. The new Indus and Ganges River irrigation systems, they were told, have raised the water table in the flat plains of India, and in the process have contaminated much topsoil with salt that rose from the earth with the water. The net result is a loss of arable land. The Aswan Dam is spreading disease with its irrigation waters and damaging the fertile Nile delta by interfering with the ancient silting process.

PERILS OF TECHNOLOGY

These are rather spectacular examples of the unforeseen consequences of great technological feats, but they are by no means isolated. Here in the United States, a horrid recent example is the virtual ruin of the Santa Barbara Channel off the California coast because of oil leaks from the ocean floor, set off by the latest scientific drilling techniques.

Just sixty years ago today the Wright brothers got their strange-looking crate into the air above Kill Devil Hill for the few seconds it took to introduce a whole new epoch of technology. Whatever the Wrights thought powered flight might do for man, it is a reasonably safe bet that neither they nor anyone else thought it might choke him to death. Yet, between the automobile, which at about the same time was getting a good start on creating smog, and the airplane, man may yet expire for lack of unpolluted air to breathe. And the end is by no means in sight. Wait until the Boeing 747 and the Concorde and the C–5A and the American SST with their monstrous engines get into the air, along with all the other burnt-kerosene spouters already spewing their poisons on mankind.

One of the most critical problems of this kind—although it should have been foreseen, and probably was by the kind of people who are dismissed as idealists or crackpots—is the runoff of agricultural chemicals into lake, river and stream waters. This poses the usual dilemma agonizingly; the chemicals increase food production for a starving world, but they also pollute fresh waters and kill off fish, so that the dead seas that result foul the air and earth in their turn.

PRODUCTION OR POLLUTION?

What are the relative values in such a conflict? Must men choose between Malthus and the "silent spring"? Surely, more foresight, caution and sensitivity can prevent the necessity for most such either/or choices. It may not prove literally true, as was suggested at the Paris meeting, that diverting the Yukon and Fraser Rivers south to water the American plains could tilt the earth on its axis by the weight of shifting surface water; yet that is the kind of possibility that man's almost limitless technological ingenuity now forces him to consider. Anyone who thinks, for instance, that paving over the Everglades for a jetport is damaging only to the wildlife it would kill and displace ought to remember the social and economic consequences for humans—the so-called dustbowl—that followed the indiscriminate plowing up of the Great Plains.

THE EVEREST SYNDROME

Yet indefatigable man plunges on, gripped in his tiny genius by the Everest syndrome, climbing every technological summit because it is there. It seems not in his nature to let well enough alone, even in his environment, so that in his impulse to build he plants the seeds of destruction.

Ultimately, can man master anything that really matters? Certainly not nature, and least of all, himself; rather, it is altogether likely that if the Biblical flood someday engulfs the earth, it will flow from seeded clouds. That might even be a fitting end.

FARM PROGRAM

Mr. DOLE. Mr. President, as the date draws nearer for the enactment of a new farm program, there will be much consideration of the pros and cons of the administration's approach to this legislation. I was most interested in an

article published recently by the agricultural editor of the Kansas City Star, Roderick Turnbull, in which he examined the aims and details of the proposals that have been discussed with the House Agriculture Committee. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Dec. 14, 1969]

TIME DRAWS CLOSE FOR PROGRAM DECISION

(By Roderick Turnbull)

The time is fast approaching to get down to business on a new farm program. The present farm law, the Food and Agricultural act of 1965, which was to expire in 1969 was extended in 1968 for one year. That means it now will expire in 1970. In effect, it expires with the harvest of each crop involved.

The extension was granted to give the Department of Agriculture and Congress plenty of time to develop a new program. Clifford M. Hardin, secretary of agriculture, has taken full advantage of the time element. He has proceeded with deliberation with the express idea of preparing a new program which will be nonpartisan in scope, accepted by a majority in Congress and one that his department can administer with satisfaction.

The secretary hasn't campaigned for any personal farm plank. He has contended he was open to ideas and he has been emphatic in declaring there would be no such thing as a "Hardin plan" which he would attempt to push through Congress.

So, all year the secretary and his aides have been talking farm program policy with farmers, farm organizations, authorities in land grant universities and, in particular, with the agriculture committees of Congress.

Currently, USDA officials and staffs of the congressional committees are trying to whip together a draft of a farm program bill. They hope they will have as many bugs as possible removed from it before it ever is introduced.

But Secretary Hardin knows right now that the proposals being put into the bill, which he has fairly well outlined in recent appearances before Congress and in talks around the nation, aren't going to be endorsed 100 percent. Far from it.

But the secretary is fairly confident that eventually—meaning some time in the early part of 1970—Congress will adopt the main part of the program as it is now being discussed. Such was the assessment of the situation by J. Phil Campbell, undersecretary of agriculture, when he was in Kansas City recently to speak at the annual meeting of Farmland Industries, Inc.

Campbell was asked where he thought the principal opposition would come for the new farm bill—from the Farm Bureau, which thinks it goes too far in government aid; from the so-called coalition of the Farmers Union, Grange and other farm organizations which are of the opinion the bill doesn't go far enough; or, from urban members of Congress who are reluctant to provide the funds for an expensive farm program?

Campbell said he thought the most difficulty would be with members of Congress; that despite the difference between the farm organizations he expected they would accept compromises.

What should be kept in mind is that it is Congress, not the farm organizations or their leaders who write and pass the laws. Hardin realizes this and it is a main reason he has been working all summer and fall with members of Congress and their staffs hoping that the bill that finally is drafted is one most of the * * * will really to accept.

Some of the farm leaders operate in a different manner. They state what they want and will attempt to convince member's of Congress that is what they should have.

The Grange-Farmers Union coalition wants a continuation of the farm act of 1965 with higher government payments. One of the higher payments would be a direct payment to the farmer on exported wheat. This would result in higher costs to the government or taxpayer.

The program which Secretary Hardin and his aides have been developing with Congressional committees would not have more costly payments. In fact, price support loans would be at a lower level than at present.

The real difference in the Hardin proposals and the current farm program is the emphasis the secretary puts on pricing products so they will go to market rather than into a government bin, and, upon the effect the program can have on efficient farming.

The latter point is difficult to explain. The first is easier. Under the Hardin proposals (which have been developed through months of conferences and on which he doesn't claim personal authorship), the price support loan program would be continued with some modifications. Price support loans, in effect, set floors under market prices. Under the present program, loan values are fixed ahead of the harvest of the crop. The wheat loan, for instance, is at $1.25 a bushel at the farm, on a national average.

Under the proposal being developed for Congress, the loan would be set at near world price levels or perhaps at 85 to 90 percent of the average market price of the last three years. The purpose would be to set the loan at a price below the market so that, in effect, while the farmer could use the loan to choose the time he would market, he would not count on the loan (a government bin) as the place to sell his crop.

A second feature of the new farm program proposal is becoming known as the "set aside" of surplus acres. Under the present farm program, farmers who take advantage of what the government offers, "divert" to soil conserving uses a certain percentage of their wheat acres, feed grain acres or cotton land. In addition, they must maintain a conserving base—land that is in grass and which they can't plow up and put to crops.

In the new program, each participating farmer would be asked to set aside or idle a certain percentage of his total crop acreage. And he would keep his normal conserving base. After he had done this, he could plant anything he pleased on his remaining crop acres. He could put it all to corn, to wheat, or to cotton.

This is where the efficient farming that the secretary talks about comes to the fore. The assumption is that if a farmer can benefit from the government program and plant as he pleases, he'll utilize those crops most adapted to his farm. If he is a livestock feeder in Missouri, for instance, he won't plant wheat just to keep his wheat base and the wheat payments.

Presumably, the tendency would be to plant wheat where wheat should be grown, cotton where cotton grows best and so on. The result would be the lowest production costs possible.

The U.S. farm programs of long years past have put floors under export prices for all other countries, and we have had the only acreage controls. Other countries have had only to price their products just under U.S. quotations.

The new programs would seek an end to this system by making U.S. prices competitive. But "competitive" often means a lower price and this doesn't appeal to a lot of farmers. Some wheat organizations are insisting that the government has an obligation to see that they get a good price for their grain, all they sell in this country and all they export.

Under the new program, they would get a direct payment from the government on that part of their grain consumed as food domestically. But they'd take the world price for the remainder. This is about the same as it is now, except that the price support loan might be lower.

By being competitive on world markets, farmers might be able to sell more. Also more wheat might be fed to livestock. This is the argument behind the new program proposals.

Campbell, here in Kansas City, said the objective of the new farm legislation will be to provide programs that will, on the one hand, regulate production and result in satisfactory income, and on the other, not inhibit the growth of markets or place needless obstacles in the way of efficient farm production.

"We must avoid," he said, "giving our overseas competition the idea they can expand their production without limit, while the United States carries, by itself, the whole burden of acreage limitation. We must not concede the total market growth to our competition.

"Our objective is to compete more effectively in world markets. Therefore, we must make sure that our farm programs assist farmers in meeting their competition."

At the present time, market prices to a large extent are being set by the government's loan program on some grains. Farmers have put enough wheat, corn and soybeans into the loan so that it takes a price higher than the loan to get quantities of each commodity onto the market. What isn't sold, eventually becomes government property. It is the surplus in government bins.

In an aside comment, Campbell said here that there just never is a good time for the government to get rid of its surpluses. Obviously, when market prices are low, the government can't dispose of its wares because it would tend to make them lower. If prices are strengthening and the government tries to take advantage of this fact, then farmers complain that the first opportunity they have to get better prices the government ruins it by selling its stocks. Also, the elevators which are earning money storing government grains are unhappy when the commodities are moved into market channels.

Campbell's comments no doubt were spurred by the government's recent actions on milo in which it attempted to get some more of the grain exported at competitive prices.

These actions lowered prices and there were screams from Texas to Washington.

Clarence D. Palmby, speaking at Amarillo a few days ago, politely chided Texas milo growers for holding their grain in the loan program rather than sending it to market, especially when the market was higher than the loan.

In his comments, Palmby said that every dollar paid to milo growers by overseas customers adds to gross income. Milo sold to the Commodity Credit corporation (the government) does not because the CCC cannot utilize the grain.

"It must eventually be sold to someone who does use it," Palmby said. He added that the opportunity looks pretty good this year to export feed grains, corn and milo.

"How much of that market will milo producers supply?" Palmby asked. "The answer is that the share of the market that goes to milo will depend on the market price of milo in relation to corn and to competing feed supplies around the world. It is that simple.

"The Japanese like to include milo in their mixed feeds, particularly in poultry rations," Palmby continued. "This is a market well worth protecting and developing when you consider how rapidly the use of grain for feed is expanding in Japan. We estimate the utilization of grain for feed in that country should increase by from 25 to 30 million bushels a year. But if U.S. milo is going to share fully in that growth, the price relationship between milo and corn must be reason-

able and stable throughout the year. Stocks must be available every day in the year.

"For a number of weeks, there has been little movement of milo to Japan, Israel and other markets because of price in relation to corn and because of a lack of availability. Free stocks of milo have been extremely tight. Stocks under price support loan were not being released by farmers."

Later Palmby commented that it is becoming increasingly difficult to get government appropriated funds for agricultural programs in the United States. City masses, he said, are and will make successful appeals for more assistance from the public sector.

"I mention this," Palmby explained, "because I think you as producers or marketers are well advised to wring every dime you can from the market place—the highest possible price for the maximum volume you are able to peddle. . . . The commodity loan, coupled with the direct government payment available to program co-operators, should help to insure a fair level of income. But in the end, farm income has to come from the market place—either domestic or foreign. In other words, milo produces income when someone acquires it for use."

Thus Palmby largely stated the issue that must be settled before we'll know just what the new farm law is to contain—whether farm income is, in fact, to come mostly from the market place or whether the government will play a bigger role with payment.

Campbell said they hoped to have a draft of a bill ready for Congress either late this month or very early in January.

SENATOR BAYH CALLS FOR CORRECTIONS REFORM

Mr. GOODELL. Mr. President, the subject of corrections reform is rapidly becoming a major concern of citizens throughout the Nation. That concern focuses upon a beleaguered and virtually impotent corrections system which must be rebuilt and reformed if we are to reduce the shocking rate of recidivism among offenders of all ages leaving correctional and penal institutions.

The distinguished junior Senator from Indiana (Mr. BAYH), a cosponsor of S. 2919, my comprehensive corrections reform bill, recently delivered an important and incisive address on this subject.

Speaking before the annual conference of the public action in correctional effort—PACE—at Indianapolis on December 6, Senator BAYH recounts several appalling examples of conditions within corrections institutions, which brutalize and humiliate inmates to such an extent that genuine rehabilitation is not only impossible, but is a joke.

The Senator rightly suggests that the long range answer to the disgraceful condition of our Nation's prisons and its wholly inadequate rehabilitation capability is a broad, long term financial commitment to rebuild our corrections system from the ground up.

I support him in this view and urge every Member of Congress to give his attention to this urgent problem, and to endorse a realistic and comprehensive course of action for corrections reform now.

Mr. President, I ask unanimous consent that Senator BAYH's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR BIRCH BAYH

More than 100 years ago Charles Dickens characterized the revolutionary times of the 18th century with these words:

"It was the best of times; it was the worst of times. It was the age of wisdom; it was the age of foolishness. It was the epoch of belief; it was the epoch of incredulity . . . It was the spring of hope; it was the winter of despair. We had everything before us; we had nothing before us."

It was, indeed, the worst of times. To the mind of civilized man it was a horifying time.

But if the blood in the city streets, the vigilantes in the countryside, the lack of respect for individual rights "that struck away all security for liberty or life" made it the worst of times, so was it also in many ways, the best of times.

Old institutions were crumbling, centuries old fetters were falling away and men in Massachusetts and Paris were shouting new words of "freedom and liberty."

In 1969 men have set foot on the moon and an explosion of knowledge has made this truly an age of wisdom. In some ways this is the best of times in America. But in some ways it is also the worst of times.

Americans are justifiably alarmed today with the immense and ever increasing rate of crime in America. Some idea of the magnitude of the problem can be gained from the FBI's Uniform Crime Reports of 1968. Last year there was a serious crime committed in the United States eight times every minute. A crime of violence was committed once every 54 seconds. There was a murder every 39 minutes, a forcible rape every 17 minutes, an aggravated assault every two minutes, a robbery every two minutes, a burglary every 17 seconds, a larceny every 25 seconds and an auto theft every 41 seconds.

A statement I made during my campaign last year brought thousands of letters in agreement from concerned Hoosiers. It was, "While I am concerned about getting a man safely to the moon, I am more concerned about people being able to get safely to the corner drugstore."

We have set a priority for crime prevention in this country, a priority for making streets safe, homes secure. Rightfully so. But at this point, we are attacking it in a piecemeal manner—patching here and darning there when we should be launching a comprehensive attack.

I firmly believe we need a more comprehensive overall battle plan for the fight against crime. Yet, I also know that there are many who tend to think of stopping crime only in terms of apprehension, arraignment, trial, and appeal. Too little thought is directed at how society can prevent a youth from embarking on a criminal career. It seems to me to be rather inconsistent for people to paste "Support Your Local Police" bumper stickers on their cars and then vote down a bond issue to provide local playgrounds or to provide funds to improve police training.

Certainly a more comprehensive approach is needed to solve our crime problem and there is much that needs to be done. But today I want to talk about just one area—penal reform.

Little is ever said or done about that aspect of our system which comes after those consitutional stages of arraignment, trial, and appeal. A person who is sentenced in the courts passes into a nebulous never never land and is swallowed by institutional concealment.

Prosecutors and defense counsel tend to view their responsibilities as ended following trial. Harassed, already over-burdened judges tend to feel they have no further jurisdiction and the public generally is pleased to learn from their morning newspapers that another "criminal" has been caged.

It is as if a surgeon or hospital staff had no further interest in a patient following surgery. Without adequate post operative care the incidence of relapse and even death following the shock of surgery would soar.

This is precisely what has happened in the case of those convicted of crimes and sentenced to correctional institutions which despite their names are more often storage bins for society's misfits than effective instruments of correction and rehabilitation. According to the FBI's Uniform Crime Reports, 70 percent of all crimes committed in this country last year were committed by people who had been previously convicted of crimes. Arrest, court and prison records all testify to the fact that repeated offenders constitute the hard core of the criminal problem.

There is very little data on the effectiveness of our correctional institutions, but what evidence that is available indicates our efforts in the area of rehabilitation are dramatic failures.

One indicator is the fact that of the approximately 100,000 persons released from confinement each year and returned to society, 75 percent again commit serious crimes and return to confinement. This makes it clear that for most offenders our correctional institutions do not correct. It is equally clear that this failure is directly and crucially related to the high incidence of crime in the nation today. Let's look at the facts. Last year 74.8 percent of those arrested for murder, 68.8 percent of those arrested for forcible rape, 77.1 percent of those arrested for assault, 73.2 percent of those arrested for robbery and 81.6 percent of those arrested for burglary were people with previous convictions.

It seems to me that it is imperative that the public and their legislators understand that there can be no solution to the problem of increasing rates of crime until we deal effectively with the problem of the repeat offender. And we cannot deal with this problem of recidivism effectively so long as we tolerate huge isolated prisons, token program resources, and discriminatory practices which deprive offenders of education, employment and other opportunities.

Unfortunately the field of corrections is an area of the criminal justice system which is the least visible and the most neglected. Except when there are prison riots, jail breaks, or scandals, little thought, attention or concern is given to our correctional institutions or their inhabitants.

All too often prison inmates, men, women, juveniles, young adults and old adults alike, rather than being corrected and rehabilitated are beaten, brutalized, exploited, sexually abused and even killed by fellow inmates or by prison staff. The mere storage of more and more convicted criminals under such barbaric conditions is not the way to solve the problem of the repeat offender and it is not the way to solve our increasing crime problem.

Less than five percent of the people employed in correctional institutions have special training or professional preparation for dealing with young people, yet 62 percent of America's prison population is under 25 years of age and 28 percent is under 18 years of age. It is a well-established fact that the younger the age group, the higher the rate of recidivism. Again, according to the FBI Uniform Crime Reports, no fewer than 72 percent of the offenders under 20 released in 1963 were rearrested by 1968.

This should make it absolutely clear that greater rehabilitation efforts must be directed at the young offender if hardened criminal careers are to be aborted.

But it is painfully evident that rather than reforming or correcting prisoners, our institutions are releasing more dangerous,

more hostile and more embittered people than were admitted to these institutions. More than 90 percent of our offenders are released from prison within two to three years of their original imprisonment. But it doesn't take long for the "system" to instill hostility and bitterness. I would like to cite you these examples from a report issued on the conditions existing in correctional institutions in Philadelphia:

"George DiAngelo, a slender 21-year-old committed merely for a presentence evaluation, was sexually assaulted within minutes of his admission to the Philadelphia Detention Center."

A 17-year-old charged only with being a runaway from home, describes his ride in the Sheriff's van on the way to a court appearance in the following words:

"All of a sudden a coat was thrown over my face and when I tried to pull it off I was viciously punched in the face for around ten minutes. I fell to the floor and they (fellow prisoners) kicked me all over my body including my head, and my privates. They ripped my pants from me and while five or six of them held me down, they took turns on me. My insides feel sore and my body hurts, and I feel sick in the stomach. Each time they stopped I tried to call for help but they put their hands over my mouth so I couldn't make a sound. They threatened my life and said they would get me in DI if I told what happened. At first, I told the guard I tripped and fell but thought I better tell the truth. I pointed out those who beat me up so bad. The doctor looked at me and said I'd have to go to the hospital."

These are not isolated instances. A projection of the sampling which investigators in Philadelphia were able to take indicates that conservatively, some 2,000 sexual assaults involving 1,500 individual victims and 3,500 individual aggressors took place within a single 26-month period.

The American public is confused and indecisive about whether they want offenders punished or corrected. This is understandable in these times when in some communities our very homes are unsafe. But too many people feel that punishment in itself is correction and because of this delusion we have allowed these conditions to prevail in our correctional institutions. We must understand that punishment alone is not correction. We must understand that through punishment without correction our prisons are spewing forth into the streets growing legions of bitter and hateful individuals, and the crime rate is going up.

Now there are a good many people who would say, "Mr. Bayh, that is precisely the problem with this country; we need more people in prison." That is a natural enough reaction, but if you will follow me in a line of thought for a moment I believe I can demonstrate why it is wrong.

Let's get right down to what some people call the "nitty-gritty"—economics. Let's turn our attention for a moment from the moral, human and spiritual aspects of the problem. Let's just talk about economics.

It is costing you, me and Mr. and Mrs. American $9.85 per day to maintain each prisoner in the federal prison system. That $9.85 per day adds up to about $3,600 per year.

We are also told that sixty-five to seventy of each one hundred prisoners released by the average prison will return within a very short period of time. Why? We all know why; no jobs, no training for jobs, same deplorable environment, same bad associates and so on. It is all documented in Glaser's 1964 study of released federal offenders. As most of you know that study showed that during the first month after release from prison, only about one-fourth of the offenders were able to obtain anything approaching full-time employment; and by the end of three months, the figure went up to only 40 percent. The same study also brought out another vital fact, the fact that post release success was directly related to employment. Of those who were returned to the correctional system as repeaters, a significant proportion were those who had experienced difficulty in getting and holding jobs. Even those who were employed were, in most cases, employed in low status, low paying menial jobs.

It is interesting to compare the $3,600 cost of keeping a man in prison with what it costs to produce a first rate army mechanic. The cost of feeding, clothing, housing, and training an Army recruit until he qualifies as a first rate mechanic is $4,452. On his release from military duty this recruit is equipped with a skill that qualifies him for a well paid job in civilian life.

When you consider the $4,452 it costs to turn out a qualified mechanic and the astounding returns from the Federal venture with work release programs it becomes obvious that tremendous amounts of money can be saved if men and women are trained and guided back into society. Consider for a moment the experience of the Federal Bureau of Prisons with work release programs.

A study of offenders participating in the Federal work release program shows that 1½ to 2½ years after release the recidivism rate for even the poorest risk group was only 20 percent. This compares with a recidivism rate of more than 70 percent for released offenders in general.

Some 6,500 offenders participating in the Federal work release program between October 1965 and July 1967 earned $5,748,364, paid $902,484 in Federal, State and local taxes, reimbursed the Federal government for room and board in the amount of $638,829, contributed $843,156 to the support of their dependents, and accumulated saving in the amount of $1,623,387.

The simple economics of the situation seem plain enough. Spend just enough to develop and incorporate a good, meaningful rehabilitation program and you will save untold millions over the years. Not only will you save the cost of maintaining repeated offenders in prison, you will also save on the cost of insurance premiums and on the cost of stolen property, which last year amounted to $1.7 billion. Even more important, you will be attacking the crime problem at its very core by reducing the number of repeated offenders. The end result is fewer criminals and less crime.

We in America spend somewhere in the neighborhood of one billion dollars a year on corrections. That sounds like a lot of money and it is. But we spend 36.6 billion dollars on automobiles and parts each year, 14.5 billion dollars on alcoholic beverages, and 9.2 billion on tobacco. We even spend 2 billion dollars a year on our pets. Surely we can find the necessary funds to support a meaningful program of rehabilitation in our prison system.

The question that may legitimately be raised is this: Can we guide offenders back to useful roles in our society even if the money is forthcoming?

For the offender the experience of violating the law, being incarcerated, cut off from friends, family and acquaintences is a sobering and awesome happening in itself. But the factor that, perhaps more than anything else, mitigates against the offender's successful re-entry into society upon his release is the degradation and brutalization to which he is frequently subjected during confinement.

Let me read to you a few excerpts from a report by Mr. Arlen Specter, District Attorney of Philadelphia, regarding the Philadelphia Prison System and the Sheriff's vans used to transport prisoners.

"The vans," Specter says, "are an unmitigated disgrace." Investigators are in complete accord with the following descriptive essay written by one articulate inmate who travelled on the van some fifty times:

"Prisoners confined in Philadelphia's three prisons commute from their institutions to the courts by way of a Prison Van. The van is a truck externally resembling the sort of refrigerated delivery truck that delivers meats to foodstores. The body of the truck has no windows. At the very top of the truck there is a tiny row of slots purportedly for ventilating purposes.

"Winter—The van is parked overnight in the House of Correction. At eight o'clock in the morning the van driver picks it up and drives it to the Detention Center. There, some forty prisoners who have been waiting since six o'clock (packed like sardines in a steel barred can) are loaded into the van. It has only seating capacity for fifteen people. There are no handholds. There is no heat in the van. It is freezing . . . unendurable. The trip from Northeast Philadelphia is an hour of grinding stops and bumping halts. The standing men are tossed about inside the van. There is no light in the vehicle and the darkness is punctured by the grunts and groans.

"Summer—The prison van is a sweltering cauldrin of red hot cast iron. The packed bodies of men stink. The sun winks occasionally through the narrow slits on top, but the outside air remains aloof, not wishing to contaminate itself with this Dante's Inferno on wheels.

"If anyone is homosexually inclined, and it is summer, a stinking sex orgy may take place in the dim confines of the van. Sometimes this is with mutual consent, sometimes by coercion. All the time it is done with utter disregard for the feelings of the other men in the van . . . Threats and even violence breaks out. The van drivers roll merrily on their way blissfully unaware of what is taking place.

'The prisoners are alone in their walled up cage, alone with their dry bologna sandwiches which must serve as sustenance for the next 24 hours. No cooked meal at night awaits them at the detention center when they return from Court, only the same bologna sandwich.' "

This is absolutely shocking. We treat animals better than the prisoners described in this excerpt from the Specter report. Federal regulations on transportation of dogs and cats require vehicles of transportation to:

1. Have sufficient air for normal breathing;
2. Have easily accessible openings at all times for emergency rmoval; and
3. Afford adequate protection from the elements.

The regulations state that enclosures shall be large enough to insure that each animal contained therein has sufficient space to turn about freely, to stand erect and to lie in a natural position.

I do not single out Philadelphia except that it is there that someone has been honest enough to expose the wretched facts so long known, but hidden. Few have cared even to think about it, let alone reveal it. But Philadelphia is not alone!

In Arkansas, they did and may still, transport women and men prisoners in the back of a closed van several miles from detention center to court appearances. Last year, during hearings before the Senate Judiciary Subcommittee on Juvenile Delinquency, someone observed that this must make it difficult for the guards. The Arkansas witness assured members of the committee that prison officials were sane enough not to put a guard back there.

You can imagine what transpired in that "hell on wheels." Of course, I should point out that medical services were available for the women who requested it—provided by male inmate nurses.

Federal regulations on transportation of animals provide for the classification and separation of animals. Females in season are not housed with males. Animals with vicious dispositions are separated. Puppies and kit-

tens are not housed with adults. Animals under quarantine or with communicable disease are separated.

Let's take another look at Mr. Specter's report. He cites the experience of the young, mentally disturbed inmate who was sexually assaulted by eight fellow inmates in one evening. And he quotes from the testimony of a sexually assaulted 20-year-old who told investigators:

"I was embarrassed and didn't want nobody to know about this and didn't say anything to anybody. About two days later on a Thursday, I started hurting inside and bleeding from the rectum. I asked Guard Williams to see the doctor. It was an emergency."

Or consider this bit of testimony taken from an Arkansas police report:

"He stated that they stripped all the clothes off of LL-33 and the rider stuck needles under his fingernails and toenails. They pulled his genitals with pliers and kicked him in the groin. Two riders ground out cigarettes on his stomach and legs."

Mr. Specter's report and others read like horror stories. They are horror stories. The fact of the matter is that across this country we are imprisoning thousands of people daily because they have violated the rules of society. It is our hope and plan that while they are in prison they will be rehabilitated and will return to society as law abiding citizens, producing in society rather than preying on society.

This was certainly the intent and hope of those who framed the Indiana constitution and included in that document, Article 1, section 18, which states:

"The penal code shall be founded on the principles of reformation, and not of vindictive justice."

But how, I ask you, can we really expect offenders to be reformed by their prison experience when we do little to improve the living "hell" to which each imprisoned man and woman is subjected. People are in prison because something is wrong with them, yet we continue to let exist in our prisons the "snake-pit" conditions to which we once subjected our mentally ill. In the case of the mentally ill at least some were unable to comprehend their environment—which would be the only good we could possibly find in such an atrocious situation—but here we are subjecting, for the most part, knowledgeable people to those same or worse conditions.

So far we have been talking about correctional institutions throughout the country.

Let's take a look at Indiana.

Indiana's prisons may not be among the worst in the country, but it is little consolation that they are only a step or two away from that category.

Just as most Americans have been shocked and horrified by the Pinkville Massacre in Vietnam, Hoosiers have been, or certainly should have been, shocked and horrified by the recent events at Pendleton Reformatory in Indiana. You are all familiar enough with the basic facts as reported by the press. Apparently, members of the prison staff opened fire on a group of inmates, killing one and wounding 46.

Even before this incident Pendleton was hardly an institution to which we in Indiana could point with pride. Built in 1923 to accommodate 1,600 inmates, its current population is some 2,273. Five inmates have been victims of homicide at Pendleton during the past five years.

Why should anyone be surprised if inmates in such overcrowded facilities, subjected to arbitrary and harsh disciplinary measures, are finally driven to protest? And we should not overlook the fact that the infamous affair at Pendleton was rife with racial overtones. All of the dead and wounded were black.

Let's also take a look at just how well Indiana correctional institutions are doing in terms of rehabilitating offenders.

As of today only 900 out of nearly 7,000 prisoners are participating in educational programs. Yet, we know from Census data that 55 percent of adult felony inmates have not gone beyond elementary school. We know that increasingly high levels of formal education are required in today's job market and we know, from Glaser's study and others, that employment and appropriate training for relevant job opportunities are significant factors in reducing the rate of repeated offenders.

Of the approximately seven thousand inmates in Indiana correctional institutions, fewer than 100 are participating in outside pre-release guidance programs. At the State Farm in Greencastle there is only one counselor for every 200 inmates, and at the State Reformatory there is only one resident psychologist for 2,273 inmates. Only 28 inmates out of 1,930 at the Indaina State Prison and 40 out of 2,280 at Indiana State Reformatory are participating in work release programs. Only 80 inmates out of 7,000 in the entire Indiana correctional system are participating in work release programs.

During the past year the state correctional system has been riddled with scandal, including the disclosure that some prison staff members were conducting a traffic in drugs within the walls of what we rather inaccurately refer to as our correctional institutions. On the other hand, only 10 officers in the entire correctional system are receiving additional training under the Manpower Development Training Act.

I could go on, but I think this gives a fair indication of just what the situation is in Indiana.

Now let's talk about what can be done about it.

In the Senate I have co-sponsored with Senator Goodell of New York, S. 2919. This is a bill that would assist State and local criminal justice systems in the development of programs to rehabilitate offenders and prevent recidivism by providing for vocational training, job placement, counseling, education services, manpower acquisition, establishment of regional crime and delinquency centers, a national criminal justice recruitment program and other purposes. But we in the national Congress cannot solve the problem alone.

Organization such as P.A.C.E. can perform an invaluable service by educating the public to the need for reform and, even more important, arousing them to action. Simply being concerned about the incidence of crime is not enough. And we will accomplish very little simply by increasing budgets and staffs without simultaneously providing the means for changing community attitudes toward offenders. The entire community and its social institutions must become involved in reshaping correctional rehabilitative methods.

Certainly there are many good and dedicated men employed in our correctional institutions in Indiana. But to recruit and retain the best possible people we need a merit system that will take the Department of Corrections out of politics.

I recognize, you recognize, and Commissioner Robert P. Heyne recognizes the need for a merit system for employees of the Indiana Department of Correction. But we are not going to get this and other reforms until enough informed and aroused Hoosiers demand them.

Someone once said: "Prisons, mental hospitals and other institutions are a thermometer indicating the sickness or health of the larger society. The treatment society affords its outcasts reveals the way its members view one another and themselves."

What is revealed by the way we in America and in Indiana treat our outcasts is not pleasant to contemplate.

You in P.A.C.E. have already done a great deal, to awaken the people in this state to the need for reform. But we need as never before to shake America's conscience by seizing the initiative for reform. We must take up the challenge, hear the pleas, the cries, the groans.

Mr. Bob Dylan once wrote a song that became a standard in the camps of the great civil rights movements of the 1960's. The words of that song also apply here.

"How many times," Dylan wrote, "can a man turn his head and pretend that he just doesn't see; how many times must a man look up before he can see the sky; how many ears must one man have before he can hear people cry; the answer my friends is blowing in the wind, the answer is blowing in the wind."

The wind is blowing for us now in Indiana and in America. It can be a stagnant, foreboding wind, or a fresh and new wind.

As Oliver Wendell Holmes once said:

"I find the great thing in this world is not so much where we stand, as in what direction we are moving. We must sail sometimes with the wind and sometimes against it. But we must sail and not drift nor lie at anchor."

In the area of Prison reform, we in Indiana and America have been at anchor for too long and we can no longer afford to drift. We cannot afford it morally, spiritually nor economically.

AIRLINE PILOT QUALIFICATIONS AND TRAINING

Mr. DOLE. Mr. President, an article published in Airways magazine was recently brought to my attention by a constitutent, Mr. Allen Knouft. It concerned the skills possessed by today's airline pilots and their effects on the overall safety factor for airline transportation.

Because some highly important issues were raised in the article, I sent copies to the presidents of several major airlines and solicited their reactions. Regrettably, most of these letters were unanswered or were given only cursory replies. However, the letter I received from George E. Keck, president of United Air Lines, was most comprehensive and informative. On United's part, Mr. Keck took direct issue with the article's inference that some airline pilots do not possess the optimum skills or experience which the responsibilities their positions demand. In addition to his letter, Mr. Keck provided detailed information of United's flight training programs and facilities, including an article from the fall 1969 issue of Jet Profiles magazine.

Mr. President, one reason why I initiated these inquiries was a personal concern for air safety, and I believe that Senators, who also log a good number of hours in commercial aircraft each year, will find the Airways article, as well as Mr. Keck's letter and the materials he furnished, worthy of their consideration.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Airways magazine, December 1969]

AIRLINE PILOTS, HOW GOOD ARE THEY?

NOTE.—You settle into your airline seat. In a few moments you will be whisked across the nation as fast as the proverbial speeding bullet. The airline captain, copilot and second officer will close themselves into their

office up front and your life will be in their hands. How qualified are they? Airways asked a veteran airline captain. His name was withheld so he could answer with total honesty. The captain has been flying the scheduled airlines for 16 years, has logged 12,000 hours of flight time and has 6,000 hours in the Boeing 707 he now commands. His answers indicate that the system is not 100 percent perfect—but could you travel in any manner completely without risk?

Q. How experienced and competent are airline crews?

A. In the past, the captain flew for years as command pilot in the same type of equipment. The copilots were in the same position because the airlines were not hiring. In hours, copilots were as competent as captains. Today, you might have a copilot who joins the airlines from the military service or civilian life. The civilian pilot's experience may be in airplanes no larger than a twin-engine Cessna or a twin-engine Beechcraft. The military pilot may have been flying KC–135 tankers (a military version of the 707). After a year, the copilot may become a captain, regardless of his previous experience. Of course, he has to fly his acceptance flight. . . .

Q. A pilot can be hired as a copilot with only light-twin time?

A. Yes. In fact, pilots have been hired with just the bare minimums, say several hundred hours. After a very short time, they become captains. These are major airlines I am talking about. The new captains generally fly smaller equipment such as DC–6's or Viscounts. However, as the situation is going, you might find a pilot who has been with an airline for only two years who has become a Boeing captain. As far as safety is concerned, the man will meet a minimum requirement. He will be trained. Experience is good only up to a point. A 500-hour pilot with a lot on the ball can be just as qualified as a 3,000-hour pilot. He will get the experience flying copilot. It doesn't take that long to learn to fly the airplane. He is already a pilot because he has a commercial license.

Q. Can a pilot with only a few hundred hours in a certain type of airplane cope with an emergency as well as the pilot with 2,000 hours in the same airplane?

A. It all depends on the pilot. You can have an individual who has flown as a copilot for two years and has learned more than a guy who has flown four or five years.

Q. You talk about minimums in hours and experience. What does this actually mean?

A. The airlines would like to have an Adonis type with 3,000 hours of four-engine jet time, a college education and a degree in aeronautical engineering. However, they have been forced to hire people with 300 or 400 hours. Naturally, some of these people haven't panned out, but surprisingly, more of these have than the military pilots with several thousand hours. The military pilot feels he already has the experience and that he can bypass a lot of the knowledge that is required of him, and he usually does a slipshod job. I'm not saying they *all* do this—but they have that tendency more than the relatively inexperienced pilot who is always learning and trying.

Q. Are the airlines genuinely concerned with the caliber of pilots they produce?

A. The airlines have built up a reputation for the pilot they produce at the end of their training period. Some airlines have the reputation of just going through the motions and giving the person the time. They throw him in front of the lions when it's time to be qualified. If he makes it, fine, if not, he gets another shot or he's eliminated. Some airlines enjoy such fine reputations that when the FAA man rides on board it is just a formality. There are two different approaches to training—one is the gin-mill type, the other is thorough training. But there is a minimum that has to be met.

Q. Isn't it true that a captain has have at least 1,200 hours of flying time to earn his Air Transport Rating?

A. Yes, and the airline pilot has to pass a Class I physical every six months. The copilot does not have to have the 1,200 hours. The second officer, or flight engineer, must be a pilot. He usually has a checkride in a light twin-engine jet. A crew consists of a captain, a copilot and a second officer. The captain is qualified in the airplane. The copilot has shown his flight proficiency in the airplane. The flight engineer must be a pilot.

Q. What if something happens to the pilot? A heart attack, for example. How qualified is the copilot to cope with the emergency?

A. This is a situation that always poses a problem. It is not brought up too much in the airline industry, or made public. In one case you might have a copilot who is almost as qualified as a captain. Or he might be just out of school. He just naturally can't cope with an emergency as well as a copilot who has been flying with one type of equipment for a longer period. Take a brand new crew that has just moved in from another base . . . say that the captain and copilot were just qualified on a four-engine jet, and you also have a brand new second officer. You have what you might call a barely qualified crew. This happens quite frequently. A junior man usually draws a junior man for a crew. So you are flying with the least experienced people together at one time, and this is quite common in the entire airline industry. . . .

Q. How do the pilots feel about this?

A. They are all qualified, of course. Each can perform his function. When it comes to emergencies, you are talking about the number of problems a crew can deal with at one time. A pilot who is experienced in both general flying time and in the equipment can deal with more than one emergency at once. His burden can be heavier. A newly qualified crew focuses its attention on one problem at a time. A new crew knows what to do, but it takes a little longer.

Q. What if something happens to the captain? A heart attack, for example. Is there any indication that heart attacks occur more frequently during stress or emergency situations?

A. No. I think the concern over heart attacks is a bit ridiculous. The only time that a heart attack is critical is during takeoff or landing, and these are only moments during an entire flight. It is more dangerous to be in a car while the driver is having a heart attack. A copilot is there in case a pilot acts peculiar or keels over. A copilot ought to have his hands and feet on the controls during every takeoff and landing. I can only think of one case when a carrier had an accident because of a seizure. (Ed. A non-scheduled airliner smashed into an Oklahoma mountain when the pilot, according to the FAA, suffered a seizure during an approach to landing.) I've had bigger men than I freeze on the controls during training flights and I have always managed to wrest the controls away—simply because I had a job to do and it was a matter of doing it.

Q. How do you train yourself to cope with emergencies?

A. This is a problem. You ride along complacently for such long periods that you have to train yourself for emergencies that might arise. An engine failure on takeoff is really not a problem. But you should mentally go through the procedures so your reactions will be instinctive if it happens. You should be able to go through your emergency procedures and go about your merry way. Problems like this cause no difficulty. It is the compound problem—you have an engine failure, then something else happens, then something else piles up on you—that leads to catastrophe.

Q. How often do you have to prove your proficiency?

A. The captain must demonstrate his proficiency every six months. This is a company function and an FAA man may be along. This is a two-hour ride. You demonstrate one and two engines out, control systems failures and so forth. Then you have a route check which shows you are familiar with the route you fly. The FAA goes with you on surprise rides. You go out to the airport one day, check the jump seat list and find an FAA man is slated to ride with you.

Q. It has been said that an airline pilot does nothing for hour after hour, despite his high pay, but that in the face of an emergency he can earn his salary in two minutes. Is this a true picture?

A. Not really. The average captain's wage is a minimum of $25,000 to $35,000 a year. If you are flying a Boeing 707 that holds 125 people and you have to hold over an area in turbulence, thunderstorms or ice for two or three hours, and you have to make the decision whether or not to land on an icy runway with these people and get them and the airplane down safely—this one decision earns your salary for a year. It is amazing how often these decisions come up. It may not sound like much, but we make these decisions every day. Not only do we try to give the people better and safer rides, but we must perform efficiently for the company. Sure, you can go along for a long time and fly in clear weather, but you get one day—even a routine day—you earn your money. In Kansas City, for example, you have a maximum 25 knot crosswind. The runway is short. You can't come in too high because you are going to be too fast and you can't come in too low because of obstructions. It's gusty. You must have a little excess airspeed to cope with the crosswind and downdrafts. That one landing makes up the salary. You have to consider the lives at stake—not only the passengers, but the rest of the crew.

Q. Do you—or other captains—ever land where you really shouldn't land? Is there a tendency to try to shoot a landing because the schedule says you should be at a certain place at a certain time?

A. It is too bad we have to have minimums. But some pilots feel they just have to get down. People are only human. If Joe Blow has landed safely under certain conditions, it is only natural to think you can do just as well. This isn't necessarily the case. I would like to see honest minimums that apply to individuals. We could then shoot zero-zero landings. We've done this in training—right down to touchdown, and we have rolled out without any difficulty. But there are times when the ceiling is 200 feet and you weren't quite squared away, or when Air Traffic Control brought you in 90 degrees to the Instrument Landing System Approach, and you just can't make it—but you almost have to make it, because it is a tradition. Some people go out of their way to make it just so they can say they have made it. It is like a good pitcher who goes out and pitches a no-hit ball game—but the next time out, he beans a batter. You have your good days and your off days and there's nobody who ought to know better than you when you can make a close approach and when you cannot.

Q. There has been a rash of accidents during landing approaches in bad weather. How dangerous are instrument approaches?

A. It depends on your equipment. If everything is functioning, you can come in when the ceiling is perhaps 300 feet. If all your equipment is not working, then you can shoot an approach when the ceiling is 400 or 500 feet. You keep backing off until you find your minimums. You can only do so much with what you've got.

Q. But occasionally, someone hits a mountain that wasn't supposed to be there. What goes wrong?

A. I think a lot of the problems stem from the fact that when you reach a minimum you feel you have to get down. This is when it's tough. You look out and you want to get down, and you just can't see in poor visibility when you are moving at 150 miles per hour. If you start drifting off the localizer course, for example, you don't know whether you are one mile off or five miles off once you are a needle's width off. If there is an obstruction there and you are busy looking for the field and you have lost track of time, it is very possible that you could hit it.

Q. Isn't it standard procedure for the pilot to fly his instruments all the way down through an instrument approach while the copilot looks for the runway?

A. No. It's not standard.

Q. Isn't it recommended?

A. Actually, it is recommended, but it's not really standard. You might have a brand-new copilot. In the stress of the moment he might pick out something that looks like a runway, when it really isn't. To make you happy he might call out "runway in sight" when it actually isn't—just to reassure you that you had it made.

Q. There have been scare books out on aviation accidents which go into great detail on lightning and thunderstorms. How dangerous are they?

A. Lightning is more spectacular than dangerous—and it is *very* spectacular. But I only know of two commercial airliners that have been downed by lightning and I haven't seen any records of light planes being downed. It can be frightening to passengers, who can see to the side, but not to the front. In an airliner, you are usually on top of everything. The only problem is when you are coming down. The thunderstorms give you the problem.

Q. How much can you depend on radar to guide you around turbulence?

A. You can never tell about turbulence. What looks vicious might be gentle. What looks gentle might almost tear your head off. You should expect anything—we don't fly into thunderstorms. On an approach we might find thunderstorms in the area, but we dodge the cells, and the radar is very effective. This depends on the radar operator. He must know how to set the radar up.

Q. Should there be a rule that an airliner won't approach an airport if there are thunderstorms in the area?

A. You shouldn't really operate in the proximity of thunderstorms because you do have shifting winds, wet runways—and these will create problems.

Q. But you do operate into these conditions, do you not?

A. We do to a certain extent. There is no doubt that we do takeoff and we do land during a thunderstorm. However, you have to be quite explicit as to when you do this and when you do not. You do not take off into the teeth of a thunderstorm when you see it at the end of the runway. This would be foolhardy. There have been people who have done it—no doubt about it—but it just isn't good practice and it's something you don't do.

Q. Who makes the final decision?

A. The captain decides, absolutely. Same thing with the landing. You're not going to land an airplane when the runway is obscured by solid rain, unless you almost have no choice or you feel you can get it before the situation gets dangerous. Of course, if you get the airplane on the ground and rolling at a fairly low speed you don't care about running into a solid wall of rain, which you'd hate to do about the time you're flaring out. It *has* been done. Sometimes you might have been holding for hours and this is it—you've made your commitment, and down you come. However, it is a gamble, a calculated risk, and it isn't done as a normal practice.

Q. How does general aviation—the light airplanes—fit into aviation? Do they create problems for you around the major terminals?

A. That is a good question. Pilots are pilots. If they are good, they are not going to be a problem. If they are student pilots, they are problems to anybody.

Q. Should there be restrictions on private pilots operating into major airports?

A. Yes. But the restrictions should be based only on the experience of the pilot. An experienced pilot in a little airplane should be able to operate into major fields. A student pilot in a little airplane should be restricted.

Q. Would a special rating or a course in operating out of major terminals help?

A. This would be a great help, but experience is still the factor. Even an experienced pilot trying to get into a congested radio frequency can't get a word in edgewise. He has to use tact and cunning. The inexperienced pilot could become so frustrated that he would be bordering on panic, really.

Q. As an airline pilot on a fixed run you fly into the same airport over and over again. Would you have problems flying into an unfamiliar airport?

A. Not really. I flew into many airports when I was flying the non-scheduled airlines. The beauty of flying into familiar airports—at least it *used* to be the beauty of it—was having familiar landmarks. You could look out the window and tell where you were, how high you were and what speed you were flying. You could be very efficient in your arrival. Now Air Traffic Control tells you to reduce your speed 50 or 100 miles out and no matter what you do, you have to conform to their wishes.

Q. Should the controllers have absolute control?

A. I believe the controllers may be taking on a job that is a little bigger than they should tackle. Here we are, flying on a perfectly clear day without a cloud in the sky, yet we are forced to fly under the control of men on the ground. They vector us into a field behind traffic, which is fine, since they are controlling the traffic. However, when we tell them we have the traffic in sight, we are more qualified to position ourselves in relationship to the traffic than they are. Yet they follow their radar and put us through all sorts of wild antics. This happened before any talks of slowdowns—it has been going on for a long time. The controllers are controlling us when they don't have to and they are costing us several minutes. We can see what we have to do to keep from overtaking another airplane.

Q. How about the cases of airlines overtaking light aircraft and colliding with them? How does this happen?

A. We had an example on an ILS (Instrument Landing System) approach to Los Angeles International. We were coming down the glide slope (sort of an electronic slide to the runway) and we were at 14,000 feet and indicating perhaps 250 or 260 knots. There was no traffic reported. I saw an airplane at 12 o'clock and I couldn't tell which way it was headed. There was at least one pair of eyes looking outside at all times. Usually ATC will give you a clue that you have traffic—although, ironically, they will usually tell you about traffic that is not a factor. That is all right, of course, but it is unnecessary. We were overtaking an Air Force Cessna 310 that was making an approach down the localizer—Lord knows why! He hadn't told anyone he was in the area and he should know how busy the Los Angeles area is. Had we not taken evasive action, we would have hit him. We asked Air Traffic Control if they had him on the radar, and they said they did not. Making a simulated instrument approach is legal but the military pilot should have told ATC he was in the area.

Q. How dangerous is the mid-air collision threat?

A. It is quite a threat. Why we don't have more mid-air collisions is beyond my comprehension. We've been awfully lucky.

Q. What is the answer?

A. That is really a question, and there isn't any answer in my mind. At best, it is see-and-be-seen at low altitudes and positive control at high altitudes. The reduced airspeed at low altitudes has been a definite help. Anything beyond the rules now in effect would be too restrictive.

Q. There are plans to make airliners safe eventally to land when ceiling and visibility is zero-zero. Is this safe?

A. Today it would be dangerous. With the instruments they have in mind, it will be safe.

Q. As a summation, how safe is flying?

A. How do I answer that one? Perfectly safe? Very safe? Nothing is guaranteed safe. Some pilots are better than others. Some crews are better than others. But there are rules that make it as safe as possible. It's safe enough for me to put my family on and if you still have any doubts—I'd follow them.

UNITED AIR LINES,
Chicago, Ill., December 12, 1969.

HON. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: I have reviewed the article enclosed in your letter of November 20; and in response to your request for my reaction to this article, I have the following comments.

I do not feel an objective and searching article can be written upon the opinions of one man, particularly when the subject being interviewed is placed in the awkward position of evaluating his own proficiency. Then too, there is always the temptation for the interviewer to stray into areas in which the subject might not necessarily have first hand and expert knowledge.

This article covers a broad subject. It is not so much a matter of opinion as a matter of research of facts. The facts and statistics are available. Since the title, "Airline Pilots—How Good Are They?," should confine the scope of the article to the proficiency and training of airline pilots only, the obvious area of research, at least primary, would seem to be in the huge and highly developed training schools of the airlines. Some research in government agencies and records seems indicated also. However, the article wanders, gets into the area of general aviation, airways controllers and is based on the opinions of one man.

In recent months the Training Committee of the Air Transport Association (ATA) conducted a comprehensive presentation for the FAA, NTSB, other government and industry officials. Those in attendance included John H. Shaffer, FAA Administrator, Charles O. Miller, Director of Aviation Safety NTSB, and Congressman John H. Clausen, Representative from California.

The purpose of the presentation was to inform the various government agencies and other concerned people of the progress and programs the various airlines were undertaking to improve flight training activities for the industry as a whole. United Air Lines has been an active participant in this program.

I am sure that the author of the referenced article, yourself and other concerned people, would be most interested in reviewing, first hand, exactly what the scheduled air carriers are doing to assure that their Flight Officers are properly trained and proficient in performing their daily tasks.

We would be most pleased to arrange a similar presentation to you and your associates, constituents or any other interested people at our Flight Training Center in Denver, Colorado. In the meantime, we are attaching an information packet which will give some insight into the thoroughness and

magnitude of the training activities of United Air Lines.

Thank you for your interest.

Sincerely,

G. E. KECK.

CONTRACT TRAINING

The products of the United Air Lines Flight Training Center in Denver are well trained pilots. As is the case with most production operations there is a by-product—contract training.

This consists of special training courses for corporation, military, other airlines and Federal Aviation Administration pilots. Instructors, course material and training equipment used in this contract training are identical to those given United pilots.

All or part of training received by United pilots can be taken by other airmen, from a one-day session on weather radar to a seven-week DC-8 training course.

United started its contract training business in the mid-1950's when Scandinavian Airline System (SAS) sent pilots for training in the Convair 340. The U.S. Air Force became one of the first customers for the same training.

Contract training has greatly expanded, due largely to the wide use of jets that have pushed military, commercial and corporate aircraft speed capabilities past the 400 knots mark. Also, completion of United's multi-million dollar flight training center at Denver gives the airline greatly expanded facilities allowing a considerable amount of training over and above that required to refine the skills of its own flight crews.

Size of commitments made to corporations and other airlines in 1968 reflected this expansion. By the end of the year total contracts exceeded $2 million.

A special program, consisting of several basic courses, has been set up for corporation pilots to familiarize or refresh them with the latest techniques and developments in jet operations.

"We want to share the tremendous amount of experience we have gained in jet operations with general aviation aircrews," says Glenn A. Allred, assistant to the director for United's flight training facilities.

The basic courses consist of a five-day ground school in corporate jet operations; a two-day recurrent training course which includes one day ground school and one day in a simulator and, the third, a one-day airborne weather radar course.

The five-day course covers such subjects as jet engine performance, high-speed flight characteristics, jet airplane performance, high-altitude meteorology, jet operational procedures and physiology which involves physical problems encountered at high altitudes.

Recurrent training covers jet operation procedures, including flight planning and enroute navigation; and four hours in a twin-jet procedural trainer. This consists of training in all manuevers and procedures applicable to swept-wing jet transport aircraft.

The airborne weather radar course, offered since 1957 when United introduced weather radar to commercial aviation, has attracted about 5,000 trainees since its inception. The course covers the use of equipment and interpretation of radar scope images. Experts provide detailed analysis of 70 radar scope images covering a wide range of weather situations.

All courses are scheduled at least once a month and jet simulator training also may be arranged for other times.

Maneuvers and procedures in the jet simulators are conducted according to general jet transportation requirements. Normal operating speeds, approach cruise and climb are programmed for various business aircraft.

Many airlines have taken advantage of United's facilities for the training of their own flight officers. These include Alaska Airlines, Delta, Flying Tiger, Frontier, Japan Air Lines, Air Canada, TWA, Yugoslav Air Transport and Universal Airlines.

Captain James E. Cross, director of training, points out that the training center is of value to air transportation in general, rather than to United exclusively.

"Our door is always open to those who face training problems. We have the equipment and the specialists to solve problems," Cross said.

Occasionally United's airborne educators are sent to distant lands to teach "off campus" when their skills are in demand.

United personnel aided in the reorganization of Philippine Air Lines in 1946 and later aided Japan Air Lines in training its jet crews for Transpacific operations.

In 1962 United dispatched personnel to Pakistan International Airlines to train pilots for newly delivered jet transports. When the Australian Department of Civil Aviation wanted training for pilots who would fly jets in that country United supplied ground school, simulator and aircraft instruction.

FLIGHT TRAINING

Pilots winning their wings at United Air Lines Flight Training Center in Denver today will be flying jumbo jet transports and supersonic planes of tomorrow.

With this in mind, the new $30 million center was designed to meet present training demands and be flexible to prepare for future needs.

Innovation was the keynote in building the new center and this has provided the impetus for a fresh look at pilot training methods.

Captain James E. Cross, director of the training center, said that in the past training philosophy was largely intuitive. Courses, he recalled, were packed with "nice to know" information.

"We can no longer afford the luxury of training a pilot to know how many rivets there are in the bottom piece of skin on the horizontal stabilizer," he said. "Today, we must concentrate on the tasks which must be taught to insure satisfactory job performance."

New training methods have been developed. Using a systems approach, training requirements are analyzed, and objectives for crew members described. The process is then tested and necessary revisions are made.

United's new Boeing 737 twin-jet presented the airline with an opportunity to test this training philosophy. A flight manual and syllabus were created to train pilots for the new aircraft. Eliminated was the "nuts and bolts" instructional approach.

Normal training time for pilots advancing to another type of aircraft is 41 days. The new approach shortened this period to 28 days.

Total estimated cost of training at the center during 1968 was $25 million. An average of 400 United pilots are in Denver on any given day, ranging from the new trainee to the senior captain reporting back for a refresher course.

Instruction at the center is not limited to United flight personnel. In addition, training is conducted for personnel of the Federal Aviation Administration, the Air Force, many of the European and Pacific area airlines flight crews and numerous private and business pilots.

United pilot training dates from 1929 when the Boeing School of Aeronautics was formed at Oakland, Calif. Mechanics, private and commercial pilots were trained at the school which became a division of United in 1934 when Boeing Air Transport and three other pioneer airlines were merged into one company.

Late in 1940, the school was expanded under government contract to train thousands of servicemen. In 1942 the activity was moved to Cheyenne, Wyoming and in 1943 a permanent move was made to Denver. Since then, thousands of pilots have won their wings, been checked and rechecked at the training center.

The industry's largest concentration of electronic flight simulators is at the Denver facility. This equipment duplicates the flying characteristics of various aircraft in the United States.

The airline has 16 simulators, including four procedures trainers, valued at more than $12 million. Three additional flight simulators are scheduled for installation this year, and one is scheduled for delivery in 1970.

The flight simulator is the most outstanding example of innovation in training techniques. It is the closest possible approximation that can be construed with present technology of an aircraft accomplishing take-off, in-flight and landing maneuvers.

Other training tools, though less sophisticated, also are helping to turn out a better trained pilot. Cockpit procedures trainers, introduced in the 737 program, bridge a gap between aircraft systems training learned in the classroom and both sophisticated simulators and actual flight experience.

The success of the device in acclimating the trainee to the cockpit environment prior to work in the simulator has prompted a decision to provide a similar trainer for each of the other aircraft programs.

Up to 10 aircraft are assigned to the training center and scores of operational type training aids are utilized in its ground school classes.

The permanent staff of more than 600, headed by Cross, includes flight instructors, ground school instructors, simulator instructors and operators, technicians and clerical workers.

In addition to the training of new pilots, there is transition training for flight crews advancing from one type of aircraft to another, upgrading training for flight officers advancing in rank and responsibility, plus requalification training and recurrent training on a semi-annual basis for all flight personnel.

Cross said that it costs about $10,000 to train a new pilot, including costs for recruiting, pretraining testing, his salary while in training and actual training costs.

During the flying career of a pilot, United will spend nearly $100,000 for his training.

The basic flight officer program for new-hire pilots takes nine weeks consisting of five weeks of ground school classes followed by two weeks of simulator training and two weeks of actual flying. The trainees then take the company and Federal Aviation Administration exams and are then assigned to the line as second officers.

Pilots return to Denver every six months for additional training and checking with the crews they usually fly with. This new crew concept program is unique because the proficiency training and checking programs are required only for captains. But United requires all crew members to participate in the six-month proficiency training.

The second officer of each crew may remain an additional day each session to participate in pilot training. This is designed to assist him in retaining his pilot skills and knowledge during a period of non-piloting duties.

As the pilot gains seniority he is promoted to first officer. He then returns to Denver for a program evaluating his career potential and upgrading in pilot skills required of a first officer. Following this training period, and another extensive check on the line, he continues his periodic six-month training as a first officer.

After five to 10 years as a first officer, the pilot gains the seniority required to become a captain. As in all cases of promotion in

equipment, there is a thorough check on the line plus the continuous six-month program of recurrent training at Denver as a captain in command of a full crew.

Frequently the move up in rank means a move down in equipment, thus recycling the chain of training.

Training does not end for a United pilot until the day he retires from flying.

[From Jet Profiles, Fall 1969]

SCHOOL FOR THOSE WHO FLY THE MAIN

Airline pilots take training almost as a way of life. They're trained when hired, retrained when upgraded to first officer or captain, and trained again when they move to a different aircraft. Even if they don't change jobs, airline pilots periodically go back to school, just to keep in top form on their present assignment.

For United Air Lines pilots, going back to school has become a pleasure, thanks to United's new Flight Training Center at Stapleton International Airport in Denver, Colorado. Situated in the "mile-high city," where the sun shines an average of 300 days a year, the $30 million UAL Center is recognized as one of the most complete and carefully designed flight training facilities in the airline industry. Approximately 5500 pilots, including those from other airlines and major corporations as well as United's own roster, are trained annually at the United installation.

The more than 550 United employees who staff the Flight Training Center moved into their new complex only a little over a year ago in August 1968. However, United's management began planning a new central training complex some four years earlier in 1964, just after United had announced an order for 144 jets, the largest new aircraft order ever placed by an airline. The rapidly expanding UAL operations (United had merged with Capital Airlines some three years before) and the increasing size of the airline's fleet caused the company to take a good look at their training needs for the years forward into the 1970's. After investigating at a number of cities, the decision was reached in 1965 to construct the new facility at Denver.

According to Captain J. E. Cross, who heads up at the Flight Training Center, the architects selected to design the new structure were given one basic charge: to make the building as flexible as they could design it.

The result at Denver is a complex as modern as today, yet readily adaptable to meet the needs of tomorrow. Classrooms, for instance, were designed around a "multiple module" concept. The size of the smallest room needed at the center was determined, then other, larger classrooms were sized in multiples of these basic dimensions. The added use of special moveable walls and adjustable partitions makes it possible, almost within the span of a weekend, to transform the center into a completely different arrangement of classrooms, offices and utility areas. The entire installation has been designed with an eye toward United's future needs and the expansions which inevitably will occur.

The teaching tools and techniques at Denver are just as modern as the facilities. Extensive use is made of the latest types of audio-visual equipment, including videotape and elaborate "system displays" specially constructed by United for use at the center. Classrooms are fully equipped with electronic student "responders," which enable students to answer an instructor's multiple choice question simply by pushing a button. The system also displays the answers of the entire class simultaneously on a master panel in front of the instructor, thus giving him an instant measure of how well his material is being received.

In both the way the classes are taught and the content of the courses themselves, there is a single objective—complete mastery of the material by the student. Captain Cross says, "The airline business does not allow us to use a lock-step method, where students grasp material in varying degrees. Everything taught here is essential to a pilot, and we must—and do—teach to proficiency."

At the UAL Flight Training Center, the "teaching to proficiency" philosophy is given real meaning. Continuous work is underway to refine more precisely just what "proficiency" for the airline pilot really is—to clearly delineate just what tasks each member of a flight crew must perform and the knowledge he needs to perform them. Out of this work, then, come established specific "behavioral objectives" towards which the courses are structured. Basically, this means giving a pilot the information and training he needs to adequately do his job, rather than building coursework around everything an instructor intuitively feels should be included.

United first applied the "behavioral objective" approach in developing the training program for pilots transitioning to the Boeing 737. Besides shortening the entire training cycle (by eliminating unnecessary material and using improved methods of presentation), the new techniques were applauded by instructors and students alike. So successful were the results that the same procedure was adopted by the Air Transport Association as an industry effort in developing the training for the Boeing 747. Now, these same developmental methods are being applied for the McDonnell Douglas DC–10.

Another United innovation at the Flight Training Center is the "crew concept"—the idea of training a flight crew as a unit rather than as individuals or members of larger classes. UAL officials feel the crew concept of training better duplicates the actual environment in which the pilots will function once they return to the line. Also, it places the responsibility of a particular job on the individual who will perform that job on a day to day basis.

Although a number of training aircraft—composed of the same jets that make up the UAL line fleet—are assigned to the Flight Training Center, United students, especially those in transition training, today are spending more and more of their "flight" time in aircraft flight simulators (the center has 16 simulators valued at over $12 million). There are several reasons for this. The airline doesn't have to take any chances with a $10 million passenger jet, regardless of the flight maneuvers to be carried out, when the "flying" is done in a simulator. Also, using line jets for training purposes is getting to be an extremely expensive proposition for all airlines, a situation which will be further aggravated by the arrival of the superjets.

By combining simulators (which are so meticulously copied after the respective aircraft that even the same fabric is used on the crew seats) with other modern training aids, such as simulated visual approach displays and cockpit procedures trainers, United's experts feel that the need for line aircraft in transition training may be eliminated. This goal, in fact, is a target for the DC–10 training program. New line captains transitioned via simulator, however, would probably still fly their first few trips with an instructor or veteran pilot sitting in the co-pilot's seat. During successive flights, the new captain would gradually assume command responsibility for the aircraft.

Asked why he felt that pilots could be trained to fly an aircraft without the use of the actual airplane, one UAL instructor remarked half-seriously, "Well, not long ago, a couple of fellows 'flew' a ship from outer space down to the moon and back without ever having flown in it before."

United's training experts look with pride at the manner in which the total range of flight training at Denver has been made more efficient, in most cases shortening the duration of the various training cycles. Captains arriving in Denver today, for instance, to take transition training for the DC–8 jet will only spend 28 days at the center, compared to the 55 days required for DC–8 training a few years ago.

Enthusiasm runs high at the United Flight Training Center, both for the job that has been done and for the challenge of the future. At every level there seems to be a genuine understanding for the business at hand and a zeal for contributing to its success. With the excellent facilities and far sighted techniques, the Flight Training Center should keep pilots flying the United Main Line at the top of their profession for a long time to come.

The number of aircraft in the Air France training fleet has varied, depending on the airline's needs at a particular time. As many as five aircraft have been in service at one time. During normal training periods, each Falcon is flown an average of six hours each day. However, during peak training efforts, each aircraft may be in service as much as 12-hour each day.

The Air France Falcons are credited with significantly lowering the costs of normal flight training and cutting by 10 to 15 percent the expense of giving pilots type-conversion hours. The aircraft have also reduced by up to one year the time between hiring a pilot trainee and having him operational on jets (previous to the Falcons, trainees flew a number of different propeller aircraft before transitioning to jets).

KLM Royal Dutch Airlines is another flag carrier whose pilots are trained in business jets. The Royal Dutch Flying School in Eelde. The Netherlands, uses three Hansa Jet 320's in training pilots for KLM. The aircraft are used in conjunction with the school's two year course in aviation, from which students graduate with an instrument rating and preliminary requirmeents towards an airline transport license.

The Hansa Jets have cockpits specially equipped to simulate the flying environment of KLM's intercontinental DC–8's. Each trainer aircraft is configured to accommodate three flying students—one in the cockpit for flying instruction and two others in the front of the cabin for navigation and communication instruction. Five additional students and an instructor can also be carried in the rear of the cabin.

Other airlines using the business jet for pilot training include Continental, Qantas, and TWA. Continental has had a sabreliner in use in its jet training program for almost a year, while, "down under" in Australia, Qantas employs De Haviland DH–125's for the same purpose.

TWA has carried the idea of using the business jet for pilot training to its fullest extent. Having purchased two Lockheed jetstars in May and June of 1968, the airline spent the next six months in converting the airplanes into two in-flight simulators for the Boeing 707 and 727. Modifications to the Jetstars were extensive, amounting to some $600,000 per airplane and necessitating complete re-certification by the FAA. Included was just about anything and everything TWA could do to make the Jetstars look (in the cockpit) and fly like the full sized Boeings. Cockpit layouts were completely reworked to Boeing/TWA standards. Transponders, radar altimeters, DME and other equipment were installed. Even the Lockheed-supplied rocker switches in the panels were replaced with the toggle-type used by Boeing.

TWA feels that direct operating costs for

the Jetstars will be some $300 per hour less than the line aircraft which they replace. In service since January of this year, both Jetstars have been flying an average of about 10 hours a day and roughly 250 hours per month.

With the introduction of the new superjets, the cost of using line aircraft for non-revenue purposes will become even greater. Already, the cost is more than just the operating expense for the aircraft; there is the loss of the revenue that the airliner could be bringing in by doing the job for which it was designed and built. It may well be that the business jet will become an even more important tool for the airlines, which, in the end, will bring benefit to the airlines and passengers alike.

SURVEY SHOWS 2.5 MILLION QUIT SMOKING IN 2 YEARS

Mr. MOSS. Mr. President, a heartening news article was published in the Washington Post of December 17, 1969. Its headline reads "Survey Shows 2.5 Million Quit Smoking in 2 Years." It is hard for me to imagine better news than that. The article indicates that there has been a decline of about 5 percent of those who smoke cigarettes from the years 1966 to 1968. But best of all, it indicates that the number of young people aged 17 to 24 have an increasing number who have never smoked at all. This represents a giant step forward in our efforts to improve and safeguard public health in the United States. It is most timely because the Senate has just passed the Public Health Cigarette Smoking Act of 1969, to remove from television and radio advertising of cigarettes and to permit the Federal Trade Commission to act in due time to control advertising in printed media. I ask unanimous consent that the news story in the Washington Post be carried in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SURVEY SHOWS 2.5 MILLION QUIT SMOKING IN 2 YEARS

(United Press International)

About 2.5 million cigarette smokers kicked the habit between 1966 and 1968, according to a government survey.

Cigarette smokers of every age and both sexes are quitting, it said. And the number of young people aged 17 to 24 who have never smoked is increasing.

The survey was released by the National Center for Health Statistics, which used Census Bureau reports to reach its conclusions.

Nearly 38 per cent of the population smoked cigarettes in 1968, a decline of 5 percent from 1966, it said.

A larger proportion of men than women are former smokers, according to the study. One reason given by some experts is that smoking once represented a symbol of rebellion for women, and those who took the rebellious step may find it more difficult to quit than men.

THE AMERICAN BILL OF RIGHTS AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the question of how national convention can be converted into international commitment is a difficult one to answer. Owing to the nationalistic impulses of every sovereign state to protect itself from intrusion into its internal affairs by other nations, the world has yet to see any meaningful degree of international cooperation.

Tragically, this has also been the case in relation to international commitments to human rights. A few nations have felt that to commit themselves to an international accord on human rights would be to be left open for foreign intervention into domestic affairs. I regret to say that the United States has taken this view.

President Nixon, in his proclamation declaring this past week to be Human Rights Week, stated succinctly the legal obligation we have to our Nation's Bill of Rights and the moral obligation we have to the Universal Declaration of Human Rights as adopted by the United Nations General Assembly in 1948:

The two documents—the Bill of Rights and the Universal Declaration of Human Rights—are close in spirit although widely separated in time. The Bill of Rights is the law of the land. The Universal Declaration is a statement of principles, of common standards of achievement for all peoples and all nations. We in the United States are engaged in unremitting efforts to give real meaning to these standards for every American, to assure to every person the full enjoyment of his basic rights.

I agree with the President in the nature of the two documents. If we take these documents in this perspective, why, then, can we not take a stronger role, a role of greater leadership, in affirming human rights throughout the world? I ask the Senate to evaluate our present role in supporting human rights through international accord and convention in the light of the President's statement.

STAMP OUT SMUT FOR EV

Mr. PERCY. Mr. President, I invite the attention of the Senate to a campaign that is being conducted in Illinois to "Stamp Out Smut for Ev." It is an effort which, I am sure, the late Senator Dirksen would have led were he still alive; in his honor after his death, it is a worthy memorial.

I doubt whether there is a single Senator who has not received and been deeply impressed by pleas from his constituents to halt the threat of pornography, particularly as it concerns their children. As a father, myself, I identfy with their concern. The rampancy with which pornographic materials are being distributed carries a potential threat into every home.

We see far too often the results of this recent widespread appearance of pornography. There has occurred a general lowering of moral and artistic standards. Our books, movies and drama exploit the most primitive, sometimes perverted, instincts in man. And to a great extent we are all inundated by magazines that have little social value.

By our silence and patronage we condone the mass acceptance of pornography. The question is, what can be done?

Those who promote pornography do so for selfish economic gain. If there were no market for pornographic materials, we would not today have to address ourselves to this problem here on the floor of the U.S. Senate.

Thus part of the answer, if we are ever to effect adequate controls, must come from the homes of America. There is a limit to the amount the Government can do in controlling certain problems, and the traffic of pornographic materials is one such problem. When grassroot campaigns, like the one now being conducted in Illinois, address themselves to these issues, they carry the greatest promise of success since they strike at the source of the market. They have and will continue to receive my wholehearted endorsement and support.

Unquestionably, the Government also bears responsibility for controlling pornography. The people have a right to request this assistance from their government, and they have a right to receive it. For this reason, I joined Senator Dirksen in cosponsoring two bills which would aid in protecting the public from this unwanted intrusion of pornographic materials.

I do not believe that profiteers, who seize upon prurient interests, ought to be able to utilize the public mails to spread their wares to unwarying recipients. One of the bills I cosponsored would prohibit such access to the postal services.

I cosponsored a second bill which would prohibit the spreading of pornography via interstate commerce because, in my judgment, no Federal license should be granted to carriers of pornography.

In closing, I want to commend my fellow citizens in Illinois who have seen the devasting effects pornography can have and who have resolved to apply their energies to the fight to control it. I would hope that their efforts would provide the rallying point for other such movements across the Nation. It is my strong belief that the first amendment permits enough flexibility that we can move forthrightly to control the abuse and threat of pornographic materials without wrongfully infringing on the freedom of speech.

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 11 o'clock and 45 minutes p.m.) the Senate adjourned until tomorrow, Friday, December 19, 1969, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 18 (legislative day of December 16), 1969:

FEDERAL RESERVE SYSTEM

Arthur F. Burns, of New York, to be a member of the Board of Governors of the

Federal Reserve System for a term of 14 years from February 1, 1970.

OFFICE OF ECONOMIC OPPORTUNITY

Wesley L. Hjornevik, of Texas, to be Deputy Director of the Office of Economic Opportunity.

Donald S. Lowitz, of Illinois, to be an Assistant Director of the Office of Economic Opportunity.

Frank Charles Carlucci III, of Pennsylvania, to be an Assistant Director of the Office of Economic Opportunity.

PUBLIC HEALTH SERVICE

Dr. Jesse Leonard Steinfeld, of California, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by laws and regulations, and to be Surgeon General of the Public Health Service, for a term of 4 years.

U.S. DISTRICT JUDGE

Barrington D. Parker, of the District of Columbia, to be U.S. district judge for the District of Columbia.

U.S. ATTORNEYS

William J. Schloth, of Georgia, to be U.S. attorney for the middle district of Georgia for the terms of 4 years.

Gerald J. Gallinghouse, of Louisiana, to be U.S. attorney for the eastern district of Louisiana for the term of 4 years.

U.S. MARSHAL

William M. Johnson, of Georgia, to be U.S. marshal for the southern district of Georgia for the term of 4 years.